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Congressional Record

United States
of America

PROCEEDINGS AND DEBATES OF THE 100th CONGRESS, FIRST SESSION

HOUSE OF REPRESENTATIVES—*Friday, October 30, 1987*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Our hearts are lifted, O gracious God, in praise for the gifts of beauty that touch us every day. For the glorious light streaming through a stained glass window illuminating colors of every shade, for music which brightens our lives and touches every emotion of the human soul, for paintings and sculpture that remind of the great events of history, for drama that tells of our hopes and our every experience, we offer our thanks and pray that our hearts will be open to hear and see all the beauty and wonder of Your marvelous world.

In Your name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. HOPKINS. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. HOPKINS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently, a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 81, nays 74, not voting 279, as follows:

[Roll No. 394]

YEAS—81

Akaka
Anderson
Aspin
Bennett
Berman
Bilbray
Boggs
Bonior
Bonker
Bustamante
Byron
Chappell
Daniel
Darden
DeFazio
Derrick
Dingell
Dorgan (ND)
Early
Eckart
Edwards (CA)
Erdreich
Espy
Foley
Frank
Gejdenson
Gonzalez
Gordon
Hamilton
Hawkins
Hefner
Hertel
Hubbard
Jenkins
Johnson (SD)
Jones (TN)
Jontz
Kanjorski
Kastenmeier
Kildee
Kostmayer
Lantos
Leath (TX)
Levine (CA)
Lowry (WA)
Markey
McHugh
McMillen (MD)
Mica
Miller (CA)
Natcher
Neal
Obey
Olin
Pease
Penny
Pepper
Perkins
Pickle
Richardson
Rostenkowski
Savage
Skaggs
Slattery
Slaughter (NY)
Smith (FL)
Solarz
Stallings
Stokes
Stratton
Studds
Swift
Udall
Valentine
Vento
Wheat
Williams
Wilson
Wright
Wyden
Yates

NAYS—74

Archer
Armey
Ballenger
Bentley
Bereuter
Brown (CO)
Bunning
Cheney
Clinger
Coats
Coble
Coleman (MO)
Combest
Conte
Davis (MI)
DeWine
Dreier
Duncan
Emerson
Fields
Fish
Gekas
Gunderson
Hammerschmidt
Herger
Hopkins
Ireland
Leach (IA)
Livingston
Lott
Lowery (CA)
Lujan
Lungren
Mack
McCollum
McEwen
McMillan (NC)
Meyers
Michel
Miller (OH)
Nielson
Pashayan
Pursell
Rahall
Ravenel
Rhodes
Rinaldo
Roberts
Rogers
Roth
Roukema
Saiki
Saxton
Schroeder
Schuette
Shays
Sikorski
Skeen
Slaughter (VA)
Smith (NE)
Smith, Robert (NH)
Snowe
Stangeland
Stenholm
Stump
Tauke
Upton
Vucanovich
Walker
Weber
Weldon
Whittaker
Wolf
Young (FL)

NOT VOTING—279

Ackerman
Alexander
Andrews
Annunzio
Anthony
Applegate
Atkins
AuCoin
Badham
Baker
Barnard
Bartlett
Barton
Bateman
Bates
Beilenson
Bevill
Biaggi
Bilirakis
Bliley
Boehlert
Boland
Borski
Bosco
Boucher
Boulter
Boxer
Brennan
Brooks
Broomfield
Brown (CA)
Bruce
Bryant
Buechner
Burton
Callahan
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Clarke
Clay
Coelho
Coleman (TX)
Collins
Conyers
Cooper
Coughlin
Courter
Coyne
Craig
Crane
Crockett
Dannemeyer
Daub
Davis (IL)
de la Garza
DeLay
Dellums
Dickinson
Dicks
DioGuardi
Dixon
Donnelly
Dornan (CA)
Dowdy
Downey
Durbin
Dwyer
Dymally
Dyson
Edwards (OK)
English
Evans
Fascell
Fawell
Fazio
Feighan
Flake
Flippo
Florio
Foglietta
Ford (MI)
Ford (TN)
Frenzel
Frost
Gallegly
Gallo
Garcia
Gaydos
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Goodling
Gradison
Grandy
Grant
Gray (IL)
Gray (PA)
Green
Gregg
Guarini
Hall (OH)
Hall (TX)
Hansen
Harris
Hastert
Hatcher
Hayes (IL)
Hayes (LA)
Hefley
Henry
Hiler
Hochbrueckner
Holloway
Horton
Houghton
Howard
Hoyer
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Jacobs
Jeffords
Johnson (CT)
Jones (NC)
Kaptur
Kasich
Kemp
Kennedy
Kennelly
Kleczka
Kolbe
Kolter
Konnyu
Kyl
LaFalce
Lagomarsino
Lancaster
Latta
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Lloyd
Luken, Thomas
Lukens, Donald
MacKay
Madigan
Manton
Marlenee
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCurdy
McDade
McGrath
Mfume
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Nelson
Nichols
Nowak
Oakar
Oberstar
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Panetta
Parris
Patterson
Pelosi
Petri
Pickett
Porter
Price (IL)
Price (NC)
Quillen
Rangel
Ray
Regula
Ridge
Ritter
Robinson
Rodino
Roe
Roemer
Rose
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Sawyer
Schaefer
Scheuer
Schneider
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shumway
Shuster
Sisisky
Skelton
Smith (IA)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (OR)
Solomon
Spence
Spratt
St Germain
Staggers
Stark
Sundquist
Sweeney
Swindall
Synar
Tallon

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Vander Jagt
Visclosky
Volkmer
Walgren
Watkins
Waxman
Weiss
Whitten
Wise
Wolpe
Wortley
Wylie
Yatron
Young (AK)

□ 1025

Messrs. CONTE, DREIER of California, LIVINGSTON, LOTT, and ROTH changed their votes from "yea" to "nay."

Messrs. HAWKINS, MILLER of California, and PENNY changed their votes from "nay" to "yea."

The SPEAKER pro tempore (Mr. Kildee). On this vote the ayes are 81, the noes are 74.

The Chair recognizes the gentleman from Washington [Mr. Foley].

ADJOURNMENT

Mr. FOLEY. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington [Mr. Foley].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HOPKINS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device and there were—yeas 85, nays 75, not voting 273, as follows:

[Roll No. 395]

YEAS—85

Akaka
Anderson
Aspin
Bennett
Berman
Bilbray
Boggs
Bonker
Bustamante
Byron
Chappell
Coyne
Daniel
Darden
DeFazio
Derrick
Dingell
Dorgan (ND)
Early
Eckart
Edwards (CA)
Erdreich
Espy
Foley
Frank
Gejdenson
Gordon
Gunderson
Hamilton
Hawkins
Hefner
Hertel
Jenkins
Johnson (SD)
Jones (TN)
Jontz
Kanjorski
Kastenmeier
Kildee
Kostmayer
Lantos
Leath (TX)
Levine (CA)
Lowry (WA)
Markey
Mavroules
Mazzoli
McHugh
McMillen (MD)
Mica
Miller (CA)
Natcher
Neal
Obey
Olin
Pease
Penny
Pepper
Perkins
Pickle
Rahall
Richardson
Rodino
Rostenkowski
Savage
Schroeder
Sharp
Sikorski
Skaggs
Slattery
Slaughter (NY)
Smith (FL)
Stallings
Stenholm
Stokes
Studds
Swift
Udall
Valentine
Vento
Wheat
Williams
Wilson
Wyden
Yates

NAYS—75

Archer
Armey
Ballenger
Bentley
Bereuter
Brown (CO)
Bunning
Cheney
Clinger
Coats
Coble
Coleman (MO)
Combest
Conte
Davis (MI)
DeWine
Dickinson
Dreier
Duncan
Emerson
Fields
Fish
Gekas
Gonzalez
Hammerschmidt
Herger
Hopkins
Hubbard
Ireland
Konnyu
Leach (IA)
Livingston
Lott
Lowery (CA)
Lujan
Lungren
Mack
McCollum
McEwen
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Nielson
Pashayan
Pursell
Ravenel
Rhodes
Rinaldo
Roberts
Rogers
Roth
Roukema
Saiki
Saxton
Shays
Skeen
Slaughter (VA)
Smith (NE)
Smith, Robert (NH)
Snowe
Stangeland
Stratton
Stump
Tauke
Upton
Vander Jagt
Vucanovich
Walker
Weber
Weldon
Whittaker
Wolf
Young (FL)

NOT VOTING—273

Ackerman
Alexander
Andrews
Annunzio
Anthony
Applegate
Atkins
AuCoin
Badham
Baker
Barnard
Bartlett
Barton
Bateman
Bates
Beilenson
Bevill
Biaggi
Bilirakis
Bliley
Boehlert
Boland
Bonior
Borski
Bosco
Boucher
Boulter
Boxer
Brennan
Brooks
Broomfield
Brown (CA)
Bruce
Bryant
Buechner
Burton
Callahan
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Clarke
Clay
Coelho
Coleman (TX)
Collins
Conyers
Cooper
Coughlin
Courter
Craig
Crane
Crockett
Dannemeyer
Daub
Davis (IL)
de la Garza
DeLay
Dellums
Dicks
DioGuardi
Dixon
Donnelly
Dornan (CA)
Dowdy
Downey
Durbin
Dwyer
Dymally
Dyson
Edwards (OK)
English
Evans
Fascell
Fawell
Fazio
Feighan
Flake
Flippo
Florio
Foglietta
Ford (MI)
Ford (TN)
Frenzel
Frost
Gallegly
Gallo
Garcia
Gaydos
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Goodling
Gradison
Grandy
Grant
Gray (IL)
Gray (PA)
Green
Gregg
Guarini
Hall (OH)
Hall (TX)
Hansen
Harris
Hastert
Hatcher
Hayes (IL)
Hayes (LA)
Hefley
Henry
Hiler
Hochbrueckner
Holloway
Horton
Houghton
Howard
Hoyer
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Jacobs
Jeffords
Johnson (CT)
Jones (NC)
Kaptur
Kasich
Kemp
Kennedy
Kennelly
Kleczka
Kolbe
Kolter
Kyl
LaFalce
Lagomarsino
Lancaster
Latta
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Lloyd
Luken, Thomas
Lukens, Donald
MacKay
Madigan
Manton
Marlenee
Martin (IL)
Martin (NY)
Martinez
Matsui
McCandless
McCloskey
McCurdy
McDade
McGrath
Mfume
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Nelson
Nichols
Nowak
Oakar
Oberstar
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Panetta
Parris
Patterson
Pelosi
Petri
Pickett
Porter
Price (IL)
Price (NC)
Quillen
Rangel
Ray
Regula
Ridge
Ritter
Robinson
Roe
Roemer
Rose
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Sawyer
Schaefer
Scheuer
Schneider
Schuette
Schulze
Schumer
Sensenbrenner
Shaw
Shumway
Shuster
Sisisky
Skelton
Smith (IA)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (OR)
Solarz
Solomon
Spence
Spratt
St Germain
Staggers
Stark
Sundquist
Sweeney
Swindall
Synar
Tallon
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Visclosky
Volkmer
Walgren
Watkins
Waxman
Weiss
Whitten
Wise
Wolpe
Wortley
Wylie
Yatron
Young (AK)

□ 1040

Mr. STRATTON changed his vote from "yea" to "nay."

Mr. VALENTINE changed his vote from "nay" to "yea."

So the motion was agreed to.

The result of the vote was announced as above recorded.

Accordingly (at 10 o'clock and 47 minutes a.m.), the House adjourned until tomorrow, Saturday, October 31, 1987, at 10 a.m.

OATH OF OFFICE, MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

> "I, Christopher Shays, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 100th Congress, pursuant to the provisions of 2 U.S.C. 25:

Hon. Christopher Shays, Fourth District, Connecticut.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DINGELL: Committee on Energy and Commerce. H.R. 1326. A bill to amend the Public Health Service Act to provide for additional funds to community and migrant health centers for the purpose of reducing the incidence of infant mortality; with an amendment (Rept. 100-416). Referred to the

Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 3235. A bill to amend the Public Health Service Act to revise the program of assistance for health maintenance organizations; with an amendment (Rept. 100-417). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GONZALEZ:

H.R. 3591. A bill to repeal part of the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987; jointly, to the Committees on Government Operations and Rules.

By Mr. LELAND (for himself and Mr. Horton):

H.R. 3592. A bill to amend title 39, United States Code, to limit the rate of pay at which the Postal Service may compensate experts and consultants; to the Committee on Post Office and Civil Service.

By Mr. BEREUTER (for himself, Mr. Hertel, and Mr. Ritter):

H. Con. Res. 209. Concurrent resolution expressing the sense of the Congress with respect to demonstrations in Latvia commemorating Latvian Independence Day; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 96: Mr. Solomon.

H.R. 551: Mr. Packard, Mr. Kostmayer, Mr. Goodling, Mr. Gilman, and Mr. Mica.

H.R. 602: Mr. Barton of Texas.

H.R. 631: Mr. Bryant, Mr. Gilman, Mr. Upton, and Mr. Clinger.

H.R. 632: Mr. McCollum and Mr. Sundquist.

H.R. 633: Mr. Stenholm.

H.R 1480: Mr. Martinez.

H.R. 1812: Mr. St Germain, Mr. Brown of California, Mr. Dornan of California, Mr. Mineta, Mr. Coleman of Texas, Mr. Morrison of Washington, Mrs. Johnson of Connecticut, Mr. Pepper, Ms. Kaptur, Mr. de la Garza, Mr. Kleczka, Mr. Hayes of Illinois, Mr. Kolter, Mr. Sikorski, Mr. Roe, Mr. Matsui, Mr. Kildee, Mrs. Collins, Mr. Morrison of Connecticut, Mr. Conyers, and Mr. Gonzalez.

H.R. 1813: Mr. St Germain, Mr. Brown of California, Mr. Dornan of California, Mr. Mineta, Mr. Coleman of Texas, Mr. Morrison of Washington, Mrs. Johnson of Connecticut, Mr. Pepper, Ms. Kaptur, Mr. de la Garza, Mr. Kleczka, Mr. Hayes of Illinois, Mr. Kolter, Mr. Sikorski, Mr. Roe, Mr. Matsui, Mr. Kildee, Mrs. Collins, Mr. Morrison of Connecticut, Mr. Conyers, and Mr. Gonzalez.

H.R. 2116: Mr. Thomas of Georgia and Mr. Wolpe.

H.R. 3019: Mr. Solarz, Mr. Mavroules, and Mr. Sikorski.

H.J. Res. 287: Mr. Mfume, Mr. Gallo, Mr. Studds, Mr. Baker, Mr. Smith of Florida, and Mr. Saxton.

SENATE—*Friday, October 30, 1987*

(Legislative day of Friday, October 16, 1987)

The Senate met at 8:30 a.m., on the expiration of the recess, and was called to order by the Honorable BOB GRAHAM, a Senator from the State of Florida.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

*So God created man in his own image, in the image of God created he them, male and female * * *. And God blessed them, and God said unto them, "Be fruitful, and multiply, and replenish the earth, and subdue it; and have dominion over it * * *."*—Genesis 1:27-28.

Almighty God, Sovereign Lord of history and the nations, You created us to "subdue the earth and have dominion." You created us to be sovereign people. You guided our Founding Fathers to a political system in which the people are sovereign and Government receives its "just powers from the consent of the governed." As the election approaches, remind the people of their solemn and sacred duty at the polls. Help them to see that our political system will not work as it should if the people abdicate their sovereignty. Help them to understand that special interests quickly fill the vacuum of their absence from the polls. Remind them that freedom and responsibility are inseparable—that to neglect citizen responsibility is to jeopardize liberty. Gracious Father, save us from apathy and cynicism. Renew us in the vision and integrity of our forebears. To the glory of Your name and in faithfulness to our incredible legacy. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. STENNIS].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 30, 1987.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BOB GRAHAM, a Senator from the State of Florida, to perform the duties of the Chair.

JOHN C. STENNIS,
President pro tempore.

Mr. GRAHAM thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF SENATOR PROXMIRE

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Wisconsin is recognized for not to exceed 5 minutes.

The Senator from Wisconsin.

BAD ADVICE FROM AN EMINENT AMERICAN ECONOMIST

Mr. PROXMIRE. Mr. President, Robert Eisner is the president-elect of the American Economic Association. As such he is highly respected by his peers as one of this country's truly outstanding economists. Dr. Eisner has taken a dramatically different view of the relationship between the stock market collapse and the Federal deficit than the overwhelming majority of Members of the Congress and the leading economic spokesmen in the administration. Eisner says forget the deficit. In his view it has nothing to do with the stock market crash. Eisner opposes cutting Federal spending. He opposes increasing Federal taxes. So who is right? This Senator agrees with my congressional colleagues and with the administration that the huge deficits are a central cause of the collapse of the stock market. I think Mr. Eisner is wrong.

But Robert Eisner is a top-flight economist. And he makes some arguments supporting his position that merit an answer. First, he contends that the lesson of history is clear. Larger deficits have not brought on market declines. Budget deficits unless brought on by recession have stimulated the economy and pushed the Dow Jones Index higher. Eisner argues that:

> Deficits entail more spending by the private sector when caused by tax reduction or more public spending when brought on by Government payouts—or both.

He points out that the bull market that zoomed along from 1982 to 1987 was accompanied by a series of record deficits, climaxing in the $221 billion monster in 1986. Eisner's coup de grace is that the market didn't fall until 1987 when the deficit came down by an astonishing $73 billion in 1 year, with a deficit of "only" $148 billion in fiscal 1987, just concluded last September 30.

Why is this Eisner reasoning wrong? It's wrong because Dr. Eisner does not face up to the accumulated consequences of 5 years of super deficits as American investors finally did in the last couple of weeks as the stock market drop shows. And Eisner totally ignores the private sector "deficit" that is far bigger than the Federal but imposes a parallel, long-time burden on the economy. The fact is that American households have been rapidly increasing their debt to a much higher level than the Federal debt. Households have also sharply cut their savings rate. The debt of the American business sector has grown still greater. In every sector of the American economy debt is growing with breathtaking speed.

So what is Dr. Eisner's policy advice to the Federal Government? It is to keep up the spending. Do not increase taxes. And stop worrying about the budget deficit. It is, second, for the Federal Reserve Board to ease monetary policy to bring down interest rates. Dr. Eisner wants interest rates "to be driven further down and kept down." That, says Eisner, "would lower the deficit as it improves the economy."

Now, Mr. President, this is a very alluring big-gains-without-pains scenario. After 30 years in the Senate, I have learned that the easiest and most popular action I can take is to vote to hold down or reduce taxes. The second easiest and most popular action I can take is to increase popular spending programs. And the third major temptation is to use whatever authority I have as chairman of the Senate Banking Committee to lean on the Federal Reserve Board to bring down interest rates by pouring credit into the economy. These seem to be the prescriptions of the president-elect of the American Economic Association. In this Senator's view this is a prescription for disaster. And yet, although conventional wisdom in the political and business community seems presently to be strongly leaning against this advice, the Eisner policies are the policies that in the judgment of this Senator, the Congress, American households and American business will pursue at least until the stock market crash has been followed by a full-fledged recession that may easily turn into the first genuine depression in 50 years. The deficit did drop by a massive one-third in 1987. But that was a one-time drop. It will almost certainly

bounce back up again in 1988 and when the recession strikes, as it always has and inevitably will again in our free economy, the deficit will explode to $300 or $400 billion each and every year or more. Meanwhile American households and businesses will continue on their irresponsible way of borrowing more and spending more, until recession hits. Then the private contraction in spending by households and businesses will be swift, deep and this time, it will be prolonged. The absolute iron necessity for homeowners to pay interest on their mortgages will absorb more and more of income after paying for the unavoidable necessities of life. Businesses, too, will have to commit more and more of their diminishing cash flow into paying interest on their crushing debt to avoid insolvency and bankruptcy. With savings at an all-time low in relation to income and debt at an all-time high, Dr. Eisner would rely on the Federal Reserve Board as the engine that can churn out abundant supplies of credit and keep interest rates down. So what is the end result of the Eisner prescription? It is the consequences that has haunted virtually every country that has found itself mired in the debt dilemma that burdens our country. If we pursue the Eisner monetary policy prescription with a flood of credit we will drive prices and then interest rates out of sight. That superinflation will give us the worst possible economy: Super inflation and superunemployment.

The first step toward a solution to this dilemma is to face it squarely. Recognize that our debt is far too big. Recognize that the reduction of that debt will be painful. Acknowledge that both the Federal Government and the private sector must reduce their debt, the sooner we reduce it the better. That means we must cut spending—all spending—public and private. We must increase private savings and public taxes. We must acknowledge that this will slow growth. It will bring on a recession sooner. It will sharply increase unemployment. But it will in the long run save our economy.

I ask unanimous consent that this New York Times article by Robert Eisner be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the New York Times, Oct. 25, 1987]

Don't Blame the Deficit for the Crash

(By Robert Eisner)

Chicago.—In the aftermath of Black Monday, almost everybody is knocking the deficit. And so it has always been, usually in the face of all reason and logic.

Republicans used to do it, blaming Democrats from Franklin D. Roosevelt on. And now Democrats think they can make good political capital, blaming Reagonomics and the Republicans.

It didn't take the politicians and financial wizards long to find the most convenient, and conventional, whipping boy.

Their argument goes this way: The market crashed because of those huge Federal deficits and the accompanying exploding debt. We can't keep "living beyond our means" without facing a final judgment. The market saw this and finally panicked in a (collectively futile) effort to get out in time. The remedy is clear. We have to get our act together and cut that deficit.

The one trouble with this line of argument is that it is wrong.

Throughout history, larger deficits have not brought on market declines. Over some 30 years, at least, increases in the budget deficit have been associated with concurrent and subsequent increases in the Dow.

The explanation is not hard to find for those willing to keep their eyes open.

Bigger deficits, unless brought on by recession, tend to stimulate the economy. Deficits entail more spending by the private sector when caused by tax reduction or more public spending when brought on by Government payouts—or both.

The most recent confirmation of this is the great five-year bull market that accompanied the hugely expanded budget deficits from 1982 on. And—the purveyors of conventional wisdom should think about this—in the last year the deficit has come down enormously. It was a tremendous $221 billion in 1986 and about $148 billion in the 1987 fiscal year, just ended on Sept. 30.

If large budget deficits caused the market to crash, why did the market roar along when the deficits were at their greatest and tumble only after the deficit fell by 33 percent?

There is indeed an explanation for what brought the market down, and that is rising interest rates.

As every investor knows, rising interest rates mean falling bond prices and, unless rising profit expectations compensate, falling stock prices along with them. Interest rates have been rising for some time, but with Alan Greenspan's ascendancy to chairman of the Federal Reserve this past summer, the rise turned into a rush. As many commentators warned at the time, restricting the money supply in a misguided attempt to combat inflation was exactly the wrong way to go.

It is often contended that the budget deficit brings on rising interest rates. Again, the facts are otherwise. The deficit rose from $79 billion in 1981 to $128 billion in 1982, and averaged over $200 billion from 1983 to 1986. Interest rates, as measured by 10 year Treasury securities, fell during this period—from 13.91 percent to 7.68 percent, and inflation fell sharply as well. From August to September of this year, as news came in that the budget deficit was running less than expected, those same interest rates, already up to 8.76 percent, soared to 9.42 percent.

By stimulating economic growth, larger budget deficits may put some upward pressure on interest rates. But the overwhelming, Dominant factor in interest-rate movement is monetary policy. And that is determined by the Fed.

It is, after all, a familiar matter of supply and demand. Interest rates are the price of borrowing or holding money. Given the demand for money if the Fed restricts the supply, interest rates—the price of money—will rise.

There is hope. Whatever the mistakes of the past, after the debacle of Black Monday, Mr. Greenspan and the fed sharply reversed field. They announced publicly that they would make money and credit amply available, and backed that up with appropriate action in the securities markets. Interest rates promptly plummeted, which meant that bond prices rose sharply. With that, Wall Street—and markets around the world—rebounded.

For that recovery to continue, and to avoid a serious recession, this monetary easing must be sustained. Interest rates must be driven further down and kept down. That indeed would lower the deficit as it improves the economy.

But the conventional wisdom of lowering the deficit either by raising taxes or cutting Govenrment expenditures—whatever the merits on other grounds of reducing certain swollen budgets, such as those of the Pentagon and farm programs—threatens economic disaster. It is a mindless throwback to the economics of Herbert Hoover. We must not forget where that led.

Mr. PROXMIRE. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin yields the floor.

RECOGNITION OF SENATOR ROCKEFELLER

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from West Virginia is recognized for not to exceed 15 minutes.

The Senator from West Virginia.

THE ECONOMY

Mr. ROCKEFELLER. Mr. President, Monday's stock market plunge—the second worst day in the market's history—should erase from everyone's mind the possibility that panic on Wall Street has subsided; that last week was simply an aberration; or that our problems are in any way behind us.

I am not an expert on the workings of the financial markets. I will leave to others more knowledgeable the responsiblity of figuring out whether program trading or the increasingly global nature of the financial market fundamentally changes the game, and whether new forms of regulation are needed.

But I do know this:

The stock market here, and the financial markets around the world, are reacting to the fact that the U.S. budget and trade deficits have unbalanced the world economy and pulled it to the brink of real danger;

I do know that the stock market, and the financial markets around the world, are waiting for concrete evidence that the United States is taking serious steps to get its economic house in order;

I do know that if we do not take those serious steps, quickly and convincingly, we may provide the catalyst for a downward spiral which will touch off a serious recession here and around the globe.

There is ample evidence that we have been on the wrong economic course since 1981, but I see no benefit to trying to assign blame at this point. Right now, there is a broad consensus that the U.S. budget deficit is the principal culprit for an unstable world economy.

It is the U.S. budget deficit that made us dependents, to the tune of tens of billions of dollars annually, clinging to foreign lenders and investors like a lifeline.

It is the U.S. budget deficit that puts us in the difficult position of bringing down the dollar in order to help cure our trade imbalance, which then forces us to raise interest rates to keep the foreign money flowing.

It is the U.S. budget deficit which reflects the irresponsible fiscal policy here, which will ultimately invite the same cure it did in the early 1980's: tight money and a recession.

I was Governor of West Virginia during the recession of 1981-82. I cannot forget what it did to the people of my State and to the dreams of the people in our State of West Virginia. As a Senator, I will do everything in my power to help prevent the recurrence of such a downturn.

Unemployment in my State went from 6 percent to a staggering 21 percent. The State was devastated. People thrown out of work, their businesses closing, losing their homes—all because of the national recession, the global recession, and events completely beyond their control.

I believed then, and I believe now, that while the business cycle may be an inevitable phenomenon in part, Government policies can and must intervene in our economy to shape its direction.

Wise Government policies can prevent a recession, or lessen the impact of one on its way. Unwise Government policies can bring on a recession, or intensify one that would otherwise be mild.

Government policy brought on the last recession. James Schlesinger once described the 1981 tax cut as "the single most irresponsible fiscal act in history." That $750 billion tax cut, coupled with a dramatic increase in defense outlays, did terrible fiscal damage. Paul Volcker and the Federal Reserve Board had already been committed to combating inflation as their first priority. Given the wildly stimulative fiscal policy, they saw no choice but to crack down even tighter on the monetary side, raising interest rates, choking off economic activity, causing the deepest recession since the Great Depression.

Today, the circumstances are different, but the results could be very much the same. The enormous budget and trade deficits paint us into a very tight corner. We cannot keep the economy going without a substantial "fix" of foreign capital. But we cannot pull in that needed foreign capital without keeping interest rates up, particularly at a time when the value of the dollar keeps declining. The chances that interest rates will be high enough to attract the needed capital, but low enough so that the economy does not stall out, are not good at all. The market's plunge, and its continuing volatility, reflects the lack of confidence that our country can walk that particular tightrope.

The solution, it seems to me, is to reduce our budget deficits, to reduce our dependence on foreign capital, to restore faith in the rest of the world in our economic soundness, and to lower interest rates needed to draw in that capital. We cannot do everything alone; we have forfeited a great deal of fiscal independence thanks to our irresponsible economic policies. We will need the commitment of Japan and Germany in keeping interest rates low, to spur the global economy. But we will be in a far stronger position to ask for that commitment, if we get our own fiscal house in some kind of order.

In the next few weeks, while the world waits, many voices will be heard arguing about how hard it is to cut spending, and how impossible it is to raise taxes. None of us welcome the need to vote for hard spending cuts, or to raise taxes for that matter. Coming from a State which is still struggling to recover from the last recession, I certainly feel that way. It would be much more comfortable to believe that it will all work out without any action on our part in Congress. But that would be pretending and risking the future of this country for the sake of our own sense of political security.

I have not reached any conclusion about the best way to reduce the deficit; I have no particular package of proposals to endorse. But as we discuss the options over the next few days and weeks, I hope that we will focus very hard on just how painful and damaging the alternative—doing nothing—might be.

No one wants to freeze spending. But what if an across-the-board spending freeze could help prevent a recession which, in turn, would force us to make deep cuts in critical programs later on?

No one wants to raise gasoline taxes. But what if all of us paying a little more at the pump could help prevent a recession which would throw millions of Americans out of work?

No one wants an income tax surcharge. Frankly, I would prefer a third bracket for upper income taxpayers, or further loophole closing, or other steps that would insure that those who have benefited most from the Reagan tax cuts would pay more. But we may not be able to agree on that kind of package. What if a 2- to 3-percent surcharge on all taxpayers could help prevent a recession which would devastate families and communities all over the country?

We should act now, while the economy remains strong—by some measures—to prevent a downturn. It may be difficult to reduce spending and raise taxes now. But if we fail to act, and the economy slips into recession, revenues decrease, transfer payments automatically increase, and the Federal deficit will soar uncontrollably—leaving us in the bind of figuring out how to stimulate the economy when the deficit is already in excess of $200 billion.

Moreover, every State with a constitution that mandates a balanced budget, and that is most of them, will be forced—just as they were in 1982—to cut spending, raise taxes, and inflict pain at the worst possible time. It would be far better to take difficult steps now, while we still have some options and control, than to be forced to act later while in a downturn.

The American people are not oblivious to this problem. They have been anxious about the economy for at least 2 years. They knew that we could not go on buying without selling; consuming without producing; borrowing without saving. They knew we would hit the wall at a certain point, and that bills would have to be paid. They have identified the budget deficit and the trade deficit as our Achilles heels.

They would have listened to the truth, and appreciated hearing it, from the President and other political leaders even before the panic on Wall Street.

Now, we can no longer avoid the issue. The panic from Wall Street has frightened people across the Nation, and justifiably so. It can have a positive effect—a cathartic effect actually—if we capitalize on it to take the hard steps which should have been taken before, if we had had the political will and courage to do so.

I believe that the President and congressional leaders should go considerably beyond the $23 billion in deficit reduction required by Gramm-Rudman-Hollings. I hope they will put together a package—and I think it needs to be a multiyear package—of spending cuts and revenue raisers that clips an additional $10 to $20 billion off the deficit, which would mean rather than talking about $23 billion, we probably ought to be talking about $33 or $43 billion in deficit reductions.

In my judgment, that would be the most desirable signal to the financial markets, and to other countries that, in fact, we were getting our fiscal house in order. That kind of agreement in hand would ease the way for Fed Chairman, Alan Greenspan, to commit to keeping money loose and interest rates low. And that kind of agreement would provide us with much better leverage in urging Japan and Germany to lower their interest rates as well.

The time for business as usual came to an end quite a while ago. The recognition that it ended came last week. If the elected leaders of the country do not respond forcefully and forthrightly, we will do a great deal of damage to a great many people. And then we will richly deserve the contempt sometimes heaped upon us.

I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia has yielded the floor.

RECOGNITION OF SENATOR BOREN

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Oklahoma is recognized for not to exceed 10 minutes.

COOPERATION AT THE ECONOMIC SUMMIT

Mr. BOREN. Mr. President, I thank the Chair and I want to compliment my distinguished colleague from West Virginia for the remarks that he has just made. They are to the point and I hope that our colleagues will heed the warning that he has issued.

We have had, in essence, with the collapse of the stock market, a warning sign. Kind of a warning sign of a massive heart attack that is looming out in the future for this country, that could do untold damage to this country if we do not heed this warning signal and change our ways and change our behavior patterns and deal with the fundamental problems of our economy. I compliment him for his remarks and I hope that our colleagues will read them in the RECORD. I hope they have been listening to them in their offices. I hope that action will be taken.

Mr. President, these are the times in which we all should stand back and reflect about our responsibility and about how history may judge us in this time.

As I look back over the past 4 or 5 years, as a Member of the Senate of the United States, Mr. President, I must say in all honesty that I look back with frustration. I look back on days filled with frenzied activity in which we start early in the morning and work until late at night, probably averaging 12- and 14-hour days, with schedules that keep us going often into the weekend either with work here or work dealing with our constituents back home. It is a tale of frenzied activity and it is largely a tale of frenzied activity leading nowhere, that does not begin to deal with the fundamental problems of this country.

We have gone on mortgaging the future of our children and the next generation. We have failed to deal with a towering trade deficit that threatens to reduce the real standard of living of the next generation of Americans, unless it is turned back.

Mr. President, in 4 short years we have gone from being a creditor nation to a net debtor nation to the rest of the world. In 4 years, we have wiped out the net contribution in terms of international investment of four generations.

Unless we change the trend line that we are now on, by the year 2000, the time at which those who are serving us as pages in the Senate this morning will be into their own adult careers, this country will face a choice. Either we will have to cut in half the imports of goods and services from the rest of the world or we will have to find a way to double our own exports into the world market.

That cannot be done painlessly. It means stopping much of the consumption that we are now doing and plowing it back into saving and plowing it back into investment. It means deferred gratification, deferred consumption. It means an old-fashioned word: stark and deep sacrifice; a changing of the real standard of living of the American people.

If we do not stop now we are threatening to hand on to the next generation a very diminished heritage and diminished opportunity because we have lived beyond our means.

How, Mr. President, will history judge us for that? And when history makes that judgment, will history look back to see who scored partisan points in the debate? Will they look back to see whether it was the fault of an intransigent President? Or will they look back to see whether or not it was the fault of a profligate Congress that continued to pile on more and more programs when we could not pay for them to curry favor with the voters?

Mr. President, the historians of the future are going to judge us all harshly because we have done virtually nothing of significance in the last 4 or 5 years to deal with the fundamental problems of this country.

Right now—and I do not cast aspersions upon it, because it is an important matter—we are spending time discussing behavior on airplanes and the structure of airlines when we should be discussing the fundamental structure of the economy to determine whether or not people are even going to be able to afford air travel in the future if we do not change direction.

No, what have we done? We have passed an unwise tax bill that further subsidizes consumption when we need more savings and investments. We have disinvested in our educational system at a time when we must rebuild our skill levels if the next generation is going to be skilled enough to have a chance to compete in the international markets. We have failed the test of history, Mr. President, and that is why so many Senators in this body feel a frustration in being a part of this institution when our time is nattered away in trivia, day after day, and we do not deal with the fundamental problems facing this country in any meaningful way.

It is often said, Mr. President, and it is sometimes true, in the course of debates, in the course of decisionmaking in this body, that we must band together on one side of the aisle or the other to make things happen. It is appropriate at times in the political process, for the issue to be joined between our two parties. It is important, at times, for Republicans to be united on issues and Democrats to be united on issues.

But, Mr. President, the country now is looking at us not to see if we can unite as Democrats, not to see if those on the other side of the aisle can unite as Republicans, to battle each other on the subject of the budget; not to see whether the President and the White House will stand firm to battle the Congress; not to see whether the Congress will stand firm to battle the President. The country is looking at us to see if we can unite, not as Democrats and Republicans, but as Americans to stand together to solve this problem.

Mr. President, I hope we will declare an immediate moratorium on trying to cast blame. I hope we will not hear one other word from Members of the Congress on this floor about who is to blame for the problem. We are all to blame until we get together and take action in a cooperative and unified basis to solve it.

I urge the President to call the collective congressional leadership, the negotiators, together, himself.

I urge him to sit at the head of the table. Five hundred and thirty-five people cannot get together as a committee to deal with this crisis. We have but one President. He must sit at the head of the table. He must call the leaders together. I hope he will call them together in a place in which they can be, really, separate and apart from the rest of the world. I hope he will call them to Camp David. I hope he will do so as soon as possible. I hope he will take those leaders to Camp David and sit down together with them and say: we are going to meet together until we reach an agreement, a bold agreement, one that will go beyond a mere $23 billion in deficit reduction; one that will give us in the neighborhood of $35 or $45 billion of deficit reduction; one that will call upon all of us to share; one that will add to the package that we have been discussing, an across-the-board freeze in which all Americans will make some sacrifice to help bring down the budget deficits.

Mr. President, if the President of the United States were to call together the congressional leaders to Camp David, in this kind of situation the eyes of the country would be focused upon that group. Every member of that group would be hesitant to walk away from those negotiations until they ended in success; until they could leave that place with an agreement to announce to the Nation.

The political stakes would be so high, those participating would realize that they could not afford to leave those negotiations without an agreement because of the impact it would have on the confidence of the American people were the negotiations to break down. It would set in motion a series of forces that would bring us to the kind of cooperative, unified, bipartisan agreement on the budget that we must have. And we must have it now.

We cannot legislate in due course. We do not have several days. We do not have several weeks. If we reach an agreement after weeks and days of negotiations and arguing and bickering, that agreement will have much less positive and impact on the country than it will have if it comes soon.

Mr. President, we will have to play our part in that kind of process. Three hundred and thirty-five Congressmen and Senators cannot crowd around the negotiating table. If we want our leaders to lead, we must be prepared to follow. That is something that, in this body, we are sometimes loath to do.

I feel sorry for the distinguished majority leader as day in and day out he struggles with the schedule and he struggles to make this institution work. Every single one of us, all 100 of us are so jealous of our prerogatives.

Mr. President, these are not normal times. These are not the times in which we can legislate in the normal fashion. The leaders simply must go together and I want to announce right now that if the President of the United States and Senator BYRD and Senator DOLE and Speaker WRIGHT and Mr. MICHEL and those that are negotiating with them can reach an agreement through this kind of process that will bring down the deficits in a fundamental way, that this Senator will support it. That is another reason for having that leadership taken off to a different location.

If they are meeting here in Washington, there will be reports to the press every break. The negotiating strategy of each side, the differences of opinion, will be out for public display at a time in which we need a display of unity. There will be pressures for our leaders to come back and continuously consult with us; hold caucuses, consult with us, get their instructions.

Mr. President, that will not work. That will not bring us to closure on an agreement. There is a sense of urgency in the country. People do not understand why we have not already reached an agreement. They do not understand why we have negotiating sessions that are mere photo opportunities instead of real negotiating sessions to reach an agreement.

I happened to be in my home State last Monday and I can tell you people were puzzled. They thought there was going to be a meeting and they thought there was going to be an agreement. There was a meeting and there were photographs. When will we wake up and live in the real world and realize we are dealing with fundamental problems that have to be dealt with?

We ask ourselves how have we skated along so long? How has the stock market stayed so high so long with the budget deficits and trade deficits eating away at the basic health of the economy? Mr. President, the time of reckoning has finally come. The people have finally recognized economic reality and they are looking to us to do something about it, and we simply must have leadership at this time. In order to have leadership we in the Congress must be prepared to follow our leaders as they get together and they work together to come forward with a bold agreement that will enable us to succeed.

So I appeal, Mr. President, to the President of the United States, I appeal to the leaders in the Congress, and I appeal to my colleagues in the Congress: Let us put in motion now a series of meetings, uninterrupted meetings, that will not end until there is an agreement, without reports to the press, without reports to the Congress.

Let our leaders get together in a bipartisan fashion and come up with an agreement, an agreement that will head this country in the right direction and then let us, the 535 Members of Congress, have the courage to back our bipartisan leadership in the decisions that must be made for this country.

Only then, Mr. President, will history say that this Congress and this President have met their responsibility to the American people. To continue with business as usual—and this Senator feels strongly—if we do not get agreements, we should consider stopping other business of this country until we get on to dealing with the fundamental problems. That is what we must do. If Congress must recess for 2 or 3 days to allow such a meeting to take place, then that should be done. We must deal with the fundamentals instead of wasting our time on trivia at a time when the country faces a crisis.

The PRESIDING OFFICER (Mr. BREAUX). The time of the Senator has expired.

AIR PASSENGER PROTECTION ACT

The PRESIDING OFFICER. The hour of 9 o'clock having arrived, under the previous order the Senate will resume consideration of S. 1485, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1485) to amend the Federal Aviation Act of 1958 to provide various protections for passengers traveling by aircraft, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

(1) Adams Amendment No. 1106, to amend the Federal Aviation Act of 1958, to ensure the fair treatment of airline employees in airline mergers and similar transactions.

(2) Adams Amendment No. 1107 (to Amendment No. 1107), in the nature of a substitute.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, I yield myself 2 minutes.

Mr. President, I ask unanimous consent that no further amendments be in order to amendment No. 1106 by Mr. ADAMS.

The PRESIDING OFFICER. Is there objection?

Mr. NICKLES. Reserving the right to object, and I shall object, that was not part of the agreement yesterday. It is not this Senator's intention to offer an amendment. There may be amendments from other Senators. It certainly is not my intention. It is my intention to have a vote, even an up or down vote. But it may be that other Senators would wish to have a tabling motion. I have heard that discussed. I am not sure.

There are some Senators beside this Senator who may wish to have additional amendments.

I might clarify this with the majority leader. I believe the Senator from Washington has an amendment already amended in the second degree, but there may be amendments dealing with the subject matter should the Senator's amendment be adopted.

Mr. BYRD. Mr. President, yesterday I think it was the feeling among all of us that the amendments would be restricted to the first- and second-degree amendments offered by Mr. ADAMS and that the Senate would vote thereon. The amendment in the second degree is a substitute amendment. Therefore, the first-degree amendment, the language to be stricken, is open. So I would hope we would get consent that no amendments thereto would be in order.

I will ask once again, if the Senator will permit me, to get consent to that effect.

The **PRESIDING OFFICER.** Is there objection to the unanimous consent request of the majority leader?

Mr. **NICKLES.** Again I might tell the majority leader I personally have no objection to that request, but feel I must object to preserve the rights of other Senators who have an interest in this legislation, one or two of which have indicated that they may wish to offer an amendment pertaining to this section or this amendment should a motion to table not succeed. It is personally this Senator's intention, I will tell Senators, to have a straight up or down vote.

This is a close vote. I know that. It is an important vote for the Senator from Washington and other Senators. But because of that fact, and to protect the rights of those Senators, I will have to object.

The **PRESIDING OFFICER.** Objection is heard.

Mr. **BYRD.** Mr. President, I respect the Senator's right to object. I will have an amendment to the amendment which I will offer when time has expired.

Mr. **ADAMS** addressed the Chair.

The **PRESIDING OFFICER.** The Senator from Washington.

Mr. **ADAMS.** Mr. President, we debated this amendment at length last night. I appreciate very much the statement of the majority leader.

I wish at this point to simply state once again that this is a most important amendment. It clarifies and once again states the intention of Congress to have the labor protection provisions that were originally included in the Deregulation Act of 1978 included as part of ongoing merger operations which the U.S. Government controls.

We have terminated the role of the Department of Transportation in this and it goes to the Department of Justice. Fittingly, so, the labor protection provisions go to the Department of Labor. The Department of Transportation has not exercised this authority, as was pointed out in the debate last night. They have not really exercised merger authority, even when the Department of Justice has objected to a particular merger.

I know this morning this time was basically reserved so that any opponents could state their further objections. The Senator from Oklahoma and I have debated this extensively. So, at this time, Mr. President, I will reserve the remainder of my time in order to give the opponents an opportunity to raise whatever questions they wish to raise.

The **PRESIDING OFFICER.** The Senator from Washington yields the floor and reserves the remainder of his time.

Who seeks recognition?

The Senator from Oklahoma.

Mr. **NICKLES.** Mr. President, it is my understanding, and I will ask the majority leader, that it is anticipated that we will have a vote on this amendment or a vote relating to it at 9:30. Is that correct?

Mr. **BYRD.** Yes.

Mr. **NICKLES.** And that will be a 30-minute rollcall vote?

Mr. **BYRD.** Yes.

Mr. **NICKLES.** I thank the majority leader.

Mr. President, last night we had a good debate on the issue, and I do not know that we need to rehash everything that was stated.

I figured last night one of the reasons why Senators would or, in my opinion, should oppose this legislation, if they support the underlying legislation, is that this amendment by the Senator from Washington will, in effect, cause the entire legislation to go down.

I have a letter from the Director of the Office of Management and Budget, Mr. Miller, which states:

> Consistent with our earlier position on S. 724, if the Adams amendment is adopted, the President's senior advisers would recommend that he veto the bill.

So if you are not interested in the underlying bill, maybe one way to kill the bill would be to support Senator ADAMS amendment because in all likelihood it will kill the underlying bill. Maybe that is what some people would like to do. I do not know. I have heard that there is support for the bill from the Senator from Kentucky and others. But I think Senators should be aware that adoption of this amendment would in all likelihood bring about a Presidential veto.

Mr. President, I ask unanimous consent to have this letter printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE
OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, October 30, 1987.
Hon. DON NICKLES,
U.S. Senate, Washington, DC.

DEAR DON: This letter is in response to your inquiry regarding the amendment to be offered by Senator Adams to S. 1485, the Air Passenger Protection Act of 1987, which would add the labor protection provisions contained in S. 724, the Airline Merger Transfer Act of 1987.

Consistent with our earlier position on S. 724, if the Adams amendment is adopted, the President's senior advisors would recommend that he veto the bill.

Sincerely yours,
JAMES C. MILLER III,
Director.

Mr. **NICKLES.** Mr. President, that veto would be a good veto. It would be a veto that is well deserved because the Senator's amendment, although well-intentioned, is badly, badly flawed. It is an amendment that my colleagues need to be aware of because its language is very direct.

It says, "In any case in which the Secretary" of Labor "determines that the transaction, which is the subject of the application," basically talking about airline mergers or talking about the sale of a number of assets between airline companies—listen to this language; this is absurd language—"would tend to cause reduction of employment or to affect adversely the wages and working conditions (including seniority) of any air carrier employee, the Secretary shall impose labor protection provisions."

Now think of that. If you have any proposal or merger and application of airline companies or assets, "If it would tend to cause"—if I may have the majority leader's attention. "If it would tend to cause"—what kind of language is that?

"If it would tend to cause any reduction in employment to affect adversely the wages, working conditions of any airline employee, the Secretary shall impose"—it does not say "may." It says "shall" impose labor protection provisions "if it affects any employee."

I used to run a manufacturing plant before I was in the Senate. We made decisions every day that would "tend to cause" or someone could easily say it would "tend to cause" or may "tend to cause" or adversely affect someone's employment of any employee. We are talking about major companies. I ran a small business. But that would still apply to any decision that any organization is making.

We are talking about big companies now. In most cases we are talking about thousands of employees. I cannot think of any decision that they make every day that would not come under this jurisdiction or this language.

This language is so broad. It says "any employee." It did not say the majority of employees. It said "any employees," and "tend to cause." That language is written so broadly, so biased, so strong, I am really surprised. I think the authors got a little greedy in drafting the language and maybe got a little carried away. I do not know.

I think it is terrible language and certainly is not language that should become law of the land. I will predict it will not become law of the land maybe because they have asked too much. It goes a little bit further. Not only does it mandate that the Secretary impose the labor protection provisions but it also says the "proponents," or in this case we are talking about the companies, "other transactions shall bear the burden of proving that there will be no adverse employment consequences" or that the projected costs of "the imposition of such protection would be excessive."

What that means, Mr. President, is that the companies of the transactions involved who have to bear the burden of proof that there will be no adverse employment consequences, and again we are talking about to any employee or that the projected cost or the imposition of the labor protection provisions would be excessive.

That is going to be very hard to figure because we turned it over to the Department of Labor to calculate the labor protection provisions.

Mr. President, I think this is a bad amendment. I think it was drafted poorly, and there are a lot of other substantial reasons to oppose this amendment. This amendment is a real violation of the collective-bargaining process, and a direct violation of the collective-bargaining process.

The Senator from Kentucky is well aware of the fact that many airline companies and their unions have negotiated labor protections. That is fine. I have no problem with that. I think it should be between the companies involved and their employees. This is certainly an issue that is a very legitimate issue. It is job security for companies and their employees to negotiate. As a matter of fact, most of the negotiations for the last 2 or 3 years have dealt more with job security than they have with wages and benefits. People are concerned about job security. And I know in the auto industry, in the steel industry, and other major industries, the airline industry, negotiations have centered around job security. Labor protection provisions are legitimate bargaining table items but what we are doing if we pass this amendment is saying we are not going to allow you to bargain this. We are going to have a Federal statute mandating, and we are going to have a Federal intervention in the collective bargaining process, all on the side, in this case, of the unions.

I would tell the majority leader that I would oppose it if it were on the side of management. I personally believe in the collective bargaining process. I do not think Congress should be interfering by taking one side or the other side.

In this case, this legislation is taking strictly the case of the union. It says employers, you have the burden of proof. And you have to pay for it. You have to approve it. It says if this adversely affects any employee, the Secretary shall impose labor protection provisions.

So, again, it is a real interference in the collective bargaining process.

How much time do I have?

The PRESIDING OFFICER. The Senator from Oklahoma has a little over 6 minutes remaining.

Mr. NICKLES. Thank you very much, Mr. President.

Mr. President, this amendment would come at a time when you have an airline industry that certainly has been changing. There have been mergers but the airline industry has been growing with a lot of changes, new hubs, new airports, new routes, and a lot of demand on the system.

I put in the RECORD yesterday an account of the growing demand. I was surprised at the number of miles, and the number of passengers. In 1978 we had 275 million passengers, and in 1986, we had 418 million passengers. The number of people who are flying today since deregulation has increased and increased substantially.

Employment growth, again in the airline industry, has grown substantially. In 1978 we had 329,000 employees in the industry, and in 1986 we had 421,000. That is an increase of about 50 percent in the last 7 or 8 years—a significant growth in employees, in passengers, in wages, and in benefits.

Wages for the average salary in 1978 was $28,000. The average salary in 1986 was $42,000. So it is a significant increase in cost.

But we should not be imposing this kind of a costly prohibition on the airline industry to confuse and make it very difficult for companies, in many cases companies that are going through some financial difficulties.

We have some big carriers that are in very difficult times. They may need a merger to be able to survive. They may well need a merger. This legislation could prohibit that merger.

Several of the mergers that have happened in the last couple of years, if they had labor protection provisions mandated, could not have gone forward, those companies would have gone bankrupt, and you would have had a loss of thousands of jobs.

I believe passage of this amendment will cost thousands of jobs. It will not save jobs. It will not protect labor. It will cost jobs. It will increase bankruptcies. It will be adding punitive regulations on an industry, part of which is struggling to survive today.

It will be costly to consumers. This legislation will be quite costly to consumers. Somebody has to pay the bill. For those airlines that are able, if they could still merge—and I do not know if any could still merge—somebody would have to pay the cost. These labor protection provisions in all likelihood, if they followed the precedent, would equal 60 percent of payroll for 5 years. We are talking about pilots in some cases that make $140,000 or $150,000 a year. So for 5 years you are talking about compensation of $400,000 or $500,000 for not flying an airplane.

We are talking about in some cases people who clean the airplanes who right now make $45,000, who would get 60 percent of that. So they would get $30,000 a year for 5 years for not cleaning or not doing anything.

We are talking about $150,000 for somebody who cleaned the airplane and they may well go get a job the next week. But yet they could still be entitled to receiving that kind of compensation.

Mr. President, if there was ever special interest legislation, this is it. This is it. We have a couple of groups who have been very active in lobbying the Congress saying "We want legislation, and we want labor protection provisions." We do not have it for the steel industry. We do not have it for the oil industry or the coal industry. We do not mandate it for the auto industry. We do not mandate labor protection provisions for any other industry, and all of those industries have gone through significant mergers in the last several years. It would be a real mistake for us to mandate it on the airline industry alone. It would be a mistake for us to mandate it on any industry. It is a real violation of the free enterprise system.

I would imagine that most Senators in this body have at various times made speeches and arguments on behalf and defense of the free enterprise system. This Senator has. This amendment is a direct contradiction of the free enterprise system. This is saying to airline companies and airline unions, we do not think you can do this well enough, so we are going to interject ourselves in your behalf. I think that is a real mistake. I believe it is a real violation of free market principles. It is not what the marketplace is about. Everybody has expressed concern about what is happening in Wall Street the last couple of weeks.

I know I have been concerned. I have heard the majority leader speak. He is concerned. I think we all are. This type of intrusion, this type of interference in one particular segment of that industry is the exact wrong signal we need to be sending. If we are going to pass it for this industry, why not pass it for the coal industry or the steel industry? Those industries would defeat it and they would fight it aggressively because they know it would be detrimental to their competitiveness and health. A lot of those companies are struggling to survive as well.

I believe it would be detrimental to the long-term interests of their employees.

So I hope that my colleagues would show what I think would be wisdom. We have voted down this amendment several times in the past. Again, it has been close. I think one vote was 49 to 49. They do not get much closer than that. I do not know what the vote will be today, but I hope we will follow what we did in the past and defeat the amendment.

Mr. ADAMS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Nine and a half minutes.

Mr. ADAMS. I yield myself 5 minutes.

Mr. President, I want to answer the statement that was made as to people who are in support of this, and I think it is very well summarized in a letter from the president of American Airlines, who is certainly management, and who is one of the best operators in the business. It goes directly to the point of this bill. He says as follows:

> Much of the current consumer dissatisfaction with airline service has resulted from the turmoil created by various mergers and acquisitions approved during the past two years. To a considerable extent, that dissatisfaction stems from the repressive labor practices of some carriers, most notably—but not exclusively—Texas Air. These practices, and their result, sully the reputation of our entire industry. For this reason, American is prepared to support legislation that will provide greater security for airline employees affected by mergers or acquisitions.

Mr. President, I ask unanimous consent that the entire letter be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

AMERICAN AIRLINES,
August 3, 1987.

Hon. HOWARD METZENBAUM,
U.S. Senate, Washington, DC.

DEAR SENATOR METZENBAUM: I am writing to you in your capacity as a leader in the fight to secure statutory labor protective provisions for airline mergers and acquisitions.

For some time, the airline industry has opposed being singled out for special treatment in this respect, and American Airlines has supported the industry position. However, because of the grossly unfair practices of some airline employers, we have reconsidered our stance on this issue and agree that better protection for airline employees would be appropriate.

We hope that your Labor Subcommittee will consider a full range of remedies to improve the rights and working conditions of airline employees. In particular we urge you to investigate the practice of "double-breasting" and to investigate the carrier practice of eliminating the health and pension benefits of employees and retirees as a means of gaining competitive advantages.

Much of the current consumer dissatisfaction with airline service has resulted from the turmoil created by various mergers and acquisitions approved during the past two years. To a considerable extent, that dissatisfaction stems from the repressive labor practices of some carriers, most notably—but not exclusively—Texas Air. These practices, and their result, sully the reputation of our entire industry. For this reason, American is prepared to support legislation that will provide greater security for airline employees affected by mergers or acquisitions.

We would like to work with you on these and other issues so that air transportation can once again be the comfortable and reliable service that it used to be.

Sincerely,

R.L. CRANDALL.

Mr. ADAMS. Mr. President, I was Secretary of Transportation when this deregulation bill was passed in 1978, and a key ingredient of it was the labor protection provisions. They have been in the law for over 30 years. They are in the transportation industry across the board. They are in the railroad industry. They are in the airline industry. They were there for a particular reason, as I stated last night.

In the free enterprise system we have had this because transportation employees have special niches within their industry. It is not easily transferable. The transportation industry needs to have enough stability to see that this country moves and grows, because transportation is the key to other industries. It is the key to whether the steel industry grows, the oil industry, and all the others. Give me control of the transportation to an area, and I will take control of the industries in that area.

The airline industry in this country has turned subsidies upside down. The small cities in this country, the small- and medium-sized cities, are having their business that is the new growth industry in America sucked out of them—the service industries, financial industries, and others. Why? Because it costs more to go a short distance to a medium-sized city than it costs to go a long distance to a large city. You can fly for less from New York to Los Angeles than to many points in between. If you want to go south, you can fly on special fares for $99, and if you want to go to Jacksonville, which is 1,000 miles closer, it costs $279. So we are talking about real differences.

I want to talk briefly about what happened on some of these mergers and why this is being done. The Department of Transportation has never applied these, even though they were told to do it, and there was a 30-year history.

There are some good companies. You talk about collective bargaining and whether or not this is destructive or helpful to it, and I will show you how destructive the present system is.

The Republic flight attendants gave up $12 million in concessions in negotations to get LPP's in their agreement. When Republic was bought by Northwest Airlines, Northwest said, "We didn't negotiate these LPP's, so we don't have to abide by them." End of collective bargaining. End of stability in the industry. End of rights for those people who have had a long history of trying to make it work.

We carefully drafted this. As to the language that the Senator mentioned, about it being discretionary with the Secretary of Labor, that was deliberately done so that we did not apply the standards of Allegheny-Mohawk. I assured Senators in the committee that we would not apply automatically Allegheny-Mohawk, that it would be discretionary.

There is a cap on it that says that if the labor protection were to outweigh the value of the merger—everybody has to file value in these mergers and get through the SEC and convince the stockholders—then it would not be applied.

Talking about whether or not there might be a veto, I do not know. But the ranking members of the House committee handling this, which passed by voice vote in the House of Representatives—the Republican members have written to the President of the United States saying: "We need this legislation; we support it. We want to have it go through." I think it will go through. I do not think there will be any type of veto. I do not think we have any danger of anything happening other than fairness to the employees.

What we are trying to do here is take a ground from zero to cost of the merger and say that if you are going to do a merger or a merger acquisition, you do not dump the entire burden on the back of the employees who cannot defend themselves.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Oklahoma has 30 seconds.

Mr. NICKLES. Mr. President, the Senator has said that it applies only to transportation. Transportation used to be a regulated industry. It is a deregulated industry now. The airlines were deregulated.

We are not here to debate deregulation. We are here to debate whether or not we are going to mandate labor protection provisions on one industry. I think it would be a very serious mistake, very much an intrusion into the collective-bargaining process, and very much an intrusion into the free enterprise system as a whole.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Washington has 4 minutes.

Mr. ADAMS. I yield myself 1 minute.

Mr. President, this is not establishing something new. This is to continue what we have had in this country for over 30 years.

I have tried to indicate that we arrived at an accommodation in the committee, and it passed by 15 to 4.

Mr. President, I hope that my colleagues who are watching this debate and watched it last night will understand that this is very important. I hope this amendment will be agreed to. It is very important. It is a part of the consumer bill.

I yield to the Senator from Kentucky.

Mr. FORD. Mr. President, I yield such time to the majority leader as he needs.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BYRD. Mr. President, how much time do I have?

The PRESIDING OFFICER. Three minutes.

Mr. BYRD. Mr. President, I have discussed the unanimous-consent request with the distinguished Senator from Oklahoma [Mr. NICKLES], and I do not particularly want to offer an amendment to amendment No. 1106. I can. But I ask unanimous consent that no further amendments to amendment 1106 be in order.

The PRESIDING OFFICER. Is there objection?

Mr. NICKLES. Mr. President, we have no objection.

Mr. BYRD. I thank the distinguished Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Two minutes and 20 seconds.

SENATOR BREAUX PRESIDES FOR 100 HOURS

Mr. BYRD. Mr. President, at 9:22 this morning, which was just 5 minutes ago, the Presiding Officer, the very able and distinguished Senator from Louisiana [Mr. BREAUX], had presided over the Senate for a total of 100 hours during this session. Therefore, Senator BREAUX becomes the first Senator to achieve this significant landmark in the 100th Congress.

The duties of presiding over the Senate fall to the majority party. Within the majority party, these duties fall most heavily upon the most junior Members. While the hours in the chair may not easily fit into a Senator's demanding schedule, it is an excellent opportunity for Senators to become familiar—only somewhat familiar—with the Rules of the Senate.

In this regard, Senator BREAUX has been an especially willing and able Presiding Officer. He has developed a presiding style that is fair and efficient, and he has always displayed careful attention to his responsibilities. He is alert, and he speaks much more rapidly than I do, which is good for a Presiding Officer. It does not take him 5 minutes to say 10 seconds' worth of words. That is where he would excel me quickly. I admire that in a Presiding Officer.

He is decisive; he is fair. His quest for the 100-hour presiding landmark began on January 14. The seriousness of his desire to do more than his share of the presiding duties was displayed when he presided for 3 hours and 31 minutes on Saturday, September 26. He was the only Presiding Officer during that session.

While I am pleased to be able to congratulate this able Presiding Officer, I hope that reaching this outstanding 100-hour landmark will not dampen his willingness to preside during the remaining days of the 1st session of the 100th Congress. Additionally, I look forward to congratulating him in the future for the completion of another 100 hours in the chair during the second session of this Congress.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The majority leader's time has expired. [Laughter.]

Mr. BYRD. Mr. President, I ask unanimous consent to proceed for 15 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. The Golden Gavel Award began in the mid-1960's. The idea originated with Senator Mike Mansfield and Frank Valeo, the Secretary of the Senate. It is presented by the pages. It recognizes Senators who have presided 100 hours in a single session of Congress. It is not really made of gold.

A ceremony is held, which is attended by the floor leaders and the President pro tempore, and I look forward to it.

The PRESIDING OFFICER. The Chair acknowledges and thanks the majority leader.

AIR PASSENGER PROTECTION ACT

The Senate continued with consideration of the bill (S. 1485).

AIR PASSENGER PROTECTION ACT OF 1987

Mr. BYRD. Mr. President, I support the adoption of the Air Passenger Protection Act of 1987. Since the deregulation of the airline industry, the incidences of delayed flights, canceled flights, lost baggage, overbooking, and deteriorating customer service have continued to increase. Further, while the quality of service has declined, the cost of air travel in many States, such as West Virginia, has continued to increase. Any one who flies has experienced some of these difficulties—they are not uncommon occurrences.

I have heard from several of my constituents in protest against the service they receive. One constituent writes:

> There was a time when one could plan business or pleasure trips, using U.S. airlines, and usually expected to arrive on schedule. Now, I am offering bets to any person using U.S. airlines, and give 2:1 odds, they will not arrive on time. That is the status of unregulated airlines.
>
> In the last 5 weeks, I have traveled from Washington, DC, and returned to Columbus, OH; Omaha, NE; Spokane, WA; and Elmira, NY. One of the involved flights arrived on time, four were cancelled, and the rest arrived 30 minutes to 3 hours late * * * Congress gave—a long deregulation rope, and with it they are strangling the customer.

Another constituent writes that he was scheduled to fly from St. Louis, MO, to Pittsburgh, PA. And I quote:

> We were told that the flight would depart about 30 minutes late because of a repair being done on the auxiliary power motor. There was no air conditioning even though the outside temperature was in the high 80's. After 2 hours of sitting in the aircraft, they finally hooked up to terminal power so that the air conditioning could be turned back on. One of the passengers had to be removed from the plane by paramedics.
>
> After 2 hours of sitting on the ground, the stewardess casually told us that another plane would be going to Pittsburgh, and we could check about changing flights, but there was probably no way the luggage would be changed to another plane because that flight was still scheduled to take off as soon as the repairs were made. I went back to the gate desk, only to be told that the flight had been cancelled more than an hour before, and no one had notified those of us remaining on the plane.
>
> If this had been an isolated incident, I would have probably not been forced to write this complaint, but 1 week before—we were told that the plane had a power cable problem. After passengers had waited over 2 hours, we were advised that another plane would take us to our destination.

Clearly, something must be done to protect the flying public. Deregulation has meant decreased quality, decreased service, and increased costs. This "cattlecar" approach to air travel is intolerable. This bill attempts to address these problems, and hold the airlines responsible to deliver the service for which we pay, and I urge the adoption of the bill.

The PRESIDING OFFICER. All time has expired.

The question now occurs on the adoption of the substitute amendment.

Mr. FORD. A point of information, Mr. President. Have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have not been ordered.

Mr. FORD. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the Adams substitute amendment. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from New Jersey [Mr. BRADLEY], the Senator from Tennessee [Mr. GORE] and the Senator from Illinois [Mr. SIMON] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. BOND], the Senator from Utah [Mr. HATCH], the Senator from Pennsylvania [Mr. HEINZ], the Senator from Vermont [Mr. STAFFORD] and the Senator from Idaho [Mr. SYMMS] are necessarily absent.

I further announce that, if present and voting, the Senator from Idaho [Mr. SYMMS] would vote "nay."

The **PRESIDING OFFICER.** Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 64, nays 28, as follows:

[Rollcall Vote No. 360 Leg.]

YEAS—64

Adams
Baucus
Bentsen
Biden
Bingaman
Boren
Boschwitz
Breaux
Bumpers
Burdick
Byrd
Chiles
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Durenberger
Evans
Exon
Ford
Fowler
Glenn
Graham
Harkin
Hatfield
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerry
Lautenberg
Leahy
Levin
Matsunaga
McCain
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Packwood
Pell
Pressler
Proxmire
Pryor
Reid
Riegle
Rockefeller
Sanford
Sarbanes
Sasser
Shelby
Specter
Stevens
Trible
Warner
Weicker
Wirth

NAYS—28

Armstrong
Chafee
Cochran
Cohen
Dole
Domenici
Garn
Gramm
Grassley
Hecht
Helms
Humphrey
Karnes
Kassebaum
Kasten
Lugar
McClure
McConnell
Murkowski
Nickles
Quayle
Roth
Rudman
Simpson
Stennis
Thurmond
Wallop
Wilson

NOT VOTING—8

Bond
Bradley
Gore
Hatch
Heinz
Simon
Stafford
Symms

So the amendment (No. 1107) was agreed to.

Mr. ADAMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. FORD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The **PRESIDING OFFICER** (Mr. WIRTH). The vote now occurs on the first-degree amendment, as amended. The yeas and nays have been ordered.

Mr. FORD. Mr. President, is there any need to have a rollcall vote? Might we vitiate the order and just have a voice vote?

Mr. President, I ask unanimous consent that the order for the yeas and nays be vitiated.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

The question is on agreeing to the amendment, as amended.

The amendment (No. 1106), as amended, was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote by which the amendment, as amended, was agreed to.

Mr. ADAMS. Mr. President, I move to lay that motion.

The motion to lay on the table was agreed to.

Mr. FORD. Mr. President, for the information of my colleagues, we are making significant progress on this bill. It appears that at least one of the major amendments will not be offered. That was the amendment to take the airport and airways trust fund off-budget, on which there would be a point of order by the Budget Committee.

We do have at least three other amendments. I would be very hopeful we might be able to work out agreements on them. One is by Senator METZENBAUM and two are by Senator LAUTENBERG.

There may be one other amendment that we are trying to discuss at the moment. There may be an amendment that will be offered and then withdrawn, an amendment by the distinguished Senator from Nebraska [Mr. EXON].

We are moving in the direction of finishing this, hopefully, by noon, unless we get into some controversial amendments which are now on the horizon.

It appears that there are several out there under the surface, and the water is beginning to bubble, so it could go beyond that.

I hope we can move expeditiously. I have no amendments to offer at this time.

Mr. ADAMS addressed the Chair.

The **PRESIDING OFFICER.** The Senator from Washington.

Mr. ADAMS. Mr. President, I ask unanimous consent that Senator D'AMATO be added as a cosponsor to my amendment No. 1107.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mrs. KASSEBAUM. Mr. President, I will not offer my amendment, which would put the aviation trust funds off-budget.

Mr. STENNIS. Mr. President, may we have order?

The **PRESIDING OFFICER.** The Senate will be in order.

Mrs. KASSEBAUM. Mr. President, this is just not the right time to bring that amendment before the Senate. But I do believe it is an important issue for those of us who have struggled to get full funding for the aviation trust funds. We have been continuously disappointed that in many ways it has been held hostage to budget considerations. I would hope that at the beginning of the new year we can seriously review the importance of the trust funds and the ability to move them off budget and still have them part of the process.

I think the opportunity will exist. I know we will consider holding further hearings on a manner in which to meet this particular issue.

Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. METZENBAUM. Mr. President, the Senator from Ohio was about to offer an amendment which I believe is vitally important to the safety and security of planes flying through the air and passengers on those planes. It is an amendment that would ban the sale, importation, transfer or usage of plastic guns.

Plastic guns cannot be detected by the devices that are presently used at airports, and so a terrorist, or for that matter someone who was not a terrorist but who had other equally vicious designs, could go through the detector and it would never be noticed.

The Senator from Ohio was prepared to offer that amendment, but I have been advised by some Members on the other side that if I were to offer the amendment, which I might say is also pending in the Judiciary Committee as a bill, there would be extended debate at this point.

I might say that if I were to offer it, I have been advised that Senators THURMOND, and KASSEBAUM and others would be prepared to support that amendment. But I wonder whether someone who has some strong feelings on this subject would be good enough to indicate whether he feels that offering the amendment at this point would delay this bill for a rather lengthy period of time.

Mr. McCLURE. Mr. President, will the Senator yield?

Mr. METZENBAUM. I do, indeed.

Mr. McCLURE. Mr. President, obviously there are many of us who feel very strongly on that issue and without joining the issue and all its ramifications at this time, let me simply suggest that, indeed, there is a fundamental concern about the rights guaranteed under the second amendment of the Constitution of the United States and that right is very jealously guarded by many of us.

The issue of the detection of devices that might be used by terrorists is much broader than that of simply plastic guns or, indeed, certainly that of fire arms generally. And many of us want to move very strongly against such actions by terrorists or threatened actions by those who would by acts of civil violence destroy the lives or freedoms of other individuals.

But again without going into all of the arguments why we would oppose such an amendment, I think it is fair to summarize by saying that many of us do not believe the way to protect the rights of some Americans is to deprive all Americans of fundamental rights which we believe would be the case in such legislation, and therefore

I think the Senator is very, very wise to note and I think has been well advised to understand that, indeed, such an amendment would cause some extensive discussion on the floor of the Senate.

Mr. METZENBAUM. Would the Senator from Idaho perhaps modify his views and perhaps permit us to go to a vote at an early time if he were aware of the fact that the overwhelming majority of police organizations in this country support the amendment; the Bureau of Alcohol, Tobacco and Firearms supports the amendment; and the Secret Service protecting the President supports the amendment?

I thought that might persuade the Senator from Idaho to join up with all those wonderful people.

Mr. McCLURE. Will the Senator yield?

Mr. METZENBAUM. Surely.

Mr. McCLURE. The Senator is going to push an "on" button here with respect to whether or not the statement made by the Senator is accurate, which I resist. I know that some police officers are in favor of the amendment. Many are not. I think the Senator is getting into the area which will provoke the debate rather than avoid the debate.

Mrs. KASSEBAUM. Will the Senator yield?

Mr. WALLOP. Will the Senator yield further?

The PRESIDING OFFICER. The Senator from Ohio has the floor.

Mr. METZENBAUM. I release the floor. I yield.

Mr. WALLOP. Mr. President, I would just say to the Senator from Ohio, my friend, Mr. METZENBAUM, lest he think that the opposition to this would be confined but to one or two Senators, I think it is much broader than that. I have no idea whether in the long run it would win or lose, but it would take the long run to discover that.

Mrs. KASSEBAUM. Mr. President, I was merely going to add to the list of supporters. And I know this would require a lengthy debate in support of it, but I think it has some merit on this legislation. It is strongly supported by the airlines.

AMENDMENT NO. 1108

Mr. METZENBAUM. Mr. President, I send an amendment to the desk on behalf of myself, Senator THURMOND, Senator KASSEBAUM, and additional Senators.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. METZENBAUM] for himself, Mr. THURMOND, and Mrs. KASSEBAUM proposes an amendment numbered 1108.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection? The Chair hears none. It is so ordered.

The amendment is as follows:

At the end of the bill, add the following:

SECTION 1(a).—PROHIBITION OF HARD-TO-DETECT FIREARMS.—Section 922 of title 18, United States Code, is amended by adding at the end thereof a new subsection (p) as follows:

"(p)(1) It shall be unlawful for any person to manufacture, import, sell, possess, transfer, receive, ship, or deliver any firearm that the Secretary determines, after consultation with the administrator of the Federal Aviation Administration.

"(A) is not as detectable as the Minimum Security Standard Exemplar, after removal of grips, stocks, and magazines, by walk-through metal detectors approved by the Federal Aviation Administration for use at airports in the United States; or

"(B) is not identifiable as a firearm or readily detectable by cabinet X-ray systems, as defined in regulations prescribed by the Food and Drug Administration (21 C.F.R. 1020.40(b)(3)) designed for inspection of carry-on baggage; *Provided*, however, nothing in this section shall be construed as requiring that the Federal Aviation Administration utilize the Minimum Security Standard Exemplar as a Federal Aviation Administration detection standard.

"(2) As used in this section—

"(A) the term 'firearm' does not include a firearm described in subsection 921(a)(3)(B) of this title; and

"(B) the term 'Minimum Security Standard Exemplar' means a firearm substitute that resembles a North American Arms .22 caliber rim fire weapons, is 4½ inches in length, 2 inches in height, is made of material type 17-4 PH stainless steel or 1040 mild steel, and weighs 8½ ounces."

(b) Section 925 of title 18, United States Code, is amended by adding at the end thereof a new subsection (f) as follows:

"(f)(1) The Secretary shall not authorize, under subsection (d) of this section, the importation or bringing in of any firearm that—

"(A) is not as detectable as the Minimum Security Standard Exemplar, after removal of grips, stocks, and magazines, by walk-through metal detectors approved by the Federal Aviation Administration for use at airports in the United States; or

"(B) is not identifiable as a firearm, or readily detectable by cabinet x-ray systems, as defined in regulations prescribed by the Food and Drug Administration (21 C.F.R. 1040.20(b)(3)) designed for inspection of carry-on baggage.

"(2) As used in this section, the terms 'firearm' and 'Minimum Security Standard Exemplar' have the meanings given those terms in section 922(p) of this title.".

(c) The first sentence of section 925(d) of title 18, United States Code, is amended by striking out "The Secretary" and inserting in lieu thereof "Except as provided in subsection (f) of this section, the Secretary".

(d) The Administrator of the Federal Aviation Administration shall conduct such research and development as may be necessary to improve the effectiveness of airport security metal detectors and airport security x-ray systems with respect to detection of firearms prohibited by section 922(p) of title 18, United States Code.

(e) When appropriate because of changed technology, the Secretary of the Treasury shall submit to the Congress proposed legislation (including technical and conforming provisions) to amend the definition of the term "Minimum Security Standard Exemplar" contained in the amendments made by this Act.

(f) Except as provided in subsection (g), the amendments made by this section shall take effect upon the enactment of this Act.

(g) It shall be a bar to prosecution for an offense involving the possession or receipt of a firearm in violation of subsection (p) of section 922 that the defendant first possessed or received the firearm before the date of enactment.

Mr. METZENBAUM. Mr. President, in view of the fact that this amendment would unquestionably tie up the bill, the Senator from Ohio asks unanimous consent that the amendment remain as offered as a part of the record but beyond that I would withdraw the amendment as pertains to any action in connection therewith.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

Mr. FORD. I thank the Senator from Ohio for not tying the bill up any further.

Mr. President, we have two amendments by the distinguished Senator from New Jersey, Mr. LAUTENBERG. Both of the amendments, one on airline advertising and one on direct frequent flier programs, have been cleared on both sides and I would like to proceed with those two amendments now so that we might complete action on the bill.

AMENDMENT NO. 1109

(Purpose: To ensure fairness in frequent flier programs)

Mr. LAUTENBERG. Mr. President, I thank the manager and I will be very quick since the amendments have been cleared. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG] proposes an amendment numbered 1109.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 5, after line 23, insert the following new paragraph:

"(5) to prevent any carrier from changing the rules or requirements of a frequent flier program to the general detriment of the participants in such program without reasonable notice, or, to prevent a participant in such program from utilizing, during a reasonable period of time after a change in the rules or requirements of such program has become effective, credits accumulated by the participant under the rules or requirements as in effect before such change."

Mr. LAUTENBERG. Mr. President, this amendment would help ensure some basic consumer rights. It would protect consumers from unfair, detrimental changes in frequent flier programs without fair notice.

For several years now, airlines have been offering frequent flier programs. These programs are an inducement to travelers to use a specific carrier. There are tremendous benefits for the traveler. By flying a certain number of miles with a carrier, the traveler is rewarded with a free flight, or some other service.

Mr. President, when a traveler signs up for a frequent flier program, he or she does so to get the benefits. But there may also be inconveniences. In order to get the promised prize, he or she may revise a schedule, taking a less convenient, or more expensive, flight than one that may be available on another carrier.

When travelers sign up for a frequent flier program, they make a contract with the carrier. And they have the right to expect that the terms of that contract will be adhered to.

Early this year, we heard of numerous instances where that bargain was not being honored. There was a man who had, time after time, arranged his schedule in order to compile frequent flier points. He was approaching a goal. When he reached it, he would be rewarded with free round-trip tickets to Europe. That goal was within his grasp, and he was making plans for the vacation of his life. But then, without warning, the rules of the game were changed. His goal was no longer close at hand, but far away. It was as if he had almost reached the goal line, and then was told that the field was being made 50 yards longer.

This amendment would protect consumers from unfair rule changes in the middle of the game.

Mr. President, as we have heard, the amendment has been cleared with the managers of the bill and is acceptable to them. I ask adoption of the amendment.

The **PRESIDING OFFICER.** Is there further discussion of the amendment?

Mr. FORD. Mr. President, as I stated earlier, this amendment is accepted on this side and we ask its approval.

Mrs. KASSEBAUM. Mr. President, the amendment has been cleared on this side of the aisle as well.

The **PRESIDING OFFICER.** Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from New Jersey [Mr. LAUTENBERG].

The amendment (No. 1109) was agreed to.

Mr. LAUTENBERG. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1110

(Purpose: To increase airline ad disclosure)

Mr. LAUTENBERG. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The **PRESIDING OFFICER.** The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG] proposes an amendment numbered 1110.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

The amendment is as follows:

On page 5, strike lines 22 to 23, and insert in lieu thereof the following:

"Transportation a notice of the minimum percentage of seats on such transportation available at the advertised fare."

Mr. President, this is a very simple, straightforward amendment. Its intent is to expand and clarify a provision included by the Commerce Committee in S. 1485.

The subject is airline advertising. We all know the problems. We have all heard the complaints from our constituents. The complaints about advertised special fares that do not seem to exist.

Section 422 of S. 1485 would require airlines to notify consumers of limited availability of seats when advertising special fares. This amendment would simply expand that amendment, to give the consumer a fair shake. It would require that airlines disclose the minimum percentage of seats available at an advertised special fare.

Mr. President, the airline industry is a complicated one. The sale and pricing of tickets is a complicated process. The exact number of seats offered at any one fare can vary from flight to flight. This amendment would not take away the flexibility airlines need to provide the consumer with the benefits of discount fares. It would not set a ceiling on discount fares. It would only provide a floor.

Consumers have a right to know if a fare they see advertised is really available, and if they have a chance of getting it. If the advertisement says, for instance, that as few as 10 percent of the seats on a flight may be available at the special fare, consumers would be forewarned. If they do not call right away, they knowingly run the risk of not getting the fare.

Mr. President, that is only fair.

Mr. President, I believe the amendment has been cleared with the managers of the bill, and is acceptable to them. I ask for its adoption.

Mr. President, I ask unanimous consent a letter from ACAP, the Aviation Consumers Action Project, be included in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AVIATION CONSUMER ACTION PROJECT,
Washington, DC, October 28, 1987.

Hon. FRANK R. LAUTENBERG,
Chairman, Senate Subcommittee on Transportation and Related Agencies, Senate Appropriations Committee, Washington DC.

DEAR MR. CHAIRMAN: ACAP has been a strong advocate for a legislative solution to the many problems facing airline passengers today. We are pleased to see that S. 1485, the Air Passenger Protection Act of 1987 addresses many important consumer issues.

I am writing to express support for the two amendments that you will propose to that bill. These provisions will give frequent flyer program participants a reasonable amount of time to use their earned mileage credits as the airline promised them they could. Also, carriers advertising discount fares will be required to include in such ads the minimum percentage of seats available at the advertised fare.

Early this year, ACAP petitioned the Department of Transportation to issue a rule specifying how many seats an airline must make available at an advertised rate in order to avoid paying penalties for false or deceptive advertising. However, DOT failed to act on this bait-and-switch problem. Therefore, your amendment is necessary to provide passengers with adequate notice about the likelihood of obtaining a fare at the advertised price. It recognizes that if an airline wants to promote a fare on the basis of its price, travellers should have a realistic opportunity to obtain that fare if they act diligently.

As to your other proposal, frequent flyer programs have become increasingly important in deregulated airline competition since their introduction in 1980. Millions of passengers limit their choice of carrier and flights in reliance upon earning enough mileage credits promised by a particular carrier to obtain a specific trip. These passengers feel cheated when carriers increase the mileage credits required for certain trips without giving them a fair chance to use their credits as they originally had been promised.

We are convinced that your proposed amendments will greatly enhance the important protections that S. 1485 provides to airline passengers. As the only nonprofit consumer group working full-time on aviation issues, we thank you for your initiative in proposing these much needed consumer protection provisions and look forward to working with you in the future.

Sincerely yours,
CHRISTOPHER J. WITKOWSKI,
Executive Director.

Mr. DANFORTH. Mr. President, I have some concerns about the potential impact of this amendment on consumers, and before we reach a decision on this amendment I would like some clarification of the result the amendment is intended to produce. Is it intended to limit the airlines' ability to make changes in their fares or to prohibit them from changing over a period of time the number of seats on a given flight which are available at a discount fare?

Mr. LAUTENBERG. Mr. President, the amendment is intended to impose only one kind of limitation on airline pricing policies. If an airline represents in its advertising that a certain percentage of seats on a flight will be sold at a particular discount price, the airline can't make a lower percentage of seats available. The amendment would not preclude the airline from offering a greater number of discount seats.

Mr. DANFORTH. Mr. President, I appreciate the Senator's comment. I would also like to inquire whether the word "available," as used in the amendment, refers to the number of seats actually left for sale at a given point in time, or whether it refers to the number of seats the airline intends to offer for sale at the discount price before any of the seats have been sold?

Mr. LAUTENBERG. Mr. President, the term available refers to the number of discount seats before any flights have been sold.

Mr. DANFORTH. Mr. President, I thank the Senator for his clarification and I have no objection to the amendment.

Mr. LAUTENBERG. Mr. President, again, the amendment has been cleared with the managers of the bill, and is acceptable to them. I ask for its adoption.

Mr. FORD. Mr. President, the Senator from New Jersey is absolutely correct. It meets with the approval on this side. We have no objection to it.

Mrs. KASSEBAUM. Mr. President, I think it is an excellent amendment. There is no objection on this side of the aisle.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from New Jersey [Mr. LAUTENBERG].

The amendment (No. 110) was agreed to.

Mr. LAUTENBERG. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LAUTENBERG. Mr. President, I thank the managers of the bill for their cooperation.

Mr. FORD. We thank the distinguished Senator from New Jersey for his cooperation.

Mr. President, we are getting very close to the final amendment or two and to final passage. There will be a vote on final passage. So I will alert my colleagues to that.

First, let me compliment Senator KASSEBAUM on the tremendous job that she has done and is continuing to do on the Aviation Subcommittee. She had an amendment today that she has decided not to propose, one which I support wholeheartedly, and that is taking the trust fund off budget, prohibiting the use of that trust fund for items other than aviation safety and development. As we find now, the administration, particularly OMB, is refusing to let us spend the money that the air-traveling public is paying for through an 8-percent ticket tax. They then use that money to attempt to hold down the deficit. What we are doing is denying those people who are paying into the trust fund the opportunity to know that we are spending that money for their safety, and it is regrettable to me that it is not being spent.

I pledge to my colleague from Kansas that we will continue to look at this particular issue in the committee and that I will work diligently to see if we cannot accomplish what her amendment would have accomplished today had it been offered and passed.

One other item, Mr. President, and I think it dovetails or fits into the off-budget as it relates to the airport improvement trust fund, and that is an independent FAA. I find that by the time you have a good idea and put forth that idea, by the time it goes through all the webs that are there in the department, it is changed, diluted. Every bureaucrat would have to put a little dotted "i" or cross a "t." And ultimately two things happen: One is to dilute it to the point where it is ineffective, and, two, the time delay even makes it worse. So I think we must now consider, as we move from this legislation to others, the matter of working to improve the air transportation system as it pertains to the safety and efficiency.

So if we can bring those two items to the Congress and they are passed, I think we will have accomplished what is necessary with one additional item, and that would be oversight. We need to look very closely and to guard our turf gingerly so that we will be carrying out the mandate to the Congress as it relates to this trust fund.

I yield.

Mrs. KASSEBAUM. Mr. President, I would like to say I have pressured the chairman of the Aviation Subcommittee's support on the off-budget amendment, and all other aviation issues. He has provided an extraordinary leadership and he has just completed two aviation bills on the floor this week. And I am particularly pleased that we can review further the off-budget provisions which I think just as a concept regarding trust fund, whether it is aviation or the highway trust fund, Social Security trust fund, already by will be moving off budget. I think the whole concept needs to be reviewed in light of our budgetary concerns, and certainly regarding aviation and the importance of using the users fees, as the Senator from Kentucky pointed out, for the very purpose that they have been imposed.

Mr. FORD. I thank the distinguished Senator for her kind words and promise for hard work which she has always done.

I think we will see if we cannot help the staff move forward with the amendment that is now about the only one left before final passage.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—SENATE JOINT RESOLUTION 209

Mr. BYRD. Mr. President, last evening the Senate entered a time agreement on the House joint resolution, (H.J. Res. 393) as to the FHA temporary extension. I asked unanimous consent that that same time agreement also apply to Senate Joint Resolution 209, Calendar Order No. 394, which I understand is a companion measure.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AIR PASSENGER PROTECTION ACT

The Senate continued with consideration of the bill (S. 1485).

AMENDMENT NO. 1111

Mr. METZENBAUM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. METZENBAUM] proposes an amendment numbered 1111.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

The amendment is as follows:

On page 3, line 15, add the following immediately after the period: "Such summary information shall be displayed to the public in a clear, concise, and visible manner at all public airports.".

At the end of the bill, add the following:

SEC. . (a) The Secretary of Transportation shall, within 90 days following the date of enactment of this Act, take such action as may be necessary to require each such commercial air carrier to disclose to each passenger or his or her agent, at the time of reserving or purchasing a ticket for a flight the fact that a restroom will not be available on such flight, and to disclose, upon request a description of the aircraft on which such passenger will be flying.

SEC. (b) The Secretary of Transportation, within 90 days following the date of enactment of this Act, shall, by regulation, prohibit any air carrier from cancelling, on the basis of any economic reason, any flight unless such air carrier—

(1) made a reasonable effort to notify each passenger of such cancellation at least 24 hours prior to the scheduled departure time for such flight; and

(2) makes available to each such passenger similar services within a reasonable time as determined by the Secretary of Transportation by regulation.

(3) For purposes of this section, the term "economic reason" does not refer to the cancellation of a flight in order to use the equipment assigned to that flight to replace other equipment, the timely departure of which has been prevented due to mechanical failure or other factors related to safety.

Mr. METZENBAUM. Mr. President, I am pleased to see the Senate moving forward on a bill to help airline passengers. I want to commend Senators FORD, HOLLINGS, KASSEBAUM, DANFORTH, and other members of the Commerce Committee for their efforts. I am pleased to be a cosponsor of S. 1485.

Air passengers need all the help they can get these days.

Long delays, cancellations, missed connections, and lost baggage rule the day.

Service today is dreadful.

The 1978 Deregulation Act was intended to encourage competition.

Instead, 9 years later, the airline industry is more concentrated than ever; 9 airlines control 94 percent of the market.

Routes have been abandoned. Fares manipulated.

And passengers treated with indifference.

Since the President fired 11,000 seasoned air traffic controllers in 1981, the air traffic control system has been overburdened and understaffed.

And, until recently, DOT and the FAA have taken a hands-off approach to all this confusion and chaos.

Enough is enough.

This legislation will help make the unfriendly skies more friendly.

It has some very good provisions. I am particularly pleased with the disclosure provisions. Consumers should know whether they have a better chance of arriving on time if they take a flight on American Airlines, Delta, United—or some other airline. The same is true about luggage. Which airline does the better job in ensuring that luggage arrives on time and at the same destination as the passengers?

This is important information to know. This bill will ensure the availability of such information. I believe it will inject some healthy competition into the airline industry.

I believe its a good thing too that consumers will have a place to call—24 hours a day—if they have a problem with an airline. That is also in this bill.

The amendment I am offering today builds upon this framework. The language I am offering is contained in my own air passenger consumer rights bill which I introduced in March.

My amendment will improve upon the on-time performance and luggage handling disclosure provisions of S. 1485. It will require that such information be made public at every airport each month.

It would require the Secretary of Transportation to prohibit the abrupt cancellation of flights for purely economic reasons unless airlines attempt to notify passengers about cancellations at least 24 hours in advance and provide passengers similar service within a reasonable time.

This provision would not apply to situations where an air carrier cancels a flight because of bad weather or some other safety-related problem. It only applies when carriers scratch flights simply because they can't fill up the seats on a plane.

Finally, my amendment would also require airlines to notify passengers, upon request, about the types of planes on which they will be flying. It will also require airlines to tell passengers when restrooms will not be available on a particular flight.

I urge adoption of this amendment and look forward to the prompt passage of S. 1485. I believe this legislation will go a long way in spurring the airlines to provide better service for their customers.

Mr. President, it is my understanding that the amendment is acceptable to both sides. This amendment, I think, makes a good bill that much better.

The **PRESIDING OFFICER.** Is there further discussion of the amendment?

Mr. FORD. Mr. President, the distinguished Senator from Ohio is absolutely correct. Now that we have worked on the amendment and have the language such that there are no objections on our side, we urge the adoption of this amendment.

The **PRESIDING OFFICER.** The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, Senator DANFORTH and his staff spent a lot of time trying to work agreeable language on all sides. I think that language is now satisfactory and there is no objection on this side.

The **PRESIDING OFFICER.** If there be no further debate, the question is on agreeing to the amendment of the Senator from Ohio.

The amendment (No. 1111) was agreed to.

Mr. METZENBAUM. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. FORD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The **PRESIDING OFFICER.** Are there any further amendments?

Mr. FORD. Mr. President, the Senator from Nebraska, Mr. EXON, is on his way. He will take about 5 minutes and as soon as he arrives I hope the Chair can recognize him. Then we are prepared to go to third reading and final passage.

Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER** (Ms. MIKULSKI). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. EXON. Madam President, I ask the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

AMENDMENT NO. 1112

(Purpose: To provide a method of redeeming the value of tickets issued by air carriers who are under chapter 11 of title 11, United States Code)

Mr. EXON. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The **PRESIDING OFFICER.** The amendment will be stated.

The legislative clerk read as follows:

The Senator from Nebraska [Mr. EXON] proposes an amendment numbered 1112.

Mr. EXON. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

The amendment is as follows:

On page 5, line 17, strike out "; and" and insert in lieu thereof a semicolon.

On page 5, line 23, strike out the period and insert in lieu thereof a semicolon and the word "and".

On page 5, between lines 23 and 24, insert the following:

"(5) to establish a system to ensure that any passenger holding an unused ticket on any air carrier which has filed a petition under chapter 11 of title 11, United States Code, and which has ceased service, is provided air transportation on another air carrier, on a standby basis, at its regular coach fare with the passenger entitled to redeem with the replacement air carrier the unused ticket purchased from the air carrier which ceased service as a credit against the fare charged by such replacement air carrier."

Mr. EXON. Madam President, I am pleased to offer an amendment to the Air Passenger Protection Act of 1987 which will assist passengers holding advance purchase tickets on airlines which have filed for bankruptcy and ceased operation.

In such situations, the passenger, or should I say the would-be passenger, having purchased an airline ticket in good faith, suddenly finds himself or herself holding merely a claim in a bankruptcy proceeding. The problem is this person needs transportation and also some measure of fair play as an individual consumer. Since the 1978 Airline Deregulation Act, competition has driven a number of airlines from the market into bankruptcy, leaving passengers in the situation I have just described.

There have been a number of proposals advanced in Congress to address this problem. The airlines have raised a number of legitimate objections to them in light of the present highly-competitive environment in the industry. It is my intent to try to find some type of middle ground that respects the needs of the individual airline passenger as well as the legitimate concerns of the airlines.

My amendment would provide that an airline ticket holder of a bankrupt airline be provided transportation by another airline on a stand-by basis. However, the replacement airline should not be expected to have to bear the full amount of the loss any more than the passenger. As a middle ground and distinction from most past proposals, my legislation allows the replacement airline to charge its regular coach fare, but also allows the passenger to offset that price with his original ticket. Thus, a passenger who originally had purchased a supersaver ticket would not lose his original investment, but on the other hand could not force a second airline to fly him at the low price and bear the entire burden of the loss.

The practical result of my amendment will be that, when an airline goes bankrupt leaving ticketholders high and dry, the loss will be shared partially by passengers and partially by the industry. Currently, all loss is on the passengers and other proposals have shifted the loss entirely to the airlines. Because my proposal is a middle ground, it may not be supported strongly by those who may wish to have the risk of loss totally one way or another. However, I also believe that by spreading around the risk of loss, it also makes this proposal inherently fair.

Madam President, as all know, the House of Representatives has already passed legislation in this area that would simply say if an airline goes bankrupt or is in default, other airlines on a stand-by basis must pick up the total cost of transporting the passengers. So that all will understand this, I want to give one brief example.

Let us suppose that a ticket purchaser buys a $100 ticket from point A to point B. But before he has a chance to exercise that option, the airline goes bankrupt. Then he goes to another airline that travels in that area and, if that other airline, for example, has a $200 rate from point A to point B, the ticket holder would pay $100, the total price being $200. He would get a credit of $100 and then he, the ticket holder, would lose $100, which is a shared burden.

I think this is a reasonable proposal. It is on a standby basis, meaning that it would not cost that new airline anything at all because, otherwise, the seat that would be awarded to the unlucky ticket holder would be an empty seat in any event when that plane took off.

It seems reasonable. I think it would be reasonable. And I would appreciate the comments of the managers of the bill as to whether or not they think a proposal such as this could be accepted by the two managers?

The PRESIDING OFFICER. The Senator from Kentucky, the manager.

Mr. FORD. The distinguished Senator from Kansas has put his finger on a real problem.

Mr. EXON. Nebraska?

Mr. FORD. Did I make a mistake?

Mr. EXON. We are the football State. They are the basketball State.

Mr. FORD. Well, it is obvious that you know very little about basketball but we will give you credit for football.

The distinguished Senator from Nebraska, who has a major football team—one of the major football teams, let me say to my good friend that I wish I could accept his amendment today. there are a lot of problems, as you know well, in this arena. It is very difficult for us to find a position that would not financially damage an airline that is economically sound and yet would not allow a passenger, or prospective passenger, to lose an investment.

You can have a layaway, as a lot of people have now, for Christmas in a department store that goes defunct and you would not get your money back. You would not get your package back, unless you filed suit and it became a class action. You would be able to get whatever might be left. Or you buy a major appliance and need to get it repaired. If the warranty is good but they are no longer in business, who do you go to to make that good?

I would say to my good friend that it is difficult for me to say to an airline that has made good economic judgments in the time period within the airline industry, that has not been the best of all worlds, to say that he has to pick up passengers because of the bad management of another airliner.

I will pledge to my friend today that we will continue to look at this. I hope he will be amenable to that. We will have hearings and we will work on this in conference. If it does not work there, we will continue to pursue this until we find something that I think will be fair.

This is not an amendment that does not have some controversy surrounding it. This is Friday. It is a quarter after 11. The Senator from Nebraska, I am sure, wants to leave here early so he can go see his football team tomorrow. I hope he will withdraw his amendment and give us an opportunity to work on it together. Hopefully we come up with something in a short period of time that would be satisfactory to the distinguished Senator.

Mrs. KASSEBAUM. Madam President, if I may just address a question to the Senator from Nebraska, I think he raises an issue that has caused a lot of concern with the traveling public, and there are passengers on an airline who question what might happen if such an incident as he has referred to might occur.

Has there not been a question of constitutionality raised regarding the Government's efforts to propose this kind of settlement?

Mr. EXON. I would respond to my friend and colleague from Kansas that I would suspect a constitutional question has been raised on that. There is hardly anything that we do here on the Senate floor where a constitutional issue is not raised. I am simply saying this is supposed to be a consumer protection bill. This is supposed to provide a measure of protection for consumers on airlines. I am not a lawyer and do not have an opinion, nor have I studied it as a nonlawyer, as to whether or not it is constitutional.

I would certainly think there are plenty of rules, regulations, and laws which have been passed regarding all kinds of businesses that require licenses to operate, where they have to meet some minimum standard. I do not suspect that the courts would so determine.

But then, as the Senator from Kansas knows, we do not have a full Supreme Court at the present time, so it could split right down the middle.

I would simply say I think this is a very important issue. I will be one of the conferees with the House on this. The House has a measure that loads all of this on the unsuspecting airline. I am not unmindful of the points which have been made by the Senator from Kentucky and the Senator from Kansas, as I alluded to in my speech.

It just seemed to me that what I have suggested could be a reasonable compromise.

Madam President, I do recognize that time is very tight here today. I realize and recognize that the managers want to move the bill ahead.

With the assurances which have been given by the Senator from Kentucky, I would consider withdrawing the amendment, so long as it is understood that we will consider this in the conference with the House and if not successful there we will have additional hearings on it in our subcommittee.

With that understanding, Madam President, I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. FORD. Madam President, I thank my friend from Nebraska and assure him that we will pursue this with vigor and work together on this matter.

Mr. EXON. Madam President, I thank my friends from Kentucky and Kansas for their usual cooperation. We will work together.

Mrs. KASSEBAUM. Madam President, I ask unanimous consent that Senator Wilson be added as cosponsor of S. 1485.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. Madam President, I ask unanimous consent that the Senator from New York [Mr. D'Amato] be made a cosponsor of the amendment No. 1107 proposed by the Senator from Washington [Mr. Adams].

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. KASSEBAUM. Mr. President, S. 1485 is not a hastily assembled bill. The Aviation Subcommittee, under Senator Ford's guidance, explored a large number of potential legislative approaches to consumer protection. Committee staff prepared a number of drafts of the pending measure, which were reviewed and revised, before the pending measure was even brought before the committee.

In drafting S. 1485, the subcommittee considered bills introduced by various Members of this body, and—in fact—provisions of many of those bills have been incorporated into the pending measure. S. 1485 represents a compilation of what the subcommittee perceived to be the collective wisdom of those who introduced legislation in the consumer protection area. This bill is truly a consensus measure. The improvements incorporated into S. 1485 over the past 2 days have, I think, made this an even better bill.

Without going into great detail and repeating the points made by the subcommittee chairman, I would like to offer a few observations about the direction and the intent of S. 1485. The bill attempts to maximize the amount of information that flows into the marketplace on airline performance, while minimizing the temptation to impose purely punitive sanctions on air carriers.

That is not to say, however, that if this bill is enacted, there will not be penalties imposed on poor performing airlines. The penalties flowing from this bill will not be imposed by the Congress, or the FAA—rather they will be imposed by free market economics. By making detailed performance statistics available to consumers on flight delays, flight cancellations, lost or delayed luggage, and denied boardings, the bill fills an important void in the air travel market place.

In the air transportation industry, information is vital. There is currently a great deal of information available about fares and schedules. That information is collected, organized, and systematically transmitted to consumers through travel agency and airline computer networks. Information about service and performance, on the other hand is totally lacking.

Consumers who are willing to expend a little time and effort can—by asking the right questions of their travel agent—book low fare flights. If they are willing to book well in advance and meet certain restrictions they can many times fly at bargain basement prices. However, no matter how hard they search, they cannot find quality of service information to match price information. Making quality of service information readily available in the market place is a major accomplishment of this bill.

S. 1485 requires air carriers to submit performance information—to the public on a monthly basis—including ontime performance statistics, the number of passengers arriving without luggage, number of flights canceled at each airport, and the number of passsengers denied boarding and the compensation offered. I would like to stress that the information required by this bill is highly useful data. For example, airlines must provide actual arrival time information on each scheduled flight. That information must be in the computer reservation system used by all airlines and all travel agents—and it must be available to the public.

In addition to making service information available to the public, the bill requires modifications in existing airline scheduling practices that will help spread out scheduled departure and arrival times. The bill also directs the FAA to establish minimum elapsed times for flights between city pairs and requires published airline schedules to comply with such realistic minimum times. Uniform systemwide standards are required by S. 1485 for all carry-on baggage as well as disclaimers on discount fare advertising.

In total, S. 1485 constitutes a meaningful effort to make public disclosure of airline performance information a reality. The bill does not rely on arbitrary fines and penalties. It was the judgment of the committee that—while imposing fines and penalties was an easy solution—it was not an effective solution. The committee voted—without dissent—to report out the pending measure. I urge the adoption of S. 1485.

Mr. FORD. Third reading, Madam President.

The PRESIDING OFFICER. The bill is before the Senate and open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. FORD. Madam President, I ask unanimous consent to call up Calendar 366, H.R. 3051, the House companion bill.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3051) to amend the Federal Aviation Act of 1958 to establish minimum standards relating to air carrier passenger services, and for other purposes.

Mr. FORD. Madam President, I move to strike all after the enacting clause and substitute the text of S. 1485, as amended.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. FORD. Madam President, I ask for the yeas and nays on passage.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from New Jersey [Mr. Bradley], the Senator from Tennessee [Mr. Gore], and the Senator from Illinois [Mr. Simon] are necessarily absent.

I further announce that, if present and voting, the Senator from Tennessee [Mr. Gore] would vote "yea."

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. Bond], the Senator from Utah [Mr. Hatch], the Senator from Pennsylvania [Mr.

HEINZ] and the Senator from Idaho [Mr. SYMMS] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 88, nays 5, as follows:

[Rollcall Vote No. 361 Leg.]

YEAS—88

Adams
Baucus
Bentsen
Biden
Bingaman
Boren
Boschwitz
Breaux
Bumpers
Burdick
Byrd
Chafee
Chiles
Cochran
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Evans
Exon
Ford
Fowler
Garn
Glenn
Graham
Grassley
Harkin
Hatfield
Hecht
Heflin
Hollings
Humphrey
Inouye
Johnston
Karnes
Kassebaum
Kasten
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lugar
Matsunaga
McCain
McClure
McConnell
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nunn
Packwood
Pell
Pressler
Proxmire
Pryor
Quayle
Reid
Riegle
Rockefeller
Roth
Sanford
Sarbanes
Sasser
Shelby
Simpson
Specter
Stafford
Stennis
Stevens
Thurmond
Trible
Wallop
Warner
Weicker
Wilson
Wirth

NAYS—5

Armstrong
Gramm
Helms
Nickles
Rudman

NOT VOTING—7

Bond
Bradley
Gore
Hatch
Heinz
Simon
Symms

So the bill (H.R. 3051), as amended, was passed, as follows:

H.R. 3051

Resolved, That the bill from the House of Representatives (H.R. 3051) entitled "An Act to amend the Federal Aviation Act of 1958 to establish minimum standards relating to air carrier passenger services, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause and insert:

That this Act may be cited as the "Air Passenger Protection Act of 1987".

SEC. 2. (a) Title IV of the Federal Aviation Act of 1958 (49 App. U.S.C. 1371 et seq.) is amended by adding at the end the following:

"SUBMISSION OF CERTAIN INFORMATION

"REQUIRED INFORMATION

"SEC. 420. (a) The Secretary shall, within ninety days after the date of enactment of the Air Passenger Protection Act of 1987, promulgate regulations requiring air carriers to submit to the Secretary on a monthly basis the following information relating to scheduled air transportation between any airports in the United States:

"(1) on-time performance, measured as the average time of actual departure and arrival past the scheduled departure and scheduled arrival time for transportation between each two points served by each air carrier.

"(2)(A) The total number of passengers carried by each air carrier, (B) the number of such passengers who arrived at their final destination without one or more pieces of their checked baggage and who notify the air carrier that such baggage failed to arrive, and (C) what percent the passengers identified in subparagraph (A) of this paragraph are of the passengers specified in subparagraph (B) of this paragraph.

"(3)(A) The number of flights scheduled at each airport by each air carrier, (B) the number of such flights cancelled at each airport, and (C) what percent the flights identified in subparagraph (B) of this paragraph are of the flights identified in subparagraph (A) of this paragraph.

"(4) The number of passengers involuntarily denied boarding by each air carrier, and the compensation offered to such passengers.

"AVAILABILITY OF INFORMATION

"(b) The Secretary shall, with respect to information reported under subsection (a) of this section, take such action as may be necessary to make that information available to the public, including publication of summary information in the Federal Register and the issuance of monthly reports. Such summary information shall be displayed to the public in a clear, concise, and visible manner at all public airports.

"COMPUTERIZED AIRLINE RESERVATION SYSTEMS

"REQUIREMENTS OF INFORMATION IN THE SYSTEM

"SEC. 421. (a) The Secretary shall, within ninety days after the date of enactment of the Air Passenger Protection Act of 1987, amend the regulations regarding computerized airline reservation systems offered to subscribers by an air carrier or any of its affiliates contained in part 255 of title 14, Code of Federal Regulations, to require that—

"(1) for scheduled air transportation between any airports in the United States, the elapsed time shown for each flight displayed in such computer system shall not be less than a minimum realistic time established by the Administrator for such transportation;

"(2) no such computer system shall, for purposes of ordering the display of flight information, assign a weight of displacement for any flight having a scheduled departure time thirty minutes or less after the departure time requested or twenty-nine minutes or less before the departure time requested; and

"(3) each air carrier provide the Secretary with an average of the actual arrival times for each scheduled flight that it operates, based on the actual times of arrival for such flight during the previous month.

"SPECIFIC INFORMATION

"(b)(1) The Administrator shall determine the minimum realistic time under subsection (a)(1) of this section according to a formula to be developed by the Administrator and published in the Federal Register. Such formula shall be based on (A) the distance between the airports; (B) the standard cruise speed for the involved type of aircraft; (C) the typical taxi, landing, and take off times for the type of aircraft involved and, where the Administrator determines it to be appropriate, for the airport; and (D) where the Administrator determines it to be appropriate, meteorological factors.

"(2) The Secretary shall require that the information provided under subsection (a)(3) of this section is included in all schedules published in such computer reservation systems, and that such information is made available to the public.

"PROMULGATION OF CERTAIN REGULATIONS

"SEC. 422. The Secretary shall, within ninety days after the date of enactment of the Air Passenger Protection Act of 1987, promulgate regulations—

"(1) to establish a standardized definition of a delayed flight, as well as the causes of delays;

"(2) to establish a uniform designation symbol to be used by an air carrier in its schedules to identify aircraft having a passenger seating capacity of thirty seats or less;

"(3) to amend the final rule issued under part 121 of title 14, Code of Federal Regulations, relating to carry-on baggage programs to establish uniform standards for use by all air carriers in controlling the size and amounts of carry-on baggage; and

"(4) to require that any carrier who advertises a fare for particular air transportation but does not make that fare available for all passengers on such transportation must include in any advertisement for such transportation a notice of the minimum percentage of seats on such transportation available at the advertised fare.

"(5) to prevent any carrier from changing the rules or requirements of a frequent flier program to the general detriment of the participants in such program without reasonable notice, or, to prevent a participant in such program from utilizing, during a reasonable period of time after a change in the rules of requirements of such program has become effective, credits accumulated by the participant under the rules or requirements as in effect before such change." The definition established under paragraph (1) of this section shall include considerations of weather, air traffic control, passenger service, maintenance, and any other safety factor. The Secretary shall require each air carrier, in reporting information under section 420(a)(1) of this Act, to report to the Secretary the cause of its delays. Such information shall be made available to the public.

"CONSUMER HOTLINE

"SEC. 423. (a) The Secretary shall, within ninety days after the date of enactment of the Air Passenger Protection Act of 1987, establish a twenty-four hour toll-free consumer hotline to provide consumer information on air carrier performance records, information as to the rights of consumers and responsibilities of air carriers, and assistance in resolving disputes between consumers and air carriers. Information with respect to the availability of such hotline and its purpose, together with the telephone number of such hotlines, shall be printed on each ticket jacket, and prominently displayed in appropriate locations at airports.".

(b) Notwithstanding any other provision of this Act, the Secretary of Transportation shall not implement any provision of this section, or any amendment made by this section, if the Secretary determines that such implementation will have an adverse impact on the safety of air transportation. If the Secretary makes such a determination, the Secretary shall publish notice of such determination in the Federal Register.

(c) Notwithstanding any other provision of this Act, information reported pursuant to this Act shall not be used by a vendor of a computerized airline reservation system to bias the display of flights or fare information.

(d) The table of contents of the Federal Aviation Act of 1958 is amended by inserting immediately after the item relating to section 419 the following:

"Sec. 420. Submission of certain information.
"(a) Required information.
"(b) Availability of information.
"Sec. 421. Computerized airline reservation systems.
"(a) Requirements of information in the system.
"(b) Specific information.
"Sec. 422. Promulgation of certain regulations.
"Sec. 423. Consumer hotline.".

SEC. 3. The Secretary of Transportation shall establish an Advisory Committee to determine the appropriate level of capacity in the air traffic control system. The Advisory Committee shall be headed by the Administrator of the Federal Aviation Administration, and shall include representatives of aviation user groups. The Advisory Committee shall submit to the Congress and the Secretary a report on the level of capacity not later than December 31, 1988. The report shall include the levels of traffic which the air traffic control system is capable of handling safely and with a high level of dependability for each year within the five-year period beginning on January 1, 1989, the speed with which the capacity can safely be increased, and what additional resources should be made available to assure maximum safety and system capacity.

SEC. 4. (a). The Congress finds that—

(1) alcohol and drug abuse poses significant dangers to the safety and welfare of the Nation;

(2) millions of the Nation's citizens utilize transportation by aircraft, railroads, trucks, and buses, and depend on the operators of aircraft, railroads, trucks, and buses to perform in a safe and responsible manner;

(3) the greatest efforts must be expended to eliminate the abuse of alcohol and use of illegal drugs, whether on duty or off duty, by those individuals who are involved in the operation of aircraft, railroads, trucks, and buses;

(4) the use of alcohol and illegal drugs has been demonstrated to affect significantly the performance of individuals, and has been proven to have been a critical factor in transportation accidents;

(5) the testing of uniformed personnel of the armed forces has shown that the most effective deterrent to abuse of alcohol and use of illegal drugs is increased testing, including random testing;

(6) adequate safeguards can be implemented to ensure that testing for abuse of alcohol or use of illegal drugs is performed in a manner which protects an individual's right of privacy, ensures that no individual is harassed by being treated differently from other individuals, and ensures that no individual's reputation or career development is unduly threatened or harmed; and

(7) rehabilitation is a critical component of any testing program for abuse of alcohol or use of illegal drugs, and should be made available to individuals, as appropriate.

(b)(1) Title VI of the Federal Aviation Act of 1958 (49 App. U.S.C. 1421 et seq.) is amended by adding at the end thereof the following:

"ALCOHOL AND CONTROLLED SUBSTANCES TESTING

"TESTING PROGRAM

"SEC. 613. (a)(1) The Administrator shall, in the interest of aviation safety, prescribe regulations within twelve months after the date of enactment of this section. Such regulations shall establish a program which requires air carriers and foreign air carriers to conduct pre-employment, periodic recurring, random and post-accident testing of airmen, crewmembers, airport security screening contract personnel, and other air carrier employees responsible for safety-sensitive functions (as determined by the Administrator), and testing of such individuals upon a reasonable suspicion that they have used, without lawful authorization, alcohol or a controlled substance.

"(2) The Administrator shall establish a program applicable to employees of the Federal Aviation Administration whose duties include responsibility for safety-sensitive functions. Such program shall provide for pre-employment, periodic recurring, random and post-accident testing, and testing of such individuals upon a reasonable suspicion that they have used, without lawful authorization, alcohol or a controlled substance.

"(3) In prescribing regulations under the programs required by this subsection, the Administrator shall require, as the Administrator considers appropriate, the suspension or revocation of any certificate issued to such an individual, or the disqualification or dismissal of any such individual, in accordance with the provisions of this section, in any instance where a test conducted and confirmed under this section indicates that such individual has used, without lawful authorization, alcohol or a controlled substance.

"PROHIBITION ON SERVICE

"(b)(1) No person may use, without lawful authorization, alcohol or a controlled substance after the date of enactment of this section and serve as an airman, crewmember, airport security screening contract personnel, air carrier employee responsible for safety-sensitive functions (as determined by the Administrator), or employee of the Federal Aviation Administration with responsibility for safety-sensitive functions.

"(2) No individual who is determined to have used, without lawful authorization, alcohol or a controlled substance after the date of enactment of this section shall serve as an airman, crewmember, airport security screening contract personnel, air carrier employee responsible for safety-sensitive functions (as determined by the Administrator), or employee of the Federal Aviation Administration with responsibility for safety-sensitive functions unless such individual has completed a program of rehabilitation described in subsection (c) of this section.

"(3) Any such individual determined by the Administrator to have used, without lawful authorization, alcohol or a controlled substance after the date of enactment of this section who (A) refuses to undertake, (B) fails to complete a rehabilitation program described in subsection (c) of this section, (C) has previously undertaken or completed such a rehabilitation program, or (D) has been determined by the Administrator to have served as an airman, crewmember, airport security screening contract personnel, air carrier employee responsible for safety-sensitive functions (as determined by the Administrator), or employee of the Federal Aviation Administration with responsibility for safety-sensitive functions while impaired by or under the influence of alcohol or a controlled substance, shall not be permitted to perform the duties relating to air transportation which such individual performed prior to the date of such determination.

"PROGRAM FOR REHABILITATION

"(c)(1) Each air carrier and foreign air carrier shall establish and maintain a rehabilitation program which at a minimum provides for the identification and opportunity for treatment of employees referred to in subsection (b) of this section in need of assistance in resolving problems with the use, without lawful authorization, of alcohol or controlled substances. Each air carrier and foreign air carrier is encouraged to make such program available to all of its employees other than employees referred to in subsection (b) of this section. Nothing in this subsection shall preclude any air carrier or foreign air carrier from establishing a program under this subsection in cooperation with any other air carrier or foreign air carrier.

"(2) The Administrator shall establish and maintain a rehabilitation program which at a minimum provides for the identification and opportunity for treatment of those employees of the Federal Aviation Administration whose duties include responsibility for safety-sensitive functions who are in need of assistance in resolving problems with the use of alcohol or controlled substances.

"PROCEDURES

"(d) In establishing the program required under subsection (a) of this section, the Administrator shall develop requirements which shall—

"(1) promote, to the maximum extent practicable, individual privacy in the collection of specimen samples;

"(2) with respect to laboratories and testing procedures, incorporate the Department of Health and Human Services scientific and technical guidelines dated February 13, 1987, and any subsequent amendments thereto, including mandatory guidelines which—

"(A) establish comprehensive standards for all aspects of laboratory drug testing and laboratory procedures to be applied in carrying out this Act, including standards which require the use of the best available technology for ensuring the full reliability and accuracy of drug tests and strict procedures governing the chain of custody of specimens collected for drug testing;

"(B) specify the drugs for which individuals may be tested; and

"(C) establish appropriate standards and procedures for periodic review of laboratories and criteria for certification and revocation of certification of laboratories to perform drug testing in carrying out this Act;

"(3) provide that all tests which indicate the use, without lawful authorization, of alcohol or a controlled substance by any individual shall be confirmed by a scientifically recognized method of testing capable of providing quantitative data regarding alcohol or a controlled substance;

"(4) require that all laboratories involved in this testing of any individual under this section shall have the capability and facility, at such laboratory, of performing screening and confirmation tests;

"(5) provide for the confidentiality of test results and medical information (other than information relating to alcohol or a controlled substance) of employees, except that the provisions of this paragraph shall not preclude the use of test results for the orderly imposition of appropriate sanctions under this section; and

"(6) ensure that employees are selected for tests by nondiscriminatory and impartial methods, so that no employee is harassed by being treated differently from other employees is similar circumstances.

EFFECT ON OTHER LAWS AND REGULATIONS

"(e)(1) No State or local government shall adopt or put into effect any law, rule, regulation, ordinance, standard or order that is inconsistent with the regulations promulgated under this section, except that the regulations promulgated under this section shall not be construed to preempt provisions of State criminal law which impose sanctions for reckless conduct leading to actual loss of life, injury or damage to property, whether the provisions apply specifically to employees of an air carrier or foreign air carrier, or to the general public.

"(2) Nothing in this section shall preclude the Administrator from adopting or continuing in effect other regulations intended to protect persons or property on the ground or in the air from the hazards to safety associated with the potential use of alcohol or controlled substances by airmen, crew-members, airport security screening contract personnel, air carrier employees responsible for safety-sensitive functions (as determined by the Administrator), or employees of the Federal Aviation Administration with responsibility for safety-sensitive functions.

"DEFINITION

"(f) For the purposes of this section, the term 'controlled substance' means any substance under section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)) whose use the Administrator has determined poses a risk to transportation safety.".

(2) That portion of the table of contents of the Federal Aviation Act of 1958 relating to title VI is amended by adding at the end thereof the following:

"Sec. 613. Alcohol and controlled substances testing.
"(a) Testing program.
"(b) Prohibition on service.
"(c) Program for rehabilitation.
"(d) Procedures.
"(e) Effect on other regulations.
"(f) Definition.".

(c) Section 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431) is amended by adding at the end thereof the following:

"(l)(1) The Secretary shall, within one year after the date of enactment of this subsection, review existing rules, regulations, standards, and orders governing alcohol and drug use in railroad operations for the purpose of determining whether they are adequate to ensure safety. In conducting such review, the Secretary shall specifically—

"(A) require that all railroad employees responsible for safety-sensitive functions (as determined by the Secretary) be subject to testing on a random basis for the use, without lawful authorization, of alcohol or a controlled substance;

"(B) consider application of existing rules, regulations, orders, and standards to other categories of employees, including employees responsible for the safety of passengers, railroad rolling stock, or track and related structures;

"(C) require, as the Secretary considers appropriate, disqualification for an established period of time or dismissal of any employee determined to have used or to have been impaired by alcohol while on duty; and

"(D) require, as the Secretary considers appropriate, disqualification for an established period of time or dismissal of any employee determined to have used a controlled substance, whether on duty or not on duty, except as permitted for medical purposes by law and any rules, regulations, standards or orders issued under this Act.

Nothing in this subsection shall be construed to restrict the discretion of the Secretary to continue in force, amend, or further supplement any rules, regulations, standards and orders governing alcohol and drug use in railroad operations issued before the date of enactment of this subsection.

"(2) In carrying out the provisions of this subsection, the Secretary shall develop requirements which shall—

"(A) promote, to the maximum extent practicable, individual privacy in the collection of specimen samples;

"(B) with respect to laboratories and testing procedures, incorporate the Department of Health and Human Services scientific and technical guidelines dated February 13, 1987, and any subsequent amendments thereto, including mandatory guidelines which—

"(i) establish comprehensive standards for all aspects of laboratory drug testing and laboratory procedures to be applied in carrying out this Act, including standards which require the use of the best available technology for ensuring the full reliability and accuracy of drug tests and strict procedures governing the chain of custody of specimens collected for drug testing;

"(ii) specify the drugs for which individuals may be tested; and

(iii) establish appropriate standards and procedures for periodic review of laboratories and criteria for certification and revocation of certification of laboratories to perform drug testing in carrying out this Act;

"(C) provide that all tests which indicate the use, without lawful authorization, of alcohol or a controlled substance by any employee shall be confirmed by a scientifically recognized method of testing capable of providing quantitative data regarding alcohol or a controlled substance;

"(D) require that all laboratories involved in the testing of any employee under this section shall have the capability and facility, at such laboratory, of performing screening and confirmation tests;

"(E) provide for the confidentiality of test results and medical information (other than information relating to alcohol or a controlled substance) of employees, except that the provisions of this subparagraph shall not preclude the use of test results for the orderly imposition of appropriate sanctions under this section; and

"(F) ensure that employees are selected for tests by nondiscriminatory and impartial methods, so that no employee is harassed by being treated differently from other employees in similar circumstances.

"(3) For the purposes of this subsection, the term 'controlled substance' means any substance under section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)) whose use the Secretary has determined poses a risk to transportation safety.".

(d)(1) The Commercial Motor Vehicle Safety Act of 1986 (Public Law 99-570; 100 Stat. 5223) is amended by adding at the end the following:

"SEC. 12020. ALCOHOL AND CONTROLLED SUBSTANCES TESTING.

"(a) REGULATIONS.—The Secretary shall, in the interest of commercial motor vehicle safety, prescribe regulations within twelve months after the date of enactment of this section. Such regulations shall establish a program which requires motor carriers to conduct pre-employment, periodic recurring, random and post-accident testing of the operators of commercial motor vehicles, and testing upon a reasonable suspicion that they have used, without lawful authorization, alcohol or a controlled substance.

"(b) TESTING.—(1) In promulgating such regulations, the Secretary shall require that post-accident testing of the operator of a commercial motor vehicle be conducted in the case of any accident involving a commercial motor vehicle in which occurs loss of human life, or, as determined by the Secretary, other serious accidents involving bodily injury or significant property damage.

"(2) Nothing in subsection (a) of this section shall preclude the Secretary from providing in such regulations that such testing be conducted as part of the medical examination required by subpart E of part 391 of title 49, Code of Federal Regulations, with respect to those operators of commercial motor vehicles to whom such part is applicable.

"(c) PROGRAM FOR REHABILITATION.—The Secretary shall promulgate regulations setting forth requirements for a rehabilitation program for the indentification and opportunity for treatment of operators of commercial motor vehicles who are determined to have used, without lawful authorization, alcohol or a controlled substance. The Secretary shall detemine the circumstances under which such operators shall be required to participate in such program. Nothing in this subsection shall preclude a motor carrier from establishing a program under this subsection in cooperation with any other motor carrier.

"(d) PROCEDURES FOR TESTING.—In establishing the program required under subsection (a) of this section, the Secretary shall develop requirements which shall—

"(1) promote, to the maximum extent practicable, individual privacy in the collection of specimen samples;

"(2) with respect to laboratories and testing procedures, incorporate the Department of Health and Human Services scientific and technical quidelines dated February 13, 1987, and any subsequent amendments thereto, including mandatory quidelines which—

"(A) establish comprehensive standards for all aspects of laboratory drug testing and laboratory procedures to be applied in carrying out this Act, including standards which require the use of the best available technology for ensuring the full reliability and accuracy of drug tests and strict procedures governing the chain of custody of specimens collected for drug testing;

"(B) specify the drugs for which individuals may be tested; and

"(C) establish appropriate standards and procedures for periodic review of laboratories and criteria for certification and revocation of certification of laboratories to perform drug testing in carrying out this Act;

"(3) provide that all tests which indicate the use, without lawful authorization, of alcohol or a controlled substance by any individual shall be confirmed by a scientifically recognized method of testing capable of providing quantitative data regarding alcohol or a controlled substance;

"(4) require that all laboratories involved in the testing of any individual under this section shall have the capability and facility, at such laboratory, of performing screening and confirmation tests;

"(5) provide for the confidentiality of tests results and medical information (other than information relating to alcohol or a controlled substance) of employees, except that the provisions of this paragraph shall not preclude the use of test results for the orderly imposition of appropriate sanctions under this section; and

"(6) ensure that employees are selected for tests by nondiscriminatory and impartial methods, so that no employee is harassed by being treated differently from other employees in similar circumstances.

"(e) Effect on Other Laws and Regulations.—No State or local government shall adopt or put into effect any law, rule, regulation, ordinance, standard, or order that is inconsistent with the regulations promulgated under this section, except that the regulations promulgated under this section shall not be construed to preempt provisions of State criminal law which impose sanctions for reckless conduct leading to actual loss of life, injury or damage to property, whether the provisions apply specifically to commercial motor vehicle employees, or to the general public.

"(f) Application of Penalties.—(1) Nothing in this section shall be construed to supersede any penalty applicable to the operator of a commercial motor vehicle under this Act or any other provision of law.

"(2) The Secretary shall determine appropriate sanctions for commercial motor vehicle operators who are determined, as a result of tests conducted and confirmed under this section, to have used, without lawful authorization, alcohol or a controlled substance but are not under the influence of alcohol or a controlled substance, as provided in this title.

"(g) Definition.—For the purposes of this section, the term 'controlled substance' means any substance under section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)) whose use the Secretary had determined poses a risk to transportation safety.".

(d)(a) The table of contents of the Commercial Motor Vehicle Safety Act of 1986 (Public Law 99-570; 100 Stat. 5223) is amended by adding at the end thereof the following:

"Sec. 12020. Alcohol and controlled substances testing.".

(e)(1) The Secretary shall design, within nine months after the date of enactment of this section and implement, within fifteen months after the date of enactment of this section, a pilot test program for the purpose of testing the operators of commercial motor vehicles on a random basis to determine whether an operator has used, without lawful authorization, alcohol or a controlled substance.

(2) The Secretary shall solicit the participation of States which are interested in participating in such program and shall select four States to participate in the program.

(3) The Secretary shall ensure that the selection made pursuant to this section is representative of varying geographical and population characteristics of the Nation, and takes into consideration the historical geographical incidence of commercial motor vehicle accidents involving loss of human life.

(4) The pilot program authorized by this section shall continue for a period of one year. The Secretary shall consider alternative methodologies of implementing a system of random testing of operators of commercial motor vehicles.

(5) Not later than thirty months after the date of enactment of this section, the Secretary shall prepare and submit to the Congress a comprehensive report setting forth the results of the pilot program conducted under this section. Such report shall include any recommendations of the Secretary concerning the desirability and implementation of a system for the random testing of operators of commercial motor vehicles.

(6) For purposes of carrying out this subsection, there shall be available to the Secretary $5,000,000 from funds made available to carry out section 404 of the Surface Transportation Assistance Act of 1982 for fiscal year 1988.

(7) For purposes of this subsection the term—

(1) "commercial motor vehicle" shall have the meaning given to such term in section 12019(6) of the Commercial Motor Vehicle Safety Act of 1986 (Public Law 99-570; 100 Stat. 5241); and

(2) "Secretary" means the Secretary of Transportation.

Sec. 5. Section 1601(a)(7) of the Federal Aviation Act of 1958 (49 App. U.S.C. 1551(a)(7)) is amended by striking all after "in effect on" and inserting in lieu thereof the following: "the date of enactment of the Airline Merger Transfer Act of 1987, except to the extent any such sections relate to labor protection provisions: *Provided*, That rights, duties, and obligations arising (1) in proceedings commenced before the Department of Transportation prior to April 1, 1987, or (2) pursuant to final orders adopted by the Secretary of Transportation or the Board under sections 408 and 409) and section 414 (relating to such sections 408 and 409) prior to the effective date of termination shall be administered and, as necessary, adjudicated, as if such sections were not terminated.".

Sec. 6. (a) Section 7 of the Clayton Act (15 U.S.C. 18) is amended—

(1) in the first and second paragraphs, by inserting ", nor any air carrier or foreign air carrier subject to the Federal Aviation Act of 1958, person controlling such air carrier or foreign air carrier, other common carrier, or person substantially engaged in the business of aeronautics," immediately after "Federal Trade Commission" wherever it appears; and

(2) in the last paragraph, by striking "Secretary of Transportation,".

(b) Section 11 of the Clayton Act (15 U.S.C. 21) is amended—

(1) in subsection (a), by (A) striking "in the Secretary of Transportation where applicable to air carriers and foreign air carriers subject to the Federal Aviation Act of 1958;", and (B) inserting ", except air carriers and foreign air carriers subject to the Federal Aviation Act of 1958," immediately after "other character of commerce"; and

(2) in subsections (b) through (l), by striking "Commission, Board, or Secretary" and "commission, board, or Secretary" wherever they appear and inserting in lieu thereof "commission or board".

Sec. 7. (a) Section 408(b) of the Federal Aviation Act of 1958 (49 App. U.S.C. 1378(b)) is amended by adding at the end the following:

"(4) In any case in which the Secretary determines that the transaction which is the subject of the application would tend to cause reduction in employment, or to affect adversely the wages and working conditions (including the seniority) of any air carrier employee, the Secretary shall impose labor protection provisions calculated to mitigate such adverse consequences, including procedures resulting in binding arbitration, if the Secretary considers such procedures to be necessary. The Secretary shall impose such provisions unless the Secretary finds that the projected costs of imposing such provisions would exceed the anticipated financial benefits of the transaction. The proponents of the transaction shall bear the burden of proving that there will be no adverse employment consequences or that the projected costs of the imposition of such protection would be excessive.".

(b)(1) Section 1601 of the Federal Aviation Act of 1958 (49 App. U.S.C. 1551) is amended by adding at the end the following:

"LABOR PROTECTION PROVISIONS

"(f) The authority of the Department of Transportation in section 408 relating to labor protection provisions, the authority in section 204 relating to the exercise and performance of powers and duties under section 408, and the authority to make exemptions in section 416 relating to the requirements of section 408, are transferred to the Department of Labor.".

(2) The item in the table of contents of the Federal Aviation Act of 1958 relating to section 1601 is amended by adding at the end the following:

"(F) LABOR PROTECTION PROVISIONS.".

(c) All rules and regulations issued by any agency or official of any agency in the performance of any duty transferred by subsection (b) of this section shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked by the Secretary of Labor, a court of competent jurisdiction, or by operation of law.

Sec. 8. (a) The Secretary of Transportation shall compile, on a quarterly basis, information regarding the fares charged and frequency of service offered by air carriers during the previous quarter for scheduled airline service to or from the fifty United States airports with the greatest number of annual enplanements, as determined by the Secretary, at which any one air carrier provides more than 50 percent of the total number of flights offered to or from such airport.

(b) The Secretary of Transportation shall retain any information compiled under subsection (a) of this section for a period of five years after the date of its transmittal.

(c) As used in this Act, the term "air carrier" has the meaning given to such term in section 101(3) of the Federal Aviation Act of 1958 (49 App. U.S.C. 1301(3)).

Sec. 9. (a) The Secretary of Transportation shall, within 90 days following the date of enactment of this Act, take such action as may be necessary to require each such commercial air carrier to disclose to each passenger or his or her agent, at the time of reserving or purchasing a ticket for a flight, the fact that a restroom will not be available on such flight, and to disclose, upon request, a description of the aircraft on which such passenger will be flying.

Sec. 10. (b) The Secretary of Transportation, within 90 days following the date of enactment of this Act, shall, by regulation, prohibit any air carrier from canceling, on the basis of any economic reason, any flight unless such air carrier—

(1) made a reasonable effort to notify each passenger of such cancellation at least 24 hours prior to the scheduled departure time for such flight; and

(2) makes available to each such passenger similar services within a reasonable time as determined by the Secretary of Transportation by regulation.

(3) For purposes of this section, the term "economic reason" does not refer to the cancellation of a flight in order to use the

equipment assigned to that flight to replace other equipment, the timely departure of which has been prevented due to mechanical failure or other factors related to safety.

Mr. FORD. Madam President, I move to reconsider the vote by which the bill was passed.

Mrs. KASSEBAUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. FORD. Madam President, I ask unanimous consent to indefinitely postpone S. 1485.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. Madam President, I move that the Senate insist on its amendments and request a conference with the House of Representatives on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer (Ms. MIKULSKI) appointed Mr. HOLLINGS, Mr. FORD, Mr. EXON, Mr. INOUYE, Mr. DANFORTH, Mr. PACKWOOD, and Mrs. KASSEBAUM conferees on the part of the Senate.

Mr. FORD. Madam President, let me just take a moment to thank a lot of people, and I am afraid I will miss a lot of people, who put in long weeks, long days, long months to come to the point where we have now passed the airport improvement bill. We have passed the consumer protection bill. We have passed the transfer of mergers from the Department of Transportation to the Department of Justice. Without the full cooperation of Senator KASSEBAUM it would not have happened.

The staff on their side, Guy Clough, and others, I want to compliment them for the good job they have done and, Madam President, Steve Palmer again has been a yeoman, and Martha Moloney, on my personal staff, has worked long days, long weeks, and long months to bring us to this point.

Madam President, I would like to recognize one individual today if I may.

I was fortunate enough several months ago to acquire the services of a young man who is a legis fellow who has extensive background in aviation matters and the first day that he came to my staff, we put him immediately to work, and today he is here and has seen the culmination of the work of many weeks and months that he has put into this legislation, and I compliment him. That is Ed Fell.

So with that, Madam President, I yield the floor.

Mrs. KASSEBAUM. Madam President, I would just like to add that without the fine stewardship of Senator FORD, and of the majority leader's support, as well, we would not have been able to accomplish the passage of two, I think, very substantial constructive aviation bills. I am certainly very appreciative of the cooperation on both sides of the aisle to have accomplished this.

Mr. BYRD. Madam President, I thank both the manager and the ranking manager of the bill, Mr. FORD and Senator KASSEBAUM, for the splendid performance we have just seen this week.

We disposed of three airline bills on the calendar, one dealing with safety, one dealing with mergers, and one dealing with the trust fund, and they have all been handled with expertise, skill, and dispatch.

I personally thank both of them for their teamwork, for their good work, and the Senate is in their debt.

EXTENSION OF CERTAIN HOUSING AND COMMUNITY DEVELOPMENT PROGRAMS

Mr. BYRD. Madam President, I ask that the Chair, under the order previously entered, lay before the Senate Senate Joint Resolution 209, Calendar Order No. 394.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The bill clerk read as follows:

A joint resolution (S.J. Res. 209) to provide for the extension of certain programs relating to housing and community development, and for other purposes.

There being no objection, the Senate proceeded to the consideration of the joint resolution.

Mr. BYRD. Madam President, this measure is under a time agreement. I understand that there will be at least one rollcall vote on the amendment and there could be a rollcall vote on passage. I do not know. I would suggest to Senators that there will at least be one more rollcall vote. Mr. CRANSTON is the manager. He can speak to the expectation as to when that rollcall vote or those rollcall votes will occur.

In my judgment, it would probably not take more than an hour on the measure, but Mr. CRANSTON will know better than I.

So Senators should be alerted to the fact that there will be at least one more rollcall vote this afternoon and, following that, I would hope to hear from the Republican leader as to whether or not we might proceed to the consideration of the independent counsel measure today. I do not want to do that with Mr. HATCH absent, but I have asked the Republican leader if we might get a time agreement on that measure and also I have made some other requests to him and I am awaiting a response.

We hope to have one before too long so that I can indicate to the Senate what the expectations are for the remainder of this day and Monday and Tuesday.

Mr. CRANSTON. Madam President, first, so that Senators will be able to plan their schedules, there are only 10 minutes allocated under the time agreement on the bill and 30 minutes on the amendment. So we can expect a rollcall in at least 40 minutes and possibly less. I do not think necessarily we will consumer the 10 minutes on the bill or the full 30 minutes on the amendment.

This joint resolution is needed to avoid a costly disruption of FHA authority to insure home mortgages starting Monday. They will be out of business, stop. Housing under way will be halted. People planning to get access to a home for themselves and their families will be blocked, once again disrupting the housing industry if we do not pass this measure today unamended.

This measure provides a short-term extension of FHA mortgage insurance authority through November 15. So that this measure can be passed by the House today, we need to pass it in the Senate. We should do so without any delay and without amendment.

This extension would provide time needed to conclude action on the Housing and Community Development Act of 1987. Conferees have made excellent progress, and a conference agreement is just about complete.

Within a very few days we will bring to the Senate floor a sound bill—one that has very prudent funding levels—one that the President should sign. It will include provisions that are needed this year to strengthen housing and community development.

This year's housing bill will be the last FHA extender Congress will ever have to act on because it will provide permanent authority for FHA insurance. It is time to provide that permanent authority. And enactment of the housing bill is the only way it will be done.

I urge my colleagues to pass this short-term FHA extender promptly.

I yield the floor.

Mr. D'AMATO. Madam President, as ranking member of the Senate Housing Subcommittee, I rise today to join with the chairman of the subcommittee, Senator CRANSTON, in support of legislation to extend the insuring authority of the Federal Housing Authority [FHA] of the U.S. Department of Housing and Urban Development. Under this legislation, the FHA mortgage insurance authority would be extended until November 15, 1987. Currently, under Public Law 99-430, the FHA authority to insure home mortgages expires on November 1, 1987.

Both the House and the Senate have passed housing reauthorization bills including provisions for the continuation of this insuring authority. A House and Senate conference committee, of which Senator CRANSTON and I are members, is close to completing a final housing bill. Unfortunately, a couple remaining unreconciled provisions may take us past the November 1 deadline for the authorization of FHA mortgage insurance. Therefore, Senator CRANSTON and I are sponsoring legislation today that would allow the FHA to continue, without interruption, its operating authority for the numerous mortgage insurance programs through November 15, 1987. This will give the conferees enough time to work out our differences without a threat of an FHA shutdown.

As you know, Madam President, last year the FHA insuring authority became a pawn in a larger battle between the House and Senate over a controversial reauthorization bill of all Federal housing programs. The Congress passed seven short-term extensions. However, during the course of congressional deliberations, the insuring authority was allowed to expire a shocking six times. FHA shut down its operation a total of 51 days. This caused confusion and frustration among many prospective homebuyers. It threatened the housing plans of many low-, moderate-, and middle-income Americans. Furthermore, it destabilized the mortgage and housing financing system in our Nation.

This FHA extender will prevent the insuring authority from expiring on November 1, 1987, while the 1987 housing bill is in conference. The FHA will continue to run smoothly through November 15, 1987, avoiding undue hardship to homebuyers, mortgage lenders, home builders, and the many individuals involved in our Nation's housing industry and financing system.

Madam President, FHA is one of the most successful partnerships ever created between the public and private sectors. During its illustrious 53-year history, FHA has assisted more than 15 million American families realize the dream of homeownership. Let us preserve the integrity of this vital Federal agency. I urge my colleagues to join us and to support this legislation.

Madam President, let me simply say that I am aware of the amendment that will be offered by our colleague from Colorado. I would hope that we would pass this without that amendment so as to assure a continuity for our housing program.

As Chairman CRANSTON has indicated, we have a permanent FHA extender in the housing bill. We are presently at conference with the House. That is the time and the place and manner in which to comprehensively treat this matter as well as all the other housing programs.

I yield the floor.

Mr. ARMSTRONG. Madam President, would the Senator from New York or the Senator from California be able to tell us about how many times we have extended this in the last year or two?

Let me ask the question in a slightly different way.

Mr. GARN. If the Senator from Colorado will yield, I would be happy to answer that question. I cannot give you an exact number, but in the 6 years I was chairman of the Senate Banking Committee, we have faced this issue over and over again. Last year, we extended it at least seven or eight times for a few days at a time, for a few weeks. And finally we were successful in getting an extension during 1 year, during this particular fiscal year, to September 30. That was the longest of the extensions during all of that period of time.

So, for 1 year we took the fear out of the housing markets for the homebuilders and those who want to get FHA mortgages, but now we are back doing it again. We are back to short-term extensions again. And it simply is not the way to do it, particularly with the difficult housing market. Interest rates have gone up again, long-term interest rates. That means jobs, construction jobs, people being able to get into their homes. It creates an incredible uncertainty in the housing market.

Our performance over the past few years has been extremely bad, to be charitable about it, in playing games with the extension of FHA authority.

Mr. ARMSTRONG. Madam President, I thank the Senator from Utah for his explanation.

AMENDMENT NO. 1113

(Purpose: To provide for a permanent extension of the Federal Housing Administration mortgage insurance programs, and for other purposes)

Mr. ARMSTRONG. Madam President, I send an amendment to the desk on behalf of myself, the Senator from Alabama [Mr. SHELBY], and the Senator from California [Mr. WILSON] and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Colorado [Mr. ARMSTRONG] for himself, Mr. SHELBY, and Mr. WILSON, propose an amendment numbered 1113.

Mr. ARMSTRONG. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

After line 7 on page 1, add the following:

SEC. 2. (a) REPEALS.—Each of the following provisions of law is repealed:

(1) Section 217 of the National Housing Act.

(2) The fifth sentence of section 221(f) of the National Housing Act.

(3) Section 244(d) and the last sentence of section 244(h) of the National Housing Act.

(4) The last sentence of section 245(a) of the National Housing Act.

(5) The second sentence of section 809(f) of the National Housing Act.

(6) The second sentence of section 810(k) of the National Housing Act.

(7) The second sentence of section 1002(a) of the National Housing Act.

(8) The second sentence of section 1101(a) of the National Housing Act.

(b) AMENDMENT.—The first sentence of section 2(a) of the National Housing Act, as amended by the first section of this joint resolution, is amended by striking out "and not later than November 15, 1987".

(c) CREDIT LIMITATION.—Any new credit authority (as defined in section 3 of the Congressional Budget and Impoundment Control Act of 1974) which is provided by this joint resolution shall be effective only to such extent or in such amounts as may be approved in appropriation Acts.

Mr. ARMSTRONG. This is a very simple amendment. It makes the FHA program permanent. In fact, the FHA program is permanent.

If you look back through all the history of the programs started by the Federal Government, there are a handful which really stand out above the rest as resoundingly successful. In my opinion, the GI education bill is such a program. That is a program which has worked. It is a program which has fulfilled its intended purpose, which has been cost effective, which has enriched the lives of people who have benefited from it, and which enjoys enormous popular support.

The Interstate Highway Program is another such program. That is a program which is a permanent feature of our country. The Land Grant College Program is another that has been enormously successful.

But if you were going to make any sort of a short list of Federal programs that have been highly successful and which are not, by any reasonable standard or definition, controversial, the FHA loan program is one of them.

So the amendment which my colleagues and I ask you to consider today simply recognizes what is, in fact, the case: that it is a successful program which deserves to be given the status of legislative permanence rather than being renewed for a few days at a time.

Now, the Senator from Utah has told us that it was renewed several times during the last year. I believe that it was permitted to lapse no less than 7 times during 1986. This is crazy. It is bad legislative craftsmanship. But, worse than that, it really works a serious hardship on people who depend upon this program.

It disrupts the housing markets. It makes it very difficult for people who are in the business of buying and selling homes. It creates an impossible situation for those who are homebuyers, if they seek to acquire a home as the program is being subsequently extended and then permitted to lapse and they come up to these crucial moments and they cannot get their loan approved.

Madam President, I believe we are operating under a controlled time. Perhaps, before I complete my remarks, I should ask how much time do I have and how much have I used thus far?

The **PRESIDING OFFICER.** The Senator has used 2 minutes and 15 seconds. He has 15 minutes. So you have about 13 more minutes to go.

Mr. **ARMSTRONG.** I thank the Chair. I would like to yield myself from the remaining time 2 minutes and 45 seconds.

The point I want to make—and it really sums up the issue very well—is contained in a letter which I received a few days ago from Dennis Shaydak, a realtor in my home State. He tells about a particular case. I do not think it is an isolated instance, but in fact a situation which is typical and representative of the kind of problem we have when we permit a program like this to be turned on and off once, twice, three, four, five, six, seven times a year. I quote from his letter:

> In one particular case I personally had a widow lady selling her home because she was dying of cancer. We had the home sold to an individual who had applied for an F.H.A. loan. The closing was postponed because F.H.A. funding was politically tossed back and forth in Congress. Eventually the funding was extended and the home closed by my client, the widow, suffered unnecessary agony over this situation. I was at a loss to explain to her the politics of why she could not close her home transaction.

Madam President, I think that is just a typical case, except that this particular story had a happy ending. The deal was closed, the widow lady, who is suffering from a terminal illness, did get her money. The house was sold. But there are a lot of deals that did not go through.

To continue to have this on again, off again approach, in my opinion, is unjustified. We pay a heavy cost in human terms for it. And, particularly, I observe, at a time when the financial markets of the country are in turmoil, to have an additional element of instability which makes home transactions more difficult to consummate really does not make a lot of sense.

So, under the circumstances, I hope my colleagues would be disposed to accept the amendment and to adopt it at this time.

Madam President, I reserve the balance of my time and now yield 5 minutes to my colleague from Alabama.

The **PRESIDING OFFICER.** The Senator from Alabama.

Mr. **SHELBY.** Madam President, I join with my colleague, Senator ARMSTRONG, from Colorado, in this amendment. I do it for two reasons. One, it is time that we made the Federal Housing Administration a permanent thing so that we do not have to come back over and over. It was pointed out just a few minutes ago by the Senator from Colorado that seven times, I believe it was, seven times last year the Federal Housing Administration authorization was allowed to lapse.

I can recall some instances when I was in the House for four terms when we would be dealing with other housing programs, such as veterans' programs, similar to this. And you say, "Well, why don't we in Congress come back and do something permanent? Why do we have to play football with this year after year and day after day?"

I believe that what we need is some stability out there in the housing market, and this would do it. I am for the housing bill that is coming along in conference, which this would be part of, we would hope.

But why not today, while we have an opportunity, go with this amendment by Senator ARMSTRONG which he offered on behalf of himself and this Senator from Alabama and Senator WILSON from California and make it permanent, and put it to rest? Let people know there is stability there; that we are not going to play with you any more; that you know that the Federal Housing Administration is going to operate, it is going to be there. Because, actually, it has become a part of the fabric of this country. It has really been the leader and has done so much to bring about homeownership.

So let us put it to rest. Let us not play with it any more. That is why I am glad today to join with my colleague from Colorado in his sponsorship of this amendment.

The **PRESIDING OFFICER.** The Senator from New York.

Mr. **D'AMATO.** Madam President, I commend Senator ARMSTRONG for his commitment and dedication to homeownership opportunities for middle-income Americans. Making FHA permanent will strengthen the security and stability of the FHA program. As the ranking Member of the Housing Subcommittee, I fully support and endorse the intent of Senator ARMSTRONG's amendment.

However, I have grave reservations about the context in which this amendment is raised. If the FHA program were the only program promoting housing opportunties in this Nation, I would support Senator ARMSTRONG's amendment. Fortunately, it is not.

Opportunities provided through the FHA program are only one piece of a much larger howeownership pie. A variety of homeownership opportunties are provided in S. 825, the Housing and Community Development Act of 1987. This bill, the first housing bill to be passed by the Senate in 3 years, is currently being resolved in a House-Senate conference. A final bill is expected to be reported out of the conference committee next week.

If we are to fully address this problem, we must do so in a comprehensive manner. To provide permanent insurance authority for FHA without addressing the broader context of housing policy would be a narrow and inadvertantly unhelpful way of addressing the problem. We must promote solutions that adequately link the whole range of Federal homeownership programs. To address the homeownership problem piecemeal—as the Armstrong amendment proposes to do—would undermine the chances for a broader, more all-encompassing approach to our homeownership problem.

The housing bill provides this broader approach. As budget cuts continue to sober us with fiscal realities, Congress must address national policy with a broader, more long-term prospective.

Senator CRANSTON and I have introduced legislation to extend the insuring authority of the Federal Housing Authority [FHA] of the U.S. Department of Housing and Urban Development. Under this legislation, the FHA mortgage insurance authority would be extended until November 15, 1987. Currently, under Public Law 99-430, the FHA authority to insure home mortgages expires on November 1, 1987.

I believe this temporary extender best meets the present need, without pulling apart essential elements of a broader, more comprehensive solution to homeownership in the Housing bill.

I ask my colleagues to wait a short time so that the Senate may consider a broader approach in a comprehensive Housing bill, on the floor of the Senate in a few weeks.

I understand this is a legislative initiative that will give cover to those who would vote against the totality of the housing bill. So it is not aimed at, really, creating an opportunity for this program to be extended permanently because that is going to be in the bill. Let us understand that those of us who are not sympathetic to this extension at this time are not because, not only do we want the FHA to be a permanent part, which it is in the bill, but because we are concerned about a broad variety of housing programs and opportunities. Opportunities for senior citizen housing, 202, that would be jeopardized without the passage of this bill; community development block grant funds; all of those programs in housing covered under section 825. So that is why this Senator would hope that, notwithstanding that it makes good copy to say we are for permanentizing this program, so we do not have to come forward this year as we did last year and the year before for eight extensions, and I think that is deplorable, but this is not the time to undertake that when we are literally, I think, days away from a bill that would be acceptable by this body.

Mr. CRANSTON. Madam President, I had hoped that the Senator from Colorado, would not offer his amendment. It cannot achieve its stated purpose. I intend to move to table it at the appropriate time.

Every Senator should understand that, if this amendment is adopted, FHA insurance authority will certainly shut down next Monday morning. There would be no way to avoid it.

We are already placed in a very difficult situation by this amendment and the delays it has caused. Two days ago I had achieved clearance on this side of the aisle to pass this resolution by unanimous consent. But the Senator from Colorado objected and forced a delay.

Yesterday the House leadership planned to get around that obstacle by moving by unanimous consent to pass their own identical resolution. However, a Republican Member objected late last night.

So we are in a very bad situation here today. The House will be in session only on a pro forma basis tomorrow, but will not return for a regular session until Monday. I am told that there is still a slight chance that an unamended resolution could be passed by the House tomorrow. So the only way an FHA extender can possibly get to the President's desk before the deadline is for the Senate to pass the House resolution today without amendment.

In fact, House leaders have made it absolutely clear there is no chance the House would pass this resolution with the Senator's amendment on it. House Members are convinced that enactment of permanent FHA authority on a measure like this would greatly increase the likelihood that the President would veto the Housing bill. And they are right.

If we send an amended resolution over to the House, the House would take up the resolution next week, strip off the amendment, and send the measure back here to the Senate. Senators would simply have to revisit this measure again next week.

Nothing would be gained. And several days of FHA operations would be lost.

It would be shameful to bring about widespread disruption in the home mortgage market because of pointless parliamentary maneuvering here in the Congress.

We should have had our fill of that last year, when this kind of maneuvering between the administration and the Congress forced FHA to shut down six times for a total of 51 days when demand was at a record level.

Each interruption of FHA means that thousands of mortgage lenders and hundreds of thousands of families are thrown into uncertainty as mortgage closings are delayed and mortgage commitments expire.

Every missed FHA extension sets off a chain reaction of pain in the economy—among families trying to buy homes, among families trying to sell, and among builders, architects, lenders and others.

Adoption of the Senator's amendment would cause needless harm to the housing industry and to hundreds of thousands of homebuyers across the country. The 51 days of disruption in 1986 hurt 50,000 families in my State of California alone.

The Senator's amendment may seem at first glance to support mortgage lending because it would provide permanent authority for FHA insurance.

I strongly favor permanent FHA insurance authority. I intend to do all I can to win enactment of this year's housing bill, which not only will provide FHA with that permanent authority but also will make other changes in statute to strengthen FHA and make it more useful to Americans in high cost areas.

And I am certain that enactment of the Housing bill is the only way we will get permanent FHA insurance authority soon.

The major housing organizations realize that—and that's why they strongly support enactment of the housing bill, and that's why they strongly oppose adoption of this amendment.

Mr. President, I ask unanimous consent that a letter from the Mortgage Bankers of America, the National Association of Realtors and the National Association of Home Builders be printed in the Record at the conclusion of my remarks.

Let me read briefly from that letter. It is addressed to Senators:

> Dear Senator: The undersigned organizations respectfully urge the immediate consideration of, and your support for HJ Res 393, legislation to extend the insuring authority for the Federal Housing Administration (FHA) until November 15. Current FHA insuring authority expires on October 31.

FHA has been shaken around too much in recent years by efforts of this administration to undermine Government support of housing with proposals to sell off FHA and proposals to impose fees on its activites. Congress has been able to provide stability to FHA this year. And we should continue to do so by rejecting this amendment.

I urge my colleagues to join me in showing support for affordable housing, to join me in ensuring stability in the mortgage markets, and to join me in tabling this amendment when I make that motion.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Mortgage Bankers Association of America, National Association of Home Builders, National Association of Realtors,
October 29, 1987.

Dear Senator: The undersigned organizations respectfully urge the immediate consideration of, and your support for HJ Res 393, legislation to extend the insuring authority for the Federal Housing Administration (FHA) until November 15. Current FHA insuring authority expires on October 31.

Timely enactment of HJ Res 393 will prevent any interruption of FHA insuring authority, which is vital to moderate income families who seek to own a home, many for the first time. An interruption in the program could result in increased costs either at closing or in monthly mortgage payments if mortgage interest rates should fluctuate.

We support tabling any proposed amendment to HJ Res 393, because House-Senate Conferees on S 825, "The Housing and Community Development Act of 1987," are presently reaching final agreements on a bipartisan housing bill, which contains permanent FHA insuring authority.

We appreciate your interest in this matter and respectfully urge your support for HJ Res 393.

Sincerely,

Mortgage Bankers Association of America, National Association of Home Builders, National Association of Realtors.

The PRESIDING OFFICER. Who yields time?

Mr. ARMSTRONG. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Colorado has 8 minutes, 17 seconds.

Mr. ARMSTRONG. I yield 2 minutes to the colleague from Utah [Mr. Garn].

Mr. GARN. I thank the Senator from Colorado. Mr. President, I come to the floor and I suppose with great frustration, but also with a little bit of boredom. Boredom on this issue, because most of the 13 years I have been in the Senate and 6 years I was chairman, we have gone through the same song and dance out here on the floor about extending FHA. Some of us have tried that entire time to get FHA extended permanently and the major reason we have not is because the House of Representatives has used FHA and the home owners and home builders and the realtors of this country as hostages over and over again to try to get other legislation passed. Sometimes housing legislation; sometimes not.

The game gets a little bit old.

I am trying to help my colleagues get a housing authorization bill passed, but that is rather doubtful whether we can or not. I hope so. But the administration at this point is threatening to veto. My guess would be, and I hope I am wrong, that on the 15th, we will be back for another short-term extension.

I would suggest it is time we quit playing games, and let us be frank about it. With all due respect to my good friend from California, and I do not agree with the administration's attempt to raise fees and some of the things they have attempted to do with FHA, but it was not the administration's fault that this was extended six times last year and expired for 51 days. I think I know; I was out here on the floor for every one of those extensions. It was the House of Representatives playing hostage. I just get very tired of playing silly little games and using people's lives as hostages, at least their housing lives. It is time we got on with it. It is not going to make one darn bit of difference. We outstrategize ourselves in this body.

Here we are outstrategizing ourselves, outthinking ourselves playing the political game. I have been rather involved in housing for a long time, going back 20 years ago to when I was mayor.

Whether that housing bill or not is approved by the conferees and signed by the President depends on a lot of factors between vouchers and new starts and so on. It does not make one whit of difference whether this FHA extender is put on it. But that is the same old game we have used time after time, year after year, as an excuse for not passing a permanent FHA extender.

We could do this today, send it over to the House, take care of this home problem, and the outcome of that housing bill will be identical, whatever we are able to work out on other things. I will work on that process to do it but let us quit playing the parliamentary games and excuses for not doing this. Let us extend FHA permanently and take the uncertainty out of the marketplace.

The PRESIDING OFFICER (Mr. DODD). Who yields time?

Mr. ARMSTRONG. Mr. President, how much time is remaining to the two sides?

The PRESIDING OFFICER. The Senator from Colorado has 4 minutes 50 seconds. The Senator from California has 7 minutes and 18 seconds.

Mr. ARMSTRONG. Mr. President, I would like to save a little time for our colleague from California [Mr. WILSON] who is on the way to the floor. I yield 2 minutes to my colleague, Senator SHELBY.

Mr. SHELBY. Mr. President, I do not believe it has been said any better than was said a few moments ago by my colleague from Utah, Senator GARN, who chaired this committee, who chaired the Banking Committee, who has been active in the housing legislation.

But when we have to go to the floor year after year in the House, where I came from before I came here this year, over and over to extend a program that has a lot of merit like this, something is wrong. You are trying to ride the vehicle.

I think things ought to ride on their own merits.

The Federal Housing Administration can stand on its own merits. I do not see one reason, logically, that we could not today extend this by adopting the amendment offered by the Senator from Colorado and make it permanent once and for all.

I have dealt in housing as an attorney, as a developer, and as chairman of the Veterans' Affairs Committee on housing when I was in the House. I have seen firsthand what this has done. We have an opportunity here today to make something with a lot of merit, as I said earlier, that is now part of the fabric of America, permanent, where we will not have to say year after year or month after month, "We have another crisis at hand. What is it?"

The Federal Housing Administration authorization to exist as an entity is going to expire. Then the sky is falling again. We rush in and try to do this. We do a 15-day extension or a 30-day extension, or we look for something to ride on. I am going to be a supporter of the housing bill. I have been. I served, as the Presiding Officer knows, on the Banking Committee, with him, and I have been an advocate for housing.

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time?

Mr. ARMSTRONG. Mr. President, if the managers of the bill wish to use additional time, I would ask if they can use it now so I can save time for my colleague from California.

Mr. CRANSTON. We do not need more time except time for making the tabling motion.

Mr. ARMSTRONG. Then I wonder if I might suggest the absence of a quorum.

Mr. CRANSTON. I would ask that the time be equally charged to both sides.

Mr. ARMSTRONG. It would be a charitable thing if the Senator from California would charge it to his side. I only have 2 minutes remaining.

The PRESIDING OFFICER. The Senator from California has 6 minutes, 40 seconds remaining.

Mr. CRANSTON. I am willing to allocate 6 minutes to a quorum call.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The Chair advises the Senator from California that the time for the quorum call will be charged to his side.

Mr. CRANSTON. Yes.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ARMSTRONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ARMSTRONG. I thank my friend from California [Mr. CRANSTON] for arranging it so that his colleague from California could speak. I am advised that I have 2 minutes 40 seconds remaining. I yield 1½ minutes to Senator WILSON and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. WILSON. Mr. President, I rise to give fervent support to the amendment of the Senator from Colorado. All too often we find fault with something in the private sector that we think was not planned well enough for the future. Last year the housing industry was engaged in a housing crisis, but it was not their fault. The fault laid with us. Six times we interrupted FHA financing for a total of a 51-day suspension without which authority I do not know how many young American families were deprived of the opportunities to purchase their own home, satisfying what is perhaps the most typically American goal and dream.

There is simply no excuse for that. I will vote for the extender but I will vote with the greatest enthusiasm to make permanent the financing under FHA. It is almost a right that has come to be expected by so many, and it is a very good and sound thing that we do. It makes no sense to continually interrupt it.

I can only say that those in the industry have suffered needlessly, but perhaps even more to the point, there is something in American life that suffers when hard work and savings and aspirations come to nothing because of some temporary, bureaucratic interruption.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. WILSON. I urge with all my heart that we make permanent FHA financing. I yield.

Mr. D'AMATO. Mr. President, I wonder if my colleague is aware of the fact that if this amendment passes FHA will shut down Monday. Notwithstanding our looking to permanentize it, the facts of the matter are that we will be doing exactly what we do not want to do. I hope that makes a difference with all of my colleagues.

The PRESIDING OFFICER. Who yields time?

Mr. SARBANES. Mr. President, I rise in support of the motion to table offered by Senator CRANSTON, chairman of the Subcommittee on Housing and Urban Affairs.

Senate Joint Resolution 209 was introduced to extend the authority of the Federal Housing Administration until November 15, 1987. It is necessary because, without congressional action, the authority for FHA to continue insuring loans will expire on November 1. Quick enactment of short-term extension legislation will prevent an interruption in FHA authority and allow ample time for enactment of permanent authority and other much-needed reforms of the FHA program that are contained in S. 825, the Housing and Community Development Act of 1987. The House-Senate Conference Committee on S. 825 completed its work this week on all major issues except for funding levels. Final action on the conference committee report is expected next week, well in time to be approved by both houses and presented to the President before November 15.

The amendment offered by the Senator from Colorado could delay enactment of the simple extension, thereby risking another interruption in the FHA program. This amendment would also jeopardize enactment of the important FHA reforms contained in S. 825.

As a member of the Senate Committee on Banking, Housing, and Urban Affairs, I have been a strong and consistent supporter of the FHA which has proved its value by enabling over 15 million low- and moderate-income Americans to become homeowners.

The FHA has been one of the major factors in the rise of the rate of homeownership in the United States from 40 percent in 1930 to over 60 percent today. Unfortunately, the administration seeks to restrict the availability of FHA programs through proposals to sell the FHA to private buyers, raise premiums for insurance, eliminate its availability for certain home loans, and increase downpayment requirements.

I strongly support making FHA authority permanent. Legislation to permanently extend FHA is long overdue, but it should be enacted along with the other reforms that are contained in S. 825 so that administration efforts to weaken severely the FHA program will not occur.

After months of hard work by Chairman Cranston and other members of the Housing Subcommittee, we are now very close to enacting S. 825, legislation that will prevent future lapses of FHA authority and assure its continued availability for low- and moderate-income home buyers. Enactment of Senate Joint Resolution 209 today to provide a simple extension until November 15 will set the stage for final action on S. 825 in the next 2 weeks without the risk of another lapse of FHA. The amendment offered by the Senator from Colorado would disrupt this legislative program and risk another interruption of FHA authority, and I therefore urge support for the motion to table the amendment.

Mr. ARMSTRONG. Mr. President, I yield myself the remainder of the time to close the debate.

Unintentionally our colleague from California [Mr. Cranston] has really misstated three issues. First, the Senator from Colorado did not delay this debate. The time and place of debate on this bill was the choice of the manager and majority leader. I have been ready to debate at any time.

Second, he suggests that this is a ploy by those who wish to defeat the housing bill—not true. Ask my friend from Alabama who is a supporter of the bill and who continues to support it.

Finally, he says the amendment is opposed by major housing organizations. I called the president of one of those a few minutes ago just after I learned of the letter, and he said, "The letter says what?" It was the first he had heard of it.

This is a simple issue, Mr. President. Shall we play political football with housing or shall we make this great program permanent? We should do that today, and I hope we will.

The PRESIDING OFFICER. The time of the Senator from Colorado has expired.

The Senator from California.

Mr. CRANSTON. Mr. President, before moving to table, I would like to note that the Senator from Connecticut, who is the Presiding Officer at the moment in the Senate, was the original proposer of the legislation for permanent FHA status. I was a cosponsor early on with him as were others. That is our desire, to get permanent status for FHA so that we will no longer have these stoppages. But all Senators should be aware that if they vote for the Armstrong amendment, that will mean that FHA will close down on Monday, and maybe close down for several days. We do not want that to happen. That would disrupt the markets and disrupt and harm many, many Americans.

For those reasons, which have been well expressed by the Senator from New York, my friend and colleague, and the ranking member of the subcommittee, I now yield back the remaining time here and move to table the Armstrong amendment.

Mr. ARMSTRONG. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from California to lay on the table the amendment of the Senator from Colorado. On this question, the yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Montana [Mr. Baucus], the Senator from New Jersey [Mr. Bradley], the Senator from Tennessee [Mr. Gore] and the Senator from Illinois [Mr. Simon] are necessarily absent.

I further announce that, if present and voting, the Senator from Tennessee [Mr. Gore] would vote "yea."

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. Bond], the Senator from Utah [Mr. Hatch], the Senator from Pennsylvania [Mr. Heinz] and the Senator from Idaho [Mr. Symms] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 64, nays 28, as follows:

[Rollcall Vote No. 362 Leg.]

YEAS—64

Adams
Bentsen
Biden
Bingaman
Boren
Boschwitz
Breaux
Bumpers
Burdick
Byrd
Chafee
Chiles
Cochran
Cohen
Conrad
Cranston
D'Amato
Daschle
DeConcini
Dixon
Dodd
Exon
Ford
Fowler
Glenn
Graham
Grassley
Harkin
Hollings
Inouye
Johnston
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lugar
Matsunaga
McConnell
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nunn
Pell
Pressler
Proxmire
Pryor
Reid
Riegle
Rockefeller
Roth
Sanford
Sarbanes
Sasser
Simpson
Specter
Stafford
Stennis
Stevens
Weicker
Wirth

NAYS—28

Armstrong
Danforth
Dole
Domenici
Durenberger
Evans
Garn
Gramm
Hatfield
Hecht
Heflin
Helms
Humphrey
Karnes
Kassebaum
Kasten
McCain
McClure
Nickles
Packwood
Quayle
Rudman
Shelby
Thurmond
Trible
Wallop
Warner
Wilson

NOT VOTING—8

Baucus
Bond
Bradley
Gore
Hatch
Heinz
Simon
Symms

So the motion to lay on the table was agreed to.

Mr. CRANSTON. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

Mr. D'AMATO. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senate will proceed immediately to third reading of the joint resolution.

Mr. ARMSTRONG. Mr. President, I ask unanimous consent to address the Senate for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ARMSTRONG. Mr. President, I congratulate my colleague from California, Mr. Cranston, and my colleague from New York, Mr. D'Amato, on their victory. It is the will of the Senate we are not going to make the FHA permanent in a vote which occurs today. Nonetheless, we should do so at an early date.

I believe most Senators who vote to table my amendment did so in the belief that they would get a permanent extension in the housing authorization bill which is now in conference. Indeed, if that happens, then the issue will have been laid to rest.

I frankly am very skeptical that the housing bill now in conference will ever be enacted into law.

So I just wanted to make the point that if my suspicion proves to be correct and if November 15 comes around, I would be hopeful that we could take another look at this issue and the Housing Loan Program which has been such a great success would not again be held hostage to another short-term extension.

So I would appeal to my friends from New York and from California, and others who are interested in this matter, that we not let this session of the Congress adjourn without taking action on some bill or another that can be enacted to make FHA loan programs permanent.

I thank the Chair and I thank my colleagues.

The **PRESIDING OFFICER**. The time of the Senator from Colorado has expired.

Mr. **DIXON**. Mr. President, I rise to oppose the Armstrong amendment to Senate Joint Resolution 209.

On March 31, 1987, this body approved S. 825, the Housing and Community Development Act of 1987. Among other provisions, it makes sure that the FHA Mortgage Insurance Program remains uninterrupted by providing permanent lending authority.

House-Senate conferees are intent on reporting for final action the first major housing authorization bill since 1980. Conferees have approved nearly all of the differences between their respective bills. Only a few issues remain outstanding.

Any attempt today to provide permanent authority for FHA can only stall and probably abort the efforts being made by the House-Senate conferees to soon report a much needed housing authorization bill.

Mr. President, Senate Joint Resolution 209 provides a short-term extension for the FHA program, through November 15, 1987. This legislation is offered because a previous short-term extender is due to expire on November 1, 1987.

I am sure that many of my colleagues remember the six times last year that the FHA program was shut down due to Congress' failure to enact a housing authorization bill. The shutdown extended for a total of 51 days during a time when the FHA program was at its highest demand. This was an unprecedented imposition placed on the housing industry, causing a disruption in the lives of many Americans who were attempting to sell or buy a home, or refinance a mortgage.

With the current instability of the economy, we, in Congress, cannot contribute to the hardships many Americans are encountering. Failure to provide the short-term extension for the FHA program would do just that. It would damage the housing industry which is a major pillar in the economy.

Mr. President, at this time, I cannot support the Armstrong amendment, and urge my colleagues to oppose it, and to support the FHA short-term extension.

The **PRESIDING OFFICER**. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading and was read the third time.

The **PRESIDING OFFICER**. Under the previous order the question now occurs on the passage of the joint resolution.

The joint resolution, having been read the third time, the question is, Shall it pass?

So the joint resolution (S.J. Res. 209) was passed, as follows:

S.J. RES. 209

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That each provision of law amended by Public Law 100-122, including those provisions amended by section 2 of such Public Law, is amended by striking out "October 31, 1987" wherever it appears and inserting in lieu thereof "November 15, 1987".

Mr. **CRANSTON**. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. **D'AMATO**. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MORNING BUSINESS

Mr. **BYRD**. Mr. President, I ask unanimous consent that there now be a period for morning business, that it extend not beyond 1 hour, and that Senators be permitted to speak therein for not to exceed 10 minutes each.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

SCHEDULE

Mr. **BYRD**. Mr. President, let me just say one further thing and then I will yield the floor. This is for the information of all Senators. There will not be any more rollcall votes today.

As to whether or not we have a session Monday, it depends on whether or not I can get a time agreement on a matter, and I will say this, however, that later today I am going to move to take up the energy-water appropriations bill. I believe I am going to be faced with a situation where there is going to be some unlimited debate on the motion to proceed. I will make that motion to proceed and I will offer a cloture motion and that will mean that we will vote on the motion to invoke cloture on the motion to proceed to the energy-water appropriation bill on next Tuesday 1 hour after the Senate comes in, and it will come in at around 8:30 that day, so there will be a vote at, say, 9:30 or some such. That will be a 30-minute rollcall vote, that being the first rollcall vote of the day, and the call for the regular order will be automatic.

I should say, and I am going to repeat this from now on, that first rollcall vote I make a 30-minute rollcall vote for the convenience of Senators, and the purpose of it is to get Senators here and get business going on this floor so we do not have to spend 2 hours or 3 hours on the telephone getting this Senator or that Senator to come over here and start managing a bill and call up amendments, so that is the purpose and it works.

But having said that, Senators should not forget that the time under the order that was entered at the beginning of the 100th Congress on rollcall votes is 15 minutes. That is a limitation on rollcall votes.

I am trying to encourage Senators to come to the Senate when the warning bells first ring and not wait until the warning bells ring the second time, and then wait until the last minute and they ask, "Mr. Leader, hold that for me." It is not going to work. We have to discipline ourselves. So I repeat that.

But there will be a cloture vote on next Tuesday. If it means we have to come in on Monday, fine; if I can get consent that the cloture motion mature on Tuesday without coming in Monday, that is fine.

I also want a time agreement on the independent counsel bill. If we get a time agreement on the independent counsel bill, we will not come in Monday.

I yield the floor.

Mr. **ADAMS**. Mr. President, will the majority leader yield for a question?

Mr. **BYRD**. I yield.

Mr. **ADAMS**. Is it my understanding that it will be the intention of the majority leader as soon as morning business is finished to move to consider the bill? Some of us have an objection, but we do not want to interfere with the schedule. Was it the intention of the majority leader that we make a few remarks at the time that the majority leader files a cloture motion and we can perhaps agree at that point on whatever procedure he may wish to offer to us?

Mr. **BYRD**. Following morning business I will then move to go to the energy-water appropriation bill and the cloture motion. If the Senator wants to speak on that motion he may do so. If he does not, once I get the agreement on the independent counsel bill, we will call it quits for today.

Mr. ADAMS. I thank the majority leader.

Mr. BYRD. I yield the floor.

THE FARM CREDIT SYSTEM NEEDS QUICK ACTION

Mr. HEFLIN. Mr. President, I rise, today, to bring to the attention of the Senate, the President of the United States, and specifically the Farm Credit Administration and the Secretary of Treasury the urgent need for quick action to provide assistance to the Farm Credit System. As I am sure that each of my colleagues is aware, the Farm Credit System has recently been experiencing some financial hardships that have been brought on by numerous factors. I believe that every action must be taken, and every avenue must be pursued that would provide assistance to the Farm Credit System, and thus help the farmers of Alabama and America.

S. 1665, a bill to provide assistance to the Farm Credit System, has been under consideration by the Agriculture Subcommittee on Agricultural Credit, and I urge the subcommittee to go ahead and complete action on this bill in the very near future and send it to the full committee for quick consideration and passage. Immediately thereafter, I am hopeful that the Senate leadership will bring this bill to the floor for consideration by the full Senate. In my judgment, this is one of the most pressing matters awaiting action by Congress, today, and action has been delayed for too long already.

I also urge the President of the United States, the Farm Credit Administration and the Secretary of Treasury to take full advantage of provisions passed by Congress in the Farm Credit Act Amendments of 1985 that enable the Secretary of Treasury to provide assistance to troubled Farm Credit System institutions if the Farm Credit Administration requests such assistance. This would provide needed stability to the system. I understand that the Farm Credit Administration Board of Directors considered the question of certifying that this assistance was needed back in May 1987, and that at least one member of the Board supported this alternative. I urge the Farm Credit Administration to reconsider this alternative, and to work with the administration and the Secretary of Treasury to take every available action to come to the aid of the Farm Credit System.

Mr. President, simply put, Congress has given the Farm Credit Administration and the Secretary of Treasury the authority and the tools to take remedial action and infuse capital into the Farm Credit System. I call upon them to exercise this authority and to make use of these tools.

Despite some relative improvement in the financial performance of some districts of the Farm Credit System during the first 6 months of this year that resulted in smaller losses suffered by the Farm Credit System, this improvement was not shared throughout the Nation. The immediate action of the Farm Credit Administration and the Secretary of Treasury, and the expedient enactment of the legislation before the Senate is necessary if we wish to forestall the potential crisis which has been projected by the Farm Credit System which could devastate farmers, ranchers, and their cooperatives throughout the Nation. While the Government, unfortunately, often only reacts to disaster, after the fact, there is an opportunity, here, to prevent potential disaster by quickly providing assistance to the Farm Credit System.

I hope that this opportunity will not be lost by postponement or delay. Inaction will only work to the detriment of the American farmer. Let us give all priority to this available action and legislation. For the last 6 years, the farmers of America and my home State of Alabama have been besieged by the worst agricultural conditions since the Great Depression. Many have not weathered this storm. Those farmers and their families who have survived cannot afford another disaster.

Farm Credit System institutions are now extremely vulnerable to unexpected changes in borrowers' cash flows. Additionally, system institutions are not forecasting significant improvements in overall loan portfolio quality. And, most importantly, system banks are still and will continue to be burdened by extremely high levels of nonearning assets and high-cost debt.

Furthermore, the Farm Credit System reported to Congress earlier this year that as many as six system entities could experience total capital deficiencies by December 31, 1987. The Jackson district is among these six regions, and as Alabama is a part of this district, I am greatly troubled by these published reports and the overall implications that such a development could have on Alabama and the entire Nation.

Adding to overall concern regarding the Farm Credit System are current collateral deficiencies projected for later this year for system institutions. Various actions designed to mitigate against negative total capital positions have been, and will continue to be pursued by the Farm Credit System. However, the impact of these actions cannot be predicted and some fear these actions may not be adequate.

The Farm Credit Act Amendments of 1986 were enacted by Congress as a temporary measure to allow system entities to retire their farmer/borrower capital stock at par value even though such stock may have been impaired as determined by generally accepted accounting principles. Whenever a farmer receives a loan from the Farm Credit System, he must purchase, as a condition of that loan, this capital stock in the Farm Credit System. This temporary remedy has been implemented and has worked well to provide stability to the Farm Credit System. I believe that the amendments of 1985 which would allow the Secretary of Treasury to infuse the Farm Credit System with additional capital should be utilized, as well, to further stabilize and dispel any uncertainty in the system.

Mr. President, the farmers of America depend on the solvency of the Farm Credit System for their own financial stability. In my home State of Alabama, alone, over 10,000 farmers and other rural borrowers have loans with the system which total over $600 million. Nationwide, the Farm Credit System has over 750,000 borrowers representing over $50 billion in loans. The Farm Credit System was first created in 1916, and through the years has played a crucial role in providing critical capital for both the acquiring of farm real estate, and for the production of agricultural commodities. Since its establishment, the system has been instrumental in helping the American farmer to become the provider of the world.

The Farm Credit Administration, the President of the United States and the Congress have no alternative but to quickly address this issue, and assist the Farm Credit System, ensuring that it continues in its important and irreplaceable role on a sound financial footing. Again, I urge the Farm Credit Administration, the Secretary of Treasury, and the President to examine and utilize all available alternatives to strengthen the Farm Credit System, and I urge the Senate Committee on Agriculture, and the Senate leadership to work together to gain passage of a good bill as soon as possible.

Thank you, Mr. President.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I have been listening with great interest to my friend and colleague from Alabama. His appeal to move forward swiftly with a workable farm credit rescue package could not have been better said than has just been enunciated by the Senator from Alabama. Everything that he has basically said is duplicated in the State of Nebraska where we have a farm credit headquarters and the other States that depend upon that Omaha farm credit facility for needed loans. It is an especially critical time and I hope that we can move forward briskly.

Mr. President, I have here a letter under date of October 20 from the president and chief executive officer of the Farm Credit Services in Omaha, NE, that I think is very pertinent to the discussion we are having right now and further underlines the necessity for prompt action. I quote from the letter:

> As of November 1, the bank's rate charged to its AAA borrowers (those with the lowest credit risk) will be increased 0.25 of one percent, an adjustment which will effect approximately 14,000 Land Bank borrowers in Iowa, Nebraska, South Dakota and Wyoming who have chosen a variable loan rate product. We have not, at this time, raised rates to Land Bank class AA or A borrowers having a variable loan rate.

That fact at this particular time, when the Farm Credit System in Omaha is raising its rate, sends a chilling signal, I suggest, to the deep difficulty that we are presently experiencing. Nothing could be more harmful than a raise in interest rates at this particular juncture. It highlights the deepening problem.

I ask unanimous consent, Mr. President, that the letter from the Bank for Cooperatives that I have just referenced be printed in full at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. EXON. I also ask unanimous consent, Mr. President, that following that letter there be printed in full a letter that I recently wrote to several Senators involved in the farm credit deliberations and other farm State Senators with regard to some concerns that this Senator had with the way that we are approaching this rescue effort. I ask unanimous consent that a copy of that letter be printed in full following my remarks, as well.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. EXON. Mr. President, the situation that confronts us is a great uncertainty today as to what we are going to do about probably the farmers' biggest problem today, second only to low cash prices, and that is the fact that interest rates are simply eating those alive who are in the most serious of difficulties. It can be said that those farmers and ranchers who have no debt are not adversely affected, particularly by a raise in the interest rates. But those who are in debt and who owe money are the ones that are being severely handicapped with not only the high interest rates that they are paying now but the further increases that have been outlined in the letter that I have made reference to from the Omaha bank.

Suffice it to say, Mr. President, we have to do something very soon. I hope, as I pointed out in the following letter to my colleagues, that we would not just "paper over" the deep and difficult problems that we have in the Farm Credit System today and just put it off, as we are prone to do from time to time, to address another time, another day.

I guess I have some concerns, Mr. President, with the bare facts, and the bare facts are that there are about $50 billion-plus in the farm credit portfolio across the Nation.

Yet, we are proposing a "rescue effort" of somewhere between $2 and $4 billion. Supposedly that is going to solve the problem.

Those of us who have had some experience with agriculture the last few years understand that, if you have a $50 billion agricultural portfolio and with the shrinkage that has happened in assets of farmers that preceded the stock market crash, then you could well understand that, at least 20 percent of that $50 billion portfolio, or roughly $10 billion, might be needed to keep this system solvent.

So I would hope as we proceed on this bill we could look realistically and not come forth with a program that is just going to cover up the gaping cracks in the financial wall of agriculture—just paper that over and say that will get us by the present period.

I would like to close, Mr. President, simply by addressing the fact, once again and very sincerely, that there are deep times ahead in agriculture. Those who have had any study or understanding of history should realize and recognize that in the late 1920's, the stock market crash at that time was preceded by a collapse in farm prices. That was followed by the crash of the stock market in 1929. Of course, thereafter followed one of the greatest upheavals in the economic wellbeing of the United States and the world that we have ever seen.

This is just another way of saying that all too often, Mr. President, we either do not read history or, if we read it, too many do not understand it; and if they understand it, they do not realize that history does have a way of repeating itself.

What I am saying, Mr. President, is that when the farm crash occurred 2 or 3 years ago, it was considered just one of those isolated parts of the economy of the United States and everything else was going to turn out well. I would suggest that when a very important part of the economy, the agricultural sector, has had the difficulties that it has had, it is no wonder that we are having a tremendous difficulty today with the great downturn on the stock market.

Mr. President, I hope that history is not repeating itself. If we can be successful, Mr. President, in coming up with some kind of a workable end to the dilemma that confronts us economically, with the conference that is going on now between the White House and the Congress, then we might be able to escape the consequences of the deep economic downturn that we have seen in the past.

I just hope that we will be smarter this time. I hope that we will be more specific in addressing the concern. The worst thing we can do is to paper over the problem and say all is well.

Mr. President, I yield the floor.

EXHIBIT 1

FARM CREDIT SERVICES,
Omaha NE, October 20, 1987.

Hon. JAMES J. EXON,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR EXON: In analyzing loan data, our records show that over 80 percent of Farm Credit borrowers have been working hard to keep their loans current during these difficult times. These borrowers have remained loyal to the System and we in turn have worked hard all year to improve service and keep their rates competitive. Because you may be contacted by some Land Bank borrowers, I want to inform you in advance of an increase in interest rates charged by the Federal Land Bank. As of November 1, the bank's rate charged to its AAA borrowers (those with the lowest credit risk) will be increased .25 of one percent, an adjustment which will affect approximately 14,000 Land Bank borrowers in Iowa, Nebraska, South Dakota, and Wyoming who have chosen a variable loan rate product. We have not, at this time, raised rates to Land Bank class AA or A borrowers having a variable loan rate.

Macro economic conditions over the past months have caused major banks in the U.S. to raise interest rates charged to their best customers. These events include a dramatic three-day decline on the New York Stock Exchange, recent efforts by the Federal Reserve to ease concern over rising inflation, a continuation of significant Federal budget deficits and other issues. These pressures have affected the entire banking industry, including the Land Bank. Although everyone would like lower rates, it makes good business sense that the FLB respond more quickly to events which impact our cost of funds. We also expect to "track" with prevailing rates more closely in the future as they fluctuate according to national and world economic events.

No matter which direction interest rates go in the future, I want to emphasize the fact that we have many options for those borrowers who prefer the stability of a fixed rate program rather than a variable loan rate program, including one, three, five, seven, 10 of 15-year fixed rate options. The choice between fixed or variable rate products is a decision only the borrower can make after a close examination of his or her financial condition. In any case, the Land Bank now provides a wide range of credit products and offers individuals the opportunity to make their own decisions in choosing an interest rate program which best fits their operation.

We have tried to keep you informed of events as they occur in our district and I wanted you to know about this adjustment in the event you are contacted by concerned borrowers. We have kept rates as reasonable as possible for as long as possible but the Land Bank is impacted by the broader pressures of the economy that effect all lenders, and interest rates all across the nation are being similarly adjusted. If you have concerns or questions about this adjustment, please contact me directly.

Thank you for your continued support of the Omaha district and the Farm Credit System.

Sincerely,

JAMES D. KIRK,
President and Chief Executive Officer.

EXHIBIT 2

U.S. SENATE,
Washington, DC, September 28, 1987.

Hon. PATRICK J. LEAHY,
U.S. Senate, Washington, DC.

DEAR PAT: At this writing I am not yet convinced that the attempts to rescue the Farm Credit System are adequately "tuned" to the borrowers, especially those in difficulty, or the future soundness of the System. The worst of all possible world would be legislation which "papers over" the System's current serious financial problems and simultaneously prescribes a "patent medicine" solution to the serious financial ills of the borrowers. We should do it right or not at all.

"The System" needs major surgery, not an aspirin and consultation another day. Many of its borrowers are on their financial death beds, most through no fault of their own, and will surely perish if it is "business as usual" until next month or next year. A pat on the back and a bourbon "hot toddy" may make them feel better temporarily, but it is no cure.

The $2 to $4 billion infusion of funds to the System that I have heard about appears shockingly insufficient on its face. The facts are that the System's outstanding loans total roughly $50 billion. Given the tragic agricultural experience of the last few years and the significant shift of many financially sound borrowers to private credit markets, I suspect the System could be facing losses of at least 20 percent. If so, they would require at least $10 billion of new capital. If that is the case, what is this $2 to $4 billion proposal? Do we in the Congress know the facts or are we working from "doctored figures" that cover up the depth of the problem? We had best find out where we are and where we are going. I am concerned that the prime focus may be on "saving the System" and incorrectly assuming such action will "save" the borrowers.

I have before me an actual spread sheet and cash flow from a Nebraska farm operation that highlights the problem. This farmer has never missed a payment on principal or interest on his Federal Land Bank loan and has been a successful farm operator all his life. He is indeed a typical Nebraska farmer of substance. Here is his tragic picture and I wonder if we are doing anything in the proposed legislation that would help him. This farmer will come in to testify and, if interested, I will furnish copies of his detailed information to me on request.

Unfortunately, this farmer's problems are all too common. Even with the benefit of federal farm programs his situation is dismal. Assuming government support of $2.80 a bushel for corn (the cash price is now about $1.50) and no new equipment purchases (his present equipment is old and all but worn out) he would be unable to meet his Farm Credit System obligations. With no payment of principal and interest, he could go from a position of owing $686,905 in 1986 to $1,040,973 in 1989. Increases above his original 8.25% interest rate have cost him $211,035 since 1979. He knows that his operation will not cash-flow and of all the culprits bedeviling him, 13% interest is the most oppressive.

What will the proposed "bail out" of the Farm Credit System do for him? Little, if anything, I suspect. I have been advised that at best the "bailout" of the system may reduce the above farmer's interest by ½ of 1 percent. In the farmer's case cited above this would be meaningless as far as survival is concerned.

With all due respect to those who are trying to restructure the Farm Credit System constructively, the signals I am receiving make me fearful that some are being led to believe that saving the System is the same as saving the typical remaining family farmer borrower. That is not necessarily the case.

If, as some maintain, by a $2 to $4 billion infusion of money the System can "restructure" loans and give farmers a ½ of 1 percent break on nominal interest rates, it is a doomed policy for many of the System's current borrowers. Oh yes, I can see how the System managers can thus maintain their operations and use the "break" of ½ of 1 percent interest rates to attract back some of their borrowers who have fled to the commercial sector. But what about current System borrowers who I am fearful will be wiped out by this contemplated "grand compromise" to save the System.

I am strongly supportive of the secondary mortgage market concept for rural banks. I believe this will be helpful in many instances to the borrowers. But if this is essentially the only direct benefit to the farmer-borrowers plus the "break" of only ½ of 1% on interest, then there is a question of whether the System is worth saving from many borrowers' perspectives.

A recent prediction from some Nebraskans indicated there would likely be loss of System jobs in Nebraska if the Omaha district merged with the St. Paul district. The rationale was that the Omaha facilities were older and the St. Paul facilities were more spacious. It seemed to me that if the Farm Credit System planned reorganization to accomplish overhead savings, they would be interested in consolidating into the older, less expensive facilities which would favor Omaha. My question is, are we considering forcing the System to dispose of their more luxurious facilities, move into the less pretentious offices, thereby converting the more valuable assets into working capital for the financially troubled operation? The key question, in my view, is not who moves where, but whether all are prepared to make the sacrifices necessary to sustain the System to assist the agricultural producers.

Another overriding question not yet addressed is the level of federal subsidy prices required in the out-years to make restructuring of the System and its borrowers' obligations feasible? With the Gramm-Rudman "miracle" hanging over the head of agriculture appropriations like the axe over the chicken's thin neck, there needs to be a clear understanding that to make any farm credit rescue work, the agricultural budget can't be cut.

I stand ready to be of constructive assistance in this important undertaking, but suggest we do it right.

Sincerely,

J. JAMES EXON,
United States Senator.

The PRESIDING OFFICER. The Senator from Nebraska yields for a question from the Senator from Alabama.

Mr. HEFLIN. The point we are making is, of course, that we need an overall rescue and then need the use of the provisions and the tools that are already in law for the President and the Secretary of the Treasury to take advantage of and to infuse capital into any bank in the Farm Credit System that may be in a shaky condition today.

I think you have pointed that out and I congratulate you on your statement that you have made. I am delighted to realize that you and other Senators from farm areas realize the crisis that we are in, in regards to this farm credit problem. I congratulate you.

Mr. EXON. Mr. President, I thank my friend from Alabama. He has said it well once again.

It would be my hope that the message that we are sending forth here on the Senate floor now would be heard at the White House. And by the leadership of the House and the Senate, who are carrying on the present negotiations with regard to the budget difficulties.

I would hope, Mr. President they would maybe take into consideration some of the suggestions that have been made here today and recognize that just solving the budget problem per se may not be enough, even if they can come up with some kind of workable compromise. Maybe, indeed, they should be taking a look at what started the tumble of the economy in America and what started that, of course, is what started it in the late 1920's. That was the collapse of the agricultural sector.

So I do hope that those conferees will take a look at the farm sector and not just put it aside and say: Well, we have taken care of that or we are going to take care of that with the farm credit rescue effort that is supposed to come to the floor in the near future.

I would hope that they would look at what tools they have now under present law to move aggressively, where certain parts of the agricultural sector of America need help and need help now. They have some tools to work with. Maybe, just maybe, this is the time to implement those. I yield the floor.

The ACTING PRESIDENT pro tempore (Mr. GRAHAM). The Senator from Nebraska yields the floor.

The Senator from Pennsylvania.

Mr. SPECTER. I thank the Chair.

THE NOMINATION OF JUDGE GINSBURG TO BE ASSOCIATE JUSTICE OF THE SUPREME COURT

Mr. SPECTER. Mr. President, in the immediate wake of the nomination of Judge Ginsburg to the Supreme Court of the United States, there are already some signs that positions are beginning to harden, even though at this moment it is less than 24 hours since President Reagan announced his nomination of Judge Ginsburg. Mr. President, I urge my colleagues in the Senate, and all Americans, not to rush to judgment on the nomination of Judge Ginsburg.

We have a deliberative process to undertake. We have hearings before the U.S. Senate. I would urge my colleagues not to formulate positions or take stands at this early time. I would suggest, Mr. President, that the nomination proceedings as to Judge Bork did not constitute the Seante's finest hour of the 14 members of the Judiciary Committee had taken positions before the Judiciary Committee hearings ended; really before the Judiciary Committee hearings started. Then, more than 51 U.S. Senators announced positions as to Judge Bork before the committee report was filed and before there was floor debate. This undercut the really unique function of the U.S. Senate as the world's greatest deliberative body. In fact, no deliberation took place on Judge Bork's nomination on this floor.

By the time the issue came to the Senate floor, positions had already hardened, arguments were falling on deaf ears, and it was really pro forma. There are strong reasons to believe that Judge Bork's nomination did not receive the process which was due.

We are now embarked on another nomination, that of Judge Douglas Ginsburg. Already the people have started the ideological argument with people dividing into camps. At this early stage I think there is time to change that approach. The news stories are filled with contentions that one faction headed by the Attorney General of the United States took one position and another faction headed by the Chief of Staff of the White House took another position. Mr. President, I do not know whether any of that is true. If it is true, I would suggest that it is not important.

What is important is the qualification of Judge Ginsburg to be on the Supreme Court of the United States. In this city, regrettably, people are frequently more interested in claiming victory for what is happening than they are in the substantive result of what is happening. If that becomes the order of the day as to Judge Ginsburg, then a very important process in the U.S. Senate will be defeated. At the very outset we ought to give this man a chance.

The presumption of innocence, one of the most hallowed of all American institutions, is equally applicable to a nominee to the Supreme Court of the United States.

Why try and convict him in absentia before there is even a hearing?

I think we really do have to hold back, Mr. President. I think when Judge Bork spoke out 3 weeks ago today asking that voices be lowered, that he sounded a clarion call for deliberative proceedings on Supreme Court nominees. Voices ought to be lowered and we ought to find out about the man, we ought to listen to evidence, and we ought to proceed with the hearings.

Mr. President, it is my hope that we will proceed to the hearings very promptly. I am not sure whether we can start them in 3 weeks or 4 weeks, or what the precise date is. But we do not have the voluminous paper trail with Judge Ginsburg which we had with Judge Bork.

Judge Bork had approximately 150 opinions. He had 80 speeches. He had numerous law journal articles.

I asked Judge Ginsburg about this and he said he has written approximately 20 opinions and he has a few law journal articles. It will be possible to review the paperwork in a much more expeditious manner than it was in Judge Bork's proceedings.

Then I think we ought to commence the hearings as early as possible. I do not think we ought to rush. I do not think we ought to act in haste. We ought to take whatever time is necessary and then proceed with the task.

We sat very late on the Judge Bork hearings, sometimes as late as 10 p.m. We worked on Saturdays. That practice could be followed with the nomination of Judge Ginsburg, as well.

Mr. President, I think it is entirely possible that the issue could be resolved by the U.S. Senate before the end of the year. That would require our changing the adjournment date of November 21. That might require working in December. That might require only having Christmas off. But I think it entirely possible that that could be accomplished. I believe it is very much in the national interest.

At the present time the Supreme Court of the United States is operating with eight Justices. Already one important case was decided by an evenly-divided Court, three to three. There will be other decisions where the decisions will be evenly divided. The ninth Justice is absolutely imperative.

Mr. President, what I know about Judge Ginsburg is positive. I saw his work as assistant attorney general in charge of the anti-trust division and it was good work.

He has excellent academic background and good professional qualifications.

That does not tell the entire story, of course. There needs to be an inquiry into his judicial philosophy and his approach. I am optimistic at this moment that Judge Ginsburg will respond to questions which will enable us to determine his views on judicial review, for example, the supremacy of the U.S. Supreme Court on interpreting the Constitution, Marbury v. Madison.

You would think in 1987, 104 years after the decision in Marbury versus Madison, that decision would no longer be questioned. But in some quarters and some minds it is.

I hope he will respond to questions on the Bill of Rights, due process, and the 14th amendment, the issues of jurisdiction, and certain philosophical opinions. In my opinion, we cut new ground during Judge Bork's nomination on these matters.

As Chief Rehnquist wrote back in 1958 in the Harvard Law Record, before he was a Supreme Court Justice, it is important that the Senate know the judicial philosophy of a nominee.

In the Harvard Law Record in 1958, Chief Justice Rehnquist criticized the Senate with good cause on the nomination hearings of Justice Whitaker, where the Senate failed to make inquiries into his judicial philosophy.

We had nomination hearings last year with Justice Scalia where virtually no questions were answered. We had the nomination hearings this year with Judge Bork where questions were answered fully.

While not expecting Judge Ginsburg's hearing to be as broad as Judge Bork, because Judge Bork had so much more of a public record, still there are important questions to be addressed.

I would hope that we would act promptly and I would hope that until those hearings are held, the Senate and the American people will withhold judgment and undertake the deliberative process which this important nomination is due.

I yield the floor.

The **ACTING PRESIDENT** pro tempore. The Senator from Alabama.

Mr. HEFLIN. I would like to associate myself, Mr. President, with the remarks of the distinguished Senator from Pennsylvania. I think it is very important that we approach this confirmation process with an open mind. If there is any part of the function of the United States Senate that should be similar to the way a judge functions, I think it is the confirmation process.

We would have great outcries if a judge in the middle of a hearing or before the hearing started was to declare that a defendant was guilty or not guilty. The trial before a judge has a purpose. It has the purpose to let the truth come forward, let the facts be known, let the witnesses testify, let the arguments be made, and let the discussions be made of all of the facts.

The hearing process in the confirmation of a nominee for the United States Supreme Court, in my judgment, has a purpose. If the hearing did not have a purpose, there is no point in having the hearing.

I think the hearings ought to be approached with an open mind and that we ought not jump to knee-jerk reactions.

I see the distinguished Senator from Arizona on the floor, Senator DeConcini, and the distinguished Senator from Pennsylvania, Senator Specter. I think the three of us in regard to the work that has been carried on over the last several years pertaining to judicial nominations have attempted to approach our duty with an open mind, to listen to testimony, and to withhold our opinions until the conclusion of the hearing.

I realize there have to be adversaries, but I hope that the Members of the Senate, Democrats and Republicans alike, those who will support Judge Ginsburg and those who will oppose Judge Ginsburg, will endeavor to keep their voices low, endeavor to listen to the evidence and withhold their judgments until the proper time.

The proper time may vary, but I think the American people want us to be fair and want us to have the perception of fairness. The process with Judge Bork, I think, was politicized by both sides. Outside groups politicized it. I hope we can avoid this politicization in the hearing process as we begin, again.

I have already met with Judge Ginsburg. I find him to be very forthcoming in his answers. His writings are probably scarce as compared to other nominees who have been proposed for the United States Supreme Court.

Therefore, I believe that because of the scarcity of opinions and probably because of a scarcity of earlier writings, plus the fact that a little over a year ago he went through an investigation by the FBI, he went through an evaluation by the American Bar Association, and other bar groups, he had a confirmation hearing and it was noncontroversial, we find that there is preliminary work which has already been conducted by the FBI and the American Bar Association. Hopefully we can get on with this hearing as expeditiously, but as deliberately, as we possibly can, and have the hearings, if we possibly can, this year. And hopefully we can have a vote in the committee before the Senate adjourns.

I would like to pledge everything, and I pledge myself to cooperate. I do not say that we should hurry just for the sake of hurrying, but I think we can look into the background of this individual and do it very thoroughly, and we can have our hearings, and they can be very exhaustive. But, nevertheless, we can move expeditiously. I pledge my support toward that end.

Mr. DeCONCINI. Will the Senator yield? Mr. President, who has the floor?

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

Mr. HEFLIN. I yield to the Senator from Arizona.

Mr. DeCONCINI. I thank the Senator.

I wanted to say to the Senator from Pennsylvania that I am glad he raised the subject this afternoon. I am ready to leave town as many others are. Nobody is here trying to tell anybody what to do. But I appreciate the Senator from Pennsylvania, the Senator from Alabama, and their approach because it is exactly what I believe is necessary; that is, to address this as some of us addressed the nomination in the committee of Judge Bork that we just went through. To me that process worked.

And I think the Senator from Pennsylvania put it very well. This was not one of the better days of the Senate perhaps in the manner in which it all came out because it was politicized. I think it is important that we minimize that. I think that also goes to the administration and the White House. It does not do Judge Ginsburg any benefit, I do not think, to go around and beat the drum about how this is the handpicked candidate that is going to carry out an agenda and all of these things we are already hearing, that we are going to have another son of Bork, and all of that stuff.

This is serious. Those who already made up their minds, I respect that. But I dare say most people do not know anything about Judge Ginsburg. I sit on the Judiciary Committee where I have access to some information as the other two Senators here that have just spoken. We do not have a lot about him.

It is important that we have a deliberative process. I am looking forward to that process, and I think it will work. I do not know how it is going to come out, but I think it will work. It worked, in my judgment, with Renquist. There were 30-some votes against it, but it worked. He was approved. It worked with O'Connor and Scalia, and I think it worked with Bork. He was not approved. I believe it will work this time, and I think it will work exceptionally well if people will wait and deliberately review the record that the Senator from Alabama pointed out that we are going to do.

I join with the Senator from Alabama in pledging my efforts, and we should move expeditiously. We have to wait for the FBI and the ABA reports, which are forthcoming, and I think we can move ahead.

I thank the Senator.

Mr. EXON. Mr. President, will the Senator yield? I have a statement that I would like to make, a brief one.

Mr. President, I have listened with great interest to my distinguished colleagues from Pennsylvania, Alabama, and Arizona, and all members of the Judiciary Committee. For what it is worth, I wanted to tell them that more than any other factor—and there were many—but probably more than any other factor that brought me to the final decision that I made in opposition to Judge Bork, was when those individuals indicated that they thought Judge Bork was not the right man for the Court at the particular juncture when it was made.

I believe in this particular instance we should indeed follow the advice of these three distinguished members of the Judiciary Committee, and keep an open mind. I pledge to them that I will. I will be very interested in the confirmation process, especially the hearings that they will conduct in an open and fair manner. I simply say that this is the time when we should stop, we should look, and we should listen, and move as expeditiously forward as we can, but make no commitments, and I have not. And I will not until I know far more about this than I know now.

I think that hoopla is not the way to start out to confirm a Justice of the Supreme Court. I was quite surprised, frankly, yesterday, Mr. President, to see the pep rally complexion, and attitude that took place when this nomination came forth. I would think and hope that the President would consider this as serious as most of us do, and it would have been far better I suggest if he had sent his nomination over in the usual fashion rather than a pep rally.

I shared the concern of many of the active supporters of Judge Bork in the unhappy episode that the Senate went through when they criticized some Members of the Senate, and some members of the Judiciary Committee who came out against Judge Bork even before the hearings began. It goes back to the point made by the distinguished Senator from Alabama, former Chief Justice of the Supreme Court of the State of Alabama, who served with distinction here. We should not prejudge these things, especially those members on the committee that has to hold the hearings.

I also noticed that as of yesterday some very prominent members of the Judiciary Committee, already before the hearings, had come out in support of Judge Ginsburg. I would only suggest that it might be well if there could be a little official understanding on the part of the members of the Judiciary Committee, that first, they should not be cheerleaders; second, they should not make determinations before the hearing process. Otherwise, I think it hurts the hearing process, and those of us who do not serve on the Judiciary Committee lean very heavily, I might say, for the counsel and advice of the members on that committee that we have tremendous respect for. Let us stop, look, and listen, and let us move as far as we can but judiciously.

Mr. SPECTER. Mr. President, will the Senator from Alabama yield for a question by this Senator?

The ACTING PRESIDENT pro tempore. The time of the Senator from Alabama has elapsed.

Mr. HEFLIN. I yield the floor.

Mr. SPECTER addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, very briefly, I think the RECORD should note that there was no prearrangement between the distinguished Senator from Alabama and this Senator on our comments. I took the floor and intended to speak, and the Senator from Alabama, Senator HEFLIN, was commenting about the farm issue, and happened to be on the floor. Senator DECONCINI, who just left the floor, authorized me to say that he was within earshot of the floor when Senator HEFLIN and I were speaking. So he came to the floor. Senator HEFLIN and Senator DECONCINI and this Senator are three undecided members of the Judiciary Committee who are withholding judgment, as Senator EXON has just indicated is the preferable practice. But I think it worthwhile to make the point that the three of us did not come to the floor in any collusive, conspiratorial manner. It is coincidental as opposed to anything else.

WHAT DO WE KNOW ABOUT JUDGE DOUGLAS GINSBURG?

Mr. ARMSTRONG addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

Mr. ARMSTRONG. Mr. President, I am not exactly in the same situation as the Senator from Pennsylvania. I am not here by accident.

I came over to the floor because I wanted to make a comment about the nomination of Judge Ginsburg to be a member of the U.S. Supreme Court. But I am glad I happened to come at this particular moment because I enjoyed listening to the discussion between the Senators from Pennsylvania, Nebraska, Alabama, and our colleague from Arizona, Mr. DECONCINI. I was especially reassured by the thoughtful and indeed the exemplary discussion which they gave us of the process by which they think this nomination should be considered.

My own conviction, and I yield to their expertise, is very similar. In my opinion it would be a pity if this were permitted to drag out for an extended period of time. I think there is no need to have 30, or 40, or 50, or 60 days of delay before we start the hearing.

I think it would be unfortunate, particularly in light of the experience we have just had with Judge Bork, if this matter became highly polarized. In fact, it seems to me, without trying to go back and replow that ground or assess who was right or who was wrong, that every Senator and, indeed, every thoughtful person in the country who is interested in this matter, ought to deliberately try to lower their voices a little more, to listen a little more intently, and to be a little more charitable in their thoughts, and particularly in their public characterizations of the people involved.

I say that as one who was disappointed in the outcome when the confirmation of Judge Bork was voted on by the Senate. But I say to all Senators that this is a moment when, for the sake of the system, we ought to be more thoughtful and less confrontational.

I am predisposed to be in favor of Judge Ginsburg, not because I know him, but because I start with the assumption that if the President of the United States has sent his name to us, I ought to be for him, unless there is some reason to be against him.

It is not because this is President Reagan and Judge Ginsburg. This is the attitude, basically, that I have toward all Presidential appointments, particularly in the case of those who serve at the pleasure of the President. I believe that Mr. Reagan—or his predecessor, Mr. Carter, or Mr. Ford, or Mr. Nixon, or whomever—is entitled to wide latitude. I do not think a President is entitled to so much latitude in the case of the Trade Representative, for example, or the Secretary of Labor, and certainly not as much in the case of a Justice of the Supreme Court of the United States, a lifetime appointment. Senators then have a greater duty to exercise independent judgment. Nonetheless, the fact that he has been sent here by the President does carry a lot of weight with me, and that would be true whether the President was a Republican or a Democrat.

We should start not with the presumption of confrontation, but with the presumption that we will try to get along with the President and try to confirm his nomination.

Having said that, I intend to reserve my decision until I have had a chance to get acquainted with Judge Ginsburg and know more about his record. What I have seen thus far impresses me.

Mr. President, yesterday afternoon, President Reagan announced that he will nominate Judge Douglas H. Ginsburg to be an Associate Justice of the U.S. Supreme Court. Judge Ginsburg now sits on the U.S. Court of Appeals for the District of Columbia circuit.

Most of us do not know Judge Ginsburg personally, and we are only now becoming fully aware of his many professional accomplishments. During the next few weeks he will become much better known to Senators, and to the country at large. However, we already know a great number of things about Douglas Ginsburg.

First, we know that Douglas Ginsburg's legal career has been quite remarkable. He has excelled as a student, practitioner, teacher, Government official, and judge.

He was the valedictorian of his class at Cornell, 1970, and a member of Phi Kappa Phi Honor Society.

He took a law degree from the University of Chicago Law School, 1974, where he was the article and book review editor of the law review and was elected to the Order of the Coif.

He clerked with Judge Carl McGowan of the D.C. circuit. He clerked with Justice Thurgood Marshall of the Supreme Court. From 1975 through 1983 he taught at Harvard Law School. His teaching responsibilities included subjects such as antitrust, labor, banking, and corporations. During this time he served as a legal consultant to business and industry.

In 1983 Douglas Ginsburg became a Deputy Assistant Attorney General in the U.S. Department of Justice.

He then moved to the Office of Management and Budget.

In 1985 and 1986 Douglas Ginsburg was the Assistant Attorney General in the Antitrust Division.

And in 1986 Douglas Ginsburg was confirmed to the U.S. Court of Appeals for the District of Columbia circuit.

Second, we know that Douglas Ginsburg has twice been confirmed unanimously by this Senate. On each occasion he was highly praised, and unanimously confirmed: On July 17, 1985, the Senate received his nomination to be an Assistant Attorney General. Following a hearing, the Senate confirmed him by voice vote on July 29. On September 23, 1986, the Senate received his nomination to the D.C. circuit. Following a hearing, the Senate confirmed him to that distinguished bench by voice vote on October 8.

However, even more significant as a preliminary gauge of the man than his résumé, which is impressive, and his record, is what has been said about him at the very outset by people who know him.

It happened that when Judge Bork came before the Senate, I had met him, I had some acquaintance with his record, and I was in a position to have an opinion of him the first time.

I am very much impressed by what some of our colleagues have said about

Judge Ginsburg, not only since he has been nominated but on prior occasions.

At the hearing for Douglas Ginsburg's elevation to the circuit court on October 1, 1986, Senator Kennedy said:

> Mr. Chairman, I want to commend to the Judiciary Committee Mr. Ginsburg for the important position of service on the Court of Appeals. He is no stranger to this committee. His qualifications have been reviewed by this committee and he has been approved by the U.S. Senate in the past when he was going for the responsible job as Assistant Attorney General on antitrust matters.
>
> Mr. Ginsburg comes now before this committee as someone who has achieved a very exemplary record in his academic life. He has served as a clerk not only in the circuit court but also in the Supreme Court under Thurgood Marshall. He has taught with distinction at Harvard Law School, where the areas which he focused on were Government regulation and antitrust policy and also on first amendment issues and questions.
>
> His colleagues had a very high regard for both his teaching and for his contributions in terms of these subject matters. He has an insightful mind to deal with complex and involved fact situations and to be able to dissect particular legal issues and questions with clarity and with a sense of compassion and with an understanding of the law.
>
> I think all of us on the committee understand that that circuit court has very special responsibilities in a wide range of different public policy questions. I believe that, even though Mr. Ginsburg, in serving in the Justice Department has differed with some of those in the Congress on some of the complexities of antitrust laws. I have found him and I know that other members of the Judiciary Committee and the Congress have found him to be open minded, to be willing to consider views which he has not himself held.
>
> I think we are fortunate to have this nominee for this extremely important position and, as I supported his nomination before, I would hope that we would act and act expeditiously to assure that he can join his colleagues on the circuit court.

Senator Kerry in a prepared statement said:

> Mr. Chairman, I strongly support the nomination of Douglas Ginsburg to be a Judge of the United States Court of Appeals for the District of Columbia Circuit.
>
> I commend the President for making this nomination. It is no secret that questions have been raised regarding the qualifications of some of the president's nominees to the federal bench. In this case, however, there can be no such questions.
>
> Douglas Ginsburg brings the highest possible degree of qualifications to become a member of the federal judiciary. And he has the additional virture of being a former resident of the state of Massachusetts.
>
> Douglas Ginsburg has a record of academic and legal distinction. He is a graduate of Cornell University, and of the University of Chicago Law School, where he received numerous honors and awards. He clerked from 1973-74 for Judge Carl McGowan on the U.S. Court of Appeals for the D.C. Circuit, the same court where he now joins Judge McGowan as a colleague. He also clerked for 1974-75 on the United States Supreme Court for Justice Thurgood Marshall. So he clearly cannot be accused of having a bias against the "liberal" viewpoint on the Court.
>
> From 1977 to 1983, Douglas Ginsburg served with distinction as Professor of Law at Harvard Law School. I know that he commands the greatest respect from our mutual friends at Harvard such as Alan Dershowitz and Larry Tribe. Alan has indicated to me that he regards Doug Ginsburg as a legal scholar of the highest order—non-ideological, non-polemical, and the best possible nomination that the President could make for the federal judiciary.
>
> Mr. Ginsburg also served ably in the office of Management and Budget during 1954-85 as an Administrator, Since September 1985, he has served as Assistant Attorney General for the Anti-Trust Division, where he has been involved with criminal and civil law enforcement, as well as participation on behalf of the Department of Justice in the rule-making proceedings of all major Federal agencies.
>
> Mr. Chairman, there could be no more highly qualified candidate for a judgeship on the U.S. Court of Appeals for the D.C. Circuit than Douglas Ginsburg. On that court, he will join the ranks of such eminent judges and senior judges as David L. Bazelon, J. Skelly Wright, Abner J. Mikva, Patricia M. Wald, and Robert H. Bork.

Yesterday on this floor, the Senator from Texas [Mr. Gramm] said:

> I know Judge Doug Ginsburg well. I am familiar with his record. I have worked with him. * * * I strongly support his nomination. I know him so well, I support him so strongly, that I do not have to listen to his critics to know that his appointment today by the President fulfilled a promise that Ronald Reagan made when the Senate rejected Judge Bork. And that promise was that he would come back with the appointment of a conservative, of a conservative who shared his view and the view of the American people that judges should interpret the law and not make it.

Judge Ginsburg has, therefore, received the endorsement of our colleagues, Democrat and Republican, liberal and conservative.

Mr. President, I think the point which our colleague from Texas, Senator Gramm, has made is thoughtful and important.

I am not eager to get into the technicalities and complexities of the fine points of the law, although, during the course of the debate on Judge Bork, I must say that I learned a great deal about the 9th, 4th, and 14th amendments. But I do have a sort of general layman's-businessman's view that what we want on our courts, especially the Supreme Court, are the kinds of judges who will seek to understand, first, what the Constitution meant in the minds and in the eyes of those who wrote it; and then, second, will try to determine what previous courts have said; and, third, will try to interpret the precedents and the Constitution in the light of congressional intent.

I say the latter very cautiously, because often it is difficult to tell what Congress intends when it enacts a particular statute—if, in fact, Congress has any particular intent when it does so. I think that is the benchmark of a good judge.

I am not sure that I am comfortable with having that viewpoint characterized as conservative or liberal. I think it is a question of whether or not a judge sees himself as a person of judicial restraint rather than activism. I do not say that makes a man conservative or liberal. I like the notion expressed by some of our colleagues that judge Ginsburg is openminded, is willing to entertain views different from his own. I like the idea that has been expressed by some that he is a person who is restrained in his interpretation of the Constitution.

Third, we know the Supreme Court is operating short handed. The case for prompt action on the Ginsburg nomination was set out by the President:

> When Justice Powell announced his retirement four months ago, he made it plain that he believed it would be unfair to the parties with cases before the Supreme Court, and unfair to the parties with cases before the Supreme Court, and unfair to the remaining members of the Court, to be left without nine full-time justices. * * *
>
> Since June 1987, when Justice Powell resigned, the work of the Supreme Court has grown even more burdensome. All during the months of July, August, and September, nearly one-third of the literally hundreds of cases that the remaining eight justices reviewed for hearing were criminal cases. Throughout this time, the empty seat on the Supreme Court has been a casualty in the fight for victims' rights in the war against crime.
>
> During the last 25 years, the average time between nomination and the start of hearings has been less than 18 days. In fact, in the entire 200-year history of our country, since the nomination of John Jay, the average start-to-finish time for a President's appointment to confirmation or other action by the Senate has been only 24 days. * * *
>
> There's no more important business before [the Senate Judiciary Committee] than to bring the Supreme Court up to full strength. The Senate has a duty in this regard, just as I do. So this is my call to the Senate today: Let us all resolve that the process of confirming a Supreme Court nominee will never again be distorted.

Fourth, we know that Judge Ginsburg is a young man. He is 41-years-old, making him one of the younger nominees in the Nation's history. He is not, however, the youngest.

Joseph Story and William Johnson were both nominated when they were 32 years of age. Bushrod Washington was 36 and James Iredell was 38. In more recent years, President Eisenhower nominated Potter Stewart when Stewart was age 43 and President Kennedy nominated Justice White when Byron White was age 44.

William O. Douglas, one of the bright, young men of the New Deal, was nominated to the Court by President Franklin Roosevelt on March 20, 1939, when Douglas was 40 years of age. At the time, Douglas was the chairman of the Securities and Exchange Commission, and he had been on the Commission for three years. Douglas was confirmed in 15 days.

Mr. President, we do not know everything about Douglas Ginsburg, but already we know a great deal. He is an honorable man and a distinguished public servant. His abilities have been testified to by our Senate colleagues. He is a fine lawyer. And the Senate has approved him twice.

So I am looking forward to getting to know Judge Ginsburg. I met him for the first time a couple of hours ago in an elevator, and I can report to my colleagues that he has a firm handshake and a friendly manner. I do not know if that has anything to do with his being a Justice of the Supreme Court, but it does mean this: that he is out making housecalls. He is checking in with Senators and giving them a chance to get to know him, and I think that is a good thing.

So, Mr. President, I am very pleased that the nomination is before us. I am glad the President did not delay, that he sent it to us promptly. I hope our colleagues on the Judiciary Committee will act promptly to have a hearing and give us their recommendations and that we can get on with this task. I hope it will be their feeling and my feeling, after studying the record, that we can support him. A delay would be unfortunate.

Mr. President, unless other Senators are seeking recognition, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The ACTING PRESIDENT pro tempore. The time for morning business has expired.

EXTENSION OF MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there be another, not to exceed 30 minutes morning business, and Senators may speak not to exceed 10 minutes therein.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

OBSERVATIONS

THE NOMINATION OF JUDGE GINSBURG TO BE AN ASSOCIATE JUSTICE OF THE U.S. SUPREME COURT

Mr. BUMPERS. Mr. President, I have three or four things that I would like to mention just briefly for the record.

No. 1, the nomination of Judge Ginsburg to become Associate Justice on the Supreme Court.

I do not know anything about Judge Ginsburg. I have never heard of him until about 3 or 4 days ago and I told the press yesterday and I state again today I certainly will accord him a courtesy and right that he is entitled to and that is to be judged fairly in a fair hearing.

I do not know how he views the Constitution, but my decision on him will be based to a very large extent on whether he sees the Constitution as a living, breathing, elastic document, or whether he comes up with some kind of a crabbed interpretation which sort of limits people's God-given rights which in my opinion the Government is bound to protect.

I certainly do not want to reopen old wounds, but I disagree with people who somehow think that the whole Bork nomination process was flawed and that a precedent was set which is going to poison the well on all Supreme Court nominees in the future. I disagree strongly with that.

The President alluded to that again yesterday. I did not think it was very appropriate for the President to make a nomination and then get into a confrontational, combative position with the U.S. Senate insisting that we hold hearings immediately and quickly confirm Judge Ginsburg.

Our job is not to quickly confirm or reject any one. Our job is to give Presidential nominees a fair and impartial hearing.

I do not know in the history of the country any other time when a judge has had 30 hours on the witness stand to explain his positions, demonstrate his intellect, his compassion, his judicial temperament, all of the things which I think are important, and of the 58 Senators who voted "no" on the Bork nomination, I do not know of a single one who was influenced by anything other than what they heard in the hearings and what they gleaned from reading his decisions, his law review articles, his speeches and articles.

I do not know of a single one of those 58 Senators who were influenced by a lynch mob mentality, as it has been called, or by any kind of a multimillion dollar media campaign.

It is my guess that Judge Ginsburg will be accorded the same consideration. The result might be different. I happen to believe that most people in this body take this advice and consent role very seriously as the Founding Fathers intended.

I will reiterate for the benefit of someone who may not have heard me say this before and may not know it, but it is this: When the Founding Fathers were deciding the makeup of the Supreme Court they wanted the U.S. Senate to nominate and pick judges to the Supreme Court, and that is the way it stood for four rollcalls. There were four separate efforts made in Philadelphia in that summer of 1787 to give the President the right to nominate Supreme Court Justices, and four times it was soundly defeated and, finally, just before they went home, it was offered a fifth time, say let the President nominate and then let the Senate advise and consent to that nomination.

One of the reasons they did it was one of the framers said it will be much more difficult for a Supreme Court nominee to intrigue with many, meaning the Senate, than it would be to intrigue with one, the President.

So, Judge Ginsburg has nothing to fear. He will receive a fair hearing. He will be questioned in detail on a host of things, as he should be, and then each individual Senator will make up his mind.

Sometimes I tell my constituents. I voted for the Panama Canal Treaties and it almost cost me my job in the U.S. Senate. But I used to tell Chambers of Commerce and Rotary Clubs and all the people I spoke to: Please bear one thing in mind. No politician casts a vote just to see how many friends he can lose or how many constituents he can alienate.

The Judge Bork nomination was a very controversial one. As politicians, 100 Senators probably would like not to even have had to vote on it.

But as one Senator said, we do not get a chance to vote "present" around here on these nominations. You have to stand up and be counted and sometimes you may be accused of voting against the people's wishes but sometimes when you have heard all the evidence and you believe the country's interest is really going to be affected one way or the other, you have a solemn duty to cast a vote which you think is best for the country, though it may not be particularly popular at that moment.

People in this body when they come into the U.S. Senate and stand in front of the Vice President with their right hand in the air and left hand on the Bible, and what do they do? They solemnly swear that they will uphold, defend and protect the Constitution of the United States. That does not mean when it is popular to do it. It means you will defend, protect, and uphold the Constitution under every circumstance.

So, Mr. President, I will close on that subject by making this observation: I have criticized some of my colleagues who immediately opposed Judge Bork before he was accorded a fair and impartial hearing. Every Senator is his own man or woman here, and they can do whatever they want, but I thought it was entirely appropriate to wait until the hearing, give

Judge Bork an opportunity to be heard and hold your opinion.

I am an old trial lawyer. I tried lawsuits for 18 years before I got into politics, and I have pleaded with jury after jury after jury, please do not sit on this jury if you have any preconceived notions about my client. I do not want my client convicted before the evidence is heard.

Occasionally I would catch someone, I say to the majority leader, trying to get on a jury who I knew had his mind made up. He wanted to get on it because he had a preconceived idea.

So, some of us have said to a lot of Senators around here do not prejudge Judge Ginsburg, give him a fair, impartial hearing and find out what kind of a man he is and what he stands for and what he believes, how knowledgeable he is about the law and how he views the Constitution and people's God-given rights.

There are a lot of rights not in the Constitution that God gave us and we take them for granted, but occasionally somebody wants to take one of those rights away.

One of my problems with Judge Bork was he would allow those rights to be taken away unless the state had granted them. I do not like to think that I am so subservient to the state that I do not have a right to exist, to marry, to procreate, to raise my children as I choose. Just because the Constitution does not say I have that right does not mean I do not have that right.

I thought Judge Bork's interpretation of the Constitution was too narrow. It is just as simple as that.

I want to close on that particular subject and just mention briefly three others. I do not see any difference. As I say I think Senators ought not to prejudge a nominee by saying "I am against him" before he has a hearing. But having said that, I also want to point out I do not think Senators ought to say "I am for him" before he has had a hearing either.

Why is it so bad for someone to say "I am against him" before a hearing and for someone to jump up and say "I am for him; he is a distinguished man; let's hurry up and get the show on the road and get him confirmed" before you heard anything about or know anything about him? To me that is just as bad.

Mr. President, I was amazed at the combativeness of the President's statement yesterday in nominating Judge Ginsburg. It was as though he would rather fight than switch, as they say. I thought it was rather confrontational and combative. I do not understand why the President, who wants Judge Ginsburg confirmed so badly, would start off with that sort of an attitude.

THE INF TREATY

The President does not take advice from me, but I would give him this suggestion. If he wants to influence the U.S. Senate for good, I will tell you how he can do it. Apparently, Foreign Minister Shevardnadze is here to conclude the INF Treaty and my own view right now is that I will probably vote for the INF Treaty. I am not going to commit myself on that before I see it, any more than I am going to commit myself for Judge Ginsburg before I hear him out. But it would be difficult for me right now to envision any kind of a logical reason to vote against an INF Treaty which requires the Soviet Union to remove 1,600 warheads from Western Europe and the United States to remove 400. Those 4-for-1 deals sound pretty good to me.

But, strangely, of the 54 Senators on this side of the aisle, Democrats, I will make you a prediction: That the President will probably get 50 Democrats to vote with him on that treaty and his problem in finding the other 17 is in his party. If the President wants to use his considerable persuasive powers, he probably ought to be directing it at a number of people in the Republican Party who sit on the other side of the aisle because that is where I hear all the criticism.

I watched the Republican debate the other night and I must say I was utterly shocked that, of the six Republican candidates, only one, Vice President Bush, stood up and defended a treaty that gives the United States a 4-to-1 advantage.

Senator Dole, I thought, probably handled himself very well in that, too. He said well, he had not seen the treaty. He wanted to reserve judgment on it. I do not see anything very much wrong with that. But the other four candidates—why, you would have thought the Russians were going to come up the Potomac River and get us, if that treaty were ratified. So there is a place where the President can spend some good time with the members of his own party, convincing them this is going to be good for the national security interests of the United States.

THE D-5

In that connection, Mr. President, a third item, but relative to arms control. Two weeks ago I read in the Washington Post that the Navy was getting ready to test the Trident 2 missile called, in military parlance, the D-5. They were going to test it with 12 warheads.

I am not going to belabor the point or deliver a sermonette on the rather arcane and complicated questions about nuclear weaponry except to say this: Under the SALT II Treaty and accept arms controls standards right now, each side has a right to consider every weapon the other side has as carrying the maximum number of warheads that that missile has ever been tested with.

Now, if the Navy were planning to put 12 warheads on that D-5 submarine-launched missile to test it with 12 warheads would make a lot of sense. But the Navy does not intend to do that; at least not for the foreseeable future. So the question is: Here we are, sitting down with the Soviet Union and saying we want to limit the number of warheads to 6,000 on both sides. That is about a 50-percent cut. Out here we are testing the D-5 missile with 12 warheads when we probably are going to put 8 on it. How are you going to convince the Soviet Union that all those hundreds of D-5 missiles on those submarines only have 8 warheads when we have tested them with 12? They are just creating problems for themselves, the administration is. I am not going to belabor that except to say it is my firm belief that the overwhelming number of people who deal with strategic weaponry in the Pentagon and in the State Department, including the Arms Control and Disarmament Agency, are very much opposed to testing that missile with 12 warheads.

It makes you say: Who on Earth is running the show? If everybody is against it and they agree with me that it does not make any sense strategically or militarily and certainly makes no sense from an arms control standpoint, why on God's green Earth are they doing it?

So, Mr. President, this afternoon I have a letter here that I will send to the President of the United States, signed by 40 U.S. Senators, pleading with him to delay testing that missile with 12 warheads because it is against our interests. I hope the President will at least take the time to read the logic of the letter that 40 Senators have signed, and many more, I think, would have signed if we could have gotten to them with it.

THE BUDGET

Finally, Mr. President, on the matter of the budget, I will just be very brief about this. We labored and groaned and moaned around here for months, trying to come up with $23 billion in tax increases and spending cuts; $23 billion, about half and half. And we finally reached that figure just about the time the stock market went into a nosedive. Do you know how much money was lost on the stock markets of this country in a 2-week period? One trillion dollars.

It is my guess that the revenue projections of both the Congressional Budget Office and the Office of Management and Budget about what revenues are going to be next year are already obsolete. You cannot have people losing a trillion dollars in the stock market in 2 weeks and the U.S. Treasury not pay a very heavy price in lost taxes.

In short, it is my guess that if $23 billion is the best we can do, the deficit will actually rise next year, not go down. So I am pleading with all of those people who are in these negotiations, I do not know who they all are, I am pleading with them to bring a package to the U.S. Senate that not only will at least double that $23 billion, but do it in a way that is fair to the American people. Everybody knows we are in trouble. There is not any point in playing the charades we have been playing for the last 7 years, acting like you can keep cutting taxes, raising spending, and balance the budget. I never believed it in the first place.

I hope they will come back here with a package. I will tell you something. Some things I never thought I would vote for that I will seriously consider voting for now. I never did want to vote for an import fee, but a $5 oil import fee would serve two purposes. It will raise $5 billion to reduce the deficit. It will also cut down on the consumption of petroleum. That is the fastest way in the world to get the trade deficit down, to stop importing such oil. You get a double whammy effect. If you can put some progressivity into a gasoline tax, something I said I would never vote for, so that people like those in my State who are low- and middle-income wage earners can get a rebate for the gasoline tax, I will vote for that.

I do not want to vote for any of these things but I do not want my children to die poor either, and that is where we are headed.

I may vote for a proposal by the Senator from South Carolina [Mr. HOLLINGS] to freeze all spending. In 1982 when it was clear that supplyside economics really was voodoo economics and the deficit was soaring out of sight, Senator HOLLINGS and I and several others tried to do it in 1982. We got 18 votes.

We came back in 1983, and I think maybe we got 22 votes. We came back in 1984 and finally got 35 or 38 votes and would have won except the President sent all of his best lobbyists over here to resist it.

I do not know what all I will vote for—almost anything, popular or unpopular, that will get this deficit under control which is causing so much mischief and grief in this country.

Finally, Mr. President, I do not know that I would be given the opportunity to do this on the reconciliation bill, but, you know, right now the top rate for 1987 on personal income tax is 38 percent. There are five brackets. If instead of cutting the rate next year to 33 percent and the next year to 28 percent, if you left that rate—and I speak for myself; I do not think 38 percent is too much for people like us making $90,000 a year, all indoor work in a beautiful setting with no heavy lifting—I do not think it is too much to ask this crowd, or the rest of America in our category, to continue paying that same rate for 3 more years because that would reduce the deficit by $50 billion.

There was a lot of concern around here that you cannot do that. We passed the tax bill last year and we cannot break faith with the American people now, they are expecting it, and so on.

I will tell you what the American people expect. They expect Members of the U.S. Senate to save this country and to do what they have to do to do it. As long as the sacrifices are fair and across the board, I promise you they are crazy to accept it, things that they would not have accepted before, because they have this keen sense of apprehension about what is going on in this country.

So, Mr. President, I am just stating these things, I guess, for the history books. I do not really expect the negotiators to come back in here and propose to leave that rate like it is, even though I think it is a modest thing. The 38-percent rate would affect people who make over $67,000 and this proposal would be beneficial to people who make under $44,000 a year in this country, and that is about 70 percent of the folks, maybe more. Leave the people in $44,000 to $67,000 just about where they are, and the people who make above $67,000 would be paying that 38 percent rate, but they would be doing a fine thing to get this deficit under control.

I am probably about the only one in the Senate who has even suggested such a thing. I know a lot of the members of the Finance Committee are opposed to that concept.

But I am telling you, we are in a new ball game now, and business as usual "ain't" going to get it done. If you send the message to Wall Street that $23 billion is all the U.S. Congress can eke out and we are not really going to reduce the deficit next year, as the old saying goes, you "ain't seen nothing yet."

Mr. BYRD. Mr. President, will the Senator yield?

Mr. BUMPERS. I am happy to yield.

Mr. BYRD. The Senator was a distinguished trial lawyer for 18 years. I can just envision Senator BUMPERS—then private citizen DALE BUMPERS, Esq., standing up before that jury, using his very considerable persuasive talents as he argues his case.

I can also understand the wisdom of what he was just saying. Who knows, one of those jurors may have had his mind made up that Senator BUMPERS' client was innocent. It might be brought out during the trial that Senator BUMPERS' client was a horse thief and Senator BUMPERS may not have been told that.

Well, now, Judge Ginsburg is not going to be found a horse thief. We know that. But it seems to me that, just as it is impolitic before the hearings and unfair before the hearings to say, "I'm against this man. I'm not going to be for him. I'm going to close my eyes and my ears to anything he says in those hearings. Doesn't make any difference what he says, I am against him." It is just as unreasonable to stand up here before we know what he stands for or before the hearings and say, "I'm for him. I'm for him."

That is not going to hasten the day of his confirmation by 1 hour. And why not, on both sides of this question, just lower our voices, stop raking over old ashes, chewing over old bones, and looking backward. Let us not engage ourselves in this big push to push for a quick vote on Ginsburg when he is entitled to be heard. He ought to be given a fair hearing. I am sure that Senator BIDEN and the Judiciary Committee will give him a fair hearing.

But, as Senator BUMPERS has so well stated here, Senators have a responsibility under the Constitution—and to God—to live up to the oaths that we all freely swore when we entered upon this office. We do it everytime we get reelected and are sworn in for a new term. We owe the country, we owe Judge Ginsburg, and we owe this Senate a fair judgment on this nomination or any other nomination.

And may I add that this Senate is not going to be stampeded. The White House did a great deal to politicize Judge Bork's nomination. It was not all done at the other end of the avenue; there was a lot of it done here. But there is no point in going over the past.

I hope, however, that the President will for one time, check himself a little before he speaks, and stop bashing the Congress, bashing the Judiciary Committee, and bashing Senators.

We have our responsibility. He has performed his. He has made his nomination. Nobody can do that for him. He has a perfect right to nominate a conservative. He has a perfect right to make his judgment on the basis, to a considerable degree, of that person's philosophy. He has done his part in the nomination process. Now it is up to the Senate. Only the President can nominate. But both the President and the Senate appoint, in a way, because the President appoints, with the advice and consent of the Senate.

So now the issue is in the court of the Senate. I do not believe the people want to perceive that this Senate is being stampeded to put its stamp of approval on Judge Ginsburg or anybody else. This is part of the constitutional process. And this year, we are commemorating the 200th year of that

Constitution. And those forebears who wrote that Constitution did not include those words lightly: "The President shall nominate, and by and with the advice and consent of the Senate, shall appoint Justices to the Supreme Court."

The Senate's duty was not meant to be a rubber stamp. If it had been, the Constitution would have said, "The President shall nominate and appoint." So our forebears did not write those words in for nothing, to be meaningless baggage.

And we Senators shirk our responsibilities if we take the position, "Well, it is my President. He is President of my party. I am going to be for his nominee." I have voted against nominees of the President of my own party.

I will say this, and I have said it before, this Senate will not be stampeded. The best way to get this nomination through without so much rancor is to let the confirmation process take its course. I am not for unduly delaying this nomination. I do not want to see an unreasonable delay. But I am also not for unduly hastening it or rushing it through. It is too important for that.

I do not know how I will vote on the nomination. As of today, I probably would vote for Judge Ginsburg; I say "probably" because I am for a conservative nominee to sit on this Court.

But the President has enough on his plate, on his platter, to keep him busy. He was nice to send Howard Baker up to consult with Senators about the nominees. He showed us a list of potential nominees. He did not pay any attention to our recommendations on Mr. Bork, and so they came back this time. And I appreciate that and I praise the President for consulting with us on this occasion and respect him and Howard Baker and all those who participated.

But the President has his role to play and we have ours. And no President, Democrat or Republican, is going to stampede this Senate into acting with undue haste on a nomination as long as I am the majority leader. And I say the same thing with reference to ourselves. I am not for delaying for the sake of delay. I do not see any evidence of delay. We just heard of the nomination on yesterday.

So I hope that the White House will restrain its collective tongue on this matter. It will go a long way toward keeping down emotions and charges and countercharges and incriminations and recriminations, and it will certainly expedite the whole process if the White House will try to exercise just a little restraint—just one time, just once—to restrain itself from lashing out and bashing the Congress—the favorite whipping boy now for 7 years. You know you can overdo a thing after a while.

UNANIMOUS-CONSENT AGREEMENT—ENERGY AND WATER APPROPRIATIONS

Mr. BYRD. Mr. President, earlier today I stated that it would by my plan to move to take up the energy and water appropriations bill. I anticipated that there would be objections to my going to that bill. I further anticipated that I would move to take it up. That being a debatable motion, I anticipated that I would have to offer a cloture motion which would mature on Tuesday of next week, if the Senate is in on Monday.

I am told now, I believe by Senators who had planned to debate the motion to proceed at some length, that they have other plans, and I would be very pleased before I proceed to move to take up that bill to hear what they might propose.

Mr. President, with the intention of asking consent to go to that bill, and that failing—the intention to move to take it up—I would be happy first to hear what other Senators would suggest.

Mr. HECHT and **Mr. ADAMS** addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BYRD. Mr. President, I do not yield the floor. I yield first of all to Mr. Adams briefly, and then I will yield to Mr. Hecht.

Mr. ADAMS. I thank the majority leader.

Mr. Leader, we appreciate the fact that if we were to speak at great length on the motion to proceed that a cloture motion would be filed and a great deal of time of the Members would be taken up today, and during the course of Tuesday and on into Wednesday with that. We know there are many things before the Senate at this time. Therefore, we would like to propose that we have a unanimous-consent agreement that would enable the leader to call up the bill at any time after Wednesday the beginning of business, and we would not filibuster the motion to proceed but would talk and make our remarks on substance at the time that the bill was being heard.

I did want to make it clear to the leader, and I am sure it is clear to all others, that we have a great many substantive concerns about the bill but we do not think it would be proper to take the time of all Members on the motion to proceed. Therefore, if we can agree upon granting that power to the majority leader by unanimous consent, this Senator and I conferred with my other colleagues, they may wish to speak for themselves, we would not make extended remarks on the motion to proceed and therefore cloture motion on the motion to proceed would not be necessary.

Mr. REID. Would the majority leader yield?

Mr. ADAMS. I thank the majority leader.

Mr. BYRD. I thank the distinguished Senator from Washington for his help and suggestion. If the distinguished Senator from Nevada would allow me to yield to Mr. Hecht as I promised I would do, then I would yield to the Senator.

Mr. HECHT. I thank the distinguished majority leader.

Reserving the right to object under this agreement we will proceed to the energy and water appropriations bill with the consideration of amendments allowed and a full discussion on the bill's merits in order. I have some serious concerns about the nuclear waste issue, and fully intend to engage in that discussion. If that is the case, then I have no objection to proceeding to this bill.

I thank the distinguished majority leader.

Mr. BYRD. Mr. President, I thank the distinguished Senator.

I yield to the distinguished Senator from Nevada, Mr. Reid.

Mr. REID. I thank the distinguished majority leader for yielding.

I concur in the remarks of the Senator from Washington and agree that the proper time to proceed on this would be on Wednesday or perhaps whatever time the majority leader decides to call up this matter when we can deal with the substantive aspects of this bill.

Mr. BYRD. I thank the distinguished Senator.

I had earlier gotten consent with the approval of the Republican leader that I be authorized, after consultation with the Republican leader or his designee, at any time, to take up the energy, water appropriation bill. I vitiated that order by unanimous consent upon having been reminded by the distinguished Senator from Washington that he had written a letter to me asking to be notified before any order was entered having anything to do with that bill. I inadvertently overlooked that letter, or had forgotten, but whatever it was, I felt duty bound to try to get the order vitiated. I did that.

Now I will have to come back to the distinguished Republican leader and see if it will be agreeable that I propose the same request to go to the energy, water appropiation bill at any time, after consultation with the distinguished Republican leader or his designee, with the understanding that it would not be before Wednesday as the distinguished Senator from Washington has suggested.

Mr. DOLE. If the majority leader will yield, I have no objection to that. In fact, I will give the majority leader some additional good news. I would like to give the same consent to the Child Abuse Prevention Treatment

Act, Calendar No. 385; Price-Anderson, and there is some dispute over which committee; the VA home loan guarantee program, which is Calendar No. 387; Calendar No. 306, Railway Safety Act, and we are about to get an agreement on Calendar No. 256, the independent counsel.

So in addition to the request made by the majority leader, I am willing and I can give him consent now after consultation with the Republican leader to take up any of those just mentioned.

Mr. BYRD. Mr. President, I make that request.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mr. BYRD. So that did include the energy-water appropriation bill?

The ACTING PRESIDENT pro tempore. Yes.

Mr. BYRD. Mr. President, I thank the distinguished Republican leader. I thank the Senator from Washington and the two Senators from Nevada.

I shall propose a time agreement that has been cleared on both sides, I believe. I propose it while the distinguished Republican leader is on the floor.

UNANIMOUS-CONSENT AGREEMENT—INDEPENDENT COUNSEL LEGISLATION

Mr. BYRD. Mr. President, I ask unanimous consent that the majority leader may at any time proceed to the consideration of S. 1293, a bill to amend the Ethics In Government Act, to provide a continuing authorization for the independent counsel. The majority leader may go at any time to that after consulation with the minority leader or his designee but with the further understanding it will not be before Tuesday next, and that the agreement on the bill as to time be as follows:

One and a half hours equally divided on the bill, to be equally divided between and controlled by Mr. LEVIN and Mr. COHEN;

Provided, further, that there be 20 minutes equally divided on an amendment by Mr. METZENBAUM to amend the independent counsel jurisdiction to include substantially related matters of the independent counsel or if the Attorney General requests such amendment;

Provided further, there be 20 minutes equally divided on an amendment by Mr. METZENBAUM to permit a majority of the majority party members or a majority of the minority party members of the Judiciary Committee to request that the Attorney General apply to the Court to expand an independent counsel investigation;

Ordered, further, that there be 20 minutes equally divided on an amendment by Mr. METZENBAUM to clarify that the documents the Attorney General must produce to Congress include staff memoranda and that the provision applies to any case closed since the law was first enacted;

Provided further that there be 1 hour equally divided on an amendment by Mr. HATCH to extend the current law for 2 years, and that there be a 1-hour time limitation on an amendment by Mr. ARMSTRONG to include Members of Congress;

That no other amendments be in order;

That there be 10 minutes equally divided on a Levin-Cohen amendment making minor modifications to the committee-reported substitute and 10 minutes on a debatable motion to appeal points of order if submitted by the chair;

That there be no motion to recommit with or without instructions;

Provided, further, Mr. President, that after third reading the Senate go without further intervening motion or action of any kind to call up the House companion bill, H.R. 2939, and without any further debate or any intervening action to substitute the text of S. 1293, as amended, for the text of the House bill;

And that the vote then occur on the House bill as amended without further debate or intervening action;

And that there be no time to debate then on the motion to reconsider which I think is the norm in any event in an agreement of this kind.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The text of the agreement follows:

Ordered, That the majority leader, after consultation with the Republican leader or his designee, be authorized, but not before Tuesday, November 3, 1987, to proceed to the consideration of S. 1293, a bill to amend the Ethics in Government Act of 1978 to provide a continuing authorization for independent counsel, and that no amendments be in order except the following:

Metzenbaum: To amend the independent counsel's jurisdiction to include substantially related matters if the Independent Counsel or the Attorney General requests such an amendment, 20 minutes, equally divided;

Metzenbaum: To permit a majority of the majority party members or a majority of the minority party members of the Judiciary Committee to request that the Attorney General apply to the Court to expand an independent counsel investigation, 20 minutes, equally divided;

Metzenbaum: To clarify that the documents that the Attorney General must produce to Congress include staff memoranda and that the provision applies to any case closed since the law was first enacted, 20 minutes, equally divided;

Hatch: To extend the current law for 2 years, 1 hour, equally divided;

Armstrong: To include Members of Congress, 1 hour, equally divided;

Levin/Cohen: Making minor modifications to the committee reported substitute.

Ordered further, That there be 1½ hours on the bill, to be equally divided and controlled by the Senator from Michigan [Mr. LEVIN] and the Senator from Maine [Mr. COHEN].

Ordered further, That there be 10 minutes debate on any debatable motion, appeal, or point of order, if submitted by the Chair.

Ordered further, that no motions to recommit, with or without instructions, be in order.

Ordered further, That after third reading, the Senate, without further intervening motion or action of any kind, proceed to consider H.R. 2939, and without any intervening motion or action, substitute the text of S. 1293, as amended, for the text of H.R. 2939, and then immediately proceed without any further debate or intervening action, to vote on H.R. 2939.

Ordered further, That there be no time for debate on a motion to reconsider.

SCHEDULE

Mr. BYRD. Mr. President, I thank the distinguished Republican leader for his assistance in securing this agreement. It is an important agreement. The Senate will not be in on Monday next. I assured the distinguished leader of that fact if we could get this agreement, as I assured other Senators on both sides of the aisle of the same.

When the Senate completes its business today, it will not come in until Tuesday next. There will not be a vote on a cloture motion, beginning Tuesday next, by virtue of the understanding that has been worked out here in the agreement that allows the majority leader, after consultation with the minority leader, to go to the energy and water appropriations bill.

Mr. President, I think the Senate is making good headway on its legislative business, and I will not have the Senate come in on Tuesday until 10 o'clock. I believe that is an election day in some State or States. I will not ask for the usual rollcall vote on a motion with respect to the Sergeant at Arms on Tuesday.

There will be rollcall votes, however, during the day because we will have up the independent counsel legislation or other legislation that day. The votes will just come as they are reached in the course of events that day.

I would suggest to Senators that they be prepared to come in reasonably early that day, to make rollcall votes that may occur on the legislation, but I will not ask for the usual early vote.

Mr. President, I yield the floor, if the distinguished Republican leader wishes to claim it.

Mr. DOLE. I thank the distinguished majority leader.

Mr. President, I just wish to indicate that with the agreement we have just reached on five measures, a couple of which may be unanimous-consent measures, the so-called must list—unless something else comes up that must be done—is getting a bit smaller.

As I understand, we may not do the agriculture bill. Cloture has been filed on energy and water. The CR, of course, will be difficult. On reconciliation there will be a time agreement.

The trade conference report—if there should be one. There is the Supreme Court nomination.

AIDS education I am prepared to take up, but I understand, in trying to reach an agreement on this side, that there is some thought that the primary elements of that package could be put in the appropriations bill. So we are continuing to check that on this side.

The high-risk notification is quite controversial. I have not discussed farm credit, but that is one we need to do this year.

Then we have Saudi arms, Contra aid, nominations for Secretary of Transportation and Secretary of Labor.

We will continue to see what we can do to expedite matters.

UNITED STATES-SOVIET SUMMIT MEETING

Mr. DOLE. Mr. President, I have been advised that on December 7, Mr. Gorbachev will come to the United States for a summit meeting, and I would guess that that is an indication that there will be an INF accord signed by the President and Mr. Gorbachev.

As I have said before, I think it is a step in the right direction, but it should be viewed with some healthy skepticism. The last time I checked, there were still a number of issues that had not been resolved pertaining to verification, and verification is very important.

The U.S. Senate does have the responsibility, under the Constitution, to ratify treaties, and I think Members on both sides take that responsibility seriously. I do not have any idea when the treaty might be before the Senate, but it would be sometime, I assume, fairly early next year.

So I would suggest that certainly Mr. Gorbachev is welcome. I am not quite certain why 10 days ago he indicated there would not be a summit and today there is an announcement of a summit.

I also believe that most Americans would like to see an arms agreement, a reduction in nuclear weapons. But I must add that I do not find any strong feeling that the American people, regardless of party, want to do anything on faith. They do not trust the Soviet leaders, notwithstanding the new policy of glasnost. So I suggest that this is an important agreement. It really does not reduce the total nuclear weapons by much, but it is important because it is a reduction. It is one that will be looked at carefully and read carefully by everyone in this body, particularly by members of committees which have a responsibility for hearings on the treaty.

So I congratulate the President and congratulate, I guess, Mr. Gorbachev. I hope that if that agreement is signed during that visit, it will be one that we can ratify in the Senate because it is a good agreement in all respects.

COMPLIANCE—SANDINISTA STYLE

Mr. DOLE. Mr. President, Halloween officially is not upon us until tomorrow—but we have been seeing a big masquerade in Managua since August 7. We have seen a regime that has been making war on its democratic neighbors for 7 years, masquerading as peacemaker. A regime that has been brutalizing and suppressing its own people for 7 years, masquerading as democratic.

Well, the masquerade is over.

Yesterday, the Sandinistas announced how they will respond to the requirement in the Guatemala City accord that they repeal the emergency decrees—they will ignore it. They are not going to restore civil rights to the people in Nicaragua.

Yesterday, the Sandinistas announced how they will respond to the requirement that they implement a general amnesty—they will ignore it.

Yesterday, the Sandinistas announced how they will respond to the requirement that they work out a cease-fire with the armed resistance—they will ignore it.

I cannot articulate any more clearly than the Sandinistas, themselves, how they have responded to the call that they negotiate a cease-fire with the democratic resistance. A call endorsed by every other President in Central America, including President Duarte, who has instituted negotiations with his own guerrillas; and by Oscar Arias, who has won a Nobel Prize for leading the movement for a negotiated settlement, and who said yesterday that the Sandinistas were holding up the peace process. He said that in effect. A call endorsed by Cardinal Obando, whom the Contras have already urged to serve as mediator. A call endorsed by everybody—everybody—who really wants peace and democracy in Nicaragua.

Here is how the Sandinistas respond to that call, and I am quoting their statement: "No way—nowhere—through no intermediary—at no time—will ever hold a political dialogue" with the democratic resistance.

No way, nowhere. Through no intermediary. At no time.

We hear an awful lot of excuses from an awful lot of people for outrageous Sandinista behavior.

But I wonder if anyone, anywhere, at any time can come up with an excuse for this arrogant, thumb-of-the nose toward the August 7 accord, the peace process, and the demands of the Nicaraguan people for peace with freedom.

Mr. President, since August 7, the Sandinistas, with great fanfare, have opened one newspaper—with certain "understandings" about not printing material which would undermine the so-called peace process. They have opened one radio station—but refused to allow it to broadcast any news. They have allowed serveral score people out of jail—and kept thousands locked in Sandinista slammers. They have declared a phony, partial cease-fire—and continued to import massive arms supplies from the Soviet Union and Cuba.

And, of course, Mr. Ortega will not even be in Managua on the day the Guatemala City accord is to go into full effect—because he will be in Moscow, celebrating a Communist birthday with his Kremlin mentors.

Mr. President, the masquerade is over, and I think we are going to have to make some hard choices here in the Congress again, whether we like it or not. I think the focus must now be on Daniel Ortega and the Communist Sandinista to see if they will comply with the peace process.

It is not enough to say, "Well, we have started the process, we should not do any more, the United States ought to back away."

I would hope that regardless of anyone's previously held position they would follow very carefully not only the words but the actions or inactions of those leaders in the Communist Sandinista Government.

JUDGE GINSBURG

Mr. DOLE. Finally, Mr. President, not in response, but in connection with the statement made earlier by the majority leader, I share the majority leader's view that the Senate is not going to be stampeded into consideration of any nomination, whether it is the Supreme Court or any Cabinet or whatever. And I do believe that that is certainly understood, understood by this Senator, and I think understood by those who initiate the nominating process.

I did meet briefly with Judge Ginsburg this morning. We did discuss when the FBI check might be completed, how soon the American Bar Association might act, and things of that kind, and that will take some time, and as I understood the nominee to be an Associate Justice of the Supreme Court was meeting with the distinguished chairman of the Judiciary Committee, Senator BIDEN, at about 12:30 today. There might have been an additional discussion of that, and the judge will be visiting with the majority leader at a very early time. So I think the process is started.

Judge Ginsburg is making what we call courtesy calls and he is discussing with Senators who have an interest any question they might want to discuss at this point.

So I do not see any hesitation at this point on the part of Congress. I hope there can be an orderly process and that the process will go forward as I feel certain that it will and that we can, wherever possible, expedite action on the nomination and perhaps complete action at a very early time.

That will depend in part on the extent of the hearing, how long it takes, how many questions, how many other witnesses may wish to appear and how to accommodate everyone's schedule.

I have also said yesterday that I just met Judge Ginsburg yesterday. While I certainly support the President's nominee, like everyone else I want to have an opportunity to find out more about Judge Ginsburg. I hope there is no rush to judgment on either side, and I do not believe there will be.

So I will just say that as far as this Senator is concerned we are prepared to cooperate with the administration for expeditious hearing of the nominee and consideration on the Senate floor.

Mr. President, I yield the floor.

RESPONSE OF THE MAJORITY LEADER

Mr. BYRD. Mr. President, I wish to comment on two or three subject matters that have been mentioned by the distinguished Republican leader.

APPROPRIATIONS BILL

The Senate has passed all of the appropriations bills that have been sent to the Senate by the House of Representatives with the exception of the energy and water development appropriations bill. So, out of the 10 general appropriations bills that have been sent to the Senate by the House, the Senate has passed 9 of them and is ready to go to conference. Conferees have been appointed on seven of them and there only remains the one, and the Senate will move on it next week provided Senator JOHNSTON, who is the manager of the energy-water appropriations bill, he being the chairman of the Subcommittee on Appropriations for Energy and Water, is able to take on that task here on the floor while he is working with the bipartisan deficit reduction group in both Houses and including the White House representatives, Messrs. Baker, Baker, and Miller.

In my judgment, those meetings should come first. They have the green light. They have priority, and I do not want to take Senator JOHNSTON away from those meetings until that work is done.

THIS WEEK'S WORK

Second, I think that the Senate should be complimented on the work that it has done this week. It has passed a military construction appropriation bill; a catastrophic illness health care bill; the transportation appropriaton bill; three bills—the airport trust fund, the airline consumer protection, and the airline merger labor-protection bill. The Senate has taken on the drug testing issue, and the text of S. 1041, drug testing for operators of aircraft, railroads, and commercial motor vehicles bill. The Senate has acted upon the temporary extension of the FHA loan authority, and it has reached a time agreement on the independent counsel reauthorization bill.

I thank the distinguished Republican leader for this cooperation in helping to schedule these measures and make it possible that we could get agreements to go to them without delay, and so it is an accolade which I wish to pass around and give due credit to all concerned.

I think this has been a good demonstration of bipartisan effort in the Senate, and it shows the results, and also shows where we can go when we work together in that fashion.

INF TREATY AND JUDGE GINSBURG

On the matter of the treaty, the INF treaty, Mr. President, I want to share the Republican leader's expressed view, as I understood it, that we give a careful look at that treaty when and if it reaches the Senate, that we do not make up our minds in advance, just as I have advocated we not make up our minds pro and con in advance on the nomination of Mr. Ginsburg. Let us give him a fair hearing and give the American people what we owe them, namely, the responsibility to fairly act on that nomination and to not act with undue haste or with overly much delay. Whatever is adequate, let us do it and nothing more and nothing less, and we will all have plenty of time to make up our minds pro and con on Judge Ginsburg after the hearings. I think if we say we are against him before we even listen to him or give him a hearing, it is like pronouncing the verdict and then having a trial. I am not in favor of that.

Of course, I cannot reign in or bridle or control any Senator here. If a Senator wants to express himself ahead of time for or against, he can do so. The perception, however, is we are being unfair, and I think rightly so, if we say we are against him before we give him a chance to be heard. I think, by the same token, it makes it appear to be a partisan political matter if we say we are for him before we hear him at the committee hearing.

Again I say I cannot control other Senators. I can only try to control myself in that respect.

THE INF TREATY

But with regard to the treaty, I am not going to say that I am for the treaty or against it prior to its being sent to the Senate and prior to our having an opportunity to carefully examine it.

I would say that about the treaty, however, and I will be brief, and that is, that any understandings there are with regard to this treaty, we ought to write them in. The Senate can write in understandings and reservations and we ought to do that. It ought to be all out on top of the table.

We ought not to have any secret understandings. We ought to have it all written in. If it is not written into the text of the treaty, then we ought to write in an understanding, a reservation, or whatever, on the Senate floor when the resolution of ratification comes before the Senate. Our allies ought to clearly know what any understandings are. There ought to be no secret, under-the-table understandings between the American and Soviet Governments. Let everything be public.

Let us know what understandings we have with the Soviet Union and what understandings they have with us and what understandings we have with our allies. Let our allies know what is on the table and the American people know what is on the table.

We are going to have some problems with verification, and we need to resolve those problems. The American people do not want a treaty that cannot be verified and our allies do not want a treaty that cannot be verified.

I want to be satisfied with respect to the verification procedures. I want to listen to the advice and counsel of the Joint Chiefs and those who have participated in the negotiations and I also want to have good reason to believe that all understandings are known, that there is nothing secret. Nothing hidden. Nothing covered over. We go into this with our eyes open; maybe with our guard high, but with our eyes open, knowing exactly everything that was said and done, what was understood, and having evidence of it. We cannot afford to make a mistake, not on a treaty with the Soviet Union. We may have made mistakes before and it should have taught us not to repeat them.

Now when we were discussing the SALT II treaties, as I have said several times before, when the Soviets went into Afghanistan, I called President Carter and said, "I want to come over to the White House." And I went to the White House. I said, "Mr. President, we cannot get a two-thirds vote for this treaty. The Soviets have now invaded Afghanistan. It is a hopeless task. It is an act in futility if we even try." So I never called up the treaties. The Soviets are still in Afghanistan.

Mr. President, there is going to be some things said about Afghanistan when this treaty comes to the Senate floor. I do not know how much conversation the Soviets and our negotiators have had about Afghanistan. I understand they have been talking more seriously. I understand from various of our own high-ranking negotiators that the Soviets have been talking recently with some seriousness about Afghanistan.

Well, I can say one thing: There will be serious talk on this floor about Afghanistan when this treaty hits the fan, because the Soviets are still in Afghanistan. They have killed and maimed hundreds of thousands of Afghans—old and young. They have driven millions from their homes. They have left millions of homeless children, orphans, and widows. This treaty is not going to be glossed over, given a pat on the back and a quick how do you do, and approved.

The Senate does not ratify treaties. The Senate only approves the ratification of treaties. But without the Senate's approval of the ratification, the ratification cannot go forward.

The ratification occurs when the instruments are exchanged. The Senate can even approve the ratification of the treaty, yet the President is not even there bound to go through with its ratification.

But Afghanistan is going to be discussed on this Senate floor. I hope that the President and the Secretary of State understand that. I do not know how much has been discussed, in all seriousness, with the Soviet Union, but it is going to be discussed on this floor. There may be some reservations and understandings written into the resolution with respect to Afghanistan. I am not saying there will be, but I am not saying there will not be. But the sight of the horrors and the tragedies and the savagery that have been visited upon the Afghans for these 7 years has been kept hidden, for the most part, from the eyes of the world. There is going to be something said about this subject when the treaty comes up here. Our President and Secretary of State might as well know that. As I say, there may be some understandings and reservations added here regarding Afghanistan or about the mismatch in conventional forces or about chemical weapons or other matters.

Additionally, I want to call to the attention of the administration that there are two treaties that have been on the executive calendar since February 27 of this year. They were reported favorably, with a resolution of advice and consent to ratification, by Mr. PELL, chairman of the Committee on Foreign Relations. They have been just sitting on the calendar.

One is a treaty with the Union of Soviet Socialist Republics on the limitation of underground nuclear weapons tests, and the protocol thereto, the so-called Threshold Test Ban Treaty.

The other is a treaty with the Union of Soviet Socialist Republics on underground nuclear explosions for peaceful purposes, and the protocol thereto, the Peaceful Nuclear Explosions Treaty.

Mr. President, I urge the administration to get behind these treaties that it entered into, and to support on the Senate floor here the approval of the ratification of those treaties.

The President welshed on his promise. The President promised—and it is in writing—that these two treaties would be among the first orders of business for this Congress if the Congress, prior to his going to Reykjavik, would remove arms control language from the continuing appropriation resolution last year. The House withdrew the language in order to free the President's hands. We all stood united behind him. We were not Republicans or Democrats. We were all behind him at Reykjavik.

He broke his promise. He did not support these treaties. And the Foreign Relations Committee put in the verification language that he wanted. He did not support it. He insisted on those treaties being approved twice by the Senate—something I have never heard of.

Now, I do not assume that the administration will insist on the INF Treaty being approved twice by the Senate. But I am going to remind the administration of the two treaties that are on this calendar—they have been on this calendar—and to which Mr. Reagan said he would give his support, in writing—in writing. He has not given his support in keeping with his commitment.

We only have 54 Democrats, and not all of them are for the treaties. But we Democrats cannot provide 67 votes. We only have 54. Unless we have the President and the White House and Senate Republicans supporting these treaties, we cannot approve the ratification thereof.

So it might be a good way to start off if the administration, the first thing next year will say, "We will support those two treaties," in anticipation of sending up an INF Treaty. That would be a good start.

Having said that, Mr. President, I thank all Senators and I am ready to transact some business by unanimous consent.

ORDER EXTENDING MORNING BUSINESS TO 30 MINUTES

Mr. BYRD. Mr. President, I ask unanimous consent that morning business be extended for 30 minutes and Senators may speak therein for up to 10 minutes each. Would that be sufficient?

Mr. EVANS. That is fine, Mr. Leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Washington [Mr. EVANS].

(The remarks of Mr. EVANS pertaining to the introduction of legislation will be found later in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

BLACK MONDAY

Mr. MURKOWSKI. Mr. President, a week ago this past Monday, the Nation stood on the brink of financial crisis. On that "Black Monday" we faced the spectre of financial panic, to say the least.

Since that day we have witnessed financial markets both at home and abroad in a state of great uncertainty and turmoil. Unprecedented volatility and wide fluctuations in stocks, bonds, and dollar levels evidence continued instability, fear and concern for the future. It will be quite some time before my heart will not skip a beat when I hear the words, "On Wall Street today."

There was a message in "Black Monday's" panic. I urge my colleagues to be receptive to that message. On that day, the market was ruled by fear. I submit that the fear was legitimate. It was the fear that the end had come to the economic illusion that we can pile unending deficits onto a towering national debt forever and without consequence.

Just how large is this debt, and what does it mean to America—to Americans—to our children—and theirs—and theirs?

Mr. President, I came to the U.S. Senate in 1981. During that year, I had an opportunity to buy a padlock and when I went to the hardware store, rather than buying a key padlock I bought a combination padlock.

I went home and I reflected on what combination I would set for that padlock. I recall that I had been at a budget meeting and the total debt of our Nation, in the spring of 1981, was $757 billion.

I set that padlock for 757. Since that time, every time I open that padlock, I reflect a little bit on the difference between the current level of debt and the debt at the time I purchased the padlock in 1981. Today we have accumulated a debt of $2.3 trillion.

Think of that Mr. President, $2.3 trillion increased from $757 billion in a period of about 6 years.

Well, I obviously cannot find a padlock with that many numbers on it, so I do not have to worry about that anymore.

At current spending levels, the indication is that the total debt will increase $300 billion by next spring alone.

What are the implications of this debt? Well, one is the interest we must pay to service the debt. Eighteen cents on every dollar in revenues collected by the Federal Government is necessary to service the debt. What does this interest do? It does not provide any jobs. It is kind of like a horse. You know what a horse does, Mr. President; a horse eats while you and I sleep.

Reflect on it. The revenue dedicated to paying that interest generates no jobs, no additional services, no veterans' benefits, just continued growing interest on the debt. The U.S. Treasury borrows over $500 million each and every day of the year—I might add most of that debt is borrowed from foreign sources—to service our accumulated debt.

I was a banker, Mr. President, for some 24 years, and I understand the power and influence of one who holds another's debt. We are seeing foreigners come in and underwrite our debt today. What are they doing with their excess dollars? They are buying our assets.

The significance of the power and influence they are going to have on our economy is evident in the manner in which the stock market reacted. It did not just react in New York. It reacted in Hong Kong, in Tokyo, in Sydney. It is a uniform, worldwide economic crisis and we are simply a part of it. No longer can we stand alone.

Really, we have a cancer which is eating away at America today. Rising interest rates impede growth, the U.S. debt is interwoven with the trade deficit, and as a result, we have a difficulty in competing worldwide. We have insufficient dollars to infuse into business for expansion and homes in this country. This is a reality and facing reality can be very difficult; it can be painful.

However, this Nation, this Congress and this body must face the reality imposed by our budget and trade deficits. If we delay until action is easy, we are being unrealistic. We cannot limit ourselves to those measures which do not inconvenience us. We must act and we must act now.

If we fail to act, one day the panic we witnessed on "Black Monday" will be the calm before the storm. If this Nation, this Congress and this body fail to face reality, financial reality, one day we are going to pay the piper. We will lose the options that we have now if we do not move with dispatch. We will lose the ability to control our own domestic destiny, and, most importantly, other programs and principles that we cherish will be swept aside without regard to their importance to the American people or the fairness of their demise.

Mr. President, we cannot forget the obligation of the Congress to those who follow us.

Mr. President, a short time ago, George Will quoted Herb Stein, Chairman of the Council on Economic Advisers under President Nixon as saying, "Economists do not know much, and they know much more than politicians." A rather humorous quote and there is probably some truth in those words. But I believe that politicians know as well as economists the consequences of continued irresponsibility in borrowing and spending with the hope that future generations will be able to handle the debt.

The difference is that as politicians we are in a role which compels us to make decisions. I submit the stock market panic, "Black Monday," is evidence that everyone knows what economists and politicians know. I submit that the panic is evidence that there is a general belief in this country, and around the world, that the day of reckoning for our unwillingness to make hard decisions has come very close.

Mr. President, the panic is also evidence that the Senate has before it a historic window of opportunity. This week's economic summit between the President and the Congress has the potential to begin the process of reweaving the economic fiber of the Nation into a sound, durable economic system that will continue to generate opportunities for growth and prosperity. To do so, all of us must be willing to set aside political considerations in the interest of the Nation's well-being.

To do so, we must remember that we cannot use unanimous consent to make our problems disappear or create illusionary savings where none exist.

The free market, Mr. President, exists in a real world where budget savings exist only if we spend less money; a real world where the only revenues that count are those that are collected.

Over the past 5 years we have seen budget crisis after budget crisis resolved by smoke and mirrors. Last week we saw the free market analysis of our so-called problem solving. Last week on 1 day we saw a half trillion dollars of paper profits disappear.

I contend that an honest, actual reduction of our deficit with a credible plan with further future reductions would have preserved that value by preserving confidence in the economic system in which it is rooted.

Mr. President, we must go forward now. The market and the public are watching us. If we fail to act now, when the consequences of inaction have been so dramatically demonstrated, I predict even greater retribution by the hidden hand of the free market.

We are talking about $23 billion, Mr. President, as a start. That is a small amount, very small, as a percentage of the whole. In reality, it is less than 1 percent. If we cannot achieve that minimal level of 1 percent, then we can never hope to restore the confidence of the financial markets of the world.

So, Mr. President, we must do better. We must correct the policies which have led to a Federal budget wildly out of balance and an out-of-control trade deficit as well.

U.S. firms have been driven to their knees by foreign competition in an inequitable manner, Mr. President, because reciprocity does not exist. Foreign countries enjoy market access into the United States, but there is no reciprocity in that relationship, Mr. President.

We have seen in the case of contracting, architectural, and engineering firms coming into the United States from Japan and doing as much as 2 billion dollars' worth of business. On the other hand, we have yet to do any business in Japan through our own contracting firms, our architectural firms, engineering firms, and so forth.

This is the kind of thing I am talking about, Mr. President; equity in competing for foreign markets, not protectionism. At a time when foreigners are buying up American assets and firms at an unprecedented pace, it is simply time to demand fairness and equity.

We see our U.S. Navy defending the supply of oil in the Persian Gulf. For the benefit of whom? For the benefit of our allies. And their contribution to this effort, Mr. President, it is very hard to identify. We are not receiving the benefits of the oil from the Persian Gulf we are commiting our Navy to defend.

So, Mr. President, we must act now, even though it is painful; because the pain we feel now will be nothing compared to the pain we shall feel when our worst fears are realized.

I think I have outlined the problem. The question is, "Who is going to lead the way?" We are talking about our economic summit meetings here on the Hill. I challenge my colleagues in this body to address the reality that we today have a very historic opportunity to take a significant step to bring our deficit under control.

As ranking minority member of the Committee on Veterans' Affairs, I know the veterans of this country are willing to support our actions to restore balance to the budget. They are willing to come forward and provide leadership by supporting a freeze on the COLA's that are due justifiably to those who gave so much to keep and maintain our freedoms.

The veterans' organizations of America; the American Legion, the Veterans of Foreign Wars, the Disabled American Veterans, the AMVETS, the Paralyzed Veterans of America, who in combination represent in excess of 6 million veterans; are prepared to meet now with Members of this body and with the President of the United States to announce their willingness to forgo a COLA in the benefits received by disabled and needy veterans if, Mr. President, the COLA freeze is across the board; if the freeze applies to all programs and all program recepients. Let us look at what this means. Savings are estimated to be $350 million in service-connected disability compensation, and over $97 million in pensions for needy disabled veterans.

So we are talking here, Mr. President, of a savings of about $450 million in fiscal 1988 alone. We know, Mr. President, that a freeze on the Social Security COLA would yield an additional $9 billion in savings. A freeze which includes veterans but does not include Social Security recipients frankly will not meet the test of equity as far as our veterans are concerned.

Such a freeze would deny a COLA to the many veterans disabled in the service while fighting our wars, to those who were wounded in our wars, while at the same time providing a COLA to Social Security recipients.

I think it is important to note, Mr. President, the veterans of this country are willing to sacrifice their COLA with the condition that the freeze apply universally. It must apply to everyone. If disabled veterans, needy veterans, are asked to sacrifice while non-means-tested Social Security recipients are excluded, I believe that this Congress, this body will respond with an exemption for veterans.

In summary, Mr. President, veterans have already sacrificed for this country. They have given much through their service. Those injured in the performance of their duty can never possibly be repaid. But, as I have repeated time and time again, they have expressed their willingness to make a sacrifice again if the sacrifice is universal.

Mr. President, make no mistake about it. We are not speaking of cutting existing benefits, only freezing benefits for 1 year at a current level so we can address the economic plight of this country. Our veterans recognize that their programs, if they are to continue, must be based on a healthy economy.

The significance of their willingness is evident, Mr. President. The veterans of this country are willing to step forward and say they will take a freeze on COLA's. They say they stand ready again to make a sacrifice.

So the message to this body, Mr. President, is evident. The message is a very simple one. Does this legislative body have the intestinal fortitude to accept the message of the veterans of this country that they are willing to accept the sacrifice if the sacrifice is universal?

In addition, there is a message to our President and our leaders that our veterans again are willing to step forward. There is also a message, Mr. President, to those recipients of Social Security in this country that they, too, must address the question of whether they are willing to accept a freeze of their COLA's as well.

I would hope that our President will have an opportunity to meet with the spokesmen for the veterans organizations of America, and to hear them enunciate their willingness to make this sacrifice.

Mr. President, the veterans organizations of America are willing to march with the Congress and the President of the United States today, and they are waiting to hear from both.

I thank the Chair.

Mr. EVANS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CONRAD). Without objection, it is so ordered.

THE CALENDAR

Mr. BYRD. Mr. President, I inquire of the distinguished acting Republican leader, Mr. EVANS, if the following calendar orders have been cleared on his side of the aisle: Calendar orders numbered 97, 137, and 230.

Mr. EVANS. Yes, Mr. President.

Mr. BYRD. We may transfer those to "Subjects on the Table."

Mr. EVANS. All three of those have been cleared on our side.

Mr. BYRD. And if we might pass or take up and pass Calendar Order No. 399 and all calendar orders through 416 inclusive.

Mr. EVANS. All of those have been cleared on this side of the aisle.

Mr. BYRD. I thank the distinguished Senator.

ITEMS TRANSFERRED TO SUBJECTS ON THE TABLE

Mr. BYRD. Mr. President, I ask unanimous consent that the foregoing Calendar Order Nos. 97, 137, 230, be transferred to "Subjects on the Table," en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE CALENDAR

Mr. BYRD. Mr. President, I ask unanimous consent that all Calendar Orders 399 through 416 be taken up en bloc, considered en bloc, agreed to en bloc, with any amendments thereto or amendments to the preambles thereto being agreed to en bloc, and that the motion to reconsider en bloc be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The measures follow:

NATIONAL DAY OF EXCELLENCE

The joint resolution (S.J. Res. 35) relating to the commemoration of January 28, 1988, as a "National Day of Excellence," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 35

Whereas, on January 28, 1986, the seven crew members of the space shuttle Challenger, Commander Francis R. Scobee, Pilot Michael J. Smith, Mission Specialist Ellison S. Onizuka, Mission Specialist Ronald E. McNair, Mission Specialist Judith Resnick, Payload Specialist Gregory B. Jarvis, Teacher-Observer S. Christa McAuliffe, were killed in a tragic explosion shortly after liftoff;

Whereas each of the crew members of the Challenger was a true American hero who represented the best and the brightest that our Nation has to offer;

Whereas the crew of the Challenger gave their lives while striving for an excellence of technology, of goal, and of personal achievement which fills all Americans with a sense of pride in their fellow human beings and countrymen;

Whereas the most appropriate tribute we could pay the crew of the Challenger is a national day when Americans would re-dedicate themselves in all their endeavors to the pursuit of excellence which makes our country great;

Whereas the American spirit is most responsive to a living tribute in which all citizens can participate and be enriched by such participation; and

Whereas this is a day for which our national character cries out: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That January 28, 1988, is designated as a "National Day of Excellence". The President is authorized and requested to issue a proclamation calling on the people of the United States to observe such a day—

(1) by resolving that in the course of their regular activities they will pursue the spirit of excellence represented by the crew of the space shuttle Challenger; and

(2) with appropriate ceremonies and activities.

NATIONAL FAMILY WEEK

The joint resolution (S.J. Res. 66) to designate the week of November 22, 1987, through November 28, 1987, as "National Family Week," was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S.J. RES. 66

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue a proclamation designating the week of November 22, 1987, through November 28, 1987, as "National Family Week", and inviting the Governors of the several States, the chief officials of local governments, and the people of the United States to observe such week with appropriate ceremonies and activities.

NATIONAL ADOPTION WEEK

The joint resolution (S.J. Res. 97) to designate the week beginning November 29, 1987, as "National Adoption Week," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 66

Whereas Thanksgiving week has been commemorated as "National Adoption Week" for the past ten years;

Whereas we in Congress recognize the essential value of belonging to a secure, loving, permanent family as every child's basic right;

Whereas approximately fifty thousand children who have special needs—school age children, children within sibling groups, children who are members of minorities, or children with physical, mental, or emotional handicaps—are now in foster care or institutions financed at public expense and are legally free for adoption;

Whereas the adoption by capable parents of these insitutionalized or foster care children into permanent, adoptive homes would insure the opportunity for their continued happiness and long-range well-being;

Whereas public and private barriers inhibiting the placement of these special needs children must be reviewed and removed where possible to assure these children's adoption;

Whereas the public and prospective parents must be informed of the availability of adoptive children;

Whereas a variety of media, agencies, adoptive parent and advocacy groups, civic and church groups, businesses, and industries will feature publicity and information to heighten community awareness of the crucial needs of waiting children; and

Whereas the recognition of Thanksgiving week as "National Adoption Week" is in the best interest of adoptable children and the public in general: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of November 22, 1987, through November 28, 1987, is designated "National Adoption Week", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

NATIONAL HOME HEALTH CARE WEEK

The joint resolution (S.J. Res. 98) to designate the week of November 29, 1987, through December 5, 1987, as "National Home Health Care Week," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 98

Whereas organized home health care services to the elderly and disabled have existed in this country since the last quarter of the eighteenth century;

Whereas home health care, including skilled nursing services, physical therapy, speech therapy, social services, occupational therapy, health counseling and education, and homemaker-home health aide services, is recognized as an effective and economical alternative to unnecessary institutionalization;

Whereas caring for the ill and disabled in their homes places emphasis on the dignity and independence of the individual receiving such services;

Whereas the Federal Government has supported home health services since the enactment of the medicare program, with the number of home health agencies providing services increasing from less than five hundred to more than five thousand; and

Whereas many private, public, and charitable organizations provide these and similar services of millions of patients each year preventing, postponing, and limiting the need for institutionalization and enabling such patients to remain independent: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress, assembled, That the week of November 29, 1987 through December 5, 1987, is designated as "National Home Health Care Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week with appropriate programs, ceremonies, and activities.

NATIONAL PEARL HARBOR REMEMBRANCE DAY

The joint resolution (S.J. Res. 105) to designate December 7, 1987, as "National Pearl Harbor Remembrance Day," on the occasion of the anniversary of the attack on Pearl Harbor was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 105

Whereas on the morning of December 7, 1941, the Imperial Japanese Navy and Air Force launched an unprovoked surprise attack upon units of the Armed Forces of the United States stationed at Pearl Harbor, Hawaii;

Whereas over two thousand four hundred citizens of the United States were killed in action and one thousand one hundred and seventy-eight were wounded in this attack;

Whereas President Franklin Delano Roosevelt referred to the date of the attack as "a date that will live in infamy";

Whereas the attack on Pearl Harbor marked the entry of this Nation into World War II;

Whereas the people of the United States owe a tremendous debt of gratitude to all members of our Armed Forces who served at Pearl Harbor, in the Pacific Theater of World War II, and in all other theaters of action of that war; and

Whereas the veterans of World War II and all other people of the United States will commemorate December 7, 1987, in remembrance of this tragic attack on Pearl Harbor: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That December 7, 1987, the anniversary of the attack on Pearl Harbor, is designated as "National Pearl Harbor Remembrance Day" and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States—

(1) to observe this solemn occasion with appropriate ceremonies and activities; and

(2) to pledge eternal vigilance and strong resolve to defend this Nation and its allies from all future aggression.

NATIONAL STUTTERING AWARENESS WEEK

The joint resolution (S.J. Res. 125) to designate the period commencing on May 9, 1988, and ending on May 15, 1988, as "National Stuttering Awareness Week," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 125

Whereas stuttering occurs when the natural flow of speech is interrupted, such as with the inability to produce certain sounds, or when an initial sound, word, or phrase is repeated;

Whereas over 3,000,000 Americans, both children and adults, suffer from this handicap;

Whereas there is a tendency for stuttering to be an inherited trait which can often be traced through family genealogy;

Whereas men have been found to be four times as likely as women to have this disorder, the same male to female ratio as with some learning disorders;

Whereas it should be recognized that although there is no known cure for stuttering, there is help available, and that available help should be emphasized; and

Whereas there has been no national recognition of the condition known as stuttering, and the public and Federal government are not sufficiently aware of the frustration and anxiety felt by persons who stutter and the diminished self-respect and self-esteem which follows: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the period commencing on May 9, 1988, and ending on May 15, 1988, is designated as "National Stuttering Awareness Week", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe such period with appropriate ceremonies and activities.

FREEDOM OF INFORMATION DAY

The joint resolution (S.J. Res. 126) to designate March 16, 1988, as "Freedom of Information Day," was considered, ordered to be engrossed for a

third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 126

Whereas a fundamental principle of our Government is that a well-informed citizenry can reach the important decisions that determine the present and future of the Nation;

Whereas the freedoms we cherish as Americans are fostered by free access to information;

Whereas many Americans, because they have never known any other way of life, take for granted the guarantee of free access to information that derives from the First Amendment to the Constitution of the United States;

Whereas the guarantee of free access to information should be emphasized and celebrated annually; and

Whereas March 16 is the anniversary of the birth of James Madison, one of the Founding Fathers, who recognized and supported the need to guarantee individual rights through the Bill of Rights: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That March 16, 1988, is designated as "Freedom of Information Day", and the President is authorized and requested to issue a proclamation calling upon Federal, State, and local government agencies and the people of the United States to observe such day with appropriate programs, ceremonies, and activities.

NATIONAL TOURISM WEEK

The joint resolution (S.J. Res. 134) to designate the week commencing on the third Sunday in May, 1988, as "National Tourism Week," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 134

Whereas tourism is vital to the United States, contributing to overall economic prosperity, employment, and international balance of payments;

Whereas tourism creates employment opportunities that provide wages and salaries for individuals and tax revenues for Federal, State, and local governments;

Whereas the travel and tourism sectors of the economy constitute a large industry in the United States;

Whereas tourism enhances international understanding and goodwill; and

Whereas as people throughout the world become aware of outstanding cultural and recreational resources available across the United States, travel and tourism will become an increasingly important aspect of the daily lives of people the United States: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week commencing on the third Sunday in May, 1988, is designated as "National Tourism Week".

NATIONAL DRUNK AND DRUGGED DRIVING AWARENESS WEEK

The joint resolution (S.J. Res. 136) to designate the week of December 13, 1987, through December 19, 1987, as "National Drunk and Drugged Driving Awareness Week," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 136

Whereas traffic accidents cause more violent deaths in the United States than any other cause, approximately forty-six thousand in 1986;

Whereas traffic accidents cause thousands of serious injuries in the United States each year;

Whereas about 54 per centum of drivers killed in single vehicle collisions and 39 per centum of all drivers fatally injured in 1986 had blood alcohol concentrations of .10 or above;

Whereas the United States Surgeon General has reported that life expectancy has risen for every age group over the past seventy-five years except for Americans fifteen to twenty-four years old, whose death rate, the leading cause of which is drunk driving, is higher now than it was twenty years ago;

Whereas the total societal cost of drunk driving has been estimated at more than $26,000,000,000 per year, which does not include the human suffering that can never be measured;

Whereas there are increasing reports of driving after drug use and accidents involving drivers who have used marijuana or other illegal drugs;

Whereas driving after the use of therapeutic drugs, either alone or in combination with alcohol, contrary to the advice of physician, pharmacist, or manufacturer, may create a safety hazard on the roads;

Whereas more research is needed on the effect of drugs either alone or in combination with alcohol, on driving ability and the incidence of traffic accidents;

Whereas an increased public awarness of the gravity of the problem of drugged driving may warn drug users to refrain from driving and may stimulate interest in increasing necessary research on the effect of drugs on driving ability and the incidence of traffic accidents;

Whereas the public, particularly through the work of citizens groups, is demanding a solution to the problem of drunk and drugged driving;

Whereas the Presidential Commission on Drunk Driving, appointed to heighten public awareness and stimulate the pursuit of solutions, provided vital recommendations for remedies for the problem of drunk driving;

Whereas the National Commission Against Drunk Driving was established to assist State and local governments and the private sector to implement these recommendations;

Whereas most States have appointed task forces to examine existing drunk driving programs and make recommendations for a renewed, comprehensive approach, and in many cases their recommendations are leading to enactment of new laws, along with stricter enforcement;

Whereas the best defense against the drunk or drugged driver is the use of safety belts and consistent safety belt usage by all drivers and passengers would save as many as ten thousand lives each year;

Whereas an increase in the public awareness of the problem of drunk and drugged driving may contribute to a change in society's attitude toward the drunk or drugged driver and help to sustain current efforts to develop comprehensive solutions at the State and local levels;

Whereas the Christmas and New Year holiday period, with more drivers on the roads and an increased number of social functions, is a particularly appropriate time to focus national attention on this critical problem;

Whereas designation of National Drunk and Drugged Driving Awarenesss Week in each of the last five years stimulated many activities and programs by groups in both the private and public sectors aimed at curbing drunk and drugged driving in the high-risk Christmas and New Year holiday period and thereafter;

Whereas the activities and programs during National Drunk and Drugged Driving Awareness Week have heightened the awareness of the American public to the danger of drunk and drugged driving: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of December 13, 1987, through December 19, 1987, is designated as "National Drunk and Drugged Driving Awareness Week" and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that week with appropriate activities.

NATIONAL SKIING DAY

The joint resolution (S.J. Res. 146) designating January 8, 1988, as "National Skiing Day," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 146

Whereas commercial alpine and nordic skiing operations are among the fastest growing commercial uses of the national forests;

Whereas skiing increases the recreational value of the national forests by providing a winter recreational use for such forests;

Whereas skiing is a healthful activity that promotes physical well-being, contributes to the enrichment of the human spirit, and fosters an appreciation of the outdoor environment;

Whereas skiing provides enjoyment to millions of people each winter;

Whereas skiing improves employment opportunities in, and contributes to the economic stability of, a number of States;

Whereas the people of many rural communities in the United States rely primarily on skiing for winter employment and income; and

Whereas people throughout the world can become aware of the environmental grandeur and recreational resources of the United States by skiing in the United States: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That January 8, 1988, is designated as "National Skiing

Day", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe such day with appropriate ceremonies and activities.

AFRICAN AMERICAN EDUCATION WEEK

The joint resolution (S.J. Res. 174) designating the week beginning November 15, 1987, as "African American Education Week," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. Res. 174

Whereas the enrollment of African American students in urban public school districts is expected to increase significantly by 1990, but the number of African American educators available to teach these students is expected to decline;

Whereas a critical shortage of African American educators already exists in the teaching force, and the percentage of African Americans pursuing careers in education has declined significantly in recent years;

Whereas the National Alliance of Black School Educators promotes academic excellence as the cornerstone of achievement and upward mobility for African American students and promotes teaching as a viable career option for African Americans;

Whereas the commitment of the National Alliance of Black School Educators to African American education is consistent with the current movement in the United States to reform education in the public schools; and

Whereas the National Alliance of Black School Educators has initiated and will coordinate a celebration of African American education that will occur during the week of November 15, 1987: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning November 15, 1987, is designated as "African American Education Week", and the President is authorized and requested to issue a proclamation calling upon—

(1) the Department of Education, and State and local governments, to support appropriate ceremonies and activities carried out to observe such week;

(2) schools and communities in which African Americans are represented to demonstrate their commitment to the education of African Americans; and

(3) community organizations that share an interest in the education of African Americans to intensify their efforts to support the achievement of academic excellence by African Americans.

NATIONAL DRINKING WATER WEEK

The joint resolution (S.J. Res. 185) to designate the period commencing on May 2, 1988, and ending on May 8, 1988, as "National Drinking Water Week," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. Res. 185

Whereas water itself is God-given, and the drinking water that flows dependably through our household taps results from the dedication of the men and women who operate the public water systems of collection, storage, treatment, testing, and distribution that insures that drinking water is available, affordable, and of unquestionable quality;

Whereas the advances in health effects research and water analysis and treatment technologies, in conjunction with the Safe Drinking Water Act Amendments of 1986 (Public Law 99-339), could create major changes in the production and distribution of drinking water;

Whereas this substance, which the public uses with confidence in so many productive ways, is without doubt the single most important product in the world and a significant issue of the future;

Whereas the public expects high quality drinking water to always be there when needed; and

Whereas the public continues to increase its demand for drinking water of unquestionable quality: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the period commencing on May 2, 1988, and ending on May 8, 1988, is designated as "National Drinking Water Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such period with appropriate ceremonies, activities, and programs designed to enhance public awareness of drinking water issues and public recognition of the difference that drinking water makes to the health, safety, and quality of the life we enjoy.

NATIONAL CHALLENGER CENTER DAY

The joint resolution (S.J. Res. 201) to designate January 28, 1988, as "National Challenger Center Day" to honor the crew of the space shuttle *Challenger*, was considered.

Mr. GARN. Mr. President, I am pleased that Senate Joint Resolution 201, to proclaim January 28, 1988, as National Challenger Center Day is being brought before this body. With my distinguished colleague, Senator Glenn, and 66 other of our colleagues as cosponsors, I ask for the consideration and passage of this legislation today.

Once again, I want to remark on the strong support this commemorative legislation has and thank those Senators and the members of their staffs who responded quickly and enthusiastically to offer their support as cosponsors to this measure. Their willingness to be helpful affirms the validity of the Challenger Center's cause and is a measure of the strong interest in both remembering and honoring the *Challenger* crew and their families.

Certainly, there are few instances when the enthusiasm and vigor of a group of people like the *Challenger* crew can capture the attention of not only a nation, but literally the world around them. There was no one who was not praying and hoping for the successful completion of that *Challenger* mission. We cheered for them, and when tragedy struck, we mourned for them, for their families, and for our own personal loss—as individuals, as a nation, and as the world.

So we seek for a way to soften the blow and to find purpose in what is difficult. The families of the crew members found a way to continue the important mission of the *Challenger* crew. As you all know, they decided in the aftermath of the accident to establish a space education center called the Challenger Center as a living memorial to their loved ones. Their hope is that this center will continue the final mission of the *Challenger* and help to complete the dreams of those who flew her.

The center will provide the children and young people of the Nation with an opportunity to experience the sciences, especially the space sciences, at work. It will help teachers learn how to be more effective in teaching the concepts embodied in space science. And it will serve as a focal point to bring together the best talents, skills, and resources to continue to improve learning and teaching opportunities for generations to come.

The center has made significant strides in establishing a Washington headquarters, as well as regional mission sites and affiliated museums across the country. Over 10,000 individuals have contributed in excess of $2 million, and the families and friends of the Challenger Center have traveled thousands of miles to communicate the purpose of the Challenger Center and to garner valuable support for its programs.

In addition, there are a great number of my colleagues in the Senate who are acting in supportive roles in many different ways to promote and endorse the Challenger Center. I thank them, not only for their support of this resolution, but for their support in other ways as well.

Focusing on the Challenger Center is an appropriate way to mark the anniversary of the shuttle accident. We can forward the dreams of Dick Scobee, Mike Smith, Ron McNair, Ellison Onizuka, Judy Resnik, Greg Jarvis, and Christa McAuliffe by pursuing a functioning and completed Challenger Center.

Passage of this resolution will aid the cause of the Challenger Center by directing public attention to the living memorial that the center will be. It will also remind us again of those seven wonderful people and the sacrifices they made. For these reasons, I ask for immediate consideration and passage of this resolution.

Mr. GLENN. Mr. President, I would like to rise in support of this resolution.

Today we stand at a crossroads for the space program—we have moved beyond the tragedy of the *Challenger* accident, but have not yet stepped firmly on the path to a revitalized space program.

Twenty-five years ago, America was at the cutting edge of space technology. We were firmly committed to excellence in space, and were prepared to do what was necessary to ensure that we remained at the forefront of the modern scientific revolution. Today, we need to commit ourselves to another quarter century of excellence, to see to it that we have what it takes to bring us triumphantly into the 21st century, and to ensure that our most precious resource, our children, have the educational opportunities to take full advantage of our technical advances.

Today, we have before us an indication of the path we are choosing. The Challenger Center for Space Science Education is well on the way to becoming reality. It is a place where the educational mission of the *Challenger* can be continued. The center is designed to stimulate and enhance young people's knowledge and participation in science, particularly in space science. It is a wonderful idea, and one that merits our full support.

Perhaps the most exciting thing about the Challenger Center, however, is that it is not a statue that will be solemnly viewed and forgotten, nor simply a once-a-year observation of a tragic event. It is a living memorial expressing the goals and ideals of the *Challenger* crew, one which would invite participation and one which would embody the mission of the space shuttle *Challenger* and further the education of our Nation's youth. Its success is not only an indication that the *Challenger's* educational mission will continue, but that public sentiment is for the space program.

Almost more important than this, however, is the fact that the Challenger Center for Space Science Education stands as a symbol for the two principles which made this country what it is today. First, it stands for education, which is one of the backbones of our Nation, perhaps the most important element in our society. Second, it stands for research and scientific advance, which allowed us to continually push back our frontiers. These two factors are what built this country, and we need to do all we can to ensure that they continue to build and develop our Nation.

Today we do indeed stand at a crossroads. It was brought about by the *Challenger* tragedy, and in many ways we can blame the accident for lost momentum in the space program. However, we can also see now that we were full of complacency, a sense that we could continue to reap success because we had always done so—and that was a very dangerous attitude to take. We are now confronted with a multitude of choices regarding the space program, but that is a good thing, for we can now choose to make America's excellence in space a national goal, the Challenger Center will help us make this positive choice, and we now have a firm commitment to the future.

The joint resolution (S.J. Res. 201) was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. Res. 201

Whereas the crew of the space shuttle Challenger was dedicated to stimulating the interest of American children in space flight and science generally;

Whereas the members of the Challenger crew gave their lives trying to benefit the education of American children;

Whereas a fitting tribute to that effort and to the sacrifice of the Challenger crew and their families is needed;

Whereas an appropriate form for such a tribute would be to expand educational opportunities in science by the creation of a center that will offer children and teachers activities and information derived from American space research; and

Whereas the Challenger Center is the only institution expressly established by the immediate families of the crew of the Challenger for the above-named purposes, and is intended to be the living expression of the Nation's commemoration of the Challenger crew: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That January 28, 1988, is designated as "National Challenger Center Day" and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe such day—

(1) by resolving that in the course of their regular activities the people of the United States will remember both the Challenger astronauts who died while serving their country, and the importance of the Challenger Center is honoring the accomplishments of the Challenger crew by continuing their goal of the expansion of interest and ability in space and science education; and

(2) with other appropriate ceremonies and activities.

HONORING IRVING BERLIN

The resolution (S. Res. 246) to honor Irving Berlin for the pleasure he has given to the American people through almost a century of his music, was considered and agreed to.

The preamble was agreed to.

The resolution, and the preamble, are as follows:

S. Res. 246

Whereas Mr. Berlin emigrated from Russia with his family to the United States in 1893 and became a resident of New York City;

Whereas Mr. Berlin began as a young boy singing on the streets of New York and worked all his life to become one of the most successful musical composers and publishers in American history;

Whereas Mr. Berlin had his first hit song in 1909, and wrote his first musical in 1916;

Whereas Mr. Berlin has composed the music and lyrics for over 900 songs, 19 Broadway musicals, and 18 films;

Whereas Mr. Berlin received the Congressional Gold Medal from President Eisenhower for his famous song "God Bless America" in 1955;

Whereas Mr. Berlin's music has been imprinted in the hearts and minds of Americans for over 70 years with songs such as, "White Christmas" and "There's No Business Like Show Business";

Whereas Mr. Berlin has contributed the proceeds from many of his songs to such esteemed organizations as the Army Emergency Relief Fund and the Girl and Boy Scouts of America; and

Whereas Mr. Berlin will be 100 years old on May 11, 1988, and deserves a national acknowledgment of appreciation for three quarters of a century of his talent: Now, therefore, be it

Resolved, That it is the sense of the Senate that Irving Berlin be recognized for his tremendous musical accomplishments and for the pleasure he has given to the American people.

RECOGNIZING RACHEL CARSON ON THE 25TH ANNIVERSARY OF HER BOOK "SILENT SPRING"

The resolution (S. Res. 267) to express the sense of the Senate that Rachel Carson is recognized on the 25th anniversary of her book "Silent Spring," for her outstanding contributions to public awareness and understanding of environmental issues, was considered and agreed to.

The preamble was agreed to.

The resolution, and the preamble, are as follows:

S. Res. 267

Whereas Rachel Carson, through her writings and work, made unprecedented contributions to public awareness and understanding of the natural environment and environmental issues;

Whereas her book, "Silent Spring", awakened the American public to the dangers posed by the misuse of chemical pesticides;

Whereas "Silent Spring" helped foster general public concern for the integrity of the natural environment and for the environmental threats posed by pollution of the water, air, and land;

Whereas the growth of environmental consciousness that occurred in the years following "Silent Spring" provided the foundation necessary for the enactment of our existing environmental laws;

Whereas continued public understanding of the natural environment is essential to the continued success of efforts to identify and respond to pollution problems; and

Whereas 1987 is the twenty-fifth anniversary of Rachel Carson's book, "Silent Spring": Now, therefore be it

Resolved, That it is the sense of the Senate to recognize the outstanding contributions of Rachel Carson to public awareness and understanding of environmental issues on the twenty-fifth anniversary of her book, "Silent Spring".

COMMENDING THE EFFORTS OF ORGANIZERS AND PARTICIPANTS OF "JUSTICE FOR ALL DAY"

The resolution (S. Res. 303) to commend the efforts and commitment of the organizers and participants of "Justice For All Day," November 17, 1987, was considered, and agreed to.

The preamble was agreed to.

The resolution, and the preamble, are as follows:

S. RES. 303

Whereas the poverty, hunger, and homelessness that afflict this great Nation are issues of tremendous concern to all Members of the United States Senate and the citizens they represent;

Whereas the efforts to combat the tragedy of poverty should include all sectors of American society, public and private, rich and poor, liberal and conservative; and

Whereas all efforts to abolish poverty and destitution must begin with an understanding of the causes of poverty and the myths and misunderstandings that obscure the plight of Americans in poverty: Now, therefore, be it

Resolved, That the Senate—

(1) commend the efforts and commitment of the organizers and participants of "Justice For All Day", November 17, 1987; and

(2) express gratitude to all persons who work to abolish poverty and ease the suffering of the poor.

RECOGNIZING THE DISABLED AMERICAN VETERANS VIETNAM VETERANS NATIONAL MEMORIAL

The joint resolution (H.J. Res. 97) to recognize the Disabled American Veterans Vietnam Veterans National Memorial as a memorial of national significance, was considered, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

NATIONAL FAMILY CAREGIVERS WEEK

The Joint resolution (H.J. Res. 130) to designate the week beginning November 22, 1987, as "National Family Caregivers Week," was considered, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

MODIFICATION OF S. 1158 AS ENGROSSED

Mr. BYRD. Mr. President, I ask unanimous consent that in the engrossment of the bill, S. 1158, an act to extend the authorization of appropriations for programs and activities under title III of the Public Health Service Act, to establish a National Health Service Corps Loan Repayment Program, to otherwise revise and extend the program for the National Health Corps, and for other purposes, the Secretary of the Senate be authorized and directed to make the following correction.

Namely, on page 49, line 7, insert "clinical psychology," after the word "podiatry,".

The PRESIDING OFFICER. Without objection, it is so ordered.

VETERANS' HOME LOAN PROGRAM IMPROVEMENTS ACT

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 287, S. 1801, dealing with veterans' home loans.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A bill (S. 1801) to amend title 38, United States, Code, to increase the maximum Veterans' Administration home loan guaranty, reduce Veterans' Administration guaranteed loan defaults and foreclosures, and make other improvements in the Veterans' Administration home loan program, and for other purposes.

Mr. BYRD. Mr. President, I ask unanimous consent that an amendment by Senators CRANSTON and MURKOWSKI be considered and agreed to; a statement by Mr. CRANSTON be printed in the RECORD as though read; the amendment be adopted; the motion to reconsider be laid on the table; the bill advanced to third reading; that the Senate then proceed to the consideration of H.R. 2672; to discharge the Veterans Committee of the House companion bill, H.R. 2672; that that bill be taken up and that all after the enacting clause be stricken and that the language of the bill be inserted in lieu thereof and that the bill, H.R. 2672, then be advanced to third reading, passed, a motion to reconsider laid on the table; and that a title amendment on behalf of Senators CRANSTON and MURKOWSKI be agreed to and that the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

(The text of the amendment (No. 1114) appears in today's RECORD under "Amendments Submitted.")

STATEMENT OF MR. CRANSTON ON AMENDMENT NO. 1114

Mr. CRANSTON. Mr. President, I rise to urge my distinguished colleagues to support the amendment to S. 1801 offered on behalf of myself and the distinguished ranking minority member of the committee [Mr. MURKOWSKI].

The amendment would, first, expand the scope of section 10 of the bill, which would generally require that the creditworthiness of the buyer of a veteran's home be established before the buyer could assume a VA-guaranteed loan, to include all subsequent buyer-assumptors, rather than only the initial buyer who purchases the home and assumes the loan directly from the veteran.

Section 10 of S. 1801 seeks to protect both the veteran and the VA against the assumption of a VA-guaranteed loan by a buyer who cannot afford to buy—or does not intend to make a good faith purchase of—the veteran's home. The establishment of a creditworthiness requirement should help ensure that those who assume VA-guaranteed loans can afford to do so and that there is a financiallly-responsible party other than the veteran who would be liable to the VA should the loan go into default.

Mr. President, as drafted, the requirements in section 10 apply only to the initial assumptor of the loan, that is, the buyer who initially purchases the home from the veteran. However, should the initial buyer later decide to sell the home, it is equally important that any subsequent buyer be approved from a credit standpoint because the prospects for the mortgage loan being paid are much greater when the current owner of the home is able to keep up the payments. Accordingly, this amendment would expand the scope of section 10 to cover all subsequent buyers.

Second, the amendment would repeal the provision in section 2(a) of the just-enacted Public Law 100-136 which restricts the VA from selling loans made to certain purchasers of VA acquired foreclosed properties—known as "vendee loans"—without recourse unless the amount received is equal to an amount which is not less than the unpaid balance of the loan, that is, for 100 percent of par value. This provision effectively prohibits without recourse sales.

S. 1691, enacted as Public Law 100-136, was introduced by Senator MURKOWSKI and myself on September 16 in order to provide 90-day extensions of two provisions—the 1-percent loan fee and the provisions of section 1816(c) of title 38, establishing the "no-bid formula" for determining whether the VA acquires, or does not acquire, at a liquidation sale the property securing a VA-guaranteed loan that is in default—which had September 30, 1987, sunset dates established in section 2512(c)(2) of the Deficit Reduction Act of 1984 (Public Law 98-369).

Mr. President, S. 1691 was introduced as an interim measure, pending enactment of a comprehensive home loan bill such as the one before us in order to prevent a substantial hiatus in the collection of the fee, which both would have been inequitable to those required to pay the fee before and after the hiatus and would have jeopardized the solvency of the VA's Loan Guaranty Revolving Fund [LGRF]. Without the fee, there would be a need for additional appropriations—currently about $20 million per month—to pay the claims of the holders of defaulted VA-guaranteed loans.

On October 1, 1987—the day after the fee and no-bid provisions had expired—the House passed an amended version of S. 1691. The House-passed version provided, in lieu of the 90-day extension, a 46-day extension through November 15, 1987. It also contained a provision to prohibit the VA permanently from selling vendee loans without a repurchase agreement which would make the VA ultimately liable for a subsequent default by the new purchaser, that is, without recourse, unless such loans are sold for par value. The Senate concurred in the House amendments on October 1, 1987, and the President finally signed the bill on the last day—October 16, 1987. During the delay, the VA's LGRF lost approximately $10 million.

Mr. President, the administration announced, in January 1987, that it would require, beginning in fiscal year 1988, that all vendee loans be sold without recourse. The administration further insists that, over the next 3 fiscal years, $900 million of loan assets from the VA's loan portfolio be sold on that basis. In May 1987, the VA attempted one sale of vendee loans without recourse. Despite extensive advertising of and major preparations for the sale, the results were a disastrous failure. The VA received bids for only about $8 million of the $84 million of the vendee loans it planned to offer for sale, and the amount of those bids ranged from only 15 to 65 percent of the par value of the loans.

The administration's plan is designed to make a series of reductions of the budget deficit over the next 3 years. However, it is of questionable policy justification, particularly as applied to the $900 million in older VA loans. Not only will the sale of 30 percent of the VA's accumulated loan portfolio over each of the next 3 fiscal years greatly reduce gradual payments—in the form of interest and principal—into the LGRF, but, as the attempted sale in May indicates, at least if current VA selling practices are used, in order to sell vendee loans without recourse the VA will have to discount these loans greatly. Thus, any revenues achieved through such sales would likely be far less over the long term than they would have been if the loans were sold with recourse. If the House amendment simply ensured that nonrecourse sales could be made only if the VA obtains fair value for the loans, I could probably have endorsed it. However, as I indicated when the Senate reluctantly accepted the amendment on October 1 in order to keep the 1-percent fee alive, I believe that it went too far in a number of respects.

The House amendment has the effect of permanently prohibiting the VA from selling the vendee loans without recourse. I do not believe such a permanent and rigid limitation on without recourse sale as long as the sale price of the loan is not discounted from what the price would be if the loan were sold with recourse.

Mr. President, I know that Senator MURKOWSKI agrees with me in this regard. However, despite our strong objection to this sweeping prohibition, we felt compelled to accept it in the House-passed version of S. 1691 in order to preserve the loan fee and the solvency of the LGRF, which secures home loan guaranties. The House committee leadership, during debate on S. 1691, indicated that if the short-term extension of the fee were not enacted they would not agree to reinstate it.

Although I do not agree that an absolute prohibition of without recourse sales is desirable, I do share the House's concern that the LGRF must be protected against the administration's attempts to provide quick cash for one-time reductions of the budget deficit at the expense of the Home Loan Program and the veterans who benefit from it and to use without recourse sales as a means of "privatizing" the program.

It may be that, regardless of the marketing strategies used, the VA would be able to sell vendee loans without recourse only at unacceptable discounts. However, I do not believe that has been demonstrated solely on the basis of the VA's first attempt at such a sale. Rather, the VA—perhaps with the assistance of independent financial consultants familiar with such loan sales—needs to develop improved marketing strategies to fairly test the viability of such sales. Perhaps such methods as overcollateralized loans or reinsuring them privately—both forms or resources that may be less costly—should be tried by the VA as they were recently tried by the Farmers Home Administration on October 1.

Mr. President, OMB and CBO, as a result of a recent dubious shift in budget scorekeeping methodology, have attributed to the enactment of section 2 of Public Law 100-136 a cost of about $1 billion and over $600 million, respectively, in fiscal year 1988 outlays. Under the Gramm-Rudman-Hollings [GRH] baseline, this results in a requirement that equivalent savings be enacted in order to avoid sequestration. Under last year's scorekeeping, this would not have been the case. Such is the illusory nature of the GRH process.

Accordingly, I am proposing repeal of the provision in order to express our dissatisfaction with it as is and to try to bring about a reversal of the phoney CBO/OMB cost attributed to enactment of section 2. But, I do not favor ultimately a repeal. Rather, if Senate passage of this amendment is achieved, I intend to work closely with our colleagues on the House Veterans' Affairs Committee to seek to reach a compromise which would allow without recourse sales where that would be to the benefit of the LGRF. I believe we should eventually be able to find a solution that will address the concerns which have been raised in both bodies while allowing the VA to sell vendee loans without recourse when that would be in the interest of the LGRF. I want to put the VA and OMB on notice that if they want this provision modified, the burden is on them to come up with an acceptable alternative to achieve fiscally sound goals, since I am quite certain that the House committee will not accept nor will I advocate they accept outright repeal.

Mr. President, as chairman of the Committee on Veterans' Affairs, I rise to urge my colleagues to support passage of S. 1801—the proposed Veterans Home Loan Program Improvements Act of 1987—unanimously reported favorably by the Committee on Veterans' Affairs.

Before I speak further, I would like to express my appreciation to the ranking minority member, the Senator from Alaska [Mr. MURKOWSKI], for the many contributions he has made to this legislation and the great cooperation he has shown in helping me to develop a home loan measure. I am delighted that this bill—which is the most comprehensive bill on the home loan program that this committee has ever reported out—is the result of such a united, bipartisan effort.

Mr. President, great credit is owed for this legislation to the Senator from Florida [Mr. GRAHAM], who so very ably chaired the committee's June 17 comprehensive hearing on legislation and oversight pertaining to the VA Home Loan Guaranty Program. After carefully reviewing the testimony from the hearing, on July 31, the committee voted to report S. 9, the proposed Omnibus Veterans' Benefits and Services Act of 1987—which I introduced on January 6, 1987—favorably to the Senate with an amendment in the nature of a substitute, incorporating in part C of title I of the bill provisions pertaining to the home loan guaranty program derived from an amendment which I proposed with Senator MURKOWSKI. S. 9 as reported also contained provisions relating to other VA benefits and services programs and will be reported to the Senate very shortly.

As I indicated earlier in connection with our floor amendment, Senator MURKOWSKI and I introduced S. 1691 on September 16 as an interim measure to extend for 90 days two provisions—the 1-percent loan fee and the no-bid formula—which had sunset dates of September 30, 1987. The House amended the bill on October 1 to provide 46-day extensions and added a provision which, in effect, permanently prohibited the VA from selling vendee loans without recourse. While I expressed serious reservations about the newly added without recourse provision on behalf of Senator MURKOWSKI and myself, we urged the Senate, in order to preserve the loan fee, to agree to the House version. That same day, October 1, the Senate concurred in the bill as amended, and the President finally signed S. 1691—now Public Law 100-136—on October 16, 1987.

On October 19, 1987, the committee voted to introduce as a separate bill and report favorably to the Senate the provisions pertaining to the home loan guaranty program contained in part C of title I of S. 9. I introduced that bill—S. 1801—on October 20, 1987, on behalf of myself and Senator MURKOWSKI and committee members MATSUNAGA, DECONCINI, MITCHELL, and GRAHAM. The bill was reported without amendment on October 20.

PURPOSE OF THE BILL

Mr. President, S. 1801 provides a series of measures designed to improve the financial solvency of the VA home loan program and the program benefits available to our veterans. In it we have taken steps to reduce the increasing default and foreclosure rates which threaten the program, to improve program administration, and to ensure that program benefits remain accessible to all veterans, regardless of the area of the country in which they live or the type of housing which they seek to buy. The bill would modify the VA's operation of various program functions, including property acquisition and disposal, as well as increase protections and assistance for veterans participating in the program.

I believe that it is imperative that we ensure that this program continues to meet the needs of our veterans and help them—as it already has helped over 12 million veterans and their families—to achieve the American dream of owning their own homes, which many of them could not do without a VA home loan guaranty. Through the passage of S. 1801, the Senate can help ensure that economic downturns at either the national or local level do not diminish the value of, or reduce the opportunity for veterans to use, these VA benefits which they have earned in service to our country.

SUMMARY OF S. 1801 AS REPORTED

S. 1801 as reported contains amendments to chapters 1 and 37 of title 38, United States Code, which would:

First, increase the maximum VA home loan guaranty amount from $27,500 to $36,000—section 2(a).

Second, provide a permanent exemption from sequestration for the VA home loan programs—section 2(b).

Third, eliminate the occupancy restriction on the refinancing of VA loans for the purpose of obtaining interest-rate reductions by providing that the veteran either occupy the home or certify that he or she had previously occupied it—section 3(a).

Fourth, eliminate the restriction limiting the term of an interest rate reduction refinancing conventional housing loan to the remaining term of the loan being refinanced—section 3(a).

Fifth, limit the amount of refinancing loans for the purpose of obtaining cash for equity to 90 percent of the appraised property value—section 3(b).

Sixth, require the VA, when possible, to use State rather than regional statistics in evaluating residual minimum income for purposes of the underwriting criteria applicable to VA-guaranteed loans—section 4.

Seventh, for a 2-year trial period, require the VA, after receipt of a 90-day default notice from the lender, to furnish the veteran with, first, information regarding alternative procedures to foreclosure that are appropriate in light of the veteran's particular circumstances and regarding the veteran's and the VA's liabilities, and second, to the extent feasible, counseling—section 5.

Eighth, extend for 1 year, until September 30, 1988, the provisions establishing the circumstances under which the VA either acquires a property at the liquidation sale or simply pays the lender under the guaranty, and revise those provisions to exclude interest accrued during any period of forbearance requested by the VA from property acquisition costs and, if the VA acquires the property, from the payment to the lender—section 6.

Ninth, increase from 1 to 2.5 percent the fee on vendee loans made to purchasers of VA-acquired foreclosed properties and require a 10-percent downpayment on all vendee loans—section 7.

Tenth, require the VA, during fiscal years 1988, 1989, and 1990, generally to sell on a cash basis not less than 40 percent nor more than 60 percent of the foreclosed properties which it acquires, but permit the Administrator to sell up to 70 percent of such properties on a vendee-loan basis when selling more than 60 percent on that basis is necessary for the effective functioning of the loan guaranty revolving fund.

Eleventh, exclude foreclosure costs from the veteran's liability if the veteran timely offered to convey the property to the VA by means of a deed in lieu of foreclosure without being released from his or her debt to the VA, the VA refused the voluntary conveyance, and the VA ultimately acquired the property by means of foreclosure—section 9.

Twelfth, override State statutes eliminating the mortgagor's remaining indebtedness after a nonjudicial foreclosure to the extent necessary to preserve the veteran's remaining debt to the VA after the deed is accepted in those cases where the veteran has offered to convey the property to the VA by means of a voluntary deed in lieu of foreclosure and has agreed to remain liable for any remaining debt after VA acceptance of the deed—section 9.

Thirteenth, require that, except as I will describe shortly, before a VA-guaranteed loan may be assumed by a buyer of the home, the VA or approved lender make a determination regarding the buyer's creditworthiness, using the same standards as are used to evaluate the creditworthiness of a veteran applying for a guaranteed loan, and if the buyer is found creditworthy, that the veteran automatically be released from liability to the VA—unless the Administrator determines this would not be in the interest of the solvency or stability of the LGRF—section 10 (a) and (b).

Fourteenth, provide, alternatively, that first, the veteran and the buyer could request that, instead of the credit check, the veteran and the buyer be made jointly and severally liable for the loan, second, the veteran would be released from liability after 5 years unless a foreclosure proceeding had been initiated and not dismissed or withdrawn, third, the VA or approved lender would be required to explain this alternative to the veteran before a credit check could be instituted, and fourth, the veteran would have to certify that he or she was so advised—section 10 (a) and (b).

Fifteenth, impose on a buyer assuming a VA loan a fee equal to 0.5-percent of the loan balance, for deposit in the LGRF—section 10(c).

Sixteenth, require the Administrator to establish, first, reasonable limits on the fee a lender may charge for making a determination of creditworthiness—$500 maximum—on a buyer assuming a VA loan and for processing an application for an assumption where the veteran retains liability and no credit check is performed—expenses up to $50—and, second, requirements for the timely processing of applications for acceptance of assumptions—section 10(c).

Seventeenth, require a 5-percent down payment on VA-guaranteed manufactured home loans—section 11.

Eighteenth, expand the VA's authority to pay from the LGRF certain loan guaranty program administrative expenses to include supplementary contractual services and equipment not otherwise authorized to be paid for out of the LGFR when the Administrator makes a finding that that would be in the best interest of the long-term stability and solvency of the LGRF, despite the unavailability of regular appropriations; and provide that, in each fiscal year, there would be available for such contracting the additional amounts collected as a result of increasing from 1 to 2.5 percent the fee on vendee loans and imposing a 0.5 percent fee on assumptions as proposed in the bill, plus $2 million in fiscal years 1988 and 1989, but not to exceed a total of $15 million in any fiscal year—section 12.

Nineteenth, extend the 1-percent VA loan guaranty fee for 2 years, through September 30, 1989—section 13.

Twentieth, for a 2-year trial period, provide for direct appraisals in the case of approved lenders, provided the VA establishes, through the new authority—proposed in the provisions described in item 17, above—to contract for services out of the LGRF, an appraisal review monitoring system on at least a spot-check basis—section 14.

Twenty-first, require the VA to list all of its acquired foreclosed properties with real estate brokers under arrangements designed to facilitate the most expeditious sale at the highest possible price—section 15.

BACKGROUND

The VA home loan guaranty program, established by the Servicemen's Readjustment Act of 1944—Public Law No. 346, 78th Congress—was designed to assist veterans returning home from World War II who, due to their military service, and had been unable to establish the credit history necessary to obtain a home mortgage. Since 1944, the program has guaranteed loans totaling more than $270 billion, helping more than 12 million veterans to purchase homes. In fiscal year 1986, the VA guaranteed 351,242 home loans totaling a record $21.9 billion and issued commitments to guarantee loans totaling another $12.4 billion.

Traditionally, for the vast majority of VA-guaranteed loans the cost to the Government of providing the guaranty has been quite small and the benefit to veterans and to society quite significant. Through fiscal year 1986, 7.5 million guaranteed loans, totaling $102.7 billion, have been paid in full. From its inception in 1944 until 1961, the Home Loan Guaranty Program was funded through appropriations which totaled only $730 million to the VA's readjustment benefits account. That's an average of $42.9 million per year for the 5,628,091 million loans made during those 17 years. In 1962, the loan guaranty revolving fund [LGRF] was established for the dual purposes of paying program costs and receiving program revenues.

As a result of the downturn in certain areas of the economy in recent years, high default and foreclosure rates on properties guaranteed by VA loans coupled with a large VA inventory of foreclosed homes acquired at liquidation sales have threatened the viability of the program by substantially increasing program costs.

Mr. President, I believe that it is not realistic to expect that a benefits program will incur no costs. Certainly, however, when the cost of such a program increases significantly, it is essential for Congress to take a close look to determine the reasons for the increase and to take steps to minimize program costs. That does not mean changing the fundamental nature of the loan guaranty program, however, by either drastically curtailing it or insisting that it must be paid for in full by those seeking to use it.

Mr. President, the Congress has taken steps in the past few years to improve both program and veteran protections. Both Congress and the VA must ensure that any changes in the program—particularly revisions of credit-underwriting standards—are not implemented so as unduly to prevent veterans from qualifying for VA-guaranteed loans, since one of the primary purposes of the guaranty is to assist veterans to obtain loans they might not be able to obtain with the Federal guaranty. Nevertheless, it does not benefit the veteran to facilitate a loan for a house which the veteran cannot afford and on which he or she eventually defaults.

Responsible legislation must also take into account the great need to reduce the towering Federal deficit with respect to Federal programs of benefits and services. I believe that through S. 1801 the Congress can both make improvements in the Home Loan Program benefits that enhance their value to veterans and address areas of the program and make changes that would maintain the program's solvency and reduce its dependency on taxpayers' funds without compromising the basic purposes of the program.

LOAN GUARANTY AMOUNT

Section 2(a) of S. 1801—which is derived from section 6 of S. 9 as introduced and which is similar to provisions I introduced in the 98th and 99th Congresses—would amend section 1810(c) of title 38 to increase the maximum VA home loan guaranty amount from $27,500 to $36,000.

The VA's home loan guaranty is designed to substitute, in large measure, for the downpayment that would otherwise be required when a veteran purchases a home. However, housing prices have risen substantially since the most recent increase in the VA loan-guaranty maximum enacted by Congress, effective October 1, 1980. According to the best available data, the median price of an existing home has risen by 35.6 percent since that time, and, in the case of new homes, has risen 57.5 percent.

For thousands of veterans seeking to use their VA home loan guaranty entitlements, the cost of housing is so high that they cannot find any decent housing for the maximum price—$110,000—for which the current VA loan guaranty maximum generally makes no-downpayment loans possible. By raising the guaranty by 31 percent to $36,000, section 2(a) would allow the value of the VA home loan guaranty to keep pace with increases in the housing market, and help ensure that the loan guaranty program continues to play the role Congress intends of helping veterans become homeowners in all areas of the country, without excluding those who live in higher-cost areas, such as California, for example.

In addition to preserving the value of the guaranty for veterans at the higher end of the market, however, I strongly believe that it is important that such value be maintained for veterans at the lower end as well. Credit-underwriting standards for VA-guaranteed loans are more flexible than the standards used for conventional loans. This flexibility provides more veterans with the opportunity to participate in the program, particularly those who might not qualify for conventional loans and for whom the program often provides the only chance for home ownership. The 60-percent maximum guaranty provides substantial protection for lenders making loans—particularly loans under $50,000—to veterans who might not meet conventional loan underwriting criteria.

Although loans under $50,000 account for a disproportionately high percent of VA loan foreclosures, even among these "higher risk" veterans, the rate of foreclosure was less than 10 percent for fiscal years 1980 through 1986. The VA guaranty thus allows the vast majority of such veterans to purchase and remain in homes—which most likely could not have happened if they had had to rely on the conventional market for loans. A substantial reduction in the 60-percent maximum guaranty could serve as a disincentive to the lender to serve the veteran who needs the program most. I strongly believe that the home loan program should continue to be accessible to these veterans.

LOAN PROGRAMS EXEMPTIONS

Mr. President, section 2(b) of S. 1801 would, effective November 19, 1987, amend section 113(a) of title 38 to make the VA's home loan programs exempt from sequestration under the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177) as amended by the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987 (Public Law 100-119)—commonly referred to as "Gramm-Rudman-Hollings"

[GRH]—as that act may be amended, or under any other sequestration law which may be enacted. This section would also repeal provisions, in section 113(e) of title 38, requiring the Administrator, during the period that a sequestration order is in effect, to submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives certain reports on VA home loan guaranty commitments.

In either the original GRH law or in subsequent legislation, Congress has enacted provisions making several categories of VA programs exempt from the uniform percentage reductions that are generally required to be made in Federal programs during a fiscal year when the GRH targets for that year would otherwise be exceeded. However, no legislation has been enacted to exempt the loan guaranty program. I strongly believe that such an exemption should be enacted—both because it is vitally important to keep our commitment to those who have served that this benefit be maintained and because the program contributes to sound national housing policies and sustaining the affected industries.

Moreover, there appears to be no way for sequestration to be applied equitably to this program. In fiscal year 1986, the VA indicated that it would implement that year's sequestration order by cutting off the issuance of commitments when the sequestration cap was reached. Thus, the veterans whose home loan applications were approved after the cap was reached would be denied a guaranty at that point and would be at risk of having purchase agreements fall through before the issuance of guaranty commitments resumed at the start of the next fiscal year. If that should happen, veterans would in effect be denied the benefit in toto. Other veterans would be completely unaffected.

Mr. President, it is unacceptable for equally deserving veterans to be treated so disparately with respect to this important benefit. Yet, this is what a sequestration almost certainly would bring about.

For this and other reasons, when the Home Loan Guaranty Program was threatened by sequestration for fiscal year 1986, Congress enacted two emergency measures which provided a de facto exemption for that year.

Establishing an exemption now would avoid the need for legislative action which I am confident that Congress would take whenever it is necessary. Thus, Mr. President, I believe that a permanent exemption for the Loan Guaranty Program should now be enacted to prevent sequestration from shutting the program down.

REFINANCING HOME LOANS

Section 3 of S. 1801 would amend sections 1810(e)(1) and 1819(a)(4)(A) of title 38 to allow the VA to guarantee a loan to refinance an existing VA-guaranteed loan if the veteran both owns the home securing the loan and either occupies, or certifies that he or she previously occupied, the home.

Current law authorizes the VA to guaranty a loan to refinance an existing VA-guaranteed mortgage for the purpose of achieving a reduction in the loan interest rate if the veteran both owns and occupies the home at the time the VA guarantees the refinancing loan. I believe that this restriction on refinancing often works to the detriment of both veterans and the Government, since such refinancing would give the veteran homeowner lower monthly mortgage payments and decrease the risk of default. In many cases these homeowners have occupations requiring frequent moves; members of the Armed Forces and Foreign Service, in particular, are adversely affected by this requirement. Thus, S. 1801 would allow the veteran the advantages of reducing the interest rate on the loan as long as he or she at some time occupied the home. The requirement of certification in the case of former occupancy would help ensure program benefits are not used merely for investment purposes.

Mr. President, veterans also can refinance existing mortgages through VA-guaranteed loans, usually for the purpose of obtaining cash for the equity in a home, up to the value of the home. As the VA Inspector General reported in April 1987, however, allowing the veteran to receive 100 percent of the value of the home eliminates his or her equity interest in it, thereby increasing the likelihood of default on the loan. Section 3 would limit such "equity payout" refinancing to 90 percent of the appraised property value. The 90-percent limit would allow the veteran to receive cash for a substantial portion of the equity of his or her home, while protecting both the veteran and the Home Loan Guaranty Program by reducing the likelihood of default.

DETERMINATION OF MINIMUM RESIDUAL INCOME

Section 4 of S. 1801 would amend section 1810(g)(3) of title 38, to require the VA, when it establishes guidelines for residual income for determining if veteran homebuyers are a satisfactory credit risk, to base the standard on cost-of-living data from the veteran's State, rather than regional data, when reliable data concerning the particular State is available.

The VA has established guidelines regarding "residual income"—that is, the income remaining available to a veteran to purchase the necessities of life, such as food, transportation, clothing and medical care, after the veteran has satisfied his or her fixed obligations, including the proposed mortgage payment—for lenders to use in evaluating the creditworthiness of a veteran applying for a VA-guaranteed loan.

The VA has divided the country into four geographic regions for purposes of its residual income guidelines. As a result, the regions include States with diverse costs of living. In States with a substantially lower cost of living than the regional average, veterans are unfairly required to meet a higher-than-necessary standard.

I believe that it is appropriate to tailor underwriting criteria, such as for residual income, to the actual economic conditions in the State where the home is located. At the same time, these criteria should be based on reliable State economic data, which the VA contends is generally not reliable. Thus, S. 1801 would require the use of economic data relating to individual States only when reliable economic data relating to those States is available.

FINANCIAL COUNSELING ASSISTANCE

Section 5 of S. 1801 would amend section 1816(a) of title 38 to require the VA, for a 2-year trial period from January 1, 1988, to December 31, 1989, when it receives notice from the holder that a veteran is in default on a VA-guaranteed loan, to provide the veteran with information regarding alternatives to foreclosure available in light of the veteran's particular circumstances, the veteran's and the VA's liabilities, and the availability of counseling with respect to such matters. The VA also would be required to provide such counseling to the extent feasible. In addition, the Administrator, subject to the availability of appropriations and funds from the LGRF as provided in section 12 of S. 1801, would be required to take such steps as are necessary to ensure the availability of sufficient personnel to implement the provisions of this section effectively.

Although a veteran initially meets the VA's underwriting criteria and may appear to be a good credit risk at the time a loan is made, unforeseen circumstances—including changes in employment or marital status—can result in financial hardship, making it difficult for the veteran to meet his or her obligations on a VA-guaranteed loan. Often, the veteran will not know what other options may be available to deal with the situation and a default which might have been curable results in foreclosure.

Staffing shortages at VA regional offices [VARO's], in large part a function of the increased numbers of loan originations and foreclosures, have resulted in the VARO's providing varying levels of financial counseling and loan servicing to veterans.

The VA considers the holder—to whom the veteran makes the loan payments and who usually has more contact with the veteran than does the

VA—to be primarily responsible for servicing the loan. However, the VA, as the guarantor of the loan—and as the agency responsible for administering services and benefits to veterans—clearly has a strong interest in and responsibility for helping to cure defaults and prevent foreclosures. Recent studies by both the General Accounting Office and the VA's Office of Program Analysis and Evaluation have found that increased cure rates on loan defaults are associated with improved loan servicing. The GAO also found, however, that the VA does not consistently make loan servicing available to veterans in default. Despite the costs involved in providing such additional services, the GAO found that they were cost-effective when the costs of foreclosures were considered.

Mr. President, I strongly believe, in light of the increasing number of foreclosures on VA-guaranteed loans, that better coordination of servicing efforts by the lender and the VA, with an increased role by the VA, is necessary. It is in the interest of all concerned parties—the lender, the VA, and the veteran—to cure defaults on VA-guaranteed loans.

NO-BID FORMULA

Section 6 of S. 1801 would amend section 1816(c) of title 38 to extend for 1 year until September 30, 1988, the current-law sunset date for the provisions—the so-called "no-bid formula"—establishing the circumstances under which, based on whether it is financially advantageous to the Government to acquire at the liquidation sale the property securing a VA-guaranteed loan, the VA either acquires the property or pays the lender under the guaranty. S. 1801 also would revise these provisions, effective with respect to defaults which occur more than 30 days after the date of enactment, to exclude interest that accrued during any VA-requested period of forbearance from property acquisition costs and, if the VA acquires the property, from the payment to the lender.

In 1984, section 2512(a)(2) of the Deficit Reduction Act of 1984 (Public Law 98-369)—adding subsection (c) to section 1816 of title 38—was enacted to ensure that the VA did not acquire properties where that would result in net costs to the VA after resale, in excess of what the VA would pay under the guaranty without acquiring the property. This no-bid formula requires the VA to follow prescribed guidelines in determining whether acquiring the property and paying the lender's costs or paying the guaranty is in the best interest of the solvency of the LGRF. The no-bid provision was originally enacted on a trial basis with an expiration date of October 1, 1987. That date was extended to November 16, 1987, by Public Law 100-136.

In its first 3 years of implementation, the no-bid formula appears to have been generally beneficial for the Home Loan Program. By requiring the VA to factor its full acquisition and disposition costs—including property taxes, liens, and the cost of property maintenance and improvements—into its calculation of the net value of foreclosed property, the no-bid formula results in a realistic computation of net value.

Due to the enactment of the no-bid formula, the number of properties on which the VA has paid the guaranty in lieu of acquiring the property increased from 3,735 in fiscal year 1984 to 5,236 in fiscal year 1986. The VA acquired approximately 83 percent of foreclosed properties in fiscal year 1986, compared with 93.6 percent in fiscal year 1984.

However, the Mortgage Banker's Association [MBA], which represents the mortgage bankers who make over 80 percent of all VA-guaranteed loans, testified at the committee's June 17 hearing that, because the VA increasingly is paying the guaranty rather than acquiring foreclosed properties and the cost to lenders of VA-guaranteed loans thereby is increasing, "it is uncertain whether veterans in all parts of the country will be able to secure VA home loans."

I and all members of the committee are concerned with the losses that lenders, as well as the LGRF, have suffered, and we have carefully examined the MBA's suggestions relating to changes in the no-bid formula, particularly with respect to delays in foreclosure caused by VA-requested forbearance. While such forbearance will, in some cases, enable the veteran to cure a default, in other cases it results only in the accrual of additional unpaid interest.

S. 1801 would provide, therefore, that interest which accrues during a period of VA-requested forbearance not be included in the calculation of either the no-bid formula or the payment to the lender if the VA acquires the property. In light of the lenders' willingness—as expressed by the MBA—to forego the VA's payment of the interest accruing during a period of VA-requested forbearance, in return for the VA acquiring a greater number of foreclosed properties in such cases, I believe it is appropriate to exclude such interest from the no-bid calculation.

DOWNPAYMENT AND LOAN FEE REQUIREMENTS FOR VENDEE LOANS

Mr. President, section 7 of S. 1801 would amend sections 1816(d) and 1829(a) of title 38 to limit vendee loans to 90 percent of the value of the home and to require a 2.5-percent rather than 1-percent loan fee on such loans. Buyers of foreclosed properties the VA has acquired as the result of defaults on VA-guaranteed loans have two options available with respect to financing such purchases. They can pay cash, which they usually will obtain through a loan from a conventional lender, or, if they qualify under the VA's credit-underwriting criteria, the VA will finance the transaction and accept the buyer's note—known as a vendee loan. Vendee loans are not limited to veterans; in fact, it estimated that the vast majority of buyers receiving vendee loans are not veterans.

Vendee loans currently can be for 100 percent of the value of the property and are made at very favorable interest rates in order to facilitate the sale of foreclosed properties held by the VA. By offering vendee financing, the VA is able to sell properties at higher prices than it otherwise could. Unfortunately, the default rate on these low-interest rate, no-downpayment loans is higher than that on guaranteed loans to veterans. In fiscal year 1986, 4,011 vendee loans were foreclosed upon, at a substantial loss to the Home Loan Program.

The proposed 10-percent downpayment requirement would provide the buyer with an equity interest in the property, which should reduce defaults on these loans. I believe that 90 percent financing, a lower than market interest rate, and a 2.5-percent loan origination fee would continue to represent competitive financial terms sufficient to enhance the attractiveness of VA properties.

The Congressional Budget Office [CBO] agrees. The CBO estimated that implementation of the provisions in section 7 would generate savings of $76 million in both budget authority and outlays in fiscal year 1988, and 5-year savings through 1992 of $401 million in both budget authority and outlays.

Basically, Mr. President, we believe that, particularly since veterans who have earned the benefits of this program are required to pay a 1-percent fee, the borrowers who benefit from the favorable terms and rates of vendee loans should help pay the program costs.

VENDEE LOAN CEILING

Section 8 of S. 1801, which is identical to the proposed legislation which the committee has recommended to satisfy its reconciliation requirements, would amend section 1816(d) of title 38 to increase for fiscal years 1988, 1989, and 1990 the proportion of acquired foreclosed properties which the VA is required to sell on a cash rather than vendee-loan basis from a minimum of 25 percent and a maximum of 40 percent to a minimum of 40 percent and a maximum of 60 percent. S. 1801 also would decrease from 80 to 70 percent the level to which the Administrator has discretionary authority to increase the proportion of vendee-loan sales—above the proposed statutorily specified maximum of 60 percent—when "necessary in order to maintain the effective functioning of the Loan Guaranty Program."

Since the enactment of the statutory limit on vendee-loan sales in 1984, the VA has been able to comply with the requirement to make at least 25 percent of its sales of acquired properties for cash without making substantial discounts in the cash price and therefore without great cost to the LGRF. In face, in fiscal year 1986, the VA made a greater proportion of its sales on that basis—approximately 34 percent.

As I said earlier in speaking on that amendment, I believe very serious questions exist concerning the wisdom and long-term impact on the LGRF of requiring that all vendee loans be sold without recourse. I note that the requirement to increase cash sales is advantageous in terms of a contribution to the long-term solvency of the LGRF only if the Administration's requirement that all sales of vendee loans be made on a nonrecourse basis is reinstated. That latter requirement has been invalidated by section 2 of Public Law 100-136, which the amendment offered earlier will repeal.

VOLUNTARY DEEDS IN LIEU OF FORECLOSURE

Section 9 of S. 1801 would amend section 1816 of title 38 to provide that, in the case of a veteran who conveys to the VA, by means of a deed in lieu of foreclosure, property securing a VA-guaranteed loan and agrees to remain liable to the VA for any remaining debt, laws—State "antideficiency statutes"—which extinguish the mortgage debt when the lender forecloses on the loan through nonjudicial means—including acceptance of a deed in lieu of foreclosure—would be overriden under the supremacy clause in article 6 of the U.S. Constitution. Section 9 of the bill would also amend section 1816 of title 38 so as generally to exclude from the veteran's debt to the VA the cost of a foreclosure proceeding where the VA has refused the veteran's timely and voluntary offer to convey the property to the VA without being released from the debt. The provision would not apply if the basis for the refusal was a determination that the VA would not be permitted, under the no-bid formula in section 1816(c) of title 38, to acquire the property.

Many States have enacted some form of antideficiency statute to provide generally that, where a lender forecloses on the property securing the mortgage loan by nonjudicial means—which includes accepting a voluntary deed in lieu of foreclosure—any remaining debt owed to the lender is extinguished. In such States, in order for the lender to preserve and collect any amount of the debt over and above the value of the property, the lender must bring a judicial foreclosure proceeding.

Mr. President, the GAO, in its recent review of several aspects of the VA Home Loan Program, which I mentioned earlier, recommended that the VA carefully evaluate the use of voluntary deeds in lieu of foreclosure as an option for veterans in default. The GAO noted that this alternative to foreclosure generally would enable the VA to acquire the property more quickly and to avoid substantial costs, including taxes and legal expenses, which also are added to the veteran's indebtedness.

However, in States which have enacted antideficiency statutes, if the VA were to accept the veteran's deed in lieu of foreclosure, the veteran automatically would be released from his or her debt to the VA, including any amount which exceeded the value of the property. The VA, therefore, has been reluctant to accept such deeds, and, according to GAO data, acquired only 6 percent of foreclosed properties by the means during fiscal year 1986.

In written testimony for the committee's June 17 hearing, the VA stated that it encourages lenders to pursue voluntary conveyances. However, in States with antideficiency statutes, if the veteran's debt exceeds the value of the property and it appears the veteran would be able to repay the debt, the VA does not consider voluntary conveyance appropriate because it would extinguish a debt that the VA might subsequently be able to collect.

Mr. President, conveyance of the property securing a VA-guaranteed loan by a voluntary deed in lieu of foreclosure is an appropriate means of avoiding costs for both the VA and the veteran in many cases. In some cases, of course—for example, where a default might be cured—the VA should take other steps, such as financial counseling, before accepting such a deed. In addition, S. 1801 would not require that the VA acquire property on which it would otherwise have paid the guaranty in accordance with the no-bid formula.

Since S. 1801 would enable the VA to accept a deed in lieu of foreclosure without extinguishing the veteran's remaining debt, I believe that it would not be fair for veteran to incur a penalty—in the form of an increased debt to the VA—as a result of the VA's refusal to accept, in circumstances where it would be appropriate, the veteran's timely offer of a voluntary deed in lieu of foreclosure. Accordingly, the costs—including the costs of legal proceedings—of subsequent foreclosure proceedings would not be included in calculating the veteran's debt to the VA in such cases.

ASSUMPTIONS OF VA-GUARANTEED LOANS

Section 10 of S. 1801 would amend sections 1817 and 1829 of title 38 to require generally that, before a VA-guaranteed loan could be assumed by the buyer of a veteran's home, the creditworthiness of the assumptor be established and the assumptor must pay a 1-percent fee. Sale of the property without establishing such creditworthiness would cause the loan to become due and payable in full.

Under current law, there are no restrictions regarding the assumption of VA-guaranteed loans. In contrast to conventional loans, which generally cannot be assumed, the purchaser of the veteran's home may assume the veteran's loan without undergoing a credit check or meeting any underwriting criteria. Unlike the original veteran borrower, such a purchaser also does not have to pay any origination or processing fee.

Mr. President, the free assumability of low-rate VA-guaranteed loans has made it easier for veterans to sell their homes, which may have helped avoid veterans' defaults in certain circumstances. Unfortunately, there are also certain disadvantages associated with the easy assumability of VA-guaranteed loans. The veteran—whose creditworthiness already has been approved—generally remains liable for the loan after it has been assumed, and often bears the responsibility for repayment if there is a default on the loan. In some cases, the assumability feature of VA-guaranteed loans has enabled persons to buy a home even though their creditworthiness would not otherwise allow them to achieve homeownship. Such persons may thus eventually default on the loan—doing so at the expense of the veteran and the VA. In fiscal year 1986, 14 percent—approximately 3,700—of the foreclosures on properties secured by VA-guaranteed loans were on properties secured by assumed loans. Easy assumability also has fostered abuses such as equity skimming.

S. 1801 balances the concerns of protecting the LGRF and the veteran from defaults on assumed loans against the interest in minimizing delay and expense in processing applications for assumptions by authorizing approved lenders to perform and approve credit checks on assumptors, as they do on veterans, and requiring the VA to establish regulations to ensure the timely processing of applications for acceptance of assumptions and to limit the fees which lenders would be permitted to charge for processing applications for assumptions.

Section 10 would require the VA or an approved lender to make a creditworthiness determination on the buyer, using the same standards as are used to evaluate the creditworthiness of a veteran applying for a guaranteed loan. If the buyer is found creditworthy, the veteran would automatically be released from liability to the VA, unless the Administrator determines this would not be in the interest of the solvency or stability of the LGRF—such as in a case where the assumptor was only marginally creditworthy. Alternatively, this section would provide that the veteran and the assumptor could request that, instead of the credit check, the veteran and the buyer be made jointly and severally liable for the loan. In such a case, if, after 5 years, a foreclosure or comparable proceeding has not been completed or is not pending the veteran automatically would be released from liability.

The veteran thus could determine whether he or she will not be released from liability to the VA, at least initially, and thus accept the risk of a possible default by an unapproved assumptor by remaining liable on the loan—but only as a result of a positive election after full written disclosure to the veteran by the VA or approved lender regarding his or her rights and liabilities.

Mr. President, I anticipate that, in most cases, the veteran would pursue the option of being released from liability to the VA. However, where, for example, the additional expense and delay—however minimal—of the credit check might cause the sale to fall through, or where the veteran had a personal relationship with the buyer and wanted to assist the buyer in acquiring a home—in a manner akin to cosigning a loan—the veteran could exercise the option of facilitating the purchase by agreeing to become jointly and severally liable with the assumptor on the loan. This would provide protection for the LGRF equivalent to requiring that the credit of the assumptor be approved, since the veteran's credit would already have been approved by the original lender or the VA.

Once the creditworthiness of the jointly liable assumptor has been established through 5 years of payments, the veteran automatically would be released from liability to the VA.

Mr. President, by virtue of the Cranston-Murkowski floor amendment, the creditworthiness-determination requirement and the alternative joint-liability procedure would be made applicable to subsequent assumptors of the loan after the initial transaction.

Loan Fee on Assumptions: In light of the value to the assumptor of the VA's continuing to guarantee the loan following the sale, S. 1801 would impose a fee on assumptors—0.5 percent of the loan balance—which would generate revenues for the LGRF without directly increasing fees imposed on veterans.

At the committee's July 31, markup, ranking minority member MURKOWSKI proposed an amendment to increase the proposed 0.5-percent fee to 1 percent. The committee voted 6 to 5 to defeat the amendment.

Although I recognize the equitability of the arguments for making the assumptor's fee the same as the fee veterans pay and the need for increasing LGRF income, other factors strongly indicate to me and the majority of the committee that a 0.5-percent fee would be more appropriate at this time.

First, the extent to which such a fee might hamper veterans in their ability to sell their homes by negating some of the advantages of assuming a VA-guaranteed loan is unclear.

Second, the cost of the fee would likely be shared or even absorbed in some cases by the veteran-seller through the general negotiations over the price of the property.

Third, where a veteran is in default on a loan—particularly in the first year of the loan, when little equity has been built up in the property and the amount of the loan may equal the value of the property—the ability to sell the property quickly, with minimum costs, could be a crucial factor in turning a potential foreclosure into a sale.

DOWNPAYMENT ON MANUFACTURED HOME LOANS

Mr. President, section 11 of S. 1801 would amend section 1819(e)(4) of title 38 to limit loans guaranteed for the purchase of a manufactured home to 95 percent of the value of the home.

Currently, Federal law requires no downpayment on VA-guaranteed manufactured home loans. However, the default rate on such loans is much higher than it is for conventional VA-guaranteed home loans. In addition, manufactured housing generally experiences significant depreciation in the first few years of ownership, reducing the value of the property securing the loan. In fiscal year 1986, the average loss to the VA per defaulted loan for a conventional home was 18 percent of the average loan amount, while the average loan for a manufactured home was 37 percent of the average loan amount.

Manufactured home loans generally are made to veterans at the lower end of the income scale—those veterans who need the home loan guaranty program the most. I am deeply concerned that we ensure that such loan remain available to those veterans, and certainly intend to do so. However, we cannot ignore the costs—to both the program and the veteran—of increasing default rates on manufactured housing. I do not believe that veterans are well served when they receive loans as to which a substantial likelihood of default and foreclosure exists.

Accordingly, S. 1801 would require not less than a 5-percent downpayment for loans made to purchase a manufactured home. I do not believe that a 5-percent downpayment would significantly reduce access of veterans or servicemembers to home ownership. A downpayment should give veteran homebuyers an equity interest in their homes, which experience shows reduces the likelihood of default.

CONTRACT SERVICES PAID FROM THE LGRF

Section 12 of S. 1801 would amend section 1824 of title 38 to expand the VA's authority to pay from the LGRF loan guaranty program administrative expenses for supplementary contractual services and equipment purchases not otherwise authorized to be paid from the LGRF when the Administrator makes a finding that such supplementary contracting and equipment are in the best interest of the long-term stability and solvency of the LGRF. In each fiscal year, there would be available for these purchases the amounts collected by reason of the increase, proposed in section 7, from 1 to 2.5 percent in the fee charged for vendee loans and the new 0.5-percent fee on assumptions of VA-guaranteed loans proposed in section 10, plus in fiscal years 1988 and 1989 $2 million, for a total of not to exceed $15 million in any fiscal year.

Staffing shortages have severely hampered the VA's ability to provide many loan guaranty program services on an adequate and timely basis. Between fiscal years 1984 and 1987, the VA estimates that the number of VA loan originators increased 74.9 percent, from 251,588 to 440,000; the number of defaults on VA-guaranteed loans increased 22.9 percent, from 158,387 to approximately 194,000; the number of foreclosures on VA-guaranteed loans increased 49.1 percent, from 28,036 to 41,802; and the number of properties which the VA acquired increased 34.1 percent, from 22,817 to 30,600. Despite this tremendous increase in the volume of activity in the Home Loan Program, the number of FTEE in the program rose by only 1.6 percent—from 2,031 to 2,063—over these 4 fiscal years. Not surprisingly, the provision of discretionary services has at times been abbreviated or discontinued, regardless of their cost-effectiveness or long-term impact on the program.

Mr. President, I believe that permitting the Administrator to use the LGRF to pay for certain additional administrative costs in addition to fee-basis appraisers and broker's commissions and for certain supplemental acquisitions of equipment would allow for a more consistent, comprehensive, and cost-effective provision of services in the Home Loan Program.

LGRF funds could be so utilized only where the Administrator finds that that would be in the interest of the long-term solvency and stability of the LGRF. This would be the case where the short-term costs of contracting for the additional services are expected to generate long-term savings which would exceed the cost of such personnel.

The supplemental services which could be contracted and paid for from the LGRF would include monitoring and review appraisal reports, personal loan servicing, on-site audits of approved lenders, marketing of VA foreclosed properties, and preparation of closing documents. By making such funds available only for supplemental services and equipment—defined as such services and equipment which were not available during, or are to be provided at a level in excess of what is provided for, fiscal year 1987—the expansion of authority to use revenues in the LGRF could not be used to offset any reduction in or reassignment of loan guaranty program FTEE or equipment which would otherwise be provided.

Section 13 would amend section 1829(c) of title 38 to extend for 2 years, until September 30, 1989, the 1-percent fee which is charged all veterans, other than those with compensable service-connected disabilities, obtaining VA-guaranteed or direct VA home loans and all persons obtaining VA loans to finance their purchase of a property from the VA. The requirement for the fee was enacted in section 406 of the Omnibus Reconciliation Act of 1982—Public Law 97-253.

Mr. President, although I would strongly prefer not to impose any fee on VA home loans, I believe that in light of the significant financial problems now facing the LGRF, the imposition of the fee, with the option of financing it along with the loan principal, is a modest and not unreasonable burden to impose on veterans using the Home Loan Program.

The fee was originally enacted for a 3-year period ending September 30, 1985. That date was extended by Public Law 98-369 to September 30, 1987, and by Public Law 100-136 through November 15, 1987.

Cost savings of $269,100,000 resulting from the continuation of the loan fee have been assumed for fiscal year 1988 in the concurrent resolution on the budget for fiscal year 1988—H. Con. Res. 93—and are included in the baseline figures underlying the congressional budget. Accordingly, failure to extend the fee would significantly increase the difficulties Congress faces in meeting its budget target for fiscal year 1988 and subsequent fiscal years.

Mr. President, although I reluctantly support continuance of a 1-percent fee, I must emphatically reject the administration's proposal to raise the fee to 2.5 percent. This program is a benefits program and should not have to be self-sustaining or fully underwritten by our Nation's veterans. I intend, over the 2-year extension of the fee, to work to develop other means to address the long-term solvency requirements of the LGRF—some of which are provided for in S. 1801.

LENDER REVIEW OF APPRAISALS

Section 14 of S. 1801 would amend sections 1831 and 1810(b) of title 38 to permit lenders who are authorized to make VA-guaranteed loans on an automatic basis to determine directly, after ordering the appraisal, the reasonable value of the property securing the loan.

Under current law, a VA-designated appraiser is selected by the VA—from a list on a rotating basis—to appraise the property. Based on the appraiser's report, the VA then gives the lender a certificate of reasonable value for the property which establishes a limit on the amount the VA will guarantee for a loan secured by the property.

Staffing shortages at VA regional offices have increased the processing time for obtaining guaranteed loans, in some cases causing purchase agreements to fall through.

In an effort to help remedy this problem, S. 1801 would allow the VA to authorize the lender making a loan to determine the reasonable value of the property. This authority would be limited to lenders authorized to guaranty loans on an automatic basis under section 1802(d). The appraiser would submit the appraisal report—prepared by an appraiser selected on the same rotating basis as under current law—directly to the lender, which would then review it and furnish a copy to the concerned veteran and the VA. If the veteran believes the appraisal is not accurate, the veteran could—as under current law—obtain another appraisal, with the cost possibly shared with the seller.

In order to protect against potential fraud and abuse, the VA would be required to establish, through the expanded authority in section 12 of S. 1801 to provide for supplementary contractual services from the LGRF, a system to monitor and review, on a spotcheck basis, the appraisal determinations of lenders and provide oversight and feedback to the lenders.

In those instances where the authority for lender review of an appraisal is not used, the appraisal, as under current law, would be ordered by the VA and submitted to it, the VA would determine the property's reasonable value and notify the concerned veteran of its determination, and the determination would be provided to the lending institution upon request.

The existing authority for processing loan applications on an automatic basis has made the best use of the VA's resources by allowing the lender to process routine loans under VA oversight. Lender review of appraisals would provide the same benefit to the appraisal process.

MARKETING VA-ACQUIRED FORECLOSED PROPERTIES

Section 15 of S. 1801 would amend section 1832 of title 38 to require the VA to list for sale with real estate brokers all properties acquired as a result of a default on a VA-guaranteed loan under arrangements the VA determines to be the most appropriate and cost effective.

The VA's sale of 27,841 foreclosed properties in fiscal year 1986 would have resulted in a reduction in its inventory of such properties if property acquisitions in 3 economically depressed areas—Denver, Muskogee, and Houston—were excluded. Nevertheless, the VA's inventory continues to exceed 21,000, which is far in excess of the number of homes in the VA inventory prior to the 1980's. The inability of the VA to market properties successfully has led to reliance on numerous auction sales of hard-to-sell VA properties. These auctions often impose substantial losses on the LGRF and may add to the factors that depress the real estate market in the communities concerned. I am concerned that the VA may have been too quick to rely on these auctions. Auctions should be used only as a clear last resort. Creative marketing arrangements would be a far preferable approach. I intend to monitor this situation very closely in the months and year ahead.

Listing properties with, and utilizing the marketing services and expertise of, private-sector real estate sales professionals could result in faster sales of VA-acquired properties, thereby reducing the cost to the LGRF of the VA's property inventory and providing the LGRF with additional funds. It is intended that listing properties for sale with a real estate broker will provide the broker with incentives to market the properties actively.

The requirement that listing be under conditions the Administrator determines to be appropriate and cost effective is intended to allow the VA the flexibility to market properties through other means if listing alone would clearly not be cost-effective.

I also note that the committee report encourages the VA to utilize area management brokers [AMB] to improve the disposal of VA properties. AMB's—whom the VA already uses on a limited basis—are licensed real estate brokers who, on the basis of the VA's instructions, list and manage VA properties for sale in their areas. An AMB provides a centralized source of listings and related information for other brokers who market and sell the properties in the same area. ABM's generally are paid on a fee rather than commission basis, since they themselves do not sell the property.

COST SAVINGS

The CBO estimates that the savings resulting from the enactment of the committee bill during fiscal year 1988 would be $190 million in budget authority and $181 million in outlays in fiscal year 1988, and that savings from fiscal year 1988 through fiscal year 1992 would total $605 million in budget authority and $563 million in outlays.

CONCLUSION

I intend to work closely with the leadership on the House Veterans' Affairs Committee to reach agreement on a home loan bill as quickly as possible, and I pledge to take all steps necessary to ensure that a veteran's home loan bill is on the President's desk by November 15 in order to avoid another expiration of the 1-percent loan fee.

Mr. President, I want to take this opportunity again to express my appreciation to our committee's ranking minority member, Senator MURKOWSKI, and the very effective minority staff—Tony Principi, Annie Rothgeb, Laura Stepovich, and Chris Yoder—for their fine efforts and cooperation on this legislation.

Of course, I also extend thanks to the committee's majority staff for their excellent work on this bill—Charlotte Hughes, Claudia Kashin, Jennifer Loporcaro, Loretta McMillan, Ingrid Post, Lawson Bader, Iris Coblitz, Ed Scott, Jon Steinberg, and Jane Wasman—and our fine editorial director, Roy Smith.

I urge all of my colleagues to support this important measure. Each element of this bill has an important role to play in ensuring that home loan guaranty benefits continue to help our veterans reach their dreams of homeownership.

STATEMENT OF MR. MURKOWSKI ON S. 1801

Mr. MURKOWSKI. Mr. President, I enthusiastically rise to ask my colleagues to join me, and the distinguished chairman of the Committee on Veterans' Affairs, in support of this historic legislation—the Veterans' Home Loan Program Improvements Act of 1987. This act will make meaningful improvements and reforms in the Veterans' Home Loan Guaranty Program by improving loan underwriting, assumptions, servicing, appraisals, property marketing, and other aspects of this program.

The Veterans' Home Loan Guaranty Program may be one of the most important and significant Government programs since the Homestead Act of 1864. I ask my colleagues to remember the Nation's housing policy before World War II. We didn't have one. Home ownership was usually a dream for nonfarm families, unless the family was rich. Mortgage lending, when it was available, required large downpayments which were often difficult to accumulate.

For millions of Americans that situation changed in 1944 with the enactment of the Servicemen's Readjustment Act, popularly known as the GI bill. The Home Loan Guaranty provisions of that act gave veterans returning from World War II the means to become homeowners, and America has never been the same. Those veterans led the transformation of America from a nation of renters to a nation of homeowners.

The demand for housing sparked by the Veterans' Home Loan Guaranty Program has led to an enormous homebuilding industry and a real estate finance and sales industry. Home construction has fueled the demand for construction materials, appliances, and furniture. Since 1944, the VA has guaranteed over 12 million home loans with a value of over $270 billion.

The Veterans' Home Loan Program is no longer the only program providing the means to home ownership. The success of the Veterans' Home Loan Guaranty Program has led to other programs available to other Americans, in both the public and private sectors, to encourage and facilitate home ownership. However, the VA Home Loan Program remains a critical part of the Nation's housing policy. All Americans, and especially those Americans who answer the Nation's call to service in the Armed Forces, have an interest in the continued good health of this program.

Nevertheless, Mr. President, it is with deep concern that I note the Veterans' Home Loan Guaranty Program displays the symptoms of serious problems.

Year after year, the Congress must appropriate hundreds of millions of dollars to bail out the Loan Guaranty Revolving Fund through which the program operates.

In the fifth year of an economic expansion, the VA is still acquiring record numbers of foreclosed homes. The VA currently has an inventory of almost 22,000 such homes. Through August of this year alone, the VA has acquired 32,425 properties and has disposed of only 31,001. This has increased the inventory by almost 1,500 homes.

These are symptoms of a program with problems. Some of these problems are inherent in our society and economy and beyond the control of the Veterans' Administration. However, I believe other problems can be reduced through congressional and VA actions. For example:

We have found that underwriting problems have lead to loans guaranteed for, or made to, individuals with poor prospects of repayment.

These problems in underwriting can be addressed by policies to ensure loans are made to creditworthy buyers and that some of the risk of underwriting decisions are borne by those who make those decisions.

We have found that properties are sometimes appraised for more than market value.

Such problems in appraisal values can be addressed by imposing standards on those who perform appraisals and on the appraisals they produce.

We have found that some veterans receive inadequate assistance when they face default, and that enormous costs are imposed on the VA by delays in processing foreclosures.

The costs of defaulting loans can be reduced by improving the assistance and advice provided to veteran homebuyers when they get into financial trouble and by minimizing the delay and expense of foreclosure if a default is unavoidable.

We have found that the VA frequently has problems marketing and selling the properties it acquires through foreclosure.

These difficulties in marketing VA acquired properties can be reduced by harnessing the energy and expertise of the private sector real estate industry.

Mr. President, the legislation before us today represents the fruits of intense interest and work by members of the Committee on Veterans Affairs on both sides of the aisle. It has the benefit of extensive discussion and examination of ideas, policies, and concepts by members and individuals of many points of view.

Many of the provisions in this bill can be traced to provisions in S. 1778, which I introduced in 1985, when I began my pursuit of reform for this important program. Other provisions owe their origin to the ideas of the distinguished chairman of the Committee, Senator CRANSTON. I believe the legislation before us today is a historic measure which will begin to mend the problems in a program which is far too important to be allowed to weaken because of problems which have developed as the program and our economy have evolved over the last 43 years.

The legislation before us today will, if enacted, provide for meaningful reform in:

Appraisals; loan servicing; assumptions; refinancing; marketing; the financial solvency of the VA Home Loan Guaranty Program; and other areas of program administration.

The legislation before us today will, if enacted, take an important step in protecting and preserving the financial health of this important program. This legislation is important to current and future veterans of our Armed Forces, and it is important to the industries those veterans will turn to in order to meet their needs for housing.

I urge my colleagues to join me in supporting S. 1801 as amended by the amendment proposed by Senator CRANSTON and myself. This amendment has two provisions:

The first would extend the standards proposed for assumption of VA loans to subsequent assumptions. That is, if a VA guaranteed loan is assumed, and the individual who assumed the loan subsequently sells the house by means of an assumption of the loan, the new buyer would also have to meet the standards proposed for the assumption of VA guaranteed loans. The subsequent buyer enjoys the benefits of a VA guaranteed loan and should have to meet the same standards of creditworthiness and pay the same fees as others who enjoy the benefits of VA guaranteed loans. I consider this provision to be little more than a correction of a drafting oversight.

The second provision of the amendment would repeal a provision recently enacted as part of Public Law 100-136. That act, derived from S. 1691, which the Senate intended to be a temporary extension of expiring authorities, was amended by the House to include a virtual prohibition on the sale of VA loans without recourse. The Senate and the President reluctantly acquiesced to this last minute prohibition because the alternative was to allow the entire bill to die—including the temporary extention of the home loan guaranty loan origination fee which the bill contained. This would have created financial disaster for this extremely important program.

However, I believe a blanket and permanent prohibition of without-recourse sales is an unwise restriction on the ability of the VA to manage this program. In addition, the sale of loans with recourse is scored as borrowing from the public by the Congressional Budget Office. This means this provision of law, unless repealed, increases the sequester base by over $600 million and makes it even more difficult for the Congress to meet its deficit reduction target. At the time the Senate accepted S. 1691, as amended by the House, I made a commitment to the Senate and the President to seek the repeal of the provision barring without recourse sale of VA loans. I urge the Senate to join with me and Senator CRANSTON in support of our amendment and of S. 1801.

The bill (H.R. 2672), as amended, was passed.

The title was amended, so as to read:

To amend title 38, United States Code, to increase the maximum Veterans' Administration home loan guaranty, reduce Veterans' Administration-guaranteed loan defaults and foreclosures, and make other improvements in the Veterans' Administration home loan program, and for other purposes

TREATMENT OF CLAIMS FOR CERTAIN RETIREE BENEFITS OF FORMER EMPLOYEES

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 376, H.R. 2969, dealing with employees retirement benefits; that an amendment on behalf of Mr. METZENBAUM in the nature of a substitute be considered and agreed to; a motion to reconsider laid on the table; the bill to be advanced to third reading; and that the bill be passed and a motion to reconsider laid on the table.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

(The text of the amendment (No. 1115) appears in today's RECORD under "Amendments Submitted.")

SECURITIES AND EXCHANGE COMMISSION AUTHORIZATION ACT

Mr. BYRD. Mr. President, on behalf of Mr. RIEGLE, I ask that the chair lay before the Senate a message from the House on S. 1452.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1452) entitled "An Act to amend the Securities Act of 1933, the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, the Trust Indenture Act of 1939, the Investment Company Act of 1940, and the Investment Advisers Act of 1940 to make certain technical, clarifying, and conforming amendments, to authorize appropriations to the Securities and Exchange Commission, and for other purposes", do pass with the following amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Securities and Exchange Commission Authorization Act of 1987".

SEC. 2. AUTHORIZATION OF AND LIMITATIONS ON APPROPRIATIONS.

Section 35 of the Securities Exchange Act of 1934 (15 U.S.C. 78kk) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 35. (a) There are hereby authorized to be appropriated to carry out the functions, powers, and duties of the Commission (other than the functions, powers, and duties described in subsection (b))—

"(1) $133,900,000 for fiscal year 1988; and

"(2) $154,000,000 for fiscal year 1989.

"(b) In addition to the amounts authorized by subsection (a), there are authorized to be appropriated to the Commission for the purpose of funding a contract for the establishment and operation of the electronic data gathering, analysis, and retrieval ('EDGAR') system—

"(1) $20,000,000 for fiscal year 1988; and

"(2) subject to section 35A(a)(2) of this title, $15,000,000 for fiscal year 1989.".

SEC. 3. REQUIREMENTS FOR THE EDGAR SYSTEM.

The Securities Exchange Act of 1934 is amended by inserting after section 35 the following new section:

"REQUIREMENTS FOR THE EDGAR SYSTEM

"SEC. 35A. (a)(1) Of the funds appropriated to the Commission pursuant to section 35 of this title for fiscal year 1988 which are available for establishment or operation of the electronic data gathering, analysis, and retrieval ('EDGAR') system, the Commission shall reserve $15,000,000. None of the funds that are so reserved may be obligated or expended unless the Commission has made the certification required by subsection (c) of this section.

"(2) Notwithstanding section 35(b) of this title, no funds are authorized to be appropriated for fiscal year 1989, and no such funds may be obligated or expended, for the establishment or operation of the EDGAR system unless the Commission has—

"(A) filed each report required during fiscal year 1988 by subsection (b) of this section; and

"(B) made the certification required by subsection (c) of this section.

"(3) Amounts appropriated to the Commission for the EDGAR contract shall be the exclusive source of funds for the procurement and operation of the systems created under that contract by or on behalf of the Securities and Exchange Commission—

"(A) for the receipt of filings under Federal securities laws, and

"(B) for the automated acceptance and review of the filings and information derived from such filings.

"(b) The Commission shall submit a report to the Committees on Banking, Housing, and Urban Affairs and Governmental Affairs of the Senate and the Committees on Energy and Commerce and Government Operations of the House of Representatives on the status of EDGAR development, implementation, and progress at six-month intervals beginning December 31, 1987, and ending at the close of 1990 (unless otherwise extended by the Congress). Such report shall include the following:

"(1) The overall progress and status of the project, including achievement of significant milestones and current project schedule.

"(2) The results of Commission efforts to test new or revised technical solutions for key EDGAR functions. In particular, the following functions shall be addressed and the indicated information provided:

"(A) Automating receipt and acceptance processing, including—

"(i) development and testing progress and results;

"(ii) actual versus estimated development cost; and

"(iii) actual effect of this function on Commission staff needs to assist filers.

"(B) Data tagging (identifying financial data for analysis by EDGAR), including—

"(i) description of the approach selected, identifying the types of financial data to be tagged and the calculations to be performed;

"(ii) comments by the filer population on the approach selected;

"(iii) the results of testing this approach, including information on the number of filers taking part in the test and their representativeness of the overall filer population;

"(iv) actual versus estimated development cost; and

"(v) effect of implementing this function on EDGAR benefits.

"(C) Searching text for keywords, including—

"(i) the technical approach adopted for this function;

"(ii) development and testing progress and results;

"(iii) data storage requirements and search response times as compared to EDGAR pilot system experience;

"(iv) actual versus estimated development cost; and

"(v) effect of implementing this function on EDGAR benefits.

"(3) An update of cost information for the receipt, acceptance and review, and dissemination portions of the system including a comparison of actual costs with original estimated costs and revised estimates of total

system cost and total funding needs for the contract.

"(4) The status of Commission efforts to obtain and maintain staff with the proper contractual, managerial, and technical expertise to oversee the EDGAR project.

"(5) The fees, revenues, costs, and profits obtained or incurred by the contractor as a result of the required dissemination of information from the system to the public under the EDGAR contract, except that the information required under this paragraph (A) need be obtained from the contractor no more frequently than once each year, and (B) may be submitted to the Congress as a separate confidential document.

"(6) Such other information or recommendations as the Commission considers appropriate.

"(c) On or before the date the Commission enters into the contract for the EDGAR system, the Commission shall submit to the Committees on Banking, Housing, and Urban Affairs and Governmental Affairs of the Senate and the Committees on Energy and Commerce and Government Operations of the House of Representatives a certification by the Commission—

"(1) of the total contract costs to the Federal Government of the EDGAR system for each of the 3 succeeding fiscal years;

"(2) that the Commission has analyzed the quantitative and qualitative benefits to be obtained by the establishment and operation of the system and has determined that such benefits justify the costs certified pursuant to paragraph (1);

"(3) that (A) the contract requires the contractor to establish a schedule for the implementation of the system; (B) the Commission has reviewed and approved that schedule; and (C) the contract contains adequate assurances of contractor compliance with that schedule;

"(4) of the capabilities which the system is intended to provide and of the competence of the contractor and of Commission personnel to implement those capabilities; and

"(5) that mandatory filings from a significant test group of registrants will be received and reviewed by the Commission for a period of at least six months before the adoption of any rule requiring mandatory filing by all registrants.

"(d) The Commission, by rule or regulation—

"(1) shall provide that any information in the EDGAR system that is required to be disseminated by the contractor—

"(A) may be sold or disseminated by the contractor only pursuant to a uniform schedule of fees prescribed by the Commission;

"(B) may be obtained by a purchaser by direct interconnection with the EDGAR system;

"(C) shall be equally available on equal terms to all persons; and

"(D) may be used, resold, or redisseminated by any person who has lawfully obtained such information without restriction and without payment of additional fees or royalties; and

"(2) shall require that persons, or classes of persons, required to make filings with the Commission submit such filings in a form and manner suitable for entry into the EDGAR system and shall specify the date that such requirement is effective with respect to that person or class; except that the Commission may exempt persons or classes of persons, or filings or classes of filings, from such rules or regulations in order to prevent hardships or to avoid imposing unreasonable burdens or as otherwise may be necessary or appropriate; and

"(3) shall require all persons who make any filing with the Commission, in addition to complying with such other rules concerning the form and manner of filing as the Commission may prescribe, to submit such filings in written or printed form—

"(A) for a period of at least one year after the effective date specified for such person or class under paragraph (2); or

"(B) for a shorter period if the Commission determines that the EDGAR system (i) is reliable, (ii) provides a suitable alternative to such written and printed filings, and (iii) assures that the provision of information through the EDGAR system is as effective and efficient for filers, users, and disseminators as provision of such information in written or printed form.

"(e) For the purposes of carrying out its responsibilities under subsection (d)(3) of this section, the Commission shall consult with representatives of persons filing, disseminating, and using information contained in filings with the Commission.".

SEC. 4. TECHNICAL AMENDMENTS RELATING TO THE GOVERNMENT SECURITIES ACT OF 1986

(a) Amendments to the Securities Exchange Act of 1934.—(1) Section 15C(a)(1)(B)(i) of the Securities Exchange Act of 1934 (15 U.S.C. 78o-4(a)(1)(B)(i)) is amended by striking out "When" and inserting "When such".

(2) Section 17(f)(1)(A) of such Act (15 U.S.C. 78q(f)(1)(A)) is amended by striking out "government securities," and inserting "securities issued pursuant to chapter 31 of title 31, United States Code,".

(b) Amendment to the Securities Investor Protection Act of 1970.—Section 16(12) of the Securities Investor Protection Act of 1970 (15 U.S.C. 78111(12)) is amended by inserting before the period at the end thereof the following: "other than a government securities broker or government securities dealer registered under section 15C(a)(1)(A) of the 1934 Act".

Amend the title so as to read: "An Act to extend and amend the authorization of appropriations for the Securities and Exchange Commission, and for other purposes.".

AMENDMENT NO. 1116

Mr. BYRD. Mr. President, I move that the Senate concur in the amendments of the House with a further amendment on behalf of Mr. Riegle, which I send to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. Byrd], on behalf of Mr. Riegle, proposes an amendment numbered 1116.

Mr. BYRD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment (No. 1116) appears in today's Record under "Amendments Submitted.")

Mr. RIEGLE. Mr. President, last June the Senate acted by unanimous consent to reauthorize the SEC budget as reported by the Senate Banking Committee. The Senate authorized the entire budget increase requested by the SEC and, further, restored cuts to the agency budget which were demanded by the administration before the SEC was permitted to submit its budget request to Congress. In addition, the Senate adopted technical amendments to the securities laws as requested by the SEC.

In September the House returned S. 1452 with a request that the Senate concur in their amendment. The House acted to substitute a new provision for S. 1452 which would reauthorize the SEC at the level requested by the agency without restoring the funds cut by the administration. The House also added reporting and certification requirements on the SEC regarding the ongoing development of the Electronic Data Gathering Analysis and Retrieval project ("Edgar".)

I urge the Senate to adopt this amendment to S. 1452 which incorporates the House Edgar provisions, restores the Senate funding level, and retains the technical amendments requested by the SEC. I believe that this compromise amendment will be acceptable to the House.

Recent market events have clearly demonstrated the need for the higher funding as approved by the Senate. In fact, I have urged the appropriations conferees to consider even further supplementing the SEC budget now to bolster the agency's resources in responding to the crisis in the financial markets. As the Banking Committee noted in its report on S. 1452, and recent events have corroborated, the SEC's resources have not kept pace with the recent tremendous increases in volume and complexity of the securities markets. The Senate should approve this amendment reauthorizing the SEC with a long overdue increase and the Congress should seriously consider appropriating additional funds to the agency to meet the demands of the current situation in the markets.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

Mr. BYRD. I move to reconsider the vote by which the motion was agreed to.

Mr. EVANS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I move to concur in the House amendments to the title.

The PRESIDING OFFICER. Without objection, the motion is agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. EVANS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CRIMINAL FINE IMPROVEMENTS ACT

Mr. BYRD. Mr. President, I ask unanimous consent that the House bill, H.R. 3483, on sentencing reform just received from the House be called up.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3483) to amend title 18, United States Code, to improve certain provisions relating to imposition and collection of criminal fines, and for other purposes.

Mr. BYRD. Mr. President, I ask unanimous consent that the substitute amendment on behalf of Senators BIDEN, THURMOND, KENNEDY, and HATCH be agreed to; the motion to reconsider laid on the table; the bill advanced to third reading, passed, and a motion to reconsider be laid on the table.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

(The text of the amendment (No. 1117) appears in today's RECORD under "Amendments Submitted.")

BILL PLACED ON CALENDAR—H.R. 3457

Mr. BYRD. Mr. President, I ask unanimous consent to place on the calendar H.R. 3457, a bill dealing with financial protection for poultry growers just received from the House of Representatives.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, that completes the business for today. I want to thank the distinguished Senator from Washington, Mr. EVANS, the acting Republican leader for his courtesy, his cooperation, and for his statesmanship.

PASSING OF WOODY HERMAN

Mr. KASTEN. Mr. President, I rise today to express the sorrow of the State of Wisconsin, and of music lovers all over America and the world, about the passing of jazz legend Woody Herman.

Woody Herman's career proves the immortality of good music. When music strikes a chord deep in the spirit of its listeners it remains forever young even as the musicians playing it grow old. Woody Herman knew that as long as the music he made could be passed on to a younger generation, the music would not die with him.

I have heard Woody say he really likes the fact that most of the members of his band are young, because he felt they kept him young. I would like to respectfully disagree with Woody on that point. They did not keep him young. It was his music that kept all of them—and the rest of us who enjoyed it—young. And I would be willing to predict that the records he made will keep on doing that for decades to come.

Woody Herman was part of an extraordinary group of Wisconsin artists who gave us what has come to be known as the golden age of Wisconsin arts. Early in this century, Wisconsin gave birth to numerous figures destined to have enormous influence on American arts and popular culture, figures like Spencer Tracy, Alfred Lunt, Frederic March, Orson Wells, and Pat O'Brien. Woody Herman stands out even in that select company.

My wife Eva and I were with Woody Herman last year at the 10th Anniversary Celebration for the Birch Creek Music Center in Door County, WI. I remember that what impressed both of us the most about Woody was the hope he held out about what old age could mean. Here was a man of 73 embodying the spirit of swing music—and infecting the rest of us with his energy and sense of humor.

The lesson we could all learn from Woody is that if you have the right attitude, getting older means getting better.

Woody once observed: "Music is a great escape. As long as you're playing, nobody can get to you—about anything." Woody Herman knew that music—like all true art—helps us transcend ourselves and reach out to the eternal. That is why he and his band, the Thundering Herd, made their music. And that is why people listened to it.

The people who loved Woody's music did not show their appreciation just by buying his albums. When Woody was facing bankruptcy and eviction a couple of years ago, his friends and fans rallied around him, raising thousands of dollars to pay his debts.

They did this because they loved him. They still loved him, especially in his hometown of Milwaukee.

Mr. President, I rise to express Wisconsin's gratitude for and pride in this great man and great musician, Woody Herman.

DEFICIT REDUCTION

Mr. LEVIN. Mr. President, when a banner was run up the flag pole to signal the willingness of the President and the Congress to enter into budget negotiations, emblazoned across it were the words, "Everything is on the table, except Social Security." If these negotiations proceed in that spirit, there is a good chance for success. That's why it was disturbing to see 32 of our colleagues vote only 2 days after the negotiations began for a sense of the Senate resolution which was contrary to the President's own statements and which would have effectively taken any revenues off of the negotiating table.

This vote was all the more disturbing in light of the growing impression that $23 billion in deficit reduction for 1988 may not be adequate to address the fundamental budgetary problems confronting us and to instill confidence in the markets. In this environment, sweeping revenues off the table would not be the responsible thing to do. If increased revenues, along with spending cuts, are essential for these economic summit negotiations to produce a credible deficit reduction plan of $23 billion, and I believe they are, then they are even more important for a more comprehensive plan.

Any realistic deficit reduction plan will include revenues as well as spending cuts. The question is which revenues. In an attempt to assure the public that there will be no general tax increase affecting average taxpayers, some budget summiteers from all sides have quickly added that they will do nothing to modify income tax rates. In doing so, they have flicked off the table a component of a deficit reduction revenue package which, if explained to the American public, would almost certainly meet with its overwhelming approval.

What should be firmly on the table is a proposal to change an illogical, inequitable and regressive feature of the new income tax rate structure which has not yet taken effect, but which is scheduled to begin in 1988. Most people, perhaps even the President, are under an impression that starting in 1988 under the new tax reform law there will only be two marginal income tax rates—15 and 28 percent. The fact is that the rate structure will be 15 percent, 28 percent, 33 percent and, believe it or not, that rate will go back down for the highest income people to 28 percent. The marginal rate is the tax rate which applies to the final dollar of income that a taxpayer earns each year.

Yes, incredible as it is to contemplate, under the new tax law in 1988 a family of four with a taxable income of $35,000 will have a 28-percent marginal rate. The same size family with a taxable income of $80,000 will have a 33-percent marginal rate. But, an identical size family with a taxable income of $200,000 will drop back to a 28-percent marginal rate.

This anomaly of the new tax law results from a tax surcharge that applies to a taxpayer's income as it increases—implicitly creating a 33-percent marginal rate—because the taxpayer gradually loses his or her eligibility for having some income taxed at the 15-percent bracket and loses the eligibility for personal exemptions. Once the 15-percent bracket and the personal exemptions have been entirely phased out, the tax surcharge disappears, and the taxpayer's marginal rate drops back to 28 percent.

If the new law were changed so that the marginal tax rate would not drop from 33 percent back to 28 percent for the highest income taxpayers, it would not increase the tax burden of any unmarried taxpayers with taxable incomes of less than $90,000 or any married taxpayers with taxable incomes of less than $150,000. In other words, there would be no tax increase for 99 percent of the taxpayers; only the upper 1 percent would be touched. Keep in mind that for 1987, this upper 1 percent of the taxpayers have a marginal tax rate of 38.5 percent, so that a 33-percent marginal tax rate in 1988 still would represent a drop in the rate of 5 percentage points.

Although, as professor Alan Blinder of Princeton has stated, "Both honesty and equity demand that we apply the 33-percent marginal rate across the board to all high incomes," there is another reason as well. It would produce a surprisingly large revenue gain a the time when the Congress and the President are trying to formulate a deficit reduction revenue package. It has been estimated that this proposal would increase revenues by $2.4 billion in 1988 and by a total of $13.5 billion between 1988 and 1990, even if the maximum capital gains rate is kept at 28 percent. That's very close to what the Medicare tax increase proposed by the Finance Committee would raise. But, the medicare tax increase affects 8 percent of our people and the extension of the 33-percent bracket affects only 1 percent.

It would be ironic if the budget summiteers—in an attempt to avoid being erroneously perceived as legislating a general tax increase affecting average taxpayers—rejected out of hand an extension of the 33-percent bracket to our upper income taxpayers, and, instead, ended up substantially relying on a variety of alternative tax measures which would fall most heavily on those very same average taxpayers. For example, raising additional revenues by extending the telephone excise tax would affect virtually every household in the United States and would raise $1.3 billion in 1988 and $6 billion between 1988 and 1990. Doubling the tax on beer would raise $1.1 billion in 1988 and $3.5 billion between 1988 and 1990. In contrast, amending the Income Tax Code by extending the 33-percent bracket to all upper income taxpayers would raise more in revenues, advance equity, and would only affect the wealthiest 1 percent of the taxpayers.

It would be doubly ironic if the Congress and the President, in the name of the American people, chose to raise additional revenues by focusing on user fees and excise taxes instead of looking to extending the 33-percent bracket to the all upper income individuals. A nationwide poll conducted earlier this year demonstrated that the American people, by a margin of 3 to 1, would rather reduce the deficit by modifying the new income tax law as it affects the upper income taxpayers than by increasing revenues from excise taxes.

I understand that even people who may support extending 33 percent tax bracket recoil at doing it because of the President's often stated opposition to doing anything that affects income tax rates. However, the President, even with all of his communications skills, would not be able to persuade the American public that this proposal constitutes a general tax increase. Finally, no one could explain to the satisfaction of the American people the reverse Robin Hood logic that justifies maintaining an inequity from which the wealthiest among us benefit in order to pave the way for a tax increase that falls most heavily on the rest.

VIOLENCE HAS NO PLACE IN KOREAN ELECTION

Mr. CRANSTON. Mr. President, on several previous occasions I have spoken out against the use of violence by various factions within the Korean electorate as that country struggles toward democracy. Recent unfortunate events in Korea cause me to rise again to reemphasize the importance of allowing the peaceful, democratic process to take place in an orderly manner without interference from extremists from either the right or the left.

The people of the Republic of Korea have taken further great strides toward democracy in recent weeks. On October 12, the National Assembly overwhelmingly passed a new Constitution which provides for the protection of basic human rights, eliminates emergency powers for the President, and stipulates the "observance of political neutrality by the military," along with the establishment of democratic institutions. This Constitution was formulated by both the ruling party and members of the opposition, and both sides showed remarkable perseverence and made productive compromises to achieve a Constitution for the Korean people. On October 27, the Constitution received the support of 93 percent of the Korean electorate in a national referendum. It is my deepest hope that the near-unanimity reflected by this vote will give strength and longevity to this Constitution and the new, democratic society it will create.

But violent actions in Korea also indicate that not everyone is willing to trust the peaceful workings of democracy. In Taegu last week, homemade kerosene firebombs were thrown at the car of the Democratic Justice Party's candidate Roh Tae Wu by about 20 leftist radicals trying to disrupt the peaceful political rally. Roh's campaign has been frequently confronted by other incidents of violence, including the use of tear gas grenades and Molotov cocktails by left fringe opposition.

The Korean people have been witness to a tragic magnitude of violence in their quest for democracy in this century. The struggle for democratic reforms in the past few years has been hard fought and has not taken place without violence, bloodshed, police brutality, and false imprisonment. But the new Constitution has opened up possibilities for a democratic electoral process that will allow the wishes of the Korean people to be reflected in a peaceful manner.

Violence will undermine the hard-won gains of the democratic forces.

Violence could potentially reverse the great strides toward freedom made thus far.

Democracy must be given a chance to work, and all candidates, government and opposition alike, must be given the opportunity to make their case to the Korean people in a free and fair campaign, without the fear of injury or worse. I am hopeful that those few elements of Korean society who tend to resort to violence will join with the vast majority of peace-loving Koreans to insure that the rest of the campaign and the election itself be democratic and nonviolent.

LUPUS AWARENESS MONTH

Mr. DOLE. Mr. President, the month of October 1987 has been designated as Lupus Awareness Month, and I would like to take this time to call attention to this rather tragic disease.

What is lupus?

Despite the fact that lupus affects over 500,000 individuals in the United States and claims over 5,000 lives every year, there is little awareness among the general population of this often misdiagnosed and thus mistreated disease. Lupus is an inflammatory autoimmune disease of unknown origin, with unpredictable symptoms that vary in intensity. In her book "Lupus: Hope Through Understanding," Henrietta Aladjem explains that the typical patient comes to the doctor complaining of fatigue, low grade fevers, rashes, and achy, slightly swollen joints.

Though the disease can affect any part of the body, most patients have skin and joint involvement. Where the skin is involved, the patients must take extra precautions to protect themselves from the sun's ultraviolet rays, which can cause rashes on the exposed areas.

I had the opportunity last year to talk with Ms. Aladjem for the Lupus Foundation publication "Lupus News." It was during that conversation that I found out that lupus affects women 10 times more often then it affects men, and that it attacks women in their 20's, 30's, and 40's. This is the prime of their life when they are reaching career goals, getting married, and having children.

LUPUS FOUNDATION

The Lupus Foundation of America is dedicated to raising funds for lupus research and educating the pubic about this disease. Their goal is to address the problems of the lupus patient with understanding, compassion, and concern. Mr. President, I want to commend the Lupus Foundation of America for its work over the years, and I am hopeful that their efforts will help us solve the mystery of this dreaded disease.

BICENTENNIAL MINUTE

OCTOBER 30, 1893: SHERMAN SILVER PURCHASE ACT REPEALED AFTER LONG FILIBUSTER

Mr. DOLE. Mr. President, 94 years ago today, on October 30, 1893, the Senate repealed the Sherman Silver Purchase Act after one of the most bitter filibusters of the 19th century. President Grover Cleveland was certain the roots of the terrible economic depression then gripping the nation lay in the decline of government credit, due to the continued purchase of silver under the Sherman Act. He called the 53d Congress into extra session in August and threatened to keep it in all summer until it repealed the Sherman Act.

When the extra session convened, the Senate Finance Committee, chaired by Daniel Voorhees of Indiana, reported the repeal legislation by a one-vote majority. As soon as the issue reached the floor on August 29, the long filibuster began, led by silverites—primarily Western Senators. One stupendous speech by Senator John P. Jones of Nevada, requiring large parts of 7 days to deliver, filled 100 pages of the CONGRESSIONAL RECORD. When, after several days, motions for cloture began to be offered by the prorepeal forces, they only evoked more stormy discussions, turning the debate away from repeal toward more fundamental freedom-of-speech issues.

Voorhees decided to resort to a continuous session to break the deadlock. After the Senate convened at 11 o'clock on the morning of October 11, it remained in unbroken session for 39 hours, until 1:45 on the morning of the 13th. But even this grueling tactic failed to break the back of the filibuster. Finally, on October 24, several antirepeal Democrats met with administration representatives strongly urging them to surrender, which they did, and the filibuster suddenly collapsed. On the evening of October 30, after a 46-day filibuster, the Sherman Act was repealed by a vote of 43 to 32. Cleveland and the gold Democrats had won but at a high price. Their party was torn in two, and the wound would be a long time healing.

BILL BROCK

Mr. HATCH. Mr. President, our distinguished colleague BOB DOLE managed to lure from public service one of our Nation's most effective leaders and administrators when he selected Labor Secretary Bill Brock to chair his campaign for the Presidency. Bill Brock will bring to this position, or to any other project he believes in, the same integrity, commitment, and ability that he has given to President Reagan over the last 2 years as a member of the Cabinet.

Bill Brock has had a wealth of experience. He first joined President Reagan's Cabinet as the U.S. Trade Representative, but prior to that he was national chairman of the Republican Party, Senator and Congressman from Tennessee, and a businessman. In each of those roles, Bill Brock has tackled many tough policy issues ranging from equal credit opportunities for women to trade with the Japanese. He has straightened out organizational labyrinths and has positively motivated bureaucracies. And, much to his credit, he knows how to build a staff and have it work effectively.

Of course, most of us know him now as Secretary of Labor. This may be one of the thorniest jobs in Washington, but Bill Brock has handled it with aplomb. Adversaries are welcome in his office and their viewpoints are considered; they, like everyone else, know that he is honest and forthright. In a political town, where plain talk is often the exception not the rule, Bill Brock tells it like it is.

Secretary Brock has also been foresighted about many of the problems facing this country's workforce in the future. The Department's "Workforce 2000" study has forced us to look beyond the quick-fix programs we are prone to enact to policies which will address the root causes of unemployment and will help prepare our workforce for the next century. We owe, in large part, for example, our new awareness about illiteracy in America to Secretary Brock.

Finally, another thing that impresses me about Bill Brock is that he still represents a constituency of American citizens. It is clear that he listens not just to the representatives of big business or big labor; he continues to listen to individuals, small business owners, steelworkers, and our youth. I believe it is this sincere interest in the microeffects of broadly applied Federal policies that has made him so popular with both business and labor, and such an effective leader.

I congratulate our Republican leader for selecting Bill Brock to lead his campaign team, but I do regret his resignation as Secretary of Labor. As chairman of the Labor and Human Resources Committee, and now ranking member, I have enjoyed working with him; and, quite frankly, I am going to miss his counsel and wisdom greatly. He has earned our respect and admiration, and I wish him and his wife, Sandy, all the best.

A WOMAN OF GREAT SERVICE

Mr. PROXMIRE. Mr. President, today I want to honor Kay Heyer, a constituent of mine, and a remarkable individual. Kay is a devoted mother, nurse, and community volunteer who has gone far beyond the usual in her service.

In 1980, Kay participated in a 2-month-long medical relief trip to Thailand, giving medical aid to Indochinese refugees in refugee camps there. Upon Kay's return to the Milwaukee area, she began using her talents and energy to assist the Indochinese immigrant community.

Since then, Kay has sponsored four families through her local parish's immigrant sponsorship program. Kay also provides valuable health-care information to the immigrant community in the monthly classes she teaches. This fall, she is teaching a 15-class course at a community health center.

Kay helps provide material aid to the immigrants, too. If you look in her basement, you will see the rummage-sale clothing she collects for her Indochinese friends. And for 6 of the past 7 years, Kay has obtained a grant from the Sisters of St. Dominic in Racine. This money has been used to cover emergency expenses for such things as heat and food for the immigrant families.

Kay has also helped the larger community to better understand and serve the Indochinese immigrants. At presentations to Milwaukee-area emergency room staff, Kay shows slides from her experiences in Thailand, and she briefs the staff on illnesses that the immigrants may come down with.

Kay's service to the immigrant community is in addition to the other undertakings in this woman's wonderfully active life. Her duties as a mother include giving extensive care to her oldest daughter who is physically and mentally retarded. Kay also works part time providing home nursing care. And Kay has been pursuing a bachelor's degree for the past 2 years.

Kay Heyer should be an inspiration to us all. Today I salute her.

Before I conclude, Mr. President, I'd like to note that Kay is representative of millions of caring individuals who build the ties that strengthen the health of our society. Kay and all the fine Americans like her deserve only the finest from their elected representatives. I don't think we can remind ourselves of that often enough.

Mr. President, I ask unanimous consent to have printed in the RECORD an article from the Milwaukee Journal.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Milwaukee (WI) Journal, Sept. 3, 1987]

A Trip to Asia Took Her to the Heart of the Matter

(By Cynthia Dennis)

Some detours in life prove to be dead ends. But the one that Kay Heyer made seven years ago wasn't. Heyer's detour changed her life.

In 1980, the Wind Lake nurse was part of a group that flew to Thailand for two months to provide medical assistance to Hmong and other Indochinese residents of refugee camps. Heyer was profoundly moved by the plight of the refugees.

"It was real sad," she says today. "I was kinda affected by the whole thing."

Once back home, the mother of seven did not falter in her determination to help. Her family parish, St. Benedict the Moor, at 924 W. State St., was acting as sponsor for several new Indochinese families here. With characteristic enthusiasm, Heyer made their needs hers.

She's started all sorts of programs for the newcomers and even has sponsored four families herself.

"It's a neat experience, especially picking them up at the airport," says Heyer.

As she casually mentions one thing after another that she's organized for Indochinese who have emigrated to Milwaukee, one might think Heyer had great quantities of spare time. Hardly. She works part time as a pediatric nurse in home care and has been pursuing a bachelor's degree for two years at Carroll College in Waukesha.

Family life is demanding, too. Two of the Heyer brood, ranging in age from 17 to 29, are teenagers.

"We could write a book about adolescent crisis," she says, laughing.

On a more serious note, she says that her 29-year-old Annie is physically and mentally retarded. Annie lives at home and requires constant care on weekends and after she returns from school on weekdays.

Nevertheless, Heyer seems everywhere at once for the Indochinese community. The basement of the Cape Cod home she and her husband, Russell, built has box upon box of rummage sale clothing for Indochinese families. "Somehow I got started in the clothing business," she says.

Heyer also teaches monthly health classes for Indochinese at two Guadalupe Center locations and will offer a 15-class course this fall at the Sixteenth Street Community Health Center, 1032 S. 16th St. She's also made presentations to emergency room staffs at most Mikwaukee-area hospitals, showing her refugee camp slides and speaking of the type of illnesses these immigrants may come down with.

Since 1981, except for last year, when surgery kept her from applying in time, Heyer has secured a small annual grant from the Sisters of St. Dominic in Racine. With it she's helped cover emergency expenses for Indochinese families for such things as heat and food.

How do the families know to contact her? "If you need help, call this lady," she describes her image among the local Indochinese.

Their gratitude is evident, in a multitude of hand-stitched wall hangings about the house.

But Heyer's helping hand extends not just to her Indochinese friends. The first Sunday each month finds her mixing 30 pounds of meat loaf for St. Benedict's meal program for the poor. Other evenings find her greeting people as they enter the hall for the meal. She no longer sits at a back table, offering to check diners' blood pressure, as she used to. Now there's a formal health program affiliated with the meal program, she says with pride.

As it does to the Indochinese, her heart goes out to the poor. Her children work at the meal program, too.

"It gives us a view of the world we couldn't get in little Wind Lake," she says.

A TRIBUTE TO FREEDOM IN AFRICA

Mr. HELMS. Mr. President, on the political battlefield in Washington—fought by a constant scramble for air time, column inches, and grassroots letter campaigns and activism—it is not rare to find a politician who takes an unpopular position, who is criticized and lambasted in the press, and whose views are distorted and misrepresented. But it is rare to find a political leader who is vindicated by events, to have that vindication publicly acknowledged in the news media, and to have his once unpopular position advocated by his previous opponents.

Mr. President, rare as those circumstances are, in this case they apply precisely to our distinguished colleague from Idaho, Senator SYMMS, and his stand against South African sanctions. His stand on South Africa was originally belittled, attacked, and maligned, but now, 13 months later he has been vindicated by some of the very individuals who originally criticized Senator SYMMS because he vigorously opposed South African sanctions.

Senator SYMMS warned that sanctions would slow the dismantling of apartheid, weaken United States leverage in South Africa, throw thousands of blacks into unemployment, and help the Marxist-Leninist ANC. And I might add parenthetically, Mr. President, that the ANC condones killing people by throwing flaming tires around their necks. This is the same organization with which the State Department has met 59 times—I repeat—59 times.

Indeed, Mr. President, the South African Catholic Bishops' Conference has reversed itself on the issue of sanctions, saying that sanctions "have clearly had a totally counterproductive effect." They have slowed the pace of reform and set back economic progress by black South Africans.

Let us take another example:

Mr. William Raspberry, a liberal black columnist for the Washington Post earlier this year wrote an article titled "Sanctions Backfired." Raspberry's opening line was: "Have economic sanctions against South Africa backfired? Probably yes." He went on to say "hurting white people is not the same as helping black people."

Moreover, Mr. President, the sagacity of the distinguished Senator from Idaho—albeit belatedly—has not gone unnoticed in his State. Recently the Idaho Press-Tribune ran an article by Lawrence Reed praising Senator SYMMS' foresight and straight talk.

Mr. President, there are other issues on South Africa in which my good friend and colleague from Idaho has distinguished himself. Most recently, as the Idaho Press-Tribune points out, Senator SYMMS has shown a consistent sensitivity to the aspiration of freedom by the Mozambican people.

Senator SYMMS has stood on the floor of the Senate and pointed out that there are over 20,000 foreign Communist troops in Mozambique propping up the Marxist-Leninist regime. That number does not include the 25,000 FRELIMO troops. That brings the total number of Communist troops in Mozambique to 45,000. The 25,000 pro Western freedom fighters of RENAMO have kept over 45,000 Communist troops at bay because of their massive popular support in the countryside and the Mozambican peoples' quest for freedom.

Mr. President, Senator SYMMS' has done much for the cause of freedom in southern Africa. And I believe Senator SYMMS' views on Mozambique, unlike those of the Department of State, will be vindicated 12 to 18 months from now just as they have been on South Africa.

Mr. President, I ask unanimous consent that the article by Mr. Raspberry and the article from the Idaho Press-Tribune be printed in the RECORD at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Jan. 28, 1987]

Sanctions Backfired

(By William Raspberry)

Have economic sanctions against South Africa backfired? Probably yes.

Is there anybody in America who supported sanctions who now thinks that maybe sanctions weren't such a wonderful idea after all? Probably not.

The congressional imposition of sanctions, underscored by a resounding override of a presidential veto, will still be remembered as such a magnificent victory for the forces of righteousness that it may be impossible for the pro-sanctions activists to entertain second thoughts.

And yet the clear evidence is that Pretoria's principal reaction to international sanctions has been what seasoned observers of South Africa had long predicted: a white retreat into the *laager*—a circling of the wagons—and an end to any pretense of serious reform.

A report commissioned last May by the South African Catholic Bishops' Conference argues that the sanctions imposed to force reform of apartheid are having the opposite effect:

"The whole sanctions issue has consolidated the government in its retreat from meaningful and, indeed, any reform. . . . What was anticipated by the pro-sanctions lobby—an early change in government policy with expectations of imminent meaningful black participation in a regime overcome by the pressures of economic boycotts—is not likely to materialize.

How could so many intelligent, well-meaning people have thought otherwise? The answer, I think, is that South Africa's racism is so clear-cut an evil, so conducive to good-guy/bad-guy analyses that it's difficult for anti-apartheid partisans to think their way from policy proposal to probable outcome.

Disinvestment, divestiture and finally, sanctions became such rallying cries for campus activists, civil rights activists and other haters of apartheid that their demands became ends in themselves. In general, only political conservatives who saw apartheid as less threatening to their interests than the prospective loss of vital minerals, sea routes and an anti-communist bastion could bring themselves to question the advisability of sanctions.

For most of the rest, the operative question was: How can you oppose sanctions, which would surely hurt the supporters of apartheid, and still call yourself a supporter of justice for blacks?

The answer, which too few of us found the voice to utter, is that hurting white people is not the same thing as helping black people.

Many were misled by the fact that the threat of sanctions had, from time to time, led the South African government to undertake at least cosmetic reforms of apartheid and concluded that the actual imposition of sanctions would be even more effective.

In fact, South Africa's concessions were undertaken to keep as much as possible of the goodwill of the international community and to avoid wrecking its Western-style economy. Once the damage was inflicted, the threat-induced incentive to change evaporated.

It is a bit like blackmail. Threaten to publish my darkest secrets, and I might pay you hush money. Actually publish them, and you won't collect a dime.

It does not follow, by the way, that failure to impose sanctions would have produced true reform of the South African system. You can't blackmail me into suicide, which is precisely how many in the white South African minority view the one-man/one-vote demands that strike Americans as simple justice.

When it comes to the National Party, which, despite its deepening troubles, still is the dominant political force in the country, the only way to force it into giving up its overwhelming power is to persuade it that the alternative is worse. It's hard to think of anything the United States could do that would strike Afrikaners as worse than giving up control: not constructive engagement, the ineffectual Reagan policy; not economically destructive disengagement, which sanctions have become.

The only people who can be cheered by events in South Africa, including the devastation of the economy and the tightening of the screws of repression, are those who believe that bloody revolution is the only solution and that sanctions, by making conditions completely intolerable for blacks, will bring on the revolution.

Is that what we really want?

[From the Idaho Press-Tribune, Aug. 20, 1987]

SYMMS BLOCKS STATE DEPARTMENT'S SOUTHERN AFRICA POLICY

(By Lawrence Reed)

One thing that accounts for Steve Symms' political appeal in Idaho in his plain talk. On most issues, you know where he stands whether or not you agree with him.

There are a lot of things a senator from Idaho is expected to know but policy toward southern Africa is not really one of them. Yet our junior senator is emerging as an outspoken activist and a leader on issues of vital concern to the United States in that part of the world.

Last year, Symms was roundly criticized in the press for expressing skepticism about sanctions against South Africa. He thought they might backfire and end up strengthening the racist apartheid system, hurting the very blacks they were supposed to help and increasing U.S. dependency on unreliable or hostile sources for important raw materials. As it now turns out, he was right on all counts.

Earlier this year, the South African Catholic Bishops' Conference reversed itself and declared that sanctions have "clearly had a totally counterproductive effect." The pace of reforms has slowed and divestment by U.S. firms has set back economic progress by black South Africans.

Even worse, U.S. dependence on the Soviet Union for strategic minerals we used to get at lower prices from South Africa has dramatically increased. A shocking Aug. 3 editorial in Barron's revealed that U.S. imports of several "critical materials" from the U.S.S.R. have risen by factors of 10 to 100 in the wake of sanctions against South Africa.

As Sen. Symms notes, a liberal has yet to appear, placard in hand, in front of the Soviet Embassy to call for divestment from the land of the Gulag. Perhaps the only economic issue on which most liberals take a laissez faire approach, Symms says, is aid and trade with the Kremlin.

But it is U.S. policy toward another country in southern Africa—Mozambique—which has thrust Symms to center stage of a fierce debate in the Senate. The State Department wants to send millions in U.S. aid dollars to that country's bloody Marxist dictatorship in an effort to buy the regime away from the Soviet Union.

Given the history and nature of Marxist dictatorships, such a plan would appear to be naive at best. What makes it especially bad is that the Mozambique government is besieged by a popular, anti-communist, pro-Western insurgency known as RENAMO. The rebels control more than two-thirds of the country in spite of the government's heavy support from East-bloc nations, and Symms wants to know why on Earth the U.S. State Department wants to send money to prop up a Soviet ally.

Symms and a cluster of other Republican senators, including majority leader Robert Dole, have stymied the State Department's effort to get confirmation of Melissa Wells as the new U.S. ambassador to Mozambique. Wells favors the aid and has shown a disturbing tendency to swallow nearly all the anti-RENAMO propaganda the desperate Mozambique regime can produce.

In a lengthy speech on the floor of the Senate last month, Symms condemned the State Department for trying to buy itself a Marxist government. "They think they can suck and blow in the same breath, but it can't be done," be said. Of the Wells nomination, Symms, declared it should be withdrawn and a new candidate sent up who, unlike Wells, has "at least the courage to demand the withdrawal of all foreign forces from Mozambique, such as those of the Soviet Union, East Germany and North Korea."

In America, Mozambique isn't much of an issue outside of Washington, D.C., but maybe it should be. In any event, thanks in great measure to Sen. Symms, the State Department is having a hard time foisting bad policy on that unfortunate country.

CHANGES IN REQUIREMENTS FOR NUCLEAR POWERPLANT EMERGENCY PLANS

Mr. BIDEN. Mr. President, yesterday, the Nuclear Regulatory Commission [NRC] issued its long-awaited decision on changes in the requirements for emergency plans for nuclear powerplants. As expected, the NRC rule seeks to weaken the requirement for State and local participation in the development of emergency plans for the 10-mile zone. This is a shift in policy that does not serve the public health and safety well.

The rule change allows a utility to design and submit its own evacuation plan if State and local governments decline to participate in development of such a plan. To qualify for this special treatment, the NRC would have to determine that the utility made a "good-faith effort to secure and retain the participation of the pertinent State and/or local governmental authorities * * *."

If the utility's arguments were accepted as valid, the Commission then would have to determine that the "applicant's emergency plan provides reasonable assurance that public health and safety is not endangered by operation of the facility concerned." The utility plan will have to meet the same standards as one drafted with State and local participation, but will be allowed a, certain amount of leeway based on the utility's efforts to overcome the impact of nonparticipation.

Also, in deciding whether a utility plan is adequate, the NRC is allowed to assume that "in an actual emergency, State and local government officials will exercise their best efforts to protect the health and safety of the public."

Mr. President, the NRC's new rule contains a number of generous standards and some rather dangerous assumptions, all of which leave the public worse off than under the previous rule.

First, the NRC allows a utility to draft its own plan if State or local governments decline to participate. The rule does not require an assessment of the validity of the State or local objections, only that there is nonparticipation. This overlooks the possibility that State and local governments may have legitimate concerns about the ability to safely evacuate the 10-mile zone.

As an example, a major escape route from Shoreham would be the Long Island Expressway, a highway well-known for its severe traffic problems. Despite this obvious flaw that is a basis of New York and Long Island officials' objections, under the new rule Shoreham's owners would be able to move ahead to the next step of filing an emergency plan. The NRC rule wrongly assumes that State and local nonparticipation is always rooted in purely political considerations, not in legitimate concerns over public safety.

The rule injects a blanket rejection of any State or local objections into analysis of evacuation plans. The record shows that these objections are not without merit, as the NRC wants us to believe. Again, in the case of Shoreham, New York and Long Island officials have studied evacuation proposals extensively and have found none to be satisfactory. One official projected "immobilized public evacuation" in the event of an emergency at Shoreham. I also note that the Federal Emergency Management Agency has raised questions about the adequacy of the New Hampshire portion of Seabrook's evacuation plan. The NRC and the nuclear industry simply fail to accept that safe evacuation is not always possible.

After making this first assumption—that State and local objections are not real—the next one is easy. The NRC assumes that if a plan is put in place, State and local public safety departments will be satisfied with the utility-drafted plan, and will be successful in implementing the plan in an emergency. This belief represents an astounding leap of faith and ignores other NRC policies on this issue.

For the vast majority of nuclear plants with evacuation plans that enjoy the confidence of State and local officials, the NRC requires period practice of the plans. The agency recognizes that an unpracticed plan invites disaster. But for those plants where local officials believe safe evacuation will be impossible, the NRC is apparently willing to believe that no practice of the plan is needed. Nothing could be worse for public health and safety.

The Commission claims that its actions should not be viewed as prejudging the adequacy of any outstanding evacuation plans, but it is difficult to believe that the controversial Shoreham and Seabrook plans will fail to be approved under this "framework." This belief is bolstered by the observation that utilities will be able to apply for the special treatment because of "compelling reasons," reasons that may have noting to do with safety.

The Commission also claims that "the rule is not intended to diminish public protection * * *." However, even the NRC staff found this to be a likely outcome. The NRC staff found "the adoption of the proposed amendments may result in a less coordinated offsite emergency plan as compared to sites where full coordination has been achieved."

In short, the Commission is charging ahead in its efforts to bring Shoreham and Seabrook online, attempting to renege on its earlier promises to uphold requirements for State and local participation at this last stage. It is an attempt that still has many hurdles to clear, and one that I hope, for the good of public safety, will ultimately fail.

MESSAGES FROM THE HOUSE

At 12:10 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, with amendments, in which it requests the concurrence of the Senate:

S. Con. Res. 38. A concurrent resolution to recognize the International Association of Fire Fighters and the National Fallen Fire Fighter Memorial in Colorado Springs, Co.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 515. An act to provide for more detailed and uniform disclosure by credit and charge card issuers with respect to information relating to interest rates and other fees which may be incurred by consumers through the use of any credit or charge card.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 515. An act to provide for more detailed and uniform disclosure by credit and charge card issuers with respect to information relating to interest rates and other fees which may be incurred by consumers through the use of any credit or charge card; to the Committee on Banking, Housing, and Urban Affairs.

MEASURES PLACED ON THE CALENDAR

The following bill, previously received from the House of Representatives, was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 3457. An act to amend the Packers and Stockyards Act, 1921, to provide financial protection to poultry growers and sellers, and to clarify Federal jurisdiction under such Act.

ENROLLED JOINT RESOLUTION SIGNED

The Acting President pro tempore (Mr. Graham) reported that on today, October 30, 1987, he had signed the following enrolled joint resolution, which had previously been signed by the Speaker of the House:

H.J. Res. 309. Joint resolution providing support for the Civic Achievement Award Program in Honor of the Office of Speaker of the House of Representatives.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. BIDEN, from the Committee on the Judiciary:

David G. Larimer, of New York, to be U.S. district judge for the western district of New York;

Ernest C. Torres, of Rhode Island, to be U.S. district judge for the district of Rhode Island;

William L. Standish, of Pennsylvania, to be U.S. district judge for the western district of Pennsylvania;

James A. Parker, of New Mexico, to be U.S. district judge for the district of New Mexico;

William L. Dwyer, of Washington, to be U.S. district judge for the western district of Washington;

Lawrence J. Siskind, of California, to be special counsel for Immigration-Related Unfair Employment Practices for a term of 4 years; and

Jeffrey M. Samuels, of Virginia, to be an Assistant Commissioner of Patents and Trademarks.

By Mr. PELL, from the Committee on Foreign Relations: Treaty Doc. 100-1. The International Wheat Agreement, 1986, which was open for signature at the United Nations Headquarters, New York, from May 1, 1986, through June 30, 1986, and signed on behalf of the United States on June 26, 1986; consisting of (1) the Wheat Trade Convention, 1986; and (2) the Food Aid Convention, 1986 (Exec. Rept. No. 100-10).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DURENBERGER:

S. 1833. A bill to make grants from amounts appropriated from the Federal Hospital Insurance Trust Fund under title XVIII of the Social Security Act to test the cost-effectiveness of innovative nursing practice models under the medicare program; to the Committee on Finance.

By Mr. CHILES (for himself, Mr. Shelby and Mr. Weicker):

S. 1834. A bill to assure the right of passengers in air commerce to have access to certain courtesy vehicles operated at airports; to the Committee on Commerce, Science, and Transportation.

By Mr. EVANS (for himself, Mr. Boren, Mr. Dole, Mr. Proxmire, Mr. Domenici, Mr. Exon, Mr. Humphrey, Mr. Bentsen, Mr. Gramm, Mr. Pryor, Mrs. Kassebaum, Mr. Nickles, Mr. Roth, Mr. Bond, Mr. Pressler, Mr. Garn, Mr. Trible, Mr. McCain, Mr. Kasten, Mr. Karnes, Mr. Hecht, Mr. Helms, Mr. Thurmond, Mr. Murkowski, Mr. Symms, Mr. Armstrong, Mr. Danforth, Mr. Quayle, Mr. Lugar, Mr. Wilson, Mr. Wallop, Mr. Grassley, Mr. Cohen, Mr. Warner, Mr. McClure, Mr. Specter, Mr. Chafee, Mr. Hatch, Mr. McConnell, Mr. Boschwitz, and Mr. Rudman):

S. 1835. A bill to provide that each title of any bill or joint resolution making continuing appropriations that is reported by a committee of conference and is agreed to by both Houses of the Congress in the same form during a 2-year period shall be presented as a separate joint resolution to the President; to the Committee on Rules and Administration.

By Mr. PRYOR (for himself, Mr. Specter, Mr. Bumpers, Mr. Thurmond, Mr. Wilson, Mr. Breaux, Mr. Heflin, Mr. Helms, Mr. D'Amato, Mr. Burdick, Mr. Heinz, Ms. Mikulski, Mr. Dole, Mr. Chiles, Mr. Nunn, Mrs. Kassebaum, Mr. Sanford, Mr. Fowler, Mr. Conrad, and Mr. Leahy):

S. 1836. A bill to amend the Packers and Stockyards Act, 1921, to provide financial protection to poultry growers and sellers, and to clarify Federal jurisdiction under such act; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. WILSON:

S.J. Res. 210. A joint resolution to designate the period commencing February 8, 1988, and ending February 14, 1988, as "National Burn Awareness Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BYRD (for Mr. Gore):

S. Res. 310. A resolution to express the opposition of the Senate to the ruling of the Nuclear Regulatory Commission eliminating the requirement of State and local participation in emergency evacuation plans for nuclear production or utilization facilities; to the Committee on Environment and Public Works.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTION

By Mr. DURENBERGER:

S. 1833. A bill to make grants from amounts appropriated from the Federal Hospital Insurance Trust Fund under title XVIII of the Social Security Act to test the cost-effectiveness of innovative nursing practice models under the Medicare program; referred to the Committee on Finance.

MEDICARE NURSING PRACTICE AND PATIENT CARE IMPROVEMENT ACT

• Mr. DURENBERGER. Mr. President, I rise today to introduce the Medicare Nursing Practice and Patient Care Improvement Act of 1987. This bill makes grants from the hospital insurance trust fund under title XVIII of the Social Security Act to test the cost-effectiveness of innovative nursing practice models under the Medicare Program.

The number of nurses educated in schools of nursing has grown dramatically in the past 30 years, but our unmet need for nurses is still increasing rather than decreasing. This problem is not due to any past failure to train or recruit nurses. Rather, the current shortage reflects a greatly increased demand for nurses not a declining supply.

There are several reasons for this higher demand. Because of changes in medical practice, hospitalized patients are sicker and require higher levels of professional care than they have in the past. Wages and other incentives for nurses have not risen with the speed or magnitude seen in other labor markets. Finally, the specialized abilities of registered nurses are not fully utilized.

Under current management practices, these professionals with increasingly sophisticated education and technical training are often required to perform many nonclinical tasks, which inhibit their ability to provide high-quality, cost-effective patient care. In the process, resources are wasted and nurses have low levels of job satisfaction. These problems are well-documented in an excellent article by Linda Aiken and Connie Mullinix published recently in the New England Journal of Medicine. Mr. President, I ask unanimous consent that this article be published in the Record at the end of the statement.

To solve the discussed problems, I believe that a radically new approach is needed, one that recognizes the vastly increased options that women today have to choose other careers. Nursing must come into the 1990's and beyond if it is to continue to attract the top flight women—and men—who now have many other choices. Health care managers and nursing, which has long been one of the great opportunities for dedicated and talented women, also need to prepare for the future. The future will be better only if the levels of professionalism and autonomy are high and the practice environment is challenging and rewarding. The world for women has changed and I am proud to have helped accelerate that change by pushing hard for economic and other equity for women in legislation since I first came to the Senate, most recently with S. 1309, the Economic Equity Act of 1987.

By funding projects to demonstrate and evaluate innovative nursing practice models, this bill will encourage hospitals and nursing homes to utilize registered nurses as patient care managers, increase nurses' roles in facility administration, develop career progression opportunities for nurses, and improve working conditions to retain and attract the highest quality staff.

My own State of Minnesota has had excellent experience in using professional nurses as case managers. Currently, all 87 counties in Minnesota are using RN's as case managers for Medicare beneficiaries. These nurses are helping seniors and their families to make informed decisions about their care, helping people stay out of nursing homes, promoting independence, and helping to ensure high-quality, cost-effective health care for senior citizens. By translating this experience into the hospital and long-term care setting, we will improve job satisfaction and foster recruitment and retention.

We in the Congress know from the past that quick fixes to nursing shortages have only served to create long-term problems. Our challenge, then, is to find solutions not only for the present, but also for future generations. I urge my colleagues to join me in working toward enactment of this much needed legislation. I ask that the bill be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 1833

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare Nursing Practice and Patient Care Improvement Act of 1987".

SEC. 2. NURSING PRACTICE DEMONSTRATION GRANTS.

(a) In General.—The Secretary of Health and Human Services (in this section referred to as the "Secretary") shall enter into contracts with hospitals and nursing homes which provide services to individuals eligible to receive benefits under title XVIII of the Social Security Act to provide grants for the purpose of demonstrating and evaluating (in both fee-for-service and group practice prepayment settings) the cost-effectiveness of innovative nursing practice models designed to integrate case management and patient care, increase the role of nurses in facility administration, improve working conditions, and improve patient care under the medicare program.

(b) Description of Models.—Models demonstrated and evaluated under a grant under subsection (a) shall include initiatives to—

(1) utilize registered professional nurses as patient care managers to integrate case management and patient care by managing and coordinating all aspects of patient care for each of their primary patients from preadmission planning through post-discharge follow-up;

(2) assess and document patient outcomes of nursing care and patient care management (including nursing diagnosis and treatment);

(3) support or develop practice models which incorporate participative management structures;

(4) Support or develop collaborative practice relationships between nurses and physicians;

(5) develop or expand career progression strategies for registered nurses;

(6) test innovative payment structures for nurses which are based on career progression and are designed to recognize the nature of the professional nursing position and reward higher levels of education and experience; and

(7) improve working conditions for nurses through innovative approaches to work hours and schedules and through providing such benefits as on-site child care, peer support groups, and on-site continuing education programs.

(c) Duration of Program.—Grants under subsection (a) shall be made with respect to the three-year period beginning on October 1, 1988, and ending on September 30, 1991.

(d) Authorization of Appropriations.—For purposes of making grants under subsection (a), there are authorized to be appropriated from the Federal Hospital Insurance Trust Fund $10,000,000 for each of the fiscal years 1989, 1990, and 1991.

(e) Information Requirements; Reports.—

(1) The Secretary shall require a hospital or nursing home with a contract under subsection (a) to provide to the Secretary such information as the Secretary may require to evaluate the models conducted under the contract.

(2)(A) Not later than January 1 of 1990 and 1991, the Secretary shall submit to the Congress an interim report on the progress of the models conducted under subsection (a).

(B) Not later than January 1, 1992, the Secretary shall submit to the Congress a final report on the models conducted under subsection (a) that—

(i) compares the cost-effectiveness of each of the models conducted pursuant to contracts under subsection (a);

(ii) describes the effect of each such model on the use and cost of physician and hospital services, quality of care, and the discharge planning process; and

(iii) contains recommendations with respect to—

(I) the use of nurses as patient care managers in settings other than hospitals and nursing homes,

(II) the education and experience that should be required of nurse patient care managers, and

(III) measures related to the purposes of the models conducted under subsection (a) that would further improve patient care under the medicare program.

Special Report: The Nurse Shortage, Myth or Reality?

(By Linda H. Aiken, R.N., Ph.D. and Connie Flynt Mullinix, R.N., M.P.H., M.B.A.)

The proportion of vacant positions for registered nurses in hospitals doubled between September 1985 and December 1986, reaching the levels of the last national nursing shortage of 1979. Current reports of vacancies are perplexing in the light of the size of the nation's supply of nurses. The output of nurses has doubled over the past 30 years, greatly exceeding the population growth, and licensed registered nurses now number 2.1 million. Between 1977 and 1984 alone, the number of employed nurses increased by 55 percent, as compared with an 8 percent growth in population. Intuitively, it would seem that an increased number of nurses would be the solution, but the problem persists nevertheless.

The reported shortage of hospital nurses exists in the midst of a substantial reduction in hospital inpatient capacity nationally. The demand for acute inpatient care in general hospitals has fallen, resulting in 50 million fewer inpatient days in 1986 than in 1981. Since 1983, hospitals have closed more than 40,000 beds, and average hospital occupancy rates dropped to 63.4 percent in 1986. Enrollments in nursing schools have also decreased markedly, raising the possibility that fewer nurses than anticipated will be available in the future.

There is now a contentious debate about whether a shortage of hospital nurses truly exists and about its causes. In 1981, the Institute of Medicine was commissioned by Congress to reconcile the evidence of an increased supply of nurses with continued reported shortages. The study concluded that the national supply of generalist nurses was adequate for the present and short-term future. Cyclical vacancies in positions for hospital nurses were attributed primarily to local labor-market conditions, although a shortage of nurses in certain specialties was noted. Recommendations were made to the hospital industry on the need to restructure nursing roles and develop improved financial rewards and opportunities for career advancement in clinical care. The National Commission on Nursing made remarkably similar recommendations in 1983. But in 1986, the American Hospital Association was again reporting that high vacancy rates in positions for nurses were disrupting hospital care, whereas the U.S. Department of Health and Human Services again concluded that the national supply of nurses was in balance with the demand.

EMPLOYMENT PATTERNS OF NURSES

The shortage of nurses is measured by the hospital industry as vacant budgeted full-time-equivalent positions for registered nurses. Vacancy rates, however, are not an objective measure of the need for bedside nurses. Moreover, the number of budgeted positions for nurses reflects a number of factors, including budget constraints as well as local wage rates. Despite these limitations, we have chosen to analyze vacancy rates because they are used by the industry to reflect the changing supply of nurses.

There are several commonly held but erroneous beliefs about nurses' work patterns. One misconception is that nurses have left nursing in large numbers and are either inactive or working at jobs outside health care. In contrast, nurses have one of the highest rates of participation in the labor force among workers in predominantly female occupations. Almost 80 percent of registered nurses are actively employed either full-time or part-time, as compared with 54 percent of all American women. Not much is known about those who do not renew their licenses and, therefore, are not counted in the population of registered nurses. But less than 6 percent of registered nurses are employed in other occupations and are not seeking a position in nursing. Given the responsibilities of women for child rearing and other domestic concerns, an employment rate of 80 percent may be almost as high as can be expected. Thus, it is unlikely that unemployed nurses represent a large potential resource for hospital employment. However, nursing is somewhat unusual in that 27 percent of the total pool of registered nurses work part-time. Clearly, a change in the number of hours worked by more than 500,000 part-time registered nurses could substantially affect the supply of full-time-equivalent nurses.

Some observers have suggested that the shortage of nurses in hospitals may be due to the increased demand for nurses in ambulatory settings and new administrative positions in health care. However, hospitals' share of the ever-growing pool of nurses has not changed substantially since 1960. Sixty-eight percent of all employed nurses work in hospitals. Hospitals have dramatically increased the number of nurses they employ in the aggregate and in relation to numbers of patients, even when the recent increase in outpatient visits is taken into account. In fact, hospitals are employing more registered nurses than ever before and are even replacing non-nurses with nurses—just the opposite of what would be expected during an actual shortage of nurses.

In response to reduced numbers of inpatients, hospitals employed 133,376 fewer full-time-equivalent workers in 1986 than in 1983. In contrast, the number of full-time equivalent nurses increased by 37,500 during the same period. A substantial increase in the ratio of nurses to patients resulted. In 1972, hospitals employed 50 nurses per 100 patients (average adjusted daily census); by 1986, the figure had increased to 91 nurses per 100—an 82 percent expansion (Fig. 1). Aides and licensed practical nurses were replaced by registered nurses. In 1968, registered nurses accounted for only 33 percent of hospitals' total nursing-service personnel; by 1986, registered nurses accounted for 58 percent.

THE CHANGING DEMAND FOR NURSES

The rapidity with which the current shortage developed suggests that increased vacancy rates must be due to a changing demand for nurses, not to a declining supply. There are three primary explanations for the recent increase in the demand for hospital nurses. First, hospitalized patients are sicker and require more care than in years past, on average, because of the reduction in discretionary admissions and the shorter average length of stay. However, there is no basis to suggest that the average condition of hospitalized patients changed dramatically enough between 1982 and 1986 to require a 26 percent increase in the ratio of registered nurses to patients. Although the changing case mix may provide a partial explanation for the increased demand for nurses, it cannot be the only explanation.

A second explanation for the recent increase in vacancy rates is related to changing budget constraints in hospitals. When vacancy rates were at an all-time low of 3.7 percent in 1984, the Medicare Prospective Payment System was just being implemented and fears of severe hospital-budget limits were widespread. As a result, some budgeted positions were eliminated. Unexpectedly high operating margins, however, provided the opportunity for hospitals to budget for more nursing positions.

A third explanation is related to changes in nurses' relative wages. In most labor shortages, wages are adjusted and other incentives are developed to attract additional workers. These market adjustments fail to occur in nursing with the rapidity or magnitude seen in other labor markets. Labor economists have described nursing as a "captured" labor market. In any given community, a small number of hospitals employ most of the local nurses—a phenomenon known as oligopsony in labor economics. Employers offering nurses jobs with weekday hours usually have no trouble employing nurses and thus do not compete with other employers on the basis of salary. There is no demand for nurses outside the health care field that is sufficient to create competitive pressures on the hospital industry, as there is, for example, for computer programmers. Moreover, hospital administrators tend to assume that there is a finite number of nurses in any given community, and that wage competition among hospitals will be costly and will not resolve community shortages. The majority of nurses, if they want to work, must accept the terms offered by hospitals.

Registered nurses are versatile employees in a hospital context. They can provide all the services for which hospitals sometimes employ nurses' aides and licensed practical nurses, and they can also often perform a wide range of other functions, including those assigned at other times to secretarial and clerical personnel, laboratory technicians, pharmacists, physical therapists, and social workers. Nurses substitute for physicians under some circumstances, and commonly assume hospital management roles after regular work hours. Thus, when nurses' relative wages are low as compared with other workers, it is advantageous for hospitals to employ them in greater numbers and in lieu of other kinds of workers. Even if nurses' wages are 20 to 30 percent higher than those of licensed practical nurses or secretaries, it may still be more economical to hire nurses, because they require little supervision and can assume responsibility for a wide range of duties. The increased demand for nurses created by low relative wages can lead to shortages in some geographic locations, in specialty units, and on undesirable evening, night, and weekend hours.

The relative-wage theory is supported by data spanning several decades. From 1946 to 1966, for example, the increases in nurses' wages lagged behind those in comparable women's occupations. Nurses' wages over the period increased by 53 percent, whereas teachers' salaries increased by 100 percent and female professional and technical workers' salaries increased by 73 percent. In the early 1960s, more than one in five budgeted positions for nurses were vacant. There was great concern at the time that the increased demand for hospital care accompanying the introduction of Medicare and Medicaid would exacerbate the shortage of nurses. But these new programs were accompanied by substantial wage increases for nurses. Employment rates among nurses increased substantially after these wage increases, as did enrollments in nursing schools. The proportion of vacant budgeted positions for nurses in hospitals dropped from 23 percent in 1961 to 9 percent by 1971. But, after hospital wage and price controls, in 1971 and state rate setting and the voluntary hospital cost-containment effort a few years later, nurses' wages declined relative to other groups' and the proportion of vacant positions for nurses in hospitals increased again, leading to the shortage of 1979. There was a wage response to the 1979 shortage; nurses' wages rose an average of 13 percent annually in both 1980 and 1981. By 1984, the proportion of vacancies had reached a low of 3.7 percent.

The substantial wage increases received by nurses in 1980 and 1981 did not continue subsequently, and by the time the new Medicare prospective payment system was implemented, nurses' wages had been eroded. Hospital nurses have received only modest wage increases since 1982. By 1985, average salaries for teachers were 19 percent higher than those for nurses, and average salaries for all female professional and technical workers were 10 percent higher. Despite all the publicity about the shortage of hospital nurses, nurses' wages increased only 4 percent in 1986.

DECLINING NURSING SCHOOL ENROLLMENTS

Since 1983, enrollments in nursing schools have dropped by 20 percent (National League for Nursing: unpublished data). The number of new nurses graduating annually is predicted to fall from a high of 82,700 in 1985 to 68,700 or lower by 1995. All types of nursing programs have had declining enrollments; associate-degree programs have had a decline of 19 percent, baccalaureate programs 12 percent (National League for Nursing: unpublished data). Enrollments in three-year hospital diploma programs have been declining for more than two decades and now account for only 14 percent of graduates annually.

The country's demographic profile is partly responsible for declining enrollments because of the smaller size of 18-year-old cohorts in recent years. However, interest in nursing as a career has fallen precipitously among college freshmen in both community colleges and four-year institutions. The University of California, Los Angeles, national survey of first-time college freshmen indicated a 50 percent decline since 1974 in the proportion of full-time women students planning to pursue nursing careers, in contrast to an almost threefold increase in the proportion interested in careers in business. Moreover, the College Board recently released data indicating that the SAT scores of high-school students interested in nursing careers were well below the national average for college-bound students, and that the SAT gap between prospective nurses and non-nurses was widening over time.

There are many reasons for the declining interest in nursing. Whereas starting salaries of nurses are now comparable to those of other college graduates, the average maximum salary for nurses is only $7,000 higher than the average starting salary. Since more women are choosing to work continuously in the labor force, the low raises discourage them from choosing a career in nursing. Moreover, employers do not offer substantial differences in salary in return for advanced education in nursing. Thus, the economic return on a baccalaureate degree in nursing is poor as compared with the return in alternative fields. Women today have many more career options than they had in years past. Most other careers offer comparable or higher economic rewards and do not require night and weekend work—a notable disadvantage of nursing.

RECOMMENDATIONS FOR CHANGE

A number of issues deserve careful reconsideration and experimentation. First, public-policy makers must recognize that hospital rate setting can induce labor shortages by artificially depressing wages in occupations like nursing, in which hospitals are the dominant employers. In the short term, depressed wages will increase the demand for nurses, because they can substitute for other personnel, and result in acute spot shortages and high vacancy rates. Over the long term, recruitment to nursing will be seriously eroded by the absence of an adequate salary range that rewards skill and experience.

Second, one of the most unattractive aspects of nursing is the requirement of night and weekend work. With sicker patients, hospitals now need many more nurses on these unpopular shifts than they needed in the past, when it was not unusual to have a single nurse covering a unit at night. Most women want to work regular daytime hours and will even choose less interesting, less skilled, and worse-paying jobs to accomplish this. Preference for day work explains why vacancy rates are low in ambulatory care despite lower average salaries. Other industries that operate on a 24-hour basis offer substantial differences in wages for evening, night, and weekend work in order to attract sufficient voluntary staff coverage. Hospitals offer only small differences and try to make shift rotation a requirement of employment. Curiously, most of the innovations hospitals have adopted to reduce vacancies during unpopular shifts actually encourage nurses to work fewer hours. For example, some hospitals pay nurses a full-time salary to work two 12-hour weekend shifts (24 hours per week) but will pay full-time nurse equivalent hourly rates for unpopular shifts. In view of all the expenses associated with continued high vacancy rates, increasing marginal wage rates to fill vacancies on unpopular assignments might not be as costly as is commonly assumed.

Third, the work requirements of nurses and other personnel in hospitals should be restructured. The ratio of support personnel to professionals is substantially lower in the hospital industry than in other industries. Given the complexities of operating busy hospital inpatient units, there is an astounding absence of secretaries, administrative assistants, and mid-level non-nurse managers. Moreover, the computerization of hospitals has lagged far behind that of other industries. Nurses are currently performing many nonclinical, administrative, and management functions in hospitals. Fewer better-paid and better-educated nurses in combination with an improved nonclinical support staff might yield better care without substantial increases in operating costs.

Fourth, hospital management should introduce incentives to encourage experienced nurses to remain in clinical care. A differentiated wage structure that recognizes experience and advanced education is critical. Employment benefits such as pensions, tuition support, and sabbaticals could be used much more effectively to develop "loyalty" and thus reduce costly staff turnover.

Fifth, physicians should take leadership roles in the development of more effective collaborative models of practice with nurses in hospital practice is related to the absence of satisfying professional relationships with physicians. Many nurses choose administration over clinical practice in an effort to obtain greater status in their interactions with physicians. More effective nurse-physician collaboration in clinical care activities would improve the professional satisfaction of both groups and contribute to improved patient outcomes as well.

CONCLUSIONS

The evidence suggests that under current market conditions in many local communities, the demand for nurses is greater than the supply. Reardless of the reasons for his imbalance, there is only a limited number of possible solutions. Expansion of nursing-school enrollments to increase the national supply of nurses might eventually solve the vacancy problem but is unlikely to occur, given demographic trends and the declining interest of young people in nursing careers. Recruiting inactive nurses into the work force is also not a promising solution because employment rates are already high among nurses and may have reached a ceiling. Expanding the number of nurses trained abroad is an expedient option but one that might create more problems, in terms of quality of care, than it would solve. The development of incentives to induce part-time nurses to work more hours is a promising option that should be pursued. Finally, if all the above methods to increase the supply of nurses still do not eliminate disruptive vacancies, restructuring hospitals to make more appropriate use of the special expertise of nurses is a difficult but obvious alternative.

None of these recommendations are new; they have been advocated consistently by every panel studying nursing shortages. Implementation, in contrast, has been slow, despite encouraging evidence from the few hospitals that are making the suggested changes. The fact is that nursing shortages are a consequence of complacent management and the reluctance of administrators to reexamine traditional practices. In the light of the attitudes of young women and their changing aspirations, what is now an artificially created shortage may become a critical problem in the future. Nurses are an essential resource for hospitals and the nation's health. Addressing their needs and aspirations realistically and examining their work conditions meaningfully are prerequisites for high-quality patient care now and in the future.●

By Mr. CHILES (for himself, Mr. SHELBY, and Mr. WEICKER):

S. 1834. A bill to assure the right of passengers in air commerce to have access to certain courtesy vehicles operated at airports; referred to the Committee on Commerce, Science, and Transportation.

AIRPORT ACCESS FEES LEGISLATION

● Mr. CHILES. Mr. President, we have seen a tremendous increase in air travel in recent years. Part of this phenomenon has been an increase in the number of companies providing services to the flying public. As anyone who flies can relate, the number of car rental companies in many markets exceeds by far the number which can be accommodated within airport terminals or be located on property leased from airports. For the most part, these off-airport companies lease or purchase commercial property elsewhere and rely on shuttle vehicles to provide service to their fly-in customers.

This proliferation in car rental companies has been advantageous to the flying public. I am a firm believer in the benefits of honest, fair competition, and increased competition has no doubt helped hold down or even reduce the expense of car rentals. In States such as Florida, where tourism is a major industry, the wider economic benefits of lower travel costs are especially clear, and very important.

This increase in air travel has also burdened airports. As we all know, our aviation system capacity has not expanded to meet the new demand. While recent debate has focused on the need to provide additional runways and airports, groundside capacity also must be expanded. Greater eligibility for such projects, including roads, was an important part of aviation legislation which I introduced earlier this year. While it is not clear that courtesy vehicles have made the groundside traffic problem worse than it would otherwise be—it seems logical that courtesy vehicles reduce the number of private cars which airports must handle—groundside services clearly constitute an important and costly demand placed on public airports.

I have noted with concern the growing conflict between public airport operators and off-airport businesses which depend on courtesy vehicles to provide service to their customers. Airport owners and operators have rightly pointed out the tremendous cost of building and maintaining these public facilities and have sought to extend charges to off-airport companies which benefit from access to air passengers. That makes sense. But off-airport companies have also been rightly concerned that such charges not be used to discriminate against them, to the advantage of similar businesses operating on airports.

Off-airport companies at a number of airports have been charged access fees, typically gross-receipts fees of up to 10 percent, which seem substantially identical to the voluntary arrangements between airports and on-airport concessionaires. But the on-airport concessionaires have willingly bid to locate themselves inside airport facilities or on airport property. In cases where on-airport companies have paid either no rent or a minimal sum for counter and office space, advertising, or parking lots, the gross-receipts fee is the real payment for those facilities. Those facilities are not provided to off-airport companies. And on-airport space is limited, with most airports only able to offer a few long-term lease arrangements. To bid, an off-airport business would have to pledge a guaranteed minimum amount of money or a percentage of revenues, whichever is greater. That system precludes small businesses from competing for scarce on-airport facilities.

It is clear that off-airport businesses operating courtesy vehicles over airport roadways derive substantial revenues from the airline passengers who use the airport facilities. Airport owners and operators should be able to charge reasonable fees not only to airport tenants but also to the off-airport businesses that make use of certain airport facilities. But they should not charge them the same as the fee charged similar on-airport companies. Off-airport companies enjoy none of the substantial financial benefits of marketing their services in the airport terminal. For the most part, only on-airport concessionaires have counter space, courtesy phones, or advertising within airport terminals. Those companies generate substantial revenues from walk-up customers and from being able to charge premium rates for premium service. It should also be remembered that off-airport businesses frequently incur costs above and beyond those incurred by their on-airport competitors, for the purchase or lease of property and facilities outside the airport. A fair fee structure would reflect the difference in costs incurred and services provided by the airport to support various business activities, including those whose principal location is either on or off airport property.

To my mind, fairness dictates a solution which is simple to state. Off-airport companies should pay their fair share. But they should not be discriminated against. They should not be forced to pay as much as similar on-airport companies when they don't receive the same benefits. The fee structure at public airports should reflect a fair allocation of costs incurred and benefits provided all users.

Mr. President, that sounds simple. And it had been my hope that discussions between representatives of airports, on-airport concessionaires and off-airport companies would result in agreement on these issues. Unfortunately, a number of meetings, including those coordinated earlier this year by Congressman MINETA and several more recently by Senator FORD, did not lead to agreement. A subsequent hearing held by the Senate Commerce Subcommittee on Aviation highlighted the continued disagreement.

I have therefore taken a hard look at this issue and am today introducing legislation which I feel is fair and equitable. On the one hand, this legislation would ensure the continued competition which has resulted in lower prices and a diversity of services to the interstate air traveler. On the other hand it would clearly establish standards of fairness by which airport owners and operators may charge fees to off-airport companies which make substantial use of airport facilities and which obtain substantial, direct economic benefit from access to such facilities. The establishment of these standards is in the best interests of all parties.

TECHNICAL EXPLANATION OF THE BILL

This legislation would add a new section 1119 at the end of title XI of the Federal Aviation Act. Title XI contains a number of statements of congressional policy concerning aviation, including section 1115, which Congress added in 1973 to restrain airports from imposing local "head" taxes on airline passengers. Subsection (a) of the new section 1119 would guarantee access of airline passengers to courtesy vehicles operated by identifiable off-airport businesses, including rental car companies, parking lots, hotels, motels, resorts, amusement parks or tour businesses. The reciprocal right of such off-airport businesses to operate on airport roadways is also recognized.

This subsection specifically preserves the right of airport operators to designate public passenger pickup and discharge areas and to control traffic, as long as the airport treats classes of users on a fair and reasonable basis. This bill does not alter the basic authority of the airport to regulate groundside congestion by treating common carriers, such as taxis, differently from courtesy vans operated by other off-airport businesses. Moreover, an airport would be able to discriminate reasonably in the designation of different pickup and discharge areas for off-airport and on-airport companies in the same line of business or for different types of off-airport users, subject only to the requirement that the decision be fair and reasonable. Obviously, at some point, designation could amount to an unreasonable or unfair denial of access to the unfavored entity as, for example, forcing passengers to walk hundreds of yards or cross heavily traveled roadways when other more convenient pickup/discharge areas were available. This bill allows airports the flexibility to regulate traffic and to fairly differentiate in the treatment accorded users of the airport facilities.

Subsection (b) of the new section 1119 would confirm that the airport owner or operator may charge reasonable fees to off-airport businesses. No one disputes that off-airport operators should pay their fair share to support the airports at which they operate. This subsection would make clear that fees be reasonable and not unjustly discriminatory, taking into account the type of use made of airport facilities, the volume and extent of use, and the difference between the costs incurred and services provided to off-airport businesses compared with those applicable to businesses that make use not only of airport roadways but also conduct their business in airport terminals and/or on property that is leased directly from the airport. This legal standard is derived from a substantial body of caselaw and economic theory concerning public utility regulation and the competitive conduct required of essential facilities under the antitrust laws. (Judicial notice has been taken of the fact that airports are "locational monopolies.") Both utility and antitrust laws recognize the potential adverse competitive effects when the owner of a facility that is necessary to produce a service imposes rates that do not appropriately reflect the cost-based differentials in service provided to its customers who compete in downstream markets. The statutory requirement that users of airport roadways be treated in a just and reasonable manner is necessary to protect against the airport's exercise of monopoly pricing power. Federal law currently requires, for example, that airports adopt a fair and reasonable fee structure for airlines and that tolls for federally funded bridges and tunnels be reasonable and just. This principle can easily be extended to off-airport businesses.

Airports have no reason to fear a legal standard that proscribes abuses of monopoly pricing power. Airports will retain flexibility to establish fee structures suited to their peculiar needs. Economic theory and legal precedent require merely that direct costs and indirect expenses fairly allocable to particular users be recovered from that class. For example, all users of the roadways could be required to contribute to their construction and upkeep. Airport concessionaires would be required to bear the direct and allocated costs for office, counter space, and other airport-provided services which they utilize. This legislation would not interfere with the airports' ability to solicit bids on a gross receipts basis, as such pricing mechanisms presumably take into account the marketing value of locating on-airport. This bill will not deny airports any source of revenue currently being derived from their on-airport concessionaires.

The bill also allows the airport operator to recover not only the direct costs of building or maintaining roadways but also permits a reasonable allocation of the costs of airport administration and other indirect costs to off-airport businesses, taking into account the difference between the type and extent of their use of airport facilities compared to the more intensive use of airport facilities by on-airport businesses. Thus off-airport businesses can be called upon to contribute their fair share toward supporting airport operations.

Airports should have no problems complying with a rule of fair treatment. They have been able to fund airport activity through reasonable assessments that are not unfairly targeted against businesses that compete with the favored class of on-airport franchisees. Airports are quite capable of developing cost-based fee structures, as they are obligated to do for airlines under section 511(a)(1) of the Federal Aviation Act of 1958, as amended.

A number of airports assess a per vehicle charge for courtesy vans either on a per trip or annualized basis. These fee structures sometimes also distinguish on the basis of weight or van capacity and projected frequency of use on airport roadways. Fee structures such as these that recapture costs spent in providing a direct service to a particular class of users would clearly not be objectionable under a legal standard that requires fees to be "reasonable and not unjustly discriminatory." Of course, many airports assess no fee and they would not be required to establish a fee structure which they may not view as necessary.

The legislation is drafted to prohibit only unfair and unreasonable fee structures. Some airports wish to protect the revenues generated by on-airport concessionaires. At first thought this is not without logic; some of the money earned by off-airport rental car companies, parking lots, and hotels from airline passengers would probably have gone to the airport concessinaires if the consumer were deprived of lower-priced options. However, since competition generated by off-airport operators has helped to expand the numbers of people who can afford to travel, it is equally plausible that on-airport concessionaires, and the airports, have also earned substantially more revenue.

As passengers using rental car companies and hotels are almost invariably from out-of-town, an airport operator has a natural incentive to increase its concessionaires' revenues by inhibiting competition that largely benefits travelers to whom the airport authority is not politically accountable. Nevertheless, while the desire to tax nonlocal airport users disproportionately to maximize airport revenues is understandable, it is contrary to the public interest. Adoption of Federal standards of conduct to guide local airport authorities in such circumstances is entirely appropriate.

Section 1119(c) provides for a private right of action for noncomplying airports. This makes clear that Congress intends to confer an enforceable right of access on reasonable terms to off-airport businesses, without making the Federal Government assume the costs and burdens of an enforcement role.

In summary, the legislation attempts to strike the appropriate balance between the airports' needs to generate revenues, on the one hand, and preservation of the consumer benefits derived from a competitive travel and tourism industry, on the other. A minimal degree of Federal oversight is required to preserve the healthy competition between on- and off-airport businesses. At the same time, Congress should not be in the business of dictating the precise formula for airport user fees. This remedial legislation authorizes airports to charge off-airport businesses just and reasonable fees, subject to judicial review in those rare instances when the airport authority abuses its powers.

Mr. President, I ask that a copy of the bill be entered into the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1834

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds that—

(1) passengers in air commerce have benefited greatly from competition in the car rental business through lower prices and a diversity of offerings to the consumer;

(2) many car rental companies depend on courtesy vehicles to provide service to their airport customers;

(3) passengers in air commerce should have a right of access to courtesy vehicles operated in airports by car rental companies and other businesses, including any parking lot, hotel, motel, resort, amusement park, theme park, or tour business which does not otherwise operate either from within an airport terminal or from land leased from the airport;

(4) many businesses operating courtesy vehicles on airport roadways derive substantial revenues from airline passengers using airport facilities; and

(5) airport owners and operators should have the right to charge reasonable and nondiscriminatory fees to companies operating on the airport and to off-airport companies which make substantial use of airport facilities and which obtain substantial direct economic benefit from access to such facilities.

Sec. 2. Title XI of the Federal Aviation Act of 1958 (49 U.S.C. 1501 et seq.) is amended by adding at the end thereof a new section as follows:

"Sec. 1119. (a) Air passengers who are customers of reasonably classified off-airport operators, including any rental car, parking lot, hotel, motel, resort, amusement park, theme park, or tour business, shall have the right of access to courtesy vehicles provided by those operators, and such off-airport operators shall have the right of access over the airport roadways to public passenger pickup and discharge areas designated on a fair and reasonable basis.

"(b) An owner or operator of an airport may charge fees to off-airport operators provided such fees are reasonable and not unjustly discriminatory, taking into account type of use, volume of use, extent of use, and difference in costs incurred and services provided such users and businesses operating within the air terminal or on property leased from the airport.

"(c) Any person aggrieved by a violation of this section, or any regulation issued pursuant thereto, may bring a civil action in any court of competent jurisdiction for such legal or equitable relief as will effectuate the objectives of this section."●

● Mr. WEICKER. Mr. President, I rise today to join my colleague from Florida in introducing a bill to assure that passengers in our air transportation system continue to have access to courtesy vehicles operated at airports. This legislation assures the right of "off airport" operators, including car rental, parking lot, hotel, or tour businesses, to access over airport roadways in order to pickup and discharge passengers. In turn, the airports can charge the "off-airport" operators fees for this use, provided that the fees are reasonable and not unjustly discriminatory based on volume, extent and type of use.

Mr. President, this legislation is necessary to insure that we keep the "off-airport" businesses in business. Some airports have started charging car rental companies 7 to 10 percent of their gross receipts. This amount is unreasonable and unmanageable for these companies, many of which are family-run businesses in my State. They are willing to pay reasonable fees but there has to be some limit on what the airports can charge.

These smaller "off-airport" businesses do not receive the benefits that the larger companies enjoy, including concessions and advertising right in the airport. It is the smaller companies, like Thrifty-Rent-a-Car and Alamo, which provide competition for the big companies and keep rental rights down. The result of heavy fees will be that the cost will be passed on to the consumer. Once the "off-airport" businesses are forced to raise their rates, the "on-airport" companies most likely will raise their rates as well.

Mr. President, as I mentioned before, the Alamos and Thriftys are willing to pay for the ability to pickup and dropoff customers. But the fees must be reasonable. This legislation not only will benefit the small businessman, but the traveling public.

I commend the Senator from Florida for introducing this fair, consumer-beneficial legislation.●

By Mr. EVANS (for himself, Mr. Boren, Mr. Dole, Mr. Proxmire, Mr. Domenici, Mr. Exon, Mr. Humphrey, Mr. Bentsen, Mr. Gramm, Mr. Pryor, Mrs. Kassebaum, Mr. Nickles, Mr. Roth, Mr. Bond, Mr. Pressler, Mr. Garn, Mr. Trible, Mr. McCain, Mr. Kasten, Mr. Karnes, Mr. Hecht, Mr. Helms, Mr. Thurmond, Mr. Murkowski, Mr. Symms, Mr. Armstrong, Mr. Danforth, Mr. Quayle, Mr. Lugar, Mr. Wilson, Mr. Wallop, Mr. Grassley, Mr. Cohen, Mr. Warner, Mr. McClure, Mr. Specter, Mr. Chafee, Mr. Hatch, Mr. McConnell, Mr. Boschwitz, and Mr. Rudman):

S. 1835. A bill to provide that each title of any bill or joint resolution making continuing appropriations that is reported by a committee of conference and is agreed to by both Houses of the Congress in the same form during a 2-year period shall be presented as a separate joint resolution to the President; to the Committee on Rules and Administration.

INDIVIDUAL APPROPRIATION ACT

Mr. EVANS. Mr. President, I am introducing today with 40 of our colleagues the Individual Appropriations Act. By introducing the bill today, we hope to have an opportunity for a hearing before the Rules Committee as well as to make all Senators aware that we plan to offer it as an amendment to the next continuing resolution to be considered by the Senate.

Many of the Senators remember that I introduced a somewhat similar measure not long ago and it had very substantial support on the floor.

Generally, the act directs the Senate-House committee of conference to divide the continuing resolution into titles, where titles correspond to regular appropriation bills which are customary and which have been recognized in the 1974 Budget Act.

Specifically, the Individual Appropriations Act—

Directs the conference committee to report each title of a continuing resolution as a separate bill or resolution, where a title is defined as a regular appropriations bill. Each separate title is then considered separately by each body under the procedures for considering conference reports.

It applies only to continuing resolutions making appropriations for a period of 30 days or longer, and does not apply to supplemental appropriations.

It defines a continuing resolution as a bill that includes two or more regular appropriation bills.

It directs the responsible official of the House where the bill originated to assign a bill number to each separated title.

It establishes a point of order—50-vote—stipulating that continuing resolutions shall not be considered unless: First, each title corresponds to one of the 13 regular appropriation bills; and second, any general provisions of a continuing resolution are contained in its appropriate title as determined by conference committee—rather than a separate bill.

It retains the constitutionally mandated two-thirds veto override by both Houses of Congress.

It includes a 2-year sunset clause, where the act's provisions are effective for fiscal years 1989 and 1990. The provisions will also become effective for fiscal year 1988, if the act is signed into law prior to the adoption of the final fiscal year 1988 continuing resolution.

Mr. President, this legislation differs dramatically from the amendment offered to the debt ceiling resolution on July 31, 1987, which directed the enrolling clerk to divide the continuing resolution. By shifting the separating responsibility from the enrolling clerk to the committee on conference and revising definitions we have resolved the constitutional and procedural concerns noted during the floor debate.

Mr. President, I join with a number of our colleagues in renewed expectations that the budget summit will result in substantial deficit reduction. Regardless of the success of this effort, however, the budget process still needs fixing.

One of the most visible erosions of the budget process is the increasing reliance on the continuing resolution. We have come to the point, especially last year, where we lumped all 13 of the traditional appropriations bills together in one massive continuing resolution and sent to the President $580 billion worth of spending. In doing so we have virtually eliminated the responsible use of the veto by a Chief Executive.

No one, either the current President or future Presidents, could afford to engage in a veto knowing that the Government of the United States would literally come to a halt if he exercised that veto.

Under the 1974 Budget Act, Congress and the President reconfirmed their commitment to a process that requires 13 separate appropriations bills. A continuing resolution was to be used as a temporary measure when Congress could not reach agreement on an appropriation bill. The continuing resolution would provide for continued spending for a limited period of time until a final appropriations act could be passed.

However, in recent years the continuing resolution process has been abused. Looking at last year, we reached an agreement on nearly all the individual appropriation bills. They could have been brought back as separate conference reports to the Senate and the House, but a conscious decision was made to put them all together in what really is not a continuing resolution at all but what is, in reality, a broad, huge, omnibus appropriations bill. And this year looks as if it will be a repeat of last year's performance.

Last year was not a unique case. Fiscal year 1977, the first full year under our current budget process, was the first, last and only year that all 13 appropriation bills were adopted in their own right since the inception of the 1974 Budget Act. The last 3 years are a good indication of the problem; fiscal year 1985—eight bills were included in the continuing resolution; fiscal year 1986—seven bills were included; and last year, as I have already noted, all 13 bills were melded together into a continuing resolution.

Mr. President, every time we debate line-item veto proposals, opponents express concern that such a proposal will upend "constitutional checks and balances." I understand and respect their concern. With the Individual Appropriations Act, however, we address what is an equally serious concern of the constitutional imbalance created by sending the President a $500 billion-plus continuing resolution and saying "take it or leave it."

The individual Appropriations Act should be enthusiastically adopted by the Senate.

Mr. President, I ask unanimous consent that the test of the bill and a section-by-section description be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1835

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Individual Appropriations Act".

SEC. 2. DEFINITIONS.

For purposes of this Act—

(1) The term "bill or joint resolution making continuing appropriations" means a bill or joint resolution that includes two or more regular appropriation bills.

(2) The term "title" means any division of a bill or joint resolution making continuing appropriations that is designed as a title.

(3) The term "regular appropriation bill" means any annual appropriation bill (within the meaning given to such term in section 307 of the Congressional Budget Act of 1974 (2 U.S.C. 638)) making appropriations, otherwise making funds available, or granting authority, for any of the following categories of project and activities:

(A) Agriculture, rural development, and related agencies programs.

(B) The Departments of Commerce, Justice, and State, the judiciary, and related agencies.

(C) The Department of Defense.

(D) The government of the District of Columbia and other activities chargeable in whole or in part against the revenues of the District.

(E) The Departments of Labor, Health and Human Services, and Education, and related agencies.

(F) The Department of Housing and Urban Development, and sundry independent agencies, boards, commissions, corporations, and offices.

(G) Energy and water development.

(H) Foreign assistance and related programs.

(I) The Department of the Interior and related agencies.

(J) Military construction.

(K) The Department of Transportation and related agencies.

(L) The Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies.

(M) The legislative branch.

SEC. 3. CONSIDERATION OF CERTAIN JOINT RESOLUTIONS.

(a) SEPARATE CONFERENCE REPORTS FOR EACH TITLE.—(1)(A) Notwithstanding any other provision of law, when any bill or joint resolution making continuing appropriations for a period of 30 days or more is agreed to by a committee of conference on such bill or joint resolution, the committee of conference shall prepare and submit to each House of Congress a separate conference report for each title of the bill or joint resolution together with any amendments in disagreement corresponding to each title.

(b) SEPARATE BILLS FOR EACH TITLE.—Each separate title of a bill or joint resolution reported by a committee of conference pursuant to subsection (a) shall, at the direction of the responsible official of the originating body when submitted to that body, be assigned a bill number and shall be considered separately.

SEC. 4. POINT OF ORDER.

Notwithstanding any other provision of law, the Standing Rules of the Senate, or the Rules of the House of Representatives—

(1) it shall not be in order to consider any bill or joint resolution making continuing appropriations for a period of 30 days or more unless each title of the joint resolution corresponds to a regular appropriation bill, and

(2) any general provisions of the bill or joint resolution are contained in the appropriate title or titles of the bill or joint resolution (rather than in a separate title).

SEC. 5. EXCEPTION.

The provisions of this Act with respect to the consideration of a bill or joint resolution making continuing appropriations shall not be construed as applying to a bill or joint resolution making supplemental appropriations.

SEC. 6. EFFECTIVE DATE.

The provisions of this Act shall apply to a bill or joint resolution making continuing appropriations agreed to by the Congress providing appropriations for fiscal years 1988, 1989 and 1990.

INDIVIDUAL APPROPRIATIONS ACT (REVISED)—SECTION-BY-SECTION ANALYSIS

In general, the revised "Individual Appropriations Act" directs the Senate-House committee of conference to divide the continuing resolution into titles, where titles correspond to regular appropriation bills.

(Note: The initial proposal offered to legislation increasing the debt ceiling on July 31, 1987, generally directed the enrolling clerk to divide a continuing resolution by titles when prepared for presentation to the President.)

Section 1: Short title.

Section 2: Definitions.

(1) identifies a "bill or joint resolution making continuing appropriations" as one which includes two or more regular appropriation bills.

(2) defines "title" as a division of such bill or joint resolution and designated as title.

(3) identifies a "regular appropriation bill" as those reported under the jurisdiction of the subcommittees of the Committees on Appropriations.

Section 3: Consideration of certain joint resolutions.

(a) requires the committee of conference to report a separate conference report for each title of a bill making appropriations for a period of 30-days or more. Each title is reported with any amendments in disagreement.

(b) directs the responsible official of the House where the bill originated to assign bill number.

(Note: Once bill reaches the full House and Senate, separate bill is considered like any other conference agreement.)

Section 4: Point-of Order.

(1) against bills making continuing appropriations for 30 days or more where titles do not correspond to a regular appropriation bill.

(2) against bill that does not place general provisions within appropriate title.

Section 5: Reinforces definition clarifying that this act does not apply to bills making supplemental appropriations.

Section 6: Act effective for fiscal years 1989 and 1990 (also FY88, if signed into law before adoption of final FY88 continuing resolution).

By Mr. PRYOR (for himself, Mr. SPECTER, Mr. BUMPERS, Mr. THURMOND, Mr. WILSON, Mr. BREAUX, Mr. HEFLIN, Mr. HELMS, Mr. D'AMATO, Mr. BURDICK, Mr. HEINZ, Ms. MIKULSKI, Mr. DOLE, Mr. CHILES, Mr.

NUNN, Mrs. KASSEBAUM, Mr. SANFORD, Mr. FOWLER, Mr. CONRAD, and Mr. LEAHY):

S. 1836. A bill to amend the Packers and Stockyards Act, 1921, to provide financial protection to poultry growers and sellers, and to clarify Federal jurisdiction under such act; to the Committee on Agriculture, Nutrition, and Forestry.

POULTRY PRODUCERS FINANCIAL PROTECTION ACT

● Mr. PRYOR. Mr. President, I am very pleased to introduce the Poultry Producers Financial Protection Act of 1987. This bill amends the Packers and Stockyards Act of 1921 to extend similar financial protection to poultry producers as enjoyed by red meat producers since 1976. It will also clarify a long standing dispute over the jurisdiction of the Packers and Stockyards Administration with respect to poultry and poultry products.

The legislation that I am introducing today represents a long-sought compromise between poultry producers, integrators and processors. The poultry industry has negotiated for 2 years on this legislation and the results are contained in this bill. As a result, this package has the strong support of the American Farm Bureau Federation, the National Grange, the National Broiler Council, and the National Turkey Federation. Due to this industrywide support, I expect this bill to move quickly since there is no opposition.

Currently, poultry producers are not afforded prompt payment and trust protection comparable to that provided to livestock producers under the act. Other segments of agriculture have similar protection. The Perishable Agricultural Commodities Act of 1984 provided trust protection for fresh fruit and vegetable growers. The Bankruptcy Reform Act of 1984 provided payment assurance for grain producers in case of grain elevator bankruptcy. Finally the 1984 supplemental appropriations bill was amended to require the Government to pay poultry processors within 7 days for poultry products. Poultry growers both want and need this type of protection.

Currently if a live poultry dealer declares bankruptcy, the poultry grower is in the position of an unsecured creditor. The bill will address this problem by providing for a live poultry dealer trust provision. Under the bill, a trust will be established for the benefit of all unpaid poultry growers and sellers, protecting them from circumstances which would inflict heavy losses upon an important segment of the agricultural economy. This provision places the grower in the position of a secured creditor in case of buyer bankruptcy.

Concern has been raised over the length of time some poultry producers are forced to wait for payment for their product or services. During this delay, producers must continue to pay their own operating and other expenses. This problem can cost the producer cash discounts or other interest charged due to the resulting cashflow restrictions. This bill would correct this inequity by requiring that all poultry growers under a growout contract must be paid for their products or services by the 15th day following the week in which the poultry is slaughtered. However, in the case of a cash sale, payment must be made by the close of the next business day—the same requirement as exists for red meat.

This bill would provide the Packers and Stockyards Administration the administrative authority to enforce only the prompt payment and trust provisions. This jurisdiction will expedite the process of enforcing these provisions, and is similar to the authority provided to the Packers and Stockyards Administration for the red meat industry.

With regards to other live poultry transactions, the Packers and Stockyards Administration will retain jurisdiction as the act currently provides. These transactions include things like weighing practices and contract compliance. The Packers and Stockyards Administration must continue to enforce these provisions through U.S. district court.

Finally, the bill clarifies that the Federal Trade Commission and not the Packers and Stockyards Administration would have jurisdiction over the marketing practices of poultry products and this uncertainty has led to costly litigation over the jurisdictional issue. It is logical for the Federal Trade Commission to regulate poultry products, like other food items, in an effort to avoid duplicative regulations.

As I mentioned earlier, this compromise bill will correct the problems which poultry producers and poultry processors are facing today. Its quick enactment will remove the possibility of any more poultry producers suffering financial losses caused by failure of their buyers. I would encourage my colleagues to join in this effort by cosponsoring the bill and supporting it when it reaches the floor for consideration. I would ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1836

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Poultry Producers Financial Protection Act of 1987".

SEC. 2. DEFINITIONS.

Section 2(a) of the Packers and Stockyards Act, 1921 (7 U.S.C. 182), is amended—

(1) in paragraph (5) by striking "and" at the end;

(2) by redesignating paragraph (6) as paragraph (11); and

(3) by inserting after paragraph (5) the following:

"(6) The term 'poultry' means chickens, turkeys, ducks, geese, and other domestic fowl;

"(7) The term 'poultry product' means any product or by-product of the business of slaughtering poultry and processing poultry after slaughter;

"(8) The term 'poultry grower' means any person engaged in the business of raising and caring for live poultry for slaughter by another, whether the poultry is owned by such person or by another, but not an employee of the owner of such poultry;

"(9) The term 'poultry growing arrangement' means any growout contract, marketing agreement, or other arrangement under which a poultry grower raises and cares for live poultry for delivery, in accord with another's instructions, for slaughter;

"(10) The term 'live poultry dealer' means any person engaged in the business of obtaining live poultry by purchase or under a poultry growing arrangement for the purpose of either slaughtering it or selling it for slaughter by another, if poultry is obtained by such person in commerce, or if poultry obtained by such person is sold or shipped in commerce, or if poultry products from poultry obtained by such person are sold or shipped in commerce; and".

SEC. 3. UNLAWFUL PRACTICES.

Section 202 of the Packers and Stockyards Act, 1921 (7 U.S.C. 192), is amended—

(1) by striking "It shall be unlawful with respect to livestock, meats, meat food products, livestock products in unmanufactured form, poultry or poultry products for any packer or any live poultry dealer or handler to:" and inserting "It shall be unlawful for any packer with respect to livestock, meats, meat food products, or livestock products in unmanufactured form, or for any live poultry dealer with respect to live poultry, to:"; and

(2) in subdivision (c) by striking "Sell or otherwise transfer to or for any other packer or any live poultry dealer or handler, or buy or otherwise receive from or for any other packer or any live poultry dealer or handler, any article for the purpose or with the effect of apportioning the supply between any such packers," and inserting "Sell or otherwise transfer to or for any other packer or any live poultry dealer, or buy or otherwise receive from or for any other packer or any live poultry dealer, any article for the purpose or with the effect of apportioning the supply between any such persons,".

SEC. 4. STATUTORY TRUST ESTABLISHED.

The Packers and Stockyards Act, 1921 (7 U.S.C. 181 et seq.), is amended by inserting after section 206 the following:

"SEC. 207. (a) It is hereby found that a burden on and obstruction to commerce in poultry is caused by financing arrangements under which live poultry dealers encumber, give lenders security interest in, or place liens on, poultry obtained by such persons by purchase in cash sales or by poultry growing arrangements, or on inventories of or receivables or proceeds from such poultry or poultry products therefrom, when payment is not made for the poultry and that such financing arrangements are contrary to the public interest. This section is intended to remedy such burden on and obstruction to commerce in poultry and protect the public interest.

"(b) All poultry obtained by a live poultry dealer, by purchase in cash sales or by poultry growing arrangement, and all inventories of, or receivables or proceeds from such poultry or poultry products derived therefrom, shall be held by such live poultry dealer in trust for the benefit of all unpaid cash sellers or poultry growers of such poultry, until full payment has been received by such unpaid cash sellers or poultry growers, unless such live poultry dealer does not have average annual sales of live poultry, or average annual value of live poultry obtained by purchase or by poultry growing arrangement, in excess of $100,000.

"(c) Payment shall not be considered to have been made if the cash seller or poultry grower receives a payment instrument which is dishonored.

"(d) The unpaid cash seller or poultry grower shall lose the benefit of such trust if, in the event that a payment instrument has not been received, within 30 days of the final date for making payment under section 410, or within 15 business days after the seller or poultry grower has received notice that the payment instrument promptly presented for payment has been dishonored, the seller or poultry grower has not preserved his trust under this section. The trust shall be preserved by giving written notice to the live poultry dealer and by filing such notice with the Secretary.

"(e) For the purpose of this section, a cash sale means a sale in which the seller does not expressly extend credit to the buyer.".

SEC. 5. LIABILITY AND ENFORCEMENT.

Section 308(a) of the Packers and Stockyards Act, 1921 (7 U.S.C. 209(a)), is amended by inserting "or purchase or sale of poultry, or relating to any poultry growing arrangement," after "livestock,".

SEC. 6. RECORDS AND RESPONSIBILITY.

Sections 401 and 403 of the Packers and Stockyards Act, 1921 (7 U.S.C. 221, 223), are each amended by striking, "or any live poultry dealer or handler," each place it appears and inserting ", any live poultry dealer,".

SEC. 7. POWERS OF FEDERAL TRADE COMMISSION AND SECRETARY OF AGRICULTURE.

Section 406 of the Packers and Stockyards Act, 1921 (7 U.S.C. 227), is amended—

(1) in subsection (b)—

(A) in the first sentence of paragraph (2)—

(i) by striking "or poultry products"; and

(ii) by inserting "or" before "livestock products in unmanufactured form."; and

(B) by amending paragraph (3) to read as follows:

"(3) Over all transactions in commerce in margarine, oleomargarine, or poultry products and over retail sales of meat, meat food products and livestock products in unmanufactured form.";

(2) by amending subsection (d) to read as follows:

"(d) The Secretary of Agriculture shall exercise power or jurisdiction over oleomargarine or retail sales of meat, meat food products, or livestock products in unmanufactured form only when he determines, in any investigation of, or any proceeding for the prevention of, an alleged violation of this Act, that such action is necessary to avoid impairment of his power or jurisdiction over acts or transactions involving livestock, meat, meat food products, livestock products in unmanufactured form, or poultry other than retail sales thereof. In order to avoid unnecessary duplication of effort by the Government and burdens upon the industry, the Secretary shall notify the Federal Trade Commission of such determination, the reasons therefor, and the acts or transactions involved, and shall not exercise power or jurisdiction with respect to acts or transactions involving oleomargarine or retail sales of meat, meat food products, or livestock products in unmanufactured form if the Commission within 10 days from the date of receipt of such notice notifies the Secretary that there is pending in the Commission an investigation of, or proceeding for the prevention of, an alleged violation of any Act administered by the Commission involving the same subject matter.";

(3) by redesignating subsection (e) as subsection (f);

(4) by inserting after subsection (d) the following:

"(e) The Secretary of Agriculture shall exercise jurisdiction over poultry products only in a proceeding brought under section 207 or section 410 when such action is necessary to avoid impairment of his jurisdiction."; and

(5) in subsection (f), as so redesignated, by striking "and (d)" and inserting ", (d), and (e)".

SEC. 8. AUTHORITY OF SECRETARY TO REQUEST INJUNCTIVE RELIEF.

Section 408 of the Packers and Stockyards Act, 1921 (7 U.S.C. 228a), is amended by inserting after "unmanufactured form," the following: "or live poultry, or has failed to pay any poultry grower what is due on account of poultry obtained under a poultry growing arrangement,".

SEC. 9. PROMPT PAYMENT FOR PURCHASE OF POULTRY.

The Packers and Stockyards Act, 1921 (7 U.S.C. 181 et seq.), is amended—

(1) by redesignating sections 410 and 411 as sections 414 and 415, respectively; and

(2) by inserting after section 409 the following:

"SEC. 410. (a) Each live poultry dealer obtaining live poultry by purchase in a cash sale shall, before the close of the next business day following the purchase of poultry, and each live poultry dealer obtaining live poultry under a poultry growing arrangement shall, before the close of the fifteenth day following the week in which the poultry is slaughtered, deliver, to the cash seller or poultry grower from whom such live poultry dealer obtains the poultry, the full amount due to such cash seller or poultry grower on account of such poultry.

"(b) Any delay or attempt to delay, by a live poultry dealer which is a party to any such transaction, the collection of funds as herein provided, or otherwise for the purpose of or resulting in extending the normal period of payment for poultry obtained by poultry growing arrangement or purchased in a cash sale, shall be considered an 'unfair practice' in violation of this Act. Nothing in this section shall be deemed to limit the meaning of the term 'unfair practice' as used in this Act.

"(c) For the purpose of this section, a cash sale means a sale in which the seller does not expressly extend credit to the buyer.

"SEC. 411. (a) Whenever the Secretary has reason to believe that any live poultry dealer has violated or is violating any provision of section 207 or section 410 of this Act, he shall cause a complaint in writing to be served upon the live poultry dealer, stating his charges in that respect, and requiring the live poultry dealer to attend and testify at a hearing at a time and place designated therein, at least 30 days after the service of such complaint; and at such time and place there shall be afforded the live poultry dealer a reasonable opportunity to be informed as to the evidence introduced against him (including the right of cross-examination), and to be heard in person or by counsel and through witnesses, under such regulations as the Secretary may prescribe. Any person for good cause shown may, on application, be allowed by the Secretary to intervene in such proceeding, and appear in person or by counsel. At any time prior to the close of the hearing, the Secretary may amend the complaint; but in case of any amendment adding new charges, the hearing shall, on the request of the live poultry dealer, be adjourned for a period not exceeding 15 days.

"(b) If, after such hearing, the Secretary finds that the live poultry dealer has violated, or is violating, any provisions of section 207 or section 410 of this Act covered by the charges, he shall make a report in writing in which he shall state his findings as to the facts, and shall issue and cause to be served on the live poultry dealer an order requiring such live poultry dealer to cease and desist from continuing such violation. The testimony taken at the hearing shall be reduced to writing and filed in the records of the Department of Agriculture. The Secretary may also assess a civil penalty of not more than $20,000 for each such violation. In determining the amount of the civil penalty to be assessed under this section, the Secretary shall consider the gravity of the offense, the size of the business involved, and the effect of the penalty on the person's ability to continue in business: *Provided, however,* That in no event can the penalty assessed by the Secretary take priority over or impede the ability of the live poultry dealer to pay any unpaid cash seller or poultry grower. If, after the lapse of the period allowed for appeal or after the affirmance of such penalty, the person against whom the civil penalty is assessed fails to pay such penalty, the Secretary may refer the matter to the Attorney General, who may recover such penalty by an action in the appropriate District Court of the United States.

"(c) Until the record in such hearing has been filed in a court of appeals of the United States, as provided in section 412, the Secretary, at any time, upon such notice and in such manner as he deems proper, but only after reasonable opportunity to the live poultry dealer to be heard, may amend or set aside the report or order, in whole or in part.

"(d) Complaints, orders, and other processes of the Secretary under this section may be served in the same manner as provided in section 5 of the Act entitled 'An Act to create a Federal Trade Commission, to define its powers and duties, and for other purposes,' approved September 26, 1914.

"SEC. 412. (a) An order made under section 411 shall be final and conclusive unless within 30 days after service the live poultry dealer appeals to the court of appeals for the circuit in which he has his principal place of business, by filing with the clerk of such court a written petition praying that the Secretary's order be set aside or modified in the manner stated in the petition, together with a bond in such sum as the court may determine, conditioned that such live poultry dealer will pay the costs of the proceedings if the court so directs.

"(b) The clerk of the court shall immediately cause a copy of the petition to be delivered to the Secretary, and the Secretary shall thereupon file in the court the record in such proceedings, as provided in section

2112 of title 28, United States Code. If before such record is filed the Secretary amends or sets aside his report or order, in whole or in part, the petitioner may amend the petition within such time as the court may determine, on notice to the Secretary.

"(c) At any time after such petition is filed, the court, on application of the Secretary, may issue a temporary injunction, restraining, to the extent it deems proper, the live poultry dealer and his officers, directors, agents, and employees, from violating any of the provisions of the order pending the final determination of the appeal.

"(d) The evidence so taken or admitted, and filed as aforesaid as a part of the record, shall be considered by the court as the evidence in the case. The proceedings in such cases in the court of appeals shall be made a preferred cause and shall be expedited in every way.

"(e) The court may affirm, modify, or set aside the order of the Secretary.

"(f) If the court determines that the just and proper disposition of the case requires the taking of additional evidence, the court shall order the hearing to be reopened for the taking of such evidence, in such manner and upon such terms and conditions as the court may deem proper. The Secretary may modify his findings as to the facts, or make new findings, by reason of the additional evidence so taken, and he shall file such modified or new findings and his recommendations, if any, for the modification or setting aside of his order, with the return of such additional evidence.

"(g) If the court of appeals affirms or modifies the order of the Secretary, its decree shall operate as an injunction to restrain the live poultry dealer, and his officers, directors, agents, and employees form violating the provisions of such order or such order as modified.

"(h) The court of appeals shall have jurisdiction which upon the filing of the record with it shall be exclusive, to review, and to affirm, set aside, or modify, such orders of the Secretary, and the decree of such court shall be final except that it shall be subject to review by the Supreme Court of the United States upon certiorari, as provided in section 1254 of title 28, United States Code, if such writ is duly applied for within 60 days after entry of the decree. The issue of such writ shall not operate as a stay of the decree of the court of appeals, insofar as such decree operates as an injunction, unless so ordered by the Supreme Court.

"SEC. 413. Any live poultry dealer, or any officer, director, agent, or employee of a live poultry dealer, who fails to obey any order of the Secretary issued under the provisions of section 411, or such order as modified—

"(1) after the expiration of the time allowed for filing a petition in the court of appeals to set aside or modify such order, if no such petition has been filed within such time;

"(2) after the expiration of the time allowed for applying for a writ of certiorari, if such order, or such order as modified, has been sustained by the court of appeals and no such writ has been applied for within such time; or

"(3) after such order, or such order as modified, has been sustained by the courts as provided in section 412;

shall on conviction be fined not less than $1,000 nor more than $20,000. Each day during which such failure continues shall be deemed a separate offense.".

SEC. 10. REPEALED.

Title V of the Packers and Stockyards Act, 1921 (7 U.S.C. 218-218d), is repealed.

SEC. 11. CONSTRUCTION

(a) GENERAL RULE.—The amendments made by this Act to the Packers and Stockyard Act, 1921 shall not be construed to limit or otherwise affect the power or jurisdiction of the Federal Trade Commission under the Federal Trade Commission Act to prevent the use of—

(1) unfair methods of competition in or affecting commerce, and

(2) unfair and deceptive acts or practices in or affecting commerce,

involving poultry products.

(b) SECRETARY'S AUTHORITY.—Subsection (a) shall not be construed to limit or otherwise affect the authority of the Secretary of Agriculture under section 406(e) as amended of the Packers and Stockyard Act, 1921.

SEC. 12. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect 90 days after the date of the enactment of this Act.●

By Mr. WILSON:

S.J. Res. 210. A joint resolution to designate the period commencing February 8, 1988, and ending February 14, 1988, as "National Burn Awareness Week"; referred to the Committee on the Judiciary.

NATIONAL BURN AWARENESS WEEK

● Mr. WILSON. Mr. President, I rise today to speak of a problem little noticed in America—except by those who are its victims. For them, it is literally life-shattering in its implications. I rise to introduce a Senate joint resolution designating the week of February 8, 1988, as "National Burn Awareness Week." And in so doing, I would suggest that this is but the first small step on a journey of many miles, a journey which must be taken by all of us who live in a country with the worst burn problem of any industrialized nation in the world.

Burns exact a tremendous toll of human life, suffering, disability, and financial loss. Burn injuries continue to be one of the leading causes of death in the United States. Of the 2 million people who are victims of burn injury each year, 70,000 are hospitalized and another 12,000 suffer death as a result of their burns. An even more tragic statistic of this problem is the fact that children, elderly, and the disabled represent a majority of burn victims, with a death rate of five times that of any other group. Finally, the severe psychological impact of burn rehabilitation for the victim cannot be measured in simple economic terms.

Each year millions of dollars are spent trying to remedy the effects of burns and burn-related incidents. Recent studies conclude, however, that approximately 75 percent of all burns could be prevented by proper education of children and adults and the utilization of appropriate design intervention and technology, especially in the prevention of scald burns. Furthermore, a general public awareness of the need for smoke detectors and home fire escape plans in combination with an understanding of the risk associated with specific items in our home environment—that is, alternative heating, matches and lighters in the hands of children, damaged electric cords, and so forth—can have a considerable influence on the reduction of injury and loss of life.

For this reason, the resolution provides for a public awareness program designed to familiarize the public with methods of burn prevention, treatment, and rehabilitation.

Mr. President, in closing, I want to commend Mr. Fred Jameson of the Institute for Fire and Burn Education for his efforts to educate the American public about burn care and prevention. Mr. Jameson first brought the seriousness of the burn problem to my attention 2 years ago. At that time, I introduced a resolution—similar to the one I am offering today—to raise the awareness of the American public about the devastating impact of this silent epidemic. During that time much has been accomplished, but we can and must do more. I am convinced that we can reduce the incidence of burn injury in this country by educating people to recognize fire hazards and showing them how to practice precautions.

I ask my colleagues support in this resolution by cosponsoring the establishment of "National Burn Awareness Week."

Mr. President, I ask that the text of the resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 210

Whereas the burn problem in the United States is the worst of any industrialized nation in the world;

Whereas burn injuries are one of the leading causes of accidental death in the United States;

Whereas every year approximately two million people are victims of burn injury in the United States;

Whereas of these injuries, seventy thousand are hospitalized and account for nine million disability days annually;

Whereas approximately twelve thousand people die from burn injuries annually;

Whereas the rehabilitative and psychological impact of burns are devastating;

Whereas children, the elderly, and the disabled are most likely to suffer serious burns;

Whereas it is estimated that approximately 75 percent of all burns could be prevented by proper education of children and adults and the appropriate use of design and technology;

Whereas a general public awareness of the need for smoke detectors and home fire escape plans, in combination with an understanding of the risk associated with items in our home environment, can influence the reduction of injury and loss of life; and

Whereas there is a need for an effective national program that deals with all aspects of burn injuries: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the period commencing February 8, 1988, and ending February 14, 1988, is designated as "National Burn Awareness Week" and the President is authorized and requested to issue a proclamation calling upon the people of the United States and all Federal, State, and local government officials to observe such week with appropriate programs and activities.●

ADDITIONAL COSPONSORS

S. 368

At the request of Mr. MATSUNAGA, the name of the Senator from Delaware [Mr. ROTH] was added as a cosponsor of S. 368, a bill to amend the Federal Food, Drug, and Cosmetic Act to ban the reimportation of drugs in the United States, to place restrictions on drug samples, to ban certain resales of drugs purchased by hospitals and other health care facilities, and for other purposes.

S. 889

At the request of Mr. GORE, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of S. 889, a bill to amend the Communications Act of 1934 to provide for fair marketing practices for certain encrypted satellite communications.

S. 1440

At the request of Mr. EVANS, the name of the Senator from Illinois [Mr. DIXON] was added as a cosponsor of S. 1440, a bill to provide consistency in the treatment of quality control review procedures and standards in the Aid to Families with Dependent Children, Medicaid, and Food Stamp programs; to impose a temporary moratorium for the collection of penalties under such programs, and for other purposes.

S. 1663

At the request of Mr. DODD, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 1663, a bill to reauthorize the Child Abuse Prevention and Treatment Act and other related Acts dealing with adoption opportunities and family violence.

S. 1673

At the request of Mr. CHAFEE, the name of the Senator from Utah [Mr. GARN] was added as a cosponsor of S. 1673, a bill to amend title XIX of the Social Security Act to assist individuals with a severe disability in attaining or maintaining their maximum potential for independence and capacity to participate in community and family life, and for other purposes.

S. 1777

At the request of Mr. ARMSTRONG, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as a cosponsor of S. 1777, a bill to amend title II of the Social Security Act to phase out the earnings test over a 5-year period for individuals who have attained retirement age, and for other purposes.

SENATE JOINT RESOLUTION 146

At the request of Mr. WIRTH, the names of the Senator from South Dakota [Mr. DASCHLE], the Senator from South Dakota [Mr. PRESSLER] and the Senator from Virginia [Mr. TRIBLE] were added as cosponsors of Senate Joint Resolution 146, a joint resolution designating January 8, 1988, as "National Skiing Day."

SENATE JOINT RESOLUTION 203

At the request of Mr. D'AMATO, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of Senate Joint Resolution 203, a joint resolution calling upon the Soviet Union immediately to grant permission to emigrate to all those who wish to join spouses in the United States.

AMENDMENT NO. 1107

At the request of Mr. ADAMS, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of amendment No. 1107 proposed to S. 1485, a bill to amend the Federal Aviation Act of 1958 to provide various protections for passengers traveling by aircraft, and for other purposes.

SENATE RESOLUTION 310—TO EXPRESS THE OPPOSITION OF THE SENATE TO THE RULING OF THE NUCLEAR REGULATORY COMMISSION

Mr. BYRD (for Mr. GORE) submitted the following resolution; which was referred to the Committee on Environment and Public Works:

S. RES. 310

Resolved, That it is the sense of the Senate that no operating license under section 103 or 104b. of the Atomic Energy Act of 1954 should be issued (or changed) for a nuclear production or utilization facility unless such license requires the participation of local and State authorities in emergency evacuation plans for such facility.

● Mr. GORE. Mr. President, I rise today to introduce a resolution opposing the Nuclear Regulatory Commission's decision to consider nuclear powerplant evacuation plans whether or not State and local authorities participate in emergency evacuation planning.

I strongly oppose the NRC's attempts to remove State and local authorities from participating in emergency evacuation planning. States have a legitimate role in the nuclear licensing process, and this rule change is a misguided attempt by the NRC to subvert that role at the expense of an appropriate concern for safety. By usurping the rights of the States, the NRC has put expediency ahead of public safety.

Despite the financial pressures from utiilties and investors, safety must be the paramount concern in the licensing of nuclear powerplants. Toward that end, the Nuclear Regulatory Commission was vested with the responsibility of ensuring public health and safety. I am deeply troubled that the NRC has chosen to eliminate a critical regulation underpinning emergency planning—State and local participation in emergency evacuation planning.

The 10 mile evacuation rule is essential for adequate emergency planning. This rule rests upon two critical principles: safety and local control. The Federal Government has a responsibility to ensure the safety of nuclear powerplants. At the same time, States within the 10-mile radius must be part of any safety and evacuation planning. States must be afforded adequate protection against unwarranted or unnecessary infringement on their rights and the rights of their citizens.

Realistic evacuation planning is impossible without State and local participation. An NRC-approved utility evacuation plan cannot replace State and local emergency planning. Not only does removing State and local authorities from this process instill public doubt, it also sets a dangerous precedent. The NRC ruling to remove State and local governments from emergency evacuation planning around nuclear powerplants usurps their role in protecting public health and safety. I strongly oppose such a maneuver.

Changing the emergency planning regulations to deny States meaningful participation in the licensing process undermines their ability to ensure the health and safety of their citizens. I urge my colleagues to join me in sending a clear signal to the NRC that such shortsighted changes will not be condoned.●

AMENDMENTS SUBMITTED

AIRLINE PASSENGER PROTECTION ACT

METZENBAUM (AND OTHERS) AMENDMENT NO. 1108

Mr. METZENBAUM (for himself, Mr. THURMOND, and Mrs. KASSEBAUM) proposed an amendment to the bill (S. 1485) to amend the Federal Aviation Act of 1958 to provide various protections for passengers traveling by aircraft, and for other purposes; as follows:

At the end of the bill, add the following:

SECTION 1. (a) PROHIBITION OF HARD-TO-DETECT FIREARMS.—Section 922 of title 18, United States Code, is amended by adding at the end thereof a new subsection (p) as follows:

"(p)(1) It shall be unlawful for any person to manufacture, import, sell, possess, transfer, receive, ship, or deliver any firearm that the Secretary determines, after consultation with the administrator of the Federal Aviation Administration.

"(A) is not as detectable as the Minimum Security Standard Exemplar, after removal of grips, stocks, and magazines, by walk-through metal detectors approved by the Federal Aviation Administration for use at airports in the United States; or

"(B) is not identifiable as a firearm or readily detectable by cabinet X-ray systems, as defined in regulations prescribed by the Food and Drug Administration (21 C.F.R. 1020.40(b)(3)) designed for inspection of carry-on baggage; *Provided, however,* nothing in this section shall be construed as requiring that the Federal Aviation Administration utilize the Minimum Security Standard Exemplar as a Federal Aviation Administration detection standard.

"(2) As used in this section—

"(A) the term 'firearm' does not include a firearm described in subsection 921(a)(3)(B) of this title; and

"(B) the term 'Minimum Security Standard Exemplar' means a firearm substitute that resembles a North American Arms .22 caliber rim fire weapon, is 4½ inches in length, 2 inches in height, is made of material type 17-4 PH stainless steel or 1040 mild steel, and weighs 8 ounces."

(b) Section 925 of title 18, United States Code, is amended by adding at the end thereof a new subsection (f) as follows:

"(f)(1) The Secretary shall not authorize, under subsection (d) of this section, the importation or bringing in of any firearm that—

(A) is not as detectable as the Minimum Security Standard Exemplar, after removal of grips, stocks, and magazines, by walk-through metal detectors approved by the Federal Aviation Administration for use at airports in the United States; or

"(B) is not identifiable as a firearm, or readily detectable by cabinet x-ray systems, as defined in regulations prescribed by the Food and Drug Administration (21 C.F.R. 1040.20(b)(3)) designed for inspection of carry-on baggage.

"(2) As used in this section, the terms 'firearm' and 'Minimum Security Standard Exemplar' have the meanings given those terms in section 922(p) of this title.".

(c) The first sentence of section 925(d) of title 18, United States Code, is amended by striking out "The Secretary" and inserting in lieu thereof "Except as provided in subsection (f) of this section, the Secretary".

(d) The Administrator of the Federal Aviation Administration shall conduct such research and development as may be necessary to improve the effectiveness of airport security metal detectors and airport security x-ray systems with respect to detection of firearms prohibited by section 922(p) of title 18, United States Code.

(e) When appropriate because of changed technology, the Secretary of the Treasury shall submit to the Congress proposed legislation (including technical and conforming provisions) to amend the definition of the term "Minimum Security Standard Exemplar" contained in the amendments made by this Act.

(f) Except as provided in subsection (g), the amendments made by this section shall take effect upon the enactment of this Act.

(g) It shall be a bar to prosecution for an offense involving the possession or receipt of a firearm in violation of subsection (p) of section 922 that the defendant first possessed or received the firearm before the date of enactment.

LAUTENBERG AMENDMENTS NOS. 1109 AND 1110

Mr. LAUTENBERG proposed two amendments to the bill S. 1485, supra; as follows:

AMENDMENT NO. 1109

On page 5, afer line 23, insert the following new paragraph:

"(5) to prevent any carrier from changing the rules or requirements of a frequent flier program to the general detriment of the participants in such program without reasonable notice, or, to prevent a participant in such program from utilizing, during a reasonable period of time after a change in the rules or requirements of such program has become effective, credits accumulated by the participant under the rules or requirements as in effect before such change."

AMENDMENT NO. 1110

On page 5, strike lines 22 to 23, and insert in lieu thereof the following:

"transportation a notice of the minimum percentage of seats on such transportation available at the advertised fare."

METZENBAUM AMENDMENT NO. 1111

Mr. METZENBAUM proposed an amendment to the bill S. 1485, supra; as follows:

On page 3, line 15, add the following immediately after the period: "Such summary information shall be displayed to the public in a clear, concise, and visible manner at all public airports.".

At the end of the bill, add the following:

SEC. . (a) The Secretary of Transportation shall, within 90 days following the date of enactment of this Act, take such action as may be necessary to require each such commercial air carrier to disclose to each passenger or his or her agent, at the time of reserving or purchasing a ticket for a flight, the fact that a restroom will not be available on such flight, and to disclose, upon request a description of the type of aircraft on which such passenger will be flying.

SEC. . (b) The Secretary of Transportation, within 90 days following the date of enactment of this Act, shall, by regulation, prohibit any air carrier from cancelling, on the basis of any economic reason, any flight unless such air carrier—

(1) made a reasonable effort to notify each passenger of such cancellation at least 24 hours prior to the scheduled departure time for such flight; and

(2) makes available to each such passenger similar services within a reasonable time as determined by the Secretary of Transportation by regulation.

(3) For purposes of this section, the term "economic reason" does not refer to the cancellation of a flight in order to use the equipment assigned to that flight to replace other equipment, the timely departure of which has been prevented due to mechanical failure or other factors related to safety.

EXON AMENDMENT NO. 1112

Mr. EXON proposed an amendment to the bill S. 1485, supra; as follows:

On page 5, line 17, strike out "; and" and insert in lieu thereof a semicolon.

On page 5, line 23, strike out the period and insert in lieu thereof a semicolon and the word "and".

On page 5, between lines 23 and 24, insert the following:

"(5) to establish a system to ensure that any passenger holding an unused ticket on any air carrier which has filed a petition under chapter 11 of title 11, United States Code, and which has ceased service, is provided air transportation on another air carrier, on a standby basis, at its regular coach fare with the passenger entitled to redeem with the replacement air carrier the unused ticket purchased from the air carrier which ceased service as a credit against the fare charged by such replacement air carrier."

EXTENSION OF CERTAIN HOUSING AND COMMUNITY DEVELOPMENT PROGRAMS

ARMSTRONG (AND OTHERS) AMENDMENT NO. 1113

Mr. ARMSTRONG (for himself, Mr. Shelby, and Mr. Wilson) proposed an amendment to the joint resolution (S.J. Res. 209) to provide for the extension of certain programs relating to housing and community development, and for other purposes; as follows:

After line 7 on page 1, add the following:

SEC. 2. (a) REPEALS.—Each of the following provisions of law is repealed:

(1) Section 217 of the National Housing Act.

(2) The fifth sentence of section 221(f) of the National Housing Act.

(3) Section 244(d) and the last sentence of section 244(h) of the National Housing Act.

(4) The last sentence of section 245(a) of the National Housing Act.

(5) The second sentence of section 809(f) of the National Housing Act.

(6) The second sentence of section 810(k) of the National Housing Act.

(7) The second sentence of section 1002(a) of the National Housing Act.

(8) The second sentence of section 1101(a) of the National Housing Act.

(b) AMENDMENT.—The first sentence of section 2(a) of the National Housing Act, as amended by the first section of this joint resolution, is amended by striking out "and not later than November 15, 1987".

(c) CREDIT LIMITATION.—Any new credit authority (as defined in section 3 of the Congressional Budget and Impoundment Control Act of 1974) which is provided by this joint resolution shall be effective only to such extent or in such amounts as may be approved in appropriation Acts.

VETERANS' HOUSING REHABILITATION AND PROGRAM IMPROVEMENT ACT

CRANSTON (AND MURKOWSKI) AMENDMENT NO. 1114

Mr. BYRD (for Mr. Cranston) (for himself and Mr. Murkowski) proposed an amendment to the bill (S. 1801) to amend title 38, United States Code, to increase the maximum Veterans' Administration home loan guaranty, reduce Veterans' Administration—guaranteed loan defaults and foreclosures, and make other improvements in the Veterans' Administration home loan program, and for other purposes; as follows:

On page 10, lines 24-25, strike out "No guaranteed, insured, or direct housing loan obtained by a veteran" and insert in lieu thereof "No housing loan guaranteed, insured, or made".

On page 12, lines 8-9, and on page 13, line 9, strike out "a veteran" and insert in lieu thereof "an obligor".

On page 13, lines 19-20, strike out "a veteran's" and insert in lieu thereof "an obligor's".

On page 11, lines 2, 8, 12, 13, 19, 21, and 25, on page 12, lines 7, 10, and 25, and on page 13, lines 3, 4, and 17, strike out "veteran" and insert in lieu thereof "obligor".

On page 13, line 11, strike out "veteran" the second place it appears and insert in lieu thereof "obligor".

On page 11, lines 1 and 14, and page 13, lines 5-6, strike out "veteran's" each place it appears and insert in lieu thereof "obligor's".

On page 12, lines 18-19, strike out "guaranteed, insured, or direct housing loan obtained by a veteran" and insert in lieu thereof "housing loan guaranteed, insured, or made".

On page 13, lines 10-11, strike out "guaranteed, insured, or direct housing loan obtained by the veteran" and insert in lieu thereof "housing loan guaranteed, insured, or made".

On page 14, line 15, strike out the second period.

On page 14, between lines 15 and 16, insert the following:

"(k) For the purposes of this section, the term 'obligor' means a person who (1) owns the property securing a housing loan guaranteed, insured, or made under this chapter, and (2) is either (A) the veteran who originally obtained the loan, or (B) a person who acquired the property and assumed the loan and as to whom the acceptability of the assumption of the loan was considered to be established under subsection (c) of this section in connection with such person's acquisition of the property.".

On page 21, strike out all on line 1 and insert in lieu thereof the following:

SEC. 16. VENDEE LOAN SALES.

Section 2 of Public Law 100-136 is repealed.

SEC. 17. EFFECTIVE DATES.

TREATMENT OF CLAIMS FOR CERTAIN RETIREE BENEFITS

METZENBAUM AMENDMENT NO. 1115

Mr. BYRD (for Mr. METZENBAUM) proposed an amendment to the bill (H.R. 2969) to amend chapter 11 of title 11 of the United States Code to improve the treatment of claims for certain retiree benefits of former employees; as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

TITLE I—RETIREE INSURANCE

SEC. 101. (a) Subchapter I of chapter 11 of title 11, United States Code, is amended by adding at the end thereof the following new section:

"§ 1114. Payment of insurance benefits to retired employees

"(a) For purposes of this section, the term 'retiree benefits' means payments to any entity or person for the purpose of providing or reimbursing payments for retired employees and their spouses and dependents, for medical, surgical, or hospital care benefits, or benefits in the event of sickness, accident, disability, or death under any plan, fund, or program (through the purchase of insurance or otherwise) maintained or established in whole or in part by the debtor prior to filing a petition commencing a case under this title.

"(b)(1) For purposes of this section, the term 'authorized representative' means the authorized representative designated pursuant to subsection (c) for persons receiving any retiree benefits covered by a collective bargaining agreement or subsection (d) in the case of persons receiving retiree benefits not covered by such an agreement.

"(2) Committees of retired employees appointed by the court pursuant to this section shall have the same rights, powers, and duties as committees appointed under sections 1102 and 1103 of this title for the purpose of carrying out the purposes of sections 1114 and 1129(a)(12) and, as permitted by the court, shall have the power to enforce the rights of persons under this title as they relate to retiree benefits.

"(c)(1) A labor organization shall be, for purposes of this section, the authorized representative of those persons receiving any retiree benefits covered by any collective bargaining agreement to which that labor organization is signatory, unless (A) such labor organization elects not to serve as the authorized representative of such persons, or (B) the court, upon a motion by any party in interest, after notice and hearing, determines that different representation of such persons is appropriate.

"(2) In cases where the labor organization referred to in subparagraph (1) elects not to serve as the authorized representative of those persons receiving any retiree benefits covered by any collective bargaining agreement to which that labor organization is signatory, or in cases where the court, pursuant to subparagraph (1) finds different representation of such persons appropriate, the court, upon a motion by any party in interest, and after notice and a hearing, shall appoint a committee of retired employees if the debtor seeks to modify or not pay the retiree benefits or if the court otherwise determines that it is appropriate, from among such persons, to serve as the authorized representative of such persons under this section.

"(d) The court, upon a motion by any party in interest, and after notice and a hearing, shall appoint a committee of retired employees if the debtor seeks to modify or not pay the retiree benefits or if the court otherwise determines that it is appropriate, to serve as the authorized representative, under this section, of those persons receiving any retiree benefits not covered by a collective bargaining agreement.

"(e)(1) Notwithstanding any other provision of this title, the debtor in possession, or the trustee if one has been appointed under the provisions of this chapter (hereinafter in this section 'trustee' shall include a debtor in possession), shall timely pay and shall not modify any retiree benefits, except that—

"(A) the court, on motion of the trustee or authorized representative, and after notice and a hearing, may order modification of such payments, pursuant to the provisions of subsections (g) and (h) of this section, or

"(B) the trustee and the authorized representative of the recipients of those benefits may agree to modification of such payments,

after which such benefits as modified shall continue to be paid by the trustee.

"(2) Any payment for retiree benefits required to be made before a plan confirmed under section 1129 of this title is effective has the status of an allowed administrative expense as provided in section 503 of this title.

"(f)(1) Subsequent to filing a petition and prior to filing an application seeking modification of the retiree benefits, the trustee shall—

"(A) make a proposal to the authorized representative of the retirees, based on the most complete and reliable information available at the time of such proposal, which provides for those necessary modifications in the retiree benefits that are necessary to permit the reorganization of the debtor and assures that all creditors, the debtor and all of the affected parties are treated fairly and equitably; and

"(B) provide, subject to subsection (k)(3), the representative of the retirees with such relevant information as is necessary to evaluate the proposal.

"(2) During the period beginning on the date of the making of a proposal provided for in paragraph (1), and ending on the date of the hearing provided for in subsection (k)(1), the trustee shall meet, at reasonable times, with the authorized representative to confer in good faith in attempting to reach mutually satisfactory modifications of such retiree benefits.

"(g) The court shall enter an order providing for modification in the payment of retiree benefits if the court finds that—

"(1) the trustee has, prior to the hearing, made a proposal that fulfills the requirements of subsection (f);

"(2) the authorized representative of the retirees has refused to accept such proposal without good cause; and

"(3) such modification is necessary to permit the reorganization of the debtor and assures that all creditors, the debtor, and all of the affected parties are treated fairly and equitably, and is clearly favored by the balance of the equities,

except that in no case shall the court enter an order providing for such modification which provides for a modification to a level lower than that proposed by the trustee in the proposal found by the court to have complied with the requirements of this subsection and subsection (f): *Provided, however*, That at any time after an order is entered providing for modification in the payment of retiree benefits, or at any time after an agreement modifying such benefits is made between the trustee and the authorized representative of the recipients of such benefits, the authorized representative may apply to the court for an order increasing those benefits which order shall be granted if the increase in retiree benefits sought is consistent with the standard set forth in paragraph (3); and: *Provided further*, That neither the trustee nor the authorized representative is precluded from making more than one motion for a modification order governed by this subsection.

"(h)(1) Prior to a court issuing a final order under subsection (g) of this section, if essential to the continuation of the debtor's business, or in order to avoid irreparable damage to the estate, the court, after notice and a hearing, may authorize the trustee to implement interim modifications in retiree benefits.

"(2) Any hearing under this subsection shall be scheduled in accordance with the needs of the trustee.

"(3) The implementation of such interim changes does not render the motion for modification moot.

"(i) No retiree benefits paid between the filing of the petition and the time of a plan confirmed under section 1129 of this title becomes effective shall be deducted or offset from the amounts allowed as claims for any benefits which remain unpaid, or from the amounts to be paid under the plan with respect to such claims for unpaid benefits, whether such claims for unpaid benefits are based upon or arise from a right to future unpaid benefits or from any benefits not paid as a result of modifications allowed pursuant to this section.

"(j) No claim for retiree benefits shall be limited by section 502(b)(7) of this title.

"(k)(1) Upon the filing of an application for modifying retiree benefits, the court shall schedule a hearing to be held not later than fourteen days after the date of the filing of such application. All interested parties may appear and be heard at such hearing. Adequate notice shall be provided to such parties at least ten days before the date of such hearing. The court may extend the time for the commencement of such hearing for a period not exceeding seven days where the circumstances of the case, and the interests of justice require such extension, or for additional periods of time to which the trustee and the authorized representative agree.

"(2) The court shall rule on such application for modification within 90 days after the date of the commencement of the hearing. In the interests of justice, the court may extend such time for ruling for such additional period as the trustee and the authorized representative may agree to. If the court does not rule on such application within 90 days after the date of the commencement of the hearing, or within such additional time as the trustee and the authorized representative may agree to, the trustee may implement the proposed modifications pending the ruling of the court on such application.

"(3) The court may enter such protective orders, consistent with the need of the authorized representative of the retirees to evaluate the trustee's proposal and the application for modification, as may be necessary to prevent disclosure of information provided to such representative where such disclosure could compromise the position of the debtor with respect to its competitors in the industry in which it is engaged.

"(l) This section shall not apply to any retiree, or the spouse or dependents of such retiree, if such retiree's gross income for the 12 months preceding the filing of the bankruptcy petition equals or exceeds $250,000, unless such retiree can demonstrate to the satisfaction of the court that he is unable to obtain health, medical, life, and disability coverage for himself, his spouse, and his dependents who would otherwise be covered by the employer's insurance plan, comparable to the coverage provided by the employer on the day before the filing of a petition under this title.".

(b) Section 1129 of title 11, United States Code, is amended by adding at the end of subsection (a) thereof the following:

"(12) The plan provides for the continuation after its effective date of payment of all retiree benefits, as that term is defined in section 1114 of this title, at the level established pursuant to subsection (e)(1)(B) or (g) of section 1114 of this title, at any time prior to confirmation of the plan, for the duration of the period the debtor has obligated itself to provide such benefits.".

(c) The table of sections for subchapter I of chapter 11, title 11, United States Code, is amended by adding at the end thereof the following new item:

"1114. Payment of insurance benefits to retired employees.".

(d) This title and the amendments made by this title shall become effective on the date of enactment of this Act and shall be effective with respect to cases commenced under chapter 11 of title 11, United States Code, in which a plan for reorganization was not confirmed by the court as of June 23, 1987, and in which any retiree benefits, as defined in section 1114 of title 11, United States Code, was still being paid on October 2, 1986 or thereafter, and in cases that become subject to chapter 11, title 11, United States Code, after October 2, 1986.

TITLE II—EXPANDED APPLICATION OF CERTAIN BANKRUPTCY AMENDMENTS RELATING TO FAMILY FARMERS

Sec. 201. (a) Section 302(c) of the Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 (Public Law 99-554) is amended—

(1) by repealing paragraph (1), and

(2) by redesignating paragraphs (2), and (3) as paragraphs (1) and (2), respectively.

(b) The amendments made by subtitle B of title II of the Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 (Public Law 99-554) shall apply to—

(1) cases that are pending under title 11 of the United States Code, or

(2) cases under title 11 of the United States Code that are reviewable on appeal,

after the date of the enactment of this Act, without regard to whether such cases were commenced before November 26, 1986.

TITLE III—NONDISCHARGEABILITY OF CERTAIN DEBTS FOR RESTITUTION

Sec. 301. Section 523(a) of title 11, United States Code, is amended—

(1) in paragraph (9), by striking out "or" at the end thereof;

(2) by redesignating paragraph (10) as paragraph (11); and

(3) by inserting after such paragraph (9) the following:

"(10) to the extent that such debt arises from a violation by the debtor of a civil or criminal law enforceable by an action by a government unit to recover restitution, damages, civil penalties, attorney fees, costs or any other relief, or to the extent that such debt arises from an agreed judgment or other agreement by the debtor to pay money or transfer property in settlement of such an action by a governmental unit; or".

Sec. 302. Section 1328(a)(2) of title 11, United States Code, is amended by striking out "section 523(a)(5)" and inserting in lieu thereof "paragraphs (5) and (10) of section 523(a)".

Sec. 303. The amendments made by this title shall apply to cases that become subject to title 11, United States Code, after June 23, 1987.

TITLE IV—STUDENT LOANS

Sec. 401. This title may be cited as the "Student Loan Bankruptcy Prevention Act".

Sec. 402. (a) Section 1328(a)(2) of title 11, United States Code, is amended by striking out "section 523(a)(5)" and inserting in lieu thereof "paragraph (5) or (8) of section 523(a)".

(b) The amendment made by subsection (a) shall not apply to any case under title 11, United States Code, commenced before the date of the enactment of this title.

TITLE V—ADDITIONAL BANKRUPTCY JUDGES

Sec. 501. (a) There shall be appointed, pursuant to section 152(a)(1) of title 28, United States Code, an additional bankruptcy judge for the judicial district of Arizona.

(b) To reflect the change made by this section, section 152(a)(2) of title 28, United States Code, is amended by striking out the following:

"Arizona .... 4";

and inserting in lieu thereof the following:

"Arizona .... 5".

Sec. 502. (a) There shall be appointed, pursuant to section 152(a)(1) of title 28, United States Code, an additional bankruptcy judge for the judicial district of Colorado.

(b) To reflect the change made by this section, section 152(a)(2) of title 28, United States Code, is amended by striking out the following:

"Colorado .... 4";

and inserting in lieu thereof the following:

"Colorado .... 5".

TITLE VI—EXTENSION OF EFFECTIVE DATE

Sec. 601. This title may be cited as the "Retiree Insurance Benefit Claims Protection Act".

Sec. 602. Section 608(a) of Public Law 99-591 (100 Stat. 3341-74), section 2(a) of Public Law 99-656 (100 Stat. 3668), Public Law 100-41, and Public Law 100-99 are each amended by striking out "September 15, 1987" or "October 15, 1987", as the case may be, and inserting in lieu thereof "the earlier of the date of the enactment of the Retiree Insurance Benefit Claims Protection Act or December 31, 1987".

Sec. 603. Section 608(a) of Public Law 99-591 (100 Stat. 3341-74), section 2(a) of Public Law 99-656 (100 Stat. 3668), Public Law 100-41, and Public Law 100-99 shall be applied as if the amendments made by section 1602 had taken effect on October 15, 1987.

SECURITIES AND EXCHANGE COMMISSION AUTHORIZATION ACT

RIEGLE AMENDMENT NO. 1116

Mr. BYRD (for Mr. Riegle) proposed an amendment to the amendment of the House—in the nature of a substitute—to the bill (S. 1452) to amend the Securities Act of 1933, the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, the Trust Indenture Act of 1939, the Investment Company Act of 1940, and the Investment Advisors Act

of 1940 to make certain technical, clarifying, and conforming amendments, to authorize appropriations to the Securities and Exchange Commission, and for other purposes; as follows:

In lieu of the matter proposed to be inserted by the House amendment to the text of the bill, insert the following:

SECTION 1. This Act may be cited as the "Securities and Exchange Commission Authorization Act of 1987".

TITLE I—AUTHORIZATION

SEC. 101. Section 35 of the Securities Exchange Act of 1934 (15 U.S.C. 78kk) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 35. (a) There are authorized to be appropriated to carry out the functions, powers, and duties of the Commission—

"(1) $158,600,000 for fiscal year 1988; and

"(2) $172,200,000 for fiscal year 1989.

"(b) Of the amounts authorized by subsection (a), the amount which may, subject to section 35A, be obligated or expended by the Commission for the purpose of funding a contract for the establishment and operation of the electronic data gathering, analysis, and retrieval ('EDGAR') system shall not exceed—

"(1) $15,000,000 for fiscal year 1988; and

"(2) $20,000,000 for fiscal year 1989.".

SEC. 102. The Securities Exchange Act of 1934 is amended by inserting after section 35 the following new section:

"REQUIREMENTS FOR THE EDGAR SYSTEM

"SEC. 35A. (a)(1) Of the funds appropriated to the Commission pursuant to section 35 of this title for fiscal year 1988 which are available pursuant to section 35(b) for establishment or operation of the electronic data gathering, analysis, and retrieval ('EDGAR') system, the Commission may not obligate or expend more than $5,000,000 for the establishment or operation of the EDGAR system unless the Commission has made the certification required by subsection (c) of this section.

"(2) Notwithstanding section 35(b), no funds appropriated for fiscal year 1989 may be obligated or expended for the establishment or operation of the EDGAR system, unless the Commission has—

"(A) filed each report required during fiscal year 1988 by subsection (b) of this section; and

"(B) made the certification required by subsection (c) of this section.

"(3) Amounts which are available to the Commission under section 35(b) for the EDGAR contract shall be the exclusive source of funds for the procurement and operation of the systems created under that contract by or on behalf of the Securities and Exchange Commission—

"(A) for the receipt of filings under Federal securities laws, and

"(B) for the automated acceptance and review of the filings and information derived from such filings.

"(b) The Commission shall submit a report to the Committees on Banking, Housing, and Urban Affairs and Governmental Affairs of the Senate and the Committees on Energy and Commerce and Government Operations of the House of Representatives on the status of EDGAR development, implementation, and progress at six-month intervals beginning December 31, 1987, and ending at the close of 1990 (unless otherwise extended by the Congress). Such report shall include the following:

"(1) The overall progress and status of the project, including achievement of significant milestones and current project schedule.

"(2) The results of Commission efforts to test new or revised technical solutions for key EDGAR functions. In particular, the following functions shall be addressed and the indicated information provided:

"(A) Automating receipt and acceptance processing, including—

"(i) development and testing progress and results;

"(ii) actual versus estimated development cost; and

"(iii) actual effect of this function on Commission staff needs to assist filers.

"(B) Data tagging (identifying financial data for analysis by EDGAR), including—

"(i) description of the approach selected, identifying the types of financial data to be tagged and the calculations to be performed;

"(ii) comments by the filer population on the approach selected;

"(iii) the results of testing this approach, including information on the number of filers taking part in the test and their representativeness of the overall filer population;

"(iv) actual versus estimated development cost; and

"(v) effect of implementing this function on EDGAR benefits.

"(C) Searching text for keywords, including—

"(i) the technical approach adopted for this function;

"(ii) development and testing progress and results;

"(iii) data storage requirements and search response times as compared to EDGAR pilot system experience;

"(iv) actual versus estimated development cost; and

"(v) effect of implementing this function on EDGAR benefits.

"(3) An update of cost information for the receipt, acceptance and review, and dissemination portions of the system including a comparison of actual costs with original estimated costs and revised estimates of total system cost and total funding needs for the contract.

"(4) The status of Commission efforts to obtain and maintain staff with the proper contractual, managerial, and technical expertise to oversee the EDGAR project.

"(5) The fees, revenues, costs, and profits obtained or incurred by the contractor as a result of the required dissemination of information from the system to the public under the EDGAR contract, except that the information required under this paragraph (A) need be obtained from the contractor no more frequently than once each year, and (B) may be submitted to the Congress as a separate confidential document.

"(6) Such other information or recommendations as the Commission considers appropriate.

"(c) On or before the date the Commission enters into the contract for the EDGAR system, the Commission shall submit to the Committees on Banking, Housing, and Urban Affairs and Governmental Affairs of the Senate and the Committees on Energy and Commerce and Government Operations of the House of Representatives a certification by the Commission—

"(1) of the total contract costs to the Federal Government of the EDGAR system for each of the 3 succeeding fiscal years;

"(2) that the Commission has analyzed the quantitative and qualitative benefits to be obtained by the establishment and operation of the system and has determined that such benefits justify the costs certified pursuant to paragraph (1);

"(3) that (A) the contract requires the contractor to establish a schedule for the implementation of the system; (B) the Commission has reviewed and approved that schedule; and (C) the contract contains adequate assurances of contractor compliance with that schedule;

"(4) of the capabilities which the system is intended to provide and of the competence of the contractor and of Commission personnel to implement those capabilities; and

"(5) that mandatory filings from a significant test group of registrants will be received and reviewed by the Commission for a period of at least six months before the adoption of any rule requiring mandatory filing by all registrants.

"(d) The Commission, by rule or regulation—

"(1) shall provide that any information in the EDGAR system that is required to be disseminated by the contractor—

"(A) may be sold or disseminated by the contractor only pursuant to a uniform schedule of fees prescribed by the Commission;

"(B) may be obtained by a purchaser by direct interconnection with the EDGAR system;

"(C) shall be equally available on equal terms to all persons; and

"(D) may be used, resold, or redisseminated by any person who has lawfully obtained such information without restriction and without payment of additional fees or royalties; and

"(2) shall require that persons, or classes of persons, required to make filings with the Commission submit such filings in a form and manner suitable for entry into the EDGAR system and shall specify the date that such requirement is effective with respect to that person or class; except that the Commission may exempt persons or classes of persons, or filings or classes of filings, from such rules or regulations in order to prevent hardships or to avoid imposing unreasonable burdens or as otherwise may be necessary or appropriate; and

"(3) shall require all persons who make any filing with the Commission, in addition to complying with such other rules concerning the form and manner of filing as the Commission may prescribe, to submit such filings in written or printed form—

"(A) for a period of at least one year after the effective date specified for such person or class under paragraph (2); or

"(B) for a shorter period if the Commission determines that the EDGAR system (i) is reliable, (ii) provides a suitable alternative to such written and printed filings, and (iii) assures that the provision of information through the EDGAR system is as effective and efficient for filers, users, and disseminators as provision of such information in written or printed form.

"(e) For the purposes of carrying out its responsibilities under subsection (d)(3) of this section, the Commission shall consult with representatives of persons filing, disseminating, and using information contained in filings with the Commission.".

TITLE II—AMENDMENTS TO THE SECURITIES ACT OF 1933

SEC. 201. Section 2(5) of the Securities Act of 1933 (15 U.S.C. 77b(5)) is amended by striking out "Federal Trade Commission" and inserting in lieu thereof "Securities and Exchange Commission".

SEC. 202. Section 2(6) of the Securities Act of 1933 (15 U.S.C. 77b(6)) is amended by striking out "Canal Zone,".

SEC. 203. Section 3(a)(1) of the Securities Act of 1933 (15 U.S.C. 77c(a)(1)) is amended by striking all that appears therein and inserting in lieu thereof "(1) Reserved."

SEC. 204. Section 3(a)(5)(A) of the Securities Act of 1933 (15 U.S.C. 77c(a)(5)(A)) is amended by striking out ", except that the foregoing exemption shall not apply with respect to any such security where the issuer takes from the total amount paid or deposited by the purchaser, by way of any fee, cash value or other device whatsoever, either upon termination of the investment at maturity or before maturity, an aggregate amount in excess of 3 per centum of the face value of such security".

SEC. 205. Section 6(e) of the Securities Act of 1933 (15 U.S.C. 77f(e)) is repealed.

SEC. 206. Section 9(a) of the Securities Act of 1933 (15 U.S.C. 77i(a)) is amended—

(1) by striking out "Circuit Court of Appeals" and inserting in lieu thereof "court of appeals";

(2) by striking out "Court of Appeals of the District of Columbia, by filing in such court" and inserting in lieu thereof "United States Court of Appeals for the District of Columbia, by filing in such Court"; and

(3) by striking out "sections 239 and 240 of the Judicial Code, as amended (U.S.C., title 28, secs. 346 and 347)" and inserting in lieu thereof "section 1254 of title 28, United States Code".

SEC. 207. Section 19(c) of the Securities Act of 1933 (15 U.S.C. 77s(c)) is amended by adding at the end thereof the following new paragraph:

"(6) Notwithstanding any other provision of law, neither the Commission nor any other person shall be required to establish any procedures not specifically required by the securities laws, as that term is defined in section 3(a)(47) of the Securities Exchange Act of 1934, or by chapter 5 of title 5, United States Code, in connection with cooperation, coordination, or consultation with—

"(A) any association referred to in paragraph (1) or (3) or any conference or meeting referred to in paragraph (4), while such association, conference, or meeting is carrying out activities in furtherance of the provisions of this subsection; or

"(B) any forum, agency, or organization, or group referred to in section 503 of the Small Business Investment Incentive Act of 1980, while such forum, agency, organization, or group is carrying out activities in furtherance of the provisions of such section 503.

As used in this paragraph, the terms 'association', 'conference', 'meeting', 'forum', 'agency', 'organization', and 'group' include any committee, subgroup, or representative of such entities.".

SEC. 208. (a) Section 20(b) of the Securities Act of 1933 (15 U.S.C. 77t(b)) is amended by striking out the first sentence and inserting in lieu thereof the following: "Whenever it shall appear to the Commission that any person is engaged or about to engage in any acts or practices which constitute or will constitute a violation of the provisions of this title, or of any rule or regulation prescribed under authority thereof, the Commission may, in its discretion, bring an action in any district court of the United States, or United States court of any Territory, to enjoin such acts or practices, and upon a proper showing, a permanent or temporary injunction or restraining order shall be granted without bond.".

(b) Section 20(c) of such Act (15 U.S.C. 77t(c)) is amended to read as follows:

"(c) Upon application of the Commission, the district courts of the United States and the United States courts of any Territory shall have jurisdiction to issue writs of mandamus commanding any person to comply with the provisions of this title or any order of the Commission made in pursuance thereof.".

SEC. 209. Section 22(a) of the Securities Act of 1933 (15 U.S.C. 77v(a)) is amended—

(1) by striking out "United States, the" in the first sentence and inserting in lieu thereof "United States and";

(2) by striking out ", and the United States District Court for the District of Columbia"; and

(3) by striking out "sections 128 and 240 of the Judicial Code, as amended (U.S.C., title 28, secs. 225 and 347)" and inserting in lieu thereof "sections 1254, 1291, 1292, and 1294 of title 28, United States Code,".

TITLE III—AMENDMENTS TO THE SECURITIES EXCHANGE ACT OF 1934

SEC. 301. Section 3(a)(6)(C) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(6)(C)) is amended by striking out "under section 11(k) of the Federal Reserve Act, as amended" and inserting in lieu thereof "under the authority of the Comptroller of the Currency pursuant to the first section of Public Law 87-722 (12 U.S.C. 92a)".

SEC. 302. Section 3(a)(16) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(16)) is amended by striking out "the Canal Zone,".

SEC. 303. Section 3(a)(22)(B) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(22)(B)) is amended—

(1) by striking out "association or any" and inserting in lieu thereof "association, or any"; and

(2) by striking out "own behalf in" and inserting in lieu thereof "own behalf, in".

SEC. 304. Section 3(a)(34)(C) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(34)(C)) is amended by striking out "state" each place it appears and inserting in lieu thereof "State".

SEC. 305. Section 3(a)(39)(B) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(39)(B)) is amended—

(1) by striking out "months, revoking" and inserting in lieu thereof "months, or revoking"; and

(2) by striking out "barring his" and inserting in lieu thereof "barring or suspending for a period not exceeding 12 months his".

SEC. 306. Section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)) is amended—

(1) by inserting after paragraph (46) the following:

"(47) The term 'securities laws' means the Securities Act of 1933 (15 U.S.C. 77a et seq.), the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.), the Public Utility Holding Company Act of 1935 (15 U.S.C. 79a et seq.), the Trust Indenture Act of 1939 (15 U.S.C. 77aaa et seq.), the Investment Company Act of 1940 (15 U.S.C. 80a-1 et seq.), the Investment Advisers Act of 1940 (15 U.S.C. 80b et seq.), and the Securities Investor Protection Act of 1970 (15 U.S.C. 78aaa et seq.)."; and

(2) by adding at the end thereof the following:

"(49) The term 'person associated with a transfer agent' and 'associated person of a transfer agent' mean any person (except an employee whose functions are solely clerical or ministerial) directly engaged in the management, direction, supervision, or performance of any of the transfer agent's activities with respect to transfer agent functions, and any person directly or indirectly controlling such activities or controlled by the transfer agent in connection with such activities.".

SEC. 307. Section 4 of the Securities Exchange Act of 1934 (15 U.S.C. 78d) is amended by adding at the end thereof the following new subsection:

"(e) Notwithstanding any other provision of law, whenever any fee is required to be paid to the Commission pursuant to any provision of the securities laws or any other law, the Commission may provide by rule that such fee shall be paid in a manner other than in cash.".

SEC. 308. (a) The Securities Exchange Act of 1934 is amended by inserting after section 4 (15 U.S.C. 78d) the following new sections:

"DELEGATION OF FUNCTIONS BY COMMISSION

"SEC. 4A. (a) In addition to its existing authority, the Securities and Exchange Commission shall have the authority to delegate, by published order or rule, any of its functions to a division of the Commission, an individual Commissioner, an administrative law judge, or an employee or employee board, including functions with respect to hearing, determining, ordering, certifying, reporting, or otherwise acting as to any work, business, or matter. Nothing in this section shall be deemed to supersede the provisions of section 556(b) of title 5, or to authorize the delegation of the function of rulemaking as defined in subchapter II of chapter 5 of title 5, United States Code, with reference to general rules as distinguished from rules of particular applicability, or of the making of any rule pursuant to section 19(c) of this title.

"(b) With respect to the delegation of any of its functions, as provided in subsection (a) of this section, the Commission shall retain a discretionary right to review the action of any such division of the Commission, individual Commissioner, administrative law judge, employee, or employee board, upon its own initiative or upon petition of a party to or intervenor in such action, within such time and in such manner as the Commission by rule shall prescribe. The vote of one member of the Commission shall be sufficient to bring any such action before the Commission for review. A person or party shall be entitled to review by the Commission if he or it is adversely affected by action at a delegated level which (1) denies any request for action pursuant to section 8(a) or section 8(c) of the Securities Act of 1933 or the first sentence of section 12(d) of this title; (2) suspends trading in a security pursuant to section 12(k) of this title; or (3) is pursuant to any provision of this title in a case of adjudication, as defined in section 551 of title 5, United States Code, not required by this title to be determined on the record after notice and opportunity for hearing (except to the extent there is involved a matter described in section 554(a)(1) through (6) of such title 5).

"(c) If the right to exercise such review is declined, or if no such review is sought within the time stated in the rules promulgated by the Commission, then the action of any such division of the Commission, individual Commissioner, administrative law judge, employee, or employee board, shall, for all purposes, including appeal or review thereof, be deemed the action of the Commission.

"TRANSFER OF FUNCTIONS WITH RESPECT TO ASSIGNMENT OF PERSONNEL TO CHAIRMAN

"Sec. 4B. In addition to the functions transferred by the provisions of Reorganization Plan Numbered 10 of 1950 (64 Stat. 1265), there are hereby transferred from the Commission to the Chairman of the Commission the functions of the Commission with respect to the assignment of Commission personnel, including Commissioners, to perform such functions as may have been delegated by the Commission to the Commission personnel, including Commissioners, pursuant to section 4A of this title.".

(b) The Act of August 20, 1962 (Public Law 87-592; 76 Stat. 394) is hereby repealed.

Sec. 309. The first sentence of section 6(c)(2) of the Securities Exchange Act of 1934 (15 U.S.C. 78f(c)(2)) is amended by striking out "protection shall" and inserting in lieu thereof "protection of investors shall".

Sec. 310. Section 6(c)(3)(A) of the Securities Exchange Act of 1934 (15 U.S.C. 78f(c)(3)(A)) is amended by striking out "association" and inserting in lieu thereof "associated".

Sec. 311. Section 6(c)(4) of the Securities Exchange Act of 1934 (15 U.S.C. 78f(c)(4)) is amended by striking out "may (A) limit" and inserting in lieu thereof "may limit (A)".

Sec. 312. Section 6(e) of the Securities Exchange Act of 1934 (15 U.S.C. 78f(e)) is amended—

(1) by striking out "paragraph (4) of this section" in paragraph (1) and inserting in lieu thereof "paragraph (3) of this subsection";

(2) by striking out paragraph (3) thereof and by redesignating paragraph (4) as paragraph (3); and

(3) in paragraph (3)(E) (as so redesignated)—

(A) by striking out "fixes" and inserting in lieu thereof "fixing";

(B) by striking out "paragraph (4)(A)" and inserting in lieu thereof "subparagraph (A) of this paragraph"; and

(C) by striking out "paragraph (4)(B)" and inserting in lieu thereof "subparagraph (B) of this paragraph".

Sec. 313. Section 11A of the Securities Exchange Act of 1934 (15 U.S.C. 78k-1) is amended—

(1) by striking out "transaction" in paragraph (2) of subsection (b) and inserting in lieu thereof "transactions"; and

(2) by striking out everything after the first sentence in paragraph (4) of subsection (c).

Sec. 314. Sections 11A(e) and 12(m) of the Securities Exchange Act of 1934 (15 U.S.C. 78k-1(e) and 78*l*(m)) are repealed.

Sec. 315. Section 13(c) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(c)) is amended by striking out "thereof of" and inserting in lieu thereof "thereof".

Sec. 316. Section 13(h) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(h)) is repealed.

Sec. 317. Section 15(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78*o*(b)) is amended—

(1) by striking out "fiduciary, or any" in clause (ii) of subparagraph (B) of paragraph (4) and inserting in lieu thereof "fiduciary, transfer agent, or";

(2) by striking out subparagraph (C) of paragraph (4) and inserting in lieu thereof the following:

"(C) is permanently or temporarily enjoined by order, judgment, or decree of any court of competent jurisdiction from acting as an investment adviser, underwriter, broker, dealer, municipal securities dealer, government securities broker, government securities dealer, transfer agent, or entity or person required to be registered under the Commodity Exchange Act, or as an affiliated person or employee of any investment company, bank, insurance company, or entity or person required to be registered under the Commodity Exchange Act, or from engaging in or continuing any conduct or practice in connection with any such activity, or in connection with the purchase or sale of any security.";

(3) by striking out "or seeking to become associated," in the first sentence of paragraph (6) and inserting in lieu thereof "seeking to become associated, or, at the time of the alleged misconduct, associated or seeking to become associated"; and

(4) by striking out "17A(b)(4)(B)" in paragraph (10) and inserting in lieu thereof "17A(b)(4)(A)".

Sec. 318. Section 15B(b)(2)(C) of the Securities Exchange Act of 1934 (15 U.S.C. 78*o*-4(b)(2)(C)) is amended—

(1) by striking out "security" and inserting in lieu thereof "securities";

(2) by striking out "or the securities"; and

(3) by striking out "burden or competition" and inserting in lieu thereof "burden on competition".

Sec. 319. Section 15B(c)(4) of the Securities Exchange Act of 1934 (15 U.S.C. 78*o*-4(c)(4)) is amended by striking out the first sentence and inserting in lieu thereof the following: "The Commission, by order, shall censure or place limitations on the activities or functions of any person associated, seeking to become associated, or, at the time of the alleged misconduct, associated or seeking to become associated with a municipal securities dealer, or suspend for a period not exceeding twelve months or bar any such person from being associated with a municipal securities dealer, if the Commission finds, on the record after notice and opportunity for hearing, that such censure, placing of limitations, suspension, or bar is in the public interest and that such person has committed any act or omission enumerated in subparagraph (A), (D), or (E) of paragraph (4) of section 15(b) of this title, has been convicted by any offense specified in subparagraph (B) of such paragraph (4) within 10 years of the commencement of the proceedings under this paragraph, or is enjoined from any action, conduct, or practice specified in subparagraph (C) of such paragraph (4).".

Sec. 320. Section 15B(c)(6)(A) of the Securities Exchange Act of 1934 (15 U.S.C. 78*o*-4(c)(6)(A)) is amended by striking out "board" and inserting in lieu thereof "Board".

Sec. 321. Section 17 of the Securities Exchange Act of 1934 (15 U.S.C. 78q) is amended—

(1) by striking out subsection (c)(2) and inserting in lieu thereof the following:

"(2) The appropriate regulatory agency for a clearing agency, transfer agent, or municipal securities dealer for which the Commission is not the appropriate regulatory agency shall file with the Commission notice of the commencement of any proceeding and a copy of any order entered by such appropriate regulatory agency against any clearing agency, transfer agent, municipal securities dealer, or person associated with a transfer agent or municipal securities dealer, and the Commission shall file with such appropriate regulatory agency, if any, notice of the commencement of any proceeding and a copy of any order entered by the Commission against the clearing agency, transfer agent, or municipal securities dealer, or against any person associated with a transfer agent or municipal securities dealer for which the agency is the appropriate regulatory agency.";

(2) by adding at the end of subsection (f)(2) the following: "Notwithstanding any other provision of law, in providing identification and processing functions, the Attorney General shall provide the Commission and self-regulatory organizations designated by the Commission with access to all criminal history record information."; and

(3) by striking out "paragraphs (1) and (2)" in subsection (f)(3)(A) and inserting in lieu thereof "paragraph (1)".

Sec. 322. Section 17A of the Securities Exchange Act of 1934 (15 U.S.C. 78q-1) is amended—

(1) by inserting after "concerning such transfer agent" in subsection (c)(2) "and any persons associated with the transfer agent";

(2) by striking out "thirty" in subsection (c)(2) and inserting in lieu thereof "45";

(3) by redesignating subparagraphs (B) and (C) of subsection (c)(3) as subparagraphs (A) and (B), respectively, of new subsection (c)(4);

(4) by striking out subsection (c)(3)(A) and inserting in lieu thereof:

"(3) The appropriate regulatory agency for a transfer agent, by order, shall deny registration to, censure, place limitations on the activities, functions, or operations of, suspend for a period not exceeding 12 months, or revoke the registration of such transfer agent, if such appropriate regulatory agency finds, on the record after notice and opportunity for hearing, that such denial, censure, placing of limitations, suspension, or revocation is in the public interest and that such transfer agent, whether prior or subsequent to becoming such, or any person associated with such transfer agent, whether prior or subsequent to becoming so associated—

"(A) has committed or omitted any act enumerated in subparagraph (A), (D), or (E) of paragraph (4) of section 15(b) of this title, has been convicted of any offense specified in subparagraph (B) of such paragraph (4) within ten years of the commencement of the proceedings under this paragraph, or is enjoined from any action, conduct, or practice specified in subparagraph (C) of such paragraph (4); or

"(B) is subject to an order entered pursuant to subparagraph (C) of paragraph (4) of this subsection barring or suspending the right of such person to be associated with a transfer agent.";

(5) by inserting after subsection (c)(4)(B) (as redesignated) the following new subparagraph:

"(C) The appropriate regulatory agency for a transfer agent, by order, shall censure or place limitations on the activities or functions of any person associated, seeking to become associated, or, at the time of the alleged misconduct, associated or seeking to become associated with the transfer agent, or suspend for a period not exceeding twelve months or bar any such person from being associated with the transfer agent, if the appropriate regulatory agency finds, on the record after notice and opportunity for hearing, that such censure, placing of limitations, suspension, or bar is in the public interest and that such person has committed or omitted any act enumerated in subparagraph (A), (D), or (E) or paragraph (4) of section 15(b) of this title, has been convicted of any offense specified in subparagraph (B) of such paragraph (4) within ten years of the commencement of the proceedings under this paragraph, or is enjoined from any action, conduct, or practice specified in subparagraph (C) of such paragraph (4). It shall be unlawful for any person as to whom such an order suspending or barring him from being associated with a transfer agent is in effect willfully to become, or to be, associated with a transfer agent without the consent of the appropriate regulatory agency that entered the order and the appropriate regulatory agency for that transfer agent. It shall be unlawful for any transfer agent to permit such a person to become, or remain, a person associated with it without the consent of such appropriate regulatory agencies, if the transfer agent knew, or in the exercise of reasonable care should have known, of such order. The Commission may establish, by rule, procedures by which a transfer agent reasonably can determine whether a person associated or seeking to become associated with it is subject to any such order, and may require, by rule, that any transfer agent comply with such procedures.";

(6) by striking out "clearing agency or transfer agent" in subsection (d)(3)(B) and inserting in lieu thereof "clearing agency, transfer agent, or person associated with a transfer agent"; and

(7) by striking out "or transfer agent" in subsection (d)(4), and inserting in lieu thereof ", transfer agent, or person associated with a transfer agent,".

SEC. 323. Section 21 of the Securities Exchange Act of 1934 (15 U.S.C. 78u) is amended—

(1) by striking out "Wherever" in subsection (d) and inserting in lieu thereof "Whenever";

(2) by striking out ", the United States District Court for the District of Columbia," in subsection (e); and

(3) by striking out the second sentence of subsection (g).

SEC. 324. Section 23(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78w(a)) is amended—

(1) by inserting "or" before "any self-regulatory organization" in the last sentence of paragraph (1); and

(2) by inserting "shall" after "section 19(b) of this title," in paragraph (3).

SEC. 325. Section 23(b)(4)(F) of the Securities Exchange Act of 1934 (15 U.S.C. 78w(b)(4)(F)) is amended by striking out "The" and inserting in lieu thereof "the".

SEC. 326. Section 27 of the Securities Exchange Act of 1934 (15 U.S.C. 78aa) is amended—

(1) by striking out ", the United States District Court for the District of Columbia,"; and

(2) by striking out "sections 128 and 240 of the Judicial Code, as amended (U.S.C., title 28, secs. 225 and 347)" and inserting in lieu thereof "sections 1254, 1291, 1292, and 1294 of title 28, United States Code".

SEC. 327. Section 28(c) of the Securities Exchange Act of 1934 (15 U.S.C. 78bb(c)) is amended by striking out "self-regulatory organization or a member thereof" and inserting in lieu thereof "self-regulatory organization on a member thereof".

SEC. 328. Section 28(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78bb(d)) is amended by striking out "change is beneficial" and inserting in lieu thereof "change in beneficial".

SEC. 329. Section 28(e)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78bb(e)(1)) is amended by striking out "Amendments in 1975" and inserting in lieu thereof "Amendments of 1975".

SEC. 330. Section 211 of the Securities Exchange Act of 1934 (15 U.S.C. 78jj) is hereby repealed.

TITLE IV—AMENDMENTS TO THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

SEC. 401. Section 8 of the Public Utility Holding Company Act of 1935 (15 U.S.C. 79h) is amended by striking out "otherwise, —" and inserting in lieu thereof "otherwise —".

SEC. 402. Section 18 of the Public Utility Holding Company Act of 1935 (15 U.S.C. 78r) is amended—

(1) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively; and

(2) in subsections (e) and (f) (as so redesignated), by striking out ", the district court of the United States for the District of Columbia,".

SEC. 403. Section 24 of the Public Utility Holding Company Act of 1935 (15 U.S.C. 78x) is amended by striking out "sections 239 and 240 of the Judicial Code, as amended (U.S.C., title 28, secs. 346 and 347)" and inserting in lieu thereof "section 1254 of title 28, United States Code".

SEC. 404. Section 25 of the Public Utility Holding Company Act of 1935 (15 U.S.C. 79y) is amended—

(1) by striking out ", the district court of the United States for the District of Columbia,"; and

(2) by striking out "sections 128 and 240 of the Judicial Code, as amended (U.S.C., title 28, secs. 225 and 347), and section 7, as amended, of the Act entitled 'An Act to establish a court of appeals for the District of Columbia', approved February 9, 1893 (D.C. Code, title 18, sec. 26)" and inserting in lieu thereof "sections 1254, 1291, 1292, and 1294 of title 28, United States Code".

SEC. 405. Section 30 of the Public Utility Holding Company Act of 1935 (15 U.S.C. 79z-4) is amended by striking out the last sentence thereof.

TITLE V—AMENDMENTS TO THE TRUST INDENTURE ACT OF 1939

SEC. 501. Section 303(4) of the Trust Indenture Act of 1939 (15 U.S.C. 77ccc(4)) is amended by striking out "undertaking" and inserting in lieu thereof "undertaking".

SEC. 502. Section 303(12) of the Trust Indenture Act of 1939 (15 U.S.C. 77ccc(12)) is amended by inserting "(including a guarantor)" after "person" each place it appears.

TITLE VI—AMENDMENTS TO THE INVESTMENT COMPANY ACT OF 1940

SEC. 601. Section 2(a)(19) of the Investment Company Act of 1940 (15 U.S.C. 80a-2(a)(19)) is amended by inserting "completed" before "fiscal years" each place it appears.

SEC. 602. Section 2(a)(39) of the Investment Company Act of 1940 (15 U.S.C. 80a-2(a)(39)) is amended by striking out "the Canal Zone,".

SEC. 603. Section 2(a)(48)(B) of the Investment Company Act of 1940 (15 U.S.C. 80a-2(a)(48)(B)) is amended by striking out "sections 55(a)(1) through (3)"and inserting in lieu thereof "paragraphs (1) through (3) of section 55(a)".

SEC. 604. Section 3(c)(3) of the Investment Company Act of 1940 (15 U.S.C. 80a-3(c)(3)) is amended—

(1) by inserting "or" after "therefore;"; and

(2) by inserting a period after "guardian" and striking out all that follows through "principal to another or others.".

SEC. 605. Section 3(c)(7) of the Investment Company Act of 1940 (15 U.S.C. 80a-3(c)(7)) is amended to read as follows:

"(7) Reserved.".

SEC. 606. Section 3(c)(11) of the Investment Company Act of 1940 (15 U.S.C. 80a-3(c)(11)) is amended—

(1) by striking out "Code of 1954" each place it appears and inserting in lieu thereof "Code of 1986";

(2) by striking out "or which holds only assets of governmental plans" and inserting in lieu thereof "; or any governmental plan"; and

(3) by striking out "trusts;" and inserting in lieu thereof "trusts or governmental plans, or both;".

SEC. 607. Section 5(a)(2) of the Investment Company Act of 1940 (15 U.S.C. 80a-5(a)(2)) is amended by striking out "Close-end" and inserting in lieu thereof "Closed-end".

SEC. 608. Section 6(a) of the Investment Company Act of 1940 (15 U.S.C. 80a-6(a)) is amended—

(1) by striking out "the Canal Zone," in paragraph (1); and

(2) by striking out paragraph (2) and redesignating paragraphs (3), (4), and (5) as paragraphs (2), (3), and (4), respectively.

SEC. 609. Section 9 of the Investment Company Act of 1940 (15 U.S.C. 80a-9) is amended by striking out paragraphs (1) and (2) in subsection (a) and inserting in lieu thereof the following:

"(1) any person who within 10 years has been convicted of any felony or misdemeanor involving the purchase or sale of any security or arising out of such person's conduct as an underwriter, broker, dealer, investment adviser, municipal securities dealer, government securities broker, government securities dealer, transfer agent, or entity or person required to be registered under the Commodity Exchange Act, or as an affiliated person, salesman, or employee of any investment company, bank, insurance company, or entity or person required to be registered under the Commodity Exchange Act;

"(2) any person who, by reason of any misconduct, is permanently or temporarily enjoined by order, judgment, or decree of any court of competent jurisdiction from acting as an underwriter, broker, dealer, investment adviser, municipal securities dealer, government securities broker, government securities dealer, transfer agent, or entity or person required to be registered under the Commodity Exchange Act, or as an affiliated person, salesman, or employee of any investment company, bank, insurance company, or entity or person required to be registered under the Commodity Exchange Act, or from engaging in or continuing any conduct or practice in connection with any such activity or in connection with the purchase or sale of any security; or".

SEC. 610. Section 12 of the Investment Company Act of 1940 (15 U.S.C. 80a-12) is amended—

(1) by striking out "Treasury" in subsection (d)(1)(A)(iii) and inserting in lieu thereof "treasury";

(2) by striking out "it reasonably possible" in subsection (d)(1)(G) and inserting in lieu thereof "is reasonably possible"; and

(3) by striking out "only thereof" in subsection (f) and inserting in lieu thereof "thereof only".

SEC. 611. Section 15 of the Investment Company Act of 1940 (15 U.S.C. 80a-15) is amended—

(1) by striking out "(40)" in subsection (d) and inserting in lieu thereof "(42)"; and

(2) by striking out the period at the end of subsection (B) of paragraph (3) of subsection (f) and inserting in lieu thereof a comma.

SEC. 612. Section 17 of the Investment Company Act of 1940 (15 U.S.C. 80a-17) is amended by striking out the second sentence of each of subsections (h) and (i).

SEC. 613. Section 18(e) of the Investment Company Act of 1940 (15 U.S.C. 80a-18(e)) is amended by striking out paragraph (1) and by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

SEC. 614. Section 20 of the Investment Company Act of 1940 (15 U.S.C. 80a-20) is amended—

(1) by striking out the second sentence of subsection (b);

(2) by striking out the first sentence of subsection (d); and

(3) by striking out "at any time after the effective date of this title" in subsection (d).

SEC. 615. Section 21(b) of the Investment Company Act of 1940 (15 U.S.C. 80a-21(b)) is amended by striking out "to the extension or renewal of any such loan made prior to March 15, 1940, or".

SEC. 616. Section 22 of the Investment Company Act of 1940 (15 U.S.C. 80a-22) is amended—

(1) by striking out "subsection (b)(8)" in paragraph (1) of subsection (b) and inserting in lieu thereof "subsection (b)(6)";

(2) by striking out paragraph (2) of subsection (b) and redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively;

(3) by striking out "section 15A(k)(2)" in subsection (b)(2) (as so redesignated) and inserting in lieu thereof "section 19(c)";

(4) by inserting in the first sentence of subsection (e) a comma after the word "redemption" where it first appears and where it appears for the third time; and

(5) by striking out the last sentence of subsection (e).

SEC. 617. Section 24(d) of the Investment Company Act of 1940 (15 U.S.C. 80a-24(d)) is amended by inserting a period immediately after "issuer" in the second sentence thereof and by striking out all that follows in such sentence.

SEC. 618. Section 26(b) of the Investment Company Act of 1940 (15 U.S.C. 80a-26(b)) is amended by striking out "intend" and inserting in lieu thereof "intended".

SEC. 619. Section 26(c) of the Investment Company Act of 1940 (15 U.S.C. 80a-26(c)) is amended by striking out "contract of agreement" and inserting in lieu thereof "contract or agreement".

SEC. 620. Section 28(a)(2)(B) of the Investment Company Act of 1940 (15 U.S.C. 80a-28(a)(2)(B)) is amended by striking out "subsection" and inserting in lieu thereof "paragraph".

SEC. 621. Section 28(d)(2) of the Investment Company Act of 1940 (15 U.S.C. 80a-28(d)(2)) is amended by inserting "of" immediately before "subsection (a)".

SEC. 622. Section 36 of the Investment Company Act of 1940 (15 U.S.C. 80a-35) is amended—

(1) by striking out "loans" in paragraph (4) of subsection (b) and inserting in lieu thereof "loads";

(2) by redesignating subsection (d) as subsection (c); and

(3) in subsection (c) (as so redesignated), by striking out "through (c)" and inserting in lieu thereof "and (b)".

SEC. 623. Section 42 of the Investment Company Act of 1940 (15 U.S.C. 80a-41) is amended by redesignating subsection (e) as subsection (d).

SEC. 624. Section 53 of the Investment Company Act of 1940 (15 U.S.C. 80a-52) is amended by inserting a period in the first sentence thereof immediately after "1941" and by striking out everything that follows in such sentence.

SEC. 625. Section 54(a) of the Investment Company Act of 1940 (15 U.S.C. 80a-53(a)) is amended by striking out "defined in sections" and inserting in lieu thereof "defined in section".

SEC. 626. Section 55(a)(1)(B) of the Investment Company Act of 1940 (15 U.S.C. 80a-54(a)(1)(B)) is amended by striking out "described in sections" and inserting in lieu thereof "described in section".

SEC. 627. Section 57(i) of the Investment Company Act of 1940 (15 U.S.C. 80a-56(i)) is amended by striking out "sections 17 (a) and (d)" each place it appears and inserting in lieu thereof "subsections (a) and (d) of section 17".

TITLE VII—AMENDMENTS TO THE INVESTMENT ADVISERS ACT OF 1940

SEC. 701. Section 202(a)(19) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-2(a)(19)) is amended by striking out "the Canal Zone,".

SEC. 702. Section 203 of the Investment Advisers Act of 1940 (15 U.S.C. 80b-3) is amended—

(1) by inserting "transfer agent," after "fiduciary," in subsection (e)(2)(B);

(2) by inserting "transfer agent," after "government securities dealer," in subsection (e)(3);

(3) by striking out "or seeking to become associated" in the first sentence of subsection (f) and inserting in lieu thereof ", seeking to become associated, or, at the time of the alleged misconduct, associated or seeking to become associated"; and

(4) by striking out "subsection (d)" in subsection (g) and inserting in lieu thereof "subsection (c) or subsection (e)".

SEC. 703. Section 205 of the Investment Advisers Act of 1940 (15 U.S.C. 80b-5) is amended to read as follows:

"INVESTMENT ADVISORY CONTRACTS

"SEC. 205. (a) No investment adviser, unless exempt from registration pursuant to section 203(b), shall make use of the mails or any means or instrumentality of interstate commerce, directly or indirectly, to enter into, extend, or renew any investment advisory contract, or in any way to perform any investment advisory contract entered into, extended, or renewed on or after the effective date of this title, if such contract—

"(1) provides for compensation to the investment adviser on the basis of a share of capital gains upon or capital appreciation of the funds or any portion of the funds of the client;

"(2) fails to provide, in substance, that no assignment of such contract shall be made by the investment adviser without the consent of the other party to the contract; or

"(3) fails to provide, in substance, that the investment adviser, if a partnership, will notify the other party to the contract of any change in the membership of such partnership within a reasonable time after such change.

"(b) Paragraph (1) of subsection (a) shall not—

"(1) be construed to prohibit an investment advisory contract which provides for compensation based upon the total value of a fund averaged over a definite period, or as of definite dates, or taken as of a definite date;

"(2) apply to an investment advisory contract with—

"(A) an investment company registered under title I of this Act, or

"(B) any other person (except a trust, governmental plan, collective trust fund, or separate account referred to in section 3(c)(11) of title I of this Act), provided that the contract relates to the investment of assets in excess of $1 million,

if the contract provides for compensation based on the asset value of the company or fund under management averaged over a specified period and increasing and decreasing proportionately with the investment performance of the company or fund over a specified period in relation to the investment record of an appropriate index of securities prices or such other measure of investment performance as the Commission by rule, regulation, or order may specify; or

"(3) apply with respect to any investment advisory contract between an investment adviser and a business development company, as defined in this title, if (A) the compensation provided for in such contract does not exceed 20 per centum of the realized capital gains upon the funds of the business development company over a specified period or as of definite dates, computed net of all realized capital losses and unrealized capital depreciation, and the condition of section 61(a)(3)(B)(iii) of title I of this Act is satisfied, and (B) the business development company does not have outstanding any option, warrant, or right issued pursuant to section 61(a)(3)(B) of title I of this Act and does not have a profit-sharing plan described in section 57(n) of title I of this Act.

"(c) For purposes of paragraph (2) of subsection (b), the point from which increases and decreases in compensation are measured shall be the fee which is paid or earned when the investment performance of such company or fund is equivalent to that of the index or other measure of performance, and an index of securities prices shall be deemed appropriate unless the Commission by order shall determine otherwise.

"(d) As used in paragraphs (2) and (3) of subsection (a), 'investment advisory contract' means any contract or agreement whereby a person agrees to act as investment adviser to or to manage any investment or trading account of another person other than an investment company registered under title I of this Act.".

SEC. 704. Section 209 of the Investment Advisers Act of 1940 (15 U.S.C. 80b-9) is amended by redesignating subsection (e) as subsection (d).

SEC. 705. Section 211(b) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-11(b)) is amended by striking out "the Federal Register Act" and inserting in lieu thereof "chapter 15 of title 44, United States Code,".

SEC. 706. Section 213(a) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-13(a)) is amended by striking out "sections 239 and 240 of the Judicial Code, as amended" and inserting in lieu thereof "section 1254 of title 28, United States Code".

SEC. 707. Section 214 of the Investment Advisers Act of 1940 (15 U.S.C. 80b-14) is amended by striking out "sections 128 and

240 of the Judicial Code, as amended, and section 7, as amended, of the Act entitled, 'An Act to establish a court of appeals for the District of Columbia', approved February 9, 1893", and inserting in lieu thereof "sections 1254, 1291, 1292, and 1294 of title 28, United States Code".

TITLE VIII—AMENDMENTS RELATING TO GOVERNMENT SECURITIES ACT OF 1986

SEC. 801. (a) Section 15C(a)(1)(B)(i) of the Securities Exchange Act of 1934 (15 U.S.C. 78o-4(a)(1)(B)(i)) is amended by striking out "When" and inserting "When such".

(b) Section 17(f)(1)(A) of such Act (15 U.S.C. 78q(f)(1)(A)) is amended by striking out "government securities," and inserting "securities issued pursuant to chapter 31 of title 31, United States Code,".

SEC. 802. Section 16(12) of the Securities Investor Protection Act of 1970 (15 U.S.C. 78111(12)) is amended by inserting before the period at the end thereof the following: "other than a government securities broker or government securities dealer registered under section 15C(a)(1)(A) of the 1934 Act".

IMPOSITION AND COLLECTION OF CRIMINAL FINES IMPROVEMENTS ACT

BIDEN AMENDMENT NO. 1117

Mr. BYRD (for Mr. BIDEN, for himself, Mr. THURMOND, Mr. KENNEDY, and Mr. HATCH) proposed an amendment to the bill (H.R. 3483), to amend title 18, United States Code, to improve certain provisions relating to imposition and collection of criminal fines, and for other purposes; as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Criminal Fines and Sentencing Act of 1987".

TITLE I—SENTENCING AMENDMENTS

SEC. 101. SHORT TITLE.

This title may be cited as the "Sentencing Act of 1987".

SEC. 102. PROSPECTIVE APPLICATION OF SENTENCING REFORM ACT.

(a) APPLICATION.—Section 235(a)(1) of the Comprehensive Crime Control Act of 1984 is amended by inserting "and shall apply only to offenses committed on or after the effective date of this chapter" after "date of enactment".

(b) CONFORMING AMENDMENTS.—(1) Section 235(b)(1) of the Comprehensive Crime Control Act of 1984 is amended by striking out "convicted of an offense or adjudicated to be a juvenile delinquent" and inserting "who committed an offense or an act of juvenile delinquency".

(2) Section 235(b)(3) of the Comprehensive Crime Control Act of 1984 is amended by striking out "that is within the range that applies to the prisoner under the applicable parole guideline" and inserting "pursuant to section 4206 of title 18, United States Code".

SEC. 103. STANDARD FOR DEPARTURE.

Section 3553(b) of title 18, United States Code, is amended by inserting after the first sentence the following: "In determining whether a circumstance was adequately taken into consideration, the court shall consider only the sentencing guidelines, policy statements, and official commentary of the Sentencing Commission.".

SEC. 104. PROCEDURE FOR APPEALING SENTENCE IMPOSED BY A MAGISTRATE.

Section 3742 of title 18, United States Code, is amended by adding at the end thereof the following:

"(f) APPLICATION TO A SENTENCE BY A MAGISTRATE.—An appeal of an otherwise final sentence imposed by a United States magistrate may be taken to a judge of the district court, and the provisions of this section shall apply as though the appeal were to a court of appeals from a sentence imposed by a district court.".

SEC. 105. REVIEW OF A SENTENCE FOR WHICH THERE IS NO APPLICABLE GUIDELINE.

Section 3742 of title 18, United States Code, is further amended—

(1) in subsections (a)(4) and (b)(4) by inserting "plainly unreasonable or" before "greater than" and by striking ", if any,";

(2) in subsection (d) by—

(A) striking out "or" at the end of paragraph (2);

(B) striking out the period at the end of paragraph (3) and inserting in lieu thereof "; or"; and

(C) inserting after paragraph (3) the following new paragraph:

"(4) was imposed for an offense for which there is no applicable sentencing guideline and is plainly unreasonable.";

(3) in subsection (e)(2) by inserting "or was imposed for an offense for which there is no applicable sentencing guideline and is plainly unreasonable," after "is outside the range of the applicable sentencing guideline and is unreasonable"; and

(4) in subsections (e)(2)(A) and (e)(2)(B) by inserting "and" after "it shall set aside the sentence".

SEC. 106. CLARIFICATION OF BASIS FOR AFFIRMING AN APPEAL.

Section 3742 of title 18, United States Code, is further amended by amending subsection (e)(3) to read as follows:

"(3) is not described in paragraph (1) or (2), it shall affirm the sentence.".

SEC. 107. CORRECTION OF PROBATION EXCLUSION FOR ORGANIZATIONS CONVICTED OF SERIOUS OFFENSES.

Section 3561(a)(1) of title 18, United States Code, is amended by inserting "and the defendant is an individual" after "the offense is a Class A or Class B felony".

SEC. 108. EXTENSION OF MAXIMUM TERMS OF SUPERVISED RELEASE.

Section 3583(b) of title 18, United States Code, is amended—

(1) in paragraph (1) by striking out "three years" and inserting in lieu thereof "five years";

(2) in paragraph (2) by striking out "two years" and inserting in lieu thereof "three years"; and

(3) in paragraph (3) by inserting after "misdemeanor" the following: ", not a petty offense".

SEC. 109. INCLUSION OF PROTECTION OF PUBLIC AS FACTOR IN DECIDING WHETHER TO IMPOSE SUPERVISED RELEASE.

Section 3583(c) of title 18, United States Code, is amended by inserting "(a)(2)(C)," after "(a)(2)(B),".

SEC. 110. CLARIFICATION OF PROCEDURE FOR MODIFYING CONDITIONS OF PROBATION.

Section 3563(c) of title 18, United States Code, is amended—

(1) by striking out "revocation or modification of probation" and inserting in lieu thereof "the modification of probation and"; and

(2) by striking out the comma after "may".

SEC. 111. CLARIFICATION OF PROCEDURE FOR EARLY TERMINATION OF PROBATION.

Section 3564(c) of title 18, United States Code, is amended by inserting ", pursuant to the provisions of the Federal Rules of Criminal Procedure relating to the modification of probation," after "may".

SEC. 112. CLARIFICATION OF PROCEDURE FOR EARLY TERMINATION OF SUPERVISED RELEASE.

Section 3583(e) of title 18, United States Code, is amended—

(1) in paragraph (1) by inserting "pursuant to the provisions of the Federal Rules of Criminal Procedure relating to the modification of probation," after "one year of supervised release,"; and

(2) in paragraph (2) by striking out "after a hearing," and by inserting "the provisions of the Federal Rules of Criminal Procedure relating to the modification of probation and" after "pursuant to".

SEC. 113. REMEDIES FOR FAILURE TO PAY RESTITUTION.

Section 3663(g) of title 18, United States Code, is amended in each of the second and third sentences by inserting "or a term of supervised release" after "probation" and by inserting "probation or" after "conditions of".

SEC. 114. DETERMINATION OF GUIDELINE SENTENCE FOR PRISONERS TRANSFERRED PURSUANT TO TREATY FROM FOREIGN COUNTRIES.

Section 4106(b) of title 18, United States Code, is amended to read as follows:

"(b)(1) An offender transferred to the United States to serve a sentence of imprisonment that is longer than the maximum period of time specified in the applicable sentencing guidelines promulgated pursuant to section 994(a)(1) of title 28, United States Code, as determined by the United States Parole Commission upon the recommendation of the United States Probation Service, shall serve in an official detention facility the maximum period of time specified in the applicable sentencing guidelines and shall serve the remainder of the term imposed as a term of supervised release.

"(2) To the extent permitted by the applicable treaty, a final determination by the Parole Commission as to whether the transferred offender shall serve a term of supervised release and the length of such term may be appealed to the United States court of appeals for the district in which the offender is imprisoned after transfer to the United States, and the court of appeals shall decide and dispose of the appeal in accordance with section 3742 as though the determination appealed had been imposed by the United States district court.

"(3) A determination by the Parole Commission shall be made only after affording the transferred offender an opportunity—

"(A) to submit evidence or information as to the applicable sentencing guideline; and

"(B) for an appeal within the Parole Commission of such determination by a reviewing authority established by the Director pursuant to regulations.

"(4) The responsibilities of the Parole Commission set forth in this subsection shall be transferred to another entity designated by law on the date provided for the termination of the Parole Commission in section 235(b) of the Comprehensive Crime Control Act of 1984.".

SEC. 115. PROCEDURE FOR RELIEF OF LABOR DISABILITIES FOLLOWING CONVICTION.

Section 229(a) of the Comprehensive Crime Control Act of 1984 is amended by—

(1) striking out "the Board of Parole of the United States Department of Justice" and inserting in lieu thereof "the United States Parole Commission"; and

(2) striking out "on motion of the United States Department of Justice,".

SEC. 116. PETTY OFFENSE.

(a) Elimination of Requirement for Petty Offense Guidelines.—Section 3553(b) of title 18, United States Code, is amended by adding at the end the following: "If there is no applicable sentencing guideline and the offense is classified as a petty offense, the court shall impose an appropriate sentence having due regard for the purposes of sentencing set forth in subsection (a)(2).".

(b) Conforming Amendment.—Section 994(w) of title 28, United States Code, is amended by inserting after "each sentence imposed" the following: ", except in the case of a sentence imposed for a petty offense, as defined in title 18, United States Code, for which there is no applicable sentencing guideline,".

SEC. 117. MODIFICATION OF REQUIREMENT OF STATING REASONS FOR CHOOSING A POINT WITH THE PRESCRIBED SENTENCING RANGE.

Section 3553(c)(1) of title 18, United States Code, is amended by inserting after "in subsection (a)(4)," the following: "and the range described in subsection (a)(4) exceeds 24 months,".

SEC. 118. CLARIFICATION OF AUTHORITY OF BUREAU OF PRISONS TO ACCEPT COMMITMENTS TO ITS COMMUNITY CORRECTIONS FACILITY AS CONDITION OF PROBATION OR SUPERVISED RELEASE.

Section 3563(b)(12) of title 18, United States Code, is amended by inserting after "community corrections facility" the following: ", which facility may be one maintained or contracted by the Bureau of Prisons.".

SEC. 119. APPOINTMENT OF COUNSEL IN RELATION TO SUPERVISED RELEASE.

Section 223(e) of the Comprehensive Crime Control Act of 1984, as amended by section 103 of the Criminal Justice Act Revisions of 1986, is further amended by striking paragraph (2) and inserting in lieu thereof the following new paragraph:

(2) in paragraph (1) by striking out subparagraph (E) and inserting in lieu thereof the following new subparagraph:

"(E) is charged with a violation of supervised release or faces modification, reduction, or enlargement of a condition, or extension or revocation of a term of supervised release;".

SEC. 120. AUTHORITY OF DIRECTOR OF ADMINISTRATIVE OFFICE OF UNITED STATES COURTS TO CONTRACT FOR PSYCHIATRIC AFTERCARE.

Section 3672 of title 18, United States Code, is amended—

(1) by amending the seventh undesignated paragraph to read as follows:

"He shall have the authority to contract with any appropriate public or private agency or person for the detection of and care in the community of an offender who is an alcohol-dependent person, an addict or a drug-dependent person, or a person suffering from a psychiatric disorder within the meaning of section 2 of the Public Health Service Act (42 U.S.C. 201). This authority shall include the authority to provide equipment and supplies; testing; medical, educational, social, psychological and vocational services; corrective and preventative guidance and training; and other rehabilitative services designed to protect the public and benefit the alcohol-dependent person, addict or drug-dependent person, or a person suffering from a psychiatric disorder by eliminating his dependence on alcohol or addicting drugs, by controlling his dependence and his susceptibility to addiction, or by treating his psychiatric disorder. He may negotiate and award such contracts without regard to section 3709 of the Revised Statutes (41 U.S.C. 5)."; and

(2) by adding the following new undesignated paragraph at the end thereof:

"Whenever the court finds that funds are available for payment by or on behalf of a person furnished such services, training, or guidance, the court may direct that such funds be paid to the Director. Any moneys collected under this paragraph shall be used to reimburse the appropriations obligated and disbursed in payment for such services, training, or guidance.".

SEC. 121. EMERGENCY GUIDELINES PROMULGATION AUTHORITY.

Section 994(a) of title 28, United States Code, is amended—

(1) by striking "and" at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting in lieu thereof "; and"; and

(3) by adding the following:

"(4) in the case of—

"(A) an invalidated guideline;

"(B) the creation of a new offense or amendment of an existing offense; or

"(C) any other reason relating to the application of a previously established guideline, and determined by the Commission to be urgent and compelling,

a temporary guideline or amendment to an existing guideline, to remain in effect until and during the pendency of the next report to Congress pursuant to subsection (p) of this section. The authority of the Commission to promulgate and distribute guidelines pursuant to paragraph (4)(C) shall expire November 1, 1989.".

SEC. 122. APPLICATION OF RULE 35(b) TO CONDUCT OCCURRING BEFORE EFFECTIVE DATE OF SENTENCING GUIDELINES.

The amendment to rule 35(b) of the Federal Rules of Criminal Procedure made by the order of the Supreme Court on April 29, 1985, shall apply with respect to all crimes committed before the taking effect of section 215(b) of the Comprehensive Crime Control Act of 1984.

SEC. 123. SENTENCING COMMISSION STAFF DIRECTOR SALARY.

Section 995(a)(2) of title 28, United States Code, is amended to read as follows:

"(2) appoint and fix the salary and duties of the staff director of the Sentencing Commission, who shall serve at the discretion of the Commission and who may be compensated at a rate not to exceed the highest rate now or hereafter prescribed for the director of the Federal Judicial Center;".

SEC. 124. AUTHORITY TO LOWER A SENTENCE BELOW A STATUTORY MINIMUM FOR OLD OFFENSES.

Notwithstanding section 235 of the comprehensive Crime Control Act of 1984—

(1) section 3553(e) of title 18, United States Code;

(2) rule 35(b) of the Federal Rules of Criminal Procedure as amended by section 215(b) of such Act; and

(3) rule 35(b) as in effect before the taking effect of the initial set of guidelines promulgated by the United States Sentencing Commission pursuant to chapter 58 of title 28, United States Code,

shall apply in the case of an offense committed before the taking effect of such guidelines.

SEC. 125. LIMITATION ON TERM TO BE SERVED FOR VIOLATION OF CONDITIONS OF SUPERVISED RELEASE.

Section 3583(e)(4) of title 18, United States Code, is amended by adding after "postrelease supervision" the following: "(but) in the case of a person who has already served in prison the maximum term authorized by the statute under which the person was convicted, including credit for good time, not more than three years in the case of a class B felony, or not more than 2 years in the case of a class C or D felony)"

SEC. 126. GENERAL EFFECTIVE DATE.

This title shall take effect upon the date of enactment of this title, or the date of the taking effect of the initial set of guidelines promulgated by the United States Sentencing Commission pursuant to chapter 58 of title 28, United States Code, whichever date occurs later.

TITLE II—CRIMINAL FINE IMPROVEMENTS

SEC. 201. SHORT TITLE.

This title may be cited as the "Criminal Fine Improvements Act of 1987".

SEC. 202. DUTIES OF THE DIRECTOR OF THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS IN RELATION TO FINES.

Section 604(a) of title 28, United States Code, is amended—

(1) by redesignating paragraph (17) as paragraph (18); and

(2) by inserting after paragraph (16) the following new paragraph:

"(17) Establish procedures and mechanisms within the judicial branch for processing fines, restitution, forfeitures of bail bonds or collateral, and assessments;".

SEC. 203. SPECIAL ASSESSMENTS.

Section 3013 of title 18, United States Code, is amended by adding at the end the following:

"(c) The obligation to pay an assessment ceases five years after the date of the judgment.

"(d) For the purposes of this section, an offense under section 13 of this title is an offense against the United States.".

SEC. 204. DEFINITION OF PETTY OFFENSE.

(a) In General.—Chapter 1 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 19. Petty offense defined

"As used in this title, the term 'petty offense' means a Class B misdemeanor, a Class C misdemeanor, or an infraction.".

(b) Technical Amendment.—The table of sections for chapter 1 of title 18, United States Code, is amended by adding at the end the following new item:

"19. Petty offense defined.".

(c) Clarifying Amendment to Earlier Technical Provision.—Section 38(a) of the Criminal Law and Procedure Technical Amendments Act of 1986 is amended by striking out "section 23" and inserting in lieu thereof "section 34(a)".

SEC. 205. ELIMINATION OF OBSOLETE PROVISION.

Subsection (b) of section 3559 of title 18, United States Code, is amended by striking out "except that:" and all that follows through the end of the subsection and inserting in lieu thereof ", except that the maximum term of imprisonment is the term authorized by the law describing the offense.".

SEC. 206. AUTHORIZED FINES.

Section 3571 of title 18, United States Code, is amended to read as follows:

"§ 3571. Sentence of fine

"(a) In General.—A defendant who has been found guilty of an offense may be sentenced to pay a fine.

"(b) Fines for Individuals.—Except as provided in subsection (e) of this section, an individual who has been found guilty of an offense may be fined not more than the greatest of—

"(1) the amount specified in the law setting forth the offense;

"(2) the applicable amount under subsection (d) of this section;

"(3) for a felony, not more than $250,000;

"(4) for a misdemeanor resulting in death, not more than $250,000;

"(5) for a Class A misdemeanor that does not result in death, not more than $100,000;

"(6) for a Class B or C misdemeanor that does not result in death, not more than $5,000; or

"(7) for an infraction, not more than $5,000.

"(c) Fines for Organizations.—Except as provided in subsection (e) of this section, an organization that has been found guilty of an offense may be fined not more than the greatest of—

"(1) the amount specified in the law setting forth the offense;

"(2) the applicable amount under subsection (d) of this section;

"(3) for a felony, not more than $500,000;

"(4) for a misdemeanor resulting in death, not more than $500,000;

"(5) for a Class A misdemeanor that does not result in death, not more than $200,000;

"(6) for a Class B or C misdemeanor that does not result in death, not more than $10,000; and

"(7) for an infraction, not more than $10,000.

"(d) Alternative Fine Based on Gain or Loss.—If any person derives pecuniary gain from the offense, or if the offense results in pecuniary loss to a person other than the defendant, the defendant may be fined not more than the greater of twice the gross gain or twice the gross loss, unless imposition of a fine under this subsection would unduly complicate or prolong the sentencing process.

"(e) Special Rule for Lower Fine Specified in Substantive Provision.—If a law setting forth an offense specifies a fine that is lower than the fine otherwise applicable under this section and such law, by specific reference, exempts the offense from the applicability of the fine otherwise applicable under this section, the defendant may not be fined more than the amount specified in the law setting forth the offense.".

SEC. 207. IMPOSITION OF A SENTENCE OF FINE AND RELATED MATTERS.

Section 3572 of title 18, United States Code, is amended to read as follows:

"§ 3572. Imposition of a sentence of fine and related matters

"(a) Factors To Be Considered.—In determining whether to impose a fine, and the amount, time for payment, and method of payment of a fine, the court shall consider, in addition to the factors set forth in section 3553(a)—

"(1) the defendant's income, earning capacity, and financial resources;

"(2) the burden that the fine will impose upon the defendant, any person who is financially dependent on the defendant, or any other person (including a government) that would be responsible for the welfare of any person financially dependent on the defendant, relative to the burden that alternative punishments would impose;

"(3) any pecuniary loss inflicted upon others as a result of the offense;

"(4) whether restitution is ordered or made and the amount of such restitution;

"(5) the need to deprive the defendant of illegally obtained gains from the offense;

"(6) whether the defendant can pass on to consumers or other persons the expense of the fine; and

"(7) if the defendant is an organization, the size of the organization and any measure taken by the organization to discipline any officer, director, employee, or agent of the organization responsible for the offense and to prevent a recurrence of such an offense.

"(b) Fine Not to Impair Ability to Make Restitution.—If, as a result of a conviction, the defendant has the obligation to make restitution to a victim of the offense, the court shall impose a fine or other monetary penalty only to the extent that such fine or penalty will not impair the ability of the defendant to make restitution.

"(c) Effect of Finality of Judgment.—Notwithstanding the fact that a sentence to pay a fine can subsequently be—

"(1) modified or remitted under section 3573;

"(2) corrected under rule 35 and section 3742; or

"(3) appealed and modified under section 3742;

a judgment that includes such a sentence is a final judgment for all other purposes.

"(d) Time, Method of Payment, and Related Items.—A person sentenced to pay a fine or other monetary penalty shall make such payment immediately, unless, in the interest of justice, the court provides for payment on a date certain or in installments. If the court provides for payment in installments, such installments shall be in equal monthly payments over the period provided by the court, unless the court establishes some other schedule. If the judgment permits other than immediate payment, the period provided for shall not exceed 5 years, excluding any period served by the defendant as imprisonment for the offense.

"(e) Alternative Sentence Precluded.—At the time a defendant is sentenced to pay a fine, the court may not impose an alternative sentence to be carried out if the fine is not paid.

"(f) Responsibility for Payment of Monetary Obligation Relating to Organization.—If a sentence includes a fine, [special assessment, or other monetary obligation (including interest)] with respect to an organization, each individual authorized to make disbursements for the organization has a duty to pay the obligation from assets of the organization. If such an obligation is imposed on a director, officer, shareholder, employee, or agent of an organization, payments may not be made, directly or indirectly, from assets of the organization, unless the court finds that such payment is expressly permissible under applicable State law.

"(g) Security for Stayed Fine.—If a sentence imposing a fine is stayed, the court shall, absent exceptional circumstances (as determined by the court)—

"(1) require the defendant to deposit, in the registry of the district court, any amount of the fine that is due;

"(2) require the defendant to provide a bond or other security to ensure payment of the fine; or

"(3) restrain the defendant from transferring or dissipating assets.

"(h) Delinquency.—A fine is delinquent if a payment is more than 30 days late.

"(i) Default.—A fine is in default if a payment is delinquent for more than 90 days. When a fine is in default, the entire amount of the fine is due within 30 days after notification of the default, notwithstanding any installment schedule.

SEC. 208. REVISION OF MODIFICATION OR REMISSION PROVISION.

(a) Offense.—Section 3573 of title 18, United States Code, is amended to read as follows:

"§ 3573. Petition of the Government for Modification or Remission

"Upon petition of the Government showing that reasonable efforts to collect a fine or assessment are not likely to be effective, the court may, in the interest of justice—

"(1) remit all or part of the unpaid portion of the fine or special assessment, including interest and penalties;

"(2) defer payment of the fine or special assessment to a date certain or pursuant to an installment schedule; or

"(3) extend a date certain or an installment schedule previously ordered.

A petition under this subsection shall be filed in the court in which sentence was originally imposed, unless the court transfers jurisdiction to another court.".

(b) Technical Amendment.—The table of sections for subchapter C of chapter 227 of title 18, United States Code, is amended by striking out the item for section 3573 and insert in lieu thereof the following:

"3573. Petition of the Government for Modification or Remission.".

SEC. 209. RECEIPT OF FINES—INTERIM PROVISIONS.

(a) November 1, 1987 to April 30, 1988.—Notwithstanding section 3611 of title 18, United States Code, a person who, during the period beginning on November 1, 1987, and ending on April 30, 1988, is sentenced to pay a fine or assessment shall pay the fine or assessment (including any interest or penalty) to the clerk of the court, with respect to an offense committed on or before December 31, 1984, and to the Attorney General, with respect to an offense committed after December 31, 1984.

(b) May 1, 1988, to October 31, 1988.—(1) Notwithstanding section 3611 of title 18, United States Code, a person who during the period beginning on May 1, 1988, and ending on October 31, 1988, is sentenced to pay a fine or assessment shall pay the fine or assessment in accordance with this subsection.

(2) In a case initiated by citation or violation notice, such person shall pay the fine or assessment (including any interest or penalty), as specified by the Director of the Administrative Office of the United States Courts. Such Director may specify that such payment be made to the clerk of the court or in the manner provided for under section 604(a)(17) of title 28, United States Code.".

(3) In any other case, such person shall pay the fine or assessment (including any interest or penalty) to the clerk of the

court, with respect to an offense committed on or before December 31, 1984, and to the Attorney General, with respect to an offense committed after December 31, 1984.

SEC. 210. RECEIPT OF FINES—PERMANENT PROVISION.

(a) In General.—Section 3611 of title 18, United States Code, is amended to read as follows:

"§ 3611. Payment of a fine

"A person who is sentenced to pay a fine or assessment shall pay the fine or assessment (including any interest or penalty), as specified by the Director of the Administrative Office of the United States Courts. Such Director may specify that such payment be made to the clerk of the court or in the manner provided for under section 604(a)(17) of title 28, United States Code.".

(b) Effective Date.—The amendment made by this section shall apply with respect to any fine imposed after October 31, 1988. Such amendment shall also apply with respect to any fine imposed on or before October 31, 1988, if the fine remains uncollected as of February 1, 1989, unless the Director of the Administrative Office of the United States Courts determines further delay is necessary. If the Director so determines, the amendment made by this section shall apply with respect to any such fine imposed on or before October 31, 1988, if the fine remains uncollected as of May 1, 1989.

SEC. 211. COLLECTION AMENDMENTS.

(a) Notification of Receipt and Related Matters.—Section 3612(a) of title 18, United States Code, is amended to read as follows:

"(a) Notification of Receipt and Related Matters.—The clerk or the person designated under section 604(a)(17) of title 28 shall notify the Attorney General of each receipt of a payment with respect to which a certification is made under subsection (b), together with other appropriate information relating to such payment. The notification shall be provided—

"(1) in such manner as may be agreed upon by the Attorney General and the Director of the Administrative Office of the United States Courts; and

"(2) within 15 days after the receipt or at such other time as may be determined jointly by the Attorney General and the Director of the Administrative Office of the United States Courts.

If the fifteenth day under paragraph (2) is a Saturday, Sunday, or legal public holiday, the clerk or the person designated under section 604(a)(17) of title 28 shall provide notification not later than the next day that is not a Saturday, Sunday, or legal public holiday.".

(b) Information To Be Included in Judgment.—Section 3612(b) of title 18, United States Code, is amended to read as follows:

"(b) Information to be Included in Judgment; Judgment to be Transmitted to Attorney General.—(1) A judgment or order imposing, modifying, or remitting a fine of more than $100 shall include—

"(A) the name, social security account number, mailing address, and residence address of the defendant;

"(B) the docket number of the case;

"(C) the original amount of the fine and the amount that is due and unpaid;

"(D) the schedule of payments (if other than immediate payment is permitted under section 3572(d));

"(E) a description of any modification or remission; and

"(F) if other than immediate payment is permitted, a requirement that, until the fine is paid in full, the defendant notify the Attorney General of any change in the mailing address or residence address of the defendant not later than thirty days after the change occurs.

"(2) Not later than ten days after entry of the judgment or order, the court shall transmit a certified copy of the judgment or order to the Attorney General.".

(c) Technical Amendments.—

(1) Section 3612(d) of title 18, United States Code, is amended by striking out "section 3572(i)" and inserting in lieu thereof "3572(h)".

(2) Section 3612(e) of title 18, United States Code, is amended by striking out "section 3572(j)" and inserting in lieu thereof "3572(i)".

(d) Interest on Fines.—Section 3612(f) of title 18, United States Code, is amended to read as follows:

"(f) Interest on Fines.—

"(1) In General.—The defendant shall pay interest on any fine of more than $2,500, unless the fine is paid in full before the fifteenth day after the date of the judgment. If that day is a Saturday, Sunday, or legal public holiday, the defendant shall be liable for interest beginning with the next day that is not a Saturday, Sunday, or legal public holiday.

"(2) Computation.—Interest on a fine shall be computed—

"(A) daily (from the first day on which the defendant is liable for interest under paragraph (1)); and

"(B) at a rate equal to the coupon issue yield equivalent (as determined by the Secretary of the Treasury) of the average accepted auction price for the last auction of fifty-two week United States Treasury bills settled before the first day on which the defendant is liable for interest under paragraph (1).

"(3) Modification of Interest by Court.—If the court determines that the defendant does not have the ability to pay interest under this subsection, the court may—

"(A) waive the requirement for interest;

"(B) limit the total of interest payable to a specific dollar amount; or

"(C) limit the length of the period during which interest accrues.".

(e) Penalty for Delinquent Fine; Waiver of Interest or Fine by Attorney General.—Section 3612 of title 18, United States Code, is amended by adding at the end the following new subsections:

"(g) Penalty for Delinquent Fine.—If a fine becomes delinquent, the defendant shall pay, as a penalty, an amount equal to ten percent of the principal amount that is delinquent. If a fine becomes in default, the defendant shall pay, as a penalty, an additional amount equal to 15 percent of the principal amount that is in default.

"(h) Waiver of Interest or Penalty by Attorney General.—The Attorney General may waive all or part of any interest or penalty under this section if, as determined by the Attorney General, reasonable efforts to collect the interest or penalty are not likely to be effective.

"(i) Application of Payments.—Payments relating to fines shall be applied in the following order: (1) to principal; (2) to costs; (3) to interest; and (4) to penalties.".

SEC. 212. RECEIPT OF RESTITUTION PAYMENTS BY COURTS.

Section 3663(f)(4) of title 18, United States Code, is amended by inserting "or the person designated under section 604(a)(17) of title 28" after "Attorney General".

SEC. 213. EFFECTIVE DATE.

This title shall take effect on the date of the enactment of this title, except that the amendments made by section 210 of this title shall take effect as provided in such section and the amendments made by sections 204, 205, 206, 207, 208, 211, and 212 shall take effect on the date of the taking effect of section 212(a)(2) of the Sentencing Reform Act of 1984.

NOTICES OF HEARINGS

COMMITTEE ON RULES AND ADMINISTRATION

Mr. FORD. Mr. President, I wish to announce that the Committee on Rules and Administration will meet in SR-301, Russell Senate Office Building, on Tuesday, November 17, 1987, at 9 a.m., to conduct a business meeting. The committee will be marking up items currently pending on its legislative and administrative agenda, including the consideration of requests by Senate committees for supplemental funding.

For further information regarding this business meeting, please contact Carole Blessington of the Rules Committee staff on 224-0278.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON STRATEGIC FORCES AND NUCLEAR DETERRENCE

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces and Nuclear Deterrence of the Committtee on Armed Services be authorized to meet during the session of the Senate on Friday, October 30, 1987, in open session to receive testimony on defense nuclear safety matters in review of S. 1085, a bill to create an independent oversight board to ensure the safety of U.S. Government nuclear facilities, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AGRICULTURAL CREDIT

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Agricultural Credit of the Committee on Agriculture, Nutrition, and Forestry, be authorized to meet during the session of the Senate on Friday, October 30, 1987, to mark up farm credit legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON HEALTH

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Health of the Committee on Finance be authorized to meet during the session of the Senate on October 30, 1987, to hold a hearing to examine the current nursing shortage crisis which is adversely affecting the health care of all Americans.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL ECONOMIC POLICY, TRADE, OCEANS AND ENVIRONMENT

SUBCOMMITTEE ON TERRORISM, NARCOTICS AND INTERNATIONAL OPERATIONS

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on International Economic Policy, Trade, Oceans and Environment jointly with the Subcommittee on Terrorism, Narcotics and International Operations of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Friday, October 30, 1987, to hold a hearing on the Overseas Private Investment Corporation's lending practices and Mideast pipeline proposal.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. BYRD. Mr. President, I ask unanimous consent that the Select Committee on Indian Affairs be authorized to meet during the session of the Senate on Friday, October 30, 1987, to hold a markup on S. 1703, amendments to the Indian Self-Determination and Education Assistance Act; S. 795, San Luis Rey Water Rights Settlement Act, and further discussion of the Special Committee on Investigations.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE 75TH ANNIVERSARY CELEBRATION OF ST. GEORGE'S ROMANIAN ORTHODOX CATHEDRAL

● Mr. RIEGLE. Mr. President, during the weekend of November 7 and 8, 1987, St. George's Romanian Orthodox Church of Southfield, MI, will celebrate 75 years of service to the Romanian-American community. The 2-day festival will include a grand banquet, Romanian dance and music, and speeches by many church and state dignitaries.

His Beatitude, Theodosius, primate of the Romanian Orthodox Church in the United States; Bishop His Grace, Nathaniel Popp; and Rev. Father Constantin Tofan, dean of St. George's Cathedral, are proud of the instrumental role St. George's has played in the development of the Romanian-American people. St. George's has been a center of religious worship, social life, and Romanian culture for thousands of Romanian-Americans in the Detroit area, as well as throughout the United States and Canada.

The cathedral was officially incorporated by the State of Michigan in 1913, but had been meeting the needs of the Romanian community when the first orthodox service was held in 1912. Historically, the majority of Romanians have been Orthodox Catholics, and were a Latin people surrounded by Slovak groups in Europe. Most immigrants came from the former provinces of Bucovina and Banat, under the old Austro-Hungarian Empire, to seek a new life of independence and prosperity. The first wave of immigrants was attracted to Detroit in the early 1900's because of the steel and automotive plants.

Not only has St. George's assisted Romanians in adjusting to their new homeland, but it has also served as the central cathedral for the Romanian Orthodox Episcopate—diocese—in the United States and Canada. The original building was located in Detroit and consecrated in 1917. The present cathedral was built in Southfield under the direction of Julius Petku, a Romanian-American contractor, and was consecrated in 1961. The new cathedral was constructed in the style of a Bucovina monastery in northern Romania.

In 1986, the church offices and classrooms underwent an extensive renovation and an impressive social hall was built, largely due to the contributions of Romanian-Americans, Peter and Irene Metes. John Rekolta, another prominent Romanian-American, did the construction and renovations.

St. George has many auxiliaries, societies and groups that have met and continue to meet the various needs of Romanian-Americans. The oldest auxiliary is the United Romanian Society, a fraternal order that helped establish the cathedral. The society also founded a Romanian insurance company to assist families of sick and disabled workers. In addition, the society sponsors the Hora Unirii, a cultural group that maintains Romanian culture through a choir and a folk dance group, helped support the cathedral since the early 1900's. The ladies auxiliary [ARFORA] is responsible for many of the cathedral's social and community functions. The Orthodox Brotherhood organizes numerous cultural and educational projects.

The cathedral also sponsors the American Romanian Orthodox Youth Organization [AROY], with a senior and junior chapter, which proudly teaches Romanian traditions and customs to young Romanian-Americans. The cathedral also has a Sunday school program for all age groups, a senior citizens' club, and celebrations which draw Romanian-Americans from all over the United States and Canada. All of these organizations work hard to perpetuate the Romanian Orthodox religion among Romanian-Americans.

The cathedral helps to support the Romanian-American Heritage Center, located near Jackson, MI, which documents and researches the history, struggles and accomplishments of Romanian-Americans. The cathedral also has a refuge committee to sponsor recent Romanian immigrants attempting to establish new lives in Michigan.

St. George's is to be commended for its monumental role in people successful in a variety of occupations and endeavors. Congratulations to St. George's Cathedral for its magnificent achievements over the years, and for the significant role it will continue to play in maintaining the Romanian Orthodox Church and Romanian traditions in the United States and Canada.●

INDEPENDENT JUDICIARY, A KEYSTONE OF AMERICAN GOVERNMENT

● Mr. DOMENICI. Mr. President, now that the debate on the nomination of Judge Robert Bork to serve on the Supreme Court has ended, I hope that we can put that debate into proper perspective.

The controversy over whether to confirm Judge Bork was not a debate over his qualifications or his competence—everyone conceded that he is an outstanding legal scholar. Rather, the debate, at its roots, was really a controversy over the independence of the Federal judiciary.

In the view of this Senator, the opponents of Judge Bork attempted to impose an orthodoxy on Judge Bork, a legal litmus test. They took him to task for criticizing the rationale of a number of cases, even though a wide variety of other prominent legal scholars had expressed similar concerns. This attack on Judge Bork was, unfortunately, successful.

Apart from its effect on Judge Bork himself, this attack concerns me because it threatens to undermine the independence of the judiciary. The opponents of Judge Bork insisted that he adhere to their philosophy of the law, rather than interpreting the law using the Constitution and the intent of those who wrote the law as a guide. In doing so, the opponents of Judge Bork have sought to impose their values on the American legal system, and deprive the judiciary of the independence that is absolutely essential to the liberties of the American people.

The Grants, NM, Daily Beacon recently carried a particularly thoughtful article on the Bork nomination, written by Mark Acuff. In the article, Mr. Acuff makes this point:

> No one has yet concluded that Judge Bork is not qualified. They contend only that they disagree with him. That's not the way it's supposed to work.

Because I believe this article offers some very thoughtful reflections on the importance of an independent judiciary to our American system of government, I ask that the article, "Independent Judiciary a Keystone of American Government," be printed in the RECORD.

The article follows:

[From the Grants (NM) Daily Beacon, Oct. 15, 1987]

INDEPENDENT JUDICIARY A KEYSTONE OF AMERICAN GOVERNMENT

(By Mark Acuff)

It has not been much remarked, but the chief casualty of the Bork nomination proceedings in Washington has been the concept of an independent judiciary.

Independence of the judicial branch is one of the keystones of the American Experiment. It is worthwhile to note that it barely made it to that status, as a number of the founders were not at all sure what to do with the judicial branch after they got through with the executive and legislative arms.

But the concept of the fully independent third branch of government won out, and it has become one of the fundaments of the American way. The essence of the notion is that the judiciary shall be so insulated from reprisal or political strife that it shall be able to conduct its business without bother and render its judgments without concern or worry.

In other words, a judge has to be free to make an unpopular decision without fear of being bounced out of office or lynched. That there is no such independence of the judiciary in many countries goes without saying.

Yet in the Bork case, we have an obvious intrusion of the legislative branch into the judiciary. The legislative branch is supposed to ascertain that nominees to the federal bench are qualified, then leave them to their decisions. Instead, the present legislators in Washington have obviously based their decisions on politics. No one has yet contended that Judge Bork is not qualified. They contend only that they disagree with him. That's not the way it's supposed to work.

I was reminded of this the other day while reading some of the works of Eugene Manlove Rhodes, perhaps the most able writer New Mexico produced in the turn of the century period.

Rhodes wrote cowboy literature, but of a most literate sort. His cowboys are liable to spout Latin phrases or make references to the Bard of Avon while sitting around the campfire.

Rhodes Pass is in fact one of the long lost New Mexico places I'm dying to visit. The government won't let me. It's the pass over the mountains between Engle and Carrizozo. If you know that road, you must have lived here before WWII, as the government closed it when White Sands Missile Range was set up.

Anyway, the Rhodes essay which got my interest in this context was one bewailing the foot dragging of Congress on the issue of admission of New Mexico and Arizona as states.

Rhodes really let Congress have it, pointing out that the members of that August body were obviously far more interested in the number of Democrats or Republicans likely to be elected in New Mexico and her daughter territory than in the justice of the cause.

But Rhodes also brought up the matter of the independent judiciary, and in this case he was wrong. The writer was defending Arizona's proposed constitution, which contained a measure allowing recall of judges.

Now, this is a serious matter. In this day and age of high crime and much resentment of the "liberal courts, recall of judges might we pass muster if put before the voters. Recall means, in a nutshell, that a judge who offers up an unpopular decision can be removed from office by action of the voters.

Arizona is in the process of recalling a governor at the moment, to the notion is not that hard to believe a real. If Arizona's proposed constitution had been accepted in Washington, they might well be recalling judges too.

As it was, Arizona was still trying to keep that in her constitution as late as 1912, when both states were admitted to the Union. But President William Howard Taft vetoed the idea and told Arizona to take the obnoxious item out of the constitution or stay a territory.

Arizona decided it wanted to be a state more than it wanted to recall unpopular judges, so out the provision went, Arizona revised her constitution, and finally became a state two weeks after New Mexico did.

And that is the only reason Arizona did not become a state the same day New Mexico did. Every citizen of the two states ought to know that. It's an important history lesson.●

UNITED STATES-GERMAN FRIENDSHIP HONORED BY THE PRESIDENT OF THE GERMAN BUNDESTAG

● Mr. RIEGLE. Mr. President, by resolution unanimously adopted by the Senate and the House of Representatives, October 6, 1987, was officially designated as "German-American Day."

To mark that event, the President of the German Bundestag, Dr. Philipp Jenninger, made an eloquent statement on the subject of United States-German friendship before the 30th plenary sitting of the German Bundestag on October 8, 1987.

Mr. President, I commend Dr. Jenninger's statement to the attention of my colleagues, and ask that the full text of his remarks be printed in the RECORD.

The statement follows:

STATEMENT ON GERMAN-AMERICAN DAY BY THE PRESIDENT OF THE GERMAN BUNDESTAG, DR. PHILIPP JENNINGER, IN THE 30TH PLENARY SITTING OF THE GERMAN BUNDESTAG ON OCTOBER 8, 1987

Ladies and gentlemen, on 2 October this year President Reagan, on the basis of a resolution adopted by both Houses of the Congress of the United States of America, declared 6 October 1987 to be German-American Day. On behalf of the German Bundestag, I should like to thank President Reagan and the U.S. Congress for this special gesture. We consider this act to be tangible evidence of the close bonds of friendship liking us to the United States of America. This day is intended to acknowledge the achievements of German immigrants in building up America. Our fellow countrymen, the first of whom emigrated to America over 300 years ago, found a home in America through their diligence and assiduity and made a major contribution to the country's prosperity. Many became pioneers in building up the country and laid the foundation for the warm and friendly feelings between Germany and America which, despite serious upheavals, have stood the test of time.

Ladies and gentlemen, both our friendship with the United States and the North Atlantic Alliance have guaranteed us peace and freedom for over 40 years. In future too, strenthening the Alliance, its unity and cohesion must have priority. Our friendship with the United States of America plays an indispensable role in this connection.

May I also say the following: Maintaining forces on another continent for over 40 years is a great political achievement in an alliance whose only aim is to defend itself. In my speech at the White House on the occasion of the proclamation of German-America Day, I pointed this out, too. Since the Federal Republic of Germany was founded, over 10 million American soldiers have lived with their families in the Federal Republic. They perform their service for our common freedom. Let me say this to the people of the United States: The overwhelming majority of our population supports the presence of the American soldiers and regards them as friends.

However, it is not so much our common security interests but, rather, our shared ideas of freedom, human dignity and democracy that are of decisive importance for the stability of our political relations. Americans and Germans may differ on individual issues but they agree on the essential issue, namely our commitment to freedom, and nowhere is this borne out more clearly than in Berlin.

Ladies and gentlemen, for the future of our two countries it is of vital importance that our young fellow citizens, too, get to know each other. I am very pleased that the German Bundestag, through the Parliamentary Youth Exchange Programme which it agreed with the U.S. Congress and which we want to continue, is making an important contribution in this respect. Only in this way is it possible for the younger generation, too, to become familiar with our shared basic beliefs and convictions and learn to appreciate them.●

AHEPA CONVENTION

● Mr. SARBANES. Mr. President, on August 16–21 more than 3,000 members of the Order of AHEPA, the American Hellenic Educational Progressive Association, gathered in New Orleans for their annual national convention. It was AHEPA's largest convention ever, widely attended by prominent Greek-Americans and U.S. public officials. Our distinguished colleague on the House side, Representative GUS YATRON of Pennsylvania, had the honor of delivering the keynote address at AHEPA's grand banquet. I think his succinct analysis of the current situation in the Aegean was most incisive, and I ask that his remarks be printed in the RECORD.

The remarks follow:

I come before you as a fellow Hellene, a fellow Orthodox Christian, and a fellow Ahepan. Rather than talking about the history of U.S. policy toward Greece, Cyprus, and Turkey, a subject on which you are well-versed, I will address other aspects of these subjects which are so vital to Greek-Americans.

AHEPA has always been at the forefront of matters concerning the Greek community both in the United States and abroad. I would like to offer several observations as to why we should continue to fight the legislative battles, why we should continue to influence public opinion, and why the United States has an obligation, morally, and strategically, to resolve the various issues with which we, as Ahepans, are intimately involved.

The foreign policy concerns eloquently addressed by previous speakers are not exclusively Greek concerns. They are issues of American concern. Time and time again, critics of our efforts suggest that we are a special interest group advancing a Hellenic agenda. They also advance the notion that we have a monolithic view of U.S. policy towards Greece, Cyprus, and Turkey. We should reject these arguments outright, as they have no foundation and are motivated by ignorance and insensitivity.

Secretary of State Shultz on February 22, 1984, said in a speech delivered in Peoria, Illinois: "The cause of human rights is at the cost of American foreign policy, because it is central to America's conception of self. These values are hardly an American invention. But America has perhaps been unique in its commitment to base its foreign policy on the pursuit of such ideals."

When we raise the issue of religious persecution in the Soviet Union, we raise it as Americans.

When we raise the issue of human rights in El Salvador, we raise the issue as Americans.

When we focus public attention on the policy of forced starvation by the Ethiopian government, we raise the issue as Americans.

We raise these issues because we have a moral obligation to offer support to the oppressed and a strategic and humanitarian interest in pressuring governments to respect human rights and to promote democracy.

If the United States calls for the Soviets to withdraw from Afghanistan, then why not call for the Turkish troops to withdraw from Cyprus?

If we condemn Cuba for torturing prisoners of conscience, then why not condemn Albania for persecuting Greeks?

If we invoke the Helsinki Accords when criticizing the Soviets for persecuting Ukrainian Catholics, then why not invoke the Helsinki Accords with Turkey when it comes to the ill-treatment of the Patriarchate and the remaining Greek-Orthodox in Turkey?

The policy battles we have fought together are just as important to America as any other nation is confronted with. Americans of Greek descent are fully aware of this reality, but, unfortunately, we still find ourselves criticized by being a Greek lobby. As a consequence, our policies do not receive the full, unified support of successive Administrations they so richly deserve.

The moves toward democracy in South Korea and in the Philippines were influenced strongly by a determined bi-partisan message from Congress and the executive branch, delivered forcefully to both regimes. Our efforts were not viewed as being motivated by ethnic interests. They were viewed as advancing American interests in a way which benefitted the forces of democracy and human rights.

Just think how effective we would be if the United States demanded that there be human rights in Albania, or fervently sought a just and lasting solution in Cyprus?

What would happen if a unified United States government called on Ankara to allow the Patriarchate to freely exercise its god-given religious beliefs?

Often we know the problems which face our community, but we wonder what we, individually, can do to resolve these seemingly overwhelming and complex issues.

First we must be unified. More than ever before, our standing together to voice our collective concern is vital.

I ask that you continue to use your voting power, and to express your opinions to legislators, and public officials on all levels. As you convey your concerns, do not be put off by accusations of ethnic bias. Instead, make it very clear to whomever your audience happens to be that you are speaking as an American citizen who has a unique understanding of how better to preserve our great country's interests. We must remain committed to righting the seemingly unnoticed wrongs suffered by peoples throughout the world, and those suffering include our Greek brethren in Albania, Turkey, and Cyprus. To remain silent, even in the face of criticism, serves only to perpetuate these iniquities, and we, as a community, must never let that happen.

In the final analysis, the Afghan who has been deprived of his right to return to his homeland is no more or less deserving of our support than the Cypriot who one day hopes to return to his native land. We cannot right for one while ignoring the other. Double standards do not advance democracy, and as descendants of the originators of this treasured concept, it is up to us to make sure that these principles are adhered to. This is our sacred obligation as Americans of Greek origin—we must not compromise democracy and freedom. God gave us these gifts to share with the world in word and in deed.●

THE DEBT BOMB

● Mr. BIDEN. Mr. President, it is clear that an underlying problem of our Nation's economy is what is often called "The Debt Bomb." While there are probably multiple causes for the recent instability in the financial markets of the world, surely a major reason is the debt bomb.

The best summary I have seen of the serious debt problem that affects our economy, is contained in an article by H. Ross Perot entitled "A Tycoon Looks at the Debt Bomb." In this article, Perot analyzes the wide variety of debt problems that have worried many of us for some time.

We have accumulated a staggering array of debt. Domestically, we have a national debt of $2.3 trillion which will surely reach $3 trillion by the end of the decade. As consumers, we have gone on a buying binge that has left us deeply in debt. Corporations have increased their debt burden, including takeover debts. And internationally, thanks to our budget and trade deficits, we are now the world's largest debtor Nation. The stability of the international economy, which affects our own in many ways, is further threatened by the debts of other nations.

This plethora of debt does indeed raise serious questions about the outlook for the future. How are we Americans going to meet the challenges it raises? In Mr. Perot's words:

> Will we be the generation that allowed this great country to cease being first and best in the world? Will we leave our children with an unconscionable multi-trillion-dollar debt, so that we can continue our debt-spending binge? Will we be the first generation to take more than we gave, and fail to pass on a stronger country and a better life to our children?

I agree with Mr. Perot. Most Americans intend to solve our problems rather than pass them on to future generations. The question is, how? It is my hope that the budget summit of the President and the congressional leadership will make the first small beginning on this huge problem. When the shock of the financial turbulence of recent weeks wears off, we must not let down. Our efforts must continue, and we must have the patience to see them through.

Mr. Perot's article, which appeared in the Washington Post on October 25, 1987, is a worthwhile description of the problem which I hope every Senator will read.

For that reason, I ask that the article be printed in the RECORD.

The article follows:

A TYCOON LOOKS AT THE DEBT BOMB

(By H. Ross Perot)

I got out of the stock market about a year ago because I couldn't understand what was happening. The optimism of the market didn't fit with the problems in the economy. So I invested instead in short-term, high-quality liquid securities—such as Treasury bills and high-grade bonds.

Last week's turmoil on Wall Street brought home to all of us how serious our economic problems are. The question we face now is whether we can summon the national will to start solving these problems and stop living for the moment.

The first thing we have to do is stop telling ourselves that everything is all right, and that all the fundamentals are sound. Such statements ignore the obvious.

A person with a drinking problem must admit that he is an alcoholic before he can be cured.

So let's take an honest look at our problems at the end of this topsy-turvey week on Wall Street. What forces caused the dramatic ups and downs in the stock market, sending economic signals flashing like the fire-warning lights on an aircraft instrument panel? Here are some of them:

The United States now has a $2.3 trillion debt and will have a $3 trillion debt by 1989.

Our country, effectively, does not have a national budget. We avoid facing the budget issue by passing continuing resolutions that put us deeper into debt each year.

There is no correlation between taxes paid by the people and money spent by the government. More and more, our national debt is being funded by foreign investors. We no longer "owe it to ourselves." These foreign investors can stop funding our debt at any time they lose confidence in the dollar, leaving us vulnerable at an inopportune moment.

We are losing in international business competition. In 1986, we lost our position as the world's leading exporter and we had a trade deficit in high-tech products, supposedly the base for future growth.

Some of our banks have serious problems. Long-term loans to Third World countries were made with short term-dollars borrowed from Middle Eastern countries by U.S. banks. This money was loaned to countries that cannot repay their debts, leaving the lending banks exposed. Much of this burden will eventually be shouldered by the American people.

Savings and Loans have serious problems that will require tens of billions of dollars of taxpayer money to correct because of speculation and, in some cases, fraudulent activities. The U.S. taxpayer will ultimately bear the burden, at a time when we are already spending far beyond our means.

The typical American spends everything he makes—everything he can borrow—and keeps no savings. The individual-savings safety net does not exist. If people lose their jobs, they become instant paupers, with unpaid bills.

Our principal exports from New York harbor are scrap steel and waste paper to Japan. These materials are shipped back to America as automobiles and corrugated cardboard boxes containing sophisticated consumer electronics. It is hard to believe that the greatest nation in the world could be reduced to become a scrap salesman—but it's happening.

We Americans have evolved from a tough, resilient people, will to sacrifice for future generations, into a people who want to feel good now—at any price—and let the future take care of itself. Put more directly, we have become credit junkies, shooting up huge sums of borrowed money on a government and personal level—looking for another high.

This is our country. We, the people, own it. It belongs to us, yet we are acting like the inheritors of third-generation wealth, leading the good life now, with little concern for the future. We should face these problems now and resolve them while our nation is still strong.

Don't blame our elected officials for failing to address these problems, and making soothing statements while the fire lights are flashing. They are simply reflecting our priorities, as determined by endless, but accurate, polls. Let's fact it: We, not our elected officials, are the dwarfs and wimps.

The fundamental laws of economics and common sense have not been repealed, even though for a time, it appeared they had been. Specifically:

The endless orgy of raids and takeovers had a lot more to do with making large fees and personal profits than with revitalizing corporations.

The multimillion-dollar executive bonuses, golden parachutes, and poision pills never made any economic sense.

Junk bonds, which by definition are junk, will be worn like anvils around the necks of both companies and junk-bond buyers for years, and will cause significant damage to our economy.

Any industry which can afford to pay 28-year-old boys $500,000 to $1,000,000 a year for unproductive work on Wall Street sends a signal to the world that its fees are excessive.

What are we going to do about this? Like the alcoholic who wants to stop drinking, we should begin by being honest with ourselves. Perhaps the following questions will force us to face the fact that we have become credit junkies:

Will we be the generation that allowed this great country to cease being first and best in the world? Will we leave our children with an unconscionable multi-trillion-dollar debt, so that we can continue our debt spending binge? Will we be the first generation to take more than we gave, and fail to pass on a stronger country and a better life to our children?

Surely, the answer most Americans would give to these questions is a resounding "No"!

We must cut spending and raise taxes to pay our bills. We all know it. Let's make sure our leaders understand that this must be done.

If we will aggressively work together, sharing the sacrifices fairly, to correct these problems while our country is still strong and our people are still at work, we can minimize the level of sacrifice required. There is no question that the American people are more than willing to do their share. They need strong leaders, both in business and in government.

It is fundamentally important that we keep our people at work, because the tax base of the United States rests squarely on the strong, broad shoulders of the millions of working American men and women. Even if wealth and corporate profits were taxed at 100 percent, we could not begin to raise the money needed to operate this country. The taxes from millions of working Americans are essential to fund our country's needs. Obviously, if millions of our people are not working, not only will we be unable to pay our bills as a nation and individually, but we will have to create huge make-work or welfare programs, at a time when the United States does not have the money.

We have unfairly blamed the American worker for the poor quality of our products. The unsatisfactory quality and appearance of many of our products is the result of poor design and engineering—not poor assembly.

You can literally see the difference between a car made in Japan and a car made in the United States by an American manufacturer. If you take a car made in Japan by Japanese workers and place it alongside a Japanese car made in a U.S. plant by U.S. workers (led by Japanese executives) there is no difference in quality. The Honda cars made in this country by U.S. workers are of such high quality that Honda intends to export them.

Obviously, the American worker is not the problem. The problem is a failure of leadership. Our business leaders have failed to provide strong—effective leadership. They—not the workers—are the problems.

Our challenge is to make the phase, "Made In the USA," the standard of excellence for the world once again. This will dramatically increase the demand for our products, strengthening and expanding our job base.

We don't have to satisfy our competitive instincts by watching sports on television. When we go to our jobs each day, we are playing an international economic superbowl where the best product wins—and where there is not even a red ribbon for second place. The losers lose their jobs, not just a game.

The only way to succeed is to unite as a team, take on the world, and win.

Could anything be more important, or more worth the sacrifices involved, than working together to build a better world for all of our children?

Let's tell our elected leaders we want to repair our economic system before it breaks down. We know what we have to do. Let's get started. What are we waiting for? Our leaders are waiting to hear from us.

Let's stop kidding ourselves. Let's admit we have serious economic problems, and let's all work and sacrifice together to solve them—for our children.●

POLISH AMERICAN HERITAGE MONTH

● Mr. SARBANES. Mr. President, it is with deep admiration for the achievements of the Polish people that I reflect on Polish American Heritage Month, October 1987. The Polish American Congress, a national organization currently observing its 43d anniversary, sponsored this national celebration under the fine leadership of its President, Aloysius Mazewski, and National Committee Chairman, Michael Blichasz. I am pleased to join with the Polish American community and Americans everywhere in paying tribute to the accomplishments of the Polish people and American citizens of Polish descent.

The Polish people's indomitable spirit and their dedication to freedom have been evident throughout the tragic history of their nation, whose national banner once bore the motto, "For Our Liberty and Yours." A highlight in their struggle for liberty came in May 1791 when, just 2 years after the adoption of the U.S. Constitution, they created a historic document abolishing class distinction, establishing religious toleration, and declaring the equality and protection of all citizens under the law. This document, modeled directly on that of our Nation and recognized as the second written constitution in history, is revered by Poles and persons of Polish descent everywhere. Unfortunately, the Polish experience with freedom under their Constitution was short lived as Poland was partitioned again in 1792 and 1795. When Poland once again gained its independence in 1919, the newly formed state adhered to the basic ideas of the original 1791 document. Tragically, enjoyment of these freedoms was ended in 1939 when Hitler overthrew the Poles' beloved country.

Poles have continued to this day to assert their dedication to the principles of freedom despite the series of partitions and the suppression they have endured. The Polish people take great pride in the accomplishments of Nobel Peace laureate Lech Walesa, who in founding the Solidarity Labor Federation, or "Solidarnosc," 7 years ago began what has come to be a powerful symbol to oppressed peoples everywhere, and in His Holiness Pope John Paul II, the first Polish-born Pope in history. Leszek Muczulski, leader of the Confederation for an Independent Poland, Solidarity leaders Zbigniew Bujak, Tadeusz Jedynak, and Waladyslaw Frasyniuk, and countless other Poles in their homeland and around the world continue to champion human rights and the cause of freedom.

Let us not forget, furthermore, the contributions of Poles and Americans of Polish descent to the cause of freedom on our shores. Since the earliest days of our colonial beginning, the United States has benefited again and again from the commitment of its Polish American citizens to this Nation's struggle for a free society. In 1608, almost 12 years before the Pilgrims landed at Plymouth Rock, Polish artisans arrived in Virginia's Jamestown. By the fall of that year they had built America's first glass factory.

Two of Jamestown's Polish colonists are credited with saving the life of Capt. John Smith during an Indian ambush in 1609. But it was in 1619 that these sons and daughters of Poland demonstrated their unquenchable love of freedom. In that year the first legislative assembly on the American Continent met at Jamestown. However, some of the inhabitants, including the group of Polish artisans, were denied the right of representation. Refusing to work in the colony's glass and soap factories until this injustice was removed, these Polish artisians quickly won their voting rights.

During the American Revolution, Tadeusz Kosciuszko and Count Kazimierz Pulaski, two heroic Polish nationals, rallied to the banner of our newborn country as it struggled for its independence. With the single exception of Lafayette, Kosciuszko was the only foreigner ever admitted to the American Order of the Cincinnati, an honorary society of Revolutionary War officers. Thomas Jefferson wrote of Kosciuszko:

> As pure a son of liberty as I have ever known and of that liberty which is to go to all and not to the few or rich alone.

After America's war, Kosciuszko returned to Poland, where he courageously led the movement which created the Constitution of 1791 and later in the heroic but unsuccessful efforts to repel the foreign invasions which followed.

Another heroic Pole, Count Pulaski, arrived in America in July 1777 and shortly thereafter was commissioned as a brigadier general by the Continental Congress. During the spring and summer of 1778, General Pulaski recruited and organized an independent corps of cavalry and infantry in Baltimore and its neighboring areas, a legion that served with distinction in South Carolina and Georgia. Pulaski eventually gave his life for the cause of American freedom when he was shot and mortally wounded during the siege of Savannah.

From these early examples of the contributions Polish Americans have made to our land and to the cause of freedom throughout the world, there are thousands more which can be found in each generation which followed. Today Americans of Polish descent number well over 10 million and their contribution to the strength and vitality of this Nation is beyond measurement. The list of distinguished Polish Americans grows with each generation and marks the ranks of every profession and way of life. In Government, Polish Americans have distinguished themselves as Senators and Members of Congress, Cabinet officers, Governors, mayors, jurists, and countless other Federal, State, and local public servants. Polish Americans have contributed significantly to American industry and strengthened American labor. They have added their many talents to our intellectual, artistic, and social life. Above all, they have always defended our Nation's freedom and honor.

I would like to note that the U.S. Senate passed on October 6 of this year Senator MIKULSKI's amendment to the 1988 Senate Foreign Relations Authorization Act, the "Polish Permanent Resident Adjustment Act of 1987" and also passed this on October 15 as part of the Commerce, Justice, State, the Judiciary, and Related Agencies appropriations bill. This act would grant permanent resident status to those qualifying Poles who fled their country as a result of the imposition of martial law in 1981. This recent Senate effort, the passage of supplemental appropriations this year for NSZZ "Solidarnosc," and the annual Polish American Heritage Month are but a few examples of our Nation's compassion toward Poland's people and our commitment to a free and independent Polish nation.

In joining with Americans throughout our land in paying tribute to the Poles and Polish Americans, I do so with deep respect and admiration for the strength and quality that Americans of Polish ancestry have brought to this country. Theirs has indeed been a contribution which has immeasurably enriched our national life. Let us hope that we will see again a prosperous and free Poland, a nation that fulfills its own heritage and destiny.●

PAUL FISHER

● Mr. LEAHY. Mr. President, we have all been heartened by the recent progress toward a peace agreement in Central America. We may be seeing the first glimmer of hope for an end to the terrible political violence that has plagued that region for decades. But, as this week's assassination of Herbert Anaya, president of the Human Rights Commission in El Salvador shows, real peace is a long way off.

I rise today to call to the attention of the Congress and the American people two recent incidents that should not go unnoticed in Nicaragua.

Three weeks ago, the Contras in Nicaragua seized two Nicaraguan priests who were working with a local peace commission. They were held for several days and released in a remote village in the presence of local farmers.

On October 17, a young American named Paul Fisher, a native of California, graduate of Dartmouth College and member of Witness for Peace, was traveling in a remote area of Nicaragua where there had been reports of heavy fighting. He had gone there on behalf of Witness for Peace to document the effects of the war on Nicaraguan civilians.

According to the State Department, Mr. Fisher was stopped at a roadblock set up by the Contras. He, along with several Nicaraguans, was detained by the Contras and has not been heard from since. Two of the Nicaraguans subsequently escaped, and reported that the Contra unit was also holding a Contra deserter who had been captured. They said the Contras cut a hole in his tongue and were leading him by a rope through his tongue.

The State Department says it does not know why the Contras have detained Mr. Fisher. The Contra representatives in Washington we have contacted claim they want to release him, but not until they can do so safely and in the presence of neutral observers, who can attest that he is in good condition. That is what the Contras have been saying for 12 days.

Mr. President, many Vermonters, and indeed, many Americans, wonder why it is taking so long for the Contras to free Mr. Fisher. They don't understand why the President of the United States, who entertains the Contras in the White House, can't get him released. They wonder why the Contra command has not arranged for representatives of the Red Cross or the Catholic Church to take custody of Mr. Fisher.

The Contras' past treatment of prisoners is cause for great concern about Paul Fisher's safety. My office has been in daily contact with the State Department urging action to induce the Contras to release Mr. Fisher forthwith. The response has not been encouraging. The State Department says it has asked the Contras to free him, but can only wait to see what happens. This is unacceptable on its face. The State Department is the voice of the United States Government abroad, and it certainly can "influence" the Contra authorities, who depend on the largesse of the administration to continue their war against the Government of Nicaragua.

Mr. Fisher is an American citizen in peril, and whether or not the State Department shares his political views or approves of his activities on behalf of Witness for Peace in Nicaragua, it has a responsibility to protect the safety of an American in a foreign land insofar as it can. Once again, I call on the State Department to take vigorous action to make clear to the Contra leadership that Mr. Fisher must be released immediately and in good health.●

CALL TO CONSCIENCE

● Mr. ARMSTRONG. Mr. President, with all the talk about glasnost, the new policy of openness in the Soviet Union, one would be led to believe that things are looking brighter for the average citizen in that country. Unfortunately, this is most definitely not the case as yet.

Earlier this week, I received a letter from Roald Zelichenok, a man that I met several years ago when I visited the Soviet Union. Mr. Zelichenok was a scientist and Hebrew teacher. At the time, he predicted that his work on human rights would result in his eventual imprisonment. Unfortunately, his prediction proved accurate. He spent a year and a half imprisoned under harsh conditions as a prisoner of conscience, largely because of his activism on behalf of Soviet Jews.

Then several months ago he was released unexpectedly and returned to his home. While we rejoiced with him at his release, I and others are deeply concerned about the catch-22 situation he is trapped in at this time.

After his release, Mr. Zelichenok was not permitted to return to his work at the Academy of Sciences where he was employed prior to his arrest. In addition, he has been refused other work because he is overqualified.

Under Soviet law, anyone who is unemployed for 4 months can be arrested and sentenced to 2 years imprisonment for the crime of parasitism—not having a job. However, the reason he does not have a job is because of the refusal of the academy—a state institution—to rehire him.

To make matters worse, according to Mr. Zelichenok's letter,

> * * * from now on I may be arrested [at] any moment even after getting a job because the "crime" (that is unemployment that lasted more than 4 months) has already been committed. All that in spite of my legal right to be reinstated in [the] Academy of Sciences that employed me before my arrest.

So now, Roald Zelichenok and his wife, Galina, wait. They wait for employment. They wait for permission to emigrate to Israel. But as they wait, there is no certainty that either will occur, and reimprisonment looms as a real possibility.

Clearly, glasnost has changed a number of lives for the better. However, we cannot even begin to estimate how many other citizens remain in a world of uncertainty and apprehension about their future in the Soviet Union.

A recent article in the Intermountain Jewish News quotes an Australian Jewish leader, Isi Leibler, who has worked for years on behalf of Soviet Jews. He states,

> * * * compared to my last visit in 1980 I have come away with an impression of real change in the whole atmosphere and tone surrounding the discussion of Jewish human rights issues in the Soviet Union. The critical question, however, is whether the talk will be translated into action. Like the long-term refuseniks and other Jews waiting to emigrate, I will suspend judgment on whether the change in style and rhetoric really amounts to a change in policy and substance.

Mr. Leibler has summed up the situation accurately. While I sincerely hope the changes that are being discussed in the Soviet Union become policy, I will reserve judgment until cases such as the Zelichenoks are resolved without enormous amounts of work and frustration. Only at that time will the rhetoric about glasnost become reality.

In the meantime, each of us in the free world must remain vigilant of what is actually happening in the Soviet Union. Only in this way, will we guarantee a respect for human rights.●

INFORMED CONSENT: WASHINGTON

● Mr. HUMPHREY. Mr. President, I would like to commend the hundreds of women from every State that have written to my office in support of informed consent legislation. These special women deserve recognition because they are victims of a cruel injustice, and yet they are allowing their stories to be told hoping it will help others.

The injustice of which I speak is the lack of information that is provided to women considering abortion. Time after time, women go into abortion clinics seeking honest, straightforward advice, but instead are told nothing except the possible benefits of an abortion. Little if anything is said about the alternatives, risks and effects of the procedure. As a result, thousands of women nationwide are suffering from depression, anxiety, and even sterility from their abortions, something they were never warned might occur.

Mr. President, this injustice can be rectified through the informed consent legislation, S. 272 and S. 273. I urge my colleagues to support the bills, and I ask that two letters from the State of Washington be inserted into the RECORD.

The letters follow:

WASHINGTON STATE, *June 6, 1986.*

DEAR SENATOR HUMPHREY: I'm writing this letter today concerning informed consent. If we were not living in a day and age in which deception and double standards are overrunning our legal system, I would not have to write this letter today. You see, I'm a victim of abortion and, even if it takes until my last breath, I must be heard.

When I was 17 I found myself in a crisis pregnancy. I was afraid of what everyone, including my family, would think. My boyfriend pressured me to have an abortion. When I went to the local family planning clinic, I sought guidance and wanted to know what I could do about my situation. I wanted a helping hand. When I walked into the clinic, I trusted the nurses and doctors and thought they were concerned about my health enough to help me make a decision, not make my decision for me.

Only one solution was strongly recommended that day. When I questioned the development of my baby, I was told that it wasn't a baby yet and that it looked like a tadpole. Since that day I have learned differently. God forgive them for trying to keep me ignorant. I was told that abortion was simple and safe and that I could go on and live the rest of my life and have children when I was in a position to provide for them. I heard no scientific facts that day, only biased opinions. I was not told what abortion itself could do to me in the years to come, only that it was "safe and simple." I was not told that I would abuse myself with alcohol, try to kill myself, develop an eating disorder and have terrible dreams. Worst of all, I was not told that I might never have another child. It has been 14 years since my "safe and simple" abortion and I have never been able to have another child.

If I knew then what I know now about the developing baby in my womb and the severe physical and psychological effects which abortion could have on me, I would never have taken the step that I took that day. You see, the decision is irreversible and I will have to live with the pain for the rest of my life.

Please stop the lies and help protect young women like myself so that we can be assured the right to be informed.

Sincerely,

SUE LILJENBERG.

MILTON, WA, *June 6, 1986.*

TO WHOM IT MAY CONCERN: As a young girl shortly after my sixteenth birthday, I made a decision that has greatly impacted my life. I chose to end the life of my unborn child.

The abortion procedure was terrifying and far from painless, leaving me with many emotional scars. The added tragedy is the lack of knowledge that preceded my decision. I was counselled by Planned Parenthood, yet no information was given about the ramifications, both physical and emotional, associated with abortion.

I question the motives of anyone who deliberately chooses to keep young women ignorant. My life, and the choice I had to make, could have been drastically altered. My years of suffering to overcome guilt caused alcohol abuse and anorexia nervosa. Women today need to know what they are doing when they choose to destroy their unborn children. My hope is for abortion to stop, but until that day comes isn't it ethical that correct information be given to anyone going through a surgical procedure?

Sir, I urge you to consider this problem and make it a priority. Lets move forward with informed consent.

Sincerely,

PATTY CHRISTOFFERSON.

ON HOUSE AND SENATE TAX BILLS' IMPACT ON REMICS

● Mr. D'AMATO. Mr. President, I am very concerned about the effective date of a provision in both the House and Senate tax bills that is causing increased volatility in our already battered capital markets. I understand that neither the Joint Committee on Taxation nor the tax writing committees have been able to offer a reasonable explanation for these retroactive effective dates for new section 860(e) of the Internal Revenue Code.

This provision affects the tax treatment of Remics and proposes to close a loophole that has not yet been opened. However, billions of dollars of transactions scheduled to close this week have been either postponed, at considerable cost and risk to the underwriters, or reconstructed in a more costly fashion to restrict potential liability of the investment banks.

Remics are instruments created by the 1986 Tax Reform Act to foster a more liquid secondary market in residential mortgages. Such liquidity results in lower cost home financing for millions of Americans throughout the country. These instruments are structured so that investors buy either a debt interest or an equity interest, called a residual. Holders of residual interests often incur phantom income which, under the proposed change, could not be offset against tax-exempt status. Under this provision, this phantom income could affect payments to the holders of the debt interests. Remics take a lot longer to settle than ordinary corporate bonds. Frequently, 8 weeks will elapse between the date the bonds are priced, and presold, and the time final settlement takes place.

Therefore, a retroactive effective date of October 14, or October 16, has resulted in over $10 billion of bonds being mispriced. This could result in the issuers sustaining significant losses.

It is imperative that comfort be given as soon as possible to Wall Street that this effective date will be changed to the original date suggested by the Treasury Department; that is, November 16, 1987.

I am confident that no one involved in the legislative process would intentionally add to the volatility currently afflicting Wall Street. However, this unintentional act has done just that.

Thank you, Mr. President.●

AIR PASSENGER PROTECTION ACT

● Mr. CHAFEE. Mr. President, I am a cosponsor of S. 465, legislation to ban the manufacture, sale, importation, or possession of plastic handguns. In my view, the bill now before the Senate—the Air Passenger Protection Act—would be a timely and fitting vehicle for discussion of the hazards posed by plastic guns. So I am disappointed that Senator METZENBAUM found it necessary to withdraw his amendment.

The alarming rise in international terrorism in recent years has focused increased attention on the need for improved airport security measures. There has also been a growing concern about technological developments which make possible the manufacture of firearms which may not be detectable by security devices currently in use. Until we have in place the technology to provide for the detection of weapons made with nonmetal materials, I believe we must take steps to prevent such weapons from being made or imported.

This bill would ban those firearms which are not readily detectable by metal detection and x ray systems commonly used at airports and other security checkpoints in the United States. Efforts are underway by the Federal Aviation Administration, the Customs Service, and private industry to develop more advanced detection instruments, but it could be years before these are in use. In the meantime, the development of weapons made with plastic or other nonmetal materials could continue.

The U.S. Secret Service testified in favor of S. 465 in a hearing held earlier this year by the Subcommittee on the Constitution. According to that testimony, in 1986, 240 dangerous weapons were identified by screening efforts at the White House, of which 74 were handguns. In Secret Service screening activities away from the White House from October 1986 to June 1987, 198 handguns were detected.

There are people who possess handguns who disregard the laws and regulations governing use of such weapons. That is why detection systems are in place in airports and in many public buildings. To put into the hands of these individuals a handgun which is more difficult to detect certainly jeopardizes the safety and security of all of us.

Although the Senate will not take up this measure today I remain hopeful that action can be taken soon. We have an opportunity through the passage of this legislation to act before a terrible tragedy occurs, rather than after the fact. I hope this legislation can be brought before the Senate at the earliest possible time.●

FEDERAL COURT NOMINATIONS

● Mr. LEAHY. Mr. President, five nominees to the U.S. district court have been approved by the Judiciary Committee and are now on the Executive Calendar. Based on the investigation conducted by Judiciary Committee staff, and on the record made at the hearings held on these nominations, the nominees appear qualified for the positions to which they have been nominated. For the information of my colleagues, who will soon vote on these nominations, I offer the following brief summaries of the nominees' qualifications, and of the testimony elicited at the hearing and in follow-up questions.

First. David G. Larimer has been nominated to the U.S. District Court for the Western District of New York. The nominee has served since 1983 as a U.S. magistrate in the same district. Previously, he was in private practice with various firms in Rochester, NY, and also served as chief appellate law assistant to a State appellate court, and as an assistant U.S. attorney in the western district of New York and in the District of Columbia. The nominee is 43 years old, and is a graduate of St. John Fisher College and of Notre Dame Law School. The ABA Standing Committee on the Federal Judiciary rated him "Well Qualified" for the position to which he has been nominated. His reputation among the bar and interested members of the public appears to be generally good.

At a hearing held on June 18, Mr. Larimer, after being introduced by Senator D'AMATO, responded satisfactorily to questions posed by Senator HEFLIN on his experience and background. In response to written questions from me, the nominee provided further information on his background, and responded satisfactorily to questions concerning his familiarity with the local bar in the western district of New York, his experience in court administration, and the role of a Federal judge in facilitating settlements.

Second. James A. Parker has been nominated to the U.S. District Court for the District of New Mexico. The nominee, a 50-year-old graduate of Rice University and the University of Texas School of Law, has spent his entire professional career with an Albuquerque law firm. His practice has been concentrated in the areas of civil litigation—particularly professional liability and other insurance defense work, and commercial litigation—and real estate and business practice. Mr. Parker was rated "Well Qualified" by the ABA, and appears to enjoy a favorable reputation among members of the New Mexico bar and other members of the public in his home State.

At the hearing held on September 11 on his nomination, at which I presided, the nominee was introduced by Representative JOE SKEEN. Mr. Parker responded satisfactorily to questions concerning his legal writing ability; the qualities of a good trial judge; his sentencing philosophy; and his public service activities.

Third. William L. Standish has been nominated to the U.S. District Court for the Western District of Pennsylvania. The nominee has served since 1980 as a trial judge in a Pennsylvania State court of general jurisdiction. He spent the previous 24 years in private practice with a Pittsburgh law firm, specializing in commercial, personal injury and workers' compensation litigation. Judge Standish is 57 years old, and is a graduate of Yale University and the University of Virginia Law School. He appears to be well regarded by his professional colleagues and other associates, and was rated "Well Qualified" by the ABA committee, with a minority of the committee rating him "Exceptionally Well Qualified."

At the hearing on September 11, at which he was introduced by Senators SPECTER and HEINZ, Judge Standish was examined concerning his experience in criminal law matters; potential conflicts of interest posed by his substantial stock holdings; and his pro bono activities. His responses were satisfactory.

Fourth. Ernest C. Torres has been nominated to be U.S. District Judge for the District of Rhode Island. The nominee conducts a private law practice in Providence, RI. Previously, he served for 1 year as an assistant vice president of Aetna Life and Casualty Co. From 1980 to 1985, Mr. Torres was a judge of a Rhode Island State trial court. Prior to 1980, he was in private practice, and also served 5 years as a member of the Rhode Island House of Representatives. Mr. Torres is 46 years old and is a graduate of Dartmouth College and Duke Law School. His reputation among the local bar appears good, and the majority of the ABA Committee rated him "Well Qualified," with a minority finding him "Qualified."

At the hearing on September 11, at which he was introduced by Senators PELL and CHAFEE, the nominee responded satisfactorily to questions on his reasons for resigning from his State court judgeship.

Fifth. William L. Dwyer has been nominated to be U.S. District Judge for the Western District of Washington. The nominee conducts a private law practice in Seattle, WA. This nomination was considered at hearings held on September 11 and October 22, 1987, at which I presided.

Since 1957, Mr. Dwyer has been a partner in the Seattle firm of Culp, Dwyer, Guterson & Grader, where he has conducted a general litigation practice. Prior to that, he served as a first lieutenant in the Judge Advocate General's Corps. The nominee is 58 years old, and holds degrees from the University of Washington, the University of Washington School of Law, and the New York University School of Law. Mr. Dwyer is the author of the "Goldmark Case," an award-winning book about a major libel trial in the early 1960's. He appears to be highly regarded throughout the legal community in Seattle, and was rated exceptionally "Well Qualified" by the ABA.

At the hearing on September 11, the nominee was introduced by Senators EVANS and ADAMS, and responded to questions concerning his trial experience, his pro bono activities, and his legal advice to the Seattle Public Library in a dispute over the book "Show Me." Mr. Dwyer had advised the library board that it was legal to retain the controversial book, despite requests for the book's removal.

In addition to the nominee, two witnesses testified at the hearing on September 11. Meade Emory, a member of the Seattle Library Board, testified about the circumstances of Mr. Dwyer's retention in the "Show Me" matter and the nature of the legal advice the board received. David Crosby, the founder of a Seattle parents groups, testified about Mr. Dwyer's concern for children and the assistance Mr. Dwyer had given in efforts to shut down an abusive teenage disco in Seattle. Several persons who had requested an opportunity to testify in opposition to Mr. Dwyer were invited to testify at the September 11 hearing but declined to do so.

At the hearing on October 22, which was called at Senator THURMOND's request, several witnesses did appear to testify in opposition to the nomination. Andrea Vangor, executive director of Washington Together Against Pornography, testified that Mr. Dwyer had misread the laws on child pornography in rendering his opinion on "Show Me" and also suggested Mr. Dwyer had not accurately disclosed the term of his membership in the ACLU. Bruce Taylor, general counsel of Citizens for Decency through Law, raised similar concerns about the advice Mr. Dwyer had rendered on "Show Me" and said that the nominee needed to reassure the committee that he would uphold and enforce the child pornography laws. Bruce Fein, of the Heritage Foundation, also testified against the nominee, basing his opposition on Mr. Dwyer's book, the "Goldmark Case." In Mr. Fein's view, the book demonstrates that the nominee is closed-minded toward conservatives.

Five additional witnesses testified in favor of the nominee at the October 22 hearing. William Gates, former president of the Washington State Bar Association, testified that Mr. Dwyer has an outstanding reputation in the Washington legal community. Patrick Fitzsimons, the Seattle Chief of Police, testified about Mr. Dwyer's commitment and assistance to law enforcement in Seattle. Robert Lasnik, chief of staff for the King County Prosecuting Attorney, also testified about Mr. Dwyer's commitment to law enforcement, including his assistance to the prosecuting attorney in fighting child victimization. Michael Zeitner, past president of a Seattle parents group, also testified about Mr. Dwyer's activities assisting victimized children. Judith Krug, of the American Library Association, testified that no library has ever been prosecuted for retaining the book "Show Me."

At the conclusion of the October 22 hearing, Mr. Dwyer was questioned further about his opinion in the "Show Me" matter, about statements made in the "Goldmark" book, about his views on judicial activism, and about his membership in the ACLU. In responding to these questions, Mr. Dwyer laid out his full legal reasoning on the "Show Me" matter. He stated that he believes wholeheartedly in the child pornography laws, and would act to uphold and enforce them. He also defended his statements in the "Goldmark" book and provided documentation for the dates of his membership in the ACLU.

Mr. President, the Judiciary Committee carefully examined this nomination. The two hearings lasted over 7 hours in all, and 10 witnesses were heard, in addition to the two Senators from Washington and the nominee himself. Based on this extensive record, the Judiciary Committee, without objection, reported the nomination favorably for consideration by the full Senate.

As the Senator who presided over both the hearings on the Dwyer nomination, I am as familiar with the record as any other member of the committee. In my view, William Dwyer is one of the most highly qualified district court nominees to come before the Senate in this or any other year in recent history. He has the enthusiastic support of prominent members of the Washington bar, or civic leaders in his community, indeed of everyone who is familiar with the totality of his record.

These endorsements are important, but they do not tell the whole story. As I prepared for and presided over these hearings, I had a chance to observe how the nominee responded to harsh criticisms leveled at him by those who do not know his full record. I saw how he handled the introduction of irrelevant issues, such as how he had voted in past Presidential elections. In my view, such unprecedented questions have no legitimate place in the judicial confirmation process, and I advised the nominee that he was not required to answer them. But he did answer these questions, just as he responded to other criticisms, with candor, patience, and firmness. Mr. Dwyer's behavior at the hearings told me that he is not only a nominee with outstanding credentials; he is also a man with the decisiveness to "call them as he sees them," and with the courage to stand by his convictions. He is, in short, the kind of nominee who will be a credit to the Federal bench. I urge my colleagues to act promptly and favorably on this nomination.

In conclusion, Mr. President, let me say a word about the work of the Judiciary Committee in considering judicial nominations. This is one of the most important responsibilities of our committee, and one that we take with the utmost seriousness. Senators on both sides of the aisle have worked hard and have worked together to give judicial nominations expeditious and thorough consideration.

As of today, the committee has reported to the full Senate 34 nominations to the Federal courts. In virtually every case, these nominations have been accompanied by a statement of the principal issues examined during the nominations process, and a description of how the committee has resolved them. There will be many more such reports in the week ahead. Nine additional nominations are pending action by the committee, and we have embarked on an ambitious hearing schedule for at least a dozen more nominations during the month of November. Working together, we will continue to examine each nomination on its merits, and to report to the Senate on our conclusions.

This is the way the Judiciary Committee has handled judicial nominations all this year. Even when the committee had to focus its attention on the nomination of Judge Bork, we continued to consider nominations to the lower Federal courts. In fact, while the Bork nomination was pending before the Senate, the committee held 5 hearings on a total of 15 judicial nominees, including most of those now before the Senate. As the Senator who has presided at most of the nominations hearings that have been held, I am proud of this record, but I am also mindful that it could not have been compiled without the active cooperation of other members of the committee, including the Senators from Ohio [Mr. METZENBAUM], Alabama [Mr. HEFLIN], and Illinois [Mr. SIMON]. The Senator from South Carolina [Mr. THURMOND] deserves special mention in this regard. No one has worked harder than he has to make sure that the judicial nominations process works fairly, carefully and expeditiously, with the goal of insuring for the American people the best possible Federal judiciary.●

ORDERS FOR TUESDAY, NOVEMBER 3, 1987

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, I will just lay out the program for next week and that will be it. I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 10 a.m. on Tuesday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that on Tuesday next, after the two leaders have been recognized under the standing order, there be a period for the transaction of morning business to extend not beyond the hour of 10:30 a.m., that Senators be permitted to speak during that period for morning business for not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, the orders have been entered authorizing the majority leader to proceed at any time after consultation with the distinguished Republican leader or his designee to Calendar Order 385, S. 1663, the Child Abuse Prevention and Treatment Act; Calendar Order 306, S. 1539, the Federal Railroad Safety Act; Calendar No. 256, S. 1293, a continuing authorization for the independent counsel.

Mr. President, I will proceed under that order on Tuesday next to either or both, Calendar Order No. 385, the Child Abuse Prevention and Treatment Act, and Calendar Order No. 256, S. 1293, the continuing authorization for the independent counsel.

That would be my intention. I will have consulted with the distinguished minority leader by virtue of the statement today in this RECORD and he will be informed of that and he or his designee, of course, will be here on Tuesday and we will proceed to one or the other or both of those measures.

There is a time agreement on Calendar Order No. 256.

Mr. President, there will be rollcall votes on Tuesday next. I will not move that the Sergeant at Arms be requested to secure the attendance of absent Senators as of the first thing on Tuesday next. It may not need to be done at all. I just urge that Senators, managers, and ranking managers of the two measures that I mentioned, be here and ready to proceed.

Then, on Wednesday I may proceed to the energy, water appropriations bill, having already secured an order that the majority leader be authorized to do so after consultation with the Republican leader or his designee.

So, I hope that all Senators will have a good weekend, will be here and ready to do business on Tuesday.

Mr. President, one final unanimous-consent request that I failed to do. I ask unanimous consent that Calendar Order No. 387, S. 1801, be indefinitely postponed.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

RECESS UNTIL 10 A.M. TUESDAY, NOVEMBER 3, 1987

Mr. BYRD. Mr. President, again with my thanks to the Republican leader and also to the acting Republican leader, Mr. EVANS, I move, in accordance with the order previous entered, that the Senate stand in recess until the hour of 10 o'clock on Tuesday morning next.

The motion was agreed to, and at 3:55 p.m., the Senate recessed until Tuesday, November 3, 1987, at 10 a.m.

EXTENSIONS OF REMARKS

MIT'S SOLOW WINS ECONOMICS NOBEL

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 1987

Mr. KENNEDY. Mr. Speaker, the distinguished Prof. Robert M. Solow of the Massachusetts Institute of Technology from my district recently won the 1987 Nobel Prize for Economics. I would like to enter into the RECORD an article from the Boston Globe concerning Professor Solow's achievement.

[From the Boston (MA) Globe, Oct. 22, 1987]

MIT's SOLOW WINS ECONOMICS NOBEL

(By David Warsh)

Robert M. Solow, a professor at the Massachusetts Institute of Technology, was awarded the 1987 Nobel Prize for Economics yesterday for pioneering studies in economic growth.

Solow, 63, an unrepentant Keynesian with strong views of the desirability for government leadership in the economic sphere, immediately obliged reporters at a crowded morning press conference at MIT, criticizing President Reagan, drinking champagne and making jokes.

A man whose wit and clarity of expression are well known, who nevertheless declined repeated pleas by publishers to write a popular book, was finally in the spotlight.

"If this is what it means to be famous, I want to go back to being just plain old Professor Solow," he said. "I had trouble getting my underwear on for the telephone ringing."

The MIT community was delighted; so was Harvard, where Solow went to college and did his graduate work; so were economists generally. Solow is an institute professor at MIT and a former president of the American Economic Association. He is the third MIT professor, the second in three years, to receive a Nobel Award in Economics. Solow's long-term research partner, Paul Samuelson and Franco Modigliani are the others.

The citation by the Swedish Academy of Sciences zeroed in on Solow's contribution to growth theory, a highly mathematized branch of technical economics that had a vogue after Solow published a pair of nearly impenetrable technical papers in 1956 and 1957.

Solow said yesterday: "It is easy to list things that might contribute to economic growth. The problem is, as we say, to make a model, to understand how these things interreact, and to do it in such a way that you might have a prayer of measuring it. . . . The surprising conclusion was that technological change looms much larger than capital investment. . . . Silicon Valley is the sort of thing I'm talking about."

Robert Lucas, a University of Chicago theorist, said: "He influenced my whole generation . . . with a kind of rough-and-ready style, not high statistical theory. It is a knack for choosing what kinds of economic theory you expect to be useful."

David Colander, a professor of economics at Middlebury College, said: "He is the most thoroughly reasonable of all economists. He exudes sensibility, and nobody better understands economics, both its limits and its possibilities."

"After he made a fundamental contribution to the literature on growth," recalled Hendrik Houthakker, a Harvard professor, "he went to Washington and persuaded the Kennedy administration to set growth targets through the Organization for Economic Cooperation, and Development. Then he served on the National Commission on Employment, which helped persuade labor, especially George Meany, to accept technical change rather than to resist it."

A leading Keynesian, Solow is a proponent of a school that had failed to persuade younger technical economists of its relevance. A central tenet with which he is associated, the tradeoff between inflation and unemployment, has been eclipsed.

And his basic theoretical insight—that pure university learning and basic and applied research has in some sense been more instrumental in fueling the upward climb of American industry than the capital supplied by Wall Street and the banks—has been hijacked by supply siders who have all but ignored the analytic tradition in which Solow has stood fast.

"The best thing you can say about Reaganomics is that it probably happened in a fit of inattention," he said. "I would like to see the president stop this nonsense about how 'I will never raise taxes over my dead body.'"

The Keynesians' time may come again, but the exuberance of yesterday's press conference was undercut by the consciousness of the failure of later generations to carry through on the promises of the New Frontier.

Deprived of a central place in the current consensus of economic theorizing, Solow instead has served to his colleagues as a model of good citizenship. James Poterba, a junior colleague, said, "He sets an impeccable example in every realm you can name."

Certainly nobody ever went more assiduously about the housekeeping tasks of the community of technical economics. "He's the softest touch there is for committees and commissions," said Princeton economist Alan Blinder, a former student.

Moreover, Solow has become a quiet Boston institution over the years. He lives with his wife, Barbara, who is also an economist, in a converted wharf on Boston's waterfront during the school year and in Martha's Vineyard in the summer. He sails avidly.

A former junior fellow at Harvard, Solow is said to have been on a short list for candidates for the presidency of the university before Derek Bok was selected. He is a former member of the President's Council of Economic Advisers and served for three years as chairman of the board of directors of the Federal Reserve Bank in Boston.

Frank Morris, the Boston bank's president, said yesterday: "He can operate on almost any level of abstraction that the situation requires. If you have a bunch of econometricians, throwing around algebraic equations, he can talk to them. But when it came to explaining something technical to our board, he was sensational."

MULTILATERAL GULF PEACEKEEPING FORCE

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 1987

Mr. DORGAN of North Dakota. Mr. Speaker, with every passing day, the United States is sliding faster down the slippery slope toward war in the Persian Gulf. If military confrontation is inevitable because of terrorism perpetrated by the Ayatollah Khomeini, that is one thing and we should be prepared to meet that threat proportionally.

However, we ought not to increase the likelihood of confrontation by maintaining a high unilateral profile. Instead, we should be waging a diplomatic offensive through the United Nations and other channels to bring an end to the Iran-Iraq war. That is the only certain way to bring peace and freedom of navigation to the Persian Gulf.

Similarly, we should place the burden of keeping the sealanes open on a multinational peacekeeping force. Since the United States gets only 6 percent of its oil imports from the Persian Gulf, while Japan imports 60 percent and Western Europe 30 percent of respective oil imports from the region, our allies ought to shoulder a bigger share of naval protection of tanker shipments.

Perhaps the only way to achieve these ends is by establishing a multinational peacekeeping force under the flag of the United Nations to protect nonbelligerent shipping. This would spread the responsibility among all law-abiding nations and reduce the likelihood that the United States would be sucked into war by itself.

So let's use our strength to protect American and allied interests. But let's do so in the right way: as part of a joint effort under the U.N. flag. To that end, I urge my colleagues to sponsor House Concurrent Resolution 168, which was introduced by our colleague, Mr. DOWNEY.

I also call attention to an incisive editorial in the Christian Science Monitor which draws the same conclusions.

[From the Christian Science Monitor, Oct. 27, 1987]

MULTINATIONAL GULF FORCE

The case for a multilateral peace-keeping force in the Gulf is looking stronger by the day.

Since the United States stepped up its military presence there, attacks on shipping have increased rather than waned. Who is

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

retaliating for what action in this tense situation is becoming less clear. It can be argued that the US presence, rather than making Iran cower, has strengthened the hand of Iranian radicals who now see their nation fighting not just Iraq but the US. Polls show that most Americans support last week's retaliatory attack against Iran but that most also consider a major US-Iran conflict more likely.

Understanding why the US is now in the Gulf is important in deciding what to do next. The administration's original goal was to uphold the principle of free navigation, keeping access open to the world's major source of oil. Lately, US officials have talked more of the importance of keeping US credibility with Gulf Arabs; that reason moves Washington a significant step away from its formal stance of neutrality. If free navigation is the US goal, it could be far better served by a global peacekeeping force than by continued US protection only of reflagged tankers and escort ships. Such a force would be more likely deter Iranian attacks against commercial shipping and reduce the risk of direct US-Iran confrontations. All Gulf states should benefit from the expanded protection.

The Reagan administration, which opposes the multilateral approach, insists that considerable international cooperation already exists. True, ships from six other nations have forces in the Gulf, but each nation protects its own, and the belligerents do not see the efforts as a unified action. The administration's chief reservation, however, is that Soviet influence might thereby be expanded; it is the same reason the U.S. has opposed an international conference in the Middle East. Yet the Soviets are already key players in the Gulf, whether the U.S. likes it or not. The Soviets, keeping a much lower military profile, are also part of the Kuwaiti reflagging operation. Moscow is Iraq's chief arms supplier and had recently launched or improved ties with a number of Arab states.

A multilateral peacekeeping effort could actually reduce U.S.-Soviet competition in the Gulf. Soviet and U.S. units, as in past U.N. peacekeeping operations, would probably be excluded. Organized under U.N. or perhaps International Maritime Organization auspices, a multilateral fleet of armed patrol boats would protect all shipping except that of the belligerents. Such a force would be necessary anyway to monitor and inspect merchant shipping if a cease-fire or arms embargo took effect.

The ultimate hope is that the added weight of such a cooperative effort could help to bring about a de facto cease-fire. Iran may have little respect for the U.N., but public opinion still counts. Tehran has not closed the door to a cease-fire and has been scrambling to repair damaged ties with Britain and France.

The U.S. suffers at the moment from a dangerous tilt toward Iraq. The administration's desire to check Soviet power led it into the reflagging operation after the Soviets said yes to a similar request for help from Kuwait; the administration's desire to keep Soviet influence from expanding should not be allowed now to keep the U.S. from subscribing to the many merits of a global peacekeeping force.

SUPPORT EXPRESSED FOR CORREGIDOR MEMORIAL RESTORATION

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 1987

Mr. MONTGOMERY. Mr. Speaker, it was my privilege to lead a congressional delegation to the Philippines in April to investigate reports that the Pacific War Memorial on Corregidor, which was dedicated in 1968, had fallen victim to scavengers and neglect. The delegation—which included Congressmen J. ROY ROWLAND and CLAUDE HARRIS and representatives of the Disabled American Veterans—found that a once beautiful and meaningful monument had been shamefully neglected and allowed to deteriorate to an almost unbelievable extent. But thanks to a concerted Federal/private effort, the memorial should soon be restored to its rightful place of dignity and respect.

Following its visit to Corregidor, the delegation met with Philippine President Corazon Aquino and other Government officials and urged them to provide security for the island—which they have done—and to allow the American Battle Monuments Commission to play a leading role in the restoration and maintenance of the memorial. The ABMC oversees national monuments and cemeteries worldwide and is authorized to accept private and corporate contributions. The State Department is conducting ongoing discussions with the Philippine Government to secure an agreement for ABMC involvement.

The State Department, with the cooperation of the Department of the Navy, obtained permission from the Philippine Government for a Navy Seabee battalion to clear vegetation, repair access roads, and conduct other preliminary work on the island and the memorial.

In a recent ceremony at the Pentagon, the Disabled American Veterans pledged $34,000 to Navy Secretary James Webb, the first installment of a $100,000 commitment to purchase materials for the restoration. This development should put Seabees on the island no later than November.

Mr. Speaker, to allow further deterioration of the memorial and to ignore the need for its restoration and preservation would be tantamount to saying that the deeds of the American and Filipino veterans who fought side by side and who died there are not worthy of tribute. America should not allow that to happen. Obviously, many Americans share this view.

I am pleased to share with my colleagues a letter from Mrs. Edith Knowles that is indicative of the letters the committee is receiving in support of this project.

GOLD STAR WIVES
OF AMERICA, INC.,
Albany, GA, October 21, 1987.

Represenative SONNY MONTGOMERY,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN MONTGOMERY: You probably don't remember me, but I work on Legislation with Geraldine Chittick for Gold Star Wives. I want to thank you for your work on the restoration of the War Memorial on Corregidor. My husband, Chaplain B.R.W. Knowles is buried in the American Manila Cemetery. When I had a chance to go to the Philippines with the American Defenders of Bataan and Corregidor in 1972, I visited my husband's grave. I can't say enough for the courtesy of the Superintendent of the Cemetery. I will always cherish the Polaroid picture they took of me at his grave. Afterwards we went to Bataan and Corregidor to place wreaths, and I saw that beautiful memorial on top of Corregidor. I am so glad our government is going to restore it to its original beauty. Thank you for getting it started.

Sincerely,

EDITH V. KNOWLES.

CONGRESSIONAL SALUTE TO JOE BLACK

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 1987

Mr. DIXON. Mr. Speaker, I would like to take this opportunity to salute Joe Black, a celebrated and distinguished business and civic leader, and philanthropist. On November 9, the National Association for Sickle Cell Disease, Inc., is honoring Mr. Black for the tremendous contributions he has made in furthering sickle cell research and development.

Joe Black has made great strides not only in professional sports, but in corporate America as well. He was one of the first blacks to play major league baseball, pitching for the Brooklyn Dodgers, the Cincinnati Reds, and the Washington Senators. In 1952, he was named the National Rookie of the Year. When his team defeated the New York Yankees, 4 to 2, he gained the distinction of being the first black pitcher to win a World Series game.

Following his baseball career, Joe taught school for 7 years in his hometown of Plainfield, NJ. He began his career in the private sector in 1962 as New York-based special markets representative for Greyhound Lines, Inc. In 1963, he was promoted to the national marketing staff of Greyhound Lines, Inc., as director of special markets in Chicago. Through his emphasis on community relations, his office was resoundingly successful in penetrating the black consumer market, and as a result he was promoted to vice president—special markets for Greyhound Lines, Inc., in 1967. With that promotion, he became the first black vice president of a major transportation company.

In 1969, he was made an officer of the Greyhound Corp., one of Fortune magazine's top 500 companies. As vice president of special markets, Mr. Black encouraged the hiring and training of minorities within the corporate family and minority communities, utilized minority group advertising outlets, and supported minority group banks and vendors. He has also served as a board member of the Advisory Council for the Office of Minority Enterprise.

Joe Black's "By the Way" commentary is heard throughout the United States and his column is widely read in black print media. He has also been an active participant in philanthropic organizations. He has served as a member of the Valley of the Sun Kiwanis

Club, a board member of the Valley Big Brothers, an advisory board member of the Phoenix Salvation Army, a member of the Center for the Blind, Inc., on the board of the American Red Cross of Plainfield, NJ, and on the board of the National Association for Sickle Cell Disease, Inc.

Mr. Black received his bachelor of science degree from Morgan State University in Baltimore. He completed graduate course work at Rutgers University and Seton Hall University. He has also received honorary doctorate degrees from Central State University, Miles College, Shaw College at Detroit, King Memorial College, and Morgan State University.

Mr. Speaker, Joe Black, with his success in a diversity of careers and his active involvement in philanthropic organizations, is a true role model for young people. His years of commitment to his jobs, to black enterprise, and to community concerns should not go unrecognized. I ask my colleagues in the House of Representatives to join me in congratulating Joe on his achievements, and to wish him continued success in all his endeavors.

CONGRESSIONAL SALUTE TO CASTLE "SKIP" NEWELL, FATHER AND ORIGINAL CHAIRMAN OF THE BOARD OF THE LONG VALLEY HEALTH CENTER

HON. DOUGLAS H. BOSCO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 1987

Mr. BOSCO. Mr. Speaker, it is with great pride that I rise today to honor a fellow Californian whose personal vision, tireless persistence, and leadership has resulted in the development of the Long Valley Health Center, located in Laytonville, CA. His ability to inspire a dream in the community around him and persevere until he saw that dream realized has brought excellent health-care services to an 800-square-mile service area which had previously been designated medically underserved.

I speak of Mr. Castle "Skip" Newell, whose contributions to his community of Laytonville are clear evidence of his dedication to bettering the world in which he lives. His work with the Long Valley Health Center stands tall among his many accomplishments. About 10 years ago, a group of Laytonville citizens met on the lawn of the town elementary school to discuss the possibility of having a local health center to provide medical care to this rural area of northern California. The other members of the group promptly recognized Skip's gift for leadership, and he was elected chairman of what was soon to become the board of directors for the Long Valley Health Center.

Skip continued as chairman of the board for 3 years, and served as a board member for an additional 5 years. Those early years were filled with challenges, and Skip was directly responsible for guiding the center through the developmental stages. He was instrumental in dealing with State and Federal agencies, under whose supervision the center was operating, and provided the wise leadership necessary to bring consensus to a widely disparate population while maintaining the structural integrity of the organization. This center will stand as a tribute to his great humanitarian spirit for generations to come.

The conception, development, and administration of this health care facility are by no means the only invaluable contributions Skip has made to his community. He was been a member of the Laytonville Volunteer Fire Department for 10 years, giving of his time and effort to fulfill human need in private homes, logging operations, and rivers, giving no thought to personal safety. On one rescue call, he sustained a permanent knee injury in an effort to assist stranded motorists whose vehicle had gone over a cliff.

He is a licensed emergency medical technician, and before the years of the health center, was commonly known as "Dr. Skip." He has presided at births, deaths, accidents, and all the myriad health emergencies common to rural areas. His care has always been of the highest quality, and his personal demeanor enables him to aid those whose loved ones have been stricken. Skip has been honored by his fire department peers with numerous awards, and is a respected senior member of this outstanding volunteer fire department.

Skip has also served as a volunteer in the Mendocino County Fire Department where he has accumulated 750 hours of volunteer time and 200 hours of training time. He has assisted in stake-outs, investigations, quelling family disturbances, and arrests. His intimate knowledge of this community has proven to be a valuable asset.

During his 13 years of residence in Laytonville, Skip has donated countless hours of high quality volunteer time and leadership to make this community a better place to live. Working with people who are injured, ill, or otherwise dependent upon a helping hand, he exemplifies the best of the American spirit.

It has been my great privilege and pleasure to have worked closely with Skip for a number of years, and I can personally attest to his devotion to public service. As the former executive director of the National Timber Fellers Association, Skip has come to Washington on several occasions, and I have found his work and leadership to be of the highest caliber at all times.

Mr. Speaker, I invite you and our colleagues to join me in saluting Castle "Skip" Newell who, for the past 13 years, has worked tirelessly in making invaluable contributions to Laytonville, to the First Congressional District, and to the United States of America.

NATIONAL WOMEN VETERANS RECOGNITION WEEK 1987, NOVEMBER 8-15

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 1987

Mrs. MORELLA. Mr. Speaker, the 1980 U.S. census found over 1.1 million women veterans and the number grows daily. Women comprise nearly 5 percent of the veteran population. These women have served their country in all parts of the world and have rightly earned a country's grateful recognition.

Alexis de Tocqueville, writing in another context, said of the United States he visited in the 1830's:

> . . . if anyone asks me what I think the chief cause of the extraordinary prosperity and growing power of this nation, I should answer that it is due to the superiority of their women.

Indeed, women veterans have added an important dimension to our country's military. They have served, and continue to serve, with pride, bravery, and good humor.

Mr. Speaker, it is a great pleasure to support National Women Veterans Recognition Week and I urge my fellow citizens to remember the contributions and sacrifices made by women veterans. As our Nation approaches another Veterans Day, let us thank our veterans, both men and women, and remember the service they have willingly given to our country.

PERSONAL EXPLANATION

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 1987

Mr. BALLENGER. Mr. Speaker, had I been present, I would have voted "no" on rollcall votes Nos. 386 and 393.

A SALUTE TO LUCELLA T. HARRISON

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 1987

Mr. DELLUMS. Mr. Speaker, it is with great pleasure that I rise today in commemoration of the retirement celebration being held in the Eighth California Congressional District for an outstanding educator, Mrs. Lucella T. Harrison. She is retiring after 34 years of service in the Oakland Unified School District.

Mrs. Harrison was educated in Oakland, having attended Cole Elementary School and the McClymonds High School. She received her bachelor of arts and master of arts degrees from San Francisco State University, and did postgraduate work at Stanford University.

Through her years in the Oakland school district Mrs. Harrison progressed from a classroom teacher to the position of associate superintendent of elementary instruction.

In addition to her educational endeavors, Mrs. Harrison has been active in numerous civic and religious organizations. She was 1987 chairperson for the United Negro College Fund Lou Rawls Parade of Stars, and is currently in her 37th year of service as organist and choir director at her church, the St. Paul A.M.E. Church of Berkeley, CA. Students, teachers, administrators, school employees, and the community at large recognize her as an important and outstanding role model.

We are extremely pleased to join with the many friends and colleagues of this outstanding educator and human being in extending our appreciation for the extraordinary contributions she has made to our schools and our community. We wish her a most enjoyable and productive retirement; we commend and thank her for her efforts to make this world a better place for us all through her selfless contribution to the education of our children.

HOUSE RESOLUTION 298, RESTRICTIVE RULES

HON. TRENT LOTT

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 1987

Mr. LOTT. Mr. Speaker, as part of an ongoing public service, I am inserting an up-to-date table on restrictive rules in this Congress, and a table comparing this to the previous five Congresses. As my colleagues will see, we are still ahead of the last Congress by 6 percentage points on rules which limit amendments on legislation, and by some 30 percentage points ahead of the 95th Congress.

Mr. Speaker, this week the Rules Committee set a new record for the most restrictive rules in 1 week—three—two of which were on the same bill, the omnibus reconciliation measure. But, in all fairness, I must mention that the committee granted three open rules this week as well, which kept our percentages roughly the same as recent weeks, and certainly better than the opening few months of this Congress when restrictive rules were running about 85 percent of the total.

In conclusion, Mr. Speaker, we are still granting far too many restrictive rules and, in so doing, are restricting the rights of all Members, of both parties, to fully participate in the legislative process and fully represent their constituents as they were sent here to do. Let's restore a greater degree of democracy to this people's House of Representatives.

The tables follow:

OPEN AND RESTRICTIVE RULES, 95TH–100TH CONGRESS [1]

Congress	Open rules		Restrictive rules		Total rules
	Number	Percent	Number	Percent	
95th	213	88	28	12	241
96th	161	81	37	19	198
97th	90	80	22	20	112
98th	105	72	40	28	145
99th	65	64	36	36	101
100th [2]	36	58	26	42	62

[1] Source for data: "Survey of Activities of the House Committee on Rules" (reports by the Committee on Rules), 95th–99th Congress. Rules counted were those providing for the initial consideration of legislation (as opposed to special rules on conference reports, etc.). For the purposes of this table, restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules as well as completely closed rules.

[2] Data for the 100th Congress is based on "Notice(s) of Action Taken," Committee on Rules, 100th Congress, as of Oct. 30, 1987.

Source: Prepared by minority staff, Subcommittee on Legislative Process, Committee on Rules.

RULES REPORTED IN THE 100TH CONGRESS

[Providing for the initial consideration of legislation in House]

Rule No.; H. Res.	Date granted	Rule, type [1]	Bill No. and title
26	Jan. 7, 1987	C	Establishing 3 select committees.
27	do	C	H.R. 1: Water Quality Act.
38	Jan. 8, 1987	C	H.R. 2: Surface Transportation.
109	Mar. 4, 1987	O	H.R. 558: Homeless Relief Act.
116	Mar. 10, 1987	C	H.J. Res. 175: Contra Aid Moratorium.
135	Mar. 31, 1987	MC	H.R. 1320: Land and Water Conservation Fund Act Amendments.
139	Apr. 7, 1987	MC	H. Res. 139: Budget Resolution.
148	Apr. 22, 1987	MO	H.R. 1827: Supplemental Appropriation.
151	Apr. 27, 1987	MC	H.R. 3: Omnibus Trade Bill.
152	Apr. 28, 1987	MO	H.R. 1748: DOD Authorization.
156	Apr. 5, 1987		
160	May 6, 1987		
154	May 4, 1987	MO	H.R. 27: FSLIC.
155	May 5, 1987	O	H.R. 1039: Mineral Lands Leasing Act.
165	May 12, 1987	MC	H.R. 2360: Public Debt Limit.
172	May 19, 1987	O	H.R. 5: School Improvement Act.
171	do	O	H.R. 1451: Older Americans Act.
178	May 28, 1987	O	H.R. 953: Maritime Authorization.
179	do	O	H.R. 1934: Fairness Doctrine.
182	June 2, 1987	O	H.R. 2355: EPA Authorization.
183	do	O	H.R. 2330: NSF Authorization.
184	do	O	H.R. 2160: Bureau of Standards.
186	June 4, 1987	O	H.R. 157: Constitution Day.
187	do	O	H.R. 2112: Intelligence Authorization.
190	June 9, 1987	MO	H.R. 1777: State Department Authorization.
191	do	O	H.R. 4: Omnibus Housing Act.
196	June 16, 1987	MO	H.R. 281: Double-Breasting.
197	June 17, 1987	C	Special Budget Procedures.
206	June 22, 1987	O	H.R. 2712: Interior Appropriations.
207	June 23, 1987	O	H.R. 2700: Energy-Water Appropriation.
215	June 29, 1987	O	H.R. 2763: Commerce-Justice-State Appropriations.
219	July 1, 1987	MO	H.R. 2342: Coast Guard Authorization.
220	July 8, 1987	O	H.R. 2782: NASA Authorization.
221	July 9, 1987	O	H.R. 2890: DOT Appropriations.
222	July 13, 1987	O	H.R. 2906: MilCon Appropriations.
223	do	O	H.R. 2907: Treasury-Postal Appropriations.
227	July 21, 1987	MC	H.R. 2470: Catastrophic Health.
230	July 23, 1987	O	H.R. 618: Nicaragua-Salvadoran Deportation Stay.
233	July 28, 1987	C	H.R. 3022: Debt Limit Extension.
234	do	O	H.R. 1414: Price-Anderson Act.
237	Aug. 3, 1987	O	H.R. 1315: NRC Authorization.
238	do	MO	H.J. Res. 132: Armenian Genocide.
241	Aug. 4, 1987	O	H.R. 2686: Public Works/Economic Development.
253	Aug. 7, 1987	O	H.R. 1327: Public Health Service.
256	Sept. 9, 1987	MC	H.R. 1154: Textile Trade Act.
257	do	O	H.R. 2600: SEC Authorization.
263	Sept. 15, 1987	O	H.R. 442: Civil Liberties Act.
265	Sept. 17, 1987	MO	H.R. 3030: Agriculture Credit Act.
267	Sept. 21, 1987	O	H.R. 2783: HUD Appropriations.
270	Sept. 22, 1987	C	H.J. Res. 362: Continuing Appropriations.
273	Sept. 23, 1987	O	H.R. 2939: Independent Counsel.
275	Sept. 29, 1987	MO	H.R. 2310: Airport Improvement.
278	Sept. 30, 1987	MO	Do.
279	Oct. 1, 1987	O	H.R. 2897: FTC Amendments.
280	Oct. 6, 1987	O	H.R. 162: Risk Notification.
281	Oct. 8, 1987	O	H.R. 3025: Radioactive Waste Compact.
282	do	O	S. 640: Water-Power Authorization.
291	Oct. 22, 1987	O	H.R. 2224: Panama Canal Commission.
292	Oct. 27, 1987	O	H.R. 515: Fair Credit Disclosure.
293	do	MO	H.R. 3100: Foreign Aid Authorization.
295	Oct. 28, 1987	O	H.R. 1212: Polygraph Protection.
296	do	MC	H.R. 3545: Reconciliation.
298	Oct. 29, 1987	MC	H.R. 3645: Reconciliation II.
299	do	O	H.R. 3479: Gas Royalty Act.

[1] Restrictive rules are those which provide for less than a completely open amendment process (O); closed (C); modified closed (MC); or modified open (MO). As of Oct. 30, 1987, 62 rules were reported of which 36 (58 percent) were open, and 26 (42 percent) were restrictive.

HOUSE OF REPRESENTATIVES—*Saturday, October 31, 1987*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Almighty God, may we learn to see the works of Your mighty hand in the seemingly ordinary events of the day. In the simplest word of encouragement to one other person, we do Your will; by showing respect to all people without regard to their title or rank, we follow Your will, by sharing our blessings and good fortune with the neediest of our communities, we heed Your command; and by forgiving those with whom we differ, we are reconciled one with another. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the second legislative day of Thursday, October 29, 1987, and announces to the House his approval thereof.

Mr. WALKER. Mr. Speaker, I have a highly privileged resolution that I send to the desk.

ADJOURNMENT

Mr. FOLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 3 minutes a.m.), the House adjourned until Monday, November 2, 1987, at 12 noon.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII,

Mr. LEHMAN of California (for himself and Mr. COELHO) introduced a bill (H.R. 3593) to amend the Federal Land Policy and Management Act to improve the management of Federal lands affected by certain non-Federal projects; which was referred to the Committee on Interior and Insular Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 241: Mr. WELDON.
H.R. 778: Mr. WOLF.
H.R. 939: Mr. OWENS of Utah.
H.R. 1907: Mr. KOLTER.
H.R. 1908: Mr. KOLTER.
H.R. 2018: Mr. GUNDERSON.
H.R. 2019: Mr. GUNDERSON.
H.R. 2248: Mr. COBLE and Mr. DICKINSON.
H.R. 2979: Mr. SCHUETTE, Mr. TRAFICANT, and Mr. DENNY SMITH.
H.R. 3049: Mr. FRANK, Mrs. COLLINS, Mr. SMITH of Florida, Mr. STARK, Mr. DOWNEY of New York, Mr. TORRES, and Mr. JONTZ.
H.R. 3340: Mr. RICHARDSON, Mr. MRAZEK, Mr. KOSTMAYER, and Mr. WISE.
H.R. 3382: Mr. GUNDERSON, Mr. LOWERY of California, and Mr. SYNAR.
H.J. Res. 217: Mr. ACKERMAN, Mr. ANDREWS, Mr. ATKINS, Mr. BILIRAKIS, Mr. EVANS, Mr. FLAKE, Mr. GORDON, Mr. HAYES of Illinois, Mr. HOCHBRUECKNER, Mr. HUTTO, Mr. HYDE, Mr. LAFALCE, Mr. MCCOLLUM, Mr. NIELSON of Utah, and Mr. SAWYER.
H.J. Res. 303: Mr. DANIEL, Mr. LEWIS of Georgia, Mr. DIOGUARDI, Mr. LIVINGSTON, Mr. DINGELL, Mr. MILLER of Washington, Mr. EVANS, Mr. EDWARDS of California, Mr. FISH, Mr. FOGLIETTA, Mr. HEFNER, Mr. FLAKE, and Mr. OBERSTAR.
H.J. Res. 336: Mr. STOKES, Mr. LUNGREN, Mr. ASPIN, Mr. SAWYER, and Mr. STUDDS.
H.J. Res. 374: Mrs. BOXER, Mr. MRAZEK, Mr. HEFNER, Mr. DEFAZIO, Mr. LANTOS, Mr. GALLO, Mr. GOODLING, Mr. NEAL, and Mr. LEHMAN of California.
H.J. Res. 383: Mrs. COLLINS, Mr. COELHO, Mr. MARTIN of New York, Ms. SNOWE, Mr. COATS, Mr. VENTO, Mr. FAZIO, and Mr. LELAND.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

EXTENSIONS OF REMARKS

SOLOMON AMENDMENTS TO THE FOREIGN AID AUTHORIZATION ACT

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 1987

Mr. SOLOMON. Mr. Speaker, today, I am inserting into the CONGRESSIONAL RECORD four amendments I will offer to the foreign aid authorization bill when H.R. 3100 reaches the floor of the House.

The first amendment recognizes the democratic trends emerging in Taiwan and commends the progress that has been made recently in advancing democratic institutions and values. As the ranking member of the Human Rights Subcommittee of the Foreign Affairs Committee, I am very proud of the recent developments in Taiwan. Clearly, there is a growing respect for human rights, freedom, and democracy in Taiwan.

The second amendment I will offer involves Soviet espionage at the United Nations. The amendment requires the President to take such actions as necessary to ensure compliance with the United Nations hiring freeze rule, including the denial of visas to Soviet applicants coming into the United States to replace Soviet nationals.

The American people are fed up with the Soviets using the United Nations as a spy haven. Over one-half of Soviet and Soviet-bloc personnel in the United Nations Secretariate are officers of the KGB or the GRU. Sooner or later the United Nations must recognize that the perception of the American people of the United Nations as a safe house for Soviet espionage activities, which is accurate, is extremely damaging to the role of the United Nations.

In April 1986 the Secretary General of the United Nations adopted a freeze on the hiring of personnel within the United Nations. The conditions were that as the terms of personnel expired, replacements would not be hired to fill the vacant positions. The freeze was designed to reduce U.N. personnel by 15 percent over 3 years, as recommended by the Group of Intergovernmental Experts reviewing the financial problems facing the United Nations. Yet, on May 5 of this year, the Secretary General reported to our State Department that he was considering granting 156 exceptions to the hiring freeze. Curiously enough, of the 156 exceptions, 104 would be Soviet and Soviet-bloc nationals.

My amendment would prohibit the Soviets from replacing their current U.N. personnel with skilled KGB agents. The measure would curtail Soviet plans to expand their intelligence apparatus operating on American soil under the auspices of the United Nations.

My third amendment, Mr. Speaker, involves another means by which the Soviets obtain sensitive United States militarily useful information. This amendment provides authority for the establishment of an interagency group to evaluate the current U.S./U.S.S.R. scientific exchange process. The Interagency Group for Scientific Information Transfer would be composed of officials from the Commerce Department, State Department, the Defense Department, and the academic and scientific communities.

The Interagency Group would review and evaluate major agreements with controlled countries involving the exchange of scientific or technological information and report to Congress on methods for enhancing the current review process. The Interagency Group would possess no authority for disapproving an agreement, but would allow us to determine if the issues involved should be more carefully examined.

Mr. Speaker, recently a former high level Defense Department official expressed his concern over the flow of American technology through scientific exchanges stating, "The process by which decisions are made that affect broad policy, detailed negotiations and eventual implementation of agreements for scientific and technology exchanges with the Soviet Union is a shambles, marked by indifference, incompetence and parochialism."

The Soviets currently obtain most of the scientific knowledge and technological know-how from exchanges that are supposed to be mutually beneficial. Soviet secrecy prevents the United States from learning information of much interest, while American openness continues to facilitate Soviet acquisition of our advances in science and technology.

The Soviet Union has identified numerous American universities as targets for the collection of technology. Known Soviet collectors at the American universities include members of Soviet intelligence agencies, scientists within the Soviet Academy of Sciences, and scientists from the State Committee for Science and Technology who come to study in the United States. Many of these individuals are also involved in assessing American scientists for potential recruitment as agents.

Soviet scientists have performed onsite research in the fields of communications at MIT's Operation Research Center, computers at the research center at Berkeley and the Digital Systems Laboratory at Stanford, ceramic materials at the Department of Material Science at MIT and gas turbine aircraft engines at the Aeronautical Science Department at Northwestern University.

At present a comprehensive and rigorous assessment of costs and benefits for proposed scientific agreements and exchanges is not made on a routine basis. My amendment will provide, for the first time, a mechanism to evaluate the problem of how to reduce Soviet acquisition of militarily critical scientific information through these exchanges without placing undue restrictions on academic freedom.

Mr. Speaker, my last amendment concerns the administration's policy with respect to the continued Soviet occupation of Afghanistan. The amendment is similar to legislation recently approved in the other body. The amendment requires the President to provide Congress with a detailed explanation for the lifting of each sanction imposed on the Soviet Union since the beginning of their brutal occupation of Afghanistan. It also requires a list of all areas of ongoing cooperation with the Soviets that could be withheld as we approach the 8-year anniversary of the Soviet invasion and occupation of Afghanistan.

The amendments follow:

AMENDMENT TO H.R. 3100, AS REPORTED, OFFERED BY MR. SOLOMON

Page 249, after line 15, add the following:

TITLE XII—TAIWAN

SEC. 1301. TAIWAN.

(a) FINDINGS.—The Congress finds that—

(1) economic vitality, educational advancement and social progress have created conditions favoring the furtherance of democracy in Taiwan;

(2) our common commitment to democratic institutions and values is an increasingly strong bond between the people of the United States and the people of Taiwan;

(3) the authorities on Taiwan are nurturing a transition toward more truely democratic and representative political institutions; and

(4) the lifting of martial law in July and the release of detainees symbolize the growing respect for human rights and freedom of expression on Taiwan.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the United States Congress welcomes the democratic trends emerging in Taiwan and commends the progress that has been made recently in advancing democratic institutions and values;

(2) the United States Congress encourages the leaders and peoples of Taiwan to continue this process with the aim of consolidating fully democratic institutions; and

(3) the United States Congress requests American representatives to convey this nation's continuing support for a free and prosperous Taiwan as stated in the Taiwan Relations Act and our encouragement for democracy to the leaders and the people of Taiwan.

AMENDMENT TO H.R. 3100, AS REPORTED, OFFERED BY MR. SOLOMON

Page 249, after line 15, add the following:

TITLE XIII—PROBABLE EXEMPTIONS TO THE UNITED NATIONS EMPLOYEE HIRING FREEZE

SEC. 1301. PROBABLE EXEMPTIONS TO THE UNITED NATIONS EMPLOYEE HIRING FREEZE.

(a) FINDINGS.—The Congress makes the following findings:

(1) In April 1986, the Secretary-General of the United Nations adopted a freeze on the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

hiring of personnel within the United Nations Secretariat.

(2) The conditions of the freeze were such that, as the terms of office for the personnel expired, replacements would not be recruited or hired to fill the vacant positions, with minor exceptions.

(3) The freeze was designed to reduce United Nations personnel by 15 percent over three years, as recommended by the Group of High-Level Intergovernmental Experts to Review the Efficiency of the Administrative and Financial Functioning of the United Nations (commonly referred to as the "Group of 18 Experts").

(4) On May 5, 1987, the Secretary-General reported to the Department of State that he was considering granting 156 exceptions to the hiring freeze.

(5) Of these 156 probable exceptions, 104 would be Soviet and Soviet-bloc nationals currently employed in the United Nations Secretariat—of 298 Soviet and Soviet-bloc nationals currently employed in the United Nations Secretariat—who would be replaced over the next 18 months.

(6) According to a report from the Select Committee on Intelligence of the Senate on "Soviet Presence in the United Nations Secretariat" (Senate Print 99-52, May 1985), approximately one-fourth of the Soviets in the United Nations Secretariat are intelligence officers, many more are co-opted by the Soviet intelligence agencies, and all Soviets in the United Nations Secretariat must respond to KGB requests for assistance.

(7) Other United States intelligence authorities estimate that as many as one-half of the Soviet and Soviet-bloc nationals in the United Nations Secretariat are officers of the KGB or the GRU.

(8) If the Secretary-General's probable exemptions are adopted, the Soviet Union will be allowed to replace retiring Soviet and Soviet-bloc personnel with new, highly skilled and well-trained intelligence officers of the KGB or the GRU.

(9) The Secretary-General's proposed exceptions would thus provide the Soviet Union with the capability to rebuild its intelligence apparatus within the United States, which was devastated in recent years when the United States ordered severe reductions in the size of the Soviet mission to the United Nations, the Soviet Embassy in Washington, District of Columbia, and the Soviet Consulate in San Francisco, California.

(10) Article 100 of the United Nations Charter calls for the establishment of an international civil service whose members are neutral and loyal only to the United Nations.

(11) Section 3 of Article 101 of the United Nations Charter calls for the appointment of individuals who are professionally qualified for the positions they are to fill and maintains that due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible.

(12) As of September 1985, 442 of 446 Soviet nationals employed throughout the United Nations system are "seconded", that is, serve on short, fixed-term contracts.

(13) Through the abuse of short, fixed-term contracts, the Soviet Union has maintained undue influence and control over major offices of the United Nations Secretariat, thereby effectively using the United Nations Secretariat in the conduct of its foreign relations, in clear violation of Articles 100 and 101 of the United Nations Charter.

(14) The Secretary-General's proposed exceptions to the hiring freeze (as described in paragraphs (1) through (5)) would continue the gross violations of Articles 100 and 101 of the United Nations Charter described in paragraph (13).

(15) The Secretary-General's proposed exceptions to such hiring freeze would be clearly inconsistent with the terms of the United Nation's self-imposed reform program.

(16) The United Nations has not yet achieved its reform goals and there is no indication that the United Nations can afford to make such large exceptions to such hiring freeze.

(b) Report to Congress.—(1) The Secretary of State shall report to the Congress not later than 90 days after the date of enactment of this Act and annually thereafter as to the status of secondment within the United Nations by the Soviet Union and Soviet-bloc member-nations.

(2) Such report shall contain as a minimum, a thorough analysis of the following issues:

(A) The number of Soviet and Soviet-bloc nationals who are currently seconded to the United Nations system on short, fixed-term contracts in New York, Geneva, Vienna, and Nairobi, and the percentage such number is to the total number of Soviet and Soviet-bloc nationals so seconded.

(C) The number of Soviet and Soviet-bloc nationals who are currently employed in the United Nations system on long-term contracts.

(D) The measures undertaken by the United States to persuade the United Nations Secretariat to enforce the provisions of the United Nations Charter which specifically govern the behavior and activities of United Nations employees, especially Articles 100 and 101.

(E) The measures undertaken by the United States either through bilateral or multilateral channels with the Soviet Union and other members of the Soviet-bloc to end their abuse of secondment.

(F) The measures undertaken by the United States to challenge Soviet and Soviet-bloc nationals' credentials and to deny them entry visas, in order to keep Soviet and Soviet-bloc intelligence operatives out of the United States and United Nations.

(G) The counterintelligence efforts undertaken by the United States to protect United States national security from hostile intelligence activities directed against the United States by Soviet and Soviet-bloc intelligence operatives employed by the United Nations.

(c) Sense of the Congress.—It is the sense of the Congress that—

(1) the President should take all such actions necessary to ensure compliance with the hiring freeze rule, including withholding all assessed United States contributions to the United Nations, and denying United States entry visas to Soviet and Soviet-bloc applicants coming to the United States to replace Soviet and Soviet-bloc nationals currently serving in the United Nations Secretariat;

(2) the President, through the Department of State and the United States mission to the United Nations, should express to the Secretary-General of the United Nations the insistence of the American people that the hiring freeze continue indefinitely, or until the United Nations has complied with the Group of 18 recommendations and can thus afford to make exceptions to the freeze;

(3) the Secretary-General should revoke all exceptions to the hiring freeze rule, excepting those member-nations which have 15 or fewer nationals serving in the United Nations Secretariat, or those positions not subject to geographical representation, such as those of the general service category;

(4) the long-term, flagrant violations of Articles 100 and 101 of the United Nations Charter and the abuse of secondment by the Soviet Union and Soviet-bloc member-nations are reprehensible;

(5) the United Nations should adopt the recommendations of the Group of 18 (as referred to in subsection (a)(3)) that no member-nation be allowed to have more than 50 percent of its nationals employed under fixed-term contracts;

(6) the Soviet Union is hereby condemned for—

(A) its refusal to adhere to the principles of the United Nations Charter calling for an international civil service,

(B) its abuse of secondment, and

(C) its absolute disregard of the solemn purpose of the United Nations to be an international civil service; and

(7) if the Soviet Union and the Soviet-bloc intend to remain member-nations of the United Nations, they should adhere to Articles 100, 101, and all other principles of the United Nations Charter to which every other member-nation must adhere.

(d) Definition.—For the purposes of this section, the term "Soviet-bloc" means the countries of Bulgaria, Cuba, Czechoslovakia, East Germany, Hungary, Nicaragua, North Korea, Poland, and Romania.

AMENDMENT TO H.R. 3100, AS REPORTED, OFFERED BY MR. SOLOMON

Add the following at the end of the bill:

TITLE XIII—INTERAGENCY REVIEW OF TRANSFER OF INFORMATION TO CERTAIN COUNTRIES

SEC. 1301. INTERAGENCY GROUP FOR SCIENTIFIC INFORMATION TRANSFER.

(a) Establishment.—The President shall establish an Interagency Group for Scientific Information Transfer (hereafter in this section referred to as the "Interagency Group"), which shall be composed of such officers or employees of the Departments of State, Commerce, and Defense, and such individuals from the academic and scientific communities, as the President shall designate.

(b) Submission of Proposed Agreements to Interagency Group.—Before any department or agency of the United States, or any educational institution, begins negotiating any major agreement (as determined under regulations issued by the President) with the government (including any instrumentality thereof) of any proscribed country, which may involve the exchange or transfer to such country of any scientific or technological information, that department, agency, or educational institution shall submit the proposed agreement to the Interagency Group.

(c) Evaluation of Agreements Involving Exchange of Scientific or Technology Information.—The Interagency Group shall evaluate all agreements submitted under subsection (b).

(d) Proposal to Enhance Interagency Review.—The Interagency Group shall develop and, not later than 6 months after the date of the enactment of this act, submit to the Congress a report on, a proposal on methods to enhance interagency review of agreements described in subsection (b).

(e) Definition.—For purposes of this section, the term "proscribed country" means any controlled country under section 5(b)(2) of the Export Administration Act of 1979, and any country which the President may designate by executive order for purposes of this section.

(f) REGULATIONS.—The President shall issue such regulations as may be necessary to carry out this section.

AMENDMENT TO H.R. 3100, AS REPORTED, OFFERED BY MR. SOLOMON

Page 226, after line 10, add the following:

SEC. 930. ADMINISTRATION POLICY ON AFGHANISTAN.

(a) FINDINGS.—The Congress finds that—

(1) each of the substantive sanctions imposed on the Soviet Union by the United States to protest the Soviet invasion of Afghanistan have been lifted;

(2) although the administration's policy on Afghanistan states that only "steadily increasing pressure on all fronts—military, political, diplomatic—will induce the Soviets to make the political decision to negotiate the withdrawal of their forces," political and diplomatic pressures on the Soviet Union have decreased rather than increased;

(3) in the absence of a coordinated and aggressive policy by the administration regarding the war in Afghanistan, the Congress has been forced to unilaterally implement numerous programs to bring "steadily increasing pressure" to bear on the Soviet Union; and

(4) despite the failure of Soviet troops to withdraw from Afghanistan, and the serious deterioration with regard to the situation of human rights in Afghanistan, the administration is planning to lift further sanctions and initiate increasing areas of cooperation with the Soviet Union.

(b) REPORT TO CONGRESS.—(1) Not later than sixty days after the date of the enactment of this Act, the Secretary of State shall provide the Chairman of the Senate Foreign Relations Committee and the Chairman of the House Foreign Affairs Committee with a report listing each sanction imposed against the Soviet Union by the United States since the first anniversary of the Soviet invasion of Afghanistan, a detailed explanation for the lifting of each sanction, and a detailed analysis of the benefit to the Soviet Union incurred by the lifting of each sanction.

(2) Not later than sixty days after the date of enactment of this Act, the Secretary of State shall provide the Chairman of the Senate Foreign Relations Committee and the Chairman of the House Foreign Affairs Committee a comprehensive list of all areas of ongoing cooperation that could be withheld from the Soviet Union.

(3) Not later than sixty days after the date of enactment of this Act, the Secretary of State shall provide the Chairman of the Senate Foreign Relations Committee and the Chairman of the House Foreign Affairs Committee with a detailed and comprehensive report in a suitably classified form, and in an unclassified form, containing the disposition of Soviet military forces in Afghanistan region and an account of any troop withdrawals and any new troop deployments.

ASSAD'S HUMAN RIGHTS ABUSES

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 1987

Mr. SMITH of Florida. Mr. Speaker, last month, the Reagan administration reestablished diplomatic relations at the ambasadorial level with the Government of Syria. This was a reaction to Syria's decision to expel Abu Nidal's terrorist organization from its territory.

This move comes at a time when there is no clear consensus on the true nature of the Assad regime. The extension of full diplomatic recognition by this country should depend on an array of issues, one being human rights observance. I submit an excerpt from Amnesty International's report, "Syria: Torture by the Security Forces," for the RECORD. This news item offers us insight into the Assad regime's blatant disregard for its own citizen's human rights.

In the case of Syria, it appears as if the administration had used full diplomatic recognition as a carrot rather than as an acknowledgment that Syria is a responsible member of the international community.

The excerpt follows:

SYRIA: TORTURE BY THE SECURITY FORCES

Torture is a regular experience for thousands of political prisoners in Syria.

For years Amnesty International has received reports that political prisoners are systematically tortured and ill-treated by Syrian security forces. The victims range from students to lawyers to housewives to soldiers. Anyone who opposes the government is at risk. People arrested or abducted by the security forces in those areas of Lebanon under Syrian control have described tortures similar to those suffered by detainees in Syria.

Torture is facilitated by the extensive powers of arbitrary arrest and detention conferred on the security forces by a state of emergency . . . in force in Syria since 1963. . . . These powers have been grossly abused, resulting in thousands of arbitrary arrests. The security forces have arrested people at will, without warrants, without any explanation of why they are being arrested and without reference to any central authority and held them incommunicado for long periods, in some cases for years. . . .

Brutal methods of torture have been described to Amnesty International by former inmates of Syrian prisons . . . [and] by former detainees tortured by Syrian forces in Lebanon. One, known as the Black Slave, involves strapping the victim onto a device which . . . inserts a heated metal skewer into the anus. The Washing Machine is a hollow spinning drum . . . into which the victim's arms are pushed and spun until they are crushed. There is the Syrian Chair, a metal chair to which a victim is bound by the hands and feet. The chair's backrest is then bent backwards, causing acute stress to the spine. . . .

THE GOVERNMENT'S RIGHTS

HON. PHILIP R. SHARP

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 1987

Mr. SHARP. Mr. Speaker, as you know, this year we have been celebrating the bicentennial of the Constitution. This celebration will continue over the next 5 years as the Nation focuses on the events which began with the Constitutional Convention in 1787 and culminated with the ratification of the Bill of Rights in 1791.

During this time, many events have been organized to commemorate the Constitution. For example, schools throughout the country have been holding constitutional essay contests. Today, I am pleased to include in the RECORD a winning essay written by Kris Fisher. Kris is a high school student in Fairland, IN, who has written a thoughtful and inspiring essay which can help all of us commemorate our Constitution.

THE GOVERNMENT'S RIGHTS

When the words, "United States Constitution," are mentioned, the "rights of the people" usually come to mind. Although the protection of the citizen's rights was one objective for the drafting of the Constitution, another was the establishment of a strong federal government, which united the states into a central power—a power which was not a dictatorship granting power to the people, but a power granted ". . . by the people to a government which they—the people—created."[1] To insure this power would become a strong, effective, prospering nation, the following rights, stated in the eighth section of Article I of the Constitution were necessary; the power to levy and collect taxes; ". . . to coin money . . . to regulate commerce with foreign nations and among the several states; and to provide for the common defense and general welfare of the United States."[2]

In the year 1787, before our founding fathers had met to write the Constitution, the thirteen sovereign states were very separate and independent. The government had no power to levy or collect taxes from the people. Taxes were purely voluntary, in many ways like the churches or charitable organizations of today. This was due to the fact that the colonists had just escaped from the insensitive central government of England. Mandatory taxing definitely was needed to support the country if it was going to grow into a world power. If taxes were left purely voluntary, there probably never would have been a nation. For this reason, the government had to have the right to set down and collect taxes.

Without the Constitution, even if the Confederation could have collected taxes, it would have been nearly impossible. For each state, at that time, was free to create its own currency and to establish trade barriers. There was a very limited amount of commerce between the states and many types of currencies. A system that would open trade was wanted by the people, especially the merchants. It was imperative for the states to have a common currency, a central revenue with other countries, and a common market, if they were going to work together, to grow, and to stand proud as Americans. The Commerce Clause within the new Constitution gave the government the right to control these items so that the country would be able to develop into a mighty empire.

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[1] "We the People," Scouting, Boy Scouts of America, Sept., 1987, p. 30.

[2] "The Constitution of the United States of America", Sec. 8, Article 1, Sept. 16, 1787.

As a result of the Confederation being unable to collect taxes to raise armies, the colonists nearly lost the war to England. During the battle at Valley Forge, the soldiers under Washington suffered starvation and nearly froze to death because the states had no obligation to provide food and supplies, and the government had no money to support the armies. Soldiers often had to provide their own rifles, clothing, food and sometimes even gunpowder. The new Constitution gave the government the right to use taxes to raise, support, organize, arm and discipline the militia to provide the common defense and general welfare of its citizens.

These rights given to the government—by the people—have helped secure the liberty of Americans for 200 years. It is still working today and will continue to do so if we believe in it.

SERIOUS INEQUITIES IN OUR TAX CODE

HON. HARRIS W. FAWELL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 1987

Mr. FAWELL. Mr. Speaker, I wish to bring to my colleagues' attention several revenue provisions of the House-passed reconciliation measure which I believe pose serious inequities in our Tax Code.

Several aspects of this bill are examples of a "slippery slope." The provision relating to reducing the deduction for the dividends received income is reduced to 75 percent from its 80 percent deduction legislated only last year. Prior to the 1986 Tax Reform Act, this deduction had been 85 percent, having recognized that corporations receiving dividends with one hand and paying them out with another were unduly taxed twice. Now as we annually reduce the amount of their deduction, surely approaching zero, we reinstate this unfair taxation.

Only last year this body passed a major reform to our Tax Code. And before we can even begin to assess the impact of those changes, here we go again. We are blindly revising laws that have not been tested, such as the graduated scale of corporate rates.

This reconciliation measure unfairly discriminates against people who have chosen occupations of personal service—your doctor, your accountant. Prohibiting these personal service corporations from the enjoyment of the same graduated rates as other corporations is unfair. The 1986 Tax Reform Act touted lower rates for everybody, not those in particular careers, while taking away much-cherished income shelters from everybody.

Businesses choosing limited partnerships are singled out in this bill as well. The treatment of certain limited partnerships as corporations for tax purposes is highly discriminatory. People should be free to choose their own methods of business without concern of unfavorable tax treatment.

Furthermore, the Internal Revenue Service should not have the right to unduly seize the business of a partnership if one partner fails to pay his deficiencies. This is bad policy, and the zeal which the IRS has acquired in its quest for reeling in revenue is frightening.

I am very much aware of the strain that pressure to meet deficit reduction targets has forced the IRS to police taxpayers more closely. However, many individuals and corporations face unnecessary burdens in the prospect of an audit. I strongly urge my colleagues who will reconcile differences in our measure with that of the Senate to adopt the Taxpayer's Bill of Rights (H.R. 3470) as introduced by our colleague, Mr. FLIPPO.

The rights of law-abiding citizens must be protected as tax collecting agents seek to bring in more revenue. It is time to take action to allay the nearly universal fear of an audit. The Taxpayer's Bill of Rights is a major stride in the direction of a Code that seeks to protect the rights of the middle-income taxpayer.

However, soaking corporations is not the solution. I strongly urge my colleagues serving on the budget reconciliation conference to pay heed to these concerns with the revenue portion of this bill. Do not accept a compromise that is discriminatory, which undoes portions of the "act to end all tax acts," and leaves law-abiding citizens as the unarmed targets of an agency with a great deal of power.

THE 64TH ANNIVERSARY OF THE FOUNDING OF THE TURKISH REPUBLIC

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 1987

Mr. HORTON. Mr. Speaker, I want to congratulate the Government and the people of Turkey on the 64th anniversary of the founding of the Turkish Republic on October 29, 1923, by Kemal Ataturk, the great Turkish statesman and victorious commander of the Turkish War of Independence. Ataturk's reforms provided the foundation for the modern democratic state and expanded economy that we observe in Turkey today.

The Republic of Turkey, one of our most valuable allies in the cause for peace and freedom, is also one of the most important members of the North American Treaty Organization.

We should remember that Turkey began its quest for a democratic order with a very different cultural and political heritage from the United States. However, it would be difficult to find a country with a more favorable political record than Turkey. It is a country that has undergone profound change in just two generations and its democratic institutions are firmly rooted.

Turkey seeks the full integration with the West that membership in the European Economic Community would provide. In 1986 Turkey assumed its rightful place in the Council of Europe and was elected to its presidency in 1987. Turkey's recent referendum and upcoming national elections should boost her efforts to get into the EEC.

Turkey today plays an important role in the free world. It defends Europe's southern flank by maintaining the second largest army in NATO. It helps to feed Europe by sending 35 percent of its exports, mainly agricultural, to EEC countries. It commits a greater percentage of its GNP to defense than any other European member of NATO.

Efforts have been made in the past by extremists groups to destroy democracy in Turkey and to detach this strategically located American ally from the Western World. Turkey has overcome these threats and is a strong, democratic friend of the United States. Its 1,000-mile border with the Soviet Union is the longest in NATO. Turkey has the largest United States Air Force base between Italy and the Philippines and is the site for critical NATO and United States-Soviet monitoring facilities.

I congratulate Turkey on the achievements of 64 years since the founding of the Republic. It is poised to achieve ever greater economic growth while simultaneously maintaining a parliamentary democracy.

Turkey is a stalwart Alliance member and U.S. partner who encourages stability and projects Western strength and values into the Middle East. We should continue to recognize this staunch ally and friend and join the Turkish people in commemorating this auspicious anniversary.

SALUTE TO PACIFIC GAS & ELECTRIC

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29 1987

Mr. STARK. Mr. Speaker, along with my colleague, Mr. DELLUMS, I rise in praise of the many businesses and government agencies that have participated in the Pacific Gas & Electric Co.'s Group Load Curtailment Program.

The demand for energy can outpace the supply on hot afternoons when energy use peaks or when energy supply is reduced due to natural disasters. When this happens, the members of the GLC Program voluntarily reduce unnecessary electrical use. They do this in a variety of ways: from reducing air-conditioning and lighting to temporarily rescheduling production to nonpeak hours.

The GLC Program represents a unique cooperation between government and private agencies. By working together, members help to avert the rolling brownouts and total blackouts that would otherwise occur.

Alameda County members that deserve our sincere appreciation are the County of Alameda, Fleischman's Yeast, Inc., Kaiser Foundation Health Plan, the city of Livermore, Oakland City Center, Pacific Bell, Providence Hospital, Safeway Stores, Inc., the city of San Leandro, and Washington Hospital.

I urge my colleagues to join us in saluting PG&E and the members of the group load curtailment plan. We commend them for their community service and wish them continued success in the future.

NO NEW TAXES, NO MORE PAY RAISES

HON. JIM LIGHTFOOT

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 1987

Mr. LIGHTFOOT. Mr. Speaker, I can't believe we're back here doing the same thing again: raising taxes and giving ourselves another pay raise.

This reconciliation bill, known as H.R. 3545, is a joke. Reconciliation is intended to meet our budgetary guidelines, but this bill contains nothing more than false savings, new spending, increased taxes, and a 3-percent pay raise for Congress. We just had a pay raise in February and now we're being asked to approve another one.

I, for one, refuse to go along with these shenanigans. I'm voting against this bill because I oppose this back-door attempt to get another pay raise, raise new taxes, and use false budgetary savings to meet our budgetary goals. I will continue to oppose tax increases and continue to press for reforms in the way Congress votes itself pay raises. For a long time now, I've been a cosponsor of legislation to require a separate, recorded vote for any new pay raises and to require each member to first stand for reelection before being allowed to accept a pay raise.

We have got to stop this foolishness and procrastination. We've got to make the hard choices. We should enact a balanced budget amendment, the line-item veto, consider the Grace Commission recommendations, and any other option which might help restore fiscal sanity to the Federal Government.

PROTECTING SECRETS

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 1987

Mr. BEREUTER. Mr. Speaker, our Nation cherishes among its fundamental freedoms the right of free speech. If we are to preserve the right of free expression and our other basic freedoms, we must first defend our democratic way of life from adversaries who would destroy it. The first line of defense in guarding free expression, therefore, is to protect our Nation's secrets.

Unfortunately, too many in our government, both in Congress and the executive branch, forget that there exists a basic and fundamental relationship between remaining silent and preserving the right to speak freely.

There are three major categories of secrets that need to be protected: sources, methods, and intentions. Most often, we think of our national security being undermined by spies who sell out their country for personal gain. Traitors hold no monopoly in giving comfort to our adversaries, however.

The desire of some to demonstrate their importance by speaking authoritatively, regarding our friends' and adversaries' capabilities and intentions, inevitably risks exposing our sources of intelligence. The exact method of intelligence collection may also be at risk through this or similar indiscretions. These two categories of classified material are easily protected, however, by the careful observation of rules pertaining to physical, personnel, and document security. By using secure facilities—including communications equipment—to store, transmit, or review materials, by limiting access to classified information only to screened and trained individuals who have the need to know, and by carefully controlling and accounting for discrete pieces of intelligence, it is entirely possible to protect all our important secrets in the first two categories from serious compromise.

The third category of secrets, intentions, requires special vigilance and it is the category most often compromsed by political appointees, elected officials, and their respective staffs. In a free society, preserving the citizens' right to know is the single most crucial element in keeping Government accountable to its citizenry. Responsible journalists must consider what information is vital to a functioning democracy and therefore must be disseminated. They are equally responsible to withhold information secured that is desctructive to a free society because it aids our Nation's adversaries more than it aids in keeping Government accountable.

I commend to the attention of my colleagues a thought-provoking editorial that appeared in the Lincoln Star of Lincoln, NE, on October 16, 1987. The editorial follows:

[From the Lincoln (NE) Star, Oct. 16, 1987]

SECRETS LEAKED BY MANY

Retired Admiral Bobby Inman offered a University of Nebraska audience Thursday his wide-ranging, intricate insights into the interplay and evolution of education, business and government practices and policies on post-war America and our prospects for the future.

We offer one sample, not reported elsewhere.

In no arena did Inman speak with more certainty than about leaks of government secrets. During his long intelligence career he served as deputy director of the CIA, director of National Security Council and chief of naval intelligence.

Inman said the common view is that leaks come from Congress, and indeed, he said they do—most frequenlty from members of Congress and staffs on the political extremes, both left and right.

But Inman said the executive branch of government lets out far more secrets than does Congress.

Having worked closely with six of the last seven administrations in Washington, he has developed three categories of executive leakers.

Some come from the disgruntled or the political outs.

But the leaks that do the most damage, according to Inman, come from careless, inattentive appointed officials, the secretaries and under secretaries who manage government departments.

"They don't understand the damage they're doing. They gossip to show their power," he said.

The third kind of administration leakers, and the most common, are those who tell secrets to sell their special agenda or policy—the ideologues.

Fortunately, Inman confided, those leakers usually warp or change the secrets to suit their purposes.

"Their contortions are the most effective disinformation campaign we've ever mounted. They must drive the Russians crazy trying to figure out what we know."

SHOTS, NOT BULLETS

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 1987

Mr. OBEY. Mr. Speaker, at this time of the year, people in the United States and elsewhere turn their attention to the U.N. Children's Fund [UNICEF] and the major contribution that international organization makes to help children around the world.

An event took place last month which demonstrates the unique and very special humanitarian role UNICEF plays.

In the faction-ridden nation of Lebanon, militiamen from all sides lowered their weapons last month to allow a 4-day countrywide immunization campaign carried out by the U.N. Children's Fund [UNICEF], the Health Ministry, and nongovernmental organizations of every political and religious designation. The campaign, held in what UNICEF officials called a quite and tranquil atmosphere, covered a total of 762 health posts in 29 districts.

The campaign dramatically lifted vaccination coverage in a country where 5 preventable diseases took the lives of 2,000 children and crippled thousands of others last year alone. National coverage for DPT is estimated to be up from 53 to 77 percent, measles up from 39 to 61 percent, and polio up from 53 to 77 percent. Whooping cough and tetanus coverage is estimated to have been raised to 75 percent. Similar campaigns are planned for October and November.

No fighting occurred during the 4 days. In fact, militiamen and soldiers distributed handbills promoting the campaign and striking workers stayed on the job at dispensaries to assist health workers.

I commend all the parties involved for their outstanding efforts on behalf of our greatest resource, children.

Unfortunately, while the administration asked for a 14-percent increase in overall foreign aid this year, they proposed cutting the U.S. contribution to UNICEF more than 40 percent. The House Appropriations Committee recommended restoring these funds so that UNICEF can continue its fine work.

I would like to submit for the RECORD a report on the immunization campaign that appeared in the Washington Post:

[From the Washington Post, Sept. 24, 1987]

UNICEF PROCLAIMS SUCCESS INOCULATING LEBANON'S YOUNG

(By Michael J. Berlin)

UNITED NATIONS, September 23.—At road checkpoints all across Lebanon this week, armed militiamen handed out pamphlets proclaiming a revolutionary manifesto—inoculate your babies—which, said James Grant of the U.N. Children's Fund, "is better than bullets."

The U.N. agency announced today that the immunization campaign was operating without incident all across the faction-ridden nation, and that in the first two days of the four-day operation, half of the 270,000 children targeted had been immunized against measles, while 75 percent received vaccines against diphtheria, whooping cough, tetanus and polio.

These diseases account for 1,000 to 2,000 deaths and several thousand cases of blindness or crippling in Lebanon each year among the country's 350,000 children under the age of 5. Because the national immunization level has declined drastically over more than a decade of civil war, 270,000 of these children were unprotected until the campaign began.

Grant, UNICEF's executive director, said that the operation would be extended to a fourth day Thursday because of the "quiet and tranquil atmosphere" that has prevailed during the three scheduled days, in hopes that more children will be reached.

The concept of a "truce for the children" was tried with success in El Salvador in 1985. A similar drive in Lebanon was proposed in April, and embraced after painstaking negotiations with all factions from Israeli and Syrian authorities to the Iranian-backed Hezbollah, Grant said.

"The first signal that we could make it work came last Friday," he noted, "when the medical supplies and vaccines were transported to all 29 districts of Lebanon without incident in our own trucks and militia jeeps and armored vehicles, across all checkpoints."

VA TO THE CABINET BY VETERANS DAY

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 1987

Mr. SOLOMON. Mr. Speaker, there is still time to approve legislation elevating the Veterans' Administration to a Cabinet-level department by November 11.

I am very pleased Chairman BROOKS has scheduled markup of this legislation by the Subcommittee on Legislation and National Security for the morning of November 5. Chairman BROOKS has provided the veterans of this country a valuable service in recognizing the importance of this important legislation.

Congressman SONNY MONTGOMERY, chairman of the Veterans' Affairs Committee and Congressman FRANK HORTON should also be commended for their effort in promoting this bill.

As we move closer to Veterans Day those individuals in the Congress and the administration involved with this measure should join in support of the bill. Today, I wish to insert into the CONGRESSIONAL RECORD the statement by Cooper Holt, the executive director of the Veterans of Foreign Wars, who testified on behalf of the 2.2 million VFW members in support of upgrading the Veterans' Administration to Cabinet level.

STATEMENT OF COOPER T. HOLT, EXECUTIVE DIRECTOR, VFW WASHINGTON OFFICE

Mr. Chairman and members of the subcommittee: Mr. Chairman, my name is Cooper T. Holt and it is my distinct honor to serve the more than 2.2 million members of the Veterans of Foreign Wars of the United States as the Executive Director of the VFW Washington Office. At the outset, I would like to take this opportunity to commend you for introducing legislation, (H.R. 3471), which would provide for the establishment of a Department of Veterans Affairs. I would also like to commend you for holding this hearing, demonstrating your commitment in advancing this long-overdue legislation.

In my 25 years in Washington as a veteran's advocate, I have seen many bills introduced to make the Veterans' Administration a cabinet department. For 25 years, I have longed to see the Veterans' Administration gain the recognition and status it so richly deserves. Today, by the mere fact of your conducting this hearing, we are closer than ever before in achieving cabinet status for the Veterans' Administration.

Mr. Chairman, there are many compelling reasons for making the Veterans Administration an executive branch department. The VA is currently the largest independent agency and employs the second largest number of personnel in the Federal government. The VA serves a more diverse cross section of our nation's population than any other department or agency. These individuals, consisting of nearly 28 million veterans along with their dependents and survivors, comprise approximately one-third of the nation's total population. Even so, the VA Administrator only has limited access to the President and may only communicate indirectly with the White House through a White House staffer. Upgrading the Veterans Administration to cabinet level will rectify this totally unacceptable situation.

The VA administers a number of programs that contribute directly to the welfare of this nation's veterans and the national economy. By operating the largest independent hospital system in the free world, the VA has a direct impact on all phases of medical care and research which take place in this country. The importance of the Veterans Administration was reaffirmed on November 21, 1983, with the passage of Public Law 98-160, the "Veterans' Health Care Amendments of 1983," which contains the sense of the Congress that the Veterans Administration should be made a cabinet level department.

We would point out that upgrading the VA to cabinet level does not in any way constitute an expansion of the current bureaucracy and that during the last Congress, the Congressional Budget Office determined that the cost associated with such an action would be insignificant. However, it would have the highly salutary effect of providing better representation to America's veterans and their survivors and dependents. The Veterans of Foreign Wars firmly believes that America's veterans truly deserve to be heard at the highest level of American government.

In closing, Mr. Chairman, a majority of the Members of the House of Representatives support making the Veterans Administration a cabinet department. I would be remiss if I did not acknowledge Congressmen Gerald Solomon, G. V. "Sonny" Montgomery and John Paul Hammerschmidt for their efforts in spearheading this drive. Please be assured, the Veterans of Foreign Wars stands ready to assist you in any way we can in the enactment of your historic bill, H.R. 3471.

Thank you.

SPECIAL PROSECUTOR LAW IS NOW A POLITICAL FOOTBALL IN CONGRESS

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 1987

Mr. SMITH of Florida. Mr. Speaker, an article from the October 24, 1987, edition of the New Bedford, MA, Standard Times pertains to the independent counsel law. I feel this excellent commentary should be brought to the attention of my colleagues in the U.S. House of Representatives.

SPECIAL PROSECUTOR LAW IS NOW A POLITICAL FOOTBALL IN CONGRESS

Every so often a piece of silliness surfaces in Congress and very serious people argue for weeks over the most mischievous ideas. Lately, since special prosecutors have been giving White House officials such a pain, congressional sympathizers of these legally challenged individuals decided it was time to play some political games in retaliation.

Twisting the rationale for special prosecutors into a pretzel, some lawmakers introduced legislation that would apply the special prosecutor law not only to members of the administration, but to members of Congress as well.

It was a clever ploy designed to accomplish nothing but to embarrass those congressmen, largely Democrats, who are cheering the various inquiries now under way at the White House. And it really put them in a box for a time.

Supporters asked why Congress should not be subject to special prosecutors, trying to make opponents look like weasels afraid of exposing their own misdeeds. With arguments like this, the rebuttal sounded technical and evasive: There is no conflict of interest when the attorney general investigates a member of Congress, and he may do so at any time.

Nothing stops Attorney General Edwin Meese from prosecuting any member of Congress who has done wrong. Suggesting that a special prosecutor would undertake new inquiries implies that Mr. Meese isn't doing his job. And if he is doing his job (in fact, there have been a handful of congressmen indicted in recent years), there is no reason whatever for the special prosecutor to be assigned to Congress. To do so only gives the illusion that justice is better served.

But illusions count for a lot in Washington, and House Republicans decided made a unified stand because on the surface it looked good. Most of them surely knew better, but they felt compelled to make a political statement.

Next: a possible presidential veto of the extension of the special prosecutor law, set to expire Jan. 2. The law already is under attack for allegedly being unconstitutional, but the proper way to challenge that is in court. Pulling the plug on ongoing investigations, including Iran-Contra, will only offend those who want accountability and legal behavior from every branch of government.

THE PLIGHT OF DR. BENJAMIN CHARNY

HON. PHILIP R. SHARP

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 1987

Mr. SHARP. Mr. Speaker, I would like to bring to the attention of the House an urgent matter of the most basic human rights—one of special concern to my constituents in Indiana, and to many other Americans: the plight of Soviet mathematician Dr. Benjamin Charny.

Tuesday, October 27, was both a special and a sad day in Dr. Charny's life. On that day in Moscow, Dr. Charny celebrated his 50th birthday. It was a special day because this distinguished and gentle mathematician can be proud of his significant contributions to the peaceful science of numbers. He can be proud of the family he has raised, for when Benjamin's parents died when he was a young man, he raised his only brother, who later became an accomplished mathematician in his own right.

Celebration of one's 50th birthday, given these achievements, should be a happy day in Dr. Benjamin Charny's life. But it cannot be, for Dr. Charny and his wife cannot leave the Soviet Union, and his brother, daughter, and grandchild now live happily in the United States. Benjamin Charny is confronted with the unpleasant reality that his government may never grant him a most basic human right: being able to be with those whom he loves.

For time is running out for Benjamin Charny—he has been diagnosed as having inoperable cancer and a critical heart condition, and Soviet physicians cannot provide the level of care that has been offered by doctors in America—care that could prolong his life.

Benjamin Charny has sought permission to emigrate from the Soviet Union for over 8 years. And just this year, he was again coldly denied the rights so clearly expressed in the Helsinki Final Act—those rights recognized by all of us in this Congress. The reason: that he possesses "state secrets." This is despite the fact that all his works have been published in the nonclassified literature, despite the fact that this work on mathematical algorithms ceased in 1971, and despite the fact that he has not been employed for the last 8 years.

Those Americans who have visited with Dr. Charny and his wife—including an American doctor—have told us that Benjamin's life could be prolonged if he could receive treatment in America. Two weeks ago this day, his brother and daughter went through the Halls of this Congress, visiting many of us, begging that their hopes might somehow be heard in Moscow. But Dr. Charny has been told not to even think of reapplying for an exit visa until 1995.

This amounts to a nothing less than a death sentence for Benjamin Charny—a lonely death, isolated from his immediate family.

We Americans have hopes—hopes not only for the Charnys and the thousands of refuseniks in the Soviet Union, but for a better relationship with that country—even though we appreciate that with such different political systems there will always be competition and frictions. General Secretary Mikhail Gorbachev's words seem to indicate that the Soviets seek a new and better relationship with the United States. But after over 2 years, Mr. Gorbachev's words ring hollow and empty for Benjamin Charny and his family, and Soviet inactions cause us to pause and consider just what America's relationship with the Soviet Union might be.

The cause of universally recognized human rights cannot be appeased by words alone, or by a selective and arbitrary trickle of refuseniks conveniently released, coincidentally, with important junctures in United States-Soviet relations. For Benjamin and Yadviga Charny and the thousands of refuseniks like them, prompt humanitarian actions by the Soviet Government—not just words—will indicate to the world the true implications of glasnost and perestroika. Tangible evidence of such reforms cannot be disengaged from our minds, or from the larger context of Soviet-American relations.

Sadly, it is now too late for Benjamin Charny to celebrate his 50th birthday with his family. Next year may be much too late, let alone 8 years from now. I would hope that those in the Soviet Government will hear our concern and understand the anguish of Dr. Charny's family, and promptly let this man and his wife go. A belated reunion is far better than none at all. And I would ask that my colleagues keep the names of Benjamin and Yadviga Charny in the front of their minds as they communicate with the Soviets on such serious matters of universal concern.

HOUSE OF REPRESENTATIVES—*Monday, November 2, 1987*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We pray, gracious God, that You would ease the burdens of the day and the evils of our world. As we are so easily frustrated by too many demands and obligations, may we learn patience in our thoughts and grace in our souls, so that we may truly be messengers of the good tidings of peace in our world and in our hearts. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the proceedings of the second legislative day of Thursday, October 29, 1987.

The question is on approval of that Journal.

ADJOURNMENT

Mr. FOLEY. Mr. Speaker, I offer a privileged motion.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

Mr. Foley moves that the House do now adjourn.

The SPEAKER. The question is on the motion offered by the gentleman from Washington [Mr. Foley].

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. SENSENBRENNER. Mr. Speaker, I ask for a division.

The SPEAKER. A division is requested.

A division was taken; and the Speaker announced that the noes appeared to have it.

Mr. FOLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

Mr. SENSENBRENNER. Mr. Speaker, I have a point of order.

Mr. Speaker, that is not a proper motion to make. The House can adjourn without a quorum.

The SPEAKER. That is true, but when the vote is a negative vote the House is not adjourned unless the vote were established to be an affirmative vote. The Chair counted 12 ayes and 15 noes.

Mr. FOLEY. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER. The gentleman can object to the negative division vote on the ground that a quorum is not present, and evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 92, nays 100, not voting 241, as follows:

[Roll No. 396]

YEAS—92

Ackerman
Akaka
Annunzio
Bennett
Berman
Bevill
Brooks
Bryant
Bustamante
Chapman
Chappell
Coleman (TX)
de la Garza
DeFazio
Derrick
Dorgan (ND)
Eckart
Edwards (CA)
English
Erdreich
Fascell
Fazio
Foley
Frank
Frost
Gibbons
Hall (OH)
Hamilton
Hatcher
Hawkins
Hertel
Hubbard
Huckaby
Hutto
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kastenmeier
Kennelly
Kildee
Lantos
Lehman (FL)
Levin (MI)
Levine (CA)
Matsui
Mazzoli
McCurdy
McMillen (MD)
Mica
Mineta
Montgomery
Morrison (CT)
Mrazek
Myers
Natcher
Nelson
Obey
Owens (UT)
Pease
Pelosi
Penny
Pepper
Perkins
Pickle
Price (IL)
Rahall
Rangel
Richardson
Rose
Roybal
Schroeder
Sharp
Sikorski
Sisisky
Skaggs
Slattery
Spratt
Stallings
Stark
Stokes
Synar
Tallon
Torres
Udall
Valentine
Vento
Visclosky
Wheat
Williams
Wolpe

NAYS—100

Archer
Baker
Ballenger
Bartlett
Barton
Bentley
Bliley
Boulter
Broomfield
Brown (CO)
Buechner
Bunning
Burton
Callahan
Clinger
Coats
Coble
Coleman (MO)
Combest
Conte
Coughlin
Crane
Davis (IL)
Davis (MI)
DeLay
Dickinson
Dreier
Duncan
Edwards (OK)
Emerson
Fawell
Fish
Frenzel
Gallegly
Gallo
Gekas
Gonzalez
Goodling
Hammerschmidt
Hefley
Henry
Herger
Holloway
Hopkins
Horton
Kasich
Konnyu
Lagomarsino
Latta
Leach (IA)
Lewis (FL)
Lightfoot
Lott
Lowery (CA)
Lujan
Madigan
Martin (IL)
McMillan (NC)
Meyers
Michel
Miller (OH)
Moorhead
Nielson
Packard
Pashayan
Petri
Regula
Rhodes
Roth
Roukema
Rowland (CT)
Saiki
Saxton
Schaefer
Schulze
Sensenbrenner
Shays
Shumway
Shuster
Skeen
Slaughter (VA)
Smith (NE)
Smith (NJ)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solomon
Sundquist
Thomas (CA)
Upton
Vucanovich
Walker
Weber
Weldon
Whittaker
Wolf
Wyden
Wylie
Young (AK)
Young (FL)

NOT VOTING—241

Alexander
Anderson
Andrews
Anthony
Applegate
Armey
Aspin
Atkins
AuCoin
Badham
Barnard
Bateman
Bates
Beilenson
Bereuter
Biaggi
Bilbray
Bilirakis
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brown (CA)
Bruce
Byron
Campbell
Cardin
Carper
Carr
Chandler
Cheney
Clarke
Clay
Coelho
Collins
Conyers
Cooper
Courter
Coyne
Craig
Crockett
Daniel
Dannemeyer
Darden
Daub
Dellums
DeWine
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dornan (CA)
Dowdy
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Espy
Evans
Feighan
Fields
Flake
Flippo
Florio
Foglietta
Ford (MI)
Ford (TN)
Garcia
Gaydos
Gejdenson
Gephardt
Gilman
Gingrich
Glickman
Gordon
Gradison
Grandy
Grant
Gray (IL)
Gray (PA)
Green
Gregg
Guarini
Gunderson
Hall (TX)
Hansen
Harris
Hastert
Hayes (IL)
Hayes (LA)
Hefner
Hiler
Hochbrueckner
Houghton
Howard
Hoyer
Hughes
Hunter
Hyde
Inhofe
Ireland
Jacobs
Jeffords
Jenkins
Johnson (CT)
Kaptur
Kemp
Kennedy
Kleczka
Kolbe
Kolter
Kostmayer
Kyl
LaFalce
Lancaster
Leath (TX)
Lehman (CA)
Leland
Lent
Lewis (CA)
Lewis (GA)
Lipinski
Livingston
Lloyd
Lowry (WA)
Luken, Thomas
Lukens, Donald
Lungren
Mack
MacKay
Manton
Markey
Marlenee
Martin (NY)
Martinez
Mavroules
McCandless
McCloskey
McCollum
McDade
McEwen
McGrath
McHugh
Mfume
Miller (CA)
Miller (WA)
Moakley
Molinari
Mollohan
Moody
Morella
Morrison (WA)
Murphy
Murtha
Nagle
Neal
Nichols
Nowak
Oakar
Oberstar
Olin
Ortiz
Owens (NY)
Oxley
Panetta
Parris
Patterson
Pickett
Porter
Price (NC)
Pursell
Quillen
Ravenel
Ray
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Roemer
Rogers
Rostenkowski
Rowland (GA)
Russo
Sabo
Savage
Sawyer
Scheuer
Schneider
Schuette
Schumer
Shaw
Skelton
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (TX)
Smith, Denny (OR)
Solarz
Spence
St Germain
Staggers
Stangeland
Stenholm
Stratton
Studds
Stump
Sweeney
Swift
Swindall
Tauke
Tauzin
Taylor
Thomas (GA)
Torricelli
Towns
Traficant
Traxler
Vander Jagt
Volkmer
Walgren
Watkins
Waxman
Weiss
Whitten
Wilson
Wise
Wortley
Yates
Yatron

☐ 1215

The SPEAKER. Are there other Members in the Chamber who desire to vote?

Are there other Members in the Chamber who desire to change their vote?

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. FAWELL and Mr. LATTA changed their votes from "yea" to "nay."

Mr. KASTENMEIER changed his vote from "nay" to "yea."

PARLIAMENTARY INQUIRY

Mr. FOLEY (during the voting). Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FOLEY. Mr. Speaker, is it the case that until a majority appears to adjourn the House may not adjourn? Is that correct.

The SPEAKER. The gentleman is correct.

Mr. FOLEY. And, Mr. Speaker, is it also true that the House may not do any other business?

Mr. SENSENBRENNER. Mr. Speaker, the House is not in order.

The SPEAKER. The House is not in order.

Will all Members of the House please kindly desist from private conversations?

Mr. FOLEY. Mr. Speaker, is it also correct that the House may not take up any other business pending their conclusion of this vote by rollcall on adjournment?

The SPEAKER. The gentleman is correct.

Mr. FOLEY. And the House must remain in session pending an affirmative vote to adjourn, a quorum appearing in support, or a quorum appearing?

The SPEAKER. The gentleman is correct.

POINT OF ORDER

Mr. WALKER (during the voting). Mr. Speaker, I have a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. WALKER. Under what rule are we holding discussion while a vote is still open?

The SPEAKER. Parliamentary inquiries have been propounded to the Chair. Under the precedents, the Chair is responding to parliamentary inquiries relating to the pending situation.

Mr. WALKER. While the vote is being taken and that is an appropriate procedure during the course of a vote, is that correct, Mr. Speaker?

Mr. FOLEY. Point of order, Mr. Speaker. If the parliamentary inquiry is not in order, then the gentleman's point of order is not in order.

Mr. SENSENBRENNER. Mr. Speaker, I call for the regular order.

The SPEAKER. The Chair will respond to the gentleman's inquiry.

The precedents hold that it is in order for the Chair to recognize Members for points of parliamentary inquiry if those points of parliamentary inquiry apply to the business at hand.

PARLIAMENTARY INQUIRY

Mr. WALKER (during the voting). Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WALKER. Mr. Speaker, should this vote fail, there is a process by which the House could ask the Sergeant at Arms to round up the absent Members, is that not correct?

The SPEAKER. The gentleman is correct.

Mr. WALKER. And that motion would be in order immediately following this vote?

The SPEAKER. After the Chair has announced the vote, that motion would be in order.

PARLIAMENTARY INQUIRY

Mr. SENSENBRENNER (during the voting). Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SENSENBRENNER. Mr. Speaker, when would that announcement take place?

The SPEAKER. The announcement will take place when the Chair announces it, which the Chair is about to do.

The Chair is advised that there are Members on the way to the Chamber.

On this vote, the yeas are 92, the nays are 100, and the motion is not agreed to.

So the motion was rejected.

The result of the vote was announced as above recorded.

□ 1230

MOTION OFFERED BY MR. SENSENBRENNER

Mr. SENSENBRENNER. Mr. Speaker, I offer a privileged motion.

The Clerk read as follows:

Mr. SENSENBRENNER moves, pursuant to rule XV, clause 2(a), that the Sergeant at Arms be directed to arrest the absent Members.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 65, nays 130, not voting 238, as follows:

[Roll No. 397]

YEAS—65

Archer
Baker
Ballenger
Bartlett
Barton
Bateman
Bentley
Boulter
Buechner
Bunning
Burton
Callahan
Clinger
Coats
Coleman (MO)
Combest
Crane
Davis (IL)
DeLay
Dickinson
Dreier
Edwards (OK)
Emerson
Frenzel
Gallegly
Gekas
Herger
Holloway
Hopkins
Kasich
Konnyu
Lagomarsino
Lightfoot
Lott
Lowery (CA)
Madigan
Martin (IL)
Meyers
Miller (OH)
Moorhead
Nielson
Packard
Petri
Rhodes
Roth
Roukema
Rowland (CT)
Saiki
Schulze
Sensenbrenner
Shumway
Smith (NE)
Smith, Robert (NH)
Smith, Robert (OR)
Solomon
Thomas (CA)
Upton
Vucanovich
Walker
Weber
Weldon
Whittaker
Wolf
Wylie
Young (AK)

NAYS—130

Ackerman
Akaka
Annunzio
Bennett
Berman
Bevill
Bliley
Brooks
Broomfield
Brown (CO)
Bryant
Bustamante
Chapman
Chappell
Coble
Coleman (TX)
Conte
Coughlin
Crockett
Davis (MI)
de la Garza
DeFazio
Derrick
Dorgan (ND)
Duncan
Eckart
Edwards (CA)
English
Erdreich
Fawell
Fazio
Fish
Foley
Frank
Frost
Gallo
Gibbons
Gonzalez
Goodling
Hall (OH)
Hamilton
Hammerschmidt
Hawkins
Hefley
Henry
Hertel
Horton
Hoyer
Hubbard
Huckaby
Hutto
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kastenmeier
Kennelly
Kildee
Lantos
Latta
Leach (IA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (FL)
Lewis (GA)
Lujan
Martinez
Matsui
Mazzoli
McCurdy
McMillan (NC)
McMillen (MD)
Mica
Michel
Miller (WA)
Mineta
Montgomery
Morrison (CT)
Mrazek
Myers
Natcher
Nelson
Obey
Owens (UT)
Pashayan
Pease
Pelosi
Penny
Pepper
Perkins
Pickle
Rahall
Rangel
Regula
Richardson
Rose
Roybal
Saxton
Schaefer
Schroeder
Sharp
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Slattery
Slaughter (VA)
Smith (NJ)
Smith (TX)
Snowe
Spratt
Stallings
Stark
Stokes
Sundquist
Synar
Tallon
Torres
Udall
Valentine
Visclosky
Wheat
Williams
Wolpe
Wyden
Young (FL)

NOT VOTING—238

Alexander
Anderson
Andrews
Anthony
Applegate
Armey
Aspin
Atkins
AuCoin
Badham
Barnard
Bates
Beilenson
Bereuter
Biaggi
Bilbray
Bilirakis
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brown (CA)
Bruce
Byron
Campbell
Cardin
Carper
Carr
Chandler
Cheney
Clarke
Clay
Coelho
Collins
Conyers
Cooper
Courter
Coyne
Craig
Daniel
Dannemeyer
Darden
Daub
Dellums
DeWine
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dornan (CA)
Dowdy
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Espy
Evans
Fascell
Feighan
Fields
Flake
Flippo
Florio
Foglietta
Ford (MI)
Ford (TN)
Garcia
Gaydos
Gejdenson
Gephardt
Gilman
Gingrich
Glickman
Gordon
Gradison
Grandy
Grant
Gray (IL)
Gray (PA)
Green
Gregg
Guarini
Gunderson
Hall (TX)
Hansen
Harris
Hastert
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Hiler
Hochbrueckner
Houghton
Howard
Hughes
Hunter
Hyde
Inhofe
Ireland
Jacobs
Jeffords
Jenkins
Johnson (CT)
Kaptur

Kemp
Kennedy
Kleczka
Kolbe
Kolter
Kostmayer
Kyl
LaFalce
Lancaster
Leath (TX)
Lehman (CA)
Leland
Lent
Lewis (CA)
Lipinski
Livingston
Lloyd
Lowry (WA)
Luken, Thomas
Lukens, Donald
Lungren
Mack
MacKay
Manton
Markey
Marlenee
Martin (NY)
Mavroules
McCandless
McCloskey
McCollum
McDade
McEwen
McGrath
McHugh
Mfume
Miller (CA)
Moakley
Molinari
Mollohan
Moody
Morella
Morrison (WA)
Murphy
Murtha
Nagle
Neal
Nichols
Nowak
Oakar
Oberstar
Olin
Ortiz
Owens (NY)
Oxley
Panetta
Parris
Patterson
Pickett
Porter
Price (IL)
Price (NC)
Pursell
Quillen
Ravenel
Ray
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Roemer
Rogers
Rostenkowski
Rowland (GA)
Russo
Sabo
Savage
Sawyer
Scheuer
Schneider
Schuette
Schumer
Shaw
Skelton
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith, Denny (OR)
Solarz
Spence
St Germain
Staggers
Stangeland
Stenholm
Stratton
Studds
Stump
Sweeney
Swift
Swindall
Tauke
Tauzin
Taylor
Thomas (GA)
Torricelli
Towns
Traficant
Traxler
Vander Jagt
Vento
Volkmer
Walgren
Watkins
Waxman
Weiss
Whitten
Wilson
Wise
Wortley
Yates
Yatron

□ 1245

Mr. LEACH of Iowa changed his vote from "yea" to "nay."

So the motion was rejected.

The result of the vote was announced as above recorded.

MOTION TO ADJOURN

Mr. FOLEY. Mr. Speaker, I offer a highly privileged motion.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

Mr. FOLEY moves that the House do now adjourn.

The SPEAKER. The question is on the motion offered by the gentleman from Washington [Mr. FOLEY].

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. FOLEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device and there were—yeas 95, nays 102, not voting 236, as follows:

[Roll No. 398]

YEAS—95

Ackerman
Akaka
Annunzio
Bennett
Berman
Bevill
Brooks
Bryant
Bustamante
Chapman
Chappell
Coleman (TX)
Crockett
de la Garza
DeFazio
Derrick
Dorgan (ND)
Eckart
English
Erdreich
Fazio
Foley
Frank
Frost
Gibbons
Hall (OH)
Hamilton
Hawkins
Hertel
Hoyer
Hubbard
Huckaby
Hutto
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kastenmeier
Kennelly
Kildee
Lantos
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (GA)
Martinez
Matsui
Mazzoli
McCurdy
McMillen (MD)
Mica
Mineta
Montgomery
Morrison (CT)
Mrazek
Myers
Natcher
Nelson
Obey
Owens (UT)
Pease
Pelosi
Penny
Pepper
Perkins
Pickle
Price (IL)
Rahall
Rangel
Richardson
Rose
Roybal
Schroeder
Sharp
Sikorski
Sisisky
Skaggs
Slattery
Smith (IA)
Spratt
Stallings
Stark
Stokes
Synar
Tallon
Torres
Udall
Valentine
Vento
Visclosky
Wheat
Williams
Wolpe
Wyden

NAYS—102

Archer
Baker
Ballenger
Bartlett
Barton
Bateman
Bentley
Bliley
Boulter
Broomfield
Brown (CO)
Buechner
Bunning
Burton
Callahan
Clinger
Coats
Coble
Coleman (MO)
Combest
Conte
Coughlin
Crane
Davis (IL)
Davis (MI)
DeLay
Dickinson
Dreier
Duncan
Edwards (OK)
Emerson
Fawell
Fish
Frenzel
Gallegly
Gallo
Gekas
Gonzalez
Goodling
Hammerschmidt
Hefley
Henry
Herger
Holloway
Hopkins
Horton
Kasich
Konnyu
Lagomarsino
Latta
Leach (IA)
Lewis (FL)
Lightfoot
Lott
Lowery (CA)
Lujan
Madigan
Martin (IL)
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Moorhead
Nielson
Packard
Pashayan
Petri
Regula
Rhodes
Roth
Roukema
Rowland (CT)
Saiki
Saxton
Schaefer
Schulze
Sensenbrenner
Shays
Shumway
Shuster
Skeen
Slaughter (VA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solomon
Sundquist
Thomas (CA)
Upton
Vucanovich
Walker
Weber
Weldon
Whittaker
Wolf
Wylie
Young (AK)
Young (FL)

NOT VOTING—236

Alexander
Anderson
Andrews
Anthony
Applegate
Armey
Aspin
Atkins
AuCoin
Badham
Barnard
Bates
Beilenson
Bereuter
Biaggi
Bilbray
Bilirakis
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brown (CA)
Bruce
Byron
Campbell
Cardin
Carper
Carr
Chandler
Cheney
Clarke
Clay
Coelho
Collins
Conyers
Cooper
Courter
Coyne
Craig
Daniel
Dannemeyer
Darden
Daub
Dellums
DeWine
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dornan (CA)
Dowdy
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Edwards (CA)
Espy
Evans
Fascell
Feighan
Fields
Flake
Flippo
Florio
Foglietta
Ford (MI)
Ford (TN)
Garcia
Gaydos
Gejdenson
Gephardt
Gilman
Gingrich
Glickman
Gordon
Gradison
Grandy
Grant
Gray (IL)
Gray (PA)
Green
Gregg
Guarini
Gunderson
Hall (TX)
Hansen
Harris
Hastert
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Hiler
Hochbrueckner
Houghton
Howard
Hughes
Hunter
Hyde
Inhofe
Ireland
Jacobs
Jeffords
Jenkins
Johnson (CT)
Kaptur
Kemp
Kennedy
Kleczka
Kolbe
Kolter
Kostmayer
Kyl
LaFalce
Lancaster
Leath (TX)
Lehman (CA)
Leland
Lent
Lewis (CA)
Lipinski
Livingston
Lloyd
Lowry (WA)
Luken, Thomas
Lukens, Donald
Lungren
Mack
MacKay
Manton
Markey
Marlenee
Martin (NY)
Mavroules
McCandless
McCloskey
McCollum
McDade
McEwen
McGrath
McHugh
Mfume
Miller (CA)
Moakley
Molinari
Mollohan
Moody
Morella
Morrison (WA)
Murphy
Murtha
Nagle
Neal
Nichols
Nowak
Oakar
Oberstar
Olin
Ortiz
Owens (NY)
Oxley
Panetta
Parris
Patterson
Pickett
Porter
Price (NC)
Pursell
Quillen
Ravenel
Ray
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Roemer
Rogers
Rostenkowski
Rowland (GA)
Russo
Sabo
Savage
Sawyer
Scheuer
Schneider
Schuette
Schumer
Shaw
Skelton
Slaughter (NY)
Smith (FL)
Smith, Denny (OR)
Solarz
Spence
St Germain
Staggers
Stangeland
Stenholm
Stratton
Studds
Stump
Sweeney
Swift
Swindall
Tauke
Tauzin
Taylor
Thomas (GA)
Torricelli
Towns
Traficant
Traxler
Vander Jagt
Volkmer
Walgren
Watkins
Waxman
Weiss
Whitten
Wilson
Wise
Wortley
Yates
Yatron

□ 1300

The SPEAKER. Are there other Members in the Chamber who desire to vote?

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that in the event the Sergeant at Arms were instructed to go and to find and arrest absent Members, the Sergeant at Arms has informed the Chair that he already has enough volunteers to find and arrest Members from Hawaii.

Are there other Members in the Chamber who desire to vote?

Are there Members who desire to change their votes?

Mr. DE LA GARZA changed his vote from "nay" to "yea."

The SPEAKER. Are there in the Chamber those who just have not realized that a vote is being taken?

Are there other Members who are on the way from their offices?

Have we received urgent requests from Members to hold the vote open?

Are there Members in the elevators?

If there are no other Members who desire to vote or to change their votes, all time has expired.

So the motion was rejected.

The result of the vote was announced as above recorded.

PRIVILEGED MOTION OFFERED BY MR. WALKER

Mr. WALKER. Mr. Speaker, I offer a privileged motion that I send to the desk.

Mr. GONZALEZ. Mr. Speaker, I have a parliamentary inquiry.

Mr. WALKER. I have a privileged motion, Mr. Speaker.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

Mr. WALKER moves pursuant to clause 2, rule XV that the Speaker be authorized to compel the attendance of absent Members.

Mr. GONZALEZ. Mr. Speaker, I did not hear the reading of that motion.

The SPEAKER. The Clerk will read the motion again slowly and in a clear voice.

The Clerk reread the motion.

Mr. GONZALEZ. Mr. Speaker, I move to table that motion.

The SPEAKER. A motion to table is not in order.

Mr. WALKER. Is that motion at the desk, Mr. Speaker?

If the motion is not at the desk, Mr. Speaker, it is not in order.

The SPEAKER. The Chair is of the opinion that since this is neither a debatable nor an amendable motion that a motion to table is not in order under the circumstances.

The question is on the motion offered by the gentleman from Pennsylvania [Mr. WALKER] that the Chair be instructed to compel the attendance of absent Members.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. WALKER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 102, nays 96, not voting 235, as follows:

[Roll No. 399]

YEAS—102

Archer
Baker
Ballenger
Bartlett
Barton
Bateman
Bentley
Bliley
Boulter
Broomfield
Brown (CO)
Buechner
Bunning
Burton
Callahan
Clinger
Coats
Coble
Coleman (MO)
Combest
Conte
Coughlin
Crane
Davis (IL)
Davis (MI)
DeLay
Dickinson
Dreier
Duncan
Edwards (OK)
Emerson
Fawell
Fish
Frenzel
Gallegly
Gallo
Gekas
Goodling
Hammerschmidt
Hefley
Henry
Herger
Holloway
Hopkins
Horton
Kasich
Konnyu
Lagomarsino
Latta
Leach (IA)
Lewis (FL)
Lightfoot
Livingston
Lott
Lowery (CA)
Lujan
Madigan
Martin (IL)
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Moorhead
Myers
Nielson
Packard
Petri
Regula
Rhodes
Roth
Roukema
Rowland (CT)
Saiki
Saxton
Schaefer
Schulze
Sensenbrenner
Shays
Shumway
Shuster
Skeen
Slaughter (VA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solomon
Sundquist
Thomas (CA)
Upton
Vucanovich
Walker
Weber
Weldon
Whittaker
Wolf
Wylie
Young (AK)
Young (FL)

NAYS—96

Ackerman
Akaka
Annunzio
Bennett
Berman
Bevill
Brooks
Bryant
Bustamante
Chapman
Chappell
Coleman (TX)
Crockett
de la Garza
DeFazio
Derrick
Dorgan (ND)
Eckart
English
Erdreich
Fazio
Foley
Ford (MI)
Frank
Frost
Gibbons
Gonzalez
Gray (PA)
Hall (OH)
Hamilton
Hawkins
Hertel
Hoyer
Hubbard
Huckaby
Hutto
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kastenmeier
Kennelly
Kildee
Lantos
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (GA)
Martinez
Matsui
Mazzoli
McCurdy
McHugh
McMillen (MD)
Mica
Mineta
Montgomery
Morrison (CT)
Mrazek
Natcher
Nelson
Obey
Owens (UT)
Pease
Pelosi
Penny
Pepper
Perkins
Pickle
Price (IL)
Rahall
Rangel
Richardson
Rose
Roybal
Schroeder
Sharp
Sikorski
Sisisky
Skaggs
Slattery
Smith (IA)
Spratt
Stallings
Stark
Stokes
Synar
Tallon
Torres
Valentine
Vento
Visclosky
Wheat
Wolpe
Wyden

NOT VOTING—235

Alexander
Anderson
Andrews
Anthony
Applegate
Armey
Aspin
Atkins
AuCoin
Badham
Barnard
Bates
Beilenson
Bereuter
Biaggi
Bilbray
Bilirakis
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brown (CA)
Bruce
Byron
Campbell
Cardin
Carper
Carr
Chandler
Cheney
Clarke
Clay
Coelho
Collins
Conyers
Cooper
Courter
Coyne
Craig
Daniel
Dannemeyer
Darden
Daub
Dellums
DeWine
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dornan (CA)
Dowdy
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Edwards (CA)
Espy
Evans
Fascell
Feighan
Fields
Flake
Flippo
Florio
Foglietta
Ford (TN)
Garcia
Gaydos
Gejdenson
Gephardt
Gilman
Gingrich
Glickman
Gordon
Gradison
Grandy
Grant
Gray (IL)
Green
Gregg
Guarini
Gunderson
Hall (TX)
Hansen
Harris
Hastert
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Hiler
Hochbrueckner
Houghton
Howard
Hughes
Hunter
Hyde
Inhofe
Ireland
Jacobs
Jeffords
Jenkins
Johnson (CT)
Kaptur
Kemp
Kennedy
Kleczka
Kolbe
Kolter
Kostmayer
Kyl
LaFalce
Lancaster
Leath (TX)
Lehman (CA)
Leland
Lent
Lewis (CA)
Lipinski
Lloyd
Lowry (WA)
Luken, Thomas
Lukens, Donald
Lungren
Mack
MacKay
Manton
Markey
Marlenee
Martin (NY)
Mavroules
McCandless
McCloskey
McCollum
McDade
McEwen
McGrath
Mfume
Miller (CA)
Moakley
Molinari
Mollohan
Moody
Morella
Morrison (WA)
Murphy
Murtha
Nagle
Neal
Nichols
Nowak
Oakar
Oberstar
Olin
Ortiz
Owens (NY)
Oxley
Panetta
Parris
Pashayan
Patterson
Pickett
Porter
Price (NC)
Pursell
Quillen
Ravenel
Ray
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Roemer
Rogers
Rostenkowski
Rowland (GA)
Russo
Sabo
Savage
Sawyer
Scheuer
Schneider
Schuette
Schumer
Shaw
Skelton
Slaughter (NY)
Smith (FL)
Smith, Denny (OR)
Solarz
Spence
St Germain
Staggers
Stangeland
Stenholm
Stratton
Studds
Stump
Sweeney
Swift
Swindall
Tauke
Tauzin
Taylor
Thomas (GA)
Torricelli
Towns
Traficant
Traxler
Udall
Vander Jagt
Volkmer
Walgren
Watkins
Waxman
Weiss
Whitten
Williams
Wilson
Wise
Wortley
Yates
Yatron

☐ 1315

Mr. SHUSTER changed his vote from "nay" to "yea."

So the motion was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER. Pursuant to the motion, the Chair directs that the Sergeant at Arms proceed with such steps as may be necessary and efficacious to compel the attendance of absent Members.

Members who have not been heretofore recorded will give their names to the clerk upon arriving, and until the establishment of a quorum no other business can be conducted.

☐ 1330

PARLIAMENTARY INQUIRY

Mr. SENSENBRENNER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SENSENBRENNER. Mr. Speaker, would it be in order to grant the Speaker authority to declare a recess today to a time certain at this point?

The SPEAKER. The Chair is advised that in the absence of a quorum no motion which requires unanimous consent may be entertained, and that would be such a motion.

Therefore, the Chair regrets that the motion would not be in order.

Members will observe and standby.

PARLIAMENTARY INQUIRY

Mr. WALKER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WALKER. Mr. Speaker, will the House be given notice when sufficient Members have arrived to do business?

Mr. HOPKINS. Mr. Speaker, do we get a 15-minute notice?

The SPEAKER. When a quorum arrives, we will move to dispense with further proceedings under this motion, and at that point additional business may be considered. That is all that can be done under the present circumstances.

Members will standby and enjoy one another's conviviality.

□ 1510

The SPEAKER. Pursuant to clause 2 of rule XV, the names of those Members who have voluntarily appeared subsequent to rollcall No. 399 shall be spread upon the Journal.

The list of names referred to is as follows:

Messrs. Shaw; Leath of Texas; Williams; Neal; Walgren; Sabo; Mfume; Traxler; Dixon; St Germain; Bonior of Michigan; Volkmer; Jeffords; Andrews; Edwards of California; Roe; Porter; Dymally; Stenholm; Hatcher; Cheney; and Harris; Mrs. Morella; and Messrs. Yates; Nagle; and Cardin.

The SPEAKER. Are there other Members who desire to be recorded?

If not, the Chair recognizes the gentleman from Michigan [Mr. Bonior].

ADJOURNMENT

Mr. BONIOR of Michigan. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The question is on the motion offered by the gentleman from Michigan [Mr. Bonior].

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 116, nays 106, not voting 211, as follows:

[Roll No. 400]

YEAS—116

Ackerman
Akaka
Andrews
Annunzio
Bennett
Berman
Bevill
Bonior
Brooks
Bryant
Bustamante
Cardin
Chapman
Coleman (TX)
Crockett
de la Garza
DeFazio
Derrick
Dixon
Dorgan (ND)
Dymally
Eckart
Edwards (CA)
English
Erdreich
Fazio
Foley
Ford (MI)
Frank
Frost
Gibbons
Gonzalez
Gray (PA)
Hamilton
Harris
Hatcher
Hawkins
Hoyer
Hubbard
Huckaby
Hutto
Jeffords
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kastenmeier
Kennelly
Kildee
Lantos
Leath (TX)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (GA)
Martinez
Matsui
Mazzoli
McCurdy
McHugh
McMillen (MD)
Mfume
Mica
Mineta
Montgomery
Morrison (CT)
Mrazek
Myers
Nagle
Natcher
Neal
Nelson
Nichols
Obey
Owens (UT)
Pease
Pelosi
Penny
Pepper
Perkins
Pickle
Price (IL)
Rahall
Rangel
Richardson
Roe
Rose
Roybal
Sabo
Schroeder
Sikorski
Sisisky
Skaggs
Slattery
Smith (IA)
Spratt
St Germain
Stallings
Stenholm
Stokes
Synar
Tallon
Torres
Traxler
Udall
Valentine
Vento
Visclosky
Volkmer
Walgren
Wheat
Williams
Wolpe
Wyden
Yates

NAYS—106

Archer
Baker
Ballenger
Bartlett
Barton
Bateman
Bentley
Bliley
Boulter
Broomfield
Brown (CO)
Buechner
Bunning
Burton
Callahan
Cheney
Clinger
Coats
Coble
Coleman (MO)
Combest
Conte
Coughlin
Crane
Davis (IL)
Davis (MI)
DeLay
Dickinson
Dreier
Emerson
Fawell
Frenzel
Gallegly
Gallo
Gekas
Goodling
Hammerschmidt
Hefley
Henry
Herger
Holloway
Hopkins
Horton
Ireland
Kasich
Konnyu
Lagomarsino
Latta
Leach (IA)
Lewis (FL)
Lightfoot
Livingston
Lott
Lowery (CA)
Lujan
Madigan
Martin (IL)
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Moorhead
Morella
Nielson
Packard
Pashayan
Petri
Porter
Regula
Rhodes
Roth
Roukema
Rowland (CT)
Saiki
Saxton
Schaefer
Schneider
Schulze
Sensenbrenner
Shaw
Shays
Shumway
Shuster
Skeen
Slaughter (VA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solomon
Sundquist
Sweeney
Thomas (CA)
Upton
Vucanovich
Walker
Weber
Weldon
Whittaker
Wolf
Wylie
Young (AK)
Young (FL)

NOT VOTING—211

Alexander
Anderson
Anthony
Applegate
Armey
Aspin
Atkins
AuCoin
Badham
Barnard
Bates
Beilenson
Bereuter
Biaggi
Bilbray
Bilirakis
Boehlert
Boggs
Boland
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brown (CA)
Bruce
Byron
Campbell
Carper
Carr
Chandler
Chappell
Clarke
Clay
Coelho
Collins
Conyers
Cooper
Courter
Coyne
Craig
Daniel
Dannemeyer
Darden
Daub
Dellums
DeWine
Dicks
Dingell
DioGuardi
Donnelly
Dornan (CA)
Dowdy
Downey
Duncan
Durbin
Dwyer
Dyson
Early
Edwards (OK)
Espy
Evans
Fascell
Feighan
Fields
Fish
Flake
Flippo
Florio
Foglietta
Ford (TN)
Garcia
Gaydos
Gejdenson
Gephardt
Gilman
Gingrich
Glickman
Gordon
Gradison
Grandy
Grant
Gray (IL)
Green
Gregg
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hansen
Hastert
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hiler
Hochbrueckner
Houghton
Howard
Hughes
Hunter
Hyde
Inhofe
Jacobs
Jenkins
Johnson (CT)
Kaptur
Kemp
Kennedy
Kleczka
Kolbe
Kolter
Kostmayer
Kyl
LaFalce
Lancaster
Lehman (CA)
Leland
Lent
Lewis (CA)
Lipinski
Lloyd
Lowry (WA)
Luken, Thomas
Lukens, Donald
Lungren
Mack
MacKay
Manton
Markey
Marlenee
Martin (NY)
Mavroules
McCandless
McCloskey
McCollum
McDade
McEwen
McGrath
Miller (CA)
Moakley
Molinari
Mollohan
Moody
Morrison (WA)
Murphy
Murtha
Nowak
Oakar
Oberstar
Olin
Ortiz
Owens (NY)
Oxley
Panetta
Parris
Patterson
Pickett
Price (NC)
Pursell
Quillen
Ravenel
Ray
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roemer
Rogers
Rostenkowski
Rowland (GA)
Russo
Savage
Sawyer
Scheuer
Schuette
Schumer
Sharp
Skelton
Slaughter (NY)
Smith (FL)
Smith, Denny (OR)
Solarz
Spence
Staggers
Stangeland
Stark
Stratton
Studds
Stump
Swift
Swindall
Tauke
Tauzin
Taylor
Thomas (GA)
Torricelli
Towns
Traficant
Vander Jagt
Watkins
Waxman
Weiss
Whitten
Wilson
Wise
Wortley
Yatron

□ 1525

Messrs. FRENZEL, HEFLEY, and LOWERY of California changed their votes from "yea" to "nay."

So the motion was agreed to.

The result of the vote was announced as above recorded.

Accordingly (at 3 o'clock and 40 minutes p.m.) the House adjourned until tomorrow, Tuesday, November 3, 1987, at 12 noon.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII.

Mr. JONES of Tennessee (for himself, Mr. de la Garza, Mr. Madigan, and Mr. Coleman of Missouri) introduced a bill (H.R. 3594) to amend the Commodity Exchange Act to authorize a joint study of market volatility; which was referred to the Committee on Agriculture.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 1950: Mr. Aspin, Mr. Campbell, Mr. Dymally, Mr. Markey, Mr. Martinez, Mr. Moody, and Mr. Spence.

H.R. 2423: Mr. Studds, Mr. Roybal, Mr. Pepper, and Mr. Berman.

H.R. 2474: Mr. Martinez, Mr. Hatcher, Mr. Boehlert, Mr. Pursell, Mr. Dwyer of New Jersey, Mr. Morrison of Connecticut, Mr. Synar, Mr. Akaka, Mr. Murtha, Mr. Burton of Indiana, Mr. Mrazek, Mr. Goodling, and Mr. Buechner.

H.R. 3171: Mr. Daniel, Mr. Morrison of Connecticut, Mr. Montgomery, Mr. Hall of Ohio, Mr. Espy, Mr. Schuette, and Mr. Sikorski.

H.R. 3193: Mr. Downey of New York, Mr. Clay, Mr. Rangel, Mrs. Collins, Mr. Sawyer, and Mr. Gejdenson.

H.R. 3322: Mr. Atkins, Mr. Bustamante, Mr. Penny, Mr. Tauke, Mr. Madigan, and Mr. Huckaby.

H.R. 3418: Mrs. Kennelly, Mr. Solarz, Ms. Kaptur, Mr. Hertel, Mr. Wilson, Mr. Jones of North Carolina, Mr. Frank, Mr. Florio, Mr. Lantos, Mr. Anthony, Mr. Buechner, Mr. Synar, Mr. Fazio, Mr. Kildee, Mr. Frost, Mr. Martinez, Mr. Bilbray, Mr. Cardin, Mr. Scheuer, Mr. Mavroules, Mrs. Boxer, and Mr. Atkins.

H.R. 3512: Mr. Whittaker, Mr. Bunning, Mr. Hammerschmidt, Mr. Hyde, and Mr. Fawell.

H.J. Res. 192: Mr. Carr, Mr. Shays, and Mr. Shumway.

H.J. Res. 368: Mr. Manton, Mr. Kostmayer, Mr. Hayes of Louisiana, Mr. Hoyer, Mr. Daub, Mr. Frank, Mr. AuCoin, Mr. Blaz, Mr. Solarz, Mr. Ortiz, Mr. Kanjorski, Mr. Hammerschmidt, Mr. Gray of

Pennsylvania, Mr. DELLUMS, Mr. FASCELL, Mr. DONNELLY, Mr. STOKES, Mr. KILDEE, Mrs. ROUKEMA, Mr. ROBERT F. SMITH, Mr. TOWNS, Mr. STRATTON, Mr. OBEY, Mr. PANETTA, Mr. BERMAN, Mr. BRUCE, Mrs. MEYERS of Kansas, Mr. BEVILL, Mr. GREGG, Mr. DEFAZIO, Mr. MONTGOMERY, Mr. MCCLOSKEY, Mr. SYNAR, Mr. MCMILLEN of Maryland, Mr. MOLLOHAN, Mr. SHARP, Mr. COOPER, Mr. GUNDERSON, Mr. SMITH of New Hampshire, Mr. PEPPER, Mr. KENNEDY, Mr. DERRICK, Mr. BARNARD, and Mr. LOWERY of California.

H.J. Res. 385: Mr. PRICE of North Carolina, Mrs. COLLINS, Mr. LANTOS, Mr. GLICKMAN, Mr. DAVIS of Illinois, Mr. WEBER, and Mr. SMITH of Florida.

H. Con. Res. 201: Mr. DORNAN of California and Mr. DANNEMEYER.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3100

By Mrs. BYRON:

—Page 121, add the following after line 25:

SEC. 713. CENTRAL AMERICAN PEACE AGREEMENT.

(a) FINDINGS.—The Congress finds that—

(1) the Presidents of Guatemala, El Salvador, Honduras, Nicaragua, and Costa Rica signed the "Esquipulas II Accord" on August 7, 1987, to establish democracy, end civil strife, and promote economic stability in Central America;

(2) the establishment of democracy, the termination of civil strife, and the promotion of economic stability in Central America is in the national interest of the United States;

(3) the Esquipulas II Accord calls for the signatories "to make dialogue prevail over violence and reason over rancor";

(4) a lasting peace in Central America can only come about through dialogue;

(5) the Governments of El Salvador, Guatemala, and Honduras have entered into direct negotiations with the representatives of both internal opposition organizations and antigovernment insurgent forces to bring about a mutual and verifiable cease fire within those countries and the region as a whole;

(6) the President of Costa Rica and Nobel Laureate Oscar Arias has called for direct negotiations between the Government of Nicaragua and the Nicaraguan Resistance for a mutual and verifiable cease fire;

(7) President Arias stated that a negotiated cease fire between the Government of Nicaragua and the Nicaragua Resistance is "indispensable if we are to achieve a lasting peace in Central America"; and

(8) the Presidents of El Salvador, Guatemala, and Honduras have also called upon the Government of Nicaragua to negotiate directly with the Nicaraguan Resistance.

(b) STATEMENT OF CONGRESS.—The Congress urges the Government of Nicaragua to enter into direct negotiations with the Directorate of the Nicaraguan Resistance in order to bring about a mutual and verifiable cease fire immediately so that the spirit of the Esquipulas II Accord may be fulfilled and democracy, peace, and economic stability will become reality for Central America.

REGULATION OF LOBBYING ACT

In compliance with Public Law 601, 79th Congress, title III, Regulation of Lobbying Act, section 308(b), which provides as follows:

(b) All information required to be filed under the provisions of this section with the Clerk of the House of Representatives and the Secretary of the Senate shall be compiled by said Clerk and Secretary, acting jointly, as soon as practicable after the close of the calendar quarter with respect to which such information is filed and shall be printed in the CONGRESSIONAL RECORD.

The Clerk of the House of Representatives and the Secretary of the Senate jointly submit their report of the compilation required by said law and have included all registrations and quarterly reports received.

REGISTRATIONS

The following registrations were submitted for the third calendar quarter 1987:

(NOTE.—The form used for reporting is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective headings. This page (Page 1) is designed to supply identifying data.)

PLEASE RETURN 1 ORIGINAL TO: THE CLERK OF THE HOUSE OF REPRESENTATIVES, OFFICE OF RECORDS AND REGISTRATION, 1036 LONGWORTH HOUSE OFFICE BUILDING, WASHINGTON, D.C. 20515

PLEASE RETURN 1 ORIGINAL TO: THE SECRETARY OF THE SENATE, OFFICE OF PUBLIC RECORDS, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19 . . . . . ◆

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

IDENTIFICATION NUMBER

Is this an Amendment? ☐ YES ☐ NO

NOTE on ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) *"Employee"*.—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) *"Employer"*.—To file as an "employer", write "None" in answer to Item "B".

(*b*) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

☐ CHECK IF ADDRESS IS DIFFERENT THAN PREVIOUSLY REPORTED

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE on ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER—State name, address, and nature of business. If there is no employer, write "None."

NOTE on ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, place an "X" in the box at the left, so that this Office will no longer expect to receive Reports. ☐

2. State the general legislative interests of the person filing and set forth the specific legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) description, (*b*) quantity distributed, (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed.)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and, if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. *If this is a "Quarterly" Report, disregard this item "C4" and fill out items "D" and "E" on the back of this page.* Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly Report."◆

STATEMENT OF VERIFICATION

[Omitted in printing]

PAGE 1◆

Organization or Individual Filing	Employer/Client
Matthew J. Abrams, 1828 L St., NW, #660 Washington, DC 20036	Aerospace Industries Assn of Canada
Afognak Joint Venture, 413 Rezanof Drive East Kodiak, AK 99615	
Afognak Native Corp, 413 Rezanof Drive East Kodiak, AK 99615	
Akin Gump Strauss Hauer & Feld, 1333 New Hampshire Ave., NW, #400 Washington, DC 20036	Aldrich Eastman Waltch, Inc
Do	American Nuclear Energy Council
Do	Boston Company
Do	Buckeye Pipeline Co, L.P.
Do	Charles Jacquin Et Cie, Inc
Do	Copley Real Estate Advisors, Inc
Do	Fujitsu America, Inc
Do	Jacquin's
Do	Long Island Lighting Co
Do	MEDCO Containment Services, Inc
Do	Property Capital Advisors, Inc
Do	Scotfoam Corp
Do	Sheller-Globe
Do	Todhunter International, Inc
Donald C. Alexander, 1333 New Hampshire Ave., NW Washington, DC 20036	Cadwalader Wickersham & Taft (For:Clark/Bardes Organization, Inc)
Do	Cadwalader Wickersham & Taft (For:Henley & Co, Inc)
Do	Cadwalader Wickersham & Taft (For:Knoll Pharmaceuticals)
Do	Cadwalader Wickersham & Taft (For:Management Compensation Group)
Do	Cadwalader Wickersham & Taft (For:Nationwide Mutual Insurance Co)
Do	Cadwalader Wickersham & Taft (For:Raychem Corp)
Kenneth B. Allen, 555 New Jersey Ave., NW, #800 Washington, DC 20001	Information Industry Asn
James E. Allred, 400 First St., NW, #804 Washington, DC 20001	Brotherhood of Railway Carmen, Division of TCU
Susan E. Alvarado, 1400 New York Ave., NW, #300 Washington, DC 20005	National Assn of Broadcasters
American Soc for Personnel Administration, 606 North Washington Street Alexandria, VA 22314	
Morris J. Amitay, P.C., 444 N. Capitol Street, NW, #712 Washington, DC 20001	Fidelity Management & Research Co
Bette B. Anderson, 1020 19th St., NW, #520 Washington, DC 20036	Anderson Benjamin Read & Haney (For:De La Rue Giori of America, Inc)
Do	Anderson Benjamin Read & Haney (For:SICPA Industries of America, Inc)
Anderson Benjamin Read & Haney, Inc, 1020 19th St., NW, #520 Washington, DC 20036	Coalition to Stop the Raid on America
Arent Fox Kintner Plotkin & Kahn, 1050 Connecticut Ave., NW Washington, DC 20036-5339	National Assn of College Stores
Do	National Field Selling Assn
Do	National Parking Association
Do	Toshiba International Corp
Paul Arneson, 1701 Pennsylvania Ave., NW, #940 Washington, DC 20006	Empire Blue Cross & Blue Shield
John E. Arnold, 1725 Jefferson Davis Highway, #401 Arlington, VA 22202	Unisys Defense Systems
Arnold & Porter, 1200 New Hampshire Ave., NW Washington, DC 20036	Federated Department Stores, Inc
Do	Japan Fair Trade Center
Lud Ashley, P.C., 1735 New York Avenue, NW, 6th Fl. Washington, DC 20006	SPC Securities Services Corp
Victor Atiyeh & Co, 519 SW Park St., #208 Portland, OR 97205	Arthur Andersen & Co
Do	Seiko Epson
Rebecca Avila, 2030 M St., NW Washington, DC 20036	Common Cause
APCO Associates, 1200 New Hampshire Ave., NW Washington, DC 20036	American Foreign Service Assn
Do	Embassy of Australia
Do	Ferroalloys Association
Do	Japan Fair Trade Center
Do	New Hampshire Yankee
Do	Norhtern California Power Agency
Do	University of California
John Francis Bader, 2600 Virginia Ave., NW, #610 Washington, DC 20037	Urenco, Inc
Robert Baechtold, 277 Park Avenue New York, NY 10172	Fitzpatrick Cella Harper & Scinto
Monica S. Baker, Foley and Company 206 G St., NE, #201 Washington, DC 20002	Couwenberg & Heene
Do	Curval Products, Inc
Baker & Hostetler, 1050 Connecticut Ave., NW, #1100 Washington, DC 20036	American Resort & Residential Development Assn
Do	Arthur Andersen & Co
Do	Blue Cross & Blue Shield of Northern Ohio
Do	Cleveland Clinic Foundation
Do	Edison Electric Institute
Do	Alex Miller
Do	North Coast Cable, Ltd
Do	Reliance Electric Co
Do	Travelers Insurance Co
Do	U.S. League of Savings Institutions
Baker & McKenzie, 815 Connecticut Ave., NW Washington, DC 20006	Coalition to Exclude Operationg Income from PFIC Provisions
Helen M. Ball, 1016 16th St., NW, #100 Washington, DC 20036	Brown Bridgman & Co, Inc
Samuel J. Baptista, 1225 19th St., NW, #410 Washington, DC 20036	Financial Services Council
Jim Barnes, 218 D St., SE Washington, DC 20003	Environmental Policy Institute
James E. Barrett, 901 31st St., NW Washington, DC 20007	Hill & Knowlton, Inc (For:Hastings College)
Robin Battaglini, 1600 M Street, NW Washington, DC 20036	ITT Corporation
Donald S. Beattie, B T Enterprises 827 Empress Ct. Alexandria, VA 22308	Retirement Equity
Robert E. Beck, P.O. Box 6808 Falls Church, VA 22046	National Assn of Plumbing-Heating-Cooling Contractors
William W. Beddow, 1730 Pennsylvania Ave., NW, #750 Washington, DC 20006	Caterpillar, Inc
Josiah Beeman, 15 Second St., NE Washington, DC 20002	Magne-Tek ALS Corp
Alan R. Bennett, 1714 Massachusetts Ave., NW Washington, DC 20036	Fox Weinberg & Bennett (For:Hoffman-La Roche, Inc)
Martha Bergmark, 7316 Piney Branch Road Takoma Park, MD 20912	Project Advisory Group
Berman Bergner & Boyette, 1016 16th Street, NW, #700 Washington, DC 20036	Forum Group, Inc
Mary E. Bernhard, 1615 H St., NW Washington, DC 20062	Chamber of Commerce of the U.S.
Delanne Bernier, 1875 Eye St., NW, #500 Washington, DC 20006	Philip Morris, Inc
Sheldon D. Beychok, P.O. Box 2924 Baton Rouge, LA 70821	American Waste & Pollution Coontrol Co
Do	Camp Dresser & McKee, Inc
Do	First Boston Corp
Do	Lamar Corporation
Do	Southeast Health Plan of Louisiana, Inc
L. Christina Beydoun, 1111 14th St., NW, #300 Washington, DC 20005	American Bakers Assn
Leon G. Billings, Inc, 1660 L St., NW, #809 Washington, DC 20036	South Coast Air Quality Management District
Bishop Cook Purcell & Reynolds, 1200 17th Street, NW, #700 Washington, DC 20036	ConAgra, Inc
Do	Electronic Industries Assn
Do	Phillips & Spencer
Do	Pyramid Energy, Inc
J. Barry Bitzer, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America
Christopher M. Blessington, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America
Richard W. Bliss, 3242 Grace Street, NW Washington, DC 20007	Brother International Corp
Richard O. Bolger, 2055 N. 15th Street, #300 Arlington, VA 22201	American Soc of Magazine Photographers
Ken Bossong, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen, Inc
James G. Bourie, P.O. Box 20655 126 S. Washington Street Alexandria, VA 22320	Potomac Advisory Group
Richard A. Boyd, 1400 K St., NW, #500 Washington, DC 20005	Handgun Control, Inc
Bracewell & Patterson, 2000 K St., NW, #500 Washington, DC 20006	Childs Fortenbach Beck & Guyton (for Enterprise Products Co)
Do	Graham Resources, Inc
Bracy Williams & Company, 1000 Connecticut Avenue, NW, #304 Washington, DC 20036	Phelps Dodge Development Corp
Do	Satellite Broadcast News
Lawrence J. Brady, 901 31st St., NW Washington, DC 20007	Hill & Knowlton, Inc (For:International Brotherhood of Teamsters)
Talmadge Branch, 300 Eye St., NE, #200 Washington, DC 20002	Minority Business Enterprise Legal Defense & Education Fund
Sue M. Briggum, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc
William M. Brodhead, 2715 M St., NW, #300 Washington, DC 20007	Plunkett & Cooney (For:American Soc for the Prevention of Cruelty to Animals)
Do	Plunkett & Cooney (For:Humane Soc of the U.S)
Do	Plunkett & Cooney (For:Massachusetts Soc for the Prevention of Cruelty to Animals)
David C. Brown, 410 First St., SE Washington, DC 20003	American Nuclear Energy Council
Carol Brownell, 105 East 22nd Street New York, NY 10010	Community Service Society
R. Stephen Browning, 28 N. Last Chance Gulch Helena, MT 59624	Finley Kumble Wagner Heine Underberg Manley Myerson & Casey
Mahlon A. Burnette III, 631 Walker Road Great Falls, VA 22066	National Broiler Council
Burnham Connolly Oesterle & Henry, 3050 K St., NW, #450 Washington, DC 20007	Dow Corning USA
Do	Sparber Shevin Shapo & Heilbronner (for Emma L. Bixby Hosp.)

Organization or Individual Filing	Employer/Client
Burridge Associates, 1612 K St., NW, #204 Washington, DC 20006	Battle Mountain Gold Co
Burson-Marsteller, 1850 M Street, NW, #900 Washington, DC 20036	Pennwalt Corp
Do	Pennzoil Co
Do	Thomson Group
Larry D. Burton, 1001 22nd Street, NW, #600 Washington, DC 20037	Standard Oil Co (Ohio)
Busby Rehm and Leonard, P.C., 1330 Connecticut Ave., NW, #200 Washington, DC 20036	International Electronics Mfgrs & Consumers of America, Inc
David W. Bushong, 1700 N. Moore St., #2120 Arlington, VA 22209	Boeing Company
John J. Byrne, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn
Morrison G. Cain, 1901 Pennsylvania Ave., NW, #200 Washington, DC 20006	National Mass Retailing Institute
Frank W. Calhoun, 3400 Texas Commerce Tower Houston, TX 77002	Burlington Northern, Inc
Cambridge International, Inc, 1600 Wilson Boulevard, #713 Arlington, VA 22209	Lockheed Aeronautical Systems Co
Capital Service of Washington, Inc, 1439 Rhode Island Ave., NW Washington, DC 20005	
Capitol Associates, Inc, 426 C Street, NE Washington, DC 20002	Genentech
Do	National Coalition for Volunteer Protection
Do	Polymer Technology Corp
Do	Westmore, Ltd
Caplin & Drysdale, Chtd, One Thomas Circle, NW Washington, DC 20005	Alcan Aluminium, Ltd
Robert E. Carlstrom Jr., 1000 Potomac St., NW Washington, DC 20007	Jefferson Group (For:Doe Run Company)
Gerald P. Carmen, 1667 K St., NW, #700 Washington, DC 20006	Carmen & Muss (For:4000 Wisconsin Avenue Associates, Ltd)
Carmen & Muss, 1901 Pennsylvania Ave., NW, #1000 Washington, DC 20006	4000 Wisconsin Avenue Associates, Ltd
James E. Carmichael, 413 Rezanof Drive East Kodiak, AK 99615	Afognak Joint Venture
Do	Afognak Native Corp
Michael Casserly, 2103 Dayton Street Silver Spring, MD 20902	Council of the Great City Schools
Cassidy and Associates, Inc, Metropolitan Square 655 15th St., NW, #1100 Washington, DC 20005	Atlantic Financial
Do	Loma Linda University Medical Center, Inc
Do	Medical College of Ohio, Toledo
Do	Pan Metal Corp
Do	Pioneer Financial
Do	Renewable Fuels Assn
Do	Thomas Jefferson University
Do	Universal Med Center/U of TX Health Science Center at Dallas
Rosario Ceballo, 2030 M St., NW Washington, DC 20036	Common Cause
Chambers Associates, Inc, 1625 K Street, NW, #200 Washington, DC 20006	University Patents, Inc
Chernikoff & Company, 1921 Sunderland Place, NW Washington, DC 20036	Arena Stage
Do	Capital Childrens Museum
Do	Corcoran Gallery
Do	Directors Guild of America
Do	Fords Theater
Do	National Building Museum
Do	National Symphony
Do	Phillips Collection
Do	Shakespeare Theater at the Folger
Do	Washington Ballet
Do	Washington Opera
Do	Washington Performing Arts Society
Laura Chin, 4415 Fessenden St., NW Washington, DC 20016	National Asian American Telecommunications Assn
William W. Chip, 1333 New Hampshire Ave., NW, #700 Washington, DC 20036	Raychem Corp
Hal M. Christensen, 1777 F St., NW Washington, DC 20006	Delta Dental Plans Assn
William Christensen, 4647 Forbes Blvd. Lanham, MD 20706	AMVETS
Elaine K. Church, 1801 K St., NW, #700 Washington, DC 20006	Price Waterhouse (For:Emery Air Freight)
Chwat/Weigend Associates, 400 First Street, NW, #816 Washington, DC 20001	American Radio Relay League
Cleary Gottlieb Steen & Hamilton, 1752 N Street, NW Washington, DC 20036	North Wind Undersea Institute
Do	Security Pacific National Bank
Coalition for Reliable Energy, 18 Muzzey Streetnard Building Lexington, MA 02173	
Coan Couture Lyons & Moorhead, 1625 Eye St., NW, #1015 Washington, DC 20006	Trafalgar Capital Associates, Inc
Joseph L. Colaneri, 1050 Connecticut Ave., NW, #760 Washington, DC 20036	Union Oil Co of California
Collier Shannon Rill & Scott, 1055 Thomas Jefferson St., NW, #308 Washington, DC 20007	National Juice Products Assn
Terese Colling, 2000 Pennsylvania Ave., NW, #3700 Washington, DC 20006	Eckert Seamans Cherin & Mellott (For:Media General, Inc)
Mary Colville, 1155 15th St., NW Washington, DC 20005	National Broiler Council
John J. Connolly, 499 South Capitol St., SW, #507 Washington, DC 20003	Bill Hecht & Associates, Inc (For:Crowley Maritime Corp)
Do	Bill Hecht & Associates, Inc (For:Freedom & Justice for Cyprus Trust)
Do	Bill Hecht & Associates, Inc (For:Hong Kong Trade Development Council)
Do	Bill Hecht & Associates, Inc (For:Kansas City Southern Industries, Inc)
Do	Bill Hecht & Associates, Inc (For:Southern California Rapid Transit District)
Do	Bill Hecht & Associates, Inc (For:Western Growers Association)
Corman Law Offices, 1420 16th Street, NW Washington, DC 20036	Tropicana International, Inc
George F. Cormeny Jr., 25 South Charles Street Baltimore, MD 21201	First National Bank of Maryland
Correct Currency In Law, 312 Second St., SE Washington, DC 20003	
Covington & Burling, 1201 Pennsylvania Ave., NW P.O. Box 7566 Washington, DC 20044	Coalition to Stop the Raid on America
Do	O-W Fund, Inc
Mark D. Cowan, The Jefferson Group 1000 Potomac Street, NW Washington, DC 20007	Hill & Knowlton, Inc (for Kelly Services, Inc)
Charles Anderson Cox, 721 2nd St., NW Washington, DC 20003	Freedom League/Resistance Support Alliance
Crowell & Moring, 1001 Pennsylvania Ave., NW Washington, DC 20004-2505	Wacker Siltronic Corp
Crowell & Moring International L.P., 1001 Pennsylvania Ave., NW Washington, DC 20004-2505	Board of Foreign Trade, Government of the Republic of China
Do	Wacker Siltronic Corp
D'Amour & Doyle, Inc, 1156 15th St., NW, #1100 Washington, DC 20005	Gafney Bennett & Associates, Inc
Joseph G. Dail Jr., 6623-A Old Dominion Drive McLean, VA 22101	Procompetitive Rail Steering Committee
Edwin H. Davis, 2030 M St., NW Washington, DC 20036	Common Cause
Davis & Harman, 1455 Pennsylvania Avenue, NW, #1200 Washington, DC 20004	Chandis Securities Co
Do	Committee of Life Insurers
Do	LeBoeuf Lamb Leiby & MacRae
Do	Travelers Companies
Davis Polk & Wardwell, 1575 Eye St., NW Washington, DC 20005	New York Clearing House
Michael De Emilio, 400 First St., NW, #801 Washington, DC 20001	Brotherhood of Maintenance of Way Employes
Debevoise & Plimpton, 555 13th Street, NW Washington, DC 20004	Security Pacific Corp
George H. Denison, 4801 Massachusetts Ave., NW, #400 Washington, DC 20016	Primark Corporation
Janice Deputy, 1925 K St., NW, #206 Washington, DC 20006	Alliance to Save Energy
Dewey Ballantine Bushby Palmer & Wood, 1775 Pennsylvania Ave., NW Washington, DC 20006	Air Products & Chemicals, Inc
Do	American Ref-Fuel Company
Do	Baptist Foundation of Texas
Do	Bell Atlantic Corp
Do	Intel Corporation
Do	Man-Made Fiber Producers Assn, Inc
Do	National Assn of Wholesaler-Distributors
Do	Premark International
Do	Prudential Insurance Co of America
Do	SEMATECH
Dickstein Shapiro & Morin, 2101 L St., NW Washington, DC 20037	Arizona Department of Commerce
Do	Brown Bridgeman & Co, Inc
Do	Mudge Rose Guthrie Alexander & Ferndon (for Toshiba Corp)
Diversified Energies, Inc, 201 South 7th Street Minneapolis, MN 55402	
John M. DiJoseph, 2050 Clarendon Blvd., #300 Arlington, VA 22201	American Soc of Magazine Photographers
Linda Dorian, 2012 Massachusetts Ave., NW Washington, DC 20036	BPW/USA
Dow Lohnes & Albertson, 1255 23rd St., NW Washington, DC 20037	Ameritech
Do	Parti Agricole Industriel National
Do	Smit-Lloyd BV
Do	State Higher Education Executive Officers Assn
Andrea N. Dravo, 410 First Street, SE Washington, DC 20003	American Nuclear Energy Council
Stephen D. Driesler, 777 14th St., NW Washington, DC 20005	National Assn of Realtors
Dana D. Duden, 1819 L St., NW, 7th Floor Washington, DC 20036	Reinsurance Assn of America
Robert H. Dugger, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn
Dutko & Associates, 412 First St., SE, #40 Washington, DC 20003	Committee for Preservation of the Anesthesia Care Team
Do	St. Thomas Paving

Organization or Individual Filing	Employer/Client
William P. DuBose IV, 1050 17th St., NW, #700 Washington, DC 20036	National Ocean Industries Assn
Dyer Ellis Joseph & Mills, 600 New Hampshire Ave., NW, #1000 Washington, DC 20037	Bender Shipbuilding & Repair Co, Inc
Dykema Gossett Spencer Goodnow & Trigg, 1752 N St., NW, 6th Fl. Washington, DC 20036	Military Boot Manufacturers Assn
Eric D. Eberhard, 1155 Connecticut Ave., NW, #1000 Washington, DC 20036	Alaska Native Coalition
Do	Gaming Pueblos of New Mexico
Do	Pueblo of Sandia
Do	Sault Ste. Marie Tribe of Chippewa Indians
Do	Shoshone Business Council
Charles J. Eby, 8408 Queen Elizabeth Blvd. Annandale, VA 22003	Hill & Knowlton, Inc (for: Monsanto)
John D. Echeverria, 801 Pennsylvania Ave., SE, #303 Washington, DC 20003	American Rivers
Marsha A. Echols, Law Offices of Max N. Berry 3213 O Street, NW Washington, DC 20007	Gilway Company, Ltd
Charles E. Ehrhart, 1101 15th St., NW, #202 Washington, DC 20005	National Assn of Margarine Manufacturers
J.W. Ellis, 1629 K St., NW, #1100 Washington, DC 20006	Old Republic Companies
Steven L. Engelberg, 1730 Pennsylvania Ave., NW, #350 Washington, DC 20006	General Instrument Corporation
Billy Lee Evans, 499 South Capitol St., SW, #507 Washington, DC 20003	Bill Hecht & Associates, Inc (For:Brown & Williamson Tobacco Corp)
Do	Bill Hecht & Associates, Inc (For:Crowley Maritime Corp)
Do	Bill Hecht & Associates, Inc (For:Freedom & Justice for Cyprus Trust)
Do	Bill Hecht & Associates, Inc (For:Hong Kong Trade Development Council)
Do	Bill Hecht & Associates, Inc (For:Western Growers Association)
Dave Evans Associates, 4076 Rosamora Court Arlington, VA 22207	ACA
Do	SIA
Leslie Fain, 400 First St., NW, #800 Washington, DC 20001	Committee for Humane Legislation
Eli M. Feinberg, 9100 S. Dadeland Blvd., #1109 Miami, FL 33156	
Dallas N. Fields, 1448 Duke St., #1000 Alexandria, VA 22314	National Rural Letter Carriers Assn
Financial Services Council, 1225 19th St., NW, #410 Washington, DC 20036	
Finley Kumble Wagner Heine Underberg Manley Myerson & Casey, 1120 Connecticut Ave., NW, 10th Floor Washington, DC 20036	First United Bank
Do	Hospital Insurance Forum
Do	Pharmaceutical Manufacturers Assn
Fletcher Heald & Hildreth, 1225 Connecticut Ave., NW, #400 Washington, DC 20036	Wheat Gluten Industry Council, et al.
Joseph P. Foley, 206 G St., NE, #201 Washington, DC 20002	Brantford International, Ltd
Do	Couwenberg & Heene
Do	Curval Products, Inc
Do	Shelson International
Do	Brough E. Treffer & Associates
Foley & Lardner, 1775 Pennsylvania Ave., NW Washington, DC 20006-4680	G. Heilman Brewing Co, Inc
Foreman & Heidepriem, 1751 N Street, NW, #301 Washington, DC 20036	Coalition to Protect the Integrity of American Trademarks
Do	Olsson Frank & Weeda, P.C.
Fox Weinberg & Bennett, 1714 Massachusetts Avenue, NW Washington, DC 20036	Hoffmann-La Roche, Inc
Jacob Fraire, 1010 Vermont Ave., NW, #1100 Washington, DC 20005	Bank One
Do	California Student Aid Commission
Do	Colorado Student Loan Program
Do	GEM Corp
Do	Illinoise State Scholarship Commission
Do	Just Kids
Do	Nebraska Higher Education Loan Program, Inc
Do	Nebraska Student Loan Program
Do	Texas Guaranteed Student Loan Corp
Ronna Freiberg, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:United Airlines, Inc)
Joyce Gross Freiwald, P.O. Box 85608 San Diego, CA 92138	GA Technologies, Inc
Fried Frank Harris Shriver & Jacobson, 1001 Pennsylvania Ave., NW, #800 Washington, DC 20004	Shoshone Tribe of the Wind River Reservation
Nancy R. Fulco, 1615 H St., NW Washington, DC 20062	U.S. Chamber of Commerce
Eric Keith Gabrielle, P.O. Box 12532 Gainsville, FL 32604	
Leslie Gainer, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group
John Paul Galles, 1155 15th St., NW, #710 Washington, DC 20005	National Small Business United
Gardner Carton & Douglas, 1001 Pennsylvania Ave, NW, #750 Washington, DC 20004	Andrew Corp
Garvey Schubert & Barer, 1000 Potomac St., NW Washington, DC 20006	Riedel International
Diane Generous, 606 North Washington Street Alexandria, VA 22314	American Soc for Personnel Administration
Gerard Byler & Associates, Inc, 1100 17th Street, NW, #1000 Washington, DC 20036	Tanana Chiefs Conference, Inc
Do	Tiospa Zina Tribal School
Gibson Dunn & Crutcher, 1050 Connecticut Ave., NW, #900 Washington, DC 20036	American Airlines
Dorothy M. Gillman, One Thomas Circle, NW, #950 Washington, DC 20005	Independent Bankers Assn of America
Global USA, Inc, Global House 1823 Jefferson Place, NW Washington, DC 20036	Embassy of the Republic of Korea
Do	Korea Soc for the Advancement of Machine Industry (KOSAMI)
God Family & Country, P.O. Box 777 Harrison, TN 37341	
Joseph Goffman, 1616 P Street, NW, #150 Washington, DC 20036	Environmental Defense Fund
Gold & Liebengood, Inc, The Willard Office Building 1455 Pennsylvania Avenue, NW, #950 Washington, DC 20004	Baretta USA Corp
Do	Patrician Mortgage Co
Golden Freda & Schraub, P.C., 1625 Massachusetts Ave., NW, #300 Washington, DC 20036	Moultrie Independent Telephone Co
H.P. Goldfield, 3000 K St., NW, #300 Washington, DC 20007	Swidler & Berlin (For:Ferroalloys Association)
Do	Swidler & Berlin (For:Majestic Shipping Services Corp)
John Gordley, 201 Massachusetts Ave., NE, C-5 Washington, DC 20002	Evans Grain Co
Do	National Sunflower Assn
Do	Renewable Fuels Assn
Gordon Feinblatt Rothman Hoffberger & Hollander, 233 East Redwood Street Baltimore, MD 21202	O-W Fund, Inc
John C. Gore, 1001 22nd St., NW, #600 Washington, DC 20037	BP America, Inc
David A. Gotlieb, 1800 International Centre 900 Second Avenue South Minneapolis, MN 55402	Robins Zelle Larson & Kaplan (For:Dominium Group, Inc)
Alan W. Granwell, 1333 New Hampshire Ave., NW Washington, DC 20036	Cadwalader Wickersham & Taft (For:PFIC Group)
William T. Gray III, 5210 Banks Place, NE Washington, DC 20019	National Assn for the Advancement of Justice
Griffin Johnson & Associates, 1211 Connecticut Ave., NW, #700 Washington, DC 20036	Abbott Laboratories
Do	Puyallup Tribe of Indians
Groom & Nordberg, Chtd, 1775 Pennsylvania Avenue, NW, #700 Washington, DC 20006	Ad Hoc PFIC Group
Do	Prudential-Bache Securities, Inc
Jon Haber, 1424 16th St., NW, #601 Washington, DC 20036	People for the American Way
C. McClain Haddow, 13625 Dornock Court Herndon, VA 22071	Mylan Pharmaceutical, Inc
Hale and Dorr, 1455 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Boston Redevelopment Authority
Do	Leach & Garner Refining Corp
Elliott S. Hall, 815 Connecticut Ave., NW Washington, DC 20006	Ford Motor Company
Martha R. Hamby, 1025 Connecticut Ave., NW, #415 Washington, DC 20036	American Insurance Assn
Hamel & Park, 888 16th Street, NW Washington, DC 20006	Alaska Joint Venture Seafoods, Inc
Do	Alaska Tae Woong
Do	Alaskan Cod, Inc
Do	Cook Inlet Region, Inc
Do	First Federal Savings Bank
Do	Anne & Art Johnson
Do	Louisiana Pacific Corp
Do	Martel Laboratory Services, Inc
Do	Safe Travel America
Do	United Video
Joyce Hamilton, 201 Park Washington Court Falls Church, VA 22046	National-American Wholesale Grocers' Assn
Karen Hammond, 1400 K St., NW Washington, DC 20005	American Psychiatric Assn
Hansell & Post, 1667 K St., NW, #500 Washington, DC 20006	Northeast Georgia Medical Center
Do	Nuclear Fuel Service, Inc
Kit E. Hawkins, 900 19th St., NW, #800 Washington, DC 20006-2102	U.S. Telephone Assn
Edmund S. Hawley, 1120 20th St., NW, #600-S Washington, DC 20036	Union Pacific Corp
Holly Elisabeth Hazard, 111 Massachusetts Ave., NW, #200 Washington, DC 20001	Animal Legal Defense Fund
Do	Doris Day Animal League
Do	National Alliance for Animal Legislation
Do	New England Anti-Vivisection Society
Paul Hazen, 1401 New York Ave., NW, #1100 Washington, DC 20005	National Cooperative Business Assn
Timothy R. Healy, 2100 N. Pierce Street, #10 Rosslyn, VA 22209	Edward Blankstein, Inc
Lynn C. Hearnes, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc
Bill Hecht, Bill Hecht & Associates, Inc 499 South Capitol St., SE, #507 Washington, DC 20003	Boy Scouts of America
Do	Church Alliance

Organization or Individual Filing	Employer/Client
Do	CSX Corporation
Do	Freedom & Justice for Cyprus Trust
Do	Hong Kong Trade Development Council
Do	Western Growers Association
Martin Hegwood, Mississippi Petroleum Council P.O. Box 42 Jackson, MS 39205	American Petroleum Institute
Craig R. Helsing, 499 S. Capitol St., SW, #507 Washington, DC 20005	Bill Hecht & Associates, Inc (For:Freedom & Justice for Cyprus Trust)
Do	Bill Hecht & Associates, Inc (For:Hong Kong Trade Development Council)
Do	Bill Hecht & Associates, Inc (For:Illinois Department of Energy & Natural Resources)
Do	Bill Hecht & Associates, Inc (For:Kansas City Southern Industries, Inc)
Do	Bill Hecht & Associates, Inc (For:Multinational Business Services)
Heron Burchette Ruckert & Rothwell, 1025 Thomas Jefferson St., NW, #700 Washington, DC 20007	Claudia Ashton
Do	Balanced Trade Group
Do	Blue Cross & Blue Shield of Florida
Do	Council of American Overseas Research Centers
Do	Electronic Data Systems Corp
Do	New England Fisheries Development Foundation, Inc
Do	Prudential Insurance Co of America
Richard A. Herrett, 1600 M St., NW, #702 Washington, DC 20036	ICI Americas, Inc
Mary B. Hevener, 1200 18th St., NW Washington, DC 20036	Lee Toomey & Kent (For:Pfizer, Inc)
Eldon Hill, 5116 Bonnok Highway Pocatello, ID 83204	Crop Insurance Research Bureau
Roderick M. Hills, 1155 15th St., NW, #302 Washington, DC 20005	Manchester Group, Ltd (For:C Itoh & Co, Ltd, et al.)
Hogan & Hartson, 555 13th St., NW Washington, DC 20004-1109	American Physical Therapy Assn
Do	Circadian, Inc
Do	Citizens Energy Corp
Do	Melvin A. Fisher
Do	Jewish Institute for Geriatric Care
Hoog & Associates, 1877 Broadway, #405 Boulder, CO 80302	China External Trade Development Council
Do	Colorado State University
Do	ECAD, Inc
Do	International Brotherhood of Teamsters
Do	MediVision, Inc
Do	Strohs Brewery Co
Do	United Technologies Corporation
Helen Hooper, 3357 Runnymede Place, NW Washington, DC 20015	National Trust for Historic Preservation
Sarah Hospodor, 777 14th St., NW Washington, DC 20005	National Assn of Realtors
Hudson Bayless Associates, 438 New Jersey Ave., SE Washington, DC 20003	Primark Corporation
Royston C. Hughes, 1020 16th St., NW Washington, DC 20036-5754	Enron Corp
Lester S. Hyman, 3000 K St., NW, #300 Washington, DC 20007	Swidler & Berlin (For:Majestic Shipping Services Corp)
Gary Hymel, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Hastings College)
Do	Hill & Knowlton, Inc (For:Palm Oil Registration & Authority)
Industrial Gas Cleaning Institute, Inc, 1707 L St., NW Washington, DC 20036	
International Liaison, Inc, 3413 Chantarene Drive Pensacola, FL 32507	Norsk Forsvarsteknologi A/S
Peter A. Iovino, 1235 Jefferson Davis Highway, #1300 Arlington, VA 22202	Ford Aerospace & Communications Corp
William A. Isokait, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America
Jenner & Block, 21 Dupont Circle, NW Washington, DC 20036	CECO Industries, Inc
Johnson & Associates, 3240 N. Albemarle Street Arlington, VA 22207	Commodity Storage, Ltd, et al.
Do	Falcon Systems, Inc, et al.
Theodore L. Jones, 2033 K St., NW, #300 Washington, DC 20006-1056	Primark Corporation
William Patrick Jones, 1010 Duke Street Alexandria, VA 22314	American Assn of Port Authorities
Jones Day Reavis & Pogue, 1450 G Street, NW, #600 Washington, DC 20005-2088	M.A. Hanna Company
Do	Primark Corporation
Do	State Assn of County Retirement Systems
David H. Jonson, 1200 17th Street, NW Washington, DC 20036	Federation of Behavioral, Psychological & Cognitive Sciences
Diana Jost, 1709 New York Ave., NW, #303 Washington, DC 20006	Blue Cross & Blue Shield Assn
Kaye Scholer Fierman Hays & Handler, 1575 Eye Street, NW, #1150 Washington, DC 20005	GAF Corporation
Do	U.S. Industrial Fabric Institute
Mary Catherine Keegan-Ayer, 600 Pennsylvania Ave., SE, #200 Washington, DC 20003	Independent Insurance Agents of America, Inc
Thomas F. Kelley III, 1025 Connecticut Ave., NW, #415 Washington, DC	American Insurance Assn
Suzanne S. Kerr, 110 Maryland Ave., NE, Room 211 Washington, DC 20002	Women's Action for Nuclear Disarmament, Inc, et al.
Maryann Kilduff, 2001 M St., NW, #230 Washington, DC 20036	Telocator Network of America
Thomas N. Kindness, 1001 Prince Street Alexandria, VA 22314	Computer & Business Equipment Manufacturers Assn
Do	Contractor Liability & Indemnification Alliance
Lonnie J. King, 1552 K St., NW, #828 Washington, DC 20005	American Veterinary Medical Assn
King & Spalding, 1730 Pennsylvania Ave., NW, #1200 Washington, DC 20006	Fuqua Industries, Inc
Carla Kish, 3413 1/2 M St., NW Washington, DC 20007	Sierra Club (Toiyake Chapter)
Jerry D. Klepner, 1020 19th St., NW Washington, DC 20036	Anderson Benjamin Read & Haney (For:De La Rue Giori of America, Inc)
Do	Anderson Benjamin Read & Haney (For:SICPA Industries of America, Inc)
Do	Anderson Benjamin Read & Haney (For:U.S. Banknote Corp)
Mary Jane Kolar, 727 South 23rd St., #100 Arlington, VA 22202	Association of Government Accountants
Kominers Fort & Schlefer, 1401 New York Ave., NW, #1200 Washington, DC 20005-2187	Bollinger Machine Shop & Shipyard, Inc
Do	Institutional Fisheries Systems, Inc
Do	RREEF Funds
Takeshi Kondo, 1110 Vermont Ave., NW Washington, DC 20005	C Itoh & Co, Ltd, et al.
Nicholas G. Kordopatis, One Hillendale Road Perkasie, PA 18944	Independence Bancorp, Inc
Kuykendall Company, 517 3rd Street, SE Washington, DC 20003	Federal Land Bank Stockholders Defense Fund
Christine Ladd, 2030 M St., NW Washington, DC 20036	Common Cause
Martha D. Lamkin, P.O. Box 3005 Columbus, IN 47202	Cummins Engine Co, Inc
Moon Landrieu, P.O. Box 18198 Washington, DC 20036	Coalition to Stop the Raid on America
Lane & Edson, P.C., 2300 M Street, NW Washington, DC 20036	National Independent Automobile Dealers Assn
Richard Eugene Larochelle, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn
Debra L. Larson, 729 15th St., NW Washington, DC 20005	Associated Builders & Contractors, Inc
Lash Group, 555 13th St., NW Washington, DC 20004	American Physical Therapy Assn
Dennis Lavallee, 1120 Vermont Ave., NW, #1120 Washington, DC 20005	National Candy Wholesalers Assn, Inc
Lorraine Lavet, 1615 H St., NW Washington, DC 20062	Chamber of Commerce of the U.S.
Charles B. Lavin Jr., 180 South Washington Street Falls Church, VA 22046	Alarm Industry FCC Frequency Advisory Committee
Do	Central Station Electrical Protection Assn
Richard L. Lawson, 1130 17th St., NW Washington, DC 20036	National Coal Assn
Sandra L. LaFevre, 1819 L St., NW, 7th Floor Washington, DC 20036	Reinsurance Assn of America
Franklin M. Lee, 300 Eye Street, NE, #200 Washington, DC 20002	Minority Business Enterprise Legal Defense & Education Fund
Marsha P. Lefkovits, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc
Arnold H. Leibowitz, 1330 Connecticut Ave., NW, #200 Washington, DC 20036	Republic of Palau
G. Timothy Leighton, 1101 14th St., NW Washington, DC 20005	American Financial Services Assn
Joseph S. Lester Jr., 1201 Pennsylvania Ave., NW, #370 Washington, DC 20004	Control Data Corporation
Betsy Levin, One Dupont Cirle, NW, #370 Washington, DC 20036	Association of American Law Schools
Mindy M. Lewis, Box #3005 Columbus, IN 47201	Cummins Engine Co, Inc
Lincoln Savings & Loan Assn, P.O. Box 19614 Irvine, CA 92714	
Roger Lindberg, 901 31st St., NW Washington, DC 20007	Hill & Knowlton, Inc (For:Fleischmann's Yeast)
Do	Hill & Knowlton, Inc (For:Republic of Turkey)
Lipsen Hamberger Whitten & Hamberger, 1725 Desales St., NW, #800 Washington, DC 20036	Amarillo Chamber of Commerce
Do	Electronic Data Systems Corp
Do	Pharmaceutical Card System, Inc
Do	Shearson Lehman Brothers, Inc
Stephanie P. Loving, 1101 Vermont Ave., NW, #405 Washington, DC 20005	A. H. Robins Co
David R. Lukens, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America
Sylvester Lukis, 1155 15th St., NW, #504 Washington, DC 20005	Fowler White Gillen Boggs Villareal & Banker (For:National Medical Enterprises, Inc)
Do	Fowler White Gillen Boggs Villareal & Banker (For:University of Tampa)
Olivia C. Mackin, 1825 K St., NW, #1107 Washington, DC 20006	Phillips Petroleum Co
Mimi Mager, 2027 Massachusetts Ave., NW Washington, DC 20036	Leadership Conference on Civil Rights
Manatos & Manatos, Inc, 1750 New York Ave., NW, #210 Washington, DC 20006	Audiovox
Manatt Phelps Rothenberg & Evans, 1200 New Hampshire Ave., NW, #200 Washington, DC 20036	Centre Pointe Associates
Do	Melrose Company
Do	North Beach Property Owners' Assn
Do	NEC Corporation

Organization or Individual Filing	Employer/Client
Manchester Group, Ltd, 1155 15th St., NW, #302 Washington, DC 20005	C Itoh & Co, Ltd, et al.
Andrew J. Maniglia, 134 Wickes Avenue Yonkers, NY 10701	Chemical Bank
Sandra Marqunadt, 218 D St., SE Washington, DC 20003	Environmental Policy Institute
Cynthia L. Martin, 2711 Jefferson Davis Highway, #903 Arlington, VA 22202	Avondale Industries, Inc
Donald F. Massey, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Hastings College Foundation)
Do	Hill & Knowlton, Inc (For:International Brotherhood of Teamsters)
Do	Hill & Knowlton, Inc (For:Monsanto Co)
Mayer Brown & Platt, 2000 Pennsylvania Avenue, NW, #6500 Washington, DC 20006	Philip Morris USA
Do	Smith Barney Harris Upham & Co, Inc
Maryln Lee McAdam, 1010 Vermont Ave., NW, #1100 Washington, DC 20005	Bank One
Do	California Student Aid Commission
Do	Colorado Student Loan Program
Do	GEM Corp
Do	Illinois State Scholarship Commission
Do	Just Kids
Do	Nebraska Higher Education Loan Program, Inc
Do	Nebraska Student Loan Program
Do	Texas Guaranteed Student Loan Corp
McAuliffe Kelly Furlong Aldrich & Siemens, 555 New Jersey Ave., NW, #880 Washington, DC 20001	Lawyers Mutual Insurance Co
Do	Southwestern Resources, Inc
Daniel J. McDermott, 1225 19th St., NW, #410 Washington, DC 20036	Financial Services Council
Craig McDonald, 215 Pennsylvania Ave., SE Washington, DC 20003	Pulblic Citizen, Inc
Jack McDonald, 1489 Chain Bridge Road, #200 McLean, VA 22101	Jack McDonald Co (For:Hitachi America, Ltd)
Jack McDonald Co, 1489 Chain Bridge Road, #200 McLean, VA 22101	Hitachi America, Ltd
Dinah D. McElfresh, 1255 23rd Street, NW, #850 Washington, DC 20037	Hauck & Associates (For:Hearing Industries Assn)
Meredith McGehee, 2030 M St., NW Washington, DC 20036	Common Cause
McGuire Woods Battle & Boothe, P.O. Box 25047 Alexandria, VA	Savage/Fogarty Companies, Inc
Do	Vulcan Materials Co
John J. McKechnie III, 805 15th St., NW, #300 Washington, DC 20005	Credit Union National Assn, Inc
McNair Law Firm, P.A., 1155 15th Street, NW, #400 Washington, DC 20005	American Insurance Assn
Do	Earl Barr
Do	Blue Cross & Blue Shield of South Carolina
Do	Gasoline Alliance to Preserve Competition
Mary Martha McNamara, 1150 17th St., NW, #1000 Washington, DC 20036	Art Supply Labeling Coalition
Larry McNickle, 1129 20th St., NW, #400 Washington, DC 20036	American Assn of Homes for the Aging
Michael Medberry, 1400 Eye Street, NW Washington, DC 20005	Wilderness Society
Michael Meehan, 1439 Rhode Island Ave., NW Washington, DC 20005	Capitol Services of Washington, Inc
Susan R. Meisinger, 606 North Washington Street Alexandria, VA 22314	American Soc for Personnel Administration
J. Roger Mentz, 1333 New Hampshire Ave., NW Washington, DC 20036	Cadwalader Wickersham & Taft (For:Knoll Pharmaceuticals)
Do	Cadwalader Wickersham & Taft (For:Pepsico, Inc)
Do	Cadwalader Wickersham & Taft (For:PFIC Group)
Michaels & Wishner, P.C., 1726 M St., NW, #500 Washington, DC 20036	National Assn for Ambulatory Care
Do	Watts Health Foundation, Inc
Milbank Tweed Hadley & McCloy, 1825 Eye St., NW Washinton, DC 20006	Midland Bank plc
Military Boot Manufacturers Assn, Belleville Shoe Manufacturing Co P.O. Box 508 Belleville, IL 62222	
Carol Miller, 2012 Massachusetts Ave., NW Washington, DC 20036	BPW/USA
Michael J. Miller, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America
Miner Fraser & Gabriel, 1025 Connecticut Ave., NW, #700 Washington, DC 20036	Navajo Nation
Mintz Levin Cohn Ferris Glovsky & Popeo, P.C., 1825 I Street, NW, #1025 Washington, DC 20006	Communications Industry Assn of Japan
Lisa Mitnick, 3000 K St., NW, $300 Washington, DC 20007	Swidler & Berlin (For:Ferroalloys Association)
Timothy X. Moore, 2900 M Street, NW, #300 Washington, DC 20007	All-Industry TV Music License Committee
Moser & Henkin, 50 Broadway New York, NY 10004	Franklin County, New York, et al.
Michael M. Murphy, 1101 17th St., NW, #400 Washington, DC 20036	American President Companies, Ltd, et al.
James E. Murray, One Farragut Square South Washington, DC 20006	Brown & Wood (For:American Bankers Assn)
Bernard Nash, 1015 18th St., NW, #408 Washington, DC 20036	Monsanto Co
Nash Railsback & Plesser, 1133 15th Street, NW, #1100 Washington, DC 20005	Monsanto Co
National Save Our Space Committee, 14 Beacon Street Boston, MA 02108	
National Strategies & Marketing Group, 1919 Pennsylvania Ave., NW, #704 Washington, DC 20006	Triangle Industries
Neill Mullenholz & Shaw, 900 17th St., NW, #400 Washington, DC 20006	Government of El Salvador
Michael A. Nemeroff, 1720 Eye Street, NW Washington, DC 20006	Sidley & Austin (For:Borden, Inc)
New York State Bankers Assn, 485 Lexington Avenue New York, NY 10017	
North American Venture Capital Centre, 1771 Massachusetts Ave., NW Washington, DC 20036	
O'Connor & Hannan, 1919 Pennsylvania Ave., NW, #800 Washington, DC 20006	American Maritime Transport, Inc
Do	Arthur Andersen & Co
Do	Martin Marietta Corp
Do	New York City Council
Do	Philadelphia Stock Exchange
Do	Roberts & Shefelman
Do	State of Alaska
John F. O'Donnell, 1111 14th St., NW, #1100 Washington, DC 20005	American Dental Assn
Daniel J. O'Grady, 815 16th St., NW, #310 Washington, DC 20006	Amalgamated Clothing & Textile Workers Union
O'Melveny & Myers, 555 13th St., NW Washington, DC 20004	City of Atlantic City
John Vincent O'Neill, 13411 Running Pump Ct. Herndon, VA 22071	Institute of Electrical & Electronics Engineers
Marion Browne Oglesby Jr., 499 South Capitol Street, SW, #507 Washington, DC 20003	Bill Hecht & Associates, Inc (For:Boys Scouts of America)
Do	Bill Hecht & Associates, Inc (For:Brown & Williamson Tobacco Corp)
Do	Bill Hecht & Associates, Inc (For:CSX Corporation)
Do	Bill Hecht & Associates, Inc (For:Freedom & Justice for Cyprus Trust)
Do	Bill Hecht & Associates, Inc (For:Hong Kong Trade Development Council)
Do	Bill Hecht & Associates, Inc (For:Illinois Department of Energy & Natural Resources)
Do	Bill Hecht & Associates, Inc (For:Kansas City Southern Industries, Inc)
Do	Bill Hecht & Associates, Inc (For:Multinational Business Services)
Do	Bill Hecht & Associates, Inc (For:Mutual Fairness Taxation Assn)
Do	Bill Hecht & Associates, Inc (For:Western Growers Association)
Peter J. Olsen, 413 Rezanof Drive East Kodiak, AK 99615	Afognak Joint Venture
Omega International, Inc, 11 Carriage House Circle Alexandria, VA 22304	United Engineers & Constructors
David S. Osterhout, 8201 Greensboro Drive McLean, VA 22102	Unisys Defense Systems
Thomas J. Owens, P.O. Box 12266 Seattle, WA 98102	Kelly-Ryan, Inc
Nancy L. Parke, 210 Little Falls Street Falls Church, VA 22046	American Cong. on Survey. & Mapp./Amer Soc of Photogrammetry
Carl M. Parks, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Sears Roebuck & Co
Parry and Romani Associates, Inc, 233 Constitution Avenue, NE Washington, DC 20002	Bristol-Myers Co
Do	Commonwealth of the Bahamas
Do	Issue Management, Inc
Do	National Assn of Independent Insurers
Do	Schering Corp
Do	Texas Research & Technology Foundation
Do	Warner-Lambert Co
Amber Parson, 7901 Westpark Drive McLean, VA 22102	National Machine Tool Builders' Assn
Jerry M. Patterson, 3200 Park Center Dr., #650 Costa Mesa, CA 92626	Burke Williams & Sorensen (For:City of Huntington Beach)
Do	Burke Williams & Sorensen (For:City of Santa Ana)
Patton Boggs & Blow, 2550 M St., NW, #800 Washington, DC 20037	Columbia Farm Credit District
Do	Costa Rican Foreign Trade Committee
Do	DOYON, Ltd
Do	Fishing Vessel Owners' Assn
Do	Great Western Financial Corp
Do	Mutual Legislative Committee
Do	National Assn of Life Underwriters
Do	National Intergroup, Inc
Do	Newmont Mining Corp
Do	William G. Reed
Do	U.S. Air, Inc
Paul Hastings Janofsky & Walker, 1050 Connecticut Avenue, NW, #1200 Washington, DC 20036	Tobacco Institute
Endicott Peabody, 1850 K Street, NW, #500 Washington, DC 20036	McDermott Will & Emery (For:Colorado Public Employee Retirement Assn, (OPPOSE))
Edward F. Pembleton, 801 Pennsylvania Ave., SE Washington, DC 20003	National Audubon Society

Organization or Individual Filing	Employer/Client
Pennwalt Corporation, Three Parkway Philadelphia, PA 19102	
Gary J. Perkinson, 453 New Jersey Ave., SE Washington, DC 20003	National Second Mortgage Assn
Perkinson & Associates, 453 New Jersey Ave., SE Washington, DC 20003	National Second Mortgage Assn
Robert Peters, 342 West 15th Street New York, NY 10011	Morality in Media, Inc
Mary B. Peterson, 700 New Hampshire Ave., NW Washington, DC 20037	General Motors Corp
Evelyn A. Petschek, 1730 Pennsylvania Ave., NW Washington, DC 20006	Patterson Belknap Webb & Tyler (For:Cultural Institutions Retirement Systems)
Do	Financial Institutions Retirement Fund
Pettit & Martin, 1800 Massachusetts Avenue, NW, #600 Washington, DC 20036	U.S. Suzuki Motor Corp
Robert X. Peyton, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America
Pillsbury Madison & Sutro, 1667 K St., NW, #1100 Washington, DC 20006	Grocery Manufacturers of America, Inc
Nancy Pinson-Millburn, 5999 Stevenson Avenue Alexandria, VA 22304	American Assn for Counseling & Development
Pirtle Morisset Schlosser & Ayer, 1500 Seattle Trust Tower 1000 Second Avenue Seattle, WA 98104	Miccosukee Tribe of Indians of Florida
Do	Saginaw Chippewa Indian Tribe
Do	Saint Regis Mohawk Tribe
Richard Popkin, 3000 K St., NW, #300 Washington, DC 20007	Swidler & Berlin (For:Ferroalloys Association)
Do	Swidler & Berlin (For:Majestic Shipping Services Corp)
Potomac Advisory Group, P.O. Box 20655 126 S. Washington Street Alexandria, VA 22320	
Richard H. Prendergast, 1020 19th St., NW Washington, DC 20036	Anderson Benjamin Read & Haney (For:De La Rue Giori of America, Inc)
Do	Anderson Benjamin Read & Haney (For:SICPA Industries of America, Inc)
Preston Thorgrimson Ellis & Holman, 1735 New York Avenue, NW, #500 Washington, DC 20006	Dragnet Fisheries, Inc
Do	Marine Management, Inc
Do	South Dakota Dept of Transportation
Price Waterhouse, 1801 K St., NW, #700 Washington, DC 20006	Investment Company Institute
Do	Toyota Motor Manufacturing, USA
Fran Radney, 214 Massachusetts Avenue, NE, #350 Washington, DC 20002	Russell Corporation
Ragan & Mason, 900 17th St., NW Washington, DC 20006	American Bureau of Shipping
Robert Rathe, 8451-A Hilltop Road Fairfax, VA 22031	American Soc of Magazine Photographers
Bruce A. Ray, Bruce Ray & Company 420 C Street, NE Washington, DC 20002	R.H. Pines Corp
Kenneth A. Reich, Foley Hoag & Eliot One Post Office Square Boston, MA 02109	Northeast Solvents Recovery
Reichler & Appelbaum, 1701 K Street, NW, #700 Washington, DC 20006	United Coconut Assn of the Philippines
Reid & Priest, 1111 19th St., NW, #1100 Washington, DC 20036	Committee of Corporate Telecommunications Users
Do	CIAC Group
Do	SPD Technologies
John W. Rendon Jr., 1439 Rhode Island Ave., NW Washington, DC 20005	Capital Services of Washington, Inc
Richard Rendon, 1439 Rhode Island Ave., NW Washington, DC 20005	Capitol Services of Washington, Inc
Bill Richardson, R.R. 1 Ewing, IL 62386	Crop Insurance Research Bureau
Rivkin Radler Dunne & Bayh, 1575 I Street, NW, #1025 Washington, DC 20005	Ad Hoc Ethanol Committee
Do	City of South Bend
William A. Roberts, 444 North Capitol St., #711 Washington, DC 20001	Keefe Company (For:Tres Grande Vitesse (TGV-USA, Inc))
Anthony W. Robinson, 300 Eye Street, NE, #200 Washington, DC 20002	Minority Business Enterprise Legal Defense & Education Fund
Gardiner Rogers, 105 Forrest Avenue, Suite 7 Narberth, PA 19072	Liberty Lobby
Rogers & Wells, 1737 H Street, NW Washington, DC 20006	Indal, Ltd
Do	Wordperfect Corp
Emily B. Rothrock, 1455 Pennsylvania Ave., NW, #900 Washington, DC 20004	American International Group, Inc
James S. Rubin, Kleinfeld Kaplan & Becker 1140 19th Street, NW Washington, DC 20036	Vitarine Pharmaceuticals, Inc
Patricia Ryan, 1319 F Street, NW, #1000 Washington, DC 20004	National Assn of Private Psychiatric Hospitals
Charles Ryan Associates, Inc, 1015 18th St., NW, #720 Washington, DC 20036	West Virginia Bankers Assn
Do	West Virginia Hospital Assn
Do	West Virginia Independent Oil & Gas Assn
S.A.F.E.S.T., 1120 G St., NW, #800 Washington, DC 20005	
Myron G. Sandifer III, 1489 Chain Bridge Road, #200 McLean, VA 22101	Jack McDonald Co (For:Hitachi America, Ltd)
James D. Santini, 1101 King Street, #350 Alexandria, VA 22314	American Escrow Assn
Do	GM Energy Company, Inc
Save Our Schools, 777 14th St., NW, #747 Washington, DC 20005	
Tess Scannell, 440 First St., NW, #310 Washington, DC 20001	Child Welfare League of America
Gary G. Scheppke Sr., P.O. Box 7000 1015 West Wisconsin Ave. Kaukauna, WI 54130	National Assn of Tax Practitioners
John Havens Scott, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn
Marlissa Senchak, 3900 Wisconsin Ave., NW Washington, DC 20016	Federal National Mortgage Assn
Shaw Pittman Potts & Trowbridge, 2300 N Street, NW Washington, DC 20037	Federation of Bankers Assn of Japan
Shea & Gardner, 1800 Massachusetts Avenue, NW Washington, DC 20036	Marshall & Stevens, Inc
Shearman & Sterling, 153 East 53rd Street New York, NY 10022	Cargill, Inc
Christine Sigler, 2000 K St., NW, 7th Floor Washington, DC 20006	National Comm to Preserve Social Security
Patricia Simpson, 105 East 22nd Street New York, NY 10010	Community Service Society
Stephen L. Skardon Jr, 1828 Corcoran St., NW Washington, DC 20009	National Strategies & Marketing Group
Catherine Reiss Sloan, 120 Maryland Ave., NE Washington, DC 20002	Competitive Telecommunications Assn
C. Douglas Smith, 1850 M St., NW, #600 Washington, DC 20036	Toyota Motor Sales, USA, Inc
Kathryn Smith, 1454 Duke Street Alexandria, VA 22314	American Osteopathic Hospital Assn
William A. Smith, 453 New Jersey Ave., SE Washington, DC 20003	National Second Mortgage Assn
Smith Raclin & Hirasuna, 2033 K Street, NW, #300 Washington, DC 20006	Marine Management, Inc
Do	Seaboard Pacific Co
John W. SmithT, 410 First St., SE Washington, DC 20003	American Nuclear Energy Council
Sonnenberg Anderson O'Donnell & Rodriguez, 200 West Adam St., #2625 Chicago, IL 60606	Florshiem Shoe Co
Alfonso G. Soviano, 9413 Franklin Square Drive Baltimore, MD 21237	Republic of the Philippines
Sparber Shevin Shapo & Heilbronner, P.A., 1455 Pennsylvania Ave., NW, #1270 Washington, DC 20004	Blue Cross & Blue Shield of Florida
Do	Digital Products Corp
Do	Hill & Knowlton, Inc
Spiegel & McDiarmid, 1350 New York Ave., NW Washington, DC 20005-4798	Manassas Hydro
Do	Northern California Power Agency
Spriggs Bode & Hollingsworth, 1015 15th St., NW, 11th Floor Washington, DC 20005	Circle Energies, Inc
Squire Sanders & Dempsey, 1201 Pennsylvania Ave., NW P.O. Box 407 Washington, DC 20044	Alaska Air Group, Inc
Do	Cincinnati Gas & Electric Co, et al.
Janet G. St. Amand, 23 Wall Street New York, NY 10015	Morgan Guaranty Trust Co
Piper Starr, 3000 K St., NW, #300 Washington, DC 20007	Swidler & Berlin (For:Ferroalloys Association)
Stein Davidoff & Malito, 100 East 42nd Street New York, NY 10017	SPC Securities Services Corp
Rena Steinzor, 1350 New York Ave., NW Washington, DC 20005-4798	Spiegel & McDiarmid
Steptoe & Johnson, 1330 Connecticut Ave., NW Washington, DC 20036	Boeing Conpany
Eugene L. Stewart, 1001 Connecticut Ave., NW, #910 Washington, DC 20036	Monsanto Co
Warren E. Stickle, 1225 19th Street, NW, #300 Washington, DC 20036	Cheminova
Do	International Sanitary Supply Assn
James N. Stirewalt, 3601 Buckeystown Pike, 2nd Floor Buckeystown, MD 21717	
David J. Stirpe, 1501 Wilson Blvd., #600 Arlington, VA 22209	Air Conditioning & Refrigeration Institute
Stonebridge Group, 1250 24th St., NW, #230 Washington, DC 20037	Brandeis University
Do	Marine Biological Laboratory
Do	University of Nevada at Reno
Harry L. Storey, 555 17th St., #840 Denver, CO 80202	Alliance for Clean Energy
Sutherland Asbill & Brennan, 1275 Pennsylvania Ave., NW Washington, DC 20004-2404	North American Co for Life & Health Insurance
Do	Jimmy Swaggert Ministries
William R. Sweeney Jr., 536 7th Street, SE Washington, DC 20003	Embassy of Japan
Carol A. Swift, 311 First St., NW, #500 Washington, DC 20001	Computer & Business Equipment Manufacturers Assn
Ivan Swift, P.O. Box 607 Courthouse Station Arlington, VA 22216	New England Anti-Vivisection Society
Z. Michael Szaz, 7209 Monticello Blvd. Springfield, VA 22150	Louis Arnold Fury
Rita Takahashi, 1730 Rhode Island Ave., NW, #204 Washington, DC 20036	Japanese American Citizens League Legislative Education Comm
Patricia Taylor, 1501 16th St., NW Washington, DC 20036	Center for Science in the Public Interest
Thacher Proffitt & Wood, 1140 Connecticut Ave., NW, #512 Washington, DC 20036	Citicorp Homeowners, Inc
Marilyn Berry Thompson, 444 North Capitol Street, #711 Washington, DC 20001	Keefe Company (For:Coalition to Extend Safe Harbor Leasing)
Thompson & Company, 529 14th St., NW, #425 Washington, DC 20045	Bear Stearns & Co
Do	Mitsubishi Electronics America, Inc
Thompson & Mitchell, 1120 Vermont Ave., NW, #1000 Washington, DC 20005	Wheat Gluten Industry Council
Margaret A. Thomson, 655 15th St., NW, #300 Washington, DC 20005	Briggs & Morgan
Douglas Clare Thorson, 2059 Whisperwood Glen Lane Reston, VA 22091	Save Our Schools
Tiber-Potomac, Inc, 1199 North Fairfax St., #601 Alexandria, VA 22314	
Tighe Curhan & Piliero, 1750 Pennsylvania Avenue, NW Washington, DC 20006	Coalition for H.R. 2972 (Richardson) Substitute Bill
Jeffrey B. Trammell, 1455 Pennsylvania Ave., NW, #1270 Washington, DC 20004	Hill & Knowlton, Inc (For:Palm Oil Registration & Licensing Authority)

Organization or Individual Filing	Employer/Client
Paul E. Tsongas, Foley Hoag & Eliot One Post Office Square Boston, MA 02109	Northeast Solvents Recovery
Audrey Schumacher Turner, 1333 New Hampshire Ave., NW, #700 Washington, DC 20036	New Tech Snacks, Inc
Van Ness Feldman Sutcliffe & Curtis, P.C., 1050 Thomas Jefferson St., NW, 7th Floor Washington, DC 20007	Fidelity Management & Research Co
Do	Uranium Producers of America
Fred Van Remortel, 1016 16th St., NW, #100 Washington, DC 20036	Brown Bridgman & Co, Inc
Verner Liipfert Bernhard McPherson & Hand, Chtd, 1660 L Street, NW, #1000 Washington, DC 20036	Bell Atlantic Corp
Do	NYNEX Corp
Do	UNC, Inc
Victoria E. Vidal, 1101 15th St., NW, #400 Washington, DC 20005	National Council of Savings Institutions
David Vienna & Associates, 510 C Street, NE Washington, DC 20002	National Assn of Credit Management
Do	Pacific Stock Exchange, Inc
Ann Hadley Vom Eigen, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America
Vorys Sater Seymour & Pease, 1828 L Street, NW, #1111 Washington, DC 20036	National Arts Week Corporate Committee
Frank J. Voyack, 1750 New York Ave., NW Washington, DC 20006	International Assn of Bridge Struct & Ornamental Iron Wkrs
John A. Vuono, Vuono Lavelle & Gray 2310 Grant Building Pittsburg, PA 15219	Procompetitive Rail Steering Committee
Frederick P. Waite, Cadwalader Wickersham & Taft 1333 New Hampshire Ave., NW Washington, DC 20036	New Tech Snacks, Inc
Michael Waldman, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen, Inc
Robert Joseph Walker, 1909 K St., NW Washington, DC 20049	American Assn of Retired Persons
Michael O. Ware, 1701 Pennsylvania Ave., NW, #900 Washington, DC 20006	E. I. du Pont de Nemours & Co
Jerry B. Watson Jr., P.O. Box 90096 Washington, DC 20090-0096	
Norman E. Watts Jr., RR 1, Box 854 Woodstock, VT 05091	Grocery Manufacturers of America, Inc
Webster & Sheffield, 1200 New Hampshire Ave., NW, #350 Washington, DC 20036	Interstate Natural Gas Assn of America
Do	Newmont Mining Corp
Edward L. Weidenfeld, 1155 21st Street, NW, #400 Washington, DC 20036	Pillsbury Madison & Sutro (for Southern Company Services)
Weil Gotshal & Manges, 1615 L Street, NW, #700 Washington, DC 20036	TIME, Inc
Paul S. Weller Jr., 1629 K St., NW, #1100 Washington, DC 20006	Old Republic Companies
Wellford Wegman & Hoff, 1775 Pennsylvania Ave., NW, #450 Washington, DC 20006	Center for Responsive Politics
G. Franklin West, 499 S. Capitol St., SW, #507 Washington, DC 20003	Bill Hecht & Associates, Inc (For:Church Alliance)
Do	Bill Hecht & Associates, Inc (For:Freedom & Justice for Cyprus Trust)
Do	Bill Hecht & Associates, Inc (For:Hong Kong Trade Development Council)
Do	Bill Hecht & Associates, Inc (For:Mutual Fairness Taxation Assn)
Joy Cherie West, 1629 K St., NW, #715 Washington, DC 20006	City of Detroit
Wexler Reynolds Harrison & Schule, Inc, 1317 F Street, NW, #600 Washington, DC 20004	Ethigen Corp
Do	Mullen Advertising
William R. White, Kaplan, Russin & Vecchi 1215 17th Street, NW Washington, DC 20036	Edison Electric Institute
Paula White-Moore, 1771 Massachusetts Ave., NW Washington, DC 20036	
Whiteford Taylor & Preston, 888 17th St., NW, #900 Washington, DC 20006	Uniformed Services Disabled Retirees
Steven C. Whitney, 1400 Eye Street, NW Washington, DC 20005	Wilderness Society
Wickham & Geske, 2300 N St., NW, #600 Washington, DC 20037	Reliance Group Holdings, Inc
Andrew F. Wiessner, Kogovsek & Associates 3600 S. Yosemite, #830 Denver, CO 80237	Edward Northrop
Do	Union Pacific Resources
Wiley Rein & Fielding, 1776 K St, NW, 12th Fl. Washington, DC 20006	Wire Reinforcement Institute
Suzanne C. Wilkins, 801 Pennsylvania Ave., SE, #303 Washington, DC 20003	American Rivers
Wilkinson Barker Knauer & Quinn, 1735 New York Ave., NW Washington, DC 20006	Greenwich Capitol Markets
Do	SPC Securities Services Corp
Willkie Farr & Gallagher, 1155 21st St., NW Washington, DC 20001	AOC International, Inc
Do	ASEAN Federation of Textile Industries (AFTEX)
Do	Emery Air Freight Corp
Do	Tatung Corp
Do	Washington Public Power Supply System
Wilmer Cutler & Pickering, 2445 M Street, NW Washington, DC 20037-1420	Government of Tibet in Exile
Charles D. Wilson, 1919 South Broadway, Box 19130 Green Bay, WI 54307-9130	Fort Howard Corp
John P. Winburn, Winburn Associates, Inc 453 New Jersey Ave., SE Washington, DC 20003	American Soc of Magazine Photographers
Do	The Hartford
Eileen M. Winkelman, 2501 M St., NW Washington, DC 20037	Chemical Manufacturers Assn, Inc
Winston & Strawn, 2550 M St., NW, #500 Washington, DC 20037	Council of Forest Industries of British Columbia
Winthrop Stimson Putnam & Roberts, 1155 Connecticut Ave., NW, #1000 Washington, DC 20036	Alaska Native Coalition
Do	Amoco Performance Products, Inc
Do	BASF Structural Materials, Inc
Do	BASF, Corp
Do	Fiberite Corp
Do	Hercules Aerospace Co
Do	Irving Bank Corp
Do	Thrifty Rent-A-Car System, Inc
Thomas J. Wolf, 1439 Rhode Island Ave., NW Washington, DC 20005	Rendon Company
Wolf Block Schorr & Solis-Cohen, 12th Floor Packard Building 15th & Chestnut Streets Philadelphia, PA 19102	CIGNA Corporation
Do	Revlon Group, Inc
Do	Smith Kline Beckman, Inc
Worldwide Information Resources, Ltd, 1717 K Street, NW, #706 Washington, DC 20006	Toshiba America, Inc
Wunder & Diefenderfer, 1615 L St., NW, #650 Washington, DC 20036	Donohoe Construction Co, Inc
Do	Duke Power Co
Wyman Bautzer Christensen Ruchel & Silbert, 2300 N Street, NW, #600 Washington, DC 20037	Louis R. Miller
Charles O. Zuver, 805 15th St., NW, #300 Washington, DC 20005	Credit Union National Assn, Inc
Murray Zweben, 1140 19th St., NW, #600 Washington, DC 20036	Manchester Group, Ltd

QUARTERLY REPORTS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following quarterly reports were submitted for the third calendar quarter 1987:

(NOTE.—The form used for reporting is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective headings. This page (Page 1) is designed to supply identifying data, and Page 2 deals with financial data.)

PLEASE RETURN 1 ORIGINAL TO: THE CLERK OF THE HOUSE OF REPRESENTATIVES, OFFICE OF RECORDS AND REGISTRATION, 1036 LONGWORTH HOUSE OFFICE BUILDING, WASHINGTON, D.C. 20515

PLEASE RETURN 1 ORIGINAL TO: THE SECRETARY OF THE SENATE, OFFICE OF PUBLIC RECORDS, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19 . . . . . ◆

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

IDENTIFICATION NUMBER

Is this an Amendment? ☐ YES ☐ NO

NOTE on ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) *"Employee".*—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) *"Employer".*—To file as an "employer", write "None" in answer to Item "B".

(*b*) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

☐ CHECK IF ADDRESS IS DIFFERENT THAN PREVIOUSLY REPORTED

NOTE on ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER

—State name, address, and nature of business. If there is no employer, write "None."

NOTE on ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, place an "X" in the box at the left, so that this Office will no longer expect to receive Reports. ☐

2. State the general legislative interests of the person filing and set forth the specific legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) description, (*b*) quantity distributed, (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed.)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and, if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. *If this is a "Quarterly" Report, disregard this item "C4" and fill out items "D" and "E" on the back of this page.* Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly Report."◆

STATEMENT OF VERIFICATION

[Omitted in printing]

PAGE 1◆

NOTE on ITEM "D."—*(a)* IN GENERAL. The term "contribution" includes *anything of value.* When an organization or individual uses printed or duplicated matter in a campaign attempting to influence legislation, money received by such organization or individual—for such printed or duplicated matter—is a "contribution." "The term 'contribution' includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution"—§ 302(a) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN EMPLOYER.—(i) *In general.* Item "D" is designed for the reporting of all receipts from which expenditures are made, or will be made, in connection with legislative interests.

(ii) *Receipts of Business Firms and Individuals.*—A business firm (or individual) which is subject to the Lobbying Act by reason of expenditures which it makes in attempting to influence legislation—but which has no funds to expend except those which are available in the ordinary course of operating a business not connected in any way with the influencing of legislation—will have no receipts to report, even though it does have expenditures to report.

(iii) *Receipts of Multi-purpose Organizations.*—Some organizations do not receive any funds which are to be expended solely for the purpose of attempting to influence legislation. Such organizations make such expenditures out of a general fund raised by dues, assessments, or other contributions. The percentage of the general fund which is used for such expenditures indicates the percentage of dues, assessments, or other contributions which may be considered to have been paid for that purpose. Therefore, in reporting receipts, such organizations may specify what that percentage is, and report their dues, assessments, and other contributions on that basis. However, each contributor of $500 or more is to be listed, regardless of whether the contribution was made solely for legislative purposes.

(c) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE.—(i) *In general.* In the case of many employees, all receipts will come under Items "D 5" (received for services) and "D 12" (expense money and reimbursements). In the absence of a clear statement to the contrary, it will be presumed that your employer is to reimburse you for all expenditures which you make in connection with legislative interests.

(ii) *Employer as Contributor of $500 or More.*—When your contribution from your employer (in the form of salary, fee, etc.) amounts to $500 or more, it is not necessary to report such contribution under "D 13" and "D 14," since the amount has already been reported under "D 5," and the name of the "employer" has been given under Item "B" on page 1 of this report.

D. RECEIPTS (INCLUDING CONTRIBUTIONS AND LOANS):

Fill in every blank. If the answer to any numbered item is "None," write "NONE" in the space following the number.

Receipts (other than loans)

1. $..............Dues and assessments
2. $..............Gifts of money or anything of value
3. $..............Printed or duplicated matter received as a gift
4. $..............Receipts from sale of printed or duplicated matter
5. $..............Received for services (e.g., salary, fee, etc.)
6. $..............TOTAL for this Quarter (Add "1" through "5")
7. $..............Received during previous Quarters of calendar year
8. $..............TOTAL from Jan. 1 through this Quarter (Add "6" and "7")

Loans Received—"The term 'contribution' includes a . . . *loan* . . ."—§ 302(a).

9. $..............TOTAL now owed to others on account of loans
10. $..............Borrowed from others during this Quarter
11. $..............Repaid to others during this Quarter

12. $..............."Expense Money" and Reimbursements received this Quarter.

Contributors of $500 or More (from Jan. 1 through this Quarter)

13. Have there been such contributors?
Please answer "yes" or "no": ....◆

14. In the case of each contributor whose contributions (including loans) during the "period" from January 1 through the last day of this Quarter, total $500 or more:

Attach hereto plain sheets of paper, approximately the size of this page, tabulate data under the headings "Amount" and "Name and Address of Contributor"; and indicate whether the last day of the period is March 31, June 30, September 30, or December 31. Prepare such tabulation in accordance with the following example:

Amount	*Name and Address of Contributor* *("Period"* from Jan. 1 through............................., 19.......)
$1,500.00	John Doe, 1621 Blank Bldg., New York, N.Y.
$1,785.00	The Roe Corporation, 2511 Doe Bldg., Chicago, Ill.
$3,285.00	TOTAL

NOTE on ITEM "E".—*(a)* IN GENERAL. "The term 'expenditure' includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure"—§ 302(b) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE. In the case of many employees, all expenditures will come under telephone and telegraph (Item "E 6") and travel, food, lodging, and entertainment (Item "E 7").

E. EXPENDITURES (INCLUDING LOANS) IN CONNECTION WITH LEGISLATIVE INTERESTS:

Fill in every blank. If the answer to any numbered item is "None," write "NONE" in the spaces following the number.

Expenditures (other than loans)

1. $..............Public relations and advertising services
2. $..............Wages, salaries, fees, commissions (other than Item "1")
3. $..............Gifts or contributions made during Quarter
4. $..............Printed or duplicated matter, including distribution cost
5. $..............Office overhead (rent, supplies, utilities, etc.)
6. $..............Telephone and telegraph
7. $..............Travel, food, lodging, and entertainment
8. $..............All other expenditures
9. $..............TOTAL for this Quarter (Add "1" through "8")
10. $..............Expended during previous Quarters of calendar year
11. $..............TOTAL from Jan. 1 through this Quarter (Add "9" and "10")

Loans Made to Others—"The term 'expenditure' includes a . . . *loan* . . ."—§ 302 (b).

12. $..............TOTAL now owed to person filing
13. $..............Lent to others during this Quarter
14. $..............Repayments received during this Quarter

15. *Recipients of Expenditures of $10 or More*________________

If there were no single expenditures of $10 or more, please so indicate by using the word "NONE".

In the case of expenditures made during this Quarter by, or on behalf of, the person filing: Attach plain sheets of paper approximately the size of this page and tabulate data as to expenditures under the following heading: "Amount," "Date or Dates," "Name and Address of Recipient," "Purpose." Prepare such tabulation in accordance with the following example:

Amount	*Date or Dates—Name and Address of Recipient—Purpose*
$1,750.00	7-11: Roe Printing Co., 3214 Blank Ave., St. Louis, Mo.—Printing and mailing circulars on the "Marshbanks Bill."
$2,400.00	7-15, 8-15, 9-15: Britten & Blaten, 3127 Gremlin Bldg., Washington, D.C.—Public relations service at $800.00 per month.
$4,150.00	TOTAL

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Organization or Individual Filing	Employer/Client	Receipts	Expenditures
A-K Associates, Inc, 1024 10th Street, #300 Sacramento, CA 95814	American Ambulance Assn	14,129.86	3,768.58
Do	Director of Timber Counties Coalition	4,125.00	2,713.54
Do	Golden Gate Bridge Highway & Transportation District	6,300.00	2,713.54
Do	Hemet Valley Flying Service		
Do	Tobacco Institute	20,075.45	2,713.54
Robert J. Aagre, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.	180.00	16.00
Samuel F. Abernethy, Four World Trade Center, 8th Fl. New York, NY 10048	Coffee Sugar & Cocoa Exchange, Inc		
Thomas G. Abernethy Sr., 3973 Stuart Place Jackson, MS 39211	U.S. Cane Sugar Refiners' Assn		
Albert E. Abrahams, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	8,000.00	258.60
Matthew J. Abrams, 1828 L St., NW, #660 Washington, DC 20036	Dominion Marine Assn	2,500.00	
Elaine Acevedo, 1601 Duke Street Alexandria, VA 22314	Society of American Florists	2,000.00	
Action for Children's Television, 20 University Road Cambridge, MA 02138		8,460.00	1,236.88
Ad Hoc Coalition on International Electric Power Trade, 12800 Shaker Blvd. Cleveland, OH 44120-2099			1,537.88
John J. Adams, 2000 Pennsylvania Ave., NW, #900 Washington, DC 20006	Ethyl Corporation		
Do	Vepco		
Robert O. Aders, 1750 K Street, NW Washington, DC 20006	Food Marketing Institute	200.00	
Terrance M. Adlhock, 1111 19th St., NW, #303 Washington, DC 20036	Southern California Edison Co	2,000.00	1,500.00
Aerospace Industries Assn of America, Inc, 1725 Desales St., NW Washington, DC 20036		43,835.65	43,835.65
Agendas International, 820 Second Avenue, #1302 New York, NY 10017	Ministerio del Exterior, Republic of Nicaragua		
Creigh H. Agnew, 2001 L St., NW, #304 Washington, DC 20036	Weyerhaeuser Company		
David J. Aho, 1667 K Street, NW, #710 Washington, DC 20006	Baxter Travenol Laboratories, Inc	2,000.00	280.00
Robert S. Aiken, 1730 M St., NW, #607 Washington, DC 20036	Arizona Public Service Company	1,950.00	3,183.06
Herbert Allen Ailsworth, 1615 L Street, NW, #420 Washington, DC 20036	Sandoz Corp		60.00
Air Conditioning & Refrigeration Institute, 1501 Wilson Boulevard, #600 Arlington, VA 22209			
Air Products & Chemicals, Inc, 1730 Pennsylvania Ave., NW, #265 Washington, DC 20006			3,774.36
Air Traffic Control Assn, Inc, 2020 North 14th Street, #410 Arlington, VA 22201		1,401.25	1,401.25
Air Transport Assn of America, 1709 New York Ave., NW Washington, DC 20006		58,241.34	73,111.32
Randolf H. Aires, 633 Pennsylvania Avenue, NW, #600 Washington, DC 20004	Sears Roebuck & Co	2,400.00	14.10
Michael A. Aisenberg, 1331 Pennsylvania Ave., NW, #600 Washington, DC 20004	Digital Equipment Corp	16,250.00	
Aker Associates, Inc, 1350 New York Ave., NW, #700 Washington, DC 20005	Semiconductor Industry Association		
Donna A. Akers, 1800 M Street, NW, #700 South Washington, DC 20036	Dow Chemical Co		4,875.00
Akin Gump Strauss Hauer & Feld, 1333 New Hampshire Ave., NW, #400 Washington, DC 20036	Aldrich Eastman Waltch, Inc	350.00	
Do	Amerada Hess Corporation		
Do	American Nuclear Energy Council	100.00	
Do	American Telephone & Telegraph Co	849.00	
Do	Archer Daniels Midland Company		
Do	Asamera Minerals (U.S.), Inc	700.00	
Do	Beneficial Corporation		
Do	Boston Company	350.00	
Do	Buckeye Pipeline Co, L.P.	2,600.00	38.00
Do	Charles Jacquin Et Cie, Inc	120.00	
Do	City of Philadelphia	2,000.00	38.00
Do	Clark Enterprises, Inc		
Do	Coalition for Fair Capital Reimbursement	2,975.00	57.00
Do	Commercial Metals Co	3,000.00	57.00
Do	Copley Real Estate Advisors, Inc	350.00	
Do	COMSAT Corp	1,025.00	19.00
Do	Dallas Area Rapid Transit		
Do	Drexel Burnham Lambert, Inc	43,750.00	817.00
Do	E & J Gallo Winery		
Do	Embassy of the People's Republic of China		
Do	First Texas Savings & Loan	400.00	
Do	Fujitsu America, Inc	450.00	
Do	General Motors Corp		
Do	W. R. Grace & Co	6,840.00	114.00
Do	Guardian Industries	100.00	
Do	Gulf & Western Industries, Inc	1,150.00	19.00
Do	Hoechst Celanese, Inc		
Do	Houston Oilers		
Do	Jacquin's	120.00	
Do	Peter Kiewit Sons', Inc	2,950.00	38.00
Do	Levi Strauss & Co	1,205.00	19.00
Do	Lone Star Steel Co		
Do	Long Island Lighting Co	6,250.00	114.00
Do	Mesa Petroleum Co	24,560.00	456.00
Do	Metropolitan Transit Authority of Harris County	1,125.00	19.00
Do	Morgan Stanley & Co, Inc	100.00	
Do	Motion Picture Assn of America, Inc	6,700.00	114.00
Do	Mutual Fairness Taxation Assn	630.00	
Do	MEDCO Containment Services, Inc	4,500.00	76.00
Do	National Football League		
Do	Nederlander Theatres		
Do	News America		
Do	Pharmaceutical Manufacturers Assn	5,525.00	95.00
Do	Population Services International	1,760.00	19.00
Do	Property Capital Advisors, Inc	120.00	
Do	Reebok International Ltd	550.00	
Do	Research Corporation		
Do	RJR Nabisco, Inc	2,500.00	38.00
Do	Sacramento Regional Transit District		
Do	Scotfoam Corp	1,350.00	19.00
Do	Sheller-Globe	900.00	
Do	Southern California Edison Co	1,000.00	19.00
Do	St. Luke's-Roosevelt Hospital Center		
Do	Texas Air Corp	1,840.00	19.00
Do	Todhunter International, Inc	120.00	
Do	United Illuminating Company	6,250.00	114.00
Do	W. B. Voss	125.00	
Do	Warner-Lambert Co	13,280.00	247.00
Do	Wertheim & Co	300.00	
William E. Albers, 1731 Connecticut Ave., NW Washington, DC 20009	Albers & Company (For:May Department Stores Co)	5,600.00	495.00
James J. Albertine, 1575 Eye Street, NW Washington, DC 20005	American Soc of Assn Executives	300.00	
Donald C. Alexander, 1333 New Hampshire Ave., NW Washington, DC 20036	Cadwalader Wickersham & Taft (For:Air Products & Chemicals, Inc)	27.50	
Do	Cadwalader Wickersham & Taft (For:Air Transport Assn of America)		
Do	Cadwalader Wickersham & Taft (For:Alignpac)		
Do	Cadwalader Wickersham & Taft (For:American Financial Corp)		
Do	Cadwalader Wickersham & Taft (For:Amsted Industries, Inc)		
Do	Cadwalader Wickersham & Taft (For:Bechtel Group, Inc)	13.75	
Do	Cadwalader Wickersham & Taft (For:Clark/Bardes Organization, Inc)	13.75	
Do	Cadwalader Wickersham & Taft (For:Disabled American Veterans)		
Do	Cadwalader Wickersham & Taft (For:Eastern Air Lines, Inc)		
Do	Cadwalader Wickersham & Taft (For:Family Life Insurance Co)	41.25	
Do	Cadwalader Wickersham & Taft (For:Mortgage Guaranty Insurance Corp)	13.75	
Do	Cadwalader Wickersham & Taft (For:Nationwide Mutual Insurance Co)	165.00	
Do	Cadwalader Wickersham & Taft (For:PepsiCo, Inc)	13.75	
Do	Cadwalader Wickersham & Taft (For:Raychem Corp)	27.50	
Do	Cadwalader Wickersham & Taft (For:Scott Paper Co)	13.75	
Do	Cadwalader Wickersham & Taft (For:Security Life of Denver)		
Nancy C. Alexander, 245 Second Street, NE Washington, DC 20002	Friends Comm on National Legislation	4,450.53	
John D. Allan, c/o Doh Lohnes & Albertson 1255 23rd St., NW Washington, DC 20037	Stelco, Inc		
Alexandra Allen, 215 Pennsylvania Avenue, SE Washington, DC 20003	U.S. Public Interest Research Group	3,230.76	
Barbara Allen, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	8,562.00	
Kenneth B. Allen, 555 New Jersey Ave., NW, #800 Washington, DC 20001	Information Industry Asn	7,500.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Alliance for Acid Rain Control, 444 N. Capitol Street, #526 Washington, DC 20001		7,500.00	1,630.00
Alliance for Capital Access, 1919 Pennsylvania Ave., NW, #704 Washington, DC 20006		210,000.00	78,494.44
Alliance for Rail Competition, 1120 G St., NW, #800 Washington, DC 20005		2,895.49	140.51
Alliance of American Insurers, 1501 Woodfield Road, #400 West Schaumburg, IL 60195			47,848.24
Alliance to Save Energy, 1925 K Street, NW, #206 Washington, DC 20006			228.01
Alliance Against Handguns, P.O. Box 75700 Washington, DC 20013			
Allied Acid Rain Prohibition, 11573 Embers Court Reston, VA 22091			
Robert F. Allnut, 1100 15th St., NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	1,000.00	
Alltel Corporation, 100 Executive Parkway Hudson, OH 44236			1,080.00
Harvey Alter, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	3,200.00	
Michael J. Altier, 1000 Connecticut Avenue, NW Washington, DC 20036	National Retail Merchants Assn	5,250.00	374.04
Ricardo R. Alvarado, 1001 Pennsylvania Avenue, NW, #700 Washington, DC 20004	Allied-Signal Inc	2,856.57	
Amalgamated Transit Union, AFL-CIO, 5025 Wisconsin Avenue, NW Washington, DC 20016			5,000.00
Amalgamated Transit Union, Natl Cap Div. 689, 2001 9th Street, NW, #300 Washington, DC 20001			
Robert P. Ambrose, 14615 Lone Oak Road Eden Prairie, MN 55344	Cooperative Power Association	4,000.00	165.10
American Academy of Family Physicians, 1740 West 92nd St. Kansas City, MO 64114		12,675.76	12,675.76
American Advertising Federation, 1400 K Street, NW, #1000 Washington, DC 20005			7,979.32
American Assn for Counseling & Development, 5999 Stevenson Avenue Alexandria, VA 22304		40,501.00	24,703.00
American Assn for Respiratory Therapy, 1720 Regal Row, #112 Dallas, TX 75235		2,339.48	18,762.62
American Assn of Blood Banks, 1117 North 19th St., #600 Arlington, VA 22209		1,250.00	1,250.00
American Assn of Equipment Lessors, 1300 North 17th St., #1010 Arlington, VA 22209			
American Assn of Meat Processors, P.O. Box 269 Elizabethtown, PA 17022		52.46	1,679.56
American Assn of University Women, 2401 Virginia Avenue, NW Washington, DC 20037			154.10
American Automobile Assn, 8111 Gatehouse Rd. Falls Church, VA 22047			
American Bankers Assn, 1120 Connecticut Avenue, NW Washington, DC 20036		168,494.63	168,494.63
American Business Conference, Inc, 1730 K Street, NW, #703 Washington, DC 20006		4,687.50	3,355.99
American Camping Association, Bradford Woods Martinsville, IN 46151			
American Cement Trade Alliance, Inc, 1331 Pennsylvania Ave., NW Washington, DC 20004		47,761.76	45,480.32
American Council for Capital Formation, 1850 K Street, NW, #520 Washington, DC 20006		4,290.00	7,948.00
American Council of Life Insurance, Inc, 1001 Pennsylvania Avenue, NW Washington, DC 20004		65,658.17	65,658.17
American Farm Bureau Federation, 225 Touhy Ave Park Ridge, IL 60068		134,709.00	134,709.00
American Fed of Labor & Congress of Industrial Organizations, 815 16th St., NW Washington, DC 20006			152,255.69
American Feed Industry Assn, 1701 N. Ft. Myer Dr. Arlington, VA 22209		3,240.00	3,240.00
American Hellenic Institute Public Affairs Committee, Inc, 1730 K St., NW Washington, DC 20006		2,000.00	
American Hotel & Motel Assn, 888 Seventh Ave. New York, NY 10106		22,558.44	14,986.00
American Institute of Merchant Shipping, 1000 16th Street, NW, #511 Washington, DC 20036			2,939.50
American Insurance Assn, 1025 Connecticut Avenue, NW Washington, DC 20036		3,765.00	3,765.00
American International Group, Inc, 70 Pine Street New York, NY 10270			51,710.04
American Israel Public Affairs Comm, 500 N. Capitol St., NW, #300 Washington, DC 20001		96,011.00	137,623.42
American Land Title Assn, 1828 L St., NW, #705 Washington, DC 20036			2,395.00
American League for Exports & Security Assistance, Inc, 122 C St., NW, #740 Washington, DC 20001			8,986.33
American Library Assn, 50 E. Huron St. Chicago, IL 60611		5,119.12	8,200.40
American Logistics Association, 1133 15th Street, NW, #640 Washington, DC 20005			
American Malting Barley Assn, Inc, 735 North Water Street, #908 Milwaukee, WI 53202		14,256.71	1,662.49
American Meat Institute, P.O. Box 3556 Washington, DC 20007			6,500.00
American Medical Assn, 535 North Dearborn St. Chicago, IL 60610			106,696.86
American Medical Care & Review Assn, 5410 Grosvenor Lane, #210 Bethesda, MD 20814			
American Medical Student Assn, 1890 Preston White Drive Reston, VA 22091			8,030.26
American Movers Conference, 2200 Mill Road Alexandria, VA 22314			8,085.00
American Newspaper Publishers Assn, Box 17407 Dulles International Airport Washington, DC 20041		17,854.32	17,854.32
American Nurses' Assn, 2420 Pershing Rd Kansas City, MO 64108		33,185.38	33,185.38
American Optometric Assn, 1505 Prince Street, #300 Alexandria, VA 22314			
American Paper Institute, Inc, 260 Madison Ave. New York, NY 10016			6,175.00
American Petroleum Institute, 1220 L St., NW Washington, DC 20005		221,977.39	223,308.90
American Physical Therapy Assn, 1111 N. Fairfax St. Alexandria, VA 22314		6,899.87	6,899.87
American Podiatric Medical Assn, 9312 Old Georgetown Road Behesda, MD 20814-1621			20,754.05
American Postal Workers Union, AFL-CIO, 1300 L Street, NW Washington, DC 20005		61,819.04	70,565.78
American Public Transit Assn, 1225 Connecticut Ave., NW Washington, DC 20036		3,080.00	152.00
American Pulpwood Assn, 1025 Vermont Avenue, NW Washington, DC 20005			
American Retreaders' Assn, P.O. Box 17203 Louisville, KY 40217		500.00	500.00
American Seed Trade Assn, 1030 15th Street, NW, #964 Washington, DC 20005			14,585.00
American Short Line Railroad Assn, 2000 Massachusetts Ave., NW Washington, DC 20036			
American Soc for the Prevention of Cruelty to Animals, 441 E. 92nd Street New York, NY 10128			3,000.00
American Soc of Anesthesiologists, 1111 14th Street, NW, #501 Washington, DC 20005			131,039.26
American Soc of Hospital Pharmacists, 4630 Montgomery Avenue Bethesda, MD 20814			1,275.00
American Soybean Association, 600 Maryland Avenue, SW, #510 Washington, DC 20024		4,950.00	
American Textile Machinery Assn, 7297 N. Lee Hwy. Falls Church, VA 22042		550.00	550.00
American Textile Manufacturers Institute, Inc, 1101 Connecticut Avenue, NW, #300 Washington, DC 20036		33,518.42	43,745.68
American Veterans of World War II, Korea & Vietnam (AMVETS), 4647 Forbes Boulevard Lanham, MD 20706		27,350.47	27,350.47
American Veterinary Medical Assn, 1522 K Street, NW, #828 Washington, DC 20005			
American Waterways Operators, Inc, 1600 Wilson Boulevard, #1000 Arlington, VA 22209		345,607.00	444.35
Americans for the High Frontier, 1010 Vermont Ave., NW, #1015 Washington, DC 20005		117,527.80	114,875.52
Americans for Immigration Control, Inc, P.O. Box 738 Monterey, VA 24465		8,333.70	8,333.70
Americans for Nonsmokers' Rights, 2054 University Ave., #500 Berkeley, CA 94704		5,000.00	4,028.00
Morris J. Amitay, P.C., 444 N. Capitol Street, NW, #712 Washington, DC 20001	Coalition for American Energy Security	3,000.00	
Do	Nathan Lewin (for 47th Street Photo)	7,500.00	
Do	Northrop Corp	3,000.00	
Do	Pan American World Airways, Inc	4,500.00	
Do	Thompson Medical	3,000.00	
Jan S. Amundson, 1331 Pennsylvania Ave., #1500 N. Washington, DC 20005	National Assn of Manufacturers		
Christopher E. Anders, 1667 K Street, NW, #660 Washington, DC 20006	Marlowe & Co (For:Graphic Communications Int'l Union)	1,755.00	16.00
Edward Andersen, 1616 H St., NW Washington, DC 20006	National Grange	8,750.00	
Stephen O. Andersen, 2000 L Street, NW, #802 Washington, DC 20036	Consumer Energy Council of America		
A. Richard Anderson, Pillsbury Center, MS 3551 Minneapolis, MN 55402	Pillsbury Company	1,000.00	505.50
Arne Anderson, 80 F St., NW Washington, DC 20001	American Fed of Government Employees	8,938.14	
Bette B. Anderson, 1020 19th St., NW, #520 Washington, DC 20036	Anderson Benjamin Read & Haney (For:De La Rue Giori of America, Inc)		
Do	Anderson Benjamin Read & Haney (For:SICPA Industries of America, Inc)		
Do	Anderson Benjamin Read & Haney (For:U.S. Banknote Corp)		
Byron Anderson, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	2,500.00	501.06
H. Kim Anderson, Virginia Petroleum Council 1001 E. Broad Street Richmond, VA 23219	American Petroleum Institute		
J. Lem Anderson, 4111 Franconia Rd. Alexandria, VA 22310	Temple-Inland		
William C. Anderson, 1101 16th St., NW Washington, DC 20036	Independent Petroleum Assn of America		90.00
Anderson Benjamin Read & Haney, Inc, 1020 19th St., NW, #520 Washington, DC 20036	Coalition to Stop the Raid on America	2,415.00	200.00
Lisa Andrews, 51 Louisiana Avenue, NW Washington, DC 20001	Acacia Mutual Life Insurance Co	2,000.00	34.92
Mark Andrews, 2550 M St., NW, #695 Washington, DC 20037	Association of Trial Lawyers of America		
Do	CSX Corporation		
Do	Freedom to Advertise Coalition		
Do	Mars, Inc		
Do	Martin Marietta Corp		
Do	National Gypsum Co		
Michael Andrews, 1455 Pennsylvania Ave., NW, #325 Washington, DC 20004	Salomon Brothers, Inc	875.00	140.41
Robert B. Andrews, 1100 Connecticut Avenue, NW, #620 Washington, DC 20036	Mobil Oil Corp	500.00	
Andrews & Kurth, 1730 Pennsylvania Avenue, NW Washington, DC 20006	Space Services Inc of America		
Andrews' Associates, Inc, 2550 M St., NW, #695 Washington, DC 20037	Association of Trial Lawyers of America		
Do	CSX Corporation		
Do	Freedom to Advertise Coalition		
Do	Mars, Inc		48.31
Do	Martin Marietta Corp		
Do	National Gypsum Co		
Anglo American Auto Auctions, Inc, 2 International Plaza Dr., #600 Nashville, TN 37217			
J. Donald Annett, 1050 17th St., NW, #500 Washington, DC 20036	Texaco, Inc	500.00	
Philip H. Anns, 1101 Vermont Avenue, NW, #405 Washington, DC 20005	A. H. Robins Co	2,000.00	13,087.25
Apartment & Office Building Assn, 1413 K Street, NW, #600 Washington, DC 20005			

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Paul W. Arcari, 201 N. Washington Street Alexandria, VA 22314	Retired Officers Assn		
John Archer, 8111 Gatehouse Rd. Falls Church, VA 22047	American Automobile Assn		
R. M. Julie Archuleta, 1747 Pennsylvania Avenue, NW, 3rd Fl. Washington, DC 20006	Occidental Chemical Corp	144.00	1,013.19
Arent Fox Kintner Plotkin & Kahn, 1050 Connecticut Ave., NW Washington, DC 20036-5339	All Industry Television Station Music License Committee		5.10
Do	Ameritech	20,523.40	222.97
Do	Aris Anagnos Properties	28,629.53	3,268.88
Do	Artery Corp		23.25
Do	Breed Corporation	17,854.28	
Do	Central States SE & SW Areas Health Welfare & Pension Funds	45,328.54	577.88
Do	ConAgra, Inc		
Do	Guardian Life Insurance Co of America	19,907.78	62.96
Do	Independent Federation of Flight Attendants		311.02
Do	Motor and Equipment Manufacturers Association		
Do	National Assn of College Stores		147.02
Do	National Field Selling Assn	18,000.00	844.33
Do	National Parking Association		385.06
Do	Schoenke & Koenig	7,537.60	363.51
Do	Toshiba America, Inc	167,324.53	12,109.47
Do	Toshiba International Corp		
Do	Toyota Motor Corporation		4.88
Do	Washington Gas Light Co		
Aries Properties Inc, 111 South Tejon, #700 Colorado Springs, CO 80903			16,322.55
Olin F. Armentrout, 1448 Duke Street Alexandria, VA 22314	National Rural Letter Carriers Assn	27,987.00	27,288.00
Carl F. Arnold, 617 Rivercrest Drive McLean, VA 22101	American Iron & Steel Institute	1,000.00	
Do	Corporate Property Investors	500.00	
Do	Quintana Petroleum Corp	2,187.36	
Arnold & Porter, 1200 New Hampshire Ave., NW Washington, DC 20036	Asea AB		
Do	Business Roundtable	2,415.00	100.00
Do	Canadian Meat Council		23.54
Do	Cemai	2,250.00	
Do	Federated Department Stores, Inc		
Do	Fluor Corporation		
Do	Grain & Feed Trade Assn		
Do	International Commodities Clearing House		
Do	London Commodity Exchange (1986) Limited		
Do	London International Financial Futures Exchange, Ltd		
Do	Metal Market & Exchange Co, Ltd		
Do	Recording Industry Assn of America, Inc	4,016.25	6.70
Do	Resorts International, Inc		183.55
Do	Sacramento Public Utility District, et al.		
Do	State Farm Mutual Automobile Insurance Co	15,480.75	858.24
Do	Survival Technology, Inc	20,731.75	835.99
Do	Venezolana de Cementos Ca	5,809.25	207.81
Nan Aron, 600 New Jersey Avenue, NW Washington, DC 20001	Alliance for Justice	50.00	
Asbill Junkin Myers & Buffone, 1607 New Hampshire Ave., NW Washington, DC 20009	Coalition on Smoking or Health	18,650.00	14,505.49
Milton F. Ashford, P.O. Box 24305 Oakland, CA 94623	Clorox Company		
Lud Ashley, P.C., 1735 New York Avenue, NW, 6th Fl. Washington, DC 20006	American International Group, Inc	5,073.75	
Do	Amerifirst Mortgage Corp	5,000.00	
Do	Central States of Omaha		
Do	Irving Trust Co	3,900.00	
Do	ISFA Corporation		
Do	Manville Corporation		
Do	Mineral Insulation Manufacturers Association	16,000.00	
Do	J. C. Penney Co, Inc	6,125.00	
Do	SPC Securities Services Corp	7,500.00	
Do	Wells Fargo Bank, N.A.	16,450.00	
Joseph Ashooh, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Nicholas J. Ashooh, 1000 Elm Street P.O. Box 330 Manchester, NH 03105	Public Service Co of New Hampshire	800.00	637.92
Asphalt Roofing Manufacturers Association, 6288 Montrose Road Rockville, MD 20852			
Associated Builders & Contractors, Inc, 729 15th St., NW Washington, DC 20005		20,000.00	
Associated Credit Bureaus, Inc, P.O. Box 218300 16211 Park 10 Place Houston, TX 77084		1,500.00	
Associated General Contractors of America, 1957 E St., NW Washington, DC 20006			
Association for the Improvement of the Mississippi River, 100 S. 4th Street, #500 St. Louis, MO 63102			
Association of American Foreign Service Women, P.O. Box 70051 Washington, DC 20024-0051		2,833.00	
Association of American Law Schools, One Dupont Circle, NW, #370 Washington, DC 20036			
Association of American Publishers, 2005 Massachusetts Ave., NW Washington, DC 20036		7,657.05	7,657.05
Association of American Railroads, American Railroads Building 50 F Street, NW Washington, DC 20001		111,403.50	111,403.50
Association of American Veterinary Medical Colleges, 1522 K Street, NW, #834 Washington, DC 20005			
Association of Government Accountants, 727 South 23rd Street, #100 Arlington, VA 22202			
Association of Junior Leagues, Inc, 660 First Avenue New York, NY 10016		1,100.00	285.00
Association of Trial Lawyers of America, 1050 31st St., NW Washington, DC 20007		16,802.50	16,802.50
George J. Aste, 1707 L St., NW, #300 Washington, DC 20036-4202	United Airlines, Inc	500.00	
Victor Atiyeh & Co, 519 SW Park St., #208 Portland, OR 97205	Fujitsu, Ltd		
Atlantic Richfield Co, 515 South Flower Street Los Angeles, CA 90071			1,290.09
Fritz E. Attaway, 1600 Eye St., NW Washington, DC 20006	Motion Picture Assn of America, Inc		
John J. Auciello, P.O. Box 269 Elizabethtown, PA 17022	American Assn of Meat Processors		
Audio Recording Rights Coalition, P.O. Box 33705 1145 19th Street, NW Washington, DC 20033			
Kenneth E. Auer, 50 F Street, NW, #900 Washington, DC 20001	Farm Credit Council	800.00	
Automotive Parts Rebuilders Assn, 6849 Old Dominion Drive Mclean, VA 22101			
John S. Autry, 2000 L Street, NW, #810 Washington, DC 20036	Unisys Corp	3,500.00	2,000.00
Rebecca Avila, 2030 M St., NW Washington, DC 20036	Common Cause	6,125.04	428.63
Avon Products, Inc, 9 West 57th St. New York, NY 10019			
William H Axtman, 950 N. Glebe Rd., Rm. 160 Arlington, VA 22203	American Boiler Manufacturers Assn, Inc		
Pamela Aycock, Aycock Associates 1899 L Street, NW, #605 Washington, DC 20036	Edison Electric Institute		
Larry Ayres, 1901 L Street, NW, #303 Washington, DC 20036	Colt Industries, Inc	1,500.00	26.04
AFL-CIO Maritime Committee, 100 Indiana Ave., NW Washington, DC 20001		4,445.00	4,138.10
Robert Baechtold, 277 Park Avenue New York, NY 10172	Fitzpatrick Cella Harper & Scinto	2,773.00	
Richard Anthony Baenen, 1735 New York Avenue, NW, #600 Washington, DC 20006	NANA Regional Corp, Inc		
Do	People's Republic of Angola		
Do	Shee Atika, Inc		
William T. Bagatelas, 1730 K Street, NW, #319 Washington, DC 20006	American Hellenic Institute Public Affairs Committee, Inc		
Joan N. Baggett, 815 15th St., NW Washington, DC 20005	International Union of Bricklayers & Allied Craftsmen	5,000.00	219.29
Brent A. Baglien, 725 15th Street, NW Washington, DC 20005	National Grain & Feed Assn		
Franklin Eugene Bailey, 1030 15th St., NW, #700 Washington, DC 20005	National Cotton Council of America	2,693.47	35.88
George F. Bailey Jr., P.O. Box 21 Montgomery, AL 36101	CSX Transportation		
Paul C. Bailey Jr., 1101 17th Street, NW, #405 Washington, DC 20036	Southern Company Services, Inc	1,404.78	1,536.19
Judith L. Baird, 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co	250.00	
John Baize, Capitol Gallery Bldg., #510 600 Maryland Avenue, SW Washington, DC 20024	American Soybean Association		
Edward R. Bajer, 1015 15th St., NW, #802 Washington, DC 20005	American Consulting Engineers Council	400.00	
Emil F. Baker, 1303 New Hampshire Ave., NW Washington, DC 20036	Fleet Reserve Assn		
Gerald E. Baker, 1625 Massachusetts Avenue, NW Washington, DC 20036	Air Line Pilots Assn	6,000.00	565.20
James Jay Baker, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America	1,206.25	153.81
Lisa Baker, 1730 K Street, NW, #703 Washington, DC 20006	American Business Conference, Inc	137.50	25.00
Monica S. Baker, Foley and Company 206 G St., NE, #201 Washington, DC 20002	Couwenberg & Heene		
Do	Gray's Family Department Stores		
Do	Polyphaser Corp		
Baker & Hostetler, 1050 Connecticut Ave., NW, #1100 Washington, DC 20036	Alamo Rent-A-Car, Inc	18,730.00	126.61
Do	Astroline Communications Co	12,000.00	6,550.00
Do	Burlington Northern Railroad	14,801.25	292.13
Baker & McKenzie, 815 Connecticut Ave., NW Washington, DC 20006	Commonwealth Edison Co		
Do	Duke Power Co		
Do	Florida Power & Light Co		
Do	Southern Company Services		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
S. Eason Balch, P.O. Box 306 Birmingham, AL 35201	Balch & Bingham (For:Southern Company Services, Inc)		
Patricia A. Baldi, 801 Pennsylvania Avenue, SE Washington, DC 20003	National Audubon Society		
H. R. Balikov, 333 Thornall St. Edison, NJ 08818	J. M. Huber Corp		
Jacqueline Balk-Tusa, 2550 M St., NW, #695 Washington, DC 20037	Association of Trial Lawyers of America		
Do	CSX Corp		
Do	Freedom to Advertise Coalition		
Do	Mars, Inc		
Do	Martin Marietta Corp		
Do	National Gypsum Co		40.23
Do	Sanyo Electronics, Inc		
Charles E. Ball Jr., 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Helen M. Ball, 1016 16th St., NW, #100 Washington, DC 20036	Brown Bridgman & Co, Inc	6,250.00	23.39
Ballard Spahr Andrews & Ingersoll, 555 13th St., NW, #900 East Washington, DC 20004	Arthur Andersen & Co		
Do	U.S. Committee for UNICEF		
Thomas M. Balmer, 888 16th Street, NW Washington, DC 20006	Milk Industry Foundation/Int'l Ice Cream Assn		
Henchi Balos, P.O. Box 921 Majuro, Marshall Islands	Republic of the Marshall Islands (RMI)		
Michael Baly III, 1515 Wilson Blvd. Arlington, VA 22209	American Gas Assn	6,000.00	758.10
Bank of Boston Corporation, 100 Federal St. Boston, MA 02110			
James T. Banks, 1155 Connecticut Avenue, NW, #800 Washington, DC 20036	Waste Management, Inc	5,000.00	
Graeme Bannerman, 9108 Parliament Drive Burke, VA 22015	Embassy of Lebanon	6,000.00	1,188.00
Samuel J. Baptista, 1225 19th St., NW, #410 Washington, DC 20036	American Financial Services Assn		
Emory W. Baragar, 1700 N. Moore St., #2120 Rosslyn, VA 22209	Boeing Company	1,647.74	406.14
Haley R. Barbour, P.O. Box 960 Yazoo City, MS 39194	Joint Maritime Congress	6,000.00	
Robert O. Barker, 4000 Town Center, #540 Southfield, MI 48075-1406	National Assn of Manufacturers	1,500.00	12.00
William J. Barnds, 1000 Connecticut Avenue, NW Washington, DC 20036	Japan Economic Institute of America	500.00	
Barnes Richardson & Colburn, 1819 H St., NW, #400 Washington, DC 20006	American Int'l Knitters Corp	4,033.50	51.86
Do	Brown-Forman Corp		
Do	Commonwealth Garment Manufacturing Co		
Do	EHA Ventilfabrik Wilhelm Fritz KG		
Do	Florida Citrus Mutual	150.00	15.78
Do	Heidelberg Eastern, Inc		9.79
Do	Heublein, Inc		
Do	Hiram Walker & Sons, Inc		
Do	Italy-America Chamber of Commerce, Textile & Apparel Comm		
Do	Magid Glove & Safety Mfg Co	3,432.75	7.93
Do	Rukert Marine Corp	1,620.00	3.06
Do	Schieffelin & Co		
Do	Joseph E. Seagram & Sons, Inc		
Do	Stratton Hats, Inc		7.84
Do	Texas Citrus and Vegetable Import Association	1,395.00	9.59
Do	Uniroyal Chemical Co	8,137.47	153.31
Larry P. Barnett, 1709 New York Ave., NW Washington, DC 20006	Air Transport Assn of America	11,123.02	
Barnett & Alagia, 250 South County Rd. Palm Beach, FL 33480	Cuban American Freedom Coalition, Inc		
Do	Dairymen, Inc	5,390.00	907.19
Barnett Sivon Schott & Shay, P.C., 1090 Vermont Ave., NW, #810 Washington, DC 20005	Citibank, N.A.	1,830.00	65.00
Do	Investors in Industry		
Neil D. Baron, Booth & Baron 122 East 42nd Street, #1507 New York, NY 10168	Standard & Poor's Corporation		
Terry N. Barr, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives		
James E. Barrett, 901 31st St., NW Washington, DC 20007	Hill & Knowlton, Inc (For:Hastings College)		
Robert W. Barrie, 1331 Pennsylvania Avenue, NW Washington, DC 20004	General Electric Co	2,500.00	
Roger V. Barth, 1735 Eye St., NW, #715 Washington, DC 20006	American Assn for Clinical Chemistry Inc		
Linda L. Bartlett, 1100 17th Street, NW, #601 Washington, DC 20036	Kraft, Inc	375.00	
James E. Bartley, 1090 Vermont Avenue, NW, #410 Washington, DC 20005	National Industrial Transportation League	7,000.00	155.85
Mark A. Bartner, 100 Maryland Avenue, NE Washington, DC 20002	Religious Coalition for Abortion Rights, Inc	5,875.02	30.79
Diane Bateman, 1015 18th Street, NW Washington, DC 20036	Fertilizer Institute	9,000.00	878.29
Robert E. Bates Jr., 1100 Connecticut Ave, NW Washington, DC 20036	Mobil Oil Corp	1,125.00	
Robin Battaglini, 1600 M Street, NW Washington, DC 20036	ITT Corporation	2,000.00	40.00
Laurie C. Battle, 1709 New York Ave., NW, #801 Washington, DC 20006	U.S. League of Savings Institutions	2,275.00	
John F. Battles, Massachusetts Petroleum Council 11 Beacon St., #515 Boston, MA 02108	American Petroleum Institute		
Barbara Bauman, 1990 M Street, NW, #480 Washington, DC 20036	Detroit Edison Company	450.00	35.00
Baumbach & Fisher Assoc., Inc, 1900 S. Harbor City Blvd. Melbourne, FL 32901	Extradition Corp of America	1,500.00	
Ann F. Bavaria, 35 North Sixth Street Reading, PA 19601	Meridian Bancorp, Inc		
Margaret E. Bayers, 1420 King Street Alexandria, VA 22314-2715	National Society of Professional Engineers	1,250.00	
Tina Marts Beach, 1331 Pennsylvania Avenue, NW, #700-S Washington, DC 20004	General Electric Co	372.00	
Bruce A. Beam, 1667 K St., NW, #450 Washington, DC 20006	American Electric Power Service Corp	371.54	283.86
Bear West Company, Inc, 9 Exchange Place, #1000 Salt Lake City, UT 84111	Union Pacific Resources	1,287.50	482.81
Beatrice Companies, Inc, 2 North Lasalle Street c/o M. Conley Chicago, IL 60602			
Barbara F. Beatty, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors, Inc	2,500.00	
Hubert Beatty, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Orren Beaty Jr., Magruder Building 1625 M St., NW Washington, DC 20036	Western Fuels Association, Inc	7,288.00	603.02
Gerald F. Beavan, 190 Highland Drive Centerville, MA 02632	Capital Holding Corp	17,500.00	12,640.00
Robert E. Beck, P.O. Box 6808 Falls Church, VA 22046	National Assn of Plumbing-Heating-Cooling Contractors	117.60	186.88
Daniel F. Becker, 1525 New Hampshire Ave., NW Washington, DC 20036	Environmental Action, Inc	2,415.43	
Steven M. Beckman, 1757 N Street, NW Washington, DC 20036	Int'l Union, United Auto Aerospace & Agric Implement Workers	6,449.16	15.00
William W. Beddow, 1730 Pennsylvania Ave., NW, #750 Washington, DC 20006	Caterpillar, Inc	2,500.00	135.33
Howard Bedlin, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	461.53	
Jon Charles Bednerik, 11 Embarcadero West, #202 Oakland, CA 94607	Western Independent Bankers	500.00	
Josiah Beeman, 15 Second St., NE Washington, DC 20002	Magne-Tek ALS Corp	5,000.00	8,535.92
Beer Drinkers of New Mexico, 8100 Mountain Road, NE Albuquerque, NM 87110			
Beer Institute, 1750 K St., NW, #500 Washington, DC 20006			
Robert M. Beers, 2101 E Street, NW Washington, DC 20037	American Foreign Service Assn	3,880.00	220.00
William A. Behan, 1700 N. Moore St., #820 Rosslyn, VA 22209	Magnavox Government & Industrial Electronics Co	9,369.00	961.40
James Beizer, 1920 N St., NW Washington, DC 20036	American Mining Congress		
Mark Belanger, 805 Third Avenue New York, NY 10022	Major League Baseball Players Assn		
Peter M. Belanger, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	200.00	
Donald K. Belch, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Stelco, Inc	132.50	700.56
M. Wendell Belew Jr., 499 South Capitol St., SW, #407 Washington, DC 20003	American Electronics Laboratories, Inc		
Do	Crowley Maritime Corp		
Do	Long Lake Energy Corp		
Do	Massachusetts Mutual Life Insurance Co		
Do	National Tooling & Machining Assn		
Denise Bell, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	2,500.00	352.83
Diane L. Bell, 2626 Pennsylvania Ave., NW Washington, DC 20037	National Telephone Cooperative Assn	1,875.00	576.67
Howard H. Bell, 1400 K St., NW, #1000 Washington, DC 20036	American Advertising Federation		
Matt Langley Bell III, P.O. Box 1312 Pensacola, FL 32596			
Stephen E. Bell, 1455 Pennsylvania Ave., NW, #325 Washington, DC 20004	Salomon Brothers, Inc	1,000.00	10.00
Winston Everett Bell, P.O. Box 26543 Las Vegas, NV 89126			
James P. Bellis, 1629 K St., NW, #1100 Washington, DC 20006	Palumbo & Cerrell, Inc (For:Altantic Ritchfield Co)	9,600.00	
Do	Palumbo & Cerrell, Inc (For:American Soc of Composers Authors & Publishers)	9,600.00	
Do	Palumbo & Cerrell, Inc (For:European Community)	9,600.00	
Do	Palumbo & Cerrell, Inc (For:Southern California Rapid Transit District)	9,600.00	
Bruce Benefield, 1000 Wilson Blvd., #2600 Arlington, VA 22209	TRW, Inc	108.00	
Daniel J. Bennet, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors, Inc	2,500.00	
Beverly L. Bennett, 1001 Pennsylvania Ave., NW Washington, DC 20006	American Council of Life Insurance, Inc	2,500.00	
David E. Bennett, 740 Hillgrove Avenue Western Springs, IL 60558	West Central Municipal Conference		
John C. Bennison, P.O. Box 23992 Washington, DC 20026-3992	American Soc of Travel Agents	8,500.00	
Frederick S. Benson III, 2001 L Street, NW, #304 Washington, DC 20036	Weyerhaeuser Company		
Tom Benson, 501 Union Street, #506 Nashville, TN 37219	CSX Transportation		
James E. Benton, N. J. Petroleum Council 150 W. State Street Trenton, NJ 08608	American Petroleum Institute		
Diana Berardocco, 1660 L Street, NW, #915 Washington, DC 20036	Avon Products, Inc		
George L. Berg Jr., 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	5,813.00	89.77
Rebecca J. Berg, 1331 Pennsylvania Ave., NW, #560 Washington, DC 20004	Sea-Land Corporation	450.00	
Richard Scott Berg, 1250 Connecticut Avenue, NW, #210 Washington, DC 20036	National Forest Products Assn		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Bob Bergland, 1800 Massachusetts Avenue, NW Washington, DC 20036	National Rural Electric Cooperative Assn	465.00	34.44
Martha Bergmark, 7316 Piney Branch Road Takoma Park, MD 20912	Project Advisory Group	625.00	
Edwin M. Bergsmark, Three Seagate Toledo, OH 43603	Toledo Trust Company		
Paul C. Bergson, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	3,000.00	
Jane W. Bergwin, 1050 17th Street, NW, #490 Washington, DC 20036	Consumers Power Co	3,448.00	6,998.00
Christopher Berka, 1455 Pennsylvania Ave, NW, #650 Washington, DC 20004	McCutchen Doyle Brown & Enersen (For:Castle & Cooke)		
Pamela M. Berkwitz, 1200 Peavey Building Minneapolis, MN 55479-1032	Norwest Corporation	10,000.00	6,553.00
Peter A. A. Berle, 950 Third Avenue New York, NY 10022	National Audubon Society	1,000.00	
Berliner & Maloney, 1101 17th Street, NW, #1004 Washington, DC 20036-4798	Embassy of Belize	1,650.00	28.01
Do	Government of Barbados, Ministry of Finance & Planning	31,032.11	544.44
Debra Berlyn, 1400 K St., NW, #500 Washington, DC 20005	Handgun Control, Inc	7,384.62	
Jason S. Berman, 1020 19th St., NW, #200 Washington, DC 20036	Recording Industry Assn of America, Inc	30,000.00	
Jay Harris Berman, 400 N. Washington St. Alexandria, VA 22314	National Assn of Professional Insurance Agents		
William R. Berman, 8111 Gatehouse Rd. Falls Church, VA 22047	American Automobile Assn		
Berman Bergner & Boyette, 1016 16th Street, NW, #700 Washington, DC 20036	Blaw Knox	2,500.00	1,818.00
Do	China External Trade Development Council	2,000.00	1,236.00
Do	First Atlantic Investment Corp	1,500.00	1,305.57
Do	First Boston Corp	3,000.00	1,578.73
Do	Flo-Sun Land Corp	2,000.00	2,105.57
Do	Galesi Group	2,000.00	1,407.94
Do	Home Recording Rights Coalition	3,000.00	1,036.52
Do	Kasnar Imports, Inc	300.00	
Do	Malone & Hyde		
Do	Natural Gas Supply Assn	3,000.00	1,952.55
Do	Okeelanta Corp	1,700.00	2,930.57
Do	Republic of Korea	2,000.00	1,230.00
Donald C. Berno, 1615 H St., NW Washington, DC 20062	U.S. Chamber of Commerce	7,500.00	
Craig A. Berrington, 1025 Connecticut Ave., NW, #415 Washington, DC 20036	American Insurance Assn		
Max N. Berry, 3213 O St., NW Washington, DC 20007	American Importers Meat Products Group		
Do	Centre National Interprofessionnel de L'Economic Laitiere		
Do	Committee to Assure the Availability of Casein		
Do	Federation des Exportateurs de Vins & Spiritueux de France		
Willard M. Berry, 1625 K Street, NW, #1090 Washington, DC 20006	National Foreign Trade Council, Inc	5,000.00	1,100.00
John F. Betar, 730 15th Street, NW Washington, DC 20005	Association of Bank Holding Cos	1,100.00	120.00
Better Working Environments, Inc, 3716 Scripps Way Las Vegas, NV 89103			
Robert Betz, 1010 Vermont Avenue, NW, #1116 Washington, DC 20005	Robert Betz Associates, Inc (For:Alabama Hospital Association)	5,250.00	337.03
Beveridge & Diamond, P.C., 1333 New Hampshire Ave, NW Washington, DC 20036	Metal Box America, Inc		
Do	Town of Oyster Bay Industrial Development Agency		
Beverly Enterprises, Inc, 1901 N. Fort Myer Drive, #302 Rosslyn, VA 22209			25,315.19
Cheryl Beversdorf, 1919 Pennsylvania Ave., NW, #300 Washington, DC 20036	American College of Surgeons		132.82
John C. Biechman, 655 15th St., NW, #1200 Washington, DC 20005	Safe Building Alliance		
Joan T. Bier, 1726 M Street, NW, #701 Washington, DC 20036	International Minerals & Chemical Corp	1,200.00	968.23
Moe Biller, 1300 L St., NW Washington, DC 20005	American Postal Workers Union, AFL-CIO	12,134.07	
Kevin W. Billings, 410 First Street, SE Washington, DC 20003	American Nuclear Energy Council	2,928.48	1,036.45
Patricia H. Billings, 1129 20th St, NW, #600 Washington, DC 20036	Group Health Assn of America, Inc	4,374.99	
Leon G. Billings, Inc, 1660 L St., NW, #809 Washington, DC 20036	South Coast Air Quality Management District	17,783.40	
Bingham Dana & Gould, 1724 Massachusetts Avenue, NW Washington, DC 20036	Disabled American Veterans	1,445.00	29.00
Birch Horton Bittner Pestinger & Anderson, 12th Floor 1155 Connecticut Ave., NW Washington, DC 20036	Alaska Pacific Refining, Inc		
Do	Alaska Power Authority		
Do	Alaska Teamsters-Employer Pension Trust		
Do	Alaska Teamsters-Employee Welfare Trust		
Do	Amerada Hess Corp		
Do	Calista Corp		
Do	City of St. George		
Do	First Federal Bank of Alaska, S.B.		
Do	North Slope Borough		
Do	Old Harbor Corp		
Do	Sealaska Corp		
Do	St. George Tanaq Corp		
Do	Tanadgusix Corporation		
Do	Teamsters Local 959		
Do	Westinghouse Electric Corp		
Do	Yukon Pacific Corp		
Robert J. Bird, 888 16th St., NW Washington, DC 20006	Zachry, Inc		
Charles O. Bishop Jr., 1225 Connecticut Ave., NW Washington, DC 20036	American Public Transit Assn	6,920.00	58.00
Bishop Cook Purcell & Reynolds, 1200 17th Street, NW, #700 Washington, DC 20036	Akhiok-Kaguyak, Inc	5,000.00	
Do	American Rice, Inc	200.00	
Do	Americans Against Socialized Medicine	3,110.00	
Do	Board of Trade of Kansas City, MO, Inc		
Do	BATUS, Inc	22,890.00	37.50
Do	ConAgra, Inc	18,758.75	495.79
Do	CSR, Ltd	34,673.75	1,917.71
Do	Electronic Industries Assn		
Do	Enserch Corporation		
Do	IBP, Inc	10,581.25	211.98
Do	Master Marketers Assn of America	2,900.99	99.01
Do	Mobil Oil Corp, et al	19,127.83	449.50
Do	Nabisco Brands, Inc		
Do	Natural Gas Pipeline Coalition		
Do	Phillips & Spencer	3,240.00	
Do	Pyramid Energy, Inc	5,950.00	134.18
Do	Salomon Brothers, Inc		
Do	Tobacco Institute	21,927.50	311.18
Do	U.S. Agricultural Export Development Council		
Do	U.S. Rice Producers' Legislative Group	43,652.50	3,510.29
Do	Washington Public Power Supply System	5,920.00	
Do	Western Peanut Growers' Assn		
Gerrie Bjornson, 1825 Eye Street, NW, #400 Washington, DC 20006	B.F. Goodrich Co	100.00	
Black Crotty Sims Hubka Burnett & Samuels, 501 North Grandview Ave. P.O. Box 5488 Daytona Beach, FL 32018	Aetna Life Insurance Company		
Black Manafort Stone & Kelly, P.C., 211 North Union Street, 3rd Floor Alexandria, VA 22314	Allied-Signal Corp	22,500.00	649.68
Do	Bethlehem Steel Corp	22,500.00	314.33
Do	Chicago RTA	9,000.00	1,762.54
Do	Diamond Star Corp	30,000.00	2,072.81
Do	Johnson & Johnson, Inc	30,000.00	992.08
Do	Kaman Aerospace Corp	45,000.00	199.00
Do	Tobacco Institute	22,500.00	889.91
Do	Trans World Airlines, Inc	18,000.00	727.17
Do	Union Pacific Corp	22,500.00	885.61
Do	UNITA	75,000.00	11,010.85
Robert J. Blackwell, One Thomas Circle, NW, #900 Washington, DC 20005	Enserch Corporation	3,038.00	868.00
Bev D. Blackwood, 1899 L Street, NW, #1100 Washington, DC 20036	Exxon Corporation		
Bowen Blair Jr., 519 S.W. Third Ave., #810 Portland, OR 97204	Friends of the Columbia Gorge		
David A. Blair, 5205 Leesburg Pike, #505 Falls Church, VA 22041	National Beer Wholesalers Assn	2,324.00	66.16
Neal B. Blair, Suite J 11244 Waples Mill Rd. Fairfax, VA 22030	Free the Eagle, et al	19,383.30	
Stephen Blair, 2251 Wisconsin Ave., NW Washington, DC 20007	National Assn of Trade & Technical Schools	750.00	750.00
Richard R. Blake Jr., 777 14th Street, NW Washington, DC 20005	National Assn of Realtors		
Helen Blank, 122 C Street, NW Washington, DC 20001	Children's Defense Fund	2,658.15	
Kenneth T. Blaylock, 80 F St., NW Washington, DC 20001	American Fed of Government Employees	20,200.31	5,604.07
Beatrice K. Bleicher, 1700 K Street, NW, #1107 Washington, DC 20006	Owens-Illinois, Inc	2,000.00	100.00
Bryant C. Blewett, P.O. Box 24305 Oakland, CA 94623	Clorox Company		
John R. Block, 201 Park Washington Court Falls Church, VA 22046	National-American Wholesale Grocers' Assn	3,000.00	
Peter L. Blocklin, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	2,500.00	
Douglas M. Bloomfield, 500 N. Capitol St., NW, #300 Washington, DC 20001	American Israel Public Affairs Comm	20,424.96	1,144.87

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Mark Bloomfield, 1850 K St., NW, #400 Washington, DC 20006	American Council for Capital Formation	1,250.00	
Shirley A. Bloomfield, 2626 Pennsylvania Ave., NW Washington, DC 20037	National Telephone Cooperative Assn	1,875.00	813.30
Vera Steiner Blore, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.	300.00	5.00
John B. Blount Jr., 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	2,500.00	780.22
Gordon B. Bluechel, 9805 Avondale Rd., E214 Redmond, WA 98052	Gordon Bluechel & Associates, Inc	1,916.52	
Gordon Bluechel & Associates, Inc, T.L.P.O. Box 8006 Kirkland, WA 98034	International Services, Inc	3,840.69	2,976.99
Robert A. Blum, 600 Montgomery Street San Francisco, CA 94111	Orrick Herrington & Sutcliffe (For:Permanente Medical Group, Inc)	125.00	312.50
Charles R. Blumenfeld, Bogle & Gates 2100 Bank of California Center Seattle, WA 98164	Pacific Seafood Processors Assn		
Patti Blumer, 1667 K Street, NW, #430 Washington, DC 20007	American Dietetic Assn		900.00
Wayne F. Boan, 927 15th St., #1000 Washington, DC 20005	Employers Council on Flexible Compensation	200.00	
William J. Boarman, 1925 K Street, NW Washington, DC 20006	Communications Workers of America		
Boat Owners Assn of the U.S., 880 S. Pickett St. Alexandria, VA 22304		60,000.00	60,000.00
Karen Bodenhorn, 1522 K Street, NW, #1120 Washington, DC 20005	American College of Nurse-Midwives		
Seth M. Bodner, 386 Park Avenue South New York, NY 10016	National Knitwear & Sportswear Assn	1,312.50	
Timothy A. Boggs, 1133 21st Street, NW, #400 Washington, DC 20036	Warner Communications, Inc	16,080.00	13,196.75
Bogle and Gates, One Thomas Circle, NW, #900 Washington, DC 20005	Alaskan Factory Trawlers Assn	2,000.00	
Do	Alliance for Fair Trade		
Do	Coalition for Clean Water		
Do	Northwest Apparel & Textile Assn	1,000.00	
Do	Pacific Seafood Processors Assn	300.00	
Robert Z. Bohan, 1101 16th St., NW Washington, DC 20036	National Soft Drink Assn		
George H. Bohlinger III, 1015 18th St., NW, #400 Washington, DC 20036	Domino's Pizza, Inc		
Patricia Boinski, 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co	32.60	
Richard O. Bolger, 2055 N. 15th Street, #300 Arlington, VA 22201	American Soc of Magazine Photographers	3,333.33	996.97
Robert J. Bolger, P.O. Box 1417-D49 Alexandria, VA 22313	National Assn of Chain Drug Stores, Inc	1,500.00	
Sharon E. Bomer, 727 N. Washington Street Alexandria, VA 22314	United Fresh Fruit & Vegetable Assn	2,287.50	575.83
Joseph C. Bonanno Jr., 4068 Keith Drive Campbell, CA 95008			
A. Dewey Bond, P.O. Box 3556 Washington, DC 20007	American Meat Institute	500.00	
Edward N. Bond, 1700 N. Moore St., #2120 Rosslyn, VA 22209	Boeing Company	150.00	
John E. Bonitt, 1001 Pennsylvania Avenue, NW, #700 Washington, DC 20004	Allied-Signal, Inc	375.00	60.00
Gaylon B. Booker, 1918 N. Parkway Memphis, TN 38112	National Cotton Council of America	2,190.00	16.50
W. Dan Boone, 345 Park Ave. New York, NY 10154	Union Pacific Corp, et al.		
John K. Booth, 1001 Pennsylvania Ave., NW Washington, DC 20006	American Council of Life Insurance, Inc	100.00	
Richard H. Bornemann, 10 Fourth Street, SE Washington, DC 20003	United Illuminating Co	2,750.00	887.09
Patricia A. Borowski, 400 North Washington Street Alexandria, VA 22314	National Assn of Professional Insurance Agents		
Laurence D. Bory, 1015 15th St., NW, #802 Washington, DC 20005	American Consulting Engineers Council	900.00	
Ken Bossong, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen, Inc	2,000.00	2,000.00
G. Stewart Boswell, 2500 Wilson Blvd. #301 Arlington, VA 22201	American Apparel Manufacturers Assn, Inc	3,127.00	99.30
Charles G. Botsford, 1730 M St., NW, #515 Washington, DC 20036	McDonnell Douglas Helicopters, et al.	1,500.00	152.00
John E. Bouchard, 1667 K Street, NW, #350 Washington, DC 20036	Moller Steamship Co, Inc		
James J. Boulet Jr., 1420 West Abingdon, #332 Alexandria, VA 22314	Moral Majority	7,403.83	
Mary M. Bourdette, 122 C St., NW, 4th Fl. Washington, DC 20001	Children's Defense Fund of the Washington Research Project	3,960.73	126.27
James G. Bourie, P.O. Box 20655 126 S. Washington Street Alexandria, VA 22320	AMVETS		
Do	Potomac Advisory Group		
Albert D. Bourland, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.		
Laura L. Bourne, 1750 K Street, NW Washington, DC 20006	Food Marketing Institute	100.00	
Wayne A. Boutwell, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives	3,400.00	
James J. Bowe, 4 World Trade Center New York, NY 10048	Coffee Sugar & Cocoa Exchange, Inc		
John Bowers Jr., 815 16th Street, NW Washington, DC 20006	International Longshoremen's Assn, AFL-CIO	5,369.45	895.99
Bowery Savings Bank, 110 East 42nd Street New York, NY 10017			
Doug B. Bowles, 205 Spring Hill Terrace Roswell, GA 30075	Georgia Power Co	9,991.50	9,152.38
Richard P. Bowling, 1020 Princess Street Alexandria, VA 22314	Truck Trailer Manufacturers Assn	1,000.00	
Gina M. Bowman, P.O. Box 7305, Dept. 178 Kansas City, MO 64116	Farmland Industries, Inc		
Jim D. Bowmer, P.O. Box 844 Temple, TX 76503	Tribal Council of the Coushatta Tribe of Louisiana		1,068.70
Bowmer Courtney Burleson Pemberton & Normand, P.O. Box 844 Temple, TX 76503	Tribal Council of the Coushatta Tribe of Louisiana		
Joan Costain Bowyer, 1015 15th St., NW, #909 Washington, DC 20005	Phelps Dodge Corp	150.00	
John G. Boyd, 1801 K St., NW Washington, DC 20006	International Business Machines Corp	868.30	82.95
Richard A. Boyd, 1400 K St., NW, #500 Washington, DC 20005	Handgun Control, Inc	2,000.00	
Robert K. Boyd, 1515 Wilson Blvd. Arlington, VA 22209	American Gas Assn	3,500.00	211.08
Bracewell & Patterson, 2000 K St., NW, #500 Washington, DC 20006	Appalachian Energy Group		
Do	Austin Capital Metropolitan Authority		
Do	Chemical Manufacturers Assn, Inc	720.00	287.28
Do	Childs Fortenbach Beck & Guyton (for Enterprise Products Co)	840.00	335.16
Do	Coalition of Funeral Directors	300.00	199.70
Do	Computer Dealers & Lessors Assn, Inc		
Do	COMDISCO, Inc		
Do	Enron Corp	840.00	335.16
Do	Graham Resources, Inc	75.00	29.92
Do	Liberty Bank & Trust of New Jersey	720.00	287.28
Do	Louisiana Land & Exploration Co		
Do	Massachusetts Mutual Life Insurance		59.85
Do	National Cable Television Assn, Inc	360.00	143.64
Do	Pennsylvania Natural Gas Assn		
Do	Southdown/Pelto Oil Company		
Do	Star-Kist Foods, Inc	840.00	335.16
Do	Tennessee Gas Transmission Co	360.00	143.64
Do	Valero Energy Corporation	1,140.00	454.86
Bracy Williams & Company, 1000 Connecticut Avenue, NW, #304 Washington, DC 20036	American Southwest Financial Co	30,000.00	460.00
Do	Arkla, Inc	4,000.00	225.00
Do	City of Tucson	7,000.00	155.00
Do	Coin Coalition	4,000.00	370.00
Do	CSX Corporation	8,000.00	255.00
Do	Doctor's Pharmacy	2,000.00	275.00
Do	Energy Absorption Systems, Inc	8,000.00	250.00
Do	Energy Contractors Price-Anderson Group	4,000.00	130.00
Do	Estes Company	3,000.00	135.00
Do	LaserVideo, Inc	4,000.00	165.00
Do	Phelps Dodge Development Corp	8,000.00	220.00
Do	Pratt & Whitney Aircraft Group	4,000.00	35.00
Do	Satellite Broadcast News	1,500.00	150.00
Do	Southern Arizona Water Resources Association	2,000.00	170.00
Frank W. Bradley, 1700 K St., NW Washington, DC 20006	Chevron USA, Inc	6,000.00	
Wayne W. Bradley, 535 North Dearborn Street Chicago, IL 60610	American Medical Assn	500.00	
Dennis M. Bradshaw, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Lawrence J. Brady, 901 31st St., NW Washington, DC 20007	Hill & Knowlton, Inc (For:International Brotherhood of Teamsters)		
Carren Bragg, 1901 L Street, NW, #303 Washington, DC 20036	Colt Industries, Inc	500.00	
Charles G. Bragg, P.O. Box 12285 Memphis, TN 38182	National Cotton Council of America	540.00	15.03
Stuart J. Brahs, 1331 Pennsylvania Ave., NW, #719 Washington, DC 20004	Association of Private Pension & Welfare Plans, Inc	872.52	
Sally M. Brain, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Robert M. Brandon, 1300 Connecticut Ave., NW, #401 Washington, DC 20036	Citizen Action	2,000.00	
Do	Citizen/Labor Energy Coalition		
Richard D. Brannick, P.O. Box 550 Dexter, NY 13634	National Border Patrol Council		
William C. Brashares, Mintz Levin Cohn Ferris Glovsky & Popeo 1825 Eye St., NW, #1201 Washington, DC 20006	Smith Barney Harris Upham & Co, Inc		
Christian N. Braunlich, 1331 Pennsylvania Avenue, NW, #1500N Washington, DC 20004-1703	National Assn of Manufacturers	125.00	
Roy Braunstein, 1300 L Street, NW Washington, DC 20005	American Postal Workers Union, AFL-CIO	13,201.40	414.17
Harold E. Brazil, 1900 Pennsylvania Avenue, NW Washington, DC 20068	Potomac Electric Power Co	89.76	
Noel Brazil, 1505 Prince Street, #300 Alexandria, VA 22314	American Optometric Assn		
Edward T. Breathitt, 1050 Connecticut Ave., NW Washington, DC 20036	Norfolk Southern Corp	1,000.00	
Bregman Abell & Kay, 1156 15th St., NW, #1212 Washington, DC 20005	Air Transport Assn of America		
Do	American Car Rental Assn	5,000.00	
Do	American Fed of Labor & Congress of Industrial Organizations		
Do	Committee for Tax Equity		
Do	Committee to Eliminate Equipment Giveaways	5,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Murry's, Inc		
Do	National Car Rental System, Inc		
Do	Temistocles Ramirez	2,500.00	
Do	Ryder Systems, Inc		
Do	Trans World Airlines, Inc		
Do	Truck Renting & Leasing Assn	5,000.00	
Carolyn L. Brehm, 1660 L Street, NW Washington, DC 20036	General Motors Corp	3,000.00	817.99
James Patrick Brennan, 5999 Stevenson Avenue Alexandria, VA 22304	American Assn for Counseling & Development	3,515.00	
Michael J. Brennan, 1750 New York Ave., NW Washington, DC 20006	International Assn of Bridge Struct & Ornamental Iron Wkrs	10,800.00	270.35
Peter E. Brereton, 900 Euclid Avenue P.O. Box 5937 Cleveland, OH 44107	Ameritrust Co, Nat'l Assn	157.00	379.20
Thomas M. Bresnahan III, 1700 K Street, NW, #1200 Washington, DC 20006	Chevron USA, Inc	1,500.00	
Albert E. Brewster, 1000 Wilson Blvd., #2300 Arlington, VA 22209	Northrop Corp		161.70
Belva B. Brissett, 1771 N St., NW Washington, DC 20036	National Assn of Broadcasters	1,500.00	250.00
Elizabeth Y. Britton, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	219.58	230.84
Stephen W. Broadie, 1629 K Street, NW, #1010 Washington, DC 20006	Alliance of American Insurers	1,500.00	30.00
Mary Broderick, 1625 K St., NW, 8th Fl. Washington, DC 20006	National Legal Aid & Defender Assn	1,500.00	6.25
William M. Brodhead, 2715 M St., NW, #300 Washington, DC 20007	Plunkett & Cooney (For:Blue Cross & Blue Shield Assn)	2,775.00	90.31
Do	Plunkett & Cooney (For:City of Detroit, Michigan)	7,500.00	73.40
Do	Plunkett & Cooney (For:Detroit Educational TV Foundation)	140.00	
Do	Plunkett & Cooney (For:Michigan Consolidated Gas Co)	10,000.00	262.93
Do	Murray & Scheer (for: Lightning Location & Protection, Inc)	4,500.00	8.00
Do	Murray & Scheer (for: PHP Healthcare Corp)	4,611.25	161.54
Do	Plunkett & Cooney (for: Humane Soc of the U.S.)	888.75	36.60
Do	Plunkett & Cooney (for: Michigan Humane Soc)	888.75	36.60
David A. Brody, 1640 Rhode Island Ave., NW Washington, DC 20036	Anti-Defamation League of B'nai B'rith	4,000.00	
Marcia D. Brody, 1522 K Street, NW, #828 Washington, DC 20005	American Veterinary Medical Assn		
Nancy B. Broff, 600 New Jersey Ave., NW Washington, DC 20001	Alliance for Justice	331.25	9.00
E. Bernard Brogan, 1850 M Street, NW, #600 Washington, DC 20036	Toyota Motor Sales, USA, Inc		
Michael D. Bromberg, 1111 19th St., NW, #402 Washington, DC 20036	Federation of American Health Systems	4,500.00	
Brook Associates, Inc, 1620 Eye Street, NW, #706 Washington, DC 20006	Northern Textile Assn	7,875.00	7,875.00
Dale E. Brooks, 1700 K St., NW Washington, DC 20006	Chevron USA, Inc	5,000.00	
Mary E. Brooks, 1730 M Street, NW Washington, DC 20036	League of Women Voters of the U.S.	5,187.80	325.81
Robert M. Brooks, 206 G St., NE Washington, DC 20002	Evergreen Associates, Ltd (For:Automated Business Management Systems, Inc)		
Do	Evergreen Associates, Ltd (For:Computer Dynamics & Aeronautics Corp)		
Do	Evergreen Associates, Ltd (For:DCL Industries)		
Do	Evergreen Associates, Ltd (For:Military Impacted Schools Assn)	2,250.00	30.00
Donald G. Brotzman, 1400 K St., NW Washington, DC 20005	Rubber Manufacturers Assn	10,000.00	
Ben Jarratt Brown, 325 Pennsylvania Ave., SE Washington, DC 20003	Washington Lobby Group, Inc (For:Preston Corp)	3,000.00	
Cheryl Brown, 1667 K Street, NW, #710 Washington, DC 20006	Baxter Travenol Laboratories, Inc		
Cynthia L. Brown, 1110 Vermont Ave., NW, #1250 Washington, DC 20005	Shipbuilders Council of America	1,500.00	
David C. Brown, 410 First St., SE Washington, DC 20003	American Nuclear Energy Council	537.50	492.10
David S. J. Brown, 1101 17th St., NW, #604 Washington, DC 20036	Monsanto Co	700.00	27.00
Doreen L. Brown, 1001 Connecticut Ave., NW, #800 Washington, DC 20036	Consumers for World Trade		
George L. Brown, 1000 Wilson Boulevard Arlington, VA 22209	Grumman Corporation	1,250.00	293.45
James K. Brown, 2590 Shiloh Springs Rd., #208 Dayton, OH 45426	National Assn for Middle Class Americans		
Jesse P. Brown Jr., 1918 N. Parkway Memphis, TN 38112	National Cotton Council of America	3,000.00	104.08
John J. Brown, 1125 17th St., NW Washington, DC 20036	International Union of Operating Engineers	8,500.00	660.00
Ralph Brown, Suite 107 701 S. 22nd Street Omaha, NB 68102	M.O.A.A.I.O.A. & Subs, Inc		
Shirle L. Brown, P.O. Box 663, GPO New York, NY 10001	SLB Enterprises		
Vincent D. Brown, Nebraska Petroleum Council P.O. Box 95063 Lincoln, NB 68509	American Petroleum Institute	2,500.00	1,130.73
Virginia Brown, 15th & M streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
William E. Brown, 815 Connecticut Ave., NW Washington, DC 20006	Ford Motor Co	990.00	899.80
William R. Brown, 122 C Street, NW, #200 Washington, DC 20001	Council of State Chambers of Commerce	307.60	
William Y. Brown, 1155 Connecticut Ave., NW, #800 Washington, DC 20036	Waste Management, Inc	5,000.00	
Brown & Finn, Chtd, 1920 N Street, NW, #510 Washington, DC 20036	Cincinnati Microwave, Inc		
Do	Home Satellite Television Association, Inc	1,712.00	82.00
Do	Regency Electronics, Inc	87.50	
Do	RADAR		
R. Stephen Browning, 28 N. Last Chance Gulch Helena, MT 59624	Finley Kumble Wagner Heine Underberg Manley Myerson & Casey		
Wolf Brueckmann, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.	250.00	35.00
Kathryne M. Bruner, 1025 Connecticut Ave., NW, #704 Washington, DC 20036	GA Technologies, Inc	875.00	356.86
William K. Brunette, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	463.84	58.83
Michael E. Brunner, 2626 Pennsylvania Avenue, NW Washington, DC 20037	National Telephone Cooperative Assn		
J. Charles Bruse, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Allstate Insurance Group	1,500.00	659.02
Dawn M. Brydon, 888 16th Street, NW Washington, DC 20006	Milk Industry Foundation/Int'l Ice Cream Assn		
Don C. Buchanan, 1750 New York Ave., NW Washington, DC 20006	Sheet Metal Workers International Assn	16,715.00	
Judith A. Buckalew, 1667 K Street, NW, #500 Washington, DC 20006	International Assn for Financial Planning, Inc	16,585.00	3,794.78
Thomas L. Buckmaster, 1225 Connecticut Avenue, NW, #303 Washington, DC 20036	Citizens for Sensible Control of Acid Rain	500.00	
Roy C. Buckner, 1090 Vermont Ave., NW, #1100 Washington, DC 20005	Textron	600.00	150.00
G. N. Buffington, 2230 California Street, NW Washington, DC 20008	National Assn of Real Estate Investment Trusts, Inc	2,565.00	23.25
Douglas W. Bulcao, 1101 Connecticut Ave., NW, #300 Washington, DC 20036	American Textile Manufacturers Institute, Inc	2,560.00	60.00
Darrel D. Bunge, Minnesota Petroleum Council 350 St. Peter Street, #1025 St. Paul, MN 55102	American Petroleum Institute	637.00	
David A. Bunn, 1211 Connecticut Avenue, NW, #406 Washington, DC 20036	Hearst Corporation	1,000.00	
Do	Magazine Publishers Assn, Inc	3,000.00	
Do	Parcel Shippers Assn	2,000.00	
J. Thomas Burch Jr., 1000 Thomas Jefferson Street, NW, #600 Washington, DC 20007	Burch and Bennett, P.C. (For:M.A.N. Truck & Bus Corp)		
Norman D. Burch, 1101 Vermont Ave., NW, #604 Washington, DC 20005	College of American Pathologists	9,000.00	138.50
David G. Burden, 200 E. Randolph Dr. Chicago, IL 60601	Amoco Corporation		
Paul F. Burdett, Suite 700 South 1800 M Street, NW Washington, DC 20036	Merrell Dow Pharmaceuticals, Inc		93.50
Robert J. Burdick, 1126 16th Street, NW Washington, DC 20036	Oil Chemical & Atomic Workers Int'l Union	3,057.90	
Harriet Hunt Burgesss, 116 New Montgomery Street, 4th Floor San Francisco, CA 94105	Trust for Public Lands	5,146.87	1,489.78
William J. Burhop, 1709 New York Ave., NW Washington, DC 20006	Air Transport Assn of America	10,591.49	
Gerard P. Burke, 1117 Spotswood Drive Silver Spring, MD 20904	International Air Leases, Inc		
J. J. Burke Jr., 40 E. Broadway Butte, MT 59701	Montana Power Co		58.27
Kevin Burke, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	1,500.00	523.00
Burley & Dark Leaf Tobacco Export Assn, 1100 17th St., NW Washington, DC 20036		36,677.25	950.00
Mahlon A. Burnette III, 631 Walker Road Great Falls, VA 22066	Grocery Manufacturers of America, Inc		
Do	National Broiler Council		
Burnham Connolly Oesterle & Henry, 3050 K St., NW, #450 Washington, DC 20007	Dow Corning USA	176.00	
Do	Sparber Shevin Shapo & Heilbronner (for Emma L. Bixby Hosp.)	1,345.00	257.00
Charles S. Burns, 1015 15th St., NW, #909 Washington, DC 20005	Phelps Dodge Corp	1,200.00	
Timothy F. Burns, 2501 M St., NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	2,000.00	138.00
Burr & Forman, 3000 Southtrust Tower Birmingham, AL 35203	Investment Company Institute	1,853.50	
Burson-Marsteller, 1850 M Street, NW, #900 Washington, DC 20036	Arthur Andersen & Co	750.00	
Do	City of Philadelphia		
Do	Clark Equipment Co	2,000.00	
Do	Epson America, Inc		
Do	Hankin Management-Arsenal Business Center Associates	450.00	16.50
Do	Harcourt Brace Jovanovich, Inc		
Do	Kansas City Southern Industries, Inc	500.00	
Do	Medtronic, Inc		
Do	Pennwalt Corp	300.00	16.50
Do	Philadelphia Industrial Development Corp	250.00	
Do	Philadelphia Port Corp	1,000.00	27.50
Do	Philip Morris, Inc	1,250.00	
Do	Softgel Assn		
Do	Temple University	450.00	16.50
Do	Thomson Group		
Busby Rehm and Leonard, P.C., 1330 Connecticut Ave., NW, #200 Washington, DC 20036	Universal Leaf Tobacco Co, Inc		
Barbara L. Bush, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	200.00	
Helen C. Butler, 1630 Connecticut Avenue, NW, #202 Washington, DC 20009	Taiwan Power Company	4,500.00	
Henry Butler, 3707 Woodview Trace Indianapolis, IN 46268	Crop Insurance Research Bureau	897.00	2,877.00
M. Caldwell Butler, P.O. Box 720 Roanoke, VA 24004	National Conference of Bankruptcy Judges	7,375.50	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Patrick Butler, 1875 Eye Street, NW, #1110 Washington, DC 20006	Times Mirror Co		
Mrs. H. E. Butt, 3700 Ocean Drive Corpus Christi, TX 78411			
Bruce Butterfield, 1745 Jefferson Davis Hwy, #511 Arlington, VA 22202	Manufacturing Housing Institute	900.00	100.00
John Butts, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	1,250.00	41.37
James R. Byron, 1627 K Street, NW, #200 Washington, DC 20006	Fluor Corporation		
BMc Strategies, Inc, 18 Muzzey Street Lexington, MA 02173	New Hampshire Yankee		
Cadwalader Wickersham & Taft, 1333 New Hampshire Ave., NW, 7th Fl. Washington, DC 20036	Asphalt Roofing Manufacturers Association		
John D. Cahill, 230 E Street NE Washington, DC 20002	Massachusetts Bay Transportation Authority	3,750.00	
Do	Massachusetts Port Authority	11,625.00	
Do	Massachusetts Water Resources Authority		
Christopher G. Caine, 1801 K St., NW, #1200 Washington, DC 20006	IBM Corp	8,500.00	2,785.00
Tony Calandro, 2251 Wisconsin Ave., NW Washington, DC 20007	National Assn of Trade & Technical Schools	1,750.00	
James D. Calaway, 2011 Crystal Drive, #903 Arlington, VA 22202	Space Industries, Inc	1,425.00	
Alan Caldwell, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	1,200.00	
Karen J. Callaghan, 48 Soundview Drive Northport, NY 11768			
Peter E. Callanan, 1100 Connecticut Ave., NW Washington, DC 20036	Honeywell, Inc	250.00	515.00
John C. Callihan, 299 Park Avenue New York, NY 10171	Westvaco Corporation		
Calorie Control Council, 5775 Peachtree-Dunwoody Rd., #500-D Atlanta, GA 30342			360.00
Cambridge International, Inc, 1600 Wilson Boulevard, #713 Arlington, VA 22209	Avco Lycoming Textron	200.00	
Do	Ford Aerospace & Communications Corp	175.00	
Do	FMC Corporation	175.00	
Do	General Dynamics Land Systems	300.00	1,684.00
Do	General Dynamics Valley Systems Division	200.00	
Do	Lockheed Aeronautical Systems Co	325.00	
Do	Lockheed-California Co	175.00	
Do	Lockheed-Georgia Co	150.00	
Do	Norden Systems, Inc	180.00	
Arthur E. Cameron, 316 Pennsylvania Ave., SE, #402 Washington, DC 20003	Amerace Corporation, et al.	2,782.00	
Do	Safetran Systems Corporation	5,550.00	
Do	Syro Steel Co, et al.	4,200.00	
Do	3M Company	10,378.00	
Nancy Camm, 1800 K Street, NW, #900 Washington, DC 20006	Bank of America	182.01	146.62
Camp Barsh Bates & Tate, 2550 M St., NW, #275 Washington, DC 20037	BellSouth Corp		
Do	Chemical Manufacturers Assn, Inc	800.00	
Do	Mobil Oil Corp		
Do	Natural Gas Supply Assn		
Do	Occidental Petroleum Corp		
Do	Pennzoil Co		
Do	PPG Industries, Inc	100.00	
Do	Sears Roebuck & Co	2,462.50	2,650.00
Do	South Central Bell		
Do	Texaco, Inc		
Do	Union Pacific Resources, Inc		
Campaign for U.N. Reform-Political Education Committee, 418 7th St., S.E. Washington, DC 20003		15,983.80	15,786.72
C. R. Campbell Jr., 1850 M St., NW, #1200 Washington, DC 20036	GTE Corporation	2,000.00	
Carl C. Campbell, 1030 15th St., NW, Suite 700 Washington, DC 20005	National Cotton Council of America	400.00	
Charles Argyll Campbell, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004-1703	National Assn of Manufacturers		
Charles O. Campbell, 1420 King Street Alexandria, VA 22314-2715	National Society of Professional Engineers	2,000.00	
Jerry L. Campbell, 1201 Chestnut St. Chattanooga, TN 37402	Tennessee Valley Public Power Assn		
John G. Campbell, 9418 Wooded Glen Ave. Burke, VA 22015	General Motors Corp		
Do	National Civic Crusade for Panama	22,000.00	3,769.15
Thomas D. Campbell & Associates, Inc, 517 Queen Street Alexandria, VA 22314	Cyprus Minerals Co	5,000.00	
Charles J. Campisi, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security	13,750.00	
Canadian Coalition on Acid Rain, 112 St. Clair Avenue, #401 Toronto, Ontario Canada M4V 2Y3		1,565.77	2,987.02
Robert P. Canavan, 1909 K St., NW Washington, DC 20049	American Assn of Retired Persons	263.07	
Do	National Education Assn		
Candlelighters, 123 C St., SE Washington, DC 20003			
Anne C. Canfield, 1331 Pennsylvania Ave., NW Washington, DC 20004	General Electric Co	475.00	
Edward F. Canfield, 1331 Pennsylvania Avenue, NW, #524 Washington, DC 20004	Casey Scott & Canfield, P.C. (For:Association for Regulatory Reform)		
H. Spofford Canfield, 1020 16th Street, NW, Washington, DC 20036	Enron Corp	2,000.00	
Sharon F. Canner, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004-1703	National Assn of Manufacturers	186.80	
W. Dean Cannon Jr, 9800 S. Sepulveda Blvd., #500 Los Angeles, CA 90045	California League of Savings Institutions		
Howard W. Cannon & Associates, 499 South Capitol St., SW, #400 Washington, DC 20003	Rockwell International Corp		
David L. Cantor, 1233 20th St., NW, #400 Washington, DC 20036	Porter Wright Morris & Arthur (For:Coalition for Environmental-Energy Balance)	151.00	
Anne Gavaghan Cantrel, 1667 K Street, NW Washington, DC 20005	Baxter Travenol Laboratories, Inc		
Capitol Associates, Inc, 426 C Street, NE Washington, DC 20002	Albert & Diane Kaneb		
Do	Citizens Comm for Medical Research & Health Education	300.00	
Do	Cystic Fibrosis Foundation	450.00	
Do	Emory University Medical School	861.25	
Do	Endocrine Society	400.00	
Do	Illinois Collaboration on Youth	88.00	8.00
Do	Joint Council of Allergy & Immunology	412.50	
Do	National Assn of Pediatric Nurse Associates & Practitioners	375.00	
Do	National Multiple Sclerosis Society	572.50	
Do	Rehabilitation Institute of Chicago	812.50	
Do	Saatchi & Saatchi Compton Worldwide	1,050.00	
Do	Thompson Medical Co	337.50	
Do	University of Arizona	420.00	
Caplin & Drysdale, Chtd, One Thomas Circle, NW Washington, DC 20005	Government of the Philippines		4.98
Do	National Council of YMCA of the USA	1,875.00	29.09
Denise A. Cardman, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
Norval E. Carey, 1025 Connecticut Ave., NW #704 Washington, DC 20036	Gulf Oil Corp (for GA Technologies, Inc)	14,360.00	682.25
Maurice E. Carino Jr., 1000 16th St., NW, #800 Washington, DC 20036	Bethleham Steel Corp	50.00	
Robert B. Carleson, 1800 K Street, NW, #605 Washington, DC 20006	KMG Main Hurdman (For:Mercedes Benz of North America, Inc)		
Anne E. Carlson, 1620 Eye Street, NW, #1000 Washington, DC 20006	Motor Vehicle Manufacturers Assn of the U.S., Inc	450.00	
Gerald P. Carmen, 1667 K St., NW, #700 Washington, DC 20006	Carmen & Muss (For:4000 Wisconsin Avenue Associates, Ltd)	5,000.00	
Carmen & Muss, 1901 Pennsylvania Ave., NW, #1000 Washington, DC 20006	Carmen Carmen & Hugel (for CareerCom)		
Do	4000 Wisconsin Avenue Associates, Ltd	10,000.00	5,045.00
Carmen Carmen & Hugel, Inc, 1667 K Street, NW, #950 Washington, DC 20006	CareerCom		
Bertram W. Carp, 1724 Massachusetts Avenue, NW Washington, DC 20036	National Cable Television Assn, Inc	1,417.00	
Chapin Carpenter Jr., 1211 Connecticut Avenue, NW, #406 Washington, DC 20036	Magazine Publishers Assn, Inc	4,000.00	
Cy Carpenter, 10065 East Harvard Avenue Denver, CO 80251	Farmers' Educational & Co-Operative Union of America	12,000.00	386.76
George D. Carpenter, 6110 Center Hill Road Cincinnati, OH 45224	Procter & Gamble Manufacturing Co		
Susan Carr, 1709 New York Avenue, NW, #801 Washington, DC 20006	U.S. League of Savings Institutions	1,100.00	
John R. Carson, 9312 Old Georgetown Rd. Bethesda, MD 20814-1621	American Podiatric Medical Assn	18,000.00	
R. D. Carson Jr., P.O. Box 2021 40 Franklin Rd., SW Roanoke, VA 24022	Appalachian Power Co		
John R. Carter, 1000 Wilson Blvd., #2600 Arlington, VA 22209	TRW, Inc	77.00	
Joseph L. Carter Jr., 50 F Street, NW, #1200 Washington, DC 20001-1564	Association of American Railroads	1,053.91	57.45
James P. Carty, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004-1703	National Assn of Manufacturers	500.00	
Allen R. Caskie, 1001 Pennsylvania Ave, NW Washington, DC 20004	American Council of Life Insurance, Inc	5,500.00	
Eugene I. Casraiss Jr., 1757 N St., NW Washington, DC 20036	Int'l Union, United Auto Aerospace & Agric Implement Workers	13,052.82	93.60
J. Warren Cassidy, 1600 Rhode Island Avenue, NW Washington, DC 20036	National Rifle Assn of America	2,437.50	
Lawrence J. Cassidy, 1750 New York Avenue, NW Washington, DC 20006	Sheet Metal Workers International Assn	13,929.00	
Cassidy and Associates, Inc, Metropolitan Square 655 15th St., NW, #1100 Washington, DC 20005	Alexander Graham Bell Assn for the Deaf	150.00	
Do	Alloy Technology	375.00	26.50
Do	American Hospital in Shanghai Foundation		
Do	Anatolia College Board of Trustees		
Do	Arizona State University	150.00	
Do	Atlanta University	600.00	8.00
Do	Atlantic Financial		
Do	Barry University		
Do	Boston College	525.00	
Do	Boston University	350.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Brown University		
Do	Catholic University of America		
Do	Centex Communications, Inc		
Do	Children's Hospital		
Do	Columbia University	125.00	
Do	Crane Co Resistoflex		
Do	Crane Company		
Do	Crane Hydroaire		
Do	Crane National Vendors		
Do	Drexel University	225.00	
Do	Fudan Foundation	225.00	
Do	Global Broadcasting Group, Inc	150.00	
Do	Indiana University		
Do	J & B Management Co		
Do	Loma Linda University Medical Center, Inc	375.00	
Do	Louisiana Public Facilities Authority	75.00	
Do	Loyola Marymount University		
Do	Martha Graham Center of Contemporary Dance, Inc	200.00	
Do	Medical College of Ohio, Toledo		
Do	Medical College of Pennsylvania	600.00	
Do	Medical University of South Carolina	900.00	
Do	Medusa Cement		
Do	Mount Sinai Medical Center		
Do	NeoRx		
Do	New England College of Optometry		
Do	Northwestern University		
Do	O'Connell Management Co, Inc	600.00	
Do	Ocean Spray Cranberries, Inc	150.00	
Do	Oceanic Institute	200.00	
Do	Pan Metal Corp		
Do	Pioneer Financial		
Do	Pirelli Cable Co	1,100.00	
Do	Polytechnic University	1,200.00	
Do	Renewable Fuels Assn		
Do	Rochester Institute of Technology	600.00	6.00
Do	Rocky Mountain Energy Co		
Do	Saint Joseph's University	225.00	
Do	Thomas Jefferson University		
Do	Tufts University	100.00	
Do	United Hospitals, Inc		
Do	Universal Med Center/U of TX Health Science Center at Dallas		
Do	University of Alabama in Huntsville	425.00	
Do	University of Bridgeport		
Do	University of Hawaii	375.00	9.00
Do	University of Southern Mississippi	200.00	
Do	University of Utah		
Do	University of Vermont		
Do	Wertheim Schroder & Co, Inc		
Do	West Virginia University	300.00	
Do	Wojdak & Assocs, Inc for: Children's Hospital of Pittsburgh	600.00	
Mark A. Casso, 1015 15th Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	700.00	
John J. Castellani, 1000 Wilson Boulevard, #2700 Arlington, VA 22209	TRW, Inc	3,200.00	
Rita L. Castle, 100 NE Adams Street Peoria, IL 61629	Caterpillar, Inc	8,500.00	1,617.50
Nicholas G. Cavarocchi, 317 Massachusetts Ave., NE, 1st Floor Washington, DC 20002			
Rosario Ceballo, 2030 M St., NW Washington, DC 20036	Common Cause	3,125.00	229.73
Cederberg & Associates, 7100 Sussex Place Alexandria, VA 22307	Grumman Corporation	250.00	
Do	Martin Marietta Corp	250.00	
Cellular Telecommunications Industry Assn, 1990 M St., NW, #610 Washington, DC 20036			
Cendrowski & Selecky, P.C., 2050 N. Woodward, #310 Bloomfield Hills, MI 48013	Taubman Company, Inc	11,674.00	
Centerior Energy Corp, P.O. Box 94661 Cleveland, OH 44101-4661			1,631.25
David Certner, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	456.92	205.10
Chadbourne & Parke, 1101 Vermont Ave., NW, #900 Washington, DC 20005	Applied Energy Services, Inc	27,189.00	25.00
Do	ENCOA		
Do	Manufacturer's Life Insurance Co		
Do	Napp Chemicals, Inc		
Do	Peat Products of America, Inc		
Do	Ruan Transportation Management Systems	15,533.28	
Do	Ultrapower, Inc		
Chadwell & Kayser, Ltd, 8500 Sears Tower Chicago, IL 60606-6592	Harza Engineering Co		
Deborah M. Chalfie, 1319 F St., NW, #300 Washington, DC 20004	Halt, Inc	103.25	6.62
Durwood Chalker, P.O. Box 660164 2121 San Jacinto Street, #2500 Dallas, TX 75266-0164	Central & South West Corp		
Terry M. Chamberlain, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Ed Chandler, 7901 Westpark Drive Mclean, VA 22102	National Machine Tool Builders' Assn	10,560.00	500.00
William J. Chandler, 1511 K Street, NW, #1100 Washington, DC 20005	Natural Resources Defense Council, Inc		
William C. Chapman, 2801 Fort Scott Drive Arlington, VA 22202	Multinational Business Services, Inc, et al	27,100.00	1,274.00
Richard M. Charlton, 1331 Pennsylvania Avenue, NW, #1300N Washington, DC 20004	Electronic Data Systems Corp		
Peggy Charren, 975 Memorial Drive, #504 Cambridge, MA 02138	Action for Children's Television	150.00	
Leslie Cheek III, 1025 Connecticut Avenue, NW, #414 Washington, DC 20036	Crum & Forster Corp	27,750.00	393.00
Chemical Specialties Manufacturers Assn, Inc, 1001 Connecticut Avenue, NW, #1120 Washington, DC 20036			1,228.70
Joy Cherian, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc	1,375.00	
John B. Childers, 122 C St., NW, #750 Washington, DC 20001	National Assn of Independent Colleges & Universities	9,358.00	
J. Samuel Choate Jr., 1101 Connecticut Ave., NW, #405 Washington, DC 20036	Choate Filler & Nehf, P.C. (For:Association of Progressive Rental Organizations)		
Joseph L. Choquette III, c/o Vermont Petroleum Assn P.O. Box 566 Montpelier, VT 05602	American Petroleum Institute	401.00	69.61
Hal M. Christensen, 1777 F St., NW Washington, DC 20006	Delta Dental Plans Assn	1,500.00	
Leslie Christensen, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business	3,189.00	250.00
Jack E. Christy, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	529.61	
James T. Christy, 1730 Pennsylvania Ave., NW, #265 Washington, DC 20006	Air Products & Chemicals, Inc	1,800.00	137.36
Chugach Electric Assn, Inc, P.O. Box 196300 Anchorage, AK 99519-6300			3,567.12
Donald T. Chunn, Route 2, Box 89 Columbia, TN 38401	Title Associates, Inc		
Chwat/Weigend Associates, 400 First Street, NW, #816 Washington, DC 20001	American Home Sewing Assn, Inc	500.00	500.00
Do	American Radio Relay League	2,000.00	2,000.00
Do	Associated Locksmiths of America	1,200.00	1,200.00
Do	Coalition on Alcoholic Beverage Procurement	1,000.00	1,000.00
Do	National Assn of Tobacco Distributors	3,000.00	3,000.00
Do	National Licensed Beverage Assn	3,000.00	3,000.00
Do	National Weather Service Employees Organization	300.00	300.00
Do	Private Care Assn, Inc	375.00	375.00
Charisse Victoria Ciambrone, 1405 Vegas Valley Dr., #293 Las Vegas, NV 89109			
Donna M. Cirolia, 1518 K Street, NW, #401 Washington, DC 20005	Water Quality Association		
Citizen Action, 1300 Connecticut Ave., NW, #401 Washington, DC 20036		6,000.00	6,030.00
Citizen/Labor Energy Coalition, 1300 Connecticut Ave., NW, # 401 Washington, DC 20036		2,500.00	2,500.00
Citizens for Sensible Control of Acid Rain (CSCAR), 1225 Connecticut Avenue, NW, #300 Washington, DC 20036		465,000.00	245,283.00
Citizens for Stabilizing Corporate Taxes & Foreign Policy, P.O. Box 1036 Guthrie, OK 73044-1036			
Citizens Political Action Committee, P.O. Box 645 228 South A Street, #2 Oxnard, CA 93032			
Donald D. Clancy, 6507 Leeds Lane Cincinnati, OH 45215	American Continental Corp	225.00	
Do	Grocery Manufacturers of America, Inc	2,350.00	125.00
Gilbert Clark, 1117 N. 19th Street, NW, #600 Arlington, VA 22209	American Assn of Blood Banks		
James W. Clark Jr., 1505 Prince Street, # 300 Alexandria, VA 22314	American Optometric Assn		
Jordan Clark, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Julie Clark, 1625 K St., NW, #800 Washington, DC 20006	National Legal Aid & Defenders Assn	10,631.25	3,495.01
Robert Clark, 400 Madison St., #1908 Alexandria, VA 22314	Ryder Systems, Inc		
Rudy I. Clark, 5342 Woodbury Woods Lane Fairfax, VA 22032	Air Force Sergeants Assn, Inc		
Joan Claybrook, 2000 P Street, NW, #605 Washington, DC 20036	Public Citizen, Inc	350.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Cleary Gottlieb Steen & Hamilton, 1752 N Street, NW Washington, DC 20036	Bear Stearns & Co.		
Do	Crompton & Knowles Corp.		
Do	Ministry of Finance & Public Credit of the United Mexican St.		
Do	North Wind Undersea Institute		4.30
Do	Public Securities Assn		
Do	Security Pacific National Bank		20.44
Do	Synthetic Organic Chemical Manufacturers Assn, Inc		
Do	Union Oil Co of California, et al.	825.00	
Ronald D. Clements, 1111 19th St., NW, 9th Floor Washington, DC 20036	Edison Electric Institute	4,345.41	658.71
Cleveland Electric Illuminating Co, 55 Public Square P.O. Box 5000 Cleveland, OH 44113			
W. M. Click, P.O. Box 719 Dallas, TX 75221	Southland Corporation		
Clifford & Warnke, 815 Connecticut Ave., NW Washington, DC 20006	Australian Meat & Live-Stock Corp	16,700.00	8,261.35
Do	Joint Corporate Comm on Cuban Claims	600.00	43.20
Do	J. C. Maxtone-Mailer	600.00	244.24
Do	Proprietary Association		
Dexanne B. Clohan, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	3,769.00	
Stanley A. Cmich, 220 Market Ave., South, #1190 Canton, OH 44702	Putman Properties, Inc		
Do	Timken Co.		
Coalition for Alternatives in Nutrition & Healthcare, Inc, P.O. Box B-12 Richlandtown, PA 18955			
Coalition for Reliable Energy, 18 Muzzey Streetnard Building Lexington, MA 02173		57,627.53	57,627.53
Coalition to Keep Alaska Oil, AFL-CIO Building 815 16th Street, NW, #309 Washington, DC 20006		2,475.00	2,549.36
Coalition to Oppose Energy Taxes, 1100 15th St., NW, #1200 Washington, DC 20005		20,000.00	803.65
Coalition Against Double Taxation, Inc, c/o Kiernan & O'Brien 3050 K Street, NW, #330 Washington, DC 20007			
Richard B. Cobb, Petroleum Council of Ga 230 Peachtree St., NW, #1500 Atlanta, GA 30303	American Petroleum Institute	350.00	1,298.82
Coffee Sugar & Cocoa Exchange, Inc, 4 World Trade Center, 8th Fl. New York, NY 10048			663.58
Don V. Cogman, 1100 Connecticut Avenue, NW, #535 Washington, DC 20036	MAPCO, Inc	4,750.00	179.87
Dan Cohen, 500 North Capitol Street, NW, #300 Washington, DC 20001	American Israel Public Affairs Comm	11,250.00	954.55
Daniel L. Cohen, 1050 31st Street, NW Washington, DC 20007	Association of Trial Lawyers of America	2,000.00	100.00
David Cohen, 1616 P St., NW, #320 Washington, DC 20036	Professionals' Coalition for Nuclear Arms Control	10,374.99	60.74
Ernest Allen Cohen, Journal Square Plaza Jersey City, NJ 07306	Marchi Jaffe Cohen Crystal Rosner & Katz (For:Radio Officers Union)		
Jacqueline Abelman Cohen, 1199 N. Fairfax St., #701 Alexandria, VA 22314	National Assn of Tobacco Distributors	2,500.00	25.00
Linda Colancecco, 311 First Street, NW, #500 Washington, DC 20001	Computer & Business Equipment Manufacturers Assn	8,000.00	52.79
George T. Coldeway, 8245 NW 53rd St., #200 Miami, FL 33166-4609	South Florida Hospital Assn		
E. William Cole, 1050 Connecticut Avenue, NW, #760 Washington, DC 20036	Union Oil Co of California	700.00	84.00
Randall I. Cole, 50 F St., NW, #1080 Washington, DC 20001	Burlington Northern, Inc	1,000.00	998.44
Colette R. Coleman, 311 First Street, NW Washington, DC 20001	National Restaurant Assn		
Jessie M. Colgate, 51 Madison Avenue New York, NY 10010	New York Life Insurance Company		
Emilio G. Collado III, Collado Associates 1405 Montague Drive Vienna, VA 22180	American Watch Assn, Inc	1,700.00	35.00
Collier Shannon Rill & Scott, 1055 Thomas Jefferson St., NW, #308 Washington, DC 20007	Alliance for Capital Access	30,000.00	30,000.00
Do	American Couplings Coalition		
Do	American Frozen Food Institute		
Do	American Meat Institute		
Do	American Textile Machinery Assn	150.00	150.00
Do	Bicycle Mfgrs Assn of Amer, Inc		
Do	Committee of American Ammunition Manufacturers	1,000.00	1,000.00
Do	Crop Insurance Research Bureau	6,875.00	6,875.00
Do	Ferrous Scrap Consumers Coalition		
Do	Food Marketing Institute		
Do	Footwear Industries of America		
Do	Independent Lubricant Manufacturers Assn	437.50	437.50
Do	Inland Steel Corp		
Do	Municipal Castings Fair Trade Council		
Do	National Assn of Convenience Stores	6,506.25	6,506.25
Do	National Assn of Mutual Insurance Cos	2,225.00	2,225.00
Do	National Broiler Council		
Do	National Coalition of Fresh Potato Processors		
Do	National Cosmetology Assn, Inc		
Do	National Juice Products Assn	100.00	100.00
Do	National Pasta Assn	700.00	700.00
Do	Norris Industries		
Do	Outdoor Power Equipment Institute	1,937.50	1,937.50
Do	Petroleos de Venezuela, S.A.	5,606.25	5,606.25
Do	PetroJam, Ltd	10,000.00	10,000.00
Do	Pittsburgh Corning Corporation		
Do	Secondary Lead Smelters Assn, Inc	1,012.50	1,012.50
Do	Society of Independent Gasoline Marketers of America	7,006.25	7,006.25
Do	Specialty Steel Industry of the United States	462.50	462.50
Paul Edward Michael Collin, 3600 Guard Road (Fed. Reg. No. #77634-012) Lompoc, CA 93436			
Terese Colling, 2000 Pennsylvania Ave., NW, #3700 Washington, DC 20006	Jaeckle Fleischmann & Mugel	3,666.67	64.24
Do	Eckert Seamans Cherin & Mellott (For:Media General, Inc)	1,833.33	19.00
Mary M. Collins, 1120 20th Street, NW, #600 South Washington, DC 20036	Union Pacific Corp	1,500.00	
Michael A. Collins, 13106 Ivy Drive Beltsville, MD 20705	United Assn of Jnymen & Appren of Plmbg & Pipeftg Industry	6,000.00	578.98
Dominique Colon, 2000 L Street, NW Washington, DC 20036	Medtronic, Inc		26.36
Colorado Ski Country USA, Inc, One Civic Center Plaza 1560 Broadway, #1440 Denver, CO 80202			
Kent W. Colton, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Tim Colton, P.O. Box 498 Chester, PA 19016	Pennsylvania Shipbuilding Co	450.00	21.00
Columbia Gorge United, Box 328 Stevenson, WA 98648			
Mary Colville, 1155 15th St., NW Washington, DC 20005	National Broiler Council	625.00	
Lori A. Comeau, 2550 M Street, NW, #640 Washington, DC 20037	CF Industries, Inc	500.00	
Committee for the Electric Consumers Protection Act, 1000 Potomac Street, NW, #401 Washington, DC 20007			
Committee for Humane Legislation, Inc, 1 Pine Street Neptune, NJ 07753		834.08	17,835.76
Committee for Proposition Thirty, P.O. Box 915 Hartselle, AL 35640			
Committee to Assure the Availability of Casein, 3213 O St., NW Washington, DC 20007		38,000.00	325.63
Common Cause, 2030 M St., NW Washington, DC 20036		2,577,587.00	579,203.41
Community Nutrition Institute, 2001 S St., NW, #530 Washington, DC 20009			
Community Service Council of Central IN, Inc, 1828 North Meridian Indianapolis, IN 46202			
Community Service Society of New York, 105 East 22nd Street New York, NY 10010	Community Service Society		685.57
Competitive Enterprise Institute, 611 Pennsylvania Avenue, SE Washington, DC 20003		102,500.00	
Bert M. Concklin, 1500 Planning Research Drive Mclean, VA 22102	Planning Research Corporation		1,838.49
Edward C. Cone Jr., P.O. Box 1788 Forest Park, GA 30051	Southeastern Lumber Manufacturers Assn		
Conference of State Bank Supervisors, 1015 18th St., NW Washington, DC 20036			4,912.15
Gary L. Conkling, P.O. Box 500, 50-705 Beaverton, OR 97077	Tektronix, Inc	8,833.00	4,239.85
Robert J. Conlan, 110 Maryland Ave., NE, #409 Washington, DC 20002	National Peace Institute Foundation	109.90	
Jeanne K. Connelly, 1875 Eye St., NW, #540 Washington, DC 20006	Champion International Corp		
Connerton & Bernstein, 1920 L Street, NW, 4th Fl. Washington, DC 20036	National Assn of Police Organizations		4,093.17
Catherine Connor, 1015 15th Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	700.00	
Richard J. Connor Jr., 1455 Pennsylvania Avenue, NW, #600 Washington, DC 20004	Joseph E. Seagram & Sons, Inc	562.50	
Jerry C. Connors, 1745 Jefferson Davis Highway, #511 Arlington, VA 22202	Manufactured Housing Institute	1,000.00	100.00
David Conover, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America	762.50	17.08
C. Judith Conrad, 1111 14th Street, NW Washington, DC 20005	American Dental Assn	1,000.00	
Gregory E. Conrad, 1920 N St., NW Washington, DC 20036	American Mining Congress		
Thomas L. Conrad, 2001 Eye Street, NW Washington, DC 20006	Electronic Industries Assn		
Consortium of Social Science Assns, 1625OI Street, NW, #911 Washington, DC 20006		57,095.44	1,519.60
Consumers for World Trade, 1001 Connecticut Ave., NW Washington, DC 20036		15,900.00	10,380.00
Consumers Union of U.S., Inc, 256 Washington St. Mount Vernon, NY 10553			6,990.00
John J. Contney, 1250 E. Hollandale Beach Blvd. Hollandale, FL 33009	Textile Rental Services Assn of America		
Daniel J. Conway, 1819 L St., 7th Floor Washington, DC 20036	Reinsurance Assn of America		
John A. Conway, 1201 16th Street, NW Washington, DC 20036	National Education Assn		
Emery S. Conyers, P.O. Box 1706 Midland, MI 48641-1706	Dow Chemical USA		
Alexandra W. Cook, 1331 Pennsylvania Avenue, NW, #1300N Washington, DC 20004	Electronic Data Systems Corp	176.00	426.00
Cheryl L. Cook, 600 Maryland Ave., SW, #202W Washington, DC 20024	Farmers' Educational & Co-operative Union of America	4,656.56	36.27
Harry N. Cook, 1130 17th St., NW Washington, DC 20036	National Waterways Conference, Inc		
K. Richard Cook, 1331 Pennsylvania Avenue, NW Washington, DC 20004	General Electric Co.	250.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Thomas M. Cook, 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Eileen D. Cooke, 110 Maryland Ave., NE, Suite 101 Washington, DC 20002	American Library Assn	2,532.00	
Stoney Cooks, 433 6th Street, NE Washington, DC 20002	South/North Development Group, Ltd		
Bente E. Cooney, 2000 K St., NW, 7th Floor Washington, DC 20006	National Comm to Preserve Social Security	1,366.00	
Edward Cooney, 1319 F St., NW, #500 Washington, DC 20004	Food Research & Action Center	928.00	
Benjamin Y. Cooper Jr., 1730 North Lynn St. Arlington, VA 22209	Printing Industries of America, Inc	10,000.00	
Chester L. Cooper, 1616 P St., NW, #410 Washington, DC 20036	American Academy of Arts & Sciences		
Jesse D. Cooper, 1860 Lincoln Street, #404 Denver, CO 80295	Rocky Mountain Oil & Gas Assn	3,000.00	18.80
Mitchell J. Cooper, 1001 Connecticut Ave., NW Washington, DC 20036	Rubber & Plastic Footwear Manufacturers Assn	16,500.00	4.50
Samuel Cooper, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group	3,538.46	
Stephen H. Cooper, 74 North Pearl St. Albany, NY 12207	Hospital Assn of New York State	865.35	4,197.66
Darrell Coover, 499 South Capitol St., SW, #401 Washington, DC 20003	National Assn of Independent Insurers	2,000.00	778.00
Michael J. Copps, 1660 L St., NW, #1000 Washington, DC 20036	Collins and Aikman Corp	8,300.00	5,018.11
John F. Corcoran, 1050 Connecticut Ave., NW, #740 Washington, DC 20036	Norfolk Southern Corp	1,000.00	
William M. Corcoran, 1001 Pennsylvania Ave., NW, #700 Washington, DC 20004	Allied-Signal, Inc		
Alfred C. Cordon, 1920 N St., NW Washington, DC 20036	Buffalo Broadcasting Co, Inc		
Corman Law Offices, 1420 16th Street, NW Washington, DC 20036	Alcalde Henderson O'Bannon & Rousselot		
Do	American Bakers Assn		
Do	American Leather Goods Manufacturers Assn	3,750.00	
Do	Connell Rice & Sugar Co, Inc		
Do	Grobstein Blankstein Goldman & Co		
Do	GATX Corporation		
Do	Institute of Electrical & Electronics Engineers, Inc	1,900.00	
Do	Investment Partnership Assn	600.00	
Do	Kelso & Company	5,600.00	
Do	MCA, Inc	6,950.00	
Do	National Structured Settlements Trade Assn	2,600.00	
Do	PacificCorp Capital, Inc		
Do	Petersen Publishing Co	1,250.00	
Do	Republic National Bank of New York		
Do	State of Michigan		
Do	State of Washington	12,150.00	
Do	Texas Air Corp	1,750.00	
Do	Tropicana International, Inc	6,950.00	
Do	U.S. League of Savings Institutions		
Do	Winn Development Co		
Bennett J. Corn, Four World Trade Center New York, NY 10048	Coffee Sugar & Cocoa Exchange, Inc	550.00	
Corn Refiners Assn, Inc, 1001 Connecticut Ave., NW Washington, DC 20036		6,215.00	2,434.00
Ernest J. Corrado, 1000 16th St., NW, #511 Washington, DC 20036	American Institute of Merchant Shipping	2,835.00	104.50
Correct Currency In Law, 312 Second St., SE Washington, DC 20003			
Mary Marcotte Corrigan, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America		
Richard L. Corrigan, 1201 Pennsylvania Avenue, NW, #250 Washington, DC 20004	CH2M Hill	2,000.00	
Marty Corry, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	571.53	400.92
Allan D. Cors, 1455 Pennsylvania Avenue, NW, #500 Washington, DC 20004	Corning Glass Works	3,000.00	
William R. Corson, 1707 H St., NW Washington, DC 20006	Penthouse International, Ltd		
Alfred W. Cortese Jr., 655 15th Street, NW, #1200 Washington, DC 20005	General Motors Corp	13,325.00	
Philip S. Corwin, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	1,500.00	
R. H. Cory, 1005 Congress Avenue, #795 Austin, TX 78701	Central & South West Services, Inc		5.46
Cosmetic Toiletry & Fragrance Assn, Inc, 1110 Vermont Ave., NW, #800 Washington, DC 20005			
J. Daniel Costello, 1615 H St., NW Washington, DC 20006	U.S. Chamber of Commerce	2,300.00	275.00
Michael E. Costello, 1090 Vermont Avenue, NW, #600 Washington, DC 20005	Texas Eastern Transmission Corp		977.85
Mary Alice Cotter, 410 First Street, SE Washington, DC 20003	American Nuclear Energy Council		
Council for Rural Housing and Development, 2300 M St., NW Washington, DC 20036		4,000.00	4,000.00
Council of Industrial Boiler Owners, 5817 Burke Centre Parkway Burke, VA 22015			
Council of State Chambers of Commerce, 122 C St., NW, #200 Washington, DC 20001		739.99	720.79
Council on Alternate Fuels, 1225 Eye St., NW, #320 Washington, DC 20005			
Roger C. Courtney, 1401 New York Ave., NW, #1200 Washington, DC 20005-2187	Franklin Diagnostics, Inc		980.00
William R. Courtney, P.O. Box 844 Temple, TX 76503	Tribal Council of the Coushatta Tribe of Louisiana		1,455.50
James Cousins, 1709 New York Avenue, NW, #801 Washington, DC 20006	U.S. League of Savings Institutions	14,250.00	
Mark J. Covall, 1319 F Street, NW, #1000 Washington, DC 20004	National Assn of Private Psychiatric Hospitals	500.00	
John F. Cove, 918 16th St., NW, #702 Washington, DC 20006	Cove Associates, Inc (For:Association of U.S. Night Vision Manufacturers)		
Covington & Burling, 1201 Pennsylvania Ave., NW P.O. Box 7566 Washington, DC 20044	American Council on Education		
Do	American Watch Assn	600.00	50.00
Do	Association of Maximum Service Telecasters, Inc	1,180.00	
Do	Brown Brothers Harriman & Co		128.60
Do	Coalition for Effective Tax Reform		
Do	Coalition to Preserve the Integrity of American Trademarks	50,000.00	
Do	Coalition to Stop the Raid on America		9.00
Do	Commonwealth of Puerto Rico	350.00	
Do	ERISA Industry Committee	1,450.00	17.00
Do	Facemate Corp	2,350.00	64.25
Do	Georgia-Pacific Corp		9.00
Do	Hallmark Cards, Inc		19.65
Do	International Business Machines Corp	1,710.00	
Do	International Paper Co		9.00
Do	Investment Company Institute	6,000.00	42.14
Do	Marathon U.S. Realties, Inc	7,700.00	114.00
Do	Midwest Television, Inc		
Do	National Football League		6.00
Do	O-W Fund, Inc		14.15
Do	Post-Newsweek Stations, Inc		
Do	Scott Paper Co		9.00
Do	Sun Life Assurance Co of Canada (U.S.)	4,246.00	94.96
Do	Wesleyan University, et al.		
Mark D. Cowan, The Jefferson Group 1000 Potomac Street, NW Washington, DC 20007	Hill & Knowlton, Inc (for Kelly Services, Inc)		
Do	Hill & Knowlton, Inc (For:Ministry of Foreign Affairs, Government of Iceland)		
Eugene S. Cowen, 2445 M St., NW Washington, DC 20037-1420	Capitol Cities/ABC, Inc	307.20	
C. Deming Cowles, 6th Floor 1050 Thomas Jefferson Street, NW Washington, DC 20007	Bering Sea Fishermen's Assn	1,000.00	
Do	Municipality of Anchorage	6,500.00	1,225.68
Do	United Fishermen of Alaska		40.09
Archibald Cox, 2030 M St., NW Washington, DC 20036	Common Cause	5,757.54	331.69
C. Bryan Cox, P.O. Box 419139 Kansas City, MO 64141-6139	Kansas City Life Insurance Co		
C. Richard Cox, 800 Briar Creek Road Charlotte, NC 28232	Belk Stores Services, Inc		
Jeffrey T. Cox, 1420 King St. Alexandria, VA 22314	National Society of Professional Engineers	1,250.00	
Jerry W. Cox, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Anglo American Auto Auctions, Inc)		
Do	Hill & Knowlton, Inc (For:Bell Atlantic Network Services, Inc)		
Do	Hill & Knowlton, Inc (For:Commonwealth Financial Group)	525.00	
Do	Hill & Knowlton, Inc (For:Fleischmann's Yeast)		
Do	Hill & Knowlton (For:Societe Generale thru SGS North America, Inc)	112.50	
Tamara Cox, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Nebraska Wheat Board)		
Donald Forsyth Craib III, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Sears Roebuck & Co	257.00	49.00
Bruce Craig, P.O. Box 677 Harpers Ferry, WV 25425	National Parks & Conservation Association	550.00	44.50
Eric F. Craven, P.O. Box 2943 Fort Worth, TX 76113	Texas-New Mexico Power Co	9,500.00	1,065.89
William D. Crawford, 400 First St., NW Washington, DC 20001	Brotherhood of Railway Carmen of the U.S. & Canada	2,032.53	
William H. Creamer III, 600 New Hampshire Ave., NW Washington, DC 20037	New York Life Insurance Company		
Patricia Cregan, 1100 Connecticut Ave., NW Washington, DC 20036	Chrysler Corporation	2,100.00	350.00
Richard C. Creighton, 1331 Pennsylvania Ave., NW, #910 Washington, DC 20004	American Cement Trade Alliance, Inc	18,750.04	116.03
Ken A. Crerar, 1420 K Street NW, #600 Washington, DC 20005	Footwear Industries of America	3,000.00	260.34
Douglas P. Crew, 100 N.E. Adams Street Peoria, IL 61629	Caterpillar Tractor Co	625.00	792.28
Anne Crichton Crews, 8787 Stemmons Freeway Dallas, TX 75247	Mary Kay Cosmetics, Inc		
Joseph M. Cribben, 6900 Valley Brook Dr. Falls Church, VA 22042	United Assn of Jnymen & Appren of Plmbg & Pipeftg Industry	1,750.00	
Richard E. Cristol, 1101 15th St., NW, #202 Washington, DC 20005	National Assn of Margarine Manufacturers		
P. H. Croft, 2000 Massachusetts Ave., NW Washington, DC 20036	American Short Line Railroad Assn		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Robert W. Cromartie, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	175.00	
Charles H. Cromwell, Inc, 6709 Georgia Street Chevy Chase, MD 20815	EDO Corp		
Do	McDonnell Douglas Helicopters		
Do	Northrop Corp		
Rae E. Cronmiller, 1800 Massachusetts Avenue, NW Washington, DC 20036	National Rural Electric Cooperative Assn	100.00	
Crop Insurance Research Bureau, 3707 Woodview Trace P.O. Box 68700 Indianapolis, IN 46268		12,081.98	12,081.98
John M. Cross, 1015 18th St., NW, #702 Washington, DC 20036	ISFA Corporation		
David T. Crow, 1015 18th St., NW Washington, DC 20036	Fertilizer Institute	10,000.00	850.77
Crowell & Moring, 1001 Pennsylvania Ave., NW Washington, DC 20004-2505	Asarco Inc	500.00	10.00
Do	Associated Gas Distributors	92.50	6.00
Do	Avon Products, Inc		
Do	Brooklyn Union Gas Co		10.00
Do	Central Nebraska Public Power & Irrigation District	80.00	10.00
Do	City of North Miami	540.00	15.00
Do	Communications Satellite Corp		
Do	Contractors Liability & Indemnification Alliance	288.75	6.00
Do	Cook Inlet Region, Inc		
Do	Eli Lilly & Company	250.00	10.00
Do	Emery Worldwide		
Do	Meridian Minerals Co	1,440.00	
Do	National Assn of Wholesaler-Distributors	1,125.00	10.00
Do	Nebraska Public Power District	80.00	10.00
Do	Pan American World Airways, Inc, et al		
Do	Regional Airline Association		
Do	Sterling Drug, Inc		
Do	Tiffany & Co		
Do	Trust for Public Lands	2,430.00	40.00
Do	United Cities Gas Co		
Do	Western Governors Assn		
Cuba Claims Association, P.O. Box 014004 Miami, FL 33101			
Cuban American Freedom Coalition, Inc, 7300 N.W. 35th Terrace, #105 Miami, FL 33122		7,183.69	19,409.48
David M. Culp, 1525 New Hampshire Ave., NW Washington, DC 20036	Environmental Action, Inc	2,365.84	32.70
Scott S. Cunningham, 1100 15th Street, NW Washington, DC 20005	Union Carbide Corp		
William J. Cunningham, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	15,712.34	1,109.15
John T. Curran, 815 16th St., NW, #603 Washington, DC 20006	Laborers' Intl Union of North America, AFL-CIO	17,018.75	128.55
Do	National Coordinating Comm for Multiemployer Plans		
Kathleen L. Curry, 122 C St., NW, #750 Washington, DC 20001	National Assn of Independent Colleges & Universities	4,515.00	
Cushman Darby & Cushman, 1615 L St., NW, 11th Floor Washington, DC 20036	Holland Sweetener Co		
Everett E. Cutter, 620 SW Fifth Avenue Bldg., Suite 300 Portland, OR 97204	Oregon Railroad Assn		
CF Industries, Inc, Salem Lake Dr. Long Grove, IL 60047			1,000.00
CR Associates, 317 Massachusetts Ave., NE, 1st Floor Washington, DC 20002	Alzheimer's Disease & Related Disorders Assn		
D'Amour & Doyle, Inc, 1156 15th St., NW, #1100 Washington, DC 20005	American Psychological Assn	7,500.00	1,185.00
Do	Gafney Bennett & Associates, Inc	1,244.00	986.00
Do	New England Assn of Business, Industry & Rehabilitation, Inc	3,000.00	1,539.50
William D. D'Onofrio, 1800 W. 8th St. Wilmington, DE 19805	National Assn for Neighborhood Schools, Inc		
William K. Dabaghi, Arter & Hadden 1919 Pennsylvania Ave., NW, #400 Washington, DC 20006	Central Union of Agricultural Cooperatives (ZENCHU)	690.00	60.00
Do	Coalition for Regional Banking & Economic Development	625.00	25.00
Do	Houston Clearing House Assn	700.00	30.00
Susan Dahlquist, 2000 K St., NW, 7th Foor Washington, DC 20006	National Committee to Preserve Social Security	10,000.00	
Stephen J. Daigler, 1601 Duke Street Alexandria, VA 22314	Society of American Florists		
William Kay Daines, 1616 H St., NW Washington, DC 20006	American Retail Federation	500.00	180.00
Dairy Farmers for Responsible Dairy Policy, 517 C Street, NE Washington, DC 20002			
Donald W. Dalrymple, 1575 I St., NW Washington, DC 20005	American Cynamid Company (For:Lederle Laboratories)	2,940.00	3,970.83
James G. Dalton, 1420 King St. Alexandria, VA 22314	National Society of Professional Engineers	2,500.00	
Robert C. Daly, 1850 M Street, NW, #600 Washington, DC 20036	Toyota Motor Sales, USA, Inc		
Tracy Danese, P.O. Box 14000 Juno Beach, FL 33408	Florida Power & Light Co		2,940.28
John E. Daniel, 1233 20th St., NW, #400 Washington, DC 20036	Ohio Edison Co		
David C. Daniels, 1608 K Street, NW Washington, DC 20006	American Legion		
David S. Danielson, 1505 Prince Street, #300 Alexandria, VA 22314	American Optometric Assn		
Charles Franklin Daoust, P.O. Box 12910 Charleston, SC 29412-0910	Kiawah Island Co, Ltd		
Cynthia L. Darcy, 245 Second St., NE Washington, DC 20002	Friends Committee on National Legislation	2,250.00	
Colleen A. Darling, 1730 Rhode Island Avenue, NW, #204 Washington, DC 20036	Japanese American Citizens League	6,000.00	8.00
Dan Darling, National Press Building, Room 1199 Washington, DC 20045	Social Security Lobby		
Diane Davenny Darneille, 1726 M St., NW, #300 Washington, DC 20036	Schering-Plough Corp	782.00	853.00
Linda Daschle, 1709 New York Ave., NW Washington, DC 20006	Air Transport Assn of America	12,551.22	
John C. Datt, 600 Maryland Ave., SW Washington, DC 20024	American Farm Bureau Federation	11,225.00	
John B. Davenport Jr., 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	125.00	
Davenport & Seay, One Thomas Circle, NW, #375 Washington, DC 20005	City of Detroit, Michigan		
Theodore S. J. Davi, P.O. Box 825 Green Bay, WI 54305			
Earl F. David, 1825 K St., NW, #1107 Washington, DC 20006	Phillips Petroleum Co	1,000.00	
James H. Davidson, 1250 Connecticut Ave., NW, #650 Washington, DC 20036	American Advertising Federation	8,019.97	
Do	American Assn of Advertising Agencies	8,019.77	
Do	American Newspaper Publishers Assn	16,729.32	
Do	Association of National Advertisers	8,019.97	
Do	National Assn of Broadcasters	8,019.97	
John J. Davidson, 7901 Westpark Drive McLean, VA 22102	National Machine Tool Builders' Assn	600.00	250.00
James H. Davidson & Associates, Inc, 1250 Connecticut Ave, NW, #650 Washington, DC 20036	Magazine Publishers Assn, Inc	16,229.19	
Do	National Assn of Industrial & Office Parks	12,500.01	
Do	Rouse Company	4,731.36	
Drew M Davis, 1101 16th St., NW Washington, DC 20036	National Soft Drink Assn	84.98	182.55
Edward M. Davis, 410 First St., SE Washington, DC 20003	American Nuclear Energy Council	6,000.00	256.77
Edwin H. Davis, 2030 M St., NW Washington, DC 20036	Common Cause	5,346.48	
Fred G. Davis, 1111 19th Street, NW Washington, DC 20036	Edison Electric Institute	5,210.76	1,160.39
Kenneth E. Davis, Suite 1210 1667 K St., NW Washington, DC 20006	Rohm & Haas Co	500.00	39.29
Michael Davis, 735 North Water St., #908 Milwaukee, WI 53202-4105	American Malting Barley Assn, Inc	1,200.00	
Ovid R. Davis, P.O. Drawer 1734 Atlanta, GA 30301	Coca-Cola Company		
Robert Davis, 815 Connecticut Ave., NW Washington, DC 20006	Ford Motor Co	1,400.00	763.00
Davis & Harman, 1455 Pennsylvania Avenue, NW, #1200 Washington, DC 20004	American General Life Insurance Co	674.95	32.50
Do	American Horse Council	237.50	
Do	Chandis Securities Co	2,500.00	40.50
Do	Chicago Board of Trade	2,083.00	27.50
Do	Committee for American Steel	1,200.00	40.00
Do	Committee of Annuity Insurers	876.00	14.50
Do	Committee of Life Insurers	1,335.00	25.30
Do	CIGNA Corporation		
Do	Dresser Industries		
Do	Florida Power & Light	150.00	8.50
Do	Florida Sugar Cane League, Inc	1,000.00	
Do	ICH Corporation		
Do	James Graham Brown Foundation	51.00	
Do	LeBoeuf Lamb Leiby & MacRae	227.80	13.75
Do	Lincoln Life Improved Housing, Inc		
Do	Lincoln National Life Insurance Co	255.00	8.50
Do	National Assn of Life Companies	250.00	
Do	National Cattlemen's Assn	204.16	7.50
Do	NEOAX, Inc	519.25	19.25
Do	Stock Information Group	1,570.00	1,805.20
Do	Sunrise Company		
Do	Travelers Companies	225.00	7.00
Do	U.S. Sugar Corp	683.70	11.70
Davis Graham & Stubbs, 1001 22nd St., NW, #500 Washington, DC 20037	Colorado Water Congress		
Do	Municipal Subdistrict, No. Colorado Water Conservancy Dist	3,128.40	3,128.40
Do	Northern Colorado Water Conservancy District		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Davis Hockenberg Wine Brown & Koehn, 2300 Financial Center Des Moines, IA 50309	E&J Gallo Winery		
Do	Northwestern Bell (Iowa Div)		
Davis Polk & Wardwell, 1575 Eye St., NW Washington, DC 20005	American Inst of Certified Public Accountants	770.00	11.00
Do	Kohlberg Kravis Roberts & Co		
Do	Manville Corporation		
Do	Morgan Guaranty Trust Co	250.00	6.00
Do	Norwest Corporation	450.00	8.00
Do	Occidental International Corp	165.00	95.62
Do	U.S. Trust Corp		27.00
Davis Wright & Jones, 1752 N St., NW, #800 Washington, DC 20036	Pacific Northwest Coalition for Maritime Law Reform	5,000.00	
Do	Star-Kist Foods, Inc	250.00	
Donald S. Dawson, 1155 Connecticut Ave., NW, #700 Washington, DC 20036	Opticians Assn of America		
Do	Virgin Islands Gift & Fashion Shop Assn		
Do	Virgin Islands Merchants Assn		
Robert M. Dawson, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn		
Brenda T. Day, 655 15th St., NW, #300 Washington, DC 20005	Armtek Corp	6,330.00	2,792.35
Harry F. Day, 1800 K Street, NW, #1100 Washington, DC 20006	New York Stock Exchange, Inc		
Gaston De Bearn, 1050 Connecticut Avenue, NW, #401 Washington, DC 20036	Hoffmann-La Roche, Inc		
Dona M. De Carolis, 20 Black Oak Mews Newton, PA 18940	Guilford Transportation Industries, Inc		
Do	Philadelphia Maritime Exchange		
Ralph De La Cruz, 1225 Connecticut Avenue, NW Washington, DC 20036	American Public Transit Assn	3,080.00	152.00
Trevia A. Dean, Dean & Company 2550 M St., NW, #300 Washington, DC 20037	American Insurance Assn		
Do	Lottery Technology Enterprises		
Do	Manatt Phelps... (for American Petrofina, Inc)		
Do	National Rifle Assn of America		
John Russell Deane III, 1607 New Hampshire Ave., NW Washington, DC 20009	Auto Internacional Assn	2,625.00	1,340.54
Do	Coalition of Automotive Assns	1,200.00	73.76
Do	Specialty Equipment Market Assn	3,601.00	1,679.62
Debevoise & Plimpton, 555 13th Street, NW Washington, DC 20004	Sony Corp of America	145.00	973.30
Do	Westpac Banking Corp		
Dechert Price & Rhoads, 1730 Pennsylvania Avenue, NW, #1100 Washington, DC 20006	Center for Civic Education	2,062.50	1.35
Do	Constitutional Rights Foundation	1,998.46	74.00
Do	Yonkers Racing Corp	2,113.00	
Mark O. Decker, 1101 17th Street, NW, #700 Washington, DC 20036	National Assn of Real Estate Investment Trusts, Inc	600.00	
Do	Pension Real Estate Assn		
Richard A. Deem, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	25.00	
Brian Deery, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
James L. Deger, 719 D St., NE, #105 Washington, DC 20002		5,229.16	1,563.04
John J. Degnan, Shanley & Fisher, P.C. 131 Madison Avenue Morristown, NJ 07960	Sharp Electronics Corp		
George K. Degnon Associates, Inc, 1311-A Dolley Madison Bldg., #3a Mclean, VA 22101	Association of State & Territorial Health Officials		1,000.00
Thomas J. Delaney, 1111 North 19th Street, #700 Arlington, VA 22209	National Assn of Federal Credit Unions	1,500.00	
Delaney & Young, Chtd, 1629 K Street, NW, #1000 Washington, DC 20006	Harcourt Brace Jovanovich, Inc	82.50	110.95
Do	National Assn of Independent Insurers	30,000.00	212.06
Do	Transamerica Insurance Services	15,075.00	41.49
Deloitte Haskins & Sells, 1001 Pennsylvania Ave., NW Washington, DC 20004-2505	Lin Pac International PLC, et al	2,080.00	230.00
Tania Demchuk, 499 South Capitol St., SW, #401 Washington, DC 20003	National Assn of Independent Insurers	100.00	
Willard L. Demory, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Bell Atlantic Management Services)		
Do	Hill & Knowlton, Inc (For:Commonwealth Financial Group)		
Do	Hill & Knowlton, Inc (For:Gurman Kurtis & Blask (for McCaw Communications))		
Do	Hill & Knowlton, Inc (For:United Airlines, Inc)		
George Demougeot, 1612 K St., NW, #206 Washington, DC 20006	Government of Haiti	3,615.00	164.50
George H. Denison, 4801 Massachusetts Ave., NW, #400 Washington, DC 20016	Cruise America Line, Inc		
Do	N U S Corporation		
Do	National Office Products Assn		
Do	Westinghouse Electric Corp	825.00	
John H. Denman, Missouri Oil Council 428 E. Capital St., #203 Jefferson City, MO 65101	American Petroleum Institute	1,045.00	2,245.48
Robert A. Denman, 600 Maryland Avenue, SW, #202w Washington, DC 20024	Farmers' Educational & Co-Operative Union of America	6,641.12	168.52
Thomas J. Dennis Sr., 1667 K St., NW, #450 Washington, DC 20006	American Electric Power Service Corp		
Wells Denyes, 1919 Pennsylvania Ave., NW Washington, DC 20006	Eastman Chemicals Division	1,000.00	158.93
Connie Denzer, 6517 City West Parkway Eden Prairie, MN 55344	Crop Insurance Research Bureau		
Janice Deputy, 1925 K St., NW, #206 Washington, DC 20006	Alliance to Save Energy		
Lloyd J. Derrickson, 1828 L St., NW, #906 Washington, DC 20036	Merrill Lynch & Co, Inc	6,500.00	
Detroit Tooling Assn, P.O. Box 338 Dearborn, MI 48121			
Samuel L. Devine, 170 Burning Tree Drive Naples, FL 33942	American Continental Corp		
Do	Grocery Manufacturers of America, Inc	4,500.00	609.85
R. Daniel Devlin, 1825 Eye Street, NW, #350 Washington, DC 20006	Trans World Airlines, Inc	375.00	
Dewey Ballantine Bushby Palmer & Wood, 1775 Pennsylvania Ave., NW Washington, DC 20006	Amax, Inc		
Do	American Stock Exchange, Inc		
Do	Arctic Alaska Seafoods, Inc		
Do	Baptist Foundation of Texas	150.00	
Do	Bear Stearns & Co		
Do	Beneficial Corporation		
Do	Browning-Ferris Industries, Inc		
Do	Catholic Health Assn of the U.S.	1,800.00	
Do	Chase Manhattan Corp		
Do	Chrysler Corporation	150.00	
Do	Committee for Future Investment in America's Past	1,500.00	
Do	CIC Enterprises, Inc	900.00	
Do	Digital Equipment Corp		
Do	Dolco Packaging Corp	400.00	
Do	Duke Endowment		
Do	Federal National Mortgage Assn		
Do	Federation of American Health Systems	1,800.00	
Do	General Electric Pension Trust		
Do	Hanschell Inniss, Ltd		
Do	Health Insurance Assn of America		
Do	Hershey Foods Corp	50.00	
Do	Historic Landmarks for Living		
Do	Hospital Coalition	1,425.00	
Do	Household International	1,800.00	
Do	Integrated Resources, Inc	1,800.00	
Do	Labor-Industry Coalition for International Trade		
Do	Marriott Corporation		
Do	Mutual Life Insurance Co of New York	300.00	
Do	NYNEX Corp		
Do	Pfizer, Inc	700.00	
Do	Potlatch Corp	900.00	
Do	Primerica, Inc		
Do	Salomon Inc		
Do	Joseph E. Seagram & Sons, Inc	3,140.00	
Do	Semiconductor Industry Association	1,905.00	
Do	Squibb Corporation	550.00	
Do	Sybedon Corporation		
Do	Teachers Insurance & Annuity Assn of America		
Do	Tribune Broadcasting Co		
Do	U.S. Coalition for Fair Lumber Imports		
Doris J. Dewton, 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
George T. DeBakey, 1300 North 17th St., #300 Arlington, VA 22209	ADAPSO		
Jeff DeBoer, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	1,750.00	680.20
James U. DeFrancis, 1025 Connecticut Ave., NW, #1014 Washington, DC 20036	Enserch Corporation	3,187.00	813.00
Mary Elise DeGonia, 600 Maryland Avenue, SW West Wing, Suite 300 Washington, DC 20024	70001 Training & Employment Institute	500.00	20.00
Law Offices of Paul H. DeLaney, Jr., 1920 N Street, NW, #610 Washington, DC 20036	Continental Grain Co		
Do	Groth Air Services, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Michael J. DeLoose, 1015 18th Street, NW Washington, DC 20036	Conference of State Bank Supervisors	683.70	
Martin L. DePoy, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	2,500.00	303.35
Gregory L. DePriest, 1730 M Street, NW, #713 Washington, DC 20036	Association of Maximum Service Telecasters, Inc		
William R. DeReuter, 1828 L Street, NW, #906 Washington, DC 20036	Merrill Lynch & Co, Inc	2,000.00	
John M. Dickerman, 1015 15th St., NW, #700 Washington, DC 20005	National Lumber & Building Material Dealers Assn		
Chester T. Dickerson Jr., c/o Bernadette Hammond 1101 17th St., NW, #604 Washington, DC 20036	Monsanto Co		181.77
Elaine Dickinson, 880 S. Pickett Street Alexandria, VA 22304	Boat Owners Assn of the U.S.	7,000.00	
Gary Alan Dickinson, 2 International Plaza Dr., #600 Nashville, TN 37217	Anglo American Auto Auctions, Inc		
Dickinson Wright Moon Van Dusen & Freeman, 1901 L St., NW, #801 Washington, DC 20036	Allied Signal, Inc	12,600.00	
Do	Chicago & Northwestern Transportation	12,900.00	
Do	United Technologies Corporation	22,500.00	
Dickstein Shapiro & Morin, 2101 L St., NW Washington, DC 20037	Advance Publications		
Do	American Greyhound Track Operators Assn	15,710.00	
Do	Arizona Department of Commerce	4,787.50	
Do	Avondale Industries, Inc	2,500.00	
Do	ABD Securities Corp	2,000.00	
Do	Bear Stearns & Co	800.00	
Do	Boundary Gas, Inc		
Do	Brown Bridgeman & Co, Inc	375.00	
Do	California Assn of Thrift & Loan Companies	2,975.00	
Do	Car Audio Specialists Assn (CASA)	500.00	
Do	Children's Hospital		
Do	Fairchild Industries, Inc		
Do	Federal National Mortgage Assn		
Do	Federated Cash Management Systems	5,000.00	
Do	Fiat USA		
Do	Iroquois Gas, Inc	23,332.50	
Do	Marine Engineers' Beneficial Assn		
Do	Morgan Guaranty Trust Co	4,843.75	
Do	Mudge Rose Guthrie Alexander & Ferndon (for Toshiba Corp)	5,062.50	
Do	National Fed of Societies for Clinical Social Work	4,000.00	
Do	Ocean State Power	4,272.50	
Do	Paulucci Enterprises	2,535.00	
Do	Providence Hospital		
Do	Saco Defense, Inc		
Do	States of Arkansas, et al.		
Do	Technomed	1,491.25	
Rick Diegel, 1125 15th Street, NW Washington, DC 20005	International Brotherhood of Electrical Workers, AFL-CIO-CLC	2,281.25	150.00
Diepenbrock Wulff Plant & Hannegan, 300 Capitol Mall, 17th Floor Sacramento, CA 95814	St. Elizabeth Community Hospital		
Walter E. Diercks, 1730 M St., NW, #412 Washington, DC 20036	Outdoor Advertising Assn of America, Inc		
George Dillard, 5128 Sauer, Suite A Houston, TX 77004	Kaleidoscope Research & Marketing Group		
Thomas A. Dine, 500 North Capitol St, NW, #300 Washington, DC 20001-1510	American Israel Public Affairs Comm	16,749.99	4,291.75
Direct Selling Association, 1776 K Street, NW Washington, DC 20006			
Barry B. Direnfeld, Rivkin Radler Dunne & Bayh 1575 I Street, NW, #1025 Washington, DC 20005	New Energy Co of Indiana	1,625.00	25.00
Dale P. Dirks, 400 First St., NW, #712 Washington, DC 20001	Health & Medicine Counsel of Washington	10,274.94	
Do	Professional Services Counsel		
Disabled American Veterans, 3725 Alexandria Pike Cold Spring, KY 41076		108,628.88	108,628.88
Gloria Dittus, 1111 19th St., NW Washington, DC 20036	Edison Electric Institute	4,536.39	312.85
Patsy B. Dix, 1201 16th St., NW Washington, DC 20036	National Education Assn	3,036.80	50.00
Barbara A. Dixon, 1600 Eye Street, NW Washington, DC 20006	Motion Picture Assn of America, Inc	1,920.00	
Sharon Pratt Dixon, 1900 Pennsylvania Avenue, NW Washington, DC 20068	Potomac Electric Power Co	32.30	
Charles J. DiBona, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	1,875.00	
John M. DiJoseph, 2050 Clarendon Blvd., #300 Arlington, VA 22201	American Soc of Magazine Photographers	750.00	
Margaret R. DiPaula, 1700 K Street, NW, #1204 Washington, DC 20006	Chevron USA, Inc	375.00	
G. Diane Dodson, 2000 P St., NW, #400 Washington, DC 20036	Women's Legal Defense Fund	782.78	206.65
J. Graham Dodson, P.O. Box 21106 Shreveport, LA 71156	Southwestern Electric Power Co	159.00	7.50
Steven P. Doehler, 1615 L Street, NW, #1230 Washington, DC 20036	Mortgage Insurance Companies of America	6,000.00	100.65
Eileen Marie Doherty, 1000 Connecticut Avenue, NW Washington, DC 20036	Japan Economic Institute of America	500.00	
James F. Doherty, 1129 20th St., NW, #600 Washington, DC 20036	Group Health Assn of America, Inc	1,500.00	
Brian J. Donadio, 122 C St., NW, #875 Washington, DC 20001	American Osteopathic Assn	3,503.00	
Nancy A. Donaldson, 110 Maryland Avenue, NE, #211 Washington, DC 20002	Women's Action for Nuclear Disarmament, Inc, et al.	1,875.00	
Andrew J. Donelson, 1101 15th Street, NW Washington, DC 20005	Minnesota Mining & Manufacturing Co	2,500.00	
Mary Elizabeth Donnelly, 1233 20th St., NW, #200 Washington, DC 20036	Newmont Mining Corp		
Sally S. Donner, 1710 Rhode Island Avenue, NW, #400 Washington, DC 20036	General Foods Corporation	1,229.25	70.69
Margarite Donoghue, 729 8th St., SE, #200 Washington, DC 20003	FARO-AIDS Action Council	6,192.00	572.49
Thomas J. Donohue, 2200 Mill Road Alexandria, VA 22314	American Trucking Assns, Inc	11,000.00	
Donohue & Associates, Inc, 11445 Isaac Newton Square So. Reston, VA 22090			
Paul M. Donovan, 1120 G St., NW, #800 Washington, DC 20005	Alliance for Rail Competition	2,895.49	140.51
Do	Chlorine Institute, Inc		
William Donovan, 1111 N. 19th St, #700 Arlington, VA 22209	National Assn of Federal Credit Unions	2,500.00	144.10
Francis X. Dooley, 525 School St., SW Washington, DC 20024	American Road & Transportation Builders Assn	7,500.00	560.00
Linda L. Doorfee, 600 Pennsylvania Avenue, SE, #200 Washington, DC 20003	Independent Insurance Agents of America, Inc		
May Del Rio Dorfman, 380 Second Avenue New York, NY 10010	Planned Parenthood of New York City, Inc	206.70	418.35
Kevin L. Dorn, 1400 K Street, NW, #801 Washington, DC 20005	General Aviation Manufacturers Assn	5,385.00	
James A. Dorsch, 1025 Connecticut Avenue, NW Washington, DC 20036	Health Insurance Assn of America, Inc	27.28	3.00
Dean R. Dort II, 1667 K Street, NW, #370 Washington, DC 20006	Deere & Company	495.00	
Michael I. Dougherty, Pillsbury Center MS 3771 Minneapolis, MN 55402	Pillsbury Co	1,000.00	3,186.00
Sally L. Douglas, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business	4,785.50	120.00
Dow Lohnes & Albertson, 1255 23rd St., NW Washington, DC 20037	Asia North America Eastbound Rate Agreement		
Do	Beeman and Gould	170.00	
Do	Canadian Institute of Steel Construction	16.00	
Do	Dart-M.L., Ltd		
Do	Government of the Republic of Panama		
Do	Greece/U.S. Atlantic & Gulf Conference		
Do	Hapag-Lloyd, A.G.		
Do	Harris Steel Group, Inc	17.00	
Do	Israel Eastbound Conference		
Do	Israel Westbound Conference		
Do	Lake Ontario Cement Limited		
Do	Laurel Steel Products, Ltd		
Do	Masstock (International) Ltd		
Do	Mediterranean North Pacific Coast Freight Conference		
Do	Smit-Lloyd BV	272.00	
Do	South Europe/U.S.A. Freight Conference		
Do	Stanley Precision		
Do	The '8900' Lines		
Do	U.S. Atlantic & Gulf Ports/East Med & N. Africa Freight Conf		
Do	U.S. Atlantic & Gulf/Australia-New Zealand Conference		
Charles P. Downer, 7901 Westpark Drive Mclean, VA 22102	National Machine Tool Builders' Assn	1,113.00	250.00
Jane Lind Downey, 2200 Mill Rd Alexandria, VA 22314	American Movers Conference	800.00	
Richard Morgan Downey, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn		
John P. Doyle Jr., 8600 Boundbrook Lane Alexandria, VA 22309	J. P. Doyle Enterprises, Inc	1,000.00	
William A. Doyle, 2346 S. Rolfe Street Arlington, VA 22202	Harris Corporation	3,050.00	1,204.02
Ronald W. Drach, 807 Maine Avenue, SW Washington, DC 20024	Disabled American Veterans	17,300.40	
David P. Drake, 1747 Pennsylvania Ave., NW, #700 Washington, DC 20006	Ciba-Geigy Corp	3,000.00	63.71
James E. Drake, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	5,272.00	
Andrea N. Dravo, 410 First Street, SE Washington, DC 20003	American Nuclear Energy Council	2,812.50	172.70
Paul A. Drazek, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	8,063.00	
Dressendorfer-Laird, Inc, 1730 Rhode Island Avenue, NW, #210 Washington, DC 20036	Briggs & Stratton	250.00	
Do	General Dynamics Corp	250.00	
Do	Metropolitan Life Insurance Cos	250.00	
Do	Science Applications Int'l Corp	250.00	
Joan Albert Dreux, 600 Pennsylvania Avenue, SE, #211 Washington, DC 20003	National Assn of Casualty & Surety Agents	3,000.00	1,566.14

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
William B. Driggers Jr., 1745 Jefferson Davis Highway, #605 Arlington, VA 22202	Texas Instruments, Inc	350.00	
John P. Dring, 1331 Pennsylvania Ave., NW, #565 Washington, DC 20004	Texas Gas Transmission Corp		
Kevin J. Driscoll, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
Fran Du Melle, 1101 Vermont Avenue, NW, #402 Washington, DC 20005	American Lung Assn	2,890.00	2,646.00
Stan Dublinske, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn		
Morgan D. Dubrow, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	125.00	
Dudek Communications, 902 Pennsylvania Avenue, SE Washington, DC 20003	Lyonnaise des Eaux Group	16,000.00	6,947.29
Tim Dudgeon, 1250 Eye Street, NW, #900 Washington, DC 20005	Distilled Spirits Council of the U.S., Inc	2,000.00	
John Dudinsky Jr., 201 Massachusetts Ave., NE, #C-9 Washington, DC 20002	AMSPEC	3,000.00	223.70
Do	Harris/3-M Document Products, Inc	5,000.00	630.00
Do	Lantana Boatyard, Inc	3,000.00	313.92
Jane McPike Dudley, 888 17th Street, NW, #901 Washington, DC 20006	Whiteford Taylor & Preston		
Ann Anderson Duff, 1331 Pennsylvania AVenue, NW Washington, DC 20004	National Assn of Manufacturers	1,200.00	
Michael J. Duff, 1101 16th Street, NW Washington, DC 20036	Scientific Apparatus Makers Assn	1,400.00	44.00
Daniel A. Duffy, 1400 K St., NW, #900 Washington, DC 20005	Rubber Manufacturers Assn	2,500.00	
Joseph R. Dugan, 888 16th Street, NW Washington, DC 20006	Milk Industry Foundation & International Ice Cream Assn		
C. R. Duggan, 815 16th St., NW Washington, DC 20006	Transportation Communications Union	3,000.00	3,000.00
Francis J. Duggan, 50 F Street, NW, #12800 Washington, DC 20001	Association of American Railroads	354.23	437.69
Evelyn Dukovic, 3 East 85th Street New York, NY 10028	Morality in Media, Inc	24.72	
Dulles Access Rapid Transit Corp, 8000 Towers Crescent Dr., #801 Vienna, VA 22180			
Mervin E. Dullum, 1629 K St., NW, #204 Washington, DC 20006	Delta Air Lines, Inc	200.00	96.72
Amy K. Dunbar, One Beacon Street Boston, MA 02108	Palmer & Dodge (For:National Assn of Bond Lawyers)		796.75
Don R. Duncan, 1825 K Street, NW, #1107 Washington, DC 20006	Phillips Petroleum Co	5,000.00	71.99
Leslie Delong Duncan, 1925 K Street, NW, #206 Washington, DC 20006	Alliance to Save Energy		
William C. Duncan, 1050 17th Street, NW, #410 Washington, DC 20036	Japan Automobile Manufacturers Assn	1,800.00	612.89
Duncan Weinberg Miller & Pembroke, P.C., 1615 M Street, NW, #800 Washington, DC 20036	Kenai Natives Assn, Inc		
Do	Lake Andes-Wagner Water Systems, Inc		
Do	Mid West Electric Consumers' Assn, Inc		
Do	National Assn of State Energy Officials		
Do	Western Fuels Association, Inc		
Pauline Dunlap, P.O. Box 868 Kodiak, AK 99615	Eagle Fisheries, Inc		2,002.93
Mari Lee Dunn, 1850 K St., NW, #400 Washington, DC 20006	American Council for Capital Formation		
James A. Dupree, 815 Connecticut Ave., NW Washington, DC 20006	Ford Motor Co	4,312.00	2,314.00
Joseph L. Duran, 100 Federal St. Boston, MA 02110	First National Bank of Boston		
Margaret A. Durbin, 1001 pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc	2,200.00	
B. J. Durham, P.O. Box 2121 Corpus Christi, TX 78403	Central Power & Light Company		
Ed Durkin, 101 Constitution Ave., NW Washington, DC 20001	United Brotherhood of Carpenters & Joiners of America		
Duryea Murphy Davenport & Van Winkle, 711 Capitol Way Olympia, WA 98501	State of Nevada, Nuclear Waste Project Office	4,059.50	521.55
Dutko & Associates, 412 First St., SE, #40 Washington, DC 20003	Miguel H. Agosto	800.00	
Do	American Consumer Trade Council	7,783.38	
Do	Associates of North America		
Do	Colorado River Municipal Water District (CRMWD)		
Do	Committee for Preservation of the Anesthesia Care Team	4,000.00	
Do	Communications Satellite Corp	3,600.00	
Do	D & B Wholesale Cosmetics, Inc		
Do	DSC Communications	8,680.00	
Do	William Gold	2,199.00	
Do	Jaime Goldenberg	50.00	
Do	Granger Associates		
Do	Gulf & Western Industries, Inc	9,000.00	
Do	Hart-Culp International	23,306.50	
Do	Lightnet	7,645.00	
Do	MedMax		
Do	Model Imperial Supply Co, Inc	25.00	
Do	Oklahoma State University	2,400.00	
Do	PacifiCare Health Systems	800.00	
Do	Pitts Energy Group		
Do	Psychemedics Corp	1,096.00	
Do	R-Max	646.50	
Do	Southland Corporation		
Do	St. Thomas Paving	4,000.00	
Do	M. Stevens Cosmetics Co	282.50	
Do	Superconducting Super Collider	8,000.00	
Do	US Sprint	8,021.50	
Peggy L. Duxbury, 1331 Pennsylvania Avenue, NW, #1500N Washington, DC 20004	National Assn of Manufacturers	300.00	
Ernest DuBester, 815 16th Street, NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	16,174.34	634.02
William P. DuBose IV, 1050 17th St., NW, #700 Washington, DC 20036	National Ocean Industries Assn	1,378.00	
Denis J. Dwyer, 700 North Fairfax St. Alexandria, VA 22314	Railway Progress Institute	556.25	
Roderick T. Dwyer, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Dykema Gossett Spencer Goodnow & Trigg, 1752 N St., NW, 6th Fl. Washington, DC 20036	Total Petroleum, Inc		
DynCorp, 1313 Dolley Madison Blvd. Mclean, VA 22101			1,769.00
Talis Dzenitis, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Sears Roebuck & Co	500.00	34.90
DGA International, Inc, 1818 N Street, NW Washington, DC 20036	Dir Intl Aff of the Gen Del for Armements	100.00	
Do	Societe Nationale D'Etude et de Const de Moteurs D'Aviation	692.00	285.01
Do	Sofreavia	855.00	310.73
Dennis J. Earhart, 1753 Euclid St, NW Washington, DC 20009	Bear West Co, Inc (for Union Pacific Resources)	482.81	
Earle Grovatt & Assoc, Inc, 55 W. Main Street Freehold, NJ 07728	Dickinson Business School	3,000.00	1,160.00
Jack D. Early, 1155 15th St., NW, #900 Washington, DC 20005	National Agricultural Chemicals Assn	225.00	10.00
Charles H. Eaton, 1725 K St., NW, #1111 Washington, DC 20006	Eaton Associates, Inc		
Robert E. L. Eaton, 1725 K St., NW, #1111 Washington, DC 20006	Eaton Associates, Inc		
Eaton Associates, Inc, 1725 K St., NW, #1111 Washington, DC 20006			
Robert E. Ebel, 1025 Connecticut Ave., NW, #1014 Washington, DC 20036	Enserch Corporation	1,450.00	529.00
Eric D. Eberhard, 1155 Connecticut Ave., NW, #1000 Washington, DC 20036	Alaska Native Coalition		231.20
Do	Gaming Pueblos of New Mexico		
Do	Pueblo of Sandia		
Do	Sault Ste. Marie Tribe of Chippewa Indians		
Do	Shoshone Business Council	330.00	65.20
Charles J. Eby, 8408 Queen Elizabeth Blvd. Annandale, VA 22003	Hill & Knowlton, Inc (for: Monsanto)		
N. Boyd Ecker, 1100 Connecticut Ave., NW Washington, DC 20036	Mobil Oil Corp	1,500.00	38.50
Robert C. Eckhardt, 122 3rd Street, SE Washington, DC 20003	Certain Claimants Lawyers		
Do	Investment Company Institute		
Patricia K. Economos, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
William R. Edgar, 1620 Eye St., NW, #501 Washington, DC 20006	Gates Learjet Corporation		
Helen H. Edge, 700 N. Fairfax St. Alexandria, VA 22314	Railway Progress Institute	512.50	
Edison Electric Institute, 9th Floor 1111 19th St., NW Washington, DC 20036		6,699.83	80,880.42
V. Anne Edlund, 1620 Eye St., NW, #1000 Washington, DC 20006	Motor Vehicle Manufacturers Assn of the U.S., Inc		
Stephen L. Edmiston, 807 Maine Ave., SW Washington, DC 20024	Disabled American Veterans	15,464.80	225.30
Ed Edmondson, 416 Court St., P.O. Box 11 Muskogee, OK 74401-0011	Association of Oklahoma General Contractors		
Christine A. Edwards, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Dean Witter Financial Services Group	202.00	17.50
Jack Edwards, 3000 First Natonal Bank Bldg. P.O. Box 123 Mobile, AL 36601	Societe Nationale d'Etude et de Const de Moteurs d'Aviation	951.50	
Michael D. Edwards, 1201 16th Street, NW Washington, DC 20036	National Education Assn	3,422.95	47.00
William A. Edwards, 201 Massachusetts Ave., NE Washington, DC 20002	New Hampshire Yankee	5,500.00	1,246.86
Edwards Associates, 507 Second St., NE Washington, DC 20002	Confederated Tribes of Warm Springs		
Paul S. Egan, 2001 S St., NW Washington, DC 20006	American Legion		
Charles E. Ehrhart, 1101 15th St., NW, #202 Washington, DC 20005	National Assn of Margarine Manufacturers		
Jill W. Eiland, 507 Second Street, NE Washington, DC 20002	Portland General Electric Co		
Albert C. Eisenberg, 1735 New York Avenue, NW Washington, DC 20006	American Institute of Architects	9,000.00	5.00
Linda S. Eisnaugle, 225 W. 34th Street New York, NY 10001	National Commercial Finance Assn	11,500.00	1,489.00
H. J. Elam III, 1201 Maple St. Greensboro, NC 27405	Cone Mills Corp	30,000.00	9,960.71
Jane Elder, 214 N. Henry St., #203 Madison, WI 53703	Sierra Club	2,089.00	2,399.00
Timothy L. Elder, 100 N.E. Adams Street Peoriagton, IL 61629-1430	Caterpillar, Inc		
Electronic Industries Assn, 2001 Eye St., NW Washington, DC 20006		1,925.00	
Eileen Elgin, 1250 Connecticut Avenue, NW Washington, DC 20036	National Forest Products Assn	1,200.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
George K. Eliades, 7297-P Lee Highway Falls Church, VA 22042	Society of American Wood Preservers, Inc	3,000.00	1,395.00
J. Burton Eller Jr., 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Charles W. Elliott, Wisconsin Petroleum Council 25 W. Main St., #703 Madison, WI 53703	American Petroleum Institute	240.00	976.64
John Doyle Elliott, c/o McNamee, Hosea & Scott, P.A. 6305 Ivy Lane, #420 Greenbelt, MD 20770			
Christine Elliott-Groves, 600 Maryland Avenue, SW, #700 Washington, DC 20024	National Fed of Independent Business	3,401.75	340.00
J.W. Ellis, 1629 K St., NW, #1100 Washington, DC 20006	Old Republic Companies	7,800.00	
John M. Ellis, 1120 Fairfield Avenue Roseville, CA 95678	Chapter 77 FMA		1,815.00
Keith H. Ellis, 1015 18th St., NW Washington, DC 20036	Conference of State Bank Supervisors	4,028.00	200.45
Mark G. Ellis, 1920 N St., NW Washington, DC 20036	American Mining Congress		
Mark M. Ellison, French & Company 1455 Pennsylvania Ave., NW, #1260 Washington, DC 20004	Hong Kong Trade Development Council	800.00	
Emergency Committee for American Trade, 1211 Connecticut Ave., NW, #801 Washington, DC 20036		75,526.40	80,838.15
J. Terry Emerson, 3700 Maryland Street Alexandria, VA 22309	China External Trade Development Council		
Emerson Electric Co, 8000 W. Florissant St. Louis, MO 63136			1,107.75
Michael J. Emig, 1125 15th St., NW Washington, DC 20005	International Brotherhood of Electrical Workers	6,000.00	467.82
Randy Eminger, 5205 West 37th Street Amarillo, TX 79109	Southwestern Public Service Co	798.25	131.00
Irene R. Emsellem, 1800 M Street, NW Washington, DC 20036	American Bar Assn	400.00	50.00
Lowell J. Endahl, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn		
H. John Endean, 1730 K St., NW, #1200 Washington, DC 20006	American Business Conference	100.00	25.00
Energy Consumers & Producers Assn, Box 1726 Seminole, OK 74868		11,387.98	
Gary D. Engebretson, 1350 New York Ave., NW, #200 Washington, DC 20005	Contract Services Assn		121.00
Ralph Engel, 1001 Connecticut Ave., NW, #1120 Washington, DC 20036	Chemical Specialties Manufacturers Assn, Inc	58.00	16.00
Steven L. Engelberg, 1730 Pennsylvania Ave., NW, #350 Washington, DC 20006	General Instrument Corporation		28.97
John T. Engelen, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors, Inc	2,500.00	
Joseph J. English, 1010 Vermont Avenue, NW Washington, DC 20005	Stewart-Warner Corp	10,700.00	193.29
Patricia A. English, 777 14th St., NW Washington, DC 20005	National Assn of Realtors		43.46
Christopher Enguist, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Richard Engram Jr., P.O. Box 506 Merchants & Miners Bank Bldg. Welch, WV 24801			
Clinton W. Ensign, 2600 Virginia Avenue, NW, #901 Washington, DC 20037	Sinclair Oil Corporation	1,000.00	347.97
Environmental Action, 1525 New Hampshire Ave., NW Washington, DC 20036			
Cheryl Anthony Epps, 13 Firstfield Road Gaithersburg, MD 20878	International Assn of Chiefs of Police	8,250.00	372.98
Epstein Becker & Green, P.C., 1140 19th St., NW, #900 Washington, DC 20036	American Bankers Assn	20,000.00	
Do	National Cable Television Assn, Inc	22,500.00	
Do	Voluntary Hospitals of America, Inc	13,182.00	
Ingolf G. Esders, 815 16th Street, NW Washington, DC 20006	International Longshoremen's Assn, AFL-CIO	6,704.09	
Estate of W. W. Callan, 1509 East 31st Street Byran, TX 77801			
European Travel Commission, 630 Fifth Avenue New York, NY 10111			
Brock Evans, 801 Pennsylvania Avenue, SE Washington, DC 20003	National Audubon Society	4,300.00	165.00
C. Lawrence Evans Jr., 51 Louisiana Avenue, NW Washington, DC 20001	Acacia Mutual Life Insurance Co		
John R. Evans, 9208 Seven Locks Road Bethesda, MD 20817	Drexel Burnham Lambert, Inc		
Joseph O. Evans, 4401 Lee Highway, #21 Arlington, VA 22207			
Robert D. Evans, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
Dave Evans Associates, 4076 Rosamora Court Arlington, VA 22207	ACA	2,500.00	
Do	SIA	10,000.00	
Ellen E. Eves, 1600 M Street, NW, #702 Washington, DC 20036	ICI Americas, Inc		
Wayne S. Ewing, Associated Petroleum Industries of Pa P.O. Box 925 Harrisburg, PA 17108	American Petroleum Institute		
Paul K. Eyer, 122 C Street, NW, #875 Washington, DC 20001	American Osteopathic Assn	1,400.00	
EDS Corporation, 1331 Pennsylvania Ave., NW, #1300 Washington, DC 20004			2,185.50
F/P Research Associates, 1700 K St., NW, #504 Washington, DC 20006	National Cable Television Assn, Inc	500.00	
Do	Shell Oil Co		
Robert R. Fahs, 1101 15th St., NW, #205 Washington, DC 20005	Cargill, Inc	2,500.00	6.00
Leslie Fain, 400 First St., NW, #800 Washington, DC 20001	Committee for Humane Legislation	5,000.00	300.00
Dale W. Fallat, P.O. Box 119 Maumee, OH 43537	Andersons		
F. S. Fallon Jr., 3322 West Knights Avenue Tampa, FL 33611			
Peter M. Fannon, 1818 N Street, NW, #410 Washington, DC 20036	National Assn of Public Television Stations	400.00	100.00
Frank J. Farfone, 1800 M St., NW, #700 South Washington, DC 20036	Dow Chemical USA		4,875.00
Thomas B. Farley II, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	6,800.00	132.25
Farm Credit Council, 50 F Street, NW, #900 Washington, DC 20001		218,000.00	4,050.00
David M. Farmer, 1629 K Street, NW, #1010 Washington, DC 20006	Alliance of American Insurers	7,000.00	190.05
Farmers' Educational & Co-Operative Union of America, 600 Maryland Ave., SW, #202w Washington, DC 20024		191,525.00	93,251.54
John W. Farquhar, 1750 K St., NW Washington, DC 20006	Food Marketing Institute	300.00	
Dagmar T. Farr, 1750 K Street, N.w. Washington, DC 20006	Food Marketing Institute	450.00	
J. Dent Farr, 2000 M St., NW, #550 Washington, DC 20036	North American Telecommunications Assn	11,538.48	
Christopher G. Farrand, 1120 20th Street, NW, #720 Washington, DC 20036	Peabody Holding Co, Inc		100.00
Michael Farrar, 1250 Connecticut Avenue, NW Washington, DC 20036	American Paper Institute, Inc	200.00	
Joseph A. Farrell, 1600 Wilson Boulevard, #1000 Arlington, VA 22209	American Waterways Operators, Inc		
Sarah Farrell, 1730 K St., NW, #1100 Washington, DC 20006	National Treasury Employees Union	9,681.75	191.83
Jane Fawcett-Hoover, 801 18th St., NW, #400 Washington, DC 20006	Procter & Gamble Manufacturing Co	60.42	
Federal Company, 1755D Lynnfield Road, #149 Memphis, TN 38119			7,132.40
Federal Land Bank Assns of Texas Stockholders' Defense Fund, P.O. Box 1528 Jacksonville, TX 75766			5,454.07
Federation of American Controlled Shipping, 50 Broadway New York, NY 10004		1,238.30	1,238.30
Federation of American Health Systems, 1111 19th St., NW, #402 Washington, DC 20036		13,600.00	13,600.00
Federation of American Scientists, 307 Massachusetts Ave., NE Washington, DC 20002			2,742.50
Federation of Behavioral Psychological & Cognitive Sciences, 1200 17th Street, NW Washington, DC 20036		306.00	306.00
Robert Feenstra, 13545 Euclid Avenue Ontario, CA 91761	Milk Producers Council (For:Dairy Farmers for Responsible Dairy Policy)		
Donald M. Fehr, 805 Third Ave. New York, NY 10022	Major League Baseball Players Assn		
Claudia Feller, 1200 17th Street, NW Washington, DC 20036	Federation of Behavioral Psychological & Cognitive Sciences	126.00	
Kenneth E. Feltman, 1660 L Street, NW, #715 Washington, DC 20036	Employers Council on Flexible Compensation	200.00	
Randolph Fenninger, 10000 Falls Road, #300 Potomac, MD 20854	American Assn of Colleges of Osteopathic Medicine	3,000.00	
Do	American Gastroenterological Assn		
Do	American Soc for Gastrointestinal Endoscopy	800.00	
Do	American Soc of Anesthesiologists	9,276.25	
Do	American Soc of Clinical Pathologists	6,000.00	
Do	American Urological Assn/Amer Assn of Clinical Urologists	2,400.00	
Judith W. Fensterer, 242 E. 80th Street New York, NY 10021	Generic Pharmaceutical Industry Assn	398.00	62.25
Fensterwald & Alcorn, 1000 Wilson Blvd., #900 Arlington, VA 22209	Concerned Federal Railroad Administration Employees		
George F. Fenton Jr., 1920 N Street, NW Washington, DC 20036	American Mining Congress	180.00	
Edward T. Fergus, 100 Gold St. New York, NY 10292	Prudential-Bache Securities, Inc	750.00	
Betsy Ferguson, 1875 Eye St., NW, #1110 Washington, DC 20006	Times Mirror Co		
Robert J. Fersh, 1319 F St., NW, #500 Washington, DC 20004	Food Research & Action Center		
John L. Festa, 1250 Connecticut Avenue, NW Washington, DC 20036	American Paper Institute, Inc		
Fiber Fabric & Apparel Coalition for Trade, 1101 Connecticut Ave., NW, #300 Washington, DC 20036		174,700.84	392,386.18
Fred C. Fielding, 1725 Jefferson Davis Hwy, #900 Arlington, VA 22202	AM General Corporation		
C. H. Fields, 600 Maryland Ave., SW Washington, DC 20024	American Farm Bureau Federation	7,187.00	73.95
Herbert A. Fierst, 610 Ring Bldg. 1200 18th St., NW Washington, DC 20036	Council of Forest Industries of B.C., et al.	31,251.00	780.00
Marshall S. Filler, 1101 Connecticut Ave., NW, #405 Washington, DC 20036	Eastern Airlines, Inc	10,587.50	
Do	National Business Aircraft Assn	6,318.00	
Fine & Ambrogne, Exchange Place Boston, MA 02109	Smith College		
Lawrence A. Fineran, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004	National Assn of Manufacturers	125.00	
William A. Finerfrock, 1117 N. 19th Street, #300 Arlington, VA 22209	American Academy of Physician Assistants	10,000.00	40.00
Matthew P. Fink, 1600 M St., NW Washington, DC 20036	Investment Company Institute	109.89	
Nelson L. Fink, 378 Valley Oak Court Waldorf, MD 20601	Air Force Sergeants Assn, Inc		
Finley Kumble Wagner Heine Underberg Manley Myerson & Casey, 1140 Connecticut Ave., NW, #400 Washington, DC 20036	American College of Neuropsychopharmacology	905.00	
Do	American Protestant Health Assn	1,614.17	
Do	Ashland Oil, Inc	1,400.00	
Do	Asociacion de Empresas RENFE/Patentes TALGO, S.A.	3,187.00	
Do	Association of British Insurers		
Do	AVW Electronic Systems, Inc	1,149.91	
Do	Carribean Tubular Co, Inc		
Do	City of Inglewood		
Do	City of Oakland	951.00	
Do	Committee on Problems of Drug Dependence, Inc	730.00	
Do	First United Bank		
Do	Giant Food, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Golden Nugget, Inc		
Do	Government of Antigua & Barbuda		
Do	Group Hospitalization & Medical Services, Inc		
Do	Home Group, Inc	200.00	
Do	Hospital Insurance Forum	10,000.00	
Do	IBM Corp		
Do	Loyola University		
Do	Lutheran Health Systems	283.33	
Do	Mutual Protection Trust Cooperative of American Physicians	1,040.00	
Do	New Orleans Cold Storage & Warehouse Co, Ltd		
Do	Nordisk-USA		
Do	Norfolk Southern Corp		
Do	Occidental Petroleum Corp		
Do	Pennington Biomedical Complex Foundation	190.00	
Do	Pharmaceutical Manufacturers Assn		
Do	Population Crisis Committee		
Do	Puerto Rico Department of Health	7,000.00	
Do	Puerto Rico Hospital Assn	6,000.00	
Do	PTAT System, Inc		
Do	Southwest Organ Bank, Inc		
Do	Syncor Int'l Corp/Nat'l Assn of Nuclear Pharmacies	3,309.80	
Do	TechAmerica Group, Inc		
Do	Toyota Motor Manufacturing, USA	1,608.00	
Do	TRT Telecommunications Corp		
Do	U.S. Telephone Assn		
Stephen A. Finn, P.O. Box 520783 - General Mail Facility Miami, FL 33152	Burger King Corp		
Thomas D. Finnigan, 1100 15th Street, NW, 12th Fl. Washington, DC 20005	Union Carbide Corp		
M. J. Fiocco, 1090 Vermont Ave., NW, #410 Washington, DC 20005	National Industrial Transportation League	5,000.00	44.25
First National Bank of Boston, 100 Federal St. Boston, MA 02110			17,631.83
Richard L. Fischer, 1615 M St., NW, #200 Washington, DC 20036	Amoco Corporation		
Deborah A. Fischione, 2000 Pennsylvania Ave., NW, #6200 Washington, DC 20006	Chicago Mercantile Exchange		
Carlton W. Fish, P.O. Box 35106 Minneapolis, MN 55435	American Collectors Assn	1,000.00	520.61
Donald W. Fisher, 3814 Ivanhoe Lane Alexandria, VA 22310	American Group Practice Assn, Inc		
Janet S. Fisher, 1333 New Hampshire Avenue, NW Washington, DC 20036	Atlantic Richfield Co		
William P. Fisher, 311 First Street, NW Washington, DC 20001	National Restaurant Assn		
Fisher Wayland Cooper & Leader, 1255 23rd Street, NW, #800 Washington, DC 20037-1125	International Communications Assn	2,000.00	400.00
Patrick E. Fitch, 1755 Jefferson Davis Highway, #900 Arlington, VA 22202	Gould, Inc	2,325.00	2,004.59
Thomas H. Fitzpatrick, Connecticut Petroleum Council 410 Asylum Street Hartford, CT 06103	American Petroleum Institute	50.00	42.96
Richard S. Fitzsimmons, 1025 Connecticut Ave., NW, #415 Washington, DC 20036	American Insurance Assn	255.00	150.00
Alan M. Fitzwater, 3800 Continental Plaza 777 Main Street Fort Worth, TX 76102	Burlington Northern Railroad	22,500.00	2,379.16
Hilliard J. Fjord, 602 Main St., #600 Cincinnati, OH 45202	Ohio River Co	3,000.00	698.06
Susan G. Flack, 1320 19th St., NW, #400 Washington, DC 20036	Flack, Inc (For:Spiegel, Inc)	300.00	58.00
Daniel V. Flanagan Jr., 12 Third Street, NE Washington, DC 20002	Virginia Power		
James J. Flanagan, 25 Research Dr. Westborough, MA 01581	New England Power Service Co	1,035.00	138.95
Fleishman-Hillard, Inc, 1225 Connecticut Ave., NW, #303 Washington, DC 20036	Home Satellite Services		34,527.32
Do	Pathology Practice Assn		27,261.98
Do	Syva Company		25,303.47
Jonathan W. Fleming, 1225 I St., NW, #950 Washington, DC 20005	American Electronics Assn	2,000.00	
Michael Fleming, 1300 17th St., #1010 Arlington, VA 22209	American Assn of Equipment Lessors		
Terry P. Fleming, Ohio Petroleum Council 88 E. Broad St., #1960 Columbus, OH 43215	American Petroleum Institute	3,000.00	1,238.07
Fletcher Heald & Hildreth, 1225 Connecticut Ave., NW, #400 Washington, DC 20036	Wheat Gluten Industry Council, et al.		81.95
Ruth Flower, 245 Second Street, NE Washington, DC 20002	Friends Committee on National Legislation	4,450.53	
John J. Flynn, 1125 17th Street, NW Washington, DC 20036	International Union of Operating Engineers	7,500.00	100.00
David H. Foerster, 1201 16th St., NW Washington, DC 20036	National Education Assn		
Joseph P. Foley, 206 G St., NE, #201 Washington, DC 20002	Artel Communications Corp		
Do	Couwenberg & Heene		
Do	Gray's Family Department Stores		
Do	Poly Phaser Corp		
Do	Shelson International		
Foley & Lardner, 1775 Pennsylvania Ave., NW Washington, DC 20006-4680	City of Kenosha, Wisconsin	565.00	16.65
Do	Dimensions, Inc	500.00	18.35
Do	G. Heilman Brewing Co, Inc		117.77
Do	Holland Sweetener Co, VOF		
Do	Kohlberg Kravis Roberts & Co	500.00	
Do	Paper Machine Cloth Group	2,290.00	104.22
Gary L. Fontana, Thelen Marrin Johnson & Bridges 2 Embarcadero Center San Francisco, CA 94111	Hawaiian Electric Co, Inc	675.00	9.65
Do	Thermal Power Co	157.50	
Food & Allied Service Trades Dept, AFL-CIO, 815 16th Street, NW, #408 Washington, DC 20006		14,168.00	14,168.00
Food Marketing Institute, 1750 K St., NW Washington, DC 20006			5,367.46
Foodservice & Lodging Institute, 1025 Connecticut Ave., NW Washington, DC 20036			
Foodservice & Packaging Institute, Inc, 1025 Connecticut Ave., NW Washington, DC 20036			
James E. Ford, 1333 New Hampshire Avenue, NW Washington, DC 20036	Atlantic Richfield Co	100.00	
Donald D. Foreman, 200 E. Randolph Dr. Chicago, IL 60601	Amoco Corporation		
Foreman & Heidepriem, 1751 N Street, NW, #301 Washington, DC 20036	Audio Recording Rights Coalition		
Do	Coalition to Protect the Integrity of American Trademarks		
Do	Greene O'Reilly Agnew & Broillet		
Do	Olsson Frank & Weeda, P.C.	5,655.00	108.25
Mark A. Forman, 345 Park Ave., 31st Fl New York, NY 10154	Union Pacific Corp	625.00	
Sallie H. Forman, 1825 K Street, NW, #807 Washington, DC 20006	National Broadcasting Co, Inc	1,200.00	123.27
Larry Forrester, 3707 Woodview Trace P.O. Box 68700 Indianapolis, IN 46268	National Assn of Mutual Insurance Cos		
Maria Foscarinis, 1439 Rhode Island Avenue, NW Washington, DC 20005	National Coalition for the Homeless	625.00	
Bruce Foster, 1111 19th Street, NW, #303 Washington, DC 20036	Southern California Edison Co	2,940.00	1,500.00
Nancy E. Foster, 600 Maryland Ave., SW, #510 Washington, DC 20024	American Soybean Association		
Stacie Foster, 1100 15th St., NW, #700 Washington, DC 20005	Sonat, Inc		
Conrad M. Fowler, Box 71 West Point, GA 31833	West Point Pepperell	8,364.00	4,468.00
Fox Group, USA Ltd, P.O. Box 1831 Charleston, SC 29402	Camp Carmouche Barsh... (for Sears Roebuck & Co), et al.	10,000.00	
Donald Fraher, 633 E Street, NW Washington, DC 20004	American Symphony Orchestra League	10,159.26	608.87
John R. Frahm, 1101 15th Street, NW Washington, DC 20005	Minnesota Mining & Manufacturing Co	3,000.00	
Douglas L. Francisco, 1101 16th St., NW Washington, DC 20036	Independent Petroleum Assn of America		80.00
Richard L. Frank, 1029 Vermont Ave., NW, #400 Washington, DC 20005	Olsson Frank & Weeda (For:Ad Hoc Pizza Standard Rulemaking Group)	6,960.00	
David C. Frankil, 918 16th Street, NW, #402 Washington, DC 20006	American Furniture Manufacturers Assn	750.00	490.71
Walter L. Frankland Jr., 1717 K St., NW Washington, DC 20006	Silver Users Assn, Inc	1,654.50	51.79
Ellis B. Franklin, 5025 Wisconsin Ave., NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
James R. Franklin, 1185 Avenue of the Americas New York, NY 10036	J. P. Stevens & Co, Inc		4,431.25
Sally Narey Frans, 385 Washington Street St. Paul, MN 55102	St. Paul Fire & Marine Insurance Co	15,270.00	
John B. Franz, P.O. Box 10568 Pompano Beach, FL 33061			
Marian C. Franz, 2121 Decatur Place, NW Washington, DC 20008	National Campaign for a Peace Tax Fund	825.00	576.00
Susan C. Frary, 1133 19th St., NW Washington, DC 20036	MCI Communication Corp	666.00	28.00
Charles L. Frazier, 475 L'Enfant Plaza, SW, #2250 Washington, DC 20024	National Farmers Organization	5,083.33	2,653.56
Fran Frazier, 1730 K Street, NW, #703 Washington, DC 20006	American Business Conference	100.00	58.60
Robert M. Frederick, 1616 H St., NW Washington, DC 20006	National Grange	6,000.00	
Ann Todd Free, 1120 Connecticut Avenue, NW Washington, DC 20036	American Bankers Assn	500.00	
Free the Eagle, 11244 Waples Mill Rd., Suite J Fairfax, VA 22030		68,800.00	231,526.06
Joel Freedman, 1600 M St., NW, 5th Floor Washington, DC 20036	Hartford Fire Insurance Co	5,000.00	
James O. Freeman, 50 E Street, SE Washington, DC 20003	U.S. League of Savings Institutions	6,250.00	
Paula D. Freer, 818 Connecticut Avenue, NW, #900 Washington, DC 20006	Marathon Oil Co		39.00
Ronna Freiberg, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Budd Company)		
Do	Hill & Knowlton, Inc (For:Fleischmann's Yeast)		
Do	Hill & Knowlton, Inc (For:Republic of Turkey)		
Do	Hill & Knowlton, Inc (For:Shaklee Corporation)		
Do	Hill & Knowlton, Inc (For:Societe Generale thru SGS North America, Inc)		
Do	Hill & Knowlton, Inc (For:Stroh Brewery Co)		
Do	Hill & Knowlton, Inc (For:Title Insurance Industry Coalition)	400.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Hill & Knowlton, Inc (For:United Airlines, Inc)	800.00	
Joyce Gross Freiwald, P.O. Box 85608 San Diego, CA 92138	GA Technologies, Inc	3,400.00	541.24
Verrick O. French, French & Company 1455 Pennsylvania Ave., NW, #1260 Washington, DC 20004	Hong Kong Trade Development Council	3,100.00	
French & Company, 1455 Pennsylvania Ave., NW, #1260 Washington, DC 20004	Artery Organization, Inc	195.00	
Do	International Electronics Mfgrs & Consumers of America, Inc	175.00	
Do	Montgomery Ward & Co, Inc	1,500.00	
Do	Wheels, Inc	225.00	
Annette P. Fribourg, 3900 Wisconsin Ave., NW Washington, DC 20016	Federal National Mortgage Assn	22,250.00	1,502.27
Fried Frank Harris Shriver & Jacobson, 1001 Pennsylvania Ave., NW, #800 Washington, DC 20004	American Indian National Bank		
Do	Bristol Bay Native Corp		46.89
Do	Doyon, Limited		
Do	General Electric Co	810.00	11.50
Do	Lonza, Inc	717.50	30.00
Do	Miccosukee Tribe of Indians of Florida		
Do	Pueblo of Laguna		
Do	Shoshone Tribe of the Wind River Reservation		
Philip P. Friedlander Jr., 1250 Eye Street, NW, #400 Washington, DC 20005	National Tire Dealers & Retreaders Assn	500.00	
James M. Friedman, 1100 Citizens Bldg. Cleveland, OH 44114	Cleveland Electric Illuminating Co	29,915.00	716.75
Do	Coalition for Environmental-Energy Balance	6,898.00	
Friends of the Columbia Gorge, 519 SW Third Ave., #810 Portland, OR 97204			
Friends Committee on National Legislation, 245 2nd St., NE Washington, DC 20002			32,850.84
Susan T. Fritschler, 1111 19th Street, NW Washington, DC 20036	Edison Electric Institute	3,150.78	498.40
William D. Fritts Jr., 1025 Connecticut Ave., NW Washington, DC 20036	Health Insurance Assn of America, Inc		
Charles H. Fritzel, 499 S. Capitol St., SW, #401 Washington, DC 20003	National Assn of Independent Insurers	400.00	420.00
Jeffrey Fritzlen, 1120 20th Street, NW, #600-S Washington, DC 20036	Union Pacific Corp	2,000.00	
Catherine J. Frompovich, P.O. Box B-12 Richlandtown, PA 18955	Coalition for Alternatives in Nutrition & Healthcare, Inc		
Marcy Masters Frosh, 2030 M Street, NW Washington, DC 20036	Common Cause	6,473.17	24.00
Don Fuqua, 1725 DeSales Street, NW Washington, DC 20036	Aerospace Industries Assn of America, Inc	2,500.00	138.59
Claudia R. Fuquay, 727 North Washington Street Alexandria, VA 22314	United Fresh Fruit & Vegetable Assn	2,919.00	688.74
David H. Fyock, 600 Maryland Ave., SW, #520 Washington, DC 20024	GPU Service Corporation	4,320.00	878.60
FARO-AIDS Action Council, Inc, 729 8th Street, SE, #200 Washington, DC 20003		122,963.89	100,690.98
James E. Gaffigan, 1133 21st Street, NW Washington, DC 20036	Travel & Tourism Government Affairs Council	2,000.00	
Leslie Gainer, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group	553.85	
Norman S. Gaines, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	2,200.00	
Joe H. Galis, D.C. 1, 19000 SW 377 St. Florida City, FL 33034			
Karl Gallant, 8001 Braddock Road Springfield, VA 22160	National Right to Work Committee	3,300.00	322.89
Mark Gallant, 1250 Connecticut Avenue, NW Washington, DC 20036	National Forest Products Assn	1,600.00	
Cheryl Gannon, 1750 New York Ave., NW Washington, DC 20006	International Assn of Fire Fighters	6,754.54	
Curtis B. Gans, 421 New Jersey Avenue, SE Washington, DC 20003	Committee for the Study of the American Electorate	52,010.00	600.00
Nicole Gara, 1117 North 19th Street, NW, #300 Arlington, VA 22209	American Academy of Physician Assistants		
Harry D. Garber, 787 7th Avenue New York, NY 10019	Equitable Life Assurance Society of the U.S.	800.00	5.00
Isabella Garcia, 1201 16th St., NW, #624 Washington, DC 20036	National Education Assn	2,095.25	181.00
Raymond Garcia, 1745 Jefferson Davis Highway, #1200 Arlington, VA 22202	Rockwell International Corp	3,000.00	89.95
Shelley Ann Gardner, 20 Black Oak Mews Newtown, PA 18940	Philadelphia Maritime Exchange		
Do	PJDM Electrical Alliance		
Sherwin Gardner, 1010 Wisconsin Ave., NW, #800 Washington, DC 20007	Grocery Manufacturers of America, Inc		
Gardner Carton & Douglas, 1001 Pennsylvania Ave, NW, #750 Washington, DC 20004	Alamo Rent-A-Car, Inc	5,125.00	91.73
Do	Andrew Corp	5,900.00	21.70
Do	BP North America, Inc	2,877.50	325.33
Do	Midcon Corp		
Nancy Garland, 1505 Prince Street, #300 Alexandria, VA 22314	American Optometric Assn		
Mary Leslie Garmon, 1010 Massachusetts Avenue, NW Washington, DC 20001	National Food Brokers Assn		
Garrett & Company, 1630 Connecticut Avenue, NW, #202 Washington, DC 20009	Taiwan Power Company	3,000.00	4,500.00
John C. Gartland, 7575 E. Fulton Road Ada, MI 49355	Amway Corp		
Ann Lakin Garver, 1101 Connecticut Ave., NW, #300 Washington, DC 20036	American Textile Manufacturers Institute, Inc	40.00	50.00
Garvey Schubert & Barer, 1000 Potomac St., NW Washington, DC 20006	Aerolift, Inc	11,250.00	
Do	Greenbriar Leasing	1,518.75	
Do	Northwest Industrial Gas Users	2,059.50	
Do	Northwest Marine Iron Works	19,125.00	
Do	Port of Bellingham	8,480.00	
Do	Riedel International	21,849.37	
Do	Space Industries, Inc	7,093.12	
Do	Totem Ocean Trailer Express, Inc	12,000.00	
Gas Appliance Manufacturers Assn, Inc, 1901 North Moore Street Arlington, VA 22209			
Vernon Gasaway, 191 Sands Street, Apt. 5j Brooklyn, NY 11201			
Frank T. Gasper, 8104 River Falls Drive Potomac, MD 20854	Moog, Inc		
Philip Gasteyer, 1709 New York Ave., NW, #801 Washington, DC 20006	U.S. League of Savings Institutions	8,000.00	
Bruce A. Gates, 201 Park Washington Court Falls Church, VA 22046	National-American Wholesale Grocers' Assn	3,000.00	
Fred Gebler, 1331 Pennsylvania Ave., NW, #1300 Washington, DC 20004	Electronic Data Systems Corp	320.00	468.27
Fred Gehringer, P.O. Box 1002 Chino, CA 91710			
Ruthann Geib, 1156 15th Street, NW, #1020 Washington, DC 20005	American Sugarbeet Growers Assn		
Ronald L. Geigle, 1030 15th Street, NW, #1100 Washington, DC 20005	Health Industry Manufacturers Assn		
Michael S. Gelacak, 12141 Holly Knoll Circle Great Falls, VA 22066	Hill & Knowlton, Inc (for: Republic of Turkey)		
Do	Hill & Knowlton, Inc (for: Title Insurance Ind. Coalition)		
Robert C. Gelardi, 5775 Peachtree-Dunwoody Rd., #500-D Atlanta, GA 30342	Robert H. Kellen Co (For:Calorie Control Council)	360.00	
Do	Robert H. Kellen Company (For:Infant Formula Council)		
Morton A. Geller, 100 Federal St. Boston, MA 02110	First National Bank of Boston	150.00	107.58
Jose A. Gemeil, 1725 DeSales Street, NW, #804 Washington, DC 20036	Samuel E. Stavisky & Associates, Inc (For:Federacion Nacional de Cafeteros de Colombia).	100.00	25.00
General Aviation Manufacturers Association, 1400 K Street, NW, #801 Washington, DC 20005			10,331.00
Generic Pharmaceutical Industry Assn, 200 Madison Ave., #2404 New York, NY 10016		53,667.64	53,667.64
Diane Generous, 606 North Washington Street Alexandria, VA 22314	American Soc for Personnel Administration		
Cheryl K. Genevie, 1120 G St., NW, #800 Washington, DC 20005	Alliance for Rail Competition	2,895.49	140.51
John Gentille, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Nancy Whorton George, 499 South Capitol Street, SW, #407 Washington, DC 20003	Enron Corp	1,000.00	
Do	Transco, Inc	2,000.00	
Geothermal Resources Assn, P.O. Box 598 Davis, CA 95617-0598			
George W. Gephart, P.O. Box 1475 Baltimore, MD 21203	Baltimore Gas & Electric Co	161.77	411.39
Joseph G. Gerard, 918 16th St., NW, #402 Washington, DC 20006	American Furniture Manufacturers Assn	1,500.00	1,124.23
Louis Gerber, 1925 K St., NW Washington, DC 20006	Communications Workers of America	6,927.09	142.03
Phyllis H. Gerstell, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc	1,500.00	
Alvin J. Geske, 2300 N Street, NW, #600 Washington, DC 20037	Renewable Fuels Assn		
Danny Ghorbani, 10506 Cavalcade Street Great Falls, VA 22066	Association for Regulatory Reform	4,950.00	899.00
William C. Gibb, 1050 Thomas Jefferson St., NW, 6th Fl Washington, DC 20007			
William T. Gibb, 1001 Pennsylvania Ave., NW9 Washington, DC 20004	American Council of Life Insurance, Inc	2,000.00	
Wayne Gibbens, 1919 Pennsylvania Ave., NW, #503 Washington, DC 20006	Mid-Continent Oil & Gas Assn	21,000.00	597.00
Anne Marie Gibbons, Third Floor 2301 M Street, NW Washington, DC 20037	American Public Power Assn	1,500.00	
Gibson Dunn & Crutcher, 1050 Connecticut Ave., NW, #900 Washington, DC 20036	Merrill Lynch Bank & Trust Co	5,210.75	967.10
Do	Prudential Bank & Trust Co	5,370.25	1,096.52
William G. Giery, 1919 Pennsylvania Ave., NW Washington, DC 20006	Foodservice & Lodging Institute		
William L. Gifford, 100 Interpace Parkway Parsippany, NJ 07054	GPU Service Corp		
Lucie Kristie Gikovich, 444 North Capitol St., #718 Washington, DC 20001	Pacific Telesis Group	15,450.00	
Pamela Gilbert, 215 Pennsylvania Avenue, SE Washington, DC 20003	U.S. Public Interest Research Group	4,407.66	
Richard Gilbert, 1015 15th Street, NW Washington, DC 20005	American Public Health Assn	1,222.00	
Michael Gildea, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	16,174.34	30.00
John E. Giles, 1600 Eye St., NW Washington, DC 20006	Motion Picture Assn of America, Inc	750.00	391.25
Mary Ann Gilleece, 1713 Maple Hill Place Alexandria, VA 22302	Allied Defense Industries	200.00	
Do	Astra Holdings Corp	200.00	
Do	IPAC, Inc	200.00	
Daniel F. Gilligan, 1015 15th St., NW, #1240 Washington, DC 20005	National Manufactured Housing Federation	1,000.00	25.00
C. Michael Gilliland, 1025 Connecticut Ave., NW, #415 Washington, DC 20036	American Insurance Assn		
Maureen Gilman, 1730 K Street, NW, #1100 Washington, DC 20006	National Treasury Employees Union	12,000.00	113.50
Ginn Edington Moore & Wade, 803 Prince Street Alexandria, VA 22314	Allied-Signal, Inc	6,300.00	31.33

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	American League for Exports & Security Assistance, Inc		
Do	American Polygraph Assn	18,000.00	94.00
Do	Astroline Communications Co	5,000.00	23.50
Do	Gulfstream Aerospace Corp		
Do	Lockheed Corporation		
Do	Lockheed-Georgia Co	7,500.00	39.16
Do	Mechanical Technology, Inc	6,546.00	31.33
Do	Oglethorpe Power Corp	3,125.00	15.66
Do	Rockwell International Corp	13,500.00	70.50
Do	Texas Instruments, Inc	9,750.00	50.91
Do	Turner Broadcasting System, Inc		
Do	U.S. Cane Sugar Refiners' Assn	3,000.00	19.58
Do	Watkins Associated Industries, Inc		
Gerard Giovaniello, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	2,500.00	491.72
Brenda M. Girton, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Sears Roebuck & Co	400.00	
Francis J. Gist, 1511 K Street, NW, #809 Washington, DC 20005			
Michael J. Giuffrida, 204 E Street, NE Washington, DC 20002	National Frozen Food Association	2,000.00	
Donna Siss Gleason, 2000 L Street, NW, #810 Washington, DC 20036	Unisys Corp		
Law Offices of Thos Gleason, 26 Broadway, 17th Floor New York, NY 10004	International Longshoremen's Assn, AFL-CIO		
Robert E. Gleason, 815 16th Street, NW Washington, DC 20006	International Longshoremen's Assn, AFL-CIO	8,958.65	27.00
Donald R. Glenn, 1627 K Street, NW, #200 Washington, DC 20006	Energy Research Corp		
Sara B. Glenn, 1100 Connecticut Ave., NW Washington, DC 20036	Mobil Oil Corp	1,125.00	
Raymond A. Glennon, 1730 Pennsylvania Avenue, NW, #265 Washington, DC 20006	Air Products & Chemicals, Inc	1,800.00	37.00
Global USA, Inc, Global House 1823 Jefferson Place, NW Washington, DC 20036	All Nippon Airways Co, Ltd		
Do	Embassy of the Republic of Korea	25.00	
Do	Fanuc Ltd		
Do	Hitachi Ltd	108.00	
Do	Japan Fed of Construction Contractors, Inc	108.00	
Do	Komatsu Ltd		
Do	Korea Soc for the Advancement of Machine Industry (KOSAMI)	25.00	
Do	Kyocera Corporation		
Do	Mazak Corporation		
Do	Samsung Semiconductor & Telecommunication Co		
Do	Teco Transport & Trade Corp	113.00	
God Family & Country, P.O. Box 777 Harrison, TN 37341		3,396.00	3,446.03
Stephanie R. Godley, 2500 Wilson Blvd. #301 Arlington, VA 22201	American Apparel Manufacturers Assn, Inc	1,000.00	50.00
James W. Godlove, 1825 K Street, NW, #1107 Washington, DC 20006	Phillips Petroleum Co	1,050.00	124.27
Judith M. Goff, 375 Jackson Street St. Paul, MN 55101	Farm Credit Services	600.00	921.72
Joseph Goffman, 1616 P Street, NW, #150 Washington, DC 20036	Environmental Defense Fund	9,500.00	
Do	Public Citizen, Inc	1,500.00	
A. James Golato, 2300 M St., NW, #800 Washington, DC 20037	H&R Block, Inc		
Harvey S. Gold, 8100 Oak Street Dunn Loring, VA 22027	National Pest Control Assn		
Gold & Liebengood, Inc, The Willard Office Building 1455 Pennsylvania Avenue, NW, #950 Washington, DC 20004	Aerojet Ordnance Co	655.00	1,698.00
Do	American Academy of Ophthalmology	4,987.00	1,801.00
Do	American Medical Assn	13,000.00	2,003.00
Do	Baretta USA Corp	2,400.00	1,657.00
Do	Camp Barsh Bates & Tate	4,690.00	1,719.00
Do	Chemical Manufacturers Assn, Inc	140.00	1,684.00
Do	College of American Pathologists	5,000.00	2,003.00
Do	Electronic Data Systems Corp	8,333.00	2,003.00
Do	Energy Research Corp	12,600.00	2,003.00
Do	Equitable Life Assurance Society of the U.S		2,003.00
Do	Eye Bank Assn of America	3,559.00	1,925.00
Do	Federal Express Corp	2,875.00	2,003.00
Do	Federated Investors, Inc	12,500.00	2,003.00
Do	Fiat, USA	38,593.00	2,003.00
Do	Ford Motor Co		
Do	Investment Company Institute	231.00	1,628.00
Do	Martin Marietta Corp	2,250.00	1,617.00
Do	MCI Communications	7,800.00	2,003.00
Do	National Assn of Homes for Children	2,250.00	1,817.00
Do	National Football League	1,635.00	2,003.00
Do	National Restaurant Assn	7,500.00	2,003.00
Do	National School Transportation Assn	6,000.00	2,003.00
Do	Outdoor Advertising Assn of America, Inc	363.00	2,003.00
Do	Patrician Mortgage Co	6,000.00	1,914.00
Do	Phillips Petroleum Co	7,500.00	2,003.00
Do	Public Securities Assn	11,820.00	2,003.00
Do	Ricoh Corp		2,003.00
Do	Texas Cattlefeeders Assn	1,056.00	1,847.00
Do	Ticor Title Insurance Co	11,406.00	2,003.00
Do	Times Mirror Co	5,168.00	2,003.00
Do	Tobacco Institute	40,000.00	2,003.00
Do	Washington Metropolitan Area Transit Authority	13,500.00	1,603.00
Goldberg & Spector, 1229 19th St., NW Washington, DC 20036	Pan American Satellite Corp	890.00	15.00
Ronald L. Goldfarb, Goldfarb & Singer 918 16th Street, NW, #503 Washington, DC 20003	Washington Independent Writers, Inc		
H.P. Goldfield, 3000 K St., NW, #300 Washington, DC 20007	Swidler & Berlin (For:Ferroalloys Association)		
Do	Swidler & Berlin (For:Majestic Shipping Services Corp)		3,325.00
Goldman Sachs & Co, 1825 Eye St., NW, #450 Washington, DC 20006			950.00
Robert H. Goldsborough, 5508 Lombardy Place Baltimore, MD 21210	Americans for Immigration Control, Inc	6,300.00	
Benson S. Goldstein, 1010 North Fairfax Street Alexandria, VA 22314	National Soc of Public Accountants		
John Gonella, 50 F Street, NW, Washington, DC 20001-1564	Association of American Railroads	881.88	32.50
Ruth Gonze, Third Floor 2301 M Street, NW Washington, DC 20037	American Public Power Assn	2,000.00	
David R. Goode, 8 N. Jefferson Street Roanoke, VA 24042	Norfolk Southern Corp		
Craig G. Goodman, 1101 16th St., NW Washington, DC 20036	Independent Petroleum Assn of America		60.00
Richard F. Goodstein, 1150 Connecticut Avenue, NW, #600 Washington, DC 20036	Browning-Ferris Industries, Inc	382.50	133.39
Lee M. Goodwin, Wickwire Gavin & Gibbs, P.C. 1133 21st Street, NW Washington, DC 20036	National Hydropower Assn		
Robert F. Goodwin, 1850 K St., NW, Suite 275 Washington, DC 20006	Meredith Corp	40.00	22.00
John Gordley, 201 Massachusetts Ave., NE, C-5 Washington, DC 20002	Hill & Knowlton, Inc (For:Evans Grain Co)		
Do	Evans Grain Co	1,500.00	8.30
Do	Hill & Knowlton, Inc (For:Fleishmann)		
Do	Hill & Knowlton, Inc (For:Iowa Pork Producers Assn)		
Do	Hill & Knowlton, Inc (For:Monsanto Co)		
Do	Hill & Knowlton, Inc (For:National Sunflower Assn)		
Do	National Sunflower Assn	5,500.00	133.51
Do	Hill & Knowlton, Inc (For:Nebraska Wheat Board)		
Do	Renewable Fuels Assn	3,500.00	
Do	Hill & Knowlton, Inc (For:Societe Generale thru SGS North America, Inc)		
Randall C. Gordon, 725 15th Street, NW Washington, DC 20005	National Grain & Feed Assn		
William Gordon, 1515 Wilson Boulevard Arlington, VA 22209	American Gas Assn	2,700.00	480.02
Brenda J. Gore, 1000 Wilson Blvd., 2600 Arlington, VA 22209	TRW, Inc	105.00	
Millicent Gorham, 1505 Prince Street, #300 Alexandria, VA 22314	American Optometric Assn		
David W. Gorman, 807 Maine Avenue, SW Washington, DC 20024	Disabled American Veterans	13,992.20	172.50
James D. Gormley, 1400 K Street, NW, #801 Washington, DC 20005	General Aviation Manufacturers Association	2,100.00	
Barbara W. Gothard, P.O. Box 520783-GMF Miami, FL 33152	Burger King Corp		
Gould, Inc, 1755 Jefferson Davis Highway, #900 Arlington, VA 22202			8,479.21
Government Strategies, Inc, 1518 Walnut Street, #1600 Philadelphia, PA 19102	Lukens, Inc	13,825.00	6,397.00
Emerson F. Gower Jr., 411 Fayetteville St. Mall, #1925 Raleigh, NC 27601	Carolina Power & Light Co	972.00	810.00
Edmund Graber, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America	2,000.00	500.00
John R. Graff, 4230 King Street Alexandria, VA 22302	International Assn of Amusement Parks & Attractions	90.00	33.49
Rick Grafmeyer, 1133 19th Street, NW Washington, DC 20036	MCI Communications Corp	2,000.00	
Elaine Z. Graham, 311 First Street, NW Washington, DC 20001	National Restaurant Assn		
Lawrence T. Graham, 1401 New York Avenue, NW, #400 Washington, DC 20005	National Food Processors Assn	500.00	100.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
John K. Gram, 610 S.W. Broadway, #608 Portland, OR 97205	Public Timber Purchasers Group	1,781.25	364.00
Frances Turk Granahan, 1090 Vermont Avenue, NW, #600 Washington, DC 20005	Texas Eastern Transmission Corp		213.81
Grange Mutual Casualty Co, 650 South Front Street Columbus, OH 43206			
James I. Granger, 1911 Jefferson Davis Highway, #1002 Arlington, VA 22206	GEC Astronics Corp	500.00	225.00
James L. Granum, 1050 Connecticut Ave., NW Washington, DC 20036	Norfolk Southern Corp	1,000.00	
Grassroots, Nat'l Assn of Farm Credit System Stockholders, 501 Alabama Street P.O. Box 1070 Jacksonville, TX 75766		590.67	590.67
Karla L. Graue, 1724 Massachusetts Avenue, NW Washington, DC 20036	National Cable Television Assn, Inc	1,040.00	
Ruth P. Graves, 600 Maryland Ave., SW, #500 Washington, DC 20024	Reading Is Fundamental, Inc		
David C. Gray, 3728 Kanawha Street, NW, Washington, DC 20015	American Camping Association	4,740.00	814.26
Do	Portsmouth-Kittery Armed Services Committee, Inc	3,600.00	1,898.64
James A. Gray, 7901 Westpark Dr. Mclean, VA 22102	National Machine Tool Builders' Assn		
Robert K. Gray, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Bell Atlantic Management Services)		
Do	Hill & Knowlton, Inc (For:Borg-Warner Corp)		
Do	Hill & Knowlton, Inc (For:Budd Company)		
Do	Hill & Knowlton, Inc		
Do	Hill & Knowlton, Inc (For:HTB Corporation)		
Do	Hill & Knowlton, Inc (For:Mutual of Omaha)		
Do	Hill & Knowlton, Inc (For:Republic of Turkey)		
Do	Hill & Knowlton, Inc (For:Seminole Indian Tribe of Florida)		
Do	Hill & Knowlton, Inc (For:Shaklee Corporation)		
Do	Hill & Knowlton, Inc (For:Societe Generale thru SGS North America, Inc)		
Do	Hill & Knowlton, Inc (For:Stroh Brewery Co)		
Do	Hill & Knowlton, Inc (For:Tesoro Petroleum Corp)		
Do	Hill & Knowlton, Inc (For:Title Insurance Industry Coalition)		
Do	Hill & Knowlton, Inc (For:Tobacco Institute)		
Do	Hill & Knowlton, Inc (For:U.S. Banknote Corp)		
Do	Hill & Knowlton, Inc (For:United Airlines, Inc)		
Do	Hill & Knowlton, Inc (For:Waterman Steamship Corp)		
William T. Gray III, 5210 Banks Place, NE Washington, DC 20019			
Mary R. Grealy, 1111 19th Street, NW, #402 Washington, DC 20036	Federation of American Health Systems	1,500.00	
Great American Reserve Insurance Co, 2020 Live Oak P.O. Box 388 Dallas, TX 75221			
Greater Wash/MD Service Station & Automotive Repair Assn, 9420 Annapolis Rd., #307 Lanham, MD 20706		500.00	500.00
James R. Greco, P.O. Box 3151 Houston, TX 77001	Browning-Ferris Industries, Inc		
Donald R. Greeley, 1101 17th St., NW, #307 Washington, DC 20036	Hoechst Celanese Corp	3,000.00	227.08
Edward M. Green, 1920 N St., NW Washington, DC 20036	American Mining Congress		
George R. Green, 1750 K St., NW Washington, DC 20006	Food Marketing Institute	450.00	
John K. Green, 800 American Charter Center 1623 Farnam St. Omaha, NB 68102-2130	Papillion-Lavista School District	2,769.00	23.38
Micah S. Green, 1000 Vermont Ave., NW, #800 Washington, DC 20005	Public Securities Assn	12,500.00	1,910.41
H. Thomas Greene, 412 1st St., SE Washington, DC 20003	National Automobile Dealers Assn	8,000.00	
Robert Greenstein, 236 Massachusetts Ave, NE, #305 Washington, DC 20002	Center on Budget & Policy Priorities	926.64	207.97
Sarah Massengale Gregg, 1667 K Street, NW, #710 Washington, DC 20006	Baxter Travenol Laboratories, Inc		
Saunders Gregg, PO Box 2628 Houston, TX 77252	Entex, Inc		
John D. Gregory, P.O. Box 12458 Columbia, SC 29211	Norfolk Southern Corp		
William G. Greif, 1155 15th St., NW Washington, DC 20005	Bristol-Myers Co	25,000.00	
Ginny Grenham, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	280.00	579.94
Ellen Griffee, 1413 K Street, NW, 10th Fl. Washington, DC 20005	Association of Science-Technology Centers	7,750.00	308.00
Griffin Johnson & Associates, 1211 Connecticut Ave., NW, #700 Washington, DC 20036	Air Transport Assn of America	200.00	6.00
Do	American Insurance Assn	600.00	18.00
Do	American Psychological Assn	200.00	6.00
Do	Arthur Andersen & Co	400.00	12.00
Do	Camp Barsh Bates & Tate		
Do	Coalition to Preserve the Integrity of American Trademarks	400.00	12.00
Do	COMSAT Corp	400.00	12.00
Do	Health Policy Agenda (American Medical Assn)		
Do	Kansas City Southern Industries, Inc		
Do	NutraSweet Co		
Do	Pharmaceutical Manufacturers Assn	800.00	24.00
Do	Philip Morris, Inc	600.00	18.00
Mark N. Griffiths, Smith Bucklin & Associates 1101 Connecticut Ave, NW, #700 Washington, DC 20036	National Assn of Metal Finishers	750.00	
A. Jack Grimes, 8100 Oak Street Dunn Loring, VA 22027	National Pest Control Assn		19.80
Norman E. Grimm Jr., 8111 Gatehouse Road Falls Church, VA 22047	AAA Potomac		
Olga Grkavac, 1300 North 17th St., #300 Arlington, VA 22209	ADAPSO, the Computer Software & Services Industry Assn		
Grocery Manufacturers of America, Inc, 1010 Wisconsin Ave., NW, #800 Washington, DC 20007			10,441.62
James N. Groninger, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	2,500.00	631.04
Groom & Nordberg, Chtd, 1775 Pennsylvania Avenue, NW, #700 Washington, DC 20006	Ad Hoc PFIC Group	200.00	20.00
Do	Aluminum Company of America		
Do	American Petrofina, Inc		
Do	American Petroleum Institute		
Do	Bankers Life Company		
Do	Baxter Travenol Laboratories, Inc		
Do	Chevron Corporation	200.00	20.00
Do	Colorado-Ute Electric Assn, Inc		
Do	Connecticut General Insurance Co		
Do	Eli Lilly & Company		
Do	Equitable Life Assurance Society of the U.S		
Do	Goldman Sachs & Co		
Do	John Hancock Mutual Life Insurance Co		
Do	Minnesota Mutual Life Insurance Company		
Do	Murphy Oil USA, Inc		
Do	New York City Teachers Retirement System		
Do	Ocean Drilling & Exploration Co		
Do	Phillips Petroleum Co	200.00	20.00
Do	Physicians Mutual Insurance Co	300.00	40.00
Do	Prudential Insurance Co of America	400.00	50.00
Do	Prudential-Bache Securities, Inc	200.00	20.00
Do	Puerto Rico, USA Foundation	400.00	750.00
Do	R.J. Reynolds		
Do	Reading & Bates Corporation		
Do	Southern California Edison Co	100.00	10.00
Do	Union Texas Petroleum Corp		
Do	Westinghouse Electric Corp		
Richard A. Gross, Foley Hoag & Eliot 1615 L Street, NW, #950 Washington, DC 20036	Massaro Properties, Inc		
Do	Stadium Authority of the City of Pittsburgh		
Walter B. Grubbs, P.O. Box 841 Abilene, TX 79604	West Texas Utilities Co		
John T. Grupenhoff, 10000 Falls Rd., #300 Potomac, MD 20854	American Academy of Dermatology	3,150.00	110.00
Do	American Academy of Otolaryngology-Head & Neck Surgery	1,020.00	110.00
Do	American Gastroenterological Assn	1,200.00	110.00
Do	American Soc for Gastrointestinal Endoscopy	1,200.00	110.00
Do	American Soc of Clinical Oncology	810.00	110.00
Do	American Urological Assn	425.00	110.00
Do	Association of American Cancer Institutes	350.00	303.10
Do	Cooley's Anemia Foundation	290.00	110.00
Do	National Hemophilia Foundation		
Geri A. Guardino, 2000 K St., NW, 7th Floor Washington, DC 20006	National Comm to Preserve Social Security	8,000.00	
Gerald M. Guarilia, 70 North Main Street Wilkes-Barre, PA 18711	Blue Cross of Northeastern Pennsylvania		
Mary Scott Guest, 1919 Pennsylvania Ave., NW, #800 Washington, DC 20006	CSX Corp		
Do	Dillon Reed & Co, Inc	8,000.00	
Do	LF Rothschild Unterberg Towbin, Inc	1,000.00	
Do	Michigan State Housing Development Authority	8,500.00	
Do	Morris Communications	12,000.00	
Do	O'Connor & Hannan	6,000.00	
Do	Paine Webber Group, Inc	18,000.00	
Do	Riverton Investment Corp	1,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	South Carolina State Family Farm Development Authority		
Clark J. Guild Jr., Guild & Hagen, Ltd 102 Roff Way Reno, NV 89501	Motion Picture Assn of America, Inc		
James E. Guirard Jr., 1730 Rhode Island Avenue, NW, #419-19 Washington, DC 20036	BASF Chemicals Corp	2,000.00	130.00
Do	KMS Fusion, Inc	1,700.00	110.00
Do	Rexnord Defense Systems, Inc		
Do	Walk-Haydel & Associates, Inc		
Gun Owners of America, Inc, 8001 Forbes Place Springfield, VA 22151		42,342.98	143,974.77
Dan A. Gunderson, Minnesota Petroleum Council 350 St. Peter St., #1025 St. Paul, MN 55102	American Petroleum Institute		
Paul D. Guth, 226 W. Rittenhouse Square, #3200 Philadelphia, PA 19103	Philadelphia Stock Exchange		
Do	Wire Pro, Inc		
Alvin M. Guttman, 818 Connecticut Ave., NW, #300 Washington, DC 20006	Towing & Recovery Assn of America, Inc		
George Guyant, 1925 K St., NW, #206 Washington, DC 20006	Alliance to Save Energy		
Milton S. Gwirtzman, 2550 M St., NW Washington, DC 20037	Lazare Kaplan International, Inc	1,200.00	30.00
Dallas E. Gwynn, Balcor Plaza 4849 Golf Road Skokie, IL 60077	Balcor Co	19,500.00	5,310.56
GA Assn of Petroleum Retailers, Inc, 900 N. Hairston Road, Suite D Stone Mountain, GA 30083			
Jane Scherer Haake, 1667 K Street, NW, #420 Washington, DC 20006	Mead Corporation	225.00	
Dana W. Haas, 1800 K Street, NW, #1018 Washington, DC 20006	Kansas City Power & Light Co, et al	3,168.75	6,341.32
Loyd Hackler, 1616 H St., NW Washington, DC 20006	American Retail Federation	1,000.00	90.00
Charles W. Hackney Jr., 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
William G. Haddeland, 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
Gene P. Haflich, Indiana Petroleum Council 714 Harrison Building Indianapolis, IN 46204	American Petroleum Institute	743.00	1,341.19
Thomas M. Hagan, 1005 Congress Ave., #795 Austin, TX 78701	Central & South West Services, Inc	1,412.64	929.20
Hagedorn-Cando, Inc, 1704 23rd St., So. Arlington, VA 22202	Hansen Engine Corp		
Do	Davy McKee Corp		
Do	Yankee Energy Co		
Ann Hagemann, 1730 M Street, NW, #713 Washington, DC 20036	Association of Maximum Service Telecasters, Inc		
Kenneth C.O. Hagerty, 1225 Eye St., NW, #950 Washington, DC 20005	American Electronics Assn		
Bruce N. Hahn, 9300 Livingston Rd. Ft. Washington, MD 20744	National Tooling & Machining Assn	13,310.76	758.73
Peter H. Hahn, 1100 17th St., NW, #1000 Washington, DC 20036	Chromalloy American Corp		
John F. Haifley, 8111 Gatehouse Road Falls Church, VA 22047	American Automobile Assn		
Thomas F. Hairston, 1050 Connecticut Ave., NW, #760 Washington, DC 20036	Union Oil Co of California	5,000.00	731.68
Hale and Dorr, 1455 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Avondale Industries, Inc		
Do	Boston Redevelopment Authority		91.01
Do	Gay Head Taxpayers Assn	1,693.50	135.43
Do	Indian Land Claim Committee		
Do	Leach & Garner Refining Corp	1,485.00	75.05
Do	Northeastern University		
Do	Town of Mashpee		
Beverly Halem, P.O. Box 1419 Cocoa, FL 32922	Halem Industries, Inc		
George W. Haley, 1050 Connecticut Ave., #300 Washington, DC 20036	Grocery Manufacturers of America, Inc		
Martin Haley Companies, Inc, 1015 15th St., NW Washington, DC 20005	M&M/Mars		
Angelynn Hall, 1709 New York Ave., NW Washington, DC 20006	Air Transport Assn of America	11,235.19	
Edwin K. Hall, 1133 19th Street, NW Washington, DC 20036	MCI Communications Corp	5,000.00	252.64
Elliott S. Hall, 815 Connecticut Ave., NW Washington, DC 20006	Ford Motor Company	2,340.00	2,072.33
Richard F. Hall, 1700 K Street, NW, #502 Washington, DC 20006	Pacific Resources, Inc	500.00	
William F. Hall, P.O. Box 803887 Chicago, IL 60680-3887	Midwest Public Affairs-Management Consulting Group		
Marian Hall-Crawford, 316 Pennsylvania Avenue, SE, #301 Washington, DC 20003	San Diego Gas & Electric	1,385.00	2,805.73
Paul Hallisay, 1625 Massachusetts Avenue, NW Washington, DC 20036	Air Line Pilots Assn	6,250.00	423.90
Maurice E. Halsey, P.O. Box 190 Aurora, IL 60507	Northern Illinois Gas Company	2,000.00	
Paul T. Haluza, 1325 Pennsylvania Ave., NW Washington, DC 20004	Motor and Equipment Manufacturers Association	3,000.00	331.61
Rhonda Lee Halverson, 1730 K St., NW, #703 Washington, DC 20006	American Business Conference, Inc	137.50	25.00
Martha R. Hamby, 1025 Connecticut Ave., NW, #415 Washington, DC 20036	American Insurance Assn		
Hamel & Park, 888 16th Street, NW Washington, DC 20006	Estate of Helen Wodell Halbach		
Do	Graeper-Van Noy-Wagner, Inc		
Do	Grand Trunk Corp	7,590.00	13.00
Do	Skylink Corporation, Inc		
Do	Tandy Corporation		
David S. Hamilton, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group	3,576.90	
J. Lee Hamilton, 1331 Pennsylvania Avenue, NW, #1550N Washington, DC 20004-1703	National Assn of Manufacturers	228.96	
James L. Hamilton III, 818 Connecticut Ave., NW Washington, DC 20006	USX Corporation	770.00	119.08
Joyce Hamilton, 201 Park Washington Court Falls Church, VA 22046	National-American Wholesale Grocers' Assn	2,500.00	
Philip W. Hamilton, 1825 K St., NW Washington, DC 20006	American Soc of Mechanical Engineers		
Ronald P. Hamm, 1620 Eye St., NW, #1000 Washington, DC 20006	Motor Vehicle Manufacturers Assn of the U.S., Inc	2,250.00	
Amy R. Hammer, 1899 L St., NW, #1100 Washington, DC 20036	Exxon Corporation	1,500.00	502.64
Thomas A. Hammer, 1000 Potomac St., NW, #106A Washington, DC 20007	Sweetener Users Assn	7,500.00	2,600.00
Steven A. Hammond, Hughes Hubbard & Reed One Wall Street New York, NY 10005	Bureau Veritas		
Timothy A. Hanan, 1100 Connecticut Avenue, NW, #620 Washington, DC 20036	Mobil Oil Corp	1,500.00	
Nolan W. Hancock, 1126 16th St., NW Washington, DC 20036	Oil Chemical & Atomic Workers International Union	5,926.37	
Donald K. Hanes, 50 F St., NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives	990.00	
James M. Hanley & Associates, 300 Metropolitan Square 655 15th Street, NW Washington, DC 20005	Alliance of Non-Profit Mailers	7,500.00	
Elisabeth Hanlin, 2000 L St., NW, #810 Washington, DC 20036	Unisys Corp		
Thomas H. Hanna, 300 New Center Building Detroit, MI 48202	Motor Vehicle Manufacturers Assn of the U.S., Inc	400.00	241.00
Hannaford Co, Inc, 655 15th St., NW, #200 Washington, DC 20005	Presidency of the Republic of Mexico		
Do	Royal Embassy of Saudi Arabia		
Do	Trans World Airlines, Inc		
Richard L. Hanneman, 206 North Washington Street Alexandria, VA 22314	Salt Institute		
M. Arnita Hannon, 1101 Vermont Ave., NW, #402 Washington, DC 20005	American Lung Assn	1,826.40	1,239.40
Hansell & Post, 1667 K St., NW, #500 Washington, DC 20006	Northeast Georgia Medical Center	3,059.00	45.72
Do	Rockwell International Corp	16,000.00	
Do	United Family Life Insurance Co		
Erling Hansen, 1129 20th Street, NW, #600 Washington, DC 20036	Group Health Assn of America, Inc		
J. E. Hansen, 400 First St., NW Washington, DC 20001	Brotherhood of Railroad Signalmen	350.00	
Daniel J. Hanson Sr., 5600 Utah Avenue, NW Washington, DC 20015	American Road & Transportation Builders Assn	12,000.00	539.90
Robert N. Harbor, P.O. Box 1492 El Paso, TX 79978	El Paso Natural Gas Co		
Mary V. Harcar, 1747 Pennsylvania Ave., NW, #704 Washington, DC 20006	Manufacturers Life Insurance Co, Inc		
Eric Hard, 215 Pennsylvania Avenue, SE Washington, DC 20003	Public Citizen, Inc	5,000.00	
Ralph Harding, Suite 717 Watergate 2600 Virginia Avenue, NW Washington, DC 20037	Sugar Regulatory Administration	20,000.00	30,380.43
Eugene J. Hardy, 1100 17th St., NW, #1000 Washington, DC 20036	Gerber Products Co	250.00	12.50
Dan R. Harlow, 717 N. Harwood Street Dallas, TX 75201	Maxus Energy Corp	1,000.00	
Patricia L. Harmening, 316 Pennsylvania Ave., SE, #301 Washington, DC 20003	San Diego Gas & Electric	793.00	2,738.51
Jeffrey Harris, Sachs Greenbaum & Tayler 1140 Connecticut Ave., NW, #900 Washington, DC 20036	Domino's Pizza, Inc		
Marilyn A. Harris, 818 Connecticut Avenue, NW Washington, DC 20006	USX Corporation	125.00	
Milton E. Harris, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Harris Steel Group, Inc		
Richard M. Harris, 525 School St., SW Washington, DC 20024	American Road & Transportation Builders Assn	7,000.00	800.73
Sandra Zeune Harris, 1120 20th Street, NW, #700 Washington, DC 20036	Williams Companies	500.00	
Harris & Berg, 1101 30th St., NW, #103 Washington, DC 20007	Adidas, USA	1,050.00	10.00
Do	Association of Food Industries, Inc	790.00	38.00
Do	Cheese Importers Assn of America, Inc		
Do	Committee of Domestic Steel Wire Rope & Specialty Cable Mfrs	640.00	65.00
Do	P. L. Thomas & Co, Inc, et al		
Harris Merick & Orr, 999 Third Ave., #3210 Seattle, WA 98104	SP Energy Development Co	11,177.50	2,034.07
Jack E. Harrison, c/o West Virginia Petroleum Council 1250 One Valley Square Charleston, WV 25301	American Petroleum Institute	274.00	442.04
Anne Harrison-Clark, 1725 K Street, NW, #814 Wsahington, DC 20006	March of Dimes Birth Defects Foundation	4,125.00	79.48
J. William W. Harsch, 6th Floor 1722 Eye Street, NW Washington, DC 20006	Solv-Ex Corporation	1,800.00	1,746.21
Do	Wormser Engineering, Inc		
Jayne A. Hart, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	3,750.00	
Lynn S. Hart, 1111 19th St., NW, #402 Washington, DC 20036	Federation of American Health Systems	3,000.00	
Thomas D. Hart, 1001 Pennsylvania Avenue, NW, #700 Washington, DC 20004	Allied-Signal, Inc		
Hartford Fire Insurance Co, Hartford Plaza Hartford, CT 06115			20,800.00
Gabriel A. Hartl, 2020 N. 14th Street, #410 Arlington, VA 22201	Air Traffic Control Assn, Inc		
Fanny L. Haslebacher, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	400.00	
Holly Hassett, 1730 Rhode Island Avenue, NW, #206 Washington, DC 20036	Hershey Foods Corp		
Lewis B. Hastings, 1776 K St., NW, #300 Washington, DC 20006	Motorola, Inc	1,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Walter A. Hasty Jr., 801 18th Street, NW, #400 Washington, DC 20006	Procter & Gamble Manufacturing Co	42.00	
Janet S. Hathaway, 1350 New York Ave., NW, #300 Washington, DC 20005	National Resources Defense Council	8,864.00	62.00
Howard M. Haug, 100 East 42nd St. New York, NY 10017	National Foreign Trade Council, Inc	6,000.00	1,658.00
James N. Haug, 55 E. Erie Street Chicago, IL 60611	American College of Surgeons		
Barbara S. Haugen, 1401 New York Ave., NW, #720 Washington, DC 20005	National Assn of Insurance Brokers, Inc		
Marilyn Beth Haugen, 1250 Connecticut Avenue, NW Washington, DC 20036	American Paper Institute, Inc		
Barbara J. Haugh, 1050 Connecticut Ave., NW, #760 Washington, DC 20036	Union Oil Co of California		1,001.02
Mary W. Haught, 555 13th Street, NW, #1010 East Washington, DC 20004-1109	Sun Co, Inc	725.00	
Charles W. Havens III, 1333 New Hampshire Avenue, NW, #1100 Washington, DC 20036	Leboeuf Lamb Leiby & Macrae		
Sidney G. Hawkes, 1667 K St., NW, #420 Washington, DC 20006	Mead Corporation	1,250.00	50.00
Charles E. Hawkins III, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors, Inc	2,500.00	
Paul M. Hawkins, 25 Audubon Place Hilton Head, SC 29928	Colonial Life & Accident Insurance Co		
Edmund S. Hawley, 1120 20th St., NW, #600-S Washington, DC 20036	Union Pacific Corp	1,250.00	154.39
David J. Hayes, 555 13th Street, NW Washington, DC 20004	American Electronics Assn	22.59	38.75
Do	Hogan & Hartson (For:Semiconductor Industry Association)		40.82
Peter M. Hayes, 214 Massachusetts Ave., NE Washington, DC 20002	Salt River Project	3,521.00	1,934.19
Robert G. Hayes, Bogle and Gates One Thomas Circle, NW, #900 Washington, DC 20005	American Fishing Tackle Manufacturers Assn	2,000.00	
Do	Coastal Conservation Assn	2,000.00	
Do	William D. Ray	1,000.00	
R. Michael Haynes, 1156 15th Street, NW, #1101 Washington, DC 20005	National Assn of Small Business Investment Companies	3,000.00	
Robert A. Haynos, 4711 Hunt Circle Harrisburg, PA 17112	Harsco Corporation	18,375.00	1,088.78
Holly Elisabeth Hazard, 111 Massachusetts Ave., NW, #200 Washington, DC 20001	Animal Legal Defense Fund	1,750.00	
Do	National Alliance for Animal Legislation	2,150.00	
Do	New England Anti-Vivisection Society	360.00	15.93
Health Insurance Assn of America, Inc, 1025 Connecticut Ave., NW Washington, DC 20036		69.40	69.40
Robert L. Healy, 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co	300.00	
Lynn C. Hearnes, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc	1,200.00	
Charles L. Hebner, New Murphy Road & Concord Pike Wilmington, DE 19897	ICI Americas, Inc		
Jay Hedlund, 2030 M St., NW Washington, DC 20036	Common Cause	11,493.78	253.66
Mark G. Heesen, 1725 K St., NW, #601 Washington, DC 20006	Association of National Advertisers		560.00
Edward D. Heffernan, 1019 19th St., NW, Penthouse #1 Washington, DC 20036	CSX Corporation	6,000.00	
Do	Ductile Iron Pipe Research Assn		
Do	Harza Engineering Co		
Do	Panhandle Eastern Corp		
Do	Sealaska Corp		
John Heffner, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Robert E. Heggestad, 1331 Pennsylvania Avenue, NW, #524 Washington, DC 20004	Casey Scott & Canfield, P.C. (For:Association for Regulatory Reform)		
Martin Hegwood, Mississippi Petroleum Council P.O. Box 42 Jackson, MS 39205	American Petroleum Institute	200.00	
John F. Heilman, 807 Maine Ave., SW Washington, DC 20024	Disabled American Veterans	19,110.00	1,312.91
Robert M. Heine, 1701 Pennsylvania Ave., NW, #900 Washington, DC 20006	E. I. du Pont de Nemours & Co	72.00	
Dan C. Heinemeier, 2001 Eye St., NW Washington, DC 20006	Electronic Industries Assn	625.00	
Richard L. Hellwege, 1911 Jefferson Davis Highway, #1002 Arlington, VA 22202	Smiths Industries		
DeWitt F. Helm Jr., 155 East 44 St. New York, NY 10017	Association of National Advertisers, Inc		560.00
Edward A. Helme, 444 N. Capitol Street, #526 Washington, DC 20001	Alliance for Acid Rain Control	1,249.00	
Suzanne C. Helmick, One Nationwide Plaza Columbus, OH 43216	Nationwide Insurance Co	600.00	
Thomas M. Helscher, 901 31st St., NW Washington, DC 20007	Hill & Knowlton, Inc (For:Monsanto Co)	390.00	
Mike D. Helton, Kentucky Petroleum Council 305 Ann St., #403 Frankfort, KY 40601	American Petroleum Institute	687.50	1,049.32
Carol C. Henderson, 110 Maryland Ave., NE, #101, Box 54 Washington, DC 20002	American Library Assn	1,545.00	
Leonard N. Henderson, 1615 L St., NW, #1210 Washington, DC 20036	Metropolitan Life Insurance Co	1,000.00	
Karen Hendricks, 1319 F St., NW, #604 Washington, DC 20004	Association of Junior Leagues, Inc	1,600.00	290.00
C. Dayle Henington, 2000 Pennsylvania Ave., NW, #6200 Washington, DC 20006	Chicago Mercantile Exchange		
Hennessy Associates, 152 Washington Avenue Albany, NY 12210		4,000.00	575.00
George F. Hennrikus Jr., 201 N. Washington St. Alexandria, VA 22314	Retired Officers Assn	6,346.00	
LeAnn Hensche, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	205.00	184.24
George B. Herbert Sr., 6601 Southpoint Drive, #245 Jacksonville, FL 32216	J M Family Enterprises, Inc	35.00	11.00
Catherine L. Heron, 1600 M St., NW Washington, DC 20036	Investment Company Institute	299.50	27.00
Heron Burchette Ruckert & Rothwell, 1025 Thomas Jefferson St., NW, #700 Washington, DC 20007	Aerojet General Corp	2,602.50	1,452.02
Do	American Grape Growers Alliance for Fair Trade	3,239.38	5.84
Do	American Internation Manufacturing Corp	714.69	189.17
Do	Claudia Ashton		
Do	Association of Floral Importers of Florida	79,195.41	29.43
Do	Association of Human Resource Consultants	475.63	68.25
Do	ARCO	5,625.00	607.55
Do	Balanced Trade Group	2,250.00	105.50
Do	Bay Area Rapid Transit District	14,009.58	1,981.52
Do	Bechtel Civil, Inc	1,106.25	943.71
Do	Blue Cross & Blue Shield of Florida		641.35
Do	Bramelea Pacific	3,879.38	764.68
Do	California Almond Growers Exchange	15,445.31	463.69
Do	California Assn of Rehabilitation Professionals	2,648.31	1.57
Do	California Kiwi Commission	3,653.75	361.07
Do	California Student Loan Finance Corp		
Do	Cellular Telecommunications Industry Assn	3,627.63	428.52
Do	Central Utah Water Conservancy District	2,446.56	566.23
Do	Chicago Mercantile Exchange	1,410.00	130.51
Do	Council of American Overseas Research Centers		155.21
Do	Desert Research Institute	60.31	114.17
Do	East Kentucky Power Cooperative	2,559.68	194.93
Do	Electronic Data Systems Corp		
Do	Farm Labor Alliance	14,940.63	1,695.86
Do	Girling Health Care, Inc	3,750.00	1,031.75
Do	Granite Rock Co	1,693.13	245.22
Do	Gulf South Engineering, Inc	500.00	351.57
Do	GA Technologies, Inc	2,464.63	894.25
Do	Halogenated Solvents Industry Alliance		
Do	Hughes Aircraft Co	7,304.69	2,409.57
Do	Independent Cement Corp	1,578.44	61.85
Do	International Apple Institute	2,102.50	1.57
Do	John Hancock Mutual	8,684.06	1,649.99
Do	Las Vegas YMCA	590.37	233.64
Do	Manhattan Building Companies, Inc	3,750.00	548.29
Do	Ralph G. Martinez & Associates		27.33
Do	Massachusetts Maritime Academy	1,500.00	511.57
Do	Massport/Commonwealth of Massachusetts	3,211.25	672.70
Do	McCarren International Airport		1.57
Do	Mid-Valley Water Authority	2,480.63	83.25
Do	Tom Mills		2.20
Do	National Council on Teacher Retirement	3,846.56	820.74
Do	National Medical Care	7,335.31	3,850.77
Do	National Potato Council	9,789.69	764.20
Do	Native American Gaming, Inc		33.52
Do	New England Fisheries Development Foundation, Inc	750.00	6.71
Do	NTEC - Northeast Texas Electric Cooperative, Inc	11,688.75	79.83
Do	Oceanic Institute	2,250.00	679.80
Do	Pacific Mutual Life Insurance Co	3,000.00	678.44
Do	Prudential Insurance Co of America		1,776.71
Do	Riverside Resorts	10,272.81	3,171.43
Do	Sabine River Authority	15,631.88	2.20
Do	Safecard Services, Inc		2.20
Do	State Maritime Schools	1,500.00	419.80
Do	Sunkist Growers, Inc	38,213.13	2,908.90
Do	Tex-La	116,775.25	3,725.67
Do	U.S. Telephone Assn		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	University of California	20,212.19	6,466.15
Do	University of Nevada/Las Vegas	1,875.00	880.67
Do	University of Nevada/Reno	1,650.00	2,080.78
Do	Vermont Electric Cooperative	8,584.06	979.08
Do	Westlands Water District	1,348.44	487.36
Jo-Ann T. Herrick, 1800 K Street, NW, #530 Washington, DC 20006	Tesoro Petroleum Corp	1,500.00	
William G. Herrold, 1111 19th St., NW, #608 Washington, DC 20036	Institute of Electrical & Electronics Engineers		
Fred Hervey, 909 N. Mesa El Paso, TX 79902	Reduce Our Debt Foundation		
Heublein, Inc, 16 Munson Road Farmington, CT 06034-0388		17,250.00	1,220.09
Ted Allen Heydinger, 311 First Street, NW, #500 Washington, DC 20001	Computer & Business Equipment Manufacturers Assn	3,000.00	835.30
G. Brockwel Heylin, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Robert G. Hibbert, P.O. Box 3556 Washington, DC 20007	American Meat Institute	1,000.00	
Paul T. Hicks, Rhode Island Petroleum Assn 154 Francis St. Providence, RI 02903	American Petroleum Institute		
J. Thomas Higginbotham, One Mellon Bank Center, #2002 Pittsburgh, PA 15258-0001	Mellon Bank N.A., et al.	2,000.00	1,074.20
Carol A. Higgins, 1600 M Street, NW Washington, DC 20036	Investment Company Institute	123.08	90.38
John S. Hightower, 1344 Kenilworth Parkway Baton Rouge, LA 70808	Louisiana Pacific Corp	7,125.00	1,167.00
Clifton T. Hilderley Jr., 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
Eldon Hill, 5116 Bonnok Highway Pocatello, ID 83204	Crop Insurance Research Bureau		794.16
Gerald 'Jerry' Hill, 6 Executive Park Drive Atlanta, GA 30329	Amoco Corporation		
J. Eldred Hill Jr., 600 Maryland Ave., SW, #603 Washington, DC 20024	UBA, Inc	2,000.00	
Patricia Hill, 1250 Connecticut Avenue, NW Washington, DC 20036	American Paper Institute, Inc		
Robert B. Hill, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	400.00	146.20
Shepard William Hill, 11003 Burywood Lane Reston, VA 22094	Rockwell International Corp	15,825.00	6,651.00
Edward Joseph Hillings, 1020 16th Street, NW Washington, DC 20036	Enron Corp	7,500.00	
John L. Hills, Rt. 1, Box 645 Purcellville, VA 22132	Sundstrand Corporation	1,180.00	
Roderick M. Hills, 1155 15th St., NW, #302 Washington, DC 20005	Manchester Group, Ltd (For:C Itoh & Co, Ltd, et al.)		
John M. Himmelberg, Scott McLeod Himmelberg Matz Pires... 2501 M Street, NW, #400 Washington, DC 20037	Florida Fruit & Vegetable Assn	3,000.00	
Do	Florida Tomato Exchange	1,500.00	
Grace L. Hinchman, 1331 Pennsylvania Ave., NW, #600-2 Washington, DC 20004	Digital Equipment Corp	16,250.00	
Rick Hind, 215 Pennsylvania Avenue, SE Washington, DC 20003	U.S. Public Interest Research Group	5,423.09	
Robert A. Hirsch, 1320 Braddock Place, #720 Alexandria, VA 22314	National Private Trucking Assn		
J. D. Hittle, 3137 S. 14th St. Arlington, VA 22204	KMS Industries, Inc	1,500.00	
Do	LTV Aero-Space & Defense Co	2,500.00	192.30
Sheila K. Hixson, 1111 14th Street, NW, #1200 Washington, DC 20005	American Dental Assn	1,000.00	1,099.40
Kenneth Hoagland, 2000 K St., NW, 7th Floor Washington, DC 20006	National Comm to Preserve Social Security	2,000.00	
Lawrence S. Hobart, 2301 M St., NW, #300 Washington, DC 20037	American Public Power Assn	1,000.00	
Claude E. Hobbs, 1801 K St., NW Washington, DC 20006	Westinghouse Electric Corp	2,000.00	45.00
Scott Hodes, 180 North La Salle St., #3800 Chicago, IL 60601	Zalman C. Bernstein		
Do	Investment Company Institute	2,350.00	
Glen D. Hofer, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives		
Irvin A. Hoff, 20 N. Live Oak Rd. Hilton Head Island, SC 29928	U.S. Cane Sugar Refiners' Assn		
Gail Hoffman, 1400 K St., NW, #500 Washington, DC 20005	Handgun Control, Inc	8,076.93	
William L. Hoffman, 516 First Street, SE Washington, DC 20003	American University of Beirut	11,856.00	1,858.76
Walter F. Hoffmann, 418 7th Street, SE Washington, DC 20003	Campaign for U.N. Reform	2,375.01	6.48
F. Nordy Hoffmann and Assoc, Inc, 400 N. Capitol St., NW, #327 Washington, DC 20001	Archer Daniels Midland Company		
Do	Coca-Cola Company		
Do	Marine Engineers' Beneficial Assn	1,000.00	
Do	Wilmorite, Inc		
Elizabeth Hogan, 1133 19th St., NW Washington, DC 20036	MCI Communications Corp	333.00	151.50
Hogan & Hartson, 555 13th St., NW Washington, DC 20004-1109	American Physical Therapy Assn	1,600.00	
Do	American Psychological Assn		
Do	Caremark/Home Health Care of America	2,800.00	57.60
Do	Circadian, Inc	262.50	29.50
Do	CH2M Hill		
Do	First Federal Bank of Connecticut, F.S.B.	1,575.00	6.00
Do	GL International Trade, Inc		
Do	International Comm of Passenger Lines (ICPL)		
Do	May Department Stores Co	11,892.50	132.83
Do	Mercedes-Benz of North America, Inc		
Do	National Hospice Organization		
Do	National Telecommunications Network		
Do	Ontario Ministry of Industry, Trade & Technology		4.75
Do	Shelton Savings & Loan Assn, Inc	1,450.00	1,450.00
Do	Software Co Task Force on Foreign Market Penetration	5,000.00	156.28
Do	SouthernNet, Inc		
Do	Storage Technology Corp	16,075.00	934.18
Do	Timex Corporation	4,231.25	
Do	Toyota Motor Sales, USA, Inc	5,480.00	88.53
Do	University of Pennsylvania	238.00	
Philip A. Hogue, 150 S. Washington St., #100 Falls Church, VA 22046	International Technical Expertise Ltd		
Richard F. Hohlt, 1709 New York Ave., NW, #801 Washington, DC 20006	U.S. League of Savings Institutions	11,550.00	84.00
Bruce E. Holbein, 111 Powdermill Rd. (b79) Maynard, MA 01754	Digital Equipment Corp	17,500.00	
Michele O'Donnell Holbrook, 10 Lafayette Square, Rm. 900 Buffalo, NY 14203	National Fuel Gas Distribution Corp, et al	1,833.00	3,952.91
Holden Group, Inc, 11365 West Olympic Boulevard Los Angeles, CA 90064			
Philip C. Holladay, 1025 Connecticut Avenue, NW, #200 Washington, DC 20036	Shell Oil Co	500.00	
Holland & Knight, 888 17th St., NW, #400 Washington, DC 20006	Pan American Satellite Corp	2,660.00	
Thomas L. Holloway, 1800 K Street, NW, #1018 Washington, DC 20006	Union Electric Co, et al	2,656.25	6,226.66
Wendell M. Holloway, 815 Connecticut Ave., NW, #900 Washington, DC 20006	Ford Motor Co	2,490.00	3,453.70
Diane S. Holmes, 410 First Street, SE Washington, DC 20003	American Nuclear Energy Council	3,937.49	445.53
Moses D. Holmes Jr., 1201 16th St., NW Washington, DC 20036	National Education Assn	3,036.80	22.00
E. Y. Holt Jr., 1111 North 19th St., #700 Arlington, VA 22209	National Assn of Federal Credit Unions		
Fred H. Holt, 119 Oronoco Street Box 1417-D50 Alexandria, VA 22313	Animal Health Institute		
John W. Holt, 1850 K St., NW Washington, DC 20006	American Council of Life Insurance, Inc	350.00	
John F. Holtz, NJ Petroleum Council 150 West State Street Trenton, NJ 08608	American Petroleum Institute		
Home Recording Rights Coalition, P.O. Box 33576 1145 19th Street, NW Washington, DC 20033		330,144.00	347,988.61
Pete Homer Jr., 4905 Arroyo Chamisa, NE Albuquerque, NM 87111			
Billy E. Hooper, 1522 K Street, NW, #834 Washington, DC 20005	Association of American Veterinary Medical Colleges		
Candice Shy Hooper, 1025 Connecticut Ave., NW, #1014 Washington, DC 20036	Enserch Corporation	5,570.00	1,732.46
Karen A. Hoover, 430 M St., SW, Apt. N-409 Washington, DC 20024	American Maritime Officers Service		
Marian Hopkins, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.	3,900.00	690.98
Mark Hopkins, 1925 K St., NW, #206 Washington, DC 20006	Alliance to Save Energy		
Virginia E. Hopkins, 1620 Eye St., NW, #800 Washington, DC 20006	Taft Stettinius & Hollister (For:Kings Entertainment Co)		
Do	Taft Stettinius & Hollister (For:Taft Broadcasting Company)		
Do	Taft Stettinius & Hollister (For:Telephone & Data Systems, Inc)		
Do	Taft Stettinius & Hollister (For:Wald Manufacturing Co, Inc)		
Robert Jack Horn, 1990 M St., NW, #480 Washington, DC 20036	Detroit Edison Company	750.00	35.00
Harry J. Horrocks II, 40 Ivy Street, SE Washington, DC 20003	National Lumber & Building Material Dealers Assn	11,000.00	
Robert Horvitz, 1006 Poplar Drive Falls Church, VA 22046	Association of North American Radio Clubs		
Hospital Association of New York State, 74 N. Pearl St. Albany, NY 12207		7,903.00	7,903.00
Margaret A. Houlihan, 1620 Eye St., NW, #703 Washington, DC 20006	Bechtel Power Corporation		
Jack W. Houston, 900 N. Hairston Road, Suite D Stone Mountain, GA 30083	GA Assn of Petroleum Retailers, Inc		
Hoving Group, 910 17th St., NW, #318 Washington, DC 20006	Eagle-Picher Industries, Inc	8,000.00	65.15
Do	Western-Southern Life Insurance	3,600.00	12.48
John Howard, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.	300.00	5.00
Robert M. Howard, 815 Connecticut Avenue, NW Washington, DC 20006	Ford Motor Co	1,794.56	1,740.00
Allynn Howe, 80 F Street, NW Washington, DC 20001	American Fed of Government Employees	7,742.10	
Gary Howell, 1745 Jefferson Davis Highway, #605 Arlington, VA 22202	Texas Instruments, Inc	1,000.00	
J. William Howell, 1801 K St., NW, #1200 Washington, DC 20006	International Business Machines Corp	292.81	
James P. Howell, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives	1,205.00	
Mary Lynch Howell, 1090 Vermont Ave., NW, #1100 Washington, DC 20005	Textron, Inc	1,500.00	280.00
John A. Howes, 1050 17th St., NW, #490 Washington, DC 20036	Consumers Power Co	6,000.00	6,998.00
Susan Howland, 20 Black Oak Mews Newtown, PA 18940	Guilford Transportation Industries - Rail Division		
Do	Philadelphia Maritime Exchange		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	PJDM Electrical Alliance		
Clifford T. Howlett Jr., 1875 Eye St., NW, #400 Washington, DC 20006	Georgia-Pacific Corp	6,600.00	
Paul R. Huard, 1331 Pennsylvania Avenue, NW, #1500N Washington, DC 20004-1703	National Assn of Manufacturers	7,500.00	
Henry W. Hubbard, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Republic of Turkey)		
Do	Hill & Knowlton, Inc (For:Vietnam Veterans of America, Inc)		
Betty Hudson, 1627 K Street, NW, #200 Washington, DC 20006	Fluor Corporation	15,000.00	176.13
Margaret Renken Hudson, 600 Maryland Avenue, SW, #700 Washington, DC 20024	National Fed of Independent Business	3,401.75	580.00
Gary E. Hughes, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Peter W. Hughes, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security	21,750.00	
Richard T. Hughes, 1700 K St., NW Washington, DC 20006	Chevron USA, Inc	482.30	
Sharon M. Hughes, 1401 New York Avenue, NW, #400 Washington, DC 20005	National Food Processors Assn	500.00	66.75
Vester T. Hughes Jr., Hughes & Hill 1000 Mercantile Dallas Building Dallas, TX 75201	Mrs. H. E. Butt		
Do	Estate of W. W. Callan		
Do	Sammons Enterprises, Inc		
William Hughes, 1522 K St., NW, #836 Washington, DC 20005	National Assn of Federal Veterinarians	19.86	
Hughes Hubbard & Reed, 1201 Pennsylvania Ave., NW, #300 Washington, DC 20004	American Institute of Certified Public Accountants	2,617.50	9.00
Do	Anglo American Auto Auctions, Inc		
Do	Grocery Manufacturers of America, Inc		
Do	47th Street Photo		
Edward L. Huie, 4780 Corridor Place, #B Beltsville, MD 20705	National Assn of Air Traffic Specialists	5,129.25	129.80
Cordell W. Hull, 50 Beale St., 23rd Fl. San Francisco, CA 94119	Bechtel Power Corporation		
Jean E. Hungiville, 1111 14th St., NW Washington, DC 20005	American Dental Assn	1,000.00	271.18
Francis M. Hunt, 1800 M Street, NW, #700s Washington, DC 20036	Dow Chemical Co	500.00	4,850.00
James C. Hunter, 1747 Pennsylvania Avenue, NW, #300 Washington, DC 20006	Cities Service Oil & Gas Corp	333.00	206.67
Michael M. Hunter, 1600 M St., NW Washington, DC 20036	International Telephone & Telegraph Corporation	1,850.00	42.00
Milton F. Huntington, Maine Petroleum Assn 283 Water St. Augusta, ME 04330	American Petroleum Institute		
Hunton & Williams, 2000 Pennsylvania Ave., NW, #9000 P.O. Box 19230 Washington, DC 20036	Copyright Justice Coalition		3.00
Do	Long Island Lighting Co	4,000.00	
Do	Richfields Assn		
Adele M. Hurley, 112 St. Clair Ave., West, #504 Toronto, Ontario Canada M4V 2Y3	Canadian Coalition on Acid Rain	550.00	70.90
Ronald A. Hurst, 5410 Grosvenor Lane, #210 Bethesda, MD 20814	American Medical Care & Review Assn		
Cathy Hurwit, 1300 Connecticut Ave., NW, #401 Washington, DC 20036	Citizen Action	4,000.00	30.00
Do	Citizen/Labor Energy Coalition	1,000.00	
Geoffrey B. Hurwitz, 1667 K St., NW, #1210 Washington, DC 20006	Rohm & Haas Co	500.00	
Michael Hussey, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	2,500.00	715.19
Raymond W. Hussey, 29400 Lakeland Blvd. Wickliffe, OH 44092	Lubrizol Corporation	700.00	1,419.66
Philip A. Hutchinson, 490 L'enfant Plaza, #3210 Washington, DC 20024	Volkswagen of America, Inc	200.00	716.40
Robert E. Hutchinson, 909 N. Mesa El Paso, TX 79902	Reduce Our Debt Foundation		
Suzanne C. Hutchinson, 1615 L St., NW, #1230 Washington, DC 20036	Mortgage Insurance Companies of America	3,400.00	108.43
James L. Hutchison, 260 Madison Avenue New York, NY 10016	American Paper Institute, Inc		
Karen Hutchison, 1725 K Street, NW, #601 Washington, DC 20006	Association of National Advertisers, Inc		560.00
Jean Hutter, 1730 M Street, NW Washington, DC 20036	League of Women Voters of the U.S.	4,527.10	
Helena C. Hutton, 1101 15th Street, NW Washington, DC 20005	Minnesota Mining & Manufacturing Co	2,500.00	
Randy Huwa, 2030 M St., NW Washington, DC 20036	Common Cause	10,312.52	
B. F. Hyde, Tennessee Petroleum Council 211 7th Avenue, North, 4th Fl. Nashville, TN 37219	American Petroleum Institute	1,550.00	1,728.05
Steven M. Hyjek, One Thomas Circle, NW, #900 Washington, DC 20005	Sinnott & Co, Richard L. (For:Dallas/Ft. Worth International Airport)		
Do	Sinnott & Co., Richard L. (For:Oakland Colliseum)		
Do	Sinnot & Co., Richard L. (For:Port of Oakland)		
Lester S. Hyman, 3000 K St., NW, #300 Washington, DC 20007	Swidler & Berlin (For:Majestic Shipping Services Corp)		1,485.00
Gary Hymel, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Budd Company)		
Do	Hill & Knowlton, Inc (For:Colonial Williamsburg)		
Do	Hill & Knowlton, Inc (For:Fleischmann's Yeast)	350.00	
Do	Hill & Knowlton, Inc (For:Hastings College)		
Do	Hill & Knowlton, Inc (For:Hitachi America, Ltd)		
Do	Hill & Knowlton, Inc (For:HTB Corporation)		
Do	Hill & Knowlton, Inc (For:MediVision, Inc)	400.00	
Do	Hill & Knowlton, Inc (For:Palm Oil Registration & Authority)		
Do	Hill & Knowlton, Inc (For:Panhandle Eastern Corp)		
Do	Hill & Knowlton, Inc (For:Republic of Korea)		
Do	Hill & Knowlton, Inc (For:Republic of Turkey)	3,615.00	
Do	Hill & Knowlton, Inc (For:Shaklee Corporation)		
Do	Hill & Knowlton, Inc (For:Stroh Brewery Co)		
Do	Hill & Knowlton, Inc (For:Tambrands)		
Do	Hill & Knowlton, Inc (For:Title Insurance Industry Coalition)		
Do	Hill & Knowlton, Inc (For:Tobacco Institute)		
Do	Hill & Knowlton, Inc (For:U.S. Banknote Corp)		
Do	Hill & Knowlton, Inc (For:United Airlines, Inc)		
Do	Hill & Knowlton, Inc (For:Waterman Steamship Corp)		
Robert D. Hynes Jr., 1825 K St., NW, #807 Washington, DC 20006	National Broadcasting Co, Inc	1,000.00	292.23
Brian M. Hyps, 2215 Constitution Avenue, NW Washington, DC 20037	American Pharmaceutical Assn	500.00	
Richard H. Ichord, 499 S. Capitol St., SW, #520 Washington, DC 20003	AAI Corporation	303.75	116.75
Do	Emerson Electric Co	630.00	543.70
Kevin J. Igli, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc	1,250.00	
Independent Data Communications Manufacturers Assn, c/o Squire Sanders & Dempsey 1201 Pennsylvania Ave., NW Washington, DC 20004.		4,915.84	4,915.84
Independent Lubricant Manufacturers Assn, 1055 Thomas Jefferson Street, NW Washington, DC 20007		437.50	437.50
Independent Producers Group, 1120 KSB & T Building 125 N. Market Wichita, KS 67202		18,325.00	7,000.00
Indiana Hi-Rail Corporation, R.R. 1 Connersville, IN 47331			
Industrial Biotechnology Assn, 1625 K Street, NW, #1100 Washington, DC 20006		25.00	23.21
Industrial Gas Cleaning Institute, Inc, 1707 L St., NW Washington, DC 20036			
Industrial Union Department, AFL-CIO, 815 16th St., NW, #301 Washington, DC 20006		24,777.39	24,777.39
Infant Formula Council, 5775 Peachtree-Dunwoody Rd., #500-D Atlanta, GA 30342			
Charles E. Ing, 1850 M Street, NW, #600 Washington, DC 20036	Toyota Motor Sales, USA, Inc	1,720.00	346.66
Robert A. Ingram, 1615 L Street, NW, #1320 Washington, DC 20036	Merck & Co, Inc	1,000.00	372.97
Institute of Makers of Explosives, 1120 19th St., NW, #310 Washington, DC 20036			
Int'l Union, United Auto Aerospace & Agric Implement Workers, Workers of America (uaw) 8000 E. Jefferson Avenue Detroit, MI 48214.		135,560.99	135,560.99
Integrated Resources, Inc, 666 Third Avenue, 4th Fl. New York, NY 10017			1,800.00
International Assn of Bridge Struct & Ornamental Iron Wkrs, 1750 New York Ave., NW Washington, DC 20006			
International Brotherhood of Teamsters, 25 Louisiana Ave., NW Washington, DC 20001			94,254.24
International Communications Industries Assn, 3150 Spring St. Fairfax, VA 22031		9,699.00	4,613.00
International Liaison, Inc, 3413 Chantarene Drive Pensacola, FL 32507	Norsk Forsvarsteknologi A/S		
International Longshoremen's Assn, AFL-CIO, 17 Battery Place, #1500 New York, NY 10004			49,345.36
International Taxicab Assn, 3849 Farragut Avenue Kensington, MD 20895			
International Union of Bricklayers & Allied Craftsmen, 815 15th St., NW Washington, DC 20005			11,977.57
International Union of Operating Engineers, 1125 17th St., NW Washington, DC 20036		22,500.00	1,067.00
Investment Company Institute, 1600 M St., NW Washington, DC 20036			30,924.04
Investment Counsel Assn of America, Inc, 20 Exchange Place New York, NY 10005			
Charles C. Irions, 2200 Mill Rd. Alexandria, VA 22314	American Movers Conference	4,908.00	
Thomas L. Irmen, P.O. Box 119 Maumee, OH 43537	Andersons		
Iron Ore Lessors Assn, Inc, 2081 First National Bank Bldg Saint Paul, MN 55101		31,019.63	12,480.77
Charles R. Jackson, 225 North Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn of the USA	6,500.00	15,990.20
Glenn Jackson, 1660 L Street, NW, #601 Washington, DC 20036	Interstate Natural Gas Assn of America	300.00	
William P. Jackson Jr., Jackson & Jessup, P.C. 3426 N. Washington Boulevard Arlington, VA 22201	Osborne Truck Line, Inc, et al	2,802.70	6,789.60
Stephen Jacobs, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	1,500.00	448.00
E. A. Jaenke & Associates, Inc, 777 14th St., NW, #666 Washington, DC 20005	University of Kansas	250.00	
Daniel L. Jaffe, 1725 K Street, NW, #601 Washington, DC 20006	Association of National Advertisers		560.00
Jaffe Snider Raitt & Heuer, P.C., 1800 First National Building Detroit, MI 48226			
Edward L. Jaffee, 1730 Rhode Island Avenue, NW, #713 Washington, DC 20036	PPG Industries, Inc	84.00	20.00
Timothy P. James, 1125 17th Street, NW Washington, DC 20036	International Union of Operating Engineers	6,500.00	307.00
Japan Economic Institute of America, 1000 Connecticut Ave., NW Washington, DC 20036		1,510.48	1,510.48
Japanese American Citizens League, 1765 Sutter Street San Francisco, CA 94118			
Joseph J. Jaquay, 5025 Wisconsin Ave., NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Evelyn Jarvis-Ferris, 444 Market Street San Francisco, CA 94111	Shaklee Corporation		
Jerry J. Jasinowski, 1331 Pennsylvania Ave., NW, #1550N. Washington, DC 20004-1703	National Assn of Manufacturers	2,000.00	
Julie A. Javernick, 413 North Lee St. P.O. Box 1417-D49 Alexandria, VA 22313	National Assn of Chain Drug Stores, Inc	6,200.00	300.00
Jeford International, Inc, 1600 Wilson Blvd., #713 Arlington, VA 22209	Garber International Associates, Inc	150.00	
Do	ISC Defense & Space Group	175.00	
Do	John Deere Technologies International, Inc	300.00	
Do	LTV Defense & Space Co	200.00	
Do	Newport News Shipbuilding & Drydock Co	350.00	
Do	Pratt & Whitney Group	250.00	
Do	Raytheon Corp	150.00	
Jellinek Schwartz Connolly & Freshman, Inc, 1350 New York Avenue, NW, #400 Washington, DC 20005	Adolph Coors Co	35,257.00	792.00
Do	ASARCO, Inc	24,252.00	1,208.00
Do	Colorado School of Mines Foundation		
Do	East Bay Municipal Utility District	9,485.00	415.00
Do	Los Angeles County Sanitation District	23,912.00	1,281.00
Do	New York Power Authority	1,100.00	21.00
Do	Padre Dam Municipal Water District		
Do	Rhone-Poulenc, Inc	26,692.00	538.00
Joseph S. Jenckes, Suite 300 1710 Rhode Island Ave., NW Washington, DC 20036	Abbott Laboratories	5,000.00	
Linda Jenckes, 1025 Connecticut Avenue, NW Washington, DC 20036	Health Insurance Assn of America, Inc		
Jenner & Block, 21 Dupont Circle, NW Washington, DC 20036	Adhesive & Sealant Council, Inc		
Do	American Assn of Electromyography & Electrodiagonosts		
Do	American Assn of Nurse Anesthetists		
Do	American Dental Assistants Assn		
Do	American Dental Trade Assn		
Do	American Diabetes Assn		
Do	American Film Marketing Assn		
Do	American Soc for Cataract & Refractive Surgery		
Do	American Soc of Assn Executives		
Do	Association of Operating Room Nurses		
Do	Auto Glass Industry Comm		
Do	Cable TV Admin & Marketing Society, Inc		
Do	CECO Industries, Inc		
Do	Dental Gold Institute		
Do	International Soc for Hybrid Microelectronics		
Do	Metropolitan Transit Authority	21,995.00	8,506.41
Do	MCI		
Do	National Glass Association		
Do	San Francisco Public Utilities Commission	3,582.81	64.26
David Jenness, 1625 I Street NW, #911 Washington, DC 20006	Consortium of Social Science Assns		
James C. Jennings, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc		
Rusty L. Jesser, 1120 Connecticut Avenue, NW Washington, DC 20036	American Bankers Assn	3,000.00	
Nancy H. Jessick, 1331 Pennsylvania Ave., NW, #720 Washington, DC 20004	Hiram Walker & Sons, Inc		
Guy E. Jester, 2150 Kienlen Ave. St. Louis, MO 63121	Association for the Improvement of the Mississippi River		
Kataejar U. Jibas, P.O. Box 921 Majuro, Marshall Islands	Bikini/Kili/Ejit Council		
Aileen A. Johnson, 2000 P St., NW, #400 Washington, DC 20036	Women's Legal Defense Fund		
Calvin P. Johnson, 815 16th Street, NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	16,174.34	709.54
Clifford T. Johnson, 1700 North Moore Street Rosslyn, VA 22209	Boeing Military Airplane Company		
Jess Johnson Jr., 1025 Connecticut Ave., NW, #200 Washington, DC 20036	Shell Oil Co	500.00	
Joel L. Johnson, 122 C St., NW, #740 Washington, DC 20001	American League for Exports & Security Assistance, Inc	4,500.00	139.55
John B. Johnson, Alabama Petroleum Council P.O. Box 4220 Montgomery, AL 36195	American Petroleum Institute	787.50	
John W. Johnson, P.O. Box 35106 Minneapolis, MN 55435	American Collectors Assn	1,000.00	
Johnny Johnson, P.O. Box 921 Majuro, Marshall Islands	Bikini/Kili/Ejit Council		
Kay Johnson, 122 C Street, NW Washington, DC 20001	Children's Defense Fund	471.08	
Kenneth A. Johnson, 4524 Hillsboro Ave. North New Hope, MN 55428	Pillsbury Company		
L. Oakley Johnson, 1455 Pennsylvania Avenue, NW, #900 Washington, DC 20004	American International Group, Inc	5,000.00	
Larry W. Johnson, P.O. Box 3000 Leesburg, VA 22075	Vocational Industrial Clubs of America, Inc		
Mark R. Johnson, 1667 K Street, NW, #350 Washington, DC 20036	Moller Steamship Co, Inc		
Nancie S. Johnson, 1701 Pennsylvania Avenue, NW, #900 Washington, DC 20006	E. I. du Pont de Nemours & Co		
Rady A. Johnson, 200 East Randolph Drive P.O. Box 87703 Chicago, IL 60680-9978	Amoco Corporation		
Richard W. Johnson Jr., 225 N. Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn of the USA	7,274.88	84.78
Spencer A. Johnson, 1101 Vermont Ave., NW, #411 Washington, DC 20005	Paperboard Packaging Council		
Stanley L. Johnson, 5344 29th St., NW Washington, DC 20015	Texaco, Inc	50.00	
Susan E. Johnson, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Sears Roebuck & Co	405.00	213.22
Thomas G. Johnson, One Shell Plaza P.O. Box 2463 Houston, TX 77001	Shell Oil Co		
David Johnston, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Geo. Allen Johnston, 2000 K St., NW, 7th Foor Washington, DC 20006	National Comm to Preserve Social Security	8,567.00	
James D. Johnston, 1660 L St., NW Washington, DC 20036	General Motors Corp	3,600.00	7,775.19
Joint Task Force on Fed Financial Assist. for Law Students, 10th St. Newton Industrial Common Newton, PA 18940			
Mary K. Jolly, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America	950.00	200.65
Herbert A. Jolovitz, 7531 Sebago Road Bethesda, MD 20817	Owens-Corning Fiberglas Corporation	1,250.00	62.00
Allan R. Jones, 2200 Mill Rd. Alexandria, VA 22314	American Trucking Assns, Inc	9,000.00	
Belva W. Jones, 1101 15th St., NW, #202 Washington, DC 20005	National Assn of Margarine Manufacturers		
Ernest W. Jones, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Gerald R. Jones, 2000 L St., NW, #810 Washington, DC 20036	Unisys Corp		
James E. Jones Jr., 1629 K St., NW, #1010 Washington, DC 20006	Alliance of American Insurers	625.00	390.00
Randall T. Jones, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives	3,562.50	
Theodore L. Jones, 2033 K St., NW, #300 Washington, DC 20006-1056	City of Baton Rouge	2,500.00	
Do	Primark Corporation	2,500.00	
Do	United Companies Life Insurance Companies		
Wiley N. Jones, 1667 K St., NW, #600 Washington, DC 20006	Southern Pacific Transportation Co	1,000.00	500.00
Jones Day Reavis & Pogue, 1450 G Street, NW, #600 Washington, DC 20005-2088	Ameritrust Co, Nat'l Assn		
Do	Automotive Dismantlers & Recyclers Assn, Inc		
Do	Bank Street Consultanting Group	826.66	
Do	Embassy of the People's Republic of China	9,999.01	111.68
Do	Geostar Corp		
Do	Heron International, Ltd	117.16	
Do	Litel Telecommunications Corp		
Do	Los Angeles County	17,628.75	3,733.44
Do	M.A. Hanna Company		2,407.25
Do	McKinley Federal Savings & Loan Assn		
Do	Mississippi Chemical Corp		
Do	Morgan Grenfell & Co Ltd		9,967.75
Do	National Assn of Independent Insurers		
Do	National Assn of State Auditors Comptrollers & Treasurers		
Do	National Beer Wholesaler's Assn, Inc		1,699.00
Do	North Wilkesboro Federal Savings & Loan Assn	1,423.98	791.06
Do	Peoples Bank & Trust Co	1,347.91	791.07
Do	Pfizer, Inc	2,800.00	59.94
Do	Primark Corporation	5,298.00	15.40
Do	Stakeholders in America	39,032.00	3,968.00
Do	State Assn of County Retirement Systems		
Do	SCM Corp		
Do	Teleconnect Co	1,693.00	
Do	USAA Federal Savings Bank	572.00	
David H. Jonson, 1200 17th Street, NW Washington, DC 20036	Federation of Behavioral, Psychological & Cognitive Sciences	180.00	
De Soto Jordan, 1331 Pennsylvania Ave., NW, #1300 Washington, DC 20004	EDS Corporation	88.00	82.23
James C. Jordan, 1785 Massachusetts Ave., NW Washington, DC 20036	National Trust for Historic Preservation	4,746.83	
David C. Jory, 1200 New Hampshire Ave., NW, #350 Washington, DC 20036	Citibank, N.A	500.00	
John J. Joyce, 25 Louisiana Ave., NW Washington, DC 20001	International Brotherhood of Teamsters	3,000.00	
Tomaki Juda, P.O. Box 921 Majuro, Marshall Islands	Bikini/Kili/Ejit Council		
Kathy L. Judd, 1700 K St., NW, #1204 Washington, DC 20006	Chevron USA, Inc	100.00	
Amy E. Judy, 2030 M St., NW Washington, DC 20036	Common Cause	5,041.26	728.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Robert E. Juliano, 2555 M Street ,NW Washington, DC 20037	American Express Co	10,000.00	
Do	Hotel & Restaurant Employees & Bartenders Intl Union	24,437.52	176.85
Robert E. Juliano Associates, 2555 M Street, NW, #303 Washington, DC 20037	Aetna Life & Casualty Insurance Co	10,000.00	
Do	ADAPSO	5,000.00	
Do	International Speedway Corp	7,500.00	
Do	National Academies of Practice	2,500.00	
Do	Rentar Industries, Inc	4,000.00	
Do	Stock Information Group	10,000.00	
Justice Fellowship, P.O. Box 17181 Washington, DC 20041			
JK Research Associates, Inc, 3408 Bonnie Road Austin, TX 78703	Seabed Assn		
Geza Kadar Jr., 1025 Connecticut Avenue, NW Washington, DC 20036	Health Insurance Assn of America, Inc		
Jim Kaitz, 1667 K Street, NW, #710 Washington, DC 20006	Baxter Travenol Laboratories, Inc		
Donald J. Kaniewski, 905 16th St., NW Washington, DC 20006	Laborers' Intl Union of North America, AFL-CIO	11,749.00	81.60
Martin B. Kanner, 2301 M St., NW Washington, DC 20037	American Public Power Assn	2,000.00	
James W. Kanouse, 1700 North Moore Street, 21st Floor Rosslyn, VA 22209	Boeing Company	14,500.00	688.24
Nancy E. Kantola, 1401 New York Avenue, NW, #1100 Washington, DC 20005	National Cooperative Business Assn	2,500.00	
Kevin Kaplan, 8100 Mountain Road, NE Albuquerque, NM 87110	Beer Drinkers of New Mexico		
Kaplan Russin & Vecchi, 1215 17th Street, NW Washington, DC 20036	American Chamber of Commerce of the Dominican Republic		
David A. Karcher, 3702 Pender Drive, #250 Fairfax, VA 22030	American Soc of Cataract & Refractive Surgery		11,130.00
Eric H. Karp, 115 Broad Street Boston, MA 02110	Edward Blankstein, Inc		
Gene Karpinski, 215 Pennsylvania Avenue, SE Washington, DC 20003	U.S. Public Interest Research Group	6,000.00	
Anthony K. Karwoski, 1745 Jefferson Davis Hwy, #511 Arlington, VA 22202	Manufactured Housing Institute	700.00	100.00
Peter J. Kassander, 412 Fifth St., SE #1 Washington, DC 20003	Seattle Organizing Committee, 1990 Goodwill Games	6,416.76	
Robert C. Kaufmann, 1250 Connecticut Ave., NW Washington, DC 20036	American Paper Institute, Inc		
Everett E. Kavanaugh, 1110 Vermont Ave., NW, #800 Washington, DC 20005	Cosmetic Toiletry & Fragrance Assn, Inc		
Bronwen A. Kaye, 1575 Eye St., NW, #200 Washington, DC 20005	American Cyanamid Co	640.38	543.00
Kaye Scholer Fierman Hays & Handler, 1575 Eye Street, NW, #1150 Washington, DC 20005	Carlon Company		198.75
Do	Alfredo J. Estrada		
Do	Goldman Sachs & Co		450.63
Do	GAF Corporation		
Do	Kraft, Inc		1,272.03
Do	Morgan Guaranty Trust Co of New York	17,402.97	279.38
Do	Westwood One, Inc		1,861.47
Do	Winfield Manufacturing Co		1,078.50
Lisa E. Kazel, 1331 Pennsylvania Avenue, NW, #1500N Washington, DC 20004-1703	National Assn of Manufacturers		
Keck Mahin & Cate, 1730 Pennsylvania Avenue, NW, #350 Washington, DC 20006	Schwinn Bicycle Co	340.00	
Robert J. Keefe, 444 N. Capitol Street, #711 Washington, DC 20001	Keefe Company (For:UNIAO Nacional Para Independencia Total DeAngola)		
Do	Keefe Company (For:Westinghouse Electric Corp)		
Do	Keefe Company (For:Yearbook Printers Assn)		
Vicki R. Keenan, 1015 15th Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	700.00	
Keith Keeney, 5775 Peachtree-Dunwoody Rd., #500-D Atlanta, GA 30342	Robert H. Kellen Co (For:Calorie Control Council)		
Robert C. Keeney, 727 N. Washington St. Alexandria, VA 22314	United Fresh Fruit & Vegetable Assn		
Robin E. Keeney, 1828 L Street, NW Washington, DC 20036	American Land Title Assn	2,025.00	
Kendell W. Keith, 725 15th Street, NW Washington, DC 20005	National Grain & Feed Assn		
Robert H. Kellen, 5775 Peachtree-Dunwoody Rd., #500-D Atlanta, GA 20342	Robert H. Kellen Co (For:Calorie Control Council)		
Keller & Heckman, 1150 17th Street, NW, #1000 Washington, DC 20036	Specialty Advertising Assn Int'l	1,750.00	192.50
Thomas F. Kelley III, 311 First Street, NW Washington, DC 20001	National Restaurant Assn		
Ty Kelley, P.O. Box 1417-D49 Alexandria, VA 22313	National Assn of Chain Drug Stores, Inc	1,500.00	
Kelley Drye & Warren, 1330 Connecticut Ave., NW Washington, DC 20036	Alaska Surimi Products, Inc		
Do	Burlington Industries, Inc		
Do	Business Roundtable	720.00	
Do	ITT Consumer Financial Corp		
Do	Kingdom of Tonga		
Do	Marconi Underwater Systems Ltd	1,400.00	126.05
Do	J.P. Morgan & Co, Inc	517.50	
Do	Society of the New York Hospital	12,105.00	4,256.30
Do	Tokyo Electric Co., Ltd		
Joseph T. Kelliher, 410 First St., SE Washington, DC 20003	American Nuclear Energy Council	1,875.00	1,274.67
Stephen G. Kellison, 1720 Eye Street, NW, 7th Floor Washington, DC 20006	American Academy of Actuaries		
Stephen S. Kellner, 1001 Connecticut Ave., NW, #1120 Washington, DC 20036	Chemical Specialties Manufacturers Assn, Inc		
Carol A. Kelly, 1700 Pennsylvania Ave, #525 Washington, DC 20006	Equitable Life Assurance Society of the U.S	150.00	5.00
Edward L. Kelly, 1319 F Street, NW, #1000 Washington, DC 20004	National Assn of Private Psychiatric Hospitals	500.00	
Ernest B. Kelly III, 950 L'Enfant Plaza, SW Washington, DC 20024	Communications Satellite Corp	1,500.00	176.53
Harold V. Kelly, 1025 Thomas Jefferson St., NW, #511 W. Washington, DC 20007	LTV Corporation		
John E. Kelly, 3408 Bonnie Road Austin, TX 78703	JK Research Associates, Inc (For:Seabed Assn)		
John F. Kelly, 1828 L Street, NW # 906 Washington, DC 20036	Merrill Lynch & Co, Inc	2,000.00	
Mark L. Kemmer, 1660 L Street, N.w. Washington, DC 20036	General Motors Corp	2,500.00	1,654.32
Coletta Kemper, 1401 New York Avenue, NW, #720 Washington, DC 20005	National Assn of Insurance Brokers		
Jackson Kemper Jr., 1215 Jefferson Davis Hwy., #1004 Arlington, VA 22202	Diagnostic/Retrieval Systems, Inc	8,750.00	
Jonathan Kempner, 1250 Connecticut Ave., NW, #620 Washington, DC 20036	National Multi Housing Council	2,500.00	
William T. Kendall, 50 E St., SE Washington, DC 20003	Alliance for Free Enterprise		
Kendall & Associates, Inc, 50 E St., SE Washington, DC 20003	ALC Communications Corp	200.00	
Do	Hogan & Hartson (for Timex Group, Ltd)		
Do	Hogan & Hartson (for Volume Shoe Corp)		
Do	Manville Corporation	500.00	
Do	Rose Communications	250.00	
Do	Toyota Motor Sales, USA, Inc	1,000.00	
Do	Williams Technologies, Inc		
Do	Worldwide Information Resources, Inc		
Stephanie Kennan, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	438.46	297.85
Joseph W. Kennebeck, 490 L'enfant Plaza, SW, #3210 Washington, DC 20024	Volkswagen of America, Inc	250.00	20.00
Art Kennedy, Box 200576 Anchorage, AK 99520	Alaska Resource Analysts, Inc		
Do	Koniag, Inc		
Frances H. Kennedy, 208 N. Quaker Lane Alexandria, VA 22304	National Parks & Conservation Assn	100.00	
James J. Kennedy Jr., 400 First St., NW, #804 Washington, DC 20001	Railway Labor Executives' Assn	11,881.58	
Michael E. Kennedy, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Jeremiah J. Kenney Jr., 12th Fl. 1100 15th St., NW Washington, DC 20005	Union Carbide Corp		58.80
Brendan Kenny, 1625 Massachusetts Avenue, NW Washington, DC 20036	Air Line Pilots Assn	5,050.00	565.20
J. H. Kent, Kent & O'Connor 1211 Connecticut Avenue, NW Washington, DC 20036	American Soc of Plastic & Reconstructive Surgery		
Do	American Supply Association	7,443.17	2,876.62
Do	American Warehousemen's Association		
Do	Gould, Inc		
Do	International Assn of Airport Duty Free Stores	2,000.00	769.54
Do	National Customs Brokers & Forwarders Assn of America	3,100.00	1,209.27
Do	Transportation Lawyers Assn		
Elizabeth Kepley, 122 C St., NW, #800 Washington, DC 20001	Concerned Women for America		
Vytautas Kerbelis, P.O. Box 44 Sea Harbor, ME 04675	ARAS		
Anne S. Kerman, 122 C Street, NW, #380 Washington, DC 20001	National Family Planning & Reproductive Health Assn, Inc		
Susan Akers Kernus, 1330 Connecticut Ave., NW, #300 Washington, DC 20036	Synthetic Organic Chemical Manufacturers Assn, Inc	1,000.00	71.00
Suzanne S. Kerr, 110 Maryland Ave., NE, Room 211 Washington, DC 20002	Women's Action for Nuclear Disarmament, Inc, et al	461.54	
Michael J. Kerrigan, 1925 K Street, NW, #504 Washington, DC 20006	Smokeless Tobacco Council, Inc	92.00	
Margaret Kerry, 105 East 22nd Street New York, NY 10010	Community Service Society	322.52	224.88
Frederick A. Kessinger, 1201 4th St., SW Washington, DC 20024	Animal Health Institute		
Conrad Peter Kessler, 815 15th St., NW, #711 Washington, DC 20005	Americans for Democratic Action	2,928.00	60.00
Victoria M. Kessler, 1731 Connecticut Avenue, NW Washington, DC 20009	Albers & Co (For:May Department Stores Co)	5,400.00	22.00
Dale Rodney Ketcham, 1980 N. Atlantic Ave., #980 Cocoa Beach, FL 32931			
Robert M. Ketchel, 1331 Pennsylvania Ave., NW, #895 Washington, DC 20004	General Electric Co		
Dorothy A. Keville, 2215 Constitution Ave., NW Washington, DC 20037	American Pharmaceutical Assn		
Do	Mothers Without Custody, Inc		
Gilbert W. Keyes, P.O. Box 3999 (mail Stop 8c-68) Seattle, WA 98124	Boeing Aerospace Co	184.84	104.09
G. Chandler Keys III, 1301 Pennsylvania Avenue, NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Earline A. Keyser, 7352 Lee Highway Falls Church, VA 22046	Bechtel Power Corporation		
Kiawah Island Co, Ltd, P.O. Box 12910 Charleston, SC 29412-0910			

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Richard F. Kibben, 200 Park Ave., #2222 New York, NY 10166	Business Roundtable		
Brian D. Kidney, 444 N. Capitol Street, NW, #718 Washington, DC 20001	Pacific Telesis Group	15,450.00	
William S. Kies, 1750 K St., NW Washington, DC 20006	Food Marketing Institute	200.00	
Ingolf N. Kiland Jr., 1660 L Street, NW Washington, DC 20036	General Motors Corp	3,000.00	2,418.76
Brian M. Kilbury, 815 16th St., NW, #511 Washington, DC 20006	Transportation Communications Union	1,400.00	1,400.00
Thomas J. Kilcline, 201 North Washington Street Alexandria, VA 22314	Retired Officers Assn	750.00	
Maryann Kilduff, 2001 M St., NW, #230 Washington, DC 20036	Telocator Network of America	5,660.00	
Gregory Kilgore, 1101 16th Street, NW Washington, DC 20036	Scientific Apparatus Makers Assn	1,100.00	236.31
John J. Killeen, 1090 Vermont Ave., NW, #1100 Washington, DC 20005	Textron, Inc	600.00	150.00
William P. Killmer, 1331 Pennsylvania Avenue, NW, #910 Washington, DC 20004	American Cement Trade Alliance, Inc	3,749.98	283.38
Mary K. Killorin, 1101 15th Street, NW Washington, DC 20005	Minnesota Mining & Manufacturing Co	1,500.00	
Kilpatrick & Cody, 2501 M St., NW, #500 Washington, DC 20037	PepsiCo, Inc	3,678.00	96.20
Eun Sang Kim, 1030 15th Street, NW, #776 Washington, DC 20005	Korean Foreign Trade Assn	1,200.00	820.00
Hee Jin Kim, 1030 15th Street, NW, #776 Washington, DC 20005	Korean Foreign Trade Assn	900.00	650.00
Roberta D. Kimball, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors, Inc	2,500.00	
Richard H. Kimberly, 1201 Pennsylvania Avenue, NW, #730 Washington, DC 20004	Kimberly-Clark Corp	4,086.25	175.95
Kimberly-Clark Corp, Texas Commerce Bank Building 545 E. Carpenter Freeway Irving, TX 75062-3931			4,937.20
James L. Kimble, 1025 Connecticut Ave., NW, #415 Washington, DC 20036	American Insurance Assn		
Thomas N. Kindness, 1001 Prince Street Alexandria, VA 22314	Contractor Liability & Indemnification Alliance		
Do	Recording Industry Assn of America, Inc		
Ann Ottoson King, 1620 Eye Street, NW, #800 Washington, DC 20006	Taft Stettinius & Hollister (For:Recordings Import Trade Committee)		
Edward H. King, 200 Wilmot Rd. Deerfield, IL 60015	Walgreen Co		
Lewis O. King, P.O. Box 10045 Austin, TX 78766	National Guard Assn of Texas	7,000.00	115.60
W. Russell King, 50 F St., NW, #1050 Washington, DC 20001	Freeport McMoran, Inc	500.00	143.00
King & Spalding, 1730 Pennsylvania Ave., NW, #1200 Washington, DC 20006	Alabama State Docks Department		57.27
Do	Fuqua Industries, Inc		17.50
Do	Generic Pharmaceutical Industry Assn	401.00	18.50
Do	Mercer University	2,000.00	231.33
Do	National Pharmaceutical Alliance	78.75	
Do	Noro Realty Advisors, Inc	1,336.92	
Do	State of Georgia	1,336.92	
Ruby King-Williams, 1201 16th Street, NW Washington, DC 20036	National Education Assn		
Kathleen N. Kingscott, 1801 K Street, NW, #1200 Washington, DC 20006	IBM Corp	5,275.00	2,155.00
Daniel T. Kingsley, 1655 N. Fort Myer Dr., #700 Arlington, VA 22209	National Venture Capital Association		
Roger P. Kingsley, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn		
Janie A. Kinney, 1615 L Street, NW, #1320 Washington, DC 20036	Merck & Co, Inc	575.00	175.00
Marcia Y. Kinter, 1600 Wilson Boulevard, #1000 Arlington, VA 22209	American Waterways Operators, Inc	2,000.00	200.15
Cecilia Anne Kirby, 1819 L Street, NW, #600 Washington, DC 20036	American Hotel & Motel Assn	1,524.41	
Alan G. Kirk II, 1900 Pennsylvania Ave., NW Washington, DC 20068	Potomac Electric Power Co	7.77	
John R. Kirk, Bingham, Dana & Gould 100 Federal St. Boston, MA 02110	First National Bank of Boston		
Kirkpatrick & Lockhart, 1800 M St., NW, S. Lobby-9th Fl. Washington, DC 20036	American Council of Life Insurance, Inc		
Do	Investors Fiduciary Trust Co	2,623.00	
Kirlin Campbell & Keating, One Farragut Square South Second Floor Washington, DC 20006	Council of European & Japanese National Shipowners' Assn	16,800.00	348.92
Robert A. Kirshner, 1250 Connecticut Avenue, NW Washington, DC 20036	National Forest Products Assn	500.00	
Mary Brice Kirtley, 888 17th Street, NW, #300 Washington, DC 20006	ConAgra, Inc	200.00	
Lisa K. Kjaer, 2001 Eye St., NW Washington, DC 20006	Electronic Industries Assn	475.00	
Dean Kleckner, 225 Touhy Avenue Park Ridge, IL 60068	American Farm Bureau Federation	3,125.00	
James A. Klein, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S	1,750.00	248.22
Jerry D. Klepner, 1020 19th St., NW Washington, DC 20036	Anderson Benjamin Read & Haney (For:Blue Cross & Blue Shield of Florida)		
Do	Anderson Benjamin Read & Haney (For:Boston Company)	600.00	71.34
Do	Anderson Benjamin Read & Haney (For:De La Rue Giori of America, Inc)		
Do	Anderson Benjamin Read & Haney (For:SICPA Industries of America, Inc)		
Kline Knopf & Wojdak, Inc, 355 N. 21st Street, #303 Camp Hill, PA 17011	General Public Utilities Corp		
Michael R. Klipper, 1600 I St., NW Washington, DC 20006	Motion Picture Assn of America, Inc	243.75	188.00
David M. Klucsik, 1415 Wyckoff Road Wall, NJ 07719	New Jersey Natural Gas Co		
Glenn Knapp, 773 Dartmouth Ave. San Carlos, CA 94070			
John A. Knebel, 1920 N Street, NW, #300 Washington, DC 20036	American Mining Congress	360.00	46.87
Gary D. Knight, 1111 19th Street, NW Washington, DC 20036	Edison Electric Institute	85.41	
Keith R. Knoblock, 1920 N St., NW Washington, DC 20036	American Mining Congress	80.00	11.30
Albert B. Knoll, 555 13th Street, NW, #1010 East Washington, DC 20004-1109	Sun Co, Inc	1,750.00	704.29
Ruth E. Kobell, 600 Maryland Ave., SW, #202 Washington, DC 20024	Farmers' Educational & Co-Operative Union of America	3,379.50	3.60
Bradley R. Koch, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	142.95	
George W. Koch, 1010 Wisconsin Ave., NW, #800 Washington, DC 20007	Grocery Manufacturers of America, Inc	124.00	
Kogovsek & Associates, Inc, 3600 S. Yosemite, #830 Denver, CO 80237	Colorado-Ute Electric Assn, Inc	1,500.00	649.50
Do	Public Employees Retirement Assn of Colorado	5,925.00	947.50
Do	Upper Yampa Water Conservation District	5,000.00	1,065.00
Gary J. Kohn, 1600 M Street, NW Washington, DC 20036	Investment Company Institute	362.50	323.67
Michael S. Koleda, 1225 Eye St., NW, #320 Washington, DC 20005	Council on Alternate Fuels		
Timothy S. Kolly, P.O. Box 9033 Charlottesville, VA 22906	Worrell Enterprises, Inc		
Kominers Fort & Schlefer, 1401 New York Ave., NW, #1200 Washington, DC 20005-2187	Atlantic Richfield Co		
Do	Avia Footwear, Inc	10,901.33	3,098.67
Do	Bollinger Machine Shop & Shipyard, Inc	1,900.00	1,441.80
Do	Crowley Maritime Corp	2,325.00	12.62
Do	Ocean Transportation Coalition		
Do	Oregon Economic Development Dept	7,717.60	1,050.34
Do	Pacific Coast Council of Freight Forwarders	4,895.01	3,104.99
Do	RREEF Funds	7,497.92	2.08
Nicholas Kominus, 1001 Connecticut Ave., NW Washington, DC 20036	U.S. Cane Sugar Refiners' Assn	806.25	153.13
Takeshi Kondo, 1110 Vermont Ave., NW Washington, DC 20005	C Itoh & Co, Ltd, et al	600.00	
Eugene P. Kopp, Suite 600 South 1120 20th Street, NW Washington, DC 20036	Union Pacific Corp	1,000.00	
Steven Kopperud, 1701 N. Ft. Myer Drive Arlington, VA 22209	American Feed Industry Assn	3,240.00	
Horace R. Kornegay, Adams Kleemeier Hagan Hannah & Fouts P.O.BOX 3463 Greensboro, NC 27402	Tobacco Institute		
Kerrill K. Kornegay, 1025 Connecticut Ave., NW, #1014 Washington, DC 20036	Enserch Corporation	1,937.00	1,678.48
Ronald W. Kosh, 8111 Gatehouse Road Falls Church, VA 22047	AAA Potomac		
Nicholas P. Koskores, 1455 Pennsylvania Avenue, NW, #1000 Washington, DC 20004	New England Council, Inc		
Marilyn S. Koss, 600 New Hampshire Ave., NW Washington, DC 20037	New York Life Insurance Company	100.00	50.00
Gerald J. Kovach, 1133 19th Street, NW Washington, DC 20036	MCI Communications Corp	2,000.00	24,589.22
Kenneth S. Kovack, 815 16th St., NW, #706 Washington, DC 20006	United Steelworkers of America	10,921.59	
Mylio S. Kraja, 1608 K St., NW Washington, DC 20006	American Legion	3,750.00	428.20
Joseph H. Kramer III, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Budd Company)		
Do	Hill & Knowlton, Inc (For:HTB Corporation)		
Kenneth B. Kramer, 111 South Tejon, #700 Colorado Springs, CO 80903	Aries Properties Inc	15,000.00	
Stephen W. Kraus, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc	1,000.00	
Raymond R. Krause, 3771 Pillsbury Center Minneapolis, MN 55402	Pillsbury Company	1,500.00	378.00
Earl R. Kreher, 1620 Eye Street, NW, #1000 Washington, DC 20006	Motor Vehicle Manufacturers Assn of the U.S., Inc	942.00	
Lawrence E. Kreider, 1015 18th St., NW Washington, DC 20036	Conference of State Bank Supervisors		
Krivit & Krivit, P.C., 50 E Street, SE Washington, DC 20003	City of St. Petersburg, Florida	1,200.00	100.00
Kroger Company, 1014 Vine St. Cincinnati, OH 45201			4,493.65
Krooth & Altman, 2101 L Street, NW, #210 Washington, DC 20037	Healthcare Financing Study Group	11,250.00	
Paul R. Kruse, 1155 15th St., NW, #600 Washington, DC 20005-2770	Pennzoil Co	625.00	
James S. Krzyminski, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives	850.00	
Thomas A. Kube, 8111 Gatehouse Road Falls Church, VA 22047	American Automobile Assn		
M. J. Kuehne, P.O. Box 11346 Tacoma, WA 98411	Northwest Independent Forest Manufacturers	5,000.00	1,153.00
Philip Kugler, 555 New Jersey Ave., NW Washington, DC 20001	American Fed of Teachers		
Sara E. Kuhn, 1735 New York Avenue, NW Washington, DC 20006	American Institute of Architects	2,000.00	
Thomas R. Kuhn, 1111 19th Street, NW Washington, DC 20036	Edison Electric Institute	6,266.40	1,032.65
Rebecca L. Kupper, 655 15th Street, NW 300 Metropolitan Square Washington, DC 20005	American Medical International	688.00	39.04
Kurrus & Kirchner, P.C., 1055 Thomas Jefferson St., NW, #418 Washington, DC 20007	Marine Transport Lines, Inc	1,192.50	233.15
Do	Seafarers International Union	30,000.00	521.51
Valerie W. Kurylo, 1601 Duke Street Alexandria, VA 22314	Society of American Florists		
Ester Kurz, 500 North Capitol St., NW, #300 Washington, DC 20001	American Israel Public Affairs Comm	16,249.98	73.50
James M. Kuszaj, P.O. Box 31608 Raleigh, NC 27615	Dow Chemical USA		
Kutak Rock & Campbell, 1101 Connecticut Aven., NW, #1000 Washington, DC 20036	Citicorp Investment Bank		336.49

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Fidelity Management & Research Co	5,000.00	794.33
Do	Financial Security Assurance Co		1,401.16
Do	Municipal Bond Insurance Assn		275.05
John R. Kyte, 18 Muzzey Street Lexington, MA 02173	BMc Strategies, Inc	2,000.00	542.15
James La Sala, 5025 Wisconsin Avenue, NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
Labor Bureau, Inc, 1101 15th Street, NW, #1010 Washington, DC 20005			
Labor Management Maritime Committee, Inc, 100 Indiana Avenue, NW Washington, DC 20001		6,752.00	5,848.00
Laborers' Intl Union of North America, AFL-CIO, 905 16th St., NW Washington, DC 20006			28,978.89
Joseph L. Lach, 1625 K Street, NW, #750 Washington, DC 20006	Manville Corp	500.00	
John D. Lacopo, 1331 Pennsylvania Ave., NW, #1300 Washington, DC 20004	EDS Corporation		
Bruce C. Ladd Jr., 1776 K Street, NW Washington, DC 20006	Motorola, Inc	16,500.00	101.00
Christine Ladd, 2030 M St., NW Washington, DC 20036	Common Cause	1,545.45	
Robert A. Ladig, Scott Plaza Philadelphia, PA 19113	Scott Paper Co	700.00	319.57
David F. Lambert III, 1401 New York Ave., NW, #720 Washington, DC 20005	National Assn of Insurance Brokers, Inc		
David P. Lambert, 1800 K St., NW, #1100 Washington, DC 20006	New York Stock Exchange, Inc		
David R. Lambert, 1030 15th St., NW, #964 Washington, DC 20005	American Seed Trade Assn	6,000.00	
Martha D. Lamkin, P.O. Box 3005 Columbus, IN 47202	Cummins Engine Co, Inc	1,021.64	112.50
Virginia A. Lampley, 1818 N St., NW, #600 Washington, DC 20036	DGA International, Inc (For:Dir Intl Aff of the Gen Del for Armements)		
Do	DGA International, Inc (For:Societe Nationale D'Etude et de Const de Moteurs D'Aviation).		
Ray H. Lancaster, 1331 Pennsylvania Ave., NW, #565 Washington, DC 20004	Texas Gas Transmission Corp	3,000.00	98.24
L. Charles Landgraf, 1333 New Hampshire Avenue, NW Washington, DC 20036	Leboeuf Lamb Leiby & Macrae		
Thomas M. Landin, P.O.Box 7029 One Franklin Plaza Philadelphia, PA 19101	SmithKline Beckman Corp		
Robert D. Landis, 777 14th St., NW Washington, DC 20005	National Assn of Realtors		
Landis Cohen Rauh & Zelenko, 1019 19th St., NW, #500 Washington, DC 20036	American Soc of Composers Authors & Publishers	4,000.00	
Do	National Council for Japanese American Redress	2,925.00	
Do	NFL Players Association	3,000.00	
Moon Landrieu, P.O. Box 18198 Washington, DC 20036	Coalition to Stop the Raid on America	750.00	
Do	Mainstreets Coalition		
David W. Landsidle, 1710 Rhode Island Avenue, NW, #300 Washington, DC 20036	Abbott Laboratories	4,000.00	
Bruce Alan Landy, 2601 Virginia Ave., NW Washington, DC 20037	B.A.L. Co		
Do	Cryogenic Vacuum Technology Co		
Do	FAA-Congress Watch		
Do			
Scott H. Lane, 412 First Street, SE Washington, DC 20003	National Automobile Dealers Assn	3,000.00	
William C. Lane, 100 N.E. Adams Street Peoria, IL 61629-1460	Caterpillar, Inc	1,125.00	1,301.20
Lane & Edson, P.C., 2300 M Street, NW Washington, DC 20036	City of Baltimore	7,800.00	7,800.00
Do	Council for Housing & Rural Development	4,000.00	
Do	National Glass Association	9,537.50	9,537.50
Do	National Leased Housing Assn	900.00	
Do	Pyropower Corp	4,580.00	4,580.00
Lane & Mittendorf, 1750 K Street, NW, #1200 Washington, DC 20006	Independent Producers Group	7,000.00	
Lane Powell Moss & Miller, 3800 Ranier Bank Tower Seattle, WA 98101-2647	Afognak Joint Venture	20,848.50	16,497.55
Adrienne C. Lang, 1111 14th Street, NW, #501 Washington, DC 20005	American Soc of Anesthesiologists	3,000.00	
Robin W. Lanier, 1000 Connecticut Ave., NW Washington, DC 20036	National Retail Merchants Assn	4,000.00	178.70
Clifford C. Laplante, 1331 Pennsylvania Avenue, NW, #700-S Washington, DC 20004	General Electric Co	1,600.00	
Lillie Hoover Largent, P.O. Box 1085 Martinsburg, WV 25401	National Peach Council		
J. Stephen Larkin, 9225 Katy Freeway, #310 Houston, TX 77024	Petroleum Equipment Suppliers Assn	1,430.00	472.33
Richard Eugene Larochelle, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	150.00	
William L. Larsen, 1025 Connecticut Avenue, NW, #415 Washington, DC 20036	American Insurance Assn		
Mary Ellen Larson, 1420 King Street Alexandria, VA 22314	National Soc of Professional Engineers	1,250.00	
Reed E. Larson, 8001 Braddock Road, #600 Springfield, VA 22160	National Right to Work Committee		
Lash Group, 555 13th St., NW Washington, DC 20004	American Physical Therapy Assn		17.43
Do	American Psychological Assn		
Do	Caremark/Home Health Care of America		
Do	University of Pennsylvania		
Warren Lasko, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America		
Theodore A. Lattanzio, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America	1,206.25	
Joan H. Lavor, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Lloyd R. Lawrence Jr., Bob Lawrence & Associates 803 Prince Street Alexandria, VA 22314	Valmont Industries, Inc	10,500.00	1,750.00
Ursula Lawrence, 167 Maple Avenue Sea Cliff, NY 11579	America's Conscience		
Elizabeth Lawson, 1730 M Street, NW Washington, DC 20036	League of Women Voters of the U.S.	4,733.70	19.43
Janie L. Lawson, 1025 Connecticut Avenue, NW, #200 Washington, DC 20036	Shell Oil Co	500.00	
Laxalt Corporation, 1455 Pennsylvania Ave., NW, #985 Washington, DC 20002	W. R. Grace & Co		
Do	Peter Kiewit Sons', Inc		
Do	Mesa Petroleum Co	2,000.00	
Do	Motion Picture Assn of America, Inc	1,500.00	
Do	Purolator Courier		
Do	R. T. Vanderbilt Co, Inc		
Wayne R. LaPierre Jr., 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America	2,062.50	2,000.00
Leadership Conference on Civil Rights, 2027 Massachusetts Ave., NW Washington, DC 20036		260,922.50	108,824.65
League of Women Voters of the U.S., 1730 M St., NW Washington, DC 20036		51,443.64	51,443.64
League to Save Lake Tahoe, 2197 Lake Tahoe Blvd. P.O. Box 10110 South Lake Tahoe, CA 95731			
Thomas B. Leary, Hogan & Hartson 555 13th St., NW Washington, DC 20004-1109	Business Roundtable	43,641.66	
Richard J. Lease, 2145 Boise Drive Las Cruces, NM 88001			
Leboeuf Lamb Leiby & Macrae, 1333 New Hampshire Ave., NW, #1100 Washington, DC 20036	General Conf of the 7th Day Adventists Church Risk Mgt Svcs		
Do	Maritrans Operating Partners, L.P.	785.80	758.00
Do	Underwriters at Lloyd's London		
Thomas J. Lee Jr., P.O. Box 2628 Houston, TX 77252	Entex, Inc		
Young K. Lee, 2112 S. Buchanan Street Arlington, VA 22206	Washington Lobby Group, Inc (For:Preston Corp)	1,500.00	
L. Courtland Lee, Inc, 3814 West Street Landover, MD 20785	Minerals Exploration Coalition, Inc	600.00	100.00
Lefevere Lefler Kennedy O'Brien & Drawz, 2000 First Bank Place West 120 South 6th Street Minneapolis, MN 55402	City of New Brighton		
Peter A. Lefkin, 1025 Connecticut Avenue, NW, #415 Washington, DC 20036	American Insurance Assn	400.00	135.00
Legislative Studies Institute, Inc, 2400 E. Commercial Blvd., #500 Fort Lauderdale, FL 33308	Ameriserv, Inc		
C. Richard Lehmann, 15327 NW 60th Ave., #240 Miami Lakes, FL 33014	Richard Lehmann & Associates, Inc (For:National WPPSS 4&5 Bond Holders)		
Leslie A. Lehmann, 111 SW Columbia, #800 Portland, OR 97201	Nerco, Inc	6,765.00	191.17
Matthew R. Lehrman, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	1,500.00	25.57
Karen Leichtman, 1319 F St., NW, #300 Washington, DC 20004	Halt: Americans for Legal Reform		
Leighton & Regnery, 1667 K Street, NW Washington, DC 20006	American Dairy Products Institute		
Do	ALPO Petfoods, Inc		
Do	Clorox Co		
Do	Express Foods Co, Inc		
Do	General Instrument Corporation		
Do	GTE Products Corp		
Do	Johnson & Johnson		
Do	Leprino Foods, Inc		
Do	Merrick's, Inc		
Do	Visiting Nurse Assn of America	3,600.00	
Terry L. Leitzell, One Thomas Circle, NW, #900 Washington, DC 20005	American Shrimpboat Association		
Do	Marine Construction & Design Co		
Do	Northern Eagle Partners, L. P.		
Do	Port of Seattle		
Joseph L. Leitzinger, Bank of California Building 900 4th Ave. Seattle, WA 98164	Simpson Investment Co		
Robert A. Lembo, 1050 31st Street, NW Washington, DC 20007	Association of Trial Lawyers of America	2,000.00	100.00
Laverne Still Lemen, 1030 15th St., NW, #700 Washington, DC 20005	National Cotton Council of America	1,155.00	82.88
Donna Lenhoff, 2000 P St., NW, #400 Washington, DC 20036	Women's Legal Defense Fund	3,099.23	1,753.66
Betty Jane Leonard, P.O. Box 19109 Greensboro, NC 27419	Unifi, Inc		
Burleigh C. W. Leonard, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	600.00	843.72
Earl T. Leonard Jr., P.O. Drawer 1734 Atlanta, GA 30301	Coca-Cola Company	572.00	1,712.13
Lloyd Leonard, 1730 M St., NW Washington, DC 20036	League of Women Voters of the U.S.	6,623.40	35.85
Rodney E. Leonard, 2001 S Street, NW, #530 Washington, DC 20009	Community Nutrition Institute		
Charles Leppert Jr., 801 18th Street, NW, #400 Washington, DC 20006	Procter & Gamble Manufacturing Co		
Richard L. Lesher, 1615 H St., NW Washington, DC 20062	Chamber of Commerce of the U.S.		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
William Gene Lesher, 517 C Street, NE Washington, DC 20002	Lesher and Associates, Inc		
Lesher and Associates, Inc, 517 C Street, NE Washington, DC 20002	Agricultural Policy Working Group		4,187.00
Do			
Daniel Lesmez, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
William J. Lessard Jr., 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security	3,312.00	
Joseph S. Lester Jr., 1201 Pennsylvania Ave., NW, #370 Washington, DC 20004	Control Data Corporation		
Dale Lestina, 1201 16th St., NW Washington, DC 20036	National Education Assn	3,422.95	118.50
Leva Hawes Mason & Martin, 1220 19th St., NW, #700 Washington, DC 20036	Finnigan Corporation		
Leventhal Senter & Lerman, 2000 K Street, NW, #600 Washington, DC 20006-1809	Aeronautical Radio, Inc	5,233.75	33.75
Do	Pan American Satellite Corp		
Kenneth S. Levine, 1455 Pennsylvania Avenue, NW, #600 Washington, DC 20004	Joseph E. Seagram & Sons, Inc	977.50	
Lawrence E. Levinson, 1875 Eye St., NW, #940 Washington, DC 20006	Gulf & Western, Inc	2,750.00	80.00
James F. Levy, 1010 Whaley Street Columbia, SC 29201	Vista, Inc		
Roger N. Levy, 1660 L St., NW, #1000 Washington, DC 20036	Travelers Companies	2,500.00	
E. David Lewis, Unit P 7297 Lee Highway Falls Church, VA 22042	Society of American Wood Preservers, Inc		
Jack W. Lewis, 5205 Leesburg Pike, #505 Falls Church, VA 22041	National Beer Wholesalers Assn	2,066.00	59.41
Michael R. Lewis, 1133 15th St., NW, #640 Washington, DC 20005	International Longshoremen's & Warehousemen's Union	11,100.00	1,702.39
Mindy M. Lewis, Box #3005 Columbus, IN 47201	Cummins Engine Co, Inc	629.34	224.07
Richard Lewis, 1025 Vermont Ave., NW Washington, DC 20005	American Pulpwood Assn		
Richard W. Lewis, 1700 K St., NW Washington, DC 20006	Chevron USA, Inc	750.00	
William H. Lewis, Morgan Lewis & Bockius 1800 M Street, NW Washington, DC 20036	U.S. Gypsum Co	1,000.00	50.00
John F. Leyden, 815 16th Street, NW, #308 Washington, DC 20006	Public Employee Department, AFL-CIO	4,179.81	
Lynn H. LeMaster, 1111 19th Street, NW Washington, DC 20036	Edison Electric Institute	2,038.93	256.04
James M. LeMunyon, 1225 Eye St., NW, #950 Washington, DC 20005	American Electronics Assn	3,000.00	
William J. Lhota, 215 N. Front Street Columbus, OH 43215	Columbus and Southern Ohio Electric Co	750.00	425.62
Judith Lichtman, 2000 P St., NW, #400 Washington, DC 20036	Women's Legal Defense Fund	6,125.28	1,706.19
Richard A. Lidinsky Jr., 655 15th Street, NW, #300 Washington, DC 20005	Sea Containers America, Inc		
William C. Lienesch, 238 10th St., SE Washington, DC 20003	National Parks & Conservation Association	1,153.80	42.75
Howard C. Liggett, P.O. Box 1312 Pensacola, FL 32596	Escambia County Tax Collector		
Ross W. Lillard, 920 Main Street Kansas City, MO 64105	Stinson Mag & Fizzell (For:Farmland Industries, Inc)		
William Lilley III, 1730 K Street, NW, #703 Washington, DC 20006	American Business Conference	3,125.00	83.00
Diane Palmer Lilly, 1200 Peavey Building Minneapolis, MN 55479	Norwest Corporation		
Leanne Klyza Linck, 214 N. Henry St., #203 Madison, WI 53703	Sierra Club	719.30	831.56
Stephen R. Lindauer, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Karl W. Lindberg, 2322 Easter Lane New Orleans, LA 70152	Southern Forest Products Assn	1,750.00	
Roger Lindberg, 901 31st St., NW Washington, DC 20007	Hill & Knowlton, Inc (For:Colonial Williamsburg)	29.20	
Do	Hill & Knowlton, Inc (For:MediVision)	700.00	
Do	Hill & Knowlton, Inc (For:Panhandle Eastern Corp)		
Do	Hill & Knowlton, Inc (For:Republic of Turkey)	102.20	
Do	Hill & Knowlton, Inc (For:Tambrands)	29.20	
George E. Lindow, 2 Gateway Center Pittsburg, PA 15222	Peoples Natural Gas Co		
Donald Lindsey, 400 First Street, NW, #819 Washington, DC 20001	Brotherhood of Locomotive Engineers (OH)	415.17	53.68
Kathleen M. Linehan, 1875 Eye St., NW, #500 Washington, DC 20006	Philip Morris, Inc	1,400.00	260.00
Andrew D. Lipman, Pepper Hamilton & Scheetz 1777 F Street, NW Washington, DC 20006	MCI Telecommunications Corp		
Do	Norlight, Inc		
Linda A. Lipsen, 2001 S Street, NW, #520 Washington, DC 20009	Consumers Union of U.S., Inc	2,160.00	
Lisboa Associates, Inc, 1317 F St., NW, #400 Washington, DC 20004	University of the Virgin Islands	2,062.50	
John M. Lison, 200 West Adams, #2015 Chicago, IL 60606	Atcor, Inc		
Barbara A. Little, 1155 15th St., NW, #611 Washington, DC 20005	Ethyl Corporation	1,700.00	
Charles B. Little, 600 Maryland Ave., SW, #603 Washington, DC 20024	UBA, Inc	1,000.00	
Thomas W. Little, 1750 K Street, NW Washington, DC 20006	Food Marketing Institute	750.00	
William F. Little, 815 Connecticut Ave., NW Washington, DC 20006	Ford Motor Co	487.00	763.00
Roy Littlefield, 15900 Pinecroft Lane Bowie, MD 20716	American Retreaders' Assn	500.00	
Do	Greater Washington/Maryland Service Station Assn	500.00	
E. Geoffrey Littlehale, 1100 15th Street, NW Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	138.00
E. F. Livaudais Jr., 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co		
Robert W. Lively, 1800 Massachusetts Avenue, NW Washington, DC 20036	National Rural Electric Cooperative Assn	115.00	
Franci Livingston, 215 Pennsylvania Avenue, SE Washington, DC 20003	Public Citizen, Inc	6,000.00	
Richard D. Lloyd, 600 Maryland Avenue, SW, #520 Washington, DC 20024	GPU Service Corporation	71.51	56.12
Lobel Novins Lamont & Flug, 1275 K St., NW, #770 Washington, DC 20005	Generic Pharmaceutical Industry Assn	29,956.06	1,740.29
Paul Locigno, 25 Louisiana Avenue, NW Washington, DC 20001	International Brotherhood of Teamsters	22,395.09	
Robert F. Lockhart Jr., 490 L'enfant Plaza East, SW Washington, DC 20024	Tenneco, Inc		
Stephen G. Lodge, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Law Ofcs of Sheldon London, 1725 DeSales St., NW, #401 Washington, DC 20036	American Hardware Manufacturers Assn		
William E. Long, One Nationwide Plaza Columbus, OH 43216	Nationwide Insurance Co	600.00	
John H. Lonnquist, 1625 K Street, NW, #750 Washington, DC 20006	Manville Corporation	1,500.00	
Susan J. Loomis, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America	4,000.00	500.00
Loomis Owen Fellman & Howe, 2020 K St., NW, #800 Washington, DC 20006	Association of Bituminous Contractors		
Do	Classroom Publishers Assn		
Do	First Co		
Do	Industrial Diamond Assn		
Do	Optical Manufacturers Assn		
Do	Textile Rental Services Assn of America		
Gerald D. Lore, 1050 Connecticut Avenue, NW, #401 Washington, DC 20036	Hoffmann-La Roche, Inc		
Philip J. Loree, 50 Broadway New York, NY 10004	Federation of American Controlled Shipping	200.00	
Robert E. Losch, P.C., 1716 New Hampshire Ave., NW Washington, DC 20009	American Dredging Co, et al	22,750.00	3,080.45
James F. Lovett, 1801 K St., NW Washington, DC 20006	Westinghouse Electric Corp	500.00	200.00
Stephanie P. Loving, 1101 Vermont Ave., NW, #405 Washington, DC 20005	A. H. Robins Co	1,323.00	119.00
Paula D. Lucak, 815 16th Street, NW, #308 Washington, DC 20006	Public Employee Department, AFL-CIO	9,275.11	42.50
Mrs. Freddie H. Lucas, 1660 L St., NW Washington, DC 20036	General Motors Corp	3,000.00	1,757.89
William L. Lucas, 2021 K Street, NW, #300 Washington, DC 20006	Primark Corporation	500.00	
Kathy K. Luhn, 5205 Leesburg Pike, #505 Falls Church, VA 22041	National Beer Wholesalers Assn, Inc	2,858.00	218.64
Sylvester Lukis, 1155 15th St., NW, #504 Washington, DC 20005	Cassidy & Associates, Inc		
Do	City of Miami	3,750.00	
Do	City of Miami Beach	3,500.00	
Do	Cybernectics & Systems, Inc	6,000.00	
Do	Dade County, Florida	7,000.00	
Do	Fowler White Gillen Boggs Villareal & Banker (For:National Medical Enterprises, Inc)	5,000.00	
Do	Fowler White Gillen Boggs Villareal & Banker (For:University of Tampa)		
Do	Washington Consulting Group	9,000.00	
J.C. Luman & Associates, 1030 15th Street, NW, #720 Washington, DC 20005	National Assn of Personnel Consultants	500.00	
Michael L. Lunceford, 8787 Stemmons Freeway Dallas, TX 75247	Mary Kay Cosmetics, Inc		
Milton F. Lunch, 1420 King St. Alexandria, VA 22314	National Society of Professional Engineers		
Lund & O'Brien, 1625 Eye St., NW Washington, DC 20006	Federation of American Controlled Shipping	600.00	63.55
Do	Pennsylvania Power & Light Co	6,540.00	170.65
Francis M. Lunnie Jr., 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20005	National Assn of Manufacturers		
Ann P. Lunson, Eastman Kodak Company 1919 Pennsylvania Ave., NW Washington, DC 20006	Eastman Chemicals Division	16.25	6.60
David C. Luttrell, 1422 W. Peachtree St., NW, #612 Atlanta, GA 30309	National Assn of Manufacturers		
W. Fletcher Lutz, 727 South 23rd St., #100 Arlington, VA 22202	Association of Government Accountants		
Howard T. Lyman, 600 Maryland Ave., SW, #202W Washington, DC 20024	Farmers' Educational & Co-Operative Union of America	7,012.42	184.80
Timothy P. Lynch, 1901 N. Fort Myer Dr., #204 Arlington, VA 22209	Roadway Express, Inc	425.00	200.00
John E. Lynn, 1735 New York Avenue, NW Washington, DC 20006	American Institute of Architects	1,600.00	
Margaret Lyons, 1747 Pennsylvania Ave., NW, #700 Washington, DC 20006	Ciba-Geigy Corp	2,875.00	
M.O.A./AIOA & Subs, Inc, 701 S. 22nd, #107 Omaha, NB 68102			
James E. Mack, 9005 Congressional Court Potomac, MD 20854	National Assn of Mirror Manufacturers		
Do	Peanut Butter & Nut Processors Assn		
James H. Mack, 7901 Westpark Dr. Mclean, VA 22102	National Machine Tool Builders' Assn	18,975.00	500.00
Timothy MacCarthy, 1620 I Street, NW, #1000 Washington, DC 20006	Motor Vehicle Manufacturers Assn of the U.S., Inc	1,085.00	
Jack A. MacDonald, 1901 N. Fort Meyer Drive, #302 Rosslyn, VA 22209	Beverly Enterprises, Inc	6,250.00	75.00
Miriam A. MacDonald, 1615 L Street, NW, #1210 Washington, DC 20036	Metropolitan Life Insurance Cos	1,000.00	
Malcolm MacKay, 51 Madison Avenue New York, NY 10010	New York Life Insurance Company		
Cliff Madison Government Relations, Inc, P.O. Box 7006 Northridge, CA 91327-7006	American Assn of Airport Executives	1,000.00	
Do	Burbank-Glendale-Pasadena Airport Authority	2,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	City of Avalon	750.00	
Do	Federal Express Corp	3,500.00	
Do	Mark Air, Inc	4,000.00	
Do	Quantas Airways, Ltd	5,000.00	
Do	Regency Outdoor Advertising	2,000.00	
Do	Southern California Rapid Transit District	5,000.00	
Do	Ventura Port District	3,000.00	
Susan Magaw, P.O. Box 3556 Washington, DC 20007	American Meat Institute	2,000.00	
Mimi Mager, 2027 Massachusetts Ave., NW Washington, DC 20036	Leadership Conference on Civil Rights	7,355.78	166.62
James N. Magill, 200 Maryland Avenue, NE Washington, DC 20002	Veterans of Foreign Wars of the U.S.	4,500.00	1,566.24
A. John Maguire, 1030 15th Street, NW Washington, DC 20005	National Cotton Council of America	20,625.00	1,941.89
W. Terry Maguire, Box 17407 Dulles International Airport Washington, DC 20041	American Newspaper Publishers Assn	1,125.00	
David L. Mahan, 1818 N St., NW, #600 Washington, DC 20036	DGA International, Inc (For:Societe Nationale D'Etude et de Const de Moteurs D'Aviation).		
Do	DGA International, Inc (For:Sofreavia)		
Mary Mahon, 380 Second Avenue New York, NY 10010		107.26	112.50
John Francis Mahoney, 536 Seventh St., SE Washington, DC 20003	Mahoney & Associates (For:American Medical Assn)		
Terence P. Mahony, 1825 K Street, NW, #807 Washington, DC 20006	National Broadcasting Co, Inc	500.00	149.06
Major League Baseball Players Assn, 805 Third Avenue New York, NY 10022			
K. Wayne Malbon, 1250 I Street, NW, #400 Washington, DC 20005	National Tire Dealers & Retreaders Assn	422.00	20.00
Daniel C. Maldonado, 10000 Falls Rd., #300 Potomac, MD 20854	American Soc of Anesthesiologists	38,166.00	32,728.03
Do	National Hemophilia Foundation	320.00	
Do	Research Society on Alcoholism	400.00	62.94
Do	Samaritan Health Services	1,800.00	29.23
Andrew T. Malleck, 400 First Street, NW Washington, DC 20001	Brotherhood of Maintenance of Way Employes	14,922.46	
Conrad L. Mallett Jr., 1800 First National Bldg Detroit, MI 48226	Jaffe Snider Raitt & Heuer		
David Mallino, 815 16th Street, NW Washington, DC 20006	Industrial Union Department, AFL-CIO	7,593.24	1,607.22
J. Wilson Malloy Jr., 1919 Pennsylvania Ave., NW Washington, DC 20006	Eastman Chemicals Division	600.00	80.00
Robert H. Maloney, 490 L'enfant Plaza East, SW Washington, DC 20024	Tenneco, Inc		
William R. Maloni, 3900 Wisconsin Avenue, NW Washington, DC 20016	Federal National Mortgage Assn	28,750.00	385.99
Management & Government Resources, 1305 Mt. Holly Road Burlington, NJ 08016	Burlington Coat Factory	28,291.87	11,953.58
Manatos & Manatos, Inc, 1750 New York Ave., NW, #210 Washington, DC 20006	Audiovox	2,150.00	2,390.00
Manatt Phelps Rothenberg & Evans, 1200 New Hampshire Ave., NW, #200 Washington, DC 20036	American Institute of Real Estate Appraisers		
Do	American Petrofina, Inc	275.00	
Do	Bowling Proprietors' Assn of America		
Do	Centre Pointe Associates		
Do	Chronar Corporation		
Do	Commerce Union Bank		
Do	Connecticut National Bank		
Do	Fairfield Communities, Inc	210.00	
Do	Flying Tiger Line, Inc		
Do	Government of Cyprus	825.00	
Do	Melrose Company		
Do	Money Store	210.00	
Do	North Beach Property Owners' Assn	1,480.00	
Do	Northrop Corp		
Do	Philip Morris, Inc	4,150.00	
Do	Rollins Environmental Services		
Do	RLC Corporation		
Do	Security First Group		
Do	Donald T. Sterling & Associates		
Do	Superior Training Services		
Do	Traweek Investment Co, Inc		
Katherine T. Mance, 1616 H Street, NW Washington, DC 20006	American Retail Federation	200.00	90.00
Manchester Associates, Ltd, 1155 15th Street, NW, #811 Washington, DC 20005	Corporacion Del Cobre (USA), Inc	5,396.00	3,037.00
Do	Eldorado Resources, Ltd		
Do	Nissan Motor Company, Ltd		
Do	Nissan Motor Manufacturing Corp, USA	3,645.00	2,147.00
Manchester Group, Ltd, 1155 15th St., NW, #302 Washington, DC 20005	C Itoh & Co, Ltd, et al.		
Susan Manes, 2030 M Street, NW Washington, DC 20036	Common Cause	13,000.02	37.60
Frank Mankiewicz, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Bell Atlantic Management Systems)		
Do	Hill & Knowlton, Inc (For:Republic of Turkey)	600.00	
Do	Hill & Knowlton, Inc (For:Stroh Brewery Co)		
Do	Hill & Knowlton, Inc (For:Title Insurance Industry Coalition)	150.00	
Do	Hill & Knowlton, Inc (For:United Air Lines)		
Donald W. Mann, 210 The Plaza Teaneck, NJ 07666	Negative Population Growth, Inc		
Cynthia Mansfield, 600 Maryland Ave., SW, #520 Washington, DC 20024	GPU Service Corporation	2,074.59	510.20
Manufactured Housing Institute, 1745 Jefferson Davis Highway, #511 Arlington, VA 22202			6,700.00
John V. Maraney, 324 East Capitol St., NE Washington, DC 20003	National Star Route Mail Contractors Assn		
R. A. Marble, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	1,978.02	1,568.06
March for Life, Inc, P.O. Box 90300 Washington, DC 20090		3,375.01	6,753.97
R. V. Mariani, 815 16th St., NW Washington, DC 20006	Transportation - Communications Union	1,200.00	1,200.00
Maritime Institute for Research & Industrial Development, 1133 15th St., NW, #600 Washington, DC 20005			14,758.00
Richard Mark, 1616 P St., NW, #320 Washington, DC 20036	Professionals' Coalition for Nuclear Arms Control	9,999.96	3,818.08
Lawrence D. Markley, P.O. Box 196300 Anchorage, AK 99519	Chugach Electric Assn, Inc	1,188.16	2,378.96
Marc L. Marks, 1801 K Street, NW Washington, DC 20006	Westinghouse Electric Corp		
Matthew J. Marks, 1120 20th St., NW, #650 Washington, DC 20036	UETA, Inc	2,277.00	345.68
Ronald Anthony Marks, 10 Waterside Plaza, #2b New York, NY 10010			
Luther A. Markwart, 1156 15th St., NW, #1019 Washington, DC 20005	American Sugarbeet Growers Assn		
Ernest Robert Marlow, 1126 16th Street, NW, #410 Washington, DC 20036-1081	International Chemical Workers Union	5,000.00	
Howard Marlowe, 1667 K St., NW, #660 Washington, DC 20006	Coalition to Keep Alaska Oil	2,475.00	74.36
Do	Graphic Communications International Union, AFL-CIO, CLC	600.00	21.00
Do	Marlowe & Company (For:Lazare Kaplan International, Inc)	7,525.00	133.00
Marlowe & Company, 1667 K Street, NW, #660 Washington, DC 20006	Graphic Communications Int'l Union	2,355.00	2,392.00
Do	Lazare Kaplan International, Inc	7,525.00	7,658.00
Chalmers H. Marquis, 1818 N Street, NW, #410 Washington, DC 20036	National Assn of Public Television Stations	600.00	150.00
Lori A. Marsden, 1015 15th Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	200.00	
Dianne D. Marshall, 1331 Pennsylvania Avenue, NW, #910 Washington, DC 20004	American Cement Trade Alliance, Inc	812.50	11.92
Thomas A. Martens, P.O. Box 10110 SO. Lake Tahoe, CA 95731	League to Save Lake Tahoe		
David F. Martin, 2020 14th Street, North Arlington, VA 22201	American Standard Inc	750.00	
Donald N. Martin, Donald N. Martin & Company, Inc 630 Fifth Ave. New York, NY 10111			
Fred J. Martin Jr., 1800 K Street, NW Washington, DC 20006	Bank of America	519.20	121.21
John M. Martin Jr., 1750 K Street, NW Washington, DC 20006	Food Marketing Institute	100.00	
Katherine E. Martin, 50 F Street, NW Washington, DC 20001	Association of American Railroads	548.19	205.51
Larry K. Martin, 2500 Wilson Blvd. #301 Arlington, VA 22201	American Apparel Manufacturers Assn, Inc	2,600.00	75.00
Maureen A. Martin, 23 Wall Street New York, NY 10015	Morgan Guaranty Trust Co		
Robert L. Martin, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.	2,500.00	83.75
Stephen I. Martin, Hartford Plaza Hartford, CT 06115	Hartford Fire Insurance Co		
Judith Marty, 85 Ridge St. North Sydney, NSW 2060 Australia			
Merrill D. Marxman, 7708 Fullerton Road Springfield, VA 22153	Marxman & Associates, Inc		
Mike M. Masaoka, Suite 520, The Farragut Bldg. 900 17th St., NW Washington, DC 20006	American Japanese Trade Comm		
Do	Japan Telescopes Manufacturers Assn	200.00	
Do	Nisei Lobby		
Do	Toyota Motor Sales, USA, Inc	750.00	
Do	West Mexico Vegetable Distributors Assn	500.00	
Mark A. Maslyn, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	5,938.00	132.00
Michael J. Mason, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	9,560.50	193.57
W. A. Mason, P.O. Box 21106 Shreveport, LA 71156	Southwestern Electric Power Co		
Ned W. Massee, 299 Park Avenue New York, NY 10171	Westvaco Corporation		1,137.33
Donald F. Massey, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Colonial Williamsburg)		
Do	Hill & Knowlton, Inc (For:Commonwealth Financial Group)	137.50	
Do	Hill & Knowlton, Inc (For:Euromissile)		
Do	Hill & Knowlton, Inc (For:Fleischmann's Yeast)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Hill & Knowlton, Inc (For:Hastings College Foundation)	137.50	
Do	Hill & Knowlton, Inc (For:Hitachi America, Ltd)	389.30	
Do	Hill & Knowlton, Inc (For:International Brotherhood of Teamsters)	275.00	
Do	Hill & Knowlton, Inc (For:Kelly Services, Inc)	251.90	
Do	Hill & Knowlton, Inc (For:MediVision, Inc)	618.30	
Do	Hill & Knowlton, Inc (For:Monsanto Co)	91.60	
Do	Hill & Knowlton, Inc (For:Palm Oil Registration & Licensing Authority)	2,062.50	
Do	Hill & Knowlton, Inc (For:Panhandle Eastern Corp)		
Do	Hill & Knowlton, Inc (For:Republic of Turkey)	3,093.75	
Do	Hill & Knowlton, Inc (For:Seminole Tribe of Florida)		
Do	Hill & Knowlton, Inc (For:Societe Generale through SGS North America, Inc)		
Do	Hill & Knowlton, Inc (For:Stroh Brewery Co)		
Do	Hill & Knowlton, Inc (For:Tambrands)		
Do	Hill & Knowlton, Inc (For:Tesoro Petroleum Corp)		
Do	Hill & Knowlton, Inc (For:Title Insurance Industry Coalition)	550.00	
Do	Hill & Knowlton, Inc (For:United Airlines, Inc)	1,397.90	
Do	Hill & Knowlton, Inc (For:Waterman Steamship Corp)		
James D. Massie, 50 F Street, NW, #1050 Washington, DC 20001	Freeport McMoran, Inc	300.00	72.50
Noel D. Matchett, 1001 Spring St., #123 Silver Spring, MD 20910	Information Security, Inc	10.00	
Cheryl Matheis, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	486.92	259.40
Richard D. Mathias, 1660 L St., NW, #901 Washington, DC 20036	Pan American World Airways, Inc		
Dawson Mathis, 499 South Capitol St., SW, #407 Washington, DC 20036	Dawson Mathis & Associates (For:American Electronic Laboratories, Inc)		
Do	Dawson Mathis & Associates (For:Crowley Maritime Corp)		
Do	Long Lake Energy Corp		
Do	Dawson Mathis & Associates (For:Massachusetts Mutual Life Insurance Co)		
Do	Dawson Mathis & Associates (For:National Tooling & Machining Assn)		
Mary Helen Mathis, 444 North Capitol St., #711 Washington, DC 20001	Keefe Company (For:Yearbook Printers Assn)		
Dawson Mathis & Associates, 499 South Capitol St., SW, #407 Washington, DC 20003	American Electronic Laboratories, Inc		
Do	Crowley Maritime Corp		
Do	Massachusetts Mutual Life Insurance Co		
Do	National Tooling & Machining Assn		
Peter Mattheis, 1050 Connecticut Avenue, NW Washington, DC 20036	Baker & Hostetler (For:Soap & Detergent Assn)		
Charles D. Matthews, 1050 17th St., NW, #700 Washington, DC 20036	National Ocean Industries Assn	3,125.00	
Robert A. Matthews, 700 North Fairfax St. Alexandria, VA 22314	Railway Progress Institute	1,125.00	
Suzette Matthews, 2020 North 14th Street, #410 Arlington, VA 22201	Air Traffic Control Assn, Inc	1,398.40	2.85
Joseph M. Mattingly, 1901 North Moore Street Arlington, VA 22090	Gas Appliance Manufacturers Assn, Inc		
Daniel J. Mattoon, 1133 21st St., NW, #900 Washington, DC 20036	BellSouth Corp		2,850.02
William C. Mattox, 1700 Pennsylvania Avenue, NW Washington, DC 20006	Equitable Financial Cos	400.00	5.00
Michael Mawby, 2030 M Street, NW Washington, DC 20036	Common Cause	11,262.54	198.00
William A. Maxwell, 311 First Street, NW, #500 Washington, DC 20001	Computer & Business Equipment Manufacturers Assn	10,000.00	31.11
Albert E. May, 1627 K Street, NW, 1200 Washington, DC 20006	Council of American-Flag Ship Operators	4,500.00	12.60
Jerry C. May, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Walter R. May, 7004 Park Terrace Drive Alexandria, VA 22307	Yellow Freight System, Inc	13,500.00	1,428.00
Mayer Brown & Platt, 2000 Pennsylvania Avenue, NW, #6500 Washington, DC 20006	Attorneys' Liability Assurance Society Ltd		
Do	Business Roundtable		
Do	Comdisco, Inc		
Do	FMC Corporation		
Do	Goldman Sachs & Co		
Do	GATX Corporation		
Do	Hewlett-Packard Co		
Do	Household Commercial Financial Services, Inc		
Do	Inland Steel Corp		
Do	JMB Realty Corp	137.50	
Do	Lasalle Partners, Inc		
Do	Merrill Lynch Capital Markets		
Do	Philip Morris USA		
Do	Sears Roebuck & Co		
Do	Shearson Lehman Brothers, Inc		
Do	Smith Barney Harris Upham & Co, Inc	275.00	
Do	Voluntary Hospital Assn		
Martin Mayfield, 8001 Braddock Road Springfield, VA 22160	National Right to Work Committee	600.00	221.86
Wiley Mayne, P.O. Box 1557 Sioux City, IA 51102	Monona County Land Assn	4,125.04	1,380.68
Jeffrey G. Mays, 1505 Prince Street, Suite 300 Alexandria, VA 22314	American Optometric Assn		
Rosemary A. Mazon, 1001 Pennsylvania Ave., NW, #700 Washington, DC 20004	Allied-Signal, Inc		
Michael J. McAdams, 1015 18th Street, NW Washington, DC 20036	Fertilizer Institute	10,000.00	2,148.57
H. Wesley McAden, 1155 15th St., NW, #504 Washington, DC 20005	J. G. Boswell Co	3,000.00	
Do	New York Cotton Exchange	2,000.00	
Do	Supima Association of America	2,000.00	
Douglas E. McAllister, 1920 N St., NW Washington, DC 20036	American Mining Congress		
McAuliffe Kelly Furlong Aldrich & Siemens, 555 New Jersey Ave., NW, #880 Washington, DC 20001	American Health Care Assn	600.00	
Do	ADAPSO	1,200.00	
Do	Human Rights Campaign Fund	200.00	
Do	Lawyers Mutual Insurance Co	1,000.00	
Do	Joseph E. Seagram & Sons, Inc	1,000.00	
Do	Southern California Rapid Transit District		
Do	Southwestern Resources, Inc		
Do	State Street Development Co of Boston		
Do	Stock Information Group	200.00	
Ann McBride, 2030 M St., NW Washington, DC 20036	Common Cause	15,276.30	
R. G. McBride, Mississippi Petroleum Council P.O. Box 42 Jackson, MS 39205	American Petroleum Institute	250.00	
Stephen C. McCaffrey, 1828 N. Meridian Street Indianapolis, IN 46202	United Way of Central Indiana		
John A. McCahill, 1250 Connecticut Ave, NW Washington, DC 20036	U.S. Olympic Committee		
Julie P. McCahill, 1101 16th Street, NW Washington, DC 20036	National Soft Drink Assn		
John D. McCallum, 1900 Pennsylvania Ave., NW Washington, DC 20068	Potomac Electric Power Co	128.72	
McCamish Ingram Martin & Brown, P.C., 650 MBank Tower 221 West 6th Street Austin, TX 78701	Federal Land Bank Defense Fund	125.00	66.00
Do	SSC Commission of the West Texas Chamber of Commerce		
Do	United Services Automobile Assn		
Katherine S. McCarter, 1015 15th Street, NW Washington, DC 20005	American Public Health Assn	2,566.00	
Robin W. McClung, 1667 K St., NW, #1210 Washington, DC 20006	Rohm & Haas Co	500.00	81.90
Frederick D. McClure, 1201 Pennsylvania Ave., NW, #300 Washington, DC 20004	Texas Air Corp	5,000.00	4,196.00
McClure & Trotter, 1100 Connecticut Ave., NW, #600 Washington, DC 20036	Bell & Howell/Columbia Pictures Video Services		90.44
Do	Coca-Cola Company		165.59
Do	Gulf & Western Industries, Inc		159.21
Do	Mobil Oil Corp	2,073.75	116.11
Do	National Assn of Small Business Investment Cos		
Do	Ross Capital Corp		25.29
Do	TSO Financial Corp		14.66
Mark L. McConaghy, 1801 K St., NW, #700 Washington, DC 20006	Price Waterhouse (For:Toyota Motor Kentucky, Inc)		
Robert S. McConnaughey, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Hugh T. McCormick, 520 Madison Avenue New York, NY 10022	LeBoeuf Lamb Leiby & MacRae (For:General Conf of the 7th Day Adventists Church Risk Mgt Svcs).		
Margaret M. McCormick, 5017 Forbes Avenue Pittsburgh, PA 15213	Carnegie-Mellon University	6,751.88	772.95
Meredith McCoy, Arnold Groburger & Haley 1101 Connecticut Ave, NW, #500 Washington, DC 20036	Arkansas Assn of Securities Dealers		
Do	Mid-South International Trade Assn		
James K. McCracken, 111 Massachusetts Avenue, NW, #200 Washington, DC 20001			
Cliff G. McCreedy, 8100 Oak Street Dunn Loring, VA 22027	National Pest Control Assn		
John McDavitt, 2000 K St., NW, 7th Floor Washington, DC 20006	National Comm to Preserve Social Security	2,704.00	
Albert L. McDermott, 1819 L Street, NW, #600 Washington, DC 20036	American Hotel & Motel Assn	2,598.75	
Mark T. McDermott, Joseph, Powell, Mcdermott & Reiner, P.c. 1300 19th Street, NW, #400 Washington, DC 20036	Civil Pilots for Regulatory Reform		
Craig McDonald, 215 Pennsylvania Ave., SE Washington, DC 20003	Pulblic Citizen, Inc	4,000.00	
E. T. McDonald, 815 16th St., NW Washington, DC 20006	Transportation - Communicatins Union	3,000.00	3,000.00
Jack McDonald, 1489 Chain Bridge Road, #200 McLean, VA 22101	Jack McDonald Co (For:American Express Corp)		
Do	Jack McDonald Co (For:Chase Manhattan Bank, N.A.)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Jack McDonald Co (For:Dow Corning Corp)		
Do	Jack McDonald Co (For:Hitachi Sales Corp of America)		50.00
Do	Jack McDonald Co (For:Jacques Borel Enterprises, Inc)		30.00
Do	Jack McDonald Co (For:Royal Zenith Corp)		
Do	Jack McDonald Co (For:Societe Generale de Surveillance, S.A.)		6.00
Michael D. McDonald, c/o Maryland Petroleum Council 60 West St. Annapolis, MD 21401	American Petroleum Institute	125.00	
Patricia McDonald, 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Jack McDonald Co, 1489 Chain Bridge Road, #200 McLean, VA 22101	American Express Corp		
Do	Chase Manhattan Bank, N.A.		
Do	Dow Corning Corp		
Do	Hitachi Sales Corp of America		50.00
Do	Jacques Borel Enterprises, Inc		30.00
Do	Royal Zenith Corp		
Do	Societe Generale de Surveillance, S.A.		6.00
Patrick J. McDonough, 5999 Stevenson Avenue Alexandria, VA 22304	American Assn for Counseling & Development		
Marian E. McDowell, 1111 19th Street, NW Washington, DC 20036	Edison Electric Institute	2,952.76	456.31
Dinah D. McElfresh, 1255 23rd Street, NW, #850 Washington, DC 20037	Hauck & Associates (For:Hearing Industries Assn)		
Rick McElheny, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:International Brotherhood of Teamsters)		
Robert H. McFadden, 1620 Eye Street, NW, #1000 Washington, DC 20006	Motor Vehicle Manufacturers Assn of the U.S., Inc		
Ann McFarren, 729 8th St., SE, #200 Washington, DC 20003	FARO AIDS Action Council, Inc	13,615.00	3,098.21
Terry M. McGann, 1121 L Street, #100 Sacramento, CA 95814	California Assn for Health Services at Home (CAHSAH)		
Do	Foundation Health Corp		
Do	Maxicare	12,400.00	5,419.03
Paul J. McGeady, 27 Hampton Place Nutley, NJ 07110	Morality in Media, Inc	51.51	
Gale W. McGee, 901 31st St., NW Washington, DC 20007	Hill & Knowlton, Inc (For:Republic of Turkey)	125.00	
Meredith McGehee, 2030 M St., NW Washington, DC 20036	Common Cause	8,409.15	70.50
P. Anne McGhee, 1750 K St., NW Washington, DC 20006	Food Marketing Institute	450.00	
Robert M. McGlotten, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	16,982.00	1,859.91
Phyllis M. McGovern, 1875 Eye Street, NW, #800 Washington, DC 20006	Tobacco Institute	104.84	
Jeanne H. McGowan, 1025 Connecticut Ave., NW, #415 Washington, DC 20036	American Insurance Assn	200.00	72.40
Christopher C. McGrath, New York State Petroleum Council 156 William St. New York, NY 10038	American Petroleum Institute		
Jerome J. McGrath, 1660 L St., NW, #601 Washington, DC 20036	Interstate Natural Gas Assn of America	500.00	
Richard L. McGraw, 950 L'Enfant Plaza, SW Washington, DC 20024	Communications Satellite Corp		
Joseph M. McGuire, 1501 Wilson Blvd. Arlington, VA 22209	Air Conditioning & Refrigeration Institute		
McGuire Woods Battle & Boothe, One James Center Richmond, VA 23219	United Company		
McHenry & Staffier, P.C., 1300 19th St., NW, #408 Washington, DC 20036	Foothills Pipe Lines (Yukon) Ltd	925.00	
Do	Novacor Chemicals, Ltd	370.00	
Do	NOVA Corp of Alberta		
Do	Pan-Alberta Gas Ltd		
James E. McInerney Jr., 122 C Street, NW, #740 Washington, DC 20001	American League for Exports & Security Assistance, Inc	3,500.00	51.78
Jan E. McKenzie, 1111 19th St., NW, #702 Washington, DC 20036	Edison Electric Institute	2,879.93	533.61
William Colm McKeveny, Chadbourne Park Law Firm 30 Rockefeller Plaza New York, NY 10112	American Pulpwood Assn		
C. A. 'Mack' McKinney, 225 North Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn of the USA	10,025.00	560.25
Steven G. McKinney, P.O. Box 306 Birmingham, AL 35201	Balch & Bingham (For:Southern Company Services, Inc)		
Thomas I. McKnew Jr., 1667 K St., NW, #600 Washington, DC 20006	Santa Fe Southern Pacific Corp	1,500.00	
Francis X. McLaughlin, 1730 K St., NW, #1100 Washington, DC 20006	National Treasury Employees Union	8,413.25	519.44
James D. McLaughlin, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	725.00	
William F. McManus, 1331 Pennsylvania Avenue, NW Washington, DC 20004	General Electric Co	425.00	
C. W. McMillan, 2021 K Street, NW, #306 Washington, DC 20006	Committee for Fair Pizza Labeling	1,000.00	143.76
Do	Farm Credit System Capital Corp	4,000.00	672.86
James D. McMillan, 1899 L St., NW, #1100 Washington, DC	Exxon Corporation	800.00	245.73
Sandra H. McMullan, 122 C St., NW, #750 Washington, DC 20001	National Assn of Independent Colleges & Universities	5,220.00	
McNair Group, Inc, 1155 15th St., NW, S-400 Washington, DC 20005	CSX Corporation	7,500.00	26.65
McNair Law Firm, P.A., 1155 15th Street, NW, #400 Washington, DC 20005	Alabama Construction Contractors, et al.	1,005.11	59.05
Do	Alabama Power Co	4,696.45	216.29
Do	Allied-Signal, Inc	1,980.23	226.94
Do	Amalgamated Clothing & Textile Workers Union	4,558.63	36.00
Do	American Financial Services Assn	789.56	
Do	American Insurance Assn	1,400.03	20.70
Do	ADDSCO Industries, Inc	844.27	166.17
Do	Bell South Corp		92.49
Do	Blue Cross & Blue Shield of South Carolina		
Do	Bristol-Myers Co		
Do	Business Roundtable	4,235.69	143.10
Do	BF Goodrich Co		
Do	Carolina Urocorp		
Do	Citmoco Services, Inc	6,345.50	399.49
Do	CF&I Steel Corp		
Do	Food Marketing Institute	17.46	
Do	Gasoline Alliance to Preserve Competition		
Do	Georgia-Pacific Corp		
Do	GTE Corporation		
Do	Hospital Corp of America		
Do	Intergraph Corporation	100.00	48.63
Do	Kraft, Inc		
Do	Louisiana Pacific Corp		
Do	Marriott Corp	350.20	
Do	Mesa Ltd Partnership		
Do	Metropolitan Insurance		
Do	Michelin Tire Company	4,075.81	313.40
Do	Milliken Mills	3,794.19	232.65
Do	Monarch Group		
Do	National Assn of Realtors		
Do	National Football League		
Do	National Industries	807.37	52.10
Do	New York State Bankers Assn	11,393.15	615.23
Do	Norfolk Southern Corp	3,939.16	248.61
Do	Pacific Theatres		36.63
Do	R.J. Reynolds Tobacco Co	2,021.11	144.57
Do	SmithKline Beckman Corp		
Do	Texas Gas Transmission Corp		
Do	Times Mirror Co		
Do	Union Pacific Corp	900.00	38.92
Do	Vulcan Materials Co		26.65
Do	Waste Management, Inc	118.64	19.70
Do	Westinghouse Electric Corp	3,857.18	99.34
Kathryn M. McNamara, 633 Pennsylvania Avenue, NW, #600 Washington, DC 20004	Sears Roebuck & Co	200.00	65.50
Laramie Faith McNamara, 1000 Wilson Blvd., #2700 Arlington, VA 22209	TRW, Inc	1,000.00	
Peter F. McNeish, 1156 15th Street, NW, #1101 Washington, DC 20005	National Assn of Small Business Investment Cos	3,000.00	
John P. McNerney, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Michael J. McShane, 1101 30th Street, NW, #500 Washington, DC 20007	National Computer Systems		
Martha McSteen, 2000 K Street, NW, 7th Floor Washington, DC 20006	National Comm to Preserve Social Security	4,000.00	
Leslie S. Mead, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives		
Joseph F. Meadow, 7100 Baltimore Avenue College Park, MD 20740	United Action for Animals, Inc	1,400.00	
John K. Meagher, 1025 Thomas Jefferson Street, NW Washington, DC 20007	LTV Corporation	3,000.00	975.00
Francis X. Meaney, 1825 Eye Street, NW Washington, DC 20006	Mintz Levin Cohn Ferris Glovsky & Popeo (For:Goldman Sachs & Co)		
Do	Mintz Levin Cohn Ferris Glovsky & Popeo (For:Securities Industry Assn)	1,000.00	
Medtronic, Inc, 7000 Central Ave., NE Minneapolis, MN 55432			36.36
Colise G. Medved, 1800 Diagonal Rd., #500 Alexandria, VA 22314	Penn Central Corporation		
William H. Megonnell, 1111 19th St., NW, 9th Floor Washington, DC 20036	Edison Electric Institute	3,237.60	377.12
Richard A. Mehler, 1818 N Street, NW, #200 Washington, DC 20036	Automotive Parts Rebuilders Assn		
Michelle Meier, 2001 S Street, NW, #520 Washington, DC 20009	Consumers Union of U.S., Inc	1,000.00	
Kenneth F. Melley, 1201 16th Street, NW Washington, DC 20036	National Education Assn	3,819.80	12.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Carol Melton, 1133 21st St., NW, #400 Washington, DC 20036	Warner Communications, Inc	9,250.00	237.33
Howard H. Menaker, 1199 North Fairfax Street, #801 Alexandria, VA 22313	National Assn of Truck Stop Operators, Inc		
Howard A. Menell, 1020 19th St., NW, #600 Washington, DC 20036	American Express Co		
Edward L. Menning, 1522 K St., NW, #836 Washington, DC 20005	National Assn of Federal Veterinarians		
Donald H. Mensch, 2200 Mill Road Alexandria, VA 22314	American Movers Conference	1,077.00	
J. Roger Mentz, 1333 New Hampshire Ave., NW Washington, DC 20036	Cadwalader Wickersham & Taft (For:Knoll Pharmaceuticals)	58.00	
Do	Cadwalader Wickersham & Taft (For:PFIC Group)	145.00	
Jane Mentzinger, 2030 M Street, NW Washington, DC 20036	Common Cause	6,866.28	
Merit Stainless Steel, Inc, 28332 Hayes Road Roseville, MI 48066			
Edward A. Merlis, 1724 Massachusetts Avenue, NW Washington, DC 20036	National Cable Television Assn, Inc	3,100.00	
J. Gregory Mermelstein, 4854 MacArther Blvd., #303 Washington, DC 20007	Edward Blankstein, Inc	3,172.00	349.00
Edward L. Merrigan, 6000 Connecticut Ave., NW Washington, DC 20815	Central Gulf Lines, Inc	5,000.00	141.14
Do	Rolls-Royce Motors, Inc	2,925.00	39.93
Nancy Jo Merrill, 1725 K St., NW, #814 Washington, DC 20006	March of Dimes Birth Defects Foundation		
Merrill Lynch & Co, Inc, 1828 L St., NW, #906 Washington, DC 20036			19,500.00
Richard P. Merski, 1455 Pennsylvania Avenue, NW, #900 Washington, DC 20004	American International Group, Inc	5,000.00	810.04
Neil T. Messick, 1331 Pennsylvania Ave., NW Washington, DC 20004	General Electric Co	800.00	
Howard M. Messner, 1015 15th St., NW, #802 Washington, DC 20005	American Consulting Engineers Council	900.00	
Jean L. Mestres, 1747 Pennsylvania Avenue, NW, #300 Washington, DC 20006	Cities Service Oil & Gas Corp	670.88	257.64
Metcalf & Eddy, Inc, 1625 K Street, NW, #200 Washington, DC 20006			
Jeremy Metz, 260 Madison Avenue New York, NY 10016	American Paper Institute, Inc		
M. Barry Meyer, 900 19th Street, NW Washington, DC 20006	Aluminum Assn	50.00	
Larry D. Meyers, 412 First Street, SE Washington, DC 20003	American Beekeeping Federation		
Do	CEPEX Pacific, Inc	1,800.00	
Do	International Assn of Refrigerated Warehouses	1,000.00	
Do	National Agricultural Chemicals Assn	15,000.00	
Do	National Coalition to Defeat H.R. 281/S. 492	5,000.00	
Do	National Peanut Growers Group	1,000.00	
Do	Nuclear Waste Task Force	5,000.00	
Do	Rice Belt Warehouse, Inc	4,500.00	
Do	Sam Kane Packing		
Do	Superconducting Super Collider	3,600.00	
Do	Texas A&M University	7,500.00	
Do	Texas Cotton Marketing		
David R. Mica, Florida Petroleum Institute 325 John Knox Rd., #F-210 Tallahassee, FL 32303	American Petroleum Institute	1,051.66	742.00
John L. Mica, 201 Massachusetts Ave., NE, #C-9 Washington, DC 20002	Harris RF Communications	12,000.00	1,130.00
Do	Harris/3-M Document Products, Inc	5,000.00	1,490.29
Do	Lantana Boatyard, Inc	3,000.00	
Eileen F. Michaels, 1317 F Street, NW, #202 Washington, DC 20004	Lisboa Associates, Inc (For:University of the Virgin Islands)	525.00	
Michael G. Michaels, P.O. Box 7000-E-Box 310 Texarkana, TX 75501			
James G. Michaux, 6917 Granby Street Bethesda, MD 20817	Federated Dept Stores, Inc	500.00	
Kyle Michel, 340 8th St., NE Washington, DC 20002	National Save the Family Farm Coalition		
Laurie L. Michel, 555 13th St., NW, #900 East Washington, DC 20004	Ballard Spahr Andrews & Ingersoll (For:Arthur Andersen & Co)		
Thomas A. Micheletti, 1111 19th Street, NW, #303 Washington, DC 20036	Southern California Edison Co	3,750.00	1,500.00
Kathleen Michels, 1101 14th Street, NW, #200 Washington, DC 20005	American Nurses' Assn	4,415.00	19.50
Michigan Council of Self-Insured Group Administrators, 3670 Golfside Rd. Ypsilanti, MI 48197			
Mid-Continent Oil & Gas Assn, 711 Adams Office Bldg. Tulsa, OK 74103		2,143.69	29,768.18
Roger E. Middleton, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S	2,100.00	44.00
Migrant Legal Action Program, Inc, 2001 S St., NW, #310 Washington, DC 20009			
Lisa Mihaly, 122 C Street, NW, 4th Fl. Washington, DC 20001	Children's Defense Fund of the Washington Research Project	552.37	
Milbank Tweed Hadley & McCloy, 1825 Eye St., NW Washinton, DC 20006	Joint Task Force on Fed Financial Assist. for Law Students		
Do	Midland Bank plc		286.31
Miles & Stockbridge, 1701 Pennsylvania Ave., NW, #500 Washington, DC 20006	Black and Decker Corp		125.00
Do	PepsiCo, Inc		100.00
Do	Pizza Hut, Inc		125.00
Charles R. Miller, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc	1,250.00	
Dale Miller, 4000 Reno Road, NW Washington, DC 20008	Texasgulf, Inc	1,125.00	262.71
Deborah Imle Miller, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S		
Grant Miller, 1725 Jefferson Davis Highway, #900 Arlington, VA 22202	LTV Aerospace & Defense Co	2,500.00	125.00
Harris C. Miller, 322 Westview Court Vienna, VA 22180	Occidental Chemical Corp	990.00	72.21
Jeffrey T. Miller, P.O. Box 1933 East Hanover, NJ 07936	Nabisco Brands, Inc		2,000.00
Joseph E. Miller Jr., 1608 K Street, NW Washington, DC 20006	American Legion		
Lawrence E. Miller, 1522 K Street, NW, #828 Washington, DC 20005	American Veterinary Medical Assn		
Paul J. Miller, 8000 Sears Tower Chicago, IL 60606	Investment Counsel Assn of America, Inc		
Richard G. Miller, 1101 14th Street, NW, #200 Washington, DC 20005	American Nurses' Assn	3,900.00	1,134.23
Robert H. Miller, 490 L'enfant Plaza East, SW, #2202 Washington, DC 20024	Tenneco, Inc		34.00
Miller & Chevalier, Chtd, 655 15th St., NW, #900 Washington, DC 20005-5701	American Nuclear Energy Council	2,000.00	
Do	Chevy Chase Savings & Loan Assn	1,200.00	
Do	Ideal Basic Industries, Inc	1,042.23	
Do	Lincoln Savings & Loan Assn	1,881.68	
Do	National Assn of Temporary Services, Inc	90.21	
Do	Perpetual American Bank, F.S.B.	594.50	
Do	Western Savings & Loan Assn	3,664.25	
Miller Cassidy Larroca & Lewin, 2555 M St., NW, #500 Washington, DC 20037	National Assn of Life Underwriters, et al	6,108.75	
Miller Young & Holbrooke, 1225 19th Street, NW, #400 Washington, DC 20036	City of Sacramento, et al	5,949.23	27.00
Do	Sugar Land Telephone Co	1,010.00	14.00
Jeanne Milliken, 2000 Pennsylvania Ave., NW, #3700 Washington, DC 20006	Jaeckle Fleischmann & Mugel		
John C. Milliner Jr., P.O. Box 1788 Forest Park, GA 30051	Southeastern Lumber Manufacturers Assn		
Amy J. Millman, 1875 Eye St., NW, #500 Washington, DC 20006	Philip Morris, Inc	800.00	400.00
Robert G. Mills, 450 Maple Ave., East, #204 Vienna, VA 22180	U.S. Defense Committee	2,400.00	
Richard V. Minck, 1850 K St., NW Washington, DC 20006	American Council of Life Insurance, Inc	1,750.00	
John H. Miner, Room 1414-South Building, USDA Washington, DC 20250	Organization of Professional Employees of USDA	652.20	
Mineral Insulation Manufacturers Association, 1420 King Street Alexandria, VA 22314		14,820.00	16,016.42
Joseph G. Minish, 66 Sheridan Avenue West Orange, NJ 07052	Bayamon Federal Savings	6,000.00	
Minority Business Enterprise Legal Defense & Education Fund, 300 I Street, NE, #200 Washington, DC 20002			194.25
Miro Miro & Weiner, P.C., 500 N. Woodward Ave., #200 P.O. Box 908 Bloomfield Hills, MI 48303-0908	Detroit Tooling Assn	1,372.50	
Do	Michigan Council of Self-Insured Group Administrators	42.50	
Edward F. Mitchell, 1900 Pennsylvania Avenue, NW Washington, DC 20068	Potomac Electric Power Co	77.47	
Jo Anne Mitchell, 1331 Pennsylvania Ave., NW, #550 Washington, DC 20004	Commodity Exchange, Inc		
Thomas F. Mitchell, 1875 Eye St., NW, #400 Washington, DC 20006	Georgia-Pacific Corp		
Lisa Mitnick, 3000 K St., NW, $300 Washington, DC 20007	Swidler & Berlin (For:Ferroalloys Association)		
Stacey J. Mobley, 1701 Pennsylvania Avenue, NW, #900 Washington, DC 20006	E. I. du Pont de Nemours & Co		
David T. Modi, 1701 Pennsylvania Avenue, NW, #900 Washington, DC 20006	E. I. du Pont de Nemours & Co		
John Moehring, 2200 Mill Road Alexandria, VA 22314	American Movers Conference	800.00	
Robert M. Moliter, 1331 Pennsylvania Ave., NW, #865 Washington, DC 20004	General Electric Co	375.00	
John V. Moller, 1155 15th Street, NW, #1010 Washington, DC 20005	Manchester Associates (For:Corporacion Nacional del Cobre de Chile)	1,349.00	20.00
Do	Manchester Associates, Ltd (For:Eldorado Resources, Ltd)		
Do	Manchester Associates, Ltd (For:Nissan Motor Company, Ltd)		
Do	Manchester Associates, Ltd (For:Nissan Motor Manufacturing Corp, USA)	925.00	
Robert A. Molofsky, 5025 Wisconsin Avenue, NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO	5,000.00	101.00
C. Manly Molpus, P.O. Box 3556 Washington, DC 20007	American Meat Institute	1,000.00	
Christopher Monek, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Elizabeth R. Monro, 1709 New York Ave., NW Washington, DC 20006	Air Transport Assn of America	12,740.42	
Michael Monroney, 1000 Wilson Blvd., #2700 Arlington, VA 22209	TRW, Inc	1,000.00	
David H. Montplaisir, Patton Boggs & Blow 2550 M St., NW Washington, DC 20037	Association of Trial Lawyers of America		
James P. Mooney, 1724 Massachusetts Ave., NW Washington, DC 20036	National Cable Television Assn, Inc	8,750.00	
Alan J. Moore, 1667 K St., NW, #600 Washington, DC 20006	Santa Fe Southern Pacific Corp	1,000.00	
Carlos Moore, 1101 Connecticut Avenue, NW, #300 Washington, DC 20036	American Textile Manufacturers Institute, Inc	385.00	25.00
Francis B. Moore, 3003 Butterfield Road Oak Brook, IL 60521	Waste Management, Inc	5,000.00	2,300.90
Richard L. Moore, P.O. Box 338 Dearborn, MI 48121	Detroit Tooling Assn Worker's Compsensation Fund		45.80
Thomas L. Moore, 1320 Braddock Place, #720 Alexandria, VA 22314	National Private Trucking Assn		
Timothy X. Moore, 2900 M Street, NW, #300 Washington, DC 20007	All-Industry TV Music License Committee	15,000.00	3,700.00
William D. Moore, Commerce Center 30 Exchange Terrace Providence, RI 02903	Greater Providence Chamber of Commerce	337.50	177.45

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Morality in Media, Inc, 475 Riverside Dr., #239 New York, NY 10115		94.39	94.39
Mark E. Moran, 1001 Prince Street Alexandria, VA 22314	Kindness & Moran (For:Republic of Mexico)		
Judith Morehouse, 1700 N. Moore Street Rosslyn, VA 22209	Boeing Company	1,596.00	
Dudley Digges Morgan III, 4900 Baronne New Orleans, LA 70115	Southern Forest Products Assn	12,402.54	
E. Joyce Morgan, 1920 N St., NW Washington, DC 20036	American Mining Congress		
Fred Morgan, 515 Fifth Avenue Des Moines, IA 50308	Crop Insurance Research Bureau		
J. Railton Morgan, 412 First Street, SE Washington, DC 20003	National Automobile Dealers Assn	3,000.00	
Peter Denis Morgan, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	1,750.00	131.28
Morgan Lewis & Bockius, 1800 M St., NW, #800 N. Washington, DC 20036	Business Roundtable		
Do	Consolidated Natural Gas Co		
Do	Scotch Whisky Assn		
James A. Morrill, 1726 M St., NW, #901 Washington, DC 20036	Scott Paper Co	6,000.00	143.75
Loretta C. Morris, 1725 K Street, NW, #814 Washington, DC 20006	March of Dimes Birth Defects Foundation	1,131.25	9.80
Tessa Morris, 1155 Connecticut Ave., NW, #1130 Washington, DC 20036	Security Pacific Corp		
W. Patrick Morris, 1110 Vermont Avenue, NW Washington, DC 20005	Shipbuilders Council of America	1,500.00	
James W. Morrison Jr., 1390 Piccard Dr. Rockville, MD 20850	CNA Insurance Co		
William C. Morrison, 2001 North Adams St. Arlington, VA 22201	Meat Importers Council of America, Inc		
Morrison & Foerster, 2000 Pennsylvania Ave., NW Washington, DC 20006	City and County of San Francisco	3,249.00	
Do	Consolidated Freightways		
Do	Mastercard International, Inc, et al.	3,000.00	120.65
Valerie T. Morse, 1020 19th St., NW, #600 Washington, DC 20036	American Express Co		
George R. Moses, 2001 Eye St., NW Washington, DC 20006	Electronic Industries Assn	500.00	
Russell N. Mosher, 950 N. Glebe Rd., #160 Arlington, VA 22203	American Boiler Manufacturers Assn, Inc		
Dorothy J. Moss, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	25.00	
Moss Associates, Inc, 2450 Virginia Ave., NW Washington, DC 20037	Association of Bank Holding Cos	900.00	
Gerald J. Mossinghoff, 1100 15th Street, NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	1,000.00	
John J. Motley, 600 Maryland Ave., SW, #695 Washington, DC 20024	National Fed of Independent Business	9,570.00	540.00
L. A. Motley and Company, 1800 K Street, NW, #1000 Washington, DC 20006	Adical	60,000.00	1,475.71
Do	Seatrain Tankers Corp	16,000.00	
Do	Thai Food Processors Assn	2,500.00	113.60
Motor and Equipment Manufacturers Association, 1325 Pennsylvania Ave., NW Washington, DC 20004			3,331.61
Motor Vehicle Manufacturers Assn of the U.S., Inc, 300 New Center Bldg. Detroit, MI 48202		7,303.40	7,303.40
Thomas O. Moulton Jr., 444 North Capitol St., NW, #718 Washington, DC 20001	Pacific Telesis Group	12,000.00	
Susan Connolly Moya, 1615 H St., N.w. Washington, DC 20062	U.S. Chamber of Commerce	2,500.00	
Muldoon Murphy & Faucette, 5101 Wisconsin Ave., NW, #508 Washington, DC 20016	Anchor Savings Bank, FSB		
Do	Carteret Savings Bank, F.A		
Do	Empire of America, FSB		
Do	First Federal of Rochester		
Do	Gibraltar Savings		
Do	Glendale Federal Savings & Loan Assn		
Do	Meritor Savings Bank		
Do	Northeast Savings, F.A		
Do	Washington Mutual Savings Bank		
Do	Wilmington Savings Fund Society, FSB		
Albert E. Mullin Jr, 111 Powdermill Rd. (b79) Maynard, MA 01754	Digital Equipment Corp	15,000.00	
Tracy Mullin, 1000 Connecticut Ave., NW, #700 Washington, DC 20036	National Retail Merchants Assn	4,000.00	85.50
William F. Mullin, 1615 L St., NW, #1210 Washington, DC 20036	Metropolitan Life Insurance Co	1,000.00	
Robert J. Mullins, Suite 202-W 600 Maryland Avenue, SW Washington, DC 20024	Farmers' Educational & Co-Operative Union of America	7,150.48	
H. Edward Munnerlyn, P.O. Box 1017 Greenwood, SC 29648	Greenwood Mills, Inc	2,500.00	1,773.29
James Brian Munroe, 1747 Pennsylvania Ave., NW, 3rd Fl. Washington, DC 20006	Occidental Chemical Corp	62.48	81.60
Daniel J. Murphy, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Republic of Turkey)		
Elizabeth A. Murphy, 1901 N. Fort Myer Drive, #204 Arlington, VA 22209	Roadway Express, Inc		
George F. Murphy Jr., 410 First Street, SE Washington, DC 20003	American Nuclear Energy Council	1,050.00	330.21
James P. Murphy, 485 Lexington Ave., 25th Floor New York, NY 10017	New York State Bankers Assn	1,200.00	360.00
John P. Murphy, 1001 Connecticut Ave., NW, #1120 Washington, DC 20036	Chemical Specialties Manufacturers Assn, Inc	900.00	254.70
Richard E. Murphy, 414 West Braddock Rd. Alexandria, VA 22302	Generic Pharmaceutical Industry Assn	5,200.00	
Daniel H. Murray, 1133 21st St., NW, #900 Washington, DC 20036	BellSouth Corp		6,751.41
Gordon L. Murray, 1911 Jefferson Davis Highway, #1002 Arlington, VA 22202	Lear Siegler, Inc/Energy Products Div	96.00	96.00
Rosemary Griffin Murray, 1660 L St., NW, #901 Washington, DC 20036	Pan American World Airways, Inc		
Murray & Scheer, 2715 M Street, NW, #300 Washington, DC 20007	American Cyanamid Co	500.00	
Do	Bear Stearns & Co	500.00	
Do	Cleveland Cliffs Iron Co	250.00	
Do	Connecticut Mutual Life Insurance Co	500.00	
Do	Home Life Insurance Co	500.00	
Do	Industry Council for Tangible Assets	400.00	
Do	Iron Ore Lessors Assn, Inc	250.00	
Do	Lightning Location & Protection, Inc	625.00	
Do	LTV Corporation	450.00	
Do	National Business Aircraft Assn	500.00	
Do	National Council of Coal Lessors	300.00	
Do	New England Mutual Life Insurance Co	500.00	
Do	Pacific Mutual Life Insurance Co	500.00	
Do	Penn Mutual Life Insurance Co	500.00	
Do	Provident Mutual Life Insurance Co of Philadelphia	500.00	
Do	PHP Healthcare Corp	600.00	
Do	Shubert Organization, Inc	400.00	
Do	Swaziland Sugar Assn	400.00	
Lawrence P. Mutter, 6849 Old Dominion Dr. Mclean, VA 22102	Automotive Parts Rebuilders Assn		
Fred J. Mutz, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	5,400.00	
Paul J. Myer, 2445 M St., NW Washington, DC 20037-1420	Capitol Cities/ABC, Inc	938.15	
Gary D. Myers, 1015 18th Street, NW Washington, DC 20036	Fertilizer Institute	4,500.00	
Stephen M. Nagler, 20415 Nordhoff St., P.O. Box 2158 Chatsworth, CA 91311	Patlex Corporation		
Diane M. Nash, 600 Pennsylvania Avenue, SE, #200 Washington, DC 20003	Independent Insurance Agents of America, Inc	7,869.00	
Gary M. Nateman, 1750 K St., NW, #500 Washington, DC 20006	Beer Institute		
Frances E. Nathan, 455 Fifth Avenue New York, NY 10016	New York Public Library	5,896.23	
Hardy L. Nathan, 1750 K St., NW Washington, DC 20006	Food Marketing Institute	750.00	
National Agricultural Chemicals Assn, 1155 15th St., NW Washington, DC 20005		8,063.76	8,063.76
National Air Carrier Assn, 1730 M St., NW, #710 Washington, DC 20036			
National Assn for the Advancement of Justice, 5210 Banks Place, NE Washington, DC 20019			
National Assn for Biomedical Research, 818 Connecticut Ave., NW, #303 Washington, DC 20006		140,650.00	14,490.55
National Assn for Neighborhood Schools, Inc, 335 Locust St. Pittsburgh, PA 15218		1,436.50	862.07
National Assn for Uniformed Services, 5535 Hempstead Way Springfield, VA 22151		7,187.58	3,742.50
National Assn of Air Traffic Specialists, 4780 Corridor Pl., Suite B Beltsville, MD 20705			6,522.83
National Assn of Aircraft & Communications Suppliers, Inc, 23871 Madison Torrance, CA 90505		400.00	2.50
National Assn of Atomic Veterans, P.O. Box 409 Eldon, MO 65026			
National Assn of Auto Fleet Buyers, Inc, 66 Bay 19th Street Brooklyn, NY 11214			
National Assn of Chain Drug Stores, Inc, P.O. Box 1417-049 Alexandria, VA 22313			
National Assn of Federal Employees, 4101 NW 122nd Street, Suite D OKlahoma City, OK 73120			
National Assn of Federal Veterinarians, 1522 K St., NW, #836 Washington, DC 20005			19.86
National Assn of Independent Colleges & Universities, 122 C St., NW, #750 Washington, DC 20001			53,251.00
National Assn of Insurance Brokers, Inc, 1401 New York Ave., NW, #720 Washington, DC 20005			
National Assn of Manufacturers, 1331 Pennsylvania Ave., NW, #1500 Washington, DC 20004-1703		103,546.34	103,546.34
National Assn of Margarine Manufacturers, 1101 15th St., NW, #202 Washington, DC 20005			
National Assn of Mutual Insurance Cos, 3707 Woodview Trace P.O. Box 68700 Indianapolis, IN 46268		3,425.00	3,425.00
National Assn of Olympic Businesses, P.O. Box 3337 Idyllwild, CA 92349-3337		1,000.00	1,070.48
National Assn of Real Estate Investment Trusts, Inc, 1101 17th St., NW, #700 Washington, DC 20036			3,895.25
National Assn of Stevedores, 2011 I Street, NW, #601 Washington, DC 20006		3,250.00	2,580.00
National Assn of Trade & Technical Schools, 2251 Wisconsin Ave., NW Washington, DC 20007		7,500.00	7,500.00
National Assn of Truck Stop Operators, Inc, 1199 N. Fairfax Street, #801 Alexandria, VA 22314			
National Assn of Wheat Growers, 415 2nd St., NE, #300 Washington, DC 20002		2,100.00	10,527.12
National Broiler Council, 1155 15th St., NW Washington, DC 20005		2,750.00	2,750.00
National Business Aircraft Assn, 1200 18th St., NW, #200 Washington, DC 20036-2598			
National Cable Television Assn, Inc, 1724 Massachusetts Ave., NW Washington, DC 20036		48,548.25	48,548.25

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
National Cattlemen's Assn, 5420 S. Quebec Street P.O. Box 3496 Englewood, CO 80155			7,000.00
National Coalition for Marine Conservation, Inc, P.O. Box 23298 Savannah, GA 31403		18,970.00	25,132.55
National Coalition of Fresh Potato Processors, c/o Collier Shannon Rill & Scott 1055 Thomas Jefferson St., NW Washington, DC 20007.			
National Comm of Cities & States for Airline Service, Transportation Bldg., #417 St. Paul, MN 55156		8,550.00	14,301.15
National Comm to Preserve Social Security, 2000 K Street, NW, 7th Floor Washington, DC 20006		744,165.00	744,165.00
National Comm Against Repressive Legislation, 236 Massachusetts Avenue, NE, #406 Washington, DC 20002		1,353.50	6,706.05
National Commercial Finance Assn, 225 W. 34th St. New York, NY 10001		11,500.00	1,489.00
National Community Action Foundation, Inc, 2100 M Street, NW, #604A Washington, DC 20037		71,981.19	39,778.00
National Cooperative Business Assn, 1401 New York Ave., NW, #100 Washington, DC 20005		27,500.00	8,413.00
National Cotton Council of America, P.O. Box 12285 Memphis, TN 38182		57,096.66	57,096.66
National Council for Languages & Int'l Studies, 20 F Street, NW, 4th F. Washington, DC 20001		20,250.00	14,420.52
National Council of Agricultural Employers, 499 S. Capitol St, SW #411 Washington, DC 20003		2,000.00	3,075.00
National Council of Farmer Cooperatives, 1800 Massachusetts Ave., NW Washington, DC 20036		21,330.00	15,525.00
National Electrical Manufacturers Assn, 2101 L Street, NW, #300 Washington, DC 20037		1,117.95	1,117.95
National Family Planning & Reproductive Health Assn, Inc, 122 C St., NW, #380 Washington, DC 20001		92,578.00	527.00
National Fed of Independent Business, 150 W. 20th Ave. San Mateo, CA 94403		49,580.00	49,580.00
National Food Processors Assn, 1401 New York Avenue, NW, #400 Washington, DC 20005		5,016.75	5,016.75
National Foreign Trade Council, Inc, 100 East 42nd St. New York, NY 10017		49,914.50	49,914.50
National Grain & Feed Assn, 725 15th St., NW Washington, DC 20005			
National Grange, 1616 H St., NW Washington, DC 20006		22,500.00	22,500.00
National Guard Assn of the U.S., One Massachusetts Ave., NW Washington, DC 20001		58,009.38	86.00
National Industrial Transportation League, 1090 Vermont Ave., NW, #410 Washington, DC 20005		14,000.00	12,905.10
National Knitwear & Sportswear Assn, 386 Park Avenue South New York, NY 10016			1,142.32
National Leased Housing Assn, 2300 M St., NW, #260 Washington, DC 20037		900.00	900.00
National Multi Housing Council, 1250 Connecticut Ave., NW, #620 Washington, DC 20036		4,157.09	4,157.09
National Peach Council, P.O. Box 1085 Martinsburg, WV 25401			
National Pest Control Assn, 8100 Oak St. Dunn Loring, VA 22027			
National Public Affairs Corp, 900 17th Street, NW Washington, DC 20006	Westinghouse Electric Corp	300.00	
National Realty Committee, 1250 Connecticut Ave., NW, #303 Washington, DC 20036		2,946.46	2,946.46
National Retail Merchants Assn, 1000 Connecticut Avenue, NW Washington, DC 20036			
National Right to Work Committee, 8001 Braddock Rd., #600 Springfield, VA 22160		7,055.50	7,055.50
National Rural Electric Cooperative Assn, 1800 Massachusetts Ave., NW Washington, DC 20036			3,577.44
National Rural Letter Carriers Assn, 1448 Duke St., #100 Alexandria, VA 22314		16,025.00	16,518.00
National Security Traders Assn, Inc, One World Trade Center, #4511 New York, NY 10048			4,521.00
National Small Business Index, R.R. #1 Aitkin, MN 56431			
National Society of Professional Engineers, 1420 King Street Alexandria, VA 22314		12,500.00	10,350.00
National Soft Drink Assn, 1101 16th St., NW Washington, DC 20036			267.53
National Strategies & Marketing Group, 1919 Pennsylvania Ave., NW, #704 Washington, DC 20006	Alliance for Capital Access	26,250.00	
Do	Manor Care		2,280.23
Do	PGA Tour, Inc	15,000.00	17.03
Do	U.S. Sprint	1,500.00	
National Telephone Cooperative Assn, 2626 Pennsylvania Ave., NW Washington, DC 20037		8,080.00	2,344.99
National Tire Dealers & Retreaders Assn, 1250 Eye Street, NW, #400 Washington, DC 20005		11,538.98	11,538.98
National Venture Capital Association, 1655 N. Fort Meyer Dr., #700 Arlington, VA 22209			
National-American Wholesale Grocers' Assn, 201 Park Washington Court Falls Church, VA 22046		11,500.00	11,500.00
Landis M. Neal, 2000 K Street, NW, 7th Floor Washington, DC 20006	National Comm to Preserve Social Security	9,000.00	
Karen J. Neale, 2501 M Street N.w. Washington, DC 20037	Chemical Manufacturers Assn, Inc	465.00	64.65
Ralph G. Neas, 2027 Massachusetts Ave., NW Washington, DC 20036	Leadership Conference on Civil Rights	13,500.00	945.46
Laura C. Nehf, 1101 Connecticut Avenue, NW, #405 Washington, DC 20036	Choate Filler & Nehf, P.C. (For:Association of Progressive Rental Organizations)		
Stanley Nehmer, 1320 19th Street, NW, #600 Washington, DC 20036	Non-Ferrous Metals Producers Committee	500.00	350.00
Neill & Company, Inc, 900 17th St., NW, #400 Washington, DC 20006	Arab Republic of Egypt		28,956.54
Do	Government of El Salvador		98.97
Do	Hashemite Kingdom of Jordan	55,000.00	3,961.97
Do	Islamic Republic of Pakistan	60,000.00	1,689.56
Do	Kingdom of Morocco	300,000.00	5,176.84
Do	Republic of Gabon		661.46
Do	Republic of Kenya		2,659.74
Neill Mullenholz & Shaw, 900 17th St., NW, #400 Washington, DC 20006	Florida East Coast Railway Co		
Do	Government of El Salvador	5,000.00	
Do	National Council Social Security Management Assns, Inc	4,000.00	165.00
Do	National Farm & Power Equipment Dealers Assn	1,500.00	
Do	PHH Group, Inc	4,500.00	150.00
Do	Senior Executives Assn	5,000.00	285.00
Do	Soo Line Corporation	2,500.00	
Do	TACA International Airlines		
Joshua E. Neiman, 815 16th St., NW, #408 Washington, DC 20006	Food & Allied Service Trades Dept., AFL-CIO	380.00	
Carolyn B. Nelson, #2 Metroplex Dr., Suite 500 Birmingham, AL 35209	Metropolitan Properties, Inc		
Mark D. Nelson, 1701 Pennsylvania Ave., NW, #900 Washington, DC 20036	E. I. du Pont de Nemours & Co		
Paul Gunnar Nelson, Hamilton & Hamilton 734 15th St., NW, 11th Floor Washington, DC 20005	Weyerhaeuser Company	9,866.25	104.86
Michael A. Nemeroff, 1720 Eye Street, NW Washington, DC 20006	Sidley & Austin (For:Borden, Inc)		
Lynda L. Nersesian, 1100 15th St., NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	128.00
Mark Nestlen, 1616 H Street, NW Washington, DC 20006	National Grange	5,000.00	
Network, 806 Rhode Island Ave., NE Washington, DC 20018		32,912.34	36,239.23
E. John Neumann, 1100 Connecticut Ave., NW, #820 Washington, DC 20036	Baltimore Gas & Electric Co	2,109.88	1,638.09
David B. Neumeyer, 1319 F St., NW, #500 Washington, DC 20004	Food Research & Action Center	56.00	
New York Comm of Intl Comm of Passenger Lines, 74 Trinity Place New York, NY 10006			
New York State Bankers Assn, 485 Lexington Avenue New York, NY 10017		66,250.00	89,519.00
Cynthia E. Newman, 400 North Washington Street Alexandria, VA 22314	Professional Insurance Agents	500.00	200.00
George S. Newman, 7915 Jones Branch Dr. McLean, VA 22102	BDM International, Inc		109.81
Newman & Holtzinger, P.C., 1615 L St., NW, #1000 Washington, DC 20036	Utility Nuclear Waste Management Group		
James R. Nicholas, 11570 378 San Jose Blvd. Jacksonville, FL 32217	Communication Planning Corp		
Do	North American Telephone		
Thomas Nickels, 1101 14th Street, NW, #200 Washington, DC 20005	American Nurses' Assn	5,144.00	168.93
Patrick J. Nilan, 1300 L Street, NW Washington, DC 20005	American Postal Workers Union, AFL-CIO	14,209.47	2,982.78
Nissan Motor Corporation, U.S.A., 1919 Pennsylvania Avenue, NW, #707 Washington, DC 20006			
Ellen Nissenbaum, 236 Massachusetts Avenue, NE, #305 Washington, DC 20002	Center on Budget & Policy Priorities	723.69	35.00
Nixon Hargrave Devans & Doyle, One Thomas Circle, NW, #800 Washington, DC 20005	American Free Trade Assn, Inc	1,254.00	26.55
Do	Bausch & Lomb		
Robert W. Nolan, 1303 New Hampshire Ave., NW Washington, DC 20036	Fleet Reserve Assn	100.00	
Walker F. Nolan, 1111 19th St., NW, 9th Fl. Washington, DC 20036	Edison Electric Institute	9,614.64	666.96
Robert I. Nooter, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	6,000.00	394.80
Julia J. Norrell, 1001 Pennsylvania Avenue, NW Washington, DC 20004	American Council of Life Insurance, Inc	5,325.00	
North American Telecommunications Assn, 2000 M St., NW, #550 Washington, DC 20036		11,538.48	11,538.48
Northeast Utilities Service Co, Selden St. Berlin, CT 06037			2,462.38
Northern Telecom, Inc, 600 Maryland Avenue, SW, #605 Washington, DC 20024			
Graham T. Northup, 2333 Highland Avenue Falls Church, VA 22046	Commerzbank	8,650.00	418.97
Mary Jane Norville, 600 Maryland Avenue, SW, #700 Washington, DC 20024	National Fed of Independent Business	4,875.50	303.00
Nossaman Guthner Knox & Elliott, 1140 19th St., NW, #600 Washington, DC 20036	AEtna Life & Casualty	2,400.00	2,375.00
Do	Northwestern National Life Insurance Co	960.00	375.00
Do	Southern California Edison	240.00	750.00
Nathan Note, Box 373 Majuro, Marshall Islands	Bikini/Kili/Ejit Council		
P. Michael Nugent, Suite 1300, North Tower 1331 Pennsylvania Ave., NW Washington, DC 20004	EDS Corporation		
Patrick J. Nugent, 1133 19th Street, NW Washington, DC 20036	MCI Communications Corp	2,000.00	6,285.60
Cynthia H. Null, 1200 17th Street, NW Washington, DC 20036	Federation of Behavioral Psychological & Cognitive Sciences		
Silas O. Nunn, 1110 Vermont Avenue, NW, #1250 Washington, DC 20005	Shipbuilders Council of America	1,500.00	
Ralph D. Nurnberger, 500 North Capitol Street, NW, #300 Washington, DC 20001	American Israel Public Affairs Comm	12,499.98	415.81
Nutter McClennen & Fish, 600 Atlantic Avenue Boston, MA 02210	Merit Stainless Steel, Inc		
Do	Research-Cottrell, Inc		
C. D. Nyberg, P.O. Box 800 Austin, MN 55912	Geo. A. Hormel & Co		
George O'Bea Jr., 815 16th Street, NW, #701 Washington, DC 20006	United Paperworkers International Union		
Dinah K. O'Berry, 2000 K St., NW, 7th Floor Washington, DC 20006	National Comm to Preserve Social Security	8,000.00	
Coleman C. O'Brien, 1709 New York Ave., NW, #801 Washington, DC 20006	U.S. League of Savings Institutions	9,562.00	29.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Mary Eileen O'Brien, 1800 M St., NW, Suite 710 South Washington, DC 20036	Dow Corning Corp		
Raymond V. O'Brien, 1600 M St., NW Washington, DC 20036	International Telephone & Telegraph Corporation	2,500.00	100.00
Rosemary L. O'Brien, 2550 M St., NW, #640 Washington, DC 20037	CF Industries, Inc	500.00	51.04
Thomas H. O'Brien, 1201 East Abingdon Dr. #300 Alexandria, VA 22314	Harris Corporation	2,500.00	559.13
David S. O'Bryon, 7297 Lee Highway, Unit N Falls Church, VA 22042	American Textile Machinery Assn	400.00	
Shannon O'Chester, 122 C Street, NW, #800 Washington, DC 20001	Concerned Women for America		
Frank J. O'Connell, 148 South Maple Avenue Kingston, PA 18101	Pennsylvania Power & Light Co		
James J. O'Connell, 1201 Pennsylvania Avenue, NW, #370 Washington, DC 20004	Control Data Corporation	203.50	281.38
Richard T. O'Connell, Richard T. O'Connell & Associates, Inc 3208 Traveler Street Fairfax, VA 22030	Chocolate Manufacturers Assn of the USA		200.00
Do	National Confectioners Assn of the U.S.		300.00
Terrence M. O'Connell II, 444 N. Capitol Street, NW, #711 Washington, DC 20001	Keefe Company (For:UNIAO Nacional Para Independencia Total DeAngola)	2,500.00	
Do	Keefe Company (For:Westinghouse Electric Corp)		
Do	Keefe Company (For:Yearbook Printers Assn)		
William B. O'Connell, 111 East Wacker Dr. Chicago, IL 60601	U.S. League of Savings Institutions	25,375.00	3,809.96
Charles Albert O'Connor Jr., 200 N. Pickett Street, #810 Alexandria, VA 22304			
K. James O'Connor Jr., 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	400.00	10.00
Patrick C. O'Connor, 1211 Connecticut Ave., NW, #302 Washington, DC 20036	American Supply Association	7,443.17	2,834.06
Do	American Warehousemen's Association		
Do	Movers' Round Table	5,743.05	2,166.15
Do	National Assn of Fleet Administrators		
Do	Steel Tank Institute		
Do	Transportation Lawyers Assn		
O'Connor & Hannan, 1919 Pennsylvania Ave., NW, #800 Washington, DC 20006	Alliance for Capital Access	1,060.00	
Do	American Bus Assn	7,011.31	
Do	American Businesses for Int'l Trade		
Do	American Clinical Laboratory Assn	1,250.00	
Do	American Family Life Assurance Co		
Do	American Inst of Certified Public Accountants	1,929.00	
Do	American Insurance Assn		
Do	American Maritime Transport, Inc		
Do	American Soc of Assn Executives	2,332.24	
Do	American Soc of Cataract & Refractive Surgery	11,130.00	
Do	American Trucking Assns, Inc		
Do	Arch Communications	5,000.00	
Do	California Student Loan Finance Corp	1,513.04	
Do	Center for Environmental Education, Inc		
Do	Chamber of Commerce of the U.S.		
Do	ChemWaste Management, Inc	1,177.50	
Do	China External Trade Development Council	5,400.00	
Do	City of Minneapolis	900.00	
Do	Coca-Cola Company	4,000.00	
Do	Connaught Laboratories, Inc	14,089.62	
Do	Corcoran Mullins Jennison	1,000.00	
Do	CNA Insurance	2,442.61	
Do	Distilled Spirits Council of the U.S., Inc	1,000.00	
Do	Drexel Burnham Lambert, Inc		
Do	Eastern Michigan University	101.91	
Do	Electronic Data Systems Corp	1,000.00	
Do	Embassy of Bolivia	10,000.00	
Do	Government of Netherlands Antilles	59,800.00	
Do	Health Care Financing Study Group	4,250.00	
Do	Hennepin County	500.00	
Do	Historic Landmarks for Living		
Do	Independent Computer Consultants Assn	5,730.69	
Do	Insurance Assn of Connecticut		
Do	International Racquet Sports Assn		
Do	Investment Company Institute	12,000.00	
Do	Journal Newspapers		
Do	Kawasaki Kisen Kaisha, Ltd		
Do	Merrill Lynch & Co, Inc		
Do	Mexican Cement Chamber		
Do	Miller & Schroeder Financial, Inc	3,000.00	
Do	Minnesota Mutual Life Insurance Co	8,000.00	
Do	Mitchell Sweet & Associates	1,350.00	
Do	National Apartment Assn	1,320.00	
Do	National Assn of Portable X-Ray Providers		
Do	National Assn of Private Enterprise of El Salvador		
Do	National Club Association	5,100.00	
Do	Owens-Illinois	185.00	
Do	Pacific Telesis Group	13,954.00	
Do	Philadelphia Stock Exchange		
Do	Press Broadcasting Co	10,812.50	
Do	Primark Corporation	2,250.00	
Do	Prudential Insurance Co of America	1,445.00	
Do	Quantum Computer Services, Inc		
Do	Joseph E. Seagram & Sons, Inc	1,117.03	
Do	Securities Industry Assn	8,793.00	
Do	Small Advertisers Counsel	5,000.00	
Do	SmithKline Beckman Corp	4,500.00	
Do	State of Alaska	8,550.00	
Do	State of West Virginia		
Do	U.S. League of Savings Institutions		
Do	United Illuminating Co	10,000.00	
Do	Westinghouse Electric Corp	1,000.00	
Thomas A. O'Day, 1629 K St., NW, #1010 Washington, DC 20006	Alliance of American Insurers	800.00	
J. Daniel O'Flaherty, 1625 K St., NW, #1090 Washington, DC 20006	National Foreign Trade Coucnil	5,000.00	400.00
Daniel J. O'Grady, 815 16th St., NW, #310 Washington, DC 20006	Amalgamated Clothing & Textile Workers Union	961.52	7.60
Do	Food & Allied Service Trades Dept, AFL-CIO	457.00	
Jane O'Grady, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	16,174.34	145.35
Terri O'Grady, 1600 Rhode Island Avenue, NW Washington, DC 20036	National Rifle Assn of America	950.00	300.86
Barbara E. O'Hara, 4400 Macarthur Blvd., NW Washington, DC 20007	American Soc of Travel Agents	125.00	
Michael A. O'Malley, 4647 Forbes Boulevard Lanham, MD 20706	AMVETS		
O'Melveny & Myers, 555 13th St., NW Washington, DC 20004	Amax, Inc		
Do	American Institute for Imported Steel, Inc	23,768.00	1,505.79
Do	City of Atlantic City		
Do	Dulles Access Transit Corp		
Do	Holden Group, Inc (Public Employer Benefits Council)		
Joseph O'Neil, 1600 M St., NW Washington, DC 20037	ITT Corporation	4,000.00	60.00
Joseph P. O'Neill, 1616 H Street, NW Washington, DC 20006	American Retail Federation	2,200.00	137.00
O'Neill and Athy, P.C., 1310 19th Street, NW Washington, DC 20036	Allegheny County Commission		
Do	Bank of New England		
Do	Business Roundtable	2,950.00	
Do	BHC, Inc		
Do	Chris-Craft Industries, Inc		
Do	Connecticut Bank & Trust Corp		
Do	Cruise America Line, Inc		
Do	Glass Packing Institute		
Do	Housing America Foundation		
Do	Massachusetts General Hospital	1,000.00	
Do	Milk Industry Foundation		
Do	National Assn of Jai-Alai Frontons, Inc		
Do	New England Deaconess Hospital	1,200.00	
Do	Northwestern Mutual Life		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Retail Industry Trade Action Coalition		
Do	Sears Roebuck & Co	450.00	
Do	Texas Utilities Co.		
Do	USX	1,280.00	
Rita W. O'Rourke, 1875 Eye St., NW, #800 Washington, DC 20006	Tobacco Institute		
J. Denis O'Toole, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	8,500.00	
John E. O'Toole, 1899 L Street, NW Washington, DC 20036	American Assn of Advertising Agencies	2,500.00	750.00
M. Diane O'Toole, 1000 Wilson Blvd., #2300 Arlington, VA 22209	Northrop Corp		
Stephen E. O'Toole, 1660 L St., NW Washington, DC 20036	General Motors Corp	3,000.00	2,722.16
Jana R. Oakley, 1331 Pennsylvania Avenue, NW, #1500N Washington, DC 20004-1703	National Assn of Manufacturers		
Paul C. Oakley, 50 F Street, NW Washington, DC 20001	Association of American Railroads		
Harry R. Obley, One Mellon Bank Center Pittsburgh, PA 15258	Mellon Bank N.A., et al.	2,000.00	3,235.36
Kim M. Oboz, 1020 19th Street, NW, #700 Washington, DC 20036	U S West, Inc.	500.00	
Neil H. Offen, 1776 K Street, NW Washington, DC 20006	Direct Selling Association		
Donald G. Ogilvie, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	2,500.00	
Ohrenstein & Brown, 655 Third Avenue New York, NY 10017	Mutual Signal Corp		15.31
Philip M. Ola, 1919 Pennsylvania Avenue, NW, #400 Washington, DC 20006	Steel Service Center Institute		
Michael D. Oldak, 1800 Massachusetts Avenue, NW Washington, DC 20036	National Rural Electric Cooperative Assn	149.00	
R. Teel Oliver, 1615 L Street, NW, #1320 Washington, DC 20036	Merck & Co, Inc.	687.50	500.00
Gerald L. Olson, Pillsbury Center, MS 3771 Minneapolis, MN 55402	Pillsbury Company		2,200.00
Richard C. Olson, 6862 Elm Street, #510 McLean, VA 22101	Citibank, N.A.	700.00	
Do	DynCorp	1,452.00	58.00
Roy E. Olson, 260 Madison Ave. New York, NY 10016	American Paper Institute, Inc.		
Omega International, Inc, 11 Carriage House Circle Alexandria, VA 22304	Colorado Springs Chamber of Commerce	300.00	
Do	United Engineers & Constructors	300.00	
Clark Onstad, 1201 Pennsylvania Ave., NW, #300 Washington, DC 20004	Texas Air Corp, et al.	1,500.00	1,049.00
Philip C. Onstad, 500 West Putnam Avenue Greenwich, CT 06832	Control Data Corporation	200.00	
Charles J. Orasin, 1400 K Street, NW, #500 Washington, DC 20005	Handgun Control, Inc.	7,273.08	
Organization of Professional Employees of USDA, Rm. 1414 S. Building U.S. Dept of Agriculture Washington, DC 20250		2,017.78	1,459.77
Elvira J. Orly, 1050 Connecticut Ave., NW, #800 Washington, DC 20036	Allied-Signal, Inc.		
James L. Osborne, 4th & Davis Streets P.O. Box 808 McMinnville, OR 97128	National Assn of Mutual Insurance Cos		
J. F. Otero, 815 16th Street, NW Washington, DC 20006	Tranpsortation Communications Union	1,000.00	300.00
Kevin D. Ott, 1331 Pennsylvania Avenue, NW, #1500N Washington, DC 20004-1703	National Assn of Manufacturers	325.00	
Karl Ottosen, 208 G Street, NE Washington, DC 20002	NL Industries, Inc	7,500.00	
Do	U.S. Federation of Small Businesses, Inc.		
Cliff Ouse, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	25.00	
Gene E. Overbeck, 1101 17th Street, NW Washington, DC 20036	American Airlines, Inc.	2,125.00	67.75
Thomas J. Owens, P.O. Box 12266 Seattle, WA 98102	Dollar Savings Bank, et al.	51,674.98	10,920.08
Do	Everett Mutual Savings Bank, et al.	25,500.00	5,298.90
Do	Kelly-Ryan, Inc	11,025.00	1,215.21
William H. Owens Jr., 1111 14th St., NW, #1200 Washington, DC 20005	American Dental Assn.	1,000.00	701.76
William J. Owens, 1745 Jefferson Davis Highway, #511 Arlington, VA 22202	Manufactured Housing Institute	900.00	100.00
R. Ray Paabo, 1667 K St., NW, #600 Washington, DC 20006	Santa Fe Southern Pacific Corp	1,000.00	
Allen Scott Pack, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Algoma Steel Corp, Ltd		
Joel Packer, 1201 16th Street, NW Washington, DC 20036	National Education Assn	2,722.70	75.20
Lee W. Paden, P.O. Box 201 Tulsa, OK 74102	Public Service Co of Oklahoma		
Pagonis & Donnelly Group, 1620 Eye St., NW, #202 Washington, DC 20006	Algoma Steel Corp, Ltd, et al.		
Do	Brown Boveri Corp	4,730.00	
Do	Burroughs Wellcome Co	4,500.00	60.48
Do	City of Pompano Beach	3,060.00	
Do	Dow Chemical USA	5,712.50	104.24
Do	Harrah's, Inc.		
Do	Holiday Corp	7,031.25	
Do	National Woolgrowers Assn	11,250.00	199.74
Do	Nord Resources Corp		
Henry S. Palau, 201 N Washington St. Alexandria, VA 22134	Retired Officers Assn		
Benjamin L. Palumbo, 1629 K St., NW Washington, DC 20006	Atlantic Richfield Co.	22,500.00	
Do	Business Executives for National Security, Inc.	4,500.00	
Do	European Community	19,800.00	
Palumbo & Cerrell, Inc, 1629 K St., NW Washington, DC 20006	American Soc of Composers Authors & Publishers	54,000.00	
Do	RJR Nabisco, Inc	9,000.00	
Do	Southern California Rapid Transit District	15,000.00	
Pan American Satellite Corp, Two Greenwich Plaza, #100 Greenwich, CT 06836			3,700.00
Peter J. Pantuso, 7900 Westpark Drive, #514 Mclean, VA 22102	National Confectioners Assn of the U.S.		1,100.00
Marcia M. Pape-Daniels, 1201 Pennsylvania Ave., NW, #250 Washington, DC 20004	CH2M Hill	750.00	
Paperboard Packaging Council, 1101 Vermont Ave., NW, #411 Washington, DC 20005			
G. Oliver Papps, N.J. Petroleum Council 170 W. State St. Trenton, NJ 08608	American Petroleum Institute		
Stephen J. Paradise, 1800 K Street, NW, #1100 Washington, DC 20006	New York Stock Exchange, Inc		
Nancy L. Parke, 210 Little Falls Street Falls Church, VA 22046	American Cong. on Survey. & Mapp./Amer Soc of Photogrammetry	4,615.38	778.45
Alan A. Parker, 1050 31st Street, NW Washington, DC 20007	Association of Trial Lawyers of America	5,000.00	100.00
Kimberly C. Parker, 1300 L Street, NW Washington, DC 20005	American Postal Workers Union, AFL-CIO	9,585.13	575.23
Sara Lynn Parker, 1319 F St., NW, #500 Washington, DC 20004	Food Research & Action Center		
Tom V. Parker, c/o Arkansas Petroleum Council 460 Twin City Bank Bldg. North Little Rock, AR 72114	American Petroleum Institute	652.00	865.06
Benjamin G. Parks III, 1919 Pennsylvania Avenue, #300 Washington, DC 20006	National Forest Recreation Assn	750.00	
Do	National Inholders Assn.	5,760.00	550.00
Carl M. Parks, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Sears Roebuck & Co	1,500.00	375.00
Ann M. Parman, 1015 15th St., NW, #1240 Washington, DC 20005	National Manufactured Housing Federation	100.00	
Ken Parmelee, 1448 Duke Street, #100 Alexandria, VA 22314	National Rural Letter Carriers Assn	15,217.00	1,636.00
Charles C. Partridge, 5535 Hempstead Way Springfield, VA 22151	National Assn for Uniformed Services	2,312.49	
Jack Partridge, 1014 Vine St. Cincinnati, OH 45201	Kroger Company	2,500.00	641.65
John V. Parziale, 818 Connecticut Ave., NW, 9th Fl. Washington, DC 20006	Marathon Oil Co		254.66
Richard E. Pasco, 1015 15th St., NW, #402 Washington, DC 20005	National Pork Producers Council	2,000.00	9.00
David J. Passamaneck, 4647 Forbes Boulevard Lanham, MD 20706	AMVETS	6,800.00	150.47
DeLane Pate, c/o Dow, Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Laurel Steel Products Ltd		
Gary B. Patterson, Delaware Petroleum Council P.O. Box 1429 Dover, DE 19903	American Petroleum Institute	111.54	80.58
Jerry M. Patterson, 3200 Park Center Dr., #650 Costa Mesa, CA 92626	Burke Williams & Sorensen (For:City of Huntington Beach)	1,040.00	10.00
Do	Burke Williams & Sorensen (For:City of Santa Ana)	1,682.00	25.00
Richard M. Patterson, 1800 M St., NW, #700 South Washington, DC 20036	Dow Chemical Co	500.00	4,925.00
William H. Patterson, 1331 Pennsylvania Ave., NW Washington, DC 20004	General Electric Co.	274.00	
Kenton H. Pattie, 3150 Spring St. Fairfax, VA 22031	International Communications Industries Assn.	4,069.00	
David J. Pattison, 1025 Connecticut Ave., NW Washington, DC 20036	Health Insurance Assn of America, Inc		
Patton Boggs & Blow, 2550 M St., NW, #800 Washington, DC 20037	Ad Hoc Group for 8(a) Reform	725.00	243.25
Do	Aiwa America, Inc	3.05	
Do	Akai America, Ltd	4.81	
Do	Alexander & Baldwin, Inc	150.00	25.00
Do	American Congress on Surveying & Mapping		
Do	American Express Co.		
Do	American International Automobile Dealers Assn		
Do	American Maritime Assn	140.00	
Do	Association of Professional Flight Attendants		
Do	Association of Trial Lawyers of America	7,280.00	60.00
Do	Atacra Trustees		
Do	ALTA Technology		
Do	Biogen		
Do	BATUS, Inc.		
Do	Cadawalader Wickersham & Taft		
Do	Chelsea Property Owners		
Do	Chemfix Technologies, Inc		
Do	Chicago Board Options Exchange	925.00	62.00
Do	Chrysler Corporation		
Do	Coalition on State Use Taxes	6,000.00	
Do	Columbia Farm Credit District	6,125.00	
Do	Columbia, Inc	0.46	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Computerland Corporation		
Do	Costa Rican Foreign Trade Committee	2,250.00	50.00
Do	Council of Graduate Schools	495.00	261.51
Do	Crowley Maritime Corp		
Do	Cryolife, Inc		
Do	Dealer Action Association	125.00	
Do	Dredging Industry Size Standards Committee (DISSC)	2,707.50	377.35
Do	Duty Free Shoppers Group, Ltd		
Do	DOYON, Ltd	450.00	40.00
Do	Fiart Cantieri Italiani, S.P.A.	2,827.50	60.00
Do	Fidelity Investors		
Do	Fishing Vessel Owners' Assn	1,072.50	36.00
Do	Flint Industries		
Do	Freedom to Advertise Coalition	545.00	
Do	Fuji Photo Film USA, Inc	10.45	
Do	Great Western Financial Corp	165.00	75.75
Do	Hitachi Sales Corp of America	139.21	
Do	Hobby Industry Assn		
Do	Hotel Dieu Hospital		
Do	Institute of Scrap Iron & Steel, Inc		
Do	Kaiser Aluminum & Chemical Corp	4,700.00	
Do	Kenwood USA Corporation	3.05	
Do	Litton Industries, Inc		
Do	Loan America Financial Corp		
Do	Loop, Inc		
Do	Marathon Oil Co	1,500.00	
Do	Mars, Inc		
Do	Mass Mutual	825.00	375.65
Do	Matson Navigation Co		
Do	Matsushita Electric Corp of America	245.59	
Do	Maxell Corp of America	18.96	
Do	May Department Stores Co		
Do	Metropolitan Life	660.00	457.60
Do	Mitsubishi Electric Sales of America, Inc	51.15	
Do	Mocatta Metals Corp		
Do	Mutual Benefit Life		
Do	Mutual Legislative Committee	660.00	446.75
Do	MCI Telecommunications, Inc	280.00	
Do	Nakamichi USA Corp	2.68	
Do	National Assn for Foreign Student Affairs		72.21
Do	National Assn of Life Underwriters	495.00	127.25
Do	National Assn of Retail Druggists	125.00	
Do	National Cable Television Assn, Inc	440.00	
Do	National Gypsum Co	750.00	35.00
Do	National Intergroup, Inc	470.00	10.00
Do	National Marine Manufacturers Assn	6,975.00	75.00
Do	National Soft Drink Assn		
Do	Navajo Nation		
Do	New Process Co		
Do	New York Life Insurance Co	330.00	96.15
Do	Northwestern Mutual Life	165.00	7.00
Do	NEC Electronics (USA) Inc	7.59	
Do	Onkyo USA Corp	1.67	
Do	Options Clearing Corp		
Do	OSG Bulk Ships, Inc	1,175.00	
Do	OTASCO, Inc		
Do	Paine Webber, Inc	2,350.00	
Do	Pioneer Electronics (USA), Inc	4.16	
Do	Reader's Digest Assn, Inc		
Do	William G. Reed	275.00	
Do	Retail Industry Trade Action Coalition	4,870.00	58.00
Do	Retail Tax Committee	700.00	42.00
Do	Rice Millers' Assn		
Do	Sansui Electronics Corp	4.35	
Do	Sanyo Electronics, Inc	119.60	
Do	Sharp Electronics Corp	75.02	
Do	Shell Oil Co		
Do	Smokeless Tobacco Council, Inc	420.00	
Do	Sony Corp of America	76.22	
Do	Squibb Corporation	225.00	15.00
Do	State of Louisiana, Department of Conservation		
Do	Sultantate of Oman		
Do	Teac Corp of America	3.70	
Do	Toshiba America, Inc	45.42	
Do	TDK USA Corp	23.50	
Do	U.S. Air, Inc	1,005.00	15.00
Do	U.S.A. Coalition/Fishing Vessel Reflagging	3,547.50	208.00
Do	Union Pacific Corp	275.00	20.00
Do	Unitary Tax Campaign		
Do	US JVC Corporation	83.25	
Do	Yamaha Electronics Corp, USA	1.11	
Andrew R. Paul, 1875 Eye Street, NW, #940 Washington, DC 20006	Gulf & Western, Inc	2,700.00	58.00
Paul Hastings Janofsky & Walker, 1050 Connecticut Avenue, NW, #1200 Washington, DC 20036	Associated Life Ins Group Policyholder Advisory Comm		
Do	CalMat Company		
Do	GAF Corporation		
Do	Kawasaki Motors Corp, USA	1,092.50	
Do	Oglethorpe Power Corp		
Do	Philippine Sugar Regulatory Administration		
Do	Security Life of Denver		
Do	Tobacco Institute	7,493.75	
Larry E. Paulick, 2111 Eisenhower Avenue Alexandria, VA 22314	National Spa & Pool Institute		
Richard A. Paysor, 1415 Elbridge Payne Rd., #135 St. Louis, MO 63017	First Capitol Associates - Gateway, Inc		
Ronald Pearson, 422 First Street, SE, #208 Washington, DC 20003	Embassy of South Africa		
Russell H. Pearson, 1156 15th Street, NW, #1015 Washington, DC 20005	J. C. Penney Co, Inc		
Pearson and Pipkin, Inc, 422 First Street, SE, #208 Washington, DC 20003	Embassy of South Africa	30,000.00	93.16
Pelton Research Center, 1400 S. Joyce Street Arlington, VA 22202	Help, Inc		
Elin Peltz, 1511 K St., NW, #723 Washington, DC 20005	Hawaiian Sugar Planters' Assn		
Humberto R. Pena, 1155 15th St., NW Washington, DC 20005	Bristol-Myers Co	500.00	
Margaret Pena, 80 F Street, NW Washington, DC 20001	American Fed of Government Employees	8,460.00	
James C. Pennington, 5535 Hempstead Way Springfield, VA 22151	National Assn for Uniformed Services	1,149.99	
Pennsylvania Power & Light Co, 2 North 9th Street Allentown, PA 18101			1,710.65
Gregory M. Pensabene, 1667 K St., NW, #600 Washington, DC 20006	Santa Fe Southern Pacific Corp	2,700.00	
Pension Real Estate Assn, 1101 17th Street, NW, #700 Washington, DC 20036			
Pepper & Corazzini, 1776 K St., NW Washington, DC 20006	Tempo Enterprises, Inc	1,181.25	300.00
Pepper Hamilton & Scheetz, 1777 F Street, NW Washington, DC 20006	North American Telephone Assn		
Barbara K. Pequet, 1311 Quincy St., NE Washington, DC 20017	American Soc for the Prevention of Cruelty to Animals		1,500.00
Victor J. Perini Jr., 1776 Massachusetts Ave., NW Washington, DC 20036	Highway Users Federation for Safety & Mobility		
James W. Perkins, 1 Beacon Street, Rm. 2200 Boston, MA 02108	National Assn of Bond Lawyers, et al.		
Perkins Coie, 1110 Vermont Ave., NW, #1200 Washington, DC 20005	Aerospace Industries Assn of America, Inc		
Do	Boeing Company		
Do	Burlington Northern, Inc		
Do	Cook Inlet Region, Inc		
Do	Kootznoowoo, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Ormat Systems, Inc		
Gary J. Perkinson, 453 New Jersey Ave., SE Washington, DC 20003	Beneficial Management Corp of America		
Do	National Second Mortgage Assn		
Perkinson & Associates, 453 New Jersey Ave., SE Washington, DC 20003	Beneficial Management Corp		
Do	National Second Mortgage Assn		
Ernest Michael Perley, 112 St Clair Ave., W., #504 Toronto, Ontario M4v 2y3	Canadian Coalition on Acid Rain		
Jeffry L. Perlman, 1615 H St., NW Washington, DC 20062	Chamber of Commerce of the U.S.	2,100.00	526.41
Kate M. Perry, 1785 Massachusetts Avenue, NW Washington, DC 20036	National Trust for Historic Preservation		
Susan Perry, 1025 Connecticut Avenue, NW Washington, DC 20036	American Bus Assn	2,687.50	75.00
Mark Pertschuk, 2054 University Ave., #500 Berkeley, CA 94704	Americans for Nonsmokers' Rights	2,031.00	
John J. Pesch, 3422 Stoneybrae Drive Falls Church, VA 22044	Northrop Corp		
Phillips S. Peter, 1331 Pennsylvania Avenue, NW Washington, DC 20004	General Electric Co	100.00	
Geoffrey G. Peterson, 1250 Eye St., NW, #900 Washington, DC 20004	Distilled Spirits Council of the U.S., Inc	2,000.00	
Lars E. Peterson, 1750 K Street, NW Washington, DC 20006	Food Marketing Institute	450.00	
Mary B. Peterson, 700 New Hampshire Ave., NW Washington, DC 20037	General Motors Corp	250.00	
Mary Jo Peterson, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America	2,000.00	500.00
Sheryl L. Peterson, 1101 14th St, NW Washington, DC 20005	American Osteopathic Assn		
Peterson Engberg & Peterson, 1730 M St., NW, #907 Washington, DC 20036	Federated Research Corp	25,550.00	1,342.66
Susan F. Petniunas, 1625 K Street, NW, #750 Washington, DC 20006	Manville Corporation	500.00	
Michael J. Petrina Jr., 1110 Vermont Avenue, NW, #800 Washington, DC 20005	Cosmetic Toiletry & Fragrance Assn, Inc		
Stephan Petry, 1800 Massachusetts Avenue, NW Washington, DC 20036	National Rural Electric Cooperative Assn	315.05	
Evelyn A. Petschek, 1730 Pennsylvania Ave., NW Washington, DC 20006	Patterson Belknap Webb & Tyler (For:Cultural Institutions Retirement Systems)		
Brian T. Petty, 1901 L St., NW, #702 Washington, DC 20036	International Assn of Drilling Contractors		
Annabelle Petys, Internat'l Institute of Human Asset Acc 1966 McKinley Street Clearwater, FL 33575			76.25
Peyser Associates, Inc, 1000 Vermont Street, NW, #400 Washington, DC 20005	Metro	6,400.00	62.50
Do	Metropolitan Toledo Consortium	5,700.00	181.84
Do	New York State Bridge Authority	4,500.00	8.28
Do	Regional Transit Authority	13,500.00	804.22
Do	Southeastern Pennsylvania Transit Authority	9,000.00	624.53
Steven J. Pfister, 1000 Connecticut Avenue, NW Washington, DC 20036	National Retail Merchants Assn	2,000.00	124.93
James R. Phalen, 1100 Connecticut Avenue, NW, #535 Washington, DC 20036	MAPCO, Inc	3,570.00	
Pharmaceutical Manufacturers Assn, 1100 15th Street, NW, #900 Washington, DC 20005		33,636.40	33,636.40
Marshall A. Pharr, 6103 Adirondack Amarillo, TX 79106	Southwestern Public Service Co	4,209.75	126.39
Dennis J. Phelan, 1401 New York Avenue, NW, #400 Washington, DC 20005	National Food Processors Assn	3,750.00	100.00
Do	Pacific Seafood Processors Assn	7,500.00	528.00
Mary Frances Phelps, 1050 Connecticut Ave., NW, #760 Washington, DC 20036	Union Oil Co of California		
William C. Phelps, 2929 Allen Parkway Houston, TX 77019	American General Corporation	6,800.00	2,329.40
William W. Phelps, P.O. Box 2159 Dallas, TX 75221	American Petrofina, Inc	21,000.00	4,493.68
Michael D. Philips, 1616 P St., NW Washington, DC 20036	Union of Concerned Scientists	5,600.00	
Deirdre B. Phillips, 100 Federal Street Boston, MA 02110	Bank of Boston Corporation		
Do	First National Bank of Boston		
Janet K. Phillips, 1724 Massachusetts Ave., NW Washington, DC 20036	National Cable Television Assn, Inc	1,000.00	
Patricia Lynn Phillips, 12907 Melville Lane Fairfax, VA 22033	National Assn of State Agencies for Food Distribution	6,600.00	
William G. Phillips, 417 Sixth Street, SE Washington, DC 20003	Association of Univ Environmental Health Science Centers	12,000.00	621.93
Do	Association of Univ Programs & Occupational Health & Safety	11,050.00	999.61
Do	Metal Trades Department, AFL-CIO	4,450.00	520.36
Dan Phythyon, 1771 N St., NW Washington, DC 20036	National Assn of Broadcasters	1,500.00	669.00
Paulette C. Pidcock, 1100 Connecticut Avenue, NW, #530 Washington, DC 20036	Baltimore Gas & Electric Co	362.55	262.77
Theodore M. Pierce, 1300 North 17th St., #300 Arlington, VA 22209-3899	ADAPSO, the Computer Software & Services Industry Assn		
Wayne Pierce, 101 Constitution Avenue, NW Washington, DC 20001	United Brotherhood of Carpenters & Joiners of America	29,575.00	450.18
Stuart F. Pierson, Verner, Liipfert, Bernhard, & Mcpherson 1660 L St., NW, #1100 Washington, DC 20036	LTV Corporation, et al		
Pierson Semmes & Finley, 1054 31st Street, NW Washington, DC 20007	Mauritius Sugar Syndicate	860.00	97.14
Do	Oklahoma Natural Gas Company		
Do	Six Flags Corporation		
Susan G. Pikrallidas, 8111 Gatehouse Road Falls Church, VA 22047	American Automobile Assn		
John H. Pilcher, 1331 Pennsylvania Ave.,NW, #1500 Washington,-DC 20004-1703	National Assn of Manufacturers	125.00	
Pillsbury Madison & Sutro, 1667 K St., NW, #1100 Washington, DC 20006	D. L. Berger Associates, Inc	500.00	10.00
Do	Grocery Manufacturers of America, Inc		
Do	Pfizer, Inc		
Do	Temis Ramires de Arellano	292.50	10.00
Jane Pinsky, 1101 14th St., NW, #200 Washington, DC 20005	American Nurses' Assn	4,625.00	137.30
Valerie F. Pinson, 1724 Massachusetts Avenue, NW Washington, DC 20036	National Cable Television Assn, Inc	1,215.00	
Nancy Pinson-Millburn, 5999 Stevenson Avenue Alexandria, VA 22304	American Assn for Counseling & Development		
Robert Pipkin Jr., Pearson & Pipkin, Inc 422 First Street, SE, #208 Washington, DC 20003	Embassy of South Africa		
Pirtle Morisset Schlosser & Ayer, 1500 Seattle Trust Tower 1000 Second Avenue Seattle, WA 98104	American Indian Business Development Consortium	1,287.00	
Do	Central Council of Tlingit & Haida Tribes of Alaska		
Do	Colville Confederated Tribes		
Do	Confederated Tribes of the Goshute Reservation		
Do	Hoopa Valley Tribe		
Do	Ketchikan Indian Corp		
Do	Makah Indian Tribe	1,618.50	
Do	Miccosukee Tribe of Indians of Florida	820.50	
Do	Navajo National Health Foundation, Inc		
Do	Red Lake Band of Chippewa Indians	6,145.00	
Do	Rosebud Sioux Tribe	2,850.00	
Do	Saginaw Chippewa Indian Tribe	120.00	
Do	Saint Regis Mohawk Tribe	15.00	
Do	Sault Ste. Marie Chippewa Tribal Council		
Do	Seneca-Cayuga Tribe of Oklahoma		
Do	Shoshone-Bannock Tribe-Fort Hall Reservation		
Do	Tulalip Tribes of Washington	1,618.50	
Do	Ukpeagvik Inupiat Corp	565.80	
Virginia L. Pitcher, 2000 L St., NW, #200 Washington, DC 20036	American College of Emergency Physicians	3,409.00	405.18
Plains Cotton Growers, Inc, 4510 Englewood Lubbock, TX 79414			
Reuben C. Plantico, 111 SW Columbia, #800 Portland, OR 97201	Nerco, Inc	4,475.00	644.71
Wyll W. Pleger, 1150 Connecticut Ave., NW, #205 Washington, DC 20036	Brown & Root, Inc		
John A. Poindexter, 3805 West Alabama Houston, TX 77027	Columbia Gulf Transmission Co		
Michele Pollak, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	467.30	907.76
Alfred M. Pollard, 1155 Connecticut Ave., NW, #1130 Washington, DC 20036	Security Pacific National Bank	6,080.00	430.00
Harlan Pomeroy, 1050 Connecticut Avenue, NW, #1100 Washington, DC 20036	Baker & Hostetler (For:North Coast Cable, Ltd)		
Richard Popkin, 3000 K St., NW, #300 Washington, DC 20007	Swidler & Berlin (For:Ferroalloys Association)		
Do	Swidler & Berlin (For:Majestic Shipping Services Corp)		2,807.00
Edward T. Porcaro, 1615 L Street, NW, #1210 Washington, DC 20036	Metropolitan Life & Affiliated Cos	1,000.00	
Port of Seattle, P.O. Box 1209 Seattle, WA 98111			
Porte Stafford & Associates, 1050 17th Street, NW, #840 Washington, DC 20036	American Medical Records Assn	3,000.00	
Do	National Assn of Medical Directors of Respiratory Care	6,000.00	
Do	National Dialysis Assn	9,000.00	
Carol Alice Porter, 1000 Connecticut Ave., NW, #1002 Washington, DC 20006	Wildlife Legislative Fund of America	5,056.32	
Porter Wright Morris & Arthur, 41 South High Street Columbus, OH 43215	Coalition for Environmental Energy Balance		2,536.76
Potomac Advisory Group, P.O. Box 20655 126 S. Washington Street Alexandria, VA 22320			
Powell Goldstein Frazer & Murphy, 1001 Pennsylvania Ave., NW, 6th Floor Washington, DC 20004	Bayley Seton Hospital	207.00	
Do	Council of State Housing Agencies	2,101.00	
Do	Federal National Mortgage Assn		
Do	Massachusetts Housing Finance Agency		
Do	National Investment Development Corp		
Do	National Multi Housing Council		
Do	Shea & Gardner		
Do	Starrett Housing Corp	972.00	
John J. Power, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	16,174.34	1,254.97
Frederick W. Powers III, 223 Perimeter Center Parkway P.O. Box 89000 Atlanta, GA 30338	Siemens Energy & Automation, Inc		
Graydon R. Powers Jr., 1101 16th St., NW Washington, DC 20036	Scientific Apparatus Makers Assn		
Prather Seeger Doolittle & Farmer, 1600 M Street, NW, 7th Floor Washington, DC 20036	Dollar Bank, Federal Savings Bank		4.75
David J. Pratt, 1025 Connecticut Ave., NW, #415 Washington, DC 20036	American Insurance Assn	500.00	105.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Robert L. Pratt, 125 Second Avenue Waltham, MA 02254	Thermo Electron Corporation	4,725.00	1,568.00
Richard H. Prendergast, 1020 19th St., NW Washington, DC 20036	Anderson Benjamin Read & Haney (For:De La Rue Giori of America, Inc)		
Do	Anderson Benjamin Read & Haney (For:SICPA Industries of America, Inc)		
Lowell Press, 901 31st St., NW Washington, DC 20007	Hill & Knowlton, Inc (For:Fleishmann)	525.00	
Preston Thorgrimson Ellis & Holman, 1735 New York Avenue, NW, #500 Washington, DC 20006	Alaska Loggers Assn		
Do	American Nuclear Insurers	2,016.00	
Do	American President Lines	9,580.00	
Do	Bay Tankers Inc	21,823.50	
Do	Bellingham Cold Storage		
Do	Boeing Company		
Do	Calista Corp		
Do	Council of American-Flag Ship Operators		
Do	Council on Research & Technology		
Do	COMPACT		
Do	Data General Corp		
Do	Design Professionals Coalition		
Do	Dragnet Fisheries, Inc		
Do	Grant County Public Utility District		
Do	Intelsat		
Do	Kellogg Company		
Do	Marine Management, Inc		
Do	Martin Marietta Corp		
Do	McDonnell Douglas Corp		
Do	Moore McCormack Resources, Inc		
Do	Mutual Atomic Energy Liability Underwriters		
Do	National Council on Compensation Insurance		
Do	Port of Seattle		
Do	Professional Services Council		
Do	Seaboard Pacific Co		
Do	Shonomish County Public Utility District No. 1		
Do	South Dakota Dept of Transportation		
Do	Sunmar Shipping, Inc		
Do	Transportation Institute	1,300.00	
Do	Tri-City Industrial Development Council	580.00	
Do	University of Michigan Hospitals		
Do	University of Washington		
Do	Waste Management, Inc		
Keith A. Pretty, 1615 M Street, NW, #200 Washington, DC 20036	Amoco Corporation	1,500.00	524.64
James M. Price, 730 Polk Street San Francisco, CA 94109	Sierra Club	637.45	696.00
Robert V. Price, 1150 Connecticut Avenue, NW, #600 Washington, DC 20036	Browning-Ferris Industries, Inc	4,500.00	480.00
Thomas J. Price, 410 First Stret, SE Washington, DC 20003	American Nuclear Energy Council	687.50	213.71
Patricia Pride, 1129 20th St., NW Washington, DC 20036	Financial Accounting Foundation	350.00	163.65
Jerry C. Pritchett, 5410 Grosvenor Ln., #120 Bethesda, MD 20814	Mechanical Contractors Assn of America, Inc		
Pro-Life CDAC 12, P.O. Box 7145 Menlo Park, CA 94025			
Sydney Probst, 1250 Eye Street, NW, #900 Washington, DC 20005	Distilled Spirits Council of the U.S., Inc	2,000.00	
Stuart E. Proctor Jr., 2626 Pennsylvania Ave., NW Washington, DC 20037	National Telephone Cooperative Assn	1,250.00	560.23
Profit Sharing Council of America, 20 N. Wacker Drive Chicago, IL 60606			
Project Advisory Group, 1029 Vermont Ave., NW, #860 Washington, DC 20005			1,943.77
Proprietary Association, 1150 Connecticut Ave., NW, #1200 Washington, DC 20036			3,793.75
Proskauer Rose Goetz & Mendelsohn, 300 Park Avenue New York, NY 10022	Integrated Resources, Inc		
Gerald R. Prout, 1627 K St., NW, #500 Washington, DC 20006	FMC Corporation	2,500.00	
Prudential-Bache Securities, Inc, 100 Gold St. New York, NY 10292			750.00
James C. Pruitt, 1050 17th St., NW, #500 Washington, DC 20036	Texaco, Inc	106.00	
Public Citizen Health Research Group, 2000 P St., NW, #700 Washington, DC 20036		13.00	14.99
Public Citizen, Inc, 2000 P Street, NW Washington, DC 20036		18,550.00	18,550.00
Public Employee Department, AFL-CIO, 815 16th St., NW Washington, DC 20006		58,299.93	20,054.50
Public Employer Benefits Council, 555 13th Street, NW #500-W Washington, DC 20004			
Public Timber Purchasers Group, 610 SW. Broadway, #608 Portland, OR 97205		33,498.94	2,781.95
Theresa Pugh, 1331 Pennsylvania Ave., NW, #1500-N Washington, DC 20004-1703	National Assn of Manufacturers		
Philip N. Pulizzi Jr., 1000 16th Street, NW, #800 Washington, DC 20036	Bethlehem Steel Corp	95.00	
David E. Pullen, 1625 K Street, NW, #750 Washington, DC 20006	Manville Corporation	1,000.00	
John R. Purcell, 204 E Street, NE Washington, DC 20002	National Frozen Food Association	500.00	
William E. Pursley, 1025 Connecticut Avenue, NW Washington, DC 20036	Shell Oil Co	500.00	
Sue P. Purvis, P.O. Box 14042 St. Petersburg, FL 33733	Florida Power Corp	2,400.00	98.00
Do	Florida Progress Corp	600.00	52.00
Earle W. Putnam, 5025 Wisconsin Avenue, NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
Howard Pyle III, 1050 17th Street, NW, #550 Washington, DC 20036	Houston Lighting & Power Company	4,200.00	
Robert N. Pyle & Associates, 3222 N Street, NW, #32 Washington, DC 20007	Ceramatec, Inc	3,500.00	
Do	Elkem Metals Company	4,400.00	106.00
Do	Independent Bakers Assn	3,000.00	150.00
Do	Stratcor	6,400.00	135.00
Do	Welch Foods, Inc	3,600.00	
John R. Quarles Jr., Morgan Lewis & Bockius 1800 M St., NW Washington, DC 20036	National Environmental Development Assn		
William A. Quinlan, 3045 Riva Rd. Riva, MD 21140	National Candy Wholesalers Assn, Inc	730.00	153.30
Do	Retail Bakers of America		
Harold P. Quinn Jr., 1130 17th St., NW Washington, DC 20036	National Coal Assn	3,000.00	
George Gregory Raab, 2000 L Street, NW Washington, DC 20036	Medtronic, Inc		10.00
Mark J. Raabe, 1615 L St., NW, #1320 Washington, DC 20036	Merck & Co, Inc	500.00	300.00
Theresa Rabel, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	1,500.00	349.00
Clifford Raber, One McDonald's Plaza Oak Brook, IL 60521	McDonald's Corp		
Radin & Associates, Inc, 1200 New Hampshire Ave., NW Washington, DC 20036	Arnold & Porter		
Fran Radney, 214 Massachusetts Avenue, NE, #350 Washington, DC 20002	Russell Corporation	3,000.00	
W. A. Radziewicz, 400 First Street, NW Washington, DC 20001	Brotherhood of Railroad Signalmen	350.00	
Michael Rae, 2030 M St., NW Washington, DC 20036	Common Cause	5,140.02	185.80
Tess A. Rae, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Tanya A. Rahall, 2033 M Street, NW, #300 Washington, DC 20036	National Assn of Arab Americans	6,583.26	131.00
Roderic W. Rahe Jr., 1015 15th Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	700.00	
Richard W. Rahn, 1615 H St., NW Washington, DC 20062	Chamber of Commerce of the U.S	770.00	92.00
Railway Labor Executives' Assn, 400 First St., NW, #804 Washington, DC 20001		96,000.00	246,029.33
Railway Progress Institute, 700 North Fairfax St. Alexandria, VA 22314			
Rainbow Lobby, 236 Massachusetts Avenue, NE, #409 Washington, DC 20002		186,489.04	225,634.80
John C. Ramig, 1730 M Street, NW, #900 Washington, DC 20036	Stoel Rives Boley Fraser & Wyse (For:Association of O & C Counties)	1,102.40	
Do	Stoel Rives Boley Fraser & Wyse (For:Pacificorp)	619.45	926.61
Kathleen Marie Ramsey, 1010 Wisconsin Avenue, NW, #800 Washington, DC 20007	Grocery Manufacturers of America, Inc		
Donald A. Randall, P.C., 321 D Street, NE Washington, DC 20002	Automotive Service Assn	14,134.21	
Do	National Independent Dairy-Foods Assn	3,430.00	
James D. Range, 1155 Connecticut Ave., NW, #800 Washington, DC 20036	Waste Management, Inc	5,000.00	
D. Michael Rappoport, P.O. Box 52025 Phoenix, AZ 85072	Salt River Project	1,680.00	3,735.09
Magda Ratajski, One Commercial Place Norfolk, VA 23510-2191	Norfolk Southern Corp		
Robert Rathe, 8451-A Hilltop Road Fairfax, VA 22031	American Soc of Magazine Photographers		107.22
Billye Lynn Ratliff, 1025 Connecticut Ave., NW Washington, DC 20036	Shell Oil Co	500.00	
John W. Rauber Jr., 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	350.00	800.31
Bruce A. Ray, Bruce Ray & Company 420 C Street, NE Washington, DC 20002	R.H. Pines Corp	250.00	25.00
John K. Rayburn, 1801 K Street, NW Washington, DC 20006	Westinghouse Electric Corp	235.00	30.00
David A. Raymond, 1025 Connecticut Ave., NW, #1014 Washington, DC 20036	Enserch Corporation	3,379.00	867.00
Sharon Raymond, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	2,500.00	
Richard J. Razook, 200 South Biscayne Blvd. 4900 Southeast Financial Center Miami, FL 33131	Thomson Zeder Bohrer & Razook (For:Burger King Corp)	7.96	
Julian O. Read, 1005 Congress Avenue, #500 Austin, TX 78701	Central & South West Corp		
Reading Is Fundamental, Inc, 600 Maryland Ave., SW, #500 Washington, DC 20560			
Sydney C. Reagan, 10 Duncannon Ct., Glen Lakes Dallas, TX 75225	Southwestern Peanut Shellers Assn		
Linda S. Rearick, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	1,500.00	536.91
Recording Industry Assn of America, Inc, 888 Seventh Avenue, 9th Fl. New York, NY 10106		47,859.87	88,415.04
John M. Rector, 205 Daingerfield Rd. Alexandria, VA 22314	National Assn of Retail Druggists	700.00	150.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Robert E Redding, 7315 Wisconsin Ave., #325 E Bethesda, MD 20814	Shippers National Freight Claim		
Jo Reed, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	519.23	42.00
Michael L. Reed, 1100 15th Street, NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	65.50
J. Mitchell Reese, 1700 K Street, NW, #1204 Washington, DC 20006	Chevron USA, Inc	400.00	
Robert S. Reese Jr., 2200 Mill Road Alexandria, VA 22314	American Trucking Assns, Inc	9,000.00	
William D. Reese, P.O. Box 899 Salt Lake City, UT 84110	Utah Power & Light Co		
Benjamin F. Reeves, 1100 17th Street, NW Washington, DC 20036	Burley & Dark Leaf Tobacco Export Assn	950.00	
J. Ronald Reeves, Washington National Airport Washington, DC 20001	U.S. Air, Inc	2,000.00	225.00
Timothy J. Regan, 1455 Pennsylvania Ave., NW, #500 Washington, DC 20004	Corning Glass Works	1,500.00	
John T. Reggitts Jr., 95 Booton Ave. P.O. Box 470 Boonton, NJ 07005			
John Regnier, 1025 Connecticut Ave., NW, #200 Washington, DC 20036	Shell Oil Co	500.00	
David K. Rehr, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business	3,401.75	540.00
Kenneth A. Reich, Foley Hoag & Eliot One Post Office Square Boston, MA 02109	Northeast Solvents Recovery	858.00	90.67
Reichler & Appelbaum, 1701 K Street, NW, #700 Washington, DC 20006	Republic of Guatemala		3,876.53
Do	Republic of Nicaragua	6,000.00	
Do	United Coconut Assn of the Philippines	6,500.00	
Charlotte Reid, 2466 Chatham Road Aurora, IL 60506	Motorola, Inc		
Michael Reid, 1925 K Street, NW, #206 Washington, DC 20006	Alliance to Save Energy		
Michael W. Reid, 1300 L Street, NW Washington, DC 20005	American Postal Workers Union, AFL-CIO	2,633.64	40.50
Reid & Priest, 1111 19th St., NW, #1100 Washington, DC 20036	City of Philadelphia	52,860.00	3,221.48
Do	Committee of Corporate Telecommunications Users		
Do	CIAC Group		48.00
Do	Edison Electric Institute	375.00	
Do	Kentucky Utilities Co		
Do	Pennsylvania Shipbuilding Co		
Do	Rhode Island, Inc		
Do	SPD Technologies		
Mark Reihl, 5201 Auth Way, #510 Camp Springs, MD 20746	Seafarers International Union	1,500.00	27.83
Reinsurance Assn of America, 1819 L St., NW, 7th Floor Washington, DC 20036			
Religious Coalition for Abortion Rights, Inc, 100 Maryland Avenue, N.e. Washington, DC 20002		192,434.87	8,321.28
Zev M. Remba, 1111 14th Street, NW Washington, DC 20005	Academy of General Dentistry		
John W. Rendon Jr., 1439 Rhode Island Ave., NW Washington, DC 20005	Rendon Company		
Rendon Company, 1439 Rhode Island Ave., NW Washington, DC 20009			
Diane Rennert, 2005 Massachusetts Avenue, NW Washington, DC 20036	Association of American Publishers	4,300.00	299.55
Retired Officers Assn, 201 N. Washington St. Alexandria, VA 22314		85,308.05	23,675.24
John H. Reurs, 74 Trinity Place New York, NY 10006	New York Comm of Intl Comm of Passenger Lines		
Vincent P. Reusing, 1615 L Street, MW, #1210 Washington, DC 20036	Metropolitan Life & Affiliated Cos	1,000.00	
Alan V. Reuther, 1757 N Street, NW Washington, DC 20036	Int'l Union, United Auto Aerospace & Agric Implement Workers	16,408.85	182.25
Allan R. Rexinger, 1150 Connecticut Ave., NW, #1200 Washington, DC 20036	Proprietary Association	3,643.75	150.00
Mark E. Rey, 1250 Connecticut Avenue, NW Washington, DC 20036	National Forest Products Assn	1,500.00	
Renee Reymond, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004	National Assn of Manufacturers		
Mary Anne Reynolds, 8111 Gatehouse Road Falls Church, VA 22047	AAA Potomac		
Frederick W. Rhodes, 1828 L Street, NW Washington, DC 20036	Loral Systems Group	4,250.00	
John J. Rhodes, Hunton & Williams 2000 Pennsylvania Avenue, NW Washington, DC 20006	Central Arizona Water Conservation District	3,600.00	
Grace Ellen Rice, 600 Maryland Ave., SW Washington, DC 20024	American Farm Bureau Federation	7,187.00	272.36
Lois D. Rice, 1201 Pennsylvania Avneue, NW, #370 Washington, DC 20004	Control Data Corporation	180.00	
Rice Genocide Research, 3046 Roosevelt Street Detroit, MI 48216			264.41
James E. Rich Jr., 1025 Connecticut Ave., NW, #200 Washington, DC 20036	Shell Oil Co	500.00	
Alan H. Richardson, 2301 M St., NW Washington, DC 20037	American Public Power Assn	1,000.00	
Bill Richardson, R.R. 1 Ewing, IL 62386	Crop Insurance Research Bureau		638.82
Donna Richardson, 1101 14th Street, NW, #200 Washington, DC 20005	American Nurses' Assn	4,935.00	129.02
K. O. Richardson, 815 16th St., NW Washington, DC 20006	Transportation - Communications Union	3,000.00	74.38
Kevin C. Richardson, 2001 Eye St., NW Washington, DC 20006	Electronic Industries Assn	825.00	
Warren S. Richardson, 325 Pennsylvania Ave., SE Washington, DC 20003	Washington Lobby Group, Inc (For:Preston Corp)	3,000.00	
Wesley S. Richardson, P.O. Box #65 Washington Grove, MD 20880	Washington Lobby Group, Inc (For:Preston Corp)	1,500.00	
Lois Richerson, 1724 Massachusetts Avenue, NW Washington, DC 20036	National Cable Television Assn, Inc	1,213.00	
Judy Noel Riddle, 6630 West Broad Street Richmond, VA 23230	Lawyers Title Insurance Co		
Mary Catherine Riddle, 1700 K St., NW, #1200 Washington, DC 20006	Chevron USA, Inc	120.00	24.00
Lowell J. Ridgeway, North Dakota Petroleum Council P.O. Box 1395 Bismarck, ND 58502	American Petroleum Institute	693.00	948.96
E. George Riedel, 1600 M Street, NW Washington, DC 20036	International Telephone & Telegraph Corporation	4,000.00	70.00
E. Philip Riggin, 1608 K St., NW Washington, DC 20006	American Legion	13,503.00	207.35
P. Robert Rigney Jr., 1117 North 19th Street, #600 Arlington, VA 22209	American Assn of Blood Banks	1,250.00	
John F. Ring, 25 Louisiana Avenue, NW Washington, DC 20001	International Brotherhood of Teamsters		
David Ringler, One Post Street, #3275 San Fransisco, CA 94104	McKesson Corp	3,000.00	5,520.00
Dale P. Riordan, 3900 Wisconsin Avenue, NW Washington, DC 20016	Federal National Mortgage Assn		
Kevin J. Riordan, 1700 K St., NW, #1204 Washington, DC 20006	Chevron USA, Inc	125.00	55.00
John S. Rippey, 730 15th St., NW Washington, DC 20005	Association of Bank Holding Cos	1,462.50	40.00
Riselli & Pressler, 2033 M Street, NW, #504 Washington, DC 20036	Professional Managers' Assn		
Carol A. Risher, 2005 Massachusetts Ave., NW Washington, DC 20036	Association of American Publishers	2,000.00	
Jeanne M. Ritchie, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
James E. Ritchie & Associates, 499 S. Capitol St., SW, #400 Washington, DC 20003	Gaming Industry Assn of Nevada, Inc	3,200.00	3,761.13
Do	Golden Nugget, Inc		
Do	National Assn of Off-Track Betting	1,900.00	4,987.47
Do	National Assn of Optometrists & Opticians, Inc	9,900.90	5,466.61
Do	Nevada Resort Assn	4,800.00	5,641.71
Leslie Sue Ritts, Morgan Lewis & Bockius 1800 M Street, NW Washington, DC 20036	National Environmental Development Assn		
Valentin Riva, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Ivette E. Rivera, 412 First Street, SE Washington, DC 20003	National Automobile Dealers Assn	2,400.00	
Phillip W. Rivers, 1050 17th St., NW #500 Washington, DC 20036	Texaco, Inc	60.00	
Rivkin Radler Dunne & Bayh, 1575 I Street, NW, #1025 Washington, DC 20005	Ad Hoc Ethanol Committee	2,166.25	25.00
Do	Akin Gump... (Drexel Burnham Lambert, Inc)	6,600.00	5.00
Do	American Bakers Assn	200.00	62.50
Do	American Cancer Society		
Do	ALC Communications Corp		
Do	Borg-Warner Corp		
Do	Business Coalition for RICO Reform	2,500.00	15.00
Do	City of South Bend		5.00
Do	Cranston Securities, Inc		
Do	Energy Contractors Price-Anderson Group	16,653.41	1,728.41
Do	Gunnar Dana Associates		
Do	Lever Brothers Co, Inc	1,455.00	105.00
Do	Milk Industry Foundation		
Do	National Basketball Assn	3,121.00	20.00
Do	National Soft Drink Assn		
Do	Primerica		25.00
Do	Renewable Fuels Assn		27.50
Do	Tiffany & Co	25.00	30.00
Carole T. Roberts, 1660 L St., NW, #1000 Washington, DC 20036	Travelers Companies	1,437.50	
Perry A. Roberts, 8000 W. Florissant St. Louis, MO 63136	Emerson Electric Co		1,107.75
Richard R. Roberts, 304 Pennsylvania Ave., SE, #300 Washington, DC 20003	American Council of Highway Advertisers	1,500.00	1,863.26
Do	South Sea Charter Service		
Richard W. Roberts, 100 East 42nd St. New York, NY 10017	National Foreign Trade Council, Inc	10,000.00	1,733.50
William A. Roberts, 444 North Capitol St., #711 Washington, DC 20001	TKC International, Inc (For:Coalition to Extend Safe Harbor Leasing for Mass Transit)	2,000.00	
Do	TKC International, Inc (For:University of Miami)	600.00	
Do	TKC International, Inc (For:UNIAO Nacional Para Independencia Total DeAngola)	7,892.00	
Do	TKC International, Inc (For:Westinghouse Electric Corp)		
Do	Keefe Company (For:Yearbook Printers Assn)		
Gordon C. Robertson, 444 North Capitol St., NW, #534 Washington, DC 20001	International Assn of Fish & Wildlife Agencies	9,417.12	98.41
Robins Zelle Larson & Kaplan, 1627 Eye St., NW, #610 Washington, DC 20006	Cabot Corporation		248.66
Betty S. Robinson, 1757 N St., NW Washington, DC 20036	Int'l Union, United Auto Aerospace & Agric Implement Workers	13,098.65	146.50
Ernestine S. Robinson, 1575 Eye Street, NW Washington, DC 20005	American Soc of Assn Executives	300.00	
Kenneth L. Robinson, 1111 N. 19th Street, #700 Arlington, VA 22209	National Assn of Federal Credit Unions		
Thomas E. Robinson, 1101 17th St., NW, #700 Washington, DC 20036	National Assn of Real Estate Investment Trusts, Inc	700.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Pension Real Estate Assn		
Robinson Lake Lerer & Montgomery, 1667 K St., NW, #900 Washington, DC 20007	Sun-Diamond Growers of California	5,000.00	
Robison International, Inc, 2300 N St., NW, #600 Washington, DC 20037	Euromissile	10,500.00	7,676.00
Do	FMC Corporation	4,500.00	5,078.00
Do	Kaman Sciences Corp	7,500.00	5,483.00
Do	McDonnell Douglas Corp	7,500.00	5,483.00
Do	Royal Ordnance, Inc	12,000.00	8,772.00
Do	Systems Planning Corp	9,000.00	6,579.00
James Anthony Rock, 1730 M Street, NW, #607 Washington, DC 20036	Montana Power Co, et al.	1,250.00	843.34
Arthur P. Rogers, 888 17th St., NW, #901 Washington, DC 20006	Whiteford Taylor & Preston		
Bruce N. Rogers, 1660 L St., NW Washington, DC 20036	General Motors Corp	3,000.00	3,720.78
Donald L. Rogers, 730 15th St., NW Washington, DC 20005	Association of Bank Holding Cos	3,025.00	
Gardiner Rogers, 105 Forrest Avenue, Suite 7 Narberth, PA 19072	Task Force on Immigration Control		
Nancy Rogers, 815 16th Street, NW Washington, DC 20006	Industrial Union Department, AFL-CIO	6,154.00	279.70
Terrence L. Rogers, 80 F St., NW Washington, DC 20001	American Fed of Government Employees	10,562.10	11,781.67
Rogers & Wells, 200 Park Avenue New York, NY 10166	Adamar of New Jersey, Inc, et al.		
Do	American Express Co	12,500.00	572.50
Do	Cementos Anahuac del Golfo, S.A.		
Do	Liz Claiborne, Inc	2,000.00	243.00
Do	Compagnie Financiere de Paribas	2,000.00	
Do	Desert Palace, Inc		
Do	Dreyfus Corporation	5,000.00	470.00
Do	Grocery Manufacturers of America, Inc		
Do	Indal, Ltd	500.00	
Do	International Sleep Products Assn		
Do	Internoor Trade, Inc		
Do	Investment Partnership Assn	10,000.00	285.50
Do	Kamehameha Schools/Bernice P. Bishop Estate		
Do	Liga Agricola Industrial de la Cana de Azucar		
Do	Merrill Lynch & Co, Inc		
Do	National Assn of Beverage Importers	5,180.00	188.40
Do	Pan American World Airways, Inc		
Do	Pan American World Services, Inc		
Do	Republic National Bank		
Do	Rutgers, The State University of New Jersey		
Do	Teachers Insurance & Annuity Assn/College Ret. Equities Fund		
Do	Walker Telecommunications Corp	7,500.00	495.16
Do	Wine & Spirits Wholesalers of America, Inc	2,262.00	64.00
Do	Wordperfect Corp		198.00
Carole M. Rogin, 1255 23rd Street, NW, #850 Washington, DC 20037	Hauck & Associates, Inc (For:Hearing Industries Assn)		
Richard A. Rohrbach, 1615 M Street, NW, #570 Washington, DC 20036	Boise Cascade Corp	32,250.00	151.94
Stephen F. Rohrkemper, 150 S. Washington St., #100 Falls Church, VA 22046	International Technical Expertise Ltd		
John F. Rolph III, 1200 New Hampshire Ave., NW, #350 Washington, DC 20036	Citibank, N.A.	1,000.00	
Kenneth S. Rolston Jr, 1025 Vermont Ave., NW, #1020 Washington, DC 20005	American Pulpwood Assn		
Daniel Romanko, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Canadian Steel Producers Assn		
Joseph D. Romer, 304 N. Virginia Avenue Falls Church, VA 22046	Brown Bridgman & Company	2,012.50	37.20
Wilfred J. Romero, 51 Madison Avenue New York, NY 10010	New York Life Insurance Company		
Michael J. Romig, 1001 Pennsylvania Avenue Washington, DC 20004	American Council of Life Insurance, Inc	2,500.00	
Francis P. Rooney, 888 16th St., NW Washington, DC 20006	Biscuit & Cracker Mfgrs Assn		
Fred B. Rooney, 1050 Connecticut Ave., NW, 12th Fl. Washington, DC 20036	American Iron & Steel Institute	2,050.00	
Do	Association of American Railroads	2,150.00	
Do	CalMat Company	1,950.00	
Do	Crawford Fitting Co	1,950.00	
Do	Inter-Con Security Systems, Inc		
Do	Kawasaki Motors Corp, USA	1,050.00	
Do	Lone Star Industries, Inc	1,950.00	
Do	M Life Insurance Co	2,150.00	
Do	Paul Hastings Janofsky & Walker (For:Security Life of Denver)	2,050.00	
James Roosevelt, 201 East Sand Point, #250 Santa Ana, CA 92715	National Committee to Preserve Social Security	15,000.00	
John C. Roots, 1333 New Hampshire Ave., NW, #1001 Washington, DC 20036	Atlantic Richfield Co	160.05	
Ropes & Gray, 1001 22nd St., NW, #700 Washington, DC 20037	Amherst College, et al.		
Do	Digital Equipment Corp		
Do	Reebok International Ltd		
Rose Communications, Inc, 1660 L St., NW, #809 Washington, DC 20036	Johnson Matthey Inc	7,350.04	7,358.93
Rose Schmidt Hasley & DiSalle, 1250 24th Street, NW, #630 Washington, DC 20037	Cigar Assn of America, Inc		
Do	Social Security Protection Bureau	1,500.00	
Burt Rosen, 1455 Pennsylvania Ave., NW, #925 Washington, DC 20004	Pfizer, Inc	1,000.00	827.89
Lester L. Rosen, 7 Fulham Court Silver Spring, MD 20902	Miles Laboratories, Inc		
Richard Rosenbaum, 666 Third Ave., 4th Fl. New York, NY 10017	Integrated Resources, Inc		
Sara Rosenbaum, 122 C Street, NW Washington, DC 20001	Children's Defense Fund	1,542.26	
Roger C. Rosenthal, 2001 S St., NW, #310 Washington, DC 20009	Migrant Legal Action Progran, Inc		
Gail E. Ross, 918 16th St., NW, #503 Washington, DC 20006	Washington Independent Writers, Inc		
Joe Ross, P.O. Box 1582 Little Rock, AR 72203-1582			
Lawrence J. Ross, Ross & Duerk, P.C. 1700 K Street, NW, #1100 Washington, DC 20006			
Nancy Ross, 236 Mass. Ave., NE Washington, DC 20001	Rainbow Alliance	4,224.00	300.00
William F. Ross, South Carolina Petroleum Council 716 Keenan Bldg. Columbia, SC 29201	American Petroleum Institute	219.00	479.43
Ross & Hardies, 1090 Vermont Ave., NW, #540 Washington, DC 20005	Intertek Services International, Ltd	7,221.50	
Richard Rosser, 122 C Street, NW, #750 Washington, DC 20001	National Assn of Independent Colleges & Universities	5,670.00	
Joseph L. Rosso, 2200 Mill Road Alexandria, VA 22314	American Trucking Assns, Inc	9,000.00	
Barry N. Roth, 1120 20th Street, NW, #700 Washington, DC 20036	Williams Companies	500.00	
Rhond Rudolph Roth, 813 Maryland Avenue, NE Washington, DC 20002	Hauck & Associates, Inc		
John C. Rother, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	1,038.46	194.85
Emily B. Rothrock, 1455 Pennsylvania Ave., NW, #900 Washington, DC 20004	American International Group, Inc	2,000.00	
Edwin Rothschild, 1300 Connecticut Ave., NW, #401 Washington, DC 20036	Citizen/Labor Energy Coalition	1,500.00	
Donald D. Rounds, South Dakota Petroleum Council 222 E. Capitol, #16 Pierre, SD 57501	American Petroleum Institute		
Michael O. Roush, 600 Maryland Avenue, SW. #700 Washington, DC 20024	National Fed of Independent Business	4,875.50	440.00
Eugene F. Rowan, 2550 M Street, NW Washington, DC 20037	National Assn of Chain Drug Stores, Inc	393.75	
Do	Revco D.S., Inc	131.25	
Rowan & Blewitt, Inc, 1000 Vermont Ave., NW Washington, DC 20005	Velsicol Chemical Corp		
Amy M. Rowen, Independence Towers #700 5755 Granger Road Independence, OH 44131	OHIO, Inc		
Ted Rowland, 47 W. 34th Street, #804 New York, NY 10001	International Footwear Assn		
Charles Rowton, 1899 L Street, NW, #1100 Washington, DC 20036	Exxon Corporation	337.50	
Roxton, Inc, 2000 S. Eads Street, #1003 Arlington, VA 22202	Medical Identification Card		
Tobi Z. Rozen, 888 16th St., NW Washington, DC 20006	Milk Industry Foundation/Int'l Ice Cream Assn		
James S. Rubin, Kleinfeld Kaplan & Becker 1140 19th Street, NW Washington, DC 20036	Allied-Signal, Inc	3,031.25	
Do	Pacific Western Distributing Corp	820.00	
Joseph T. Ruble, 1300 North 17th Street, #300 Arlington, VA 22209	ADAPSO, the Computer Software & Services Industry Assn		
Eldon Rudd, Shimmel Hill Bishop & Gruender, P.C. 3700 North 24th Street Phoenix, AZ 85016	Central Arizona Project Assn		1,659.72
Barbara A. Rudolph, 1901 N. Fort Myer Drive, #302 Rosslyn, VA 22209	Beverly Enterprises, Inc	3,375.00	130.44
Henry C. Ruempler, 1200 New Hampshire Avenue, NW, #350 Washington, DC 20036	American Bankers Assn	2,000.00	49.98
Nicholas L. Ruggiere, 1667 K Street, NW, #410 Washington, DC 20006	Johnson & Johnson	1,000.00	225.00
Ronald R. Rumbaugh, 5205 Leesburgh Pike, #505 Falls Church, VA 22041	National Beer Wholesalers of America	211.00	
John Runyan, 1730 North Lynn St., #409 Arlington, VA 22209	Printing Industries of America, Inc	1,000.00	
Morgan S. Ruph, 4647 Forbes Boulevard Lanham, MD 20706	AMVETS	6,800.00	150.47
Domenic R. Ruscio, 317 Massachusetts Ave., NW, 1st Floor Washington, DC 20002			
Barry Russell, 1101 16th St., NW Washington, DC 20036	Independent Petroleum Assn of America		30.00
Dorothea L. Russell, 1120 Vermont Avenue, NW, #1120 Washington, DC 20005	National Candy Wholesalers Assn, Inc		
Randall M. Russell, 517 C Street, NE Washington, DC 20002-5809	Lesher and Associates, Inc		
William Russell & Associates, Inc, 1775 Pennsylvania Ave., NW, #450 Washington, DC 20006	Columbia Communications Corp		
Do	Pacific Telecom, Inc		
Wally Rustad, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	50.00	
Herman Max Ruth 71990-158, P.O. Box 1000 Otisville, NY 10963	Herman Max Ruth		
Frank T. Ryan, 1400 K Street, NW Washington, DC 20005	Rubber Manufacturers Assn	2,500.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
George J. Ryan, 915 Rockefeller Building Cleveland, OH 44113	Lake Carriers' Assn		249.50
Joseph Ryan, 1155 21st., NW, 4th Fl Washington, DC 20036	General Instrument Corporation		38.00
Patricia Ryan, 1319 F Street, NW, #1000 Washington, DC 20004	National Assn of Private Psychiatric Hospitals	500.00	
Thomas L. Ryan, 225 North Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn of the USA		
Kermit W. Ryman, 1700 K St., NW, #1200 Washington, DC 20006	Chevron USA, Inc	166.11	27.00
RADAR, 4949 S 25A Tipp City, OH 45371		212,752.27	9,093.17
RBC Associates, 324 Fourth Street, NE Washington, DC 20002	Ann Arbor Railroad	7,500.00	5,294.06
Do	Bangor & Aroostook Railroad	6,750.00	5,360.18
Do	Chicago & North Western Transportation Corp	21,000.00	9,294.17
Do	Delaware Otsego System	12,000.00	7,834.18
Do	Genesee & Wyoming Corp	500.00	5,294.06
Do	Regional Railroads of America	35,000.00	5,294.06
RJR Nabisco, Inc, 1100 Reynolds Blvd. Winston-Salem, NC 27106			22,664.99
S.A.F.E.S.T., 1120 G St., NW, #800 Washington, DC 20005		7,600.00	3,563.29
G. J. Thomas Sadler Jr., 3521 Valley Drive Alexandria, VA 22302	Communications Satellite Corp	1,500.00	487.17
Susan L. Sadtler, 2626 Pennsylvania Avenue, NW Washington, DC 20037	National Telephone Cooperative Assn	1,625.00	394.79
Anthony J. Saggese Jr., 1050 17th St., NW, #500 Washington, DC 20036	Texaco, Inc		
Saginaw County Chamber of Commerce, 901 S. Washington Avenue Saginaw, MI 48601			
James H. Sammons, 535 North Dearborn Street Chicago, IL 60610	American Medical Assn	2,000.00	
Sammons Enterprises, Inc, 403 South Akard Dallas, TX 75202			
Felix R. Sanchez, 1515 Wilson Blvd. Arlington, VA 22209	American Gas Assn	2,500.00	1,137.66
James C. Sanders, 1750 K St., NW, #500 Washington, DC 20006	Beer Institute		
Sanders Schnabel & Brandenburg, P.C., 1110 Vermont Avenue, NW, #600 Washington, DC 20005	American Soc of Assn Executives	4,072.05	375.04
Stephen E. Sandherr, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America	2,000.00	500.00
Myron G. Sandifer III, 1489 Chain Bridge Road, #200 McLean, VA 22101	Jack McDonald Co (For:Chase Manhattan Bank, N.A.)		
Do	Jack McDonald Co (For:Dow Corning Corp)		
Do	Jack McDonald Co (For:Hitachi Sales Corp of America)		50.00
Do	Jack McDonald Co (For:Jacques Borel Enterprises, Inc)		30.00
Do	Jack McDonald Co (For:Royal Zenith Corp)		
Do	Jack McDonald Co (For:Societe Generale de Surveillance, S.A.)		6.00
Charles E. Sandler, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	6,000.00	
Peter G. Sandlund, 1725 Eye St., NW, #315 Washington, DC 20006	Council of European & Japanese National Shipowners' Assn	300.00	
James D. Santini, 1101 King Street, #350 Alexandria, VA 22314	American Escrow Assn		590.24
Do	National Tour Assn, Inc	9,000.00	2,132.35
Do	Ormat Systems, Inc	8,000.00	378.99
Do	Truckee-Carson Irrigation District	4,562.50	642.86
Eric Sapirstein, ENS Resources, Inc 1333 H Street, NW The Landmark Building, #400 Washington, DC 20007	Cure Corp		
Do	Jellinek Schwartz Connolly & Freshman, Inc	3,000.00	95.18
Do	Las Virgenes Municipal Water District		43.27
Do	Victor Valley Wastewater Reclamation Authority	1,000.00	
Do	Western Research Institute	857.50	307.45
Ronald A. Sarasin, 311 First Street, NW Washington, DC 20001	National Restaurant Assn		
Klara B. Sauer, 9 Vassar Street Poughkeepsie, NY 12601	Scenic Hudson, Inc		
Albert C. Saunders, 1100 15th St., NW #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	35.90
Save Our Schools, 777 14th St., NW, #747 Washington, DC 20005		266,144.27	56,792.99
Richard N. Sawaya, 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co		
Tess Scannell, 440 First St., NW, #310 Washington, DC 20001	Child Welfare League of America		
Laurie S. Schaffer, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	45.00	
Schagrin Associates, 1112 16th St., NW, #1000 Washington, DC 20036	Committee on Pipe & Tube Imports	36,534.37	284.42
Harold A. Schaitberger, 1750 New York Ave., NW Washington, DC 20006	International Assn of Fire Fighters	13,763.94	
William T. Schapaugh, 1030 15th Street, NW Washington, DC 20005	American Seed Trade Assn	5,000.00	
C. M. Schauerte, P.O. Box 3247 Houston, TX 77253	American General Corporation		
Jay T. Scheck Jr., Rt. 202-206 North Somerville, NJ 08876	Hoechst Celanese Corporation		
Schell & Co, Inc, 1776 K Street, NW, #700 Washington, DC 20006	Fuller Co		
Do	GATX Corp		
Robert J. Schenk, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Schmeltzer Aptaker & Sheppard, 1800 Massachusetts Ave., NW Washington, DC 20036	American Honda Motor Co, Inc	730.00	66.89
Richard M. Schmidt Jr., 1333 New Hampshire Ave., NW, #600 Washington, DC 20036	Association of American Publishers	500.00	
Do	National Assn of Trade & Technical Schools	1,250.00	
Arthur C. Schmitt, 3705 S. George Mason Drive, Apt. 301 So. Falls Church, VA 22041	Oxford Group, Limited		
Herbert K. Schmitz, 1600 M St., NW, #702 Washington, DC 20036	ICI Americas, Inc		
Schnader Harrison Segal & Lewis, Suite 1000 1111 19th St., NW Washington, DC 20036	Savin Corporation		
Do	Toyota Motor Corporation	3,151.50	245.00
Theresa A. Schneider, 1120 19th Street, NW, #310 Washington, DC 20036-3605	Institute of Makers of Explosives		
Thomas J. Schneider, 1300 19th Street, NW, #400 Washington, DC 20036	AFL-CIO Maritime Committee		
Abraham Schneier, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business	3,401.75	390.00
Frank Schneller, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Paul Schoellhamer, 900 17th St., NW, #526 Washington, DC 20006	Northwest Airlines, Inc	1,000.00	100.00
Carl J. Schramm, 1025 Connecticut Ave., NW Washington, DC 20036	Health Insurance Assn of America, Inc		
Jack J. Schramm, 1155 Connecticut Ave., NW, #800 Washington, DC 20036	Waste Management, Inc	5,000.00	
A. Kolbet Schrichte, 1133 15th Street, NW, #640 Washington, DC 20005	American Logistics Association		
H. B. W. Schroeder, 1050 17th Street, NW, #490 Washington, DC 20036	Consumers Power Co	8,000.00	6,998.00
N. Donald Schroeder, Maryland Petroleum Council 60 West St., #403 Annapolis, MD 21401	American Petroleum Institute	540.00	70.61
Judy Schub, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	508.84	435.88
Jill Schuker, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Societe Generale thru SGS North America, Inc)		
Amy J. Schultz, 317 Third St., SE, #22 Washington, DC 20003	Robert A. Rapoza Associates (For:National Rural Health Assn)	8,750.00	
Mark Schultz, 1615 H St., NW Washington, DC 20062	Chamber of Commerce of the U.S.	5,000.00	
Richard F. Schultz, 807 Maine Avenue, SW Washington, DC 20024	Disabled American Veterans	12,854.40	290.23
William B. Schultz, Suite 700 2000 P St., NW Washington, DC 20036	Public Citizen, Inc		
Robert L. Schulz, c/o Iowa Petroleum Council 1012 Fleming Bldg. Des Moines, IA 50309	American Petroleum Institute		
Ralph D. Schumack, 1800 M Street, NW, #325 South Washington, DC 20036	Dow Corning Corp		129.25
Walter A. Schumann III, 16219 San Dominique San Antonio, TX 78232	Potomac Overlook Associates		
James H Schuyler, 15th & M Street, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Elinor Schwartz, 318 S. Abingdon Street Arlington, VA 22204	California State Lands Commission	14,000.00	1,054.85
Richard Schwartz, 880 S. Pickett St. Alexandria, VA 22304	Boat Owners Assn of the U.S.	11,000.00	
Richard S. Schweiker, 1001 Pennsylvania Ave, NW Washington, DC 20004	American Council of Life Insurance, Inc	1,155.00	
Carl F. Schwensen, 415 2nd St., NE, #300 Washington, DC 20002	National Assn of Wheat Growers	3,890.00	
Scientific Apparatus Makers Assn, 1101 16th St., NW Washington, DC 20036		6,989.57	3,341.06
Michael Sciulla, 880 S. Pickett St. Alexandria, VA 22304	Boat Owners Assn of the U.S.	12,000.00	
Harold B. Scoggins, 1101 16th St., NW Washington, DC 20036	Independent Petroleum Assn of America		1.50
Ellen Scott, 1750 New York Avenue, NW Washington, DC 20006	Sheet Metal Workers International Assn	7,423.00	
Gregory R. Scott, 1875 Eye St., NW, #500 Washington, DC 20006	Philip Morris, Inc	530.14	90.00
James L. Scott, 1919 Pennsylvania Ave., NW, #703 Washington, DC 20006	American Healthcare Institute	11,125.00	200.29
John N. Scott, 1825 K Street, NW, #1107 Washington, DC 20006	Phillips Petroleum Co	222.00	317.77
Scribner Hall & Thompson, 1850 K St., NW, #1100 Washington, DC 20006	Security Enterprises, Inc		
Scrivens Goldstone & Co, 5857 S. Gessner, #287 Houston, TX 77036			
Timothy Scully, 25 Louisiana Avenue, NW Washington, DC 20001	International Brotherhood of Teamsters	11,633.73	
Seabed Assn, 3408 Bonnie Road Austin, TX 78703			
Earl W. Sears, P.O. Box 12285 Memphis, TN 38112	National Cotton Council of America	1,781.25	35.00
Charles M. Seeger III, 2000 Pennsylvania Ave., NW, #6200 Washington, DC 20006	Chicago Mercantile Exchange	2,650.00	
H. Richard Seibert Jr., 1331 Pennsylvania Ave., NW, #1500 N Washington, DC 20004-1703	National Assn of Manufacturers	680.00	
George H. Seidel Jr., Associated Petroleum Industries of Pa P.O. Box 925 Harrisburg, PA 17108	American Petroleum Institute	150.00	
Seidman & Associates, P.C., Federal Bar Building, #1001 1815 H Street, NW Washington, DC 20006	National Tooling & Machining Assn	1,069.79	31.57
M. Frank Sellers, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce (For:Business Alliance on Government Competition)	5,000.00	227.20
Marlissa Senchak, 3900 Wisconsin Ave., NW Washington, DC 20016	Federal National Mortgage Assn	15,000.00	580.02
Stanton P. Sender, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Sears Roebuck & Co	4,100.00	93.25
Peter M. Seremet, 16 Munson Road Farmington, CT 06034-0338	Heublein, Inc	17,250.00	1,220.09
John J. Serfustini, P.O. Box 899 Salt Lake City, UT 84110	Utah Power & Light Co	6,250.00	604.92
Seven Months Session for Congress, 4210 Spicewood Road, #202 Austin, TX 78759			191.00
Seward & Kissel, 818 Connecticut Avenue, NW, #800 Washington, DC 20006	Daily Dollar Reserves, Inc		
Do	Furman Selz Mager Dietz & Birney, Inc		
Do	Gordon Forte Management Co		
Do	GT Partners		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	KAR Management, Inc		
Do			
J. Richard Sewell, 1800 K St., NW, #1110 Washington, DC 20006	Florida Power & Light Co	3,000.00	908.66
Seyfarth Shaw Fairweather & Geraldson, 1111 19th St., NW, #500 Washington, DC 20036	Agricultural Producers		
Do	American Soc of Pension Actuaries	12,600.00	488.33
Do	Bear Stearns & Co		
Do	Flxible Corp		
Do	Technology for Communications International	6,248.13	
Victoria McKenzie Shain, 1710 Rhode Island Avenue, NW, #300 Washington, DC 20036	Abbott Laboratories	2,000.00	
Thomas A. Shallow, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	200.00	
James M. Shamberger, 1819 L St., NW, 7th Floor Washington, DC 20036	Reinsurance Assn of America		
Ali A. Shami, 6863 Calhoun Dearborn, MI 48126	United Lebanese Lobby of America		530.00
James R. Shanahan, 1801 K Street, NW, #700 Washington, DC 20006	Price Waterhouse (For:Toyota Motor Kentucky, Inc)		
Deborah L. Shannon, 1250 Connecticut Ave., NW, #620 Washington, DC 20036	National Multi Housing Council	834.75	
Bernard M. Shapiro, 1801 K Street, NW, #700 Washington, DC 20006	Price Waterhouse (For:Investment Co Institute)		
Gary J. Shapiro, 2001 Eye Street, NW Washington, DC 20006	Electronic Industries Assn		
Luther W. Shaw, 1155 15th St., NW, #900 Washington, DC 20005	National Agricultural Chemicals Assn	5,625.00	81.00
Shaw Pittman Potts & Trowbridge, 2300 N Street, NW Washington, DC 20037	Association for the Improvement of the Mississippi River		
Do	Atlas Minerals Division		
Do	Emerson Electric Co		
Do	Federal Company	6,705.00	427.40
Do	Institute of Foreign Bankers		2,848.09
Do	Investment Counsel Assn of America, Inc		
Do	National Automobile Dealers Assn		65.00
Do	Taiwan Power Company		
Do	Utility Nuclear Waste Management Group		
Shea & Gardner, 1800 Massachusetts Avenue, NW Washington, DC 20036	Societe Generale de Surveillance	113.13	13.13
James V. Sheahan, 223 Perimeter Ctr. Pkwy. P.O. Box 89000 Atlanta, GA 30338	Siemens Energy & Automation, Inc		
Shearman & Sterling, 153 East 53rd Street New York, NY 10022	Cargill, Inc	1,387.00	611.34
John J. Sheehan, 815 16th St., NW, #706 Washington, DC 20006	United Steelworkers of America	12,817.83	
Peggy A. Sheehan, 1401 New York Avenue, NW, #1100 Washington, DC 20005	National Cooperative Business Assn	2,700.00	180.00
Shaun M. Sheehan, 1111 19th Street, NW, #1000 Washington, DC 20036	Tribune Broadcasting Co	3,000.00	854.65
Kathleen Sheekey, 3rd Floor 2030 M Street, NW Washington, DC 20036	Common Cause	13,000.02	513.66
Deborah A. Sheiman, 1350 New York Avenue, NW Washington, DC 20005	Natural Resources Defense Council, Inc	364.00	
C. Douglas Shelby, Florida Petroleum Council 325 John Knox Rd., #F-210 Tallahassee, FL 32303	American Petroleum Institute		
Richard D. Shelby, 444 No. Capitol Street, NW, #711 Washington, DC 20001	Keefe Co (For:UNIAO Nacional Para Independencia Total DeAngola)		
Zack H. Shelley Jr., 1331 Pennsylvania Avenue, NW Washington, DC 20004	General Electric Co	200.00	
Cheryl Y. Shelton, 236 Massachusetts Ave., NE, #409 Washington, DC 20002	Rainbow Lobby	4,300.00	
Seymour Sheriff, 1126 Woodward Bldg. Washington, DC 20005	Man-Made Fiber Producers Assn, Inc		
Nancy Sherman, 1025 Connecticut Ave., NW Washington, DC 20036	Foodservice & Packaging Institute, Inc		
Nelson T. Shields, 1400 K St., NW Washington, DC 20015	Handgun Control, Inc	2,626.89	
R. Philip Shimer, 444 N. Capitol St., NW, #526 Washington, DC 20001	Western Governors Assn		
Harvey A. Shipman, 1800 Diagonal Road, #500 Alexandria, VA 22314	Penn Central Corporation		45.00
William Jeffry Shipp, 50 F St., NW, #900 Washington, DC 20001	Farm Credit Council	1,200.00	
Shippers National Freight Claim Council, Inc, 120 Main Street Huntington, NY 11743			
Scott Shotwell, 1250 Connecticut Avenue, NW Washington, DC 20036	National Forest Products Assn	2,475.00	
A. Z. Shows, 1801 Columbia Rd., NW, #203 Washington, DC 20009			
John Shuey, P.O. Box 3151 Houston, TX 77253	Browning-Ferris Industries, Inc		
Kathy Shulman, 1730 M St., NW Washington, DC 20036	League of Women Voters of the U.S.	4,232.90	171.95
Sidley & Austin, 1722 Eye Street, NW Washington, DC 20006	Donrey, Inc		
Do	Peoria Journal Star, Inc		
Mark A. Siegel & Associates, 1030 15th Street, NW, #408 Washington, DC 20005	Commonwealth of Puerto Rico	32,000.00	1,636.90
Do	Money Store	7,500.00	17.78
Do	Power Authority of the State of New York	9,472.91	1,396.04
Siegel Mandell & Davidson, P.C., One Whitehall Street New York, NY 10004	Sigallo, Ltd		
James V. Siena, 1735 New York Avenue, NW Washington, DC 20006	American Institute of Architects	2,000.00	
Christine Sigler, 2000 K St., NW, 7th Floor Washington, DC 20006	National Comm to Preserve Social Security	2,475.00	
Stephan Silberfarb, 500 North Capitol St., NW, #300 Washington, DC 20001	American Israel Public Affairs Comm	7,999.98	457.76
Mark Silbergeld, 2001 S Street, NW, #520 Washington, DC 20009	Consumers Union of U.S., Inc	3,700.00	20.00
David Silver, 1600 M St., NW Washington, DC 20036	Investment Company Institute	280.22	75.00
Howard J. Silver, 1200 17th St., NW, #520 Washington, DC 20036	Consortium of Social Science Assns	900.00	40.25
Steve Silver, Robertson Monagle & Eastaugh 1050 Thomas Jefferson St., NW, 6th Fl. Washington, DC 20007	Alaska Loggers Assn	8,662.50	
Do	Alaska Pulp Corp		
Do	Amselco Minerals, Inc		
Do	ARCO Marine Co, Inc		
Do	Bristol Bay Native Corp	20,317.50	
Do	General Communications, Inc		
Do	Standard Oil Co		
Silver Users Assn, Inc, 1717 K St., NW Washington, DC 20006			4,061.36
Silverstein & Mullens, 1776 K St., NW Washington, DC 20006	Association for Advanced Life Underwriting	10,000.00	
Do	Bristol-Myers Co		
Do	GATX Corporation		
Do	Music Corp of America, Inc		
Do	National Assn of Home Builders of the U.S.		
Do	Rolls-Royce Motors, Inc		
M. P. Simmons, P.O. Box 860 Valley Forge, PA 19482	Certainteed Corp		
Gary D. Simms, 1720 Eye Street, NW, 7th Floor Washington, DC 20006	American Academy of Actuaries		
Stanley C. Simon, Ginsberg & Forman 820 Hartford Building Dallas, TX 75201	Southland Corporation	12,339.42	607.20
Talmage E. Simpkins, 100 Indiana Ave., NW Washington, DC 20001	AFL-CIO Maritime Committee	300.00	181.03
Do	Labor Management Maritime Committee, Inc	1,553.00	274.77
C. Kyle Simpson, 9 Greenway Plaza, #714 Houston, TX 77046	Coastal Corporation		
Patricia Simpson, 105 East 22nd Street New York, NY 10010	Community Service Society	138.17	
William G. Simpson, 1155 15th St., NW, #504 Washington, DC 20005	First Mississippi Corporation	2,000.00	
Do	Mississippi Power & Light Company		
Do	State of Mississippi	4,000.00	
Ivan E. Sinclair, 1000 Wilson Boulevard, #2700 Arlington, VA 22209	TRW, Inc	1,000.00	
James W. Singer III, 1100 15th Street, NW Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	
Donna L. Singletary, 1730 North Lynn Street Arlington, VA 22209	Printing Industries of America, Inc	500.00	
Richard L. Sinnott, One Thomas Circle, NW, #900 Washington, DC 20005	Dallas/Ft. Worth International Airport	12,000.00	
Richard L. Sinnott & Co, Suite 900 One Thomas Circle, NW Washington, DC 20005	Oakland Coliseum	500.00	
Do	Port of Oakland	28,500.00	
Skadden Arps Slate Meagher & Flom, 1440 New York Avenue, NW Washington, DC 20005	Anheuser-Busch Companies, Inc	2,500.00	
Do	Beecham, Inc		
Do	Cities Service Oil & Gas Corp		
Do	Drexel Burnham Lambert, Inc	20,000.00	
Do	G.O. Holdings Management, Inc		
Do	General Development Corp	2,500.00	
Do	Marine Midland Banks, Inc	2,100.00	
Do	Mesa Petroleum	2,500.00	
Do	Transco Energy Company		
Stephen L. Skardon Jr, 1828 Corcoran St., NW Washington, DC 20009	National Strategies & Marketing Group	2,175.00	27.50
Edmund J. Skernolis, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc	1,250.00	
James H. Skidmore, 1156 15th St., NW, #1201 Washington, DC 20005	NCR Corporation		
William J. Skinner, 815 15th St., NW, #534 Washington, DC 20005	U.S. Pharmacopeial Convention, Inc	840.00	8.40
Barney J. Skladany Jr., 1100 Connecticut Ave., NW, #620 Washington, DC 20036	Mobil Oil Corp	1,125.00	
Scott Sklar, 1730 N. Lynn St., #610 Arlington, VA 22209	Solar Energy Industries Assn	8,350.00	7,558.00
Steven A. Skonberg, 1111 North 19th Street, #700 Arlington, VA 22209	National Assn of Federal Credit Unions	1,250.00	186.11
Paul A. Skrabut Jr., 1629 K Street, NW Washington, DC 20006	Palumbo & Cerrell, Inc (For:American Soc of Composers Authors & Publishers)	16,500.00	
Do	Palumbo & Cerrell, Inc (For:Business Executives for National Security)	16,500.00	
Dale D. Skupa, 3707 Woodview Trace P.O. Box 68700 Indianapolis, IN 46268	National Assn of Mutual Insurance Cos	1,200.00	
Jonathan Slade, 444 North Capitol St., #711 Washington, DC 20001	Cuban-American Freedom Coalition, Inc	5,500.00	1,156.80
Do	Keefe Company (For:UNITA)	4,500.00	
Do	Keefe Company (For:Yearbook Printers Assn)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
F. Slatinshek & Associates, Inc, 1102 Belle Vista Dr. Alexandria, VA 20007	Grumman Aero Corp, et al	300.00	
Robert G. Slaughter, 1615 M ST., NW, #200 Washington, DC 20036	Amoco Corporation	1,500.00	39.08
Joshua J. Slavitt, 450 Maple Ave., E., #204 Vienna, VA 22180	U.S. Defense Committee	1,500.00	
Barry S. Slevin, 1000 Potomac Street, NW Washington, DC 20007	Seifman Semo & Slevin, P.C. (For:United Food & Commercial Workers International Union).		71.62
William T. Slider, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Ronald J. Slinn, 260 Madison Avenue New York, NY 10016	American Paper Institute, Inc		
Catherine Reiss Sloan, 120 Maryland Ave., NE Washington, DC 20002	Competitive Telecommunications Assn	2,000.00	200.00
John E. Sloan Jr., Capital Gallery East, #695 600 Maryland Avenue, SW Washington, DC 20024	National Fed of Independent Business	1,150.00	200.00
Small Business Council of America, Inc, P.O. Box 4299 Columbus, GA 31904		5,616.95	14,309.95
Smathers Hickey & Smathers, 1050 Connecticut Avenue, NW, #1230 Washington, DC 20036	American Horse Council	3,666.00	
Do	Florida East Coast Railway Co	750.00	
Do	National Hockey League	500.00	
Do	Pennzoil Co	6,000.00	
Robert G. Smerko, 2001 L St., NW, #506 Washington, DC 20036	Chlorine Institute, Inc		
Donald E. Smiley, 1899 L St., NW, #1100 Washington, DC 20036	Exxon Corporation		
James R. Smircina, P.O. Box 5000 Cleveland, OH 44101	Centerior Energy Corp, et al	990.00	1,631.25
Debbi L. Smith, 374 Jamie Ct. Glen Burnie, MD 21061	Hydrogen Research Center	6,604.25	378.32
Elizabeth M. Smith, 815 16th St., NW, #310 Washington, DC 20006	Amalgamated Clothing & Textile Workers Union	6,356.00	357.96
Frederick P. Smith Jr., 1120 19th Street, NW, #310 Washington, DC 20036-3605	Institute of Makers of Explosives		
Gordon L. Smith, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Florists' Transworld Delivery Assn)	2,500.00	
Herbert Smith, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Angus Defense Systems, Inc)		
Jeffrey A. Smith, 771 Corporate Dr., #800 Lexington,, KY 40503	Toyota Motor Sales, USA, Inc		
Jeffrey A. Smith, 1600 Wilson Boulevard, #1000 Arlington, VA 22209	American Waterways Operators, Inc		
Jennifer L. Smith, 900 17th Street, NW, #520 Washington, DC 20006	West Mexico Vegetable Distributors Assn	300.00	
Julian H. Smith Jr., 600 North 18th Street Birmingham, AL 35291	Alabama Power Co	19,263.00	3,641.41
Michael E. Smith, P.O. Box 5000 Cleveland, OH 44101	Cleveland Electric Illuminating Co		
Michael J. Smith Jr., 777 14th Street, NW, 9th Floor Washington, DC 20005	National Assn of Realtors		
Michael P. Smith, 485 Lexington Ave. New York, NY 10017	New York State Bankers Assn	500.00	
Patricia Smith, 1909 K St., NW Washington, DC 20049	American Assn of Retired Persons	486.92	522.64
Richard F. Smith, 1090 Vermont Ave., NW, #1100 Washington, DC 20005	Textron, Inc	600.00	150.00
Ronald E. Smith, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	600.00	1,383.13
Sara Hope Smith, 444 North Capitol St., NW, #718 Washington, DC 20001	Pacific Telesis Group	15,450.00	
Susan Snyder Smith, 7900 Westpark Drive, #514 Mclean, VA 22102	Chocolate Manufacturers Assn of the USA	300.00	307.72
William A. Smith, 453 New Jersey Ave., SE Washington, DC 20003	Beneficial Management Corp		
Do	National Second Mortgage Assn		
Smith Anderson Blount Dorsett Mitchell & Jernigan, P.O. Box 12807 1300 St. Mary's Street Raleigh, NC 27605	Investment Company Institute	2,812.50	
Smith Dawson & Andrews, Inc, 1000 Connecticut Ave., NW, #304 Washington, DC 20036	City of Eugene, Oregon	9,000.00	9,000.00
Do	Illinois Diversatech Corp		
Do	N.Y. Metropolitan Transportation Agency	19,591.54	20,606.54
Do	National Assn of Foreign Trade Zones	11,055.20	12,155.20
Do	Power Packaging, Inc		
Do	S & F Warehouses, Inc	12,140.78	12,720.78
Do	San Francisco P.U.C	8,250.00	8,250.00
John W. SmithT, 410 First St., SE Washington, DC 20003	American Nuclear Energy Council	585.80	
Smokeless Tobacco Council, Inc, 1925 K Street, NW, #504 Washington, DC 20006		1,408.39	1,408.39
Clair A. Snyder, 35 North Sixth Street Reading, PA 19601	Meridian Bancorp, Inc		
David F. Snyder, 1025 Connecticut Ave., NW, #415 Washington, DC 20036	American Insurance Assn	300.00	51.00
Edward F. Snyder, 245 2nd St., NE Washington, DC 20002	Friends Committee on National Legislation	6,246.45	
Gene Snyder, 140 Chenoweth Lane Louisville, KY 40207	Cincinnati Microwave, Inc	22,500.00	1,742.86
Do	Home Supply Company, Inc		
Do	Norfolk Southern Corp	15,000.00	1,749.94
Do	U.S. Air Group	15,000.00	1,870.07
J. R. Snyder, 400 1st St., NW, #704 Washington, DC 20001	United Transportation Union		1,200.00
John M. Snyder, 600 Pennsylvania Ave., S.e. Suite 205 Washington, DC 20003	Citizens Comm for the Right to Keep & Bear Arms	9,000.00	
Wallace S. Snyder, 1400 K Street, NW, #1000 Washington, DC 20005	American Advertising Federation	5,313.00	
Snyder Ball Kriser & Assoc, Inc, 499 S. Capitol St., SW, #520 Washington, DC 20003	General Motors Corp	70.00	
Alan C. Sobba, 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Society for Animal Protective Legislation, P.O. Box 3719 Georgetown Station Washington, DC 20007		44,235.81	38,652.27
E. Richard Soper, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Roberta Lee Sorensen, 1101 Vermont Ave., NW, #604 Washington, DC 20000	College of American Pathologists	7,000.00	96.00
Walter Larke Sorg, 1625 Eye St., NW, #204 Washington, DC 20006	American Assn of Small Dredging & Marine Construction Cos	16,800.00	2,556.36
South/North Development Group, Ltd, 610 Fourth Place, SW Washington, DC 20002	Government of the People's Republic of Angola		
Southern Forest Products Assn, P.O. Box 52468 New Orleans, LA 70152		16,290.85	16,290.85
Southwestern Peanut Shellers Assn, 10 Duncannon Ct. Dallas, TX 75225			
Space Industries, Inc, 2011 Crystal Drive, #903 Arlington, VA 22202			32,093.12
Space Services, Inc of America, 7015 Gulf Freeway, #140 Houston, TX 77087			
Thomas J. Spangler, 1730 K Street, NW, #1100 Washington, DC 20006	National Treasury Employees Union	11,800.00	371.95
Sparber Shevin Shapo & Heilbronner, P.A., 1455 Pennsylvania Ave., NW, #1270 Washington, DC 20004	Emma L. Bixby Hospital	1,968.00	
Do	City of Bridgeport		
Do	City of East Cleveland		
Do	City of Miami		
D. Dean Sparkman, 1707 L St., NW, #300 Washington, DC 20036-4202	United Airlines, Inc	300.00	
Specialized Carriers & Rigging Association, Suite 616 2200 Mill Rd. Alexandria, VA 22314			
John F. Speer Jr., 888 16th Street, NW Washington, DC 20006	Milk Industry Foundation/Int'l Assn of Ice Cream Mfrs		
William C. Spence, 3805 W. Alabama Houston, TX 77027	Columbia Gulf Transmission Co		
Larry N. Spiller, 1015 15th St., NW, #802 Washington, DC 20005	American Consulting Engineers Council	200.00	
Peter A. Spina, 150 East 42nd Street New York, NY 10017	Mobil Oil Corp	900.00	
William M. Spodak, 1801 K St., NW Washington, DC 20006	Westinghouse Electric Corp	200.00	20.00
Gillian M. Spooner, Touche Ross & Co. 1900 M Street, NW Washington, DC 20036	Robert Rogers	2,400.00	
Earl C. Spurrier, The Madison Building, #514 1155 15th Street, NW Washington, DC 20005	National Agricultural Chemicals Assn	60.00	
Mark G. Spurrier, 400 Kenilworth Drive Towson, MD 21204	Baltimore County Police Department, et al		
Squire Sanders & Dempsey, 1201 Pennsylvania Ave., NW P.O. Box 407 Washington, DC 20044	Alaska Air Group, Inc	605.00	20.00
Do	American Chamber of Commerce in Germany		
Do	American Soc of Anesthesiologists	3,255.00	
Do	ADAPSO, the Computer Software & Services Industry Assn		
Do	Chemstar, Inc	12,728.75	5.00
Do	Cincinnati Gas & Electric Co, et al		600.80
Do	Independent Data Communications Manufacturers Assn	5,111.25	149.26
Do	Microband Corp of America		
Do	National Collegiate Athletic Assn	9,857.50	58.25
Do	Public Securities Assn		
Do	Samaritan Health Services		
John W. Sroka, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Janet G. St. Amand, 23 Wall Street New York, NY 10015	American Bankers Assn	2,000.00	
Connell Stafford, P.O. Drawer 1734 Atlanta, GA 30301	Coca-Cola Company	400.00	617.06
Melvin R. Stahl, 1235 Jefferson Davis Hwy., #1410 Arlington, VA 22202	Motorcycle Industry Council, Inc		
Elvis J. Stahr Jr., 1815 H Street, NW, #600 Washington, DC 20006	Cassidy & Associates, Inc		
Do	National Audubon Society		
Stakeholders in America, Trumble & Associates 750 Baker Building Minneapolis, MN 55402		144,000.00	48,492.30
Tyrone Stallworth, 220 North Devillers Street Pensacola, FL 32501			
David P. Stang, P.C., 1629 K St., NW, #601 Washington, DC 20006	American Truck Dealers	627.93	
Do	Employee Stock Ownership Assn	2,112.43	
Do	McDermott, Inc	1,898.19	
Do	National Assn of Royalty Owners, Inc	627.45	
Do	Small Business Council of America, Inc	545.30	
Do	Texas Ophthalmological Assn	300.00	
Joseph M. Stanton, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Melvin L. Stark, 1025 Connecticut Ave., NW, #415 Washington, DC 20036	American Insurance Assn	11,000.00	
Lois Starkey, Suite 511 1745 Jefferson Davis Hwy. Arlington, VA 22202	Manufactured Housing Institute	900.00	100.00
Piper Starr, 3000 K St., NW, #300 Washington, DC 20007	Swidler & Berlin (For:Ferroalloys Association)		
Frank M. Staszesky Jr., 10025 Scenic View Terrace Vienna, VA 22180	Bechtel Power Corporation		
David Michael Staton, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
James D. Staton, 320 Timberbrook Drive Waldorf, MD 20601	Air Force Sergeants Assn, Inc		
Mick Staton Associates, Inc, 8712 Gateshead Road Alexandria, VA 22309	Delchamps, Inc	80.00	
Samuel E. Stavisky, 1725 Desales Street, NW, #804 Washington, DC 20036	Samuel E. Stavisky & Associates, Inc (For:Broadcast Music, Inc)		25.00
Do	Samuel E. Stavisky & Associates, Inc (For:Federacion Nacional de Cafeteros de Colombia).	150.00	50.00
Samuel E. Stavisky & Associates, Inc, 1725 Desales Street, NW, #804 Washington, DC 20036	Broadcast Music, Inc		35.00
Do	Federacion Nacional de Cafeteros de Colombia	250.00	75.00
Randolph J. Stayin, 1620 Eye St., NW, #800 Washington, DC 20006	Taft Stettinius & Hollister (For:Effective Spray Control Organization)	187.50	221.16
Do	Taft Stettinius & Hollister (For:James Graham Brown Foundation)		
Do	Taft Stettinius & Hollister (For:Machinery Dealers National Association)		
Do	Taft Stettinius & Hollister (For:National Candle Assn)		65.68
Do	Taft Stettinius & Hollister (For:Special Comm for Workplace Product Liability Reform).	72.50	
Do	Taft Stettinius & Hollister (For:Wald Manufacturing Co, Inc)	2,247.00	46.37
Martin J. Steadman, 164 Lexington Avenue New York, NY 10016	Paul Buiar Associates, Inc		
Dean E. Steel, 1655 N. Ft. Myer Drive, #1120 Arlington, VA 22209	Varian Associates, Inc		
Steele & Fornaciari, 2020 K Street, NW, #850 Washington, DC 20006	K Mart Corp		
Henry J. Steenstra Jr., 1000 Wilson Boulevard, #2600 Arlington, VA 22209	TRW, Inc	1,036.00	1,534.00
Stein Davidoff & Malito, 100 East 42nd Street New York, NY 10017	SPC Securities Services Corp	75,000.00	2,739.53
Kristin Stelck, 2401 Virginia Avenue, NW Washington, DC 20037	American Assn of University Women	5,000.00	306.56
Ramona C. Stelford, 1818 N Street, NW Washington, DC 20036	DGA International, Inc (For:Societe Nationale D'Etude et de Const de Moteurs D'Aviation).		
Charles W. Stellar, 5410 Grosvenor Lane, #210 Bethesda, MD 20814	American Medical Care & Review Assn		
Jack L. Stempler, 1725 Jefferson Davis Highway, #900 Arlington, VA 22202	LTV Aerospace & Defense Co	2,500.00	75.00
Stephens Overseas Services, Inc, 114 East Capitol Avenue Little Rock, AR 72201			
Stephens, Inc, 114 East Capitol Avenue Little Rock, AR 72201			
Steptoe & Johnson, 1330 Connecticut Ave., NW Washington, DC 20036	Alliance for Cannabis Therapeutics		
Do	American Express Co		
Do	Bear Stearns & Co	11,137.40	
Do	Caltex Petroleum Corp		
Do	Canadian Sugar Institute		
Do	Citizens Savings Financial Corp	176.24	
Do	Co-Operative Central Bank	433.40	
Do	CSO Company	943.26	
Do	Harley-Davidson Motor Co, Inc	996.25	8.50
Do	Rule of Law Committee		
Sterling Drug, Inc, 1615 L St., NW, #920 Washington, DC 20036			144.00
Richard W. Sternberg, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	75.00	
Michael E. Steward, 7957 Revenna Lane Springfield, VA 22153	Puget Sound Power & Light Co	3,850.00	296.84
Eugene L. Stewart, 1001 Connecticut Ave., NW, #910 Washington, DC 20036	Monsanto Co	125.00	
Do	Roses, Inc		1.75
Do	Timken Co	2,875.00	15.61
Robert B. Stewart, 1050 17th St., NW, #700 Washington, DC 20036	National Ocean Industries Assn	1,750.00	
Terence P. Stewart, Stewart and Stewart 1001 Connecticut Avenue, NW, #910 Washington, DC 20036	Cabot Corp	900.33	
Do	Monsanto Co		
Do	PPG Industries, Inc	804.74	3.11
Do	Smith Corona Corp	4,586.00	56.71
Do	Timken Co	10,112.58	339.80
Warren E. Stickle, 1225 19th Street, NW, #300 Washington, DC 20036	Chemical Producers & Distributors Assn		1,017.50
Do	Cheminova		620.50
Do	International Sanitary Supply Assn		1,624.25
Don Stillman, 1757 N Street, NW Washington, DC 20036	Int'l Union, United Auto Aerospace & Agric Implement Workers	1,533.83	12.00
Edward W. Stimpson, Suite 801 1400 K St., NW Washington, DC 20005	General Aviation Manufacturers Association	1,117.00	
Kenneth F. Stinger, 2200 Mill Rd Alexandria, VA 22314	American Trucking Assns, Inc	9,000.00	
Heidi A. Stirrup, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America	2,000.00	500.00
John J. Stocker, 1110 Vermont Avenue, NW Washington, DC 20005	Shipbuilders Council of America	3,300.00	
Stockholders of America, Inc, 1625 Eye Street, NW, #724A Washington, DC 20006		12,545.00	675.29
Dennis C. Stolte, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	5,938.00	185.64
Stonebridge Group, 1250 24th St., NW, #230 Washington, DC 20037	Brandeis University	6,000.00	70.75
Do	Marine Biological Laboratory	2,000.00	250.00
Do	University of Nevada at Reno	4,000.00	49.00
Dena G. Stoner, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	150.00	
Floyd E. Stoner, 1120 Connecticut Avenue, NW Washington, DC 20036	American Bankers Assn	3,000.00	
Stephen Storch, 1800 K Street, NW, #1100 Washington, DC 20006	New York Stock Exchange, Inc		
Harry L. Storey, 555 17th St., #840 Denver, CO 80202	Alliance for Clean Energy	2,000.00	1,057.14
William M. Stover, 2501 M St., NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	1,000.00	
John L. Stowell, 1800 K St., NW, #1018 Washington, DC 20006	Public Service Co of Indiana	2,562.50	11,826.09
Luther J. Strange III, 1100 15th Street, NW, #700 Washington, DC 20005	Sonat, Inc		
Marcy B. Stras, 1620 Eye St., NW, #800 Washington, DC 20006	Taft Stettinius & Hollister (For:National Candle Assn)		
Terrence D. Straub, 818 Connecticut Avenue, N.w. Washington, DC 20006	USX Corporation	250.00	87.80
Roger J. Stroh, 727 N. Washington Street Alexandria, VA 22314	United Fresh Fruit & Vegetable Assn		
Rolf Erik Stromberg, 1010 Duke Street Alexandria, VA 22314	American Assn of Port Authorities		
Albert E. Strong, Suite 1500 North 1331 Pennsylvania Avenue, NW Washington, DC 20004	National Assn of Manufacturers	900.00	
Stroock & Stroock & Lavan, 1150 17th St., NW Washington, DC 20036	Dreyfus Corporation	2,440.00	
George Strumpf, 1150 17th St., NW, #600 Washington, DC 20036	Health Insurance Plan of Greater New York	11,790.00	3,300.00
Cory N. Strupp, 23 Wall Street New York, NY 10015	Morgan Guaranty Trust Co	2,400.00	143.00
Dorothy E. Stucke, 729 15th St., NW Washington, DC 20005	Associated Builders & Contractors, Inc	2,500.00	
Susan Stuebing, 490 L'Enfant Plaza East, SW, #4200 Washington, DC 20024	Xerox Corp	500.00	35.96
Eugene F. Sturgeon, 182 Crater Lane Kensington, CT 06037	Northeast Utilities Service Co	1,524.19	938.19
Ann Sullivan, 1660 L Street, NW, #601 Washington, DC 20036	Interstate Natural Gas Assn of America	300.00	
Arthur E. Sullivan Jr., 1215 Jefferson Davis Hwy., #1004 Arlington, VA 22202	Diagnostic/Retrieval Systems, Inc	3,250.00	
Austin P. Sullivan Jr., P.O. Box 1113 Minneapolis, MN 55440	General Mills, Inc		
Charles S. Sullivan, 11 15th Street, NE, #6 Washington, DC 20002	Citizens United for Rehabilitation of Errants	2,621.02	2,552.05
Edward L. Sullivan, 1120 20th St., NW, Suite S-720 Washington, DC 20036	Peabody Holding Co, Inc		229.12
Gael M. Sullivan, 1025 Thomas Jefferson St., NW, #511 Washington, DC 20005	LTV Corporation	2,344.00	755.40
Harold R. Sullivan, 1750 K St., NW Washington, DC 20006	Food Marketing Institute	750.00	
Margaret Cox Sullivan, 1625 Eye St., NW, #724A Washington, DC 20006	Stockholders of America, Inc		
Marty R. Sullivan, P.O. Box 970 Ft. Worth, TX 76101	Texas Electric Service Co		
Patrick J. Sullivan, 815 16th Street, NW Washington, DC 20006	International Longshoremen's Assn, AFL-CIO	6,769.25	1,533.92
Pauline Sullivan, #11 15th St., NE, #6 Washington, DC 20002	Citizens United for Rehabilitation of Errants	300.00	
Sullivan & Cromwell, 1775 Pennsylvania Ave., NW Washington, DC 20006	American International Group, Inc		
Do	BP North America, Inc		
Do	Esselte Business Systems, Inc		
Do	Goldman Sachs & Co		
Do	Grand Met USA, Inc		
Do	Kidder Peabody & Co, Inc		
Do	Securities Industry Assn	2,500.00	
Sullivan & Worcester, 1025 Connecticut Ave., NW Washington, DC 20036	Marion Laboratories, Inc	12,511.63	
John B. Summers, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	1,500.00	
Sutherland Asbill & Brennan, 1275 Pennsylvania Ave., NW Washington, DC 20004-2404	American Insurance Assn	5,850.00	63.00
Do	Baker Oil Tools, Inc		
Do	Committee Against Revising Staggers	20,000.00	
Do	Council of Industrial Boiler Owners		
Do	Industrial Oil Consumers Group		
Do	North American Co for Life & Health Insurance	1,800.00	
Do	Philip Morris, Inc		
Do	Process Gas Consumers Group		
W. Thomas Suttle, 1755 Willard St., NW, #4 Washington, DC 20009	Institute of Electrical & Electronics Engineers	2,900.00	9,003.47
William W. Suttle, 1025 Connecticut Ave., NW, #415 Washington, DC 20036	American Insurance Assn	580.00	28.60
Douglass W. Svendson Jr., 1730 Rhode Island AVenue, NW, #417-19 Washington, DC 20036	Hollywood Marine Service, Inc		
Do	Shell Oil Co		
David L. Swanson, Craft & Loesch 1050 Thomas Jefferson St., NW, 6th Fl. Washington, DC 20007	Clean Coal Technology Coalition	7,350.00	
Do	Edison Electric Institute	17,193.75	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	GA Technologies, Inc	15,000.00	
Irving W. Swanson, 11212 Farmland Drive Rockville, MD 20852	Harris Corporation	16,000.00	1,665.64
Deborah Swartz, Economic Consulting Services, Inc 1320 19th St., NW Washington, DC 20036	Luggage & Leather Goods Manufacturers of America, Inc	500.00	
Do	Neckwear Assn of America, Inc	500.00	
Do	Outboard Marine Corp	480.00	
David A. Sweeney, 25 Louisiana Ave., NW Washington, DC 20001	International Brotherhood of Teamsters	20,405.64	
William R. Sweeney Jr., 536 7th Street, SE Washington, DC 20003	American Nuclear Energy Council	1,937.50	54.21
Do	China External Trade Development Council		
Do	Embassy of Japan	5,000.00	
Do	National Investment Development Corp		
Swidler & Berlin, Chtd, 3000 K Street, NW #300 Washington, DC 20007	American Hoechst Corporation		
Do	Lucasfilm, Ltd		
Do	MD People's Counsel (Natl Assn of State Util. Consumer Advo)		
Tricia L. Swift, 1250 Connecticut Avenue, NW Washington, DC 20036	National Forest Products Assn	1,200.00	
Scott R. Swirling, 122 C St., NW, #380 Washington, DC 20001	National Family Planning & Reproductive Health Assn, Inc	367.00	
Randall Swisher, 2301 M Street, NW Washington, DC 20037	American Public Power Assn	2,500.00	
Ronald G. Sykes, 1660 L Street, NW Washington, DC 20036	General Motors Corp	2,500.00	3,784.55
David A. Sykuta, Illinois Petroleum Council P.O. Box 12047 Springfield, IL 62791	American Petroleum Institute	560.00	1,211.53
Christopher U. Sylvester, 1831 Briar Ridge Court Mclean, VA 22101	Garrison Diversion Conservancy District	3,000.00	276.84
Ronald P. Szabat, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	400.00	85.49
T. Boone Pickens, Jr. United Shareholders Assn, 1667 K St., NW, #990 Washington, DC 20006			
Robert Taft Jr., 1620 Eye St., NW, #800 Washington, DC 20006	Taft Stettinius & Hollister (For:Effective Spray Control Organizatin)		
Do	Taft Stettinius & Hollister (For:James Graham Brown Foundation)		
Do	Taft Stettinius & Hollister (For:Kings Entertainment Co)		
Do	Taft Stettinius & Hollister (For:Machinery Dealers National Association)		
Do	Taft Stettinius & Hollister (For:Recordings Import Trade Committee)		
Do	Taft Stettinius & Hollister (For:Special Comm for Workplace Product Liability Reform).		
Do	Taft Stettinius & Hollister (For:Taft Broadcasting Company)	100.00	
Do	Taft Stettinius & Hollister (For:Telephone & Data Systems, Inc)		
Do	Taft Stettinius & Hollister (For:Wald Manufacturing Co, Inc)		
Taggart & Associates, Inc, 1155 15th Street, NW, #1108 Washington, DC 20005	Animal Health Institute		
Do	Association of American Railroads		
Do	Marion Laboratories, Inc		
Do	Telephone & Data Systems, Inc		
Kirk Talbott, Weisgall Law Office 1300 19th St., NW, #407 Washington, DC 20009	Bikini/Kili/Ejit Council		
Tanaka Ritger & Middleton, 1919 Pennsylvania Ave., NW, #303 Washington, DC 20006	Electronic Industries Assn of Japan		
Do	Japan Automobile Tire Manufacturers Assn (JATMA)		
Do	Koyo Corp, USA	1,812.50	
Susan Tannenbaum, 2030 M St., NW Washington, DC 20036	Common Cause	6,082.50	112.85
William E. Tanner, 10803 Norman Ave. Fairfax, VA 22030	American Maritime Officers Service	10,000.00	
Do	Coalition for Environmental-Energy Balance	7,200.00	1,969.09
Augustine D. Tantillo, 214 Massachusetts Ave., NE, #350 Washington, DC 20002	Russell Corporation	7,000.00	
M. Louise Tate, 450 Maple Avenue, E., #204 Vienna, VA 22180	U.S. Defense Committee	900.00	
Thomas N. Tate, 1725 DeSales St., NW Washington, DC 20036	Aerospace Industries Assn of America, Inc	26,936.00	
Susan Tatum, 1250 Connecticut Avenue, NW Washington, DC 20036	National Forest Products Assn	1,600.00	
Taubman Company, Inc, 200 E. Long Lake Rd., #200 P.O. Box 200 Bloomfield Hills, MI 48303-0200			15,215.00
Graca Da Silva Tavares, 17 Perkins Street West Newton, MA 02165			
Charles A. Taylor III, 499 South Capitol St., SW, #401 Washington, DC 20003	National Assn of Independent Insurers	1,000.00	
Elizabeth L. Taylor, 1155 15th Street, NW, #400 Washington, DC 20005	Puerto Rico Federal Affairs Administration		
Jefferson D. Taylor, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors		45.63
Patricia Taylor, 1501 16th St., NW Washington, DC 20036	Center for Science in the Public Interest		
Peggy Taylor, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	16,443.56	508.05
R. William Taylor, 1575 Eye Street, NW Washington, DC 20005	American Soc of Assn Executives	300.00	
William S. Taylor, 239 W. New York Avenue Las Vegas, NV 89107			
Norman J. Temple, 155 Dresden Avenue Gardiner, ME 04345	Central Maine Power Co, et al.	750.00	656.47
Templeton & Company, 1000 Potomac St., NW Washington, DC 20007	Space Industries, Inc		
Paul M. Tendler, 1090 Vermont Ave., NW Washington, DC 20005	Paul Tendler Associates, Inc (For:American Licensed Practical Nurses Assn)		
Do	Paul Tendler Associates, Inc (For:Bascom, Inc)		
Do	Tendler & Biggins (For:Geodesco)		
Do	Paul Tendler Associates, Inc (For:National Institute of Tenants)		
Do	Paul Tendler Associates, Inc (For:Rasch Elektronik)		
Do	Paul Tendler Associates, Inc (For:Schoeneman, Inc)		
Do	Tendler & Biggins (For:Solargistics Corp)		
Do	Paul Tendler Associates, Inc (For:Southeastern Exporters)		
Betty-Grace Terpstra, 1726 M St., NW, #901 Washington, DC 20036	Scott Paper Co	4,000.00	255.27
James Terrell, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	4,625.00	139.23
Joseph L. S. Terrell, 50 F Street, NW, #900 Washington, DC 20001	Farm Credit Council		
Michelle C. Tessier, 1818 N Street, NW, #410 Washington, DC 20036	National Assn of Public Television Stations	600.00	150.00
James G. Tetirick, 1156 15th Street, NW, #1015 Washington, DC 20005	J. C. Penney Co, Inc		
Textron, Inc, 40 Westminster St. Providence, RI 02903		4,650.00	1,030.00
Thacher Proffitt & Wood, 1140 Connecticut Ave., NW, #512 Washington, DC 20036	Amoskeag Savings Bank	394.90	300.94
Do	Citicorp Homeowners, Inc		431.73
Do	Connecticut Savings Bank Life Insurance Co	812.06	300.94
Do	Maine Savings Bank	394.90	300.94
Do	Massachusetts Bankers Assn		300.94
Do	Massachusetts Savings Bank Life Insurance Co		300.94
Do	Mutual Savings Central Fund, Inc		
Do	New Hampshire Savings Bank	394.90	300.94
Do	Salomon Brothers, Inc	7,014.00	300.94
Do	Savings Bank Life Insurance Fund	812.06	300.04
Mary Kay Thatcher, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	5,563.00	477.38
Karen E. Theibert, 1750 K Street, NW Washington, DC 20006	Food Marketing Institute	200.00	
Janelle C. Morris Thibau, 1828 L Street, NW, #906 Washington, DC 20036	Merrill Lynch & Co, Inc	1,500.00	
Douglas E. Thierwechter, 818 Connecticut Avenue, NW, #900 Washington, DC 20006	Marathon Oil Co		57.15
Third Class Mail Association, 1333 F Street, NW, #710 Washington, DC 20004-1108		600.00	600.00
Edlu J. Thom, 1825 Eye Street, NW, #400 Washington, DC 20006	Diamond Shamrock Corp		
Diane Kay Thomas, 2727 29th St., NW, #634 Washington, DC 20008	National Assn of Investment Companies	6,180.00	
Doris I. Thomas, 15th & M Sts., NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Gordon M. Thomas, 1090 Vermont Avenue, NW, #1100 Washington, DC 20005	Textron, Inc	600.00	150.00
J. David Thomas, 1919 Pennsylvania Ave., NW, #705 Washington, DC 20006	Eastman Chemical Division	160.00	97.50
James M. Thomas Jr., 2001 9th Street, NW, #300 Washington, DC 20001	Amalgamated Transit Union, Natl Cap Local 689		
John W. Thomas, 119 Oronoco Street Box 1417-D50 Alexandria, VA 22313	Animal Health Institute		
Meshall Thomas, Suite 400 2000 P Street, NW Washington, DC 20036	Women's Legal Defense Fund		
Randi Parks Thomas, 1101 17th Street, NW, #603 Washington, DC 20036	Tuna Research Foundation, Inc	963.90	
Robert L. Thomas, 1319 F St., NW, #1000 Washington, DC 20004	National Assn of Private Psychiatric Hospitals	500.00	
Thomas E. Thomason, 8 Heritage Court Atherton, CA 94025	Bechtel Power Corporation		
Barbara Thompson, 1401 New York Avenue, NW, #1100 Washington, DC 20005	National Cooperative Business Assn	2,500.00	108.00
Bruce E. Thompson, 1828 L Street, NW, #906 Washington, DC 20036	Merrill Lynch & Co, Inc	7,500.00	
Frank Thompson Jr., 1020 Prince Street Alexandria, VA 22314	Boilermakers Iron Ship Bldrs Blacksmiths Forgers & Helpers	2,500.00	309.93
Do	Metal Trades Department, AFL-CIO		
Do	Sheet Metal Workers Int'l Assn	3,000.00	474.60
Kenneth W. Thompson, 2021 K Street, NW, #300 Washington, DC 20006	Primark Corporation	2,200.00	
Marilyn Berry Thompson, 444 North Capitol Street, #711 Washington, DC 20001	Keefe Company (For:Yearbook Printers Assn)		
Robert L. Thompson Jr., P.O. Box 70 Fort Mill, SC 29715	Springs Industries, Inc		960.75
Roger G. Thompson, 117 Bellefonte Drive Ashland, KY 41101	Kentucky Power Co	7,500.00	1,712.47
W. Reid Thompson, 1900 Pennsylvania Ave., NW Washington, DC 20068	Potomac Electric Power Co	258.43	
Thompson & Company, 529 14th St., NW, #425 Washington, DC 20045	Capital Credit		81.54
Do	Lowrance Electronics		
Do	Marathon Properties	12,198.00	
Do	Mitsubishi Electronics America, Inc	16,000.00	901.13
Do	Morse/Diesel	3,750.00	490.45
Do	Sikorsky Aircraft Corp/Div of United Technologies	2,250.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Wayne County Michigan		
Thompson Hine & Flory, 1920 N St., NW, #700 Washington, DC 20036	Alltel Corporation	1,080.00	
Thompson Mann & Hutson, 1730 Pennsylvania Ave., NW, #1250 Washington, DC 20006	Bechtel Group, Inc	1,045.97	127.20
Do	Combustion Engineering, Inc	1,045.97	127.20
Do	Daniel International Corp	1,045.97	127.20
Do	M.W. Kellogg Company	1,045.97	127.20
Do	Morrison-Knudsen Co, Inc	1,045.97	127.20
Do	National Coalition to Defeat H.R. 281/S. 492		21,071.00
Margaret A. Thomson, 655 15th St., NW, #300 Washington, DC 20005	Briggs & Morgan		
Parker D. Thomson, 200 South Biscayne Blvd. 4900 Southeast Financial Center Miami, FL 33131	Thomson Zeder Bohrer Werth & Razook (For:Burger King Corp)		
Thomson Zeder Bohrer Werth & Razook, 200 South Biscayne Blvd., #4900 Miami, FL 33131	Burger King Corp	16,886.87	3,039.72
John A. Thorner, 1250 Connecticut Avenue, NW Washington, DC 20036	National Forest Products Assn		
Douglas Clare Thorson, 2059 Whisperwood Glen Lane Reston, VA 22091	Save Our Schools	5,250.00	172.75
Gil Thurm, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	5,000.00	172.20
Tiber-Potomac, Inc, 1199 North Fairfax St., #601 Alexandria, VA 22314		28,800.00	30,800.00
Tighe Curhan & Piliero, 1750 Pennsylvania Avenue, NW Washington, DC 20006	Ad Hoc Comm of Mutual Fund Managers	2,192.80	
Do	Coalition for H.R. 2972 (Richardson) Substitute Bill	1,297.04	
Do	Integrated Resources, Inc		
Do	Latin American Manufacturers Assn (LAMA)	3,500.00	
Do	Sharp Manufacturing Co of America		
Do	Town of Andover, Massachusetts	250.00	
Wallace Tillman, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	150.00	
Patti A. Tilson, Suite 520 900 17th Street, NW Washington, DC 20006	Toyota Motor Sales, USA, Inc	500.00	
Gary G. Timmons, 1201 16th Street, NW Washington, DC 20036	National Education Assn	2,879.90	10.00
Timmons & Co, Inc, 1850 K St., NW, #850 Washington, DC 20006	American Petroleum Institute	465.00	
Do	American Trucking Assns	1,187.50	
Do	Amoco Corporation	750.00	
Do	Anheuser-Busch Companies, Inc	1,184.88	
Do	Association of Trial Lawyers of America	437.50	
Do	Boeing Company	500.00	
Do	Brown Group, Inc	375.00	
Do	Capital Cities/ABC, Inc	1,062.50	
Do	Capital Markets Group	3,120.00	
Do	Chrysler Corporation	1,187.50	
Do	H. J. Heinz Co	375.00	
Do	Major League Baseball	1,187.50	
Do	Morgan Stanley & Co, Inc	780.00	
Do	MSU System Services, Inc	500.00	
Do	National Rifle Assn of America	250.00	
Do	Northern Telecom, Inc	125.00	
Do	Northrop Corp	587.50	
Do	NutraSweet Co	1,312.50	
Do	G. D. Searle & Co	1,312.50	
Alan R. Timothy, 601 Pennsylvania Ave., NW, #500 Washington, DC 20004	Adolph Coors Co	11,947.00	37,087.78
G. Wayne Tingle, 1725 Jefferson Davis Highway, #900 Arlington, VA 22202	LTV Aerospace & Defense Co	2,500.00	125.00
William C. Tinklepaugh, 888 16th Street, NW Washington, DC 20006	Milk Industry Foundation & Int'l Ice Cream Assn		
Constance D. Tipton, 888 16th Street, NW Washington, DC 20006	Milk Industry Foundation/Int'l Ice Cream Assn		660.00
E. Linwood Tipton, 888 16th St., NW Washington, DC 20006	Milk Industry Foundation & Int'l Ice Cream Assn		
Eben S. Tisdale, 1550 Wilson Blvd., #600 Arlington, VA 22209	Hewlett-Packard Co	3,500.00	446.97
Title Associates, Inc, Rt.2, Box 89 Columbia, TN 38401			
Francis M. Tivnan, Massachusetts Petroleum Council 11 Beacon Street Boston, MA 02108	American Petroleum Institute		
Tobacco Associates, Inc, Suite 912 1101 17th St., NW Washington, DC 20036			4,356.60
James S. Todd, 535 North Dearborn Street Chicago, IL 60610	American Medical Assn	550.00	
M. Douglas Todd, Suite 2300 1000 Wilson Boulevard Arlington, VA 22209	Northrop Corp		
William R. Tolley Jr., PO Box 37 Melbourne, FL 32919	Harris Corporation		408.51
Edward Tonat, 6723 Brigadoon Drive Bethesda, MD 20817	Robert Goff & Associates, Inc		
Peter W. Tooker, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Total Petroleum, Inc, 999 18th Street, Suite 2201 Denver, CO 80202			
Frank V. Toti Jr., 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business	3,401.75	423.00
Gilbert D. Tough, 70 North Main St. Wilkes-Barre, PA 18711	Blue Cross of Northeastern Pennsylvania		
Jay C. Townley, 217 North Jefferson St. Chicago, IL 60606	Schwinn Bicycle Co		
Wanda Townsend, 1724 Massachusetts Ave., NW Washington, DC 20036	National Cable Television Assn, Inc	1,150.00	
Burke A. Tracey, 1101 Vermont Ave., NW, #400 Washington, DC 20005	Coalition of Higher Education Assistance Organizations		
Joseph P. Trainor, 815 16th St., NW Washington, DC 20006	Transportation - Communications Union	2,000.00	729.09
Jeffrey B. Trammell, 1455 Pennsylvania Ave., NW, #1270 Washington, DC 20004	Hill & Knowlton, Inc (For:Palm Oil Registration & Licensing Authority)	100.00	
Transportation - Communications Union, 815 16th St., NW Washington, DC 20006		14,600.00	25,903.47
Travel & Tourism Government Affairs Policy Council, 1133 21st Street, NW Washington, DC 20036		2,010.00	2,010.00
Travis & Gooch, 1100 15th St., NW, #1200 Washington, DC 20005	Coalition to Oppose Energy Taxes	262.50	8.00
Trilling & Kennedy, 1900 L Street, NW, #310 Washington, DC 20036	National Small Bus. Council for Competitiveness in Pub. Cont	1,167.50	221.92
Sally A. Triplett, 1725 Desales Street, NW, #804 Washington, DC 20036	Samuel E. Stavisky & Associates, Inc (For:Broadcast Music, Inc)		10.00
Tripp Scott Conklin & Smith, 2000 E. Oakland Park Blvd. Fort Lauderdale, FL 33306	Alamo Rent-A-Car, Inc	20,000.00	2,000.00
Michael G. Troop, 1709 New York Avenue, NW, #801 Washington, DC 20006	U.S. League of Savings Institutions	11,000.00	
Robert C. Troup, 730 Smith Ridge Rd. New Canaan, CT 06840			
George G. Troutman, Suite 1100 1090 Vermont Ave., NW Washington, DC 20005	Bell Helicopter Textron, Inc	150.00	
Alexander B. Trowbridge, 1331 Pennsylvania Avenue, NW Washington, DC 20004	National Assn of Manufacturers	1,675.00	
Thomas L. Trueblood, 401 North Michigan Ave. Chicago, IL 60611	Navistar International Transportation Corp	1,000.00	854.15
Trumble & Associates, 750 Baker Building 706 Second Ave. South Minneapolis, MN 55402	Energy Security Policy	3,250.00	2,271.83
Do	Stakeholders in America	3,500.00	1,992.30
Trust for Public Lands, 116 New Montgomery Street, 4th Floor San Francisco, CA 94105			19,301.88
Paul E. Tsongas, Foley Hoag & Eliot One Post Office Square Boston, MA 02109	H.N. Gorin Associates, Inc		
Do	Humane Soc of the U.S. and M.S.P.C.A.		
Do	Mutual Savings Central Fund, Inc		
Do	Northeast Solvents Recovery		
Motoyuki Tsutsui, 1850 M Street, NW, #600 Washington, DC 20036	Toyota Motor Sales, USA, Inc		
Tucker & Vaught, Western Federal Savings Bldg., #1330 718 17th St. Denver, CO 80202	Manville Corporation		
Do	Regional Transportation District		
Shannon B. Tuel, 311 First Street, NW Washington, DC 20001	National Restaurant Assn		
Stephen Tull, 1925 K St., NW, #206 Washington, DC 20006	Alliance to Save Energy		
Tuna Research Foundation, Inc, 1101 17th St., NW Washington, DC 20036		384.04	1,965.53
Brian Turner, 815 16th Street, NW Washington, DC 20006	Industrial Union Department, AFL-CIO	7,843.23	
J. Terry Turner, 2200 Mill Road Alexandria, VA 22314	Interstate Carriers Conference	500.00	150.00
Jane L. Turner, 1920 N Street, NW Washington, DC 20036	American Mining Congress	15.00	5.00
John M. Turner, 1875 Eye St., NW, #470 Washington, DC 20006	Georgia-Pacific Corp	1,500.00	
Richard F. Turney, 1725 K St., NW Washington, DC 20006	Courtney McCamant & Turney	300.00	
St. Clair J. Tweedie, Suite 220 1575 Eye Street, NW Washington, DC 20005	American Cyanamid Co	4,800.00	
U.S. Cane Sugar Refiners' Assn, 1001 Connecticut Ave., NW Washington, DC 20036		5,110.20	5,959.38
U.S. Defense Committee, 450 Maple Avenue, E., #204 Vienna, VA 22180		7,925.76	7,925.76
U.S. League of Savings Institutions, 111 E. Wacker Dr. Chicago, IL 60601			165,236.17
U.S. Public Interest Research Group, 215 Pennsylvania Avenue Washington, DC 20003		74,748.38	92,902.45
Gilman Udell, 1750 New York Avenue, NW Washington, DC 20006	International Assn of Fire Fighters	4,500.00	
Jerry G. Udell, 1616 H St., NW Washington, DC 20006	American Retail Federation	100.00	55.50
Kenji Ueno, 1850 M Street, NW, #600 Washington, DC 20036	Toyota Motor Sales, USA, Inc	80.00	63.00
Steven W. Unglesbee, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors, Inc	2,500.00	
Unifi, Inc, P.O. Box 19109 Greensboro, NC 27419			
United Brotherhood of Carpenters & Joiners of America, 101 Constitution Ave., NW Washington, DC 20001			30,025.18
United Fresh Fruit & Vegetable Assn, 727 N. Washington St. Alexandria, VA 22314		7,912.50	1,637.81
United Gas Pipe Line Co, P.O. Box 1478 Houston, TX 77251-1478			
United International Consultants, 1800 Diagonal Road Alexandria, VA 22314	Republic of South Africa	90,000.00	24,999.00
United Services Automobile Assn, P.O. Box 4525 Reston, VA 22090-1489			
Marian S. Urnikis, 1120 Connecticut Avenue, NW Washington, DC 20036	American Bankers Assn	1,050.00	
Edward M. Urschel, 1424 16th St., NW, #701 Washington, DC 20036	Federation for American Immigration Reform		
Utility Nuclear Waste Management Group, c/o Edison Electric Institute 1111 19th St., NW Washington, DC 20036			
Grayce K. Uyehara, 1730 Rhode Island Avenue, NW, #204 Washington, DC 20036	Japanese American Citizens League Legislative Education Comm	2,034.00	84.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Robert E. Vagley, 1025 Connecticut Avenue, NW, #415 Washington, DC 20036	American Insurance Assn		
Anthony Valanzano, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc	5,000.00	1,156.17
Jack J. Valenti, 1600 Eye St., NW Washington, DC 20006	Motion Picture Assn of America, Inc	750.00	
R. Thomas Van Arsdall, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives		
Van Dyk Associates, Inc, 2550 M St., NW, #300 Washington, DC 20037	American Gas Assn	3,750.00	
Do	UAL, Inc		
Do	USF&G Corp	10,000.00	
Juliane H. Van Egmond, 1575 Eye Street, NW, #200 Washington, DC 20005	American Cyanamid Co	852.00	1,409.26
Laura Van Etten, 1700 Pennsylvania Avenue, NW, #525 Washington, DC 20006	Equitable Life Assurance Society of the U.S.	225.00	10.00
Nick L. Van Nelson, Suite 540 1875 Eye Street, NW Washington, DC 20006	Champion International Corp		
Van Ness Feldman Sutcliffe & Curtis, P.C., 1050 Thomas Jefferson St., NW, 7th Floor Washington, DC 20007	Ad Hoc Coalition for Health Security	660.00	
Do	Alaska Eskimo Whaling Commission		
Do	American Inst of Certified Public Accountants		
Do	American President Lines		
Do	Arctic Slope Regional Corp	1,691.00	
Do	Bumble Bee Seafoods, Inc	114.00	
Do	BRAE Corporation		
Do	Chugach Electric Assn, Inc		
Do	Clean Coal Technology Coalition	5,640.00	
Do	Collier Company	1,282.50	
Do	Consumers United for Rail Equity (C.U.R.E.)	9,614.50	
Do	Geothermal Resources Assn	1,922.50	38.86
Do	Hawaiian Electric Company, Inc		
Do	LUZ International Ltd	1,981.50	
Do	Recording Industry of America		
Do	Republic of Palau		
Do	State of Alaska		
Do	Texas Air Corp		
Do	Tranquillity Irrigation District		
Do	Union Carbide Corp		
Do	Uranium Producers of America	2,280.00	
Fred Van Remortel, 1016 16th St., NW, #100 Washington, DC 20036	Brown Bridgman & Co, Inc		
Norman C. VanderNoot, New Hampshire Petroleum Council 23 School Street Concord, NH 03301	American Petroleum Institute	220.00	
Martha A. Vanier, 119 Oronoco Street P.O. Box 1417-D50 Alexandria, VA 22313	Animal Health Institute		
Kathleen M. Vanston, 888 Sixteenth St., NW Washington, DC 20006	Biscuit & Cracker Mfgrs Assn		
Variable Annuity Life Insurance Co, 2929 Allen Parkway Houston, TX 77019			22,164.00
Theresa Varner, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	497.30	
Jennifer Vasiloff, 1730 M Street, NW Washington, DC 20036	League of Women Voters of the U.S.	4,497.70	24.75
Donald R. Vaughan, P.O. Box 2909 Asheboro, NC 27203	Stedman Corporation		
Nicholas A. Veliotes, 2005 Massachusetts Avenue, NW Washington, DC 20036	Association of American Publishers		
Venture Entrepreneurs, Inc, 1201 San Marco Blvd., #204 Jacksonville, FL 32207			
Carol Verby, 1390 Piccard Drive Rockville, MD 20850	CNA Insurance Co.		
Jerry T. Verkler, 1660 L Street, NW, #601 Washington, DC 20036	Interstate Natural Gas Assn of America	6,250.00	119.50
Frank Verrastro, 1155 15th Street, NW, #600 Washington, DC 20005	Pennzoil Co	937.50	
Linda Vickers, 1706 23rd St., South Arlington, VA 22202	Communicating for Agriculture, Inc		
Do	National Assn of Crop Inusrance Agents		
Ralph Vinovich, 1875 Eye Street, NW, #800 Washington, DC 20006	Tobacco Institute	5,000.00	496.94
Vinson & Elkins, 1455 Pennsylvania Ave., NW, #800 Washington, DC 20004-1007	American Airlines, Inc	2,581.25	33.89
Do	Bear Stearns & Co	131.25	
Do	Continental Health Affiliates		
Do	Dunigan Enterprises		
Do	Federal Express Corp	5,940.00	6.00
Do	International Raw Materials, Ltd		
Do	Pennzoil Co	43.75	
Do	Public Service Co of New Mexico	1,540.00	72.40
Do	Salomon Brothers, Inc	510.00	106.27
Do	Southern California Edison	3,450.00	30.00
Do	Southern Star Shipping Co, Inc	43.75	
Walter D. Vinyard Jr., Zuckert, Scoutt, Rasenberger & Johnson 888 17th St., NW, 7th Fl. Washington, DC 20006	Continental Insurance Companies	2,500.00	
Do	National Fraternal Congress of America	100.00	
Virginia Association of Railway Patrons, P.O.box 867 Richmond, VA 23207		180.00	143.53
George A. Viverette Jr., 8111 Gatehouse Road Falls Church, VA 22047	American Automobile Assn		
Jesse S. Vogtle, 600 North 18th Street Birmingham, AL 35291	Alabama Power Co	49,000.00	521.00
Volkswagen of America, Inc, 490 L'enfant Plaza, SW, #3210 Washington, DC 20024			450.00
Douglas K. Vollmer, 801 18th St., NW Washington, DC 20006	Paralyzed Veterans of America	13,481.52	
Ian D. Volner, 1333 New Hampshire Ave., NW, #600 Washington, DC 20036	National Assn of Trade & Technical Schools	1,250.00	
Volpe Boskey & Lyons, Suite 602 918 16th Street, NW Washington, DC 20006	American Assn of Equipment Lessors		
Voluntary Hospitals of America, Inc, 1150 Connecticut Ave., NW, #800 Washington, DC 20036			13,300.67
Vorys Sater Seymour & Pease, 1828 L Street, NW, #1111 Washington, DC 20036	Cardinal Industries, Inc		
Do	Hanson Industries		
Do	National Arts Week Corporate Committee		
Do	PubCo Corp		
Frank J. Voyack, 1750 New York Ave., NW Washington, DC 20006	International Assn of Bridge Struct & Ornamental Iron Wkrs	9,625.08	365.82
R. B. Wackerle, 1000 Wilson Boulevard, #2300 Arlington, VA 22209	Northrop Corp		
Sadami Wada, 9 West 57th Street New York, NY 10019	Sony Corp of America		
Kerri Wagner, Rt. 1, P.O. Box 978 Washington, VA 22747	National Broiler Council	625.00	
Herbert R. Waite, 100 Federal St. Boston, MA 02110	Bank of Boston Corporation		
Do	First National Bank of Boston	8,250.00	9,124.25
John A. Waits, 50 F Street, NW, #900 Washington, DC 20001	Farm Credit Council	1,000.00	
Charles M. Walden, 2590 Shiloh Springs Rd., #208 Dayton, OH 45426	National Assn for Middle Class Americans		
Michael Waldman, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen, Inc	500.00	
Angela S. Waldorf, N.C. Petroleum Council P.O. Box 167 Raleigh, NC 27602	American Petroleum Institute		
Robert E. Waldron, Associated Petroleum Industries of Michi 930 Michigan Natl Tower, PO Box 10070 Lansing, MI 48901	American Petroleum Institute	920.00	218.97
Jean A. Walker, 122 C Street, NW, #200 Washington, DC 20001	Council of State Chambers of Commerce		
Charls E. Walker Associates, Inc, 1730 Pennsylvania Ave., NW Washington, DC 20006	Agrico Chemical Company, et al.	9,096.62	
Do	Aluminum Company of America	750.00	
Do	American Telephone & Telegraph Co	3,750.00	
Do	Anheuser-Busch Companies, Inc	8,250.00	
Do	Arthur Andersen & Co		
Do	Bank Capital Markets Assn	6,000.00	
Do	Broadcast Music, Inc	9,375.00	
Do	Champion International Corp	750.00	
Do	Clabir Corp		
Do	Coalition to Preserve Group Workers' Compensation Funds	3,750.00	
Do	CBS Records Group	4,500.00	
Do	CSX Corporation	750.00	
Do	Dresser Industries, Inc	750.00	
Do	First Texas Savings & Loan		
Do	Ford Motor Co	375.00	
Do	Goodyear Tire & Rubber Co	375.00	
Do	Green Bay Packaging, Inc	750.00	
Do	Independent Refiners Coalition		
Do	Leucadia National Corp	12,500.00	
Do	Lone Star Steel Co	1,875.00	
Do	MK-Ferguson Company	5,416.50	
Do	Northville Industries Corp	8,000.00	
Do	Northwestern Mutual Life Insurance Co		
Do	Oppenheimer & Co, Inc		
Do	Quanex Corp	1,500.00	
Do	Southern Company Services, Inc	9,375.00	
Do	Texas Ozone Task Force	1,125.00	
Do	U.S. Fidelity & Guaranty Co	4,500.00	
Do	Union Carbide Corp	375.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Weil Gotshal & Manges		
Do	Weyerhaeuser Company	2,000.00	
Do	Wometco Broadcasting Corp		
Martin A. Wall, 1025 Vermont Avenue, NW, #800 Washington, DC 20005	American Osteopathic Hospital Assn		
R. Duffy Wall & Associates, Inc, 1317 F Street, NW, #400 Washington, DC 20004	Ad Hoc Comm on Coal Taxation	1,500.00	
Do	Bell Atlantic Corp	500.00	
Do	Brinks, Inc	1,000.00	
Do	California Federal Savings & Loan Assn	1,000.00	
Do	Cogentrix, Inc	500.00	
Do	Footwear Retailers of America	1,500.00	
Do	Henley Group	500.00	
Do	Hong Kong Trade Development Council	1,500.00	
Do	JMB Realty Corp	1,000.00	
Do	Life of Virginia	1,000.00	
Do	Morgan Guaranty Trust Co	1,500.00	
Do	New York State Bankers Assn	1,500.00	
Do	Pharmaceutical Manufacturers Assn	1,500.00	
Do	Securities Industry Assn	500.00	
Do	Torchmark Corporation	1,000.00	
Henry Scott Wallace, 1815 H Street, NW, #550 Washington, DC 20006	National Assn of Criminal Defense Lawyers	11,250.00	50.00
Raymond C. Wallace, 5025 Wisconsin Avenue, NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
Wallace & Edwards, 1150 Connecticut Ave., NW, #507 Washington, DC 20036	Alabama Farm Bureau Federation	1,500.00	
Do	American Sugar Cane League	3,750.00	
Do	Amstar Corp	2,500.00	
Do	Cotton Warehouse Assn of America	4,550.00	
Do	Fiber Fabric & Apparel Coalition for Trade	8,750.00	
Do	Flue-Cured Tobacco Cooperative Stabilization Corp	4,375.00	
Do	Merchants Grain & Transportation, Inc	2,500.00	
Do	Service Corporation International	1,875.00	
Lionel L. Wallenrod, 260 Madison Ave. New York, NY 10016	American Paper Institute, Inc		
R. Douglas Wallin Jr., 1235 Jefferson Davis Hwy. Arlington, VA 22202	Emerson Electric Co		
Charles S. Walsh, Fleischmen & Walsh 1725 N St., NW Washington, DC 20036	National Cable Television Assn, Inc		
James P. Walsh, Davis Wright & Jones 1752 N St., NW, #800 Washington, DC 20036	American Tunaboat Assn	9,000.00	
Susan M. Walsh, 1725 De Sales St., NW Washington, DC 20036	Aerospace Industries Assn of America, Inc	10,934.00	
William C. Walsh, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group	3,923.10	
Frank J. Walter, 1745 Jefferson Davis Hwy, #511 Arlington, VA 22202	Manufactured Housing Institute	900.00	100.00
Henry L. Walther, 450 Maple Avenue, E., #204 Vienna, VA 22180	U.S. Defense Committee	3,000.00	
Ralph H. Waltz, P.O. Box 921 Majuro, Marshall Islands	Bikini/Kili/Ejit Council		
William C. Wampler, 412 First Street, SE Washington, DC 20003	Sterling Drug, Inc	2,500.00	
Bonnie B. Wan, 1201 Pennsylvania Avenue, #730 Washington, DC 20004	Kimberly-Clark Corp		
John F. Wanamaker, 201 N. Washington, St. Alexandria, VA 22314	Retired Officers Assn	2,221.00	
Alan S. Ward, 1050 Connecticut Ave., NW, #1100 Washington, DC 20036	Baker & Hostetler (For:Soap & Detergent Assn)		
Justin R. Ward, 1350 New York Avenue, NW, #300 Washington, DC 20005	Natural Resources Defense Council, Inc		
Stephen E. Ward, 1919 Pennsylvania Avenue, NW, #503 Washington, DC 20006	Mid-Continent Oil & Gas Assn	4,677.40	139.50
Richard D. Warden, 1757 N St., NW Washington, DC 20036	Int'l Union, United Auto Aerospace & Agric Implement Workers	18,325.27	98.00
Jack Ware, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	9,765.00	427.80
Michael O. Ware, 1701 Pennsylvania Ave., NW, #900 Washington, DC 20006	E. I. du Pont de Nemours & Co		
Peter F. Warker, Suite 2700 1000 Wilson Boulevard Arlington, VA 22209	TRW, Inc	1,250.00	
Ann D. Warner, 1513 16th St., NW Washington, DC 20036	Air Conditioning Contractors of America	6,250.00	25.80
Ernest R. Warner Jr., 1818 N St., NW Washington, DC 20036	DGA International, Inc (For:Dir Intl Aff of the Gen Del for Armements)	100.00	
Do	DGA International, Inc (For:Sofreavia)	855.00	310.73
Do	DGA International, Inc (For:SNECMA)	692.00	285.01
William H. Warner, 1201 Pennsylvania Avenue, NW Washington, DC 20004	Control Data Corporation	39.00	83.28
Christine M. Warnke, Suite 300 1101 Connecticut Avenue, NW Washington, DC 20036	American Textile Manufacturers Institute, Inc	400.00	172.70
Barbara J. Washburn, 1201 Pennsylvania Avenue, NW, #370 Washington, DC 20004	Control Data Corporation	518.50	124.38
Washington Independent Writers, Inc, 733 15th St., NW, #220 Washington, DC 20005			
Washington Lobby Group, Inc, 325 Pennsylvania Ave., SE Washington, DC 20003	Preston Corp	9,000.00	
Koichi Watanabe, 1850 M St., NW, #600 Washington, DC 20036	Toyota Motor Sales, USA, Inc		
Waterbed Manufacturers Assn, 2500 Wilshire Boulevard, #603 Los Angeles, CA 90057			
Millie Waterman, 5656 Corduroy Road Mentor, OH 44060	National Congress of Parents & Teachers		708.01
Jerry B. Waters, 777 14th Street, NW, #680 Washington, DC 20005	Farmland Industries	2,400.00	
Clarke R. Watson, 769 Detroit Street Denver, CO 80206	Westland Companies, Inc		
John L. Watson III, One World Trade Center, #4511 New York, NY 10048	National Security Traders Assn, Inc	4,375.00	
Leroy Watson, 1616 H Street, NW Washington, DC 20006	National Grange	2,750.00	
Carl E. Watt Jr., 1745 Jefferson Davis Hwy, #1200 Arlington, VA 22202	Rockwell International Corp	9,250.00	135.96
Carolyn Herr Watts, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	50.00	
Douglas R. Watts, 1724 Massachusetts Avenue, NW Washington, DC 20036	National Cable Television Assn, Inc	1,648.00	
George B. Watts, 1155 15th St., NW Washington, DC 20005	National Broiler Council	1,500.00	
Norman E. Watts Jr., RR 1, Box 854 Woodstock, VT 05091	Grocery Manufacturers of America, Inc	3,579.00	1,448.40
William H. Weatherspoon, North Carolina Petroleum Council PO Box 167 Raleigh, NC 27602	American Petroleum Institute	1,000.00	782.80
A. Vernon Weaver, 114 East Capitol Ave. Little Rock, AR 72201	Stephens Inc		
James M. Webb, 801 North 11th Street St., Louis, MO 63101	Sverdrup Corp		
Frederick L. Webber, 1101 16th Street, NW Washington, DC 20036	National Soft Drink Assn		
Webster & Sheffield, 1200 New Hampshire Ave., NW, #350 Washington, DC 20036	Asarco Corporation		
Do	Colorado SSC Project		
Do	Interstate Natural Gas Assn of America		
Do	Mazda Motor Manufacturing (USA) Corp		
Do	Newmont Mining Corp		
Webster Chamberlain Bean & McKevitt, 1747 Pennsylvania Ave., NW, #1000 Washington, DC 20006	Better Working Environments, Inc		
Do	International Taxicab Assn		
Do	Kelly Assisted Living	500.00	45.00
Do	Kelly Services, Inc		
Do	Miller Brewing Co	2,500.00	126.00
Do	National Assn of Wholesaler-Distributors	1,000.00	
Do	National Fed of Independent Business	2,000.00	100.00
Do	Waterbed Manufacturers Assn		
Charles W. Wegner Jr., 400 N. Washington St. Alexandria, VA 22314	National Assn of Professional Insurance Agents	700.00	30,200.00
Edward L. Weidenfeld, 1155 21st Street, NW, #400 Washington, DC 20036	Pillsbury Madison & Sutro (for Southern Company Services)		
Weil Gotshal & Manges, 1615 L Street, NW, #700 Washington, DC 20036	Chevron Corp	9,500.00	60.00
Do	TIME, Inc	9,120.00	50.00
Steven A. Wein, 1090 Vermont Avenue, NW, #1100 Washington, DC 20005	Textron, Inc	600.00	150.00
Nancy Weinberg, 2001 L St., NW, #506 Washington, DC 20036	Chlorine Institute, Inc		214.80
Weiner McCaffrey Brodsky & Kaplan, P.C., 1350 New York Ave., NW, #800 Washington, DC 20005	National Manufactured Housing Finance Assn	2,210.50	32.80
Donald G. Weinert, 1420 King St. Alexandria, VA 22314	National Society of Professional Engineers	1,500.00	
Arthur E. Weisberg, 2200 First Bank Place East Minneapolis, MN 55402	Dorsey & Whitney		
Arthur A. Weiss, 1800 First National Building Detroit, MI 48226	Jaffe Snider Raitt & Heuer, P.C.		
David Weiss, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	1,250.00	200.76
Don Welch, P.O. Box 841 Abilene, TX 79604	West Texas Utilities Co		
John F. Welch, 655 15th Street, NW, #1200 Washington, DC 20005	Safe Buildings Alliance		
Kathleen Welch, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group	4,384.62	
Jerry Welcome, P.O. Box 3556 Washington, DC 20007	American Meat Institute	2,000.00	
Paul S. Weller Jr., 1629 K St., NW, #1100 Washington, DC 20006	American Soc of Composers Authors & Publishers	7,500.00	
Do	Old Republic Companies	3,000.00	3,625.00
Wellford Wegman & Hoff, 1775 Pennsylvania Ave., NW, #450 Washington, DC 20006	American Business Conference		
Do	Canadian Embassy	3,375.00	
Do	Center for Responsive Politics		
Do	Department of Natural Resources, Province of Manitoba	900.00	
Do	Grants & Contracts Projects, United Way of America		
Do	J&B Management Company	750.00	
Do	Long Lake Energy Corp	500.00	
Do	Manville Corporation	1,500.00	
Do	Ministry of the Environment	3,125.00	
Do	Mitex	3,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	National Corp for Housing Partnerships	500.00	
Do	National Hydro Assn		
Do	National Independent Energy Producer's Hydro Tax Reform Comm	2,000.00	
Do	National Independent Energy Producers	1,200.00	
Do	VMS Realty		
Do	YMCA of the USA	2,000.00	
L. H. Wells, Suite 200 1025 Connecticut Avenue, NW Washington, DC 20036	Shell Oil Co	500.00	
Philip A. Wenk, Independence Tower #760 5755 Granger Road Independence, OH 44131	OHIO, Inc		
Eleanor Wenner, 1025 Connecticut Avenue, NW Washington, DC 20036	Health Insurance Assn of America, Inc		
Carol Werner, 1525 New Hampshire Ave., NW Washington, DC 20036	Environmental Action, Inc	6,545.00	58.00
Fred Wertheimer, 2030 M St., NW Washington, DC 20036	Common Cause	17,272.50	382.00
Roland Wesley, 1159 Quail Run Bolingbrook, IL 60439	Committee for Minor. Access to Post Second. School Ownership		
Charles M. West, 205 Daingerfield Road Alexandria, VA 22314	National Assn of Retail Druggists	1,500.00	300.00
Ford B. West, 1015 18th Street, NW Washington, DC 20036	Fertilizer Institute	25,000.00	565.93
Joy Cherie West, 1629 K St., NW, #715 Washington, DC 20006	City of Detroit		2,326.39
W. P. West Jr., 1629 K Street, NW, #204 Washington, DC 20006	Delta Air Lines, Inc	273.00	172.76
West Mexico Vegetable Distributors Assn, PO Box 848 Nogales, AZ 85621			1,000.00
Harry H. Westbay III, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.	300.00	111.40
Western Fuels Association, Inc, 1625 M St., NW Washington, DC 20036			16,521.87
John F. Wetzel Jr., 50 F St., NW Washington, DC 20001	Association of American Railroads	253.75	22.90
William Wewer, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security	30,668.00	
Wexler Reynolds Harrison & Schule, Inc, 1317 F Street, NW, #600 Washington, DC 20004	Aetna Life & Casualty		
Do	Allied-Signal, Inc	2,200.00	
Do	American Airlines, Inc	6,125.00	359.55
Do	Americans For Safe & Competitive Trucking	400.00	118.08
Do	Bank Capital Markets Association	1,666.66	
Do	Blue Cross & Blue Shield Assn	3,325.00	
Do	Communications Satellite Corp	9,750.00	28.00
Do	Coopers & Lybrand	1,725.00	48.00
Do	Ethigen Corp		
Do	Foothills Pipe Lines (Yukon) Ltd	1,987.50	44.70
Do	General Motors Corp		
Do	Health Policy Agenda for the American People		
Do	Manville Corporation	250.00	
Do	Monarch Capitol Corp	100.00	
Do	Motion Picture Assn of America, Inc	4,800.00	148.16
Do	Mullen Advertising	1,418.75	31.00
Do	MCI Communications Corp	4,980.00	63.08
Do	National Assn of Business Political Action Committees	720.00	164.60
Do	New England Electric System		
Do	Nova, An Alberta Corp		
Do	Novacor Chemicals, Ltd	112.50	27.08
Do	Radio Assn Defending Airwave Rights, Inc		
Do	Spanish Int'l Communications Corp		
Do	Springs Industries, Inc	2,950.00	38.00
Do	Training Media Distributors Assn		
Do	Viacom International, Inc	1,020.00	32.00
Brian B. Whalen Jr., 401 N. Michigan Ave. Chicago, IL 60611	Navistar International Transportation Corp	1,250.00	1,364.13
Ellan Wharton, 1701 Pennsylvania Avenue, NW, #900 Washington, DC 20006	E. I. du Pont de Nemours & Co		
Leonard P. Wheat, 1111 14th St., NW, #1200 Washington, DC 20005	American Dental Assn		
Clyde A. Wheeler Jr., Bishop Liberman Cook Purcell & Reynolds 1200 17th Street, NW Washington, DC 20036	American Petroleum Institute		
Do	Kidder Peabody & Co, Inc		
June M. Whelan, Suite 600 S 1120 20th Street, NW Washington, DC 20036	Union Pacific Corp	1,250.00	
John C. Whitaker, 2021 L Street, NW, #320 Washington, DC 20036-4909	Union Camp Corporation	2,165.00	26.75
Deborah A. White, 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co	447.44	
George E. White Jr., P.O. Box 61000 New Orleans, LA 70161	MSU System Services, Inc	2,815.36	399.20
John C. White, 1899 L Street, NW, #500 Washington, DC 20036	Camp Barsh Bates & Tate	20,000.00	
Do	Chicago Mercantile Exchange	5,000.00	
Do	Coastal Corp	12,500.00	
Do	Comtran, Ltd		
Do	Louis Dreyfus Corp		
Do	Tobacco Institute		
John Thomas White II, Suite 2202 490 L'Enfant Plaza East, SW Washington, DC 20024	Tenneco, Inc		
Larry White, 1909 K St., NW Washington, DC 20049	American Assn of Retired Persons	461.53	168.00
Margita E. White, 1730 M Street, NW, #407 Washington, DC 20036	Television Operators Caucus, Inc		
Raymon M. White Jr., 5501 Seminary Road, Apt. 2211-South Falls Church, VA 22041	Harris Corporation	3,500.00	7,886.99
Sam White, 412 First St., SE, #40 Washington, DC 20003	American Beekeeping Federation		
Do	Independent Cattlemen's Assn		
Do	National Agricultural Chemicals Assn	15,000.00	
Do	National Peanut Growers Group	6,000.00	
Do	Nuclear Waste Task Force	7,500.00	
Do	Sam Kane Packing		
Steven C. White, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn		
Whiteford Taylor & Preston, 888 17th St., NW, #900 Washington, DC 20006	Uniformed Services Disabled Retirees	28,284.00	7,552.68
Richard M. Whiting, 730 15th Street, NW Washington, DC 20005	Association of Bank Holding Cos	1,250.00	
Elizabeth D. Whitley, 499 S. Capitol Street, SW, #411 Washington, DC 20003	National Council of Agricultural Employers	2,500.00	400.00
James A. Whitman, P.O. Box 1417-D49 Alexandria, VA 22313	National Assn of Chain Drug Stores, Inc	500.00	
Steven C. Whitney, 1400 Eye Street, NW Washington, DC 20005	National Parks & Conservation Association		
William F. Whitsitt, 555 13th St., NW, #1010 East Washington, DC 20004-1109	Sun Co, Inc	1,650.00	434.66
Pamela J. Whitted, 1700 K St., NW, #502 Washington, DC 20006	Pacific Resources, Inc	500.00	
William E. Wickert Jr., 1000 16th Street, NW, #800 Washington, DC 20036	Bethlehem Steel Corp	350.00	
Wickham & Geske, 2300 N St., NW, #600 Washington, DC 20037	Reliance Group Holdings, Inc		
Wickwire Lewis Goldmark & Schoor, 500 Maynard Bldg. Seattle, WA 98104	Arctic Slope Regional Corp		
Mary Frances Widner, 1455 Pennsylvania Ave, NW Washington, DC 20004	American Inst of Certified Public Accountants	500.00	7,047.50
Phillip R. Wiedmeyer, 600 North 18th Street Birmingham, AL 35291	Alabama Power Co	18,020.35	11,896.24
W. Scott Wilber, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	3,975.00	
Thomas D. Wilcox, 2011 Eye Street, NW, #601 Washington, DC 20006	National Assn of Stevedores	3,660.00	280.00
Wiley Rein & Fielding, 1776 K St, NW, 12th Fl. Washington, DC 20006	Chaparral Steel Co	400.00	
Do	Committee of Domestic Nitrogen Producers	720.00	
Do	CBS, Inc		
Do	Georgetown Industries	1,200.00	
Do	Oklahoma Steel & Wire Co	240.00	
Do	Raritan River Steel Co		
Do	Steel Bar Mills Assn		
Do	Wire Reinforcement Institute	360.00	
Guenther O. Wilhelm, Suite 1100 1899 L Street, NW Washington, DC 20036	Exxon Corporation		
Carl B. Wilkerson, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Wilkinson Barker Knauer & Quinn, 1735 New York Ave., NW Washington, DC 20006	American Assn of Presidents of Independent Colleges & Univs	18,417.00	505.07
Do	Apache Corporation		
Do	Bonneville International Corp	2,670.00	
Do	Central States Health & Life Co of Omaha		
Do	Empire Blue Cross & Blue Shield		
Do	Greenwich Capitol Markets	5,000.00	
Do	Manville Corporation	12,720.34	1,442.96
Do	National Assn of Independent Colleges & Universities	231.00	0.40
Do	J. C. Penney Co, Inc	17,500.00	542.70
Do	Shee Atika, Inc		
Do	SPC Securities Services Corp	7,500.00	
Ralph E. Willham, 1750 New York Ave., NW Washington, DC 20006	Sheet Metal Workers International Assn	14,220.00	
Annelise Williams, 1250 Connecticut Avenue, NW Washington, DC 20036	National Forest Products Assn	1,200.00	
Faith Williams, 600 New Hampshire Ave., NW Washington, DC 20037	New York Life Insurance Company		
Floyd L. Williams, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Lee Williams, 1616 H St., NW Washington, DC 20006	American Retail Federation	800.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Leonard B. Williams, 1000 16th Street, NW, #800 Washington, DC 20036	Bethlehem Steel Corp	150.00	
Lucinda L. Williams, 1155 15th Street, NW, #400 Washington, DC 20005	National Medical Enterprises, Inc	4,980.00	
Margie R. Williams, 415 2nd St., NE, #300 Washington, DC 20002	National Assn of Wheat Growers	2,112.12	
Peter Williams, 2030 M St., NW Washington, DC 20036	Common Cause	362.50	
Robert E. Williams, 1707 L Street, NW, #300 Washington, DC 20035-4202	United Airlines, Inc	1,500.00	
Williams & Connolly, 839 17th St., NW Washington, DC 20006	Institute for Clinical Research, Inc		
David K. Willis, 1620 Eye Street, NW, #1000 Washington, DC 20006	Motor Vehicle Manufacturers Assn of the U.S., Inc		
Wayne D. Willis, 1025 Connecticut Ave., NW, #704 Washington, DC 20036	GA Technologies, Inc	795.00	43.50
Willkie Farr & Gallagher, 1155 21st St., NW Washington, DC 20001	American Trucking Assns, Inc		
Do	AOC International, Inc	450.00	
Do	Companhia Siderurgica Paulista (COSIPA)		
Do	Comptroller of the State of New York	800.00	
Do	Council of Institutional Investors		
Do	Ferro Union		
Do	Japan Iron & Steel Exporters' Assn		
Do	LEGI-SLATE		
Do	Tatung Corp	450.00	
Do	Westinghouse Electric Corp		
Do	Yamaha Motor Co, Ltd, et al.		
Charlotte M. Wilmer, 1730 Rhode Island Ave., NW Washington, DC 20036	National Solid Wastes Management Assn	200.00	
Wilmer Cutler & Pickering, 2445 M Street, NW Washington, DC 20037-1420	American Broadcasting Co, Inc, et al		
Do	American Cyanamid Co	432.50	217.65
Do	American Honda Motor Co, Inc	1,462.50	
Do	American Textile Manufacturers Industries, Inc		
Do	Apache Corporation		
Do	Capital Cities/ABC, Inc		
Do	Citicorp		
Do	CPC International, Inc		
Do	Handgun Control, Inc		
Do	National Assn of Broadcasters		
Do	People of Enewetak	1,265.63	10.00
Do	RMI Company		
Do	University Patents, Inc		
Do	World Wildlife Fund		690.75
Craig S. Wilson, 4500 Vestal Parkway East Binghamton, NY 13903	New York State Electric & Gas Corp		
Dena L. Wilson, Suite 1000 1600 Wilson Blvd. Arlington, VA 22209	American Waterways Operators, Inc	5,000.00	244.20
Don T. Wilson, 1250 I Street, NW, #400 Washington, DC 20005	National Tire Dealers & Retreaders Assn	1,025.00	26.00
Dorothy Wilson, 1000 Connecticut Ave., NW, #1107 Washington, DC 20036	Coalition of Concerned Charities		
G. Peter Wilson, 249 Maitland Avenue P.O. Box 1119 Altamonte Springs, FL 32701	Institute of Internal Auditors, Inc		
Patrick Wilson, 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Robert Gary Wilson, 1730 Rhode Island Avenue, NW Washington, DC 20036	PPG Industries, Inc	40.00	8.40
William F. Wilson, 231 W. Michigan Street Milwaukee, WI 53201	Wisconsin Electric Power Co		
John P. Winburn, Winburn Associates, Inc 453 New Jersey Ave., SE Washington, DC 20003	American Assn of Equipment Lessors	9,000.00	
Do	American Automotive Leasing Assn	6,000.00	1,012.04
Do	Beneficial Management Corp	30,000.00	
Do	Burlington Northern, Inc	15,000.00	
Do	Coalition to Preserve Group Worker's Compensation Funds	25,000.00	
Do	Gray Communications Systems, Inc	12,000.00	
Do	Green Bay Packaging Co		
Do	GEO Products		
Do	Hospital Coalition	30,000.00	
Do	Leggett & Platt	12,000.00	
Do	McLouth Steel Products Corp		
Do	National Assn of ASCS County Office Employees	2,490.00	
Do	Pennzoil Co	15,000.00	
Do	Quanex Corp	15,000.00	
Do	Rosenberg Real Estate Equity Fund, Inc		
Do	Ruan Transport Corp	27,000.00	
Do	U.S. Air, Inc	27,000.00	
Windels Marx Davies & Ives, 1701 Pennsylvania Avenue, NW Washington, DC 20006	Onkyo Corp		243.95
Joseph B. Winkelmann, 1250 Connecticut Ave., NW, #620 Washington, DC 20036	American Resort & Residential Development Assn		
Do	National Assn of the Remodeling Industry		
Kathleen J. Winn, 1155 15th St., NW, #600 Washington, DC 20005-2770	Pennzoil Co	475.00	
Winstead Mcguire Sechrest & Minick, P.C., 5400 Renaissance Tower Dallas, TX 75270	Real Estate Council	4,720.00	396.95
David A. Winston, 1922 F Street, NW Washington, DC 20006	National Assn of Life Underwriters	656.25	73.50
Winston & Strawn, 2550 M St., NW, #500 Washington, DC 20037	American Assn of Museums		
Do	Beatrice Foods Co		
Do	City of Tucson		
Do	Council of Forest Industries of British Columbia	130.00	70.00
Do	CNA Financial Corp		
Do	Emerson Radio Corp		
Do	Gould, Inc		
Do	Hanson Industries		
Do	International Council of Shopping Centers	765.00	9.00
Do	Lease Management Corp		
Do	National Audubon Society		
Do	National Council of Health Facilities Finance Authorities		
Do	Penox Technologies		
Do	Queen City Home Health Care		
Do	Syntex Laboratories, Inc		
Do	Terson Company, Inc		
Winthrop & Weinstine, 1800 Conwed Tower, 444 Cedar Street St. Paul, MN 55101	Otto Bremer Foundation		
Winthrop Stimson Putnam & Roberts, 1155 Connecticut Ave., NW, #1000 Washington, DC 20036	Alaska Native Coalition		
Do	America West Airlines, Inc		30.00
Do	Amoco Performance Products, Inc		
Do	Bowater, Inc	10,150.00	6.50
Do	BASF Structural Materials, Inc		
Do	BASF, Corp		
Do	Connecticut Liquidity Investment Fund, Inc		
Do	Defense Products Division of Kongsberg Vapenfabrikk A/A Mfg		34.75
Do	E. F. Hutton & Co, Inc		
Do	Fiberite Corp		
Do	Fusion Systems Corp		
Do	Hercules Aerospace Co		
Do	Irving Bank Corp		
Do	IBJ Schroder Bank & Trust Co		
Do	National Vehicle Leasing Assn		
Do	Navajo Nation		
Do	Norsk Forsvarsteknologi A/S		
Do	Patrolmen's Benevolent Assn		
Do	QO Chemicals, Inc		
Do	Singer Co		
Do	Thrifty Rent-A-Car System, Inc		41.03
Walter J. Witek Jr., 777 14th St., NW Washington, DC 20005	National Assn of Realtors		
Claudia A. Withers, 2000 P Street, NW, #400 Washington, DC 20036	Women's Legal Defense Fund		
Glenn P. Witte, 888 16th St., NW Washington, DC 20006	Milk Industry Foundation/Int'l Assn of Ice Cream Mfrs		
Herman C. Witthaus, 1660 L St., NW Washington, DC 20036	General Motors Corp	2,000.00	588.32
James Wolf, 1925 K St., NW, #206 Washington, DC 20006	Alliance to Save Energy	143.18	
James E. Wolf, 2020 14th St., North Arlington, VA 22201	American Standard Inc	1,500.00	
Megan McGrath Wolfe, 1726 M Street, NW, #300 Washington, DC 20036	Schering-Plough Corp		
Sidney M. Wolfe, 2000 P St., NW, #708 Washington, DC 20036	Public Citizen Health Research Group	13.00	14.99
Ronald Wolsey, One North Charles St., #1520 Baltimore, MD 21201	Amoco Corporation		
Don Womack, Suite 303 1825 K St., NW Washington, DC 20006	Texas Utilities Services, Inc	3,175.00	103.44

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
John L. Wood, 2121 San Jacinto St. P.O. Box 660164 Dallas, TX 75266	Central & South West Corp		
S. Roy Woodall Jr., 1455 Pennsylvania Ave., NW, #530 Washington, DC 20005	National Assn of Life Companies	1,393.75	250.00
Perry W. Woofter, Suite 530 1800 K St. NW Washington, DC 20006	Tesoro Petroleum Corp	3,000.00	
Howard E. Woolley, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	1,500.00	450.00
Linda Anzalone Woolley, 1600 M St., NW Washington, DC 20036	International Telephone & Telegraph Corporation		
Dee Workman, 405 Lexington Ave. New York, NY 10017	Mobil Oil Corp		
Worldwide Information Resources, Ltd, 1717 K Street, NW, #706 Washington, DC 20006	Avon Products, Inc		
Do	Equitable Life Assurance Society of the U.S		
Do	Pan American World Airways, Inc		
Do	Toshiba America, Inc		
Do	Toyota Motor Sales, USA, Inc		
Do	Transportation Group, Inc		
W. Robert Worley, 1101 17th Street, NW, #405 Washington, DC 20036	Southern Company Services, Inc	969.00	2,812.76
David A. Wormser, Pepper Hamilton & Scheetz 1777 F Street, NW Washington, DC 20006	Norlight, Inc		
Worthington Associates, 2132 Southbay Lane Reston, VA 22091	HRM		
Joseph T. Wrabek, Box 70 Cascade Locks, OR 97014	Columbia Gorge United		
David L. Wray, 20 North Wacker Drive Chicago, IL 60606	Profit Sharing Council of America		
Alan D. Wright, P.O. Box 94661 Cleveland, OH 44101-4661	Centerior Energy Corp, et al		
David L. Wright, Anderson Hill Rd. Purchase, NY 10577	Pepsico, Inc		81.50
Kenneth Wu, 1755 Jefferson Davis Highway, #900 Arlington, VA 22202	Gould, Inc	2,825.00	1,324.62
Wunder & Diefenderfer, 1615 L St., NW, #650 Washington, DC 20036	Airship Industries, Ltd	5,306.25	146.40
Do	Alliance of American Insurers	4,225.00	59.59
Do	BellSouth Corp		
Do	Bohemia Lumber Co	888.75	10.52
Do	Donohoe Construction Co, Inc		
Do	Enserch Corporation		
Do	Georgia-Pacific Corp		
Do	Hospital Corp of America		
Do	Interlocking Directorate Reform Coalition		578.93
Do	Johnson-Simmons Co	4,125.10	170.55
Do	Marriott Corp	4,966.10	908.05
Do	Metropolitan Insurance Co	11,500.00	925.00
Do	Mortgage Guarantee Insurance Corp	2,300.00	32.48
Do	MDRX, Inc		
Do	National Cable Television Assn, Inc	4,166.00	42.99
Do	Northwestern Mutual Life Insurance Co	2,500.00	156.15
Do	Pennsylvania Higher Education Assistance Agency	90.00	
Do	Shared Medical Systems (SMS)		
Do	Solar Turbines, Inc		391.97
Do	Sony Corp of America	12,925.00	218.63
Do	State of North Carolina		
Do	Texas Oil & Gas Corp		
Do	Tobacco Institute		
Do	U.S. Telephone Assn	2,829.55	
Thomas L. Wylie, 555 13th St., NW, #1010 East Washington, DC 20004-1109	Sun Co, Inc	1,519.00	14.60
Lucia Wyman, 1401 Elm St., #4100 Dallas, TX 75202	Cattle Resources, Inc		
Do	Swift Independent Corp	5,000.00	564.45
Wyman Bautzer Christensen Ruchel & Silbert, 2300 N Street, NW, #600 Washington, DC 20037	American Boiler Manufacturers Assn, Inc		
Do	Eklutna, Inc		
Marc D. Yacker, 1250 Connecticut Ave., NW Washington, DC 20036	American Paper Institute, Inc	450.00	
T. Albert Yamada, Suite 520 900 17th St., NW Washington, DC 20006	Toyota Motor Sales, USA, Inc	500.00	
Do	West Mexico Vegetable Distributors Assn	500.00	
Nancy Foster Yanish, 1750 K Street, NW Washington, DC 20006	Food Marketing Institute	200.00	
Mary J. Yarrington, 2000 K St., NW, 7th Foor Washington, DC 20006	National Comm to Preserve Social Security	2,500.00	
Edward R. Yawn, 1111 19th St., NW Washington, DC 20036	Edison Electric Institute	2,208.25	437.06
Kim Yelton, 8120 Fenton St. Silver Spring, MD 20910	Americans United for Separation of Church and State	8,116.67	117.78
Jack Yelverton, 1303 New Hampshire Ave., NW Washington, DC 20036	Fleet Reserve Assn		
Richard K. Yep, 5999 Stevenson Avenue Alexandria, VA 22304	American Assn for Counseling & Development	7,593.00	
Paul Yestrumskas, Gate Post Lane Southbury, CT 06488	Timex Group Ltd	270.00	
Mehmet Yildiz, 1559 Rockville Pike, #78 Rockville, MD 20852	Citizens Alliance, Inc	2,400.00	2,400.00
Edward L. Yingling, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	6,000.00	
Larry E. Yoakam, 650 S. Front Street Columbus, OH 43206	Grange Mutual Casualty Co		
D. Scott Yohe, 1629 K St., NW, #204 Washington, DC 20006	Delta Air Lines, Inc	390.00	392.10
Andrew Yood, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	200.00	
Edward A. Yopp, 1200 Golden Key Circle, #141 El Paso, TX 79925	West Texas Higher Education Servicing Corp		
Eugene S. Young, 905 L'Enfant Plaza, North, SW Washington, DC 20024	Honda North America, Inc	200.00	35.93
Robert A. Young, 12248 Turkey Creek Ct. Maryland Heights, MO 63043	Brown & Associates	3,000.00	428.65
Thomas F. Youngblood, 1819 L Street, NW, #600 Washington, DC 20036	American Hotel & Motel Assn	1,803.04	
Betsy Younkins, 1220 L Street, NW, #1200 Washington, DC 20005	American Petroleum Institute	6,000.00	295.32
Eugene A. Yourch, 50 Broadway New York, NY 10004	Federation of American Controlled Shipping	200.00	
David E. Yudin, 1707 H Street, NW, #500 Washington, DC 20006	Bus Transit Caucus	637.00	
Do	Regional Transportation District	1,584.00	
Laurence E. Zabar, 11 Mystic Road Marblehead, MA 01945	Warren H. Suss Associates		
Michael Zagorac Jr., 8333 Bryan Dairy Rd. P.O. Box 4689 Clearwater, FL 33518	Jack Eckerd Corp		
Lynn Zakupowsky, 1331 Pennsylvania Ave., NW Washington, DC 20004	General Electric Co	1,250.00	
John S. Zapp, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	4,900.00	
Janice Zarro, 1660 L Street, NW, #915 Washington, DC 20036	Avon Products, Inc		
Leo C. Zeferetti, 9912 Fort Hamilton Parkway Brooklyn, NY 11209	Building & Construction Trades Dept, AFL-CIO		
Do	New York Telephone		
Do	Pratt & Whitney		
Denis R. Zegar, 201 Park Washington Court Falls Church, VA 22046	National-American Wholesale Grocers' Assn	3,000.00	
Geoffrey Zeh, 12050 Woodward Avenue Detroit, MI 48203-3596	Brotherhood of Maintenance of Way Employes		
Philip F. Zeidman, 1401 New York Ave., NW, #900 Washington, DC 20005	American Business Conference, Inc		
Don J. Zeller, 1615 M Street, NW, #200 Washington, DC 20036	Amoco Corporation	1,850.00	276.68
Mitchell Zeller, 1501 16th Street, NW Washington, DC 20036	Center for Science in the Public Interest	600.00	61.00
Carl A. Zichella, 214 N. Henry St., #203 Madison, WI 53703	Sierra Club	2,034.25	1,121.49
Ronald L. Ziegler, 1199 N. Fairfax Street, #801 Alexandria, VA 22314	National Assn of Truck Stop Operators, Inc		
Zuckert Scoutt Rasenberger & Johnson, 888 17th St., NW, #600 Washington, DC 20006-3959	National Comm of Cities & States for Airline Service	9,626.74	1,728.00
Charles O. Zuver, 805 15th St., NW, #300 Washington, DC 20005	American Bankers Assn	1,666.00	
Kurt D. Zwikl, 702 Hamilton Mall Allentown, PA 18101	Merchants Bank		
23rd Congressional District Action Comm, 575 Charles St. St. Marys, PA 15857			

QUARTERLY REPORTS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following reports for the second calendar quarter of 1987 were received too late to be included in the published reports for that quarter:

(NOTE.—The form used for report is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective headings. This page (Page 1) is designed to supply identifying data, and Page 2 deals with financial data.)

PLEASE RETURN 1 ORIGINAL TO: THE CLERK OF THE HOUSE OF REPRESENTATIVES, OFFICE OF RECORDS AND REGISTRATION, 1036 LONGWORTH HOUSE OFFICE BUILDING, WASHINGTON, D.C. 20515

PLEASE RETURN 1 ORIGINAL TO: THE SECRETARY OF THE SENATE, OFFICE OF PUBLIC RECORDS, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19 . . . . . ◆

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

Is this an Amendment?
☐ YES ☐ NO

IDENTIFICATION NUMBER

NOTE on ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

- (i) *"Employee"*.—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)
- (ii) *"Employer"*.—To file as an "employer", write "None" in answer to Item "B".

(b) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

- (i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.
- (ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

☐ CHECK IF ADDRESS IS DIFFERENT THAN PREVIOUSLY REPORTED

NOTE on ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER—State name, address, and nature of business. If there is no employer, write "None."

NOTE on ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, place an "X" in the box at the left, so that this Office will no longer expect to receive Reports. ☐

2. State the general legislative interests of the person filing and set forth the specific legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) description, (*b*) quantity distributed, (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed.)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and, if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. *If this is a "Quarterly" Report, disregard this item "C4" and fill out items "D" and "E" on the back of this page.* Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly Report."◆

STATEMENT OF VERIFICATION

[Omitted in printing]

PAGE 1◆

NOTE on ITEM "D."—*(a)* IN GENERAL. The term "contribution" includes *anything of value.* When an organization or individual uses printed or duplicated matter in a campaign attempting to influence legislation, money received by such organization or individual—for such printed or duplicated matter—is a "contribution." "The term 'contribution' includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution"—§ 302(a) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN EMPLOYER.—(i) *In general.* Item "D" is designed for the reporting of all receipts from which expenditures are made, or will be made, in connection with legislative interests.

(ii) *Receipts of Business Firms and Individuals.*—A business firm (or individual) which is subject to the Lobbying Act by reason of expenditures which it makes in attempting to influence legislation—but which has no funds to expend except those which are available in the ordinary course of operating a business not connected in any way with the influencing of legislation—will have no receipts to report, even though it does have expenditures to report.

(iii) *Receipts of Multi-purpose Organizations.*—Some organizations do not receive any funds which are to be expended solely for the purpose of attempting to influence legislation. Such organizations make such expenditures out of a general fund raised by dues, assessments, or other contributions. The percentage of the general fund which is used for such expenditures indicates the percentage of dues, assessments, or other contributions which may be considered to have been paid for that purpose. Therefore, in reporting receipts, such organizations may specify what that percentage is, and report their dues, assessments, and other contributions on that basis. However, each contributor of $500 or more is to be listed, regardless of whether the contribution was made solely for legislative purposes.

(c) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE.—(i) *In general.* In the case of many employees, all receipts will come under Items "D 5" (received for services) and "D 12" (expense money and reimbursements). In the absence of a clear statement to the contrary, it will be presumed that your employer is to reimburse you for all expenditures which you make in connection with legislative interests.

(ii) *Employer as Contributor of $500 or More.*—When your contribution from your employer (in the form of salary, fee, etc.) amounts to $500 or more, it is not necessary to report such contribution under "D 13" and "D 14," since the amount has already been reported under "D 5," and the name of the "employer" has been given under Item "B" on page 1 of this report.

D. RECEIPTS (INCLUDING CONTRIBUTIONS AND LOANS):

Fill in every blank. If the answer to any numbered item is "None," write "NONE" in the space following the number.

Receipts (other than loans)

1. $..............Dues and assessments
2. $..............Gifts of money or anything of value
3. $..............Printed or duplicated matter received as a gift
4. $..............Receipts from sale of printed or duplicated matter
5. $..............Received for services (e.g., salary, fee, etc.)
6. $..............TOTAL for this Quarter (Add "1" through "5")
7. $..............Received during previous Quarters of calendar year
8. $..............TOTAL from Jan. 1 through this Quarter (Add "6" and "7")

Loans Received—"The term 'contribution' includes a . . . *loan* . . ."—§ 302(a).

9. $..............TOTAL now owed to others on account of loans
10. $..............Borrowed from others during this Quarter
11. $..............Repaid to others during this Quarter

12. $..............."Expense Money" and Reimbursements received this Quarter.

Contributors of $500 or More (from Jan. 1 through this Quarter)

13. Have there been such contributors?
Please answer "yes" or "no": ....

14. In the case of each contributor whose contributions (including loans) during the "period" from January 1 through the last day of this Quarter, total $500 or more:

Attach hereto plain sheets of paper, approximately the size of this page, tabulate data under the headings "Amount" and "Name and Address of Contributor"; and indicate whether the last day of the period is March 31, June 30, September 30, or December 31. Prepare such tabulation in accordance with the following example:

Amount	*Name and Address of Contributor* *("Period"* from Jan. 1 through............................., 19.......)
$1,500.00	John Doe, 1621 Blank Bldg., New York, N.Y.
$1,785.00	The Roe Corporation, 2511 Doe Bldg., Chicago, Ill.
$3,285.00	TOTAL

NOTE on ITEM "E".—*(a)* IN GENERAL. "The term 'expenditure' includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure"—§ 302 (b) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE. In the case of many employees, all expenditures will come under telephone and telegraph (Item "E 6") and travel, food, lodging, and entertainment (Item "E 7").

E. EXPENDITURES (INCLUDING LOANS) IN CONNECTION WITH LEGISLATIVE INTERESTS:

Fill in every blank. If the answer to any numbered item is "None," write "NONE" in the spaces following the number.

Expenditures (other than loans)

1. $..............Public relations and advertising services
2. $..............Wages, salaries, fees, commissions (other than Item "1")
3. $..............Gifts or contributions made during Quarter
4. $..............Printed or duplicated matter, including distribution cost
5. $..............Office overhead (rent, supplies, utilities, etc.)
6. $..............Telephone and telegraph
7. $..............Travel, food, lodging, and entertainment
8. $..............All other expenditures
9. $..............TOTAL for this Quarter (Add "1" through "8")
10. $..............Expended during previous Quarters of calendar year
11. $..............TOTAL from Jan. 1 through this Quarter (Add "9" and "10")

Loans Made to Others—"The term 'expenditure' includes a . . . *loan* . . ."—§ 302 (b).

12. $..............TOTAL now owed to person filing
13. $..............Lent to others during this Quarter
14. $..............Repayments received during this Quarter

15. *Recipients of Expenditures of $10 or More*______________

If there were no single expenditures of $10 or more, please so indicate by using the word "NONE".

In the case of expenditures made during this Quarter by, or on behalf of, the person filing: Attach plain sheets of paper approximately the size of this page and tabulate data as to expenditures under the following heading: "Amount," "Date or Dates," "Name and Address of Recipient," "Purpose." Prepare such tabulation in accordance with the following example:

Amount	*Date or Dates—Name and Address of Recipient—Purpose*
$1,750.00	7-11: Roe Printing Co., 3214 Blank Ave., St. Louis, Mo.—Printing and mailing circulars on the "Marshbanks Bill."
$2,400.00	7-15, 8-15, 9-15: Britten & Blaten, 3127 Gremlin Bldg., Washington, D.C.—Public relations service at $800.00 per month.
$4,150.00	TOTAL

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
A-K Associates, Inc, 1024 10th Street, #300 Sacramento, CA 95814	American Ambulance Assn	14,666.64	5,446.53
Do	Director of Timber Counties Coalition	16,500.00	3,136.77
Do	Golden Gate Bridge Highway & Transportation District	6,300.00	3,136.77
Do	Hemet Valley Flying Service		
Do	Tobacco Institute	25,425.00	3,136.77
Paul C. Abenante, 1111 14th St., NW, #300 Washington, DC 20005	American Bakers Assn	1,300.60	4.00
Samuel F. Abernethy, Four World Trade Center, 8th Fl. New York, NY 10048	Coffee Sugar & Cocoa Exchange, Inc		
Albert E. Abrahams, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	8,000.00	384.45
Kenneth R. Adams, 2211 Congress Street Portland, ME 04122	UNUM Life Insurance Co	500.00	95.55
Marsha Nye Adler, 1424 16th St., NW, #601 Washington, DC 20036	People for the American Way	4,341.33	
Agency for Instructional Technology, Box A Bloomington, IN 47401			
Aker Associates, Inc, 1350 New York Ave., NW, #700 Washington, DC 20005	Independent Refiners Coalition		
Do	Semiconductor Industry Association	2,235.00	412.00
Nancy C. Alexander, 245 Second Street, NE Washington, DC 20002	Friends Comm on National Legislation	4,391.19	
Susan Alexander, 1400 Eye St., NW, 10th floor Washington, DC 20005	Wilderness Society	1,256.51	903.51
William E. Allen, 1111 14th Street, NW Washington, DC 20005	American Dental Assn	1,000.00	
Alliance for Rail Competition, 1120 G St., NW, #800 Washington, DC 20005		9,000.00	1,849.24
Alliance Against Handguns, P.O. Box 75700 Washington, DC 20013			
Robert Alvarez, 218 D St., SE Washington, DC 20003	Environmental Policy Institute	524.33	
Jerome A. Ambro Associates, 4734 Timber Ridge Dr. Mountclair, VA 22026	Associated Universities	7,500.00	8,389.39
Do	County of Suffolk, New York	24,200.00	26,566.39
American Amusement Machine Assn, 205 The Strand Alexandria, VA 22314			
American Apparel Manufacturers Assn, Inc, 2500 Wilson Blvd., #301 Arlington, VA 22201		104,730.07	104,730.07
American Assn for Counseling & Development, 5999 Stevenson Avenue Alexandria, VA 22304		42,278.00	26,201.76
American Assn of Exporters & Importers, 11 West 42nd Street, 30th Fl. New York, NY 10036			338.55
American Assn of Museums, 1225 Eye Street, NW, #200 Washington, DC 20005		13,114.00	42,437.39
American Assn of Presidents of Independent Colleges & Univs, C-366 ASB Provo, UT 84602			2,011.00
American Assn of University Women, 2401 Virginia Avenue, NW Washington, DC 20037			573.51
American Cement Trade Alliance, Inc, 1331 Pennsylvania Ave., NW Washington, DC 20004		34,642.28	48,436.46
American Dental Assn, 211 E. Chicago Ave. Chicago, IL 60611		2,045.64	9,045.64
American Fed of State County & Municipal Employees, 1625 L St., NW Washington, DC 20036			89,019.53
American Gas Assn, 1515 Wilson Boulevard Arlington, VA 22209		32,436.00	32,436.00
American Logistics Association, 1133 15th Street, NW, #640 Washington, DC 20005			
American Medical Student Assn, 1890 Preston White Drive Reston, VA 22091			5,719.91
American Nuclear Energy Council, 410 1st St., SE Washington, DC 20003		9,249.00	72,031.79
American Optometric Assn, 1505 Prince Street, #300 Alexandria, VA 22314			
American Orthotic and Prosthetic Assn, 717 Pendleton St. Alexandria, VA 22314-1885			
American Refugees in America, 500 White Rd. Orange, MA 01364			
American Rivers Conservation Council, 801 Pennsylvania Avenue, SE, #303 Washington, DC 20003-2155		5,083.00	2,766.00
American Subcontractors Assn, 1004 Duke St. Alexandria, VA 22314			3,900.00
American Wood Preservers Institute, 1945 Gallows Road, #405 Vienna, VA 22180			11,835.81
Patricia Anderham, 1130 17th St., NW Washington, DC 20036	National Coal Assn	1,090.00	481.89
Christopher E. Anders, 1667 K Street, NW, #660 Washington, DC 20006	Marlowe & Company (For:EXPEX, Inc)	1,000.00	61.00
Do	Marlowe & Co (For:Graphic Communications Int'l Union)	487.50	11.00
Anthony A. Anderson, 1818 N St., NW Washington, DC 20036	Eckert Seamans Cherin & Mellott (For:City of Pompano Beach, Florida)	7,691.25	18.50
Scott G. Anderson, 1050 Connecticut Ave., NW, #200 Washington, DC 20036	Burlington Northern, Inc	1,900.00	750.00
Anderson Hibey Nauheim & Blair, 1708 New Hampshire Ave., NW Washington, DC 20009	Alamo Rent-A-Car, Inc	44,434.80	3,652.62
Do	Bay Area Rapid Transit District		
Do	Communication Industries Assn of Japan	14,810.75	641.91
Do	Institute for Financial & Fiscal Studies	7,183.95	156.05
Do	Japan Machine Tool Builders Assn	3,465.00	105.35
Do	Project Orbis, Inc	2,688.00	19.98
Do	Riviana Foods, Inc		
Do	TECO Transport & Trade Corp	4,900.00	505.89
David R. Andrews, Three Embarcadero Center San Francisco, CA 94111	McCutchen Doyle Brown & Enersen (For:Castle & Cooke, Inc)	759.00	
Do	McCutchen Doyle Brown & Enersen (For:Rohr Industries, Inc)		
Lisa Andrews, 51 Louisiana Avenue, NW Washington, DC 20001	Acacia Mutual Life Insurance Co	2,000.00	
William Robert Andrews, 1745 Jefferson Davis Highway, #1200 Arlington, VA 22202	Rockwell International Corp	3,000.00	417.12
Anglo American Auto Auctions, Inc, 2 International Plaza Dr., #600 Nashville, TN 37217			
Arent Fox Kintner Plotkin & Kahn, 1050 Connecticut Ave., NW Washington, DC 20036-5339	Schoenke & Koenig	7,658.45	174.41
Eddie T. Arnold, 3620 Peartree Court, #32 Silver Spring, MD 20906			
Arnold & Porter, 1200 New Hampshire Ave., NW Washington, DC 20036	Building & Construction Trades Dept, AFL-CIO		
Do	Manitoba Energy Authority		
Do	National Coordinating Comm for Multiemployer Plans	15,312.00	317.65
Do	Sacramento Municipal Utility District	290.00	12.00
Asbill Junkin Myers & Buffone, 1607 New Hampshire Ave., NW Washington, DC 20009	Coalition on Smoking or Health	18,650.00	13,943.38
Associated Builders & Contractors, Inc, 729 15th St., NW Washington, DC 20005		20,000.00	
Association for the Advancement of Historical Research, P.O. Box 15232 Washington, DC 20003			
Association of American Law Schools, One Dupont Circle, NW, #370 Washington, DC 20036			
Association of Private Pension & Welfare Plans, Inc, 1331 Pennsylvania Ave., NW, #719 Washington, DC 20004		9,474.99	9,474.99
Fritz E. Attaway, 1600 Eye St., NW Washington, DC 20006	Motion Picture Assn of America, Inc		50.00
Avon Products, Inc, 9 West 57th St. New York, NY 10019		150.00	
Michael G. Ayre, P.O. Box 130 Levis P.Q. Canada G6V 6N7	Mil Davie Inc		
Larry Ayres, 1901 L Street, NW, #303 Washington, DC 20036	Colt Industries, Inc	1,500.00	243.48
Azanian Coalition, 616 South Carolina Ave, SE, #2 Washington, DC 20003			62.00
AFL-CIO Maritime Committee, 100 Indiana Ave., NW Washington, DC 20001		5,645.00	4,747.57
APCO Associates, 1200 New Hampshire Ave., NW Washington, DC 20036	Advanced Center for Technology Training	632.50	7.25
Do	Amok, Ltd, et al	1,625.25	37.73
Do	ASEA AB	121.25	
Do	Canadian Forest Industries Council	6,548.75	76.37
Do	Canadian Meat Council		33.85
Do	Cemai	1,140.00	
Do	CEL Educational Resources		
Do	Harris Trust & Savings		
Do	Manitoba Energy Authority	290.00	
Do	Outboard Marine Corp		
Do	Profilo Holding A.S.	1,931.25	
Do	Recording Industry Assn of America	3,040.00	173.25
Do	Sacramento Municipal Utility District	1,391.25	76.78
Do	Sacramento Public Utility District, et al.		
Do	Tulane University	1,316.00	0.94
Craig H. Baab, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	143.03
Victor Bach, 105 East 22nd Street New York, NY 10010	Community Service Society	16.07	
Robert A. Bacha, 2000 P St., NW, #505 Washington, DC 20036	Cook and Bacha (For:Contractors Liability & Indemnification Alliance)		
Do	Cook and Bacha (For:Westinghouse Electric Corp)	4,500.00	149.59
Geoffrey Bacino, 805 15th Street, NW, #300 Washington, DC 20005	Credit Union National Assn, Inc	300.00	522.49
Baker & Hostetler, 1050 Connecticut Ave., NW, #1100 Washington, DC 20036	Alamo Rent-A-Car, Inc	12,275.00	1.00
Do	American Resort & Residential Development Assn		
Do	Arthur Andersen & Co	500.00	500.00
Do	Beverly Enterprises, Inc	1,000.00	1,000.00
Do	Blue Cross & Blue Shield of Northern Ohio	5,000.00	5,000.00
Do	Burlington Northern Railroad	17,632.50	606.72
Do	Cleveland Clinic Foundation	4,000.00	4,000.00
Do	Alex Miller	500.00	500.00
Do	North Coast Cable, Ltd	500.00	500.00
Do	Reliance Electric Co	500.00	500.00
Do	Travelers Insurance Co	3,000.00	3,000.00
Do	U.S. League of Savings Institutions	3,000.00	3,000.00
Baker & McKenzie, 815 Connecticut Ave., NW Washington, DC 20006	Commonwealth Edison Co	2,330.00	51.24
Do	Duke Power Co	2,330.00	51.24
Do	Florida Power & Light Co	2,330.00	51.24
Do	Southern Company Services	2,330.00	51.24
Catherine A. Ball, 1000 16th Street, NW, #701 Washington, DC 20036	Federal Managers Assn	8,438.00	230.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Henchi Balos, P.O. Box 921 Majuro, Marshall Islands	Republic of the Marshall Islands (RMI)		
Michael Baly III, 1515 Wilson Blvd. Arlington, VA 22209	American Gas Assn	6,250.00	552.19
Baraff Koerner Olender & Hochberg, P.C., 2033 M Street, NW, #203 Washington, DC 20036	College Football Association		
Do	Major Indoor Soccer League		
Do	National Assn of Collegiate Directors of Athletics	4,905.00	
Do	National Basketball Assn	100.00	
Haley R. Barbour, P.O. Box 960 Yazoo City, MS 39194	Joint Maritime Congress	9,000.00	
Barnes Richardson & Colburn, 1819 H St., NW, #400 Washington, DC 20006	American Int'l Knitters Corp	794.80	95.53
Do	Florida Citrus Mutual		78.92
Do	Magid Glove & Safety Mfg Co		266.28
Barrett Smith Schapiro Simon & Armstrong, 1201 Pennsylvania Avenue, NW, #821 Washington, DC 20004	Coffee Sugar & Cocoa Exchange, Inc	6,450.00	220.83
Do	Irving Trust Co	7,712.30	305.44
Douglas P. Bates, 1615 L Street, NW, #1350 Washington, DC 20036	Business Roundtable	2,000.00	72.30
Robert J. Baughman, 717 Pendleton St. Alexandria, VA 22314-1885	American Orthotic and Prosthetic Assn		
Richard 'Sandy' Beach, 1730 Rhode Island Ave., NW, #810 Washington, DC 20036	Credit Union National Assn, Inc	300.00	53.31
Bear West Company, Inc, 9 Exchange Place, #1000 Salt Lake City, UT 84111	Union Pacific Resources	3,450.00	1,293.75
Barbara F. Beatty, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors, Inc	2,500.00	
William W. Beddow, 1730 Pennsylvania Ave., NW, #750 Washington, DC 20006	National Constructors Association	1,200.00	
Joe Belew, 1300 N. 17th St., #1200 Arlington, VA 22209	Consumer Bankers Assn	8,790.00	682.65
Benner Burnett & Coleman, 1401 New York Avenue, NW, #740 Washington, DC 20005	Messerschmitt Bolkow-Blohm Gmbh, et al	6,750.00	
Do	Omninet Corporation		
Do	Schnitzer Steel Products Co		
Daniel J. Bennet, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors, Inc	2,500.00	
Douglas P. Bennett, 9020 Saunders Lane Bethesda, MD 20817	Association of Executive Search Consultants, Inc		
Do	Corning Associates		
George K. Bernstein, 1730 K St., NW Washington, DC 20006	American Insurance Assn	2,247.50	
Cheryl Beversdorf, 1919 Pennsylvania Ave., NW, #300 Washington, DC 20036	American College of Surgeons		90.00
Patricia H. Billings, 1129 20th St, NW, #600 Washington, DC 20036	Group Health Assn of America, Inc	4,374.99	
Hugh L. Binford, 50 Coe Road, #223 Belleair, FL 33516			
Bipartisan Budget Appeal, P.O. Box 9 Bowling Green Station New York, NY 10004			
Bishop Cook Purcell & Reynolds, 1200 17th Street, NW, #700 Washington, DC 20036	American Rice, Inc		
Do	Board of Trade of Kansas City, MO, Inc		
Do	ConAgra, Inc	2,128.00	
Do	CNA Insurance Co of Chicago, Illinois	1,334.00	
Do	CSR, Ltd	7,237.50	
Do	Enserch Corporation	1,192.50	
Do	IBP, Inc	2,000.00	
Do	Master Marketers Assn of America		
Do	Nabisco Brands, Inc		
Do	Pyramid Energy, Inc	1,312.50	
Do	Salomon Brothers, Inc	2,771.25	
Do	Texaco, Inc	385.22	
Do	Texas Gas Transmission Corp	2,936.00	
Do	U.S. Agricultural Export Development Council	1,837.50	
Do	U.S. Rice Producers' Legislative Group		
Do	Western Peanut Growers' Assn	2,362.50	
Roger Blacklow, 100 Indiana Avenue, NW Washington, DC 20001	National Assn of Letter Carriers	7,410.01	192.77
Brent Blackwelder, 218 D St., SE Washington, DC 20003	Environmental Policy Institute	116.30	
Bowen Blair Jr., 519 S.W. Third Ave., #810 Portland, OR 97204	Friends of the Columbia Gorge	88.00	
Richard W. Bliss, 3242 Grace Street, NW Washington, DC 20007	Amax, Inc		
Do	Environmental Science & Engineering		
Do	Fluor Corporation	2,760.00	331.00
Do	National Paint & Coatings Assn, Inc	1,320.00	57.53
Do	Pb-Kbb, Inc	1,650.00	186.90
Do	St. Joe Minerals Corp		
Do	Varian EIMAC	1,500.00	183.15
L. Thomas Block, One Wall Street New York, NY 10015	Irving Trust Co		
Wayne F. Boan, 927 15th St., #1000 Washington, DC 20005	Employers Council on Flexible Compensation	200.00	
George H. Bohlinger III, 1015 18th St., NW, #400 Washington, DC 20036	Domino's Pizza, Inc		
Robert J. Bolger, P.O. Box 1417-D49 Alexandria, VA 22313	National Assn of Chain Drug Stores, Inc	1,500.00	
Benjamin C. Bolusky, 1250 Eye Street, NW, #500 Washington, DC 20005	American Assn of Nurserymen		
John E. Bonitt, 1001 Pennsylvania Ave, NW #700 Washington, DC 20004	Allied-Signal Inc	610.00	95.00
Bonsib, Inc, P.O. Box 1807 Washington, DC 20013			
James J. Bowe, 4 World Trade Center New York, NY 10048	Coffee Sugar & Cocoa Exchange, Inc		
Rodney A. Bower, 8701 Georgia Avenue, #701 Silver Spring, MD 20910	International Fed of Professional & Technical Engineers		
Stuart J. Brahs, 1331 Pennsylvania Ave., NW, #719 Washington, DC 20004	Association of Private Pension & Welfare Plans, Inc	713.88	
Richard D. Brannick, P.O. Box 550 Dexter, NY 13634	National Border Patrol Council		
Donald H. Brazier, P.O. Box 12266 Seattle, WA 98102	Dollar Savings Bank, et al		
Roy S. Bredder, 1111 14th St., NW, #1200 Washington, DC 20005	American Dental Assn	1,000.00	
Anna-Liza Brennan, 1411 K Street, NW, #850 Washington, DC 20005	Americans for Democratic Action		
James Patrick Brennan, 5999 Stevenson Avenue Alexandria, VA 22304	American Assn for Counseling & Development	5,327.00	
Christopher N. Brown, 801 Pennsylvania Ave., SE, #303 Washington, DC 20003	American Rivers	1,651.11	7.40
John J. Brown, 1125 17th St., NW Washington, DC 20036	International Union of Operating Engineers	8,500.00	980.00
Shirle L. Brown, P.O. Box 663, GPO New York, NY 10001	SLB Enterprises		
Diane B. Burke, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	9,592.50	257.00
J. J. Burke Jr., 40 E. Broadway Butte, MT 59701	Montana Power Co		
Mahlon A. Burnette III, 631 Walker Road Great Falls, VA 22066	Grocery Manufacturers of America, Inc		
David G. Burney, 2033 M St., NW, #628 Washington, DC 20036	U.S. Tuna Foundation	6,000.00	3,000.00
Michael Burns, 21 Dupont Circle, NW, #300 Washington, DC 20036	Business Executives for National Security	4,917.00	483.67
Burridge Associates, 1612 K St., NW, #204 Washington, DC 20006	FMC Corporation	2,000.00	
Busby Rehm and Leonard, P.C., 1330 Connecticut Ave., NW, #200 Washington, DC 20036	Automobile Importers of America, Inc	13,500.00	275.00
Do	European Confederation of the Footwear Industry		
Do	MacMillan Bloedel, Inc	3,000.00	10.00
Do	Texas Assn of Steel Importers	5,000.00	35.00
Do	Timex Corporation		
James J. Butera, 4th Floor 1101 15th St., NW Washington, DC 20005	National Council of Savings Institutions	10,000.00	763.54
Mary Jane Butterfield, 1818 N Street, NW, #350 Washington, DC 20036	Susan Davis International (For:Turkish Republic of Northern Cyprus)	2,069.08	191.05
Cadwalader Wickersham & Taft, 1333 New Hampshire Ave., NW, 7th Fl. Washington, DC 20036	Asphalt Roofing Manufacturers Association		
John D. Cahill, 230 E Street NE Washington, DC 20002	Massachusetts Bay Transportation Authority	3,750.00	
Do	Massachusetts Port Authority	11,625.00	
Do	Massachusetts Water Resources Authority	2,300.00	
Campaign for U.N. Reform-Political Education Committee, 418 7th St., S.E. Washington, DC 20003		16,802.13	18,104.31
Capitol Marketing Services, 923 Riva Ridge Drive Great Falls, VA 22066			
Caplin & Drysdale, Chtd, One Thomas Circle, NW Washington, DC 20005	J. Paul Getty Trust		
Ross Capon, 236 Massachusetts Ave., NE, #603 Washington, DC 20002	National Assn of Railroad Passengers	11,276.36	
Edward J. Carlough, 1750 New York Avenue, NW Washington, DC 20006	Sheet Metal Workers International Assn	25,987.00	
Peter Carlson, 218 D St., SE Washington, DC 20003	Environmental Policy Institute	157.05	
Bruce J. Carlton, 444 North Capitol St., NW, #801 Washington, DC 20001	Joint Maritime Congress	1,777.00	
David Cartwright, 1155 15th Street, NW Washington, DC 20005	National Small Business Assn	7,500.00	
Susan B. Carver, 1130 17th Street, NW Washington, DC 20036	National Coal Assn	1,160.00	1,118.50
Daniel Joseph Cassidy, 1611 North Kent Street, #805 Arlington, VA 22209	Citizens for Educational Freedom		
Rita L. Castle, 100 NE Adams Street Peoria, IL 61629	Caterpillar, Inc	10,250.00	2,272.00
Center for Law and Education, Inc, Larsen Hall, 6th Floor 14 Appian Way Cambridge, MA 02138		37,871.66	7,702.45
Chambers Associates, Inc, 1625 K Street, NW, #200 Washington, DC 20006	American Postal Workers Union, AFL-CIO		
Do	Apache Corporation	350.00	
Do	Belk Stores Services, Inc		
Do	Coalition of Publicly Traded Limited Partnerships	1,835.00	
Do	Coalition of State Employment Security Agencies	4,100.00	
Do	Manville Corporation	175.00	
Do	Metcalf & Eddy/KVB Group	1,160.00	
Do	National Assn of Retired Federal Employees		
Do	University Patents, Inc	100.00	
William C. Chapman, 2801 Fort Scott Drive Arlington, VA 22202	Multinational Business Services, Inc, et al	25,518.00	1,748.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Chernikoff & Company, 1921 Sunderland Place, NW Washington, DC 20036	Arena Stage	1,500.00	15.00
Do	Capital Childrens Museum	1,500.00	15.00
Do	Corcoran Gallery	1,500.00	15.00
Do	Fords Theater	1,500.00	15.00
Do	National Building Museum	1,500.00	15.00
Do	National Symphony	1,500.00	15.00
Do	Phillips Collection	1,500.00	15.00
Do	Shakespeare Theater at the Folger	1,500.00	15.00
Do	Washington Ballet	1,500.00	15.00
Do	Washington Opera	1,500.00	15.00
Do	Washington Performing Arts Society	1,500.00	15.00
Children's Television Workshop, One Lincoln Plaza New York, NY 10023			
Charisse Victoria Ciambrone, 1405 Vegas Valley Dr., #293 Las Vegas, NV 89109			
Cigar Assn of America, Inc, 1100 17th Street, NW, #504 Washington, DC 20036			
Donna M. Cirolia, 1518 K Street, NW, #401 Washington, DC 20005	Water Quality Association		
David A. Clanton, 1667 K Street, NW, 9th Fl. Washington, DC 20006	Buchanan Ingersoll, P.c. (For:Federation of Apparel Manufacturers)		
Michael S. Clark, 218 D St., SE Washington, DC 20003	Environmental Policy Institute		
Scott Charles Clarkson, 333 Pennsylvania Ave., SE Washington, DC 20003	Congress of American Homeowners		
Clean Water Action Project, 317 Pennsylvania Ave., SE Washington, DC 20003		5,144.49	3,173.89
Stanley A. Cmich, 220 Market Ave., South, #1190 Canton, OH 44702	Gibbons & Grable Co		
Do	Hercules Engines		
Coalition to Promote America's Trade, 1101 15th St., NW, #205 Washington, DC 20005		48,000.00	640.73
Coalition Against Double Taxation, Inc, c/o Kiernan & O'Brien 3050 K Street, NW, #330 Washington, DC 20007		5,000.00	15,932.89
Coan Couture Lyons & Moorhead, 1625 Eye St., NW, #1015 Washington, DC 20006	National Investment Development Corp		
Do	State Street Development Co of Boston	3,750.00	
Coffee Sugar & Cocoa Exchange, Inc, 4 World Trade Center, 8th Fl. New York, NY 10048			5,317.61
Ernest Allen Cohen, Journal Square Plaza Jersey City, NJ 07306	Marchi Jaffe Cohen Crystal Rosner & Katz (For:Radio Officers Union)		
Jacqueline Abelman Cohen, 1199 N. Fairfax St., #701 Alexandria, VA 22314	National Assn of Tobacco Distributors	2,500.00	4,000.00
Linda Colancecco, 311 First Street, NW, #500 Washington, DC 20001	Computer & Business Equipment Manufacturers Assn	6,000.00	189.49
Robert E. Cole, 900 17th St., NW Washington, DC 20006	Kaiser Aluminum & Chemical Corp	850.00	111.00
Collier Shannon Rill & Scott, 1055 Thomas Jefferson St., NW, #308 Washington, DC 20007	Bicycle Mfgrs Assn of Amer, Inc	7,425.00	7,425.00
Do	Committee of American Ammunition Manufacturers	1,375.00	1,375.00
Do	Footwear Industries of America		
Do	Inland Steel Corp		
Do	Norris Industries		
Paula J. Collins, 1020 19th St., NW, #600 Washington, DC 20036	American Express Co		
Stephen J. Collins, 1620 Eye St., NW, #1000 Washington, DC 20006	Motor Vehicle Manufacturers Assn of the U.S., Inc		
William P. Collins, 5055 Seminary Road Alexandria, VA 22311	Southern Company Services		
Columbia Gorge United, Box 328 Stevenson, WA 98648			
Committee for Fair Trade with China, Evergreen Point Rd., Box 288 Medina, WA 98039			66,245.89
Committee to Protect the Family, 8001 Forbes Place, #102 Springfield, VA 22151		343,616.39	398,706.28
Committee to Support the Antitrust Laws, 1401 New York Avenue, NW, #740 Washington, DC 20005		16,000.00	8,988.41
Communications Management, Inc, 2111 Wilson Boulevard, #900 Arlington, VA 22201	Citizens for Sensible Control of Acid Rain (CSCAR)	88,628.00	75,255.00
Do	Philip Morris USA	422,787.00	260,184.00
Community Nutrition Institute, 2001 S St., NW, #530 Washington, DC 20009			
Community Service Society of New York, 105 East 22nd Street New York, NY 10010	Community Service Society		565.68
Concerned Women for America, c/o Carol Poulos 122 C Street, NW, #800 Washington, DC 20001		19,664.10	19,664.10
Conference of State Bank Supervisors, 1015 18th St., NW Washington, DC 20036			5,013.63
Robert J. Conlan, 110 Maryland Ave., NE, #409 Washington, DC 20002	National Peace Institute Foundation		25.00
Francis J. Conners, 100 Indiana Avenue, NW Washington, DC 20001	National Assn of Letters Carriers	10,600.78	
John J. Connolly, 499 South Capitol St., SW, #507 Washington, DC 20003	Bill Hecht & Associates, Inc (For:Crowley Maritime Corp)		
Do	Bill Hecht & Associates, Inc (For:Freedom & Justice for Cyprus Trust)		
Do	Bill Hecht & Associates, Inc (For:Hong Kong Trade Development Council)		
Do	Bill Hecht & Associates, Inc (For:Kansas City Southern Industries, Inc)		
Do	Bill Hecht & Associates, Inc (For:Southern California Rapid Transit District)		
Do	Bill Hecht & Associates, Inc (For:Western Growers Association)		
Consortium of Social Science Assns, 1625OI Street, NW, #911 Washington, DC 20006		58,725.00	1,032.35
Consumer Federation of America, 1424 16th St., NW, #604 Washington, DC 20036		28,399.00	59,922.00
Consumers Union of U.S., Inc, 256 Washington St. Mount Vernon, NY 10553			6,990.00
Harry N. Cook, 1130 17th St., NW Washington, DC 20036	National Waterways Conference, Inc		
Mark N. Cooper, 1424 16th St., NW, #604 Washington, DC 20036	Consumer Federation of America	300.00	
Samuel Cooper, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group	4,605.57	
Stephen H. Cooper, 74 North Pearl St. Albany, NY 12207	Hospital Assn of New York State	865.35	2,916.66
Bennett J. Corn, Four World Trade Center New York, NY 10048	Coffee Sugar & Cocoa Exchange, Inc	550.00	
Walter Coulliard, 100 Indiana Avenue, NW Washington, DC 20001	National Assn of Letter Carriers	7,451.72	
Council for a Livable World, 20 Park Plaza, #603 Boston, MA 02116			28,976.78
Philip E. Couture, 4861 Claradale Toledo, OH 43614	Couture Associates		
Mark D. Cowan, The Jefferson Group 1000 Potomac Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Ministry of Foreign Affairs, Government of Iceland)		
Kevin J. Coyle, 801 Pennsylvania Ave., SE, #303 Washington, DC 20003	American Rivers	795.75	
Richard C. Creighton, 1331 Pennsylvania Ave., NW, #910 Washington, DC 20004	American Cement Trade Alliance, Inc	9,375.02	145.43
Ken A. Crerar, 1420 K Street NW, #600 Washington, DC 20005	Footwear Industries of America	3,000.00	277.42
Richard E. Cristol, 1101 15th St., NW, #202 Washington, DC 20005	National Assn of Margarine Manufacturers		
Herminia L. Cubillos, 20 F Street, NW, 2nd Floor Washington, DC 20001	National Council of La Raza	1,250.00	925.00
Jonathan W. Cuneo, 1401 New York Avenue, NW, #740 Washington, DC 20005	Committee to Support the Antitrust Laws	7,238.41	734.89
Richard C. Curry, P.O. BOX 66 Mclean, VA 22101	Fire Island Associates, Inc		
Jay B. Cutler, 1400 K Street, NW Washington, DC 20005	American Psychiatric Assn	6,586.00	660.33
Ross H. Cutmore, Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Algoma Steel Corp, Ltd	29.00	415.37
CPT Corporation, 8100 Mitchell Road P.O. Box 295 Minneapolis, MN 55440			
CRS, P.O. Box 118 Cold Spring Harbor, NY 11724-0118			
D'Amour & Doyle, Inc, 1156 15th St., NW, #1100 Washington, DC 20005	American Psychological Assn	7,500.00	3,897.93
Joseph G. Dail Jr., 6623-A Old Dominion Drive McLean, VA 22101	Procompetitive Rail Steering Committee	3,000.00	
Donald W. Dalrymple, 1575 I St., NW Washington, DC 20005	American Cynamid Company (For:Lederle Laboratories)	3,175.00	1,599.94
John M. Damgard, 1825 Eye Street, NW, #1040 Washington, DC 20006	Futures Industry Assn, Inc		
Cynthia L. Darcy, 245 Second St., NE Washington, DC 20002	Friends Committee on National Legislation	2,250.00	
Dan Darling, National Press Building, Room 1199 Washington, DC 20045	Social Security Lobby		
Richard C. Darling, 1156 15th St., NW Washington, DC 20005	J. C. Penney Co, Inc		
Theodore S. J. Davi, P.O. Box 825 Green Bay, WI 54305			
Susan A. Davis, 1818 N Street, NW, #350 Washington, DC 20036	Susan Davis International (For:Turkish Republic of Northern Cyprus)	170.18	
Davis Graham & Stubbs, 1001 22nd St., NW, #500 Washington, DC 20037	Colorado Water Congress		
Susan Davis International, 1818 N Street, NW, #350 Washington, DC 20036	Turkish Republic of Northern Cyprus	25,000.00	9,242.82
Debevoise & Plimpton, 555 13th Street, NW Washington, DC 20004	Westpac Banking Corp	713.00	
Deloitte Haskins & Sells, 1001 Pennsylvania Ave., NW Washington, DC 20004-2505	Arkansas Electric Cooperative Corp	3,200.00	
Do	Lin Pac International PLC, et al		
Do	Union Pacific Corp	830.00	
Thomas J. Dennis Sr., 1667 K St., NW, #450 Washington, DC 20006	American Electric Power Service Corp		
R. Daniel Devlin, 1825 Eye Street, NW, #350 Washington, DC 20006	Trans World Airlines, Inc	375.00	
Kendall P. Dexter, 9 Country Club Road Mobile, AL 36608	MacMillan Bloedel, Inc		
Jeff DeBoer, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	1,750.00	505.16
Beth DeGrasse, 100 Maryland Ave., NE Washington, DC 20002	Council for a Livable World	3,901.20	
Michael J. DeLoose, 1015 18th Street, NW Washington, DC 20036	Conference of State Bank Supervisors	683.70	
Ann Sanders Dickey, 300 Maryland Avenue, NE Washington, DC 20002	Federal Express Corp	6,000.00	
Gary Alan Dickinson, 2 International Plaza Dr., #600 Nashville, TN 37217	Anglo American Auto Auctions, Inc		
Michael F. Dineen, 600 Pennsylvania Ave., SE, #206 Washington, DC 20003	Lumbermens Mutual Casualty Co (For:Federal Kemper Life Assurance Co)	88.57	196.87
Do	Lumbermens Mutual Casualty Co (For:Kemper Financial Services, Inc)	472.40	
Do	Lumbermens Mutual Casualty Co (For:Kemper Investors Life Insurance Co)	88.57	196.87
Do	Lumbermens Mutual Casualty Company	2,100.00	228.25
Barry B. Direnfeld, Rivkin Radler Dunne & Bayh 1575 I Street, NW, #1025 Washington, DC 20005	New Energy Co of Indiana	800.00	10.00
Barbara A. Dixon, 1600 Eye Street, NW Washington, DC 20006	Motion Picture Assn of America, Inc	1,920.00	
G. Diane Dodson, 2000 P St., NW, #400 Washington, DC 20036	Women's Legal Defense Fund	119.88	31.17
Steven P. Doehler, 1615 L Street, NW, #1230 Washington, DC 20036	Mortgage Insurance Companies of America	6,000.00	111.95
James F. Doherty, 1129 20th St., NW, #600 Washington, DC 20036	Group Health Assn of America, Inc	2,848.12	
John D. Doherty Jr., 900 17th Street, NW, #706 Washington, DC 20006	Chase Manhattan Bank, N.A		
Kevin J. Donnellan, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Thomas J. Donohue, 2200 Mill Road Alexandria, VA 22314	American Trucking Assns, Inc	11,000.00	
Paul M. Donovan, 1120 G St., NW, #800 Washington, DC 20005	Alliance for Rail Competition		
Francis X. Dooley, 525 School St., SW Washington, DC 20024	American Road & Transportation Builders Assn	7,500.00	435.00
Linda L. Doorfee, 600 Pennsylvania Avenue, SE, #200 Washington, DC 20003	Independent Insurance Agents of America, Inc	8,233.00	
Ira Dorfman, 1111 14th St., NW, #300 Washington, DC 20005	American Bakers Assn	713.54	3.00
Russell E. Dougherty, P.O. Box 9346, 8280 Greensboro Dr. McLean, VA 22102	Military Impacted School Districts Assn	1,000.00	
Theodore Douglas, 6554 Coventry St. Louis, MO 63033			
Dow Lohnes & Albertson, 1255 23rd St., NW Washington, DC 20037	Algoma Steel Corp, Ltd, et al	2,300.00	
Do	Chicago City Colleges		
Do	Directors Guild of America	1,680.00	195.54
Do	Laurel Steel Products, Ltd		
Do	Parti Agricole Industriel National		
Do	State Higher Education Executive Officers Assn	4,474.00	2.50
Do	ZIM Israel Navigation Co, Ltd	991.50	
Richard Morgan Downey, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn		
Anthony V. Dresden, 444 N. Capitol Street, NW, #801 Washington, DC 20001	Joint Maritime Congress		
Stephen D. Driesler, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	8,000.00	402.18
Do	National Multi Housing Council	1,270.66	79.00
Evelyn Dubrow, 1710 Broadway New York, NY 10019	International Ladies' Garment Workers Union	13,000.00	165.75
Douglas F. Duerr, 805 15th Street, NW, #300 Washington, DC 20005	Credit Union National Assn, Inc	300.00	169.50
Michael F. Duffy, 1920 N St. NW Washington, DC 20036	American Mining Congress		
Evelyn Dukovic, 3 East 85th Street New York, NY 10028	Morality in Media, Inc		
Duncan Allen & Mitchell, 1575 Eye Street, NW Washington, DC 20005	Cecil Saydah Co	3,164.00	461.94
Do	Visaflor, S.A.		541.42
Pauline Dunlap, P.O. Box 868 Kodiak, AK 99615	Eagle Fisheries, Inc		
John H. Dunne, 8701 Georgia Ave., #701 Silver Spring, MD 20910	International Fed of Professional & Technical Engineers		
Judy C. Durand, 1120 20th Street, NW, #600s Washington, DC 20036	Union Pacific Corp	666.00	1,087.16
Jean Durning, 1400 Eye St., NW Washington, DC 20005	Wilderness Society	191.88	200.00
Duncan Dwelle, 1001 Bridgeway, #301 Suasalito, CA 94965	American Fair Trade Council		
Dyer Ellis Joseph & Mills, 600 New Hampshire Ave., NW, #1000 Washington, DC 20037	Allscrips, et al.	26,250.00	81,851.19
Do	Apex Marine Corp	15,400.00	1,033.83
Do	ARCO Marine Co, Inc	5,768.00	248.00
Do	Crowley Maritime Corp	2,560.00	86.20
Dykema Gossett Spencer Goodnow & Trigg, 1752 N St., NW, 6th Fl. Washington, DC 20036	Total Petroleum, Inc		
Dennis J. Earhart, 1753 Euclid St, NW Washington, DC 20009	Bear West Co, Inc (for Union Pacific Resources)	1,293.75	
George H. Eatman, 1800 Connecticut Ave., NW, #300 Washington, DC 20009	Slurry Technology Assn	15,500.00	
Marsha A. Echols, Law Offices of Max N. Berry 3213 O Street, NW Washington, DC 20007	National Assn for the Specialty Food Trade, Inc		
Robert C. Eckhardt, 122 3rd Street, SE Washington, DC 20003	Certain Claimants Lawyers	5,000.00	
Do	Investment Company Institute	1,666.67	
Jill W. Eiland, 507 Second Street, NE Washington, DC 20002	Portland General Electric Co		
Keith H. Ellis, 1015 18th St., NW Washington, DC 20036	Conference of State Bank Supervisors	4,028.00	301.93
Dorothy A. Ellsworth, 1300 Connecticut Ave., NW Washington, DC 20036	International Assn of Machinists & Aerospace Workers	14,661.03	
Employee Relocation Council, 1720 N St., NW Washington, DC 20036			
Irene R. Emsellem, 1800 M Street, NW Washington, DC 20036	American Bar Assn	400.00	50.00
Gary D. Engebretson, 1350 New York Ave., NW, #200 Washington, DC 20005	Contract Services Assn		96.00
Steven L. Engelberg, 1730 Pennsylvania Ave., NW, #350 Washington, DC 20006	American Assn for Marriage & Family Therapy		
Do	National Staff Leasing Assn		
John T. Engelen, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors, Inc	2,500.00	
J. Barry Epperson, P.O. Box 42464 Houston, TX 77242	Associated Wire Rope Fabricators	200.00	3,720.78
Epstein Becker & Green, P.C., 1140 19th St., NW, #900 Washington, DC 20036	American Bankers Assn		
Paul A. Equale, 600 Pennsylvania Ave., SE, #200 Washington, DC 20003	Independent Insurance Agents of America, Inc	26,692.00	
Erisa Industry Committee, 1726 M Street, NW, #1101 Washington, DC 20036		9,900.00	11,213.00
Mark Esherick, 1601 Connecticut Ave, NW, #400 Washington, DC 20009	Zero Population Growth, Inc	1,610.00	22.00
Stephen E. Eure, 1711 King Street Alexandria, VA 22314	Snack Food Assn	4,416.00	471.77
Billy Lee Evans, 499 South Capitol St., SW, #507 Washington, DC 20003	Bill Hecht & Associates, Inc (For:Brown & Williamson Tobacco Corp)		
Do	Bill Hecht & Associates, Inc (For:Crowley Maritime Corp)		
Do	Bill Hecht & Associates, Inc (For:Freedom & Justice for Cyprus Trust)		
Do	Bill Hecht & Associates, Inc (For:Hong Kong Trade Development Council)		
Do	Bill Hecht & Associates, Inc (For:Western Growers Association)		
Brock Evans, 801 Pennsylvania Avenue, SE Washington, DC 20003	National Audubon Society	4,300.00	165.00
C. Lawrence Evans Jr., 51 Louisiana Avenue, NW Washington, DC 20001	Acacia Mutual Life Insurance Co		
Donald C. Evans Jr., 655 15th St., NW, #310 Washington, DC 20005	American Family Corp		
Do	American Hoechst Corporation		
Do	Stepan Corporation		
Robert J. Evans, 2013 Canterbury Rd. Kingsport, TN 37660			
William J. Evans Jr., 1660 L St., NW, #901 Washington, DC 20036	Pan American World Services, Inc	590.00	75.54
Fawn K. Evenson, 1420 K Street NW, #600 Washington, DC 20005	Footwear Industries of America	10,000.00	843.20
Ellen E. Eves, 1600 M Street, NW, #702 Washington, DC 20036	ICI Americas, Inc		
F. S. Fallon Jr., 3322 West Knights Avenue Tampa, FL 33611			
William D. Fay, 1130 17th Street, NW Washington, DC 20036	National Coal Assn	6,780.00	4,484.21
Frederick Fedeli, 1400 K St., NW Washington, DC 20005	American Psychiatric Assn	2,129.00	887.00
Federal Express Corp, 2990 Airways #404 Memphis, TN 38116			
Federal Judges Association, 1355 Market St., #155 San Francisco, CA 94103		18,475.00	30,488.44
Federal Kemper Life Assurance Co, Kemper Bldg. D-3 Long Grove, IL 60049			640.21
Federal Managers Assn, 1000 16th Street, NW Washington, DC 20036		10,000.00	19,223.00
Federation of Behavioral Psychological & Cognitive Sciences, 1200 17th Street, NW Washington, DC 20036		240.00	240.00
Claudia Feller, 1200 17th Street, NW Washington, DC 20036	Federation of Behavioral Psychological & Cognitive Sciences		
Denise G. Ferguson, 1020 19th St., NW, #600 Washington, DC 20036	American Express Co		
Fine & Ambrogne, Exchange Place Boston, MA 02109	Smith College		
William A. Finerfrock, 1117 N. 19th Street, #300 Arlington, VA 22209	American Academy of Physician Assistants	10,000.00	35.00
Stephen A. Finn, P.O. Box 520783 - General Mail Facility Miami, FL 33152	Burger King Corp		
John Fisher, 140 Oklahoma Road Cook, WA 98605	Columbia Gorge United		
William P. Fisher, 311 First Street, NW Washington, DC 20001	National Restaurant Assn		
Mary Clare Fitzgerald, 1200 New Hampshire Ave, NW, #240 Washington, DC 20036	Secura Group (For:Chase Manhattan Bank, N.A.)		994.00
Do	Secura Group (For:Northeast Bancorp)		
Do	Secura Group (For:Yankee Bank)		689.00
Robert B. Flagg, 1130 17th St., NW Washington, DC 20036-4677	National Coal Assn	2,625.00	333.80
Barry Flamm, 1400 Eye Street, NW Washington, DC 20005	Wilderness Society	386.32	
Jonathan W. Fleming, 1225 I St., NW, #950 Washington, DC 20005	American Electronics Assn	2,000.00	
Felipe M. Floresca, 67 Wall Street, #2509 New York, NY 10005			
Ruth Flower, 245 Second Street, NE Washington, DC 20002	Friends Committee on National Legislation	4,450.53	
John J. Flynn, 1125 17th Street, NW Washington, DC 20036	International Union of Operating Engineers	7,500.00	245.00
Foodservice & Lodging Institute, 1025 Connecticut Ave., NW Washington, DC 20036			
Footwear Retailers of America, 1319 F St., NW, #700 Washington, DC 20004			1,700.00
Donald D. Foreman, 200 E. Randolph Dr. Chicago, IL 60601	Amoco Corporation		
Foreman & Heidepriem, 1751 N Street, NW, #301 Washington, DC 20036	Audio Recording Rights Coalition		
Do	Camp Barsh Bates & Tate	550.00	6.50
Do	Coalition to Protect the Integrity of American Trademarks	3,670.00	79.81
Do	Greene O'Reilly Agnew & Broillet		
Do	Olsson Frank & Weeda, P.C.	3,585.00	86.85
Alan Fox, 1424 16th Street, NW, #604 Washington, DC 20036	Consumer Federation of America	5,905.00	
Allan M. Fox, 1714 Massachusetts Ave., NW Washington, DC 20036	Fox Weinberg & Bennett (For:National Coalition for Cancer Research)		
Chuck Fox, 218 D Street, SE Washington, DC 20003	Environmental Policy Institute	379.89	
Fox Weinberg & Bennett, 1714 Massachusetts Avenue, NW Washington, DC 20036	Johnson & Johnson	420.00	173.00
Do	Lederle Laboratories	9,890.00	1,511.00
Do	National Coalition for Cancer Research	3,962.00	1,107.00
George Franklin, 1 Kellogg Square Battle Creek, MI 49016-3599	Kellogg Company	3,000.00	325.00
Gregory W. Frazier, P.O. Box 427 Englewood, CO 80151	International Energy Brokers, Inc		
Joyce Gross Freiwald, P.O. Box 85608 San Diego, CA 92138	GA Technologies, Inc	4,300.00	1,226.96
G. William Frick, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute		
Fried Frank Harris Shriver & Jacobson, 1001 Pennsylvania Ave., NW, #800 Washington, DC 20004	American Indian National Bank		
Do	Bristol Bay Native Corp		65.28
Do	Miccosukee Tribe of Indians of Florida		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Pueblo of Laguna		
Do	Shoshone Tribe of the Wind River Reservation		7.90
Friends of the Columbia Gorge, 519 SW Third Ave., #810 Portland, OR 97204			186.40
Friends Committee on National Legislation, 245 2nd St., NE Washington, DC 20002			26,226.33
Owen V. Frisby, 900 17th St., NW Washington, DC 20006	Chase Manhattan Bank, N.A.	263.25	
Charles H. Fritts, 1111 14th St., NW, #900 Washington, DC 20005	National Apartment Assn	10,630.00	88.81
Robert F. Froehlke, 787 7th Avenue New York, NY 10019	Equitable Life Assurance Society of the U.S.	4,600.00	15.00
Futures Industry Assn, Inc, 1825 Eye Street, NW, #1040 Washington, DC 20006			
David H. Fyock, 600 Maryland Ave., SW, #520 Washington, DC 20024	GPU Service Corporation	2,290.00	142.30
Curtis B. Gans, 421 New Jersey Avenue, SE Washington, DC 20003	Committee for the Study of the American Electorate	50,618.50	
Harry D. Garber, 787 7th Avenue New York, NY 10019	Equitable Life Assurance Society of the U.S.	4,000.00	10.00
Ellen Greenberg Garrison, 1200 17th Street, NW Washington, DC 20036	American Psychological Assn	2,960.00	75.50
Garvey Schubert & Barer, 1000 Potomac St., NW Washington, DC 20006	Aerolift, Inc	10,269.75	
Do	Greenbriar Leasing	1,106.25	
Do	Japan Fisheries Association		
Do	Northwest Industrial Gas Users	7,491.56	
Do	Northwest Marine Iron Works	18,078.00	
Do	Port of Tillamook Bay & Tillamook County	6,708.89	
Garry Geffert, 2001 S Street, NW, #312 Washington, DC 20009	Farmworker Justice Fund, Inc	19.79	0.39
Cheryl K. Genevie, 1120 G St., NW, #800 Washington, DC 20005	Alliance for Rail Competition		
Gerard Byler & Associates, Inc, 1100 17th Street, NW, #1000 Washington, DC 20036	Colville Business Council	450.00	
Do	Commissioned Officers Assn of the U.S. Public Health Service	688.00	
Do	Havasupai Tribal Council	600.00	
Do	Leech Lake Reservation Business Committee		
Do	Siletz Tribal Council		
Do	Tohono O'odham Nation	4,654.80	
Do	Tulalip Tribes	3,857.00	
Do	White Earth Tribal Council		
Alvin J. Geske, 2300 N Street, NW, #600 Washington, DC 20037	Renewable Fuels Assn		
Dorothy F. Gevinson, 801 18th Street, NW, #400 Washington, DC 20006	Procter & Gamble Manufacturing Co	28.33	
Gibson Dunn & Crutcher, 1050 Connecticut Ave., NW, #900 Washington, DC 20036	CalFed, Inc	2,605.00	499.98
Do	Merrill Lynch Bank & Trust Co.	1,693.75	419.96
William G. Giery, 1919 Pennsylvania Ave., NW Washington, DC 20006	Foodservice & Lodging Institute		
John E. Giles, 1600 Eye St., NW Washington, DC 20006	Motion Picture Assn of America, Inc	900.00	800.24
Sara B. Glenn, 1100 Connecticut Ave., NW Washington, DC 20036	Mobil Oil Corp		
Horace D. Godfrey, 918 16th St., NW, #701 Washington, DC 20006	Godfrey Associates, Inc		
Godfrey Assoc, Inc, 918 16th St., NW, #701 Washington, DC 20006			
Joseph Goffman, 1616 P Street, NW, #150 Washington, DC 20036	Environmental Defense Fund	9,500.00	
Allen Goldberg, 1010 Wisconsin Avenue, NW, #800 Washington, DC 20007	Grocery Manufacturers of America, Inc		
Helen C. Gonzales, 236 Massachusetts Ave., NE, #504 Washington, DC 20002	National Consumer Law Center	94.66	
Ruth Gonze, Third Floor 2301 M Street, NW Washington, DC 20037	American Public Power Assn	2,000.00	
Beth Goodrich, 1331 Pennsylvania Ave., NW, #719 Washington, DC 20004	Association of Private Pension & Welfare Plans, Inc	164.68	
Stephen Gordon, 1016 16th St., NW Washington, DC 20036	National Fed of Federal Employees		
Barbara W. Gothard, P.O. Box 520783-GMF Miami, FL 33152	Burger King Corp		
George B. Gould III, 100 Indiana Ave., NW Washington, DC 20001	National Assn of Letter Carriers	13,284.97	2,323.08
John R. Graff, 4230 King Street Alexandria, VA 22302	International Assn of Amusement Parks & Attractions	140.00	21.25
Karen Graham, 1331 Pennsylvania Ave., NW, #719 Washington, DC 20004	Association of Private Pension & Welfare Plans, Inc	307.68	
Ruth P. Graves, 600 Maryland Ave., SW, #500 Washington, DC 20024	Reading Is Fundamental, Inc	225.00	130.50
John K. Green, 800 American Charter Center 1623 Farnam St. Omaha, NB 68102-2130	Papillion-Lavista School District	7,012.00	954.89
Kaylene H. Green, 2341 Jefferson Davis Highway, #1035 Arlington, VA 22202	Bath Iron Works Corp	500.00	629.20
Wayne Green, Enterprises, Inc Route 202 North Peterborough, NH 03458	73, Inc		
Phyllis Greenberger, 1400 K Street, NW Washington, DC 20005	American Psychiatric Assn	2,129.00	1,672.93
Marci E. Greenstein, 2626 Pennsylvania Avenue, NW Washington, DC 20037	National Telephone Cooperative Assn		
Robert Greenstein, 236 Massachusetts Ave, NE, #305 Washington, DC 20002	Center on Budget & Policy Priorities	1,326.78	108.34
Janice M. Gregory, 1726 M St., #1101 Washington, DC 20036	Erisa Industry Council	4,899.00	82.78
Joseph S. Griffin, 761 Kenilworth Avenue Dayton, OH 45405	J.S. Griffin & Associates		
Griffin Media Group, 44 East 29th Street New York, NY 10016	National Bondholders Committee		1,949.84
Richard A. Gross, Foley Hoag & Eliot 1615 L Street, NW, #950 Washington, DC 20036	Massaro Properties, Inc		
Do	Stadium Authority of the City of Pittsburgh		
Jerome Grossman, 20 Park Plaza, #603 Boston, MA 02116	Council for a Livable World	5,772.12	
Gun Owners of America, Inc, 8001 Forbes Place Springfield, VA 22151		143,788.94	160,368.63
Leland M. Gustafson, 1726 M St., NW, 1100 Washington, DC 20036	Pacific Gas & Electric Co	2,951.20	1,806.40
Ned H. Guthrie, 209 Hayes Avenue Charleston, WV 25314	American Fed of Musicians	3,631.25	2,072.71
Richard E. Gutting Jr., 2000 M St., NW, #580 Washington, DC 20036	National Fisheries Institute	6,000.00	
Milton S. Gwirtzman, 2550 M St., NW Washington, DC 20037	Lazare Kaplan International, Inc		
Jon Haber, 1424 16th St., NW, #601 Washington, DC 20036	People for the American Way	3,185.89	
Hale and Dorr, 1455 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Avondale Industries, Inc		
Do	Gay Head Taxpayers Assn	252.50	
Do	Leach & Garner Refining Corp		30.07
Do	Northeastern University	1,072.50	64.24
Do	Villers Advocacy Foundation		
Hale Foundation, 422 First Street, SE, #208 Washington, DC 20003		2,000.00	1,726.57
Haley Bader & Potts, 2000 M St., NW, #600 Washington, DC 20036	Pilots Rights Association		
Joseph Halow, 1747 Pennsylvania Ave., NW, #1175 Washington, DC 20006	North American Export Grain Assn, Inc		
Jerald V. Halvorsen, 2200 Mill Road Alexandria, VA 22314	American Trucking Assns, Inc	15,000.00	
Martin Hamburger, 100 Maryland Ave., NE Washington, DC 20002	Peace Political Action Committee	4,872.00	
Hamel & Park, 888 16th Street, NW Washington, DC 20006	Estate of Helen Wodell Halbach		
Violet B. Hamilton, 4-21 Astoria Blvd., #5b Long Island City, NY 11102	Astoria Tenants Organization		600.00
Steven A. Hammond, Hughes Hubbard & Reed One Wall Street New York, NY 10005	Bureau Veritas		
Handgun Control, Inc, 1400 K Street, NW, #500 Washington, DC 20005		1,14,783.00	193,451.00
M. Arnita Hannon, 1101 Vermont Ave., NW, #402 Washington, DC 20005	American Lung Assn	1,757.50	1,159.93
Mary V. Harcar, 1747 Pennsylvania Ave., NW, #704 Washington, DC 20006	GTE Service Corp		
Do	Manufacturers Life Insurance Co, Inc		
Sandra K. Harding, 7981 Eastern Avenue Silver Spring, MD 20910	National Assn of Social Workers	4,334.00	1,176.00
Stuart B. Hardy, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.		
James W. Harff, 1818 N Street, NW, #350 Washington, DC 20036	Susan Davis International (For:Turkish Republic of Northern Cyprus)	950.61	271.02
William G. Harley, 1235 Jefferson Davis Highway, #606 Arlington, VA 22202	National Utility Contractors Assn		
Thomas C. Harper, 30 Montgomery Street Jersey City, NJ 07302	Radio Officers Union		
Christine Harper-Fahey, 1012 14th St., NW Washington, DC 20005	National Low Income Housing Coalition	5,717.00	126.00
Jeffrey Harris, Sachs Greenbaum & Tayler 1140 Connecticut Ave., NW, #900 Washington, DC 20036	Domino's Pizza, Inc		
Sunny Harris, 7981 Easter Avenue, 4th Floor Silver Spring, MD 20910	National Assn of Social Workers	6,563.00	734.00
Thomas D. Hart, 1001 Pennsylvania Avenue, NW, #700 Washington, DC 20004	Allied-Signal, Inc		
Vance Hartke, 7637 Leesburg Pike Falls Church, VA 22043			
Lewis B. Hastings, 1776 K St., NW, #300 Washington, DC 20006	Motorola, Inc	3,000.00	
Janet S. Hathaway, 1350 New York Ave., NW, #300 Washington, DC 20005	National Wildlife Federation		
James N. Haug, 55 E. Erie Street Chicago, IL 60611	American College of Surgeons		
Arnold I. Havens, 1818 N Street, NW Washington, DC 20036	Eckert Seamans Cherin & Mellot (For:Armstrong World Industries, Inc)	15,000.00	5.00
Do	Eckert Seamans Cherin & Mellott (For:Burlington Northern, Inc)	22,925.00	149.83
Do	Eckert Seamans Cherin & Mellott (For:City of Pompano Beach, Florida)	12,290.63	26.25
Do	Eckert Seamans Cherin & Mellott (For:Corning Glass Works)	16,689.38	214.00
Do	Eckert Seamans Cherin & Mellott (For:CSX Corp)	2,000.00	
Charles E. Hawkins III, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors, Inc	2,500.00	
Laurie L. Hawkins, 1346 Chestnut Street, #800 Philadelphia, PA 19107	Greater Philadelphia Chamber of Commerce		
Holly Elisabeth Hazard, 111 Massachusetts Ave., NW, #200 Washington, DC 20001	National Alliance for Animal Legislation		
Charles L. Hebner, New Murphy Road & Concord Pike Wilmington, DE 19897	ICI Americas, Inc		
Bill Hecht, Bill Hecht & Associates, Inc 499 South Capitol St., SE, #507 Washington, DC 20003	Boy Scouts of America		
Do	Brown & Williamson Tobacco Corp		
Do	Church Alliance		
Do	CSX Corporation		
Do	Freedom & Justice for Cyprus Trust		
Do	Hong Kong Trade Development Council		
Do	Los Angeles Raiders		
Do	Southern California Rapid Transit District		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Western Growers Association		
Bill Hecht and Associates, Inc, 499 South Capitol Street, SE, #507 Washington, DC 20003	Boy Scouts of America	1,000.00	
Do	Brown & Williamson Tobacco Corp	2,000.00	
Do	Church Alliance	1,000.00	
Do	Crowley Maritime Corp	500.00	
Do	CSX Corporation	1,000.00	
Do	Freedom & Justice for Cyprus Trust	700.00	
Do	Hong Kong Trade Development Council	1,500.00	
Do	Illinois Dept of Energy & Natural Resources	1,000.00	
Do	Irvine Company		
Do	Kansas City Southern Industries, Inc	500.00	
Do	Los Angeles Raiders		
Do	Multinational Business Services	100.00	
Do	Mutual Fairness Taxation Assn	1,000.00	
Do	Southern California Rapid Transit District	2,000.00	
Do	Traweek Investment Co, Inc		
Do	Western Growers Association	2,500.00	
Edward D. Heffernan, 1019 19th St., NW, Penthouse #1 Washington, DC 20036	CSX Corporation	5,000.00	
Do	Ductile Iron Pipe Research Assn		
Do	Harza Engineering Co		
Do	Panhandle Eastern Corp	15,000.00	871.20
Do	Sealaska Corp	37,000.00	
Helicopter Assn International, 1619 Duke Street Alexandria, VA 22314			23,651.00
Craig R. Helsing, 499 S. Capitol St., SW, #507 Washington, DC 20005	Bill Hecht & Associates, Inc (For:Freedom & Justice for Cyprus Trust)		
Do	Bill Hecht & Associates, Inc (For:Hong Kong Trade Development Council)		
Do	Bill Hecht & Associates, Inc (For:Illinois Department of Energy & Natural Resources)		
Do	Bill Hecht & Associates, Inc (For:Kansas City Southern Industries, Inc)		
Do	Bill Hecht & Associates, Inc (For:Multinational Business Services)		
Hercules, Inc, Hercules Plaza Wilmington, DE 19894			14,576.07
Heublein, Inc, 16 Munson Road Farmington, CT 06034-0388		15,215.00	5,272.17
Ted Allen Heydinger, 311 First Street, NW, #500 Washington, DC 20001	Computer & Business Equipment Manufacturers Assn	3,900.00	27.00
Thomas M. Hill, 1726 M St., NW, #1100 Washington, DC 20036-4502	Pacific Gas & Electric Co	3,208.70	3,113.20
Maureen K. Hinkle, 801 Pennsylvania Avenue, SE Washington, DC 20003	National Audubon Society	1,938.48	2,582.40
Arthur Hoffer, 14 Durham Drive Dix Hills, NY 11746	Municipal Bond Investors Committee (For:National WPPSS 4&5 Bond Holders)		775.69
Robert C. Hoffman, 2600 N. Powhatan Street Arlington, VA 22207	Foresight Consulting Group, Inc		
Walter F. Hoffmann, 418 7th Street, SE Washington, DC 20003	Campaign for U.N. Reform	2,375.01	15.33
Hogan & Hartson, 555 13th St., NW Washington, DC 20004-1109	First Federal Bank of Connecticut, F.S.B.	4,062.50	
Do	Software Co Task Force on Foreign Market Penetration	8,213.00	269.44
Philip A. Hogue, 150 S. Washington St., #100 Falls Church, VA 22046	International Technical Expertise Ltd		
Walter Holan, 20 North Wacker Drive Chicago, IL 60606	Profit Sharing Council of America		
William J. Holayter, 1300 Connecticut Avenue, NW Washington, DC 20036	International Assn of Machinists & Aerospace Workers	8,063.51	
Michele O'Donnell Holbrook, 10 Lafayette Square, Rm. 900 Buffalo, NY 14203	National Fuel Gas Distribution Corp, et al	2,499.00	6,370.49
Lois Holwerda-Hoyt, 600 Maryland Avenue, SW, #770 Washington, DC 20024	American Academy of Family Physicians	2,394.00	211.61
Marian Hopkins, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S	3,900.00	718.71
Harry J. Horrocks II, 40 Ivy Street, SE Washington, DC 20003	National Lumber & Building Material Dealers Assn	11,000.00	
Hospital Association of New York State, 74 N. Pearl St. Albany, NY 12207		6,690.00	6,690.00
Margaret A. Houlihan, 1620 Eye St., NW, #703 Washington, DC 20006	Bechtel Power Corporation		
Edward F. Howard, 1334 G Street, 3rd Fl. Washington, DC 20005	Villers Advocacy Associates	8,749.34	276.50
Dana Hughes, 122 C Street, NW, 4th Fl. Washington, DC 20001	Children's Defense Fund		
Ken Hughes, 330 Pennsylvania Ave., SE Washington, DC 20003	Sierra Club		
Gregory A. Humphrey, 555 New Jersey Ave., NW Washington, DC 20001	American Fed of Teachers	16,000.02	120.00
Peter C. Hunt, 195 Montague St. Brooklyn, NY 11201	Brooklyn Union Gas Co		
Richard M. Hunt, 550 N St., SW, #S-201 P.O. Box 70192 Washington, DC 20024	NL Industries, Inc	9,588.00	
Jeffrey L. Hunter, 4218 Indianola Avenue Columbus, OH 43214	Logan College of Chiropractic		
Gerard F. Hurley, 1625 I St., NW, #609 Washington, DC 20006	National Club Association		
Suzanne C. Hutchinson, 1615 L St., NW, #1230 Washington, DC 20036	Mortgage Insurance Companies of America	3,400.00	126.13
Independent Insurance Agents of America, Inc, 100 Church St., 19th Fl. New York, NY 10007		36,256.00	36,256.00
James E. Ingram, 1801 K Street, NW, #1200 Washington, DC 20006	IBM Corp	2,500.00	250.00
Andrea L. Innes, 1130 17th Street, NW Washington, DC 20036	National Coal Assn	5,720.00	413.70
International Assn of Machinists & Aerospace Workers, 1300 Connecticut Ave., NW Washington, DC 20036			29,777.04
International Public Affairs Consultants, Inc, P.O. Drawer 9376 Arlington, VA 22209			
International Union of Operating Engineers, 1125 17th St., NW Washington, DC 20036		22,500.00	2,017.00
John Isaacs, 100 Maryland Ave., NE Washington, DC 20002	Council for a Livable World	5,800.00	
Marilyn J. Ittner, 1001 22nd Street, NW Washington, DC 20037	Standard Oil Co (Ohio)		
INTERACT, 1350 Old Bayshore Highway, #750 Burlingame, CA 94010	American Comm for Vietnam Claims Justice	10,264.00	9,164.00
Benjamin R. Jackson, 12030 Sunrise Valley Dr., #201 Reston, VA 22091	Techlaw		
David L. Jackson, 1591 Fishinger Rd. Upper Arlington, OH 43221	Jackson & Associates	2,562.50	756.66
William P. Jackson Jr., Jackson & Jessup, P.C. 3426 N. Washington Boulevard Arlington, VA 22201	Osborne Truck Line, Inc, et al	4,000.00	4,860.00
Jackson & Associates, 1591 Fishinger Road Columbus, OH 43221	University Hospitals of Cleveland	3,754.16	3,754.16
Timothy P. James, 1125 17th Street, NW Washington, DC 20036	International Union of Operating Engineers	6,500.00	792.00
Kempton B. Jenkins, 1667 K St., NW, #650 Washington, DC 20006	Armco, Inc		220.00
Jenner & Block, 21 Dupont Circle, NW Washington, DC 20036	Adhesive & Sealant Council, Inc		
Do	American Assn of Electromyography & Electrodiagonosts		
Do	American Assn of Nurse Anesthetists		
Do	American Dental Assistants Assn		
Do	American Dental Trade Assn		
Do	American Diabetes Assn		
Do	American Film Marketing Assn		
Do	American Soc for Cataract & Refractive Surgery		
Do	American Soc of Assn Executives		
Do	Association of Operating Room Nurses		
Do	Auto Glass Industry Comm		
Do	Cable TV Admin & Marketing Society, Inc		
Do	Dental Gold Institute		
Do	International Soc for Hybrid Microelectronics		
Do	National Glass Association		
David Jenness, 1625 I Street NW, #911 Washington, DC 20006	Consortium of Social Science Assns		
Jennings Strouss & Salmon, 111 West Monroe Phoenix, AZ 85003	Shamrock Foods Co		
Kataejar U. Jibas, P.O. Box 921 Majuro, Marshall Islands	Bikini/Kili/Ejit Council		
Beth Johnson, 6220 Gaston Avenue, #609 Dallas, TX 75214	Sierra Club	1,899.82	1,901.70
Bruce Johnson, 1718 Connecticut Ave., NW, #410 Washington, DC 20009	Ad-Hoc Asset Backed Securities Legis. & Regulatory Assn		
Do	FAIC Securities, Inc	3,000.00	100.00
Do	Kellner DiLeo & Co	6,000.00	638.00
Johnny Johnson, P.O. Box 921 Majuro, Marshall Islands	Bikini/Kili/Ejit Council		
Kay Johnson, 122 C Street, NW Washington, DC 20001	Children's Defense Fund	607.00	
Larry W. Johnson, P.O. Box 3000 Leesburg, VA 22075	Vocational Industrial Clubs of America, Inc		
Spencer A. Johnson, 1101 Vermont Ave., NW, #411 Washington, DC 20005	Paperboard Packaging Council		
Barbara W. Johnston, 1150 Connecticut Ave. NW #710 Washington, DC 20036	Utah International, Inc		
Joint Maritime Congress, 444 N. Capitol St., #801 Washington, DC 20001		29,579.00	29,579.00
Allan R. Jones, 2200 Mill Rd. Alexandria, VA 22314	American Trucking Assns, Inc	9,000.00	
Belva W. Jones, 1101 15th St., NW, #202 Washington, DC 20005	National Assn of Margarine Manufacturers		
Beverly E. Jones, Wickwire Gavin & Gibbs, P.C. 1133 21st Street, NW, #500 Washington, DC 20036	Consolidated Natural Gas Co	1,000.00	733.24
Tomaki Juda, P.O. Box 921 Majuro, Marshall Islands	Bikini/Kili/Ejit Council		
Ardon B. Judd Jr., 1100 Connecticut Ave., NW, #310 Washington, DC 20036	Dresser Industries, Inc		
Justice Fellowship, P.O. Box 17181 Washington, DC 20041			
Hans Kaehler, P.O. Box 118 Cold Spring Harbor, NY 11724			
Suzanne Kalfus, 1016 16th Street, NW Washington, DC 20036	National Fed of Federal Employees		
Laurel B. Kamen, 1020 19th St., NW, #600 Washington, DC 20036	American Express Co		
Dennis R. Kanin, Foley Hoag & Eliot One Post Office Square Boston, MA 02109	H.N. Gorin Associates, Inc		
Do	Leading Edge Products, Inc		
Do	Mutual Savings Central Fund, Inc		
Kevin Kaplan, 8100 Mountain Road, NE Albuquerque, NM 87110	Beer Drinkers of New Mexico	410.00	365.00
David A. Karcher, 3702 Pender Drive, #250 Fairfax, VA 22030	American Soc of Cataract & Refractive Surgery		7,448.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
David L. Keating, 325 Pennsylvania Ave., SE Washington, DC 20003	National Taxpayers Union	3,029.00	
Keck Mahin & Cate, 1730 Pennsylvania Avenue, NW, #350 Washington, DC 20006	Schwinn Bicycle Co	280.50	
Keiki Kehoe, 218 D St., SE Washington, DC 20003	Environmental Policy Institute	1,239.09	
Ty Kelley, P.O. Box 1417-D49 Alexandria, VA 22313	National Assn of Chain Drug Stores, Inc	1,500.00	
Carol A. Kelly, 1700 Pennsylvania Ave, #525 Washington, DC 20006	Equitable Life Assurance Society of the U.S	1,275.00	15.00
Kemper Financial Services, Inc, 120 South Lasalle Street Chicago, IL 60603			472.40
Kemper Investors Life Insurance Co, 120 South Lasalle Street Chicago, IL 60603			370.01
Frances H. Kennedy, 208 N. Quaker Lane Alexandria, VA 22304	National Parks & Conservation Assn	100.00	
Anne S. Kerman, 122 C Street, NW, #380 Washington, DC 20001	National Family Planning & Reproductive Health Assn, Inc	55.00	
T. Michael Kerr, 1625 L St., NW Washington, DC 20036	American Fed of State County & Municipal Employees	11,923.56	125.18
Margaret Kerry, 105 East 22nd Street New York, NY 10010	Community Service Society	263.88	285.73
Frederick A. Kessinger, 1201 4th St., SW Washington, DC 20024	Animal Health Institute		
Dale Rodney Ketcham, 1980 N. Atlantic Ave., #980 Cocoa Beach, FL 32931			
Earline A. Keyser, 7352 Lee Highway Falls Church, VA 22046	Bechtel Power Corporation		
William P. Killmer, 1331 Pennsylvania Avenue, NW, #910 Washington, DC 20004	American Cement Trade Alliance, Inc	3,725.95	176.01
Roberta D. Kimball, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors, Inc	2,500.00	
Gene Kimmelman, 1424 16th St., NW, #604 Washington, DC 20036	Consumer Federation of America	7,899.00	
Aubrey C. King, 1625 Eye Street, NW, #609 Washington, DC 20006	National Club Association		
Peter C. Kirby, 1400 Eye St., NW Washington, DC 20005	Wilderness Society	165.76	
Kirkpatrick & Lockhart, 1800 M St., NW, S. Lobby-9th Fl. Washington, DC 20036	Capitol Markets Group	5,138.00	
Do	Color Systems Technology, Inc	712.00	
Do	Columbia Pictures Industries, Inc	293.00	
Do	County of Suffolk, New York		
Do	Grocery Manufacturers of America, Inc		
Do	H. K. Porter Company, Inc		
Do	Search Group, Inc	1,207.00	68.74
Donald R. Kirtley, Hercules Plaza Wilmington, DE 19894	Hercules, Inc		
William J. Kissick, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Algoma Steel Corp, Ltd	62.50	314.50
Lisa K. Kjaer, 2001 Eye St., NW Washington, DC 20006	Electronic Industries Assn	475.00	
Thomas S. Kleppe, 7852 Vervain Court Springfield, VA 22152	Professional Bancorp		
Michael R. Klipper, 1600 I St., NW Washington, DC 20006	Motion Picture Assn of America, Inc	516.60	198.75
Glenn Knapp, 773 Dartmouth Ave. San Carlos, CA 94070			
Peter E. Knight, 1101 15th Street, NW, #400 Washington, DC 20005	National Council of Savings Institutions	8,000.00	224.02
Darrell Knuffke, 1400 Eye Street, NW Washington, DC 20005	Wilderness Society	76.17	
Kominers Fort & Schlefer, 1401 New York Ave., NW, #1200 Washington, DC 20005-2187	Avia Footwear, Inc	16,806.12	693.88
Do	Marathon LeTourneau Co, et al		
Do	Ocean Transportation Coalition	625.00	40.36
Do	Oregon Economic Development Dept	12,705.71	419.29
Do	Pacific Coast Council of Freight Forwarders		
Nicholas P. Koskores, 1455 Pennsylvania Avenue, NW, #1000 Washington, DC 20004	New England Council, Inc		
Alan G. Kraut, 1200 17th Street, NW Washington, DC 20036	American Psychological Assn	2,000.00	132.54
Lawrence E. Kreider, 1015 18th St., NW Washington, DC 20036	Conference of State Bank Supervisors		
James C. Krone, 1152 Haslett Road P.O. Box 99 Haslett, MI 48840	Roses, Inc	300.00	
James M. Kuszaj, P.O. Box 31608 Raleigh, NC 27615	Dow Chemical USA		
Labor Management Maritime Committee, Inc, 100 Indiana Avenue, NW Washington, DC 20001		4,761.00	6,800.00
Gerard F. Lamb, 1901 L St., NW, #707 Washington, DC 20036	Todd Shipyards Corp		
James E. Lamble, 4000 Tunlaw Road, NW, #324 Washington, DC 20006	Bechtel Power Corporation		
Robert D. Lamson, 21 Dupont Circle, NW, #300 Washington, DC 20036	Business Executives for National Security		
Robert D. Landis, 777 14th St., NW Washington, DC 20005	National Assn of Realtors		
Moon Landrieu, 717 Girod Street New Orleans, LA 70130	Mainstreets Coalition		
Bruce Alan Landy, 2601 Virginia Ave., NW Washington, DC 20037	B.A.L. Co		
Do	Cryogenic Vacuum Technology Co		
Do	FAA-Congress Watch		
Do			
Lane & Edson, P.C., 2300 M Street, NW Washington, DC 20036	National Leased Housing Assn	900.00	
Lane & Mittendorf, 1750 K Street, NW, #1200 Washington, DC 20006	Independent Producers Group	2,091.93	908.07
Do	Nike, Inc		
Karl F. Lauenstein, 1745 Jefferson Davis Highway, #1000 Arlington, VA 22202	General Dynamics Corp	1,000.00	175.74
George H. Lawrence, 1515 Wilson Blvd. Arlington, VA 22209	American Gas Assn	3,750.00	
Sally Ann LaHue, 1101 15th Street, NW, #400 Washington, DC 20005	National Council of Savings Institutions	2,000.00	600.04
Leach Biesty & McGreevy, 1619 New Hampshire Ave., NW Washington, DC 20009	Washington Psychiatric Society	5,250.00	48.40
Leadership Conference on Civil Rights, 2027 Massachusetts Ave., NW Washington, DC 20036		124,525.45	77,928.22
League of American Investors, 32123 Lindero Canyon Rd., #300 Westlake Village, CA 91361			
Leboeuf Lamb Leiby & Macrae, 1333 New Hampshire Ave., NW, #1100 Washington, DC 20036	Maritrans Operating Partners, L.P.		27.80
Robert F. Lederer, 1250 I Street, NW, #500 Washington, DC 20005	American Assn of Nurserymen		
Julie S. Lee, 444 North Capitol St., NW, #801 Washington, DC 20001	Joint Maritime Congress		
Lefevere Lefler Kennedy O'Brien & Drawz, 2000 First Bank Place West 120 South 6th Street Minneapolis, MN 55402	City of New Brighton		
Matthew R. Lehrman, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	1,500.00	
Karen Leichtman, 1319 F St., NW, #300 Washington, DC 20004	Halt: Americans for Legal Reform		
Cynthia R. Lenhart, 801 Pennsylvania Avenue, SE Washington, DC 20003	National Audubon Society	7,000.00	1,261.36
Rodney E. Leonard, 2001 S Street, NW, #530 Washington, DC 20009	Community Nutrition Institute		
David A. Lewis, 1601 Connecticut Ave., NW, #800 Washington, DC 20009	Physicians for Social Responsibility	3,365.39	49.85
Stuart A. Lewis, 1919 Pennsylvania Ave., NW, #850 Washington, DC 20006	First Interstate Bancorp		
Do	Manufacturers Hanover Corp	850.00	
Do	National Bank of Detroit	650.00	
Robert G. Liberatore, 1100 Connecticut Avenue, NW, #930 Washington, DC 20036	Chrysler Corporation	2,250.00	391.05
Lillick McHose & Charles, 1800 M Street, NW, #250N Washington, DC 20036	American High Seas Fisheries Assn	29,997.00	3,075.76
Karl W. Lindberg, 2322 Easter Lane New Orleans, LA 70152	Southern Forest Products Assn	1,750.00	
Linda A. Lipsen, 2001 S Street, NW, #520 Washington, DC 20009	Consumers Union of U.S., Inc	2,160.00	
Susan Liss, 1424 16th Street, NW, #601 Washington, DC 20036	People for the American Way	3,312.49	23.00
David A. Litvin, 1001 22nd St., NW, #600 Washington, DC 20037	Standard Oil Company (Ohio)		290.00
Richard D. Lloyd, 600 Maryland Avenue, SW, #520 Washington, DC 20024	GPU Service Corporation	1,004.50	
Charles M. Loveless, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	11,566.74	322.56
Gary S. Lucenti, Dow Lohnes & Albertson 1255 Twenty Third St., NW Washington, DC 20037	Algoma Steel Corp, Ltd	29.00	289.86
Sylvester Lukis, 1155 15th St., NW, #504 Washington, DC 20005	Washington Consulting Group	9,000.00	
Lumbermens Mutual Casualty Company, Long Grove, IL 60049			3,863.28
William T. Lundeen, 127 Hicks Street Brooklyn, NY 11201	Morality in Media, Inc	244.75	
Samuel A. Mabry, 1800 K St., NW Washington, DC 20006	Hercules, Inc	7,406.25	2,208.59
John Macnamara, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Algoma Steel Corp, Ltd	60.00	432.88
John H. Madigan Jr., 1575 Eye Street, NW, #1060 Washington, DC 20005	American Cancer Society	5,000.00	750.00
Cliff Madison Government Relations, Inc, P.O. Box 7006 Northridge, CA 91327-7006	County of San Bernardino		
Mary Mahon, 380 Second Avenue New York, NY 10010		128.71	413.82
John Francis Mahoney, 536 Seventh St., SE Washington, DC 20003	Mahoney & Associates (For:American Medical Assn)		
Michael C. Maibach, Intel Corporation, SC6-65 P.O. 58121 Santa Clara, CA 95052-8121	Intel Corporation	12,000.00	8,772.64
R. Roger Majak, 1700 N. Moore Street, #1620 Arlington, VA 22209	Tektronix, Inc	10,317.50	1,798.51
Manchester Associates, Ltd, 1155 15th Street, NW, #811 Washington, DC 20005	Corporacion Del Cobre (USA), Inc	2,735.00	1,272.00
Do	Eldorado Resources, Ltd	2,000.00	805.00
Do	Nissan Motor Company, Ltd		
Do	Nissan Motor Manufacturing Corp, USA	7,455.00	4,210.00
Mandlebaum Wolf Wiskowski Public Strategies, Plaza Three The Harborside Financial Center Jersey City, NJ 07302	Winter's Liquor Filled Chocolates		
Peter T. Mangione, 1319 F Street, NW, #700 Washington, DC 20004	Footwear Retailers of America	200.00	
Cynthia Mansfield, 600 Maryland Ave., SW, #520 Washington, DC 20024	GPU Service Corporation	2,264.77	665.77
Howard Marlowe, 1667 K St., NW, #660 Washington, DC 20006	Marlowe & Company (For:EXPEX, Inc)	1,000.00	58.00
Do	Graphic Communications International Union, AFL-CIO, CLC	800.00	41.00
Do	Marlowe & Company (For:Lazare Kaplan International, Inc)	8,475.00	186.70
Marlowe & Company, 1667 K Street, NW, #660 Washington, DC 20006	EXPEX, Inc	2,000.00	2,119.00
Do	Graphic Communications Int'l Union	1,287.50	1,339.50
Do	Lazare Kaplan International, Inc	8,475.00	8,661.70
Valsin A. Marmillion, Hunt Marmillion & Associates 10880 Wilshire Blvd., #2010 Los Angeles, CA 90024	American Bankers Assn		
Dianne D. Marshall, 1331 Pennsylvania Avenue, NW, #910 Washington, DC 20004	American Cement Trade Alliance, Inc	812.50	10.50
Noel D. Matchett, 1001 Spring St., #123 Silver Spring, MD 20910	Information Security, Inc		
Herbert S. Matthews, Rte. 3, Box 437 Mechanicsville, MD 20659	Martin Marietta Aerospace	7,200.00	
William C. Mattox, 1700 Pennsylvania Avenue, NW Washington, DC 20006	Equitable Financial Cos	2,200.00	15.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
William W. Maurer, 1745 Jefferson Davis Highway, #1000 Arlington, VA 22202	General Dynamics Corp	1,000.00	2,003.43
William A. Maxwell, 311 First Street, NW, #500 Washington, DC 20001	Computer & Business Equipment Manufacturers Assn	7,000.00	
Albert E. May, 1627 K Street, NW, 1200 Washington, DC 20006	Council of American-Flag Ship Operators	4,500.00	20.92
Arnold Mayer, 1775 K St., NW Washington, DC 20006	United Food & Commercial Workers International Union	22,884.61	284.41
Rosemary A. Mazon, 1001 Pennsylvania Ave., NW, #700 Washington, DC 20004	Allied-Signal, Inc		
McAllister & Jennings, 912 Kings Highway Shreveport, LA 71104	Kast Metals Corp		
Do	Standard Manufacturing Co		
Jerry McAndrews, 120 Maryland Ave., NE Washington, DC 20012	Competitive Telecommunications Assn	2,500.00	54.00
John A. McCahill, 1250 Connecticut Ave, NW Washington, DC 20036	U.S. Olympic Committee		
Margaret M. McCormick, 5017 Forbes Avenue Pittsburgh, PA 15213	Carnegie-Mellon University	6,751.88	1,250.43
David F. McDermitt, 2238 Highland Avenue Falls Church, VA 22046	National Utility Contractors Assn	19,875.00	21,083.33
Marianne McDermott, 1350 New York Avenue, NW, #615 Washington, DC 20005	Greeting Card Assn		
McDermott Will & Emery, 1850 K St., NW, #500 Washington, DC 20006	American Dental Hygienists' Assn	12,000.00	
Do	Banks of Iowa		
Do	Berry Holding Co		
Do	California Assn of Children's Hospitals	6,500.00	
Do	Caterpillar Tractor Co		
Do	Federal Kemper Life Assurance Co	210.00	
Do	Federation of Japan Salmon Fisheries Cooperative Assn		
Do	Juvenile Diabetes Foundation, International	7,500.00	
Do	Kemper Investors Life Insurance Co		
Do	Lumberman Mutual Co		
Do	Outpatient Opthalmic Surgery Society	11,000.00	
Do	Public Employees Retirement Assn of Colorado	2,072.50	120.00
Do	Society for Office Based Surgery	2,500.00	
Do	Tuna Research Foundation, Inc		
Patrick J. McDonough, 5999 Stevenson Avenue Alexandria, VA 22304	American Assn for Counseling & Development		
Paul J. McGeady, 27 Hampton Place Nutley, NJ 07110	Morality in Media, Inc	31.69	
Robert McIntyre, 1313 L St., NW Washington, DC 20005	Citizens for Tax Justice	5,711.54	
Robert McVicker, 2421 Cavendish Drive Alexandria, VA 22308	Kollsman Instrument Co		
Michael Medberry, 1400 Eye Street, NW Washington, DC 20005	Wilderness Society	232.80	171.90
Michelle Meier, 2001 S Street, NW, #520 Washington, DC 20009	Consumers Union of U.S., Inc	1,000.00	
Nanine Meiklejohn, 1625 L St., NW Washington, DC 20036	American Fed of State County & Municipal Employees	7,259.22	124.79
James T. Melville, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Algoma Steel Corp, Ltd	44.00	295.26
Andrea L. Methven, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco, Inc		
Milbank Tweed Hadley & McCloy, 1825 Eye St., NW Washinton, DC 20006	Committee for Fair Trade with China		
Do	Midland Bank plc		
Fred Millar, 218 D St., SE Washington, DC 20003	Environmental Policy Institute	21.46	
David H. Miller, 900 17th Street, NW Washington, DC 20006	Chase Manhattan Bank, N.A.		
Joseph S. Miller, 19 3rd St., NE Washington, DC 20002	Association of American Railroads	1,000.00	
Do	Marine Engineers' Beneficial Assn	1,000.00	410.00
Do	O & C Counties Association		
Do	Port of Portland	200.00	
Do	Western Forest Industries Assn	500.00	
Miller & Chevalier, Chtd, 655 15th St., NW, #900 Washington, DC 20005-5701	American Electronics Assn		
Do	American Nuclear Energy Council	750.00	
Do	Chevy Chase Savings & Loan Assn	63.31	
Do	Computer & Business Equipment Manufacturers Assn		
Do	Council on Research & Technology		
Do	Lincoln Savings & Loan Assn	1,918.13	
Do	Perpetual American Bank, F.S.B.	175.30	1,250.00
Do	Western Savings & Loan Assn	472.30	1,250.00
Miller Hamilton Snider & Odom, 256 State St., P.O. Box 46 Mobile, AL 36601	Camp Carmouche Barsh... (for Sears Roebuck & Co)	1,323.00	4,281.28
Do	Colonial Bancgroup, Inc	3,416.00	2,570.78
Richard V. Minck, 1850 K St., NW Washington, DC 20006	American Council of Life Insurance, Inc	1,750.00	
John H. Miner, Room 1414-South Building, USDA Washington, DC 20250	Organization of Professional Employees of USDA	652.20	
Mining & Reclamation Council of America, 1130 17th Street, NW Washington, DC 20036			
Minority Business Enterprise Legal Defense & Education Fund, 300 I Street, NE, #200 Washington, DC 20002			126.00
Mintz Levin Cohn Ferris Glovsky & Popeo, P.C., 1825 I Street, NW, #1025 Washington, DC 20006	Communications Industry Assn of Japan	12,000.00	
Miro Miro & Weiner, P.C., 500 N. Woodward Ave., #200 P.O. Box 908 Bloomfield Hills, MI 48303-0908	Detroit Tooling Assn		
Do	Michigan Council of Self-Insured Group Administrators	9,790.00	
Thomas F. Mitchell, 1875 Eye St., NW, #400 Washington, DC 20006	Georgia-Pacific Corp		
John A. Moag Jr., Capitol Associates, Inc 426 C St., NE Washington, DC 20002	Prince George Center		
Do	State of Maryland, Dept. of Transportation		
Do	Washington Metropolitan Area Transit Authority		
John V. Moller, 1155 15th Street, NW, #1010 Washington, DC 20005	Manchester Associates (For:Corporacion Nacional del Cobre de Chile)	410.00	21.00
Do	Manchester Associates, Ltd (For:Eldorado Resources, Ltd)	300.00	
Do	Manchester Associates, Ltd (For:Nissan Motor Company, Ltd)	1,864.00	43.00
John C. Monsul, 923 Riva Ridge Drive Great Falls, VA 22066			
Morality in Media, Inc, 475 Riverside Dr., #239 New York, NY 10115		31.69	31.69
Vincent L. Morelli, 2361 Jefferson Davis Highway, #624 Arlington, VA 22202	Lockheed Shipbuilding Co	2,000.00	50.38
Morgan Lewis & Bockius, 1800 M St., NW, #800 N. Washington, DC 20036	Zalman C. Bernstein		
Robert E. Morin, 600 New Hampshire Avenue, NW, #1111 Washington, DC 20037	Society of Real Estate Appraisers		
Gerald D. Morris, 555 New Jersey Ave., NW Washington, DC 20001	American Fed of Teachers, AFL-CIO	13,125.00	80.00
Morrison & Foerster, 2000 Pennsylvania Ave., NW Washington, DC 20006	Mastercard International, Inc, et al.	4,237.50	12.00
Valerie T. Morse, 1020 19th St., NW, #600 Washington, DC 20036	American Express Co		
Motion Picture Assn of America, Inc, 1600 Eye Street, NW Washington, DC 20006		50,036.90	27,501.28
Richard J. Muller, 1100 Connecticut Ave., NW, #930 Washington, DC 20036	Chrysler Corporation	2,000.00	105.00
W. H. L. Mullins, 1745 Jefferson Davis Highway, #1000 Arlington, VA 22202	General Dynamics Corp	2,000.00	398.00
Evelyn Fieman Munley, 1129 20th Street, NW, #400 Washington, DC 20036	American Assn of Homes for the Aging	207.70	
Barbara Munson, 1300 North 17th St., #1200 Arlington, VA 22209	Consumer Bankers Assn	3,869.60	181.38
Edward L. Murphy, 1313 L Street, NW, 2nd Floor Washington, DC 20005	National Assn of Government Employees	5,000.00	268.65
Michael M. Murphy, 1101 17th St., NW, #400 Washington, DC 20036	American President Companies, Ltd, et al.	8,600.00	
Murray & Scheer, 2715 M Street, NW, #300 Washington, DC 20007	Lightning Location & Protection, Inc	625.00	
Do	PHP Healthcare Corp	600.00	
Sarah Muyskens, 1400 Eye St., NW Washington, DC 20005	Wilderness Society		
Diane M. Nash, 600 Pennsylvania Avenue, SE, #200 Washington, DC 20003	Independent Insurance Agents of America, Inc	9,181.00	
National Assn of Atomic Veterans, P.O. Box 409 Eldon, MO 65026			
National Assn of Auto Fleet Buyers, Inc, 66 Bay 19th Street Brooklyn, NY 11214			
National Assn of Beverage Importers, 1025 Vermont Avenue, NW, #1205 Washington, DC 20005			
National Assn of Chain Drug Stores, Inc, P.O. Box 1417-049 Alexandria, VA 22313			
National Assn of Energy Service Companies, 2330 M St., NW Washington, DC 20037		1,686.00	1,813.50
National Assn of Home Builders of the U.S., 15th & M Sts., NW Washington, DC 20005		132,674.67	120,675.12
National Assn of Letter Carriers, 100 Indiana Ave., NW Washington, DC 20001		4,795,031.00	383,014.40
National Assn of Margarine Manufacturers, 1101 15th St., NW, #202 Washington, DC 20005			
National Assn of Railroad Passengers, 236 Massachusetts Ave., NE, #603 Washington, DC 20002		95,460.05	54,001.63
National Assn of Realtors, 777 14th St., NW Washington, DC 20005			112,650.46
National Assn of Retired Federal Employees, 1533 New Hampshire Ave., NW Washington, DC 20036		4,073.00	3,751.00
National Automobile Dealers Assn, 8400 Westpark Drive Mclean, VA 22102			16,780.00
National Club Association, 1625 Eye St., NW, #609 Washington, DC 20006			
National Comm for Citizens in Education, 10840 Little Patuxent Pkwy., #301 Columbia, MD 21044-3199			
National Council of Agricultural Employers, 499 S. Capitol St, SW #411 Washington, DC 20003		54,201.01	3,075.00
National Council of Savings Institutions, 1101 15th St., NW, #400 Washington, DC 20005		61,153.29	
National Education Assn, 1201 16th St., NW Washington, DC 20036		101,313.97	101,313.97
National Family Planning & Reproductive Health Assn, Inc, 122 C St., NW, #380 Washington, DC 20001		41,336.00	906.00
National Fertilizer Solutions Assn, 10777 Sunset Office Drive, #10 St. Louis, MO 63127			
National Foreign Trade Council, Inc, 100 East 42nd St. New York, NY 10017		57,979.00	57,979.00
National League of Postmasters of the U.S., 1023 North Royal Street Alexandria, VA 22314			34,638.00
National Leased Housing Assn, 2300 M St., NW, #260 Washington, DC 20037		900.00	900.00
National Low Income Housing Coalition, 1012 14th Street, NW, #1006 Washington, DC 20005		23,817.00	33,801.00
National Rifle Assn of America, 1600 Rhode Island Ave., NW Washington, DC 20036		161,794.97	198,967.55
National Rural Housing Coalition, 201 Massachusetts Ave., NE, C-8 Washington, DC 20002		533.40	23,501.10
National Small Business Index, R.R. #1 Aitkin, MN 56431			

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
National Tax Equality Assn, 321 D St., NE Washington, DC 20002			13,321.72
National Tour Assn, Inc, 546 E. Main Street Lexington, KY 40508		34,018.00	34,018.00
National Turkey Federation, 11319 Sunset Hills Rd. Reston, VA 22090			1,000.00
Ralph G. Neas, 2027 Massachusetts Ave., NW Washington, DC 20036	Leadership Conference on Civil Rights	15,750.00	214.05
Mary Elizabeth Neese, 1101 15th St., NW, #400 Washington, DC 20005	National Council of Savings Institutions	2,000.00	706.88
Jorge A. Negron, 111 Massachusetts Ave., NW, #200 Washington, DC 20001	U.S. Hispanic Chamber of Commerce	10,250.00	
Neighbor-To-Neighbor Action Fund, 2601 Mission Street, #400 San Francisco, CA 94110		216,482.00	5,160.00
Carolyn B. Nelson, #2 Metroplex Dr., Suite 500 Birmingham, AL 35209	Metropolitan Properties, Inc		
Donald W. Nelson, 1000 16th Street, NW, #701 Washington, DC 20036	Federal Managers Assn	4,200.00	50.00
E. Colette Nelson, 1004 Duke St. Alexandria, VA 22314	American Subcontractors Assn	3,000.00	
Gaylord Nelson, 1400 Eye Street, NW Washington, DC 20005	Wilderness Society	35.51	
Frederick H. Nesbitt, 100 Indiana Avenue, NW Washington, DC 20001	National Assn of Letter Carriers	9,282.14	105.54
E. Bruce Nicholson, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
Ellen Nissenbaum, 236 Massachusetts Avenue, NE, #305 Washington, DC 20002	Center on Budget & Policy Priorities	1,489.18	35.00
Peter Nixon, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Algoma Steel Corp, Ltd		
H. Christopher Nolde, 2501 M St., NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	750.00	48.00
David F. Norcross, 1010 Kings Highway So., #2-C Cherry Hill, NJ 08034	American Maritime Officers Service		
Do	National Check Cashers Coalition	14,500.00	13,500.00
Do	Pittsburgh & Lake Erie Railroad Co		
North American Export Grain Assn, Inc, 1747 Pennsylvania Ave., NW, #1175 Washington, DC 20006			
James Norton, 1400 Eye St., NW Washington, DC 20005	Wilderness Society	1,183.41	3,622.63
Nossaman Guthner Knox & Elliott, 1140 19th St., NW, #600 Washington, DC 20036	AEtna Life & Casualty	3,000.00	2,400.00
Do	California Co-Compost Systems		
Do	California Student Loan Finance Corp	3,800.00	4,200.00
Do	Mortgage Marketing Service Co, Inc		
Do	MEBA District II, et al		420.00
Do	Northwestern National Life Insurance Co	1,344.00	960.00
Do	Southern California Edison	1,272.00	240.00
Nathan Note, Box 373 Majuro, Marshall Islands	Bikini/Kili/Ejit Council		
Cynthia H. Null, 1200 17th Street, NW Washington, DC 20036	Federation of Behavioral Psychological & Cognitive Sciences	240.00	
NL Industries, Inc, 3000 North Belt East P.O.Box 60087 Houston, TX 77205			15,249.00
Michael P. O'Brien, 1004 Duke Street Alexandria, VA 22314	American Subcontractors Assn	900.00	
Charles Albert O'Connor Jr., 200 N. Pickett Street, #810 Alexandria, VA 22304			
O'Connor & Hannan, 1919 Pennsylvania Ave., NW, #800 Washington, DC 20006	Children's Hospital National Medical Center		
Do	Corcoran Mullins Jennison		
Do	National Club Association		
Do	J. C. Penney Co, Inc		
Do	U.S. League of Savings Institutions	2,500.00	
O'Melveny & Myers, 555 13th St., NW Washington, DC 20004	Association of Telephone Telegraph & Related Telematics Inds		
Law Offices of John O'Neal, P.C., 1455 Pennsylvania Ave., NW, #1200 Washington, DC 20004	National Rural Telecom Assn	7,700.00	
Patricia M. O'Toole, 1201 West 5th Street Los Angeles, CA 90017	Union Oil Co of California		
Marion Browne Oglesby Jr., 499 South Capitol Street, SW, #507 Washington, DC 20003	Bill Hecht & Associates, Inc (For:Boys Scouts of America)		
Do	Bill Hecht & Associates, Inc (For:Brown & Williamson Tobacco Corp)		
Do	Bill Hecht & Associates, Inc (For:Church Alliance)		
Do	Bill Hecht & Associates, Inc (For:CSX Corporation)		
Do	Bill Hecht & Associates, Inc (For:Freedom & Justice for Cyprus Trust)		
Do	Bill Hecht & Associates, Inc (For:Hong Kong Trade Development Council)		
Do	Bill Hecht & Associates, Inc (For:Illinois Department of Energy & Natural Resources)		
Do	Bill Hecht & Associates, Inc (For:Kansas City Southern Industries, Inc)		
Do	Bill Hecht & Associates, Inc (For:Multinational Business Services)		
Do	Bill Hecht & Associates, Inc (For:Mutual Fairness Taxation Assn)		
Do	Bill Hecht & Associates, Inc (For:Western Growers Association)		
Philip C. Onstad, 500 West Putnam Avenue Greenwich, CT 06832	Control Data Corporation	200.00	
Michel Orban, American Express Tower World Financial Center New York, NY 10285-4705	American Express Co		
Organ. for Protection & Advancement of Small Telephone Cos, 2301 M Street, NW, #530 Washington, DC 20037			
Organization of Professional Employees of USDA, Rm. 1414 S. Building U.S. Dept of Agriculture Washington, DC 20250		2,432.50	1,871.37
Andrew Palmer, 218 D St., SE Washington, DC 20003	Environmental Policy Institute		
Peter J. Pantuso, 7900 Westpark Drive, #514 Mclean, VA 22102	National Confectioners Assn of the U.S		900.00
Paperboard Packaging Council, 1101 Vermont Ave., NW, #411 Washington, DC 20005			
Harriet Parcells, 236 Massachusetts Avenue, NE, #603 Washington, DC 20002	National Assn of Railroad Passengers	1,774.08	
Judith E. Park, 1533 New Hampshire Ave., NW Washington, DC 20036	National Assn of Retired Federal Employees	13,846.00	
Nancy L. Parke, 210 Little Falls Street Falls Church, VA 22046	Associated Builders & Contractors, Inc	2,500.00	
Prudence H. Parks, 1100 H Street, NW Washington, DC 20080	Washington Gas Light Co	1,645.10	252.99
Kenneth O. Parris, 2638 Rivers Road Atlanta, GA 30305	Parris Group (For:Redi-Med, Inc)	4,037.00	1,103.80
DeLane Pate, c/o Dow, Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Laurel Steel Products Ltd		
Jerry M. Patterson, 3200 Park Center Dr., #650 Costa Mesa, CA 92626	Great Western Financial Corp		
Do	Heron Corp, Ltd		
Do	Pacific Mutual Life Insurance Co		
Do	Western Financial Savings Bank		
Paul Hastings Janofsky & Walker, 1050 Connecticut Avenue, NW, #1200 Washington, DC 20036	Shell Oil Co		
Paul Weiss Rifkind Wharton & Garrison, 1615 L Street, NW, #1300 Washington, DC 20036	Cook Inlet Region, Inc		
Do	McDonnell Douglas Corp		44.00
Do	NEC Corp and NEC America, Inc		
Do	Pacific Assets Holdings, L.P		
Endicott Peabody Law Offices, 188 Main Street Nashua, NH 03060	Colorado Public Employee Retirement Assn	900.00	38.00
Peace Political Action Committee, 100 Maryland Avenue, NE Washington, DC 20002			9,596.07
Pelton Research Center, 1400 S. Joyce Street Arlington, VA 22202	Help, Inc		
Elin Peltz, 1511 K St., NW, #723 Washington, DC 20005	Hawaiian Sugar Planters' Assn		
People for the American Way Action Fund, 1424 16th Street, NW, #601 Washington, DC 20036		926,255.00	76,182.00
Robert A. Perkins, 1100 Connecticut Avenue, NW Washington, DC 20036	Chrysler Corporation	15,000.00	450.00
Physicians for Social Responsibility, 1601 Connecticut Avenue, NW, #800 Washington, DC 20009		10,380.30	12,948.52
Joan Piccolo, 1776 K Street, NW, #300 Washington, DC 20006	Motorola, Inc	3,000.00	
Stuart F. Pierson, Verner, Liipfert, Bernhard, & Mcpherson 1660 L St., NW, #1100 Washington, DC 20036	LTV Corporation, et al		
Pierson Ball & Dowd, 1200 18th St., NW, #1000 Washington, DC 20036	Dun & Bradstreet Corp		
Do	El Pomar		
Do	International Futures Exchange (Bermuda) Ltd		
Do	Intex Holdings (Bermuda) Ltd		
Do	Lee Enterprises - Call-It-Co		
Do	Securities Industry Assn	2,750.00	
Piper & Marbury, 888 Sixteenth Street, NW Washington, DC 20006	First Maryland Bancorp		
Do	First National Bank of Maryland		
Mindy Pollack, 1819 L St., 7th Floor Washington, DC 20036	Reinsurance Assn of America		80.54
John F. Pontius, 130 North Carolina Avenue, SE Washington, DC 20003	Meadows Recovery Center		
Porte Stafford & Associates, 1050 17th Street, NW, #840 Washington, DC 20036	American Medical Records Assn	3,000.00	
Do	National Assn of Medical Directors of Respiratory Care	6,000.00	
Do	National Dialysis Assn	9,000.00	
Powell Goldstein Frazer & Murphy, 1001 Pennsylvania Ave., NW, 6th Floor Washington, DC 20004	American Council on Education	1,495.00	
Do	CORTECH	8,910.00	
Do	Flood Control Advisory Committee		
Do	Hitachi Sales Corp of America	25,363.38	
Do	International Telecommunications Satellite Organization	3,746.00	
Do	Jacques Borel Enterprises, Inc	2,460.00	
Do	Project on the Federal Social Role	1,860.00	
Do	Westinghouse Electric Corp	4,015.00	
Prather Seeger Doolittle & Farmer, 1600 M Street, NW, 7th Floor Washington, DC 20036	Banker's Assn for Foreign Trade	7,200.00	648.37
Do	John Hancock Mutual Life Insurance Co	13,250.00	947.35
Mary Jane Preston, 1012 14th Street, NW, #403 Washington, DC 20005	U.S. Student Association		100.00
Woodruff M. Price, 1331 Pennsylvania Ave., NW, #560 Washington, DC 20004	CSX Corporation	3,000.00	391.97
Pro-Life Congressional District 11, P.O. Box 727 San Carlos, CA 94070		230.00	1,689.42
Procompetitive Rail Steering Committee, 6623A Old Dominion Drive McLean, VA 22101		6,000.00	79,102.03
Project Cure, Inc, 105 N. Foster St. Dothan, AL 36303		22,438.74	59,842.05
Gerald R. Prout, 1627 K St., NW, #500 Washington, DC 20006	FMC Corporation	1,500.00	
Robert M. Purcell, 2601 Mission Street, #400 San Francisco, CA 94110	Neighbor-To-Neighbor Action Fund	3,937.50	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
William E. Pursley, 1025 Connecticut Avenue, NW Washington, DC 20036	Shell Oil Co	500.00	
Maggy H. Ralbovsky, 1101 15th Street, NW, #400 Washington, DC 20005	National Council of Savings Institutions	1,000.00	
John C. Ramig, 1730 M Street, NW, #900 Washington, DC 20036	Stoel Rives Boley Fraser & Wyse (For:Association of O & C Counties)	280.50	
Do	Stoel Rives Boley Fraser & Wyse (For:Pacificorp)	1,967.50	734.32
Kathleen Marie Ramsey, 1010 Wisconsin Avenue, NW, #800 Washington, DC 20007	Grocery Manufacturers of America, Inc		
Craig J. Rancourt, 2000 Pennsylvania Ave., NW, #3700 Washington, DC 20006	American Assn of Classified School Employees	11,551.85	2,228.19
Robert A. Rapoza Associates, 201 Massachusetts Ave., NE, # C-8 Washington, DC 20002	National Rural Housing Coalition	15,920.51	15,920.51
Do	Policy & Management Associates	25,000.00	21,048.00
G. David Ravencraft, 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
Eiler C. Ravnholt, 723 Investment Bldg. Washington, DC 20005	Hawaiian Sugar Planters' Assn	800.00	415.00
Floyd C. Raynard, 6111 Peachtree Dunwoody Rd. Atlanta, GA 30328	Stellar Technology Enterprises, Inc	4,500.00	530.52
Reading Is Fundamental, Inc, 600 Maryland Ave., SW, #500 Washington, DC 20560			577.49
Robert S. Reese Jr., 2200 Mill Road Alexandria, VA 22314	American Trucking Assns, Inc	9,000.00	
Kenneth A. Reich, Foley Hoag & Eliot One Post Office Square Boston, MA 02109	Northeast Solvents Recovery	2,788.50	73.00
Reid & Priest, 1111 19th St., NW, #1100 Washington, DC 20036	City of Philadelphia	35,480.00	1,487.19
Do	Pennsylvania Shipbuilding Co	38,450.00	1,372.60
Mark Reihl, 5201 Auth Way, #510 Camp Springs, MD 20746	Seafarers International Union	4,500.00	213.58
Harry O. Reinsch, 1310 Jones Street, #902 San Francisco, CA 94109	Bechtel Power Corporation		
Reserve Officers Assn of the US, 1 Constitution Ave., NE Washington, DC 20002		3,772.89	12,499.54
Resource Technical Consultants (USA), Inc, D/B/A Tecna, 330 Seventh Avenue, #1902 New York, NY 10001		1,212.36	2,877.00
Resources Fund, Inc, 1535 P Street, NW Washington, DC 20005			
Rice Genocide Research, 3046 Roosevelt Street Detroit, MI 48216			215.45
Rice Porter & Seiller, 2200 Meidinger Tower Louisville, KY 40202	KHA Group Appeal Legal Fund		
Do	Res-Care, Inc		
Do	Texas Education Foundation		
Alan K. Richards, 1709 New York Avenue, NW, #303 Washington, DC 20006	Blue Cross & Blue Shield Assn	1,280.00	37.50
Richard Richards, Law Office of Richard Richards 1050 Thomas Jefferson Street, NW, 6th Fl Washington, DC 20007	Universidad Autonoma de Guadalajara	1,500.00	398.00
Larry D. Rickards, 1200 17th Street, NW Washington, DC 20036	American Psychological Assn	2,000.00	64.00
Riddell Holroyd & Butler, 1331 Pennsylvania Avenue, NW, #1215 Washington, DC 20004	H. F. Ahmanson & Co	12,000.00	
Do	Associates Corp of North America	1,000.00	
Do	Beneficial Corporation		
Do	First Chicago Corp	2,000.00	
Do	W. K. Kellogg Foundation	3,750.00	
Siert F. Riepma, 1101 15th St., NW, #202 Washington, DC 20005	National Assn of Margarine Manufacturers		
Leslie Sue Ritts, Morgan Lewis & Bockius 1800 M Street, NW Washington, DC 20036	National Environmental Development Assn		
Rivkin Radler Dunne & Bayh, 1575 I Street, NW, #1025 Washington, DC 20005	Milk Industry Foundation	2,204.25	25.00
Robert N. Robertson, Dow Lohnes & Albertson 1255 Twenty Third St., NW Washington, DC 20037	Algoma Steel Corp, Ltd	67.50	664.72
Michelle Robinson, 100 Maryland Avenue, NE Washington, DC 20002	Council for a Livable World	3,600.30	
Tom Robinson, 1400 Eye St., NW Washington, DC 20005	Wilderness Society	3,843.84	945.68
Antoinette K. Roche, 1050 Connecticut Ave., NW, #300 Washington, DC 20036			
Michael F. Rodgers, 1129 20th St., NW, #400 Washington, DC 20036	American Assn of Homes for the Aging	457.00	49.65
Rogers & Wells, 1737 H Street, NW Washington, DC 20006	National Assn of Beverage Importers		179.45
Do	Walker Telecommunications Corp		54.40
Do	Wine & Spirits Wholesalers of America, Inc		91.50
Ropes & Gray, 1001 22nd St., NW, #700 Washington, DC 20037	Digital Equipment Corp		
Do	Reebok International Ltd		
Michael F. Rosanio, 1620 I Street, NW, #1000 Washington, DC 20006	Motor Vehicle Manufacturers Assn of the U.S., Inc		
Rose Communications, Inc, 1660 L St., NW, #809 Washington, DC 20036	Johnson Matthey Inc	6,522.50	7,810.65
Burt Rosen, 1455 Pennsylvania Ave., NW, #925 Washington, DC 20004	Pfizer, Inc	1,000.00	299.09
Hilary Rosen, 1020 19th St., NW, #200 Washington, DC 20036	Recording Industry Assn of America	15,000.00	
Sara Rosenbaum, 122 C Street, NW Washington, DC 20001	Children's Defense Fund	4,500.00	
Roses, Inc, 1152 Haslett Road P.O. Box 99 Haslett, MI 48840		1,261.66	2,316.09
Ross & Hardies, 1090 Vermont Ave., NW, #540 Washington, DC 20005	Intertek Services International, Ltd	18,530.00	
Joseph L. Rosso, 2200 Mill Road Alexandria, VA 22314	American Trucking Assns, Inc	9,000.00	
John H. Rousselot, 1101 15th St., NW, #400 Washington, DC 20005	National Council of Savings Institutions	10,000.00	
Rowan & Blewitt, Inc, 1000 Vermont Ave., NW Washington, DC 20005	Velsicol Chemical Corp	325.00	3,865.00
Robert S. Royer, Royer & Shacknai 1747 Pennsylvania Ave., NW Washington, DC 20006	American Military Sales		
Do	Chrysler Military Sales Corp		
Do	City of Akron, Ohio		
Do	Drexel Burnham Lambert, Inc		
Do	Ford Riff & Burgess		
Do	Harley-Davidson Military Sales		
Do	International Futures Exchange		
Do	Intex Holdings (Bermuda) Ltd		
Do	Michigan Trade Exchange		
Do	Morgan Stanley & Co, Inc		
Do	Overseas Military Sales Group		
Do	Phillips Petroleum		
Do	Securities Industry Assn		
Royer Shacknai & Mehle, 1747 Pennsylvania Avenue, NW Washington, DC 20006	Municipal Finance Industry Assn		
Do	John Nuveen & Co, Inc		
Do	Trans Continental Services, N.V.		
Eric M. Rubin, Rubin Winston & Diercks 1730 M St., NW, #412 Washington, DC 20036	Outdoor Advertising Assn of America, Inc		
Lois J. Rude, 1050 Connecticut Ave., NW, #200 Washington, DC 20036	Burlington Northern, Inc	500.00	276.67
Gloria Cataneo Rudman, Suite 801 444 N. Capitol St., NW Washington, DC 20001	Joint Maritime Congress	8,460.00	
Robert A. Rusbuldt, 600 Pennsylvania Avenue, SE, #200 Washington, DC 20003	Independent Insurance Agents of America, Inc	18,846.00	
Robert M. Russell, 2170 Piedmont Rd., NE Atlanta, GA 30324	Orkin Exterminating Co, Inc	102.00	
John G. Ryan, 1700 K Street, NW, #601 Washington, DC 20006	Squibb Corporation	1,000.00	
Patricia Ryan, 1319 F Street, NW, #1000 Washington, DC 20004	American Psychiatric Assn	1,690.00	987.84
David W. Sanasack, 1000 16th Street, NW, #701 Washington, DC 20036	Federal Managers Assn	4,800.00	50.00
James D. Santini, 1101 King Street, #350 Alexandria, VA 22314	Greens Creek Mining Co		
Do	Homestake Mining Co		
Do	National Tour Assn, Inc	9,000.00	3,107.72
Do	Ormat Systems, Inc		
Do	Truckee-Carson Irrigation District	2,950.00	180.71
Save Our Security, 1201 16th St., NW, #222 Washington, DC 20036		8,761.00	13,884.00
Schagrin Associates, 1112 16th St., NW, #1000 Washington, DC 20036	Committee on Pipe & Tube Imports	46,803.22	227.36
Mary L. Schapiro, 1825 Eye St., NW, #1040 Washington, DC 20006	Futures Industry Assn, Inc		
Patricia Schifferle, 1400 Eye Street, NW, 10th Floor Washington, DC 20005	Wilderness Society	1,083.82	1,048.73
James P. Schlicht, 1700 K Street, NW, #601 Washington, DC 20006	Squibb Corporation	1,000.00	
Richard M. Schmidt Jr., 1333 New Hampshire Ave., NW, #600 Washington, DC 20036	National Assn of Trade & Technical Schools	1,250.00	
Herbert K. Schmitz, 1600 M St., NW, #702 Washington, DC 20036	ICI Americas, Inc		
Thomas J. Schneider, 1300 19th Street, NW, #400 Washington, DC 20036	AFL-CIO Maritime Committee		
Paul Schoellhamer, 900 17th St., NW, #526 Washington, DC 20006	Northwest Airlines, Inc	1,000.00	150.00
A. Kolbet Schrichte, 1133 15th Street, NW, #640 Washington, DC 20005	American Logistics Association		
Schwabe Williamson Wyatt Moore & Roberts, Suite 302 1000 Potomac St., NW Washington, DC 20007	Investment Co Institute		
Do	Mountain States Energy, Inc	745.60	1,102.11
Do	State of Oregon, City of Portland, Oregon Metro	6,409.41	9,473.69
Elizabeth Nash Schwartz, 1700 N. Moore St., #2120 Rosslyn, VA 22209	Boeing Company	4,854.42	3,350.03
Steve Aaron Schwartz, 8701 Georgia Ave., #701 Silver Spring, MD 20910	International Fed of Professional & Technical Engineers		
Schwinn Bicycle Co, 217 North Jefferson St. Chicago, IL 60606			280.50
Michael Scott, 1400 Eye St., NW, 10th Fl. Washington, DC 20005	Wilderness Society	5,345.73	1,715.26
Thomas W. Scoville, 444 N. Capitol Street, NW, #801 Washington, DC 20001	Joint Maritime Congress	2,137.00	
Scrivens Goldstone & Co, 5857 S. Gessner, #287 Houston, TX 77036			
Law Offices of John Sears, 818 Connecticut Avenue, NW Washington, DC 20006	Embassy of the Republic of South Africa	15,000.00	259.78
Peter M. Seremet, 16 Munson Road Farmington, CT 06034-0338	Heublein, Inc	15,215.00	5,272.17
Stuart D. Serkin, 1800 Connecticut Ave., NW, #300 Washington, DC 20009	Slurry Technology Assn	1,000.00	
Seyfarth Shaw Fairweather & Geraldson, 1111 19th St., NW, #500 Washington, DC 20036	Independent Insurance Agents of America, Inc		
Shamrock Foods Co, 2228 N. Black Canyon Phoenix, AZ 85009			
Susan Shaw, 1533 New Hampshire Ave., NW Washington, DC 20036	National Assn of Retired Federal Employees	7,900.00	
Donald B. Shea, 1750 K Street, NW Washington, DC 20006	U.S. Brewers Assn, Inc		
Shea & Gould, 1627 K St., NW, #1000 Washington, DC 20006	Group Health, Inc	7,355.00	283.00
R. Philip Shimer, 444 N. Capitol St., NW, #526 Washington, DC 20001	Western Governors Assn		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Elaine Shocas, 555 New Jersey Avenue, NW Washington, DC 20001	American Fed of Teachers	8,473.50	60.00
Sierra Club, 730 Polk Street San Francisco, CA 94109		356,394.55	356,394.55
Mark Silbergeld, 2001 S Street, NW, #520 Washington, DC 20009	Consumers Union of U.S., Inc	3,700.00	20.00
Stephen Silbiger, 1625 L St., NW Washington, DC 20036	American Fed of State County & Municipal Employees	15,420.96	299.50
Howard J. Silver, 1200 17th St., NW, #520 Washington, DC 20036	Consortium of Social Science Assns	900.00	82.35
Talmage E. Simpkins, 100 Indiana Ave., NW Washington, DC 20001	AFL-CIO Maritime Committee	300.00	314.21
Do	Labor Management Maritime Committee, Inc	1,553.00	338.15
Richard L. Sinnott, One Thomas Circle, NW, #900 Washington, DC 20005	Dallas/Ft. Worth International Airport	12,000.00	
Richard L. Sinnott & Co, Suite 900 One Thomas Circle, NW Washington, DC 20005	Oakland Coliseum	3,500.00	
Do	Port of Oakland	9,000.00	
Skadden Arps Slate Meagher & Flom, 1440 New York Avenue, NW Washington, DC 20005	Anheuser-Busch Companies, Inc	1,500.00	
Do	Beecham, Inc		
Do	Cities Service Oil & Gas Corp		
Do	Drexel Burnham Lambert, Inc	20,000.00	
Do	G.O. Holdings Management, Inc		
Do	General Development Corp	1,500.00	
Do	IBJ Schroder Bank & Trust Co		
Do	Marine Midland Banks, Inc	7,200.00	
Do	Mesa Petroleum	1,500.00	
Do	Transco Energy Company		
Scott L. Slesinger, Suite 804 1101 14th St., NW Washington, DC 20005	National Apartment Assn		
Slurry Technology Assn, 1800 Connecticut Ave., NW Washington, DC 20009		1,000.00	
Ellen S. Smith, 1400 K Street, NW Washington, DC 20005	American Psychiatric Assn	2,432.00	1,128.82
Kern Smith, 400 First St., NW, #710 Washington, DC 20001			
Michael J. Smith Jr., 777 14th Street, NW, 9th Floor Washington, DC 20005	National Assn of Realtors		
Velma Smith, 218 D Street, SE Washington, DC 20003	Environmental Policy Institute	238.15	
Smith Dawson & Andrews, Inc, 1000 Connecticut Ave., NW, #304 Washington, DC 20036	City of Eugene, Oregon	9,000.00	9,000.00
Do	Colorado Dept of Labor Employment	4,275.00	4,275.00
Do	Illinois Diversatech Corp		
Do	N.Y. Metropolitan Transportation Agency	27,000.00	28,000.00
Do	National Assn of Foreign Trade Zones	13,500.00	14,325.00
Do	Power Packaging, Inc		
Do	S & F Warehouses, Inc	11,758.40	12,333.40
Do	San Francisco P.U.C.	10,998.00	10,998.00
Randall D. Snodgrass, 1400 Eye St., NW Washington, DC 20005	Wilderness Society	6,724.32	542.58
Edward F. Snyder, 245 2nd St., NE Washington, DC 20002	Friends Committee on National Legislation	6,246.45	
Vincent R. Sombrotto, 100 Indiana Ave., NW Washington, DC 20001	National Assn of Letter Carriers	4,959.80	
Space Services, Inc of America, 7015 Gulf Freeway, #140 Houston, TX 77087			
Specialized Carriers & Rigging Association, Suite 616 2200 Mill Rd. Alexandria, VA 22314			
Spiegel & McDiarmid, 1350 New York Ave., NW Washington, DC 20005-4798	American Assn of Airport Executives	3,000.00	
Do	Connecticut Municipal Electric Energy Cooperative	1,050.00	
Do	Minneapolis/St. Paul Metropolitan Airport Commission		
Do	Northern California Power Agency, et al		
Do	Service Employees International Union, AFL-CIO		
Do	State of Florida Department of Transportation		
Spriggs Bode & Hollingsworth, 1015 15th St., NW, 11th Floor Washington, DC 20005	Circle Energies, Inc	20,000.00	700.00
Do	PetroJam, Ltd	38,667.50	946.57
Melvin R. Stahl, 1235 Jefferson Davis Hwy., #1410 Arlington, VA 22202	Motorcycle Industry Council, Inc		
Standard Oil Co (Ohio), 1001 22nd St., NW, #600 Washington, DC 20037			35,500.59
Jane Sutter Starke, 1818 N St., NW Washington, DC 20036	Eckert Seamans Cherin & Mellott (For:Burlington Northern, Inc)	26,730.00	132.08
Do	Eckert Seamans Cherin & Mellott (For:Corning Glass Works)	5,505.00	110.92
Frank M. Staszesky Jr., 10025 Scenic View Terrace Vienna, VA 22180	Bechtel Power Corporation		
H. Gerald Staub, 1745 Jefferson Davis Highway, #1000 Arlington, VA 22202	General Dynamics	1,000.00	541.19
Henry J. Steenstra Jr., 1000 Wilson Boulevard, #2600 Arlington, VA 22209	TRW, Inc	1,176.00	2,518.00
Kristin Stelck, 2401 Virginia Avenue, NW Washington, DC 20037	American Assn of University Women	5,000.00	742.91
Stephens Overseas Services, Inc, 114 East Capitol Avenue Little Rock, AR 72201			
Stephens, Inc, 114 East Capitol Avenue Little Rock, AR 72201			
Steptoe & Johnson, 1330 Connecticut Ave., NW Washington, DC 20036	Association of Private Pension & Welfare Plans, Inc	8,288.75	204.09
Do	Cement Importers Assn	15,041.00	1,369.00
Do	Coalition to Promote America's Trade		3,606.00
Do	Trailways, Inc		
H. Donald Stewart, 188 W. Main Street Penns Grove, NJ 08069			
Warren E. Stickle, 1225 19th Street, NW, #300 Washington, DC 20036	Chemical Producers & Distributors Assn		4,255.09
Kenneth F. Stinger, 2200 Mill Rd Alexandria, VA 22314	American Trucking Assns, Inc	9,000.00	
John J. Stirk, 1745 Jefferson Davis Highway, #1000 Arlington, VA 22202	General Dynamics Corp	1,000.00	277.14
Martin F. Stone, 1411 K Street, NW, #850 Washington, DC 20005	Americans for Democratic Action		
Stovall & Spradlin, 2600 Virginia Ave., NW, #820 Washington, DC 20037	Commission on Future Political Status & Transition	900.00	17.00
Straub Brewery, Inc, 303 Sorg Street St. Mary, PA 15857			
Ronald J. Streck, P.O. Box 238 Alexandria, VA 22313	National Wholesale Druggists' Assn		
Dorothy E. Stucke, 729 15th St., NW Washington, DC 20005	Associated Builders & Contractors, Inc	2,500.00	
Marcia Z. Sullivan, 1300 N. 17th St., #1200 Arlington, VA 22209	Consumer Bankers Assn	5,760.00	86.27
Sutherland Asbill & Brennan, 1275 Pennsylvania Ave., NW Washington, DC 20004-2404	Acacia Group	2,863.06	92.50
Do	American Bar Endowment		
Do	American Industrial Clay & Georgia Kaolin	1,805.59	1,526.66
Do	Anglo-American Clays Corp	1,805.58	1,526.66
Do	Baker Oil Tools, Inc	450.00	
Do	Capital Holding Corp	3,948.14	221.49
Do	Crum & Forster Corp		
Do	Engelhard Minerals & Chemicals Corp	1,805.59	1,526.66
Do	Equifax, Inc	2,345.50	270.05
Do	J. M. Huber Corp	1,805.58	1,526.66
Do	Mutual of Omaha Insurance Co		
Do	National Liberty Corp	1,831.70	374.70
Do	Nord Resources Corp	1,805.58	1,526.65
Do	Philip Morris, Inc	525.00	11.50
Do	State of Nevada	17,488.25	1,935.72
Do	Thiele Kaolin Co	1,805.59	1,526.66
Swidler & Berlin, Chtd, 3000 K Street, NW #300 Washington, DC 20007	American Hoechst Corporation		
Do	D.C. Hospital Energy Cooperative	528.75	528.75
Do	National Council of Community Hospitals	7,972.50	
Scott R. Swirling, 122 C St., NW, #380 Washington, DC 20001	National Family Planning & Reproductive Health Assn, Inc	154.00	
Z. Michael Szaz, 7209 Monticello Blvd. Springfield, VA 22150	American Hungarian Federation		
Do	Louis Arnold Fury		
Kirk Talbott, Weisgall Law Office 1300 19th St., NW, #407 Washington, DC 20009	Bikini/Kili/Ejit Council		
Taubman Company, Inc, 200 E. Long Lake Rd., #200 P.O. Box 200 Bloomfield Hills, MI 48303-0200			20,788.00
Margaret J. Taylor, 1050 Connecticut Ave., NW, #200 Washington, DC 20036	Burlington Northern, Inc	1,750.00	74.50
William S. Taylor, 239 W. New York Avenue Las Vegas, NV 89107			
Techlaw - Aica, 12030 Sunrise Valley Drive, #200 Reston, VA 22091			
Edlu J. Thom, 1825 Eye Street, NW, #400 Washington, DC 20006	Diamond Shamrock Corp		
Diane Kay Thomas, 2727 29th St., NW, #634 Washington, DC 20008	National Assn of Investment Companies	7,211.00	
Thomas E. Thomason, 8 Heritage Court Atherton, CA 94025	Bechtel Power Corporation	2,250.00	
Charles P. Thompson, P.O. Box 21666 Phoenix, AZ 85036	Arizona Public Service Company	1,000.00	35.50
Richard L. Thompson, 1700 K Street, NW, #601 Washington, DC 20006	Squibb Corporation	1,500.00	
Samuel C. Thompson Jr., Schiff Hardin & Waite 1101 Connecticut Avenue, NW, #600 Washington, DC 20036	Chicago Board Options Exchange		
Thompson & Company, 529 14th St., NW, #425 Washington, DC 20045	Capital Credit	8,000.00	2,696.33
Do	Hinderliter Industries, Inc	2,500.00	624.41
Do	Lowrance Electronics	6,333.62	370.17
Do	Marathon Properties	23,261.50	
Do	Morse/Diesel	10,000.00	1,496.79
Do	Sikorsky Aircraft Corp/Div of United Technologies	3,000.00	
Do	Wayne County Michigan	6,000.00	
Thompson & Mitchell, 1120 Vermont Ave., NW, #1000 Washington, DC 20005	American Inland Waterways Committee		1,164.41
Do	Crown Life Insurance Co	15,000.00	840.10

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Mutual Fairness Taxation Assn	31,250.00	16,122.49
Do	Valley Line Company		
Whitney C. Tilt, 801 Pennsylvania Ave., SE Washington, DC 20003	National Audubon Society	7,000.00	1,261.36
Michael L. Tiner, 1775 K St., NW Washington, DC 20006	United Food & Commercial Workers International Union	14,134.61	801.69
Ron Tipton, 1400 Eye St., NW Washington, DC 20005	Wilderness Society	2,072.65	700.31
Vincent G. Torrusio, 12374 Sparrow Hawk St. Louis, MO 63146	MICO, Inc		
Total Petroleum, Inc, 999 18th Street, Suite 2201 Denver, CO 80202			
Jay C. Townley, 217 North Jefferson St. Chicago, IL 60606	Schwinn Bicycle Co		
Eugene M. Trisko, 9817 Rosensteel Avenue Silver Spring, MD 20910	Stern Bros, Inc		
Paul E. Tsongas, Foley Hoag & Eliot One Post Office Square Boston, MA 02109	Humane Soc of the U.S. and M.S.P.C.A.	2,780.00	6.87
Do	Mutual Savings Central Fund, Inc		
Do	Northeast Solvents Recovery	2,387.50	584.53
J. Terry Turner, 2200 Mill Road Alexandria, VA 22314	Interstate Carriers Conference	500.00	150.00
U.S. Recreational Ski Association, P.O. Box 15486 Santa Ana, CA 92705-0486			
Philip J. Ufholz, 1615 L Street, NW, #1210 Washington, DC 20036	Metropolitan Life & Affiliated Cos		
Craig Ulrich, 1300 N. 17th Street, #1200 Arlington, VA 22209	Consumer Bankers Assn		
Marvin C. Umholtz, 805 15th St., NW, #300 Washington, DC 20005	Credit Union National Assn, Inc		
Steven W. Unglesbee, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors, Inc	2,500.00	
United Food & Commercial Workers International Union, 1775 K St., NW Washington, DC 20006		105,467.68	55,328.58
Uranium Producers of America, c/o Covington & Burling 1201 Pennsylvania Ave., NW P.O. Box 7566 Washington, DC 20044		10,464.95	34,357.23
Ronald D. Utt, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.		24.89
Jack J. Valenti, 1600 Eye St., NW Washington, DC 20006	Motion Picture Assn of America, Inc	600.00	
Laura Van Etten, 1700 Pennsylvania Avenue, NW, #525 Washington, DC 20006	Equitable Life Assurance Society of the U.S.	1,050.00	15.00
John A. Vance, 1726 M St., NW, #1100 Washington, DC 20036-4502	Pacific Gas & Electric Co	7,060.00	5,753.97
Donald R. Vaughan, P.O. Box 2909 Asheboro, NC 27203	Stedman Corporation		
Robyn E. Vaughan, 1600 M St., NW Washington, DC 20036	Investment Company Institute		
Venture Entrepreneurs, Inc, 1201 San Marco Blvd., #204 Jacksonville, FL 32207			
Robert J. Verdisco, 1901 Pennsylvania Avenue, NW, #200 Washington, DC 20006	National Mass Retailing Institute	4,000.00	100.00
Verner Liipfert Bernhard McPherson & Hand, Chtd, 1660 L Street, NW, #1000 Washington, DC 20036	Atlantic Richfield Co	150.00	
Do	Brown & Root, Inc	2,762.00	
Do	Central Gulf	1,582.50	
Do	Federated Dept Stores, Inc	2,526.00	
Do	GenCorp	6,209.00	
Do	Investment Company Institute	16,225.00	
Do	John F. Kennedy Center for the Performing Arts		
Do	Mutual of America		
Do	Rayburn Country Electric Cooperative, Inc	7,462.00	
Do	STV Engineers	931.00	
Do	Travelers Corporation	9,128.00	
Do	TRW, Inc	577.00	
Melanne Verveer, 1424 16th St., NW Washington, DC 20036	People for the American Way	6,187.48	266.50
Marcos Von Goihman, P.O. Box 65475 Washington, DC 20035	Guyana Airways Corp		
Vorys Sater Seymour & Pease, 1828 L Street, NW, #1111 Washington, DC 20036	Alliance for Corporate Growth	20,454.00	5,131.62
Do	Cardinal Industries, Inc		
Do	Hanson Industries		
Do	Ohio Deposit Guaranty Fund	625.00	
Do	PubCo Corp		
Do	Smith Corona Corp	18,608.10	4,168.79
John A. Vuono, Vuono Lavelle & Gray 2310 Grant Building Pittsburg, PA 15219	Procompetitive Rail Steering Committee	39,545.00	
Howard W. Wahl, 15740 Shady Grove Rd. Gaithersburg, MD 20877	Bechtel Eastern Power Corp		
Frederick P. Waite, Cadwalader Wickersham & Taft 1333 New Hampshire Ave., NW Washington, DC 20036	American Wire Producers Assn		13.20
Kevin Walsh, P.O. Box 15232 Washington, DC 20003	Association for the Advancement of Historical Research		
Ralph H. Waltz, P.O. Box 921 Majuro, Marshall Islands	Bikini/Kili/Ejit Council		
Barbara F. Warden, 1710 Broadway New York, NY 10019	International Ladies' Garment Workers Union	7,875.01	154.60
Ann D. Warner, 1513 16th St., NW Washington, DC 20036	Air Conditioning Contractors of America	6,250.00	16.00
Ernest R. Warner Jr., 1818 N St., NW Washington, DC 20036	DGA International, Inc (For:Dir Intl Aff of the Gen Del for Armements)		
Do	DGA International, Inc (For:Sofreavia)	1,966.50	294.95
Do	DGA International, Inc (For:SNECMA)	951.50	129.23
Washington Gas Light Co, 1100 H St., NW Washington, DC 20080			5,734.09
Ronald D. Waterman, 227 Massachusetts Ave., NE, #300 Washington, DC 20002	Milwaukee County-Intergovernmental Relations	12,000.00	1,455.68
Do	Wisconsin Counties Assn	6,375.00	1,455.68
Lucy R. Watkins, 236 Massachusetts Ave., NE, #504 Washington, DC 20002	Center for Law and Education, Inc	2,874.72	
Jack Watson, Dow Lohnes & Albertson 1255 Twenty-third St., NW Washington, DC 20037	Stanley Precision		
Norman E. Watts Jr., RR 1, Box 854 Woodstock, VT 05091	Grocery Manufacturers of America, Inc	2,921.00	689.37
James D. Webb, 1400 Eye Street, NW Washington, DC 20005	Wilderness Society	362.97	
Mary Webb, 1129 20th Street, NW, #400 Washington, DC 20036	American Assn of Homes for the Aging	189.00	
Susan Weber, 1601 Connecticut Ave., NW, 4th Fl. Washington, DC 20009	Zero Population Growth, Inc	121.00	
Webster Chamberlain Bean & McKevitt, 1747 Pennsylvania Ave., NW, #1000 Washington, DC 20006	Beer Industry Alliance		
Paul Weckstein, 236 Massachusetts Ave., NE, #504 Washington, DC 20002	Center for Law and Education, Inc	3,098.40	
Weil Gotshal & Manges, 1615 L Street, NW, #700 Washington, DC 20036	Chevron Corp	10,400.00	288.00
Robert Weir, Dow Lohnes & Albertson 1255 Twenty-Third St., NW Washington, DC 20037	Stanley Precision		
Stanley A. Weiss, 21 Dupont Circle, NW, #300 Washington, DC 20036	Business Executives for National Security		
Susan Weiss, 1424 16th St., NW, #604 Washington, DC 20036	Consumer Federation of America	4,720.00	
Suzanne Weiss, 1129 20th Street, NW, #400 Washington, DC 20036	American Assn of Homes for the Aging	225.00	
William B. Welsh, 1625 L St., NW Washington, DC 20036	American Fed of State County & Municipal Employees	17,856.18	262.25
Carol Werner, 1525 New Hampshire Ave., NW Washington, DC 20036	Environmental Action, Inc	7,777.00	24.00
G. Franklin West, 499 S. Capitol St., SW, #507 Washington, DC 20003	Bill Hecht & Associates, Inc (For:Church Alliance)		
Do	Bill Hecht & Associates, Inc (For:Freedom & Justice for Cyprus Trust)		
Do	Bill Hecht & Associates, Inc (For:Hong Kong Trade Development Council)		
Do	Bill Hecht & Associates, Inc (For:Mutual Fairness Taxation Assn)		
Pamela R. West, 1200 17th Street, NW Washington, DC 20036	American Psychological Assn	2,640.00	84.00
Wexler Reynolds Harrison & Schule, Inc, 1317 F Street, NW, #600 Washington, DC 20004	Aetna Life & Casualty		
Do	Allied-Signal, Inc	1,050.00	
Do	American Airlines, Inc	3,500.00	49.00
Do	Americans For Safe & Competitive Trucking	500.00	47.00
Do	Bank Capital Markets Association	458.33	39.80
Do	Blue Cross & Blue Shield Assn	661.25	24.50
Do	Communications Satellite Corp	4,820.00	35.75
Do	Coopers & Lybrand	525.00	4.00
Do	Ethigen Corp	5,000.00	125.14
Do	Foothills Pipe Lines (Yukon) Ltd	1,140.00	51.00
Do	General Motors Corp		
Do	Health Policy Agenda for the American People		
Do	Manville Corporation	2,240.00	44.60
Do	Monarch Capitol Corp		
Do	Motion Picture Assn of America, Inc	5,945.00	327.55
Do	Mullen Advertising	2,616.25	53.00
Do	MCI Communications Corp	5,760.00	129.50
Do	National Assn of Business Political Action Committees	1,800.00	270.75
Do	National Cable Television Assn, Inc		
Do	New England Electric System		
Do	Northwest Airlines, Inc		
Do	Nova, An Alberta Corp		
Do	Novacor Chemicals, Ltd	730.00	49.90
Do	Radio Assn Defending Airwave Rights, Inc	1,600.00	27.50
Do	Spanish Int'l Communications Corp	810.00	5.00
Do	Springs Industries, Inc	4,400.00	9.95
Do	Training Media Distributors Assn		
Do	U.S. Air, Inc		
Do	Viacom International, Inc	5,940.00	50.00
Curtis E. Whalen, 490 L'enfant Plaza, SW, #3202 Washington, DC 20024	Transco Energy Company	5,000.00	2,548.64
Clyde A. Wheeler Jr., Bishop Liberman Cook Purcell & Reynolds 1200 17th Street, NW Washington, DC 20036	American Petroleum Institute		
Do	Kidder Peabody & Co, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Steven C. White, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn		
William R. White, Kaplan, Russin & Vecchi 1215 17th Street, NW Washington, DC 20036	Council for Labor Management Cooperation		
Do	Edison Electric Institute		
Do	Lincoln Savings & Loan Assn		
Elizabeth D. Whitley, 499 S. Capitol Street, SW, #411 Washington, DC 20003	National Council of Agricultural Employers	2,000.00	400.00
James A. Whitman, P.O. Box 1417-D49 Alexandria, VA 22313	National Assn of Chain Drug Stores, Inc	500.00	
Robert L. Whitmire, 1745 Jefferson Davis Highway, #1000 Arlington, VA 22202	General Dynamics Corp	1,000.00	224.41
Steven C. Whitney, 1400 Eye Street, NW Washington, DC 20005	Wilderness Society	2,606.67	136.72
Wickwire Lewis Goldmark & Schoor, 500 Maynard Bldg. Seattle, WA 98104	Arctic Slope Regional Corp	1,605.00	1,012.51
Andrew F. Wiessner, Kogovsek & Associates 3600 S. Yosemite, #830 Denver, CO 80237	American Public Land Exchange Co	300.00	
Do	American Ski Federation		
Do	CSX Corp	5,000.00	
Do	Flex, Inc	6,000.00	
Do	Edward Northrop	6,450.00	944.00
Do	Page Land & Cattle Co		
Do	Sierra Club		
Do	Union Pacific Resources	2,000.00	499.50
Do	Western Land Exchange Co		
Do	Weyerhauser Company		
Harry G. Wiles II, 1023 15th St., NW, 4th Fl Washington, DC 20005	Wine & Spirits Wholesalers of America, Inc		365.00
Barrett Williams, 236 Massachusetts Avenue, NE, #603 Washington, DC 20002	National Assn of Railroad Passengers	6,751.98	
Harding deC. Williams, 1101 15th Street, NW, #400 Washington, DC 20005	National Council of Savings Institutions	4,000.00	
Margie R. Williams, 415 2nd St., NE, #300 Washington, DC 20002	National Assn of Wheat Growers	1,122.00	
Williams & Jensen, P.C., 1101 Connecticut Ave., NW, #500 Washington, DC 20036	Alimenta (USA), Inc		
Do	American Home Products	450.00	108.43
Do	American Hospital Assn	4,227.50	630.49
Do	American Physical Therapy Assn		
Do	American Real Estate Committee		
Do	Association of Family Farmers	200.00	16.06
Do	Association of Progressive Rental Organizations	30.00	8.03
Do	Century 21 Real Estate Corp		
Do	Committee for Employment Opportunities		
Do	CIGNA Corporation	400.00	36.14
Do	Environmental Processing, Inc		
Do	Estee Lauder, Inc		
Do	Federation for American Immigration Reform	645.00	144.58
Do	Financial Security Assurance Co		
Do	First Boston Corp	3,900.00	538.12
Do	First Data		
Do	Goldome FSB		
Do	Higher Education Assistance Foundation	125.00	36.14
Do	Houston Endowment, Inc		
Do	IU International Management Corp		
Do	Kellogg Company		
Do	Kelly Appleman Hart & Hallman		
Do	Miller and Leher		
Do	Mustang Fuel Corporation		
Do	National Assn of Rehabilitation Agencies	100.00	16.06
Do	National Cable Television Assn, Inc	1,500.00	214.96
Do	Nationwide Insurance Co		
Do	Norfolk Southern Corp		
Do	Paralyzed Veterans of America	65.00	16.06
Do	Pharmaceutical Manufacturers Assn	4,300.00	485.93
Do	Recording Industry Assn of America, Inc	2,200.00	37.99
Do	Student Loan Marketing Assn	1,142.50	230.57
Do	Texaco, Inc	2,990.00	357.41
Do	Texas Air Corp	2,937.00	493.96
Do	U.S. Telephone Communications, Inc		
Do	Universal Foods, Inc		
Do	USAA Financial Service Co	125.00	36.14
David W. Wilmot, 1029 Vermont Ave., NW, #300 Washington, DC 20005	Anheuser-Busch Companies, Inc		
Dorothy Wilson, 1000 Connecticut Ave., NW, #1107 Washington, DC 20036	Coalition of Concerned Charities		
Joseph B. Winkelmann, 1250 Connecticut Ave., NW, #620 Washington, DC 20036	American Resort & Residential Development Assn		
Do	National Assn of the Remodeling Industry	2,000.00	
Marie Winslow, 1016 16th Street, NW Washington, DC 20036	National Fed of Federal Employees		
Winston & Strawn, 2550 M St., NW, #500 Washington, DC 20037	Council of Forest Industries of British Columbia	1,040.00	45.50
Winthrop Stimson Putnam & Roberts, 1155 Connecticut Ave., NW, #1000 Washington, DC 20036	America West Airlines, Inc		20.00
Do	Amoco Performance Products, Inc	1,000.00	
Do	Bowater, Inc	1,225.00	0.80
Do	BASF Structural Materials, Inc	1,000.00	
Do	Connecticut Liquidity Investment Fund, Inc		78.55
Do	Defense Products Division of Kongsberg Vapenfabrikk A/A Mfg		21.05
Do	E. F. Hutton & Co, Inc		
Do	Fiberite Corp	1,000.00	
Do	Fusion Systems Corp		
Do	Hercules Aerospace Co	1,000.00	
Do	IBJ Schroder Bank & Trust Co	24,280.00	294.10
Do	National Vehicle Leasing Assn		
Do	Navajo Nation		
Do	Norsk Forsvarsteknologi A/S		
Do	Patrolmen's Benevolent Assn		
Do	QO Chemicals, Inc		7.30
Do	Singer Co		
Marshall Wittmann, 1533 New Hampshire Ave., NW Washington, DC 20036	National Assn of Retired Federal Employees	9,499.00	
Burton C. Wood, 1125 15th St., NW Washington, DC 20005	Mortgage Bankers Assn of America	17,625.00	6,055.00
G. Kent Woodman, 1818 N Street, NW Washington, DC 20036	Eckert Seamans Cherin & Mellott (For:Burlington Northern, Inc)	3,806.25	12.00
Do	Eckert Seamans Cherin & Mellott (For:Norfolk Southern Corp)		
Joseph T. Wrabek, Box 70 Cascade Locks, OR 97014	Columbia Gorge United		
Kenneth P. Yale, 1111 14th Street, NW, #1200 Washington, DC 20005	American Dental Assn		
Richard K. Yep, 5999 Stevenson Avenue Alexandria, VA 22304	American Assn for Counseling & Development	6,953.76	
Judith A. Young, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	1,500.00	146.59
Michael Zagorac Jr., 8333 Bryan Dairy Rd. P.O. Box 4689 Clearwater, FL 33518	Jack Eckerd Corp		
Barnaby W. Zall, 1156 15th St., NW, #525 Washington, DC 20005-1704	Fair Congressional Task Force, Inc		
Do	Federation for American Immigration Reform		
Janice Zarro, 1660 L Street, NW, #915 Washington, DC 20036	Avon Products, Inc	150.00	
Kathy Zebrowski, 1600 Eye St., NW Washington, DC 20006	Motion Picture Assn of America, Inc	1,500.00	380.50
Sharon G. Zedd, 1945 Old Gallows Road, #405 Vienna, VA 22180	American Wood Preservers Institute	7,857.00	1,454.68
Mitchell Zeller, 1501 16th Street, NW Washington, DC 20036	Center for Science in the Public Interest	375.00	37.50
Zero Population Growth, Inc, 1601 Connecticut Ave., NW, 4th Fl. Washington, DC 20009		3,512.00	3,601.00
Barry Zigas, 1012 14th Street, NW, #1006 Washington, DC 20005	National Low Income Housing Coalition	9,208.00	192.00
Michael J. Zimmer, Wickwire Gavin & Gilbs, P.C. 1133 21st Street, NW, #500 Washington, DC 20036	Cogeneration Coalition, Inc		
Do	Consolidated Natural Gas Co		
Do	PURPA Coalition, Inc		

EXTENSIONS OF REMARKS

TRIBUTE OF DR. ALEXANDER KASSER TO HOLOCAUST HERO RAOUL WALLENBERG AND TO VALDEMAR LANGLET, DELEGATE IN HUNGARY OF THE SWEDISH RED CROSS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 2, 1987

Mr. LANTOS. Mr. Speaker, at the recent congressional tribute honoring Raoul Wallenberg and Prof. Valdemar Langlet, one of the speakers was Dr. Alexander Kasser. He has a unique perspective on the turbulent events in Hungary in 1944 at the time the Nazi troops were attempting to carry out the mass extermination of the Hungarian Jewish community.

Dr. Kasser was the Secretary General of the Swedish Red Cross in Hungary. He met and worked first hand with Raoul Wallenberg and with Valdemar Langlet to save thousands of lives during those most difficult and troubled times.

Mr. Speaker, Dr. Kasser's remarks were particularly interesting, and they shed a new light on some of the events of that time. I include his remarks in the RECORD so that my colleagues may read them:

RAOUL WALLENBERG, FEARLESS CRUSADER—VALDEMAR LANGLET, TIRELESS MISSIONARY

Ladies and Gentlemen, Friends of Raoul Wallenberg, it is indeed a pleasure and honor to be here today at the congressional tribute honoring Raoul Wallenberg. Actually, this is particularly unusual for me, since in the past when Raoul has been honored, I usually sat in the audience listening to speeches from others including my dear wife Elizabeth who was one of Raoul's interpreters. So today is my first opportunity to relate some of my personal experiences with this extraordinary hero, thus I thank Congressman Bill Green and Senator Levin and President Rachel Haspel for their thoughtful invitation.

In the past few years, many things have been written about Raoul Wallenberg. American television produced a movie about him. There is now no doubt that Raoul will be remembered as a true hero of our time. The accounts concerning his exploits are well known and I am sure this exhibit here today will further publicize the heroic stature of the man.

But after all, he was, or rather is, a human being, flesh and blood like the rest of us. He had likes and dislikes, experienced joys and disappointments. What was Raoul Wallenberg the man like? This is the question Congressman Green asked me to speak about. I had an opportunity to observe him of course, when we were all faced with imminent danger. I observed him when he revealed his courage and tenacity, his unwillingness to accept defeat, his refusal to step back even though he was personally in immediate danger. One might say he seemed to act in reckless disregard of his own safety. Although, strangely, this disregard for his own well-being was always motivated by his absolute concern for the well-being of others.

When Raoul Wallenberg came to Budapest in July 1944, I was Secretary General of the Swedish Red Cross in Hungary. Professor Valdemar Langlet was the delegate of the Swedish Red Cross in Hungary. In mid-July, Professor Langlet had received a telegram stating that the Jewish community in Stockholm was ready to provide homes for 200 Jewish children, if we could send them.

At the instruction of Professor Langlet I went to see Raoul Wallenberg to discuss the offer. Langlet told me that Raoul, a First Secretary of the Swedish Embassy, was sent to Hungary by the Swedish King to protect and arrange travel documents for persecuted Jews. I was to tell Raoul that the Red Cross would identify and collect the children if Raoul could arrange their transportation. That's how I met Raoul Wallenberg.

Raoul asked first for details about the activities of the Swedish Red Cross, then said that he would contact Stockholm and if the request for the children was authentic he would do as we asked.

Raoul, who had just arrived in fascist Hungary invited me to meet again the next day. At that second meeting I told him about the political climate as I knew it in Budapest. I told him that Budapest needed a real leader with determination to help rescue the persecuted. I expressed hope that he could use his official umbrella to assist the existing small resistance groups of which the Swedish Red Cross was one.

He explained to me that he was sent by the King of Sweden to work to save Jews from Nazi extermination and he was doing it for the persecuted, for the King of Sweden, and because it was his duty to protect the prestige of the Wallenberg name.

He explained in more detail his objectives and how he intended to achieve them. He also said that he saw the need to be creative and resourceful in our solutions.

He agreed to help the Swedish Red Cross in any way possible. He kept his word time after time. For example, once he was called and arrived at 3 o'clock in the morning at our offices to fight off an intruding battalion of policemen and Nazi soldiers who had invaded with pointed rifles the Swedish Red Cross headquarters and attempted to abduct Jews, who were hidden there under our protection.

His courage was boundless. He had it within him to control fear, to call upon his personal authority so that the Nazis only saw strength and determination. He defeated them not by guns, but by his strength of spirit.

At that meeting he also spoke to me of the Swedish woman Elsa Brandstrom who during world war one fought for the life of Hungarian war prisoners in Siberia. She personally cared for hundreds stricken with contagious diseases. She fought, with success, to stop the military tribunals that condemned prisoners of war to death just because they were Hungarians just like the Jews in Hungary were condemned to death. Raoul saw the Jews of Hungary in 1944 as victims of genocide. He wanted to stop the killing. He told me he only hoped he could carry on in Elsa Brandstrom's tradition. (Even heroes have heroes.)

He told me he wanted to save all the Jews, or at least as many as he was physically able to save.

I told him how I became involved with the Swedish Red Cross in Hungary. I explained that Mr. Langlet wanted to use the Red Cross to do meaningful rescue work but that he was not a businessman nor a bureaucrat. I was Langlet's pupil learning Swedish for my frequent business trips to Sweden and he invited me to organize the administration and activity schedules of the Red Cross. As a result, the Swedish Red Cross under Mr. Langlet's direction became the official facade of the first important underground organization in Budapest to protect and save Jews and other politically persecuted persons. I explained that our work included providing persecuted people with Red Cross protection letters or giving them jobs in the Red Cross, further renting hospitals enabling us to hide people in political illegality, providing food for religious convents that sheltered persons persecuted by the Nazis. Mr. Langlet was the first to experiment with the use of protection letters, which later Wallenberg adopted as protective passports.

It was a memorable meeting. We were contemporaries with similar ideologies and the same goals. After this meeting, our relationship was established. Sometimes professor Langlet or I turned to Raoul to ask his assistance with the Hungarian authorities where the Red Cross had no standing in protecting Jews; often we went to him to save us from the consequences of our own actions which were considered illegal by the Nazis. Often we asked him to intervene in order to prevent deadly retribution from the Nazis consequences. Most of the time his intervention was successful.

In special cases, he called on the Red Cross to assist in hiding people in a hospital or in a Catholic convent. Once he asked us to issue Red Cross protection documents to an entire company of 80 Jewish soldiers, thereby assisting them to escape from their forced labor camp and evade imminent deportation.

He was unable to do this himself because he wanted to protect the standing of the Swedish Embassy which could not be seen as promoting mass desertion by issuing protective passports for an entire company of soldiers. Nevertheless, he wanted to find a way to save them.

I prepared the documents he asked for and Professor Langlet, who was not a young man, waited up half the night to sign the 80 letters of protection that were bound in hard cover and, thus had the appearance of a genuine passport. As a result, the 80 Jewish soldiers evaded deportation. My wife advised Raoul of the happy outcome of this action.

Another time Raoul asked me to get in touch with the Jewish council in Budapest, and obtain from it the whereabouts of the camps where groups of Jews were waiting for deportation.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Raoul thought the Swedish Red Cross had a better chance of getting this information than he. The information obtained would enable the council to take steps to save as many people as possible.

There were other displays, for instance: The hotels on Danube's island, like the island itself, were the property of the City of Budapest. The city managers hoped that if the island and its hotels were Swedish property the Swedish Red Cross could protect the island from Soviet or German military activities. So, they were leased to the Swedish Red Cross. The leases were signed in late fall, 1944.

With the rental agreement in hand I went to see Raoul. The idea came up that we might be able to protect the children of Budapest from the bombing raids and from hand to hand combat, by moving them to the island and convincing the Soviets and the Germans to declare the island as an "open city", off bounds for fighting and bombing. Raoul immediately set in motion the necessary diplomatic steps. A few days later, Raoul called to say that the Soviets had agreed and now he was going to see Veesenmayer, the German Reich plenipotentiary in Budapest. Raoul wanted the Swedish Red Cross to be represented at the discussion.

Langlet instructed me to accompany Raoul. I was accompanied by my efficient deputy, Dr. Josefovitz and my wife, Elizabeth.

We went to the headquarters of Veesenmayer. Raoul and Elizabeth went into his office while Josefovitz and I nervously waited. 30 Minutes later they came out. Raoul said Veesenmayer did not like the idea because the German army was planning to defend Budapest to the last inch and the island might be strategically important. Nevertheless, he would forward the request to Himmler (Chief of the SS) and have an answer for us in 24 hours. Raoul's words to Elizabeth were to the effect that: "Even your charm could not move Veesenmayer but at least he was polite and promised to get advice from Himmler." The next day I went to see Veesenmayer and he said politely that Himmler refused.

There were many other but more successful incidents when we worked together during those 6 months in 1944. Not every rescue succeeded. However, none failed for lack of effort or ingenuity of Raoul.

Raoul was inventive, ingenious, fearless and untiring. Once I asked him if he were ever tired of running 24 hours a day in constant danger. He answered that he tires only when he is bored and gets bored only when no action was required. This may explain why in January, 1945 he, unfortunately, couldn't wait to get to the Soviet army leadership to ask for help for his proposed charity work in liberated Hungary. We never saw Raoul again.

He was optimistic by nature and had a wonderful sense of humor. I could quote many events when he derived great satisfaction in out-smarting the Nazi bullies. He also firmly believed that the side of right would succeed. He never seemed to become discouraged. He mourned the losses to be sure, but he refused to dwell on them. There was too much to do.

While Langlet was a tireless missionary, Raoul was a fearless crusader.

Just as I believe that God was protecting Langlet, Raoul and myself in our dangerous activities so that we survived the many fascist-Nazi attempts on our lives including death sentences in prison, I also believe that God is still protecting the 75 year old Raoul Wallenberg and that he must still be alive today.—ALEXANDER KASSER.

WASHINGTON, DC, *October 8, 1987.*

HOUSE BUDGET RECONCILIATION PACKAGE

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, November 2, 1987

Mrs. MORELLA. Mr. Speaker, I reluctantly voted against the House budget reconciliation package. At a time when the House and Senate leadership is working with the President to craft a compromise deficit reduction package, a vote on this bill does little to further this important process. The close vote is a clear indication that many Members believe we should allow the budget summit to arrive at a compromise which has broad support. We must keep the options open; the only certain course to prevent across-the-board cuts under Gramm-Rudman is an agreement between the President, the House and the Senate.

A balanced approach is needed; we cannot rely solely on spending cuts or on revenue increases. What is needed is a package of real substance which truly addresses the magnitude of our current situation. I would actually have preferred a compromise between the Republican alternative and the House budget reconciliation bill. Unfortunately, I could not support the Republican alternative because it imposed an across-the-board freeze on all discretionary programs. There are vital domestic programs which must receive at least an inflation increase for 1988.

On the other hand, the House package relied almost solely on revenue increases and included $400 million in new tax breaks for a handful of companies. Both plans included a pay raise for Members of Congress, tied to the 3-percent pay raise for Federal employees. While I strongly support the pay raise for Federal and postal employees, I do not support a pay raise for Members of Congress.

Certainly, there are positive aspects to both packages. But neither plan did the job we need at this time. So, let us give the negotiating team a chance to forge a compromise which everyone can support. Let us move forward, work together, and do what needs to be done.

DID THE GRAMM-RUDMAN FIX LET DEFENSE OFF EASILY?

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, November 2, 1987

Mr. ASPIN. Mr. Speaker, now that the stock market has awakened the President's flagging concern with the Federal deficit, we have some reason to hope that the fiscal year 1988 defense budget will escape unbutchered from the recently enacted fix of the Gramm-Rudman legislation. This is no time for complacency, however. I still hear a lot of loose talk about the impact of automatic cuts under the new law—a "sequestration" in its terminology—on the defense budget. The people doing the talking, the prosequestors, are claiming these automatic cuts wouldn't really put the bite on defense, that relative to the likely alternatives, the cuts would be only marginal.

The prosequestors say that were a sequestration to be imposed the total cut in defense budget authority would be only about $19 billion off a base of about $303 billion. Since the resulting budget of $284 billion is only marginally below the $289 billion permitted by the congressional budget resolution, the prosequestors say a sequestration isn't so bad for defense. I would add this means the new legislation doesn't accomplish what many of its backers intended. It doesn't require the President to agree to a tax increase to save the defense budget from decimation.

We need to be on our guard against the prosequestors. Despite his latest statements, the President is going to be reluctant to agree to the tax increases necessary to reach an agreement with Congress and avoid sequestration. He has invested too much political capital opposing tax increases. He will continue wanting to believe that any solution without a tax increase must be better than one with an increase—even if it means a sequestration under the new law, a law that his own Secretary of Defense recommended he veto.

The truth is that a sequestration would decimate the defense budget. My analysis indicates that the most likely total cut is around $29 billion, not $19 billion. This would leave the defense budget at $274 billion, assuming the correct base is $303 billion, substantially below the budget resolution number. Furthermore, what Congress would do to correct the undesirable side effects of sequestration would lower the budget even further—to about $271 billion.

Defense Budget Numbers, Budget Authority

[In billions of dollars]

President's request	$312
Baseline—at least after November 20	303
Budget Resolution—with a $19.3 billion revenue increase	296
Budget Resolution—without revenue increase	*289
Sequestration—if military personnel included	[1] 281
Aspin estimate of maximum defense budget after sequestration	[1] 274
Aspin estimate of congressional fix for sequestration	[1] 271

[1] These figures include sequestered funds that will not show up in official tabulations—because they come from prior-year appropriations—but which nonetheless will be sequestered. See text for explanation.

One big difference between the prosequestors and me is on the assumption about the treatment of the military personnel accounts in a sequestration. This has already been resolved. The President exempted the military personnel accounts as permitted under the new law. As a result, $5 billion has to be added to the prosequestors calculation of the impact of any sequestration.

The other big difference is that the prosequestors exclude the sequestration of unobligated balances from their numbers while I include this part of a sequestration. That adds another $5 billion.

Next, the prosequestors just assume that the base to which a sequestration will be applied is $303 billion. The most likely outcome is not too different from this number, as explained below, but other outcomes are possible and many of them would lower the post-sequestration defense budget below $274 billion.

Finally, the prosequestors ignore the fact that a sequestration has some highly undesirable side-effects. It lops off a uniform percentage from every defense program, project and activity. This serves the purpose of assuring that congressionally favored programs are not treated unfairly by the administration. But there's no way of claiming that the resulting budget is rational, or that it is a budget Congress and the President would agree on how they known in advance that defense funding was limited to postsequestration levels. Budgets, afterall, contain programs of varying priority. Sequestration, however, is blind—cutting low-priority and high-priority programs equally.

One of the keys to understanding the impact of Gramm-Rudman is the difference between budget authority and outlays. The Congress appropriates budget authority for Government agencies. When an agency actually spends money, it becomes an outlay. Budget authority is permission to spend; outlays are actual spending. Under the "full-funding" principle, adopted many years ago, Congress appropriates all the budget authority needed to complete a weapon in advance, regardless of how long it will take to spend. To give an example, suppose the Department of Defense asks for $100 million to build a ship. The Navy will spend this money over the several years it takes to build the ship. Under the full-funding principle, Congress will appropriate $100 million of budget authority for the ship this year. Outlays this year will be much less, on average only $6 million for ships. Next year, outlays will be $20 million; the year after, $25 million; and so on. While budget authority is spent only slowly in shipbuilding, it is spent quickly in the military personnel accounts. For every $100 million in military personnel budget authority, $98 million is spent the first year.

The ship example illustrates the other key to understanding the impact of Gramm-Rudman. After Congress appropriates budget authority for a ship, some of it is committed to contracts with shipbuilders. The amount so committed is referred to as an obligated balance. Typically, however, some budget authority for ships—and other weapons—is not committed early on. Program managers frequently delay signing contracts for some components of a weapon until just before the component is required in the assembly of the weapon. For example, the periscopes for a submarine may not be contracted for until the shell of the submarine approaches completion. Budget authority from prior-year appropriations which is still not committed to contracts is referred to as unobligated balances.

Under Gramm-Rudman, outlays are the target because Gramm-Rudman is aimed at deficit control and it is outlays that produce deficits. To meet outlay targets, Gramm-Rudman sequesters whatever budget authority and unobligated balances are required to stop the outlays required to be cut.

The new Gramm-Rudman law requires a reduction in the deficit of $23 billion in fiscal year 1988—via outlay cuts or tax increases—to avoid a sequestration. To the extent legislation enacted before November 20 falls short of $23 billion in deficit reduction, the remainder must be achieved via a sequestration effective on November 20. Half the required cuts, or $11.5 billion in outlays, must come from defense programs and the other half from domestic programs. The defense sequestration is achieved by canceling newly enacted fiscal year 1988 budget authority and unobligated balances from prior-year budget authority—in equal percentages across all defense budget accounts to the extent necessary to produce the required cut in outlays. Before the sequestration becomes effective, however, the President may opt to exempt military personnel accounts—as he has done—but the total to be cut from defense outlays doesn't change. This is where the relationship between budget authority and outlays becomes relevant. With military personnel in the picture, the total cut in budget authority and unobligated balances relative to the given cut in outlays will be much smaller because about $1 in military personnel outlays requires $1 in budget authority. When we can't take the cuts in personnel, we have to cut more budget authority and unobligated balances to reach our $11.5 billion outlay target.

With the military personnel accounts exempted, the Congressional Budget Office estimates that $23.7 billion of new budget authority and $4.9 billion of unobligated balances will have to be canceled, a total of $28.6 billion of canceled budget authority, in order to kill the required $11.5 billion in defense outlays. Slightly more than a third of the reduction in new budget authority will be from the operations and maintenance accounts, a substantially heavier hit than if the President had not exempted military personnel, and a sixth from the R&D accounts—half from the two areas.

What will be the impact of these cuts—amounting to about 10 percent of every "program, project or activity" in the defense budget outside of military personnel? One thing you can say—they aren't rational. Take the military construction area, for example. Here a project is often a single building. Perhaps one could eliminate the top floor to fulfill the requirements of sequestration. Other suggestions have included deletion of elevators and rest rooms. The ridiculousness of the suggestions merely underscores the ridiculousness of the requirement to make the cuts equally across each building project. I hope the law will be amended to prevent such havoc as this.

In procurement, each weapon system is a program. We are buying 840 tanks a year. We can just scale down the size of the buy as a result of sequestration. But what about the Trident submarine? We are buying only one of those. In a few cases Gramm-Rudman works against our efforts to promote competition. We are buying two oilers for the fleet and plan to have two shipyards compete. We couldn't do that after sequestration.

We also have a growing number of programs under multi-year procurement [MYP] where the Government agrees to buy fixed numbers of equipment for several years or pay a huge penalty. Sequestration threatens to break those contracts. The huge penalties could be avoided by reprogramming money from other programs into MYP programs. But that means the other programs then suffer even larger bites than under the sequestration.

Not only do the prosequestors ignore the crazy impact of a sequestration, they have also ignored the impact on unobligated balances. When these balances are canceled, it is not possible to complete the program as planned. The response of any rational program manager to a sequestration, therefore, will be to set aside an equal amount of new budget authority to replace the lost unobligated balances. In practice, the cancellation of $4.9 billion of unobligated balances in a sequestration will be equivalent to an additional cut of $4.9 billion of budget authority.

The prosequestors have assumed that the base off which a sequestration on defense programs, projects and activities would be imposed is $303 billion of new budget authority. This is the base whose use is mandated by the new law for determining the contribution of defense to total Government spending in the absence of an enacted appropriations bill. It was derived by adding to the level of budget authority made available last fiscal year the amount necessary to offset inflation this year. The idea was to come up with a number sufficient to buy the same real program as was bought last year.

If $303 billion were the base, the level of new budget authority remaining after a sequestration in fiscal year 1988 would be $279 billion. From this, we need to subtract $5 billion to reflect the practical effect of the sequestration of unobligated balances. The bottom line then is about $274 billion of new budget authority.

A base of $303 billion, however, is only one of many possibilities. Under the new Gramm-Rudman law, a sequestration is only implemented upon the enactment of a full-year appropriations bill and the law draws a distinction between full-year bills enacted before the effective date of the President's final sequestration order, November 20, and those enacted after that date. If a full-year defense bill were enacted before November 20, any sequestration would come off the budget authority contained in the bill. Accordingly, if any savings attained in the bill plus the deficit reduction accomplished in all other legislation enacted before November 20 are insufficient to avoid a sequestration—because they don't add up to $23 billion—then the bill level would be reduced by a sequestration. If the bill level were already below $303 billion—and that is the most likely outcome since the budget resolution constrains budget authority to below $303 billion—defense would suffer a double hit. It would already be below the base under the enacted appropriations bill and the sequestration would take a second bite. It is conceivable that both bites would total more than $29 billion, thus putting the final defense budget under $274 billion.

Were the full-year appropriations bill enacted after November 20, different rules would apply. The most important one is that credits are given against the reduction by the sequestration to the extent the account levels in the enacted bill are below the account levels in the $303 billion base. Under the new rules, therefore, the base is effectively $303 billion. The net amount of new budget authority canceled could be greater or less than the $23.7 billion figure discussed above, depending on the direction and the extent of the difference between the appropriation for each account and the base number. The amount of unobligated balances canceled remains constant at $4.9 billion. Therefore, here too, the final defense budget could fall below $274 billion.

The incentives set up by this difference in the treatment of appropriations enacted before and after November 20 lead to the conclusion that the base or sequestration will be $303 billion. There is no incentive at all to move a full year appropriations bill through the legislative process before November 20 unless we can be sure it will be acted on simultaneously with legislation making the $23 billion reduction in the deficit necessary to avoid sequestration. If this can be insured, sequestration will not come to pass and everything I've said here will be academic. If it cannot, the incentive is to pass only short-term appropriations bills until after November 20 and only then pass a full-year bill. This would bring the $303 billion base into play.

Finally, some of those who think sequestration may not be so bad for defense may be reasoning that the President will be able to restore defense funding lost in a sequestration with a supplemental appropriations bill or that in all events he will be able to avoid the cuts he and they consider most damaging by taking advantage of the so-called flexibility permitted under the new law. If that is their reasoning, they should think things through a bit more. As I see it, neither alternative is likely to provide relief commensurate with the consequences of a sequestration.

To begin with, either alternative will require an affirmative vote by Congress under very unfavorable circumstances for the President. If there is a sequestration, it will happen because the President refuses to sign a tax bill. For the President then to ask Congress to ameliorate the consequences of a sequestration on defense, the very hostage Congress took in order to extract his signature on a tax bill, flies in the face of political realities.

Second, any request to ameliorate a sequestration would likely include higher funding for the strategic defense initiative. This would politicize the entire request from the President. Accordingly, it is likely the entire request would fail.

Third, the flexibility the President ought to exercise under the new law, or at all events the flexibility most likely to be approved by Congress, would bring the final defense budget below $274 billion—probably to about $271 billion. This follows from the undesirable side-effects of sequestration that every program, project and activity is cut by a uniform percentage. Congress and the President are unlikely to find this even-handedness very satisfactory. History tells us they are likely to want to shield operations and maintenance accounts, encompassing civilian personnel and readiness, from the cuts. In these accounts, outlays per dollar of budget authority are far greater than in other nonmilitary personnel accounts. Therefore, the effect of shielding them is to increase the total amount of new budget authority canceled from the defense budget. If operations and maintenance is made to suffer only half the hit of other accounts, the final defense budget would be about $271 billion.

My conclusion is obvious. The fix to Gramm-Rudman does bite defense. From the President's perspective, it chews up defense and spits out the pieces. Furthermore, to take a broader perspective for a moment, it doesn't make a lot of sense for Congress and the President to be at loggerheads over how to deal with the deficit of the Federal Government in the midst of the greatest stock market crash in modern history, a crash in part traceable to their continued inability to deal with the deficit. A negotiated deficit reduction plan, therefore, no matter what it does to the defense budget, is the right solution. A sequestration is not an adequate substitute for a negotiated plan, even though it would cut the deficit by as much, because it means continued uncertainties and disagreements between Congress and the President.

The one chance for coming up with a reasonable defense budget in fiscal year 1988, and for doing it in a way that quiets the storm on the financial markets, depends on pointing the President away from the prosequestors and toward a tax bill. I'm going to do my part. What about you, Cap?

JOHN AND JUDY PAULUS HONORED

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 2, 1987

Mr. LEWIS of California. Mr. Speaker, I rise today to recognize two truly dedicated people, Judy and John Paulus. The Pauluses will be honored on November 22 of this year by the Arrowhead Chapter of Hadassah in San Bernardino, CA.

Members of Hadassah have played a remarkable role in the rebirth and survival of the State of Israel. Their concern found expression in a vast network of medical programs, child rescue efforts, and significant educational projects. The energies and talents of many caring people made this all happen.

John and Judy Paulus are prominent among these caring people. Through the years they have been devoted and enterprising on behalf of Hadassah. Their efforts have greatly contributed to the success of the major fundraisers, especially the annual Bid N Buy. Judy has twice cochaired this event and together they have been active participants in every aspect and most instrumental in its success.

Judy and John have also been deeply involved in many worthwhile community endeavors. Judy has taught in junior and senior high schools, and she was elected to the Teachers Hall of Fame at the San Bernardino County Museum. Her numerous volunteer activities have included leadership roles in City of Hope, Redlands Bowl, Assistance League, Girl Scouts, and PTA.

John, a prominent Redlands pediatrician, has extended his medical expertise to involvement in children's and young adults' health concerns throughout the area. He has been a school physician, director of student health at the University of Redlands, chief of staff at Redlands Community Hospital and active in PTA and Red Cross, among other positions.

As a physician and an associate member of Hadassah, John has long recognized the importance of supporting Hadassah's world class medical facilities, whose research and achievements benefit people of all races and creeds.

Judy and John are the proud parents of six children and six grandchildren. I am certain that their offspring are proud of their parents' notable achievements as well. It gives me great pleasure to have this opportunity to salute Judy and John Paulus, for it is clearly evident that through their dedication and generosity, they have enhanced the lives of many.

CONGRESSIONAL SALUTE TO THE POMPTON REFORMED CHURCH ON ITS 175TH ANNIVERSARY

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, November 2, 1987

Mr. ROE. Mr. Speaker, it is with great pride that I rise today to observe an historic event in my Eighth Congressional District of New Jersey. This year marks the 175th anniversary of the Pompton Reformed Church, a vital force in the spiritual and civic fabric of Pompton Lakes, NJ, and its surrounding area.

Mr. Speaker, the fine people whose lives have been touched and strengthened by the Pompton Reformed Church will celebrate this outstanding institution's nearly two centuries of sevice to its community with a gala banquet this Wednesday, November 4, at the Regency House in Pompton Plains, NJ. I know that along with celebrating the Pompton Reformed Church's 175th anniversary, this event will also be a tribute to Pastor Paul W. Kranendonk for the quality of his leadership and richness of his wisdom in his constant quest for the communion of people in faith and civic pride which is the greatest asset of a free society and the very foundation of the strength and vitality of America's heritage.

As this historic anniversary approaches, for the benefit of my colleagues, I would like to cite the history of the Pompton Reformed Church by quoting excerpts from a series of articles which appeared earlier this year in the Suburban Trends newspaper of Butler, NJ:

> * * * The local scene in 1812 is one of a quiet, peaceful country village. Most of the land is divided into farms, many stretching from river to river * * *. The people of this Pompton community travel to the Pompton Plains church for worship. But they decide, in this year of 1812, that they should have a church of their own * * *. The new church was built over the next two years with the date 1814 inscribed on the key stone. Approximately 20,000 bricks were used, and

the total cost of the building was $5,943.12. It was dedicated on October 16, 1814, and the first congregational meeting was held in April of 1815. The first Consistory meeting was held June 24, 1815 * * *. Thus, starting with 24 names on the church rolls at the beginning of the year 1816, the congregation continued in prayer and faith, grew in numbers and prospered in the work of the Lord.

In 1859 a large lecture room was built in Wanaque by the Pompton Church at a cost of $1,400, mainly through the preservation of the women of the congregation * * *. The women of the Pompton Reformed Church have always been very active, and it was they who appeared before Consistory in July 1884 to request that a committee be appointed to investigate the possibility of erecting a chapel, pledging $500 as an initial contribution. The building was completed by December 25, 1886.

Pompton Lakes became a borough in 1895 by a vote of 69-85. The Pompton Reformed Church continued to grow in numbers and prosper in the work of the Lord. By 1911, the needs of the various church organizations had outgrown the original chapel, and an additional room was added to the rear. These accommodations proved adequate until 1928, when a much larger extension was again added at the rear.

With American entry into the first World War in 1917, the church offered its full-fledged support. After the war, church life became more varied. Organizations for the youth and children, as well as both men and women, flourished. In the following decade [1930s], the entire life of the church was overshadowed by the Great Depression. After the [second World War] there was enormous growth in the suburbs. Returning veterans in considerable numbers became active in church life. Repairs and rebuilding, long delayed by the Depression and the war years, were undertaken by the Pompton Reformed Church. Additional classrooms and the auditorium known as the Pine Room were built under the original chapel in 1950 at a cost of $30,000.

The Rev. Gerrit Heemstra was spending countless hours calling on new families moving into the Pompton area, as well as ministering to his ever-growing flock. In the ten years from 1952 to 1962, the communicant membership of the church jumped from 600 to 1,167. As the church grew, the church staff was also enlarged. In 1956, an expansion program was inaugurated, starting with the paving of the parking lot. Pledges for $198,000 were received to extend the church proper and remodel the interior, construct a connecting wing between the church and the church school, provide additional classrooms, offices, choir room and conference room, rebuild the organ, install a new heating plant and add a new recreation room.

Also included in this program was the purchase of the property beyond the cemetery, for the residence of the Associate Minister, and the purchase of the Gilman property for additional parking space, as well as to preserve the corner opposite the church, it later being offered to the Lakeland Guidance Center which currently operates there. In 1959, the second major canvass for the building brought forth $238,000 in pledges. Yet another expansion program was organized in 1961 for the purpose of increasing the giving and support of missions. Over $152,000 was pledged by the congregation for this work. The next major addition to the church property was the acquisition of the Lincoln Avenue manse. During the 1960s, plans were being made for the eventual replacement of educational facilities. It was recognized that they were not only inadequate, but also serious fire and safety hazards. A $450,000 advancement fund campaign in 1971 fell short of its goal, but by 1974, the congregation's desire for the new modern, functional building was realized.

The two-level, brick structure was named the Gerrit Heemstra Memorial Building, in tribute to the late pastor who served the congregation for a 34-year span. The dedication on May 5, 1974, was followed by two weeks of special programs, emphasizing the continual and varied services that this facility provides not only to the congregation, but to the entire surrounding community. In 1976, the Bicentennial year, the Pompton Reformed Church was singularly honored by having its pastor, the Rev. Dr. Bert Van Soest, elected president of General Snyod, the highest office of the Reformed Church in America.

"During the early months of 1986, the consistory felt the need to wrestle with our church's basic purpose," said Pastor Paul Kranendonk. Subsequently adopted, "The Purpose of the Pompton Reformed Church" is "To Glorify God; Through the proclamation of the Gospel; Through the offerings of our praise, our prayers and our gifts in corporate worship; Through the edification of the congregation in the Biblical Faith; By calling the community to faith in Jesus Christ; And by ministering in Christ's name to the spiritual and physical needs of all people within the reach of our hands, our voices, our prayers and our gifts."

To this end, Pastor Paul says, "We are particularly interested in strengthening our ministry with and to children. The preschool will continue to be a vital part of our ministry but, in addition, during all of this past year, we have reintroduced children's sermons into our early Sunday service. We are very much committed to bringing children into the worship service regularly." Boy Scout Troop 78, initially designated as "Troop Number 1" under the sponsorship of the Pompton Reformed Church, also is celebrating an anniversary this year—its 75th. In addition, the church provides space for Girl Scout meetings. Meanwhile, both the youth and seniors program, he said, "Is well in hand."

The music program at Pompton Reformed Church also is thriving. In April, 1986, James Wynne joined the staff as organist and director of music. He has since organized an instrumental ensemble, joining th chancel choir, junior choir and two handbell choirs.

There is a Retirees group which meets regularly and the Reformed Church Women's Guild. The church sponsors a blood bank, food bank, hospital and nursing home ministries, and a scholarship committee."

Mr. Speaker, I appreciate this opportunity to present this history of this distinguished church that has dedicated its purpose to helping others and guiding them in their pathway of life. As the Pompton Reformed Church celebrates its 175th anniversary, I know that you and all of our colleagues here in Congress will want to join me in extending our warmest greetings and felicitations for the service and spiritual guidance it has provided for its community, State, Nation and, indeed, for all mankind.

IF SEQUESTRATION TAKES EFFECT

HON. C. THOMAS McMILLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, November 2, 1987

Mr. McMILLEN of Maryland. Mr. Speaker, as a supporter of Gramm-Rudman legislation I thought it might be a good idea to highlight for my colleagues and the administration what will happen to the major programs authorized by the Committee on Science, Space, and Technology if sequestration takes effect due to an inability or unwillingness to reach target goals.

The space station program will have its funding reduced and possibly be deferred. It will be very difficult for the United States to regain its preeminence in space with a severely crippled space station program.

Environmental programs will suffer deep reductions or be frozen at their existing levels. No additional resources would be available to carry out research activities to support new laws authorized by Congress in the Safe Drinking Water Act, Superfund, and Clean Water Act.

Important research programs in clean coal technology, space nuclear reactors, superconductivity and ozone depletion, among others, will be cut back.

These programs are very important to the future of America. So is reducing the Federal budget. Mr. Speaker, let us all hope that the negotiations between Congress and the administration are successful in reaching the target goals of Gramm-Rudman and avoiding the painful cuts of the sequestration axe.

AMERICAN FARM BUREAU PROPOSES BUDGET REFORMS

HON. HANK BROWN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 2, 1987

Mr. BROWN of Colorado. Mr. Speaker, as Congress and the administration work toward an agreement on how to correct the current Federal budget problems, we should take note of how American taxpayers view the situation and believe it can be resolved.

The following is the text of a telegram the American Farm Bureau Federation sent to the President and congressional leaders involved in the budget summit.

In the telegram, the Farm Bureau encourages the adoption of fiscal policies which will favor economic growth. It lists a number of pitfalls that must be avoided; it supports an overall spending freeze until program reforms can be made to get the budget under control; and it opposes all proposals to increase taxes.

The Farm Bureau's message is one which makes a good deal of sense. We would be well advised to follow it.

The telegram follows:

[Telegram]

To: President Reagan and the Budget Negotiators.

From: Dean Kleckner, president, American Farm Bureau Federation.

Farmers and ranchers are very concerned about recent budget and economic policy discussions. We are primarily concerned that the recent downturn in the stock market could trigger inappropriate policy responses which would ensure a recession. This would reduce U.S. economic growth and world trade and, thus, U.S. income opportunity at home and abroad.

What all markets—including the stock markets—need now is policy certainty in favor of economic growth. Markets do not need to hear, like they did the week prior to the crash, a steady drumbeat of news that is anti-business, anti-economic growth, pro-tax increases and pro-trade protectionism.

We believe that as long as the basic forces in the economy are positive—inflation under control, employment up and trade increasing—we can deal effectively with the volatility in the stock market. We can, in trun, deal better with our debt problems with an economy that is growing, and not stagnant.

You must not be tempted for the "quick fix." Now is your opportunity for fundamental reform. Certainly if you only come up with $23 billion in deficit reduction, you will have strained mightly and produced little in the eyes of market participants around the world.

Now is not the time to look for policy solutions within the constraints of the status quo budget process. Obviously, the current process is a dismal failure. Since the Budget and Impoundment Control Act was passed in 1974, there has not been one year of budget surplus and cumulative deficits have totaled over $1.5 trillion.

Farm Bureau urges you to accept the responsibility for bringing federal spending under control and signal to all Americans and market participants around the world that the U.S. economy will not be sacrificed for political crisis reasons.

To accomplish this goal we recommend the following:

1. Enact an overall federal spending freeze and a freeze by departments at the FY 1987 levels. Spending will be frozen until program reforms are made which will get the budget under control.

2. Federal spending can never be reduced without serious review of all federal spending, including entitlement programs. We insist that all federal spending, including Social Security and other entitlement spending, also be "on the table."

3. Current beneficiaries of entitlement benefits would be subject to the immediate freeze. Current beneficiaries would not be "cut off" from any benefits. Reforms would be enacted immediately to reduce the cost of future entitlement programs.

4. Enact emergency legislation which requires that any increased federal spending—either to expand current programs or to introduce new spending programs—would be accompanied by a companion bill which states where cuts will be made in other spending programs.

5. Pass emergency legislation declaring the congressional budget process a failure and appoint a commission to advise on a new process that will reflect national spending priorities and limits on public sector resources. The spending freeze would remain in effect until a new budget process is put in place.

6. Since the fundamental problem is too much spending, not too little taxation, all proposals to increase taxes should be opposed.

7. Enact emergency legislation that provides authority for trade negotiations designed to expand mutually advantageous trade.

8. Declare a two-year moratorium on all federal regulatory initiatives that reduce the ability of U.S. farms and businesses to compete internationally.

Given the current crisis atmosphere, now is the tiem for Congress to act on fundamental reform of government spending and the budget process. We need action, not posturing.

CONGRATULATIONS JAYMI LYN SOUZA

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 2, 1987

Mr. COELHO. Mr. Speaker, I would like to congratulate Jaymi Lyn Souza of Turlock, CA, who was chosen from among 39 contestants to serve this coming year as Miss California State.

The role of Miss California State will take Jaymi Lyn all over the State, promoting the California fair industry and serving as the official hostess for California fairs and festivals. The Miss California State Scholarship Program includes competition in six categories—community service, personality, visual poise, stage arts, communication skills, and scholastic achievement. Jaymi Lyn's résumé indicates that she is well qualified for the honor she was given. In addition to her prelaw studies at Stanislaus State University, she is an intern in the district office of Assemblyman Gary Condit, president of the Pre-law Society, and active in community groups such as the Children's Crisis Center, the League of Women Voters, and 4-H.

Jaymi Lyn is an outstanding role model for other young adults, which is why she has been selected as Miss California State. I wish her an exciting and memorable year.

ARMS CONTROL

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, November 2, 1987

Mr. BROOMFIELD. Mr. Speaker, last week the appropriations committee marked up a year-long continuing resolution appropriations bill for fiscal year 1988. This long-term CR includes a number of arms control provisions relating to the ABM Treaty, nuclear testing, SALT II and antisatellite systems—all of which the President opposes.

I, for one, cannot believe that my colleagues on the other side of the aisle continue to push an alternative arms control agenda at the very time that the President is involved in intensive negotiations with the Soviets on some of these very same issues.

Correct me if I am wrong but the Washington Post and the New York Times are reporting that there will be a United States-Soviet summit in the very near future, that the President will be signing an INF agreement with the Soviets which will eliminate two entire classes of nuclear weapons.

In November we will begin high-level negotiations on nuclear testing with the Soviets, and recent press reports indicate we are making substantial progress in our negotiations with the Soviets to reduce strategic offensive systems.

What more can one ask for?

These ongoing efforts by my colleagues on the other side of the aisle to push a parallel, shadow arms control policy are very harmful to the President and undermine him at a critical time in his negotiations with the Soviet Union.

Now is the time to stand with the President and support his efforts to achieve meaningful reductions in nuclear weapons.

REMARKS AT THE CONGRESSIONAL TRIBUTE TO RAOUL WALLENBERG OF MRS. ELIZABETH KASSER, TRANSLATOR FOR RAOUL WALLENBERG

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 2, 1987

Mr. LANTOS. Mr. Speaker, at the recent congressional tribute honoring Raoul Wallenberg, Elizabeth Kasser was one of the speakers. She has an unusual perspective on the activities of Raoul Wallenberg and his activities in Hungary during 1944. She was a member of the staff of the Swedish Red Cross in Budapest, Hungary, at the time the Nazi troops were carrying out mass deportations of the Hungarian Jewish community.

Mrs. Kasser served as a liason between Wallenberg at the Swedish Legation in Budapest and Prof. Valdemar Langlet, who was the delegate of the Swedish Red Cross in Hungary.

Mr. Speaker, I think that my colleagues will find Mrs. Kasser's remarks to be particularly interesting. They provide new and useful information about some of the events during that difficult time. I include her remarks in the RECORD at this point:

Ladies and gentleman: It is a great joy for me to have the opportunity to remember Raoul Wallenberg in front of so many people who came here to pay their respects to him.

At the beginning of the German occupation, my husband and I decided to help those in need. My husband acted as the general secretary of the Swedish Red Cross delegation under Prof. Valdemar Langlet, who was a delegate of the Swedish Red Cross in Hungary, and I as a liaison between Langlet and Wallenberg. Thus a friendship and confidence grew between Raoul Wallenberg and me.

You have all read a lot about Wallenberg's activities during the dangerous months of 1944.

I would like to tell you about Raoul, the human being, not only the hero, the life saving machine, which he was.

He never had time for anything but his work. He was on the go day and night. He had to be there whenever people were in imminent danger of deportation to a death camp and since deportation occurred constantly, he was everywhere.

This rarely gave him personal freedom. However, during our occasional trips from one place to another he often spoke about his grandparents, his mother, his student years and about his wandering years in the USA, he talked with enthusiasm about the American way of life and about his love for art which was his favorite subject.

Since Raoul Wallenberg didn't speak Hungarian, he often asked me to serve as interpretor. My husband, Alexander, sometimes accompanied us as a Swedish Red Cross representative. On one particular meeting with Ferenczy, the chief of the Hungarian police, a terrible Nazi who was later executed as a war criminal, I recall Raoul's anger as we were kept waiting for a long time in the anteroom in a huge formidable looking building filled with armed guards.

Finally, Ferenczy came to us and made a long speech about how we should be ashamed of ourselves for helping Jews.

I did not translate all the terrible things Ferenczy said, because I was afraid that Raoul, already irritated, would lose his temper. However, his suggestive personality and diplomatic skill turned the position.

In the end the visit was successful. Raoul got Ferenczy to agree to setting apart three buildings under special Swedish Embassy protection, to house officially, 650 people who ostensibly were to emigrate to Sweden as soon as war conditions permitted. Taking advantage of Ferenczy's generous mood, my husband Alexander also requested that some houses be placed under Swedish Red Cross protection; this was also granted.

I remember that after leaving the building, Raoul, who usually conducted himself with great seriousness and dignity, broke into a joyous jig.

We put our arms around each other and did a sort of Indian dance in the street.

Another incident comes to my mind:

On Christmas Eve I paid a visit to Raoul at his office.

"Merry Christmas", I said.

He looked up to see me, smiling, trying to communicate some joyous feeling for Christmas.

"Merry Christmas" he said and rose from his desk for a holiday greeting. I put a small but heavy package into his hands.

"But please, no presents . . ." he said to me.

Open it, please," I insisted.

He tore open the wrappings to find a small, exquisite stone statue, a pallas athena, goddess of wisdom. He was taken back.

"It's genuine, authenticated by the Athens Museum," I told him, pointing to the small mark at the base. "We bought it on our honeymoon."

Raoul turned the statue around, admiring its delicacy and grace from every angle. It was the one miracle that could suddenly wash away his fatigue and the unceasing images of brutality and suffering that had been with him for the past months. "Athena—beauty and wisdom," he said "these qualities will still exist." He passed his hands over the figure wonderingly, caressing it. He was lost in reverie; I was glowing with the success of my gift and I turned to go. He looked up.

"Thank you, I've missed art," he said.

Oblivious of the war raging above us in the city, we two sat for a few minutes talking about things and forgetting life outside the inferno around us.

Before I left, I reminded him that I expected him for our luncheon on the second day of Christmas.

I would like to add that on Christmas Day, Raoul returned my visit and came to our home and played with my children, Mary and Michael, who since then grew up. Raoul was so happy playing with the children that he said that he is sure that the future would be happier. His words were prophetic, except for himself. Mary Mochary is now deputy legal advisor of the State Department and Michael is a successful businessman and a renaissance athlete.

I told this little episode to show you Raoul from another angle. I like to remember him not only as a big hero, which he was, but also as a sensitive human being.

Raoul Wallenberg's strength and ability to do "the impossible" gives me the strength to believe the impossible. I even believe that Raoul Wallenberg is still alive.

SUPPORT ANTI-COMMUNISTS

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, November 2, 1987

Mr. HUBBARD. Mr. Speaker, I have recently received a letter from my friend and constituent George L. Yoakum of Hopkinsville, KY, which I would like to share with colleagues.

George Yoakum has contacted me about his strong support for anti-Communists in Central America and throughout the world.

I hope my colleagues will take a few minutes to read his comments. The letter to me from George Yoakum is as follows:

HOPKINSVILLE, KY.

Hon. CARROLL HUBBARD,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN: Without a doubt, the Iran/Contra investigation started out among some in Washington as a scheme to impeach the President and to punish other persons involved in anti-communist activity. It became a "God-send" to our people as Colonel North made patriotic Americans more aware of the threat to our national security in Central America.

It infuriated me to see many on the Committee state their breast-beating concern about the Constitituion being trampled when they make a regular practice of circumventing the supreme law of the land when their will is challenged. If the Constitution was honored, would politicians have saddled this nation with foreign aid, massive deficits, and sovereignty-destroying submission to international bodies? Would they have injected federal presence and control into the fields of education, agriculture, energy, housing, health, welfare, etc? Would patriotic leaders have countenanced sending American fighting men into no-win wars, making them the policemen of the world?

Ten members of the House sent the "Dear Commandante" letter to Daniel Ortega "in a spirit of hopefulness and good will" pledging their support of the Communist government in Nicaragua. These ten sympathizers closed their letter with "[we] pledge our willingness to discuss these or other matters of concern with you or officials of your government at any time." Both constitutional tradition and the Logan Act specify that negotiation with foreign governments is a prerogative of the executive branch alone. In other words, Congressmen are not permitted to do what this letter says its authors will do and have already done.

Colorado Representative Patricia Schroeder signed a fund-raising letter for Nicaragua Network, a group formed by Sandinista agents and a man named Sandy Pollack, who happens to be a member of the national committee of the Communist Party USA. There was no investigation of these matters. Does Congress only investigate anti-Communist activity?

Why did the leaders of our nation favor Castro's take-over of Cuba; betray the anti-communists at the Bay of Pigs; send 50,000 brave Americans to a fruitless death in Vietnam? Why did the leaders of our nation subvert Nicaragua and Iran? Why did they turn the U.S. Canal in Panama over to a pro-Comunist government? Why did they undermine and subvert the pro-Western government in what was once Rhodesia and are now doing the same thing in South Africa? If we can successfully liberate freedom in Grenada, why can't we do the same thing in Nicaragua?

I urge you to reinforce your commitment to the Constitution and our nation by resisting political pressure in Washington. It is a now or never, all or nothing situation before it is too late. Like the man who kicked the skunk, you may pay a terrible price but the people will support you "until hell freezes over" and our grandchildren will bless you in the years to come for helping preserve our freedom.

Sincerely,

GEORGE L. YOAKUM.

A TIME TO "UNDO"

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, November 2, 1987

Mr. COURTER. Mr. Speaker, it is disturbing to see the same economic policy mistakes which have brought on recessions in the past beng touted all over again as current wisdom.

Perhaps no economic theory has been so thoroughly discredited by decades of experience as the theory that prosperity can be increased by raising taxes on the economy. In the light of economic history from Herbert Hoover, who raised taxes to deal with the stock market crash of 1929, to Jimmy Carter, who used inflationary tax rises to reduce his budget deficits, it is mysterious that some Members of Congress should be pushing our economy toward the brink with demands for new taxes and protectionist trade measures.

All we learn from history, a wise man once said, is that we learn nothing from history.

In the following remarks which were published in the New York Times on November 1, Arthur Laffer, an economic consultant based in California, has spoken much good sense about proper policy after the stock market decline. I recommend these brief remarks to my colleagues:

[From the New York Times, Nov. 1, 1987]

A TIME TO "UNDO"

(Excerpts from an interview with Arthur B. Laffer, a member of President Reagan's Economic Policy Advisory Board and chairman of A.B. Laffer Associates, a brokerage firm.)

If the budget deficit was the problem in the recent crash, why was the market high a year ago, when the deficit was at $200 billion? Today, it's below $150 billion and the market collapses. The same comment can be made about the trade deficit.

Stock markets forecast what will be, not what has been. Therefore, something dramatic changed in the market's expectations over the last few weeks—and these deficits were not the precipitous events.

What were? First, some foundational problems. There is a lot of talk about trade protectionism these days. And there's a new Federal Reserve chairman. I think Alan Greenspan is great, but the market is testing him, much as it tested Paul A. Volcker with a "massacre" in October of 1979, a few months after he came in. Talk about "déjà vu all over again." Also, there will be a new President in 1989; this adds to the uncertainty.

Against this backdrop of uncertainty came two catalysts that set off the recent market reaction. There was the ill-conceived proposal—by the chairman of the House Ways and Means committee, Dan Rostenkowski—of levying a series of "takeover taxes," which would effectively insulate inefficient management from actions taken by shareholders. Then there was Jim Baker's talk of further devaluation of the dollar. Now the market is worrying that politicians' attempts to deal with the crash will only make things worse.

What I would love to do is "undo" some things—implement much of the Grace Commission report on spending reductions, for example. Then I'd like to undo the freely floating dollar and guarantee its value once again, by making it convertible into a metal or "commodity bundle," as suggested by Treasury Secretary Baker.

This is also a perfect time to get rid of the capital gains tax.

All this would spur growth, provide jobs and re-instill confidence in the stock market.

With monetary policy in good hands and the new tax cut kicking in, next year should be a strong one—that is, if Washington doesn't do anything catastrophic.

POVERTY AMIDST SEEMING PROSPERITY

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 2, 1987

Mr. LELAND. Mr. Speaker, while the Census Bureau has reported significant drops in the incidence of poverty in the United States from 14 percent in 1985 to 13.6 percent in 1986, the rate in 1986 still was more than one-fifth above its lowest recorded level of 11.1 percent in 1971. This seemingly rosy national economic performance severely masks the incidence of poverty among different segments of the population, including children in female-headed families, blacks, Hispanics, and the very old.

Mr. Speaker, I would like to bring several articles published by the Washington Post to the attention of my colleagues on America's working class who struggle daily to escape poverty. "Almost Poor" depicts the lives of people who have not been effected by a "prosperous" economy. As we continue our discussions on deficit reduction strategies, let us not forget the individuals who daily struggle to make ends meet.

[From the Washington Post, Nov. 1, 1987]

ALMOST POOR: HOLDING JOBS, SEEKING CAREERS—A FIFTH OF AMERICA LIVING ON THE MARGIN

(By Morris S. Thompson)

Almost everybody knows somebody, by sight or name, like Charlie Luker. Luker, 37, a car washer in Lawrenceburg, Tenn., works long and hard. He relaxes in front of the television with a beer most evenings, goes to bed early, gets up early and does it all over again. He is part of the backbone of the U.S. economy and society, one of the many Americans who make enough to survive but not much more.

They are little noticed by politicians and policy-makers because they do not vote in large numbers or qualify for most forms of government aid. And more affluent Americans rarely consider the life, needs or thoughts of a Charlie Luker, who shined their new cars before they drove them off the lot.

The Washington Post went looking for the one-fifth of Americans, more pervasive than visible, who live above the official poverty line but below the middle-income bracket. These are the Americans who buy used cars or no cars, take few vacations, shop for clothes at discount stores, often go without health insurance and hope for the best.

According to data in the Census Bureau's 1986 Current Population Survey (CPS) of nearly 65,000 households nationwide, this group lives in households where the annual income is $9,941 to $18,700. In two-thirds of those households, it takes two wage-earners to reach that range. The members of this group are demographically so diverse that income is one of the main statistical characteristics they share.

The other is education. Except for the senior citizens, they have less of it than the average for their age group. Throughout their lives, people with less education tend to be paid less and be unemployed more.

But in interviews, another unquantifiable similarity emerges: Those of the same age, with about the same responsibilities, expressed remarkably similar views about the future despite vast differences in their backgrounds.

The demographic analysis suggests that the members of this nearly poor quintile are white and black and Hispanic; married, single and divorced; working, retired or between jobs; old, young and in between.

Some, young and on their way up, may belong to the group temporarily. Others, ill or laid-off or on strike, are here suddenly and accidentally. Still others have wittingly chosen professions that will make them happy but not financially comfortable. And some, whose needs outstrip their skills, may be stuck here permanently.

Because living costs vary with family responsibilities, all of these people have to budget carefully, but some more carefully than others.

For example, the largest category of householders in the group (29 percent) is made up of persons over age 65 whose children are likely to be grown and gone.

And because the incomes of most people drop when they retire, senior citizens in this group tend to have done better during their working lives than the wage-earners now in the group. Many have accumulated such valuable assets as a paid-for-house.

In fact, only 3 percent of householders older than 65 in the group list Social Security as their sole source of income. But when the workers in the group stop working, their incomes are likely to place them among the poorest of the poor.

The second largest number of householders in the group (24 percent) are those between 25 and 34. If they are parents, they have learned that the price of children's shoes is out of proportion to their size, but those children's appetites have not yet become the black holes of adolescence.

Of the 15 percent of householders in the group between 35 and 44, many are facing the near certainty that they will never be rich and the probability that they will not be able to pay for their children's education after high school. Many others are divorced; surveys consistently find that money problems are among the leading causes of failed marriages.

The 10 percent between ages 45 and 54 are in the peak earning years for most Americans but finding it increasingly difficult to get or keep a job, especially one that would allow them to plan for retirement.

The 14 percent between the ages of 55 and 64 have reached the stage at which persons with below-average educations who have unskilled and semiskilled jobs begin to drop out of the work force. Sometimes the years of unaffordable, and therefore neglected, health care play a role. For white-collar workers in the group, it is the age for hanging in there for their pensions.

Finding the Charlie Lukers of this nation—those who fit the statistical profiles of this group in age, race, education, occupation and other characteristics—turned out to be unexpectedly difficult. In the informal search in a half-dozen communities, few of the standard reportorial methods—talking to ministers, priests, politicians or community, fraternal and veterans organizations—bore fruit.

Most such community workers first said they surely knew many families whose members worked hard but earned very little. Days and weeks later, they ended by wondering where those families were. Most, it seemed, are not "joiners."

Luker said he has drifted away from his hometown buddies in Lawrenceburg over the years and was never much for churchgoing, voting or school. The closest the Army veteran ever got to the American Legion was a daily stop after work for a beer to go until the Legion Hall burned down in June. But a high-school acquaintance who is now a Methodist minister eventually remembered Luker and pointed him out to a reporter.

A reporter had met teacher Angela Keel, a subject of today's article on young, single adults, on a previous assignment at a meeting of the Montgomery County Day Care Council. Calls to a District of Columbia career counseling program led to Wayne Miller.

A food stamp administrator in Lawrenceburg suggested Tom Price and his family, featured in Monday's segment on young families, several years after rejecting his request for food stamps. For the same report, the reporter was led to Houston barber Ray Salinas and his family by a customer.

Local union officials led to middle-aged midwestern meatpackers for Tuesday's report. A reporter's instinct and a teachers' association led to retired Omaha teachers for Wednesday's segment. In each case, cold trails far outnumbered the warm.

Since more than 80 percent of the U.S. population is white, it is not surprising that most households in this group also are headed by white men like Luker, Census data show. But a greater proportion is headed by someone who is black, Hispanic, female, over 65 or unmarried than are households in any other quintile of the population, except the poorest.

While whites in the group are worse off financially than most other U.S. whites, the median income for all black and Hispanic households in the United States falls in this $9,941 to $18,700 range. So a group often known as "working poor" is, in this land of plenty, the middle class for black and Hispanics.

(Edward Dolbow, senior systems research consultant for The Washington Post's data processing department, contributed to this report.)

[From the Washington Post, Nov. 2, 1987]

ALMOST POOR: WORKING HARD, STAYING IN PLACE—TWO FAMILIES' COMMON GROUND IN HARDSHIP, HOPE

(By Morris S. Thompson)

Ray Salinas, Democrat and Roman Catholic and Chicano, a barber in teeming Houston, might seem to have little in common with Tom Price, Republican and Southern Baptist and white, a box-factory worker in tiny Lawrenceburg, Tenn.

But both are men who work hard without getting ahead, and as they speak, the differences between their backgrounds dissolve. What stands out is the similarity in their experiences of the world and the dreams they dream for their children.

Both meet life with limited means as part of America's working poor, the 17.6 million households between poverty and the middle class with incomes of $9,900 to $18,700 a year.

As such, Salinas and Price seem to share an unarticulated class consciousness forged by the choices that scarcity has imposed. They struggle to feed their families, hope no one gets sick, try to figure out where the money will come from to educate the children, try not to think about what will happen when they can't work anymore.

On the threshold of middle age, they seem to accept their struggle for economic survival as a routine necessity and the world as an uncaring place in which people like them have little influence. For the sake of the children, they worry about war and hope their babies don't find the world so hard a place as they have.

They have learned to accept painful memories without explanation: the death of the Prices' day-old daughter and of Salinas' 21-year-old sister from a stomach tumor. In the middle of the way, where T.S. Eliot says there is no sure foothold, both men seek their solace in church.

Last year, Tom Price, 37, earned about $12,000 as day manager at a local restaurant. This year, he is earning a bit more working third shift on the gluer at a nearby box factory. Maria, his wife of almost 18 years, did not work last year but expects to earn $6,000 or $7,000 this year at a local garment factory.

Ray and Hilda Salinas each earned about $5,500 last year. He works six days a week on 70 percent commission as a barber, which for years was merely his moonlighting job. Hilda is paid minimum wage for a four-day week at a shirt factory. They expect to make an equal amount this year.

Theirs are families that make too much money to qualify for more than token help from government, but too little money to avoid serious and constant financial problems.

"If I'm lucky to keep $20 in a week, I'm lucky," said Salinas, a stocky man with an easy smile. "But most, it's going to food or the car, utilities, the house note. We try, we try but it's still a little rough."

Price says that, with a family of six, much of the money he and his wife take home goes for food. "Sometimes I'm able to save a little, then something comes up and takes it," he said.

Their personal finances have gotten worse, not better, over the past decade, an experience shared by many Americans whose raises usually come through increases in the minimum wage, which has been $3.35 an hour for nearly eight years.

"Even though my wife and I are working, we're making what we were back in '77 when it was just me working," Salinas said.

Price concurred. "Right after I got out of school, around '74, I was making $10,000, $11,000 a year," he said. "Compared to what things cost, that's more than I'm making now."

Both men have more questions than answers as to why they and others like them live in perpetual near-penury. Salinas blames President Reagan, for whom he voted in 1984. "Why doesn't the administration come out and look at the people?" he said. "Is Reagan aware that people here in the United States are starving? This is my personal question: Does he know what's going on?"

A hint of what Price suspects is happening may lie in how he sees the world his children will face as adults. He says the controlling factor will be agreed, and he worries about "people who just think of lining their own pocket in our country."

In the tales Salinas and Price tell, one sees good men whose lives are constantly buffeted by forces beyond their control.

As they look at the events of their time, from Vietnam to the Iran-contra scandal, their experience leads them to focus on consequences, no intentions.

Salinas looks around him and wonders how he, a high school graduate and Air Force veteran trained as a mechanical draftsman and barber, has come to live on the economic brink.

Years ago, I never thought that we were going to hit a situation like what we're in now," he said, "I thought I was always going to have a job and that I'd always be able to provide for my family."

"JUST ENOUGH TO PAY THE BILLS"

The Salinases live in a two-bedroom house with aluminum siding in a Houston neighborhood with trees but no sidewalks. Just Reynol Jr., 12, and Rosa Maria, 9, occupy the other bedroom now. Fernando, 21, joined the Air Force after he finished high school in June 1986.

Ray Salinas worries most about the younger children's education. "What I make is just enough to pay the bills and keep insurances on those two pieces of junk [cars] out there," he said.

Like many of the working poor, Salinas has a history of jobs rather than a career. He trained as a barber after finishing high school, earning a diploma that few Hispanic men his age have received. When a girlfriend spurned him, he joined the Air Force, in 1966.

At the end of his four-year hitch, Salinas took a course in mechanical drawing but couldn't find a job as a draftsman, so he worked nights at a brokerage house, processing the day's stock sales and purchases for $5 an hour.

Salinas helped support his parents and send his brother to college and law school. "Of all the family, he's the only one who got an opportunity to get a good education," he said. His brother went on to become a U.S. Justice Department lawyer and served briefly as a judge.

Shortly after Ray Salinas' discharge, he went to a wedding in Piedras Negras, across the Mexican border from Eagle Pass, Tex., and met Hilda, an articulate, Catholic-educated woman with a young son. He began courting her six months later ("I liked her way of expressing herself," he said) and they married in 1972.

"Fernando is by my wife's first marriage," Salinas said. "I raised him like ours since he was 5, 6 years old." Salinas supported his new family by working at anything he could get until finally landing a drafting job. He drew custom ventilators for fast-food grills for the next six years until, just before Christmas 1978, he was laid off.

As usual, the family went to Hilda's parents' house in Piedras Negras for the holidays—and after New Year's, Salinas told her he had no job. He headed back to Houston alone. "That Christmas was one of the saddest," Salinas said, tears in his eyes.

He was still out of work when Hilda telephoned to tell him she was sick. The hospital bill took their savings, $600. "I got $120 a week unemployment, and I had at least $400 a month in bills," he said. "That's scary."

At one point, jobless and facing foreclosure on the mortgage, he swallowed his pride and applied for food stamps. The application was denied because the house he was about to lose made him too wealthy.

"I needed the food for my family," he said. "I ask myself, how many people are there now who get rejected who need it?" The next day, he recalls gratefully, he found a job as a janitor. And the doctor allowed them to pay his $700 fee over two or three years.

"You don't find very many doctors like that," he said. "That's why I hope the economy picks up and we can buy some insurance, especially for Mom and myself."

Just after he retired that debt, Salinas was laid off again. He has been a full-time barber ever since. He now recalls his days as a draftsman wistfully, "I really enjoyed that kind of work," he said. "But it seems like when you get a certain age, people want a younger person."

Nonetheless, Salinas said, he enjoys life more and has a better relationship with Hilda since he went to a weekend religious retreat a few years ago. "It's a personal encounter with Jesus Christ," he said. "Of all the things I've had through life, it's the most beautiful experience I've had."

The family now attends Mass regularly, and Ray and Hilda lead a teen-age Bible study group in Spanish, the only language Hilda speaks. "We try to teach our children what we had forgotten, " she said.

All in all, he said, his life has been easier than the lives of his father or his grandfather, who was a subsistence farmer in northern Mexico.

Wanting "a better future for his kids," Salinas' father brought his own young family to Galveston when Salinas was 2 years old. He found day work, mostly loading bananas and cutting cotton bales.

It was because his dad was out of work with four younger children to feed that Salinas went home to help instead of making the Air Force a career. Salinas said it was probably "a good thing" that he spent his service years in the motor pool at Barksdale Air Force Base in Louisiana instead of in Vietnam.

"I have five friends who died in 'Nam, guys I knew from the base," he said. "You wonder what were we really doing there, and what was the purpose of so many lives being lost in that conflict. Up to today, I don't have an answer."

These days, he is troubled by the prospect of another war—in Central America, perhaps, or the Persian Gulf. "All we can do is pray for peace," he said. "I don't know. Things are looking hot all over the world. . . . It seems like the other countries just want war, especially the Ayatollah Khomeini" in Iran.

At home, Salinas sees signs all around him that times are hard. "I never thought in my life that I'd see Anglo kids come in the barbershop barefooted with dirty clothes," he said. "We go out and help other countries and provide for them, and it's good. But I think our government should look to the American people first."

Salinas has not decided on a 1988 presidential candidate. He liked what Sen. Paul Simon (D-Ill.) had to say in a televised debate he saw, but he wonders why politicians don't seem to deliver what they promise. "There's no one I can say, 'There's the one for the future.' "

AN UNAFFORDABLE ASPIRATION

The Prices and their children, Thomas Jr., 16, Maria, 14, Theresa, 10, and Charles, 8, live on a quiet circle in quiet Lawrenceburg, population about 15,000, 50 miles northwest of Huntsville, Ala, in the rolling farmland of central Tennessee.

They live in a brick three-bedroom ranch-style house, where Tom Price hopes to turn the carport into a bedroom someday.

Price, a licensed Baptist preacher who believes that creation occurred in six days, taught mathematics and science in Christian academies after college and wishes he still could. The low pay, scant job security, skimpy fringe benefits and his family's growing needs forced him to seek a better paying job.

"If I could find a sitution where I could teach and make enough to live on, I'd do it," he said.

But Price, like Salinas, has been diverted from his druthers by his needs. "My oldest son will be graduating from high school this year," he observed. "He wants to go into engineering, with computers and robots and things like that. Maybe he'll go to Columbia State" nearby.

The summer after Price finished high school in 1968 in Lawrenceburg, his home town, he met his future wife, Maria, then 15 years old, at church. They were married that November and lived with Price's parents—a decision that now seems to Maria a way of getting away from her own parents.

Tom dropped out of college before the second semester and worked for his father, a construction jobber, "digging footings, putting in septic tanks, putting in water lines."

But grief changed the direction of the Prices' lives. "We had one child who died in '75, lived a day," he said. "It sort of made us decide to devote some more to church work, because that's where we found comfort."

So the Prices moved to Chattanooga, about 130 miles to the east, where he majored in Bible at Tennessee Temple College and went on to spend a semester at Temple's seminary. He dropped out when he ran out of money, taking a job teaching junior- and senior-high school math at a Christian academy in Fort Pierce, Fla., 90 miles north of Palm Beach. It paid $8,000 a year.

There, Maria earned her high-school equivalency diploma and decided that one day she would go to college. Over the years, she has done three semesters' course work in hopes of becoming a psychologist. "It's very important to me," she said. "It proves who I am, that I'm not dumb the way my parents always told me I was."

Tom Price held a succession of teaching jobs. In Tallahassee, Fla., he managed to make $10,000 in 1984 by operating a backhoe on Saturdays when he was teaching seventh-grade math during the week at North Florida Christian School. He left his last teaching job in west Tennessee because he thought the principal used corporal punishment too much, including on Price's son, Tom, Jr.

Price took a management-traning job with Shoney's Big Boy, a regional restaurant chain. He spent four months in nearby Columbia, then was day manager in Lawrenceburg for two years.

"I got as much as $390 a week, counting the bonus, but I was working 55 to 60 hours a week," he said. "So it was fairly good money, but by the hour it wasn't a lot."

Also, Price complained, he had to work Sundays and holidays, missing church and time with his family. "My son went from a kid to young man, and it went by without my having time to spend with him, and I couldn't have that," he said.

Earlier this year, the Coors Packaging plant in Lawrenceburg was hiring and friends put in a good word for him. "I'm getting paid $7.75 an hour," he said. "I started at $5 an hour. I'll top out at $9 an hour as I get more skilled on the machines and can do more things."

Free health insurance there for his family, he said, is "worth a whole lot to me."

Although he does not want to teach in public schools, he sends his children there—the same schools he attended as a child. "You just end up going home some time," he said. "It's sort of a case of looking for the place you like, and you can't find it." Maria, who never lived more than a year in one place as a child, wanted her children to have a home town and friends.

Price worries about the world in which Tom Jr. soon will be an adult. "People in the area are concerned about . . . the Persian Gulf and the Iran thing—concerned what it might lead to," he said.

Despite Price's strong fundamentalist Christian beliefs, he said he is not interested in trying to shape them into public policy. "I think it's up to the church to go out and change people's hearts," he said. "I fear when you start legislating the moral stuff, for a while you may be in control, but somebody else may be later."

Price, a Republican, voted for Reagan in 1980 and 1984, but he said he was disturbed by the Iran-contra affair.

"Some people in their zealousness for doing what they felt had to be done went outside the law to do it," he said. "I feel that's a bigger danger to us than communism is. If you get in the habit of doing that, we could lose it all."

"WE WINDOW-SHOP A LOT"

Price finds Sen. Albert Gore Jr. (D-Tenn.) "reasonably decent" among the announced presidential candidates. He said he would prefer another Tennessean, White House chief of staff and former Republican senator Howard H. Baker Jr., because "he's conservative but flexible enough to get things done."

Like Salinas, Price concludes, "I don't see anyone stepping out to the front and being a candidate that can draw people to him."

What preoccupies these men, like many others, is not politics but their families' futures. Each spoke of his children with unequivocal pride. "That cuckoo clock?" Salinas said. "My boy Fernando sent it to us from Germany. Sometimes the cuckoo goes, 'Oh, Fernando! Oh, Fernando!' "

Said Price, "Tom Jr. is getting mostly As and Bs. You know that book 'Who's Who in American High Schools'? He's in it."

And each took on a tone of quiet, familiar desperation as he spoke of getting by. "I keep telling my wife to slow down in the supermarket," Salinas said.

"In shopping," Hilda Salinas said, "one has to save every little centavo. The children are children so they want good clothes, good shoes, but we always have to tell them, 'We can't.' "

"We window-shop a lot instead of buying," Tom Price said. "It's rare that we go out to eat. We try to find things that are on clearance and compare to see which size is cheaper per ounce. It's not always the biggest one.

"You get a lot of things that aren't natural breads or fancy this or that," he continued. "You buy the cheapest salad dressing and mayonnaise. You go load up when they mark bread down . . . . You wash clothes and rinse in cold. Never use hot water."

"Sometimes I cry," Maria Price said. "Then I'll hold my head up and say, 'If the Lord wanted me to have it, he would have given it to me.' "

So in the middle of the way, where T.S. Eliot also says there are monsters, hope for Reynol Salinas Sr. and Thomas A. Price Sr. is what one has for the children more than for oneself. It is about what money can buy and about what it cannot.

"I dream that my daughter can go to a good college," Hilda Salinas said, "that little Reynol will study and get ahead. Those who study will be most prepared."

Ray Salinas spoke of the advice he gave recently to Fernando. "I said to my boy, 'Take care of yourself and try to save money. Put your money into savings so the day you get married, you don't have to go through what we're struggling with.'

"He said he understands better some of the things I've been saying to him all along," Salinas said. "I said, we all have to experience life as we go along."

Price said he would like his children to be able "to get by without having to watch every dollar quite so tight, not some weeks to have to do without on basics."

"I want them to be content in whatever they do," he continued. "I hope they stay active in the church. I hope they have a happy family. I hope the girls marry somebody who'll take care of them, and the boys better take care of whoever they marry. I hope they have a family life filled with love."

CONGRESSIONAL BLACK AND HISPANIC CAUCUSES HAIL CREATION OF MINORITY SCIENCE CONSORTIUM

HON. MERVYN M. DYMALLY

OF CALIFORNIA

HON. ALBERT G. BUSTAMANTE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 2, 1987

Mr. DYMALLY. Mr. Speaker, as chairmen of our respective congressional legislative service organizations, it is our distinct honor to pay tribute to the creation of a new science consortium which will bring together national research laboratories and three minority colleges and universities in a program designed to increase the number of minority scientists and expand research facilities and training opportunities at minority institutions. Regrettably, many of our institutions have been outside the existing network of alliances which serve the major universities and research organizations in this country. This new consortium utilizes a model which maximizes national resources and aggressively responds to the challenges that industry and academic communities advanced in the recent creation of the national Minority Institute on Science, Space and Technology.

We, therefore, on behalf of the Congressional Black Caucus and the Congressional Hispanic Caucus salute North Carolina A&T State University, New Mexico Highlands University and the Ana G. Mendez Educational Foundation for their dedication in strengthening minority science programs and their contributions to educational excellence in America.

THE HONORABLE MILLICENT FENWICK

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, November 2, 1987

Mr. ROTH. Mr. Speaker, John Kennedy in his 1961 Inaugural Address said in closing, "Here on Earth, God's work must truly be our own." A person who lives by these words is a former Member of the U.S. House of Representatives and a former Ambassador to the Food and Agricultural Organization, Millicent Fenwick. She makes us all proud.

But never were we as proud of her than when she came back to Capitol Hill to speak out with courage and eloquence about the most cruel regime in the world—Ethiopia. That country's regime is known today as the worst violator of human rights in the world and a government which preys on the generous charity of the West. I commend to my colleagues an excellent review of Ambassador Fenwick's remarks covered by the Washington Times:

[From the Washington Times, Oct. 6, 1987]

FEISTY MRS. FENWICK FACES CONGRESS WITH A NEW CAUSE

(By Cheryl Wetzstein)

At 77, newly retired Ambassador Millicent Fenwick has found a new human rights cause to champion.

"It's an outrage how they are treated [in Ethiopia]," the former congresswoman said recently on Capitol Hill. "And we *must* care."

Mrs. Fenwick, who returned to New Jersey this year after four years in Rome as U.S. ambassador to the U.N. Food and Agriculture Organization, usually does not accept speaking engagements and has been in poor health.

But she is passionate about Ethiopia, and when she heard that a second famine looms in that nation's future, she was determined to come to Washington, to testify before the House Foreign Affairs Committee.

"I felt I owed the people a report," she told the panel, chaired by Rep. Gus Yatron, Pennsylvania Democrat, which included members of the human rights, Africa and international economic policy and trade subcommittees.

As FAO ambassador, she explained, she had been "shocked" to learn how the Ethiopian regime of Gen. Haile-Mariam Mengistu dealt with the "golden flood" of famine relief in 1985—the largest relief operation in history. She was adamant that the "charitable instincts of the world" not be exploited again.

"I couldn't believe what I was learning. It seemed like a bad dream," she said earlier at a press conference.

Her message to lawmakers was blunt.

Relief must be given, she said, but not carte blanche. Instead, aid must be given "in a package," with conditions that must be followed.

People who donate to famine relief, she explained, believe the food goes to feed the hungry and is distributed, free of politics, by private organizations. This did not always happen during the famine of 1984-85.

She contended food gifts were used to lure able-bodied men into food sites such as Mekelle. Once there, she said, they were herded into vehicles and shipped to distant resettlement camps. "Men were shot in cold blood when they tried to escape," she said. Meanwhile, families and sometimes entire villages waited in vain for the men and the food.

"We cannot continue to be accomplices in a cruel and vicious act," she said. "People must be able to leave with the food. The leverage that we have is to say we will continue to feed them if they are free to leave.

"What we can do," she added, "and what Ethiopia is afraid of, is that everybody [all food donor nations] is going to get together and say, 'Sorry, but, yes, we are going to send food into the camps, but we are going to have to be able to follow that food into the camp.'"

Last time, she noted, Ethiopia declared anyone who gave food could follow it to the mouths of the hungry. "That was on Sept. 1," she said with disdain. "It was rescinded on Sept. 2 and nobody made any fuss."

The food donor nations need to be united, she said. "If I were in Washington, I'd go to the ambassadors here and say, 'Will you join us?'"

The duplicitous use of aid was not the only Mengistu regime tactic that riled Mrs. Fenwick, who was known during her eight years in Congress for her scathing attacks on "pork barrel" legislations.

"Did you know they were getting $50 on every ton of gift food?" she asked the panel. She said she learned of the outrageous charges via a letter published in the International Herald Tribune from an American seaman.

"He was shocked to discover they had to pay $500,000 to the government for port charges in order to get the food off the ship," she added. Moreover, apparently "everyone except this seaman" was "calmly accepting these fees."

"I made this row [over the $50 fee] because nobody seemed to know about it—they were all paying that. What you have to do is make a fuss! In Kenya the [handling] charge is something like $1.90 a ton . . . South Africa," she observed, "as repulsive" as its apartheid is, "is not depending on a golden flood to come in the minute they declare a disaster."

Ethiopians seek global assistance, "and what do they do? They keep a food ship waiting two weeks . . . while a Soviet ship occupies the berth to unload military supplies . . . Why don't people get excited about this?"

Attempts to engage Mrs. Fenwick on any subject other than Ethiopia were futile.

"Africa is my passion," she said proudly at the National Press Club where she attended a news conference sponsored by the Krieble Foundation. She came to offer support of a bill co-sponsored by Reps. Toby Roth, Wisconsin Republican, and William Gray, Pennsylvania Democrat, that would levy sanctions against Ethiopia and revoke its "most favored nation" status.

Her commitment to the bill is so strong "that she asked for names of people she could call on the foreign affairs committee," said an aide.

A former foreign affairs committee member herself, Mrs. Fenwick explained that although she visited six African countries, she did not go to Ethiopia because of its altitude: "Addis [Ababa] is too high—I have a pacemaker."

More than once she expressed pleasure at being freed from diplomatic constraints. "I am a private citizen now. I can speak my conscience," she told the press club gathering, which included Ethiopian freedom fighters and defectors, including Dawit Wolde Giorgis, the former head of Ethiopia's famine relief commission.

Mrs. Fenwick was frequently heard to marvel at the public's indifference to the human rights abuses in Ethiopia.

"I just can't understand why people don't care," she repeated. "There is more interest in wildlife associations, for antelopes and elephants, than for [African] people.

"Where does this indifference come from?" she muttered, lighting her pipe once again. "People seem to care more about elephants than Ethiopians."

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, November 3, 1987, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

NOVEMBER 4

9:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

10:00 a.m.
Agriculture, Nutrition, and Forestry
To hold joint hearings with the Committee on the Judiciary's Subcommittee on Technology and the Law on the use and regulation of biotechnology in agriculture.
SR-332

Commerce, Science, and Transportation
To resume hearings on safety and reregulation of the airline industry.
SR-253

Environment and Public Works
Water Resources, Transportation, and Infrastructure Subcommittee
To resume hearings to review infrastructure issues.
SD-406

Labor and Human Resources
To resume hearings on S. 1265, to provide minimum health benefits for all workers in the United States, focusing on the cost and economic impact of the bill.
SD-430

2:00 p.m.
Agriculture, Nutrition, and Forestry
Business meeting, to consider S. 1665, Farm Credit Act of 1987.
SR-332

Environment and Public Works
Hazardous Wastes and Toxic Substances Subcommittee
To hold joint hearings with the Subcommittee on Environmental Protection on S. 1751, to require vessels to manifest the transport of municipal or other vessels nonhazardous commercial wastes transported offshore to ensure that these wastes are not illegally disposed of at sea.
SD-406

NOVEMBER 5

9:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Joint Economic
To hold hearings to evaluate the prospects for U.S. exports and imports.
SD-628

10:00 a.m.
Environment and Public Works
Hazardous Wastes and Toxic Substances Subcommittee
To hold oversight hearings on the regulation of biotechnology.
SD-406

Judiciary
Business meeting, to consider pending calendar business.
SD-226

Conferees
On H.R. 1777, to authorize funds for fiscal year 1988 for the Department of State, United States Information Agency, Voice of America, and the Board of International Broadcasting.
S-116, Capitol

2:00 p.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To resume hearings on S. 708, to require annual appropriations of funds to support timber management and resource conservation on the Tongass National Forest, Alaska.
SD-366

Select on Indian Affairs
To hold oversight hearings on the implementation of Title IV, Part C of the Omnibus Drug Act (P.L. 99-570), and to hold hearings on S. 1684, to settle Seminole Indian land claims in Florida.
SR-485

Conferees
On the agriculture trade provisions of H.R. 3, Omnibus Trade and Competitiveness Act of 1987.
SR-332

3:00 p.m.
Conferees
On the export controls and export promotion provisions of H.R. 3, Omnibus Trade and Competitiveness Act of 1987.
SD-124

3:15 p.m.
Banking, Housing, and Urban Affairs
Consumer Affairs Subcommittee
To hold oversight hearings on the ability of consumers to plan their financial affairs.
SD-538

NOVEMBER 6

9:30 a.m.
Finance
Taxation and Debt Management Subcommittee
To hold hearings on S. 639 and S. 1099, bills to empower States to require out-of-State vendors to collect State sales and use taxes.
SD-215

Joint Economic
To hold hearings to review the employment/unemployment statistics for October.
SD-628

NOVEMBER 9

9:30 a.m.
Energy and Natural Resources
To hold hearings on the greenhouse effect and global climate change.
SD-366

10:00 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Production and Stabilization of Prices Subcommittee
To hold joint hearings with the House Committee on Agriculture's Subcommittee on Wheat, Soybeans, and Feed Grains on the impact of Federal Inspection Service protein measurement on wheat prices.
SR-332

NOVEMBER 10

9:00 a.m.
Select on Indian Affairs
To hold oversight hearings on implementation of the Indian Child Welfare Act (P.L. 95-608).
SR-485

9:30 a.m.
Energy and Natural Resources
To continue hearings on the greenhouse effect and global climate change.
SD-366

10:00 a.m.
Agriculture, Nutrition, and Forestry
To resume joint hearings with the Committee on Judiciary's Subcommittee on Technology and the Law on the use and regulation of biotechnology in agriculture.
SR-332

10:00 a.m.
Judiciary
Patients, Copyrights and Trademarks Subcommittee
To hold hearings on S. 698, Syndicated Television Music Copyright Reform Act of 1987.
SD-226

NOVEMBER 12

9:00 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold oversight hearings on the public broadcast system.
SR-253

10:00 a.m.
Agriculture, Nutrition, and Forestry
Business meeting, to mark up S. 1516, the Federal Insecticide, Fungicide, and Rodenticide Act Reform of 1987.
SR-332

Foreign Relations
To hold hearings to reexamine the War Powers Resolution with a view to possibly revising the law.
SR-419

1:00 p.m.
Select on Indian Affairs
To hold joint hearings with the Committee on Rules and Administration on S. 1722, to establish the National Museum of the American Indian, Heye Foundation within the Smithsonian Institution, and to establish a memorial to the American Indian, and S. 1723, to establish certain regional exhibition facilities as part of the National Museum of the American Indian.
SR-301

2:00 p.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on H.R. 2416, to establish the Jimmy Carter National Historic Site and Preservation District in the State of Georgia, and H.R. 2325, to authorize the acceptance of a donation of land for addition to Big Bend National Park, in the State of Texas.
SR-366

NOVEMBER 13

9:30 a.m.

Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings to review the activities of transportation property brokers.
SR-253

Energy and Natural Resources
To hold hearings on the nominations of Earl E. Gjelde, of Virginia, to be Under Secretary of the Interior, and Henry M. Ventura, of California, to be an Assistant Secretary of the Interior for Policy, Budget and Administration.
SD-366

NOVEMBER 16

2:00 p.m.

Select on Indian Affairs
To resume joint hearings with the Committee on Rules and Administration on S. 1722, to establish the National Museum of the American Indian, Heye Foundation within the Smithsonian Institution, and to establish a memorial to the American Indian, and S. 1723, to establish certain regional exhibition facilities as part of the National Museum of the American Indian.
SR-301

NOVEMBER 17

9:00 a.m.

Rules and Administration
Business meeting, to consider pending legislative and administrative business.
SR-301

2:00 p.m.

Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 1544, to provide for cooperation with State and local governments for the improved management of certain Federal lands.
SD-366

NOVEMBER 18

10:00 a.m.

Agriculture, Nutrition, and Forestry
To resume mark up of S. 1516, the Federal Insecticide, Fungicide, and Rodenticide Act Reform of 1987.
SR-332

Commerce, Science, and Transportation
To resume hearings on safety and re-regulation of the airline industry.
SR-253

2:00 p.m.

Energy and Natural Resources
To hold hearings on S. 1567 and H.R. 2858, bills to provide for refunds pursuant to rate decreases under the Federal Power Act.
SD-366

NOVEMBER 19

9:30 a.m.

Commerce, Science, and Transportation
Business meeting, to consider pending calendar business.
SR-253

2:00 p.m.

Select on Indian Affairs
To hold oversight hearings to review Federal agency actions related to the implementation of the Department of the Interior's Garrison Unit Joint Tribal Advisory Committee final report recommendations, and on proposed legislation to implement the report recommendations.
SR-485

DECEMBER 2

9:00 a.m.

Select on Indian Affairs
To hold hearings on S. Con. Res. 76, to acknowledge the contribution of the Iroquois Confederacy of Nations to the development of the United States Constitution and to reaffirm the continuing government-to-government relationship between Indian tribes and the United States established in the Constitution.
SR-485

DECEMBER 3

9:00 a.m.

Select on Indian Affairs
To hold hearings on S. 1236, authorizing funds for certain programs of the Navajo-Hopi Relocation program.
SR-485

CANCELLATIONS

NOVEMBER 4

10:00 a.m.

Banking, Housing, and Urban Affairs
To hold hearings to review recent developments in the securities markets.
SD-538

NOVEMBER 5

9:30 a.m.

Commerce, Science, and Transportation
Aviation Subcommittee
To hold oversight hearings on activities of the Federal Aviation Administration, Department of Transportation.
SR-253

NOVEMBER 10

9:30 a.m.

Commerce, Science, and Transportation
Aviation Subcommittee
To resume hearings on S. 1600, to create an independent Federal Aviation Administration.
SR-253

NOVEMBER 12

9:30 a.m.

Commerce, Science, and Transportation
Aviation Subcommittee
To resume hearings on S. 1600, to create an independent Federal Aviation Administration.
SR-253

SENATE—*Tuesday, November 3, 1987*

(Legislative day of Friday, October 16, 1987)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Honorable HARRY REID, a Senator from the State of Nevada.

The PRESIDING OFFICER. The prayer will be offered by the Reverend Richard C. Halverson, Jr., pastor of the Chesterbrook Presbyterian Church in Falls Church, VA.

PRAYER

The Reverend Richard C. Halverson, Jr., pastor of the Chesterbrook Presbyterian Church in Falls Church, VA, offered the following prayer:

Let us pray:

Our Father in heaven, let our prayer today be like that of King David, who, under the burdens of a mighty empire, was able to pray:

O Lord, my heart is not lifted up, my eyes are not raised too high; I do not occupy myself with things too great and too marvelous for me.

But I have calmed and quieted my soul, like a child quieted at its mother's breast; like a child that is quieted is my soul.

* * * *hope in the Lord from this time forth and forever more.*—Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. STENNIS].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 3, 1987.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HARRY REID, a Senator from the State of Nevada, to perform the duties of the Chair.

JOHN C. STENNIS,
President pro tempore.

Mr. REID thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

Mr. BYRD. Mr. President, I yield 5 minutes of my time to the distinguished Senator from Wisconsin, Senator PROXMIRE, and I ask unanimous consent that the time of the Republican leader be reserved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Wisconsin.

PRESIDENT REAGAN RIGHT TO TAKE SOCIAL SECURITY OFF THE TABLE

Mr. PROXMIRE. Mr. President, President Reagan took Social Security off the table when he agreed to sit down with congressional leaders to negotiate a reduction in the budget deficit. Was the President right or wrong to make Social Security untouchable in these critical negotiations aimed at reducing the deficit? As one who believes in cutting Federal spending to the bone, this Senator is convinced that President Reagan was absolutely right in ruling any cut in Social Security benefits out of bounds.

Why is this? Is it not true that billions of dollars of Social Security benefits are paid to persons above the poverty line and, in many cases, well above the poverty line? Is it not true that if Congress overlooks the immense savings it could make by modest reductions in Social Security benefits, it will be far more difficult to achieve the level of reductions in other Federal responsibilities that will bring the Federal budget under control?

Of course, all this is true. But let us recognize some basic facts about Social Security. It is not a welfare payment. It is in effect forced savings. Beneficiaries are paid back—after they retire in rough, sometimes very rough, relationship to what they paid in. Retirees are not getting a handout. They are getting back what they paid in with the interest those payments earned during their working life. Of course, the system does not work with perfect precision. This is social insurance. It is guided by insurance principles. It is not an investment club. Those who worked longer and earned more and die shortly after they retire, never receive back what they paid in.

Those who work less than 10 years pay what is now a stiff Social Security tax for the years they do work. But they get nothing back. They are simply ineligible. On the other hand those who work just 10 years or a little more than 10 years before they retire, and live for many years after retirement receive back much more than they pay in. But, of course, these principles are true of any insurance program. Anyone who buys a million dollar life insurance policy, makes a single premium payment of a few thousand dollars and then dies the next day, provides a tidy unearned payoff for his lucky heirs. Others who buy life insurance and who live long lives pay in far more including foregone interest that they or their heirs will ever get back.

The reason the Federal Government should not cut Social Security benefits including cost-of-living adjustments is because every nickel of that money has been paid into the program by workers in deduction from their wages and in the interest those payments earned over the years. Furthermore the Social Security payroll tax is not so high that for most Americans it exceeds their income tax. For a single-income family, Social Security payroll taxes are higher than the Federal income tax until income rises above $30,000. For a two-income family Social Security payroll taxes will be higher than income taxes until the family earns more than $40,000. And most important of all, Mr. President, this payroll tax is a highly regressive tax. It hits the low-income worker much harder than the high-income worker. Just think of it: The maximum Social Security tax rate applies to the first dollar a minimum wage earner makes. This lowest income wage earner pays precisely the same proportion of his income in taxes as the person making $42,000 per year. It is worse. No Social Security payroll taxes are assessed on income over about $42,000. Result: A member of the Congress earning $89,000 will pay Social Security payroll taxes that are less than half as high a proportion of his earned income as a poverty level $6,000 a year worker. Of course the higher the income the bigger the injustice. A $500,000 a year CEO or investment banker pays less than one-tenth as high a proportion of his income in Social Security payroll taxes as a $6,000 per year poverty worker. The justification for this highly regressive payroll tax is that the beneficiaries are paid their social insurance benefits largely in relation to their contribution. So any cut in benefits, any reduction of the COLA paid to Social Security recipients is also highly regressive. That is, it has virtually no effect on recipients who supplement their Social Security benefits with substantial additional income. It could have serious effects on those millions of recipients who rely entirely or largely on their Social Security

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

income. The absolute top maximum benefit paid to any retired couple for Social Security is $10,512 per year. This is less than $3,000 above the poverty level. The maximum paid to an individual in Social Security benefits is a bare $6,156 which is actually below the poverty level. So the across-the-board 60-percent reduction in the cost-of-living adjustment, for example, proposed by investment banker Peter Peterson and espoused by some Members of the Congress would cruelly reduce the benefits of millions of workers who have worked for many years to earn their modest Social Security retirement benefits.

There is still another reason why President Reagan is right in ruling Social Security off the table. Consider, here is one program that brings in far more in revenues than it pays out in benefits. In the present 1988 fiscal year the Social Security payroll tax and the interest on the investment from past payroll revenues will bring $242 billion into the Federal Government. Total outlays will be $204 billion. So here is a program that will run a very handsome $38 billion additional reserve. What does that mean? It means Social Security will not add to the deficit. It will reduce the deficit for this fiscal year and it will cut the deficit by a massive one-fourth. That additional Social Security reserve will continue to grow each year. In the year 1992 it will cut the deficit by $69 billion. The accumulated reserve itself will exceed $1 trillion by the turn of the century. And will top out early in the next century at more than $10 trillion. That is right, I said $10 trillion. That is 10,000 billion dollars. It is more than four times bigger than the entire present national debt.

So I ask you, Mr. President, what do we do if we reduce the cost-of-living COLA for Social Security recipients? Keep in mind that the Social Security payroll tax provides money that is committed by law to one purpose and one purpose only, that is paying benefits to Social Security recipients. With this massive and rapidly growing reserve, does it make any sense at all to divert even more of the heavy payroll taxes workers have paid for the express and exclusive purpose of receiving retirement benefits into a reserve that is already well on its way to a $10 trillion accumulation? How can we possibly justify cutting the real value of Social Security retiree benefits by slashing their COLA when their payroll taxes are piling up such an immense surplus?

If the Congress decides to cut Social Security cost-of-living adjustment benefits, then the Congress should cut the regressive Social Security payroll tax by the same amount. Of course, if we do that, if we do reduce the Social Security payroll tax, we increase the deficit.

So, Mr. President, for every reason, President Reagan was absolutely right to take Social Security off the table. A leading reason why some prominent economists argue that we will not have another 1930's style depression is because our economy is now buttressed by a Social Security benefit system that provides tens of millions of American elderly with pensions they have earned and which enables them to live in modest dignity. The annual expenditures of hundreds of billions of dollars by our elderly from the Social Security benefits they have earned and saved represents a solid and reliable support for our economy in periods of recession, especially in deep recessions. Let us maintain it.

MOVING FORWARD WITH FINANCIAL REFORM

Mr. PROXMIRE. Mr. President, in the last 2 weeks there has been a lot of loose talk about the Glass-Steagall Act protecting our financial system from the volatility of the stock market. "Thank God for Glass-Steagall," some have said, "it keeps banks safe by limiting their securities powers."

GLASS-STEAGALL DOES NOT SHIELD BANKS FROM SECURITIES RISKS

Although that may sound plausible, it is fundamentally mistaken. Banks and bank holding companies already have considerable powers to underwrite and hold securities. For example, banks can underwrite any security as long as they do so outside the United States. Any bank holding company can own up to 5 percent of any other company, even a $74 billion corporation like General Motors. The Glass-Steagall Act emphatically does not shield banks from securities risks. But it does prevent banks from competing effectively in our domestic securities markets, and thus reduces competition in those markets. Glass-Steagall also reduces the international competitiveness of U.S. banks and securities firms by restricting the domestic base of activities and experience on which they can build their international operations.

MARKET VOLATILITY DOES NOT CHANGE THE MERITS OF REFORM

Recent developments in the stock market don't change the merits of Glass-Steagall reform. Despite the tremendous drops in the market, the major Wall Street firms appear to have weathered the storm. The same is evidently true of the overseas securities operations of U.S. banks. The well-publicized losses of First Options of Chicago, an affiliate of Continental Illinois Bank, apparently stem from bad lending and have nothing to do with securities underwriting. The market fell at least as much in countries with Glass-Steagall-type restrictions—such as the United States and Japan—as it did in the many countries that have no such restrictions. Glass-Steagall may increase the risk to U.S. banks by driving their underwriting operations overseas, where markets may be more volatile and where SEC disclosure requirements do not apply.

But the fundamental point is that if securities activities are conducted in a separately capitalized subsidiary of a bank holding company—properly insulated from any bank—that subsidiary can stand or fall on its own, without entangling the bank.

NONBANK SUBSIDIARY OF BANK HOLDING COMPANY

From my standpoint, it is essential that any new securities activities be conducted by a nonbank subsidiary of a bank holding company, rather than by a subsidiary of a bank. The administration took the same position in 1983 and 1984, when the Banking Committee was considering legislation to grant banks new powers. The Secretary of the Treasury testified that "the administration believes strongly that the holding company structure is the only acceptable means of expanding nonbanking activities." He went on to say that the administration did not believe:

> That nondepository institution activities should be conducted through a subsidiary * * * in which a bank or thrift has a direct equity investment. Such bank or thrift investments would be at risk if the subsidiary's activities were to falter, and the subsidiary's cost of capital would be lower as a result of Federal assistance not available to competitors. Neither problem arises if the holding company approach is adopted.

I agree, and I note that Senator Garn took the same approach in his 1984 bill, which involved four limited securities powers. That approach is even more important in this bill, which involves full securities underwriting powers.

DRAFT BILL TO REPEAL GLASS-STEAGALL

Mr. President, I intend to go forward with my proposal to repeal sections 20 and 32 of the Glass-Steagall Act and thus permit banks and securities firms to be subsidiaries of the same holding company. I have prepared a draft bill to that effect, and I'm sending it to the Federal bank regulatory agencies for comment. I plan to introduce something much like it in the near future.

I ask unanimous consent that the draft bill be printed in the Record, together with a summary of the bill's major provisions.

There being no objection, the material was ordered to be printed in the Record, as follows:

The Financial Modernization Act: An Outline

A. AFFILIATIONS BETWEEN BANKS AND SECURITIES FIRMS

1. Sections 20 and 32 of the Glass-Steagall Act are repealed. (These sections restrict affiliations between banks and securities firms. Section 20 prohibits a bank that is a

member of the Federal Reserve System from being affiliated with a securities underwriter. Section 32 prohibits an officer, director, or employee of a member bank from serving as an officer, director, or employee of a securities underwriter.)

2. Section 21 of the Glass-Steagall Act is retained. It prohibits banks from underwriting securities within the bank and securities firms from accepting deposits within the firm.

3. Bank holding companies are allowed to have subsidiaries that can underwrite and deal in any type of security.

4. FDIC-insured banks are not allowed to be affiliated with companies that underwrite or deal in securities unless the securities are eligible for bank underwriting under the National Bank Act. Affiliations that existed on March 5, 1987, are grandfathered.

5. If bank holding companies establish securities affiliates, they must transfer to the affiliate any loan securitization activities of their subsidiary banks (i.e., the underwriting of securities that are backed by loans made or purchased by the bank).

6. A bank holding company that is 80 percent in the securities business would not be subject to Federal Reserve bank-type safety and soundness examinations or capital requirements with respect to its non-banking activities.

7. Mergers between bank holding companies with assets greater than $30 billion and securities firms with assets greater than $15 billion are prohibited. This prevents mergers between the 15 largest banks and the 15 largest securities firms.

8. A bank holding company cannot buy a securities firm if in so doing it would fall below its minimum capital requirements.

9. Before being allowed to establish a securities affiliate, a bank holding company must demonstrate to the Fed that it has the requisite managerial resources.

10. The bank regulators are authorized to vary the capital requirements for banks and bank holding companies that have securities affiliations.

11. State laws prohibiting banks from having securities affiliates (as authorized by the bill) are preempted.

B. RELATIONSHIPS BETWEEN BANKS AND SECURITIES AFFILIATES

1. The bank cannot lend to its securities affiliates or a mutual fund it advises (except to make fully secured intra-day loans for the purpose of clearing government securities).

2. The bank cannot make loans or guarantees to a company in order to enhance the marketability of the company's securities that are being underwritten by the bank's securities affiliate.

3. The bank cannot make loans to a person for the purpose of purchasing securities being underwritten by the bank's securities affiliate (but the securities affiliate can make such loans, subject to margin requirements and SEC regulations).

4. The bank cannot make loans to a company for the purpose of repaying the principal or interest on securities underwritten by its securities affiliate.

5. The securities affiliate cannot sell securities to the bank or its trust accounts during the underwriting period or for 30 days thereafter.

6. The securities affiliate cannot otherwise sell securities to the bank or its trust accounts unless the sale is at the established market price.

7. There can be no director or officer interlocks between a bank and its securities affiliate.

8. Securities affiliates must disclose that their obligations are in no way backed by an affiliated bank or insured by the FDIC.

9. A bank cannot express an opinion on securities being sold by its securities affiliate without disclosing that its affiliate is selling that security.

10. Neither banks nor their securities affiliates can share confidential customer information without the customer's consent.

11. A bank securities affiliate cannot sell securities backed by loans originated by an affiliated bank unless the securities are rated by an independent rating organization.

12. Each bank regulatory agency must establish a program for responding to complaints by bank customers concerning the marketing of securities by the bank. (These programs supplement the safeguards provided by the securities laws.)

C. OTHER PROVISIONS

1. A substantially similar regulatory framework is prescribed for savings and loan holding companies that own securities affiliates.

2. Expedited procedures for forming bank holding companies and engaging in permissible activities (similar to the provisions in the 1984 Senate bill) are included.

3. The "closely related to banking" standard for approving eligible activities for bank holding companies is amended to allow the Board to take into account technological or other innovations in the provision of banking or banking-related services (language of 1984 Senate bill).

4. The authority of member banks to underwrite and deal in government securities is expanded to include municipal revenue bonds.

S.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as "The Financial Modernization Act of 1987".

(b) Table of Contents.—

TITLE I—SECURITIES AFFILIATES OF BANK HOLDING COMPANIES
Sec. 101. Amendments to the Banking Act of 1933.
Sec. 102. Authorization for Bank holding companies to acquire securities affiliates.
Sec. 103. Definition of securities affiliate.
Sec. 104. Ninety-one day rule for securities affiliate applications.
Sec. 106. Effect on State laws prohibiting the affiliation of banks and securities companies.
Sec. 107. Consideration of securities activities in establishing capital standards for banking organizations.
Sec. 108. Amendment to the Federal Reserve Act.
Sec. 109. Securities affiliations of FDIC-insured banks.
Sec. 110. Authorization for national banks to underwrite municipal revenue bonds.
TITLE II—SECURITIES AFFILIATES OF SAVINGS AND LOAN HOLDING COMPANIES
Sec. 201. Authorization for savings and loan holding companies to acquire securities affiliates.
Sec. 202. Definition of securities affiliate.
Sec. 203. Securities affiliations of FSLIC-insured thrift institutions.
Sec. 204. Sections 23A and 23B of the Federal Reserve Act applied to securities affiliates of FSLIC-insured thrift institutions.
Sec. 205. Requirements to maintain adequate capital in subsidiary insured institution.
TITLE III—EXPEDITED PROCEDURES
Sec. 301. Expedited procedures for forming a bank holding company.
Sec. 302. Expedited procedures for forming a savings and loan holding company.
Sec. 303. Exemption of certain holding company formations from registration under the Securities Act of 1933.
Sec. 304. Expedited procedures for bank holding companies to seek approval to engage in nonbanking activities.

TITLE I—SECURITIES AFFILIATES OF BANK HOLDING COMPANIES

SEC. 101. AMENDMENTS TO THE BANKING ACT OF 1933.

Section 20 (12 U.S.C. 377) and section 32 (12 U.S.C. 78) of the Banking Act of 1933 are repealed.

SEC. 102. AUTHORIZATION FOR BANK HOLDING COMPANIES TO ACQUIRE SECURITIES AFFILIATES.

Section 4(c) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(c)) is amended by adding at the end thereof the following new paragraph:

"(15)(A) Securities affiliates.—Shares of a securities affiliate which may, in accordance with this paragraph, underwrite, distribute, and deal in securities of any type.

"(B) Application requirements.—

"(i) A bank holding company shall not acquire shares of a securities affiliate pursuant to this paragraph without the Board's prior approval.

"(ii) In acting on an application under this paragraph, the Board shall apply the criteria specified in this subparagraph and in paragraph (8)(B)(iv) of this subsection.

"(iii) The Board shall not approve an application under this paragraph unless the Board is satisfied that the bank holding company and securities affiliate possess the managerial resources to conduct the securities activities safely and soundly. In making that determination, the Board shall take into account the experience of management and its record of successfully managing the bank holding company or enterprises engaged in activities that are the same as or similar to those authorized for securities affiliates under this paragraph.

"(C) Concentration of resources.—

"(i) The Board shall not approve any application pursuant to this paragraph that would result in the affiliation of—

"(I) a bank holding company or bank that has, or had on average during any of the 8 calendar quarters preceding the date of the application, total assets of more than $30,000,000,000, with

"(II) an investment banking company that has, or had on average during any of the 8 calendar quarters preceding the date of the application, total assets of more than $15,000,000,000.

"(ii) The dollar limitations in clause (i) of this subparagraph shall be adjusted annually after December 31, 1988, by the annual percentage increase in the Consumer Price Index as described in paragraph (8)(C) of this subsection.

"(D) FUNDING OF A SECURITIES AFFILIATE.—

"(i) A bank holding company shall not acquire control of a securities affiliate pursuant to this paragraph if that acquisition would reduce the bank holding company's tangible primary capital or tangible common equity below the minimum levels established by the Board for bank holding companies.

"(ii) A bank holding company shall not directly or indirectly make any additional debt or equity investment in a securities affiliate that it has acquired control of pursuant to this paragraph unless it gives the Board prior written notice of the investment and—

"(I) the Board issues a written statement of its intent not to disapprove the notice; or

"(II) the Board does not disapprove the notice within 30 days after the notice is filed.

"(iii) The Board may disapprove a notice filed under clause (ii) if the Board finds that the investment would reduce the bank holding company's capital below the minimum levels established by the Board or would otherwise be unsafe or unsound or inconsistent with the bank holding company's obligation to serve as a source of strength to its subsidiary banks.

"(E) LIMITATIONS ON SECURITIES AFFILIATES AND THEIR AFFILIATES.—

"(i) No bank or insured institution affiliated with a securities affiliate pursuant to this paragraph shall, directly or indirectly—

"(I) extend credit in any manner to the securities affiliate or a subsidiary thereof,

"(II) purchase for its own account assets of the securities affiliate or a subsidiary thereof,

"(III) issue a guarantee, acceptance, or letter of credit, including an endorsement or standby letter of credit, for the benefit of the securities affiliate or a subsidiary thereof, or

"(IV) extend credit in any manner to any investment company advised by or the shares of which are distributed by the securities affiliate.

"(ii) The provisions of clause (i) shall not apply to any extension of credit by a bank or insured institution made to acquire any securities of the United States or its agencies or securities on which the principal and interest are fully guaranteed by the United States or its agencies if the extension of credit—

"(I) is to be repaid on the same calendar day,

"(II) is incidental to the clearing of transactions in those securities through that bank or insured institution, and

"(III) is fully secured as to principal and interest by obligations of the United States or its agencies.

"(iii) No bank or insured institution that is a subsidiary of a bank holding company shall directly or indirectly extend credit, or issue or enter into a stand-by letter of credit, asset purchase agreement, indemnity, guarantee, insurance, or other facility, for the purpose of enhancing the marketability of a securities issue underwritten or distributed by a securities affiliate of that bank holding company.

"(iv) No bank holding company or subsidiary thereof (other than a securities affiliate) shall knowingly extend or arrange for the extension of credit, directly or indirectly, secured by or for the purpose of purchasing any security while, or for 30 days after, that security is the subject of a distribution in which a securities affiliate of that bank holding company participates as an underwriter or a member of a selling group.

"(v) No bank or insured institution that is a subsidiary of a bank holding company shall, directly or indirectly, extend credit to issuers of securities underwritten by a securities affiliate of that bank holding company for the purpose of paying the principal of or interest on those securities. Nothing in this clause prohibits an extension of credit for a documented purpose (other than paying principal or interest) if the timing, terms, conditions, and maturity of the credit are substantially different from those of the securities being underwritten.

"(vi) No officer or director of a securities affiliate shall serve at the same time as an officer or director of any affiliated bank or insured institution.

"(vii) A securities affiliate shall, in writing, to each of its customers—

"(I) disclose prominently that the securities affiliate is not a bank or insured institution and is separate from any affiliated bank or insured institution;

"(II) disclose prominently that securities sold, offered, or recommended by the securities affiliate are not deposits, are not insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation, are not guaranteed by an affiliated bank or insured institution, and are not otherwise an obligation of such a bank or insured institution; and

"(III) disclose such additional information as the Board deems appropriate to prevent conflicts of interest or unsafe or unsound banking practices.

"(viii) No bank, insured institution, or subsidiary thereof shall express an opinion on the value of, or the advisability of purchasing or selling, securities underwritten, dealt in, or distributed by its securities affiliate unless the bank, insured institution, or subsidiary notifies the customer that the securities affiliate is underwriting, dealing in, or distributing the securities.

"(ix) No bank, insured institution, or subsidiary thereof shall disclose to its securities affiliate, nor shall a securities affiliate disclose to an affiliated bank, insured institution, or subsidiary thereof, any nonpublic customer information (including an evaluation of the creditworthiness of an issuer or other customer of that bank, insured institution, subsidiary, or securities affiliate) without the consent of that customer.

"(x) A securities affiliate shall not issue, underwrite, distribute, or deal in securities secured by or representing an interest in mortgages or other obligations originated by an affiliated bank, insured institution, or subsidiary thereof unless those securities are rated by an unaffiliated, nationally recognized statistical rating organization.

"(xi) Each appropriate Federal banking agency shall establish a program for—

"(I) enforcing compliance with the requirements of this paragraph on the part of banks or insured institutions under its supervision; and

"(II) responding to any complaints from customers about inappropriate cross-marketing of securities products or inadequate disclosure.

"(xii) Nothing in this paragraph limits—

"(I) any authority of the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the Federal Home Loan Bank Board, the Federal Savings and Loan Insurance Corporation, or the Securities and Exchange Commission; or

"(II) any disclosure requirements that apply to securities affiliates or securities offerings under the laws administered by the Securities and Exchange Commission.

"(F) SECURITIES AFFILIATES APPROVED UNDER PARAGRAPH (8).—

"(i) No bank holding company may engage in, or retain the shares of any company engaged in, activities of the type described in subparagraph (A) on the basis of the Board's approval of an application under paragraph (8) of this subsection—

"(I) unless the bank holding company obtains the Board's approval to retain the shares of that company pursuant to this paragraph; or

"(II) except to the extent permitted for a national bank by, and involving securities expressly described in, section 5136 of the Revised Statutes of the United States.

"(ii) The Board shall, after the date of enactment of this paragraph, disapprove any notice by a bank holding company under paragraph (8) of this subsection to engage in, or acquire the shares of a company engaged in, any activity that is described in subparagraph (A) other than to the extent permitted for a national bank by, and involving securities expressly described in, section 5136 of the Revised Statutes of the United States.

"(G) OTHER ACTIVITIES PERMITTED FOR SECURITIES AFFILIATES.—A securities affiliate control of which is acquired by a bank holding company pursuant to this paragraph may engage in, or acquire the shares of a company engaged in, an activity in addition to those activities described in subparagraph (A), if the conduct of that additional activity or the acquisition of those shares is authorized for that securities affiliate pursuant to and upon compliance with the other provisions of this section.

"(H) ACTIVITIES PERMITTED FOR BANK AFFILIATES.—

"(i) A bank holding company that acquires control of a securities affiliate under this paragraph shall not, after one year from the date of that acquisition, permit a bank or insured institution that it controls or any subsidiary thereof to engage, directly or indirectly, in the United States—

"(I) in activities described in subparagraph (A) (except to the extent permitted for a national bank by, and involving securities expressly described in, paragraph Seven of section 5136 of the Revised Statutes of the United States); or

"(II) in selling or underwriting securities backed by or representing an interest in mortgages or other obligations originated or purchased by the bank or its affiliates.

"(ii) Nothing in this paragraph prohibits a bank or insured institution from engaging in ordinary loan participation or syndication activities with other financial institutions.

"(I) WAIVER OF EXAMINATION AND CAPITAL REQUIREMENTS.—

"(i) A bank holding company that controls a securities affiliate pursuant to this paragraph, and any subsidiary (other than a bank) of that bank holding company, shall not be subject to inspection or examination or to reporting or capital requirements established by the Board under this Act or the International Lending Supervisory Act, if—

"(I) on average during the preceding calendar year, 80 percent or more of the bank holding company's consolidated revenues were derived from securities activities and 80 percent or more of the bank holding company's consolidated assets were devoted to securities activities; and

"(II) the bank holding company maintains the capital of each of its federally insured depository institutions at or above the levels established for that institution by the appropriate Federal banking agency.

"(ii) Notwithstanding clause (i), the Board may examine or require reports of a bank holding company that qualifies under clause (i), and any nonbank subsidiary thereof, in order to—

"(I) determine whether the bank holding company qualifies under clause (i);

"(II) assure compliance by the bank holding company or nonbank subsidiary with the provisions of this Act, the Bank Holding Company Act Amendments of 1970 (12 U.S.C. 1972), and sections 23A and 23B of the Federal Reserve Act (12 U.S.C. 371c, 371c-1); or

"(III) assure that the safety and soundness of subsidiary banks or insured institutions of the bank holding company are not threatened by the activities or condition of the bank holding company or its nonbank subsidiaries whenever the Board determines that emergency conditions exist requiring such assurance.

"(iii) (I) If a bank holding company that has claimed qualification under clause (i) fails to maintain the capital of its subsidiary banks or other federally insured depository institution at or above the levels established for that institution by the appropriate Federal banking agency, the Board shall advise the bank holding company of the capital deficiency at that subsidiary institution and provide the bank holding company 30 days in which to restore the capital of that institution to the level required of that institution by the appropriate Federal banking agency.

"(II) If the Board determines that the bank holding company is unable to restore the capital of its subsidiary bank or other federally insured depository institution to the required level, the Board may issue an order requiring the holding company to terminate its ownership or control of the institution within 180 days of the date of the order.

"(iv) For purposes of this subparagraph, the term 'securities activities' means underwriting, dealing in, distributing, or selling securities, securities brokerage activities, investment advisory activities, and such other investment banking activities as the Board determines should be classified as securities activities or as activities incidental thereto.

"(J) Definitions.—For purposes of this paragraph—

"(i) a branch or agency or a commercial lending company subsidiary of a foreign bank, as defined in section 1 of the International Banking Act of 1978 (12 U.S.C. 3101), shall be considered a bank; and

"(ii) the term 'appropriate Federal banking agency' means the agencies referred to in section 3(q) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)) with respect to banks referred to in that section and the Federal Home Loan Bank Board (acting directly or through the Federal Savings and Loan Insurance Corporation) with respect to insured institutions.".

SEC. 103. DEFINITION OF SECURITIES AFFILIATE.

Section 2 of the Bank Holding Company Act of 1956 (12 U.S.C. 1841) is amended by adding at the end thereof the following new subsection:

"(n) Securities Affiliate.—

"(1) The term 'securities affiliate' means any company that—

"(A) is engaged in the United States pursuant to section 4(c)(15) of this Act in one or more of the activities described in subparagraph (A) of that paragraph; and

"(B) is registered as a broker or dealer under the Securities Exchange Act of 1934.

"(2) A company is described in paragraph (1) only so long as it is owned or controlled by a bank holding company.".

SEC. 104. NINETY-ONE DAY RULE FOR SECURITIES AFFILIATE APPLICATIONS.

Section 4(c) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(c)) is amended by striking out "paragraph (8)" in the penultimate sentence and inserting in lieu thereof "paragraph (15)).

SEC. 105. REQUIREMENT FOR BANK HOLDING COMPANY TO MAINTAIN ADEQUATE CAPITAL IN SUBSIDIARY BANKS.

Section 5 of the Bank Holding Company Act of 1956 (12 U.S.C. 1844) is amended by adding at the end thereof the following new subsection:

"(i) Capital adequacy.—

"(1) In general.—If a bank holding company fails to maintain the capital of a subsidiary bank or insured institution at levels required for that institution by the appropriate Federal banking agency (as defined in section 3(q) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)) or the Federal Home Loan Bank Board, the Board may require that bank holding company to sell or otherwise dispose of its nonbanking assets.

"(2) Period for divestiture.—The disposition required by paragraph (1) shall be made within a period of time determined by the Board, after considering the condition of the bank, the nature and marketability of the bank holding company's nonbanking assets, and other appropriate factors.

"(3) Reinvestment of proceeds.—The Board may require the bank holding company to invest the proceeds of that disposition in its subsidiary bank or insured institution to meet the capital deficiency.".

SEC. 106. EFFECT ON STATE LAWS PROHIBITING THE AFFILIATION OF BANKS AND SECURITIES COMPANIES.

Section 7 of the Bank Holding Company Act of 1956 (12 U.S.C. 1846) is amended by inserting before the final period the following: ", except that no State may prohibit the affiliation of a bank with a securities affiliate solely because the securities affiliate is engaged in activities described in section 4(c)(15)(A) of this Act".

SEC. 107. CONSIDERATION OF SECURITIES ACTIVITIES IN ESTABLISHING CAPITAL STANDARDS FOR BANKING ORGANIZATIONS.

Section 908(a) of the International Lending Supervision Act (12 U.S.C. 3907(a)) is amended by adding at the end thereof the following new paragraph:

"(3) In establishing minimum capital levels pursuant to this Act for banking institutions and bank holding companies, each appropriate Federal banking agency—

"(A) shall take into account any risks posed to a banking institution or bank holding company because of its affiliation with a securities affiliate (as defined in section 2(n) of the Bank Holding Company Act of 1956); and

"(B) may differentiate between—

"(i) banking institutions or bank holding companies that are affiliated with securities affiliates, and

"(ii) banking institutions or bank holding companies that are not so affiliated.".

SEC. 108. AMENDMENT TO THE FEDERAL RESERVE ACT.

Section 23B(b)(1)(B) of the Federal Reserve Act (12 U.S.C. 371c-1(b)(1)(B)) is amended by inserting "and for 30 days thereafter" after "during the existence of any underwriting or selling syndicate".

SEC. 109. SECURITIES AFFILIATIONS OF FDIC-INSURED BANKS.

(a) Securities Affiliations.—Section 18(j)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1828(j)(3)) is amended to read as follows:

"(3) Securities affiliations.—

"(A) General rule.—An insured bank shall not be an affiliate of any company that directly or indirectly acts in the United States as an underwriter or dealer of any security except—

"(i) pursuant to section 4(c)(15) of the Bank Holding Company Act of 1956; or

"(ii) to the extent permitted for a national bank by, and involving a security expressly described in, paragraph Seventh of section 5136 of the Revised Statutes of the United States (12 U.S.C. 24).

"(B) Exceptions.—This paragraph does not apply to—

"(i) an insured bank that is described in subparagraph (D), (F), or (I) of section 2(c)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(c)(2)); or

"(ii) a foreign bank, as defined in section 1(b)(7) of the International Banking Act of 1978 (12 U.S.C. 3101(7)), solely because it has an insured branch in the United States.

"(C) Grandfather provision.—This paragraph does not prohibit the continuation of an affiliation that existed on March 5, 1987.

"(D) Transition rule.—An affiliation that became unlawful as a result of the enactment of the Competitive Equality Amendments of 1987, or that becomes unlawful as a result of the enactment of the Financial Modernization Act of 1987, may continue until August 10, 1989.

"(E) Activities conducted directly by insured bank.—Nothing in this paragraph restricts an activity that is conducted directly by an insured bank and is subject to section 21 of the Banking Act of 1933 (12 U.S.C. 378).

"(F) Definitions.—As used in this paragraph—

"(i) The term 'affiliate' has the meaning given to that term in section 2(k) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(k)).

"(ii) The term 'company' has the meaning given to that term in section 2(b) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(b)).

"(iii) The term 'dealer' has the meaning given to that term in section 3(a)(5) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(5)).

"(iv) The term 'security' has the meaning given to that term in section 3(a)(10) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(10)).

"(v) The term 'underwriter' has the meaning given to that term in section 2(11) of the Securities Act of 1933 (15 U.S.C. 77b(11)).".

(b) Conforming Amendments.—Clause (i) of section 408(m)(1)(A) of the National Housing Act (12 U.S.C. 1730a(m)(1)(A)) is amended—

(1) by striking out "and (l)" after "subsections (c), (e)(2)" and inserting in lieu thereof ", (l), and (r)"; and

(2) by inserting after "clause (iii) of this subparagraph," the following: "and in section 18(j)(3) of the Federal Deposit Insurance Act,".

SEC. 110. AUTHORIZATION FOR NATIONAL BANKS TO UNDERWRITE MUNICIPAL REVENUE BONDS.

(a) AUTHORIZATION.—Paragraph Seventh of section 5136 of the Revised Statutes of the United States (12 U.S.C. 24) is amended by adding at the end thereof the following:

"The limitations and restrictions herein contained as to dealing in, underwriting, and purchasing for its own account, investment securities shall not apply to obligations issued or guaranteed by or on behalf of a State or any political subdivision thereof or any agency or instrumentality of either of the foregoing, except industrial development bonds as defined in section 103(b)(2) of the Internal Revenue Code of 1986 (other than industrial development bonds on which the interest is exempt from Federal income tax under section 103(a) of the Internal Revenue Code of 1986), if (i) a State, territory, or possession of the United States, any political subdivision of the foregoing, or the District of Columbia pledges its full faith and credit for the payment of all principal and interest on such bonds or (ii) the issuer, or the State or local governmental unit on behalf of which the industrial development bonds were issued, is considered the sole owner, for Federal income tax purposes, of the facility with respect to which financing is to be provided from the proceeds of such industrial development bonds.".

(b) TECHNICAL AMENDMENT.—The sixth sentence of paragraph Seventh of section 5136 of the Revised Statutes of the United States (12 U.S.C. 24) is amended by striking out "or general obligations of any State or of any political subdivision thereof,".

TITLE II—SECURITIES AFFILIATES OF SAVINGS AND LOAN HOLDING COMPANIES

SEC. 201. AUTHORIZATION FOR SAVINGS AND LOAN HOLDING COMPANIES TO ACQUIRE SECURITIES AFFILIATES.

Section 408(c) of the National Housing Act (12 U.S.C. 1730a(c)) is amended by adding at the end thereof the following new paragraph:

"(8) SECURITIES AFFILIATE.—

"(A) AUTHORIZATION.—The prohibitions of subparagraphs (B), (C), and (D) of paragraph (1) shall not apply to the activities of a securities affiliate conducted in accordance with the provisions of section 4(c)(15) of the Bank Holding Company Act and regulations issued thereunder, as if the insured institution were a bank and the savings and loan holding company were a bank holding company, if those activities are conducted only through a subsidiary of a savings and loan holding company (other than an insured institution or subsidiary thereof) and only with the prior approval of the Corporation. In acting on an application under this paragraph, the Corporation shall apply the criteria specified in section 4(c)(15) of the Bank Holding Company Act of 1956.

"(B) CAPITAL STANDARDS.—

"(i) Except as provided in clause (ii), the Corporation shall not approve an application to acquire control of a securities affiliate pursuant to this paragraph unless each insured institution affiliate of that securities affiliate maintains primary capital that is at least equal to the minimum levels required for insured banks under the regulations or guidelines of the Federal bank regulatory agencies.

"(ii) During the 5-year period commencing on the date of enactment of this paragraph, the Corporation may approve an application pursuant to this paragraph notwithstanding clause (i) if the applicant's insured institution subsidiaries represent 70 percent or more of the applicant's consolidated assets and the applicant submits to the Corporation a plan to raise each subsidiary insured institution's capital to the minimum levels specified in clause (i) within that 5-year period and that plan is satisfactory to the Corporation.

"(iii) In establishing minimum capital levels for insured institutions, the Corporation—

"(I) shall take into account any risks posed to an insured institution because of its affiliation with a securities affiliate; and

"(II) may differentiate between insured institutions that are affiliated with securities affiliates and insured institutions that are not so affiliated.

"(C) FUNDING OF A SECURITIES AFFILIATE.—

"(i) A savings and loan holding company shall not directly or indirectly make any additional debt or equity investment in a securities affiliate that it has acquired control of pursuant to this paragraph unless it gives the Corporation prior written notice of the investment and—

"(I) the Corporation issues a written statement of its intent not to disapprove the notice; or

"(II) the Corporation does not disapprove the notice within 30 days after the notice is filed.

"(ii) The Corporation may disapprove a notice filed under this subparagraph if the Corporation finds that the investment would be unsafe or unsound or otherwise inconsistent with the savings and loan holding company's obligation to serve as a source of strength to its subsidiary insured institutions.

"(D) EFFECT OF COMPLIANCE WITH BANK HOLDING COMPANY ACT.—The application and notice provisions of this subsection shall not apply in the case of a bank holding company that has complied with the application and notice provisions of section 4(c)(15) of the Bank Holding Company Act of 1956 with respect to the acquisition of control of or an investment in a securities affiliate.".

SEC. 202. DEFINITION OF SECURITIES AFFILIATE.

Section 408(a)(1) of the National Housing Act (12 U.S.C. 1730a(a)(1)) is amended

(1) by striking out "and" at the end of subparagraph (K),

(2) by striking out the period at the end of subparagraph (L) and inserting in lieu thereof a semicolon, and

(3) by adding at the end thereof the following new subparagraph:

"(M)(i) the term 'securities affiliate' means any company that—

"(I) is engaged in the United States in one or more of the activities authorized for securities affiliates pursuant to section 4(c)(15) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(c)(15)) or paragraph (8) of subsection (c) of this section and subject to the limitations specified therein, and

"(II) is registered as a broker or dealer under the Securities Exchange Act of 1934.

"(ii) A company is described in subclause (II) only if it is owned or controlled by a savings and loan holding company.".

SEC. 203. SECURITIES AFFILIATIONS OF FSLIC-INSURED THRIFT INSTITUTIONS.

(a) SECURITIES AFFILIATIONS.—Section 408(r) of the National Housing Act (12 U.S.C. 1730a(r)) is amended to read as follows:

"(r) SECURITIES AFFILIATIONS.—

"(1) GENERAL RULE.—No insured institution shall be an affiliate of any company that directly or indirectly acts as an underwriter or dealer of any security except—

"(A) pursuant to subsection (c)(8) of this section;

"(B) to the extent permitted for a national bank by, and involving a security expressly described in, paragraph Seventh of section 5136 of the Revised Statutes of the United States (12 U.S.C. 24);

"(C) a security representing or secured by an interest in real estate loans or pools of real estate loans;

"(D) an interest in a partnership formed primarily to own, operate, manage, or invest in real estate;

"(E) an insurance product that is a security, including without limitation variable annuities and variable life insurance; or

"(F) a security of an investment company, as that term is defined in section 3 of the Investment Company Act of 1940 (15 U.S.C. 80a-3).

"(2) GRANDFATHER PROVISION.—This paragraph shall not prohibit the continuation of an affiliation that existed on March 5, 1987, or that was established pursuant to section 106(a) of the Competitive Equality Amendments of 1987.

"(3) TRANSITION RULE.—An affiliation that became unlawful as a result of the enactment of the Competitive Equality Amendments of 1987, or that becomes unlawful as a result of the enactment of the Financial Modernization Act of 1987, may continue until August 10, 1989.

"(4) ACTIVITIES CONDUCTED DIRECTLY BY INSURED INSTITUTION.—Nothing in this paragraph restricts an activity that is conducted directly by an insured institution and is subject to section 21 of the Banking Act of 1933 (12 U.S.C. 378).

"(5) DEFINITIONS.—As used in this paragraph—

"(A) The term 'affiliate' has the meaning given to that term in section 2(k) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(k)).

"(B) The term 'dealer' has the meaning given to that term in section 3(a)(5) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(5)).

"(C) The term 'security' has the meaning given to that term in section 3(a)(10) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(10)).

"(D) The term 'underwriter' has the meaning given to that term in section 2(11) of the Securities Act of 1933 (15 U.S.C. 77b(11)).".

(b) CONFORMING AMENDMENTS.—Section 408(c)(1) of the National Housing Act is amended—

(1) by striking out "or" in subparagraph (B);

(2) by striking out the period at the end of subparagraph (C) and inserting in lieu thereof a semicolon and "or", and

(3) by adding at the end thereof the following new subparagraph:

"(D) underwrite, deal in, or distribute securities unless:

"(i) the company is a securities affiliate authorized to engage in activities under paragraph (8);

"(ii) the company falls within the exceptions contained in subsection (r)(2); or

"(iii) the securities activity falls within one of the exceptions in subsection (r)(1)."

SEC. 204. SECTIONS 23A AND 23B OF THE FEDERAL RESERVE ACT APPLIED TO SECURITIES AFFILIATES OF FSLIC-INSURED THRIFT INSTITUTIONS.

Section 408(p)(1)(A) of the National Housing Act (12 U.S.C. 1730a(p)(1)(A)) is amended by inserting "or subsection (c)(8)" after "subsection (c)(2)(F)(i)".

SEC. 205. REQUIREMENT TO MAINTAIN ADEQUATE CAPITAL IN SUBSIDIARY INSURED INSTITUTION.

Section 408 of the National Housing Act (12 U.S.C. 1730a) is amended by adding at the end thereof the following new subsection:

"(u) Capital Adequacy.—

"(1) In general.—If a savings and loan holding company fails to maintain the capital of a subsidiary insured institution at levels required for that institution by the Corporation, the Corporation may require the holding company to sell or otherwise dispose of its other assets.

"(2) Period for divestiture.—The disposition required by paragraph (1) shall be made within a period of time determined by the Corporation, after considering the condition of the insured institution, the nature and marketability of the savings and loan holding company's other assets, and other appropriate factors.

"(3) Reinvestment of proceeds.—The Corporation may require the savings and loan holding company to invest the proceeds of that disposition in its subsidiary insured institution to meet the capital deficiency.".

TITLE III—EXPEDITED PROCEDURES

SEC. 301. EXPEDITED PROCEDURES FOR FORMING A BANK HOLDING COMPANY.

Section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)) is amended—

(1) by striking out "or (B)" and inserting in lieu thereof "(B)",

(2) by inserting before the period at the end of the second sentence the following: "; or (C) with 30 days prior notification to the Board, the acquisition by a company of control of a bank in a reorganization in which a person or group of persons exchange their shares of the bank for shares of a newly formed bank holding company and receive, after the reorganization, substantially the same proportional share interest in the holding company as they held in the bank except for changes in shareholder interests resulting from the exercise of dissenting shareholder rights under State or Federal law if, immediately following the acquisition, the bank holding company meets the capital and other financial standards prescribed by the Board by regulation for such a bank holding company and the holding company does not engage in any activities other than those of banking or managing and controlling banks. In promulgating regulations pursuant to this subsection, the Board shall not require more capital for the subsidiary bank immediately following the reorganization than is required for a similarly sized bank that is not a subsidiary of a bank holding company".

SEC. 302. EXPEDITED PROCEDURES FOR FORMING A SAVINGS AND LOAN HOLDING COMPANY.

Section 408(e)(1)(B) of the National Housing Act (12 U.S.C. 1730a(e)(1)(B)) is amended by striking out clause (ii) and inserting in lieu thereof the following: "(ii) acquired in connection with a reorganization in which a person or group of persons exchange their shares of an insured institution for shares of a newly formed holding company and receive, after that reorganization, substantially the same proportional share interest in the holding company as those persons held in the insured institution, except for changes in shareholder rights under State or Federal law.".

SEC. 303. EXEMPTION OF CERTAIN HOLDING COMPANY FORMATIONS FROM REGISTRATION UNDER THE SECURITIES ACT OF 1933.

Section 4 of the Securities Act of 1933 (15 U.S.C. 77d) is amended by adding at the end thereof the following new paragraph:

"(7) transactions involving offers or sales of equity securities, in connection with the acquisition of a bank by a company under section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), or in connection with the acquisition of an insured institution by a company under section 408(e)(1)(B)(ii) of the National Housing Act (12 U.S.C. 1730a(e)(1)(B)(ii)), if the acquisition occurs solely as part of a reorganization in which a person or group of persons exchange their shares of a bank or insured institution for shares of a newly formed bank holding company or savings and loan holding company and receive, after that reorganization, substantially the same proportional share interests in the holding company as they held in the bank or insured institution, except for changes in shareholder interests resulting from the exercise of dissenting shareholder rights under State or Federal law.".

SEC. 304. EXPEDITED PROCEDURES FOR BANK HOLDING COMPANIES TO SEEK APPROVAL TO ENGAGE IN NONBANKING ACTIVITIES.

Paragraph (8) of section 4(c) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(c)) is amended to read as follows:

"(8)(A) Activities closely related to banking.—In accordance with the limitations and requirements contained in subparagraphs (B) and (C) of this paragraph, shares of any company whose activities the Board has determined (by order or regulation) to be so closely related to banking or managing or controlling banks as to be a proper incident thereto, after taking into account technological or other innovations in the provision of banking or banking-related services.

"(B) Notice requirements.—

"(i) No bank holding company shall engage in any activity or acquire the shares of a company pursuant to this paragraph, either de novo or by an acquisition in whole or in part of a going concern, unless the Board has been given 60 days prior written notice of that proposal and, within that period, the Board has not issued an order—

"(I) disapproving the proposal, or

"(II) extending the time period in accordance with clause (iii) below.

"(ii)(I) An acquisition may be made prior to the expiration of the disapproval period if the Board issues a written statement of its intent not to disapprove the proposal.

"(II) The Board may provide for no notice under this paragraph or notice for a shorter period of time with respect to particular activities.

"(III) No notice under this paragraph is required for a bank holding company to establish de novo an office to engage in any activity previously authorized for that bank holding company under this paragraph or to change the location of an office engaged in that activity.

"(iii) The notice submitted to the Board shall contain such information as the Board shall prescribe by regulation or by specific request in connection with a particular notice, except that the Board may require only such information as may be relevant to the nature and scope of the proposed activity and to the Board's evaluation of the notice under the criteria specified in clause (iv). If the Board requires additional relevant information beyond that provided in the notice, the Board may by order extend the time period provided in clause (i) of this subparagraph until it has received that information, and the activity that is the subject of the notice may be commenced within 60 days of the date of that receipt unless the Board issues a disapproval order as provided in clause (i). Such an extension order is reviewable under section 9 of this Act.

"(iv) In determining whether to disapprove a notice under this paragraph, the Board shall consider whether the performance of the activity described in the notice by a bank holding company or subsidiary thereof can reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices. The Board shall also consider the managerial resources of the companies involved and the adequacy of those companies' financial resources, including their capital, taking into consideration the financial resources and capital of others engaged in similar activities. In orders and regulations under this paragraph, the Board may differentiate between activities commenced de novo and activities commenced by the acquisition, in whole or in part, of a going concern.

"(v) The Board shall by order set forth the reasons for any disapproval or determination not to disapprove a notice under this paragraph.

"(C) Insurance activities not closely related to banking.—For purposes of this paragraph, it is not closely related to banking or managing or controlling banks for a bank holding company to provide insurance as a principal, agent, or broker except (i) where the insurance is limited to assuring repayment of the outstanding balance due on a specific extension of credit by a bank holding company or its subsidiary in the event of the death, disability, or involuntary unemployment of the debtor; (ii) in the case of a finance company which is a subsidiary of a bank holding company, where the insurance is also limited to assuring repayment of the outstanding balance on an extension of credit in the event of loss or damage to any property used as collateral on such extension of credit and such extension of credit is not more than an amount equal to $10,000 ($25,000 in the case of an extension of credit which is made to finance the purchase of a residential manufactured home and which is secured by such residential manufactured home) increased by the percentage increase in the Consumer Price Index for Urban Wage Earners and Clerical Workers published monthly by the Bureau of Labor Statistics for the period beginning on January 1, 1982, and ending on December 31 of the year preceding the year in which such extension of credit is made; (iii) any insurance agency activity in a place that (I) has a population not exceeding five thousand (as shown by the last preceding decennial census), or (II) the bank holding company, after notice and opportunity for a hearing, demonstrates has inadequate insurance agency facilities; (iv) any insurance agency activity which was engaged in by the bank holding company or any of its subsidiaries on May 1, 1982, or which the Board approved for such company or any of its subsidiaries on or before May 1, 1982, or were approved to be conducted by the bank holding company or any of its subsidiaries on or before May 1, 1982, including (I) sales of insurance at new locations of the same bank holding company or the same subsidiary or subsidiaries with respect to which insurance was sold on May 1, 1982, or approved to be sold on or before May 1, 1982, if such new locations are confined to the State in which the principal place of business of the bank holding company is located, any State or States immediately adjacent to such State, and any State or States in which insurance activities were conducted by the bank holding company or any of its subsidiaries on or before May 1, 1982, and (II) sales of insurance coverages which may become available after May 1, 1982, so long as those coverages insure against the same types of risks as, or are otherwise functionally equivalent to, coverages sold on May 1, 1982, or approved to be sold on or before May 1, 1982 (for purposes of this subparagraph, activities engaged in or approved by the Board on May 1, 1982, shall include activities carried on subsequent to that date as the result of an application to engage in such activities pending May 1, 1982, and approved subsequent to that date or of the acquisition by such company pursuant to a binding written contract entered into on or before May 1, 1982, of another company engaged in such activities at the time of the acquisition); (v) any insurance activity where the activity is limited solely to supervising on behalf of insurance underwriters the activities of retail insurance agents who sell (I) fidelity insurance and property and casualty insurance on the real and personal property used in the operations of the bank holding company or any of its subsidiaries, and (II) group insurance that protects the employees of the bank holding company or any of its subsidiaries; (vi) any insurance agency activity engaged in by a bank holding company, or any of its subsidiaries, which bank holding company has total assets of $50,000,000 or less: *Provided, however*, That such a bank holding company and its subsidiaries may not engage in the sale of life insurance or annuities except as provided in clause (i), (ii), or (iii); or (vii) where the activity is performed, or shares of the company involved are owned, directly or indirectly, by a bank holding company which is registered with the Board of Governors of the Federal Reserve System and which, prior to January 1, 1971, was engaged, directly or indirectly, in insurance agency activities as a consequence of approval by the Board prior to January 1, 1971.".

GLASS-STEAGALL REFORM

Mr. GARN. Mr. President, I rise to comment on the draft bill submitted for the Record today by Senator Proxmire that would repeal parts of the Glass-Steagall Act. This draft would permit certain affiliations between banks and securities firms than current law does not allow. I applaud the chairman's efforts to bring greater competition to the financial services industry, especially the securities segment of that industry. He knows that I have long been a supporter of such efforts. But I regret that I cannot support his draft in its present form, even though certain improvements have been made from an ealier draft.

Mr. President, my staff has tried very hard to work with Senator Proxmire's staff to reach an agreement on a common approach to these issues. I thought we were making progress, but I learned only this morning that a decision was made to go forward with an initial draft without my support. This is certainly the chairman's prerogative, but I think it is regrettable because of the general similarity between his views and mine.

We both want to bring more competition to the financial services industry by creating a two-way street between banks and securities firms. We both want to do so with appropriate safeguards for the safety and soundness of the financial system. And we both want to avoid excessive restrictions that would destroy the benefits of permitting more competition—we don't want to give something with one hand and take it away with the other.

Unfortunately, I believe that this new draft, while an improvement, does not adequately achieve these goals. I also believe it would unnecessarily infringe on other important financial policies. Let me provide a few examples.

First, while the draft eases Glass-Steagall restraints for bank holding companies, it applies new and stricter Glass-Steagall restraints to State-chartered banks. Most people don't realize that the Glass-Steagall Act never applied to certain State banks until Congress passed moratorium provisions in last August's Competitive Equality Banking Act. Now they apply only until March 1, 1988. The draft would apply these Glass-Steagall restrictions permanently.

The purpose in imposing such restrictions is to require that all banking and securities affiliations be carried out through separate affiliates under a holding company structure regulated by the Federal Reserve Board. State banks could not form securities subsidiaries even if they were separately capitalized and subject to the same safeguards as bank holding company affiliates. That effectively cuts the State legislatures and State regulators out of the picture, not to mention the Federal Deposit Insurance Corporation.

I voted for a similar proposal in 1984 as part of a compromise to get legislation passed, but I have never been comfortable with the idea of taking this authority away from the States. Others may feel strongly about the need to use the holding company structure for all affiliations of banking and securities companies, but I have reservations. A strong case can be made that, given the proper insulation, subsidiaries are just as appropriate as separate holding company affiliates for engaging in securities activities. In fact, the FDIC argues in a recent comprehensive study that subsidiaries can sometimes be a greater source of strength to banks than affiliates. If that's true, we ought to be very careful about trampling on States rights.

Second, the draft applies Glass-Steagall restrictions permanently to thrift institutions for the first time. It permits thrifts to affiliate with securities firms, but only by complying with rules designed for bank holding companies and written by the Federal Reserve Board—without regard to any differences that exist between thrifts and banks. The draft even takes away the statutory provision that would encourage securities firms to buy failing thrifts, which was a crucial part of the compromise to prevent the President's veto of last August's banking bill.

Again, while I supported a similar Glass-Steagall provision in the 1984 bill as part of a compromise package, I would be reluctant now to take any legislative steps that make failing thrifts less attractive to potential buyers. We ought to be thinking instead about increasing the market for failing thrifts, because the long-term solvency of FSLIC is still a critical concern.

Third, the draft concentrates too much authority in the Federal Reserve Board to impose restrictions that are either excessive or duplicative of other agency regulation—in other words, a departure from so-called functional regulation. For example, a bank holding company, not the bank, would have to get permission from the Fed every time it wanted to lend money to its securities subsidiary. That just seems a classic case of overkill since this is the way that securities companies are routinely funded.

Similarly, the Fed may deny an application to establish a securities affiliate if it finds that either the bank holding company or the securities affiliate has inadequate financial or managerial resources. The Fed may know a great deal about bank holding companies, but it is not an expert in judging the soundness of securities firms. Isn't this an area that the SEC should and does regulate? Why do we need an additional layer of regulation? Likewise, why should the securities affiliate be subject to the high capital requirements of bank holding companies when its nonbank competitors need only satisfy the lower capital requirements of SEC broker-dealers?

Finally, some of the safeguards go too far. One is the flat prohibition on common officers and directors for banks and their securities affiliates. I thought this bill was supposed to repeal section 32 of the Glass-Steagall Act, which includes the same kind of prohibition. The draft appears to put section 32 right back in, and seems in some ways stricter than the original because it provides no exemptive authority to the Fed. This may be an easy requirement for the big banks and securities firms to satisfy, with their abundance of top managerial talent. But it may be much more burdensome for regional and smaller banks that really want to offer new securities products but have a more limited number of key personnel.

There are other examples, Mr. President, but my purpose is not to point to every item I disagree with—I obviously don't expect complete agreement on all issues. I want to emphasize that the draft takes some important steps forward toward greater and safer competition in the financial services industry. But it also takes a few significant missteps along the way. I hope we can continue to make progress toward a bipartisan bill that accommodates both the chairman's concerns and my concerns.

Mr. PROXMIRE. I thank the majority leader, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

The majority leader.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The remarks of Mr. McConnell on the introduction of legislation may be found later in today's Record under "Statements on Introduced Bills and Joint Resolutions.)

RESERVATION OF LEADERSHIP TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the minority leader has reserved his time. Has the majority leader also reserved the remainder of his time?

Mr. BYRD. Mr. President, I thank the Chair. I ask unanimous consent that I may reserve the remainder of my time.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period to transact morning business not to extend beyond 10:30 a.m., with Senators permitted to speak therein for not to exceed 5 minutes.

NATIONAL SECURITY ADVISER

Mr. HARKIN. Mr. President, I would like to direct the attention of my colleagues to a recently released statement by Adm. William J. Crowe, Chairman of the Joint Chiefs of Staff, made in private testimony to the Iran-Contra investigating committee. Admiral Crowe stated that he does not approve of active military officers serving as the National Security Adviser to the President: "I don't think an active military man should lead the NSC. I just really don't believe that."

Mr. President, I agree with that statement, which is why I introduced S. 715. This bill stipulates that "no person serving on active duty as a commissioned officer of the Armed Forces of the United States may serve as the Assistant to the President for National Security Affairs * * *."

This is particularly relevant today, since it has been reported that President Reagan may appoint another active duty Army officer to the National Security Adviser post.

I trust that the added weight of Admiral Crowe joining the chorus of those calling for this prohibition will lead to the enactment of S. 715.

MONTANA "TECH" SELECTED AS NATION'S TOP SMALL TECHNICAL SCHOOL

Mr. MELCHER. Mr. President, it is a great pleasure to note that the Montana College of Mineral Science and Technology in Butte, MT, was recently selected as the best small college in the Nation for its science program. This honor was bestowed upon the college—Tech as it's known in Montana by thousands of university and college presidents who were asked by the magazine, U.S. News & World Report, to name the Nation's top schools in the area of science and technology. Tech was voted as having the top-ranked science program in the country in the smaller comprehensive category of colleges.

To Montanans who know the caliber of the Tech faculty, facilities and graduates, this is a long overdue recognition. We've known for a long time that Montana Tech is a first rate school—one only has to deal with the school faculty or the mining and petroleum engineering graduates to realize this fact. Many of the country's most accomplished engineers have graduated from Montana Tech. They also are in positions of responsible civic and corporate leadership.

I would like to also note a new and innovative Tech program. This fall, the school will implement an international student exchange program with the People's Republic of China to train 20 Chinese students in the areas of petroleum, mining and reclamation engineering. This project is being supported by the World Bank and will help the Chinese develop the type of engineers they sorely need in resource production. Like all exchange programs, it will also benefit the college, the community of Butte and the United States. It's an example of the first-rate work at Montana College of Mineral Science and Technology.

I extend my congratulations to Montana Tech and ask that a copy of the U.S. News & World Report article on this matter be reprinted in the Record following my statement.

The article follows:

Rocks and Rockets

It has a name that would be hard to fit even on an oversized college sweatshirt, but Montana College of Mineral Science and Technology in Butte achieved a "first" in the U.S. News survey for being on a list of schools selected for special mention because of particular strengths in either the sciences or the humanities. In most cases, winners in these specialties were already highly rated in terms of their overall undergraduate education. However, when presidents of the smaller comprehensive colleges were asked to name top schools in the area of science and technology, Montana Tech was their first choice largely because of a superb program in minerals engineering.

SPACE CONNECTION

Similarly, among comprehensive schools in the South, the University of Alabama in Huntsville, which had failed to make the overall listings, was named the top school in science-and-technology education. Many college presidents noted how well it had integrated its programs with the nearby George C. Marshall Space Flight Center.

The rest of the colleges that rated No. 1 in science and technology (see table) also placed in the top tier of their categories according to the overall quality of their undergraduate programs. However, 19 otherwise unranked schools gained recognition in these fields, winning what one educator called "the microchip wreath." In the national liberal-arts category, Bucknell University and Lafayette College, both Pennsylvania schools with engineering programs, made the list. Franklin and Marshall College, also in Pennsylvania, and Hope College in western Michigan were cited for strong chemistry departments.

Among the national universities, four well-known but otherwise unranked schools—Carnegie Mellon in Pittsburgh, Georgia Institute of Technology in Atlanta, Rensselaer Polytechnic Institute in Troy, N.Y., and Purdue in West Lafayette, Ind., made the list of high-tech picks.

"Microchip wreaths" also went to three smaller Eastern comprehensive schools: The Philadelphia College of Textiles and Science, an independent institution in suburban Germantown, Pa., Manhattan College, a Roman Catholic college in Riverdale, N.Y., and the University of Lowell, a state-supported school outside Boston. Presidents of Southern comprehensive colleges cited the University of Central Florida in Orlando, Texas A&I University in Kingsville and Alabama's Tuskegee University for excellence in the sciences. Among comprehensive schools in the West, the U.S. News survey gave similar recognition to three otherwise unranked state-supported schools: California State Polytechnic University in Pomona, Michigan Technological University in Houghton and California's San Diego State University. Geneva College, a Presbyterian school in Beaver Falls, Pa., and Tri-State University in Angola, Ind., were singled out for having top-notch science programs among regional liberal-arts schools in the East and West.

FOUR FOR HUMANITIES

When it came to colleges with highly regarded specialties in the humanities curricula, the survey found some evidence to support the notion that college administrators tend to equate strength in these subjects with overall academic quality. That is shown by the fact that while 21 unranked schools were cited for excellence in the sciences, only four colleges—all of them religiously affiliated—that were cited for excelling in the humanities did not make the overall listings.

Three of the schools, La Salle University in Philadelphia; Rosemont College, a women's school in that city's Main Line suburbs, and Canisius College in Buffalo, are Roman Catholic institutions. The fourth, Kenyon College, an Episcopal school in Gambier, Ohio, did not make the top 25 in the national liberal-arts category, but boasts an English department that has long drawn praise from its academic peers.

TOP-RANKED HUMANITIES PROGRAMS

[Colleges with most votes for undergraduate humanities programs]

Category	College
National Universities	Harvard University (Massachusetts)
National Liberal-Arts Colleges	Amherst College (Massachusetts)
Smaller Comprehensive	Berea College (Kentucky)
Southern Comprehensive	Trinity University (Texas)
Eastern Comprehensive	Villanova University (Pennsylvania)
Western Comprehensive	Santa Clara University (California)
Western Liberal Arts	Alverno College (Wisconsin)
Southern Liberal Arts	Wofford College (South Carolina)
Eastern Liberal Arts	Bradford College (Massachusetts)

TOP-RANKED SCIENCE PROGRAMS

[Colleges with most votes for undergraduate science programs]

Category	College
National Universities	Massachusetts Institute of Technology
National Liberal Arts Colleges	Oberlin College (Ohio)
Smaller Comprehensive	Montana College of Mineral Science and Technology
Southern Comprehensive	University of Alabama in Huntsville
Eastern Comprehensive	Rochester Institute of Technology (New York)
Western Comprehensive	California Poly State University, San Luis Obispo
Western Liberal Arts	Alma College (Michigan)
Southern Liberal Arts	Virginia Military Institute
Eastern Liberal Arts	Saint Joseph College (Connecticut)

RECESS

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess until 10:30 a.m. today.

There being no objection, the Senate, at 10:18 a.m. recessed until 10:30 a.m.; whereupon, the Senate reassembled when called to order by the Acting President pro tempore [Mr. REID].

EXTENSION OF TIME FOR MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that morning business be extended for 15 minutes and that Senators may speak therein up to 5 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE ANTITERRORISM ACT OF 1987

Mr. GRASSLEY. Mr. President, I want to bring to the attention of my colleagues and the American people an issue that is currently the subject of a great deal of debate among members of the conference committee to the State Department authorization bill.

The issue involves an amendment to State authorization that I sponsored to close the Palestine Liberation Organization offices in the United States until the PLO renounces its policy of terrorism. The amendment, known as the Antiterrorism Act of 1987, has 50 Senate cosponsors as a free-standing bill.

At this time, our State Department is bowing to pressure from the United Nations and is lobbying members of the conference committee arguing that closing the PLO observer mission at the United Nations may conflict with treaty obligations the United States has with U.N. members.

The battle going on over the Antiterrorism Act is really a battle over two extremely important principles. The first principle is that the United States has a sovereign right and obligation to protect its territory and citizens from terrorism. The second principle involves the absolute requirement that before the United States can be bound to a new provision of a treaty or a new interpretation of a treaty provision, the United States must affirmatively agree to that new provision or interpretation.

Mr. President, there is little or no argument that the PLO is involved in terrorism, and that the United States has the right to act accordingly. One only has to look at the recent elevation of Abbul Abbas to the PLO's executive council to be reminded of the PLO's politics of terror. Abbul Abbas, of course, is wanted in connection with the *Achille Lauro* hijacking and the murder of an American citizen, Leon Klingehoffer.

Nevertheless, U.N. officials, through reinterpreting U.S. treaty obligations, argue that the PLO observer mission should have the same privileges and immunities that member states have at the United Nations. In other words, the PLO should be equal to a sovereign government whose office is inviolable under the charter, and therefore, cannot be closed by the United States even to protect its own territory and people.

Mr. President, there is absolutely nothing in the written agreements between the United States and the United Nations that expressly provides for observer missions. Nevertheless, the United Nations is attempting to force treaty obligations on the United States that have never even been negotiated, let alone ratified by the Senate, and our State Department is bowing to the pressure.

However, despite the State Department's questionable conduct, the United States, up to this point, has never formally acknowledged an international legal obligation to accord the privileges and immunities to members of observer missions beyond the specific requirements in the headquarters agreement relating to entry, residence, and transit.

Historically, the United Nations had a very restrictive view of what privileges and immunities were accorded to observer missions. A 1962 U.N. Legal Counsel memorandum stated the following:

> Permanent Observers are not entitled to diplomatic privileges and immunities under the Headquarters Agreement or other statutory provisions of the host State. Those among them who form part of the diplomatic missions of their Governments to the Government of the United States may enjoy immunities in the United States for that reason. If they are not listed in the United States diplomatic list, whatever facilities they may be given in the United States are merely gestures of courtesy by the United States authorities.

This narrow interpretation continued until observer status was given to the PLO in 1974. Since then, the United Nations, over U.S. objections, has steadily attempted to unilaterally extend powers and privileges to observer missions. For example, the General Assembly adopted the so-called 1975 Vienna Convention over U.S. opposition. The convention would have given observer missions the same rights accorded to permanent missions. The United States has never signed the convention, and therefore, cannot be bound to its terms.

Nevertheless, the U.N. Legal Counsel has attempted to bind the United States to the spirit, if not the letter, of the convention by reinterpreting the U.N. Charter. In 1982, the U.N. Legal Counsel attempted to expand the interpretation of article 105 to include the inviolability of observer missions. However, there is absolutely nothing in article 105 or the headquarters agreement that even mentions observer missions, let alone any obligations that the United States owes to them.

So, Mr. President, what exactly is the problem? The problem is that even though the United States has never actually agreed to a reinterpretation of the U.N. Charter that would extend full privileges and immunities to the PLO observer mission, the United Nations is on the verge of successfully forcing the United States into such an agreement with no negotiation and no Senate ratification.

What makes these events even more incredible is the fact that the State Department is feebly acquiescing to this force, contrary to an internal State Department memorandum of last April. According to this internal memorandum, State Department officials should "refuse to recognize an obligation to accord inviolability to the premises of an observer mission * * *." Unfortunately, those in charge at our State Department have disregarded this advice and instead refused to protect or promote American interests in this matter.

Mr. President, State Department bureaucrats may sit by and let American rights be tossed out the door, but this Senator is going to do everything he can to stop such a blatant usurpation of American sovereignty.

As I have stated, the battle over this policy of forfeiting American interests at the United Nations, in regard to observer missions, is a subject of debate this week among the conferees to the State Department authorization bill. The debate centers on the Antiterrorism Act amendment which, as I noted earlier, will close the PLO observer mission until the PLO renounces its policy of terrorism. Of course the U.N. hierarchy has been arm-twisting the State Department bureaucracy into lobbying against the amendment.

I would like to remind my colleagues on the conference committee that even if the State Department isn't willing to defend U.S. rights in this matter, the Congress has the power and the obligation to do so. Notwithstanding U.N. interpretations of U.S. treaty obligations, Congress has the constitutional authority to modify those interpretations through legislation. In fact, according to the landmark case of Whitney versus Robertson, Congress even has the power to modify binding treaty obligations. Therefore, Congress has the authority to define, on our own terms, what obligations are owed to the PLO.

Mr. President, we are at a crucial point in our battles to promote U.S. principles of protecting American sovereignty and putting an end to terrorism. Congress can follow the State Department line and watch these principles collapse, or Congress can adopt the Antiterrorism Act and ensure the protection and preservation of these principles.

Mr. President, I yield back the remainder of my time.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD. Mr. President, I ask that morning business be closed.

The ACTING PRESIDENT pro tempore. If there is no further morning business, morning business is closed.

INDEPENDENT COUNSEL REAUTHORIZATION ACT

The ACTING PRESIDENT pro tempore. The clerk will now report the pending business.

The assistant legislative clerk read as follows:

A bill (S. 1293) to amend the Ethics in Government Act of 1978 to provide a continuing authorization for independent counsel, and for other purposes.

The Senate resumed consideration of S. 1293.

Mr. LEVIN. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. LEVIN. What is the time agreement on the pending matter? Mr. President, my understanding is there is an hour and a half to be equally divided.

The ACTING PRESIDENT pro tempore. There will be an hour and a half equally divided and controlled by the Senator from Michigan, Mr. LEVIN, and the Senator from Maine, Mr. COHEN.

Mr. LEVIN. Mr. President, I thank the Chair and I thank the majority leader for all of his efforts to get the bill pending before the Senate.

Mr. President, last week when the time agreement governing the independent counsel was announced, in the descriptions of the three amendments to be offered by Senator METZENBAUM, the description of the first amendment was mistaken. I ask unanimous consent that the correct description of that amendment be printed in the RECORD at this time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

The amendment provides that the special court which determines the prosecutorial jurisdiction of an independent counsel "shall assure that the independent counsel has adequate authority to fully investigate the subject matter" of the case.

Mr. LEVIN. Mr. President, the last time the Senate considered S. 1293, the Independent Counsel Reauthorization Act of 1987, on October 16, 1987, just a few weeks ago, we voted 65 to 28 to proceed to this bill. That vote, which follows a committee endorsement of 13 to 1, is one more indication of the strong bipartisan support behind this legislation.

On October 21, 1987, the House of Representatives passed its independent counsel reauthorization bill by a margin of 322 to 87. With that vote, Republicans and Democrats further demonstrated the bipartisan confidence and support that the independent counsel process enjoys.

Also on October 21, another vote of confidence emerged from the courts, when Judge Thomas Flannery of the United States District Court for the District of Columbia rejected a motion by Lyn Nofziger to dismiss his indictment alleging that the independent counsel law was unconstitutional.

These expressions of support for the independent counsel law are only the latest in the 9 years that this law has been on our books. In 1978 and 1982, Congress voted overwhelmingly for legislation authorizing the independent counsel system. On both occasions, the bills passed the Senate I believe unanimously. President Carter and President Reagan signed these bills into law, without any expression of concern and, in the case of President Carter, with words of praise.

Also since 1978, a total of seven judges, including Judge Flannery, have held that the law is constitutional or likely to be held constitutional. Three of these judges sit on a court of appeals; four sit on Federal district courts. No Federal judge has yet held to the contrary.

Of course, to lay to rest the issue of the law's constitutionality, the matter needs to reach the Supreme Court. That may finally be possible in the next year or two. A lower court decision upholding the law's constitutional status is now on appeal before one panel of judges of the Court of Appeals for the District of Columbia Circuit, and a ruling is expected soon. Whether or not this panel agrees with the other judges that I have described in upholding the statute, its ruling is almost certain to be appealed to the Supreme Court. The case is the first to be in a procedural posture which makes it likely that, on appeal, the Supreme Court will actually reach the constitutional issues and resolve them.

Unfortunately, this Supreme Court ruling is many months or perhaps years away, and we cannot afford to wait. The independent counsel law is due to expire in just 2 months—on January 2, 1988—unless Congress acts to renew it. That is why we are here today.

The widespread support for the independent counsel law exists because it is a law that addresses a difficult problem in an effective way. It is a law that works. After the debacle of Watergate and the Saturday Night Massacre, which seared distrust of Government into the minds of so much of the American public, it is a law which has, at least in part, restored faith in the integrity of our criminal justice system.

It is true that, for most of its history, the United States did not have an independent counsel law. When confronted with scandals involving senior executive branch officials accused of crimes, various administrations devised various ways to handle these sensitive cases. They turned to attorneys either in or outside the Department of Justice and gave them varying degrees of independence and decisionmaking authority. Some administrations appointed private citizens; others used Government counsel. The chosen attorneys were given varying titles over the years, including special prosecutor, special counsel, and special assistant to the Attorney General. From the Teapot Dome to Watergate, these ad hoc arrangements, usually devised in the midst of crisis, operated or collapsed with varying degrees of respect and effectiveness.

Finally, in 1973, the country experienced the upheaval and injustice associated with the Saturday Night Massacre, in which President Nixon caused the Department of Justice to fire the special prosecutor appointed to investigate him and his associates. This episode forced Congress to acknowledge that a recurrent problem of great concern to good government required our attention and action. We realized that, in our open, democratic society, there are always going to be allegations of wrongdoing leveled at high officials and that our Government is always going to need a process with which to investigate and resolve such accusations in a manner which the public can trust.

We acknowledged that conflicts of interest necessarily plague Justice Department prosecutors asked to investigate their own bosses or political associates.

We acknowledged the public's awareness of these conflicts of interest and appearances of conflicts of interest and the public's skepticism of a President's appointee heading a Justice Department investigation of persons close to the President. We also realized that prosecutors facing such public skepticism may actually treat persons close to the President even more harshly than other criminal suspects just to escape any appearance of bias.

Congress acknowledged these difficult problems, and we accepted the challenge of constructing a system which would allow high executive branch officials to be investigated and prosecuted in a fair and impartial manner and which would also enjoy the public's trust. After 5 years of deliberation, our solution was the independent counsel system.

As a matter of fact, our colleague, Senator COHEN of Maine, who is the floor manager here today for the minority side, was instrumental in bringing this statute into existence, so he has firsthand historical memory of the agony which led to the creation of the independent counsel statute and he played a critical role in this statute becoming the law of the land.

It took 5 years of deliberation to put the independent counsel system into place.

The purpose of the system is to ensure equal treatment under the law by guaranteeing all persons the reality and the appearance of a fair and impartial investigation and prosecution. The independent counsel law eliminated the situation that existed previously in which executive branch officials and persons close to the President who were accused of criminal wrongdoing were being investigated by a Department of Justice under conflicting pressures either to treat them too leniently to avoid indictment of a member of their administration, or to treat them too harshly to preclude the suspicions or any appearance of departmental bias.

It also eliminated the specter of criminal proceedings which not only were plagued with these conflicts of interest but which created public distrust and uncertainty, whatever the outcome.

In contrast to the situation before its enactment, the independent counsel system requires persons close to the President to be investigated by an independent party, free of real and apparent conflicts of interest. That means, like everyone else, their case will be judged and will appear to be judged on its merits rather than on its political implications. In addition, because an independent counsel is free of real and apparent conflicts of interest, the law ensures the public's trust in the outcome of the investigation—whether it is a decision to indict or to decline prosecution. Public trust is particularly important in cases where innocent persons have been falsely accused; these persons need and deserve a process by which the public will accept a vindication of their innocence.

After 9 years of operation, the independent counsel system has shown that it can meet our high expectations and hopes that it would be an effective guarantor of equal treatment under the law. Eight independent counsels have held office since 1978, in the cases made known to the public. Four have completed their investigations without indictment; four are still at work. They have handled cases of great visibility and sensitivity. Public acceptance of the process and of the independent counsels' findings in particular cases is widespread.

Gone are the uncertainty, unpredictability and skepticism that characterized investigations of high Government officials prior to enactment of this law. Instead, we have order, predictability and public confidence. We have criminal investigations which the public trusts—even when the suspects are individuals with close ties to the administration. Just this year, the American Bar Association pronounced the independent counsel law an "imperative" part of our criminal justice system.

We have gained an invaluable achievement with the independent counsel law—public confidence and respect. Laws which promote good government and which enjoy the public's trust are an elusive goal we spend much time pursuing. We have achieved it here. We must act promptly to preserve the Congress' good work with a vote for S. 1293, the Independent Counsel Reauthorization Act of 1987.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator has used 10 minutes of his time.

The Senator from Maine.

Mr. COHEN. Mr. President, I am pleased that we are resuming our consideration of S. 1293, the Independent Counsel Reauthorization Act of 1987. Since we began consideration of this bill on October 16, our colleagues in the House of Representatives have put themselves on record as being in strong support for the independent counsel process by passing legislation similar to S. 1293 by an overwhelming vote of 322 to 87. I hope that the Senate will take similar action in affirming this important law by passing S. 1293 in its current form. We have little time left, as the authorization for the current law will expire in January of next year and we must still go to conference with the House to reconcile some differences that exist between our respective bills.

When we began our debate of this legislation earlier this month, I spoke at some length about the importance of the independent counsel process. We have heard many arguments from opponents of this law about the constitutionality, wisdom, and disadvantages of the independent counsel process. Some of these arguments are legitimate ones, while I believe that others are smoke screens to kill the bill, or to embarrass Members of Congress. Many of these arguments are not new. Past administrations, and Departments of Justice have traditionally opposed this law because they view it as an assault on their integrity. That, however, is not the purpose or the intent of the law. What this debate all boils down to, Mr. President, is whether we want to keep in place a process that enhances the trust that the public has in its Government.

The independent counsel process is one that has worked, albeit with some flaws over the years, and is one that is important to ensure the public that its officials are not above the law. This is especially important when allegations of criminal wrongdoing surface about public officials who are not subject, through the election process, to periodic referenda on their behavior and performance. In such cases, it is too easy for the public to believe that criminal behavior within an administration is being covered up by its own Attorney General or by the Department of Justice.

Much of the debate on this legislation will center around whether we would pass a simple reauthorization of the current law in lieu of S. 1293, which is now before us. Proponents of a simple reauthorization argue that this is more appropriate in light of the pending challenge to the current law on constitutional grounds. I disagree that the pending challenge should have a bearing on the legislation that we pass here today. While we must be, of course, very sensitive to the constitutional concerns, a final judicial resolution of whether the current law is constitutional could take up to 2 years to resolve.

The bill that has been reported by the Governmental Affairs Committee corrects several problems in the current independent counsel process. These changes will, in my view, go far in making the independent counsel process more workable in practice, more accountable in terms of costs of investigations, and more finely tuned to ensure that those cases that warrant further investigation are not prematurely closed by the Department of Justice outside the context of this law. The bill addresses demonstrated problems that have come to light in how the Department of Justice, and in some cases, how independent counsels themselves, have implemented the law and we would be remiss to let these problems continue when we reauthorize the law. Since the bill before us does not change the judicial appointment of independent counsels, which is at the heart of the constitutional question, we are not affecting this issue that will remain before the courts.

Failing to pass the amendments contained in S. 1293 will not put us any further ahead on the constitutional score, but will, conversely, put us further behind by allowing flaws in the law to remain.

I urge my colleagues to support these changes that have been thoughtfully and painstakingly developed after months of investigations and hearings on this law.

Mr. President, I will not take the time to reiterate all of what Senator LEVIN has covered. The only hesitation I have or regret I have on his comments is he reminded me how long I have been in the U.S. Congress; that I have had a historical role in the development of this legislation that goes back to 1973 and 1974 when we first started considering the need for legislation dealing with the special trust category. But I think he outlined and articulated so well the reasons behind the legislation and the fact that we have constantly tried to modify it, to improve it, to make its provisions fairer in the administration of justice.

There are a number of Members who are fundamentally opposed to this legislation, just as most Presidents and executive branch members have been opposed to the legislation over the years because they see it as an intrusion upon their discretion. And, of course, I think we have realized over the years that discretion has to be limited in those cases in which a Justice Department official, the Attorney General, is called upon to investigate high members of the administration.

And so those who are opposed to this legislation, I think, can come forward and present their arguments on the constitutional level. Some arguments are meritorious, at least for purposes of debate; others, I think, are mere smokescreens in order to try to embarrass Members of Congress by applying the provisions to Congress itself or by asking for a simple extension.

We need not wait for the courts to pass upon the constitutionality. That could take, as Senator LEVIN has suggested, anywhere from 2 to 5 years before the constitutionality is finally resolved. There is a wealth of testimony concerning its constitutionality. We will have to await the final determination by the Supreme Court.

In the meantime, we should go forward, much as we have done with Gramm-Rudman legislation, and if we later find the legislation to be constitutionally deficient, we can take corrective action rather quickly. It would not take a major change to conform to any decision that might find it to be unconstitutional.

On the other hand, we anticipate it will be ruled to be constitutional and we think we have to correct the deficiency that currently exists in the law and not simply extend the existing law 2 years, but rather to make the changes that will make this impartial and fair administration take effect immediately.

Mr. President, there is one major amendment or argument that will be offered: Whether this act should apply to Members of Congress. It has a nice surface appeal, saying: "Shouldn't this act apply across the board?"

Well, of course, there is a major difference. The U.S. Congress is subject to investigation by the Justice Department. There is a rather long history of the Justice Department indeed conducting investigations against Members of Congress and then prosecuting them. We can recall, for example, one of our own colleagues, Senator Williams, who was prosecuted for violation of law. There was no need to have a special prosecutor because there was no conflict of interest.

We also are familiar with Congressman BIAGGI. His case is also currently being prosecuted and that is on appeal right now. We have had Congressman HANSEN, who was also prosecuted by a Republican administration.

And so I think the evidence is rather clear that the Justice Department, when called upon, will investigate and, indeed, prosecute Members of Congress, and there is no conflict of interest or the appearance of a conflict of interest as there is when the Justice Department or the Attorney General is called upon to investigate members of the administration.

So I think that the attempt to amend this to cover Members of Congress, No. 1, is unnecessary; No. 2, really is undesirable in the sense of its constitutionality. I find it is somewhat ironic that those Members who argue most strenuously against the constitutionality of this act would seek to tip it even further on the side of unconstitutionality by applying it to Members of Congress and thereby increasing the workload some 500 or 600 percent.

Mr. President, I believe that we are ready to move to the amendments as soon as Members can come to the floor. I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator has used approximately 5 minutes of his time.

Who yields time?

If neither side yields time, the time will run equally.

Mr. COHEN. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. Does the Senator also suggest that the time of the quorum be equally charged against both sides?

Mr. COHEN. Yes.

The ACTING PRESIDENT pro tempore. Without objection, that will be the order.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT (Mr. HARKIN). Without objection, it is so ordered.

Mr. METZENBAUM. Mr. President, the independent counsel statute has become an integral part of the confidence the American people have in the integrity of their public officials. Events over the last 6 years have amply demonstrated that is a law we need. Unfortunately, hearings before the Oversight Subcommittee and hearings before the Judiciary Committee have demonstrated that the Attorney General has been all too willing to ignore on occasion, the spirit and intent of this important law.

In crafting the Independent Counsel Reauthorization Act of 1987, Senator LEVIN has done a masterful job of building in safeguards to help ensure that the Attorney General abide by the intent of Congress that no American, regardless of his or her rank, be above the law. I congratulate him.

But no set of statutory safeguards alone can do the trick. The effectiveness of the current law or S. 1293 must depend in large part upon the willingness of the Department of Justice, and particularly, the Attorney General, to administer the statute fairly and in a manner calculated to ensure thorough investigations under the circumstances contemplated in the statute.

In recent months, the Department has made a number of decisions regarding the administration of the statute which are grounds for concern. These include:

The failure to recommend an appropriately broad prosecutorial mandate in the Iran-Contra matter; and

The failure of the Attorney General to recuse himself from the proceeding involving former Deputy Attorney General Edward Schmults and former Assistant Attorney General Carol Dinkins in the EPA documents matter and from the proceeding involving Ambassador Faith Whittlesey.

As a member of the Judiciary Committee, I have discussed each of these matters with the Attorney General, and have requested related information from the Department of Justice. To date, that information, requested in March 1987, has not been provided.

As we debate the reauthorization of the independent counsel statute, questions are certain to be raised whether or not it is necessary to amend the law to provide statutory instructions on issues like recusal or to strengthen the hand of an independent counsel in requesting that an investigation be broadened. In that regard, I set out below the specific facts, that suggest to this Senator that the answer to whether the independent counsel statute need be strengthened as provided in S. 1293 is a resounding yes.

THE IRAN-CONTRA MATTER

On December 4, 1986, the Attorney General recommended that the Court of Appeals for the District of Columbia appoint an independent counsel to investigate the Iran-Contra matter. The Attorney General recommended that the prosecutorial mandate include:

Whether violations of Federal criminal law were committed by Lt. Col. Oliver L. North, other U.S. Government officials, or other individuals acting in concert with Lieutenant Colonel North or with other U.S. Government officials, from in or around January 1985—the exact date being unknown—to the present, in connection with the sale of military arms to Iran and the transfer or diversion of funds realized in connection with such sale or shipment.

This mandate would not have included an investigation of the possible use of appropriated funds to support the Nicaraguan Contras, other than funds diverted from the sale of arms to Iran.

On December 9, 1986, the minority members of this committee wrote the court recommending that the mandate of the independent counsel include authority to investigate the "provision or coordination of support for the forces fighting the Government of Nicaragua by individuals within the United States Government in contravention of United States law" and that the mandate include conduct occurring prior to January 1985.

The court order of December 19 appointing an independent counsel included "the provision or coordination of support for persons or entities engaged as military insurgents in armed conflict with the Government of Nicaragua since 1984." Thus, the mandate determined by the court was significantly broader than that recommended by the Attorney General.

The record available to the Attorney General clearly would have justified a broader prosecutorial mandate when he recommended the appointment of an independent counsel on December 4. At that time, the Attorney General was aware of substantial evidence that persons within the Government had engaged in extensive activities to obtain and coordinate support for the Contras.

On October 5, 1986, a C-123 cargo plane loaded with munitions was shot down in Nicaragua. One of the persons on board was Eugene Hasenfus. An identification card found in the wreckage identified Hasenfus as an "adviser" in the "U.S.A." group at the Ilopango air base in El Salvador. Hasenfus was subsequently quoted as saying that CIA personnel acted as flight and maintenance crews of similar flights and that they were involved in refueling and creating flight plans—the Washington Post, October 10, 1986. Captured flight logs showed that pilots involved in similar flights had flown to sensitive U.S. military bases—New York Times, October 18, 1986. On October 28, 1986, the Miami Herald reported that Lt. Col. Oliver North had been given principal responsibility in administering the supply operation and had frequent contact with the Contras through intermediaries.

On October 17, 1986, Senator JOHN KERRY released a staff report summarizing extensive evidence indicating that there may have been violations of a number of Federal laws, including the bar on use of Federal funds to support the Contras.

On the same date, a majority of the Democratic members of the House Committee on the Judiciary wrote the Attorney General on October 17 to recommend the appointment of an independent counsel to investigate possible unlawful activities in support of the Contras. On November 28, these House Members again wrote the Attorney General, responding to his request that evidence be submitted supporting the contention that there may have been violations of U.S. law in connection with providing or coordinating support for the Contras in violation of U.S. law. This letter contained an extensive appendix of information known at that time regarding use of public funds to support and coordinate a private network of military and financial support for the Contras, including the possible involvement of U.S. officials.

In addition to the information submitted by Members of Congress, the Attorney General was put on notice of a possible connection between the activities of Southern Air Transport in supporting the Contras and efforts under way in the White House to rely on Southern Air Transport to furnish arms to Iran. The FBI, prompted by the downing of the Hasenfus plane, initiated an investigation of Southern Air Transport for possible violations of the Neutrality Act. On October 30, Admiral Poindexter, the President's National Security Adviser, called the Attorney General to request that the Justice Department delay the Southern Air Transport investigation in order to allow SAT to assist in the "Iranian initiative." See Testimony of Attorney General Meese before the Senate Intelligence Committee, December 17, 1986.

FAILURE TO RECUSE

The standard for recusal applied to the Federal Judiciary is "whether [under the circumstances] a reasonable person would clearly have doubted the judge's impartiality." In re United States, 666 F.2d 690, 695 (1st Cir. 1981).

The recusal standard for the Attorney General, our highest Federal law enforcement official, should be at least equivalent to that we demand of Federal judges. The regulations of the Department of Justice show similar sensitivity to avoiding even the appearance of impropriety. They require that:

> No employee shall participate in a criminal investigation or prosecution if he has a personal or political relationship with: (1) Any person or organization substantially involved in the conduct that is the subject of the investigation or prosecution (28 CFR Sec. 45.735-4(a)).

An exception is provided for cases where the employee's supervisor determines that recusal is not necessary because the relationship "will not have the effect of rendering the employee's service less than fully impartial and professional" and "the employee's participation would not create an appearance of a conflict of interest likely to affect the public perception of the integrity of the investigation" (28 CFR sec. 45.735-4(b)).

The regulations thus seek to reach two objectives: ensuring unbiased and impartial investigations and protecting the public perception of the integrity of the investigation. As discussed more fully below, the committee concludes that the failure of the Attorney General to recuse himself from investigations where he was a participant in events underlying the investigations and where he had a personal relationship with some of the principals created a conflict of interest that affects the public perception of the integrity of these investigations.

THE INVESTIGATION OF SCHMULTS, DINKINS, AND OLSON

In the 97th Congress, a dispute erupted between two committees of the House of Representatives and the administrations over the production of Environmental Protection Agency documents.

In the 98th Congress, the House Judiciary Committee investigated the conduct of the Justice Department officials in the EPA dispute. The committee issued a 3,000-page report on its investigation which concluded that three high ranking Justice officials, Deputy Attorney Edward Schmults, Assistant Attorney General Carol Dinkins, and Assistant Attorney General Theodore Olson misled the House Judiciary Committee. The report was transmitted to the Attorney General in December of 1985 with a request from Committee Chairman RODINO that the Attorney General apply for the appointment of an independent counsel to consider the information contained in the report.

On April 4, 1986, the staff of the Public Integrity Section recommended appointment of an independent counsel to investigate specific charges against Schmults, Dinkins, and Olson. In addition, the staff recommended that the independent counsel be given jurisdiction to investigate any matter within the scope of the House Judiciary Committee report.

The Attorney General overruled both the recommendations of the Public Integrity Section. Instead, he requested that the court appoint an independent counsel to investigate only charges against Assistant Attorney General Olson. On April 10, 1986, the court issued such an order.

On November 14, 1986, the independent counsel, Alexia Morrison wrote to the Attorney General to request that the Attorney General refer to her for investigation allegations involving Schmults and Dinkins.

In addition to asking that the investigation be broadened, the independent counsel also requested that the Attorney General "refrain from personal consideration of the requests." Ms. Morrison explained her justification to the Attorney General as:

> [Y]our personal participation in this matter, under circumstances very similar to those which prompted several members of your staff to recuse themselves, creates at least a problem of appearance. The appearance of conflict arises from both your long association with Mr. Schmults, one of the principal participants in the events in question, and your own role as Counselor to the President when those events occurred.

By letter dated December 17, 1986, Deputy Attorney General Arnold Burns informed the independent counsel that the Attorney General was denying both her request to expand the investigation and her recusal request.

On January 13, 1987, the independent counsel filed an application with the court requesting that the court refer investigation of Schmults and Dinkins to the independence counselor. In the application, the conflict of interest issue was addressed in more detail, and three incidents were detailed where Mr. Meese, as counselor to the President, had participated in the EPA controversy.

The court denied the independent counsel's application on the grounds that it did not have the statutory authority to refer allegations to the independent counsel when the Attorney General has specifically determined that those allegations should not be pursued. In a footnote, the court stated that the "most specific fact" relevant to the recusal issue presented by the independent counsel was the pardon discussion between Mr. Meese and Ms. Gorsuch, and that was insufficient to disqualify the Attorney General on conflict of interest grounds.

Whether or not the court's conclusion is correct; that is, the facts known to the independent counsel required recusal, Mr. Meese should have exercised his discretion to avoid participating in this decision. The recusal standards are intended to prevent not only an actual conflict but also to preserve the appearance of impartiality and fairness.

Moreover, the obligation to avoid an actual or apparent conflict is particularly important when the court has no authority to modify the prosecutorial mandate over the objection of the Attorney General. By overruling the recommendation of the Public Integrity Section, the Attorney General made a final and unreviewable decision that no further investigation would occur. All these considerations should have resulted in the Attorney General deciding against participation.

THE INVESTIGATION OF AMBASSADOR FAITH WHITTLESEY

The Department investigated two issues with respect of Ambassador Whittlesey: First, whether she engaged in misconduct in relation to raising and spending funds from a privately financed embassy entertainment fund; and second, whether Ambassador Whittlesey obstructed the investigation relating to the entertainment fund.

The conflict of interest concerns rise from two sources. It is undisputed that Ambassador Whittlesey and the Attorney General were acquainted. Ms. Whittlesey served on the White House senior staff as assistant to the President from February 2, 1983, until April 4, 1985. Mr. Meese served on the same staff as counselor to the President from 1981 until March 1985.

In December 1985, Ambassador Whittlesey hosted a dinner party at the Embassy in Bern in honor of Attorney General Meese. The entertainment cost of $385 was vouchered to the very entertainment fund that was the object of investigation by the Justice Department, and the vouchering itself was a subject of the investigation.

It has been reported that the staff of the Public Integrity Section at the Department of Justice recommended that an independent counsel be appointed to investigate the charge that Ambassador Whittlesey obstructed justice. When the Attorney General was questioned at the March 4, 1987, authorization hearing about whether this report was accurate he refused to comment. He was also asked to furnish the committee with the report of the Public Integrity Section. To date, no response has been made to this request.

AMENDMENT NO. 1118

(Purpose: To make a technical correction)

Mr. LEVIN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] proposes an amendment numbered 1118.

Mr. LEVIN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Section 591(b)(4) of title 28, United States Code, as amended by section 2 of the bill, is amended by striking out "section 5316" and inserting in lieu thereof "section 5314".

Mr. LEVIN. Mr. President, this is simply a technical amendment. It changes a misprinted number in the bill.

Mr. COHEN. Mr. President, there is no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1118) was agreed to.

Mr. LEVIN. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be charged equally against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1119

Mr. LEVIN. Mr. President, I ask unanimous consent that it be in order that I send three amendments to the desk on behalf of Senator METZENBAUM and that they be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments will be stated.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. METZENBAUM, proposes amendments en bloc numbered 1119.

Mr. LEVIN. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

On page 43, at line 19, after "shall" insert "assure that the independent counsel has adequate authority to fully investigate the subject matter with respect to which the Attorney General has requested appointment of an independent counsel. Such jurisdiction shall also".

On page 38, at line 19, after "General" insert "(i)"; after "investigation" insert ";" and delete "or".

On page 38, at line insert "(ii)" before "apply" and after "counsel" insert ", or (iii) request that the division of the court amend an independent counsel's prosecutorial jurisdiction to include any related matter."

On page 59, at line 3, after "documents" insert the following "including, but not limited to, staff recommendations,"

Mr. LEVIN. Mr. President, on behalf of Senator METZENBAUM, I am offering these amendments en bloc.

These amendments are acceptable to the floor managers. A lot of work has gone into these amendments by both Senator METZENBAUM and members of our committee. Staff of both offices have also worked carefully to modify them and to make them acceptable to us.

The first amendment, which was incorrectly described in the time agreement, as I indicated earlier, would clarify that the special court shall have authority at the time it appoints an independent counsel to grant an independent counsel "adequate authority to fully investigate the subject matter of the case." It does not enlarge the authority of the court. The committee believes that this implied authority has always existed. But it is important that Congress be on record as explicitly recognizing not only the authority but also the responsibility of the court to craft the jurisdiction of an independent counsel so that it is appropriate to the charges to be investigated.

The second amendment allows members of the House and the Senate Judiciary Committees to ask the Attorney General to approve the expansion of an independent counsel's jurisdiction. The Attorney General's decision on any expansion, of course, is still the final decision, and the Attorney General is not bound by a Judiciary Committee request.

The third amendment makes clear that the documents to be disclosed to Congress in closed independent counsel cases are to include staff memoranda. This is a qualification which is appropriate under these circumstances.

Again, I want to thank Senator METZENBAUM, his staff, and our staffs for working to craft these amendments so that they are acceptable to the committee. Senator METZENBAUM has led the way in offering these amendments to address some issues which should be addressed. We think they are not in a form which is acceptable to both sides.

The PRESIDING OFFICER. Is there further debate?

Mr. LEVIN. Mr. President, my reference to the "staff memoranda" should have been "staff recommendations."

With that correction in my statement of the description, I yield the floor.

Mr. METZENBAUM. Mr. President, today at my request, Senator LEVIN offered three amendments to S. 1293, the Independent Counsel Reauthorization Act of 1987 on my behalf.

The first of these amendments provides that the division of the court shall:

Assure that the independent counsel has adequate authority to fully investigate the subject matter with respect to which the Attorney General has requested appointment of an independent counsel.

The purpose of this amendment is simple. Once the court determines that an independent counsel investigation is warranted, the independent counsel must be provided with the authority necessary to conduct the investigation. This amendment makes clear that a complete investigation cannot be short-circuited by requesting an artificially limited mandate.

The second amendment provides that a majority of the majority members or a majority of the nonmajority members of the House or Senate Judiciary Committees may request that the Attorney General apply to the division of the court to amend an independent counsel's jurisdiction to include a related matter.

Under current law and in S. 1293 this same procedure may be followed by members of the Judiciary Committees to request that the Attorney General request appointment by the court of an independent counsel. Once such a request is made, the Attorney General must provide written notification to the committee of what action was taken in response to the request.

The need for this addition was made clear when the Attorney General refused the independent counsel's request to expand her investigation of Theodore Olson to include former Deputy Attorney General Schmults. In that case, it would have been appropriate and useful for Congress to have an opportunity to express its views on this hotly contested matter.

The third amendment responds to a situation the Judiciary Committee has faced for the last 6 months. In March, the Judiciary Committee requested that the Attorney General provide the committee with a copy of the recommendation made by the staff of the public integrity section in the Whittlesey matter. This request was prompted by reports that the staff had recommended that an independent counsel be requested to investigate charges that Ambassador Whittlesey obstructed justice by interfering with a State Department investigation.

Attorney General Meese, instead, recommended that no further investigation was warranted. When asked about the staff recommendation, the Attorney General was unresponsive and when asked to provide the written document he refused to do so. No claim of executive privilege has been made.

The bill provides that the Attorney General shall make documents available from closed cases—those where the statutory time periods for preliminary investigation have run; those where the Attorney General has made a decision not to apply for an independent counsel; or those where the independent counsel investigation has been completed. My amendment specifies that among the documents that are to be made available are staff recommendations.

Mr. COHEN. Mr. President, I have no objection to the amendment.

The PRESIDING OFFICER. Is all time yielded back?

Mr. LEVIN. I yield back the remainder of my time again with thanks to Senator METZENBAUM and Senator COHEN.

Mr. COHEN. I yield back my time.

The PRESIDING OFFICER. The question is on agreeing to the amendments en bloc.

The amendment (No. 1119) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. COHEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, I suggest the absence of a quorum and ask that the time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DASCHLE). Without objection, it is so ordered.

Mr. HATCH. Mr. President, I rise today to express my opposition to S. 1293, the independent counsel bill.

At the outset, I would like to thank the distinguished majority leader for withholding action on this legislation until I could be present. I have been in very extensive hearings in the Labor and Human Resources Committee, and I was also out of town last week in my home State for the third annual Hatch Women's Conference, which some women are attending right now. I am very grateful to my friend and colleague, the majority leader, for accommodating me at that time.

As I stated during previous consideration of this matter, I have strong reservations regarding the constitutionality of the bill, and I appreciate the majority leader's willingness to schedule consideration of the measure when I could be present.

From the initial conception of the idea of establishing an independent counsel, strong reservations have been expressed regarding the constitutionality of such an office. With the single exception of the Carter administration, every administration has opposed this concept. And even now, Griffin Bell, the Attorney General when the Carter administration supported the bill, has acknowledged that he had considerable doubt at the time about both the constitutionality and the wisdom of the law. In testimony before the House Judiciary Committee this year, former Attorney General Bell stated: "Since [the enactment of the Ethics in Government Act of 1978] I have become disenchanted with the idea of the special prosecutor, now called independent counsel. The law should be allowed to expire."

With each consideration of this issue by the Congress, one of the major objections expressed has been with constitutionality. I have already expressed my desire to have the bill referred to the Judiciary Committee for a constitutional analysis and, as I noted during our earlier consideration of this bill, the Circuit Court of Appeals for the District of Columbia will soon be announcing its decision in an important case in which it has been asked to decide the constitutionality of the present independent counsel law. If for no other reason, we should delay action on this bill at least until that court has spoken.

Since it appears that such a delay will not be entertained, I would like to express my concerns with this legislation.

Let me start with the constitutional issues and refer first to the separation of powers.

One of the basic principles upon which our form of government is established is the idea of separation of powers. Under the provisions of the Constitution the executive power is vested in the President. It is his duty to "take care that the laws be faithfully executed." Furthermore, when the legislative branch has attempted to encroach on this Presidential power, the Supreme Court has continually held this power as being exclusively vested in the Executive.

A prime example of this situation can be found in the recent cases of INS versus Chadha and Bowsher versus Synar. In the Chadha case, where the Court struck down a legislative veto, it stated:

> The hydraulic pressure inherent within each of the separate branches to exceed the outer limits of its power, even to accomplish desirable objectives, must be resisted.

Shortly thereafter, the Court turned to the Bowsher case, involving the constitutionality of the Gramm-Rudman-Hollings balanced budget law. In that case, the law was challenged because the Comptroller General, which the Court found to be an officer of the legislative branch, was entrusted with executive powers, that is, it was his responsibility to execute the automatic budget cutting provisions. Referring to this grant of executive power, the Court stated:

> To permit an officer controlled by the Congress to execute the laws would be, in essence, to permit a congressional veto. Congress could simply remove, or threaten to remove, an officer for executing the laws in any fashion found to be unsatisfactory to Congress. This kind of congressional control over the execution of the laws, Chadha makes clear, is constitutionally impermissible.

Finally, in reaching its decision in the Bowsher case, the Court stated:

> By placing the responsibility for execution of the Balanced Budget and Emergency Deficit Control Act in the hands of an officer who is subject to removal only by itself, Congress in effect has retained control over the execution of the Act and has intruded into the Executive function. The Constitution does not permit such intrusion.

This Bowsher reasoning appears to apply directly to the bill at hand. Under the provisions of this legislation, the independent counsel is not an agent of the President, but is responsible to the courts and Congress. As is noted by Attorney General Bell in his testimony regarding the companion House legislation:

> The Independent Counsel, in essence, is another attorney general—pro tanto—and in part displaces the Attorney General and the Department of Justice. The Independent Counsel is not an agent of the President but of the courts and reports to the courts and the Congress. In no way can an Independent Counsel be classified as an "inferior officer" subject to being appointed under Article II of the Constitution. This "inferior officer" has the unfettered discretion to prosecute the President himself. An Independent Counsel is part and parcel of the federal law enforcement function which is reserved to the President under our Constitution.

This is the same type of problem we ran into in our efforts in the Gramm-Rudman-Hollings situation. We had good intentions and our goals were worthy, but we ignored constitutional limitations. In my opinion, we are again making the same mistake. We are giving executive powers to an entity that is not controlled by or answerable to the executive branch. As the Supreme Court held in the case of Buckley versus Valeo, where Congress endowed the Federal Election Commission with the power to bring civil lawsuits to enforce the Federal election laws:

> The Commission's enforcement power, exemplified by its discretionary power to seek judicial relief, is authority that cannot possibly be regarded as merely in aid of the legislative function of Congress. A lawsuit is the ultimate remedy for a breach of the law, and it is to the President, and not to the Congresss, that the Constitution entrusts the responsibility to "take Care that the Laws be faithfully executed."

Under the provisions of this bill, we are creating an office which could be viewed as completely independent from the executive branch, and possibly independent from all branches of the Government. At the very least, the independent counsel is responsible only to the courts. And under the Constitution, it is not the courts which have been entrusted with executing the laws. Our delegation of this authority to an independent counsel, it seems to me, directly violates the separation of powers as set out in the Constitution.

JUDICIAL POWERS, DOUBLE JEOPARDY, AND VAGUENESS

In addition to this basic separation of powers problem with the bill, other constitutional problems have been noted, some of which are also the basis for the challenge to the current law in the case before the U.S. Court of Appeals for the District of Columbia. Among these concerns are:

The vesting in judges of powers that go beyond the authority granted the judicial branch by article III of the Constitution, that is, the appointment of inferior officers in the executive branch, establishing the jurisdiction of those officers, and control of their prosecutorial decisionmaking;.

The prohibition of further proceedings against defendants by the Justice Department because of the protection against double jeopardy;

And the vagueness of the provisions dealing with Presidential orders.

I hope that my colleagues will consider each of these concerns, and to the extent that they are addressed by the court of appeals, I would again state my desire that we postpone further consideration of this bill.

EQUAL PROTECTION

Finally, our constitutional consideration of this bill requires an examination of the equal protection consequences which were pointed out by Senator STEVENS in his additional views included in the committee report.

Under the bill, a small group of people are set aside and treated differently from all other citizens with respect to criminal investigations and prosecutions. As was pointed out by Attorney General Bell:

> They are handled by a special investigator. The investigation is announced under great notoriety, and any conclusion reached is likewise notorious. Other citizens are investigated without announcement—indeed usually under great confidentiality. * * * Usually the fact of an investigation is never known if there is no incident. This is completely contrary to the practice of the Independent Counsel cases to date.

Treatment of these officials in such a manner definitely does not appear to be equal treatment under the law. Such a challenge to the existing law has not yet been made. But certainly such a challenge might be made.

These constitutional considerations are all important. As legislators it is our duty to take all the steps we can to ensure that, to the extent the courts have provided guidance, the new laws we enact are in compliance with constitutional requirements. We certainly do not need to repeat the constitutional error of the balanced budget law.

Clearly, with respect to separation of powers, previous Supreme Court decisions should raise red flags in our consideration of this bill. The other considerations which I have mentioned should also cause concern. The Court of Appeals for the District of Columbia will shortly provide us with some guidance directly related to this subject matter, and most assuredly the Supreme Court will also be asked to examine the matter.

For that reason I feel that our consideration of new independent counsel provisions is premature at this time. We ought to first make certain that the concept of an independent counsel is permissible before we make further changes in that office. As I have stated before, it is my hope that we will put off our consideration of this bill until the court of appeals has spoken as to the constitutionality of the current law.

Mr. COHEN. Will the Senator yield?

The PRESIDING OFFICER. If the Senators will suspend, the time in opposition to the bill has now expired.

Mr. HATCH. I ask unanimous consent that the time I have taken be the time reserved for the consideration of my amendment and not consideration of the bill.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

AMENDMENT NO. 1120

(Purpose: To reauthorize the current Independent Counsel statute through the end of 1988)

Mr. HATCH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Utah [Mr. HATCH], proposes an amendment numbered 1120.

Mr. HATCH. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> Strike out all after the enacting clause and insert in lieu thereof the following: That section 598 of title 28, United States Code, is amended by striking out "five years after the date of enactment of the Ethics in Government Act Amendments of 1982" and inserting in lieu thereof "December 31, 1989".

Mr. HATCH. Mr. President, the amendment which I am proposing would extend the current independent counsel law for an additional 2 years in order to give the courts sufficient time to decide whether the current law is constitutional, before we make substantive changes in the law.

As I have stated over and over, this bill raises important constitutional concerns. Key officials in every administration since the initial enactment of this law have now expressed their concerns in this area. When we first turned to this bill a few weeks ago, I cited these concerns and expressed my hope that we might postpone further consideration of the measure until the U.S. Court of Appeals for the District of Columbia announced its decision in a case which raises some constitutional challenges to the present law.

That decision will be announced in a few weeks, if not days. Given the gravity of the underlying litigation, the circuit court's decision will most assuredly be appealed to the Supreme Court. It therefore appears that Supreme Court guidance on the constitutionality of the independent counsel law will be given. The decisions of these courts will have great significance with respect to the legislation that we are considering today.

In addition to reauthorizing the current law, the legislation before us would make several substantive changes in the present law. While I do not want to take anything away from the sincere objectives of this legislation, I do think it important that we make sure that any legislation we pass be constitutionally sound.

I recall the warnings of constitutional infirmity that were given regarding the balanced budget law before we passed that act a few years ago. In the now famous Bowsher case the Supreme Court affirmed those fears. It is my hope that we will not make the same mistake again on the pending legislation.

Since I have not been successful, in convincing my colleagues to forgo consideration of this measure until after the circuit court reaches its decision, I find myself with no other choice but to put forward this amendment to delay any further action until the courts have had time to reach a final decision. Under this amendment, the Supreme Court will also have a chance to examine the issue, and then we will have definitive guidance on which steps we should take to correct or improve the current law. I believe the 2-year extension provided in this amendment should provide sufficient time.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HATCH. I yield the floor.

Mr. LEVIN. Mr. President, first a word on the question of the constitutionality of the independent counsel approach. To put it in a nutshell, as Senator HATCH has indicated, this issue is in court. There is a current case in court, but the matter has also been raised in front of a number of courts. No less than seven judges have looked at this matter and have ruled either that the independent counsel law is constitutional or that the independent counsel approach is likely to be held to be constitutional.

Whatever the current panel of the court of appeals decides, this matter is going to be going to the Supreme Court, and so in the coming months or years we will have a definitive statement relative to constitutionality. But I do not believe that we in the Senate should be in any way questioning or undermining the court case that we are maintaining right now. We all are entitled to our opinions, and indeed I respect very much the opinion of Senator HATCH in matters such as this, but the Senate as a whole has decided that we are going to defend the independent counsel principle in court. We are on record twice as saying we believe this law is constitutional. We have authorized the Senate legal counsel to represent the Senate in court defending the constitutionality of this statute. Our legal counsel has filed a brief on behalf of the Senate, a so-called amicus brief, arguing for the constitutionality of this statute.

So while some of our Members may have questions relative to the constitutionality and we should respect their right to maintain those questions, this body as a whole is on record as saying this statute is constitutional. We have said that in a number of courts. We have authorized our legal counsel to continue to say that, right through to the Supreme Court.

We do not know how this particular panel of the court of appeals is going to rule. You never know until a court does rule. But whatever this panel rules, its decision surely is going to be appealed to the Supreme Court, as it should be, so we can have a definitive statement as to its constitutionality.

Now, is this law constitutional? Again, there are many legal experts who have testified in front of us that it is constitutional. I am not going to quote at great length from those legal experts. I will say that this law is based essentially on the constitutional provision that the Congress may require the appointment by a court of an inferior official not subject to Senate confirmation. We are authorized, in article II, section 2 of the Constitution, by law, to vest the appointment of inferior officers, as we think proper, in the President alone, in the courts of law or in the heads of departments.

So there is a very clear constitutional provision that the Congress has relied on ever since we passed this statute in 1978 for the appointment by the special court of an independent counsel. Again, that constitutional provision is article II, section 2, which gives us the authority, in Congress, to vest the appointment of inferior officers—officers not required by the Constitution to be confirmed by the Senate—in the courts of law. And that is precisely what we have done in this case.

Mr. President, we have worked very hard as a committee, the Governmental Affairs Committee, with the help of many Members of this Senate on other committees, to improve the existing independent counsel law. When it was first passed in 1978, it provided for certain things. We improved this law in 1982. This Senate voted for those improvements. That reauthorization act was signed into law, may I say, by President Reagan.

The bill before us contains additional improvements over the existing law. We should not squander or waste the extensive hearings which we have held relative to the operation of this law. Those hearings have disclosed that we can improve upon this law. The bill before us contains those improvements.

And again, many of our colleagues contributed to that process. I think it would be almost irresponsible to simply continue the existing law when we have had extensive hearings which have pointed out improvements that we can make in that existing law. It would not be a good use of this Senate's time. We would be put in the position, if the Supreme Court upholds the constitutionality of this concept, of going through this entire process all over again in 2 years instead of taking advantage of the extensive hearings and committee consideration that have gone into this bill as it now appears on the floor.

Here are just a few examples of some of the improvements which we have put into this bill to extend the authorization of the independent counsel system.

First, we would have better fiscal controls over the independent counsel. Arguments have been made about whether or not the independent counsels spend money wisely or not. We have put some controls in this bill because of the concerns which have been expressed that we need such provisions to better control the cost of independent counsel investigations. We require bimonthly cost reports. We require audits. We expressly limit the expenditure of funds to "reasonable expenditures." We require that the independent counsel conduct their activities with "due regard for the expense" of those activities.

There are no such controls in current law. Whether one argues on either side of the issue as to whether or not expenditures have been excessive, however one comes down on that argument relative to current independent counsels, I would think all of us would want fiscal controls in the law, and this bill provides for such controls.

This bill clarifies the standards of conduct that apply to independent counsels. There is confusion now as to what standards of conduct apply to them. We explicitly prohibit independent counsels from simultaneously representing defendants in other independent counsel proceedings. There is ambiguity and confusion over that particular issue at this time. We prohibit independent counsels and their staff for 5 years after they leave office from representing the persons who were the targets of their investigation. We make it clear that the independent counsel must file financial disclosure forms with the Office of Government Ethics.

These, again, are just examples of where we are clarifying important standards of conduct for independent counsels. The lack of such standards and the ambiguity of standards where they exist have created some problems which we can clarify. We should not bypass this opportunity to clarify standards of conduct which govern independent counsels.

The independent counsel law, hopefully, that we will reauthorize, is going to be in effect until the Supreme Court rules. We ought to have the best law on the books during that time to eliminate some of the ambiguities which have existed in the operation of this law and not waste and squander this opportunity to clarify where we need clarification.

Another area where we improve on existing law: There is confusion now on whether or not independent counsels can expand their investigation over the objections of the Attorney General. We make it clear that the independent counsel cannot expand his or her investigation unless the Attorney General agrees. That is an important and appropriate check on the independent counsel. It is not clear in the current law, and it is consistent with the requirement in the current law that the Attorney General be the person who requests the appointment of the independent counsel from the special court.

These are but three examples of where this committee and several Members of this body who are not on this committee have made suggestions which will permit an independent counsel to proceed in a way which is an improvement over the current process.

This amendment of Senator HATCH would, I am afraid, simply avoid what we can now do very well, which is to improve where we need improvement.

At the same time, this bill contains the core elements of the current independent counsel statute. Those elements essentially are the appointment of an independent counsel by a special court and removal of an independent counsel only for good cause. These provisions are continued in this bill. They are also under challenge in the courts now. These are two of the key elements of the process which are under challenge. They remain in this bill because they are the heart of the independent counsel process.

So there is nothing in this bill, which contains a large number of improvements, which would in any way confuse or jeopardize the court challenge or challenges which are now under way. Rather, this bill improves on the process so that during the next 2 years or until we have a Supreme Court decision we can take advantage of what we have learned over the last 5 years about the operation of the independent counsel process. There is no reason why we should not take advantage of that experience, or why we should start all over again in 2 years and plunge ourselves into another long process of committee hearings and markups when we have gone through that process now in a way which I think is thorough and fair.

So I hope the amendment of the Senator from Utah would be defeated. I do not want to mischaracterize it, but it is in effect, a substitute which would say, "Forget the bill that is in front of you; forget the markup; forget the hearings; and let us just continue with the existing law for 2 years." There is no logic to that in terms of the constitutional argument, because if the current law is unconstitutional, this bill will probably be unconstitutional. They both contain the same premises relative to the need to have an independent person look at allegations of wrongdoing when those allegations are made by somebody high up in the executive branch.

Mr. President, I hope this amendment will be defeated as it is, in effect, a total substitute for the work product which is before the Senate.

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Mr. COHEN. Mr. President, I want to join my colleague in urging the defeat of this amendment, and I will take but a few moments to articulate a few more of the points that should be made.

First of all, it makes no sense to me that if this legislation is bad or unfair, as some suggest it is, that we therefore should extend it for another 2 years. That to me does not make logical sense.

If we are going to extend the law, we should at the very minimum, extend something that is fairer and correct whatever perceived deficiencies have been determined in the law itself. But that is not what this amendment does. It says that we should take the bill, bad as it is, and simply extend it for another 2 years. That, to me, does not make sense.

Second, it is argued that key officials have expressed concern about this bill from the inception. That is true. This bill has always been controversial because it does, in fact, raise questions about who should control the appointment and the activities of special independent counsel to conduct investigations of high-level administration officials. That is the core of the bill.

In 1978, the U.S. Congress came down in favor of creating a special prosecutor—now called the independent counsel—bill because we felt it was critically important to restore a sense of confidence in the investigation of persons who are within an administration who are charged with wrongdoing. Congress passed that in 1978. We reauthorized it again in 1982 correcting some, again, deficiencies.

There is no law that we pass that is perfect. Every time we have an opportunity to review a piece of legislation, we try to correct it, to improve it, and to make it a better law. That is what we have done here.

But key officials have expressed concern, indeed they have, and each time they have been overruled by an overwhelming majority of the Congress of the United States.

Mr. HATCH. Will the Senator yield for a question?

Mr. COHEN. Yes.

Mr. HATCH. And maybe I will have a comment.

I do not see any reason why we could not have an accommodation where we extend it simply for 2 years. I know the distinguished majority and minority floor managers have worked long and hard on this. I know their goals are worthy goals. I also know that they are the types of goals that I basically share and support. We may very well need approaches here that will forestall activities that are improper.

However, by simply extending this for 2 years, it seems to me that it gives us time to really check on the constitutionality of this and do it appropriately. But, more important, I think that if Senators will vote for my amendment, there is no reason for the Armstrong amendment at this point. If they do not vote for my amendment, then I think Senator ARMSTRONG is going to bring up his amendment, which I think clouds the issue even more, and it clouds it constitutionally even more.

I hope the distinguished managers of the bill would consider the good-faith effort I am making to extend the law, such as it is, for 2 more years by this amendment and let the courts make their decisions within that period of time; and, if they uphold its constitutionality, I do not think anybody would be fighting at that point.

I think that if we could simply extend it and not have to go through the burden of voting for or against the Armstrong amendment, most Senators would feel fairly good about that.

I ask if the distinguished managers would consider that request.

Mr. COHEN. Mr. President, if I may respond, I certainly respect the Senator from Utah; but, frankly, it does not make sense to me in terms of extending this for 2 years. If we adopt this reauthorization with the changes that we have made in our committee, we have improved the law itself. If we extend it, and the Court, in a 2-year period of time, rules it unconstitutional, it falls, but it may also fall with the improved amendments, as well. So no harm is done by passing this reauthorization, and a good deal is accomplished.

We agree that the courts should decide; and if they decide within the 2-year period of time and it is sustained, we will have a better bill. If it fails the constitutional test, the whole thing will probably fall. To me, it does not make sense to extend it for only years as is. I think we should reauthorize it with the improvements.

With respect to the constitutionality aspect, the Senator from Utah may be correct, that this measure is unconstitutional. So far, several Congresses have said that it is constitutional.

In 1978, it was passed overwhelmingly, with the same constitutional issues raised. In 1982, it was reauthorized, again passed overwhelmingly.

More important, President Carter signed the measure in 1978. President Reagan signed the measure in 1982. We have had two Presidents who have had the opportunity to veto it if they thought it was unconstitutional or to sign it if they thought it was constitutional.

Second, the ABA has indicated that it meets the constitutional tests both in letter and in spirit. So the American Bar Association has endorsed the legislation.

We have had six judges rule it to be constitutional. We have had a number of scholars testify before the committee who indicated that, in their opinion, it was constitutional. Two Presidents have signed it. More important, we have had high-level officials who have approved it, none higher than the Attorney General of the United States. When Edwin Meese was under investigation because of certain alleged ethical violations, to whom did he turn? He turned to the independent counsel. I venture to say that if it were not for that act, he probably would not be Attorney General. Because he was cleared of the allegations, and because the independent counsel cleared him, there was no suspicion that somehow the process had been manipulated in order to accommodate his nomination.

We have had members of the administration request it. Raymond Donovan requested it. Michael Deaver did not like the results, but he requested it. Edwin Meese requested the investigation.

I think they requested it because they saw the value of having someone independent from the very administration that was supporting them conduct that impartial investigation and vindicate their names and reputations.

For all those reasons, I believe we should extend the law with the modifications. We have worked hard to improve the legislation; and if it requires a vote on Senator Armstrong's amendment, we should do that, without hesitation. I think his amendment should be vigorously debated and defeated when it comes up. I hope we will move to defeat this amendment, as well.

Mr. HATCH. Mr. President, it is my understanding, having chatted with the majority leader, that he would like a vote on this at 2 o'clock, at the end of our caucus sessions. Am I correct on that?

Mr. LEVIN. Mr. President, if the Senator will yield, it was my understanding that the majority leader did indicate that 2 o'clock would be the time for the vote.

Mr. HATCH. That will be satisfactory to me. I guess we should wait for the majority leader.

Mr. LEVIN. If we are done with our debate, we can yield back the time.

Mr. HATCH. So far as I am concerned, I am happy to yield back the remainder of my time, and I ask unanimous consent that we proceed to a vote promptly at 2 o'clock.

Mr. LEVIN. I have a unanimous-consent request before that.

I ask unanimous consent that statements of courts supporting the constitutionality of the independent counsel be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

KEY STATEMENTS SUPPORTING CONSTITUTIONALITY

Per Curiam opinion issued by Judges MacKinnon, Morgan and Pell, 3 senior judges on DC Circuit Court of Appeals, sitting on special court, In re Olson (April 2, 1987): "The independent counsel provisions are tailor-made to meet all the requirements envisioned by the Constitution." (Opinion contains extended analysis supporting constitutionality of independent counsel law.)

Opinion written by Chief Judge Robinson, U.S. District Court for DC, In re Sealed Case (case now before DC Circuit Court of Appeals) (July 20, 1987): "The Independent Counsel provisions of the Ethics in Government Act represent Congress' measured response to the recurrent question of how to enforce the laws of the United States when they are violated by high government officials. Congress chose to use its authority, well settled under the Constitution and Supreme Court precedent, to create a mechanism to guarantee the integrity and independence of criminal investigations in matters where the Department of Justice has real or apparent conflicts of interest. By carefully assigning the functions necessary for the accomplishment of its purpose, it has constitutionally addressed an important national need. For the United States, the Act represents a landmark effort to instill public confidence in the fair and ethical behavior of public officials."

Opinion by Judge Harold H. Greene, U.S. District Court for DC, *Banzhaf* v. *Smith* (1984) (upholding constitutionality of law in context of lawsuit to force Attorney General to conduct preliminary investigation): "The Court concludes that precedent as well as common sense support the constitutionality of the Independent Counsel provisions of the Ethics [in Government Act] which remove investigations and prosecutions from the direct control of the Attorney General in a limited number of cases for reasons which Congress could legitimately regard as valid."

Opinion by Judge Thomas P. Jackson, U.S. District Court for DC. *Deaver* v. *Seymour* (March 11, 1987) (footnote 3) (denying preliminary injunction to stop independent counsel): "The Court concludes that the constitutionality of the Act will likely be upheld on the following grounds: that independent counsel are "inferior Officers" of the United States whose interbranch appointment is . . . permitted by * * * the Constitution * * *; that the Act does not infringe on the Executive's duty to "Take Care" that the laws are faithfully executed, because only the Attorney General may initiate the appointment of independent counsel * * *; and that the Act does not unconstitutionally restrict the Executive's power of removal, because Congress may provide that certain officials operate with "freedom from Executive interference" * * *"

Mr. HATCH. Mr. President, will the Chair rule on my unanimous-consent request?

The PRESIDING OFFICER. The Chair was about to indicate that, without objection, the vote will occur at 2 p.m.

Mr. LEVIN. Mr. President, a parliamentary inquiry. Do I correctly understand that the previous order was that we were scheduled to recess now?

The PRESIDING OFFICER. There is no previous order.

Mr. LEVIN. Mr. President, I suggest the absence of a quorum, to await the arrival of the majority leader.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 2:15 P.M.

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess until the hour of 2:15 p.m. today.

There being no objection, the Senate, at 1:06 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. DODD].

The PRESIDING OFFICER. All time having expired, the vote now will occur on amendment No. 1120, offered by the Senator from Utah [Mr. HATCH]. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Tennessee [Mr. GORE], the Senator from Arkansas [Mr. PRYOR] and the Senator from Illinois [Mr. SIMON] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. BOND] and the Senator from Minnesota [Mr. DURENBERGER] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 23, nays 72, as follows:

[Rollcall Vote No. 363 Leg.]

YEAS—23

Armstrong
D'Amato
Dole
Domenici
Garn
Gramm
Grassley
Hatch
Hecht
Heflin
Helms
Humphrey
Karnes
McClure
Murkowski
Nickles
Shelby
Simpson
Stevens
Symms
Thurmond
Wallop
Warner

NAYS—72

Adams
Baucus
Bentsen
Biden
Bingaman
Boren
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Chiles
Cochran
Cohen
Conrad
Cranston
Danforth
Daschle
DeConcini
Dixon
Dodd
Evans
Exon
Ford
Fowler
Glenn
Graham
Harkin
Hatfield
Heinz
Hollings
Inouye
Johnston
Kassebaum
Kasten
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lugar
Matsunaga
McCain
McConnell
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Packwood
Pell
Pressler
Proxmire
Quayle
Reid
Riegle
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Specter
Stafford
Stennis
Trible
Weicker
Wilson
Wirth

NOT VOTING—5

Bond
Durenberger
Gore
Pryor
Simon

So the amendment (No. 1120) was rejected.

Mr. ARMSTRONG addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

AMENDMENT NO. 1121

(Purpose: To extend to Members of Congress the mandatory provisions of title VI of the Ethics in Government Act of 1978)

Mr. ARMSTRONG. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. ARMSTRONG], for himself, Mr. DOLE, Mr. SIMPSON, Mr. BOND, Mr. NICKLES, Mr. THURMOND, and Mr. GRAMM, proposes an amendment numbered 1121.

On page 35, after line 21, insert the following and redesignate the succeeding paragraphs accordingly: "'(6) any Member of Congress;".

Mr. ARMSTRONG. Mr. President, I am not a lawyer but they tell me there is an expression in the law which would transmit from Latin which says in effect the matter speaks for itself. This amendment speaks for itself. It adds four words to the bill. It adds the words "any Member of Congress."

There are a lot of people who understand more about special prosecutor legislation than I shall ever understand or in fact than I wish to know. Many of those who have studied this matter have doubts as to the constitutionality of the whole idea. There are real concerns about whether or not a special prosecutor, both as a matter of constitutional principle and as a matter of every-day practicality, is actually a good idea.

But, Mr. President, it seems to me crystal clear that if the notion of a special prosecutor makes sense it ought to apply to Members of Congress as readily and as freely and for the same reasons that it applies to political appointees in the executive branch.

Second, I point out in support of the amendment that the public, our constituents, has this perverse notion that somehow Members of Congress never let laws which they pass for general application apply to themselves. I do not know where our constituents got that idea but in fact it is true. This would be a step in the opposite direction to say if we are going to have special prosecutors running around looking at the executive branch they ought to also have the opportunity to prosecute wrongdoing in the legislative branch.

The third reason I offer in support of this amendment—and then I am going to yield the floor because I am not here to argue it at any length because I think the matter really speaks for itself—is that if a conflict of interest arises between the Justice Department and members of the national administration that requires a special prosecutor, that same kind of a practical conflict of interest exists doubled and redoubled when it comes to Members of the Congress of the United States.

It may be very hard for a lawyer in the Justice Department to go prosecute somebody over at the White House or the Department of Interior some place, but it will be about twice as hard for the same prosecutor to come over and go after a Member of the Senate Judiciary Committee or the House Judiciary Committee. It is just difficult to do. I am not saying it is impossible, but I do say the very logic and rationale which supports the very prosecutor idea in the first place forcefully argues in support of applying it to members of the legislative branch as well as the executive branch.

Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. ARMSTRONG. Mr. President, I reserve the balance of my time.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. I yield the Senator from Delaware such time as he needs.

Mr. BIDEN. Mr. President, I will not take much time. I know that the body wishes to get on with the vote.

Mr. President, the legislation before us stands as one of the most important guarantees of the impartiality and fairness of our criminal justice system. This is a critical measure—something the Senate cannot afford to put off or postpone. Since the original independent counsel statute was enacted in 1974, following the Watergate crisis, this statute has given the American people confidence that sensitive investigations of persons close to the President would be conducted without bias, prejudice, or the threat of political interference. Public trust in the very integrity of our Government hinges on the continued vitality of the independent counsel process.

The history of this Nation demonstrates the necessity, at times, for independent investigations of high-ranking Federal officials. There are certain extraordinary moments of crisis when the people's faith in the integrity and independence of those charged with the public trust wavers. These episodes call into question the ability of the Justice Department to enforce the criminal law against those who hold the highest offices in the Government. To restore the utmost public confidence in the investigation and prosecution of criminal wrongdoing by high-ranking Government officials, the appointment of an independent prosecutor becomes necessary.

This is the third time that Congress has considered and debated independent counsel legislation. Following the debacle of Watergate—including the now infamous Government order by President Nixon to fire special prosecutor Archibald Cox—it became obvious that a new process for investigating and prosecuting top Government officials was essential. A system of temporary, outside counsels appointed by a special court, who could only be removed by the President for good cause, was devised.

This scheme was not developed carelessly or in haste. It was the subject of deliberate debate, with every consideration given to the constitutional arguments, pro and con. That was the case leading up to the enactment of the first independent counsel statute in 1978, it was the case in 1982 when the law was reauthorized, and this careful scrutiny has most recently been repeated under the leadership of the distinguished Senator from Michigan, Mr. LEVIN.

Over the past several months, the constitutionality of this statute has been challenged by individuals who are the subject of independent counsel investigations or prosecutions. Although the procedural posture of each case varies, the basic constitutional argument is the same—that the process by which independent counsels are appointed and the limited power of the President to remove them from office violate the separation of powers doctrine.

These issues have been thoroughly aired throughout the years of thoughtful consideration given this legislation in hearings, committee reports, and debates. Each time it has been the judgment of the relevant committees and the House and the Senate that the process devised for selecting independent counsels is constitutional. President Carter and President Reagan signed independent counsel measures into law. Five Federal court judges, acting in several different proceedings, have rules in favor of the statute's constitutionality or found that it is likely to be upheld by the Supreme Court. As stated in a brief per curiam opinion by the three senior appeals court judges who comprise the special court that appoints independent counsels:

> The independent counsel provisions are tailor-made to meet all the requirements envisioned by the Constitution.

I do not fault those individuals who have chosen to litigate the constitutionality of the independent counsel statute. It is their absolute right as a subject of such a proceeding to do so. But I do take issue with those in this body who urge any further delay in our deliberations over this reauthorization bill. I agree with the prior statement of my distinguished colleague from Maine that "time is of the essence that we pass and reenact this law."

The courts may work their will on this legislation; in fact the D.C. Circuit Court of Appeals is due to issue an opinion shortly that may directly relate to the constitutionality of the current law. But that ruling will by no means be dispositive; an en banc appeal to the entire circuit court and ultimate appeal to the Supreme Court are probable. The Senate has directed its legal counsel to defend this legislation in the courts. If we believe that we have acted wisely and constitutionally in the past, then we should proceed to reaffirm our commitment to the independent counsel process.

Let me turn to the details of the measure before us. First, let me congratulate Senator LEVIN, who, as chairman of the Governmental Affairs Subcommittee on Oversight of Government Management of the Committee on Government Affairs, had primary responsibility for review and revision of this legislation. The extensive oversight hearings he held to explore the constitutionality and operation of the independent counsel statute were a meaningful addition to the already lengthy legislative history of this measure. Let me also commend his colleagues, the distinguished chairman of the Government Affairs Committee, Mr. GLENN; the distinguished ranking member of that committee, Mr. ROTH; and the distinguished Senator from Maine, Mr. COHEN, for their hard work and determination to bring this matter to a vote by the full Senate.

While the Governmental Affairs Committee has legislative jurisdiction over the Ethics in Government Act and the Independent Counsel Reauthorization Act, the law itself gives the Judiciary Committee a significant role in the process of invoking the statute. Current law provides that a majority of either the majority members or the minority members of the Senate or House Judiciary Committees may submit a request to the Attorney General for the appointment of an independent counsel. Not later than 30 days after the receipt of such a request, the Attorney General must respond to the committee in writing, describing what actions have been taken with respect to the matter in question, and if appropriate, why the Department declines to request an independent counsel.

If experience is the measure, this provision has proven to be one of the most important means of ensuring that alleged wrongdoing by high Government officials—especially those personally or politically close to the President—is investigated, and where appropriate, prosecuted. In its report, the Governmental Affairs Committee lists eight cases, which since 1982, have resulted in the Justice Department's request for the appointment of an independent counsel. The sad truth is that the Senate Judiciary Committee was obliged to play a key role in four of those eight cases.

The amendments proposed by the Governmental Affairs Committee are constructive responses to the problems that have been identified. It is important to note that radical restructuring of the independent counsel process has not been suggested by the committee. Instead, this round of reauthorization hearings focused on problems in implementing the statute, encompassing both the actions of the Department of Justice in determining the need for an independent counsel and the appointment of an independent counsel by the special court.

The new language proposed by the committee would clarify Congress' intent with respect to the permissible scope of the Justice Department's actions when information that might lead to the appointment of an independent counsel is received. The bill makes clear that if the Attorney General fails to decide whether to conduct a preliminary investigation within 30 days after receipt of such information and if he or she later decides not to conduct a preliminary investigation, that a written report must be filed with the special court explaining the basis for that decision. Hopefully, this will give the appropriate oversight committees in the Congress and the public a better means of evaluating the Department's actions.

Experience has also shown that the jurisdiction of an independent counsel may have to be expanded beyond that originally spelled out by the special court making the appointment. In one instance, my independent counsel has on her own motion sought to expand the scope of her inquiry; in another, subsequent events demonstrated the need for an independent counsel to consider other issues beyond the narrow mandate originally granted by the Court. Under existing law, an independent counsel may ask either the Attorney General or the special court for expanded authority to investigate new but related matters. However, the special court's restrictive interpretation of these provisions in the case of in re Olson limited these requests to cases in which the Attorney General had not previously denied the request for broader jurisdiction.

This leglislation addresses this problem by establishing a new procedure in the event expanded jurisdiction is sought. An independent counsel must present a request for expanded jurisdiction first to the Attorney General, who is required to conduct a preliminary investigation of the new matter within 30 days. After this investigation, the Attorney General must decide whether to grant the request for expended jurisdiction, to request the appointment of another independent counsel or to close the matter because there are no reasonable grounds to believe that further investigation is warranted. The Attorney General is directed to give great weight to the recommendations of the independent counsel. Although this procedure may be somewhat cumbersome, it meets the separation of powers requirements of the Constitution and provides a means of dealing with what has become one of the most contentious issues surrounding the independent counsel process.

The distinguished Senator from Ohio intends to offer an amendment regarding expanded jurisdiction of an independent counsel investigation, which I wholeheartedly endorse. His amendment would establish an analogous procedure to that allowing the majority of either political party's members of the Senate or House Judiciary Committees to apply to the Attorney General for appointment of all independent counsel. The amendment would allow a similar application to expand the scope of an independent counsel's jurisdiction. I believe this will allow us to play the important watchdog role that has proven so essential to the commencement of independent counsel investigations.

Those individuals who are willing to accept the responsibility of an independent counsel appointment today find themselves under increasing attack. Oliver North, Michael Deaver, and other litigants have fired their salvos against the statute. Their counsel have mustered a host of arguments in a frontal attack on the statute's constitutionally. Simultaneously, the Reagan administration has launched a series of collateral maneuvers to undermine the independent counsel process, from criticizing the conduct of Whitney North Seymour's prosecution of the Deaver case to imposing broad conflict-of-interest restraints against those serving as independent counsels and their staffs.

The Justice Department has also offered a new interpretation of the statute's provision for good cause removal of an independent counsel. At hearings before the Senate Governmental Affairs Subcommittee on Oversight of Government Management, the Department's representative said that he believed that the President could fire any independent counsel who refused to comply with a Presidential order. No distinction was made for Presidential orders that may affect the very independence of the independent counsel.

These are just some examples of the administration's attempts to accomplish by indirect means that it could not attempt, for obvious political reasons, by direct means—that is, the undermining of the independent counsel statute. But these indirect attacks pose no less of a threat to the law.

Finally, the President has made the ultimate threat—to veto any legislation reauthorizing the independent counsel that is passed by the Congress.

In my view, the independent counsel statute can, should, and with withstand constitutional scrutiny. But beyond that, it is the responsibility of each of us to insure that this law continues in full force and effect. I believe I speak for the overwhelming majority of my colleagues when I say that a veto of this bill will not be sustained.

This legislation is not only constitutional, but it is sound policy. It cuts to the very heart of the public's faith in the integrity of our Government. I urge my colleagues to support the bill before us and to stand strong against any attempts to undermine this law which is so essential to maintenance of the public trust.

The PRESIDING OFFICER. Who yields time?

MOTION TO RECONSIDER VOTE ON AMENDMENT NO. 1120 LAID ON TABLE

Mr. LEVIN. Mr. President, I move to reconsider the vote by which the Hatch amendment (No. 1120) was rejected.

Mr. MATSUNAGA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, I'd like now to speak on the substance of the amendment by my friend from Colorado. While it does have some immediate appeal when you look at the words, when you analyze it a little further, it loses an awful lot of that appeal.

Right now, the Justice Department can prosecute Members of Congress, or, it has the option, if it wishes, to use an independent counsel in the event there is any conflict of interest.

My friend said that the Justice Department should have the opportunity to prosecute Members of Congress. That opportunity exists under current law and under the bill we have before us.

The problem with the Senator's amendment is that it would remove the discretion from the Justice Department to prosecute. Let me repeat it, because it is critical to this issue: the Senator's amendment would remove the Justice Department's discretion to prosecute Members of Congress.

The superficial appeal of the language before us is: Why not include Members of Congress? The answer is that the independent counsel statute was created because of the conflict of interest that exists when the Justice Department and the Attorney General investigate and prosecute high-level officials in the executive branch—people who are close to the President who appoints the Attorney General.

With the Saturday Night Massacre, we saw the Attorney General and then somebody who replaced him finally fire a special prosecutor, Archibald Cox, who was putting some heat on the President and who wanted those Presidential tapes. We had the President of the United States, acting through an Attorney General, fire that special prosecutor.

The whole reason for the independent counsel statute was that we do not want the conflict of interest or the appearance of conflict of interest to be created where you have an Attorney General being asked to investigate high-level officials in the executive branch—people with whom he works, people who are appointed by his boss.

That is not the situation when it comes to Members of Congress. There has been no reluctance, either in fact or in appearance, on the part of an Attorney General to investigate and prosecute Members of Congress. To put it perhaps most simply, there already is an independent counsel relative to allegations against Members of Congress. The independent counsel we have in this bill has to be created because, without it, there would not be an independent counsel to look into allegations against high-level members of the executive branch.

When it comes to the legislative branch, we already have such an independent counsel to look into those allegations—somebody we do not appoint, somebody who is not a colleague of ours. That independent counsel is the Attorney General of the United States.

So the difference between Members of Congress and high-level members of the executive branch is that there already exists in the law an independent counsel relative to Members of Congress, and that is the Attorney General of the United States.

Second, there is an ironic twist to my friend's amendment, because his amendment would remove the discretion of the Attorney General to prosecute us. How is that for an appearance of favoritism? He addresses one appearance of favoritism—and there is some superficial appeal to the language—by creating another appearance of favoritism. He would deny the discretion of the Justice Department to prosecute Members of Congress.

Under existing law and under this bill, the Attorney General has that option, to prosecute Members of Congress. My understanding of the pending amendment is that it would take away that option from the Attorney General. It would require that somebody else look into it, not the Attorney General of the United States.

One point that I think is important, and I do not know if I heard the Senator correctly on it, is that under our bill, the Justice Department does have the opportunity to prosecute Members of Congress, if he so wishes. We maintain that discretion for the Justice Department. He can go either way. He can either have the Justice Department investigate and prosecute Members of Congress, or, if he feels for some reason unable to do so, he can then seek the appointment of an independent counsel.

The amendment of the Senator from Colorado would remove that discretion and in the process, I believe, also create an appearance which we should not be creating—to take away from the Justice Department, a separate branch of Government, the right to investigate and prosecute Members of Congress. I do not think we want to create that impression, either.

So the argument is twofold against this amendment. One, there already exists an independent counsel, independent from Congress. It is the Attorney General and the Justice Department.

The second reason is that this amendment would create a very poor impression, that we want to insulate ourselves from the investigation and prosecution of the very Justice Department which has been created to look into allegations of wrongdoing on the part of people. It is only in a very limited group of situations that we should remove that discretion.

We have been very careful in the independent counsel statute—very careful, indeed—to have a narrow class of people who are covered. The statute covers only that group of people where there would be either a conflict of interest or an appearance of a conflict of interest, if the Attorney General were to investigate and prosecute.

This amendment would add 535 more people to a class of less than 100. It would add them even where there is no conflict of interest, and create a very poor impression in terms of favoritism in the process.

So I hope we defeat the amendment which is before us, because it is not consistent with the very purpose of the independent counsel statute and because of the impression it would create.

The PRESIDING OFFICER. Who yields time?

Mr. ARMSTRONG. Mr. President, unless there are others who desire recognition, I will shortly conclude my remarks, and I guess we have a fair amount of time left. It would be my hope we could yield it back and go to a vote.

If the purpose of debate in the Senate is to explain the issue under discussion, I think we have done that. The Senator from Michigan and I just happen to have completely opposite opinions.

I would just direct the attention of all Senators to page 35 of the bill. There are eight paragraphs of individuals who are covered by this law.

Now, maybe somebody thinks that people like the Commissioner of Internal Revenue ought to be held to a lower standard of accountability than Members of the U.S. Senate or the U.S. House of Representatives, but I do not think that. Maybe somebody thinks there is a better potential conflict of interest between the Justice Department and say the Central Intelligence Agency than there is between Justice and the Members of Congress, particularly those who sit on the committees that actually authorize the expenditure for and write the appropriations for the very agency which would otherwise be called upon to perform an investigative function, but I do not think that.

In the main, Mr. President, it is my belief that the Justice Department is going to do its job and prosecute anyone who is in need of prosecution. That is whether it is the Commissioner of Internal Revenue or whether it is a U.S. Senator, but when occasions arise that call into doubt the propriety of such an investigation, then the bill sets out some very specific procedures under which, if the Attorney General is given information, he must make a threshold determination of whether or not a special counsel is necessary, file a written report, and so on.

It gets down to this: Do we want to treat the Members of Congress the same as or different than the President, the Vice President, the Attorney General, the Assistant Attorney General, the Director of the Central Intelligence Agency, the Deputy Director of the Central Intelligence Agency, and so on?

My friend from Michigan makes the point it is discretionary at present. That is true. But you know if we took out all of the eight paragraphs of people named in the bill at the present, then it would be discretionary for everyone. Maybe we do not need a special prosecutor. I have real doubt about that. Honestly, I am not entirely convinced that this is a procedure that is needed. Very often there are times perhaps when it is.

But I am convinced of this, that if we are really talking about conflicts of interest, then the possibility of political alliances that make difficult appropriate prosecution or creates the impression of impropriety, those are more likely to pass actually between the Attorney General's office and some of the members and committees of Congress than they are in the executive branch. At least we should not hold legislators to a lower standard of accountability.

Mr. President, I am ready to yield back time if Senators on the other side are prepared to do so.

The PRESIDING OFFICER. Who yields time?

Mr. COHEN. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Maine.

Mr. COHEN. Mr. President, I rise in opposition to this amendment. At the appropriate time I will offer a motion to table it.

The argument has been made that we should not have Congress held to a different standard of liability than any member of the executive branch and, of course, that is a falacious suggestion that we are somehow held to a different standard. We are held to the same standard of criminal law as is any member of the executive branch.

This legislation has to do with procedure, and we have come collectively over the years, for the past 9 years, to the conclusion that when certain high level administration officials are alleged to have engaged in violations of our criminal laws, then for not only appearance sake, but for the real situation in which there is a conflict, we ought not to have the Department of Justice or the Attorney General investigating or even indeed prosecuting those individuals because the doubt would remain about the validity of the conclusion reached.

That is why we have the 1978 law passed: to remove that doubt from the mind of the public that somehow preferential treatment has been granted to the very people who are called upon to investigate their friends and the friends of the President of the United States.

I offered, I might add, during the Iran-Contra hearings at least one suggestion which I knew at the time would fall on deaf ears. That is that we remove the Attorney General from the position of being a friend of the President.

Historically we have seen it over and over again. The President of the United States calls upon his close, either personal attorney, confidant, or friend, to assume the highest position of the administration of justice. That in my judgment creates a problem whenever there are allegations of wrongdoing directed against an administration.

One way to remove the need for an independent counsel law whatsoever is to have people who are appointed who are respected for their independence and not for their allegiance to the President's philosophy or friendship. That would remove the need for this law.

That is not about to happen. It has not happened in this administration or those in the past with the possible exception of the Ford administration in which they had a University of Chicago professor, a very esteemed individual, who had no ties politically or personally to the President.

What we have here is a situation where there is no inherent conflict of interest in terms of the Attorney General or the Justice Department investigating and prosecuting Members of Congress.

As Senator LEVIN has mentioned, history is rather replete with evidence of the administration investigating Members of Congress. There are about 71 Members of Congress who have been investigated and prosecuted by the Jusitce Department, and that is not counting Abscam or Congressman BIAGGI.

So I think the evidence is rather clear that the Jusitce Department, when there are sufficient allegations about wrongdoing, has been fairly vigorous in their investigation and prosecution.

What really is underlying much of this, not from the Senator from Colorado—I respect his motives and what he is seeking to do—is what I have heard from other Members who are concerned that we are not quite vigorous enough, that the Justice Department has not gone after enough of the Members over in the House. I will not mention their names at this time. They want a little more vigorous prosecution of certain Members of Congress.

The fact is that this Justice Department can prosecute any Member of Congress it deems fit to prosecute, based upon the allegations and the evidence. And there is no inherent conflict and we have to constantly stress that.

Second, as I mentioned, the history is replete with examples of Members being prosecuted. I ask unanimous consent that a report of those who have been prosecuted be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

FINAL REPORT OF THE SELECT COMMITTEE TO STUDY UNDERCOVER ACTIVITIES OF COMPONENTS OF THE DEPARTMENT OF JUSTICE

APPENDIX F—SELECTED CASES OF CRIMINAL PROSECUTIONS OF MEMBERS OF CONGRESS, 1798–1981

Rep. Robert E. Bauman, 1973–1980

Following a complaint registered by a District of Columbia police officer, an FBI investigation reported that Rep. Bauman had had sexual encounters with male juveniles. On October 3, 1980, Rep. Bauman was charged with soliciting sex from a minor. On that date Rep. Bauman pleaded not guilty in the District of Columbia Superior Court. On March 31, 1981, charges against Mr. Bauman were dropped after he had successfully completed a six-month first offender and alcohol rehabilitation program. (*Washington Star*, Oct. 3, 1980, pp. A1, A8, *Washington Post*, Apr. 3, 1981, p. B3.)

Rep. Frank W. Boykin, 1935–1963

On October 16, 1962, Rep. Boykin was indicted for violating 18 U.S.C. § 281 (conflict of interest) and 18 U.S.C. § 371 (conspiracy to defraud the Government). The indictment alleged that Rep. Boykin had attempted to influence the Department of Justice to dismiss indictments against a Maryland savings and loan association for mail fraud charges. *(See Rep. Thomas F. Johnson, below).* Rep. Boykin was convicted in Federal district court in Baltimore on June 13, 1963. On October 7, Rep. Boykin was placed on six months' probation and fined $40,000. He was pardoned by President Lyndon Johnson on December 17, 1965. (38 *Cong. Quart. Weekly Rept.* 341 (Feb. 9,1980).)

Rep. Ernest K. Bramblett, 1947–1955

On June 17, 1953, Rep. Bramblett was indicted on eighteen counts of making false statements in violation of 18 U.S.C. § 1001 (1952). The indictment charged that Rep. Bramblett had misrepresented a person as being a clerk on his staff who turned her salary over to Rep. Bramblett. On February 9, 1954, Rep. Bramblett was convicted on seven counts and acquitted of eleven in the Federal District Court for the District of Columbia. The court stayed sentencing pending the construction of "department or agency" as used in 18 U.S.C. § 1001 (*U.S.* v. *Bramblett*, 120 F. Supp. 857, D.C.D.C. 1954; *rev'd*, 348 U.S. 503 (1955)).

On June 15, 1955, Rep. Bramblett received a suspended sentence of four-to-twelve-months imprisonment and a fine of $5,000. On January 19, 1956, the Court of Appeals held that prosecution of Rep. Bramblett was not barred by the statute of limitations (*Bramblett* v. *U.S.*, 231 F.2d 489, D.C. Cir. 1956; *cert. den.*, 350 U.S. 1015 (1956)).

Rep. Frank J. Brasco, 1967–1975

Rep. Brasco was indicted on October 23, 1973, for conspiracy (18 U.S.C. § 371) to violate the bribery status (18 U.S.C. §§ 201, 203). Rep. Brasco had allegedly conspired to receive bribes from an individual who sought truck-leasing contracts from the U.S. Postal Service as well as loans to buy trucks. On July 19, 1974, Rep. Brasco was convicted in the Federal District Court for the Southern District of New York and, on October 22, sentenced to five years imprisonment (of which all but three months were suspended) and fined $10,000. Motion for a new trial because of improper jury sequestration was denied on November 22, 1974 (*U.S.* v. *Brasco*, 385 F. Supp. 966 (S.D.N.Y. 1974); *aff'd*, 516 F.2d 816 (2d. Cir. 1975); *cert. den.*, 423 U.S. 860 (1975)).

Rep. Walter E. Brehm, 1943–1953

On December 20, 1950, Rep. Brehm was indicted on seven counts of violating 18 U.S.C. § 208, prohibiting a Member of Congress from accepting political contributions from government employees. The indictment charged that Rep. Brehm had accepted cash contributions from two clerks in his congressional office. Convicted on April 30, 1951, on the charge involving one employee, Rep. Brehm received a five-to-fifteen-month suspended sentence and a $5,000 fine on June 11. Rep. Brehm's conviction was upheld in April 24, 1952 (*Brehm* v. *U.S.*, 196 F.2d 769 (D.C. Cir. 1952); *cert. den.*, 344 U.S. 838 (1952)).

Sen. Daniel B. Brewster, 1963–1969

Sen. Brewster was indicted on December 1, 1969, on five counts of soliciting and accepting bribes while in office in violation of 18 U.S.C. § 201. The indictment alleged that

Sen. Brewster had received $19,000 to influence postal rate legislation and $5,000 for acts already performed concerning such legislation. On October 9, 1970, the Federal District Court for the District of Columbia dismissed the indictment on the grounds that Sen. Brewster's actions were protected by the Speech and Debate Clause. The Supreme Court reversed and remanded this decision (*U.S.* v. *Brewster*, 408 U.S. 501 (1972)).

On November 17, 1972, Mr. Brewster was convicted on three counts of accepting illegal gratuities and was sentenced to two to six years' imprisonment and fined $30,000 on February 2, 1973. Subsequently, the Court of Appeals reversed the conviction for improper jury instructions (*U.S.* v. *Brewster*, 506 F.2d 62 (D.C. Cir. 1974)). On June 25, 1975, Mr. Brewster pleaded no contest and was fined $10,000.

Rep. J. Herbert Burke, 1967–1978

On May 26, 1978 Rep. Burke was arrested for intoxication, resisting arrest, and trying to influence a witness as a result of a scuffle in a Fort Lauderdale, Florida, bar. Rep. Burke pleaded guilty to the first two charges and no contest to the third and received a sentence of three months' probation on September 26, 1978. (38 *Cong. Quart. Weekly Rept.* 342 (Feb. 9, 1980)).

Sen. Joseph R. Burton, 1901–1906

Sen. Burton was indicted on nine counts of violating R.S. § 1782, prohibiting a government official from receiving compensation for participating in a proceeding in which the United States is a party. The indictment arose from Sen. Burton's allegedly accepting payment for representing a company before the Post Office Department in a mail fraud case between November 22, 1902, and March 26, 1903. Sen. Burton's conviction in the Federal District Court for the Eastern District of Missouri was reversed on the grounds that the offenses charged had not been committed in Missouri where the trial was held (*Burton* v. *U.S.*, 196 U.S. 283 (1905)).

Reindicted on eight counts of violating R.S. § 1782, Sen. Burton was convicted, sentenced to two to six months' imprisonment, and fined $2,500. The Supreme Court upheld the conviction (*Burton* v. *U.S.*, 202 U.S. 344 (1906)).

Rep. Charles J. Carney, 1970–1978

On November 12, 1980, former Rep. Carney was indicted on one count of accepting an illegal gratuity. During his service in Congress, Mr. Carney had allegedly received free use of gasoline credit cards from the Lyden Oil Company. Finding the evidence insufficient to hold the indictment, the Federal District Court for the District of Columbia dismissed the case on November 23, 1981. (*Washington Post*, Nov. 13, 1980, p. 815; 39 *Cong. Quart. Weekly Rept.* 2369, (Nov. 28, 1981).)

Rep. Frank M. Clark, 1955–1974

As a result of a two-year investigation by the FBI and the Internal Revenue Service, former Rep. Clark was indicted on September 5, 1978, on thirteen counts of mail fraud, perjury, and income tax evasion. The indictment charged that from 1971 to 1975 Mr. Clark had placed employees on his congressional staff to do private and campaign work for him, mailed payroll checks, gave false testimony to a Federal grand jury, and evaded income taxes from 1972 to 1974. After pleading guilty to the mail fraud and income tax evasion charges, Mr. Clark had the other charges dropped, receiving a sentence of two years in prison, and was fined $11,000. (*Washington Post*, Sept. 6, 1978, p. A6; 38 *Cong. Quart. Weekly Rept.* 342 (Feb. 9, 1980).)

Rep. William C. Cramer, 1955–1971

On June 28, 1969, Rep. Cramer was charged with the misdemeanor of leaving the scene of an accident without furnishing the required information after he ran a red light and struck another car. The charge was dropped in Arlington (Va.) County Court on August 27, 1969. (*Washington Star*, Aug. 28, 1969, p. B4.)

Rep. James M. Curley, 1911–1914, 1943–1947

On September 16, 1943, Rep. Curley was indicted for violating the mail fraud statute (18 U.S.C. § 338) and conspiracy (18 U.S.C. § 88). The indictment charged that Rep. Curley had fraudulently procured government war work and housing construction contracts for a business with which he was connected. The Federal District Court for the District of Columbia voided the indictment on November 1, 1943, on the grounds that the grand jury had been illegally summoned.

Reindicted on January 3, 1944, Rep. Curley was convicted on January 18, 1946, sentenced to six to eight months' imprisonment, and fined $1,000 (*aff'd*, *Curley* v. *U.S.*, 160 F.2d 229 (D.C. Cir. (1947); *cert. den.*, 331 U.S. 837 (1947); *reh. den.*, 331 U.S. 869 (1947)). On November 26, 1947, President Harry Truman commuted the remainder of Mr. Curley's sentence.

Rep. Edward E. Denison, 1915–1931

Rep. Denison was charged with illegal possession of an intoxicating beverage in his office on November 19, 1929. The Superior Court for the District of Columbia sustained a demurrer to the indictment on June 30, 1930. (*New York Times*, July 1, 1930, p. 31.)

Sen. Charles H. Dietrich, 1901–1905

On September 17, 1903, Sen. Dietrich was indicted on five counts for violating R.S. § 1781 (accepting bribes for a government appointment), R.S. § 3739 (holding a government contract while a Senator), and R.S. § 5440 (conspiracy to defraud the government). The indictment alleged that Sen. Dietrich has procured a postmaster's position for a certain individual in 1901 and had held a contract with the Post Office for the use of a building which he owned. At trial a directed verdict of not guilty was entered on three counts because Sen. Dietrich was not a Member of Congress when the acts were committed and nolle prosequi was entered on two counts (*U.S.* v. *Dietrich*, 126 F. 676 (D. Neb. 1904)).

Rep. Charles C. Diggs, Jr. 1955–1981

Rep. Diggs was indicted on March 23, 1978, on thirty-five counts of mail fraud (18 U.S.C. § 1341) and of making false statements to the government (18 U.S.C. § 1001). The grand jury accused Rep. Diggs of illegally diverting more than $60,000 of his staff's salaries to his personal use. On October 7, 1978, Rep. Diggs was convicted on twenty-nine counts and, on November 20, sentenced to three years' imprisonment pending an appeal which affirmed his conviction (*U.S.* v. *Diggs*, 613 F.2d 988 (D.C. Cir. 1979); *cert. den.*, 446 U.S. 982 (1980)).

Rep. John Dowdy, 1952–1973

On March 31, 1970, Rep. Dowdy was indicted on eight counts of violating 18 U.S.C. § 371 (conspiracy to violate 18 U.S.C. § 203 (conflict of interest) and 18 U.S.C. § 1505 (obstruction of justice)), 18 U.S.C. § 1952 (interstate travel to facilitate bribery), and 18 U.S.C. § 1621 (perjury). The indictment arose from Rep. Dowdy's allegedly taking payments from a Maryland home improvement firm accused of defrauding its customers in return for intervening in an investigation of the firm by the Department of Justice. Evidence supporting the indictment was gathered during January, 1970, from court-ordered wiretapping by the FBI.

The Federal Court of Appeals for the Fourth Circuit dismissed Rep. Dowdy's appeal from the indictment on the grounds of immunity on September 1, 1970 (*cert. den.*, 401 U.S. 972 (1971)). On December 31, Rep. Dowdy was convicted on all counts and on January 23, 1972, sentenced to eighteen months' imprisonment and a fine of $25,000. On appeal, Rep. Dowdy's conviction was reversed on the conspiracy, bribery, and two perjury counts but affirmed on three counts of perjury (*U.S.* v. *Dowdy*, 479 F.2d 213 (4th Cir. 1973); *cert. den.* 414 U.S. 823, 866 (1973); 414 U.S. 1117 (1973)). In its opinion the Court of Appeals held that the wiretapping did not violate Rep. Dowdy's Fourth Amendment rights and did not constitute entrapment (479 F.2d 213, 238–30).

Rep. Joshua Eilberg, 1967–1979

On October 24, 1978, Rep. Eilberg was indicted for illegally accepting compensation for allegedly helping a Philadelphia hospital receive a $14.5 million Federal grant. Rep. Eilberg pleaded guilty on February 24, 1979, and was sentenced to five years' probation and fined $10,000. (38 *Cong. Quart. Weekly Rept.* 342 (Feb. 9, 1980).)

Rep. Daniel J. Flood, 1945–1947, 1949–1953, 1955–1980

On September 9, 1978, Rep. Flood was indicted on three counts of perjury charging that he had lied to the grand jury about payoffs made to him and a former aid. On October 12, Rep. Flood was indicted on ten additional counts of bribery and conspiracy in connection with his allegedly receiving $60,000 in bribes between 1971 and 1976 for using his influence as Chairman of the Labor-HEW Appropriations Subcommittee to benefit private parties and foreign governments. After trial in Federal District Court for the District of Columbia for conspiracy (18 U.S.C. § 371), bribery (18 U.S.C. §§ 2(b), 201(c)), and false declaration (18 U.S.C. § 1623), the jury failed to reach a unanimous verdict, resulting in the declaration of a mistrial on February 3, 1979. On February 26, 1980, Rep. Flood pleaded guilty to defrauding the government and received a sentence of one year's probation. (38 *Cong. Quart. Weekly Rept.* 342 (Feb. 9, 1980); 36 *Cong. Quart. Almanac* 518 (1980).)

Rep. George Foulkes, 1933–1935

During 1934–1935 Rep. Foulkes was indicted and convicted of conspiracy to assess political contributions from postmasters. On conviction Rep. Foulkes received a sentence of eighteen months and a fine of $1,000. (Washington Post, Nov. 9, 1948, p. 9).

Rep. James G. Fulton, 1945–1971

On March 30, 1970, Rep. Fulton was arrested for failure to control his vehicle, causing an accident, and driving while under the influence of alcohol near Miami, Florida. Research has uncovered no further details of the outcome of this incident. (*New York Times*, Mar. 31, 1970. p. 18.)

Rep. Cornelius Gallagher, 1959–1973

On April 7, 1972, Rep. Gallagher was indicted for Federal income tax evasion, perjury, and conspiracy. The indictment charged that Rep. Gallagher had evaded over $100,000 in income tax payments, committed perjury as to ownership of certain bonds, and conspired to conceal kickbacks for assisting co-conspirators in tax evasion. Rep. Gallagher pleaded guilty to the income tax evasion charge on December 21, 1972, and received a two-year prison sentence and a $10,000 fine on June 15, 1973. (38 *Cong. Quart. Weekly Rept.* 341 (Feb. 9, 1980); *Washington Post,* Apr. 22, 1972, p. A2.)

Rep. Edward A. Garmatz, 1947-1973

After a two-year investigation of corruption in the shipping industry by Federal prosecutors in New Jersey, former Rep. Garmatz was indicted on August 1, 1977, for bribery and conspiracy. The indictment alleged that Mr. Garmatz had accepted up to $15,000 in 1972 from shipping companies for facilitating legislation beneficial to them while he chaired the Committee on Merchant Marine and Fisheries. The Department of Justice dropped the case when it learned that a key witness had committed perjury and forgery. (38 *Cong. Quart. Weekly Rept.* 342 (Feb. 9, 1980); 35 *Cong. Quart. Weekly Rept.,* 1666 (Aug. 6, 1977).)

Rep. William J. Green, Jr., 1945-1947, 1948-1963

On December 14, 1956, Rep. Green was indicted for conspiracy to defraud the government by allegedly accepting money and business from contracts in return for influencing decisions on construction of an Army Signal Corps depot in Tobyhanna, Pennsylvania. He was acquitted on February 27, 1959. (38 *Cong. Quart. Weekly Rept.* 340-341 (Feb. 9, 1980).)

Sen. Edward J. Gurney, 1969-1975

A Florida grand jury indicted Sen. Gurney on April 6, 1974, for a misdemeanor violation of the State campaign finance law. A Leon County court dismissed the indictment on May 17 for vagueness.

On August 10, 1974, Sen. Gurney was indicted by a Federal grand jury for conspiracy, perjury, and soliciting bribes. Sen. Gurney had allegedly sought campaign contributions from Florida builders with business pending before the Department of Housing and Urban Development. In a trial before a Federal district court in Florida, Sen. Gurney was acquitted of soliciting bribes and the jury failed to reach a verdict on conspiracy and perjury charges on August 6, 1975. Sen. Gurney was acquitted of a final charge of perjury on October 27, 1976. (38 *Cong. Quart. Weekly Rept.* 340 (Feb. 9, 1980).)

Rep. Richard T. Hanna, 1963-1974

On October 14, 1977, former Rep. Hanna was indicted for conspiracy to defraud the government based on his alleged dealings with a South Korean businessman. Mr. Hanna pleaded guilty to the charge on March 17, 1978. (38 *Cong. Quart. Weekly Rept.* 342 (Feb. 9, 1980).)

Rep. George V. Hansen, 1965-1969, 1975-

On February 19, 1975, Rep. Hansen pleaded guilty to two misdemeanor counts of violating the Federal Election Campaign Act of 1971 by failing to file a campaign finance report and filing an erroneous report in 1974. In April Rep. Hansen was given a ten-month suspended sentence, a year's probation, and a fine of $2,000. (38 *Cong. Quart. Weekly Rept.* 341 (Feb. 9, 1980).)

Rep. James F. Hastings, 1969-1976

Rep. Hastings was indicted on September 21, 1976, on twenty-six counts of mail fraud and nine counts of filing false vouchers. The indictment alleged that Rep. Hastings had received kickbacks from the salaries of three staffers from 1969 to 1975. On December 17, Rep. Hastings was convicted on twenty-eight counts of the indictment. (38 *Cong. Quart. Weekly Rept.* 342 (Feb. 9, 1980); *New York Times,* Sept. 22, 1976, p. 35; *Washington Star,* Sept. 22, 1976, p. A5.)

Rep. Henry J. Helstoski, 1965-1977

On June 2, 1976, Rep. Helstoski was indicted on twelve counts of bribery (18 U.S.C. § 201) and conspiracy (18 U.S.C. § 371). The indictment charged Rep. Helstoski with soliciting and obtaining bribes from resident aliens in return for facilitating legislation on their behalf. On February 23, 1977, the Federal District Court for New Jersey denied Rep. Helstoski's motion to dismiss the indictment, but stated that the Speech and Debate Clause precluded the government's using past legislative acts as evidence (*aff'd, U.S.* v. *Helstoski,* 576 F.2d 511 (3rd Cir. 1978); *aff'd,* 442 U.S. 477 (1979); *see also Helstoski* v. *Meaner,* 442 U.S. 500 (1979)). Consequently, seven counts of the twelve-count indictment were dismissed on September 22, 1979; the final five were dismissed on February 27, 1980 (*aff'd, U.S.* v. *Helstoski,* 635 F.2d 200 (3rd Cir. 1980)).

Rep. Philemon T. Herbert, 1855-1857

Rep. Herbert was indicted for manslaughter in May, 1856, following the shooting death of a hotel waiter in the District of Columbia. He was acquitted in July of the same year. (Hinds' *Precedents of the House of Representatives,* § 1277; 1857 Cong. Globe 843.)

Rep. Binger Hermann, 1885-1897, 1903-1907

Rep. Hermann was indicted on December 31, 1904, for conspiracy to defraud the United States of public lands and again on March 4, 1905, for destroying public records on leaving office as Commissioner in the Land Office. The indictments were subsequently dismissed. (New York Times, Jan. 1, 1905, p. 1)

Rep. Andrew J. Hinshaw, 1973-1977

Rep. Hinshaw received two indictments from a California State grand jury on May 6, 1975. The first charged Rep. Hinshaw with soliciting a bribe, accepting bribes, embezzlement, and misappropriation of public funds. Allegedly Rep. Hinshaw had accepted money and equipment from a stereo company to influence his official conduct and had embezzled funds as assessor of Orange County. The second indictment accused Rep. Hinshaw of conspiracy, grand theft, and embezzlement in connection with is allegedly using staff for the assessor's office to work on his campaign for election to the House of Representatives.

On October 10, 1975, the Superior Court of California, Orange County, dismissed the charges of embezzlement and missappropriation of public funds from the first indictment. Rep. Hinshaw was then convicted of bribery but acquitted of soliciting a bribe on January 26, 1976. On February 14, he was sentenced to one to fourteen years in prison; the conviction was upheld by the California Court of Appeals, Fourth Appellate District, and the U.S. Supreme Court (*Hinshaw* v. *Superior Ct. of Cal., Cty. of Orange,* 429 U.S. 1039 (1977). On December 3, 1976, Rep. Hinshaw was convicted of misappropriation of public funds and petty theft as the result of the second indictment. (38 *Cong. Quart. Weekly Rept.* 341 (Feb. 9, 1980); H. Rept. 94-1477.)

Rep. Jon C. Hinson, 1979-1981

On February 4, 1981, Rep. Hinson was arrested for allegedly committing sodomy in a House of Representatives office building men's room that was under surveillance by the Capitol Police because of numerous complaints. Rep. Hinson pleaded no contest on May 28 in Superior Court for the District of Columbia to a reduced charge of attempted oral sodomy and was given a suspended sentence of thirty days in jail and one year's probation. (36 *Cong. Quart. Almanac* 518 (1980); 37 *Cong. Quart. Almanac* 385 (1981).)

Rep. John H. Hoeppel, 1933-1936

Rep. Hoeppel was indicted for conspiracy to violate 18 U.S.C. § 150 (soliciting or accepting payment for using influence in obtaining a government appointment). The indictment charged that in 1934 Rep. Hoeppel had conspired to solicit payment for a nomination to the United States Military Academy. Rep. Hoeppel was convicted in the Supreme Court of the District of Columbia (*aff'd Hoeppel* v. *U.S.,* 85 F.2d 372 (D.C. Cir. 1936); *cert. den.,* 299 U.S. 577 (1936)).

Rep. Frank Horton, 1963-

On July 18, 1976, Rep. Horton was arrested for reckless driving, driving while intoxicated, and speeding near Rochester, New York. Rep. Horton pleaded guilty, received a sentence of eleven days in jail and a $200 fine, and had his driver's license revoked on August 31, 1976. (34 *Cong. Quart. Weekly Rept.* 2031, 2495 (July 21, Sept. 11, 1976).)

Rep. Allan T. Howe, 1975-1977

For allegedly approaching two Salt Lake City policewomen posing as prostitutes, Rep. Howe was arrested on June 12, 1976, for solicitation of sex for pay. On July 23, Rep. Howe was convicted in Salt Lake City Court and sentenced to thirty days in jail and a fine of $150. Sentence was suspended pending an appeal to the District Court which, on August 24, resulted in conviction, a suspended sentence of thirty days, and assessment of court costs. (38 *Cong. Quart. Weekly Rept.* 342 (Feb. 9, 1980); *New York Times,* Aug 26, 1976, p. 26)

Rep. Theodore L. Irving, 1949-1953

On June 8, 1951, Rep. Irving was indicted for violation of the Corrupt Practices Act and the Taft-Hartley Act for alleged misuse of funds of the labor union he headed in his campaign in 1948 for election to the House of Representatives. He was acquitted on December 28. (38 *Cong. Quart. Weekly Rept.* 340 (Feb. 9, 1980.)

Rep. John W. Jenrette, Jr. 1975-1980

Rep. Jenrette was involved in the Department of Justice ABSCAM investigation of various Members of Congress conducted in 1979-1980 that made use of informants, undercover agents, wiretapping, and audio/visual tapes. On June 13, 1980, Rep. Jenrette was indicted on two counts of bribery (18 U.S.C. § 201) and one count of conspiracy (18 U.S.C. § 371). The indictment charged Rep. Jenrette with accepting bribes in return for promising assistance in introducing immigration legislation to benefit "Arab businessmen." Rep. Jenrette was convicted on all counts on October 7, 1980, in the Federal District Court for the District of Columbia. (H. Rept. 96-1537, v. 1.)

Rep. Thomas F. Johnson, 1959-1963

On October 16, 1962, Rep. Johnson was indicted on eight counts of conspiracy (18 U.S.C. § 371) and conflict of interest (18 U.S.C. § 281). The indictment alleged that Rep. Johnson had received more than $20,000 for giving a speech in the House of Representatives favorable to savings and loan institutions and dealing with the U.S. Attorney General and an Assistant Attorney General in an attempt to obtain dismissal of an indictment against a Maryland savings and loan association for mail fraud. (*See Rep. Frank W. Boykin, above.*)

On February 28, 1963, the Federal District Court for Maryland held that prosecution of Rep. Johnson was not barred by congressional privilege or by the Speech and Debate Clause (*U.S. v. Johnson et al.*, 215 F. Supp. 300 (D. Md. 1963)). Although Rep. Johnson was convicted on June 13, 1963, the Court of Appeals reversed and ordered a new trial on the grounds that prosecution was indeed barred by the Speech and Debate Clause (*U.S. v. Johnson et al.*, 337 F.2d 180 (4th Cir. 1964); aff'd, 383 U.S. 169 (1966)). On retrial in January, 1968, Mr. Johnson was convicted of conflict of interest and sentenced to six months in prison.

Rep. James R. Jones, 1973-

Rep. Jones pleaded guilty to a misdemeanor campaign violation on January 29, 1976, in Federal District Court for the District of Columbia for his alleged failure to report corporate campaign contributions in 1972. On March 16 he was fined $200. The charge against Rep. Jones grew out of an investigation by the Watergate Special Prosecutor's Office. (38 *Cong. Quart. Weekly Rept.* 341-342 (Feb. 9, 1980); *New York Times*, Jan. 30, 1976, p. 11.)

Rep. Richard Kelly, 1975-1980

Rep. Kelly was involved in ABSCAM (*see Rep. John W. Jenrette, Jr., above*). On July 15, 1980, Rep. Kelly was indicted for bribery (18 U.S.C. § 201), conspiracy (18 U.S.C. § 371), and violation of the Travel Act (18 U.S.C. § 1952). Rep. Kelly had allegedly received $25,000 to facilitate immigration legislation. Convicted before the Federal District Court for the District of Columbia on January 26, 1981, Mr. Kelly had his motion for dismissal of the indictment and acquittal granted on the grounds that the government violated due process in its investigation (*U.S. v. Kelly et al.*, Cr. No. 80-00340 (D.C.D.C. May 13, 1982)).

Rep. Thomas J. Lane, 1941-1963

On March 5, 1966, Rep. Lane was indicted for Federal income tax evasion. He pleaded guilty on March 30 and received a sentence of four months' imprisonment and a fine of $10,000. (38 *Cong. Quart. Weekly Rept.* 340 (Feb. 9, 1980)).

Rep. John W. Langley, 1907-1926

Rep. Langley was indicted in Kentucky for conspiracy to violate the National Prohibition Act by allegedly receiving loans for using his influence to obtain permits for a whiskey selling scheme. On May 13, 1924, Rep. Langley was convicted in the Federal District Court for the Eastern District of Kentucky and sentenced to two years' imprisonment (*aff'd, Langley* v. *U.S.*, 8 F.2d 815 (6th Cir. 1925); *cert. den.*, 269 U.S. 588 (1926)). Evidence also exists to the effect that Rep. Langley was indicted in the District of Columbia for an unspecified offense around this time. (Cannon's *Precedents of the House of Representatives*, § 238.)

Rep. A. Claude Leach, Jr., 1979-1980

On July 20, 1979, Rep. Leach was indicted for conspiracy (18 U.S.C. § 371), buying votes (42 U.S.C. § 1973i) and accepting illegal campaign contributions (2 U.S.C. § 441a) all in connection with his campaign for election to the House of Representatives in 1978. On November 3, 1979, Rep. Leach was acquitted of buying votes in the general election; on January 4, 1980, a Federal judge in Louisiana dropped the charge of vote-buying in the primary at the request of the prosecution. No details on the outcome of the campaign violation case were found. (38 *Cong. Quart. Weekly Rept.* 342 (Feb. 9, 1980).

Rep. Raymond F. Lederer, 1977-1981

Rep. Lederer was involved in ABSCAM (*see Rep. John W. Jenrette, Jr., above*). On May 28, 1980, Rep. Lederer was indicted for bribery, conspiracy, accepting an illegal gratuity, and interstate travel to aid racketeering. The indictment alleged that Rep. Lederer had accepted $50,000 to facilitate immigration legislation for "Arab businessmen." Rep. Lederer was convicted on January 9, 1981, in Federal District Court for the Eastern District of New York and sentenced to three years in prison and a fine of $20,000 on August 13.

A motion to dismiss the indictment on the grounds of prejudicial preindictment publicity had been denied on August 5, 1980 (*U.S.* v. *Lederer et al.*, 510 F. Supp. 319 (E.D.N.Y. 1980)). Another motion to overturn the conviction and dismiss the indictment on the grounds of entrapment *inter alia* was denied on June 24, 1981 (*Lederer et al* v. *U.S.*, 527 F. Supp. 1206 (E.D.N.Y. 1981)). Mr. Lederer has appealed from this decision.

Rep. Matthew Lyon, 1797-1801

Rep. Lyon was prosecuted for and convicted of violation of the Sedition Act in 1798. His fine was refunded to his heirs in 1840. (*Dictionary of American Biography*, vol. 6, p. 533).

Rep. Martin B. McKneally, 1969-1971

Rep. McKneally was indicted on December 16, 1970, for allegedly failing to file Federal income tax returns from 1964 to 1967. When, on October 18, 1970, Rep. McKneally pleaded guilty to failure to file in 1965, the other charges were dropped. On December 20, Rep. McKneally was given a one-year suspended sentence, placed on one year's probation, and fined $5,000. (38 *Cong. Quart. Weekly Rept.* 341 (Feb. 9, 1980).)

Rep. John L. McMillan, 1939-1973

On January 14, 1953, Rep. McMillan was indicated for violating a law prohibiting a Member of Congress from contracting with the government. The indictment alleged that Rep. McMillan had illegally leased oil and gas lands in Utah from the Department of the Interior. Rep. McMillan was acquitted on May 15, 1953. (38 *Cong. Quart. Weekly Rept.* (Feb. 9, 1980).)

Rep. Andrew J. May, 1931-1947

Rep. May was indicted on January 23, 1947, on four counts of conspiracy (18 U.S.C. § 371) to defraud the government by violating 18 U.S.C. § 281 which prohibits Members of Congress from receiving compensation in matters affecting the government. Rep. May had allegedly received $60,000 for using his influence with the War Department from 1942 to 1946 to promote the interests of a company involved in the production of war materials. On July 3, 1947, Rep. May was acquitted of one count and convicted on the other three (*Aff'd, May* v. *U.S.*, 175 F.2d 994 (D.C. Cir. 1946); *cert. den.*, 338 U.S. 830 (1949)).

Rep. M. Alfred Michaelson, 1921-1931

On October 17, 1928, Rep. Michaelson was indicted for violation of the Prohibition Amendment for allegedly importing liquor from Cuba to Florida in January, 1928. He was acquitted on May 9, 1929. (*New York Times*, Mar. 29, 1929, p. 1, May 9, 1929, p. 1.)

Sen. John H. Mitchell, 1885-1897, 1901-1905

Sen. Mitchell was indicted in 1904 for conspiracy and bribery. Allegedly, Sen. Mitchell had issued false statements and documents of ownership of public lands in Oregon in January, 1902, and had received $2,000 in March of that year to influence issuance of land patents based on false applications. Sen. Mitchell died on December 8, 1905, before final disposition of the case. (Hinds' *Precedents of the House of Representatives*, § 1278; William R. Tansill, "Members of Congress Who Were Indicted for Criminal Offenses . . .," Oct. 12, 1962, p. 1.)

Rep. John M. Murphy, 1963-1980

Rep. Murphy was involved in ABSCAM (*see Rep. John W. Jenrette, Jr., above*). On June 18, 1980, Rep. Murphy was indicted for conspiracy to demand and accept money to influence the performance of his official duties, bribery, acceptance of outside compensation for the performance of his official duties, aiding and abetting interstate travel to aid racketeering, and receiving an unlawful gratuity. The indictment charged that, consequence of agreements made by him with "Arab businessmen," Rep. Murphy had shared in the receipt of $50,000 to facilitate immigration legislation and had promised to use his position as chairman of the Committee on Merchant Marine and Fisheries to find investment opportunities for "Arab" shipping companies.

A motion to dismiss the indictment on the grounds of prejudicial preindictment publicity was denied on August 5, 1980 (*U.S.* v. *Thompson et al.*, 510 F. Supp. 319 (E.D.N.Y. 1980)). A second motion to dismiss on the basis of the Speech and Debate Clause was also denied (*aff'd, U.S.* v. *Murphy et al.*, 642 F.2d 699, (2d Cir. 1980)). On December 3, 1980, Rep. Murphy was convicted on all counts except the charges of bribery and aiding and abetting. He was sentenced to three years in prison and a $20,000 fine on August 13, 1981, after a motion to overturn the conviction on the grounds of entrapment *inter alia* was denied (*U.S.* v. *Thompson et al.*, 527 F. Supp. 1206 (E.D.N.Y.1981)). An appeal is pending.

Rep. Michael O. Myers, 1976-1980

Rep. Myers was involved in two criminal proceedings. First, on January 16, 1979, Rep Myers was charged with assault and battery of a cashier at a hotel bar in Arlington, Virginia. He pleaded no contest on April 10 and was given a six-month suspended sentence. (*Washington Post*, Jan. 18, 1979, p. A3; *Washington Star*, Apr. 10, 1979, pp. A1, A8.)

In addition, Rep. Myers was involved in ABSCAM (*see Rep. John W. Jenrette, Jr., above*). On May 27, 1980, Rep. Myers was indicted for bribery (18 U.S.C. § 201), conspiracy (18 U.S.C. § 371), and violation of the Travel Act (18 U.S.C. § 1952). The indictment alleged that Rep. Myers had accepted $50,000 to introduce private immigration bills and intervene with the State Department to permit "Arab businessmen" to remain in the United States.

A motion to dismiss the indictment on the grounds of prejudicial preindictment publicity was denied on August 5, 1950 (*U.S.* v. *Myers et al.*, 510 F. Supp. 319 (E.D.N.Y. 1980); *aff'd*, 635 F.2d 932 (2d Cir. 1980); *cert. den.* 449 U.S. 956 (1980)). Rep. Myers was convicted on August 30, 1980. A further motion to dismiss the indictment and reverse the conviction on the grounds of entrapment *inter alia* was denied (*U.S.* v. *Myers et al.*, 527 F. Supp. 1206 (E.D.N.Y. 1981)). On August 13, 1981, Rep. Myers was sentenced to three years in prison and fined $20,000. He has appealed.

Sen. Truman H. Newberry, 1919-1922

In 1919 Sen. Newberry was indicted for conspiracy to violate section 8 of the Federal Corrupt Practices Act. The indictment alleged that Sen. Newberry had conspired to spend more than $3,750 to secure election to the Senate between December, 1917, and November, 1918. Sen. Newberry was convicted, but the Supreme Court reversed on the grounds that the lower court erroneously overruled a demurrer challenging the constitutionality of section 8 (*Newberry* v. *U.S.*, 256 U.S. 232 (1921)).

Rep. Otto E. Passman, 1947-1977

On March 31, 1978, former Rep. Passman was indicted for bribery, conspiracy and Federal income tax evasion for allegedly accepting over $200,000 in illegal payments from a South Korean businessman. Mr. Passman was acquitted on April 1, 1979. (38 *Cong. Quart. Weekly Rept.* 342 (Feb. 9, 1980).)

Rep. Bertram L. Podell, 1968-1975

On July 12, 1973, Rep. Podell was indicted for conspiracy, bribery, perjury, and conflict of interest. The indictment charged that Rep. Podell had made false statements to the FBI, had lied to the grand jury, and had received $41,000 in legal fees and campaign contributions for influencing a Federal agency in a granting of an airline route. On October 1, 1974, Rep. Podell pleaded guilty to conspiracy and conflict of interest; he was sentenced to six months' imprisonment and fined $5,000. Denial by the Federal District Court for the Southern District of New York to withdraw the "guilty" pleas was upheld on June 24, 1975 (*U.S.* v. *Podell et al.*, 519 F.2d 144 (2d Cir. 1975); *cert. den.*, 423 U.S. 926 (1975)).

Rep. Adam C. Powell, Jr., 1945-1967, 1969-1971

Rep. Powell was twice the subject of criminal actions. On May 8, 1958, Rep. Powell was indicted for Federal income tax evasion. Two of three counts were subsequently dismissed and a mistrial on the third count was declared on April 22, 1960, because of a hung jury. The case was dismissed at the request of the U.S. attorney on April 13, 1961.

Rep. Powell was twice held in criminal contempt for failure to appear in court in a civil suit (*James* v. *Powell*, 52 Misc.2d 1048, 277 N.Y.S.2d 955, 962 (Sup. Ct. 1966)). Conviction for criminal contempt was modified to one for civil contempt (*aff'd, James* v. *Powell*, 32 A.D.2d 517, 298 N.Y.S.2d 840 (App. Div. 1969)).

Rep. Frederick W. Richmond, 1975-

On April 6, 1978, Rep. Richmond was charged in Superior Court of the District of Columbia with a misdemeanor for solicitation for prostitution. Rep. Richmond had allegedly offered an undercover police officer up to $100 for sexual favors in February. The undercover officer, carrying tape recording equipment, had met with Rep. Richmond after a youth had complained about earlier solicitations. When he was charged Rep. Richmond pleaded innocent; charges were dropped on May 3 after Rep. Richmond had completed the District of Columbia first offender program. (38 *Cong. Quart. Weekly Rept.* 342 (Feb. 9, 1980); *Washington Post*, Apr. 6, 1978, pp. A1, A10, Apr. 7, 1978, p. A4.)

Rep. Angelo D. Roncallo, 1973-1975

On February 21, 1974, Rep. Roncallo was indicted for extortion of political contributions. The indictment charged that, when he was comptroller of Nassau County, New York, in 1970, Rep. Roncallo had allegedly extorted contributions from an incinerator contractor. Rep. Roncallo was acquitted in the Federal District Court for the Eastern District of New York on May 17, 1974. (38 *Cong. Quart. Weekly Rept.* 341 (Feb. 9, 1980).)

Rep. Harry E. Rowbottom, 1925-1931

According to the scant information available, Rep. Rowbottom was indicted and convicted for accepting bribes from Post Office applicants in 1931. (*Washington Post*, Nov. 9, 1948, p. 9.)

Rep. Robert Smalls, 1875-1879

Rep. Smalls was arrested in October, 1877, and subsequently indicted in South Carolina for allegedly accepting a bribe on December 12, 1872, when he was a State senator. On November 8, 1877, Rep. Smalls' motion to have the case removed to Federal District Court was denied; his motion for release on the grounds that his arrest violated his privilege as a Member of Congress was also denied. Rep. Smalls was convicted and sentenced to five years' imprisonment. (Hinds' *Precedents of the House of Representatives*, § 2673.)

Sen. John Smith, 1804-1817

Sen. Smith was indicted for treason and misdemeanor in 1807 in the Federal Circuit Court in Virginia. Sen. Smith had been implicated in the conspiracy of Aaron Burr against the United States. Prosecution of Sen. Smith was dropped after the amount of evidence was found insufficient to find Burr guilty. (Sen. Doc. 92-7, p. 4; Hind's *Precedents of the House of Representatives*, § 1264.)

Rep. J. Parnell Thomas, 1937-1950

On November 8, 1948, Rep. Thomas was indicted for conspiracy to defraud the government. The indictment alleged that Rep. Thomas had padded his congressional payroll and had taken kickbacks from his staff. Rep. Thomas pleaded no contest on November 30, 1949, and received a sentence of six-to-eighteen months in prison and a fine of $10,000. (38 *Cong. Quart. Weekly Rept.* 340 (Feb. 9, 1980).)

Rep. Frank Thompson, Jr., 1955-1980

Rep. Thompson was involved in ABSCAM (*see Rep. John W. Jenrette, Jr., above*). On June 18, 1980, Rep. Thompson was indicted for conspiracy to demand and accept money to influence the performance of his official duties, bribery, acceptance of outside compensation for performance of his official duties, aiding and abetting interstate travel to aid racketeering, and aiding and abetting receipt of an unlawful gratuity. The indictment alleged that Rep. Thompson had agreed to share in the receipt of payments to facilitate private immigration legislation and to introduce "Arab businessmen" to other Members of Congress and that he had sought investments for these "businessmen."

A motion to dismiss the indictment on the grounds of prejudicial preindictment publicity was denied on August 5, 1980 (*U.S.* v. *Thompson et al.*, 510 F. Supp. 319 (E.D.N.Y. 1980)). A second motion to dismiss on the basis of the Speech and Debate Clause was also denied (*aff'd, U.S.* v. *Murphy et al.*, 642 F.2d 699 (2d Cir. 1980)). On December 3, 1980, Rep. Thompson was convicted; but he was found innocent of accepting outside compensation and the charge of aiding and abetting travel for racketeering was dropped. He was sentenced to three years in prison and a $20,000 fine on August 13, 1981, after a motion to overturn the conviction on the ground of entrapment *inter alia* was denied (*U.S.* v. *Thompson et al.*, 527 F. Supp. 1206 (E.D.N.Y. 1981). An appeal is pending.

Rep. Richard A. Tonry, 1977

On May 12, 1977, Rep. Tonry was indicted for violating Federal election law, obstructing justice, conspiring to obstruct justice, receiving illegal campaign contributions, and promising Federal patronage to contributors. Rep. Tonry has allegedly received campaign funds in excess of the legal amount, offered rewards of Federal employment, and encouraged others to lie to the grand jury. On July 1, 1977, Rep. Tonry pleaded guilty to four misdemeanors of conspiracy, receiving illegal campaign contributions, and promising favors in return for contributions; consequently, eleven felony charges were dropped. Rep. Tonry was sentenced to one year's imprisonment and fined $10,000. (*New York Times*, May 13, 1977, p. A10, July 2, 1977, p. 5; *Washington Post*, July 29, 1977, p. A8.)

Rep. J. Irving Whalley, 1960-1973

On July 5, 1973, Rep. Whalley was indicted for mail fraud and obstruction of justice. The indictment charged that Rep. Whalley had used the mail to deposit salary kickbacks from his congressional staff and had threatened an employee to prevent her giving information against him to the FBI. Rep. Whalley pleaded guilty in Federal District Court for the District of Columbia on July 31 and received a three-year suspended sentence and a fine of $11,000 on October 15. (38 *Cong. Quart. Weekly Rept.* 341 (Feb. 9, 1980).)

Sen. Burton K. Wheeler, 1923-1947

In April, 1924, Sen. Wheeler was indicted in Montana's Federal District Court for violation of R.S. § 1782 (prohibiting Members of Congress from receiving compensation for services in cases in which the United States is a party). Sen. Wheeler had allegedly accepted money for appearing on behalf of a client before the Department of the Interior to obtain oil leases. The indictment was subsequently dismissed. (Sen. Doc. 92-7, p. 114.)

Rep. B. Frank Whelchel, 1935-1945

In 1940 Rep. Whelchel was indicted for and acquitted of allegedly accepting money to obtain appointive offices for certain constituents. No further information on Rep. Whelchel's case is ready available (*Washington Post*, Nov. 9, 1948, p. 9)

Sen. Harrison A. Williams, Jr., 1959-1982

Sen. Williams was involved in ABSCAM (*see Rep. John W. Jenrette, Jr. above*). On October 30, 1980, Sen. Williams was indicted on nine counts of conspiracy to defraud the United States, bribery, receiving an unlawful gratuity, receiving illegal compensation, interstate travel to commit bribery, and interstate travel to aid racketeering. The indictment alleged that Sen. Williams had agreed to a business scheme involving receipt of a loan and stock certificates from "Arab businessmen" for a titanium mine and processing facility in return for using his influence to help the enterprise obtain favorable government contracts. Sen. Williams had also allegedly promised to introduce immigration legislation for the "businessmen."

On March 27, 1981, the Second Circuit Court of Appeals upheld on order of the Federal District Court for the Eastern District of New York denying dismissal of the indictment or release of the grand jury on the basis of violation of the Speech and

Debate Clause *inter alia* (*U.S.* v. *Williams,* 644 F.2d 950 (2d Cir. 1981)). Subsequently, on May 1, 1981, Sen. Williams was convicted on all counts. On December 22, Sen. Williams' motion to overturn the conviction and dismiss the indictment for violation of due process was denied (*U.S.* v. *Williams et al.,* 529 F. Supp. 1085 (E.D.N.Y. 1981)). An appeal is pending.

Rep. John N. Williamson, 1903-1907

On February 11, 1905, Rep. Williamson was indicted for violating R.S. § 5440 (conspiracy to defraud the United States). The indictment charged that Rep. Williamson had induced others to commit perjury in proceedings for the purchase of public lands in Oregon under the Timber and Stone Act. Rep. Williamson was convicted and sentenced to ten months' imprisonment in September, 1905. The Court of Appeals for the Ninth Circuit dismissed an appeal on March 11, 1907, on the grounds that Rep. Williamson had elected to appeal directly to the Supreme Court (*Williamson* v. *U.S.,* 153 F. 46 (9th Cir. 1907)). On appeal the Supreme Court reversed the conviction on the grounds that the indictment did not charge conspiracy to suborn perjury in the final proofs, so that the District Court had made a prejudicial error in instructions to the jury on that point (*Williamson* v. *U.S.,* 207 U.S. 425 (1908)).

Rep. Wendell Wyatt, 1964-1975

After an investigation by the Watergate Special Prosecutor, Rep. Wyatt was charged with a misdemeanor violation of the Federal Election Campaign Act of 1971. Specifically, Rep. Wyatt was alleged to have failed to report expenditures from a secret fund during President Nixon's reelection campaign in 1972. On June 11, 1975, Rep. Wyatt pleaded guilty and on August 18, was fined $750. (38 *Cong. Quart. Weekly Rept.* 341 (Feb. 9, 1980).)

Rep. Frederick N. Zihlman, 1917-1931

Evidence exists to the effect that on December 10, 1929, Rep. Zihlman was indicted by a grand jury of the Superior Court of the District of Columbia for an offense of which he was subsequently acquitted. (Cannon's *Precedents of the House of Representatives* §§ 402, 403, 2205).

Mr. COHEN. Mr. President, the third point is that the Attorney General under the existing law has the discretion to ask for the Court to appoint an independent counsel right now under our law. He can go and say, "Judge, I do not have the courage or the conviction, or I am afraid of political repercussions if I prosecute a certain individual. Therefore, would you please appoint an independent counsel?"

He can do that right now without any amendment whatsoever. So they have that discretion. He can do that.

The fourth point is on the separation of powers, we have granted the courts a very limited opportunity to make appointments for the purpose of investigating those high-level officials who are so high on the ladder of responsibility and accountable to the President that we feel that some independence of examination is warranted.

That has come under constitutional challenge, saying, "You can't do that; the Court cannot have that power. No executive wants to give up that power."

What the amendment of the Senator from Colorado would do would be to expand that jurisdiction of the Court not to cover 100 individuals but to cover some 635 persons. That would push the question of constitutionality over the edge. It may be a close question now, but if you wanted to expand the jurisdiction of the Court to make these appointments to cover an increased caseload of some 635, that would probably push it over the edge of constitutionality and violate the separation of powers.

If you want to kill the bill as such, pass the amendment and you will in fact violate the separation of powers.

Finally, I should say to the Senator from all the people who are concerned about costs in this Chamber, it is the Senator from Colorado. We have had questions raised about the implementation of the independent counsel bill, since its inception. What we have done for the first time, at least, is response to those legitimate complaints about too much money being spent. We have narrowed not only the people covered but the kind of expenses that can be incurred.

Yet under this amendment, we are suddenly going to expand the cost dramatically under this proposal, so it is inconsistent with the objectives of trying to maintain cost control to suddenly ask for a significant, almost 600 percent, expansion.

Finally, what we can do if we are dissatisfied is call for a strengthening of our own ethics investigations. I am satisfied with the people who are serving on the Ethics Committee in the Senate. I cannot speak for the House because I am not familiar with their Members. I do not know of any member of the Ethics Committee who has refused to thoroughly investigate allegations of wrongdoing on the part of Members of the U.S. Senate.

I believe that the suggestions of somehow we are not policing ourselves in the Chamber are simply not warranted by the facts.

To my friend and colleague, the Senator from Colorado, I would say what we are talking about here is procedure very limited in scope and nature to deal with an isssue where there has been a perception and reality of conflict of interest, where we have had our own Attorney General call for the implementation of the Independent Counsel Act prior to the time he became an Attorney General because his credibility and integrity came into question.

And he was the one who invoked the provisions of the Special Prosecutor Act. I find it ironic that he and others are now questioning the basis of the facts and the legitimacy of what we are seeking to do.

So my argument, in conclusion, Mr. President, is if you want to terminate the Independent Counsel Act, this is one way to do it, by really expanding its scope well beyond anything that has been contemplated prior to this time. It would, in fact, in my judgment, violate the separation of powers and not respond to the legitimate needs.

I would withhold moving to table until the Senator from Colorado has had a chance to respond.

The PRESIDING OFFICER. Who yields time?

Mr. ARMSTRONG. Mr. President, one of the great things about this country is we do not all have to agree. And it is pretty clear that the Senator from Maine and I do not agree. He thinks that this is fair. I think it is a raw deal.

In my opinion, the notion that Congress will once again pass legislation which applies to everybody except ourselves simply does not go down right. Now, there may be doubt about whether we need a special prosecutor. There may be question whether there is sufficiently vigorous prosecution. I think it could be argued, and the Senator mentioned the Hansen case, I think it would be argued that, in some instances, the Justice Department, in fact, has stepped over the line the other way and has actually harassed Members of Congress. And that has certainly been alleged on many occasions.

But that is not what I am trying to get at here. And it certainly is not my burden of proof to show there has been or might be a conflict of interest. I am saying fair is fair. If this is a good idea as it applies to members of the President's Cabinet and even people in the subcabinet, as it does, then it ought to apply to Members of the Congress.

Mr. President, I inquire: Did I ask in offering the amendment to have Senators DOLE, SYMMS, BOND, NICKLES, and THURMOND be added as cosponsors?

The PRESIDING OFFICER. The Senator has.

Mr. ARMSTRONG. Mr. President, I made the best case I can. I am ready to yield back my time.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. Mr. President, first let me commend the Senator from Maine for making such a complete case in opposition to this amendment. There are many reasons why we should not adopt it, despite its surface appeal. When you analyze it, it threatens the very existence of the statute by crossing the line of the separation of powers and adding a class that is not needed to be added and the very purpose of this statute would indicate should not be added.

The Attorney General is subject to appointment by the President and serves at the pleasure of the President. That is the key difference. When that person is investigating people close to the President, he is put in a very awkward position, to put it mildly, and a conflict of interest or the appearance of a conflict of interest, to put it bluntly. He is not in that position when he investigates or prosecutes Members of Congress, and has vigorously done so throughout history.

The American Bar Association has written a letter, dated October 6, in which they have indicated their opposition to this amendment as follows:

> The rationale for the independent counsel mechanism in these cases is inapplicable in cases involving Members of Congress. The Executive Branch is clearly separated from the Legislative Branch under our Constitutional system; and, with the rare exception of Congress' possible invocation of the impeachment power, the Attorney General does not serve "at the pleasure" of the Congress. Thus, there is no reason to extend the coverage of the independent counsel provisions to allegations of misconduct by Members of Congress.

Let me close by stating there is every reason not to. Because if we adopt this amendment, we will be taking away the power from the Justice Department to prosecute Members of Congress and the appearance of that is not very savory, either, if we are just looking at superficial or surface appearances that are involved here.

Mr. ARMSTRONG. Mr. President, I ask unanimous consent that the Senator from Texas, Mr. GRAMM, be added as a cosponsor.

The PRESIDING OFFICER. Without objection, he will be so added.

Mr. ARMSTRONG. I thank the Chair.

Mr. SIMPSON. Mr. President, the Independent Counsel Act was established and has been deemed necessary for the investigation into the activities of certain persons that may have committed a violation of Federal criminal law. These persons include: the President, the Vice President, Cabinet officers, top officials in the Executive Office of the President and the Department of Justice, Director and Deputy Director of the CIA, the Director of the IRS, and the top campaign officials of Presidential campaign committees.

The investigations of the activities of these persons are much different than those regarding citizens that may enjoy a lower profile. The process of these investigations are very well publicized, regardless of the eventual outcome.

And perhaps this just "comes with the territory" but these officials are either elected or appointed to the highest positions of leadership in our country and they must conduct their lives and duties and business in an exemplary fashion. And this same responsibility should then be taken on by Members of the legislative branch of the Government—we as Members of Congress. And when our actions regarding this responsibility are in question, the citizens of these United States are entitled to have revealed to them any information that would be gathered through a similar type of an investigation by an independent counsel. They must have faith in our abilities and our judgment. And we, as Members of Congress, must be willing to be subject to the same scrutiny as we demand of our executive leadership.

Mr. DOLE. Mr. President, I rise in support of the amendment offered by the distinguished Senator from Colorado [Mr. ARMSTRONG]. It should not take much time to make the argument in favor of including Members of Congress within the jurisdiction of this legislation.

If there is a need to reauthorize the independent counsel, it should be obvious that the main reason is to assure the public that investigation of criminal activities in this Government will be taken seriously and will not be subject to improper influence. This rationale applies equally to Members of Congress and to other public servants.

In fact, because it is Congress which must act on this legislation, it is especially important that we include Members of Congress under this legislation. How can we expect to regain the confidence of the public if we refuse to apply the same standards to ourselves as we do to others in Government?

I know some would argue that this is a killer amendment. But that argument presumes a level of cynicism that I don't believe is shared by many in this Chamber. If placing Members of Congress under the mandatory provisions of the Independent Counsel Act is enough to kill this bill, something must be drastically wrong with our understanding of our responsibilities and our accountability to the American people.

Finally, I also know that some would argue that this amendment is unnecessary. The argument is that Members of Congress are covered by the discretionary catchall provision of the bill. However, I fail to see the merit of this argument. Is there any overwhelming reason why this coverage should be discretionary? Is there any good reason why we should not apply the same standard to us as we would apply to the Deputy Director of the CIA or the Commissioner of Internal Revenue? The answer is obviously "no."

Why officials in the executive branch should be held to a higher standard than Members of the Senate is something that should be very difficult to explain to the American people.

Mr. COHEN. Mr. President, I know of no other Senators who wish to speak on this amendment and I move to table the amendment.

The PRESIDING OFFICER. Does the Senator from Colorado yield back his time?

Mr. ARMSTRONG. I yield back.

Mr. LEVIN. I yield back the balance of my time.

The PRESIDING OFFICER. All time is yielded back.

Mr. COHEN. Have the yeas and nays been asked for?

The PRESIDING OFFICER. The yeas and nays on the amendment have been asked for.

Mr. COHEN. Mr. President, I ask for the yeas and nays on the tabling motion.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Maine [Mr. COHEN] to table the amendment of the Senator from Colorado [Mr. ARMSTRONG]. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Tennessee [Mr. GORE], the Senator from Arkansas [Mr. PRYOR] and the Senator from Illinois [Mr. SIMON] are necessarily absent.

I further announce that, if present and voting, the Senator from Tennessee [Mr. GORE] would vote "yea."

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. BOND] and the Senator from Minnesota [Mr. DURENBERGER] are necessarily absent.

I further announce that, if present and voting, the Senator from Missouri [Mr. BOND] would note "nay."

The PRESIDING OFFICER (Mr. DIXON). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 49, nays 46, as follows:

[Rollcall Vote No. 364 Leg.]

YEAS—49

Adams
Baucus
Biden
Boren
Bradley
Breaux
Burdick
Byrd
Chafee
Chiles
Cochran
Cohen
Cranston
Danforth
Daschle
DeConcini
Dodd
Ford
Glenn
Graham
Harkin
Heinz
Hollings
Inouye
Johnston
Kassebaum
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lugar
Matsunaga
Metzenbaum
Mitchell
Moynihan
Nunn
Packwood
Pell
Reid
Riegle
Rockefeller
Rudman
Sanford
Sarbanes
Sasser
Stafford
Stennis
Wirth

NAYS—46

Armstrong
Bentsen
Bingaman
Boschwitz
Bumpers
Conrad
D'Amato
Dixon
Dole
Domenici
Evans
Exon
Fowler
Garn
Gramm
Grassley
Hatch
Hatfield
Hecht
Heflin
Helms
Humphrey
Karnes
Kasten

McCain
McClure
McConnell
Melcher
Mikulski
Murkowski
Nickles
Pressler
Proxmire
Quayle
Roth
Shelby
Simpson
Specter
Stevens
Symms
Thurmond
Trible
Wallop
Warner
Weicker
Wilson

NOT VOTING—5

Bond
Durenberger
Gore
Pryor
Simon

So the motion to lay on the table amendment No. 1121 was agreed to.

Mr. LEVIN. I move to reconsider the vote by which the motion was agreed to.

Mr. COHEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the clerk will read the bill for the third time.

The bill was read the third time.

Mr. STEVENS. Mr. President, I have very serious reservations about this bill. My instincts tell me that it is fundamentally flawed and that, one day, we will look back on this effort and wish that we had not rushed into this reauthorization. But my instincts are not my only indicator of unease. More importantly, Mr. President, my experience tells me that we are embarking on a course of action which is, at best, ill-advised. At the minimum, we should defer any action on this reauthorization until such time as the Federal judicial system has finally ruled on the many constitutional challenges which are now pending to the independent counsel statute.

In my view, Mr. President, S. 1293 is premised on several underlying assumptions which my instincts and experience tell me are unfounded. First, the proponents of this measure operate from the assumption that the independent counsel statute meets constitutional muster and that the reauthorization is similarly constitutional. All Senators know that several independent challenges to the constitutionality of this act are currently proceeding through the Federal courts and will be ruled upon in due course. What my colleagues may not know is that constitutional challenges to this statute did not occur, in the first instance, with the individuals who are now under investigation by a currently sitting independent counsel. Indeed, it has been reported in the press that attorneys who represented two of the first senior White House officials ever to be investigated under this statute, Mr. Hamilton Jordon and Mr. Tim Kraft, had prepared challenges to the constitutionality of the act. Mr. President, it appears that every attorney who has represented a client with exposure to prosecution under this statute, has been prepared to test its constitutionality. I find that startling and very unsettling, and from such evidence I draw the inescapable conclusion that there is a bipartisan argument that the statute is flawed from a "separation of powers" perspective.

But, my opposition to S. 1293 does not stem from instinct alone. More importantly, experience tells me that the assumptions underlying this proposed reauthorization are just not supportable on the facts. In 1978, when Congress wrote the Ethics in Government Act and created the Office of the Independent Counsel, it did so in an attempt to reassure the public that "no man is above the law" and that justice would prevail irrespective of an accused's position within the Federal Government. But, in so doing, the Congress actually further cemented in the mind of the public, albeit inadvertently, the notion that Federal officials were not to be trusted and that there were no ethics at the senior levels of Federal service.

Mr. President, the independent counsel provision was authored in a climate of suspicion and lack of confidence in the prosecutorial mandate of the Department of Justice. The proponents of the independent counsel provision argued that an independent counsel was necessary because the Justice Department could not be counted on, could not be trusted to investigate and prosecute members of the President's Cabinet, senior White House officials, or senior agency employees. As a former U.S. attorney, I take offense to the notion that the Department of Justice cannot be expected to prosecute any individual whose prosecution is warranted, no matter his or her position in the Federal Government. Such a presumption on the part of the proponents of S. 1293 does a tremendous disservice to the more than 90 U.S. attorneys.

But, Mr. President, not only is such a presumption a disservice to the Justice Department, it is also not supported by any set facts of which I am aware. When, I would ask the proponents of this bill, has there been a single instance of a failure of prosecution by the Department because of the accused's position in the Federal Government? Asked this question in the past, the proponents of the bill have responded that Watergate was an example of such a failure. That example falls under the weight of the evidence, however. As former Attorney General Elliot Richardson testified in 1981 before the Committee on Governmental Affairs, Watergate was an illustration that the system does work and that successful prosecutions of wrongdoing are undertaken by the Justice Department. As Elliot Richardson testified, Watergate proved that no man, even the President, is above the law and that allegations of wrong-doing will be investigated and prosecuted right up to and including the Oval Office. Let us not forget, Mr. President, that despite the firing of Archibald Cox by order of the President, his successor, Leon Jaworsky, was appointed by the Attorney General and successfully prosecuted many high administration officials. An independent counsel appointed by the Judiciary was unnecessary during Watergate and it is unnecessary now.

S. 1293 is based on a set of assumptions which do not meet the test of basic logic or experience. Reauthorization of the independent counsel provision should and must await the disposition of the constitutional challenges now pending. The Senate should not rush to judgment on this proposal.

I find that startling and very unsettling and from such evidence I draw the inescapable conclusion that there is a bipartisan argument that the statute is flawed from a separation of powers respect.

Mr. President, not only is the presumption that the Justice Department cannot be expected to prosecute any individual without regard to any consideration of fraud, but I would ask the proponents of this bill, has there been a single instance of a failure of prosecution by the Department of Justice because of the accused's position in the Federal Government? When asked this question in the past, proponents of this bill have responded that Watergate was an example of such a failure. That example falls under the weight of evidence. As the former Attorney General Elliot Richardson testified in 1981 before the Governmental Affairs Committee, Watergate was an illustration that the system does work and that successful prosecution of wrongdoers was undertaken by the Department of Justice.

Mr. President, I am a former U.S. attorney. I take offense at the notion that the Department of Justice cannot be expected to prosecute any individual whose prosecution was warranted no matter what his or her position in the Federal Government might be. Further, I take even further umbrage at the fact that we create a special prosecutor for one group of people, those who hold high office and do not let them run the gamut of prosecution by every duly appointed U.S. attorney in the country. Therefore, I shall not support this bill.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Mr. MITCHELL. Mr. President, I ask unanimous consent that I be allowed to proceed for not to exceed 2 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, the Senator from Maine is recognized.

Mr. MITCHELL. Mr. President, I rise in support of S. 1293, the reauthorization of title VI provisions of the Ethics in Government Act, which provide for the independent counsel office to investigate criminal charges at the highest levels of Government.

The need for such an office first became evident in 1973, when President Nixon, in the throes of the Watergate scandal, successfully fired an independent investigator to whom he had given assurances of complete independence of action in fact as well as appearance.

Only the unprecedented public outrage that followed the Saturday Night Massacre, as the firing of Archibald Cox became known, ensured the continuity of the office of the independent counsel. No law then existed to create such an office.

Only the political realities forced the President to appoint a new special prosecutor, Leon Jaworski, who saw the investigation and subsequent prosecutions through to conclusion.

Two events which flowed from the Watergate experience led to the enactment of the independent counsel law 5 years later.

The first was the unanimous Supreme Court finding that nobody, including the President of the United States, can be above the law.

As part of its finding in U.S. versus Nixon, the Supreme Court emphatically upheld the conclusion earlier reached by the district court in Nader versus Bork, that so long as the regulation appointing the special prosecutor was in effect, nobody had the right to discharge him from his duties. The Supreme Court said the discharge "was in clear violation of an existing Justice Department regulation having the force of law."

The second event was the unprecedented public outcry over the appearance of an effort to evade the law. Congress recognized that the American people would not tolerate the appearance that there are two kinds of criminal law in our country: One for ordinary citizens and one for high Government officials.

Nothing in our national experience, before or since, has so emphatically demonstrated the fundamental American belief in the concept of equal justice under law.

It is to that fundamental American public demand that the independent counsel law is directed. It was enacted in 1978, reauthorized in 1982 and is before us now for a further extension because it is the one safeguard we have that nobody, under our system, regardless how high in Government, can be above the law.

In 1982, when my colleague, the senior Senator from Maine, chaired the Subcommittee on Government Oversight, the law was reauthorized with virtually no dissent.

Its provisions were modified to correct shortcomings that had become apparent over the preceding 5 years, such as a too-easy triggering mechanism and the costs to innocent parties of an expensive legal investigation. But its core purpose was retained: To ensure that nobody, high official or not, was beyond the reach of the law.

It is ironic that the same Justice Department which saw the law reauthorized 5 years ago, today says it is an unconstitutional intrusion into the prerogatives of the executive branch and must be modified to eliminate the one element that makes it worthwhile: The genuine grant of independence to the prosecutor.

The arguments made to the D.C. Circuit Court of Appeals in behalf of Mr. Deaver, Colonel North and, now, the Department of Justice itself, all rest on the claim that the prosecutorial function of the executive branch is necessarily so exclusive that not even the slightest deviation from executive branch discretion in this area can be tolerated.

This extreme view is said to be essential to preserving the separation of powers doctrine.

But the separation of powers doctrine exists for a purpose, not as an end in itself. We have a separation of powers in our Government to prevent the concentration of power in any one branch, not to hermetically seal off each arm of Government from the others.

That fact is evident from the structure of the Constitution itself. The veto power gives the President the right to intervene and redirect the legislative branch. Treaty ratification, declaration of war and appointment confirmation powers all give Congress a role in the functions of the executive branch. And in article II, Congress is given explicit additional authority to "vest the appointment of such inferior officers, as they think proper * * * in the courts of law."

The recent development of Justice Department opposition to this legislation is ironic in an administration where seven independent counsels have been required to investigate charges of wrongdoing.

Under the terms of the law, those appointments have been entirely at the discretion of the Attorney General. He, and he alone, has the authority to request the appointment of independent counsels.

He is under no obligation, except the moral obligation of preserving the administration's reputation for integrity. He is under no pressure to make these appointments, except the pressure of public opinion.

Based, thus, on his own discretion, the Attorney General has recognized seven instances in recent years where the actions of officials and former officials have raised such substantial questions of probity that an independent review of those actions was warranted.

Yet, at the same time, the Attorney General has advised the Congress that he will recommend a veto in the event this legislation is approved, because it is his judgment that the law is unconstitutional.

Seven Federal judges have now declined to find the independent counsel statute unconstitutional. A continued effort to test the law will undoubtedly lead to a Supreme Court ruling on its constitutionality.

But there is simply no credible body of judicial opinion to support the contention that the law is, on the face of it, unconstitutional. That was tacitly recognized by the Justice Department in 1982, when the law was last reauthorized. Nothing has occurred since 1982 to warrant such a turnabout in the Department's opinion.

The article II authority which gives Congress power to "vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments" has rarely been subjected to close Court review. But in 1958, in Wiener versus United States, where the independence of a war claims commissioner was at issue, the Supreme Court distinguished between those Presidential appointees who carry out Presidential policies, and "those whose tasks require absolute freedom from executive interference."

This Court ruling continues a line of cases in which the independence of appointees was examined.

Early in the development of these cases, the Court found that while "it is no doubt usual and proper to vest the appointment of inferior officers in that department of the Government to which the duties of such officers appertain * * * there is no absolute requirement to this effect" (ex parte Siebold, 1879).

In that case, the Court asked whether the grant of appointive power, for Federal election overseers, to circuit courts was "incongruous, improper or inconvenient"—and concluded that where that was not the case, such appointments did not intolerably burden the separation of powers.

In ex parte Humphrey, in 1935, the Court found that a congressional grant of independence to an FTC commissioner could not simply be overridden by Presidential fiat.

In that case, the function of the Commission as set forth by Congress required its independence from Presidential directives, and the enumerated reasons for dismissal provided the same kind of statutory grounds which a much later Court, in United States versus Nixon, described as having "the force of law:"

> The Attorney General by regulation has conferred upon the Special Prosecutor unique tenure and authority to represent the United States and has given the Special Prosecutor explicit power to contest the invocation of executive privilege . . . While

the regulation remains in effect, the Executive Branch is bound by it.

Nothing presented by the Justice Department sustains a claim that Congress is unable to exercise the powers explicitly granted under the article II appointments clause, and decisions in other cases recognize limits on Presidential powers.

The Justice Department's excessive claims of exclusive prosecutorial powers are just that: Excessive.

That there is a need to ensure the even-handed and fair administration of the laws is incontrovertible. Attorney General Meese has recognized it by appointing independent counsels in a variety of instances where the appearance of fairness demanded an arms' length investigation.

And, in a nation which exists under the rule of law, no principle is more vital to maintain than the equal treatment of all under the law. High office, close relationships with national leaders, influential past associations are all factors that, fairly or not, can give the impression that some Americans are above the law.

Congress must reassert and reconfirm the fundamental expectation of our people that this is not the case. No American, regardless how high a grant of power he or she had enjoyed is or can ever be, above the law. Our democracy rests on that simple assumption.

The grants of power that any democracy gives to the few are temporary, limited, and revocable. That is how democratic government is preserved.

And nothing is more important in this structure than the assurance that nothing insulates high officials, elected or appointed, from the full force of the law.

Arguments have been raised to the effect that we should specifically include Members of Congress as covered persons within the reach of the independent counsel law. Those arguments are without any logical basis.

The Congress is a separate branch of government. Nothing now prevents this Attorney General or any other from investigating and prosecuting any Member of Congress where any infraction of a law is suspected.

Nothing stops a President from making a special appointment of an independent counsel in such a case or any other, should a President wish to do so.

Moreover, both this bill and current law permit an Attorney General to request an independent counsel for cases involving Members of Congress where a conflict of interest may arise.

The Attorney General has full discretion to use the independent counsel office in any case that could arise. The only effect of mandating the inclusion of Members of Congress would be curtail his discretion, and force him to recuse himself in any case involving Members of Congress.

It would, in fact, create a major constitutional problem, because it would have the effect of preventing the executive branch from investigating any Member of Congress wherever potential criminal liability might exist.

Such an incursion into the prerogatives of the executive would, in fact, have all the faults that some now see in the much more limited legislation before us.

It would lack a clear purpose. Nothing now indicates that there is a concern that Members of Congress are above the law. Nothing in experience or history can be adduced to reach that conclusion.

On the face of it, no conflict of interest arises if the Attorney General seeks to indict a Member of Congress on a criminal charge.

The current law and the bill before us cover fewer than 100 members of the executive branch. To expand this coverage to take in all 535 members of the legislative branch with no coherent rationale would not only intrude into the prosecutorial discretion of the executive branch to a much broader degree, it would do so with respect to an entire branch of government.

Nobody has as yet suggested that investigations of judicial branch members be similarly insulated, for the obvious reason that no coherent reason to do so exists.

That, quite simply, is exactly the case with respect to Members of Congress.

The unstated but obvious political effort here is to create the impression that Congress is seeking to insulate itself from an onerous liability which is being imposed on the executive.

But that is an impression that cannot be sustained by any examination of the facts. It is rhetoric and nothing more.

The underlying reality is that this is not an onerous burden placed on the executive branch. It is a simple and necessary means by which our Government can investigate itself when the need arises to maintain public confidence in the integrity of both the Government and the administration of the laws.

An administration whose officials are clearly impressed with the importance of avoiding the appearance as well as the fact of impropriety would find this law no burden.

The fact is that high officials, elected or appointed, are held to a higher standard than private persons. That is an elementary fact of public service in our Nation and those who wish to enter public service must recognize it.

High officials are required to be more forthcoming in their financial dealings than private persons. They are required to be more careful in their business relationships. And they are expected to be more circumspect in their use of personal influence.

That is because they are trustees of the public trust. Whether they disburse Government contracts, Federal grants or write regulations, they are discharging a public trust.

The contrary view, which holds that high public officials are unfairly held to higher standards than corporate executives or other private persons, rests on an elitist view of Government office that is contradictory to the spirit of a republic and a democracy.

Public office is not a perquisite. It is an honor. It is not a right. It is a privilege.

And so long as there are individuals who fail to recognize that, and improperly attempt to turn the public trust to personal advantage, the public should and must have an iron-clad assurance that public officials, just like private citizens, are accountable under the law on the same terms as everyone else.

That assurance is what the bill before us seeks to provide. It deserves the strong support and vote of every Senator.

Mr. President, the basis of this legislation is a very simple one. That is there are already too many Americans who believe that there are two standards of justice in our society—one for ordinary citizens, one for the powerful and particularly those who hold high public office. The American people simply will not and should not tolerate that. Nothing in our national experience has so emphatically demonstrated the fundamental American belief in the concept of equal justice under the law than the reaction of the American people to the view that there are two such standards.

So I believe, Mr. President, that this legislation is sound. It is appropriate. It is limited deliberately because we recognize that those who are charged with the authority to investigate and prosecute crimes cannot reasonably be expected to investigate and prosecute themselves. That is the very simple basis on which this legislation is founded.

I commend my colleague from Michigan, Senator LEVIN, and my distinguished senior colleague, Senator COHEN, from Maine, for their leadership in this area. Senator COHEN was chairman of the Senate Subcommittee on Government Oversight in 1982 when the law was reauthorized with virtually no dissent. Nothing has happened since then to persuade me or others that this law does not make sense and is not sound. I believe their is overwhelming support for it among the American people and within the Congress. So I urge my colleagues to support this legislation.

I thank the Chair.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, the bill before us today, S. 1293, will extend the independent counsel provisions of title VI of the Ethics in Government Act of 1978. Unless this legislation is signed into law, statutory authority for the independent counsel will expire on January 2, 1988.

At the heart of this issue is a significant dilemma—the conflict between two essential principles—public confidence in the integrity of government versus possible nonconformity with the Constitution.

On one hand, we must ensure that public confidence in our system of government is maintained. To ensure this public confidence, citizens of this Nation must know that all Federal officials are governed by law, and upon violation, are subject to the same penalties as other citizens. This legislation establishes a procedure for investigation and possible prosecution of executive branch and other officials by an "independent counsel" not linked to the executive branch by personal, political, or official association. Clearly, this legislation will enhance public confidence in its system of government.

On the other hand, the bill before us could be found to be unconstitutional by the courts. Three valid constitutional concerns, which overlap to some degree, have been raised. First, this statute may violate article III of the Constitution by vesting the judicial branch with the power to appoint prosecutors and to define prosecutorial jurisdiction. Second, this statute may violate the separation of powers doctrine because it provides for appointment of a prosecutor outside the executive branch who is not accountable to the executive branch but subject to the control and direction of a court. Third, this statute may violate the separation of powers doctrine by permitting the appointment of an inferior executive officer by a court.

Mr. President, each of these constitutional concerns raises questions for the courts to decide. As these constitutional issues are presently being considered by our judicial system, I would prefer that a court have the opportunity to render its decision prior to Senate action on this measure. However, as this measure is now before the Senate for a vote on final passage, that is not possible.

In closing, I believe that the public must have confidence that executive branch and other officials who violate the law, will be appropriately investigated and charged by an "independent" prosecutor. Constitutional concerns regarding this legislation must be settled by the courts. In the meantime, the confidence of the public in the integrity of our system must be maintained. I believe that the confidence the people of this country have in their Goverment will be enhanced by enactment of this legislation while the courts consider and resolve the constitutional questions. For this reason, I will vote in favor of its passage.

Mr. GLENN. Mr. President, when the Senate began its debate on October 16 of the Independent Counsel Reauthorization Act, I addressed the fundamental achievement of the current independent counsel law: That investigations of high Government officials are carried out free from any conflict of interest or appearance of conflict of interest. As I stated at that time, this achievement is of tremendous importance to maintaining public confidence in the criminal justice system and must be protected by reauthorization of the essential features of the current independent counsel law.

We ought to aspire, though, not just to extend current law, but to improve it where necessary. The Committee on Governmental Affairs, through its Subcommittee on Oversight of Government Management, ably chaired by Senator LEVIN, conducted an extensive investigation into our actual experience with the independent counsel law since its enactment. This investigation, which was led by Senators LEVIN and COHEN, showed that while the independent counsel law has been remarkably successful in fulfilling its main goal of eliminating favoritism from the investigation of top Government officials, improvements are needed in certain limited areas. I would like to mention just two of these improvements, all of which have been incorporated into the reauthorization bill.

The committee learned in its investigation that in several cases where the Attorney General was examining the need for an independent counsel, the Attorney General declined to appoint an independent counsel on the grounds that the facts showed that the allegedly illegal conduct was not undertaken with "criminal intent." It was the opinion of many experts testifying before the committee that such reliance on a purely factual determination by the Attorney General, who lacks subpeonas and other critical investigative tools at this early stage of the independent counsel process, is unwarranted and undercuts the process. This problem is corrected by the committee in the reauthorization bill by limiting the right of the Attorney General to close a case due to lack of criminal intent to only those cases where there is "clear and convincing" evidence that such intent is absent.

Another area where the reauthorization bill improves current law is in the area of recusal by the Attorney General when considering the appointment of an independent counsel. In several cases, the Attorney General appears to have failed to recuse himself from conducting the preliminary investigation required under the statute, despite the presence of a personal relationship with the target of the investigation. In order to avoid such situations in the future, the committee proposes that the law be amended to require that the Attorney General recuse himself whenever an investigation involves a high-level official in the Justice Department or a person with whom the Attorney General has a current or recent personal or financial relationship, and that, in every case, the Attorney General explain his recusal decision in writing.

These improvements and others in the reauthorization bill, while not changing the essential elements of the independent counsel law, enhance the ability of the Government to ensure that the investigation of top Government officials can proceed free from any conflict of interest or appearance of conflict of interest. I urge, in the strongest possible terms, that the Senate not only reauthorize the current independent counsel law, but also enact the improvements to the law recommended by the Committee on Governmental Affairs.

Mr. DeCONCINI. Mr. President, we have before the Senate today, what I believe to be a vital piece of legislation for maintaining the confidence of the American people in the integrity of the Federal Government. As elected representatives of our respective constituents, we are responsible for providing an independent investigator to determine whether or not an allegation of wrongdoing has validity. It is imperative that such a determination and any subsequent prosecution arising from it be free from the influence and control of those being investigated.

I believe when the act was first enacted in 1978, its provisions were much too broad. It required the appointment of a special prosecutor upon even the flimsiest evidence. The changes made in 1982, including changing the name of the investigator, have worked well, but I believe still further modifications and improvements are necessary. During the period 1978-82, under the very low standards, 11 special prosecutors were appointed. many of these were, in my opinion, not necessary. Others, it would appear, were warranted.

Since that time the Department of Justice has requested the appointment of an independent counsel on eight occasions. Those eight include investigations of Edwin Meese, III, Theodore Olson, Michael Deaver, Iran/Contra, Franklyn Nofziger, Edwin Meese III joined with in re Nofziger, and two other unnamed individuals.

It seems to me that if we believe that the modifications made in the Levin-Cohen bill are appropriate, we should not wait to enact them. I am especially anxious to bring some kind of fiscal oversight to the independent counsel process. I have been appalled at stories of the expenditures of some of the operations. Furthermore, the Supreme Court's review of the constitutionality of the statute will not be affected by adopting this measure.

It also seems apparent that there is a need for legislation of this design. As Archibald Cox testified before the Subcommittee on Oversight of Government Management, this law is "essential to preserving the public confidence in the fair and ethical behavior of public officials."

Mr. President, I believe that just as those outside the Federal Government are scrutinized for their actions, so should those acting within the Government. I further believe that by reauthorizing the independent counsel statute in the form of S. 1293, we as representatives of the public, will be sending a message to our constituents that we also believe Government officials, no matter how high an office they might hold, are accountable for their actions.

Thank you, Mr. President.

The **PRESIDING OFFICER.** Under the previous order, the Senate will now proceed to the consideration of H.R. 2939, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2939) to amend title 28, United States Code, with respect to the appointment of independent counsel.

The **PRESIDING OFFICER.** Under the previous order, all after the enacting clause is stricken and the text of S. 1293, as amended, is inserted in lieu thereof. The clerk will read H.R. 2939 for the third time.

The bill was read the third time.

The **PRESIDING OFFICER.** Under the previous order, the question is on the passage of H.R. 2939.

Mr. **LEVIN.** Mr. President, I ask for the yeas and nays.

The **PRESIDING OFFICER.** Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The **PRESIDING OFFICER.** The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. **CRANSTON.** I announce that the Senator from Tennessee [Mr. GORE], the Senator from Arkansas [Mr. PRYOR], and the Senator from Illinois [Mr. SIMON], are necessarily absent.

I further announce that, if present and voting, the Senator from Tennessee [Mr. GORE], would vote "yea."

Mr. **SIMPSON.** I announce that the Senator from Missouri [Mr. BOND] and the Senator from Minnesota [Mr. DURENBERGER] are necessarily absent.

The **PRESIDING OFFICER.** (Mr. Sanford) Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 85, nays 10, as follows:

[Rollcall Vote No. 365 Leg.]

YEAS—85

Adams
Baucus
Bentsen
Biden
Bingaman
Boren
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Chiles
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Evans
Exon
Ford
Fowler
Garn
Glenn
Graham
Grassley
Harkin
Hatch
Hatfield
Hecht
Heflin
Heinz
Hollings
Inouye
Johnston
Karnes
Kassebaum
Kasten
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lugar
Matsunaga
McCain
McConnell
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Proxmire
Quayle
Reid
Riegle
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Shelby
Specter
Stafford
Stennis
Thurmond
Trible
Warner
Weicker
Wilson
Wirth

NAYS—10

Armstrong
Cochran
Gramm
Helms
Humphrey
McClure
Simpson
Stevens
Symms
Wallop

NOT VOTING—5

Bond
Durenberger
Gore
Pryor
Simon

So the bill (H.R. 2939), as amended, was passed, as follows:

H.R. 2939

Resolved, That the bill from the House of Representatives (H.R. 2939) entitled "An Act to amend title 28, United States Code, with respect to the appointment of independent counsel", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Independent Counsel Reauthorization Act of 1987".

SEC. 2. AMENDMENTS RELATING TO INDEPENDENT COUNSEL.

Part II of title 28, United States Code, is amended by striking out the chapter 39 entitled "INDEPENDENT COUNSEL" and inserting in lieu thereof the following:

"CHAPTER 40—INDEPENDENT COUNSEL

"Sec.

"591. Applicability of provisions of this chapter.

"592. Preliminary investigation and application for an independent counsel.

"593. Duties of the division of the court.

"594. Authority and duties of an independent counsel.

"595. Congressional oversight.

"596. Removal of an independent counsel; termination of office.

"597. Relationship with Department of Justice.

"598. Severability and sunset.

"§ 591. Applicability of provisions of this chapter

"(a) WHEN PRELIMINARY INVESTIGATION REQUIRED.—

"(1) RECEIPT OF INFORMATION.—The Attorney General shall conduct a preliminary investigation in accordance with section 592 whenever the Attorney General receives information sufficient to constitute grounds to investigate whether any person described in subsection (b) may have violated any Federal criminal law other than a petty offense.

"(2) EXAMINATION OF INFORMATION TO DETERMINE NEED FOR PRELIMINARY INVESTIGATION.—In determining under paragraph (1) if grounds to investigate exist, the Attorney General shall consider only—

"(A) the specificity of the information received, and

"(B) the credibility of the source of the information.

If the Attorney General determines that the information is insufficient to constitute grounds to investigate the matters involved, no court may order the Attorney General to conduct a preliminary investigation of such matters under this chapter.

"(3) WRITTEN REPORT IF NO DETERMINATION WITHIN 30 DAYS.—If the Attorney General fails to decide whether to conduct a preliminary investigation within 30 days after the receipt of information under this chapter and the Attorney General later determines not to conduct a preliminary investigation, the Attorney General shall file a written report with the division of the court not more than 90 days after the date the information is received, describing the actions taken with respect to the information and explaining the basis for the determination not to conduct a preliminary investigation.

"(b) PERSONS SUBJECT TO THIS CHAPTER.—The persons referred to in subsection (a)(1) are—

"(1) the President and Vice President;

"(2) any individual serving in a position listed in section 5312 of title 5;

"(3) any individual working in the Executive Office of the President who is compensated at a rate of pay specified in or fixed according to level II of the Executive Schedule under section 5313 of title 5, or a comparable or greater rate of pay under other authority;

"(4) the Attorney General, any Assistant Attorney General, and any individual working in the Department of Justice who is compensated at a rate of pay at or above level III of the Executive Schedule under section 5314 of title 5;

"(5) the Director of Central Intelligence, the Deputy Director of Central Intelligence, and the Commissioner of Internal Revenue;

"(6) any individual who held any office or position described in any of paragraphs (1) through (5) of this subsection, during the period consisting of the incumbency of the President under whom such individual served in the office or position plus 1 year after such incumbency, but in no event longer than 5 years after the individual leaves office;

"(7) any individual who holds an office or position described in any of paragraphs (1) through (5) of this subsection during the incumbency of one President and who continues to hold the office or position for not more than 90 days into the term of the next President, during the period such individual serves in the office or position plus 1 year

after the individual leaves the office or position;

"(8) any officer of a campaign for the election or re-election of the President, including a campaign by a national political party, if that officer exercises authority at the national level—

"(A) applicable during the period of the campaign; and

"(B) applicable during the incumbency of the President, if the candidate is elected or re-elected President; and

"(9) any other person if the Attorney General determines that investigation or prosecution of such person by the Attorney General or other officer of the Department of Justice may result in a personal, financial, or political conflict of interest.

"(c) RECUSAL OF THE ATTORNEY GENERAL.—

"(1) WHEN RECUSAL IS REQUIRED.—If information received under this chapter involves the Attorney General or a person with whom the Attorney General has a current or recent personal or financial relationship, the Attorney General shall designate the United States Attorney for the District of Columbia to perform the duties assigned under this chapter to the Attorney General with respect to that information. If the United States Attorney for the District of Columbia is disqualified from the matter due to a personal or financial conflict of interest, the Attorney General shall designate another appropriate official of the Department of Justice to perform such duties.

"(2) RECUSAL DETERMINATION MUST BE IN WRITING.—Prior to making other determinations required by this chapter with respect to information received under this chapter, the Attorney General shall determine in accordance with paragraph (1) whether to designate another official to perform the duties assigned by this chapter. This determination shall be in writing, shall identify the facts considered by the Attorney General, and shall explain the reasons for the decision. The Attorney General shall file this determination with any notification or application submitted to the division of the court under section 592 or 594.

"§ 592. Preliminary investigation and application for an independent counsel

"(a) CONDUCT OF PRELIMINARY INVESTIGATION.—

"(1) IN GENERAL.—A preliminary investigation conducted pursuant to a determination made under section 591(a) shall be of such matters as the Attorney General considers appropriate in order to make the determinations specified in subsections (b) and (c) of this section. The preliminary investigation shall be conducted for a period of not more than 90 days after the date the information referred to in section 591(a) is received.

"(2) CONGRESSIONAL REQUEST FOR PRELIMINARY INVESTIGATION OR APPOINTMENT OF AN INDEPENDENT COUNSEL.—A majority of majority party members or a majority of all nonmajority party members of the Committee on the Judiciary of either House of the Congress may request in writing that the Attorney General (i) conduct a preliminary investigation; (ii) apply for the appointment of an independent counsel, or (iii) request that the division of the court amend an independent counsel's prosecutorial jurisdiction to include any related matter. Not later than 30 days after the receipt of such a request, or not later than 15 days after the completion of a preliminary investigation of the matter with respect to which the request is made, whichever is later, the Attorney General shall provide written notification of any action the Attorney General has taken in response to such request and, if no application has been made to the division of the court, why such application was not made. Such written notification shall be provided to the committee on which the persons making the request serve, and shall not be revealed to any third party, except that the committee may, either on its own initiative or upon the request of the Attorney General, disclose such portion or portions of such notification which will not, in the committee's judgment, prejudice the rights of any individual.

"(3) LIMITED AUTHORITY OF ATTORNEY GENERAL.—(A) In conducting preliminary investigations under this section, the Attorney General shall have no authority to convene grand juries, plea bargain, grant immunity, or issue subpoenas.

"(B) The Attorney General shall not, in whole or in part, base a decision—

"(i) not to conduct a preliminary investigation; or

"(ii) not to apply for the appointment of an independent counsel,

upon a determination that the person who is the subject of the preliminary investigation lacked the state of mind required for the violation of criminal law unless there is clear and convincing evidence that the person lacked such state of mind.

"(4) EXTENSION OF TIME FOR PRELIMINARY INVESTIGATION.—The Attorney General may apply to the division of the court for a single extension (for a period of not more than 60 days) of the 90-day period referred to in paragraph (1). The division of the court may, upon a showing of good cause, grant such extension.

"(b) FINDING THAT FURTHER INVESTIGATION NOT WARRANTED.—

"(1) NOTIFICATION TO COURT.—If the Attorney General, upon completion of a preliminary investigation under this section, finds that there are no reasonable grounds to believe that further investigation is warranted, the Attorney General shall promptly so notify the division of the court, and the division of the court shall have no power to appoint an independent counsel with respect to the matters involved.

"(2) FORM OF NOTIFICATION.—Such notification shall contain a summary of the information received and a summary of the results of the preliminary investigation.

"(c) FINDING THAT FURTHER INVESTIGATION IS WARRANTED.—

"(1) APPLICATION FOR APPOINTMENT OF INDEPENDENT COUNSEL.—The Attorney General shall apply to the division of the court for the appointment of an independent counsel if—

"(A) the Attorney General, upon completion of a preliminary investigation, finds reasonable grounds to believe that further investigation is warranted, or

"(B) the 90-day period referred to in subsection (a)(1) (and any extension granted under subsection (a)(4)) elapses without a notification under subsection (b) by the Attorney General to the division of the court that there are no reasonable grounds to believe that further investigation is warranted.

In determining whether reasonable grounds exist to warrant further investigation the Attorney General shall comply with the written or other established policies of the Department of Justice which pertain to the conduct of criminal investigations.

"(2) RECEIPT OF ADDITIONAL INFORMATION.—If, after submitting a notification under subsection (b), the Attorney General receives additional information sufficient to constitute grounds to investigate the matters to which such notification related, the Attorney General shall—

"(A) conduct such additional preliminary investigation as the Attorney General considers appropriate for a period of not more than 90 days after the date such additional information is received; and

"(B) otherwise comply with the provisions of this section and section 594(e).

"(d) CONTENTS OF APPLICATION.—Any application under this chapter shall contain sufficient information to assist the division of the court to select an independent counsel and to define that independent counsel's prosecutorial jurisdiction.

"(e) LIMITATION ON JUDICIAL REVIEW.—The Attorney General's determination under this chapter to apply to the division of the court for the appointment of an independent counsel shall not be reviewable in any court.

"§ 593. Duties of the division of the court

"(a) REFERENCE TO DIVISION OF THE COURT.—The division of the court to which this chapter refers is the division established under section 49 of this title.

"(b) APPOINTMENT AND JURISDICTION OF INDEPENDENT COUNSEL.—Upon receipt of an application under section 592(c), the division of the court shall appoint an appropriate independent counsel and shall define that independent counsel's prosecutorial jurisdiction. Before determining such jurisdiction, the division of the court may consider comments submitted by interested persons with respect to such jurisdiction. An independent counsel's identity and prosecutorial jurisdiction (including any expansion under subsection (d)) shall not be made public except upon the request of the Attorney General or upon a determination of the division of the court, on its own motion or on the motion of an interested person, that disclosure of the identity and prosecutorial jurisdiction of such independent counsel would be in the best interests of justice. In any event, the identity and prosecutorial jurisdiction of such independent counsel shall be made public when any indictment is returned or any criminal information is filed.

"(c) SCOPE OF JURISDICTION OF INDEPENDENT COUNSEL.—In defining the prosecutorial jurisdiction of an independent counsel appointed under this chapter, the division of the court shall assure that the independent counsel has adequate authority to fully investigate the subject matter with respect to which the Attorney General has requested appointment of an independent counsel. Such jurisdiction shall also include the authority to investigate and prosecute such Federal crimes, other than petty offenses, as may arise out of the investigation or prosecution itself, including perjury, obstruction of justice, destruction of evidence, and intimidation of witnesses.

"(d) EXPANSION OF JURISDICTION.—The division of the court, upon request of the Attorney General, may expand the prosecutorial jurisdiction of an independent counsel and such expansion may be in lieu of the appointment of a new independent counsel.

"(e) REMAND FOR FURTHER EXPLANATION.—Upon receipt of a notification under section 592 or 594 from the Attorney General finding that there are no reasonable grounds to believe that further investigation is warranted of information received under this chapter, the division of the court shall have no authority to overrule this determination but may remand the matter to the Attorney General for further explanation of the reasons for such finding.

"(f) Qualifications of Independent Counsel.—The division of the court shall appoint as independent counsel, an individual who will conduct the investigation and any prosecution in a prompt, responsible, and cost-effective manner. The division of the court may not appoint as an independent counsel any person who holds any office of profit or trust under the United States. The division of the court shall select an individual to serve as an independent counsel from those attorneys with appropriate prosecutorial experience. The determination of the division of the court on prosecutorial experience shall not be subject to judicial review.

"(g) Vacancies.—If a vacancy in office arises by reason of the resignation or death of an independent counsel, the division of the court may appoint an independent counsel to complete the work of the independent counsel whose resignation or death caused the vacancy. If a vacancy in office arises by reason of the removal of an independent counsel, the division of the court may appoint an acting independent counsel to serve until any judicial review of such removal is completed. Upon the completion of such judicial review, the division of the court shall take appropriate action.

"(h) Payment of Attorney Fees.—

"(1) Award of fees.—Upon request by the subject of an investigation conducted by an independent counsel pursuant to this chapter, the division of the court may, in its discretion, award reimbursement for all or part of the reasonable attorney fees incurred by such subject during such investigation if—

"(A) no indictment is brought against such subject; and

"(B) the attorney fees would not have been incurred but for the requirements of this chapter.

"(2) Calculating fees.—In calculating attorney fees under this subsection, the hourly rate awarded to a defense counsel may not exceed the hourly rate received by the independent counsel.

"(3) Evaluation of fees.—The division of the court may direct the Attorney General to file a written evaluation of any request for attorney fees under this subsection, analyzing for each expense—

"(A) the sufficiency of the documentation;

"(B) the need or justification for the underlying item; and

"(C) the reasonableness of the amount of money requested.

"(i) Disclosure of Information.—Except as otherwise provided in this chapter, documents or materials supplied to the division of the court under this chapter shall not be revealed to any individual outside the division of the court without leave of the division of the court. Any person may request the court to release any such documents or materials. The division of the court shall give special consideration to requests made by a committee of the Congress exercising a responsibility to oversee the independent counsel process.

"(j) Amicus Curiae Briefs.—When presented with important legal issues, the division of the court may disclose sufficient information about the issues to permit the filing of timely amicus curiae briefs.

"§ 594. Authority and duties of an independent counsel

"(a) Authority.—Notwithstanding any other provision of law, an independent counsel appointed under this chapter shall have, with respect to all matters in such independent counsel's prosecutorial jurisdiction established under this chapter, full power and independent authority to exercise all investigative and prosecutorial functions and powers of the Department of Justice, the Attorney General, and any other officer or employee of the Department of Justice, except that the Attorney General shall exercise direction or control as to those matters that specifically require the Attorney General's personal action under section 2516 of title 18. Such investigative and prosecutorial functions and powers shall include—

"(1) conducting proceedings before grand juries and other investigations;

"(2) participating in court proceedings and engaging in any litigation, including civil and criminal matters, that such independent counsel considers necessary;

"(3) appealing any decision of a court in any case or proceeding in which such independent counsel participates in an official capacity;

"(4) reviewing all documentary evidence available from any source;

"(5) determining whether to contest the assertion of any testimonial privilege;

"(6) receiving appropriate national security clearances and, if necessary, contesting in court (including, where appropriate, participating in in camera proceedings) any claim of privilege or attempt to withhold evidence on grounds of national security;

"(7) making applications to any Federal court for a grant of immunity to any witness, consistent with applicable statutory requirements, or for warrants, subpoenas, or other court orders, and, for purposes of sections 6003, 6004, and 6005 of title 18, exercising the authority vested in a United States attorney or the Attorney General;

"(8) inspecting, obtaining, or using the original or a copy of any tax return, in accordance with the applicable statutes and regulations, and, for purposes of section 6103 of the Internal Revenue Code of 1986, and the regulations issued thereunder, exercising the powers vested in a United States attorney or the Attorney General;

"(9) initiating and conducting prosecutions in any court of competent jurisdiction, framing and signing indictments, filing informations, and handling all aspects of any case in the name of the United States; and

"(10) consulting with the United States attorney for the district in which any violation of law with respect to which the independent counsel is appointed was alleged to have occurred.

"(b) Compensation.—An independent counsel appointed under this chapter shall receive compensation at a per diem rate equal to the annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5.

"(c) Additional Personnel.—For the purposes of carrying out the duties of the office of independent counsel, an independent counsel may appoint, fix the compensation, and assign the duties of such employees as such independent counsel considers necessary (including investigators, attorneys, and part-time consultants). The positions of all such employees are exempted from the competitive service. No such employee may be compensated at a rate exceeding the maximum rate of pay payable for GS-18 of the General Schedule under section 5332 of title 5.

"(d) Assistance of Department of Justice.—An independent counsel may request assistance from the Department of Justice in carrying out the functions of the independent counsel, and the Department of Justice shall provide that assistance, which may include access to any records, files, or other materials relevant to matters within such independent counsel's prosecutorial jurisdiction, and the use of the resources and personnel necessary to perform such independent counsel's duties. Notwithstanding any other provision of law, the Department of Justice shall pay all costs relating to the establishment and operation of any independent counsel and shall be reimbursed for these expenditures out of the fund established pursuant to section 1304 of title 31, United States Code. The Attorney General shall submit to the Congress on a quarterly basis a report of the reimbursements from the fund. There is authorized to appropriated such sums as may be necessary to reimburse the fund established by section 1304 of title 31, United States Code, for any withdrawals made pursuant to this subsection.

"(e) Other Matters Which May Be Referred to an Independent Counsel.—

"(1) Treatment of matters not covered in prosecutorial jurisdiction.—(A) If the independent counsel discovers or receives information about persons or possible violations of criminal law as provided in section 591, which are not covered by the prosecutorial jurisdiction of the independent counsel, the independent counsel may submit such information to the Attorney General. The Attorney General shall then conduct a preliminary investigation of the information in accordance with the provisions of section 592, except that such preliminary investigation shall not exceed 30 days from the date such information is received. In making the determinations required by section 592, the Attorney General shall give great weight to any recommendations of the independent counsel.

"(B) If the Attorney General finds, after according great weight to the recommendations of the independent counsel, that there are no reasonable grounds to believe that further investigation is warranted, the Attorney General shall promptly so notify the division of the court and the division of the court shall have no power to expand the jurisdiction of the independent counsel or to appoint a new independent counsel with respect to the matters involved.

"(C) If—

"(i) the Attorney General finds there are reasonable grounds to believe that further investigation is warranted; or

"(ii) the 30-day period referred to in subparagraph (A) elapses without a notification to the division of the court that no further investigation is warranted,

the division of the court shall expand the jurisdiction of the appropriate independent counsel or appoint a new independent counsel to investigate the matters involved.

"(2) Referrals by the Attorney General.—An independent counsel may accept referral of a matter by the Attorney General, if the matter relates to such independent counsel's prosecutorial jurisdiction as established by the division of the court. If such referral is accepted, the independent counsel shall notify the division of the court.

"(f) Compliance With Department of Justice Policies.—An independent counsel shall comply with the written or other established policies of the Department of Justice respecting enforcement of the criminal laws.

"(g) Dismissal of Matters.—The independent counsel shall have full authority to dismiss matters within such counsel's prosecutorial jurisdiction without conducting an investigation or at any subsequent time before prosecution if to do so would be consistent with the written or other established

policies of the Department of Justice with respect to the enforcement of criminal laws.

"(h) Treatment of Noncriminal Ethical Violations.—If the criminal investigation conducted by an independent counsel incidentally develops or discovers evidence warranting investigation of whether the subject or subjects of proceedings under this chapter may have violated ethical standards established by Federal law or regulation, but no criminal prosecution is warranted, the independent counsel may report such evidence to the Office of Government Ethics and any other Federal agency or officer having jurisdiction over such noncriminal violations.

"(i) Reports by Independent Counsel.—

"(1) Required reports.—An independent counsel shall—

"(A) within 30 days after appointment file an initial report with the division of the court estimating the length of the investigation, staff needs, and expenses;

"(B) file a status report with the division of the court every 60 days after the initial report, identifying and explaining major unexpected expenses, and estimating the length of the remainder of the investigation, staff needs, and expenses; and

"(C) before the termination of an independent counsel's office under section 596(b), file a final report with the division of the court, setting forth fully and completely a description of the work of the independent counsel, including the disposition of all cases brought, and the reasons for not prosecuting any matter within the prosecutorial jurisdiction of such independent counsel.

"(2) Release of information in report.—The division of the court may release to the Congress or any person such portions of a report made under this subsection as the division considers appropriate. The division of the court shall make such orders as are appropriate to protect the rights of any individual named in such report and to prevent undue interference with any pending prosecution. The division of the court may make any portion of a final report under this section available to any individual named in such report for the purposes of receiving within a time limit set by the division of the court any comments or factual information that such individual may submit. Such comments and factual information, in whole or in part, may in the discretion of the division of the court be included as an appendix to such final report.

"(j) Information Relating to Impeachment.—An independent counsel shall advise the House of Representatives of any substantial and credible information which such independent counsel receives, in carrying out the independent counsel's responsibilities under this chapter, that may constitute grounds for an impeachment. Nothing in this chapter or section 49 of this title shall prevent the Congress or either House thereof from obtaining information in the course of an impeachment proceeding.

"(k) Recordkeeping.—

"(1) Independent counsel records.—Upon termination of office, an independent counsel shall transfer to the Archivist of the United States records which have been created or received by the independent counsel office. Prior to this transfer, the independent counsel shall clearly identify which of these records are subject to rule 6(e) of the Federal Rules of Criminal Procedure as grand jury materials and which have been classified as national security information. Any records which were compiled by an independent counsel and, upon termination of the independent counsel's office, were stored with the division of the court or elsewhere prior to the enactment of this section, shall also be transferred to the Archivist of the United States by the division of the court or the person in possession of such records.

"(2) Records subject to Federal Records Act.—Records transferred to the Archivist under this chapter shall be maintained, used, and disposed of in accordance with the Federal Records Act (chapters 21, 29, and 33 of title 44, United States Code).

"(3)(A) Access to records.—Access to the records transferred to the Archivist under this chapter shall be governed by the Freedom of Information Act (5 U.S.C. 552).

"(B) Upon written application by the Attorney General, the Archivist shall disclose independent counsel records to the Department of Justice for purposes of an ongoing law enforcement investigation or court proceeding or, in the case of grand jury materials, as permitted by rule 6(e) of the Federal Rules of Criminal Procedure.

"(C) Notwithstanding any restriction on access imposed by law, the Archivist and persons employed by the National Archives and Records Administration who are engaged in the performance of normal archival work shall be permitted access to the records transferred to the Archivist under this chapter.

"(l) Standards of Conduct Applicable to Independent Counsels and Persons Serving in the Office of an Independent Counsel.—

"(1) Independence from Department of Justice.—Each independent counsel, together with the persons appointed by the independent counsel under subsection (c), forms an agency separate from and independent of the Department of Justice for purposes of sections 202 through 209 in title 18.

"(2) Restrictions on employment while serving.—During the term of office of an independent counsel, such independent counsel and the persons appointed by the independent counsel under subsection (c), shall not simultaneously serve as counsel or cocounsel to a person who is the subject of proceedings under this chapter.

"(3) Five-year ban on representation of subjects.—Each independent counsel and the persons appointed by the independent counsel under subsection (c) shall not, for 5 years following the termination of that independent counsel's office, represent any person, in any civil or criminal matter, who was a subject of an investigation or prosecution under this chapter if those proceedings were conducted by that independent counsel.

"(4) Effective date of standards of conduct.—Independent counsels and persons appointed by independent counsels under subsection (c), who are serving in such capacities on the date of the enactment of this chapter, shall comply with the provisions of this subsection no later than 90 days after the date of enactment of this chapter.

"(m) Expenditures.—Independent counsels shall conduct their investigations and prosecutions with due regard for expense and shall authorize only reasonable expenditures.

"§ 595. Congressional oversight

"(a) Oversight of Conduct of Independent Counsel.—

"(1) Congressional oversight.—The appropriate committees of the Congress shall have oversight jurisdiction with respect to the official conduct of any independent counsel appointed under this chapter, and such independent counsel shall have the duty to cooperate with the exercise of such oversight jurisdiction.

"(2) Reports to congress by an independent counsel.—An independent counsel appointed under this chapter shall submit to the Congress such statements or reports on the activities of such independent counsel as the independent counsel considers appropriate.

"(b) Oversight of Conduct of Attorney General.—

"(1) Congressional request for information.—Upon receiving an inquiry about a particular case, which has become public, from a committee of the Congress with jurisdiction over this chapter, the Attorney General shall promptly respond to the inquiry—

"(A) by indicating at least the following about such case:

"(i) whether proceedings are taking place under this chapter with respect to that case;

"(ii) when the information about the case was received for purposes of calculating the 90-day period under section 592 or 30-day period under section 594;

"(iii) whether a preliminary investigation has been initiated;

"(iv) whether the Attorney General has determined not to initiate a preliminary investigation; and

"(v) whether an initial filing has been made with the division of the court with respect to that case and, if so, the date of that filing; and

"(B) by producing documents including, but not limited to, staff recommendations, from the case if that case has been closed by the Department of Justice and if the documents discuss determinations required by this chapter, other than court filings which the division of the court has not released.

"(2) Disclosure by committee.—A committee which obtains a response or documents from the Attorney General under this subsection may not disclose such response or documents unless the committee determines that disclosure will not, in the judgment of the committee, prejudice the rights of any individual.

"§ 596. Removal of an independent counsel; termination of office

"(a) Removal; Report on Removal.—

"(1) Grounds for removal.—An independent counsel appointed under this chapter may be removed from office, other than by impeachment and conviction, only by the personal action of the Attorney General and only for good cause, physical disability, mental incapacity, or any other condition that substantially impairs the performance of such independent counsel's duties. For purposes of this paragraph, refusal of an independent counsel to obey an order of the President is not good cause for removal if that order would compromise the independence of proceedings under this chapter or otherwise violate the purposes of this chapter.

"(2) Report to division of the court and congress.—If an independent counsel is removed from office, the Attorney General shall promptly submit to the division of the court and the Committees on the Judiciary of the Senate and the House of Representatives a report specifying the facts found and the ultimate grounds for such removal. The committees shall make available to the public such report, except that each committee may, if necessary to protect the rights of any individual named in the report or to prevent undue interference with any pending prosecution, postpone or refrain from publishing any or all of the report. The divi-

sion of the court may release any or all of such report in the same manner as a final report released under section 594(i)(2) and under the same limitations as apply to the release of a final report under that section.

"(3) JUDICIAL REVIEW OF REMOVAL.—An independent counsel removed from office may obtain judicial review of the removal in a civil action commenced before a United States district court and may obtain reinstatement or other appropriate relief.

"(b) TERMINATION OF OFFICE.—

"(1) TERMINATION BY ACTION OF INDEPENDENT COUNSEL.—An office of independent counsel shall terminate when—

"(A) the independent counsel notifies the Attorney General that the investigation of all matters within the prosecutorial jurisdiction of such independent counsel or accepted by such independent counsel under section 594(e), and any resulting prosecutions, have been completed or so substantially completed that it would be appropriate for the Department of Justice to complete such investigations and prosecutions, and

"(B) the independent counsel files a final report in compliance with section 594(i)(1)(C).

"(2) TERMINATION BY DIVISION OF THE COURT.—The division of the court, either on its own motion or upon the request of the Attorney General, may terminate an office of independent counsel at any time, on the ground that the investigation of all matters within the prosecutorial jurisdiction of the independent counsel or accepted by such independent counsel under section 594(e), and any resulting prosecutions, have been completed or so substantially completed that it would be appropriate for the Department of Justice to complete such investigations and prosecutions. At the time of such termination, the independent counsel shall file the final report required by section 594(i)(1)(C).

"(c) AUDIT.—Upon termination of the office of an independent counsel, an audit of the expenditures of such office shall be conducted by the General Accounting Office and a report shall be provided to the appropriate committees in Congress.

"§ 597. Relationship with Department of Justice

"(a) SUSPENSION OF OTHER INVESTIGATIONS AND PROCEEDINGS.—Whenever a matter is in the prosecutorial jurisdiction of an independent counsel or has been accepted by an independent counsel under section 594(e), the Department of Justice, the Attorney General, and all other officers and employees of the Department of Justice shall suspend all investigations and proceedings regarding such matter, except to the extent required by section 594(d), and except insofar as such independent counsel agrees in writing that such investigation or proceedings may be continued by the Department of Justice.

"(b) PRESENTATION AS AMICUS CURIAE PERMITTED.—Nothing in this chapter shall prevent the Attorney General or the Solicitor General from making a presentation as amicus curiae to any court as to issues of law raised by any case or proceeding in which an independent counsel participates in an official capacity or any appeal of such a case or proceeding.

"§ 598. Severability and Sunset.

"(a) SEVERABILITY PROVISION.—If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the remainder of the chapter and the application of such provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

"(b) SUNSET PROVISION.—This chapter shall cease to have effect 5 years after the date of the enactment of the Independent Counsel Reauthorization Act of 1987, except that this chapter shall continue in effect with respect to the pending matters before an independent counsel that in the judgment of such independent counsel require such continuation until that independent counsel determines such matters have been completed.".

SEC. 3. TECHNICAL AMENDMENTS.

(a) TITLE 28, UNITED STATES CODE.—

(1) TABLE OF CONTENTS.—The table of chapters at the beginning of part II of title 28, United States Code, is amended by striking out

"39. Independent Counsel"
and inserting in lieu thereof

"40. Independent Counsel".

(2) REDESIGNATION.—Section 49(f) of title 28, United States Code, is amended—

(A) by striking out "39" each place it appears and inserting in lieu thereof "40"; and

(B) by striking out "a independent" and inserting in lieu thereof "an independent".

(b) COMPREHENSIVE CRIME CONTROL ACT OF 1984.—Section 228(b) of the Comprehensive Crime Control Act of 1984 is amended by inserting "each place it appears" after " 'petty offense' ".

(c) STATUS OF INDEPENDENT COUNSEL AS A SPECIAL GOVERNMENT EMPLOYEE.—

(1) AMENDMENT TO TITLE 18.—The first sentence of section 202(a) of title 18, United States Code, is amended by—

(A) striking out "or" after "United States Commissioner,"; and

(B) striking out the period at the end of the sentence and inserting in lieu thereof the following: ", or, regardless of the number of days of appointment, an independent counsel appointed under chapter 40 of title 28, together with any persons appointed by that independent counsel under section 594(c) of title 28.".

(2) FINANCIAL DISCLOSURE REQUIREMENTS.—Section 203(b) of the Ethics in Government Act of 1978 is amended by striking out "and the Vice President" and inserting in lieu thereof ", the Vice President, and independent counsels and other persons appointed under chapter 40 of title 28".

(d) CLERK OF THE DIVISION OF THE COURT.—Section 49(a) of title 28, United States Code, is amended by adding at the end thereof the following: "The clerk of the United States Court of Appeals for the District of Columbia Circuit shall serve as the clerk of such division of the court and shall provide such services as are needed by such division of the court.".

(e) SAVINGS PROVISION.—Each appointment, agreement, and contract which has been made under chapter 39 of title 28, United States Code, as such title was in effect prior to the date of enactment of this Act, shall, after the date of enactment of this Act, continue in effect until modified, terminated, superseded, set aside, or revoked in accordance with law. No criminal investigation or prosecution under chapter 39 of title 28, United States Code, as such title was in effect prior to the date of enactment of this Act, shall abate by reason of the enactment of this Act.

SEC. 4. EFFECTIVE DATE.

The amendments made by this Act take effect on the date of the enactment of this Act.

Mr. LEVIN. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. DODD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, the independent counsel bill that we have just passed is critical legislation in terms of public confidence in Government. It shows that we have indeed learned the lessons of Watergate. We are not going to let that happen again when we have people in the executive branch judging high-level people in the executive branch, investigating them and prosecuting them. We are not going to allow that to happen because of the conflict of interest and the appearance of conflict of interest that is involved when that happens.

Mr. President, I thank, first of all, my colleague Senator COHEN of Maine, who performed an extraordinary service as he always has, and in this area in particular he brings to this Senate a rare personal experience with the independent counsel statute. He was involved in the first one of them because of his participation in the Watergate hearings as a member of the Watergate panel. He has been actively engaged in its reauthorization and now its re-reauthorization.

We are very grateful to him for his deep personal involvement and support.

I also thank Senators GLENN and ROTH, the chairman and ranking member of the Governmental Affairs Committee, for the support that they have given throughout this process. I thank Senator RUDMAN of that committee, who has been very, very helpful to overcome some difficult problems and, of course, the majority leader, Senator BYRD, for making it possible for us even to bring this bill to the floor, and last but not least, let me thank my staffers, Linda Gustitus and Else Bean who have performed here as well as my staff.

They have given me not only huge quantities of materials to consume but extraordinarily high quality materials as well and made it possible for us to manage this bill to the extent we have been able to manage it efficiently and effectively.

Mary Gerwin also deserves roses. She is on Senator COHEN's staff and helped us a great deal as we proceeded through with the bill.

Mr. President, if I can also just take a few seconds to thank Charles Kinney for helping us on the staff basis. He has been awfully helpful. It has been a complicated process to get this bill on the floor for a lot of reasons.

I thank again Senator BYRD and so many others who have helped this process, and I hope I have not left anyone out.

Mr. President, I ask unanimous consent that S. 1293 be indefinitely postponed.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. **LEVIN.** Mr. President, I yield the floor.

Mr. **BYRD.** Mr. President, I compliment and thank Mr. Levin and Mr. Cohen for their good work on behalf of the Nation today. They did it well. My compliments and thanks also to others who worked with them, and to their staffs.

THE BUDGET TALKS

Mr. **BYRD.** Mr. President, for the last week the Congress has been engaged in important and delicate negotiations with the administration regarding the budget deficit. As all Members of the Senate know, these talks were brought about by the historic crash on Wall Street. A wave of panic selling sent Washington a very clear message—do something about the budget deficit.

The talks began 7 days ago with a sense of urgency, a recognition that new energy and a new perspective must be brought to the perennial budget debate between the Congress and the administration over the budget deficit.

The President stated at the onset of these talks that everything was on the table except Social Security. The Congress reacted with the same sense of urgency and responded in kind. Everything was on the table for discussion.

We are now entering the seventh day of these important discussions. They have been going on during the mornings and afternoons. We are entering that critical period in these talks where these discussions, like talks in the past, can go one way or the other.

These talks can lose their energy, their sense of urgency and slide toward irresolution—the familiar complacency that we have been down this road before with no positive results. Or we can use this week to close an agreement. To send a positive message back to Wall Street and the world's financial markets.

The stock market, like a canary in a coal mine, is warning us that there is a real danger of an economic cave-in ahead unless we all act now. We should heed that warning and not dillydally around. The stock market did not go up today. It is down. The stock market is still nervous. It does not yet have that sense of certainty it needs to stabilize itself. The market is waiting for our answser.

Mr. President, this is not a time to become complacent. Both sides in these negotiations should be moving with a sense of urgency; with a sense of what is right for the country. This is not a time to fall into familiar patterns of thinking. I hope the President will give his negotiators the full freedom they need to close an agreement that has to be closed this week.

I want to thank our Senate negotiators, Mr. President. They have been working hard. They have spent many hours in these meetings over these several days, and they are still striving diligently to reach an accord.

I urge the administration to reach an agreement with the Congress as quickly as possible in these budget talks.

MORNING BUSINESS

Mr. **BYRD.** Mr. President, I ask unanimous consent that there be a period for morning business of not to extend beyond 5 o'clock today and that Senators may speak therein for not to exceed 15 minutes each.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

The Senator from Tennessee is recognized.

THE CENTRAL AMERICAN PEACE PLAN

Mr. **SASSER.** Mr. President, this week marks a very important milestone in the Central American peace process.

As an opponent of Contra aid as an instrument of U.S. foreign policy, I have consistently supported regional efforts to achieve peaceful, political, and diplomatic solutions.

Previous efforts have failed to secure substantial progress toward the achievement of a negotiated settlement. The Arias peace process, on the other hand, provides the first opportunity which has any chance of success. It is worthy, not only of our support, but also of our vigorous endorsement and active promotion.

Make no mistake about it, the success of the Arias peace process is vital to the interests of the United States. We must help make it work. We must take every opportunity to encourage a successful diplomatic conclusion of a conflict that has literally ravaged Central America for too many years.

I say this not simply because I believe the Arias plan offers the best opportunity for regional peace. I say it because I believe the Arias plan offers the last opportunity to secure a durable, verifiable regional peace accord.

If the current process fails or if it is intentionally undermined, by either side, prior to the completion of the full 150-day timetable, the violence and killing will continue. And any subsequent peace initiative will be difficult, if not impossible, to effect.

Mr. President, we owe President Arias of Costa Rica an enormous debt of gratitude for his vision and his bold, courageous leadership. He has placed his prestige on the line. He has dared to be rational, decisive, and evenhanded. The personal risk he has taken is substantial.

But his bold approach is no simple gamble. President Arias knows that there exists, today, the unique opportunity and, maybe for the first time, the will to achieve a genuine political solution to the complex problems that are dividing his region.

But Mr. President, there are many obstacles which must be scaled before the peace process can be successful.

In 2 days we reach an important milestone in the emerging peace process. On November 5, the five Central American governments are required to have initiated specific commitments pertaining to democratization, pertaining to amnesty for political prisoners, pertaining to a cease-fire and a stopping of the killing, and pertaining to aid and logistical support for all rebel forces in more than one country.

It now appears that some of these commitments may not be met in time to comply fully with the expectations raised and the goals set out to be achieved by the 90-day deadline.

I want to address, specifically, two critical issues today—amnesty and cease-fire. First, I want to make clear my view that the failure to have concluded all of the 90-day goals by Thursday does not spell doom or the end this peace initiative.

According to any interpretation of the plan, the process continues on for 2 more months. Not until the end of the full 150-day period will we be able to make a judgment with regard to the success or failure of the process in Central America.

After years of insurgency, years of terror, years of killing, and decades of antidemocratic traditions, it is unrealistic to expect instantaneous change. But it is not unrealistic, indeed it is imperative, that there be clear evidence of movement toward the accomplishment of each of the milestones detailed in the Arias proposal that has been signed by five Central American countries.

With specific reference to amnesty and cease-fire, it is critically important that progress be made on these issues in Nicaragua. I want to make it clear that, in my view, the Sandinistas must still take specific actions with regard to the issue of amnesty and to the issue of release of political prisoners and to the issue of a cease-fire.

With regard to amnesty, the Sandinistas must agree to release all political prisoners. A partial amnesty is insufficient to demonstrate good faith on the part of the leaders of the Nicaraguan Government.

Now, I do not believe the doors of the jails should simply be thrown open on Thursday. But an amnesty must be decreed by the Sandinistas in accordance with the November 5 date. The details and timing of prisoner release and the methods employed to repatriate or relocate them can be worked out in later days. But an amnesty decree must be issued in time to comply with the 90-day deadline.

With respect to a cease-fire, no real progress has been made, or for that matter, even attempted. The Sandinistas' unilateral declaration of cease-fires in four areas is not—and I repeat is not—a substitute for a negotiated cease-fire to end the shooting between the Contras and the Sandinistas. Unless the shooting stops, the peace process cannot succeed. There can be no peace nor genuine peace process while the shooting continues.

The time has come for the Sandinistas to agree to a dialog with the Contras for the purpose of securing a cease-fire.

Now, I do not believe it is necessary to require the Sandinistas to negotiate directly with the Contras. But it is necessary that a dialog for the purpose of setting up a cease-fire be established by Thursday, perhaps through an intermediary such as Cardinal Obando y Bravo or former President of Colombia Bentancourt.

In my view, that much must be accomplished this week. Only after a cease-fire is put in place can we expect to see a lifting of the state of emergency and the acceleration of political participation by the Nicaraguan opposition.

To be fair, let me say that my criticism applies to the Contras as it does to the Sandinistas. Neither side can continue to put up roadblocks which prevent an agreement on an effective negotiated cease-fire. The United States should make it clear to the Contras that no additional humanitarian aid will be provided unless they agree to enter negotiations leading to a cease-fire in the next few days.

Likewise, the Sandinistas should be put on notice that their failure to deal on the cease-fire issue will likely result in the ultimate resumption of military aid to the Contras.

I do not want my colleagues to misunderstand what I am saying. I have consistently opposed military aid to the Contras over the years. Indeed, it is clear the Contras have provided the Sandinistas an excuse, a cover, to engage in repression and totalitarian practices. And, not least of all, the Contras have no chance of achieving a military victory of any great significance in Nicaragua.

I do, however, believe that the Sandinistas should be made aware that, in the view of many Senators, a majority of the Congress will likely vote in favor of new military aid for the Contras if the Sandinistas refuse to comply fully with the peace plan's critical elements.

The Sandinistas should not allow themselves to be deluded to be led to the mistaken conclusion that they can slide by with half-measures, that they can fail to live fully up to their responsibilities as signatories to the Arias plan, the solemn agreement that the Sandinista Government has signed. They cannot violate the peace process or half comply with it and then expect the Congress to go along with the dismantlement of the Contras. In the judgment of this Senator, that is simply not going to happen. They are going to have to comply with the peace process or they are going to have to face, I think, a long duration of military aid to the Contras.

In the event of Sandinista non-compliance, many of us would have to reconsider our positions opposing military aid to the Contras.

Likewise, let me say to the Contras that I will oppose any further extension of nonlethal humanitarian aid as a bridge through January unless they too live up to their responsibilities and fully comply with the Arias plan.

However, if the Contras enter into a cease fire agreement with the Sandinistas, the provision of continued humanitarian assistance could be appropriate while the process of democratization continues. Additional amounts of humanitarian aid to the Contras, in the context of a cease fire agreement, are not unreasonable.

Let me say also that I remain committed to the proposition that the United States should agree to enter into bilateral discussions directly with the Sandinistas with who we maintain diplomatic relations and recognize it as the legal government of that country. In my view, there is no other way for the United States to successfully address the legitimate security issues which concern us—the security interests of this hemisphere.

We cannot expect a regional agreement to assure that no Soviet bases will be built in Nicaragua. That is an agreement we are going to have to hammer out with the Nicaraguans themselves, and an agreement we may ultimately have to enforce ourselves. We cannot expect a regional agreement will assure that Soviet bloc and Cuban advisers will be eliminated. That is a matter between the United States and the Nicaraguan Government, to a large extent. The U.S. Government has an interest in seeing that armament levels are reduced in Nicaragua. That can best be accomplished in the context of bilateral negotiations.

The United States would be making a serious error if we fail to secure such bilateral guarantees.

Certainly, such bilateral negotiations must not interfere with or supplant the on-going regional peace process initiated by President Arias. But at an appropriate point during the implementation of the Arias peace process the United States should agree to enter into direct discussions with the Government of Nicaragua.

Mr. President, this weekend I will be joining the Central American observer group in meeting with the five regional presidents and the individual national reconciliation commissions. I hope to find that the parties to the conflict are making true progress and are engaged in genuine efforts to comply with the peace plan.

We have a rare opportunity to bring peace to Central America, that impoverished, embattled region where people live in misery and live in fear. But to be successful, all parties must maintain the will to succeed and we must maintain the patience to keep at the task until it is complete.

SENATOR DOMENICI RECEIVES B'NAI B'RITH'S DISTINGUISHED PUBLIC SERVICE AWARD ON "PETE V. DOMENICI DAY"

Mr. DOLE. Mr. President, a few days ago, our colleague, the distinguished senior Senator from New Mexico [Mr. DOMENICI], was presented with the Distinguished Public Service Award by the Mountain States Anti-Defamation League of B'nai B'rith.

This award, given to Senator DOMENICI at a dinner attended by more than 500 persons, is most deserved and appropriate.

And as part of the events honoring Senator DOMENICI, New Mexico's Governor Carruthers declared that day, Saturday, October 24, 1987, as "Pete V. Domenici Day."

I wish to join in congratulating Senator DOMENICI. Those of us who have worked with PETE DOMENICI during more than 14 years in the U.S. Senate know this award is long overdue.

No member of this body exemplifies the spirit of public service and the goals of the Anti-Defamation League more than does PETE DOMENICI.

Last month began the 75th anniversary year of the Anti-Defamation League of B'nai B'rith. We all know of the excellent work of ADL since it was organized in 1913 "to secure justice and fair treatment to all citizens alike and to put an end forever to unjust and unfair discrimination against and ridicule of any sect or body of citizens."

In presenting the Distinguished Public Service Award to Senator DOMENICI, ADL cited "his outstanding service to New Mexico and the Nation, his dedication to the principles of democracy, and his contributions to the common good."

In commenting on the award, President Reagan wrote to Senator DOMENICI that "you have served the people of New Mexico and our entire country with unfailing devotion to the finest American ideals of brotherhood and tolerance. This is a tribute to your character and your conviction."

Mr. President, I am proud to serve in this body with Pete Domenici. He is a great Senator, a man who sets for himself, and by example for his State and Nation, the very highest principles.

As just one indication of the great respect so many Americans hold for Senator Pete Domenici, Justice Antonin Scalia traveled to New Mexico to serve as the principal speaker at the awards dinner.

Mr. President, to give my colleagues a flavor of the evening, I ask unanimous consent that a copy of the remarks given by Senator Domenici to ADL be printed at this point in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Senator Pete V. Domenici 1987 Distinguished Public Service Award of the Anti-Defamation League of B'nai B'rith

Thank you so very much, Mrs. Clifford. Mr. Matteucci. Mr. Justice Scalia. Honored guests. Friends.

To say that I feel very special tonight, very thrilled, is to use the greatest understatement.

You have given me and my wife, Nancy, and my family a great honor, one we shall carry with us as long as we live.

Making this evening particularly special is the fact that you have presented me this award during a year that holds such symbolic importance for all of us.

This year, of course, is the 200th anniversary of America's Constitution, a document that the great British prime minister, William Gladstone, called "the noblest document ever conceived by a group of men."

This year also is the 75th anniversary of the birth of this great State of New Mexico.

And this month begins the 75th anniversary year of the founding of the Anti-Defamation League.

We sometimes forget how far we have come in just a lifetime, since those days when ADL was founded in Chicago to fight the evils of the KKK and the other soldiers of bigotry who were rampant across the land.

ADL was formed "to secure justice and fair treatment to all citizens alike."

ADL was needed because America had a dark side of prejudice; some of that darkness lingers today. That is why ADL continues to be vital to the lives of all Americans.

But America was then—and remains today—a beacon to the world, a beacon of freedom to your ancestors and to mine.

Why? Part, no doubt, was the richness of our fields and forests. But, more important, it was the richness of our ideal.

Six years before ADL was founded, my father left Lucca, Italy, and sailed with his brother and his uncle to America. They passed through Ellis Island, then came here, to Albuquerque.

A year later, my mother made the same voyage.

You know what my parents called this country? They called it Novo Mondo, the New World.

To them, it was a New World where anyone, regardless of race, religion, or economic background could make good.

Whatever the dark side of bigotry, this was still the New World where dreams could come true.

We sometimes forget that this New World for Cherubino and Alda Domenici rested upon the oldest constitution on Earth, that we have the oldest freely-elected government in the world.

How surprised our Founding Fathers might be by the durability of that charter they wrote 200 summers ago. Remember the lady who approached Benjamin Franklin as the convention ended?

"What kind of government did you give us, Doctor Franklin"? she asked.

"A Republic," Franklin replied, "if you can keep it."

What has made that document so great, so enduring? Very simply, I think, it has been the balance that Ben Franklin and others achieved, a balance between liberty and order. You see, if we had total liberty, it would be anarchy. But complete and total order would require a totalitarian state.

Mr. Justice Brandeis wrote of our Founding Fathers, saying "they valued liberty both as an end and as a means. They believed liberty to be the secret of happiness and courage to be the secret of liberty."

As he was preparing to take the oath of the Presidency, Abraham Lincoln had his train to Washington detoured to Philadelphia. It was Washington's Birthday. Lincoln visited Independence Hall.

He spoke there of the Constitution and of the words that another great President, Thomas Jefferson, wrote into our Declaration of Independence, words that "gave liberty not alone to the people of this country, but hope to all the world, for all future time. It was that which gave promise that in due time the weights would be lifted from the shoulders of all men, and that all should have an equal chance."

In the most fundamental terms, I think it boils down to this:

In totalitarian states, the government owns the people.

In America, the people own the government.

Lincoln knew that a democracy—unlike a dictatorship—can never rely on picking extraordinary leaders. It must rely on rather ordinary people who go about their ordinary tasks of citizenship in a manner that is extraordinary.

It is the face of Theodore Roosevelt, you'll remember, who joins Washington and Jefferson and Lincoln on Mount Rushmore. Teddy was once asked by a citizen after a speech:

"Mr. President, you just spoke on the constitution and about our duty as citizens. But I'm just an ordinary smalltown businessman. What can I do"?

President Roosevelt reflected for a moment, then replied: "Do what you can, where you are, with all your heart, but do it."

Of course, not everyone responds well to our documents of our freedom. Society does not always generate the best in us. That is why ADL is so important, that is why America has so very many problems earlier in this century, problems with tentacles that still clutch at our society today.

We depend on ADL, and groups like ADL, to be the vigilant pursuers of good, to push us.

Our rights, both social and religious, need advocates. Without those advocates, we can never reach our goals.

We as a people have many rights. Yet with those rights and liberties bring a load of responsibility.

We honor our freedom when we obey the law, when we vote, when we serve on jury duty, when we pay our taxes, and when we lay a wreath on the grave of a veteran.

But reverence for freedom, love of America, is more than a series of acts. It is an attitude. It is more than a series of observances, it is an obligation.

Patriotism is not just an occasional sentiment, it is the commitment of a lifetime.

I have quoted several great Presidents. So let me quote a loser, Wendell Willkie. He lost in 1940, yet he was a man who expressed what America is all about as well as any of the great Presidents.

"Freedom," Willkie said, "is an indivisible word. If we want to enjoy it, and fight for it, we must be prepared to extend it to everyone, whether they are rich or poor, whether they agree with us or not, no matter what their race or the color of their skin."

That, as much as anything, is what this evening is about, and is why I feel so very honored and proud.

I mentioned earlier that what attracted my parents here was the richness of the American ideal. Maybe what is so special about us—our Constitution, our Bill of Rights—is that our government is based on that ideal. It is the only country in history that has been so based.

Other nations owe their existence to race or religion or language or conquest. But ours is a nation based on a simple ideal: That all men are created equal.

Oh, I know that there are some naysayers who will argue that we have failed that ideal, that we have fallen short of the ideals our Founding Fathers set.

If that is true—and it certainly is—isn't that because no other nation ever set such high ideals to live up to?

This ideal—that anyone, regardless of racial, religious, or economic background—was stated by Jefferson in 1776. It is in what Lincoln said at Gettysburg in 1863, that "Government of the people, by the people, and for the people shall not perish from the earth."

We may hear it said that the ideal—that anyone, despite color, class, or creed, can seek his destiny, shape his own future—that it is all simply a dream.

They are right. It is a dream. The American dream, our unfinished dream.

I believe in that dream—the American dream—because I saw it come true for my father and my mother. It came true for your parents and grandparents. And it continues to come true as we struggle daily to improve our society.

When the work of the Constitutional Convention ended that summer 200 years ago and the members gathered to sign the final document, an enfeebled Benjamin Franklin, then in his 82nd year, negotiated his way haltingly to the front table. He had to use the desks for crutches.

He scrawled his name on the document, and watched as others signed. Then in a voice that was broken, with tears that stained his face, he said:

"Mr. President, I have often noticed the design on the back of the presiding chair—a design of the sun low on the horizon. I must confess there were days during the convention when I thought it was a picture of a setting sun. But today, I know for the first time it is a rising sun, a new day for America, a new dawn for freedom."

We owe so much to Franklin, and we owe so much to ADL for your work extending the dawn to more and more people.

Thank you.

TRIBUTE TO ROBERT W. SHELLHOUSE

Mr. THURMOND. Mr. President, the State of South Carolina suffered a great loss with the death of Mr. Robert W. Shellhouse who died on Sunday, October 19, 1987, at the age of 68.

Mr. Shellhouse was a courageous war veteran, a fine businessman, and a farmer who loved his land and his country. He spent 6 months as a German prisoner of war during World War II, fought with courage and conviction in Europe, and was a true American hero and patriot.

Mr. Shellhouse was an honest and successful businessman, founding S&P Grading Co. in the 1960's. His company is responsible for much of the residential and commercial development and growth in Aiken County. Later in his life, Mr. Shellhouse created a profitable farming business on his family's land.

He was a good neighbor and a good friend to everyone in the Aiken community. His dedication to his country, his church, and his fellow man was evident in his attitude and his actions.

His life will serve as an example for future generations of South Carolinians. We are saddened by the death of Mr. Robert W. Shellhouse, and I join with my colleagues in extending deepest sympathy to his lovely wife, Florine; his son, Robert, Jr.; and the other members of his family during this time of bereavement.

Mr. President, I ask unanimous consent that an article and an editorial from the Aiken Standard on Mr. Robert Shellhouse be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Aiken (SC) Standard, Oct. 19, 1987]

Robert W. Shellhouse, WW II Veteran, Dies at Age 68

Robert William Shellhouse, 68, founder and a former partner of S&P Grading Co. Inc., died yesterday in University Hospital, Augusta.

Graveside services will take place at noon tomorrow in Bethany Cemetery with the Revs. Dr. W. James Rivers and Dr. Richard McDuffie officiating.

Mr. Shellhouse was a native of Aiken. He was a member of Shaws Fork Baptist Church, where he was a trustee and a former deacon.

He retired from business in 1986 and continued to make his home at Lake View Farm on the Wagener Road. His large farming operation was devoted largely to cattle and hay production.

Mr. Shellhouse was a decorated veteran of World War II.

When he was 20 years old, he was in the first group of draftees to leave Aiken. During the war, he served in the Army Infantry, was captured and was held in a prison camp in Kistrene, Germany. He escaped and made his way through Germany, Poland and Russia to the Black Sea, where he hitched a ride on a British ship to Naples.

Surviving are his widow, Florine Fanning Shellhouse; a son, Robert William Shellhouse Jr., Aiken; two sisters, Frances Epps, Columbia, and Kathleen Matthews, Rock Hill; and three grandchildren, Tara Shellhouse, Tricia Shellhouse and Breigh Anne Shellhouse.

The family will receive friends from 7 to 9 tonight at George Funeral Home.

[From the Aiken (SC) Standard, Oct. 15, 1987]

Robert W. Shellhouse

Robert W. Shellhouse was a genuine American hero. His life was also a true American success story.

He grew up on the family farm on the Wagener Road and at age 20 was among the first Aiken Countians to be drafted prior to the U.S. entry into World War II.

As an infantryman, he went overseas and arrived in France in the summer of 1944. A staff sergeant assigned to the 28th Division, he took part in several campaigns, including the liberation of Paris. On Sept. 10 in Belgium, he was wounded and captured by the Germans.

Though suffering a bayonet wound, he was moved by freight train for hundreds of miles to a German prsioner-of-war camp near the Polish border. He was reported missing in action, and it was Christmas Day 1944 when his wife finally received word that he was alive and in a POW camp.

He spent six months as a prisoner before escaping, making his way through Poland and Russia to the Black Sea. His feet were frozen, and he suffered the rest of his life from the effects. He suffered even more, perhaps, from the memories at atrocities he saw committed against the Polish people by the invading Russians.

Back home, Mr. Shellhouse took up the life of a farmer and with his brother, the late Charles L. Shellhouse, started a trucking business.

In the early 1950s Shellhouse Brothers entered the business of roadbuilding. After the accidental death of Charles Shellhouse, Robert Shellhouse joined with W. J. Pilgrim in forming S&P Grading Co. in the 1960s.

S&P's growth paralleled that of Aiken, and it performed grading and roadwork for most of the residential and commercial developments around Aiken, including Houndslake, Foxchase, sections of Woodside and Hitchcock Plaza. It also carried out developmental work in the Augusta area, including Petersburg, Hillcreek, Humana Hospital and North Leg Shopping Center.

The multi-million-dollar business now employs some 165 persons.

Mr. Shellhouse retired in 1986 to what he liked best—farming. At Lake View Farm, where he was born and raised, he conducted a large farming operation devoted to cattle and hay.

Though reserved in nature and not a "joiner," Mr. Shellhouse was an active member of Shaw's Fork Baptist Church, where he served as a trustee and a deacon.

He was an early proponent of the country council form of government in Aiken County and ran unsuccessfully for a seat on council in 1970.

Throughout his life, Mr. Shellhouse suffered from the effects of his wartime experiences and he had had several serious illnesses in recent years. He died Oct. 18 after a short illness.

A friend, Robert E. Penland, echoed the worlds of the officiating minister who spoke of Mr. Shellhouse's "indomitable spirit." Mr. Shellhouse's death, Mr. Penland said, "is a great loss to the community."

A lifelong friend and neighbor, County Council Chairman Carrol Warner, described Mr. Shellhouse as a man of strong convictions and high principles.

"He was one of the most patriotic people I have known, and he was always willing to express the love he felt for his country and for his family," Mr. Warner said. Though he suffered from physical ailments, Mr. Shellhouse never complained, he added.

Another close friend, Mackey Scott Jr., spoke of Mr. Shellhouse as a "gracious host and a good neighbor" who was always willing to help those in times of need.

TRIBUTE TO HENRY T. BUSBEE

Mr. THURMOND. Mr. President, the State of South Carolina suffered a great loss with the death of Henry T. Busbee who died on Thursday, October 29, 1987, at the age of 95.

Mr. Busbee was a highly respected man in Aiken County. His integrity, intellect, and sound judgment led him to become one of the most capable attorneys in South Carolina. I had the pleasure of appointing him to a special supreme court I created during my term as Governor of South Carolina. Mr. Busbee also served as the city attorney for 39 years and as attorney for the county school board for 44 years. He had a keen legal mind and was a man dedicated to public service

Mr. Busbee was active in a variety of community and church activities, playing an active role in civic organizations even into his nineties. His volunteer work showed the depth of his concern for others and the extent of his fine character.

His life will serve as an example for future generations of South Carolinians. We are saddened by the death of Mr. Henry T. Busbee, and I join with my colleagues in extending deepest sympathy to his lovely wife, Grace, his son, George Alexander, and his two sisters, Mrs. Epsie Sullivan and Mrs. Carnegie Delancey.

Mr. President, I ask unanimous consent that an article and an editorial from the Aiken Standard on Mr. Henry Busbee be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Henry T. Busbee, Well-Known Attorney, Dies At Age 95

Henry Tennyson Busbee, former city of Aiken attorney, died yesterday in HCA Aiken Regional Medical Centers.

Mr. Busbee resided at 816 Rollingwood Road.

The funeral will take place at 2 p.m. tomorrow at St. Thaddeus Episcopal Church with the Revs. E. Michael Rowell and Charles Davis Jr. officiating. Burial will be in Wagener Cemetery, Wagener.

Mr. Busbee's friends remember him as a gentleman who worked hard for his clients.

"He was one of the grand old men of the legal profession," said Aiken attorney Henry

Summerall. "He was a tough adversary who fought hard for his clients and was one of the most highly respective members of the bar in Aiken."

Summerall said that Busbee served as city attorney for nearly 40 years and was also the attorney for the Aiken County School Board for "a long time."

"No matter how busy he was, he was always willing to take time to help young lawyers—which I was at the time," Summerall added. "He was one of the giants of the legal profession in Aiken—one of those characters who make Aiken a unique place to live."

Aiken Mayor H. Odell Weeks shared the same opinion.

"He was one of the finest gentlemen I have ever known," the mayor said. "His death is a great loss to the community—he loved the city dearly. We'll miss him very much. He was an excellent attorney."

Aiken City Manager Roland H. Windham recalled what he considered to be Mr. Busbee's most outstanding trait.

"The greatest thing about him was that he had a tremendous compassion for people," Windham said. "He was what I would call a true Southern gentleman in all respects."

"He'll be missed," Windham said. "A real asset to the community has passed."

Mr. Busbee was born Oct. 18, 1892, in Wagener. He was a son of the late James Emmanuel and Ella Taylor Busbee and was one of 13 children.

Mr. Busbee was a graduate of Wagener High School and received his undergraduate and law degree from the University of South Carolina. He was admitted to the S.C. bar in 1918. After serving in the U.S. Navy in the Pacific in World War I, Busbee began his practice in Wagener but soon moved to Aiken. He was a partner in the firm of Williams, Croft and Busbee. He served as attorney for the city of Aiken from 1937 to 1976 and was Aiken County School Board attorney from 1937 to 1976. He was also a legal administrator for the Society for the Prevention of Cruelty to Animals.

Mr. Busbee was chosen a special justice to the S.C. Supreme Court in 1948.

He was a member of the S.C. Bar Association, American Bar Association and Aiken County Bar Association, and had served as president of the Aiken Bar.

Mr. Busbee retired in 1976, but, into his 80s, he was still winning cases in court, according to a feature published in the Aiken Standard in 1981.

In addition to his work as an attorney, Mr. Busbee was also active in many community organizations, serving on the boards of the United Way, Red Cross, Aiken Community Hospital and the Hitchcock Foundation, among others. He also worked with the Democratic Party in Aiken County.

He was president of the Rotary Club of Aiken, the Aiken Chamber of Commerce and the Aiken Businessmen's Club. Mr. Busbee was also a senior warden at St. Thaddeus Episcopal Church and a founder of Mead Hall School.

Mr. Busbee also served as appeals attorney for Selective Service Board No. 2, his work earning him a certificate of recognition from President Harry S. Truman.

He was a former member of Highland Park Country Club, Green Boundary Club and Woodside Country Club.

Surviving are his widow, Grace Posey Busbee; a son, George Alexander; and two sisters, Epsie (Mrs. Robert) Sullivan, Batesburg; and Carnegie (Mrs. Clarence) Delaney, Aiken; four grandchildren, Suzann Hasley, Julia Alexander, Michael Alexander and David Alexander; and one greatgrandchild, Lee Hasley.

The family will receive friends from 11 a.m. to 1 p.m. and from 7 to 9 p.m. today at Posey's Funeral Home, Graniteville. Friends may also call at the home of his niece, Magdalene J. Daly, 11 Woodhill Place, Aiken.

HENRY T. BUSBEE

Henry Busbee, at 95, was by far the oldest member of the Aiken Bar and he had a wealth of stories to tell of his years as an attorney. He was indeed a great story teller.

The fact that he served as city attorney for 39 years and as attorney for the County School Board for 44 years is an indication of the trust and esteem in which he was held in his home county.

He was born at Wagener, one of 13 children in an outstanding and industrious family. The late Sen. Dorcey Lybrand and businessman Walter C. Plunkett Jr. were among his nephews.

Mr. Busbee came to Aiken as a young man after practicing law briefly in Wagener. He had graduated from the University of South Carolina and the USC Law School and had also served in the Navy briefly during World War I.

In Aiken, he was active in many civic affairs, serving on the boards of United Way, Red Cross, Aiken County Hospital and the Hitchcock Foundation. He was one of the founders of the Aiken Rotary Club, served as its president at one time and was its oldest member. He had also served as president of the Aiken Chamber of Commerce and the Aiken Businessmen's Club.

He was a dedicated churchman, serving as a senior warden at St. Thaddeus Episcopal Church. He was one of the founders of Mead Hall, Episcopal day school.

Friends of Mr. Busbee had the right words for him. "A true Southern gentleman," said City Manager Roland Windham, one of Mr. Busbee's closest associates. "One of the giants of the legal profession in Aiken," said Attorney Henry Summerall.

A fellow-Wagener native, Attorney Lonnie Garvin, described Mr. Busbee as "a very outstanding attorney . . . and person. He was precise in his legal pleadings, and no document that he prepared was ever contested in court."

Mr. Busbee's death on Thursday is an occasion for remembering this kind and gentle man, who was so dedicated to his profession and to the betterment of the town where he lived so many years. He will be greatly missed.

We extend our deepest sympathies to his family.

PEACE LINKS MEET WITH SOVIET WOMEN'S COMMITTEE

Mr. KERRY. Mr. President, last week a delegation of Peace Links women, led by congressional wives, returned from meetings in the Soviet Union. The delegation spent 10 days in meetings with women in local Soviet women's councils in four republics as well as meetings in Moscow with the Soviet Women's Committee.

Delegation members included Betty Bumpers, Deba Leach, Elinor Bedell, Barbara Levin, Paula Swift, Carol Williams, and 12 Peace Links activists from around the United States. The women were official guests of the Soviet Women's Committee as part of a United States-U.S.S.R. women's exchange inaugurated in 1985.

An official agreement between the two women's groups calls for continued exchanges of women on the local level in both countries, as a continuing effort to reduce tensions between the two countries. I ask that the text of that agreement be included in the RECORD with my statement.

Mr. President, I congratulate these women for their leadership on the critical issue of preventing nuclear war. Their efforts, and the efforts of other citizens groups like theirs over the last 6 years, has been instrumental in creating the political climate for verifiable, nuclear arms reduction like the upcoming intermediate range nuclear force agreement [INF] about to be announced by President Reagan and Secretary Gorbachev.

An agreement between Peace Links and the Soviet Women's Committee, October 27, 1987.

It is agreed that:

The two sides will develop their contacts through information exchanges and publications in women's magazines which will facilitate the spread of objective information about the position of women in the Soviet Union and the United States; for this purpose it should be necessary to consider the holding of "round table" meetings on these issues with subsequent media coverage in both countries;

The two sides will strive to establish direct contacts between women's councils at the level of cities and republics and local chapters of Peace Links, using various means to bring the people of the Soviet Union and the United States and families in the two countries closer together;

The two sides will continue to exchange delegations between the national leadership of Peace Links and the Soviet Women's Committee.

The seminar participants voiced satisfaction with the results of the seminar which they agreed to make known to women in both their countries.

BICENTENNIAL MINUTE

NOVEMBER 3, 1954: SENATOR STROM THURMOND ELECTED AS WRITE-IN CANDIDATE

Mr. DOLE. Mr. President, 33 years ago today, on November 3, 1954, our colleague Senator THURMOND accomplished a remarkable feat. On that day, Senator THURMOND became the first Senator since the 1913 ratification of the 17th amendment providing for direct election of Senators to be elected to this body as a write-in candidate. It is an accomplishment that remains unequaled to this day.

Senator THURMOND, who was then a Democrat and who had already been a State senator, a judge, Governor of

South Carolina, and States' rights candidate for President in 1948, won this unusual election in a campaign based on a wave of protest against the methods by which his democratic opponent had been nominated. In September of that year, South Carolina Senator Burnet Maybank had died 2 days before the deadline for certifying candidates. The State Democratic Executive Committee decided to by-pass a primary and nominated State Senator Edgar Brown for the full term to which Maybank had been renominated that summer. Dismayed at tactics that denied the people a voice in selecting this candidate, Thurmond entered the race as a write-in candidate. Not only did he win, but he was elected by a margin of nearly 2 to 1.

In his victory statement, Senator Thurmond reiterated his promise to resign in 1956 so voters could choose their Senator for the remaining 4 years of the term on the next electoral primary to be held. He resigned in April 1956 and that fall was elected to fill the vacancy his resignation had created. Reelected in every race since then, Senator Thurmond is currently the second longest serving Member among us, having currently served a total of 32 years and 2 months.

DEVELOPMENTS WITH RESPECT TO THE NATIONAL EMERGENCY IN NICARAGUA—MESSAGE FROM THE PRESIDENT RECEIVED DURING RECESS—PM 83

Under the authority of the order of the Senate of February 3, 1987, the Secretary of the Senate on October 30, 1987, during the recess of the Senate, received the following message from the President of the United States; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

I hereby report to the Congress on developments since my last report of May 1, 1987, concerning the national emergency with respect to Nicaragua that was declared in Executive Order No. 12513 of May 1, 1985. In that Order, I prohibited: (1) all imports into the United States of goods and services of Nicaraguan origin; (2) all exports from the United States of goods to or destined for Nicaragua except those destined for the organized democratic resistance; (3) Nicaraguan air carriers from engaging in air transportation to or from points in the United States; and (4) vessels of Nicaraguan registry from entering United States ports.

1. The declaration of emergency was made pursuant to the authority vested in me as President by the Constitution and laws of the United States, including the International Emergency Economic Powers Act, 50 U.S.C. 1701 *et seq.,* and the National Emergencies Act, 50 U.S.C. 1601 *et seq.* This report is submitted pursuant to 50 U.S.C. 1641(c) and 1703(c).

2. The Office of Foreign Assets Control of the Department of the Treasury issued the Nicaraguan Trade Control Regulations implementing the prohibitions in Executive Order No. 12513 on May 8, 1985, 50 Fed. Reg. 19890 (May 10, 1985). There have been no changes in those regulations in the past 6 months. On March 11, 1987, a decision by the United States District Court for the District of Massachusetts upholding the exercise of emergency powers in the Nicaraguan context was affirmed by the United States Court of Appeals for the First Circuit in *Beacon Products Corp.* v. *Reagan.*

3. Since my report of May 1, 1987, fewer than 30 applications for licenses have been received with respect to Nicaragua, and the majority of these applications have been granted. Of the licenses issued in this period, most either authorized exports for humanitarian purposes, covering medical supplies, food, and animal vaccines, or extended authorizations previously given to acquire intellectual property protection under Nicaraguan law.

4. The trade sanctions complement the diplomatic and other aspects of our policy toward Nicaragua. They exert additional pressure intended to induce the Sandinistas to undertake serious dialogue with representatives of all elements of the Nicaraguan democratic resistance and to respond favorably to the many opportunities available for achieving a negotiated settlement of the conflict in Central America. The trade sanctions are part of a larger policy seeking a democratic outcome in Nicaragua by peaceful means.

5. The expenses incurred by the Federal Government in the period from May 1, 1987, through October 31, 1987, that are directly attributable to the exercise of powers and authorities conferred by the declaration of the Nicaraguan national emergency are estimated at approximately $167,800, all of which represents wage and salary costs for Federal personnel. Personnel costs were largely centered in the Department of the Treasury (particularly in the Customs Service, as well as in the Office of Foreign Assets Control, the Office of the Assistant Secretary for Enforcement, and the Office of the General Counsel), with expenses also incurred by the Department of State and the National Security Council.

6. The policies and actions of the Government of Nicaragua continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. I shall continue to exercise the powers at my disposal to apply economic sanctions against Nicaragua as long as these measures are appropriate and will continue to report periodically to the Congress on expenses and significant developments pursuant to 50 U.S.C. 1641 (c) and 1703 (c).

Ronald Reagan.

The White House, *October 30, 1987.*

MESSAGES FROM THE HOUSE

At 2:51 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following joint resolution, without amendment:

S.J. Res. 209. Joint resolution to provide for the extension of certain programs relating to housing and community development, and for other purposes.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker has signed the following enrolled bill and joint resolution:

H.R. 614. An act to designate the new United States courthouse in Birmingham, Alabama, as the Hugo L. Black United States Courthouse; and

H.J. Res. 97. Joint resolution to recognize the Disabled American Veterans Vietnam Veterans National Memorial as a memorial of national significance; and

H.J. Res. 130. Joint resolution to designate the week beginning November 22, 1987, as "National Family Caregivers Week".

The enrolled bill and joint resolutions were subsequently signed by the President pro tempore [Mr. Stennis].

ENROLLED JOINT RESOLUTION SIGNED

At 3:00 p.m., a message from the House of Representatives delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following joint resolution:

S.J. Res. 209. Joint resolution to provide for the extension of certain programs relating to housing and community development, and for other purposes:

The enrolled joint resolution was subsequently signed by the Acting President pro tempore [Mr. Reid].

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, November 3, 1987, he had presented to the President of the United States the following enrolled joint resolution:

S.J. Res. 209. Joint resolution to provide for the extension of certain programs relating to housing and community development, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BENTSEN, from the Committee on Finance, without amendment:

S. Res. 311: An original resolution authorizing supplemental expenditures by the Committee on Finance (Rept. No. 100-211).

By Mr. PELL, from the Committee on Foreign Relations, without amendment:

H.R. 3428: A bill to provide for the distribution within the United States of the film entitled "America The Way I See It".

By Mr. BIDEN, from the Committee on the Judiciary, with an amendment and an amendment to the title and an amended preamble:

S.J. Res. 172: A joint resolution to designate the period commencing February 21, 1988, and ending February 27, 1988, as "National Visiting Nurse Association Week".

By Mr. BIDEN, from the Committee on the Judiciary, without amendment and an amended preamble:

S.J. Res. 200: A joint resolution to designate the period commencing on November 8, 1987, and ending on November 14, 1987, as "National Food Bank Week".

By Mr. PELL, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Con. Res. 31: A concurrent resolution commending the Czechoslovak human rights organization Charter 77, on the occasion of the 10th anniversary of its establishment, for its courageous contributions to the achievement of the aims of the Helsinki Final Act.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. BENTSEN, from the Committee on Finance:

Lawrence J. Whalen, of Oklahoma, to be a Judge of the United States Tax Court for a term expiring fifteen years after he takes office; and

Robert P. Ruwe, of Virginia, to be a Judge of the United States Tax Court for a term expiring fifteen years after he takes office.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. PELL, from the Committee on Foreign Relations:

M. Alan Woods, of the District of Columbia, to be Administrator of the Agency for International Development;

Doug Bereuter, United States Representative from the State of Nebraska, to be a Representative of the United States to the Forty-second Session of the General Assembly of the United Nations;

Pearl Bailey, of Arizona, to be a Representative of the United States to the Forty-second Session of the General Assembly of the United Nations;

George W. Crockett, Jr., United States Representative from the State of Michigan, to be a Representative of the United States to the Forty-second Session of the General Assembly of the United Nations;

Herbert Stuart Okun, of the District of Columbia, to be a Representative of the United States to the Forty-second Session of the General Assembly of the United Nations;

Vernon A. Walters, of Florida, to be a Representative of the United States to the Forty-second Session of the General Assembly of the United Nations;

Patricia Mary Byrne, of Ohio, to be an Alternate Representative of the United States to the Forty-second Session of the General Assembly of the United Nations;

Hugh Montgomery, of Virginia, to be an Alternate Representative of the United States to the Forty-second Session of the General Assembly of the United Nations;

Lester B. Korn, of California, to be an Alternate Representative of the United States of America to the Forty-second Session of the General Assembly of the United Nations;

Mark D. Siljander, of Michigan, to be an Alternate Representative of the United States to the Forty-second Session of the General Assembly of the United Nations;

William W. Treat, of New Hampshire, to be an Alternate Representative of the United States to the Forty-second Session of the General Assembly of the United Nations;

James B. Moran, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Seychelles.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: James B. Moran.

Post: Seychelles.

Contributions, amount, date, donee.

1. Self: James B. Moran, none.

2. Spouse: Jean E. Moran, none.

3. Children and spouses: Johanna J. Moran, $50.00 1983 Larry DiCarra; Boston mayoralty campaign; Victor Brown (spouse), Thomas E. Moran (single), none; Robert J. Moran (single), none; John F. Moran (single) none.

4. Parents: deceased.

5. Grandparents: deceased.

6. Brothers and spouses: Edward G. Moran (single), none.

7. Sisters and spouses: Margaret E. Wood, $100 '83/84/85/86 GOP Nt'l Cmt; Harry F. Wood (spouse), $165 '83/84/85 Boeing Pol Action Ctm; $25 '86 Wash State GOP Cmt; $25 '86 Norman Maley; King City, Wash Prosecutor campaign.

Elizabeth R. Kramer (single), none.

David H. Shinn, of Washington, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Burkina Faso.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: David H. Shinn.

Post: U.S. Ambassador to Burkina Faso.

Contributions, amount, date, donee.

1. Self: David H. Shinn, none.

2. Spouse: Judy K. Shinn, none.

3. Children and spouses names: Steven H. and Christopher R. Shinn, none.

4. Parents names: Guy and Ada Shinn (both deceased).

5. Grandparents names: All grandparents died many years ago.

6. Brothers and spouses names: Guy W. & Mary Shinn, $100 Sept. 84 Cong. Sid Morrison; Sept. 86 Cong. Sid Morrison.

7. Sisters and spouses names: I have no sisters.

Robert Maxwell Pringle, of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Mali.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Robert M. Pringle.

Post: Bamako.

Contributions, amount, date, donee.

1. Self: Robert M. Pringle, none.

2. Spouse: Barbara Cade Pringle, none.

3. Children and spouses names: James M. Pringle, none; Anne E. Pringle, none.

4. Parents names: Henry F. Pringle, deceased; Helena H.S. Pringle, none.

5. Grandparents names: Charles H. Smith, Anna M. Smith, James M. Pringle, Ann J. Pringle, all deceased.

6. Brothers and spouses names: None.

7. Sisters and spouses names: Margot P. Liberty, none.

Richard Noyes Viets, of Florida, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Portugal.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Richard Noyes Viets.

Post: Lisbon, Portugal.

Contributions, amount, date, donee.

1. Self: None.

2. Spouse: None.

3. Children and spouses names: Alexandra, none; Katrina, none; Marynka, none.

4. Parents names: Natalie N. Viets, none; John B. Viets, deceased more than five years.

5. Grandparents names: Both sets of grand parents deceased more than five years.

6. Brothers and spouses names: John B. Viets, Jr., none; Breck T. Viets, none.

7. Sisters and spouses names: None.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. McCONNELL:

S. 1837. A bill to strengthen the enforcement of laws against fraud, corruption, and other illegal acts in connection with Federal, State, and local elections, and for other purposes; to the Committee on Rules and Administration.

By Mr. BENTSEN:

S. 1838. A bill to provide grants and loans to enable areas near the international border separating the United States from Mexico to develop plans for the construction and improvement of, and to construct and improve, water and waste disposal facilities; to the Committee on Environment and Public Works.

By Mr. MELCHER (for himself, Mr. BRADLEY, and Mr. HEINZ):

S. 1839. A bill to amend title XVIII of the Social Security Act to provide for coverage of adult day health care under the medicare program, and for other purposes; to the Committee on Finance.

By Mr. SASSER (for himself, Mr. Byrd, Mr. Heinz, Mr. Melcher, Mr. Burdick, Mr. Breaux, Mr. Harkin, Mr. Rockefeller, Mr. Simon, Mr. Johnston, Mr. Daschle, Mr. Specter, Mr. Metzenbaum, Mr. Shelby, Mr. Heflin, Mr. Reid, Mr. Fowler, Mr. Riegle, Mr. Grassley, Mr. Sanford, Ms. Mikulski, and Mr. Dixon):

S. 1840. A bill to establish a program to assist fiscally distressed local governments in the provision of essential services, and for other purposes; to the Committee on Finance.

By Mr. RIEGLE:

S.J. Res. 211. A joint resolution designating November 6, 1987, as "National Chemistry Day"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BENTSEN, from the Committee on Finance:

S. Res. 311. An original resolution authorizing supplemental expenditures by the Committee on Finance; to the Committee on Rules and Administration.

By Mr. BYRD (for Mr. Baucus (for himself, Mr. Chafee, Mr. Mitchell, Mr. Stafford, Mr. Byrd, Mr. Durenberger, Mr. Pell, Mr. Evans, Mr. Burdick, Mr. Packwood, Mr. Moynihan, Mr. Leahy, Mr. Wirth, Mr. Lautenberg, Mr. Adams, Mr. Bingaman, Mr. Boren, Mr. Bradley, Mr. Bumpers, Mr. Conrad, Mr. Cranston, Mr. DeConcini, Mr. Dodd, Mr. Gore, Mr. Graham, Mr. Harkin, Mr. Kennedy, Mr. Kerry, Mr. Levin, Mr. Pryor, Mr. Reid, Mr. Riegle, Mr. Sanford, Mr. Simon, Mr. Lugar, and Mr. Daschle)):

S. Res. 312. A resolution expressing the sense of the Senate with respect to ratification of the Montreal Protocol to the Vienna Convention for the Protection of the Ozone Layer; considered and agreed to.

By Mr. KERRY:

S. Res. 313. A resolution expressing the sense of the Senate with respect to the 60th Birthday of His Majesty King Bhumibol Adulyadej of Thailand; to the Committee on Foreign Relations.

By Mr. BYRD (for Mr. Kennedy):

S. Con. Res. 85. A concurrent resolution correcting the enrollment of S. 1158; considered and agreed to.

By Mr. KERRY:

S. Con. Res. 86. A concurrent resolution expressing the support of the Congress for the implementation of the July 29, 1987, accord with respect to Sri Lanka as the best hope for peace; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. McCONNELL:

S. 1837. A bill to strengthen the enforcement of laws against fraud, corruption, and other illegal acts in connection with Federal, State, and local elections, and for other purposes; to the Committee on Rules and Administration.

ELECTION FRAUD PREVENTION ACT

Mr. McCONNELL. Mr. President, today is election day in Kentucky. I suspect on this election day, as on many election days over the last 100 years or so, and in some areas of my State, people are attempting to buy votes, sell votes, intimidate voters, and generally distort the election process. Earlier in my life, I taught a course called "American Parties and Elections." I discussed with the students the election fraud problems in some areas of this country. It is clearly not a problem everywhere, but in certain areas of our country, particularly rural, one-party areas in the South, and in certain big cities in the Midwest and in the North—again, places where one party tends to dominate—this is an ongoing problem.

In fact, I have had my own experiences with election fraud, as an election "challenger." I recall in 1967, in a Governor's race in Kentucky, being dispatched as a "challenger" to a one-party precinct. There, I was threatened with physical harm, and saw voters being intimidated and pushed around. I can recall in 1981, Mr. President, when I was running for reelection to a local office, the polls showed me with 40 percent of the vote in a certain part of my community. On election day, it ended up being 17 percent. I wondered what happened between the Friday before the election and the Tuesday of the election that made that much support evaporate. Finally, I can recall in 1984, Mr. President, when I ran for the Senate, staying up literally all night writing telegrams, trying to get the cooperation of Federal prosecutors to encourage people not to steal the election.

In some areas of the country, of course, this kind of thing is unheard of, but it is a persistent problem in the rural South and some big cities of the North where one party tends to dominate.

Some have said that it might even have determined the outcome of the Presidential election in 1960 between Nixon and Kennedy. There was much written and said about election fraud in Chicago that might well have turned Illinois in Kennedy's direction rather than in Nixon's, thereby giving the Presidency to Kennedy. The fate of the country, Mr. President, may have been determined by election fraud.

The Louisville Courier-Journal recently did an excellent 1-week series on this problem in our State. It was very well done. It had people talking on the record for attribution, about the buying and selling of votes, the intimidation of voters, and the distortion of the election process. The Federal Government, in my judgment, Mr. President, has a role to play in stopping this, much like it did in the voting rights controversy of 25 years ago. The Federal Government stepped into the States, and saw that in certain parts of the country people were being denied the right to vote on the basis of race. It responded quickly by enacting the Voting Rights Act of 1965, a bill targeted at those sections of the country where problems were occurring. By acting decisively, the Federal Government has largely remedied that problem today.

What we have now, Mr. President, is a civil rights problem just like the one faced by blacks in the South and in the big cities. The only difference is this is the civil rights of the majority, rather than individuals. Everyone who participates in an election has a right, it seems to me, to an honest election. The candidates who have made their best effort, given their best shot, are entitled to have the votes counted accurately, and to be assured that voters won't be intimidated or assaulted or—in the case of voters willing to sell—voters will be allowed to sell their votes to the highest bidder.

The Courier-Journal series outlined effectively the status of this particular problem in my State. So today, Mr. President, I am introducing a bill called the Election Fraud Prevention Act of 1987. It would do several things that would improve the process in the isolated regions of our country where this is a persistant problem.

First, it would improve supervision of elections, by enabling candidates to get protective measures to prevent election violations at the polls. This prevention aspect of the bill, Mr. President, is extremely important. It is not enough to have a post-election remedy. We have an occasional prosecution and an occasional conviction in my State for these kinds of "election day shenanigans" as we in Kentucky call them. But what the candidates and the public would rather see is an honest election between 6 a.m. and 6 p.m. My bill would allow a candidate for Federal, State, or local office to request supervision of the polls by Federal authorities, to ensure that the process of distorting elections by influencing voters at the polls no longer takes place.

With regard to penalties, as astounding as it may be, Mr. President, the buying of votes in Kentucky, or in any other State for that matter, is not against Federal law. That must change, and we must change it now.

My bill would impose felony penalties for vote buying or vote selling. It would keep interference or intimidation at the polls from occurring by imposing heavy fines and long prison sentences. It would also make it a felony to trade or privately promise Government benefits for campaign contributions. And finally, it would

allow enforcement of Federal anti-fraud statutes against election fraud using the mail, broadcast media, or interstate commerce. This last provision is important because a lot of the election fraud that occurs in my State, and I suspect in many others, involves the use of absentee ballots. Unfortunately, due to the recent Supreme Court decision in McNally versus United States, the fraudulent use of absentee ballots may no longer be in violation of the Federal anti-fraud statutes. This bill would cure that problem, enabling Federal law enforcement officials to investigate and prosecute any election fraud which uses mail, media, or interstate commerce to assist its black market operations.

In conclusion, Mr. President, this is a civil rights issue. It is a civil rights issue for the majority: the right of the majority to have fair and honest elections in America, no matter where they occur; to have the majority freely decide the outcome, without vote-buying, vote-selling or intimidation. I think this kind of approach will go a long way toward ensuring that—everywhere in American today—every single voter has full opportunity to participate in an election, the outcome of which won't be distorted by fraudulent practices.

Mr. President, I ask unanimous consent that a section-by-section analysis and the full text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1837

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Election Fraud Prevention Act of 1987".

FINDINGS AND PURPOSES

SEC. 2. (a) The Congress finds and declares that—

(1) preserving the integrity of the election process is essential to the health of our democratic form of government and to citizens' respect for the law;

(2) the integrity of the election process is seriously undermined when voters are subject to intimidation or interference in executing their ballots, or are influenced by gifts or promises of money or other things of value;

(3) the integrity of the election process is further undermined when campaign contributions are solicited and furnished in exchange for promises of government employment, contracts, grants, or other special considerations;

(4) an extensive and entrenched system of election fraud, vote buying, illicit cash contributions and other abuses is distorting the democratic election process in certain areas, particularly in poor and rural regions;

(5) some local election officials, instead of preventing fraudulent acts at polling places, actively assist in vote buying, voter intimidation, and interference with the execution of ballots;

(6) in certain regions, vote buying, voter harassment, and other illegal practices at or near polling places have become so widespread that many eligible voters are deterred from registering or casting their votes;

(7) because of the pervasiveness of election abuses, in certain areas State and local officials are prevented from effective action: State election monitoring agencies often are inadequately funded and staffed, indictments and convictions are rare even for egregious offenses, and some legislators are reluctant to correct flaws in election regulation laws;

(8) there is virtually no preventative supervision of activities at polling places, thereby encouraging candidates to risk belated prosecution, after obtaining victory in the election through illegal election practices;

(9) a critical need exists for professionally trained election officials to conduct preventative supervisory operations in regions shown to be particularly susceptible to election abuses; and

(10) governments at the Federal, State, and local levels have a duty to protect the integrity of the election process by deterring election abuses with substantial penalties, aggressively prosecuting election law violators, and providing adequate preventative supervision of campaign contributions and activity near polling places.

(b) The purposes of this Act are to—

(1) allow for full enforcement of the election laws of each State and of the United States;

(2) prohibit vote buying, voter intimidation, and interference at or near polling places;

(3) prohibit the solicitation or provision of campaign contributions in exchange for government benefits; and

(4) provide strong preventative supervision of polling places in circumstances where election abuses could occur.

ELECTION FRAUD THROUGH USE OF THE MAILS

SEC. 3. Section 1341 of title 18, United States Code, is amended by—

(1) inserting "(a)" before "Whoever,";

(2) striking out "$1,000" and inserting in lieu thereof "$25,000";

(3) striking out "five years" and inserting in lieu thereof "ten years"; and

(4) adding at the end thereof the following new subsection:

"(b) As used in this section, 'scheme or artifice to defraud' includes any scheme or artifice to violate the election laws of any State or of the United States.".

ELECTION FRAUD INVOLVING WIRE, RADIO, OR TELEVISION

SEC. 4. Section 1343 of title 18, United States Code, is amended by—

(1) inserting "(a)" before "Whoever,";

(2) striking out "$1,000" and inserting in lieu thereof "$25,000";

(3) striking out "five years" and inserting in lieu thereof "ten years"; and

(4) adding at the end thereof the following new subsection:

"(b) As used in this section, 'scheme or artifice to defraud' includes any scheme or artifice to violate the election laws of any State or of the United States.".

VOTE BUYING AND OTHER ELECTION ABUSES

SEC. 5. Chapter 29 of title 18, United States Code, is amended by—

(1) amending section 597 to read as follows:

"§ 597. Vote buying and other election abuses

"(a) Whoever, directly or indirectly—

"(1) makes or offers to make any expenditure, or gives, offers, or promises anything of value;

"(2) conspires to make or offer to make any expenditure, or to give, offer, or promise anything of value;

"(3) solicits, accepts, or receives any expenditure, gift, offer, or promise of anything of value; or

"(4) conspires to solicit, accept, or receive any expenditure, gift, offer, or promise of anything of value;

for the purpose of influencing any person to vote or withhold his or her vote, or to vote for or against any candidate during the nomination or election for:

"(A) the office of President, Vice President, Presidential elector, Member of the Senate, Member of the House of Representatives, Delegate from the District of Columbia, or Resident Commissioner, or

"(B) any public office of a State, or local government, or any agency thereof, that receives, in any one-year period, benefits in excess of $1,000 in value under a Federal program involving a grant, contract, subsidy, loan, guarantee, insurance, or other form of Federal assistance,

shall be fined not more than $25,000, or imprisoned not more than ten years, or both.

"(b) As used in this section—

"(1) 'expenditure' means any purchase, payment, distribution, loan, advance, deposit, or gift of money or property; or any contract, promise, or agreement, express or implied, whether or not legally enforceable, to make any such expenditure; and

"(2) 'anything of value' means any direct or indirect benefit, or any special consideration in obtaining such benefit, including money, property, employment, position, contract, compensation, or appointment."; and

(2) amending the table of sections by amending the item relating to section 597 to read as follows:

"597. Vote buying and other election abuses.".

INTIMIDATING OR INTERFERING WITH VOTERS

SEC. 6. Chapter 29 of title 18, United States Code, is further amended by—

(1) amending section 594 to read as follows:

"§ 594. Intimidating or interfering with voters

"(a) Whoever intimidates, threatens, coerces, or attempts to intimidate, threaten, or coerce, any other person for the purpose of interfering with the right of such other person to vote or to vote as he may choose, or of causing such other person to vote for, or not to vote for, any candidate for—

"(1) the Office of President, Vice-President, Presidential elector, Member of the Senate, Member of the House of Representatives, Delegate from the District of Columbia, or Resident Commissioner, or

"(2) any public office of a State, or local government, or any agency thereof, that receives, in any one-year period, benefits in excess of $1,000 in value under a Federal program involving a grant, contract, subsidy, loan, guarantee, insurance, or other form of Federal assistance,

shall be fined not more than $25,000, or imprisoned not more than ten years, or both.

"(b) Whoever, in violation of the election laws of any State or of the United States, unlawfully observes, supervises, assists, marks, or otherwise influences the casting of any ballot, or attempts to conspire to unlawfully observe, supervise, mark, or otherwise influence the casting of any ballot of any other person during the nomination or election of any candidate for—

"(1) the Office of President, Vice-President, Presidential elector, Member of the Senate, Member of the House of Representatives, Delegate from the District of Columbia, or Resident Commissioner, or

"(2) any public office of a State, or local government, or any agency thereof, that receives, in any one-year period, benefits in excess of $1,000 in value under a Federal program involving a grant, contract, subsidy, loan, guarantee, insurance, or other form of Federal assistance,

shall be fined not more than $25,000, or imprisoned not more than ten years, or both."; and

(2) amending the table of sections by amending the item relating to section 594 to read as follows:

"594. Intimidating or interfering with voters.".

IMPROVED SUPERVISION OF FEDERAL, STATE, AND LOCAL ELECTIONS

SEC. 7. Section 595 of title 18, United States Code, is amended by—

(1) inserting "(a)" before "Whoever,";

(2) inserting "(b)" before "This section";

(3) striking out "unlawful any act" and inserting in lieu thereof "unlawful—

"(1) any act";

(4) striking out the period at the end thereof and inserting in lieu thereof "; or"; and

(5) adding at the end thereof the following:

"(2) any act by any officer or employee of any Federal, State, or local agency, in the lawful discharge of their duties, to enforce the election laws of any State or of the United States, including any protective measures requested by a candidate to prevent violations of such election laws at or near any polling place, during any nomination or election for—

"(A) the Office of President, Vice-President, Presidential elector, Member of the Senate, Member of the House of Representatives, Delegate from the District of Columbia, or Resident Commissioner, or

"(B) any public office of a State, or local government, or any agency thereof, that receives, in any one-year period, benefits in excess of $1,000 in value under a Federal program involving a grant, contract, subsidy, loan, guarantee, insurance, or other form of Federal assistance.".

ELECTION FRAUD INVOLVING INTERSTATE OR FOREIGN COMMERCE

SEC. 8. (a) Section 1952(a) of title 18, United States Code, is amended by—

(1) striking out "$10,000" and inserting in lieu thereof "$25,000"; and

(2) striking out "five years" and inserting in lieu thereof "ten years".

(b) Section 1952(b) of title 18, United States Code, is amended by—

(1) striking out "or (3)" and inserting in lieu thereof "(3)"; and

(2) inserting before the period at the end thereof the following: ", or (4) any violation or attempt to violate the election laws of any State or of the United States".

PROMISE OF EMPLOYMENT OR OTHER BENEFIT FOR POLITICAL ACTIVITY

SEC. 9. Section 600 of title 18, United States Code, is amended by—

(1) striking out "any Act of Congress" and inserting in lieu thereof: "any Federal program involving a grant, contract, subsidy, loan, guarantee, insurance, or other form of Federal assistance";

(2) striking out "10,000" and inserting in lieu thereof "$25,000"; and

(3) striking out "one year" and inserting in lieu thereof "five years".

EFFECTIVE DATE

SEC. 10. This Act and the amendments made by this Act shall become effective on the date of enactment and shall apply to any election or act occurring after that date.

SEVERABILITY

SEC. 11. If any provision of this Act or any amendment made by this Act, or the application of any such provision to any person or circumstance is held invalid, the validity of any other provision, and the application of such provision to other persons and circumstances shall not be affected thereby.

SECTION-BY-SECTION ANALYSIS

SCOPE OF COVERAGE

Sections 3 through 8. This Act applies to: Any violation of Federal or state election laws involving the mail, broadcast media, or interstate commerce; and

ALL NOMINATIONS AND ELECTIONS FOR ANY FEDERAL OFFICE, AND FOR ANY PUBLIC OFFICE OF A STATE OR LOCAL GOVERNMENT RECEIVING FEDERAL BENEFITS IN EXCESS OF $1,000 PER YEAR

ENFORCEMENT OF FEDERAL ANTIFRAUD STATUTES IN ELECTIONS

Sections 3, 4, and 8. Allows Federal investigation and prosecution of election fraud involving mail, broadcast media, and interstate commerce.

PROHIBITION AGAINST VOTE BUYING AND VOTE SELLING

Section 5. Expands definitions and imposes felony sanctions for buying, selling, or influencing votes with anything of value.

PROHIBITION AGAINST INTIMIDATING OR INTERFERING WITH VOTERS

Section 6. Imposes felony sanctions for any intimidation, observation, or assistance of voters casting their ballots, in violation of Federal or state election laws.

OFFER OF GOVERNMENT BENEFITS IN EXCHANGE FOR CONTRIBUTIONS

Section 9. Imposes felony sanctions against any private offer or promise of government employment, contracts, or other benefits in exchange for political support or contributions.

IMPROVED PREVENTATIVE SUPERVISION OF ELECTIONS

Section 7. Allows government officials to supervise election activity, for the purpose of enforcing Federal and state election laws. Enables candidates to demand specific protective measures to prevent election law violations at polling places.

The effective date of this Act is the date of its enactment.

ELECTION FRAUD PREVENTION ACT OF 1987

Mr. McCONNELL. Mr. President, as we debate in here the important issues facing our Nation, thousands of Americans are exercising the most fundamental right of a democratic society: the right to vote.

Now, it ought to be a basic guarantee of our democratic system that the candidate with the most appeal and the majority's support will win in all of these elections. Our common political ideals presume this and our Constitution demands it.

However, I am sad to say that this does not always happen, in my State or in many other States throughout the country. As we are speaking here today, there probably are people out there, in my State and other States like mine, trying to circumvent the will of the majority by buying votes, collecting fraudulent absentee ballots, and using strong-arm tactics at the polls to fix the outcome of the election.

In effect, the right of a free and secret ballot has been taken away in some areas of this country. And in some elections being held today, the winner may not be freely chosen by the democratic majority; instead, he may end up in power because his precinct organizers bought more votes, or collected more absentee ballots, or accompanied more voters into the polling booths than the opponent was able or willing to do. Usually, it happens even without the elected candidate knowing anything about it.

Recently, the Louisville Courier-Journal did an extensive study on election fraud practices in my State. A team of reporters, led by Richard Whitt and R.J. Dunlop, visited several polling places on the day of Kentucky's recent gubernatorial primary. They had frank discussions with people who were there to buy votes, and with voters who were holding out for the highest bidder. They examined voting fraud cases from past elections, and talked to scores of politicians, election workers, and concerned citizens about the pervasiveness of election fraud and the need for effective changes in the law.

This tremendous piece of investigative reporting uncovered a lot of things that we here in Washington probably would like to overlook. It found an extensive, entrenched system of election fixing through illegal voting practices. It found widespread vote buying and coercion of voters in and around polling booths. And it revealed that many of the election officials entrusted with supervising voting were actually assisting the illegal activities, including accompanying voters into the booth and casting their ballots for them.

One set of articles in this series also showed how campaign contributions often were made with the expectation of getting special consideration for Government positions, contracts, and other benefits. In sum, this painstaking study painted a bleak picture of democracy in State and local elections, and was less than hopeful about the prospects for meaningful reform.

Mr. President, I ask unanimous consent to insert into the RECORD portions of this excellent study, and I urge my colleagues to read and reconsider it carefully. Of course, it deals almost exclusively with Kentucky, but the abuses it describes are going on in many areas throughout the country, and we cannot shut our eyes to it.

There being no ojection, the material was ordered to be printed in the RECORD, as follows:

[From the Courier-Journal Louisville, Ky, Oct. 11, 1987]

HOW MONEY POISONS KENTUCKY'S ELECTIONS

PUBLIC TRUST IS DAMAGED BY A HOST OF ABUSES

(By R.G. Dunlop and Richard Whitt)

FRANKFORT, KY.—Kentucky's political and electoral system is being poisoned by vote-buying, illicit cash, legalized bribes, public apathy and officials unwilling or unable to bring about change.

The rights of individuals are frequently subordinated to those of special interests who view Frankfort and the county courthouses as their personal fiefdoms and who make contributions to political candidates and parties in return for favors.

In an era of skyrocketing campaign costs, wealthy politicians have a significant advantage over those of average means. Poorly financed citizens' groups have little chance against big corporations, their lobbyists and political action committees.

Regulation of the campaign-finance system is weak. Efforts to strengthen it have been sporadic and largely unsuccessful.

The constitutional guarantees of free and fair elections have been subverted by vote-buyers, vote-sellers and short-sighted politicians who collectively taint a public office even before its occupant is sworn in.

As a result, public confidence in state and local governments and the officials who run them has been damaged, undermining their ability to function effectively and efficiently.

In short, a year-long investigation by The Courier-Journal found a political system corrupted from top to bottom by money—and sorely in need of change.

"The excessive amount of money in campaigns, and where it's coming from, is perverting the system," state Rep. Joe Clarke, D. Danville, said. "It's coming from special interests, not from people saying. 'This person would make a good governor or representative.'

"The ordinary guy . . . doesn't get a chance to participate except as part of a special interest, and the public interest is rarely served."

During its investigation, the newspaper found that:

The skyrocketing cost of political campaigns—the price tag on this year's governor's race is likely to be $15 million compared to $2 million in 1967—is increasing pressure on candidates to compromise themselves while raising money.

Campaigns for governor, made ever more costly by such things as television advertising and sophisticated polling, are financed substantially by contributions given in return for promises.

There are no limits on what a candidate can raise and spend, and state jobs, board seats and contracts have been given to favored friends and loyal patrons in exchange for generous donations.

For example, shortly after Gov. Martha Layne Collins took office in December 1983, then Transportation Secretary Floyd Poore, one of the top fund-raisers in her campaign, submitted a lengthy list of supporters who were in line to get state positions.

In Kentucky, fund-raisers have enormous leverage. State courts have held that it isn't illegal to promise a state job in return for a contribution or other support in a political campaign. And it apparently is also legal to promise contracts and seats on boards in exchange for contributions.

"We have created a generation of politicians in this state for whom winning is the only thing, at any cost," said Grady Stumbo, the Knott County physician who has made two unsuccessful bids for the Democratic nomination for governor.

The blessed act of giving as a prerequisite for getting is particularly prevalent in the case of architects, engineers and others who do business with the state under personal service contracts.

Although state officials say these non-bid contracts are bestowed on merit evidence abounds that the process is in fact highly politicized.

And the bottom line is this: Major contributors to successful campaigns and political parties are very often rewarded.

A survey by the newspaper of roughly 70 architects and engineers showed that more than two-thirds of those who would voice an opinion—31 of 45—believe political favoritism influences contract awards.

Perhaps that is why roughly 60 percent of the more than 200 members of the Democratic Party's Century Club are architects and engineers. They are traditionally the recipients of lucrative state contracts, willing to pay $1,000 or more a year to sip cocktails with the governor and hobnob with other high state officials.

Five engineering firms that have received more than $50 million worth of personal service contracts under the Collins administration donated a total of at least $85,000 to Collins' 1983 campaign or to the Democratic Party in the ensuing years. All five regularly purchase at least one Century Club membership.

There are established procedures for awarding state contracts. But "there are other influences on the system," said Frank Harscher, a former state natural resources secretary who until recently worked for an engineering firm. "The system is not as straightforward as it may look on paper."

Regulation is sorely lacking. Kentucky's Registry of Election Finance is just that—a repository where at least some of the state's political spending is recorded. As an investigative and enforcement agency, however, the registry is impotent, lacking the funds, the staff and the laws necessary to do battle with high-powered legions of electoral miscreants.

The registry's executive director, Raymond Wallace, concedes that his agency lacks the resources even to meet the law's requirement that the campaigns of all statewide candidates be audited within a four-year period.

Indeed, the registry's audit of Collins' 1983 campaign will not be completed until after she leaves office, precluding the possibility of enforcement action if violations are found.

What little oversight of the system exists is supplied by the state police and periodic federal probes, which have proved to be the most effective means of attacking fraud and corruption.

When the last line of defense is local prosecutors and state courts and juries, the buyers and fixers generally don't even miss a beat.

"The campaign-finance laws are terrible," said former state Sen. John Doug Hays, a Pikeville attorney. "It's a helluva thing to say that no election laws are workable, but that's the way it appears to be."

The influence of special interests is on the rise.

Political action committees, or PACs, are both praised and vilified, but it is undisputed that their influence in state elections has increased significantly in the last decade.

The number of PACs registered in Kentucky has leaped from 93 to 331 during that period. The amount of money they gave to political candidates doubled, and the PAC percentage of total donations also rose sharply.

The law provides PACs with a giant loophole: While individuals in Kentucky can give no more than $4,000 to a candidate in any one election, they can give unlimited amounts to PACs, which in turn can give as much as they want to a candidate.

Four days before this year's May primary, four Lexington residents gave a total of $21,000 to a PAC called Citizens Committed to Better Government. The PAC turned around and passed the money on to the campaign of Wallace Wilkinson, who won the Democratic Party's nomination for governor.

Only after The Courier-Journal brought the matter to the registry's attention was the PAC asked to retrieve some of the money from Wilkinson and return it to the original contributors.

The registry made its request—which it had no power to enforce—on the grounds that the PAC had been used in an attempt to disguise contributions in excess of the $4,000 limit for individual donations.

And although the incident renewed calls for limits on PACs, they are now wholly unfettered by regulation except for a requirement that they file periodic reports with the registry. Occasional attempts to rein them in have been met either by silence or overt resistance in Frankfort.

"I don't see much movement for reform," Clark said. "The people who pass the laws are the people who get the contributions."

Vote-buying flourishes to an extent incomprehensible to the public at large.

It is most pervasive in Eastern Kentucky, where it has been an integral part of the political system for generations. But it also occurs in other predominantly low-income areas of the state. Those who should know—profiting politicians and the vote-buyers themselves—estimate that up to half of the votes cast in certain precincts in some elections are bought.

As detailed in an accompanying story, a Courier-Journal reporter observed widespread vote-buying in several Magoffin County precincts on primary election day, and heard frank admissions the the law was being broken.

During just one three-year period, 1980-82, the state police investigated allegations of vote fraud in 18 counties and concluded that illegal practices were large-scale, widespread and organized.

And about 40 percent of Eastern Kentucky residents think vote-buying is a problem, according to a recent poll conducted by The Courier-Journal.

Nevertheless, election-fraud indictments are infrequent and convictions rare, in part because some prosecutors profit from the system and most juries are reluctant to punish participants for a practice that is so ingrained and widespread.

An antiquated and highly politicized system of selecting election officers—who oversee voting at each polling place—helps perpetuate vote-buying. In some cases, these officers are either fixers themselves or friends of fixers.

Letcher County Commonwealth's Attorney James Wiley Craft got some personal exposure to vote-buying when he was defeated for a legislative seat last year, and he didn't like what he saw.

"There's a fixer in every precinct in rural areas," he said. "People condone fraud, because they don't know what it's like not to have it.

"If someone is arrested, jurors think, 'This guy didn't do anything worse than Joe Blow down the street, so why convict him?' "

Illicit cash in huge amounts plays a vital role in the electoral process.

No one knows how much cash flows in an election year, but politicians who take it and spend it estimate that the actual cost of some races is 50 percent to 100 percent higher than the figures actually reported.

The difference is cash: cash contributed because the donors either got something illicit in return or else didn't want their largess publicized; and cash spent by politicians on such illegal activities as buying votes. Cash donations in excess of $100 are illegal.

"You cannot win an election up here without election day money, and cash is all they use," Letcher Circuit Judge F. Byrd Hogg said.

During his successful 1985 campaign for Perry County judge-executive, Sherman Nence reported spending more than $107,000.

Neace doled out nearly $92,000 of that amount in cash to about two dozen political operatives, who were told only that he wanted their support and to carry their precincts.

Darrel Fugate, one of the recipients and a well-known election manipulator of long standing, admits that he spent the $3,000 Neace gave him to buy votes.

Unless public attitudes change, changes may be a long time coming.

The existing corruption is condoned, if not encouraged, from the precinct level to the governor's office. Politicians—those responsible for changing the status quo—are the ones who profit from it.

"It'll never change until people rise up in arms," Hogg said.

Reform-minded citizens who might press for reforms—if only they could conquer the corruption and win public office—are becoming disillusioned and forsaking politics.

Consider the case of Pete Shepherd, a Salyersville dentist with two children in the Magoffin County school system. Shepherd decided to run for the school board last year but lost in a race that he and others say was rigged by vote-buyers.

Now he vows never to seek elective office again in the county—unless outsiders are sent in to "run the election."

Although no organized movement has developed, there are indications that the public would support changes in the system.

The newspaper's poll found that a majority of Kentuckians are concerned about the high costs of campaigns and favor limits on the amounts candidates can raise and spend.

A sizable majority also said they think candidates compromise their honesty and integrity at least occasionally in order to obtain campaign contributions.

In the past, even modest attempts to alter the system frequently have been thwarted. Curbs on PACs have been rejected. Suggested restrictions on political contributions by engineers aren't even discussed openly by the profession. At a time when some states were tightening the screws on campaign contributions, the 1988 General Assembly boosted the limit for individual contributions to $4,000, from $3,000.

The same legislative session limited the controversial practice of "post-election fund-raising"—a lucrative tool used by successful candidates to retire campaign debts. But the law it passed still allows the financial harvest to continue until the reaping politician takes office.

For example, in the weeks after the May primary, Wilkinson amassed contributions totaling $1.9 million to help recoup money he had lent his campaign. The list of contributors included lawyers, engineers, architects and others who traditionally do business with the state. Many had supported other candidates in the primary and had not previously given to Wilkinson, who is favored to win next month's general election.

"I'm outraged by the General Assembly's passing that statute," said Owensboro attorney Morton Holbrook, a former registry member. "It's ideal for laying the heavy finger on people all over the commonwealth.

"When the victor sends emissaries to contractors and licensees saying, 'You're going to have to pay off our debt, boys,' how are they going to react to that?" asked Holbrook, who favors banning the practice altogether. "There's likely to be actual abuse. There has been in the past."

Historian Harry Caudill, an Eastern Kentucky native and a frequent and strident critic of the state's political system, is convinced that the effort to effect sweeping change must be two-pronged; arousing the slumbering business community to the crucial need for leadership, and blanketing precincts with state troopers on election day.

"We're locked into a corrupt system, and nobody thinks we can get out of it," Caudill said. "You cannot believe the audacity of people for whom politics is a way of life.

"If we don't get reform soon, Kentucky politics will be the playground of the rich and the bookkeepers who can do things nobody can figure out."

Caudill lays the blame for Eastern Kentucky's political venality at the feet of its English heritage.

"We are old British stock," he said. "Our mores, our attitudes, our culture were derived from pre-reform England, where elections were corrupt and vote-buying was widespread. We came out of a rotten system of government and took on all its overtones."

Kentucky's political culture has been described by political scientists as a "traditionalistic" one. The status quo is accepted and maintained, policies serve a participating elite, patronage flourishes and some political corruption is accepted as a "natural part" of the governing system.

In such a culture, political participation tends to be very low, one-party politics prevails, and interest in state politics is limited.

Carried here by settlers from Virginia and the Carolinas, Kentucky's traditionalistic culture was accompanied by a negative attitude toward government and fundamental resistance to change.

Because interest in state government and politics tends to be limited in such a culture, there is widespread ignorance concerning public issues. And there is general acceptance of using the political system as a way to reward loyal supporters.

Coupled with weak laws, tepid enforcement and the state's traditionally abysmal levels of educational accomplishment and economic well-being, these attitudes and traits give rise to an electorate ripe for plucking and readily manipulated by politicians more interested in their own self-interest than the public good.

"In areas of educational and economic deprivation, there is a higher degree of acceptance of using the political system to reward the faithful who support you," said Joseph L. Rose, a professor of political science at Murray State University.

"When government is the principal employer, people recognize its power and the legal and illegal means of getting power. Instead of good government being the system's reward, the reward is to advance yourself.

"We don't use government in Kentucky for the betterment of the people. We use it for the benefit of the people who control the government."

[From the Courier-Journal, Louisville, KY, Oct. 11, 1987]

IN MAGOFFIN, VOTE-BUYERS HELP PERVERT AN ELECTION

(During its investigation of Kentucky elections, The Courier-Journal found abuses throughout the system, but nowhere were they more evident than at the grass-roots level. This story, based on a reporter's first-hand observations, chronicles maneuvering in one Eastern Kentucky county in this year's primary election.)

(By Richard Whitt)

LAKEVILLE, KY.—Like an old-time Army paymaster, Don Bailey stands with a fistful of $5 and $10 bills as the crowd gathers eagerly around him.

Red-white-and-blue John Y. Brown Jr. campaign buttons adorn Bailey's hat and hang from his shirt pockets. He is sweating.

A woman moves forward, thrusts out a hand and receives several bills.

It is primary election day, May 26, in Magoffin County.

Several hundred feet away, a line is forming in front of Lakeville's polling place, an unpainted wooden building with open windows and door.

As the voters advance one-by-one into the building, they are being watched through a window by a man standing outside.

Several times the observer, apparently approving of what he sees, turns and walks toward Bailey with someone who has just voted.

The observer points to the voter and nods. Bailey hands the voter a bill.

The scene is repeated several times before Bailey spots a reporter, whom he knows, in the crowd.

Just paying campaign workers, Bailey says, adding:

"Some people may call it vote-buying. I call it vote-battling"—the practice of paying supporters to bring voters to the polls.

He's not very persuasive, especially after he moves farther from the poll, behind a parked vehicle, and continues handing out cash.

The next day, still smarting from Brown's loss in the Democratic primary for governor, Bailey, talks openly about his vote-buying, which he says is essential to compete in Magoffin County politics.

Bailey, a liquor store owner, acknowledges paying people to vote for Brown. His primary election day observer, he says, was making sure voters didn't let anybody in the booth with them.

Bailey claims that backers of Lexington businessman Wallace Wilkinson, who defeated Brown and three other major candidates, teamed up with Republicans in the county to pick election officers and thereby control the outcome of the vote. Some election officers were going into the booths with voters, he says.

"They just robbed it," he fumes. "They took it, stole it, bought it."

Here's how primary election day unfolded in several other precincts in Magoffin County:

FLAT FORK

Two women and a man sit outside the Flat Fork polling place at Prater-Border School around 7 a.m. The polls have been open an hour.

"They're floaters," says Will Isaac, a strip-mine foreman and longtime resident of Coon Creek who agreed to be a tour guide for the day. "Floaters" are people who sell their votes to the highest bidder.

"How can you tell?"

"Well, you see, they're not voting," Isaac says. "They're just sitting around and waiting till the price goes up."

When a stranger approaches them, the man, who appears to be in his 50s, drops his head and begins kicking a worn-out Nike into the bare dirt. The two women, one middle-aged and overweight, the other in her 20s, are staring at the horizon.

Questions about the election elict grunts from the man, silence from the women. The conversation turns to the weather—how hot and dry it has been.

Isaac, who lives in the precinct and who claims to have bought a fair number of votes himself, talks to a few vote-buyers inside the school.

He returns a few minutes later.

"They're only offering $10 a vote," he reports.

At the Bays Precinct a few miles away, only three people sit outside waiting.

"It's gonna be a slow day," Isaac predicts. Not for long.

THE COURTHOUSE

The Magoffin County Courthouse is buzzing at 9 a.m.

At least 100 people are milling about in the hallways outside the circuit courtroom, where the voting machine clicks and churns.

Election officers can be seen escorting voters into the booths and looking over their shoulders as they vote.

Brown supporter Neil Bailey, Don Bailey's wife, complains that some election officials are disregarding election laws. They're not requiring people who receive assistance to sign affidavits, she says.

She says the election officers are Wilkinson supporters who are stealing votes for him by helping voters who can't read.

There is evidence that Brown supporters are breaking election laws, too.

In the hallway, there is hushed conversation between a Brown supporter and a man and a woman getting ready to vote.

"Now who do you want me to vote for again?" the man asks.

"John Y. Brown," the Brown supporter replies, exasperation in his voice. "And don't let anyone go inside (behind the voting-booth curtain) with you."

The two voters do as they're told and return. They walk down the hallway with the Brown worker, who hands the woman what appears to be money, and then they hurriedly leave the courthouse.

The worker says later that he was "begging votes" for Brown but not paying for them.

BLOOMINGTON

At the Bloomington precinct, election officer Lauren Helton is raising cane.

Election officers, he says, are going into the booth with voters who ask for assistance but don't need it.

Helton, a supporter of Lt. Gov. Steve Beshear, claims the election officers—Wilkinson backers—are violating the law.

"I'm not going to sign the (election) book," he says repeatedly.

Former Magoffin County Sheriff Thomas "Skip" Salyer, a Republican who is closely aligned with Wilkinson backers and who served time in a federal penitentiary for a 1981 vote-fraud conviction, tells Helton a voter can allow anyone to accompany him into the voting booth.

Helton is unconvinced. He resigns as election officer and leaves a short time later.

He makes no formal complaint, explaining later that he is afraid for his safety and that it would be useless anyway.

He tells of one incident earlier in the day in which two men showed up before the polls opened and wanted to vote. They were drunk and they had a gun. "They said they wanted to shoot me," he says.

He says Magoffin County School Superintendent Carter Whitaker, an election officer, came and calmed them down after they voted.

Both received help in voting after swearing in affidavits that they were drunk.

WARD II, SALYERSVILLE

At the Ward II precinct in the county seat of Salyersville, I.C. Arnett, a man of tremendous girth, stands outside the polling place at the community center.

All of the windows are covered with dark-colored plastic garbage bags, and election officers are permitting only one or two people to enter the room at a time.

The election officials stand in the door to prevent people outside from seeing voters being helped, Arnett and others say.

Arnett who is there to buy votes for Brown, says he's afraid to send people inside to vote.

I paid for 18 votes and sent them home," he says. "I don't mind paying for them, but I don't want to pay for them and have somebody else steal them."

Will Isaac sympathizes with him:

"It used to be when you bought a vote it was yours."

THE AFTERMATH

Cries of "election fraud" were being heard at the county courthouse even before the precinct results began arriving.

"They basically stole the election," Assistant Commonwealth's Attorney Perrell Adkins said, referring to the Wilkinson supporters.

Wilkinson won the county easily with 1,695 votes. Grady Stumbo finished second with 999 votes, followed by Brown and Beshear. Wilkinson even carried the Lakesville precinct, beating Brown 118-105, despite Don Bailey's efforts.

Adkins, who lost his bid for Commonwealth's attorney and who said he didn't back a candidate in the governor's race, cited "obvious, blatant illegalities" and called for a state police investigation. Among the illegalities, Adkins said, was widespread vote-buying by supporters of both Wilkinson and Brown.

Two days later Adkins filed suit in Magoffin Circuit Court, seeking custody of election records to prevent them from being altered or destroyed. The suit was promptly dismissed, but the voting records were turned over to state police, whose investigation is continuing, according to Adkins.

Adkins, Bailey, and others knowledgeable about Magoffin County politics said the pro-Wikinson faction of the Democratic Party, led by County Democratic Chairman Charles Allen, aligned itself with the Republicans, controlled by School Superintendent Whitaker.

Allen and Whitaker controlled the appointment of election officers and therefore the outcome of the election, Adkins, Bailey and others said. Allen declined to comment. Whitaker didn't return several calls to his office.

Adkins said harassment of voters by election officers has become commonplace, and he compared the situation in Magoffin County to that facing blacks in the South during the 1960s.

The only hope of having fair elections he said, is for the vote to be monitored by someone from outside the county.

"I wish the federal government would do something because I don't expect the state to," he said. "It's getting so honest people are afraid to come to the polls."

[From the Courier-Journal, Oct. 12, 1987]

VOTE-BUYING IS RAMPANT, AND OPEN, IN SOME AREAS

(By Richard Whitt and R.G. Dunlop)

"No body politic worthy of being called a democracy entrusts the selection of leaders to a process of auction or barter,"—Justice William Brennan of the U.S. Supreme Court, commenting on vote-buying.

MORGANTOWN, KY.—The brown paneling behind editor Larry Craig's desk is pockmarked—evidence of a shotgun blast fired into his office at The Green River Republican six years ago.

He hasn't replaced the paneling, preferring to leave it as a reminder of how seriously someone in Butler County took the paper's efforts to expose election fraud.

Craig had gotten a brief glimpse of a vote-buyer's list a few days before an election. The computer list of all the county's registered voters had notations scribbled beside some of the names.

"Some said 'Kessler's' (a brand of whiskey). Some said a certain amount of money," he recalled recently between slow draws on his brier pipe.

The shotgun blast, which came late at night and didn't hurt anyone, was fired a few days after Craig had expressed an interest in publishing the list.

"I don't think anybody was trying to kill me," he said. "I think it was just a warning."

The warning wasn't heeded—Craig continued to write about vote-buying—but the episode underscores the seriousness of the problem in Kentucky.

"People get involved in vote fraud don't comprehend the magnitude," Pike County Judge-Executive Paul Patton said.

The practice of vote-buying is perpetuated by tradition and practicality. Candidates say they have to buy votes to get elected because their opponents are doing it. The sellers depend on the money, and many consider it their birthright to sell their votes.

The system is propped up by corrupt officials—election officers who allow vote-buying to go on in plain view at polling places and law-enforcement officials who wink at it.

Election laws do little to deter the practice. The maximum penalty for vote-buying is a $100 fine and 90 days in jail; for vote-selling it's a fine of $500. But convicted offenders rarely get maximum sentences.

And since juries are reluctant to indict and convict transgressors in the first place, it's not surprising that vote-buying is, by some estimates, a problem in perhaps half of Kentucky's 120 counties.

A WAY OF LIFE

Fueled by hard cash—and sometimes by hard liquor—vote-buying is an industry that flourishes in areas where income and educational levels are low—and that covers a lot of territory in Kentucky.

"We have families that depend on it as a source of income," Craig said. "How crafty they are at selling their votes determines whether Junior get a new bicycle for Christmas."

But it's not only the poor and the uneducated who do it; people of means are guilty as well. In some local elections, a voter can earn $200 or more by selling his vote for a slate of candidates.

As a result, thousands in Kentucky sell their votes to the highest bidder on election day.

In such elections, there are no real issues—other than which candidate has the most money to hand out. And the only favorites are $10 and $20 bills.

Families in some counties have been selling their votes for as long as anyone can remember, and unless there's money involved they won't vote.

"These people come to the polls and sit there from 6 a.m. til 6 p.m., and if they're not bought, they pack up . . . and go home without voting," said Ada Sue Register, a Martin County precinct worker.

Harold Coldiron, a Harian County political operative for many years, said voter turnout is tied to money; "To get 50 percent to vote, you've got to buy it, else you wouldn't get 10 percent."

Said Letcher Circuit Judge F. Byrd Hogg: "There is no question that some people won't vote unless they're bought."

Local prosecutors have shown little stomach for going after known vote-buyers or vote-sellers. And, when they have obtained indictments, juries generally have been lenient.

Only recently have state police taken an active role in investigating election fraud.

Former state Justice Secretary Neil Welch outlined the breadth of the problem in a confidential 1982 memorandum to former Gov. John Y. Brown Jr.

Welch's memo said state police had investigated vote fraud in 18 counties during the Brown administration, and it cited the following practices as common:

Buying votes, fraud in the use of absentee ballots, tampering with voting machines, fraud in selecting election officers in the precincts, voter-registration fraud, intimidation of voters and voting the dead.

"Most of these practices have been found to be on a volume basis and organized," Welch wrote. "It is worthy of note that prior to this administration the Kentucky State Police was never permitted to investigate these fraudulent practices despite the fact (some) are felony violations of the criminal code."

Welch's memo went on to recommend that a blue ribbon commission investigate vote fraud and report to the General Assembly.

Reached recently in Florida, where he is in business, Welch said he recalled writing the memo but couldn't remember specific cases or allegations. He added:

"I don't recall hearing back from Brown."

Brown said yesterday that he did not recall receiving the memo.

THE SUPPORT SYSTEM

As the Welch memo suggests, a support system of corrupt election officials keeps the vote-fraud industry humming.

Election officers—selected by the county election commission from names submitted by officials of the two political parties—serve at each polling place. They are responsible for overseeing the conduct of the election.

Getting honest, competent election officers sometimes is difficult, so much so that some precincts don't have the required four officers on election day. The hours are long, the pay low (the rate is set by fiscal courts, but it may be no more than $25 or $30), and the working conditions bad.

Some election officers are ignorant of the law. Others are more than willing to look the other way while votes are bought.

In some cases, they break the law themselves by helping voters cast their ballots when they don't need such help.

The law itself poses at least two problems in this regard:

Only voters who swear that they are illiterate or blind or that they suffer from some other physical disability requiring assistance can legally receive aid in the voting booth. But how is an election officer to prove, for example, that someone can see or is literate? In most cases, he has no choice but to believe what the voter tells him. Voters are required by law to sign affidavits stating their disability, but in many cases the election officers fail to comply.

Individuals who are not election officers are allowed to help disabled voters. This provision is subject to gross abuse, allowing many a vote-buyer to cast the ballot himself. The problem is widespread despite a recent provision that bars anyone who isn't an officer from assisting more than two voters in each election.

There also are countless examples in every election of people receiving assistance after they say they can't operate the voting machine. That's not a valid reason for assisting a voter, but it persists because election officers—for whatever reason—don't enforce the law.

The issue of election officers received considerable attention in the May primary in Magoffin County.

According to some local officials, one faction of the Democratic Party teamed with Republicans to select election officers who simply stole the election. Those allegations are the subject of a continuing state police investigation.

Assistant Commonwealth's Attorney Ferrell Adkins said it wasn't vote-buying but "the election officers who were inside that were the big problem" in the election.

Some precinct workers said they watched election officers go into the booths to help voters who hadn't asked for it. Protests were ignored, the workers said.

"Honest people are getting uninterested in voting," said Will Isaac, who lives on Coon Creek in Magoffin County. "They're afraid to go to the polls."

THE BUYERS

In addition to simply paying a voter at the polling place, buyers have other ways of securing votes.

In fact, much of the cash that candidates spend for votes goes to hire "campaign workers." It's often a thinly disguised ruse to buy their vote.

"People say they want to come down and work for you and and get some cards and stuff," said Hogg, the Letcher circuit judge. "You hire somebody, you're buying their family. That's the long and short of it. The stuff is money—$50 (per worker) in my last race.

"Some precincts in Letcher County are worse than others, but there's some fraud in every election here."

Patton, the Pike judge-executive, estimates that 20 percent of the vote in that county is for sale. He spent about $27,000 to hire at least 144 "contract laborers" during his 1985 campaign for re-election, according to his campaign-finance report.

Asked why he hired them, Patton replied: "That's the way that it's done. There's people that won't support you unless you've hired them or somebody in their family to work in your campaign. There are lots of people that expect to be hired to work on behalf of the candidate in elections. If they or somebody in their family is not hired, they're not going to support that candidate.

"There were people out there doing that on behalf of my opponents. I felt I had to compete."

Candidates who don't want to make election-day deals have another avenue for buying votes—absentee ballots.

A registered voter can obtain such a ballot simply by notifying the county clerk that he is physically disabled or is going to be away from the county on election day.

These ballots are highly marketable to vote-buyers because it's easy to verfiy for whom they are cast. They buyer has a voter sign the blank ballot, which is then cast for the buyer's candidate.

During the past decade, allegations of absentee ballot fraud have triggered investigations in about a dozen counties.

In what was perhaps the most widely publicized case, former Leslie County Judge-Executive C. Allen Muncy was sentenced to four years in prison in 1980 after being convicted on federal mail-fraud charges in connection with the 1977 primary and general elections. Muncy and three other men were charged with buying some absentee ballots and forging others.

In two more recent cases stemming from 1985 elections, Edmonson County Circuit Court Master Commissioner Morris Wayne Webb was indicted earlier this year for allegedly arranging for 13 Indianapolis residents to cast absentee ballots for his nephew, who was running for sheriff.

And in Marion County, long-time political activist Hyleme S. George of Lebanon was charged with paying 27 Marion County residents $5 each to cast absentee ballots that had been illegally obtained.

Both cases are pending in U.S. District Court.

Another common vote-buying practice is paying voters to take others to the polls.

In West Virginia last year, the state's Supreme Court ordered regulations written to outlaw large payments to such people. The court's landmark decision, which followed widespread allegations of vote-buying in a primary election, said candidates who paid large sums for such a service were essentially engaging in illegal vote-buying.

In Kentucky, payments to "haulers" often far exceed the cost of gasoline.

"If all the money that was spent here to buy gasoline was used to buy gasoline, they'd have to send a super-tanker up the Green River," said newspaper editor Craig.

Patton conceded that "probably 75 percent" of his haulers were paid to try to win their support.

"I think the bulk of the money used to influence votes is used under the guise of hiring people to haul voters," he said.

"Where it is done by cash, it is already illegal. We attempt to do it legally (by paying with checks and reporting it), but it's a way of life in Pike County and lots of other counties in Eastern Kentucky," he said.

Judge Hogg said he would have lost his last race, in 1983, if he hadn't hired workers and haulers. Asked how he felt about doing it—knowing that they were essentially bought votes—he replied:

"I feel sick about it, but that's the facts of life. You have to play by the rules as they are."

Asked what would happen if he put out the word that no votes were to be brought for him, Hogg replied, "Why, I'd be laughed at."

[From the Courier-Journal, Oct. 12, 1987]

IN MARTIN, A TRADITION OF VOTE-BUYING

(By Richard Whitt)

INEZ, KY.—There wasn't much interest in last May's primary in Martin County.

Investigations of the two previous elections in the county had put a damper on vote-buying—a major incentive for a big turnout.

Nobody was expected to be putting out money on this primary election day, and a light turnout was predicted.

So to combat voter apathy—and perhaps help the Martin County candidate in the three-county commonwealth's attorney's race—local Republican Party officials came up with a novel idea.

They decided to hold a drawing and give away a new car and a color television to a lucky Republican who turned out to vote.

Not everyone liked the idea.

In a complaint filed with the Registry of Election Finance, Paul Deaton of Paintsville—who lost the commonwealth's attorney's race to Leo Marcum, the candidate from Martin County—charged that the giveaway was in effect a large-scale vote-buying scheme.

Martin County Republican Chairman John Triplett—Marcum's law partner—defended the idea as a legitimate way to increase the GOP turnout in the county. And Deaton, who eventually withdrew the complaint, conceded that he probably wouldn't have won anyway.

But the episode illustrates that, in Martin County, voters don't always go to the polls simply to do their civic duty. In fact, some county residents say vote-buying has gone on for as long as there has been money.

Generally, the practice has been ignored by police and public officials. A decade ago, however, when weekly newspaper editor Homer Marcum (no relation to Leo Marcum) brought the issue to public attention, there was a grand jury investigation. It found that vote-buying was so widespread that it was impossible to determine who should have won the election in question. But no one was indicted.

That changed in 1985. After the primary that year, state police investigated vote-fraud allegations in three of the county's 13 precincts. Sixty-seven people were indicted, most for selling their votes.

But only one person was sentenced to jail. Tony Randall Francis of Lawrence County, who told police he registered in Martin County "because I had been told I could get paid to vote at Tomahawk (precinct)," served one day.

Commonweath's Attorney John David Preston said the results of the investigation were disappointing, even though most of those charged either pleaded guilty or were convicted. Because election-fraud violations generally result only in small fines, he said, state police cut the investigation short because they "probably felt their time could be better spent somewhere else." (State police said the investigation was halted because witnesses refused to cooperate after the first indictments.)

Preston said Kentucky law makes it difficult to charge a candidate with buying votes since there usually is a middleman who actually gives the money to voters.

"As long as you have people willing to sell their votes and politicians anxious enough to get into office, you'll never enforce the (election) laws," he said.

Even though he expressed frustration with the way things turned out, Preston said he believes the investigation did help clean up elections in Martin County. "The word I got was that the November 1985 election was the cleanest ever," he said.

That, however, remains to be seen. The election touched off a federal investigation into absentee-ballot fraud that is still under way.

One of those indicted after the 1985 investigation was 47-year-old Ada Sue Register, a social-services worker, former teacher, civic leader, political activist and member of the Martin County Library Board.

Register—who was working for her friend Martin County Judge Executive John Callahan—pleaded guilty to a charge of helping falsify a voter affidavit and was fined $140.

She said she entered a guilty plea only because of pressing family matters. "Had my circumstances been different I would have fought it in court and come clean," she said. "It was a biased thing."

According to court records, Register went into the voting booth and helped 18 people vote at the Tomahawk precinct after they signed affidavits swearing they were unable to operate the machine. (Such assistance is a common way to verify that a voter actually casts his ballot for the candidate who has bought his vote.)

Marcum, the newspaper editor, said Register was caught between a rock and a hard place. The need for political reform was obvious, he said, but the practicality of Martin County politics made reform impossible without playing the game.

Register, who grew up in a political family and thus knows how the game is played, said she despises the county's heritage of corrupt elections.

"If I could go tonight and buy every vote that was for sale for the last time, I'd do it," she said, "because I'd like to see the outcome of just one honest election."

[From The Courier-Journal, Oct. 11, 1987]

IN PERRY LITTLE EFFORT TO END FRAUD

(By R.G. Dunlop)

HAZARD, KY.—Back in 1981, Kidd Fugate was identified as a "prime mover" in a conspiracy to steal the 1981 Democratic primary for sheriff in Perry County.

In his decision overturning the election result, Circuit Judge F. Byrd Hogg concluded that Fugate had conspired with election officers "to bribe and corrupt" voters and the electoral process.

Six years later—despite his track record and the fact that officers are supposed to be the guardians of fair and impartial elections—Fugate was selected to be an election officer in last May's primary.

In the 1981 election-fraud case, Hogg identified Leslie Burchett as another participant in corrupt activities. Burchett, Hogg said, tried to take voters inside the booth and gave money to two voters.

Six years later, Burchett is Perry County's treasurer, serving with the blessing of Judge-Executive Sherman Neace. Neace also paid Burchett the almost unheard-of sum of $10,100 to "set up precincts" in his successful 1985 election campaign.

When election time rolls around in Eastern Kentucky, many a political operative's fancy turns to thoughts of vote fraud and related skulduggery.

Crooked elections for sport and profit are well-entrenched in Perry County, where little apparent effort has been made in recent years to root out corruption. Indeed, illegal practices may even have been legitimized by elevating known election-fraud participants such as Fugate and Burchett to positions of responsibility and authority.

And local officials frequently benefit, willingly or otherwise, from the system as it exists. Over the years, many in the courthouse crowd got there with the help of fixers and buyers, and thus may not be eager to root them out.

Some "highlights" of Perry County elections during the 1980s:

THE 1981 SHERIFF'S RACE

On May 26, 1981, 10 candidates for sheriff squared off in the Democratic primary. V.G. Combs emerged as the winner, but runner-up Bob Byrge filed suit, contending Combs stole the election from him.

After hearing testimony the following month from more than 500 witnesses, Hogg agreed and declared Byrge the victor.

It was "monumental election fraud," the judge declared, "one of the most corrupt and sordid schemes of which this county has ever been the victim."

But while dozens of people were implicated, only four were indicted—each on a misdemeanor charge, which is all the law allows. All four pleaded guilty to vote-buying and were fined $250. They could have been sentenced to 90 days in jail.

THE 1985 JUDGE-EXECUTIVE'S RACE

When Neace ran for judge-executive in 1985, he reported spending more than $107,000—a large sum for a relatively small county.

Of that amount, $91,600 went for the hiring of 27 "workers" who Neace said "set precincts up."

Neace acknowledged in an interview that the 27 were paid in cash, and that he did not tell them how to spend it.

"I just wanted 'em to be for me and set the precincts up, to hire (other) workers," Neace said.

"Setting precincts up" and "hiring workers" frequently are code phrases for vote buying, used by politicians to allow themselves to disclaim knowledge of—or participation in—illegal activity.

Neace denied knowing of any votes bought on his behalf. But he admitted hiring workers to ensure their support.

"It's a legal way to do it, to hire 'em to be for you," he said.

But at least one of the recipients of Neace's cash used it to break the law. Darrel Fugate, a well-known vote-buyer for more than a decade (no relation to Kidd Fugate), said in an interview that he bought votes with the $3,000 Neace gave him.

Among the other recipients of Neace's cash, according to the judge-executive's spending reports. John "Punkin" Combs, chairman of the Perry County school board,

$9,000; county Treasurer Burchett, $10,140, and Don Aben Couch of Vicco, $10,000.

Combs, Baurchett and Couch all denied receiving the amounts reported by Neace, and also denied buying votes.

After the election, the county passed an ordinance barring electioneering within 500 feet of any polling place.

During last May's primary, however, the ordinance was violated regularly in one precinct where a reporter observed the voting. And the cases of three people charged with violating the ordinance in connection with the November 1986 election have never been tried.

THE 1986 HOUSE RACE

After he lost the race for the 91st District House seat in Perry, Pike, and Letcher counties, Letcher Commonwealth's Attorney James Wiley Craft charged in a complaint filed with the House of Representatives that a "substantial number" of voters in Perry County's Farmertown precinct were paid for their ballots.

The winner, Democrat Paul Mason of Whitesburg, countered with fraud allegations centered on Letcher County.

Craft, the Republican candidate, lost by 156 votes in Farmertown and by 98 overall. He said he eventually dropped his challenge because he thought he had little chance of success in the Democrat-dominated House.

It was in Farmertown, long hotbed of election fraud, that one of the three 1986 electioneering-ordinance violations allegedly occurred. Sheriff's deputies also discovered a small quantity of liquor stashed near the polling place.

ELECTION OFFICERS

Kidd Fugate was not the only local election officer with a checkered past to serve again in 1987. At least three others either violated election laws in the 1981 primary or consorted with vote buyers, according to testimony during the trial of the Byrge lawsuit.

Beechie Johnson, a Republican officer at Buckhorn, according to testimony, Johnson took no oath of office, as required by state law, assisted about 50 voters, an unusually large number and failed to require those voters to execute affidavits, as required by law.

Frank Miller, a Democratic officer at Grapevine, according to testimony, Miller offered to pay at least one woman if she agreed to vote as he directed and misinformed other precinct officials about the propriety of allowing outsiders to assist voters. When Miller took the witness stand during the 1981 trial, he admitted he had never read the manual that enumerates the duties and powers of election officers.

Glover Fugate, a Democratic officer at Butterfly and brother of Kidd Fugate. According to testimony, Glover Fugate was sitting in a car with a man who was buying votes at Butterfly.

[From The Courier-Journal, Oct. 13, 1987]

WINNING AT ANY COST—A VOTE-BUYER ON HIS TRADE: TO WIN, YOU HAVE TO DO IT

(By R. G. Dunlop)

"In one election, we had nobody to hire workers at Rowdy. We set up a meeting with Darrel Fugate, and I met him at 11 p.m. I said we wanted him to handle Rowdy, and he agreed to help us.

"We carried Rowdy by a single vote. He made the difference."—Former Perry District Judge Steve Tackett.

HAZARD, KY.—Darrell Fugate makes no bones about it: For 12 years he has bought votes on behalf of candidates for governor, judgeships, school board and a host of other local offices in Perry County.

Fugate has paid from $5 to $100 apiece to buy as many as 60 votes in a single election in his Rowdy precinct—where, in last May's primary, only 120 people cast ballots.

In the county as a whole, he estimates that 3,000 people periodically sell their votes. That's 45 percent of the total vote in the May primary.

"Since I began fooling with it, I don't know of a candidate that's won without votes being bought for him." Fugate says, "Maybe they don't want votes bought, but they get bought anyway.

"I just done it for the fun of it, mostly. It's like playin' a game. I'd been around elections all my life. I'd seen it. It's nothin' complicated. After an election or two, you know who sells their vote.

"It's no big deal, nothin' to make a fuss over. People know about it from here to Frankfort."

Fugate sees nothing wrong with buying and selling votes, even though both are illegal. Nor does he fear apprehension. "It's their vote, and they should do with it what they want to. It's only a misdemeanor. They can't do anything to me. If it was a hangin' crime, I wouldn't be talkin' to you.

"I'm not afraid of gettin' caught. * * * There wouldn't be enough room in the jail to house all the vote-buyers and sellers in this country."

Sherman Neace was elected Perry judge-executive in 1985. In the primary and general elections that year, Neace paid 27 "workers" a total of $91,600 in cash—an average of nearly $34,400 apiece—to "set up precincts," as he describes it.

Neace says he had no knowledge of vote-buying on his behalf. But among the recipients of his largess, who included several people widely reputed to be vote-buyers, was Fugate. He received $3,000 a few days before the primary.

"I don't see how most of them (candidates for whom he has bought votes) could help but know what I did with the money," Fugate says. "Sherman probably didn't, because he didn't know me. He didn't tell me to buy votes, and he didn't give me the money. A friend did. But most people who hire me know what I'll do. I'll buy votes."

Fugate owes his present job as a courthouse maintenance worker to Neace's administration, which hired him after the election.

Fugate says he didn't buy any votes during this year's primary election, but only because nobody offered him any money. He supported Wallace Wilkinson, the eventual Democratic nominee, and laments that he wasn't able to ply his trade on Wilkinson's behalf.

"We would have picked him up 1,000 more votes in Perry County," Fugate says. An additional 1,000 votes would have more than doubled Wilkinson's total in the county but still would have left him far behind the winner, Grady Stumbo.

The 38-year-old Fugate, a high school graduate who has also worked as a truck driver and a security guard, has been given from $150 to $3,000 to spend in elections over the years. When he was starting out, he bought votes for $5 apiece and gave whiskey away when he ran out of money.

"Any election I worked in, I've got * * * the most, and I generally have it (the most money)."

But Fugate never pays off until he has actually seen the bought vote cast, or else casts it himself.

"You don't give nobody money unless you watch 'em. I go to the house, line 'em up. On Election Day, I vote 'em. They let me vote 'em any way I want to. If they want to vote themselves, they won't get no money from me. I wouldn't trust 'em if I couldn't watch 'em vote."

By law, only voters who swear they cannot read, are blind or suffer from some other physical disability requiring assistance can legally receive aid in the voting booth.

Such voters generally are assisted by one of two precinct officials while the others observe. But if the voter prefers, he can be assisted by a person of his choice. Under state law, an individual can assist only two voters in any election. In years past, Fugate and others have been able to perpetrate widespread fraud by "assisting" dozens of voters—actually casting their votes in exchange for giving them money.

Of the people he votes in exchange for money, Fugate says 80 percent are neither disabled nor illiterate, and could cast their ballots themselves, without assistance.

Prevailing wisdom holds that people who sell their votes are poor and uneducated, But Fugate, who should know, disputes that.

"People who make $30,000 to $25,000 a year, people with jobs sell votes. People get no respect for politicians, think they're all thieves. One guy says, 'They're up there stealing my money, I gotta work for mine, I want some of it back.' I bought his vote for $50."

"College graduates ought to be able to use the voting machine. But if the judges question it, I just lay the law down. They're not doctors, and who's to say whether somebody can read or write?"

Ironically, Fugate says he was victimized by vote-buying when he ran unsuccessfully for constable in 1985. But he's philosophical about it.

"I got my share of the bought votes. He (his opponent) just got more. That's the way you play the game. I've got no hard feelings. I knew what I was getting into before I started."

Even though he has never been caught buying votes, Fugate says he's going to quit after he runs again for county office in two years.

"Sooner or later the courts will make an example of someone," he says, "I don't want to be no example."

[From the Courier-Journal, Oct. 13, 1987]

ON MAY 26, "THE MAILMAN" DELIVERED HIS PRECINCT

(By R.G. Dunlop)

Before the first light of morning filtered across the puddle-splotched gravel parking lot, Richard Farmer was on his watch in Precinct D-501.

With his well-traveled car strategically stationed in plain view of the parking lot entrance and the polling place, Farmer didn't intend to miss a trick on this red-letter day for political operatives from Paducah to Pikeville.

It was May 26, time for that annual Kentucky rite of spring known as a primary election, when dreams would be fulfilled and hearts broken.

And it was a day when, as politicians' names dominated headlines and television screens, the unseen influence of the likes of Richard Farmer would help determine winners and losers and perhaps even chart a small piece of the commonwealth's future.

Across the state there are hundreds of Farmers, generally known only to the local politicians who use them—and pay them—to carry precincts by whatever means necessary. But they are an invisible hand that helps determine election results, just as surely as high-powered consultants and slick commercials.

There is nothing high-powered or slick about Richard Farmer, a pseudonym designed to conceal the identity of a real person—an unemployed auto mechanic who draws disability pay and is equally well-known by such unflattering epithets as "buyer" and "fixer."

The 47-year-old Farmer eschews those labels, preferring to refer to himself as simply "the mailman."

"I deliver," he explains.

Steve Beshear says he almost certainly never heard of Richard Farmer and has no way of knowing everyone who's working for him in the roughly 3,200 precincts across the state.

Candidates for statewide office need not trifle with the likes of Farmer, a person with a second-grade education who holds no elective or appointive office and has no ability to raise the huge sums of money needed to fuel today's sophisticated campaigns.

But Beshear's key operatives in the Eastern Kentucky county where Farmer lives know him intimately. Indeed, they owe some of their past electoral success to him. So when Farmer decided to cast his lot with Beshear this spring, it quickly became a foregone conclusion locally that the lieutenant governor would fare well in Precinct D-501.

And fare well he did.

Grady Stumbo swept through Farmer's county like Gen. Sherman marching through Georgia. In finishing a distant third, Beshear got no votes in two precincts and just one vote in each of two others.

But he ran like a thoroughbred in D-501, where more than three weeks of planning, cajoling and horse-trading paid off for Farmer when the precinct sheriff announced the results about 6:30 p.m. on May 26.

Beshear had carried D-501 by fewer than 10 votes. It was the only precinct he won in the county.

"If it hadn't been for me, Stumbo's people would have burned him," Farmer says matter-of-factly.

With the stipulation that his county and precinct be kept confidential and the names of his contacts disguised, Farmer agreed to let a reporter accompany him during the month before the election to watch him line up votes. Here's how Farmer did it:

SUNDAY, MAY 3

With 20 cases of free beer as the main attraction, Farmer throws a party up in the hollow behind his house. About 30 young men and women attend. They have a good time consuming almost all of Farmer's alcohol. And, not incidentally, their votes are secured.

TUESDAY, MAY 12

As Farmer relaxes in the living room of his modest but confortable home, the telephone rings. The caller is a man who had been jailed the night before. He had called Farmer around midnight, seeking assistance, but no one answered. Now the man is angry; he wants to know where Farmer was when he needed him.

Therein lies one of the keys to Farmer's success as a political operative: Acting as the self-appointed ombudsman for Precinct D-501, he's generally available when somebody calls.

When somebody needs a tow, Farmer provides a chain. When someone is arrested, Farmer frequently puts up bond money to gain the detainee's release. When someone needs a house site, Farmer monitors trailer lots in the hope of snaring a vacancy. When someone needs a job, Farmer massages his local and state contacts in an effort to help find one.

Farmer says he likes to help people and that he became a political activist when he felt the system was not serving him. A dozen or so elections later, he has delivered his precinct every time.

But Farmer's motives in helping people are not entirely altruistic. Come Election Day, he expects a payback.

"The ones I do favors for, I go back and see 'em when it comes election time," he says. "I ask 'em (for their votes). They know I helped 'em before. I don't have to remind 'em."

The telephone rings again. This caller wants to use some land behind Farmer's house to plant tomatoes. Farmer already has tilled the ground, and he'll spray the plants before harvest time. In exchange, Farmer will harvest the tomato grower's vote on Election Day.

Farmer won't talk much about his political past, except to say that "I've done things I'll never do again." But he acknowledges that he has bought votes in previous campaigns. And he admits to having had money—big money—to spend for his candidates.

Last November, he says, it was at least $2,000. In the 1985 county judge-executive's race it was $4,500.

The offers Farmer says he has turned down have been even more lucrative: $7,000 for the campaign of a candidate for state representative, $15,000 from a candidate for school board.

"From the beginning, I thought the end justified the means," he says. "Whatever the other side does, you gotta counter them. If one candidate spends money and the other don't, they're in trouble. That's a fact of life. As long as there are people who'll take it, there'll be those who'll spend it."

This time, Farmer claims to have no money from Beshear's campaign. Whatever he spends, he insists, will be his own.

Will he buy votes? He grins, then hedges. He may hire a few "workers" to hand out cards, a few "haulers" to transport voters to the poll.

But in many cases, it's a distinction without a difference. Many workers don't do much work, and many haulers don't do much hauling.

Farmer admits that he wouldn't have fared nearly so well in past elections if he hadn't had lots of money to spread around. But he rationalizes that money is spent in a variety of ways to win votes and that the legal and the illegal subtly blur.

"They all spend money," he says. "It's all to influence people, whether it's TV or vote-buying'."

FRIDAY, MAY 15

On a blistering hot afternoon, Farmer hoists a huge cooler into the back seat of his car. The cooler is crammed with beer left over from his party. He heads up an isolated hollow to visit with representatives of three or four families who, he says, control 20 to 25 votes he wants to snare for Beshear.

En route, he talks about some of them:

"Vernon? I got his boy a job. I'm the only one who ever did any thing for him. Donnie? I've gotten him out of jail, and I've paid his light bill several times. He's all the time askin' for somethin'.

"Kirby? He ain't never asked me for nothin' except one thing. He had a bag of garbage blowed out of his truck, and I had to take care of the ticket and get back his license.

"Gettin' his license was hard, because he can't read or write. That's all I'll say about it."

On the way up the deeply rutted road, Farmer abruptly stops his car, reaches into his pocket and pulls out a large wad of cash—the bond money he always carries in case he gets an emergency call. He wraps the money carefully in a cloth and stuffs it under the floor mat.

Should Donnie ask for a loan, Farmer can now honestly say he's only carring $10, which he's prepared to dole out and never see again.

A school bus passes and the driver waves. "I got him that bus drivin' job," he says. "He'll be (voting) with me.

Up the hollow, Farmer grunts as he sets the heavy cooler down on the side of a bridge leading to a ramshackle house where chickens are pecking in the front yard. Within moments, several men gather around to drink beer, swap lies and spit into the dirt.

Farmer's approach is simle. After some small talk and the first round of beer, he broaches the subject of the election. Some of the men don't even know who the candidates are, much less what they stand for, so Farmer boils the primary down to his standard, no-frills pitch. It goes like this:

Stumbo can't win. Brown did nothing for Eastern Kentucky when he was governor before. Carroll and Willkinson aren't even worth mentioning (so he doesn't). That leaves Beshear.

Farmer knows the residents of this hollow don't care about the candidates' plans for workers' compensation or career ladders for teachers of virtually any other issue of statewide significance. He knows the issue of primary concern to them is their county road, and when it will be fixed.

So he neatly ties the knot. The judge-executive has promised to fix the road. The judge-executive is for Beshear. Thus, these road-hungry residents should support Beshear, too.

Three hours later, the hollow's 25 votes are secured. Farmer heads back down the road, leaving the remains of the cooler on the bridge rail for future consumption.

The men have asked for nothing, and Beshear himself has promised them nothing. But the mailman is now poised to deliver. He still has his $10. He has also consumed six Bud Lights.

TUESDAY, MAY 19

Farmer spends several hours looking for Melvin, a man he says is worth 20 votes. He has also bailed Melvin out of jail at least twice. Melvin is nowhere to be found, but Farmer seizes the slack time to philosophize about using politicains' money:

"I try not to waste nobody's money. You need to do good if you take money. They know I won't take their money and put it in my pocket"—a common practice among some local political operatives.

After driving about 20 miles over the course of two hours, Farmer gives up looking for Melvin and goes home.

WEDNESDAY, MAY 20

A woman approaches Farmer in a department store parking lot and asks him to "hire" her to work in the election. Farmer insists that he has no money but promises to call her if he gets any.

Then he runs into Burt, who vows to be with Farmer—and, thus, for Beshear—even though Farmer has no money to pay him.

FRIDAY, MAY 22

Farmer goes to see Ned and his daughter. Setting comfortably into the porch swing. Farmer ignores the beer cans scattered about the floor, the stench emanating from inside Ned's house and a piece of fatback spewing grease into the air from an electric hotplate.

His admiration for the family's lush garden nets Farmer a bag full of greens. And his visit, coupled with his ability to get Ned's driveway graveled during the previous county administration, nets Farmer two votes for his trouble.

SATURDAY, MAY 23

Dodging raindrops, Beshear appears at a late-afternoon rally at the county park, Farmer is also there, hanging in the background, making small talk and scanning the crowd. Some of Beshear's operatives offer Farmer a chance to be more visible at the rally, but he declines.

MONDAY, MAY 25

Farmer goes to see Beryl, a longtime hunting and fishing crony. Farmer once gave Beryl a transmission from a wrecked truck, and now be wants Beryl to haul voters for him tomorrow.

Beryl readily agrees and says he'll make the 2.5-mile trip from his house to the polling place for nothing. Farmer insists that won't do, and he stuffs a $50 bill into Beryl's left breast pocket, right behind his glasses case.

Berly doesn't protest. Instead, he seizes on Farmer's generous mood and asks him to help his son get his driver's license back. Farmer says he'll try and caution Beryl not to tell anyone that he's getting paid.

On the way home, Farmer says the $50 was his own and whatever he spends tomorrow on Election Day will be his, too. He claims that he could have had $1,000 from the proceeds of Saturday's rally but that he declined.

"It wouldn't have been enough to go around," he says. "If nobody gets it (money), it's OK, but if some gets it and some don't, there'd be jealousy."

ELECTION DAY

Farmer is up early and one of the first to vote at D-501. After casting his ballot in the ramshackle polling place, he retreats to his car, which is parked too close to the building in violation of the local electioneering ordinance.

As voters pull into the parking lot throughout the day, Farmer frequently approaches their cars to make small talk or thrust a rolled-up, marked sample ballot through the window.

Sometimes he climbs into a new arrival's vehicle and closes the door; what goes on inside can neither be seen nor heard, but he insists later that, although some asked for money, he did not actually buy a single vote.

Both Farmer and a Stumbo supporter on the grounds are carrying wads of cash, about $3,000 each in $50 bills. There is no distribution of cash in evidence, but Farmer acknowledges that during the day he quietly spent $190 on food and drink, gas for a half-dozen voters, a light bulb for the polling place and medicine for a friend.

It was all legal, he asserts. No quid pro quos.

He also says a man in a sports car offered him $200 to slate another candidate with Beshear. He declined.

"I don't take money," he says. "If I did, people wouldn't respect me."

At midmorning, a man emerges from a nearby building and jokes to Farmer." All right boys, get your money out. I need some money. I'll vote any way you want me to."

Farmer laughs and makes an inaudible reply.

After lunch, a voter leaving the parking lot gestures toward Farmer and his coterie of supporters and asks grimly; "Those fellers pay you off yet? You should have been here last election."

In that election, rumors of rampant vote-buying swirled about Farmer and supporters of an opposing candidate. Farmer doesn't deny them, but he won't discuss them either.

During the afternoon, two county officials visit the polling place to confer with Farmer and give him a stack of cards to distribute for another candidate.

By 3 p.m., the temperature is approaching 90 degrees. Farmer has been on the job for nine hours and is perspiring through his golf shirt. But even as he slouches in the shade of a half-finished building, his eyes are alert and he makes a mental note of who comes to vote.

Just 15 minutes before closing time, he dispatches a hired hauler to find six voters who haven't appeared. Moments later, the group returns and six votes are delivered to the door of the poll. They prove to be the margin of victory.

With the election now safely in hand, Farmer lounges in a friend's car, feet propped out through an open window.

He has spent about $500 in this primary election. More important, however, he has emerged with his reputation intact, as the "mailman" who always delivers. It's no matter that Beshear lost statewide. Richard Farmer triumphed in D-501.

But what has he received, over the years, if not money? Roads, bridges, culverts for his precinct; a designation as a Kentucky Colonel; a job for his son, although he denies it was a political payback. And:

"Satisfaction and a little respect. I don't want 'em all talking bad about me."

[From the Courier-Journal, Oct. 14, 1987]

Trading Jobs, Contracts for Donations Is a Tradition

(By Richard Whitt)

Frankfort, Ky.—When Martha Layne Collins was running for governor in 1983. Floyd Poore helped her raise the $4.5 million spent on her campaign.

And he did it the traditional way—he made commitments.

In early 1984, about two months after Collins was inaugurated, Poore followed up on at least some of them. He sent a memorandum to the governor's office listing the names of about 30 people who he said were in line for appointments to state boards by virtue of their support for the campaign.

That's politics, Kentucky style.

One of the few certainties in a campaign for governor is that nobody wins without making commitments. Some are made on issues, but many involve jobs, appointments or contracts.

"If you're willing to sell positions, you can raise a lot of money," said former state Sen. Joe Prather, who made an abortive run for the Democratic nomination for governor this year.

And in Kentucky such sales appear to be legal. Although state law prohibits a candidate from paying money for political support, it apparently permits promises of jobs, contracts and board appointments in exchange for financial support.

In dozens of interviews for this story, politicians, campaign fund-raisers and businessmen painted a picture of a system in which political contributions are routinely traded for favors.

"The big attraction of giving," said state Sen. Ed O'Daniel, D-Springfield, "is what everyone gets when the cookie jar is opened."

James J. Deters, executive director of the Kentucky Ready-Mix Concrete Association, got to the heart of the matter in a letter he wrote to association members after this year's May primary. He was soliciting contributions to Wallace Wilkinson, the Democratic nominee for governor.

"I have learned a lesson," he wrote, "that in Kentucky, for right or wrong, political influence comes from supporting a candidate financially."

What is the price of campaign commitments? Often sound public policy is sacrificed as politicians turn a deaf ear to those who haven't supported them.

Said Republican Larry Forgy, who also abandoned a race for governor this year.

"I say there's more bad government sold for $15,000 to $20,000 than the people of Kentucky can afford."

Dr. Malcolm Jewell, chairman of the University of Kentucky's political science department, said "groups which deserve to be listened to aren't necessarily the ones with money. The state's interest isn't necessarily served by the special interests."

For example, Jewell said, politicans cannot expect large donations from groups interested in clean water.

Twenty years ago, author and political scientist John Fenton divided state political systems into two general categories—issue-oriented and job-oriented.

In an issue-oriented state, Fenton said, political parties tend to focus on policies. By contrast, Fenton said, in job-oriented states the focus is on patronage.

Kentucky, not surprisingly, was classified as a job-oriented state, and that hasn't changed during the last two decades. In fact, Jewell said Kentucky is less issue-oriented than any other state in the country.

"I think some of this results from a society where the level of income has been below average," he said recently. "Government is a major source of employment in many areas."

Also, he added, "It's just the way we're used to doing things."

In such an atmosphere, candidates for high offices are forced to make promises if, they expect to raise big money.

During the 1983 Collins campaign, for example, commitments for jobs and seats on boards and commissions were made on a large scale, apparently surprising even the governor and some close to her.

THE POORE MEMO

Poore said in a recent interview that he never sold positions and never promised anyone a job in return for a political donation.

"If anyone says that, they are a liar," he said. "I mean, someone may indicate interest in something, but never once do I go out there and say they are going to get this or that."

Poore, a Northern Kentucky physician who was Collins' transportation secretary from 1983 to 1985 and is now a key fundraiser for Wilkinson, said he turned a list of supporters over to the governor's office after the 1983 election. He said the list contained the names of 25 to 30 people "I would like to see considered."

But Poore's memorandum to the staff in the governor's office, dated Feb. 16, 1984, suggests otherwise.

"Following is a list of commitments to people for the following boards, councils or commissions for March, April, May and June, 1984," Poore wrote in the memo, a copy of which was obtained by The Courier Journal.

The copy, which is missing a page, lists: 31 people—each with a designation of a specific appointment to a board or commission. The final page lists 25 of the names under the heading. "Commitments that must be done."

The newspaper obtained the copy after Poore was interviewed for this story in mid-September. He could not be reached again, despite messages left at his office and some over the last 10 days.

Shown a copy of the memo, Collins expressed little surprise but she denied knowledge about such fund-raising during her 1983 campaign.

"First of all, I did not know, obviously, about the commitments that he (Poore) was making in connection with the campaign," she said.

Asked to comment on Poore's memo, she said: "Well, that's not my philosophy. My philosophy is that people who give to (the campaign) believed in me and . . . wanted to be a part of the team."

Collins has honored only 12 of the commitments—nine from the so-called "must" list—state records show.

Former Falmouth newspaper publisher Warren Shonert, a Republican, is among those named in the memo, but he didn't get the position he wanted.

After he contributed at least $2,500 to the Collins campaign. Shonert said, Poore promised him an appointment to the Northern Kentucky University Board of Regents and told him that Collins had agreed to name him.

"I felt I had a commitment through Dr. Poore," he said.

Asked why he thought he had a commitment, Shonert replied, "That's a terrible thing to ask a person. I don't want to get called before a grand jury."

Shonert said he doesn't blame Poore for not delivering on the promise and believes that Poore thought be had a commitment from Collins.

Poore has already told him, Shonert said, that he'll get the NKU appointment if Willkinson is elected governor.

Shonert, who served a term on the NKU board in the 1970s and who has given more than $250,000 to the university, said he talked with Poore after the May primary, in which Shonert supported former Gov. John Y. Brown Jr. He said he and his wife, Genevieve, later gave $6,000 to Willkinson.

"I've been told that I'll go back (on the NKU board)," he said. "Not because of any contribution but because of shabby treatment I got before.

"This is not a matter of trying to buy a job with state government. This is a matter of honor to me," he said.

Poore couldn't be reached about Shonert's remarks.

Among those on the Poore list who did receive appointments are:

Jerry A. Stricker of Fort Mitchell, a financial officer with a Cincinnati brokerage firm, who was named to the University of Kentucky Board of Trustees last January.

Stricker said he worked as a fund-raiser in Collins' 1983 campaign and has known her for a long time. He said he has been active in UK alumni affairs since the 1960s.

He said Poore didn't promise him the UK trusteeship, and he noted that he wasn't appointed until long after Poore had "fallen from favor" with the Collins administration in 1985.

When someone helps a candidate get elected, there's nothing wrong with appointing that person to a board or commission for which he's qualified, Stricker said.

Jack Moreland, superintendent of the Dayton (Ky.) school system, who was appointed to the non-paying advisory council on vocational education in March 1985.

Moreland said he didn't donate to the campaign but worked closely with Poore to raise funds and that he sought the position.

He said he was forced to resign the post two months after getting it because he was chosen to serve on the Kentucky Teacher Certification Commission.

Did Poore give him a commitment on the vocational education panel? "It was never discussed," Moreland said.

Poore said in the September interview that "If people get out here and work extremely hard and I can help them, I certainly will. Never do I make any commitments."

He said he probably will have another list of supporters after the November election—but will keep it in his head and not in writing.

Poore said he has no problem with the system of rewarding political friends. "Never will," he said. "Right now I must have 500 resumes people have sent me from all over the state. Whether they are ever accepted, who knows?"

OTHER DOCUMENTS

The Poore list isn't the only indication that Collins supporters were rewarded. Two other documents obtained by The Courier-Journal suggest a pattern that goes beyond Poore's realm of influence:

In a letter dated Aug. 21, 1984, to top administration officials, John Waits, the controversial and politically active Louisville real estate developer, listed nine Collins supporters from Jefferson County who "need to be appointed." Of the nine, four were named to state boards, one got a state job and one went to work for Jefferson County government.

Waits, a Collins supporter, said he couldn't specifically recall writing the letter but said he may have. He said he knew only one of the nine people mentioned in the letter. The rest, he said, may have been recommended to him by other Collins supporters in Jefferson County.

Five of the six who were given board appointments or jobs said they worked for or gave money to the Collins campaign. The sixth said he was a long-time friend of another Collins supporter.

A confidential 1984 memorandum—written by Frank Harscher, who was state natural resources secretary for six months in 1979-80 and in 1984 was an official with Howard, Needles, Tammen and Bergendoff Engineering Co.—details the hardball methods used in circumventing the bureaucracy to obtain contracts.

Harscher was an early Collins supporter, giving a total of $1,900 to her campaign in the primary and general elections.

His memo, dated Aug. 1, 1984, was written to Walls and passed along to top state officials:

It says in part:

John, as we discussed yesterday, I need your help as follows:

1. Scott Co.—Georgetown by-pass design project.

Please call Floyd (Poore) and Mac (Thompson) and stress that we would be a good alternative to GRW, who local officials are pushing because they did some preliminary work; but as you know they are politically Sloane people and not acceptable to Collins administration. Floyd also owes us one because he gave the KY 693 job (that we were promised) to a bunch of Indians from Cincinnati, by mistake. Also, we are interested in the Green-Taylor counties U.S. 68 job as an alternative.

2. Toll Road Annual Inspection Contract.

This was recently advertised for proposals. This inspection report is important to bond holders and needs to be improved over what Brown/Metts have done recently. They need a really good catch-up effort this year. We . . . have the background and national reputation and yet we are now local. They should not fall into the trap of going back to Bill May (Brighton) or Don Dunstill (American) so they can avoid political and media fire. Floyd needs to be pushed on this, and Mac. They can look good if they do this right.

During the Collins administration, the Howard-Needles firm has been given at least $2.38 million in engineering work, including the toll road inspection contract. But it didn't get the other two projects mentioned in the memo.

GRW Engineers of Lexington received the bypass design contract, and TENECH Engineering of Louisville was awarded the Green-Taylor job.

The "bunch of Indians from Cincinnati" apparently referred to Balke Engineers, the firm that was awarded the KY 693 design contract, according to state transportation officials.

Harscher, who is now a graduate student at the University of Kentucky, said in an interview that he wrote the memo because "to be quite honest, it was clear to me he (Walts) was a fairly influential person in the Collins administration." Harscher said he was trying to "touch all bases" to get state contracts for Howard-Needles.

"That memo obviously reflects an effort to make contact with the decision-making process from a vantage point outside normal channels. That is not uncommon. We were looking for work," he said.

Harscher said the memo wasn't written to avoid normal procedures for getting state contracts but as more of "a supplement."

All firms go through the offical state-prescribed procedures of responding to advertisements and submitting proposals for work.

"But it is the case that there are other influences," he said. "And the supplement that I, and other firms, have to make is that we touch every possible base recognizing that the system is not as straightforward as it may look on paper.

Harscher said the reference to Balke as "a bunch of Indians" was bar-room talk and not intended for public consumption.

"I am not a bigoted person," he said.

He said he had been promised, either formally or informally, the KY 693 project that was given to Balke. But he said he couldn't recall who made the promise.

The project, along with several others involving other engineering firms, eventually was postponed because of a shortage of funds. When money became available, the other firms got their contracts restored, he said, but the Howard-Needles contract was given to Balke.

"So I went to Floyd Poore directly and explained to him that I thought that was a little bit unfair, and I didn't understand why," he said.

Harscher said Poore or another transportation official told him that the contract "just slipped past" them and was given to Balke by mistake.

But Poore said in the interview, "There was no mistake." He awarded jobs to the companies best suited to do the work, he said.

Poore acknowledged talking with Harscher and representatives of other engineering firms and said lobbying state officials for work is commonplace.

"They do it constantly. They do it in every department of government."

But he said such lobbying never results in firm commitments for work.

"I never promised a company a job in my life . . . You'd be crazy to do that," he said.

Poors also said he never discussed Harscher's memo with Walts. He said he kept at "arm's length" from the developer.

Walts said he didn't recall receiving the memo.

Mac Thompson, the former finance secretary in the Collins administration, said he never talked with Walts about the Harscher memo.

The demands of fund-raising can be too much for some candidates.

Prather, a former president pro tem of the state Senate who dropped out of the Democractic primary early this year, said he became frustrated with trying to raise large amounts of money. Money wasn't the main reason he quit the race, Prather said, "it was the only reason."

He said he decided not to use his position as the apparent favorite of the Collins administration to raise money from people who hold state contracts.

Offering jobs as cabinet secretaries, or positions on university boards of regents and trustees, will bring "about whatever you want to name," Prather said.

But, he added, brokering such important positions hurts the universities and the state.

Most of the money going into political campaigns is from people or interest groups who want something, Prather said.

"I don't care how sensitive a governor is to this issue," he said. "You are going to end up more obligated than you want to be."

Tomorrow: Engineers and architects are major contributors to political campaigns. And they're major recipients of state contracts.

[From the Courier-Journal, Oct. 15, 1987]

ENGINEERS, ARCHITECTS OFTEN GIVE TO GET WORK

(By R. G. Dunlop and Richard Whitt)

FRANKFORT, KY.—There they are, nestled side-by-side like a couple of brick-and-mortar lovebirds just outside Frankfort at the intersection of Interstate 64 and U.S. 60.

They've been an item for years, happily scratching each others's backs and massaging each other's pockets, and their sturdy partnership shows no signs of deterioration.

So for the foreseeable future, they'll remain an integral part of Kentucky's political and economic landscape.

Who are these devoted companions? The Kentucky Engineering Center, home of the Kentucky Society of Professional Engineers, and state Democratic headquarters.

To many familiar with the way in which the commonwealth awards its personal service contracts, the buildings' proximity is no coincidence.

Instead, it's symbolic of the relationship that has endured through countless administrations in Frankfort, influencing decisions on state engineering contracts worth millions of dollars each year.

"The key word in Kentucky is 'politics,'" said Jospeh Sisler, an engineer who worked in Ashland before moving to Nashville, Tenn., earlier this year. "That's the way the system works. I guess it's a fact of life."

State contracts for professional services, including those provided by engineers, and the architects who often work closely with them, are not awarded through a competitive bidding process. Rather, they are granted under subjective "professional selection" guidelines that sometimes result in decisions influenced by politics.

There is no evidence that unqualified firms are regularly awarded state personal service contracts. Indeed, even the system's harshest critics concede that firms doing business with the state generally are at least competent.

But some firms that get contracts also happen to be among the most generous contributors to the Democratic Party and successful candidates for governor.

Conversely, some who don't give don't get.

Louisville architect Alvin Cox's firm has applied for 15 to 20 state jobs in the last 10 years, including at least one last year. But it received none, Cox said.

In some cases, he said the firm was "absolutely the most qualified" for a particular job. But it has never even made the short list of three from which the winning firm is selected.

"Our position is, if we have to buy state work, we don't want it," said Cox, who doesn't contribute. "It does not speak well of the profession, and the public deserves better."

For this series, The Courier-Journal interviewed approximately 70 engineers and architects. Some of those interviewed do extensive amounts of state work, others do little or none.

Of the 45 who would venture an opinion, 31-69 percent—said they think the state's system of awarding personal service contracts is politicized.

For example, employees of the five engineering firms that benefited most handsomely from personal service contracts awarded by the administration of Gov. Martha Layne Collins have donated a total of least $85,000 to her campaign or to the state Democratic Party since 1983. The figure may be considerably higher because not all employees of the firms could be identified.

The National Society of Professional Engineers' ethics code—which has not been adopted in Kentucky, even though most engineers are members of the NSPE—prohibits political contributions if there is even an appearance of a quid pro quo Kentucky's code of conduct for engineers merely prohibits making a political contribution to secure "specific work."

The state and federal ethics codes for architects are identical to each other, and they bar payments to public officials—not candidates—with the intent of influencing their judgment on contract awards.

Not all engineers are happy with a system of contract awards that flourishes in apparent conflict with their national code as well as their personal ethical standards.

"A LOT OF DIRTY DEALINGS"

"We don't contribute because we think it's unethical to buy work," Walter Newton, a Lexington engineer, said. "But that's the way business has been done in Kentucky for the last 30 years. There are a lot of dirty dealings."

Perhaps that's because state personal service contracts are big business—worth approximately $74 million during the 1985-86 fiscal year alone.

Engineers and architects have received $101 million worth of such contracts since 1980, far more than any other profession.

Each year they receive from 20 percent to 50 percent of all the personal service contracts that are awarded, for such projects as road and bridge design, building construction and reclamation of abandoned strip mines.

Getting acquainted with many of the recipients is easy enough; just stroll into the lobby of Democratic headquarters, where the names of members of the party's Century Club are displayed.

Century Club is actually a misnomer, because membership costs at least $1,000 a year, not $100. And although the display doesn't identify the approximately 200 club members by profession, more than half are engineers or architects, whose generosity provides funds to help defray the Democratic Party's operating expenses.

Defenders of the system say that members are just loyal Democrats—and a few Republicans—supporting the party.

But some of those givers find themselves confronted with an unpleasant choice digging deep into their pockets for donations or else risking being counted out of the state's contracts sweepstakes.

"Engineers would stop by the KSPE on business and say they'd been to Democratic headquarters," said Russ Reynolds, former executive director of the professional engineers' society. "They didn't hesitate to lay it on the line for contributions. 'You gotta go pay your dues,' the engineers would joke."

Louisville engineer William Cassidy has never paid his dues since he went into business.

But despite his extensive experience and his firm's qualifications for numerous state projects. Cassidy said, "We get no state work. I've been everywhere"—including Democratic headquarters.

"We obviously don't have the right political connections. If you're going to do work in Kentucky, you're going to donate."

Some engineers do more than donate in an effort to get state work, according to former transportation Secretary Floyd Poore.

Poore, who served in Collins' Cabinet from 1983 to 1985, said that on more than one occasion engineers came to his office in Frankfort and made illegal cash offers in exchange for contracts.

"Did I ever take it? No. I spent too many years of my life getting to where I am for that kind of business," he said.

While state officials generally insist that contracts are awarded on merit, they concede that they receive an occasional name-dropping telephone call from the governor's office or Democratic headquarters. But they recoil at the suggestion that arms are twisted or that pressure is applied.

"All they've ever done is ask that I consider a particular firm," said Tony Miller, who, as a department head in the Finance Cabinet, was a key participant in decisions to award contracts to engineers and architects.

Miller, who left his state job earlier this year and is now running for Jefferson County clerk, contended that certain firms may have only themselves to blame for not getting state work because they "haven't gotten to know us. Some firms act like I'm supposed to go into their offices to get acquainted with them. They need to make us aware of their qualifications."

Reminded that firms interested in doing state work regularly file standard forms listing their qualifications, Miller replied:

"Wouldn't you be leery of someone you'd never met?"

Poore said nobody at Democratic headquarters ever had to remind him which firms were loyal supporters of the administration—he already knew from his days as a key fund-raiser for Collins.

"You pick one favorable to you. I don't think there's any question about that," Poore said. "But on every project that came along, I tried to make sure the company was qualified."

So did Harry Burkart Jr. But as director of Indiana's Department of Public Works from 1973-79, Burkart said he also fielded his share of telephone calls from politicians offering thinly veiled directives and rationalizations for giving state contracts to supporters. And he thinks he knows how people receiving those calls interpret them.

"My calls came from the state Republican Party, and they were very careful never to say, "Give this contract to this firm.' That would be illegal," said Burkart, who finally resigned his state job in protest and joined an engineering firm in Indianapolis.

So, he said, the deal-making was deftly couched in subtle terms that afforded both parties deniability.

"They'd say, 'Will you give them every consideration?' You knew what they were talking about. That means they would very much like them to get the job. If I didn't give them work, I'd be criticized.

"You know what (politicians) want when they call, and if they didn't want it, they wouldn't call in the first place."

Indiana has its own Republican version of the Century Club, called Hoosier Associates. Membership costs $100 a month, and at least 20 percent of the members—including the head of Burkart's company—are members of engineering or architectural firms.

"If you don't belong to Hoosier Associates, your chances of getting considered for state work in Indiana are very small," Burkart said. "The facts are, if you don't contribute, you don't get work. It's not illegal, but it sure is unethical."

In Kentucky, membership in the Century Club isn't an absolute prerequisite for snaring state contracts. Some firms who do join try and fail to get state work, and some who don't belong still receive state contracts.

* * * * *

Early in the 1987 primary campaign for governor, Lexington engineer Wesley Witt made an unsolicited $3,000 contribution to Lt. Gov. Steve Beshear's campaign. Six weeks later, he received a call from one of Wallace Wilkinson's supporters who had seen Witt listed in the paper as a donor to Beshear and wanted a donation for his candidate.

Witt then anted up $2,000 to the Wilkinson campaign, he said, "in keeping with the practical aspect of business in politics."

CONFLICTING VIEWS ON ETHICS

Partly because critics of the existing system don't endear themselves to officials who award contracts, the subject of quid pro quos is one that many in the profession are loath to discuss. Still others think it's irrelevant.

"I don't feel it's an important issue," KSPE Executive Director James Parsons said. "I am truly not interested in what any engineer or group of engineers decides to give to a political campaign. I believe those are individual concerns of individual members. I don't think it's the kind of thing that should be an organization issue."

Nevertheless, the subject is slowly but surely bubbling to the surface nationally and becoming an "organization issue" in the process.

For example, the July 30, 1987, issue of Engineering News Record recounted efforts by the NSPE to set national policy on the matter of contributions by engineers seeking state contracts.

Those efforts have gone on for nearly 15 years—much too long to suit Burkart, a regional officer in NSPE.

"I feel we've studied it enough," he said. "Now it's time to move."

Although the society's code of ethics prohibits contributions that the public could reasonably construe as attempts to influence contract awards, appearances are in the eye of the beholder.

"I don't think there is an appearance problem," Parsons said.

A national committee of engineers, however, reached a wholly different conclusion last December after studying the issue in several states for more than a year.

"It is a pragmatic reality that . . . the most work goes to the largest contributors," the report concluded. "The profession is . . . diminished by hiding behind slogans to deny that contributions are made to influence decisions in the favor of the contributors."

Sometimes the connection is made so clearly that even defenders of the system are hard-pressed to deny it.

In 1981 William May, head of Frnakfort's Brighton Engineering Co., met with state Transportation Secretary Frank Metts in Florida to find out why Metts had canceled lucrative Brighton contracts.

During the conversation, tape-recorded without May's knowledge and subsequently made public, the controversial and powerful May reminded Metts that he had contributed $22,000 to Gov. John Y. Brown Jr.'s 1979 campaign for governor and other Brown-backed causes.

"I have bought a position (in the Brown administration) to the extent that I ought to be able to maintain the position I had when you all came in," May, who died last year, told Metts. "I don't want anything more. I just want to go back where I was."

But for every Bill May there is a Glenos Cox, jousting with the system in futility, never quite figuring it out.

Cox, a Williamsburg engineer for 35 years, has contributed to the Democratic Party, but only in relatively small amounts. And he never joined the Century Club.

He has visited Democratic headquarters, talked with party chairmen and prominent elected officials, inquired at the governor's office and met with Transportation Cabinet employees. But Cox says his small firm has never gotten state work.

"They tell us we're qualified," Cox said, "I don't know what you've got to do. It's got to be supporting somebody somewhere. We do it, but apparently we don't do it enough."

[From the Courier-Journal, Oct. 14, 1987]

PROMISING JOBS: IT'S NOT ILLEGAL

(By Richard Whitt)

"No candidate for nomination or election shall expend, pay, promise, loan or become liable in any way for money or other thing of value * * * to any person in consideration of the vote of financial or moral support of that person."—KRS 121.055

The Kentucky law quoted above may appear to prohibit a political candidate from promising jobs or contracts in return for campaign contributions and other support.

But apparently the law does nothing of the kind. Assistant Attorney General Walter Herdman and other legal experts said such promises in exchange for contributions appear to be legal in Kentucky.

Their views are supported by several state court decisions, including a 1934 ruling that held that a "thing of value" mentioned in the statute referred to money and property but did not include "a mere office or position."

And last year a Clinton County circuit judge cited the 1934 decision when he ruled that promising a job for a vote is not illegal.

Louisville attorney Stan Chauvin, a former chairman of the state Registry of Election Finance, said that for an offer or commitment to be illegal in Kentucky, it has to be a corrupt act. For instance, he said, it would be illegal to promise a contract and then later split the proceeds from it.

Chauvin and others are troubled that the weakness of the current law encourages improper conduct.

"It makes a good person do things a good person doesn't want to do. It's also a field day for a thief," Chauvin said.

Not all states are as permissive.

In Minnesota, which is known for clean government, state Sen. Gary Laidig said he was "astounded" that it is legal in Kentucky to promise a job in exchange for a campaign contribution.

"It is just so foreign to hear that. It wouldn't play in Minnesota at all," said Laidig, a member of the Senate Elections and Ethics Committee. "Deal-making of that sort is frowned upon here."

Since the early 1900s, two sections of Minnesota law have barred soliciting contributions in exchange for anything of value, including a job, a contract or a "position of honor" which pays no salary, Laidig said.

A SHREWD INVESTMENT CAN PAY BIG DIVIDENDS

(By Richard Whitt)

When a businessman does business with a prominent political figure, he doesn't always know if it will help.

But it certainly can't hurt. And sometimes he may hit the jackpot.

Consider the case of Cranston Securities, a small investment banking company with headquarters in Columbus, Ohio. Until Gov. Martha Layne Collins took office, Cranston had never done business in Kentucky.

But in 1984 two Cranston executives—Chairman Robert Kanuth of Washington, D.C., and President William H. Roberts of Columbus—put $450,000 into Collins Investments, a company formed by Bill Collins, the governor's husband, to manage limited partnerships.

Cranston has since been senior underwriter or co-manager of the sale of more than $1 billion in state bonds, earning $1.35 million in commissions.

When questioned about the propriety of such transaction, Gov. Collins told the Courier-Journal in June 1986 that she didn't know Kanuth well. He came to a party at the mansion once as a guest of another couple, she said.

State helicopter records discovered since that interview show that a "Mr. and Mrs. Bob Kanute" flew with the Collinses on the state's Sikorsky helicopter from Frankfort to Louisville in late April 1988, apparently to attend Derby festivities.

State officials said the Kanutes are apparently the Kanuths.

[From the Courier-Journal, Oct. 14, 1987]

SPENDING ON CONTRACTS HAS RISEN IN COLLINS YEARS

(By Richard Whitt)

FRANKFORT, KY.—When times are good, money flows out of Frankfort in dizzying amounts. And these apparently have been the best of times for people who have personal service contracts with the state.

Even in the face of state financial problems that have forced three rounds of budget cuts totaling $250 million, the amount spent on such contracts has risen during the administration of Gov. Martha Layne Collins.

Personal service contracts, which are awarded without bids, allow state administrations to take care of the people who makes substantial political donations.

The pain of making a large contribution is lessened considerably by thousands of dollars in state contracts.

They allow the contributors to continue their quadrennial quest for "good government" in Frankfort—which is what nearly all say they seek with their donations.

The surge in personal service contracts in the past four years comes on the heels of something of a drought during the previous administration, that of John Y. Brown Jr.

Under Brown, spending on such contracts averaged about $33.8 million a year. Under Collins, the average has been about $47.4 million—a $13.6 million-a-year increase.

However, during the fiscal year that ended last June 30, spending dropped sharply, from $46.8 million to $29.3 million, partly because of state budget cuts.

Figures on the amount of money committed for new contracts, some of which may not be fully paid for years, are more striking.

During Brown's administration the state committed an average of $49.1 million a year. Under Collins, the figure has soared to $90.1 million, an increase of $41 million a year.

The growth in these contracts is a widespread concern, said Rep. Mark Farrow, D-Stamping Ground, a member of the General Assembly's personal service contract review subcommittee.

Said Rep. Bob Heleringer, R-Louisville: "No wonder we're broke."

Heleringer, a recent appointee to the subcommittee, said he's particularly concerned about money going to private attorneys for legal work.

Authorized payments to attorneys under personal service contracts have gone from about $2.2 million during the last full fiscal year of the Brown administration to about $1.9 million during the last fiscal year.

"It's been flowing out of Frankfort like Niagara Falls," Heleringer said.

He said he thought a greater share of the work could be done inhouse by the state's own attoneys.

He also said that much of the legal work seems to be flowing to supporters of Collins. "I know that those who backed her have been very well taken care of," he said.

In response, Collins said her administration has moved to hold down expenses for private attorneys by limiting payments to $75 an hour and seeking bids on most of the work.

The increase in costs, she said, stems from the need for additional legal work and not political paybacks, she said.

The amount spent on attorneys' contracts is a relatively small part of the total. Much more of the overall increase in personal service contracts, according to state finance officials, is attributable to higher design costs for the AA Highway across Northern Kentucky and more spending on the Abandoned Mine Lands program and the Job Training Partnership Act, two federal programs for which the state dispenses funds.

The 135-mile AA Highway is an interesting project to consider.

Cost increases on the design of the highway alone have roughly tripled the state's expenditures for engineering services.

Originally negotiated during the Brown administration, engineering work on the highway was to be done by eight firms at a cost of $8.3 million.

But shortly after taking office, Floyd Poore, Collins' first transportation secretary, canceled those contracts so he could have time, he said, to review the project.

The route was subsequently changed several times, and in 1985 a 25-mile spur was added to run from Vanceburg to Greenup Dam. Design work on this segment was projected to cost about $2.5 million, transportation officials said at the time.

After a route was settled upon, Poore said he divided the design work into 22 segments between Campbell County and Vanceburg so the project could be finished more quickly. Eventually, 13 more design segments were added.

Design costs increased to $27.7 million, roughly three times the original estimate, and 25 engineering firms have been given contracts for work on the 35 segments.

The Brown administration planned to pay for the highway with proceeds from a $300 million bond sale. But state highway officials now estimate that another $140 million will be needed to complete the project.

Roger Cole, commissioner of administrative services in the Transportation Cabinet, said the increase apparently is the result of change orders approved after the original contracts were signed.

Cole also said there are no records documenting the need to speed up the project or split the work into 35 segments.

Rep. Richard Turner, R-Tompkinsville, said recently that the cost increases on the AA Highway were "disgusting."

Turner said he wrote Transportation Secretary Leslle Dawson last year to let officials know that someone was watching. But as a Republican, Turner said, he can do little about the soaring costs.

"It's a mess," he said. "There's no attempt at all to beat down costs. It's a special-interest crowd that controls Frankfort."

[From the Courier-Journal, Oct. 15, 1987]

ENGINEERING PROFESSION GRAPPLES WITH ETHICAL ISSUE

(By R.G. Dunlop)

COLUMBUS, OH.—Even though many of its own members admit that unethical contributions to political candidates are routine, the National Society of Professional Engineers appears to be standing still—if not moving backward—in its efforts to address the problem.

The society's code of ethics prohibits contributions made "to influence the award of a (government) contract, or which may be reasonably construed by the public of having the intent to influence the award of a contract."

Nevertheless, a task force of six professional engineers concluded last December that such contributions are the norm across the country.

"The award of contracts is generally predicated on support in the form of political contributions," the task force's report said, "And . . . political contributions are made for the general purpose of obtaining public contracts."

Despite that sweeping indictment, the task force proposed only modest changes, including support for state and federal laws limiting campaign spending and for a ban on campaign contributions over the legal limits.

The issue is a sensitive one for the profession. According to minutes of the June meeting of the NSPE's executive board, concern was expressed that the report would be improperly handled by the news media and that the "corruption of engineers" would be emphasized.

And at the society's annual meeting in July, the board referred the recommendations to a committee for further study. They are to be taken up in January at the earliest, and their fate then is uncertain.

In spite of NSPE officials' skittish attitude toward the subject, the chairman of the task force—which labored for a year to produce its report—said he is not discouraged.

"What they did not do is table it or vote it down," said William Norris, a Columbus engineer who is also president of the Ohio Association of Consulting Engineers. "So I feel the NSPE action was a positive act."

Perhaps it will prove to be. But the issue of contributions and contracts is still unresolved nearly 14 years after the NSPE adopted a much tougher report—entitled "A Time for Action."

It emerged from an engineering profession rocked by a series of widely publicized national scandals involving contract awards. Spurred by the perception that public confidence in the profession was eroding, the report concluded that decisive steps were needed to restore it.

Engineers could no longer "afford the luxury of a system which permits large-scale political contributions, whether or not they were made for illegal or improper purposes," the November 1973 report said.

Among the measures it recommended: that federal, state and local authorities pass laws barring engineers from making political contributions of more than $100 to any officeholder, candidate, party or campaign committee.

"This is strong medicine, and we offer it in full knowledge that it may be attacked as an invasion of the rights of engineers to full enjoyment of participation in the political process available to other citizens," the task force concluded.

"However, for every right there is a responsibility, and we believe that it is not asking too much of members of the profession to willingly forego whatever 'right' they may have in the interest of protecting the honor of the profession which gives them sustenance."

The NSPE's executive board subsequently adopted the recommendation for limitations, but changed the $100 ceiling to one that limited contributions to a "nominal amount."

Last year's task force merely recommended contribution limits in general, dropping even the "nominal" guideline.

Arthur Schwartz, the NSPE's general counsel, said only a handful of states (Kentucky is not among them) have responded to the 1973 task force's recommendation that limits be imposed.

Also in 1973, the society's Board of Ethical Review weighed in with an opinion that paralleled the task force's conclusions.

The board held that engineers act unethically when they make large donations to successful candidates for governor and subsequently receive state contracts.

Only contributions of nominal value are permissible, the board said. It concluded that an engineer's contribution of $1,000 to a successful candidate for governor was unethical because it was of more than nominal value and because the engineer's firm subsequently received a state contract.

"The engineering profession owes a better answer to the public than to merely say that nothing improper has occurred unless the public . . . can prove a connection between the political contribution and the award of public contracts," the board concluded.

Kentucky's ethical code for engineers does not prohibit receiving government contracts after making political contributions. But dozens of engineers in Kentucky are routinely in conflict with the national board's decision when they donate the $4,000 legal maximum to winning candidates for governor and then receive state work.

"It strikes me that it (a $4,000 donation) goes far beyond what would be considered ethical," Norris said.

But no disciplinary action is taken because the ethical review board's opinions are merely advisory and are non-binding.

"Members should adhere to what the NSPE believes are ethical standards," Schwartz said. "But advice can be taken or not taken, and we don't have the authority to bring engineers into line on issues where states and the NSPE are in conflict."

Though knowledge of the opinion might not change their ways, many engineers in Kentucky may be unaware of it. James Parsons, executive director of the Kentucky Society of Professional Engineers, said he was unfamiliar both with the board and with its opinion.

Even those who know about and support the national ethical standards don't always find it easy to act accordingly.

Norris, chairman of the latest engineers' task force, acknowledged in a speech in Paducah last year that he himself has been impaled on the horns of the giving-to-get dilemma.

"I've made political contributions for the pure and simple reason of my concern that, if I did not, my business relationship would not be sustained," he said.

"Let's face it, the system lends itself very well to (this) highly pragmatic conclusion: You get work by laying money on elected officials."

[From the Courier-Journal, Oct. 15, 1987]

EFFORT TO LIMIT CAMPAIGN GIFTS TOUCHED OFF FUROR IN OHIO

(By R.G. Dunlop)

COLUMBUS, OH.—For exactly 64 days last year, Ohio had one of the nation's most restrictive laws governing certain types of political contributions.

Under the law, engineers and others seeking non-bid state contracts were required to certify that members of their firms had not contributed more than $1,000 collectively to Gov. Richad Caleste's campaign committee during the two previous years.

But political reality quickly set in.

Just two weeks after Celeste won re-election on Nov. 4, the Ohio General Assembly liberalized the law to move the state closer once again to the wholesale swapping of contributions for contracts that many engineers say is commonplace across the country.

The result graphically demonstrates the difficulty politicans and professionals face as they seek to address the subject.

"In the short term, we've concluded there isn't a political solution," said Donald L. Mader, executive director of the Ohio Association of Consulting Engineers. "I don't expect the General Assembly to visit this issue again anytime soon."

Last year a national task force chaired by Columbus engineer William Norris concluded that political contributions "are of the fabric of work in the public sector."

"Disclosure laws seem to cloak political contributions in a legitimacy which has perversely, elevated the matter . . . to a type of public lottery in which the most work goes to the largest contributors," the task force charged in a report last December.

After concluding that Celeste, a Democrat, had refined this so-called lottery to an art form, Republicans in the Ohio General Assembly sought to break the link between contributions and non-bid contracts.

The result was a toughly worded law that took effect Sept. 17, 1986. Under the law, if contributions to Celeste's campaign committee from any principal, employee or spouse associated with a firm exceeded a total of $1,000 during the two-year period, the state was barred from awarding that firm a nonbid contract.

The law also was written to apply retroactively. So people who made what were perfectly proper contributions to Celeste in 1984 and 1985 found those donations coming back to haunt them in late 1986, when the rules had changed.

Engineers and others could still contribute above the $1,000 limit to the Ohio Democratic Party, rather than to Celeste himself, even if the money eventually ended up in Celeste's campaign treasury.

* * * * *

[From the Courier-Journal, Louisville, KY, Oct. 15, 1987]

TWO ENGINEERS: ONE PLAYS GAME, OTHER DOESN'T

(By R.G. Dunlop and Richard Whitt)

LEXINGTON, KY.—Lyle Wolf skillfully plays a time-honored game and reaps the benefits—lucrative state contracts.

Richard Cheeks refuses to play the game and reaps nothing—save the feeling that his principles remain intact.

There is no visible pipeline running between Frankfort and the gleaming five-story office tower on Corporate Drive in Lexington, home of Wolf's GRW Engineering Inc. But the flow between them is steady nonetheless.

From that tower, employees' political contributions flow annually to Frankfort. During the last five years, those contributions have totaled more than $22,000.

And from Frankfort to GRW comes a stream of state contracts—at least 18 during the last four years.

There's no pipeline—visible or invisible—between Frankfort and the modest office suite on Regency Road in Lexington where Cheeks oversees Stokley-Cheeks and Associates Inc. And with good reason. There's no flow in either direction.

Richard Cheeks has a different approach. He doesn't give, and because he thinks the system is politicized, his company no longer tries to get state work.

Wolf doesn't think there's much connection between making political contributions and receiving state work. And he denies the possibility of anything remotely resembling a quid pro quo.

Cheeks thinks the connection is both strong and wrong.

Kentucky's ethics code for engineers does not prohibit receiving government contracts afte making political donations.

But because GRW has received contracts in the wake of large political contributions by firm members, the givers are close to violating voluntary guidelines of the National Society of Professional Engineers' Board of Ethical Review.

In a 1973 decision that stands as its definitive statement on the subject, the board said it is unethical for a firm to receive state contracts after one of its principals donation $1,000 or more to a successful candidate for governor.

State records show that in 1983 Wolf and GRW associate Mike Ritchie gave $1,000 apiece to the State Democratic Party; that Wolf, Ritchie and two other members of the firm gave $3,000 apiece to Democrats Together, a campaign committee for Democratic candidates, including Martha Layne Collins, who was elected governor, and that Ritchie and another GRW employee gave a total of $1,000 to the Collins campaign.

Asked about the propriety of GRW's political contributions in light of the Board of Ethical Review's conclusions, Wolf replied:

"I guess at the present time, we're contrary to a few of that board's thoughts.

"There is not a rule to that effect. It's merely an opinion. There are legal limits (on political contributions) and we stay well within them."

Cheeks, by contrast—in keeping with his own principles and the Board of Ethical Review's admonition—gives nothing.

"We wouldn't play that game with any political party," he said. "It troubles me when contributions appear to be a requirement to remain on the favored status list. I don't think that's a coincidence."

GRW

Founded in Lexington in 1964, GRW has mushroomed into an engineering empire that includes offices in Louisville, Bowling Green and Nashville, a staff of 175 and an annual payroll of $2.2 million.

Considered one of the country's top 500 engineering firms, GRW offers a wide range of engineering and architectural services. Its clients include governmental agencies as well as private businesses.

Wolf, GRW's president, said he has never been told that political donations were required for his firm to receive state work. And he shrugs off as "sour grapes" complaints that some firms seek to curry favor in the contracts sweepstakes.

But Wolf acknowledges that administrations in Frankfort would rather work with friends than enemies. And one way to make friends is to make donations.

"It gives you some minimal access, to see people and to be seen," he said. "But the best way to please a client is with super quality, under-budget work."

Asked whether he thought GRW would continue to receive state work at its current level if members of the firm ceased making political donations, Wolf replied:

"I don't know. But we're a large firm and really very good in the fields that we do. The state would be missing a bet if we didn't do some projects for them."

Wolf and Ritchie are members of the Democratic Party's Century Club, which requires a minimum $1,000 annual donation. Wolf said he gives to "support the system" and to be "a friend" to those in power.

"You have some minimal access," he said. "But I've never been pressured to give."

STOKLEY-CHEEKS

Although much smaller than GRW, Stokley-Cheeks likewise is good at what it does.

Founded in 1956, it has a staff of seven that specializes in geotechnical and materials engineering.

It, too, has done work for federal agencies, as well as for municipalities and more than a dozen coal companies.

But Stokley-Cheeks does no business with the state. Like Wolf, Cheeks said he has never been told that he must give to get. But he's convinced it's necessary, the denials of state officials notwithstanding.

"It's no coincidence," said Cheeks, who joined the company in the late 1970s and is now its president. "My perception is that political considerations come into play in the selection process, and it would take a lot of evidence to change my mind. There are times I get so frustrated, I just want to walk away from the profession."

Before the Collins administration took office, Stokley-Cheeks regularly applied for state contracts when Cheeks deemed the firm qualified. And under the administration of Gov. John Y. Brown Jr., it received two, totaling about $187,000. But under Collins, Cheeks hasn't even tried to get work.

"It's highly politicized, and I think the engineering profession is being damaged," Cheeks said. "The public perception is that engineers contribute heavily in order to obtain state work."

Cheeks said he is not even remotely tempted to become a team player who gives in the hope of getting. The only political contribution he can recall making was a donation of $100 or less to eat breakfast with Republican Sen. Mitch McConnell.

"As a firm, we will not participate in the practice of giving political contributions to receive work from state government" he said. "If that were the only way to get any work, we would close our doors and go out of business."

[From the Courier-Journal, Louisville, KY, Oct. 15, 1987]

"Giving To Get" Issue Too Hot To Handle in Kentucky

(By R.G. Dunlop)

Lexington, KY.—Like some of their counterparts in other states, some engineers in Kentucky are in no hurry to address the sensitive ethical questions raised when substantial political contributors receive government contracts.

Just how controversial is the link between contributions and contracts in the commonwealth?

Much too touchy, apparently, for one group—the Kentucky chapter of Professional Engineers in Private Practice, or PEPP—to condemn last year.

And not a fit subject for discussion in the engineering profession's statewide monthly magazine.

In August 1986, the PEPP division of the National Society of Professional Engineers sent out a press release entitled, "Engineers Decry Demands for Excessive Political Contributions."

The release was hardly earth-shaking. It noted that firms around the country were being pressured to make political contributions in their local communities, and it reaffirmed the NSPE's long-standing ethical prohibition on making donations to obtain contracts.

Before long, the statement landed on the desk of Lexington engineer Richard Cheeks, then chairman of PEPP in Kentucky and an advocate of strict professional ethics.

Cheeks considered it a dandy vehicle to hammer home his concern that many Kentucky engineers do indeed make political donations in exchange for favorable consideration on state contracts.

So at the next meeting of the Kentucky PEPP chapter, Cheeks offered the statement for a vote of support.

Instead, the board turned the statement down.

"The PEPP board voted not to release it because it might embarrass some of our members," Cheeks said. "One member said, 'That's something we don't want to mess in.'"

Cheeks was disappointed, but he resolved to try again earlier this year.

While attending the national PEPP meeting in Orlando, Fla., he was given a document entitled, "Consulting Engineering and Political Contributions." The 18-page white paper had been assembled by a national task force appointed to study the issue, and Cheeks thought Kentucky's engineers ought to know about it.

So he wrote an article about the meeting for "Kentucky Engineer," the official publication of the Kentucky Society of Professional Engineers.

When Cheeks delivered the article to the KSPE office, he recalled recently, he encountered the society's executive director, James Parsons, who asked what he had written.

"I told him I had a copy of the white paper and wanted to make it available through the KSPE or me," Cheeks said. "He (Parsons) said, 'I don't want that thing to see the light of day.'"

And it didn't. When the article appeared in the magazine's February issue all references to the task force's report had been excised.

Cheeks subsequently tried without success to find out why Parsons had removed the material.

"I can't see why the engineering profession would be anything but supportive to that document," Cheeks said of the white paper. "That's the part I really wanted published."

Although he said he didn't recall telling Cheeks that he wanted references to the white paper removed, Parsons acknowledged in an interview that he had edited all references to the document out of Cheeks' article.

Parsons said he strongly disagreed with the paper, which concluded what some Kentucky engineers already believe: that state government contracts generally are awarded on the basis of political contributions, and that such contributions generally are made in order to obtain contracts.

"That's absurd on it's face. I think they were smoking their socks," Parsons said to the task force members, all of whom are professional engineers.

But Parsons, who is not an engineer, denied that his antipathy toward the paper caused him to keep references to it out of the magazine.

"It was deleted because his board (the PEPP board) had already acted to dismiss the issue," Parsons said. "As far as I was concerned, the issue was dismissed and should stay that way."

Particularly offensive to Parsons was the white paper's suggestion that the profession consider adopting campaign contribution limits. He termed it "un-American" and added:

"You just don't tell people what they can and cannot do with their own money."

[From the Courier-Journal, Louisville, KY, Oct. 17, 1987]

Illegal Cash, and Lots of It, Fuels Illegal Political Acts

(By R.G. Dunlop and Richard Whitt)

Lexington, Ky.—When Lexington attorney Larry Forgy dropped out of the race for governor last January, citing a distaste for fund-raising, he was on the brink of setting up a "laundering operation" to conceal large illicit cash contribution.

"I was confronted with a fundamental decision of whether I would continue to operate as I had been * * * or whether I was going to have operatives in the black-bag sense," Forgy said recently. "And I decided that simply wasn't for me."

Until now, the 47-year-old Republican had not publicly discussed precisely what caused him to end his campaign, leaving a promising political career in ruins.

His disclosures, made in a series of interviews, highlight a common but little discussed problem:

Illegal cash in large amounts is a fact of life in many Kentucky elections.

State law bars cash contributions of more than $100 and also prohibits candidates from spending cash and not reporting it to the state Registry of Election Finance in Frankfort.

But the penalties for either offense are minor—small fines or a brief jail sentence—and violations are rarely uncovered and prosecuted.

Before his Jan. 2 withdrawal, Forgy spent months criss-crossing the state raising money. On those trips, however, he refused to meet alone with potential donors for fear of being compromised.

Forgy estimates that he rejected $200,000 or more in cash; $3,000 cash offers were an everyday occurrence.

"Almost anybody is willing to put up a piece of money in cash," he said, 'We'll take care of you.'

"Many people assume you're a damn crook. They assume you don't have a damn moral in your body or else you wouldn't be out there."

During the campaign swing through Eastern Kentucky, Forgy was introduced to local liquor distributors, who are regulated by the state and had a stock line for the candidate:

"We can give it to you either way you want it, but more in cash."

At the time of his withdrawal, Forgy's cryptic explanation of his motives puzzled even those who knew him well. For it was assumed that he was experienced enough in the ways of politics not to be shocked by what he saw and heard as a candidate.

After all, Forgy had worked in Frankfort, raised money for Ronald Reagan and for years had comfortably shouldered the presumption that he would someday run for governor.

But even though Forgy was considered a shoo-in for the Republican nomination, he found life as a candidate vastly different from being a political operative on someone else's behalf. And he eventually concluded:

"The financing of gubernatorial campaigns in the commonwealth is a latent scandal. Anybody who gets in without personal wealth is a fool."

Bill Cox, a Madisonville trucking executive and a candidate for lieutenant governor in 1979, said only half-jokingly that the problem of illicit cash may well date to Isaac Shelby—Kentucky's first governor, who took office in 1791.

"As long as there has been politics, there has been cash in politics," Cox said.

Added state Sen. Joe Lane Travis of Glasgow: "There are thousands of dollars in cash floating around in all races, state and local. In state races, it's just an investment on which the giver expects a very fruitful return. He's trying to take care of his hip pocket."

Lexington attorney Terry McBrayer, a native of Greenup County and a candidate for governor in 1979, estimates that there are 10 to 15 Eastern Kentucky counties in which large amounts of cash are spent in local elections.

"I haven't seen cash from (campaign) headquarters in recent years, but they make it up on the local level," McBrayer said. "Some of it is for bragging rights, to be able to say, 'I carried my county, or my precinct.'"

Charles Coy, a Richmond attorney and a member of the registry, said he has been told that $100,000 or more in cash was spent in Perry County on behalf of a candidate for Judge-executive in the 1981 Democratic primary.

"They went out and bid on people like it's done at the stockyards," Coy said.

And in Harlan County, it is widely believed that supporters of the Democratic candidate for governor some years ago spent at least $30,000 in cash there, according to Harlan attorney Eugene Goss.

Cox, who worked for Lt. Gov. Steve Beshear's campaign during the Democratic primary for governor, said he has heard more rumors about illegal cash this year than in any election he can recall.

Why is cash so often given to candidates? There are many reasons, including:

To evade the $4,000 cap that state law imposes on individual donations to a candidate in each election.

To enable the giver to contribute to the "other side"—or perhaps to both sides—without letting his or her political party or faction know.

Donations in excess of $300 must be reported to the registry, whose records are public. Moreover, contributions of $1,000 or more generally are reported by the state's major newspapers, giving generous legal donors even higher visibility.

"A Democratic businessman regulated by the state is very reluctant to give (legally) to a Republican candidate," said Travis, himself a Republican. "He's afraid of being discriminated against by a Democratic administration."

To curry special favor with the candidate. "Some people don't care if the candidate uses the money for personal expenses," Cox said. "And they feel if they give cash, it ingratiates them to a greater extent because the candidate can do what he wants to with the money."

To enable candidates to buy votes with money that doesn't have to be accounted for in spending reports.

"You cannot win an election without money for bought votes, and cash is all they use," Letcher Circuit Judge F. Byrd Hogg said.

Jacky D. Smith, a veteran political operative in Pike County, described the frenzied swapping of cash for votes around election day as a "bidding war."

"It's to the highest bidder," he said, "I know of situations where someone has paid people $300 in cash for their vote and gotten beaten out by the other side offering $500 and two jobs."

"We all know it's wrong, but if you want to compete, you've got to fight fire with fire."

To hire campaign workers in areas where cash is the generally accepted form of payment.

"In Eastern Kentucky, we use our money differently than they do elsewhere," said state Rep. Pearl Ray Leievers, a Bell County Republican. "As opposed to spending money on television advertising, we hire more workers to hand out cards, more haulers to take people to the polls. And they're frequently hired with cash."

State Sen. David Williams, a Burkesville Republican, concurred that such expenditures are commonplace.

"In many mountain and rural areas, the use of cash has been an accepted practice, a practice pretty well-known throughout the community," he said.

"In those areas, where addresses aren't that good, you can't use direct mail. And where people don't have telephones, you can't use a phone bank. So you hire somebody to go see those voters, or to bring them to the polls."

Williams and others also contend that sizable amounts of cash frequently are spent, without the candidate's knowledge.

"A candidate's supporter get sort of anxious and take cash contributions they might not otherwise take," Coy said. "If you give $10,000, I don't think the candidate is necessarily going to know that. He's going to know that you are his friend, that you really helped him when he needed it.

"That's what his people are going to tell him, and he might be better off not knowing about (the cash). That's why he wouldn't ask."

Two unsuccessful races for governor have both educated and embittered Grady Stumbo, the Hindman physician who found himself embroiled in controversy—but was ultimately exonerated—after two supporters lent him $300,000 in the final days of this 1983 campaign.

"There are no financial limits to what goes on in Kentucky," he said. "It's whatever you can get you hands on. A lot of people give cash. There's a significant amount of underground financing * * * it gets little public attention.

"In Kentucky, money is both necessary and sufficient. That's all you need to say about Kentucky politics."

A MATTER RARELY DISCUSSED

The prevalence of cash in the electoral process is a subject rarely discussed publicly for the obvious reasons that guilty parties are not eager to admit criminal activity or cut off a lucrative source of campaign financing.

But Johnny Y. Blanton admits it.

The Harlan County businessman and former school board chairman estimated that he has given $200,000 in cash to politicians or their representatives over the last 12 years.

Among the alleged recipients, in amounts, ranging from $2,500 to $5,500; the campaigns of three former candidates for governor, one for superintendent of public instruction and one for country judge-executive.

"I know this election money sounds like a fairy tale, but I'd swear on my mother's life that it's the truth," said Blanton, who spoke out after concluding that vote-buying defeated him in a school board race last year.

Last spring, Blanton repeated his allegations to state police officials, who decided after a preliminary investigation that they lacked sufficient evidence to pursue his claims.

The late John Y. Brown Sr. also raised the issue of illegal cash for all to see during a 1981 election-fraud trial in Perry County.

"All political figures deal in cash and not in checks, all that I ever heard of," said Brown, father of the governor at the time.

"In all these county elections, all of the do everything they're big enough and know how to do to win. And the one that does the most comes out a winner."

Candidates and their campaign officials have a variety of tricks for handling illegal cash they want to spend legally. To balance the books, the cash must be accounted for on the income side of the ledger and again when it is paid out by check for a legitimate expense.

Sometimes the cash is taken to a friendly county and given to the candidate's supporters, who then write checks back to the candidate in their own names. On other occasions, a fund-raising event is either conveniently expanded beyond its actual scope or else fabricated altogether.

How does the registry know whether 20 or 200 people actually paid to attend a cocktail party or a fish fry in some far-off county? Who knows how much cash each guest tossed in when the hat was passed? Was it $100 or $1,000? Frequently, nobody's counting. And certainly nobody's checking.

"Ten-dollar and $50-per-person fund-raisers are pretty good ways to inject cash money into a campaign," Coy said. "You just report you raised 'X' dollars at a fund-raiser and that all donations were less than the $100 limit. I think that's done some."

In 1986, a committee for Wallace Wilkinson, the eventual winner of last May's Democratic primary for governor, filed a report with the registry listing unitemized cash contributions of $100 or less from 39 people.

But the report also listed total contributions of $5,250—an average of $134.80 per contributor, well above the $100 maximum for cash gifts. The law apparently had been broken.

When a reporter pointed out the discrepancy, the registry asked the committee to explain it. And when that explanation left other questions unanswered, the registry gave the committee still more time to come up with all the right answers. Weeks later, it still hasn't received them.

But $5,250 is peanuts, a mere trivial pursuit, in Kentucky's cash sweepstakes.

"Big money is designed for big influence," Coy said. "Cash is like every other commodity; it has its uses."

Among the users, according to Ada Sue Register, a long-time political worker in Martin County, are some members of Eastern Kentucky's coal industry.

"The big money comes from coal companies," she said. "But they level it out—(if) they give $5,000 to one side, they give the same to the other. And it's all cash."

Register said coal companies that give illegal cash do so because they sometimes need friends in public office to help them evade regulation or otherwise operate outside the law.

Officials of coal associations around the state deny any knowledge of cash dealings involving their members.

COMPLIANCE SOMETIMES ELUSIVE

As election day draws near, even some candidates striving to comply with the law restricting cash contributions may see their efforts thwarted.

Pike County Judge-Executive Paul Patton said that is essentially what happened when he ran for re-election in 1985.

"There were people supporting me who had money and knew if I was going to get a certain group of votes, that somebody would have to 'hire' them," said Patton, an unsuccessful candidate for lieutenant governor in last May's Democratic primary.

"It was pretty well-known that I wouldn't pay people cash to hire voters, but there are some people who won't take checks. Go back to my checkbook, and you'll find checks that were never cashed. In those situations, I wouldn't be surprised if my friends took care of it."

Other candidates also say they have little or no control over the illegal use of cash on their behalf. For instance, former Gov. John Y. Brown, Jr., called The Courier-Journal earlier this week to say he was unaware that votes for him were bought by some Magoffin County campaign workers in this year's May primary for governor. A reporter witnessed the activities of those campaign workers and others in the county and described them in a previous article in this series.

In some cases, candidates don't want to know what was spent, or how, and simply avert their eyes and cover their ears to ensure that they don't find out.

"The candidate doesn't see it, and if you don't see it, you don't know it," Hogg said. "You purposely isolate yourself because you know it's illegal. But you also know your interests are being protected.

"It's a tremendous problem."

The relative few willing to speak publicly about illegal cash generally are dismissed as sore losers or political ignoramuses, tilting against a deeply entrenched system that shows no signs of crumbling.

To those who simply shrug off the widespread use of cash as irrelevant, too ingrained and not worth the trouble to combat, McBrayer offers this observation:

"You show me a county that uses a lot of cash in elections, and I'll show you a county that has low-quality education and low standards of civic leadership. Why? Because their priorities are 'politics first.' Qualifications go out the window, and they hire politically in everything from the school system to the police department.

"That's how they continue to build their political bases, and cash helps keep it going."

Tomorrow: A look at some suggestions for changing Kentucky's political system. And the Bluegrass State Poll finds that a majority of Kentuckians are concerned about the rising costs of campaigns.

[From the Louisville (KY) Journal-Courier, Oct. 19, 1987]

REPORTS DON'T ALWAYS SHOW WHO GIVES, OR HOW MUCH

(By R.G. Dunlop)

HAZARD, KY.—In 1985, trucking company owner Virgil Raleigh reported spending just $11,029 in losing the Democratic primary for Perry County judge-executive.

That was roughly one-tenth the amount spent by his opponent, but it didn't begin to tell the whole story.

Raleigh recently confirmed in an interview that his supporters probably spent at least $50,000 more on his behalf, much if not all of it in cash, to hire campaign workers and vote-haulers.

State laws require the public disclosure of campaign contributions and expenditures. But, as the Raleigh case shows the public often doesn't know the true extent of the contributions that fuel political campaigns much less where they come from or what they're used for.

Raleigh said he had no obligation to report the $50,000 in expenditures to the state registry of Election Finance because he did not spend the money himself.

But Raymond Wallace, executive director of the registry, said Raleigh's explanation lies in the face of state law.

The law, which Wallace said is cited to all candidates at the beginning of their campaigns, requires "independent expenditures" above $300 a year to be reported by the candidate if he knows about them. If the candidate is unaware of an expenditure, the individual or group spending the money must report it.

"The money cannot simply be out here running around loose without somebody accounting for it," Wallace said.

Sometimes money runs around loose without a candidate's knowledge.

"Whatever amount a candidate turns into the registry, it could be equalled by what's spent by his friends and not reported," former Pike County Judge-Executive Wayne Rutherford said. "People would come up to me six months or a year after an election and say. I spent money for you. I never did know about it. I just said, thank you."

"That's fairly common," said Lexington attorney Terry McBrayer, a candidate for governor in 1979. "There are lots of secretaries and low-level employees making contributions with money that's not their own, and it should be stopped.

"The reason for the reporting system in the first place is the public's right to know, and when the actual giver isn't reflected, that's a distortion."

In 1983, a Kentucky State Police official claimed in an affidvait filed in court that the Naegele Outdoor Advertising Co. of Louisville illegally reimbursed employees who contributed to political campaigns.

Company officials and account executives were directed to contribute $200 apiece to Martha Layne Collins' campaign for governor, according to the affidavit. The employees allegedly were reimbursed if they submitted expense vouchers to offset their contributions.

A prolonged court battle initiated by Naegele barred state police from probing the donations for months. The investigation resumed recently.

State Sen. David Williams, R-Burkesville, said he regularly amuses himself by reading published reports of campaign donors.

"I see highway contractors who give through the wives of associates," he said. "I see shopping center people who want bypasses, giving through the wives of employees or friends and associates."

"Especially in this 10- or 12-county area (in Southern Kentucky), I know who can afford to give the 'max.' There's no doubt about it—people who want to make surreptitious contributions use the names of other people to give them. It's very wide spread, and if the IRS did an audit, it would be very difficult for some people to say where they got the money."

The names of minor children of wealthy and generous donors also appear regularly in campaign-finance reports as givers of large contributions to candidates their parents happen to be supporting.

"Apparently if you're a good sire, you can make a much larger contribution than if you're not," Sen. William Brinkley, D-Madisonville, said. "It's a little silly for a 2-year-old to be contributing $3,000."

But Richmond attorney Charles Coy, a member of the registry, said he isn't particularly concerned about such deception.

"A true believer, a guy who really wants to put up some money—if he wants to give that child $3,000, I don't know that I object to that," Coy said. "We're talking about First Amemdment rights here, and I don't want to infringe on them."

Coy acknowledged that giving through minor children is against the law. But he added; "At least it's reported and you know where it comes from."

When the Registry of Election Finance got a complaint about potential irregularities in U.S. Rep. Carroll Hubbard's 1979 campaign for governor, it moved with uncharacteristic speed to deal with the matter.

But things never even got off the ground. Within days of learning about allegations of illegal cash contributions to the campaign just before the Democratic primary, the registry held a special meeting behind closed doors.

Since the registry has no authority to prosecute and no investigators, it did the only thing it could: Upon determining that there were "reasonable grounds" to believe laws were violated, it turned the matter over to state and local prosecutors.

The registry's speed and timing—it acted just days before the primary—caused Hubbard to accuse it and the state police, which received the complaint, of conspiring to embarrass him. The 1st District congressman wound up fourth in a field of five candidates.

After the primary, Hubbard's attorneys moved to block the investigation. They filed suit in federal court against the registry and Graves County Commonwealth's Attorney L. M. Tipton Reed, to whom the case had been referred.

U.S. District Judge Thomas Ballantine Jr. dismissed the suit, but Hubbard's attorneys appealed and eventually won a federal court order blocking the investigation.

The case was tied up in court for more than three years. By the time the registry got a court order authorizing an audit of Hubbard's campaign and allowing it to conduct hearings, the statute of limitations on any violations had nearly expired.

The registry finally completed an audit of Hubbard's records five years after the election and a year after the statute of limitations expired.

It found that the Mayfield Democrat collected more than $110,000 in anonymous cash contributions of $50 or less.

[From the Louisville (KY) Courier-Journal, Oct. 17, 1987]

A WATCHDOG THE REGISTRY ISN'T—IT LACKS TEETH

(By Richard Whitt)

FRANKFORT, KY.—The state Registry of Election Finance is supposed to be Kentucky's campaign-finance watchdog, but rarely has anyone felt its bite.

In fact, during its two decades, the registry has acted more like a lapdog than a watchdog—and has proven itself ill-equipped to take on the power-brokers and money-changers in Kentucky politics.

In the few instances in which it has tried to take forceful action, the agency has been hamstrung by recalcitrant prosecutors and ineffective laws.

Critics call the registry toothless and worse. Even supporters say it could use some invigoration.

"It seems sometimes a whimpering agency," conceded Kent M. Brown, who has been a member of the registry for seven years.

State Sen. Joe Lane Travis, the Glasgow Republican who sponsored legislation to abolish the agency in 1984 and again in 1986, says the registry is worse than nothing because it gives people a false sense that there is some control over campaign finance.

"It's a fraud is what it is," he said. "I agree we need something but not what we've got. It's just not real."

The agency's many critics say it is lacking in several respects:

Its budget and staff are too small. It has slightly more than $300,000 for this fiscal year and only seven full-time staff members, including two auditors. Executive Director Raymond Wallace says it can't even come close to meeting its legal mandate to audit the accounts of all statewide candidates within a four-year period.

It has no personnel qualified to investigate possible violations brought to its attention. Although it can subpoena witnesses, no one is trained to go into the field and conduct an investigation.

It has received only sporadic support from the attorney general's office and the state's commonwealth's attorneys, to whom it refers cases involving possible criminal violations. More than 40 such cases, most involving the late filing of campaign-finance reports, are pending. And no registry official can recall a single successful criminal prosecution for a violation of campaign-finance laws.

In its defense, the registry doesn't have an easy job. Campaign-finance violations—illegal cash contributions, for instance—are often very difficult to detect and prove.

There hasn't been much public interest in tougher campaign-finance regulation. While the public may favor the idea, it hasn't been a burning issue. One result is that the legislature has never shown much enthusiasm for strengthening the registry.

And even its critics concede that the agency has served a useful public-disclosure function by identifying the sources of campaign funds—although many agree that a substantial amount of campaign money goes unreported.

THE HISTORY

The 1966 law creating the registry was hailed as a beacon for the regulation of campaign finance in Kentucky. It replaced the antiquated and frequently criticized Corrupt Practices Act that Gov. Edward T. Breathitt said "makes liars out of all of us who run for public office."

Breathitt, who proposed the creation of the registry, was referring to a section in the old law that prohibited candidates for governor from spending more than $10,000 on their campaigns. Many candidates simply ignored the limit.

The new law did away with that unrealistic provision and added strict reporting requirements for all statewide candidates. (It was later changed to include many candidates for local offices.)

These are the law's key provisions:

It establishes the registry as an independent agency controlled by a five-member board named by the governor. Four members are chosen from lists of names submitted by the state central committees of the Democratic and Republican parties. (Two members come from each list.) The chairman is appointed from a list of names drawn up by the other four board members.

Campaign committees and political action committees are required to file periodic reports listing contributions and detailing how money has been spent. The reports, which are open to public inspection, must list the names and occupations of anyone who has contributed more than $300.

The registry has authority to subpoena witnesses and hold hearings to investigate alleged violations. If it finds violations, it may issue "cease-and-desist" orders or require additional reports from a campaign. It can assess fines of up to $100 a day—with a total not to exceed $1,000—for late filings.

If it determines that a candidate has knowingly broken the law, the registry refers the case to the attorney general's office or a commonwealth's attorney for prosecution.

There are criminal penalties for some violations, including fines of up to $10,000 and jail terms of up to one year. The ultimate penalty—never imposed—is removal from office.

THE PROBLEMS

As campaign finance has grown more complex, the registry and its staff have been inundated by a sea of paperwork.

For example, there were 115 statewide candidates and supporting communities in the 1983 election. But Wallace decided there was no way that the staff could meet the law's requirement to audit all of them within a four-year period. So he arbitrarily eliminated those spending less than $20,000, leaving 57 candidates scheduled for audits.

So far only 24 audits have been completed, and the registry won't come close to meeting its goal, Wallace said.

Moreover, the registry's policy—which Wallace was at a loss to explain—is to audit losing candidates before the winners are scrutinized.

As a result, winning candidates finances are seldom investigated during their terms in office, effectively eliminating the law's most potent threat—removal from office.

The registry is just now completing the audit of Gov. Martha Layne Collins' campaign committees.

"Suppose we come up with a serious defect on the part of Gov. Collins. What effect does it have? It has no effect," Wallace said.

The agency is so short-staffed that one person must monitor the activities of 31 Kentucky-based PACs.

"When the reports come in, they get a look," Wallace said, "That's about all."

He said the registry needs two more auditors—that would bring the total to four—and conceded that some violations are going unnoticed for years.

"If we had a staff to look into alleged violations," Wallace said, "both we and the public would be better served."

Although no one has ever been removed from office for violating election-finance laws, the registry brought suit in 1979 to void the elections of six candidates because their campaign reports were filed late. The state Court of Appeals upheld a circuit court ruling that said late filings amount to "substantial compliance" and allowed the six to keep their offices.

The court warned, however, that it would require strict compliance in future cases brought before it.

Since that time, the registry hasn't initiated a removal proceeding, although 325 candidates missed the deadline for filing reports after last year's general election, according to Wallace. Four of the 325—all losers—still haven't filed, he said.

Two other cases illustrate the difficulties that the registry faces, even when it tries to take vigorous action:

In the closing days of the 1983 Democratic primary campaign for governor, Grady Stumbo received $300,000 in loans from two wealthy businessmen and then lent the money to his campaign. The money helped Stumbo make up ground on the other two candidates in the races, Collins and Louisville Mayor Harvey Sloane.

When the registry challenged the transactions, Stumbo and his attorneys argued that it was perfectly legal. But the registry concluded that the campaign had willfully violated the law, issued a cease-and-desist order and referred the case to the attorney general for prosecution.

Stumbo filed suit in Franklin Circuit Court to prevent prosecution and eventually won. Judge William Graham ruled that, although a violation had occurred, it was not intentional and that Stumbo could not be prosecuted.

In 1981 the registry unanimously found that St. Elizabeth Medical Center at Covington, Administrator Paul Bellendorf and seven members of its board of directors had violated campaign-finance laws by making an illegal corporate donation in the Kenton County coroner's race.

The registry referred the cast to then-Attorney General Steve Beshear, who refused to prosecute. Beshear concluded that the violation wasn't "willful."

"Even in celebrated cases, it's been hard to get activity from the attorney general and commonwealth's attorneys," registry member Brown said. "It's our greatest source of frustration.

Local prosecutors, he said, are reluctant to go after their fellow officeholders.

"The bottom line is that there is not a lot of enthusiasm for prosecuting politicians or political matters," he said.

And when violations have been documented, the registry has often done little more than slap the offending party's wrist. Candidates are frequently given a grace period to correct the violation, with no penalty imposed.

Excluding instances of late campaign-report filings, only two criminal cases have been referred to commonwealth's attorneys during the past five years. No indictments have been returned.

In other cases, the penalty is nothing more than a "cease-and-desist" order to stop violating the law.

The registry also has allowed candidates to provide less information in their campaign-finance reports than the law requires.

The reports are supposed to list the occupations of contributors, but the identification is sometimes less than specific.

Campaigns are routinely allowed to use "businessman" or "businesswoman" as an occupation, even though Wallace said that doesn't comply with the spirit of the law.

In a report earlier this year by the campaign of John Y. Brown Jr., the occupations of 150 donors were described as "miscellaneous."

At the time, Wallace said that the filing didn't comply with the law and that he would ask for an amended report, specifying occupations of all donors.

Brown's campaign treasurer, Louisville accountant John J. Balach, said last week that he had not yet filed the amended report but intended to do so in the next few weeks. He said he never received a letter asking for the amended report that was supposed to have been sent by registry officials.

Imprecise occupational listings thwart one purpose of public disclosure—the identification of special-interest money flowing to candidates.

Wallace said that the overly broad description of occupations has been a "sore spot" with the registry, but that the agency "hasn't taken any exception to it."

THE FUTURE

In its report earlier this year, the Kentucky Tomorrow commission, named by Lt. Gov. Steve Beshear to study problems facing the state, said the registry needed a bigger staff and more enforcement powers.

The General Assembly should "authorize and fund the Registry of Election Finance so it can serve adequately as an election finance regulatory board with the power to prosecute," the committee said.

Kent Brown and others say that the agency needs the authority to levy substantial fines to make its cease-and-desist orders meaningful. But it also needs additional enforcement tools, including a legal staff and the authority to prosecute violators, Brown said.

The collection of fines for late filing is another problem: some go uncollected for years, until they are forgotten. Currently, Wallace said, there are $25,000 to $30,000 in uncollected civil penalties dating back through 1985.

"When I showed up here (in January 1984) there wasn't much being done," he said. "They were turned over to the commonwealth's attorney and if they were paid, fine, and if they weren't, fine."

He said he has tried to be more vigorous in getting commonwealth's attorneys to collect outstanding fines.

Although he conceded that the registry lacks enforcement powers, Wallace said he still thinks it has been effective.

"My feeling," he said, "is that full public disclosure is probably as much of a deterrent as anything we can do."

[From the Louisville (KY) Courier-Journal, Oct. 18, 1987]

SOME CHANGES WOULD LIMIT PACs, COSTS OF CAMPAIGNS

(By Richard Whitt and R.G. Dunlop)

FRANKFORT, KY.—Change has seldom come easily to Kentucky, and nowhere is that more evident than in the political process.

But many believe change in that process, however difficult to achieve, is long overdue.

Consider the ills that afflict Kentucky's political and electoral system:

Campaigns have become so expensive that politicians often must compromise themselves to raise the money needed to get elected. Special interests are anteing up a bigger and bigger share of the pot, diminishing the influence of the average citizen.

Widespread election fraud—openly practiced—is tolerated in some parts of the state, with votes bought and sold on a wholesale basis.

Illegal cash contributions pay for a good share of the vote-buying. In Frankfort, the seat of state government, contracts and jobs are traded for political contributions.

The Kentucky Tomorrow commission, established by Lt. Gov. Steve Beshear to examine the state's future and recommend improvements, put it this way in its report last year.

"In Kentucky the percentage of voter turnout is too low, the cost of elections is growing at an alarming rate, the conduct of some county elections suffers from gross . . . violations and, in general, public participation in government decisions and operations is low and has little meaning."

In the past, calls for reform have been faint—and have fallen largely on deaf ears. but at least some political leaders now seem ready to face the formidable task of bringing about change. Here are some of the proposals they are focusing on:

Spending limits, coupled with public financing, in campaigns for governor.

Limits on the activities of political action committees, including caps on the amounts they can collect from individuals and give to candidates.

New laws to regulate the conduct of elections, including a better system of choosing and training election officers.

Strengthening the Registry of Election Finance, which is responsible for monitoring campaign fund-raising and spending but has few enforcement tools at its disposal.

Banning the practice of fund-raising after an election to retire a candidate's personal campaign debt.

CAMPAIGN SPENDING LIMITS

In the wake of the most expensive primary campaign for governor in the state's history, political leaders in both parties have begun to voice concerns about the huge sums required to run for public office.

Two candidates in the governor's race—Beshear and Knoll County physician Grady Stumbo—and two who dropped out of the race—Lexington attorney Larry Forgy and former state Sen. Joe Praiber—have said they support limits on the financing of campaigns.

Gov. Martha Layne Collins, who raised more than $4 million in her 1983 campaign, agrees. "I definitely think there should be some control . . . some limitations," she said in a recent interview.

Collins' cabinet secretary, Larry Hoyes, agreed that campaigns cost too much. He said businesses are being asked to help underwrite educational programs, such as the Governor's Scholars program, while being "tapped out" for campaign donations at the same time.

As an accompanying story says, a recent poll by The Courier-Journal found that almost 10 percent of Kentuckians favor limits on the amounts candidates can raise and spend.

However, any cap on campaign spending would have to be voluntary because the U.S. Supreme Court has ruled that mandatory spending limits violate First Amendment guarantees of free speech.

Therefore, a state must offer some incentive—such as public funds to supplement private donations for those who agree to comply with the limits.

While the newspaper's poll found that a majority of Kentuckians support spending limits, that option might become less attractive if tax dollars had to be used to help finance the campaigns. A 1973 University of Kentucky poll found that 31 percent opposed spending tax money to finance elections for governor.

But if the issues of spending limits and public financing are connected, there might be more public acceptance of public financing, according to Dr. Malcolm Jewell, chairman of the University of Kentucky's political science department.

Jewell believes public financing would be a bargain for taxpayers.

"I think taking everything into account, it would be far cheaper for the state to pay reasonable costs of campaigns than it would to cope with the higher costs of government that result from commitments that candidates make to raise money," Jewell said.

State contracts are often awarded to repay big donors, he said, and incompetent people are sometimes appointed to important posts because they gave money to a campaign.

"It costs the state both in money and good government," he said.

Prather and others agree.

"If your state spent $3 million to $4 million to match campaign contributions, it would be the best investment that's ever been made." Pralber said.

Deshear said campaign spending limits should be a priority in the 1988 General Assembly. "I think something needs to be done as soon as possible," he said.

POLITICAL ACTION COMMITTEES

The growing influence of political action committees has some lawmakers concerned. The number of PACs in Kentucky has grown from 93 to 331 during the past decade, and they are essentially self-regulated. While individuals must limit their contributions to a candidate to $1,000 in each election, a PAC can give as much as it wants. And individuals can give as much as they want to a PAC.

State Rep. Fred Cowan of Louisville, the Democratic nominee for attorney general, said the political process suffers when politicians pay too much attention to PACs' interests in anticipation of receiving donations.

Said State Sen. David Karem, D-Louisville: "I don't know how a legislator can accept one major contribution from a PAC without that having some effect. The question is, what is that effect?"

The registry has twice proposed legislation to impose limits on PAC giving, and it has failed both times.

But, citing two recent instances in which PACs were used to funnel large amounts of money to the campaign of Wallace Wilkinson, the Democratic nominee for governor, registry Executive Director Raymond Wallace said he'll again recommend limits on PACs to the agency's board.

Wallace said he'll propose that the registry ask the legislature to limit—perhaps to $4,000—the amount an individual can give to a PAC and the amount a PAC can give to a candidate in any one election.

ELECTION LAWS

The right to free and fair elections, guaranteed by the Kentucky Constitution, has been subverted in some counties. Votes are routinely bought, and election officers are corrupt or untrained. The result is that, in those counties, honest elections rarely occur.

But the solutions to election fraud are complex.

"Putting a few people in jail for selling their vote won't accomplish anything," said Ferrell Adkins, assistant commonwealth's attorney in Magoffin County.

Adkins said the Federal Government must step in to ensure fair elections in his county "because I don't expect the state in."

State Rep. Herbie Daskins Jr., D-Pikeville, said he plans to sponsor legislation banning the practice of paying people to haul voters to the polls—which many say amounts to vote-buying.

Letcher County Commonwealth's Attorney James Wiley Craft favors a ban on all election-day activities, including the hauling of voters.

Pike County Judge-Executive Paul Patton, an unsuccessful candidate for lieutenant governor in this year's Democratic primary, said vote-buying ought to be illegal only for the buyer and not for the seller. That would make it more likely that the sellers would cooperate in prosecuting the buyers, he said. Now, he said, such cases are difficult to prosecute because buyers and sellers protect one another.

(Vote buying is a misdemeanor punishable by a fine of $50 to $100 and a 10- to 90-day jail sentence. Vote selling is punishable by a fine of $50 to $500.)

Patton also said he favors establishing a state police task force to concentrate on counties riddled with vote fraud.

The Kentucky Tomorrow Commission, which included business, civic and political leaders from across the state, recommended that the General Assembly establish an independent agency to serve as an election oversight board, with the power to investigate and prosecute election-fraud cases.

The Commission also recommended better training and monitoring of county election officials—including election officers at the polling places—and requiring local election officers to report alleged violating to the county election board. It would be required to report to the state board.

Another additional problem area has been the misuse of absentee ballots. Votebuyers like them because they can easily verify for whom the ballot is cast.

Some people, such as Knott County Commonwealth's Attorney Alton Smith, say absentee ballots should be outlawed. But others point out that to do so would disenfranchise many elderly and disabled voters, as well as those who are out of the county on election day.

Smith said there might be a way to change the law so that election officials could verify absentee ballots. "I think there ought to be some requirement on (county) election commissions to scrutinize absentee ballots," he said.

THE REGISTRY

For more than 20 years, the state Registry of Election Finance has served largely as a repository for campaign records. Its small staff and budget almost invite abuses by political campaigns, which have overwhelmed the agency with paperwork.

State Sen. Joe Lane Travis, R-Glasgow, said the registry offers no real protection against corrupt campaign practices and lulls the public into believing that controls exist. He said the agency should either be strengthened so it can do its job or abolished.

Wallace, the registry's executive director, told some campaign violations go unnoticed for years because the agency has only two auditors. He said it needs two more to help it meet its legal mandate to audit all statewide condidates within a four-year period.

Others, including registry member Xent M. Brown, believe the agency also must have additional resources to go after violators.

Brown proposes to give the registry a higher staff so that possible violations can be investigated, and the authority to go to court quickly to stop continuing violations. As things stand now, the registry must conduct a formal hearing before it can seek court actions to stop violations.

FUNDRAISING PRACTICES

When it comes to political fund-raising practices in Kentucky, "It's almost no holds-barred," state Sen. Ed O'Daniel, D-Springfield, said.

Among the more questionable tactics are outright promises of state jobs, contracts and board appointments in return for political donations—all apparently legal under Kentucky law.

O'Daniel, who is chairman of the legislature's ethics committee, said the practice of making such promises should be outlawed, although he questioned whether there is enough support in the legislature to do it.

The practice of post-election fundraising, also legal, allows a winning candidate with a campaign debt to exert pressure for donations on individuals whose businesses hold state contracts or are regulated by the state.

"That why so many people who have money are so willing to (use it to finance) their campaigns," said Attorney General David Armstrong.

The 1986 General Assembly passed a law that prohibits candidates from raising money to retire campaign debts after they take office.

Armstrong said the legislature should consider going even further by preventing a candidate from raising money to retire a debt after a primary or general election.

And what is the price to be paid if changes are not forthcoming? Consider the case of Lexington lawyer Larry Forgy, who was thought to be the best Republican hope to capture the governor's office for the first time in 20 years. Citing distaste for campaign fundraising, he decided to drop out of this year's race before it really began.

"I made a very fundamental decision that there is something else in life other than winning at all costs," he said recently.

"There is no way to know how many people, perhaps wiser than me, never venture into it in the first place because they know what the cost of campaigning will compel you to do," Forgy said.

"And unless this system is changed. I will not be the last person to wash my hands of it."

[From the Louisville (KY) Courier-Journal, Oct. 18, 1987]

RACE SOURED MAGOFFIN MAN ON POLITICS

(By Richard Whitt)

SALYERSVILLE, KY.—To Dr. Pete Shepherd, a Magoffin County native with two children in school, running for the county school board seemed a natural thing.

Shepherd thought he could help improve the patronage-dominated county school system, which ranks among the worst and poorest in Kentucky.

But he didn't get the chance.

Shepherd, a Salyersville dentist, was defeated last fall in an election that he and many others say was rigged. It taught him a lesson he won't forget.

Without a hint of bitterness, Shepherd vows never to seek elective office again in the county.

"I believe the only way I would run again would be if they'd send outsiders in to run the election," he said.

It is a lesson that far too many in Magoffin and other Kentucky counties already know. And it is depriving Kentucky of talent that is badly needed in public life.

Shepherd went against the advice of his family and perhaps his own better judgment when he declared his candidacy.

Although not innocent of the ways of Magoffin County politics—you don't grow up there without knowing that "floaters," people who sell their votes to the highest bidder—Shepherd thought he could overcome the vote-buyers.

"I really didn't think the floaters' vote could beat you," Shepherd said.

Now he knows better.

In the four precincts in which he ran, Shepherd won two, lost one by 20 votes and lost another—Flat Fork—by 200 votes. Overall, he finished second, losing by 180 votes.

The election touched off a brief firestorm of controversy and led to the indictments of four election officers at the Flat Fork precinct. The indictments, handed down by a Magoffin County grand jury early this year, named Charles Ward, Gene Helton, W.J. Saylor and Thomas Saylor.

One count charged the four with failing to require voters to sign an oath before assisting them in voting.

Kentucky law requires that voters who receive assistance sign an oath that they are illiterate or physically unable to operate the voting machine. None of the voters who received assistance at Flat Fork in the November 1986 election signed voter-assistance forms, according to the grand jury report.

Another count charged the four election officers with "interfering with the election by harassing certain voters and by attempting to obstruct the lawful holding of an election at . . . Flat Fork by opening the curtain of the voting machine without being requested to do so."

"They just came in and looked over your shoulder when you voted," said Will Isaac, a resident of the precinct who testified before the grand jury.

Isaac, whose daughter, Jane Holbrook, also lost in the school board race, said 70 or 80 people received assistance but none signed affidavits.

Indictments against three of the defendants were dismissed in March after four grand jurors testified that they had opposed indicting them. Helton, the fourth defendant, was never served with the indictment and has never appeared in court to face the charges.

A subsequent grand jury declined to indict any of the four, all of whom were selected to serve as officers in the May primary.

Shepherd said his workers challenged some of the voters at two of the downtown precincts where widespread vote-buying occurred. "They couldn't stop it," he said.

He said he briefly considered challenging the election, but his attorney told him it would cost about $20,000 in legal fees.

Cheating and harassment of voters at the polls have gotten so bad in Magoffin County that many people are afraid to vote, said assistant Commonwealth's Attorney Ferrell Adkins, who lost a race for commonwealth's attorney in the May primary.

But Shepherd is philosophical about the people who sell their votes.

"I can't really blame them. They're poor people, most of them," he said. "And they see where they can come out ahead when they've never been able to control anything all their lives."

Vote-sellers can earn up to $200 in a hotly contested Magoffin County school board election, a tidy sum for families on welfare, Shepherd said. He added:

"It's the people who buy (votes) that are to blame."

[From the Louisville (KY) Courier-Journal, Oct. 18, 1987]

EDITED TRANSCRIPT

(This is an edited transcript of a 2½ hour panel discussion held at The Courier-Journal last month. The four panelists, identified below, were questioned by Richard Whitt and R.G. Dunlop, who reported the campaign-finance series that began in last Sunday's paper and concludes today.)

Question: We have just concluded the most expensive primary election campaign for governor in Kentucky history, and political fund-raising obviously is an issue of some public concern. How do you feel about the increasing cost of campaigns?

Judge Floyd Byrd Hogg: I think they're absolutely scandalous. What lends itself to being scandalous is the fact that there is a tremendous amount of money spent and never reported. We must limit its use in order to make vast sums of money unnecessary. It has really gotten out of hand.

Morten Holbrook: If a candidate wants to spend his entire fortune to publicize his views across the state, so long as he dosen't violate any of the statutes, this may be in the public interest. I would be against any limitations on the amount of money a man could spend for public office, as an unnecessary restriction on the freedom of an individual.

Hogg: I am concerned about how it is used.

Dr. Malcolm Jewell: It is difficult to see how we can avoid fairly expensive campaigns, gives the cost of television. You cannot be a serious candidate, for governor or lieutenant governor at least, unless you can afford substantial amounts of time on television.

The well-established candidate, the one who has worked his way up through the ranks and is now lieutenant governor or something like that, can probably raise money if he or she is perceived as a good politician. But if you don't have a long-established record in politics, you have got to be able to buy visibility with campaign funds on television. It is like borrowing money from the bank. If you don't need it, you can get it.

Sen. Joe Lane Travis: What bothers me about it is not the amount of money spent but where it comes from. It comes from special-interest groups, people making an investment, and they expect a return on their investment.

Hogg: I think that our biggest problem in this state is the extent to which money is used for corrupting election officers, corrupting voters, buying votes, corrupting absentee ballots and things of that kind. That's the kind of thing we have got to get across to the lawmakers—to make it impossible for such conduct to occur. I believe that if election fraud or corruption can occur in an election, it will.

You would not believe the openness with which votes are bought and sold in this state. You would not believe the way that absentee ballots are handled. I have seen people with their shirts stuffed full with absentee ballots.

Q. How would you prevent illegal expenditures?

Hogg: I would make any of these things a felony conviction with a penitentiary sentence. I would also provide that the use of campaign workers around election polls be strictly forbidden. That's just a backdoor way of buying that person's vote, plus the family. Hauling voters is the same thing.

Travis: And they can steal them faster and in greater numbers in voting machines than they ever could on paper ballots.

Hogg: I think the absentee ballot ought to be eliminated.

Travis: I think it should be, too. They are nothing but fraud.

Jewell: The absentee ballot gives you a real dilemma. In recent years we have gone out of our way to encourage people to vote, to make it more feasible for them to vote, in the belief that it is important that people should be able to vote if they are entitled to. In the process, we have made it easier to have absentee voting fraud. Now, the question is, are we bright enough to figure out a way to permit people to vote by absentee ballot and, at the same time, not permit that kind of fraud?

Hogg: I don't think so because I don't see any practical way you can give a paper ballot to someone and not have it corrupted.

Jewell: I think we could find a way. It's not inconceivable that you could require a person who is going to be out of town to go down and vote on a machine.

Hogg: I would agree to that.

Jewell: I don't think we are just talking about the law, we are talking about the enforcement of the law. It is the implementation obviously that isn't working. It seems to me that most people in this state believe accurately or inaccurately, that most of the serious vote fraud you have been talking about is concentrated in 10, 15, 20 or 25 counties. If that is true, that would suggest again it is the way the law is being implemented that is the problem. Because the same law is being applied throughout the state.

Hogg: Now I don't agree with that. You may think where you live is lily-white but it's not. I believe we ought to have professional election officers.

Jewell: Well, if we are talking about proper implementation, maybe we need to devise more imaginative ways of dealing with that. It is not inconceivable that somebody could be sent from Frankfort to counties where there is reason to believe there is the most corruption.

Hogg: It won't amount to a hill of beans.

Travis: Dr. Jewell, that's where you're 180 degrees out. If you are going to depend on a Kentucky prosecutor, you might as well forget it. All I have ever seen them do is prosecute their political enemies on occasion. The only way I have ever seen anything done, as far as criminal prosecution, has been through federal officials, when it involved federal elections.

Hogg: What I am saying is the only way to have a fair election is to make it impossible for crookedness and corruption to go on.

Q. How do you do that in the case of the absentee ballot?

Hogg: By eliminating it.

Q. What about affidavits that voters sign to get assistance at the polls?

Hogg: Eliminate affidavits.

Travis; Now that's a real problem. You are really going back to the question of requirements or qualifications to vote. When you talk about those affidavits, you are really getting into a sticky area. You are talking about people who really can't read or write, can't for some physical reason use the machine. But they're abused to no end.

I think the condition in Kentucky is so serious, so severe today, that I would attempt to draft some special legislation to set up an office of special prosecutor. Your present officials can't do it, for political reasons, even if they wanted to.

Q. Are you considering doing that?

Travis: yes. But we also need to enforce the laws we have now on voter assistance.

Hogg: Which I don't think you can really do.

Travis: It would be almost next to impossible.

Hogg: Professional election officers might help a whole lot, but I believe in limiting absentee voting to those in the service. I know that's a drastic thing to do. Somebody who is sick and wants to vote couldn't, but I think the problem in this state has grown to such proportions that we are going to have to sacrifice some things for the benefit of the whole.

Jewell: I just want to see that story go across the country: Kentucky abolishes absentee voting because it is unable to prevent fraud. It would be the only state in the union that has ever abolished absentee voting because it does not have the ability to enforce it. I think you are underestimating the political damage that that would do in this state.

Hogg: I don't like it either, but I think it is the only alternative we've got.

Q. Who would these professional election officers be?

Hogg: Well I would say they could be appointed by the state election commission maybe on a three- four- or five-year basis. Pay them $400 or $500 for each election, have them be nominated by about 50 percent of the people voting at the precinct, and if circuit judges could ever be appointed, I would let them have some part in that, too.

Holbrook: Well, I'm just astonished at these gentlemen who pose this as such an enormous problem. In my own precinct, I would venture there's not one vote cast by someone who wants assistance except someone who is physically disabled.

Hogg: Well, you are fortunate to be in residence in such a precinct.

Holbrook: It would seem to me that we would need a lot more statistical studies made across the state before we passed a statute which took the sacred right to vote away from a great many people.

Q. You're not convinced that the problem is of such great magnitude?

Holbrook: No, I'm not. It certainly is not that great a problem in my part of the state.

Travis: Well, you know, I thought in my home county, Barren County, that it wasn't that much of a problem, too, because everything goes pretty smooth there. Then I became county chairman and I notice the Republican election officers I appointed were colluding with the other party.

Jewell: What we are saying, in effect, is the election laws would work better if in every county we had a relatively competitive two-party system and each of the parties' election officers were concerned with protecting their own interests. Then you wouldn't get this kind of collusion.

Travis: You would reduce the possibilities, but I think you would still have some of those problems.

Hogg: I think it is a mistake to count on the honesty of anybody. I want to count on the law to make it impossible for anybody to be dishonest. We are going to have to make some sacrifices here, and we're going to have to make the law such that these things cannot happen.

Jewell: Has the legislature held extensive hearings on this problem? Is there any sense in the legislature that this is one of the burning issues in the state?

Travis: No, I don't think so. Of course, as you know, most of us are really products of that process. So there's probably not a lot of soul-searching about this thing. That's the way it is.

Q. What about enforcement?

Travis: The most important thing is the common wealth's attorney, the county attorney. They're the ones who have the duty to prosecute these violations.

Holbrook: Judge, have you ever empaneled the grand jury in Letcher County to investigate voter fraud?

Hogg: Oh, I make a speech at every grand jury following every election.

Holbrook: But you have never empaneled a special grand jury for election fraud?

Hogg: No, but I direct their attention to the fact that there has just recently been an election and they should investigate any fraud that they know of. And what they do is nothing. They have jobs they are afraid to lose, they have friends to defend.

Holbrook: Where a candidate, for example, loses an election and has good reason to believe that it is done by triggering absentee ballots, can't that disappointed office seeker go before the grand jury?

Hogg: Yeah, but do you know what? His credibility is totally destroyed when he is a defeated candidate. When he has an ax to grind, what he says the grand jury takes with a grain of salt.

Travis: Judge, if he ran close enough to be serious, he probably participated in some of the same activity, and so he doesn't necessarily have clean hands.

Hogg: That's right.

Holbrook: What puzzles me is that you have the constitution making this all illegal, you have statute after statute making it illegal, you've got provisions for contested elections, you have statutes that permit disappointed candidates to file suit and challenge the vote. You have civil remedies, you have criminal remedies. It seems to me that adding statutes to the books is not going to correct this problem.

There is a contempt for the law, a contempt for the democratic process that astonishes me. I think that is a shocking thing.

Travis: What really disturbs me, because I think it is prevalent in Kentucky, is this attitude that government is just there to loot the village.

Q. What about the state Registry of Election Finance?

Holbrook: It's chiefly an informational body, I think it's based on a sound theory that, as Justice [Louis D.] Brandeis put it, sunlight is the best disinfectant. I think the objective was to bring before the voters of Kentucky who is making the contributions, to permit them to judge the conduct of their public officials in the light of money that has been spent for them.

Jewell: Compared to laws we had 20 years ago, we have far more accurate information now about the contributors. The old law was almost useless. There was no way of knowing how much money was contributed.

Q. How well does the registry do its job?

Holbrook: To the extent that the legislature has given them staff and funds for operation, I think they do a very good job, although the amount of paper flowing into the office has just about brought to a standstill the ability of the staff to handle the auditing of returns.

Hogg: Mr. Holbrook, isn't this a repository for just what information people want to give? Do you think the law is completely enforced?

Holbrook: Of course not. There is no statute that is 100 percent abided by. But I think that candidates make a hard effort to comply with it.

Q. Sen. Travis, you want to abolish the registry. Why?

Because I don't really think it serves any valid purpose. And I wanted to get attention to the very problem we are talking about here today that we need desperately to do something about. People think they have a guard, a sentry, and there isn't any out there.

Ray Wallace (the registry's executive director) and I are good friends, and I remember asking him, "Are you having any success in enforcing any of these provisions?" And his reply was, "Senator, all we do is issue traffic citations." And that is all it amounts to.

There have been just two cases since Jan. 1, 1982, that they referred to a commonwealth's attorney for prosecution. In one of those they did not return a true bill, and in the other one the judge said there was no willful violation. So when you look at all this, there is nothing. I would abolish it, start over from scratch, and make violations a felony.

Hogg: Absolutely.

Travis: And I would provide some sort of special prosecutor's office to enforce these laws because if you don't, you might as well forget it all. You've got the fox in charge of the henhouse, the way it is now. We're all deceiving ourselves if we think we are getting protection. At the same time, I would prohibit those people who make these contributions from every getting any business with the state of Kentucky. You talk about turning off the money? You are going to turn it off when you do that.

Jewell: If you prohibit people who are doing business with the state or holding a state job from making contributions, and were really tough about it, I think you would drastically cut back the number of people who would be willing to contribute money—which in many ways would be a good thing.

I'm not sure where the money would come from then. You might inadvertently give another advantage to the rich candidate who doesn't have to go out and raise that kind of money. Is it better to have the money contributed by the rich candidate, or by someone who wants a contract with the state? You've got problems whichever way you do it.

Travis: Personally, I think it's better to have a rich candidate spend his own money if he wants to. Just don't let him recover it.

Q. How prevalent is illegal cash in campaigns?

Hogg: That's what you always deal with.

Travis: Oh, there's tons of it out there.

Q. Where does it come from?

Hogg: People walking by and handing you $500.

Travis: I have had people stick cash into my pockets at meetings, not only when I am a candidate myself, but I have seen it happen in other races I have been involved in.

Holbrook: I don't think there is any law we will put up that will prevent that altogether, unless you want to go to a police state. But who would want to live in that sort of state?

Q. Is the way money is raised in statewide campaigns a problem?

Hogg: You can bet your life it comes from people who expect to get something back for the money.

Travis: That's right.

Holbrook: Yes, I agree about that.

Jewell: Some people make contributions simply because they feel it is their duty to do it. Then there are people who make contributions because they are associated with an engineering firm, or a highway contracting firm or whatever, and they want business or believe that there is a risk that they will be discriminated against if they don't make contributions.

Travis: In 1963, when Louie Nunn ran for governor, there was one particular individual who was very powerful. He offered to put up, I believe, $100,000. But he wanted to name the commissioner of two state agencies, and the answer was no. He came back, and said, well, could he veto power over who was named? The answer was no again. So we never got (the $100,000) and we lost the election. This is what goes on all the time. To me, it is just absolutely unbelievable.

Q. What about limits on campaign spending, coupled with public financing?

Jewell: Unless you're careful to set a spending limit that is realistic, people are going to not take public funds. And then we are back where we started.

Travis: I would not want to put any limits on spending. I want to enforce the laws. I totally oppose public financing. What bothers me is when you raise money from people who are actually making an investment and expect a return. That's what bothers me.

Holbrook: At the present time, I don't think it makes much sense to have public funds for campaigns. There are so many other things that I think people in Joe's position could do. The statute on the books—forbidding solicitation of contributions after the candidate takes office—could easily be amended to provide that no solicitation of funds would be permitted after the candidate has been nominated in the primary or after he has been elected.

Q. You favor the abolition of post-election fund-raising?

Holbrook: Right.

Q. Why?

Holbrook: I think this lends itself to government by special interests. In the words of Happy Chandler, you don't want the tailgate to be put up before you get on board. This is fundamentally wrong, and is easily corrected. A second thing that can be done is, you could (eliminate) the rewards to people who make these contributions.

Q. Would you favor that?

Holbrook: Yes I would.

Jewell: I'm not sure you would hear a howl of angry protect from the people who want these bids and contracts. A lot of them probably feel it's insurance they wish they didn't have to buy, and would be delighted if nobody came to them and demanded money.

Travis: They don't like being shaken down all the time for these things.

Holbrook: Why hasn't the legislature done that? Isn't the reason that members passing the laws need to be able to tap funds like that?

Travis: Yes, that's right.

[From the Louisville (KY) Courier-Journal, Oct. 18, 1987]

REMEDIES FOR CORRUPTION

Kentuckians are sick of what passes for politics in their state. For evidence, there's the fact that only 27 percent of voting-age Kentuckians bothered to go to the polls in last May's hotly contested primary.

What's more, many of those who are part of the unsavory system are just as disgusted as the turned-off voters. That was one of the most striking of the many facts uncovered in *The Courier-Journal's* eight-part series, which ends today, on the corrupting effect of money on the state's politics.

It's time for reform, while an individual citizen's vote still counts for something. Runaway campaign expenses, wholesale vote-buying and other fraud, a flood of illegal cash, weak election laws and even weaker enforcement are among the factors that are making our supposedly democratic government look increasingly like a farce.

Special interests dominate the money-raising process. Successful politicians, at both state and local levels, are put under such obligations that the average citizen's voice matters less and less.

As the current $15 million-plus campaign indicates, gubernatorial elections have become so expensive that candidates must either be tremendously wealthy or else willing to compromise themselves to raise the money it takes to abe elected. And the big money spent for advertising is largely guided by "experts" whose expertise is focused more on decption than enlightenment.

Meanwhile, political action committees, unencumbered by regulation, offer a new vehicle for special-interest money to co-opt public officials. there are 331 PACs in Kentucky, and they're multiplying fast. the state Registry of Election Finance, created to ride herd on politics and money, has no bite and only the meekest of barks. It hasn't fully used even the feeble powers it has.

So, with a new governor (and attorney-general) soon to be installed, and a regular session of the General Assembly coming up in January, it's time to be thinking about some remedies and building popular support for fundamental changes in the way Kentucky elects its leaders and governs itself.

(1) One of the first orders of business should be legislation to regulate the PACs. There are limits (albeit extremely generous ones) on the amounts that individuals can give to candidates. But the same people can give unlimited amounts to PACs, and the PACs then can and do spend that money on behalf of the candidates.

(2) While we're at it, we should reform all the campaign-giving laws, limiting not only gifts to PACs, but the amounts PACSs can give to or spend on behalf of candidates. Perhaps the greatest single reform would be a law flatly prohibiting gifts to influence elections by individuals or companies that either do business with the state, or are regulated by state agencies. That would mean that such people couldn't, as they've done in the past, regulate the agencies that are supposed to be regulating them.

(3) As a corollary, the law should specify that no money may be raised by governors or other officeholders to retire their personal campaign debts. If wealthy individuals want to lend big sums to their campaigns, let them. but they shouldn't be allowed, after their nomination, to shake down business people and others who are subject to state regulation.

(4) To curb vote-buying and other abuses, legislation is needed that would clear away all electioneering operations from within sight of the polling places. The method of selecting election officers must be reformed, and they must be better trained. Payment of outlandish sums to "vote haulers," a thinly disguised cover for vote-buying, must be outlawed.

(5) Illegal cash contributions are another essential target for attack. Like an iceberg, only part of the campaign spending that afflicts our politics is above the surface. Kentucky law prohibits cash gifts of more than $100, but the law is widely violated. Cash is handy stuff. It's an appealing way for people to contribute who don't want others to know who they're supporting. Less excusable is the fact that untraceable money can be used for all sorts of illicit purposes.

Moreover, giving in cash enables donors to evade the $4,000 limit on individual contributions. And, as yesterday's article explained, there are ways and means of "laundering" such illegal cash to make it look like properly received donations.

But such laundering can be traced and punished, if there's a will to do so. Stiff penalties for such activity must be written into the law, and zealous enforcement must follow.

(6) These laws, of course, will have to be enforced vigorously, with competent investigation and firm prosecution. The next attorney-general's first order of business should be to establish a strike force to seek out violations and prosecute the culprits. The attorney-general and the legislative leadership also should prepare a comprehensive program of reform for the new General Assembly.

(7) Above all, the governor must take the lead in enforcement, using the full power of the state police to nab vote-buyers and other practitioners of election-day fraud.

(8) Finally, there will be no good solution to the problem of runaway costs in gubernatorial campaigns without some form of public financing. That's unpopular right now, because many people don't realize they're already paying for the present campaign financing system. The system, as the Courier-Journal series demonstrated, costs the public dearly in contracts and jobs given to reward campaign contributors, in lax regulation, and in generally inferior public service.

Partial public financing of campaigns is needed because campaign spending limits, the U.S. Supreme Court says, must be voluntary. If candidates are to accept limits, there must be an incentive in the form of public money. As former state Sen. Joe Prather said, "If this state spent $3 million to $4 million to match campaign contributions, it would be the best investment that's ever been made."

Such changes won't come easily. Corruption is deeply ingrained, and even the best efforts won't erase it overnight. But many states do have fairly clean political systems. And such systems seem to go hand-in-hand with economic prosperity. Pride alone should impel Kentucky to clean up its act. But in truth, the state can't afford to let political corruption keep eating at its vitals.

Mr. McCONNELL. Having spent 20 days on the floor of this Senate discussing changes in the Federal election finance laws, I hope we can devote at least some of the Senate's time to improving the shameful state of elections back home. Now, some may say that this is not an appropriate area for Federal action—that this is the States' problem, not ours. Of course, that was the same argument that people used against the Voting Rights Act back in 1965: They said it was a State problem, and the Federal Government should just look the other way.

The Senate chose not to look the other way then, and enacted a series of reforms designed to guarantee the voting rights of every single American. To a large extent, those reforms have been successful. But it never would have been possible to secure those rights, if this body had not taken responsibility for ensuring the fairness and integrity of our democratic system.

Mr. President, it is now more than 20 years since Congress took that principled stand on voting rights, and once again, we are called upon to protect those same rights—this time, the voting rights of the majority. It should strike every Senator and every citizen as an offense against our democratic system when the choice of the majority is defeated or distorted by fraud in the election process. It is an offense we cannot tolerate or condone with inaction.

Therefore, Mr. President, I am introducing today a new bill, the Election Fraud Prevention Act of 1987, which will take aim at these rampant abuses, and restore the honesty and integrity of the American ballot box. In this bill, I have incorporated several of the recommendations made by the Courier-Journal in the conclusion of its series on election abuses.

One of the recommendations which I intentionally have left out, however, I would like to briefly mention: Limits on campaign spending, accompanied by taxpayer funding of candidates. The Courier-Journal study frequently made reference to how much was spent overall in Kentucky's recent gubernatorial primary: $9 million in total, the most in Kentucky's election history. Of course, this money was fully reported and monitored, so it's unlikely that any of it could have been spent buying votes, or other illicit activity, without being detected.

But the real news in Kentucky's gubernatorial primary wasn't how much was spent; that doesn't tell us anything. The real news was how many people gave, how many got involved and committed themselves to a competitive candidate, and turned the race into an exciting contest of issues and ideas. More Kentuckians than ever before knew what the candidates stood for, felt there was a reason to care about this election, and participated by contributing and voting for the candidate of their choice.

We had 45 percent voter turnout in the Democratic primary for Governor this year, far higher than usual in our State. That's not something for Kentuckians to be ashamed of; it is a sign of robust interest in government, good candidates, and strong public participation. Compare that to the Republican race in the same primary election: The candidates spent a tiny fraction of what was contributed and spent in the Democratic race, the voters were apathetic, and turnout was a low 15 percent.

Kentucky's experience with campaign spending and voter turnout plays the same everywhere else: in the 1986 Senate races, States where candidates spent the most per voter enjoyed the highest turnout; States with low campaign spending suffered very low turnout. In general, a high-spending campaign, like Kentucky's Democratic primary, means a competitive race with a lot of public participation and interest. That is something to be proud of—not discouraged by putting arbitrary limits on how many citizens can get involved in their government's elections.

Moreover, there is every reason to believe that a limit on legitimate campaign spending for advertising and voter education would only drive that money back underground, into the hands of vote buyers and election fixers, where real election abuses are committed. We should be trying to shut down black market elections, not giving them more money to play with. Therefore, my bill is aimed directly at that black market, and leaves the public forum of monitored, productive campaign spending alone.

First of all, my bill would ensure the Federal Government's power to investigate and prosecute election law violations which involve the mail, broadcast media, or interstate commerce. A recent Supreme Court case originating out of Kentucky, McNally versus United States, denied the Federal Government this ability, where public officials had used the mail to flagrantly defraud a State agency. The Court reasoned that violating the public's right to honest government was not "fraud" in the traditional sense, and couldn't be reached under Federal statutes against fraud using the mails, broadcast media, or interstate commerce.

My bill would restore the Federal Government's authority in those cases involving election law violations, by extending the definition of fraud to include such violations. This provision is especially important to allow Federal prosecution of fraudulent absentee ballots. The U.S. mail, through which absentee ballots are sent, has become a major black market for buying and selling votes; my bill simply would let the Federal Government "chase the money-changers out of the temple."

Second, this bill makes it a felony to buy, influence, or sell votes for anything of value. It may shock us that such practices still are going on in the States; but in fact, they are rampant, and it's going to take strong medicine to root them out for good.

This act also punishes as a felony offense any attempt to intimidate, harass, or interfere with voters in the casting of their ballots. This includes going into the booth with voters and observing who they vote for, or filling out the ballot for them, when assistance is not needed or requested.

Mr. President, if we can accomplish this alone, we can wipe out most of the vote buying abuses in this country. I say that because vote buyers need to be sure they're getting what they paid for; if we can keep them out of the voting booth, it is going to be nearly impossible for them to enforce the arrangement, and that will make vote buying a lot less effective and attractive.

Further, my bill makes it a felony offense for any candidate or public official to promise government positions, contracts, or other benefits in exchange for political support or contributions to a campaign.

Many of the concerned citizens and experts that the Courier-Journal interviewed said that the problem is not how much money goes into campaigns, but where it comes from, and what it potentially buys. A nationwide ethics study, prepared by the National Society of Professional Engineers, concluded that "The award of contracts is generally predicated on support in the form of political contributions."

As I have said before on this floor, this is a problem we can cure directly, without spending a dime of the taxpayers' money, and without clamping down on public participation in elections. But it's going to require strict limits on special interest contributions, and heavy penalties against politicians who strike private, quid-pro-quo arrangements with their supporters.

Last, Mr. President, none of the strengthened criminal sanctions in this act will mean anything if there is not adequate preventive supervision of elections throughout the country. In many States, including mine, that kind of supervision isn't always available. As I said before, sometimes you have election officials in charge who are actively assisting the corruption. Sometimes the election official is told to look the other way, for fear of losing his job, his friends, or his favor with the local politicians. Most often, though, the official just is not trained to recognize and respond to election law violations.

Therefore, this act authorizes investigators and enforcement officials from Federal, State, and local governments to supervise elections, for the purpose of enforcing election laws. My bill would allow candidates who anticipate illegal activity at the polls to request preventive supervision by U.S. marshals or by State and local law enforcement officials.

When a candidate has an election bought out from under him, it is hardly any consolation that the winner gets indicted 2 years down the line and spends a few months—at most—in jail. More often than not, prosecutors are reluctant to pursue an election law violator aggressively once he is in office. Knowing this, some candidates and their local organizers choose to secure victory in the election first—using illegal means—and take the fairly minimal risk of prosecution down the road.

The only way we're going to make our election laws effective is with responsive, preventative supervision of elections, by trained professionals. To this end, we must let Federal, State, and local officials provide such supervision, and give candidates the right to demand fair and honest elections from the supervisory authorities.

Further, I call upon the States to establish their own specially trained election task forces: teams of professional election officials that can be dispatched anywhere in the State to supervise polling activities, especially in areas known to harbor corruption and illicit election activities. This corps of election officials would not be tied to local politics, and could be equipped to respond quickly to election abuses, by arresting lawbreakers and having election returns retabulated.

Mr. President, some may try to argue that this legislation goes too far, that its criminal penalties are too severe. As I discussed before, some may say that the Senate simply should not get involved; that it is the States' problem, and we should feel perfectly alright about looking the other way.

But this is a situation where our democracy itself is at stake. Every moment that we hesitate, the market price of votes goes up; some citizens stay away from voting altogether, out of disgust or fear of harassment; and qualified, honest, civic-minded people are discouraged from even running for office, because in some regions, you cannot win unless you play the game.

As one dentist from my home State said, after a local school board election was bought out from under him—a school board election, Mr. President—this fellow said: "I believe the only way I would run again would be if they'd send outsiders in to run the election."

So, Mr. President, I urge my colleagues once again to read the series of articles which I have placed in the Record, and to ask themselves whether this could not also be the story of their States on election day, and whether the reforms I have proposed today wouldn't make voting rights and elections a lot more secure in their States and throughout the country.

I urge my colleagues to take a close look at the Election Fraud Prevention Act of 1987 and urge their support of this important legislation, as a vital step toward protecting democratic elections in our Nation.

The American ideal of a government of the people, by the people, and for the people, means nothing if we cannot guarantee fair, honest elections, determined by the freely given vote of the majority.

By Mr. BENTSEN:

S. 1838. A bill to provide grants and loans to enable rural areas near the international border separating the United States from Mexico to develop plans for the construction and improvement of, and to construct and improve water and waste disposal facilities; to the Committee on Environment and Public Works.

COLONIA WATER AND SEWAGE SERVICE ACT

● Mr. BENTSEN. Mr. President, today I am joining with my distinguished House colleague from Texas, Congressman Solomon Ortiz, in introducing legislation to provide badly needed assistance to the border areas of our Nation. This bill, the Colonia Water and Sewage Service Act, will provide additional resources to deal with the pressing sanitation problems in the rural areas along the United States-Mexico border.

I compliment my distinguished colleague from Texas on this very worthwhile piece of legislation. I think that targeting more assistance to the rural areas along the United States-Mexico border, an area which is experiencing extremely difficult economic times and is among the highest unemployment areas in our country, is timely and will prove to be effective.

The colonias found in these areas have in most cases very poor living conditions and no modern sanitation services. The lack of adequate sanitation exacerbates health problems. This investment in improved sanitation will pay large dividends in reduced health care costs.

This bill will use existing programs within the Farmers Home Administration of the U.S. Department of Agriculture. It will not create a new bureaucracy. It adds $25 million of grant money to the FmHA Section 306 Program, which provides assistance to public bodies and nonprofit entities in the establishment of water and sewer facilities. It also provides $20 million, $5 million in grants and the rest in low-interest loans, for the FmHA Section 504 Program. The 504 Program provides housing repair funds to very low-income people, and is necessary to assist residents in hooking up to the section 306 water and sewer facilities. It also requires that these funds be targeted to areas within 30 miles of the United States-Mexico border and waives, for this targeted program only, the requirement that section 504 funds go only to elderly residents.

I share a deep concern for the problems of the colonias and the rest of the population in this troubled area and have spent many years working to address them. To relieve the overburdened health care network along the United States-Mexico border, earlier this year I introduced legislation to establish a health education and training program on the United States-Mexico border. This legislation is designed to alleviate the severe shortage of trained health care professionals along the border by recruiting and training local persons to fill those vital positions.

In addition, the Senate has recently passed legislation which I authored to target additional resources under a maternal and child health program to these border areas. This will address the critical infant mortality problem in this area and greatly improve the health of the area's infants.

These small investments will yield big returns in the way of lower medical costs in the long run. I welcome the contribution that my distinguished colleague from Texas is making to the effort to help these struggling border areas, and I look forward to working with him to enact this bill into law.●

By Mr. MELCHER (for himself, Mr. Bradley, and Mr. Heinz):

S. 1839. A bill to amend title XVIII of the Social Security Act to provide for coverage of adult day health care under the Medicare Program, and for other purposes; to the Committee on Finance.

MEDICARE ADULT DAY HEALTH CARE AMENDMENTS

Mr. MELCHER. Mr. President, I rise today to introduce a bill, the "Medicare Adult Day Health Care Amendments of 1987," which would extend Medicare part B coverage for adult day health care services to eligible functionally, medically or mentally impaired adults. I am very pleased to have Senator Bradley and Senator Heinz join me in introducing this bill.

Although the Senate took an historic step forward last week in passing S. 1127, to provide Medicare coverage for catastrophic illness, I feel it is important that we lose no time in continuing to move on toward finding solutions for the pressing long term care needs which will be faced by almost half of our elderly.

We cannot afford to wait. Our aging population is growing rapidly, particularly those over 80 who are most likely to be frail, impaired and who are estimated to consume over 30 percent of health care services in the country. Some authorities also estimate that, from age 80 on, elderly individuals have one chance in five of becoming demented or having some degree of paralysis. And a recent study by the Department of Health and Human Services found that 4.6 million of our elderly have some type of functional limitation which restricts their ability to perform daily activities of taking care of themselves or which threatens their ability to live independently. And the ability or inability of the elderly to get help with difficult activities is an important factor in determining if an individual is able to remain in the community or must be placed in a nursing home to get the care and assistance needed.

Adult day health care, offering medically supervised services in a group setting, should be a vital link in our Nation's long-term care system. At a cost far less than nursing home or even comparable home health care services, impaired adults can continue to be cared for in supportive, familiar surroundings—in their own community and usually with family caregivers.

During the past 15 years, there has been an enormous growth in the number of community based group adult care progams in the United States. In 1970, there were about 14 adult day care centers in the United States, about half of which were funded by demonstration grants from the Federal Government. Today, there are well over 1,300 centers throughout the country. In spite of limited and unstable funding, these mostly nonprofit programs have developed at the local level because they provide cost-effective services which help keep our frail elderly and disabled persons in their own homes and communities, often preventing or delaying nursing home placement. However, funding comes primarily fom Medicaid or private pay which, even at an average cost of $30 to $35 a day, can rapidly deplete an elderly individual's lifetime savings and assets down to Medicaid eligibility levels. The average participant is female, 73 years old, has an average monthly income of $478 and lives with his/her spouse, relatives, or friends.

The National Council on the Aging has made adult day care legislation its highest priority for 1987 and many other organizations that work with senior citizens are supportive. A similar bill, H.R. 550, has been introduced in the House of Representatives by Representatives PANETTA and ROYBAL. It now has over 90 cosponsors.

Adult day health care is a unique program designed to meet the needs of functionally impaired adults through an individual plan of care. It is a structured, comprehensive program that provides a variety of health, social and related support services in a protective group setting on a less than 24 hour care basis. A multidisciplinary group of professionals provide a wide range of health and health-related services under medical supervision. These include health assessment and monitoring, personal care, meals, nutrition counseling and often physical, speech and/or occupational therapy. Also of importance is the psychological benefit of social and mental stimulation from the program activity and being with peers in a group setting.

Family care for the elderly has become more common in recent years and adult day care enables many families and other caregivers to continue caring for an impaired member at home. In 1982, it was estimated that 2.2 million persons in the United States, of which over 70 percent were women, cared for frail elderly persons. At that time, 44 percent of caregiving daughters held jobs outside the home. But caregiving can be so demanding that, in 1985, it was found that 11 percent of middle aged and older women had to leave their jobs to care for older family members. The availability of adult day health services could also help these caregivers to remain in the work force as taxpaying citizens.

My bill would provide up to 100 days of adult day health care a year under Medicare, with a $5 per day copayment, to adults who have been determined to have a medical or mental impairment that but for the provision of adult day health care, would require the individual to receive the level of care provided in a hospital or in a skilled or intermediate care facility. Services would also be available to individuals who have been assessed as needing assistance to perform on a daily basis at least two activities of daily living of eating, bathing, dressing, toileting, transferring in and out of bed or in and out of a chair.

The bill establishes specific requirements for adult day health care centers and programs to be eligible for funding under Medicare. It also requires, as a condition of payment, that States have assessment programs to certify and recertify individual eligibility for adult day health care programs. Periodic Medicare surveys would be required to evaluate the quality of care and services, including the extent to which these services improved or maintained the functional capacity of participants.

Several studies, including two done by the California State Department of Health Services, have shown that adult day health care prevents institutionalization and is cost-effective compared to other forms of health service. A 1982 California study found that 87 percent of the elderly who participated in adult day care programs maintained or improved their level of functioning. Of these, 63 percent had been eligible for institutionalization based on criteria used by Medicaid field offices.

On Lok Senior Health Services in San Francisco, one of the most well-known and well-established services of its kind, decreased hospital in-patient days by two-thirds over 3 years through regular monitoring of conditions that would otherwise have required hospitalization. On Lok's combination of services has also reduced nursing home admissions among those eligible to only 5 percent and its adult day health care program is one of the most important factors.

As we move toward the 1990's and into the 20th century, the need for long-term-care services will double and triple. With better treatment of chronic disease and increasing prevention and control of other illnesses such as heart disease, our maturing population is increasing both in numbers and age. We must begin now to put in place support for a rational system of long-term health care, both home and community based and institutional as necessary, which is cost-effective and enables our elderly Americans to continue living their later years in their own homes and communities as long as possible, with as much dignity and independence as possible. Adult day health care is a vital component of such a system. I urge my colleagues to support this legislation.

Mr. BRADLEY. Mr. President, I am pleased to join Senator MELCHER in introducing this legislation to provide up to 100 days of adult day health care each year under the Medicare Program. Adult day health care is a community-based service designed to restore and rehabilitate frail and impaired elderly to their highest level of functioning. Day care centers draw upon a vast array of health and health-related services to develop individually tailored plans of care for each participant. A team of health care professionals provide vital services under medical supervision, including health monitoring and treatment, skilled rehabilitation therapy, and medical social services. These services are provided during the day in a protective group setting. Building on this supportive group environment, day care programs promote seniors' maximum level of independence by emphasizing their strengths and abilities rather than their impairments and limitations.

Across the Nation, adult day health care programs have gained increasing popularity as a cost-effective and humane alternative to institutionalization. It is time that Medicare recipients be allowed to share in the benefits of these programs.

Like so many innovative health programs, adult day health care has developed and flourished largely at the grassroots level. The success of these programs has stimulated a rapid growth in the number of day care centers across the United States, from less than a dozen in the early seventies to nearly 1,400 centers today. Long waiting lists for nursing homes and large numbers of inappropriate institutional placements provided the impetus in New Jersey for the creation of 70 such centers since 1977. In just 10 years, adult day health care programs have grown in scope and stature across the state, providing high quality services to the frail elderly.

Only the lack of a solid funding base limits the growth of adult day health care. The average day care center director must deal with a patchwork quilt of funds, from Medicaid waivers to foundation and corporate grants, in order to support a single program. Yet, Medicare, fearing that any move toward community based care may increase short-run costs, refuses to recognize adult day health care as a viable, reimbursable service.

This attitude is short-sighted and unwise. Adult day health care has actually prevented more costly admissions to nursing homes. Research has in fact shown that when day care services are directed to those most at risk of institutionalization, public agencies have actually saved tax dollars.

Besides its cost, nursing home care can be traumatic and disruptive to family relationships and to elderly independence. In fact, whenever I ask elderly citizens in New Jersey and around the country where they want to be cared for, the overwhelming response I get is that they prefer the dignity of independent living in their own communities, as long as that is possible.

Mr. President, some people fear that an expansion in adult day health care will discourage family caregiving. This logic ignores the fact that families always have been and will remain the primary caregivers for the elderly, regardless of other sources of care. Unfortunately, family members may be forced to give up their jobs and other family responsibilities in order to assume this caregiving role. This may simply not be possible for families that need two incomes to support the family. Adult day health care can provide much needed respite to these caregivers who might normally be forced to place their loved ones in an institution when they feel unable to provide all of the physical and emotional support that is needed. In these cases, day care can actually help preserve the American tradition of family caregiving by acting as a complement, rather than a replacement, to family support.

There are also significant numbers of elderly with no family, friends, or caregivers to turn to, whose basic needs simply go unmet. The GAO recently estimated that nearly 1.3 million elderly citizens do without the help they need to get out of bed, to bathe and to perform other basic daily activities.

Clearly, many senior citizens are being forced to rely on institutionalization simply because it is the only option available. Others are forced to suffer alone, in silence, because they know of no other way to avoid nursing home care. In fact, a recent study concluded that a majority of nursing homes residents are institutionalized not for medical reasons, but because their families no longer have the energy or resources to care for them. There must be alternatives. But first, stable funding is needed to allow an expansion in community based services, like adult day health care. Medicare, the most comprehensive health insurance program for our senior citizens, should be at the forefront of the movement to encourage the growth of these alternative services.

The bill that Senator MELCHER and I are introducing today provides up to 100 days of adult day health care under Medicare each calendar year for functionally impaired elderly who would normally require institutional care. Utilization would be subject to a $5 daily copayment. To ensure that these services are appropriate, day care would have to be authorized in advance by an independent screening team of health professionals on a case-by-case basis. Further, a multidisciplinary team within each center would assess the continuing need for particular services.

Because we wish to assure the highest quality of care in these centers, our bill requires that all adult day health care centers that receive Medicare reimbursement under this program be certified and inspected. As part of the certification process, programs would have to demonstrate that they are equipped to meet the health and health-related needs of all participants. In addition, Medicare would conduct annual, unannounced inspections of certified centers to assess on an ongoing basis the quality of services provided.

Adult day health care can help bridge the widening gap between total independence and long-term institutionalization. It is time that Medicare formally recognizes this important service. Elderly Americans need and deserve every opportunity to stay independent as long as possible. I urge my colleagues to join me in supporting this bill.

Mr. HEINZ. Mr. President, I rise today to commend Senators MELCHER and BRADLEY for their foresight in sponsoring the Medicare Adult Day Health Care Amendments of 1987. I am pleased to cosponsor this legislation, which would establish Medicare coverage for up to 100 days each year of health and rehabilitative day care for Medicare eligible persons over the age of 18.

Throughout our recent consideration of legislation to protect older Americans from catastrophic health costs, we heard repeatedly that the greatest financial risk borne by the elderly is long-term care. We also know from many years of hearings and countless studies that the aged and disabled strongly prefer any form of long-term care that will allow them to stay at home, rather than be institutionalized. Adult day health care is one of several essential community based long-term care services, such as home health and home supportive services, which are responsive to these needs and preferences of the elderly.

We have taken some significant steps toward improved coverage with the catastrophic care legislation approved by the Senate on October 27. In that legislation, we improved the short-term home health and skilled nursing facility benefits provided by Medicare. Nonetheless, like Hercules in his struggle against Hydra, Congress faces a monster with more than one head. Providing for short-term acute care costs still leaves American families facing the more common financial catastrophe of a long-term, chronic illness.

Mr. President, the typical recipient of adult day health care services is a woman over 73 years of age with an income of less than $500 each month, who relies upon her children to care for her around the clock. Adult day health care centers offer critical daily services which help family caregivers to support their disabled loved ones at home, by freeing them to work and attend to other business away from home during the daytime. Without this assistance, thousands of families simply wear down and can no longer maintain their aged relatives at home. When family caregiving structures collapse, research shows, families must seek more expensive institutional care for their impaired loved ones.

Mr. President, this legislation could save Medicare money, by diverting people from nursing home care costing $50 to $60 a day, to less expensive day health care at a cost of $35 a day. Adult day health care can in fact meet the health and rehabilitative needs of many persons who would otherwise require care in a skilled nursing facility, however, I think we should be careful in drawing any conclusions about cost savings from this benefit. I say this because of the very high occupancy rates that characterize most States' nursing homes, and because of the long queues of beneficiaries awaiting entry to those nursing homes. The fact is, we have done such a poor job of financing long-term care services that new benefits are needed simply to meet unmet needs—and will not produce measureable financial savings.

Yet, for thousands of elderly and disabled persons and their families, adult day health can make a tremendous difference in the quality of their lives. I believe it is wise public policy to target scarce Medicare resources to support unpaid family caregivers who now assume the great bulk of long-term care responsibilities in the United States.

I urge my colleagues to study and consider this thoughtful legislation, and to join me in a commitment to find a solution to the problem of long-term care costs in the near future.

By Mr. SASSER (for himself, Mr. BYRD, Mr. HEINZ, Mr. MELCHER, Mr. BURDICK, Mr. BREAUX, Mr. HARKIN, Mr. ROCKEFELLER, Mr. SIMON, Mr. JOHNSTON, Mr. DASCHLE, Mr. SPECTER, Mr. METZENBAUM, Mr. SHELBY, Mr. HEFLIN, Mr. REID, Mr. FOWLER, Mr. RIEGLE, Mr. GRASSLEY, Mr. SANFORD, Ms. MIKULSKI, and Mr. DIXON):

S. 1840. A bill to establish a program to assist fiscally distressed local governments in the provision of essential services, and for other purposes; to the Committee on Finance.

TARGETED REVENUE ASSISTANCE TO FISCALLY DISTRESSED LOCAL GOVERNMENTS ACT

Mr. SASSER. Mr. President, today, I rise along with 21 of my distinguished colleagues, including Majority Leader ROBERT C. BYRD, to introduce a measure, S. 1840, that directs much needed aid to America's poorest communities. The "Targeted Revenue Assistance to Fiscally Distressed Local Governments Act" represents the most refined Federal approach ever to identifying and helping out local governments whose communities are truly in a state of fiscal distress.

Mr. President, since 1981 Federal aid to State and local governments has decreased in real terms by almost 25 percent, and last year, the General Revenue Sharing Program was eliminated. While all of us realize that programs in every part of the budget must be scrutinized for essential saving, these budgetary cutbacks have had serious adverse effects on our system of federalism. Major reductions in Federal aid and the loss of revenue sharing are serving to drastically widen the fiscal gap between have and have-not communities in the United States.

This public finance problem will surely continue to grow, because the communities most in need of making up the revenue-sharing shortfall are least able to do so. Indeed, according to the General Accounting Office, last year local governments in the Nation's poorest counties raised less than half as many tax dollars per resident as their wealthy counterparts. In many cases these lowest income communities required higher tax rates to finance public services, yet this higher tax effort yielded considerably less revenue to meet public service demands than would be for higher income communities.

Mr. President, I ask unanimous consent that a table on Fiscal Disparities Among Local Governments in Rural Counties be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

CHART 1.—FISCAL DISPARITIES AMONG LOCAL GOVERNMENTS IN RURAL COUNTIES

	Taxes as a percent of income	Per capita tax revenue
Lowest income counties	2.33	$126
Highest income counties	2.14	197
Ratio of lowest to highest (percent)	+9	−36

Mr. SASSER. Mr. President, these fiscal disparities should, to some extent, be corrected and I believe the Federal Government should have a role in alleviating these fiscal problems.

Nevertheless, I am painfully aware of what the dramatic events of the last 2 weeks have pointed out—America is facing a deficit crisis. Unless the President and the Congress can work together to reduce the deficit, we face the prospect of a severe recession. This not the time for unnecessary spending programs.

Yet, Mr. President, even in this era of unprecedented fiscal austerity, my colleagues and I propose that there is a way to help America's needy communities without placing an undue fiscal burden on the Federal Government.

Mr. President, utilizing very stringent eligibility standards, the "Targeted Revenue Assistance to Fiscally Distressed Local Government Act" will authorize $1 billion per year for a local grant program that will provide unconditional fiscal assistance only to those urban, suburban and rural governments with a demonstrated need for such assistance. Let me assure all my colleagues that only the neediest communities will receive any funds.

The eligibility requirements determined under this bill are the most stringent ever for this type of program. Whereas almost 39,000 local governments received funds under the Revenue Sharing Program only 12,000 are eligible to receive money under S. 1840.

Mr. President, I and many of my colleagues fought to keep the General Revenue Sharing Program last year. The money it provided to local governments in many instances went to fund essential public services such as police and fire protection and other basic services that we all have come to expect in our communities. Yet, the General Revenue Sharing Program in its efforts to help out the poorest communities in America, also provided money to practically every community in the United States, including the very wealthiest. Clearly, the General Revenue Sharing Program needed some improvement.

Mr. President, what my colleagues and I are proposing represents a new, more responsive Federal approach to aiding fiscally distressed communities. Let me reiterate that it is the most targeted program of this type ever proposed.

The General Revenue Sharing Program with a budget of $4.6 billion reduced fiscal disparities among our Nation's local governments by 15 percent. But, our program, will essentially achieve the same result with a budget only of $1 billion—less than one-quarter of the General Revenue Sharing Program budget. In this program there is no provision that states you have to divide the pie so that everyone can get a piece. On the contrary, only communities with demonstrated fiscal need will receive targeted fiscal assistance funds.

Mr. President, in the last few months the Subcommittee on Government Efficiency, Federalism and the District of Columbia which I chair held 3 days of hearings to assess the impact of the loss of the General Revenue Sharing Program. We found out that the loss of revenue sharing had forced thousands of local governments to cut essential public services or raise regressive local taxes or do both. Here are but a few examples of the effects that the loss of revenue sharing has had:

In Trumball County, OH, 39,000 citizens in the unincorporated area have no police protection and the elderly affairs program has been terminated.

In Chippewa County, MI, the Crippled Childrens' Program and the home health care services have been dropped.

In Barry County, MO, the health department has been closed and the sheriffs reduced by half.

In Ritchie County, WV, road repairs have ceased and the school budget has been significantly cut.

And in Johnson County, TN, budgets for the senior citizens center, rescue squad, fire and sheriff's department, and the library have all been reduced, despite an 84 percent tax increase.

Yet these are hardly isolated incidents. A recent survey of counties taken by the National Association of Counties indicated that: 64 percent of surveyed counties were reducing or eliminating important programs and services; 48 percent were increasing local property taxes; and, over one-quarter of the counties surveyed had to confront their citizens with a "double whammy" in which they cut services and raised taxes.

Opponents of the Revenue Sharing Program contend that State and local governments can just raise taxes to make up for the loss of Federal funds. Well as I found out things are not that simple. Higher local taxes discourage new growth and force out existing businesses, and for many poor urban and rural communities in the United States the loss of revenue sharing leaves no choice but to cut vital services.

Mr. President, I ask unanimous consent that a table on the increase in taxes necessary to offset the loss of revenue sharing be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

CHART 4.—INCREASE IN TAXES NECESSARY TO OFFSET THE LOSS OF REVENUE SHARING

Percent of State per capita income	In percent—	
	Counties	Cities
75 or less	16.2	11.6
90 or less	12.6	9.2
100 or less	10.6	7.2
More than 100	6.4	6.2
More than 110	5.6	5.4
More than 125	4.1	4.2
U.S. average	8.3	6.8

Mr. SASSER. Mr. President, as I stated earlier, even with many instances of higher tax rates, the Nation's poorest communities were only able to raise less than one-half as many tax dollars per resident as the Nation's wealthiest communities. Thus, a well structured targeted fiscal assistance program can help these poorer communities, many whom by this definition require more public assistance, provide basic services for their citizens without a crushing fiscal burden.

Mr. President, this is precisely what the program that I am proposing today will do. Because of the unparalled degree of targeting programmed into the formula some of the poorest communities in the United States will receive aid equalling up to 60 to 70 percent of the amount that they received under the General Revenue Sharing Program. Despite the fact that the revenue sharing program had a budget that was more than four times the size of the authorization called for in S. 1840.

Under this new program, which utilizes the latest and most pertinent data, the fiscal capacity and the fiscal need of a local government to pay for public services is identified and then targeted assistance funds are diverted proportionally to those who need it most.

Local governments with a per capita income that exceeds 110 percent of the national average and local governments with low unemployment levels or exceedingly low tax rates will not be eligible for targeted fiscal assistance.

Let me briefly describe how the targeted assistance funds are allocated under S. 1840. First, allotments are made to the 50 States based on a State's population, unemployment levels, and comparative taxable resources. These allotments increase when a State exhibits high unemployment and low taxable resources. After each State allotment is determined, local governments then receive 100 percent of this fiscal assistance on the basis of their relative population, noneducational tax effort, and per capita income. Again, all things being equal, a local government will receive a greater share of the State pool when it exhibits a high level of tax effort and a lower level of per capita income.

Furthermore, to insure that those local jurisdictions most in need of fiscal assistance receive such assistance, an upper cap of $12.70 per capita has been built into the formula. Also a local government will only receive fiscal assistance when its allotment is $5,000 or more per annum.

Finally, the bill restores past accounting, antidiscrimination, and reporting requirements associated with the General Revenue Sharing Program that were well-received by State, local, and civil rights groups.

Mr. President, in conclusion I would like to reemphasize that S. 1840 will only target aid to the most economically depressed rural, urban, and suburban communities. It will not only give them the opportunity to provide essential public services, but also it will give them the chance to offset the funding gap between them and their wealthier counterparts, and thereby create the opportunity for further economic growth. My colleagues and I believe that S. 1840 will help rebuild a viable system of federalism that is based on cooperation and compassion rather than indifference and isolation.

Mr. President I ask unanimous consent that a survey of local government allocations authorized under S. 1840 as compared to those under the General Revenue Sharing Program be inserted at this point in the RECORD.

There being no objection, the survey was ordered to be printed in the RECORD, as follows:

The degree of Targeting in the "Targeted Revenue Assistance to Fiscally Distressed Local Governments Act" [TRA]:

A NATIONWIDE COUNTY AND CITY ALLOCATION COMPARISON WITH THE GENERAL REVENUE SHARING PROGRAM [GRS]

Local government	Allocation amounts		TRA as a percent of GRS
	TRA	GRS	
United States	$1,000,000,000	$4,600,000,000	22
Alabama:			
Butler County	256,000	478,000	54
Dallas County	762,000	1,234,000,000	62
Perry County	274,000	366,000	75
Fairfield	164,000	267,000	61
Georgia:			
Burke County	305,000	593,000	51
Brunswick	243,000	420,000	58
Iowa:			
Adams County	89,000	174,000	51
Ringgold County	98,000	185,000	53
Wayne County	146,000	248,000	55
Illinois:			
Alexander County	130,000	242,000	54
Hardin County	69,000	112,000	62
Jackson County	755,000	1,410,000,000	54
Pulaski County	81,000	130,000	62
St. Clair County	2,017,000,000	4,423,000,000	46
Centerville	126,000	114,000	110
Harvey	450,000	849,000	53
Louisiana:			
Allen Parish	278,000	424,000	66
East Carroll Parish	225,000	355,000	67
Morehouse Parish	405,000	595,000	66
Richland Parish	324,000	490,000	66
St. Landry Parish	1,320,000,000	2,190,000,000	60
Washington Parish	605,000	924,000	65
West Carroll Parish	198,000	290,000	68
Montana: Phillips County	104,000	209,000	50
Michigan:			
Lake County	157,000	300,000	52
Wayne County	28,000,000	66,000,000	42
Dowagiac	71,000	135,000	53
Ferndale	320,000	498,000	64
Hazel Park	258,000	426,000	61
Inkster City	419,000	408,000	103
Lincoln Park	388,000	458,000	85
Nevada:			
Elko County	215,000	341,000	63
Humboldt County	204,000	368,000	76
Nye County	182,000	265,000	69
Henderson	198,000	211,000	94
North Las Vegas	549,000	428,000	128
North Carolina: Tyrell County	62,000	127,000	49
North Dakota: Kidder County	48,000	111,000	43
Ohio:			
Adams County	226,000	574,000	45
Ashtabula County	659,000	1,360,000,000	48
Hocking County	328,000	568,000	58
Cleveland	6,900,000,000	15,900,000,000	43
Maple Heights	365,000	416,000	88
Younstown	1,372,000,000	2,582,000,000	53
Zanesville	360,000	649,000	55
Pennsylvania:			
Clarion Borough	72,000	133,000	54
Chester City	560,000	1,325,000,000	42
Philadelphia	21,000,000,000	49,400,000,000	43
South Dakota:			
Mellette County	27,000	49,000	55
Ziebach County	31,000	31,000	100
Tennessee:			
Cocke County	368,000	618,000	60
Grundy County	136,000	259,000	53
Jackson County	87,000	152,000	57
Overton County	132,000	335,000	51
West Virginia			
Barbour County	251,000	547,000	46
Fayette County	861,000	1,770,000,000	49

Mr. HEFLIN. Mr. President, I rise to express my strong support for the Targeted Revenue Assistance to Financially Distressed Local Government Act.

This bill authorizes $1 billion a year for a new targeted assistance program for financially distressed local governments throughout our country. This bill would compensate distressed local governments for their loss of general revenue sharing, a program which was a lifeline for many communities.

When the 99th Congress completed its business without approving legislation to continue this important program and when the administration failed to include money for revenue sharing in its fiscal year 1988 budget, this lifeline was cut, forcing local governments to cut essential public services, raise regressive local taxes or both.

Since I came to the U.S. Senate, I have consistently and vigorously supported the General Revenue Sharing Program because it has been one of the most needed and most successful Government programs ever to come out of Washington. It served as the Government's most effective vehicle for returning Federal tax dollars to our local communities to be used by local units of government to meet the needs of the people of cities, towns, and counties.

As a result of the discontinuation of the general revenue sharing program, many units of government—especially those in rural areas—have been hard pressed to make up for the loss of revenue sharing funds and are in dire need of Federal assistance. They are still being confronted with serious fiscal problems as a result of the various cut-backs in Federal aid causing their purchasing power to diminish at an extraordinary rate.

These units of local government are found in small towns all over our country. Many local governments are experiencing problems trying to respond to the severe increases in medical care and nutrition services to the indigent and elderly populations. While the effects of the loss of revenue sharing are particularly severe in rural and economically depressed areas such as the oil regions of the Southwest and Middle Western Farm States, these cuts are being dramatically felt from coast to coast. All of these local governments share the common problem of an eroding local tax base at a time when demands for basic human services are constantly increasing.

To local citizens, the Targeted Revenue Assistance to Financially Distressed Local Government Act would mean hospital beds, ambulance service, sewer plants, day care centers, police and fire protection, highways, housing and bridges.

Where will the local official in our cities and towns turn for these services if this bill is not passed? Since local taxing authority is typically limited to property taxes and services fees, local units of government need federal financial assistance to maintain these essential services. Therefore, it goes without saying that this program is critical to the financial stability of our counties as well as other units of governments back home.

The proposed targeted financial assistance bill would not serve all of the people who were served by revenue sharing but it would serve local governments with the most need for fiscal assistance. This demonstrated need for assistance is based on a State's population, unemployment level, and comparative taxable resources.

Mr. President, with increased responsibilities being placed on the shoulders of our local government officials, this bill is more important now than ever before. It would allow local officials to respond to the various demands of the most needy constitutents in our Nation.

I urge my colleagues to support this important bill.

Mr. ROCKEFELLER. Mr. President, today I am pleased to join my colleague, Senator SASSER, in introducing the Targeted Revenue Assistance to Fiscally Distressed Local Governments Act. I feel that this legislation will provide assistance to those local governments that have been so adversely impacted by the reduction in Federal funding and especially the loss of general revenue sharing funds.

The termination of general revenue sharing had a devastating impact on local governments in West Virginia. Revenue sharing enabled local governments to provide services and make capital improvements they could not otherwise afford. In the last year of the program, revenue sharing represented 21 percent of the total county revenues and 13 percent of the municipal revenues in West Virginia. We must find some way to fill this tremendous void that has occurred throughout the Nation. Many localities, especially rural jurisdictions, simply do not have the fiscal resources to make up for the loss of federal aid.

We cannot have legislation that provides something for everyone. Opponents, in their criticism of revenue sharing, invariably point to the wealthy communities that received assistance as justification for the termination of the program. I agree, we cannot afford to share the scarce resources of the Federal Government with those wealthy communities, but we cannot remain idle while the basic needs of our citizens are neglected. In my State of West Virginia some communities have had to discontinue emergency medical sevices, close libraries, lay-off law enforcement personnel and the list goes on.

Revenue sharing is not the only source of Federal funding that has been lost by our local governments. Since 1981, as part of the effort to reduce the budget deficit, Federal aid to State and local governments has decreased by 25 percent. All of those familiar programs sponsored by HUD, EDA, ARC, et cetera, which provided basic infrastructure and human service grants have been substantially reduced. State and local governments are also constantly forced to administer unfunded Federal mandates, greatly adding to their already heavy financial burden. Additionally, tax reform changes have affected the ability of state and local governments to raise other revenues to take the place of reduced Federal aid.

Many of the criticisms surrounding revenue sharing are addressed in this legislation. Funds will be directed to only those communities that demonstrate a genuine need. The formula for allocating the funds will ensure that communities that do not need help will not be eligble for funding. The interstate formula will rely heavily on unemployment so those States that truly need assistance because of high unemployment will receive the largest allocations for distribution to local governments. The intrastate formula which is based on population, income level, and tax effort automatically excludes any locality having an income level above 110 percent of the national average.

Since we are targeting this assistance to jurisdictions most in need, the total cost of the legislation is much lower than the cost for revenue sharing. In 1986, the last complete year of the program, revenue sharing was funded at $4.6 billion, whereas this program will cost the treasury $1 billion.

In view of the overwhelming need demonstrated by local governments, it is imperative that we come to their rescue with a program designed to reduce the fiscal disparties experienced by many of our local governments. I urge passage of this legislation.

Mr. BYRD. Mr. President, I am pleased to join as a cosponsor of the Targeted Revenue Assistance to Fiscally Distressed Local Governments Act. The bill authorizes $1 billion annually to provide targeted fiscal assistance to distressed local governments. It is less than one-quarter of the $4.6 billion authorized under the old General Revenue Sharing Program and recognizes the need to be fiscally prudent, while at the same time provide some badly needed assistance to economically distressed communities.

There are thousands of small communities throughout this country that are experiencing serious economic problems. Foreign imports have caused many of our basic industries, such as steel, glass, and textile, to close. The coal industry has also been severely impacted—and this has meant high long-term unemployment, and reduced revenues to local governments. At a time when state and local revenues are on the decline, Federal support for programs that have traditionally helped small communities provide services to its citizenry has also declined.

Small rural States like West Virginia are not alone in trying to cope with shrinking State, local, and Federal revenues. There are many small communities that cannot even afford to pay for police or fire protection or to maintain the equipment necessary for that protection.

This bill recognizes the needs of these economically distressed communities, and would provide assistance to those communities in helping them meet their obligations to provide essential services, such as police and fire protection. I urge my colleagues to support this bill.

Mr. BREAUX. Mr. President, I am proud to rise today as an original cosponsor of legislation being introduced by my good friend and colleague from the State of Tennessee, Mr. SASSER. As most of us are well aware, the termination of the General Revenue Sharing Program has been a great hardship to financially strapped local governments throughout the United States. The Targeted Revenue Assistance to Fiscally Distressed Local Governments Act of 1987 is designed to compensate needy, and I emphasize the word needy, local governments for the loss of general revenue sharing.

Under this legislation, a total of $1 billion would be divided among the 50 States on a tightly targeted formula basis, taking into account each State's population, unemployment levels and comparative taxable resources. Local governments would then receive a portion of their State's allocation on the basis of relative population, noneducational tax effort and per capita income.

Critics of the old General Revenue Sharing Program complained that it was an inefficient way of getting assistance to communities that had a demonstrated need for aid. A document developed for use by the Committee on Federalism and National Purpose notes the administration's claim that general revenue sharing did not serve national priorities and that, in order to fund the poorest 3,300 local governments, payments were provided to an additional 36,000 localities.

The same cannot be said, however, of the legislation that we are introducing today. A local government with per capita income in excess of 110 percent of the national average, which has a low unemployment level or which maintains only a minimal tax effort, will not be eligible to receive funds. Additionally, where general revenue sharing had no upper limit on payments to localities and a lower limit of only $200, our targeted revenue assistance measure mandates an upper limit of $12.70 per capita and a lower limit of $5,000. These guidelines will serve to further concentrate funds for use by truly needy localities.

Finally, opponents of the old General Revenue Sharing Program say that it cost too much. Mr. President, GRS cost the Federal Government $4.6 billion during the 1986 fiscal year. The carefully targeted revenue assistance measure that we are introducing today, however, will cost a more modest $1 billion during the first year of its operation—that's less than one-quarter of what went into GRS in 1986. Our figure also compares very favorably to the $2.3 billion authorized under similar legislation that has been proposed in the House of Representatives.

Mr. President, allow me to illustrate the allocation mechanism contained in this legislation with an example that is close to my heart. The decline in world oil prices that we have seen over the last few years has benefited many in this country. It has, however, been a serious flow to local treasuries in States, such as my own, that rely heavily on the oil and gas industry for jobs and revenue. Due to its present unhappy economic situation, Louisiana would receive relatively high per capita benefits under this legislation. Were the State's economy to improve dramatically, however, Louisiana's benefits would decrease in response to the growth in local employment and revenue resources that would result. At that time, the allocation formula would redirect funds towards local governments that demonstrate a greater need for assistance.

I hope that my colleagues will join in this effort to "level the playing field" for fiscally distressed local governments throughout the regions of this country, and will join with me in supporting and cosponsoring this legislation.

Mr. HEINZ. Mr. President, the chairman of the Federalism Subcommittee, Senator SASSER, has spoken eloquently of the urgent need for our legislation. I am delighted to join with him in introducing the Targeted Fiscal Assistance Act. For many reasons, local governments face severe hardships in meeting Federal mandates, and operating essential public services. Especially in need are those communities with a small or weak tax base. It was to such communities that the now defunct General Revenue Sharing Program was a particularly great help.

In my home State of Pennsylvania, many local communities are circling their fiscal wagons for a sort of Custer's last stand—they have been decimated by the decline of heavy manufacturing industries on which they have traditionally relied for a tax base. Their best and brightest have often left home to seek job opportunities elsewhere; a disproportionate number of the poor and elderly, who are most dependent on local services, remain; and the Federal Government has drastically reduced its direct and indirect financial assistance to local governments.

Last year's termination of revenue sharing was, for many communities, akin to the final blow. There are few means of making up the lost revenue. Local governments in countless States are prohibited by State law from raising taxes beyond a certain point, and local taxpayers in depressed communities cannot afford any further taxes. As Dan Britza, the mayor of Aliquippa, PA, testified before our subcommittee, his town is already dotted with "for sale" signs. Further tax increases would only drive away more of Aliquippa's residents, further reducing the borough's tax base.

The only real alternative for many communities is to cut essential local services. Last year, the city of Clairton, PA, received some attention because it found itself so strapped in the wake of a United States Steel plant closure that it was forced to lay off virtually all of its firemen, all of its policemen, and all of its other municipal employees. Mr. President, that was before the Revenue Sharing Program was terminated. Clairton is only the tip of a very large, very cold, and very dangerous iceberg.

If communities follow the path of cutting services, what might happen? Carnegie Mellon University has completed a new study on this question. It is titled "The Fiscal Position of Municipalities in the Steel Valley Council of Governments." The analysis shows, for instance, that Homestead, PA, will face a deficit of nearly $300,000 next year even after slashing the police force, eliminating paid firefighters, eliminating virtually all other services, and hiking taxes.

Mr. President, for hundreds and thousands of communities across the Nation, the termination of revenue sharing threatens to be the strangulation of many communities. Nevertheless, we recognize that the Federal Government has little revenue to share. Our measure, which costs less than one-fourth of the General Revenue Sharing Program, is a fiscally responsible program, targeting assistance at only the poorest of America's communities. This effort is not an attempt to resuscitate the General Revenue Sharing Program. Only communities with unusually high unemployment rates and/or high tax efforts will be eligible for assistance. Those communities with average residents' incomes above 110 percent of the State's per capita average will not be eligible under any circumstances. Furthermore, we are ready to pay for a targeted revenue sharing program. I would, for example, be willing to support a 5- or 6-cent a pack increase in the cigarette tax. This would raise more than sufficient funds to finance the cost of this program.

Mr. President, we have developed a program that will assist those communities in economically depressed regions that simply have no alternative to Federal and State aid if they are to provide basic services. We have an obligation to see that these essential needs—public health, fire and rescue, and police services—are addressed. I believe our legislation will achieve this goal.

Mr. President, I ask unanimous consent that the conclusion of the Carnegie Mellon study appear at the end of my remarks.

There being no objection, the conclusion was ordered to be printed in the RECORD, as follows:

CONCLUSION

7.1 THE FUTURE OF THE LOCAL GOVERNMENTS IN THE STEEL VALLEY COG

The next few years will be a very critical period for most of the governments in the Steel Valley COG. Major policy decisions will have to be made if the local governments are to remain financially viable. If no policy changes are made, then the forecasts indicate that each of the local governments will face an operating deficit in 1989. In conjunction with the operating deficits, governments that have existing liabilities must meet their debt obligations and identify means to decrease their unfunded accrued pension liabilities. In several cases, Clariton and Duquesne, to fund just the unfunded pension liabilities will require dedicated property taxes of at least 25 mills.

This report has outlined three major approaches that the local governments can use to avoid the forecasted deficits. The first approach involves actions that individual local governments can take on their own, while the second approach requires cooperation from other municipalities. The third approach is consolidation of governments. Two major types of consolidation were considered, a total consolidation of the nine communities studied and various subsets of this group.

Each of the governments would be able to decrease, and in most cases, avoid, the forecasted deficits by making policy decision that would increase revenues and/or decrease expenditures. The policy changes are generally quite drastic. For example, in each municipality facing operating deficits, it would have to eliminate its paid fire department and depend on volunteer fire services in order to provide minimal police and general government services.

For Clairton and Duquesne, the revenue options would require changing to a different form of government (either home rule or borough). Under either form of government, they would then be legally able to raise their property tax rates to finance their minimum service needs, and fund their long-term liabilities (e.g. indebtedness and pension liabilities.) Several of the other governments would need to consider increasing property taxes and/or initiating a garbage fee to increase revenues. Major reductions in services and employment levels would also be necessary in certain communities.

Failure to cut spending and increase taxes by 1989 will result in an inability to meet payrolls, meet debt and pension requirements, and meet the other costs that are necessary in order to keep the government in operation. In some cases, the situation is forecasted to be so critical that the very existence of the local government will be threatened. Clearly, residents want and deserve a reasonable level of public services;

however, these needs have to be tempered by the financial constraints of the government. Although the necessary policy changes are difficult and painful, action must be taken soon before the situation further deteriorates.

The temptation exists to count on future economic development to increase the resources in the Steel Valley or to wait for the State to take action to help the Steel Valley governments. Economic development is a long and slow process, and the positive effects will not be felt on the tax base for a considerable period of time. On the other hand, should the municipalities which were studied fail to act, the prospect of a collapse of municipal services can readily have a negative effect on potential economic development. Thus, it is critical for the local governments to take action that will insure the continued provision of governmental services.

7.2 IS THERE A ROLE FOR THE STATE?

Throughout the analysis of the fiscal condition of the municipalities in the Steel Valley COG, the assumption has been made that Federal aid will not be forthcoming, and State aid will be constant for the next several years. To date, the State has not committed funds for the purpose of helping local governments in the Steel Valley, and is not expected to take this action in the near future.

However, the State may be willing to give incentives to local governments that take action to address their own problems. For example the proposed municipal fiscal distress legislation includes provisions for giving priority for state economic development funding to distressed communities that have consolidated governments (see Appendix III); however, no formula is provided in the pending legislation to indicate how much funding will be available to encourage such consolidation.

The analysis in this study indicates means for avoiding operating deficits, but in some cases the governments would still have difficulty meeting obligations, such as pension liabilities, that were incurred in prior years. Of the types of assistance that the State can provide, perhaps providing direct fiscal assistance to relieve in part the future burden of funding the unfunded pension liabilities which these jurisdictions face could be the most useful. Such assistance may make more financial sense than simply providing operating funds. However, it is unlikely and unreasonable for the State to take on such burdens which reflect previous fiscal decisions, which were not well thought out, without strong assurances that future pension policy will be responsible. Act 205 has strong elements of such a relationship generally between the State and municipalities with severe pension problems. The authors see merit in further assistance to distressed municipalities which focus on the pension problem.

7.3 FUTURE ACTION

It is beyond the scope of this study to attempt to calculate the political viability of the three types of options that have been analyzed. Certainly, the reduction in services, and increase in tax rates will not be popular. It is clear that consolidation into groupings of the municipalities, or complete consolidation can have the most dramatic effect on the overall cost structure of government services in the area; however, such consolidations are also the most controversial politically, and complicated legally. Nonetheless, this study demonstrates that such consolidation strategies no longer deserve to be viewed as impractical and theoretical. The forecasts for the balance of this decade of operating deficits in each of the municipalities indicates that fiscal survival will become increasingly difficult in the years ahead, and consideration of consolidation strategies must be viewed as a realistic alternative to bankruptcy.

When the options of partial and complete consolidation are stated in terms of changes in taxes for the representative homeowner, the largest change in taxes was over $100 a year, while the smallest change was $3 a year. In several instances the quality of services would improve as full-time police would replace part-time police services. Generally, consolidation of the nine municipalities into one municipality would even out tax burdens among them. Whether or not such changes in taxes, accompanied by assured viability of the new structure, will be acceptable remains the outstanding issue for residents of the Steel Valley COG communities in the years to come.

● Mr. SIMON. Mr. President, I am pleased to join my colleagues, Senators Sasser and Heinz in cosponsoring this bill providing targeted assistance to the cities and towns which are particularly distressed.

While general revenue sharing provided support to every unit of local government, we must now provide to those communities which are particularly hard pressed—those with high levels of unemployment, and little commercial or industrial tax base—some basic level of assistance so that essential services can be provided.

The $1 billion provided will be targeted to those communities most clearly in need. The standards for determining this need assure that the funds will be effectively utilized.

There are local governments which, though relatively large, are without the resources necessary to provide essential services. The loss of general revenue sharing in these communities has seriously affected their quality of life. Whether it be East St. Louis, IL or Chester, PA, both, like so many others, are affected by the loss of industries that once made them strong and viable. They now must strain to provide basic services to populations of nearly 50,000 in the absence of the industrial and commercial tax base upon which their local economy was founded.

Clearly, we must act to provide some minimal assistance to our most severely distressed communities.●

By Mr. RIEGLE:

S.J. Res. 211. Joint resolution designating November 6, 1987, as "National Chemistry Day"; to the Committee on the Judiciary.

NATIONAL CHEMISTRY DAY

● Mr. RIEGLE. Mr. President, today I am introducing a joint resolution to designate November 6, 1987, as "National Chemistry Day." While this resolution cannot become law prior to November 6, it will serve to focus attention upon the importance of science and technology.

Science and technology has been a major factor in the development of this Nation. It has become increasingly more apparent that the only way that the United States can remain competitive in the world economy is through vigorous science and technology programs at all levels of the educational system.

It is interesting to note that according to the National Science Board, Americans have a high level of interest in science and technology, and yet most Americans do not feel adequately informed about policy issues involving science and technology.

Science achievement scores of students aged 9, 13, and 17 have declined since 1970, and a recent survey indicates that almost 80 percent of the adult population does not posssess even a basic understanding about the nature of chemistry.

An understanding of chemistry will provide anyone with the means to comprehend all of the physical and life sciences. Indeed, chemistry provides us with the insight into the nature of most of the objects and processes around us.

Mr. President, it is fitting that we do recognize in this way the value of chemistry, and call attention to the need for all of us to increase and enhance our understanding of chemistry as a field of knowledge. It is particularly appropriate that we do this in 1987, which marks the 50th anniversary of the Federal charter of the American Chemical Society, which has more than 137,000 chemists and chemical engineers in its membership. Advances in chemistry have contributed to the reduction of disease, the development of many new materials and devices, and generally contributed to increasing living conditions throughout the world.

I commend this joint resolution to my colleagues, and welcome their support, and I ask unanimous consent that the joint resolution be printed in the Record.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

S.J. Res. 211

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

Whereas chemistry and its related sciences are critical to the long-term economic development and international competitiveness of the Nation, as the American chemical enterprise and related industries provide employment for well over a million of our citizens in all sectors of society, annually export manufactured goods amounting to $175 billion, and achieve at $12 billion the second highest positive international balance of trade for all industrial commodity groups;

Whereas the chemical sciences are critical components in our Nation's efforts to feed, clothe, and house the world's population, to tap new sources of energy, to provide renewable substitutes for dwindling materials, to improve health and conquer disease, to strengthen our national security, and to monitor and protect our environment;

Whereas it is essential that the public be given opportunities to learn of the significant contributions that have been made by the chemical sciences to the Nation's material prosperity and quality of life, to become aware of the benefits as well as the risk associated with science and technology, and to use that knowledge to incorporate sound science into its decisionmaking processes;

Whereas in order to take advantage of the opportunities provided by chemistry to meet the challenges of the future, it is vital to build and maintain a highly skilled and motivated workforce educated in the chemical sciences;

Whereas it is in the national interest to stimulate and encourage the youth of the Nation to understand the significance to the scientific enterprise, to appreciate its inherent intellectual fascination, and to be aware of the career options available in chemistry and its related disciplines; and

Whereas the American Chemical Society, a scientific and educational organization founded in 1876, federally chartered in the public interest in 1937 to guide and nurture development of the chemical sciences, and now having a membership of more than 137,000 chemists and chemical engineers, is this year celebrating the Golden Anniversary of its Congressional charter: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That November 6, 1987, is designated as "National Chemistry Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to join with the American Chemical Society and observe the day with appropriate exhibits, ceremonies, and activities, including programs designed to heighten the awareness of all citizens, particularly the youth of the Nation, of the importance of the chemical sciences and their related disciplines.●

ADDITIONAL COSPONSORS

S. 27

At the request of Mr. MOYNIHAN, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of S. 27, a bill to establish the American Conservation Corps, and for other purposes.

S. 58

At the request of Mr. DANFORTH, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of S. 58, a bill to amend the Internal Revenue Code of 1986 to make the credit for increasing research activities permanent and to increase the amount of such credit.

S. 82

At the request of Mr. LUGAR, the names of the Senator from Maryland [Ms. MIKULSKI], the Senator from Mississippi [Mr. COCHRAN], and the Senator from Michigan [Mr. LEVIN] were added as cosponsors of S. 82, a bill to authorize appropriations for certain highways in accordance with title 23, United States Code, and for other purposes.

S. 368

At the request of Mr. MATSUNAGA, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as a cosponsor of S. 368, a bill to amend the Federal Food, Drug, and Cosmetic Act to ban the reimportation of drugs in the United States, to place restrictions on drug samples, to ban certain resales of drugs purchased by hospitals and other health care facilities, and for other purposes.

S. 840

At the request of Mr. THURMOND, the names of the Senator from Kentucky [Mr. MCCONNELL], the Senator from Illinois [Mr. DIXON], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Georgia [Mr. FOWLER], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Ohio [Mr. METZENBAUM], and the Senator from Iowa [Mr. HARKIN] were added as cosponsors of S. 840, a bill to recognize the organization known as the 82d Airborne Division Association, Incorporated.

S. 905

At the request of Mr. GRASSLEY, the name of the Senator from Minnesota [Mr. BOSCHWITZ] was added as a cosponsor of S. 905, a bill to establish a Presidential Advisory Panel for Coordination of Government Debt Collection and Delinquency Prevention Activities.

S. 998

At the request of Mr. DECONCINI, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 998, a bill entitled the "Micro Enterprise Loans for the Poor Act."

S. 1188

At the request of Mr. SYMMS, the names of the Senator from Iowa [Mr. HARKIN] and the Senator from Georgia [Mr. NUNN] were added as cosponsors of S. 1188, a bill to amend the Internal Revenue Code of 1986 to allow certain associations of football coaches to have a qualified pension plan which includes cash or deferred arrangement.

S. 1320

At the request of Mr. BUMPERS, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of S. 1320, a bill to provide adequate funding levels for solar energy research and development, to encourage Federal procurement of solar energy systems, to encourage Federal loans for solar energy equipment, to enhance the international competitiveness of the solar industry, and for other purposes.

S. 1612

At the request of Mr. HATCH, the name of the Senator from Utah [Mr. GARN] was added as a cosponsor of S. 1612, a bill to provide for the disposition of unclaimed property in the custody of the United States.

S. 1622

At the request of Mr. DASCHLE, the names of the Senator from Alabama [Mr. SHELBY], the Senator from Alabama [Mr. HEFLIN], and the Senator from Montana [Mr. MELCHER] were added as cosponsors of S. 1622, a bill to amend the Internal Revenue Code of 1986 to treat rural electric or telephone cooperatives in the same manner as other cooperatives for purposes of the book income preference under the minimum tax.

S. 1623

At the request of Mr. DASCHLE, the names of the Senator from Alabama [Mr. SHELBY], the Senator from Alabama [Mr. HEFLIN], and the Senator from Montana [Mr. MELCHER] were added as cosponsors of S. 1623, a bill to amend the Internal Revenue Code of 1986 to permit rural telephone cooperatives to have qualified cash or deferred arrangements, and for other purposes.

S. 1713

At the request of Mr. DASCHLE, the name of the Senator from Texas [Mr. BENTSEN] was added as a cosponsor of S. 1713, a bill to amend the Agricultural Act of 1949 to require the Secretary of Agriculture to make advance deficiency payment for the 1988 through 1990 crop years for certain crops.

S. 1742

At the request of Mr. DOMENICI, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1742, a bill to provide for the minting and circulation of one dollar coins, and for other purposes.

S. 1763

At the request of Mr. CRANSTON, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 1763, a bill to direct the Secretary of Health and Human Services to promulgate fire safety standards for cigarettes, and for other purposes.

S. 1770

At the request of Mr. SIMPSON, the names of the Senator from Washington [Mr. EVANS] and the Senator from Idaho [Mr. SYMMS] were added as cosponsors of S. 1770, a bill to reorganize the functions of the Nuclear Regulatory Commission by abolishing the Commission and, in its place, establishing the Nuclear Regulation Agency, in order to promote more effective and efficient nuclear licensing and regulation.

S. 1788

At the request of Mr. TRIBLE, the name of the Senator from Minnesota [Mr. BOSCHWITZ] was added as a cosponsor of S. 1788, a bill to protect the aquatic environment from certain chemicals used in antifoulant paints, and for other purposes.

SENATE JOINT RESOLUTION 59

At the request of Mr. Thurmond, the names of the Senator from Nebraska [Mr. Exon], and the Senator from Louisiana [Mr. Johnston] were added as a cosponsors of Senate Joint Resolution 59, a joint resolution to designate the month of May 1987, as "National Foster Care Month."

SENATE JOINT RESOLUTION 105

At the request of Mr. Lautenberg, the name of the Senator from Wyoming [Mr. Simpson] was added as a cosponsor of Senate Joint Resolution 105, a joint resolution to designate December 7, 1987, as "National Pearl Harbor Remembrance Day" on the occasion of the anniversary of the attack on Pearl Harbor.

SENATE JOINT RESOLUTION 177

At the request of Mr. Thurmond, the name of the Senator from Alabama [Mr. Heflin] was added as a cosponsor of Senate Joint Resolution 177, a joint resolution to authorize and request the President to designate the month of December 1987, as "Made in the U.S.A. Month."

SENATE JOINT RESOLUTION 181

At the request of Mr. Wilson, the names of the Senator from Kansas [Mrs. Kassebaum], the Senator from Alabama [Mr. Heflin], and the Senator from Mississippi [Mr. Cochran] were added as cosponsors of Senate Joint Resolution 181, a joint resolution designating the week beginning February 1, 1988, as "National VITA Week."

SENATE JOINT RESOLUTION 185

At the request of Mr. DeConcini, the name of the Senator from Alabama [Mr. Heflin] was added as a cosponsor of Senate Joint Resolution 185, a joint resolution to designate the period commencing on May 2, 1988, and ending on May 8, 1988, as "National Drinking Water Week."

SENATE CONCURRENT RESOLUTION 43

At the request of Mr. Stevens, the names of the Senator from New Hampshire [Mr. Rudman], the Senator from New Mexico [Mr. Domenici], the Senator from Montana [Mr. Baucus], the Senator from Massachusetts [Mr. Kerry], the Senator from New Jersey [Mr. Lautenberg], and the Senator from Colorado [Mr. Wirth] were added as cosponsors of Senate Concurrent Resolution 43, a concurrent resolution to encourage State and local governments and local educational agencies to provide quality daily physical education programs for all children from kindergarten through grade 12.

SENATE RESOLUTION 270

At the request of Mr. Lautenberg, the name of the Senator from North Dakota [Mr. Conrad] was added as a cosponsor of Senate Resolution 270, a resolution paying special tribute to Portuguese diplomat Dr. de Sousa Mendes for his extraordinary acts of mercy and justice during World War II.

SENATE RESOLUTION 303

At the request of Mr. Kennedy, the name of the Senator from Missouri [Mr. Danforth] was added as a cosponsor of Senate Resolution 303, a resolution to commend the efforts and commitment of the organizers and participants of "Justice for All Day," November 17, 1987.

SENATE CONCURRENT RESOLUTION 85—CORRECTING THE ENROLLMENT OF S. 1158

Mr. BYRD (for Mr. Kennedy) submitted the following concurrent resolution; which was considered and agreed to:

S. Con Res. 85

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill, S. 1158, entitled "An Act to extend the authorization of appropriations for programs and activities under title III of the Public Health Service Act, to establish a National Health Service Corps Loan Repayment Program, to otherwise revise and extend the program for the National Health Service Corps, and for other purposes", the Secretary of the Senate is hereby authorized and directed, in the enrollment of the said bill, to make the following corrections, namely, insert "clinical psychology" after "podiatry" in Section 338C(b)(5)(A) as amended by Section 306 of the bill.

SENATE CONCURRENT RESOLUTION 86—TO EXPRESS THE SUPPORT OF THE CONGRESS FOR IMPLEMENTATION OF THE JULY 29, 1987, ACCORD WITH RESPECT TO SRI LANKA

Mr. BYRD (for Mr. Kerry) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. Con. Res. 86

Whereas the Congress and the American people support the sovereignty and territorial integrity of Sri Lanka and its democratic form of government;

Whereas the accord signed on July 29, 1987, by Sri Lankan President Junius Jaywardene and Indian Prime Minister Rajiv Gandhi represents the best hope of achieving a just and lasting solution to the ethnic conflict which has troubled Sri Lanka;

Whereas President Jayewardene and Prime Minister Gandhi demonstrated great courage and statesmanship in reaching this accord and seeking to win broad political and popular support for the terms of the accord;

Whereas recent attacks by Tamil militant groups have threatened the implementation of that accord: Now, therefore, be it

Resolved by the United States Senate (the House of Representatives concurring), That the Congress—

(1) commends President Jayewardene and Prime Minister Gandhi for their leadership in successfully negotiating the July 29, 1987, accord and in recognizing that a peaceful solution to the ethnic conflict in Sri Lanka is in the best interests of both Sri Lanka and India;

(2) calls on all parties to the accord to adhere fully to its terms;

(3) urges the militants to lay down their arms and to seek to settle their differences through peaceful means;

(4) calls on those responsible for the maintenance of law and order in Sri Lanka to fulfill their responsibilities diligently and ensure the protection of the human rights of all Sri Lankans; and

(5) calls on the President to work with other nations to establish an international fund or other multilateral effort to provide substantial additional resources for the rehabilitation and reconstruction of Sri Lanka, particularly in those areas most seriously affected by the conflict.

Mr. KERRY. Mr. President, nearly 3 months ago Prime Minister Rajiv Gandhi of India and President Junius Jayewardene of Sri Lanka signed a watershed agreement aimed at bringing peace to Sri Lanka after more than 4 years of bitter civil war. That agreement, after showing such initial promise, is now threatened by extremist forces bent on pursuing a path of violence rather than peaceful negotiation in Sri Lanka's ethnic conflict.

At such a critical juncture in Sri Lanka's history, it seems appropriate that the United States Congress express its support for those courageous Sri Lankans and Indians who are working for peace. It is for this reason that we are introducing this resolution. I am joined by Senators Kennedy and Matsunaga.

Sri Lanka has been plagued throughout its history by conflict between its Sinhalese majority and Tamil minority. Despite the difficulties inherent in its demographic split, however, Sri Lanka has shown a tremendous ability to sustain a legitimate system of democratic government. This promise has come under great strain since the escalation of Sri Lanka's ethnic conflict in 1983. Tamil separatists have waged a guerilla war in order to create a separate nation of Sri Lanka's northern and eastern provinces. This war has seen atrocities committed by both the separatists and government troops, and has claimed the lives of over 6,000 Sri Lankans, combatants and noncombatants alike.

In signing the peace agreement of July 29, both President Jayewardene and Prime Minister Gandhi demonstrated courage, statemanship, and an overriding concern for the welfare of the Sri Lankan people, who have endured great hardship and who have lived with the specter of violence and destruction hanging over their heads. Both heads of state agree that the best hope for a return to peace and for progress toward resolving Sri Lanka's ethnic problems lies in negotiation, not war, and both recognized the need for a peace-keeping force other than the Sri Lankan military to oversee the process. Mr. Jayewardene is to be commended for his willingness to offer greater autonomy to Tamil populations living in the northern and eastern provinces and for his flexibility and openness in negotiations with the Tamil separatists. By offering to send a peace-keeping force, Mr. Gandhi also demonstrated a commendable willingness to contribute to the restoration of peace in Sri Lanka. Both President Jayewardene and Prime Minister Gandhi have taken enormous political risks. Both men have shown that their first priority is an end to the fighting and bloodshed. Both men have demonstrated their commitment to peace.

It was also encouraging to see that many of the Tamil separatists group fighting the Government of Sri Lanka embraced the peace agreement, laying down their arms and expressing an openness to the compromise offered by the Government. Indeed, for more than a month after July 29, the peace agreement seemed a remarkable success. Separatists and Government troops alike largely refrained from the use of violence, and the presence of Indian troops ensured that the rights of the insurgents were respected.

In this light, it has been particularly distressing to see a renewed escalation of violence on the part of Tamil separatists, for the most part members of the Liberation Tiger of the Tamil Eelam, against the Indian peace-keeping force. That the original purpose of this peace-keeping force was to protect the safety of the insurgents who accepted the peace accord seems a particularly cruel and ironic twist.

These developments also underscore the degree to which the violence in Sri Lanka has become senseless and arbitrary: a war against the prospect of peace more than a war with a focused political purpose. With the sincere dedication to peace proven on the parts of the Sri Lankan Government, the Government of India, and many of the Tamil separatist groups, the prolongation of the civil war by members of the Liberation Tigers of the Tamil Eelam is wholly unacceptable. It represents a betrayal of the Sri Lankan people, for whom peace remains tantalizingly close at hand.

This resolution expresses the hope that the fighting on the Jaffna peninsula, and elsewhere in Sri Lanka, will quickly end, and that the peace which is so close will become a reality. The Senate also voices its hope that the process of reconciliation and reconstruction will be renewed as quickly as possible in Sri Lanka, so that the people of that country can return to their homes and live in peace. Finally, this resolution reaffirms that the Senate shares the desire of the Indian people for a prompt and successful completion of the peace-keeping mission, and the desire of Sri Lankas to restore tranquility, autonomy, and steady progress toward prosperity to their homeland.

SENATE RESOLUTION 311—ORIGINAL RESOLUTION REPORTED AUTHORIZING SUPPLEMENTAL EXPENDITURES BY THE COMMITTEE ON FINANCE

Mr. BENTSEN, from the Committee on Finance, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. Res. 311

Resolved, That section 11(b) of Senate Resolution 80, 100th Congress, agreed to January 28, 1987, is amended by striking out "$2,223,333" and inserting in lieu thereof "$2,458,333".

SENATE RESOLUTION 312—SENSE OF THE SENATE RELATING TO RATIFICATION OF THE MONTREAL PROTOCOL TO THE VIENNA CONVENTION FOR THE PROTECTION OF THE OZONE LAYER

Mr. BYRD (for Mr. Baucus), (for himself, Mr. Chafee, Mr. Mitchell, Mr. Stafford, Mr. Byrd, Mr. Durenberger, Mr. Pell, Mr. Evans, Mr. Burdick, Mr. Packwood, Mr. Moynihan, Mr. Leahy, Mr. Wirth, Mr. Lautenberg, Mr. Adams, Mr. Bingaman, Mr. Boren, Mr. Bradley, Mr. Bumpers, Mr. Conrad, Mr. Cranston, Mr. DeConcini, Mr. Dodd, Mr. Gore, Mr. Graham, Mr. Harkin, Mr. Kennedy, Mr. Kerry, Mr. Levin, Mr. Pryor, Mr. Reid, Mr. Riegle, Mr. Sanford, Mr. Simon, Mr. Lugar, and Mr. Daschle) submitted the following resolution; which was considered and agreed to:

S. Res. 312

Whereas, the United States, in cooperation with other nations, has and is continuing to sponsor major scientific expeditions to investigate the dramatic loss of ozone that occurs over Antarctica each Spring;

Whereas, the loss of ozone over Antarctica and significant portions of the southern hemisphere in the Spring of 1987 was greater than any previous year, measurements showing an almost total loss of ozone at certain altitudes over a portion of the region;

Whereas, the atmosphere's protective ozone layer is so depleted over Antarctica in the Spring-time that sponsors of the scientific expeditions are concerned about the safety of scientists in the region as well as the impact that the resulting increased ultra-violet radiation may have on the biota of the region, including the base of the world's aquatic food chain;

Whereas, the continued seasonal expansion of this ozone depletion phenomenon could have serious environmental consequences for the inhabitants of southern South America;

Whereas, there is growing concern over the potential for chemical reactions occurring in the atmosphere over Antarctica to occur in other areas throughout the world;

Whereas, measurements made from the ground in Switzerland, North Dakota and Maine appear to show significant ozone depletion in Spring or late winter;

Whereas, man-made chemicals are the primary source of the chlorine that is a major cause of the annual ozone loss over Antarctica;

Whereas, the continued build-up of chlorine in the atmosphere that is caused by the use of chlorofluorocarbons and other ozone depleting substances will have detrimental impacts on stratospheric ozone levels over Antarctica and the entire globe throughout the entire next century;

Whereas, the United States is responsible for approximately one third of the world's production and consumption of ozone depleting substances;

Whereas, United States industries have made a major commitment to the phase-out of certain chlorofluorocarbons and the development of safe substitutes;

Whereas, on September 16, 1987, the United States, together with some 25 nations, signed the Montreal Protocol to Control Ozone Depleting Substances, a protocol to the Vienna Convention for the Protection of the Ozone Layer;

Whereas, the Montreal protocol has not been transmitted to the Senate for advice and consent to ratify;

Therefore, be it resolved, it is the sense of the Senate, that,

Wholly apart from its implications for global ozone depletion, the ozone "hole" that forms over Antarctica poses a threat to public health and the environment in the southern hemisphere and the entire globe;

The United States should take a leadership role and set an example for the rest of the world to protect the environment by taking steps toward ratification of the Montreal Protocol To Control Ozone Depleting Substances as quickly as possible;

The President should immediately transmit the Montreal Protocol To Control Ozone Depleting Substances to the Senate for advice and consent to ratify said Protocol as early as possible in the 100th Congress;

The President should immediately call upon a sufficient number of countries to move toward ratification of the Montreal Protocol To Control Ozone Depleting Substances so that the Protocol will enter into force as soon as possible.

SENATE RESOLUTION 313—EXPRESSING THE SENSE OF THE SENATE WITH RESPECT TO THE 60TH BIRTHDAY OF HIS MAJESTY KING BHUMIBOL ADULYADEJ OF THAILAND

Mr. BYRD (for Mr. Kerry) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. Res. 313

Whereas the United States of America and the Kingdom of Thailand have enjoyed more than one hundred and fifty years of friendship, marked by mutual cooperation to improve the livelihood of both peoples, to advance development and effective utilization of resources, and to ensure basic freedoms;

Whereas the Thai and American peoples unite to overcome shared problems through programs such as those related to mutual security, narcotics control, and assistance to refugees from the conflicts in neighboring countries;

Whereas there is a common concern for the growth of understanding between our two peoples as typified by increasing educational exchanges between our two countries and the development of programs focusing on studies of each other's countries;

Whereas there is a deep respect for the devotion and concern evinced by His Majesty King Bhumibol for his people and his country;

Whereas there is a long-standing and an abiding interest in Thailand and Thai culture among the American people;

Whereas His Majesty King Bhumibol, born in Cambridge, Massachusetts in 1927 and the only American-born reigning monarch, will mark his Sixtieth birthday on December 5, 1987;

Whereas the completion of the fifth cycle of twelve years is a particularly auspicious event in the Buddhist calendar:

Now, therefore, be it resolved, by the Senate, that,

It is the sense of the Senate that the United States take special note of the sixtieth birthday of His Majesty King Bhumibol Aludayej of Thailand and offer its heartiest congratulations and best wishes to His Majesty and people of Thailand on this occasion.

AMENDMENTS SUBMITTED

INDEPENDENT COUNSEL AUTHORIZATION ACT

LEVIN AMENDMENT NO. 1118

Mr. LEVIN proposed an amendment to the bill (S. 1293) to amend the Ethics in Government Act of 1978 to provide a continuing authorization for independent counsel, and for other purposes; as follows:

Section 591(b)(4) of title 28, United States Code, as amended by section 2 of the bill, is amended by striking out "section 5316" and inserting in lieu thereof "section 5314".

METZENBAUM AMENDMENT NO. 1119

Mr. LEVIN (for Mr. METZENBAUM) proposed an amendment to the bill S. 1293, supra; as follows:

On page 43, at line 19, after "shall" insert "assure that the independent counsel has adequate authority to fully investigate the subject matter with request to which the Attorney General has requested appointment of an independent counsel. Such jurisdiction shall also".

On page 38, at line 19, after "General" insert "(i)"; after "investigation" insert ";" and delete "or".

On page 38, at line 20, insert "(ii)" before "apply" and after "counsel" insert ", or (iii) request that the division of the court amend an independent counsel's prosecutorial jurisdiction to include any related matter."

On page 59, at line 3, after "documents" insert the following "including, but not limited to, staff recommendations,".

HATCH AMENDMENT NO. 1120

Mr. HATCH proposed an amendment to the bill S. 1293, supra; as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

That section 598 of title 28, United States Code, is amended by striking out "five years after the date of enactment of the Ethics in Government Act Amendments of 1982" and inserting in lieu thereof "December 31, 1989".

ARMSTRONG (AND OTHERS) AMENDMENT NO. 1121

Mr. ARMSTRONG (for himself, Mr. DOLE, Mr. SIMPSON, Mr. BOND, Mr. NICKLES, Mr. THURMOND, and Mr. GRAMM) proposed an amendment to the bill S. 1293, supra; as follows:

On page 35, after line 21, insert the following and redesignate the succeeding paragraphs accordingly:

" '(6) any Member of Congress;".

CHILD ABUSE PREVENTION AND TREATMENT REAUTHORIZATION ACT

DODD (AND THURMOND) AMENDMENT NO. 1122

Mr. BYRD (for Mr. DODD, for himself and Mr. THURMOND) proposed an amendment to the bill (S. 1663) to reauthorize the Child Abuse Prevention and Treatment Act and other related Acts dealing with adoption opportunities and family violence; as follows:

On page 21, strike out lines 8 through 15 and insert in lieu thereof the following:

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Section 5 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5104) (hereafter in this title referred to as the "Act") is amended by striking out the first two sentences and inserting in lieu thereof the following: "There are authorized to be appropriated for the purposes of this Act $48,000,000 for fiscal year 1988, $550,000,000 for fiscal year 1989, $60,000,000 for fiscal year 1990, and $66,500,000 for fiscal year 1991.".

On page 22, line 2, strike out "in" and insert in lieu thereof "relating to".

On page 22, strike out beginning with "the general" on line 10 through "parent" on line 13, and insert in lieu thereof the following: "the general public who are individuals knowledgeable in child abuse prevention, treatment, or research, including the fields of social services, law (including the judiciary), and medicine, or who are representatives of adolescents, parent".

On page 22, line 24, strike out "and".

On page 23, line 15, after "collected" insert "under paragraph (11)".

On page 23, line 16, strike out "under clause (11)".

On page 23, line 17, after "of" insert "the".

On page 23, strike out beginning with line 19 through line 23.

On page 23, strike out lines 24 and 25, and insert in lieu thereof "Section 4(g) of the Act (42 U.S.C. 5103) is".

On page 24, line 11, after "secretary" insert a comma.

On page 25, strike out lines 19 through 21 and insert in lieu thereof the following:

(1) how individual legal representation of children in cases of child abuse or neglect has been provided in each State; and

On page 26, line 19, after "grants" insert "to".

On page 27, line 7, strike out "(A)" and insert in lieu thereof "(1)".

On page 27, line 11, strike out "(B)" and insert in lieu thereof "(2)".

On page 29, lines 2 and 3, strike out "including programs and projects for parent self help" and insert in lieu thereof "as the Secretary may approve, including programs and projects for parent self-help".

On page 29, line 6, after "neglect" insert a comma.

On page 29, lines 8 and 9, strike out ", as the Secretary may approve".

On page 29, line 10, after "sentence" insert "of".

On page 29, line 21, strike out "a child who dies" and insert in lieu thereof "children who die".

On page 31, line 20, strike out "an" and insert in lieu thereof "and".

On page 32, lines 22 and 23, strike out ", intergovernmental, and within the Federal Government," and insert in lieu thereof "limitations on and intergovernmental and Federal".

On page 32, lines 24 and 25, strike out "health" and strike out "infant mortality" and insert in lieu thereof "child and youth death rates".

On page 33, line 3, strike out "high infant mortality rates" and insert in lieu thereof "high child and youth death rates".

On page 33, line 13, strike out "within" and insert in lieu thereof "in".

On page 35, line 8, strike out "rate" and insert in lieu thereof "rates".

On page 36, line 16, strike out "place" and insert in lieu thereof "places".

On page 36, lines 18 and 19, strike out "affirmation" and insert in lieu thereof "affirmations".

On page 36, line 23, strike out "commission" and insert in lieu thereof "Commission".

On page 37, between lines 10 and 11, insert the following:

SEC. 116. CHILD ABUSE AND ALCOHOLIC FAMILIES

(a) STUDY.—The Director of the National Center on Child Abuse and Neglect shall conduct a study of the incidence of child abuse in alcoholic families and the relationship between child abuse and familial alcoholism.

(b) REPORT.—Not later than 2 years after the date of enactment of this act, the Director shall report to the appropriate committees of Congress with respect to the study conducted pursuant to subsection (a). The report shall include—

(1) the information and data gathered;

(2) an analysis of such information and data; and

(3) recommendations on how to prevent child abuse in alcoholic families.

On page 37, strike out lines 14 through 17 and insert in lieu thereof the following:

Section 203(b) of the Child Abuse Prevention Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5113(b)) (hereafter in this title referred to as the "Act") is amended—

(1) by redesignating paragraphs (5), (6), and (7) as paragraphs (6), (7), and (8), respectively; and

(2) by adding after paragraph (4) the following new paragraph:

On page 38, strike out lines 11 through 13 and insert in lieu thereof the following:

SEC. 202. POST-LEGAL ADOPTION SERVICES

Section 203(b) of the Act (42 U.S.C. 5113(b)) (as amended by section 201) is further amended—

(1) by redesignating paragraphs (6), (7), and (8) (as previously redesignated by section 201) as paragraphs (7), (8), and (9), respectively; and

(2) by adding after paragraph (5) the following new paragraph:

On page 39, line 7, insert a period after the quotation marks.

On page 41, line 21, strike out "the period at the end thereof" and insert in lieu thereof "all that follows 'to carry out the provisions of this title' ".

On page 41, line 22, strike out ", and $26,000,000" and insert in lieu thereof "$26,000,000".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. **BYRD.** Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on November 3, 1987, to hold a hearing on judicial nominations.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. **BYRD.** Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Tuesday, November 3, 1987, to conduct a hearing on "Nutrasweet."

The **PRESIDING OFFICER.** Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC FORCES AND NUCLEAR DETERRENCE

Mr. **BYRD.** Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces and Nuclear Deterrence of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, November 3, 1987, in open session to receive testimony on defense nuclear safety matters in review of S. 1085, a bill to create an independent oversight board to ensure that safety of U.S. Government nuclear facilities, and for other purposes.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

SUBCOMMITTEE ON CONVENTIONAL FORCES AND ALLIANCE DEFENSE

Mr. **BYRD.** Mr. President, I ask unanimous consent that the Subcommittee on Conventional Forces and Alliance Defense of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, November 3, 1987, in open session to receive testimony on conventional arms control in Europe.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

SUBCOMMITTTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. **BYRD.** Mr. President, I ask unanimous consent that the Subcommittee on Public Lands, National Parks and Forests of the Energy and Natural Resources Committee be authorized to meet during the session of the Senate on Tuesday, November 3, 1987, to receive testimony concerning S. 708, a bill to require annual appropriations of funds to support timber management and resource conservation on the Tongass National Forest.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

ADDITIONAL STATEMENTS

VETERANS DAY—1987

● Mr. **RIEGLE.** Mr. President, every year on Veterans day, our Nation pauses to honor those Americans who fought to defend our Nation in times of war. I am proud to join others in expressing deep gratitude for the sacrifices they made in order to protect our freedom.

For our veterans and their families, who today comprise nearly one-third of the U.S. population, Veteran's Day is an intensely personal day. In my own State of Michigan, where more than 1 million former service people reside, efforts are being made to personalize their Veterans Day commemorations. Throughout the State, communities will pay special tribute to those outstanding individuals among them who have served in the Armed Forces. To them and to their families, all Americans owe a debt of gratitude which can never fully be repaid.

At the very least, I believe we must ensure that our veterans receive the most we can afford in the areas of education, vocational training, medical care and pension benefits. To those servicemen and women who today are shouldering the burden of protecting our freedom, we must guarantee them fair pay and a decent life for themselves and their families.

Monuments built to honor our deceased veterans—The Tomb of the Unknown Soldier and the Vietnam Memorial—and the more than 144,000 white crosses marking the graves of deceased veterans in Arlington National Cemetery, remind us of the heavy toll our Nation has paid for its involvement in past wars.

Standing in front of the Vietnam War Memorial, where the names of those who died in that conflict are etched in stone, we remember how our Nation called these young people away from their homes and families, and sent them to a far-away land to fight a battle that did not have the support of the American people.

This year, as we mark Veterans Day, thousands of American servicemen and women are stationed in the Persian Gulf, charged with the responsibility of protecting United States interests in that volatile area of the world. As our painful experience in Vietnam taught us, we must never commit U.S. forces abroad without first developing a clear policy with carefully determined objectives and limits, which has the backing of the American people. We owe it to our military personnel in the Persian Gulf to provide that kind of support if we are to ask them to remain there. To provide anything less, would be a disservice to our servicemen and women on whom we continue to rely so heavily to protect U.S. interests around the globe.

When President Eisenhower proclaimed November 11 to be the day on which all of our Nation's veterans would be honored, he called for Americans everywhere to rededicate themselves to the cause of peace. On this Veterans' Day, let us resolve to strengthen and renew our efforts to reduce international tensions and to promote peace in the world. In so doing, I believe we pay the highest tribute to our Nation's veterans.●

HERBERT HOOVER

● Mr. **HATFIELD.** Mr. President, as we begin to grapple with the implications of what may be the most serious American economic crisis since the Great Depression, Herbert Hoover's name suddenly has reappeared from the forgotten pages of history. I am delighted to see it again, in headlines, in speeches, in essays—that great man deserves more attention than we have given him in the past. But without more—without a serious study of the man, his ideals, and his 90 year life—his name again will be relegated to those forgotten pages of history and condemned by the economic crisis we so easily and so ignorantly blame on him.

In a recent essay entitled "The Hands-On Manager," Presidential historian Hugh Sidey calls President Hoover "arguably the most intelligent, experienced, compassionate and diligent President of the century." For those in business, in the media, in academia and in this body who so quickly offer the name of Herbert Hoover as a sacrificial lamb, I suggest a careful review of the facts. I doubt seriously that those who warn the President not to be "another Hoover" know much at all about what the real Hoover did in 1929. Or in 1930, or 1931, or 1932.

Mr. President, the often overlooked truth of the matter is that Herbert Hoover had nothing to do with creating the Great Depression. Instead, as Mr. Sidey suggests, "the economic chaos of the world rolled right over him, and then history kicked him once he was down."

When the Republican Presidential candidates gathered in Houston last week, they were asked which former Presidents' portraits they would hang in the Oval Office. The question made me chuckle because I knew that not one of the candidates would mention one of the greatest Republicans of this century. Mr. President, although, I cannot imagine running for it, I would like to be in the Oval Office just long enough to hang a portrait of Herbert Hoover. Experience, intelligence, compassion, and diligence: Those qualities are well worth remembering.

I ask unanimous consent that Mr. Sidey's essay be printed in the RECORD.

The essay follows:

THE HANDS-ON MANAGER

(By Hugh Sidey)

The cries for presidential leadership that rose from Wall Street now echo across the country. Here is one formula for the man in the White House in such a crisis.

Summon to Washington the leaders of labor, industry, banking, agriculture, construction and transportation to get their recommendations and help. Meet the press within 48 hours, then promise a more "intimate" relationship with the media. Follow up with press conferences every few days.

Set up a twelve-hour White House workday. Immerse yourself in the data and details so completely that you can discuss any of the issues with brilliance and complete authority. Line up congressional leaders for support, later send a message to the entire body. Loosen credit for business and agriculture.

Build confidence in the Federal Reserve by praising its efforts to confine the crisis to Wall Street. Wire Governors and mayors to keep public projects alive so that there will be no abrupt layoffs. Repeat to all visitors that it is the President's policy, in seeking to balance the budget, to cut first into business profits before putting any more burden on wage earners. Call for less expensive Government but without heavy taxes.

Send personal envoys to Wall Street to upbraid the worst of the speculators. Then just to gig them a bit more, refer in conversations to capitalists who are "too damned greedy." Make it stated policy that the job of the Government is to keep up the quality of American life and that concern will first be focused on the underprivileged, education, housing, conservation.

Write letters to friendly editors asking them to help you "awaken the conscience" of America to deal with the trouble. When a leading columnist suggests that by using Government so dramatically in the crisis you are interfering with natural economic law, ignore them.

Don't be optimistic, but don't be pessimistic. Caution against fear. Let the country see you as serene. Go to a World Series game and play it fun but cool.

Don't suggest that the crisis may be over when the first good news appears. Don't predict the future in speeches and statements. And don't get overly concerned when reports come in of a drop in the sales of big luxury items like automobiles. Just keep the night-lights on in the Oval Office.

The only problem with this plan is that it is precisely what Herbert Hoover did back in 1929. The economic chaos in the world rolled right on over him, and then history kicked him once he was down.

Ronald Reagan, fumbling around for a hold on the current mess, has been shouted at not to be a Herbert Hoover. But one has to wonder if neo-Hooverism wouldn't be just what is needed now. Hoover, a hands-on President, was arguably the most intelligent, experienced, compassionate and diligent President of the century. He was all the things Reagan is not. But Hoover's problems were different, his Government far less powerful than today's, and his ability to warm and win people was almost nil. Reagan has a dramatically limited grasp of events, but he heads a powerful central Government and retains a remarkable hold on people's affection. And the message out of Black Monday is that he could be buried by history just like Hoover was.

George Nash, the Hoover biographer who has trudged a lonely path through the scorned archives of that President, makes a couple of tentative observations in these strange days. Some forces in this world, he notes, cannot be stopped by politicians. And would it not be the ultimate irony if out of our worry now comes more study of and more respect for Herbert Hoover?●

THE CLEVELAND CHAPTER OF ADRDA

● Mr. METZENBAUM. Mr. President, I wish to call the attention of my colleagues to the work of the Cleveland chapter of the Alzheimer's Disease and Related Disorders Association. The Cleveland ADRDA chapter is a very special group of people whose dedication is unswerving in advancing progress toward Alzheimer's disease solutions.

ADRDA is a self-help, mutual aid association whose mission is to ease the painful burden families must bear, and encourage and support the finding of a cure. The goals of the association are fourfold: To provide for family support, for education and information, for research and for advocacy. The Cleveland chapter works tirelessly in all these areas.

The chapter sponsors 17 family support groups, encouraged by a recently completed study that has shown ADRDA involved caregivers keep patients at home and out of institutions 3.3 years longer than noninvolved caregivers. Through involvement with each other, and mutual support, families and friends learn to cope with the emotional, psychological, and physical difficulties. Families learn about coping with medical, legal, and financial problems. They learn about community resources, new research, new programs.

The chapter works hard at fundraising, not only to provide for family support and educational activities, but also to help support research through the national association, and advocacy on both the National and State levels. The chapter has assisted with two hearings which I chaired in Cleveland for the Subcommittee on Aging. The chapter and the national association have been in the forefront of advocacy for legislation authorizing expanded biomedical research, and expanded initiatives in home and community-based services.

Mr. President, I wish to take this opportunity to commend the Cleveland chapter of the Alzheimer's Disease and Related Disorders Association for nearly a decade of service as they come together for their seventh annual meeting.●

ADVICE AND CONSENT POWER OF THE SENATE

● Mr. HATCH. Mr. President, much has been stated with regard to the Senate's advice and consent power in the selection of Justices for the Supreme Court. Some have stated that we are on equal footing with the President, while others tend to disagree.

An important insight in this area is offered by Mr. E. Edward Bruce, in the August 27, issue of the Legal Times. In that article he notes that the Senate should recognize "that the President has a range of discretion in nominating Federal judges and should refuse its consent to such nominations only when that discretion has been abused." This is sound counsel, and I would encourage my colleagues to read the full text of this article which provides a historical perspective to this nomination process. I ask that this article be included in the RECORD.

The article follows:

[From the Legal Times, Aug. 24, 1987]

"ADVICE AND CONSENT" IN SELECTING JUDGES HAS ITS LIMITATIONS

(By E. Edward Bruce)

Professor Paul Gewirtz recently argued that the Senate should actively probe the legal philosophy of U.S. Circuit Judge Robert Bork in fulfilling its "advice and consent" responsibilities when considering his nomination to the Supreme Court (*see* Legal Times, *Aug. 10, 1987, "Senators Should Use Activist Approach in Judging Nominees," page 18)*.

Gewirtz's reading of the records of the Constitutional Convention leads him to conclude that the "Senate should play a central role in appointing judges. Both Gewirtz's thesis and his version of the constitutional history seem to place him with Sen. Joseph Biden (D-Del.) and others who hold that the Senate can engage in a free-ranging inquiry into a judicial nominee's views.

Yet despite labeling his approach as "activist" and his identification of the Senate's "central role," Gewirtz ultimatly embraces a more moderate point of view, recognizing that the Senate should not rest its decision (as some senators have already declared they will) on Bork's views of specific issues. Gewirtz concedes that—

"The basic judgments a Senator must make are *general* ones—for example, whether Judge Bork's views about the role of the Supreme Court adequately reflect the constitutional balance between individual rights and majority rights."

Indeed, Gewirtz recognizes that the Senate should not exercise untrammeled discretion in rejecting a president's nominee. He states that—

"[T]he question for each senator cannot be whether he or she would have made the particular nomination in the first place, but whether the nominee is "acceptable."

—by which he means whether the nominee would systematically "misconstrue" the Constitution.

While the Senate may indeed consider a judicial nominee's general views of the Constitution and of the judiciary's role in interpreting that document, it should recognize that the president has a range of discretion in nominating federal judges and should refuse its consent to such nominations only when that discretion has been abused.

ARTICLE II, NOT ARTICLE I

It is significant that the power of judicial appointments is found in Article II of the Constitution, not in Article I, where the broad authorities of Congress are described. Moreover, in defining the president's appointment power, the Constitution draws no distinction between ambassadors, ministers, and other officials of the United States, on the one hand, and justices of the Supreme Court, on the other.

In all cases, the president nominates and "by and with the advice and consent of the "Senate" appoints. The president is customarily given wide leeway to appoint emissaries to other nations who will carry out the foreign policy of the United States, as well as officers of the executive branch who will carry out its domestic policy.

While justices of the Supreme Court are not agents carrying out the policy of the president, the fact that the Senate's role in their appointment is cast in exactly the same terms as for these other officers implies that the president should be granted at least some discretion in making appointments to the Court.

The same conclusion flows from the words used by the framers of the Constitution to define the Senate's authority over Supreme Court appointments—"advice and consent."

NOT THE POWER TO DECIDE

The power to give advice is not the power to make a decision. While consent goes beyond mere advice, it does not imply primary decision-making responsibility. Consent normally involves acquiescence in a course of action proposed by someone else. A father asked in years past to consent to his daughter's choice of a husband might do so without implying that he would have selected the man as his son-in-law.

The relative weakness of the term consent is highlighted by the definition of the Senate's role in the treaty clause of Article II. The president is given the power "by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur."

The term "concur" is more active than consent; it does imply agreement. Again, the father might consent to a daughter's choice of a husband, without concurring with that decision. Moreover, it seems significant that, in addressing treaties, the framers were not content merely to define the Senate's powers solely in terms of advice and consent, but instead felt it necessary to demand that a supermajority concur.

The history underlying the appointments clause also demonstrates that the Senate cannot properly impose its own views as to the ideological qualifications of a nominee and ignore the views of the president. Gewirtz oversimplifies the matter when he notes that the appointments clause resulted from a change made in the final days of the Constitutional Convention and draws from that fact the conclusion that this clause was merely a "last-minute concession to those who wanted some role for the president."

The fact is, throughout the convention there was disagreement between those who wanted the president to have exclusive authority to make judicial appointments and those who wanted to lodge that authority either in Congress as a whole or in the Senate.

Alexander Hamilton first suggested the makings of the compromise that later evolved into the appointments clause. As a strong advocate of executive authority, he proposed that judges be appointed by the president and that the Senate have the right of rejecting or approving them.

In striving to find a compromise along similar lines, James Madison later proposed that it would suffice to correct any "flagrant impartiality or error" by the president in making a judicial appointment if the Senate were permitted to disapprove nominees by the vote of a two-thirds majority. Clearly, at that point, Madison envisioned a primary role for the president.

The ultimate advice-and-consent language was proposed by Nathaniel Gorham, who thought the Senate "too little personally responsible to insure a good choice." He therefore proposed that judges be appointed by the president with the advice and consent of the Senate, a method that he stated had been used in Massachusetts for the prior 140 years. Certainly, the views of these key individuals suggest that the Senate should not be unconstrained in its consideration of presidential nominees.

The history of the advice-and-consent power in colonial Massachusetts similarly offers no support for an adversarial Senate role in the appointments process.

The governor of Massachusetts acted by and with the advice and consent of his council. Distinctions were not drawn among executive, legislative, and judicial authority; the governor and his council at times exercised all three forms of authority. At no point did the council act as a legislative check upon the governor's executive authority. To the contrary, they acted together, with the governor being a "first among equals." There was nothing remotely akin in colonial Massachusetts to an executive elected from one party having his judicial nominees rejected by a legislature whose majority consisted of members of another party.

Finally, Alexander Hamilton, writing in the Federalist Papers, saw the advice-and-consent authority as a relatively limited restraint upon the president's appointment power:

"It would be an excellent check upon a spirit of favoritism in the President, and would tend greatly to prevent the appointment of unfit characters from state prejudice, from family connection, from personal attachment, or from a view to popularity."

Gewirtz and others promoting an "activist" Senate role stress the numerous rejections of presidential nominees in the 19th century; in this century there have really only been two such episodes—Judge John Parker in 1930, rejected because of his views on civil rights and the like, and the interrelated Fortas-Haynsworth-Carswell affair.

LITTLE GUIDANCE FOR TODAY

Most of these 19th century episodes took place during weak presidencies (for example, four of President John Tyler's nominees were rejected, as were three of President Millard Fillmore's) and were, in any event, associated with that part of our constitutional history that offers little guidance for today.

As the Supreme Court said in June, when overturning a constitutional decision of this period, it "is the product of another time." [1]

Significantly, as the Supreme Court's role has fully developed in the 20th century, there has been a heightened sensitivity by the Senate not to politicize the judicial appointment process.

A free-ranging Senate's assessment of Supreme Court nominations would have precisely that politicizing effect. If the Senate is not constrained by any principles of deference to presidential choice, a well-disciplined majority could stymie a president by laying down qualifications that nominees would be obliged to meet as a condition for obtaining the advice and consent of the Senate.

Today, a litmus test for many seems to be Bork's views on the Supreme Court's decision in *Roe v. Wade*,[2] the first abortion case. It should not be forgotten, however, that less than 30 years ago, a determined group of southern senators delayed the appointment of Supreme Court nominees who they feared would broadly apply *Brown v. Board of Education*.[3]

The advice-and-consent process is also cause for concern. When the president selects a Supreme Court nominee, he does not create a public record. A prospective nominee cannot therefore make any promises or representations regarding the positions that he or she will take on issues coming before the Court; such promises, secretly made, are worthless. The same is not true of the Senate in the confirmation process.

For example, Sen. Robert Packwood (R-Ore.) tells us he will not support Bork unless all his doubts regarding Bork's views on *Roe v. Wade* are exorcised. But how can Bork achieve this end, other than by testifying on the public record that he will abide by *Roe v. Wade*?

The type of on-the-record inquisition that would be necessary to allow the probing of such an issue would undermine the independence of the judiciary. This, in and of itself, suggests the inappropriateness of a freewheeling exercise of Senate discretion to reject a nominee.

As seems clear from the above, many considerations counsel a deferential role for the Senate. This does not mean, however, that the Senate should shut its eyes to a nominee's views. Although not a precise analogy, the Senate's role is similar to that of the courts when asked to review the substance of a decision by a presidential officer or other executive officer. Justice Thurgood Marshall's landmark decision in *Citizens to Preserve Overton Park* v. *Volpe*[4] succinctly stated the governing principles:

"[T]he court must consider whether the decision was based on a consideration of the relevant factors and whether there has been a clear error of judgment. Although this inquiry into the facts is to be searching and careful, the ultimate standard of review is a narrow one. The Court is not empowered to substitute its judgment for that of the agency." [5]

Similar principles should guide the Senate. Clearly, in giving the Senate the last word through the advice-and-consent power, the framers of the Constitution must have envisioned that it would give some deference to the president; the last word, without such deference, would become the only word. Just as courts have the last word in judicial review, the Senate should give some deference to the president.

I will leave for others during and after the Senate confirmation hearings on Bork to consider how the standard of review proposed here should be applied to him. A few points, however, can be made now.

First, as Gewirtz himself recognizes, the Senate may not properly act on a claim "that any change in the pre-existing 'balance' on the Court would be improper." The contention that Bork would have been a suitable substitute for a conservative justice but not for a "swing vote" like Justice Lewis Powell Jr., illustrates both the simplistic and constitutionally dangerous nature of the "balance" argument.

PARALLELING POWELL

Those who criticize Bork for his restrictive view of constitutional rights will point to his decision for the D.C. Circuit in *Dronenburg* v. *Zech*,[6] where he refused to hold that the right of privacy extends to homosexuals in the armed forces. But in *Bowers* v. *Hardwick*,[7] Justice Powell reached the same conclusion, refusing to invalidate Georgia's anti-sodomy law as applied to homosexuals.

Moreover, if the balancing argument is accepted with respect to Bork's replacement of Powell, what would happen later in this administration or, for example, in the administration of a President George Bush or a President Robert Dole when Justices William Brennan Jr. and Marshall leave the Court? The balancing argument is just another way of putting forward the contention that the Senate should be able to dictate the identity of the nominee.

Second, in judging Bork, it is important to distinguish his musings as a scholar from his opinions as a judge. Professor Bork, unconstrained by *stare decisis,* forcefully pointed out shortcomings in the internal logic of and judicial precedents for some of the most important decisions of the Supreme Court. But that is exactly what scholars are meant to do.

Unlike judges, who must perform the more sensitive task of fitting abstract principles to the complex facts of a given case, scholars have the luxury of limiting themselves to principled arguments that they can pursue to their logical conclusion. Bork has never had the opportunity to decide whether *Roe v. Wade* or other decisions that he criticized while at Yale should stand under *stare decisis.* He was not required to do so as a scholar, and he was not permitted to do so as a judge on a lower federal court.

Finally, it is important to recognize the antecedents for Bork's philosophy of judicial restraint. The views he expressed in *Dronenburg*—that "the work of the political branches is to be invalidated only in accord with an inference whose starting point, whose underlying premise is fairly discoverable in the Constitution"[8]—are reminiscent of those found in Justice Oliver Wendell Holmes' classic dissent in *Lochner v. New York.*[9] Holmes disavowed an interpretation of the Constitution that would permit invalidation of legislation that did not "infringe fundamental principles as they have been understood by the traditions of our people and our law."[10]

And, of course, Holmes dissented in *Meyer v. Nebraska,* the font of "the right of privacy."[11] Bork's views in *Dronenburg* also resemble those of Justice Hugo Black in his dissenting opinion in *Griswold v. Connecticut,*[12] where he stated,

"I like my privacy as well as the next one, but I am nevertheless compelled to admit the government has a right to invade it unless prohibited by some specific constitutional provision."[13]

The issue before the Senate raised by the Bork nomination should be whether the president has nominated someone whose views of the Constitution and of the Court's role in the constitutional process are, as Gewirtz puts it, "acceptable" within the larger framework of accepted approaches to interpreting the Constitution.

If the president has chosen someone with superb professional qualifications—as in choosing Bork, he clearly has—and if the person falls within that broad framework, the Senate should advise and consent to the appointment.

FOOTNOTES

[1] Puerto Rico v. Branstad, 107 S. Ct. 2802, 2809, (1987).

[2] 410 U.S. 113 (1973).

[3] 346 U.S. 483 (1954).

[4] 401 U.S. 402 (1971).

[5] *Id.* at 416.

[6] 741 F.2d 1388 (D.C. Cir. 1984).

[7] 106 S. Ct. 2841 (1986).

[8] 741 F.2d at 1396 n.5 (1980) (quoting Dean John Hart Ely's *Democracy and District*).

[9] 198 U.S. 45 (1905).

[10] *Id.* at 76.

[11] 262 U.S. 390, 403 (1923).

[12] 381 U.S. 479 (1965) (Black, J., dissenting).

[13] *I)d* at 510.●

HOUSE RECONCILIATION BILL (H.R. 3545) PROVISIONS AFFECTING "LIKE-KIND" EXCHANGES OF REAL PROPERTY

● **Mr. MOYNIHAN.** Mr. President, I rise today to express my concern about a revenue-raising provision in the House reconciliation bill (H.R. 3545, the Omnibus Budget Reconciliation Act of 1987) that would change the long standing, firmly established tax treatment of "like-kind" exchanges of real property.

Under current law, an exchange of "like kind" property used in a trade or business or for investment is not treated as a taxable event. Thus a taxpayer who makes an even exchange of similar equipment, or of one parcel of real estate for another, does not pay tax on the exchange. Instead, tax is paid when the exchanged property is sold. The idea is that a taxpayer who makes such an exchange has not substantially changed his economic position, and so a tax needn't be paid. In addition, no cash has changed hands, and so there is no ready source of funds to pay tax at the time of the exchange. Instead, tax is deferred until the property is sold.

The House reconciliation bill would change this. Any like-kind exchange of real property would no longer be eligible for deferral to the extent that potential gain on the exchange exceeds $100,000—though all other qualified property would remain so. The Senate Finance Committee did not include the provision in the reconciliation bill we reported out.

Nontaxable like-kind exchanges of real property have been settled law since 1924. Significantly, during the fundamental reexamination of the Internal Revenue Code that the administration and Congress undertook during 1985 and 1986, no proposal to change this treatment was ever made. Not in Treasury I, Treasury II, Ways & Means or Finance Committee proposals or bills. At no time during the 2-year consideration of the Tax Reform Act of 1986 was this issue debated or raised.

For good reason.

The current law rules are sound.

A taxpayer making a like-kind exchange of real estate remains in substantially the same economic position before and after the exchange. The House bill indeed recognizes this principle when it leaves like-kind exchange treatment untouched for other types of qualified property. The exchange does not produce cash with which to pay any tax. Tax is not avoided, because it is paid when the exchanged property is later sold for cash.

I believe it fair to say that I was a principle author of the "passive loss" provisions (IRC section 469) in the Tax Reform Act of 1986. These rules have put an end to a massive and wholly unproductive tax shelter activity, much of which involved real estate transactions. They served no economic purpose. Their sole object was tax avoidance. And we have put an end to them.

The present House proposal is of a very different order. Wholly legitimate real estate transactions which have been going on for the greater part of this century are of a sudden to be penalized if not proscribed. This is not good tax policy, and it is certainly not good development policy.

I urge my colleagues to oppose this provision.●

TRIBUTE TO IBRAHIM HUSSEIN WINNER OF THE NEW YORK CITY MARATHON

● **Mr. BINGAMAN.** Mr. President, I would like to call the attention of my colleagues to the accomplishment of Ibrahim Hussein of Kenya who won the New York City Marathon on Sunday, November 1, 1987.

Mr. Hussein has worked long and hard to reach this victory. He is a former Western Athletic Conference steeplechase champion at the University of New Mexico. He has placed first in various running events including the Bay to Breakers Race in San Francisco in 1984 and 1985, and he was the first men's finisher in the 1986 Trevira Twosome 10-mile race in New York.

Mr. Hussein also has entered five marathons. He won the Honolulu Marathon in 1985 with a course record of 2:12:08 and subsequently beat that record in defending his title the following year with a time of 2:11:44. In 1985, he came in ninth in the New York City Marathon and fifth last year. This year he completed the race in 2:11:01, the fastest time in the race since 1983.

I am sure my colleagues join me in saluting this outstanding athlete and in wishing him the continued physical and mental strength necessary for future events.●

STRUGGLE FOR DEMOCRACY IN HAITI

● Mr. KENNEDY. Mr. President, within the last 24 hours, two dramatic events have occurred in Haiti which underscore the ongoing bitter battle between the forces of democracy and dictatorship in Haiti.

Last March, the people of Haiti voted overwhelmingly to adopt a new constitution which called for Presidential elections this November—and which included a ban on any members of the former Duvalier regime from becoming candidates for that office. The constitution also set up an independent Provisional Electoral Council [CEP] charged with overseeing and implementing the democratic elections.

Yesterday, the Provisional Electoral Council took a courageous step and fulfilled its constitutionally mandated role and disqualified 12 of the 35 registered candidates for the Presidency. The individuals ruled ineligible included the former Finance Minister, two former army chiefs of staff, and other government ministers under the former Duvalier regime.

Within hours of this ruling, a gang of armed men stormed the headquarters of the CEP and set it on fire. These thugs destroyed a heavy iron door to the building, destroyed the first floor of the building, and destroyed much of the council's election material—including electoral books, banners, leaflets, and posters.

Coinciding with this attack was a similar one which destroyed by fire a nearby business owned by a member of the CEP. Other attacks were reported throughout the night on the homes and cars of other national and local candidates.

We still do not have all the facts on these incidents and no one is yet certain who is responsible for them, but one thing is crystal clear: the interim government headed by Gen. Henri Namphy must condemn this violence and take swift action to bring it to an end and its perpetrators to justice. The antidemocratic leftovers of the Duvalier regime cannot be permitted to scuttle the democratic process in Haiti. They ruled for decades with a blatant disregard for the rule of law—their time has ended and so must their violent, ruthless ways.

The actions of the interim government over the last 6 months shows a dismal lack of resolve to preserve order and to promote democracy, freedom, and justice for the people of Haiti. It has failed to keep order, it has failed to support the electoral process, and it has failed to protect the democratic candidates. Three weeks have passed since the brutal on-camera murder of Presidential candidate Yves Volel—directly in front of the police headquarters—and the interim government has made no efffort whatsoever to investigate the killing. No one can take the government's claims to protect justice seriously while known murderers run free.

Last night's incident presents another test of the government's resolve to bring democracy to Haiti. The future of democracy in Haiti rests on the ability of the Provisional Electoral Council to function freely, safely, and effectively. We will be watching closely over the next hours for swift and sure action by the government against those who seek to thwart the will of the Haitian people and the tide of democracy sweeping the country.●

TRIBUTE TO JOHN GONZALES, PRESIDENT OF THE NATIONAL CONGRESS OF AMERICAN INDIANS

● Mr. BINGAMAN. Mr. President, I would like to note for my colleagues the election of Mr. John Gonzales as president of the National Congress of American Indians [NCAI], the largest and oldest Indian organization in the United States. Mr. Gonzales is a member of the Pueblo of San Ildefonso, north of Santa Fe, NM. In the organization's 40-year history, he is the first Pueblo Indian to serve as NCAI president.

Mr. Gonzales holds a bachelor's degree in political science from Stanford University and a master's degree in planning from the Massachusetts Institute of Technology, with specializations in urban and rural studies and regional economic development. He has served as a council member, special projects director, and Lieutenant Governor for the San Ildefonso Pueblo. In addition, he is in his second 4-year term as secretary-treasurer of the All Indian Pueblo Council, a consortium of New Mexico's 19 Pueblos.

NCAI Executive Director Susan Shown Harjo said that Mr. Gonzales' "* * * traditional foundation, energetic vision, tribal and regional work, and national experience as NCAI first vice president for the past 2 years made him an ideal candidate, and will serve the organization well in advocating for cultural, resource, and economic rights for all Indian and native nations and people." For the next 2 years, these qualifications will serve him well as he leads the NCAI in its efforts to improve the quality of life for Indians and to educate the American people about Indian culture and tribal rights.

I commend Mr. Gonzales on his achievements in the past, and I wish him luck in his new position. I am sure my colleagues join me in saluting this outstanding leader.●

INFORMED CONSENT: WEST VIRGINIA

● Mr. HUMPHREY. Mr. President, there is no question that a decision to have an abortion is most difficult, often frought with anxiety and pressure from relatives and peers. The difficulty is magnified by the crisis nature of an unexpected pregnancy, so that making a reasoned decision requires accurate, complete information and proper counseling.

Unfortunately, such information and counseling is not always provided—in fact, very often it is not. As hundreds of letters to my office testify, every day women are consenting to abortion while under great stress, and with little or no information about the effects and alternatives of the procedure. Time and time again, it seems that all clinic counseling provides is a minimum amount of information and a good deal of persuasion in favor of abortion.

Such a situation should not be allowed to continue. Mr. President, by supporting my informed consent legislation, S. 272 and S. 273, we can help make sure that women considering abortion get the information they deserve and need to make a truly informed decision about abortion.

I ask that a letter from West Virginia in support of informed consent be inserted into the RECORD.

The letter follows:

WEST VIRGINIA, *July 24, 1986.*

DEAR SENATOR HUMPHREY, writing this letter is very difficult to do. It's not easy to tell the world about the most terrible thing you've ever done in your life, although I'm finding out that my situation is not unique at all—on the contrary it is very common.

Eleven years ago, the summer before my senior year in high school, I became pregnant. Under stress from my pregnancy already, and with advice from my mother, I had an abortion. Three months later, I was pregnant again, only this time no one was taking my baby from me. I didn't tell anyone I was pregnant for fear of having to have an abortion. The day I felt her kick, I knew I was safe and told my mom. I was married during my senior year.

After the divorce, I became pregnant again. For fear of losing my job, I had another abortion. Feeling alone and trapped, I thought my only option was abortion. Had I only known then about the heartache, the guilt, and the nightmares * * * No one told me about the nightmares. Alcohol eases the pain by day, but at night—there's nothing you can do. I began to drink, and neglected my daughter emotionally. I felt totally inadequate—a total failure as a mother and a person to have done what I had done.

I cannot believe that women aren't being told that they may suffer this way. It has affected my entire life, as well as my parents', my husband's and my daughters' lives. Eventually, they find out that the baby is not a mass of cells or "pregnancy tissue" but a very tiny baby—their baby—with little arms and tiny legs. If they only knew these things beforehand—if they could decide for themselves knowing the truth it would be so much better. There are people out there that will help these women and girls throughout the entire pregnancy. If they knew that they had support, that they wouldn't be so alone during the pregnancy, it would make a difference. Too often, a parent or boyfriend suggests abortion without realizing the consequences.

I have never regretted having kept Brandi, but I'll always regret those abortions. It's not going to do this country any good to have millions of hurting women around. Not only that * * * we're killing our resources. The very least we can do is let them decide—knowing the truth. We can then truly decide for ourselves. Then we will truly be able to make choices.

For their lives,

Karen Cross.[1]●

ORDER OF BUSINESS

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ECONOMIC SUMMIT

Mr. SIMPSON. Mr. President, meetings of high level administration officials and Members of our Congress have been continuing this week, sometimes in a room just a few feet from this Chamber, and also near the House Chamber, to try to reach an agreement on deficit reduction that will avoid the embarrassing prospect of sequester on November 20 and keep us on a path of steadily diminishing Federal deficits. That was the original goal at least of the Gramm-Rudman-Hollings legislation.

These are rather unusual meetings for these parts because the participants have pledged to leave behind partisanship and political advantage in an effort to address the very real concerns of the American people and the various financial markets that we may have lost the opportunity for "meaningful" deficit reduction.

There has been a concerted effort to try to "bury the political hatchet," and not just in each other's back as sometimes happens around here. I think it is very critical that these most important discussions proceed in an atmosphere of trust and in a manner that does not create an unfillable public expectation and with some degree of confidence and confidentiality.

I think it is also most important that these discussions result in some very real deficit reductions and not just some of the gimmicks that have appeared in the process in the past—no shifting of budget outlays from one fiscal year to the next, only to shift them right back when we get to the next fiscal year, resulting in no actual reduction at all in expenditures but meeting the deficit reduction instructions at least on paper; no assumptions of phantom savings from vague and improbable legislation; no tortured calculations resulting in the scoring of deficit savings that never materialize.

Congress is really going to have to look honestly at the places where deficit reductions can be made. Revenues, those are on the table; defense spending, that is on the table; domestic spending, certainly that must be included as well. There are nothing but hard choices in those areas, but those choices must be faced.

But if we are going to do the "honest work" on deficit reduction, we must yet look at another area of the real hard choices, and that is the cost-of-living increases in the various entitlement programs. I know that even the mention of "entitlements" causes a collective tremor in this political arena. I also know that we are not talking about reducing any present benefits by one single cent.

I have said it before and I say it again, Mr. President—I have been saying it for 9 years—in our efforts to reduce the Federal deficits we have to look at the entitlement programs for the same reason—everyone has quoted this one—that Willie Sutton robbed banks—because that is where the money is. Three hundred billion dollars out of a trillion dollar Federal budget is shoveled out each year through "direct spending" from this Treasury which is what entitlements really are—veterans programs, Federal employees' retirement, military retirement, and, yes, even Social Security—perhaps especially Social Security—and yet we wring our hands because all of these programs are politically "untouchable." But to achieve any real deficit reduction, as we all say we are here to do, we do not even have to touch that $300 billion that is already going out to these very worthwhile programs. I am not going to take them on. But we can say with assurance that any benefit currently being received will continue to be received and in full plus more. All we have to do is summon up the political courage to address the cost-of-living allowances in these programs, including Social Security, trim back the increase a little bit or delay it a little while, or skip 1 year's increase and that alone could save us around $8 or $9 billion this coming year.

I do not want this attributed to the leadership of my party. This is Alan Simpson speaking. But that alone could save us around $8 or $9 billion this coming year and we would be doing that as part of a larger effort to reduce the deficit that will no doubt also touch all of these other areas that I have mentioned—revenues, defense, and domestic spending.

Mr. President, I want to conclude with an ultimate irony in this process, as it seems to me. The catalyst for this most recent activity directed toward deficit reduction was the dramatic drop of the stock market in the last couple of weeks and particularly on Monday, October 19. There were likely many causes for the behavior of the stock market. I used to be what was known as an "odd-lot trader," buying 5 shares of this or 10 shares of that with my awesome powers of 700 or 800 bucks, really disrupting the market. But the one that got me was the headline the day of the Bork vote in the committee. It said, "Market Goes Down Because of the 9-5 Vote in the Judiciary Committee." And I thought, boy, that is a dazzler; you could do it with ouija boards or divining rods or tea leaves and do better than that as to what makes the market go up and down. It goes up and down because of greed and fear, and it has forever. But I will not go into all that.

Just be certain that one factor that is driving us is that we are not going to get there at all unless we do something with the entitlement programs, if we are going to substantially stabilize the market. And the irony, as I say, is that many of those who are the beneficiaries of the Federal entitlement programs and especially many retired persons on Social Security have some other form of savings or retirement benefits or investments in one type of fund or another, and almost every single one of those retirement funds relies very heavily on the stock market for its income and its continued growth.

So those many individuals who are very concerned that the Social Security Program or some other Federal entitlement program remain untouchable and write us letters to be sure that we see that it remains untouchable, those groups that allegedly represent the senior citizens—that actually, I think, overrepresent them in many cases—are saying that those are untouchable and so we find that the very ones who might have the most to lose, the ultimate to lose by seeing their other retirement security devalued and destroyed by a further downturn in the stock market, those are the people who will be most hurt if we do nothing because we are not allowed to touch the untouchables. By making the Federal entitlement programs a political sacred cow which they always have been and will be, they will be hurting themselves the very most of all. That is the real irony—if we do not do something and simply pretend that we are doing something.

I thank the majority leader. I know he has a tight schedule and he is very kind to accommodate this Senator with this statement that I have had on my bosom.

Mr. BYRD. Mr. President, the distinguished Senator is welcome.

AMENDMENTS TO THE PACKERS AND STOCKYARDS ACT OF 1921

Mr. BYRD. Mr. President, I inquire of the distinguished assistant Republican leader if Calendar Order No. 417 has been cleared on his side of the aisle?

Mr. SIMPSON. Mr. President, that has been cleared on this side of the aisle.

Mr. BYRD. I thank my friend. I ask unanimous consent, Mr. President, the Senate proceed to the consideration of Calendar Order No. 417.

The **PRESIDING OFFICER.** Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3457) to amend the Packers and Stockyards Act of 1921, to provide financial protection to the poultry growers and sellers, and to clarify Federal jurisdiction under such Act.

The **PRESIDING OFFICER.** The bill is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the joint resolution.

The bill (H.R. 3457) was ordered to a third reading, was read the third time, and passed.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill passed.

Mr. SIMPSON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SENATE JOINT RESOLUTION 192 INDEFINITELY POSTPONED

Mr. BYRD. Mr. President, I ask unanimous consent that Calendar Order No. 351, Senate Joint Resolution 192, be indefinitely postponed.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

DEPLETION OF THE OZONE LAYER

Mr. BYRD. Mr. President, I sent to the desk a Senate resolution by Mr. Baucus, and others, and I ask unanimous consent that the Senate proceed to its immediate consideration.

The **PRESIDING OFFICER.** The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia (Mr. Byrd) (for Mr. Baucus) (for himself, Mr. Chafee, Mr. Mitchell, Mr. Stafford, Mr. Byrd, Mr. Durenberger, Mr. Pell, Mr. Evans, Mr. Burdick, Mr. Packwood, Mr. Moynihan, Mr. Leahy, Mr. Wirth, Mr. Lautenberg, Mr. Adams, Mr. Bingaman, Mr. Boren, Mr. Bradley, Mr. Bumpers, Mr. Conrad, Mr. Cranston, Mr. DeConcini, Mr. Dodd, Mr. Gore, Mr. Graham, Mr. Harkin, Mr. Kennedy, Mr. Kerry, Mr. Levin, Mr. Pryor, Mr. Reid, Mr. Riegle, Mr. Sanford, Mr. Simon, and Mr. Lugar) proposes a resolution (S. Res. 312), expressing the sense of the Senate with respect to ratification of the Montreal Protocol to the Vienna Convention for the Protection of the Ozone Layer.

There being no objection, the Senate proceeded to the immediate consideration of the resolution.

The **PRESIDING OFFICER.** The Senator from Montana.

Mr. BAUCUS. Mr. President, I thank the majority leader for allowing me to offer my resolution at this time. I send a resolution to the desk and ask for its immediate consideration. Very briefly, as we get caught up in the rush of our daily lives, both at home and here in the Senate, we sometimes forget to take the longer view of what we as human beings are doing to the world.

A very major problem facing us as members of this universe is the degree to which manmade chemicals are adversely affecting our environment.

The resolution I am offering today along with Senator Chafee and 37 additional cosponsors is a resolution calling upon the President of the United States to take every practical effort to submit to the United States Senate the treaty ratifying the Vienna Protocol whereunder the United States and other countries agree to limit the production of chlorofluorocarbons which cause the depletion of upper atmosphere ozone.

Very simply, it has been shown without any argument to the contrary that the production of chlorofluorocarbons used mainly in cleaning computer chips, refrigerants, and to some degree plastic foam products in this country are a primary cause of the depletion of upper atmosphere ozone. The recent scientific study in Antarctica conducted just a couple of months ago show that upper atmosphere ozone is depleting certain levels of the atmosphere over Antarctica up to 97 percent. This level of depletion translates over the world to a rate of about 3 to 5 percent.

Without a doubt the reduction of upper atmosphere ozone means more ultraviolet light coming to the Earth's surface which will cause more skin cancer, damage to retinas, cause immunological problems in human organisms, and a whole host of problems.

It is to our credit, Mr. President, that this country was able to persuade European countries, Japan, and other countries to agree to the Vienna Protocol to sign a treaty beginning to limit the production of chlorofluorocarbons. However, that treaty only goes into effect if 11 countries producing 67 percent of the chlorofluorocarbons in the world ratify the treaty.

The United States produces about a third of chlorofluorocarbons. The United States therefore is a major cause of the problem. The United States should be the leader to begin to find a solution to the problem.

Mr. President, the most immediate global environmental challenge facing the World to day is the threat of long-term damage posed by man-made chemicals to the Earth's atmosphere.

Manmade chemicals are destroying the Earth's protective ozone shield. This shield screens and filters ultraviolet radiation from reaching the earth's surface.

The continued built-up of chlorofluorocarbons in the Earth's atmosphere will cause ozone depletion effects to be experienced throughout the entire next century. These losses would occur even if the use of chlorofluoracarbons and other ozone depleting substances was terminated completely today.

The nations of the World has recognized the serious environmental challenge posed by these ozone-depleting chemicals when the Vienna Convention for the protection of the ozone layer was entered into in 1985.

This convention provided the impetouous for the development of the Montreal Protocol which was adopted during September of this year.

Forty-five nations including the United States agreed to freeze at 1986 levels of consumption chlorofluorocarbons 11, 12, 113, 114 and 115 two years after the protocol enters into force. Four years hence halons 1211, 1701 and 2402 will be frozen at 1986 levels.

Chlorofluorocarbons consumption will then be reduced 20 percent by 1994 and an additional 30 percent by 1999.

This agreement is now pending before all of the nations of the World. It will enter into force when 11 countries representing 67 percent of the global consumption have ratified the agreement.

While serious question remain as to whether or not the controls extend far enough or the controls occur within a timeframe responsive to the environment challenge, the agreement is a monumental step forward.

The Senate has both a right and a responsibility to provide advice and consent to the President in regards to this international agreement.

But the Senate can not act until such time as the President submits the protocol to the Senate for its consideration. It is unclear when the President intends to exercise his duty in this regard.

In the meantime, concern over the seriousness of the threat posed to the stratosphere is increasing.

What had orginally been considered a long-term problem caused by the slow buildup of greenhouse gases in the environment must now be viewed as much more eminent.

While diplomats from around the World were convening in Montreal to reach final agreement on this protocol, over 150 scientists representing both the Government and the Academic Community were engaged in a major scientific expedition to explore the ozone hole over the Antarctica. Under the sponsorship of the National Aeronautics and Space Administration, the National Oceanic and Atmospheric Administration, the National Science Foundation and the Chemical Manufacturers Association both over flights and ground based experimentors extensively studied the springtime ozone hole over Antarctica.

The results of this fall's expedition were presented at a recent hearing before the Hazardous Waste and Toxic Substances Subcommittee and the Environmental Protection Subcommittee.

The results of that hearing are alarming. As one witness stated at the hearing, "I think you should be worried," and "If the goal were to return the Antarctic atmosphere to its pristine state, the only hope would be to stop production of CFC's immediately. And then it would take several hundred years."

It is important to recognize that while the diplomats negotiating the protocol in Montreal were aware of the Antarctic ozone hole, they specifically avoided consideration of the Antarctic ozone hole in their deliberations due to outstanding questions that is posed.

Much of this uncertainty about the cause of Antarctic ozone hole has now been resolved.

It is clear that manmade chlorine containing substances play a major role in the development of the ozone hole. Everyone agreed to chlorine based manmade chemical as playing a major role in the formation of the hole. The chemical composition of the Antarctic stratosphere is very different from the atmospheres found at other latitudes. Levels of chlorine compounds responsible for destroying ozone were found at levels over 100 times considered normal.

It is not clear if the unique chemical condition found in the Antarctica can exist in other areas. But as Dr. Sherwood Rowland stated at the hearing, it would be "very risky, foolhardy," to assume the process at work in Antarctica could not spread into the temperate zone.

It is the potential risk, the unknown nature of the implications of the Antarctic ozone hole that are so troublesome.

We are in the process of undertaking a great experiment with planet Earth's protective ozone shield.

It is what we do not know that is so troubling. If we wait until we know everything, we will have committed the entire World to levels of ozone depletion that may be environmentally intolerable.

Current projections of ozone loss do not consider if an Antarctic like chemical condition could exist in other areas of the globe. We must not wait for the science. We need sage substitutes.

The march toward safe substitute chemicals is tied directly to the implementation of the Montreal protocol.

Each day the protocol goes unratified commits the World to more ozone depletion.

The United States is both a major producer and user of CFC's.

The United States has long been a leader in efforts Worldwide to protect the environment. It is this strong commitment to environmental protection that must spring the President into action.

The resolution that Mr. CHAFEE, Mr. MITCHELL, Mr. STAFFORD and I along with 35 have submitted calls upon the President to take action; to move quickly and submit the proposed protocol to the Senate for early consideration.

The United States must demonstrate environmental leadership. Every effort must be made to bring this agreement into effect as quickly as possible. While legitimate questions have not been settled as to whether or not conditions found over Antarctica can exist in other parts of the world, we can ill-afford to wait. We must put a mechanism in place to address these global environmental problems as a Worldwide community. The Montreal Protocol is critical to achieving this objective.

I urge this body to very firmly adopt this resolution so that we send a very firm signal to the President to take all steps necessary to immediately ratify this protocol. We will therefore provide the leadership that I think our people and our country deserve, and also provide a tremendous service to the other peoples in other parts of this globe.

Mr. President, I thank the leader for offering this resolution at this time.

Mr. CHAFEE. Mr. President, the resolution we are considering today is a simple but forceful statement of concern for our global environment. The problem we are addressing is depletion of the Earth's stratospheric ozone layer—the shield that protects us from the Sun's ultraviolet rays.

By way of background, the atmosphere of the Earth is made up of layers—there is the troposphere, the area from the ground to about 6 miles high, and there is the stratosphere, the area from 6 miles to about 22 miles above the ground. In the stratosphere—this upper layer—ozone is a natural chemical that shields us from the Sun's harmful ultraviolet radiation.

In 1974, two scientists from California came up with a theory that a class of man-made chemicals known as chlorofluorocarbons or CFC's would destroy ozone in the upper atmosphere. Since CFC's are so stable, the molecules do not break down until they reach the stratosphere. There the chlorine that is in the CFC is released to attack and destroy the ozone.

Without ozone to protect us from the ultraviolet radiation, we can expect to see increased skin cancers, suppression of the immune system, damage to our eyes, reduced crop yields, and loss of some aquatic species.

The Environmental Protection Agency has estimated that Americans could suffer 40 million cases of skin cancer and 800,000 cancer deaths in the next 88 years as a result of ozone depletion. These figures are staggering, especially when you consider that they are just for the United States and don't include the rest of the world.

In this country, the original scientific theory led to a ban on CFC's in aerosol spray cans in 1978. There were no measurements of actual ozone loss, just the scientific theory.

Recognizing the problem, industry began to look for safe substitutes. They were making progress when, in the early 1980's, the politics and the politics of science changed. Everyone relaxed, the search for substitutes stopped and worldwide use of CFC's grew to record high levels.

In an attempt to deal with this global environmental threat, the U.N. Environment Program brought the nations of the world together. After several years of negotiations, the 1985 Vienna Convention for the Protection of the Ozone Layer was agreed to. Negotiations continued in an attempt to develop a protocol that would supplement the Convention.

Throughout 1986 and the early part of this year, we held numerous hearings before the Senate Committee on Environment and Public Works. In the course of these hearings, as well as several private meetings with scientists and the producers of CFC's, a remarkable scientific consensus emerged: the continued use of CFC's threatens to destroy the Earth's ozone shield.

Responding to this threat, on September 16, 1987, the United States, together with some 25 other nations, signed the Montreal Protocol to Control Ozone Depleting Substances, a protocol to the Vienna Convention.

This international agreement provides the following: Beginning around 1990, the United States and other major consuming nations will have to freeze the use of the most harmful CFC's—CFC-11, 12, 113, 114, and 115—at 1986 levels; by 1994, they will have to reduce the use of these CFC's by 20 percent; and by 1999, an additional 30-percent reduction is required, for a total reduction of 50 percent from

1986 levels. In addition, 3 years after the protocol enters into force, the use of halons, another powerful ozone depleter, will be frozen at 1986 levels.

The international agreement is a good beginning. Recognizing that more stringent reductions may be necessary in the years to come, the agreement established procedures to implement additional cuts. In the meantime, the 50-percent reduction should stimulate the development of safe substitutes, minimize economic disruption, and make further reductions easier for all of us in the years to come.

Now, before we have even had a chance to ratify and implement the Montreal agreement, our scientific understanding of the problem has evolved once again. People are already beginning to question whether the reductions called for in the agreement go far enough.

Every October, we are seeing a "hole" the size of North America appear in the ozone layer over Antarctica. No one predicted this collapse.

In early October, a research team that conducted flights over Antarctica during the summer and early fall found that the "hole" worsened significantly this year. They recorded a 50-percent loss of total ozone in September, the lowest reading ever, and found that the hole is no longer limited to remote Antarctica. It is dangerously close to populated areas in southern South America. A ground-based research team also found that, at some altitudes, there was an almost total loss of ozone, 97 percent below normal levels.

The scientists also found new evidence that man-made CFC's are the cause of this phenomenon. In addition to finding high readings of chlorine from CFC's, they also found a significant correlation: ozone disappeared as concentrations of the chemical increased.

We have not moved beyond scientific theory. As stated by Dr. Michael McElroy, an atmospheric scientist from Harvard, "There's no question in anybody's mind * * * man-made chemicals are associated with ozone loss." Given these new findings, many experts share McElroy's opinion that the Montreal treaty—while a significant first step—does not "come close to addressing the issue." In his words, protecting the ozone layer "will require a much more dramatic response" otherwise the "ozone hole will continue to grow."

Although it is still unclear whether such dramatic ozone losses can occur outside the Antarctic region, many people believe that, to be safe, CFC reductions should exceed 90 percent. The fact that the hole disappears each November is irrelevant because most of the experts believe it is simply a matter of ozone from the rest of the world being swept in to fill the hole—leaving us with a net loss of ozone.

While we recognize that many scientific uncertainties remain, we must also recognize our responsibility to act in a prudent manner to safeguard the well-being of our planet and its inhabitants. If for no other reason than to protect the Antarctic ecosystem, we should be moving to eliminate—not just reduce—CFC's, and all other man-made ozone depleting substances, as quickly as possible.

So where do we go from here? First, we must continue to monitor and analyze the data from Antarctica. If the most recent findings hold up, we may need to shorten the Montreal timetable and we may need to commit ourselves to go beyond a 50 percent reduction.

Second, we need to get as many countries as possible to sign and implement the Montreal treaty. That is what this resolution is all about. The Montreal Protocol may not be perfect but it establishes a good framework for dealing with the problem.

The United States was a world leader in the effort that produced the Montreal agreement. Now we should be a leader in the effort to bring it into effect. In terms of environmental protection, the document is a worthless piece of paper until it is signed, ratified, and enters into force.

What has to happen for the agreement to enter into force? First, it must be signed by a sufficient number of countries. The United States and some 24 other nations have already signed this historic agreement. But the second step is the crucial one.

After it is signed, the agreement must be formally ratified or approved by at least 11 countries representing two-thirds of the world's CFC consumption. For the United States, ratification requires Senate approval.

The United States should continue to set an example for the rest of the world by quickly ratifying the agreement. Before those of us in the Senate can do our job, however, the State Department must prepare the documents for transmittal to us and the President must formally transmit it to the Senate. It is my hope that this can be done quickly and, if at all possible, before the end of this calendar year.

Given what we know today, there is no reason to delay any longer.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the resolution.

The resolution was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 312

Whereas, the United States, in cooperation with other nations, has and is continuing to sponsor major scientific expeditions to investigate the dramatic loss of ozone that occurs over Antarctica each Spring;

Whereas, the loss of ozone over Antarctica and significant portions of the southern hemisphere in the Spring of 1987 was greater than any previous year, measurements showing an almost total loss of ozone at certain altitudes over a portion of the region;

Whereas, the atmosphere's protective ozone layer is so depleted over Antarctica in the Spring-time that sponsors of the scientific expeditions are concerned about the safety of scientists in the region as well as the impact that the resulting increased ultra-violet radiation may have on the biota of the region, including the base of the world's aquatic food chain;

Whereas, the continued seasonal expansion of this ozone depletion phenomenon could have serious environmental consequences for the inhabitants of southern South America;

Whereas, there is growing concern over the potential for chemical reactions occurring in the atmosphere over Antarctica to occur in other areas throughout the world;

Whereas, measurements made from the ground in Switzerland, North Dakota and Maine appear to show significant ozone depletion in Spring or late winter;

Whereas, man-made chemicals are the primary source of the chlorine that is a major cause of the annual ozone loss over Antarctica;

Whereas, the continued build-up of chlorine in the atmosphere that is caused by the use of chlorofluorocarbons and other ozone depleting substances will have detrimental impacts on stratospheric ozone levels over Antarctica and the entire globe throughout the entire next century;

Whereas, the United States is responsible for approximately one-third of the world's production and consumption of ozone depleting substances;

Whereas, United States industries have made a major commitment to the phase-out of certain chlorofluorocarbons and the development of safe substitutes;

Whereas, on September 16, 1987, the United States, together with some 25 nations, signed the Montreal Protocol to Control Ozone Depleting Substances, a protocol to the Vienna Convention for the Protection of the Ozone Layer;

Whereas, the Montreal protocol has not been transmitted to the Senate for advice and consent to ratify;

Therefore, be it resolved, it is the sense of the Senate, that,

Wholly apart from its implications for global ozone depletion, the ozone "hole" that forms over Antarctica poses a threat to public health and the environment in the southern hemisphere and the entire globe;

The United States should take a leadership role and set an example for the rest of the world to protect the environment by taking steps toward ratification of the Montreal Protocol To Control Ozone Depleting Substances as quickly as possible;

The President should immediately transmit the Montreal Protocol To Control Ozone Depleting Substances to the Senate for advice and consent to ratify said Protocol as early as possible in the 100th Congress;

The President should immediately call upon a sufficient number of countries to move toward ratification of the Montreal Protocol To Control Ozone Depleting Substances so that the Protocol will enter into force as soon as possible.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXTENSION OF SEMICONDUCTOR CHIP PROTECTION ACT

Mr. BYRD. Mr. President, I ask that the Chair lay before the Senate a message from the House on S. 442, to extend the Semiconductor Chip Protection Act.

The Presiding Officer laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 442) entitled "An Act to amend section 914 of title 17, United States Code, regarding certain protective orders", do pass with the following amendments:

Strike out all after the enacting clause, and insert:

SECTION 1. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) section 914 of title 17, United States Code, which authorizes the Secretary of Commerce to issue orders extending interim protection under chapter 9 of title 17, United States Code, to mask works fixed in semiconductor chip products and orginating in foreign countries that are making good faith efforts and reasonable progress toward providing protection, by treaty or legislation, to mask works of United States nationals, has resulted in substantial and positive legislative developments in foreign countries regarding protection of mask works;

(2) the Secretary of Commerce has determined that most of the industrialized countries of the world are eligible for orders affording interim protection under section 914 of title 17, United States Code;

(3) the World Intellectual Property Organization has commenced meetings to draft an international convention regarding the protection of integrated electronic circuits;

(4) these bilateral and multilateral developments are encouraging steps toward improving international protection of mask works in a consistent and harmonious manner; and

(5) it is inherent in section 902 of title 17, United States Code, that the President has the authority to revise, suspend, or revoke, as well as issue, proclamations extending mask work protection to nationals, domiciliaries, and sovereign authorities of other countries, if conditions warrant.

(b) PURPOSES.—The purposes of this Act are—

(1) to extend the period within which the Secretary of Commerce may grant interim protective orders under section 914 of title 17, United States Code, to continue this incentive for the bilateral and multilateral protection of mask works; and

(2) to codify the President's existing authority to revoke, suspend, or limit the protection extended to mask works of foreign entities in nations that extend mask work protection to United States nationals.

SEC. 2. AUTHORITY TO ISSUE PROTECTIVE ORDERS.

Section 914(e) of title 17, United States Code, is amended by striking out "three years after such date of enactment" and inserting in lieu thereof "on July 1, 1991".

SEC. 3. AUTHORITY TO ISSUE PROCLAMATIONS.

Section 901(a)(2) of title 17, United States Code, is amended by adding at the end thereof the following: "The President may revise, suspend, or revoke any such proclamation or impose any conditions or limitations on protection extended under any such proclamation.".

SEC. 4. REPORT TO CONGRESS.

Section 914(f) of title 17, United States Code, is amended by adding at the end the following: "Not later than July 1, 1990, the Secretary of Commerce, in consultation with the Register of Copyrights, shall transmit to the Committees on the Judiciary of the Senate and the House of Representatives a report updating the matters contained in the report transmitted under the preceding sentence.".

Mr. BYRD. Mr. President, on behalf of Mr. LEAHY, I move that the Senate concur in the amendments of the House.

Mr. President, I understand that Mr. LEAHY wants a rollcall vote on this motion. I ask unanimous consent that tomorrow morning, at 9:20 a.m., the Senate return to this matter; that there be not more than 10 minutes of debate, equally divided, on the motion, to be controlled by Mr. LEAHY and Mr. THURMOND; that the vote occur on the motion at 9:30 a.m., with no amendments or other motions in order.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BYRD. Mr. President, I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. Mr. President, what is the consent order I just entered?

The PRESIDING OFFICER. The Senate will return to this matter at 9:20 a.m. tomorrow, and there will be a vote at 9:30, with 10 minutes of debate equally divided.

Mr. BYRD. Mr. President, I thank the Chair.

Mr. SIMPSON. Mr. President, may I inquire of the majority leader if that vote will be a 30 minute vote as these votes have been in the morning our ordinarily in these past days?

Mr. BYRD. Yes; Mr. President, that is a good question. And I will answer it in view of the fact that Mr. LEAHY wanted a rollcall vote on this motion, I will not have a vote earlier than this vote and I will not have a vote on instructing the Sergeant at Arms at all in that time frame. So this would be the vote, Mr. President, that will be the usual rollcall so that we get the day started off early and have all Senators on hand.

Mr. President, I ask unanimous consent that that be a 30-minute rollcall vote and that the call for the regular order be automatic upon the expiration of the 30-minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMPSON. I thank the leader.

Mr. BYRD. Yes, I thank the distinguished Senator.

CHILD ABUSE PREVENTION AND TREATMENT ACT REAUTHORIZATION

Mr. BYRD. Mr. President, I ask unanimous consent to call up Calendar Order No. 385 if that has been cleared on the other side of the aisle.

Mr. SIMPSON. Mr. President, that has been cleared.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 1663) to reauthorize the Child Abuse Prevention and Treatment Act and other related acts dealing with adoption opportunities and family violence.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Labor and Human Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof, the following:

SECTION 1. SHORT TITLE

This Act may be cited as the "Child Abuse Prevention and Treatment Act Reauthorization of 1987".

TITLE I—NATIONAL CENTER ON CHILD ABUSE AND NEGLECT

SEC. 101. REAUTHORIZATION

Section 5 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5104) (hereafter in this title referred to as the "Act") is amended by inserting after the second sentence the following: "There are further authorized to be appropriated for purposes of this Act $48,000,000 for fiscal year 1988, $55,000,000 for fiscal year 1989, $60,000,000 for fiscal year 1990, and $66,500,000 for fiscal year 1991.".

SEC. 102. DIRECTOR FOR NCCAN

(a) APPOINTMENT.—Subsection (a) of section 2 of the Act (42 U.S.C. 5101(a)) is amended by—

(1) inserting "(1)" after "(a)"; and

(2) adding at the end thereof the following:

"(2) The Center shall be headed by a Director who shall have experience in child abuse and neglect and shall be appointed by the Secretary.".

(b) STAFF EXPERIENCE.—Subsection (d) of section 2 of the Act (42 U.S.C. 5101) is amended by adding at the end thereof the following: "The Secretary shall require that professional staff have experience in child abuse and neglect.".

SEC. 103. ADVISORY BOARD

(a) PUBLIC MEMBER MAJORITY.—The first sentence of section 6(a) of the Act (42 U.S.C. 5105(a)) is amended by striking out ", and not less than three members from the general public with experience or expertise in the field of child abuse and neglect." and inserting in lieu thereof ", and not less than 15 members or such greater number necessary to represent a majority of the Advisory Board from the general public who are knowledgeable in fields representing child abuse prevention, treatment, research, social services, judiciary and legal, medical, adolescents, parent self-help organizations, and voluntary organizations.".

(b) FURTHER DUTIES.—Section 6(a) of the Act is further amended by inserting at the

end thereof the following: "The Advisory Board shall be responsible for advising and consulting with the Director on proposed research studies and long-range planning for the Center.".

SEC. 104. NATIONAL DATA ON CHILD ABUSE AND NEGLECT

Subsection (b) of section 2 of the Act (42 U.S.C. 5101(b)) is amended—

(1) in clause (9) by striking out the period and inserting "; and";

(2) in clause (10) by striking out the period and inserting "; and";

(3) by adding before the flush matter at the end thereof the following:

"(11) as a part of research activities, establish a national data collection and analysis program with respect to State child abuse and neglect reports which shall include—

"(A) standardized data on false, unfounded, or unsubstantiated reports; and

"(B) information on the number of deaths due to child abuse and neglect."; and

(4) by adding at the end of the flush matter at the end thereof the following: "The Director shall submit an annual summary of the data collected and an analysis of such data under clause (11) to the appropriate committees of Congress.".

SEC. 105. PREVENTION EMPHASIS

(a) REDESIGNATIONS.—Section 4 of the Act (42 U.S.C. 5103) is amended by designating subsections (d), (e), (f), and (g), as added by section 123(a) of Public Law 98-457, are redesignated as subsections (e), (f), (g), and (h), respectively.

(b) PREVENTION EMPHASIS.—Section 4(f) of the Act (42 U.S.C. 5103), as redesignated by subsection (a), is amended by striking out "proportionate share of assistance" and inserting in lieu thereof "majority share of assistance for discretionary research and demonstration grants".

SEC. 106. LONGITUDINAL RESEARCH

The second sentence of section 2(c) of the Act (42 U.S.C. 5101 (c)) is amended by striking out "three" and inserting in lieu thereof "five".

SEC. 107. NATIONAL RESOURCE CENTERS

Section 4 of the Act (42 U.S.C. 5103) is amended by adding at the end thereof the following:

"(i) The Secretary in consultation with the Director, shall ensure that a share of assistance under this title is available for national resource centers addressing issues of child abuse and neglect.".

SEC. 108. WAIVER

(a) WAIVER.—Section 4(b)(3) of the Act (42 U.S.C. 5103(b)(3)) is amended—

(1) by redesignating subparagraph (B) as subparagraph (C) and inserting after subparagraph (A) the following new subparagraph:

"(B) Subject to subparagraph (C) of this paragraph, any State whose waiver under subparagraph (A) expired as of the end of fiscal year 1986 may be granted an extension of such waiver, if the Secretary makes a finding that such State is making a good-faith effort to comply with the requirements under paragraph (2) of this subsection—

"(i) through the end of fiscal year 1988; or

"(ii) in the case of a State the legislature of which meets only biennially, through the end of fiscal year 1989 or the end of the next regularly scheduled session of such legislature, whichever is earlier.";

(2) in subparagraph (A), by striking out "subparagraph (B)" and inserting in lieu thereof "subparagraph (C)"; and

(3) in subparagraph (C), as redesignated, by inserting "or (B)" after "subparagraph (A)".

(b) EFFECTIVE DATE.—The amendments made by this section, and waivers granted pursuant to section 4(b)(3)(B) of the Act, shall be effective retroactively to October 1, 1986.

SEC. 109. STUDY OF GUARDIAN-AD-LITEM

(a) STUDY.—The Director of the National Center on Child Abuse and Neglect shall conduct a study of—

(1) how individual child legal representations in cases of child abuse or neglect have been provided in each State; and

(2) the effectiveness of legal representation of children in cases of abuse or neglect through the use of guardian-ad-litem and court appointed special advocates.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Director shall report to the appropriate committees of Congress with respect to the study conducted pursuant to subsection (a). The report shall include—

(1) the information and data gathered;

(2) an analysis of such information and data; and

(3) recommendations on how to improve legal representation of children in cases of abuse or neglect.

SEC. 110. MANDATORY GRANTS FOR CENTERS

(a) ELIMINATION OF DISCRETIONARY GRANT.—Section 4(a) of the Act is amended by—

(1) striking out paragraph (2); and

(2) redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(b) MANDATORY GRANT.—Section 4(c) of the Act is amended by adding at the end thereof the following new paragraph:

"(3)(A) The Secretary shall provide, directly or through grants or contracts with public or private nonprofit organizations, for the establishment and maintenance of resource centers, serving defined geographic areas, staffed by multidisciplinary teams of personnel trained in the prevention, identification, and treatment of child abuse and neglect providing advice and consultation to individuals, agencies, and organizations which request such services.

"(B) Not more than $1,000,000 of the funds appropriated for any fiscal year under section 5 of this Act may be used to carry out this paragraph.".

SEC. 111. CHILD ABUSE AND DISABILITY

(a) STUDY.—The Director of the National Center on Child Abuse and Neglect shall conduct a study of—

(A) the incidence of child abuse among children with handicaps, including children in out-of-home placements, and the relationship between child abuse and children's handicapping conditions; and

(B) the incidence of children who have developed handicapping conditions as a result of child abuse or neglect.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Director shall report to the appropriate committees of Congress with respect to the study conducted pursuant to subsection (a). The report shall include—

(1) the information and data gathered;

(2) an analysis of such information and data; and

(3) recommendations on how to prevent abuse of disabled children.

SEC. 112. PROFESSIONAL TRAINING

Section 4(a)(1) of the Act (42 U.S.C. 5103(a)(1)) is amended to read as follows:

"(1) for training programs (including interagency demonstration programs) for professional and paraprofessional personnel in the fields of medicine, law, education, social work, and other relevant fields who are engaged in, or intend to work in, the field of prevention, identification, and treatment of child abuse and neglect and in treating and preventing abuse of children with handicaps, and training programs (including interagency demonstration programs) for children, and for persons responsible for the welfare of children, in methods of protecting children from child abuse and neglect;".

SEC. 113. REPEAL OF DEADLINE FOR COMPLIANCE WITH REQUIREMENTS FOR PROGRAMS FOR DISABLED INFANTS

Section 4(b)(2) of the Act (42 U.S.C. 5103(b)(2)) is amended in subparagraph (K) by striking out "within one year after the date of the enactment of the Child Abuse Amendments of 1984, have" and inserting in lieu thereof "have".

SEC. 114. ADDITIONAL MISCELLANEOUS AMENDMENTS

(a) GRANTS.—Paragraph (3) of section 4(a) of the Act (42 U.S.C. 5103(a)(4)), as redesignated by section 110, is amended to read as follows:

"(3) for such other innovative programs and projects including programs and projects for parent self help, for prevention and treatment of alcohol and drug-related child abuse and neglect, and for home health visitor programs, that show promise of successfully preventing and treating cases of child abuse and neglect and for a parent self-help program of demonstrated effectiveness which is national in scope, as the Secretary may approve.".

(b) DEMONSTRATION PRIORITIES.—The first sentence of the flush matter after clause (11) in section 2(b) of the Act (42 U.S.C. 5101(b)), as amended by section 104 of this Act, is amended by inserting "and demonstration" after "research".

SEC. 115. PRESIDENTIAL COMMISSION ON CHILD AND YOUTH DEATHS

(a) FINDINGS.—The Congress finds that—

(1) even by conservative estimates, during 1985 and 1986, child abuse fatalities in this country increased by 23 percent;

(2) the average age of a child who dies from abuse and neglect is two years old;

(3) child abuse fatalities are not inherently predictable but many are preventable;

(4) many accidental childhood injuries are likewise preventable;

(5) accidental childhood injuries remain the biggest killer and disabler of children between the ages of 1 and 14;

(6) in the face of stagnating infant mortality indicators, the United States is now tied for last place in among 20 industrialized nations with respect to infant mortality;

(7) the teen suicide rate is starting to climb again, with deaths totaling over 5,000 in 1986; and

(8) homicide is the second leading cause of death in youths aged fourteen to twenty-four years.

(b) ESTABLISHMENT OF COMMISSION.—There is established a National Commission on Child and Youth Deaths (hereafter in this section referred to as the "Commission"). The Commission shall be composed of fifteen members as follows:

(1) Two members of the Senate, one to be selected by the Majority Leader of the Senate, the other to be selected by the Minority Leader of the Senate.

(2) Two members of the House, one to be selected by the Speaker of the House of Rep-

resentatives, the other to be selected by the Minority Leader of the House.

(3) Four representatives of State government shall be jointly selected by the Majority Leader of the Senate and the Speaker of the House of Representatives:

(A) The chief executive officer of a State, to be selected by the President.

(B) A chief State official responsible for administering child health and mental health programs, to be selected by the President.

(C) A chief State official responsible for administering children's social services programs, to be selected by the President.

(D) A chief State official responsible for administering law enforcement programs, to be selected by the President.

(4) The Secretary of Health and Human Services.

(5) Six at large members, including representatives of community-based organizations with demonstrated expertise in the prevention an identification of child and youth deaths due to child abuse and neglect, infant mortality (including sudden infant death syndrome), suicide, homicide, and unintentional injuries, to be selected by the President.

(c) Study and Evaluation by the Commission.—(1) The Commission shall study and evaluate comprehensively Federal, State, and local public and private resources which affect child and youth deaths and shall—

(A) evaluate the adequacy and effectiveness of programs designed to prevent or identify child and youth deaths, including child health and mental health services, child protective services, child welfare services, education, juvenile justice services, and law enforcement activities;

(B) evaluate the effectiveness of current Federal, State, and local policies and systems aimed at appropriately identifying and collecting accurate, uniform data on child and youth deaths in a coordinated fashion;

(C) evaluate the adequacy of current Federal, State, and local efforts to enable an appropriate distribution of properly trained child health, mental health, social services, protective services, education, juvenile justice, and law enforcement personnel to prevent and identify child and youth deaths; and

(D) identify current resource, intergovernmental, and within the Federal Government, interagency barriers to the health care needed to prevent high infant mortality.

In order to conduct the study and evaluation required by this subsection, the Commission shall hold hearings in areas of the United States with high infant mortality rates.

(d) Recommendations and Report of the Commission.—(1) The Commission shall make recommendations with respect to—

(A) a national policy designed to reduce and prevent child and youth deaths, including recommendations for more accurate reporting systems and recommendations concerning appropriate roles for the Federal Government, States, and local governments and the private sector;

(B) specific changes needed within Federal laws and Federal programs to achieve an effective Federal role in preventing child and youth deaths, including the programs specified in subparagraph (A); and

(C) specific changes needed to improve national data collection with respect to child and youth deaths.

In making its recommendations, the Commission shall review recommendations made in recent regional and national conferences and reports on child and youth deaths.

(2) Within 12 months after the date of enactment of this section, the Commission shall prepare and transmit to the President and the appropriate committees of the Congress a report describing the activities of the Commission and containing information gathered and evaluations required by subsection (c) and recommendations required by paragraph (1) of this subsection.

(e) Administration Provisions.—(1) A vacancy in the Commission shall be filled in the same manner as the original appointment was made. A vacancy in the Commission shall not affect its powers.

(2) Members shall be appointed for the life of the Commission.

(3) The members of the Commission shall elect a Chairman from among the members of the Commission.

(4) Eleven members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(5) The Commission shall hold its first meeting on a date specified by the President which is not later than 90 days after the date of enactment of this Act. Thereafter, the Commission shall meet at the call of the Chairman or a majority of its members, but shall meet at least three times during the life of the Commission.

(f) Compensation of Members.—(1) Each member of the Commission who is not an officer or employee of the United States shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for grade GS-18 of the General Schedule under section 5332 of title 5, United States Code, for each day (including traveltime) during which such member is engaged in the actual performance of duties as a member of the Commission. Each member of the Commission who is an officer or employee of the United States shall receive no additional compensation.

(2) While away from their homes or regular place of business in the performance of duties for the Commission, all members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rate authorized for employees of agencies under sections 5702 and 5703 of title 5, United States Code.

(g) Director of Staff Commission.—(1) The Commission shall appoint an Executive Director who shall be compensated at a rate not to exceed the rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(2) With the approval of the Commission, the Executive Director may appoint and fix the compensation of such additional personnel as the Executive Director considers necessary to carry out the duties of the Commission.

(3) The Executive Director and the additional personnel of the Commission referred to in paragraph (2) may be appointed without regard to the provisions of chapter 51 and subchapter III of Chapter 53 of such title relating to classification and General Schedule pay rates.

(4) Subject to such rules as may be prescribed by the Commission, the Executive Director may procure temporary or intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals not to exceed $200 per day.

(5) Upon request of the Commission, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties under this section.

(6) The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative and support services as the Commission may request.

(h) Powers of Commission.—(1) For the purpose of carrying out this section, the Commission may hold such hearings, sit and act at such times and place, take such testimony, and receive such evidence, as the Commission considers appropriate. The commission may administer oaths or affirmation to witnesses appearing before the Commission.

(2) Any member or employee of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this subsection.

(3) The commission may secure directly from any Federal agency such information as may be necessary to enable the Commission to carry out this section. Upon request of the Chairman of the Commission, the head of such agency shall furnish such information to the Commission.

(i) Authorization of Appropriations.—For fiscal years beginning after September 30, 1987, there are authorized to be appropriated such sums as may be necessary to carry out this section.

(j) Termination.—The Commission shall terminate 90 days after the date on which the Commission transmits the report required under subsection (d)(2) to the President and the Congress.

TITLE II—ADOPTION OPPORTUNITIES

SEC. 201. MINORITY PLACEMENT

Section 203(b)(5) of the Child Abuse Prevention Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5113(b)(5)) (hereafter in this title referred to as the "Act") is amended to read as follows:

"(5) provide (directly or by grant to or contract with public or private nonprofit licensed child welfare or adoption agencies or adoptive family groups and community-based organizations with experience in working with minority populations) for the provision of programs aimed at increasing the number of minority children (who are in foster care and have the goal of adoption) placed in adoptive families, with a special emphasis on recruitment of minority families subject to the following conditions:

"(A) such grants or contracts may be renewed if documentation is provided to the Secretary demonstrating that appropriate and sufficient placements of such children have occurred during the previous funding period; and

"(B) such grants or contracts shall include provisions for training other interested organizations to replicate such programs;".

SEC. 202. POST LEGAL ADOPTION SERVICES

Section 203(b)(6) of the Act (42 U.S.C. 5113(b)(6)) is amended to read as follows:

"(6) provide (directly or by grant to or contract with public or private nonprofit licensed child welfare or adoption agencies or adoptive family groups) for the provision of post legal adoption services for families who have adopted special needs children subject to the following conditions:

"(A) such documentation is provided to the Secretary demonstrating the effectiveness of such services during the previous funding period;

"(B) such grants or contracts shall include provisions for training other interested organizations to replicate such programs; and".

"(C) as used in this subsection, the term 'post legal adoption services' means an array of services provided to adoptive parents, adopted, children and siblings of adopted children, following a legal adoption, which may include but not be limited to individual counseling, group counseling, family counseling and case management."

SEC. 203. PROGRAM TO INCREASE THE NUMBER OF PERMANENT PLACEMENTS OF CHILDREN LEGALLY FREE FOR ADOPTION.

The Act is amended by—

(1) redesignating section 205 as section 206; and

(2) inserting after section 204 the following new section:

"PROGRAM TO INCREASE THE NUMBER OF PERMANENT PLACEMENTS OF CHILDREN LEGALLY FREE FOR ADOPTION

"SEC. 205. (a) The Secretary is authorized to enter into agreements with each State to provide bonus payments as provided in subsection (b) for the purpose of increasing the number of permanent placements of children who are legally free for adoption as of August 1, 1987.

"(b) For each fiscal year, the Secretary shall pay (subject to the provisions of section 206) to each State an amount based on the increase in the percentage of placements of children legally free for adoption from the second preceding fiscal year to the preceding fiscal year.

"(c) Each State entering into an agreement under this section shall submit an application to the Secretary for each fiscal year in a form and manner determined to be appropriate by the Secretary. Each application shall include verification of the placements described in subsection (a).

"(d)(1) Payments under this section shall begin during fiscal year 1989. Payments under this section during any fiscal year shall not exceed $1,000,000. No payment may be made under this section unless an amount in excess of $5,000,000 is appropriated for such fiscal year under section 206(a) of this Act.

"(2) Any payment made to a State under this section which is not used by such State for the purpose provided in subsection (a) during the fiscal year payment is made shall revert to the Secretary on October 1st of the next fiscal year and shall be used to carry out the purposes of this Act.".

SEC. 204. AUTHORIZATION OF APPROPRIATIONS

Section 206 of the Act (42 U.S.C. 5115), as redesignated by section 203 of this Act, is amended by—

(1) inserting "(a)" before "There are authorized";

(2) inserting at the end thereof the following: "There are authorized to be appropriated $7,000,000 for fiscal year 1988, and such sums as may be necessary for fiscal years 1989, 1990, and 1991 for the purpose of carrying out this Act.

"(b) There are authorized to be appropriated $1,000,000 for fiscal year 1988, and such sums as may be necessary for fiscal years 1989, 1990, and 1991 for the purpose of carrying out section 203(b)(5). There are authorized to be appropriated $1,000,000 for fiscal year 1988, and such sums as may be necessary for fiscal years 1989, 1990, and 1991 for the purpose of carrying out section 203(b)(6).".

TITLE III—FAMILY VIOLENCE PREVENTION AND SERVICES ACT, REAUTHORIZATION

SEC. 301. REMOVAL OF THREE-YEAR LIMIT ON GRANTS FOR SHELTERS

Section 303(c) of the Family Violence Prevention and Services Act (42 U.S.C. 10402(c)) is amended by striking out the second sentence.

SEC. 302. REAUTHORIZATION

Section 310(a) of the Family Violence Prevention and Services Act (42 U.S.C. 10409(a)) is amended by striking out the period at the end thereof and inserting in lieu thereof ", and $26,000,000 for fiscal year 1988, and such sums as are necessary for fiscal years 1989, 1990, and 1991.".

AMENDMENT NO. 1122

(Purpose: To make certain technical and conforming amendment and to add a study on child abuse in alcoholic families)

Mr. BYRD. Mr. President, I send to the desk an amendment on behalf of Senators DODD and THURMOND.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for Mr. DODD, for himself and Mr. THURMOND, proposes an amendment numbered 1122.

Mr. BYRD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 21, strike out lines 8 through 15 and insert in lieu thereof the following:

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Section 5 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5104) (hereafter in this title referred to as the "Act") is amended by striking out the first two sentences and inserting in lieu thereof the following: "There are authorized to be appropriated for the purposes of this Act $48,000,000 for fiscal year 1988, $55,000,000 for fiscal year 1989, $60,000,000 for fiscal year 1990, and $66,500,000 for fiscal year 1991.".

On page 22, line 2, strike out "in" and insert in lieu thereof "relating to".

On page 22, strike out beginning with "the general" on line 10 through "parent" on line 13, and insert in lieu thereof the following: "the general public who are individuals knowledgeable in child abuse prevention, treatment, or research, including the fields of social services, law (including the judiciary), and medicine, or who are representatives of adolescents, parent".

On page 22, line 24, strike out "and".

On page 23, line 15, after "collected" insert "under paragraph (11)".

On page 23, line 16, strike out "under clause (11)".

On page 23, line 17, after "of" insert "the".

On page 23, strike out beginning with line 19 through line 23.

On page 23, strike out lines 24 and 25, and insert in lieu thereof "Section 4(g) of the Act (42 U.S.C. 5103) is".

On page 24, line 11, after "Secretary" insert a comma.

On page 25, strike out lines 19 through 21 and insert in lieu thereof the following:

(1) how individual legal representation of children in cases of child abuse or neglect has been provided in each State; and

On page 26, line 19, after "grants" insert "to".

On page 27, line 7, strike out "(A)" and insert in lieu thereof "(1)".

On page 27, line 11, strike out "(B)" and insert in lieu thereof "(2)".

On page 29, lines 2 and 3, strike out "including programs and projects for parent self help" and insert in lieu thereof "as the Secretary may approve, including programs and projects for parent self-help".

On page 29, line 6, after "neglect" insert a comma.

On page 29, lines 8 and 9, strike out ", as the Secretary may approve".

On page 29, line 10, after "sentence" insert "of".

On page 29, line 21, strike out "a child who dies" and insert in lieu thereof "children who die".

On page 31, line 20, strike out "an" and insert in lieu thereof "and".

On page 32, lines 22 and 23, strike out ", intergovernmental, and within the Federal Government," and insert in lieu thereof "limitations on and intergovernmental and Federal".

On page 32, lines 24 and 25, strike out "health" and strike out "infant mortality" and insert in lieu thereof "child and youth death rates".

On page 33, line 3, strike out "high infant mortality rates" and insert in lieu thereof "high child and youth death rates".

On page 33, line 13, strike out "within" and insert in lieu thereof "in".

On page 35, line 8, strike out "rate" and insert in lieu thereof "rates".

On page 36, line 16, strike out "place" and insert in lieu thereof "places".

On page 36, lines 18 and 19, strike out "affirmation" and insert in lieu thereof "affirmations".

On page 36, line 23, strike out "commission" and insert in lieu thereof "Commission".

On page 37, between lines 10 and 11, insert the following:

SEC. 116. CHILD ABUSE AND ALCOHOLIC FAMILIES

(a) STUDY.—The Director of the National Center on Child Abuse and Neglect shall conduct a study of the incidence of child abuse in alcoholic families and the relationship between child abuse and familial alcoholism.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Director shall report to the appropriate committees of Congress with respect to the study conducted pursuant to subsection (a). The report shall include—

(1) the information and data gathered;

(2) an analysis of such information and data; and

(3) recommendations on how to prevent child abuse in alcoholic families.

On page 37, strike out lines 14 through 17 and insert in lieu thereof the following

Section 203(b) of the Child Abuse Prevention Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5113(b)) (hereafter in this title referred to as the "Act") is amended—

(1) by redesignating paragraphs (5), (6), and (7) as paragraphs (6), (7), and (8), respectively; and

(2) by adding after paragraph (4) the following new paragraph:

On page 38, strike out lines 11 through 13 and insert in lieu thereof the following:

SEC. 202. POST-LEGAL ADOPTION SERVICES.

Section 203(b) of the Act (42 U.S.C. 5113(b)) (as amended by section 201) is further amended—

(1) by redesignating paragraphs (6), (7), and (8) (as previously redesignated by section 201) as paragraphs (7), (8), and (9), respectively; and

(2) by adding after paragraph (5) the following new paragraph:

On page 39 line 7, insert a period after the quotation marks.

On page 41, line 21, strike out "the period at the end thereof" and insert in lieu thereof "all that follows 'to carry out the provisions of this title' ".

On page 41, line 22, strike out ", and $26,000,000" and insert in lieu thereof "$26,000,000".

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 1122) was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendments to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

Mr. DODD. Mr. President, today the Senate addresses the serious problems presented by child abuse and neglect, family violence, and growing numbers of special needs children without permanent families. By moving to reauthorize the Child Abuse Prevention and Treatment Act, the Adoption Opportunities Act, and the Family Violence Prevention and Services Act, the Senate supports a critical effort to strengthen families and to prevent children from growing up at risk in this country.

As chairman of the Subcommittee on Children, Families, Drugs and Alcoholism, I was very pleased to have my distinguished ranking minority member, Senator THURMOND, join me in introducing S. 1663, "The Child Abuse Prevention and Treatment Act Reauthorization of 1987" on August 7, 1987. He played a major role in developing this legislation and has provided invaluable assistance throughout the subcommittee and committee process.

We are pleased to have been joined in sponsoring this legislation by other distinguished members of the Committee on Labor and Human Resources, including the Chair and ranking minority member, Senators KENNEDY and HATCH, and Senators HARKIN, MATSUNAGA, SIMON, PELL, WEICKER, ADAMS, COCHRAN, MIKULSKI, METZENBAUM, STAFFORD, and QUAYLE. The committee unanimously approved the legislation on October 9, 1987. We have also been joined in sponsoring this reauthorization by several distinguished colleagues not on the committee, including Senators DURENBERGER, CRANSTON, DECONCINI, and CHAFEE.

The Federal Government has a very strong leadership role to play in combating child abuse and family violence and in encouraging the placement of special needs children with permanent families. Our efforts to support and strengthen that leadership role within the context of reauthorizing the Child Abuse Prevention and Treatment Program, the Adoption Opportunities Program, and the Family Violence Prevention and Services Program are described below.

CHILD ABUSE REAUTHORIZATION

As witnesses testified at the child abuse reauthorization hearing held in the subcommittee on April 1, 1987, even by conservative estimates reports of child deaths from abuse or neglect jumped 23 percent nationwide between 1985 and 1986. The victims are more often than not our youngest citizens, with many failing to reach their first birthdays. Some die as a result of serious physical abuse. Others die from injuries sustained while home alone without any adult supervision. Yet others die because their families fail to secure timely and adequate medical care. Whatever the cause, their deaths diminish our families, our communities, and our country.

Perhaps even more tragically, these deaths do not stand alone. Infant deaths associated with poor maternal and child health care in parts of our cities are as high as those in some of the poorest developing nations, ranking us at the bottom of 20 industrialized nations with respect to infant mortality. The teenage suicide rate which peaked in 1977 has begun to climb again in alarming clusters. And injuries remain the single biggest killer of children after the first year of life. Young people between the ages of 15 to 24 years of age are four times more likely to die from car crashes, drownings, firearms, and fires than from any other cause.

This country already has the dubious distinction of being the only industrialized nation in which children constitute the poorest age group. We also have the highest teenage pregnancy and infant mortality rates in the Western industrialized world. To add high rates of child and youth deaths across the board to this profile of American childhood would be untenable. And given that the numbers of child deaths in this country appear to be climbing, the legislation being acted upon today would mandate an immediate Federal focus on this crisis. Under this legislation, a Presidential commission would report within one year on the causes and possible remedies for child deaths associated with abuse, neglect, poor health care, sudden infant death syndrome, accidental injuries, and suicide.

Given that we lack uniform data on child and youth deaths both within and across States, this legislation would also help establish the uniform collection of such reports. We know more about the number of stolen autos in this country than the number of children whose lives are snuffed out by fires while home alone. Yet, without such vital information, we will continue to look at such deaths as isolated incidents, failing to prevent or combat them in any coordinated fashion.

What little we do know about child deaths should give us greater cause for alarm. We know that in as many as 25 to 50 percent of all child abuse fatalities last year, the families involved were already known to local child protective service agencies and workers. In at least one State, every child death involved a child previously identified as having been abused or neglected. It therefore makes good sense to examine this rise in child deaths within the context of the reauthorization of the Child Abuse Prevention and Treatment Act.

Child abuse fatalities, however, should not stop us from examining some of the very real progress made as a result of this landmark, albeit relatively modest, program. In many ways, over the past decade this legislation has had great success in encouraging and assisting 48 States to establish special procedures to prevent, identify and treat child abuse and neglect. Perhaps the most eminent and successful peer group working with abusive parents from Connecticut to California, parents anonymous, was started with seed money from this act. And the National Center on Child Abuse and Neglect was founded, to make the prevention and treatment of child maltreatment a foremost priority in this country.

Other real signs of progress are numerous. As I reviewed in two previous hearings of the Senate children's caucus I cochair, the surge in reports of child sexual abuse in recent years demonstrates greatly increased public awareness and concern. And overall prevention efforts, augmented by children's trust funds in some 40 States, have made real strides. As the author of the Federal Challenge Grant Program for children's trust funds, I intend to hold oversight hearings specifically on prevention sometime next year. With respect to the bill being acted upon today, however, the crisis presented by child deaths sends us a clear signal that underfunded and overburdened local and State child abuse agencies need immediate assistance.

To the detriment of children and families, the Prevention and Treatment Act has never been well-funded. In 1981, the authorization levels were cut in half and any separate funding for sexual abuse projects was eliminated. Although an amendment I offered 3 years ago to restore such funding was eventually enacted, we are only now starting to catch up to where we were 6 years ago with respect to Federal leadership in the area of child abuse.

In the meantime, reports of abuse and neglect have skyrocketed within the past decade. In my State of Connecticut and other States, the increase in reported cases of physical and sexual abuse has been dramatic. Such staggering increases have only exacerbated absenteeism, burnout, and turnover among child protective service workers. In one New York City agency last year, 86 percent of the staff either transferred or quit. Another agency in Florida reported workers struggling with 100 cases or more as a result of staff turnover.

At the same time, cutbacks in Federal funding has forced many States to make hard choices indeed. As the Child Welfare League of America revealed last year in a study of child abuse, workers and agencies all too often must make investigating reports of the neglect and abuse of older children a lower priority, based on the theory that older children can at least run away from abusive homes.

Thus, although we have been able to add a modest increase in the authorization levels for the Child Abuse Prevention and Treatment Act, I wish they were higher. Last year, the National Center on Child Abuse and Neglect [NCCAN] was only able to fund one out of every four grant applications it received. Although these national center applications account for one-sixth of all those sent to the overall Office of Human Development Services [OHDS], the national center's budget amounts to only 1 percent of the funds spent within OHDS. This is surely an expression of critical need from the field for more funds to address the prevention, identification, and treatment of child abuse and neglect.

In order to strengthen the National Center on Child Abuse and Neglect, this bill would authorize the appointment of a director with experience in child abuse and neglect. Professional staff would likewise demonstrate expertise in the field. And, to encourage the participation for outside experts most effectively, this bill would increase the number of public members on the Advisory Board on Child Abuse and Neglect, including those with expertise in prevention, treatment, research, social services, law enforcement and the judicial system, and medicine, as well as representatives of adolescent, parent self-help and voluntary organizations. This board would then advise and consult with the National Center on Long-Range Planning and Proposed Research Priorities.

This bill would require that a majority of the discretionary research and demonstration grants be focused on prevention. It would also place a priority on long term research, by extending from three to 5 years the limitation on research grant awards. It calls for a study on the incidence of child abuse among children with handicaps including children in out-of-home placements, the relationship between child abuse and children's handicapping conditions, and the incidence of children developing handicapping conditions as a result of abuse or neglect. It also calls for a study on the Guardian-Ad-Litem Program, in an effort to improve further the representation of children in the courts. Moreover, it calls for a study on the incidence and relationship between child abuse and familial alcoholism.

By expanding innovative project authority to include home health visitor programs, programs aimed at preventing or treating alcohol related child abuse and neglect, and training for those seeking to curb the abuse of child with handicaps, this bill addresses several serious concerns. Recognizing the importance of parental self-help in combating child abuse, this legislation would also include support for a national, parent self-help program of demonstrated effectiveness. The Secretary would also be encouraged to fund interagency demonstration programs.

Last but not least, this bill would extend temporary waivers for several States who have been acting in good faith to come into compliance with the act.

Three years ago, I was pleased to join with my colleagues across the aisle to address the very real problems symbolized by the medical neglect of so-called baby Doe infants. We worked very hard to craft compromise language encouraging States to develop special procedures to prevent such tragedies. Under this legislation, we will pay the same painstaking attention to the very real crisis presented by child abuse deaths. To do any less shortchanges the future of our families, our communities, and our Nation.

ADOPTION OPPORTUNITIES

I am especially pleased that the Adoption Opportunities Program is being reauthorized. This program is aimed at promoting the adoption of the more than 36,000 special needs children who are in foster care and waiting for adoptive families. This program exemplifies the important leadership role the Federal Government can play with States and localities to facilitate improvements in critical areas. Surely few things can be more critical than assuring a permanent home for special needs children waiting for adoptive families.

Children are deemed to have "special needs" because of age, handicapping conditions, or being a member of a sibling group or a minority group. These special needs can lead to children lingering in foster care for years while waiting for an adoptive family. During the 1980's, these special needs children have increasingly been members of minority groups. It is now estimated that about 42 percent of the children in foster care waiting for adoptive families are minorities. Moreover, according to recent data from States participating in the Voluntary Cooperative Information System, the majority of children whose adoptions were finalized for the last reporting period were white—64 percent—compared to 19 percent who were black, 6 percent who were Hispanic, and 10 percent who were from other categories.

Adoption agencies have made great strides in the last decade, however, in placing special needs children in adoptive families. But along with their successes in finding homes for these children, adoption agencies and adoptive families have recognized the need to extend services to these families after the adoption has been legalized. These services have come to be known as "post-legal adoption services." Children who are older and who have been in substitute care for a number of years, and those who have physical or mental handicaps or who have faced other barriers to being placed in permanent homes, often need special care in order to make a positive adjustment with their adoptive families. Unfortunately, many agencies still do not have the resources or expertise required to provide these services to families in need.

In light of these growing needs in the adoption community, the Adoption Opportunities Program has been amended to address these problems. First, we have added a new demonstration grant priority aimed at increasing the number of minority children—who are in foster care and free for adoption—placed in adoptive families, with a special emphasis on the recruitment, assessment and processing of prospective minority adoptive families. Experience has shown that targeted public awareness campaigns can be a very effective method or recruiting adoptive families for special needs children. Thus, we are placing new emphases on using assessment and processing strategies to prevent prospective adoptive families from "dropping out" of the screening process.

In order to assure continued success in placing minority children in adoptive families, agencies receiving funding to carry out these activities which document that they have had an increase in appropriate placements will be eligible for renewal grants.

Finally, in order to expand the success of these activities, agencies receiving grants to carry out these activities must include a component to train other organizations interested in conducting such activities.

Second, we have added a new demonstration grant priority to fund post-legal adoption services. In establishing this new grant priority, our hope is to expand the availability and quality of these services. These services are designed to retain the mission of the adoption opportunities program—provision of services to families who have adopted special needs children. However, in recognition of the growing demand for such services by all types of adoptive families, we have also included two provisions to broaden the availability of such services. Agencies receiving funding to carry out post-legal adoption service activities will be eligible for renewal grants if they document the effectiveness of these services during the prior funding period. And such agencies must also include a component to train other organizations interested in providing post-legal adoption services.

Finally, because of the continuing need to assure children in substitute care a permanent family, we have added a new section to strengthen agencies' efforts to speed up adoptive placements for all special needs children who are waiting for adoptive families. The Secretary of the Department of Health and Human Services is authorized to make bonus payments to the States with adoption programs increasing the rate of placement of such children in adoptive families.

FAMILY VIOLENCE

I am very pleased that we have strong bipartisan support for the reauthorization of the Family Violence Prevention and Services Program. Since this program's inception in 1984, it has already provided the impetus for many States and localities to increase or improve their services to victims of family violence. In my own home State of Connecticut, for example, two-thirds of the grant moneys made available to the State through this program were used last year to help the statewide network of 18 shelters to carry out their activities. The remaining one-third was used to supplement statewide training and technical assistance projects. One of these projects was the development of a lay person's guide to the new Connecticut "Family Violence Prevention and Response Act," for use by police departments, legal aid offices, and hospitals.

I think the need for services to victims of family violence goes without question. As we heard from the witnesses at our reauthorization hearing on this act held earlier this spring, it is estimated that about 1.8 million American women are beaten each year in their own homes. Further, every other woman requesting shelter services still must be turned away because of a lack of space. Equally as tragic, in 40 percent of domestic violence cases, children are also the victims. I believe in the fact of this evidence, it is critical that the Federal Government continue its leadership role in this field.

The consensus of Members on both sides of the aisle is to continue this program at an authorization level of $26 million. These funds are needed to build on the important steps States and localities have been taking to increase the availability and accessibility of services to family violence victims. Due to the desire not to disrupt current services in States where they do not have the capacity to open new shelters, the provision restricting shelter grants to 3 years has been eliminated.

In closing, Mr. President, the Child Abuse Prevention and Treatment Act, the Adoption Opportunities Act, and the Family Violence Prevention and Services Act are three essential elements of an effort to strengthen families in this country. They deserve our strong and unanimous support. To ensure that support is continued, I urge my colleagues to join us in enacting the "Child Abuse Prevention and Treatment Act Reauthorization of 1987."

Mr. KENNEDY. Mr. President, I rise in support of the reauthorization of the Child Abuse Prevention and Treatment Act. The importance of this legislation is underscored by the bipartisan support it has received in the Committee on Labor and Human Resources. I would like to thank all the members of the Labor Committee for their cooperation on this bill—especially Senator DODD, chairman on the Subcommittee on Children, Families, Drugs and Alcoholism, and Senators THURMOND and HATCH.

It is estimated that during 1985 and 1986 child abuse fatalities in this country increased by 23 percent. Many experts have said that a variety of socioeconomic trends and changes are responsible for this increase. But the fact remains that the incidence of child abuse seems to be on the increase. This is a national disgrace. The Child Abuse Prevention and Treatment Act reauthorized by this bill will make an important contribution to reducing child abuse in this country.

This reauthorization also covers two other important programs, the Adoption Opportunities Act and the Family Violence Prevention and Services Act. Both of these programs are essential if we are to confront the tragic problems facing many of America's families and young people.

The Adoption Opportunities Program provides support for the difficult and sensitive process of placing special needs children in loving, permanent adoptive homes. We have amended the act in this bill to provide increased funds for the recruitment of minority adoptive families and the provision of postlegal adoptive services. We have also added a provision which will improve the placement of foster care children who are legally free for adoption.

This bill is a new phase in an ongoing effort to fight child abuse and the multitude of social problems that arise as a result of child abuse. Child abuse and family violence know no boundaries and our attempts to confront and defeat them should know no bounds. I urge the adoption of this bill.

Mr. THURMOND. Mr. President, today we are considering legislation to reauthorize programs under the Child Abuse Prevention and Treatment Act and the Family Violence Prevention and Services Act.

Mr. President, the growth in reported incidents of child abuse, as well as research suggesting that such abuse may have long-term negative results for both the child and society, have increased concerns regarding the prevention of child abuse, and treatment for abused children.

According to recent statistics, there are now 1.9 million reported cases a year of child mistreatment, of which 39 percent were substantiated upon investigation. National data collected by the American Humane Association indicates an increase of 121 percent in child abuse and neglect cases over the last 10 years. While this increase is due in part to better reporting practices, it nonetheless underscores the seriousness of the problem.

Protecting our children from abuse and neglect is the responsibility of everyone. Government programs alone will not solve this problem. We must involve families, professionals, communities, the private sector, and national and local organizations.

The role of the Federal Government is to provide national leadership and to assist States and local communities in developing, expanding, and improving programs to prevent, identify, and treat child abuse and neglect.

Furthermore, parents have the prime responsibility for protecting their children. The experience of social programs over the last 25 years indicates that services to assist parents in carrying out this responsibility are best planned and provided at the local level.

Mr. President, Federal support in this area has largely been channeled through the Child Abuse Prevention and Treatment Act. This act provides for four programs relating to the prevention and treatment of child abuse.

These programs are: First, State grants for activities related to preventing and treating child abuse and neglect; second, discretionary grants for research and demonstration projects related to preventing and treating child abuse and neglect; third, State grants to implement procedures and programs mandated by the Child Abuse Amendments of 1984 to respond to reports of medical neglect of disabled infants with life-threatening conditions; and fourth, demonstration grants related to prevention of family violence. In addition, funds are earmarked for research and demonstration projects specifically relating to child sexual abuse.

Many of these programs have been in place for over 13 years and enjoy wide congressional support.

Mr. President, within the Child Abuse Prevention and Treatment Act is the Adoption Opportunities Program. Many thousands of children remain in institutions or foster homes solely because of legal or other barriers to their placement in permanent adoptive homes. The purpose of the Adoption Opportunities Program is to facilitate the elimination of unnecessary barriers to adoption and to provide permanent and loving home environments for children who would benefit by adoption, particularly children with special needs.

Mr. President, initiatives supported under this program include the development of model adoption legislation for States which would eliminate jurisdictional obstacles to adoptions, and a national adoption information exchange to bring together children available for adoption and prospective parents.

In addition to provisions already discussed, the legislation we are introducing today would establish two demonstration programs to address concerns raised during hearings conducted by the Senate Children's Subcommittee this year.

The first program will encourage adoption of minority children; 45 percent of the 36,000 children awaiting adoption today are black or Hispanic, although these groups make up only 14 percent of the total population. Accordingly, this measure would fund a demonstration program to facilitate the adoption of these minority children.

The second program provides assistance to parents who have adopted special needs children. Often, these children are returned to State institutions to be cared for at Government expense. This measure would authorize additional support, after adoption, to assist these parents, so that children with special needs can remain in loving homes.

Mr. President, the legislation we are introducing today also provides for the reauthorization of the Family Violence Prevention and Services Act, which funds programs that shelter and counsel battered spouses and their children. I have heard of many worthy projects in South Carolina being supported by this program. For instance, Minor Mickel Shaw, president of the Junior League of Greenville, SC, has informed me of the shelter they have established with assistance from this program, and how it has provided a safe haven for many women who would have nowhere else to go to escape abuse by their spouses. Accordingly, I am pleased to support the reauthorization of this program.

Mr. President, at this time I would like to express my appreciation for the leadership of Senator DODD, chairman of the Senate Subcommittee on Children, Family, Drugs and Alcoholism, in focusing attention on the needs of our greatest asset: our children.

As ranking member of this subcommittee, I look forward to continuing our work on these vital issues so that we may see bipartisan support and swift passage in Congress of these important programs.

Mr. CRANSTON. Mr. President, today I rise to speak in support of S. 1663, a bill to reauthorize the Child Abuse Prevention and Treatment Act, the Adoption Opportunities Act, and the Family Violence Prevention and Services Act. I am pleased to be a cosponsor of this proposed legislation.

As chairman of the Child and Human Development Subcommittee of the Senate Committee on Labor and Human Resources during the 95th and 96th Congress and as a member of its predecessor, the Subcommittee on Children and Youth, since its creation in the 92d Congress, I well know the history of all three of these programs. I am proud to have played a part in gaining enactment of these fine programs and I think we can all take pride in the success of these programs over the years in helping to protect and promote the well-being of America's children and families.

SUMMARY OF THE LEGISLATION

Mr. President, since its enactment almost 14 years ago, the Child Abuse Prevention and Treatment Act, the first Federal measure specifically designed to address the problem of child abuse, has continually expanded its programs. I will mention briefly a few of the improvements and modifications offered in the current reauthorization bill, S. 1663. The bill proposes the establishment of a Presidential Commission to report within 1 year on the causes and possible remedies for child deaths associated with abuse, neglect, poor health care, sudden infant death syndrome, accidental injuries, and suicide. In addition, it calls for the collection of national data on child abuse and neglect.

The reauthorization bill proposes the appointment of a director with experience in child abuse and neglect to head the National Center on Child Abuse and Neglect. To encourage the participation of outside experts, it calls for an increase in the number of public members on the Advisory Board on Child Abuse and Neglect.

S. 1663 would require that a majority of the discretionary research and demonstration grants be focused on prevention. A priority would be placed on long-term research, by extending from 3 years to 5 years the limitation on research grant awards. Further, the reauthorization bill calls for a study on the incidence of child abuse among children with handicaps, the relationship between child abuse and children's handicapping conditions, and the incidence of children developing handicapping conditions as a result of abuse or neglect. S. 1663 proposes an expansion of the project authority to include home health visitor programs, programs aimed at preventing or treating alcohol-related child abuse and neglect, and training for those seeking to curb the abuse of children with handicaps. Finally, it calls for a study of the Guardian-AdLitem Program.

REPEAL OF BABY DOE COMPLIANCE DEADLINE

There are two provisions contained in this reauthorization bill about which I would like to speak in some detail. Albeit for different reasons, each of these provisions has special significance to my home State of California. First, section 113 of the act contains a repeal of the deadline for compliance with requirements for programs for disabled infants. These programs, often collectively referred to as "Baby Doe," were established in the 1984 amendments to the Child Abuse Treatment and Prevention Act (42 U.S.C. 5103).

Mr. President, I coauthored and played a major role in the negotiations that resulted in the Baby Doe compromise incorporated into the 1984 legislation. The legislative intent of these provisions was never to establish a permanent bar to funding under the Child Abuse Prevention and Treatment Act for any State that failed to comply with Baby Doe within 1 year after the date of the enactment of the 1984 amendments. Hence, I am very pleased that section 113 of S. 1663 clarifies the original intent of Congress to make funds under the Child Abuse Treatment and Prevention Act available to States upon compliance with the Baby Doe provisions regardless of the date of such compliance. For a variety of reasons, California has not yet indicated to HHS that it is in compliance with these provisions. Hopefully, they will soon do so.

CONTINUED FEDERAL FUNDING FOR PARENTS ANONYMOUS

In May of this year, I wrote to the chairman of the Subcommittee on Children, Family, Drugs, and Alcoholism [Mr. DODD] to request his support for the establishment of an earmark in the Child Abuse Prevention and Treatment Act to enable Parents Anonymous, Inc., to continue to receive financial support under the act.

I ask unanimous consent that this letter be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CRANSTON. Mr. President, Parents Anonymous has been supported by Federal grants from 1974 through 1986—a period of 12 years of continuous Federal funding. HHS terminated funding for this important program last year.

Mr. President, I would like to comment briefly on the success over the years of Parents Anonymous. As you may know, I was the original author of a provision in the 1974 Child Abuse Prevention and Treatment Act to authorize funding under the demonstration project authority for self-help organizations. I am particularly proud that this provision helped provide support to Parents Anonymous, which began in my home State of California and has spread throughout the United States to become the Nation's largest child abuse prevention and treatment program, consisting of over 1,500 community-based, volunteer, professionally facilitated, self-help groups.

Parents Anonymous is based on the concept that abusive parents, working together, can learn to deal with their frustrations and eliminate the abuse of children. This organization has helped thousands of parents and families to overcome their problems. Indeed, the vitality and strength of this organization and its philosophy of self-help has been truly rewarding to witness.

I am most grateful for the assistance of the Senator from Connecticut [Mr. DODD] in ensuring that the Child Abuse Treatment and Protection Reauthorization Act clearly authorizes continued Federal funds to support the important and valuable work done by Parents Anonymous. I thank the Senator from Connecticut [Mr. DODD] for including within S. 1663 the provision in section 114 which directs HHS to provide Federal funds for—

> Innovative programs and projects including programs and projects for parent self-help, for prevention and treatment of alcohol and drug-related child abuse and neglect, and for home health visitor programs, that show promise of successfully preventing and treating cases of child abuse and neglect and for a parent self-help program of demonstrated effectiveness which is national in scope.

Parents Anonymous, the only national self-help program which has proven effective and successful in preventing and treating child abuse and neglect, would clearly be eligible to receive continued Federal funding under this explicit provision.

CONCLUSION

Mr. President, I have been involved for over a decade in efforts to deal with the tragic problems of child abuse and neglect. Each year an estimated 1 million children suffer abuse or neglect at the hands of their parents, and approximately 2,000 children die as a result of parental abuse or neglect. I strongly support the three programs being reauthorized under S. 1663, the Child Abuse Prevention and Treatment Reauthorization Act of 1987. I believe that these programs have in the past and will continue in the future to make a real, and very positive difference in the lives of millions of Americans.

EXHIBIT 1

U.S. SENATE,
Washington, DC, May 27, 1987.

Hon. CHRISTOPHER DODD,
Chairman, Subcommittee on Children, Family, Drugs, and Alcoholism, Hart Senate Office Building, Washington, DC.

DEAR CHRIS: I am writing to request your support for the establishment of an earmark in the Child Abuse Prevention and Treatment Act to enable Parents Anonymous, Inc., a greatly successful self-help program for parents at risk of abusing their children, to continue to receive financial support under the Act.

As you know, I was the original author of a provision in the 1974 legislation to authorize funding under the demonstration project authority for self-help organizations. I am particularly proud that this provision helped provide support to Parents Anonymous, which began in my home state of California and has spread throughout the United States to become the nation's largest child abuse prevention and treatment program, consisting of over 1,500 community-based volunteer, professionally facilitated, self-help groups.

The effectiveness and value of Parents Anonymous can be measured by the thousands and thousands of parents and families which have been helped over the years to overcome their problems relating to child abuse.

Although Parents Anonymous has attempted to obtain a source of private funds to replace the federal assistance begun under the demonstration project authority, that effort has not been totally successful. Because of the nature of problems addressed and, the national scope, reliance upon traditional private financial support is particularly difficult for this type of organization. I am sure you will agree that a national effort like Parents Anonymous continues to be critical in our effort to reduce child abuse and neglect problems. I urge you to consider favorably an earmark in the amount of $300,000 per year for five years to support a national parent self-help organization.

Thank you for your consideration.

Cordially,

ALAN CRANSTON.

Mr. **PRESSLER**. Mr. President, I support Senate adoption of the Child Abuse Prevention and treatment Act. This legislation addresses the needs of the growing number of victims of family violence.

The Child Abuse Prevention and Treatment Act was enacted in 1974. Over the years the act has been amended to include programs that focus on medical neglect of infants and programs that help law enforcement agencies investigate and prosecute child abuse cases. Funds are provided to States to help them provide immediate shelter to abused victims. There are numerous demonstration and research projects to improve the treatment and identification of child abuse and neglect.

South Dakota has been fortunate to receive funds for programs covered under the Child Abuse and Prevention Treatment Act. The Children's Inn in Sioux Falls is an excellent example of how States can benefit from the act. The Inn is a crisis center for family violence, child abuse, and neglect. Victims can contact the Inn 24 hours a day to receive counseling or shelter. This year the Inn provided shelter for 426 abused women and children.

Last year, the number of deaths due to child abuse doubled in South Dakota. One helpless infant was left outside in the middle of winter and died from exposure. This is only one of the many tragic stories we hear and read about every day. Through programs established by the Child Abuse and Prevention Treatment Act, deaths such as these may be prevented.

According to the American Humane Association, in 1985, 1,928,000 cases of abused and neglected children in the United States were reported. This is an increase of 180 percent from 1976. That increase could be due to several factors. Family violence is increasing. Public awareness is increasing the number of reported incidents. Taking the positive view, the United States has come far. Each year, we are identifying and helping more abused and neglected children. But we still have a long way to go. We do not know how many neglected and abused children are not receiving help.

Collection of data on child abuse and neglect has been irregular. This act will create a national data collection system. Each year, the Director of the National Center on Child Abuse will submit the findings to the appropriate Congressional Committees. Uniform data will assist Congress to better meet the needs of abused and neglected children.

Under the Child Abuse Prevention and Treatment Act of 1987, the director of the National Center on Child Abuse and Neglect will be required to have a background in child abuse and neglect prevention and treatment. This is an important provision. Experience in the field of child abuse and neglect is necessary in order to carry out this act effectively.

Again, I support the enactment of the Child Abuse and Prevention Treatment Act. I commend the sponsors of this bill for their dedicated work in bringing it to the floor. Congress should continue to play a major role in the fight to prevent and treat child abuse and neglect.

Mr. **KERRY**. Mr. President, I rise today in strong support of S. 1663, a bill to reauthorize the Child Abuse Prevention and Treatment Act. This legislation is vital to the continuation of a national effort to combat child abuse.

Mr. President the importance of action in this area cannot be overstated. In this past year alone there were

51,759 reported cases of child abuse in my home State of Massachusetts.

What's worse is that the incidences of child abuse are increasing at an alarming rate, while resources aimed at combating this major social problem have been holding steady or decreasing. Data collected through a national survey for the House Select Committee on Children Youth and Families showed that 1.9 million children were reported as victims of abuse in 1985. This represents a 55 percent increase since 1981.

Even more alarming statistic can be found in the text of this legislation on page 29 line 17 through 22: "The Congress finds that even by conservative estimates, during 1985 and 1986, child abuse fatalities in this country increased by 23 percent; the average age of a child who dies from abuse and neglect is 2 years old."

Placing these tragedies in terms of numbers and figures does not do this issue justice. What we are talking about here today is children, kids who live in constant fear of the consequences of their next actions. Defenseless kids being struck, abused, and victimized by the ones they love. And although we cannot prevent each of these individual tragedies, this legislation represents a recommitment over the next 5 years to reversing the trend toward increased incidences of child abuse and domestic violence.

This bill authorizes $83 million in fiscal year 1988. Forty-eight million is for child abuse preventing programs, which represents an increase over last year. Twenty-six million is for programs to prevent family violence and assist its victims, and $9 million is to facilitate the permanent placement of children legally free for adoptive services.

In addition the bill creates a permanent director for the National Center on Child Abuse and Neglect. This person will assist in maintaining and enhancing a coordinated effort to reduce the number of child abuse and neglect victims. The legislation also requires a study into the extent of child abuse among handicapped children and calls for recommendation on how this abuse can be prevented.

Mr. President we have an obligation to our country and to the next generation of Americans to do all we can to eliminate the incidences of child abuse and neglect. We have an obligation to see that our children are fed, clothed, educated, and most importantly kept safe. Again I support this legislation and view it as a vital step in the national effort to combat child abuse.

Mr. WEICKER. Mr. President, I rise today in support of S. 1663, the Child Abuse Prevention and Treatment Act Amendments of 1987. This legislation will reauthorize for 4 years the child abuse prevention and treatment programs established under the act to identify, prevent, and treat child abuse and neglect. The bill will also reauthorize both the adoption opportunities and family violence prevention and services programs. These programs have been successful in assisting States to respond to the needs of vulnerable children, youth and families by strengthening overall prevention efforts within State child abuse protection systems and enhancing adoption opportunities.

Several significant changes have been made in the programs continued by this legislation. For example, the bill modifies the adoption opportunities program to assist adoption agencies to increase the placement of minority children into minority families and increase post-legal adoption services for families who adopt special needs children, especially those from out-of-home placements.

In addition, I want to commend my distinguished colleague from Connecticut for his recognition in the legislation of the special needs of children with disabilities.

Specifically, the bill includes a study to examine the prevalence of child abuse and neglect among children with disabilities. Testimony during the reauthorization hearings indicated that disabled children are at substantial risk of abuse and neglect, whether residing at home, or in out-of-home placements. This study will be conducted under the auspices of the director of the National Center on Child Abuse and Neglect, and will provide Congress with needed information regarding the correlation that exists between child abuse and the presence of a disability.

The bill also provides the authority for a demonstration project to foster the coordination between child abuse agencies and protection and advocacy agencies for individuals with disabilities. These entities are both concerned with ensuring that children are protected from abuse and neglect, and it is appropriate that they begin to work together to improve their capabilities of meeting the special needs of disabled children, particularly those in residential facilities.

Children are this Nation's most precious resource: They are our future, and we have a responsibility to ensure that they are not victimized by their families, or others charged with their care. By expanding the availability of protection services and emphasizing the importance of prevention of child abuse and neglect, the reauthorization before us today strengthens the act, and reaffirms our commitment to the children who need our special care.

Finally, I commend Senator Dodd, the chairman of the Children, Family, Drug and Alcoholism Subcommittee, and Senator Thurmond, the ranking minority member of the subcommittee, for their leadership on this legislation.

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Labor be discharged from further consideration of H.R. 1900, that the Senate proceed to the immediate consideration of that bill, that all after the enacting clause be stricken, that the text of S. 1663, the companion Senate bill, be inserted in lieu thereof, and that the bill then be advanced to third reading, be passed and the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection it is so ordered.

The text of the bill H.R. 1900, as amended by S. 1663, is as follows:

H.R. 1900

Resolved, That the bill from the House of Representatives (H.R. 1900) entitled "An Act to amend the Child Abuse Prevention and Treatment Act, the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978, and the Family Violence Prevention and Services Act to extend through fiscal year 1991 the authorities established in such Acts", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE

This Act may be cited as the "Child Abuse Prevention and Treatment Act Reauthorization of 1987".

TITLE I—NATIONAL CENTER ON CHILD ABUSE AND NEGLECT

SEC. 101. REAUTHORIZATION OF APPROPRIATIONS.

Section 5 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5104) (hereafter in this title referred to as the "Act") is amended by striking out the first two sentences and inserting in lieu thereof the following: "There are authorized to be appropriated for the purposes of this Act $48,000,000 for fiscal year 1988, $55,000,000 for fiscal year 1989, $60,000,000 for fiscal year 1990, and $66,500,000 for fiscal year 1991.".

SEC. 102. DIRECTOR FOR NCCAN.

(a) APPOINTMENT.—Subsection (a) of section 2 of the Act (42 U.S.C. 5101(a)) is amended by—

(1) inserting "(1)" after "(a)"; and

(2) adding at the end thereof the following:

"(2) The Center shall be headed by a Director who shall have experience in child abuse and neglect and shall be appointed by the Secretary.".

(b) STAFF EXPERIENCE.—Subsection (d) of section 2 of the Act (42 U.S.C. 5101) is amended by adding at the end thereof the following: "The Secretary shall require that professional staff have experience relating to child abuse and neglect.".

SEC. 103. ADVISORY BOARD.

(a) PUBLIC MEMBER MAJORITY.—The first sentence of section 6(a) of the Act (42 U.S.C. 5105(a)) is amended by striking out ", and not less than three members from the general public with experience or expertise in the field of child abuse and neglect." and inserting in lieu thereof ", and not less than 15 members or such greater number necessary to represent a majority of the Advisory Board from the general public who are individuals knowledgeable in child abuse prevention, treatment, or research, including

the fields of social services, law (including the judiciary), and medicine, or who are representatives of adolescents, parent self-help organizations, and voluntary organizations.".

(b) FURTHER DUTIES.—Section 6(a) of the Act is further amended by inserting at the end thereof the following: "The Advisory Board shall be responsible for advising and consulting with the Director on proposed research studies and long-range planning for the Center.".

SEC. 104. NATIONAL DATA ON CHILD ABUSE AND NEGLECT.

Subsection (b) of section 2 of the Act (42 U.S.C. 5101(b)) is amended—

(1) in clause (9) by striking out the period and inserting ";";

(2) in clause (10) by striking out the period and inserting "; and";

(3) by adding before the flush matter at the end thereof the following:

"(11) as a part of research activities, establish a national data collection and analysis program with respect to State child abuse and neglect reports which shall include—

"(A) standardized data on false, unfounded, or unsubstantiated reports; and

"(B) information on the number of deaths due to child abuse and neglect."; and

(4) by adding at the end of the flush matter at the end thereof the following: "The Director shall submit an annual summary of the data collected under paragraph (11) and an analysis of such data to the appropriate committees of the Congress.".

SEC. 105. PREVENTION EMPHASIS.

Section 4(g) of the Act (42 U.S.C. 5103) is amended by striking out "proportionate share of assistance" and inserting in lieu thereof "majority share of assistance for discretionary research and demonstration grants".

SEC. 106. LONGITUDINAL RESEARCH.

The second sentence of section 2(c) of the Act (42 U.S.C. 5101(c)) is amended by striking out "three" and inserting in lieu thereof "five".

SEC. 107. NATIONAL RESOURCE CENTERS.

Section 4 of the Act (42 U.S.C. 5103) is amended by adding at the end thereof the following:

"(i) The Secretary, in consultation with the Director, shall ensure that a share of assistance under this title is available for national resource centers addressing issues of child abuse and neglect.".

SEC. 108. WAIVER.

(a) WAIVER.—Section 4(b)(3) of the Act (42 U.S.C. 5103(b)(3)) is amended—

(1) by redesignating subparagraph (B) as subparagraph (C) and inserting after subparagraph (A) the following new subparagraph:

"(B) Subject to subparagraph (C) of this paragraph, any State whose waiver under subparagraph (A) expired as of the end of fiscal year 1986 may be granted an extension of such waiver, if the Secretary makes a finding that such State is making a good-faith effort to comply with the requirements under paragraph (2) of this subsection—

"(i) through the end of fiscal year 1988; or

"(ii) in the case of a State the legislature of which meets only biennially, through the end of fiscal year 1989 or the end of the next regularly scheduled session of such legislature, whichever is earlier.";

(2) in subparagraph (A), by striking out "subparagraph (B)" and inserting in lieu thereof "subparagraph (C)"; and

(3) in subparagraph (C), as redesignated, by inserting "or (B)" after "subparagraph (A)".

(b) EFFECTIVE DATE.—The amendments made by this section, and waivers granted pursuant to section 4(b)(3)(B) of the Act, shall be effective retroactively to October 1, 1986.

SEC. 109. STUDY OF GUARDIAN-AD-LITEM.

(a) STUDY.—The Director of the National Center on Child Abuse and Neglect shall conduct a study of—

(1) how individual legal representation of children in cases of child abuse or neglect has been provided in each State; and

(2) the effectiveness of legal representation of children in cases of abuse or neglect through the use of guardian-ad-litem and court appointed special advocates.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Director shall report to the appropriate committees of Congress with respect to the study conducted pursuant to subsection (a). The report shall include—

(1) the information and data gathered;

(2) an analysis of such information and data; and

(3) recommendations on how to improve legal representation of children in cases of abuse or neglect.

SEC. 110. MANDATORY GRANTS FOR CENTERS.

(a) ELIMINATION OF DISCRETIONARY GRANT.—Section 4(a) of the Act is amended by—

(1) striking out paragraph (2); and

(2) redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(b) MANDATORY GRANT.—Section 4(c) of the Act is amended by adding at the end thereof the following new paragraph:

"(3)(A) The Secretary shall provide, directly or through grants to or contracts with public or private nonprofit organizations, for the establishment and maintenance of resource centers, serving defined geographic areas, staffed by multidisciplinary teams of personnel trained in the prevention, identification, and treatment of child abuse and neglect providing advice and consultation to individuals, agencies, and organizations which request such services.

"(B) Not more than $1,000,000 of the funds appropriated for any fiscal year under section 5 of this Act may be used to carry out this paragraph.".

SEC. 111. CHILD ABUSE AND DISABILITY.

(a) STUDY.—The Director of the National Center on Child Abuse and Neglect shall conduct a study of—

(1) the incidence of child abuse among children with handicaps, including children in out-of-home placements, and the relationship between child abuse and children's handicapping conditions; and

(2) the incidence of children who have developed handicapping conditions as a result of child abuse or neglect.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Director shall report to the appropriate committees of Congress with respect to the study conducted pursuant to subsection (a). The report shall include—

(1) the information and data gathered;

(2) an analysis of such information and data; and

(3) recommendations on how to prevent abuse of disabled children.

SEC. 112. PROFESSIONAL TRAINING.

Section 4(a)(1) of the Act (42 U.S.C. 5103(a)(1)) is amended to read as follows:

"(1) for training programs (including interagency demonstration programs) for professional and paraprofessional personnel in the fields of medicine, law, education, social work, and other relevant fields who are engaged in, or intend to work in, the field of prevention, identification, and treatment of child abuse and neglect and in treating and preventing abuse of children with handicaps, and training programs (including interagency demonstration programs) for children, and for persons responsible for the welfare of children, in methods of protecting children from child abuse and neglect;".

SEC. 113. REPEAL OF DEADLINE FOR COMPLIANCE WITH REQUIREMENTS FOR PROGRAMS FOR DISABLED INFANTS.

Section 4(b)(2) of the Act (42 U.S.C. 5103(b)(2)) is amended in subparagraph (K) by striking out "within one year after the date of the enactment of the Child Abuse Amendments of 1984, have" and inserting in lieu thereof "have".

SEC. 114. ADDITIONAL MISCELLANEOUS AMENDMENTS.

(a) GRANTS.—Paragraph (3) of section 4(a) of the Act (42 U.S.C. 5103(a)(4)), as redesignated by section 110, is amended to read as follows:

"(3) for such other innovative programs and projects as the Secretary may approve, including 4 programs and projects for parent self-help for prevention and treatment of alcohol and drug-related child abuse and neglect, and for home health visitor programs, that show promise of successfully preventing and treating cases of child abuse and neglect, and for a parent self-help program of demonstrated effectiveness which is national in scope.".

(b) DEMONSTRATION PRIORITIES.—The first sentence of the flush matter after clause (11) in section 2(b) of the Act (42 U.S.C. 5101(b)), as amended by section 104 of this Act, is amended by inserting "and demonstration" after "research".

SEC. 115. PRESIDENTIAL COMMISSION ON CHILD AND YOUTH DEATHS.

(a) FINDINGS.—The Congress finds that—

(1) even by conservative estimates, during 1985 and 1986, child abuse fatalities in this country increased by 23 percent;

(2) the average age of children who die from abuse and neglect is two years old;

(3) child abuse fatalities are not inherently predictable but many are preventable;

(4) many accidental childhood injuries are likewise preventable;

(5) accidental childhood injuries remain the biggest killer and disabler of children between the ages of 1 and 14;

(6) in the face of stagnating infant mortality indicators, the United States is now tied for last place in among 20 industrialized nations with respect to infant mortality;

(7) the teen suicide rate is starting to climb again, with deaths totaling over 5,000 in 1986; and

(8) homicide is the second leading cause of death in youths aged fourteen to twenty-four years.

(b) ESTABLISHMENT OF COMMISSION.—There is established a National Commission on Child and Youth Deaths (hereafter in this section referred to as the "Commission"). The Commission shall be composed of fifteen members as follows:

(1) Two members of the Senate, one to be selected by the Majority Leader of the Senate, the other to be selected by the Minority Leader of the Senate.

(2) Two members of the House, one to be selected by the Speaker of the House of Rep-

resentatives, the other to be selected by the Minority Leader of the House.

(3) Four representatives of State government shall be jointly selected by the Majority Leader of the Senate and the Speaker of the House of Representatives:

(A) The chief executive officer of a State, to be selected by the President.

(B) A chief State official responsible for administering child health and mental health programs, to be selected by the President.

(C) A chief State official responsible for administering children's social services programs, to be selected by the President.

(D) A chief State official responsible for administering law enforcement programs, to be selected by the President.

(4) The Secretary of Health and Human Services.

(5) Six at large members, including representatives of community-based organizations with demonstrated expertise in the prevention and identification of child and youth deaths due to child abuse and neglect, infant mortality (including sudden infant death syndrome), suicide, homicide, and unintentional injuries, to be selected by the President.

(c) STUDY AND EVALUATION BY THE COMMISSION.—(1) The Commission shall study and evaluate comprehensively Federal, State, and local public and private resources which affect child and youth deaths and shall—

(A) evaluate the adequacy and effectiveness of programs designed to prevent or identify child and youth deaths, including child health and mental health services, child protective services, child welfare services, education, juvenile justice services, and law enforcement activities;

(B) evaluate the effectiveness of current Federal, State, and local policies and systems aimed at appropriately identifying and collecting accurate, uniform data on child and youth deaths in a coordinated fashion;

(C) evaluate the adequacy of current Federal, State, and local efforts to enable an appropriate distribution of properly trained child health, mental health, social services, protective services, education, juvenile justice, and law enforcement personnel to prevent and identify child and youth deaths; and

(D) identify current resource limitations on and intergovernmental and Federal interagency barriers to the care needed to prevent high child and youth death rates.

In order to conduct the study and evaluation required by this subsection, the Commission shall hold hearings in areas of the United States with high child and youth death rates.

(d) RECOMMENDATIONS AND REPORT OF THE COMMISSION.—(1) The Commission shall make recommendations with respect to—

(A) a national policy designed to reduce and prevent child and youth deaths, including recommendations for more accurate reporting systems and recommendations concerning appropriate roles for the Federal Government, States, and local governments and the private sector;

(B) specific changes needed in Federal laws and Federal programs to achieve an effective Federal role in preventing child and youth deaths, including the programs specified in subparagraph (A); and

(C) specific changes needed to improve national data collection with respect to child and youth deaths.

In making its recommendations, the Commission shall review recommendations made in recent regional and national conferences and reports on child and youth deaths.

(2) Within 12 months after the date of enactment of this section, the Commission shall prepare and transmit to the President and the appropriate committees of the Congress a report describing the activities of the Commission and containing information gathered and evaluations required by subsection (c) and recommendations required by paragraph (1) of this subsection.

(e) ADMINISTRATION PROVISIONS.—(1) A vacancy in the Commission shall be filled in the same manner as the original appointment was made. A vacancy in the Commission shall not affect its powers.

(2) Members shall be appointed for the life of the Commission.

(3) The members of the Commission shall elect a Chairman from among the members of the Commission.

(4) Eleven members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(5) The Commission shall hold its first meeting on a date specified by the President which is not later than 90 days after the date of enactment of this Act. Thereafter, the Commission shall meet at the call of the Chairman or a majority of its members, but shall meet at least three times during the life of the Commission.

(f) COMPENSATION OF MEMBERS.—(1) Each member of the Commission who is not an officer or employee of the United States shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for grade GS-18 of the General Schedule under section 5332 of title 5, United States Code, for each day (including traveltime) during which such member is engaged in the actual performance of duties as a member of the Commission. Each member of the Commission who is an officer or employee of the United States shall receive no additional compensation.

(2) While away from their homes or regular place of business in the performance of duties for the Commission, all members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under sections 5702 and 5703 of title 5, United States Code.

(g) DIRECTOR OF STAFF COMMISSION.—(1) The Commission shall appoint an Executive Director who shall be compensated at a rate not to exceed the rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(2) With the approval of the Commission, the Executive Director may appoint and fix the compensation of such additional personnel as the Executive Director considers necessary to carry out the duties of the Commission.

(3) The Executive Director and the additional personnel of the Commission referred to in paragraph (2) may be appointed without regard to the provisions of chapter 51 and subchapter III of Chapter 53 of such title relating to classification and General Schedule pay rates.

(4) Subject to such rules as may be prescribed by the Commission, the Executive Director may procure temporary or intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals not to exceed $200 per day.

(5) Upon request of the Commission, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties under this section.

(6) The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative and support services as the Commission may request.

(h) POWERS OF COMMISSION.—(1) For the purpose of carrying out this section, the Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission considers appropriate. The commission may administer oaths or affirmations to witnesses appearing before the Commission.

(2) Any member or employee of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this subsection.

(3) The Commission may secure directly from any Federal agency such information as may be necessary to enable the Commission to carry out this section. Upon request of the Chairman of the Commission, the head of such agency shall furnish such information to the Commission.

(i) AUTHORIZATION OF APPROPRIATIONS.—For fiscal years beginning after September 30, 1987, there are authorized to be appropriated such sums as may be necessary to carry out this section.

(j) TERMINATION.—The Commission shall terminate 90 days after the date on which the Commission transmits the report required under subsection (d)(2) to the President and the Congress.

SEC. 116. CHILD ABUSE AND ALCOHOLIC FAMILIES.

(a) STUDY.—The Director of the National Center on Child Abuse and Neglect shall conduct a study of the incidence of child abuse in alcoholic families and the relationship between child abuse and familial alcoholism.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Director shall report to the appropriate committees of Congress with respect to the study conducted pursuant to subsection (a). The report shall include—

(1) the information and data gathered;

(2) an analysis of such information and data; and

(3) recommendations on how to prevent child abuse in alcoholic families.

TITLE II—ADOPTION OPPORTUNITIES

SEC. 201. MINORITY PLACEMENT.

Section 203(b) of the Child Abuse Prevention Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5113(b)) (hereafter in this title referred to as the "Act") is amended—

(1) by redesignating paragraphs (5), (6), and (7) as paragraphs (6), (7), and (8), respectively; and

(2) by adding after paragraph (4) the following new paragraph:

"(5) provide (directly or by grant to or contract with public or private nonprofit licensed child welfare or adoption agencies or adoptive family groups and community-based organizations with experience in working with minority populations) for the provision of programs aimed at increasing the number of minority children (who are in foster care and have the goal of adoption) placed in adoptive families, with a special emphasis on recruitment of minority families subject to the following conditions:

"(A) such grants or contracts may be renewed if documentation is provided to the Secretary demonstrating that appropriate and sufficient placements of such children

have occurred during the previous funding period; and

"(B) such grants or contracts shall include provisions for training other interested organizations to replicate such programs;".

SEC. 202. POST-LEGAL ADOPTION SERVICES.

Section 203(b) of the Act (42 U.S.C. 5113(b)) (as amended by section 201) is further amended—

(1) by redesignating paragraphs (6), (7), and (8) (as previously redesignated by section 201) as paragraphs (7), (8), and (9), respectively; and

(2) by adding after paragraph (5) the following new paragraph:

"(6) provide (directly or by grant to or contract with public or private nonprofit licensed child welfare or adoption agencies or adoptive family groups) for the provision of post legal adoption services for families who have adopted special needs children subject to the following conditions:

"(A) such documentation is provided to the Secretary demonstrating the effectiveness of such services during the previous funding period;

"(B) such grants or contracts shall include provisions for training other interested organizations to replicate such programs; and".

"(C) as used in this subsection, the term 'post legal adoption services' means an array of services provided to adoptive parents, adopted children and siblings of adopted children, following a legal adoption, which may include but not be limited to individual counseling, group counseling, family counseling and case management.".

SEC. 203. PROGRAM TO INCREASE THE NUMBER OF PERMANENT PLACEMENTS OF CHILDREN LEGALLY FREE FOR ADOPTION.

The Act is amended by—

(1) redesignating section 205 as section 206; and

(2) inserting after section 204 the following new section:

"PROGRAM TO INCREASE THE NUMBER OF PERMANENT PLACEMENTS OF CHILDREN LEGALLY FREE FOR ADOPTION

"SEC. 205. (a) The Secretary is authorized to enter into agreements with each State to provide bonus payments as provided in subsection (b) for the purpose of increasing the number of permanent placements of children who are legally free for adoption as of August 1, 1987.

"(b) For each fiscal year, the Secretary shall pay (subject to the provisions of section 206) to each State an amount based on the increase in the percentage of placements of children legally free for adoption from the second preceding fiscal year to the preceding fiscal year.

"(c) Each State entering into an agreement under this section shall submit an application to the Secretary for each fiscal year in a form and manner determined to be appropriate by the Secretary. Each application shall include verification of the placements described in subsection (a).

"(d)(1) Payments under this section shall begin during fiscal year 1989. Payments under this section during any fiscal year shall not exceed $1,000,000. No payment may be made under this section unless an amount in excess of $5,000,000 is appropriated for such fiscal year under section 206(a) of this Act.

"(2) Any payment made to a State under this section which is not used by such State for the purpose provided in subsection (a) during the fiscal year payment is made shall revert to the Secretary on October 1st of the next fiscal year and shall be used to carry out the purposes of this Act.".

SEC. 204. AUTHORIZATION OF APPROPRIATIONS.

Section 206 of the Act (42 U.S.C. 5115), as redesignated by section 203 of this Act, is amended by—

(1) inserting "(a)" before "There are authorized";

(2) inserting at the end thereof the following: "There are authorized to be appropriated $7,000,000 for fiscal year 1988, and such sums as may be necessary for fiscal years 1989, 1990, and 1991 for the purpose of carrying out this Act.

"(b) There are authorized to be appropriated $1,000,000 for fiscal year 1988, and such sums as may be necessary for fiscal years 1989, 1990, and 1991 for the purpose of carrying out section 203(b)(5). There are authorized to be appropriated $1,000,000 for fiscal year 1988, and such sums as may be necessary for fiscal years 1989, 1990, and 1991 for the purpose of carrying out section 203(b)(6).".

TITLE III—FAMILY VIOLENCE PREVENTION AND SERVICES ACT, REAUTHORIZATION

SEC. 301. REMOVAL OF THREE-YEAR LIMIT ON GRANTS FOR SHELTERS.

Section 303(c) of the Family Violence Prevention and Services Act (42 U.S.C. 10402(c)) is amended by striking out the second sentence.

SEC. 302. REAUTHORIZATION.

Section 310(a) of the Family Violence Prevention and Services Act (42 U.S.C. 10409(a)) is amended by striking out all that follows "to carry out the provisions of this title" and inserting in lieu thereof "$26,000,000 for fiscal year 1988, and such sums as are necessary for fiscal years 1989, 1990, and 1991.".

Mr. BYRD. Mr. President, I inquire of the distinguished assistant leader on the other side of the aisle as to whether or not Calendar Order 365 has been cleared.

Mr. SIMPSON. Mr. President, that has been cleared, I advise the majority leader.

AUTHORIZATION OF APPROPRIATIONS FOR MARITIME PROGRAMS OF THE DEPARTMENT OF TRANSPORTATION AND THE FEDERAL MARITIME COMMISSION

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of calendar Order No. 365, S. 800.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 800) to authorize appropriations for fiscal year 1988 for certain maritime programs of the Department of Transportation and the Federal Maritime Commission.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment:

On page 4, after line 7, insert the following:

SEC. 4. For the acquisition, preconversion, and conversion costs of a training vessel for the State University of New York Maritime College, there is authorized to be appropriated $10,000,000, to remain available until expended. Notwithstanding any other provision of law, funds appropriated pursuant to the Second Supplemental Appropriations Act, 1984 (Public Law 98-396; 98 Stat. 1369) for a training vessel for such College shall be available, in addition to funds appropriated pursuant to the authorization provided by this section, for the acquisition, preconversion, and conversion costs of a training vessel for the State University of New York Maritime College.

So as to make the bill read:

S. 800

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That funds are authorized to be appropriated for the use of the Maritime Administration for fiscal year 1988 as follows:

(1) for payment of obligations incurred for operating-differential subsidy, not to exceed $300,000,000;

(2) for expenses necessary for research and development activities, not to exceed $2,000,000; and

(3) for expenses necessary for operations and training activities, not to exceed $74,797,000 including not to exceed—

(A) $33,998,000 for maritime education and training expenses, including not to exceed $22,767,000 for maritime training at the Merchant Marine Academy at Kings Point, New York, $10,000,000 for financial and fuel oil assistance to State maritime academies, and $1,231,000 for expenses necessary for additional training;

(B) $13,812,000 for national security support capabilities, including not to exceed $12,519,000 for Reserve Fleet expenses and $1,293,000 for emergency planning operations; and

(C) $26,987,000 for other operating program expenses.

SEC. 2. Funds are authorized to be appropriated for the use of the Federal Maritime Commission in the amount of $14,500,000 for fiscal year 1988.

SEC. 3. (a) Section 1304(g) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1295c(g)) is amended—

(1) in paragraph (1)(B), by striking "and" the second place it appears;

(2) in paragraph (1), by striking subparagraph (C) and inserting in lieu thereof the following:

"(C) paid by the Secretary for the first complete or partial academic year of attendance to the individual in a lump sum of $1,200 or on a prorated basis based on actual attendance, and at a time during the second academic year when the individual enters into an agreement accepting midshipman and enlisted reserve status as required under paragraph (2); and

"(D) paid by the Secretary for the academic years after those years specified in subparagraph (C) as the Secretary shall prescribe while the individual is attending the academy.";

(3) in paragraph (2), by striking "apply for midshipman" and inserting in lieu thereof "accept midshipman and enlisted reserve";

(4) in paragraph (3)(D), by striking "to apply for an appointment as,"; and

(5) in paragraph (4), by striking "has attended a State maritime academy for not less than 2 years" and inserting in lieu thereof "has accepted the payment described in paragraph (1)(C)".

(b) The amendments made by this section apply to individuals who commence attendance after calendar year 1986 at a State maritime academy in accordance with section 1304 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1295c).

SEC. 4. For the acquisition, preconversion, and conversion costs of a training vessel for the State University of New York Maritime College, there is authorized to be appropriated $10,000,000, to remain available until expended. Notwithstanding any other provision of law, funds appropriated pursuant to the Second Supplemental Appropriations Act, 1984 (Public Law 98-396; 98 Stat. 1369) for a training vessel for such College shall be available, in addition to funds appropriated pursuant to the authorization provided by this section, for the acquisition, preconversion, and conversion costs of a training vessel for the State University of New York Maritime College.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Commerce be discharged from the House companion bill, H.R. 953, that the Senate proceed to its immediate consideration, that all after the enacting clause be stricken and that the language of the Senate bill as amended be inserted in lieu thereof, that the bill be read the third time, passed and the motion to reconsider laid on the table and that S. 800 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

CORRECTION IN ENROLLMENT OF S. 1158

Mr. BYRD. Mr. President, on behalf of Mr. KENNEDY, I send a concurrent resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The concurrent resolution will be stated.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 85) correcting the enrollment of S. 1158.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration.

The concurrent resolution (S. Con. Res. 85) was considered and agreed to, as follows:

S. CON. RES. 85

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill, S. 1158, entitled "An Act to extend the authorization of appropriations for programs and activities under title III of the Public Health Service Act, to establish a National Health Service Corps Loan Repayment Program, to otherwise revise and extend the program for the National Health Service Corps, and for other purposes", the Secretary of the Senate is hereby authorized and directed, in the enrollment of the said bill, to make the following corrections, namely, insert "clinical psychology" after "podiatry" in Section 338C(b)(5)(A) as amended by Section 306 of the bill.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL FALLEN FIRE FIGHTER MEMORIAL

Mr. BYRD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on Senate Concurrent Resolution 38.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the resolution from the Senate (S. Con. Res. 38) entitled "Concurrent resolution to recognize the International Association of Fire Fighters and the National Fallen Fire Fighter Memorial in Colorado Springs, Colorado", do pass with the following amendments:

Strike out all after the resolving clause, and insert:

That the Congress recognizes the memorial to be built in Colorado Springs, Colorado, in honor of fire fighters who have died in the line of duty, as the International Association of Fire Fighters Fallen Fire Fighter Memorial.

Strike out the preamble, and insert:

Whereas fire fighters dedicate their lives to protecting communities;

Whereas the working environment of fire fighters entails hazards, including exposure to unknown toxic elements, beyond the normal limits of other occupations;

Whereas nearly 1,200 fire fighters have died in the line of duty since 1977;

Whereas the Colorado Springs, Colorado, affiliate of the International Association of Fire Fighters is establishing a memorial to honor fire fighters who have made the ultimate sacrifice;

Whereas sculptor Gary Coulter has been commissioned to produce a heroic bronze statue entitled "Somewhere Everyday" for the memorial;

Whereas the city of Colorado Springs, Colorado, has donated land for the statue and a surrounding plaza and will provide perpetual care and maintenance of the memorial;

Whereas fire fighters throughout the Nation are raising funds to pay for the statue;

Whereas its central location will give fire fighters from throughout the Nation an opportunity to visit the memorial; and

Whereas the International Association of Fire Fighters adopted a resolution at its 1986 convention endorsing the Fallen Fire Fighter Memorial: Now, therefore, be it

Amend the title so as to read: "Concurrent resolution recognizing the International Association of Fire Fighters Fallen Fire Fighter Memorial in Colorado Springs, Colorado.".

Mr. BYRD. Mr. President, I move that the Senate concur in the amendments by the House.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

ORDER TO INDEFINITELY POSTPONE S. 1663

Mr. BYRD. Mr. President, I ask unanimous consent that S. 1663 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO PLACE S. 800 ON SUBJECTS ON THE TABLE

Mr. BYRD. Mr. President, I ask unanimous consent that S. 800 be placed on the subjects on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR REDUCTION OF LEADER TIME AND MORNING BUSINESS ON TOMORROW

Mr. BYRD. Mr. President, I ask unanimous consent that the time of the two leaders tomorrow be reduced to 5 minutes and that following the recognition of the two leaders under the standing order, as revised, there be a period for morning business not to extend beyond the hour of 9:20 tomorrow morning and that Senators may be permitted to speak during that period for not to exceed 2 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD. Mr. President, following the vote on the motion that the Senate concur in the amendments of the House to S. 442, a bill to extend the Semiconductor Chip Protection Act tomorrow, the Senate may proceed to the consideration of the energy and water appropriation bill. That is presently my intention.

I am in no position at this point to say anything further with respect to the program tomorrow except to say that rollcall votes can be expected, one having been ordered already.

Mr. President, does my friend have any further business he would like to transact or any further statements?

Mr. SIMPSON. Mr. President, I do not have any further material here to review at this time and will appreciate the opportunity to try to accommodate the schedule on tomorrow.

Mr. BYRD. Mr. President, I thank the distinguished assistant Republican leader.

ORDER FOR RECESS UNTIL 9 A.M. TOMORROW

Mr. BYRD. Mr. President, I ask unanimous consent that when the

Senate completes its business today, it stand in recess until the hour of 9 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 9 A.M. TOMORROW

Mr. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until the hour of 9 a.m. tomorrow.

The motion was agreed to, and, at 4:48 p.m., the Senate recessed until Wednesday, November 4, 1987, at 9 a.m.

NOMINATIONS

Executive nominations received by the Secretary of the Senate November 2, 1987, under authority of the order of the Senate of February 3, 1987:

DEPARTMENT OF TRANSPORTATION

JAMES H. BURNLEY IV, OF NORTH CAROLINA, TO BE SECRETARY OF TRANSPORTATION.

DEPARTMENT OF DEFENSE

ROBERT B. COSTELLO, OF MICHIGAN, TO BE UNDER SECRETARY OF DEFENSE FOR ACQUISITION, VICE RICHARD P. GODWIN, RESIGNED.

FEDERAL LABOR RELATIONS AUTHORITY

J. JOSEPH LYDON, OF MASSACHUSETTS, TO BE A MEMBER OF THE FEDERAL LABOR RELATIONS AUTHORITY FOR A TERM OF 5 YEARS EXPIRING JULY 1, 1990, VICE HENRY BOWEN FRAZIER III, TERM EXPIRED.

HOUSE OF REPRESENTATIVES—*Tuesday, November 3, 1987*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We pray, gracious God, that as we view the real dangers of our world, we might also see the wonders of life. As we contemplate the destructive powers that can diminish life, so we celebrate at the birth of new life with its hopes and potential. As we see loneliness about us so, too, we see the support of community and the encouragement of family and friends. Help us, O God, to see in a world often clouded by despair, the bright light of Your gifts and promises. Amen.

THE JOURNAL OF THE SECOND LEGISLATIVE DAY OF THURSDAY, OCTOBER 29, 1987

The SPEAKER. The Chair has examined the Journal of the proceedings of the second legislative day of Thursday, October 29, 1987.

The question is on the approval of that Journal. Without objection, that Journal is approved.

Mr. WALKER. Mr. Speaker, reserving the right to object, it is my understanding that now we have four Journals pending and that we will be voting first on the Journal of last Thursday, is that correct?

The SPEAKER. The gentleman is exactly correct.

Mr. WALKER. So the first vote that we could take today would occur then on last Thursday's Journal, and then we would have approvals of the other Journals immediately following?

The SPEAKER. That is correct.

Mr. WALKER. I thank the Chair and I withdraw my reservation of objection.

Mr. SENSENBRENNER. Mr. Speaker, reserving the right to object, is the Chair going to put the question?

The SPEAKER. The Chair will put the question.

Mr. SENSENBRENNER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. The question is on the Chair's approval of the Journal of the second legislative day of Thursday, October 29, 1987.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 228, nays 162, not voting 43, as follows:

[Roll No. 401]

YEAS—228

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Bates
Bennett
Berman
Bevill
Bilbray
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Bruce
Bryant
Bustamante
Byron
Campbell
Cardin
Carper
Carr
Chapman
Chappell
Clay
Coelho
Coleman (TX)
Cooper
Crockett
Darden
de la Garza
DeFazio
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Dowdy
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
English
Erdreich
Evans
Fascell
Fazio
Feighan
Flake
Flippo
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frost
Gaydos
Gejdenson
Gibbons
Glickman
Gonzalez
Gordon
Grant
Gray (IL)
Gray (PA)
Hall (OH)
Hall (TX)
Hamilton
Harris
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hochbrueckner
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jacobs
Jeffords
Jenkins
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kostmayer
LaFalce
Lancaster
Lantos
Leath (TX)
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Lowry (WA)
Luken, Thomas
Manton
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McHugh
McMillen (MD)
Mfume
Mica
Miller (CA)
Mineta
Moakley
Mollohan
Montgomery
Morrison (CT)
Mrazek
Murtha
Myers
Nagle
Natcher
Neal
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Panetta
Patterson
Pease
Pelosi
Penny
Pepper
Perkins
Pickett
Pickle
Price (IL)
Price (NC)
Rahall
Rangel
Ray
Richardson
Robinson
Roe
Rose
Rostenkowski
Rowland (GA)
Roybal
Russo
Sabo
Sawyer
Scheuer
Schumer
Sharp
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Smith (FL)
Smith (IA)
Solarz
Spratt
St Germain
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Synar
Tallon
Tauzin
Thomas (GA)
Torres
Torricelli
Traficant
Traxler
Udall
Valentine
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Weiss
Wheat
Williams
Wilson
Wise
Wolpe
Wyden
Yates
Yatron

NAYS—162

Archer
Armey
Baker
Ballenger
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Boulter
Brown (CO)
Buechner
Bunning
Burton
Callahan
Chandler
Cheney
Clinger
Coats
Coble
Coleman (MO)
Combest
Conte
Conyers
Coughlin
Craig
Crane
Dannemeyer
Daub
Davis (IL)
Davis (MI)
DeLay
DeWine
Dickinson
DioGuardi
Dornan (CA)
Dreier
Edwards (OK)
Emerson
Fawell
Fields
Fish
Frenzel
Gallegly
Gallo
Gekas
Gilman
Gingrich
Goodling
Gradison
Grandy
Green
Gunderson
Hammerschmidt
Hansen
Hastert
Hefley
Henry
Herger
Hiler
Holloway
Hopkins
Horton
Houghton
Hyde
Inhofe
Ireland
Johnson (CT)
Kasich
Kolbe
Konnyu
Kyl
Lagomarsino
Latta
Leach (IA)
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lott
Lowery (CA)
Lujan
Lukens, Donald
Lungren
Mack
Madigan
Marlenee
Martin (IL)
Martin (NY)
McCandless
McGrath
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Moorhead
Morella
Morrison (WA)
Nielson
Oxley
Packard
Parris
Pashayan
Petri
Porter
Quillen
Ravenel
Regula
Rhodes
Ridge
Rinaldo
Ritter
Roberts
Rogers
Roth
Roukema
Rowland (CT)
Saiki
Saxton
Schaefer
Schneider
Schroeder
Schuette
Sensenbrenner
Shaw
Shays
Shumway
Shuster
Skeen
Slaughter (VA)
Smith (NE)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solomon
Spence
Stangeland
Stump
Sundquist
Sweeney
Tauke
Taylor
Thomas (CA)
Upton
Vander Jagt
Vucanovich
Walker
Weber
Weldon
Whittaker
Wolf
Wortley
Wylie
Young (AK)
Young (FL)

NOT VOTING—43

Badham
Barnard
Beilenson
Biaggi
Brown (CA)
Clarke
Collins
Courter
Coyne
Daniel
Duncan
Espy
Florio
Garcia
Gephardt
Gregg
Guarini
Hunter
Kaptur
Kemp
Kolter
Leland
Lent
Lloyd
MacKay
Mavroules
McCollum
McDade
McEwen
Moody
Murphy
Pursell
Rodino
Roemer
Savage
Schulze
Slaughter (NY)
Smith (NJ)
Stratton
Swift
Swindall
Towns
Whitten

☐ 1215

Mr. JACOBS, Mr. SIKORSKI, and Mr. AuCOIN changed their votes from "nay" to "yea."

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. PETRI changed his vote from "yea" to "nay."

So, the Journal of the second legislative day of Thursday, October 29, 1987, was approved.

The result of the vote was announced as above recorded.

THE JOURNAL OF FRIDAY, OCTOBER 30, 1987

The SPEAKER pro tempore (Mr. MURTHA). The Chair has examined the Journal of the proceedings of Friday, October 30, 1987, and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

THE JOURNAL OF SATURDAY, OCTOBER 31, 1987

The SPEAKER pro tempore. The Chair has examined the Journal of the proceedings of Saturday, October 31, 1987, and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

THE JOURNAL OF MONDAY, NOVEMBER 2, 1987

The SPEAKER pro tempore. The Chair has examined the Journal of the proceedings of Monday, November 2, 1987, and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PRIVATE CALENDAR

The SPEAKER pro tempore. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

CHUN WEI WONG, ET AL.

The Clerk called the bill (H.R. 2108) for the relief of Chun Wei Wong, Bic Ya Ma Wong, Wing Sing Wong, Wing Yum Wong, and Man Yee Wong.

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

EMILIE SANTOS

The Clerk called the Senate bill (S. 393) for the relief of Emilie Santos.

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the Senate bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

KIL JOON YU CALLAHAN

The Clerk called the Senate bill (S. 423) for the relief of Kil Joon Yu Callahan.

There being no objection, the Clerk read the Senate bill as follows:

S. 423

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding section 212(a)(23) of the Immigration and Nationality Act, Kil Joon Yu Callahan may be issued a visa and admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of that Act.

SEC. 2. The foregoing exemption shall apply only to grounds for exclusion of which the Department of State or Department of Justice had knowledge prior to the enactment of this Act.

With the following committee amendment in the nature of a substitute.

Strike out all after the enacting clause and insert:

"SECTION 1. TEMPORARY RESIDENT STATUS FOR BENEFICIARY AND ADJUSTMENT OF STATUS.

"(a) TEMPORARY RESIDENCE.—Notwithstanding section 212(a)(23) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(23)), Kil Joon Yu Callahan may be issued a visa and admitted to the United States for temporary residence if she—

"(1) is found to be otherwise admissible under the provisions of that Act; and

"(2) applies for a visa and for admission to the United States within two years after the date of the enactment of this Act.

"(b) PREVIOUSLY KNOWN GROUND FOR EXCLUSION.—The exemption under subsection (a) shall apply only to grounds for exclusion of which the Department of State or the Department of Justice had knowledge before the date of the enactment of this Act.

"(c) ADJUSTMENT TO PERMANENT RESIDENCE.—The Attorney General shall, at the end of the 2-year period after the date on which the beneficiary was granted such temporary status, adjust the status of the beneficiary provided lawful temporary resident status under subsection (a) to that of an alien lawfully admitted for permanent residence if—

"(1) the Attorney General finds, that the beneficiary has exhibited conduct during such period which demonstrates good moral character (including drug rehabilitation and community ties);

"(2) the beneficiary establishes that she has resided continuously in the United States since the date she was granted such temporary status; and

"(3) the beneficiary establishes that she—

"(A) is admissible to the United States as an immigrant; and

"(B) she has not been convicted of any felony or three or more misdemeanors committed in the United States.

"(d) TREATMENT OF BRIEF, CASUAL, AND INNOCENT ABSENCES.—During the period the beneficiary is in temporary status under subsection (a), the beneficiary shall not be considered to have failed to maintain continuous physical presence in the United States for purposes of such subsection by virtue of brief, casual, and innocent absences from the United States.

"(e) AFFIDAVITS.—The Attorney General may require the beneficiary to submit affidavits for purposes of determinations made under subsection (c).".

Mr. SENSENBRENNER (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The committee amendment in the nature of a substitute was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PAULETTE MENDES-SILVA

The Clerk called the bill (H.R. 1574) for the relief of Paulette Mendes-Silva.

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

SAMUEL O. JOHNSON

The Clerk called the bill (H.R. 2358) for the relief of Samuel O. Johnson.

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

NANCY L. BRADY

The Clerk called the bill (H.R. 3295) for the relief of Nancy L. Brady.

There being no objection, the Clerk read the bill as follows:

H.R. 3295

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TRANSFER OF ANNUAL LEAVE AND SICK LEAVE.

(a) TRANSFER AUTHORIZED.—Notwithstanding any provision of chapter 63 of title 5 of the United States Code, and with the approval of the director of personnel at Griffiss Air Force Base, an employee of Griffiss Air Force Base whose official station is Griffiss Air Force Base in Rome, New York, may transfer accumulated annual leave accrued under section 6303 of title 5, United States Code, to the account of Nancy L. Brady, an employee of Griffiss Air Force Base in Rome, New York.

(b) EFFECT OF TRANSFER.—For purposes of chapter 63 of title 5, United States Code, annual leave transferred under subsection (a) shall be treated as the annual leave accrued by the individual to whose account the leave is transferred, except that such annual leave accumulates without regard to the limitation imposed by section 6304(a) of title 5, United States Code.

(c) Reduction of Leave Account.—The transfer of annual leave under subsection (a) by an employee reduces the account of such employee by the amount of the leave so transferred.

SEC. 2. AUTHORITY TO RESTORE TRANSFERRED LEAVE.

With the approval of the director of personnel at Griffiss Air Base, Nancy L. Brady may, by transfer, restore unused leave to an employee from whom leave was received, except that the amount of leave so restored by each of them may not exceed the amount of leave received by them, respectively, from such employee.

SEC. 3. EXPIRATION OF AUTHORITY.

The authority to transfer leave under section 1(a) and the authority to restore unused leave under section 2 shall terminate one hundred and eighty days after the disease of Nancy L. Brady no longer exists.

With the following Committee amendments:

Page 1, line 3, strike out "AND SICK LEAVE".

Page 1, line 5, strike out "of the" and insert in lieu thereof a comma.

Page 2, line 8, strike out "the annual" and insert in lieu thereof "sick".

Page 2, line 10, strike out ", except" and all that follows through "Code" on line 12.

Page 2, strike out lines 18 through 23 and insert in lieu thereof the following:

With the approval of the director of personnel at Griffiss Air Force Base, Nancy L. Brady may, by transfer, restore unused leave, which was transferred under section 1, to the annual leave account of an employee from whom leave was received under such section, except that the amount of leave so restored may not exceed the amount of leave received by Nancy L. Brady from such employee.

Page 3, line 9, strike out "one hundred and eighty" and insert in lieu thereof "180".

Mr. SENSENBRENNER (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendments be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SUSAN A. SAMPECK

The Clerk called the bill (H.R. 3319) for the relief of Susan A. Sampeck.

There being no objection, the Clerk read the bill, as follows:

H.R. 3319

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TRANSFER OF ANNUAL LEAVE AND SICK LEAVE

(a) Transfer Authorized.—Notwithstanding any provision of chapter 63 of title 5 of the United States Code, and with the approval of the director of the Austin district of the Internal Revenue Service, an employee of the Internal Revenue Service whose official station is the Austin district may transfer accumulated annual leave accrued under section 6303 of title 5, United States Code, and accumulated sick leave accrued under section 6307 of such title to the account of Susan A. Sampeck, an employee of the Internal Revenue Service in the Austin district.

(b) Effect of Transfer.—For purposes of chapter 63 of title 5, United States Code, annual leave and sick leave transferred under subsection (a) shall be treated as the annual leave and sick leave accrued by the individual to whose account the leave is transferred, except that such annual leave accumulates without regard to the limitation imposed by section 6304(a) of title, 5, United States Code.

(c) Reduction of Leave Account.—The transfer of annual leave or sick leave under subsection (a) by an employee reduces the account of such employee by the amount of the leave so transferred.

SEC. 2. AUTHORITY TO RESTORE TRANSFERRED LEAVE.

With the approval of the director of the Austin district of the Internal Revenue Service, Susan A. Sampeck may, by transfer, restore unused leave to an employee from whom leave was received, except that the amount of leave so restored may not exceed the amount of leave received by Susan A. Sampeck from such employee.

SEC. 3. EXPIRATION OF AUTHORITY.

The authority to transfer leave under section 1(a) and the authority to restore unused leave under section 2 shall terminate 180 days after the disease of Susan A. Sampeck no longer exists.

With the following committee amendments:

Page 1, line 3, strike out "AND SICK LEAVE".

Page 1, line 5, strike out "of the" and insert in lieu thereof a comma.

Page 2, lines 3 and 4, strike out "and accumulated sick leave accrued under section 6307 of such title".

Page 2, line 8, strike out "and sick leave".

Page 2, lines 9 and 10, strike out "the annual leave and".

Page 2, line 11, strike out ", except" and all that follows through "Code" on line 13.

Page 2, line 15, strike out "or sick leave".

Page 2, lines 21 and 22 strike out "to an employee from whom leave was received" and insert in lieu thereof ", which was transferred under section 1, to the annual leave account of an employee from whom leave was received under such section".

Mr. SENSENBRENNER (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendments be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER pro tempore. This concludes the call of the Private Calendar.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills and joint resolutions of the House of the following titles:

H.R. 2470. An act to amend title XVIII of the Social Security Act to provide protection against catastrophic medical expenses under the medicare program, and for other purposes;

H.R. 2890. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1988, and for other purposes;

H.R. 2969. An act to amend chapter 11 of title 11 of the United States Code to improve the treatment of claims for certain retiree benefits of former employees;

H.R. 3051. An act to amend the Federal Aviation Act of 1958 to establish minimum standards relating to air carrier passenger services, and for other purposes;

H.R. 3483. An act to amend title 18, United States Code, to improve certain provisions relating to imposition and collection of criminal fines, and for other purposes;

H.J. Res. 97. Joint resolution to recognize the Disabled American Veterans Vietnam Veterans National Memorial as a memorial of national significance; and

H.J. Res. 130. Joint resolution to designate the week beginning November 22, 1987, as "National Family Caregivers Week."

The message also announced that the Senate insists upon its amendments to the bill (H.R. 2890) "An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1988, and for other purposes," and requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Lautenberg, Mr. Stennis, Mr. Byrd, Mr. Chiles, Mr. Harkin, Mr. Inouye, Mr. D'Amato, Mr. Cochran, Mr. Kasten, Mr. Weicker, and Mr. Hatfield, to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 3051) "An act to amend the Federal Aviation Act of 1958 to establish minimum standards relating to air carrier passenger services, and for other purposes," and requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Hollings, Mr. Ford, Mr. Exon, Mr. Inouye, Mr. Danforth, Mr. Packwood, and Mrs. Kassebaum, to be the conferees on the part of the Senate.

The message also announced that the Senate had passed joint resolutions of the following titles, in which the concurrence of the House is requested:

S.J. Res. 35. Joint resolution relating to the commemoration of January 28, 1988, as a "National Day of Excellence";

S.J. Res. 66. Joint resolution to designate the week of November 22, 1987, through November 28, 1987, as "National Family Week";

S.J. Res. 97. Joint resolution to designate the week beginning November 22, 1987, as "National Adoption Week";

S.J. Res. 98. Joint resolution to designate the week of November 29, 1987, through December 5, 1987, as "National Home Health Care Week";

S.J. Res. 105. Joint resolution to designate December 7, 1987, as "National Pearl Harbor Remembrance Day" on the occasion of the anniversary of the attack on Pearl Harbor;

S.J. Res. 125. Joint resolution to designate the period commencing on May 9, 1988, and ending on May 15, 1988, as "National Stuttering Awareness Week";

S.J. Res. 126. Joint resolution to designate March 16, 1988, as "Freedom of Information Day";

S.J. Res. 134. Joint resolution to designate the week commencing on the third Sunday in May 1988, as "National Tourism Week";

S.J. Res. 136. Joint resolution to designate the week of December 13, 1987, through December 19, 1987, as "National Drunk and Drugged Driving Awareness Week";

S.J. Res. 146. Joint resolution designating January 8, 1988, as "National Skiing Day";

S.J. Res. 185. Joint resolution to designate the period commencing on May 2, 1988, and ending on May 8, 1988, as "National Drinking Water Week"; and

S.J. Res. 201. Joint resolution to designate January 28, 1988, as "National Challenger Center Day" to honor the crew of the space shuttle Challenger.

SIXTH ANNUAL REPORT ON THE STATE OF SMALL BUSINESS—MESSAGE OF THE PRESIDENT OF THE UNITED STATES

The **SPEAKER** pro tempore laid before the House the following message from the President of the United States, which was read and, together with the accompanying papers, without objection, referred to the Committee on Small Business.

(For message, see proceedings of the Senate of Thursday, October 29, 1987, at page S. 15491.)

COMMUNICATION FROM THE CLERK OF THE HOUSE

The **SPEAKER** pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

Washington, DC,
October 30, 1987.

Hon. Jim Wright,
The Speaker, House of Representatives, Washington, DC.

Dear Mr. Speaker: Pursuant to the permission granted on Clause 5 of Rule III of the Rules of the U.S. House of Representatives, the Clerk received at 2:24 p.m. on Friday, October 30, 1987, the following message from the Secretary of the Senate: That the Senate passed S.J. Res. 209.

With great respect, I am,
Sincerely yours,
Donnald K. Anderson,
Clerk, House of Representatives.

□ 1230

COMMUNICATION FROM THE CLERK OF THE HOUSE

The **SPEAKER** pro tempore (Mr. Murtha) laid before the House the following message from the Clerk of the House of Representatives:

Washington, DC,
October 30, 1987.

Hon. Jim Wright,
The Speaker, House of Representatives, Washington, DC.

Dear Mr. Speaker: Pursuant to the permission granted on Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House at 4:19 p.m. on Friday, October 30, 1987 and said to contain a message from the President wherein he transmits a periodic report on the national emergency with respect to Nicaragua.

With great respect, I am,
Sincerely yours,
Donnald K. Anderson,
Clerk, House of Representatives.

PERIODIC REPORT ON NATIONAL EMERGENCY WITH RESPECT TO NICARAGUA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 100-125)

The **SPEAKER** pro tempore laid before the House the following message from the President of the United States; which was read and, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

I hereby report to the Congress on developments since my last report of May 1, 1987, concerning the national emergency with respect to Nicaragua that was declared in Executive Order No. 12513 of May 1, 1985. In that Order, I prohibited: (1) all imports into the United States of goods and services of Nicaraguan origin; (2) all exports from the United States of goods to or destined for Nicaragua except those destined for the organized democratic resistance; (3) Nicaraguan air carriers from engaging in air transportation to or from points in the United States; and (4) vessels of Nicaraguan registry from entering United States ports.

1. The declaration of emergency was made pursuant to the authority vested in me as President by the Constitution and laws of the United States, including the International Emergency Economic Powers Act, 50 U.S.C. 1701 et seq., and the National Emergencies Act, 50 U.S.C. 1601 et seq. This report is submitted pursuant to 50 U.S.C. 1641(c) and 1703(c).

2. The Office of Foreign Assets Control of the Department of the Treasury issued the Nicaraguan Trade Control Regulations implementing the prohibitions in Executive Order No. 12513 on May 8, 1985, 50 Fed. Reg. 19890 (May 10, 1985). There have been no changes in those regulations in the past 6 months. On March 11, 1987, a decision by the United States District Court for the District of Massachusetts upholding the exercise of emergency powers in the Nicaraguan context was affirmed by the United States Court of Appeals for the First Circuit in *Beacon Products Corp.* v. *Reagan.*

3. Since my report of May 1, 1987, fewer than 30 applications for licenses have been received with respect to Nicaragua, and the majority of these applications have been granted. Of the licenses issued in this period, most either authorized exports for humanitarian purposes, covering medical supplies, food, and animal vaccines, or extended authorizations previously given to acquire intellectual property protection under Nicaraguan law.

4. The trade sanctions complement the diplomatic and other aspects of our policy toward Nicaragua. They exert additional pressure intended to induce the Sandinistas to undertake serious dialogue with representatives of all elements of the Nicaraguan democratic resistance and to respond favorably to the many opportunities available for achieving a negotiated settlement of the conflict in Central America. The trade sanctions are part of a larger policy seeking a democratic outcome in Nicaragua by peaceful means.

5. The expenses incurred by the Federal Government in the period from May 1, 1987, through October 31, 1987, that are directly attributable to the exercise of powers and authorities conferred by the declaration of the Nicaraguan national emergency are estimated at approximately $167,800, all of which represents wage and salary costs for Federal personnel. Personnel costs were largely centered in the Department of the Treasury (particularly in the Customs Service, as well as in the Office of Foreign Assets Control, the Office of the Assistant Secretary for Enforcement, and the Office of the General Counsel), with expenses also incurred by the Department of State and the National Security Council.

6. The policies and actions of the Government of Nicaragua continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. I shall continue to exercise the powers at my disposal to apply economic sanctions against Nicaragua as long as these measures are appropriate and will continue to report periodically to the Congress on expenses and significant developments pursuant to 50 U.S.C. 1641(c) and 1703(c).

Ronald Reagan.

The White House, *October 30, 1987.*

EXTENSION OF CERTAIN HOUSING AND COMMUNITY DEVELOPMENT PROGRAMS

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate joint resolution (S.J. Res. 209) to provide for the extension of certain programs relating to housing and community development, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mrs. ROUKEMA. Mr. Speaker, reserving the right to object, I do not intend to object, but first I want to congratulate the chairman of the subcommittee, the gentleman from Texas [Mr. GONZALEZ], and as the ranking minority member of the Housing Subcommittee, I wish to express my appreciation for the fact that the gentleman has been able to raise this issue now.

A month ago, Chairman GONZALEZ and I, as the ranking minority member of the Housing Subcommittee, brought before the House what we all hoped would be the only short-term extension of FHA authorization needed this year. Unfortunately, because we have not yet reached agreement on the housing authorization bill, which contains a permanent authorization for FHA, another short-term extension is necessary.

The chairman of the subcommittee, the ranking minority member of the full committee, and I have been ready since last Thursday to move the resolution before us. Unfortunately, because of parliamentary maneuvering and caustic partisanship the extension was not brought before the House. As a result, FHA authority has expired and we are experiencing an unnecessary interruption in FHA insuring authority.

We saw this happen six times last year. There were 51 days in fiscal year 1986 when there was no FHA insuring authority.

Especially hard hit were young couples attempting to buy their first home. It has been widely estimated that, last year, 10,000 home buyers were affected every day that FHA was unable to operate.

We must not allow this kind of disruption to continue.

This resolution must be approved in order to resume FHA functions and to give us time to conclude the conference on S. 825, the housing authorization bill.

I urge my colleagues to vote for this resolution.

Mr. SAXTON. Mr. Speaker, will the gentlewoman yield?

Mrs. ROUKEMA. I yield to the gentleman from New Jersey.

Mr. SAXTON. Mr. Speaker, I thank the gentlewoman for yielding, and I want to join in commending the chairman of the subcommittee for bringing this Senate joint resolution to the floor this morning.

I think it is regretful, however, that we are here under these circumstances, for a couple of reasons: One is that we are waiting for the conference on the housing bill to arrive at its consensus as to the final form the housing bill will take, and presumably a permanent extension of the FHA authority to operate will be included in that conference report. I certainly look forward to that.

I think it is regretful for another reason, however. Today is Tuesday. The authority has expired, and it has put the FHA out of business for 24 hours, and by the time the President signs this bill, it will be another few hours at least, and a backup in the ability of the FHA to operate will have resulted by the actions of our House, and I find that very regrettable and something that I wish our Members could have avoided.

Mr. Speaker, I urge all the Members to vote for this bill today, and I also urge all the members of the conference to be sure that a permanent extension of the FHA to operate is included in the conference report.

Mr. PARRIS. Mr. Speaker, will the gentlewoman yield?

Mrs. ROUKEMA. Further reserving the right to object, Mr. Speaker, I yield to the gentleman from Virginia.

Mr. PARRIS. Mr. Speaker, I thank the gentleman from New Jersey for yielding, and I rise in support of the extension.

Mr. Speaker, I rise in support of Senate Joint Resolution 209, which extends through November 15, 1987 the insuring authorities for the Federal Housing Administration and various other HUD housing and community development programs.

We have already been through this exercise once this year with the enactment on September 30 of Senate Joint Resolution 191, which extended the insuring authority through October 31. Given the fact that literally tens of thousands of settlements for prospective homeowners are now being held up, I can't help but reminisce about the antics of this Congress last year when, during peak homebuying seasons, the FHA authority was allowed to expire a number of times.

Thankfully, we can take some solace this year in the fact that the lapse in authority this year is relatively minor and we can look forward to the possibility of the housing bill conference report, with its permanent insuring authority provisions, coming to the floor later this week. It is my understanding that the conference is expected to wrap up today—for that we should all be thankful.

Mr. DREIER of California. Mr. Speaker, will the gentlewoman yield?

Mrs. ROUKEMA. Further reserving the right to object, Mr. Speaker, I yield to the gentleman from California, a member of the committee.

Mr. DREIER of California. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, I, too, rise in strong support of this extension. It is tragic that we have gotten into a position where we have had to delay this action, and it is apparent to me that every Member who voted in favor of adjournment last Friday was casting a strong vote against extension of FHA. I think the American people have to realize that.

Mr. Speaker, this show would be almost a matter of comedy relief if it were humorous but it just ain't funny.

It's not funny because people are being hurt and victimized. The people being hurt are American families, many are young and have worked hard and saved a little to buy their first home. You know, the American dream. These hard working taxpayers, many of whom depend on the use of FHA as the only way they can afford home ownership, are being denied the fulfillment of this dream. They are being denied because while the democrats' leaders of the House were fiddling and playing games the FHA was closed down.

Yes, Mr. Speaker, on October 31, 1987, the authority to insure mortgages expired leaving thousands of home buyers out in the cold. There is no reason for this to have happened since the Senate approved a simple extension of FHA on Friday, October 30, extending FHA through November 15. It is inexcusable to repeat this charade. Let's get our act and this House in order and approve legislation to keep FHA going until action is completed for a housing bill which permanently authorizes FHA.

As we all vividly recall from last year, FHA's lending authority lapsed seven times because Congress was slow each time in approving an extension of the agency's lending authority. The continued lapse was devastating for American home buyers and the homebuilding industry. Every day FHA was out of business, an estimated 10,000 potential home buyers were impacted. It is important that we approve Senate Joint Resolution 209 to prevent a rehash of last year's nightmare.

Senate Joint Resolution 209 will simply insure the continued operation of FHA until the housing conferees can complete a housing bill. That housing bill contains a number of important FHA provisions, including permanent lending authority, and a provision which I sponsored with my colleague form California, RICK LEHMAN, to increase FHA's mortgage insurance ceiling from $90,000 to $101,250 for home buyers in high cost areas.

I have concerns with a number of provisions in the housing bill, but as I've said, I strongly support providing HUD with permanent authority to insure mortgages under FHA. Permanent authority would guarantee the continued viability of the FHA program, and insure that FHA is maintained as the cornerstone of our national commitment to meet the mortgage financing needs of low- and moderate-income Americans.

Although I also have a number of concerns regarding the scope and direction of the FHA program, it is imperative that we remove the FHA program from the political uncertainties that it continually faces in Congress. We need to make FHA's lending authority permanent. Then, I urge Chairman GONZALEZ to undertake oversight hearings on FHA's mission in the mortgage financing market. But first, Mr. Speaker, I urge approval of the short-term extension contained in Senate Joint Resolution 209.

Mr. GONZALEZ. Mr. Speaker, will the gentlewoman yield?

Mrs. ROUKEMA. I yield to the distinguished chairman of the subcommittee.

Mr. GONZALEZ. Mr. Speaker, I merely wish to say that the authority of the Secretary to extend mortgage assurance expired at Saturday midnight. Therefore, it is imperative to avoid turmoil and disorder in the markets to extend this authority, as this resolution provides, to November 15, and I ask for its immediate approval.

Mr. Speaker, Senate Joint Resolution 209 provides for a 15-day extension of the insuring authorities of the HUD Secretary under the National Housing Act, that is the authority to continue FHA and certain other HUD and Farmers Home Administration authorities that expire on October 31.

The conferees on the housing authorization bill, S. 825, have almost completed their action on the conference report and will be meeting Tuesday, November 3, to complete our task on the last items and sign the conference report. This has been a long and complex conference having to handle over 300 different items in disagreement, but we are now almost finished and need these next 15 days to take the conference report to the House and Senate for the final votes.

Mr. Speaker, I am confident that this conference report will receive the overwhelming support of both House and Senate and will become law. In this brief interim of 15 days, I ask the House to agree to this one last extension so that there will be no lapses in authority and that we can bring our conference report back to the House next week.

Mrs. ROUKEMA. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. WALKER. Mr. Speaker, reserving the right to object, may I ask, Does the Chair intend to put the question on passage?

The SPEAKER pro tempore. The Chair does intend to put the question on passage.

Mr. WALKER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 209

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That each provision of law amended by Public Law 100-122, including those provisions amended by section 2 of such Public Law, is amended by striking out "October 31, 1987" wherever it appears and inserting in lieu thereof "November 15, 1987".

The SPEAKER pro tempore. The question is on the third reading of the Senate joint resolution.

The Senate joint resolution was ordered to be read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the Senate joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 394, nays 1, not voting 38, as follows:

[Roll No. 402]

YEAS—394

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bates
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boulter
Boxer
Brennan
Brooks
Broomfield
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Chappell
Cheney
Clay
Clinger
Coats
Coble
Coelho
Coleman (MO)
Coleman (TX)
Combest
Conte
Conyers
Cooper
Courter
Coyne
Craig
Crockett
Dannemeyer
Darden
Daub
Davis (IL)
Davis (MI)
de la Garza
DeFazio
DeLay
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Dowdy
Downey
Dreier
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Flippo
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frenzel
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grandy
Grant
Gray (IL)
Gray (PA)
Green
Gregg
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hastert
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Hyde
Inhofe
Ireland
Jacobs
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Konnyu
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Latta
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken, Thomas
Lukens, Donald
Lungren
Mack
Madigan
Manton
Markey
Marlenee
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCurdy
McGrath
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Mica
Michel
Miller (OH)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murtha
Myers
Nagle
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Panetta
Parris
Pashayan
Patterson
Pease
Pelosi
Penny
Pepper
Perkins
Petri
Pickett
Pickle
Porter
Price (IL)
Price (NC)
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roe
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schneider
Schroeder
Schuette
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shumway
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spence
Spratt
St Germain
Staggers
Stallings
Stark
Stenholm
Stokes
Stratton
Studds
Stump
Sundquist
Sweeney
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli

Traficant
Traxler
Udall
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Walker
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whittaker
Williams
Wilson
Wise
Wolf
Wolpe
Wortley
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)

NAYS—1

Crane

NOT VOTING—38

Badham
Beilenson
Biaggi
Brown (CA)
Clarke
Collins
Coughlin
Daniel
Duncan
Espy
Florio
Garcia
Gephardt
Guarini
Hunter
Kaptur
Kemp
Kolter
Leland
Lent
Lloyd
MacKay
McCollum
McDade
McEwen
Miller (CA)
Moody
Murphy
Pursell
Rodino
Roemer
Schulze
Slaughter (NY)
Stangeland
Swift
Swindall
Towns
Whitten

□ 1245

So the Senate joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GILMAN. Mr. Speaker, I was unavoidably detained on Friday, October 30, and Monday, November 2, because I had important matters to attend to in my congressional district and overseas, and as a result I was not able to cast my votes on rollcall No. 394, on agreeing to the Journal, rollcall No. 395, on the motion to adjourn, rollcall No. 396, on the motion to adjourn, rollcall No. 397, to direct the Sergeant at Arms to arrest the absent Members, rollcall No. 398, on the motion to adjourn, rollcall No. 399, on the motion that the Speaker be instructed to compel the attendance of absent Members, and rollcall No. 400, on the motion to adjourn. Had I been present, I would have voted "nay" on rollcalls 394, 395, 396, 397, 398, 399, and rollcall 400. I also was unavoidably detained for rollcall 393, on Thursday, October 29, on which I would have voted "yea."

ONE CHEER FOR MR. GORBACHEV

(Mr. LANTOS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANTOS. Mr. Speaker, will wonders never cease? In 4 days the Soviet Union will mark the 70th anniversary of the Russian revolution, and in a major address yesterday Mikhail Gorbachev actually denounced Josef Stalin for enormous and unforgiveable crimes.

Secretary Gorbachev deserves one cheer for honesty. Examining the crimes of the past is a good beginning, but we would all be better served if he would deal with abuses of the present.

After seven decades of Communist rule, human rights are still violated with impunity in the Soviet Union. Soviet citizens are still denied the right to emigrate, Soviet Christians are still denied the right to worship, Soviet intellectuals are still denied the opportunity to speak out and they are exiled or imprisoned when they try. And the Soviets still deny all of us the right to know what happened to Raoul Wallenberg.

It is good that Secretary Gorbachev is beginning to deal honestly with the past, but he would receive higher accolades if he would deal with the present reality of Soviet oppression from the Baltic States to Afghanistan.

DARK DAY IN LEGISLATIVE HISTORY WHEN "DEFICIT REDUCTION" BILL PASSED

(Mr. WELDON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON. Mr. Speaker, Thursday, or should I say Friday, will go down as a dark day in the history of this country and this institution. In an unprecedented display of power and arrogance, the legislative process was manipulated and abused to allow passage of a bill that appeared to be twice defeated in one day. I say twice, because the final vote had been taken, all time had expired when a vote was allowed to be changed.

In my 10 months here, I have never seen any vote held open for so long when it was so obvious to so many Members that no other Member was in the process of approaching the well to vote.

Mr. Speaker, your party would tell the American people that this deficit-reduction package was historic. It was and is historic. A major tax increase, with no substantive cuts, and a whole list of special interest goodies, including one for a district in Texas that will cost the taxpayers millions of dollars; and if that is not enough, this deficit-reduction bill includes a raise for Members of Congress.

As a Member who has spent 11 years in local public office, I have never seen a clearer disregard for the principles upon which our democratic system of government was founded.

EXTEND ARIAS PLAN FOR 60 DAYS

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, as a historic deadline on the Arias peace plan arrives on November 5, all eyes will be on the Sandinista government, the Reagan administration, and President Arias of Costa Rica, particularly if the peace plan's provisions are not fulfilled.

President Arias will be in a strong position to shape international opinion on the extent of Sandinista compliance. Just today Arias said that the biggest obstacle to peace was the Sandinista refusal to negotiate a cease-fire with the Contras.

For the Sandinistas the choice is clear. Either put up with the Arias accords or face continuing international isolation and loss of good faith.

For the Reagan administration the choice will be whether to call the Arias plan a failure, or seek emergency aid to the Contras.

Instead of blaming everyone in sight and seeking Contra aid, the Reagan administration should consider another option: drafting a joint statement of principles with the Congress in a bipartisan way that establishes a process for an extension of the Arias peace plan for another 60 days until the end of the year.

No other peace plan or initiative has done as much as the Arias plan.

Let us not snuff it out by a paper deadline. Let it live on. After all, war and instability are the alternatives.

TIME TO LEAD, NOT FIGHT

(Mr. LEWIS of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of California. Mr. Speaker, Members were caught last week in the strange crossfire between the Committee on Ways and Means and the Speaker's office.

At a time of potential economic disaster, Members found themselves mired in frustration, knowing we should not have an extremely divisive bill before the House as we struggled for bipartisan symmetry.

The Speaker chose to fight. Knowing we might come to compromise, that the parties could come together, the Speaker chose to fight. Knowing the bill before the Members contributed nothing to a real solution to our economic dilemma, the Speaker chose to fight.

The Democrats did not win; the Republicans did not win. The people lost.

The people were brought one step closer to economic disaster. You have got the votes; you do not have to prove who is Speaker.

It is time to lead, not to fight.

□ 1300

THE INTERIM INDIAN GAMING REGULATORY ACT

(Mrs. VUCANOVICH asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. VUCANOVICH. Mr. Speaker, my colleague, Mr. BILBRAY, and I have introduced legislation today to provide for interim regulation of gaming on Indian lands. In addition, companion legislation is being introduced in the Senate today by our Nevada Senators. Our bill would provide a temporary statutory basis for the operation of gaming by Indian tribes and for regulation to protect it from potential corruption and criminal elements. The interim Indian Gaming Regulatory Act would be in effect for a period of 10 years or until superseded by a more comprehensive statutory authorization.

We believe that a principal goal of Federal Indian policy should be to promote tribal economic development, tribal self-sufficiency, and strong tribal government. We are primarily concerned with providing an adequate regulatory system which would shield Indian gaming from organized crime and other corrupting influences, ensure that the Indian tribe is the primary beneficiary of the gaming operation, and assure that gaming is conducted fairly and honestly by both the operator and players.

As you know, numerous Indian tribes have become engaged in or have licensed gaming activities on Indian lands as a means of generating tribal governmental revenue. We have no problem with allowing Indians this opportunity; we are concerned, however, with the fact that States have no criminal jurisdiction over Indians on the reservations except under certain circumstances where Congress has provided that the States, rather than the Federal Government, exercise jurisdiction.

Existing Federal law does not provide clear standards or regulations for the conduct of gaming on Indian lands. However, States with gaming, especially Nevada, have the necessary regulatory procedures already in place, derived through years of trial and error and experimentation.

It is important that, when providing for gaming activities to be conducted on Indian lands, we balance the legitimate interests of the Indian tribes with the States' need to regulate gaming activities. Many of the patrons, as well as most of the operators, will be non-Indians. This fact creates legitimate questions from the States and law enforcement officials about potential corruption and criminal elements. We must be assured that these gaming activities are legally and fairly run.

I hope my colleagues will support our effort to maintain the integrity of the gaming industry by creating a fair and equitable regulatory system.

TRIBUTE TO SENATOR EDWARD KENNEDY

(Mr. OWENS of Utah asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OWENS of Utah. Mr. Speaker, 25 years ago today a young man, EDWARD KENNEDY, at 30 years of age, was elected to the U.S. Senate from Massachusetts. His 25 years in the Senate have been momentous years and have seen his personal evolution into one of the most powerful Members of the entire Congress. His competence and integrity are unquestioned and his leadership is accepted by Members on both sides of the aisle and in both Houses of Congress. It would be difficult to imagine any major legislation progressing through the Senate without his significant input.

In an unusual gathering this weekend at Hyannisport some 4 to 500 of his former staff members are joining to pay tribute to him and to regale each other with stories about his wit, his wisdom, and his unique personality. As a former administrative assistant, I will have my share of stories to tell.

Mr. Speaker, 18 years ago I moved east to serve as his administrative assistant during two truly fascinating years he served as majority whip. It was in that service that I learned to love the unique American legislative process, came to understand how to participate in it, and made the decision to seek membership here. As my tutor then, and as my friend of many years, ours has been a rich and enjoyable and personally rewarding association.

I salute Senator KENNEDY for his 25 years of distinguished service to our country and look forward to the next 25.

DEVINE MOBS

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, last Thursday, the Washington Post reported that the January 22 Movement of Mothers of Political Prisoners in Nicaragua was attacked by a large group of Communist Sandinista supporters. According to Managua's own police chief, three persons were wounded by the Sandinistas Turbas Divinas or devine mobs. Mr. Speaker, if democratization in Nicaragua is to have any substance, the right of peaceable assembly and free expression must be respected.

What is particularly upsetting about this incident is that the mothers were attacked while praying in a church. Mr. Speaker, the Communist Sandinistas ought to be held accountable for this assault on elementary decency, and at least be obliged to respect the sanctity of places of worship.

A SPEAKER WHO CHOSE TO FIGHT

(Mr. JACOBS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JACOBS. Mr. Speaker, when Judge Robert Bork was not confirmed for the Supreme Court, President Reagan said in a speech that his next nominee would be someone "they object to just as much." As the President was not specific in the use of the pronoun, I assume he meant the American public, who by consistent and reliable polls were opposed to that nomination by something like a 2-to-1 margin.

I would like to comment on what the gentleman from California said a few minutes ago, not the gentleman from Indiana [Mr. BURTON], who in fact is from Indiana and my next door neighbor whom I admire and like very much, what the gentleman said about Speaker WRIGHT. He said that he chose to fight. I take pride and is it not wonderful to have a Speaker who is willing to stand up and fight for what he believes in.

A QUESTION OF SINCERITY

(Mr. HEFLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HEFLEY. Mr. Speaker, we are all hopeful for evidence of democratization in Nicaragua under the peace accord signed in Guatemala. As signatories, the Sandinistas' support for the principles of those accords ought to be clear and unequivocal. We should be concerned when Sandinista commandante Bayardo Arce attacked the internal opposition in the official Sandinista newspaper Barricada on October 20. Arce said that the opposition had committed a grave error in believing the national dialog was a forum of equals, and stated that there was no alternative to Sandinista rule in Nicaragua.

Members will recall that this is the same commandante who said in 1984 that elections were a ploy for consolidating Marxist-Lininist rule. Mr. Speaker, we should all be concerned about the sincerity of Sandinista pronouncements on the democratization of Nicaragua.

ARTURO CRUZ' CALL FOR TRUCE

(Mr. WEISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEISS. Mr. Speaker, a former leader of the Contras has now joined those urging support for the Central American peace accord. Yesterday Arturo Cruz, a former political leader of the Nicaraguan Contras, declared that the Contras should "put their activities on hold" in order to increase the prospects for peace under the new accord.

Mr. Cruz resigned last spring because he gave up on trying to influence the Contras to act more democratically. Recent events suggest that the Contras continue their terrorist behavior. According to Paul Fisher, a Witness for Peace volunteer who was kidnaped by the Contras and only recently released, members of the Contras actually brag about how many civilians they have kidnaped in the last several years.

I ask Ronald Reagan, "Mr. President, why are you continuing to debase the good name of our country by extending support to kidnapers and terrorists?"

Arturo Cruz has urged the Contras and, by extension, the Reagan administration, to give peace a chance. I hope they are listening.

SANDINISTAS DELAY AS DEADLINE LOOMS

(Mr. DAVIS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Speaker, the presidents of the four Central American democracies have called on the Sandinistas to negotiate with the Contras. However, with the November 5 deadline for the peace process fast approaching, Daniel Ortega still doesn't feel the time is right for negotiations. Instead, the Sandinista comandante prefers to go to Moscow to celebrate the Bolshevik revolution.

According to an article in yesterday's Washington Times, during this past weekend Costa Rica's President Arias urged Daniel Ortega to drop his visit to Moscow and negotiate with the Contras before the November 5 deadline. But Ortega refused. Mr. Speaker, we should not allow the Sandinistas to scuttle the Central American peace plan through delaying tactics. Members should ask themselves whether Mr. Ortega would be better serving the cause of peace by negotiating in good faith to democratize Nicaragua, or by celebrating the victory of totalitarianism in Russia.

ANNOUNCEMENT OF RECEPTION FOR SVETLANA ILYINICHNA IN SPEAKER'S DINING ROOM AT 4 P.M. TOMORROW, WEDNESDAY

(Mr. CARR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARR. Mr. Speaker, over 3 years ago Svetlana Ilyinichna, a young Soviet woman, met Keith Braun on a Moscow city street. They fell in love and on August 9, 1984, the two were married in the Soviet Union.

Mr. Speaker, why do I bring this to your attention? Basically because Keith Braun is a U.S. citizen and for over 3 years Keith has persistently tried to get permission for his wife, Svetlana, to emigrate to the United States. Two months ago, while I was in the Soviet Union, I met Svetlana. She is a lovely woman.

Well, the story has a happy ending. Shortly after midnight this morning, Svetlana boarded a plane in Moscow and her flight will land at JFK Airport at about 2:45 today.

Now, tomorrow I am having a reception in the Speaker's Dining Room at about 4 o'clock for those of us in Congress who are the friends of Keith and Svetlana, so that you can join me in helping welcome her to this country.

SANDINISTA STONEWALLING

(Mr. KASICH asked and was given permission to address the House for 1 minute.)

Mr. KASICH. Mr. Speaker, a Reuters wire service story today quotes Honduran leaders as saying that the Sandinistas are not complying with the regional peace plan they agreed to last August. Honduran Foreign Minister Lopez said that while Honduras was in full compliance with the plan, "Nicaragua has not declared a full amnesty to empty its jails of political prisoners, nor held discussions to arrange a cease-fire in its guerrilla war."

Although the Sandinista Directorate agreed to an internal dialog, the Nicaraguan internal opposition coalition charged that the Sandinistas were refusing to carry out their promises. And last Thursday, the Sandinistas declared that they would "never, in any place or under any circumstances," agree to negotiate with the Nicaraguan resistance.

Mr. Speaker, there are 2 days left until the November 5 peace accord deadline. Such stonewalling by the Sandinistas only harms the cause of peace in Central America.

NICARAGUANS ARE VOTING WITH THEIR FEET

(Mr. SMITH of New Hampshire asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of New Hampshire. Mr. Speaker, the Guatemala peace accord signed in August insists on true democracy and human rights in Nicaragua, including freedom of movement. However, on October 23, the Communist regime announced that its border with Costa Rica had been closed. This action came as a result of an incident 5 days earlier, when some 600 Nicaraguan citizens requesting refugee status fled through a guarded fence into Costa Rican territory. According to the Costa Rican daily La Nacion, "the visitors rushed the fence en masse, despite the efforts of Sandinista soldiers," and cited the draft, repression, and hunger as their reasons for escaping Nicaragua.

Mr. Speaker, we have seen this tragedy repeated many times: in Hungary in 1956, in East Germany in 1961, in Czechoslovakia in 1968, and in Indochina during the 1970's. Whenever ordinary people vote with their feet to seek a freer life, Communist regimes close their borders. If democratization is to mean anything, Nicaragua must not erect a Berlin Wall around its borders.

WHO DOES U.S. COMMERCE DEPARTMENT REPRESENT?

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, today's Washington Post business section reports that the U.S. Commerce Department urges the President to ease sanctions on Japan for violating a semiconductor trade pact by dumping memory chips into United States markets at less than fair market value.

The story goes on to say that the Japanese have only "improved slightly" their compliance with another part of the agreement to increase their purchases of United States-made chips until they reach about 20 percent of the market.

If they have not complied with the agreement, why, oh why, Mr. Speaker, would we even consider lifting the sanctions? No wonder our position at negotiations with any country, over any matter is compromised before we even sit down at the table to negotiate when we do not uphold our side of an agreement.

The world is watching what we do with each trading partner on each infraction. If there is no will on the part of our Nation to enforce well-deserved restrictions against nations which raid our markets—is there any doubt that the raids will continue? Why not? By our roll-over-and-play-dead attitude, we easily convince other countries that we really don't care. And I, for one, begin to wonder which nation's commerce is being best represented by this administration.

FAIRNESS OF PROCEDURES IN THE HOUSE

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, in his book "Kings of the Hill," my good friend and colleague, Mr. CHENEY, recounts an episode where a previous Speaker of the House addressed several members of the opposition party by saying: "Gentlemen, we have decided to perpetrate the following outrage."

Apparently not much has changed in the century since then.

Last Thursday afternoon a procedural motion that could have led to an increase in taxes was soundly defeated.

But those of us who believe that Americans already pay enough taxes were not allowed to remain elated for long.

To reverse our victory, those who want to tax and spend declared that a new legislative day had arrived and—complete with opening prayer—began a new session of the House so they could have another vote on raising taxes $59 billion during the next 3 years.

On that one we won again—this time with one vote to spare when the balloting ended. But no gavel sounded. Instead, almost 10 minutes later a Member was allowed to change his vote and the tax bill—thought to be defeated—suddenly passed.

Fairness and democracy itself were contorted beyond recognition, Mr. Speaker, and every citizen has a right to be repelled by such tactics.

What happened 2 weeks ago, when stocks took a record plunge of more than 500 points, has come to be known as black Monday.

What happened last week, when the collective integrity of this House took a similar nosedive, should become known as black Thursday.

Our hope must be that just as the stock market has rebounded so too will the reputation of the House of Representatives be restored.

But for that to happen, Mr. Speaker, a tyranny of the majority must begin to yield to restraint, honesty and fair dealing.

AN ANNIVERSARY OF JOY AND SADNESS

(Mr. DORNAN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DORNAN of California. Mr. Speaker, I took this rostrum some months back and said that although the hostages in Beirut had written to me, four of them, and two had been freed, that I along with some of the other family members were going to restrain ourselves from speaking out and to take a quiet path of diplomacy and see if that would appeal to the hardened hearts of these terrorists that had taken Americans prisoners. The figure is now up to eight Americans. There were four when they wrote to me 2 years ago this week.

Two of those prisoners are still there. Terry Anderson was captured March 16, 1985, 2½ years ago. His 40th birthday was just in the last few weeks. Tom Sutherland was captured on his way into Beirut from the airport. He had only been in the country 20 minutes. That was June 9, 1985.

I received a letter this week from David Jacobsen, a constituent from Orange County, who was released a year ago yesterday. He enclosed something that he had put down of his thoughts called, "An Anniversary of Joy and Sadness." It is a beautiful piece of writing. I think I am going to retract what I said a few months ago and go public again and make regular speeches in this well for our eight Americans.

Under Teddy Roosevelt, one American was taken prisoner along the Barbary Coast. Teddy Roosevelt said that American should be released fast or the people who took him would be dead.

I do not know what course we should take, Mr. Speaker, but I include for the RECORD the beautiful thoughts about Terry Anderson and Tom Sutherland by David Jacobsen on the year anniversary of his release.

The document referred to follows:

AN ANNIVERSARY OF JOY AND SADNESS

(David P. Jacobsen, then director of the American University of Beirut Medical Center, was taken captive by terrorists on May 28, 1985, and released 17 months later on November 2, 1986. These are my thoughts on the first anniversary of my freedom. For release on November 1, 1987.)

Most happy anniversaries should be days of fond memories, but occasionally they are not. One year ago on November 2, I regained my freedom after being held hostage in Lebanon for seventeen months by Islamic Jihad terrorists.

In the early hours of that day, my captors awakened me with the good news of my immediate freedom. I was driven to a point near the abandoned American Embassy in West Beirut where my restraints and blindfold were removed minutes before I was pushed out of the van. I was stunned by the rushing impact of my senses. For over a year and a half, I had experienced intense sensory deprevation. Kept in a small quarters, blindfolded, beaten, months in total isolation and denied almost every freedom except the freedoms to think and pray. Being free was an explosion of joy. I praised the Lord for my survival and my freedom.

Those first moments of freedom are indelibly imprinted in my consciousness. Walking to safety, I was overwhelmed by seeing the mountains of Lebanon on the horizon, early risers strolling and jogging along the oceanfront of the beautiful Mediterranian Sea, the trees of the American University of Beirut hill-side campus and the fragrance of the cool, fresh, salty morning air. What a marvelous day of freedom . . . a day of memories . . . a day of concern for my brothers.

Yes, I am a lucky man. I returned home in time to spend six months with my Dad before he died at the age of ninety-two. Terry Anderson still does not know that his Father died early in 1986. I returned home in time for the births of my two precious grandsons, John and Joseph. I have held them, fed them, changed their diapers, babysat them and showered them with all the grandfatherly love possible. Terry Anderson has never felt the warmth of his little daughter who was born during his captivity in June of 1985, two and a half years ago. Terry's other daughter has been cruelly denied all contacts with him for nearly one thousand days. Tom Sutherland, who was kidnaped on June 9, 1985, probably doesn't know that he is a grandfather of a girl born in April 1987. Yes, I am a lucky man.

Hebrews 13:3 of the Bible reminds all of us to remember the prisoners as if in chains with them. Terry Anderson, Tom Sutherland, Joe Cicippio, Frank Reed, Edward Tracy, Allan Steen, Jesse Turner and Robert Polhill, the chains are real, but invisible. I know that they are not "Soldiers of Fortune", "Rambos" or "Mercenaries". There is a special bond with Terry Waite, the Archbishop of Canterbury's special envoy, who risked his life for me and gave his freedom for other Americans. I will never forget any of them nor cease in my efforts to bring them home.

I trust that the American people will never forget that the hostages are decent, intelligent, innocent and honorable American citizens. The hostage clock continues to run with no end in sight. I know the constant agony of the hostages. With the political devaluation of them, I fear the final chapter of their story.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON SMALL BUSINESS

The SPEAKER pro tempore (Mr. MURTHA) laid before the House the following communication from the chairman of the Committee on Small Business:

COMMITTEE ON SMALL BUSINESS,
Washington, DC, October 27, 1987.

Hon. JIM WRIGHT,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I have previously notified you of the receipt of a subpoena issued by the United States District Court for the District of Maryland. After consultation with the General Counsel to the Clerk, pursuant to Rule L(50) of the Rules of the House of Representatives, I have determined that compliance with the subpoena would not be consistent with the privileges and precedents of the House.

Sincerely,

JOHN J. LAFALCE,
Chairman.

COMMUNICATION FROM CHAIRMAN OF PERMANENT SELECT COMMITTEE ON INTELLIGENCE

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Permanent Select Committee on Intelligence:

PERMANENT SELECT COMMITTEE ON
INTELLIGENCE,
Washington, DC, October 27, 1987.

Hon. JIM WRIGHT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you that Independent Counsel Lawrence E. Walsh has requested the appearance of a former staff member of the Permanent Select Committee on Intelligence, Steven K. Berry, before a Federal Grand Jury empanelled to investigate the Iran/contra affair. The Grand Jury is investigating potential criminal violations which allegedly involve misinforming the Permanent Select Committee on Intelligence during 1985 and 1986.

On the advice of Steven R. Ross, General Counsel to the Clerk, and in consultation with the Select Committee to Investigate Covert Arms Transactions with Iran, the Committee has determined, pursuant to Rules XLVIII and L of the House of Representatives and to the Rules of the Committee, that compliance with this request, under appropriate terms and conditions, is consistent with the precedents and privileges of the House.

Sincerely,

LOUIS STOKES,
Chairman.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken at the conclusion of legislative business today.

HEALTH MAINTENANCE ORGANIZATION AMENDMENTS OF 1987

Mr. WAXMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3235) to amend the Public Health Service Act to revise the program of assistance for health maintenance organizations, as amended.

The Clerk read as follows:

H.R. 3235

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE, REFERENCE.

(a) SHORT TITLE.—This Act may be cited as the "Health Maintenance Organization Amendments of 1987".

(b) REFERENCE.—Whenever in this Act (other than in section 6(a)) an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act.

SEC. 2. ORGANIZATIONAL STRUCTURE.

Section 1301(a) (42 U.S.C. 300e(a)) is amended by striking out "legal entity" and inserting in lieu thereof "public or private entity which is organized under the laws of any State and".

SEC. 3. DEDUCTIBLES.

Section 1301(b)(1) (42 U.S.C. 300e(b)(1)) is amended by adding after the second sentence the following: "If a health maintenance organization offers to its members the opportunity to obtain basic health services through a physician not described in subsection (b)(3)(A), the organization may require, in addition to payments described in clause (D) of this paragraph, a reasonable deductible to be paid by a member when obtaining a basic health service from such a physician.".

SEC. 4. PHYSICIAN SERVICES.

(a) GENERAL RULE.—Section 1301(b)(3)(A) (42 U.S.C. 300e(b)(3)(A)) is amended by striking out "the services of a physician which are provided as basic health services shall be provided" and insert in lieu thereof "at least 90 percent of the services of a physician which are provided as basic health services shall be provided".

(b) DUAL-CHOICE.—Section 1310(b) (42 U.S.C. 300e-9(b)) is amended—

(1) in paragraph (1), by inserting before the comma at the end of the following: "and provides at least 90 percent of such services through physicians described in section 1301(b)(3)(A)", and

(2) in paragraph (2), by inserting before the comma at the following: "and provides no more than 10 percent of such services through physicians who are not described in section 1301(b)(3)(A)".

SEC. 5. ORGANIZATION.

Paragraph (5) of section 1301(c) (42 U.S.C. 300e(c)) is repealed and paragraphs (6) through (9) are redesignated as paragraphs (5) through (8), respectively.

SEC. 6. DEFINITIONS.

(a) ORGAN TRANSPLANTS.—Subsection (b) of section 812 of the Health Maintenance Organization Amendments of 1986 (42 U.S.C. 300e-1 note) is repealed.

(b) COMMUNITY RATING.—The third sentence of section 1302(8)(C) (42 U.S.C. 300e-1(8)(C) is amended to read as follows: "If a health maintenance organiztion is to fix rates of payment for individuals and families by groups, it shall—

"(i)(I) classify all of the members of the organization into classes based on factors which the health maintenance organization determines predict the differences in the use of health services by the individuals or families in each class and which have not been disapproved by the Secretary,

"(II) determine its revenue requirements for providing services to the members of each class established under subclause (I), and

"(III) fix the rates of payments for the individuals and families of a group on the basis of a composite of the organization's revenue requirements determined under subclause (II) for providing services to them as members of the classes established under subclause (I), or

"(ii) fix the rates of payments for the individuals and families of a group on the basis of the organization's revenue requirements for providing services to the group, except that the rates of payments for the individuals and families of a group of less than 100 persons may not be fixed at rates greater than 120 percent of the rate that would be fixed for such individuals and families under subparagraph (B) or clause (i) of this subparagraph.".

SEC. 7. EMPLOYEES' HEALTH BENEFIT PLANS.

(a) STATES AND POLITICAL SUBDIVISIONS.—

(1) Section 1310(b) (42 U.S.C. 300e-9(b)) is amended (A) by striking out "subject to subsection (a)" and inserting in lieu thereof "or a State or political subdivision", and (B) by striking out "employer pursuant" and inserting in lieu thereof "employer or State or political subdivision pursuant".

(2) Section 1310(c) (42 U.S.C. 300e-9(c)) is amended by inserting "or State or political subdivision" after "employer" each place it occurs.

(b) DISCRIMINATION.—Section 1310(c) (42 U.S.C. 300e-9(c)) is amended by adding at the end the following: "If a health benefits plan offered by an employer or a State or political subdivision under subsection (a) includes contributions for services offered under the plan, the employer or State or political subdivision shall make a contribution under the plan for services offered by a qualified health maintenance organization in an amount which does not financially discriminate against an employee who enrolls in such organization. For purposes of the preceding sentence, an employer's contribution does not financially discriminate if the employer's method of determining the contributions on behalf of all employees is reasonable and is designed to assure employees a fair choice among health benefits plans.".

SEC. 8. RESTRICTIVE STATE LAWS.

Section 1311(a)(1) (42 U.S.C. 300e-10(a)(1)) is amended by striking out "or" at the end of subparagraph (C), by striking out ", and" at the end of subparagraph (D) and inserting in lieu thereof ", or", and by adding at the end the following:

"(E) imposes requirements which would prohibit the entity from complying with the requirements of this title, and".

The SPEAKER pro tempore. Is a second demanded?

Mr. MADIGAN. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from California [Mr. WAXMAN] will be recognized for 20 minutes and the gentleman from Illinois [Mr. MADIGAN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. WAXMAN].

GENERAL LEAVE

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. WAXMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3235, the Health Maintenance Organization Amendments of 1987, would provide for a number of important changes in the Federal regulation of health maintenance organizations under title 13 of the Public Health Services Act.

H.R. 3235 has the dual objective of providing greater flexibility within the current Federal Qualification Program. The legislation gives HMO's and employers the additional flexibility they need to respond to the ever-changing health care marketplace. In addition, the bill still assures that federally qualified HMO's will serve as the benchmark for the rest of the field.

Under this legislation, employers will be free from the current requirement that they contribute dollar-for-dollar the same amount on behalf of employees enrolling in HMO's as they do for other employees enrolling in other health benefits options. To protect employees who choose HMO's, the bill does require that the employer's contributions not be unfair. On the other hand, the bill will allow employers to determine their contributions to an HMO based on the particular circumstances of that HMO and its enrollment.

Under the bill, HMO's will have greater freedom in the way they offer their physician services, their corporate structure and the rating systems they use to determine their premiums.

Finally, in response to increasing State legislative activity to impose new requirements on federally qualified HMO's, the bill would make clear that State laws and regulations cannot impost requirements on HMO's that prohibit the HMO's from complying with the conditions of their Federal qualification.

I believe this bill is an important and timely step forward in the Federal HMO Program. I urge all Members to support the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. MADIGAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3235, the Health Maintenance Organization Amendments of 1987. This legislation makes much needed changes in title 13 of the Public Health Service Act, the HMO law.

The HMO law was passed in 1973, a time when many Americans were unfamiliar with the concept of health care delivered on a capitated basis by a predetermined panel of providers. Since 1973, the HMO industry has matured, making unnecessary some of the market protections contained in the original law. H.R. 3235 recognizes the maturity of the HMO industry and makes the following changes in the law:

First. HMO's would be permitted to be subsidiaries of other legal entities. This would allow traditional indemnity health insurers to operate HMO's as a line of their business;

Second. HMO's would be permitted to provide a limited number of physician services through providers not formally associated with the HMO's. This will allow HMO's the flexibility to staff for only essential services, and to make their product more attractive by allowing patients to go out of plan for limited services;

Third. HMO's could determine premiums according to factors affecting utilization, including age and sex;

Fourth. Employers would be allowed to make contributions on behalf of employees to HMO's on a basis that does not financially discriminate against the employees. Current law has been interpreted to require an equal employer contribution to HMO's and indemnity plans.

All of these changes are reasonable and meritorious. I urge my colleagues to support this legislation.

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Mr. WAXMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MADIGAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MURTHA). The question is on the motion offered by the gentleman from California [Mr. WAXMAN] that the House suspend the rules and pass the bill, H.R. 3235, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

PUBLIC HEALTH SERVICE AMENDMENTS OF 1987

Mr. WAXMAN. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the House amendments to the Senate bill (S. 1158) to extend the authorization of appropriations for programs and activities under title III of the Public Health Service Act, to establish a National Health Service Corps Loan Repayment Program, to otherwise revise and extend the program for the National Health Service Corps, and for other purposes.

The Clerk read as follows:

Senate amendment to House amendments: In lieu of the matter proposed to be inserted by the House amendment to the text of the bill, insert:.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Public Health Service Amendments of 1987".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. References to the Public Health Service Act.

TITLE I—HEALTH RESEARCH, TECHNOLOGY, STATISTICS, AND PREVENTIVE HEALTH PROGRAMS

Sec. 101. Establishment of certain rural programs of National Center for Health Services Research and Health Care Technology Assessment.
Sec. 102. Duties and composition of National Advisory Council on Health Care Technology Assessment.
Sec. 103. Prohibition against altering certain administrative relationships.
Sec. 104. National Center for Health Statistics.
Sec. 105. National Committee on Vital and Health Statistics.
Sec. 106. Health care reports and profiles.
Sec. 107. Requirement of peer review groups for evaluations of grant proposals.
Sec. 108. Authorization of appropriations.
Sec. 109. Requirement with respect to amount of non-Federal contributions in grant program for Council on Health Care Technology.
Sec. 110. Project grants for preventive health projects for immunizations.
Sec. 111. Project grants for preventive health projects for tuberculosis; additional grants.

TITLE II—NATIONAL HEALTH SERVICE CORPS LOAN REPAYMENT PROGRAM

Sec. 201. Establishment of loan repayment program.
Sec. 202. Technical and conforming amendments.
Sec. 203. Report and authorization of appropriations for scholarship and loan repayment programs; State programs.
Sec. 204. Special repayment provisions.
Sec. 205. Regulations.

TITLE III—NATIONAL HEALTH SERVICE CORPS

Sec. 301. Requirement of consideration of needs of Indian Health Service, certain indian tribes, and the homeless.
Sec. 302. Designation of health manpower shortage areas.
Sec. 303. Placement of physicians.
Sec. 304. Assignment of family physicians.
Sec. 305. Authorizations of appropriations for general operations of National Health Service Corps.
Sec. 306. Obligated service.
Sec. 307. Private practice.
Sec. 308. Discharge of obligations in bankruptcy.
Sec. 309. Special loans for Corps members to enter private practice.

TITLE IV—MISCELLANEOUS

Sec. 401. Geriatric medicine training projects.
Sec. 402. Professional review activities.

SEC. 2. REFERENCES TO THE PUBLIC HEALTH SERVICE ACT.

Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act (42 U.S.C. 201 et seq.).

TITLE I—HEALTH RESEARCH, TECHNOLOGY, STATISTICS, AND PREVENTIVE HEALTH PROGRAMS

SEC. 101. ESTABLISHMENT OF CERTAIN RURAL PROGRAMS OF NATIONAL CENTER FOR HEALTH SERVICES RESEARCH AND HEALTH CARE TECHNOLOGY ASSESSMENT.

Section 305 (42 U.S.C. 242c) is amended—

(1) by redesignating subsections (c) through (i) as subsections (d) through (j), respectively; and

(2) by inserting after subsection (b) the following new subsection:

"(c) In carrying out section 304(a), the Secretary, acting through the Center, shall undertake and support research, evaluation, and demonstration projects (that may include and shall be appropriately coordinated with experiments and demonstration activities authorized by the Social Security Act (42 U.S.C. 301 et seq.) and the Social Security Amendments of 1967 (Public Law 90-248; 81 Stat. 821)) respecting the delivery of health care services in rural areas (including frontier areas), which may include projects with respect to—

"(1) the future of the rural hospital;

"(2) long-term health care for the rural elderly;

"(3) hospital care for the rural poor and uninsured; and

"(4) alternative health care delivery systems and managed health care in rural areas.".

SEC. 102. DUTIES AND COMPOSITION OF NATIONAL ADVISORY COUNCIL ON HEALTH CARE TECHNOLOGY ASSESSMENT.

Section 305(h) (as redesignated in section 101(1) of this Act) is amended—

(1) in the last sentence of paragraph (1), by striking out "shall assist the Director in developing" and inserting in lieu thereof "shall make recommendations to the Director with respect to the development of"; and

(2) by striking out paragraph (3) and inserting in lieu thereof the following new paragraph:

"(3)(A) The Secretary shall appoint to the Council—

"(i) six individuals distinguished in the fields of medicine, engineering, and science (including social science);

"(ii) four individuals distinguished in the fields of law, ethics, economics, and management; and

"(iii) two individuals representing the interests of consumers of health care services.

"(B) The Secretary shall ensure that members of the Council, as a group, are representative of professions and entities concerned with, or affected by, health care technology.".

SEC. 103. PROHIBITION AGAINST ALTERING CERTAIN ADMINISTRATIVE RELATIONSHIPS.

With respect to carrying out section 305 of the Public Health Service Act (42 U.S.C. 242c), the Secretary may not alter the administrative relationship between the Assistant Secretary for Health and the Director of the National Center for Health Services Research and Health Care Technology Assessment, as in effect during fiscal year 1986.

SEC. 104. NATIONAL CENTER FOR HEALTH STATISTICS.

Section 306(a) (42 U.S.C. 242k(a)) is amended by striking out "and supervised" and all that follows through the period and inserting in lieu thereof a period.

SEC. 105. NATIONAL COMMITTEE ON VITAL AND HEALTH STATISTICS.

(a) In General.—Section 306(k) (42 U.S.C. 242k(k)) is amended—

(1) in paragraph (1), by striking out "fifteen" and inserting in lieu thereof "16";

(2) in the second sentence of paragraph (2)(A), by striking out "three" and inserting in lieu thereof "4"; and

(3) in paragraph (2), by striking out subparagraph (B) and inserting in lieu thereof the following:

"(B)(i) In the case of membership terms on the Committee under this subsection (as in effect prior to January 1, 1988) that expire in calendar year 1988, the appointments to three such terms in such calendar year shall be for a period of 4 years and the appointments to two such terms in such calendar year shall be for a period of 3 years, as designated by the Secretary.

"(ii) In the case of membership terms on the Committee under this subsection (as in effect prior to January 1, 1988) that expire in calendar year 1989, one such term shall be extended for an additional consecutive 1-year period, as designated by the Secretary.

"(iii) In the case of membership terms on the Committee under this subsection (as in effect prior to January 1, 1988) that expire in calendar year 1990, two of such terms shall each be extended for an additional consecutive 1-year period, as designated by the Secretary.".

(b) Effective Date.—The amendments made by this section shall become effective on January 1, 1988.

SEC. 106. HEALTH CARE REPORTS AND PROFILES.

(a) Reports.—Section 308 (42 U.S.C. 242m(a)) is amended—

(1) by striking out paragraphs (1) and (2) and inserting in lieu thereof the following new paragraphs:

"(1) Not later than March 15 of each year, the Secretary shall submit to the President and Congress the following reports:

"(A) A report on—

"(i) the administration of sections 304 through 307 and section 309 during the preceding fiscal year; and

"(ii) the current state and progress of health services research, health statistics, and health care technology.

"(B) A report on health care costs and financing. Such report shall include a description and analysis of the statistics collected under section 306(b)(1)(G).

"(C) A report on health resources. Such report shall include a description and analysis, by geographical area, of the statistics collected under section 306(b)(1)(E).

"(D) A report on the utilization of health resources. Such report shall include a description and analysis, by age, sex, income, and geographic area, of the statistics collected under section 306(b)(1)(F).

"(E) A report on the health of the Nation's people. Such report shall include a description and analysis, by age, sex, income, and geographic area, of the statistics collected under section 306(b)(1)(A).

"(2) The reports required by subparagraphs (B) through (E) of paragraph (2) shall be prepared through the National Center for Health Services Research and Health Care Technology Assessment and the National Center for Health Statistics."; and

(2) in paragraph (3), by striking out "or (2)".

(b) National Disease Prevention Data Profiles.—The first sentence of section 404(a) of the Health Services and Centers Amendments of 1978 (42 U.S.C. 242p(a)) is amended by striking out "on December 1, 1980, and on December 1 of every third year thereafter" and inserting in lieu thereof "on March 15, 1990, and on March 15 of every third year thereafter".

(c) Effective Date.—The amendments made by subsections (a) and (b) shall apply to reports and profiles required to be submitted after November 1, 1987.

SEC. 107. REQUIREMENT OF PEER REVIEW GROUPS FOR EVALUATIONS OF GRANT PROPOSALS.

Section 308(b) (42 U.S.C. 242m(b)) is amended—

(1) in paragraph (1), by inserting before the period at the end thereof the following: "and unless a peer review group referred to in paragraph (2) has recommended the application for approval"; and

(2) by striking out paragraph (2) and inserting in lieu thereof the following new paragraph:

"(2)(A) Each application submitted for a grant or contract under section 304 or 305, in an amount exceeding $50,000 of direct costs and for a health services research, evaluation, or demonstration project, shall be submitted to a peer review group for an evaluation of the technical and scientific merits of the proposals made in each such application. The Secretary, acting through the Director of the National Center for Health Services Research and Health Care Technology Assessment (or, as appropriate, through the Director of the National Center for Health Statistics), shall establish such peer review groups as may be necessary to provide for such an evaluation of each such application.

"(B) A peer review group to which an application is submitted pursuant to subparagraph (A) shall report its finding and recommendations respecting the application to the Secretary, acting through the Director involved, in such form and manner as the Secretary shall by regulation prescribe. The Secretary may not approve an application described in such subparagraph unless a peer review group has recommended the application for approval.

"(C) The Secretary, acting through the Directors, shall make appointments to the peer review groups required in subparagraph (A) from among persons who are not officers or employees of the United States and who possess appropriate technical and scientific qualifications.".

SEC. 108. AUTHORIZATION OF APPROPRIATIONS.

Subsection (i) of section 308 (42 U.S.C. 242m(i)) is amended to read as follows:

"(i)(1)(A) For health services research, evaluation, and demonstration activities undertaken or supported under section 304 or 305, there are authorized to be appropriated $30,000,000 for fiscal year 1988 and such sums as may be necessary for each of the fiscal years 1989 and 1990. At least 20 percent of the amount appropriated under the preceding sentence for any fiscal year or $6,000,000, whichever is less, shall be available only for health services research, evaluation and demonstration activities directly undertaken through the National Center for Health Services Research and Health Care Technology Assessment, and at least 10 percent of such amount or $1,500,000 whichever is less, shall be available only for the user liaison program and the technical assistance program referred to in section 305(d)(2) and for dissemination activities directly undertaken through such Center.

"(B) For health care technology assessment activities undertaken under subsections (b)(5), (g), and (h) of section 305, the Secretary shall obligate from funds appropriated under this paragraph not less than $4,500,000 for each of the fiscal years 1988 through 1990.

"(C) For grants under section 309, the Secretary shall make available from funds appropriated under this paragraph not more than $750,000 for each of the fiscal years 1988 through 1990. Of such amounts made available, the Secretary shall, with respect to non-Federal contributions made available by grantees pursuant to section 309(a)(2)(B), obligate during each such fiscal year such amounts as may be necessary to pay the Federal share appropriate under such section as a result of such contributions.

"(D) Of the amounts appropriated under this paragraph for any fiscal year, not more than $1,500,000 may be used for grants and contracts for all the costs of planning, establishing, and operating centers under section 305(e).

"(2) For health statistical and epidemiological activities undertaken or supported under section 304 or 306, there are authorized to be appropriated $55,000,000 for fiscal year 1988 and such sums as may be necessary for each of the fiscal years 1989 and 1990.".

SEC. 109. REQUIREMENT WITH RESPECT TO AMOUNT OF NON-FEDERAL CONTRIBUTIONS IN GRANT PROGRAM FOR COUNCIL ON HEALTH CARE TECHNOLOGY.

Section 309(a)(2)(B) (42 U.S.C. 242n(a)(2)(B)) is amended by inserting before the period at the end thereof the following: ", except that for fiscal years 1988 and 1989, the Secretary may only require expenditures from non-Federal sources in an amount not less than the amount of the grant applied for".

SEC. 110. PROJECT GRANTS FOR PREVENTIVE HEALTH PROJECTS FOR IMMUNIZATIONS.

(a) IN GENERAL.—Paragraph (1) of section 317(j) (42 U.S.C. 247b(j)(1)) is amended to read as follows:

"(1)(A) Except for grants for immunization programs the authorization of appropriations for which are established in subparagraph (B), for grants under subsections (a) and (k)(1) for preventive health service programs to immunize without charge individuals against vaccine-preventable diseases, there are authorized to be appropriated $94,000,000 for fiscal year 1988, and such sums as may be necessary for each of the fiscal years 1989 and 1990. Not more than 10 percent of the total amount appropriated under the preceding sentence for any fiscal year shall be available for grants under subsection (k)(1) for such fiscal year.

"(B) For grants under subsection (a) for preventive health service programs for the provision without charge of immunizations with vaccines approved for use, and recommended for routine use, after the date of the enactment of Public Health Service Amendments of 1987, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1988, 1989, and 1990.

"(C) On the implementation of subtitle 2 of title XXI, there are authorized to be appropriated for grants under subsection (a) for which appropriations are authorized in subparagraph (A) such sums as may be necessary for fiscal years 1988 through 1990 to make such grants.".

(b) SUPPLY OF VACCINES.—

(1) IN GENERAL.—The Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control, shall acquire and maintain a supply of vaccines sufficient to provide vaccinations throughout a 6-month period.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out paragraph (1) $5,000,000 for fiscal year 1988, and such sums as may be necessary for each of the fiscal years 1989 and 1990.

SEC. 111. PROJECT GRANTS FOR PREVENTIVE HEALTH PROJECTS FOR TUBERCULOSIS; ADDITIONAL GRANTS.

(a) PROJECT GRANTS.—Paragraph (2) of section 317(j) (42 U.S.C. 247b(j)(2)) is amended to read as follows:

"(2) For grants under subsection (a) for preventive health service programs for tuberculosis, and for grants under section subsection (k)(2), there are authorized to be appropriated $24,000,000 for fiscal year 1988, $31,000,000 for fiscal year 1989, and $36,000,000 for fiscal year 1990. Not more than 10 percent of the total amount appropriated under the preceding sentence for any fiscal year shall be available for grants under subsection (k)(2) for such fiscal year.".

(b) ADDITIONAL GRANTS.—Section 317 is amended by adding at the end thereof the following new subsection:

"(k)(1) The Secretary may make grants to States, political subdivisions of States, and other public and nonprofit private entities for—

"(A) research into the prevention and control of diseases that may be prevented through vaccination;

"(B) demonstration projects for the prevention and control of such diseases;

"(C) public information and education programs for the prevention and control of such diseases; and

"(D) education, training, and clinical skills improvement activities in the prevention and control of such diseases for health professionals (including allied health personnel).

"(2) The Secretary may make grants to States, political subdivisions of States, and other public and nonprofit private entities for—

"(A) research into the prevention and control of tuberculosis, especially research concerning strains of tuberculosis resistant to drugs and research concerning cases of tuberculosis that affect certain populations;

"(B) demonstration projects for the prevention and control of tuberculosis;

"(C) public information and education programs for prevention and control of tuberculosis; and

"(D) education, training, and clinical skills improvement activities in the prevention and control of tuberculosis for health professionals, including allied health personnel.

"(3) The Secretary may make grants to States, political subdivisions of States, and other public and nonprofit private entities for—

"(A) research into the prevention and control of diseases and conditions;

"(B) demonstration projects for the prevention and control of such diseases and conditions;

"(C) public information and education programs for the prevention and control of such diseases and conditions; and

"(D) education, training, and clinical skills improvement activities in the prevention and control of such diseases and conditions for health professionals (including allied health personnel).

"(4) No grant may be made under this subsection unless an application therefor is submitted to the Secretary in such form, at such time, and containing such information as the Secretary may by regulation prescribe.

"(5) Subsections (d), (e), and (f) of section 317 shall apply to grants under this subsection in the same manner as such subsections apply to grants under subsection (a) of section 317.".

TITLE II—NATIONAL HEALTH SERVICE CORPS LOAN REPAYMENT PROGRAM

SEC. 201. ESTABLISHMENT OF LOAN REPAYMENT PROGRAM.

Subpart II of part D of title III (42 U.S.C. 254d et seq.) is amended—

(1) by redesignating section 338G (42 U.S.C. 254r) as section 338I;

(2) by redesignating sections 338B through 338F (42 U.S.C. 254m through 254q) as sections 338C through 338G, respectively; and

(3) by inserting after section 338A the following new section:

"SEC. 338B. NATIONAL HEALTH SERVICE CORPS LOAN REPAYMENT PROGRAM.

"(a) ESTABLISHMENT.—The Secretary shall establish a program to be known as the National Health Service Corps Loan Repayment Program (hereinafter in this subpart referred to as the 'Loan Repayment Program') in order to assure—

"(1) an adequate supply of trained physicians, dentists, and nurses for the Corps; and

"(2) if needed by the Corps, an adequate supply of podiatrists, optometrists, pharmacists, clinical psychologists, graduates of schools of veterinary medicine, graduates of schools of public health, graduates of programs in health administration, graduates of programs for the training of physician assistants, expanded function dental auxiliaries, and nurse practitioners (as defined in section 822), and other health professionals.

"(b) ELIGIBILITY.—To be eligible to participate in the Loan Repayment Program, an individual must—

"(1)(A) be enrolled—

"(i) as a full-time student—

"(I) in an accredited (as determined by the Secretary) educational institution in a State; and

"(II) in the final year of a course of study or program, offered by such institution and approved by the Secretary, leading to a degree in medicine, osteopathy, dentistry, or other health profession; or

"(ii) in an approved graduate training program in medicine, osteopathy, dentistry, or other health profession; or

"(B) have—

"(i) a degree in medicine, osteopathy, dentistry, or other health profession;

"(ii) completed an approved graduate training program in medicine, osteopathy, dentistry, or other health profession in a State, except that the Secretary may waive the completion requirement of this clause for good cause; and

"(iii) a license to practice medicine, osteopathy, dentistry, or other health profession in a State;

"(2) be eligible for, or hold, an appointment as a commissioned officer in the Regular or Reserve Corps of the Service or be eligible for selection for civilian service in the Corps;

"(3) submit an application to participate in the Loan Repayment Program; and

"(4) sign and submit to the Secretary, at the time of the submission of such application, a written contract (described in subsection (f)) to accept repayment of educational loans and to serve (in accordance with this subpart) for the applicable period of obligated service in a health manpower shortage area.

"(c) APPLICATION, CONTRACT, AND INFORMATION REQUIREMENTS.—

"(1) SUMMARY AND INFORMATION.—In disseminating application forms and contract forms to individuals desiring to participate in the Loan Repayment Program, the Secretary shall include with such forms—

"(A) a fair summary of the rights and liabilities of an individual whose application is approved (and whose contract is accepted) by the Secretary, including in the summary a clear explanation of the damages to which the United States is entitled under section 338E in the case of the individual's breach of the contract; and

"(B) information respecting meeting a service obligation through private practice under an agreement under section 338D and such other information as may be necessary for the individual to understand the individual's prospective participation in the Loan Repayment Program and service in the Corps.

"(2) UNDERSTANDABILITY.—The application form, contract form, and all other information furnished by the Secretary under this subpart shall be written in a manner calculated to be understood by the average individual applying to participate in the Loan Repayment Program.

"(3) AVAILABILITY.—The Secretary shall make such application forms, contract forms, and other information available to individuals desiring to participate in the Loan Repayment Program on a date sufficiently early to ensure that such individuals have adequate time to carefully review and evaluate such forms and information.

"(d) PRIORITY.—In determining which applications under the Loan Repayment Program to approve (and which contracts to accept), the Secretary shall give priority to applications made by—

"(1) individuals whose training is in a health profession or specialty determined by the Secretary to be needed by the Corps; and

"(2) individuals who are committed to service in medically underserved areas.

"(e) APPROVAL REQUIRED FOR PARTICIPATION.—

"(1) IN GENERAL.—An individual becomes a participant in the Loan Repayment Program only on the Secretary's approval of the individual's application submitted under subsection (b)(3) and the Secretary's acceptance of the contract submitted by the individual under subsection (b)(4).

"(2) WRITTEN NOTICE.—The Secretary shall provide written notice to an individual promptly on—

"(A) the Secretary's approving, under paragraph (1), of the individual's participation in the Loan Repayment Program; or

"(B) the Secretary's disapproving an individual's participation in such Program.

"(f) CONTENTS OF CONTRACTS.—The written contract (referred to in this subpart) between the Secretary and an individual shall contain—

"(1) an agreement that—

"(A) subject to paragraph (3), the Secretary agrees—

"(i) to pay on behalf of the individual loans in accordance with subsection (g); and

"(ii) to accept (subject to the availability of appropriated funds for carrying out sections 331 through 335 and section 337) the individual into the Corps (or for equivalent service as otherwise provided in this subpart); and

"(B) subject to paragraph (3), the individual agrees—

"(i) to accept loan payments on behalf of the individual;

"(ii) in the case of an individual described in subsection (b)(1)(A), to maintain enrollment in a course of study or training described in such subsection until the individual completes the course of study or training;

"(iii) in the case of an individual described in subsection (b)(1)(A), while enrolled in such course of study or training, to maintain an acceptable level of academic standing (as determined under regulations of the Secretary by the educational institution offering such course of study or training); and

"(iv) to serve for a time period (hereinafter in this subpart referred to as the 'period of obligated service') equal to 2 years or such longer period as the individual may agree to, in a health manpower shortage area (designated under section 332) to which such individual is assigned by the Secretary as a member of the Corps or released under section 338D;

"(2) a provision permitting the Secretary to extend for such longer additional periods, as the individual may agree to, the period of obligated service agreed to by the individual under paragraph (1)(B)(iv);

"(3) a provision that any financial obligation of the United States arising out of a contract entered into under this subpart and any obligation of the individual that is conditioned thereon, is contingent on funds being appropriated for loan repayments under this subpart and to carry out the purposes of sections 331 through 335 and sections 337 and 338;

"(4) a statement of the damages to which the United States is entitled, under section 338E for the individual's breach of the contract; and

"(5) such other statements of the rights and liabilities of the Secretary and of the individual, not inconsistent with this subpart.

"(g) PAYMENTS.—

"(1) IN GENERAL.—A loan repayment provided for an individual under a written contract under the Loan Repayment Program shall consist of payment, in accordance with paragraph (2), on behalf of the individual of the principal, interest, and related expenses on government and commercial loans received by the individual for—

"(A) tuition expenses;

"(B) all other reasonable educational expenses, including fees, books, and laboratory expenses, incurred by the individual; or

"(C) reasonable living expenses as determined by the Secretary.

"(2) PAYMENTS FOR YEARS SERVED.—

"(A) IN GENERAL.—Except as provided in subparagraph (B) and paragraph (3), for each year of obligated service that an individual contracts to serve under subsection (f) the Secretary may pay up to $20,000 on behalf of the individual for loans described in paragraph (1).

"(B) INDIAN SERVICE.—For each year of obligated service that an individual contracts under subsection (f) to serve in the Indian Health Service, or to serve in a health program or facility operated by a tribe or tribal organization under the Indian Self-Determination Act (25 U.S.C. 450f et seq.), the Secretary may pay up to $25,000 on behalf of the individual for loans described in paragraph (1).

"(C) REPAYMENT SCHEDULE.—Any arrangement made by the Secretary for the making of loan repayments in accordance with this subsection shall provide that any repayments for a year of obligated service shall be made no later than the end of the fiscal year in which the individual completes such year of service.

"(3) TAX LIABILITY.—In addition to payments made under paragraph (2), in any case in which payments on behalf of an individual under the Loan Repayment Program result in an increase in Federal, State, or local income tax liability for such individual, the Secretary may, on the request of such individual, make payments to such individual in a reasonable amount, as determined by the Secretary, to reimburse such individual for all or part of the increased tax liability of the individual.

"(4) PAYMENT SCHEDULE.—The Secretary may enter into an agreement with the holder of any loan for which payments are made under the Loan Repayment Program to establish a schedule for the making of such payments.

"(h) EMPLOYMENT CEILING.—Notwithstanding any other provision of law, individuals who have entered into written contracts with the Secretary under this section, while undergoing academic or other training, shall not be counted against any employment ceiling affecting the Department.

"(i) REPORTS.—The Secretary shall, not later than March 1 of each year, submit to the Congress a report specifying—

"(1) the number, and type of health profession training, of individuals receiving loan payments under the Loan Repayment Program;

"(2) the educational institution at which such individuals are receiving their training;

"(3) the number of applications filed under this section in the school year beginning in such year and in prior school years; and

"(4) the amount of loan payments made in the year reported on.".

SEC. 202. TECHNICAL AND CONFORMING AMENDMENTS.

(a) SECTION 303.—Section 303(d)(4) (42 U.S.C. 242a(d)(4)) is amended—

(1) by striking out "752 or 753" each place it appears and inserting in lieu thereof "338C or 338D"; and

(2) in subparagraph (A), by striking out "subpart IV of part C of title VII" and inserting in lieu thereof "subpart II of part D".

(b) SECTION 331.—Section 331 (42 U.S.C. 254d) is amended—

(1) in subsection (b), by striking out "and the Scholarship Program" and inserting in lieu thereof ", the Scholarship Program, and the Loan Repayment Program";

(2) in subsection (c), by striking out "338C" and inserting in lieu thereof "338D";

(3) in subsection (d)(2), by inserting after "Program" the following: "or the Loan Repayment Program";

(4) in subsection (f), by striking out "Scholarship Program" and inserting in lieu thereof "Scholarship Program or the Loan Repayment Program"; and

(5) in subsection (h)—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(B) by inserting after paragraph (1) the following new paragraph:

"(2) The term 'Loan Repayment Program' means the National Health Service Corps Loan Repayment Program established under section 338B.".

(c) SECTION 334.—Section 334(a)(3)(B) (42 U.S.C. 254g(a)(3)(B)) is amended—

(1) by inserting "or the Loan Repayment Program" after "Scholarship Program"; and

(2) by striking out "service under the Program;" and inserting in lieu thereof "service under the Scholarship Program or the Loan Repayment Program;".

(d) SECTION 336.—Section 336(a) (42 U.S.C. 254h-1(a)) is amended by striking out "scholarship program" and inserting in lieu thereof "Scholarship Program or Loan Repayment Program".

(e) SECTION 338E.—Section 338E (as redesignated by section 201(2) of this Act) is amended—

(1) in subsection (a)—

(A) by inserting "(1)" after the subsection designation;

(B) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively; and

(C) by adding at the end thereof the following new paragraph:

"(2) An individual who has entered into a written contract with the Secretary under section 338B and who—

"(A) in the case of an individual who is enrolled in the final year of a course of study, fails to maintain an acceptable level of academic standing in the educational institution in which such individual is enrolled (such level determined by the educational institution under regulations of the Secretary) or voluntarily terminates such enrollment or is dismissed from such educational institution before completion of such course of study; or

"(B) in the case of an individual who is enrolled in a graduate training program, fails to complete such training program and does not receive a waiver from the Secretary under section 338B(b)(1)(B)(ii),

in lieu of any service obligation arising under such contract shall be liable to the United States for the amount that has been paid on behalf of the individual under the contract.";

(2) in subsection (b)(1)—

(A) by inserting "(A)" after the paragraph designation;

(B) by striking out "338E(d)" and inserting in lieu thereof "338F(d)";

(C) by striking out "338C" each place it appears and inserting in lieu thereof "338D";

(D) by striking out "338B" each place it appears and inserting in lieu thereof "338C";

(E) by inserting "under section 338A" after "service obligation";

(F) by striking the last sentence; and

(G) by adding at the end the following new subparagraph:

"(B)(i) Any amount of damages that the United States is entitled to recover under this subsection or under subsection (c) shall, within the 1-year period beginning on the date of the breach of the written contract (or such longer period beginning on such date as specified by the Secretary), be paid to the United States.

"(ii) If damages described in clause (i) are delinquent for 3 months, the Secretary shall, for the purpose of recovering such damages—

"(I) utilize collection agencies contracted with by the Administrator of the General Services Administration; or

"(II) enter into contacts for the recovery of such damages with collection agencies selected by the Secretary.

"(iii) Each contract for recovering damages pursuant to this subsection shall provide that the contractor will, not less than once each 6 months, submit to the Secretary a status report on the success of the contractor in collecting such damages. Section 3718 of title 31, United States Code, shall apply to any such contract to the extent not inconsistent with this subsection.

"(iv) To the extent not otherwise prohibited by law, the Secretary shall disclose to all appropriate credit reporting agencies information relating to damages of more than $100 that are entitled to be recovered by the United States under this subsection and that are delinquent by more than 60 days or such longer period as is determined by the Secretary.";

(3) by redesignating subsection (c) as subsection (d);

(4) by inserting after subsection (b) the following new subsection:

"(c)(1) If (for any reason not specified in subsection (a) or section 338F(d)) an individual breaches the written contract of the individual under section 338B by failing either to begin such individual's service obligation in accordance with section 338C or 338D or to complete such service obligation, the United States shall be entitled to recover from the individual an amount equal to the sum of—

"(A) in the case of a contract for a 2-year period of obligated service—

"(i) the total of the amounts paid by the United States under section B(g)(2) on behalf of the individual for any period of obligated service; and

"(ii) an amount equal to the unserved obligation penalty;

"(B) in the case of a contract for a period of obligated service of greater than 2 years, and the breach occurs before the end of the first 2 years of such period—

"(i) the total of the amounts paid by the United States under section B(g)(2) on behalf of the individual for any period of obligated service; and

"(ii) an amount equal to the unserved obligation penalty; and

"(C) in the case of a contract for a period of obligated service of greater than 2 years, and the breach occurs after the first 2 years of such period—

"(i) the total of the amounts paid by the United States under section B(g)(2) on behalf of the individual for any period of obligated service not served; and

"(ii) if the individual breaching the contract failed to give the Secretary notice, that the individual intends to take action which constitutes a breach of the contract, at least 1 year (or such shorter period of time as the Secretary determines is adequate for finding a replacement) prior to the breach, $10,000.

"(2) For purposes of paragraph (1), the term 'unserved obligation penalty' means the amount equal to the product of the number of months of obligated service that were not completed by an individual, multiplied by $1,000, except that in any case in which the individual fails to serve 1 year, the unserved obligation penalty shall be equal to the full period of obligated service multiplied by $1,000.

"(3) The Secretary may waive, in whole or in part, the rights of the United States to recover amounts under this section in any case of extreme hardship or other good cause shown, as determined by the Secretary.

"(4) Damages that the United States is entitled to recover shall be paid in accordance with subsection (b)(1)(B).";

(5) in subsection (d) (as redesignated by clause (3) of this subsection), by inserting "or the Loan Repayment Program (or a contract thereunder)" after "thereunder)" each place it appears; and

(6) in the section heading, by inserting "OR LOAN REPAYMENT CONTRACT" after "CONTRACT".

(f) Part D of Title III.—Part D of title III is amended—

(1) by redesignating subparts III and IV as subparts IV and V, respectively; and

(2) by inserting before section 338A the following:

"Subpart III—Scholarship Program and Loan Repayment Program".

SEC. 203. REPORT AND AUTHORIZATION OF APPROPRIATIONS FOR SCHOLARSHIP AND LOAN REPAYMENT PROGRAMS; STATE PROGRAMS.

Part D of title III (42 U.S.C. 247d et seq.) is amended by striking out section 338G (as redesignated by section 201(2) of this Act) and inserting in lieu thereof the following new sections:

"SEC. 338G. REPORT AND AUTHORIZATION OF APPROPRIATIONS.

"(a) Report.—The Secretary shall report on January 20 of each year to the Committee on Labor and Human Resources of the Senate, the Committee on Energy and Commerce of the House of Representatives, and the Committees on Appropriations of the Senate and the House of Representatives on—

"(1) the number of providers of health care who will be needed for the Corps during the 3 fiscal years beginning after the date the report is filed; and

"(2) the number—

"(A) of scholarships the Secretary proposes to provide under the Scholarship Program during such 3 fiscal years;

"(B) of individuals for whom the Secretary proposes to make loan repayments under the Loan Repayment Program during such 3 fiscal years; and

"(C) of individuals who have no obligation under section 338C and who the Secretary proposes to have as members of the Corps during such 3 fiscal years,

in order to provide such number of health care providers.

"(b) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary for scholarships and loan repayments under this subpart.

"SEC. 338H. STATE PROGRAMS.

"(a) Grants.—The Secretary may make grants to States to support the establishment by States of State programs similar to the Loan Repayment Program established under section 338B. Any State program supported with a grant under this section shall—

"(1) provide for the repayment of government and commercial loans for the tuition, educational expenses, and living expenses described in section 338B(g)(1); and

"(2) be conducted in conformance with the description of such program contained in the application required under subsection (b).

"(b) Applications.—No grant may be made under this section for a State program unless an application therefor is submitted to the Secretary, in such form, at such time, and containing such information as the Secretary may prescribe. Each such application shall contain such standards for the designation of medically underserved areas under the State program and the determination of obligated service under the State program as may be acceptable to the Secretary.

"(c) Federal Share.—The Federal share of the costs of any State program supported under this section shall not exceed 75 percent.

"(d) Authorization of Appropriations.—To carry out this section, there are authorized to be appropriated $1,000,000 for fiscal year 1988 and such sums as may be necessary for each of the fiscal years 1989 and 1990.".

SEC. 204. SPECIAL REPAYMENT PROVISIONS.

(a) Eligible Individuals.—

(1) IN GENERAL.—An individual who—

(A)(i) breached a written contract entered into under section 338A of the Public Health Service Act (42 U.S.C. 254l) by failing either to begin such individual's service obligation in accordance with section 338C of such Act (as redesignated by section 201(2) of this Act) or to complete such service obligation; or

(ii) otherwise breached such a contract; and

(B) as of November 1, 1987, is liable to the United States under section 338E(b) of such Act (as redesignated by section 201(2) of this Act),

shall be relieved of liability to the United States under such section if the individual provides notice to the Secretary in accordance with paragraph (2) and provides service in accordance with a written contract with the Secretary that obligates the individual to provide service in accordance with subsection (b) or (c). The Secretary may exclude an individual from relief from liability under this section for reasons related to the individual's professional competence or conduct.

(2) NOTICE BY SECRETARY.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall notify in writing individuals who are described in subsection (a) of the opportunity provided by such subsection to be relieved of liability to the United States under section 338E(b) of the Public Health Service Act (as redesignated by section 201(2) of this Act). Notice sent to the last known address of such individual shall constitute sufficient notice for the purposes of this section. The Secretary may require that an individual responding to such notice make an election between service under subsection (b) or subsection (c) and provide that such election shall be binding.

(3) NOTICE BY INDIVIDUAL.—Not later than 180 days after the date of the enactment of this Act, an individual who receives a notice from the Secretary may notify the Secretary that the individual intends to enter into a written contract with the Secretary to provide service in accordance with subsection (b) or (c). The Secretary may extend the 180-day period for an individual for good cause shown.

(4) STATUTE OF LIMITATIONS.—If an individual provides notice under paragraph (3), the statute of limitations established by section 2415 of title 28, United States Code, shall be tolled from the time the Secretary receives such notice until such time as it is determined by the Secretary that such individual will not be relieved of liability to the United States under the Public Health Service Act as provided under this section.

(5) PLACEMENTS.—Any individual who enters into a contract under this subsection shall be afforded an opportunity to locate and negotiate a placement in accordance with this section, except that the Secretary shall not be required to identify a placement for any individual in a medical specialty for which the National Health Service Corps has no need.

(6) PARTIAL SERVICE.—The Secretary shall promulgate regulations that provide for the reduction of the liability under section 338F of the Public Health Service Act (as redesignated by section 201(2) of this Act) of an individual who breaches a contract entered into under this section to reflect any partial service or partial payment of liability of the individual under this section.

(b) SERVICE AT HEALTH MANPOWER SHORTAGE AREA PLACEMENT OPPORTUNITY LIST SITES.—

(1) IN GENERAL.—An individual notified under subsection (a)(2) may enter into a written contract with the Secretary to serve, in accordance with subpart II of part D of title III of the Public Health Service Act (42 U.S.C. 254d et seq.), for the period of such individual's service obligation remaining under section 338C of the Public Health Service Act (as redesignated by section 201(2) of this Act) at a site that—

(A)(i) is on the Health Manpower Shortage Area Placement Opportunity List created by the Secretary of Health and Human Services for obligated service under section 338C of the Public Health Service Act (as so redesignated) to begin in fiscal year 1988 and to which no individual who is not described in subsection (a)(1) has been assigned by a date determined by the Secretary; or

(ii) is on the Health Manpower Shortage Area Placement Opportunity List created by the Secretary of Health and Human Services for obligated service under section 338C of the Public Health Service Act (as so redesignated) to begin in fiscal year 1989; and

(B) has agreed to permit the individual to serve at such site.

(2) NUMBER OF SITES.—The Secretary shall to the extent practicable, include a total number of sites on the list referred to in paragraph (1) sufficient to provide placement to all obligors under the Scholarship Program scheduled to begin service in fiscal year 1988 or 1989 and all individuals responding to the notice provided under subsection (a) and electing service under paragraph (1).

(c) SERVICE AT SUPPLEMENTAL HEALTH MANPOWER SHORTAGE AREA PLACEMENT OPPORTUNITY LIST SITES.—An individual notified under subsection (a)(2) may enter into a written contract with the Secretary—

(1) to—

(A) serve in accordance with subpart II of part D of title III of the Public Health Service Act (42 U.S.C. 254d et seq.) for the period of such individual's service obligation remaining under section 338C of the Public Health Service Act (as redesignated by section 201(2) of this Act) at a site that is on a supplemental Health Manpower Shortage Area Placement Opportunity List created by the Secretary of Health and Human Services for obligated service under section 338C of the Public Health Service Act (as so redesignated) and that has agreed to permit the individual to serve at such site; and

(B) pay, in accordance with guidelines established by the Secretary of Health and Human Services, to the United States the sum of the amounts paid under subpart II of part D of title III of such Act to or on behalf of the individual reduced by any amount paid, before entering into the contract, by such individual to the Secretary with respect to the individual's indebtedness under such part D; or

(2) to serve in accordance with such subpart II at a site described in paragraph (1) for 150 percent of such individual's remaining service obligation under section 338C of such Act (as so redesignated).

(d) CREATION OF SUPPLEMENTAL HEALTH MANPOWER SHORTAGE AREA PLACEMENT OPPORTUNITY LIST SITES.—In creating the supplemental Health Manpower Shortage Area Placement Opportunity List for purposes of subsection (c), the Secretary—

(1) shall include any site to which a National Health Service Corps member was previously assigned but which in fiscal year 1988 or 1989 will not have such member or a member of the National Health Service Corps to replace such member unless the Secretary of Health and Human Services determines that such site may reasonably be expected to recruit a health care professional from other than the Corps;

(2) shall include any migrant health center receiving funds under section 329 of the Public Health Service Act (42 U.S.C. 247d) or community health center receiving funds under section 330 of such Act (42 U.S.C. 254c) unless the Secretary of Health and Human Services determines that such center has been able to recruit health care professionals from other than the Corps to serve at the center and may reasonably be expected to recruit such health care professionals in the future;

(3) may include any other site selected by the Secretary; and

(4) shall designate the type of health care professional or medical specialist who is eligible to serve at the sites included on the list.

A site may be included on the supplemental list only if, at the time the list is created, the Secretary determines that the site meets the criteria prescribed by section 332 of such Act (42 U.S.C. 254e).

(e) ADDITIONAL ELIGIBLE INDIVIDUALS.—

(1) IN GENERAL.—The Secretary of Health and Human Services may authorize an individual who is not described in subsection (a) and who is to begin to serve the individual's service obligation under section 338C of the Public Health Service Act (as redesignated by section 201(2) of this Act) in fiscal year 1988 or 1989 to serve such obligation in accordance with subsection (c) if the Secretary determines that—

(A) service by the individual in accordance with subsection (c) would be in the best interests of the National Health Service Corps; and

(B) allowing such service would alleviate a substantial hardship for such individual.

(2) SCHOLARSHIP TRAINING PROGRAM.—Individuals who have breached a written contract entered into under section 225 of the Public Health Service Act (42 U.S.C. 234) (as such section existed before the amendment made by section 408(b) of the Health Professions Educational Assistance Act of 1976 (Public Law 94-484; 90 Stat. 2281)) by failing to complete their service obligations and who are, as of November 1, 1987, liable to the United States under section 225(f)(1) of the Public Health Service Act (as such section so existed) may be relieved of their liability to the United States under the terms and conditions set forth in this section.

SEC. 205. REGULATIONS.

Not later than 180 days after the effective date of the amendments made by this title, the Secretary of Health and Human Services shall issue regulations for the loan repayment programs established by the amendments.

TITLE III—NATIONAL HEALTH SERVICE CORPS

SEC. 301. REQUIREMENT OF CONSIDERATION OF NEEDS OF INDIAN HEALTH SERVICE, CERTAIN INDIAN TRIBES, AND THE HOMELESS.

Section 331 (42 U.S.C. 254d) is amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following new subsection:

"(h) In assigning members of the Corps to health manpower shortage areas, to the extent practicable, the Secretary shall—

"(1) give priority to meeting the needs of the Indian Health Service and the needs of health programs or facilities operated by tribes or tribal organizations under the Indian Self-Determination Act (25 U.S.C. 450f et seq.); and

"(2) provide special consideration to the homeless populations who do not have access to primary health care services.".

SEC. 302. DESIGNATION OF HEALTH MANPOWER SHORTAGE AREAS.

Section 332 (42 U.S.C. 254e) is amended—

(1) in subsection (a)(1), by adding at the end thereof the following new sentences: "The Secretary shall not remove an area from the areas determined to be health manpower shortage areas under subparagraph (A) of the preceding sentence until the Secretary has afforded interested persons and groups in such area an opportunity to provide data and information in support of the designation as a health manpower shortage area or a population group described in subparagraph (B) of such sentence or a facility described in subparagraph (C) of such sentence, and has made a determination on the basis of the data and information submitted by such persons and groups and other data and information available to the Secretary."; and

(2) in subsection (b)(2)—

(A) by striking out "and" after "services," in subparagraph (B);

(B) by striking out the period at the end of subparagraph (C) and inserting in lieu thereof ", and"; and

(C) by adding at the end the following new subparagraph:

"(D) ability to pay for health services.".

SEC. 303. PLACEMENT OF PHYSICIANS.

Section 333 (42 U.S.C. 254f) is amended by adding at the end the following new subsection:

"(j) In determining the priority for the placement of members of the Corps under this section in medically underserved areas, the Secretary shall consider—

"(1) whether the areas are served by at least one health professional and the effectiveness of non-Federal programs in recruiting health professionals for the areas;

"(2) the geographic isolation of the areas; and

"(3) the economic need of the populations of the areas and the association of the areas with a high infant mortality rate.".

SEC. 304. ASSIGNMENT OF FAMILY PHYSICIANS.

Section 333 (42 U.S.C. 254f) (as amended by section 304 of this Act) is amended by adding at the end thereof the following new subsection:

"(k) In the assignment by the National Health Service Corps under this section of physicians specializing in family medicine, the Secretary shall—

"(1) take account of the needs of urban areas; and

"(2) place special attention on urban areas in which there are serious incidences of infant mortality, adolescent pregnancy, drug and alcohol abuse, sexually transmitted diseases, and other acute urban health care needs.".

SEC. 305. AUTHORIZATIONS OF APPROPRIATIONS FOR GENERAL OPERATIONS OF NATIONAL HEALTH SERVICE CORPS.

Subsection (a) of section 338 (42 U.S.C. 254k) is amended to read as follows:

"(a) To carry out this subpart, there are authorized to be appropriated $65,000,000 for fiscal year 1988, $65,000,000 for fiscal year 1989, and $65,000,000 for fiscal year 1990.".

SEC. 306. OBLIGATED SERVICE.

Section 338C (as redesignated by section 201(2) of this Act) is amended—

(1) in subsection (a)—

(A) by striking out "338C" and inserting in lieu thereof "338D"; and

(B) by inserting "or 338B" after "338A";

(2) in subsection (b)(1), by inserting "or 338B(f)(1)(B)(iv)" after "338A(f)(1)(B)(iv)";

(3) in subsection (b), by striking out paragraph (5) and inserting in lieu thereof the following new paragraph:

"(5)(A) In the case of the Scholarship Program, with respect to an individual receiving a degree from a school of medicine, osteopathy, dentistry, veterinary medicine, optometry, podiatry, or pharmacy, the date referred to in paragraphs (1) through (4) shall be the date on which the individual completes the training required for such degree, except that—

"(i) at the request of such an individual with whom the Secretary has entered into a contract under section 338A prior to October 1, 1985, the Secretary shall defer such date until the end of the period of time (not to exceed the number of years specified in subparagraph (B) or such greater period as the Secretary, consistent with the needs of the Corps, may authorize) required for the individual to complete an internship, residency, or other advanced clinical training; and

"(ii) at the request of such an individual with whom the Secretary has entered into a contract under section 338A on or after October 1, 1985, the Secretary may defer such date in accordance with clause (i).

"(B)(i) In the case of the Scholarship Program, with respect to an individual receiving a degree from a school of medicine, osteopathy, or dentistry, the number of years referred to in subparagraph (A)(i) shall be 3 years.

"(ii) In the case of the Scholarship Program, with respect to an individual receiving a degree from a school of veterinary medicine, optometry, podiatry, or pharmacy, the number of years referred to in subparagraph (A)(i) shall be 1 year.

"(C) No period of internship, residency, or other advanced clinical training shall be counted toward satisfying a period of obligated service under this subpart.

"(D) In the case of the Scholarship Program, with respect to an individual receiving a degree from an institution other than a school referred to in subparagraph (A), the date referred to in paragraphs (1) through (4) shall be the date on which the individual completes the academic training of the individual leading to such degree.

"(E) In the case of the Loan Repayment Program, if an individual is required to provide obligated service under such Program, the date referred to in paragraphs (1) through (4)—

"(i) shall be the date determined under subparagraph (A), (B), or (D) in the case of an individual who is enrolled in the final year of a course of study;

"(ii) shall, in the case of an individual who is enrolled in an approved graduate training program in medicine, osteopathy, dentistry, or other health profession, be the date the individual completes such training program; and

"(iii) shall, in the case of an individual who has a degree in medicine, osteopathy, dentistry, or other health profession and who has completed graduate training, be the date the individual enters into an agreement with the Secretary under section 338B."; and

(4) in subsection (c)(2), by striking out "338C" and inserting in lieu thereof "338D".

SEC. 307. PRIVATE PRACTICE.

Section 338D (as redesignated by section 201(2) of this Act) is amended—

(1) in subsection (a), by striking out "338B(a)" and inserting in lieu thereof "338C(a)";

(2) in subsection (a)(1)—

(A) by inserting after "individual" the following: "who received a scholarship under the Scholarship Program or a loan repayment under the Loan Repayment Program and"; and

(B) by inserting before the semicolon the following: "or in the case of an individual for whom a loan payment was made under the Loan Repayment Program and who is performing obligated service as a member of the Corps in a health manpower shortage area on the date of the application of the individual for such a release, in the health manpower shortage area selected by the Secretary";

(3) in subsection (a)(2), by inserting "selected by the Secretary" before the period;

(4) in subsection (b), by inserting at the end thereof the following new sentence: "The Secretary shall take such action as may be appropriate to ensure that the conditions of the written agreement prescribed by this subsection are adhered to.";

(5) in subsection (c), by inserting "or 338B" after "338A"; and

(6) in subsection (e)—

(A) by striking out paragraph (1); and

(B) by striking "(2)" before "Upon".

SEC. 308. DISCHARGE OF OBLIGATIONS IN BANKRUPTCY.

(a) IN GENERAL.—Section 338E(d)(3) (as redesignated by sections 201(2) and 202(e)(3) of this Act) is amended by inserting before the period a comma and "and only if the bankruptcy court finds that nondischarge of the obligation would be unconscionable".

(b) EXISTING PROCEEDINGS.—The amendment made by subsection (a) applies to any bankruptcy proceeding in which discharge of an obligation under section 338E(d)(3) of the Public Health Service Act (as redesignated by sections 201(2) and 202(e)(3) of this Act) has not been granted before the date that is 31 days after the date of enactment of this Act.

SEC. 309. SPECIAL LOANS FOR CORPS MEMBERS TO ENTER PRIVATE PRACTICE.

Section 338F (as redesignated by section 201(2) of this Act) is amended—

(1) by striking out subsections (a) and (b) and inserting in lieu thereof the following new subsections:

"(a) The Secretary may, out of appropriations authorized under section 338, make one loan to a Corps member who has agreed in writing—

"(1) to engage in the private full-time clinical practice of the profession of the member in a health manpower shortage area (designated under section 332) for a period of not less than 2 years which—

"(A) in the case of a Corps member who is required to complete a period of obligated service under this subpart, begins not later than 1 year after the date on which such individual completes such period of obligated service; and

"(B) in the case of an individual who is not required to complete a period of obligated service under this subpart, begins at such time as the Secretary considers appropriate;

"(2) to conduct such practice in accordance with section 338D(b)(1); and

"(3) to such additional conditions as the Secretary may require to carry out this section.

Such a loan shall be used to assist such individual in meeting the costs of beginning the practice of such individual's profession in accordance with such agreement, including the costs of acquiring equipment and renovating facilities for use in providing health services, and of hiring nurses and other personnel to assist in providing health services. Such loan may not be used for the purchase or construction of any building.

"(b)(1) The amount of a loan under subsection (a) to an individual shall not exceed $25,000.

"(2) The interest rate for any such loan shall not exceed an annual rate of 5 percent.";

(2) in the first sentence of subsection (c), by striking "grant or"; and

(3) in subsection (d)(1)—

(A) by striking "this section," and inserting "this section (as in effect prior to October 1, 1984),"; and

(B) by striking "338D(b)" and inserting "338E(b)".

TITLE IV—MISCELLANEOUS

SEC. 401. GERIATRIC MEDICINE TRAINING PROJECTS.

Section 788(e) (42 U.S.C. 295g-8(e)) is amended—

(1) in paragraph (1), by inserting after "support" the following: "(including traineeships and fellowships)";

(2) in paragraph (2)(C), by striking out "medicine;" and inserting in lieu thereof "medicine, or in a department of geriatrics in existence as of the date of enactment of the Public Health Service Amendments of 1987;"; and

(3) in paragraph (3)(A)(i), by inserting "geriatrics," after "gynecology,".

SEC. 402. PROFESSIONAL REVIEW ACTIVITIES.

(a) IN GENERAL.—Section 427 of Health Care Quality Improvement Act of 1986 (42 U.S.C. 11137) is amended—

(1) in subsection (b)(1)—

(A) by striking out "with respect to medical malpractice actions" and inserting in lieu thereof "as necessary to carry out subsections (b) and (c) of section 425 (as specified in regulations by the Secretary)"; and

(B) by adding at the end thereof the following new sentences: "Information reported under this part that is in a form that does not permit the identification of any particular health care entity, physician, other health care practitioner, or patient shall not be considered confidential. The Secretary (or the agency designated under section 424(b)), on application by any person, shall prepare such information in such form and shall disclose such information in such form."; and

(2) in subsection (c)—

(A) by inserting "(including the agency designated under section 424(b))" after "person or entity"; and

(B) by inserting "(including information provided under subsection (a)" after "part".

(b) FEES.—Section 427(b) of such Act is amended by adding at the end thereof the following new paragraph:

"(4) FEES.—The Secretary may establish or approve reasonable fees for the disclosure of information under this section or section 426. The amount of such a fee may not exceed the costs of processing the requests for disclosure and of providing such information. Such fees shall be available to the Secretary (or, in the Secretary's discretion, to the agency designated under section 424(b)) to cover such costs.".

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsection (a) shall become effective on November 14, 1986.

(2) FEES.—The amendment made by subsection (b) shall become effective on the date of enactment of this Act.

The SPEAKER pro tempore. Is a second demanded?

Mr. MADIGAN. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from California [Mr. WAXMAN] will be recognized for 20 minutes and the gentleman from Illinois [Mr. MADIGAN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. WAXMAN].

GENERAL LEAVE

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate amendment under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. WAXMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill before the House is S. 1158 with a Senate amendment to the House amendment. Allow me to explain.

S. 1158 first passed the Senate on July 23, 1987, by unanimous consent. That bill had three titles. Title I reauthorized the National Center for Health Services Research and Health Care Technology Assessment, the National Center for Health Statistics, and several preventive health programs within the Public Health Service Act. Title II created a National Health Service Corps loan repayment program. Title III revised and extended provisions dealing with the National Health Service Corps.

The companion provisions to the three titles of S. 1158 were dealt with in separate bills in the House of Representatives. On September 9, 1987, the House passed, by a vote of 397 to 9, the National Health Service Corps legislation, H.R. 1327. This bill contained provisions paralleling those in titles II and III of S. 1158. The House then substituted the text of H.R. 1327, as amended, for the companion Senate bill, S. 1158.

On October 13, 1987, the House passed by voice vote H.R. 3189, the Health Services Research Extension Act of 1987. This bill contained provisions paralled to ones in title I of S. 1158.

Because the two bills were not controversial, the House Energy and Commerce Committee and the Senate Labor and Human Resources Committee decided to resolve the differences and incorporate the agreement into a Senate amendment to S. 1158, in lieu of holding a conference.

Last Tuesday, October 27, 1987, the Senate passed, by unanimous consent, S. 1158 after amending the House amendment with an amendment which represents the agreement between our two committees.

I urge the House to concur in the Senate amendment and pass S. 1158 as amended. While this bill is not controversial, its provisions are essential to public health in this country.

S. 1158 would extend the authorizations for the National Health Service Corps field program for 3 fiscal years—fiscal years 1988-90—at $65 million a year. In addition, the bill would extend the authorizations for the corps scholarship program and create a loan repayment program. The authorizations for both programs is such sums as necessary. The loan repayment program would pay off the loans that a doctor takes out to go to medical school. In return, the doctor would serve in a health manpower shortage area.

The National Health Service Corps has always enjoyed bipartisan support in the Congress. It has an outstanding track record of placing doctors and other health professionals in medically underserved communities. This fiscal year there are approximately 3,000 corps providers serving in rural and urban sites all over the country.

The continuation of the corps is essential because the corps is the only Federal program which attempts to provide needed health care professionals to underserved areas. The corps is needed now and it will always be needed. The areas served by the corps are either so sparsely populated or have such a high incidence of poor people that the private practice of medicine is not economically viable.

The corps might appear to be on sound footing because there are approximately 3,000 corps providers now serving in health manpower shortage areas. In fact, the program is in a desperate situation. Without S. 1158, the corps will decline to approximately 1,000 providers in 1990 and to 200 providers in 1993.

As the Members will recall, it is because of this rapid decline in the size of the corps that the House bill contained a provision to attract those corps obligors who have breached their agreement to serve in the corps. A special one-time provision was included to relieve defaulters of thier current liability if they reenter the corps in fiscal year 1988 or fiscal year 1989.

While the Secretary is given a good deal of discretion in administering the provision, the goal for the Secretary is to maximize the number of corps defaulters who can be made available to provide much needed health care services in underserved areas. For example, the Secretary is authorized to remove sites from the supplemental health manpower shortage area placement opportunity list if those sites "may reasonably be expected to recruit" a health care professional. The Secretary should be sure that the sites have definite, reliable sources for the needed professionals before striking them from the list. If the supplemental list is compiled this way, it will have the maximum number of sites from which defaulters can choose. In addition, the Secretary should quickly establish a placement process for these defaulters that, to the extent possible, resembles the current placement process for corps scholarship obligors.

The Congress should not turn its back on the millions of Americans living in areas that are not attractive to private doctors. S. 1158 will provide the necessary authority to maintain this essential program.

S. 1158 also reauthorizes for 3 years the programs of the National Center for Health Services Research and Health Care Technology Assessment [NCHSR/HCTA], and the National Center for Health Statistics [NCHS]. The authorization of appropriations for the Health Services Research Center for fiscal year 1988 is $30 million and for fiscal years 1989 and 1990 is such sums as may be necessary. The authorization of appropriations for the Health Statistics Center is $55 million for fiscal year 1988 and such sums as may be necessary for fiscal years 1989 and 1990.

The legislation continues the authority for the council on health care technology operated by the National Academy of Sciences. It requires that at least the same amount of money from non-Federal as from Federal sources be spent in fiscal year 1988 and fiscal year 1989, and at least twice the amount in fiscal year 1990 and subsequent years. The duties of the National Advisory Council on Health Care Technology Assessment operated within the Department of Health and Human Services are defined and the composition of the council is consolidated. Several periodic reports required under existing law are consolidated, and research on rural health care is required.

The S. 1158 also requires peer review of research proposals to the National Center for Health Services Research and Health Care Technology Assessment that parallels the peer review of the National Institutes of Health. Language in current law regarding the administrative location of the Center is clarified by specifying that the Center must retain its direct relationship with the office of the Assistant Secretary for Health.

S. 1158 further extends the authority of the Federal childhood immunizations program for an additional 3 fiscal years. The authorization of appropriations would be $94 million for fiscal year 1988, and such sums as may be necessary for both fiscal years 1989 and 1990. These funds would be available for grants to States to purchase vaccines that currently are approved and recommended for routine use by children, (including those to prevent polio, measles, mumps, rubella, diphtheria, pertussis, tetanus, and childhood meningitis) as well as to purchase those vaccines that may be approved and recommended for routine use after the date of enactment (such as those to prevent chicken pox and an improved meningitis vaccine, which are expected to be approved and recommended for routine use for children within the next 3 years).

With respect to these authorities, S. 1158 includes a provision that specifically prohibits States which receive grant funds for free vaccine from charging for that vaccine. This provision has been included to ensure that no child be turned away from immunizations or be forced to postpone vaccination because of his or her ability to pay for a shot. The imposition of charges for vaccine can only serve as a disincentive to parents for getting their children immunized, a result that would prove detrimental to the great public health advances that have been made since the establishment of the Federal immunization program.

It should be noted that this prohibition against charges for vaccine is not intended to prevent grantees from accepting voluntary donations from individuals who have received an immunization through a publicly supported vaccine program. However, donations may only be accepted if given completely freely and not as a condition of receipt of an immunization.

In addition to providing for these grant authorities, the bill authorizes appropriations of such sums as may be necessary for the next 3 fiscal years for grant funds for States to assist them in paying for the expected increase in vaccine costs that would result from the imposition of an excise tax on childhood vaccines. This tax would be used to support the childhood vaccine compensation trust fund established through the National Vaccine Injury Compensation Program (title 21 of the Public Health Service Act).

The Secretary of the Department of Health and Human Services is required to acquire and maintain a 6-month supply of vaccines. The authorization levels to carry out this activity would be $5 million in fiscal year 1988 and such sums as may be necessary for both fiscal years 1989 and 1990.

The legislation also extends the program for tuberculosis control for 3 fiscal years. The program would be authorized at levels of $24 million in fiscal year 1988, $31 million fiscal year 1989, and $36 million in fiscal year 1990. In addition, research and demonstration authorities for immunization, tuberculosis control, and preventive health services are established. Funds for the immunization and tuberculosis research and demonstration programs would be limited to a level up to 10 percent of the grant authorities. No new funds would be authorized for any of the research and demonstration programs.

Finally, S. 1158 amends provisions dealing with geriatric medicine training projects to authorize traineeships and fellowships and to permit departments of geriatrics to be eligible grantees. It also clarifies provisions dealing with access to reports of professional review activities.

I urge all Members to join me in supporting this important bill.

Mr. Speaker, I reserve the balance of my time.

Mr. MADIGAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. MADIGAN. Mr. Speaker, I join the chairman of the Subcommittee on Health and the Environment in supporting S. 1158 as amended by the Senate. The bill reauthorizes the National Center for Health Services Research and Health Care Technology Assessment and the National Center for Health Statistics. The National Health Service Corps, and grants to States for tuberculosis control and for immunizations.

This bill reauthorizes the National Center for Health Services Research for 2 years and the National Center for Health Statistics for 3 years. In addition, the bill requires peer review of grants larger than $50,000, requires increased support of research regarding rural health care delivery, and makes several technical changes to the current statute.

These provisions received bipartisan support when they were considered by the Committee on Energy and Commerce and passed the House under suspension of the rules by voice vote on October 13.

The legislation we are considering today also reauthorizes the National Health Service Corps field program for 3 years and establishes a new loan repayment program. Under the new program, if after having finished professional training a health professional agrees to work in a medically underserved area, the corps will provide for the payment of up to $20,000 per year for loans incurred for education. The provisions in this bill are almost identical to those contained in H.R. 1327 which passed this House under suspension of the rules by a vote of 387 to 9.

This legislation also reauthorizes grants to States for immunizations at levels which are consistent with the levels contained in H.R. 1746, legislation that was reported out of the Energy and Commerce Committee unanimously by voice vote. The immunization program has proven to be one of the most cost-effective Federal health initiatives in reducing morbidity and mortality associated with childhood diseases such as measles, mumps, rubella, diphtheria, and pertussis.

Finally, this legislation includes a reauthorization of the tuberculosis grant program. The authorization levels for this program are consistent with the levels determined by the centers for disease control to be sufficient to completely eradicate tuberculosis in this country.

I urge my colleagues to support this responsible bipartisan legislation.

Mr. WAXMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MADIGAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. Waxman] that the House suspend the rules and concur in the Senate amendment to the House amendments to the Senate bill, S. 1148.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LUNGREN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

AIRCRAFT COLLISION AVOIDANCE ACT OF 1987

Mr. MINETA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1517) to amend the Federal Aviation Act of 1958 to require the installation and use of collision avoidance systems in aircraft, to require the Federal Aviation Administration to complete research on and development of the TCAS–III collision avoidance system as soon as possible, and for other purposes as amended.

The Clerk read as follows:

H.R. 1517

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Aircraft Collision Avoidance Act of 1987".

SEC. 2. FINDINGS.

Congress finds that—

(1) the number of near midair collisions is an indication that additional measures must be taken to assure the highest level of air safety in the United States;

(2) public health and safety requirements necessitate the timely completion and installation of a collision avoidance system for use by commercial aircraft flying in the United States;

(3) the Traffic Alert and Collision Avoidance System promises to reduce the threat to life caused by midair collisions, particularly collisions between general aviation aircraft and commercial aircraft;

(4) the Traffic Alert and Collision Avoidance System will succeed only to the degree that other aircraft posing a collision threat are equipped with pressure altitude-encoding equipment; and

(5) the Federal Aviation Administration should continue at a deliberate pace the development of additional technologies, including TCAS–III, to ensure the safe separation of aircraft.

SEC. 3. COLLISION AVOIDANCE SYSTEMS.

(a) In General.—Section 601 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1421) is amended by adding at the end the following new subsection:

"(f) Collision Avoidance Systems.—

"(1) Development and certification.—

"(A) Standards.—The Administrator shall complete development of the collision avoidance system known as TCAS–II so that such system will be operable under visual and instrument flight rules and will be designed to be readily modified to the performance standards applicable to the collision avoidance system known as TCAS–III.

"(B) Schedule.—The Administrator shall develop and implement a schedule for development, certification, and operational approval of the collision avoidance system known as TCAS–II which will result in completion of such certification and approval not later than 18 months after the date of the enactment of this subsection.

"(C) Monthly reports.—The Administrator shall transmit to Congress monthly reports on the progress being made in development, certification, and operational approval of the collision avoidance system known as TCAS–II.

"(2) Installation.—The Administrator shall require by regulation that, not later than 30 months after the date of certification and operational approval of the collision avoidance system known as TCAS–II, such system be installed and operated on each civil aircraft which has a maximum passenger capacity of more than 30 seats and which is used to provide air transportation of passengers, including intrastate air transportation of passengers.

"(3) Automatic pressure altitude-encoding equipment.—The Administrator shall require by regulation that automatic pressure altitude-encoding equipment be installed and operated on each civil aircraft (other than an aircraft to which paragraph (2) applies) operating in a high traffic density area, as designated pursuant to rulemaking by the Administrator.".

(b) Conforming Amendment.—That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the side heading

"Sec. 601. General safety powers and duties.".

is amended by adding at the end the following:

"(f) Collision avoidance systems.".

SEC. 4. RESEARCH AND DEVELOPMENT.

(a) Completion of TCAS–III.—The Administrator of the Federal Aviation Administration shall complete the research and the development on, and the certification and operational approval of, the collision avoidance system known as TCAS–III as soon as possible.

(b) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary from the Airport and Airway Trust Fund to carry out this section.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from California [Mr. Mineta] will be recognized for 20 minutes and the gentleman from Arkansas [Mr. Hammerschmidt] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. Mineta].

Mr. MINETA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 1517, the Aircraft Collision Avoidance Act of 1987.

Midair collisions involving airline aircraft are extremely rare events, but the recent dramatic growth in air travel has been accompanied by an increase in near midair collisions as well. The most recent data indicate that near midair collisions involving airliners have grown 50 percent in the past year. In the first 9 months of this year there were 383 near midair collisions involving airliners compared with 258 for the same period last year.

Fortunately, the Federal Aviation Administration has finally developed a collision avoidance device known as the traffic alert and collision avoidance system, or TCAS, for airline aircraft. This legislation requires that within 4 years, all airline aircraft with more than 30 seats be equipped with this device. TCAS alerts pilots to aircraft in their vicinity and provides a "climb" or "descend" directive if the aircraft is on a collision course.

The FAA has analyzed the midair collisions involving airliners and has concluded that had the TCAS equipment been onboard, those tragic accidents would not have occurred. The FAA has testified that with an airline fleet equipped with TCAS, airliner midair collisions would be virtually eliminated.

The bill directs the FAA to complete research and development on an even more sophisticated and advanced collision avoidance system known as TCAS–III.

The bill also directs the FAA to require that all aircraft operating in high density air traffic areas be equipped with a mode C altitude encoding transponder. Expanded use of mode C will further enhance the effectiveness of TCAS. Wider mode C use will also enable air traffic controllers using radar to effectively separate all aircraft carrying mode C from each other, thereby improving the safety of flight for all fliers including general aviation.

Finally, I want to commend my colleague from California [Mr. PACKARD], the original sponsor of this legislation, for his work and leadership on this issue. He has made a real contribution to aviation safety through his efforts.

Again, I urge my colleagues to support H.R. 1517.

Mr. Speaker, I reserve the balance of my time.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of this bill.

Mr. Speaker, there has been a great deal of publicity lately about midair and near midair collisions. The number of near midair collisions has been rising over the past few years. Surveys of airline pilots have shown that the danger of a midair collision is their greatest safety concern.

For many years, some would say too many years, FAA officials have been working on the technology, known as traffic alert and collision avoidance system [TCAS], to reduce the chance of a midair collision. The FAA is finally very close to implementation of the TCAS-II system which will provide important safety benefits in the near term.

Now that we are so close, it is very important to keep up the pressure on FAA officials to ensure that they will complete the development and certification of TCAS-II as soon as possible. It is also important to encourage the airlines to install this technology as soon as it becomes available. The airlines have said they want to do that.

I would like to congratulate the gentleman from California [Mr. PACKARD] for proposing this legislation and for working so diligently for its passage. He has accomplished the difficult task of developing a bill in this area that is acceptable to both the large air carriers and the smaller general aviation operators as well as the FAA. It is a good bill that sets realistic targets for completion and installation of TCAS-II and requires the FAA to move forward with the next phase of collision avoidance technology, TCAS-II. I urge my colleagues to support it.

Mr. Speaker, I ask unanimous consent that on our side the gentleman from Georgia [Mr. GINGRICH] be allowed to control the balance of our time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. GINGRICH. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Speaker, I rise in strong support of H.R. 1517, the Aircraft Collision Avoidance Act. I commend the members of the Public Works and Transportation and Science, Space, and Technology Committees for their hard work in crafting this urgently needed legislation and reporting it to the floor for our prompt consideration today.

In the last month, this House has gone on record for improving airline service and expanding airport improvement programs for America's flying public. We passed H.R. 3051, the Airline Passenger Protection Act, and H.R. 2310, the Airport and Airways Improvement Act. And here today, with this bill, we are again taking substantive action to assure the millions of American airline passengers that service and safety in our skies is a paramount responsibility of this House.

As we are all aware, this summer, it seemed that, daily, we read or heard about another near-miss incident in the skies above our communities. And, horribly, the incidents continue to occur. In the New York metropolitan area, for example, air traffic over Newark International, La Guardia, and Kennedy International Airports is a frightening problem. This complex aviation system is among the busiest and most congested in the world. The legislation that is before us requires the implementation of practical and workable solutions to the problems facing the crowded airspace over northern New Jersey.

Specifically, H.R. 1517, which I cosponsored, would require the Federal Aviation Administration [FAA] to implement a schedule for approval of the traffic alert and collision avoidance system II [TCAS-II] within 18 months of the bill's enactment. The bill would require FAA to develop regulations for the installation of TCAS-II equipment on all aircraft with more than 30 seats, within 30 months of FAA approval. The bill also requires the FAA to complete research and development of the TCAS-III system as soon as possible.

TCAS-II equipment is a state-of-the-art anticollision radar system which provides a signal in the cockpit to warn a pilot that there is other air traffic in the area. If there is danger of a midair collision, the system issues an urgent warning instructing the pilot to climb or descend in order to avoid a collision. TCAS-III equipment will provide more precise information to advise the pilot to turn left or right in the climb or descent.

Obviously, this information is critical to a pilot in a possible near-miss incident. Clearly, if this information is available to a pilot, hundreds of lives may be saved in the unthinkable event of a major catastrophe. The FAA has already gone on record in support of these anti-collision devices. This legislation simply but effectively prods the FAA into the action it has said it would take. And, certainly the FAA must take this action to ensure safety.

Therefore, I urge my colleagues to support this legislation today. Passage of this legislation will help prevent future near miss incidences and restore the confidence of the public in the safety of flying. And, clearly, due to the numerous near-misses that have already occurred, the public can no longer wait.

Mr. GINGRICH. Mr. Speaker, I yield 4 minutes to the gentleman from California [Mr. PACKARD].

Mr. PACKARD. Mr. Speaker, today we have an opportunity to vote for safety in our national airspace. H.R. 1517 would require all aircraft with a passenger capacity of more than 30 to install the collision avoidance equipment known as TACS-II, the traffic alert and collision avoidance system. This device would advise a pilot to dive or climb to avoid an impending collision. H.R. 1517 would also require general aviation aircraft operating in high traffic density airspace to install altitude-encoding transponders. These transponders communicate vital altitude information to the TCAS. The requirements of this bill would become effective within 4 years after the bill is signed into law. Within the 4-year timeframe, 18 months are provided for certification. During this 18 months the FAA will be required to submit to Congress monthly reports on the progress being made toward certification. Following the 18-month certification period, 30 months are provided for the equipment to actually be installed. The time constraints in this bill provide ample time and they closely track what has already been expressed as FAA policy.

I would like to take this opportunity to thank my colleagues who have supported this effort. With their help this bill has gained wide bipartisan support. I want to also thank the representatives of the FAA and the various industry groups that have been so cooperative and helpful in the forming of this legislation. I have spent many hours consulting with the FAA, the developers of the TCAS, the Airline Pilots Association, the Air Transport Association, the Aircraft Owners and Pilots Association, and many, many others. Their advice and technical assistance have been critical in forming a proposal that does not impose any undue burden on any given group, but which ensures a greatly increased measure of safety in our national airspace. I have with me today letters of support from the ATA and AOPA. I also have a copy of the recent testimony of the FAA Administrator who also voices support for this bill.

I urge my colleagues to vote for this measure. Research and development on collision avoidance has been going on for decades. I have sat through numerous hearings over the past several years that have dealt with the issue of air safety and technical means to prevent midair collisions. Many collision avoidance systems have come and gone in the search for a perfect solution to what is a very difficult problem. I'm not sure that TCAS-II is the perfect solution, but I know that it works—I have seen it work. While requiring TCAS-II to be installed now, H.R. 1517 also anticipates future advances in collision avoidance technology. The bill requires that TCAS-II be developed in such a way that it be readily upgradable to TCAS-III standards. TCAS-III gives horizontal as well as vertical collision avoidance instructions. We must not let the best become the enemy of the good. We have a workable system now. We cannot let anticipated future advances prevent action in the present.

The issue of air safety became prominent following the 1978 midair collision of a PSA jet and a small private plane over San Diego; 137 people died in that accident. The Cerritos tragedy last year and the rapid rise in the number of reported near midairs have again pushed the issue of air safety to the front. We have in H.R. 1517 an opportunity to act. We owe it to this Nation's millions of air travelers to act now. In my view, because we have a workable system now, it would be almost criminal to delay any longer.

If you want better air safety you will surely want to vote for H.R. 1517.

□ 1340

Mr. MINETA. Mr. Speaker, I yield such time as he may consume to the very distinguished chairman of the Committee on Science, Space, and Technology, the gentleman from New Jersey [Mr. ROE].

Mr. ROE. Mr. Speaker, H.R. 1517, the Aircraft Collision Avoidance Act of 1987, was jointly referred to the Committee on Public Works and Transportation, and the Committee on Science, Space, and Technology. H.R. 1517 was ordered reported, as amended, by the Committee on Science, Space, and Technology on September 29, 1987.

Mr. Speaker, H.R. 1517 reflects the serious concerns of Congress regarding one of the most serious threats to aviation safety—midair collisions.

Since 1978, over 600 people have lost their lives in aircraft midair collisions. In August, 1986, an Aero Mexico Boeing 727, on approach to Los Angeles International Airport, was struck by a general aviation aircraft within the terminal control area, killing 82 people, including 15 on the ground. In January 1987, a Sky West Metroliner, on approach at Salt Lake City, collided with a general aviation aircraft killing 10 people. In September 1978, a Pacific Southwest Airlines Boeing 727 collided with a general aviation aircraft over San Diego killing 144 people, including 7 on the ground. These accidents could have been prevented if our aviation fleet had been equipped with the collision avoidance system known as TCAS-II.

Mr. Speaker, hardly a week goes by without a report of another near midair collision. Just last Thursday, the pilot of a United Boeing 737, carrying 101 passengers, reported that he missed colliding with an Air Wisconsin commuter aircraft by less than 75 feet while taking off from Chicago O'Hare Airport. A week ago Tuesday, a Pan American Boeing 727, on approach to St. Croix, Virgin Islands, came within 50 feet of colliding with a Caribe Air Cargo DC-3.

The dramatic increase in near misses, as reported by the National Transportation Safety Board, is very alarming. Near midair collisions have increased from 589 in 1984, to 758 in 1985, to 839 in 1986. According to recent reports from the Federal Aviation Administration, there were 857 near misses in the first 9 months of 1987, a 37-percent increase over the same timeframe last year.

Even more alarming, Mr. Speaker, is the fact that recent tests of collision avoidance equipment in the Northeast corridor has shown, on average, one near collision advisory for every 15 hours of flying time. While this test was conducted with only one airliner, and is by no means a scientific survey, it is certainly cause for concern.

H.R. 1517, the Aircraft Collision Avoidance Act of 1987, directs the Federal Aviation Administration to develop and implement an 18-month schedule to complete certification and operational approval of the collision avoidance system known as TCAS-II. This threat alert and collision avoidance system [TCAS] has been under development by the FAA for a number of years now, has been undergoing operational testing on some airliners, and is almost ready for deployment. Also, during this 18-month schedule, the FAA is directed to develop regulations to require the installation of TCAS-II within 30 months from certification on all aircraft with more than 30 seats.

The bill also requires the FAA to complete certification on a more advanced collision avoidance system [TCAS-III] as soon as possible. The FAA is directed to assure that TCAS-II is designed to be readily modified to incorporate subsequent improvements of TCAS-III. While we recognize the significant benefits in the development of the TCAS-III technology, we feel strongly that we must implement the state-of-the-art now, rather than forever waiting for the more perfect technology.

The bill also directs the Federal Aviation Administration to issue regulations to require that all aircraft operating in high density traffic areas be equipped with altitude-reporting [mode C] transponders. Widespread use of altitude/reporting transponders in high traffic density areas is key to the effectiveness of the TCAS system.

Mr. Speaker, the Federal Aviation Administration has been working on the development of an effective collision avoidance system for over 20 years now. While we certainly appreciate the technical difficulties involved, we believe it is time to take action. In fact, not long after this bill started to move through the House of Representatives, the FAA issued a notice of proposed rulemaking to implement the TCAS-II collision avoidance system. I understand a provision similar to this legislation was added last week to the Airport and Airway Capacity Expansion Act by the other body. It is very important that we keep the pressure on the FAA and the Department of Transportation to implement this critical program. I urge my colleagues to support this important legislation.

Mr. GINGRICH. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New Mexico [Mr. LUJAN].

Mr. LUJAN. Mr. Speaker, I strongly support H.R. 1517. This legislation is long overdue. It may not be the perfect solution for aircraft collision avoidance—and we certainly don't claim that its passage will assure that midairs will never occur again. But I do believe this bill is an important first step.

The Committee on Science, Space, and Technology has been patiently following the FAA's progress with collision avoidance systems for years. Before TCAS we had ACAS and then BCAS, but the solution is always a few years away. In 1981, we were told TCAS would be in production in 1984. Well, it's almost 1988, and we are still a long way from having TCAS implemented. It's easy to understand why skeptics believe that without this legislation we'll still be dragging our feet 10 years from now.

This legislation gives FAA another year and a half to certificate TCAS, and then the airlines are given an additional 2½ years to implement it. I would go further and urge the FAA to do everything possible to move this up if they can. Four years is a long time to wait for the protection that this system promises to provide. Personally I'm not very comfortable with this schedule.

Near midairs have been increasing dramatically in recent years. In New Mexico, in the first 6 months of 1987 there were 13 pilot operational errors, 9 pilot deviations, and 6 reported near midairs for a total of 28 compared to 6 in all of 1986. The public is demanding action, and the pilots are asking for help. The only collision avoidance system they have today is "EYE-CAS" that's E-Y-E, and it means "see and avoid". An alert pilot will always be our best protection against accidents, but we should give them all the help that technology can provide.

Mr. Speaker, I would have preferred to see this bill expanded to include Government-owned airplanes as well, but the situation is serious and I don't think we can afford to wait, and therefore I urge my colleagues to join me in voting yes on this important legislation.

Mr. MINETA. Mr. Speaker, I yield such time as he may consume to our very fine colleague, the gentleman from Illinois [Mr. DURBIN], a member of the Committee on Appropriations.

Mr. DURBIN. Mr. Speaker, I thank the gentleman from California for giving me this opportunity to speak, and I rise in support of this legislation.

One of the things I have found as a member of the Transportation Subcommittee is that there is an interesting dichotomy when it comes to air traffic, and that when the FAA promulgates its regulations, it divides aircraft into two very basic categories, those that have 30 seats and those that have more, and the rules and regulations for the smaller aircraft, 30 seats or fewer, are considerably different than those for larger aircraft.

This has been brought to my attention because I happen to live in a community which was formerly served by a major air carrier and now is being served by a host of commuter and regional airlines. As a matter of fact, we are at the end of the spoke, Mr. Speaker, and at the end of that spoke we take the smaller planes day in and day out.

I would like to ask the chairman of the subcommittee if he would be kind enough to respond as to why a distinction was made in this bill when it came to the promulgation of traffic alert and collision avoidance systems to exempt those airplanes that had fewer than 30 seats.

Mr. MINETA. Mr. Speaker, will the gentleman yield?

Mr. DURBIN. I yield to the gentleman from California.

Mr. MINETA. Mr. Speaker, first of all, under this legislation, as the gentleman has pointed out, it does exempt aircraft under 30 seats as far as TCAS-II equipment is concerned. However, under the rules or the notice of proposed rulemaking, as issued by the Federal Aviation Administration, they are going to be requiring the TCAS-I device to be included in their commuter aircraft regardless of size.

The main reason that TCAS-II is exempted in this instance is because of the size of the equipment and the cost of it. TCAS-II will cost approximately $80,000 to $100,000 per aircraft, and the size of the equipment means it will not be able to fit into the cockpit of, let us say, a normal Beech 99 or general aviation type aircraft that has been converted for commuter aircraft purposes. So that kind of airplane will have the TCAS-I, which gives an in-cockpit alert as to other aircraft within the bubble, but it is not like the TCAS-II that will tell the pilot to either go up or go down. TCAS-III, on the other hand, will have the other ability to tell the pilot to go to the left or to the right.

Mr. DURBIN. Mr. Speaker, it is very clear, I think, from the gentleman's statement that the TCAS-II and TCAS-III systems are, frankly, better systems and safer systems and give more information to a pilot so he can avoid a collision; is that not correct?

Mr. MINETA. That is correct, in terms of their capacity. They do more for the pilot in terms of giving him a resolution of the conflict.

Mr. DURBIN. Mr. Speaker, I thank the chairman of the subcommittee, and I might close by saying that this poses a classic dilemma for us because we have a situation here where we are not mandating the same level of sophistication and equipment for smaller aircraft as we are for larger aircraft. I can tell the gentleman pointblank as a passenger getting on an airplane most people assume that the same level of pilot training and equipment is on board each aircraft as they come on board, but in fact that is not the case.

Mr. PACKARD. Mr. Speaker, will the gentleman yield?

Mr. DURBIN. I am happy to yield to the gentleman from California.

Mr. PACKARD. Mr. Speaker, I think the chairman of the subcommittee is absolutely right. We would have liked to have included the installation of this equipment on the smaller aircraft, but the cost simply is prohibitive. It is going to cost about $200,000 per copy by the time we figure downtime and all the other costs to the airline, in addition to the $100,000 cost of the equipment. That would bankrupt some of our commuter lines, and we think, as this equipment is produced, the cost of the equipment will come down to the point where in due time we will be able to put it on all passenger-carrying aircraft.

Mr. DURBIN. Mr. Speaker, I sincerely hope the gentleman is correct, but in the meantime what the passengers of commuter airlines are being told is that "it is your money or your life. We can't afford to put on the equipment that is the best equipment. We can't make a profit with that equipment on board. Therefore, we are not going to put it on board."

So that means for a passenger coming on a commuter or regional airline plane that is exempt from this legislation that the pilot training is different and sometimes less, that there are no in-flight recorders, that there are no black boxes, and that there is no TCAS-II or TCAS-III system.

Frankly, I think the consuming public should be aware of some of the deficiencies that are being built into the system, and, frankly, we have a responsibility to be pushing all segments of the airline industry forward to find the safest equipment possible.

Mr. Speaker, I thank the gentleman from California for yielding me this time.

Mr. GINGRICH. Mr. Speaker, I yield 10 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding this time to me, and I thank the committee for giving me the opportunity to take some time here to register my opposition to this particular bill. I thank the committee for scheduling this in a way that allows me to bring up the points that I wish to raise, because I think there are some very serious concerns about the bill that we have before us today.

☐ 1355

First of all, the administration opposes consideration of this bill under the Suspension Calendar. They do so because they do not think that the timetable being set is in accordance with what FAA should be doing, and so, therefore, I can tell the Members flatly, the administration does not think that we ought to have taken this bill up under suspension.

I think the serious concern builds upon that which the gentleman from Illinois just raised about small commercial aircraft not being covered in this bill. There is another category of aircraft not covered in this bill that we could do something about, but which we adamantly refuse to do anything about, and that is military aircraft.

When we held our hearings in the Committee on Science, Space, and Technology on this issue, we found out that 30 percent of all the near misses last year were involved with military aircraft.

When we look back at the situation for 1986, 32 percent, I should have said this year it was 30 percent, because last year it was 32 percent of all near misses involved military aircraft.

I know what Members are saying. Well, military aircraft do not fly anyplace that they get involved with commercial aircraft. The statistics just do not bear that out.

In fact, three times every month on an average, a military aircraft is involved in a near miss with a commercial carrying aircraft, three times a month.

Three times a month when you are flying through the air, it is likely that a military aircraft could be involved with your commercial air carrier.

That has been true last year. It is true again this year. if you are flying in a commercial or in a general aviation aircraft, the chances are that if you are involved in a near miss in one out of four cases, overall, one out of four cases, the aircraft that you will be involved in a near miss with is a military aircraft.

I am telling the Members that is a real problem, and I just have to question how concerned about safety we really are, if we are not willing to include military aircraft in what we are doing.

The answer to that is, well, it is too expensive. I am a little sick and tired of Congress saying that we are going to require of others things that we are not willing to do in Government.

We do not include Congress in a lot of things. We also do not include Government in doing those things which we require of industry.

Here is a case where we are going to make very stringent requirements on industry, and that is fine. I am all for putting TCAS abroad industry aircraft; but it seems to me if we are really going to define a safe air traffic control system, we ought to require our military aircraft to live up to the same standards that we are requiring of commercial aircraft.

It would not make any difference if those military aircraft were not being involved with commercial aircraft, but they are. Three times every month a commercial aircraft is involved in a near miss with military aircraft, and we are going to say that it does not matter.

We simply are not going to do anything about that portion of the problem. Despite the fact that we can fund it ourselves, we can do the job ourselves of funding a more safe air traffic control system, we are saying in this bill that it is not going to matter.

I planned to offer an amendment if this bill came out under the regular processes of the House to include military aircraft. In order to prevent me from having that amendment, the bill was brought under the Suspension Calendar, so that that amendment cannot come up.

I would have liked to have seen the House focus on that. Are we or are we not going to do that which we are going to require of others ourselves?

The very least thing that we could do is make certain that our aircraft, the aircraft that the Government flies, are the safest aircraft in the skies. This is tantamount to saying that we are not going to include the safety equipment on the cars that the Government buys, that we are not going to include the environmental equipment on the cars that the Government buys, that it costs too much for the Government to comply with the regulations that we require of others.

I am saying that if it costs too much for us to do it, then it seems to me that we are being very hypocritical with the legislation that we have before the Members. It is absolutely hypocritical to suggest that others ought to be concerned about safety in the skies, while the Congress of the United States says no to safety in the skies.

I think the figures are very, very revealing. This is not a minor problem.

Thirty percent of all near misses will be with Government-owned aircraft, with military aircraft.

I would hope that what we would do is defeat this bill under suspension, so we can bring it back here, address those concerns that the administration has about this process and also address the concerns that this gentleman has about the fact that we are going to throw aside 30 percent of the problem.

I will tell the Members that a Congress that is willing to throw aside 30 percent of the problem of safety in our skies is a Congress not very concerned about safety.

My plea would be, defeat the bill, bring it back under the regular processes of the House, give those of the Members who have legitimate amendments that address legitimate safety concerns a chance to offer those amendments on the House floor, and then let the Members move this bill forward and move a bill forward that treats the whole problem, not just two-thirds of the problem.

Mr. MINETA. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of this legislation that has been crafted by my distinguished colleagues in the Public Works Committee and the Science Committee to facilitate greater safety in our Nation's skies by implementing the use of advanced collision avoidance technology.

By encouraging the Federal Aviation Administration to continue the work on the development and implementation of the Traffic Alert and Collision Avoidance System II [TCAS-II] and to complete the research on TCAS-III, the 100th Congress is clearly stating that aviation safety is one of our top priorities. We have worked together to provide for better service for airline passengers in the Airline Passenger Protection Act, and for the continued improvement of airline facilities in the airport improvement amendments. It is only fitting that we now work together to provide greater safety in the airspace with heavy traffic.

Included in H.R. 1517 is a provision directing the FAA to issue regulations that would require that all aircraft operating in these high density traffic areas be equipped with the altitude encoding devices, known as mode C transponders. As many of my colleagues are well aware, the FAA has issued regulations of this nature which could be implemented by December 1, 1987.

Mode C transponders are an integral part of a complete collision avoidance system. However, there is considerable concern within the aviation community that the regulations issued by the FAA do not take into consideration the increased work load this can place on air traffic controllers—if that is true indeed it should be remedied. Additionally, it is not clear whether these proposed rules take into consideration some of the fundamental differences between each individual TCA. Therefore, while I join my colleagues in supporting this legislation, I also urge the Federal Aviation Administration to determine whether such measures are as effective as separate terminal control area [TCA] evaluations designed to work with and serve each area individually.

Similarly other methods to insure air safety, such as simply repeating the air traffic controllers pilot instruction and communication would be helpful. Not just smart new technology—no matter how good it is—substitute for the human factor—smart pilots which are very important to improvement of overall air safety.

Mr. GINGRICH. Mr. Speaker, I yield 1 minute to the gentleman from Virginia [Mr. PARRIS].

Mr. PARRIS. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in somewhat reluctant support of this legislation, but take this time to suggest to the Members that we ought to be very, very careful about the effect that this may have on private and general aviation.

I have been a pilot for 35 years. I have a little airline with an open cockpit biplane. It does not even have a battery. I cannot install a transponder in it.

There are provisions in this bill that say that we are going to take knowledge of some of those requirements for terminal control areas, but in high-density-traffic areas, this is a good bill.

Out in the country just with private aviation and recreational flying, it is not a good bill.

Mr. Speaker, I take this time just to suggest that as the FAA implements this legislation with the inverted wedding cake requirements of TCAS, that it keep in mind the requirements of special aviation activities of one kind or another, including some of those set forth in this bill.

Mr. MINETA. Mr. Speaker, I yield 1 minute to the gentleman from Kansas [Mr. GLICKMAN].

Mr. GLICKMAN. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I compliment the gentleman from California [Mr. Packard], and the committee chairman, for this bill.

I come from Wichita, where we build about 60 percent of all airplanes made in the world, the small airplanes that the gentleman from Virginia [Mr. Parris] just referred to.

This bill is a good confidence-builder, because if the public knows that aircraft flying in high-density areas are equipped with collision avoidance systems, they will be more prone to support this industry and support aviation generally.

It is the crashes that occur because of midair collisions which cause people to want to pull general aviation out of the skies, period.

That is a serious mistake not only for the employees who work at Beech and Cessna in my district, but to the general aviation industry.

I understand the problem about not putting these requirements on truly recreational flyers, and that is not the intention of the gentleman from California at all. That is not in this bill.

We need to restore confidence in the flying public that the skies are safe, and that to do that means that folks who fly in high-density areas fly in planes that are equipped with collision avoidance systems, smaller and larger planes.

My concern is that FAA will drag its feet and not implement the regulations, and we will be back after another crash; and my other worry is that people will not have enough money to pay for these things. On balance, this is a very good bill.

Mr. GINGRICH. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. Packard].

Mr. PACKARD. Mr. Speaker, I thank the gentleman for yielding me this time.

When the gentleman from Pennsylvania [Mr. Walker] was making his points, I wanted to respond to those: and this might be as good a time as any to do it.

It was mentioned that the gentleman intended to offer an amendment to include military aircraft, but only the military aircraft that were passenger-carrying, 30 or more passengers, similar to the language of the bill.

I should mention that, and the gentleman mentioned the 30-percent figure, that 30 percent of all accidents are caused by military aircraft; but if we implemented this in terms of the passenger-carrying military aircraft, we are only talking about 3 percent of the accidents.

I am suggesting that we do not hold up solving 97 percent of the problem simply over 3 percent of the problem.

Furthermore, it is estimated that it would cost the Government about $400 million. The question has to be asked, where will we get $400 million when we are involved in such a budget crunch as we are right at this moment, so certainly we ought not to hold up the movement of this bill that will solve 97 percnet of the problems over the 3 percent of passenger-carrying military aircraft.

Mr. MINETA. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma [Mr. McCurdy], who chairs the Subcommittee on Transportation, Aviation and Materials of the Committee on Science, Space, and Technology, whose leadership I appreciate very much on this issue.

Mr. McCURDY. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of H.R. 1517, the Aircraft Collision Avoidance Act of 1987. I would like to commend the chairmen of the Committee on Science, Space, and Technology, and the Committee on Public Works and Transportation for bringing this important legislation to the floor so expeditiously.

Mr. Speaker, when two airliners pass breathtakingly close to each other, as in the Continental-Delta incident over the North Atlantic last July, or like the United-Air Wisconsin near-miss last Thursday at Chicago O'Hare airport, it is an urgent signal to expedite the certification of an effective collision avoidance system and get it airborne as soon as possible.

In Oklahoma, there were eight near midair collisions just in a 3-month period this summer. Five of those near-misses involved large air carrier aircraft.

Even the White House is affected by the growing problem of near-midair collisions, given the incident near Santa Barbara last August. I dare say that the President himself has gained a whole new perspective on the issue of aircraft separation.

Mr. Speaker, we have a system that could be effective in addressing this critical threat to aviation safety. The Threat Alert and Collision Avoidance System, otherwise known as TCAS-II, working in conjunction with altitude-encoding transponders on general aviation aircraft, would virtually eliminate the threat of midair collisions involving airline aircraft.

H.R. 1517 would direct the Federal Aviation Administration to complete the certification and operational approval of the TCAS-II collision avoidance system in 18 months, and to develop regulations to require the installation of the system within 30 months after certification. This schedule is only somewhat more ambitious than what the FAA has already proposed in it Notice of Proposed Rulemaking issued last August.

The FAA has been working on the development of an aircraft collision avoidance system for over 20 years now. In testimony before the Subcommittee on Transportation, Aviation, and Materials, which I chair, the FAA has testified for a number of years that they are 3 to 4 years away from implementing such a collision avoidance system. H.R. 1517 will assure that the Department of Transportation gets serious about meeting its schedule.

Mr. Speaker, while it is also very important to continue to make improvements on collision avoidance technology through the development of the TCAS-III system, we should implement what we have now, rather than always waiting for the more perfect technological solution. H.R. 1517, while directing the FAA to develop TCAS-III as soon as possible, recognizes that the relative immediate benefits of TCAS-II outweight the gains of waiting a number of more years before any system is implemented.

I urge my colleagues to support this important legislation.

□ 1410

Mr. MINETA. Mr. Speaker, I yield 1 minute to my colleague, the gentleman from California [Mr. Dornan].

Mr. DORNAN of California. Mr. Speaker, I rise today as an original cosponsor of my fellow Californian, Mr. Packard's legislation to require the FAA to install threat alert and collision avoidance [TCAS] technology in commercial aircraft. H.R. 1517 requires the Administrator of the FAA to install TCAS II, the second generation collision avoidance technology, within 18 months of its certification. It is my understanding that TCAS II is now flying in Piedmont aircraft with an intent to certify in the near future.

I know that it is cliche Mr. Speaker, but I have to say that it is about time. Just to drive home the necessity of collision avoidance technology to my colleagues, I would like to direct the attention of the chair to that fact that in just 1 day, April 10 of this year to be exact, small planes were reported to have passed dangerously close (within 500 feet) of commercial airliners over Santa Barbara, Houston, and Midland, TX, Newark, Saginaw, and Burbank. I do not need to be convinced that we need this legislation because I witnessed the charred and torn remnants of a once idyllic residential neighborhood in my own district, following the August 31, midair collision over Cerritos, CA, last year. There are obviously serious problems with our air traffic system that need to be addressed. Mr. Packard's legislation is directed to the heart of this problem.

I have attempted, Mr. Speaker, through five Congresses to pass legislation which would mandate the completion of research and the installation of an ACAS, airborne collision avoidance system. I have documentation that shows that the FAA considered ACAS technology way back in 1975 to "meet all the objectives of the agency." In other words, Mr. Speaker, the technology has existed for years but the FAA had failed to act.

Mr. PACKARD's legislation endorses the development and certification of a different system. But I support the TCAS bill because I believe it is a giant step in the right direction. It must be clear by now that the Congress has to obligate the FAA to abide by a specific timetable or the citizens of this great traveling Nation will be forced to suffer perpetual delays and stalling. I think the FAA has frittered away enough time already. Now is time for action. Today is the day we must start the process of making our airways safer. Now is the time to suspend the rules and pass RON PACKARD's legislation.

I would like to submit to the RECORD some valuable information which will help my colleagues better understand the gravity of this problem.

Mr. GINGRICH. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. LEWIS].

Mr. LEWIS of Florida. Mr. Speaker, I thank the gentleman for yielding.

I rise in strong support of H.R. 1517, the Collision Avoidance Act of 1987.

The number of passengers traveling by air is at an all time high. This year there will be over 450 million passengers in the United States which is double the 1977 number. During this same time the airways have become safer but there are alarming statistics indicating that the safety risks are increasing.

The increase in the number of near-midair collisions is one such statistic. In 1984 there were almost 600 near midair collisions. During this year, through September, there have been 857 reported.

The best way to ensure that near-midair collisions do not become collisions is through the utilization of a collision avoidance system.

The threat alert and collision avoidance system, known as TCAS-II, detects the presence of potential threats and provides the pilot with a conflict resolution maneuver. These maneuvers include instructions to either climb, descend, or stop the existing climb or descent.

The legislation before us, H.R. 1517, establishes deadlines for FAA to complete certification and to require installation of TCAS II in commercial aircraft of more than 30 seats.

This legislation, when implemented, will be a major step in the direction of insuring all air travelers that the skies will be safe despite increases in the number of aircraft.

Mr. Speaker, I would like to point out that general aviation aircraft would not be required to install TCAS-II. In fact, it was made clear at the transportation, aviation, and materials' hearing on this legislation, that the mode C transponder would be used only by general aviation aircraft entering heavily traveled commercial airspace.

This is a bipartisan bill, Mr. Speaker. The chairman of the committee, the gentleman from New Jersey [Mr. ROE], the ranking member, the gentleman from New Mexico [Mr. LUJAN], the subcommittee chairman, the gentleman from Oklahoma [Mr. MCCURDY], and the author of H.R. 1517, the gentleman from California [Mr. PACKARD], along with the gentleman from California [Mr. MINETA] and the gentleman from Georgia [Mr. GINGRICH] have worked hard to protect this bill.

I want to express my appreciation to these committee leaders for these efforts.

Mr. Speaker, I would like to say to the gentleman from Pennsylvania, when we are talking about aircraft safety, that half a loaf for the safety of passengers in the air is better than no loaf at all.

Mr. Speaker, I urge my colleagues to support H.R. 1517.

Mr. MINETA. Mr. Speaker, I yield 1 minute to our colleague, the gentleman from Illinois [Mr. GRAY], from our Public Works and Transportation Committee and the Subcommittee on Aviation.

Mr. GRAY of Illinois. I thank my friend from California for yielding. Mr. Speaker, without the inertia and the tenacity of this legislation, in my opinion there will be no collision avoidance systems installed in our commercial airlines. Fourteen years ago I was asking the question of the then FAA Administrator, General Kee, "How are you coming, General, on the collision avoidance devices?"

And he answered, "Just around the corner."

Mr. Speaker, I served another term in Congress, retired for 10 years, and came back and the first question I asked last year of Admiral Engen, then FAA Administrator, was, "Admiral, how are you coming on the collision avoidance systems, TCAS II and III?"

And, Mr. Speaker, I got exactly the same answer. "Just around the corner" 14 long years later.

So, without the inertia of this legislation, we will be another 14 years while the numbers of travelers in the skies double and we have more near misses that may become hits and certainly this legislation is vitally needed.

Mr. Speaker, I want to commend my friends on the Committees on Public Works and Transportation and Science and Technology for bringing out this legislation. I urge my colleagues to vote "yes". Thank You.

Mr. GINGRICH. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, if the Members vote for this bill, what we are going to be saying is that we are going to ignore 30 percent of the problem that we have in the skies.

My colleague, the gentleman from Florida, said a moment ago that half a loaf is better than no loaf.

Well, let me tell you the real issue that is before us. The real issue before us is that this bill says two-thirds of a loaf is good enough. Well, it is not. Thousands of people are going to be exposed to danger in the skies because we are unwilling to do that which we are capable of doing in this body.

Now, I know that Members have said, "Well, it is too expensive to include the military." Well, the figures they generate were that it was going to cost a little more than $400 million for the military to be equipped; 400 million dollars' worth of tax preferences for individual Members of Congress were included in the bill we passed here the other night.

Now, what are we saying, tax preference such as $400 million for some family down in Texas, or $42 million in the majority leader's district is more important than safety in the skies? That is exactly what we are saying here, that with $400 million we cannot afford when it comes to safety in the skies, but we sure can afford it when it comes to giving the leaders of this Congress a tax preference in a bill that we passed here the other night.

Well, I tell you, it is disgusting and it is appalling to me that we cannot at least have a vote out here on whether or not to include the coverage under this bill of the military aircraft that we can fund. Those are moneys that we can come up with ourselves.

This is not something that we have got to reach out to industry. It is something that we can do ourselves and we are saying flatly in this bill under the process that it is being considered that we are unwilling, totally unwilling, to have Government aircraft live up to the same standards that we are going to require of commercial aircraft. That is terribly wrong.

Mr. Speaker, 30 percent of the problem will be ignored if we pass this bill in this form, and that is wrong. Thousands of people will die in the skies at some point because we were unwilling to do that which Government is capable of doing.

Mr. GINGRICH. Mr. Speaker, I yield 1 minute to the gentleman from Iowa [Mr. LIGHTFOOT].

Mr. LIGHTFOOT. Mr. Speaker, first I want to commend the gentleman from California for his efforts to improve air safety through this bill. The gentleman has put together a good bill and has been conscientious in accommodating the various interests that will be affected by these new requirements.

I do want to take a moment, however, to express my reservations about the direction taken in the other body during consideration of similar legislation. An amendment adopted in the other body would require expensive automatic altitude reporting transponders in all aircraft entering terminal control areas [TCA's] and airport radar service areas [ARSA's], including small general aviation aircraft. The goal of this requirement is commendable. We need to make every effort to use updated technology to improve air safety.

However, in our desire to promote safety at every possible opportunity, we should not ignore the fact that we can reach a point where the safety curve hits rock bottom no matter what else we do here in Congress. That is the problem with pushing the altitude reporting transponder requirement into every ARSA and TCA regardless of traffic density. Imposing this requirement on some of the low-density ARSA's in rural areas is equivalent to installing traffic lights on deserted stretches of rural interstates.

Mr. Speaker, the bill we are considering allows the FAA Administrator to determine where collision avoidance systems are needed and require aircraft to use them in those areas. I commend the gentleman for taking this flexible approach, and I urge that we hold firmly on this position in conference for both commercial and general aviation aircraft provisions of the bill.

Mr. GINGRICH. Mr. Speaker, I yield myself the last minute.

Mr. Speaker, I just want to say that first of all I think we have to recognize the fine job that the gentleman from California [Mr. PACKARD] has done in crafting this bill and bringing it to the floor.

I sympathize a great deal with my good friend, the gentleman from Pennsylvania [Mr. WALKER] in his concerns. Normally I am with the gentleman on issues like this, but the gentleman knows, I think, that if we had tried to bring this bill to the floor with his amendments, that the Armed Services Committee would have opposed it and probably stopped the bill. The gentleman knows that had we tried to come to the floor with an open rule, the bill would have become encumbered and I think sunk under its weight.

□ 1420

The fact is that today the Members of this House came to vote "yes" for more safety for a significant step in the right direction which the gentleman from California [Mr. PACKARD] has crafted. It is a half step, but a half step toward more safety is better, far better than no step at all.

I strongly urge all of my colleagues to vote "yes" on this bill and to help us take a strong significant step in the right direction toward safer skies.

Mr. MINETA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the bill, but to address the issue raised by our colleague from Pennsylvania [Mr. WALKER]. This issue involves military aircraft being equipped with TCAS-II. Mr. Speaker, the safety benefit of Congressman WALKER's proposal would be limited. It would furnish no added protection for airline aircraft. Under H.R. 1517 airline aircraft will have TCAS-II and will be fully protected from aircraft, civil or military.

Since the beginning of 1986, only 1 percent of midair collisions in the potential and hazard categories have involved private general aviation aircraft and transport military aircraft. These are the only near collisions that would be affected by Mr. WALKER's proposal.

Are incidents involving military aircraft significant and should they be addressed? Of course they should, and this bill does address them.

The bill requires expanded use of the mode C transponder equipment. With this, ground controllers will be able to very effectively separate general aviation aircraft from each other and from military aircraft which are already equipped with mode C transponders.

In addition, with the coming online of the new enroute host computer, automatic conflict alerts will become part of the ground based air traffic control system for all aircraft equipped with mode C. So we are providing a very effective means of protection from midair collision for general aviation and military aircraft. Military aviation is hardly being ignored in this bill.

Finally, it is my understanding that the Armed Forces believe TCAS-II is an unnecessary expense from their perspective. I have also heard concerns raised that the TCAS-II equipment may interfere with the mission of some of the aircraft. And in some cases, there simply may not be enough room to install TCAS-II on the aircraft covered by Congressman WALKER's proposal.

This is a matter that should be the subject of hearings and consideration by the Armed Services Committee. There is no information available to the House at this point that indicates a need for this large expense or whether it is even compatible and feasible with the mission of the Armed Forces.

To conclude, I am opposed to the gentleman's proposal and I urge passage of the bill before us.

Mr. LOWERY of California. Mr. Speaker, I rise today with a deep sense of concern for the safety of our Nation's skies. According to the Federal Aviation Administration, the number of near-collision reports involving commercial aircraft jumped nearly 50 percent during the first 9 months of this year—from 258 to 383. The legislation before us, the Aircraft Collision Avoidance Act would significantly reduce the potential for any further midair disasters.

Recently the problems with the commercial airline industry have been heavily debated before this body. We've discussed delayed flights and misplaced luggage—all important items to the traveler—but safety should be our paramount concern.

Congressman PACKARD and I represent districts in southern California. That area is the most heavily trafficked airspace in the United States—with seven major commercial airfields from the border up to northern Los Angeles. Four of those airfields are on the FAA's list of the 10 most active airports in the United States. And we have the highest rate of near collisions in the country.

The installation of these collision avoidance devices may not be the entire answer to the problems of aircraft safety, but we are looking at a constant stream of near misses that could become tragic collisions. This device seems a small price to pay to avoid a tragedy like the one in Cerritos last year.

Mr. Speaker, I would like to commend Representative RON PACKARD for his leadership in proposing this change. I urge my colleagues to support this measure to innoculate against this epidemic of near collisions before it becomes a plague in our skies.

Mr. HOWARD. Mr. Speaker, I offer my strong support for this bill. Simply put, H.R. 1517 requires that aircraft be equipped over the next 4 years with collision avoidance technology.

The midair collision threat has grown in recent years, and with the anticipated growth in air traffic, the midair collision threat is likely to continue increasing as well.

This collision avoidance technology is expected to virtually eliminate midair collisions involving airliners. Everyone who has examined the midair collision issue is very excited about this technology and its significant safety benefits.

The bill also requires wider use of mode C transponders which will enhance the safety and effectiveness of our ground based air traffic control system.

Finally, I thank our colleague from California [Mr. PACKARD], who is a member of the Committee on Public Works and Transportation, for his leadership on this legislation. I also commend our Aviation Subcommittee chairman, Mr. MINETA, for his leadership of the subcommittee and his work to make the skies safer.

Again, I urge support of this measure.

Mr. LANTOS. Mr. Speaker, continued support of increased air safety must be a top priority for Congress. The Federal Government must take immediate action to improve the safety of our Nation's air traffic control system. The number of catastrophic airline accidents and reports of near-misses in recent weeks clearly demonstrate the need for the Federal Government to develop an aircraft avoidance collision program.

In fact, crash investigations by the FAA and the National Transportation Safety Board have concluded that if airline aircraft were equipped with traffic alert and collision avoidance systems [TCAS], many of our Nation's most tragic and horrifying air accidents would have been avoided. Furthermore, the FAA has testified before Congress that if airline aircraft are equipped with TCAS equipment, the statistical probability of midair collisions would be virtually eliminated.

Mr. Speaker, the facts speak for themselves. I rise in strong support of H.R. 1517, the Aircraft Collision Avoidance Act of 1987. This legislation requires the installation and use of collision avoidance systems [TCAS] and mode C transponders in commercial aircraft. Ultimately, this legislation will require the FAA to develop a collision alert system which will warn commercial airline pilots on how to avoid midair collisions.

The TCAS system includes three types of basic equipment: TCAS-I, TCAS-II, and TCAS-III. The TCAS-I is a system designed for small carriers. It can detect the presence of potential threats for general aviation, but it cannot generate resolution maneuvers. The TCAS-II system warns airline pilots that there is a danger of collision and gives the pilot a signal to change altitude. The TCAS-III system warns airline pilots of impending collision and gives a signal to take appropriate horizontal, as well as vertical evasive action.

Mode C transponders send signals to air traffic controllers and to airplanes with TCAS systems indicating the sending aircraft's altitude. Widespread use of mode C altitude reporting transponders by aircraft operating in high air traffic areas is a key to TCAS' effectiveness.

Mr. Speaker, I urge my colleagues to heed the warning signs of the urgent need for improved air safety and support this legislation to avoid future tragedies and the needless loss of lives.

Mr. LAGOMARSINO. Mr. Speaker, I rise in support of the Aircraft Collision Avoidance Act of 1987. The threat of midair collisions involving airline aircraft has been growing and anticipated airline traffic growth means that the threat could increase. The Federal Aviation Administration has now developed a collision avoidance device known as the traffic alert and collision avoidance system [TCAS-II] for use on airline aircraft.

Mr. Speaker, H.R. 1517 directs the FAA to develop and implement a schedule to require that all airline aircraft with more than 30 seats be equipped with TCAS-II within 4 years of enactment. The bill also requires that a device known as the mode C altitude encoding transponder, be carried by all aircraft in high density traffic areas. This equipment interacts with TCAS-II and is integral to the effective operation of TCAS-II. This legislation also directs the FAA to continue research and development on TCAS-III, an even more sophisticated and advanced system of collision avoidance.

Mr. Speaker, I urge my colleagues to support this important safety legislation.

Mr. CHANDLER. Mr. Chairman, I rise in general support of the bill H.R. 1517. I do, however, wish to alert my colleagues to one provision I consider somewhat troubling. That is a section directing the Federal Aviation Administration to issue regulations requiring mode C altitude reporting transponders on aircraft operating in high-density airspace.

The mode C requirement is not an unreasonable request in true high-density airspace. The problem is in defining high-density airspace. That decision is left to the FAA, which, at the moment, is considering a plan to enlarge and standardize so-called terminal control areas around major airports. Under the FAA plan, mode C would be required on all planes passing within 30 miles—in any direction—of a major airport.

As a private pilot, I maintain there should be no such thing as a standard TCA because there is no such thing as a standard airport. In Seattle, for instance, it makes no sense to have a standard 30 mile TCA—with mode C requirements down to the surface—because there are major mountain ranges to the east and west of the city. And because the runways at Sea-Tac Airport run north and south, it is virtually impossible for general aviation aircraft to mix with fast, highflying commercial jets east or west of the airport. We need protection for jet arrivals and departures, but not other airspace around airports.

It isn't reasonable to demand expensive mode C equipment in States where there are substantial amounts of low-density airspace and where there is very limited radar coverage at lower altitudes.

I make these comments, not to criticize the bill, but to send a message to the FAA. General aviation pilots need, want and indeed, deserve, flexibility in FAA rulemaking. In many cases, mode C would provide enormous expense, but very little value. America's aviation problems won't be solved by blanket rules that don't even attack the right problems. S

Mrs. COLLINS. Mr. Speaker, I rise in support of H.R. 1517, the Aircraft Collision Avoidance Act of 1987.

As many of my colleagues have remarked, this bill is long overdue. The Federal Aviation Administration has dragged its feet in implementing collision avoidance systems which are already available. The FAA has failed to foster the development of the next generation of collision avoidance systems.

As chairwoman of the Government Activities and Transportation Subcommittee, charged with oversight responsibilities of the FAA, I am aware of the foot-dragging potential of that agency. In the case before the Congress today, FAA has delayed for years mandating the installation of so-called one-dimensional collision avoidance systems. The agency's decision appears to have been to delay this first generation system until the more sophisticated system is perfected. Unfortunately, the two-dimensional systems have not come as quickly as FAA had hoped. In the meantime, the agency has done nothing. Airline passengers are not receiving all the protection that present-day technology offers.

I suggest that FAA consider itself on notice. The Congress is going to continue to pay very close attention to FAA activities. Rulemaking, research, enforcement, all these responsibilities which FAA may have not properly met, will be subject to congressional scrutiny. If need be, legislation will be offered. As the chairwoman of the oversight subcommittee, I intend to continue my subcommittee's monitoring via hearings and reports.

I wish to commend the authors of this bill, the Public Works and Transportation Committee and the Committee on Science and Technology. I wholeheartedly support this measure.

The SPEAKER pro tempore (Mr. MURTHA). All time has expired.

The question is on the motion offered by the gentleman from California [Mr. MINETA] that the House suspend the rules and pass the bill, H.R. 1517, as amended.

The question was taken.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

FIFRA SCIENTIFIC ADVISORY PANEL REAUTHORIZATION ACT

Mr. DE LA GARZA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3108), to amend the Federal Insecticide, Fungicide, and Rodenticide Act to extend for 1 year the term of the Scientific Advisory Panel under that act.

The Clerk read as follows:

H.R. 3108

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 25(d) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w(d)) is amended by striking out "1987" and inserting in lieu thereof "1988".

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Texas [Mr. DE LA GARZA] will be recognized for 20 minutes and the gentleman from Kansas [Mr. ROBERTS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3108 will extend, for 1 year, the life of the Scientific Advisory Panel established under section 25(d) of the Federal Insecticide, Fungicide, and Rodenticide Act [FIFRA].

The Scientific Advisory Panel [SAP] is a seven-member panel established under the FIFRA to provide scientific advice to the Administrator of the Environmental Protection Agency in regard to actions taken in the Pesticide Regulatory Program. There are specific requirements for the SAP to review pesticide cancellation decisions under section 6 of FIFRA and to review any regulations issued by the Administrator under section 25 of FIFRA. In addition, the SAP is continually consulted on ways to ensure and improve the effectiveness and quality of scientific analyses made by the EPA. The SAP members are appointed by the Administrator of EPA from a list of candidates supplied by the National Institutes of Health and the National Science Foundation.

The Committee on Agriculture approved H.R. 3108 by unanimous voice vote on September 23. The bill is supported by the Environmental Protection Agency.

Mr. Speaker, I want to emphasize that H.R. 3108 in no way affects the need to provide for a general reauthorization of FIFRA for the coming year. I am hopeful that the Committee on Agriculture can proceed with consideration of a broader FIFRA bill once certain jurisdictional issues involving other committees are resolved.

Mr. ROBERTS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this bill, H.R. 3108, and I would like to commend the chairman of the Agriculture Committee, Mr. de la Garza. Chairman de la Garza has exercised his responsibilities most ably by passing this bill out of committee, and seeing it to the floor. H.R. 3108, extends for 1 year the term of the Scientific Advisory Panel under the Federal, Insecticide, Fungicide, and Rodenticide Act. It is a brief noncontroversial bill, but nonetheless an important bill.

The Scientific Advisory Panel—a panel of experts—is responsible for advising the Administrator of the Environmental Protection Agency [EPA] on scientific issues related to the regulation of pesticides. This responsibility includes the review of proposed and final pesticide regulations, review and comment of proposed pesticide prohibitions, and in 1980 the panel was given the important responsibility of evaluating the effectiveness and quality of scientific analyses made by personnel at EPA. This last responsibility typifies the role the panel plays in furthering the credibility of EPA decisions.

Mr. Speaker, I urge the passage of H.R. 3108. If we are ever going to achieve consensus on risk assessment to the degree we can both utilize agriculture chemicals and safeguard the public, it will be through the expertise and hard work of panels like this one. This 1-year authorization is absolutely necessary.

Mr. Speaker, I have no other requests for time, and I yield back the balance of my time.

Mr. DE LA GARZA. Mr. Speaker, I have no other requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. Murtha). The question is on the motion offered by the gentleman from Texas [Mr. de la Garza] that the House suspend the rules and pass the bill, H.R. 3108.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

NOTICE TO LESSEES NO. 5 (NTL-5) GAS ROYALTY ACT OF 1987

Mr. BEILENSON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 299 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 299

Resolved, That at any time after the adoption of this resolution the Speaker, may, pursuant to clause 1(b) of rule XXII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3479) to provide for adjustments of royalty payments under certain Federal onshore and Indian oil and gas leases, and for other purposes and the first reading of the bill share be dispensed with. After general debate, which shall be confined to the bill and which shall not exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, the bill shall be considered as having been read for amendment under the five-minute rule, and all points of order against the bill for failure to comply with the provisions of clause 5(a) of rule XXI are hereby waived. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except on emotion to recommit.

The SPEAKER pro tempore. The gentleman from California [Mr. Beilenson] is recognized for 1 hour.

Mr. BEILENSON. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Tennessee [Mr. Quillen], pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 299 is the rule providing for consideration of H.R. 3479, a bill to provide for adjustments to royalty payments for natural gas produced on leased Federal and Indian lands. This is an open rule, providing for 1 hour of debate to be equally divided and controlled by the chairman and the ranking minority member of the Committee on Interior and Insular Affairs.

The rule provides for a waiver of clause 5(a) of rule XXI, which prohibits appropriations in a legislative bill. This waiver is needed because the bill provides for refunds in cases where the Minerals Management Service determines that lessees overpaid royalties. The bill limits the total amount of refunds to $500,000.

Finally, the rule provides for one motion to recommit.

H.R. 3479, the bill for which the Committee on Rules has recommended this rule, provides a legislative solution to the problems that have arisen from the application of a Department of the Interior regulation known as "NTL-5." It requires the Minerals Management Service to undertake case-by-case reviews of natural gas produced on Federal or Indian lands from January 1, 1982 through July 31, 1986, in order to determine the value on which royalties should be based. As mentioned earlier, the bill provides for refunds to lessees who overpaid royalties, but it also requires the collection of royalties from those who underpaid. The Interior Committee expects that, on balance, the bill will result in a slight net gain to the Treasury.

Mr. Speaker, I urge the adoption of House Resolution 299, so that the House can proceed to consideration of H.R. 3479.

□ 1430

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, the bill made in order by this rule provides for royalty adjustments to be made regarding certain natural gas production from Federal and Indian lands during the years 1982 to 1986.

While there appears to be controversy over at least one of the provisions in the bill, according to the testimony in the Rules Committee, there does not appear to be any controversy over the provisions of this rule.

It is an open rule which will allow the full House to settle issues which are as yet unresolved.

Therefore, Mr. Speaker, I will support this rule so that the House may proceed to consider the legislation it makes in order.

Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. Walker].

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, let me say to the gentleman I think maybe there is a reason for some controversy about this rule, and it has to do with the waiver of clause 5 of rule XXI.

We have proceeded around here for the last several months with the idea that things were done in this body in good faith, that when we waived rules that they were, in fact, being done for the good of the whole body.

We found out last week that going along with waivers of rules is not necessarily such a good idea, because the House then proceeds to move toward all kinds of other little waivers that ultimately do not do the body much good. I remember being on the floor here last week when we had a rule up one day in which we were assured that the fact that they were waiving the need for a quorum to report a bill out of committee was one of those things that happens very rarely, and we should never permit this to happen, only to have them come back the very next day with another waiver of the provision of a quorum being present to report a bill out of committee.

So, every time we grant one of these waivers it becomes precedent to move on and do something else egregious at some point in the future. We ought to take a look at what we are waiving this time.

The rule we are waiving this time says that, "No bill or joint resolution carrying appropriations shall be reported by any committee not having jurisdiction to report appropriations." What we have to assume is we are bringing a bill to the floor with an appropriation in it that came out of a committee that it is not supposed to come out of. So, what we are doing is cavalierly waiving the need for the proper committee to act on appropriations.

I do not think we ought to go along and do that anymore. I do not think that the majority has earned the trust of this body, based on what has been going on in rules in recent weeks and months.

We have waived the law of the land on several occasions, we constantly waive the rules of this House, and I would say to the gentleman in the majority they are not our rules. We in the minority did not vote for the rules. They are your rules that you are waiving. If you cannot live under your rules, if you cannot live under the law, why do you not bring out changes instead of constantly waiving these rules? Why not change them?

Why not do the right thing and tell the country that you are not willing to live under the rules and, therefore, they ought to be reformed and changed. Why constantly bring waivers of the rules to the House floor?

This is a matter of procedure and sometimes procedures get lost. But I would say that we ought not go along with any more of these. The Rules Committee has become a committee that simply passes along waivers and throws out the process of this House in regular manner. We ought not to permit that to happen anymore, and we ought to be against those things that come to the floor with waivers of the rules.

So, therefore, I would urge a no vote on this resolution because it does waive the rule that requires appropriations to be reported from the Appropriations Committee.

Mr. QUILLEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BEILENSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this gentleman has no further requests for time either. This gentleman, representing the majority, as the gentleman from Pennsylvania put it, listened very carefully to everything the gentleman said.

The gentleman spoke about egregiousness in waiving rule. This gentleman did not hear a single specific argument by the gentleman from Pennsylvania with respect to this particular rule. As this gentleman understands, the gentleman from Pennsylvania just does not want us to waive rules any more in general. The gentleman understands what the gentleman was saying, but this gentleman would point out to his colleagues who may be listening or may be watching that the gentleman from Pennsylvania did not speak specifically to this specific waiver in any particular manner.

The Rules Committee always asks with respect to waiver of this particular rule whether the committee which is affected by it or potentially adversely affected by it has any objection. This gentleman would assure his colleagues who may be within listening range of his voice that the chairman of the relevant and appropriate subcommittee of the Appropriations Committee which would potentially be affected by this waiver was asked whether he had any objections to the waiver and the gentleman said no.

The waiver is needed, as this gentleman pointed out just a short time ago, because the bill provides for refunds in cases where the Minerals Management Service determines that lessees overpaid royalties. The testimony to the Rules Committee, both from the authorizing committee and from the Appropriations Committee, was that enactment of this bill represents a far better course of action than would be the endless and costly litigation which would surely result without it.

It was for that reason that we waived the rule.

This gentleman also pointed out to my colleagues who have been listening that the committee expects in fact a slight net gain to the Treasury, and in this particular instance at least, although this gentleman would not argue with the gentleman from Pennsylvania about some of the other waivers which have been asked for and in fact obtained in recent days, and this gentleman quite agrees with some of the gentleman's earlier remarks, in fact that does not apply to this particular waiver, and the Rules Committee saw no reason whatsoever not to grant this particular in fact technical waiver.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. BEILENSON. Of course, I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding and appreciate it.

The gentleman referred to the fact that the chairman of the Appropriations Committee was contacted.

Mr. BEILENSON. The chairman of the relevant Appropriations Subcommittee who may have some objections to such a waiver was contacted.

Mr. WALKER. Was the minority consulted with at all?

Mr. BEILENSON. Yes.

Mr. WALKER. Or were we just left out of the process?

Mr. BEILENSON. No, the minority was also consulted with.

Mr. WALKER. And the minority also had no objections to this?

Mr. BEILENSON. That is the gentleman's understanding.

Mr. WALKER. And it was the ranking member or was it all members of the committee that were consulted?

Mr. BEILENSON. The gentleman does not know. He would tell his friend from Pennsylvania that undoubtedly it must have been the ranking member.

Mr. WALKER. I thank the gentleman.

Mr. BEILENSON. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. MURTHA). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 253, nays 153, not voting 27, as follows:

[Roll No. 403]

YEAS—253

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Barnard
Bateman
Bates
Beilenson

Bennett
Berman
Bevill
Bilbray
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Bruce
Bryant
Bustamante
Byron
Campbell
Cardin
Carper
Carr
Chapman
Chappell
Clay
Clinger
Coelho
Coleman (MO)
Coleman (TX)
Conyers
Cooper
Coyne
Crockett
Darden
Davis (MI)
de la Garza
DeFazio
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Dowdy
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
English
Erdreich
Evans
Fascell
Fazio
Feighan
Flake
Flippo
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frost
Gaydos
Gejdenson
Gibbons
Glickman
Gonzalez
Goodling
Gordon
Grant
Gray (IL)
Gray (PA)
Hall (OH)
Hall (TX)
Hamilton
Harris
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hochbrueckner
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jacobs
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Leath (TX)
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Lloyd
Lowry (WA)
Luken, Thomas
MacKay
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McGrath
McHugh
McMillen (MD)
Mfume
Mica
Miller (CA)
Mineta
Mollohan
Montgomery
Morrison (CT)
Murphy
Murtha
Nagle
Natcher
Neal
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Panetta
Patterson
Pease
Pelosi
Penny
Pepper
Perkins
Pickett
Pickle
Price (IL)
Price (NC)
Quillen
Rahall
Rangel
Ray
Richardson
Ridge
Rinaldo
Robinson
Rodino
Roe
Rose
Rostenkowski
Rowland (GA)
Roybal
Russo
Sabo
Savage
Sawyer
Scheuer
Schneider
Schroeder
Schumer
Sharp
Shays
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith (NJ)
Solarz
Spratt
St Germain
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Swift
Synar
Tallon
Tauzin
Thomas (GA)
Torres
Torricelli
Traficant
Traxler
Udall
Valentine
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Weiss
Wheat
Williams
Wilson
Wise
Wolpe
Wyden
Yates
Yatron
Young (AK)

NAYS—153

Archer
Armey
Baker
Ballenger
Bartlett
Barton
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Boulter
Broomfield
Brown (CO)
Buechner
Bunning
Burton
Callahan
Chandler
Cheney
Coats
Coble
Combest
Conte
Coughlin
Courter
Craig
Crane
Dannemeyer
Daub
DeLay
DeWine
DioGuardi
Dornan (CA)
Dreier
Edwards (OK)
Emerson
Fawell
Fields
Fish
Frenzel
Gallegly
Gallo
Gekas
Gilman
Gingrich
Gradison
Grandy
Green
Gregg
Gunderson
Hammerschmidt
Hansen
Hastert
Hefley
Henry
Herger
Hiler
Holloway
Hopkins
Houghton
Hyde
Inhofe
Ireland
Kasich
Kolbe
Konnyu
Kyl
Lagomarsino
Latta
Leach (IA)
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lott
Lowery (CA)
Lujan
Lukens, Donald
Lungren
Mack
Madigan
Marlenee
Martin (IL)
Martin (NY)
McCandless
McCollum
McDade
McEwen
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Moorhead
Morella
Morrison (WA)
Myers
Nielson
Oxley
Packard
Parris
Pashayan
Petri
Porter
Ravenel
Regula
Rhodes
Ritter
Roberts
Rogers
Roth
Roukema
Rowland (CT)
Saiki
Saxton
Schaefer
Schuette
Schulze
Sensenbrenner
Shaw
Shumway
Shuster
Skeen
Slaughter (VA)
Smith (NE)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solomon
Spence
Stangeland
Stump
Sundquist
Sweeney
Swindall
Tauke
Taylor
Thomas (CA)
Upton
Vander Jagt
Vucanovich
Walker
Weber
Weldon
Whittaker
Wolf
Wortley
Wylie
Young (FL)

NOT VOTING—27

Badham
Biaggi
Brown (CA)
Clarke
Collins
Daniel
Davis (IL)
Dickinson
Duncan
Espy
Florio
Garcia
Gephardt
Guarini
Horton
Hunter
Kemp
Leland
Moakley
Moody
Mrazek
Pursell
Roemer
Slaughter (NY)
Stratton
Towns
Whitten

□ 1445

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. Murtha). Pursuant to House Resolution 299 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3479.

□ 1457

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3479) to provide for adjustments of royalty payments under certain Federal onshore and Indian oil and gas leases, and for other purposes, with Mr. Hefner in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from Arizona [Mr. Udall] will be recognized for 30 minutes and the gentleman from Idaho [Mr. Craig] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Arizona [Mr. Udall].

Mr. UDALL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today the House is considering a bill which has been drafted to address a number of problems which were created over the years regarding the Notice To Lessees No. 5, otherwise known as NTL-5.

The NTL-5 was issued in June 1977 by the Department of the Interior to establish the method of calculating royalties to be paid to the United States on natural gas production from Federal and Indian oil and gas leases.

Under that regulation, the base value for royalty purposes for certain gas was the greater of—

First, the price received under the gas sales contract, or

Second, the highest applicable ceiling rate established by the Federal Power Commission later interpreted to be the maximum lawful price established under the Natural Gas Policy Act [NGPA] of 1978.

Between 1982 and 1986 gas prices in many areas of the country fell below the NGPA ceiling price. In such a market the application of NTL-5 meant that some royalties would be paid on a base value of the ceiling rate which was higher than either the amount paid under the contract or the market value for the gas.

In July 1986, the Secretary of the Interior prospectively canceled portions of NTL-5 effective August 1, 1986, but did not attempt to retroactively modify NTL-5 because he found that such retroactive modification would have—

First, resulted in inconsistent royalty enforcement; and

Second, would have undermined the policy of strict compliance with lawful Federal royalty valuation rules, and the need to ensure that Federal lessees and other payors can rely upon such rules until such time as the rules are lawfully changed.

To prospectively cancel portions of NTL-5 was certainly a proper course of action for the Department to take. But for the Department to reconsider its July position on this subject, by proposing to reverse itself and retroactively cancel portions of the NTL-5 back to 1982, is ill advised, very controversial, and arguably unlawful.

The complexity of the problem here was compounded by certain employees of the Minerals Management Service who apparently gave unofficial guidance to certain lessees that was in conflict with NTL-5. In short, what we have here is a bureaucratic mess of the first order created by the failure of the Department to cancel portions of a regulation whose application in some cases provided unfair results given the market conditions of the times; that is, falling gas prices.

The fact remains, however, that from the standpoint of the Federal Government and the lessees producing gas from Federal and Indian lands, NTL-5 was a regulation which was in effect and should have continued to have been followed until changed. Employees of a Government agency have no authority to provide guidance which is contrary to such a regulation until that regulation has been properly and lawfully changed.

This entire episode is made even more difficult to remedy because of the trust responsibility that the United States has for the administration of Indian oil and gas resources. In finding solutions to the problems created by the Department's inaction on NTL-5, we must keep in mind that we are dealing with not just Federal lands but also Indian lands which belong to the Indian people themselves. In this regard it is important to point out that this bill does not change the Secretary of the Interior's trust responsibility which incorporates the body of law which has developed regarding the administration of Indian leases which includes recent court decisions such as the Jicarilla Apache Tribe versus Supron Energy Corp.

The compromise amendment I have offered provides for a case-by-case review of leases subject to NTL-5, both Federal and Indian. The substitute provides that the value of the gas produced during this period would be the highest reasonable value consistent with the lease terms, the Secretary's trust responsibility with respect to Indian leases, and the regulations in effect at the time of the production once a bona fide "market out" condition has occurred regarding a particular lease. As a result of the Secretary's case-by-case review, demand letters will be sent, recoupments will be sought, or refunds will be paid as appropriate. Refunds to lessees will not be limited to no more than $500,000. It is anticipated that that amount would be exceeded by an amount the Federal Government and Indian tribes and allottees would collect in additional royalties based on the provision of this bill.

These problems have defied solution for a long time. It appears to me that the bill which is before you today represents a better course of action than leaving resolution of NTL-5 issues up to the endless litigation which would likely result. This litigation would result in the expenditure of large financial resources on the part of the Federal Government, the Indian people, the States and the lessees.

I urge passage by the House of the substitute bill.

Mr. Chairman, I reserve the balance of my time.

Mr. CRAIG. Mr. Chairman, I yield 1 minute to my colleague, the gentleman from Alaska [Mr. YOUNG], the ranking minority member of the Committee on Interior and Insular Affairs.

Mr. YOUNG of Alaska. I thank the gentleman for yielding time to me.

The gentleman has put much work into the legislation.

Mr. Chairman, I commend the intent of H.R. 3479 which is to resolve a long dispute over royalty rules and to provide fairness outside of litigation.

It is clear that we will not be able to reach final agreement on all aspects of this legislation today. There are areas opposed by the administration and some royalty payers and some receivers.

However, I agree with the chairman of the Committee on Interior that we should move forward with the legislation. It is my hope that we will be able to reach an agreement between this body, the administration, and the Senate by the end of the Congress. I will continue to work with him and the Members on our side of the aisle to achieve this agreement.

Mr. CRAIG. Mr. Chairman, I yield myself such time as I may consume. Mr. Chairman, let me thank my friend, the chairman of the Committee on Interior and Insular Affairs, Mr. UDALL, for his willingness to work with us to reach a compromise on H.R. 3479.

I know that we differ as it relates to the usage of the word "highest" when it comes to establishing value related to the issue that my chairman has explained with NTL-5. But his willingness to assist in achieving the compromise that is embodied is greatly appreciated.

I reluctantly support the compromise that is before us now. It is my belief that at the time the Interior Committee marked up H.R. 3479 that we had the right solution, a solution to talk about reasonable value and that is still my position. To disagree with the inclusion of the word "highest" I think is important. I believe the word "highest" casts doubt on the ability to ascertain what actually represents a reasonable value for the purposes of collecting royalties owed to the Federal Government.

Furthermore, when the full committee voted to accept my amendment deleting the word "highest" reasonable from H.R. 3479, I believe the committee took the position that excludes these words and should not be vacillating on that position. Now I will have to say that when the average person looks at this issue and they see the word "highest" it is only understandable that they would be confused by what I have just said. They would be confused because they do not understand the difficulty that is crafted into this legislation that NTL spelled, and the decline in the market that was not expected that occurred between 1982 and 1987, and the potential, the very real potential that the Interior Department in working out these difficulties, as will be mandated in this law, will find it nearly impossible to determine what "highest" reasonable is. As a result, Mr. Chairman, I think we are stepping headlong into a very complicated area that we are attempting to avoid. Some have called this an entitlement bill for attorneys and that may be the case, attorneys for Indian tribes, attorneys for States. Clearly the prolonged episode of the Federal Government to determine what may be very difficult to determine based on the broad spread of the kinds of returns and the kinds of contracts that were established over a period of time.

□ 1505

I have seen examples of a difference from $1.40 per million cubic feet to as much as $8, and to determine a figure somewhere in the middle may be a most difficult process that is involved. The intent of the usage of the word "highest" is admirable, and I could agree to that only if we could see our way clear to assure that that is a reasonable likelihood.

Mr. Chairman, I will accept the compromise, but I think the risk and the complications involved compel us to bring about what is embodied in this bill, and I think that is poor legislation.

Mr. CHAIRMAN, I reserve the balance of my time.

Mr. UDALL. Mr. Chairman, I yield 5 minutes to the gentleman from West Virginia [Mr. RAHALL].

Mr. RAHALL. Mr. Chairman, I rise in support of H.R. 3479, which provides a legislative solution to the complex and inequitable situation surrounding valuation of natural gas production on Federal lands for royalty purposes.

The contrived and confusing situation this legislation seeks to address was caused by Notice to Lessees No. 5, or NTL-5, a two-page directive issued by the Department of the Interior on June 1, 1977, to Federal and Indian onshore oil and gas lessees. NTL-5 provided instructions as to how to value natural gas in determining the royalty due the Federal Government.

Basicaly NTL-5 directed lessees to pay royalty on the higher of either the gas contract price or the ceiling price set by the Federal Power Commission. This ceiling price was subsequently interpreted to be the ceiling price contained in the Natural Gas Policy Act [NGPA].

Unfortunately, NTL-5 only worked until about 1982, when natural gas prices began to decline drastically and gas lessees continued to pay on NTL-5, even though they weren't receiving the ceiling price for their gas; other lessees asked MMS what to do, and the agency instructed only these lessees to ignore NTL-5 and pay royalty on gross proceeds; and still other lessees went ahead without asking, ignored NTL-5 altogether, and only paid on the contract price. NTL-5 should have been cancelled then and there. But it wasn't.

The handling of this monitarily important situation by the minerals management service is a classic textbook case of bureaucratic misinformation, second guessing, and disregard for the public who owns the lands and resources.

The saga of NTL-5 would be excellent fodder for a mystery writer. This story would not only involve high-level officials from the Department of the Interior, but characters ranging from State auditors and Governors, to Indian tribal leaders and individual Indian allottees, to oil and gas industry operators and executives, culminating ultimately here today on this floor of the House of Representatives.

Many parts of the plot still remain shrouded in mystery, such as the reasoning behind the proposal for a retroactive cancellation of NTL-5 a scant 5 months after MMS had finally, in 1966, prospectively cancelled NIL-5 as a final rule. Other parts of the plot would leave the reader wide eyed with amazement that the MMS had the audacity to selectively notify certain companies to ignore NTL-5 and pay only on the contract price. Such is the grist from which intriguing stories arise.

So here we are today, considering H.R. 3479, an attempt at resolving this mega-mess. This bill providing for a case-by-case review of Federal and Indian leases between 1982 and 1986 with value determined according to the lease terms in effect at the time of the production. For Indian leases, the value must be determined consistent with the Secretary's trust responsibility.

If it is determined that a lessee overpaid and is due a refund from a State, then the refund would be made from moneys received under the Minerals Lands Leasing Act of 1920. Recoupment from the State would then be deducted from the usual monthly royalty payment made to that State. There will be no recoupment from Indian tribes or allottees; this portion of the refund will be covered by receipts from the Mineral Lands Leasing Act. The total amount that may be refunded under this legislation will not exceed $500,000.

It is also important to note that if the case-by-case review shows that a company actually underpaid royalties, then the Secretary is directed to demand payment under this legislation.

While I had problems with this legislation as reported by the committee, we have since developed a bipartisan committee substitute which will ensure that the royalties calculated under this act should be based on the "highest reasonable value" as determined on a case-by-case basis with due consideration given to certain mitigating factors.

Mr. Chairman, I commend my colleagues, and especially the gentleman from Idaho [Mr. CRAIG] and the gentleman from Montana [Mr. MARLENEE], for working with us to develop this committee substitute. I urge my colleagues to vote favorably on this important legislation.

Mr. UDALL. Mr. Chairman, I yield 3 minutes to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Chairman, I want to speak in support of H.R. 3479, which allows natural gas producers to get refunds on royalty payments that were high because of an inflated Federal valuation regulation. I commend the chairman of the Committee on Interior and Insular Affairs for his leadership and skill in bringing this difficult matter to a successful conclusion.

There has been much debate in the Interior Committee, of which I am a member, over the language to be used to describe the value to be placed on production for purposes of calculating royalty overpayments and determining refunds. The committee reported the bill without the "highest reasonable value" language. I am reluctantly agreeing to a compromise which puts this phrase into the bill because we have added additional language which qualifies it and because I think it is important that this bill be passed by the House so those oil producers who made overpayments on their royalties can receive the refunds authorized by this bill.

Although the compromise language directs the Secretary to value gas using a "highest reasonable value" standard, it specifically directs the Secretary to consider the highest price paid for production of like quality in the same field, the price received by the lessee and posted prices. The colloquy between the chairman and the ranking minority member makes it clear that the Secretary is not bound to pick the highest of these prices and that any could be the highest reasonable value in any given case.

Most importantly, the language provides that absent good reason to the contrary, value computed on the basis of the highest price paid in a fair and open market for the major portion of like-quality gas will be considered to be a reasonable value. This language is taken directly from the present regulations and will ensure that value is based on fair market value at the time of production.

My district in New Mexico includes many oil and gas producers who have made overpayments on royalties and deserve the refunds authorized in this bill. I support this basic purpose of the bill. In the spirit of bipartisan compromise, I accept the valuation language on the understanding that the Secretary will retain discretion in setting a reasonable value for gas giving due consideration to the factors we have taken from the regulation and inserted into the bill

Mr. Chairman, I want to also make particular reference to section 4(b) of H.R. 3479 as it applies to Indian lessors.

Section 4(b) makes clear that any refunds which may be required under Indian leases will be paid from moneys received under section 35 of the Mineral Lands Leasing Act of 1920 as amended (30 U.S.C. Sec. 191), which moneys otherwise would be deposited in miscellaneous receipts. The Interior Committee believes, and I share that belief, that the trust responsibility prohibits the Congress and the MMS from imposing the burden of recoupment upon the Indian lessors. The high standard of care required of the Federal Government in the administration of Indian oil and gas leases compels the conclusion that the Indian lessors were entitled to rely on the rules in effect during the period from 1982 to 1986. Moreover, most Indian lessors likely have expended any royalty payments made under NTL-5 and have scarce income against which to deduct any amounts that may need to be recouped. This is true even though MMS estimates that the amounts involved with respect to Indian leases do not exceed $85,000. In any event, it is clear that the Federal Government, through the action or inaction of MMS, created this problem. The very essence of the trust responsibility requires that the Federal Government bear any burden created by the errors of the MMS.

□ 1515

Mr. UDALL. Mr. Chairman, I have no more requests for time, and I yield back the balance of my time.

Mr. CRAIG. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. CAMPBELL. Mr. Chairman, I want to express my thanks to Chairman UDALL and Mr. RAHALL for their leadership in bringing H.R. 3479 to the floor.

This bill represents a carefully crafted compromise on a difficult issue. Under this bill we are resolving fundamental errors committed by the Minerals Management Service in the administration of gas royalties on Federal and Indian leases for the period from 1982 through 1986. After painstaking effort by Mr. UDALL and Mr. RAHALL, basic compromises have been reached which will enable MMS, the industry and Federal and Indian lessors to arrive at appropriate valuations for gas produced on Federal and Indian leases under Notice of Lessees No. 5 [NTL-5].

I am particularly pleased to note that this bill reaffirms the historic fiduciary duty of the Federal Government with respect to the administration of Indian resources. Throughout the history of this country, the Congress and the courts have repeatedly held the Department of the Interior to the highest duty of care in its dealings with the Indian people. H.R. 3479 continues to require the Department to faithfully fulfill the trust responsibility.

A key feature of this bill is found in section 8 which makes clear that the bill does not in any way prohibit or change the law relating to any claims by Indian lessors in any court of competent jurisdiction to recover payment of royalties based on Notice to Lessees No. 5 for the period covered by the bill.

Instead, the bill is designed to provide for an orderly process for completing audits for the period covered from 1982 to 1986. The Interior and Insular Affairs Committee believes, and I share that belief, that the bill does not in any way affect any claims or entitlements that Indian lessors, but for the bill, may have for payment of royalties based on the full NTL-5 values. This is entirely consistent with the Federal trust responsibility.

H.R. 3479 enjoyed bipartisan support in the Interior Committee because it fairly resolves the competing claims arising out of the failure of MMS to follow basic rulemaking procedures. While it is regrettable that this issue has to be resolved by the Congress, I am pleased to have participated in the effort to develop a solution which is satisfactory to the States, Indian lessors, industry, and the administration.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read for amendment under the 5-minute rule.

The text of the Bill is as follows:

H.R. 3479

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress finds that—

(1) effective on June 1, 1977, in Notice to Lessees and Operators of Federal and Indian Onshore Oil and Gas Leases Numbered 5 (NTL-5) (42 Fed. Reg. 22,610), the Secretary of the Interior established the method of calculating the amount of royalties to be paid to the United States on natural gas production from Federal and Indian oil and gas leases.

(2) under the NTL-5 method of calculation, the base value for royalty purposes of certain gas production was the greater of the price received under the gas sales contract or the highest applicable ceiling rate then established by the Federal Power Commission. The applicable ceiling rate was subsequently interpreted to be the maximum lawful price established under the Natural Gas Policy Act of 1978 (15 U.S.C. 3301 et seq.);

(3) although between 1982 and 1986 gas prices in many areas declined below the maximum lawful prices established under the Natural Gas Policy Act of 1978, the continued application of NTL-5 required some royalties to be paid on the basis of a ceiling rate higher than the market value for the gas;

(4) effective August 1, 1986, the Secretary of the Interior modified the method of calculating certain future Federal and Indian gas royalty payments, but left the original provisions of NTL-5 in effect for gas sales prior to that date since the Secretary found that retroactive modification of NTL-5 would have resulted in inconsistent royalty enforcement and would have undermined the policy of strict compliance with lawful Federal royalty valuation rules and the need to ensure that Federal lessees and other payors rely upon rules until such time as the rules are lawfully changed (51 Fed. Reg. 26,759);

(5) in January 1987, the Department of the Interior proposed to reconsider its position and proposed to modify NTL-5 retroactively;

(6) there is a trust responsibility of the United States for the administration of Indian oil and gas resources as reaffirmed in sections 2 (a)(4) and (b)(4) of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701 (a)(4) and (b)(4)); and

(7) the failure to adjust the method of calculating royalty payments resulting from changes in the gas market created various problems in valuation and uncertainty associated with the collection of royalty revenues. For these reasons, and to ensure that royalties during the period January 1, 1982, through July 31, 1986, are determined on the basis of the highest reasonable value, it is necessary and appropriate for the Congress to provide for certain adjustments through legislation.

SEC. 2. DEFINITIONS.

For purposes of this Act:

(1) SECRETARY.—The term "Secretary" means the Secretary of the Interior or his designee.

(2) NTL-5.—The term "NTL-5" means the Notice to Lessees and Operators of Federal and Indian Onshore Oil and Gas Leases published May 4, 1977 (42 Fed. Reg. 22,610).

(3) OTHER TERMS.—All other terms carry the same meanings as provided in section 3 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1702).

SEC. 3. ROYALTY ADJUSTMENTS FOR CERTAIN NATURAL GAS PRODUCTION FROM FEDERAL ONSHORE AND INDIAN LEASES.

(a) When the Secretary examines royalty valuation, the Secretary shall determine on a case-by-case basis in accordance with this section the value for royalty purposes of any gas production from Federal onshore or Indian oil and gas leases during the period from January 1, 1982, through July 31, 1986, which is within the coverage of section I.A.2 or section II.A.2 of NRL-5, and for which the lessee or royalty payor provides written documentation, determined to be adequate by the Secretary and existing at or near the time of production, of a sales price less than the highest applicable price under the Natural Gas Policy Act. The Secretary shall demand payment of any underpayment which is determined to be owed to the Federal or Indian lessor as a result of this case-by-case review.

(b) If the gas was produced from a Federal onshore lease, the value shall be the highest reasonable value as determined consistent with the lease terms and the regulations codified at part 206 of title 30, Code of Federal Regulations, in effect as of the month of production.

(c) If the gas was produced from an Indian lease, the value shall be the highest reasonable value as determined consistent with the Secretary's trust responsibility, the lease terms, and the regulations codified at part 206 of title 30, Code of Federal Regulations, and section 211.13 or section 212.16 of title 25, Code of Federal Regulations, as applicable, in effect as of the month of production.

(d) This section shall not apply to any gas for which, in the Secretary's determination, the lessee or royalty payor received less than the highest applicable price under the Natural Gas Policy Act because of the lessee's or payor's failure to collect amounts which the producer would have been required to pay under a gas sales contract providing for that price and not as a result of market conditions or considerations.

SEC. 4. RECOUPMENT OR REFUND OF ROYALTIES PREVIOUSLY PAID.

(a)(1) If the Secretary or a court of competent jurisdiction determines that a lessee or royalty payor has paid more than the value determined under section 3 for any gas within the coverage of that section and produced from a Federal onshore lease, the Secretary shall refund the Federal share of such overpayment from moneys received under section 35 of the Mineral Lands Leasing Act of 1920, as amended (30 U.S.C. 191), in accordance with procedures established by the Secretary.

(2) The portion of any excess amount, as determined under paragraph (1), previously paid to a State under applicable law from royalties paid under a Federal onshore oil and gas lease or group of leases subject to a unit agreement shall be recouped from the next subsequent disbursements to that State. If the total amount of such recoupments for any month exceeds ten per centum of the total disbursement to that State for that month from mineral lease revenues, the Secretary shall recoup amounts in excess of that level from disbursements to the State in the next month subject to the same limitation. The Secretary shall pay any difference between the amounts required to be paid to a State as a result of this paragraph and the amounts available to be paid to the State from current royalty revenues from moneys received under section 35 of the Mineral Lands Leasing Act of 1920, as amended (30 U.S.C. 191), which would otherwise be deposited to miscellaneous receipts.

(b) If the Secretary or a court of competent jurisdiction determines that a lessee or royalty payor has paid, prior to October 1, 1987, more than the value determined under section 3 for any gas within the coverage of that section and produced from an Indian lease, the Secretary shall refund the amount paid in excess of the value determined under section 3 from moneys received under secton 35 of the Mineral Lands Leasing Act of 1920, as amended (30 U.S.C. 191), which would otherwise be deposited to miscellaneous receipts. The Secretary shall not recoup any portion of any such refund from the Indian lessor.

(c) The total amount of refunds provided in section 4 (a)(1) and (b) shall not exceed $500,000.

SEC. 5. RECOGNITION OF REGULATIONS.

It is hereby recognized and declared that NTL-5 and the Notice of Modification to NTL-5 published in the Federal Register on July 25, 1986 (51 Fed. Reg. 26,759), which modified NTL-5 prospectively from August 1, 1986, forward, were duly promulgated regulations of the Department of the Interior.

SEC. 6. NOTIFICATION REQUIREMENTS.

(a) The Secretary shall publish in the Federal Register and send to each lessee or royalty payor of record as of July 31, 1986, for any Federal onshore or Indian oil and gas lease a notice of enactment of this Act in such form as the Secretary shall prescribe.

(b) If any lessee or royalty payor believes that, for any gas production to which this Act applies, it has paid more royalty than the value determined under section 3 of this Act, it may notify the Secretary of its claim in accordance with procedures established by the Secretary, and may request the Secretary to examine such royalty payments. Any request for refund which is not received by the Secretary within two years after the date of publication of the Federal Register notice required by subsection (a) shall be barred.

(c) For any leases for which the Secretary examines or audits royalty payments under any provision of law, the Secretary shall:

(1) notify the lessee or payor of the amount of any excess payment as determined under section 3 of this Act or of any additional royalties due, and

(2) for any Indian lease, notify the Indian lessor of—

(A) the amount of any refund paid under section 4(b) of this Act or of any additional royalties owed, and

(B) the difference between the royalty computed under this Act and the royalty which would have been computed under the provisions of NTL-5 in effect before August 1, 1986.

SEC. 7. RECORDKEEPING REQUIREMENTS.

Notwithstanding the requirements of section 103 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1713) and any regulations promulgated pursuant thereto, lessees and other payors are required to maintain records related to the value of gas production to which this Act applies for the period January 1, 1982 through July 31, 1986, until the Secretary gives notice that maintenance of such records no longer is required.

SEC. 8. SAVINGS CLAUSE.

Nothing in this Act shall be construed to prevent or preclude any Indian or Indian tribe from bringing action in any court of competent jurisdiction to recover any amount of any royalty payment to which such Indian or Indian tribe is otherwise lawfully entitled.

SEC. 9. NTL-5 REPORT.

The Secretary shall report to Congress annually on demands for payment, recoupments, and refunds which are made or requested under this Act. Such report shall include but shall not be limited to the following:

(a) The amount of additional royalties by lease demanded from lessees as a result of the application of the terms of the Act.

(b) The amount of refund payments by lease and by payor under section 4(a)(1) made during the fiscal year.

(c) The amount of recoupments by State and by lease deducted from disbursements to States under section 4(a)(2) for the fiscal year.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. UDALL

Mr. UDALL. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. UDALL: Page 1, line 3, strike all after the enacting clause and insert the following in lieu thereof:

"(a) That this Act may be cited as "The Notice to Lessees Numbered 5 (NTL-5) Gas Royalty Act of 1987".

(b) FINDINGS.—

The Congress finds that—

(1) effective on June 1, 1977, in Notice to Lessees and Operators of Federal and Indian Onshore Oil and Gas Leases Numbered 5 (NTL-5) (42 Fed. Reg. 22,610), the Secretary of the Interior established the method of calculating the amount of royalties to be paid to the United States on natural gas production from Federal and Indian oil and gas leases.

(2) under the NTL-5 method of calculation, the base value for royalty purposes of certain gas production was the greater of the price received under the gas sales contract or the highest applicable ceiling rate then established by the Federal Power Commission. The applicable ceiling rate was subsequently interpreted to be the maximum lawful price established under the Natural Gas Policy Act of 1978 (15 U.S.C. 3301 et seq.);

(3) although between 1982 and 1986 gas prices in many areas declined below the maximum lawful prices established under the Natural Gas Policy Act of 1978, the continued application of NTL-5 required some royalties to be paid on the basis of a ceiling rate higher than the market value for the gas;

(4) effective August 1, 1986, the Secretary of the Interior modified the method of calculating certain future Federal and Indian gas royalty payments, but left the original provisions of NTL-5 in effect for gas sales prior to that date since the Secretary found that retroactive modification of NTL-5 would have resulted in inconsistent royalty enforcement and would have undermined the policy of strict compliance with lawful Federal royalty valuation rules and the need to ensure that Federal lessees and other payors rely upon rules until such time as the rules are lawfully changed (51 Fed. Reg. 26,759);

(5) in January 1987, the Department of the Interior proposed to reconsider its position and proposed to modify NTL-5 retroactively;

(6) there is a trust responsibility of the United States for the administration of Indian oil and gas resources as reaffirmed in sections 2 (a)(4) and (b)(4) of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701 (a)(4) and (b)(4)); and

(7) the failure to adjust the method of calculating royalty payments resulting from changes in the gas market created various problems in valuation and uncertainty associated with the collection of royalty revenues. For these reasons, it is necessary and appropriate for the Congress to provide for certain adjustments through legislation.

SEC. 2. DEFINITIONS.

For purposes of this Act:

(1) SECRETARY.—The term "Secretary" means the Secretary of the Interior or his designee.

(2) NTL-5.—The term "NTL-5" means the Notice of Lessees and Operators of Federal and Indian Onshore Oil and Gas Leases published May 4, 1977 (42 Fed. Reg. 22,610).

(3) OTHER TERMS.—All other terms carry the same meanings as provided in section 3 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1702).

SEC. 3. ROYALTY ADJUSTMENTS FOR CERTAIN NATURAL GAS PRODUCTION FROM FEDERAL ONSHORE AND INDIAN LEASES.

(a) When the Secretary examines royalty valuation, the Secretary shall determine on a case-by-case basis in accordance with this section the value for royalty purposes of any gas production from Federal onshore or Indian oil and gas leases during the period from January 1, 1982, through July 31, 1986, which is within the coverage of section I.A.2 or section II.A.2 of NTL-5, and for which the lessee or royalty payor provides written documentation, determined to be adequate by the Secretary and existing at or near the time of production, of a sales price less than the highest applicable price under the Natural Gas Policy Act. The Secretary shall demand payment of any underpayment which is determined to be owed to the Federal or Indian lessor as a result of this case-by-case review.

(b) If the gas was produced from a Federal onshore lease, the value shall be the highest reasonable value as determined consistent with the lease terms and the regulations codified at part 206 of title 30, Code of Federal Regulations, in effect as of the month of production. The highest reasonable value shall be determined due consideration being given to the highest price paid for a part or for a majority of production of like quality in the same field, to the price received by the lessee, to posted prices, and to other relevant matters. In the absence of good reason to the contrary, value computed on the basis of the highest price per barrel, thousand cubic feet, or gallon paid or offered at the time of production in a fair and open market for the major portion of like-quality oil, gas, or other products produced and sold from the field or area where the leased lands are situated will be considered to be a reasonable value.

(c) If the gas was produced from an Indian lease, the value shall be the highest reasonable value as determined consistent with the Secretary's trust responsibility, the lease terms, and the regulations codified at part 206 of title 30, Code of Federal Regulations, and section 211.13 or section 212.16 of title 25, Code of Federal Regulations, as applicable, in effect as of the month of production.

(d) This section shall not apply to any gas for which, in the Secretary's determination, the lessee or royalty payor received less than the highest applicable price under the Natural Gas Policy Act because of the lessee's or payor's failure to collect amounts which the producer would have been required to pay under a gas sales contract providing for that price and not as a result of market conditions or considerations.

SEC. 4. RECOUPMENT OR REFUND OF ROYALTIES PREVIOUSLY PAID.

(a)(1) If the Secretary or a court of competent jurisdiction determines that a lessee or royalty payor has paid more than the value determined under section 3 for any gas within the coverage of that section and produced from a Federal onshore lease, the Secretary shall refund the Federal share of such overpayment from moneys received under section 35 of the Mineral Lands Leasing Act of 1920, as amended (30 U.S.C. 191), in accordance with procedures established by the Secretary.

(2) The portion of any excess amount, as determined under paragraph (1), previously paid to a State under applicable law from royalties paid under a Federal onshore oil and gas lease or group of leases subject to a unit agreement shall be recouped from the next subsequent disbursements to that State. If the total amount of such recoupments for any month exceeds ten per centum of the total disbursement to that State for that month from mineral lease revenues, the Secretary shall recoup amounts in excess of that level from disbursements to the State in the next month subject to the same limitation. The Secre-

tary shall pay any difference between the amounts required to be paid to a State as a result of this paragraph and the amounts available to be paid to the State from current royalty revenues from moneys received under section 35 of the Mineral Lands Leasing Act of 1920, as amended (30 U.S.C. 191), which would otherwise be deposited to miscellaneous receipts.

(b) If the Secretary or a court of competent jurisdiction determines that a lessee or royalty payor has paid, prior to October 1, 1987, more than the value determined under section 3 for any gas within the coverage of that section and produced from an Indian lease, the Secretary shall refund the amount paid in excess of the value determined under section 3 from moneys received under section 35 of the Mineral Lands Leasing Act of 1920, as amended (30 U.S.C. 191), which would otherwise be deposited to miscellaneous receipts. The Secretary shall not recoup any portion of any such refund from the Indian lessor.

(c) The total amount of refunds provided in section 4 (a)(1) and (b) shall not exceed $500,000.

SEC. 5. RECOGNITION OF REGULATIONS.

It is hereby recognized and declared that NTL–5 and the Notice of Modification to NTL–5 published in the Federal Register on July 25, 1986 (51 Fed. Reg. 26,759), which modified NTL–5 prospectively from August 1, 1986, forward, were duly promulgated regulations of the Department of the Interior.

SEC. 6. NOTIFICATION REQUIREMENTS.

(a) The Secretary shall publish in the Federal Register and send to each lessee or royalty payor of record as of July 31, 1986, for any Federal onshore or Indian oil and gas lease a notice of enactment of this Act in such form as the Secretary shall prescribe.

(b) If any lessee or royalty payor believes that, for any gas production to which this Act applies, it has paid more royalty than the value determined under section 3 of this Act, it may notify the Secretary of its claim in accordance with procedures established by the Secretary, and may request the Secretary to examine such royalty payments. Any request for refund which is not received by the Secretary within two years after the date of publication of the Federal Register notice required by subsection (a) shall be barred.

(c) For any leases for which the Secretary examines or audits royalty payments under any provision of law, the Secretary shall:

(1) notify the lessee or payor of the amount of any excess payment as determined under section 3 of this Act or of any additional royalties due, and

(2) for any Indian lease, notify the Indian lessor of—

(A) the amount of any refund paid under section 4(b) of this Act or of any additional royalties owed, and

(B) the difference between the royalty computed under this Act and the royalty which would have been computed under the provisions of NTL–5 in effect before August 1, 1986.

SEC. 7. RECORDKEEPING REQUIREMENTS.

Notwithstanding the requirements of section 103 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1713) and any regulations promulgated pursuant thereto, lessees and other payors are required to maintain records related to the value of gas production to which this Act applies for the period January 1, 1982 through July 31, 1986, until the Secretary gives notice that maintenance of such records no longer is required.

SEC. 8. SAVINGS CLAUSE.

Nothing in this Act shall be construed to prevent or preclude any Indian or Indian tribe from bringing any action in any court of competent jurisdiction to recover any amount of any royalty payment to which such Indian or Indian tribe is otherwise lawfully entitled.

SEC. 9. NTL–5 REPORT.

The Secretary shall report to Congress annually on demands for payment, recoupments, and refunds which are made or required under this Act. Such report shall include but shall not be limited to the following:

(a) The amount of additional royalties by lease demanded from lessees as a result of the application of the terms of this Act.

(b) The amount of the refund payments by lease and by payor under section 4(a)(1) made during the fiscal year.

(c) The amount of the recoupments by State and by lease deducted from disbursements to States under section 4(a)(2) for the fiscal year.

Mr. UDALL (during the reading). Mr. Chairman, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. UDALL. Mr. Chairman, I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, I thank the gentleman for yielding to me.

I rise in support of the substitute bill. I am very pleased with the compromise that was reached on both sides.

I want to state that I think it is fair to both sides, and in the absence of reaching this kind of an agreement, I think we would have had a situation which would have resulted in losses to the Federal Government on royalties, losses to the States and possibly losses to the Indian tribes.

The fact remains that under existing leases, it is my understanding that the gas companies would have entered into leases with the Federal Government and contracts with other owners of gas-producing lands are still required by the regulations to pay the highest ceiling price. That is the existing legal situation, and the phrase used by the committee effects a reasonable compromise on a situation that should have been settled many, many years ago.

I think the bill is a good one. It will result in audits being undertaken by the Federal Government to determine the actual amounts of royalties that are due to the Federal Government, to the States and to the Indian tribes.

At the present time there is a pool of unpaid royalties by the gas companies that varies in estimates from $134.5 million which was the original estimate by MMS to the GAO estimate in the vicinity of $87 million.

This bill will bring some stability to that situation, and I think that it deserves the approval of the House.

Mr. Chairman, the committee amendment is an attempt to minimize the loss to the Federal Treasury of royalties on Federal and Indian onshore gas produced from January 1, 1982, through July 31, 1986, which under this bill, would no longer be required on the basis of the Natural Gas Pricing Act [NGPA] of 1978 ceiling rates. This amendment reinserts the words "highest reasonable" in section 3, parts (b) and (c), as well as restates relevant sections of part 206.103 of title 30, Code of Federal Regulations.

The inclusion of these two words will alleviate some of the negative impact that will be imposed on the public, Indian lessors, and the States by providing direction, a guideline to recover the highest reasonable royalty value and not merely the value determined by MMS. In respect to Indian leases, H.R. 3479 defines the Secretary's trust responsibility and this amendment does not propose to change that definition nor the court's interpretation of that responsibility as described in *Jicarilla Apache Tribe* v. *Supron Energy Corp.*, 728 F.2d 1555, 1570 (Seymore, J. dissenting), rev'd on rehearing, 782 F.2d 855 (10th Cir. 1986) (en banc, adopting dissenting opinion), modified, 793 F.2d 1171, cert. denied, 107 S.Ct. 471 (1978). Through this amendment auditors are given clear direction for the conduct of the case-by-case reviews to determine proper royalty payments for Federal and Indian onshore leases.

I applaud the effort made by the Committee on Interior and Insular Affairs to seek to determine the basis for royalty payments on natural gas produced from 1982 to 1986, a problem the Department of the Interior should have addressed in 1982 when ceiling prices and market prices for gas began to diverge. With the adoption of this amendment, this bill will now help protect the Federal Treasury. The Department of the Interior estimated that the cost to the Treasury of making NTL–5 retroactive would be $134.5 million of which $125.75 was the Federal share. Since the Federal royalty rate is 50 percent, that would be a loss of $63 million to the Treasury. I recently requested that GAO examine those estimates. While GAO stated that about $87 million would be forgone, they did provide a worst-case scenario of $159 million. Unfortunately, only after auditing all these cases will the real loss be known. In a time of budget deficits the loss of $63 million, $43 million, or at worst $74 million, is not the way to protect the public interest.

A January 9, 1987, communication from the Associate Solicitor, Energy and Resources to the Assistant Secretary, Land and Minerals Management stated that "(i)n terms of relative burden, modifications to NTL–5 work to the benefit of oil and gas lessees through lower royalties * * * the modifications to NTL–5 will have a corresponding negative impact on the amount of royalty revenues received by the public, Indian lessors and the States."

H.R. 3479 provides stability to industry in regulating its royalty payments, but that relief should not be at the expense of the Indians; the Federal Treasury; States such as New Mexico, Wyoming, Colorado, Utah, Oklahoma, North Dakota, and Montana; or the taxpayers. I therefore ask the House to support this amendment.

Mr. RAHALL. Mr. Chairman, I rise in support of the amendment.

Mr. CRAIG. Mr. Chairman, would the gentleman yield for a colloquy on H.R. 3479?

Mr. RAHALL. I yield to the gentleman from Idaho [Mr. CRAIG].

Mr. CRAIG. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I think it is very important that the intent of this legislation be fully understood. The gentleman attempted in opening remarks in general debate to broach the issue of the compromise and the substitute that is now before the Members for clarification.

I think it is important that we expand that, because we are dealing with a very complicated area.

One of the areas that I believe needs clarifying is how the term "highest reasonable value" is to be interpreted. Am I correct, for example, in saying that when gas from a field is sold at several different prices per MCF, each one might be considered as representing "highest reasonable value," for a particular lease in question. Say the price is $3.49 per MCF on lease A; $3.45 on lease B; and $3.24 on lease C; could they all under certain circumstances be determined to be the "highest reasonable value" for those particular leases?

Mr. RAHALL. My reply to the gentleman would be the Department needs to review each case on an individual basis taking into consideration numerous factors including but not limited to the market price at the time, the highest price paid for a part or for a majority of production of like quality from the same field, the contract price received by the lessee, the posted prices, the amount of gas for sale, and the availability of transportation to market at the time of production. All of these types of considerations have to be taken into account in determining what the "highest reasonable value" is for a particular lease. Furthermore, as the language of the bill indicates, unless there is some good reason to do otherwise, the value of the production computed on the basis of the highest price (per MCF) paid or offered at the time of production in a fair and open market for the major portion of like quality gas or other product produced and sold would be considered to be a reasonable value.

Mr. CRAIG. Mr. Chairman, if the gentleman would continue to yield, under very special circumstances could gas that is selling for $2.50 an MCF from a lease in a field where other gas is selling on average for $3 an MCF be determined to be the "highest reasonable value" for that gas?

Mr. RAHALL. That may be possible in certain cases. The burden of proof would be on the lease holder to demonstrate to the MMS why that gas could only be sold at $2.50 an MCF. There may be good reasons why the lower price represents "the highest reasonable" value.

Mr. CRAIG. Mr. Chairman, would the quality and NGPA category of gas, the necessity of pipeline transportation to get the product to market, and the overall availability of gas in the area be items that might make the $2.50 an MCF price the "highest reasonable price" for the valuation of production from a particular lease.

Mr. RAHALL. The factors you mentioned singly, or in combination, might make it the "highest reasonable value," but that is for the Department of the Interior to determine using the guidelines we have set forth here in H.R. 3479.

Mr. CRAIG. Two additional points, Mr. Chairman. Would you agree this legislation applies only to the problems that occurred as a result of NTL-5? Consequently, would you agree H.R. 3479 does not apply to the royalty regulations that are currently being developed by the Department of the Interior?

Mr. RAHALL. The answer is yes to both of the gentleman's questions. Our purpose with this bill is to correct the specific problems that occurred because of NTL-5 and not to address any other problems or situations.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. RAHALL. I yield to the gentleman from Arizona.

Mr. UDALL. Mr. Chairman, I thank the gentleman for yielding to me.

I join in the comments and interpretations of legislative history as stated by the gentleman from West Virginia.

Mr. CRAIG. Mr. Chairman, I thank the gentleman from Arizona, Mr. UDALL, my chairman, for that; and I also thank the chairman of the Mining and Natural Resources Subcommittee, Mr. RAHALL, for the colloquy and for the gentleman's responses to these remarks.

The CHAIRMAN. Is there further debate on the bill?

If not, the question is on the amendment in the nature of a substitute offered by the gentleman from Arizona [Mr. UDALL].

The amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. GRAY of Illinois] having assumed the chair, Mr. HEFNER, Chairman of the Committee of the Whole House on the State of the Union, reported that the Committee, having had under consideration the bill (H.R. 3479) to provide for adjustments of royalty payments under certain Federal onshore and Indian oil and gas leases, and for other purposes pursuant to House Resolution 299, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. UDALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3479, the bill just passed.

The SPEAKER pro tempore (Mr. GRAY of Illinois). Is there objection to the request of the gentleman from Arizona?

There was no objection.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON SMALL BUSINESS

The SPEAKER pro tempore (Mr. GRAY of Illinois) laid before the House the following communication from the chairman of the Committee on Small Business:

COMMITTEE ON SMALL BUSINESS,
Washington, DC, October 27, 1987.

Hon. JIM WRIGHT,
Speaker of the House, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to notify you, pursuant to Rule L(50) of the Rules of the House of Representatives, that a member of the staff of the Committee on Small Business, Mr. Thomas Trimboli, has been served with a trial subpoena issued by the United States District Court for the District of Maryland. After consultation with the General Counsel to the Clerk, I will notify you of my determinations as required by the House Rule.

Sincerely,

JOHN J. LAFALCE,
Chairman.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, the Chair will now put the question on each motion on which further proceedings were postponed in the order in which that motion was entertained.

Votes will be taken in the following order:

S. 1158, by the yeas and nays; and

H.R. 1517, de novo.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

PUBLIC HEALTH SERVICE AMENDMENTS OF 1987

The SPEAKER pro tempore. The pending business is the question of suspending the rules and concurring in the Senate amendment to the House amendments to the Senate bill, S. 1158, on which the yeas and nays are ordered.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. WAXMAN] that the House suspend the rules and concur in the Senate amendment to the House amendments to the Senate bill, S. 1158, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 401, nays 8, not voting 24, as follows:

[Roll No. 404]

YEAS—401

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Baker
Ballenger
Barnard
Bartlett
Bateman
Bates
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boulter
Boxer
Brennan
Brooks
Broomfield
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Chappell
Clay
Clinger
Coats
Coble
Coelho
Coleman (MO)
Coleman (TX)
Combest
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
Craig
Crockett
Darden
Daub
Davis (IL)
Davis (MI)
de la Garza
DeFazio
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Dowdy
Downey
Dreier
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Flippo
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frenzel
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grandy
Grant
Gray (IL)
Gray (PA)
Green
Gregg
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hastert
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Inhofe
Ireland
Jacobs
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Konnyu
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Latta
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken, Thomas
Lukens, Donald
Lungren
Mack
MacKay
Madigan
Manton
Markey
Marlenee
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCurdy
McDade
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Murphy
Murtha
Myers
Nagle
Natcher
Neal
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Panetta
Parris
Pashayan
Patterson
Pease
Pelosi
Penny
Pepper
Perkins
Petri
Pickett
Pickle
Porter
Price (IL)
Price (NC)
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schneider
Schroeder
Schuette
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shumway
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spence
Spratt
St Germain
Staggers
Stallings
Stangeland
Stark
Stenholm
Stokes
Studds
Sundquist
Sweeney
Swift
Swindall
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Traficant
Traxler
Udall
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Walker
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whittaker
Williams
Wilson
Wise
Wolf
Wolpe
Wortley
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)

NAYS—8

Barton
Cheney
Crane
Dannemeyer
DeLay
Nielson
Smith, Robert (NH)
Stump

NOT VOTING—24

Badham
Biaggi
Brown (CA)
Clarke
Collins
Daniel
Duncan
Espy
Florio
Garcia
Gephardt
Guarini
Hunter
Hyde
Kemp
Leland
Moody
Mrazek
Pursell
Roemer
Slaughter (NY)
Stratton
Towns
Whitten

□ 1540

Mr. DELAY changed his vote from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment to the House amendments was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GRAY of Illinois). Pursuant to the provisions of clause 5, rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the additional motion to suspend the rules on which the Chair has postponed further proceedings.

AIRCRAFT COLLISION AVOIDANCE ACT OF 1987

The SPEAKER pro tempore (Mr. GRAY of Illinois). The pending business is the question of suspending the rules and passing the bill, H.R. 1517, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. MINETA] that the House suspend the rules and pass the bill, H.R. 1517, as amended.

The question was taken.

Mr. WALKER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 405, nays 4, not voting 24, as follows:

[Roll No. 405]

YEAS—405

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bates
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boulter
Boxer
Brennan
Brooks
Broomfield
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Chappell
Cheney
Clay
Clinger
Coats
Coble
Coelho
Coleman (MO)
Coleman (TX)
Combest
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
Craig
Crane
Crockett
Dannemeyer
Darden

Daub
Davis (IL)
Davis (MI)
de la Garza
DeFazio
DeLay
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Dowdy
Downey
Dreier
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Flippo
Foley
Ford (MI)
Ford (TN)
Frank
Frenzel
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grandy
Grant
Gray (IL)
Gray (PA)
Green
Gregg
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hastert
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Inhofe
Ireland
Jacobs
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Konnyu
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Latta
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken, Thomas
Lungren
Mack
MacKay
Madigan
Manton
Markey
Marlenee
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCurdy
McDade
McGrath
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Panetta
Parris
Pashayan
Patterson
Pease
Pelosi
Penny
Pepper
Perkins
Petri
Pickett
Pickle
Porter
Price (IL)
Price (NC)
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schneider
Schroeder
Schuette
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shumway
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spence
Spratt
St Germain
Staggers
Stallings
Stangeland
Stark
Stenholm
Stokes
Studds
Stump
Sundquist
Sweeney
Swift
Swindall
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Traficant
Traxler
Udall
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whittaker
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wortley
Wyden
Wylie
Yates
Yatron
Young (FL)

NAYS—4

Lukens, Donald
McEwen
Vucanovich
Walker

NOT VOTING—24

Badham
Biaggi
Brown (CA)
Clarke
Collins
Daniel
Duncan
Espy
Florio
Foglietta
Garcia
Gephardt
Guarini
Hunter
Hyde
Kemp
Leland
Moody
Pursell
Roemer
Slaughter (NY)
Stratton
Towns
Young (AK)

□ 1550

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. **FOLEY**. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule shall be dispensed with on Wednesday next.

The **SPEAKER** pro tempore. (Mr. GRAY of Illinois). Is there objection to the request of the gentleman from Washington?

Mr. **WALKER**. Mr. Speaker, reserving the right to object, I shall not object, but I wonder if the majority leader might be able to inform us as we are dispensing with Calendar Wednesday what the plan is for the rest of the week. Are we going to take up the bill as originally scheduled tomorrow, and then are we going on to the continuing resolution on Thursday?

Mr. **FOLEY**. If the gentleman will yield, the plan is to proceed tomorrow with the polygraph bill and on Thursday we will be taking up a temporary continuing resolution, not the full continuing resolution, but the so-called short-term resolution.

It will be my intention at the conclusion of the business on Thursday to ask unanimous consent that when the House adjourns on Thursday it adjourn to meet at noon on Monday next. If there is objection to that, then it will be necessary to program I think a Friday session.

Mr. **WALKER**. Further reserving the right to object, can the gentleman tell us then is the House going to be in session through the entire next week, including Veterans' Day?

Mr. **FOLEY**. It is the plan to be in session with votes, with votes, on Monday and Tuesday, and to then, assuming we have concluded the business regarding the short term continuing resolution, be out on Wednesday, the 11th, Thursday the 12th and Friday the 13th of next week.

Mr. **WALKER**. But there would be votes expected on both Monday and Tuesday of next week?

Mr. **FOLEY**. The gentleman is correct.

Mr. **WALKER**. Mr. Speaker, I withdraw my reservation of objection.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Washington?

Mr. **DORNAN** of California. Mr. Speaker, reserving the right to object, would the distinguished majority leader explain to me, can he now ask for unanimous consent to adjourn Thursday and come back on Monday? Does the gentleman have to wait until Thursday to do it, because I do not think anybody is going to object right now. Can we not get it out of the way so that we can plan?

Further reserving the right to object, there are some of us who would like to celebrate the 70th anniversary of bolshevism in the communist capital of Managua. Quite seriously, I want to make some plans over the weekend as we all do. I did not understand the gentleman's answer. He cannot ask for unanimous consent in advance or he can? I would ask the distinguished leader to please do that so that I can jump on anybody that tries to object on this side.

Mr. **FOLEY**. Mr. Speaker, it is possible, and if the gentleman will remove his reservation on Calendar Wednesday I will attempt to.

Mr. **DORNAN** of California. Mr. Speaker, I withdraw my reservation of objection.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

ADJOURNMENT FROM THURSDAY NEXT TO MONDAY NEXT

Mr. **FOLEY**. Mr. Speaker, I ask unanimous consent that when the House adjourns on Thursday next it adjourn to meet at noon on Monday next.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

NATIONAL FOOD BANK WEEK

Mr. **DYMALLY**. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 368) designating the week of November 8 through November 14, 1987, as "National Food Bank Week," and ask for its immediate consideration.

The Clerk will read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mrs. MORELLA. Mr. Speaker, reserving the right to object, I yield to the chairman of the subcommittee, the gentleman from California [Mr. Dymally].

Mr. Speaker, further reserving the right to object, I yield to the distinguished gentleman from New York [Mr. Gilman].

Mr. GILMAN. Mr. Speaker, I rise in support of House Joint Resolution 368, legislation designating the week of November 8 through November 14, 1987, as "National Food Bank Week," and I commend the gentleman from Texas, the distinguished chairman of the Select Committee on Hunger, Mr. Leland, for introducing this measure.

Food banks distribute surplus food and grocery products from America's food industry to community charities, day care and senior centers, and church groups with feeding programs for the needy.

Second Harvest, America's food bank network, has a network of some 82 members and 123 affiliate food banks throughout the country. In 1986, approximately 352 million pounds of food valued at nearly $500 million were channeled to network banks and affiliates, and through them to 38,000 charitable feeding programs nationwide.

The problem of hunger in America, is a real one, one that calls for pragmatic and long-range responses. Food banks play an important role in this regard and need whatever support we can lend them.

Accordingly, I urge my colleagues to support House Joint Resolution 368.

□ 1605

Mrs. MORELLA. Mr. Speaker, I thank the gentleman from New York [Mr. Gilman] who is also a member of the Select Committee on Hunger.

Mr. LELAND. Mr. Speaker, I am happy to announce that 230 of our colleagues have joined me in sponsoring House Joint Resolution 368, which designates the week of November 8 through November 14, 1987, as "National Food Bank Week."

With Thanksgiving on the way, it is time not only to count one's own blessings but to recognize and support those who are extending a helping hand to our brothers and sisters who are in need. The challenge to reduce the suffering of the poor and hungry is being addressed in nearly every part of the country by nonprofit food banks. Through their tremendous initiatives, these food banks have successfully collected food from manufacturers and retailers and distributed it to soup kitchens, day care centers, homes for the elderly, halfway houses, and church-operated food programs, who in turn provide food to those in need.

Mr. Speaker, today I would also like to applaud the efforts of Second Harvest, a Chicago-based nonprofit organization which is committed to coordinating the efforts of food banks across the country. Second Harvest distributes food donations from national companies to a network of 82 member and 123 affiliated food banks throughout the Nation. In 1986, food valued at approximately $500 million was channeled to network food banks and affiliates, and through them, 38,000 charitable feeding programs nationwide.

Currently, 13.6 percent of the American population lives in poverty. These individuals do not have adequate resources to supply themselves and their families with nutritious food on a consistent basis. Frequently, it is only through efforts of charitable feeding projects that their food needs are met. It is only by continuing to support such efforts as "National Food Bank Week," that Americans will be made aware that the fight to end hunger is still a priority here in Congress, as well through private concerns around the Nation.

In view of the outstanding work done by these nonprofit food banks, I ask that my colleagues join me in supporting this important legislation.

Mrs. MORELLA. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. Res. 368

Whereas although the United States is a nation of abundance, it has been reported that at least 20,000,000 Americans go hungry at some time during every month;

Whereas the assistance of the private sector is needed to meet the increasing demand for food from families, children, the elderly, unemployed workers, and the homeless;

Whereas an extraordinary yearlong effort to feed the hungry is being coordinated by Second Harvest, America's Food Bank Network;

Whereas the 200 local food banks of the non-profit Second Harvest network are committed to channeling the surplus products of food manufacturers and retailers to the needy;

Whereas Second Harvest food banks rely upon the generous donations of hundreds of national food corporations, thousands of local food companies, and millions of concerned individuals;

Whereas in 1986 Second Harvest was able to distribute 325,000,000 pounds of wholesome, nutritious food valued at $500,000,000 to 38,000 charitable feeding programs nationwide; and

Whereas the upcoming Thanksgiving season is a time not only to count one's own blessings but to support those who are extending a helping hand to our fellow Americans in need: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of November 8 through November 14, 1987, is designated as "National Food Bank Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

AMENDMENT OFFERED BY MR. DYMALLY

Mr. DYMALLY. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Dymally: Page 2, in the second clause, strike "325,000,000 pounds" and insert "352,000,000 pounds".

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from California [Mr. Dymally].

The amendment was agreed to.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL WATERMEN'S RECOGNITION WEEK

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 303) designating the week of November 1 through November 7, 1987, as "National Watermen's Recognition Week," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mrs. MORELLA. Mr. Speaker, reserving the right to object, I yield to my colleague, the gentleman from Maryland [Mr. Dyson], who is the chief sponsor of House Joint Resolution 303 designating the week of November 1 through November 7, 1987, as "National Watermen's Recognition Week."

Mr. DYSON. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, I rise today to thank the chairman, Mr. Dymally, and my colleagues for their support of House Joint Resolution 303, which would designate this week as "National Watermen's Week." Today I am proud to announce that a majority of my colleagues have cosponsored House Joint Resolution 303, all Members of Congress who have recognized the contributions of the American watermen to our Nation's economy and our way of life.

When I speak of watermen, I am talking about a group composed of commercial fishermen, oystermen, crabbers, and all other persons who earn a living on the water. American watermen generated a total product value of $5.2 billion in 1986, ranking the United States fifth among world producers of fishery products. Only the seafaring nations of Japan, the U.S.S.R., China, and Chile produced more fishery products. Furthermore, in the era of trade deficits, the American watermen can proudly point to a 25-percent increase in fishery product exports from 1985 to 1986. This increase, which places exports at $1.4 billion, is especially important since a large portion went to Japan, the nation holding the highest United States trade deficit.

In addition, the contributions of watermen are particularly important at a time when Americans are consuming record amounts of fishery products for health and other reasons. In fact, in 1986 each American consumed a record average of 14.7 pounds of fish and shellfish meat, while the national supply of edible fishery products reached a record 9.6 billion pounds.

By creating a week in honor of American watermen, we will recognize the responsibility of the Federal Government to protect and enhance the natural resources upon which watermen rely for their livelihood. Congress recently acknowledged this responsibility in part by overriding the President's veto of the Clean Water Act, which seeks not only to preserve our Nation's bays and estuaries, but to preserve them so future generations may enjoy them as well. Programs funded by the Clean Water Act, such as the Chesapeake Bay cleanup, will go a long way toward increasing the fisheries production.

For these reasons, the designation of a "National Watermen's Week" is not only appropriate, but also very timely. The watermen are an invaluable contributing part of our economy which is expanding its export and production base while serving an increasing domestic market. Their continued success, however, depends greatly on the Federal Government's constant awareness of its responsibility to ensure the stability and growth of the natural resources on which the watermen rely for their livelihood.

Mr. Speaker, I urge the House to support this bill. It is not only appropriate but very timely legislation.

Mrs. MORELLA. Mr. Speaker, I endorse the resolution as one of the many cosponsors.

Mr. Speaker, I withdraw my reservation of objection.

H.J. Res. 303

Whereas the American watermen, a group composed of commercial fishermen, crabbers, oystermen, and all other persons who earn a living on the waters, contribute substantially to our Nation's economy and our way of life through their proud tradition;

Whereas in 1986 the United States ranked fifth among world producers of fishery products, with an edible and nonedible product value of $5.2 billion;

Whereas in 1986 annual per capita consumption of edible fish and shellfish meat in the United States reached a record high of 14.7 pounds, while the national supply of edible fishery products reached a record high of 9.6 billion pounds;

Whereas the 1986 total export value of fishery products of domestic origin increased 25 percent from the previous year to $1.4 billion; and

Whereas the designation of a week in honor of American watermen will call attention to the need of the Federal Government to recognize its responsibility for the continued stability and growth of the natural resources on which watermen rely for their livelihood: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of November 1 through November 7, 1987, is designated as "National Watermen's Recognition Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that week with appropriate ceremonies and activities.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the joint resolution, as follows:

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL ARTS WEEK

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 154) to designate the period commencing November 15, 1987, and ending on November 22, 1987, as "National Arts Week," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mrs. MORELLA. Mr. Speaker, reserving the right to object, and I do not object, the minority has no objection to this legislation.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. Res. 154

Whereas the performing arts, the visual arts, and literature are central to human expression;

Whereas our identity as a people and as a Nation is expressed through the arts;

Whereas support of the arts has been a partnership of Federal, State, and local government entities, businesses, and individuals;

Whereas designating a National Arts Week provides a focal point to celebrate the diverse cultural heritage of the United States and the vitality of contemporary writers, artists, and performers; and

Whereas designating a National Arts Week brings together the public and private sectors to restate support of the arts: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the period commencing on November 15, 1987, and ending on November 22, 1987, is designated as "National Arts Week", and the President is authorized and requested to issue a proclamation calling upon the citizens of the United States to observe such period with appropriate programs and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL FAMILY WEEK

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 66) to designate the week of November 22, 1987, through November 28, 1987, as "National Family Week," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mrs. MORELLA. Mr. Speaker, reserving the right to object, I yield to the gentleman from Indiana [Mr. Myers] who is the chief sponsor of House Joint Resolution 34 which is equivalent to the Senate Joint Resolution 66 designating the week of November 22, 1987, through November 28, 1987, as "National Family Week."

Mr. MYERS of Indiana. I thank the gentlewoman for yielding.

I thank the gentlewoman and the chairman, the gentleman from California [Mr. Dymally] for bringing this action to the floor today once again. I first introduced this legislation, House joint resolution, about 20 years ago, to honor the family as a tradition in our country, how important the family is in our way of life.

It is unfortunate that we have to every year bring this up. We had hoped this year to have a 2-year recognition but the other body would not go along with 2 years.

But I do appreciate the opportunity here that we are going to once again renew this legislation for another year.

I thank the gentlewoman for yielding this time and thank the chairman for his time.

Mrs. MORELLA. Mr. Speaker, I yield to the chairman of the subcommittee, the gentleman from California [Mr. Dymally].

Mr. DYMALLY. I thank the gentlewoman for yielding and I thank my friend from Indiana for introducing the resolution.

I bring to the attention of Members the fact that the National Council of Negro Women has sponsored a series of family day gatherings across the country, the last one of which was held in Washington here in the month of October.

They were very successful events bringing the family together, the extended family, the family unit which is so important to the fabric of our society.

Mr. Speaker, I congratulate my friend from Indiana for introducing this resolution.

Mrs. MORELLA. Mr. Speaker, I would simply like to commend the gentleman from Indiana for what he has done in the past and present for introducing this resolution.

I never could understand why it is for only one year, why it should not be in perpetuity.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. Res. 66

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue a proclamation designating the week of November 22, 1987, through November 28, 1987, as "National Family Week", and inviting the Governors of the several States, the chief officials of local governments, and the people of the United States to observe such week with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the several joint resolutions considered and passed today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

INTRODUCTION OF THE CIA ACCOUNTABILITY ACT OF 1987

(Mr. PANETTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PANETTA. Mr. Speaker, I rise today along with the support of 33 original cosponsors to introduce legislation that will allow the U.S. General Accounting Office [GAO] to audit the books and records of the Central Intelligence Agency [CIA]. The CIA Accountability Act of 1987 is identical to the measure introduced in the Senate by Senator JOHN GLENN on July 1, 1987. This legislation will authorize the U.S. General Accounting Office to audit the records and activities of the Central Intelligence Agency.

The CIA is the only Federal agency whose files are not open to examination by the GAO. This is due in part to legal restrictions and in part to the refusal by CIA to open its books.

This legislation strikes a reasonable balance between the need for secrecy and the need for accountability in the operations and financial activities of the CIA. It opens every CIA program and activity to possible audit or evaluation. At the same time, our bill carefully limits the GAO personnel who could be involved in CIA audits, the methods by which the GAO could obtain access to CIA personnel and records, and the dissemination of the audit results.

The Iran-Contra scandal and new revelations of CIA activities make it clear that the CIA has sometimes acted as if it is not subject to this Nation's laws. But in a democracy, no agency or individual is above the law. The very foundation of our Constitution is a system of checks and balances. For example, a more active audit of the National Security Council expenditures may have revealed the extraordinary activities of Oliver North and saved this Nation some of the embarrassment that was exposed at the Iran-Contra hearings.

Currently, the only method used to ensure CIA accountability is the use of internal reviews by the CIA's inspector general. The Iran-Contra scandal offers more than adequate evidence of the inadequacy of this system. Frankly, it's easy to conclude that we have here a classic case of the fox guarding the chickens.

Right now, there is no adequate way for Congress and the American taxpayer to ensure that the CIA is carrying out its activities legally or effectively. The GAO performs this auditing and evaluating function for Congress throughout the executive branch of the Government. It is a highly competent and strictly nonpartisan agency. It is the logical organization to carry out this work.

The intelligence agencies have operated beyond congressional control for too many years. I applaud the great work of the House Permanent Select Committee on Intelligence over the years in reviewing the limited materials provided to them from the CIA. But the problem is not the review of the records provided to the Intelligence Committee by the CIA but rather the problem lies in the records that are not provided to the committee and the Congress by the CIA.

Last December, GAO Comptroller General Charles Bowsher told Congress that the GAO could not adequately account for nearly $17 million of the $27 million in humanitarian assistance appropriated last year for the Contras which was administered by the State Department. The GAO found that millions of dollars wound up in offshore bank accounts in the Bahamas and the Cayman Islands. Such poor accountability to the American taxpayer in this and many other programs can no longer be tolerated. To date, the American people and the Congress have no information on the accounting of the $100 million Contra aid program currently being administered by the CIA.

The National Security Agency and numerous military services regularly permit GAO auditors with top-secret clearances to review many of their highly classified national security activities including black box programs such as highly secret weapons projects and sensitive intelligence operations. Also, the Intelligence Committees borrowed GAO personnel to establish the money trail in the early review of the Iran-Contra mess. The legislation will allow the GAO, which is a strictly nonpartisan agency, to apply to the CIA the same strict standards of financial accountability and performance that it applies to other agencies.

This bill is carefully drafted to ensure secret activities and classified documents are not compromised. It would allow the President to shield specific employees from investigation, but no written records could be kept from GAO review. It is an approach that insists on accountability while recognizing the unique role of the CIA.

By current law and with the specific language of this measure, GAO's review power is carefully limited in at least six major ways to prevent damage to CIA operations:

First. All GAO personnel must obtain appropriate security clearances from the CIA before they are granted access to CIA info.

Second. CIA records are to be kept in controlled locations by the CIA.

Third. All GAO documents created as a result of an audit will receive same security classification as original document.

Fourth. GAO personnel will be subject to criminal prosecution for breaches of security.

Fifth. Congressional requests for GAO audit must come from the chairman or ranking member of the Select Committee on Intelligence in Senate or House.

Sixth. President can exempt any individual CIA officer or employee from GAO access.

Even in an open society certain intelligence matters must be protected but so too must the intelligence community begin to honor its commitment to an open society by making available its records and certain basic information necessary for Congress to carry out its intelligence oversight function.

Today, we must not allow our own investigative arm, the GAO, to be so constructed and hampered when the need for effective CIA oversight is so evident. Our legislation clears the path for full access authority for the GAO to be given the teeth necessary to conduct meaningful investigations on our behalf. If Congress intends to take its oversight responsibilities seriously, then we must act to expand our access to intelligence information. The first step is to guarantee GAO such access on behalf of the Congress and the American taxpayer.

I urge my colleagues in the House to support this legislation, and I submit an analysis of the bill followed by the bill in its entirety be printed in the RECORD.

ANALYSIS OF THE CIA ACCOUNTABILITY ACT OF 1987 SECTION-BY-SECTION ANALYSIS

SECTION 1

Title and general description of the bill:

CIA ACCOUNTABILITY ACT OF 1987

HOUSE LEGISLATION

H.R. introduced November 3, 1987 by Representative Leon Panetta with 33 original cosponsors.

Official Title.—Clarify and restate the Comptroller General's authority to audit the financial transactions and evaluate the programs and activities of the CIA and for other purposes.

SECTION 2

Section two of the bill would add a new section (3523a) to title 31, United States Code, which clarifies GAO's authority to audit the financial transactions and to evaluate the programs and activities of the CIA. Subsection (a)(1) provides that GAO shall audit the financial transactions and evaluate the programs and activities of the CIA either on the initiative of the Comptroller General or when requested by the chairman or ranking minority member of the Select Committee on Intelligence of the Senate or the Permanent Select Committees on Intelligence of the House of Representatives.

The results of such audits may be disclosed only to the specified committees and the CIA Director. Since the method GAO uses to communicate the results of its audits varies, the section is drafted to restrict the dissemination of GAO's findings, whether through testimony, oral briefings, or written reports, to only the named committees and the CIA. The last sentence of subsection (b) makes clear, however, that neither the provisions of subsection 716(e), title 31, nor the on-site retention provisions of (d)(2) of this section, limit or restrict GAO's disclosure of source documents or information to the specified committees of the Congress.

Subsection (c) provides that notwithstanding any other provision of law GAO may inspect and copy any relevant books, records, documents, property or any other information, regardless of the medium used to record the information, necessary to the performance of the audit. GAO's access extends to any books, records, documents or property which belong to, or is in the possession of control of, the Agency regardless of who was the original owner of such information or property. The '(n)otwithstanding any other provision of law' clause is included to remove any potential restrictions on GAO access to CIA information that may be inferred from the various provision of the Central Intelligence Act of 1949.

Nevertheless, subsection (c) limits the Comptroller General's normal authority to interview officers and employees of an agency or department to obtain information necessary to the performance of the audit. Thus, where the President finds in writing that access to certain officers and employees, would not be in the national interest, the Comptroller General shall have no access to such officers or employees. The President's determination is, however, nondelegable, and he or she must provide the specified committees and the Comptroller General with an explanation of the decision.

The Comptroller General may enforce the access rights provided under this subsection pursuant to the provisions of section 716(b)-(d), title 31, United States Code.

Subsection (d) contains several safeguards to protect the confidentiality of Agency materials and information. Paragraph (1) directs the Comptroller General, after consulting with the specified committees of Congress, to establish procedures to protect classified and other sensitive information. Paragraph (2) requires the Comptroller General to retain on site his workpapers and records in suitable facilities provided by the Agency. The only exceptions are the rare occasions when Congress or its committees may need certain information from GAO's workpapers or where temporary removal off-site is needed, for example, for internal review processes.

The Committee, however, expects off-site removals to be limited in numbers and strictly controlled and accounted for under the procedures established by the Comptroller General pursuant to paragraph (1) directs the Comptroller General, after consulting with the specified committees of Congress, to establish procedures to protect classified and other sensitive information.

Paragraph (2) requires the Comptroller General to retain on site his workpapers and records in suitable facilities provided by the Agency. The only exceptions are the rare occasions when Congress or its committees may need certain information from GAO's workpapers or where temporary removal off-site is needed, for example, for internal review processes. The committee, however, expects off-sites removal to be limited in numbers and strictly controlled and accounted for under the procedures established by the Comptroller General pursuant to paragraph (1) of this subsection. In this regard, GAO employees must maintain the same level of confidentiality for the records of any agency as the agency itself and are also subject to the same statutory penalties for unauthorized disclosure or use of an agency record as the agency's employees.

Paragraph (3) provides that GAO employees are subject to CIA security reviews and procedures. Such procedures should be similar to those applied by the CIA to employees of other establishments of the Government. The Director is urged to expedite GAO employees security clearances.

Paragraph (4) provides that the Comptroller General provide the CIA Director with the names of the GAO employees who have obtained a security clearance in carrying out this section.

Subsection (f) is a savings provision added to make clear that the authority contained in this section is in addition to other authority of the Comptroller General to audit and investigate. This subsection emphasizes that section 3523a is not to be construed to limit the authority of the Comptroller General to audit or investigate any other agency or department, including any agencies involved in foreign or domestic intelligence or counter-intelligence activities.

SECTION 3

Section 3 of the bill amends section 3524 of title 31, United States Code, to conform section 3524 to GAO's audit of the unvouchered accounts of the CIA under section 3523a. Thus, paragraph (1) adds an introductory clause to section 3524(a) to provide that audits of the financial transactions of the CIA, including those accounted for only on the certificate of the Director, CIA, such as expenditures made under the authority of section 8(b) of the Central Intelligence Agency Act of 1949, 50 U.S.C. 403(b), are subject to the provisions of section 3523a of title 31, United States Code. Similarly paragraphs (2), (3) and (4) make conforming amendments to sections 3524(d)(2) and 3524(e) to reflect this change

Subsection (b) adds a similar conforming amendment to section 8(b) of the Control Intelligence Act of 1949 to make absolutely clear GAO's authority to audit unvouchered accounts under new section 3523a. Subsection (c) conforms GAO's authority to enforce its access to CIA records to changes made by 31 U.S.C. 3523a and 3524.

H.R.—

A bill to clarify and restate the Comptroller General's authority to audit the financial transactions and evaluate the programs and activities of the Central Intelligence Agency, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "CIA Accountability Act of 1987".

SEC. 2. (a) Title 31, United States Code, is amended by inserting after section 3523 the following new section:

§ 3523a. Audit of Central Intelligence Agency Activities

"(a) Notwithstanding any other provision of law, the Comptroller General shall audit the financial transactions and shall evaluate the programs and activities of the Central Intelligence Agency—

"(1) on the initiative of the Comptroller General; or

"(2) when requested by the chairman or the ranking minority member of the Select Committee on Intelligence of the Senate or the Permanent Select Committee on Intelligence of the House of Representatives.

"(b) Whenever the Comptroller General conducts an audit or evaluation pursuant to subsection (a), the Comptroller General shall provide the results of such audit or evaluation only to the Select Committee on Intelligence of the Senate, the Permanent Select Committee on Intelligence of the House of Representatives, and the Director of Central Intelligence.

"(c) Notwithstanding any other provision of law, the Comptroller General may inspect and copy any relevant books, documents, papers, records, other information, including written or recorded information of all kinds, and property which belongs to, or is in the possession or control of, the Central Intelligence Agency in order to perform audits and evaluations pursuant to subsection (a). The Comptroller General shall also be provided access to the officers and employees of the Central Intelligence Agency at such reasonable times as the Comptroller General considers necessary to carry out such audits and evaluations. Notwithstanding the preceding sentence, the Comptroller General shall not be provided access to any officer or employee of the Central Intelligence Agency if the President determines that access to any such officer or employee is not in the national interest. The President shall prepare and transmit a report to the Comptroller General and the chairman and ranking minority member of each committee referred to in subsection (a)(2) of this section setting forth his determination. The President may not delegate the making of a determination under this subsection to any officer or employee of the executive branch.

"(d) (1) After consultation with the Select Committee on Intelligence of the Senate and with the Permanent Select Committee on Intelligence of the House of Representatives, the Comptroller General shall establish procedures to protect from unauthorized disclosure all classified and other sensitive information furnished to the Comptroller General or his representatives under this section.

"(2) All workpapers of the Comptroller General and all records and property of the Central Intelligence Agency that the Comptroller General uses during an audit or evaluation under this section shall remain in facilities provided by the Central Intelligence Agency. Procedures established by the Comptroller General pursuant to paragraph (1) of this subsection shall include provisions specifying the method and duration of any temporary removal of workpapers from facilities provided by the Central Intelligence Agency.

"(3) Before initiating an audit or evaluation under this section, the Comptroller General shall provide the Director of Central Intelligence with the names and other relevant information concerning each officer and employee of the General Accounting Office who may have access to, or otherwise be provided with, classified or other sensitive information in connection with an audit or evaluation for purposes of security clearance reviews. The Director of Central Intelligence shall complete the necessary security clearance reviews on an expedited basis.

"(4) The Comptroller General shall provide the Director of Central Intelligence with the name of each officer and employee of the General Accounting Office who has obtained a security clearance from the Central Intelligence Agency and to whom, upon proper identification, the officers, employees, records, and property of the Central Intelligence Agency shall be made available in carrying out this section.

"(e) This section may be superseded only by a law enacted after the date of enactment of this section specifically repealing or amending this section.

"(f) The authority provided in this section is in addition to the authority that the Comptroller General has to investigate, audit, and evaluate the financial transactions, programs, and activities of any other establishment or agency of the Government of the United States.".

(b) The table of sections for chapter 35 of title 31, United States Code, is amended by inserting after the item relating to section 3523 the following new item:

"3522a. Audit of Central Intelligence Agency activities.".

SEC. 3. (a) Section 3524 of title 31, United States Code, is amended—

(1) in the first sentence of subsection (a)(1), by striking out "The" and inserting in lieu thereof the following: "Except with respect to audits or evaluations of the Central Intelligence Agency as provided in section 3523 of this title, the";

(2) in subsection (c), by inserting "(other than activities conducted by the Central Intelligence Agency)" after "activities";

(3) by amending subsection (d) to read as follows: "(d) This section does not apply to expenditures under section 102, 103, 105(d) (1), (3), or (5), or 106(b) (2), or (3) of title 3."; and

(4) in subsection (e), by striking out "or a financial transaction under section 8(b) of the Central Intelligence Act of 1949 (50 U.S.C. 403j(b))".

(b) Section 8(b) of the Central Intelligence Act of 1949 is amended—

(1) by inserting "(other than section 3523a of title 31, United States Code)" after "Government funds"; and

(2) by adding at the end thereof the following new sentence: "The Comptroller General shall audit expenditures made for objects of a confidential, extraordinary, or emergency nature to be accounted for solely on the certificate of the Director.".

(c) Section 716(d)(1)(A), title 31, United States Code, is amended by inserting "(other than activities conducted by the Central Intelligence Agency)" after "activities" the first place it appears.

SOME THOUGHTS ON THE PRESIDENTIAL CANDIDATES

The SPEAKER pro tempore (Mr. VISCLOSKY). Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 5 minutes.

Mr. DORNAN of California. Mr. Speaker, the acknowledged greatest President of the United States was the founder of my party, Abraham Lincoln. With his country wisdom, no line stands out more than the line that "those who aspire to be a statesman must first be a good politician." You cannot get to one without the other.

Maybe a few Foreign Service officers can but not those who are elected to higher office in this country.

I have been following the Presidential debates carefully—those between my distinguished colleagues on the other side of the aisle, particularly the three colleagues that I have served with, and with the Members on the side of the aisle that controls the White House but neither body of this distinguished Congress.

I endorsed our great Vice President 2 years ago next month. I was the first Member of either House to endorse anybody. I have been proud of that endorsement.

I was never prouder than when I stood at his side down there in Houston in the first series of debates of the Republican candidates and watched him, acknowledged by friend and foe alike, put that debate away. That is not to say that our good colleague, Mr. KEMP, was not outstanding; he was. Not that our good colleague in the other body, the gentleman from Kansas was outstanding; because he certainly was. But after the debate Mr. Buckley, whom I have known for years, passed by me and he said. "BOB, how do you think the debate went?" I said, "Well, I think the outstanding thing for the American people is to see the level of experience on the Republican side of the debate compared to our six friends from the other side." And he said in that inimitable style of his, "Well, it appeared to me that the other six were running for Miskito Control Commission."

Well, that may be a harsh assessment but I have noted that among the Democrats is a gentleman with whom I served for 8 years here in this body, who has since gone over to the U.S. Senate. This Senator has been trying to separate himself from the others in the "six pack." He has been taking the pulse of the American people on national security issues, and defense issues. He is discovering that the United States is spending $300 billion a year not only to defend ourselves but to defend other nations which were previously enemies like the Federal Republic of Germany or the now dynamically free enterprise nation of Japan. It is interesting to note that he is the only Vietnam veteran of the Democratic contenders.

I watched this former colleague of ours trying to get tougher on defense issues but he ran up against the other five who tried to muzzle him. They want him to fall in line with their thinking on issues which most Americans consider to be weak-kneed national security.

In comparison when you look at the Republican six-pack that remains on our side, you see something that resembles a classic—and I will not say the product name because they give money two-to-one to the majority party in this House over the minority members—but a classic something, maybe even Coors, the mountain brew.

□ 1620

But on the other side, somebody said that the Democratic candidates look more like Billy Beer with artificial sweetener. They have lost Prince Charming because he should not have even kissed Snow White, let alone anybody else, because he was married. And when he fell by the wayside, his compatriot from Colorado followed shortly thereafter. I did not mind her shedding a tear. It was a sad event that a member of the other gender could not remain in that group.

Then we lost Bashful of the Seven Dwarfs. I had predicted long before that Mr. Bashful from the other body would eventually self-destruct.

So we have a six-pack left from each party now, and I will put our classic six-pack against their Billy Beer anytime, any day of the week.

And I have one further admonition to my friends who have excellent candidates on my side but who are not for GEORGE BUSH. Remember this: Mr. BUSH is a war hero and I think he is an experienced, loyal man who has had just about the most unique résumé in the Western World.

My friends on the other side of the aisle engage in a little honest political disinformation. They tell the press they want Mr. BUSH as an opponent because they claim they can take him out easily. They know in their hearts that is not true. What they would like to see is the Republican Party going through the exercise of rejecting Mr. BUSH, a loyal and excellent Vice President of the United States for 7 years to this point, a man whom the President himself told me he considered to be the best Vice President in this century, maybe in all of history. And I value his recognition that I would go up front to endorse him 2 years early.

To select Mr. BUSH over any of the other five candidates is not to reject any of the other five. It merely means we are going with the man who has been one heartbeat away from being the leader of this country. During one of Mr. Reagan's surgeries he was in fact the President of the United States for a few minutes. But to select one of the other five is to reject a great Vice President, and I won't participate in the politics of rejection.

On that kind of mechanical statement, let me say that I was first for him and remain for him because he is the best man for the job. Immediately after the debate he smiled at me from ear to ear and said, "What did you think, BOB?"

I said, "Well, you knocked me out with that aviation metaphor." As a fellow pilot, his statements really hit home. I think the American public believed that his metaphor was excellent, that he could land this plane—meaning our ship of state—in a storm. They believe that he has been a good copilot. He was wrong on the use of that adjective, though. He has been an excellent, a superb copilot to our great President. I am proud to be for GEORGE BUSH for the 41st President of the United States.

Mr. Speaker, going from George Washington, our first President, to GEORGE BUSH, our 41st President, we see the completion of a cycle covering two great centuries.

PERSONAL EXPLANATIONS

The SPEAKER pro tempore (Mr. VISCLOSKY). Under a previous order of the House, the gentleman from Illinois [Mr. BRUCE] was recognized for 5 minutes.

Mr. BRUCE. Mr. Speaker, because I was conducting congressional business in Illinois at a time when no legislative business was scheduled to be conducted, I was unable to attend the session of the House on Friday, October 30, 1987.

If I had been present:

On rollcall No. 394, on voting to approve the Journal, I would have voted "yea."

On rollcall No. 395, on the motion to adjourn, I would have voted "yea."

Mr. Speaker, because I was conducting congressional business in Illinois at a time no legislative business was scheduled to be conducted, I was unable to attend the session of the House on Monday, November 2, 1987.

If I had been present:

On rollcall No. 396, on the motion to adjourn, I would have voted "yea."

On rollcall No. 397, on the motion that the Sergeant at Arms be directed to arrest the absent Members, I would have voted "nay."

On rollcall No. 398, on the motion to adjourn, I would have voted "yea."

On rollcall No. 399, on the motion that the Speaker be authorized to compel the attendance of absent members, I would have voted "nay."

On rollcall No. 400, on the motion to adjourn, I would have voted "yea."

MISSISSIPPI ETV CAMPAIGNS AGAINST ILLITERACY

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 5 minutes.

Mr. MONTGOMERY. Mr. Speaker, the Mississippi Educational Television Network [ETV] has assumed a leadership role in the effort to better educate the citizens of our state and to fight illiteracy.

This year it joined in the Project Literacy U.S. [PLUS] program, sponsored by the Public Broadcasting Service and Capital Cities/ABC. But that is just part of a commitment that has been ongoing for more than two decades. I am enclosing a letter from Lee Morris, executive director of Mississippi ETV. It outlines some of work Mississippi ETV has done over the years to further the cause of education in our State.

Lee Morris and his staff long ago recognized the powerful impact Mississippi ETV could have on the citizens of our State. They have been working to make sure that impact will be a positive one in our State.

The letter and attachment follows:

MISSISSIPPI ETV NETWORK,
Jackson, MS, October 26, 1987.

Hon. G.V. MONTGOMERY,
Rayburn House Office Building,
Washington, DC.

DEAR REPRESENTATIVE MONTGOMERY: Approximately 700,000 citizens of our state are functionally illiterate. Many agencies, organizations, etc., are working earnestly on this serious problem. I would like to take this opportunity to make you aware of what Mississippi Educational Television has done in the past and is presently doing to help alleviate illiteracy among our adults.

Early on we at Mississippi ETV were committed to the education of the lower educated, lower income citizens in our state. These commitments are stated in our basic philosophy and policy as follows: "The progress of a state depends first upon the progress of its people. Unless it (the state) develops these human potentialities and their intellectual capabilities, it cannot develop much else—materially, economically or culturally . . . Thus, Mississippi's first task is to bring up its human capital. This is being done by utilizing the advantages of ETV in all its facets."

This past year Mississippi ETV has been heavily involved in Project Literacy U.S. (PLUS), the national literacy effort on the part of the Public Broadcasting Service (PBS) and Capital Cities/ABC. But this is only one of our more recent efforts.

In the early 1970's, Mississippi ETV produced and broadcast "Living Better," a survival skills series for low income adults. This beginning expanded to the airing of "Your Future is Now," a home-study series for GED students, and it has continued with the continuous airing of updated GED television material ("The GED Series,' "The New GED Series"). "Just Around the Corner I and II," both ETV productions, offer survival skills and are used nationally.

In January 1987, Mississippi ETV broadcast "Learn To Read," an innovative series for adults with basic reading problems. The series continues being broadcast at the present time. Locally produced programming which has discussed Mississippi's literacy and adult education problems include "Access," "Faces," and "Pipeline." These programs have presented timely information on community resources and efforts. ETV has broadcast national PBS specials on both literacy and adult education and aired a new program on literacy in the work force on October 21, 1987, at 8 p.m.

Our ongoing involvement with literacy is further indicated in our awareness efforts through the production of a three-hour television workshop for prospective volunteer reading tutors in Mississippi, the sponsoring of literacy teleconferences, the publication of PLUS newsletters, speaking engagements, and television promotions.

For your information a detailed summary of our activities in adult basic education, GED and literacy has been attached. These activities emphasize our commitment to offer a chance to many Mississippians to have better lives.

ETV is an accessible and enlightening resource. Television is one of the strongest tools known to man. Mississippi ETV will continue to address its original philosophy and policy to build up the human capital of our state through appropriate ETV programming in the areas of adult basic education and literacy.

Sincerely,

FORREST L. MORRIS.

ETV ACTIVITIES IN PLUS, ADULT EDUCATION, LITERACY

PLUS (PROJECT LITERACY—U.S.)

1. Four newsletters published and distributed to over 1,500 people.

a. August 1986; October 1986; January 1987, May 1987.

2. Three PLUS Teleconferences.

a. June 1986—a "kickoff" for PLUS.

b. February 1987—update.

c. June 1987—update.

3. ETV staff member serves on the Jackson Area PLUS Task Force.

4. PLUS speaking engagements (presentations included information about Project Literacy U.S., ETV's literacy work in reading and in adult education, etc.)

a. Mississippi Library Association—annual statewide convention fall, 1986.

b. Mississippi Federated Women's Clubs—annual statewide board meeting, fall, 1986.

c. Adult Basic Education Workshop—annual workshop for ABE directors, fall, 1986.

d. ETV Board of Directors.

e. MEB Board of Directors.

f. Jackson Area Council of Teachers of Reading.

g. Two church groups.

h. Two professional women's groups.

i. Millsaps Circle K Club.

j. Meeting with the mayor of Jackson and two of his administrative staff.

5. PLUS Exhibits.

a. Governor's Literacy Conference, fall, 1986.

b. Mississippi Library Association, fall, 1986.

c. Adult Basic Education Statewide Conference, spring 1987.

6. ETV produced a three-hour tutor training workshop (training session) which was broadcast over the statewide network. (For use by areas needing assistance in training volunteer reading tutors.)

7. Public awareness television spots were broadcast over ETV.

8. PLUS Special—on the literacy problem; broadcast during prime time in the fall of 1986.

9. PLUS Special—about literacy in the workforce; to be broadcast on October 21, 1987.

10. Provided PLUS print material for 300 public libraries in the state. Librarians used the material as masters, etc.

11. PLUS Data Base which contains:

a. GED and ABE contacts.

b. State literacy projects and PLUS coconvenors.

c. Libraries.

d. Federal Women's clubs and Education Chairmen.

e. Governor's Task Force on Adult Learning.

ADULT BASIC EDUCATION

1. Mississippi ETV has provided programming for adult learners since the early 1970's when "Living Better," a survival skills series for low-income adults, was produced at the Mississippi ETV production center.

2. In 1973 ETV began broadcasting "Your Future Is Now," a home-study series designed to help adults prepare for the GED test.

3. ETV has continued broadcasting basic adult education material with the "GED Series," the "New GED Series" (ETV produced ten of the programs on writing in this series), "Just Around the Corner I" and "Just Around the Corner II." The latter series are distributed nationally by Cambridge Book Company. Today the GED series is broadcast on Mondays and Fridays at noon and on Sundays at 6 p.m. The series airs throughout the entire year.

4. ETV, in cooperation with the State Department of Education, annually provides a brochure about GED programming, scheduling, etc. These are distributed at meetings, to Adult Basic Education Centers, high schools and junior colleges. The brochure has been published for the past six years.

5. Since July, 1986, 371 sets of GED study guides have been purchased from ETV.

6. Since the tape duplication center has been in operation, ETV has filled orders for the following: 7 sets—GED Math programs; 3 sets—GED Reading programs; 3 sets—GED Writing programs; 1 set—GED Social Studies programs; 2 sets—GED Science programs; 22 sets—entire GED series; 2 sets—Just Around the Corner I; 4 sets—Just Around the Corner II.

7. Two ITV Researcher Awards were given to educators whose research concerned the GED.

8. Mississippi ETV loaned television equipment to Parchman and helped establish a program for inmates.

"LEARN TO READ"

In an effort to continue to address the literacy problems in Mississippi, ETV broadcast "Learn to Read." "Learn to Read," a series of 28 thirty-minute television programs, offers basic phonics skills and reading skills in an innovative manner. ETV produced a short segment to accompany the last program. This segment had the state literacy coordinator giving information on where to go to get help or how to volunteer.

1. Broadcast dates of "Learn to Read."

Spring, summer, 1987—The series was broadcast two times in its entirety. During the first run of the series each lesson was aired three times.

Fall, 1987—"Learn to Read" is presently being broadcast on Fridays from 2 p.m. until 3 p.m.

2. 2500 manufacturers were notified of the "Learn to Read" broadcasts. There was some response to this—manufacturers contacted ETV for master copies of the print material to provide for their employees.

3. Mississippi cable companies were notified of the series. Several companies provided copies of print materials for their communities.

4. Forty-nine newspapers carried articles on "Learn to Read."

5. Twenty-two newspapers (including the state's two largest papers) printed the print material for the lessons each week. They did this for eleven weeks.

BERT SCHEWEL DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia [Mr. OLIN] is recognized for 5 minutes.

Mr. OLIN. Mr. Speaker, Sunday, November 8, 1987, has been proclaimed as "Bert Schewel Day" by the mayor of Lynchburg, VA. That evening Bert will be presented the Torch of Liberty Award of the Anti-Defamation League of B'nai B'rith. That award, according to Ira Gissen, regional director of the Anti-Defamation League, "is presented to selected leaders who have personified in word and deed the noblest traditions of the United States of America and the Anti-Defamation League. Such citizens uphold those principles which make our Nation strong and help guide us all to reach the highest goals."

I can think of no one I know more deserving of such recognition.

It has long been a tradition for the Schewel family to give of themselves to their community. In fact, the Schewel family has provided at least a century of service to our Nation.

Bert's grandfather, Elias, emigrated from Russia and settled in Lynchburg. His son, Ben, Bert's father, expanded the family/owned furniture business. Both Elias and Ben were leaders—sometimes ahead of the times. The Schewel furniture company gave consumer credit to ordinary people—long before such credit was an established practice. The family was also a leader in the civil rights movement in Lynchburg. They had black salespeople in the front of their stores—long before discrimination in employment started to fade.

Following his graduation from Washington and Lee University, in 1941, Bert served as a captain in the Army Air Corps in the Southwest Pacific during World War II. He then returned to Lynchburg and joined the family-owned furniture business.

During the ensuing years, Bert has freely given his time, energy, and talents to a great variety of worthwhile causes. He currently serves as chairman of the board of Schewel Furniture Co.; Director, Lynchburg Fine Arts Center; director, National Home Furnishings Association; director, advisory board, Sovran Bank of Lynchburg; director, Virginia regional board, Anti-Defamation League of B'nai B'rith; director, Beth Sholom Home of Richmond; member, Lynchburg advisory board, Salvation Army; director, Southern Home Furnishings Association; immediate past president, Lynchburg Jewish Community Council; director, Lynchburg Gas Co.; commissioner, Commonwealth of Virginia, Virginia-Israel Commission; and a member of the board of visitors, Longwood College.

He has previously served as president of Agudath Sholom Congregation; the Abe Schewel Lodge of B'nai B'rith; the Lynchburg Mental Health Association; the Lynchburg Chapter of the Washington and Lee Alumni Association; the Greater Lynchburg Retail Merchants Association; and Central Lynchburg, Inc. He has also served on the boards of the Piedmont Heart Association, the Greater Lynchburg Chamber of Commerce, the National Conference of Christians and Jews, and the president's advisory board of Randolph-Macon Woman's College.

Careful scrutiny of his interests shows devotion to his religion; to higher education; to his business; and to the needy. He and his wife, Helene, have established endowed scholarships at Washington and Lee University, Randolph-Macon Woman's College, and Lynchburg College. He has been honored for his service by the Salvation Army and the Greater Lynchburg Chamber of Commerce. In addition, he was named "Retailer of the Year" by the National Home Furnishings Association, and outstanding community supporter of the Women's Resource Center. He received the "Distinguished Leadership Award" from the United Negro College Fund; the Community Service Award of the Hunton Branch of the YMCA; and the NCCJ Brotherhood Award. Finally, he has been honored by his alma mater, Washington and Lee University. He received the Distinguished Alumnus Award in 1986 and the Lynchburg Citation in 1987. His alma mater had this to say about him:

> BERT SCHEWEL. Successful businessman; consummate server of his community and his fellow man; legendary wit; loyal and generous alumnus; and warm human being.
>
> If there is a primary or overriding element in his demeanor, character and personality, however, it is his finely tuned sense of humor. His congenial wit has charmed and delighted his extensive circle of friends, business associates, and admirers for years.

The Lynchburg Citation, awarded him by his fellow Washington and Lee classmates, praised him:

> For his generous benefactions to alma mater as well as to its sister institutions toward ensuring the opportunity of higher education for present and future generations who will continue to benefit from his benevolence in the years ahead for enhancing the quality of life in his community and commonwealth through a multitude of constructive endeavors and accomplishments, setting a high standard of civic service reflecting credit upon the general image and character of the Washington and Lee alumni body and giving credence to the timeless university maxim, "by its product is it known" for the constancy of his concern for "the state of the chapter," articulated annually in his sprightly style of brash, biting, and bumptious but always buoyant humor for the perennial enlightenment and enjoyment of this fascinated foregathering of minks and their families, friends, fans and freeloaders, validating the ancient aphorism, "laugh and the world laughs with you." To admiring and applauding alumni far and wide, the irrepressible, irreverent, inimitable, incomparable, indispensable Bert Schewel is nonpareil—indeed, a legend in his own time.

It has been my good fortune to get to know Bert well. I have long admired his spirit, his energy, and his dedication to his family. Always with a twinkle in his eye, Bert has devoted his life to making the world a better place. And, he has succeeded. Were they alive today, his father and grandfather would be very proud of him. But, I am sure they would not be surprised. His many accomplishments are just what they would have expected.

It is with pleasure and great admiration that I commend to you my friend, Bert Schewel. If your travels take you to Lynchburg, VA, look him up. You'll enjoy it.

CRISIS IN HAITI

Mr. SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 5 minutes.

Mr. OWENS of New York. Mr. Speaker, for the past 3 weeks I have been using the opportunity provided by this platform to call upon the U.S. Government, the Organization of American States, and the United Nations to come to the aid of the majority of the Haitian people.

A very tiny minority of the Haitian people is terrorizing the majority and insisting that there will be no free elections. They have taken steps to guarantee that there will be no free elections. I have warned about this for the last 3 weeks, and now the drama continues to unfold in a violent way.

Haiti's local and regional elections, set for November 15, are now only 13 days away, and the November 29 presidential and congressional elections are just 27 days away. But there was more election-related violence in the last few days. The members of the Electoral Council have received death threats. They continue to receive more death threats. Yesterday the Council released its list of names of candidates eligible to run in the November 29 elections for president, and of the 37 people who applied, 12 were found ineligible. The new Haitian Constitution bars officials who were in power under the old Duvalier regime. They are barred from running for public office for 10 years. These are the people whose names were eliminated. This has been considered by the Duvalier gang that still rules Haiti to be a throwing down of a challenge, and they have begun their reign of terror in response to the fact that these candidates were ruled ineligible to run in the election.

The Duvalierist candidates had indicated that they would disrupt the elections process if they were barred from participating. Apparently that threat was carried out to the next step last night. The Election Council headquarters in Haiti's capital of Port-au-Prince was set on fire. The cause of the fire at this point is unknown, and it is too soon to evaluate the extent of the damage.

While Haiti's ruling National Council of Government had promised protection—and the old Duvalierists certainly are among that ruling Council—and while they have guaranteed there would be protection for the Council, last night there were no guards around the headquarters. That was unusual because they had started to post guards before.

In addition to the fire at the Election Council headquarters, a home appliance business in Port-au-Prince which was owned by one of the outspoken members of the Election Council, Emmanuel Ambroise—and he represents the human rights community in Haiti—was burned down. Gun shots and machine gun fire were reportedly heard throughout the capital last night. One moderate presidential candidate, Silvio Claude, said his home was fired upon last night.

Haiti's influential Catholic bishops have vehemently expressed opposition to the Duvalierists gang attempting to run for office. In a recent statement on the Catholic Radio Soleil, they said:

> Many members of the old Duvalierist regime have returned to run in the elections. They have decided to retake power to reestablish the old system of government.

The bishops also called for an investigation of the killing of political leader Yves Volel. Yves Volel, as I reported last week, was a presidential candidate who was gunned down in front of police headquarters in Port-au-Prince not far from the capital palace.

The church has been an outspoken opponent of the present ruling military junta in Haiti, and many priests have now begun to receive death threats as well.

The Caribbean Council of Churches has announced that it will send an international team to Haiti to observe the elections. More than half of the 20-member international observer team from the 13-nation Caribbean community, or CARICOM, will be in Port-au-Prince from November 26 to November 30. They were invited by the Election Council responsible for carrying out free elections.

The announcement came as the group released its 60-page report on the coming elections. The Caribbean Council of Churches' report said that there was "a generalized opinion" in Haiti that free and fair elections are impossible under prevailing conditions. The report was compiled by a Caribbean Council of Churches delegation, headed by Jamaican Roman Catholic Archbishop Samuel Carter. He had visited Haiti in August to assess the conditions.

The report referred to an "atmosphere of violence and insecurity" in Haiti.

I repeat what I have said for the last 3 weeks. In order for Haiti to have free elections, in order for the will of the majority of the people who voted for the constitution to prevail, we must have more peaceful intervention by the U.S. Government, by the Organization of American States, and by the United Nations, if necessary. The 95 percent of the people who voted for that constitution want free and fair elections, and we owe it to them.

□ 1635

TRIBUTE TO ALEXANDER SINGER

The SPEAKER pro tempore (Mr. VISCLOSKY). Under a previous order of the House, the gentleman from Indiana [Mr. BURTON] is recognized for 60 minutes.

Mr. BURTON of Indiana. Mr. Speaker, a couple of years ago I had a young man come into my office by the name of Saul Singer, applying for a job as my foreign affairs legislative assistant.

I was very impressed with this young man, because he had a grasp of foreign policy. He had been to Central America and spent some time living in Israel in the Middle East, and these were two areas of concern of mine; and I wanted someone with his expertise on my staff.

Although he was very young and did not have a lot of Hill experience, I hired him. After he came to work with me, I became very impressed with his ability, and we became close personal friends.

Saul invited me to go out to his home to have dinner with his parents, Max and Suzanne Singer, and to meet his brothers Daniel, Benjamin, and Alex; and we had a traditional Jewish dinner. It was a fine evening, and I became very impressed with the entire family, because they were the kind of people that I wish every American family was like.

The entire family was very patriotic, and they loved this country, cared about the future of this country, and realized the necessity of having a strong defense and protecting our freedoms.

They were also concerned about the advancement of tyranny and communism in our hemisphere and other parts of the world, and so I felt a real communion with this family. Over the last 2 years I have grown very close to the entire Singer family.

Two of their boys felt very strongly about the situation in the Middle East. They lived in Israel for a while, and they decided they wanted to emigrate to Israel and make that their homeland. They moved to Israel and acquired dual citizenship.

Daniel, one of the younger members of the family, went to Israel and became a member of the armed services, a paratrooper; and Alex, the second eldest, went to Israel to join the military and became a lieutenant in the Israeli Army.

Alex graduated summa cum laude from Cornell, and was one of the most brilliant young people that I have met. In fact, the entire Singer family seems to have a corner on intelligence. It is a very smart family.

Alex went to Israel after graduating from Cornell and joined the Israeli Army and did an exemplary job serving in the Israeli Army.

He was accepted into an elite infantry unit elevated to the rank of lieutenant, became a platoon commander, and was in combat. Unfortunately, on September 15 of this year, about 7 weeks ago, Alex Singer, while on patrol north of the Lebanese-Israeli border near Mount Hermon, was killed in a firefight with Syrian-trained terrorists who were on their way to take hostages inside Israel. He died at the side of his fallen company commander, whom he had tried to pull to safety under enemy fire.

I thought, what a tragic waste of life, because he had so much going for him. He was such an intelligent, articulate and patriotic young man, and so tonight I decided to take this special order to tell the world a little bit about Alex Singer, about what kind of a young man he was and his family, because I think we need to know about people like Alex Singer and what motivates them and makes them want to lay their life on the line for freedom.

He was struck down in the prime of life. As a matter of fact, he was killed on his 25th birthday. Can you imagine that?

A young man who has everything going for him, graduated summa cum laude from college, Cornell University, was a lieutenant in the military, was well-traveled, had been all over the world, really knew what life was all about, had a good grasp on what should be done in this world; and yet in the prime of life on his 25th birthday, he was shot down in a firefight defending the freedom of Israel.

I would like to read to the Members just a little bit about Alex, because I think that some of these people who wrote articles about him can express themselves much better than I can in this special order.

A reporter for the Washington Post, Mr. Paul Duggan, wrote this article.

He said:

> Alexander Learned Singer died for his adopted country this week. Those who knew him—who watched him mature from a Chevy Chase schoolboy into a thoughtful young man of the world, and a soldier for Israel—those friends had no trouble yesterday explaining his death.
>
> "Alex had a cause, a conviction, something he believed in," one of them said of Singer, who emigrated to Israel in 1985 after months of soul-searching and died Tuesday night leading an army patrol in south Lebanon.
>
> It was his 25th birthday.
>
> A 1980 graduate of Bethesda-Chevy Chase High School, Singer formed a deep attachment to Israel while living there in the early 1970s, friends said. After graduating from Cornell University with honors, they said, he embarked on an intellectual journey across Europe and the Middle East, seeking his right place in the world.
>
> "Where could he help? Where was the good fight?" said Barbara Ledeen, a family friend. "And I remember, when he was back home once, be said, 'Here, you're one of 200 million. But if you're in Israel, it's small, and the least little thing you do has an effect.'"
>
> Capt. Singer, a platoon commander, was leading his men along the western slopes of mount Hermon inside the Lebanese border when they came across a band of Palestinian guerrillas intent on penetrating Israeli territory, the Israeli army said. He was among three soldiers killed in the clash.
>
> His parents, Max and Suzanne Singer of Chevy Chase, traveled to Jerusalem with relatives and friends to witness his burial yesterday in a military cemetery on Mount Herzl in Jerusalem. One brother, Daniel, is a paratrooper in the Israeli army.
>
> Others who remained behind also mourned his death.
>
> "Alex was brought up to see the importance of freedom," said David Bardin, another family friend. "And Israel to him, despite its warts, stood for freedom and enormous potential. And combine that with his optimism, which was basically American. That was Alex."
>
> Ledeen said Singer discovered Israel early in his life, when his parents moved with their four children from New York to Jerusalem in 1973.
>
> Max Singer, now a public policy analyst with the nonprofit Potomac Organization in Arlington, "wanted to get in touch with his roots," Ledeen said. He developed an abiding love for Israel and a deep appreciation of its importance as a Jewish homeland, and passed on those feelings to his sons.
>
> The family resettled in Montgomery County in 1977. Alex Singer, having finished the ninth grade at a kibbutz school in Israel's southern desert area, enrolled as a sophomore at Bethesda-Chevy Chase High School.
>
> As a senior, he signed up for James Biedron's Mideast history course.
>
> "He was really a student," Biedron recalled. "He had intellectual curiosity. He could analyze things. He had an inquiring mind. He came away with a real understanding of things."
>
> Although Singer believed strongly in the legitimacy of the Israeli state, Biedron said, he tolerated differing ideas—even sought them out. When the class conducted a mock Middle East peace conference, he said, Singer chose to represent Syria.
>
> "It was typical of him," Biedron said. "When he conversed with you, he was always interested in your point of view. He was aware that it was necessary to protect Israel, but he was aware of other perspectives."
>
> After Cornell, he explored Europe and the Middle East, writing long, thoughtful letters to his parents, addressing them: "Dear Everyone . . ." His mother or father typed each letter, made photocopies and passed them along to friends and relatives, or anyone interested in Alex.
>
> These weren't just travelogues," said Shulamith Elster, headmaster of the Charles E. Smith Jewish Day School in Rockville and a family friend. "These were the observations of a young man in search of the people and places and experiences that together would help him understand the world. This wasn't just some kid out on a European junket."
>
> Ledeen said Singer visted and talked for hours with Jewish families in several countries, including the Soviet Union. "He made it his business to meet them," she said. "He wanted to learn about their roots, where they had come from. And he reached a decision that these people weren't secure, that they didn't feel very secure in their commu-

nities. And he decided that it was a good thing there was an Israel."

He had always believed in Israel. Now he chose to become part of it.

"He found his place in God's world," Elster said.

Singer was drafted into the Israeli army and quickly decided to become a professional soldier, a paratrooper and officer in the elite Givati Brigade.

"Alex wanted to physically embody the ideas he had," said Ledeen. "He just didn't want to sit and talk about them. He wanted to do it."

And, Elster said, he wanted to teach others to open their minds, as he had.

"He wanted to help young people shape their lives, mold their lives, figure out what was important to them in life," Elster said. "I see him not so much as wanting to be a commander. He wanted to be mentor."

The Singer family held a memorial service for Alex at the Israeli Embassy here in Washington about 2 weeks ago. At that memorial service some very interesting things were said, and some interesting comments were made.

I would like to read a few of those for you here tonight.

The first remarks are by Maj. Gen. Amos Yaron, Military Attache, Israeli Embassy.

He said:

He did not make life easy for himself. But rather chose difficult challenges, and met those challenges with great success. I know from my own experience how difficult life is for those volunteering to elite units in the Israeli Defense Force. And more so, with regard to volunteers coming from another place and country. Alex, was not simply content with coming to Israel as an oleh. Moreover, he did not feel content and satisfied with serving in the army as a regular conscript. He chose to volunteer and serve in an elite unit. He proved to be a first rate man and soldier. When it became evident that he was qualified and capable of command assignment, he again volunteered and went to officers school, completing it successfully. When the ultimate test, a hard and bitter battle, came, Alex exhibited his virtues when under fire: he attempted to evacuate and rescue his commanding officer and fell beside him. This is an example we should set and teach to our sons. Where did Alex elicit and extract such profound power, spirit, and high motivation? Undoubtedly, from his basic belief and commitment to the independence and existence of the State of Israel as a homeland to the Jewish people.

I might add he extracted that also from his parents and his family.

Larry Kelemen, a friend of Alex said:

My father told me, a hero is not someone who thinks moral thoughts. A hero is someone who makes his moral thoughts into actions. * * * Once you knew what the moment demanded of you, you did it, always, despite the cost. Whether that meant moving to Israel to save the Jewish people, or running into terrorist gunfire to save a single Jewish life.

Benjamin Netanyanu, Israel's Ambassador to the United Nations said:

It's the soldier-poets of Israel that have kept alive the Jewish people. The few out of the many, from the time of Gideon, through the time of the Macabees, to the time of our own Alex's. This is why I grieve for Alex.

Daniel Singer, Alex's brother:

He saw himself as teaching through personal example.

And that Alex did.

Alex wrote a letter to a friend of his, and I would like to read that letter, because it tells the Members a little bit about the young man and about how he saw his role in the Israeli Army.

The letter is dated June 8, 1986.

At officers' school training is two tracked—toward skills and toward creating officers who will be Real Men (pardon my sexism but the intention is that the officer will be a model to his soldiers).

You are used to the image of the officer as part of the military establishment; as craving blood and action. Here the officer craves to create from his group of kids a force which will be mature and humane as much as it will be effective. For they (we) know that as each soldier is, so will be his unit, and as each unit is so will be the armed forces—and as those forces are so will be Israel which is our home—and who wants their home to be seen as a place of injustice and inhumanity. Not I, nor those whose footsteps I follow.

I miss you.
Be very well.

Love,

ALEX.

Alex Singer kept a diary, and he wrote something that was very prophetic, very true.

He said:

Once in a while.
As I progress towards the course's end.
I feel a pang of fear.
Today I felt such fear.
If the war comes
When the war comes
I will have to lead men to die
But those men were not men a short time ago
Some don't even shave yet
And I will have to have the calm power to yell to them or to whisper Kadima. (Forward)
And,
I will have to have the calm power
to step forward myself.

(From Alex's Journal, August 1986, (while in the officers' course.)

Alex did have that calm power, and he had the courage to do what had to be done. All who know Alex Singer were proud to have known him.

I am very proud to have known him. I would like to submit for the RECORD at this point a letter from President Reagan expressing his condolences of the Singer family, an article about Alex that appeared in the Jerusalem Post, a Washington Post article about the memorial program at the Israeli Embassy, and some of Alex's writings that were read by his friends of the family at the memorial for Alex Singer:

THE WHITE HOUSE,
October 16, 1987.

DEAR MR. AND MRS. SINGER: I add my condolences to the ones you have already received on the loss of your son. Many in Washington, indeed quite a few in my administration, knew Alex personally. He impressed them all with his deep commitment to the Jewish people and to Israel, to human freedom and to life itself.

I know how much you must be suffering; yours is an enormous loss. I do hope, however, that you take consolation in the fact that Alex's death was not without meaning. He risked his life and ultimately gave it for a cause. Alex's contribution and sacrifices will surely keep us ever more committed to the security of Israel and democracy everywhere, and in that sense his memory will surely be a blessing to all mankind.

With our sympathy,
Sincerely,

RONALD REAGAN.

A SOLDIER'S TALE

A simple black-and-white army death notice for Lieutenant Alexander Singer was posted on the wrought iron gate in front of the apartment building in Jerusalem's Baka neighborhood, in which he used to live.

Upstairs in a friend's flat, Alex's brothers Daniel and Benjy and his parents Max and Suzanne Singer of Chevy Chase, Maryland, and another brother from the U.S., Saul, had finished sitting shiva for Alex, killed in a battle with terrorists in the security zone on September 15.

A few of Alex's framed sketches and watercolours were displayed on a bookshelf in the living room. The coffee table was covered with his letters, several volumes of his journal and a large bound volume entitled "Letters from the Diaspora," his senior thesis from Cornell University which was inspired by his summer trip through Europe and the Soviet Union in 1983.

"Alex began writing at an early age, but the serious stuff started only during college," Suzanne noted. "He was never inhibited; he just sat down and wrote, and he never edited anything.

"Such a stream of letters," she continued. "We were always talking back and forth, in may ways more effectively in writing than in telephone calls."

If writing came first for Alex, he may have been influenced by his parents, both of whom are involved professionally in writing. Max has written books, articles and essays on politics, while Suzanne is managing editor of Biblical Archeology Review and Bible Review, and recently became executive editor of Moment magazine.

Suzanne sifted through a stack of photographs and selected one which showed a uniformed Alex lying in the grass with his pen and diary. He always carried writing implements with him, sometimes to the consternation of his commanding officers who thought that his technical drawings and analyses of military maneuvers might give the enemy information about IDF targets and tactics, if they fell into the wrong hands. But no one every stopped him.

"His writing was direct, personal, thoughtful, funny and very descriptive. He seemed to write the way he drew. He saw the details in life," Alex's mother said.

Alex and two other soldiers were killed in one of the costliest battles to have taken place since the IDF withdrew from Lebanon in 1985.

On the evening of September 15, a small infantry force from the Givati Brigade was attacked by terrorists, believed to belong to the pro-Syrian Lebanese National Resistance Front and the Democratic Movement for the Liberation of Palestine, in the northern sector of the security zone. The army reported that company commander Ronen Weissman was killed immediately.

Alex, who was the platoon commander, was killed as he rushed to Weissman's aid. A third soldier was killed later as he, too, approached his injured comrades. Meanwhile, four soldiers were wounded, including the medic. The other soldiers, who were drafted just a year earlier, were left without officers and were forced to wait until reinforcements arrived by helicopter.

The next day, when Alex's brother Daniel was told by the farm manager of Ein Tzurim, the religious kibbutz where he lives, that he had a message from the town major, he had an intuition of what news was in store. "When I asked if someone was waiting for me, and the answer was 'yes,'" he recalled, "I knew. I knew immediately that it was an army notification team."

"Unfortunately, this knowledge comes with time," said Daniel, 21, who is himself a lieutenant and has less than three months remaining of his army service.

"If you can say there is such a thing as comfort in someone's death, then I think this would be the pinnacle," he said, noting that Alex died while trying to save his commanding officer.

"There are many ways you can die, anything from a horrible cancer to a car accident. These are the kinds of deaths where you start asking why, and there's no purpose, and it could have been otherwise had the car swerved, etc. But Alex's is an example of a death with tremendous purpose and meaning."

Alex's parents were personally informed by the IDF in the United States. The details that father Max was most concerned about were whether Alex had suffered or had been killed instantly.

"Those questions were answered, and I feel I have a fairly good understanding of what happened," he said just before returning to the U.S. this week.

Max, his oldest son, Saul, 26, and Benjy had visited Alex at his base just eight days before his death. Suzanne had seen him last during a visit here in May.

Max and Suzanne seemed to have come to grips with what many parents who live thousands of miles away from their children contend with—the distance. Yet with two sons serving as officers in combat units, they have also had to confront their fears.

"I think we always expected that something could happen," Suzanne said. "It's different from being prepared, but if you don't allow yourself at least that small amount of thought about it, I think you're being very unrealistic."

Daniel could not recall discussing his fears about the army with Alex. Some things were clear without words, he intimated. Suzanne noted that Alex's fear was not of the army, but rather for the country's security. She was reading from an untitled poem that Alex wrote just less than a year ago, when he was nearing the end of the officers' course. It began:

Once in a while,
As I progress towards the course's end,
I feel a pang of fear.
Today, I felt such fear.
If a war comes
When a war comes
I will have to lead men to die.

Unlike his younger brother Daniel, who decided to make aliya immediately after high school although he had been accepted to university in the U.S., Alex waited, although he had made his intentions known earlier.

Pointing to the copy of "Letters from the Disapora," Max said, "His thesis was an analysis of the issues of Zionism today, with the conclusion, which for him meant going to Israel."

Alex's parents had, in fact, planted the idea of aliya in their children by moving to Israel for four years in the 1970s. In 1973, Max decided to take a sabbatical from the Hudson Institute, a conservative think-tank of which he was co-founder and president.

In Jerusalem, Max worked at the World Institute, a public policy research centre which had opened a few years earlier. After a year, the Singers made an "open-ended" decision to stay in Israel.

"We saw how our children reacted to being here," Suzanne recalled. "We knew that the decision created the possibility that one or more of them would move here. We expected it and we shared it."

In 1976, the World Institute closed for lack of funds, but the family stayed as Max spent the next year trying to raise money to establish another centre. The funds were not forthcoming and the family had to return to the U.S.

However, their four-year stay in Israel gave the Singers, originally a secular family, a new sense of Jewish identity. Two of the boys were sent to Jewish day school and two attended the summer sessions at the Brandeis-Bardin Institute, a camp near Los Angeles which exposes participants to Judaism without prescribing how it should be observed. Alex got so much out of the experience. Daniel noted, that he returned for a second summer.

Alex's Zionist and religious values grew stronger as he completed his university studies at Cornell and worked on his thesis. As a "campus scholar," Alex was not restricted by core requirements and was able to pattern his own curriculum, which combined Jewish and Soviet studies. "Letters from the Diaspora" helped earn him a summa cum laude degree.

After graduating, Alex made what his father described admiringly as the "move from thought to action." He came to Israel, moving to Ein Tzurim, the religious kibbutz on which Daniel lives.

"People are always talking about ideology and believing this and believing that," Daniel said. "Well, people saw Alex as someone who said something and then went and did it. He finally got killed for it."

Alex had reservations about going into a combat unit. "He struggled with the idea for a long time," his mother said.

"He thought about using his specific talents such as his knowledge of Russian and Arabi, and the fact that he had a degree," Daniel added. "When he didn't get the answers he was looking for from the army, he decided on the other route."

Daniel said that Alex's decision that he wanted to strive for certain things in the army led him to choose the paratroopers, recognizing that the more selective the unit, the better the people.

Alex's diaries reflect his initial hardships in the army. Some were social, such as the fact that he was older than the members of his unit and many of his commanders, and others were physical, like the shortness of breath from which he suffered. At one point he even dropped out of the paratroopers, only to be persuaded to give it another try.

Daniel gave him emotional support. "It happened that I was a sergeant for another unit while Alex was in basic training. We saw each other a lot, and I could see him going through the different stages that I went through earlier."

From then onwards, Alex's commitment to his army service deepened. He was only required to serve for one-and-a-half years, so he asked to attend sergeant's school early, in order to finish in time. Later he decided to try for the officer's course. Last May, Alex transferred to the Givati Brigade, where he became a platoon commander.

"We were found fit to become officers," Daniel said, "and Alex took it a step beyond by signing on for two more years to train to be a company commander." That took place just about a week before the battle.

Recalling Alex's contentment and sense of fulfillment in the army, Max said he was not surprised by Alex's decision to sign on for two extra years. Nor was he surprised that Alex was growing more observant as his service continued.

Alex started wearing a kippa about five months ago, but neither parent saw this as some sort of watershed. "His religious development was a steady process which dates from the Brandeis-Bardin Institute," Max said. "Coming to Israel and joining the paratroopers was part of his observance. That was part of Judaism to him."

At the same time, Alex's sense of responsibility and his maturity came out in another section of the poem quoted earlier:

But those men were not men a short time ago
Some don't even shave yet
And I will have to have the calm power
to yell to them or to whisper
Kadima.

The Singers spent a considerable amount of time last week sorting through Alex's journals, which they plan to publish, along with his thesis and artwork.

Said Max, "Alex's life was devoted to living and teaching ideas which he believed in and which we believe in," such as helping to improve the world through the teachings of Judaism, making Israel into a genuinely Jewish state in the modern world and striving for pluralism.

"Things that he wrote can serve to advance those ideas, and that's what we intend to do," Max said.

But despite the firmness of his convictions, Alex was no crusader, his family said. "When you talk about a crusader, I think of someone whose purpose dominates their behaviour, irrespective of the person who is on the other side," Suzanne observed. "I think the thing that was very special about Alex was that he really cared about the person on the other side."

As examples, Saul mentioned an encounter Alex once had on a bus with a Hassid, in which, without lecturing or browbeating, he expressed his views that religion and the army were not incompatible. And though he may have wanted Saul, the minority staff member on the Africa Subcommittee of the Foreign Affairs Committee in the U.S. House of Representatives, to live in Israel, he added that he was proud to have a brother on Capitol Hill.

Suzanne pointed out that for some time she has wanted to live in Israel. Alex's death has brought the inevitability of the move nearer, she said.

Daniel has a cassette which Alex, Saul, Benjy and Max sent him in the army in 1984. Listening to Alex extemporizing as moderator, teasing Max about his political views, telling Russian jokes—sometimes in Russian, asking Daniel to divulge military secrets, the smiles broke through the family's grief.

When talking about his plans, Alex tells Daniel casually, "I might go to Russia, I might make aliya, I might get a job, I might go to Pardes, I might become a drop-out, I might graduate."

"That's Alex," Daniel said, explaining that his older brother was always considering several alternatives.

But a letter Benjy received from Alex last March was ample proof of his firmness once he had reached a decision.

Hearing that Benjy had decided to make aliya, Alex wrote: "I am proud to have you as my brother. I see you as a mature, serious, honest and caring person. I am glad that you are coming to make my home and Daniel's home your home as well.

". . . The step you are about to make is Right, Good, and wonderful and don't let the clouds of dust thrown up by the Bad here allow you to lose sight of the ground or the people who love it here."

In his final test, Alex did not lose sight. As he wrote in the final stanza of his officer's poem:

And,
I will have to have the calm power
to step forward myself.

ALEX GOES TO THE ARMY

(Extracts from the Diary of Alex Singer)

WEDNESDAY, JAN. 2, 1984

Hebrew test—two unintelligible sentences.

Medical test—I shouldn't have responded to doctor's *"Ata mitragesh?"* with "Of course—I've never been drafted before." Eyes OK. Chest X-ray at Shaare Zedek. Outside doctor's office I felt myself more mature than those around me, not for my extra four years but because some of them were laughing (at a Hassid) who was there with his father. It wasn't that the sight wasn't amusing—it was . . . But they were laughing at him *in front* of him—scorning him like a bunch of Rednecks at a Redneck bar might scorn a city-folk type who walked in. I have other analogies which include the KKK and Germans but I don't like to apply them to Jews.

Two doctors—a man and a woman—examining the draftees-to-be. The man checked me but the 19-year-old next to me looked very much like someone who had just dropped ice down his shirt when the *other* doctor said to "drop them" to his knees. All in all . . . (besides the scornful cowards) I found the first exposure less unpleasant than I expected. I was treated well, people were interested in my coming to the army two days after making aliva . . . not too bureaucratic and not too impersonal. One soldier there (a man who said he liked what I was doing especially now that his brothers have moved to the States for the $) even said that he thought he remembered Daniel's coming through a year ago!

SANUUR

Our first hike—even before the start of basic training was up to the sheikh's tomb on Gebel Hureish—a 40 minute climb (vertical rise 450m). *Very* steep, *very* fast pace with a jerrycan of water on my back for the middle third of the trek. Breathtaking view from the top of our base, the Arab village of Sanuur, Geva and—(I forget). Sanuur is a beautiful place with much pain—some of the pain is physical and some (more) comes from making new friends and then being separated from them just when you begin to think that being with those people will give you the strength to go through with what is to come.

TIRONUT

The next few days of basic were a real shock—discipline became stricter and the punishments more frequent. At the pre-meal line-ups the whole *pluga* would be made to run around the square at the centre of our part of the base in 30 seconds (as punishment for moving or speaking or being late to attention.)

UPATE

April 18, 1985

Two months into basic there is much to report. Before I got a chance to write about him, one of my *mak'im* (squad commanders) has left for officers' school—Yossi Gabai . . . who gave me my first personal punishment when I started grinning in his equipment *misdar* after he said: "I can be the gentle mother or the stern father . . ."

You had to be there . . . I just couldn't see him as either and when he said, "Singer, wipe that grin off your face!" I cracked up and he sent me off to guard somewhere.

This past week has been very busy and harsh as far as discipline is concerned. The platoon has been run around a lot and we've gone down to exercises and weapons training each day, in formation with time limits, rather than "in song" as we do when we're "good." Yesterday we were all sent to Yad Vashem in Jerusalem to secure the opening ceremony of Yom Hashoah. I wish I could have seen it although being less than 100 metres away meant that strains of the music and speeches made their way through to where I was sitting in my "Readiness squad." I ran into Liz Shanks after the ceremony—it was good to see a familiar face.

April 21, 1985

I'm at B-G airport waiting for Mom to arrive. I've been given the whole week off which is great for me and not too bad for the army because this week contains only two training days. Daniel has to go back to the army tomorrow for his closing ceremony of the NCO course—we'll all be there.

May 9, 1985

Ten minutes before lunch. Yesterday was catharsis day. I realized what I'd been realizing for weeks . . . that infantry is not for me. We were on a company-sized exercise (our first) and I couldn't keep up. The best thing that happened was being "wounded" and having an infusion stuck in my arm by Sharon the medic. The checker of the exercise saw me standing too high, tapped me on the head and said . . . "wounded." I was carried out through the burning fields on a stretcher.

May 19, 1985

I wrote the above during what must have been the hardest week for me in basic. Now, 10 days later, I'm far more content with my place in the IDF. A large factor in my feeling better is the fact that I've both participated in, and even done well in two marches. . . . The one this past Thursday was 8.2 km with 4 people to each stretcher! This means that the only time you're out from under the stretcher is when you switch shoulders with the person next to you—in my case with Ami Na'ari (Johnson) or when your partner takes the whole end of the stretcher himself.

May 21, 1985

The stretcher march came at the end of a week of training at (training base). My platoon commander promised me a few weeks earlier (in a one-to-one talk) that I'd do an APC driving course. I had asked if there'd been a problem with the fact that my only license is American. He said, "Don't worry." But . . . when we got there I couldn't take the course precisely because I had no Israeli license. Bummer.

The week was good for me. It was one of quite a bit of free time and also contained a course in RPG shooting which included firing two live missiles. My first shot went like this . . ., missing, but barely. The second hit here . . . which was nice.

This week we arrived here in Carmiel for an education week from Sanuur.

Yesterday was beautiful. We drove to Peki'in, visited its one Jewish family and synagogue, ate tutim from the tree in the synagogue yard, bought pitta and wandered with a very talented army madricha through the town's streets. The afternoon was spent at Kibbutz Lohamei Hagetaot's Holocaust museum, which was interesting as a Holocaust museum but very interesting for the conversations which it led to.

PARACHUTING

July 2, 1985

It's late morning now. I've already jumped twice. Once this morning—at sunrise—and one yesterday morning. Stepping out of an airplane at 1,200 feet is like nothing else in the world. It is preceeded by a fear which must accompany doing anything as ridiculous as stepping out of a secure plane into emptiness . . . I kept telling myself that I wouldn't jump. Not seriously because I knew I would jump but nonetheless the feeling of wanting to turn round is there.

When my turn came (I jumped second) I guess that I jumped like they taught me but I remember nothing from the second before I left the plane until I found my shoot (chute?) opening behind me. The moment of the jump (or the shove—it may be that the instructors pushed me but I have no idea) is not in my memory. Today's jump I remember a bit better but there's still at least a second missing from my recollection.

Once the fear passes—and the fear passes as soon as you're out of the plane—the jump is so much more pleasant than what I had thought that I really enjoyed all of its sensations. The opening of the chute occurs with a smooth pull on the shoulders rather than the jolt which we felt on the machines which simulate the jump. the ride is spectacular and the landing is also softer than the landings we've practiced on the ground. Yesterday my landing was as soft as a jump off a milk crate and today it was a bit faster—like a jump from a truckbed. . . .

* * * * *

MASA KUMTA!

July 12, 1985

Tironut ended Wednesday morning at around 11:30 when we received our Red Berets. The Wall was the endpoint of the 87km 600 metre masa kumta (route march prior to receiving the regimental red berets. ed.)

We left the paratroop memorial at Ted Nof at 5:53 on Tuesday. I started off with a 10 litre jerrycan on my back. The company marched in platoons with one open stretcher per platoon. At first I carried the stretcher with the jerrycan on my back but I soon stopped and just carried the jerrycan. After two hours (the hottest two hours of the massa) I traded the jerrycan for a place among the stretcher bearers. . . .

Our platoon had it good with 12 carriers at all times. My friend Lev's platoon was down to six or seven carriers by the end and the other platoon also was reduced. Sometimes the carrying was hard—when we had to catch up or pass another platoon but the moon was out and mostly the going was very good on dirt roads which reflected the moonlight.

From the end of the masa I remembered only the joy and none of the pain. We entered Jerusalem from Nahal Soreq (Jerusalem's sewer) and came into Ben Zakkai Street below our old apartment. Then we walked on—to Rahel Imenu to Emek Refaim, down past Breichat Sultan round Mount Zion to the Dung Gate where we stopped, caught our breath and from where we sprinted the final 100 yards to the end of basic.

The unpleasant part of the masa was what it showed me about some people in my platoon. In the challenge which I found stimulating, many found no reason to invest more of their own effort in our effort. There was a lot of bickering, cursing, yelling and other junk which showed who really are the soziomatim of our platoon.

Among the pleasant bits of memories from the night of carrying were the melon fields we crossed—we kicked melons open and ate them as we went. Delicious. Then a man from the settlement of the melons brought a whole carload of especially tasty ones to our water point. Generosity is so nice to see, especially when it comes as appreciation of effort which deserves it.

The views of course, were another joy as they always are when one enters Jerusalem. But on foot, to moonlight, through valleys of pine, the entrance is especially special and moving. At least I was moved. During the masa's harder moments, I would think of the end ahead of me—of running the last steps to the Wall and tears would come to my eyes and I would have strength. And in the end, when I was about to take those final running steps to the end of basic training, the tears came to my eyes. Tears of joy and pain but mostly of joy.

OFFICERS' SCHOOL

May 15, 1986

After a mixed-up week of not being sure whether I was in or out, I'm here. This week we're going over weapons training . . .

For the past three months—the three months of NCO school and the time which I spent deciding to come here—I didn't write one word in this or any other journal. I didn't draw a single drawing. I had, as I wrote to Saul, "angst in the pangst."

I'm feeling better about things now, even though my feelings about the decision to go to officer's training are defintely mixed. This will be a good course but one with the same complaining people I've been with for 14 months. But . . . there are also people here with enthusiasm (few) and natural leadership in greater numbers than I've yet seen in the IDF. I want to do well here. I want to learn as much as I can here. I'm worried only about my health holding up and what's to be done with me after the course.

On a lighter note: here's the (jingle) which Alex Rosenstock from Russia taught me . . .

"I am a little boy
I don't yet go to school
I haven't yet seen Lenin
But I love him."

What it really means is that the state which made . . . turning in one's parents—betrayal of family for the state—into models of correct behavior, uses more means than abstract stories (Ditties) bouncing around young brains leave echoes. The fact that Alex (Rosenstock) remembers them even though he left Russia years ago and has even forgotten much of his Russian, means they do must do a lot of bouncing . . But what a difference between "Hickory Dickory Dock" and "I Love Lenin."

[From the Washington Post]

FRIENDS RECALL A SOLDIER OF CONSCIENCE

(By Paul Duggan)

Nearly 300 friends and relatives of Alex Singer filed into the Israeli Embassy yesterday and sat in quite grief through a memorial service that rang with praise for the former Chevy Chase schoolboy who followed his conscience to Israel two years ago and died last month fighting in Lebanon.

"Once you knew what the moment demanded of you, you did it," one friend told the gathering, recalling Singer as an introspective young man and a passionate Zionist who did what his heart demanded. "You always did, despite the cost—whether it meant moving to the Israeli state with the Jewish people, or running into terrorist gunfire."

Singer, a 1980 graduate of Bethesda-Chevy Chase High School and a lieutenant in the Israeli army, was one of three soldiers killed in an ambush in southern Lebanon Sept. 15, his 25th birthday. The toll was Israel's largest in a single incident since most of its troops were withdrawn from Lebanon in 1985.

An Israeli army spokesman charged that the guerrillas were intent on infiltrating Israeli territory.

One by one yesterday, friends and relatives faced the gathering amid the soft light of an embassy reception room and recalled the intellectual journey that preceded Singer's decision to emigrate in 1985.

"My father taught me that a hero is not someone who thinks moral thoughts," said Larry Kelemen, a friend from California. "Many people think moral thoughts. A hero is one who makes his moral thoughts into actions. Dammit, Alex, you were a hero."

Alex Singer was 11 years old when, in 1973, he first saw Israel. Max Singer, then an analyst from a research group in New York, took a sabbatical in Jerusalem with his wife and four sons. One of them, Daniel, 22, is now an Israeli paratrooper. They stayed nearly four years before returning to settle in Chevy Chase.

After finishing his sophomore year at Cornell, Alex Singer entered a summer program of Judiac study at the Brandeis-Bardin Institute in Southern California. And the next academic year, after enrolling in the London School of Economics, he used much of his free time to explore Jewish communities in England, Spain, Italy and the Soviet Union.

"He was a traveler in the classic sense," his mother Suzanne said in an interview. "He wanted to learn and experience the world. He was by himself most of the time. He would go to a pub or a train station—wherever he went, he would meet people and learn. He had a talent for that."

The long, thoughtful letters he mailed home, friends said, reflected a young man troubled by a deep-rooted insecurity he sensed among the Jews whom he visited during his travels—Jews assimilated in other cultures.

"Zionism is still valid, because Judaism is still threatened," he wrote to Kelemen, who read the letter to the gathering. "But assimilation has replaced anti-Semitism as the true danger. And the Jewish state, which was once an answer to dangerous anti-Semitism, is now an answer to assimilation."

Back at Cornell, he compiled more than 200 pages of his correspondence for his senior year thesis, "Letters from the Diaspora." Convinced of the need for a secure Jewish homeland, he took Israeli citizenship in February 1985, eight months after graduating.

"The whole world looks at us now just as they did in antiquity," said Benjamin Netanyahu, Israel's ambassador to the United Nations and a friend of the Singer family. "They look at us and say, 'Where do these people come from? Where do they find the power to defeat their enemies, so more numerous than them?' I'll tell you where we find the power. In antiquity, as in modernity, we find the power in Alex Singer."

In the military, as through much of his life, Singer kept a diary. And after a 50-mile endurance march that ended at Jerusalem's Western wall and concluded his basic training in July 1985, he racalled the final miles.

A friend read the passage yesterday:

"The views, of course, were another joy, as they always are when one enters Jerusalem. But on foot, to moonlight, through valleys of pine, the entrance is especially special and moving . . . During the harder moments, I would think of the end ahead of me, of running the last steps to the Wall, and tears would come to my eyes and I would have strength. And in the end, when I was about to take those final running steps to the end of basic training, the tears came to my eyes. Tears of joy and pain, but mostly of joy."

[Letter to Evelyn Harris (widow of the man who built the house Alex lived in in Croton, and who lived across the street)]

NOVEMBER 2, 1986.

DEAR EVY: My mother just told me that Adriel died. I'm sorry.

I remember him very clearly even though over 13 years have passed since I lived in Croton. I remember coming home from school and walking through the daffodils the two of you planted on the hill by your house and talking to Adriel in the garden or in the house. I remember little details of the house like the mouldings around the doors and windows which were a trademark of his art and the quality of his work—they were in our house too.

He was a warm kind man and will always be part of [my] memory of Croton. I wish I could offer you more than condolences but I am far away and can not visit now.

With me all is very well. I am an officer in the Israeli armed forces and I love my new country. With all of its flaws Israel does still have the pride and sense of purpose which so many Americans seem to have forgotten were as much a part of making America the greatest country on Earth as the beauty of the American continent. I was glad to see the Statue of Liberty being celebrated and remembered—maybe even after 100 years it will return some of that pride.

Again, my condolences.

With love,

ALEX SINGER.

JUNE 21, 1986.

DEAR FAMILY: I left in a lousy mood because of how the shabbat had been organized, how a map had been taken from my bag, and because it's possible to be —— off for no reason at all.

I walked through Liberty Bell garden, across the empty field to the street which leads to my street. I saw a couple walking along the street in the opposite direction:

Natan and Avital Scharansky! "Shabbat Shalom! I've always wanted to meet you" I say to him in Hebrew after shaking hands. He says shabbat shalom and asks if I live here. I tell him that I'm in the army (obvious due to the gun on my back) that I've been to Russia and that I too am an Oleh. That's all, no big talk or deep discussion but, when we parted I had a huge grin on my face, all of the tension of the past week in the army was gone, and I felt wonderful. I wonder if that happens every time you meet a hero. One thing I'm sure about—it's impossible to be in a lousy mood after meeting Natan and Avital. If he could maintain his hope, love, and spirit, through his trials I certainly can't let what had gotten to me bother me.

Be well and don't forget Scharansky—as much as he was a symbol of hope when he was there, he is a symbol of joy here.

Love,

ALEX.

[Letter to a Friend]

DECEMBER 20, 1986.

This country is my home emotionally, religiously, and in every other way except for the location of my family. When I say that Israel is my home religiously I mean that as a Jew I should live in the Jewish state—the Jewish state which Jews for 2000 years prayed to return to and died for and dreamed of.

* * * My connection to this country is only strengthened as my knowledge of and commitment to Judaism grows. * * * I feel more at home here than I can describe. This is not an intellectual feeling. It is just the way it is.

* * * Don't read any of the above as any blind nationalism. It is not. There are many things about this country which I truly hate (others hate them enough to be driven to leave). I hate the economic idiocy. I hate the way the PLO is allowed to determine the anti-Israel education of Arab children (this may surprise you but it's true); I hate the fact that members of parliament are exempt from all of the disgusting taxes they impose on the rest of us. I hate the way talent is wasted. There is a long list.

But because I see this place as my home I don't pile the cons on one side of the scale and the pros on the other and come to a conclusion about whether it is "worth" staying here. Home is home and it will take more than irritation to force me to leave. I want to make this place better—not to leave it.

[From the Journal Entry, July 12, 1985, (Friday at klah)]

Tironut [basic training] ended Wednesday morning at around 11:30 when we received our Red Berets. The wall was the endpoint of the 87 km. "masa kumta" [beret march].

We left the paratroops memorial at Tel Hof at 5:53 p.m. on Tuesday. I started off with a 10 liter jerrycan on my back. The company marched in platoons with one open stretcher per platoon. At first I carried the stretcher with the jerrycan on my back but I soon stopped and just carried the jerrycan. After two hours (The hottest two hours of the masa) I traded the jerrycan for a place among the stretcher bearers.

From the end of the masa I remember only the joy and none of the pain. We entered Jerusalem from Nahal Soreq (Jerusalem's sewer) and came into Ben Zakkai Street below our old apartment. Then we walked to Rahel Imenu to Emek Refaim, down past Brichat HaSulatan around Mt. Zion to the Dung Gate where we stopped, caught our breath and from where we sprinted the final 100 yards to the end of Basic.

Among the pleasant bits of memories from the night of carrying were the melon fields we crossed—we kicked melons open and ate them as we went. Delicious. Then a man from the settlement of the melons brought a whole carload of especially tasty ones to our water point. Generosity is so nice to see especially when it comes as appreciation of effort which deserves it.

The views of course were another joy as they always are when one enters Jerusalem. But on foot, to moonlight, through valleys of pine, the entrance is especially special and moving. At least I was moved. During the masa's harder moments I would think of the end ahead of me—of running the last steps to the Wall and tears would begin to come to my eyes and I would have strength. And in the end, when I was about to take those final running steps to the end of basic training the tears came to my eyes. Tears of joy and pain but mostly of joy.

[Letter to a Friend]

JULY 5, 1986.

Happy Independence Day! I got your letter of June 26.

I don't want to lecture any more about Zionism and decisionmaking. I'd rather tell you about walking through a wadi (canyon) in the middle of the night with a million stars over my head and singing as I walk because I'm so content and so enjoying myself and climbing mountains and looking over the desert and seeing eagles and a huge waddling porcupine and the goodness of the rest which always come after a night of trekking with so much weight on my shoulders. There are nights which make the weight disappear and I love those nights.

I'm feeling wonderful and am very much at peace with my decision to stay on.

Be skeptical.

Love,

ALEX.

P.S.—In the room next to mine 6 of my friends in the course are sitting with a guitar and harmonica and singing Israeli folk songs. It's 1 a.m. No tattoos and drunken sprees as the weekend draws to a close here, just sitting and singing.

NOVEMBER 7, 1982.

DEAR SAUL: I was in a strange shop on Portebello Road today. . . . I saw [there] a very old curtain with Hebrew on it which must have been part of an "Aron Kodesh." I wonder if the shul which used to be its home is still working . . . or has it gone the way of the homes of most of the shop's contents—simply dying from lack of members and money.

It would be very sad if the curtain's presence on Portebello Road was the result of the assimilation of the Jews of its home. The ancestors of England's Jews of today went through alot for the right to live as Jews—for their descendants to give up through apathy or conscious decision what they died for in so many cases would be a great waste.

But I should be careful what I say here. I'm always quick to use my favorite (my only) Oscar Wilde quote: "A thing is not necessarily true because a man dies for it." If the Jews of York and Lincoln were suffering and dying for a meaningless bag of rituals and traditions whose only value was sentimental, then their descendants are certainly not wrong in dropping Jewish "separateness"—which some of them see as no more than a seed of future trouble.

But, if those things which are being dropped had value when Jews were martyred for them and, if they continue to have value today and, if fear of irritating neighbors with Jewishness is unfounded, then assimilation is indeed selfish. My feeling is that all of these conditions are met. I think Oscar would not have disagreed with a little twist of his dictum:

Just because no man is willing to die for a thing doesn't mean that thing isn't worth dying for.

* * * and if it is not life, but merely some effort, at stake, and if that effort is as likely to be a joy as a burden, then how much sadder is it when arks fall into disuse.

Achicha [your brother],

ALEX.

JUNE 1, 1986.

DEAR DEAR FAMILY: In just one month I was supposed to get out of the army * * * other guy. Our job is to make sure no cars enter our training area. But * * * there are no cars here—only this junction of two wadis. And the wind, and the rotem and the malvah bushes and some rocks. And the darkness coming quickly now that the sun has set over the hill and the colors of the sunset have dimmed and the first star is in the sky.

Today I felt lonely. I've told you that that happens sometimes. I feel lonely when I am at a junction—not of wadis but of futures. I want to sit back and look at the junction from the side and not to analyze it—just to look * * * to see the perspective which disappears in the dust of turmoil * * * to let dust settle and feel at peace.

And so, as it becomes quickly too dark to write, I enjoy the calm of the falling darkness. The calm of silence but for the wind. The calm of knowing a hard day is behind me and I can rest—maybe even until tomorrow.

And now I don't feel lonely. I feel good. Writing calms me and lets the clouds settle—especially writing like this. I must stop now for its getting too dark to see. So I'll stop and just sit here and watch the stars fill the sky.

Love,

ALEX.

These letters comprise only a small part of Alex's writings.

The Singer family is planning an ongoing project in Alex Singer's memory.

The following is a description of the project written by the Singer family:

THE ALEX SINGER PROJECT

"The purpose of my aliya will be a combination of wanting a greater chance to make my Judaism one of joy rather than one of burdens, of wanting to be part of Israel's development both as a state and as a beacon, and of feeling that it is the duty of the individual Jew to help the Jewish people."

Alex affected many people during his life—by his words, his writing, his art, but most of all by his personal example and action. Alex's joy in life and his integrity in pursuit of his ideals inspired all whom he touched. His mission was to protect Israel, his home, and to help build there a Jewish state able to face the challenges of a modern world, and to demonstrate the light that Judaism can bring to people's lives. The Alex Singer Project will work to harness the power, beauty and joy of Alex's life and art in order to continue his mission.

The initial phase of the Project will publish Alex's writings in book and other forms in English and Hebrew, and exhibit and catalog his paintings and drawings. After the primary publications are completed, a second phase will build on the ideas we develop from Alex's writings and his memory. By this time we will have learned from the public response and will know the financial resources available to us. It is clear now that the second phase will focus on young Americans and Israelis and that the primary planning and work—as with the first phase—will be done by Alex's family and his friends who will be the Project's trustees.

□ 1650

FALSE CLAIMS ACT OF 1986

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas [Mr. GLICKMAN] is recognized for 30 minutes.

Mr. GLICKMAN. Mr. Speaker, tonight I take this special order to talk about an issue that we passed in the U.S. Congress in the last Congress regarding a bill called the False Claims Act. You may recall that in the 99th Congress we passed legislation to amend the False Claims Act, to update the ability of the United States and private whistle blowers to combat fraud by Government contractors.

My colleague, the gentleman from California [Mr. BERMAN], introduced along with Congressman BEDELL of Iowa and Congressman IRELAND of Florida, legislation which was incorporated into the larger bill, which I introduced, the False Claims Act, but they introduced the qui tam provisions in the legislation, and I was the manager of the bill in the House.

Mr. Speaker, I am glad to yield to my colleague, the gentleman from California [Mr. BERMAN].

Mr. BERMAN. Mr. Speaker, I thank the gentleman for yielding and for taking this special order to clarify this important issue.

Mr. Speaker, in October 1986, Congress enacted the False Claims Amendments Act of 1986 which was designed to revitalize the act as a potent weapon for detecting and deterring the practice of fraud in Government contracting. Some Federal courts are being asked by defendant Government contractors to rule that the amendments do not apply to false claims cases challenging claims submitted to the Government prior to the amendments' enactment. This question is of grave concern to Congress. If courts interpret the amendments to apply only to false claims submitted after the amendments were passed, Congress' attempt to revitalize the act would be seriously frustrated. It was my understanding that all of the False Claims Act amendments would apply to pre-October false claims, and that is, of course, October 1986.

As one of the bill's authors, I specifically raised the question whether it was necessary to include express language regarding retroactive application just to make clear Congress' intent. I concluded that, based on Supreme Court precedent, such express language was not necessary and that language should be added to the bill only if Congress intended it to apply prospectively. The Supreme Court ruled in Bradley versus School Board of the City of Richmond that statutes are presumed to apply retroactively unless that would create a grave injustice or congressional intent was clearly to the contrary. In fact, Bradley expressly said that courts should presume that Congress intended retroactive application by its mere silence on the issue. It was therefore apparent that it was unnecessary to be explicit about retroactivity, as the courts would infer it from our silence.

Mr. Speaker, I yield back to the manager of the bill, my colleague, the gentleman from Kansas [Mr. GLICKMAN].

Mr. GLICKMAN. Mr. Speaker, to further discuss the act which we passed last year, our reliance on the Bradley presumption is made pretty clear by the fact that around the same time as we enacted the False Claims Act amendments, we also enacted three other related statutes: the Program Fraud Civil Remedies Act of 1986, the Anti-Kickback Enforcement Act of 1986, and a provision of the Department of Defense Authorization Act, 1986. In each of the statutes, we expressly provided that each would apply only to conduct occurring after the new laws went into effect. Our decision to remain silent in the False Claims Act amendments therefore represents a conscious decision to apply them to false claims predating the amendments.

The first judicial decisions on the retroactivity question have focused on the new provisions allowing a relator who was the original source of information to the Government to maintain a false claims lawsuit. Prior to 1986, some Federal courts had construed the law's qui tam jurisdiction very narrowly, holding that individuals who first provided the Government with information about frauds could not sue to enforce the act under the prevailing qui tam provisions. Hence, once the Government had knowledge of a possible false claim, only the Government could sue and not the person who informed the Government about the fraud. This was an unnecessary result, especially since many of these suits were meritorious, but were not being pursued by the Department of Justice, in some cases because of lack of resources to investigate or prosecute. We heard testimony that many referrals were never followed up. We decided to relax this jurisdictional bar in qui tam cases which had been created by the courts and allowed these plaintiffs to go forward with their suits even if the Government initially decided not to enter. We felt that people who originally provided information to the Government about fraud were in a great position to help police fraud. It was our intent to encourage these individuals to help the Government recover public funds siphoned by false claims submitted to the Government prior to as well as after the amendments were passed.

Because we wanted to encourage individuals who had already referred potentially meritorious cases to the Government to bring their own false claims actions if the Government lacked the resources to do so, we of course intended the new qui tam provisions to apply to lawsuits challenging fraudulent charging practices that occurred entirely before 1986. In addition, the new provisions should also apply in lawsuits challenging an ongoing practice of fraud that started before and ended after the 1986 amendments took effect. Suppose someone knew of an ongoing practice of fraud starting in 1984, told the Government what he knew about it in 1985, and knows the fraud has continued through October 1987. Unless the amendments apply retroactively, he can bring a lawsuit under the False Claims Act but can recover funds for the Federal Treasury only for those frauds committed during the last year. Such a result would make no sense and clearly was not intended.

Mr. Speaker, I yield further to the gentleman from California [Mr. BERMAN].

Mr. BERMAN. It was also understood at the time that many of the 1986 amendments, such as those defining the requisite level of intent and the appropriate burden of proof, did not purport to change the law significantly. Rather, they were designed to correct ambiguities in the old law. Various circuit courts had interpreted the old law as requiring varying and inconsistent levels of intent and burden of proof. Our amendments were designed to clarify the law by setting what we thought was the appropriate standard of intent and burden of proof.

Mr. GLICKMAN. Mr. Speaker, our clarifications of these provisions rendered ambiguous by divergent lower court interpretations should apply both to cases challenging only preamendment conduct and to cases challenging ongoing fraudulent practices that started before but finished after October 1986. From the standpoint of judicial administration, it would be extremely inefficient to use the old law to adjudicate allegations of the preamendment frauds for false claims and the new law to adjudicate the more recent. If the amendments are not applied retroactively, then a court faced with a lawsuit alleging that a contractor submitted false claims from 1984 to 1988 essentially would have to hold two separate trials. This would be an anomalous result.

Mr. Speaker, I yield further to the gentleman from California [Mr. BERMAN].

Mr. BERMAN. For each of these reasons, it is clear that we intended the 1986 amendments in all respects to apply to cases challenging preamendment conduct. In addition, it should be noted that these are cases filed after the date of enactment of these amendments, but in which the fraudulent schemes began prior to October 27, 1986. If for some reason a court decides that certain provisions cannot be applied to preamendment conduct, then we certainly intend that the court should still retroactively apply all of the other provisions of the 1986 amendments.

Mr. GLICKMAN. Mr. Speaker, I thank my colleague. I think we have done our best to set the record straight on our interpretation as the two primary authors of the legislation that ultimately ended up leading this bill through passage and through signature by the President of the United States.

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. MOAKLEY] is recognized for 5 minutes.

Mr. MOAKLEY. Mr. Speaker, I was unavoidably detained on my way to the floor, and missed the vote (rollcall No. 403) on the adoption of the rule (H. Res. 299) providing for the consideration of the bill (H.R. 3479) to provide for adjustments of royalty payments under certain Federal onshore and Indian oil and gas leases, and for other purposes.

The resolution was agreed to on a recorded vote of 253 to 153.

Mr. Speaker, had I been present and voting, I would have voted "yea".

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. LLOYD (at the request of Mr. FOLEY), for October 30, on account of illness.

Mr. RUSSO (at the request of Mr. FOLEY), for November 2, on account of an illness in the family.

Mr. GRAY of Illinois (at the request of Mr. FOLEY), for November 2 and 3, on account of a death in the family.

Mrs. COLLINS (at the request of Mr. FOLEY), for November 2 and 3, on account of illness in the family.

Mr. BEREUTER (at the request of Mr. MICHEL), for November 2, on account of attending the United Nations General Assembly as a Presidential Appointed U.S. Representative.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the Houses, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DORNAN of California) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 60 minutes, today.

Mr. GINGRICH, for 60 minutes, on November 4.

Mr. DORNAN of California, for 5 minutes, today.

Mr. LUNGREN, for 5 minutes each day, on today and November 4.

(The following Members (at the request of Mr. GONZALEZ) to revise and extend their remarks and include extraneous material:)

Mr. BRUCE, for 5 minutes, today.

Mr. MONTGOMERY, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. OLIN, for 5 minutes, today.

Mr. OWENS of New York, for 5 minutes, today.

Mr. OWENS of New York, for 5 minutes, on November 4.

Mr. OWENS of New York, for 5 minutes, on November 5.

Mr. OWENS of New York, for 5 minutes, on November 6.

Mr. GLICKMAN, for 30 minutes, today.

Mr. STOKES, for 60 minutes, on November 4.

Mr. GAYDOS, for 60 minutes, on November 4.

Mr. SKELTON, for 30 minutes, on November 5.

Mr. HAWKINS, for 60 minutes, on November 9.

Mr. GONZALEZ, for 60 minutes, November 5.

Mr. MOAKLEY, for 5 minutes, today.

Mr. COYNE, for 5 minutes, on November 5.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. DORNAN of California) and to include extraneous matter:)

Mr. COURTER.

Mr. ROTH.

Mr. LEWIS of California.

Mr. BROOMFIELD in two instances.

Mr. GINGRICH.

Mr. BOEHLERT.

Mr. DORNAN of California.

Mr. MILLER of Ohio in three instances.

Mr. MCCANDLESS.

Mr. DANNEMEYER.

Mr. SOLOMON.

(The following Members (at the request of Mr. GONZALEZ) and to include extraneous matter:)

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mrs. LLOYD in five instances.

Mr. HAMILTON in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. JONES of Tennessee in 10 instances.

Mr. DE LA GARZA in 10 instances.

Mr. DORGAN of North Dakota in two instances.

Mr. MONTGOMERY.

Mr. OBEY.

Mr. SMITH of Florida in two instances.

Mr. STARK.

Mr. SAWYER.

Mr. LANTOS.

Mr. LELAND in three instances.

Mr. VENTO.

Mr. MAVROULES.

Mr. CARR.

Mr. DONNELLY.

Mr. ACKERMAN.

Mr. MATSUI in two instances.

Mr. GARCIA.

Mr. RODINO.

Mr. MINETA.

Mr. EDWARDS of California in two instances.

Mr. MARKEY.

Mr. MAZZOLI.

Mr. CROCKETT.

Mr. GUARINI.

Mr. CONYERS.

Mr. FRANK.

Mr. HOCHBRUECKNER.

Mr. ASPIN.

Mr. ROE.

Mr. FORD of Michigan in two instances.

Mr. MORRISON of Connecticut.

Mr. ERDREICH.

Mr. WOLPE.

Mrs. COLLINS.

Mr. SCHUMER.

Mr. MILLER of California in two instances.

Mr. DINGELL.

Mr. YATRON.

Mr. FASCELL.

Mr. PEASE.

Mr. LANTOS.

Mr. LIPINSKI.

Mrs. SCHROEDER.

Ms. PELOSI.

Mr. TRAFICANT in three instances.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 35. Joint resolution relating to the commemoration of January 28, 1988, as a "National Day of Excellence"; to the Committee on Post Office and Civil Service.

S.J. Res. 66. Joint resolution to designate the week of November 22, 1987, through November 28, 1987, as "National Family Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 97. Joint resolution to designate the week beginning November 22, 1987, as

"National Adoption Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 98. Joint resolution to designate the week of November 29, 1987, through December 5, 1987, as "National Home Health Care Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 105. Joint resolution to designate December 7, 1987, as "National Pearl Harbor Remembrance Day" on the occasion of the anniversary of the attack on Pearl Harbor; to the Committee on Post Office and Civil Service.

S.J. Res. 125. Joint resolution to designate the period commencing on May 9, 1988, and ending on May 15, 1988, as "National Stuttering Awareness Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 126. Joint resolution to designate March 16, 1988, as "Freedom of Information Day"; to the Committee on Post Office and Civil Service.

S.J. Res. 134. Joint resolution to designate the week commencing on the third Sunday in May, 1988, as "National Tourism Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 136. Joint resolution to designate the week of December 13, 1987, through December 19, 1987, as "National Drunk and Drugged Driving Awareness Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 146. Joint resolution designating January 8, 1988, as "National Skiing Day"; to the Committee on Post Office and Civil Service.

S.J. Res. 185. Joint resolution to designate the period commencing on May 2, 1988, and ending on May 8, 1988, as "National Drinking Water Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 201. Joint resolution to designate January 28, 1988, as "National Challenger Center Day" to honor the crew of the space shuttle *Challenger*; to the Committee on Post Office and Civil Service.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 614. An act to designate the new U.S. courthouse in Birmigham, AL, as the "Hugo L. Black United States Courthouse";

H.J. Res. 97. Joint resolution to recognize the Disabled American Veterans Vietnam Veterans National Memorial as a memorial of national significance; and

H.J. Res. 130. Joint resolution to designate the week beginning November 22, 1987, as "National Family Caregivers Week."

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 209. Joint resolution to provide for the extension of certain programs relating to housing and community development, and for other purposes.

BILL AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on October 30, 1987, present to the President, for his approval, a bill and a joint resolution of the House of the following title:

H.R. 307. A bill to designate the Federal building and U.S. Post Office located at 315 West Allegan Street in Lansing, MI, as the "Charles E. Chamberlain Federal Building and United States Post Office"; and

H.J. Res. 309. Joint resolution providing support for the Civic Achievement Award Program in honor of the Office of Speaker of the House of Representatives.

ADJOURNMENT

Mr. BERMAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 59 minutes p.m.), the House adjourned until tomorrow, Wednesday, November 4, 1987, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2332. A letter from the Executive Director, American Historical Association, transmitting the associations activities and financial statements for June 30, 1987 and 1986, pursuant to 36 U.S.C. 1101(4), 1103; to the Committee on Judiciary.

2333. A letter from the Secretary of Agriculture, transmitting the Department's concerns over H.R. 3520, the fiscal year 1988 appropriations bill for the Department of Agriculture; to the Committee on Appropriations.

2334. A letter from the Chairman, Export-Import Bank of the United States, transmitting a report analyzing the need for U.S. Government involvement in export credit insurance, pursuant to Public Law 99-472, section 16 (100 Stat. 1205); to the Committee on Banking, Finance and Urban Affairs.

2335. A letter from the Chairman, Interagency Committee on Cigarette and Little Cigar Fire Safety, transmitting the final report on the technical and commercial feasibility and economic impact of developing cigarettes and little cigars with a minimum propensity to ignite furniture and mattresses, pursuant to 15 U.S.C. 2054 nt.; to the Committee on Energy and Commerce.

2336. A letter from the Acting Administrator, Agency for International Development, transmitting a report on the International Fund's contribution to encouraging new investment, job creation, and economic reconstruction on the basis of strict equality of opportunity, to reconciling the communities in Northern Ireland, and to increasing respect for the human rights and fundamental freedoms of all people in Northern Ireland, pursuant to Public Law 99-415, section 6 (100 Stat. 949); to the Committee on Foreign Affairs.

2337. A letter from the Director, Administrative Office of the U.S. Courts, transmitting a report on the transportation needs of the Judicial Branch and of the courts established pursuant to article I of the Constitution, pursuant to Public Law 99-550, section 3 (100 Stat. 3070); to the Committee on Government Operations.

2338. A letter from the Independent Counsel, Office of Independent Counsel, transmitting the Counsel's notice on its proposed new Federal records systems, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

2339. A letter from the Chief Immigration Judge, Executive Office for Immigration Review, Department of Justice, transmitting copies of grants of suspension of deportation of certain aliens, pursuant to 8 U.S.C. 1254(c); to the Committee on the Judiciary.

2340. A letter from the National Quartermaster/Adjutant, transmitting a report of the proceedings of the annual national convention of the Veterans of World War I of the United States, Inc., held in Oklahoma City, OK, August 24-26, 1987, pursuant to 36 U.S.C. 776; 44 U.S.C. 1332 (H. Doc. No. 100-126); to the Committee on the Judiciary and ordered to be printed.

2341. A letter from the Comptroller, Assistant Secretary of Defense, transmitting the Department report of transfer of funds for fiscal years 1983, 1984, 1985, 1986, and 1987, pursuant to Public Law 98-473, section 101(h) (98 Stat. 1934); Public Law 99-591, section 9037 (100 Stat. 3341-108); jointly, to the Committees on Appropriations and Armed Services.

2342. A letter from the Comptroller General, General Accounting Office, transmitting a report on the financial statements of the Government National Mortgage Association for the year ended September 30, 1986 and on the association's system of internal accounting controls and on its compliance with laws and regulations (GAO/AFMD-87-55; September 1987), pursuant to 31 U.S.C. 9105; jointly, to the Committees on Government Operations and Banking, Finance and Urban Affairs.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HUGHES (for himself and Mr. SAXTON):

H.R. 3595. A bill to require vessels to manifest the transport of municipal or other nonhazardous commercial wastes transported offshore to ensure that these wastes are not illegally disposed of at sea; jointly, to the Committees on Merchant Marine and Fisheries and Public Works and Transportation.

By Mr. HUTTO:

H.R. 3596. A bill to designate the Federal Building located at 1801 Gulf Breeze Parkway, Gulf Breeze, FL, as the "Bob Sikes Visitor Center"; to the Committee on Public Works and Transportation.

By Mr. LEACH of Iowa:

H.R. 3597. A bill to require the Board of Governors of the Federal Reserve System to establish the minimum amount of margin which may be required to purchase or carry any contract, and any option on a contract, of sale for future delivery of a group or index of securities or related interests and to submit a report on the margin requirements initially established pursuant to this act to the Committee on Agriculture, the

Committee on Banking, Finance and Urban Affairs, and the Committee on Energy and Commerce of the House of Representatives; jointly, to the Committees on Agriculture; Banking, Finance and Urban Affairs; and Energy and Commerce.

By Mrs. MEYERS of Kansas:

H.R. 3598. A bill to assure additional protection in connection with the transportation of radioactive materials; jointly, to the Committees on Public Works and Transportation and Energy and Commerce.

By Mr. NEAL:

H.R. 3599. A bill to provide that rates of basic pay for Members of Congress shall not be increased during fiscal year 1988; jointly, to the Committees on Post Office and Civil Service and House Administration.

By Mr. FORD of Michigan:

H.R. 3600. A bill to amend the Higher Education Act of 1965 to restore a more reasonable balance in student assistance between grants and loans, and for other purposes; to the Committee on Education and Labor.

By Mr. JONES of North Carolina (for himself, Mr. Thomas of Georgia, and Mr. Dingell):

H.R. 3601. A bill relating to the enhancement of the Nation's fish and wildlife resources, the National Wildlife Refuge System, and for other purposes; jointly, to the Committees on Merchant Marine and Fisheries and Interior and Insular Affairs.

By Mr. OWENS of New York (for himself, Mr. Coelho, Mr. Markey, and Mr. Martinez):

H.R. 3602. A bill to provide financial assistance under the Education of the Handicapped Act to assist severely handicapped infants, children, and youth to improve their educational opportunities through the use of assistive device resource centers, and for other purposes; to the Committee on Education and Labor.

By Mr. PANETTA (for himself, Mr. Fascell, Mr. Brown of California, Mr. Gray of Pennsylvania, Mr. Dorgan of North Dakota, Mr. Smith of Florida, Mr. Dellums, Mr. Pickett, Mr. Stark, Mr. Olin, Mr. Gonzalez, Mr. Hughes, Mr. Fauntroy, Mr. Pease, Mr. Ford of Michigan, Mrs. Boxer, Ms. Kaptur, Mr. DeFazio, Mr. Conyers, Mr. Bates, Mr. Evans, Mr. Kildee, Mr. Owens of Utah, Mr. Traxler, Mr. Studds, Mr. Edwards of California, Mr. Traficant, Mr. Eckart, Mr. Clarke, Mr. Martinez, Mr. Waxman, Mr. Kolter, Mr. Hawkins, and, Mr. Torres):

H.R. 3603. A bill to clarify and restate the Comptroller General's authority to audit the financial transactions and evaluate the programs and activities of the Central Intelligence Agency, and for other purposes; jointly, to the Committees on Government Operations and the Permanent Select Committee on Intelligence.

By Mr. PEPPER:

H.R. 3604. A bill to authorize the Great American Flag Association to establish a monument in honor of the American flag at Oxon Cove Park in the District of Columbia where the largest American flag in the world will be permanently displayed; to the Committee on Interior and Insular Affairs.

By Mrs. VUCANOVICH (for herself and Mr. Bilbray):

H.R. 3605. A bill to provide for the regulation of gaming on Indian lands, and for other purposes; jointly, to the Committees on Interior and Insular Affairs, the Judiciary, and Ways and Means.

By Mr. FORD of Michigan (for himself and Mr. Taylor):

H.J. Res. 397. Joint resolution expressing the sense of Congress that the people of the United States should purchase products made in the United States and services provided in the United States, whenever possible, instead of products made or services performed outside the United States; jointly, to the Committees on Energy and Commerce and Post Office and Civil Service.

By Mr. NEAL:

H. Con. Res. 210. Concurrent resolution expressing the sense of the Congress that monetary policy should stabilize the domestic economy, not exchange rates; to the Committee on Banking, Finance and Urban Affairs.

H. Res. 301. Resolution expressing the sense of the House of Representatives that monetary policy should stabilize the domestic economy, not exhange rates; to the Committee on Banking, Finance and Urban Affairs.

MEMORIALS

Under clause 4 of rule XXII.

238. The SPEAKER presented a memorial of the Legislature of the State of California, relative to the Republic of Korea; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. COBLE introduced a bill (H.R. 3606) for the relief of Brenda W. Gay; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 103: Mr. Courter and Mr. Wortley.

H.R. 190: Mr. Conte.

H.R. 303: Mr. Roth, Mr. Solarz, Mr. Hughes, Mr. Pashayan, Mr. Traficant, Mr. Clinger, Mr. Gallo, Mr. Parris, Mr. Stangeland, Mr. Wyden, Mr. Denny Smith, Mr. Moakley, Mr. Brennan, and Mr. Atkins.

H.R. 537: Mr. Eckart, Mr. Weldon, Mr. Oberstar, Mr. Davis of Illinois, Mr. Rodino, Mr. Ford of Michigan, and Mrs. Meyers of Kansas.

H.R. 540: Mr. Atkins and Mr. Smith of Florida.

H.R. 546: Mr. Howard.

H.R. 639: Mr. Jones of North Carolina, Mr. Clay, Mr. Olin, Mrs. Schroeder, Mr. Hughes, and Mr. Dixon.

H.R. 916: Mr. Roberts.

H.R. 1516: Mr. Thomas of Georgia, Mr. Roe, and Mr. Sikorski.

H.R. 1708: Mr. Flake, Miss Schneider, Mr. Rinaldo, Mr. Shays, Mr. Ackerman, and Mr. Bates.

H.R. 1794: Mr. Schaefer.

H.R. 2045: Mr. Baker.

H.R. 2173: Mr. Owens of New York, Mr. Clay, Mr. Fazio, Mr. Stokes, Mr. Lowry of Washington, Mr. Levin of Michigan, and Mr. Hoyer.

H.R. 2248: Mr. McMillen of Maryland.

H.R. 2456: Mr. Swift.

H.R. 2532: Mr. Lowry of Washington.

H.R. 2587: Mr. Dyson.

H.R. 2644: Mrs. Martin of Illinois and Mr. Martinez.

H.R. 2666: Mr. McHugh, Mr. Shays, Mr. Roe, Mr. Downey of New York, Mr. Dymally, and Mr. Goodling.

H.R. 2692: Mr. Feighan and Mr. Downey of New York.

H.R. 2804: Mr. Atkins.

H.R. 2879: Mr. Kolter.

H.R. 2880: Mr. Morrison of Connecticut.

H.R. 2943: Mr. Dowdy of Mississippi, Mr. Quillen, Mrs. Morella, Mr. Hoyer, and Mr. Dymally.

H.R. 2944: Mr. McMillen of Maryland, Mrs. Morella, Mr. Quillen, and Mr. Hoyer.

H.R. 3005: Mr. Konnyu.

H.R. 3048: Ms. Oakar, Mr. Bruce, Mr. MacKay, Mr. Brown of California, Mr. Durbin, Mr. Edwards of California, Mr. Bonker, Mr. Packard, Mr. Mineta, Mr. Morrison of Washington, Mr. Torricelli, and Mr. Lewis of Florida.

H.R. 3199: Mr. Gallegly, Mr. Clinger, Mr. Fish, and Mr. Jeffords.

H.R. 3201: Mr. Fish.

H.R. 3217: Mr. Mineta, Mr. Morrison of Washington, and Mr. Lewis of Florida.

H.R. 3265: Mr. Scheuer, Mr. Mavroules, and Mr. McMillan of North Carolina.

H.R. 3290: Mr. Mack.

H.R. 3332: Mr. Manton, Mr. Savage, Mr. Stallings, Mr. Jontz, and Mr. Clinger.

H.R. 3336: Mr. DioGuardi, Mr. Miller of Washington, Mr. Hayes of Illinois, Mrs. Bentley, Mr. Wolf, Mr. Staggers, Mr. Horton, Mr. Frost, and Mr. Conte.

H.R. 3433: Mr. Atkins and Mr. Towns.

H.R. 3445: Mr. Rinaldo, Mr. Traxler, Mr. Vander Jagt, and Mr. Davis of Michigan.

H.R. 3448: Mr. Mrazek, Mr. Wolpe, Mr. Edwards of California, and Mr. Frank.

H.R. 3472: Mrs. Boxer, Mr. Bustamante, Mr. Gejdenson, Mr. Levine of California, Mr. Moody, Mr. Mrazek, Mr. Nagle, Ms. Oakar, Mr. Oberstar, Mr. Scheuer, and Mr. Waxman.

H.R. 3478: Mr. Atkins.

H.R. 3486: Mr. Frost and Mr. Kildee.

H.R. 3503: Mrs. Collins, Mr. Atkins, Mr. Mfume, and Mr. Fauntroy.

H.R. 3552: Mr. Dornan of California, Mr. Lagomarsino, Mr. Stump, Mr. Hyde, Mrs. Saiki, Mr. Ballenger, Mr. Wortley, and Mr. Boulter.

H.J. Res. 55: Mr. Shays, Mr. Kasich, Mr. Studds, Mr. Callahan, Mr. Levin of Michigan, Mr. Denny Smith, Mr. Emerson, Mrs. Kennelly, Mr. McMillen of Maryland, and Mr. Bartlett.

H.J. Res. 287: Mr. Towns, Mr. Bates, Mr. Schaefer, and Mr. Young of Florida.

H.J. Res. 292: Mr. Dicks and Mr. Foley.

H.J. Res. 359: Mr. Anderson and Mr. Coleman of Texas.

H.J. Res. 360: Ms. Slaughter of New York.

H.J. Res. 368: Mr. Daniel, Mr. Archer, Mr. Porter, Mr. Coyne, Mr. Hall of Texas, Mr. Harris, Mr. de Lugo, Mr. Biaggi, Mr. Dymally, Mr. Schuette, Mr. Murtha, Mr. Miller of California, Mr. Kastenmeier, Mr. Parris, Mrs. Martin of Illinois, Mr. Udall, Mr. Tauzin, Mr. Yates, Mr. Pashayan, Mr. Vento, Mr. Gilman, Mr. Feighan, Mr. Smith of New Jersey, Mr. Brown of California, Mr. Volkmer, Mr. Moody, Mr. Moorhead, Mr. Lujan, Mr. Leach of Iowa, Mr. Wolf, Mr. Bartlett, Mr. Nowak, Mr. Denny Smith, Mr. Bennett, and Mr. Dickinson.

H.J. Res. 369: Mr. Bliley, Mr. Burton of Indiana, Mr. Swindall, Mr. Smith of Florida, Mr. Gilman, Mr. Lagomarsino, Mr. Porter, Mr. McCollum, Mr. Dannemeyer, Mr. Rodino, Mr. Lipinski, Mr. DioGuardi, Mr. Smith of New Jersey, Mr. Inhofe, Mr. Biaggi, Mr. Rinaldo, Mr. Martin of New

York, Mr. Rogers, Mr. Quillen, Mr. DeWine, Mr. Weber, Mr. Hughes, Mr. Frenzel, Mr. Dornan of California, Mr. Coats, Mr. Roe, Mr. Solomon, Mr. Buechner, Mr. Annunzio, Mr. Dreier of California, Mr. Smith of New Hampshire, Mr. Rhodes, Mr. Konnyu, Mr. Davis of Illinois, and Mr. Badham.

H.J. Res. 375: Mr. Atkins, Mr. DeWine, Mr. Young of Alaska, Mr. Pashayan, Mr. Burton of Indiana, Mr. Gilman, and Mr. Taylor.

H.J. Res. 377: Mr. Bevill, Mrs. Collins, Mr. Frost, Mr. Gallo, Mr. Kleczka, Ms. Kaptur, Mr. Matsui, Mr. Montgomery, Ms. Oakar, Mr. McGrath, Mrs. Patterson, Ms. Pelosi, Mr. Sunia, Mr. Dyson, Mr. DeFazio, Mr. Torricelli, Mr. Hyde, and Mr. Wyden.

H.J. Res. 384: Mr. Traficant, Mr. McEwen, Mr. Hefner, Mr. Roe, Mr. Bateman, Mr. Schuette, Mrs. Patterson, Mr. DioGuardi, Mr. Fuster, Mrs. Meyers of Kansas, Mr. Horton, Mr. Florio, Mr. Buechner, Mr. Lantos, Mrs. Bentley, and Mr. Smith of Florida.

H.J. Res. 386: Mrs. Boxer, Mr. Bustamante, Mr. Carper, Mr. Clay, Mr. Donnelly, Mr. Fauntroy, Mr. Gordon, Mr. Howard, Mr. Hughes, Mr. LaFalce, Mr. Lewis of Georgia, Mr. Levin of Michigan, Mr. Miller of California, Mr. Neal, Mr. Roe, Mr. Sabo, Mr. Traxler, and Mr. Wyden.

H.J. Res. 387: Mrs. Collins and Mr. Bustamante.

H. Con. Res. 28: Mr. Ridge and Mr. Rahall.

H. Con. Res. 47: Mr. Campbell.

H. Con. Res. 201: Mr. Hyde.

H. Res. 189: Mr. Gejdenson.

H. Res. 258: Mr. Herger and Mr. Young of Florida.

H. Res. 286: Mrs. Collins, Mr. Atkins, Mr. Smith of Florida, Mr. Mfume, and Mr. Fauntroy.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

90. By the SPEAKER: Petition of council of the city of New York, NY, relative to public housing; to the Committee on Banking, Finance and Urban Affairs.

91. Also, petition of Barangay San Benite Sur, Aringay, La Unien, Philippine Islands, relative to petition for confirmation of U.S. nationality; to the Committee on the Judiciary.

92. Also, petition of Richard A. Mueller, Kennewick, WA relative to article V of the U.S. Constitution; to the Committee on the Judiciary.

93. Also, petition of North Carolina Student Legislature, Buies Creek, NC, relative to a Constitutional Convention; to the Committee on the Judiciary.

94. Also, petition of New York State Federation of Women's Clubs, Plainview, NY, relative to Social Security benefits; to the Committee on Ways and Means.

95. Also, petition of Board of County Commissioners, Bullfrog County, NV, relative to high-level radioactive waste; jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1212

By Mr. BARTLETT:

—Page 8, after line 13, insert the following new subsection:

(d) Exemption for Pre-Employment Screening.—Subject to section 7, this Act shall not prohibit an employer from requesting a prospective employee to submit to a lie detector test involving the use of a polygraph if, upon employment, said prospective employee would:

(1) be required to carry a firearm;

(2) engage in the production or distribution of a drug or controlled substance;

(3) engage in the production, distribution, or transmission of electric energy;

(4) have access to information pertaining to the national security of the United States;

(5) undertake to assure the health or safety of another individual;

(6) undertake to assure the maintenance or protection of property.

H.R. 3100

By Mr. DORGAN of North Dakota:

—Page 7, line 11, strike out "$1,033,716,000" both places it appears and insert in lieu thereof "$950,000,000".

—Page 248, line 1, strike out "chapter 2" and all that follows through the comma in line 3 and insert in lieu thereof "chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund)".

By Mr. SOLOMON:

—Page 226, after line 10, add the following:

SEC. 930. ADMINISTRATION POLICY ON AFGHANISTAN.

(a) Findings.— The Congress finds that—

(1) each of the substantive sanctions imposed on the Soviet Union by the United States to protest the Soviet invasion of Afghanistan have been lifted;

(2) although the administration's policy on Afghanistan states that only "steadily increasing pressure on all fronts—military, political, diplomatic—will induce the Soviets to make the political decision to negotiate the withdrawal of their forces," political and diplomatic pressures on the Soviet Union have decreased rather than increased;

(3) in the absence of a coordinated and aggressive policy by the administration regarding the war in Afghanistan, the Congress has been forced to unilaterally implement numerous programs to bring "steadily increasing pressure" to bear on the Soviet Union; and

(4) despite the failure of Soviet troops to withdraw from Afghanistan, and the serious deterioration with regard to the situation of human rights in Afghanistan, the administration is planning to lift further sanctions and initiate increasing areas of cooperation with the Soviet Union.

(b) Report to Congress.—(1) Not later than sixty days after the date of the enactment of this Act, the Secretary of State shall provide the Chairman of the Senate Foreign Relations Committee and the Chairman of the House Foreign Affairs Committee with a report listing each sanction imposed against the Soviet Union by the United States since the first anniversary of the Soviet invasion of Afghanistan, a detailed explanation for the lifting of each sanction, and a detailed analysis of the benefit to the Soviet Union incurred by the lifting of each sanction.

(2) Not later than sixty days after the date of enactment of this Act, the Secretary of State shall provide the Chairman of the Senate Foreign Relations Committee and the Chairman of the House Foreign Affairs Committee a comprehensive list of all areas of ongoing cooperation that could be withheld from the Soviet Union.

(3) Not later than sixty days after the date of the enactment of this Act, the Secretary of State shall provide the Chairman of the Senate Foreign Relations Committee and the Chairman of the House Foreign Affairs Committee with a detailed and comprehensive report in a suitably classified form, and in an unclassified form, containing the disposition of Soviet military forces in the Afghanistan region and an account of any troop withdrawals and any new troop deployments.

—Page 249, after line 15, add the following:

TITLE XIII—PROBABLE EXEMPTIONS TO THE UNITED NATIONS EMPLOYEE HIRING FREEZE

SEC. 1301. PROBABLE EXEMPTIONS TO THE UNITED NATIONS EMPLOYEE HIRING FREEZE.

(a) Findings.—The Congress makes the following findings:

(1) In April 1986, the Secretary-General of the United Nations adopted a freeze on the hiring of personnel within the United Nations Secretariat.

(2) The conditions of the freeze were such that, as the terms of office for the personnel expired, replacements would not be recruited or hired to fill the vacant positions, with minor exceptions.

(3) The freeze was designed to reduce United Nations personnel by 15 percent over three years, as recommended by the Group of High-Level Intergovernmental Experts to Review the Efficiency of the Administrative and Financial Functioning of the United Nations (commonly referred to as the "Group of 18 Experts").

(4) On May 5, 1987, the Secretary-General reported to the Department of State that he was considering granting 156 exceptions to the hiring freeze.

(5) Of these 156 probable exceptions, 104 would be Soviet and Soviet-bloc nationals currently employed in the United Nations Secretariat—of 298 Soviet and Soviet-bloc nationals currently employed in the United Nations Secretariat—who would be replaced over the next 18 months.

(6) According to a report from the Select Committee on Intelligence of the Senate on "Soviet Presence in the United Nations Secretariat" (Senate Print 99-52, May 1985), approximately one-fourth of the Soviets in the United Nations Secretariat are intelligence officers, many more are co-opted by the Soviet intelligence agencies, and all Soviets in the United Nations Secretariat must respond to KGB requests for assistance.

(7) Other United States intelligence authorities estimate that as many as one-half of the Soviet and Soviet-bloc nationals in the United Nations Secretariat are officers of the KGB or the GRU.

(8) If the Secretary-General's probable exemptions are adopted, the Soviet Union will be allowed to replace retiring Soviet and Soviet-bloc personnel with new, highly skilled and well-trained intelligence officers of the KGB or the GRU.

(9) The Secretary-General's proposed exceptions would thus provide the Soviet Union with the capability to rebuild its intelligence apparatus within the United States, which was devastated in recent years when the United States ordered severe reductions in the size of the Soviet mission to the United Nations, the Soviet Embassy in Washington, District of Columbia, and the

Soviet Consulate in San Francisco, California.

(10) Article 100 of the United Nations Charter calls for the establishment of an international civil service whose members are neutral and loyal only to the United Nations.

(11) Section 3 of Article 101 of the United Nations Charter calls for the appointment of individuals who are professionally qualified for the positions they are to fill and maintains that due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible.

(12) As of September 1985, 442 of 446 Soviet nationals employed throughout the United Nations system are "seconded", that is, serve on short, fixed-term contracts.

(13) Through the abuse of short, fixed-term contracts, the Soviet Union has maintained undue influence and control over major offices of the United Nations Secretariat, thereby effectively using the United Nations Secretariat in the conduct of its foreign relations, in clear violation of Articles 100 and 101 of the United Nations Charter.

(14) The Secretary-General's proposed exceptions to the hiring freeze (as described in paragraphs (1) through (5)) would continue the gross violations of Articles 100 and 101 of the United Nations Charter described in paragraph (13).

(15) The Secretary-General's proposed exceptions to such hiring freeze would be clearly inconsistent with the terms of the United Nation's self-imposed reform program.

(16) The United Nations has not yet achieved its reform goals and there is no indication that the United Nations can afford to make such large exceptions to such hiring freeze.

(b) Report to Congress.—(1) The Secretary of State shall report to the Congress not later than 90 days after the date of enactment of this Act and annually thereafter as to the status of secondment within the United Nations by the Soviet Union and Soviet-bloc member-nations.

(2) Such report shall contain as a minimum, a thorough analysis of the following issues:

(A) The number of Soviet and Soviet-bloc nationals who are currently seconded to the United Nations system on short, fixed-term contracts in New York, Geneva, Vienna, and Nairobi, and the percentage such number is to the total number of Soviet and Soviet-bloc nationals so seconded.

(C) The number of Soviet and Soviet-bloc nationals who are currently employed in the United Nations system on long-term contracts.

(D) The measures undertaken by the United States to persuade the United Nations Secretariat to enforce the provisions of the United Nations Charter which specifically govern the behavior and activities of United Nations employees, especially Articles 100 and 101.

(E) The measures undertaken by the United States either through bilateral or multilateral channels with the Soviet Union and other members of the Soviet-bloc to end their abuse of secondment.

(F) The measures undertaken by the United States to challenge Soviet and Soviet-bloc nationals' credentials and to deny them entry visas, in order to keep Soviet and Soviet-bloc intelligence operatives out of the United States and United Nations.

(G) The counterintelligence efforts undertaken by the United States to protect United States national security from hostile intelligence activities directed against the United States by Soviet and Soviet-bloc intelligence operatives employed by the United Nations.

(c) Sense of the Congress.—It is the sense of the Congress that—

(1) the President should take all such actions necessary to ensure compliance with the hiring freeze rule, including withholding all assessed United States contributions to the United Nations, and denying United States entry visas to Soviet and Soviet-bloc applicants coming to the United States to replace Soviet and Soviet-bloc nationals currently serving in the United Nations Secretariat;

(2) the President, through the Department of State and the United States mission to the United Nations, should express to the Secretary-General of the United Nations the insistance of the American people that the hiring freeze continue indefintitely, or until the United Nations has complied with the Group of 18 recommendations and can thus afford to make exceptions to the freeze;

(3) the Secretary-General should revoke all exceptions to the hiring freeze rule, excepting those member-nations which have 15 or fewer nationals serving in the United Nations Secretariat, or those positions not subject to geographical represenation, such as those of the general service category;

(4) the long-term, flagrant violations of Articles 100 and 101 of the United Nations Charter and the abuse of secondment by the Soviet Union and Soviet-bloc member-nations are reprehensible;

(5) the United Nations should adopt the recommendations of the Group of 18 (as referred to in subsection (a)(3)) that no member-nation be allowed to have more than 50 percent of its nationals employed under fixed-term contracts;

(6) the Soviet Union is hereby condemned for—

(A) its refusal to adhere to the principles of the United Nations Charter calling for an international civil service,

(B) its abuse of secondment, and

(C) its absolute disregard of the solemn purpose of the United Nations to be an international civil service; and

(7) if the Soviet Union and the Soviet-bloc intend to remain member-nations of the United Nations, they should adhere to Articles 100, 101, and all other principles of the United Nations Charter to which every other member-nation must adhere.

(d) Definition.—For the purposes of this section, the term "Soviet-bloc" means the countries of Bulgaria, Cuba, Czechoslovakia, East Germany, Hungary, Nicaragua, North Korea, Poland, and Romania.

—Page 249, after line 15, add the following:

TITLE XIII—TAIWAN

SEC. 1301. TAIWAN.

(a) Findings.—The Congress finds that—

(1) economic vitality, educational advancement and social progress have created conditions favoring the furtherance of democracy in Taiwan;

(2) our common commitment to democratic institutions and values is an increasingly strong bond between the people of the United States and the people of Taiwan;

(3) the authorities on Taiwan are nurturing a transition toward more truely democratic and representative political institutions; and

(4) the lifting of martial law in July and the release of detainees symbolize the growing respect for human rights and freedom of expression on Taiwan.

(b) Sense of Congress.—It is the sense of the Congress that—

(1) the United States Congress welcomes the democratic trends emerging in Taiwan and commends the progress that has been made recently in advancing democratic institutions and values;

(2) the United States Congress encourages the leaders and peoples of Taiwan to continue this process with the aim of consolidating fully democratic institutions; and

(3) the United States Congress requests American representatives to convey this nation's continuing support for a free and prosperous Taiwan as stated in the Taiwan Relations Act and our encouragement for democracy to the leaders and the people of Taiwan.

—Page 249, after line 15, add the following:

TITLE XIII—HUMAN RIGHTS VIOLATIONS IN TIBET BY THE PEOPLE'S REPUBLIC OF CHINA

SEC. 1301. HUMAN RIGHTS VIOLATIONS IN TIBET BY THE PEOPLE'S REPUBLIC OF CHINA.

(a) Findings.—The Congress finds that—

(1) on October 1, 1987, Chinese police in Lhasa fired upon several thousand unarmed Tibetan demonstrators, which included hundreds of women, children, and Tibetan Buddhist monks, killing at least six and wounding many others;

(2) on September 27, 1987, a peaceful demonstration in Lhasa calling for Tibetan independence and the restoration of human rights in Tibet, which was led by hundreds of Tibetan monks, was violently broken up by Chinese authorities and twenty-seven Tibetan Buddhist monks were arrested;

(3) in the wake of His Holiness the Dalai Lama's five point peace plan, which was presented to the United States Congress during his visit to Washington at the invitation of the Congress on September 21, 1987, Chinese authorities in Tibet staged, on September 24, 1987, a mass political rally at which three Tibetans were given death sentences, two of whom were executed immediately;

(4) on September 27, 1987, the Chairman and Ranking Minority Member of the Senate Foreign Relations Committee, the Chairman and Ranking Minority Member of the House Foreign Affairs Committee, and the Co-Chairmen of the House Human Rights Caucus signed a letter to his Excellency Zhao Ziyang, the Prime Minister of the People's Republic of China, expressing their "grave concern with the present situation in Tibet and welcome(d) His Holiness the Dalai Lama's (five point) proposal as a historic step towards resolving the important question of Tibet and alleviating the suffering of the Tibetan people . . . (and) express(ing) their full support for his proposal.";

(5) beginning October 7, 1950, the People's Republic of China invaded and occupied Tibet, imposed military rule, and continues to exercise dominion over the Tibetan people through the presence of a large occupation force;

(6) over one million Tibetans perished in 1959 to 1979 as a direct result of the political instability, executions, imprisonment, and widescale famine engendered by the occupation of Tibet by the People's Republic of China;

(7) after the Chinese invasion of Tibet in 1950, particularly during the ravages of China's Cultural Revolution, over 6,000 monasteries, the repositories of 1,300 years of Tibet's ancient civilization, have been de-

stroyed and their irreplacable national legacy of art and literature either stolen or removed from Tibet;

(8) Tibet's vast mineral, forest, and animal reserves are being systematically exploited by the People's Republic of China, with limited benefit accruing to the Tibetan people;

(9) Tibet's economy and education, health, and human services remain far below those of the People's Republic of China as a whole;

(10) The People's Republic of China has undertaken a massive population transfer, entailing the immigration of millions of Chinese onto the Tibetan plateau in an apparent effort to make the Tibetan people a minority in their own homeland;

(11) the arrest and execution of Tibetan political and religious prisoners continues, with thousands of Tibetans currently interred in labor camps;

(12) Tibet, a nation dedicated to the principles of nonviolence and mutual coexistence for a millennia, has been militarized by the Chinese;

(13) His Holiness the Dalai Lama, spiritual and temporal leader of the Tibetan people, in conjunction with the one hundred thousand refugees forced into exile with him, has worked tirelessly for almost thirty years to secure peace and religious freedom in Tibet;

(14) since 1959, India has generously provided refuge and resources for Tibetan exiles so that they may maintain their unique culture and religion in the hope of returning to their homeland;

(15) the People's Republic of China continues to ignore United Nations General Assembly resolutions 1353, 1723, and 2079 calling for a cessation of human rights violations in Tibet and for implementation of the right of the Tibetan people to self-determination;

(16) 91 Members of the Congress signed a letter to President Li Xiannian of the People's Republic of China on July 24, 1985, expressing support for direct talks between Beijing and representatives of His Holiness the Dalai Lama and the Tibetan Government-in-exile, and urging the Government of the People's Republic of China "to grant the very reasonable and justified aspirations of His Holiness the Dalai Lama and his people every consideration"; and

(17) There has been no evidence of any such consideration being granted by the Government of the People's Republic of China.

(b) Statement of Policies.—It is the sense of the Congress that—

(1) the United States should make the treatment of the Tibetan people an important factor in its conduct of relations with the People's Republic of China;

(2) the President should meet with His Holiness the Dalai Lama to express United States support for his efforts for world peace and particularly his efforts to find a peaceful solution to the Tibetan problem;

(3) the United States should urge the Government of the People's Republic of China to actively reciprocate the Dalai Lama's efforts to establish a constructive dialog over the future status of Tibet;

(4) the United States, through the Secretary of State—

(A) should address and call attention to the rights of the Tibetan people, as well as other non-Chinese within the People's Republic of China such as the Uighurs of Eastern Turkestan (Sinkiang), the Mongolians of Inner Mongolia, and the Manchus of Manchuria, and

(B) should support efforts to maintain Tibet's identity and preserve Tibetan culture and religion, both inside Tibet and among those in exile;

(5) congressional delegations should visit Tibet (including the areas of Kham and Amdo) and the Tibetans in exile in order to witness the progress being made and the problems faced; and

(6) the President should instruct the United States Ambassadors to the People's Republic of China and India to work closely with the Tibetan people to find areas in which the United States Government and people can be helfpul.

(c) Condition on the Transfer of Defense Articles or Services.—Any notification submitted to the Congress pursuant to the Arms Export Control Act with respect to any sale, licensed export, or other transfer of any defense articles or defense services to the People's Republic of China shall be accompanied by a Presidential determination that the Government of the People's Republic of China is acting in good faith and in a timely manner to resolve human rights issues in Tibet.

(d) Report on Human Rights.—Not later than sixty days after the date of enactment of this Act, the Secretary of State shall submit a report to the Congress of the human rights situation in Tibet and the transfer of millions of Chinese to Tibet.

(e) Earmark.—Of the amounts authorized to be appropriated for the Department of State for "Migration and Refugee Assistance" for each of the fiscal years 1988 and 1989, not less than $200,000 shall be available only for assistance for Tibetan refugees.

(f) USIA Scholarships.—For each of the fiscal years 1988 and 1989, the Director of the United States Information Agency shall make available to Tibetan students and professionals who are outside Tibet not less than fifteen scholarships for study at institutions of higher education in the United States.

—Add the following at the end of the bill:

TITLE XIII—INTERAGENCY REVIEW OF TRANSFER OF INFORMATION TO CERTAIN COUNTRIES

SEC. 1301. REPORT ON INTERAGENCY REVIEW OF CERTAIN AGREEMENTS WITH CONTROLLED COUNTRIES.

(a) Establishment of Interagency Group.—The President shall establish an Interagency Group for Scientific Information Transfer which shall be composed of such officers or employees of the Departments of State, Commerce, and Defense, and such individuals from the academic and scientific communities, as the President shall designate.

(b) Proposal on Methods to Enhance Interagency Review.—The Interagency Group shall develop and, not later than 6 months after the date of enactment of this Act, submit to the Congress a report on, a proposal on methods to enhance interagency review of agreements entered into with controlled countries (within the meaning of the Export Administration Act of 1979) which involve the exchange or transfer of scientific or technological information.

—Add the following at the end of the bill:

TITLE XIII—INTERAGENCY REVIEW OF TRANSFER OF INFORMATION TO CERTAIN COUNTRIES

SEC. 1301. INTERAGENCY GROUP FOR SCIENTIFIC INFORMATION TRANSFER.

(a) Establishment.—The President shall establish an Interagency Group for Scientific Information Transfer (hereafter in this section referred to as the "Interagency Group"), which shall be composed of such officers or employees of the Departments of State, Commerce, and Defense, and such individuals from the academic and scientific communities, as the President shall designate.

(b) Submission of Proposed Agreements to Interagency.—Before any department or agency of the United States, or any educational institution, begins negotiating any major agreement (as determined under regulations issued by the President) with the government (including any instrumentality thereof) of any proscribed country, which may involve the exchange or transfer to such country of any scientific or technological information, that department, agency, or educational institution shall submit the proposed agreement to the Interagency Group.

(c) Evaluation of Agreements Involving Exchange of Scientific or Technological Information.—The Interagency Group shall evaluate all agreements submitted under subsection (b).

(d) Proposal to Enhance Interagency Review.—The Interagency Group shall develop and, not later than 6 months after the date of the enactment of this Act, submit to the Congress a report on, a proposal on methods to enhance interagency review of agreements described in subsection (b).

(e) Definition.—For purposes of this section, the term "proscribed country" means any controlled country under section 5(b)(2) of the Export Administration Act of 1979, and any country which the President may designate by executive order for purposes of this section.

(f) Regulations.—The President shall issue such regulations as may be necessary to carry out this section.

EXTENSIONS OF REMARKS

THE EDGE OF POVERTY: THE MIDDLE CLASS

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 1987

Mr. LELAND. Mr. Speaker, it is often assumed that once one reaches the middle ages of life many of the economic worries of the past will dissipate and one can proceed into the golden years with few if any economic concerns. Yet, today this is not necessarily true. Regardless of age, economic hardships facing the American middle class today are enormous. Many hardworking Americans are struggling to make ends meet. They are forsaking not only many of the luxuries that life has to offer, but also some of the necessities. Yet, they are still on the brink of falling into the grasp of poverty.

Mr. Speaker, I would like to bring to the attention of my colleagues the third in a series of articles, published by the Washington Post on the "The Almost Poor." These articles have eloquently portrayed middle Americas' desparate struggle to stay out of poverty.

As we continue to deliberate and try to resolve the major economic issues of our time, we must remember that our decisions are directly effecting the futures of all citizens.

[From the Washington Post, Nov. 3, 1987]

AN INSECURE MIDDLE AGE AT EDGE OF THE MIDDLE CLASS

(By Cass Peterson)

In normal times, Daryl Kratochvil makes $8.20 an hour working in a Nebraska meatpacking plant, good wages by rural Midwestern standards. Janet Erks does even better—$9.25 an hour at a similar plant in South Dakota.

But Kratochvil spent most of this year doing odd jobs for whatever pay he could get—a few dollars, a bushel of sweet corn. Erks hasn't drawn a paycheck from the meatpacking plant since May and recently started working part time at a Sioux Falls, S.D., grocery store for $3.75 an hour.

Kratochvil and Erks were on strike this year, walking the picket line, surviving on slender checks from their union and trying not to sink deeper into the ranks of the working poor.

When the paychecks are coming in, their wages at the meatpacking plants put their families on the cusp of the second economic quintile, hovering at the $18,700-a-year cutoff that marks the entry point to the middle class. But the issue in the industry is wage concessions, not increases, and for Kratochvil and Erks the battle has an edge of desperation.

Daryl Kratochvil, who asked not to be photographed for this series, is 50 years old; Janet Erks, 49. Both are in what statisticians consider the peak earning years, the time when most workers are enjoying the best financial health of their lives. Too young to retire, too old to start over, Kratochvil and Erks are tied to their jobs and fighting uphill.

"You never figure on going backwards," said Erks, who took a $2.44-an-hour pay cut four years ago and is trying to avoid another.

At a time when many in their age group are buying a few luxuries, planning for retirement and enjoying the economic freedom that comes of financially independent children, Kratochvil and Erks are still worrying about buying food, paying utilities and keeping the car running another year.

And there is another, constant worry: their health. As a group, they are more vulnerable to the income loss that results from an extended or debilitating illness and often lack adequate insurance against the expense of medical care.

The concern is heightened for Kratochvil and Erks, because of their age and because they work in an industry that has one of the nation's highest worker-injury rates. In a given year, three of 10 meatpacking employees can expect to be injured on the job.

"That worries me all the time," said Kratochvil, who has come home twice with stitches where a steer kicked a gate into his head.

Janet Erks, a diabetic, cannot afford the $216 a month it would cost to maintain her health insurance while she is on strike. "I've had to cancel doctor's appointments. I just can't afford to go to him," she said. "It bothers me that I don't have insurance. I guess I just hope the good Lord will take care of me."

Trust in providence is one of two recurring themes in conversations with Kratochvil and Erks. Neither wears religion on a sleeve, but it is there—an undercurrent of faith that stresses perseverence more than hope, the gospel of hanging on.

"My mom always said the Lord never gives you more than you and Him can handle," Erks said, and Kratochvil echoes the sentiment: "Everybody's got days that're hard. You just get through it."

The other theme is betrayal. The immediate villain is The Company, but the frustration goes deeper. Both grew up in homes with strong work ethics, guided by parents who taught them loyalty to the job and assured them that hard work would pay off. It hasn't.

"The hardest part is that my father gave them 38 years of his life, and my brother gave 23," Erks said. "I gave them 30 years of my life. You work damned hard. And they have no respect for us at all."

For Kratochvil and Erks, the new watchwords of "competitiveness" and "technology" translate into lower wages, less job security and increasing despair. He is resigned; she feels duped.

"When the company cut our pay last time, people believed them," she said. "We thought they needed concessions. Now they're making $28 million a year and they're paying the top man $375,000. And the politicians are saying 'Come to South Dakota, we'll give you the cheapest labor in the country.' "

Kratochvil and Erks describe themselves as Democrats and conservative, but placing them in a slot on the political spectrum is not quite that easy.

"I haven't followed politics that much, and I'm going to have to ask you this," Kratochvil said. "Is Reagan a Democrat or a Republican?"

Erks and her husband, Don, are supporting Democratic candidate Jesse L. Jackson, who has attended rallies for the striking meatpackers. "He seems like somebody you could talk to, somebody who would listen," Don Erks said. "It seems like he couldn't be bought."

Nonetheless, when Vice President Bush made a political appearance in the area recently, Janet Erks attended.

"I wouldn't vote for him," she said. "He's not for the working people. I wanted to ask him a question, but he never acknowledged my hand. I just wanted to ask him if he ever had to borrow money to go to his son's funeral, like we had to."

And then she wiped away tears.

REGIMENTED LIFE AND RIGOROUS FRUGALITY

Hilda Kratochvil sits at the dinette in her small, immaculately clean kitchen and laughs at the question.

"How would I describe us?" she said, with a merry twinkle in her eye. "We're dull."

"Dull," to Daryl and Hilda Kratochvil, means a life without credit cards, spontaneous spending or debt. Supper out is a rare treat. Vacations are planned—and paid for—months in advance. Their modest frame house in Hawarden, Iowa, a community of 2,800 about 40 miles north of Sioux City, is mortgage-free. The cars are old but wholly owned.

The television set is new, replacing the old one that lost its picture tube after 13 years. But there isn't much time to watch it. Kratochvil rises at 3 a.m. for the hourlong drive that will get him to work at the IBP meatpacking plant in Dakota City, Neb., by 5:15. Hilda spends her day babysitting for six small children ("I've had as many as 10 at one time," she said.)

From 4 to 6 p.m., both work as janitors at a local church, a job that often occupies much of their weekend as well. By 8:30 or 9 on any given night, it's lights out at the Kratochvils.

It is a regimented life, but it keeps the Kratochvils financially afloat. Rigorous frugality allows them to save for the occasional major purchase—a new television, a lower-mileage used car. More important, it allows them to put something aside for the event that keeps the Kratochvils in the stratum of the working poor: The strike.

Working 40 hours a week, Kratochvil earns just over $17,000 annually. Hilda's child-care earnings add about $2,000, and the recently acquired janitorial work contributes $4,000. It would be enough to put the Kratochvils narrowly into the middle class, except that Kratochvil is out of work for extended periods at least once every four years, when the United Food and Commercial Workers contract at IBP expires. There is always a strike.

"They never fail," Hilda said.

"We work four years and then we have a year off," Kratochvil added with a wry smile.

The most recent strike started two weeks before Christmas last year. Kratochvil returned to work in August.

Kratochvil has worked in the stockyards at IBP for 17 years, herding cattle into the chute that leads to the killing area. Before that, he worked at a concrete block and silo construction company in Hawarden.

It wasn't the pay at IBP that attracted him. It was a back injury suffered in an accident at the block company. The injury forced Kratochvil to undergo disc surgery and left his back weakened. When he returned to work, he said, "They had me scooping gravel, and I said I'd be damned if I'd be a cripple at 35."

It was 1970, and IBP was involved in one of its inevitable strikes. "I was a naughty boy," Kratochvil said, staring somberly into his coffee cup. "I scabbed them."

Striking workers bombed his house. "They laid eight sticks of dynamite by the front porch," he said. "There was glass on the bed where my son was sleeping. He was about 5 years old."

Kratochvil remembers driving 95 miles an hour through the darkened streets of Sioux City on the way home from work during the strike, his windshield shattered by crossfire on the bridge that led back into Iowa.

"He still went to work," Hilda said quietly. "He never quit."

When the strike was over, Kratochvil stayed on, enduring the taunts of his fellow workers. Of the hundreds of replacement workers hired by IBP during the violent 1970 strike, he is the only one still working there.

"Why?" he said. "I gotta put food on the table. I've got a 6th-grade education. I can't read very well. When you've got no education, there's not much else you can do."

The jeers eventually subsided, and when the union strikes IBP now, Kratochvil is on the picket line. "We couldn't tolerate that place without the union," he said, "IBP would run right over us."

The Kratochvils accept the periodic strikes. They can be planned for. They end, sooner or later. What makes them apprehensive is the thought of the unexpected; and extended illness, for example, or a disabling injury.

So profound are their concerns about the cost of medical care that the Kratochvils strained their budget to take out a $160-a-month health policy while he was on strike. When the strike ended, they decided to keep the policy to supplement the coverage offered by IBP.

The company policy pays 80 percent of medical care. When Hilda underwent surgery recently, the Kratochvils were left with a $1,000 hospital bill. The supplemental policy, pays nothing toward the first $3,000 of medical care, but it pays 100 percent after that.

"It goes up to $1 million," Hilda said, "I hope it's enough."

Retirement isn't even a topic of discussion. The union's most recent contract includes a pension plan for the first time, but Kratochvil isn't confident that it provides much for him. The plan won't become effective until 1990, by which time Kratochvil will be 53, and the size of his pension will then depend on how much profit the company makes.

"I won't be able to retire at 65 because I won't be able to afford it," he said. "At the plant, they work you until they carry you out."

The Kratochvils have a son, Lyle, who is 23 years old and working as a diesel mechanic in Tucson. They visited him for two weeks last Christmas It was their first airplane flight, and the tickets had been paid for since March.

"He has a brand new trailer house, a new pickup truck," Kratochvil said proudly. "He makes $9 an hour, and he's getting a raise."

Life will be better for his son, Kratochvil said with conviction. "He has a lot more education."

For themselves, the Kratochvils have simply dreams. The house needs repairs, perhaps new siding. "I could sure take care of a new house," Hilda said wishfully, "That's all I know to do."

Her husband thinks about a new, or at least a newer pickup truck. The '76 Chevy, once overhauled, has 310,000 miles on it.

"That comes first," she said. "He's got to get to work."

"THINGS ARE SO HIGH, AND WAGES SO LOW"

Janet Erks went to work at the John Morrell meatpacking plant in Sioux Falls, S.D., a week before she graduated from high school. Her father, a longtime plant employe, got her the job against his own judgment.

"My father wanted me to go on to school, I wanted to go into nursing or interior decorating," she said. "But you get down there and start making what is good money for this town. . . . " Her voice trailed off.

For a time, it seemed like the right decision. By the late 1970s, Erks and her husband, Don, were bringing home nearly $50,000 a year, Don working as a truck driver and Janet working in the shipping department at Morrells.

With seven children to raise—two hers from a previous marriage, four his and one of theirs together—it was an adequate living but not an affluent one. They bought an old house on a corner lot in Lennox, S.D. about 20 miles south of Sioux Falls, and fixed it up themselves.

But in 1980, Don had to stop working because of a pulmonary ailment and arthritis. With four children still at home, Janet became the sole breadwinner. Three years later, the union's contract with Morrell expired and the company announced that it would close the plant unless workers accepted lower wages.

The union conceded, and the Erkses joined the ranks of the working poor. "It cost me $8,000 off my paycheck," Janet Erks said. "It was hard. The kids and I sat at home with no heat. There were times when I couldn't afford gas to get to work. If it hadn't been for good friends, we wouldn't have made it."

The family fought for nearly four years to win Don's disability payments, $560 a month from Social Security. Two years ago, the house in Lennox was paid off. But even before the lastest strike, money was tight—in part because of the couple's health problems.

Along with the 1983 wage concessions, the union accepted a reduction in health benefits. "We have to pay the first $900 a year on insurance, and it used to pick up everything," Janet said. "We've had a lot of medical expenses, with me a diabetic. I've got $6,000 in ourstanding bills that I was trying to make payments on, and now I can't even do that."

Erks and her coworkers have been on strike since May, not over their own contract but in sympathy with striking workers at Sioux City, Iowa. United Brands now owns both plants, and the company has asked Sioux City workers to take a pay cut, to $7.75 from $9 an hour, as well as cuts in insurance and pension benefits.

Erks' local believes that if Sioux City workers are forced to concede, United Brands will ask Morrell workers to do the same.

Today, the Erkses live on Don's disability check, her $40-a-week strike benefit from the union, and the income from a part-time job that she spent four months searching for. "Nobody would hire a Morrell striker," she said. 'They figured you'd just go back when the strike was over, and I can't blame them."

Janet also intends to return to Morrell. Her pension is at stake—$15 a month for every year of service—and she is at least a year shy of qualifying for it. "In the old days, you had to quit when you were having children," she said. "I have to make up those years."

In some ways, weathering the strike was easier for the Kratochvils than it has been for the Erkses, who have less experience at it. For the first 20 years that Janet Erks worked at Morrell, contracts were settled quickly. There was no strikes. Since United Brands bought the family-owned business about a decade ago, there have been three.

And the Erkses started in the hole because of family tragedy two months before the strike began. Their eldest son, Scott 30, serving with the Air Force in Spokane, Wash., had begged his parents to visit him during an air show at the base in May. The Erkses declined; they couldn't afford it.

But they made the trip anyway, not to watch Scott fly but to bury him. He was killed in March when his plane crashed in a training maneuver, practicing for the show.

"We had to refinance the cars to raise the money to go to the funeral," Janet said. "We had to take two cars, with all the kids."

The tragedy clearly has taken its toll on Janet Erks, a determinedly cheerful woman whose laughter seems often on the verge of tears. Of her remaining six children, only 13-year-old Angela lives at home now. Two sons are working in Sioux Falls, three daughters have moved away—to western South Dakota, to Michigan, to Montana.

"It used to be that families stayed together," she said. "We just thought, 'Well, I'll stay where my parents raised me.' Now our kids are all over, and we can't even afford to go to see them. We have six grandchildren, and we see them maybe once every two years. We had never seen Scott's youngest, Samantha, and she was two years old."

Erks understands why her children have moved away. Entry-level wages for most jobs in Sioux Falls start at minimum wage and rarely get higher than $6 an hour. To stay in Sioux Falls is to accept membership in the ranks of the working poor.

"Things are so high, and wages are so low," she said. How can you make it?"

The Erkses stay on and hope for the best. Janet Erks is hoping to retire when she qualifies for her Morrell pension, then take a new full-time job. It won't pay as well as the meatpacking plant, and the couple doesn't expect to ever see again the $50,000-a-year income they once had.

"I don't think it'll ever get better," Don Erks said. "There are too many conglomerates getting too big."

THE CONTINUING CRISIS IN FOSTER CARE

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 1987

Mr. MILLER of California. Mr. Speaker, I have frequently called the attention of the House to the crises that fragmented families result in children being placed in foster care. When first I began my efforts to reform foster care a dozen years ago, the Department of Health, Education and Welfare had no idea where many of the hundreds of thousands of foster children were living, what services they were receiving, or whether any serious attempt was being made to reunify them with their families. Congress reacted by passing the Child Welfare and Adoption Assistance Act of 1980, which I authored, to reduce the number of children in foster care and to provide preventive and reunification services to reduce the need for foster care.

Now, after a significant decline, more children are again entering out-of-home placement. For growing numbers of these children and families, the system is failing to provide the protections and safeguards mandated by the 1980 act. All available evidence suggests we are revisiting the crisis in foster care of which I warned a decade ago.

A Federal court recently found widespread physical, sexual, and emotional abuse of hundreds of foster children in Baltimore. The judge found Maryland officials abysmally lax in their supervision of the city's Foster Care Program, in which children now remain an average of 7.4 years.

Similarly, in New York, City Council President Andrew Stein charged that mismanagement had resulted in depriving hundreds of families of foster care stipends, Medicaid and other services.

This month, the New York Times reported a frightening story of disarray in the foster care system involving a homeless mother whose daughter was wrongly placed, and lost, in the foster care system. Although the mother had her daughter's birth certificate and photograph, the city was unable to locate the girl for 5 days.

A recent study reported in the New York Times found that hundreds of children in New York City are forced to live in foster care solely because their parents have been unable to find suitable housing. This represents a new strain on the foster care system, which was never intended to redress the low-income housing shortage. It also illustrates the bizarre circumstances by which government is willing to spend $10,000 to $25,000 a year—or more—to keep a child in foster care, but is unwilling or unable to support a family's far more modest housing needs, which would obviate the need for foster care.

These stories contribute yet more disturbing evidence of mounting systemic problems that have been routinely ignored by this administration; problems that have overwhelmed State and local providers, poorly served the Nation's children, and needlessly ruptured families. As a result of such inattention and unconcern, we are often inflicting State sponsored child abuse on the residents of our foster care system.

This crisis, and the failure of the administration to enforce the law, deserves the immediate attention of every Member of Congress, and every American, concerned about children, about good government, and about eliminating unnecessary costs.

[From the New York Times, Oct. 16, 1987]

SHORTAGE OF HOUSING KEEPS CHILDREN IN FOSTER CARE

(By Josh Barbanel)

Hundreds of children are forced to live in New York City's foster-care system solely because their parents have been unable to find suitable housing, according to a survey of private agencies released yesterday.

The survey, of foster-care agencies serving half the children in the city's system, identified .389 children, or about 4 percent, who could be returned home immediately if their parents were to find appropriate housing.

City Council President Andrew J. Stein, who had requested the survey and announced the results at a City Hall news conference, said a survey of all foster-care agencies would find that "many hundreds more children" are being kept from their parents because of housing.

"These families are desperate and deserve to be helped by city government," he said.

The survey was conducted by the council of Family and Child Caring Agencies, a group representing agencies that care for more than 18,000 children in the foster-care system. The survey includes responses from 24 of the 58 foster-care agencies.

Mr. Stein said that while the city sets aside thousands of apartments each year for homeless families living in hotels, it does not routinely set aside apartments for families served by private foster-care agencies.

The cost of caring for a child in foster care can range from $10,000 a year for a child placed with a foster family to $25,000 a year for children placed in group homes.

Children are placed in foster care following complaints of abuse or neglect against their parents or when their parents are otherwise unable to care for them. Foster-care agencies seek to reunite families, when possible, or to put the children up for adoption.

Asked about the survey, Ann Ormsby, a spokeswoman for the City Human Resources Administration, confirmed that the families with children served by private foster-care agencies do not receive an allocation of city apartments.

She said that of about 4,000 apartments renovated by the city, 1,800 are distributed to homeless families by her agency, and of these, 96 are distributed by teams of city workers who aid abused and neglected children.

"The bottom line here is that there is a shortage of housing in this city," she said in a statement released yesterday. "This is not news to anyone."

Mrs. Ormsby said that city policy was to return foster-care children to their parents when appropriate even if housing was inadequate and the mother was living in a room in a welfare hotel with other children.

But officials at private foster-care agencies said that housing problems, in practice, are the last nearly insoluble hurdle for some families that may have overcome problems of alcoholism or drug abuse.

At Mr. Stein's news conference, one mother, Carrie Johnson, displayed a sheaf of letters she had sent to officials seeking help in getting her children back.

Mrs. Johnson said she has been seeking an apartment to get her two daughters, ages 10 and 12, back home with her since May 1986, when she enrolled in a job training program after suffering from an alcoholism problem.

She said she was living as a guest in a tiny apartment set aside for the elderly, with her 17-year-old daughter and her daughter's baby and there was no room for her other children there.

"When I see my children they want to come home," she said. "It's not fair. There is physical stress, mental stress. Your children suffer."

[From the New York Times, Oct. 7, 1987]

A MOTHER'S NIGHTMARE: GIRL LOST IN FOSTER CARE

(By Sara Rimer)

For nearly five days recently, Sharon Cook tried frantically to find her 14-year-old daughter, who had mistakenly been caught up in New York City's vast foster-care system.

Through an apparent bureaucratic mix-up, Ms. Cook was not told—as the law requires—that her only child, Bernadette, had been taken into custody.

On Sept. 25, Ms. Cook, who lives in a welfare hotel in the East New York section of Brooklyn, had dropped Bernadette off at the apartment of cousins in Flatbush to play, and arranged to meet her at their hotel, the Plaza North, that night.

But the police, apparently acting on a complaint that there was no parental supervision at the apartment, rounded up the eight children who were there, including Bernadette. The children were taken to one of the city's foster-care placement offices and were subsequently sent to a group home on Staten Island.

No apparent mistake was made in the cases of the other seven children.

Ms. Cook, who is 29 and can barely read or write, said in an interview that she eventually learned only that the police had picked up Bernadette and that she might have entered the foster-care system.

"I WAS CRYING"

Ms. Cook said she spent the next five days telephoning city social service offices. Carrying Bernadette's birth certificate and photograph, she said she also made repeated visits to a police precinct as well as the foster-care placement office in Brooklyn.

"Nobody could tell me where my child was at," she said. "I was crying, I was throwing up. It was so confusing. I kept asking God, 'What did I do?' "

On Sept. 29, at about 11 P.M., a caseworker returned Bernadette to her mother's hotel. "She said, 'Don't worry, there's no case against you,' " Ms. Cook said.

Shawn Leary, a Legal Aid staff attorney, said she had spent much of Sept. 29 trying unsuccessfully to locate Bernadette Cook.

"The city is legally obligated to notify the mother that they have taken her daughter," Ms. Leary said yesterday. "This is indicative of their lack of adequate procedures. The system runs as though it's not accountable to anyone."

MISTAKE ACKNOWLEDGED

No neglect or abuse complaint has ever been filed against Sharon Cook, Ms. Leary said.

Suzanne Trazoff, a spokeswoman for the city's foster-care system, said the placement of Bernadette Cook was an unfortunate case of mistaken identity. She said caseworkers thought that Bernadette lived at the Flatbush apartment and was the daughter of her aunt, against whom the complaint had been filed.

"She apparently never made it clear that she wasn't a part of that family," Ms. Trazoff said.

Bernadette, who is enrolled in special education classes, said she had told the police and caseworkers that she did not live at the apartment and that her mother was Sharon Cook. Since her mother does not have a telephone, she was unable to call her. She said she had tried unsuccessfully to reach relatives living in Brooklyn from the group home by telephoning the number of the pay phone outside their apartment.

WELFARE HOTELS AND SHELTERS

Ms. Trazoff said caseworkers discovered who Bernadette Cook was on Sept. 28, when she and the other children were brought to a Manhattan field office for further investigation.

"I'm just glad she's back," Ms. Cook said.

She and her daughter have been homeless since May 1986, when one of Ms. Cook's sisters, with whom they were living, was evicted for nonpayment of rent. Until last July, when the city placed them in the Plaza North Hotel, mother and daughter were moved more than 10 times, shuttling back and forth between shelters and welfare hotels in all five boroughs.

At least once, for several months, Ms. Cook's public assistance allowance was cut off when the notice for recertification, which had apparently been returned to the wrong address, came back unclaimed, Ms. Leary said.

"She is dependent for everything on the working of the city bureaucracy," Ms. Leary said. "I'm surprised at how much resiliency she has."

A TRIBUTE TO SHERMAN BLOCK

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 1987

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to two residents of my district, Sherman Block, sheriff of Los Angeles County, and his wife, Alyce. Sherman and Alyce are being honored on November 7, 1987, by the Juvenile Justice Connection Project for their efforts on behalf of the youth of the San Fernando Valley area. Sherman and Alyce have devoted many years of their lives to dedicated community service and I am pleased that their achievements are being recognized.

The Juvenile Justice Connection Project is a youth services and referral program providing job location, counseling, educational, and other services to young people who have had experience with the criminal justice system. Sherman and Alyce have volunteered innumerable hours of their time to the program since its inception several years ago and they are largely responsible for its success.

Sherman has been an outstanding sheriff for Los Angeles County. As a result of his hard work and excellent performance, he enjoys the respect and bipartisan support of leaders from every sector of the county. The high regard in which he is held by all was graphically demonstrated by the overwhelmingly majority vote he received when he was reelected.

Sherman holds leadership positions in several other youth organizations, serving on the board of directors of the YMCA of Metropolitan Los Angeles and the Boys and Girls Club of San Fernando Valley. He is also a member of the executive board of directors of the Los Angeles Area Council, the Boy Scouts of America, and a trustee of the Boys Club Foundation of Southern California.

Born in Chicago, IL, Sherman attended California State University at Los Angeles where he received a bachelor of science degree in police science and administration. He served 3½ years in the U.S. Army. He is a member of the Phi Kappa Phi Honor Society, as well as an expert lecturer in the field of criminal justice. Sherman is also a member of a number of government related commissions dealing with criminal justice and youth.

During my time in the California State Assembly, I had the opportunity to work closely with Sherman. He served as my chief law enforcement witness for bail reform legislation, proving himself an effective advocate for justice. Throughout the years, Alyce has worked closely with her husband, providing indispensable guidance and support for him.

It is my distinct honor and pleasure to pay tribute to these outstanding individuals. I welcome this opportunity to congratulate Sherman and Alyce and join the Juvenile Justice Connection Project in saluting them for their tireless efforts to help our young people achieve their goals.

A TRIBUTE TO REV. LONNIE SIMON

HON. JAMES A TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 1987

Mr. TRAFICANT. Mr. Speaker, today I rise in order to pay tribute to Rev. Lonnie A. Simon, a very special resident of my 17th Congressional District. It greatly pleases me to be able to inform my fellow Members of the U.S. House of Representatives that Reverend Simon has devoted 25 years of service to the worship of God as pastor of New Bethel Baptist Church in Youngstown, OH. Hundreds of people have become more devoted to religion as a result of Reverend Simon's amazing efforts, and he can certainly look back on his 25 years at New Bethel with deep satisfaction.

Born to William and Tempie Simon in East Mulga, AL, on March 23, 1925, Reverend Simon and his family soon migrated to southern Pennsylvania. After fighting for America in the U.S. Navy during World War II, Reverend Simon came to Youngstown to work for U.S. Steel. He soon received his calling from God, and was ordained as a minister in 1954. He has served as pastor of Elizabeth Baptist Church, Jerusalem Baptist Church in Canton, and has been pastor of New Bethel Baptist Church since 1962. In addition, Reverend Simon has a bachelor's degree in philosophy from Youngstown College, and a diploma in theology from the Baptist School of the Bible in Cleveland.

Reverend Simon's obsessive devotion to spreading the gospel has led him to make missionary visits to Guyana, Ghana, Senegal, the Gambia, and the Ivory Coast. He also recently served as an observer at the All-African Council of Churches Conference in Togo. Reverend Simon has conducted countless Bible studies and Christian leadership training programs across the country, and serves as an instructor at the American Baptist Theological Seminary.

Reverend Simon has battled selflessly for social justice and civil rights, and has received countless awards for his exhaustive efforts for liberty and equality. He is also a former member of the Youngstown Board of Education. He is happily married to the former Florence Ware, and has four wonderful children—Janet, Lonita, Kenneth, and Cynthia. Lonnie, you have my most heartfelt congratulations for your outstanding life of service to God and humanity. Thus, it is with thanks and special pleasure that I join with the residents of the 17th Congressional District in saluting the astounding accomplishments and honorable character of Reverend Lonnie A. Simon on his 25th anniversary as pastor of New Bethel Baptist Church.

TRIBUTE TO GEN. CASIMIR PULASKI

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 1987

Mr. LIPINSKI. Mr. Speaker, as co-chairman of the Democratic National Committee's Council on Ethnic Americans, I want to take this opportunity to honor one of the ethnic heroes of our Revolutionary War.

On October 11, 1779, Gen. Casimir Pulaski, the great American and Polish patriot, gave his life for the cause of American independence during the Battle of Savannah.

Born in 1748 in Poland to an aristocratic and distinguished family, Count Pulaski refused to accept a life of leisure. Instead he devoted himself to the cause of liberating Poland from the illegal and tyrannical rule of Czarist Russia. Though his valiant efforts met with defeat, Pulaski's strong commitment to the ideals of freedom did not wane. After meeting with Benjamin Franklin in Paris in 1776 and learning of the American Revolution, he declared, "Wherever on the globe men are fighting for liberty, it is as if it were my own affair," and subsequently offered his services to our country.

Upon arriving in Boston during the summer of 1777, Pulaski volunteered his services and expertise to Washington's Continental Army. After distinguishing himself at the Battle of Brandywine, General Washington granted him a commission as a brigadier general and placed him in charge of the newly created American cavalry.

Later on in the War, Pulaski organized an independent corps of cavalry and light infantry—the Pulaski Legion. This group came to contribute greatly to the American cause throughout 1778. Pulaski's courage and determination helped save Charleston, SC, from superior British forces, and during the siege of Savannah, he displayed relentless courage in the face of fierce enemy resistance as he led his cavalry into battle.

This final action, during the Battle of Savannah, sheds great insight into Pulaski's heroic nature. He volunteered to charge through the British line of defense, to enter the city, and to confuse the enemy. Tragically, this valiant effort caused him to sustain wounds which cause his untimely death. However, Pulaski's commitment and devotion to the ideals of freedom live on. His example serves as a model of patriotism for all time.

Mr. Speaker, I would like to include the following comments made by President Reagan in honor of Pulaski Day this year:

> The American people proudly and gratefully observe every October 11 in memory of General Casimir Pulaski, because on that date in 1779 this young Polish count and cavalry officer, wounded two days before while leading a charge during the siege of Savannah, gave his life for our country.
>
> Before casting his lot with America, Casimir Pulaski had fought bravely against tyranny and foreign domination in his beloved Poland and had been forced into exile. He and other Polish freedom fighters well understood that humanity's battle for liberty and self-government is indivisible around the world; with the immortal cry, "For Your Freedom and Ours," they went forth to many nations in support of freedom, justice, independence, and individual rights. These ideals are forever part of Poland's heritage; they are dear to the Polish people, and this devotion continues to inspire America and the rest of the world.
>
> The freedoms for which General Pulaski fought and died—the freedoms he helped America win—have not yet been realized in many parts of the globe. The United States of America will always champion religious, political and economic liberty, tolerance, and human rights around the world. Wherever mankind's fight for freedom continues, there stands the spirit of Pulaski and there stands the hope, the commitment, and the help of the United States—"For Your Freedom and Ours."

I would like to extend my greeting to those constituents of Polish descent who reside in the Fifth Congressional District of Illinois, and to the many others who share General Pulaski's timeless ideals.

A TRIBUTE TO PHILIP PEARLMAN

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 1987

Mr. LEVINE of California. Mr. Speaker, I would like to recognize Mr. Philip Pearlman who has been selected by the Association of Container Reconditioners to receive the prestigious Morris Hershon Award of Merit. This award, to be presented at the association's 46th national convention, is given annually to the person who has made the greatest contribution to the industry.

Phil is the only founding member of the association who is still actively engaged in the business. He started working part time for Acme Barrel in 1928. By the time he was named president in 1953, he had held every job in the company. He has a similar record with the National Barrel & Drum Association. Phil has held every office in the organization, except that of president—several times. He has served as finance chairman for 19 years. In addition to his extensive organizational contributions on behalf of the association, Phil has made a considerable number of technical contributions to the industry. He pushed for the use of interior lining of steel drums, participated in the design of what is now standard reconditioning equipment and persuaded the military to come up with acceptable, uniform specifications for all of the services. Phil is clearly a man who knows the barrel business inside and out.

In 1940, he and Ray Cabrey, the first president of NABADA, attended an informal gathering of eastern drum reconditioners in Philadelphia. In that meeting, the National Barrel & Drum Association was born. On his way back to Chicago, Phil stopped off in four cities to enroll 38 members in the new organization. The first meeting of the NABADA, the Association of Container Reconditioners, was held in 1941.

For 46 years, the association has provided an essential environmental service—that of reconditioning and recycling used steel drums for commercial reuse. It has kept countless millions of used oil, chemical, paint and other used drums from adding to the growing problems of industrial waste. Approximately 1 million drums are emptied each week in this country: all must have their residues removed, neutralized and safely disposed of before the containers are either reconditioned or recycled as scrap metal. The association offers "responsible container management" services to drum users and emptiers which ensures the proper disposition of the inevitable drum residues, reduces solid waste disposal problems, and protects the environment. An official of the Environmental Protection Agency is reported to have said: "If NABADA did not exist, EPA would have to invent it."

Mr. Speaker, my own family has long been active in the barrel and drum business. It was the business of my grandparents; my father, my uncle, and several cousins. Some of my cousins are still in the business. I know, therefore, from my family of Phil Pearlman's leadership—and it is, therefore, a special privilege to offer this tribute to him.

Mr. Speaker, I ask my colleagues to join me in paying tribute to Philip Pearlman for his outstanding contributions to the container reconditioning industry. NABADA members have provided responsible and environmentally sound recycling and disposal of over 90 percent of the steel drums that are reconditioned and recycled annually. Philip Pearlman, as one of the founding members, and as a longtime officer of the association has made innumerable contributions to the effectiveness of the NABADA and the container reconditioning industry.

EAST ORANGE CHILDREN EXPRESS THEIR SUPPORT FOR THE CHILDREN OF SOUTH AFRICA

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 1987

Mr. RODINO. Mr. Speaker, I rise today to salute a teacher and her class in my district who prove that all is not wrong in America's schools. A few weeks ago I received a letter from Mrs. Connizza's sixth grade class in the Nassau School in East Orange. The letter urged me to support House Resolution 141 which called for the immediate release of children held in South African prisons.

I was touched by the sentiments expressed in this letter. It was a show of support by a group of American children for their fellow youngsters a half world away who live in an atmosphere which is completely removed from this Nation's experience. These children are held in prison, on no formal charges, in the name of defending the depicable institution of apartheid.

Unlike the students of Mrs. Connizza's class, these South African children are unable to do things which are taken for granted in this country. They are unable to live at home with their parents, go to school, play with their friends or otherwise know the joys and frivolity of youth. Theirs is a harsh existence caused by the desperate usurpation of civil liberties by a paranoid and morally illegitimate regime. I was very proud to report to Mrs. Connizza's class that I am a cosponsor of this bill which properly expresses this body's outrage about this state of affairs in South Africa.

I was also extremely heartened by this letter because it highlights an example of a teacher working to foster a civic and moral awareness in her students. Let us not lose sight of the fact that there are dedicated teachers like Mrs. Connizza and eager pupils like the youngsters in her class who are successfully going about the business of learning.

Mr. Speaker, I ask that the text of the letter be included in the RECORD.

> DEAR CONGRESSMAN RODINO: We are studying the current situation in South Africa. We have developed strong feelings of concern for South African children.
>
> We urge you to support House Resolution 141.
>
> We feel that the treatment and detention of South African children is against the civil and human rights that belong to all people.
>
> Respectfully yours,
>
> Mrs. Connizza's Sixth Grade Class,
> Nassau School, East Orange, NJ.

YOUTHS ABUSED IN D.C. JUVENILE DETENTION FACILITIES

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 1987

Mr. MILLER of California. Mr. Speaker, recently the Washington Post reported additional disturbing evidence that the juvenile justice system is failing our Nation's youth. Each year, nearly half a million youth enter the juvenile justice system. Too many of these children will leave the system worse off than when they entered, since punishment, rather than rehabilitation, is the rule.

A court-appointed monitor reported increases in the number and severity of reports of abuse by staff members, unacceptable housing conditions, and intoxicated staff, among other shortcomings, at the District of Columbia's three juvenile detention facilities. One child suffered a seizure after waiting 5 days for a prescription to be filled for medicine that she was supposed to take three times a day. The court monitor reported that children in these facilities are jeopardized by funding shortages and poorly trained, insufficient staff.

Similar abuses take place across the country.

For example, according to testimony presented to the Select Committee on Children, Youth, and Families, delinquent California youth have been sent to live on a Nevada Indian reservation in flammable teepees with unvented Kerosene heaters, only cold water, and minimal professional staff. Youth in Florida juvenile training school are "put in filthy, roach-infested isolation cells for weeks at a time." In the Idaho training school, children have been "punished by being put in strait jackets, and hung, upside down, by their ankles." One mother testified to the select committee that her 13-year-old son took his life while detained at a Maryland juvenile correctional facility where abuse by staff, overcrowding and restricted family contact were the norm.

The message in the accompanying article is that we must strengthen and enforce those protections set forth by the Juvenile Justice and Delinquency Prevention Act [JJDPA] if we are to protect troubled youth from institutional abuse and encourage them to stay on the right side of the law. Congress will have the opportunity to do so next year, when the JJDPA is reauthorized.

The article follows:

[From the Washington Post, Oct. 27, 1987]

MONITOR'S REPORT SLAMS D.C. JUVENILE FACILITIES—MORE CHARGES OF ABUSE BY STAFF ALLEGED

(By Elsa Walsh)

A court-appointed monitor reported yesterday that allegations of abuse by staff members have increased at the District's juvenile detention facilities and that intoxicated staff are sometimes tolerated "in the belief that 'half a counselor is better than none.'"

In a 97-page report filed in D.C. Superior Court, the monitor also said it was "rare" for staff to give "frank" accounts of inappropriate behavior by colleagues toward residents. He also said that many incidents in which staff members strike residents are never reported.

Those who did "break the code," the monitor said, "have been ostracized or harassed by their coworkers" and more often counselors "are advised by their peers to write incomplete, inaccurate or euphemistic incident reports to avoid getting into trouble."

The report represents the fourth court filing by monitor Michael K. Lewis, who was appointed last year to oversee implementation of the city's agreement to a consent decree mandating major improvements in the city's juvenile services. In his latest report, called by some his most severe, Lewis details an "erratic, and sometimes dysfunctional, compliance effort."

Lewis said "substantial progress" has been made by the city in some areas, such as improved staff and less use of leg irons and handcuffs at Oak Hill and the Annex. But in other areas, he said, the "chronic" inability of city officials "to move forward with a smoothly intergrated plan has resulted in wasted effort and frustration."

Majorie Ellis, D.C. commissioner for social services, said, "I can only say in the most general terms that such a report is not a good one, and that we're certainly in the midst of strenuously taking corrective action."

Officials have previously said they planned to hire nearly 300 employes for the three juvenile facilities: Oak Hill and the Annex (formerly known as Cedar Knoll) in Laurel and the Receiving Home in the District.

The report, which covers May 1 through Aug. 31, found, among other things:

Lack of careful screening in hiring by the city's personnel department. For example, two drivers were recently hired primarily as messengers between the detention facilities and the public school system. One had his license revoked and the other was unable to drive because the car had a manual transmission. When a request was made to "send drivers who could work, the same two drivers were returned to the facility."

Unnecessary school closings. On May 19, school was closed at the Annex for more than three weeks because two electrical transformers broke down. The monitor said he has been assured by the principals at Oak Hill and the Annex that the "almost arbitrary" closing of schools has been addressed.

Lack of coordination with substitute teachers. Ten substitutes were hired "to work as needed" at the end of May and were to be paid only when they worked. However, the reports said the substitutes "reported every day, and were paid for every day, even during vacation."

Absence of a disciplinary hearing officer. Because of staffing problems, no disciplinary hearings were held in August. Lewis attributed "a great deal of what is wrong with discipline" at the institutions to the "lack of fair and timely hearings." He said that if hearings were held at all, a student usually already had been punished, a violation of the decree.

Unacceptable housing conditions. The report said that air-conditioning units either did not work or were inadequate and that staff complained of mice and roaches.

Problems with filling prescriptions. During the reporting period, a fund to pay for emergency prescriptions at Peoples Drug Store ran out. In one case, a resident had a seizure while waiting five days for medicine that she was supposed to take three times a day.

Lewis reserved some of his sharpest comments, however, for the reported rise in allegations of staff misbehavior, saying he was "deeply distressed by the increase both in number and severity" of reports of abuse by staff members.

Lewis said most allegations could not be substantiated "with sufficient certainty" to warrant taking disciplinary measures, but "there is a strong sense at the institutions that many of the allegations have a factual basis." Among the allegations were complaints that counselors struck residents immobilized by other counselors or, in one case, shackled to a hospital bed and that some counselors inappropriately used choke holds or night sticks.

The Washington Post reported last month that Lewis was investigating three complaints of staff beatings of youths including one incident involving the acting school principal at Oak Hill that also was being investigated by the U.S. attorney's office in Baltimore.

Lewis said the superintendents at the institutions did not tolerate staff abuse, but were hindered by the fact that counselors, "and even supervisory staff, tend to present a united front against investigators."

As for incidents of staff drunkenness, Lewis said that "at each institution there are employees who are known to have alcohol problems." He said that although the superintendents deny that they allow staff members to work while intoxicated, one longtime employe told him that staff shortages are so acute at times "that they will accept a counselor who is intoxicated, in the belief that "half a counselor is better than none.'"

COURAGE IS NEEDED IN EL SALVADOR

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 1987

Mr. BERMAN. Mr. Speaker, the murder of Herbert Anaya, president of the Human Rights Commission in El Salvador, is a disappointing attempt on the part of extremists in that country to steer the fragile peace process onto the rocks. With every indication that the assassination was the work of those associated with rightwing death squads, it is incumbent upon President Duarte to vigorously pursue the culprits and push aggressively for justice before civilian courts.

While other notorious cases of rightwing criminal activity have not been prosecuted, or remain officially unsolved, this incident represents the truest test of the strength of the civilian government. I know that my colleagues who share my deep concern over the future of peace in the region also share my belief that President Duarte must act decisively and more than symbolically. He has offered a $10,000 reward for information regarding the murder and he has denounced the heinous crime. He is to be commended for that action. El Salvador needs strong leadership now and a bold and unwavering stand by President Duarte to punish the killers will, more strongly than anything else, show his dedication to peace and justice.

Of course, the result is more important than the rhetoric, and so we must continue to watch carefully the situation in El Salvador and be prepared to act accordingly.

I must also make clear my belief that the rebels in El Salvador should not use the assassination of Mr. Anaya as an excuse to back away from the negotiating table. Peace is in the best interest of that nation and the region. I would urge the rebel leaders to demonstrate their commitment to the peace process by continuing talks with the government.

In the poem, "The Second Coming," W.B. Yeats said:

> Things fall apart; the center cannot hold
> Mere anarchy is loosed upon the world,
> The blood-dimmed tide is loosed, and everywhere
> The ceremony of innocence is drowned.

These words speak chillingly to the future of the peace effort in Central America if extremists are allowed to dictate the actions and reactions of the principals.

Only by courageous and farsighted efforts from the government and the rebels will peace be possible. The cowardly actions of fanatics should not be allowed to detract from that goal.

A TRIBUTE TO ROBERT FEDDERN

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 1987

Mr. TRAFICANT. Mr. Speaker, today I rise in order to pay tribute to Mr. Robert J. Feddern, a very special resident of my 17th Congressional District. Mr. Feddern is retiring after 23 years as an employee of the railroad section of the Public Utilities Commission of Ohio. All of his coworkers at the PUCO are in a state of deep mourning over his impending retirement, for every member of the railroad section realizes that Mr. Feddern is one of the most distinguished and diligent employees in PUCO history.

Mr. Feddern began his amazing career with the railroad section on September 20, 1964. Starting out as a PUCO railroad inspector, he clawed his way up to becoming an inspector supervisor, and worked exhaustively and slavishly until he was certified as a certified Federal Railroad Administration track inspector. Then in 1981 came the crowning achievement of his life—his selection as chief inspector of the railroad section, a position in which he has performed admirably for the past 6 years.

Literally thousands of Ohioans are deeply indebted to Mr. Feddern. Anyone who has ever ridden on a train in Ohio has Mr. Feddern to thank for their safe journey, and every railroad employee has Mr. Feddern to thank for their excellent working conditions. He has also performed many heroic deeds as railroad chief inspector, including his supervision of the PUCO's participation in the hazardous material spill in Miamisburg, OH.

Mr. Feddern is extremely active in community and church activities in Galloway and West Jefferson, OH, and spends countless hours assisting the Zion Lutheran Church and the West Jefferson Community Association. He is deeply in love with his wife Dortha, is totally devoted to his children James Feddern and Janis Feddern Murray, and is a doting grandfather to his grandchildren Julie, Jennifer, Jeffery, and John. Thus, it is with thanks and special pleasure that I join with the residents of the 17th Congressional District in honoring the outstanding accomplishments and noble character of Mr. Robert J. Feddern.

THE NATIONAL FISH AND WILDLIFE ENHANCEMENT ACT OF 1987—H.R. 3601

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 1987

Mr. JONES of North Carolina. Mr. Speaker, today I have introduced H.R. 3601, the National Fish and Wildlife Enhancement Act of 1987, along with Chairman JOHN DINGELL and Congressman LINDSAY THOMAS. It is not without reason that some of the most ardent fish and wildlife conservationists in this Congress are original cosponsors of this bill.

Nine years have elapsed since the Committee on Merchant Marine and Fisheries authored the last omnibus wildlife conservation measure, the Fish and Wildlife Improvement Act of 1978. Much has been accomplished for fish and wildlife conservation in those 9 years—much, but not enough. Wetland habitat losses continue to accelerate; Federal wildlife and land acquisition programs have been assaulted by anticonservationist budget cutters at OMB; many units of the National Wildlife Refuge System have significant backlogged maintenance and operation projects; administrative decisions and court decrees have chipped away at the paramount authority of the Director of the U.S. Fish and Wildlife Service to manage all activities occurring within the National Wildlife Refuge System—all of these problems and more suggest that our goal of providing firm financial and administrative footing for our Federal fish and wildlife programs has not yet been achieved.

H.R. 3601 attempts to respond to many of these above problems. While much of the bill addresses the question of oil and gas exploration and development on the Coastal Plain of the Arctic National Wildlife Refuge, it would be a mistake to assume that this issue defines the scope of the bill. H.R. 3601 not only provides implementing legislative authority for two international fish and wildlife conservation agreements and overturns two court decisions with adverse consequences for wildlife refuge management, it also would create a new 23.5 million acre National Wildlife Refuge on the North Slope of Alaska and seeks to update or expand fish and wildlife conservation authorities in a variety of Federal wildlife laws including the National Wildlife Refuge System Administration Act, the Wildlife Refuge Recreation Act, the Migratory Bird Conservation Act, the Migratory Bird Hunting Stamp Act, and the Refuge Revenue Sharing Act—all statutes under the jurisdiction of the Committee on Merchant Marine and Fisheries.

Moreover, the bill attempts to establish, once and for all, adequate and secure financial footing for the fish and wildlife habitat acquisition programs of this Nation. No longer will such meritorious programs have to plead for Federal pennies like beggars with tin cups and tambourines. Given the past enormous budget requests of some Federal agencies, the land acquisition goals of this bill can hardly be called fiscally irresponsible. It is thus a bill that true conservationists can support—that Members of Congress with excellent environmental records should endorse.

Undeniably, the issue in the bill which will generate the most debate concerns the Arctic National Wildlife Refuge [ANWR]. In 1980, after years of debate, Congress passed the Alaska National Interest Lands Conservation Act [ANILCA]. While ANILCA resolved most of the major public lands issues in Alaska, it deferred one of the most difficult issues involving a 1.5-million-acre section of the Arctic Refuge's Coastal Plain. While section 702 of ANILCA ultimately designated over 8 million acres of the Arctic Wildlife Refuge as wilderness, other Members of Congress had argued that this 1.5-million-acre section of the Coastal Plain be designated wilderness as well. Congress did not agree to take this step because of the high oil and gas potential of the Coastal Plain.

Instead, Congress authorized in section 1002 of ANILCA a 5-year study of the fish and wildlife resources and potential oil and gas reserves of the Coastal Plain of the refuge. Section 1002 barred any actual exploratory drilling and relied instead upon a seismic surface exploration program of the area. Upon completion of the seismic program, the Secretary of the Interior was directed to report his recommendations to Congress regarding oil and gas leasing and wildnerness for the Coastal Plain. Congress thus deferred the choice between two conflicting options: designating the 1.5 million acre section of the Coastal Plain as wilderness versus the authorization of oil and gas leasing and development.

The Interior Department has now completed its seismic study program and has issued a final section 1002 report. In that report, the Coastal Plain is identified as the Nation's last best prospect for an enormous onshore oil and gas discovery. This characterization of the magnitude of the potential deposits has been concurred in by the oil industry. Based upon the analysis in the 1002 report, the Secretary of the Interior recommended the broadest and most aggressive oil and gas leasing program possible for the entire Coastal Plain. The Secretary's recommendations were subsequently reflected in H.R. 1082, a "full leasing" bill for the Coastal Plain introduced by my friend and committee colleague, DON YOUNG.

The 1002 report and the Secretary's recommendations have been very controversial and have been criticized by a wide variety of sources ranging from the Environmental Protection Agency [EPA] to the environmental community. Quite predictably, those organizations in the environmental community who support wilderness for the entire Coastal Plain have strongly disagreed with Secretary Hodel's recommendations and Congressman YOUNG's bill. Their views previously had been championed in H.R. 39, a bill designating the entire Coastal Plain as wilderness which was introduced by the distinguished Interior and Insular Affairs Committee Chairman, MO UDALL. Thus, once again Congress finds itself polarized between diametrically opposed positions on the questions of energy development within the arctic wildlife refuge.

Mr. Speaker, the Nation is faced with an important but resolvable dilemma and we believe that H.R. 3601 proivdes an environmentally responsible altenative which deserves serious consideration. Because exploratory drilling was excluded from the Coastal Plain oil and gas assessment program, and since the data from the only exploratory well drilled in the area—the so-called "KIC well"—has not been made available to the Federal Government, the Department of the Interior's final section 1002 report leaves unanswered the ultimate question of whether there are commercially recoverable deposits of oil and gas beneath the Coastal Plain. Until exploratory wells are actually drilled, the presence of commercially recoverable deposits of oil will necessarily remain speculative, with the estimates somewhat low in the eyes of some members of the general public—deemed by the section 1002 report to be 19 percent or 1 in 5. While the oil industry states that a 1 in 5 chance of findimg a commercially recoverable field of oil is actually high by industry standards in Alaska, the fact remains that to much of the general public—and to many members of Congress—a 19 percent chance of finding a big oil field is a figure that needs improvement before oil and gas leasing is allowed in the Artic Refuge. While I do not personally share that view, I respect the fact that some of my colleagues may.

In addition to the uncertain mineral reserve estimates, the report also leaves some important biological and ecological questions unanswered, including questions on hazardous waste disposal and air and water pollution. A letter from EPA, which was very critical of the 1002 report, highlighted the need for a careful examination of these issues. Our bill may not silence this energy versus environment debate, but it does offer an equitable and prudent solution to the dilemma.

The National Fish and Wildlife Enchancement Act of 1987 would direct the initiation of a limited and controlled exploratory drilling program on the Coastal Plain, followed by an environmentally protective oil and gas leasing program if warranted. At the same time, the legislation would significantly enhance the Nation's fish and wildlife habitat acquisition programs by dedicating any federal oil and gas leasing revenues from ANWR for fish and wildlife conservation purposes.

Since H.R. 3601 is detailed and comprehensive, I will only summarize its key features—features which are designed as much to focus congressional debate as they are to suggest fixed solutions; the bill is not carved in stone. First, it would require the development of a better geological, biological, and ecological data base prior to an authorization for leasing. Building upon the data acquired to date through the seismic exploration program, it would direct that four on-structure exploratory test wells be drilled on the Coastal Plain during the winter months. While the number of wells is small, we have been advised by oil and gas experts at the U.S. Geological Survey, the Bureau of Land Management and at the National Academy of Sciences, that four on-structure wells would be sufficient to significantly enhance the mineral potential estimates for the Coastal Plain. These experts have also indicated that four wells would be an adequate number of wells to confirm or disprove the geological computer models currently developed for the Coastal Plain. Since it would be required that the wells be drilled directly over the best oil and gas prospects identified to date, it would also generate significant new data on the accuracy of the seismic program projections. I should add that in a letter to our committee dated October 23, the Congressional Research Service confirmed this as well.

If actual oil is discovered, it would be icing on the cake, so to speak, since the primary goal at this stage of the program would be to produce better data rather than to produce oil. This approach, incidentally, is consistent with the thrust of a recent Congressional Research Service study which characterized the ANWR debate as "the need to know versus the need to pump" and concluded that our country currently had a need to know what was under the Coastal Plain regardless of whether we had an immediate need to pump it.

The exploratory drilling program in H.R. 3601 is not intended to be an exhaustive exploratory drilling inventory of the oil and gas potential of the entire Coastal Plain and is not designed to identify every significant oil trap or commercially recoverable body of oil which may be present. Nor is it intended to delineate the reservoir boundaries of any oil deposits which may be discovered at any of the exploratory wells. An exploratory drilling program with that ambitious an agenda could require 20 to 30 wells, would cost well over a billion dollars, and would take many, many years to complete. Rather, our proposal would significantly enhance our understanding of the geology and mineral potential of Coastal Plain in general, and of four of the best identified prospects in particular.

I would hasten to add that it is not the intent of this bill to establish a federally run oil and gas exploration program, as was the case on the National Petroleum Reserve on the Western North Slope of Alaska, but rather to allow the private oil industry to efficiently conduct the exploratory drilling operations. It also is not intended to be a general precedent for modifying the traditional onshore mineral development process whereby exploratory drilling occurs after leasing. Rather, it is a unique approach designed to address the unique circumstances surrounding development in the Arctic Wildlife Refuge and should have no broader application than that. Generally, it would require the Director of the U.S. Fish and Wildlife Service to look to the oil industry and the National Academy of Sciences to nominate the best areas to drill the exploratory wells. Based upon the nominations received, the Director, with the assistance of the Directors of the Bureau of Land Management and the U.S. Geological Survey, would identify certain general areas that would be available for drilling and overlie identified prospects. It would then be up to a company or companies in the private sector to step forward with a proposed plan of operations for drilling four exploratory wells.

As was the case with the 1002 seismic program, once a particular drilling proponent had been selected, an opportunity would be provided for other companies to participate in the drilling program as a joint venture, sharing the costs of the program on a pro rata basis. A joint approach would avoid unnecessary duplication of activities and would further reduce the environmental impact on the refuge by consolidating facilities and work crews. All geological data and information developed as a result of the exploratory drilling program would be shared with the Director of the Bureau of Land Management who would ensure the confidentiality of any processed or analyzed proprietary data just as he currently does for any other onshore drilling operations.

In response to the objections from the oil industry that there would be no economic incentive to participate in an exploratory drilling program of this sort, H.R. 3601 would allow each exploratory drilling program participant to deduct 50 percent of its actual pro rata costs as a credit against any bonus bids, royalties or rentals which they may owe in subsequent oil and gas lease sales authorized for the Coastal Plain, the Outer Continental Shelf, or onshore lands under the jurisdiction of the Bureau of Land Management. In this fashion, the Federal Government and the oil industry would evenly share the costs of an explanatory drilling program just as they would share the geological data.

Apart from a 50-percent credit for their costs, there would be two other incentives for the oil industry to participate in the entire exploratory drilling program. One is that the U.S. Geological Survey would be authorized to conduct the program if no one from the private sector stepped forward with an acceptable plan. As reluctant as the oil industry may be to participate in an exploratory drilling program without the prior issuance of a lease, it has disliked government participation in such programs even more. Recognizing this antipathy, U.S. Geological Survey would only serve as a back up should private industry not participate in the program.

The second and perhaps most compelling incentive to participate is that H.R. 3601 would bar any company which was not part of the joint exploration program for all four wells from bidding in any subsequent lease sales for the Coastal Plain. This should ensure a large number of participants in the exploratory drilling program, thereby reducing considerably the overall cost per participant. When a 50 percent credit of costs is added to the equation, the costs per participant associated with the exploratory drilling program become much more manageable and acceptable, especially if it results in better geological data which ultimately contributes to the opening of the Coastal Plain.

Even in the short time that the final 1002 report has been available, polarized and subjective debate has surfaced in Congress and the Nation. To add a dangerous level of objectivity to this process, H.R. 3601 would enlist the thinking of the Nation's most esteemed scientists by turning to the National Academy of Sciences for assistance and advice. The bill would request the National Academy of Sciences to conduct an independent study of the geological and geophysical data from the Coastal Plain and to assess the relative importance of ANWR. This study would focus on, and be conducted simultaneously with, the exploratory drilling program authorized in an earlier part of the bill. The National Academy of Sciences' panel would produce an interim and a final report regarding the likelihood of commercial quantities of oil and gas being present under the Coastal Plain and the environmental consequences of its development and production.

The Director of the U.S. Fish and Wildlife Service would have the benefit of the reports from the Academy to assist his factual analysis. The Academy's role, however, would be advisory only and would be limited to fact-finding and analysis; the ultimate administrative decisionmaking authority would rest with the Director, the Secretary of the Interior and the President. This should satisfy or discourage the chronic carping from the Department of Justice about appointments clause problems in legislation before Congress. One final point about this study is that to start the National Academy's independent study promptly, it would be our strong intent that the Fish and Wildlife Service avoid any delays in its funding by reprogramming existing appropriations to initiate the study in the same fiscal year as the date of enactment of H.R. 3601.

Upon completion of the exploratory drilling program, the Director of the U.S. Fish and Wildlife Service would prepare and make public a draft revised section 1002 report which would have the benefit of the data from the National Academy of Sciences. This report would contain any newly developed information, including a revised estimate of the potential oil and gas reserves and the most recent biological and ecological findings and conclusions. The Director would subsequently issue a final revised section 1002 report which would serve as the basis for a new secretarial recommendation on whether to initiate a leasing program on the Coastal Plain of the Arctic Refuge.

The Secretary of the Interior would be required to recommend oil and gas leasing to the President unless one of three criteria could not be satisfied. If one of those three criteria turned out to be a problem, then the Secretary would have to recommend against leasing. The President would be required to follow the recommendations of the Secretary unless he found that it was not in the paramount national interest to do so. The one instance where the President could not override a recommendation from the Secretary would be where the Secretary recommended against oil and gas leasing on the Coastal Plain because it would result in serious and significant adverse environmental consequences. In such a case, only Congress could direct that leasing move forward despite the environmental consequences to the Arctic Refuge. Apart from this one exception, however, the final decision on leasing would be left to the President who would be empowered to authorize the Director of the Fish and Wildlife Service to initiate a leasing program without a subsequent act of Congress.

Should the Arctic Refuge ultimately be opened for oil and gas leasing, H.R. 3601 would require, as the price of admission, the dedication and use of the Federal revenues and royalties for fish and wildlife conservation purposes, Currently, not one penny of the royalties generated by oil and gas operations on the Kenai National Wildlife Refuge in Alaska goes back into fish and wildlife conservation or wildlife refuge management programs: Ninty percent goes to the State of Alaska and 10 percent goes into the general receipts account of the U.S. Treasury. This is an unacceptable arrangement and completely inconsistent with the policies and philosophy of the Refuge Revenue Sharing Act of 1935. That act stands for the proposition that when the natural resources of a wildlife refuge are disposed of commercially, there ought to be an overall net benefit back to the wildlife refuge system. Historically, this is accomplished by placing all receipts from the sale of refuge resources into a special fund, the refuge revenue sharing fund. Moneys in this fund are used to make what are known as payments in lieu of taxes [PILT] to local jurisdictions such as counties, as compensation for the loss of taxable lands or increased county services due to national wildlife refuge acquisition. In recent years, however, due to serious shortfalls in the refuge revenue sharing fund, the affected counties have received actual payments which are dramatically less than what they are entitled to under the Refuge Revenue Sharing Act. For example, the projected shortfall for fiscal year 1988 will result in PILT payments of only 56 cents on the dollar. This cannot be allowed to continue or else our ability to acquire additional national wildlife refuges will be seriously jeopardized by opposition from local jurisdictions.

In order to resolve this crises, which has been growing since 1980, H.R. 3601 would propose to divert all revenues and receipts attributable to oil and gas leasing in ANWR through the refuge revenue sharing fund established under the Refuge Revenue Sharing Act of 1935. The Director would be directed to remove from the ANWR revenues an amount necessary to eliminate the deficit in the fund and bring it back up to the level of 100 percent funding for the counties and other local jurisdictions. The remainder of the ANWR revenues would then be split 50-50 with the State of Alaska. With regard to the Federal share of the revenues, a portion would be used to establish a new $150 million fish and wildlife enhancement trust fund which would provide funding for five different categories of fish and wildlife enhancement ranging from research to State nongame programs. The remainder of the Federal ANWR revenues would be placed in the migratory bird conservation fund and used for future land acquisitions for the National Wildlife Refuge System in accordance with specific guidelines. Approximately 50 percent of these remaining ANWR revenues would be targeted for acquiring migration route and wintering habitat in the lower 48 States for migratory birds from Alaska and Canada. Another 20 percent of the new revenues would be spent in support of the wetland acquisition program outlines in the North American waterfowl plan negotiated between the United States and Canada. Finally, the remaining 30 percent would be spent for the acquisition of new wildlife refuges for species other than migratory birds. Thus, as the result of H.R. 3601, literally hundreds of millions of dollars of ANWR generate revenues would be dedicated to wetland and other wildlife habitat acquisition.

Apart from matters involving revenues, H.R. 3601 highlights the paramount role of the Director of the U.S. Fish and Wildlife Service in the management of any oil and gas activities in the Arctic Refuge. This is consistent with the original intent of Congress expressed in the National Wildlife Refuge System Administration Act of 1966. Unfortunately, Secretaries of the Interior seem to periodically forget this congressional delegation of authority. In 1975, Secretary Morton attempted to put the Bureau of Land Management in charge of the management of various game range units of the National Wildlife Refuge System. Congressional criticism of this was intense and the decision ultimately was invalidated by the enactment in 1976 of the so-called game range amendments to the Refuge Administration Act. These amendments expressly provided that only the Director of the Fish and Wildlife Service could be put in charge of management decisions and activities within units of the refuge system.

Apparently, the painful lesson learned by Secretary Morton was never passed down to one of his successors, James Watt. In 1981, Secretary Watt attempted to brush aside the Director of the Fish and Wildlife Service to put the head of the U.S. Geological Survey in charge of the section 1002 seismic survey program in the Arctic Refuge. Once again this secretarial effort failed and was enjoined by the Ninth Circuit Court of Appeals for violation of the Refuge Administration Act and ANILCA. Rather than wait for a third Secretary to strike out at the plate again, H.R. 3601 has expressly reaffirmed that the Director of the Fish and Wildlife Service is to be the lead official for administering any oil and gas leasing program on the Arctic Refuge. This is no radical departure from existing law. To the contrary, it is quite consistent with the implicit intent of the Refuge System Administration Act since 1966, and the explicit text of that statute since 1976.

We, of course, do not intend for the Fish and Wildlife Service to go out and hire 20 geologists to run this program and build an expertise in this area independent from the rest of the Department of the Interior. We have thus required the Director to negotiate cooperative agreements with the Bureau of Land Management and the U.S. Geological Survey, in order to draw upon their minerals management expertise and to gain their assistance in managing technical, geological, and financial aspects of any mineral exploration and development program within the Arctic Refuge.

Our goal is simply to reaffirm the fact that the Arctic Refuge is a national wildlife refuge first and foremost, and that the Director of the Fish and Wildlife Service historically and appropriately has been the lead agency official with primary responsibility for the management of national wildlife refuges. He should be able to draw upon, and in effect "deputize," the best mineral expertise the Department of the interior has to offer, but it should ultimately be recognized as his program and his responsibility and not that of some other agency Director or Assistant Secretary.

Apart from the dedication of oil and gas royalties for conservation purposes, perhaps the other most important conservation benefit from this bill would be its establishment of a new 23,500,000 acre national wildlife refuge on the North Slope of Alaska, the Teshekpuk-Utukok National Wildlife Refuge. Currently known as the national petroleum reserve—Alaska [NPR-A] and managed by the Bureau of Land Management, this is an area with superlative fish and wildlife values that deserves inclusion in the National Wildlife Refuge System. This proposal should come as no surprise to those Members of Congress who participated in the debate on ANILCA in the late 1970's.

During the 96th Congress, the House of Representatives agreed that this area should be designated as a national wildlife refuge in the Alaska Lands Act bill that it passed and sent to the Senate. Unfortunately, time ran out in the 96th Congress and we were forced to accept the Senate's bill on Alaska lands which had deleted NPR-A as a wildlife refuge. I merely point out this past history to inform my newer colleagues that the House has previously gone on record as recognizing the benefits from making the entire NPR-A a national wildlife refuge. We are, therefore, resurrecting and reaffirming the past wisdom of the house in this matter.

Premier habitat areas for fish and wildlife abound throughout this proposed wildlife refuge, including the Teshekpuk Lake area, the Colville River corridor and delta, and the vast Utukok Highlands to the west. The Teshekpuk Lake area seasonally hosts up to 25 percent of the world's population of Pacific brant during their annual molting season, as well as calving, summering and wintering caribou. Moreover, while much has been made of the Porcupine caribou herd in the Arctic Refuge, many Members may be surprised to learn that our Nation's largest caribou herd is not the Porcupine herd in the Arctic Refuge, but rather the Western Arctic herd located in the new proposed wildlife refuge. The Utukok Highlands are important calving grounds for the 250,000 animal Western Arctic caribou herd. In addition to this valuable caribou habitat in the southwestern part of NPR-A, the Icy Cape are due north from the Utukok Highlands contains an expanse of salt marshes and lagoons that are very important to waterfowl and a host of seabird and shore bird species. Meanwhile to the east, seals have been reported in the lower reaches of the Colville River, and the river delta is important for spawning and overwintering fish. In addition, the delta is rich in bird fauna and is particularly important for whistling swans. These are just a few examples of the area's teeming wildlife resources.

Apart from these superlative wildlife values and habitats, which in their own right would justify national wildlife refuge status, additional reasons exist for making the NPR-A a national wildlife refuge. First, if the Arctic Wildlife Refuge is to be ultimately opened up for oil and gas development, some form of compensation needs to be made to the National Wildlife Refuge System on the North Slope of Alaska to offset the loss of wildlife habitat values and acreage within ANWR. While recognizing that the placement of habitat in protective land status does not fit the traditional concept of "compensation," the opportunities that we find for ourselves on the North Slope are somewhat unique.

The second reason has to do with the comparative level of interest in oil and gas development in NPR-A. Quite frankly, the national petroleum reserve appears to be poorly named because the one thing that 40 years of oil exploration and 30 test wells have failed to produce is oil in commercially recoverable quantities. While the oil industry rates ANWR as its highest priority for further leasing and its best chance for discovering an enormous onshore field of oil, the industry response to a recent BLM Federal Register notice regarding future lease sales in NPR-A indicated a rather low level of interest in further leasing in NPR-A in the foreseeable future. In fact, the level of interest in NPR-A is low enough for some companies to have turned back their existing oil and gas leases to BLM rather than to have continued payment of minimal yearly rentals.

Thus, logic would suggest that one focus leasing activities where the mineral experts believe the best prospects are—the Arctic Refuge—while establishing an additional conservation system unit governed by wildlife refuge law where the interest in leasing is much less by comparison, and where commercial quantities of oil have never been discovered—NPR-A. I am sure that the oil industry would prefer to have unfettered access to both areas and would prefer that wildlife conservation not be enhanced as the primary focus for the NPR-A. Realistically, however, some compromise must be made and the one that H.R. 3601 makes would preserve our best option for finding huge reservoirs of oil.

The third reason for making NPR-A a national wildlife refuge is the precarious legal status of its most sensitive wildlife habitat areas—Teshekpuk Lake and the Utukok Highlands—to oil and gas exploration and development. Currently, these areas are in special management zones administered by BLM under the authority of section 104(b) of the Naval Petroleum Reserves Production Act of 1976 (42 U.S.C. 6504(b)) and under the Federal Land Policy Management Act. While section 104(b) of the Naval Petroleum Reserves Act recognizes the need for sensitive management of these wildlife areas, the express terms of this section state that these conservation measures may be applied "* * * to the extent consistent with the requirements of this act for the [oil and gas] exploration of the reserve." This means that the degree of protection accorded these areas to date as special management areas has been due to secretarial discretion rather than statutory proscription.

Administrative levels of protection can be lifted or changed rather quickly, however. Therefore the special management area designation for Teshekpuk Lake and the Utukok Highlands is an illusory form of protection which is ultimately subordinate by statute to the oil and gas exploration program for NPR-A. Moreover, the statutory oil and gas leasing authority for NPR-A which was passed in 1980, extended the conservation programs' subordinate status to the leasing program as well. We believe that areas like Teshekpuk Lake and the Utukok Highlands deserve the permanent protection of wildlife refuge status where development as a general matter under existing wildlife refuge law must accommodate fish and wildlife conservation needs. This is in contrast to the current statutory arrangement for NPR-A where those subordinate and dominant roles are reversed. Our bill would ensure that fish and wildlife conservation comes first.

I would now like to turn my attention to some of the issues or concerns that have been raised in the course of the debate on ANWR. To begin with, much has been made over whether the historical environmental record at Prudhoe Bay has been good or bad. The premise appears to be that whatever the environmental legacy is at Prudhoe Bay, it will be automatically duplicated at ANWR if a leasing program is initiated on the refuge. We are not prepared to accept this premise. While the experience and information gained at the Prudhoe Bay oil fields and at NPR-A is important, it should not be viewed as controlling. The Coastal Plain is located within a national wildlife refuge; Prudhoe Bay is not. It is on multiple-use, State-owned land where fish and wildlife conservation is only one of a number of competing uses and certainly not the dominant use. Similarly, the oil and gas leasing and exploration which has taken place in NPR-A to the west of Prudhoe Bay is located on public lands managed by the Bureau of Land Management [BLM], a Federal multiple-use land managing agency. Under BLM statutory authorities, fish and wildlife conservation is only one of a number of competing uses and not the priority use.

Within a national wildlife refuge, however, all human and commercial activities are subordinate to fish and wildlife conservation which is the dominant primary use. There is a fundamental difference therefore, between the scope of management prerogatives and authorities at Prudhoe Bay and NPR-A and those which govern oil and gas development on a national wildlife refuge. Fish and wildlife conservation corners may be cut on the former lands as a matter of administration discretion. Statutorily, however, these corners may not be cut on a national wildlife refuge. Thus, the experience at Prudhoe Bay is unlikely to be duplicated on the Coastal Plain of ANWR, if for no other reason than that the underlying statutory authorities are more stringent and environmentally protective for wildlife refuges than for federally or State-owned multiple-use lands.

Moreover, the Army Corps of Engineers did not begin asserting jurisdiction on the North Slope under section 404 of the Clean Water Act until the late 1970's, years after Prudhoe Bay was started. Similarly, comprehensive monitoring under the Clean Air Act was only recently initiated for Prudhoe Bay. Thus, important environmental laws like the Clean Water Act's section 404 program did not affect or seriously influence the environmental impacts generated during the early days of oil and gas development on the North Slope. Despite Prudhoe Bay's world leadership in state-of-the-art arctic oil and gas development, shortsighted environmental mistakes were made, imperfect technologies and techniques for arctic oil development were employed, and haste occasionally replaced environmental prudence and caution in the face of biological unknowns.

There are those who say that this environmental history will be repeated in the Coastal Plain of ANWR if oil and gas exploration and development is permitted. This might only be the case if we are content to ignore the lessons of the past and not take advantage of the technological improvements and biological data developed since the early 1970's. This is a path that we will not take. We cannot allow the lowest environmental common denominator to establish the regulatory framework for further exploration and possible development of ANWR. Moreover, I am convinced that this view is shared by the oil industry as a whole. During the past few months, I have had an opportunity to discuss the question of oil development in ANWR with a number of oil industry executives who all expressed a commitment to improve upon their environmental record at Prudhoe Bay and run the cleanest oil and gas operation the world has seen. I believe they are sincere in this desire and are aware of the intense public scrutiny which would follow their every move on the Arctic Refuge. Therefore, Prudhoe Bay is indeed a valuable model but one whose environmental record can be, and will be, improved when applied to oil and gas activities in ANWR.

Some representatives from the State of Alaska have argued that the Alaska Statehood Act gave the State an irrevocable right to 90 percent of all of the Federal mineral royalties from oil and gas leasing and that Congress is powerless to unilaterally change this percentage. I must respectfully disagree with this assertion. The Alaska Statehood Act only guaranteed the State 90 percent of any royalties arising out of leasing activities under the Mineral Leasing Act of 1920. The 90-percent formula does not apply to leasing activities under other sources of statutory authority. Thus in 1980, Congress authorized the oil and gas leasing of the national petroleum reserve—Alaska [NPR-A] under leasing authority other than the Mineral Leasing Act of 1920, and provided for a 50-50 split or royalties with the State. Our bill is merely consistent with this precedent involving leasing in NPR-A and uses the same 50 percent stateside—50 percent federalside apportionment. We are, therefore, not denying the State anything that it is entitled to as a matter of constitutional law under the Statehood Act.

While we will gladly adopt the precedent of 50-50 royalty distribution under the NPR-A leasing legislation, we are mindful that we not set a precedent of our own with regard to oil and gas leasing elsewhere within units of the National Wildlife Refuge System. Under current wildlife refuge management law, natural resource development may be allowed to occur within a national wildlife refuge so long as it is found to be compatible with the purposes for which a given refuge was established. This so-called compatibility test has been the general rule for refuge management since the passage in 1966 of the National Wildlife Refuge System Administration Act. Given the unique circumstances surrounding the Arctic Refuge with the involvement of significant national energy interests, it is a political reality that if exceptionally large deposits of oil and gas underlie the Arctic Refuge, this country will develop those deposits regardless of the academic or semantical nuances of the term compatibility. Congress reserved the right in 1980 to make the final judgment as to where the national interests lay with regard to oil development in the Arctic Refuge. If the ultimate verdict is that it should be developed, it will be because a majority in Congress concluded that the environmental tradeoffs were outweighed by the energy and wildlife conservation benefits to be gained by going in. While such a balancing process is appropriate for Congress, it is not now, nor should it ever be, part of the Fish and Wildlife Service's process for applying the compatibility test throughout the Wildlife Refuge System. The compatibility test should be based upon biological factors alone and should involve an agency inquiry no broader than consideration of the purposes for which a refuge was established.

The debate on ANWR, however, is a congressional inquiry involving a range of issues beyond the purposes of the Arctic Refuge. Thus, we intend to shield the compatibility test from any unwarranted inference that by allowing oil and gas leasing in the Arctic Refuge, Congress is indicating that oil and gas leasing is compatible in every other wildlife refuge in the country. This is certainly not our intent. It is for this reason that we have chosen the new and more flexible management standard of "no significant adverse effect" to control development in the Arctic Refuge, and to leave the compatibility test alone and unaffected by the outcome of our debate.

A final point that I would like to address concerns the most appropriate use to be made of any oil revenues generated from ANWR. Whether you are talking about the magnificent and rapidly declining stands of bottomland hardwoods in the South, the vanishing marshes of the grasslands area in the Central Valley of California, the threatened migration route areas for migratory birds like Bowerman's Basin in the Pacific Northwest, the last habitat pockets for concentrated endemic species like the Ash Meadows area in Nevada, or unique ecological oasises like Canaan Valley in West Virginia, unique and critical wildlife habitat areas still remain that deserve permanent protection.

This is a central part of H.R. 3601. The bill stands for the proposition that the primary beneficiaries of any oil program within the Arctic Refuge should be the wildlife resources of this Nation—that wildlife habitat, as opposed to human recreational areas and opportunities, should be the priority focus of ANWR-based acquisition programs. It is for this reason that the bill chooses the migratory bird conservation fund and the refuge revenue sharing fund as the appropriate vehicles for receiving ANWR royalties, rather than the land and water conservation fund. Quite frankly, the problem with the land and water conservation fund is not that it needs a bigger spigot at the top to pour additional revenues into the fund, but rather that it needs a bigger spigot at the bottom to pour more of its existing revenues out. Annually, anywhere from $700 million to $650 million remain unspent in the land and water conservation fund, so a convincing case cannot be made that ANWR revenues are needed to expand that fund. Let me emphasize once again that we feel very strongly that wildlife habitat acquisitions should be the primary focus of any acquisition program funded by ANWR. We would have a difficult time giving serious consideration to any bill on ANWR which did not recognize this fundamental principle.

In summary, H.R. 3601 is an amalgamation of concepts and approaches from a large number of past congressional enactments regarding mineral development in general, and mineral development in Alaska in particular. Ideas have been pulled from the Mineral Leasing Act of 1920, the Trans-Alaska Pipeline Act, the Alaska Natural Gas Transportation System Act, as well as from the Outer Continental Shelf Leasing Act. In addition, some new approaches and concepts have been developed. H.R. 3601 is not a perfect bill, for the perfect bill is the bill that passes. We intend to remain pragmatic and flexible as we proceed in the months ahead, and look forward to the insights and information that we will gain as a result of the congressional hearing process our committee intends to pursue. We have always valued the wildlife conservation contributions made by our dear colleague, DON YOUNG, and look forward to working closely with him on this matter as we continue to perfect our bill. We have attempted to present an array of options and ideas for arriving at a consensus among a majority of our colleagues and will always be willing to consider better alternatives for achieving that goal.

REMEMBERING THE LATE JOHN F. CAHLAN FOR HIS OUTSTANDING SERVICE TO NEVADA

HON. JAMES H. BILBRAY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 1987

Mr. BILBRAY. Mr. Speaker, I rise today to respectfully pay tribute to the memory of John F. Cahlan, an outstanding Nevadan and Las Vegas community leader. On Sunday, October 11, Nevada lost one of her finest citizens, a man highly noted for his hard work and dedication to develop the State of Nevada and better the lives of her citizens.

It is rare to find an individual who can accomplish as much as John did in his lifetime. At the age of 27 John began his distinguished career by becoming the editor and the only news staff member of the Las Vegas Review, then a small newspaper with a circulation of 500. Through tough, heads-up journalism, John devoted countless hours toward publicizing Las Vegas as a tourism destination. By publizing the lives of renowned celebrities, John placed Las Vegas squarely in the limelight of national publicity and noteriety. In 1980 at the city's 75th Anniversary Gala, John was named chairman in recognition of his efforts in promoting the growth of Las Vegas.

In addition to holding the position of editor for 32 years, during which time he led the Review-Journal in a period of dynamic growth, John found time to serve the community he so dearly loved by serving as a judge and a juvenile probation officer for Clark County. John's civic contributions included service as a cofounder of the Las Vegas Junior Chamber of Commerce and on the University of Nevada board of regents.

John Cahlan's record of successful endeavors is long and distinguished. He was one of three persons who was instrumental in the establishment of Nellis Air Force Base and he was a powerful force behind the founding of a State archives in Nevada. John gave generously of his time in serving the State of Nevada.

Mr. Speaker, on behalf of Nevada, I ask that my colleagues join me in solemn remembrence of the contributions John Cahlan has giveen to southern Nevada. His death is a true loss, for few can match this man's outstanding record of accomplishments and service to Nevada.

A TRIBUTE TO LANSING COMMUNITY COLLEGE

HON. HOWARD WOLPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 1987

Mr. WOLPE. Mr. Speaker, I want to pay special tribute to Lansing Community College as it celebrates 30 successful years of academic service to Michigan.

Established in April 1957, the college first opened its doors that year to a few hundred students and 16 faculty members. This year LCC will serve more than 40,000 students and employ nearly 2,000 faculty and staff. This tremendous expansion, together with the fact that over its 30 years some 260,000 individuals have chosen LCC as a source of education and personal enrichment, are eloquent testimony to the college's success.

Philip J. Gannon, the founding and current president of Lansing Community College, has observed that "education is a life long process." Under Dr. Gannon's farsighted leadership, the college has maintained an ongoing commitment to academic excellence and flexible programming. LCC continues to measure its vitality by how well it is responding to the special needs of the people of Lansing and the neghboring communities. The college offers over 200 programs specializing in the liberal arts and technical fields, from avionics and computer graphics to health careers and broadcast journalism, and it provides a constant professional exchange of resources, expertise, and on-the-job experience among LCC students, faculty, area corporations, school districts, the State government, and Michigan State University. Up-to-date educational opportunities abound in this highly integrated learning environment. In addition, Lansing Community College's innovative training, retraining, and placement programs for displaced workers have been of special significance to the people of our State.

In its 30-year history, Lansing Community College has consistently lived up to its mission to expand the scope of its services to reach anyone in the community who seeks them. It has opened 25 off-campus learning centers since 1971 and established special service for learning disabled, minority, and handicapped students, as well as an extensive telecourse system, a computerized self-paced instructional system, and a first-rate international educational exchange. A number of its programs including the adaptive rehabilitation program and the student newspaper, have received State and national awards of excellence.

Mr. Speaker, I know my colleagues will want to join with me in congratulating Lansing Community College on its outstanding educational contribution to the people of Michigan, and in applauding the college's continuing focus on excellence, flexibility, communication, and responsiveness to the community it serves.

A TRIBUTE TO MARTIN McDONOUGH

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 1987

Mr. MATSUI. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to a distinguished member of the Sacramento community, Mr. Martin McDonough, on the occasion of his 50 years of dedicated service to the legal field and the Sacramento area.

Mr. McDonough's career has been a long and notable one. Upon receiving his degree in law from the University of California, Berkeley, in 1937, he accepted a position as a legal aid with the State Relief Administration. Two years later, he began work as the deputy counsel for the California Legislative Counsel Bureau. In 1943, Mr. McDonough took the position as head counsel for the Sacramento Municipal Utility District. He stayed with SMUD until 1951, when he opened a private law firm specializing in water and power law.

Mr. McDonough's private practice has been devoted to water and power work for public utilities, public agencies, and private companies and associations. He is a member of the Sacramento and American Bar Associations and has practiced before State and Federal courts including the California Public Utilities Commission, the Federal Energy Regulatory Commission, the Department of the Interior, and the Nuclear Regulatory Commission.

Mr. McDonough has been instrumental in a great deal of significant legislation. He was involved in the condemnation of the north Sacramento water system, represented the Fresno Redevelopment Agency in a California Supreme Court action testing the validity of proposition 14, and represented the State of Arizona before a special matter of the U.S. Supreme Court in an action settling water rights on the Colorado River.

Mr. Speaker, on behalf of the people of Sacramento and the State of California, I want to congratulate Mr. McDonough for a job well done. His dedication to his community is most admirable indeed, and I want to take this time to offer my warmest wishes to this outstanding individual and wish him the very best of luck in all his future endeavors.

EMANUEL MARGOLIS HONORED FOR DISTINGUISHED SERVICE TO CONNECTICUT BAR

HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 1987

Mr. MORRISON of Connecticut. Mr. Speaker, on November 4, in New Haven, the Connecticut Law Tribune will present its first Award for Distinguished Service to Emanuel Margolis of Westport.

The award is richly deserved. Over the past three decades, Emanuel Margolis has earned a reputation as an outstanding litigator and an untiring advocate for civil liberties and civil rights. He is a highly respected leader not only in the legal community but in the wider community of Fairfield County.

It is appropriate that, in this year that we celebrate the 200th anniversary of our Constitution, we also celebrate the achievements of Emanuel Margolis who has done so much to ensure that the principles of the Constitution are forcefully implemented.

The Connecticut Bar knows Emanuel Margolis as a premier advocate for the first amendment, for due process, and for equal protection of the laws. Connecticut has no more determined fighter for justice than Emanuel Margolis.

Mr. Margolis has been a partner in Wofsey, Rosen, Kweskin & Kuriansky in Stamford since 1965, specializing in criminal, constitutional, and civil liberties law. His cases include a Selective Service case before the U.S. Supreme Court which resulted in an 8–0 decision in favor of his client. He received his law degree from Yale Law School in 1956 after having previously earned a Ph.D in government from Harvard University. In 1986, he was appointed adjunct professor of law at the University of Bridgeport Law School.

In addition, Mr. Margolis has been an active member of the Connecticut Civil Liberties Union for 25 years. He has served on its board of directors and on the board of the American Civil Liberties Union.

He is the author of the "Human Rights Commentator," a regular feature in the Connecticut Bar Journal, as well as many articles on a wide variety of legal issues in leading law journals, including: "The Hydrogen Bomb Experiments and International Law," 64 Yale Law Journal 629–647, 1955; "Medical Malpractice in Connecticut: Landon v. Humphrey Revisited," 32 Connecticut Bar Journal 51–69, 1958; "Questionable Status of Charitable Immunity: A Different View," 33 Connecticut Bar Journal 23–54, 1959; and "New Frontiers in Criminal Procedure," 41 Connecticut Bar Journal 603–625, 1967.

In 1980, he was elected editor-in-chief of the Connecticut Bar Journal and served in that capacity for 3 years. His outstanding abilities as a litigator have been recognized in "Who's Who in America Law" and "The Best Lawyers in America."

Mr. Margolis and his wife, Estelle, an architect, have five children, and have lived in Westport for more than 20 years.

His broad-ranging accomplishments represent the legal profession at its best. I am very pleased to join my colleagues in Connecticut in honoring his record of service, and I know my colleagues in this body will do so as well.

A TRIBUTE TO JOSEPH CLARK

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 1987

Mr. TRAFICANT. Mr. Speaker, today I rise in order to pay tribute to Mr. Joseph Clark, a very special resident of my 17th Congressional District. Mr. Clark's lifetime of service to the labor movement was recognized recently when a union hall in Struthers, OH, was named "The Joseph Clark Hall" in his honor. I would now like to inform my fellow Members of the U.S. House of Representatives about this outstanding man's inspiring life.

Mr. Clark served for over 24 years as a craneman for the Youngstown Sheet and Tube Co. His active involvement in the labor movement began with his three terms as financial secretary of Local 1462 of the United Steelworkers of America. He clawed his way to becoming a staff representative, and slavishly worked with dedication and devotion to become director of the United Steelworkers of America's Youngstown Subdistrict Office in 1973.

Few residents of Youngstown, OH, can match his exhaustive involvement in community affairs. He is an active member of Mt. Zion Baptist Church, served four terms as chairman of the Youngstown Fair Employment Practice Commission, and as 1977-78 general chairman of the United Appeal Fund Drives. He is a past worshipful master of the Masonic Lodge Spirit of Ohio No. 311, and is a member of the McGuffey Centre, the A. Phillip Randolph Institute, and numerous other organizations too countless to mention.

Mr. Clark is still totally devoted to his wife of many years, the former Thelma Wright, and adores both his son Joseph and his daughter Stephanie. Joe, every person who has received a decent wage and good working conditions in the steel mills of Mahoning and Trumbull Counties owes a deep debt to you, and I salute you for your lifetime of fighting for the working man and woman. Thus, it is with thanks and special pleasure that I join with the residents of the 17th Congressional District in paying tribute to the many accomplishments and truly wonderful character of Mr. Joseph Clark.

APPLAUDING THE PASSAGE OF H.R. 3295, FOR THE RELIEF OF NANCY L. BRADY

HON. SHERWOOD L. BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 1987

Mr. BOEHLERT. Mr. Speaker, today, as we consider H.R. 3295, for the relief of Nancy L. Brady, the House is recognizing an admirable example of compassionate voluntarism in the Federal workplace.

Nancy Brady, a constituent of mine employed at Griffiss Air Force Base in Rome, NY, was kept away from her job by long-term illness. In the process, she used up all of her accumulated sick and annual leave. Her coworkers, sympathetic to her situation, came to her aid and volunteered to donate part of their own annual leave to hers, with the idea that it would give her the reassurance of knowing she'd have both the time to heal and the constant income needed to pay for that healing.

It seemed like a simple solution to a terrible predicament—and it was a heartwarming story to boot. But there was a catch. Under current law, the commonly used and commonsense business practice of allowing employees to transfer their annual leave between each other during emergency personnel situations is prohibited by the Federal Government.

This is the rule—regardless of the fact that the cost of employee annual leave is already budgeted into an agencies' appropriations for the year. And allowing Federal coworkers to transfer their annual leave between each other for such justifiable and extraordinary situations is budget neutral. Companies that have incorporated such plans into their leave policies have had no problem in finding employees willing to donate a portion of their leave. They've even reported that the program has fostered a renewed spirit of teamwork and cooperation in their offices, leading to increased amounts and quality in office production.

Now, Nancy has not only courageously battled cancer for over 2 years but she's also been forced to contend with the Federal bureaucracy for relief—a frustrating task, at best, when one is healthy. So on July 8 of this year, I introduced legislation to allow Nancy to receive annual leave from her coworkers. Today, we see the fruits of this labor. With the generous support and assistance of my colleagues in the Judiciary Committee, H.R. 3295 is now before us.

Passage of this legislation will help Nancy with her problems. But what about those others in similar circumstances? There are literally hundreds of Federal employees that are faced with situations like Nancy's. They could all benefit from such a program.

The Office of Personnel Management is conducting a feasibility study toward universal implementation of such a plan. Hundreds of affected workers applied. Three were chosen to participate. Three.

Now it will be at least 6 months until the conclusions of the OPM's study are known. But I've spoken with OPM and they've told me that their program is literally running itself. Mr. Speaker, we can already determine what conclusions the OPM will reach—the evidence and employee support for the program is already overwhelmingly in favor of universal application.

So on this day when we have cut through the bureaucratic redtape to assist a single individual, I'd also like to urge my colleagues to support similar legislation for all Federal employees. The vehicle for such a proposal has already been introduced. H.R. 2487, introduced by Congressman Frank Wolf, would allow OPM to universally apply such a leave-sharing program. There are too many people out there suffering needlessly. The problem is apparent and the solution wouldn't cost a single penny. But it would be priceless to those Federal workers who are being denied access to the relief this program would offer and are wishing that they were the ones standing in Nancy Brady's shoes today.

CONSTRAINTS ON WEST BANK AND GAZA TRADE

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 1987

Mr. HAMILTON. Mr. Speaker, I attach for the interest of my colleagues a recently completed report prepared by the Agency for International Development on constraints in trade from the Israel occupied territories of the West Bank and Gaza. The most important constraints according to the report are imposed by Israel and Jordan, although Egypt also presents barriers to trade, especially in the transportation area.

U.S. policy of trying to improve the quality of life for Palestinians living in the West Bank and Gaza has had strong support here and in the Middle East. This report was prepared as part of ongoing efforts to further the quality of life policy and it is clear barriers of trade are formidable. The Subcommittee on Europe and the Middle East of the Committee on Foreign Affairs required information on this subject.

The State Department report follows:

REPORT ON WEST BANK/GAZA TRADE CONSTRAINTS

I. CURRENT TRADE FLOWS

Israel and Jordan are the Occupied Territories' primary trading partners. In 1985, approximately 66 percent and 32 percent of the territories' estimated 269 million dollars in exports went to Israel and Jordan, respectively. In the same year, of an estimated 668 million dollars in imports, 90 percent came from Israel, 1 percent from Jordan, and the remaining 9 percent from other countries.

West Bank/Gaza's (WB/G) exports to Jordan consist mostly of agricultural products such as olive oil and citrus, plus some processed commodities such as margarine, soap and stone. Imports from Jordan are negligible and limited to a few imported agricultural and industrial inputs. WB/G exports to Israel consist mostly of industrial goods (such as textiles and leather goods produced by Palestinian enterprises on a subcontract basis for Israeli firms), remittances from Palestinians working outside the area and wages earned by Palestinians who commute to jobs in Israel. Very little agricultural produce is exported to Israel. Imports from Israel comprise a variety of agricultural and industrial goods.

II. PRESENT TRADE CONSTRAINTS:

Current constraints on WB/G trade are summarized below according to agricultural, industrial or transportation categories. The most important constraints are imposed by Israel and Jordan, although Egypt also presents barriers to trade, particularly in the area of transportation.

A. Agricultural Constraints

1. Israel

West Bank/Gaza Palestinian agricultural products, with few exceptions, are not permitted to enter Israeli markets; Israeli agricultural produce enters West Bank/Gaza markets without restriction.

Agricultural produce from Israeli settlements in the Occupied Territories freely enter Israeli markets and are treated as if produced in Israel proper;

Agricultural exports through Israel to third countries must go through Israeli organizations (AGREXCO or the Citrus Marketing Board);

Israel reportedly imposes quotas on production (according to West Bank economist Meron Benvenisti);

Higher cost and greater limits on use of water for Palestinians than for Israeli settlers in the Occupied Territories.

2. Jordan

Through a system of official permits and quotas, the GOJ Ministry of Agriculture restricts quantities and timing of most agricultural products entering Jordan (i.e. largely staples which compete with similar products grown on the East Bank). Non-traditional crops (which are not competitive with Jordan produce) are granted free entry.

Packaging, grading and handling restrictions;

Bureaucratic requirements, including certificate of origin, result in delays in entry;

High transportation costs and fees, particularly for goods to be exported from Jordan;

High cost of importing equipment through Jordan;

Products not produced prior to 1967 are not permitted entry into Jordan, except Gaza oranges which are permitted to be imported under a special arrangement.

Problems with marketing, pricing and payment from Jordan's agricultural marketing and processing corporation.

3. Egypt

Prohibition on direct marketing of West Bank/Gaza agricultural products in Egypt.

Unwillingness to permit use of Egyptian ports for transshipment of Gaza agricultural product exports.

B. Industrial Constraints

1. Israel

Restrictions on licensing companies, particularly those whose production would compete with Israeli companies;

Restrictions on entry to the Israeli market of goods that compete with Israeli products;

Restrictions on raw materials entering from Jordan, largely on security grounds;

Discriminatory treatment of Palestinian companies compared with companies in Israel and, particularly, those associated with Israeli settlements with respect to taxation and access to preferred credit rates;

High cost of public service hookups.

Labelling restrictions which insist that West Bank/Gaza production be identified as made in Israel.

2. Jordan

Restriction on entry or export through Jordan of goods that use/contain raw materials and capital equipment imported through Israeli ports;

Limit on amount of production that can enter Jordan;

Only products of companies licensed in Jordan permitted to transport goods to/through Jordan;

No licenses to Gaza companies;

Until recently, no licenses for companies formed since 1979.

C. Transportation Constraints

1. Israel

Time-consuming administrative procedures to obtain permits for travel of individuals and shipment of goods;

Various fees charged individuals and vehicles crossing the bridges;

Transportation delays and damage caused by rigorous inspection procedures.

2. Jordan

Limited number of trucks licensed to cross bridges;

Fees charged on goods transitting bridges;

High transport fees to export points [Aqaba];

Administrative delays at bridges.

3. Egypt

West Bank Palestinians are not permitted overland entry into Egypt;

No overland exports are permitted from Gaza to Egypt or via Egyptian ports.

III. PROSPECTS FOR EASING WB/G TRADE CONSTRAINTS

Limited progress has already been attained in easing some of the above constraints. Jordan, for example, has allowed the registration of 25 additional trucks for use by cooperatives in transporting West Bank produce to the East Bank. Moreover, both Jordan and Israel have cooperated in allowing the opening of branches of an Arab bank (Cairo-Amman Bank) in the West Bank in order to facilitate Palestinian trade and investment. Nonetheless, much greater progress is required before Palestinian businesses can realize their productive potential in both domestic and international markets.

U.S. Embassies in Israel, Jordan and Egypt, and the U.S. Consulate General in Jerusalem continue to stress to host government officials the importance of removing constraints on business activity in the territories. We understand the European Community has also encouraged the GOI to relax trade barriers and has granted preferential access to WB/G agricultural exports. Eliminating the constraints will be a slow process. Progress also needs to be made in developing markets for WB/G exports, in improving credit access and in furthering technological development. Government assistance to West Bank/Gaza through our direct aid program (8.5 million dollars in FY 1987) and through our support of the Jordan Government's West Bank/Gaza program (14 million dollars in FY 1987) will help Palestinians to take better advantage of productive opportunities generated by any easing of constraints.

FAIR CREDIT AND CHARGE CARD DISCLOSURE ACT OF 1987

HON. JOHN M. SPRATT, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 1987

Mr. SPRATT. Mr. Speaker, this week the House overwhelmingly passed H.R. 515, the Fair Credit and Charge Card Disclosure Act of 1987. I was pleased to offer my support to this legislation, which imposes new disclosure requirements on card issuers. I strongly supported this bill which I view as an equitable compromise between consumer interests and credit card issuers. The uniform disclosure requirements of H.R. 515 will allow the consumer to make informed decisions on bank or retailer credit cards, in a highly competitive market.

I wish to commend the House for soundly defeating the amendment to set a ceiling on credit card interest rates. While the amendment was intended to benefit consumers through lowered finance charges, several financial authorities concluded the rate cap would prove detrimental to consumer interests. First, it can be assumed that credit card issuers, faced with loss of finance charge income, would find alternative means of raising revenue. In offsetting the income loss, card issuers might impose annual fees or late payment fees; existing fees might be increased; the interest-free grace period might be eliminated. Thus, a Federal cap on interest rates could increase other costs associated with credit cards. Card issuers might also limit or restrict the availability of credit, a policy that would prove particularly detrimental to lower income applicants. These conclusions were drawn by the Federal Reserve Board, the Federal Deposit Insurance Corporation, and the Comptroller of the Currency.

For the above reasons, I supported H.R. 515, without amendments.

A DIFFERENT VIEW

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 1987

Mr. GINGRICH. Mr. Speaker, there has been a great deal of fanfare about the recent awarding of the Nobel Peace Prize to President Oscar Arias Sanchez, of Costa Rica. Richard Matthews of the Atlanta Journal brilliantly outlines the questions we should all ask the Nobel selection committee. Might it be in the free world's best interest to rename the Nobel Peace Prize the Nobel Freedom Prize and establish a new set of criteria in determining who deserves such distinctions?

The article follows:

[From the Atlanta Journal, Oct. 15, 1987]

HOW DOES NOBEL PRIZE COMMITTEE DEFINE PEACE?

(By Richard Matthews)

The Nobel Peace Prize for 1973 was awarded, with all the usual fanfare, to U.S. Secretary of State Henry Kissinger and North Vietnamese leader Le Duc Tho for the agreement they negotiated to end the Vietnam War. Kissinger accepted happily, but Le Duc Tho surprised the world by rejecting the honor.

"Peace has not yet really been established in South Vietnam," he announced. "In these circumstances, it is impossible for me to accept. . . ."

The gesture was not quite as noble as it might have appeared; as Flora Lewis wrote in The New York Times, the North Vietnamese considered the Paris agreement "a victory over the United States," and thus could hardly have been eager to have Tho share the prize equally with the American negotiator.

It seems even less noble when one recalls that the peace that came of the agreement was only the peace of a totalitarian prison state—under the iron rule of Tho and his comrades.

But the ostensible point raised by Tho's refusal is legitimate: Should the prize be awarded to someone who has worked for peace, or only to someone who has actually achieved it?

In practice, the latter standard is unrealistic—for how often in this world is peace really achieved except through decisive war? So the question becomes, What sort of effort, and what sort of progress, justify this paramount honor?

Costa Rican President Oscar Arias has been chosen for the 1987 prize for his work in creating a plan for peace in Central America, where oppression and rebellion have been the norm for decades. But his plan has only just been accepted by the heads of the governments concerned, and it is far from certain that it will actually bring about the desired results.

A cease-fire and amnesty agreement has been worked out in El Salvador under the umbrella of the Arias plan, but things are still far touchier in Nicaragua, where the contras and the Sandinista government, do not trust each other, and in Guatemala, where the foreign minister has just said talks with guerrilla leaders are pointless because they cannot even get their followers to honor a cease-fire during negotiations.

Of course, the Nobel Peace Prize has been given to others who had not yet won their battles: the Rev. Martin Luther King, Jr., Andrei Sakharov, Bishop Desmond Tutu. Few would suggest that those awards were not well-deserved recognition of critical struggles.

Perhaps it is enough that Arias has managed to bring together people who had previously been unable to find common ground on which to talk about peace. If that is a sufficient criterion, however, then Jimmy Carter should have received the 1978 prize that was given to Anwar Sadat and Menachem Begin, for without Carter there would have been no Camp David agreement.

There is another question about the Nobel committee's decision-making process that may be more troubling than the one about its timing on the Arias choice, however, and that is its definition of peace.

Suppose the Arias plan does stop all the wars in Central America: A likely outcome is that there will still be a leftist totalitarian regime in Nicaragua and a rightist one in Guatemala. The parallel with the Kissinger-Tho instance is interesting. Once again there will be a cessation of war, but not peace—not the kind of peace that includes freedom and human dignity, the kind of peace sought by King, by Sakharov, by Tutu.

The awarding of the Nobel Peace Prize to Oscar Arias may have been premature not because it's too soon to know whether his plan will bring peace, but because it's too soon to know what brand of "peace" it can bring.

PERSONAL EXPLANATION

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 1987

Mrs. COLLINS. Mr. Speaker, although I have requested and received an official leave of absence, had I been present, I would have voted the following on legislation—rollcall votes—considered by the House since September 9:

SEPTEMBER 9

Approval of the Journal (roll No. 313), "yes."

H.R. 1327, National Health Service Corps amendments (roll No. 314), "yes."

SEPTEMBER 15

House Resolution 192, Lithuanian religious freedom (roll No. 315), "yes."

H. Res. 260, reaffirming support for Aquino government (roll No. 316), "yes."

SEPTEMBER 16

Approval of the Journal (roll No. 317), "yes."

House Resolution 256, rule for the consideration of H.R. 1154, Textile and Apparel Trade Act (roll No. 318), "yes."

H.R. 1154, Textile and Apparel Trade Act (roll No. 319), "yes."

SEPTEMBER 17

Lungren amendment to H.R. 442, Civil Liberties Act (roll No. 320), "no."

H.R. 442, Civil Liberties Act (roll No. 321), "yes."

SEPTEMBER 21

House Resolution 265, rule for the consideration of H.R. 3030, Agricultural Credit Act (roll No. 322), "yes."

SEPTEMBER 22

House Resolution 267, rule for the consideration of H.R. 2783, Housing and Urban Development appropriations bill, (roll No. 323), "yes."

Frost amendment to HUD appropriations bill (roll No. 324), "yes."

Crane amendment to HUD appropriations bill (roll No. 325), "no."

Crane amendment to HUD appropriations bill (roll No. 326), "no."

Boland amendment to HUD appropriations bill (roll No. 327), "yes."

HUD appropriations bill (roll No. 328), "yes."

House Resolution 247, rule waiving points of order against converence report (roll No. 329), "yes."

House Joint Resolution 324, debt limit (roll No. 330), "yes."

SEPTEMBER 23

Approval of the Journal (roll No. 331), "yes."

House Joint Resolution 362, making continuing appropriations (roll No. 332), "yes."

Thank you for your cooperation in this matter.

JONATHAN AUSBY III DAY

HON. C. THOMAS McMILLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 1987

Mr. McMILLEN of Maryland. Mr. Speaker, many times in these Chambers I have risen to share with my colleagues the joys and triumphs of my constituents. Today I come not with an award won or a victory gained, but that of a painful loss to my district.

Saturday, November 7, is Jonathan Ausby III Day. Jonathan Ausby III was the only son of Jonathan and Shirley Ausby, Jr., who collapsed and died while playing basketball for Andover High School on February 17, 1987. At the age of 17, before he had even graduated from high school, Jonathan Ausby fell victim to a heart attack.

What can you say about the death of a young athlete, Mr. Speaker? Do you talk of the glories that lay ahead in college due to his athletic prowess? Or do you discuss his other interests and dreams of the future that came from his other pursuits? Are there even words to speak that can possibly ease the pain that has wracked the members of Jonathan's family and his friends since he was taken from us only 9 short months ago.

In honor of Jonathan Ausby III, Mr. Speaker, I ask the following poem written in his memory by Laura Lechitz, a fellow student of Jonathan at Andover, be inserted in the RECORD.

Here stood a man with the will to survive.
He did what he could to keep his dream alive.
A dream that would linger forever and all times, with a strong will he became the best there was to see.
Yes, he had the spirit of a hero.
Oh, there's no need for sorrow, now his spirit is free and his dream will always carry on, even through tomorrow.
Oh, never let the dream die, we've got to help it to survive in remembrance of his lost destiny.
With a strong ambition, he became the best he could be, and he's seen what there was to see.
Yes, he had the spirit, that is of a hero, a spirit that will never die.
A spirit and his dreams will always stay alive.

CONTINUING SUPPORT OF THE FAIRNESS DOCTRINE

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 1987

Mr. DINGELL. Mr. Speaker, I draw my colleagues' attention once again to the groups supporting legislation to codify the fairness doctrine. In addition, I note the addition of the National Association of Black Journalists to the ranks of those who support the fairness doctrine. As the NABJ stated in its letter of support, "Those who say they already 'air all sides', have nothing to fear from a fairness doctrine. As long as it stood, the doctrine set a standard of integrity for all. Broadcasting is one of, if not the most powerful and influential tool in American society today. Its message should not be controlled by the few who are privileged enough to afford licenses. That is why the National Association of Black Journalists supports making fairness law."

GROUPS SUPPORTING LEGISLATION TO CODIFY THE FAIRNESS DOCTRINE

Accuracy in Media.

Action for Children's TV.

AFL-CIO.

American Baptist Churches.

American Civil Liberties Union.

American Clothing & Textile Workers' Union.

American Conservative Union.

American Federation of State, County and Municipal Employees.

American Jewish Committee.

American Lung Association.

Americans for Democratic Action.

Anti-Defamation League of B'nai B'rith.

Black Citizens for a Fair Media.

Center for Science in the Public Interest.

Center for Study of Responsive Laws.

Church Women United.
Christian Church (Disciples of Christ).
Citizens Communications Center.
Common Cause.
Communications Workers of America.
Conservative Caucus.
Consumer Federation of America.
Consumers Union.
Department for Professional Employees, AFL-CIO.
Eagle Forum.
Environmental Action.
Environmental Policy Institute.
Episcopal Church—Office of Communication.
Friends of the Earth.
Fund for Renewable Energy and the Environment.
General Motors.
International Ladies Garment Workers Union.
Media Access Project.
Mobil Oil Corporation.
Morality in Media of Massachusetts.
Motion Picture Association of America.
National Association of Arab Americans.
National Association of Black Journalists.
National Conservative Political Action Committee.
National Council of Churches—Communications Commission.
National Education Association.
National Federation of Local Cable Programmers.
National League of Cities.
National Organization for Women.
National Rifle Association.
People for the American Way.
Public Citizen.
Safe Energy Communication Council.
Seagrams and Sons, Inc.
Sierra Club.
United Auto Workers.
United Church of Christ—Office of Communications.
United Food and Commercial Workers International.
Upjohn.
U.S. Catholic Conference—Department of Communications.
Union of Concerned Scientists.
U.S. Public Interest Research Group.

PROTECTION PACKAGE FOR RIVERS

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 1987

Mr. EDWARDS of California. Mr. Speaker, an editorial in the October 27 edition of the Los Angeles Times offers an insightful look at the role Congress is playing in the preservation of the Merced, Kings, and Kern Rivers. The Los Angeles Times editorial reaffirms the importance of Federal protection for these California rivers, and the need to recognize the value of the rivers not only to the State of California, but to our Nation. The excitement of the rapids and the spectacular wilderness scenery of the California rivers is rarely equaled. By granting wild and scenic status to these rivers, Congress can prevent the development of additional dams which halt the flow of these vanishing flowing rivers.

As the article States, Congress has already passed legislation to protect the Merced and Kings River. I hope the President soon will sign these bills into law. In addition, the Senate has already passed legislation to grant Wild and Scenic status to the Kern River. The House of Representatives should follow this example and pass this legislation which will permanently protect this magnificent river from pollution and destruction. In these days of overdevelopment and growth, let's take this opportunity to set aside this environmental treasure to serve as a reminder of the beauty of our Nation's natural resources. Let us be the ones to protect the Kern River for future generations to experience and enjoy as we can today.

The article follows:

PROTECTION PACKAGE FOR RIVERS

The Merced River delights visitors with its scenic twists and turns as it flows through Yosemite National Park, as does the Kings River in Kings Canyon National Park and the Kern River in Sequoia National Park. These three rivers are generally well protected within those parks, but that protection ends at the parks' edges. Congress is finishing its work to add this protection for all three rivers, and President Reagan should sign all three bills.

Congress has already joined with its California members in declaring that the Merced and Kings Rivers should be part of the National Wild and Scenic Rivers System. The legislation that established that system outlaws development of any sort on some portions of wild rivers, and controls recreational access and related development on others. The act was particularly aimed at halting the damming of America's wild rivers.

The Merced measure—backed by both California senators, Democrat Alan Cranston and Republican Pete Wilson, and by Rep. Tony Coelho (D-Merced)—would preclude the proposed construction of a small hydroelectric dam near El Portal, the gateway to Yosemite. The Kings River legislation—backed by both senators and Rep. Richard H. Lehman (D-Sanger)—would protect the river that flows out of Kings Canyon National Park through Fresno County.

Both bills contain compromises that enabled them to pass Congress. The Merced measure designates the lowest eight-mile section that it covers as a study area should Mariposa County officials decide to construct a second reservoir, although that does not mean that the reservoir could in fact be built. The Kings River bill designates one river stretch, where a dam has been proposed at Rodgers Crossing, as a special management area. This means that after three years a dam could be built. Environmentalists, who are used to eternal vigilance, contend that it will be hard to argue the merits of these projects on rivers once the rest of the river is protected by federal legislation.

The Kern River legislation was passed by the Senate on Oct. 1, and that Senate bill will come before a House interior subcommittee today. The Kern's north and south forks flow south out of Sequoia National Park, and would be protected up to the Tulare-Kern County line. There is limited local opposition to the designation because of inherent distrust of the federal government in those parts. In this case people would be far better off with the government on their side than not.

Now Congress should finish its work on this package of protection. It would be a reaffirmation of the value of these rivers to Californians and to the nation if the President would sign the measures and let the waters roll on.

A TRIBUTE TO DENNIS KODNER

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 1987

Mr. SCHUMER. Mr. Speaker, I would like to take this opportunity to recognize Dennis Kodner, an outstanding and innovative professional dedicated to providing affordable health care for senior citizens in Brooklyn.

Mr. Kodner was a founder and the first general director of Elderplan, a social health maintenance organization that has over 4,000 members in Brooklyn. The success of Elderplan has made it a prototype for a national health care system for the elderly.

A renowned expert in gerontology and long-term care, Mr. Kodner has spoken to both private and government groups across the country, on the health care needs of the elderly.

Mr. Kodner is leaving Elderplan after 10 years of service. But I am sure his expertise and creativity will continue to help improve the quality of health care for the elderly for years to come.

REMEMBERING JEWISH REFUGEES FROM ARAB COUNTRIES

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 1987

Mr. FASCELL. Mr. Speaker, I would like to call the attention of our colleagues to an important international conference that occurred in Washington last week, which was overshadowed by summit speculation, stock market worries, and other immediate issues, but which nonetheless deserves our attention and recognition. I refer to the October 26–28 conference of the World Organization of Jews Living in Arab Countries [WOJAC].

For those of you not familiar with the organization, WOJAC seeks to represent the interests of over 2 million Jews from Arab countries now living throughout the world, the majority of them in Israel, where they make up approximately 44 percent of the population. WOJAC is a voluntary organization which has been approved as a nongovernmental organization by the United Nations' Department of Public Information. I had the privilege last week to meet with representatives of WOJAC's leadership and learn first hand about their valuable work.

WOJAC's Third International Conference last week focused on three key problems facing Jews who still live in, and those who have fled, Arab countries: first, to promote the rights of Jews in Arab countries, especially the right to emigrate if they so desire, as well as the right to have their civil and human rights respected; second, to promote compensation for those Jews who left Arab countries and were dispossessed of their property, and to ensure the protection of Jewish cultural and religious assets in Arab nations; and third, to win recognition of the de facto exchange of populations that occurred in the Middle East with the resettlement of Jews and Palestinian Arabs, and to promote the absorption by Arab states of Palestinian refugee populations.

As the United States seeks to promote a just and lasting peace settlement in the Middle East which protects the national interests of Israel and the United States, it is useful to keep in mind the human dimensions of the Middle East conflict. WOJAC performs a great service by recalling the sacrifices of those hundreds of thousands of Jews who have lost their private and communal property in Arab states, and by focusing attention on the plight of Jews in certain Arab countries, such as Syria, which continue to deny Jews their civil and human rights, including the right to emigrate. In doing so, WOJAC does not indiscriminately lump all Arab states together, but explicitly draws a distinction between countries where Jews live in distress, and the one or two Arab states like Morocco, whose attitude toward their Jewish citizens is relatively liberal.

Mr. Speaker, WOJAC's conference is a timely reminder of the continued suffering of the Jewish community in Syria. While our influence with the Syrian Government is slight, as Americans committed to human rights we must do all we can to improve the plight of this small group, which should not be overlooked as we address pressing concerns elsewhere.

LEST WE FORGET: A MOST DANGEROUS MILITARY PROFESSION—THE AMERICAN MERCHANT MARINER

HON. W.J. (BILLY) TAUZIN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 1987

Mr. TAUZIN. Mr. Speaker, recent events in the Persian Gulf give us, sadly, the opportunity to reflect upon a strong and proud tradition of U.S. military service—U.S. merchant seamen are once again heroes of this Nation.

During World War II, a higher percentage of merchant seamen lost their lives than any other branch of military service except the Marines. In Korea and Vietnam, merchant seamen also played key roles in military operations.

The Americans aboard the reflagged U.S. tanker *Sea Isle City,* knew they were in dangerous waters. The day before they had watched as the supertanker *Sungari* exploded in flames after being struck by a Silkworm missile.

At 5:40 a.m., American radio operator William Kreysler was asleep in his bunk aboard the 81,283-ton tanker *Sea Isle City.* Capt. John Hunt was on the bridge. A crewman saw the missile only moments before it hit. The Silkworm slammed into a ventilating tower in front of the bridge, causing the warhead to detonate just before it hit the superstructure. Only 25 feet from the point of detonation, Captain Hunt was overwhelmed by a wall of flame and flying glass. The force of the blast was so powerful that hot metal shards ripped through 10 steel barriers before the last chunk dug into a steel wall in the rear of the upper boiler room. Radio operator Kreysler rushed to the bridge to find Capt. John Hunt critically injured, lying on his back, covered with blood. Kreysler ran to the communications room to radio a distress signal and helped with the evacuation of the burning ship.

Capt. John Hunt now lies blinded in a Kuwaiti hospital. Seventeen other members of the crew were also injured.

I urge my colleagues to reflect on the bravery of these Americans the next time we are called upon to support the U.S. maritime industry. We must all be aware that we do not now have the manpower or ships to adequately support a major sealift. We cannot afford to write off our maritime industry as just another victim of the restructuring of the American economy. In wartime, the loss of our shipyards will not be made up by Japan or Korea. The lack of a U.S.-flag fleet will not be compensated by the seizure or purchase of foreign flag ships, because we will not have sufficient American seamen trained to sail them. How can we expect foreign seamen to brave such obvious risks to defend our interest?

The next time we vote on an issue affecting our maritime industries, we should remember that they are vital military assets. In times of war or national emergency there will be no replacement for U.S.-built and manned merchant vessels. Absent this resource, our armies will be trapped on foreign soil, without hope of adequate resupply. Our ocean-borne commerce will be halted, and we will be left isolated.

I urge my colleagues to not let the valiantry of the crew of *Sea Isle City* go in vain. We must continue to look upon our maritime industries as parts of our military structure and important attributes of our national security. To neglect the U.S. maritime industry is to leave us weakened and ill prepared to meet the challenges of a hostile world.

A TRIBUTE TO FRANK C. KOLLER

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 1987

Mr. YATRON. Mr. Speaker, I rise today to pay tribute to Mr. Frank C. Koller of Kenhorst, PA who will be celebrating his 101st birthday on November 18, 1987. I am honored to add my good wishes on this important and joyous occasion.

A well-known and respected gentleman, Mr. Koller has been a dedicated member of the community having served on the Kenhorst Borough Council for many years. He has been involved in numerous other community functions as well, providing a role model for which all citizens might seek to emulate. In addition to his devotion to public service, Frank Koller has been equally committed to his home life. He and his wife Mary, 96 years old, currently enjoy the designation of oldest living couple in the Borough of Kenhorst. This, too, is a milestone which few are fortunate to reach.

Mr. Speaker, I know that my colleagues will want to join me in offering sincere congratulations to Mr. Koller on his special day and best wishes for every happiness in the future.

BIRMINGHAM TAPPED TO HOST 1988 PRESIDENTIAL DEBATE

HON. BEN ERDREICH

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 1987

Mr. ERDREICH. Mr. Speaker, the League of Women Voters will host three Presidential debates and one Vice Presidential debate in September and October 1988, and I am pleased to tell my colleagues in the House that Birmingham, AL, which I represent in the U.S. Congress, has been selected as one of the debate sites.

This latest coup is yet another acknowledgement of Birmingham's appeal as a city, in terms of ongoing economic progress and jobs creation, culture, education, entertainment, health care, housing, recreation, and southern heritage. And Birmingham's residents owe a round of applause to the local members of the League of Women Voters for their successful efforts in securing Birmingham as a site for one of these debates.

The league has been working to bring the debate to Birmingham since 1985 and is to be commended for giving the voters in Alabama and across the Nation the opportunity to view firsthand the candidates for the highest elective offices in the United States. Birmingham, Jefferson County, and Alabama are proud to host this national debate during the Presidential election of 1988.

I applaud the League of Women Voters for its foresight in providing Presidential debates to the citizens of this country, and am certain that the residents of Birmingham join me in looking forward to hosting one of these debates in 1988.

PERSONAL EXPLANATION

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 1987

Mr. DANNEMEYER. Mr. Speaker, on November 2, 1987, I was unavoidably out of town and missed that day's session. When the Congress concluded business on Thursday, October 29, no recorded votes were scheduled for Monday. As it turns out, there were five recorded procedural votes caused by the unruly nature of the vote on final passage of H.R. 3545 on October 29. Had I been present yesterday, and disavowing any semblance of self-incrimination, I would have voted as follows:

"No" on recorded vote No. 396, the first motion to adjourn.

"Yes" on recorded vote No. 397, a motion by Mr. Sensenbrenner to arrest absent Members of the House.

"No" on recorded vote No. 398, the second motion to adjourn.

"Yes" on recorded vote No. 399, a motion by Mr. Walker to compel the attendance of absent Members.

"No" on recorded vote No. 400, the final motion to adjourn.

NOVEL PROGRAM AT KODAK

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 1987

Mrs. SCHROEDER. Mr. Speaker, I would like to commend Eastman Kodak Co. for taking the lead on work and family issues. 80,000 Kodak employees will enjoy job protected unpaid leaves under a new policy modeled after the Family and Medical Leave Act, H.R. 925. Kodak has adopted a 4-month parental leave policy to provide its employees unpaid family leave for the birth or adoption of a child, or the serious illness of a family member.

The following Denver Post article describes Kodak's policy in more detail.

[From the Denver Post, Nov. 1, 1987]

Novel Program Lets Kodak Workers Take Unpaid Family Leave

(By Peter G. Chronis)

Eastman Kodak Co. will allow its U.S. employees—including some 2,800 workers in Windsor—to take up to four months unpaid family leave.

The novel plan was announced by the company Friday and was hailed by the office of Rep. Pat Schroeder, D-Colo., an advocate of liberalized leave policy and other family-oriented work benefits.

Eligible workers will now be able to take the leaves for the birth of a baby, adoption of a child below school age, addition of a step or foster child to a family, or to care for a seriously ill family member whose care requires full-time absence from work.

Additionally, employees who take the leave will be able to continue health and life insurance coverage by paying applicable employee contributions, Kodak said.

Terms of Kodak's policy are about the same as those originally proposed in Schroeder's family and medical leave act, which has since been revised in the House Education and Labor Committee, said Sharon Triolo-Moloney, one of Schroeder's aides.

Schroeder had asked for up to 18 weeks' unpaid leave for birth, adoption or serious illness, she said. Additionally, Schroeder's bill sought extended medical leave in the event of serious accident or similar event, Triolo-Moloney said.

The current version of the bill provides for up to 18 weeks' leave for birth, adoption or illness in the family, Triolo-Moloney said, and up to 15 weeks for medical leave.

"We have limited detailed information about how it will work," said Ron Brinkman, assistant to the manager of Kodak's Colorado division, "but I anticipate the employees will be pleased with the program."

The Kodak leave plan is in addition to the paid maternity leave for new mothers, Brinkman said. There had been no previous provisions for fathers to take leave, he said. The earlier leave policy wasn't as liberal, Brinkman said, with paid maternity leave depending upon individual circumstances and medical considerations.

Kodak said employees will be able to take the family leave no more than once every two years. For women who take leave to have a baby, the family leave would begin after the expiration of maternity benefits, the company said.

The new policy applies to regular full-time and regular part-time employees with at least one year of service, the company said. Employees taking the leave will be reinstated to their former positions or similar positions, Kodak said.

Kodak's Colorado division began informing supervisors of the new policy Friday, Brinkman said.

Kodak employs slightly more than 80,000 people in the United States.

A TRIBUTE TO ENOLA MAXWELL

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 1987

Ms. PELOSI. Mr. Speaker, it is with great pleasure that I rise today to salute a courageous and successful woman from the Potrero Hill community in the city of San Francisco, Mrs. Enola Dundy Maxwell. On the occasion of the 80th anniversary of the Potrero Hill Neighborhood House of which she is the executive director, Mrs. Maxwell was honored for over 40 years of remarkable accomplishments and community service.

From her days as an aide to the Olivet Presbyterian Church minister—while studying for the ministry—Enola Maxwell has dedicated the past 25 years to serving the people of Potrero Hill. In 1967, the San Francisco Presbytery commissioned her its first lay minister and since that time her most eloquent sermon has been the example she has set through her life of service to her community. It is her deeds, even more than her mighty words, that have won her a place in the hearts of her fellow citizens.

In the last 15 years she led the Potrero Hill Neighborhood House to its position as a multipurpose social agency that provides services to a broad-based and diverse community. These services include youth programs, senior citizen activities, a center for developmentally disabled adults, and a home to a wide range of cultural programs for Potrero Hill and the city as a whole. She has created in our city an institution whose sole purpose is to fulfill the scriptural commissions to feed the hungry, to clothe the naked, to house the homeless—in short, to give strength to the powerless.

Mrs. Maxwell is well known not only for her service but also for her compassion. Rooted in her faith and in the strength of holding together four generations of her family as a single parent, she has an uncommon understanding of others. She is a counselor to the powerful and the powerless alike. She is a woman who is always there for those in need, always ready to provide support, advice, and assistance.

It is the children for whom Enola Maxwell reserves her most abiding concern. They are the ones whom she knows to be the most tragic victims of the problems and injustices of our society. In their hands lies the future. She knows that if she can make a difference with them, and for them, she will have made a great difference in our world.

Out of Mrs. Maxwell's compassion has come her vision. She has a perception and understanding of the human condition that has led to action in many situations long before action was popular. As a religious and political leader in the black community, she was an early supporter of gay and lesbian civil rights. Her participation in the struggle for black civil rights taught her that as long as any community is discriminated against, no community is free.

Enola Maxwell marched in Alabama with Dr. Martin Luther King, Jr. during the civil rights action, and was a participant in the 1960's sit-ins to integrate businesses in San Francisco. She continues to work with Mrs. Coretta Scott King in furthering the goals of the Martin Luther King, Jr. Center for Nonviolent Social Change. She worked on the committee to honor the memory of Dr. King with a federally sanctioned public holiday beginning in 1986. She is committed to the peace movement and works actively in the Women's International League for Peace and Freedom.

Mrs. Maxwell has served, and still serves, on several city and regional committees, as well as church sponsored committees, and is very well respected for her outspoken and direct approach to local problems. Her concerns about the education of inner city youth, the spread of AIDS, the epidemic proportions of teenage pregnancy, and the economic status of single parent families are uppermost in her priorities.

She was instrumental in bringing the Federal summer youth employment and the mayor's local in-school employment programs to Potrero Hill, and continues to give guidance to them, while fighting to retain the programs despite budget cuts.

Potrero Hill is a neighborhood in transition and Mrs. Maxwell has been a leader in the process of bringing together various competing elements of the community, forging in the process an effective political force. Whether the problem is garbage collection in the projects, a pornography district in the residential neighborhood or the stopping of an inappropriate PG&E expansion, she is in the lead, creating an effective coalition to fight for the needs of the people she serves.

When Mrs. Maxwell was appointed executive director of the Potrero Hill Neighborhood House, there was a fear among some of the old-time members in the community of this strong-minded black woman. It is a tribute to her wisdom and her work that many of these same people now come to the senior lunches at the NABE and call her mom.

Mr. Speaker, this is not the first time the work of this dedicated woman has come to the attention of this body. In 1976 my predecessor, the late Philip Burton of California, paid a similar tribute to Mrs. Enola Maxwell's service, compassion, and leadership. Because of the unrelenting strength of her commitment, we once again pay her tribute and honor.

ASPIN LOOKING AT THE WORLD AFTER INF

HON. DONALD J. PEASE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 1987

Mr. PEASE. Mr. Speaker, it is official. General Secretary Gorbachev is coming to America on December 7, 1987, to sign an intermediate nuclear force treaty with President Reagan. I welcome this development as well as the hope it gives for more substantial arms control agreements down the road.

At the same time, we should heed the concerns expressed by the distinguished chairman of the House Armed Services Committee, LES ASPIN. He recently delivered a very incisive speech to the American Association for the Advancement of Science on how to proceed from consummation of an INF treaty. Following is an excerpt of his remarks that speak to a concern that many of us share—how to respond to Soviet advantages in conventional forces in Europe?

CONVENTIONAL FORCES

A review of the literature shows that there has been no lack of analyses of the conventional balance. These analyses abound, and their results vary widely, depending upon their political and methodological assumptions. The findings range from a portrayal of NATO with a slight advantage—a 1.5-to-1 ratio in its favor—to a large superiority for the Warsaw Pact—a 4-to-1 advantage in its favor. While there are many detailed considerations, the spread of these results seem dominated by different assumptions in two major areas:

Who will fight? (Will France join forces with NATO? Will the Eastern European satellites fight wholeheartedly on the side of the Soviet Union or will they fight with indifference, or would they use a crisis as an opportunity to rise up against their Soviet occupiers?)

When will they be ready to fight? (Will NATO get clear warning of Warsaw Pact mobilization for war? With warning, will NATO mobilize, or exercise restraint to avoid further ratcheting up the crisis?)

There is no simple answer to these questions. Nor is there any way we can predict with certainty the behavior of nations in a crisis of unknown character at some unknown time in the future.

In the literature, however, the median result of the studies on the conventional balance shows a 2.5-to-1 Pact advantage after several days of mobilization. There also seems to be a judgment that if this ratio can be shifted to around 1.7-to-1, the picture changes dramatically. With this ratio, the Warsaw Pact would face the strong risk that if it were to initiate an offensive it would either fail or end in a stalemate. This would be a powerful deterrent.

If one subscribes to these typical views of the balance, then NATO has a straight-forward solution—add enough forces to get the ratio down to 1.7-to-1. By my calculations, this would mean adding about 10 more divisions.

That is easier said than done. As desirable as 10 extra divisions would be, and they are desirable, there are reasonable doubts as to whether they could ever be put together, at least over the next decade. Ten more divisions would not come free. Initially they would cost about $75 billion, plus $20 billion annually thereafter. These are startling amounts, and are far more expensive than buying defense with nuclear weapons. While on paper NATO could afford these amounts, it's tough to imagine the alliance contributing these numbers at a time when America is working away at the federal deficit, and the allies are retrenching on defense spending.

There is also the problem of a declining pool of 18-year-olds in the NATO countries, leading to serious doubts as to whether the necessary manpower would be available without major social disruptions.

There's another point. Even if NATO bought 10 extra divisions, it is not clear that this would necessarily give us confidence that the conventional balance problem was fully solved.

First, there are some reputable analysts who feel that even if we could get the force ratio down from 2.5-1 to 1.7-1, this would still be insufficient. The argument is also made that, barring other factors, the Soviets themselves may not be deterred by 1.7-1 force balance. Thus, skepticism about this approach would remain, and the debate would continue.

Second, it is by no means clear that just building up our forces is what needs to be done, or that it is really sufficient by itself. One analyst, Steve Biddle, has done some interesting work that suggests the character of the forces is as important as the ratios, perhaps even more so. Now, I believe this conclusion is pretty tentative, and a lot more work needs to be done to assess it. But I think we may have been neglecting an important dimension of how to think about conventional warfare beyond mere bean counts, important though the balance of beans can be.

Consider the following. We have established that the balance before the war is very uncertain. But what happens once the war has begun is even more uncertain.

Drawing on Biddle's work, there are two models of conflict that are instructive as to how conventional combat might be carried out. The first model has force structures under which the side that attacks first attains significant military leverage. By massing forces at surprise points, the attacker can rapidly break through defenses to capture strategic positions in the rear. Ultimately, the aggressor can defeat the defender with relatively low casualties. In this model, as time goes on, the force ratio becomes ever more favorable to the attacker.

In short, in this model, it pays to attack first.

The second model is one with force structures where defense has inherent military advantages. The basic nature of its defensive posture makes its casualties low while the attacker is exposed to fire and experiences very high losses. In this model, as time goes on, the force ratio gets even more favorable to the defender.

In short, in this other scenario, it pays to be the defender.

In looking at these models, we should highlight two points. First, they reveal that looking at the conventional balance before the war starts is not necessarily the best way to predict the outcome of a conflict. Forces with starting advantages or disadvantages may win or lose, depending on the character of their force structures. Indeed, the conclusion is that in seeking an acceptable conventional balance, NATO should be concerned less with the size of its forces, and more with their structure.

The second observation has to do with our basic objective: how do we deter aggression by the Warsaw Pact without an excessive reliance on the use of nuclear weapons, and what kind of forces do we need to accomplish this.

The first model of combat, where the side that attacks succeeds, is what I call "unstable" in a crisis. In such an unstable military environment an aggressor has little incentive to resort to diplomacy. If he shows restraint and waits for diplomacy to succeed, the other side may attack first, getting the upper hand. In this model, the incentive is for diplomacy to take a back seat to the military option.

The second model, where the posture of the side that attacks deteriorates, is what I call "stable." Neither side has an incentive to attack first because the attacking side uses up more forces than the defending side does. In this model the incentive is for diplomacy to dominate as the instrument of choice in resolving a crisis.

Of these two models, a world of conventional stability is clearly preferable. And indeed there are specific measures we could take that would move us demonstrably in the direction of a more stable military environment.

In considering these measures, let's return to the specific military situation in Europe today. By all rights it is arguably unstable. The Warsaw Pact forces are characterized by large armored formations designed for mass attacks at points of their choosing along NATO's defenses. Their objective is to achieve quick breakthroughs, where follow-on armored forces can punch through to strategic objectives in the rear. This could lead to the collapse of NATO's defense with relatively low casualties. Bluntly put, the present situation in Europe almost exactly fits the instability model.

So the question becomes: How do we design forces to counter this? The answer is to deal directly with the essential element that makes workable the Warsaw Pact plan of quick penetration and exploitation of the rear—armored forces, specifically tanks, the gut and sinew of the enemy's capability. If we clearly have the capability to neutralize Soviet tanks and make their losses inevitably higher and higher as the war progresses, then we have stability. There are several ways we could set about accomplishing this.

First, we can build anti-tank barriers—dirt trenches, canals, concrete walls, mine fields. Barriers will not stop tanks dead in their tracks, but they can slow them down and pinpoint their location so that the array of our firepower—artillery, helicopters, aircraft and other means—can destroy them. There is almost universal expert agreement that barriers give tremendous leverage to the defender in imposing casualties on the attacker.

Second, we should focus far more on employing effective, infantry-fired, anti-tank weapons. Of course, we already have sizable numbers of weapons in our arsenal. The big question, however, is how well do they work. And here we need to do much more hard-nosed research and testing to get these systems to the point where they are truly effective. This is an area that demands a good deal of emphasis.

The third is effective close air support. Since our adversary can mass his forces for penetration where and when he chooses, we need to be able to counter-punch quickly. Close air support can help accomplish this. It can quickly mass impressive amounts of firepower anywhere against enemy armor on the battlefront.

Fourth, we need to recognize that some Soviet armor will still be able to mass sufficiently and penetrate into NATO's rear. This armor can be neutralized with dispersed infantry units roving throughout the depth of NATO's rear with anti-tank weapons. Relatively invulnerable to enemy fire, these light units would be backed up further by NATO armored units held in reserve.

To recap: we need to use barriers, anti-tank weapons, close air support, and light infantry in-depth and operational armored reserves. With these measures, there is strong reason to believe from the analysis that we can achieve a much higher degree of conventional stability.

Once conventional stability is attained, we will be in a world somewhat analogous to nuclear crisis stability—a world where, if our adversaries attack first, they will gain minimal military advantage at best, but risk devastation to their forces.

Conventional stability can change the nature of conventional war away from memories of World War II where Blitzkrieg attacks gave hope of quick, relatively painless victory. Stability will create a new vision—the militarily-unappealing prospects of a World War I scenario, where attacks on trenches extracted massive casualties with little gain. Through these measures we just may be able to create a powerful new deterrent in Europe. At that point, we will have created a world where conventional war gives the attacker little hope of victory, and diplomacy will become a far more rational alternative to crisis resolution.

Now these measures I'm recommending are tentative. While I believe they'll point us in the right direction, they're hardly the last word on the issue. The fact is, this area needs a whole lot more work and a whole lot more analysis. It requires the kind of thinking we didn't have to do in the past, but we need to do now. And because we are, of necessity, plowing new ground, we need to be prepared to think creatively. By creatively, I don't mean anything goes—but I do mean that we need to keep an open mind in coming up with solutions to an awfully tough problem.

CONGRESS BECOMING A "BANANA REPUBLIC HOUSE"

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 1987

Mr. SOLOMON. Mr. Speaker, it's obvious that the majority party won't even stop at changing the rules in the middle of the game, so arrogant has it become in its exercise of naked power.

It's a fact that hasn't gone unnoticed by the editorial writers of the Wall Street Journal. For those who may have forgotten how thoroughly the House disgraced itself with last spring's vastly undeserved pay raise, the Journal has performed the great service of describing last week's sleight-of-hand to rescue a $12.3 billion tax bill. If this episode were not so typical of the decline of institutional integrity, if it were not so indicative of how closely this body has come to resemble the worst Central American dictatorships, it would be comical. But it is no laughing matter, and that is why I feel obliged to insert the editorial in the RECORD. It speaks for itself.

BANANA REPUBLIC HOUSE

Yesterday, the House was in a state of limbo, with members unable to either finish their business or go home. For nearly four hours, House Speaker Jim Wright, faced with a Republican uprising over the tactics he used last week to ram a tax-increase bill through the House, didn't have a quorum needed to conduct business.

In recent years, a disturbing pattern of unfair committee ratios, proxy voting and violations of the House's basic rules has begun to undermine the chamber's institutional integrity. Under Speaker Wright, politics in the House has continued to deteriorate.

The most egregious example occurred last Thursday when by one vote the House passed a measure to raise $12.3 billion in new taxes. Speaker Wright had been embarrassed early in the day when 48 of his fellow Democrats broke ranks and blocked consideration of the bill. Mr. Wright then pulled out all the stops, even deciding to suspend time itself.

To avoid a requirement that he couldn't bring a new version of the bill up for a vote on the same day, Mr. Wright adjourned the House at 3:17 p.m. on Thursday, so that he might instantly reconvene the chamber on the following "day," which arrived a minute later, at 3:18 p.m. The House clocks actually had to be stopped for seven minutes and then reset, so that the new "day" would start on time. "The House is convinced the sun rises and sets over it, but this is the first time I've ever seen us readjust the sun," said GOP Rep. Hank Brown of Colorado. Students of Congress report this tactic has been used only three times in the past 200 years, and never for such a controversial subject.

The House then brought the bill back onto the floor for a final up-or-down vote. Despite intense lobbying, it still failed 206-205. After several minutes spent searching for absent members, Speaker Wright reluctantly closed the vote.

Then, according to the Journal's account, the speaker's top aide, John Mack, ran down the aisle "all but dragging " Texas Democrat Jim Chapman with him. The congressman filled out a card changing his vote and gave Speaker Wright his victory.

This kind of chicanery is becoming pervasive in the House of Wright. Last month, the House Interior Committee approved a water-projects bill that was opposed by environmental groups as a special-interest giveaway. According to Ed Odann, water resources director for the National Wildlife Federation, only nine members of the 41-member committee were present when the bill was approved. "I was there, along with other witnesses, and the room was nearly empty when the bill passed by voice vote," Mr. Odann says. When GOP Rep. Robert Walker objected to the apparent lack of a quorum on the House floor he was told that a quorum had been present although "attendance was not taken."

The real power in the House is now held by the liberal majority in the Democratic caucus, a group that elected Speaker Wright and to which he is beholden. The rights of the Republican minority and many moderate Democrats are routinely trampled. Every year less and less restraint in the exercise of raw power is shown in the House.

Polls consistently show that the public holds Congress in low esteem. With good reason. The rule-by-whim encouraged by Speaker Wright is more appropriate to a banana republic than a country that just celebrated the bicentennial of its Constitution.

RECOGNITION OF CHRISTIAN HOLMES

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 1987

Mr. BONKER. Mr. Speaker, in my capacity as chairman of the House Foreign Affairs Subcommittee on International Economic Policy and Trade, I have been responsible for providing oversight to the U.S. Trade and Development Program. In this regard, I have watched over the years with increasing admiration the work of the TDP Director, Christian Holmes. In a span of some 6 years he has managed to transform a small U.S. Government agency into one of the most successful and active U.S. trade promotion entities in the U.S. Government.

Mr. Holmes will soon be leaving the U.S. Government to take a senior position in the private sector where he will be working as a vice president with the Cooper Cos., a leading manufacturer of medical technologies. Mr. Holmes is one of the finest public servants I have yet encountered and I believe his departure from the Federal Government is a real loss to our Nation.

When I first came to the Congress in 1974, Mr. Holmes was beginning a career with the Agency for International Development. Prior to that, he had worked for several years as the chief of staff to one of our former and highly respected colleagues, Congressman William Mailliard. He arrived at AID at a time when millions of people throughout the developing world were threatened by incredible hardship brought on by famine and warfare. He embarked on a career concentrating on the most important element of our foreign assistance program: saving lives and alleviating the suffering of disaster and war victims throughout the developing world. In this regard, he quickly moved up the ranks, initially serving as the Principal Assistant to the President's Special Coordinator on International Disaster Assistance and subsequently as the chief operating officer of AID's International Disaster Relief Program and finally as the Principal Deputy Assistant Secretary for Refugee Programs. During this period, he personally conducted on-site assessments in some of the most devastated regions of the developing world, including war zones of East Timor, the Thai-Cambodian border, and Ethiopia; earthquake stricken regions of Central America, and the drought devastated Sahel area. As a result of his work, he has bettered the lives of millions of people throughout the developing world.

In 1981, he turned his impressive managerial talents to helping our Nation organize an entirely new program targeted at both opening up export markets in the developing world and in fostering economic development. In this regard, over the last 3 years he has played a pivotal role in the U.S. Government efforts to utilize foreign assistance resources to both promote economic development as well as trade and investment throughout the developing world and in particular in the Pacific Basin. He has taken the U.S. Trade and Development program from a small organization with scant resources to one which has won such confidence from, the Congress that we have increased its budget over the last 6 years by some 400 percent. As a result of his leadership, the Trade and Development Program has now generated approximately $1 billion in U.S. exports and has financed some 43 projects in 74 countries. It is with great satisfaction that this program, which my committee has played a lead role in supporting, has now become the centerpiece of the trade finance section of the trade bill wherein the Congress proposes to transfer even more authority and funds to the Trade and Development Program to assist in its impressive efforts to open new markets while also helping developing nations in their economic development efforts.

One of his most important achievements has been personally initiating, negotiating, and overseeing the implementation of a major technical assistance program in China which has not only helped the Chinese in their modernization efforts but has also helped U.S. firms get on the inside track of the development of major projects throughout China. Over the last 6 years Mr. Holmes personally traveled to China numerous times and has enabled the Trade and Development Program to reach the point where it is now financing 40 projects throughout China and has already generated some $50 million in United States exports to these projects.

As a result of his work this administration and prior administrations have given him considerable recognition; as a member of the Senior Foreign Service, at Minister Counselor Rank, he has twice received the President's Meritorious Award, one of the highest awards to which a member of the Foreign Service can aspire.

My colleagues and I on the House Foreign Affairs Committee will indeed miss working with Mr. Holmes. He has accomplished a great deal and we wish him well in his new endeavors.

THE SOVIETS: JUDGE THEM BY THEIR ACTIONS, NOT THEIR WORDS

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 1987

Mr. BROOMFIELD. Mr. Speaker, the Soviets have shattered yet another agreement with the United States. How can we trust the Kremlin to follow the letter of a possible INF agreement if they openly violate a simple accord concerning the treatment of U.S. military liaison personnel in East Germany? While an INF agreement may be near, I urge the administration to stop handling the Soviets with kid gloves. Let's ruffle their feathers instead of sheltering the visiting Soviet Foreign Minister from protestors in front of the Department of State. Let's call a spade a spade and discuss these unwarranted attacks on U.S. military personnel with the Soviets. A government that kills innocent Americans in East Germany is a government that may someday ignore the INF agreement and threaten the security of all of us.

In 1985, I strongly protested the murder of U.S. Army Maj. Arthur D. Nicholson, Jr., in East Germany. I called for the departure of the Soviet Ambassador to the United States if the Russians failed to apologize for that unwarranted assassination. While performing routine liaison work in East Germany, Major Nicholson was shot by a Soviet soldier and allowed to bleed to death. A few months ago, another U.S. soldier was wounded by Soviet troops.

All of this goes on in clear violation of a 1947 agreement with the Soviets concerning the activities of the U.S. military liaison mission in East Germany. After the brutal murder of Major Nicholson, United States and Soviet teams worked out a 1986 compact designed to prevent future incidents of this nature. The harassment of U.S. forces, however, continues unabated in clear defiance of the agreements and the spirit of better United States-Soviet relations.

While the diplomats in our Government are tryng to ignore serious incidents of this type as the signing of an INF agreement draws near, I for one will not roll over and forgive this cruel Soviet behavior. The Russian bear is still heartless even if he tries to mask his brutal acts with the rhetoric of glasnost.

I urge the administration to raise the ongoing abuse of U.S. forces in East Germany with the highest levels of the Soviet Government. I urge our President to proceed with caution in signing accords with the tough and devious street fighters from the Kremlin.

With these concerns in mind, I commend the following Washington Times article on this subject to my colleagues in the Congress.

[From the Washington Times, Oct. 26, 1987]

PRESENCE OF MALICE

The Defense Department has just declassified information that shows how glasnost works in real life. The documents describe Soviet assaults on U.S. military personnel in Europe, and strongly suggest that future Soviet behavior will not depart substantially from the brutality of the past.

In March 1985 U.S. Army Maj. Arthur Nicholson was shot and left to bleed to death by Soviet troops while he was on routine military liaison mission in East Germany. The response from Soviet Gen. Mikhail Zaitsev was to denounce the murdered liaison officer as a "spy."

Last month, Soviet soldiers again fired on two American servicemen in East Germany while they were engaged in similar official business, supposedly protected by a 1947 agreement between the U.S. and Soviet armies. Their vehicle was riddled with gunfire and one man was slightly wounded. Soviet Foreign Minister Eduard Shevardnadze grudgingly apologized for the violence, though not without accusing the Americans of "gathering radio and electronic intelligence" near a restricted area.

The Defense Department information, declassified at the request of Rep. Jim Courter of New Jersey, shows the assaults on Maj. Nicholson and the two GIs last month were neither unique nor accidental. "Since the March 1985 incident in which a Soviet soldier shot and killed . . . Arthur D. Nicholson there have been five incidents in which USMLM [U.S. Military Liaison Mission] personnel or vehicles were struck physically by Soviet or East German personnel," writes Deputy Assistant Secretary of Defense John Maresca in a letter to Mr. Courter.

The five incidents include the wounding in September of Master Sgt. Charles Barry by a Soviet bullet fragment that struck his arm. The other four involve what appear to be deliberate Soviet or East German attempts to detain U.S. military personnel on official business or run their vehicles off the road.

In addition, "there have been several other occasions during which USMLM tours have been temporarily stopped and detained by Soviet military personnel and subsequently released," as well as "other incidents in which personnel from Warsaw Pact countries have struck or fired upon U.S. military personnel in Central Europe." Rep. Gerald Solomon, who has sponored a resolution condemning the Soviets for their mayhem, recounts serveral similar incidents from the early 1980s in a letter to his colleagues last month. Mr. Maresca writes that "We consider incidents such as these serious, with the potential for even graver consequences."

This view evidently isn't popular in Foggy Bottom. "The State Department types," a Defense official told Washington Times reporter George Archibald a few weeks ago in the wake of the attack on Sgt. Bradley, ". . . don't want to step on the Soviets' toes at a time when high-level talks are going on."

But it does not take Sherlock Holmes to detect a pattern: The Soviets are deliberately impeding legitimate U.S. liaison activities protected under the 1947 agreement and by a 1986 compact intended to prevent assaults on U.S. troops after the Nicholson murder.

Mr. Courter says "It's a challenge to us to accept the injury without responding in kind, and then to continue with things like arms control as if it never happened." He compares the pattern of attacks with the recent Soviet missile tests off Hawaii. The Soviets' persistent contempt for agreements they have signed and their continued assaults on U.S. soldiers raise serious questions about their willingness to abide by other diplomatic commitments. As the administration pursues an INF treaty, Mr. Gorbachev is now saying no summit meetings without concessions on SDI. But Soviet behavior suggests we need a missile defense and our men in East Germany need bulletproof vests.

CONGRATULATIONS TO DUNCAN HUNTER

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 1987

Mr. DREIER of California. Mr. Speaker, I wish to extend congratulations to my California colleague, DUNCAN HUNTER, the recipient of a Distinguished Service Award from democratic resistance groups around the world. Mr. HUNTER received this award from a special gathering of senior leaders of resistance movements in Afghanistan, Angola, Cambodia, Ethiopia, and Nicaragua participating in the World Contra Summit. This event was a part of the annual meeting of the American Security Council Foundation. I would like to point out that this is the first time these leaders have come together to present a special award to just one Member of Congress.

This prestigious award could not have been bestowed on a more deserving person. I have worked with Congressman HUNTER since 1981 when we first arrived here. I am continually impressed with his efforts to advance the Reagan doctrine and focus attention on the plight of oppressed peoples around the world. I was pleased to have the opportunity last summer to travel to Central America with Mr. HUNTER where we worked together producing the film "Ballots or Bullets." I must say, Mr. Speaker, that DUNCAN shows promise as a movie director.

I have also worked with the gentleman from California on important issues of national security as a member of the bipartisan Coalition for Peace Through Strength of the American Security Council. This organization is in the forefront of major developments affecting the defense and foreign policy of the United States. I know my colleagues join me in extending well deserved congratulations to our friend.

I would like to insert into the CONGRESSIONAL RECORD the remarks of Yonas Deressa, of the Ethiopian Peoples Democratic Alliance, when he presented the Distinguished Service Award to DUNCAN on behalf of all of the resistance organizations.

[Yonas Deressa's remarks follow:]

REMARKS OF YONAS DERESSA

Before we conclude the World Contra Summit, my colleagues and I in the democratic resistance movements would like to make a special presentation. I know that I am speaking for the senior leadership of the democratic resistance efforts not just in my country of Ethiopia, but in Afghanistan, Nicaragua, Angola, Cambodia, and Laos when I tell you how grateful we all are to Congressman Duncan Hunter of San Diego, California.

Since he arrived on Capitol Hill in 1981, Congressman Hunter has given priority attention to the needs and aspirations of resistance forces throughout the world. It goes without saying that his voting record both in the House Armed Services Committee and on the floor of the House of Representatives has always reflected his concern for our diverse efforts, but we are sincerely grateful to Congressman Hunter for far more than his voting record and rhetoric. We all know that Duncan Hunter has been there when we have needed him the most. I think all of you are familiar with the up and down plight of military aid levels for the Nicaraguan Resistance, and it was not until last year that the UNITA forces in Angola first received U.S. assistance, and the same is true for the Khmer People's National Liberation Front. Duncan Hunter was in the forefront of the legislative efforts that made these actions possible, and he laid the ground work for our efforts years before they were adopted by key opinion makers.

Duncan Hunter's commitment to peace, freedom, and democracy is underlined by his activities during the past few months alone. It was Duncan Hunter who led a Congressional Delegation in August to Central America to meet with key government officials, resistance leaders, and refugees. A half hour TV documentary on the findings of this Congressional delegation entitled "Ballots or Bullets," was recently sponsored by the American Security Council Foundation. Congressman Hunter has been especially concerned about the gross human rights violations conducted by totalitarian regimes throughout the world, and he has just completed an interview with Afghan Freedom Fighters that emphasizes the devastation the civilian population has been subjected to because of the relentless attacks of Soviet Hind 24 helicopters in Afghanistan. This interview will soon be up-linked to satellite for broadcast to TV stations across the United States. I am especially proud to say that Congressman Hunter will soon be making a radio broadcast that will be simultaneously translated and broadcast clandestinely throughout Ethiopia.

Congressman Hunter has also gone well above and beyond the call of duty by distributing slides and videotapes to civic organizations in California and throughout the nation about the needs of resistance movements.

We are profoundly grateful to the many Members of Congress who have assisted our efforts, but once again, Duncan Hunter is in a class by himself. He is principled, courageous, and fights for the things we all believe in. I would now like to ask my colleagues from the resistance movements to come forward so we can jointly present this special award of merit to United States Congressman Duncan Hunter.

MO UDALL: 25 YEARS OF POLITICKING

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 1987

Mr. FORD of Michigan. Mr. Speaker, for many, many years I have been a MO UDALL aficionado. Like many of our colleagues I warmly regard MO as my kind of Congressman.

To my way of thinking he embodies all the characteristics one would expect to find in the quintessential lawmaker. He is a veritable storehouse of wisdom and experience. When it comes to compassion he is an example for all of us. And it is doubtful that anyone here better understands the political process.

I could go on and on extolling MO's legislative virtues. But just about everything I want to say is in an excellent piece about him in a recent issue of the widely respected Tucson Weekly. I believe that many of my colleagues would enjoy reading the article. I would, therefore, like permission to insert it into the CONGRESSIONAL RECORD.

QUARTER OF A CENTURY—MO UDALL: 25 YEARS OF POLITICKING

(By Robert L. Dolezal)

It was the spring of 1961. Yuri Gagarin orbited the globe. Soviet Premier Nikita Khrushchev pounded his shoe and challenged "Let the capitalist countries catch up!" John F. Kennedy, in the first months of his truncated term as America's youngest president, responded immediately by accelerating our "first man on the moon program," to meet that challenge by 1970.

Kennedy asked Congress for a budget of $87 billion. The deficit of $3 billion was staggering and politically unpalatable—in those days. Taxes might have to be raised. The Republicans screamed for fiscal responsibility.

Fidel Castro had finally won his protracted revolution in Cuba. The Cubans charged the United States with training a "liberation army of 4,000 to 5,000 counterrevolutionaries, mercenaries and adventurers" to invade their island. The U.S. categorically denied it.

Fledgling Secretary of State Dean Rusk trumpeted warnings that the United States might have to send troops to Laos—or even neighboring Vietnam—if the communists didn't curb their aggressive actions.

In April of that year, a "Colored Welcome" rent ad appeared in the *Arizona Daily Star*, four rooms for $55, on the southside. A three-bedroom foothills "ranch" rented for $150. Melina Mercouri admonished her clients *Never on Sunday* at the Park cinema. Whitey Ford beat the Washington Senators, Sandy Koufax mowed 'em down in LA, and Mantle, Maris and Mays were hitting homers like they had corked bats.

And, on May 2, 39-year-old Morris K. Udall won a special election to go to Congress.

From childhood—he was born in St. Johns, Ariz., in 1922—Mo Udall had been a man with political ambition. He had also been a competitor. Even with one eye—he lost one in a childhood accident—he could shoot baskets and quarterback a winning high school football team. In 1947, after a tour in the Army, he was elected student body president at the University of Arizona. He captained the university's Border Conference basketball team, and was named to the all-conference squad.

Five years and a law degree later he was elected Pima County attorney. In 1954, when the incumbent second district congressman retired, Udall was pawing the ground to make a run at it. But family structure intervened. Brother Stew got first shot. "We could've drawn straws, I suppose. But he was the older son.

In his book-filled and unpretentious office in the Barrio Historico downtown, Udall talked to the *Weekly* about the politics of today contrasted with the politics of a quarter-century ago.

In 1960, Levi Udall, the brothers' father, had privately decided to step down as chief justice of the Arizona Supreme Court. With his path to Congress blocked by a brother who "was very good as a congressman," Mo jumped at his father's suggestion that he succeed him on the court.

"You can beat all those ambitious Phoenix judges," his father said.

The plan was for the chief justice to time his retirement announcement to surprise the Phoenix competition and benefit his son. But, in a recurring theme of his political reminiscences, Udall said events have a way of altering plans. A week before the announcement was to be made, at a family picnic, the elder Udall dropped dead of a stroke.

"My career proves you can't count on anything," Mo Udall said.

With Paul Fannin in the Governor's office, the Republicans sought an appointee who could hold the seat in November. They had never had a Supreme Court justice. "Lo and behold, they came up with the name of Jesse A. Udall, Judge of the Superior Court in Safford."

Udall was disappointed, but not defeated. "So you can't go to Congress—your brother is there—and you can't be a judge because your uncle is there!" He decided to set up a new Tucson law office and "get involved in public affairs in some other way."

It didn't take long. Brother Stew had helped Jack Kennedy in his run for the presidency, and was rewarded with an appointment as Secretary of the Interior. Mo eagerly ran in a special election, defeating Republican Mac Matheson, the same opponent his brother had beaten six months earlier.

He has been a congressman ever since.

The young Representative walked into a Congress where seniority provided a lifetime pass to the committee chairs, and where freshmen were to be seen, not heard—except to vote. It was a "club" controlled by a few old men, predominantly Southerners. "The way the structure was . . . it was 20 elderly men who had the majority power in the House and Senate. They don't anymore."

That they don't is a tribute to Udall's political nerve, leadership skill and perserverance. A frontal assault on the system would have been suicidal, even if he had been able to muster the troops. So, through the 1960s, Udall and his younger House colleagues pushed for "a members' Bill of Rights which provided that the goodies were passed around." It was, he smiles, "nothing short of a revolution."

So revolutionary, he recalls, that early on one of the old-timers said, "You done tore your ass with the powers that be."

Among the changes was that the "committee on committees" would no longer select committee chairmen solely based on seniority. Also, a secret ballot was instituted for the final vote. Udall relishes his memory of the culmination of those efforts: "I sat there one afternoon, in the House chamber, and in a period of three or four hours they had shot down four old cantankerous committee chairmen with a total of 129 years of seniority among them."

To punctuate the finality of the system's demise, he remembers the day "an old guy from Louisiana named Eddie Hebert, chairman of the Armed Services Committee, asked the president of the freshman class if he could possibly get 30 minutes with the freshmen congressmen. We couldn't get the time of day from Eddie Hebert before this!"

Technological improvements have also caused notable changes in Congress since Udall arrived. "You could've walked through the House Office Building in 1961 and seen nothing even remotely resembling a computer." He used to read every letter, 40 or 50 a day. "We get 500 pieces now, and the computer's chattering away in the back of some little cubbyhole in my office, answering computer letters that I never see and wouldn't have time for even if I knew they were there."

He misses having time for the more folksy, hands-on approach. "When I went to Congress, if your secretary came in and said "There's some folks from Yuma out here you would drop whatever you were doing and bring 'em in the office, take 'em to lunch if you could. Now the jet airplane brings hordes of lobbyists and students and all kinds of people every day, and they don't just want to come by and see you, they all want you to come to their reception or their dinner. After all, this is the annual dinner of the Mousetrap Makers Association, and we'd like to have our congressman there."

Changes in the executive/legislative relationship have also been "revolutionary." Udall remembers when "Larry O'Brien and a couple of guys who ran errands" represented John Kennedy's entire Capitol Hill staff. Now, he says, the White House has "the head lobbyist for the House, for the Senate, for economic matters, foreign aid—and they'll come around and draft a bill for you! They're swarming all over the place!"

Another, far more worrisome change clearly dismays the congressman: The amount of money now required to finance a run for the House. "I spent, in that (1961) campaign, something like $8,000 to $10,000. If they started out today, if they had a special election—say Jim Kolbe is elected governor, or some other outrage occurs—you couldn't think of entering the race short of $300,000." Kolbe, he notes, "raised something like $700,000 the second time against (Jim) McNulty."

In the last 25 years, the issues facing the country have changed too, and significantly. In 1961, foreign aid was the "bitter" issue. "I got more hate mail on foreign aid than anything." Abortion? "Abortion wasn't even an issue."

Medicare was big in 1961. Illegal drugs were not.

Housing was a major issue in 1961. Udall, whose record is one of pragmatic support for federal programs that produce societal benefits, is unequivocal in his praise for one "New Deal" program the Reagan administration has recently tried to privatize (failing, ironically, because of industry pressure.) "The FHA (Federal Housing Administration) was a real winner. There's never been a civilization that I know where everybody owned their own homes. (With the FHA) not everybody, but a majority of the people either owned their own home or could legitimately anticipate, if they got a profession or a job, they could own their own home."

But no more. "That's been going the other direction the last few years."

Udall is enormously troubled by Reagan's bulldozer approach to reducing or eliminating federal assistance in various social programs. He also criticizes the president for withholding funds for programs the administration takes credit for, citing the "Just Say No" drug program as a major duplicity. "They pass it with a great flourish, the president hands out pens, we're going to make war on the borders, and then someone says 'Great program, Mr. President, we've now got it enacted, please send some money,' and there's no money forthcoming. In fact, on a whole list of programs, the president has either cut back the money or put strings on it in ways that you have less available than which you started."

During his almost 27 years in Congress, in increasingly important rules, Udall has been subjected to considerable lobbying pressure. Yet he is generally positive about lobbyists. "People have a right to petition their government," he explains, "and if you think that us folks down in Washington are about to do something to take away your livelihood, your business, your investment, you ought to have a right to come in and be heard."

There are exceptions. "There are a lot of instances where a special interest group can get something that, on the merits, they wouldn't be able to get." The National Rifle Association (NRA), for example. "The NRA has cultivated an image in Washington that one vote against the NRA could kill you. When congressmen believe that, and a big majority of them do, it's awfully hard to change."

One anomaly in the NRA's litany of successes occurred this past session, when they pushed for legislation permitting any citizen to own, without restriction, his or her own machine gun. The NRA attempted to enlist "the police chiefs, staff, military, the whole law enforcement community" to support its position. The folks who could have been riddled did not fall into line.

"This was a case where the NRA overstepped themselves," Udall submits. "They should've known there is a limit to where you can take people."

The congressman takes obvious pride in his reputation as an even-handed legislator. "I was called last week by a delegation from the folks who build nuclear plants," he says by way of illustration. "They wanted to know if I would object to being named Legislator of the Year by them. I said, 'Hell, the Sierra Club will take away my Caribou Button—I just got their award as 'Legislator of the Year!'" But he accepted, and no one has asked him to return the Caribou Button.

When Udall was campaigning for his first trip to Washington, the news of the day abounded with anti-Cuba, anti-Castro, anti-communist proclamations. In mid-April, the Bay of Pigs invasion brought this optimistic banner headline in the Star, "Invaders Halfway to Havana." When they faltered, a Star editorial, 10 days after the ill-fated assault, joined Sen. Barry Goldwater in calling for the United States to invade Cuba: "The people will understand that if Cuba is not liberated now, much greater dangers will develop in the not distant future, which will have to be met, or we Americans will have to resign ourselves to the role of a secondary power, and a world dominated by Moscow."

Udall's anti-communist stance, while apparently in step with the times, seemed a bit more temperate. The day before the election the Star reported Udall warning that "we must increase our military might and scientific advances to stymie the worldwide aims of the Communist conspiracy."

Reminded of his position, he quips, "That doesn't sound like my recent rhetoric!" In fact, Udall believes that opportunities were missed to extricate Castro from the Soviet grasp. "I really think there were several periods when he wanted to get out from under the Russian embrace. It was kind of humiliating for Castro to have to run to Moscow every time he wanted something."

He also sees little reason for the continuing U.S. policy to isolate Cuba. "Hell, we can't expect that we'd have a U.S.-Canada type relationship. But we have an embassy in Rumania, Yugoslavia and Poland, all communist countries. There's no reason we can't have one in Cuba, and some exchange."

Currently U.S. policy toward Nicaragua seems to run parallel to that toward Cuba a quarter century ago. "Our official policy . . . is that we're not interested in a settlement," Udall says. "Our goal is to change the Sandinista government." Will we have any greater success ridding the hemisphere of the Sandinista than we did getting rid of Castro? "I don't know. The Sandinistas are in power, and are going to be hard to dislodge. I'm not wildly optimistic about this round of diplomacy with the five Central American presidents . . . (but) it's as good a chance as we've had. I hope we don't lose it."

The administration position on Central America is currently personified by Elliot Abrams of the State Department, who Udall calls "an abomination." Abrams continues to be a frequent critic of diplomatic peace efforts in the area.

Looking at another region of foreign policy tension, Udall traveled to the Soviet Union two years ago, and although he didn't meet with Gorbachev, he did meet "with people who were forces in the administration, who could give you some readings on how they talked and what they are thinking about." He concluded that Gorbachev "wants to be remembered as a guy who brought the Soviet Union into the 20th century, who had the guts to recognize that nobody wins in a nuclear war and was prepared to run some risks."

Assessing America's current attitude, he sees "two schools of thinking on the struggle with the Soviets. One school is that the Soviets are a godless group of brilliant, shrewd political operators, who always get their way and who out-negotiate our folks every time, and there's only one thing they understand, and that's force. The other view—and George Shultz is an example of this—is that you don't have to love the Soviets to negotiate with them, and that these nuclear arms threaten the whole world. Sure," he concludes, "there are risks if you destroy some nuclear weapons and cut back the levels. But there are risks the other way, too."

Commenting on his ill-fated run for the presidency in 1976, Udall displays a trace of wistfulness. That's not surprising, considering he made a solid second-place showing in the New Hampshire primary (Jimmy Carter won) and Massachusetts (Scoop Jackson won), and even entered Wisconsin with the lead, dreams of his first victory dancing in his head.

But the final tally transformed his dream into a nightmare. Jimmy Carter was on his way to the White House.

"When I play the old 'what if?' game," he ponders, the words coming slower, "two or three little things we could've done to turn it around in the Wisconsin primary." He explains how he had cautioned Stew and his campaign manager to be careful of the money they spent. "I don't want it bad enough to mortgage everything I've worked for, and it's up to you, my brother and my best friend, to keep me out of debt."

With the campaign—and the campaign coffers—dwindling, and Udall closing the gap on his opposition, the staff put together a last-minute $25,000 weekend TV blitz to be aimed primarily at the rural areas. Udall was out of the state, but on his way back. In his absence, "Stew, being faithful to his promise, to me, said "Hold on, no way you are going to spend that money. Mo has told me to protect him, and I'm going to do it." They had a big hassle, and finally said 'Hold the phone till Mo gets here, we'll let him make the final decision.'"

After his DC-3 landed, he analyzed the situation and considered his options. "What the hell, it wasn't $2 million (like Gary Hart later spent), or $4 million (like John Glenn), it was a lousy $25,000. If I was out of the ballgame anyway. So I said 'Go ahead and run it!; They went down to the TV stations, and the time had been sold. Next Tuesday I ended up losing, after being ahead all night, I've thought about that, many times." The late-arriving rural returns went against him.

Another political "what if?": Compare the congressman's first president with the current man in the White House. What if John Kennedy had run against Ronald Reagan for the presidency—both for the first time—in 1980?

Udall was, not surprisingly, an admirer of John Kennedy. "Kennedy had an appeal that was sort of timeless," he begins. "He could go from one era to another. His attitude of searching for excellence, looking objectively at problems, reaching out to other countries appealing to young people, his spirit of adventure—I think those are the kinds of qualities people are looking for in a president."

Coming back to the politics of the present, who will win the Democratic nomination for the '88 run?

"One of the seven Democrats!"

Including Bruce Babbitt?

"Including Bruce Babbitt." (All this was before Sen. Joe Biden's withdrawal and Rep. Pat Schroeder's announcement.)

Udall explains the process, one he knows all too well, and how Babbitt—or any of the other lagging candidates—could emerge the victor. "Between now and Iowa, some things are going to break, and they can help or hurt. (In these primaries) there's always a winner, and then there's a perceived winner."

He goes back to 1972. "Muskie beat McGovern in New Hampshire 49-37 percent, a clear winner, but McGovern was perceived as the guy who vastly exceeded expectations. He got momentum out of that to finally drive Muskie out of the race."

Applying that thesis to the present, "Bruce Babbitt has one of the two best organizations in Iowa, and if that situation holds, and he comes roaring down second, or a very close third, he could be perceived as the winner."

The "seven Democrats" do not include Colorado Representative Pat Schroeder. Does she have a chance, at this late hour, and considering that no woman has ever seriously challenged in a presidential primary? "I think she may get into (the race). But my advice to her was to not get in thinking she is going to win. She isn't. But she can sure as hell advance the dialogue and maybe set the stage for another run down the road."

"She's good. She's a tough, nice lady, a Golda Meir and Maggie Thatcher. Pat's as tough as those women who have held power."

Finally, what of the legacy of this president? What will Ronald Reagan be remembered for?

No hemming and hawing here: Reagan has squandered the nation's wealth. "He's gotten away with murder. It took us 39 presidents, and 200 years, and two world wars, and all kinds of troubles to rack up the first trillion dollars in national debt. The second trillion Ronald Reagan accomplished all by himself in five years. And at the present rate he'll be pretty close to the third trillion by the time he goes back to the ranch.

"It doesn't bother him a bit," he continues, clearly exasperated, "and it's a damn national scandal that we would do this, and get ourselves dependent on foreign banks, and borrow money to live high on the hog now!"

Mo Udall is an avowedly opinionated and outspoken man. Yet, he is in a business that requires compromise, and he does it well. He is in a position of power but often uses that power to protect people and things that are vulnerable to it. He is an abiding friend of the environment and a champion of those without political or economic influence. His vote is frequently at odds with his fellow Arizona congressmen. Some constituents fault him for that, saying he is out of step, too "liberal" for Arizona. But the majority has returned him to Washington 13 times, usually by large margins.

Udall has been called "an institution in his own time," "one of the great legislators of our time," "a giant in public life today," and "a national treasure." Nevertheless, his features will not be chiseled in the rock of Mount Rushmore (ah, Wisconsin). He may never have an office building named in his honor. Still, his many contributions to this country's political process guarantee him a niche in history that few have ever achieved.

SENATE—*Wednesday, November 4, 1987*

(Legislative day of Friday, October 16, 1987)

The Senate met at 9 a.m., on the expiration of recess, and was called to order by the Honorable TERRY SANFORD, a Senator from the State of North Carolina.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

*There is a way which seemeth right unto a man, but the ends thereof are the ways of death * * * in the fear of the Lord is a fountain of life—a sound heart is the life of the flesh * * * righteousness exalteth a nation: but sin is a reproach to any people.*—Proverbs 14:12, 27, 34.

Holy God, infinite in truth and righteousness, the news is full of economic and moral crises. Scapegoating seems the order of the day—everybody blaming everyone else for every problem. And as usual, Congress is the scapegoat—blamed by the people, by Wall Street, by world leaders. Even the epidemic of AIDS is somehow due to congressional failure. Meanwhile, morality and spirituality are ignored or ridiculed—and our culture becomes increasingly valueless.

Father of wisdom, when will we waken to the real cause of our plight? When will we acknowledge the real villain—relatively in ethics and morals. What a tragedy, Lord, when a Wall Street insider can say to a business administration graduating class, "Greed is good," and be received by laughter and applause. Winston Churchill speaking to Parliament on his 80th birthday, said "I hesitate to think what would happen if God wearied of mankind." How long, Lord? How long will You endure a wayward people and withhold judgment? How long can we as a people continue in our greed and moral anarchy before we destroy ourselves? Deliver us from preoccupation with the symptoms and make us wise to attack the cause. Grant us the gift of repentence and call us to righteousness, Patient God. We pray in the name of the Holy One. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. STENNIS].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 4, 1987.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TERRY SANFORD, a Senator from the State of North Carolina, to perform the duties of the Chair.

JOHN C. STENNIS,
President pro tempore.

Mr. SANFORD thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Chair recognizes the acting majority leader.

RESERVATION OF LEADERS' TIME

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the time of the majority leader and minority leader be reserved for their use later today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order there will now be a period for the transaction of morning business not to extend beyond the hour of 9:20 a.m., with Senators permitted to speak therein for not to exceed 2 minutes each.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that I may speak for 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECESSION IS INEVITABLE: LET'S TAKE IT AND MOVE AHEAD

Mr. PROXMIRE. Mr. President, the most common economic fallacy today is that we can avoid a recession as long as the Federal Government follows reasonable policies. This is wrong. We cannot avoid a recession no matter what policies the Congress or the Federal Reserve Board or the President of the United States pursue. We have a free economy, a private economy. One absolutely certain price any society must pay for a free economy is periodic recessions.

It is especially ironic that so many Americans including so many Members of the Congress contend that we can avoid a recession under present circumstances. A recession is coming. Present economic circumstances will make it worse. We cannot avoid it. Here's why:

First, for 5 years this country has enjoyed continuous economic growth. This constitutes the longest period of economic growth in our peacetime history. We have found over and over again that recoveries run out of steam. Why? Because consumers satisfy their need for increased housing, more autos and other goods. The debt that finances these purchases becomes too heavy. As the recovery goes on, consumers save less. They therefore have less available to spend and invest. At the present time each of these negative factors apply. The recovery has run its course and then some. Consumers have already run up record debt. Consumer savings have diminished more sharply in relationship to income than at any time in memory. But how about all the happy short-term economic statistics? Aren't inventories down? Won't it take more production to rebuild those inventories? Won't we need more workers to provide that production? Housing permits are up. Isn't that a certain forerunner of more housing construction? Doesn't this mean more production and more jobs in the near future? Both inflation and interest rates are running far below their levels of 5 or 6 years ago. All together doesn't this mean that recovery is likely to go on a while longer? Sure, it does. Recession probably will not strike this year. Maybe not next year. But strike it will, and sooner rather than later. Keep in mind, there is no Government policy short of giving up our economic freedom—which most of us would fight to prevent—that can stop the absolute certainty that recession will come.

Second, can't we delay? Can we not put off the recession? The usual means of delaying recession by Government action will be much less effective this time. What is the prime way the U.S. Government has postponed recession, or lifted the country out of recessions? Answer: Counter cyclical fiscal policy. That simply means the Government makes up for declining demand in the economy by reducing taxes, and increasing Government spending. It puts some of the unemployed to work and increases their in-

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

comes with Government job programs. It provides emergency funds to bail out financial institutions that lend to farmers, to insolvent businesses and to strapped homeowners who can't meet their mortgage payments. Put another way, the Federal Government pushes the country out of recession by deliberately increasing the deficit. Much of this is automatic. The Federal deficit rises because tax revenues fall as the recession drives down personal and business income.

Third, a recession is coming on sooner if the Congress resolutely and rightly reduces the deficit. This deficit reduction is bound to reduce demand as the Congress increases taxes—thereby taking more out of the economy as the Congress cuts Federal spending thereby putting less into the economy. After all, why did we have this longest recovery in the peacetime history of our country? One prime reason: The Federal Government stimulated the economy by running colossal deficits for every one of the recovery years. That exercise in irresponsibility was without precedent in peacetime. It promoted a recovery precisely paralleling the years of massive budget deficits. Anyone who believes that as the Congress brings the deficits under control, the recovery will continue is dreaming. Does it follow that we should continue the excessive deficits? Of course, not. To do so would be like a family that has pushed itself head over heels in debt and continues living beyond its means right up to and into bankruptcy. The country will suffer a recession no matter what it does. And, yes, the sooner we reduce the deficit, the sooner we bring on recession. But the recession will be shorter and less painful, the sooner we take it on.

Fourth, any notion that the Federal Reserve can bail out the economy by flooding the country with easy credit to keep down interest rates is another empty dream. As former Fed Chairman William McChesney Martin liked to say: "You can't push a string." You cannot persuade people who have lost their jobs or fear they will lose their jobs to borrow for a $50,000 mortgage no matter how low the interest rate. But in the process of flooding the country with credit, the Fed can inflate the currency and drive up prices. As prices rise interest rates will also rise. This has been the course of events in every country that has tried to bail its way out of enormous debt by increasing its money supply.

No, Mr. President, we cannot avoid a recession. We have to face it squarely and take it. The sooner we do that, the sooner we begin to save more, the sooner we reduce our debt, the sooner this great world-dominating economy of ours will find its way back.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak for 6 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

WHERE WILL WE GET OUR SCIENTISTS AND ENGINEERS TOMORROW?

Mr. GRASSLEY. Mr. President, I rise to bring to the attention of my distinguished colleagues a major problem for our Nation—and to pose the question—will we have the scientists and engineers to maintain our world leadership in scientific knowledge?

Over the years, our universities have emphasized the expansion of scientific knowledge as well as its application. This double role is unique, for in contrast in Europe and Japan the emphasis has been much more on the discovery of scientific knowledge rather than its application.

Our system's dual role, along with the special opportunities our American schools and Nation offer, have drawn foreign students from around the world to study science, especially at the graduate level. Unfortunately, we have not attracted large numbers of our own American students to the study of science.

The National Science Foundation reports that foreign students received 28 percent of all science and engineering doctorates in the United States in 1986. Of these 8 out of 10 take their degrees home to become our competitors, leaving America with an expected 10-percent shortage of scientists, engineers and university professors in these fields at the end of this decade.

To be more specific, in 1985, 57 percent of engineering doctorates nationwide were earned by foreigners. Foreign students also received 43 percent of the doctorates in mathematics, 37 percent of doctorates in computer science and 37 percent of all agriculture science doctorates. Last year at the University of Iowa there were more graduate students from Taiwan—38 of them—than from the United States—only 28 American citizens—working toward their masters and doctorates in statistics. At Iowa State University 20 of the 41 graduate students in agriculture engineering were foreign students.

Last year it was reported by the president of Grinnell College, George Drake, that a survey of freshmen revealed more than a 50-percent drop of those intending to major in science from the past 10 years.

The proportion of the American citizens in a college graduating class majoring in the sciences and engineering is smaller today than it was in the 1970's. The National Science Foundation reports that foreign students have accounted for nearly 85 percent of the growth in full-time graduate enrollment in our doctorate-granting institutions in the last decade.

Compared to other industrialized nations, the United States awards the smallest proportion of baccalaureate degrees in the science and engineering fields. At the doctoral level, the United Kingdom and France have higher concentrations of degree recipients in the natural sciences than does the United States. Japan awards a higher proportion of engineering degrees than do we.

John Carlson in the Des Moines Register reports that an average-sized university in Shanghai is graduating 100 people with B.S. degrees in physics every year. There is not a single university in the United States that can match that.

Ironically Federal support for research and development has nearly doubled since 1980. What is our problem? How serious is it?

Eric Block, Chairman of the National Science Foundation sees links between research, education, and the welfare of our Nation. And I quote from his March 12, 1987, testimony before the Subcommittee on HUD-Independent Agencies of the Committee on Appropriations:

> We have realized that if we want to compete successfully as a nation, the most important thing is to stay ahead of our competitors in continually generating new ideas, through basic research, and turning them into high quality, innovative products and services for the market place. Many forces, must come together to achieve economic competitiveness, but a prerequisite is a viable infrastructure that is capable of educating our people and generating new knowledge * * *. Well trained people are the source of the ideas and knowledge which make technological innovation possible.
>
> We must continuously attract the most talented young students into science and engineering programs. Interruptions in this process takes years, even decades to overcome.

We need to look back at what has happened to the university and college science programs. Enrollments in higher education from the 1960's to the mid-1970's were high in sciences. Colleges and universities added significant numbers of science faculty during those years; however, at the same time, these same institutions were putting off maintenance and repair of their facilities and were not able to acquire as much modern scientific equipment as they needed to do their work because of budget constraints.

These two situations are now part of the problem:

First, the large number of faculty who were hired then will begin retiring in the early to mid-1990's and will need to be replaced at the same time that we will have a shortage of qualified scientists and engineers.

Second, as the equipment and the facilities at universities became more dated, our own U.S. scientific industries developed better research capabilities. This phenomenon has also contributed to our shortage of scientists and engineers by enticing students with bachelor's degrees in science or engineering into the work force rather than pursuing advanced degrees.

When interviewed, recent graduates indicate they feel that the extra effort and time involved in pursuing advanced degrees does not outweigh the opportunity to receive a good salary and do research with private industry.

The problem, of course, goes much deeper than the two historical developments that I've mentioned. There will be a decline in the college-age population of 18- to 24-year-olds in the next decade. A drop of college enrollments of 12 to 16 percent between now and 1995 is projected. This means that unless a greater proportion of the undergraduate population is attracted to the sciences and engineering than ever before, the number of future degrees in these fields will decline. Just to maintain present numbers, we may have to increase the attraction rate by as much as 50 percent.

This smaller number of students entering college may bring with them a very inadequate science background. It is reported by Dr. Leroy Lee, president of the National Science Teachers, that many of the junior and senior high school teachers have been teaching science with a poor science background, no background, or a very dated background. He reports 51 percent of elementary teachers do not even have a college science course and that only 15 percent of elementary teachers feel qualified to teach science. Many schools have very poor science equipment and the teachers have classes that are too large. This brings the student to college ill-prepared. Nevertheless, some will still want to pursue science or engineering. Unfortunately, these people will face yet another obstacle.

During these college students' first 2 years, most of their science instructors will be teaching assistants—students working on advanced degrees. And because there is a lack of American students at this level, many of the teaching assistants will be foreign students.

Not only do these teaching assistants have little or no background in teaching and motivating students, but many also have different cultural backgrounds.

This has presented problems for female students who are not considered equal for research teams or projects by those whose culture does not see a woman's role in the same way as a man's. This discourages some women from continuing on in science. We must encourage women students as they are a very important resource to fill the needed pool.

Students report that it is difficult to understand the English of foreign teaching assistants, and therefore drop those courses and majors because the communication barrier increases the difficulty in learning the scientific concepts.

Problems are not developing: let me illustrate.

The U.S. Department of Defense, which cannot hire foreigners, anticipates a 10 percent shortage of scientists this year to conduct classified research.

We are not producing enough Ph.D.'s to meet the natural attrition of science and engineering faculty.

Because our supply of scientists is limited, we do not have enough scientists to provide for both private industry research and development, as well as the broader, more universally shared university research. Therefore, our competitors are rapidly catching up with the United States in the proportion of their labor force devoted to research and development. Japan has doubled its technical work force in the last two decades. In 1982 Japan produced more engineers—in absolute numbers—with a population that is only half of the United States total. India has increased its number of scientists and engineers tenfold in the last two decades.

Blacks and Hispanics represent 20 percent of our total population but account for less than 2 percent of doctoral degrees in the physical sciences and engineering. By 2020, these minorities groups will constitute one-third of the population and must become, just as females must become, a part of the scientific pool if we are to utilize all of our natural human resources.

Some solutions lie in:

Improving elementary, secondary and undergraduate science education for all students at all levels. We must interest students in math and science at a very young age and continue to insist that we have fully qualified math and science teachers for all students and provide up-to-date scientific equipment suitable for each level.

Encouraging American students to enter undergraduate science programs and remain in post baccalaureate degree programs. Starting at an early age children need to be exposed to scientific experiences and students throughout their education need encouragement by parents and teachers to explore the possibilities of careers in science. We should focus national attention on the need for research scientists.

Continuing to improve our research opportunities with high quality instrumentation and facilities. The 1985 President's Commission on Industrial Competitiveness reported the average age of instrumentation in our Nation's universities is twice that used in industrial laboratories. Business partnerships, involvement of industry and Federal assistance will be needed to change this.

Improve the reward system for those going into teaching at all levels. We must change the perception that many other careers are better and more rewarding. This may be accomplished through higher salaries, better working conditions and a campaign to reinforce the importance and stature of the teaching profession at all levels.

We must all understand this situation and give our attention to these problems, because if we choose not to address these serious concerns our status as the world's leader in science and knowledge will continue us on a course of becoming a second-rate nation.

THE GINSBURG NOMINATION

Mr. LEAHY. Mr. President, the Senate Judiciary Committee is going to have before it soon a nomination for the Supreme Court. This is a nominee of which little is known. Because we know so little about Judge Ginsburg, every time any item comes forward, it takes on a significance probably out of proportion. I urge my colleagues not to start rushing to judgment, not to decide that they are going to vote for or against this nominee based on one item or two items.

I intend to reserve judgment. I have not seen any item that has come in the news that would cause me to vote against the President's nominee, and I will decide whether I will vote for him based on what I hear in the Senate Judiciary Committee.

I urge my colleagues to understand that when you have a man about whom little is known, when something does come forward, it tends often to be blown out of proportion. I hope that all Senators will resist the temptation to immediately be for or against this man and wait until they have had a chance to hear the hearings that I am sure will be thorough and fair, where Republicans and Democrats will have a chance to speak and ask questions and where the record will be made.

THE BUDGET PACKAGE

Mr. DOLE. Mr. President, I will just take a couple of minutes to make the point that those of us who have been meeting, trying to come together on some budget package, will meet again today at 11 o'clock. I think there is a feeling that we need to reach some conclusion soon, hopefully this week. At least that is my feeling. It seems to me everybody has been working very hard. Those of us who are not involved in the nitty-gritty work have been there from time to time as observers and to contribute where we can.

But I do believe, unless we take some action soon, that there is going to be a feeling—not only on Wall Street, but around the country, and around the world—that we are just not going to come to grips with this very serious problem.

There have been all kinds of proposals discussed in this budget group. We are not at liberty to give details of those proposals. But it would seem to me that there are enough of us attending those meetings, Republicans and Democrats and representatives from the White House, that we ought to be able to come together very quickly on a multiyear plan that would substantially reduce the deficit over that 2-year period.

I hope that we can have some agreement before Friday. And I hope that those representing the President would be in a position to make some judgments; or, even better, that the President might call the group together or call the leaders together. Then he could indicate to us and we could indicate to him a willingness to do what we need to do to make certain the American people will be reassured we can act in a bipartisan way on the deficit.

So, Mr. President, I hope that we can conclude action this week. I am afraid if we go over into next week, it may be perceived as an unwillingness on the part of the Congress and the Executive to face up to one of the tough issues of our time.

Mr. President, I reserve the balance of my time.

The PRESIDING OFFICER. The Senator reserves the balance of his time.

S. 1835—THE INDIVIDUAL APPROPRIATIONS ACT

Mr. ROTH. Mr. President, I rise today to join my distinguished colleague from Washington, Senator Evans, as an original cosponsor of legislation that I believe is vitally important—The Individual Appropriations Act. This legislation would give the President the much needed ability to veto individual appropriations bills contained in a long-term continuing resolution.

All too often the Congress sends the President a continuing resolution which contains most, if not all, of the regular appropriations measures. Last year alone the continuing resolution totaled more than $500 billion—over half our entire Federal budget. With increasing frequency the President is presented with the option of signing the continuing resolution, filled with pork-barrel spending and nongermane legislation, or vetoing the legislation and shutting down the Federal Government. This seems to me an unfair choice.

The legislation would operate for a 2-year trial period and strengthen the President's hand in reducing the Federal deficit. Presented with the opportunity to veto individual spending measures, the President would be able to back up his policy of fiscal restraint with the veto pen.

While the President's advisors meet with congressional leaders to formulate a deficit reduction package, I think it is important that the Congress examine the budget process as a whole. As the major proponent of biennial budgeting and a very strong supporter of the line-item veto and balanced budget amendment, I believe the Congress and President can, and should, agree on procedural reforms that will help to reduce the deficit.

This is not to say that procedural reforms are the answer. Real deficit reduction will require difficult choices in terms of reduced spending. But built-in budget processes do allow big spenders in Congress the opportunity to include pork-barrel spending projects in massive continuing resolutions. If the Congress is going to become more accountable, then we must change the budget process.

Mr. President, I look forward to working on the budget process. I am not under the allusion that budget reform will solve our problems. But I am a firm believer that process reform can help. I am pleased to join Senator Evans as a cosponsor of this legislation and believe it can help in our effort to keep the deficit down.

CONGRESSIONAL CALL TO CONSCIENCE STATEMENT ON SOVIET JEWRY AND THE MAGARIK FAMILY

Mr. MATSUNAGA. Mr. President, as part of the Union of Councils of Soviet Jews' ongoing campaign to publicize the plight of the much persecuted Jewish minority in the Soviet Union, I rise to express my concern over the Soviet Government's intransigence on the issue of Jewish emigration. General Secretary Gorbachev has made Western headlines by infusing Soviet arms control negotiations with a new sense of imagination and flexibility—the prospective treaty on intermediate nuclear forces is a case in point. Domestically, too, the new Soviet leader seems to have given new energy to a static, moribund state with calls to reconstruct society and government along more open, efficient lines. But I am concerned that the spirit of glasnost and Perestroyka has not seemed to affect Soviet policy toward Soviet Jewish emigration.

Mr. President, my colleagues know that there are an estimated 400,000 Soviet Jews who have expressed a desire to leave the Soviet Union. But, under current emigration policy, the Soviets consider the applications of a mere fraction of that number, and permit even less to leave. Indeed, at current emigration rates, the Soviets will permit only 7,000 Jews to leave the U.S.S.R. this year—far below the peak of 51,000 in 1979. And most of those lucky enough to receive permission to leave are taken from a select, if distinguished, list of well-known refuseniks. It seems that the Soviet practice is to permit those Soviet Jews such as Anatoly Shcharansky, who are potential lightning rods of Western attention, to leave, thus ridding Soviet authorities of an unwelcome problem. Unfortunately, the applications of hundreds of thousands of lesser-known Soviet Jews are ignored, or used as the basis for persecution.

Mr. President, a common illustration of Soviet policy toward Jewish emigration is the case of the Magarik family. Alexey Magarik, a 29-year-old cellist, has no permanent position as a musician. Since the late 1970's he has participated in various unofficial Jewish musical groups which specialize in Hassidic and modern Israeli songs. His wife, Natalia, has been trained as an electrical engineer but has never worked in her profession. They have a small infant, Chaim, who turned 2 years old earlier this month. The family applied for exit visas to Israel in 1983, but were refused without any explanation other than the cryptic phrase: Your emigration from the U.S.S.R. is not justified at the present time."

Mr. and Mrs. Magarik's exit visas were denied presumably because of Alexey Magarik's desire to associate himself with the culture and music of his heritage. The fact that both Alexey and Natalia have signed petitions demanding free repatriation of Jews to Israel must have further prejudiced their applications in the eyes of Soviet emigration officials.

For these heinous crimes—that is to say, being a Jew participating in Jewish cultural life, exercising the universal right of free, peaceful expression, and applying to emigrate—Magarik was arrested at Tbilisi Airport in March 1986. He was charged with possessing and disseminating illegal drugs—drugs Soviet investigators asserted that all Jews must use on Shabbat because they are commanded to do so by Jewish ritual. After a sham investigation, in which Magarik's fingerprints were not taken to compare with those found on the drugs allegedly found in his possession, he was sentenced to 3 years in prison. Two months later, while picking tea as a prison slave laborer, Magarik collapsed. He was then transferred to another prison camp in Siberia. Magarik stayed there until his early release about a month ago in September.

Since that time, he has been living in Moscow.

I use the Magarik family as an example because the Hawaii Action Committee for Soviet Jews, sponsored by the Jewish Federation of Hawaii, has randomly targeted them for attention, and because the Governor of Hawaii, the Honorable John Waihee, himself, as honorary chairman of the committee, wears a refusenik bracelet with the name of Alexey Magarik engraved on it. But the Magariks are typical of thousands of other Jewish families and individuals who, for whatever reason, seek to leave the country of their birth but cannot do so because of a repressive emigration policy, a policy not in keeping with commonly accepted standards of human rights.

Mr. President, we need to redouble our efforts to pressure the Soviets to increase their Jewish emigration quotas. We should make it absolutely clear to General Secretary Gorbachev that one of the measures by which the U.S. judges the sincerity of his commitment to improved superpower relations is progress on the Jewish emigration question. We ourselves are a nation of immigrants, many of whom were motivated to leave their native lands for the same reasons which impel Soviet Jews, at great risk of persecution, to seek a life outside the Soviet Union. Therefore, it is incumbent upon us to lead the way in extending that basic right of all human beings, the right of free movement, to all who seek to exercise that right. We must continue to serve as a beacon of hope for the thousands upon thousands of Soviet refuseniks who search for a better life, or risk losing that right ourselves someday.

Thank you, Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD. Mr. President, I ask that morning business be closed.

The ACTING PRESIDENT pro tempore. If there is no further morning business, morning business is closed.

EXTENSION OF SEMICONDUCTOR CHIP PROTECTION ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of the House message on S. 442, which the clerk will report.

The legislative clerk read as follows:

The motion to concur in the House amendments to S. 442, entitled "an act to amend section 914 of title XVII United States Code, regarding certain protective orders."

The Senate resumed consideration of the motion.

Mr. LEAHY. Mr. President, I thank the distinguished majority leader for making certain this matter would come up this morning. I understand the majority leader has already moved that the Senate concur in the House amendments on this matter. Is that correct?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. LEAHY. And the yeas and nays have been ordered?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. LEAHY. I thank the Chair and I thank the majority leader for providing us time.

Mr. President, I will discuss a couple of aspects of the Semiconductor Chip Protection Act. I know that Senator THURMOND may also wish to speak on this matter. I am doing this to explain to my colleagues what it is we are going to be covering this morning.

Mr. President, in 1984, Congress passed the Semiconductor Chip Protection Act, a law that protected the semiconductor chip designs developed here in the United States by America's high-technology companies.

Before the Chip Act, there was no stopping foreign pirates from appropriating the designs that are at the heart of these miniscule electronic switches and a worldwide computer revolution. Now, our law is a critical tool for promoting international comity in the protection of intellectual property.

Mr. President, the act says that the United States can carry out technological advantages well into the 21st century. We have shown the rest of the world that we are able to design the best of semiconductor chips. We provide the expertise, the skills, the knowledge, the innovative genius for these chips, and then often see somebody who has not provided any of that in foreign countries simply come in and copy and steal our designs and get away with it.

What we are saying now is, if the United States—if Government, if industry—invests the billions of dollars necessary to keep that technological genius flourishing in designing the technology to go into the 21st century, if we are there first, we will reap the benefits of it. Worldwide pirates cannot simply come in and steal what we have spent so much time, effort, and genius in developing. Then the United States will be able to maintain the technological lead which all of us feel is necessary.

Certainly representing the State of Vermont, which has become more and more a high-technology State, I know the importance of this.

The U.S. chip law protects foreign nations only to the extent that they provide reciprocal protection for American chips. That permits the Secretary of Commerce to extend interim protection to chips made in countries making good faith efforts toward laws protecting American chips.

Once a nation enacts a law protecting our chips, the President may issue a proclamation granting an extended term of protection to that nation.

On June 26 of this year, the Senate unanimously approved S. 442, the Semiconductor Chip Protection Act Extension of 1987. The legislation extends the provision of the 1984 Chip Act that permits the Secretary of Commerce to issue interim protection. Without this legislation, that provision would sunset on November 8. This carrot and stick approach has been very successful and should be extended.

Today, the Semiconductor Chip Protection Act extension is once again before this body. It has been revised in the House of Representatives. I had the good fortune of working with Congressman ROBERT KASTENMEIER on these revisions. Congressman KASTENMEIER was a principal architect of the 1984 act and introduced a bill similar to S. 442 in the House. As always, it was a pleasure to work with such an expert on intellectual property.

This bill extends the Secretary's authority to issue interim protection until July 1, 1991. At that time, the Congress may very well decide that a new extension is not necessary. We may no longer need additional bilateral arrangements. Many of us hope that the nations of the world will have implemented a multilateral treaty protecting semiconductor chips by that time. I am glad to note that the United States has offered to host a diplomatic conference in Washington in late 1988 in an effort to devise an effective international treaty to protect chips.

Let me describe briefly changes we have made to the Chip Extension Act since the Senate passed S. 442 in June. The House added findings that support the need to extend the Secretary's interim authority, highlight the fact that most industrial nations have made progress toward enacting laws protecting chips and are eligible for interim protection, encourage an international treaty fostering the protection of chip designs, and affirm that a Presidential Proclamation issued pursuant to this bill should be revoked if the level of protection afforded U.S. chips in a foreign country changes.

The House retained the Senate provision amending section 902 of title 17. That section of the 1984 Chip Act enables the President to issue extended protection to nations that enact laws protecting U.S. chips.

Unfortunately, we have learned that in today's semiconductor market there are nations that might, and in fact do, misuse the privileges made available to them. The Senate added this language to encourage the President to monitor diligently the faithful enforcement of the Chip Protection Act. It clarifies that he may suspend, revise or revoke a proclamation that grants a nation an extended term of protection. It puts teeth in the law. It also clarifies that he may impose any conditions or limitations on that privilege. By codifying this inherent power of the President, we mean to send a clear signal to recipient nations: They have an ongoing responsibility to comply in good faith with American law and must faithfully enforce the chip laws that enabled them to earn the President's confidence in the first place.

In other words, we want to have open and free trade with other countries. We are all going to play by the same rules. Foreign nations cannot expect American corporations to play by the rules, but not have them enforced on them. They cannot say that Americans are going to have to develop the techniques, the genius, the expertise, make the investments, and then just come in and steal what they want. The Chip Act says that we are all going to play on a level playing field.

Mr. President, I have no doubts that, given a level playing field, the United States is able to compete with any nation in the world, and that is what we are asking for in this bill.

The bill sent over from the House contains one particularly valuable addition. It requires the Secretary of Commerce, in consultation with the Register of Copyrights, to report to the Congress in July 1990 on the status of international laws protecting semiconductor chips. The Commissioner and Register presented such a report to the Congress last November and it proved extremely valuable. The committees overseeing the Semiconductor Chip Protection Act will undoubtedly benefit from an updated version of the report when we revisit this issue in the 102d Congress.

Mr. President, S. 442 is cosponsored by Senators DeConcini, Hatch, and Humphrey. It has the support of the ranking member of the Judiciary Committee, Mr. Thurmond. I urge my colleagues to join me in supporting this measure.

Mr. President, I had understood that the distinguished ranking member may wish to speak and I know that time is available until 9:30. I also know that the distinguished majority leader, a man who has the least enviable job in all of Washington, has to run this place of 100 on time. Now, running the Nation's railroads, the Nation's airlines, the Nation's bus services, the Nation's computer networks on time, that is easy. But to run 100 U.S. Senators on time has to be that kind of an olympian task that was never comtemplated before. Sisyphus had it easy compared to the job that the distinguished majority leader has. In fact, Sisyphus could probably see results easier sometimes than the distinguished majority leader might.

So I mention this only to alert everybody. I expect we are going to have this vote at 9:30, and I ask unanimous consent that if anybody wants to include remarks as though read, prior to the vote, they be allowed to do so.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, I rise in support of S. 442 which amends the Semiconductor Chip Protection Act of 1984. The Judiciary Committee unanimously approved the bill in April of this year and it was unanimously passed by the Senate on June 26, 1987.

Under the 1984 act, design protection is extended to semiconductor chips from foreign countries if that country provides design protection for chips owned by U.S. manufacturers which is similar to that provided by the United States. In order to encourage countries to change their laws, the act gives the Secretary of Commerce the authority to grant interim protection to chips from those countries that are making progress in changing their laws. The Secretary's authority expires on November 8, 1987. The bill as passed by the Senate would have extended that authority for 3 years. Under this bill, as passed by the House, the Secretary's authority would be extended for 3½ years.

Passage of this bill will ensure that chips from those countries that have been granted interim protection by the Secretary will continue to receive this protection as they continue to work to change their laws in this area. It will also encourage other countries to take steps to provide this important protection. This legislation is supported by the administration as well as representatives from the semiconductor chip industry. It is important that we act on this legislation before the current authority of the Secretary expires. I urge my colleagues to support this bill.

Mr. BYRD. Mr. President, in view of the fact that the distinguished Senator from Vermont has already gotten consent for any Senator to include his speech, I ask unanimous consent that even though the rollcall vote will begin now, that the call for the regular order not occur automatically until the hour of 10 a.m. unless all Senators voting have already responded prior to that time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The question is on agreeing to the motion to concur in the amendments offered by the House to S. 42.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Arkansas [Mr. Pryor] and the Senator from Illinois [Mr. Simon] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. Bond] and the Senator from Wyoming [Mr. Wallop] are necessarily absent.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 366 Leg.]

YEAS—96

Adams
Armstrong
Baucus
Bentsen
Biden
Bingaman
Boren
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Chiles
Cochran
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Evans
Exon
Ford
Fowler
Garn
Glenn
Gore
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Hecht
Heflin
Heinz
Helms
Hollings
Humphrey
Inouye
Johnston
Karnes
Kassebaum
Kasten
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lugar
Matsunaga
McCain
McClure
McConnell
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Proxmire
Quayle
Reid
Riegle
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simpson
Specter
Stafford
Stennis
Stevens
Symms
Thurmond
Trible
Warner
Weicker
Wilson
Wirth

NOT VOTING—4

Bond
Pryor
Simon
Wallop

So the motion to concur was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, what is the order for the moment?

The ACTING PRESIDENT pro tempore. There is nothing pending.

ENERGY AND WATER DEVELOPMENT APPROPRIATION ACT, 1988

Mr. BYRD. Mr. President, under the order previously entered, having already consulted with the distinguished Republican leader, I ask that the Chair lay before the Senate the energy and water appropriations bill, H.R. 2700.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2700) making appropriations for energy and water development for the fiscal year ending September 30, 1988, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Appropriations, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italic.)

H.R. 2700

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1988, for energy and water development, and for other purposes, namely:

TITLE I

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood control, beach erosion, and related purposes.

GENERAL INVESTIGATIONS

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood control, shore protection, and related projects, restudy of authorized projects, miscellaneous investigations, and when authorized by laws, surveys and detailed studies and plans and specifications of projects prior to construction, [$148,712,000] *$141,450,000,* to remain available until expended: [*Provided,* That funds are included to be used for the feasibility study for the multiple purpose project at Sunset Harbor, California, including analysis pursuant to sections 904 and 907 of Public Law 99-662:] *Provided, That not to exceed $21,500,000 shall be available for obligation for research and development activities.*

[Using funds previously appropriated in the Energy and Water Development Appropriation Act, 1987, Public Law 99-591, the Secretary of the Army is directed to undertake the following study: Indiana Shoreline Erosion, including preconstruction engineering and design, Indiana.

[The Secretary of the Army, acting through the Chief of Engineers, is directed to undertake the following items under General Investigations in fiscal year 1988:

[Greenwood Lake, New Jersey;

[East Bank Stabilization, New Jersey;

[Beatties Dam, New Jersey;

[Olcott Harbor Improvements, New York;

[Atlantic Coast of New York City from Rockaway Inlet to Norton Point, New York (Coney Island Area);

[Red River Waterway, Shreveport, Louisiana to Index, Arkansas;

[Beaver Lake, Arkansas;

[Brunswick County Beaches, North Carolina;

[Westwego to Harvey Canal, Louisiana;

[McCook and Thornton Reservoirs (CUP), Illinois;

[Hillsboro Inlet, Broward County, Florida;

[Miami Harbor, Florida (cleanup);

[St. Petersburg, Florida (coastal areas); Little River, Horatio, Arkansas.

[The Secretary of the Army is directed to expand the scope of the Denison Dam-Lake Texoma, Texas and Oklahoma, General Investigation study, authorized by United States Senate Public Works Committee Resolutions on April 30, 1960, and April 12, 1965, to consider alternatives for improving management and utilization of water resources of the Red River Basin at and above the Denison Dam-Lake Texoma project and to include consideration of the feasibility of additional reservoirs upstream of Denison Dam and direct current interconnections between the Southwest Power Pool and the Electric Reliability Council of Texas.

[The Secretary of the Army shall allocate $300,000 to the RedArk Development Authority, a non-profit natural resources development organization located in McAlester, Oklahoma, for the continuation of the development, testing and application of the Water Resources-Based Economic Development Computer Model.

[The Secretary of the Army shall allocate $400,000 to Rural Enterprises, Inc., a non-profit organization located in Durant, Oklahoma, for the purpose of establishing a demonstration project for technology transfer of unclassified Corps of Engineers developed technology for and in coordination with the Federal Laboratory Consortium for Technology Transfer pursuant to section 10(e)(8) of Public Law 96-480, as amended by Public Law 99-502; the expenditure of such funds to be credited toward the Corps of Engineers contribution to the Federal Laboratory Consortium, as required pursuant to section 10(e)(7) of Public Law 96-480, as amended.

[Funds are included herein for the Arthur Kill extension to Fresh Kills, near Carteret, New Jersey, to continue the ongoing post authorization planning, engineering and design provided that the level of detail shall be commensurate with General Design Memorandum level so that at the conclusion of the current effort and Secretary of the Army approval under section 202(b) of Public Law 99-662, only the preparation of plans and specifications will be necessary before construction.]

The Secretary of the Army, acting through the Chief of Engineers, is directed to undertake the following items under General Investigations in fiscal year 1988:

Olcott Harbor Improvements, New York;

Atlantic Coast of New York City from Rockaway Inlet to Norton Point, New York (Coney Island Area);

Red River Waterway, Shreveport, Louisiana to Index, Arkansas;

Miami Harbor, Florida (cleanup);

St. Petersburg, Florida (coastal area);

Westwego to Harvey Canal, Louisiana.

The Secretary of the Army shall allocate $395,000 to continue preconstruction engineering and design and develop and execute a local cooperative agreement covering all elements of the Roanoke River Upper Basin, Virginia project as described in the report of the Chief of Engineers dated August 5, 1985 and authorized in section 401(a) of the Water Resources Development Act, 1986 (Public Law 99-662).

Using funds previously appropriated in the Energy and Water Development Appropriation Act, 1987, Public Law 99-591, the Secretary of the Army is directed to undertake the following study: Indiana Shoreline Erosion, including preconstruction engineering and design, Indiana.

CONSTRUCTION, GENERAL

For the prosecution of river and harbor, flood control, shore protection, and related projects authorized by laws; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such studies shall not constitute a commitment of the Government to construction), [$1,150,142,000] *$1,046,446,000* of which such sums as are necessary pursuant to Public Law 99-662 shall be derived from the Inland Waterway Trust Fund, to remain available until expended, and of which not more than $7,000,000 shall be available to pay the authorized governing body of the Tohono O'odham Nation in accordance with the provisions of section 4(a) of Public Law 99-469; [and in addition, funds are included for construction of the Red River Waterway, Mississippi River to Shreveport, Louisiana, project, for work presently scheduled and the Secretary of the Army is directed as a minimum to award continuing contracts in fiscal year 1988 for construction and completion of each of the following features of the Red River Waterway: in Pool 3, Nantachie/Red Bayou Revetment Extension and Crain and Eureka Revetments; in Pool 4, Gahagan, Piermont, Nicholas, and Howard Realignments and Coushatta Capout. None of these contracts are to be considered fully funded. Contracts are to be initiated with funds herein provided.

[The Secretary of the Army, acting through the Chief of Engineers, is directed to undertake the following projects in fiscal year 1988:

[Sandy Hook to Barnegat Inlet, including Sea Bright to Ocean Township and Asbury Park to Manasquan, New Jersey;

[New Melones Lake, California;

[Barbourville, Kentucky (Levisa/Tug Forks of Big Sandy River and Upper Cumberland River, West Virginia, Virginia and Kentucky);

[Harlan, Kentucky (Levisa/Tug Forks of Big Sandy River and Upper Cumberland River, West Virginia, Virginia and Kentucky): *Provided,* That no fully allocated funding policy shall apply with respect to the construction of Barbourville, Kentucky, and Harlan, Kentucky (Levisa/Tug Forks of Big Sandy River and Upper Cumberland River, West Virginia, Virginia and Kentucky);

[Walnut and Cherry Street Bridges, Massillon, Ohio;

[Mill Creek, Fort Smith, Arkansas;

[Cape May Inlet to Lower Township, New Jersey;

[Ouachita River Levees, Louisiana;

[Gentilly, Minnesota;

[Century Park, Lorain, Ohio;

[Community Park, Sheffield Lake, Ohio;

[Tangier Island, Virginia;

[Port Austin Harbor, Michigan.

[The Secretary of the Army is directed to accomplish channel rehabilitation, repair and rehabilitation of fourteen pump stations and appurtenant works, and rehabilitation and replacement of bridge structures in the vicinity of the East Side Levee and Sanitary District in East St. Louis, Illinois, by awarding continuing contracts at an estimated cost of $25,000,000 in fiscal year 1988; the acquisition and costs for all necessary real estate interests will be the responsibility of non-Federal interests.

[The Secretary of the Army, using funds provided by this Act, is directed to initiate construction of the Parker Lake Project, and is directed, as a minimum, to award continuing contracts in fiscal year 1988 for construction and completion of construction of the access road and project office and the purchase of necessary land for the Parker Lake Project.

[The Secretary of the Army, using funds provided by this Act, is directed to construct at full Federal expense the Mud Creek Bridge Replacement Project at Eufaula Lake, Oklahoma.

The Secretary of the Army is authorized and directed within the sum of $11,000,000 herein appropriated to carry out the provisions for the Cleveland Harbor, Ohio, project contained in Public Law 99-662, including bulkheading and other necessary repairs at Pier 34 and approach channels and necessary protective structures for mooring basins for transient vessels in the area south of Pier 34 with necessary material to fill the area between Pier 34 and Pier 36 with remaining fill to be disposed in the existing containment site 14. The Corps of Engineers shall also conduct a study pursuant to section 922 of the Cuyahoga River and provide technical assistance for harbor modification to the Cleveland-Cuyahoga County Port Authority. Funds expended by the Ohio Department of Natural Resources beginning with the first quarter of fiscal year 1986 in the area south of Pier 34 shall be considered eligible as non-Federal share consistent with the provisions of section 215 of Public Law 90-483, as amended, for all elements in this appropriation toward the estimated first non-Federal cost of $9,000,000 called for in Public Law 99-662.

[The Secretary of the Army is directed to dredge the Saxon Harbor, Wisconsin, and to construct wood cribs as a permanent solution to the damages being caused by the Federal navigation project under the provisions of section 111 of the 1968 River and Harbor Act, Public Law 90-483, as amended] *and in addition, $103,690,000, to remain available until expended, for construction of the Red River Waterway, Mississippi River to Shreveport, Louisiana project, $87,000,000 for work presently scheduled and $16,690,000 with which the Secretary of the Army is directed, as a minimum to award continuing contracts in fiscal year 1988 for construction and completion of each of the following features of the Red River Waterway: in Pool 3, Nantachie/Red Bayou Revetment Extension and Crain and Eureka Revetments; in Pool 4, Gahagan, Piermont, Nicholas and Howard Realignments and Coushatta Capout; and in Pool 5, Cupples Revetment. None of these contracts are to be considered fully funded and contracts are to be initiated with funds herein provided; and in addition, $13,500,000, to remain available until expended, together with funds heretofore or hereafter appropriated, with which the Secretary of the Army is directed to award a single continuing contract for construction and completion of the Cooper River seismic modification, South Carolina project authorized by Public Law 98-63: Provided, That no fully allocated funding policy shall apply with respect to the construction of this project; and in addition, $2,500,000, to be made available to Metropolitan Dade County, Florida, for the purpose of a 50 per centum, cost-shared project, including environmental restoration, establishing public access and a regional public park along the Miami River in the Allapatah community across from Curtis Park.*

Within available funds, the Secretary of the Army, is hereby directed to construct streambank protection measures along the west shoreline of the city of Guntersville, Alabama, on Guntersville Lake, under the authority of section 14 of Public Law 79-526.

The Secretary of the Army, acting through the Chief of Engineers, is directed to undertake the following projects in fiscal year 1988:

Sandy Hook to Barnegat Inlet, including Sea Bright to Ocean Township and Asbury Park to Manasquan, New Jersey;

Barbourville, Kentucky (Levisa/Tug Forks of Big Sandy River and Upper Cumberland River, West Virginia, Virginia, and Kentucky);

Harlan, Kentucky (Levisa/Tug Forks of Big Sandy River and Upper Cumberland River, West Virginia and Kentucky): Provided, That no fully allocated funding policy shall apply with respect to the construction of Barbourville, Kentucky, and Harlan, Kentucky (Levisa/Tug Forks of Big Sandy River and Upper Cumberland River West Virginia, Virginia, and Kentucky);

Cape May to Lower Township, New Jersey;

Ouachita River Levees, Louisiana;

Century Park, Lorain, Ohio;

Community Park, Sheffield Lake, Ohio.

FLOOD CONTROL AND COASTAL EMERGENCIES

For expenses necessary for emergency flood control, hurricane, and shore protection activities, as authorized by section 5 of the Flood Control Act, approved August 18, 1941, as amended, $26,000,000, to remain available until expended.

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

For expenses necessary for prosecuting work of flood control, and rescue work, repair, restoration, or maintenance of flood control projects threatened or destroyed by flood, as authorized by law (33 U.S.C. 702a, 702g-1), [$326,399,000] *$315,130,000,* to remain available until expended: *Provided,* That not less than $250,000 shall be available for bank stabilization measures as determined by the Chief of Engineers to be advisable for the control of bank erosion of streams in the Yazoo Basin, including the foothill area, and where necessary such measures shall complement similar works planned and constructed by the Soil Conservation Service and be limited to the areas of responsibility mutually agreeable to the District Engineer and the State [Conservationist. In furtherance of the development of the Atchafalaya Basin Floodway System, Louisiana, in accordance with Public Laws 99-88 and 99-662, the Secretary of the Army is directed to acquire necessary interests in real estate for all features of the project, flood control, developmental control, environmental, and public access, beginning at the North end of the basin and proceeding Southerly. With the funds herein provided, the Secretary is further directed to concurrently acquire all real estate interests approved for the project as the acquisition process proceeds in the manner described in the preceding sentence:] *Provided further, That with the additional funds herein appropriated, the Secretary of the Army is directed to expedite the acquisition in fee simple, of lands, excluding minerals, for public access in the Atchafalaya Basin Floodway System, Louisiana, in furtherance of the plan described in the report of the Chief of Engineers dated February 28, 1983, as authorized by Public Laws 99-88 and 99-662.*

Funds provided to the Corps of Engineers are to be used in carrying out advanced engineering and design work on the Helena Harbor, Phillips County, Arkansas, project. The Corps will complete the advanced engineering and design work and be prepared to let a contract for the first phase of the construction not later than October 1, 1988.

The Secretary of the Army shall allocate $180,000 to the Mississippi River East Bank, Warren to Wilkerson Counties, Mississippi, Natchez Area project to initiate and complete in May 1988 a reevaluation of alternative plans, submission of a draft reevaluation report/Environmental Impact Statement supplement, coordination of report findings with public and other agencies, and completion and submission of the final report in December 1988.

OPERATION AND MAINTENANCE, GENERAL

For expenses necessary for the preservation, operation, maintenance, and care of existing river and harbor, flood control, and related works, including such sums as may be necessary for the maintenance of harbor channels provided by a State, municipality or other public agency, outside of harbor lines, and serving essential needs of general commerce and navigation; [administration of laws pertaining to preservation of navigable waters;] surveys and charting of northern and northwestern lakes and connecting waters; clearing and straightening channels; and removal of obstructions to navigation, [$1,413,093,000] *$1,404,738,000,* to remain available until expended, of which such sums as become available in the Harbor Maintenance Trust Fund, pursuant to Public Law 99-662, may be derived from that fund, and of which $12,000,000 shall be for construction, operation, and maintenance of outdoor recreation facilities, to be derived from the special account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l)*: Provided, That not to exceed $10,000,000 shall be available for obligation for national emergency preparedness programs.* [The Secretary of the Army shall allocate $388,000 to construct at full Federal expense a Water Resources Information and Visitors Center facility at Crowder Point, Eufaula Lake, Oklahoma; and, in addition, shall allocate $159,000 to construct at full Federal expense a Visitors Center facility at the Lake Texoma project in Oklahoma.

The Secretary of the Army, acting through the Chief of Engineers, is directed to undertake the following project in fiscal year 1988: Sauk Lake, Minnesota.]

GENERAL REGULATORY FUNCTIONS

For expenses necessary for administration of laws pertaining to preservation of navigable waters, $55,262,000, to remain available until expended.

GENERAL EXPENSES

For expenses necessary for general administration and related functions in the office of the Chief of Engineers and offices of the Division Engineers; activities of the Board of Engineers for Rivers and Harbors, the Coastal Engineering Research Board, the Engineer Automation Support Activity, and the Water Resources Support Center, $128,200,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations in this title shall be available for expenses of attendance by military personnel at meetings in the manner authorized by section 4110 of title 5, United States Code, uniforms, and allowances therefor, as authorized by law (5 U.S.C. 5901-5902), and for printing, either during a recess or session of Congress, of survey reports authorized by law, and such survey reports as may be printed during a recess of Congress shall be printed, with illustrations, as documents of the next succeeding session of Congress; not to exceed $2,000 for official reception and representation expenses; and during the current fiscal year the revolving fund, Corps of Engineers, shall be available for purchase (not to exceed 225 for replacement only) and hire of passenger motor vehicles.

GENERAL PROVISIONS, CORPS OF ENGINEERS

SEC. 101. In section 4(c) of Public Law 99-469, the word "Secretary" is deleted each time it appears and the words "United States" are inserted in lieu thereof.

[SEC. 102. The Secretary of the Army is directed to initiate construction and to reimburse non-Federal interests for work completed in conjunction with the North Branch of Chicago River project in Illinois.

[SEC. 103. Using funds previously provided in the Energy and Water Development Appropriations Act, 1987 (Public Law 99-500 and Public Law 99-591), the Secretary of the Army is directed to proceed with development of the Cross-Florida Barge Canal Conservation Management Plan as described in subsection 1114(e) of the Water Resources Development Act, 1986 (Public Law 99-662).

[SEC. 104. A project for flood control along the San Timoteo Creek in the vicinity of Loma Linda is authorized for construction as part of the Santa Ana Mainstem including Santiago Creek Project in accordance with plans described in the San Timoteo Interim II of the Santa Ana Basin and Orange County study. For purposes of economic justification the benefits and costs of the San Timoteo Project shall be included together with the benefits and costs of the entire Santa Ana Mainstem, including Santiago Creek. The total cost for the Santa Ana Mainstem, including Santiago Creek, is to be raised by $25 million.]

SEC. 102. Section 1124 of Public Law 99-662 is modified to add the following new subsection:

"(e) The dollar amounts listed in this section are based on October 1985 price levels. Such amounts shall be subject to adjustment pursuant to section 902(2) of this Act. Total contributions to governments in Canada that are authorized by this section, as adjusted pursuant to section 902(2) of this Act, may fluctuate to reflect changes in the rate of exchange for currency between the United States and Canada that occurred between October 1985 and the time contributions are made.".

SEC. 103. The undesignated paragraph under the heading "Puerco River and Tributaries, New Mexico" in section 401(a) of Public Law 99-662 (100 Stat. 4082) is amended by striking out "$4,190,000", "$3,140,000", and "$1,050,000" and inserting in lieu thereof "$7,300,000", "$5,500,000", and "$1,800,000", respectively.

TITLE II

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

For carrying out the functions of the Bureau of Reclamation as provided in the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) and other Acts applicable to that Bureau as follows:

GENERAL INVESTIGATIONS

For engineering and economic investigations of proposed Federal reclamation projects and studies of water conservation and development plans and activities preliminary to the reconstruction, rehabilitation and betterment, financial adjustment, or extension of existing projects, to remain available until expended, [$17,795,000] *$16,945,000*: *Provided,* That of the total appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from that fund: *Provided further,* That all costs of an advance planning study of a proposed project shall be considered to be construction costs and to be reimbursable in accordance with the allocation of construction costs if the project is authorized for construction: *Provided further,* That funds contributed by non-Federal entities for purposes similar to this appropriation shall be available for expenditure for the purposes for which contributed as though specifically appropriated for said purposes, and such amounts shall remain available until expended.

CONSTRUCTION PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For construction and rehabilitation of projects and parts thereof (including power transmission facilities for Bureau of Reclamation use) and for other related activities as authorized by law, to remain available until expended [$704,233,000] *$699,038,000,* of which [$146,298,000] *$143,143,000,* shall be available for transfer to the Upper Colorado River Basin Fund authorized by section 5 of the Act of April 11, 1956 (43 U.S.C. 620d), and $152,498,000 shall be available for transfers to the Lower Colorado River Basin Development Fund authorized by section 403 of the Act of September 30, 1968 (43 U.S.C. 1543), and such amounts as may be necessary shall be considered as though advanced to the Colorado River Dam Fund for the Boulder Canyon Project as authorized by the Act of December 21, 1928, as amended: *Provided,* That of the total appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from that fund: *Provided further,* That transfers to the Upper Colorado River Basin Fund and Lower Colorado River Basin Development Fund may be increased or decreased by transfers within the overall appropriation to the heading: *Provided further,* That funds contributed by non-Federal entities for purposes similar to this appropriation shall be available for expenditure for the purposes for which contributed as though specifically appropriated for said purposes, and such funds shall remain available until expended: *Provided further, That approximately $5,630,000 in unobligated balances of Teton Dam Failure Payment of Claims funds provided under Public Laws 94-355 dated July 12, 1976, and 94-438, dated September 30, 1976, shall be available for use on projects under this appropriation*: *Provided further,* That the final point of discharge for the interceptor drain for the San Luis Unit shall not be determined until development by the Secretary of the Interior and the State of California of a plan, which shall conform with the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters: *Provided further,* That no part of the funds herein approved shall be available for construction or operation of facilities to prevent waters of Lake Powell from entering any national monument: *Provided further,* That of the amount herein appropriated, such amounts as may be necessary shall be available to enable the Secretary of the Interior to continue work on rehabilitating the Velarde Community Ditch Project, New Mexico, in accordance with the Federal Reclamation Laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) for the purposes of diverting and conveying water to irrigated project lands. The cost of the rehabilitation will be nonreimbursable and constructed features will be turned over to the appropriate entity for operation and maintenance: *Provided further,* That of the amount herein appropriated, such amounts as may be required shall be available to continue improvement activities for the Lower Colorado Regional Complex: *Provided further,* That the funds contained in this Act for the Garrison Diversion Unit, North Dakota, shall be expended only in accordance with the provisions of the Garrison Diversion Unit Reformulation Act of 1986 (Public Law 99-294)[: *Provided further,* That none of the funds appropriated in this Act shall be used to study or construct the Cliff Dam feature of the Central Arizona Project, except with respect to fish and wildlife and environmental mitigation costs: *Provided further,* That plan 6 features of the Central Arizona Project other than Cliff Dam, including such increments of flood control that may be found to be feasible by the Secretary of the Interior at Horseshoe and Bartlett Dams, in consultation and cooperation with the Secretary of the Army and using Corps of Engineers evaluation criteria, developed in conjunction with dam safety modifications and consistent with applicable environmental law, are hereby deemed to constitute a suitable alternative to Orme Dam within the meaning of the Colorado River Basin Project Act (82 Stat. 885; 43 U.S.C. 1501 et seq.)]*: Provided further, That none of the funds appropriated in this Act shall be used to study or construct the Cliff Dam feature of the Central Arizona Project: Provided further, That Plan 6 features of the Central Arizona Project other than Cliff Dam, including (1) water rights and associated lands within the State of Arizona acquired by the Secretary of the Interior through purchase, lease, or exchange, for municipal and industrial purposes, not to exceed 30,000 acrefeet; and, (2) such increments of flood control that may be found to be feasible by the Secretary of the Interior at Horseshoe and Barlett Dams, in consultation and cooperation with the Secretary of the Army and using Corps of Engineers evaluation critieria, developed in conjunction with dam safety modifications and consistent with applicable environmental law, are hereby deemed to constitute a suitable alternative to Orme Dam within the meaning of the Colorado River Basin Project Act (82 Stat.885; 43 U.S.C. 1501 et seq.): Provided further, That any funds expended under this Act for the purpose of conserving endangered fish species of the Colorado River system shall be charged against the increased amount authorized to be appropriated under the Colorado River Storage Project Act, as provided by section 501(A) of the Colorado River Basin Act of 1968: Provided further, That notwithstanding the provisions of the Garrison Diversion Unit Reformulation Act of 1986 (Public Law 99-294), the James River Comprehensive Report on water resource development pro-*

posals may be submitted to Congress at a date after September 30, 1988, but not later than September 30, 1989.

Operation and Maintenance

For operation and maintenance of reclamation projects or parts thereof and other facilities, as authorized by law; and for a soil and moisture conservation program on lands under the jurisdiction of the Bureau of Reclamation, pursuant to law, to remain available until expended, [$154,797,000] *$154,297,000*: *Provided*, That of the total appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from that fund: *Provided further*, That of the total appropriated, such amounts as may be required for replacement work on the Boulder Canyon Project which would require readvances to the Colorado River Dam Fund shall be readvanced to the Colorado River Dam Fund pursuant to section 5 of the Boulder Canyon Project Adjustment Act of July 19, 1940 (43 U.S.C. 618d), and such readvances since October 1, 1984, and in the future shall bear interest at the rate determined pursuant to section 104(a)(5) of Public Law 98-381: *Provided further*, That funds advanced by water users for operation and maintenance of reclamation projects or parts thereof shall be deposited to the credit of this appropriation and may be expended for the same objects and in the same manner as sums appropriated herein may be expended, and such advances shall remain available until expended: *Provided further*, That revenues in the Upper Colorado River Basin Fund shall be available for performing examination of existing structures on participating projects of the Colorado River Storage Project, the costs of which shall be nonreimbursable.

Loan Program

For loans to irrigation districts and other public agencies for construction of distribution systems on authorized Federal reclamation projects, and for loans and grants to non-Federal agencies for construction of projects, as authorized by the Acts of July 4, 1955, as amended (43 U.S.C. 421a-421d), and August 6, 1956, as amended (43 U.S.C. 422a-422l), including expenses necessary for carrying out the program, [$41,574,000] *$30,809,000*, to remain available until expended: *Provided*, That of the total sums appropriated, the amount of program activities which can be financed by the reclamation fund shall be derived from that fund: *Provided further*, That during fiscal year 1988 and within the resources and authority available, gross obligations for the principal amount of direct loans shall not exceed [$40,237,000] *$29,472,000*: *Provided further*, That any contract under the Act of July 4, 1955 (69 Stat. 244), as amended, not yet executed by the Secretary, which calls for the making of loans beyond the fiscal year in which the contract is entered into shall be made only on the same conditions as those prescribed in section 12 of the Act of August 4, 1939 (53 Stat. 1187, 1197).

General Administrative Expenses

For necessary expenses of general administration and related functions in the office of the Commissioner, the Denver Engineering and Research Center, and offices in the six regions of the Bureau of Reclamation, [$53,290,000] *$53,690,000*, of which $1,000,000 shall remain available until expended, the total amount to be derived from the reclamation fund and to be nonreimbursable pursuant to the Act of April 19, 1945 (43 U.S.C. 377): *Provided*, That no part of any other appropriation in this Act shall be available for activities or functions budgeted for the current fiscal year as general administrative expenses.

Emergency Fund

For an additional amount for the "Emergency fund", as authorized by the Act of June 26, 1948 (43 U.S.C. 502), as amended, to remain available until expended for the purposes specified in said Act, $1,000,000, to be derived from the reclamation fund.

Special Funds

(TRANSFER OF FUNDS)

Sums herein referred to as being derived from the reclamation fund or the Colorado River development fund are appropriated from the special funds in the Treasury created by the Act of June 17, 1902 (43 U.S.C. 391) and the Act of July 19, 1940 (43 U.S.C. 618a), respectively. Such sums shall be transferred, upon request of the Secretary, to be merged with and expended under the heads herein specified; and the unexpended balances of sums transferred for expenditure under the head "General Administrative Expenses" shall revert and be credited to the special fund from which derived.

Administrative Provisions

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed 13 passenger motor vehicles of which 11 shall be for replacement only; payment of claims for damages to or loss of property, personal injury, or death arising out of activities of the Bureau of Reclamation; payment, except as otherwise provided for, of compensation and expenses of persons on the rolls of the Bureau of Reclamation appointed as authorized by law to represent the United States in the negotiations and administration of interstate compacts without reimbursement or return under the reclamation laws; for service as authorized by section 3109 of title 5, United States Code, in total not to exceed $500,000; rewards for information or evidence concerning violations of law involving property under the jurisdiction of the Bureau of Reclamation; performance of the functions specified under the head "Operation and Maintenance Administration", Bureau of Reclamation, in the Interior Department Appropriations Act 1945; preparation and dissemination of useful information including recordings, photographs, and photographic prints; and studies of recreational uses of reservoir areas, and investigation and recovery of archeological and paleontological remains in such areas in the same manner as provided for in the Acts of August 21, 1935 (16 U.S.C. 461-467) and June 27, 1960 (16 U.S.C. 469): *Provided*, That no part of any appropriation made herein shall be available pursuant to the Act of April 19, 1945 (43 U.S.C. 377), for expenses other than those incurred on behalf of specific reclamation projects except "General Administrative Expenses" and amounts provided for plan formulation and advance planning investigations, and general engineering and research under the head "General Investigations".

Sums appropriated herein which are expended in the performance of reimbursable functions of the Bureau of Reclamation shall be returnable to the extent and in the manner provided by law.

No part of any appropriation for the Bureau of Reclamation, contained in this Act or in any prior Act, which represents amounts earned under the terms of a contract but remaining unpaid, shall be obligated for any other purpose, regardless of when such amounts are to be paid: *Provided*, That the incurring of any obligation prohibited by this paragraph shall be deemed a violation of section 3679 of the Revised Statutes, as amended (31 U.S.C. 1341).

No funds appropriated to the Bureau of Reclamation for operation and maintenance, except those derived from advances by water users, shall be used for the particular benefits of lands (a) within the boundaries of an irrigation district, (b) of any member of a water users' organization, or (c) of any individual when such district, organization, or individual is in arrears for more than twelve months in the payment of charges due under a contract entered into with the United States pursuant to laws administered by the Bureau of Reclamation.

None of the funds made available by this or any other Act shall be used by the Bureau of Reclamation for contracts for surveying and mapping services unless such contracts are awarded in accordance with title IX of the Federal Property and Administrative Service Act of 1949 (40 U.S.C. 541 et seq.).

GENERAL PROVISIONS

DEPARTMENT OF THE INTERIOR

SEC. 201. Appropriations in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided*, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted.

SEC. 202. The Secretary may authorize the expenditure or transfer (within each bureau or office) of any appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of forest or range fires on or threatening lands under jurisdiction of the Department of the Interior.

SEC. 203. Appropriations in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency, or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by the Act of June 30, 1932 (31 U.S.C. 1535 and 1536): *Provided*, That reimbursements for costs of supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 204. Appropriations in this title shall be available for hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchases of reprints; payment for telephone services in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

[SEC. 205. In accordance with repayment contract No. 9-07-70-W0363, entered into August 29, 1979, as amended December 18, 1981, for the Farwell Irrigation District, contractual party with the Farwell Unit, Middle Loup Division, Pick-Sloan Missouri

Basin Program, and entitled "Contract between the United States of America and the Farwell Irrigation District for Additional Drainage Facilities", the costs of such project allocated to irrigation and drainage shall not be reimbursable. Payments already made under such contract shall be credited against overall payments due the United States.

[SEC. 206. (a) INTENT AND PURPOSE.—The Reclamation Reform Act of 1982 (43 U.S.C. 390aa) is amended by inserting before Section 201 the following:

["SEC. 200. It is the intent of Congress that no individual or legal entity receive irrigation water under this title at less than full cost on more than 960 acres of class I lands, or the equivalent thereof, in which that individual or legal entity has an economic interest, except as otherwise provided in this title.".

[(b) TRUSTS.—The text of section 214 of the Reclamation Reform Act of 1982 (43 U.S.C. 390nn) is amended to read as follows:

["Sec. 214. (a) All trusts established under State or Federal law shall be subject to all applicable provisions of Federal reclamation law, including this title.

["(b) All trusts established under State or Federal law subject to the provisions of this title which receive irrigation water under this title shall be deemed to be a qualified or limited recipient.

["(c) All trusts established under State or Federal law established after June 3, 1987, shall be required to: be in writing; be approved by the Secretary; and, identify and describe the interests of each trustee, grantor and beneficiary.

["(d) Lands placed in a revocable trust shall be attributed to the grantor.

["(e) An individual or corporate trustee holding land in a fiduciary capacity, shall not be subject to the ownership and full cost pricing limitations of this title and the ownership limitations provided in any other provisions of Federal reclamation law.".

[(c) FARM MANAGEMENT ARRANGEMENTS.—The Reclamation Reform Act of 1982 (43 U.S.C. 390aa et seq.) is amended—

[(1) by redesignating section 230 as section 231; and,

[(2) by inserting after section 229 the following new section:

["FARM MANAGEMENT ARRANGEMENTS

["SEC. 230. (a) Notwithstanding any other provision of law, any individual or legal entity who receives irrigation water and enters into a farm management arrangement, farm services agreement, or any other form of operational relationship shall submit for approval by the Secretary, on such reports or forms as the Secretary deems appropriate—

["(1) the name of the individual or legal entity performing such management or services;

["(2) the legal description of the land subject to such arrangement or agreement; and,

["(3) that such arrangement or agreement conforms with the requirements of subsection (c).

["(b) Failure to comply with subsection (a) or with a request by the Secretary for submission of any such arrangement or agreement shall result in an increase in the cost of irrigation water to the full cost of all irrigation water delivered to such individual or legal entity until such time as the individual or legal entity has complied with the requirements of this section.

["(c) The Secretary may approve a farm management arrangement or farm services agreement or any other form of operational relationship only if—

["(1) such arrangement or agreement is in writing; and,

["(2) under such arrangement or agreement, the individual or legal entity is performing such farm management arrangement or farm services or any other form of operational relationship for a reasonable fee and does not assume an economic interest in the farming operation other than as a beneficiary of a security interest.".

[(d) ADMINISTRATIVE PROVISIONS—EVASION.—Section 224 of the Reclamation Reform Act of 1982 (43 U.S.C. 390ww) is amended by adding at the end thereof the following:

["(g)(1) If a trust, farm management arrangement, farm services agreement or any other form of operational relationship evades the intent or provisions of this title or any other provision of Federal reclamation law, the Secretary shall recast such arrangement, agreement, or trust to reflect the true situation and shall apply a penalty equal to the full cost of all irrigation water which has been delivered to such individual or legal entity less any amount already paid for such irrigation water, plus interest at the rate established for underpayment of tax under section 6621 of the Internal Revenue Code of 1986.

["(2) Any determination by the Secretary under this subsection shall be in accordance with Chapter 5 of title 5 of the United States Code (relating to administrative procedure), subject to an adjudicatory hearing.

["(3) Any trust, arrangement or agreement which has received the approval of the Secretary as required by section 214 or section 230 shall not be liable for the penalty described in paragraph (1) during the period for which such trust, arrangement or agreement was approved, unless such Secretarial approval was obtained as a result of fraud, malfeasance or misrepresentation of fact.

["(4) Nothing in this subsection shall preclude the Secretary from reviewing any trust, arrangement or agreement utilized by an individual or legal entity who receives irrigation water for the purpose of determining compliance with this Act, or Federal reclamation law.".

[(e) EFFECTIVE DATE.—The amendments made by this Act shall take effect upon the date of enactment of this Act. The Secretary is directed to issue any necessary draft regulations to conform past regulations to this section within 30 days and to issue final regulations to implement this section within 120 days of the date of enactment of this Act. Such regulations shall carry out the intent and purposes of this Act, the Reclamation Reform Act of 1982, and Federal reclamation law.]

SEC. 205. Of the appropriations for the Central Utah project, in this or any other Act, not more than $18,500,000 of the total in any one fiscal year may be expended by the Secretary for all administrative expenses: Provided, That the Inspector General of the Department of the Interior shall annually audit expenditures by the Bureau of Reclamation to determine compliance with this section: Provided further, That none of the Bureau of Reclamation's appropriations shall be used to fund the audit: Provided further, That the Bureau of Reclamation shall not delay or stop construction of the project due to this limitation and shall apply all the remaining appropriations to completion of this project, unless continuation of work on the Central Utah project would cause administrative expenses attributable to the Central Utah project to be paid from funds available for other Bureau of Reclamation projects and thereby delay their construction.

TITLE III

DEPARTMENT OF ENERGY

ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES

[(INCLUDING TRANSFER OF FUNDS)]

For expenses of the Department of Energy activities including the purchase, construction and acquisition of plant and capital equipment and other expenses incidental thereto necessary for energy supply, research and development activities, and other activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 21 for replacement only), [$2,053,260,000] *$2,056,207,000*, to remain available until expended; [in addition $104,000,000 shall be derived by transfer from Uranium Supply and Enrichment Activities provided in prior years and shall be available until expended;- and of which $57,300,000 which shall be available only for the following facilities: the Institute for Human Genomic Studies at the Mount Sinai Medical Center, New York City; the Center for Applied Optics, University of Alabama in Huntsville; the Center for Automation Technology, Drexel University; the Institute for Advanced Physics Research, Boston University; the Multi-Purpose Center, Boston College; and the Pediatric Research Center at Children's Hospital, Pittsburgh, Pennsylvania; and funds provided for byproducts utilization activities shall be available only for the following regional projects: Florida Department of Agriculture and Consumer Services; Hawaii Department of Planning and Economic Development; Iowa State University; Oklahoma, RedArk Development Authority; Washington, Port of Pasco; State of Alaska.] *and of which $45,000,000 which shall be available only for the following facilities: the Cancer Research Center at the Medical University of South Carolina; the Oregon Health Science University; the Center for Advanced Microstructures and Devices, Louisiana State University; the Center for Science and Engineering, Arizona State University; and the Center for Applied Optics, University of Alabama in Huntsville.*

URANIUM SUPPLY AND ENRICHMENT ACTIVITIES

For expenses of the Department of Energy in connection with operating expenses; the purchase, construction, and acquisition of plant and capital equipment and other expenses incidental thereto necessary for uranium supply and enrichment activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 26 for replacement only); [$1,162,793,000] *$1,116,000,000*, to remain available until expended: *Provided*, That revenues received by the Department for the enrichment of uranium and estimated to total $1,301,000,000 in fiscal year 1988, shall be retained and used for the specific purpose of offsetting costs incurred by the Department in providing uranium enrichment service activities as authorized by section 201 of Public Law 95-238, notwithstanding the provisions of section 3302(b) of section 484, of title 31, United States Code: *Provided further,* That the sum herein appropriated shall be reduced as uranium enrichment revenues are received during fiscal year 1988 so as to result in a final fiscal year 1988 appropriation estimated at not more than $0.

General Science and Research Activities

For expenses of the Department of Energy activities including the purchase, construction and acquisition of plant and capital equipment and other expenses incidental thereto necessary for general science and research activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 22, of which 18 are for replacement only), [$805,998,000] *$824,498,000,* to remain available until expended*: Provided, That within available funds, the Secretary shall commission two independent evaluations of the economic benefits associated with the Superconducting Super Collider and recommendations on a plan that could be used for any State which is awarded the project to raise or to borrow funds to help defray the overall cost of the project.*

Nuclear Waste Disposal Fund

For nuclear waste disposal activities to carry out the purposes of Public Law [97-425] *97-425, as amended by S. 1668, Nuclear Waste Policy Act Amendments Act of 1987, as reported to the Senate on September 1, 1987,* including the acquisition of real property or facility construction or expansion, [$500,000,000] *$360,000,000,* to remain available until expended, to be derived from the Nuclear Waste Fund. To the extent that balances in the fund are not sufficient to cover amounts available for obligation in the account, the Secretary shall exercise his authority pursuant to section 302(e)(5) to issue obligations to the [Secretary of the Treasury] *Secretary of the Treasury. In paying the amounts determined to be appropriate as a result of the decision in Wisconsin Electric Power Co. v. Department of Energy, 778 F. 2d 1 (D.C. Cir. 1985), the Department of Energy shall pay, from the Nuclear Waste Fund, interest at a rate to be determined by the Secretary of the Treasury and calculated from the date the amounts were deposited into the Fund. Funds appropriated pursuant to this Act may be used to provide payments equivalent to taxes to special purpose units of local government at the candidate sites. S. 1668, Nuclear Waste Policy Act Amendments Act of 1987, as reported to the Senate on September 1, 1987, is included herein and shall be effective as if it had been enacted into law.*

Atomic Energy Defense Activities

For expenses of the Department of Energy activities, [$7,813,284,000] *$7,749,364,000,* to remain available until expended, including the purchase, construction and acquisition of plant and capital equipment and other expenses incidental thereto necessary for atomic energy defense activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 292 for replacement only including 43 police-type vehicles; and purchase of two aircraft, one of which is for replacement only)*: Provided, That none of the funds made available by this Act may be used for the purpose of restarting the N-Reactor at the Hanford Reservation, Washington. For the purposes of this proviso the term "restarting" shall mean any activity related to the operation of the N-Reactor that would achieve criticality, generate fission products within the reactor, or discharge cooling water from nuclear operations.*

Departmental Administration

For salaries and expenses of the Department of Energy necessary for Departmental Administration and other activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the hire of passenger motor vehicles and official reception and representation expenses (not to exceed $35,000) [$398,513,000] *$425,195,000,* to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): *Provided,* That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: *Provided further,* That moneys received by the Department for miscellaneous revenues estimated to total $233,896,000, in fiscal year 1988 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95-238, notwithstanding the provisions of section 3302 of title 31, United States Code: *Provided further,* That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during fiscal year 1988 so as to result in a [final year] *final fiscal year* 1988 appropriation estimated at not more than [$164,617,000] *$191,299,000.*

POWER MARKETING ADMINISTRATIONS

Operation and Maintenance, Alaska Power Administration

For necessary expenses of operation and maintenance of projects in Alaska and of marketing electric power and energy, $3,026,000, to remain available until expended.

Bonneville Power Administration Fund

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93-454, are approved for fish passage improvements at the Umatilla River Diversion and for the Ellensburg Screen Fish Passage Facilities. Expenditures are also approved for official reception and representation expenses in an amount not to exceed $2,500.

During fiscal year 1988, no new direct loan obligations may be made.

Operation and Maintenance, Southeastern Power Administration

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, $27,400,000, to remain available until expended.

Operation and Maintenance, Southwestern Power Administration

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, and for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses connected therewith, in carrying out the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power area, $16,648,000, to remain available until expended; in addition, notwithstanding the provisions of 31 U.S.C. 3302, not to exceed $4,625,000 in collections from the Department of Defense from power purchases and not to exceed $1,721,000 in collections from non-Federal entities for construction projects in fiscal year 1988, to remain available until expended.

Construction, Rehabilitation, Operation and Maintenance, Western Area Power Administration

(INCLUDING TRANSFER OF FUNDS)

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (Public Law 95-91), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed $1,500, the purchase of passenger motor vehicles (not to exceed 3 for replacement only), $258,512,000, to remain available until expended, of which $235,268,000, shall be derived from the Department of the Interior Reclamation fund; in addition, the Secretary of the Treasury is authorized to transfer from the Colorado River Dam Fund to the Western Area Power Administration $7,003,000, to carry out the power marketing and transmission activities of the Boulder Canyon project as provided in section 104(a)(4) of the Hoover Power Plant Act of 1984, to remain available until expended.

Federal Energy Regulatory Commission

SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (Public Law 95-91), including services as authorized by 5 U.S.C. 3109, including the hire of passenger motor vehicles; official reception and representation expenses (not to exceed $2,000); $104,000,000, of which $3,000,000 shall remain available until expended and be available only for contractual activities: *Provided,* That hereafter and notwithstanding any other provision of law, not to exceed $104,000,000 of revenues from licensing fees, inspection services, and other services and collections in fiscal year 1988, may be retained and used for necessary expenses in this account, and may remain available until expended: *Provided further,* That the sum herein appropriated shall be reduced as revenues are received during fiscal year 1988, so as to result in a final fiscal year 1988 appropriation estimated at not more than $0.

Geothermal Resources Development Fund

For carrying out the Loan Guarantee and Interest Assistance Program as authorized by the Geothermal Energy Research, Development and Demonstration Act of 1974, as amended, $72,000, to remain available until expended: *Provided,* That the indebtedness guaranteed or committed to be guaranteed through funds provided by this or any other appropriation Act shall not exceed the aggregate of $500,000,000.

General Provisions—Department of Energy

Sec. 301. Appropriations for the Department of Energy under this title for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance and operation of aircraft; purchase, repair and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services. From these appropriations, transfers of sums may be made to other agencies of the United States Government for the performance of work for which this appropriation is made. None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriation Act. The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private, or foreign.

(TRANSFERS OF UNEXPENDED BALANCES)

Sec. 302. Not to exceed 5 per centum of any appropriation made available for the current fiscal year for Department of Energy activities funded in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise provided, shall be increased or decreased by more than 5 per centum by any such transfers, and any such proposed transfers shall be submitted promptly to the Committees on Appropriations of the House and Senate.

Sec. 303. The unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this title. Balances so transferred may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

Sec. 304. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

Sec. 305. Section 970.3102-7 of Department of Energy Acquisition Regulations 48 CFR Part 970, issued pursuant to section 1534 of the Defense Authorization Act for 1986, shall not apply to the management and operating contractors for the Department of Energy National Laboratories.

Sec. 306. No funds appropriated or made available under this or any other Act shall be used by the executive branch for studies, reviews, to solicit proposals, to consider unsolicited proposals, undertake any initiatives or draft any proposals to transfer out of Federal ownership, management or control in whole or in part for the purpose of enriching uranium, the facilities and functions of the uranium supply and enrichment program until such activities have been specifically authorized in accordance with terms and conditions established by an Act of Congress hereafter enacted: Provided, That this provision shall not apply to the authority granted to the Department of Energy under section 161g of the Atomic Energy Act of 1954, as amended, under which it may sell, lease, grant, and dispose of property in furtherance of Atomic Energy Act activities or to the authority of the Administrator of the General Services Administration pursuant to the Federal Property and Administrative Service Act of 1944 to sell or otherwise dispose of surplus property.

Sec. 307. None of the funds appropriated by this Act or any other Act may be expended by the Federal Energy Regulatory Commission for the purpose of issuing a certificate of public convenience and necessity pursuant to the application made by the Iroquois Gas Transmission System under the Commission's optional expedited certificate procedures (Docket No. CP86-523 et al.).

Sec. 308. Within three months following the date of enactment of this Act, the Federal Energy Regulatory Commission shall provide the Committee with a report describing the policies followed in implementing the Commission's responsibilities under the National Environmental Policy Act. This report shall include a description of the steps the Commission has taken to ensure that environmental reviews are conducted efficiently and in a timely manner, the willingness of the Commission to utilize the technical expertise of other Federal and State agencies, and the Commission's environmental authority regarding nonjurisdictional facilities.

TITLE IV

INDEPENDENT AGENCIES

Appalachian Regional Commission

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, notwithstanding section 405 of said Act, except expenses authorized by section 105 of said Act, including services as authorized by section 3109 of title 5, United States Code, and hire of passenger motor vehicles, and for necessary expenses for the Federal Cochairman and the alternate on the Appalachian Regional Commission and for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by section 3109 of title 5, United States Code, and hire of passenger motor vehicles, to remain available until expended, $110,000,000.

Delaware River Basin Commission

SALARIES AND EXPENSES

For expenses necessary to carry out the functions of the United States member of the Delaware River Basin Commission, as authorized by law (75 Stat. 716), $203,000.

CONTRIBUTION TO DELAWARE RIVER BASIN COMMISSION

For payment of the United States share of the current expenses of the Delaware River Basin Commission, as authorized by law (75 Stat. 706, 707), $263,000.

Interstate Commission on the Potomac River Basin

CONTRIBUTION TO INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

To enable the Secretary of the Treasury to pay in advance to the Interstate Commission on the Potomac River Basin the Federal contribution toward the expenses of the Commission during the current fiscal year in the administration of its business in the conservancy district established pursuant to the Act of July 11, 1940 (54 Stat. 748), as amended by the Act of September 25, 1970 (Public Law 91-407), **[**$79,000**]** *$379,000.*

Nuclear Regulatory Commission

SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act, as amended, including the employment of aliens; services authorized by section 3109 of title 5, United States Code; publication and dissemination of atomic information; purchase, repair, and cleaning of uniforms, official representation expenses (not to exceed $20,000); reimbursements to the General Services Administration for security guard services; hire of passenger motor vehicles and aircraft, $417,800,000, to remain available until expended: *Provided,* That from this appropriation, transfer of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: *Provided further,* That moneys received by the Commission for the cooperative nuclear safety research program, services rendered to foreign governments and international organizations, and the material and information access authorization programs including criminal history checks under section 149 of the Atomic Energy Act, as amended, may be retained and used for salaries and expenses associated with those activities, notwithstanding the provisions of section 3302 of title 31, United States Code, and shall remain available until expended: *Provided further,* That revenues from licensing fees, inspection services, and other services and collections estimated at $208,900,000 in fiscal year 1988 shall be retained and used for necessary salaries and expenses in this account, notwithstanding the provisions of section 3302 of title 31, United States Code, and shall remain available until expended: *Provided further,* That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 1988 from licensing fees, inspection services and other services and collections, excluding those monies received for the cooperative nuclear safety research program, services rendered to foreign governments and international organizations, and the material and information access authorization programs, so as to result in a **[**final year**]** *final fiscal year* 1988 appropriation estimated at not more than $208,900,000.

Susquehanna River Basin Commission

SALARIES AND EXPENSES

For expenses necessary to carry out the functions of the United States member of the Susquehanna River Basin Commission as authorized by law (84 Stat. 1541), $197,000.

CONTRIBUTION TO SUSQUEHANNA RIVER BASIN COMMISSION

For payment of the United States share of the current expense of the Susquehanna River Basin Commission, as authorized by law (84 Stat. 1530, 1531), $249,000.

TENNESSEE VALLEY AUTHORITY

Tennessee Valley Authority Fund

For the purpose of carrying out the provisions of the Tennessee Valley Authority Act of 1933, as amended (16 U.S.C. ch. 12A), including purchase, hire, maintenance, and operation of aircraft, and purchase and hire of passenger motor vehicles, and for entering into contracts and making payments under section 11 of the National Trails System Act, as amended, $105,000,000, to remain available until expended: *Provided,* That this appropriation and other moneys available to the Tennessee Valley Authority may be used hereafter for payment of the allowances authorized by section 5948 of title 5, United States Code: *Provided fur-*

ther, That the official of the Tennessee Valley Authority referred to as the "inspector general of the Tennessee Valley Authority" is authorized, during the fiscal year ending September 30, 1988, to require by subpoena the production of all information, documents, reports, answers, records, accounts, papers, and other data and other documentary evidence necessary in the performance of the audit and investigation functions of that official, which subpoena, in the case of contumacy or refusal to obey, shall be enforceable by order of any appropriate United States district court: *Provided further,* That procedures other than subpoenas shall be used by the inspector general to obtain documents and evidence from Federal agencies.

TITLE V

GENERAL PROVISIONS

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. None of the funds in this Act shall be used to pay the expenses of, or otherwise compensate, parties intervening in regulatory or adjudicatory proceedings funded in this Act. [This prohibition bars payment to a party intervening in an administrative proceeding for expenses incurred in appealing an administrative decision to the courts.]

SEC. 503. None of the programs, projects or activities as defined in the report accompanying this Act, may be eliminated or disproportionately reduced due to the application of "Savings and Slippage", "general reduction", or the provision of Public Law 99-177*: Provided, That nothing herein shall be deemed to affect the ability of the Chief of Engineers, United States Army Corps of Engineers and the Commissioner of the Bureau of Reclamation to reprogram funds based upon engineering-related considerations.*

SEC. 504. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 505. None of the funds appropriated in this Act shall be used to implement a program of retention contracts for senior employees of the Tennessee Valley Authority.

SEC. 506. Notwithstanding any other provision of this Act or any other provision of law, none of the funds made available under this Act or any other law shall be used for the purposes of conducting any studies relating or leading to the possibility of changing from the currently required "at cost" to a "market rate" or any other noncost-based method for the pricing of hydroelectric power by the six Federal public power authorities, or other agencies or authorities of the Federal Government, except as may be specifically authorized by Act of Congress hereafter enacted.

SEC. 507. None of the funds appropriated in this Act [shall be used to pay the salary of the Administrator of a Power Marketing Administration or the Board of Directors of the Tennessee Valley Authority, and none of the funds authorized to be expended by this or any previous Act from the Bonneville Power Administration Fund, established pursuant to Public Law 93-454, may be used to pay the salary of the Administrator of the Bonneville Power Administration, unless such Administrators or Directors award contracts for the procurement of extra high voltage (EHV) power equipment] *for Power Marketing Administrations or the Tennessee Valley Authority, and none of the funds authorized to be expended by this or any previous Act from the Bonneville Power Administration Fund or the Tennessee Valley Authority Fund, may be used to pay the costs of procuring extra high voltage (EHV) power equipment unless contract awards are made for EHV equipment* manufactured in the United States when such agencies determine that there are one or more manufacturers of domestic end product offering a product that meets the technical requirements of such agencies at a price not exceeding 130 per centum of the bid or offering price of the most competitive foreign bidder: *Provided,* That such agencies shall determine the incremental costs associated with implementing this section and defer or offset such incremental costs against otherwise existing repayment obligations: *Provided further,* That this section shall not apply to any procurement initiated prior to October 1, 1985, or to the acquisition of spare parts or accessory equipment necessary for the efficient operation and maintenance of existing equipment and available only from the manufacturer of the original equipment: *Provided further,* That this section shall not apply to procurement of domestic end product as defined in 48 C.F.R. sec. 25.101: *Provided further,* That this section shall not apply to EHV power equipment produced or manufactured in a country whose government has completed negotiations with the United States to extend the GATT Government Procurement Code, or a bilateral equivalent, to EHV power equipment, or which otherwise offers fair competitive opportunities in public procurements to United States manufacturers of such equipment.

[SEC. 508. None of the funds in this Act may be used to construct or enter into an agreement to construct additional hydropower units at Denison Dam—Lake Texoma.

[SEC. 509. It is the sense of Congress that beach renourishment projects previously authorized are necessary projects; further that all Federal agencies shall cooperate fully in the application and permitting process to complete these necessary projects.]

This Act may be cited as the "Energy and Water Development Appropriation Act, 1988".

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there be a period for morning business for not to exceed 30 minutes and that the bill be temporarily laid aside until I have asked the Chair to conclude morning business.

The PRESIDING OFFICER (Mr. BREAUX). Is there objection? Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that Senators may speak during that period of morning business for not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who seeks recognition?

Mr. STENNIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is noted and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alaska is recognized.

THE DEBT CRISIS

Mr. MURKOWSKI. Mr. President, last Friday, I spoke of the debt crisis facing this country and the meaning of that crisis to the American people and American business.

Last Friday, I urged my colleagues to be receptive to the message delivered to us on "Black Monday." The message is simple: Time has run out in the game of borrow, borrow, borrow, spend, spend, spend. I called the belief that we can pile unending deficits onto a towering national debt forever and without consequence an economic illusion.

Last Friday, I stated that in the aftermath of "Black Monday" we have an historic opportunity to begin the process of restoring fiscal responsibility to Government. And, let there be no mistake about it—returning to responsibility will be very painful. We have waited too long to bring fiscal discipline to Government. We have allowed our appetite for spending and the resulting debt to so totally control us that our options are now very limited. If we miscalculate, the adverse implications for the economy are very great. But I submit, Mr. President, that if we fail in the effort to reduce America's debt, the consequences for our country and the world will be far worse. We face an erosion of our economic system and the consequences are really too great to reflect on.

Mr. President, I said on Friday, and I believe it bears repeating, that we have a cancer eating away at America. This cancer is a $2.3 trillion debt with an insatiable appetite growing by hundreds of millions of dollars every hour of every day of the year. Each business day of the year, the U.S. Treasury borrows—in large part from foreigners—over $500 million to finance the deficit. From the family unit to the National Government, in many respects we have become a debtor nation. Our standard of living is dependent upon the willingness of foreign investors, corporations, and governments to continue to feed our appetite for debt.

Mr. President, I came to the U.S. Senate in 1981. As I indicated the other day, I had an opportunity to buy a combination padlock. I was interested in setting the combination. I had been to a budget meeting on that particular day in the early spring of 1981. At that time the accumulated debt in this country was $757 billion. I set the combination for 757.

Today, Mr. President, that deficit is $2.3 trillion. Needless to say, you cannot get a combination with that many tumblers.

Mr. President, the mere fact that we have managed to accumulate a $2.3 trillion debt is reason enough to rethink the fiscal policies of our Government. We must not only rethink spending policies that allow entitlement programs to grow without limits, but also revenue raising policies which fall far short in meeting the needs of Government, the needs for private investment, and the need for savings.

The saving incentive must be reestablished. We tax our savings. We do not have an incentive to save in this country.

The reassessment of our course and implementation of fundamentally sound fiscal policies are the greatest challenges the Nation will face during the balance of this decade and that of the 1990's.

Mr. President, I do not believe that we have the luxury of time. We must begin the process of making meaningful reductions in the debt today. We must develop a strategy that addresses both the short-term and long-term manner in which we intend to deal with the deficit and the national debt.

There are steps that we can and must take now to reduce the deficit, and they begin right here—a freeze on cost-of-living adjustments stretching uniformly from Members of Congress completely throughout the Federal Government to include each and every program—means-tested and non-means-tested; military and civilian; Federal employee and Federal retiree. In that manner, considerable savings can be achieved fairly and equitably by spreading the burden of deficit reduction over a large number of beneficiaries rather than concentrating benefit reduction on selected groups or programs.

Mr. President, a freeze on cost-of-living adjustments will not result in any cuts in Federal benefits currently received by individuals. I repeat, not one dollar in cuts. It only means that there will be no increase above current levels for 1 year. All of us would be asked to hold the line for a year and make do with what we currently receive to save the system.

If we tackle the short-term problem in this way, the individual sacrifices would be held to a minimum—approximately $25 per month or less than $1 per day for the average Social Security recipient—and the potential savings of $12 billion for the remaining 8 months of fiscal year 1988 alone would be significant. If we can achieve meaningful deficit reduction, the minimal sacrifice borne by all Americans will be more than offset by lower interest rates, lower inflation, a stable dollar, and an American economy capable of competing in the world marketplace.

Mr. President, I ask unanimous consent that a table be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Program	Current average payment to individuals	Monthly amount foregone if COLA's are frozen	Nationwide savings from a freeze	
			(1 year)	(3 years)
Social Security: Retired workers	$492	$21	$9,000,000,000	$27,000,000,000
Veterans disability benefits: 30 percent disabled vet	194	15	450,000,000	1,650,000,000,000
Military retirees:				
Enlisted (E–7, 20 years service)	851	25	584,000,000	2,285,000,000,000
Officer (O–5, 20 years service)	1,810	54		
Civil service retirees	1,083	45	789,000,000	2,941,000,000,000
Civil service employees: Average full time	2,300	69		
Military members:				
Junior enlisted basic pay (E–4, 4 years service)	980	29		
Officer basic pay (003, 6 years service)	2,308	69		
Totals			12,350,000,000	40,090,000,000,000

Mr. **MURKOWSKI**. Mr. President, the key to success for combating the debt is putting everything on the table from defense spending to Social Security. An across-the-board and universal freeze must apply to everyone, especially the Congress. Our colleagues in the House of Representatives last week included a COLA for Members of Congress in the budget reconciliation bill. That action sends the wrong signal to those who are watching and gauging our resolve.

In my view, support by the American people and ultimately success in our deficit reduction efforts can only be achieved through fairness and equitable treatment. This past Friday, I indicated that the leadership of the major veterans' service organizations have expressed to me that veterans are prepared to do their part as long as it is part of a universal sacrifice. Are we to deny a COLA to a veteran disabled in the service of his/her country while providing one to Social Security recipients? The answer must be no, and I shall do my utmost to avoid that outcome.

Mr. President, a few days ago Mr. Gene Murphy, the national commander of the Disabled American Veterans, himself a severely disabled Vietnam veteran, wrote these words to the President and Members of Congress:

> In response to the current crisis that has rocked our nation's financial community and seriously impaired confidence—both home and abroad—in the American economy, I understand that you and other key members of the Congress and the Executive Branch are involved in discussions aimed at achieving agreement upon a meaningful deficit reduction package for the coming fiscal year.
>
> Certainly all Americans—including those who have served in our nation's Armed Forces—wish you God's speed and success in this most difficult task.
>
> As your deliberations most assuredly will include scrutiny of federal entitlement programs as one area in which to achieve reduction expenditures, I wish to inform you that the 1.1 million members of the Disabled American Veterans are willing to accept a delay, reduction or cancellation of the cost of living adjustments now being considered for VA service-connected disability compensation and nonservice—connected pension benefits, so long as such an action would be uniformly applied to all federal entitlement programs including those administered by the Social Security Administration.
>
> The members of the Disabled American Veterans are certainly no strangers to sacrifice and, we are once again willing to place the welfare of our country above self-interest.
>
> If a freeze in federal entitlements is applied equally across the board, so be it. However, if exceptions are to be made, I urge that you not forget the veterans and survivors of veterans who have incurred disability and death in defense of America.

Mr. President, the members of the Disabled American Veterans and the rest of America's veterans have already demonstrated their willingness to sacrifice for the good of our Nation and society. Their willingness to do so again is commendable but not surprising. I believe it is shared by all Americans. I believe the Congress should not fear the political consequences of action, even painful action. We should instead fear the consequences of allowing the opportunity we now have to slip away without meaningful action. If we fail to act, the American people who have entrusted us with their destiny will hold us responsible for the consequences.

We have a duty to seize the opportunities now before us. America's veterans have done their duty. They have a right to expect us to do ours. They have extended the challenge to the Congress of the United States that they are willing to take the cuts from their COLA's.

Mr. President, the rest is simply up to us and the convictions that I think we have.

I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SIMPSON. Mr. President, does the Senator from Mississippi wish the floor?

Mr. STENNIS. No.

Mr. SIMPSON. Mr. President, Senator STENNIS is our outstanding senior colleague. He served with my father and now I have the opportunity to serve with Senator STENNIS. He has served me much in counsel. He is a great friend.

NOMINATION OF JUDGE DOUGLAS H. GINSBURG

Mr. SIMPSON. Mr. President, I want to say a very few words on the nomination of Judge Douglas Ginsburg, of the District of Columbia Court of Appeals, to be an Associate Justice of the Supreme Court. I think this is a remarkable nominee. I commend the President for sending him to us.

His qualifications are truly exemplary. He has served with real distinction in all areas of the legal profession. All of us are learning more about him, what he has done. He has a superb professional record. He served in law school and in the bar, a member of the bar for many years. He served as a judge on the District of Columbia Circuit Court, often referred to as the most important Federal circuit court in the Nation.

He served as Assistant Attorney General for the Antitrust Division of the Justice Department for 2 years. Prior to that, he was administrator for the Information and Regulatory Affairs Office in the Office of Management and Budget in 1984 and 1985.

He is a distinguished scholar and served for 8 years as professor at the Harvard Law School. He is the author of numerous books and articles on antitrust and economic regulation, banking, communications, and the first amendment.

These things we know of him. We are learning more. We will know more when we finish our hearings, which will begin very soon, I hope.

He was a professor at Harvard. Judge Ginsburg maintained an active and prestigious law practice. He was a lawyer's lawyer and provided expert legal advice to other law firms and corporate general counsels for major banks, securities firms, and telephone companies.

He is familiar with the workings of the Supreme Court since he served as a clerk to Justice Thurgood Marshall in the 1974-75 term of the Court. We know that Justice Marshall has had some very important things to say in the public arena in these last months, both about the nomination of Judge Bork in some ways, and then about our President and our Government. It is good for me, at least, to know that Justice Marshall had this remarkable person as a clerk, and I would think would have high regard for him.

So he has an impressive record. Two of my colleagues on the other side of the aisle who are not generally known for their support of President Reagan's judicial nominees have both sung Judge Ginsburg's praises and highly recommended his confirmation as an appellate court judge.

In introducing Judge Ginsburg to the Judiciary Committee last year, my friend from Massachusetts, Senator KENNEDY, noted that he was a man with an "insightful mind" who was "able to dissect particular legal issues and questions with clarity and with a sense of compassion, and with an understanding of the law."

Senator KENNEDY also said that Judge Ginsburg is "open-minded, willing to listen, willing to consider views which he has not himself held."

The other fine Senator from Massachusetts, Senator KERRY, echoed this praise, saying there could be "no more highly qualified candidate for a judgeship on the U.S. Court of Appeals for the D.C. Circuit than Douglas Ginsburg."

According to the Senator, and I agree with him, "Douglas Ginsburg brings the highest possible degree of qualifications to become a member of the Federal judiciary." Senator KERRY went on to conclude, "I know that he commands the greatest respect from our mutual friends at Harvard, such as Alan Dershowitz and Larry Tribe. Alan has indicated to me that he regards Judge Ginsburg as a legal scholar of the highest order, nonideological, nonpolemical, and the best possible recommendation the President could make for the Federal Judiciary."

I think that is a remarkable bit of information.

For those of us who are concerned about the relative youth of Judge Ginsburg, let us just look at a couple of points. I would hate to see us foreclose our opportunities to people because of misconceived notions about the disabilities of youth.

Some of the greatest Justices in the history of the Supreme Court were appointed in their thirties and early forties. President Washington nominated John Jay at the age of 43. Joseph Story, arguably the greatest Justice, perhaps, in the history of the Court, was 32 when nominated by President Madison. The superb John Marshall Harlan was 44 at the time of nomination. Potter Stewart and Byron White were respectively 43 and 44 when nominated by Presidents Eisenhower and Kennedy.

William Douglas was 40 when nominated by President Franklin Roosevelt.

Many Justices, other than the few I have mentioned, were in their thirties and early forties when they were appointed to the Supreme Court.

And, of course, John Kennedy, our President of the United States, was 43 at the time he took that important role and served with such remarkable distinction.

So Justice Douglas' career provides us, I think, with a particularly striking analogy. William Douglas graduated second in his class at Columbia. After spending 2 or 3 years in private practice, he taught for 6 years at Columbia and Yale and established a reputation as an expert on corporate law. He served in the Roosevelt administration for 5 years on the Securities and Exchange Commission until his appointment to the Supreme Court.

Judge Ginsburg's career, interestingly, parallels Justice Douglas' quite remarkably. He was second in his class at law school, a professor of law, a practitioner, and holder of several responsible positions in Government. In fact, Judge Ginsburg is older and perhaps objectively better qualified than Douglas at that time in his life, having been a Supreme Court clerk and having had prior experience as an appellate court judge.

I think these interesting comparisons, the statements made that I have related, illustrate that Judge Ginsburg has the breadth of experience to ably serve on the Supreme Court. He has distinguished himself in public life in a breathtaking variety of ways: Supreme Court clerk, teacher, scholar, practitioner, Federal judge. He has time and again demonstrated his keen intellect.

One final thing: When persons speak of the fact that he had no judicial experience, I think it is important to the American public to know that John Marshall had no judicial experience nor did Justice Joseph Story, nor did Justice Roger Taney, nor did Justice Louis Brandeis, nor did Justice Hugo Black, except for his term as a police judge.

So I think we have a superb choice. Look closely at it. Begin to sort out the man's record and put it into perspective. Maybe those who do not want to see him on the bench just might not like his ideology. Let us try to look at the whole man and not get bogged into things that were so destructive in the last nomination submitted.

I thank the Chair.

The PRESIDING OFFICER. Who seeks recognition?

Mr. JOHNSTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is noted. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that morning business be closed.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY AND WATER DEVELOPMENT APPROPRIATION ACT, 1988

The Senate continued with the consideration of the bill.

Mr. JOHNSTON. Mr. President, I am delighted to join with my esteemed ranking minority member, Senator HATFIELD, from Oregon, in presenting to the Senate H.R. 2700 making appropriations for Energy and Water Development for the fiscal year ending September 30, 1988, and for other purposes. The Committee on Appropriations reported this bill on September 15, 1987, and the House of Representatives passed this bill on June 24 by a vote of 340 to 81.

The purpose of this annual appropriation bill is to provide funds for the fiscal year 1988 beginning October 1, 1987, and ending September 30, 1988, for energy and water development, and for other purposes. It supplies funds for water resources development programs and related activities of the Department of the Army, Civil Functions—U.S. Army Corps of Engineers' Civil Works Program in title I; for the Department of the Interior's Bureau of Reclamation in title II; for the Department of Energy including atomic energy defense activities—except for fossil fuel programs, and certain conservation and regulatory programs—in title III; and for related independent agencies and commissions, including the Appalachian Regional Commission and Appalachian Regional Development Programs, the Nuclear Regulatory Commission, and the Tennessee Valley Authority in title IV.

Mr. President, the total amount of new budget obligational authority provided by the bill is $15,919,912,000. This amount is $229,586,000 less than the House passed bill and $1,742,885,000 below the budget request submitted by President Reagan in January. A large part of this difference between the President's budget estimates and the bill as recommended by the committee is due to the treatment of uranium enrichment revenues which are retained to offset the cost of the Uranium Enrichment Program which has been done every year since the inception of the program.

Mr. President, inasmuch as the bill and report have been available for a month now and our recommendations are generally well known to the membership, I will not take the time of the Senate to explain in detail the contents of the bill. However, I will briefly highlight and summarize the major recommendations.

For Title I, Department of Defense-Civil, Department of the Army Corps of Engineers-Civil, we are recommending a total of $3,236,916,000. This new budget authority amount is $25,000,000 less than the President's budget and about $10,000,000 less than the House bill. Additionally, the committee did not recommend the use of unobligated balances in the amount of about $85,000,000 which the House passed bill uses to offset new appropriations. Therefore our reduction in title I is about $90,000,000 under the House bill. The amount recommended for construction is $1,166,136,000; $315,000,000 is included for flood control, Mississippi River and tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee; and $1.4 billion is included in the bill for operation and maintenance.

The bill as passed by the House included $60 million for 43 new starts costing $540 million. The President's budget proposal includes 13 new project starts with a current estimated Federal cost of $307 million. The severe budget constraints we are confronted with, required the committee to reduce the new projects approved by the House and we are recommending only 22 new projects with an estimated cost of about $410 million, about half way between the President's proposal and the House passed bill.

For title II, Mr. President, the committee recommendation provides $955 million in new budget authority for the activities for the Bureau of Reclamation in the Department of the Interior. This is about $17 million less than the amount included by the House—$700 million of this amount is to continue construction on projects that have been underway for some time now. Most of the funds would be provided for the central Arizona project, the central Utah project, and three or four other major construction projects. No new projects are recommended by the committee due to budgetary constraints.

For the Department of Energy, in title III of the bill, the committee would provide $11.3 billion in new budget authority, an amount which is $200 million below the House. The largest activity in the bill and for which about half of the funds are directed, is the Atomic Energy Defense Program. The committee recommendation would provide $7,750,000,000, a reduction of over $300 million from the budget estimates submitted by the President and some $64 million less than the House passed bill provides. Of this amount, $473 million is recommended for testing, $993 million is for research and development; $2,258,000,000 is for nuclear weapons production and surveillance; $1.8 billion is for nuclear materials production; $851 million is for defense waste management and environmental restoration; and $309 million is for SDI research for nuclear directed energy weapons.

For energy supply research and development programs, the committee recommendation includes $2,056,000,000 of which $105 million is for solar and renewal energy; $242,500,000 is for biological and environmental research; $610 million is for nuclear programs including remedial action activities; $345 million is for magnetic fusion research; and $526 million is included for basic energy sciences.

For general science and research, including high energy physics and nuclear physics, the committee recommendation is for $824.5 million. Of this amount $35 million is recommended for continued R&D on the superconducting supercollider. No funds are included for construction. Funds that are provided will keep the project going for another year while the administration and the Congress determine whether funds will be available in the future for this effort.

Mr. President, title IV of the bill includes appropriations in the amount of $110 million to continue the Appalachian Regional Program; a net appropriation of $208 million is provided for the Nuclear Regulatory Commission when anticipated revenues are subtracted from the total appropriation of $417 million; and the amount of $105 million is recommended for the Tennessee Valley Authority.

Mr. President, the Committee on Appropriations has made every effort to produce a balanced program for Department of Energy research and development activities and for the water resources development activities included in this bill. Budgetary constraints are such that the committee simply could not initiate many meritorious projects and activities sought by our colleagues and the administration. We believe that this is a good, solid bill under the conditions and circumstances we have to deal with and we urge the cooperation of the Members and support for this important measure.

Mr. President, one of the most important issues we have to deal with in connection with this appropriation bill, is the matter of the Nuclear Waste Disposal Program. The bill as passed by the House provides $500 million to continue the current Nuclear Waste Program under the Nuclear Waste Policy Act. As a part of the efforts to reduce costs and the budget deficit and to establish a workable program, the Committee on Appropriations believes that it is necessary for the Nuclear Waste Program to be redirected. The Committee on Energy and Natural Resources has included the legislation necessary to provide savings from the Nuclear Waste Program in the reconciliation bill. Reconciliation was postponed in late August until the end of September. At the end of September it was postponed until October 19. In the meantime, the Committee on Appropriations marked up this appropriation bill on September 15. In order to include the savings, provide for a redirected Nuclear Waste Program and live within the allocation for this bill, the Committee on Appropriations adopted a Nuclear Waste Program which provides $360 million to carry out the recommended solution for the Nuclear Waste Program—the redirected program amending the Nuclear Waste Policy Act contained in S. 1668 which was approved by the Senate Committee on Energy and Natural Resources on July 29. By a vote of 19 to 6, the Committee on Appropriations approved the inclusion of this redirected program in this appropriation bill. Obviously, this is a matter that will require some debate and careful consideration of this body, and we are prepared to explain the necessity and wisdom of the action being recommended by the Committee on Appropriations.

In conclusion, Mr. President, let me express my appreciation and thanks to the distinguished Senator from Oregon, Mr. HATFIELD, for his exemplary cooperation and fine work in helping to move this bill along. He is the former chairman of this subcommittee, as well as former chairman of the full Committee on Appropriations. We have enjoyed a long-time productive and enjoyable relationship in the Committee on Appropriations for many years now. I want to also say a special word of recognition to our distinguished chairman of the committee, Senator STENNIS. He is not only the former chairman of this subcommittee but one who always takes a special interest in this particular appropriation bill. When he first came to the Senate, he became associated with this bill which was known then as the old public works or civil functions bill. He still is a stalwart in the work of the subcommittee. And lastly, Mr. President, I want to express my thanks and appreciation to all the members of the subcommittee for their cooperation, advice, and assistance.

Mr. President, let me cover one other vitally important item that is in this bill, and that is nuclear waste.

Mr. President, nuclear waste is the kind of subject that Senators would rather not think about or talk about except when they are under the gun, except when they think there is danger of nuclear waste being placed in their respective States. And then, Mr. President, the reaction is uniformly emotional, occasionally irrational, and I speak as one whose State has been under the gun. I do not mean to say my State as a whole has acted irrationally, but I can tell you the emotions of some people are extreme. And I say that not in a denigrating way but to emphasize how difficult this problem is.

I personally, Mr. President, have been working on nuclear waste for over 10 years. Finally, we passed a Nuclear Waste Policy Act which dealt comprehensively with the issue of nuclear waste, which provided for what we called a two-track method of nuclear waste disposal, that is, to have a permanent underground repository, a deep repository, one somewhere in the West, and to have a possibility of a second repository, deep underground, at some later time in the East, and to have an MRS, or monitored retrieval storage facility located somewhere in the country which would provide for interim storage for periods, while not identified in the bill, somewhere in the neighborhood of 20, 30, perhaps 40 years total cooling and reduction of radioactivity.

So that is what the Nuclear Waste Policy Act provided. It provided a comprehensive method, Mr. President, of taking a large number of potential sites and winnowing down those potential sites by scientific evaluation, by drilling cores, and finally, when those sites were winnowed down to three, as has been done under the act, to pick the third site by what we call characterization.

Now, Mr. President, at the time we put this bill together it was thought that characterization, which involves the drilling of a shaft down into the ground perhaps 2,000 or 3,000 feet, might cost in the neighborhood of $60 million per site, so that the scheme was that you pick three sites. Then you go out to each of the three sites and drill, shall we say, a $60 million shaft.

Now, why was this thought to be necessary? Because there is only so much you can learn from drilling in effect bore holes from the surface. You cannot learn the essential characteristics of a nuclear waste site by doing that. You must in effect characterize in order to learn all of the characteristics of that site. For example, the flow of water or the lack thereof, which is a very essential part of picking a nuclear site, can be done only by drilling of the shaft and actually observing the water as it creeps or does not creep through the holes, noticing the direction of flow, the size of the cracks, if any—all of those things which can become obvious only by the drilling of the tremendous shaft and the characterization of the site.

What we did not know at the time, Mr. President, was that to characterize a site does not cost $60 million per site, but according to a study done by GAO it cost in the neighborhood of $2 billion a site. According to GAO, to characterize three sites will cost taxpayers or the ratepayers actually some $5.8 billion.

Mr. President, $5.8 billion is serious money by anybody's estimation. If it is not necessary, then it is one of the most gigantic wastes of money that this country has ever engaged in. Is it necessary?

Mr. President, in order to determine that issue of whether or not it is necessary to characterize three sites to spend essentially $2 billion extra dollars, we conducted extensive hearings in the Energy and Natural Resources Committee. We took the committee to Europe, we looked at nuclear waste sites in Sweden, and in France. Mr. President, the verdict came in very strong and clear that it is absolutely not necessary to waste $4 billion of the taxpayers' money by characterizing two additional sites, that the characterization of one site is sufficient.

Why is that so? According to the experts—and the experts in this case were the people from the Department of Energy who have been involved in this matter, the National Academy of Sciences, and the Nuclear Regulatory Commission. They said, first, that the degree of confidence in any one of the three sites which would be picked—that is, the site in Nevada, the State of Washington, and the State of Texas—and suitable is very high, that degree of confidence being I think one witness picked it at exceeding 95 percent.

Second, according to the experts, the ability to focus and bring together, to collate all of your scientific resources on one site, actually enhances your ability to characterize that site; that is to say, if you have a proliferation at three sites, trying to characterize all three sites, then you must split your scientific talent between the three sites. So there is actually an advantage to going to one site.

Mr. President, there is a caveat about the characterization of one site, and that is, you must have a sufficient length of time so that if the unexpected happens and you begin to characterize the first site and find it is unsuitable by tectonic activity, by water flows, by for whatever reason, then you must have time to go to the next site; in other words, to be in a position to characterize sequentially.

Mr. President, in order to do that, two things must be done. First of all, the characterization of the first site must proceed forthwith, that is, without undue delay. In the case of the legislation which we have proposed, we have proposed a date of January 1, 1989, within which the choice of the first site must be made. If that date has slipped, and, frankly, using the additional time of January 1, 1989, is more time than the present bill provides. But we thought it was prudent. But, second, Mr. President, we also provided for an MRS or the authorization of an MRS, a monitored retrievable storage facility.

The monitored retrievable storage facility, Mr. President, serves a number of useful, essential, and important purposes. First of all, it provides for the receipt and the packaging of the nuclear fuel rods. This is vitally important because the fuel rods essentially will have to be packaged, and the medium in which they are packaged—whether it is titanium, copper, or whatever—will actually depend upon the kind of medium in which they are finally put to rest; that is, the final repository of basalt. If they were put in a salt facility, then salt corrodes certain kinds of packaging and does not corrode other kinds of packaging. So in any event, the kind of package in which the nuclear fuel rods are put in the MRS is vital and important and will depend ultimately upon the kind of medium which is chosen.

Second, Mr. President, it serves the very vital purpose of cooling down the rods. Nuclear rods when they come out of a nuclear facility are very hot, both in waste heat and in radioactivity. The two decline on a very rapid curve losing most of their radioactivity and most of their heat in the first 10 years. So that the longer you let the rods cool, then the closer you can put them together in the eventual facility, and the less deformation there would be.

For example, in salt, very hot rods will melt salt, and are likely to crack granite or basalt. Salt, basalt, and granite are the three kinds of host rocks in which the three facilities are likely to be located.

So, Mr. President, the MRS serves as the cooling down portion, the cooling down arena. But third and very important it gives you the time to sequentially characterize your sites—in other words, whatever the capacity of the MRS is. Whatever the capacity of the MRS is, it gives you the time to sequentially characterize these sites. So that if the first site turns out not to be a suitable site that is characterized, then the rods that are going into the MRS will have time to go to a second repository site.

So what we have put together, Mr. President, is a proposal here that allows you to go from three characterization sites to one site, and in the process save about $3.8 billion of the taxpayers' money. It allows you to do so with full confidence that if the first site which is to be characterized turns out not to be suitable, you will have time to go to a second site and still be able to receive the nuclear waste by the 1998 time date. The 1998 time date is a date specified in the Nuclear Waste Policy Act by which time the Department of Energy must take title and possession of the nuclear waste rods. It is so specified in the act. So that this gives them the ability to meet that time date.

One other important factor in this bill, Mr. President, is what we call the incentive package. The saving of the $3.8 billion gives you the ability to give an incentive package for both the repository site and the MRS site. In the case of the repository, it is $100 million per year; in the case of the MRS it is $50 million per year.

We think there is a good chance that if we put this into law we will have a volunteer site. If we do not have a volunteer site, it at least serves a very excellent purpose in assuaging, at least, the hurt feelings of the State into which the nuclear waste is to be put.

One final point on nuclear waste, Mr. President. The size of the incentive package is not meant to compensate injury to the State.

The scientific evidence is overwhelming that the potential harm to anyone is vanishingly small, virtually nonexistent. If you look at all the activities in the nuclear waste cycle, from uranium mining to enrichment to fabrication of fuel rods to operating of a repository, the most benign of all of those is the storing, the final depositing, of the fuel rods. These rods have no ability to explode. They are solid; they are not gaseous.

If you have a wreck on the highway, you have these transportation casks that are wreckproof in terms of there being an accident that breaks one of them open. But even if it did, they cannot explode.

The kind of danger which would be posed, while it is not inconsequential—if, let us say, the impossible happens and an unbreakable cask breaks—is, nevertheless, a danger much smaller than, for example, transporting liquified petroleum gas or hazardous chemicals, which is an everyday activity in any town of any size in the country.

Nevertheless, we recognize that there is a sensitivity, an emotionalism, that attends the location of nuclear waste; hence, the incentive package of $100 million a year for the repository and $50 million a year for the MRS.

One final point, Mr. President: Because the number of nuclear plants and hence the amount of nuclear waste generated is less than originally thought at the time the bill was first put together, it is thought not to be necessary to have an eastern repository. Consequently, we directed that all activity cease with respect to an eastern respository and that in the year 2010, an additional study be made to determine whether or not that judgment is correct; and I believe that that judgment, even in the year 2010, would turn out to be correct.

Mr. President, in conclusion, let me express my appreciation to the distinguished Senator from Oregon [Mr. HATFIELD], with whom I have worked now for many years on this subcommittee package, with me as chairman in some years and then for 6 years with him as chairman. Frankly, it has been hard to tell who is chairman and who is not chairman, because it is a collegial, cooperative activity; and I count myself extremely lucky to have him as my colleague and as my coworker in this endeavor, and I thank him for it.

Mr. HATFIELD. Mr. President, it is a very difficult bill that the committee has labored on for a long while, with many controversial parts to this bill. The very strong leadership of the Senator from Louisiana, our subcommittee chairman, has certainly made it finally possible to bring this bill, in a comprehensive way, to be acted upon on the floor.

I join the Senator from Louisiana in recommending the passage of this bill. I appreciate our working relationship and our very seasoned staff on the subcommittee, from both sides of the aisle. They play an increasingly significant part in this bill, as it becomes more difficult and more technical.

Mr. President, the energy and water development appropriations bill as recommended by the committee provides $15,919,912,000 in new budget authority for energy and water activities in fiscal year 1988. The total amount of the bill as reported is $1,742,885,000 below the President's budget request and $229,586,000 below the House-passed version. Our recommendation is within the Senate Budget allocation, and I believe it clearly represents a fiscally responsible appropriations measure.

As in previous years, Mr. President, this bill is the result of long hours of testimony from agency officials and other public and private witnesses during 19 hearing sessions. The committee recommendation is also the product of a nonpartisan agreement reached through two lively markup sessions; and I expect it will receive the overwhelming support of the Senate.

Senator JOHNSTON, the chairman of the subcommittee, has outlined the major provisions of the bill, and of course, additional details are provided in Senate Report 100-159.

Mr. President, the recommendation before us today provides about $4.2 billion for Federal water resource development programs. This includes primarily the projects and related activities of the Army Corps of Engineers, the Bureau of Reclamation, and related agencies. These capital investments in our Nation's water-based resources, in my view, are the cornerstone and the most important element of this appropriations measure. The water projects in this bill provide lasting benefits in the areas of flood control, municipal and industrial water supply, irrigation, water conservation, commercial navigation, hydroelectric power, recreation, and fish and wildlife enhancement. Although these activities are funded at about $200 million over last year's level, the allocation of funds is not sufficient to support the hundreds of requests from our colleagues in the Senate. Nevertheless, I believe we have met the major concerns and priorities in water resources under the guidance of our most able chairman.

On the energy side of the equation the committee recommends approximately $11.3 billion for the Department of Energy. While most energy activities are maintained at current or reduced levels of funding there is growth from fiscal year 1987 levels due to increases in both general science research and atomic energy defense. In energy defense activities, we recommend about $7.7 billion, which is an increase of 3.4 percent or $267 million over the current year and about $300 million below the request.

As most of my colleagues know, I personally do not support any increase for the Atomic Weapons Program. That personal view, however, is not shared by the majority of the committee.

Due to declining weapons and materials production, however, much of the increased funding for atomic weapons again this year is for activities to protect the public health and safety, to meet environmental standards, and to enhance the security of the nuclear weapons complex. Although I strongly support these important efforts, further reductions in weapons activities should be used to finance them. In any event, there needs to be more done in all aspects of public health and safety, particularly in the cleanup of contaminated areas and the closure of unsafe or marginal operations within the weapons complex. Addressing these public health and safety issues will require substantial increases in funding in the future. For example, the cost of defense waste cleanup at the Hanford reservation is now estimated likely to be $16 billion, with some estimates as high as $100 billion. These staggering costs of Hanford cleanup from the recently drafted environmental impact statement represent a stark reminder of the magnitude of our problems throughout the weapons complex.

With the obvious need to increase funding in many areas and the growing pressure to reduce spending, we must discontinue marginal or questionable operations in order to make funds available to meet future needs. Accordingly, the committee has directed the Department to place the Hanford N-reactor in a cold standby status that would minimize further expenditure of funds on the reactor. This recommendation parallels the action taken earlier by the Senate Armed Services Committee.

Mr. President, the committee is concerned over the N-reactor at Hanford because it is shut down as a result of independent safety reviews. Congress prohibited a scheduled restart of the reactor through a provision in the supplemental appropriations bill. Now that the supplemental has expired, the Department of Energy again indicates that the reactor will be restarted in November or December even though safety improvements and repairs will not be complete at that time. A limited environmental statement [EIS] will not be finished by the proposed restart date either.

Mr. President, in May 1986, the Department picked an independent panel of six outside experts, chaired by Louis Roddis, former president of Consolidated Edison, to review the safety of the N-reactor. The Roddis panel was critical of environmental improvements and repairs. The Roddis panel and other safety reviews listed a total of 228 recommendations for improvement at the reactor. Only about $50 million out of some $170 million of scheduled improvements will be complete before the proposed November restart. In other words, more than half of the repairs will not even be completed. Many of the major repairs will not be complete in fiscal year 1988.

To make matters worse, a more recent safety analysis by the National Academy of Sciences raised additional questions. The Academy's technical review of the Department's proposed hydrogen mitigation plan recommended that more analysis is necessary. Quoting from the August 26 report "the hydrogen mitigation concept has not developed to the point at which details of the design, the control system, the operating procedures, and the training process can be assessed * * * accordingly, we recommend a detailed independent review of each of these elements."

Mr. President, the 24-year-old Hanford N-reactor has a very limited life of another 3 to 6 years due to graphite swelling inside the reactor. Its usefullness in production is negligible. On the other hand, it can be a valuable producer of savings to fuel other important activities. The annual direct costs of operating the reactor exceeds $440 million. The Department indicates that cost savings in the initial year of standby could be $100 million, with savings in later years of at least $300 million per year.

Based on the stockpile of accumulated problems facing the N-reactor, I urge my colleagues to support the committee's recommendation to place the reactor in cold standby. This practical alternative to continued operation or permanent shutdown will preserve the production capability in case of national emergency or a clear, demonstrated national need. It will preserve our production options in light of the uncertainties surrounding the Savannah River reactors which are temporarily on reduced power levels based on safety problems with the emergency core cooling systems. It will maintain our full range of options and at the same time it will generate badly needed budget savings.

In conclusion, Mr. President, this is a fiscally responsible bill in all areas besides energy defense, and I urge the Senate to proceed with its early adoption.

Mr. President, I ask unanimous consent that a copy of material supporting the committee's recommendation on the Hanford N-reactor be printed in the RECORD. This includes:

First, a letter from Senator BROCK ADAMS in support of the committee action.

Second, a copy of my report on our defense plutonium needs and the Hanford N-reactor.

Third, a copy of Internal Documents prepared by DOE which shows that plutonium is available from sources other than N-reactor and the cost of these other options is less than operating N-reactor.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S SENATE,
Washington, DC, September 9, 1987.

Hon. J. BENNETT JOHNSTON,
Chairman, Subcommittee on Energy and Water Development, Senate Committee on Appropriations, Washington, DC.

DEAR MR. CHAIRMAN: In addition to a number of issues I have written to you about concerning the Department of Energy's FY '88 nuclear energy, nuclear waste and atomic energy defense activities, I wish to make a separate request concerning the N-Reactor at the DOE's Hanford Reservation in Washington.

As you know, the N-Reactor has been shutdown for safety modifications since the beginning of the year. The ultimate disposition of this reactor has become extremely controversial as a result of several independent investigations in the last 12 months by the National Academy of Sciences, the new primary contractor for Hanford—Westinghouse—and a panel of six outside experts headed by Mr. Louis Roddis. Congressional deliberations are further complicated by the 24 year old reactor's limited future life and by questions concerning the Nation's actual needs for plutonium produced by the reactor.

The Senate Armed Services Committee has recommended that the N-Reactor be placed in standby status thus preserving it as a source of strategic materials in a national emergency while cutting operating costs and reducing the risk to the public from operating this unique graphite moderated reactor. I urge you to incorporate the Armed Services Committee recommendation in the Subcommittee's appropriations for the DOE.

My paramount concern in making this recommendation is safety. Despite repeated assurances by the DOE that the reactor is safe, independent reviews have consistently found that the actual level of safety of the facility is either unacceptable, unknown at present, or both. Furthermore, until the recommendations of the Roddis Commission were made public, DOE continued to operate the reactor.

My concern over the safety and viability of the N-Reactor has been further heightened by two recent safety studies. In July, Westinghouse, the new primary contractor at Hanford, completed a study of the reactor pointing out a number of shortcomings in the current level of safety analysis and physical operation. Westinghouse, while drawing different conclusions from the Roddis panel, has nonetheless called for completion of a number of analyses and improvements prior to operation and has recommended operation of the reactor at a reduced power level. In August, the National Academy of Sciences issued a preliminary report on DOE's plans to control hydrogen gas explosions during a reactor accident which raises a number of serious allegations concerning the lack of technical analysis of the N-Reactor's safety systems. The Academy has even postulated that use of DOE's proposed hydrogen control system could actually increase risk to the public.

It is readily apparent, in light of the various independent reviews, that the actual level of safety of the N-Reactor is an unknown quantity. Given the need to complete a lengthy list of probablistic risk assessments, environmental qualification of safety equipment, improvements in the safety systems and other analytic work identified by the independent reviews, a definitive determination of the safety of the facility appears to be years away. Completion of millions of dollars of safety improvements in the interim may or may not be effective in reducing these as yet undetermined risks.

The Senate Armed Services Committee has proposed a practical alternative to the continued operation of the N-Reactor by recommending standby status. Standby status can preserve the reactor a potential source of strategic materials while the necessary safety analyses are completed and appropriate safety improvements planned should operation of the reactor be justified. These recommendations are essentially consistent with the views of Mr. Roddis, who testified before you in the Senate Energy Committee and with which I agree.

Mr. Roddis recommended that the reactor not be operated unless there were an extraordinary national security need for plutonium since the risk posed by the reactor exceeded that commonly accepted for civilian plants. Mr. Roddis argued that resources would be better spent developing a new production reactor. Mr. Roddis further argued that even if the need for N-Reactor were sufficiently compelling to require operation, a number of safety analyses and improvements would need to be completed prior to operation. I agree with Mr. Roddis' views and urge the Subcommittee to adopt the Senate Armed Services Committee recommendations.

Sincerely,

BROCK ADAMS,
U.S. Senator.

THE PLUTONIUM CUSHION

REPORT ON U.S. DEFENSE PLUTONIUM NEEDS AND THE HANFORD N REACTOR

The disaster at Chernobyl focused worldwide attention on the dangers of a poorly conceived and managed nuclear reactor program. Much of the initial publicity on the accident exaggerated its similarity or application to U.S. commercial nuclear activities. Nevertheless, this terrible mishap has served as a catalyst for a very constructive review of our own defense production program. A review of U.S. defense reactors, particularly the Hanford N Reactor at Richland, Washington, leads to fundamental questions about the safety of our defense reactors and the supply of plutonium for our nuclear arsenal.

Hanford N reactor.—The Hanford N Reactor at the Richland in Washington produces weapons-grade plutonium for this country's nuclear weapons. The 23 year old reactor is the most similar in design to the Chernobyl reactor and it became the focus of attention after the accident last year.

Shortly after the Soviet accident in May 1986, the Department of Energy (DOE) formed a safety team to review operations of the Hanford N Reactor. The internal review concluded that the facility was operated in a generally safe and cautious manner by competent and experienced personnel, but 51 recommendations for safety improvements were presented. Later in the fall of 1986, Congress agreed to continue reactor operations but the Senate Appropriations Committee cut off a DOE program designed to extend the operation of the reactor beyond 1995. At the same time, Congress questioned continued operation of the N Reactor in two Appropriations Committee reports. Both Senate Report 99-441 and House Report 99-1005 urged the Department of Energy to carefully review plans to continue operation of the Hanford reactor.

In December of 1986, DOE suddenly announced that the N Reactor would be shut down for six months for safety repairs. This change was prompted by a second safety review of six independent outside experts of high reputation, picked by the agency. Unlike DOE's own analysis, the independent review sharply criticized the management at Hanford and recommended modification or shut down of the N Reactor. This outside review added some 130 improvements for a total of some 228 safety and environmental recommendations for the reactor.

The independent safety review panel opposed the Energy Department's plan to extend the life of the reactor beyond 1995. The experts agreed that the reactor has a very limited life due to graphite growth and swelling inside the reactor. Most authorities estimate the reactor can only operate into the early 1990's, another 3-6 years.

The strongest remarks from the independent safety review panel came from Chairman Louis Roddis, a nuclear engineer and former president of Consolidated Edison. Roddis begins by citing the last outside study on the Hanford N Reactor, written in 1966. This study indicated that in a severe accident, the N Reactor would release more radioactivity than a civilian reactor. It was suggested that the government should weigh with care its need to run such a risky plant.

Based on these safety concerns and due to the high cost of improvements, the reactor was targeted for permanent shutdown by the Nixon Administration in 1971. After months of controversy, President Nixon finally bowed to local pressure centered on the protection of jobs, turning the reactor into a "political reactor," in the words of one administration official. Then again in 1976 the President's budget request proposed to shutdown the Hanford reactor. This time Congress rescued the reactor citing its production of electricity and its potential value for energy research.

Two decades after the first safety review in 1966, Chairman Roddis and other members of the independent panel express concern over many of the same safety risks which triggered calls for closure of the reactor in the past. The Hanford N Reactor is now past its design life, the old risks are increasing, and new hazards have developed. A recent GAO report states that the "N Reactor has been operating three years beyond its expected life, and many systems and components are deteriorating. Maintaining safe operations through the mid-1990's will require considerable upgrading and rehabilitation."

Chairman Roddis in his report adds that "a number of things must be done to continue operations for the next four or five years, and even then the hazard to the general public will exceed that from a commercial reactor . . ." The Department of Energy indicates that safety and environmental improvements will cost at least $160 million dollars over the next several years. It is unclear whether these repairs will conform to and satisfy all the recommendations of the independent review panel. In any event, it is clear that it will be expensive to operate the reactor for the next 4 to 6 years. In addition to the costs of safety improvements, the annual expenses to operate the Hanford N Reactor exceeds $400 million each year. Even with the expenditure of these funds, the Hanford reactor will pose hazards which, in my view, are unacceptably high.

After this safety review, Chairman Roddis says DOE should simply "shut down the N Reactor unless a positive judgment is made that requirements for defense material warrant accepting public hazards exceeding those of commercial reactors." Dr. Harold Lewis, another panel member agrees and says in testimony before a House Committee "The proper course is to announce a permanent shutdown of N Reactor . . ."

In order to evaluate future requirements for defense material, as Mr. Roddis suggests, it is necessary to examine nuclear warhead delivery schedules and the annual Nuclear Weapons Stockpile Memorandum (NWSM) which is the document designed to delineate our nuclear stockpile.

Nuclear warhead production.—The Joint Chiefs of Staff annually make recommendations on the nuclear weapons stockpile. This guidance forms the basis of the annual Nuclear Weapons Stockpile Memorandum. The NWSM is developed jointly by the Department of Energy and the Department of Defense. The joint NWSM is then forwarded to the National Security Council for approval by the President. The NWSM contains the basis for the composition and size of the nuclear stockpile. This document is called the "blueprint" for warhead production, retirement schedules, and special nuclear material requirements. The Department of Energy indicates that it "manufactures, monitors, maintains, and retires all weapons composing this Nation's nuclear weapon stockpile in accordance with strict schedule requirements." In addition, "requirements for plutonium and tritium needed by the Nation's nuclear weapons program, are defined in terms of quantity and timing from the weapons stockpile projections contained in the joint Department of Energy/Department of Defense NWSM."

The problem with using the NWSM as a blueprint or strict schedule for nuclear weapons requirements is that it never comes close to reality. Without any Congressional input, it is a wish list of nuclear weapons for the Pentagon. Over the last six years, it has always overstated the number of warheads to be produced—sometimes by a factor of two. The five year projection of warheads contained in the 1984 budget request and the 1983 NWSM was over estimated on average by 35% as compared to the actual warheads which were built or are now projected. This version of the annual NWSM is illustrative, but similar inaccuracies are contained in all of the Stockpile Memorandums.

During this same five year period of exaggerated projections, Congress has reduced the budget request on average by four and one-half percent. Even with these reductions, the nuclear weapons account has more than doubled since fiscal year 1981. Clearly, Congressional budget cuts have been relatively minor and cannot account for the grossly inaccurate production estimates of the annual Stockpile Memorandums.

These annual stockpile documents may be useful in setting goals for warhead production. On the other hand, they never should be viewed as sacrosanct. They have little value as justification for specific future requirements. Our future production of warheads and the associated materials require Executive/Congressional approval or disapproval of specific weapons systems than on the constantly changing targets of the NWSM.

Nuclear Materials Production.—The Department of Energy (DOE) currently produces nuclear materials, primarily plutonium and tritium, for the nuclear weapons program in five production reactors. Four of these are at the Savannah River Plant in Aiken, South Carolina. One of the four, the L reactor which was placed on standby in 1968, was restarted in 1985. Another reactor at Savannah River, the C Reactor, has been shut down indefinitely since mid-1985 because of a crack in the reactor. The fifth, the N Reactor, is on the Hanford Reservation near Richland, Washington. The Hanford N Reactor, a graphite-moderate, light water-cooled reactor, produces plutonium for nuclear weapons. The Savannah River reactors are heavy water-moderated reactors which are operated for both plutonium and tritium requirements. The first priority for new production is to satisfy tritium requirements since this material has a short half-life (decays in about 12 years). Plutonium, with a half-life of 24,000 years, can be stockpiled for later use.

Most plutonium for new weapons, however, is obtained from retired weapons rather than from production at defense reactors. The most important source of plutonium is the current stockpile of weapons and the reserve inventory of plutonium which awaits use in future weapons.

Recycled plutonium from retired weapons accounts for a substantial majority of the material for new warheads, as it did through the late 1970's. Therefore, a nuclear weapons "modernization" and replacement program can be met largely through retirement and dismantlement of old weapons.

On the other hand, our current program, appears to modernize or build new weapons but does not replace in a timely manner the older, ineffective and less safe weapons. The amount of plutonium recovered through retired weapons has declined over the last six years and even less plutonium from retirements is projected for the next three years. This policy of reduced retirements translates into less plutonium for new weapons and an unnecessary reliance on old production reactors. The major reason for this troubling trend is the Pentagon's resistance to retire old nuclear weapons even after modern replacements are available. For this reason, the Congress in the last few years has urged the Defense Department to examine their policy on warhead retirement. Schedules for retirement should be reviewed for nuclear weapons such as the old Poseidon warheads; obsolete Lance missiles; outdated, ineffective artillery shells; atomic demolition munitions (nuclear backpacks) and other older systems. The Pentagon resists any change in policy. Such intransigence is unfortunate because by returning to earlier levels of retirements, we can significantly increase the amount of plutonium available for new weapons production and thereby become less dependent upon production from our reactors, particularly the Hanford N Reactor. A substantial amount of plutonium can be made available from older weapons which are, or soon will be, scheduled for retirement. In the near term, additional retirements could provide more plutonium than any production reactor.

On the production side of the equation, several new initiatives will contribute directly to increased output of plutonium for weapons in the future. First, the blending program, started in FY 1981, converted the Savannah River reactors to production of supergrade plutonium. By mixing supergrade with fuel-grade plutonium from Hanford, about 50 percent more weapons-grade plutonium is produced than with the reactors alone. Another effort at Savannah River which would increase reactor output is the use of high productivity cores, the so-called Mark 15 cores. These new reactor core designs will greatly increase plutonium production. The Department of Energy indicates that the use of these new cores should increase productivity in the Savannah River reactors by 10 to 25 percent. Although there is now increased concern over the power levels at the Savannah River reactors, these new production activities and the aggressive restoration program to upgrade facilities and equipment at Savannah River have increased the production capability of the operating reactors.

In addition to production enhancements, the Department of Energy indicates that significant amounts of plutonium can be recovered through increased processing of scrap at the production sites. Scrap recovery is a much safer and less expensive way to meet plutonium requirements than by utilizing the old production reactors. For a fraction of the cost of operating N Reactor, we can recover from easy-to-process scrap material, an amount of plutonium which exceeds the plutonium produced at the N Reactor. The total amount of plutonium from scrap processing overshadows the amount of plutonium available from any production reactor and certainly one such as the Hanford N Reactor which will cease to operate in 1995 at the latest.

Another materials initiative supported by Congress in recent years is the development of the Special Isotope Separation (SIS) project. The SIS technology would establish another method of plutonium recovery for weapons production. Using lasers, the Department of Energy's existing stockpiles of fuel-grade plutonium can be processed into weapons material. Much of the stockpile of fuel grade plutonium is now located near Richland, Washington. The Department of Energy plans to construct and operate a facility costing some $600 million at Idaho Falls, Idaho which will be operating in the early to mid-1990s. The original plan called for an SIS facility which had more than twice the output of the Hanford N Reactor. Whatever the final size of the facility, it will produce more weapons-grade plutonium than any of the current production reactors.

As a longer term option, since 1980 several studies have looked at possible designs and location for a new production reactor (NPR), mainly for tritium production. Options for a new tritium reactor are being considered by the Administration. If authorized by Congress, the NPR would require about ten years to construct and an estimated $3 to $6 billion, depending on the final design. Many types of reactors are being examined with the leading candidate probably the heavy water reactors. Three locations are competing for the NPR: Savannah River, South Carolina; Idaho Falls, Idaho; and Richland, Washington. Other proposals for conversion of a partially completed commercial light water reactor into a defense production reactor are being considered by the Department of Energy.

Conclusion.—An examination of the alternatives available to meet plutonium requirements shows that the production capability at present Savannah River facilities has been revived and expanded. Enhanced scrap recovery is a safer way to increase further our plutonium supplies. Without production at the N reactor, the use of existing facilities and reserve stockpiles can exceed near-term plutonium requirements. Moreover, options are available to meet our longer term plutonium and tritium supply projections.

In the last few years, we have expanded plutonium production and increased supply. Overstated projections in the Nuclear Weapons Stockpile Memorandum resulted in lower demand than anticipated. Increased supply and reduced demand have created a plutonium cushion. Available alternative supply options can add to the size of the plutonium cushion. The total remaining production at the Hanford N Reactor, another six years at most if it were restarted, represents less than 4% of our total plutonium stockpile and reserve supply. Since other plutonium options are available and because major safety and environmental problems will exist even if numerous costly safety measures are undertaken, the Hanford N Reactor should be shutdown permanently.

INTERNAL DEPARTMENT OF ENERGY DOCUMENT

CONTINGENCY NO. 1

What if N reactor doesn't operate?

Impact—Loss of about KGS Pu per year.

Mitigating action—Implement MK-15 program in SRP Pu production reactors; accelerate processing of Pu SCRAP backlog at Hanford and SRP.

Effect—MK-15 provides about KGS Pu per year beginning FY 1990; accelerated SCRAP processing provides about KGS Pu per year.

Cost—MK-15 about $60m per year, for first 2 years; then $30m/yr; accelerated SCRAP processing—about $10m per year after initial investment of $70m.

Legend: KGS—Kilograms; SRP—Savannah River Plant; Pu—Plutonium; MK-15—Mark 15-High Productivity Cores at Savannah River Reactors; SCRAP—Additional Reserve of Plutonium Left Over From Warhead Production.

CONTINGENCY NO. 2

What if PFP doesn't operate?

Impact—Loss of about KGS Pu recovered from SCRAP per year, and additional KGS not reduced to metal at Hanford; loss of all Pu SCRAP processing and metal reduction capability at Hanford.

Mitigating action—Ship SCRAP now at Hanford to LANL and SRP for processing; defer processing of low-grade SCRAP in favor of richer material now at Hanford; ship Pu oxide from PUREX to LANL and SRP (beginning FY 1989).

Effect—About KGS additional Pu recovered at other sites; about KGS Pu SCRAP processing at LANL deferred in FY 1988 and FY 1989.

Cost—About $5M per year, after initial investment of $70M.

CONTINGENCY NO. 3

What if neither in reactor nor PFP operates?

Impact—Loss of about KGS Pu recovered from SCRAP and about KGS not produced per year; loss of all Pu SCRAP processing and metal reduction capability at Hanford.

Mitigating action—Implement MK-15 program in SRP Pu production reactors; accelerate processing of Pu SCRAP backlog at SRP, LANL, and RFP.

Effect—MK-15 provides about KGS Pu per year beginning FY 1990; accelerated SCRAP processing provides about KGS Pu per year.

Cost—MK-15 about $60M per year, for first 2 years; then $30M per year; accelerated SCRAP processing about $15M per year after initial investment of $70M.

Mr. JOHNSTON. Mr. President, I see the distinguished chairman of the full committee here. We thank him for his continued leadership of the full committee and for his help on this bill, which has been of long standing and greatly appreciated by all of us. Senator Stennis is the chairman and is our leader in more ways than one, and we appreciate his help and his leadership.

I yield to our beloved chairman.

Mr. STENNIS. Mr. President, I am pleased to present before the Senate today the energy and water development appropriation bill for fiscal year 1988. This bill, which provides $15.9 billion in total budget authority for fiscal year 1988, reflects the diligent care and able effort which our entire committee has rendered. In particular, however, it is evidence of the hard work and excellent leadership of subcommittee Chairman Johnston and the ranking minority member, Senator Hatfield. I also wish to compliment the highly skilled work of the staff of their subcommittee: Mr. W. Proctor Jones, Mr. W. David Gwaltney, Mrs. Gloria Butland, Mr. Steve Crow, and Ms. Judee Klepec.

I now wish to briefly highlight a few important items regarding this bill.

First and foremost, I am pleased to report that this bill is below the 302(b) allocation for budget authority and outlays. As I have previously indicated, this is essential for all appropriation bills which are to be taken up for consideration on the Senate floor.

Second, the committee's recommended $15.9 billion in budget authority is below the President's request of $17.7 billion and is below the House-passed level of $16.1 billion.

Finally, I would ask my colleagues to resist any further amendments adding additional funds which would violate the bill's spending ceiling set by the subcommittee's 302(b) allocation. Let me also mention that the Senate rules do not permit legislative amendments on appropriation bills.

In conclusion, I firmly support this bill and ask that it be adopted so that we can proceed to conference with our House counterparts in a timely manner.

Mr. President, I yield the floor.

Mr. HECHT. Mr. President, the high level nuclear waste issue is a very complicated and politically volatile problem. I realize that many in the Senate, as well as the other body, are under the impression that this problem was solved with the passage of the Nuclear Waste Policy Act of 1982. Unfortunately for all of us, the implementation of that law has been a disgrace. In fact, it has been so bad, that the program has basically fallen apart.

While some provisions that we will debate over the next few days do represent a definite improvement over existing law, there are still two fundamental flaws in these provisions that compel me to oppose them.

First, the basic assumption of these provisions, that deep geologic disposal of spent nuclear fuel is the way the United States should handle its nuclear waste is wrong. I am completely opposed to deep geologic disposal, whether it is in Nevada, or anywhere else. It will be extremely expensive and has not been proven safe. I think that deep geologic disposal should be rejected for both conceptual and practical reasons. What this legislation does is commit our Nation to an approach that will cost billions and is unproven, even though there are better methods being used in other parts of the world.

Conceptually, this approach will require us to transport large amounts of highly radioactive material completely across the country. With the new concerns that are being raised about transporting toxic and potentially explosive substances on our highways, can you imagine the outcry when we start trying to transport radioactive nuclear waste.

Just a few years ago, the Virginia Power Co. ran out of storage space for nuclear waste at its Surry nuclear powerplant near Williamsburg. The company wanted to ship some of the waste a mere 160 miles to a much newer plant at North Anna with plenty of extra storage space. But there was an incredible outcry from the public along the proposed transportation route, so the waste was never moved. Instead, they ended up building modular dry cask storage facilities at the Surry plant, at about $1 million a cask, and they are going to let the waste just sit there indefinitely on a slab of concrete. Just think of the public outcry, Mr. President, when the Energy Department tries to institute a program of large, frequent shipments of waste that will be moved not 160 miles, not 500 miles, but thousands of miles across the country.

These provisions require us to deposit material with very great energy potential in a remote location, hundreds or even thousands of feet underground. To retrieve it at some future time for its energy potential for recycling would be costly and difficult.

Instead of going down the expensive and counterproductive path of deep geologic disposal, we should reprocess our nuclear waste, recycle it, put it back into nuclear reactors and burn it as fuel. In the long run this will save the American people billions of dollars and provide a valuable energy source.

Second, the basic assumption of these provisions should be rejected for the practical reason that following it to its logical conclusion means having the United States rush headlong down a path that no other country is pursuing with the anywhere near same blind intensity. Instead, most countries with significant nuclear energy programs reprocess and recycle their spent fuel, and then let the residual waste cool for decades before disposing of it permanently. This reduces the volume dramatically.

Even the countries that have not committed themselves to reprocessing, do nonetheless plan to let their spent fuel cool off in a MRS-type facility for 40 or 50 years before disposing of it permanently. Only the United States is mindlessly rushing down the foolhardy path of opening a repository in the next 15 to 20 years and putting spent fuel in it that has been aged as little as 10 years. It's time to realize that the United States does not have a monopoly on all the world's brainpower. It seems to this Senator, that if another country has a nuclear waste management program that works, and many do, then the United States ought to be willing to open its eyes, learn what we can from the successes of other countries, and modify our own programs accordingly.

I think it is time the American people understand what is going on here. This is the classic case of trying to put your garbage in someone else's yard. The people that have the nuclear reactors in their States and are deriving the benefits don't want to keep the waste they create in their own States. Let's look at the map there for a second. Of the 127 nuclear powerplants that are operating, under construction, or planned in this country, only 15 are located in the 13 Western States, Alaska and Hawaii. Of these 15 Western powerplants, 6 are in just one State. Not one of these nuclear powerplants is in Nevada, and yet my State is many people's favorite choice for an unnecessary repository.

Mr. President, some people have claimed that the only reason Nevadans are objecting to a repository is because they are caught up in what some call the "not-in-my-backyard syndrome." Well, let's be honest with each other and direct with the American people: Who is more caught up in the not-in-my-backyard syndrome. The people of Nevada, or the people who have made this waste in their own backyards and now are so very bold, and so arrogant, as to think they have a right to dump it across the fence into my State's backyard.

The reason there is not broader support for reprocessing of nuclear waste is that the reprocessing facility would most probably be built in the East, where the nuclear powerplants are concentrated. So, for political reasons and not in the interest of cost-efficient government or good management, we are ignoring the right solution and rushing headlong into something that isn't logical and in the end won't work. We should let nuclear waste cool off, reprocess it, recycle it, and put it right back into a reactor and burn it as fuel. The problem is not a lack of information. The problem is a lack of political will to do what needs to be done, to do what should be done, to do what is the best and most intelligent thing for the country, despite geographical considerations.

I believe we should store nuclear waste for several decades at or nearby the reactor that generated it, then, once it has become less radioactive, we should move it to one or more regionally based monitored retrievable storage facilities and let it cool off for a few more decades. Finally, we should reprocess the spent fuel, and recycle its energy potential by making mixed oxide fuel that can go back into the nuclear reactors and be burned. The relatively small volume of high level radioactive waste left over after reprocessing can eventually be disposed of either in a repository, or as part of a cooperative international effort on subseabed or similar disposal. And, with the scientific community hard at work, we might yet find another, safer alternative.

Mr. President, during the course of the debate on this bill I will discuss in greater detail my views on the appropriate approach to high level nuclear waste management for this country.

My goals in this debate will be threefold. First, to inform my colleagues of the alternative approaches to nuclear waste management, such as reprocessing, that are working in other parts of the world. I plan to show that there is a way to manage nuclear waste that is technically sound and superior to deep geologic disposal.

My second goal is to modify the bill as reported out of the Appropriations Committee by attaching a number of perfecting amendments. These amendments will allow future generations to reconsider and easily change the proposed approach when they choose to do so.

Finally, my third goal in this debate is to amend the committee's bill to make the current program fairer and safer, so in case future generations do decide to stick with the current program, then these amendments will make sure that the State most affected by that program will be fairly compensated by the rest of the country.

Mr. President, I am looking forward to this debate. I want my colleagues to know that I understand the importance of appropriations bills, and it is not my purpose to arbitrarily impede the flow of business in the Senate. But high-level nuclear waste management is a very important issue, and I think we need to have it fully discussed.

AMENDMENTS TO THE NUCLEAR WASTE POLICY ACT

Mr. JOHNSTON. Today the Senate begins consideration of H.R. 2700, the energy and water development appropriations bill for fiscal year 1988. Incorporated in this appropriations bill are the provisions of S. 1668, which would provide needed redirection to our Nation's Nuclear Waste Program. S. 1668 was approved overwhelmingly by the Committee on Energy and Natural Resources and incorporated by reference by the Committee on Appropriations.

It is my hope that the Senate will act favorably on this nuclear waste legislation in the next day or so. I believe that this legislation is essential to keep our Nation's Nuclear Waste Program moving forward to accomplish the goal of safe, permanent disposal of spent nuclear fuel and high-level radioactive waste.

Many of my colleagues will recall that we took major strides toward this goal in 1982 with the passage of the Nuclear Waste Policy Act. The 1982 act was passed after 25 years of effort with the goal of developing a program for the safe, permanent disposal of nuclear waste in a timely manner. The act made the Federal Government responsible for the permanent disposal of this waste and set forth a schedule for the Department of Energy to carry out a program to site, construct, and operate both temporary above-ground storage facilities and permanent deep geologic repositories.

A sound national policy is set forth in the Nuclear Waste Policy Act of 1982. Unfortunately, critics of the process laid out in the act and those critical of the decisions made under the mandate of the 1982 act would have us rethink that national policy and start the process all over from scratch. Under that scenario, decisions would be postponed indefinitely. Further study of the issue of nuclear waste disposal may have political appeal, but it will not move this country any closer to safe, permanent isolation of the waste. If the current program is shut down indefinitely, it will be, in all likelihood, many years before a new program is developed. Therefore, I believe that such an approach would be a neglect of our responsibility in Congress.

The nuclear waste legislation incorporated in this appropriations bill would take a different approach. This legislation would streamline the process for finding suitable sites for a repository and a monitored retrievable storage facility. It would make changes in the existing program but keep it moving forward, an approach that I believe is vastly preferable to alternatives that would merely put the program "on hold" and postpone difficult, but essential, decisions.

There are four principal elements of the waste legislation included in H.R. 2700. These four points are:

Sequential characterization of candidate repository sites, with selection of a preferred site for characterization by January 1, 1989.

Authorization of a monitored retrievable storage facility for spent nuclear fuel as part of an integrated nuclear waste management system.

Benefits payments for States, Indian tribes, and units of local government that host a repository or monitored retrievable storage facility.

Suspension of further site-specific work on a second repository until the need is fully evaluated in 2010.

The Department of Energy's nuclear waste program is now at a crossroads. From a technical standpoint, it is ready to go forward. More than $3 billion has been collected from electric utility ratepayers to finance this program. Yet there are continuing efforts to prevent that technical work from going forward. Definitive programmatic decisions that have been made since 1986—selecting certain first repository sites for characterization, while rejecting others; identifying potential second repository sites; and proposing a preferred site for an MRS facility—

have served to focus intense concern and criticism on the program. Most of this criticism, perhaps understandably, has come from States identified as having potential sites.

It has become evident that the nuclear waste program needs to be refocused and streamlined in order to move it off dead-center and out of this political crossfire. It has also become evident that additional efforts are needed to mitigate any perceived adverse impact from the siting of a repository or MRS. Congressional direction is needed to resolve the political issues and the controversy between the affected States and the Federal Government.

Between January and July 1987, the Committee on Energy and Natural Resources held 10 hearings related to the Department's nuclear waste program in an effort to get at the root of the problems facing the program. Testimony from those hearings—which included witnesses representing the administration, the Nuclear Regulatory Commission, the National Academy of Sciences, State and local governments, the nuclear utilities, and the environmental community—revealed that the problems that confront the nuclear waste program are political rather than technical.

Technical experts from the Nuclear Regulatory Commission and the National Academy of Sciences confirmed that the Department has done adequate technical preparation to proceed with site characterization at the three candidate sites. While there are legitimate technical issues that have been raised by the States and other interested parties, it is clear from the record of these hearings that the Department is committed to resolving these issues. This can only occur through continuation of the ongoing work and through detailed site characterization.

The Department has put a tremendous amount of effort and resources into collecting the necessary data to select these candidate sites and into planning for detailed testing during site characterization. As soon as site characterization plans are completed and reviewed by NRC and the public, the Department will be ready to proceed with detailed testing at each of the three candidate sites, which will include the sinking of exploratory shafts. A major part of the testing program at these sites will be construction of an exploratory shaft facility at the proposed depth of a repository to obtain the necessary data and information on the suitability of the sites.

That technical program is ready to go forward. Nothing in the hearing record of the Committee on Energy and Natural Resources has shown any reason not to go forward with that program. The hearing record has revealed, however, a process by which the nuclear waste program could be carried out more smoothly and cost effectively. It has become clear that refinement of national policy will better enable us to meet the statutory goals of the 1982 act of safe, permanent disposal of nuclear waste in a timely fashion.

I believe that the legislation embodied in this appropriations bill will provide needed redirection to the Nuclear Waste Program and will better address the goals of the 1982 act in several ways:

Selecting a single site for characterization for a first repository instead of characterizing three sites simultaneously will make it possible for the technical expertise and resources of the Department and its contractors to be concentrated on that one site.

Characterization of one site instead of three will provide cost savings of between $3 and $4 billion.

This cost savings will allow the Department to provide benefits payments to a host State or Indian tribe to mitigate any perceived adverse impacts from the siting of a repository or MRS within its borders or on its reservation.

The offer of generous benefits payments to a host State or Indian tribe has the potential to encourage a State or Indian tribe to request siting of an MRS facility.

Authorization of an MRS facility will allow the Department to proceed with construction of a facility as soon after January 1, 1989, as a suitable site is identified. Authorization of the facility will better ensure that the Department is able to meet its contractual commitment to accept spent fuel from utilities beginning in 1998.

Development of an MRS as an integral element of the waste management system will provide a facility that can serve both as a packaging and handling facility during repository operation and as an interim, or backup, storage facility prior to operation of a repository.

Suspension of any screening of potential sites for a second repository until the need for such facility is fully evaluated will allow the Department to focus its efforts on developing the first repository.

It is imperative that Congress take decisive action in this session to reaffirm the statutory goals of the 1982 act, to refocus and streamline the process for selection of suitable repository or MRS sites, and to ease the political difficulties associated with the program. Only the Congress is in the position to provide the necessary redirection to the Department and to the States to allow the program to move forward. I believe that this legislation will accomplish these goals in a reasonable and effective manner.

Let me attempt now to respond to some of the charges levied by critics of this bill.

Critics charge that the January 1, 1989, date for selection of a preferred site would be premature and that the information base is too limited to make such a decision. These critics would have us stretch out the process for many more years before continuing with detailed site characterization and exploratory shaft drilling at any of these sites.

It is important to remember that all three of the sites—in Nevada, in Washington, and in Texas—have already been selected for characterization. All three sites have already been found suitable for detailed characterization and testing. The Nuclear Regulatory Commission has reviewed the data base leading to selection of these sites, and they have confirmed that there are no technical reasons not to go ahead with characterization of all three sites. The National Academy of Sciences has also reviewed the process by which these three sites were selected. The Academy has stated that they have seen nothing to indicate that these sites were selected inappropriately.

So the important point, in my opinion, is that it is time now to move toward these essential decisions. Postponing this decision on a preferred site for characterization for several more years will accomplish nothing but to delay this essential decision. It is important to remember that we are not picking a final repository site with this decision on a preferred site, but rather we are picking a site for 5 to 7 years of detailed testing. If that site is found to be suitable, which we hope it will, it will then be subjected to the rigorous licensing process of the Nuclear Regulatory Commission. It is only after that hurdle is cleared—and after all the safeguards are in place—that we will have a final repository site.

The critics also charge that a monitored retrievable storage facility is not necessary and that it will simply derail our efforts to develop a suitable final geologic repository. That is simply not true. An MRS will provide a number of advantages to the operation of the overall waste management system. I believe that the MRS will provide essential benefits by improving system flexibility during operation of a repository and by providing insurance in the form of backup storage in the event that sequential repository site characterization does not result in an operating depository by 1998. Let me emphasize again that the MRS is not intended to be a substitute for permanent, deep geologic disposal. It is simply a piece of the overall waste management system that offers cost advantages and system flexibility.

I am also concerned about some of the provisions of the nuclear waste proposal put forth by my colleagues on the Environment and Public Works Committee, Senators BREAUX and SIMPSON. These provisions were reported as part of that committee's budget reconciliation package. Let me take a minute to address those concerns.

The Breaux-Simpson proposal would defer the selection of a preferred site until after completion of a surface based testing program. I believe this will only serve to delay the selection of preferred site until 1991 or beyond and will result in a much longer test program than we now envision. In addition to delaying the process unnecessarily, it would also minimize substantially the benefits to be gained from selecting a preferred site and concentrating technical expertise on that one site. According to the Department of Energy, such a surface based testing program could take as long as 3 years and would be in addition to the 5- to 7-year test program already envisioned that would involve the drilling of an exploratory shaft for at-depth characterization.

The Department has put together a time schedule that outlines its best estimate of the time required to carry out the program outlined in the Breaux-Simpson approach. I am concerned because that time schedule indicates that under the Breaux-Simpson approach, the Department would likely not be able to select a preferred site until well into 1992. As I have stated, I believe that sequential characterization of candidate repository sites is the prudent course for this program, but I am afraid that postponing a decison on a preferred site until as late of 1992 would remove many of the benefits of such a course of action.

I am also concerned about the apparent requirement in the Breaux-Simpson proposal to prepare a full-scale environmental impact statement at the point of selection of a preferred site. The Breaux-Simpson provision states simply that the requirements of the National Environmental Policy Act will apply, leaving it up to the Department of Energy—and ultimately the courts—to determine whether this decison point is a major Federal action requiring preparation of an EIS.

I do not believe that an EIS should be required at the time of selection of a preferred site. Existing provisions of the Nuclear Waste Policy Act require preparation of an EIS after site characterization is successfully completed at the time that a license application is submitted to NRC. It is at that point that the major decision is made, when a site is found suitable by DOE and it is then subjected to the NRC's rigorous licensing process.

An EIS at the time of selection of a preferred site would be premature. Let me emphasize again that all three of the candidate sites—in Nevada, in Washington, and in Texas—have already been selected for site characterization. We can already go ahead with detailed testing at all three sites. That testing—without the amendments we have proposed in this appropriations bill—will lead to the drilling of exploratory shafts at all three sites. That activity is already contemplated and anticipated under the provisions of current law. The provisions of S. 1668 would simply direct the Secretary to select only one of the three candidate sites at which this work would be conducted.

So I do not believe anything new is contemplated by the selection of a preferred site for characterization that would require preparation of an environmental impact statement at this juncture. I am concerned, however, that such a requirement would impose new restrictions and time delays.

It is my hope that the Senate will act quickly this week to approve the amendments to the Nuclear Waste Policy Act that have been incorporated in this appropriations bill. I believe that these amendments will redirect the nuclear waste program in such a way to keep this Nation on course for making difficult, but essential, decisions relating to the safe, permanent disposal of nuclear waste.

I ask unanimous consent that a summary of major provisions of this legislation and a section-by-section analysis be included in the RECORD. I also ask unanimous consent that the text of correspondence received from the Department of Energy and the Nuclear Regulatory Commission be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY OF MAJOR PROVISIONS—AMENDMENTS TO THE NUCLEAR WASTE POLICY ACT, S. 1668, AS INCORPORATED IN H.R. 2700

FIRST REPOSITORY

Directs the Secretary of Energy to select by January 1, 1989 one of the three candidate repository sites for detailed site characterization

If the selected site is found suitable after testing program, a repository, if licensed by the Nuclear Regulatory Commission, would be constructed at that site. If the selected site is not suitable, the Secretary would be directed to select one of the remaining two candidate sites for detailed testing.

Selection of the preferred candidate repository site will be made based on consideration of the prospects for successful licensing by NRC, potential disqualifying factors at the site, potential adverse impacts on the public health and safety and the environment, and the estimated cost of development and operation of a repository at the site. The Secretary's selection decision shall include a detailed statement of the basis for the decision and include a comparative evaluation of the three sites.

Activity at the three candidate sites between enactment of this legislation and January 1, 1989 shall be carried out in a way to provide the maximum useful information for selection of a preferred site. No exploratory shaft construction would be permitted until such time as a preferred site is selected.

Allows judicial review of the Secretary's selection of one site only by the Temporary Emergency Court of Appeals under an expedited schedule. Grounds for review would be the standard grounds of the Administrative Procedures Act.

SECOND REPOSITORY

Suspends further site-specific work on a second repository and removes requirement to select candidate sites.

Requires the Secretary to submit a report to the President and Congress between January 1, 2007 and January 1, 2010 on the need for a second repository.

Retains 70,000 metric ton limit on volume of spent fuel or high-level waste to be disposed of in a first repository.

MONITORED RETRIEVABLE STORAGE

Authorizes construction of a monitored retrievable storage facility.

Annuls the Secretary's selection of a preferred MRS site in Oak Ridge, Tennessee and selection of two alternative sites in Tennessee.

Directs the Secretary of Energy to survey three potential sites in not less than two states for an MRS that is an integral part of a nuclear waste management system. Criteria to be used in site selection include minimization of transportation impacts, minimization of adverse effects on local communities, and other factors. Directs the Secretary to give no preference to its previous selection of sites in Tennessee.

Directs the Secretary to make every reasonable effort to find a state willing to accept an MRS facility. Allows any state to come forward between now and January 1, 1989, to request the facility.

If a state volunteers an MRS site that is found acceptable, the Secretary could proceed with construction of the facility and negotiate a benefits agreement.

If no state volunteers for an MRS, the Secretary would be required to select one site not before January 1, 1989 and not later than October 1, 1989. Host state would be allowed to vote the Secretary's selection. That notice of disapproval would stand unless both the House and Senate pass a resolution of approval within 90 days of continuous session.

Directs the Secretary to study the feasibility of additional MRS facilites. This study shall include an examination of the desirability of co-locating an MRS site for spent fuel with a site where substantial volumes of defense high level radioactive waste are generated.

Directs the Secretary to conduct a study and evaluation by October 1, 1988 of the use of dry cask storage technology at reactor sites for temporary storage until a repository is ready to receive spent fuel.

Directs the Secretary to submit to Congress by April 1, 1989 a study of the potential benefits of storing spent fuel for at least 50 years prior to emplacement in a repository.

BENEFITS

Authorizes the Secretary to negotiate benefits agreements with states containing preferred sites for a repository or MRS.

Provides substantial benefits for a state that hosts a repository or MRS:

For a repository, $50 million per year upon execution of a benefits agreement.

Upon receipt of spent fuel at a repository, payments would increase to $100 million per year and continue for the life of the facility.

For an MRS, $20 million per year upon execution of a benefits agreement.

Upon receipt of spent fuel at an MRS, payments would increase to $50 million per year and continue for the life of the facility.

Affected units of local government would be entitled to not less than one-third of benefits payments.

As part of benefits agreement, state would waive its right to veto the siting of a repository or MRS.

Establishes Review Panel to allow maximum oversight by state and local officials and other interested parties as part of benefits agreement.

MISCELLANEOUS PROVISIONS

Directs the Secretary to contract with the National Academy of Sciences for a study of the major facets of reprocessing of spent fuel, including economics, impact for the proliferation of nuclear weapons, and effects of reprocessing on nuclear waste management. Requires submission of this report to Congress by September 30, 1989.

Directs the Secretary to report to Congress within 270 days of enactment on subseabed disposal of spent fuel and high-level radioactive waste.

Adopts new statutory provisions with respect to transportation of spent fuel and high-level radioactive waste. These provisions include requirements that transportation packages be certified by the Nuclear Regulatory Commission, that the Secretary abide by NRC regulations regarding advance notification of state and local governments prior to nuclear waste shipments, and that the Secretary provide technical assistance and funds to states for emergency response training.

Allows a state that borders a repository host state and that lies contiguous to a river, waterway, or acquifer that flows adjacent to or underneath the repository site to participate in the site selection and approval process, with similar rights as that accorded to the host state.

SECTION-BY-SECTION ANALYSIS

SECTION 1

This section provides that the subtitle may be cited as the "Nuclear Waste Policy Act Amendments Act of 1987".

SECTION 2

This section amends the Nuclear Waste Policy Act of 1982 by adding a new title IV entitled "Program Redirection". The new title has ten sections as follows:

Section 401

This section contains the findings, purpose and definitions for the title.

The findings include a statement that significant savings from reduced costs to the nuclear waste management system can be achieved in the near term by redirection of the national nuclear waste program to construct a monitored retrievable storage (MRS) facility and to characterize candidate repository sites sequentially, rather than in parallel as is provided for in the Nuclear Waste Policy Act of 1982.

The cost of characterizing candidate repository sites has been estimated at approximately $1 billion per site. Therefore, successful characterization of one candidate site, rather than full characterization of three, will significantly reduce program costs. Based on the record, there is ample reason to believe that at least one of the three candidate sites now under consideration can be successfully characterized.

The construction of an MRS facility, as proposed by the Secretary of Energy, is necessary in the scheme proposed here. Construction of an MRS facility provides a number of advantages. MRS results in cost advantages, improves system flexibility, and provides insurance in the form of backup storage in the event that sequential repository site characterization does not result in an operating repository by 1998, which is the time the Secretary is obligated to accept spent nuclear fuel under existing contracts with nuclear utilities.

Thus, sequential characterization of candidate repository sites, construction of an MRS facility, and significant budget savings go hand in hand.

A second finding is that the redirection of the program as set forth in this legislation is required to permit the Secretary to carry out in a timely fashion his responsibilities under the NWPA to accept spent nuclear fuel and dispose of it. This legislation provides definitive Congressional direction to proceed with the siting of the facilities the program needs and new authority to assist the Secretary in resolving conflicts involving States, Indian tribes and units of local government in siting those facilities.

Accordingly, a final finding is that it is appropriate for the Federal Government to provide payments to an Indian tribe when a repository or a monitored retrievable storage (MRS) facility is sited on the reservation of the tribe, and, when the facility is not sited on a reservation, it is appropriate to provide payments to the State and to affected units of local government where the repository of MRS facility is sited.

The authority to make these payments provides an opportunity, not available under current law, for significant benefits for a State, tribe or unit of local government from the siting of a repository or an MRS facility. Authority to make these payments provides the potential that a State, tribe or unit of local government might determine that it is advantageous to cooperate in the siting of the needed facilities.

The term "affected unit of local government" is defined for purposes of the new title IV to include, at the discretion of the Secretary, units of local government contiguous to the unit of local government where a repository or MRS facility is sited. The Secretary has the flexibility to designate a contiguous unit of local government as "affected" when the Secretary feels that to do so will promote equity and further the process of facility siting and development.

Section 402

This section directs the Secretary, by January 1, 1989, to select a preferred site for characterization for the first repository.

The Secretary would make the selection from the three sites previously selected for characterization as candidate sites for the first repository: on the Hanford Reservation in Richland, Washington; in Deaf Smith County, Texas, and at Yucca Mountain in Nevada.

The President has already determined that each of these three sites is suitable for characterization as a candidate site for the first repository. No new information or analysis is necessary in order to proceed with full characterization of all three sites. Under section 402, the Secretary is directed to select the most suitable of these three sites for characterization.

In making the selection of one of these sites as a preferred site, the bill directs the Secretary to give primary consideration to the four factors set forth in subparagraphs (1)(A) through (D). These factors are to be considered for the purpose of selecting one site from the three for characterization. The factors supplement the guidelines under section 112 of the Act and supercede the guidelines where inconsistent with them. The guidelines under section 112 are for the purpose of selecting sites for characterization generally. The factors included in this section are intended to be used to select the single site most suitable for characterization.

The Committee is aware that significant ground water or surface water resources, or both, may be present at each of the three sites from which the Secretary must select a preferred site for characterization. The Committee also is aware that several States and Indian tribes have expressed strong concerns about the adequacy of the Secretary's assessment of potential impacts from storage and disposal of nuclear waste on these water resources. The Committee anticipates that in carrying out the purposes of this Act the Secretary will fully consider the presence of surface water or ground water resources, and potential impacts, if any, to those resources.

Subsection (a)(2) directs the Secretary to carry out such activities at the three sites as the Secretary decides will provide useful information for selecting the preferred site. The bill requires that the selection of a preferred site be made by January 1, 1989 and that the Secretary's decisions about information gathering activities will be guided by this selection deadline. Information gathering activities should be structured in such a way not only to provide the greatest amount of useful information but also to ensure that this selection deadline is met.

Subsection (a)(2) also specifies that the Secretary shall not initiate construction of an exploratory shaft facility until such time as a preferred site is selected under this subsection. It is the Committee's understanding that the Department does not intend to construct exploratory shafts during the period between now and January 1, 1989. The Committee felt, however, that a statutory limitation would underscore its intent that exploratory shaft construction not be initiated prior to selection of a preferred site.

Upon selection of a preferred site, the Secretary is required to take all those actions that normally would have been taken under the first three titles of the Act to characterize the site and to prepare for licensing, construction, and operation of a repository at the preferred site. Activities at the sites not selected would be suspended as soon as possible, in such a way to ensure an orderly close out of site-specific work.

If a preferred site that has been selected by the Secretary is subsequently determined by the Secretary to be unsuitable for a repository, the Secretary must immediately make this determination known to all interested parties, suspend benefits payments under this title, and begin a process of selecting a new preferred site from the sites remaining of those considered under subsection (a). In selecting a new preferred site, the Secretary would repeat within six months the process outlined in subsection (a) for selection of a preferred site, including giving primary consideration in the selection to the same four factors listed in subparagraphs (a)(1)(A) through (D) and otherwise complying with the requirements of this section with respect to the selection process, including, for example, the environmental evaluation required under subsection (f).

Subsection (d) provides that the State in which the preferred site is located and any affected units of local government would be eligible for benefits payments under section 404 of this title.

Subsection (e) states that any decision of the Secretary to select a preferred site under subsection (a), to suspend work on other sites under paragraph (b)(2), or to reject a site chosen as a preferred site that later proves unsuitable under subsection (c) shall be in writing and shall be available to Congress and the public. It is the Committee's intent that these decisions shall be noticed in the Federal Register.

Subsection (e) also describes the process for judicial review of these decisions under subsection (a), paragraph (b)(2), and subsection (c). These decisions shall be subject to judicial review only by the Temporary Emergency Court of Appeals (TECA). Any action for judicial review must be filed within 30 days after public notice of the Secretary's decision. TECA is directed to decide any such case in 60 days. This deadline may be extended by 30 days, and the extension may be renewed twice. The total review time by TECA, therefore, shall be no more than 150 days.

Except as noted below, the grounds for review of these decisions shall be the standard grounds of the Administrative Procedures Act (5 U.S.C. 706). The Secretary's decision, therefore, could be found unlawful if found to be arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law; contrary to constitutional right, power, privilege, or immunity; in excess of statutory jurisdiction, authority, or limitations, or short of statutory rights; or without observance of procedure required by law. Two additional grounds for review under the APA are not included as grounds for review in this instance because they are inapplicable to the process that would take place. These grounds are: lack of support by substantial evidence on the record of an agency hearing; and claim that the action is unwarranted by the facts to the extent that the facts are subject to a trial de novo by the reviewing court. These grounds are inapplicable because the Secretary's action under this section would not involve adjudicatory or rulemaking hearings on the record and because the review is not intended to involve extensive fact-finding by the reviewing court.

The Committee's objective in allowing judicial review only by TECA is to expedite the process of review. The Committee does not want to stop or delay the process of site characterization of a preferred site because of a prolonged court review. The exclusive right of review by TECA applies only to the Secretary's decisions under subsection (a), paragraph (b)(2) and subsection (c). This provision is not intended to restrict or preclude judicial review of other actions by the Secretary under this section, title, or Act except as expressly provided. Judicial review would apply to other actions in accordance with current law.

The Committee intends that the same process for judicial review under this subsection would be followed if a new preferred site were selected under subsection (c).

Subsection (f) requires the Secretary to prepare a detailed statement of the basis for his selection of a preferred site and to prepare an environmental evaluation as described in subparagraphs (1)(A) through (D). The Committee does not intend the detailed statement or environmental evaluation to be either an environmental impact statement or environmental assessment as required under the National Environmental Policy Act of 1969 (NEPA). Indeed, the environmental evaluation required is not pursuant to NEPA, but rather is specifically authorized and directed by this section as separate statutory authority. The detailed statement and environmental evaluation are documents required solely to support the Secretary's selection of a preferred site under this section. The intent of the environmental evaluation is to make it clear how the Department reached its decision on the preferred site. It is intended to be a comparative evaluation of the sites, which contains information on the relative pros and cons of the preferred site. These documents are not intended as a supplement to the previously-completed environmental assessment of the preferred site published by the Department in May 1986. As such, subsection (f) does not affect in any way any pending litigation on the adequacy of environmental assessments previously published by the Department.

Subsection (f)(2) requires the Secretary to solicit the comments of the National Academy of Sciences (NAS) and to provide an opportunity for public comment before preparing the environmental evaluation required under this subsection. The Committee intends that these comments relate to (a) what information NAS or the public believes should be considered prior to preparation of the environmental evaluation and (b) what information should be contained in the document. The Committee does not intend that a draft of the environmental evaluation be provided for comment by NAS or the public.

Subsection (f)(3) requires the Secretary to preserve all writings, records of meetings, draft reports and studies, and other documents and recordings relating to the selection of the preferred site and to the completion of the environmental evaluation for a period of two years following the date of selection of the preferred site. Subject to existing law, this paragraph also requires the Secretary to make these documents available to the public upon request. The intent of this paragraph is that documents would be available for public inspection for two years after the time of selection of the preferred site. The Committee intends that the availability of documents would be subject to existing laws of disclosure. The Committee does not intend this paragraph to provide any new authority to allow access to or restrictions on disclosure of predecisional documents or information.

The intent of subsection (g) is self-explanatory.

Subsection (h) requires the Secretary to report to Congress, within one year after the selection of the preferred site, on the potential impacts of locating a repository at the site. The potential impacts to be addressed in the report are specified in paragraphs (1) through (14). This list is not intended to be exclusive.

Section 403

This section addresses the siting of monitored retrievable storage facilities. Construction of an MRS facility is not authorized under current law.

Subsection (a) annuls and revokes the Secretary's proposal to locate a monitored retrievable storage facility in Tennessee. Therefore, in carrying out the provisions of this section, the Secretary is directed to give no presumption or preference to the sites in that proposal by reason of their previous selection.

The Secretary is directed under this section to conduct a survey and evaluation of three potentially suitable sites for a monitored retrievable storage facility in not less than two States between the date of enactment and January 1, 1989. Criteria to be considered in this survey are contained in paragraphs (1) through (6) of subsection (b). The Committee does not intend these criteria to be exclusive.

Subsection (c) provides a mechanism for voluntary siting of an MRS facility. Therefore, the Committee intends the Secretary to make every reasonable effort to find a State or Indian tribe with a suitable site that is willing to accept the facility by January 1, 1989. If successful in locating a suitable site within such a State or on a reservation, the Secretary is authorized to construct and operate an MRS facility consistent with section 141 of the NWPA and in accordance with applicable agreements under the new title IV. To help in the effort to find a suitable site within a willing State or on an Indian reservation, the Secretary is authorized under paragraph (2) of subsection (c) to provide grants to a State, Indian tribe, or unit of local government to support an assessment of the feasibility of siting an MRS facility in its jurisdiction or on its reservation, in the case of an Indian tribe. The Committee intends that the Secretary be afforded discretion in providing grants to States, Indian tribes, or units of local government.

If the Secretary does not select an MRS site within a willing State or on an Indian reservation under the provisions of subsection (c), the Secretary is required under paragraph (2) of subsection (d) to select a site from those surveyed in subsection (b) for an MRS facility. The Secretary's selection of a site under paragraph (2) of subsection (d) shall be on the basis of available information and shall be the site determined by the Secretary to be the most suitable for an MRS facility. This selection of a site shall be made between January 1, 1989 and October 1, 1989.

Subsection (e) provides for a veto by the State or Indian tribe selected to host an MRS facility under paragraph (d)(2). The procedure for notice of disapproval and Congressional review of such a notice is the same as the procedure set forth in current law for a repository.

Subsection (f) requires the Secretary to study the need for and feasibility of one or more monitored retrievable storage facilities in addition to the facility authorized under this section. The study shall examine the desirability of co-locating the site of an MRS facility for spent nuclear fuel from civilian nuclear activities with a site at which substantial volumes of high-level radioactive waste generated from atomic energy defense activities are located. The study shall also include the development of a plan for the management of defense high-level waste in a system that includes one or more MRS facilities capable of storing both high-level radioactive waste and spent nuclear fuel. The Committee intends that this study shall address other issues, as appropriate. The Secretary is required to report to Congress on the results of this study by April 1, 1989. If additional MRS facilities are found to be desirable as a result of this study, the Secretary is required to notify Congress and potentially interested States and Indian tribes and submit to Congress site-specific proposals for construction of additional MRS facilities in accordance with the provisions of section 141.

Subsection (g) provides that a State in which an MRS facility is located and any affected units of local government, or an Indian tribe, in the case that a site is located on a reservation, shall be eligible for benefits payments under section 404.

The intent of subsection (h) is self-explanatory.

Subsection (i) requires the Secretary to conduct a study and evaluation by October 1, 1988 of the use of dry cask storage technology at civilian nuclear power reactor sites for temporary storage of spent nuclear fuel until a repository is capable of receiving such fuel. The intent of the subsection is self-explanatory.

Subsection (j) requires the Secretary to submit to Congress by April 1, 1989 a report describing the potential benefits of designing a system to store spent nuclear fuel for at least 50 years prior to emplacement in a repository compared to the current system being designed for 10-year old fuel. Points to be addressed in the report are contained in subparagraphs (j)(1)(A) through (F).

Neither subsection (i) nor subsection (j) in any way limits, conditions, or qualifies the requirements of this title with respect to siting MRS facilities or geologic repositories.

Section 404

This section describes the conditions for entering into benefits agreements provided for in title IV.

Subsection (a) authorizes the Secretary to enter into benefits agreements with authorized representatives of States and Indian tribes. Benefits agreements must be negotiated in consultation with affected units of local government.

Subsection (b) provides that a benefits agreement can be amended only by mutual consent of the parties and terminated only under section 407.

Subsection (c) requires the Secretary to offer to enter into a benefits agreement with the Governor of the State containing the preferred site for the first repository. None of the three candidate sites selected for characterization for a repository is on an Indian reservation, so the Secretary would not seek to enter into a benefits agreement for a preferred site with an Indian tribe.

Subsection (d) requires the Secretary to offer to enter into a benefits agreement covering an MRS facility with appropriate States or Indian tribes.

Subsection (e) provides that only one benefits agreement can be in effect for a repository and only one for each MRS authorized by Congress.

Subsection (f) provides that decisions of the Secretary under this section are not subject to judicial review.

Section 405

This section describes the content of benefits agreements under section 404.

From the time of execution of a benefits agreement until spent nuclear fuel or high-level radioactive waste is received at the facility, annual payments under an agreement are $20 million for an MRS and $50 million for a repository. Upon receipt of spent fuel or high-level waste at the facility, annual payments would increase to $50 million for an MRS and $100 million for a repository and continue for the life of the facility. No payments shall be made before January 1, 1989. The Secretary may not restrict the purposes for which the payments are used, except that not less than one-third of any payment must be transferred to affected units of local government.

Subsection (b) requires that a benefits agreement provide for a Review Panel as described under section 406, for waiver of the right of a State or Indian tribe to veto a site under title I of the NWPA, for sharing of relevant licensing information among the parties to the agreement, and for participation of the State or Indian tribe in the design of the repository or MRS. The Committee intends that the State or Indian tribe be allowed to participate in the design of the repository or MRS as specified in paragraph (4) of subsection (b), but the Committee does not intend for State or Indian tribe concurrence to be required in order for the Secretary to proceed with a design or with the preparation of documents.

Subsection (c) provides that benefits payments be made from the Nuclear Waste Fund and states that the signature of the Secretary on a valid benefits agreement shall constitute a commitment by the United States to make payments in accordance with the agreement.

Section 406

This section describes the Review Panel referred to in section 405.

Subsection (a) provides that the Review Panel have seven members: two chosen by the Governor, two by affected units of local government, and three chosen by the Secretary. The Secretary's selections are the panel chairman, a member to represent persons paying into the Nuclear Waste Fund, and a member to represent other public interest.

Subsection (b) specifies the term, compensation, and payment of necessary expenses of members of the Review Panel. Expenses of the panel would be paid from the Nuclear Waste Fund.

Subsection (c) enumerates the duties of the Review Panel.

Subsection (d) requires the Secretary to make available promptly any information requested by the Review Panel or its Chairman.

Subsection (e) exempts the panel from the requirements of the Federal Advisory Committee Act.

Section 407

This section addresses requirements for the siting of a second repository.

Subsection (a) prohibits the Secretary from conducting site-specific activities with respect to a second repository unless these activities are specifically authorized by Congress and money is appropriated for them. This provision takes away the Secretary's authorization to conduct site-specific activities. A subsequent Act of Congress would be required before site-specific activities could be conducted.

Subsection (b) removes the requirement in current law that the Secretary nominate and recommend to the President sites for a second repository and that the President recommend to Congress a site for a second repository.

Subsection (c) requires the Secretary to report between January 1, 2007 and January 1, 2010 on the need for a second repository. The Committee intends that the Secretary be able to conduct whatever non-site-specific work is necessary to complete this report.

Section 408

This section authorizes the Secretary to terminate a benefits agreement if the site covered by the agreement is disqualified for its failure to comply with guidelines and technical requirements established in accordance with current law, or if the Secretary determines that the Nuclear Regulatory Commission cannot license the facility within a reasonable time. A State or Indian tribe may terminate a benefits agreement only if the Secretary disqualifies the site. Decisions made by the Secretary under the section are not subject to judicial review.

Section 409

Subsections (a) and (b) preserve provisions of the NWPA and powers of the Secretary under current law that are not expressly affected by this title.

Subsections (c) and (d) provide that the requirements of the National Environmental Policy Act of 1969 (NEPA) shall apply as provided in the NWPA, except that the provisions of section 114(a)(1)(D) and section 114(f) requiring consideration of three sites for a repository would not apply.

The Committee intends that the selection of a preferred site under section 402(a) of title IV should not be considered a major federal action requiring preparation of an environmental impact statement or an environmental assessment. The Committee does not believe that an additional NEPA statement should be required at the time of selection of a preferred site since an environmental assessment has already been completed for each of the three candidate sites previously selected for characterization and since there is a requirement under current law to prepare an environmental impact statement, following site characterization, prior to the time that a single site is recommended to the President for development as a repository.

The Committee also intends that any other actions of the Secretary under this title shall not be considered major federal actions for the purposes of NEPA compliance except as provided in the requirements of title I.

Section 410

This section limits appropriations for activities under the NWPA to $567 million in fiscal year 1988, $545 million in fiscal year 1989, and $484 million in fiscal year 1990.

SECTION 3

This section amends the Nuclear Waste Policy Act of 1982 by adding a new section 10 entitled "Reports". The new section 10 requires the Secretary to submit two reports to Congress.

Subsection (a) requires the Secretary to contract with the National Academy of Sciences for a study of the major facets of reprocessing of spent nuclear fuel, including economics, the impact of reprocessing on the potential for the proliferation of nuclear weapons, and the effects of reprocessing on nuclear waste management. The Secretary is required to submit this report to Congress by September 30, 1989.

Subsection (b) requires the Secretary to submit a report to Congress within 270 days of enactment of this section on subseabed disposal of spent nuclear fuel and high-level radioactive waste.

SECTION 4

This section amends subtitle A of title I of the Nuclear Waste Policy Act of 1982 by adding a new section 126 entitled "Transportation".

Subsection 126(a) requires that spent nuclear fuel and high-level radioactive waste be transported under the program mandated by the NWPA in packages that have been certified by the Nuclear Regulatory Commission according to its regulations. The Committee intends that this requirement apply to shipments of both civilian and defense spent nuclear fuel and high-level radioactive waste that are transported under the program mandated by the NWPA.

Subsection 126(b) requires that the Secretary abide by NRC regulations regarding advance notification of State and local governments prior to transportation of such fuel or waste under the program mandated by the NWPA.

Subsection 126(c) requires the Secretary to provide technical assistance and funds to States for training of public safety officials with respect to transportation of spent nuclear fuel and high-level radioactive waste. It is the Committee's intent that such technical assistance and training will cover procedures for routine transportation as well as for emergency response. Such training and technical assistance should focus on prevention of accidents in transportation as well as emergency response after an accident. The Committee intends that the Department provide technical assistance and funds for training of State and local public safety officials, but the Committee believes that the actual training of local officials should be coordinated at the State level. Technical assistance and funds would be provided to the State, and it would be up to the State to coordinate training for local officials and to determine how funding for emergency response training should be spent. The Committee believes that it should be up to the State to determine the appropriate delienation of State and local responsibility in such matters.

Subsection 126(d) directs NRC to require actual tests of sample full-scale transportation packages prior to certifying any package design for the transportation of spent nuclear fuel or high-level radioactive waste under subtitle A or subtitle C of title I of the NWPA.

Subsection 126(e) directs NRC to conduct a survey of the packages for transportation or disposal of spent nuclear fuel or high-level radioactive waste used by other nations. Based on that survey, NRC shall submit a report to Congress by January 1, 1989 that describes foreign designs and comments on the potential for such designs to meet or exceed applicable NRC regulations or standards.

SECTION 5

Section 5 amends the repository site approval process under title I of the Nuclear Waste Policy Act of 1982 in two respects.

Subsection 5(a) amends section 114(a)(1) of the NWPA by adding a new subparagraph (I). This subparagraph provides that any recommendation to the President of a site for development of a repository under section 114(a) be accompanied by a statement by the Secretary, after consultation with the Secretary of Defense, that construction and operation of a repository at that site would not seriously jeopardize national security by reason of interference with national defense activities nearby.

Subsection 5(b) amends section 116 of the NWPA by adding a new subsection (e) to provide certain adjacent States with the same rights and opportunities to participate in the repository siting process as a State containing a candidate site under the existing Act. The adjacent States included under this subsection would be those that both border on the State in which the candidate site is located and lie contiguous to a river, waterway, or acquifer whose flow, as determined by the Secretary of Interior, passes adjacent to or underneath the site, and continues downstream or down gradient to the bordering State.

The Committee intends the Secretary of Interior shall be the arbiter with respect to whether an adjacent State lies contiguous to a river, waterway, or acquifer whose flow passes adjacent to or underneath the candidate site, and continues downstream or down gradient to such adjacent State. The Committee intends that the direction of the flow of the river, waterway, or acquifer shall be the important factor in determining the rights of adjacent States. For example, in a case where an acquifer underlies State A, which contains a candidate site, and also underlies a State on its eastern border and a State on its western border—if the acquifer flows to the east, then the State to the east would be entitled to rights as an adjacent State but the State to the west would not.

The Committee intends that this subsection shall apply only with respect to the siting of a repository and shall not apply with respect to siting of an MRS.

SECTION 6

Section 6 amends subtitle A of title I of the Nuclear Waste Policy Act of 1982 by adding a new section 127. This section requires the Secretary, in siting federal research projects, to give special consideration to proposals from States where a respository is located.

SECRETARY OF ENERGY,
Washington, DC, October 28, 1987.

Hon. QUENTIN N. BURDICK,
Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I have been following the actions of the Senate Environment Committee regarding the nuclear waste issue and wanted to discuss with you some particular concerns that have arisen in response to the Committee's proposal.

The various House and Senate committees have invested substantial time to address key issues in the nuclear waste area and the Department continues to stand ready to assist these efforts in any way possible. We remain convinced that an established program for the safe and effective disposal of nuclear waste is essential not only for the public interest but also for the future viability of the nuclear industry in this country. It is crucial that we move forward with the program and do so with a minimum amount of delay.

The proposal drafted recently by the Senate Environment Committee as part of its reconciliation package addresses several critical aspects of the program. I am concerned, however, that the approach set forth in the proposal may impose new burdens and create additional delays in the management of the waste program which are not necessary to ensure that the program is conducted in a safe and effective manner.

Specifically, we are concerned that the proposal would require a minimum two-year delay in the program prior to selection of a preferred site and create other scheduling requirements which could further push back the date when waste could be accepted at a repository site. Under this proposal, the Department would be unable to accept spent fuel by 1998, leaving unfulfilled the Department's established commitment to begin accepting waste by that date.

In addition, we believe the Environment Committee's proposal would fundamentally change the program in a way that would entail substantially greater costs and burdens for the program's operation. By requiring intermediate findings as part of the site characterization process, the proposal would inject into the program an entirely new source of uncertainty with respect to overall program costs and scheduling. This requirement, including a mandate for surface-based testing of three sites, would impose new costs and delays in an effort to obtain information and date which can be acquired more accurately and efficiently through full characterization.

Further, we are concerned that the proposal may refashion the program in a manner requiring the consideration of potential repository sites in 23 states. By incorporating into the proposal the National Environmental policy Act and its requirement of reasonable alternatives, the proposal could effectively repeal current numerical limits on such alternative sites. We are concerned that this requirement, along with several other provisions, such as the imposition of surface-based testing and the preservation of pending Court challenges to the program, may constitute, in the aggregate, rejection by the Congress of the bases for major decisions previously made in this program. Such retrenchment, embodying new ground rules for analyzing potential sites, inevitably risks the consequence of the Department being required to examine anew all locations whose geology, based upon our knowledge to date, renders them potential candidates for a repository. For your review, I have enclosed a list of the potentially affected states.

Finally, I believe it is important to express the Department's concern not only with respect to what the Environment Committee proposal would require, but also what the proposal would not require. Specifically, it would leave out incentives for the host state and would fail to authorize a Monitored Retrievable Storage facility. In our view, provisions in these areas would contribute significantly to the fulfillment of the program's objectives and enable them to be accomplished on a more efficient and reliable schedule. As you know, we have supported efforts to establish these provisions and have specifically voiced our support for S. 1668, sponsored by Senators JOHNSTON and MCCLURE, which contains them. It is our hope that the Senate will fashion a legislative package that will incorporate such features and place the program on a track that will minimize delays. In our view, the continued implementation of the current Act would be preferable to legislation that falls short of these objectives.

Again, I appreciate the work of the Environment Committee with respect to the waste issue, and look forward to continued cooperation with the Congress toward the development of a final legislative package.

Yours truly.

JOHN S. HERRINGTON.

PONTENTIALLY AFFECTED STATES

Washington, Nevada, Texas, Utah, Mississippi, Louisiana, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina, Georgia, Michigan, Wisconsin, and Minnesota.

NUCLEAR REGULATORY COMMISSION,
Washington, DC, October 2, 1987.
Hon. J. BENNETT JOHNSTON,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am writing in response to your letter dated September 30, 1987 in which you requested clarification of the Commission's position on S. 1668, the Nuclear Waste Policy Act Amendments Act of 1987. The agency's position is set forth in the enclosure to the letter of September 14th to Senator John B. Breaux. The Commission does not oppose legislation which would require that only one site undergo at-depth characterization. The Commission does not believe that simultaneous characterization of three sites is necessary to ensure the public health and safety. The Commission expressed the concern, however, that sequential site characterization could considerably delay the schedule for opening a repository if the preferred site is found to be unlicensable.

Mr. Hugh Thompson, Director of the NRC Office of Nuclear Material Safety and Safeguards, reflected our specific concerns regarding a potential for delay in testimony before the Committee on April 28, 1987. We would refer you to page 6 of his statement in which he said:

"One of our principal concerns is that, considering the first-of-a-kind nature of this effort, selection of only one site for detailed site characterization runs a risk of resulting in a site which may ultimately prove to be unlicensable. If, after suspending characterization of other sites, DOE were to find its initially-chosen site inadequate, or if it could not provide assurance in a licensing proceeding that the site met NRC technical requirements, there could be considerable delay while characterization was completed on another site or slate of sites, with a consequent loss of momentum. The impacts of such a delay on NRC's stated belief that there is reasonable assurance that methods of safe permanent disposal of high level waste would be available when they are needed, would have to be carefully evaluated."

The staff has not identified any technical reason to preclude sequential site characterization. Thus, like the Commission, the staff does not identify any regulatory health and safety requirement for characterizing three sites in parallel.

The Commission believes that, under the Nuclear Waste Policy Act, the site selection process is the responsibility of the U.S. Department of Energy. The adequacy of the site will ultimately be determined by the NRC in a licensing proceeding. Although the NRC will be mindful of scheduling considerations, we will only license a site which satisfies our licensing requirements.

I hope that this letter clarifies the Commission's position on S. 1668. Please contact me if we can be of further assistance.

Sincerely,

LANDO W. ZECH, Jr.

SECRETARY OF ENERGY,
Washington, DC, October 1, 1987.

DEAR GOVERNOR: As you know, in May 1986, I directed the Department of Energy to postpone, until the mid-1990's or later, site-specific work related to a second repository for high-level nuclear waste. I made this decision based on the progress in siting the first repository and projections which showed that a second repository is not needed until well into the next century.

Recognizing that new legislative action by Congress would be required to implement this decision, I said, in testimony before Congress on April 23, 1987, that absent Congressional direction to the contrary, the Office of Civilian Radioactive Waste Management (OCRWM) would resume site-specific activities for a second repository at the end of the fiscal year.

Opponents of the Department's second repository decision have filed suit to compel the Department to resume the site-selection process. Numerous cases regarding this matter are being litigated, and the U.S. Court of Appeals for the Ninth Circuit has scheduled an oral argument on this issue on October 9. In a declaration filed on June 26, 1987 in the case of State of Washington v. U.S. Department of Energy (9th Cir. 87-7085), I stated that I have notified OCRWM to "recommence site-specific activities on the second repository program by September 30, 1987 . . . in the event that Congress does not take legislative action . . . ."

I have been pleased to see action in Congress that holds considerable promise for new legislation regarding the second repository program. That has been encouraging. Both the House and Senate are considering bills to end the second repository process, although they differ in format. I am particularly encouraged by the progress of S. 1668, sponsored by Senators Johnston and McClure. It includes a prohibition on further site-specific work on a second repository and calls for a report on the need for a second repository. I feel that this legislation lays out an effective course of action for this program. There is every indication that the Senate will conclude consideration on this matter in early November. It is my hope that this will provide the impetus for action in the House of Representatives.

However, notwithstanding this fact, until the law is changed I am obligated to comply with the currrent second repository mandate of the Nuclear Waste Policy Act of 1982. While I remain optimistic, the Congressional process has in fact not advanced to a stage that provides definitive legal direction on this matter, within the stated timeframe. Therefore, the Department will resume the second repository site-selection process from the point at which it was suspended in May 1986. In an effort to give Congress and the legislative process a chance to come to a final solution of this difficult problem with minimum interference from political forces, I specifically draw your attention to the fact that the only step contemplated is the resumption of the preparation of the Area Recommendation Report (ARR) which now involves the review and consideration of the 60,000 comments received on the draft ARR. This process will take approximately 12 to 18 months. Until the ARR has been completed, the Department need not and does not intend to conduct any activities on any of the sites described in the draft ARR.

I am hopeful that Congress will act soon to resolve this issue; and once Congressional action is completed, I intend to revise our activities to conform to the directives from Congress. Progress has already been made toward resolving this matter, and a concerted effort on behalf of all interested parties can conclusively end this issue. In the meantime, it is my obligation as Secretary of the Department of Energy to ensure that we obey existing law.

Yours truly,

JOHN S. HERRINGTON.

NUCLEAR REGULATORY COMMISSION,
Washington DC, April 13, 1987.
Hon. J. BENNETT JOHNSTON,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC

DEAR MR. CHAIRMAN: I am responding to your March 10, 1987 letter seeking clarification of the Nuclear Regulatory Commission (NRC) staff comments on the Department of Energy's (DOE) final environmental assessments (FEA's) of the potential repository sites.

The NRC staff review of the FEA's and the responses to specific questions which are enclosed are limited to the specific responsibilities of NRC: public health and safety and the waste isolation considerations found in 10 CFR Part 60, NRC regulations for "Disposal of High-Level Radioactive Waste in Geologic Repositories" and the associated DOE Siting Guidelines. In deciding whether to proceed with site characterization, the DOE has considered other factors outside NRC's regulatory responsibility (e.g., cost, schedule, ranking of sites). The NRC staff has not reviewed or commented upon such areas.

In this context, the NRC staff review of the five FEA's did not identify concerns that would call into question the suitability of any of the five sites for site characterization. While numerous concerns have been identified by NRC staff relative to each site, these concerns are of the nature anticipated at any site for which the existing data base is limited. While these concerns should not disqualify the sites from further testing to determine their suitability for the repository, they are significant with respect to the licensability of each site. The purpose of site characterization is to develop data to evaluate the validity and significance of such concerns relative to site suitability. Hence, these concerns need to be addressed as the DOE draws up Site Characteriazation Plans (SCP's) for each site.

Consequently, there is no reason, based on the NRC staff review of the FEA's and of other materials developed by the DOE and other parties, to delay characterization of the three sites selected by the DOE. The NRC concerns can only be addressed through the site characterization process.

These general statements are intended to clarify the NRC position on the FEA's and the state of the DOE HLW program. In your letter you asked the Commission to respond to twelve questions regarding the nature of the NRC staff comments and how they should be viewed by the DOE and the Committee. The enclosure to this letter contains the NRC responses to those questions. I hope that our specific answers, taken in conjunction with the contents of this letter, will provide the clarification of the NRC's position that you seek.

Commissioner Asselstine does not agree with this response.

Sincerely,

LANDO W. ZECH, Jr.

Mr. DODD. Mr. President, I rise in strong support of an amendment included in the energy and water development appropriations bill for fiscal year 1988 which is of critical importance to Connecticut and to the integrity of the Federal energy regulatory process. This provision would prohibit the Federal Energy Regulatory Commission from approving the Iroquois Gas Transmission System's pipeline application under FERC's Optional Expedited Certificate Procedure. The message to FERC in this amendment is clear: The "fast-track" process cannot provide the kind of rigorous and objective analysis which the citizens of Connecticut and Members of Congress demand for proposals of this magnitude.

Just over 1 year ago, I helped bring to Connecticut the Chairman of FERC to hear firsthand my State's views on the Iroquois proposal and the Commission's application procedures. Since that time, there has been little progress toward resolving the issues raised during the Chairman's visit. To their credit, the Connecticut utilities have opened a limited dialog with our citizens and State officials and have expressed a willingness to consider alternative pipeline routes. At the same time, both FERC and the Iroquois consortium have refused to abandon the optional expedited certificate procedure, a process which I have said repeatedly is unacceptable to the citizens of my State. We remain gridlocked in a myriad of procedural disputes and uncertainties and have not even begun to resolve the serious economic and environmental questions which surround this massive project.

Last July, for example, FERC failed to accept its own professional staff's recommendation to dismiss the Iroquois application under the expedited certification process. The FERC staff had concluded correctly that because the Commission has already required an environmental impact statement [EIS] for the Iroquois proposal, this project can no longer be considered for expedited approval. According to the National Environmental Policy Act, the Federal law which governs EIS procedures, the Commission must examine a wise range of environmentally acceptable alternatives to Iroquois, including no action. For this reason, the FERC staff reached the same conclusion that I did in my testimony before FERC in Torrington- last October; NEPA requires a comprehensive assessment of our State's energy needs and a comparison of Iroquois with other pipeline applications, both of which the expedited procedure was designed to avoid. As I stated in my testimony last year, "the Commission cannot evaluate the relative merits of the [NEPA] no action alternative without conducting evidentiary hearings on the need issue."

The FERC staff's dismissal recommendation was based on another conclusion which many of us in Connecticut reached months ago. According to the Commission's own regulations, applicants which choose the "fast-track" route must first assume all the financial risk for the pipeline's construction before FERC can justify the energy need presumption which is the heart of the expedited process. Lo and behold, the FERC staff last July determined what many of us already knew: the Iroquois project is simply too costly, and the financial relationship between the consortium's partners too complex, to really be sure that Iroquois has assumed all the risk for this pipeline project.

Mr. President, the time has come for Congress to take a stand on this issue. FERC has had—and ignored—several opportunities to set the record straight: to dismiss the Iroquois application under the expedited procedure and establish a fair, equitable, and predictable review process for this case. Instead, trapped in a procedural maze of its own construction, the Commission has refused to wake up and smell the coffee which its own staff placed on the table. FERC's obvious confusion over the rules and requirements of its own procedure shows the Commission itself still has more questions than answers about this ill-defined and untested certification process.

Mr. President, the people of Connecticut are not blind to the future energy needs of our State. We recognize our oil dependence—much of it from foreign countries—and the potential need to diversify our energy supplies. But we also understand the importance of due process and the need to follow well-defined rules and regulations, especially where the environment is concerned. For this reason, we cannot accept any pipeline project that is approved through a FERC process which even its regulatory authors do not understand. I call upon FERC and Iroquois to heed the congressional intent explicit in the amendment before us today: to abandon the expedited certification procedure so we can move forward with the fair and equitable review necessary to answer the critical questions about this pipeline proposal.

Congress has established a body of energy and environmetal laws for a reason: to achieve that delicate balance between our legitimate energy needs and our responsibility to protect the environment for future generations. In Connecticut, this sense of balance has always been a special tradition—a common axiom passed down from generation to generation. All we ask from FERC and our energy suppliers is help in preserving that balance, help in continuing the tradition of wise stewardship of our rich natural resources. We demand nothing more but can accept nothing less.

Mr. HOLLINGS. Mr. President, I strongly support the appropriations provisions of H.R. 2700. Regrettably, however, this otherwise sound legislation is carrying a monkey on its back, a monkey that the Senate would be well advised to strip off. I am speaking of the text of S. 1668—requiring the construction of temporary nuclear waste storage facilities—which was unwisely incorporated into H.R. 2700.

Mr. President, politicians live by a tried-and-true maxim: Never put off 'til tomorrow a sensitive political decision you can put off 'til next year—or, better yet, 'til the next decade. The provisions of H.R. 2700 authorizing temporary nuclear storage facilities are a classic illustration of this old political rule—which would be just fine if the price tag were not $2 billion.

Permit me a few words of background. In the Appropriations Committee, earlier this year, I voted—with major reservations—to support Senator JOHNSTON's nuclear waste proposals. I supported the Senator's effort to move the process forward, and I hoped that the more ill-considered and wasteful elements of his legislation would be changed. I was wrong.

Bear in mind, when Congress passed the Nuclear Waste Policy Act in 1982, we expected it to set in motion a process that would be at once technically sound and politically fair. We expected that act to cut through years of distrust and failure, and pave the way for construction of one, and eventually two, national repositories for the permanent burial of high-level nuclear waste. The Nation badly needs such a permanent repository. The temporary storage of spent fuel at reactor sites is safe in the short run but hardly desirable in the long run.

Unfortunately, the high hopes created by the 1982 act have been dashed. Distrust of the Department of Energy's nuclear waste program is at an all-time high. With good reason, people have concluded that candidate repository sites have been selected or dropped for reasons having more to do with politics than geology. Just ask our colleagues from Washington State, Nevada, and Texas—the three candidates for the first repository. Their constituents have zero confidence in the Energy Department. Opposition has dug in its heels, and the entire high-level waste program is at a standstill.

It is imperative that we jump start the National Nuclear Waste Program. We need to get it moving again—especially the effort to build a permanent repository. And this is exactly why I oppose the provision in H.R. 2700 to build temporary storage facilities. Such facilities would be grotesquely expensive. They would increase the threat of a nuclear accident. And they would guarantee further delay and obstructionism in the effort to build permanent sites.

Mr. President, these proposed temporary repositories have a technical name; they are called "monitored retrievable storage" facilities. The acronym is MRS, but I hardly think Mom would approve.

In 1986, the Energy Department recommended building such an MRS facility in Tennessee, but the Volunteer State has been less than obliging. And for good reason. By any objective standard, the technical arguments for an MRS have never been compelling.

The Energy Department attempts to justify an MRS as a central packaging and transportation center. But the fact is that such a facility would increase transportation, not decrease it, since every spend fuel shipment would be transported twice—once to the MRS, and again from the MRS to the permanent repository. A major study by the University of Tennessee determined that an MRS option does not reduce transportation impacts and risks over a non-MRS option. Worst of all, the MRS option would cost approximately $2 billion more than the non-MRS alternative.

Proponents claim that we need an MRS as a backup facility to take the Nation's spent fuel in case the permanent repository program remains stalled. But surely this is the worst reason for building an MRS. It would remove all sense of pressure and urgency to move forward with a permanent facility.

Give the bureaucrats this cut-and-paste alternative and—I guarantee you—they will declare victory and withdraw from the fight. The State that hosts the MRS will be left holding the bag.

Mr. President, over the years, South Carolina has borne more than its share of the Nation's nuclear burden. We are savvy to the ways of the Energy Department. And we are under no delusions: We know that our State is on the Department's short list of likely MRS sites. I look at South Carolina and see beautiful tourist beaches, fertile farm land, and unspoiled pine forests. The Energy Department looks at South Carolina and has visions of glowing nuclear dumps and 16-wheelers hauling spent plutonium up and down I-95.

Mr. President, I certainly don't want to discourage the Senator from Louisiana from inviting an MRS into his State. The Energy Department is offering a $50 million bounty to any State willing to take the plunge. But a word of warning: We South Carolinians know that temporary storage can quickly become indefinite or semi-permanent storage. The temptation to focus on short-term half-measures is simply too great. Accordingly, instead of deceiving ourselves that interim facilities can help, we should keep our eye and efforts on the ultimate goal: the construction of a safe, permanent, underground repository.

There can be no question that the MRS option would sap what remains of the will to build that permanent site. By diverting scarce Federal money and political capital to MRS, we would deal a deathblow to the permanent repository.

In the Appropriations Committee, the Senator from Louisiana and I agreed on report language regarding possible additional MRS facilities beyond the first one. I had hoped that further discussion would lead to changes in the provisions regarding that first MRS facility. But we have been unable to work out any such changes.

In the meantime, the Environment Committee has reported nuclear waste provisions as part of its reconciliation package. The MRS language in the Environmental bill, while not perfect, is far superior to the proposal before us now. By saying that no MRS facility may actually receive waste until construction of a permanent repository is authorized, the Environment language at least provides assurances that an MRS will not become the Nation's de facto permanent waste site. Regrettably, the Energy Committee language before us does not even provide that assurance.

For these various reasons, Mr. President, I oppose the Energy Committee's MRS provisions now included in the Energy and Water Development Appropriations bill and will continue to work to change them.

Mr. JOHNSTON. Mr. President, I am going to make a unanimous-consent request at this point and let me explain what I propose to do, and I do not know whether it will be agreeable or not.

I propose to ask unanimous consent that the committee amendments not pertaining to nuclear waste be considered en bloc and that all points of order be not waived and that it be original text for the purpose of continued amendments which means that those who oppose the nuclear waste provisions would in no way be waiving any rights. We would simply get the rest of the bill out of the way to clear the way for nuclear waste.

Mr. REID. I object, Mr. President.

Mr. JOHNSTON. Mr. President, let me make that request. I ask unanimous consent that the committee amendments be considered and agreed to en bloc, except the committee amendment on page 40, lines 20 to 23, that is the nuclear waste policy amendment, provided no points of order shall be considered as having been waived by this agreement and that the bill as thus amended be considered as original text for purpose of further amendment.

The PRESIDING OFFICER (Mr. CONRAD). Is there objection?

Mr. REID. Objection.

The PRESIDING OFFICER. Objection is heard.

The Senator from Louisiana has the floor.

FIRST COMMITTEE AMENDMENT

Mr. JOHNSTON. Mr. President, I call up the first amendment.

The PRESIDING OFFICER. The clerk will report the first committee amendment.

The legislative clerk read as follows:

On page 2, line 16 strike the numeral and insert in lieu thereof $141,450,000.

The PRESIDING OFFICER. The Senator from Washington.

AMENDMENT NO. 1123

Mr. ADAMS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Washington [Mr. ADAMS], for himself and Mr. REID, proposes an amendment numbered 1123.

Mr. ADAMS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment appears later in today's RECORD under Amendments Submitted.)

Mr. ADAMS. Mr. President, this amendment which I have offered on behalf of myself and Senator REID is an amendment to the first committee amendment. This amendment provides for the committee amendments with the exception of the nuclear waste amendment. We expect to discuss this at considerable length, and I want to state to my colleagues the purpose and the reason for not only offering this amendment but the argument and discussion that is occurring.

First with regard to the procedure that is moving forward, it is the intention of this Senator, and I believe other Senators may join in this, that we would go amendment by amendment through this bill on each committee amendment.

I do not wish to do this, Mr. President. It is neither my style nor do I have any desire to have the energy and water appropriation bill held up.

But our problem in this case is that we have a very significant piece of legislation on an appropriation bill. This has been referred to by my distinguished friend from Louisiana, Senator JOHNSTON. The problem that this Senator has with that bill and I think many other Senators will have is that we have before us an appropriation bill with a massive piece of very controversial legislation placed on it.

I want to indicate to all of the other Senators in the Chamber and to all of my colleagues who may be watching this that I had offered and that still stands so far as this Senator is concerned to the manager of the bill that if the nuclear waste provisions would be dropped from the appropriation bill, we would be most happy to enter into a time agreement to place this in a legislative forum on the reconciliation bill, which will be coming up, we all hope, or as a freestanding bill, so that the appropriate committees of the Senate, being the Energy Committee, and I use the short-term acronym for it, which is chaired by my good friend from Louisiana, and the Environment and Public Works Committee, chaired by Senator BURDICK, which has a separate bill on this same subject, could fully enter into this debate on what is the proper movement forward under the Nuclear Waste Policy Act.

The same is true for an extended controversy that may or may not exist depending upon the authorizing committees with regard to the House of Representatives which has passed out of the Interior Committee a bill and the Interstate and Foreign Commerce Committee, now known as the Commerce Committee, and again I use the short-term acronym for it, has a series of amendments or potentially a second bill which they have passed out of subcommittee. So we have this matter moving in all of the authorizing committees.

The great problem and the reason that there will be objections from this Senator and others today to considering this here on an appropriation bill, is that we are, by this attempt to put legislation on an appropriation bill—and I will object to that as it occurs or attempt to occur; after this amendment in the first degree, this first amendment is agreed to, any time that it comes up I would object to it—is that we would have all of those committees frozen out of the process and we would have, in effect, a bypassing into the appropriation bill, or, if the appropriation bills are not adopted, into the continuing resolution.

Mr. JOHNSTON. Will the Senator yield at this point?

Mr. ADAMS. I would yield to the Senator for a question without losing my right to the floor.

Mr. JOHNSTON. Yes.

The Senator is aware that the Energy and Natural Resources Committee was referred this legislation, did hold extensive hearings, and did in fact take the whole committee, we took the whole committee to Europe, to Sweden and to France, to look at their facilities. The Senator is aware that in fact a full opportunity was given to people to testify, including the distinguished Senator from Washington, whose very eloquent testimony was helpful to the committee. He is aware of that, of course, and I so state it for the record.

Mr. ADAMS. I say to the Senator from Louisiana, I am very aware that hearings have been held in front of the Energy Committee. They have not been held before the Appropriations Committee. There have also been a set of hearings before the Environment and Public Works Committee.

So I would respond to the Senator by saying, yes, a committee has held hearings and passed out a bill. And, as I have indicated in conversations to the Senator, and to and through the staff contacts, there are a great many portions of the bill that this Senator might agree to. But we have been unable absolutely to obtain an agreement on two fundamental characteristics of it. And I understand why the Senator has the position that he does, and I respect the Senator for it. I know he is trying to move this forward and to take care of the nuclear waste problem.

But I will, during the course of the next several days or however long this debate may last, go through example after example of why we know the original selection process of getting to three was done not on a scientific basis by the Department of Energy. And certainly no State wants to have this done on the type of basis on which DOE made that original characterization.

For example, Hanford, scientifically—I just use it because it happens to be in my State—was five. It magically became three in terms of characterization. We, therefore, have asked repeatedly that there be another selection process. We have gone through a series of alternatives—concurrence with another group, be it the National Academy of Sciences, NRC, EPA, a group created, somebody other than DOE. And I will give you articles, I will give you statements by auditors who have examined this. That process was flawed.

The second part of it is that in proceeding by January 1989, there is not enough scientific basis that one could be selected. And I happen to agree with the Senator that this may be a very good way of approaching it to try to get to one site; certainly not to be out doing three times the work. But you have to characterize the site at least on the surface which has not been done and certainly have the hydrology studies done before this enormous shaft goes down which terrorizes all of us about what will happen out of that. And it happens to be sitting out there at Hanford and it is a humongous big drill. And it goes right down through the aquifer and through a cracked type of undersurface activity.

Mr. JOHNSTON. Will the Senator yield?

Mr. ADAMS. I would be happy to yield for another question. But I am trying to explain so that all our colleagues understand that this has not been some lightly taken or not in my back yard kind of approach. We have tried to get a scientific approach, somebody other than DOE, in it. Because I would say to the distinguished chairman of the Appropriations Subcommittee and the chairman of the Energy Committee that we have—and I will go into it in greater detail—the largest amount of defense waste of anyplace in the free world, maybe anyplace in the whole world. So we have got it in our back yard and we are trying to handle it and we are trying to do it in a scientific and appropriate way.

What we have in this bill has not gelled yet. I know the Senator went to Europe. In fact, we saw pictures of it.

Mr. JOHNSTON. I think I invited the Senator from Washington.

Mr. ADAMS. I would have loved to have gone with you. But in France, they use a type of monitored retrievable storage system for a long period of time, and it was not that it decided or gave benefit to how you could bury these. And later on, the Senator and I, I know, will discuss the casts that he mentioned. Those casts, I do know something about because they are in transport. And they just simply have turned out that, under 35 minutes, if you hit a propane truck, it stops. And at that point, we have got a real problem.

Now if the Senator had some question that he wanted to propound, without losing the floor, I would be happy to respond to his question.

Mr. JOHNSTON. Yes. The Senator says that we ought to do surface characterization. The Senator is aware that, first of all, characterization is a term of art used really to go down and drill the shaft.

Mr. ADAMS. Not necessarily; I said surface.

Mr. JOHNSTON. In any event, the experts at the National Academy of Sciences and the NRC, as well as the Department of Energy, have all testified that you cannot make these judgments without drilling the shaft and going down; that drilling the surface, these little bore holes down, simply will not give you the information on which to pick a site. The Senator is aware of that, is he not?

Mr. ADAMS. The Senator is aware of the fact that no surface work has been done in Texas, almost none in Nevada, and that there are some real problems in Nevada, which I will let the Senator from Nevada refer to when he has the opportunity to speak to it, regarding the surrounding military bases, the testing that is going on in that area. I will let him describe it. But that has not been characterized. We have not even had hydrology work done.

Mr. JOHNSTON. I understand that. But the point I am making is, not that they know everything, but witnesses have testified that you cannot learn it unless you characterize; that, in effect, you are just tap dancing if you say you are going to go in and drill a couple bore holes; you cannot prove tectonics, you cannot prove the hydrology unless you go down with the shaft. What the witnesses told us is essentially they have gone about as far as they can go in a productive way without characterizing. That is why they say, you know, when the Senator from Nevada made a strong case about the various things that made Nevada unacceptable, they say, "Look, we cannot give you a judgment on those things until we characterize."

Mr. ADAMS. I would state to the Senator that the National Regulatory Commission does not agree with that. They have stated clearly that not enough work has been done on these sites to make the original decision of where to drill the hole. And once you start drilling that hole, you are in—and I am not talking about the small bore holes. We are talking about a shaft being driven of enormous size. And in the case of Hanford, this goes directly through the water table. I will let the Senator from Nevada describe what would happen if they move that drill there.

The Senator from Texas, Senator BENTSEN, I know, will want at some point to comment on what happens out in his area.

Now, the reason that becomes terribly important—and this is not an academic exercise—is, as the Senator in his opening remarks stated, that one of the great savings and one of the things that has completely changed in the new bill, and it may be a step forward—I think this is what should develop during the debate during the course of this year—is going from a 3-to-1 site. But if you go to those sites and they have not been characterized by surface and other work before the drill goes down and you go down with the drill, and you find you have not done enough work prior to that time, what occurs at that point is, as the Senator from Louisiana so correctly stated, you go immediately to the next site. So that you are beginning to build up your money.

Now, I just want to say to the Senator that we have a very different point of view on the capability of DOE to carry out this program. I have almost no confidence. My good friend and colleague in the House, AL SWIFT, characterized it very well to the Secretary of Energy when the two of us were meeting with him months and months ago. AL SWIFT said: "Mr. Secretary, you are recognizing the radicalization of a moderate," because we have had such bad results out of DOE, both drilling, testing, and operating these facilities. The fear is not irrational, that people have. The fear should not be expanded to something that is not real. But the fear is whether or not DOE can run this program and run it well. If the bill gives them instructions to properly characterize before they start drilling, and when they have not even done hydrology studies out there, where they do not even know, on Hanford, for example, where 55 of the existing sites are, where they resist continually our efforts to say how much is flowed through to the Columbia: What are we dealing with?

That does not give us confidence. And that is why we do not want this bill debated in the middle of an appropriation bill.

We want this bill debated, and I know the Senator will do it very well because he will chair that committee, too. He will appear either with the authorizing committees—and it will be Environment and Public Works, because we have here a very institutional problem. They do not want to accept and have placed in the reconciliation bill a very different version of this.

Mr. JOHNSTON. Will the Senator yield?

Mr. ADAMS. I will yield, without yielding the floor, for a question from the Senator from Louisiana.

Mr. JOHNSTON. I am wondering what is the difference between considering this bill now as it stands here? It has had full and complete hearings. Indeed, the distinguished Senator from Idaho, the ranking minority member of the Energy and Natural Resources Committee is a member of this committee. The issues are precisely the same. The legislation is precisely the same. The rights of the Senator to submit an amendment are precisely the same. Wherein lies the difference?

We already have a bill on the calendar; this precise bill, which has been reported to the floor. What would be the difference between the hearing of those two bills?

Mr. ADAMS. There is a very direct difference. You will notice on the floor you do not have the Environment and Public Works Committee of the Senate——

Mr. JOHNSTON. They do not even have jurisdiction on that bill.

Mr. ADAMS. They claim jurisdiction of the Nuclear Waste Program. That is one. Second——

Mr. JOHNSTON. But if you go——

Mr. ADAMS. If the Senator will let me answer I will answer and then I will be happy to hear his next question.

You will also go to conference with the Appropriations Committee conferees from the House side, which excludes the authorizing committees.

The Senator is doing something that I feel this institution has to correct, and I think the Senator and I are going to be on the same side of this in the next 2 to 4 years, of stopping going by the authorizing committees and having the Budget Committee go by both the Appropriations and Authorizing Committees. I think we have got to stop that because we are beginning to get huge bills and the wrong people into the conferences and the conferences come back and the conferees that are coming back are not connected with the people who have done detailed work on this.

I have great confidence in the appropriation conferees to handle money, to handle the authorizations that are given to them. But this is precisely what rule XVI attempts to prevent, which is to have legislative matters pulled out of authorizing committees, put into the appropriations committee, confer with the other appropriations committee, pass legislation on appropriations and the authorizing bills are then left and so are the authorizing committees.

I know that there will come a day, and that day I will be here if the Senator wants to call me—he may decide he would rather I do not appear—but if he calls me, there is going to be an attempt to bypass one of these authorizing committee jurisdictional hats. It would not happen in this case because the Senator wears two hats and he can go appropriations or authorizations. But if it is picked off by somebody else, the Senator is going to say: I do not want my committee's work, my committee's expertise to be shoved into appropriations. I am going to support you on that when it happens.

In this particular case I know the Senator does not have an objection because he controls both committees. But that is not always going to be it and that is not going to always be the rules and that is not going to be what every other authorizing chairman in this House and the Senate is going to think about what is being done in the appropriations bill.

Without losing the floor, I would be happy to respond to another question from the Senator.

Mr. JOHNSTON. First of all, the question of the right of another committee to offer an amendment—either on the bill which is pending on the calendar right now, this precise bill reported out of Energy and Natural Resources—the right of the Environment and Public Works Committee to offer an amendment to that is preserved both on this bill and on that bill.

If there is a jurisdictional fight—and I suspect there is—then we have a way of settling that. It is called the Parliamentarian; the Chair. Or the Senate votes. I mean that is the way we settle those things.

The jurisdiction of this bill at this time is proper. The jurisdiction of this bill in the Energy and Natural Resources Committee was proper. The right of any Senator to offer amendment is preserved.

One final thing I would say, rule XVI does not prevent this kind of legislation on this bill. To the contrary, it specifically authorizes it. It submits the question to the Senate. I know the Senator from Washington believes that because he has an amendment in the nature of legislation which he plans to offer, I believe, along with the senior Senator from Washington, on this very piece of legislation.

It is proper. It is the time-tested way of doing things, and I think he is right on that bill and I think we are right on this bill as well, with respect to this amendment.

Mr. ADAMS. In answer to the question of the Senator from Louisiana, I have stayed away from this bill like poison with the amendments. I have given the amendments to the Senator from Louisiana at length. We got down, finally, to six amendments and I supported a great portion of the bill. But I am not going to be trying to put my amendments and legislation on an appropriations bill because it is not the way to legislate. When we do this it then goes to the Appropriations Committee. If another committee comes in and puts its legislation on this bill, you end up as the conferees and you control this with the appropriations conferees from the House and those authorizing committees have put their tender little piece of legislation into the hands of the enemy. And that is too bad.

I know that the Senator from Louisiana is a good man and is trying to get this done and is a very skilled legislator. But this is not the place to be arguing and putting in these amendments. This is why I have tried very hard to see that we get this out of this bill.

If it should come to a vote and the parliamentarian does not rule that this is legislation on an appropriations bill, and it is not in some way overturned, then this bill will go forward.

So all my colleagues have to do is simply vote to say that this is legislation on appropriations and I will tell you I have searched this bill to try to see if it is germane so that there would be a defense by the Senator. This is not germane.

All that has been done in this bill is to take the House bill, which is what we are arguing. You have got the first amendment up and I have offered an amendment to that first committee amendment; and say that we will accept the amendments but not the nuclear waste one, that it is out.

Now, the reason for that is, if you look through the germaneness part of this, all that has been done is to change the number and refer to a side issue of the Secretary of the Treasury.

There was no attempt to amend the Nuclear Waste Policy Act in the appropriation bill. So I think this debate should stay very clearly on point.

Those Members who want to offer amendments will have the opportunity to get nuclear waste over to where it should be, and we would work on the appropriations bill. I hope the Senate will support that position and vote it. We will have an appropriations bill done and over with the other appropriations bills. Then the Senator can decide whether he wants to put it on reconciliation or go freestanding. If he wants to go freestanding, we will do that.

Mr. REID. Will the Senator from Washington yield without losing his right to the floor?

Mr. ADAMS. I yield to the Senator from Nevada for a question without losing my right to the floor.

Mr. REID. I appreciate the Senator yielding.

I think an important point is to be made, and I ask the Senator from Washington if he will agree?

Mr. JOHNSTON. Mr. President, did the Senator yield for a question?

Mr. ADAMS. I yielded for a question without losing my right to the floor.

Mr. REID. Mr. President, I appreciate the Senator from Washington yielding. I have a question I will ask. Prior to asking the question, I would like to give this brief introductional background.

There has been some talk during the entire play between the Senator from Louisiana and the Senator from Washington as to what is the purpose of an appropriations bill and should what we are now doing wait and be part of reconciliation.

I think it is of interest to my colleagues to read a letter that was placed on our desks just a few minutes ago:

> Shortly, the Senate will begin debate on H.R. 2700, the Energy and Water Appropriations bill for fiscal year 1988. During the debate, a great deal of attention will be focused on those provisions of the Committee-reported bill that fund the nuclear waste activities of the Department of Energy. We would like to take this opportunity to share with you some of our thoughts on this debate, in view of the important impact that the Senate's decision will have on this critically important program.
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> When Congress enacted the Nuclear Waste Policy Act of 1982, most observers believed that it had fashioned a well thought out, environmentally sound, program that would facilitate this Nation's effort to address its emerging nuclear waste problem. The 1982 statute, which reflected the work of three Senate Committees and five House Committees, called for the Secretary of Energy to select a number of potential sites, located in different geologic media, for development as a permanent underground, geologic, repository for the disposal of high-level radioactive waste.
>
> After narrowing these potential sites to three preferred sites, the Secretary was directed to fully "characterize" those sites (that is, sink an exploratory shaft and conduct what is referred to as "at depth" testing) and then select one of the three sites for which a license application would be submitted to the Nuclear Regulatory Commission. At the time one site is selected, the existing law requires the Department of Energy to prepare an Environmental Impact Statement (EIS).
>
> It was well understood at the time that the first repository site would most probably be located in the western part of the United States. And, in fact, the three candidate sites that are now the subject of the more extensive characterization efforts by the Department of Energy are located in the States of Texas, Nevada, and Washington.
>
> As a complement to this so-called "first repository program", the Congress also directed the Secretary to examine potential candidate sites for development of a second repository. This second repository program was to go forward on a parallel track, roughly four years behind the first repository program—focusing on granite sites in the eastern part of the United States. This second repository program was generally understood to provide a vital regional balance to the nuclear waste disposal program.
>
> Finally, the Congress directed the Secretary of Energy to conduct a detailed study of the need for, and feasibility of, an engineered above ground storage facility, called a monitored retrievable storage facility, or MRS. Again, the Congress required the Secretary to ask an authorization from the Congress for any MRS facility that was determined to be necessary.
>
> As is often the case with a program as technically complicated as the nuclear waste program, and given the obvious political sensitivity of locating a nuclear waste facility in any one state, the task of carrying out this program has not been easy. Indeed, many of the assumptions regarding the need for, and cost of, two repositories have proved to be incorrect.
>
> It is now generally well accepted that this program is in need of "mid-course" corrections. In fact, three of the original authorizing Committees in the Senate and House have reported legislation intended to provide such corrections.
>
> One Committee, the Senate Committee on Energy and Natural Resources, has reported legislation, S. 1668, that would, in essence:
>
> (1) require the Secretary to select one of the three current first-round sites, by January 1, 1989, for full characterization. Work on the other two sites would be halted, unless the first site chosen by the Secretary proves unacceptable. This approach is often referred to as "sequential characterization". Significantly, the Energy Committee bill specifically exempts any decision by the Secretary to select the preferred site now for full characterization from the requirements of the National Environmental Policy Act (NEPA);
>
> (2) cancel all site-specific work on second round repository sites and require the Secretary of Energy, by the year 2010, to report to the Congress on the need for a second repository;
>
> (3) authorize the secretary to construct an above ground MRS; and
>
> (4) authorize the payment of "incentives" to those states that "host" either the MRS or the repository.
>
> A second Committee, the House Interior and Insular Affairs Committee, has reported legislation that would impose a moratorium on the nuclear waste program and appoint a Commission to review what has gone wrong in the implementation of the program to date.
>
> We believe that a middle ground exists between these two approaches. In fact, the Environment and Public Works Committee has recommended such an approach, in partial response to our Committee's Budget Reconciliation instructions. Under the legis-

lation approved by the Environment and Public Works Committee, the process of sequential characterization would be followed; however, the Secretary of Energy would be required to complete a certain level of "surface-based testing" at all three of the current candidate sites before selecting one for full characterization.

We believe that such additional testing is crucial before the Department of Energy commits the enormous resources, roughly between $1.5 and $2.0 billion in a program to be conducted over five to seven years, required for full characterization of any one site. We also believe that a true comparison of all three sites, based upon roughly comparable data that can be gathered from a sound surface-based testing program, is the only means of determining which of the three existing sites is the most preferred site for development as a repository.

Our legislation also would impose licensing conditions on any MRS facility that is authorized by the Congress, to ensure that this facility does not become the *de facto* repository. Similar licensing conditions were recommended by local government groups that have favorably studied the MRS proposal in the past, and were suggested by the Department of Energy, itself, when it submitted its report to the Congress recommending construction of an MRS.

The Environment and Public Works Committee has been deeply involved in this Nation's nuclear waste program.

As a member of that committee, in preparation for the question I am going to ask my friend from Washington, I have been involved in days of hearings before the Environment and Public Works Committee on this subject.

Our Committee had joint jurisdiction over the legislation that became the 1982 law, and has conducted a vigorous oversight role in the intervening years, including four separate hearings on various aspects of the program this year alone.

Because of the importance of this program to the future health and safety of all our citizens, and given the complicated nature of this debate, we do not believe that the Senate is well served by tackling this major issue outside of the normal authorizing process, where all of the Committees with expertise who played a central role in fashioning this delicate legislation have an opportunity to address these important issues.

We urge you to give these views careful consideration as this issue comes before the Senate for debate.

This letter is signed by Senator ROBERT T. STAFFORD, Senator ALAN K. SIMPSON, Senator QUENTIN N. BURDICK, and Senator JOHN B. BREAUX.

Does the Senator from Washington agree that this should be the method that should be taken on such a vitally important piece of legislation that affects not only the States of Washington, Nevada, and Texas, but the entire Nation? We have had several hours of discussion on the transportation aspects, but does the Senator believe that this should be settled in some other vehicle than the one before us, namely, the appropriations bill?

Mr. ADAMS. I agree completely with the Senator from Nevada. I think he has made an excellent statement and has placed before the Senate in excellent detail the fact that another committee has a deep interest in this and that this is a national problem. It is not a problem of one State or another. How we handle the entire nuclear industry will be determined by the bill that is finally passed through the House, the Senate, and signed by the President. We are going to transport things around the country. We are going to put them in casks—according to the plan that has been suggested, I am not quite certain whether we are going to have an MRS or when we are going to have it—and these casks will be put there, indicating a real change in the way that America deals with the whole nuclear question. That is why it is terribly important, because nearly every Senator has an interest of this moving through their State, reactors being in their State. And finally, if the eventual repository is selected, will that selection work. If it does not work, then it means going to another. And it means backing up a whole system.

So we want to be right about this and we should not be doing it in this fashion.

Mr. President, I have a substantial interest in and a number of objections to this legislation because of the changes it makes in the Nuclear Policy Act of 1982. Over the next few hours and perhaps the next few days, weeks, and months, I am going to be discussing these objections in some detail. Now, it is not my desire, nor is it my normal style, to attempt to obstruct the legislative process, but in this case I intend to do everything I can to delay passage of this appropriation bill so long as the legislation dealing with the Nuclear Waste Policy Act is attached to it. I apologize in advance for any problems that I may create for my colleagues, but this issue is critical to my State. Throughout Washington, people will have been living with the knowledge that our State may be selected as the location for the first high-level waste repository. Mr. President, it may surprise people, but the people in my State can live with that. What they cannot and should not live with is that the process by which the final site will be selected has placed greater emphasis on politics than science. What they cannot and should not live with is the fact that the process has been unresponsive to their concerns and questions. What they cannot and should not live with is the fact that this process has been mismanaged, characterized by distortion and deceit, and consistently failing to meet the standards of behavior that all citizens of the United States have a right to expect from a Federal program.

The people of my State have strong feelings about this subject, and so do I. But I want to indicate to my colleagues that I have made what I believe to have been good faith efforts to negotiate my differences with those who support alternative approaches. Unfortuantely, we have not been able to resolve those differences and reach an acceptable middle ground. I have indicated my willingness to accept a great deal of the legislative approach advocated in the Energy Committee bill. But there are some provisions of that bill which I simply cannot accept. I have offered a number of proposals designed to modify the objectionable elements of the bill. The committee could not accept them. As a result, we are at an impasse.

Accordingly, I want to make my plans and my motives clear to my colleagues. Along with others, I am reserving all of my rights to fully debate this issue. As we consider this bill, I intend to raise a number of substantive and procedural concerns. And I suspect that may take some time. In short, I want to make it clear that I am reserving all of my rights as we deal with this legislation and with any conference report which we might get on this bill.

Having indicated that I will oppose this bill in every way I can, let me also indicate what I do not oppose and would be eager to accept is a debate on the nuclear waste issue this year. My objection then is not to a debate on the issue. Rather, I object in the strongest possible terms to debating that issue on this vehicle. I have, in fact, indicated to the Senator from Louisiana on more than one occasion my willingness to work out a way to debate this issue either on reconciliation or as a freestanding bill if he could simply drop the nuclear waste provisions from this bill.

For reasons which I assume he will make clear, Senator JOHNSTON was unwilling to agree to that proposal, so we are faced with the need to debate this substantive legislative proposal in the context of an appropriation bill. And I find that most depressing. Let me, however, shake that depression and indicate that I have the greatest respect for the distinguished Senator from Louisiana, who serves both as the chairman of the Energy Committee and chairman of the Appropriations Subcommittee on Energy and Water Development. We disagree on this issue, but that does not diminish the personal affection I feel for him or professional admiration I have for his skill as a legislator.

By the same token, even though the majority leader was compelled to bring this bill up despite my objections to it, I must report that the majority leader has been more than fair in protecting my concerns and protecting my rights in every way. I fully understand his need to try to move the appropriation bills, and I hope that he understands why I am unable to assist him in that effort.

In terms of procedural concerns first, let me again indicate that I do not object to debating this issue and trying to resolve the questions associated with the future of the Federal Government's high-level nuclear waste program. Let me make it clear that my State has a vital interest in seeing this issue resolved, not only because we are a candidate for a repository but also because we currently store millions of gallons of nuclear waste, much of it in leaking, single-celled tanks at the Hanford reservation. Because of the waste we have already stored, we are more than willing to get this issue behind us.

We want to do so in a way which will not come back and haunt us as we are presently being haunted by the former Defense Waste Program, such as it was. And I ask every Senator to consider what has happened in the past and what will happen in the future and what is happening today—these millions and millions of gallons of highly radioactive waste that we have in our State today, and this was done by the same agency, in the same way that we are about to hand over this nuclear waste program. You wonder that we have concerns and difficulties.

We have lived with this since World War II. We have 40 years of holding the Nation's highly radioactive waste—more than any other State. We have done our share. We probably will have to do some more with regard to what is already there. We have not been before this Senate saying, "Take it out of our back yard; we want you to take this highly radioactive nuclear defense waste and do something with it." We have suffered with it. We will continue to suffer. But we want the new program to be a good one. And when you talk about putting a new high-level waste program on a site where you already have a situation that I have mentioned of millions of gallons of waste, and in addition, so you begin to understand our concerns, it is reported—and I believe those reports—there are 55 sites where they do not even know where they are that have waste in them, they poured waste on the ground. We have a fractured type of rock in that area. They had not even determined that the iodine residues had flowed through this because they had not drilled the wells to determine the flow. The Department of Energy told us it would take years and years for this to flow out. From the first experiments they have made, they reported to us it will flow out far more.

Yet we are talking about this being a site that they might drill a huge hole in. Just drilling a hole could create an enormous disaster.

We are going into that aquifer, and suppose the water comes up, which it very well may, onto a surface and into an area that is already littered with the waste.

I want to express my appreciation to Senators in this body this year who have added a small amount of money in terms of the total $16 billion problem mentioned by Senator HATFIELD to try to do someting about it. It is so bad, Mr. President, that the Department of Energy does not even know how to get those single-shield tanks out of the ground. They do not know whether to bury them, fill them with grout, dig them up, or what to do with them. Yet we are are talking about a big new project that they are going to run putting it in on top.

Do you wonder why I ask for somebody else to come in and help with doing this?

Currently there are three major competing proposals designed to address the nuclear waste issue pending before the Congress. I have given some of the facts of my site—other Senators will have their sites in their States—to indicate that the job has not been done. It is why I responded to the distinguished Senator from Louisiana of why there has to be some characterization without drilling this big hole.

We do not even know where the water is flowing. We had the National Geodetic Service come out and look at it. They do not know where all of these are running through the various cracks. No one knew during the 40 years. No one knows what will happen if you drill. But we do have statements from mining engineers that this is the type of rock that creates dust and is very explosive. So we have a big hole. Water may come up, and in the course the people down drilling are faced with explosive rock.

I am not saying that our site has been selected, though I will say this: The site was so bad that we were ranked five on the list even by DOE, and magically last year we moved from five to three.

I am not going to make accusations against people because I do not think that is helpful, but I think it indicates a reason for concern among the citizens of the State of Washington, that if in this nuclear lottery you can go from five to three there is always a three-number combination, and how is it that we have any confidence, particularly with the people who have just done this to us, that we are not going from five to three to one, or that if they get down in Nevada and all of a sudden somebody comes in, which I never heard discussed here, and say, "Wait a minute. We have an Air Force base down there near us that has a lot of things involved and we are not sure we want all of these trucks and casings and other things down there."

I will leave it to other people who might want to discuss what is on that base and what they are doing.

It also applies where we conduct nuclear testing. I am not going to try to say that I know anything about nuclear testing. But I know quite a little bit about it. I was involved in World War II as being one of those who almost went to Bikini, was set up as some of the radar people, and I had a lot of people whisper to me, "It might be fun to go over there. You will be kicked up from electronics mate from second to first class but I do not know this is something you want to do."

On that point we all know nuclear power did not have any danger whatsoever. So I did not go. I did go back to the university and monitored a few courses because I was shifting from engineering over into economics and I wanted to pick up what they had done and what was being done in the nuclear industry.

So, yes, I had done some of that. I have seen this reactor. I tried lawsuits on filters when they were building.

So I have a lot of concerns and these are not frivolous. They are not something I hope people will characterize as irrational. I will be happy to debate during the course of the next several weeks this discussion of whether or not these are concerns that should be addressed.

I mention that because of the three major competing proposals. The Senate Energy Committee has one plan which is reported as a freestanding bill as part of their legislative response to their reconciliation instructions, and also they put it on this bill, the energy and water appropriations. The Senate Environment and Public Works Committee as indicated by the distinguished Senator from Nevada has another alternative. That letter has been put in the RECORD. This alternative out of the Environment and Public Works Committee has been adopted as part of their reconciliation package.

I might say that in the appropriation struggle where the money goes in reconciliation is still a matter of dispute in the appropriations process.

I am going to let those two committees argue that out but I do not think the Energy Committee should have the advantage of their bill going in and the Environment and Public Works Committee not ever having a chance to do. No. They do not want to come in and amend the appropriations bill because the distinguished Senator from Louisiana who is such an excellent legislator and very skillful in this area controls the forum. I think they feel they have enough problem in any other kind of forum, but this forum is not a very attractive one for them just like it is not a very attractive one for me because there is the appropriation area.

Over in the House, the Interior Committee has approved yet another plan, and their plan has been passed out and I know that the distinguished Members of the Senate who have worked on this for many years know that Representative UDALL has spent as many years as they have. Representative UDALL passed a bill out of his committee.

This bill and a consideration of it has been conducted by the Commerce Committee on the House side, and they have put in their considerations. And I might say that the distinguished Senator from Louisiana mentioned they have held hearings, and so on. This committee has been holding round-the-clock hearings on problems of this program for many, many months—in fact years. Those people want to be involved in the conference and be involved in crafting this legislation.

All of this activity suggests that there is a general agreement, and on this I am in agreement with the distinguished Senator from Louisiana, that there are problems in the waste program, and we have to address them. DOE has failed in the program. We have to pass something to put them back on track.

But there is no shortage of ideas on how to correct it. It is precisely because of these concerns and those that surround it that we should not be deciding this issue on an appropriation bill. There are a number of problems with allowing this debate to take place. I mentioned some of them to the Senator from Louisiana earlier. We should not allow it to take place on an appropriation vehicle. Let me discuss precisely why. Then I will turn to the consideration of the substantive objections that I have to the specific proposal made in this legislation.

On procedural grounds my first concern is a pragmatic one. By moving to consider legislation which revises the Nuclear Waste Policy Act on an appropriation bill we bypass the various authorizing committees which have a legitimate and a historic interest in this issue. Here in the Senate the Environment and Public Works Committee has a jurisdictional interest in the Nuclear Waste Policy Act. On the House side, the Energy and Commerce Committee as well as the Interior Committee helped shape the 1982 act. Yet, if we modify the act in an appropriation bill, those committees would in effect be cut out of the action. They would not have a formal role to play in shaping the legislation or participating in the conference deliberations. Dealing with this issue on an appropriation bill has the effect of bypassing the relevant authorizing committee.

That is undesirable in terms of public policy, also in terms of congressional procedure and in terms of general sensitivity to the internal politics of the legislative branch. No matter what one thinks of the policy being proposed here, it is hard to believe that we want to modify the Nuclear Waste Policy Act in a manner that excludes the Senate Environmental and Public Works Committee, the House Energy and Commerce Committee, or the House Interior Committee. On institutional grounds, that ought to be unacceptable to us; and on personal grounds, I find it hard to believe that we really want to create a process which has the effect of excluding or minimizing the role that could and should be played by colleagues like Mo UDALL, JOHN DINGELL, and PHIL SHARP, who are generally recognized as individuals who had a major role in shaping the original Nuclear Waste Policy Act.

I believe it was this desire to accommodate personal and institutional concerns which led the House Appropriations Committee to call for greater involvement by the appropriate authorizing committees in the process of reviewing the Nuclear Waste Policy Act. The House Appropriations Committee report which accompanied their energy and water appropriation bill contained the following statement:

> The committee urges the appropriate legislative committees of the House and Senate to consult in an attempt to reestablish consensus on repository and MRS siting and development.

That goal will clearly not be advanced if the Senate acts in ways which make consultation less likely.

Indeed, as many of my colleagues know, Mr. DINGELL, Mr. SHARP, and Mr. UDALL have written to the chairman of the House Appropriations Committee and requested that, given their jurisdictional and personal concerns, the chairman make every effort to keep substantive reform of the Nuclear Waste Policy Act off an appropriation bill. Let me read their letter to my colleagues:

HOUSE OF REPRESENTATIVES,
Washington, DC, September 29, 1987.

Hon. JAMIE L. WHITTEN,
Chairman, Committee on Appropriations, House of Representatives, Washington DC.

DEAR MR. CHAIRMAN: The Senate Committee on Appropriations has approved the inclusion of high-level nuclear waste legislation in the Energy and Water Development Appropriation for Fiscal Year 1988. This legislation is identical to legislation recently reported by the Senate Committee on Energy and Natural Resources. We are writing to strongly urge that you oppose their efforts to do substantive, permanent, authorizing legislation on an Appropriations bill when such a bill is passed by the Senate either separately or as part of any continuing resolution.

This legislation is controversial. A variety of measures are under active consideration by both the Committee on Energy and Commerce and the Committee on the Interior and Insular Affairs.

The House Appropriations Committee Report on the Energy and Water Development Appropriation Bill, 1988, urged "the appropriate legislative committees of the House and Senate to consult in an attempt to reestablish consensus on repository and MRS siting and development." We are working toward that end. Legislation through the appropriations process is not consistent with this request.

This letter should not be read as necessarily indicating opposition or support for the substantive approach approved by the Senate Committee. Rather, a complex and controversial issue such as high level nuclear waste should be considered through the normal legislative process.

Sincerely,

JOHN D. DINGELL,
Chairman, Committee on Energy and Commerce.

MORRIS K. UDALL,
Chairman, Committee on Interior and Insular Affairs, Subcommittee on Energy and the Environment.

PHILIP R. SHARP,
Chairman, Subcommittee on Energy and Power.

I am afraid, given that legitimate concern in the other body, we will go through an exercise over here which will not contribute to substantive policy solutions to the problems which exist in the nuclear waste program.

Far from resolving the controversy surrounding the nuclear waste issue, moving ahead with reforms of the Nuclear Waste Policy Act on an appropriation bill will simply increase controversy, delay a decision, produce an extended debate, divert our attention to procedural issues, and create hard feelings.

In addition, while I have the greatest respect for Senator JOHNSTON and his knowledge of and interest in the nuclear waste issue, his views do not appear to be shared by the authorizing committees in the House or by the Environment and Public Works Committee here in the Senate. If we are to do more than pass a bill, if we are to create the sort of consensus which is needed to make this program work, we cannot be satisfied with playing legislative trick or treat. We have to face this issue head on. We have to bring the most knowledgable people in the Congress together and ask them to work through the issue together. Dealing with this issue on an appropriation bill short circuits the process we need. And, as a result, we will not get the best policy—or develop a consensus for any policy—if we seek to cut key players out of the process.

My point, then, Mr. President, is simply this: While I would have problems with this legislation no matter what the vehicle, this particular vehicle creates some unique problems. While I reserve my rights to debate this issue if it comes before us in other situations, I strongly suspect that my objections, at least on a procedural level, would be muted if the bill came before us on a vehicle which would allow all interested parties to participate and would place competing proposals on some sort of even ground throughout the legislative process.

I have another concern, Mr. President, which I also want to discuss. As I have indicated, a number of points of order can be raised against this attempt by a nonauthorizing committee to legislate on an appropriations bill. As the legislative game unfolds, I assume that an effort to circumvent those points of order will be made: The Senate may be asked to invoke cloture on an amendment or on the bill; the Senate may also be asked, at some point, to support an appeal of the ruling of the Chair. In these cases, the Senate will be asked, in essence, to violate the spirit of our own rules and adopt a strained interpretation of the rules which govern our behavior.

I know that in situations like these there is a tendency to view the rules primarily as a technical obstacle and translate a procedural vote into the underlying substantive issue.

I would urge my colleagues not to do that in this case.

The real issue here is whether or not we want to sanction attempts to bypass the authorizing committees in the Senate and the House. That is the issue and, if we seek to avoid the issue on this bill, we make it harder to take a stand on the next one.

Mr. President, there will be a next one and a next one after that.

To establish a bad precedent on this bill does not bode good for us for the future.

Mr. President, I know that often our rules are honored more on the breach than in the practice. But our rules were established to govern behavior in the U.S. Senate. They are rules which we wrote and they are rules which we have the power to modify.

If we do not begin to stand up for and protect our rules, then the criticism of the Senate as an institutional anarchy would be well founded no matter how much the criticism may be not deserved.

All I am asking is that my colleagues consider the real issue here and think about how we want to treat the authorizing committees and the individuals who spent so much time on this issue.

I believe that they deserve better and I believe we can treat them better by considering this issue on a more appropriate vehicle. So I ask my colleagues to consider the procedural issues that may be raised in that context.

Before turning to specific details to my objections to the substance of the energy appropriation bill, I want to make one more point.

I know that many of my colleagues have an interest in other elements of this legislation. So do I.

With the exception of the nuclear waste provisions, the energy and water appropriation bill is an excellent piece of legislation which provides funds for a number of significant and deserving programs and projects. Several items of special concern to my own State are funded in this bill, and I am as anxious as any other Member to see that those projects and programs are funded.

I would simply repeat to my colleagues that I have told the chairman a number of times I would have no objection to moving this bill if the nuclear waste legislation was stripped out of it. I would not even put up a big fuss if the nuclear waste legislation could be modified in a number of ways to make it less objectionable to me and others, but again I have not been able to accomplish those goals through negotiations, at least to this point in time.

Let me tell my colleagues just how much of the chairman's bill I have been willing to accept and how narrow from this Senator's point of view the difference between our positions are. I have, I believe, indicated a willingness to accept roughly 95 percent of the bill reported by the Energy Committee, despite the fact that some of his changes increase the risk to my State and clearly modify the protections we thought we would have under the 1982 Nuclear Waste Policy Act. I have indicated that I can accept a number of the chairman's proposals. I can accept the concept of sequential characterization both for the saving of money and otherwise.

As to this characterization instead of requiring all three of the remaining sites that were characterized, I will accept having one characterized removing the others from consideration if the first site is found to be suitable for a repository. That means I am willing to accept a significant modification in the Nuclear Waste Policy Act which currently requires a full compartative evaluation of the merits of all three candidate sites relative to the other available sites based on billions of dollars of research currently required by law. That would be a major concession.

I have always indicated that I can accept the committee decision to set aside the requirement now for a second repository. As all of my colleagues know, the original act requires two repositories, one in the West and the other in the East.

I would state to those who are westerners this was done before I arrived in the Senate. And I would hope that some of them would indicate whether they still have the feelings that were so strongly voiced then, that all the waste should not be produced in the East and shipped to the West. Now, that is in this bill.

But I have said that I would try to accept what was proposed that the second sites be put off for a period of time and this is despite very strong feeling in my region that we should not be the final resting place for waste generated primarily in the East.

I am willing to accept the committee's view in the Senate that this issue should be revisited at some future point in time by the Department of Energy. That is also a major concession.

There are other concessions which I have told the chairman I am prepared to make as well, but there are some points I cannot yield on. When it comes to requiring more information before a decision to characterize is made, I cannot yield.

We have to have more information before the Department of Energy characterizes and this comes from experience. They characterize these first three on a political basis and our people objected and this fight erupted because people were going along with the scientific consideration and scientific decision. They did not get one and the fight erupted. I cannot back off from making a concession on that.

Mr. HECHT. Mr. President, will the Senator yield?

Mr. ADAMS. We have had a significant requirement. One other point. Then I will be happy to yield for a question.

Mr. HECHT. Yes.

Mr. ADAMS. In a moment, I will yield for a question without yielding the floor.

Mr. HECHT. I thank the Senator.

Mr. ADAMS. When it comes to having independent check on DOE decisionmaking, given the record of DOE management I cannot yield on that point. That simply is impossible.

I have asked and suggested a significant number of alternatives for someone else to decide this. We do not have faith in them. You can make it two groups, you can make it a review by another group that is binding. But we cannot accept this decisionmaking of characterization alone.

Now, without yielding the floor I would be happy to yield to the Senator from Nevada without losing my right to the floor. I yield for a question.

Mr. HECHT. I thank the distinguished Senator from Washington.

I think we have to address one fundamental question. Is deep geologic disposal of nuclear waste the correct way to go to put high-level nuclear waste, uncooled, perhaps for only 5 or 7 or 10 years, into the ground? Is this a correct manner in which we should handle our nuclear waste?

Now the Senator from Washington is well aware we are the only country on the Earth right now that wants to take our high-level nuclear waste, put it down into the ground, for 10,000 years or whatever it might be. Is this the correct manner in which we should proceed? I for one feel it is absolutely not the way to do.

I have seen as many others have seen, and our distinguished chairman and vice chairman, on our trip to France where they are recycling. They reprocess it, and they take the nuclear waste, put it into the nuclear powerplant and burn it up, and that way get rid of practically all of the waste. This is proven around the world.

So my question to the distinguished Senator from Washington is: Are we proceeding in the correct manner?

I, for one, am absolutely opposed to a deep level nuclear repository, whether it is in my State, the Senator's State, or any State. I think the way to handle nuclear waste is the way other countries handle nuclear waste, reprocess it, recycle it, and use it for energy. This is a proven method.

Why experiment and put it into the ground for 10,000 years?

Also, many, practically every distinguished nuclear scientist that I have had the occasion to meet with says 10,000 years is not enough time for all nuclei to dissipate itself. Why not use this nuclear waste for energy?

I ask the distinguished Senator from Washington this question.

Mr. ADAMS. I share the reservations of the Senator from Nevada concerning geological disposal. But I would point out to my colleague that 60 million gallons of high-level waste in Hanford is from reprocessing. It is a temporary storage and that has been a very bad solution.

There is a second problem and I share the concerns. I wish they had not passed by on-site storage. I think it deals in a considerable degree with the transportation problem and it would deal with the MRS problem and it could potentially deal with the geologic depository.

But we have had all the scientific work done to indicate a number of options, and I know the Senator will want on his time to present his viewpoint of how it can be done, but it is this Senator's understanding that everything from sending this into the Sun, to deep sea storage, to other types of alternatives, have been explored and the geologic depository system has been selected at this point as being the best scientific way to do it.

I am not saying that that is correct, but that is where the country is.

There is one final point that I want to be sure that the Senator understands. Not only does the high-level waste have to be reprocessed—because that is basically what we do at Hanford. You continue to process uranium through a series of cycles until you have formed plutonium—I will not go into all the variations of it—but varying degrees of plutonium and then recycled again which produces bomb material. The reason the United States stopped—and this was a decision back in the seventies—reprocessing and, to a degree, the breeder reactor program except to a very limited basis, was that you create a very high-level security problem because this then becomes bomb material and if stolen or otherwise removed out of the plants can be used by countries that do not have the bomb to produce a weapon. That is why it is a major shift to shift over to reprocessing.

Now the French happen to do this. They use their reprocessed material for the manufacture of the independent French nuclear program. They have at times, however, as you will remember from the Rocky Flats back many years ago, sold some of this on the open market and it is a great nonproliferation problem. So the French example, which was mentioned by the chairman of where they went on the trip, is really not a very good example for the United States or for those who are trying to prevent production of weapons by and through very volatile portions of the world.

If the Senator wants to ask another question.

Mr. HECHT. May I ask a question?

Mr. ADAMS. I yield to the Senator, without losing my right to the floor, for a question.

Mr. HECHT. Well, certainly, we could reprocess, the scientists tell us, in such a manner that it could not be used for high-grade nuclear weapons.

Mr. ADAMS. I would answer the Senator that I know—and the Senator can discuss this later on his own time—of no system that is involved at the present time in utilizing enriched uranium, whether it is in a high-pressure reactor or otherwise, where you cycle the rods back through to reprocess and add new fuel, that does not produce either enriched uranium or a form of plutonium capable of being used in weapons.

Mr. HECHT. But I have been told that there is scientific data that this is attainable. And certainly if it could be attained—let us just take one moment and look at the tremendous cost of a high-level repository. It could be $8 billion to $10 billion, minimum. You are going to have to transport this high-level nuclear waste 2,000 to 3,000 miles across America. Every little sheriff in every little county is going to say, "What happens if an accident happens in my particular county? I don't have the proper equipment. I have to have trained personnel."

This is what you are going to be faced with. Look at the tremendous, tremendous cost in addition to what we are thinking about today.

I remember a couple of years ago, I think, the WIIP project in New Mexico. The distinguished Senator, Senator DOMENICI, introduced legislation to upgrade the roads to this WIIP project. I do not remember the total amount of money, but it was a very, very large amount of money. This was just a short, little stretch in New Mexico.

But let us look at all the nuclear powerplants in the east coast, transporting these nuclear wastes across America and the cost involved in this. Can we afford such a system? And, again, I say, is it practical? I do not know. It is experimental.

I do know what the scientists have told me. Ten thousand years will not take care of the dissipation of the nuclei. You might need a million years, you might need 2½ million years. I do not know what that time is.

But I do know if you take this nuclear waste, reprocess it, recycle it, and use it as energy, you do not have to worry 2 million years from today. And I think this is a question that we should address before we go to the deep level repository. First, is safety, transportation across America. Is this safe? I do not think it is.

Second, why bury high-level nuclear waste when you can reprocess it and use it as a fuel? Again, the French, they have an energy policy. They will soon be 75 percent nuclear, 25 percent hydroelectric. They do not have to worry.

In America, we do not have an energy policy. So the basic assumption here is we have to determine how we are going to handle nuclear waste in order to have nuclear power in America. And that is the crux of this argument.

I say, why experiment? Let us use the proven method that the French are using today and other countries are looking to. I ask the distinguished Senator from Washington if he agrees with that.

Mr. ADAMS. I am sorry. Would the Senator repeat the end of his question?

Mr. HECHT. I wanted to bring up about the tremendous cost of transportation around America.

Mr. ADAMS. I can state, in response to the Senator's question, that the cost of transporting this will be enormous. There will be required over 100 trains if they begin to move it by train. And it will require approximately 70,000 truckloads, which translates down to—and this is over a 20-year period that it is there. And these are just bare bones, they do not go to all the expenses of alerting the towns of trying to be certain that there is a safety factor prepared for all of them or the cost of various towns along these routes for putting in special equipment. There is no question that this program will cost billions of dollars.

That is why I have indicated in my statement that I do not think we ought to be debating this on an appropriations bill. We should carefully work out the best possible system with all of the committees involved and with all of the experts.

I know the Senator from Nevada will take some time himself during the course of this day and describe the scientific basis of his alternative.

I have indicated that the deep repository system should move that far. If I am pushed far enough in this debate and the other debates that may come, yes, I may become more radicalized about this than I am now and go to not having the existing system at all. I have tried, with the chairman and with the other Members, to fit into their bill a minimal system so that the Senator's State, my State, all of the States in the Nation who are transporting this, loading and unloading it out of reactors—that is going to happen first—storing it in MRS, all understand that this is a national problem. I think it is too bad that we have not done this at length before. But I expect in the next weeks and months to do this at length, sensitize all the Members to the fact that nearly every State in this Union either has a reactor with a lot of rods that are going to have to be loaded, a highway that these are going to go down, a railroad track that is going through their State or, if there is going to be an MRS facility, which the chairman indicated there would be, it is going to be loaded and unloaded twice. That is a billions and billions dollar project.

I have tried to indicate to the Senator and to others why we should be certain that we debate this fully before the authorizing committees. I am certain the Senator from Nevada, who is involved in that process, has offered and will later this afternoon offer in great detail the system that he feels is correct.

Mr. HECHT. One further question. You mentioned——

Mr. ADAMS. Without yielding the floor, I will yield for a question.

Mr. HECHT. Without yielding the floor, how many trainloads again was it that you just mentioned? And how many truckloads? I missed those two points you brought out.

Mr. ADAMS. I know in the truckload system, it will be over 70,000. I will check the number of hundreds of trainloads. It depends upon whether or not you do what the Department of Energy is doing now. They have had dedicated trains to move the Three Mile Island waste into Idaho.

Now, they have now asked permission that they not have to put it on dedicated trains, but can add cars to existing trains, which I think is a very bad idea. But that——

Mr. HECHT. Will the Senator yield for a question on this without yielding the floor?

Mr. ADAMS [continuing]. Will vary the number of trains. You can be assured that there will be hundreds of trains because we have hundreds of reactors in this country and we are talking over 70,000 metric tons.

Mr. HECHT. If the Senator would yield for 1 moment?

Mr. ADAMS. I yield for a question without yielding the floor.

Mr. HECHT. That is correct. Let me just point out to you this is absolutely unnecessary, everything about the truckloads and trainloads. May I bring a very important point to the attention of the distinguished Senator from Washington? That France, having taken the lead in nuclear powerplants and nuclear energy and as I mentioned before they will soon be at 75 percent nuclear power; that all of their waste, having been recycled and reprocessed down since the 1950's to 1987, all of their waste is in a room about half the size of this Chamber. It is not 2,000 feet into the ground, not transported 3,000 miles across land; it is 4 feet under concrete where one can walk without protective clothing, without any type of protection at all.

Again, I want to make a point of this. All of their waste that has been generated since the 1950's or 1960's, whenever they started, is in a room about half the size of this Chamber and the distinguished Senator from Louisiana was with us when we walked over this, not 2,000 feet; underneath 4 feet.

Also, while we are talking about this very, very important point, I fail to understand the rationalization that America is attempting a course of action and handling nuclear waste in separate manners: civilian waste and military waste. It is all nuclear waste. There is absolutely no difference. But one part we are recycling down and one part we are not.

So, one part of this respository would be civilian, which would take a tremendous amount of space, and the other part would be military which would not take much space.

But all these trainloads that you are mentioning, all these special trains, all these special tracks, all these special trucks carrying the waste, all this upgrading of every highway, reenforcing every bridge, is certainly not necessary.

Why go into all of this? It is not necessary and in my opinion, it is not safe. That was my question to the distinguished Senator from Washington.

Mr. ADAMS. Well, I appreciate the Senator's interest. I would state to him that it may well not be necessary. This is the program that has been started by the committees in the consultation.

But I would leave this thought with the Senator and then he can comment on it when he begins to address the Senate later today or whenever. You have to send all of these rods that would come out of our reactors, U.S. reactors—because they are only processed once, they do not go through a reprocessing—to a reprocessing facility. So you would have to be moving them over and then reprocessing at that point, and then taking the reprocessed material and placing it where you want.

If you are going to do this, and I am just stating to the Senator he may want to consider this as he is working on his further remarks this afternoon—you might want to do this by regions instead of having one reprocessing plant. But if you are going to do it with the scatter of reactors that you have, you would have to have your reprocessing facilities fairly close. Those reprocessing facilities would have to be highly secured areas because they have a very high level of reactive waste and, second, they have the danger of those who might wish bomb material being able to obtain it.

So I wanted the Senator to think about those. I will probably be a little while longer here and then I am very interested in the Senator's remarks, because I think that may be a whole issue that other Senators would like to hear about in terms of the alternatives to the program that has been suggested.

Mr. President, let me continue by referring my colleagues to page 39 and 40 of H.R. 2700, which incorporates S. 1668 by reference.

In effect, I would like to direct their attention to page 40, which provides and states:

> S. 1668, Nuclear Waste Policy Act Amendments Act of 1987, as reported to the Senate on September 1, 1987, is included herein and shall be effective as if it had been enacted into law.

While this legislation was reported by the Energy Committee, make no mistake about it, S. 1668, all 33 pages of it, has not been enacted into law. For those Senators who are not familiar with S. 1668, it rewrites the Nuclear Waste Policy Act and significantly alters the procedures used by the Department of Energy to pick sites for permanent, underground repositories for the disposal of high-level waste.

I am sure that many Senators will be told how this bill overcomes delays in the program or is better than some other proposal or that it would be better than some other proposal which would result in delays. Let us be truthful. The authors of S. 1668 hope it will allow DOE to short circuit the current requirements of the Nuclear Waste Policy Act.

So, let me describe how S. 1668 would significantly change the 1982 Nuclear Waste Policy Act, passed by the Senate, passed by the House, signed into law.

S. 1668 would supersede the basic requirements of sections 113 and 114 of the Nuclear Waste Policy Act for developing a nuclear waste repository.

Currently, the Department of Energy is required, before it can select a final repository site, to make that selection from a pool of three sites. DOE, under current law, would have to complete characterization of all of these sites and only after characterization is complete is DOE required to make the finding they are preliminarily suitable.

This is to say DOE can, under the NWPA, only pick a final repository site after it has amassed a great deal of information through site characterization. Site characterization is a detailed, 5- or 6-year technical program which includes the construction of large diameter shafts and underground workings at three sites.

In addition to developing a technological base, characterization requires the DOE to gather socioeconomic data. The technical and socioeconomic information is used to evaluate the suitability of the candidate sites. That is the current law.

That is not the process that we would follow under S. 1668, which we are being asked to put into this appropriation bill, H.R. 2700.

Simply put, under S. 1668, DOE would pick a single site to be a repository site prior to completing the characterization work now required by law at all three sites.

DOE could make this decision tomorrow under the letter of S. 1668. But, in any event, the decision would be made by the Reagan administration before it left office January 1, 1989. Only after DOE had selected a preferred site to be the repository would it be required to conduct site characterization tests. This "after the decision characterization" would allow DOE to gather enough data to meet the information requirements and the NRC licensing requirements. But the fundamental fact remains that DOE would not be making the decision about which final site to pick based on the high level of information or the high level of confidence which was required by the drafters of the NWPA, which was violated by DOE.

Supporters of S. 1668 argue that this will save time and money. I am not at all sure that is true. Their efforts to speed up the process may result in additional delays and uncertainties.

But even if their claim is correct, I cannot support a process that is going to last through our generation, the next generation, and the generations that follow, that places a greater emphasis on speed than on sound proceedings.

What their proposal really does is to assure that the site selection decision will be based on inadequate information, information that would otherwise have cost time and money to accumulate, but information that will allow DOE to make an informed decision.

I think, Mr. President, that it is very instructive that the Nuclear Regulatory Commission which has charge of licensing private nuclear reactors but no control for Federal, and the Commission itself have made this exact criticism of S. 1668. In a letter dated September 2, 1987, from the general counsel of the Commission, subject: comments on the Nuclear Waste Policy Act amendments of 1987, it reads:

> The commission does not oppose legislation which would require that only one site undergo at-depth characterization. However, it must be recognized that under such an approach there is greater potential for delay of ultimate operation of a repository than there is under the current regime where three sites will undergo at-depth characterization before a site is selected. If DOE were to find its chosen site to be inadequate or it could not demonstrate in a licensing proceeding that the site satisfied NRC regulatory requirements, there could be a considerable delay while characterization is started and carried out at another site.
>
> The commission believes from its regulatory perspective the best means to reduce such concerns would be to require DOE to conduct surface-based testing at all three candidate sites before selecting a single site for at-depth characterization. We believe that the additional information obtained would be useful to DOE in evaluating the suitability of the sites for licensing. Such testing would likely provide sufficient geologic, hydrologic, and engineering data to evaluate potential disqualifying factors and develop a basic understanding of each site's characteristics so that more informed judgements could be made on the selection of a site for shaft sinking.

Before reading further, I would like to emphasize that, Mr. President. The Nuclear Regulatory Commission, which is involved in the siting of nuclear reactors all the time and the problems involved in them, states that there should be a surface characterization first before drilling a big hole and before making a decision. This is why I have indicated to the chairman and to others that if we were to go with a sequential type of characterization, there must be a scientific basis for it. We simply will not accept in this country, Mr. President, the DOE going out again and saying, "We have selected a site," and then having a lot of investigation occur and find out they did not do it on a scientific basis.

People will accept a scientific return when they have a high risk like this, but they are not going to accept a department that has not performed. That is why we have said there has to be a scientific basis. The Nuclear Regulatory Commission with expertise in this field has agreed to that.

> In our view, this January 1, 1989 deadline, is not sufficient, particularly if a surface-based testing program is to be conducted as part of the process for selecting a preferred site. The NRC staff estimates that approximately 3 years will be needed at each site to conduct surface-based testing, analyze the data, and report on the results. This 3-year estimate does not include the time needed to have an adequate program in place before testing begins, time needed for obtaining site access at Deaf Smith, or time for any preliminary testing which might be conducted prior to submitting formal surface based site characterization plans. To provide plans, we also recommend that the legislation require that NRC and other concerned persons are given an opportunity to comment on DOE plans for the surface-based characterization program before it is implemented.

Note, Mr. President, it is terribly ironic that in May 1986 DOE made the selection of the sites in diverse geological media the primary, and let me stress primary, criteria for picking sites for characterization. DOE specifically selected the three candidate sites based on a specific principle that was absolutely necessary to investigate sites in diverse media. They said:

> The provision on diversity of rock types provides both insurance against deficiencies or failure common to all sites of a particular rock type and an opportunity to evaluate the siting, design, licensing, construction and operation of a geologic repository for diverse rock types. The provision on diversity of rock types offers an opportunity for the DOE to consider, during the site selection process, the advantages of alternatives in such areas as repository design, waste package design, and options for retrievability as well as alternative performance allocations and performance assessment capabilities for the sites in different rock types.

Under the Nuclear Waste Policy Act, the decision of which site to develop as a respository is required to be supported by a full environmental impact statement prepared pursuant to the Nuclear Waste Policy Act. Under the expedited procedure set out in the NWPA, this is the only environmental impact statement that DOE is required to complete.

In preparing this EIS, DOE is required to consider three alternative sites for which DOE has gathered information through site characterization. Under S. 1668, no EIS is required when DOE selects the preferred site to support the decision.

Under S. 1668, DOE would prepare an EIS after the single site was characterized, but this EIS would not consider any alternative sites whatsoever.

Consequently, a decision on which site ultimately will be selected by DOE as a repository is going to be made in an information vacuum with far less information analysis than required by current law. That is one of the points I raised with the Senator from Louisiana as to why additional information was necessary.

Even if the preferred site was considered acceptable after characterization, the pool of knowledge about the ability of any geologic respository to perform would be limited to the data collected at a single site and not from three.

This concern about the need to develop a knowledge based upon which to select a final repository site is not only central to the NWPA but to the Nuclear Regulatory Commission's regulations for developing a geologic repository adopted in 1981 as well.

S. 1668 authorizes construction of an integrated monitor retrievable storage facility, referred to as an MRS, and establishes a site selection process for siting the MRS. MRS has never been authorized by Congress, and the NWPA merely required submission of a proposal for MRS to the Congress.

While many arguments have been made in favor of a so-called integrated MRS as a logistical facility to be used for the transshipment of spent fuel from Eastern reactors to a Western repository—to take it out of the reactors and send it to this facility, take it out of this facility and send it to a repository, and from the transportation viewpoint, it is a horrendous amount of loading and unloading, which is the most dangerous point in this, unless you hit a bus, a propane truck, or a train falls off the rails, and such things do happen; they would create this as a logistical facility to gather this together for transshipment of spent fuel from the Eastern reactors to the Western respositories—there are economic and risk analyses that suggest that the MRS does not improve the cost or the safety of the DOE-proposed waste management system. In this area, then, the energy bill cannot be described as a simple reform or fine tuning. It is authorizing a new program.

S. 1668 also interjects new elements into the relationship between the Federal Government and potential host States.

First, S. 1668 sets up a program of economic incentives adding billions of dollars to the given States that volunteer to accept either the repository or MRS. States agreeing to the money under these so-called benefits agreements must waive their right under the NWPA to file a petition with Congress disapproving the site selection.

I share the hope—and I hope the Senator from Louisiana is correct—that somebody is considering this. I do not know of anybody who is considering it and I do not know of anybody who is an elected official who is recommending it, but maybe there are some. I hope maybe they will come forth. But I would say that every time this has been raised I have seen a great wall of silence from potential States for having this done. But I will leave that to be explained later in this debate by either the Senator from Louisiana or some other Senator who has a State willing to have this and accept the benefits. I hope they will speak up. I am simply saying this Senator does not know of anybody.

Now, there is certainly a precedent under NWPA for receipt of payments in lieu of taxes and other impact assistance, but this proposal requires a waiver of rights before all the information including socioeconomic information is developed for the site through site characterization. In other words, you have to make your deal, take your money, and then they check on the site. And if you do not like the way they have checked on the site, you cannot use the procedures that presently exist for challenging them.

It is also instructive that one of the advertised features of this bill is that it saves money by restricting data gathering requirements. The truth is that the inclusion of the benefits agreement provisions would result in a net increase in the overall cost of the Federal Nuclear Waste Program by billions of dollars for an indefinite period.

Under S. 1668, the NWPA requirements that DOE select sites for a second repository are deferred indefinitely, as is the continued investigation of the alternative sites for the first repository. DOE is merely required to report on the need for a second repository between the years 2007 and 2010. While the selection of sites in the Eastern United States has legitimately prompted a call for reexamination of the second repository, a reexamination that I have supported, Members of the Senate should fully recognize the consequence of what this legislation does in terms of narrowing the universe of sites available for nuclear waste repositories. It would be one thing if we had some considerably high degree of confidence in the sites being investigated for the first repository. But as we will discuss at length in this debate, there is little reason for confidence of what DOE did.

The NWPA already contains major limitations on the National Environmental Protection Act and judicial review. Cases brought under the present law under NWPA automatically go to the U.S. Court of Appeals under section 119 of the act. S. 1668 would further restrict the rights of any party to judicial review for the new waste activities established by the bill. In other words, there is further limitation. Cases would be handled exclusively by the temporary emergency court of appeals. They would have to be filed in 30 days and decided within 60 days. Furthermore, the grounds for judicial relief otherwise provided under the Administrative Procedures Act are also restricted. In other words, the whole effort here is to get it done as fast as possible and if a lot of people are not heard on it, that is really kind of too bad.

Mr. President, many of these provisions simply remove the system of checks and balances established by the 1982 act to prevent DOE from cutting corners, from playing politics, and from putting its historic paternal role to the nuclear industry ahead of safety.

I ask my colleagues, has the Department of Energy made some dramatic change in the last couple of years that would engender the view that these safeguards are no longer applicable? In particular, I would ask my colleagues from the Eastern States that DOE has been investigating as potential repository sites whether they believe that the Nuclear Waste Program adequately considered the environment, public safety, economic and geologic circumstances in their States? I think all of them have had considerable experience with the DOE moving into their States, and I hope that some of them will speak up so that this is shown to be what it really is, a national problem with DOE having lost all credibility.

The real reason these changes are being made in S. 1668 is that States that have been targeted by the Department of Energy as candidate States for high-level nuclear waste facilities have argued that the Department of Energy has violated the Nuclear Waste Policy Act and have tested the procedures in the current law. The Energy Committee's report draws specific attention to what it calls a determined attack on the DOE Program. Although the Energy Committee report also notes that many problems in implementing the NWPA have stemmed from unrealistic deadlines and rising costs have nothing to do with opposition to the program, the committee has focused almost exclusively on the political aspects of this issue. As a result they have ignored hours and hours of testimony given year after year before the Congress attesting to both the procedural and technical inconsistencies, problems and violations by the Department of Energy.

In particular, the committee report singles out what it calls a major effort to shut down the entire Nuclear Waste Program indefinitely.

As a cosponsor of one of the pieces of legislation cited by the Energy Committee in this regard, I think I ought to set the record straight about this "conspiracy" to mothball the Nuclear Waste Program that so troubles the Energy Committee.

On July 1, along with Senators **Sasser**, **Gore**, **Reid**, **Hatfield**, **Packwood**, **Rockefeller**, **Proxmire**, **Sanford**, **Mitchell**, and **Cohen**, I cosponsored legislation to create a review commission to analyze the Department of Energy's implementation of the Nuclear Waste Policy Act. I believe that all the sponsors have personal knowledge of the problems with the way this act has been implemented, including conduct of the second repository program which the Energy Committee deems to have been sufficiently unwarranted as to suspend indefinitely. They all had experience with DOE, and what we were trying to do and what has been referred to as "mothballing the program" was to bring DOE under some kind of scrutiny and control so that it is not completely done outside of the House and the Senate committees by the press.

For goodness sake, we have article after article—and during the days of this debate, I will read them—from every paper in this country with horrifying stories of what has not been done by the Department of Energy as they have gone around the country and how they just simply do not believe that a safety program is in effect.

Now, I am sure that the Energy Committee meant to apply the term "critic" and discuss rather than attempting to destroy or mothball—by the term "critic" and discuss the significance of this legislation in a manner which those of us who proposed, the one that I have just referred to, with so many Senators on it—as a legitimate approach to solving the problems that have evolved with the implementation of NWPA for the last 4½ years. We have been at this for 4½ years and the results have been terrible. And they recognize they are terrible. That is why I indicated in my earlier remarks to the Senator from Louisiana I was prepared to work with him and am prepared to work with him—so are the other committees, House and Senate—to correct all these mistakes that DOE has made but not just to give the DOE more powers, not to bypass the process, and to create a good process and put some other people in there in whom we have some confidence who will see the job is done right. So we will get the result that the Senator from Louisiana wants which is a nuclear waste repository program that will work, and the transport can be accomplished. And I do not even know.

I do not see the Senator from Tennessee here now. But I know he will undoubtedly want to make some comments about the MRS, the monitor retrievable storage facility. He is worried about that. This bill would put it in. And the old bill would not.

Maybe they have made some kind of arrangement where they agree to take it out but as of now he has gotten it authorized by this bill.

Speaking for this Senator, I did not presume on July 1 that the Nuclear Waste Policy Act needed to be amended. I was more concerned on that point with the actions of DOE and the fact that the bill could work if they would make it work, and not to carry out their ancient bureaucratic system which is a carryover from the years going clear back to World War II when the Atomic Energy Commission was created. It has always been paternalistic, secret. I have commented to Senators in other contexts that as a person who has been in Congress for many years and in the Cabinet, and now in the Senate, I tell you, it is harder to get into the Department of Energy than it is the Department of Defense. I mean they run this thing over there like everything is top secret. They may have some top secret things in there. But it is an attitude. And it is an attitude that is not shared around the rest of the world. It is an attitude that is in so many ways out of date.

In other words, we got into the situation where a young student goes into the local public library and constructs a drawing of the atomic bomb. I assume they are worried there are some papers in DOE that refer to this. That is fine. I think we ought to classify them, lock them up, take care of them. But the whole building is very much under a security basis. Yet people know how these things work. Certainly the Russians know how they work. So do the other members of the nuclear club.

Our big problem has been keeping people from getting the materials. I hope they are not storing any materials in that building. But it shows an attitude.

And so when I did hope that we would continue on and have the authorizing committees complete it I did presume there would be a reported version. And I thought that in these various bills they would state that the nuclear waste program was off track, and that Congress needed to halt the implementation—in other words, the operations of DOE until it was put back on track. I hope we will do that. I hope that will be the final result here.

For the record, let me just read part of the statement of the managers of the continuing resolution which last fall in the 99th Congress curtailed the funding for the high-level waste program. In others words, this is not something that has been brought forth for the first time by this Senator.

(Mr. DASCHLE assumed the chair.)

Mr. HECHT. Would the Senator yield for a question?

Mr. ADAMS. I would yield without yielding the floor and only for the purpose of a question. I would yield to the Senator from Nevada for a question without yielding my rights to the floor.

Mr. HECHT. Following up on the Senator's remarks, and he and I were not in the U.S. Senate in 1982 when this act was passed. Does the Senator feel now in his opinion that this act should be repealed?

Mr. ADAMS. I am sorry. Would the Senator repeat?

Mr. HECHT. I brought out that the Senator and I were not in the U.S. Senate in 1982 when this act was passed. Does the Senator feel now, following up on his remarks just a moment ago, that this act should be repealed and we should go forward with a new act? What is his opinion on that?

Mr. ADAMS. I will answer the Senator's question this way: I think that we can proceed with this act in a changed form and that this involves control over the implementation of it. It involves such things as requiring site characterization, and I will be happy to place in the RECORD and give to the Senator a series of amendments that I proposed to it.

I will state to the Senator this: That if we cannot get some results like this, then I am going to go with the position which has been recommended by committees in the House, and by other Senators of saying let us do away with this act and start all over again with the Commission and redo it.

I have withheld from doing that because I believe my good friend from Louisiana has worked very hard on this bill, and the other members of the committee. I am willing to try to go along and make the bill workable and control DOE so that it can be implemented. But there does arrive a point where, yes, if this does not happen we will have to go back to square one.

I am not at that position yet. But, as I indicated earlier to the Senate, and I will state again to the Senator from Nevada, this process that we have been going through represents the radicalization of a moderate. And they can get me far enough where I will say junk the whole thing. I have not arrived there yet.

Mr. HECHT. And break up our entire——

Mr. ADAMS. I will yield to the Senator without yielding my rights to the floor for another question.

Mr. HECHT. Our entire nuclear waste program is a problem with our nuclear powerplants or vice versa or any way you want to put them all together.

The problem with our nuclear program and our energy policy is nuclear waste. And we have to address the issue of nuclear waste. I am not sure it has been addressed adequately in the act of 1982. Obviously, when you go to another country that is as efficient as France, with their nuclear policy and their nuclear powerplants, and not one protestor in the entire country of France, no one is outside the nuclear-plant protesting, but they have a policy. They have an energy policy. What is America going to do in the next few years?

Secretary Hodel spoke before the Senate Energy Committee not too long ago and said we can have gas lines in America in the 1990's, or by 1990. We are engaged right now with other countries in the gulf on police action, though we have not had a real correct term to use for involvement in the gulf but roughly 60 to 70 percent of the oil reserves of the Earth are in the gulf.

Let us just think for a moment, stand back and reflect. If we lose these oil reserves in the gulf, or if we are unable to get these oil reserves and transport them to Japan, to Europe, and to America, we have our nuclear powerplants unable to open up, absolutely finished, but unable to open up, not because there are flaws in the construction of the nuclear powerplant. They cannot open because of politics. So politics is stopping our entire energy program.

I say to the distinguished Senator from Washington that nuclear waste is a problem in America. It is not a scientific problem. It is a political problem. It is not a political problem in France. They understand what energy is.

America and the people of America one day will find that their power bills are four or five times higher, that the factory where they are working is going to be closed down because they are not competitive with the rest of the world.

We are talking about competitiveness every day here, on the trade bill, and so forth. How can we be competitive if we do not have an energy policy? How can we be competitive when our energy is very high and that of other countries is very low?

Nuclear waste is a political problem in America. It is not a scientific problem. The scientists have it worked out. Obviously, others took our technology and added to it, and they do everything very successfully. But only in America do politics get before the scientific data. That is not correct. We must use the correct scientific data, deal with our nuclear waste, and get an energy policy in America.

My question is, does the Senator not agree that we have to have an energy policy and that nuclear waste is the crux of that energy policy?

Mr. ADAMS. I answer the Senator's question by saying, yes, we do have to have an energy policy.

One of the problems—because I am familiar with the French energy situation—is that in France it is easier to achieve a political consensus with regard to nuclear power because they import all their energy supplies and they have to rely to a great degree on their nuclear plant system. They also have a place where they could get rid of their waste and they could recycle, because they could use it in their military plants, since they were using their reactors, in effect, as a base for supplying highly enriched uranium or plutonium. Also, they are required to import large amounts of gas.

In our country, I agree with the Senator on the basis that we have to have a political consensus; that is "political" with a small "p."

That is the whole purpose of the debate we are having today—our stating that we have to have all the various committees and the people involved believe and have confidence in the program.

There is a gap in the United States in the nuclear cycle, and that is, what do you do with the waste at the end? So that is being addressed by the committees in the House and in the Senate, to try to get a solution to it.

We have other sources of energy, so nuclear energy has been competing with these other sources; and, unfortunately, we have not gotten a political consensus. To arrive at a political consensus with something as dangerous and with the amount of secrecy with which it has been shrouded in the United States, you have to have a scientific basis.

People will not accept a Government agency coming in and saying, "It is going to be OK." They want to have a scientific basis for selection, and they want to know that the thing is going to work, and they do not have that confidence.

This was true in the 99th Congress as well as the one—the Senator is correct—in which neither of us was there when this act was passed in 1982. But in the 99th Congress, it curtailed funding for this high level waste program, and in particular it said—and I quote from the statement of the managers of the House and the Senate on October 15, 1986, in the House portion of the CONGRESSIONAL RECORD:

> The conferees believe that the surest course for the Department lies in the careful implementation of the Nuclear Waste Policy Act in close consultation with the affected parties, in particular, the affected States. The conferees urge the Department to continue such consultation in hopes that pending litigation may be resolved in a timely manner. It seems obvious that a restoration of consensus is required before significant progress can be made and that many of the original deadlines of the act will not be met. The important task is the resolution of the numerous issues in which the program is now embroiled and the restoration of confidence in the program.

I ask my colleagues: Has the DOE program improved so dramatically in the last year since that CR was passed? Has it improved so dramatically since our colleagues in the House adopted their version of this very improved bill? The answer is "No."

Mr. President, there is no grand conspiracy by a handful of evil agents to kill the DOE nuclear waste program. There is, however, a widely-held view, and I think it is shared by members of the committee—all the committees involved—that the nuclear waste program is seriously off track and that DOE's activities, conduct, and implementation of the Nuclear Waste Policy Act need to be reexamined. The authors of S. 1168 may disagree with that assessment, but the blunt truth is that many, including this Senator, believe this to be the case.

I also want to reiterate that this Senator would not support an effort to "kill" the Federal nuclear waste program, as some might suggest.

As I have indicated, there are over 63 million gallons of high-level radioactive waste stored at the Hanford reservation in Washington State. A large number of these wastes are stored in 149 single-wall tanks, some dating back to the Manhattan project, and 20 newer double-shell tanks. Fifty-nine of the single-shell tanks are confirmed or suspected of leaking high-level waste.

No one has a greater interest in having a successful resolution of the high-level waste disposal issue than the people of Washington State, and no one has seen a more arbitrary and counterproductive effort to site a repository. Nobody has seen that to the degree our State has.

I must respectfully disagree with what seems to be the central premise of S. 1668, that the problem rests with those who are critics of the Reagan administration's efforts to implement the law, representatives of States targeted by DOE, the so-called "not in my back yard," or, "NIMBY" syndrome.

Mr. President, we in Washington State already have waste in our back yard. Every delay in the repository program, every public relations blunder by the Department of Energy, every technical criticism ignored, ultimately means that nuclear waste is going to stay in Washington State, right in our back yard.

I will not deny that citizens of my State and other States perhaps have either the first or second repository or monitored storage policy. All these have been very critical of DOE's decisions to site those facilities within the borders of our States. But let me be blunt: DOE has made siting decisions on the basis of blatant political calculations while subverting scientific considerations. DOE has repeatedly resisted obtaining essential geological data prior to making site decisions.

Instead, DOE has made data collection an all-or-nothing proposition by rolling virtually all meaningful data gathering into the site characterization phase at a combined cost of roughly $1 billion per site. Confidence and credibility have also suffered from the simple fact that DOE's operations offices and technical contractors have often had an inherent conflict of interest since follow-on contracts depend upon finding a suitable site. You have somebody looking for a site who has an interest in having the site, so they can have the follow-on contract. DOE has only recently acknowledged this problem in proposing to hire a single technical contractor to oversee site characterization activities.

Is it any wonder this program has been delayed and is in trouble?

To make matters still worse, the technical information DOE did gather is highly suspect since DOE had issued stop work orders at both Hanford and Nevada in early 1986, at the very time it was recommending those sites, because of quality assurance problems with its technical contractors. It might interest my colleagues to know that those stop work orders have never been fully lifted.

So the people, who were looking while they were choosing, put stop orders on. It is an incredible story.

And DOE has made a mockery of the "consultation and cooperation" process Congress established in the Nuclear Waste Policy Act and forced States to go to court just to get funding to conduct independent technical evaluation studies.

Without repeating all of the testimony given by representatives of my State, or Texas, or Nevada, or Tennessee, or Minnesota, or Wisconsin, or Maine, or New Hampshire, or Virginia, or North Carolina, or Georgia before the Congress and DOE and the Nuclear Regulatory Commission over the past 4½ years concerning DOE's conduct of this program, I think its time to stop blaming the States and Indian tribes and their elected officials and put it where it belongs: on the Department of Energy.

While I recognize the efforts of the authors of S. 1668 to try to resolve the gridlock in which the high-level waste program has mired itself, the solution is so draconian, so antithetical to the need for a technically and scientifically conservative program, and so sweeping in its recession of the safeguards in the original law, that I feel I must take whatever steps I can to oppose this approach and inform my colleagues about its impact, today, tomorrow, the next day, however long it takes.

Mr. President, let me make another point. There has been a great deal of "sub rosa" discussion of the impact of this bill. Some of us have been told, quietly, that this bill will really result in Nevada, or somewhere else there is an offer, being selected as the site of the nuclear waste repository. And I will be honest, Mr. President: If I believed that, if I really believed it I might be tempted to let this bill go through, give a wink to my constituents, and tell them that everything will be all right.

But, Mr. President, I do not believe any place has the honor of hosting the repository. I have looked at the language of this legislation carefully and closely. I have looked at it with hope and with fear. But no matter how long I have looked at it, no matter what my mood when I looked at it, I cannot find any sentence or any word which says one place gets it and Washington gets off the hook.

Mr. President, this is not what it has been characterized as going to one place. This is a Washington, Texas, and Nevada bill. This legislation gives DOE unprecedented discretion to pick any one of three existing sites—in Washington, Texas, and Nevada—and only those three sites. Even though I might disagree, they never should have been selected as three in the first place.

DOE has declared all three of those sites suitable for characterization and there is nothing, absolutely nothing, in this legislation which would require DOE to reexamine that assumption. There is nothing in this legislation which would require DOE to collect any new information about any of the three sites which might affect that assumption. There is nothing in this legislation which would require DOE to meet any higher threshold of suitability about any of the sites. In fact, changes the legislation makes to the Nuclear Waste Policy Act would actually lower the burden of proof otherwise required of DOE to pick a sound, safe site. Furthermore, under S. 1668, if DOE chose Nevada and it did not turn out to be suitable for a repository, DOE would be required to immediately go to one of the remaining sites in Washington or Texas.

Given DOE's record in this area, even if there were language declaring the repository in some State other than mine, I would not really feel very comfortable. It was just a few years ago that DOE was narrowing the list of candidate sites from five to three. Washington's site was ranked number five on that list but, somehow—despite all the criteria, despite all the data, despite all the evidence—Hanford magically moved from fifth position to third. So even if there was language in this legislation which said that DOE had to put the repository in Nevada, I would be willing to bet DOE would try to find a way to give itself some more options.

Mr. President, while I might be tempted to let this legislation go through, I hope I will not yield to that temptation to just say it is all a done deal. The Nuclear Waste Program is too important to be treated as a parochial or as an individual State issue. My State has indicated—and I have stated this to the chairman—it could live with any decision which is made about siting a repository if the decision was based on science. But the decisionmaking process created in this legislation subverts science and places a priority on politics. I would not feel comfortable with a process which was rigged even if it was rigged in my favor. So while I might be tempted by a promise, I can easily reject a wish and prayer. I want science. Only science will give us the kind of process we want and the kind of protection my State, other States, the United States deserves. This legislation does not give us science, and it does not give a State any realistic political protection either.

S. 1668 would set up a process for selecting the sites for the Nation's nuclear waste repository with a roll of the dice. DOE has three sites that it does not know enough about and is betting that after it spendis $1 billion at each it will come up with a winner.

Mr. HECHT. Mr. President, will the Senator yield for a question without losing his right to the floor?

Mr. ADAMS. I yield for a question without yielding my right to the floor to the Senator from Nevada only for purposes of a question and I do not yield the floor. The Senator from Nevada's question?

Mr. HECHT. I thank the distinguished Senator from Washington. I am proposing an amendment. The Senator mentioned three sites. There is also an alternative which I am going to put an amendment onto this bill which the State might volunteer and if they meet all the criteria then they could be chosen for a site. Would the Senator be in favor of that amendment?

Mr. ADAMS. What is the criteria?

Mr. HECHT. They would have to meet the criteria of a repository but a State, not Washington, not Nevada, not Texas, but perhaps another State might volunteer. Under the present law it could not be put in that volunteer State.

Would the Senator be amenable to allowing a volunteer State to be included in this particular act?

Mr. ADAMS. I will consider that, I will state to the Senator, when it is in form and it has been submitted. I will give that some study and thought and then will discuss it with the Senator from Nevada.

Now, S. 1668 does not even follow that dubious plan, but simply allows DOE to take these same three first round sites, sites that many concede we do not know enough about, and roll the dice right now, without any more characterization. Sites like Washington and Nevada were picked a dozen years ago because they were owned by the Federal Government and not as the result of thorough scientific analysis and nothing DOE has done since has materially altered this fact.

If we are going to be betting the future of the Nuclear Waste Program, the future of the nuclear energy industry, and the safety of those who are living with the wastes today, we simply have to have better odds. The only way we can improve those odds is by making sure that the decisions that are made in selecting and developing sites for high-level waste disposal are based on sound technical analysis and not a high stakes gamble.

Mr. President, I want to take a moment to explain again what my amendment does. It accomplishes three objectives:

It contains all the amendments adopted by the committee.

It contains all of the House language which the committee accepted.

It preserves the rights of all Senators to offer any amendments they may want to have considered.

In short, the amendment does precisely what the committee bill does—except that it does not force us because it leaves out this Nuclear Waste Policy Act. In other words, it keeps out the other parts. It drops that out. It does not force us to consider substantive changes in a Nuclear Waste Policy Act on an appropriation bill.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I first wish to compliment and congratulate the Senator from Washington for the time that he has spent. I think the statement that he has made shows the depth of his understanding of this issue. I think that the statement that the Senator from Washington has made shows his knowledge of the procedures here in the U.S. Senate and I would like to associate myself with the remarks that the Senator from Washington has made.

The introduction, Mr. President, of H.R. 2700, the energy and water appropriation bill, causes me great concern. Part of this bill, an amendment incorporating another bill, a wholly-legislative initiative by reference, is the source of my concern.

I think the statement of the Senator from Washington in this regard was excellent. I also, however, have never made a secret of my opposition to enacting a major, new authorization bill on nuclear waste as part of this important energy and water appropriation bill. I opposed this effort in the Appropriations Committee, as did a goodly number of other appropriation members, and I oppose it now.

There are currently several competing pieces of legislation aimed at modifying the Nuclear Waste Policy Act of 1982. The most appropriate way to arrive at a final decision on this legislation would be to consider these proposals as freestanding authorization bills. However, we now have some of these proposals added to the reconciliation bill and, worst of all, S. 1668, the legislative initiative included by reference in the legislation before us now.

I would hope that the subcommittee leadership would reconsider and drop this effort at authorizing on an appropriation bill.

Mr. JOHNSTON. Will the Senator yield for a question?

Mr. REID. I would yield for a brief question without losing my right to the floor.

Mr. JOHNSTON. Does the Senator from Nevada consider the $100 million a year benefits package in S. 1668, made apart of this amendment, to be worthwhile? Because I think the Senator will probably agree with me, if this amendment is successful, that $100 million is gone. Would the Senator agree with that?

Mr. REID. Mr. President, I do hope, I say to my friend from Louisiana, the senior Senator from Louisiana, I do hope this amendment is successful. And I do recognize that the Senator has worked very hard trying to craft a compromise.

But, based upon the job that the Department of Energy has done on the parties concerned, I do not think that even the great ability the Senator from Louisiana has can save this problem that the DOE has created, especially in light of the fact that we are a bicameral legislature and it has to go through the other body.

I would also respond to my friend from Louisiana that I am going to develop, in the remarks I will be giving in the next little bit, some response to your question and you will see that in some of the remarks I have prepared.

Mr. JOHNSTON. If I may ask one more question.

Mr. REID. I yield without losing my right to the floor for the purpose of a question.

Mr. JOHNSTON. I thank the Senator.

The $100 million incentive package, as you know, was put into our legislation, and in no other package is that contained, not in the environment and public works package, not in the pending amendment, not in the amendment being developed by the Interior Committee in the House. Nowhere else is that contained.

I am sure if we get to conference on this bill, whether this year or next year or whenever, that will be a matter to be discussed.

I guess I am asking the Senator: Does he care about the $100 million waste package or should I fight for it if it comes up in conference?

Mr. REID. I would hope, if this ever makes it to conference. However, in, again, answering as directly as I can the distinguished Senator from Louisiana's question, the unfortunate State that receives the dump obviously should and, I believe, will, whether this goes to Texas or whether a second site is involved in some respect or Washington or Nevada—I hope some economic benefits would come because of the tremendous crunch that it has.

As has been pointed out by the Senator from Louisiana, people simply do not want it, and for very good and valid reasons. And I will develop those during the time I will spend on this amendment that is now before the Senate.

I hope, as I mentioned, that the subcommittee leadership would reconsider and drop this effort at authorizing on an appropriation bill. However, if the subcommittee leadership is to proceed down the path, again, as I mentioned, that my friend from Washington has developed, I intend to take the time I believe is necessary to inform my colleagues of the problems that have existed and still exist in the nuclear waste program and to point out why we should not be rushing headlong to judgment on the selection of a permanent, high-level radioactive waste repository.

During the past few months, I have risen on a number of occasions to bring to my colleagues' attention many of the disasters and near disasters—and, I repeat, disasters and near disasters—that have occurred at nuclear facilities involving nuclear waste. One of those—and I know some of my colleagues do not like me to keep reminding them of some of these disasters—but one of those at Savannah River on the South Carolina and Georgia border has been an open sore festering nuclear waste in the facilities ground water. Another, West Valley, in New York, has leaked waste into a creek that leads to one of the Great Lakes, Lake Erie, the source of drinking water for Buffalo, NY, and other places. Still others, include Maxex Flats, KY and Hanford, WA, are as examples of how things can really go bad with nuclear waste.

The potential for serious public health and safety problems is real. It is not imaginative. It is real. In addition, the cleanup of those facilities that I have mentioned will take decades—not weeks, not months, not years, but decades—and not millions of dollars but billions of dollars to clean them up. And these are taxpayers' dollars.

So you see, Mr. President, the substance of the legislation before us also sets a dangerous precedent. It rewards the Department of Energy for gross incompetence—I repeat that: it rewards the Department of Energy for gross incompetence—if not illegal actions, thus sending a message to the executive branch that it can ignore Congress.

I think it is important to mention here, while we are talking about the Department of Energy, that the senior Senator from California and I have been trying to meet with the Secretary of the Department of Energy for almost 3 weeks. He has not had time to meet with us. For almost 3 weeks, the Senator from Nevada and the senior Senator from California have been trying to meet with the Secretary of the Department of Energy and he does not have the time.

That is only one example of how the Department of Energy conducts itself.

The Department of Energy's implementation of the Nuclear Waste Policy Act of 1982 is a debacle beyond description, while its Office of Civilian Radioactive Waste Management has been and is governed by technical and political incompetence. There is something even more important, Mr. President, at stake. If the Senate supports this legislation, it will be in fact selecting the site for the first attempt at constructing the Nation's geologic, high-level, radioactive waste repository. This exonerates the Department of Energy and absolves the executive branch of all blame for the situation in which we now find ourselves.

Last Thursday, less than a week ago, before the Nuclear Regulatory Subcommittee, Chairman JOHN BREAUX elicited a very disturbing set of facts.

The independent—and I repeat that—independent Nuclear Regulatory Commission, the agency that will have to license the repository, testified that additional hydrologic testing is needed at the Hanford, WA, site and the Government has virtually no information from the Deaf Smith site. Virtually no information. This points up the wide discrepancy in the amount of information available at the three sites, the third site, of course, being Yucca Mountain, in Nevada.

Based on this startling revelation—and I would mention here as a sidebar, Mr. President, I think the questions that were asked here this morning by my colleague from Nevada were probative, and I look forward to his developing these at greater length. Based, though, on the startling revelation that we learned before the subcommittee last week, one can see that a decision to choose a single site for a hit-or-miss multibillion dollar study based on the criteria and time constraints presented in S. 1668, must lead to the selection, many say, of Yucca Mountain. That selection would be based on the quantity rather than the quality of information gathered from the three sites.

I might add there are still many unanswered questions relating to the hydrology and geology, not to mention many other potentially disqualifying problems relating to national defense that exist at the Yucca Mountain, NV, test site.

In short, the major new legislative initiative contained in this appropriation bill puts each of us in a precarious, and to me untenable, situation. If we pass this legislation and choose the wrong site for political expediency, billions of dollars, the safety of millions of people and the future of nuclear power in this country will be jeopardized. Yucca Mountain will be the albatros all of us will have to wear.

I do not intend to sit idly by and allow this legislation to put the citizens of my State in the same or greater jeopardy.

Let me begin my perspective by providing you with a little bit of information about Nevada. First of all, I think it is important, before I get into the meat of that, I think it is important to talk a little bit about the air base that we have located near the nuclear testing range: Nellis Air Force Base is the most important fighter training facility in the free world. They have a gunnery range, a bombing range, that lies adjacent to the test site.

Over the years, they have been able to work out a good arrangement with the test site so that they have been able to conduct their activities. I felt it would be interesting to write to the Air Force and find out what they thought of having a high-level nuclear waste repository adjacent to their gunnery and bombing range.

They wrote back and said: "No, thanks." They wrote back and said that it would not be good for the defense of this country.

This letter, which was just received in October and was addressed to myself, said:

> This is in response to your joint letter of July 14, 1987, to the Secretary of the Air Force regarding impacts on the Nellis Air Force Range of the proposed Nuclear Waste Repository at Yucca Mountain, Nevada.
>
> The Tactical Fighter Weapons Center Range Complex is considered the Tactical Air Command's most important combat readiness training and testing resource. The projected uses of this range complex indicate stable growth through the year 2000 and beyond. By then the ranges are expected to be used 20 hours per day, six days per week. This includes extensive combat readiness training and development test/evaluation of tactics and weapons systems.
>
> Additionally we anticipate that flying operations at Indian Springs Air Force Auxiliary Field—

and I would point out, Mr. President, that Indian Springs is even closer, as a fixed base, than Nellis. It is very close to Yucca Mountain.

> Additionally, we anticipate that flying operations at Indian Springs Air Force Auxiliary Field, which could also be affected by the repository siting, will expand in terms of sorties and munitions movements.
>
> The key to the tremendous value of the Nellis Range Complex is its versatility.

I would point out, Mr. President, that this is the case where the red flag exercises are conducted. This is the gathering place for the free world of the Ph.D. degrees in flying a fighter plane. It is the Ph.D. There is no place like Nellis Air Force Base and the red flag exercises.

The key, I repeat, to the tremendous value of the Nellis range complex is its versatility. It is large. It is versatile. You can do a lot of things there.

> Currently, the Air Force is able to conduct supersonic, live munitions, low level, and electronic jamming missions on the Nellis ranges. A restriction on any one of these missions due to a nuclear waste repository would reduce the utility of the Nellis Range Complex and lessen the payback from our tremendous capital investments made there.

Mr. President, this affects not only the United States of America. It affects the air forces of the free world. They all come there to receive their Ph.D.'s.

> Since the Department of Energy proposal does not contain data about proposed overnight restrictions, if any, we cannot identify specific impacts in our operations at this time.

Therefore, there are no previous studies addressing impacts.

Can you imagine that? Having spent tens of millions and millions of dollars, and no one came up with the idea that maybe we should see what impact this is going to have on the greatest fighting training facility in the free world?

There are no previous studies addressing these impacts.

Mr. HECHT. Will the Senator yield for a question?

Mr. REID. I yield for a question without losing the floor, as long as the question does not relate to the Secretary of Energy. If it relates to the Secretary of Energy, I do not yield.

Mr. HECHT. It is not to the Secretary of Energy. It is very pertinent to exactly what you have been talking about.

Mr. REID. I yield.

Mr. HECHT. I wanted to make the point that I have written several letters to the Air Force in 1986 and as a result of the response, which was similar to the response which you received, I attached an amendment to S. 1668 which would require the Secretary of Energy to consult with the Secretary of Defense before selecting the site for a repository and to make sure that no repository would be selected that would endanger national security, such as the critical work done at Nellis.

I just thought I wanted to make you aware of it because you are not on the committee and you might not have been aware of that amendment.

Mr. REID. I would respond to my colleague from the State of Nevada that I think the trip that you took, the trip that you took to Europe—which I publicly congratulated you on when you went and when you came back—I think it was a tremendous thing that you did because you have been very informative about what you learned over there.

I would also state that this, what you mentioned right here, I personally was not aware of that and I am glad that you made that part of the RECORD, that the Department of the Air Force is aware of the problem. I am glad that you brought that to my attention.

Mr. HECHT. And the Secretary of Defense can have the final say because of the importance, not just of Nellis

Air Base, but of all the other critical functions that are involved in the Nevada test site.

Mr. REID. I look forward to your amendment and, of course, will support you in that regard. Thank you for the question.

Referring to the letter again:

> Currently, the Air Force is able to conduct supersonic, live munitions, low level, and electronic jamming missions on the Nellis ranges. A restriction on any one of these missions due to a nuclear waste repository would reduce the utility of the Nellis Range Complex and lessen the payback from our tremendous capital investments made there.
>
> Since the Department of Energy (DOE) proposal does not contain data about proposed overflight restrictions, if any, we cannot identify specific impacts on our operations. Therefore, there are no previous studies addressing impacts. Currently, the DOE has contracted with the Science Applications International Corporation to perform an assessment of Air Force aircraft impact frequency for the site and the proposed rail access routes.

Understand, this transportation system has been mentioned here and talked about by my friend from Washington. This transportation thing is not something that is just going to go away. There are some people talking about major railways being built to different parts of this country. There are people who are very, very concerned about bringing the 70,000 truckloads of high-level nuclear waste down highways and freeways.

I can remember in rural Nevada I was talking to a police officer and they in their teletype the day before had gotten the word that there was going to be a hazardous waste payload coming through that little town in rural Nevada.

> The only good it did to notify us was to frighten us. There is nothing we can do. We have no equipment to do anything if something goes wrong.

That was hazardous waste. We are talking about high-level nuclear waste here.

> The Tactical Fighter Weapons Center staff at Nellis has participated in reviewing this effort and providing necessary information. This study is on-going and the Air Force is making every effort to ensure our concerns are included.
>
> The Air Force shares your concerns about protecting the existing and future mission of Nellis Air Force Base and the Nellis Range Complex. The significant contributions which these assets make to national defense training and testing must not be reduced due to nuclear waste repository restrictions.
>
> We appreciate your interest in this matter and hope the information provided is helpful. A similar letter is being provided to Representative Bilbray who joined you in this letter.
>
> Sincerely,
>
> TIMOTHY L. TITUS,
> *Colonel, USAF, Chief, Program Liaison Division, Office of Legislative Liaison.*

Mr. President, I want to talk now about politics, promises, and nuclear waste disposal. This is a view from Nevada. I think it is important in that we have heard so much about Nevada that we get a Nevada perspective of this very important legislation which the people of Nevada are frightened about, and rightly so.

When the U.S. Congress enacted the Nuclear Waste Policy Act of 1982 it set forth a long-awaited national policy for the disposal of highly toxic and extremely long-lived waste products from the country's nuclear power reactors and defense research facilities.

The act reflects the years of compromise and debate required to balance the various interests that must be considered in legislation with such far-reaching implications.

In its final form the NWPA, which stands for Nuclear Waste Policy Act, managed to incorporate the interests of factions as diverse as the nuclear industry, the environmental organizations in States containing potential repository locations, into a decisionmaking process that was viewed as an equitable and workable solution to the Nation's nuclear waste disposal dilemma.

I was going to give a little side bar as to how the research basically for high-level nuclear waste has been terminated since the 1982 act, but we will have a lot of time, Mr. President, to get into that later. I will go ahead with my Nevada perspective.

The enthusiasm and sense of promise with which this legislation was greeted are reflected in President Reagan's remarks upon signing the measure into law on January 7, 1983.

The President noted that almost a dozen congressional committees "were involved in this legislation, but with bipartisan support and cooperation from industry, labor, and environmental groups we managed to get it through the process. It is a bill that is good for all these groups because it is good for America. This legislation represents a milestone for progress and the ability of our democratic system to resolve a sophisticated and divisive issue."

Mr. President, I want to go back and reread the quote from President Reagan that was given at about the same time that I was sworn in as a Member of the House of Representatives for the first time. The President stated:

> Almost a dozen congressional committees were involved in this legislation, but with bipartisan support and cooperation from industry, labor, and environmental groups, we managed to get it through the process.

The President continued:

> It is a bill that is good for all these groups because it is good for America. This legislation represents a milestone for progress and the ability of our democratic system to resolve a sophisticated and divisive issue.

Less than 5 years following its optimistic beginnings, however, the high-level waste program today is in serious trouble. Representative MORRIS UDALL, a man who is respected in this body and in the other body, by the Democratic Members of both bodies and by the Republican Members of both bodies—I do not know of a Member of Congress who has more respect than MORRIS UDALL, chairman of the Interior Committee—is regarded as the father of NWPA, the Nuclear Waste Policy Act, and its most ardent supporter. But even this man, the father of the Nuclear Waste Policy Act, told the House Appropriations Committee just a few months ago, in July:

> I have about given up on the present program. There is no hope of making it work. I am ready to go back to square one.

When MORRIS UDALL, chairman of the Interior Committee, the father of the Nuclear Waste Policy Act, makes a statement where he says there is no hope of making it work, "I have given up the present program and I am ready to go back to square one," when MORRIS UDALL says that, then we had better go back to square one.

The demise of the highly touted national solution to the nuclear waste quagmire is a chronicle of Federal agency mismanagement which has seriously undermined the promising and widely supported program contained in the act.

Even though he is not on the floor now, I think it is a shame that a bureaucracy, a governmental agency, has undercut, undermined, the work of my colleague from Louisiana, Senator JOHNSTON, who has spent so much time on this legislation, as has MORRIS UDALL. It is a shame that a governmental agency has done such a disservice to the many people, Democrats and Republicans, who got together, as President Reagan said, and worked out this compromise. They have not let it work.

The demise, I repeat, of this highly touted national solution to nuclear waste quagmire is a chronicle of Federal agency mismanagement which has seriously undermined the promising and widely supported program contained in the act.

How Congress and how the Nation responds to this newest crisis, in this crisis-prone history of nuclear waste management, has wide-ranging implications, not only for the future of nuclear power in this country—nuclear power has a future in this country; there are a hundred nuclear reactors now producing nuclear energy—it is important for that, and also for the future relationships of State and Federal relationships. I think that is also something that it is important we have to recognize.

Mr. President, Congress, in putting the Nuclear Waste Policy Act together, recognized that the disposal of nuclear waste is an extremely complex problem. Going back again to President Reagan, almost 12 committees were involved. So it is complex.

It was a day for celebration in some people's minds when a fair process everyone thought had been developed.

I can remember in the House of Representatives a committee that I attended, chaired by Congressman MARKEY from Massachusetts. Congressman MARKEY and his subcommittee of the Energy and Commerce Committee in that body, were concerned about how they arrived at Texas, Washington, and Nevada. How did they do it? Do you know what they told Chairman MARKEY? They had thrown away, they had disposed of, they had destroyed, the working papers that led to the choice of these three sites. A multibillion-dollar project and the working papers were gone.

You can imagine, Mr. President, the rage. I should not perhaps use that term. But how upset Chairman MARKEY was.

We are going to talk about that in detail much later, how, as my colleague from Washington pointed out, they were fifth on the list. Suddenly they wind up in the top three. How did that happen? We will never know; the working papers are gone, they are destroyed. You can imagine that might happen transferring an employee, or you can imagine that might happen moving a piece of furniture from one Government office to the other. We are talking about a multibillion-dollar taxpayer expenditure and they do not have the working papers.

So Congress in putting the Nuclear Waste Policy Act together recognized that the disposal of nuclear waste is an extremely complex problem involving a high degree of public concern and skepticism and possessing the potential for a disturbing degree of Federal-State conflict.

We will develop this at greater length also, Mr. President, but if there are some States that think by this legislation they are off the hook, they have another thought coming. They better not bet the family income on it. States that think they are off the hook with this legislation are going to have some problems and we will develop that also at a subsequent time.

In legislating a solution, issues of equity, that is, who benefits from the nuclear power, versus who must shoulder the burden of waste disposal; scientific credibility, that is, how to assure that the disposal site selected will be technically capable of isolating the waste for thousands of years—and as my colleague from Nevada pointed out, we better start talking about how many years, because that is a problem, it is a serious problem—and politics, that is, how to keep political factors from taking over the site selection process——

Mr. HECHT. Will the Senator yield for a question?

Mr. REID. I will yield for a question on the condition that I do not lose the floor.

Mr. HECHT. Absolutely. I thank the distinguished Senator from Nevada. I feel in the best interest of our State we should set the record straight. I have tried to do this before because there is a misconception in Washington, in New York, and other areas that the creation of a special county in Nevada was an open invitation to a nuclear waste repository.

This is definitely not the situation, and the record should be straightened out because the legislature in its last night of deliberation, because of information known only to them, created a special county called Bullfrog County, taking away from Nye County in our State any possible funds from the U.S. Department of Energy for a repository. I think the record should show that this is not the will or the intent of the people of Nevada, and this is not an invitation from the people of Nevada that they wish to accept this repository.

I thank the distinguished Senator from Nevada for allowing me to clarify this very important point.

Mr. REID. Politics, as I mentioned before, that is, how to keep political factors from taking over the site selection process, were systematically and purposely dealt with in structuring the proposal as it moved through the congressional process. As one social scientist observed in 1984, the genius of the act is that it provides States with a substantive role in the repository siting mechanism without yielding Federal control over the final decision. The act achieves this end by creating a hybrid decisionmaking process that modifies the traditional vertical separation of State and Federal levels. The new mechanism formally recognizes an adversarial relationship that has long existed between the Department of Energy and potential host States. It assigns them similar authority in the final siting decision which will be made by Congress.

Prior to the act's passage in 1982, there had been a long history of unsuccessful attempts to find a way to deal with the Nation's highly radioactive and highly dangerous nuclear waste, attempts which called into question Federal agency motives and really competence and left a legacy of mistrust on the part of States and the public in general.

Mr. President, I might point out here that it is not a question of the State of Nevada. My statement is States, in the plural, a legacy of mistrust on the part of States, and the public in general. It is broader than the State of Nevada. This is not a problem of the State of Nevada versus the Department of Energy. It is a question of the State of Nevada and other States which feel they have not been treated properly. It affects the entire public, especially when we talk about the transportation corridors.

Then, as now, no State volunteered to host a high-level repository. This was especially true with regard to Western States which argued that Eastern States, within which most material is generated, should share a substantial part of the disposal burden. Congress recognized that it was both unwise and unfair to attempt to impose a repository on an unwilling State. It foresaw that there was too great a risk of delay in finding a qualified site if only a single site was considered because detailed studies might eventually reveal the site was not technically suitable.

Moreover, Members of Congress recognized that seeking to impose a site on a State would be politically unacceptable and would serve to reinforce and heighten public concerns about safety and would energize conflicts in State-Federal relationships that could spill over into areas beyond the nuclear waste siting issue.

Senator Henry "Scoop" Jackson, who I can put in the same context without any reservation as I did Chairman UDALL, a man respected in this body and in the other body, by Democrats and by Republicans, was a strong supporter of nuclear power. He noted during the Senate floor debate, "We must structure the legislation in a way to ensure that no individual States believe that they have been unfairly singled out as the site for a nuclear waste disposal facility."

Listen again, Mr. President, to what Henry "Scoop" Jackson said:

> We must structure the legislation in a way to ensure that no individual States believe that they have been unfairly singled out as the site for a nuclear waste disposal facility.

That has not come to be. His words have come to be prophetic; States feel they have been singled out. You heard Senator ADAMS, my friend from Washington, speak for 3 hours on how his State had been unfairly singled out.

Senator JAMES MCCLURE, who I see on the floor today, one of the nuclear industry's strongest backers I am advised, also stressed:

> We know that one repository is not going to be sufficient, nor should we ask that one State accept the burden of a repository. Otherwise, you will eventually get to the point where one State will perhaps feel it has indeed been wronged in this process.

Because no State or region wanted such a facility, Congress recognized that for any State eventually selected ever to be able to swallow hard and accept the site, the siting process would have to be fair to individual States and be regionally balanced, be highly credible, that is, carried out in an objective, scientific, and technically sound manner without political or other bias and ensure, of course, that any final site chosen be demonstrably safe. We are going to spend a lot of time, and in more detail than what I talked about earlier today, on what the Nuclear Regulatory Commission said in their testimony before a subcommittee of the Environment and Public Works Committee only last week.

They also recognized as the licensing arm that the process by which a site is chosen is done properly. They do not want to be placed in the position of taxpayers having spent billions of dollars in one site having to be forced to license that site, which we would hope they would never do. And I have confidence they would never do it. They said they would never do that. But look at the pressure that places them under. Look at the reason we have the 1982 act which gave reasons for site characterizations of three different locations at least.

As I ended that sentence, "* * * and ensure that any final site chosen be demonstrably safe. To help ensure that the facts process would result in credible and acceptable sites, Congress provided a major oversight role for affected States and tried through active participation and consultation with DOE and the siting process." Congress provided that, but DOE did not follow that procedure. The State of Nevada and the other States had to fight, and are still fighting, for what they are entitled to under the law.

My next statement I have entitled—we heard what the law is and what the promise was—"The Promise Subverted." The Nuclear Waste Policy Act of 1982, of course, is not perfect. No one should have expected such pioneering legislation to be so. However, neither the Congress nor anyone else could have foreseen the injudicious manner in which the Department of Energy implemented the program from the beginning, from the get-go, from the start, the very beginning. It became apparent very early that DOE had ideas about implementing the law which would perpetuate past waste disposal difficulties and failures, and eventually lead to the unraveling of the essential principles and compromises embodied in the act.

The litany of problems in implementing the nuclear waste program is long, it is incriminating, and began with the very first decision that was made by DOE under the Nuclear Waste Policy Act. Rather than engaging in a truly national site screening program aimed at finding the best site for a nuclear waste repository, DOE proceeded to arbitrarily focus on only nine sites which had been under review prior to passage of the Nuclear Waste Policy Act. The department rationalized the exclusion of additional sites from consideration by arguing that the timeframes contained in the act precluded any new screening activities. In so doing it ignored Congress' explicit finding contained in the law itself.

> Federal efforts during the past 30 years to devise a permanent solution to the problems of civilian radioactive waste disposal have not been adequate.

I repeat, "have not been adequate."

Despite this clear and unambiguous language DOE chose to permit those same past efforts criticized by Congress that became the sole basis for a site selection under the Nuclear Waste Policy Act. I am going back again, Mr. President, to what the President of the United States said:

> It is a bill that is good for all groups because it is good for America. This legislation represents a milestone for progress and the ability of our domestic system to resolve a sophisticated and divisive issue.

Well, the sad part about that is that obviously DOE did not understand. They went back and continued with some of the things they had done in the past.

This language that I mentioned is clear. It is unambiguous. DOE chose to permit those same past efforts, I repeat, criticized by Congress, to become the sole basis for site selection under the Nuclear Waste Policy Act. It is incomprehensible that Congress would have enacted the Nuclear Waste Policy Act, let alone included language explicitly critical of prior DOE efforts, had it intended for the Department to merely continue ongoing site selection activities.

The foundation of the repository siting process was further undermined by the promulgation of siting guidelines which were fundamentally flawed in a number of important ways and contained features that permitted DOE to disregard the acts intended siting process, and continue solely with its pre-act site selection efforts. For example, the guidelines contain a presumption that a site is qualified until there is data which would clearly disqualify the site. This presumption works in tandem with another guideline concept that little or no disqualifying data must be gathered early in the siting process, thereby allowing inferior sites, which is reasonable, to be picked for characterization and making relatively poor sites appear good by comparison. It is only fair, is what it says.

Such a disordered process is open to all manner of manipulation and does not ensure that the best or safest available site is selected on the basis of valid comparisons. The guidelines also deviate from the act's expressed requirements in that DOE ignored important congressionally specified areas such as national transportation impacts, and the possible effect on repository construction and operation of activities occurring on nearby Federal lands from the site selection criteria.

In addition, they inappropriately permit DOE to make a preliminary determination of suitability at the time sites are recommended for characterization rather than after the site characterization, as provided in section 114(f) of the act.

I pointed out in my previous statement and the four or five lines previous to this that for them to do what they are doing—I am from my State, and I said it would be fair—would be totally unfair to follow this process. It is easy to see, just by reading the language, why it would not result in fairness.

The process by which the three preferred sites were recommended for characterization also demonstrates quite clearly how DOE has politicized the decisionmaking process in order to justify preselection of certain sites—preselection of certain sites. That is a term of art that we in Nevada, those people in Washington and those people in Texas have come to appreciate: Preselection of certain sites. In December of 1984 DOE issued draft environmental assessments which tentatively recommended locations at Yucca Mountain, NV, Hanford in the State of Washington, Deaf Smith County, TX, as first repository finalists.

These recommendations were in serious trouble from the very beginning because they were based upon flawed siting guidelines, environmental assessments which have subsequently been shown to be inadequate and interspersed with questionable data and conclusions and inadequate and contradicting ranking mythologies, various aspects of which were sharply criticized by many colleagues including the National Academy of Sciences.

In an effort to lend a semblance of credibility to the screening process DOE then developed a multiattribute utility analysis—that is a mouthful: multiattribute utility analysis, referred to as MUA's—ranking method and proceeded to apply this new approach to the available data on five nominated sites. Remember this is something that came up as an afterthought, something that came up a little bit later. It was not something that was part of the original guidelines.

(Mr. GRAHAM assumed the chair.)

Mr. REID. This time DOE characterized its ranking methodology as a decision aid tool that was not intended to result in a definitive hierarchical ordering of sites. This sleight of hand enabled DOE to recommend the same three sites for characterization even through the multiattribute utility analysis if followed strictly would have resulted in a recommendation of different sites. So even that they came up with an afterthought, it still would have not allowed them to pick the sites that they did.

Following DOE's site characterization on May 28, 1986, the staffs of two U.S. House of Representatives subcommittees conducted an investigation into DOE's implementation of the MUA, multiattribute utility analysis.

Their report, issued on October 21, 1986, documents conclusively a substantial and pervasive bias in favor of selection of Yucca Mountain and Hanford and a politicization of the siting process.

So it is understandable why the Senator from Washington is concerned because two staffs of the U.S. House of Representatives subcommittee reported back that there was a substantial bias in favor of selection of Yucca Mountain and Hanford and that the siting process had been politicized. That is wrong.

In transmitting the report to the Secretary of Energy, the subcommittee cited "conclusive evidence, in many cases supported by DOE's own internal documents, which leads us to only one possible conclusion: DOE distorted and disregarded its own scientific analysis."

I think it is important, Mr. President, that I point out at this time that the statement I am working through, "Politics and Promises in Nuclear Waste Disposal: The View From Nevada," is something that has been prepared by the Governor of the State of Nevada, Richard Bryan. I want to make sure that he gets appropriate credit for much of the work done on this material.

> Nevada's own limited review of certain DOE documents used by the House investigators as the basis for their report also reveals that cost estimates for each site under consideration were not based upon equivalent data, but were calculated to make the Yucca Mountain site appear less costly in comparison to the salt sites.

So, in effect, we not only have been affected unfairly once, twice, three times, but the State of Nevada has been treated unfairly numerous times, not the least of which was pointed out here by the staff investigators, who said that there was "a substantial and pervasive bias in favor of selection of Yucca Mountain and Hanford." Not only did they do that, but also, they calculated what they did at Yucca Mountain to appear less costly so the salt sites would not look as good. That is a report that was not made by somebody from the State of Nevada, someone who was hired as a consultant by the State of Nevada, paid for by the State of Nevada. These were two staffs from the House of Representatives who came up independently, on their own, with this information.

> The subcommittee report documents clearly that DOE manipulated data—

That is a term of art—"manipulated data."

> —weighting factors and analytic techniques to arrive at a predetermined set of sites.

The investigators concluded that—

> A review of internal DOE documents strongly suggests that DOE had decided on three sites prior to completion of the methodology report, and then tailored the methodology to justify the final decision.

This is heavy stuff. A subcommittee report documents that DOE manipulated data. They weighted factors and analytic techniques to arrive at a predetermined conclusion.

> The investigators concluded that "a review of internal DOE documents strongly suggests that DOE had decided on three sites prior to completion of the methodology report, and then tailored—

This is different from "manipulated" but it just as strong.

> —tailored the methodology to justify the final decision.

Mr. President, I hope my colleagues and their staffs have the opportunity to hear this, to read this: "tailored the methodology to justify the final decision."

Then you wonder why the Senator from Washington stands and spends 3 hours on the Senate floor talking about how he feels the State of Washington has not been treated fairly. Why? This is an issue that is bigger than the State of Washington, bigger than the State of Nevada, larger than the State of Texas. Why? Because it has not been fair.

The State of Nevada has done a great deal for the security of this country, and we are proud of it. We support the national testing facility. That is not only the testing facility for the United States but also for the rest of the free world. Great Britain and other countries set off nuclear devices there. We are proud of the fact that we have the Nellis Air Force and Gunnery Range there, Indian Springs. We had at one time—it is not as large as it was—the largest naval ammunition depot in the world out in the middle of the desert. We are proud of that. It is still there, an Army ammunition depot. We are willing to give of ourselves for the national defense of this country.

We have now an outstanding facility that is growing rapidly at Fallon Naval Air Station. Most people believe it is the finest naval flight training facility in the world. We are glad to give this and more.

Nuclear waste, we say, "Stop!" Stop not only because it is not right that we get it, but the reason you are trying to give it to us has been manipulated; it has been tailored. They knew the score before they added it up. They looked at the score. We do not want it. They cheated. And then you think Nevada wants it? Whatever the price, we do not want it. The State of Nevada has been cheated.

If any State of the Union is manipulated, if certain things are tailored to come out with a result that should not be, it affects not 1 State of the 50 States; it affects all 50 States, because you are next. If the Department of Energy can do this to Nevada, Washington, and Texas, they can do it to any State on any issue. That is why Nevada fights this, and we are going to fight it to the very end, because it is unfair.

A report of a subcommittee of this Congress documents clearly that the Department of Energy—I do not like to say that; that is an agency of my Government—manipulated data, weighting factors and analytic techniques to arrive at a predetermined set of sites. They concluded that "a review of internal DOE documents strongly suggests"—it does not say "maybe"—"that DOE had decided on three sites prior to completion of the methodology report, and then tailored the methodology to justify the final decision."

That is not something I wrote and came to the Senate floor and read on nuclear waste. This is a subcommittee of Congress.

> As if the ongoing controversy over the first repository site selection process was not destructive enough of the principles embodied in the NWPA, the Department appeared to cast aside all pretense of objectivity when it announced that the search for a second repository location was being suspended.

Listen to this: Why did they do it? Because they did not want three States on the floor of the Senate fighting what they had manipulated and tailored. They only wanted three. They did not want us to have any help. They did not want the other States, States that were called for under the Nuclear Waste Policy Act.

Why should the West take all this nuclear waste? Why should we take it all? Why should it be hauled thousands of miles across the highways and railways of this country, through big cities and little cities? Why should it be hauled? Why should it not be like the act said, like President Reagan said the act should be? That is a bill that is good for all these groups because it is good for America. Why did President Reagan say that? Because it is fair. What the committees have come up with is fair.

All we wanted is something that is fair. But, no, as if to rub salt in the wounds, they do away with the second site process. How does it make us feel? It feels we were already in the grave and you were dumping the dirt on it.

(Mr. WIRTH assumed the chair.)

Mr. REID. Now, talk about politicizing an issue they did it. If there were ever a more direct shot at making something political it is they are suddenly saying, "We are getting some criticism from this State and this

State and this State. Some of the States have a lot of people in them, a lot of Congressmen, some powerful Senators. Why do we not just eliminate them? That will be one less problem we will have to worry about."

Well, they were right on that issue. It relieved some of the political pressure but, as I said earlier in my remarks, those States better not rest easy. Those States better not rest easy under this proposed legislation. They better not think they are off the hook because they are not.

Reacting to what it viewed as a program in disarray and out of control, Congress, through the fiscal year 1987 budget appropriation process, imposed a 1-year moratorium on site-specific activities and directed DOE to take steps to rectify problems with the program. However, there has been an increasing awareness in Congress and among the various States that the waste program has already been so compromised—and the Department of Energy so entrenched in its approach—that expecting DOE to fix the effort is unrealistic.

I think that is a pretty good statement.

My next chapter, Mr. President, is entitled "The Seductive Quick Fix."

THE SEDUCTIVE QUICK FIX

As the repository program foundered followed the May 28 decisions and the subsequent budgetary moratorium, Congress began slowly to realize that something proactive would have to be done to salvage the effort. One proposal which gained favor quickly with several influential Senators involved modifying the Nuclear Waste Policy Act to require DOE to proceed to characterize only one of the three sites identified on May 28, and to focus all efforts on developing that site, which is assumed to be Yucca Mountain in Nevada, as the sole repository location.

However, Mr. President, if you talk to people from Texas, they will tell you that they are the site. If you talk to people from Washington some of them will tell you they think they are the repository location. But many have said that Yucca Mountain in Nevada is a sole repository location in the minds of these forces who are trying to move this legislation. That is in spite of the fact no one has talked about it at any great length today. That is in spite of the fact not only are we talking about putting a high-level nuclear waste repository burying it in the ground. It is going to be next to a nuclear weapons testing facility. I do not mean 100 miles away. I mean next door, adjoining, adjacent, outside this wall.

Do you think a high-level nuclear waste repository is going to get jangled much when a nuclear bomb is set off? I think so.

Do you think the Department of Defense and the Department of the Air Force have a right to complain? The obvious answer is "Yes."

Well, anyway, some people are saying that it is going to be Yucca Mountain. To make the characterization decision more palatable, a package of incentives was included in the proposal. Supporters of this approach readily acknowledge that the Department of Energy's implementation of the Nuclear Waste Policy Act to date has been disastrous. Rather than proceeding from the more logical premise that the way to fix the program is to mandate a return to the frame work prescribed by the act but abandoned by DOE, the proponents of the quick fix approach engaged in a substantial feat of logical or maybe we are better off calling it illogical gymnastics by suggesting that it is the Nuclear Waste Policy Act, not DOE, which is to blame for the current sad state of affairs. I dare anyone to suggest that to Chairman Morris Udall. The act, they contend, is simply too complex and unworkable, and DOE cannot really be blamed for not living up to its provisions. The solution given this view of reality, lies in simply accepting DOE's technical data for each of the three sites as being adequate and indicative of acceptable and safe locations and endorsing the post-Nuclear Waste Policy Act actions and decisions of the Department which led to the identification of preferred sites—and to the present sorry state of the waste disposal program.

At best, this proposed fix is reflective of a seriously incomplete understanding of the problems confronting the high-level nuclear waste disposal program today. At worst, it can be seen as indicative of a disturbing naivete, a disregard for the principles of scientific objectivity, and an implied acceptance of national nuclear waste policymaking which is governed solely by the exigencies of short-term parochial political expediency. The proposal exudes a thinly disguised contempt for the type of public involvement and democratic decisionmaking which Congress so carefully institutionalized in the Nuclear Waste Policy Act. It also serves to fan the flames of regionalism and relegates the technical aspects of site selection to the secondary status far behind political and ease of siting considerations.

The framers of the Nuclear Waste Policy Act realized that in order for any State ever to be able to accept a repository, a situation must be created whereby the leaders and citizens in that State are able to see and believe that the site selected was the product of an impeccable scientific objective screening process. No amount of compensation or Federal incentives could ever substitute for safety and technical suitability, and I might add, fairness in the site selection process. The Nuclear Waste Policy Act was crafted to assure that this level of confidence could in fact be achieved.

Mr. President, continuing with the chapter in my statement here that I have referred to as the seductive quick fix, the problem facing the nuclear waste disposal program today is not, as many would have us believe, the result of the inherent self-destructive flaws in the Nuclear Waste Policy Act established frame work for identifying repository sites. Admittedly, the siting process is described in the act as complicated, but so is the problem being addressed, and so is the American political system within which this problem must be resolved.

As one member of the National Academy of Sciences' Panel on Social and Economic Effects of Nuclear Waste in America put it:

> In the United States, it is not enough merely to reach the right decision. It must be reached by the right processes, as well.

That is a powerful statement. It is a powerful statement from the people of the State of Nevada who have given so much and all they want is to be treated fairly and in this instance they were not.

Why not Nevada? Although disturbing, it is not surprising or novel that Eastern journalists and legislators seeing the Nation's nuclear waste program on the verge of collapse should seek an answer that misrepresents both the problem and the solution. After all, if Nevadans can accommodate nuclear testing, why should they object to a repository? Is not Nevada largely comprised of barren expanses of deserts and mountain ranges? Does not the State have extremely favorable, that is low, population density for activities of this type?

In short, why not Nevada?

Mr. President, I had the good fortune this summer, during our August recess, to travel to one of the most beautiful places in the world, a place in Nevada, one of the many beautiful places in Nevada, but this was the dedication of the Great Basin National Park, an area that has on it the oldest living things in North America, the oldest living things in the world, bristlecone pines, 4,000- to 5,000-year-old glaciers, mountain mahogany, wildlife in abundance, lakes, a beautiful place. This was the dedication of the first national park on the continent of the United States in 15 years and, according to Mr. Mott, the director of the Park Service, perhaps even the last national park that the United States will ever have.

I mention this only to indicate that this is only one beautiful spot in Nevada. We have numerous beautiful places in the State of Nevada. The State of Nevada is a series of intersecting mountain ranges. Wheeler Peak in the Great Basin National Park is over 13,000 feet high. We have other mountain ranges. Wheeler Peak is not the highest mountain in Nevada.

So anyone that says that Nevada is barren and not a beautiful place, they have not been to Nevada.

So, despite what some perceive as advantages for nuclear waste disposal, the fact is that Yucca Mountain is not a good location for a repository.

We have talked about some of the reasons here today. To conclude otherwise, it is necessary to accept DOE's overly optimistic assessment of the geohydrologic environment of Yucca Mountain, something that is very difficult to do without that all important ingredient for good fiction: a conscious suspension of disbelief.

There are, in fact, major features of Yucca Mountain which, under the DOE's own siting guidelines, could disqualify and perhaps should disqualify the site based on reasonable conservation interpretations of available data, including the potential for large-scale earthquakes, fault movement, renewed volcanoes, rapid ground water movement—and this one we have talked about already—atomic energy defense activities at the test site—and remember, the test site is not a long ways away; it is next door—which could, of course, conflict with repository activities; potential degradation of ground water; problems with structural characteristics of tuff rock at high temperatures; and potential for mineral resources, gold or silver, some even say, at the site.

There is no question that there is substantial evidence to show that there is volcanic activity in the region surrounding Yucca Mountain, the earthquakes and volcanoes.

For example, they even ran one in National Geographic which cites the problems that can occur there because of volcanoes and earthquakes.

One of DOE's documents uncovered by the House subcommittee—that is, one they did not destroy—confirms what Nevada scientists have been saying all along. In a chapter which was purposely deleted from DOE's site recommendation report, the Department's staff concluded:

> Based on this review of potentially adverse conditions with closely associated disqualifying conditions that may introduce contention and potential delay, the Davis Canyon site in Utah and the Yucca Mountain site appear to be the least favorable sites.

Well, Utah won; we lost. Even though we were, by the staff's own report, the least favorable, Yucca Mountain made it, anyway.

One of the few things in recent years Utah has ever beaten Nevada in, I might add.

Mr. President, when evaluated in relation to the other eight preselected sites which DOE considered in the limited screening effort that was undertaken, Yucca Mountain would have rated very low on the list were it not for the fact that the department used a self-imposed requirement for characterizing sites of three different rock types as a prime criteria for selecting sites. Since Yucca Mountain was the only tuff site and Hanford was the only basalt site and since all the remaining sites were located in the salt formations, both Hanford and Yucca were guaranteed to be selected among the top sites. There was no way you could avoid them using these methods that were prearranged.

When evaluated against long-term waste isolation criteria, both nonsalt sites rate well below all six of the salt locations.

A dramatic example of this is the performance of the Nevada and Washington sites compared to DOE's other preferred sites and their relation to crucial health and safety standards.

DOE's own working papers for the draft concluded that a Yucca Mountain repository would result in over 10 times as many cancer deaths as any salt location. Their own working papers.

That Yucca Mountain repository would result in over 10 times as many cancer deaths as any of the salt locations.

The Hanford site was estimated to result in more than 20 times as many fatalities as the nearest potential salt repository. Those are staggering statistics. Then you wonder why the people of the State of Washington and the people of the State of Nevada are concerned, when the DOE in their own papers that we have been able to get our hands on come out with information like this.

Mr. President, the simple fact is that Yucca Mountain would never have seriously been considered as a location were it not for the presence of the Nevada test site to the east, next door. The fact that not a single other tuff site anywhere in the country was even investigated stands as mute testimony to the questionable nature of arguments which extol the virtues of this geologic environment.

Quite apart from the apparent misrepresentations of the technical merits of the Yucca Mountain site, there has been a more subtle, yet pervasive, misrepresentation occurring which serves to further rationalize locating a repository in Nevada. The argument made in this regard suggests that since Yucca Mountain is on the Nevada test site which is already so contaminated by both above- and below-ground atomic tests, additional radioactivity in the form of spent fuel will make little difference.

The fact is that all but a small fraction of the Yucca Valley is located outside of the western boundary of the Nevada test site. None of the area for waste disposal is located on the test site. Yucca Mountain is not and never has been contaminated by weapons testing nor is the area around the site a desolate, barren wasteland known for little else besides the jackrabbits and mushroom clouds. It overlooks the community of Amargosa Valley. It sits atop two aquifers, a shallow one that provides water for the Amargosa Valley as well as the Nevada test site, and a deep carbonatic aquifer that represents a potential water source for the valley and expanded population and industrial activities throughout southern Nevada.

I have talked a little bit about the beauty of our new national park, Mr. President, but we have all heard of the oasis in the desert. I am just referring to an oasis in the desert. Amargosa Valley, water gushing out of the ground. They grow cotton. They grow things in that area.

I might add here, Mr. President, that this is an extremely important thing for southern Nevada. Approximately 60 percent of the people in the State of Nevada live in the greater Las Vegas Valley. We are fortunate that we have had the benefit of the Colorado River. But that cannot go on forever. We are limited in how much water we can take out of that. There have been arrangements made with Arizona, with Utah, with California, and the water has all been allocated out of that little mighty river.

So we need to look for other sources to satisfy the needs of the hundreds of thousands of people that now live in that desert valley. It would be a shame to, in any manner, destroy or damage or harm or put in jeopardy that water that we know is there but needs to be developed, in this deep, carbonate aquifer.

The argument that radiation already in the ground at the Nevada test site, as a result of bomb tests, somehow justifies importing the additional radioactive poison contained in the spent fuel and high-level waste to be disposed of in a respository is spurious. Analysis of weapons-testing radiation in comparison to the Curie-equivalent of radioactivity in a respository indicates it would require more than 2.3 million explosions of nuclear devices yielding 18.6 kilotons each, that is the size of the weapons dropped on Japan, to produce the same fission inventory as the 70,000 metric tons of spent nuclear fuel that are ready to be hauled, ready to be transported across this great country through the towns and cities and farms to this site; unknown in the West, to bury this poison.

While weapons testing may be more dramatic, it poses nowhere near the threat of subterranean contamination that a repository does.

Nevada is one of the fastest-growing States in the Nation and southern Nevada is developing at a very, very rapid pace. Given the questionable geohydrologic conditions at Yucca Mountain, it is possible that a breach in the integrity of the repository during the next 50, 100, 500 or more years could do much more than contaminate a few acres of barren desert. Such an occurrence could, by fouling the aquifers, hinder or prevent continued growth in economic development, diversification in southern Nevada by impairing the lifeblood of such progress in the West: potable water.

For Nevada the proposed repository represents more than a short-term problem. It stands as a long-term threat to the future well being of a dynamic and growing area.

A final misrepresentation that serves to rationalize the location of a repository at Yucca Mountain is the contention that such a facility would actually benefit Nevada by helping to promote economic development of a kind that is especially well suited to the State. This argument draws upon the subtle but pervasive prejudice about Nevada and its economy.

Everyone knows that Nevada is heavily dependent upon a thriving tourism industry for its economic well-being. The fact that gaming plays a major role in that industry appears to have led some to believe that we Nevadans must somehow be rescued from ourselves; and that the proposed repository offered a kind of economic salvation that can become the basis of a gaming-free existence.

(Mr. DIXON assumed the Chair.)

Mr. REID. Mr. President, Nevada's economy, like its rugged and majestic landscape, is unique. It is an economy supremely adapted to existing conditions. It has served the State, and it has served the State well. Nevadans recognize, nevertheless, that continued economic diversification is needed and efforts are ongoing in this regard. To suggest, however, that a nuclear waste repository will be the panacea of economic and industrial benefits is naive at very best. At most, such facility, by DOE's estimates, would, during the construction phase, employ less than 2,000 workers during peak construction, and after the facility is constructed maybe 120, maybe 180. But, really, nobody. It is not a job-creating project. If it is, let somebody else take it. We do not need 180 jobs.

In short, the economic benefits of the repository will be minimal and may not even offset the cost to local and State governments in terms of these services and facilities.

Because Nevada's economy relies so heavily on attracting visitors from other States and countries, and because our present economic development activities are beginning to bear fruit, the State is, and will continue to be for the foreseeable future, extremely vulnerable with regard to certain possible effects of the repository.

A 1985 study conducted by the University of Tennessee Center for Business and Economic Research was relative to the potential impact of a proposed MRS. Everybody understands there is going to be an MRS, there is going to be a monitored retrievable storage facility. Anyone who thinks with this legislation attached to this appropriations bill that somehow the MRS is going to disappear in thin air, the need for it, that will not happen. There is going to be an MRS and there will be one quickly.

The 1985 study conducted by the University of Tennessee contains results which are especially disturbing. Especially disturbing for everybody, but especially disturbing for Nevadans. In a survey of 306 randomly selected out-of-State individuals, over 47 percent said that they would alter previously set vacation plans if they later learned that their vacation site was located near an MRS.

Everyone listen.

Forty-seven percent said they would alter their previously set vacation plans if they later learned that their vacation site was located near an MRS. If they would alter their previously set vacation plans, think what it would be for planning in the future. They would never do it. If you are willing to interrupt something you have already planned, almost half of the people, certainly those people planning for the future would be almost nonexistent.

Of those who indicated they would alter plans, over half said they would still change them even if the facility were 100 miles away from their destination, and over two-thirds said they would change plans if the facility were 50 miles away. The same study looked at the possible impact on economic development.

Mr. President, I point out here another sidebar. We are talking about an MRS facility, and the same applies, of course, to a high-level nuclear waste permanent facility. But, regardless, of the 130 business executives interviewed, 55 percent indicated that an MRS would reduce their willingness to locate a business in a county that contained an MRS facility. When one considers the tourist-generated revenue account for much of the tax base in Navada and tourist-related industries are the State's largest employer, any reduction in visitors could have a catastrophic consequence.

Mr. President, in one of my former lives I was Lieutenant Governor of the State of Nevada. I had the good fortune to serve with a man named Michael Callahan, a two-term Governor of Nevada. I had a number of assignments. I can remember one of them was during the era of Howard Hughes. One of my responsibilities, which took a great deal of my time, was to arrange a meeting between Howard Hughes and the Governor of the State of Nevada. I flew all over the country secretly meeting with his inner circle of people who kept him on a day-to-day basis, people who fed him, who helped clothe him, who read his notes, who took his instructions.

We set that meeting up after a long time. The Governor met with Howard Hughes in London, England, the only person I know of in the last 10 years of Howard Hughes' life to see him. That took a lot of my time.

But, Mr. President, I spent more time on promoting tourism by far than I did any other assignment I had as a Lieutenant Governor. I had a number of speeches that I gave.

You know, Nevada is the entertainment capitol of the world and the convention capitol of the world. I have spoken to hundreds of thousands of people, welcoming them to the State of Nevada. I told them about Virginia City, that great Civil War town that helped finance the Union's effort during the Civil War. I would tell them about what a great place Virginia City is to visit, a place where they did not want outside people to come.

The original people who discovered Virginia City, and found that there were minerals in the ground, were mad because this black mud kept fouling their panning. They were so upset. They wanted gold. They did not want this black stuff, which turned out to be the richest silver ever discovered in the world.

So after the Comstock was discovered, they found that it was difficult to go into this ground. Why? Because it was not like any other ground that had been mined anyplace in the world, because not only would it cave in, and we from mining country know how cave-ins take place, but they would come back to their diggings in the morning and they would be twisted, almost like a convulsion had taken place.

How could they stop it? They went to Germany and a man by the name of Denasher developed an underground twister, to twist the timbers so they could keep their hole.

They had other problems. They got down into water and found that water was a problem, which was a problem even in the beginning ages of machines, where they had pumps to pump it out, most of it. In these diggings, they had steaming hot water, almost to the point of boiling water. People could not stand to be down there for more than 15 or 20 minutes at a time. They would haul ice from Lake Tahoe. The water was so hot you could not drink it. It was not potable.

What were they going to do for water?

The genius of the American mind developed the longest siphon in the history of the world, some 30-odd miles long. The siphon is still in existence. It siphoned water from Lake Tahoe to Virginia City to supply them with water.

I would tell them about the other great features of the State of Nevada. Lake Tahoe, beautiful Lake Tahoe, an Alpine glacial lake that we share with California, a beautiful lake. I am advised there is only one other lake like Lake Tahoe in the whole world, and that is in the Soviet Union.

I would tell people to come and see this beautiful lake. I would tell them about the bright lights of Las Vegas and Reno. I would explain that the last bank robbery that Butch Cassidy performed was in Nevada, in Winnemucca. After that, he skipped out and went to South America.

The State of Nevada is wealthy with things to bring people to the State. I have, Mr. President, only talked about a few things. I have talked about Virginia City. I have talked about Lake Tahoe. I have talked about Las Vegas. I have talked about Reno. I have talked about our national park. I have talked about Winnemucca. But we are a tourist oriented economy. Anything that affects a tourist oriented economy affects Nevada, and so when you look at the University of Tennessee study, it gives great concern to Nevada.

I harken back to my days as Lieutenant Governor. I would not want to have to tell the people who came to the State, those few that would continue to come, "Don't worry about this high-level nuclear waste repository." But I add, Mr. President, that if they bring this repository to Washington, Nevada, or Texas—let us assume they bring it to Texas or to Washington. I am still going to be worried for the people of this country because that 70,000 metric tons we have already has to be hauled on the highways and streets of this country. It is scary.

But it is really confirmed by the University of Tennessee study, on MRS, what it would do to tourism. It would have catastrophic consequences.

If a repository or a repository-related accident caused tourism to decline even by a few percentage points, the State would be facing a significant downturn.

I have heard all the arguments. I have looked at the studies, I have watched the pictures they have shown. DOE has this movie which shows a truck with some nuclear waste barrels on it, casks, they run it into a wall and they bounce out and they say, "Hey, none of it came out. Ain't that great. So if driving down our highways two trucks run into each other, don't worry about it."

Well, Mr. President, I do worry about it. I worry about it for a lot of reasons.

I reflected back to my days as Lieutenant Governor. I am going to reflect back for a few minutes to when I was a little boy, growing up in a little mining town in the southern tip of the State of Nevada called Searchlight. My dad was a hard rock miner. I can remember as a little boy being so excited on getting up early in the morning while it was still dark so we could go out and watch the atomic bombs go off.

Now, Searchlight was located some 55 miles southeast of Las Vegas. We had 55 miles protecting us that Las Vegas did not. The site was located probably 70 miles from Las Vegas.

But I was one of the lucky ones to watch those atmospheric tests go off. Why? Because the winds did not blow our way. The winds blew the other way. They blew into southern Utah. And what did those clouds of radioactive ash do? Killed people. The highest incidence of cancer in the United States is in southern Utah, towns like Hurricane, St. George, Enterprise, Gunlock. Those are the people who suffered. And so when I am told, "Senator, watch this movie and we will have a truck run into the wall and the casks will fall off, and see, nothing happens, you are OK, aren't you," no, I am not relieved at all because I know what happened to people who with good intention, because the Federal Government told them it was OK, watched the bombs go off.

I know what has happened with nuclear waste in addition to what has happened with the atmospheric tests where the Government says you are OK, do not worry. They told us things would be OK in Savannah River, in New York, Maxey Flats. Those areas are damaged. People relied on the Government to their detriment. States relied on the Government to their detriment. They are still trying to clean up the mess. The States do not have the power, the money, to clean up those messes. I wish I had a different word to use because they are worse than messes—tanks leaking. Leaking what? High level nuclear poison.

So when someone tells me, "Don't worry, everything is OK," and we have incident after incident after incident where we know it is not OK, when the Government said it was OK, we are in trouble. So we certainly cannot rely on this.

Any impact on the willingness of new businesses to locate in Nevada would be a severe blow to the State's economic diversification efforts. Far from being an advantage to a State like Nevada, the proposed repository has a potential for significant and long-term damage to the State's economy and the very future of the State.

This is true for Nevada. It is true for Washington. It is true for Texas.

At first glance, looking at the three sites that have been selected, you would probably say that Washington and Nevada—maybe in inverse order, maybe Nevada and Washington—are the two sites out of the three that would be looked to initially. But Texas, do not bet on it. The DOE has done nothing rationally to this point and I see no reason that they start now. Look at the site they selected for Texas—in one of the greatest agricultural areas in the world, water running underground. They are pumping this water for hundreds and hundreds of miles serving some of the richest farm land in the entire world. So Texas, do not rest on your laurels. Do not think it is not going to come to Texas.

But like several other States, Mr. President, Nevada is unique in another way that has or should have important implications for respository site selection.

Mr. JOHNSTON. Will the Senator yield for a question?

Mr. REID. I will be happy to yield for a question.

Mr. JOHNSTON. Yes, for a question.

Mr. REID. Without losing the floor, if it is a short question.

Mr. JOHNSTON. Did the Senator say that he thinks this might go to Texas?

Mr. REID. Well, I hope that my friend from Louisiana would recognize that Texas is one of the three sites that has been selected for characterization and if the DOE does its job under the terms of the 1982 act, of course, they are going to be digging a hole there and doing the things that they should have done.

There are some who say, however, that the reason Texas was selected by this phony process that the DOE used was to make it so it would be a shot between Washington and Nevada. There are some—and I said that in my statement—who say Texas is in the running, but if that is the case then the DOE has really politicized this, so I hope that answers the question.

Mr. JOHNSTON. If the Senator will further yield.

Mr. REID. Under the same condition.

Mr. JOHNSTON. Yes. That is understood. I just wanted the record to show that all the articles from Nevada which say this is a dump on Nevada bill, that it is all set for Nevada, there is no further question but to put it in Nevada, the Senator in effect disagrees with those articles and thinks that there is in fact a decision to be made between the three sites as to where to characterize it.

Mr. REID. I would state to my friend from Louisiana that I am aware of the statements by Members of the Senate, Members of the House. In fact, even though I have gotten credit for it, I did not develop the term, but I have gotten credit for it anyway. This amendment on this appropriations bill is termed in Nevada as the "Screw

Nevada bill." I did not give it that name, but I have gotten credit for it.

So there are Senators in this Chamber and Members in the other body who think it is preset that it would go to Nevada.

I am giving arguments here which if the Department of Energy is as unrealistic and as irrational as they have been in the past, no one better rest on their laurels because the Department of Energy could do anything out of the ordinary that they want to. But I would answer the question as I have.

Mr. President, like several other Western States, Nevada is unique in another way that has or should have important implications for repository site selection. A vast majority of the land in Nevada, in fact about 87 percent of it, is public land administered by the Federal Government. Eighty-seven percent of the land in the State of Nevada is administered by the Federal Government. Only 13 percent of it is State owned or privately owned.

This largely unused open terrain constitutes vital natural resources every bit as important as the country's mineral, oil, and other natural resources. Nevada's public lands represent a legacy of the Nation to future generations. They provided vital treasure, vital reserves for growth and recreation as well as for future defense and other activities. Like any other important resource, though, Mr. President, Nevada's lands require proper management and adequate planning for present and future utilization. To date, however, there has been no attempt to study how this land, this resource, can best be used to the benefit of present and future generations; that is, to the benefit of the future generations of Nevadans but also Americans. This land, this 87 percent, is for the use of not only the people of the State of Nevada, but there may be uses developed that everyone can benefit from.

I think it is also important to mention that what I am talking about is not pie in the sky. Mr. President, there really are treasures in that ground. If the State of Nevada were a country, which it is not, it would be the, I think, sixth or seventh largest producer of gold in the world. We are the largest producer of gold in the United States. We produce lots of gold and there is gold "in them thar hills." There is gold. They are finding it all the time. They do not find it the way they used to when my father would go prospecting. He would take his little pan with him or if he did not, he would bring samples home and mark where he got them and he would pound up the rock and he would get some water and pan it out to see if there was any color in it. We do not have to do that any more in Nevada. We are able now through modern scientific processes to refine gold where you cannot see it when you pan it. It is microscopic gold. That is where the gold now comes from. The millions of ounces of gold that come out of Nevada each year are microscopic.

So this resource about which I speak is an important one only for the people of the State of Nevada, but it is important for this country because being a mineral producer is important. One of the real problems we have in this country, and there have been numerous people speak on the Senate floor, my colleagues have spoken about this over the months and years—we do not have an energy policy. Well, that is fine. People talked about that a lot. But just as serious, we do not have a mineral policy. We are doing nothing to develop the minerals of this country. We need to do that. We need to do more in exploration. We need to do more in synthetic development of materials that we are now importing, hurting our balance of trade, from the Soviet Union, from South Africa, from other countries.

So before more land is contaminated or otherwise irrevocably taken out of the resource pool it is crucial that an available resource measurement plan be developed and that this type of forward-looking initiative take place before any additional irreversible decisions such as siting of a nuclear waste repository are made. These are things that should have been taken into consideration. You put all these things together that I talked about in the past—and I have more to talk about in the future—but put all of these together, Mr. President, with how DOE has basically messed up the process, it creates to me a longstanding suspicion as to what really is being done in nuclear waste and what they want to do with nuclear waste.

The environmentalist dilemma is another chapter that I want to talk about because you do not want to win the battle and lose the war. As the debate over how to fix the Nation's nuclear waste program intensifies, and it surely will in the months ahead and as pressures mount to find easy and expedient solutions which the precarious predicament of DOE's mismanagement has created, organizations and individuals concerned with the environmental consequences of waste management may find themselves in a somewhat paradoxical situation. On the one hand, the need to find a safe permanent disposal site for spent fuel and other forms of high-level waste now stored temporarily around the country. Some of it within large metropolitan areas requires some would argue an expeditious resumption of the stalled waste program.

On the other hand with a solution which abdicates the careful, technically driven site selection embodied in the Nuclear Waste Policy Act, Mr. President, I think it is important to go back and talk again about the date of January 7, 1983, where the President of the United States said with the best intentions: "Almost a dozen congressional committees were involved in this legislation, but with bipartisan support and cooperation from industry, labor, and environmental groups we managed to get through the process. It is a bill—the President is still speaking—"that is good for all these groups because it is good for America. This legislation represents a milestone for progress and the ability of our democratic system to resolve the sophisticated and divisive issue."

That is what the President said.

And if we look at what has happened, the President's words were thrown away. His good intentions were thrown aside. That is to bad because as the debate over how to fix the Nation's nuclear waste program intensifies, I am reminded, I have to go back, I have to reflect upon the words the President of the United States in saying I cannot believe it. It worked out. I am sure at that time Mo, Chairman UDALL, who had spent so much time on this was really happy with the accomplishments that had been made. I am sure my friend from Louisiana, who worked very hard on this issue up to that time and since that time, was very happy at the statement the President had made and the progress that everybody agreed had taken place. But it was all thrown aside.

As the debate will intensify in the months and maybe even years ahead and as pressures mount to find easy and expedient solutions to the precarious predicament of DOE's mismanagement has created, organizations and individuals concerned with the environmental consequences of waste management may find themselves in an awkward situation. On the one hand the need to find a safe, permanent disposable site of spent fuel and other forms of high-level waste now stored temporarily around the country. Some of it within large metropolitan areas requires some would argue resumption of the stalled waste program. On the other hand, a solution abdicates the careful technically driven site selection process embodied in the Nuclear Waste Policy Act in favor of a more expedient approach that essentially requires selection of only one technically questionable location could in the long run result in far greater delays and even a complete collapse of the entire program. My friend from the State of Washington, I think, did an outstanding job of talking about that.

And I think more needs to be said about that as we proceed with this discussion because certainly you do not want the whole program to collapse. If you just pick one site, you are in for trouble and the pressure that it puts on many other governmental agencies, not the least of which is the Nuclear Regulatory Commission, is unbelievable.

In addition, environmental organizations may well be drawn into the regional battle which is taking shape which is an East-West confrontation revolving around the issue of equity and nuclear power.

The battle which was won with the passage of the Nuclear Waste Policy Act unfortunately did not signal victory in the war. Unless there is a serious and concerted effort to reinforce the principles and compromises contained in the act, it is very possible that the guerrilla war which the DOE has waged against the Nuclear Waste Policy Act since 1983 will negate the victory which the act represents.

Much has been made during the past few years of the alteration in the Federal-State relationship known as new federalism. Perhaps no single piece of legislation epitomizes better the promise of this principle in cooperative Federal-State problem-solving than the Nuclear Waste Policy Act of 1982. You heard what President Reagan had to say about that. He was saying what had taken years to say. Basically, he was saying, "Good work. This is part of the democratic process at its best. You have resolved a sophisticated and divisive issue."

At that time, no single piece of legislation put the concept more to the test.

When the Nuclear Waste Policy Act was being debated in the U.S. Senate, two complementary principles which bear directly on the nature of the Federal-State interaction were considered to be of predominant importance. The Senate committee report notes that one principle is that a State or Indian tribe should be entitled to the rights and opportunities to participate but that no such State or Indian tribe will possess the right, through this or any other Federal or State legislation, to exercise an absolute veto over any aspect of the planning, site development, construction, or operation covered by the act.

A second principle is that affected States and Indian tribes should be treated equally.

As long as these two principles function in tandem, a workable solution to the waste disposal problem seemed to be within reach. However, my friend from Washington and I have tried during the last few hours to describe the manner in which DOE has ignored the law in both of these concepts.

We recognize the need for a solution to the nuclear waste problem, and we support a fair and comprehensive scientifically based process for identifying the safest and best repository sites. However, we will oppose any solution—and I put this in the context of "we"—we, the State of Nevada, because we join arms in this. This is not partisan. This is an area where there can be no partisanship, and there should not be. We will oppose any solution which attempts to legitimize the siting decisions arrived at to date by the U.S. Department of Energy.

Gov. Richard Riley of South Carolina made a prophetic statement back in 1982 when he stated that a process of decisionmaking with regard to nuclear waste disposal must be established that will allow us to have confidence in the results of that process. He said there will be uncertainties, no matter what the decisions are, and only confidence in the process which leads to these decisions will enable us as a society to live with those remaining uncertainties.

Mr. President, the statement made by Governor Riley is what we are talking about today. That is what Senator Adams, Senator Hecht, and I have been talking about.

The Nuclear Waste Policy Act remains the best hope of the Nation for solving the nuclear waste problem. There is an urgent need for leadership that is willing to examine carefully how the program has come to its current sorry state and make appropriate midcourse corrections which will return the effort to the goal set forth in the act.

The subjective nature of the guidelines certainly allows continuation of the predetermination, and the subjective application of guidelines seems clearly intended to ratify the predetermination selection of Yucca Mountain. Other evidence of this predetermination exists outside of the draft environmental assessment.

According to the draft statement of DOE, screening of sites in basalt and tuff were intiated when DOE began to search for suitable repository sites on Federal lands on which radioactive materials were already present. The approach was recommended by the Comptroller General of the United States in 1979. The Comptroller General's report recommended screening of the Federal reservations—Hanford, WA; the Nevada test site; Idaho Falls, ID; and Savannah River, SC—to determine if geologically suitable sites could be found on those reservations. The report pointed out that several of them contained quantities of high-level waste, requiring disposal.

Moving this waste to another location for permanent disposal was considered to be questionable from a safety standpoint.

In the final analysis, the Comptroller General recommended that DOE examine such reservations for four reasons.

First, the lands are already highly contaminated. We have already discussed that at some length.

Second, these sites contain significant quantities of high-level waste needing disposal.

Third, there is a high degree of public and political acceptance for using such reservations for nuclear purposes.

And, fourth, DOE already owns or controls the land.

Yucca Mountain does not appear to qualify under any of these conditions. It is not located on the Nevada test site and even according to DOE it is not contaminated. The Nevada test site does not contain not has it ever contained any quantities of high-level waste requiring disposal, although portions of the site are contaminated as a result of other nuclear activities.

There is not a high degree of public or political acceptance of the proposal to store nuclear waste at the Nevada test site.

It has not been brought up today, Mr. President, but I will deviate a little from my remarks to indicate to this body that Nevada does not produce high-level nuclear waste. We do not produce any commercial nuclear waste, not 1 ounce of it. But yet we are being asked to accept maybe 70,000 metric tons.

In fairness, should not those States that produce nuclear waste have to deal with this at least on a partial basis? That is where we came in under the 1982 act with the second round sites—again fairness.

Finally, DOE does not own or control the land in which Yucca Mountain is situated. In fact, it will take an act of Congress to withdraw the land from the public domain. Even though 87 percent of the land is federally controlled, it will take an act of Congress to allow Yucca Mountain to become high-level repository.

Moreover, DOE has completely failed to consider the extent to which the repository Yucca Mountain has a negative impact on the future weapons testing of the test site.

Mr. President, we have talked about negative impact with tourism and there is a lot more to be said about that. We have talked about the negative impact from the Department of Defense standpoint with the Nellis gunnery range. But we have not talked about how it will impact upon the nuclear test facility on future weapons testing programs.

Understand also, as I am sure the President does, and I am sure other Members of this body understand, there are things going on at that test site other than the setting off of atomic weapons that are of crucial importance to this Nation. Should not they be taken into consideration? They have not been.

The fact is that the search for the prospective repository site was geographically limited to the southwestern portion of the Nevada test site away from the areas subject to the incompatibility of the two programs.

Let us talk about this a little more. Recognizing that there would be a problem with having the Nevada testing facilities next to the repository, what DOE said was we will fix that, we will only look at areas away from where the weapons are set off. They recognized the two are not compatible.

The importance of the weapons testing program to the national security and the economic well-being of Nevada should not be jeopardized by the prejudgment of the Department of Energy in selecting a site for the nuclear waste repository.

DOE implementation of the recommendations contained in the Comptroller General's report and the subsequent identification of Yucca Mountain and Hanford as the only potential acceptable sites, raises several important questions that bear directly on the validity of the entire screening process.

There is no discussion in the draft or elsewhere as to why the Idaho Falls or Savannah River reservations were not screened for potential repository locations. Both areas clearly fall within the parameters established by the Comptroller General.

If existing land use was a primary consideration in the selection of sites in Washington and Nevada, it should have been an equally compelling reason to closely examine Idaho and South Carolina.

Another question continues to obscure DOE's logic and following the Comptroller General's recommendation involves the rationale for looking at Yucca Mountain in the first place.

Given the limitations in the report, why did DOE move off the Nevada test site in its search for possible repository locations? That is an interesting question that has not been answered.

The Comptroller General in 1979 in that report implies that DOE may have been under considerable pressure to identify potentially acceptable sites on at least one Federal nuclear reservation.

If DOE were to find that the geology of these reservations was unacceptable for a permanent repository, it would face very disturbing questions about permanent solutions regarding what to do with waste at these sites that cannot be moved to another location.

Looking at the problem from another angle, if the DOE reservations are not acceptable for storing wastes that would be shipped there from other locations, then they would not be acceptable for the long-term storage waste already there.

Clearly, these contaminated sites present a set of very perplexing problems to the DOE.

This is what the Comptroller General said.

The motivation to find a site at or adjacent to the Nevada test site is obviously very strong. There is no doubt that the Department of Energy had made a determination prior to January 7, 1983, prior to the President's signing of this bill, prior to the President's speech that a site at the Nevada test site would be selected for characterization.

Mr. President, on August 22, 1982, John W. Meres, Acting Under Secretary of the Department, wrote to Senator GORTON in response to his request about the Department's preference for the Hanford site as follows:

> The candidate site mentioned by Dr. Thomas Dillon in DOE's testimony before the Subcommittee on Energy and Environment of the Committee on Interior and Insular Affairs on June 17, 1982 refers to the area within the Hanford reservation that appears promising for further site characterization.
>
> In 1983 two other candidate sites for detailed characterization for shaft development will be selected and tuff within the Nevada test site and at one of the salt formations being considered.

This was a letter prior to the act being signed. The DOE obviously just disregarded the act as if it meant nothing, as if the President's statements that I have referred to before today, that the President's statements, almost a dozen congressional committees were involved in this legislation, but with bipartisan support and cooperation from industry, labor, and environmental groups we managed to get it through the process.

Part of the process of getting through were statements like this made in this letter to Senator GORTON. "It is a bill that is good for all these groups because it is good for America. This legislation represents a milestone for progress and the ability of our democratic system to resolve a sophisticated and divisive issue."

Well, it seems to me that this high-sounding statement, and it was a high-sounding statement, it was a principle statement, it was a statement that was based upon the facts as the President had them, and he, in effect, said, "You have done these great things, now go ahead and complete your work."

Well, they just ignored him, went back to their strategy as outlined probably in this 1982 letter prior to the act being signed.

As late as May 13, 1984, the Department still openly declared that a site in basalt, tuff, and salt would be characterized as though the 112(a) guidelines and 112(b) environmental assessment meant nothing other than ratification of DOE preact decisions.

I guess the DOE mentality in all of this was that what all this legislation was to do is just put a rubberstamp on what they had already done.

They completely ignored, went around, and violated the law. The law meant nothing. They just went ahead and did whatever they thought they should do prior to the law being passed. I guess they thought that the law was just to put a rubberstamp on anything they wanted to do.

In its draft preamble to the siting guidelines, DOE stated:

> The group of preferred sites, along with the sites that are the only sites in their settings, will be the sites proposed for nomination.

Concern about the objectivity of the siting process has been exacerbated by statements of various DOE officials that site-characterization work has actually been going on for several years at Yucca Mountain and that most of the necessary materials and equipment needed for such activities have been procured.

The DOE apparently believes that those site-screening activities that preceded the passage of the NWPA were ratified by the act and that the site-selection process required by section 112 of the act did not require that all preact siting decisions be rejustified under the new statutory process.

I think we have established here today that nothing could be further from the truth.

Although we do not always agree with positions stated by the Environmental Policy Institute, a portion of EPI's comments on the Yucca Mountain draft environmental assessment are very much in point regarding DOE's prejudgment of site selection. We agree specifically with those comments and restate them here:

> There is, we believe, a fundamental question concerning the validity of those screening decisions which predate the NWPA especially the validity of the basic screening decision based on Federal land use and other methods used at other sites. Once an area had been selected on the basis of Federal land use, DOE was forced to try to find suitable sites or media within that area rather than starting with an area already deemed to be suitable for geologic reasons. The description in Chapter 1 of the selection of the Yucca Mountain and Hanford locations makes explicitly clear that DOE has attempted to locate geologically suitable sites in a geologically unsuitable area.
>
> As described in Chapter 1, and Chapter 2 of the Yucca Mountain Draft EA, for example, DOE literally retreated to one corner of the Nevada Test Site before it could even begin to try to find a geologically suitable site because of nuclear weapons testing activities and ultimately had to select a principal location outside the boundary of the site thereby defeating the principal siting criteria.
>
> The consequence of these pre-MWPA screening decisions and DOE's view that they are not "reviewable" is not expressed in Chapters 1 and 2. Perhaps, as noted above, this omission is due to the fact that the final Guidelines were not published or effective during preparation of the draft EA's and the policy of "non-reviewability" was not as clearly articulated. Being less

> charitable, however, DOE may have deliberately down-played its view that pre-NWPA decisions are not reviewable, and were not, in fact, reviewed after the passage of the Act in light of the new requirements of the Act.
>
> It is our opinion that the Congress intended, in enacting the MWPA, review of pre-NWPA site screening decisions. Congress did not prejudge the suitability of any sites already known to be under investigation. Congress also did not presume to either know of all the sites, hence the notification requirement in Section 116 of states of potentially acceptable sites, nor to assume that such sites were suitable, hence the detailed requirements in Section 112 for Guidelines, nomination, and environmental review.

Not only has DOE committed a substantive error in ratifying its preact decisions with subjective evaluation since the act's passage, it has done so without the proper consultation with the State of Nevada. Most disturbing—given the fact that DOE was unable to find a suitable site on the Nevada Test Site and proceeded to screen sites outside of the NTS boundaries—is a 1979 memo from the DOE Nevada Operations Office to the DOE Headquarters—M. Gates to S. Meyers, April 16, 1979. In this memo, the manager of the Nevada Operations Office pledged that he would seek State agreement before examining potential repository locations off the test site. Although DOE has been evaluating Yucca Mountain since late 1979, the Department has never consulted with the State before proceeding off-site—in violation of DOE's own pledge to seek basic agreement with the State.

Similarly, DOE's 1981-82 area-to-location screening may be seen as a mere ratification of the Nevada Nuclear Waste Storage Investigation's [NNWSI] 1979 intuitive choice of Topopah Springs tuff beneath Yucca Mountain as a candidate site. Though technically sound, the studies done by DOE after that intuitive choice was made do not support the decision that Yucca Mountain is the best site available within the Nevada Test Site or in the immediately adjacent area. The fact that the reference studies in section 2.2.4 confirm the 1979 DOE decision is not surprising. Given that many of those involved in the 1979 choice of Yucca Mountain also participated in the 1981-82 studies, we would be more surprised if the results had not agreed. DOE must develop a rational under its own guidelines (10 CFR 960) and appropriate supporting data to reasonably demonstrate that Yucca Mountain is better than any other site actually on the Nevada Test Site from all standpoints.

Nevada has contended since the original publication of section 112(a) siting guidelines that they were illegally subjective. In Nevada's brief in the NRC Guidelines Concurrence Proceeding, the State of Nevada stated:

> Congress intended that objective standards could be applied with certainty in site recommendation after site characterization was complete: the decision of "suitability." Site suitability for development is determined under the statute as a pre-condition of site recommendation. It is a determination that a site meets the DOE guidelines. Note that 42 USC 10132(a) speaks of "guidelines for the recommendation of sites." The Department of Energy, because of a desire to create rules which could be used at earlier stages of decisionmaking, that is, site nomination, elected to use a subjective approach when an objective one was required. Congress contemplated that the same objective standards could be applied less certainly in preliminary determinations of potential suitability. See statement of Representative Ottinger, 128 Congressional Record H8796, discussing "preliminary determination of suitability" during the site characterization phase.

The State went on further to state:

> The distinction between a subjective and objective approach to repository site selection is significant to host states.
>
> If an objective approach is used, the Department of energy must compare the known-unknown physical condition of the site with a known measurable standard.
>
> Through site analysis before characterization would necessarily require some relatively uncertain conclusions or assumptions, the comparison at that time, of site recommendations after characterization, is an objective one.
>
> On the other hand, if the Department of Energy may use a subjective approach, it is only required to compare the same known or unknown physical condition with issue areas or policy statements.
>
> The conclusion derived therefrom, that one side is better or worse than another, is entirely subjective and the host state in deciding whether to approve or disapprove of the recommendation is thus likewise forced to make and defend a subjective, unscientific decision.
>
> It is obvious that the objective approach also better favors the purpose of the guidelines, "to protect the public health and safety and the environment."

There is a great colloquy. I would direct my colleagues to, between Representative John Seiberling and Chairman MORRIS UDALL, which again is cited in the CONGRESSIONAL RECORD, 128, at page 8778. There probably will be some time that I can later get into that colloquy in some detail and outline, word for word, what Representative Seiberling and Chairman UDALL had to say on this particular area, which is very important to the point that I am making here.

Nothwithstanding Nevada's and other States' continued objections that the guidelines were too subjective, DOE proceeding allowing itself to continue with preactive conclusions that required no reexamination.

Now the State's fear that section 112(b), environmental assessments, would amount to subjective applications of subjective guidelines, has occurred.

The manner in which the Department of Energy has used the guidelines in chapter 7 of the Draft EA is clear evidence that they are not capable of being objectively applied. Some examples of the text illustrates this subjectivity.

The draft EA compares five sites against the guidelines on geohydrology and the texts that I will submit at a later time concludes that Yucca Mountain is the only site of the five where favorable condition two is not present.

Similarly, five sites are comparatively evaluated against the guidelines on geochemistry and we find, in looking through some of the tables that they have set up, that—they conclude that a particular potentially adverse condition, that is, chemically oxidizing waste emplacement ground water conditions is present only at Yucca Mountain, only at Yucca Mountain. The comparative evaluation does not even discuss that potentially adverse condition in ranking sites under the guideline.

The presence of the potentially adverse condition seems to have no bearing on the rankings.

Also, five sites are comparatively rated against the guideline of geochemistry. I talked about why that is important and why the Department of Energy should have examined that. But nowhere have they done that. They, again, have violated their own rules, notwithstanding the law.

The DOE also makes general substantive conclusions that certain physical conditions either do or do not exist; assigns subjective values as to each of these conditions, and subjectively determines which of the sites is better than the others in the objective mind of the Department of Energy.

This analysis seems a far cry from the congressionally intended measurement of possible repository siting guidelines.

Adding insult to injury, the Department of Energy takes the various subjective determined data rankings under each of the guidelines that they have and performs statistical aggregation procedures upon them to arrive at a conclusion regarding the best of the five prepared sites. With the amount of subjective determination used in applying the guidelines, and with conclusions regarding ranking having been drawn from their application, any aggregation of these rankings would compound the subjectivity of the ranking, notwithstanding the computational method of aggregation used.

(Ms. MIKULSKI assumed the chair.)

Mr. REID. Probably the most telling development regarding the subjectivity of the DOE siting guidelines, their subjective application in the Draft Environmental Assessment and the DOE's attempt to ratify its preact selection of Yucca Mountain, is the failure of DOE's entire analysis to identify or evaluate the fact that a U.S. Geologic Survey map of seismic risk, probably the most telling development regarding the subjectivity of the DOE's siting guidelines, their subjective application in the Draft Environmental Assessment and the DOE's attempt to ratify each preact selection of Yucca Mountain, is the failure of DOE's entire analysis to identify or evaluate the fact that a U.S. Geologic Survey map of seismic risk places Yucca Mountain in a region of major seismic risk.

None of the other potentially acceptable sites are located in such areas, according to this map. A process that would or could not identify this striking fact can be hardly be said to be an objective comparison of sites against each other.

The Draft Environmental Assessments are inadequate, under section 112(a) of the act, and in three important respects other than this subjectivity.

The Environmental Assessments do not give sufficient weight to postclosure considerations, that is the geological considerations. They give unwarranted weight to geohydrologic settings and do not adequately treat the transportation issue, and that is an understatement.

They do not treat the transportation issue in any manner that is satisfactory.

The act clearly requires that a geologic consideration be primarily criteria for the selection of the repository site in various geologic media. In the draft EA, the postclosure guidelines which deals with geologic and hydrologic conditions relative to the long-term storage of high-level radioactive material have been arbitrarily weighted at 51 percent of the weighting of all the guidlines. The preclosure guidelines, those that deal primarily with the construction and operational phases of the repository and do not pertain to long-term isolation capabilities, have been weighted at 49 percent of the total.

Such assignment of relative values hardly seems the statutory directive that geologic considerations be primary. Congress clearly intended, by establishing geology as the primary criteria for siting, that guidelines relative to the ability of potential sites, that is—and host materials, to isolate waste for a period of 10,000 years or more, be preeminently weighted in the development and application of siting criteria.

The wording of the act in this regard was specifically designed by Congress to guarantee the selection of technically superior sites in a political process. The establishment by DOE of the 51- to 49-percent relative values for postclosure and preclosure guidelines affords relatively equal importance to each set of factors; something Congress clearly never intended and something we regard as a violation of the act.

DOE seems to have done exactly what Congress tried to proscribe. It has developed and applied guidelines that allowed DOE to ratify its earlier selected sites with consideration of nongeologic and nontechnical factors such as current land use and perceived ease of siting.

Had DOE adhered to the guidelines and directives of the Nuclear Waste Policy Act and weighted its postclosure guidelines so as to truly represent the primary criteria for site selection, it is very likely that the comparative analysis in chapter 7 that I talked about earlier would have yielded very different results.

If, for example, the relative values applied to postclosure and preclosure guidelines were 70 percent to 30 percent or 80 percent to 20 percent, respectively, neither Yucca Mountain nor Hanford would have ranked among the three (or even five) highest-scoring sites (even using the overly optimistic and generally unsubstantiated data and analyses contained in the draft EA). Unless the postclosure guidelines are applied in such a manner as to clearly reflect their prime importance in the screening and selection of sites, the entire process is deficient. It is also possible that the repository location that is ultimately selected will not effectively isolate the waste for the time period necessary. The implications of such an "error" in siting judgment are obvious and potentially catastrophic.

(b) Unwarranted weight of geohydrologic setting:

Instead of employing a straightforward comparison of all nine sites, DOE has chosen to group these sites according to five geohydrologic settings or provinces. Apart from the fact that such grouping is not relevant to this stage of the selection process, the use of this device guarantees that the two federal sites in Nevada and Washington will automatically be selected as two of the five to be considered for characterization simply because each federal site is the only one located in its respective geohydrologic setting. (See discussion of prejudgment above.) Because DOE has arbitrarily decided that only one site from each geohydrologic setting can be considered for further evaluation, it has dictated that technically superior sites may be overlooked in favor of less appropriate ones. This could hardly have been the intent of Congress.

DOE rationalizes its reliance on such geohydrologic settings by citing from the Act that the Secretary * * * to the extent practicable * * * recommend sites in different geologic media" (section 112(a)). In so rationalizing, DOE has confused the desire for geologic diversity with a requirement for characterization of different geohydrologic settings and has ignored completely the qualifying phrase "to the extent practicable." The draft environmental assessment is, therefore, inadequate under section 112(a) of the Act.

When Congress included the requirement that the DOE consider sites in different geologic media, it was concerned that, if all sites being considered were in a single type of host rock, a major flaw in that host material—should it come to light very late in the process—could seriously impair the entire repository program. However, Congress did not intend that the requirement for diversity preclude identification of superior sites. The Act clearly requires that geologic suitability is to be the primary criterion in site selection. By modifying the requirement that DOE recommend sites in different geologic media with the phrase "to the extent practicable," Congress clearly sought to keep the Act consistent with its intention that geologic conditions must be the primary basis for siting.

The DOE process produces a set of five sites irrespective of the actual merits of the nine or more sites under consideration. There is no assurance that the process used will discover five final sites that are technically superior (more suitable) than the others that have been considered.

(c) Inadequate treatment of transportation issues:

Section 112(a) of the Act requires that the guidelines "consider the cost and impact of transporting to the repository site the solidified high-level radioactive waste and spent fuel to be disposed of in the repository and the advantages of regional distribution in the siting of repositories." The guidelines are statutorily defective to the extent they do not address this important subject. While DOE guidelines do address (albeit inadequately) the proximity of specific repository sites to the national interstate highway and railroad routing system, there is no comparative analysis in the environmental assessments of the transportation-related risks that may arise from the selection of specific repository sites.

I think it is important that we point out that States that have in them very large cities will be the ones affected by this inadequate job of their not looking and doing a comparative analysis of the transportation-related risks. They simply did not do that and they simply should have done that.

This analysis must consider the specific transportation routes and distances that the selection of each of the considered repository sites would dictate and the impact on the public and environment that the selection of each would cause. Since this is a factor of repository siting that is statutorily required by section 112(a) and since (see section 112(b)(1)(E)(ii)), the Environmental Assessment is inadequate under the Act.

Also, of course, the "transportation corridor states" have a legitimate interest in this same analysis whether or not it is statutorily required. The DOE's failure to address this important topic is but another example of DOE's effort to ratify its pre-Act determination of the preference of federal sites.

(4) Statutory adequacy of the Environmental Assessment under §112(b)—

(a) Comparative evaluation of a nominated site with other sites and locations that have been considered (sec. 112(b)(1)(E)(iv)):

Chapter 7 of the draft Environmental Assessment purports to comparatively evaluate five sites. Yet section 112(b)(1)(E)(iv) of the Act requires that each nomination of a site under that section be accompanied by an Environmental assessment that includes "(iv) a reasonable comparative evaluation by the Secretary of such site with other sites and locations that have been considered" (emphasis supplied). Chapter 7 of the draft EA is obviously legally deficient because it does not compare the Yucca Mountain site with the Lavender Canyon, Swisher, Vacherie Dome, or Cypress Creek Dome sites, all of which were earlier determined by the Department of Energy to be potentially acceptable sites for a first repository. Nor does Chapter 7 comparatively evaluate the Yucca Mountain site with any other site or location that the Department of Energy considered in arriving at the list of potentially acceptable sites. Without this broader comparison, the Congressional plan, that DOE be guided to a suitable site by the guidelines and by comparison with all other sites and locations that have been considered, is replaced by a Department of Energy plan that its pre-Act site preference be ratified by subjective guidelines and limited comparisons.

Section 112(b)(1)(E)(iv) does not specifically state that the "other sites and locations that have been considered" is limited to "potentially acceptable sites" as that term is used in section 116(a). It certainly does not limit the comparison to only the five nominated sites. It is logical that the concept "other sites and locations that have been considered" is much broader than "potentially acceptable sites," possibly including every site that the Department of Energy may have investigated both before and after the passage of the Act. The concept must, of course, be bounded by some limits of reasonableness. The Nevada site is, nevertheless, entitled at least to a comparison with the Swisher County site, which the EA says is only "marginally" less suitable than the one in Deaf Smith County.

(b) Ranking methodology:

Nevada and other states have repeatedly communicated to the Department of Energy their desire to comment upon the decision methodology that was to be utilized by the Department of Energy in determining which of the three nominated sites it would recommend for characterization. The Department's position, stated in correspondence from Mr. Rusche to Mr. Loux, was that that methodology was not going to be disclosed to the states prior to its exercise.

Now, in fact, the Department has used that methodology, subjective ranking, in comparing five sites with each other in chapter 7 of the EA's for all nine of the potentially acceptable sites. The State had no opportunity to evaluate or comment upon this methodology prior to this time.

Ranking the sites on the basis of postclosure guidelines, the averaging method places Yucca Mountain fourth—we would be out of the running—and the pairwise comparisons place Yucca Mountain tied for fifth, again out of the running. If the ranking stopped there and its postclosure guidelines were given the weight that the States and probably the NRC were led to believe, then Yucca Mountain would not even be characterized, but the Department goes further and applies two entirely subjective methods to reach down and pull Yucca Mountain up to the top ranking.

First, of course, is the utility estimation method. This is a dandy, the utility estimation method. That method is entirely subjective. That is why it is a dandy. All one need do is to determine the number of 10's that must be assigned to Yucca Mountain as well as the number of sixes and sevens to the predetermined less favorable sites and anyone can produce a number one ranking for Yucca Mountain or any other predetermined site, and it certainly would be easy to come up with the top three from this method. For postclosure guidelines then——

Mr. JOHNSTON addressed the Chair.

Mr. REID. The Senator from Nevada has the floor. First, of course, is the utility estimation method. The method is entirely subjective. All one need do is determine the number of 10's that must be assigned, as I mentioned earlier. And it is easy to come up with any predetermined ranking that you want. A striking example of such manipulation can be shown in a table that shows Yucca Mountain and Davis Canyon are earlier ranked fourth and fifth under the site ownership and control guidelines because both require congressional action to withdraw the land necessary to develop a repository, at best not absolutely guaranteed.

Yet in applying the utility estimation method, the Department assigns a score of 10 to all five sites. This is not only subjective manipulation of the data, it is completely ridiculous and indeed dishonest. Any honest assignment of scores under that guideline would give Hanford a 10 because it is already owned by the Department, Deaf Smith and Richton lower scores because both sites can be acquired by either purchase or condemnation, but will entail additional expense, and Davis Canyon and Yucca Mountain even lower scores, perhaps five or three or four or two or three because of the inherent uncertainty surrounding any congressional action.

A thorough-going critique of the ranking methodologies used in the draft environmental assessment is contained in the final "Analysis of the Methods Used To Rank Potential Sites for Nuclear Waste Repositories as reported in the United States Department of Energy Draft Environmental Assessment, December 1984." That critique was prepared by ECO Northwest for the joint legislative committee of science and technology of the Washington State Legislature.

We concur with the criticisms contained in that analysis and raise them as objections to the draft environmental assessment for the Yucca Mountain site. In particular, we join in the conclusion, which was, "because of the inappropriate methods and poor execution, the sites the DEA selects for characterization cannot be proved to be the best three sites of all sites evaluated for a repository.

There are major deficiencies in the draft environmental assessment statement. The draft environmental assessment contains several omissions and other content deficiencies that seriously impede the overall analysis for key subject areas and cast considerable doubt as to the validity of the conclusions that are reached.

For example, first, the exclusion of Lincoln County and the city of Caliente in Lincoln County.

In examining the socioeconomic and transportation impacts of the repository at Yucca Mountain, Lincoln County and the city of Caliente are omitted from all the analysis contained in the draft EA, despite the fact that the main rail route by which high-level waste will enter the State traverses the entire length of Lincoln County and bisects the city of Caliente, NV. Since, by DOE's own projections, at least 70 percent of the waste will be shipped by rail and since the Salt Lake City-to-Barstow, Union Pacific Line is the only line under consideration as a preferred route, most of the radioactive materials destined to the repository must pass through Lincoln County. In fact, the city of Caliente, which is literally divided in half by the railroad, must be the only area in Nevada where the "maximally exposed individual," using the DOE's own definition of those three words, could actually be found since many businesses—and even the city offices—are as close as 60 to 100 feet from the rail bed. There are numerous other impacts directly associated with the continuous flow of radioactive wastes through the county and city over a period of 30 years that must be examined if the EA is to be considered a reasonable and complete assessment of the effect of the repository on State and local conditions.

I would also state, Madam President, that——

Mr. ADAMS. Madam President, will the Senator from Nevada yield for a question without losing his right to the floor?

Mr. JOHNSTON addressed the Chair.

Mr. REID. The Senator from Nevada has the floor.

The PRESIDING OFFICER. The Senator from Nevada has the floor.

Mr. REID. Did the Senator from the State of Washington wish me to yield without losing my right to the floor for the purpose of a question?

Mr. ADAMS. Yes, the Senator would request that the Senator yield for a question without yielding his right to the floor.

The PRESIDING OFFICER. The Senator may yield for that purpose.

Mr. ADAMS. I would ask the Senator from Nevada the following because he was just discussing the relationship between the States and the——

Mr. McCLURE addressed the Chair.

Mr. JOHNSTON. Madam President, the Senator has yielded the floor.

The PRESIDING OFFICER. The Senators will withhold. The Senator from Washington has the floor for the purposes of asking a question of the Senator from Nevada, who has the floor.

Mr. McCLURE. Parliamentary inquiry, Madam President.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. McCLURE. Madam President, the Senator from Nevada had the floor. The Senator from Nevada sat down and yielded the floor. Did the Chair observe the Senator from Nevada taking his seat?

The PRESIDING OFFICER. No.

Mr. REID. The Senator from Nevada responded to a question from his aide and did not sit down.

Mr. ADAMS. I would like to ask the Senator from Nevada the following question. The Senator was just discussing the problem of consultation with the States during the course of his remarks and I want comment from him on what has been the experience of the State of Nevada in consultations with the Department of Energy because this was one of the key ingredients of the original bill.

And I want to indicate to the Senator and find out from the Senator whether he has had the same experience that we have had in the State of Washington with the Department's failure to honor its responsibilities to consult and cooperate with the affected States and Indian tribes.

What our problem has been is that there was an attempt in the 97th Congress to have the Federal system really followed by having the Department of Energy consult with the States. State by State they were supposed to do this and tribes were supposed to be consulted also. I want to state that there was also in the act a formal mechanism for agreements and formal agreements between the Federal Government and the appropriate States and tribes as well as provisions for impact assistance.

I would like to inquire of the Senator from Nevada if any formal agreements were entered into between the tribes and the Federal Government or the State and the Federal Government with DOE, and to sketch for me whether the history of consultation has been as it was in the State of Washington where our own Governor was forced on three separate occasions to utilize a little known protection in the Nuclear Waste Policy Act to just get information about what was going to happen from from DOE. I refer specifically so that the Senator will know what part to look for in his documents. I refer to the 30-day letter which said that the Secretary of Energy must respond within 30 days to a written request for information and under that——

Mr. JOHNSTON. Point of order, Madam President.

Mr. ADAMS. He suspends all site selection. I would like to know whether the 30-day letter ever happened.

The PRESIDING OFFICER. The Senator from Washington will be allowed to repeat his question.

Mr. REID. I will respond.

The PRESIDING OFFICER. If the Senator from Nevada will withhold, the Senator from Louisiana has a point of order.

Mr. REID. I will respond to the question. I will reclaim the floor.

The point that the Senator from Washington has raised is a good one. While I cannot respond to every aspect of the question, I certainly feel that it is important to talk for a minute about the noncooperation that we have received from the Department of Energy and at some subsequent time I know that the Senator from Washington will go into some of the ramifications from the 30-day letter and some of the things that have simply gone wrong with the relations with our States and the Department of Energy.

As we are all well aware, as the Senator from the State of Washington is aware, I have talked for some time today about just some of the problems that went into selecting, in effect, moving with the ranking methodology that they have used, moving the State of Washington and the State of Nevada from up here down to here. Any method that would have been used that was fair would have placed the State of Washington and the State of Nevada out of the running. I have responded at some length here in the last little while.

There is a lot more to be said about that. But I think for a while, I am going to talk about some things that are more, I would say new, so to speak. These are the things that I talked about and we have to certainly talk about more that deal with how they have gone about their ranking methodology.

I am going to talk about some testimony that was given earlier to the Committee on Energy and Natural Resources before I return to some more on this methodology ranking. I am going to return to that at some time, but I want to talk about some of the blurring of objections and the inherent political aspects of this issue.

Many Members from other States understandably but unfortunately seem to think that our objections are grounded primarily in politics, and they analyze the repository program from what has been earlier referred to by the Senator from Washington as a NIMBY perspective. This type of analysis is one of the most troubling roadblocks or mindblocks of understanding that exists regarding repository programs. They mistakenly think that the affected States object to this program mainly on political grounds because their citizens' natural reaction toward having a nuclear waste dump is, "Not in my back yard," irrespective of any other considerations; and that these Members, being able politicians, also may conclude that they can remain in office much longer by assuring their own State citizens and that nuclear garbage will never be disposed of there even if it is produced in their State and could be handled safely there.

Yes, I say to my friend from Washington and my colleagues in the Chamber, NIMBY is an attitude that will always be present to some degree in any State's view of the nuclear waste problem. However, this inherent citizen uneasiness with the nuclear repository is precisely why Congress drafted the 1982 act to ensure that a scientifically based fair and credible siting process would be developed. Only by having such a process could any State ever gain enough public and political acceptance to permit the location of a repository within its borders. Unfortunately, while the States understood the critical importance of adhering to the act's process, DOE clearly did not. DOE's flagrant disregard of the act's concepts and requirements has, of course, flamed the NIMBY fires and enhanced rather than diminished citizen's natural fears.

More importantly, DOE's incredibly poor and insensitive performance concerning most key aspects of the program has destroyed public trust and credibility, and therefore as a result there can be no hope of ever siting a repository under the current DOE program.

NIMBY attitudes are not Nevada's motivating factor because second-round States have had only limited experience with DOE. Congress may have some basis for concluding their negative reactions are largely motivated by NIMBY attitudes. However, Congress must understand that such concerns are quite secondary in nature, and the other affected first-round States and tribes.

And for those of my colleagues who were not here for the original discussion several hours ago that my friend from the State of Washington gave where he first referred to NIMBY, the word "NIMBY" means not in my back yard. So when I refer to NIMBY, that is to what I refer.

Our actual experience with DOE has given us more than enough legitimate and substantial grounds: for example, serious questions concerning the proposed Nevada site's safety and DOE's unfairness, lack of credibility, and its politicization of the program to fight to stop the process. We have had no choice but to challenge DOE in the court because of its numerous violations of the act's legal requirements and protections. When I refer to "we," I refer to the State of Nevada. Anyone who seriously and fairly analyzes why DOE has implemented this program cannot but recognize immediately that such issues are more basic, overriding, and quite legitimate causes of our concerns. The time has come for Congress and other interested parties to move beyond the simplistic, convenient NIMBY analysis to face up to the real causes of the problems in the repository program and to help us resolve them in a fair and reasonable manner. Before describing today other specific objections of DEO's implementation program, I want to explain another concern that is somewhat unique to the State of Nevada and perhaps a few others.

This is the feeling of many Nevadans—that we already have certainly done more than our share. and I think it is worth considering the fact that we have done our share.

I think it is also important to talk about DOE's misguided implementation of the 1982 act. Again, we have talked about some parts of this, but other parts need to be spoken of.

Far more than anyone could have imagined, we have found throughout the process that DOE has repeatedly violated the Act's requirements and ignored its basic concepts. As I will outline below, DOE has implemented the program in total disregard of critical aspects of the Act and has simply often followed its own predispositions contrary to and in spite of the Act. Therefore, Nevada and the other affected States and Tribes and other interested parties have had no choice but to take issue frequently with DOE's misguided implementation of the Act. (As you may know, 40-odd lawsuits by various parties now are pending against DOE because of its improper repository program actions.)

Instead of learning from its early mistakes, DOE seems to have become even more determined and more arrogant in its "above or in spite of the law" implementation approach—as vividly illustrated by its recent attempt to drop the Second Round and to rewrite the Act administratively through the vehicle of Mission Plan Amendments, rather than through the legislative process. This DOE legacy has therefore given us exactly what any Member of this Committee would expect from such gross mishandling: an unfair, seriously defective program that has no credibility or acceptability.

Before proceeding to describe our major concerns, I want to stress once again the distinction this Committee must recognize between the Act, the basic elements of which are quite sound, and DOE's misguided implementation of the Act. As I will explain below, what is needed is not a new approach, but a roll-back of DOE's program and a series of "fine-tuning" amendments to guarantee that Congressional intent is followed when the Act is being implemented.

It would take much more than the limited time available today to give you a complete and detailed explanation of Nevada's concerns. We have raised them repeatedly in numerous formal comments, letters to DOE, court filings, prior Congressional testimony and various other documents to which the Committee has access for its review.

Even if there could be adequate explanation given about some of the things I have talked about here earlier today, I think we could highlight some of the concerns of Nevada. We have talked about the seriously flawed siting guidelines, and there is much more we need to talk about in that regard. I would have talked about two more a few minutes ago, but the print is awfully fine, and I will go back to it later.

Also, there are the following: Denial of meaningful State consultation, participation, and oversight; scientific and technical questions; DOE's biased and political site nomination and selection process; DOE's illegal attempt to cancel the second-round siting process.

As to the seriously flawed siting guidelines, we know they do not contain adequate objective criteria, and I have been very specific about some of that.

They allow the DOE to make extremely subjective and biased interpretations throughout the subsequent siting process, thereby undercutting credibility and viability of the entire program. The guidelines are a fatally flawed foundation on which the program has been built.

They permitted DOE to confirm characterization of sites preselected long before passage of the act—Yucca Mountain and Hanford.

They contain a structured presumption of suitability allowing DOE to select sites by saying site presumed qualified until proven otherwise. This is like changing the whole burden of proof in our criminal justice system by saying someone is guilty until proven innocent.

It is flawed in that it does not require adequate screening and collection of disqualifying data early in the siting process, thereby allowing DOE to rely on lack of data and suitability presumptions to say the site is not disqualified and thus DOE's preselected choices can be recommended for characterization. They allow inferior sites to be picked for characterization, so that a relatively poor site appears good by comparison. It does not ensure that the best or safest available site is selected.

The guidelines are seriously flawed in that they are driven by unrealistically early time lines in the act, which caused rushed, ill-considered decisions early in the process.

The guidelines ignore basic statutory requirements such as national transportation impacts and the effect on the repository of activities on nearby Federal lands.

It allows the DOE to make a preliminary determination of suitability prior to site characterization, whereas the act provides that the Secretary certify that three sites are preliminary suitable for development as a repository after characterization—that is, to guarantee that DOE would have three bona fide sites from which to choose the best one for development.

They were issued in violation of procedural and legal regulations.

There are further restrictions on meaningful State participation, consultation and oversight.

For example, DOE's basic approach has been to make decisions, and advise the States.

In essence, DOE refuses to acknowledge the fundamental State oversight role contemplated by the act and that this is essential for program credibility and acceptability.

The reason for this provision in the law is that we are talking about siting high-level nuclear waste; and if the States had some input into this process, of course it would be more acceptable. But, no, DOE did not want to do this. They wanted to go back with their preconceived ideas. They wanted to go with their preconceived tests. If they did not work out, they would do a new methodology of rating because they knew where they wanted to go. They knew the results of the tests. No one else need study the tests. They did this without giving the States input. They could not, because the process they were using, contrary to law and their own regulations, was a flawed process.

To compound it even further, they have not cooperated to make it so that you would not have to demand by virtue of the law, and then when we have demanded by virtue of the law they have still ignored us.

Although the State has given DOE extensive comments on various program actions, DOE has rarely addressed and certainly rarely have they done it adequately and most of the time they do not even respond to such comments, for example, the State's comments on the guidelines and draft environmental assessments.

Restrictions on meaningful State participation, consultation, and oversight, the DOE has repeatedly illegally refused to grant Nevada's request for funds to do the scientific studies and work necessary for the State to carry on oversight function, contrary to law.

We have had to go to court and sue for the money that we are entitled to under law. How does it make the State of Nevada feel, not like the Federal Government is doing their job. Again, I repeat for my colleagues: This has not been an issue that one party has had all the meritorious objections against nuclear waste. This is something that the people of the State of Nevada do not want. Why? For many reasons I am talking about now, because they have restricted any meaningful State participation, consultation, and oversight which has been contrary to the law and their own recommendations and in addition to that they have just been plain obnoxious.

You know, Madam President, I hear statements made all the time about the Federal Government and how you cannot trust them and watch them and I have always felt that we have to trust the Federal Government, that we are the Federal Government. But if there were ever an example where distrust would develop, we have it here with the DOE. We have it here with the DOE. And the sad part about it is that it spilled over. The people of the State of Nevada feel this way. They do not feel that they can trust the Federal Government. They want to give us the MX, they want to give us nuclear waste. What is next?

Now, the Congress set up a method that there could be some meaningful State participation, there could be some consultation, there could be some oversight, and Chairman UDALL and others did it because it was the right thing to do. They knew if they were going to get a program accepted by the country, there would have to be some State participation.

I mentioned earlier when all this started we were talking about the new federalism. The new federalism was a concept that I thought had great merit. It had great merit because the new federalism meant to me that there would be an era, a time of cooperation, between the States and the Federal Government. There would be a time when we would take down the barriers, we would not fight Washington. Washington would be more cooperative with us. The old patterns would be broken. This for my State was a good example of how the new federalism could come to be, and there are Members in this Chamber who worked on the 1982 act and spent a lot of time on it. They spent a lot of time on it because conceptually they came up with a dandy. They came up with a dandy and what the President of the United States said I repeat again today:

> Almost a dozen congressional committees were involved in this legislation, but with bipartisan support and cooperation from industry, labor, and enviromental groups we managed to get it through the process. It is a bill that is good for all these groups because it is good for America.

So says President Reagan.

> This legislation represents a milestone for progress and the ability of our democratic system to resolve a sophisticated and divisive issue.

The new federalism—that is what the President was talking about. That is what the President saw. He is the one who came up with the term of art "New Federalism." He is the one that talked about there being more cooperation between the States and the Federal Government. States' rights would mean something.

Those of us from the West know how important States' rights really are. We know that we are the last bastion and there have been people picking up on it, but we were the last bastion to hold out for States' rights. And we believe in this as a region, as an area, and as individual States.

That is why the people who worked so hard on this legislation, the 1982 Nuclear Waste Policy Act, allowed by law participation, consultation, and oversight by the individual States that were going to be involved in possible sites for high-level nuclear waste.

(Mr. ROCKEFELLER assumed the chair.)

Mr. REID. Mr. President, the system has been messed up. The system has been changed. An act that started out with good possibilities, good intentions, as indicated in the statement I have read a number of times by the President, has been turned, not because any Members of Congress thought the act was bad, not because Members of Congress did not appropriate enough money to do what was within the act. No. What has messed up the act that has taken so much of this body's time and which the President said went through approximately 12 different committees, what has happened is the bureaucracy has gotten involved. People who do not run for office, people who do not stand for election, people who have not been responsive to the law of this land because they had a preconceived idea of what should be and "Congress can pass it but we will do what we want to do anyway," Congress in its general wisdom passed a law saying that there should be State participation, State consultation, and State oversight, and we have been ignored.

They have not complied with the law. They have not complied with the regulations. And in addition to that they have been rude, obnoxious. Anything that rings of the new federalism went back to the old, old federalism. Anything that talks about States' rights has been ignored.

This is a one-team program with one coach who does not run for office. They just go blindly down the path of the preconceived idea.

So there have been restrictions on any State participation, consultation, or oversight.

And I mentioned about the extensive comments that were ignored. They have repeatedly illegally refused to grant Nevada's request for funds to do the scientific studies and other work necessary for the State to carry out its oversight function.

Remember the purpose of this act was to have the one track going, the Federal Government doing their thing but the States would have the right to do the backup, to do the oversight. The Federal Government did this. Let us check with our own people. Let us hire our own experts to see if the two tracks go down the same road.

I feel confident and I feel very certain that if in fact the Department of Energy had allowed that to happen, there would be a much different sentiment in the States today than we now have.

So the DOE has repeatedly illegally refused to grant Nevada's request for funds to do the scientific studies and other work necessary for the State to carry on its oversight functions.

Indeed, DOE very recently stonewalled the State again and has only agreed to fund partially two of the scientific studies planned by the State this year.

These are not something that are a figment of the State's imagination, but they are based on credible evidence and the basis for scientific studies are required. That is what the law is all about.

The consultation and cooperation process has totally broken down because of DOE's actions, and, as you know, Congress has even had to resort to conditioning some of their appropriations in trying to get the DOE to cooperate.

I have talked generally about some of the scientific and technical concerns. There are lots of them. The major features of the Yucca Mountain site which under the siting guidelines may disqualify them based on reasonable conservative interpretations of available data include lots of things, but let us just talk about some of them here for a little bit.

We have talked about the fault movement during the postclosure period, that is due to earthquakes. And one thing the Members of this body must realize is that Nevada is a nextdoor neighbor of California, you know, the big earthquake State. We hear about one coming all the time.

An earthquake comes to California and Nevada is affected. We are their neighbor. We share some of the fault lines that they have.

Fault movement during the post-closure period due to earthquakes that may result in loss of waste isolation. Now this does not take into consideration the fact that we are next door—next door—to a nuclear weapons testing facility. So, not only do we have the earthquake danger in this hole that is going to be dug in the ground but we have the test site danger, bombs, weapons being exploded.

Major features of the Yucca Mountain site which, under the siting guidelines, may disqualify, based on a reasonable conservative interpretation of available data, include fault movement during the pre-closure period that may affect repository construction and operation, and ground water travel time.

The first Bureau of Reclamation study ever to take place, first Bureau of Reclamation project ever to take place in the United States took place in Nevada right after the turn of the century.

Senator Newlands from Nevada had funded the Newlands project. The Newlands project was funded for one reason. Nevada has a shortage of water, and we have been studying water since the days of Virginia City. In my early remarks here, I talked a little bit about Virginia City. I talked about how hard it was to get water to Virginia City.

Well, in most all parts of Nevada we have a very difficult time getting water there. We are experts in water. We have an institution called the Desert Research Institute in the State of Nevada. And they give scientific information, expert testimony, studies, all over the world on water. They are one of the leading institutions in the world on water and water shortages. They are experts on how to get water out of the desert, how to prolong water in a desert. Some of the drip irrigation that is now taking place so successfully in Israel is the development of the Desert Research Institute.

So we know a lot about water. That is why we are concerned and why I talked today about this hole in the ground that is going to have high-level nuclear poison, why we are concerned what it will do to our water.

We are not like a lot of places. We do not get a lot of rain. We do not have a lot of rivers. We do not have a lot of springs. Water is a rare commodity in Nevada.

Ground water travel time from the repository to the access table environment that we are concerned about may be as short as 900 years, which does not even meet the EPA standard of 1,000 years. Again, they do not even meet the criteria of a sister agency.

Now, I have talked about why I am concerned, why we are concerned, why the State of Nevada is concerned, why this Congress should be concerned, and why this country should be concerned about a high-level nuclear waste repository being located next door—and I mean right here, next door—to atomic energy defense activities.

And I have talked a little bit about how they had to even, as we say in Nevada, cut the deck wrong when they found a site near the Nevada test site.

We are concerned from a scientific and a technical standpoint of degradation of ground water quality and the reduction of water quantities available for human consumption—listen to this, this may surprise some of my colleagues—for crop irrigation in the Amargosa Valley. We grow crops in places in Nevada. This is the oasis in the desert I talked about that is located just a short distance from where this high-level nuclear waste repository is being talked about being placed.

There are other, Mr. President, potentially disqualifying conditions under the guidelines which Nevada scientists and technicians and those outside Nevada have identified.

In parts of this country—and I need not remind my good friend, the Senator from Washington, who gave such a brilliant statement earlier today on this subject, about volcanoes. They know about volcanoes in the State of Washington. Volcanoes still occur on this continent. Volcanoes still occur in the western part of the United States. There is potential volcanic activity in areas adjoining Yucca Mountain. That is a scientific fact.

There is a high probability of significant tectonic activity, that is earthquakes, at Yucca Mountain during the next 10,000 years. And, as I mentioned earlier, we give it 10,000 years because that is part of the guidelines we have been given for this.

But we know that there are earthquakes taking place right now. We know that is a fact. The only thing, in Nevada, southern Nevada, we do not know whether it is an earthquake or atomic explosion that goes off. They both affect the tall buildings the same way.

So there is a high probability of earthquake activity in Yucca Mountain during the next 10,000 years.

Potential future fault activity. I have talked about that. One reason that Nevada is so mineralized is that there are all kinds of faults running through that State. That is how minerals occur in nature is through different fault formations.

We have become much more scientific now in analyzing what a fault does, but in my younger days, when my father and his friends would look for a claim, look for someplace that there would be minerals, they always looked for a fault because that is where you had a good chance of the heat being such in previous times of history where the earth would get hot and bang and crunch and grind under tremendous heat and minerals are created under those conditions.

That is why Nevada is a heavily mineralized State. It did not happen by accident. That is why there is not a lot of mining in Florida; probably are not a lot of faults in Florida. We have a lot of geologic faults in the State of Nevada. And these are potentially dangerous for a high-level nuclear waste repository.

There are localized zones of saturation that may imply absence of free drainage. On the Nevada test site near Yucca Mountain—and I say on the Nevada test site—they have a hole that they have dug that goes down real deep. They take you down this and say, "See, this is the same kind of thing we are going to do for a high-level repository. How do you like it?"

I have been down that. They put you in like a little elevator that goes up and down for a long time. And you get down there and it is interesting. But, do you know what is down there? Water. Water is dripping. The water is coming from someplace and it could only come from the ground that is around that hole.

So we are concerned from a scientific and technical standpoint about localized zones of saturation that may imply an absence of free drainage. That is a real concern.

There is the possibility of climate changes that could result in water table elevation and increase moisture flux.

Remember, I have talked about an unusual place in nature here—a desert and suddenly there is an oasis in the desert, Amargosa Springs, Pahrump, Ash Meadows. Why is that water here? Why, in the middle of the desert, do we have this water?

We have areas of possible climate changes that could, of course, result in water table elevation and increase moisture flux.

From a scientific and technical standpoint, we are concerned about soluble salts in the unsaturated zone under elevated temperatures that could affect waste canister integrity.

As I said earlier, these young soldiers and these young people that were involved in the atmospheric testing, they were told not to worry. I can remember there was a short period of time when we were told that you should wear dark glasses.

Well, that was the Government's way of protecting you for that short period of time. And then they gave up on the glasses.

I have already explained in my prior statement here how, even though the Government said atmospheric testing would not hurt those people watching it, we know that that is not the case. And that is why Senator SIMON, Senator DECONCINI, myself, and others introduced legislation to allow these people who are victims of what took place these many years ago, to have a right to bring a case in court to determine if, in a court of law, they have a case; that they can carry the burden of proof.

So, this is a problem. The Federal Government does not always tell you the way it is.

Sometimes you learn through experience and that is why you have the Congress, in 1982 that passed this law. That is why they said: I think it is important, if we are going to have this accepted, that these fears that the States have, why do we not allow the States to voice their concerns? Why do we not allow the States to participate, consult, and have oversight in what goes on? That is important.

But, no, the DOE said, "we know better better than Congress. Chairman Udall and the other people, they do not know what they are doing. We know better than they know. And even though it is the law of this land, we need not follow the law of this land."

So, there are scientific and technical concerns that deal with a lot of things. Soluble salts is where I left my description, in the unsaturated zone under elevated temperatures that could affect waste cannister integrity. And I talked about waste cannister integrity because I do not want anyone to think that these little moving pictures they prepare, these home movies that show a truck running into a wall and the cannisters bouncing out and basketballs, that this is OK. No one should believe that just because they say it is so, it is so.

Should we not be able to conduct some scientific and technical concerns in the way that we feel appropriate under the act? The answer is obviously yes.

There are unrealistically high radionuclide retardation rates resulting in unreasonably low estimates of radionuclide release—that is a mouthful—radionuclide release; mineralogical changes resulting in volume reduction that could affect preclosure lock stability; deficiency in the rock stability of tuff, that may require—and I have referred, a couple of times, Mr. President, to tuff. By that I am not referring to t-o-u-g-h; I am referring to t-u-f-f, which is a formation that we feel the Department of Energy has not done a very good job of working with. That is deficiencies in the rock stability of tuff that may require the use of artificial supports for an extensive maintenance of underground openings.

I talked a little bit earlier today about some of the unique things that have been found in Nevada and that when I was Lieutenant Governor, welcoming people to the State of Nevada, one of the things I used to tell them about was what happened to Virginia City, with the rock convulsing, twisting and turning, and they had—they had to develop a method of timbering that is still used today in underground mining, the square-method of timbering to take care of that.

All we are saying, this modern, scientific age, we believe that the rock stability of this tuff may require the use of artificial supports for an extensive maintenance of underground openings.

That scientific and technical concern, there is a concern for potential of natural resources which I have talked about already, such as gold or silver or other minerals, perhaps, which may be attractive for future explotation and, or course while I am talking about scientific or technical concerns, I want to talk about DOE's lack of any present right to divert water from the repository for siting purposes.

Certainly, when we talk about water, there could be nobody in this Congress that is more concerned about water from a technological, from a political standpoint, than the manager for the minority of this bill that is here today.

The Senator from Idaho spent a great deal of his political life being concerned about water, and rightfully so, coming from the State that he so aptly represents.

DOE has an absolute lack of any present right to divert water for repository siting purposes. How are they going to get it?

There are technical concerns noted by the NRC staff, as areas which DOE has inadequately addressed or omitted completely.

I guess if you omit something, it is complete. They have omitted things from its final environmental assessment of Yucca Mountain, and about which DOE has drawn overly optimistic conclusions, such as active fault movement and reactivation of prior faulting by nuclear weapons testing.

They neglected hydrothermal activity affecting the water isolation compatibility of the site or any containers used there; the possibility of valuable natural resources.

Now, remember, these are concerns of the NRC staff.

Reliance on highly uncertain geochemical properties to retard radionuclide transport to the accessible environment.

DOE's questionable calculations of ground-water traveltime through the unsaturated zone based on very limited models and single value for key hydrologic parameters and, again, the NRC, reliance on an engineered barrier system, the waste package lifetime of which may be greatly overestimated.

NRC did not say overestimated; it says greatly overestimated.

Unresolved generic concerns with volcanic tuff, as a suitable geologic medium for high-level waste isolation, first raised in 1979 by the NAS with the caution that they should be resolved before major resources are committed to the development of Yucca Mountain as a potential site.

Mr. President, I think it is important here that I again revisit the mindset of the State of Nevada. The mindset of the State of Nevada is that we get along pretty well with the Federal Government. We are willing to do a great deal and the concerns that I have raised here have not been nitpicking concerns. They have not been concerns that I raised just to take up time. These are concerns, Mr. President, that the State of Nevada—we have developed since the 1982 Waste Policy Act was passed; since these words the President uttered.

If they had been handled properly, I think the State of Washington and the State of Nevada and the State of Texas, which we include in this, who have concerns—because they have testified at almost all of these hearing—I think they would have felt much differently if they had been treated fairly.

We are raising these objections because they are real objections and I think it is important that these be understood for real objections.

The State of Nevada is easy to get along with. DOE should have followed the law and their own regulations. Had they done that, we would not be in the position we are in today. But that is where we are. There are unresolved generic concerns with volcanic tuff as a suitable geologic medium. Because of the seismic and volcanic stability of tuff, because of the significant lateral variations in thickness and character of tuff; because of the fault characteristics of tuff; and the stability of tuff in the presence of hot, electrolytic solutions.

There is also, Mr. President, the lack of a quality assurance program which has rendered DOE's technical information on the sites very, very suspect. Stop work orders have been in effect at Yucca Mountain and Hanford while they developed a quality assurance program.

Stop work orders have been in effect at Yucca Mountain and Hanford while DOE develops a quality assurance program.

Much of the data gathered cannot be verified and is of questionable validity. Yet, such data was relied on in the EA's and in making the site characterization recommendation. This makes such decisions questionable. Moreover, such data may not be acceptable for NRC licensing purposes at a later time.

Inherent conflicts of DOE and DOE contractors under present management structure is something else that deserves the time of this body.

DOE has conflicting missions of conducting defense programs that produce waste and of finding a safe disposal facility for such waste as well as, of course, commercial high-level waste.

Many DOE contractors who, in effect, compete in a race to declare their sites to be suitable for characterization and eventual repository construction, have a major economic stake in the site not being disqualified.

This is a direct conflict of interest. It is a conflict of interest that must be addressed. I think it is important that we recognize that DOE contractors who, I would say, in effect, do compete in a race to declare their sites to be suitable for characterization and eventual repository construction, have a major economic stake in the site not being disqualified.

You cannot have the fox watching the chicken coop. That is in effect what we have here. It is just not right.

I talked, Mr. President, at some length about some scientific and technical concerns that I have, and as part of that I have talked about restrictions on meaningful State participation, consultation, and oversight.

Now I want to take a little bit of time and talk about the Department of Energy's biased and unfair politicized first round site ranking and selection process.

I have spent some time doing that. I have gone over some very technical reasons why the methodology that they used was wrong, why it was unfair, why it was probably without question illegal. But in spite of that, I think it deserves some more attention of this body.

An investigation of DOE's first round selection process by the House Energy and Commerce, Interior Subcommittee clearly documents DOE's political manipulation and gross bias resulting in selection of the Yucca Mountain and Hanford.

As the subcommittee chairman and other members informed the Department of Energy Secretary Harrington, "It appears that DOE manipulated data, weighting factors and analytic techniques to arrive at a predetermined set of sites. In addition, DOE ignored findings and recommendations of its own technical staff and the National Academy of Sciences, and misconstrued the Nuclear Waste Policy Act."

That is a strong statement. Again, this is not in a statement that I spent some time on last night working out before I came here. It is not a statement that my staff worked up prior to coming here so that I could have something interesting and cute to deliver to this body.

No, Mr. President, this is a statement verbatim that the subcommittee chairman gave from the House of Representatives. I think it is a strong statement when it said it appears that DOE manipulated—not my word; their word—data; they manipulated weighting factors. They even manipulated analytic techniques. To arrive at what? To arrive at a predetermined set of sites.

There may be people in this body, and there are a lot of them, who probably are breathing a sigh of relief that one of their States has not been selected as a possible site for a high-level nuclear waste repository. But in spite of the fact that they are breathing a sigh of relief that they are not going to be a site for a high-level nuclear waste repository, there is not a Member of this body who cannot look at this statement or listen to this statement and say, "That is unfair. It is not right what they have done to Washington, what they have done to Nevada. That is not fair."

I am convinced that with the great history of this body, which stands for fairness, equity, justice, it will listen to what I am saying, even though you are not going to be one of the sites for a repository. How can you let this happen to us? It is unfair. They cheated us. It is as if they held a gun to our head. It is not right.

Yesterday, in Virginia, as I understand it, they agreed to have a lottery in the State of Virginia. That would be like selecting the winner before they issued the cards. That is what they did here. It is not right.

"It appears that DOE manipulated data, weighting techniques, to arrive at a predetermination of the sites."

That is wrong.

In addition, they ignored findings and recommendations of their own technical staff and the National Academy of Sciences, and even misconstrued the Nuclear Waste Policy Act.

It also, what did they say?

> We have found conclusive evidence, in many cases supplied by DOE's own internal documents—

We established earlier that some of them may just be destroyed, and I do not know whether it was through negligence, inadvertence, or intentionally, but a lot of them were destroyed. Some of them were not. We can only rely on the paper trail we have been able to find. Here is what a subcommittee chairman of the House Energy and Commerce Committee has said:

> We have found conclusive evidence in many cases supplied by DOE's own internal documents which lead us to only one possible conclusion: DOE distorted and disregarded its own scientific analysis.

Sometimes we say DOE and we do not get the full impact. I do not, anyway.

> The Department of Energy distorted and disregarded its own scientific analysis. Not only did we find—

Again, I did not make this up. This is from a major committee in the other body. They said this:

> They not only have manipulated data, weighting factors and analytical techniques to arrive at a predetermined set of sites, but they have ignored their own findings of their technical staff and the National Academy of Sciences and misconstrued the Nuclear Waste Policy Act. What else have they done? They have not even followed their own scientific analysis.

Further, the committee said, and I continue:

> A review of internal Department of Energy documents strongly suggests that DOE had decided on the three sites prior to the completion of the methodology report and then tailored the methodology report to justify the final decision.

How many times do we need to keep saying this? As, again, Chairman UDALL said once as I appeared to testify before his committee, "Everything has been said, but I guess not everyone has said it."

Well, that probably is the same here. It has been said, "but not everyone said it," but almost everyone has said it. Almost everyone has said that the DOE has tailored their methodology to justify a final decision. Almost everyone has said that. And what we have now being done with this legislation on this appropriation bill is a rewarding of the DOE by saying, "Well, they messed up the program, they were dishonest, they were unfair, they did not follow our law, they did not follow their own rules and regulations, but we will bail them out of it. We will jam it down somebody's throat."

Well, I do not think DOE should be rewarded for what they did to a few States because when they do it to a few States, they do it to the whole country. They have not done a good job. This is such an important issue, high-level nuclear waste, that time should not be the demanding criteria. Time should not be the demanding criteria. Quality, quality assurance, safety, no matter how much time it takes, should be the deciding factor of this body. The DOE has botched a law that the President said was a new beginning—and I am paraphrasing, but in my terms he said it was his view of what new federalism was all about. They did not care if the President signed the bill. They had their own law they had in their own mind, not on paper. They did not care if they followed their own regulations, which they did not, and now we are going to reward them.

Well, this body should not reward them. I am convinced that the House of Representatives, will not reward what has taken place at the Department of Energy and we should not reward them. We should not cover up their ineffectiveness, their manipulation, their tailoring. These are words that I have picked up that other people have said.

"Further," the committee said, "DOE suppressed information that was unfavorable to its position." How do you like that? They suppressed information. Again, I do not certainly in any way feel that States should not be happy that they are not getting nuclear waste shoved down their throats. But even though I do not in any way resent their happiness, I do want the Members of this body to understand that an unfair result has developed not as a result of oversight, but as a result of not following the law, manipulating, tailoring, not following their own, scientific analysis, distorting it—words here—suppressing information. And in conclusion this committee said, "DOE's recommendation/decision is seriously flawed and totally unsupportable."

I have talked in a disjointed fashion and given a few sidebars and a few comments on what this committee said. Now I am going to read it in its entirety. It will take just a few minutes and we have that time.

> It appears that the Department of Energy manipulated data, weighting factors and analytic techniques to arrive at a predetermined set of sites. In addition, the Department of Energy ignored findings and recommendations of its own technical staff and the National Academy of Sciences and misconstrued the Nuclear Waste Policy Act. We have found conclusive evidence, in many cases supplied by the Department of Energy's own internal documents, which lead us to only one possible conclusion. The Department of Energy distorted and disregarded its own scientific analysis. A review of internal DOE documents strongly suggests that the Department of Energy had decided on three sites prior to completion of the methodology report and then tailored the methodology report to justify the final decision. The Department of Energy suppressed information unfavorable to its position. In conclusion, the Department of Energy's recommendation/decision is seriously flawed and totally unsupportable.

So, Mr. President, this is not Nevada trying to be, as I have said before, nitpicking, trying to say, well, gee, what can we do to support our position? I wonder what we can come up with?

I did not have my staff spending time coming up with elaborate statements trying to logically weave a way through this morass. I need not do that. I only need to talk about what other people have said, because what they have said is that the system is bad, that they did not follow the law, they did not follow the regulations, they did not follow their own scientific findings, and they in effect flat-out cheated. So the DOE, biased and unfair, politicized the first-round site ranking and the selection process.

I have talked for a few minutes about some of the things they did and I cited the Energy and Commerce Committee from the House of Representatives. The subcommittee report also documents such abuse as political manipulations by the Department of Energy in other areas and in numerous instances, they showed, for example, rock diversity criterion was considered an overriding criteria causing Yucca Mountain and Hanford to be essentially preselected. Why? Because they were preselected. Because Yucca Mountain was the only tuff site and Hanford the only basalt site under consideration. So as I have talked about before, they just weighted them improperly. What right did they have to do the weighting the way the did? Any scientist looking at it, at least as far as I have been able to determine, would think it is at least a very unusual way of weighting things. From the way that they weighted things, it appears that they had a predetermined goal.

Rock diversity criterion was considered an overriding criteria causing Yucca Mountain and Hanford to be essentially preselected because Yucca Mountain was the only tuff site and Hanford the only basalt site under consideration. DOE officials assigned monetary values and site rankings to socioeconomic, aesthetic, and environmental factors in such a manner as to weight such concerns more heavily than health and safety considerations.

Now, let us analyze that just a little bit. The preselection reason is why they did it, but for reasons that are not reasonable the DOE officials assigned monetary values in its site ranking to socioeconomic, aesthetic, and environmental concerns in such a manner as to override and depend on them more heavily than health and safety considerations.

Now, the concerns of the people of this country, the concerns of the people of the State of Nevada are certainly safety and health first, certainly health and safety first. But, no, they decided to throw in aesthetic, socioeconomic, and environmental concerns.

Now, how could a rational human being, when we have been talking about high-level nuclear waste, put those concerns ahead of health and safety? I do not know. They cannot. It cannot be done on a reasonable, rational basis. Hanford and Yucca Mountain as the same Department of Energy officials well knew from their work on the draft environmental assessment would thus score better than the salt sites. That is the only logical reason that it could be done because how could you with nuclear waste give a higher weighting to aesthetic and environmental concerns than you could health and safety?

Well, the subcommittee also was concerned about repository costs and transportation costs. They were totally ignored, notwithstanding the act's clear statutory requirement that these factors be considered.

Scrutiny of DOE's first round decisionmaking documents reveal that DOE's cost estimates for each site under consideration were not based on equivalent data. Cost data for the salt site was updated as of February 1986 whereas the cost data used for Yucca Mountain was several years old. And costs for the same basic items were radically different at the nominated sites.

The subcommittee's findings are supported by earlier criticisms of what they did. In 1985 review of the ranking methodology concluded that the technique was appropriate but that it must be implemented correctly and that accurately to be useful and credible DOE of course should not use its own technical experts to assess performance of postclosure factors at each site but rather should use outside experts to enhance the credibility of DOE's work.

DOE, of course, Mr. President, did not follow this recommendation. The 1986 review of the application of the methodology again criticized DOE for failing to involve outside groups of experts in the development of value judgments for preclosure analysis, for failing to consider differences among sites and pathways from the EPA accessible environment to the biosphere, for failing to include outside panels of experts in the site ranking process beyond the NAS's own limited review. NAS concluded the lack of internal input in technical and value judgments could raise concerns about bias. Second round cancellation decision shows DOE's blatant politicization of the program. Even DOE's own general counsel has admited that the May 28, 1986 decision was illegal.

The Department of Energy's incredible recent attempt to assume legitimate powers by maintaining that it could change the act and make its improper second round decision and other actions legal by administrative changes in its mission plan without specific congressional legislative action vividly demonstrates DOE's disregard of the act's requirements.

These second round actions while perhaps shocking to me, the Congress, and to parties not accustomed to DOE's approach to this program, I think, Mr. President, illustrates what their attitude has been and what their actions have been toward the affected States and tribes that have been experienced since the inception of this program.

I would respond to my friend from the State of Washington that this may have been a long way of answering the question that he asked but I have answered it. I have answered it. The question was articulate, probative, and I have attempted to answer it by saying no, they have not been cooperative.

We know that the siting guidelines have been flawed. DOE turned down the wrong track at the very outset of this program. It is essential to understand that the siting guidelines which serve as a basic foundation and framework for implementing the act are fatally flawed in a number of ways.

This has undercut the entire program. Because the program is based on the unacceptable guidelines, its various subsequent key decisions—that is, what we are here talking about a lot today are the site nominations—also are unacceptable and therefore the only way to correct these problems is to roll back subsequent decisions, reissue proper guidelines, and then reimplement the act correctly. It can be done.

When these guidelines were being developed Nevada and other States strongly urged DOE to adopt guidelines that would be objective and would ensure that the act would be implemented on the sound technical and scientific basis. DOE in essence rejected the States' suggestions and issued guidelines that allow it to make very subjective siting determinations and to ratify its earlier plan siting activities as if the 1982 act, Mr. President, had never been passed. And they did it to carry out its predeterminations.

I think it is also important to point out that not only have the States attacked DOE's guidelines, but other parties have also been critical. And we know that there have been some well-reasoned comments by the Environmental Policy Institute which their comments were rejected and it is the subject of some litigation, but certainly it is something that we must recognize that they also rejected and refused to take up.

There are subjective standards allowing confirmation of preselected sites. Nevada and Washington, which have been under consideration for repository sites long prior to the act, have learned that DOE from the start of the program has argued that the guidelines should not allow the Department of Energy really to confirm DOE's obvious predisposition to select these sites for characterization.

Instead, we argued that the guidelines should ensure that only the best available sites should be selected for characterization, and that this could only be determined after careful objective and impartial comparative study of potentially acceptable sites.

DOE rejected our views, proceeded to follow its very subjective approach, and favors preselected sites. DOE's highly subjective guidelines contain various features that in effect guarantees that the Department of Energy can disregard the act's intended siting process, and largely continue with its earlier characterization efforts.

For example, the guidelines contained a presumption that a site is qualified until there is data that would clearly disqualify the site. This presumption works in tandem with another guideline concept that little disqualifying data must be gathered early in the siting process. And, therefore, DOE has been able to conclude on the basis of some say no data, others say very limited data, that a site is potentially acceptable because it has no disqualifying data and thus proceed to select the site for characterization.

The guidelines' failure to require adequate initial screening and to focus more on the collection of potentially disqualifying data early in the siting process also allows inferior sites to be picked for characterization. This makes relatively poor sites appear good by comparison. And such a distorted process obviously is unfair and clearly does not ensure that the best or safest available site is selected on the basis of valid comparisons.

The guidelines also deviate from the act's expressed requirements. DOE totally ignored important areas such as the national transportation impacts, and during the next little while, Mr. President, there is going to be a lot of talk about national transportation impacts which some people would like not to talk about, not to discuss because a lot of States, a lot of cities, a lot of rural communities, do not like the idea of 70,000 metric tons for the first big push being shipped through their cities, through their streets and highways. So there will be an opportunity to discuss adequately information about transportation. If we do not do that, there is going to be something left out of the information, because they ignore the national transportation impacts and the possible effect on repository construction and operation activities occurring on nearby Federal lands and site selection criteria.

In addition to those substantive omissions, the guidelines are also procedurally and legally deficient. The Department of Energy, in my estimation, would have saved themselves a lot of trouble and certainly a lot of litigation if they had just followed the law and their own regulations. That is all the State of Nevada wants; that is all we ever wanted—not to have to fight every step of the way to get what is legally ours.

As I indicated, in the near future I will have for the Senate's review charts showing the likely routes for nuclear waste transportation. These charts are very illustrative of where the main routes of travel will be. I think it will open the eyes of many Members of Congress, both in this body and the other, about where nuclear waste must go.

Nuclear waste cannot just suddenly appear in Hanford or in Nevada. It has to be hauled there. It cannot be hauled by airplane. There are a couple of basic ways it can go: over highways and over railroads, and both ways go through the large cities in this country.

The Department of Energy has said that they are going to try to haul most of it by train. We know the safety record of trains in recent years, recent months. That is one of the things the Department of Energy does not have in their home movies. They do not have a picture of a train wrecking.

So, at the right time, we will have our charts, have our maps, to show why it is important that the Senate, in effect, be educated as to the travel routes of this poison.

Mr. JOHNSTON. Mr. President——

Mr. REID. The Senator from Nevada has the floor.

In addition to these substantive omissions, the guidelines are also procedurally and legally deficient. The guidelines were promulgated without observing procedures required by the Administrative Procedures Act and other applicable statutes: 5 United States Code, section 706(2)(d), 1982, Administrative Procedures Act; also, 42 United States Code, section 7191, sections (a), (b), (c), 1982.

These procedural shortcomings are not mere technicalities. Rather, DOE issued various substantially revised versions of the guidelines without providing an opportunity for full public comment on revision. For example, the public never had an opportunity to review and comment upon the preamble statement to the guidelines which contains critical policy decisions concerning the site location process.

By way of example, the preamble includes a statement by the Secretary of the Department of Energy that, in his view, the act limits the selection of potentially acceptable first-round sites to those that were under study at the time of enactment. Such a statement has no express foundation in the statute and precluded screening for better sites.

Finally, the guidelines inappropriately permit DOE to make a preliminary determination of suitability at the time of recommendation of three sites for characterization, rather than after-site characterization as provided in section 114(f) of the act.

The act states: "The Secretary shall consider as alternate sites for the first repository to be developed three candidate sites with respect to which one site characterization has been completed and, two, the Secretary has made a preliminary determination that such sites are suitable for development as repositories."

Congress must have included this section to ensure that at the end of site characterization, DOE would have three bona fide sites from which to select one for repository development. Such a requirement is critical to ensure that the Department of Energy cannot select a preferred site for characterization together with two less suitable sites in order that the preferred site would be the only site available or at least the one selected after characterization.

Although we could argue that the 1982 act is basically sound, I can also talk about some problems in its provisions.

I think it has now been generally recognized by most informed parties that the act imposes arbitrary and maybe unrealistic time limits for DOE to complete its decisional process, particuarly in the early stages.

The unreasonable time requirements undoubtedly contributed to DOE's rush to complete the siting guidelines and other important initial decisions without adequately appreciating or considering their impact.

In any case, Nevada and the other States have maintained from the start that DOE's siting guidelines are illegal and that they put the program on a fatally flawed foundation.

Unfortunately, because the guidelines have been the basis for all subsequent major siting decisions, screening, recommendation of sites with characterization, and the preparation of site characterization plans prior to the sinking of shafts, they have undercut the credibility and the effectiveness of the entire program.

One of the most important midcourse corrections that must be made is to revise these guidelines to reflect the States' earlier comments and the act's requirements. This is essential in order to get the program back on track and keep it there. We have talked about restrictions on meaningful States' participation, consultation, and oversight. We now that they have refused to acknowledge the States' and tribes' fundamental right for oversight, the role contemplated by the act. Its general approach has been to make decisions and then advise us on these decisions.

Despite our submission to DOE of extensive comments on various program actions, such as DOE's draft environmental assessments, DOE frequently has discounted or totally discarded such comments and plowed ahead with its own prior determinations. It has denied States and tribes the opportunity to attend important meetings, review documents, receive complete information in a timely manner, and has generally prevented participation, consultation, and involvement in any real, meaningful way in the decisionmaking process.

The States and tribe have also repeatedly had to resort to the formal information demand process established by section 117(a) of the act, because, as I mentioned before, DOE has simply refused to act cooperatively in a more informal manner.

Such actions by the DOE in preventing meaningful oversight have naturally prevented the public from developing trust and confidence in the program.

In fact, it has created, I think, Mr. President, just the opposite public reaction.

As to DOE's illegal withholding of State funds, we have talked about that. Let us talk about it in a little more detail.

Another important aspect of this problem concerns DOE's funding of State-sponsored program activities.

As this body is aware, DOE has repeatedly refused to grant our funding requests in a timely manner.

In fact, the Ninth Circuit Court of Appeals, where we almost got a Supreme Court nominee a few days ago from the Ninth Circuit, the Western Circuit Court of Appeals of this Federal system of courts, upheld the State of Nevada's right under the act to DOE funding for independent testing and evaluation of certain scientific and technical matters.

In reaching the decision, the Ninth Circuit Court of Appeals, among other things, said by minimizing independent collection of primary data and then restricting State tests of primary data the DOE has collected guidelines which wipe out the independent oversight role that the Congress envisioned for the States. Let me read that first sentence again. This is the Ninth Circuit Court of Appeals: "By minimizing independnet collection of primary data and then restricting State tests of primary data that DOE has colleted, the Department of Energy's financial assistance guidelines wipe out the independent oversight role."

And the reason I said "wipe out," I am not quoting exactly; I am having trouble with the word "eviscerate"—anyway, wipe out the independent oversight role that Congress envisions for the States permitting the Department of Energy to guard the chicken coop—that is a word that I used earlier—but that is a word that the eminent judges of the Ninth Circuit Court of Appeals used, maybe not very legalistic, but very descriptive, maybe not something you would find in a Harvard law review article, but something that the Ninth Circuit Court of Appeals used, permitting DOE to guard the chicken coop alone would violate the statutory finding of State particicipation in oversight of DOE is essential in order to promote public confidence in the safety of disposal of nuclear waste.

(Mr. BINGAMAN assumed the Chair.)

Mr. REID. Mr. President, I talked earlier, before the Senator from New Mexico took the Chair, about some of the concerns the State of Nevada had. I talked about why it was important to discuss restrictions on meaningful State participation, consultation and oversight.

When I talked about the things the Department of Energy had not done, I was not basing this on what HARRY REID thought that they had not done. I did not base it on what this Senator from Nevada thought that they had or had not done.

I have pretty good backup for that. The Ninth Circuit Court of Appeals said:

> Permitting DOE to guard the chicken coop alone would violate the statutory finding that State participation in oversight of DOE is essential in order to promote public confidence in the safety of disposal of nuclear waste.

The Ninth Circuit Court of Appeals agrees that the Department of Energy had this responsibility. You know, it is interesting, Mr. President, we had to go to court, the State of Nevada had to go to court to have its legal rights addressed. The Ninth Circuit Court of Appeals said:

> Permitting DOE to guard the chicken coop alone would violate the statutory finding that State participation in oversight of DOE is essential in order to promote public confidence in the safety of disposal of nuclear waste.

What the Ninth Circuit Court of Appeals said, and they could not say it more graphically than they did, they talked about the chicken being guarded by the fox.

And they said that one thing alone—they did not go into the fact, at least in this part of the opinion, that they violated the law in other ways. They did not follow their own regulations. They did not follow their own scientific findings.

It is interesting, Mr. President, since you have taken the Chair to point out a couple of things again. I think it is important to note what not this Senator said but what a committee from the other body said about what the Department of Energy had done in the selection process.

They said it appears that the Department of Energy manipulated data, weighted factors and analytic techniques to arrive at predetermined set of sites. In addition the Department of Energy ignored findings and recommendations of its own technical staff and National Academy of Sciences and misconstrued the Nuclear Waste Policy Act.

They went on further to say, this congressional committee, we found conclusive evidence in many cases supplied by the Department of Energy's own internal documents, which led us to only one possible conclusion. The Department of Energy distorted and disregarded its won scientific analyses.

A review, they further said, of internal DOE documents, strongly suggests that DOE had decided on the three sites prior to completion of the methodology report and then tailored the methodology report to justify the final decision, and that is not the end, Mr. President.

Further, DOE suppressed information unfavorable to its position and in conclusion, they said DOE's decision is seriously flawed and totally unsupportable.

So not only do we have a committee of this Congress saying how unfair, unjust, and illegal the actions of the Department of Energy have been in this area, but we have the Ninth Circuit Court of Appeals saying while we are trying to defend ourselves, they are saying permitting DOE to guard the chicken coop alone would violate the statutory finding of the State participation in the oversight of DOE is essential in order to promote public confidence in the safety of disposable nuclear waste.

That is part of the language that the court wrote in arriving at a favorable decision for the State of Nevada, that is that under the act the DOE had to fund independent testing and evaluation for scientific and technical matters.

Well, you would think that would end it, would you not, Mr. President?

But it does not. It does not end it, because despite the ruling of the Ninth Circuit Court of Appeals—now this is not a ruling of a justice of the peace of a township in Nevada, this is a ruling of the Ninth Circuit Court of Appeals. There is only one place to go after that and that is the U.S. Supreme Court. Normally, when something reaches one of the circuit courts that is the end of it. So, despite this very, very high court ruling, a court that has the prestige that the majority of the nominees of this President and other Presidents have come, at least that is my knowledge in recent years, the nominations have come from this eminent court, in spite of that we are still experiencing continual battles with the DOE over the funding for the State even though they lost. We are going to have to continue fighting this in the courts again and this, of course, has delayed and limited our testing and data collection program.

The serious part about this, Mr. President, is you know the State of Nevada is not the smallest State any more and we are moving up in population. I think we are 42d or something like that.

But we do not have the resources of the Federal Government. We do not have an unending supply of money. We cannot bill the Federal Government for our attorneys' fees. These attorneys' fees come from the taxpayers of the State of Nevada, the small State of Nevada.

We believe so strongly in our rights that we are filing cases in court to protect ourselves. We are winning, but it is an expensive proposition.

So, we have talked about there having been previously some 40-odd lawsuits that have been filed or are now pending. That was the last count. You know, there may be 42 or 43. But they are going on all the time. Why? Because the Department of Energy simply will not follow their own law.

And you know the interesting thing—I had to check with my staff here to make sure that I was right; I have been talking for a little while and I wanted to make sure my thoughts were in shape, and they are—under this legislation on an appropriation bill, that is one of the things that this unique piece of legislation does: basically stop the ability of the State of Washington, State of Nevada, the MRS States to go to court. They set up a kangaroo court which is worthless.

So we have had experience with the Department of Energy and we have had to defend ourselves in court. And thank goodness we have had the courts. If we did not have the courts, they would have just steamrolled us.

We have already been fairly well steamrolled, but at least we have had the ability to go to court. And that is the way it was under the act.

Like most Members of Congress—and there are some exceptions—but like most Members of Congress, I am not a scientist and, therefore, I find it difficult to attempt, on many occasions, to personally make factual determinations on most scientific and technical questions.

However, as an elected Member of this body, I am keenly aware of the importance of ensuring that significant scientific and technical concerns are adequately addressed.

One of the very fine experiences of my political career was to be able to serve on the Committee on Science and Technology in the House of Representatives, the other body. Serving on that Committee on Science and Technology, as a person who does not have a scientific background and, frankly, a person who—I hope my children are not watching and listening—but somebody who really did not like math, really was not wild about the science courses I took, I was amazed at how much I enjoyed that committee.

I was amazed at how the then chairman, DON FUQUA, from Florida, who had served 28 to 30 years in the Congress before he retired, what a fine job he did running the committee. But what a good understanding I developed of the importance of science and technology for this country.

And I still am not a scientist, but I am now more than ever aware, based on that experience I had in the other body on that committee, where we dealt with the scientific and technical problems that this country faces, how important it is that we as a Congress be interested in scientific problems, even though our backgrounds may be in the law, may be in education, those of us who are not scientists. There are scientists in this body. The first one that comes to my mind is the senior Senator from the State of Montana, who is a doctor of veterinarian medicine and who does have a scientific background and probably understands a lot of scientific things which are very good for his State. But, those of us without scientific backgrounds still must be interested in the scientific problems in this country.

So as an elected Senator, even though I do not have a scientific background, I am concerned about scientific questions and problems that confront this country.

Now, dealing with nuclear waste, I am not an expert on nuclear waste even though I have spent months of my time studying the issue. My statement is especially true with regard to the siting of high-level nuclear waste, that is a repository for it.

We must be concerned, even though we do not understand line by line, section by section, the scientific makeup of the compounds that go into this repository or why even they are radioactive. But I know, as every person in the State of Nevada knows, and I believe many people in this country know, the fear that we have of high-level nuclear waste. This fear of high-level nuclear waste did not develop out of the blue. It did not develop, as the term is used around here, with smoke and mirrors. The fear of nuclear waste has developed, rightfully so, and is connected with words like Chernobyl, a word that no one, and I would doubt very few people in this Congress, had ever heard prior to that catastrophe in Chernobyl.

Of course, we all know about Three Mile Island. There are still repercussions from Three Mile Island.

So nuclear waste and the fear of it, it is not something that suddenly somebody said, "I'm going to be afraid of nuclear waste."

We have talked earlier today about atmospheric tests. We have talked about other things that make it so that people are afraid of high-level nuclear waste and should be. And we have got to be concerned about the scientific aspects of it.

As I mentioned before, when we are talking about high-level nuclear waste, I cannot debate a scientist on high-level nuclear waste, but I can tell him about some of the practical concerns that the people of the State of Nevada have that relate to high-level nuclear waste. This is especially true as it relates to an unprecedented critical review of health and safety questions and an unprecedented engineering and scientific evaluation to be absolutely certain that these highly dangerous wastes which remain deadly not for days, weeks, months, but for thousands of years are totally contained away from man's accessible environment, essentially forever.

And we must rely on the scientific community to do that for us. We have to rely on the scientific community to make sure that these deadly poisons are contained away from man's accessible environment, essentially forever.

Nevada has a number of scientific and technical concerns with regard to the suitability of the Yucca Mountain site as a repository. Obviously, such questions would have to be satisfactorily resolved before anyone could know whether the Nevada site would be qualified for licensing. And again we have talked about that. We have talked about the concerns the Nuclear Regulatory Commission has.

However, if we were to assume that after the detailed study the Yucca Mountain site would appear to be qualified, that is, it could be a safe site, I want to make it absolutely clear that we would still never be willing to accept a repository under the present DOE program, and the present program includes the one that is under this bill, this legislation on an appropriations bill.

We believe, the State of Nevada believes there are, in fact, many good technically suitable sites throughout the United States, but why should we not approach them in a way that is fair? Why should we not approach them pursuant to the act? Why should we not approach them in keeping with the language of the President of the United States when he said:

> Almost a dozen congressional committees were involved in this legislation. But, with bipartisan support and cooperation from industry, labor, and environmental groups, we managed to get it through the process. It is a bill that is good for these groups because it is good for America.

This legislation represents a milestone for progress and the ability of our democratic system to resolve a sophisticated and divisive issue.

As I will highlight for the next little bit, I think it is unfair what has transpired in this. In addition to these disqualifying features that I have talked about—and we are going to, throughout the next while, outline some technical and scientific concerns that we have not talked about before, and maybe some that we have talked about before we will try to elaborate on—because scientists, not only Nevada scientists, but scientists and technicians have concluded that on the basis of a reasonable, conservative interpretation of the available data on Yucca Mountain, five disqualifying conditions from DOE's siting guidelines may be present. These disqualifying conditions relate to post-closure tectonics, preclosure tectonics, geohydrology, off-site installations and operations and socioeconomic impacts caused by water degradation.

We will talk in more detail about these, but there are some other concerns that we have as a State. I talk about State concerns. There are, in addition to the concerns that the States have, there are concerns that, for example, environmental groups have, cities have. So it is not just the States. But let us talk about some additional Nevada technical concerns.

In addition to these disqualifying features, Nevada's technicians and scientists have identified other areas of major concern in this available evidence about the site which suggests that positive findings cannot be made at the present time as DOE has done in the environmental assessment, and that possibly disqualifying conditions are present. Such concerns include volcanic activity, tectonic activity, fault activity, geohydrology, climate changes, geochemistry, radionuclide retardation, mineral stability, rock stability, natural resources, and water rights.

Not the least important is the last that I mentioned, water rights. Top technical experts in the State of Nevada have expressed concerns. The DOE is obligated, but they have not followed through on that, to explain further these potentially disqualifying features of the Yucca Mountain site. Let me comment briefly on these, the scope and significance of these concerns.

The Department of Energy's analysis was based upon siting guidelines which we and many other parties have challenged as not only being inadequate but also being illegal. But even if you assume the guidelines are valid, our review of DOE's technical and scientific work, admittedly limited because of DOE's constant stonewalling in funding or requests for studies, have shown that DOE has simply failed to address major technical areas, disregarding technical data or avoiding collecting disqualifying data and failed to consider a range of likely or possible interpretations of actual data and data produced by modeling.

Such unscientific and clearly biased methods have led DOE to make overly favorable or optimistic conclusions with respect to the suitability of Yucca Mountain. The only conclusion DOE reasonably ought to be able to draw from its studies today, if they can be considered reliable at all, is that potentially disqualifying conditions at the site cannot be ruled out at this time and in a number of instances may well be present.

I must emphasize, Mr. President, that the State has repeatedly raised their concerns, technical in nature, with the Department of Energy. The fact that the Department of Energy refuses to give most of these concerns serious consideration is very alarming. This approach of disregarding our concerns instead of making a good-faith attempt to resolve them is typical of DOE's whole approach to the State's participation in these programs.

Mr. President, instead of calming our fears, they arrogantly disregard and therefore increase them. You would think it would be just the opposite. There have been a number of questions that have been raised at various levels; concerns very similar to some of those noted by the State. The NRC is an example. They have raised concerns such as that DOE has drawn overoptimistic conclusions with respect to the suitability of the Yucca Mountain site.

Other serious open questions identified by the NRC staff include inadequacies and even omissions in DOE's work on faults and fault reactivation due to nuclear testing, hydrothermal activity, the presence of natural resources, overreliance on geochemical properties, ground water time calculations and overreliance on engineered barrier systems.

There are, thus, many unresolved issues with regard to the technical suitability of Yucca Mountain.

Mr. RUDMAN. Would the Senator yield for a question, retaining his right to the floor?

Mr. REID. The Senator would be glad to yield for a brief question without yielding my right to the floor.

Mr. RUDMAN. I thank the Senator. It is a procedural question. Many of us are wondering what we ought to do with our evening's plans. Would the Senator inform me if this discussion is going to take place for several hours? If they could inform us on that, the Senators from Washington and Nevada, at least people could make some plans and come back and hear the rest of this very interesting discussion later on this evening.

Mr. REID. I would be happy to claim the floor and answer that the best way that I can. I think it is clear that I have a lot more to talk about. Unless there is some request from the majority leader, I am going to continue discussing nuclear waste as it impacts Nevada for the foreseeable future.

Mr. RUDMAN. I am assuming my friend is telling me that this discussion is going to go on into the early or mid part of the evening.

Mr. REID. It is very likely that will be the case, unless there is some request from the majority leader.

Mr. RUDMAN. I thank my friend very much for his candid answer.

Mr. REID. The Senator from New Hampshire is welcome.

The NRC staff recently raised questions, as I indicated. Some of these questions, I think, are quite interesting. I have talked about them at various times today. I have talked about hydrothermal activity, the presence of natural resources, overreliance on geochemical properties, ground water travel time calculations, overreliance on engineered barrier systems. Any one of these items that I have just mentioned deserves a great deal of conversation. Because each one of them, as far as the DOE and their action with the State of Nevada, has been improper and inadequate and wrong.

So when you have somebody who raises these issues for you, like the NRC, it goes back to what I have said before. We had a lot of conversation here during the day about many in the other body who were very, very critical of what the Department of Energy had done. Then you tie that in with not only what the committee has done but you tie that in with what the Ninth Circuit Court of Appeals has said, and now we are going to talk about what the Nuclear Regulatory Commission has said.

They said, and this is not the Senator from Nevada, the Nuclear Regulatory Commission raised concerns similar to those that I raised earlier, or maybe I should say in confirmation of those that I raised earlier, or maybe I should say to underscore the concerns that I raised earlier, to emphasize the concerns that I raised earlier, because the NRC staff said that there are other serious, open questions, including inadequacies and even omissions, DOE's work on faults and fault reactivation due to nuclear testing, something DOE is not concerned about; hydrothermal activity; the presence of natural resources; over-reliance on geochemical properties; ground water travel time calculations, and over-reliance on engineered barrier systems.

There are thus many unresolved issues with regard to the technical suitability of Yucca Mountain.

The talk that I have made today has dealt principally with Nevada. But each of the sites, especially Washington, could go into why they have been treated unfairly because the Department of Energy has refused to follow the law. Again, this is not the Senator from Nevada saying this. I have established over the last little while a lot of backup for my position. I have established a lot of backup for my position.

So the concerns that have been raised are significant. They are significant for Nevada. The other States have stories they also can tell. That is why it would have been so much better, so much easier, so much more in keeping with the statement that the President of the United States made upon signing this bill, if simply the DOE had followed the law, had followed their regulations. But they did not do it. That is why we are in the quagmire we are in today.

We have arrived at this point where we are on a very important bill, an appropriations bill. I take my hat off to the majority leader for moving this legislation through the Congress this year. Last year, we had no appropriations bills from this body, as I understand it, and this year we are up seven, eight, or nine appropriations bills. This is an important appropriations bill that is now before this body, and it is too bad that we have this junk on the bill. It is too bad that this is on an appropriations bill, which should shoot through this body because there is much-needed funding for important programs that are in this bill. It is too bad we have this on the bill which is slowing up this very important legislation.

It is too bad that we are not able to move today a bill over to the other body, another appropriations bill. We are knocking them off. We are getting through those appropriations bills.

The majority leader and the chairman of the Appropriations Committee, and I think there has to be credit given to the minority leader, have moved this legislation. It is commendable. The American people should know that we are moving a lot of important legislation.

But it is also important that rules are rules, and the Senate has rules. We are a body of rules. That is why this body has a reputation that it has developed over these 200 years, a debating society, but debating which only takes place under certain fixed guidelines and rules.

That is why there is a rule which says you cannot have legislation on an appropriations bill. Why not take the junk off the bill? Then we would get this appropriations bill out of here quickly. I think we would get it out very, very quickly.

But, no, we are not doing that.

Without elaborating on that point, I think that it would be expeditious if, in fact, this amendment were taken off this bill, this legislation on an appropriations bill. I would also state that if that were the case, it would be unnecessary to spend all this time on nuclear waste during the time that we should be discussing an appropriations bill.

In that appropriations bill there are things that are important all over this country, but principally the West, all kinds of important projects in the Western part of the United States in that appropriations bill. We should not be spending all this time on nuclear waste. We are spending a lot of time on Nevada, with a lot more to go. Washington has a lot to say. I am sure Texas will come in.

I am sure there will be other Members of this body who will have something to say about nuclear waste.

I would hope that the Members of this body who have very important matters in the appropriations bill, important to their States, would urge that this legislative matter be taken off the appropriations bill. It has no right, no reason, to be here. It is not within keeping of the rules of this body. It should go off. It is not right that it is here.

I have talked about the backup that we have gotten, as I indicated, from the ninth circuit court of appeals, from the other body in comments from the committee, competent jurisdiction. I have talked about the Nuclear Regulatory Commission. They have raised concerns.

DOE's record gives us no confidence that it will ever be able to resolve those questions in a scientifically acceptable manner.

When I talk about those questions, I am talking about fault reactivation due to nuclear testing, hydrothermal activity, the presence of natural resources, overreliance on geochemical properties, ground water travel time calculations, and overreliance on engineered barrier systems.

The State of Nevada does not feel that DOE's record gives us confidence that it will ever be able to resolve those questions in a scientifically acceptable manner.

The NRC, which ultimately will have to license the repository site, naturally cannot make a judgment on the limited data available at this point as to what sites will be licensed or qualified. But, remember, in legislating on this bill there will only be one site, and if they cannot license that one, all the time and money will be wasted, and they will have to start from square one again.

Therefore, those who think Yucca Mountain is clearly qualified are sadly mistaken. If there are those who think Yucca Mountain is qualified a little bit if they had followed the rules, they have not followed the rules.

Let us talk about lack of quality assurance controls. Mr. President, finally, as we talk about lack of quality assurance controls you should be aware of the fact that little of the technical information that DOE and its contractors have gathered—we already talked about the possible conflict of interest between the contractors who are gathering the data. There is no need to reemphasize it.

Finally, you should be aware of the fact that little of the technical information that DOE and its contractors have gathered and which DOE used as a basis for its May 28, 1986, decision to recommend Yucca Mountain was obtained pursuant to a quality assurance program. In fact, stop work orders have been currently in effect at the Nevada test site due to this problem.

As the General Accounting Office has recently pointed out:

> The lack of quality control has the potential to cause considerable problems. For example, Nevada DOE officials told us that the Geological Survey failed to properly document or maintain documentation on the core samples obtained from the bore holes near the Yucca Mountain site. As a result, the project office may be unable to prove that this core came from this hole at this depth, which means that tests performed on that core sample may not be able to be validated and, if not, might not be accepted by the NRC in the licensing process.

This statement was made in March of this year. This is not a statement that predates the 1982 act. This is a new statement—March of this year.

What did the General Accounting Office say? Let me repeat:

> The lack of quality control has the potential to cause considerable problems. For example, Nevada DOE officials told us that the Geological Survey failed to properly document or maintain documentation on the core samples obtained from the bore holes near the Yucca Mountain site. As a result, the project office may be unable to prove that this core came from the hole at this depth, which means that tests performed on that core sample may not be able to be validated and, if not, might not be accepted by the NRC in the licensing process.

Mr. President, I think that is important. The licensing body for the ultimate repository is the NRC. In addition to what I have said, that they do not like the way the characterization is going forward, look at this statement. The ninth circuit, the committee in the other body, the National Regulatory Commission, now we have the GAO. It is hard to keep all the critics in order, Mr. President. In fact, I think I better write them down. We have the Ninth Circuit Court of Appeals. We have the House of Representatives. We have the NRC. We have the GAO. And as I said earlier in my statement, as the chairman of the Interior Committee has said on a number of occasions, everything has been said but not everyone said it. Well, we are getting close to the point, Mr. President, where everyone has said it. Everyone has said that the process is flawed. Everyone has said that they have been unfair—the Department of Energy. Everyone has said that they have not followed the law. Everyone has said they have not followed their own regulations. Everyone has said they have not followed their own scientific findings. They have been unfair.

Quality assurance deficiencies in DOE's technical information, combined with DOE's overly optimistic analysis of that technical information, and its many other questionable program practices suggest that DOE may never be able to carry its burden of proof in licensing the Yucca Mountain site, or indeed any of the other recommended sites.

The process by which DOE recommended the three sites for characterization demonstrates quite clearly how DOE has misimplemented the act and politicized its decisionmaking in order to justify preselection of Yucca Mountain and Hanford.

In December 1984, DOE issued draft Environmental Assessments in which it tentatively recommended Yucca Mountain, Hanford, and Deaf Smith.

These sites are in the State of Nevada, the State of Washington, and the State of Texas.

These recommendations supposedly were based upon: First, the earlier-noted fatally flawed siting guidelines; second, Environmental Assessments which have been shown to be grossly inadequate and riddled with questionable data and unsound conclusions; and third, three proposed ranking methodologies, various aspects of which have been sharply criticized by many parties including the National Academy of Sciences.

I am changing directions for just a minute here, maybe to proceed to something a little lighter for just a couple of minutes.

I have learned a great deal about nuclear waste during the past few years. But in the process of learning about nuclear waste I have learned about other things. Someone from Texas told me this story as I was talking about the Deaf Smith site, and I guess this being spread on the record now I will determine whether or not it in fact is factual.

In Texas I am told—in fact I attended a meeting when I was in the other body and was talking about Yucca Mountain, Hanford, and Deaf Smith. When I finished talking about Deaf Smith, the man from Texas said to me, "Do you know how Deaf Smith got its name?" I was told that Deaf Smith County, TX, was named after Deaf Smith, who was one of Sam Houston's scouts, probably his most famous, and he was in fact deaf. He also told me something else that I felt was interesting. In Texas, football is the big sport. Texas is where they have had Governors' races decided on what should happen in high school football. In this area of Deaf Smith, TX, they have a rivalry that has been going on for many years between two high schools. And again in spreading this on the record we will find out if this lobbyist from Texas, who told me this story, was factual in his historical knowledge of Texas. He said that in this area of Deaf Smith, TX, there are two high schools that have a great rivalry. They play each other every year.

One school is located in Hereford, TX, and the name of their team is the Hereford White Faces. The interesting part of this as far as I am concerned is that their chief rival is from a town called Whiteface, TX, and that their name is the Whiteface Herefords. And so every year the Whiteface Herefords play the Hereford White Faces.

So I have learned not only about nuclear waste but about football competition between schools with very unusual names such as the Whiteface Herfords and the Hereford White Faces. I wonder if they really do play each other.

Mr. President, I would like to switch from football back to nuclear waste and talk a little bit about the Department of Energy's biased and politicized site nominations and selection process.

The process by which DOE recommended the three sites for characterization demonstrates, as I mentioned just a short time ago, clearly how that Department has misimplemented the act and politicized its decisionmaking in order to justify preselection of two places, Hanford and Yucca Mountain.

In December 1984 the Department of Energy issued the draft environmental assessments in which it tentatively recommended Yucca Mountain, Hanford, and Deaf Smith. These recommendations supposedly were based upon the earlier noted fatally flawed siting guidelines that we have talked a lot about tonight, and, two, the environmental assessments which have been shown to be grossly inadequate and riddled with questionable data and unsound conclusions, and, three, three proposed ranking methodologies, both aspects of which are sharply criticized by many parties including the National Academy of Sciences.

We have a cover mechanism in all of this, but I will spend a little bit of time on it. It is called the MUA. It is, as I have said, the bureaucrats' cover mechanism. The MUA is referred to as a multiattribute utility analysis. DOE developed the multiattribute utility analysis ranking methodology and purported to apply this new methodology to the available data on the five nominated sites. This time DOE characterized the MUA ranking methodology as a decision-aiding tool. This enabled DOE to recommend the same three sites for characterization even though the MUA, if followed strictly, would have required DOE to recommend different sites.

We have talked about how other people, other agencies, other organizations, have talked about how unfairly these three sites were selected, how they were predetermined, how they knew which card was on the top of the deck. They knew how the cards were stacked. They knew what was coming up next. The law meant nothing to them, the regulations meant less, and their own scientific findings meant even less.

With this bureaucrat's cover mechanism which anyone could see coming—they telegraphed it—this enabled the DOE to recommend the three same sites for characterization. Any objective person who looks at that could see what they did. The State was denied any opportunity to comment on this which we believe has many questionable elements even if it had been properly followed which it was not. To many of us, even the name multiattribute utility analysis suggests it is mainly a bureaucrat's device to get his way.

The House did an investigation. We have talked about that, or about part of it. On May 28, 1986, after a site recommendation decision the staffs of the House Energy and Commerce and Interior Subcommittees performed an investigation of DOE's implementation of the so-called multiattribute utility analysis.

Their report issued on October 21, 1986, documents DOE's substantial bias in favor of the selection of Yucca Mountain and Hanford and its blatant politicization of the process.

In transmitting the report to Secretary of Energy Herrington, the subcommittee chairman and other members asked the Secretary to initiate a review of the site selection process carried out under the MUA on the basis of conclusive evidence, in many cases supplied by DOE's own internal documents which lead us to only one possible conclusion. The Department of

Energy distorted and disregarded its own scientific analysis. Where have we heard that before? Preselection was confirmed. The subcommittee report demonstrates that the Department of Energy's not only manipulation, gross manipulation, of the multiattribute utility analysis and other criteria deliberately excluded from the so-called MUA such as rock diversity to justify its preselection of Yucca Mountain and Hanford. A review of internal DOE documents strongly suggest that DOE had decided on three sites prior to completion of that methodology report, and then tailored the methodology report to justify the final decision.

DOE failed to include the criterion of rock diversity in the MUA as its own consultants had earlier recommended. Instead, DOE employed rock diversity as an overriding criterion. Under this approach, the preselection of Yucca Mountain and Hanford was confirmed because Yucca Mountain was the only tuff site, and you got it. Hanford was the only basalt site under consideration.

They were preselected. The manipulation of the Department of Energy preordained, preselected, the choice had already been made, and DOE was not going to follow the law and the regulations and their own scientific findings.

In addition to all of this biased value judgments, the report also documents how the Department of Energy's use of its own technical staff to make value judgments and tradeoffs resulted in substantial bias in favor of selection of Yucca Mountain and Hanford. For example, an expert in multiattribute utility analysis asked DOE officials to develop monetary values for various socioeconomic, esthetic, and environmental factors.

As we talked before but not enough, as we talked before, these considerations, esthetic and environmental factors, the Department of Energy rated higher, more heavily, than health and safety concerns, health and safety considerations. Boy, that is hard to believe. No matter how many times I say it, it still is hard to comprehend—that they would place health and safety considerations of a lesser value, of a lesser weight, than the esthetic and environmental factors. Yucca Mountain and Hanford, as these same DOE officials well knew from their work on the draft environmental assessments, would score better than the salt sites on socioeconomic and environmental factors but worse than the salt sites on health and safety factors—again, preselected, preordained, and the choice had been made. The cards had been stacked but they knew where they were—"they" meaning the DOE.

(Mr. FOWLER assumed the chair.)

So it is very simple: As a result, Yucca Mountain and Hanford rank higher than they should have, had these factors been more realistically weighted.

Mr. President, I think it is important to again consider how this impacts not only upon the communities of Hanford and the areas around Yucca Mountain, on the States of Washington and Nevada, but also upon this country; to understand what has been done to a process, a good process. People spent years of their lives in this body and the other body trying to come up with a fair procedure, and they came up with a fair procedure, but it was circumvented; it was gone around. The law was violated. Their own regulations were violated.

We have some pretty good authority for this. This is not the Senator from Nevada talking. This is backed up by the Ninth Circuit Court of Appeals, by committees in the other body, by the Nuclear Regulatory Commission, by the General Accounting Office. This is not some little thing that has happened overnight and we are going to attach a piece of legislation to an appropriation bill and just be rid of it.

This piece of legislation should not be on an appropriation bill. It is too complicated. You can say whatever you want, but the chairman of the full committee is also the chairman of this committee. There were no hearings held in the Appropriations Committee on this issue, and there are other committees which do seek jurisdictional aspects of this legislation.

I say to my friend from Louisiana, the senior Senator, that he also has been responsible for the appropriation bills moving through this body as they have this year. They have really whipped through compared to last year. It is about nine to nothing. We should get another bill through. There should not be this legislation on this appropriation bill. It violates the rules of this body. It violates the spirit and intent and the rules of the Appropriations Committee itself. It should not be here.

Then, after we talk about what has happened to the process, a process that started out on January 7, 1982, as a process that would establish the New Federalism, it would be the first test of New Federalism, but that was thrown in the garbage by the Department of Energy as soon as the ink was dry; because they had their own law, which was not passed by this Congress and was not signed by the President. Their law was something they had in mind that they knew better than we knew. They knew better than Congress; they knew better than the President. They knew better than the 12 committees of Congress that reviewed this legislation. They wanted their own law: "Congress does not know as much as we know, and they have this silly provision in the law that to make it better for the States, we have to cooperate with them." They did not follow any of that.

So I think it is high time we removed this legislation from the appropriation bill. I think it is high time we move this appropriation bill to the other body, where it belongs.

There are matters that deal with energy and water appropriation that are in this bill which Members of this body need to have in their States. Members of the other body need to get the legislation out. We need to get the bill to the White House so the President can sign it, so that this does not have to be part of the continuing resolution. We need to do our job to get an appropriation bill to conference for energy and water. We need to get a bill to the President. This is not the place to handle nuclear waste, on the floor of the Senate.

Everybody, I am sure, also recognizes that the reasons we are doing it here is that there is a possibility, probably not a very good one, that if the bill gets out in this fashion, this legislation would circumvent the committees that have spent the time on it. How would it do that? I would go directly to the Appropriations Committee, and Chairman DINGELL and Chairman UDALL and others would not be able to put the years of their experience, their stamp, on this legislation. That is why it is being done. But, realistically recognizing the rules of the other body—they have a Rules Committee—I think it is important to know that we are wasting a lot of time; because I do not think that the chairman of the Rules Committee, Senator PEPPER, is going to let two major committees which have spent years working on this legislation—I do not think Senator PEPPER and his Rules Committee will allow those committee chairmen to be taken out of the process, to be taken out of the loop.

So, why do we not get to appropriation? Why do we not get to the energy and water appropriations bill? I have stuff in that. I have things in that bill that the people of the State of Nevada need. Every Member of this body does. But what this body does not need is this legislation dealing with nuclear waste on an energy and water appropriations bill. It is violative of the rules of the Appropriations Committee, violative of the rules of this body. That is what we should be doing.

We should be doing that, not only educating people on the dangers of nuclear waste generally but educating the Members on the Department of Energy's travesty on nuclear waste repository site selection, but that is what we are doing and we are going to have to keep doing it, Mr. President, because to do anything else would be wrong. To do anything else would be wrong. This is legislation on an appropriations bill and we should not have it.

I talked a short time ago about how the DOE's biased and politicized site nomination and selection process was bad, and I talked about that and I talked about the bureaucrats cover mechanism, the famous MUA.

Mr. President, in case you missed it, I am sure that you would like to know that MUA stands for multiattribute utility analysis. We talked about that. We talked about the House investigations and discovery of abuses. We talked about preselection being confirmed. We talked and we are going to talk right now about biased value judgments.

The report also documents how DOE's use of its own technical staff to make value judgments and tradeoffs resulted in substantial bias in favor of selection of Yucca Mountain and Hanford. For example, an expert in multiattribute utility analysis asked DOE officials to develop monetary values for various social, economic, aesthetic, and environmental factors.

As I have said on one other occasion, every time I say this, it is as astounding as the first time I said it. Can you imagine that the Department of Energy weighted aesthetic and environmental factors more heavily than health and safety considerations?

We are not talking about the aesthetics of an automobile, that is, whether it is a Mercedes Benz or a Chevrolet. We are not talking about environmental factors dealing with catalytic converters. We are dealing with nuclear waste. We are dealing with the most poisonous substance that is known to man, plutonium. That is what is in this stuff. And the Department of Energy weighted aesthetics and environmental factors higher than health and safety.

How can we accept this? How can the Senator from Washington and how can the Senator from Nevada go home and explain to our constituents that we got a fair deal? They did not. The people of our States have been cheated. How could you weigh more heavily aesthetically and environmental factors than health and safety considerations?

For the fourth time, every time I say it, it is as astounding as it was the first time. It is unbelievable. It is incredible.

Yucca Mountain and Hanford, as these same DOE officials well knew from their work on the draft of an environment assessment, would score better than the salt sites on social, economic, and environmental factors but salt sites were worse than health and safety factors. That is really wrong that they would do that. It is wrong.

As a result, of course, Yucca Mountain and Hanford rank higher than they should have, had these factors been more realistically weighed.

Mr. President, I want to talk for just a little bit about repository and transportation costs which were included.

I talked a little bit about the subcommittee study, and let us talk a little more about that. It shows that the DOE, the Department of Energy—as I said before, if you say DOE you lose the impact—that is a cabinet level bureau, the Department of Energy—completely ignored repository and transportation costs and recommending the three sites for characterization.

It did so notwithstanding the act's clear statutory requirement that these factors be considered.

Let me read that again. I want to make sure that before I go to my next statement we all understand that.

The subcommittee study shows that DOE completely ignored repository and transportation costs in recommending the three sites for characterization. It did so notwithstanding the act's clear statutory requirement that these factors be considered.

The State's own limited review of certain DOE documents the House subcommittee used as a basis for their report—Mr. President, you were not here earlier, but I think it is important to bring out again that these are the documents that we have—a lot of them were destroyed, lost, thrown away. We do not know where they are. But I guess it really does not matter, we are only talking about a multibillion-dollar program. I guess it is OK if they stick them in a drawer and do not remember where they put them or they erase the computer tapes or they throw them away or they destroy them or they lost them. It does not matter much. It only deals with a program, as the Senator from Louisiana said, the three sites, now it is going to cost $6 billion, something like that to characterize those.

So, it is not really important to have all the papers to determine how they did it to find out if it was fair. But from the few papers that we do have, our own limited review of certain DOE documents used for the basis of that report reveals some other interesting phenomenon about the cost figures that DOE employed.

It seems to be that the Department of Energy cost estimates for each site under consideration were not based upon equivalent data. The cost estimates for the salt sites were updated as of February 1986. Until that time, the Department of Energy has hypothesized that the cost of developing a repository at the salt sites would be roughly equivalent to the cost estimates DOE has developed much earlier for Yucca Mountain.

See, until that time, DOE has hypothesized that the cost of developing a repository at the salt sites would be roughly equivalent to the cost estimates the Department of Energy had developed much earlier for Yucca Mountain. Nevertheless, DOE apparently continued to use the same older cost figures for Yucca Mountain.

Naturally, the figures for Yucca Mountain would be less than the figures used for the salt sites.

Thus, cost comparisons were apparently not made on the basis of equivalent data.

DOE cleverly misused the NAS, National Academy of Sciences. Early on the National Academy of Sciences recognized this potential for bias in the MUA process in its 1985 study of the ranking methodology. NAS has concluded that MUA technique could be an appropriate device but warned that the MUA's must be implemented correctly and accurately to be useful and credible.

The NAS also recommended the DOE not use its own technical experts to assess performance of postclosure factors of each site but rather use outside experts to enhance the credibility of DOE's work. You have it.

DOE, of course, did not follow the National Academy of Science's advice.

We have to add another one to my list here. We have the ninth circuit court of appeals, the House of Representatives, the Nuclear Regulatory Commission, the General Accounting Office, and now we are going to add the NAS, the National Academy of Sciences. There are a few others, Mr. President, and I have kind of lost track of them here today. But the process to show how unfair, illegal, biased, preordained it was, do not listen to the Senator from Nevada or the Senator from the State of Washington. Listen to what the ninth circuit court of appeals has to say. Listen to what the House of Representatives, the other body, has to say. Listen to what the Nuclear Regulatory Commission has to say about what the Department of Energy has done. Listen to what the General Accounting Office has said. Listen to what the National Academy of Science have said. The list is ongoing. We are going to have others and I apologize to those other agencies and groups who have also joined in this almost unanimous criticism. I apologize to them for not having them on my so-called short list.

But, as I said, Mr. President, early on the National Academy of Sciences recognized this potential for bias in the MUA process in its 1985 study of the ranking methodology.

The National Academy of Sciences concluded that the MUA technique could be an appropriate device, but warned that the MUA must be implemented correctly and accurately to be useful and credible.

The NAS also recommended that DOE not use its own technical experts to assess performance of postclosure factors at each site but, rather, use outside experts to enhance the credibility of DOE's work.

As I mentioned earlier, Mr. President, of course DOE did not follow the National Academy of Sciences' advice. But why should they? They did not follow their own scientific finding. Why should they follow somebody that is a recognized agency in the scientific field in the world community of science? Why should they follow the National Academy of Science when they did not follow the law, they did not follow their own recommendation, they refused to listen to the States who were allowed by law to have input. They did not allow that. So why should they do a simple little thing like do what the National Academy of Sciences want?

In 1986, the Department of Energy then asked again the National Academy of Sciences to conduct a second review of the application of the methodology. NAS did so only on a very limited basis and examined only the Department of Energy postclosure rankings.

Mr. BYRD. Mr. President, would the distinguished Senator yield to me for a question? He has a right to yield the floor for a question. Would he yield with the understanding that the resumption of his speech not be counted as a second speech; provided further that the Chair protect his rights to the fullest while I engage him in some questions?

Mr. REID. I will, of course, yield to the majority leader on the condition that I not lose my right to the floor and that I do not have a problem with the second speech.

Mr. JOHNSTON. Mr. President, is the Senator asking for unanimous consent?

Mr. BYRD. Mr. President, I asked consent—I will not ask the Senator to yield if I am going to cause him to lose the floor. I will protect him in that.

Mr. JOHNSTON. Mr. President——

Mr. BYRD. The Senator has a right to yield for a question.

Mr. JOHNSTON. Yes.

The PRESIDING OFFICER. The Senator has a right to yield for a question.

Mr. BYRD. I ask unanimous consent that his resumption of his speech thereafter, if he does yield, not count as a second speech against him. I do this for his protection, as I would protect any Senator.

Mr. JOHNSTON. Mr. President, reserving the right to object, I simply want to be clear. Certainly the Senator has a right to ask a question without unanimous consent as I understand it, just yielding for a question would not cause it to be a second speech.

Mr. BYRD. I wanted to be absolutely sure I protect this Senator, whether I am on his side or not. As majority leader, I do not intend to trap any Senator when I ask him questions. I want to see what his plans are for tonight so that the rest of us could know what to count on.

Mr. JOHNSTON. Mr. President, further reserving the right to object, I simply did not want the Senator to sit down and walk off the floor.

Mr. REID. I cannot hear the Senator from Louisiana.

Mr. JOHNSTON. Yes, I say, I think the Senator can ask the questions without getting unanimous consent. So, Mr. President, I would object at this time to unanimous consent.

Mr. BYRD. Mr. President, I think I know what I am doing here.

The PRESIDING OFFICER. The Chair will state that consent is not required for the Senator to yield for the purpose of a question, and it does not count as a second speech. He is yielding only for that purpose to the majority leader, and the Chair will protect his rights.

Mr. BYRD. I thank the Chair.

I did not want to do anything other than to ask a question, but I think I better say in asking my question that, as the majority leader, I insist on protecting a Senator who has the floor. Does not the Senator feel that I would also be just as zealous in protecting the rights of the manager of the bill as I would a Senator?

Mr. REID. Without question.

Mr. BYRD. Exactly. And I must be fair to all Senators in a situation like this. Does not the Senator think that?

Mr. REID. And the leader has always been fair, not only during the time I have been here which is a short period of time, but by reputation since you have been in the Senate.

Mr. BYRD. Well, it would not be my desire to tip the scales either toward the Senator or toward the manager of the bill in this effort I imagine here. So no Senator needs to stand and protect himself against this Senator at this point.

Now, how long does the Senator intend to speak without yielding the floor?

Mr. REID. Mr. Leader, I am convinced that I would speak for another 4½ hours or shortly after midnight.

Mr. BYRD. Is it the objective of the Senator—and he loses nothing by answering this question, by divulging his strategy, because if he is prepared to speak beyond midnight he certainly can do so.

I would say, as I perceived him, he appears to be a man in good health, considerably younger than some of us who have spoken much longer on this floor. Is he prepared to speak that long without leaving the floor?

Mr. REID. Yes.

Mr. BYRD. And I assume, therefore, that he has a purpose in speaking beyond midnight. What is his purpose in going beyond midnight?

Mr. REID. Well, in direct response to the latter, I have not had the opportunity the past 6 hours or so to weigh all of my alternatives, but the midnight hour is—I cannot cite a poem, as I am sure the leader could do—but that is a magical hour, and I am certain I can go that long and we will see what happens after that.

Mr. BYRD. Well, the Senator has not answered by question. I assume that his purpose is to prevent the distinguished Senator from Louisiana, who is the manager of the bill, from getting the floor, moving to table the amendment, and, if the manager is successful in tabling that amendment, then calling up an amendment and putting a cloture motion thereon. Is it a fair question to ask if that is the Senator's purpose, to prevent the manager of the bill from offering a cloture motion today?

Mr. REID. The majority leader is correct.

Mr. BYRD. I thank the Senator.

Mr. REID. The Senator from Nevada has the floor.

The PRESIDING OFFICER. The Senator from Nevada has the floor.

Mr. REID. As I was saying, Mr. President, the National Academy of Sciences again criticized the Department of Energy for failing to involve outside groups of experts in the development of value judgments for preclosure analysis, for failing to consider differences among sites and pathways from the EPA accessible environment to biosphere, and for failing to include outside panels of experts in the site-ranking process beyond the National Academy of Sciences' own limited review.

Because of these failures, the National Academy of Sciences concluded, "The lack of external input in technical and value judgments could raise concerns about bias." Notwithstanding these serious criticisms and recognized shortcomings with the methodology, DOE has sought in effect to create the perception that its MUA process had been blessed fully by the National Academy of Sciences. We can entitle this a "guaranteed result."

In conclusion, the Department of Energy's manipulative and selective application of the MUA, together with the omission of key considerations such as rock diversity from the MUA, enabled the agency to recommend the same three sites it had originally tentatively recommended in December 1984 and actually selected for characterization long before that. The State of Nevada believes that Congress should study closely, certainly more closely than we have, DOE's decision documents on the MUA to see what other abuses, not what abuses, but what other abuses the agency may have brought in the process.

I think a discussion this afternoon, Mr. President, would not be complete unless we spent a little more time on the second site cancellation.

It is very clear that that was done solely for the purpose, political purpose, of withdrawing objection to this faulty process. And they did that.

They did that by simply saying: We will just delete, not by virtue of law, by some administrative procedure. By some administrative procedure, they are going to wipe out the law.

The law, of course, called for a second repository selection process, one that was deemed—that should take place in the Eastern part of the United States. So, the DOE, these nonelected people, decided what they would do is, rather than follow the law, they would just delete any part of it they did not like. They did not follow it so they just thought they would delete some part of it that they did not like and that is what they did. That is why we do not have a second-round siting process now.

No, in fact, what we are going to do is haul the poison thousands and thousands of miles across this country. We do not need to follow the law. Ha! It is there, but why should we follow it? We have not followed it to this point. We will be real cute this time because it will give us less objection to what we are trying to do.

What we will do is wipe it out.

Mr. BYRD. Mr. President, will the Senator yield for a question?

Mr. REID. Under the same conditions, Mr. Leader, that I do not yield my right to the floor and it is not considered a second speech.

Mr. BYRD. Mr. President, I thank the distinguished Senator. His answers to earlier questions I think were clear and gave an indication that his purpose in speaking beyond midnight would be to prevent the distinguished manager of the bill from getting the floor, moving to table the amendment, succeeding in that effort—if the manager does—offering his own amendment, the manager's own amendment: then offering a cloture motion on it prior to midnight, which cloture motion would mature the day after tomorrow, namely Friday.

I believe I understood the distinguished Senator to say that he is prepared, therefore, to go beyond midnight in which case a cloture motion then entered would not mature until Saturday, if the Senate is in, or Monday if the Senate is in, or Tuesday, if that is the next—first day that the Senate is in. Is that correct?

Mr. REID. That is my understanding, Mr. Leader.

Mr. BYRD. Would the Senator yield the floor at this time, allow the distinguished Senator from Louisiana to get the floor, make his motion to table if that is his plan—and I take it that it is—and if he is successful in doing so and calls up his own amendment; then, if the Senator from Louisiana is agreeable, therefore, having gone that far, to wait? If he is agreeable to wait until tomorrow to put the cloture motion in on the Senator from Louisiana's amendment? Would the Senator yield the floor at this time for such an understanding and order to be entered?

Mr. REID. Yes. Mr. Leader, I would ask at this time—Mr. Leader, if you could withhold and give me about 30 seconds—well, I may need 60—to confer with my staff and get my thoughts clear? Under the agreement that I would not lose the floor or it would not be considered a second speech? Sixty seconds?

Mr. BYRD. Yes. Well, the Senator would not be speaking a second speech on the same matter.

The matter on which he is now speaking would then be tabled, probably, I assume.

Oh, yes, the Senator has the floor——

Mr. REID. Mr. Leader, I would like 30 seconds to sum up what I have said here and then I think there is a 99-percent chance.

Mr. BYRD. Yes, Mr. President, I ask the Chair protect the Senator while he has an opportunity to counsel with the other Senator and staff.

The PRESIDING OFFICER. The Chair will.

Mr. REID. Mr. Leader, then, if I could regain the floor, I would like the leader to put the unanimous consent request.

Mr. BYRD. I am sorry; I did not understand.

Mr. REID. Is this going to be done by unanimous consent, Mr. Leader?

Mr. JOHNSTON. Mr. President, if the Senator would yield?

Mr. REID. For a question, under the same conditions as before.

Mr. JOHNSTON. I am prepared to withhold filing of the cloture petition until tomorrow.

Mr. REID. I certainly will take the word of the Senator from Louisiana for that. I would like, under this agreement, just a short time to conclude my remarks.

Mr. BYRD. Mr. President, I thank the manager of the bill.

Mr. REID. Finally, let me remind all Senators what is included in the pending amendment.

No. 1, it incorporates all committee amendments except those on nuclear waste, as well as House language approved by the Senate Appropriations Committee; No. 2, it preserves the rights of all Senators to offer amendments and it excludes only that language which incorporates major new legislative initiatives on nuclear waste.

The Senator from Nevada yields the floor under the agreement.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, first I want to say I have no desire to put my colleagues through the difficulty of staying here until midnight.

Second, I give my admiration to the Senator from Nevada for his physical strength in staying on the floor. He has persuaded me he has the strength to stay until midnight. While I think his physical prowess exceeds his good judgment at this moment, nevertheless my admiration is to him.

Mr. President, let me tell my colleagues what this is all about. This is, first of all, about saving $3.9 billion. Mr. President, if you do not understand how much money that is, in the so-called summit conference going on at this very minute, on which the future of the stock market depends, we are told, the figure pointed out, or the target figure for saving money for the whole discretionary budget, domestic discretionary budget, is $2.8 billion.

The amendment which we have reported out relative to nuclear waste saves $3.9 billion, almost twice as much.

Mr. President, it is a scandal, it is a scandal what we are spending on nuclear waste. How much we are wasting today. By the hundreds of millions of dollars, we are throwing it away.

Mr. President, we were just in Europe. We talked to the French about why is our nuclear program so uncommonly expensive? It is $3.9 billion just to pick a site. That is what we are talking about doing, is spending an additional $3.9 billion just to pick a site.

The French said, "Well, we have a rule that what it costs us over here a franc to do, we figure it costs you a dollar to do." I think the dollar is at 5 or 6 francs to 1.

In other words, Mr. President, we are pouring money down that nuclear waste repository rathole at a rate of 5 or 6 times what the French are spending. And every time we try to bring the program to a conclusion somebody says, "Delay, Delay. I am running for public office. It is my election year." Or "My people object." Or whatever it is. And we fix everything up safely, we get all the experts in, we get the National Academy of Sciences in, we get the Nuclear Regulatory Commission, we get the Department of Energy, we get the finest experts we can find in this country and we have them day after day after day and we say, "What is wrong with this nuclear waste program?" And they say, "Nothing is wrong with it except the States do not want to accept it."

Now, that is what is wrong with this program, Mr. President, and after all that work, after days and days and days of putting together a program which came out of the Energy Committee 17 to 2. Then the same program came out of the Appropriations Committee by 19 to 6, and we are told, "Oh, no, we have got to wait some more time, have some more studies, do some more environmental impact statements."

We are not shortcutting the National Environmental Policy Act, Mr. President. There is application of NEPA under our amendment. But we do not want to build NEPA's upon NEPA's upon NEPA's for hundreds of millions of dollars and throw it down the rathole.

Mr. President, it is a scandal. It is an absolute scandal, what we are spending on nuclear waste, and we can avoid it if the Senate will just simply have the courage to face up to its responsibilities.

Mr. President, there is no other way to put it. You cannot justify further delay on any basis other than lack of courage, on the fact that Senators simply want to put the problem off.

It is sort of like that deficit, Mr. President. We have been talking about the deficit now year after year after year. What does the Senate do? We keep sweeping it under the rug. So, finally, when the stock market starts going to hell, then we go in and we have a summit conference. I hope we solve the problem.

Mr. President, we are right on the brink here with the nuclear waste program where we have a solution, a solution that has been reported out of the Energy and Natural Resources Committee 17 to 2, only 2 dissenting votes and 1 of those voted for it in the Appropriations Committee so it is 18 to 1. The only dissenting vote, really, in the committee was the distinguished senior Senator from Nevada who feels like his State is going to receive the waste. We can understand that.

It was virtually unanimous, Mr. President, that this program came out.

So we are told now that, no, that is not enough. We need to go back for a whole new set of hearings. We need to get more committees involved. We need to get more experts involved.

Mr. President, we have heard more objection today about what is wrong with the sites, what the DOE did wrong. You know, Mr. President, we had hearings, real hearings, not these kinds of filibusters on the floor of the Senate, and we put the witnesses up there to tell us what is wrong. "What is wrong with this program? What did DOE do wrong?

Mr. President, when put to the careful scrutiny of the light of day, the answer is what they did was correct. What they did was correct. That is what the National Academy of Sciences said. That is what the Nuclear Regulatory Commission says.

They might not have dotted every "i" and crossed every "t," but they did the right thing.

All of these objections from tectonics to water to hydraulics, and all the rest, you can resolve only by sinking an exploration shaft.

Mr. President, I can tell my distinguished friends—may we have order, Mr. President?

The PRESIDING OFFICER. The Senate will be in order.

Mr. JOHNSTON. I can tell my distinguished friends from Nevada and Washington that the worst thing that can happen to them is to win this fight. In the case of Nevada, Nevada thinks they are going to get it anyway. What they will do if they win this amendment is they will lose the benefits package. It is teetering right now on a very tenuous base anyway.

If they do not want it, well, there is no need to have it. But we felt that it was right and proper to do so. By putting it in, we are met with a filibuster, by one that I admire for his physical strength. But, Mr. President, that benefits package cannot continue to survive this kind of opposition.

Second, I would say to my distinguished friend from Washington the present law requires three characterizations. There is money in this bill that is not taken out by this amendment which would continue to require the three characterizations as well as the development of the eastern site. And, Mr. President, by delay, all you do is grind forward with that superexpensive program.

Mr. President, I say it is time for the Senate to face up to its responsibilities. The Senate Energy and Natural Resources Committee has heard this ad nauseum, Mr. President, and voted 17 to 2 that this is the solution.

The Appropriations Committee, with some of the members on it in locations that are subject to this, still voted 19 to 6.

Mr. President, I hope that the Senate will recognize not only their responsibility but an opportunity to save $3.9 billion and will vote yes on my motion to table.

NUCLEAR WASTE POLICY ACT AMENDMENTS ACT OF 1987, INCLUDED BY REFERENCE IN H.R. 2700

Mr. THURMOND. Mr. President, I would like to ask the distinguished chairman and ranking minority member of the Energy and Natural Resources Committee a question concerning the intention of the second sentence of section 403(f)(1) of S. 1668 as incorporated by reference in this appropriations bill. As you know, this sentence requires the Secretary of Energy to examine the desirability of locating additional MRS facilities where substantial volumes of high level, atomic energy defense waste are generated. Based upon the genesis of this sentence and Committee Report 100-159, it is my understanding this sentence is not intended to apply to or implicate in any way the Savannah River Plant in Aiken, SC. Is that your understanding?

Mr. JOHNSTON. Yes, it is.

Mr. McCLURE. Yes, it is.

Mr. THURMOND. It is my understanding that the sentence in question was included as an amendment by the distinguished senior Senator from Washington during the committee's consideration of the bill. I would now like to ask him whether the foregoing is consistent with his intentions as author of this language?

Mr. EVANS. Yes, the Senator is correct.

Mr. HOLLINGS. Mr. Chairman, I was involved in discussions at the Appropriations Committee markup on this very matter. What has been said is in accord with my understanding. I might add that a paragraph was included on page 167 of the Energy and Water Appropriations Report, Committee Report 100-159, which further clarifies this matter.

Mr. THURMOND. I thank the chairman, the ranking minority member, the distinguished Senator from Washington, and my fellow colleague from South Carolina for the opportunity to clarify this matter.

Mr. KERRY. Mr. President, the issue of depositing high level nuclear waste is not an easy one. High level nuclear waste exists, and storage capacity at plants producing this dangerous material is quickly being used up. The overall issue of what to do with high level radioactive waste raises both parochial concerns as well as general environmental health policy questions. What my distinguished colleague from Louisiana sets out to do in the provisions that he added to the energy and water appropriations bill are on face value quite admirable. A real need clearly exists to develop ways to permanently deposit nuclear waste. And my colleague has tried to address that very real need by speeding up the selection process for a nuclear waste repository site in the West, having a second repository site chosen in the East by the year 2010, and by quickly determining an area for a monitored retrievable storage site, so that waste can be stored while a permanent site is chosen and developed.

The urgency of this situation is valid. But it is an issue that must be examined in great detail. A host of options are available to us on what direction our policy should take in eliminating dangerous nuclear waste. The Environment and Public Works Committee has developed their response to this problem. The Energy Committee has voted on their recommendation, in the House of Representatives other solutions have been put forth. In addition to the variety of approaches that exist which respond to this critical health and safety issue, a plethora of questions are still unresolved. Has the

Department of Energy done a sufficient job in determining the permanent stability of depositing waste in the ground? Are we certain that the appropriate technologies have been developed to ensure safety and to prevent any kind of leaking of this waste once it is placed in the ground? Some scientists say yes, other scientists and environmentalists question the feasibility of the plans that DOE has come up with. There have been questions raised about the efficacy of the site selection guidelines used by DOE. Some experts claim they are sufficient, others deny that they even come close to touching the myriad of safety questions. What about the monitored retrievable storage sites? Are we sure that these sites are only temporary? Has enough research been done to adequately provide for the safe transport of nuclear waste across the Nation? Are we setting ourselves up for regional MRS facilities?

Mr. President, there are many unresolved questions on this very important issue of how we permanently dispose of high level nuclear waste. And most importantly, in my mind, there are still too many unanswered scientific questions to merely have an up or down vote because quite frankly the end results are incredibly far reaching. The damaging and limitless implications of voting on this issue without adequate debate and examination are very real. We cannot deal with this issue in a premature manner. For these reasons Mr. President, I have decided to vote with my colleagues from Washington and Nevada to continue the debate on the nuclear waste disposal issue. In doing so I do not only vote for further examination, but for Congress to take a serious look at all of the proposals and options before us and devise a solution that provides for the safety and welfare of all of our citizens.

Mr. McCLURE. Mr. President, 5 years ago, the 97th Congress produced a remarkable piece of legislation entitled the Nuclear Waste Policy Act of 1982. The legislation did not come easily—rather, it was the product of countless hours of hearings, debate, negotiations, and compromises. But it was, in the end, a good piece of legislation, reflecting the necessary political and technical ingredients needed to get the job done of disposing of this Nation's high-level nuclear waste and spent fuel.

Critics might claim that a less-than-perfect statute, implemented by a less-than-perfect agency, has created a far-from-perfect situation in terms of how the nuclear waste program has faired over the last 5 years.

I would prefer to look at things from a different perspective: the program, as created by the statute, has come a long way over the last 5 years, but through the whole process, has experienced certain growing pains not uncommon to any major, national undertaking of this sort. Despite these growing pains, there is general agreement from knowledgeable parties such as the National Academy of Sciences, the Nuclear Regulatory Commission, and the Environmental Protection Agency, that there are no technical or engineering reasons not to proceed with the nuclear waste program; that is, there are no show stoppers that would justify total abandonment of the activities now underway.

During these last 5 years, a lot has changed, and a lot has been learned. We are at the point now where we must factor these changes and the knowledge gained into a statutory package that will improve the process and move the program forward in a progressive, more deliberate manner.

In particular, I can point to two major factors—schedule and cost—that force us to rethink the overall program content. The schedule was driven back in 1982 by inflated estimations of spent fuel accumulation rates at nuclear reactors and by pessimistic assumptions about onsite storage capabilities, and led us to believe that we had to have the first waste repository in operation by 1998, and the second repository not too far behind that. Those predictions and assumptions have proven to be grossly overstated. Spent fuel is accumulating at a much lower rate than we had anticipated. More spent fuel is being stored on site than we originally thought feasible—thanks to advances in state-of-the-art consolidation and storage techniques now licensable by the Nuclear Regulatory Commission. We no longer are faced with an either/or situation where nuclear plants would either have to remove spent fuel from their site or face premature shutdown.

Furthermore, we have an option to proceed with the construction of a monitored retrievable storage [MRS] facility for receipt and temporary storage of fuel by 1998 and thereby meet the Government's statutory obligation to begin taking spent fuel by that date.

Thus, we have more time to proceed, at a more deliberate pace, with the selection and development of a first repository site. We are fortunate to have this additional time, because the scope of the technical and scientific work, and the time needed for adequate public input into the process, demand that the overly optimistic NWPA schedule be pushed back anyway.

Another aspect of the schedule that deserves a closer look is the timing on the second repository. One need not be a mathematical genius to figure out, by looking at the spent fuel accumulation rates projected in a DOE document prepared by Oak Ridge National Laboratory (DOE/RW-0006, rev. 2, September 1986), and by making certain conservative assumptions on onsite and centralized MRS storage capabilities, that we will not reach the 70,000 metric ton limitation on the capacity of the first repository until sometime close to the year 2020. This means that decisions with respect to the second repository need not be made now. They can, in fact, be deferred to a date well beyond the year 2000 when the need for a second repository can more accurately be determined.

Speaking of decisions on second repository work, let me digress a moment to discuss a predicament that DOE has managed to place itself in. As you all may recall, the Secretary announced in May 1986 his decision to indefinitely postpone further work on the siting of a second repository, despite the statutory deadlines in the Nuclear Waste Policy Act. Senator JOHNSTON and I, among others, protested loudly about this unilateral decision that was in clear violation of the law. The Secretary, when subsequently faced with a pending lawsuit on this decision, then committed to a resumption of siting activities by October 1 of this year, if Congress had not acted to change the law by then. Well, October 1 has come and gone, Congress has not yet acted, and the Department has indeed begun to resurrect the second repository siting work they suspended in May 1986. Although the Department is conducting only a minimal level of activity, needless to say, this has caused a great deal of consternation in those States in which second repository sites are now under active consideration. It is, in my mind, a tremendous waste of resources, especially in view of the fact that congressional action to redirect the nuclear waste program, including decisions on second repository work, is so close at hand.

The second major factor that I identified as key to the overall program is cost. Estimates of the costs of site characterization have skyrocketed since we passed the Nuclear Waste Policy Act. I remember, in DOE's 1981 testimony before Congress, cost estimates for site characterization were as low as $60 million to $80 million per site. Today, according to the General Accounting Office's most recent report, site characterization costs will be on the order of $2 billion per site. This incredible ballooning of cost estimates is indicative of the breadth and depth of the scientific, regulatory, and institutional activities actually required to do the job properly.

In today's budgetary environment, we must ask ourselves how this money can be used most effectively. Can we afford the luxury of parallel, redundant activities at three first-repository sites, when we might be able to save as much as $4 billion of ratepayer money by proceeding sequentially? Isn't some of the money thereby saved better spent in providing incentives to the State that ultimately will host a disposal or storage facility? And isn't some of this money better spent in constructing a monitored retrievable storage facility, that would vastly improve the integration and coordination of spent fuel management and transportation? Don't the ratepayers themselves deserve to benefit from the potential savings that would accrue from a more streamlined approach to nuclear waste disposal?

I ask these questions rhetorically, but I think we all know the answers. It is time that Congress faced up to the reality of the situation before us. There are some logical steps that must be taken at this time to revamp the nuclear waste program so that it can move forward within a logical timeframe and in a cost-effective manner. And the opportunity to take those steps is before us now. The expenditures and the program as referenced in the bill before us now set the stage for revitalization of the nuclear waste disposal program, based on today's realities. It is a balanced package, which reflects all the considerations that I have just discussed.

Under this proposal, we would proceed with characterization of one first-repository candidate site, selected by the Secretary of Energy, based on specific criteria laid out in the statute. The remaining two candidate sites would be placed on hold, in the event that the first site was found unsatisfactory during the site characterization process.

The decision to proceed with a second waste repository would be postponed until a more appropriate time. The Secretary of Energy would be required to submit a report to the Congress, by the year 2010, on the need for a second repository. Congress would then have an opportunity to act on the basis of the findings in the Secretary's report.

Construction of a monitored retrievable storage facility is authorized at a site to be selected from a new universe of possible sites, including any sites volunteered by a State.

Under this bill, substantial benefits would accrue to the host States for either a repository or an MRS facility: $50 million and $20 million per year, respectively, prior to receipt of fuel, and $100 million and $50 million per year, respectively, once the facility is in operation. I believe these benefit packages are not only helpful, but essential, to the successful execution of the program. Host States deserve some very real, very tangible positives to offset the negatives—whether real or perceived—that a program such as this carries with it.

Finally, the bill establishes a review panel for each host State, with representation from State and local entities, to oversee and advise the Department with respect to waste program activities affecting the State during the course of the program.

Mr. President, this legislation is the product of months of hearings and committee markups. It deserves the support of every Senator in this body. The legislation responds to the concerns articulated by the affected parties while permitting continued progresss in the program. I am convinced that the package reflects balance and fairness, and that it will get the program moving forward in a responsible and reasonable manner that reflects the experience we have gained since 1982. Both technically and politically, it can succeed.

I urge my colleagues to support this measure as a key element of the fiscal year 1988 energy and water appropriations bill.

Mr. THURMOND. Mr. President, I rise in supoort of the second degree amendment offered by the distinguished junior Senator from Washington which deletes the nuclear waste legislation from this appropriations measure.

In 1982, I supported final passage of S. 1662, the Nuclear Waste Policy Act. That legislation provided a comprehensive plan for the disposal of nuclear waste. We must take affirmative steps to improve the nuclear waste disposal program of this country. However, I have serious concerns with both the procedure and the substance of this current legislation, S. 1668, the Nuclear Waste Policy Act Amendments of 1987.

I am opposed to taking up the Nuclear Waste Policy Act Amendments of 1987 as part of an appropriations measure. We should be wary of mixing authorizing and appropriating measures. Although a majority of the members of the Appropriations Committee voted to include this measure, attaching an authorizing bill as comprehensive as S. 1668 to the energy and water appropriations bill is not the most effective method for the Senate to consider this legislation. An issue of this importance—potentially affecting every State—merits separate consideration. More importantly, an appropriations bill as significant as energy and water appropriations should not be hampered in its movement through this body.

Moreover, I am concerned about reopening the question of where an MRS would be located. The Department of Energy has already selected sites where an MRS should be built. They did not pick South Carolina—and with good reason—but I do not favor reopening that question again. My home State has already made a significant contribution to the nuclear framework of our Nation. The Department of Energy's Savannah River plant currently stores over 33 million gallons of high-level nuclear waste and over 17 million cubic feet of low-level waste. In addition, the chem-nuclear systems waste facility in Barnwell, SC, stores over 19 million cubic feet of low-level commercial waste. Together, these two facilities have been receiving waste for more than 50 years. This is no small contribution.

Mr. President, this is not a statement of "don't build an MRS in my backyard," but a recognition of the fact that South Carolina has for too long shouldered a disproportionate burden of the nuclear waste of this Nation. Other areas must share that burden.

Finally, I am concerned that a temporary MRS facility could become a de facto permanent repository. I believe further attention must be given to ensuring that this does not occur.

For these reasons, I support the amendment offered by the distinguished junior Senator from Washington.

Mr. JOHNSTON. Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the motion——

Mr. McCLURE. Mr. President, I will either put in a quorum call or ask the leader if it might be possible to extend this rollcall. There are some Members off the the Hill.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the motion of the Senator from Louisiana. The clerk will call the roll.

Mr. BYRD. Mr. President, this will be the last rollcall today. There will be an early rollcall vote in the morning.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Arkansas [Mr. BUMPERS], the Senator from Florida [Mr. CHILES], the Senator from Connecticut [Mr. DODD], the Senator from Tennessee [Mr. GORE], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Ohio [Mr. METZENBAUM], the Senator from Arkansas [Mr. PRYOR], the Senator from Illinois [Mr. SIMON], and the Senator from Mississippi [Mr. STENNIS] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. BOND], the Senator from Minnesota [Mr. DURENBERGER], the Senator from North Carolina [Mr. HELMS], the Senator from Indiana [Mr. QUAYLE], the Senator from New Hampshire [Mr. RUDMAN], and the Senator from Vermont [Mr. STAFFORD] are necessarily absent.

The PRESIDING OFFICER (Mr. DASCHLE). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 55, nays 30, as follows:

[Rollcall Vote No. 367 Leg.]

YEAS—55

Armstrong
Bingaman
Boren
Boschwitz
Bradley
Cochran
Cohen
D'Amato
Danforth
Daschle
Dixon
Dole
Domenici
Evans
Exon
Ford
Fowler
Garn
Glenn
Graham
Grassley
Harkin
Hatch
Hatfield
Heflin
Heinz
Humphrey
Inouye
Johnston
Karnes
Kasten
Lautenberg
Lugar
McCain
McClure
McConnell
Melcher
Mitchell
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Roth
Shelby
Specter
Stevens
Symms
Trible
Wallop
Warner
Weicker
Wilson
Wirth

NAYS—30

Adams
Baucus
Bentsen
Biden
Breaux
Burdick
Byrd
Chafee
Conrad
Cranston
DeConcini
Gramm
Hecht
Hollings
Kassebaum
Kerry
Leahy
Levin
Matsunaga
Mikulski
Moynihan
Proxmire
Reid
Riegle
Rockefeller
Sanford
Sarbanes
Sasser
Simpson
Thurmond

NOT VOTING—15

Bond
Bumpers
Chiles
Dodd
Durenberger
Gore
Helms
Kennedy
Metzenbaum
Pryor
Quayle
Rudman
Simon
Stafford
Stennis

So the motion to lay on the table amendment No. 1123 was agreed to.

AMENDMENT NO. 1125

Mr. JOHNSTON. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. JOHNSTON] proposes an amendment numbered 1125.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

Mr. ADAMS. Mr. President, reserving the right to object, we do not have a copy of the amendment. I inquire, as part of my reservation, if we can obtain a copy so that we can have it tomorrow morning.

The PRESIDING OFFICER. Is there objection?

Mr. ADAMS. I reserve the right to object until I can get a copy. It has been a long day.

Mr. JOHNSTON. Obviously, the Senator can get a copy. I do not have a copy for him. If he wants to hear the amendment read, we can certainly do that. He has that right.

Mr. ADAMS. I withdraw my reservation.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment No. 1125 is printed later in the RECORD under Amendments Submitted).

Mr. JOHNSTON. Mr. President, this amendment is essentially all of the committee amendments rolled into one amendment together with an amendment for Senator SASSER that provides for an additional study with respect to the MRS and an amendment for Senator GRAMM that provides that with respect to the property acquisition in Texas the Department of Energy is directed to protect the property owners by acquiring only so much as is necessary, by paying them fair price, and by giving them the option to repurchase in the event that Texas is not selected.

I believe that is all of the amendments, Mr. President.

We do not plan to vote on the amendment tonight and I will explain it more fully, but the additional amendments other than the committee amendments are not earth-shaking amendments. They are all sweetness, light, and reasonable amendments to which I am sure the Senators from Nevada and Washington will not object other than on technical reasons.

So, Mr. President, I really would like to give a long speech tonight and go at least until midnight. If the Senators from Nevada and Washington would promise to sit here and listen to my speech, I will do so. Otherwise, I plan to yield the floor.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. ADAMS. Yes.

The PRESIDING OFFICER. The Senator from Washington.

Mr. ADAMS. Mr. President, we will have, I am certain, an opportunity tomorrow to debate this amendment at some length, and I know the Members are prepared, and I would like at this point to propound an inquiry to the majority leader on my time and if the majority leader would respond.

It is my understanding that the majority leader has some individual items of business, but I did not want the Chair to place the amendment to a vote because we wish to debate it tomorrow under the previously stated intentions. So if it is the intention of the majority leader to proceed with the rountine business and adjourn the Senate, then I would yield the floor.

Mr. BYRD. It is, and I thank the Senator for asking. I appreciate his cooperation.

It would by my intention to put the Senate into morning business to transact some unanimous-consent work, and so on.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there now be a period for morning business not to extend beyond 8:30 this evening and that Senators may speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO LOUIS J. TULLIO, MAYOR OF ERIE, PA

Mr. SPECTER. Mr. President, the measure of any man, it has been reasonably argued, is best discovered by the esteem in which he is held by those who know him. If such be the case, then the Honorable Louis J. Tullio, mayor of Erie, PA, is, indeed, a good man, for he enjoys to an extraordinary degree the admiration and good will of his fellow citizens.

Beyond esteem, perhaps, in measuring a person is affection. The person who is loved by his friends is loved for a reason or for many reasons. But almost invariably these reasons are virtues the person possesses. Here, again, Mayor Tullio proves himself a good man, for he is first in the hearts of Erie residents.

For more than two decades, Louis J. Tullio has served his community well as its chief executive. First elected in 1965, he has been returned to office again and again by grateful citizens and is currently serving his sixth 4-year term.

During these years, Erie has seen much change and many improvements. Under Mayor Tullio's benign and dynamic guidance, it has quite literally enjoyed a renaissance, particularly its waterfront area. It is today a much better place in which to live because of him and his untiring efforts on its behalf.

It is neither fulsome praise nor mindless hyperbole to state that Mayor Tullio has devoted his life to his city and to the improvement of the lives of its citizens. It is simple truth.

Before his tenure as mayor, Louis J. Tullio served his city in other capacities, working as secretary-business manager of its school district for 6 years, as assistant director of health and education for the district and as a teacher and coach in its high schools.

In each of these capacities, he distinguished himself by hard work, dedication, and concern for the students of Erie.

Mayor Tullio has also won the plaudits of his fellow citizens for his efforts on behalf of civic, fraternal, and charitable organizations and has been the receiver of many public service awards.

It may truly be said of him that he has been the ultimate resource for his city and its greatest treasure.

Beyond these efforts, he has served his Nation as a member of the U.S. Navy and as a trustee of the U.S. Conference of Mayors and his State as legislative cochairman of the Pennsylvania League of Cities.

It is altogether fitting then that the U.S. Senate take note of the many accomplishments of Mayor Louis J. Tullio and commend him for his successful endeavors on behalf of his city, his State, and the Nation.

BUDGET NEGOTIATIONS

Mr. CRANSTON. Mr. President, the impasse in the budget negotiations with the White House is totally unacceptable. If the stalemate continues much longer, I believe Democrats and Republicans in Congress must take the initiative and hammer out an agreement without the President.

If Democrats and Republicans can't agree, then Democrats should go it alone. Once we embody a budget solution in the reconciliation process, it cannot be filibustered. And it would be an act of incredible folly if President Reagan vetoed it. A veto would risk provoking a catastrophic free fall in the stock market.

The drop in the market Tuesday morning and again this morning following the reports of a breakdown in the White House-congressional negotiations were signs that failure to achieve significant deficit reductions will have dire consequences throughout our economy.

The country needs more than an economic summit devoted to reshuffling the mix in a cut of $23 billion which will come about automatically on November 20 under Gramm-Rudman. Reliance on the automatic sequester to reduce the deficit also would indicate that neither Congress nor the White House is in control of the Federal budget. And a cut of $23 billion is not nearly enough to reassure Wall Street and the public that we mean business.

I applaud Senator CHILES and Representative GRAY for putting on the table a $30-billion deficit reduction package at yesterday afternoon's summit session, and the fact that even larger cuts are being considered. We must not be deterred by the White House's rejection of that $30-billion proposal and unwillingness to give it serious consideration.

Frankly, I think we must achieve a far more significant and substantial cut in the deficit of at least $35 billion. We can do that by a prudent combination of tax increases and reductions in military and domestic spending. A sound fiscal program will surely induce the Federal Reserve Board to lower interest rates in order to keep the economy humming.

We should not enact any tax increase that would depress the economy. And cuts in expenditures should be made according to a set of rational priorities, not indiscriminately and across-the-board as would be done under Gramm-Rudman.

There are a number of different combinations of revenue increases and spending reductions that could add up to a truly meaningful deficit reduction.

For example, we should be able to achieve a minimum of $14 billion in additional revenues from a combination of acceptable revenue-raising provisions in the House-passed bill and the Senate finance-reported measure. Another $9 billion could be achieved by freezing income tax rates which are scheduled to drop in 1988.

Another source of new revenues could be derived from some combination of an oil import fee and an increase in the gasoline excise tax. For example, a 5-cent increase on gasoline at the pump together with a $5-per-barrel tax on imported oil would produce about $13 billion in new revenues. These energy-related measures would encourage energy conservation and lessen our dangerous and rising dependence on foreign oil.

On the expenditure side, $11 billion in savings could be achieved by freezing defense expenditures and enacting the domestic savings contemplated in the pending reconciliation bill and assumed in the budget resolution we approved in June.

We must cope with the deficit boldly. If we fail, we will be unable in years ahead to adequately finance programs needed to enhance our economy and our society—such as improving education, developing our transportation infrastructure, protecting the environment and helping vulnerable Americans and those to whom we owe a moral obligation.

If Reagan isn't willing to face fiscal reality, we must do it without him.

TARGETED REVENUE ASSISTANCE TO FISCALLY DISTRESSED LOCAL GOVERNMENTS ACT

Mr. DASCHLE. Mr. President, I am pleased to join as an original cosponsor of the Targeted Revenue Assistance to Fiscally Distressed Local Governments Act. I commend Senators SASSER and HEINZ for their leadership in this area, and for bringing to the attention of this body not only the severe circumstances that have impacted many areas of our country, but also a specific blueprint for addressing them.

This innovative legislation is a realistic vehicle for attacking a situation that has reached the crisis stage. It recognizes the critical problems facing many economically deprived localities nationwide, and it would provide much needed assistance to local governments while accomodating the severe budget constraints within which we must operate.

In the 1980's, the Federal commitment to State and local assistance has declined dramatically. Just last year, for example, after years of reduced funding levels, a symbolic death blow was delivered to the Federal commitment to local governments when the General Revenue Sharing Program was allowed to end.

While the necessity for fiscal austerity is clear—and I am a strong proponent of the long-forgotten art of government living within its means—such imperatives need not sacrifice basic services of local governments which are so necessary to their citizenry. Unfortunately, in far too many jurisdictions, this is exactly what has transpired.

Recent Senate hearings on the impact of the loss of general revenue sharing brought to light startling dramatizations of this very concern. Thousands of local governments have been forced to shutdown essential public services, raise regressive taxes, or both. The National Association of Counties documented the extent of this trend, showing that 64 percent of county governments have reduced or eliminated important services and programs. Municipal governments have been forced to respond in a similar fashion.

My home State of South Dakota has certainly not gone untouched by these major policy changes. The devastation of the agricultural economy has already stretched local resources to the breaking point. As communities in South Dakota struggle to keep their heads above water, the elimination of general revenue sharing has left governing bodies, already stripped to the bone, with a monumental task of providing crucial services with decreasing revenues.

The leaders of those city and county governments are to be commended for doing as well as they have with such scarce resources. Yet, the need for assistance to provide even the most basic services is becoming ever clearer.

Again, I want to emphasize that I understand the urgent need to cut spending. I believe there are two vital considerations to be made regarding in implementing proposals such as this that are vital to the well being of our Nation.

First, I believe that efforts of this nature must include an examination of methods for the raising the revenue to pay for this program. We can no longer continue adopting new spending measures without answering the question of where the money to pay for new programs is coming from. Only by embarking on such an approach to spending will we be able to address the vital needs of our country without bankrupting the future of our children.

Second, while I yield to no one in my dedication to cutting spending and balancing the Federal budget, those who suggest that balancing the Federal budget is an easy task if only the political will prevails ignore the essential truth of the budget debate—namely, that the establishment of national spending priorities is the key to responsible deficit reduction.

Certainly, the burden of deficit reduction must be broadly shared if we are to balance the Federal budget. In my view, however, local governments, which are such an important pillar of our democracy, have already been asked to bear a disproportionate share of this effort.

I do not accept the proposition that we must cut local governments completely adrift in the name of deficit reduction. Fiscal responsibility and aid to local government are not mutually exclusive goals.

During the past 7 years, Federal assistance to local governments has been dramatically reduced and in some cases totally eliminated. These efforts have seriously undermined many jurisdictions' ability to provide needed services. It is time to reassess this general approach to local government assistance and discuss realistic alternatives.

I do not believe that the answer to this dilemma is to forsake the contribution of the General Revenue Sharing Program by abandoning the entire concept, but rather to adapt that idea to the economic realities of the late 1980's. By directing Federal assistance to areas of the country that most need assistance, that is precisely what the Targeted Revenue Assistance Act will do.

This legislation examines what areas of the Nation are most in need of support, and provides a mechanism for getting Federal funds to those areas. While the Congress will certainly want to take a close look at the specific formula by which funds would be allocated under this legislation, I think that the point to focus on today is that the bill is a responsible approach to what has become a critical situation for many areas of our Nation.

Mr. President, I am pleased to be an original cosponsor of the Targeted Revenue Assistance to Fiscally Distressed Local Governments Act, and I hope that the appropriate congressional committees will take a serious and timely look at this proposal.

BICENTENNIAL MINUTE

NOVEMBER 4, 1913: BLAIR LEE BECOMES FIRST DIRECTLY ELECTED SENATOR

Mr. DOLE. Mr. President, 74 years ago today, on November 4, 1913, Blair Lee of Maryland became the first person to be elected to the U.S. Senate under the provisions of the then recently ratified 17th amendment to the Constitution.

The new amendment had taken effect 5 months earlier, on May 31, 1913. At that time, Maryland's Senator William Jackson was serving under a temporary appointment by that State's Governor to fill a vacancy caused by the death of the previously elected incumbent. As soon as the 17th amendment was officially ratified, the Governor, following its provisions, arranged for a special election to replace Senator Jackson. On November 4, 1913, Democrat Blair Lee defeated his Republican opponent by a 20 percent margin.

When Lee presented his credentials to the Senate a month later, Senator Jackson immediately challenged them on the grounds that since he had been appointed under the Constitution's original provisions, he was entitled to be treated as if the amendment had never been ratified. This would have extended his Senate tenure for several months until the State assembly adjourned, presumably increasing his political prospects within Maryland.

On January 19, 1914, the Senate Committee on Privileges and Elections issued a majority report favorable to Blair Lee. The committee stated that Jackson's tenure had always been uncertain because of the temporary nature of his appointment. The passage of the 17th amendment increased the instability of his term because it ended the State legislature's authority in the matter of senatorial selection.

On January 28, 1914, the Senate declared Blair Lee duly elected. He served the remaining 3 years of his term. Failing to be renominated in 1916, Lee retired to a successful law practice. He lived until 1944.

HAITI

Mr. GRAHAM. Mr. President, there is a historic struggle going on in Haiti—a struggle which pits the overwhelming majority of Haitians against a small but violent minority of Duvalierists and their Tonton Macoute thugs who would turn back the clock to the authoritarian and despotic past. As the November 29 presidential elections approach, those who oppose democracy are becoming more desperate and more violent.

Two nights ago the headquarters of the provisional electoral council [CEP] was ransacked and burned. The CEP, Mr. President, is the organization created under the new Haitian Constitution with responsibility for the administration of national elections. The offices of the Christian Democratic party were attacked. As late as this morning I received a telephone call from a CEP member who said a group of unidentified assailants tried to burn down his house last night. "My life and my family's life is threatened," he told me. Sparking the violence was a ruling by the CEP that candidates closely connected to the desposed Duvalier regime were ineligible to seek public office. The action fully conformed to the requirements of the new Haitian Constitution which was overwhelmingly approved in a referendum of the Haitian people last March.

The latest violence follows the shooting of 30 demonstrators by security forces during the summer and the assassination of two presidential candidates including Yves Volel within the last several weeks. This violence is deplorable and unacceptable by world standards. And as good neighbors we must make clear our support for the Haiti people who simply want the opportunity to participate in free, fair and peaceful elections.

Congressman WALTER FAUNTROY and I tried to do just that when we visited Haiti this past weekend. We met with a broad range of Haitians, including the courageous members of the CEP, who are valiantly trying to organize elections under the most difficult circumstances. Their personal safety is being threatened. Despite several requests for security, the National Governing Council [CNG] has refused to provide protection.

The CNG, Mr. President, is the transitional government in place to fill the gap between the termination of the Duvalier regime and the institution of a democratically-elected government in February 1988.

In fact, as of yesterday morning, security personnel reportedly still had not been dispatched by the CNG to the election commission's headquarters. And requests that police respond to last night's attack on the house of the CEP member were refused.

I understand that the CNG earlier today issued a statement deploring the violence and agreeing to provide security for the electoral process. We can only hope that the CNG is serious. Unless they take appropriate action, their commitment to elections will continue to be questioned—questioned by the Haitian people, questioned by the world community. The people of Haiti have made clear their desire for elections. The people of Haiti are dying for democracy. The people of Haiti see in these elections the opportunity for a new era of democracy, respect for human rights and the opportunity for a more prosperous future for the people of that nation.

Again, I express my appreciation to the Senator from Nevada and the Senator from Idaho for the opportunity to make this statement.

Mr. REID. Mr. President, I congratulate the Senator from Florida on his timely statement. Recognizing the location of his State, it is not any surprise to me that he is a leader on this issue as he is on many issues in the Senate. I appreciate his remarks. They were most timely.

Mr. GRAHAM. I thank the Senator.

MESSAGES FROM THE HOUSE

At 11:10 a.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the amendments of the House to the bill (S. 1158) to extend the authorization of appropriations for programs and activities under title III of the Public Health Service Act, to establish a National Health Service Corps Loan Repayment Program, to otherwise revise and extend the program for the National Health Service Corps, and for other purposes.

The message also announced that the House has passed the following joint resolutions, without amendment:

S.J. Res. 66. Joint resolution to designate the week of November 22, 1987, through November 28, 1987, as "National Family Week"; and

S.J. Res. 154. Joint resolution to designate the period commencing on November 15, 1987, as "National Arts Week."

At 5:17 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the House:

S. 423. An act for the relief of Kil Joon Yu Callahan.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H.R. 2890) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1988, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. LEHMAN of Florida, Mr. GRAY of Pennsylvania, Mr. CARR, Mr. DURBIN, Mr. MRAZEK, Mr. SABO, Mr. WHITTEN, Mr. COUGHLIN, Mr. CONTE, Mr. WOLF, and Mr. DELAY as managers of the conference on the part of the House.

The message further announced that the House disagrees to the amendments of the Senate to the bill (H.R. 2906) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1988, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. HEFNER, Mr. ALEXANDER, Mr. COLEMAN of Texas, Mr. THOMAS of Georgia, Mr. BEVILL, Mr. EARLY, Mr. DICKS, Mr. FAZIO, Mr. WHITTEN, Mr. LOWERY of California, Mr. EDWARDS of Oklahoma, Mr. KOLBE, Mr. DELAY, and Mr. CONTE as managers of the conference on the part of the House.

The message also announced that the House has passed the following bills and joint resolutions, in which it requests the concurrence of the Senate:

H.R. 1517. An act to amend the Federal Aviation Act of 1958 to require the installation and use of collision avoidance systems in aircraft, to require the Federal Aviation Administration to complete research on and development of the TCAS-III collision avoidance system as soon as possible, and for other purposes;

H.R. 3108. An act to amend the Federal Insecticide, Fungicide, and Rodenticide Act to extend for one year the term of the Scientific Advisory Panel under that Act;

H.R. 3235. An act to amend the Public Health Service Act to revise the program of assistance for health maintenance organizations;

H.R. 3295. An act for the relief of Nancy L. Brady;

H.R. 3319. An act for the relief of Susan A. Sampeck;

H.R. 3479. An act to provide for adjustments of royalty payments under certain Federal onshore and Indian oil and gas leases, and for other purposes;

H.R. 3545. An act to provide for reconciliation pursuant to section 4 of the concurrent resolution on the budget for the fiscal year 1988;

H.J. Res. 303. Joint resolution designating the week of November 1 through November 7, 1987, as "National Watermen's Recognition Week"; and

H.J. Res. 368. Joint resolution designating the week of November 8 through November 14, 1987, as "National Food Bank Week."

MEASURES REFERRED

The following bills and joint resolutions were read the first and second times by unanimous consent, and referred as indicated:

H.R. 1517. An act to amend the Federal Aviation Act of 1958 to require the installation and use of collision avoidance systems in aircraft, to require the Federal Aviation Administration to complete research on and development of the TCAS-III collision avoidance system as soon as possible, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 3108. An act to amend the Federal Insecticide, Fungicide, and Rodenticide Act to extend for one year the term of the Scientific Advisory Panel under that Act; to the Committee on Agriculture, Nutrition, and Forestry.

H.R. 3235. An act to amend the Public Health Service Act to revise the program of assistance for health maintenance organizations; to the Committee on Labor and Human Resources.

H.R. 3319. An act for the relief of Susan A. Sampeck; to the Committee on Governmental Affairs.

H.R. 3479. An act to provide for adjustments of royalty payments under certain Federal onshore and Indian oil and gas leases, and for other purposes; to the Committee on Energy and Natural Resources.

H.J. Res. 303. Joint resolution designating the week of November 1 through November 7, 1987, as "National Watermen's Recognition Week"; to the Committee on the Judiciary.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 3545. An act to provide for reconciliation pursuant to section 4 of the concurrent resolution on the budget for the fiscal year 1988.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-346. Joint resolution adopted by the Legislature of the State of California; to the Committee on Appropriations.

"ASSEMBLY JOINT RESOLUTION NO. 41

"Whereas, The California Air National Guard is an integral part of the national defense effort and an equal military partner with the United States Air Force under the Total Force Policy; and

"Whereas, The 129th Aerospace Rescue and Recovery Group (ARRG) operated by the California Air National Guard located at Moffett Naval Air Station is the sole West Coast component of the total United States Air Force worldwide rescue capability; and

"Whereas, The 129th AARG rescue unit is equipped with HH-3E helicopters; and

"Whereas, HH-3E helicopters do not possess suitable navigation capability, high-altitude performance, long-range flight performance, night vision compatible equipment, defensive systems, or survivability to penetrate sophisticated combat environments to execute combat rescue missions; and

"Whereas, The HH-3E helicopter is increasingly difficult to support and maintain due to aging equipment and lack of spare parts; and

"Whereas, The MH-60G 'Black Hawk' helicopter is currently in production and possesses high performance capability, state-of-the-art navigation and communications equipment, and the ability to survive while performing combat rescue missions; and

"Whereas, The MH-60G 'Black Hawk' helicopter is an affordable, suitable helicopter to perform a rescue and recovery mission; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the Congress of the United States to appropriate funds to purchase six MH-60G 'Black Hawk' helicopters in rescue configuration, for express assignment to the 129th Aerospace Rescue and Recovery Group at Moffett Naval Air Station in the State of California; and be it further

"*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and

Representative from California in the Congress of the United States."

POM-347. A resolution adopted by the Board of County Commissioners of Bullfrog County, Nevada, opposing the location of a high-level radioactive waste repository at Yucca Mountain, Nevada; to the Committee on Energy and Natural Resources.

POM-348. A resolution adopted by the City Commission of Panama City, Florida, regarding proposed acid rain legislation; to the Committee on Environment and Public Works.

POM-349. Joint resolution adopted by the Legislature of the State of California; to the Committee on Finance.

"ASSEMBLY JOINT RESOLUTION No. 19

"Whereas, The federal government through the National Marine Fisheries Service is actively encouraging joint venture agreements with foreign governments; and

"Whereas, Fish, although caught by domestic or foreign fishermen, are landed on foreign flag "mother ships" for processing rather than being landed on our coast; and

"Whereas, Fish otherwise landed on our shores are subject to taxation for the support of a fisheries-related program in research, law enforcement, and management; and

"Whereas, Federal funding for the support of fisheries-related programs for research, law enforcement, and management is on the decline; and

"Whereas, The federal government could impose a fee or tax on joint ventures which could be dedicated to fisheries-related activities; and

"Whereas, The lack of such a federal equalization levy forces domestically landed fisheries to pay ever-increasing levies to support fishing programs due to federal funding declines and foreign competition; and

"Whereas, Since 1980, over 400,000 metric tons of whiting, which were caught off the California, Oregon, and Washington coasts, were landed on joint venture foreign flag vessels, and payment of landing taxes were avoided which would have been paid if the fish had been landed domestically; and

"Whereas, At the California rate of two dollars and sixty cents ($2.60) per ton, in excess of one million dollars ($1,000,000) would have been raised to support fisheries programs for research, management, and restoration if those joint venture landings had been equally taxed; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly,* That the California Legislature respectfully memorializes the Congress to enact legislation to immediately impose an equalization levy on all joint venture landings to be paid by the foreign flag mother ships and dedicated for state fisheries support, marketing, enforcement, and management; and be it further

"*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, each United States Senator and Representative from Alaska, California, Hawaii, Idaho, Oregon, and Washington, the Secretary of Commerce, the National Marine Fisheries Service, and the Legislature of each Pacific Coast State, with a request for immediate action to help further and protect our domestic fisheries."

POM-350. Joint resolution adopted by the legislature of the State of California; to the Committee on Finance:

"ASSEMBLY JOINT RESOLUTION No. 49

"Whereas, Taiwan exports more products to California than any nation other than Japan; and

"Whereas, in 1986, California's $1.7 billion in exports were overwhelmed by $7.8 billion worth of Taiwanese imports; and

"Whereas, high tariffs present a major barrier to imports to Taiwan, with tariffs ranging from 40 to 75 percent in addition to a 4 percent "harbor tax" on imports; and

"Whereas, in 1982 Taiwan placed an official import ban on chicken meat, and while this ban was lifted in 1985, import applications must still be approved by the Taiwan Council of Agriculture; and

"Whereas, approved from the Council of Agriculture has never been granted; and

"Whereas, while the Taiwan Customs Bureau has ruled that processed chicken meets the definition of prepared food products and is allowed entry at the current 45 percent tariff, the Taiwan Feed and Grain Association, Poultry Association, Veterinary Products, and other poultry related groups have threatened to reduce imports of United States grain and feed and ban all imports of chicken meat, regardless of how it is prepared; and

"Whereas, the introduction of fast food chains and modern supermarkets in Taiwan has increased the demand for chicken by at least 30 percent, and is expected to double by the end of the year, creating a natural export market for California poultry exports; and

"Whereas, five main chicken breeder farms in Taiwan which control the chicken market have hampered growth by maintaining very high prices by alleged market manipulation and a protectionist ban on imported chicken meat; and

"Whereas, even with the 45 percent import tariff imposed by Taiwan on chicken imports, California chicken would still be competitively priced in Taiwan if the import ban was lifted; and

"Whereas, because Taiwan is not part of the General Agreement of Tariffs and Trade (GATT) negotiations, all formal trade negotiations between Taiwan and the United States are conducted by the American Institute in Taiwan with Taiwan's Coordinating Council for North American Affairs; and

"Whereas, the American Institute in Taiwan has made the lifting of the ban on chicken imports a top priority of discussion with Taiwan; now, therefore, be it

"*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the President of the United States, the Congress of the United States, and the United States Trade Representative are respectfully requested to urge Taiwan to lift its ban on imported chicken parts; and be it further

"*Resolved,* That the Governor and the Director of the Asian Trade and Investment Office in Tokyo are respectfully requested to urge Taiwan to lift their ban on imported chicken parts and reduce excessive tariffs and duties, and to formally support the American Institute in Taiwan in their efforts to accomplish the same goal; and be it further

"*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the United States Trade Representative, to the Taiwan representative of the Coordinating Council for North American Affairs, to the Governor, to the Director of the Asian Trade, to the Investment Office in Tokyo, to members of the California State World Trade Commission, to the Director of the California Department of Food and Agriculture, and to the Director of the American Institute in Taiwan."

POM-351. Joint resolution adopted by the legislature of the State of California; to the Committee on Finance:

"ASSEMBLY JOINT RESOLUTION No. 51

"Whereas, in the face of a huge deficit, the United States spends millions for Toshiba products; and

"Whereas, California is also a major purchaser of Toshiba products, including personal computers, medical equipment, and office copiers; and

"Whereas, Toshiba Machine Company, Ltd., a subsidiary of Toshiba Corporation of Japan, and Kongsberg Vaapenfabrikk, a state-owned company of Norway, put profit before principle by secretly peddling defense technology to the Soviet Union; and

"Whereas, between 1981 and 1985, Toshiba and Kongsberg conspired to sell eight metalworking machines and specialized computers to the Soviets to construct superquiet submarine propellers which are 10 times quieter than before, and therefore undetectable by undersea listening devices; and

"Whereas, these illegal sales were not only in direct violation of Regulation IL 1091 of the Allied Coordinating Committee for export controls, which includes most members of the North Atlantic Treaty Organization and Japan, but represent one of the worst losses of high-technology equipment to the Soviet Union in a decade; and

"Whereas, the new superquiet Soviet submarines, the Akula and Sierra Hunter-killers, are now capable of coming within a 10-minute missile firing range of American shores, placing the people of the State of California, our country, and our allies in peril; and

"Whereas, far from being the unwitting dupes of a KGB plot, Toshiba and Kongsberg were the perpetrators, purposely falsifying their export license applications to indicate that the machines were legal; and

"Whereas, the Japanese and Norwegian authorities gave these false license applications minimal scrutiny, without attempting to determine the true capabilites of the equipment listed on the export control applications, or checking the shipments to determine if they actually contained the models listed on the erroneous export license; and

"Whereas, Japanese and Norwegian authorities have made a limited effort to punish the perpetrators, with both countries invoking their statutes of limitations to foreclose the possibility of serious prosecution; and

"Whereas, the response by Japan and Norway was wholy inadequate to act as a deterrent against further national security breaches; and

"Whereas, while Toshiba and Kongsberg made $17 million on their convert sale to the Soviets, it is estimated that it will cost American taxpayers billions to respond with countertechnology; and

"Whereas, the citizens of California must join with the United States government in expressing our strongest objection to placing our citizens in jeopardy; and

"Whereas, one of the best ways to deter future breaches of national security would be the curtailment of business relationships between the United States and the State of California with Toshiba, Kongsberg, or any other business or organization which practices international treason for profit; now, therefore be it

"*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectively memorializes the President of the United States, the Congress of the United States, and the Department of Defense to support legislation aimed at punishing Toshiba and Kongsberg; and be it further

"*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Secretary of Defense, to the United States Trade Representative, to the Governor of the State of California, to the Director of the Asian Trade and Investment Office in Tokyo, and to the secretary or director of every California state agency and department."

POM-352. A resolution adopted by the House of Representatives of the Commonwealth of Massachusetts; to the Committee on Foreign Relations:

"A RESOLUTION

"Whereas, the Massachusetts House of Representatives urges the Government of the Soviet Union to allow Emil Mendzheritsky and Tsylia Raitburd to emigrate; and

"Whereas, Nora Samarov of Brookline and her sister Galina Mengeritsky of Israel have conducted a nine day fast beginning on the holiest Jewish Holiday Yom Kippur the Day of Atonement to draw attention to the plight of their parents Emil Mendzheritsky and Tsylia Raitburd who have been denied permission to emigrate from the Soviet Union; and

"Whereas, the sisters chose to fast for nine days to signify the nine years that have transpired since their parents first application to emigrate was denied in 1979; and

"Whereas, Tsylia and Emil have been separated from their two children Nora and Galina, since they have emigrated and from their granchildren; and

"Whereas, Emil is a doctor of science in electro chemistry and had worked for the National Institute for Sources of Energy and Tsylia has a Ph.D. in physics and had been employed by the Academic Institute of Geology, and since applying to emigrate both Emil and Tsylia have lost their jobs and have not been allowed to work; and

"Whereas, both Tsylia and Emil are ailing and are advancing in years, Emil was born in 1926 and Tsylia in 1925. Both have been blacklisted since their children have emigrated: Therefore be it,

"*Resolved,* That the Massachusetts House of Representatives hereby urges the Government of the Soviet Union to allow Emil Mendzheritsky and Tsylia Raitburd to emigrate: And be it further,

"*Resolved,* That copies of these resolutions be forwarded by the Clerk of the House of Representatives to Secretary Mikhail Gorbachev, President Reagan and the Massachusetts Congressional Delegation."

POM-353. A resolution adopted by the National Conference of State Legislatures favoring legislation to allow citizens of United States territories to vote in Presidential elections; to the Committee on the Judiciary.

POM-354. A resolution adopted by the Senate of the Commonwealth of Pennsylvania; ordered to lie on the table.

"A RESOLUTION

"Whereas, Congress has authorized an expenditure level of $1.823 billion for the fiscal year 1988 for the Low Income Home Energy Assistance Program (LIHEAP); and

"Whereas, Congress is currently making decisions on funding levels for previously authorized programs such as LIHEAP; and

"Whereas, A United States Senate Appropriations subcommittee has proposed a $600 million, or 33%, cut in the level of funding previously authorized for LIHEAP; and

"Whereas, The proposed reduction would mean a $40 million loss of LIHEAP funds for the Commonwealth of Pennsylvania; and

"Whereas, Energy costs are continuously rising and there is now a greater need for energy assistance than at any other time; and

"Whereas, Low-income citizens pay, on the average, 15% of their income for energy, contrasted with 5% paid by the average American family; and

"Whereas, The heating costs of low-income households in Pennsylvania's climate range run substantially more than all low-income households in the nation as a whole; and

"Whereas, It is our obligation to address the needs of poor persons in our Commonwealth: Therefore be it,

"*Resolved,* That the Senate of the Commonwealth of Pennsylvania memorialize the Congress of the United States to appropriate funds for Low Income Energy Assistance Block Grants for the fiscal year 1988 at the level previously authorized: And be it further,

"*Resolved,* That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUYE, from the Select Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 1475. A bill to establish an effective clinical staffing recruitment and retention program, and for other purposes (Rept. No. 100-212).

By Mr. BIDEN, from the Committee on the Judiciary, with an amendment in the nature of a substitute and an amendment to the title:

S. 332. A bill to provide for a General Accounting Office investigation and report on conditions of displaced Salvadorans, to provide certain rules of the House of Representatives and of the Senate with respect to review of the report, to provide for the temporary stay of detention and deportation of certain Salvadorans, and for other purposes (Rept. No. 100-213).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, without amendment:

S. 1846. A bill to provide for a viable domestic uranium industry, to establish a program to fund reclamation and other remedial actions with respect to mill tailings at active uranium and thorium sites, to establish a wholly-owned Government corporation to manage the Nation's uranium enrichment enterprise, operating as a continuing, commercial enterprise on a profitable and efficient basis, and for other purposes (Rept. No. 100-214).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HECHT (for himself and Mr. REID):

S. 1841. A bill to provide for the regulation of gaming on Indian lands, and for other purposes; to the Select Committee on Indian Affairs.

By Mr. McCLURE:

S. 1842. A bill for the relief of Mr. Wilhelm Jahn Schlechter, Mrs. Monica Pino Schlechter, Ingrid Daniela Schlechter, and Arturo David Schlecter; to the Committee on the Judiciary.

By Mr. ROTH (for himself and Mr. FOWLER):

S. 1843. A bill to provide for equality of State taxation of domestic and foreign corporations; to the Committee on Finance.

By Mr. KARNES:

S. 1844. A bill to provide for the orderly implementation of Environmental Protection Agency programs established to comply with the Endangered Species Act of 1973; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HATFIELD:

S. 1845. A bill to provide relief to Columbia Sportswear Company with respect to the tariff classification of certain wearing apparel, and for other purposes; to the Committee on Finance.

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources:

S. 1846. A bill to provide for a viable domestic uranium industry, to establish a program to fund reclamation and other remedial actions with respect to mill tailings at active uranium and thorium sites, to establish a wholly-owned Government corporation to manage the Nation's uranium enrichment enterprise, operating as a continuing, commercial enterprise on a profitable and efficient basis, and for other purposes; placed on the calendar.

By Mr. HEINZ:

S. 1847. A bill to amend the Federal Reserve Act; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. KERRY (for himself and Mr. WILSON):

S. 1848. A bill to authorize a Minority Business Development Administration in the Department of Commerce; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SYMMS (for himself and Mr. WILSON):

S. Res. 314. Resolution expressing the sense of the Senate regarding the American Civil Defense program; to the Committee on Armed Services.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HECHT (for himself and Mr. REID):

S. 1841. A bill to provide for the regulation of gaming on Indian lands, and for other purposes; to the Select Committee on Indian Affairs.

INTERIM INDIAN GAMING REGULATORY ACT

Mr. HECHT. Mr. President, I rise today as the senior Member of Nevada's congressional delegation, to introduce a measure designed to help guarantee stability, continuity, and security to any increase or expansion in gaming activity on indian lands.

My State, Mr. President, has had a long and successful history with legalized gaming. We have learned through sometimes painful experience what is necessary to make sure that gaming is conducted in a professional, ethical manner, and what must be done to make sure that everyone—the gaming industry, the operator, and the customer—is treated fairly. Over the years, we have expanded and refined our system of gaming control in Nevada to the point where it has become one of the most successful law enforcement and regulatory agencies in the world.

If gaming on Indian lands is to be expanded, it must be within these same parameters. We in Nevada have grave concerns over law inforcement under the conditions of virtually unregulated Indian gaming now under consideration.

In addition, there is serious concern over the outdated language and terminology in Federal legislation governing gaming. Many of these regulations would hardly apply to the sophisticated gaming devices of today. In the State of Nevada, our gaming regulations and procedures have progressed together as new needs and technologies arose. This is another benefit of an experienced State gaming authority.

For these reasons, Mr. President, I feel it is absolutely vital that any increase in gaming on Indian lands be accompanied by strict adherence to any applicable State regulations, and why this bill, supported by the entire Nevada delegation, from both parties, should be passed.

Mr. REID. Mr. President, today I am joining Senator HECHT in introducing legislation to bring some Federal control to commercial gaming operations on Indian lands.

Early in 1987, the Supreme Court in what is known as the Cabazon decision ruled that States cannot regulate gaming operations on Indian lands under current law. The Court also suggested that Congress should act to provide a framework for regulating gaming operations on Indian lands.

Shortly thereafter, legislation was introduced in both the House and the Senate to formally regulate Indian gaming. Hearings have been held in both Houses, but, to date, no legislation has been reported out of committee.

In the meantime, Indian gaming operations are proceeding and growing without oversight by local, State or the Federal Government. Mr. President, there is great inherent danger connected to any unregulated commercial gaming operation. As a former chairman of the Nevada Gaming Commission, I am personally aware of the attraction that large scale gaming operations has for organized crime. In gaming, the commerce is cash, and wherever you have large amounts of cash, organized crime will not be far behind.

In Nevada we have firm control over our gaming operations, but our success did not come easy. I do not want to see native Americans, or the other citizens of our Nation who live and work in or around Indian lands, suffer from the social illnesses that accompany the presence of organized crime.

In short, I do not believe that it is prudent or wise to permit the continued growth of uncontrolled large scale gaming operations on Indian lands. We should take the Supreme Court's advice and fulfill our trust responsibility to native Americans by enacting legislation to regulate gaming on Indian lands.

Mr. President, I want to make it clear that by offering this legislation at this time I in no way mean to criticize the good work being done in this area by either the chairman of the Senate Select Committee on Indian Affairs or the chairman of the House Interior Committee. They are faced with a very difficult task in meeting the concerns of all the parties involved and they have labored hard to produce permanent regulatory legislation that meets the need. However, I am very concerned about the possibility that the Congress could adjourn without any action to control high stakes gaming on Indian lands.

The various provisions of this bill represent an effort to bring some minimum needed regulation to gaming on Indian lands, and I am putting the Senate on notice that I will propose some or all of these provisions as amendments to legislation moving through the Senate between now and the end of this session unless there is progress made on the bills now pending in committee.

We cannot adjourn this fall without some action to regulate Indian gaming. It would be disastrous for both Indians and non-Indians.

By Mr. McCLURE:

S. 1842. A bill for the relief of Mr. Wilhelm Jahn Schlechter, Mrs. Monica Pino Schlechter, Ingrid Daniela Schlechter, and Arturo David Schlechter; referred to the Committee on the Judiciary.

IMMIGRATION OF THE SCHLECHTER FAMILY

● Mr. McCLURE. Mr. President, today I am introducing a bill which will grant permanent residency to the Wilhelm Schlechter family. This bill is necessary on humanitarian grounds.

In 1972, Monica Pino traveled to the United States to participate in the Youth for Understanding Program. She lived with a family from Bliss, ID, and attended high school there. After returning to her native Chile, Monica graduated from high school and went on to earn a degree as a physical therapist. In 1978, she married Wilhelm Schlechter, who was a mechanical engineering aid aboard a ship.

On October 18, 1979, Monica gave birth to the couple's first child, a girl, Ingrid Daniela. Daniela was born with a very rare birth defect called bladder exstrophy. This means that the little girl was born with her bladder actually on the outside of her abdominal wall on the skin. The condition, as you can imagine Mr. President, presents formidable medical problems which require many operations to repair.

Willi and Monica Schlechter looked all over Chile for a doctor who had some experience with this disorder but could find no one. They were told their daughter would not survive.

In desperation, Monica contacted the family she had lived with in Idaho during her high school stay in the United States. Through various contacts, the couple finally got in touch with Dr. Clifford Snyder at the University of Utah School of Medicine. Dr. Snyder offered to treat Daniela free of charge. Willi and Monica sold everything they had to buy the airline tickets to the United States and they finally arrived in April 1980 and Daniela was operated on in June.

Since then, the Schlechters were able to return to Chile once but were forced to return to the United States again in 1984 for more surgery on Daniela. This time Daniela was accepted into the Shriners Hospital program and was operated on two times through the Shriners and two more times at the University of Utah. All in all, Daniela has undergone 15 operations.

Mr. President, Monica and Willi Schlechter have been lucky in that they found caring neighbors in Idaho who helped out with their expenses. The Immigration and Naturalization Service has extended their visitor visas six times but they are very understandably concerned that if their visas are not extended, they will be forced to return to Chile and Daniela will not receive the medical care she needs because it simply does not exist in Chile.

Monica and Willi Schlechter have no other alternative but to apply for a private relief bill to grant them permanent resident status. They do not qualify for resident status under any category. Although Moncia is a physical therapist, she is not qualified to practice in this country and therefore does not meet the requirements of the third preference for admittance to the country. The types of jobs that Willi is qualified for can be filled from within the U.S. labor market, so a sixth preference designation is not possible.

Mr. President, I do not introduce private relief bills very often. I take them very seriously and will only sponsor one when all other alternatives have been explored and have failed. The Schlechters have no choice but to turn to Congress. They must be allowed to stay in this country, and to find work, so that their daughter can survive. It's as simple as that.

I urge the Judiciary Committee to pass this legislation. The reason we have private relief bills is to help people like Willi and Monica Schlechter who are doing the only thing they can to save their child.

I ask unanimous consent that a letter from Daniela's doctor outlining her condition and translations of documents from Chilean doctors, along with the text of the bill, be inserted in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 1842

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for purposes of the Immigration and Nationality Act, Mr. Wilhelm Schlechter, Mrs. Monica Pino Schlechter, Ingrid Daniela Schlechter, and Arturo David Schlechter shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fees. Upon the granting of permanent residence to such aliens as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by the required numbers, during the current fiscal year of the fiscal year next following, the total number of immigrant visa and conditional entries which are made available to natives of the country of the alien's birth under paragraphs (1) through (8) of section 203(a) of the Immigration and Nationality Act.

The University of Utah,
Salt Lake City, UT, April 8, 1987.

Senator James A. McClure,
U.S. Senate, Dirksen Building,
Washington, DC.

Dear Senator McClure: I am writing this letter on behalf of and in support of Ingrid Daniela Schlechter. Daniela was born in Chile with bladder exstrophy. This is a most rare lower urinary and genito-tract anomaly which occurs in 1 in every 50,000 births. It takes many operations over many years to correct these problems so that the bladder can be returned inside the abdomen and the patient can function well. Of course this medical care is certainly not available in Chile and only at pediatric centers in our country. Daniela has presently had over 15 operations and attempts to correct various portions of this abnormality and I expect that there may still be several more necessary. Certain of these procedures need to be spaced apart and probably could not be completed until after puberty.

The reason I am writing this letter is that it is my understanding that our Emigration and Naturalization Service wants to send the Schlechter family back to Chile which medically would be extremely unwise. The more humanitarian thing to do would be to offer them United States Citizenship so they could be functional members of our society while Daniela completes her medical care over the next several years. I would hope that you could take time out of your busy schedule for special consideration of Daniela's problem. If I can be of any further assistance or provide further information, please feel free to contact me.

Sincerely,

Brent W. Snow, M.D.

[From the Congressional Research Service, the Library of Congress, Washington, DC]

CERTIFICATE

I, the undersigned physician do certify that the minor Ingrid Daniela Schlechter Pino has congenital exstrophy of the bladder. It has been treated in Salt Lake City, Utah by Dr. Snyder inasmuch as there is no experience involving its treatment in Chile, therefore her stay in the U.S.A. is justified for the good of her health.

This present certificate is issued to be submitted to Senator McClure.

In Vina del Mar, Chile, April 10, 1987.

Dr. Peter Mc.Coll Calvo.

CERTIFICATE

Ingrid Daniela Schlechter Pino, born on October 18, 1979 with a congenital exstrophy of the bladder and treated in Salt Lake City, Utah by Dr. Snyder, must continue her treatment and controls at said center, inasmuch as there is no clinical experience in this regard in this country.

In Vina del Mar, Chile, April 10, 1987.

Dra. Mariana Amador Navia.

By Mr. ROTH (for himself and Mr. Fowler):

S. 1843. A bill to provide for equality of State taxation of domestic and foreign corporations; referred to the Committee on Finance.

DOMESTIC CORPORATION TAXATION EQUALITY ACT

● Mr. ROTH. Mr. President, I am pleased today to introduce for myself and Senator Fowler a bill to provide for equality of State taxation of domestic and foreign corporations and to bring uniformity and fairness to this country's taxation of income earned overseas by U.S. corporations and their affiliates. A similar bill, H.R. 2940, was introduced in the House of Representatives by Mr. Frenzel and 13 other Representatives, 11 of whom are members of the Committee on Ways and Means.

The Senate recently spent a considerable amount of time debating the policies of this country that impact on the ability of U.S. industry to compete in the international marketplace. Indeed, given recent events in the stock market and their relation to the trade deficit, U.S. international trade competitiveness is a national priority. The bill we are introducing today recognizes that the United States is unique in that both Federal and State tax policies can affect that competitiveness.

State governments in the United States have traditionally used a formula to ascertain how much of the income of a single corporation doing business in more than one State should be taxes by each State. Most often, that formula is the amount of the corporation's payroll, sales, and property in the taxing State compared to all States in which it does business. About one-half of the States apply this unitary method to multicompany groups operating beyond their boundaries. When the unitary method is carried one step further and overseas affiliates are included, the extension of unitary taxation is known as the worldwide unitary combination. Neither the Federal Government nor any other country uses the worldwide unitary combination.

There are compelling arguments that the worldwide unitary combination is a seriously flawed method of sourcing income for State corporate income tax purposes. Studies show that when worldwide factors are used, the formula frequently results in foreign sourced income being attributed to domestic sources, resulting in double taxation to the corporation.

This issue carries trade implications as our major trading partners, most notably the British, have threatened sanctions in the past due to several States' continued use of this method.

Confronted with threats from our trading partners and proposed Federal legislation in the 99th Congress, the number of States using this method has declined from 12 to 4. Of the remaining four—California, Alaska, North Dakota, and Montana—all but Alaska have enacted laws, which, when they take effect in 1988 and 1989, will partially but not completely solve the problems posed by its use. The changes made, for example, by California, still do not provide sufficient relief for certain U.S. corporations, fail to avoid double taxation of their foreign source income, and put them at a disadvantage in their ability to compete with foreign corporations.

In California, all the income of U.S. corporations which have less than 20 percent of their payroll, property, and sales in the United States is included in the tax base which California uses to compute the apportioned share of the corporations' taxable income. On the other hand, the income of foreign corporations which have less than 20 percent of their payroll, property, and sales in the United States is excluded from such taxation.

In other words, a foreign corporation with less than 20 percent of its business activity within California escapes State taxation entirely, while a similar U.S. corporation must pay foreign and State tax upon all its income without any credit or deduction given for foreign taxes already paid on its income earned outside the United States. This result is clearly discriminatory and anticompetitive.

In an April 8, 1987 letter to Governor Deukmejian, then Assistant Secretary of the Treasury for Tax Policy, J. Roger Mentz made it clear that:

> There is no valid policy justification for California's subjecting two taxpayers, for example, one with a Delaware subsidiary operating primarily abroad, the other whose foreign operations are conducted through a French subsidiary, to different tax regimes; and * * * that in this era of trade competitiveness, the potential for inflicting higher tax burdens on corporations with 80/20 operations, as opposed to foreign subsidiary operations, should be avoided.

The legislation we are introducing today will allow the States to continue to apply unitary taxation on most domestic corporations and some foreign corporations. However, it will restore tax equality between United States and foreign 80/20 corporations by providing that the States may not impose tax on a worldwide unitary basis on U.S. corporations including those whose average U.S. payroll, property, and sales compared to their total payroll, property, and sales is less than 20 percent.

The bill will also recognize the double taxation inherent in State taxation of dividends that U.S. corporations receive from their overseas affiliates. It provides that the States may tax an equitable amount of such dividends—either through allowing an offsetting deduction or exclusion of at least 85 percent of such dividends, or by providing for an exemption or exclusion from tax for that portion of the dividend that effectively bears no Federal income tax by reason of the foreign tax credit mechanism.

It should be understood that this limitation of the use of the worldwide unitary income taxation is not a violation of States' rights. The legislation will not change State tax jurisdiction. States will remain territorial taxing jurisdictions free to tax all income earned within their borders. The legislation does not affect the level or rate of State tax. The States are free to impose a tax at any rate.

Given that the vast majority of States, the Federal Government or any other country does not use the worldwide unitary combination, a requirement of uniformity is not much to ask. After all the consideration and debate regarding the ability for U.S. corporations to compete on an equal basis with their overseas competitors, we would be remiss if we allowed this inefficiency in our tax system to continue.

Mr. President, I ask unanimous consent that the bill be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1843

SECTION 1. SHORT TITLE.

This Act may be cited as the "Domestic Corporation Taxation Equality Act of 1987".

SEC. 2. STATE TAXATION OF FOREIGN INCOME.

Chapter 77 of the Internal Revenue Code of 1986 (relating to miscellaneous provisions) is amended by adding at the end thereof the following new section:

"SEC. 7519. STATE TAXATION OF FOREIGN INCOME.

"(a) STATE USE OF WORLDWIDE UNITARY METHOD PROHIBITED.—No State shall impose tax on any taxpayer on a worldwide unitary basis. Notwithstanding the foregoing, this subsection shall not preclude any State from permitting a taxpayer to be taxed on a worldwide unitary basis pursuant to an unconditional election by such taxpayer.

"(b) STATE TAXATION OF FOREIGN-SOURCE DIVIDENDS—No State shall require the inclusion in the income base upon which State income tax of a corporation is calculated of more than an equitable portion of any dividend received from another corporation, other than a corporation described in section (c)(2) (A) through (E). For purposes of this subsection (b), a State shall not be considered to include in the income base more than an equitable portion of dividends described in the preceding sentence if it—

"(1) excludes from the income base at least 85 percent of such dividends; or

"(2) excludes from the income base the portion of the dividend that effectively bears no Federal income tax after application of the foreign tax credit.

This subsection shall not be construed to permit State taxation of any dividend not subject to State taxation prior to enactment of this section.

"(c) DEFINITIONS.—

"(1) INCOME TAX.—For purposes of this section, the term 'income tax' shall include any State franchise or other tax which is imposed upon or measured by the income of the taxpayer.

"(2) WORLDWIDE UNITARY BASIS.—For purposes of this section, the term 'worldwide unitary basis' means that in computing its State income tax liability a corporation includes in the income base on which the tax is calculated any share of the income of any corporation other than a corporation that is a member of the same controlled group of corporations and is:

"(A) a domestic corporation (excluding a corporation that has made an effective election under section 936);

"(B) a corporation described in section 922;

"(C) a corporation organized in the Commonwealth of Puerto Rico, Guam, American Samoa, or the United States Virgin Islands;

"(D) any foreign corporation if (i) such corporation is subject to State income tax in at least one State by virtue of its business activities in that State, and (ii) the average of the percentages of such corporations property (based on its aggregate original cost), compensation payments made for personal services (determined for its most recent Federal taxable year), and sales (determined for its most recent Federal taxable year) that are assignable to 1 or more locations in the United States is at least 20 percent; or

"(E) any foreign corporation described in subsection (c)(3).

"(3) CERTAIN FOREIGN CORPORATIONS.—A foreign corporation is described in this subparagraph if such corporation—

"(A) is a member of a controlled group of corporations;

"(B) either carries on no substantial economic activity or makes at least—

"(i) 50 percent of its sales,

"(ii) 50 percent of its payments for expenses other than payments for intangible property, or

"(iii) 80 percent of all of its payments for expenses,

to one or more corporations that are described in subparagraph (A) through (D) of paragraph (2) and that are within the controlled group of corporations referred to in subparagraph (A) of this paragraph; and

"(C) under standards established in regulations to be prescribed by the Secretary, is not subject to substantial foreign tax on its net income.

"(4) CERTAIN DOMESTIC CORPORATIONS TREATED AS FOREIGN CORPORATIONS.—For purposes of paragraphs (2) and (3), a domestic corporation shall be treated as a foreign corporation if the average of the percentages of such corporation's property (based on its aggregate original cost), compensation payments for personal services (determined for its most recent Federal taxable year), and sales (determined for its most recent Federal taxable year) that are assignable to one or more locations in the United States is less than 20 percent.

"(5) CONTROLLED GROUP.—For purposes of this section, the term 'controlled group' has the same meaning given to such term by section 267(f)(1), except that the determination shall be made without regard to section 1563(b)(2)(C).

"(6) CERTAIN BANK BRANCHES.—For purposes of this section, a domestic branch of a foreign corporation shall be treated as a separate corporation that is incorporated in the United States if such branch is engaged in the commercial banking business. For purposes of the preceding sentence, a branch is engaged in the commercial banking business if (i) the predominant part of its business consists of receiving deposits or making loans and discounts, and (ii) it is subject to supervision and examination by State or Federal authorities having supervision over banking institutions. The Secretary may issue regulations providing that for purposes of this section domestic branches of foreign corporations in other specified industries shall be treated as separate corporations incorporated in the United States."

SEC. 3. EFFECTIVE DATE.

The amendment made by this Act shall be effective for taxable years beginning after December 31, 1987.●

By Mr. KARNES:

S. 1844. A bill to provide for the orderly implementation of Environmental Protection Agency programs established to comply with the Endangered Species Act of 1973; to the Committee on Agriculture, Nutrition, and Forestry.

PROTECTING ENDANGERED SPECIES FROM FARM PESTICIDES

● Mr. KARNES. Mr. President, I am today introducing companion legislation to a bill that was introduced by Congressman Pat Roberts and others, including Nebraska's Congresswoman Virginia Smith, on October 14, 1987 in the House of Representatives.

There have been a number of newspapers and farm journal articles in my State of Nebraska that have expressed concern about pending actions by the Environmental Protection Agency in protecting endangered species from farm pesticides. Action by the EPA in fulfilling its obligations under the Endangerd Species Act of 1973 is due to begin in February 1988.

Mr. President, there is a great deal of merit in protecting the natural resources in rural areas such as those in my own State of Nebraska. And, as a farmer, I feel we should do all that we can to ensure that pesticide applications are made prudently and safely. Farmers know that they are stewards of the land and its animal and plant life.

What concerns me is the level and degree of uncertainty surrounding this issue I encounter as I travel around the State and talk to agricultural producers and others. The bill I am introducing in the Senate will delay implementation by the Environmental Protection Agency until a program can be implemented to fully inform persons engaged in agricultural production of the proposed program or requirements.

Maps published in farm journals in my State of Nebraska show shaded areas that cover a significant portion of the entire State. However, conversations with appropriate Government spokespersons indicate that in many instances the area affected would be much, much more narrowly affected. For example, the maps mark out entire counties for inclusion in the program based on the fact that rivers run through the counties. But, it is clear that only a small portion of the total land area within those counties is actually affected by the rivers or contain riverbed areas that are important for most endangered species purposes. Obviously, many of my constituents are apprehensive about programs and boundaries that may be drastically over-inclusive. My legislation will provide some breathing room to address those concerns before the program goes into effect.

The bill will require a 240-day period during which EPA and the Department of Agriculture will conduct a joint study of economic impact of pesticide regulations the EPA plans to implement. It is vitally important to have this information available to be considered in the decisionmaking process before restrictions are implemented. It seems to me that the farmers of the country might have a legitimate interest in having some participation in this process before controls are set in place.

Of course, the 240-day study period would be meaningless if the EPA controls would go into effect regardless, so the bill temporarily suspends implementation of controls during the study period.

Mr. President, the level of trust of Government on the part of many farmers has rightfully eroded to very low levels over the past few years. Implementation of major programs that can have equally major impact on local farming operations, as has been proposed with these EPA provisions, without hearings or explanation on the part of the Federal agency involved, do much to heighten that sense of distrust. Cooperation and communication are necessary if the EPA is to succeed and to earn the confidence of the people involved. I think that this bill encourages that dialog.

Mr. President, I think this legislation is necessary to make sure that all aspects of pesticide controls are considered before they take effect, especially those aspects that directly affect the manner in which farmers conduct their business. I urge its quick consideration.●

By Mr. HATFIELD:

S. 1845. A bill to provide relief to Columbia Sportswear Co. with respect to the tariff classification of certain wearing apparel, and for other purposes; to the Committee on Finance.

RELIEF OF COLUMBIA SPORTSWEAR CO.

● Mr. HATFIELD. Mr. President, in more than 20 years of service in the U.S. Senate, I have introduced relatively few bills to give direct relief to individual constituents or companies. I have limited introduction of such legislation to extreme cases where there has been a gross injustice perpetrated by the Government. Such an injustice was inflicted upon the Columbia Sportswear Co. of Portland, OR earlier this year. Every effort has been made to resolve a dispute between the company and the Customs Service administratively, but the Customs Service tells me that they are unable to provide the warranted relief unless private relief legislation is enacted. That is why I rise today to offer this much needed legislation, and to appreciate the inequity of the situation, permit me to inform my colleagues with the background of this matter.

Columbia Sportswear was founded in 1937 and has grown to become a leading manufacturer of outdoor clothing. The company, which is owned and operated by Gert Boyle and her son, Tim Boyle, employs 200 people and has increased sales from $1 million in 1975 to $20 million last year. Corporate headquarters are located in Portland, OR, the site of one of the company's distribution centers. A manufacturing and distribution center is located in Chaffee, MO. In addition to Tennessee, Washington, and Oregon production facilities, Columbia Sportswear also imports products from Korea, Taiwan, Hong Kong, and Japan.

For the past 2 years the company has imported, through the Port of Portland, OR, a number of garments which consist of an outer shell and an inner liner. Because of the lead time necessary to complete production on garments, Columbia Sportswear works very closely with the import specialist at the Customs office in Portland in determining the proper classification of garments it will import. With each new garment to be imported, the company provides the local Customs specialist a sample and in return receives tariff classification and quota category advice. Since 1985, when Columbia Sportswear created the shell and liner style, the Customs specialist determined on at least five occasions that the design was properly classified as one garment. Relying upon that advice, the company imported over 75,000 garments. It was not until May 20, 1987, 1½ years after the initial rulings, that the local office advised Columbia that it would request a review classification from the New York Customs office.

Although the outer shell/inner liner garments consistently have been classified under the Tariff Schedule of the United States as one garment since the date of first importation, on July 16, 1987, pursuant to an advisory opinion received from the New York Seaport, the Portland Customs office notified Columbia Sportswear that the classification would be changed. Each garment consisting of a shell and a liner was treated as two garments for tariff classification and import quota purposes.

The Customs Service Import Specialist at the Port of Portland told Columbia Sportswear that the classification change would be applied to all future entries of merchandise as well as to all garments already imported with unliquidated entries. This reclassification placed extreme hardships on Columbia. Over 90 percent of the garments contained in the Columbia Sportswear Fall 1987 line were sold between January and March at published prices. Therefore, an increase in duty prices could not be passed on to customers.

Mr. President, Columbia Sportswear has gone beyond all reasonable efforts to work closely with Customs officials in apprising them of the nature and construction of garments in order to obtain proper classification prior to actual importation. Justifiably relying upon five written advisory rulings, the company planned its business operations by pricing its product based on expected duty rates. The company does not question Custom's ability to change tariff classifications when formal procedures are followed; it only wants to be assured that it does not incur financial hardship without reasonable notice. Basic due process procedures require such reasonable notice and it is patently unfair to change the classification of an item without consultation with the importer.

The legislation I am introducing today simply allows Columbia Sportswear to import as one item specific garments ordered prior to the date the company was notified that a new ruling would be requested from New York. For those items already liquidated as two garments, Columbia is entitled to receive the appropriate refund of any duty paid.

Mr. President, I ask unanimous consent that the entire bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1845

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to classify as an entirety under Item 376.54, Item 376.56, or Item 748.45, Tariff Schedules of the United States, as appropriate, notwithstanding the provisions of headnote 3, Schedule 3, Part 6 of the Tariff Schedules of the United States, the following articles imported by, or on behalf of, Columbia Sportswear Company, Portland, Oregon—

(1) Covey Parka—Style numbers 1454, 1455, 1456;

(2) Klamath Parka—Style numbers 1452, 1453;

(3) Covey Vest—Style numbers 1442, 1443;

(4) Bugaboo Parka—Style numbers 1636, 1736, 1836, 2636;

(5) Backbowl Pant—Style numbers 5032, 5132;

(6) Whirlirbird Parka—Style numbers 1631, 1731, 3010, 3011, 3801, 3802;

(7) Bugaboo Suit—Style numbers 5034, 5134; and

(8) Wasatch Parka—Style numbers 1632, 1732, 1832.

SEC. 2. The provisions of section 1 of this Act shall apply to all such articles ordered from suppliers on or before May 20, 1987, and entered, or withdrawn from warehouse for consumption, at any time, whether before, on, or after the date of enactment of this Act.

SEC. 3. If the liquidation of the entry of any such article contrary to the provisions of section 1 of this Act has become final before the date of enactment of this Act, the entry shall, notwithstanding any other provision of law, be reliquidated in accordance with the provisions of section 1 of this Act and the appropriate refund of duty made.●

By Mr. HEINZ:

S. 1847. A bill to amend the Federal Reserve Act; referred to the Committee on Banking, Housing, and Urban Affairs.

MARGIN REQUIREMENTS FOR TRANSACTIONS IN FINANCIAL INSTRUMENTS

● Mr. HEINZ. Mr. President, today I am introducing a bill which authorizes and directs the Federal Reserve Board to regulate certain transactions in specific financial instruments derived from securities products. Under the bill, the Fed is authorized to set specific margin requirements against loans used to finance the purchase of financial instruments. A financial instrument is defined to include any security that is not otherwise subject to the Board's margin authority under the Securities and Exchange Act. These include securities issued by or guaranteed by the Federal Government, financial instruments derived from an underlying security—such as futures contracts on the Dow-Jones Stock Market Index—transactions in foreign exchange, gold, silver, or any other item which the Board determines to have monetary characteristics or is a store of value. I would point out, Mr. President, that this bill specifically precludes the regulation of transactions in agricultural commodities.

This legislation is imperative, Mr. President, in light of the nearly catastrophic recent events on Wall Street. As we are too painfully aware, the market took a 508-point nosedive on black Monday—a dive whose speed was exacerbated by the use of sophisticated computerized program trading, better known in the industry jargon as stock index arbitrage and portfolio insurance. Without getting into the details of this very complex subject, it is sufficient to say that these two variations of program-related trading enable large institutional investors—when the computer gives the go sign—to buy or sell large baskets of stock and to simultaneously match that transaction with a comparable purchase or sale of the stocks' underlying derivative instruments. These underlying derivative instruments are known as stock index futures or options contracts.

Mr. President, I harbor no grudge toward the modernization of the financial markets or the use of sophisticated technology to plan and execute profitable investment strategies. I am not ready to attribute the entire blame of the market's frenetic roller-coaster ride to the use of computers, program trading and the role of financial futures. Quite franky, there are numerous other factors emanating from irresponsible fiscal and monetary policies that contributed to the downturn of the market. I am, however, convinced that the volatile and speculative components of financial futures and program trading aggravated the extent of the decline. More importantly, these components undermined the financial integrity of and confidence in not only our capital markets, but also the capital markets throughout the world.

Why do I think this? The answer is simple: the futures markets transactions are not governed by the same margin requirements—safety and soundness rules—as are our equity markets. These inequities became quite apparent on black Monday.

What are margin requirements? Margin requirements are designed to limit the amount of credit used in the purchase or short sale of stocks and convertible bonds. Since 1974, the Federal Reserve Board has been empowered to—and has—set margin requirements of 50 percent of the value of equity securities purchased. As recently as January 1986, the Fed imposed margin requirements on junk bonds used to finance the purchase of the stock of a target company in a hostile takeover if the only security behind the bonds is, in effect, the stock of the target.

Margin requirements contribute to the stability of the functioning of our capital markets, by limiting the amount of debt that can be used to acquire stock. This, in turn, eliminates the dangerous speculative influences that excessive leveraging may have not only on the markets but also the economy.

What about the stock index futures market? Unfortunately, Mr. President, the margin requirements for the futures market—set at 5 percent prior to black Monday—are miniscule in comparison to those imposed on the equity market. This enables investors to have effective ownership of more than $150,000 of stock while putting down only $6,500.

What does this do to the market, in terms of volatility? In the case of "Black Monday," the effects were twofold. First, as the market of choice for portfolio insurance, it increased volatility by generating whole-scale waves of selling following the market's decline. Why the huge selling pressure? Quite simply, when you have only a 5-percent ownership investment at stake for hedging purposes alone, it's easier to take the smaller hit, cut your losses and get out. Second, and more importantly, as the futures market becomes a haven for hedging only, it offers no opportunities for stable—long term—investors seeking to invest, with real money, for the long haul.

Mr. President, one of the primary causes of the stock market crash of 1929 was the super-volatility of the market, attributed in large part to the speculators who could buy stocks on margin of less than 10 cents on the dollar. This enabled speculators to control large amounts of stock with little cash, and added volatility and turbulence of the market when those persons got margin calls and had to sell.

If leveraged volatility triggered the 1929 debacle, what is the difference between the crash of nearly 60 years ago and what happened on October 19? What can be said about the role played by index options and futures on stocks? What greater leverage could there be than a contract on stocks in which the speculator has to put down only a few pennies for every dollar of stocks he controls? I fail to see any difference.

Mr. President, I know that critics of this legislation say that margin requirements on futures should not be increased because futures margins are fundamentally different. They say that the purposes of equity margins—to prevent diversion of bank loans from more productive uses, to preserve financial integrity, and to prevent speculative bubbles—differ from those for futures margins. This may have been the case when the futures markets dealt exclusively with agricultural commodities, pork-bellies, corn, and soy bean, if you will. But it isn't the case now.

The futures markets has undergone a substantial and dramatic transition since 1980, particularly with respect to the trading of financial futures instruments and, most recently, the trading of futures contracts on the Dow-Jones Stock Market Index. We have seen how the speculating and hedging in these transactions have had enormous consequences: They have disrupted not only our financial markets but also those throughout the world; they have impacted our debt management and monetary policy; they have undermined the integrity of our financial system; and they have impaired our economy's productivity and expansion.

Mr. President, to date, there is no single regulatory agency vested with the authority to set minimum margin requirements for futures contracts on financial instruments. The precedent has been set with the Fed's authority on equity securities. As overseer of our Nation's monetary system, there is every theoretical and practical reason to vest in it the additional authority to set margin requirements for all futures contracts involving financial instruments, be it currency futures or stock index futures.

I know that there is a concern, Mr. President, that this bill may go too far in its approach. Critics of raising the margin requirements of futures contracts have said, "Don't kill the patient." I am not out to kill the patient; however, it is in the public interest to cut down on the excesses in the market that have become painfully obvious. An example of one such excess is the leveraging of up to $3 trillion in institutional investors. Finally, it is in the public interest to restore the integrity of and confidence in our capital markets so that small and large investor alike will have equal access to the capital allocation mechanism of the stock market.●

By Mr. KERRY (for himself and Mr. WILSON):

S. 1848. A bill to authorize a Minority Business Development Administration in the Department of Commerce; referred to the Committee on Commerce, Science, and Transportation.

MINORITY BUSINESS DEVELOPMENT ACT

● Mr. KERRY. Mr. President, last month our Nation celebrated, for the fifth consecutive year, Minority Business Development Week. As it has been in the past, MED Week this year was an important time to reflect on the accomplishments of the past and the challenges that lie ahead for all of us who share the goal of equality, and full economic participation by all Americans regardless of race, color, or creed.

As chairman of the Subcommittee on Urban and Minority Business of the Senate Small Business Committee, this goal is particularly important to me.

Let us make no mistake; there is still a tremendous amount of work to be done before we can say that racism and other forms of discrimination have been abolished in the economic marketplace. Minority business ownership is still dramatically below that of nonminority business ownership in most areas of the country, minorities are still underrepresented in the ranks of executives and managers, and minority unemployment is still roughly twice the rate of nonminority unemployment.

But while there is still much to be done, there can be no doubt that there has been a tremendous amount of progress over the last 20 years in making the American dream of economic prosperity and independence more accessible to socially and economically disadvantaged individuals. This progress can be the result of a broad range of programs and initiatives, but one program that has played a particularly effective and notable role has been the Minority Business Development Agency in the Department of Commerce, which has existed under the authority of an Executive order for nearly 20 years.

Unfortunately, in recent years this agency has been subjected to continual uncertainty about its role and its future. At various points during the past 7 years the agency has seen its budget cut, has been slated for abolition, and now since January the administration has been advancing a vague plan to transfer the program to the Small Business Administration—an agency which the administration has repeatedly tried to abolish. This kind of uncertainty makes it extremely difficult for an agency such as the MBDA to accomplish its mission, attract and retain qualified personnel, and offer consistent and useful services to the minority business community.

Mr. President, today I am pleased to join with my distinguished colleague from California, Mr. WILSON, in introducing a bill to provide permanent statutory authorization for the Minority Business Development Administration in the Department of Commerce. A similar version of this legislation was filed by Congressman KWEISI MFUME in the House as H.R. 1769 on March 24, and now has more than 26 cosponsors.

This legislation is the product of our strong opposition to the administration's proposal to transfer the Minority Business Development Agency from the Department of Commerce to the Small Business Administration. Such a move would reverse the progress this agency has made for the last 18 years in promoting and assisting our Nation's minority business community.

Those in favor of the proposed transfer argue that the MBDA and the SBA offer essentially the same assistance to socially disadvantaged firms. I believe, Mr. President, that this is not so.

The SBA, by law, is required to administer to the needs of small businesses. The MBDA, in contrast, does not operate under any size limitations, and it is the sole Government agency whose mandate is the development of minority businesses.

The SBA's programs to assist minority businesses focus on Federal set-asides, authorized under section 8(a) of the Small Business Act. The MBDA, on the other hand, has formed a unique public-private network to foster the eventual commercial independence of minority firms in the marketplace. To accomplish this commendable objective, the MBDA enlists the support of Fortune 500 companies, of Big Eight accounting firms and other management consulting firms, and of Federal Agencies and Departments. All these elements participate in the operations of the agency's Minority Business Development Centers, which avail management, marketing, procurement, financial and technical expertise to minority businesses.

Furthermore, Mr. President, the MBDA provides export assistance to minority firms, helping these businesses to participate in our Nation's fight to enhance United States to minority firms, helping these businesses to participate in our Nation's fight to enhance U.S. competitiveness. I believe that the MBDA has a special role in ensuring the success of minority businesses in the mainstream of American business.

Since its formation in 1969, the MBDA has assisted the creation and expansion of some 300,000 minority-owned businesses, representing one-half of the country's total number of minority firms. The MBDA has channeled more than $180 billion of financing; or Federal, State, and local procurement contracts; and of purchasing orders from major U.S. corporations to the minoritory business community. In Massachusetts alone, the agency has created 7,000 new jobs, provided assistance to thousands of companies, and generated over $30 million of contracts and $60 million of financing.

Mr. President, my distinguished colleagues, such an important institution should not operate under conditions of such uncertainty. I urge your support of the establishment of a permanent Minority Business Development Administration within the Department of Commerce to demonstrate the commitment of this Congress to the success of the minority business community.

Mr. President, my distinguished colleagues, time is of essence in this matter. Ironically, in the past, the Reagan administration has repeatedly called for the dissolution of the Small Business Administration and the incorporation of the latter's functions into the Department of Commerce. Also, in the wake of the Wedtech scandal, a serious breach of confidence has finally surfaced regarding this administration's sensitivity to small businesses in general, and minority small businesses in particular. I am currently working with my colleagues on the Small Business Committee to enact reforms in the SBA's 8(a) Federal set-aside program, with a view toward curbing political abuses and improving minority access to Federal contracts. Given the atmosphere of crisis, the SBA is in no condition to assume the additional responsibilities of the MBDA.

I hope that all Members of the Senate that care about the progress of our minority citizens will join us in the effort to block President Reagan's proposal to transfer the MBDA from the Department of Commerce to the Small Business Administration. Both the Budget and Appropriations Committees have already rejected the administration's proposal to transfer the MBDA to the SBA; at least for now. Nevertheless, it is critically important that we act now to insure a permanent home for this agency at the Department of Commerce.●

● Mr. WILSON. Mr. President, this fall has been a season of celebrations. We have rejoiced in the 200th birthday of our Constitution, giving thanks for the basic principles this document embodies—life, liberty, and the pursuit of happiness. It has been a time for all Americans to reflect upon the freedoms they enjoy to pursue their life, fulfill their dreams. In this vein, last month, we celebrated the achievements of minority entrepreneurs who have left their own impact upon the American economy—and the American dream.

Many of us have worked to assure that America is and will remain a color-blind society. That means America must offer, in fact as well as in law, full participation in the free enterprise system for all Americans. Full participation does not guarantee anyone market share or profit, but it does mean that in America we must and will offer opportunity and access to all our people or at least to all who have courage to take a risk in the marketplace.

Therefore, I think it appropriate, Mr. President, that we ensure that those Federal programs promoting minority enterprise remain available to individuals who need them. The primary Federal agency whose mission is to develop and coordinate a national program for minority business enterprise is the Minority Business Development Agency [MBDA], established in 1969 by the Secretary of Commerce.

Created to assist minority business in achieving effective and equitable participation in the American free enterprise system and in overcoming social and economic disadvantages that have limited their participation in the past, the agency provides national policies and leadership in forming and strengthening a partnership of business, industry, and Government with the Nation's minority businesses. According to a recent Commerce Department study, MBDA assisted 4,906 minority business men and women in fiscal year 1986 to obtain $802.5 million in contracts, and 1,665 minority businesses to achieve $377.7 million in financial packages.

Presently, MBDA operates under an Executive Order and therefore faces continual uncertainty regarding its future. In fact, the agency's existence has been threatened by several efforts to transfer the agency to the Small Business Administration [SBA]. In my view, action of this sort is completely misguided for several reasons.

First, SBA programs are designed primarily to address the needs of nonminority small businesses. In contrast, MBDA is the sole Government agency whose mandate is the development of minority business. Second, MBDA operates its Minority Development Programs through private Big Eight accounting firms and business management firms striving for eventual commercial independence, while SBA's programs offer no specialized assistance program to minority businesses. Another area in which MBDA offers services to minority firms is the identification of potential foreign markets. SBA does not provide such assistance.

Clearly, MBDA offers a unique and valuable array of assistance and services to minority businesses, separate from those offered by SBA. For this reason, I am joining my distinguished colleague from Massachusetts, Senator KERRY, in introducing the Minority Enterprise Development Act of 1987 to provide legislative authorization for an administration under the Department of Commerce to assist in the development of minority-owned businesses. Quite simply, this legislation would make the current agency permanent, preventing any future actions to transfer MBDA to SBA, thereby ensuring that management and technical assistance for minority businesses will remain available in the future.

Mr. President, I hope that my colleagues will join Senator KERRY and me in this effort and would urge the immediate adoption of the Minority Enterprise Development Act.●

ADDITIONAL COSPONSORS

S. 450

At the request of Mr. ARMSTRONG, the names of the Senator from North Carolina [Mr. HELMS], the Senator from Utah [Mr. HATCH], and the Senator from New Mexico [Mr. BINGAMAN] were added as cosponsors of S. 450, a bill to recognize the organization known as the National Mining Hall of Fame and Museum.

S. 542

At the request of Mr. ARMSTRONG, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 542, a bill to recognize the organization known as the "Retired Enlisted Association, Incorporated."

S. 747

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of S. 747, a bill to establish a motor carrier administration in the Department of Transportation, and for other purposes.

S. 1315

At the request of Mr. HATCH, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 1315, a bill to provide for Federal incentive grants to encourage State health care professional liability reform.

S. 1346

At the request of Mr. MATSUNAGA, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 1346, a bill to amend the National Labor Relations Act to give employers and performers in the performing arts rights given by section 8(e) of such act to employers and employees in similarly situated industries, to give employers and performers in the performing arts the same rights given by section 8(f) of such act to employers and employees in the construction industry, and for other purposes.

S. 1489

At the request of Mr. MOYNIHAN, the names of the Senator from Vermont [Mr. LEAHY], the Senator from Florida

[Mr. Chiles], the Senator from Louisiana [Mr. Johnston], and the Senator from Minnesota [Mr. Boschwitz] were added as cosponsors of S. 1489, a bill to amend section 67 of the Internal Revenue Code of 1986 to exempt certain publicly offered regulated investment companies from the disallowance of indirect deductions through passthrough entities.

S. 1519

At the request of Mr. Lautenberg, the names of the Senator from Washington [Mr. Adams], the Senator from Louisiana [Mr. Breaux], the Senator from Rhode Island [Mr. Chafee], the Senator from Minnesota [Mr. Durenberger], the Senator from Nebraska [Mr. Exon], the Senator from Kentucky [Mr. Ford], the Senator from Utah [Mr. Garn], the Senator from Ohio [Mr. Glenn], the Senator from Massachusetts [Mr. Kerry], the Senator from Hawaii [Mr. Matsunaga], the Senator from Kentucky [Mr. McConnell], the Senator from Maryland [Ms. Mikulski], the Senator from Maine [Mr. Mitchell], the Senator from Oklahoma [Mr. Nickles], the Senator from Rhode Island [Mr. Pell], the Senator from Arkansas [Mr. Pryor], the Senator from Nevada [Mr. Reid], the Senator from West Virginia [Mr. Rockefeller], the Senator from New Hampshire [Mr. Rudman], the Senator from Maryland [Mr. Sarbanes], the Senator from Wyoming [Mr. Simpson], the Senator from Virginia [Mr. Warner], and the Senator from Colorado [Mr. Wirth] were added as cosponsors of S. 1519, a bill to authorize the President of the United States to award congressional gold medals to Lawrence Doby and posthumously to Jack Roosevelt Robinson in recognition of their accomplishments in sport and in the advancement of civil rights, and to authorize the Secretary of the Treasury to sell bronze duplicates of those medals.

S. 1733

At the request of Mr. Hatch, the names of the Senator from North Dakota [Mr. Burdick], the Senator from Idaho [Mr. Symms], the Senator from Mississippi [Mr. Cochran], and the Senator from New Mexico [Mr. Domenici] were added as cosponsors of S. 1733, a bill to amend the Internal Revenue Code to allow for deduction of qualified adoption expenses, and for other purposes.

S. 1742

At the request of Mr. Domenici, the name of the Senator from Nebraska [Mr. Karnes] was added as a cosponsor of S. 1742, a bill to provide for the minting and circulation of $1 coins, and for other purposes.

S. 1776

At the request of Mr. Armstrong, the names of the Senator from Minnesota [Mr. Boschwitz], the Senator from Oklahoma [Mr. Boren], the Senator from Nebraska [Mr. Karnes], the Senator from California [Mr. Wilson], and the Senator from Oklahoma [Mr. Nickles] were added as cosponsors of S. 1776, a bill to modernize U.S. circulating coin designs, of which one reverse will have a theme of the Bicentennial of the Constitution.

S. 1835

At the request of Mr. Evans, the names of the Senator from Minnesota [Mr. Durenberger] and the Senator from Wyoming [Mr. Simpson] were added as cosponsors of S. 1835, a bill to provide that each title of any bill or joint resolution making continuing appropriations that is reported by a committee of conference and is agreed to by both Houses of the Congress in the same form during a 2-year period shall be presented as a separate joint resolution to the President.

SENATE JOINT RESOLUTION 200

At the request of Mr. Dixon, the names of the Senator from Wisconsin [Mr. Kasten], the Senator from Nebraska [Mr. Exon], the Senator from Iowa [Mr. Grassley], the Senator from Georgia [Mr. Fowler], and the Senator from Kansas [Mrs. Kassebaum] were added as cosponsors of Senate Joint Resolution 200, a joint resolution to designate the period commencing on November 8, 1987, and ending on November 14, 1987, as "National Food Bank Week."

SENATE RESOLUTION 312

At the request of Mr. Baucus, the names of the Senator from Wyoming [Mr. Simpson], the Senator from Delaware [Mr. Roth], the Senator from Pennsylvania [Mr. Heinz], and the Senator from Connecticut [Mr. Weicker] were added as cosponsors of Senate Resolution 312, a resolution expressing the sense of the Senate with respect to ratification of the Montreal Protocol to the Vienna Convention for the Protection of the Ozone Layer.

SENATE RESOLUTION 314—REGARDING THE AMERICAN CIVIL DEFENSE PROGRAM

Mr. SYMMS (for himself and Mr. Wilson) submitted the following resolution; which was referred to the Committee on Armed Services:

S. Res. 314

Whereas in this age of nuclear energy, the people of the United States are endangered by nuclear war, nuclear terrorist attacks, and nuclear accidents;

Whereas in the event of nuclear war the people are in the additional danger of starvation during the time before acquisition and food transportation can be restored;

Whereas blast and radiation shelters and food storage methods have been invented which can protect people from these nuclear dangers without evacuation;

Whereas blast and radiation shelters and food reserves have been built to protect the peoples of Switzerland, the U.S.S.R. and some other countries;

Whereas this United States Government has been established to provide for the common defense of the people;

Whereas at present no defensive blast and radiation shelters or distributed food reserves have been built for most of the people in the United States;

Whereas the Department of Defense and the Department of Agriculture have the knowledge and resources to provide this essential protection: Now, therefore, be it

Resolved, That it is the sense of the Senate that the United States Department of Defense with the cooperation of the Department of Agriculture should provide immediately to this Congress a report on a program for the building of nuclear blast and radiation shelters and for the storage of at least one year's supply of food for every civilian and every military person in the United States within walking distance of their houses and places of work.

Mr. SYMMS. Mr. President, today, Senator Wilson and I are submitting a sense of the Senate resolution concerning the U.S. Civil Defense Program.

When our Founding Fathers drafted the Constitution, they commanded the U.S. Government to "provide for the common defense." Unfortunately, they did not realize the awesome responsibility such a commandment would entail in the nuclear age.

Today's society must face the possibility of nuclear industrial accidents, such as the Chernobyl and Three Mile Island incidents. Also, there has been concern that nuclear weapons could be obtained by terrorists. However, most concerns center around the possibility of a thermo-nuclear war and our protection from such a war.

Mr. President, this Senator has strongly supported President Reagan's strategic defense initiative [SDI]. I believe the United States must continue to develop, test and eventually deploy a space-based defensive shield that would destroy incoming offensive nuclear weapons. Moreover, it is necessary for Congress to provide the maximum funding for SDI. While many in Congress have spoken in support of SDI, there are still many in this body and in the House, who will continually oppose such a great adventure.

Though SDI provokes a great amount of disagreement in Congress, the resolution the junior Senator from California and I are introducing today, certainly will remove the political bounds that separate many of us on the issue of nuclear defense. The resolution simply states that it is the sense of the Senate that the Department of Defense, in cooperation with the Department of Agriculture, should provide a report to Congress on a program for the building of nuclear blast and radiation shelters. These shelters must include at least 1 year's supply of food for every civilian and military person in the United States, and be within walking distance of their houses and places of work.

Mr. President, many countries realize the importance of an adequate civil defense program. The Peoples Republic of China, Switzerland, and the Soviet Union, to name three, have spent billions of dollars to build nuclear shelters and implement defense programs. Ironically, these countries have used the inventions and ideas of American scientists and engineers to develop their programs. I believe it is time for the United States to devote our resources to our own safety and security.

I encourage Senators to read the resolution, and urge their cosponsorship.

AMENDMENTS SUBMITTED

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS, FISCAL YEAR 1988

ADAMS (AND OTHERS) AMENDMENT NO. 1123

Mr. ADAMS (for himself, Mr. Reid, and Mr. Hecht) proprosed an amendment to the first reported amendment to the bill (H.R. 2700) making appropriations for energy and water development for the fiscal year ending September 30, 1988, and for other purposes; as follows:

At the end of the first committee amendment add the following:

$141,450,000, to remain available until expended: *Provided*, That not to exceed $21,500,000 shall be available for obligation for research and development activities.

The Secretary of the Army, acting through the Chief of Engineers, is directed to undertake the following items under General Investigations in fiscal year 1988:

Olcott Harbor Improvements, New York;

Atlantic Coast of New York City from Rockaway Inlet to Norton Point, New York (Coney Island Area);

Red River Waterway, Shreveport, Louisiana to Index, Arkansas;

Miami Harbor, Florida (cleanup);

St. Petersburg, Florida (coastal area);

Westwego to Harvey Canal, Louisiana.

The Secretary of the Army shall allocate $395,000 to continue preconstruction engineering and design and develop and execute a local cooperative agreement covering all elements of the Roanoke River Upper Basin, Virginia project as described in the report of the Chief of Engineers dated August 5, 1985 and authorized in section 401(a) of the Water Resources Development Act, 1986 (Public Law 99-662).

Using funds previously appropriated in the Energy and Water Development Appropriation Act, 1987, Public Law 99-591, the Secretary of the Army is directed to undertake the following study: Indiana Shoreline Erosion, including preconstruction engineering and design, Indiana.

Construction, General

For the prosecution of river and harbor, flood control, shore protection, and related projects authorized by laws; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such studies shall not constitute a commitment of the Government to construction), $1,046,446,000 of which such sums as are necessary pursuant to Public Law 99-662 shall be derived from the Inland Waterway Trust Fund, to remain available until expended, and of which not more than $7,000,000 shall be available to pay the authorized governing body of the Tohono O'odham Nation in accordance with the provisions of section 4(a) of Public Law 99-469; and in addition, $103,690,000, to remain available until expended, for construction of the Red River Waterway, Mississippi River to Shreveport, Louisiana project, $87,000,000 for work presently scheduled and $16,690,000 with which the Secretary of the Army is directed, as a minimum to award continuing contracts in fiscal year 1988 for construction and completion of each of the following features of the Red River Waterway: in Pool 3, Nantachie/Red Bayou Revetment Extension and Crain and Eureka Revetments; in Pool 4, Gahagan, Piermont, Nicholas and Howard Realignments and Coushatta Capout; and in Pool 5, Cupples Revetment. None of these contracts are to be considered fully funded and contracts are to be initiated with funds herein provided; and in addition, $13,500,000, to remain available until expended, together with funds heretofore or hereafter appropriated, with which the Secretary of the Army is directed to award a single continuing contract for construction and completion of the Cooper River seismic modification, South Carolina project authorized by Public Law 98-63: *Provided*, That no fully allocated funding policy shall apply with respect to the construction of this project; and in addition, $2,500,000, to be made available to Metropolitan Dade County, Florida, for the purpose of a 50 per centum, cost-shared project, including environmental restoration, establishing public access and a regional public park along the Miami River in the Allapatah community across from Curtis Park.

Within available funds, the Secretary of the Army, is hereby directed to construct streambank protection measures along the west shoreline of the city of Guntersville, Alabama, on Guntersville Lake, under the authority of section 14 of Public Law 79-526.

The Secretary of the Army, acting through the Chief of Engineers, is directed to undertake the following projects in fiscal year 1988:

Sandy Hook to Barnegat Inlet, including Sea Bright to Ocean Township and Asbury Park to Manasquan, New Jersey;

Barbourville, Kentucky (Levisa/Tug Forks of Big Sandy River and Upper Cumberland River, West Virginia, Virginia, and Kentucky);

Harlan, Kentucky (Levisa/Tug Forks of Big Sandy River and Upper Cumberland River, West Virginia and Kentucky): *Provided*, That no fully allocated funding policy shall apply with respect to the construction of Barbourville, Kentucky, and Harlan, Kentucky (Levisa/Tug Forks of Big Sandy River and Upper Cumberland River West Virginia, Virginia, and Kentucky);

Cape May to Lower Township, New Jersey;

Ouachita River Levees, Louisiana;

Century Park, Lorain, Ohio;

Community Park, Sheffield Lake, Ohio.

Flood Control and Coastal Emergencies

For expenses necessary for emergency flood control, hurricane, and shore protection activities, as authorized by section 5 of the Flood Control Act, approved August 18, 1941, as amended, $26,000,000, to remain available until expended.

Flood Control, Mississippi River and Tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee

For expenses necessary for prosecuting work of flood control, and rescue work, repair, restoration, or maintenance of flood control projects threatened or destroyed by flood, as authorized by law (33 U.S.C. 702a, 702g-1), $315,130,000, to remain available until expended: *Provided*, That not less than $250,000 shall be available for bank stabilization measures as determined by the Chief of Engineers to be advisable for the control of bank erosion of streams in the Yazoo Basin, including the foothill area, and where necessary such measures shall complement similar works planned and constructed by the Soil Conservation Service and be limited to the areas of responsibility mutually agreeable to the District Engineer and the State: *Provided further*, That with the additional funds herein appropriated, the Secretary of the Army is directed to expedite the acquisition in fee simple, of lands, excluding minerals, for public access in the Atchafalaya Basin Floodway System, Louisiana, in furtherance of the plan described in the report of the Chief of Engineers dated February 28, 1983, as authorized by Public Laws 99-88 and 99-662.

Funds provided to the Corps of Engineers are to be used in carrying out advanced engineering and design work on the Helena Harbor, Phillips County, Arkansas, project. The Corps will complete the advanced engineering and design work and be prepared to let a contract for the first phase of the construction not later than October 1, 1988.

The Secretary of the Army shall allocate $180,000 to the Mississippi River East Bank, Warren to Wilkerson Counties, Mississippi, Natchez Area project to initiate and complete in May 1988 a reevaluation of alternative plans, submission of a draft reevaluation report/Environmental Impact Statement supplement, coordination of report findings with public and other agencies, and completion and submission of the final report in December 1988.

Operation and Maintenance, General

For expenses necessary for the preservation, operation, maintenance, and care of existing river and harbor, flood control, and related works, including such sums as may be necessary for the maintenance of harbor channels provided by a State, municipality or other public agency, outside of harbor lines, and serving essential needs of general commerce and navigation; surveys and charting of northern and northwestern lakes and connecting waters; clearing and straightening channels; and removal of obstructions to navigation, $1,404,738,000, to remain available until expended, of which such sums as become available in the Harbor Maintenance Trust Fund, pursuant to Public Law 99-662, may be derived from that fund, and of which $12,000,000 shall be for construction, operation, and maintenance of outdoor recreation facilities, to be derived from the special account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l): *Provided*, That not to exceed $10,000,000 shall be available for obligation for national emergency preparedness programs.

General Regulatory Functions

For expenses necessary for administration of laws pertaining to preservation of navigable waters, $55,262,000, to remain available until expended.

General Expenses

For expenses necessary for general administration and related functions in the office of the Chief of Engineers and offices of the Division Engineers; activities of the Board of Engineers for Rivers and Harbors, the Coastal Engineering Research Board, the Engineer Automation Support Activity, and the Water Resources Support Center, $128,200,000, to remain available until expended.

Administrative Provisions

Appropriations in this title shall be available for expenses of attendance by military personnel at meetings in the manner authorized by section 4110 of title 5, United States Code, uniforms, and allowances therefor, as authorized by law (5 U.S.C. 5901-5902), and for printing, either during a recess or session of Congress, of survey reports authorized by law, and such survey reports as may be printed during a recess of Congress shall be printed, with illustrations, as documents of the next succeeding session of Congress; not to exceed $2,000 for official reception and representation expenses; and during the current fiscal year the revolving fund, Corps of Engineers, shall be available for purchase (not to exceed 225 for replacement only) and hire of passenger motor vehicles.

General Provisions, Corps of Engineers

Sec. 101. In section 4(c) of Public Law 99-469, the word "Secretary" is deleted each time it appears and the words "United States" are inserted in lieu thereof.

Sec. 102. Section 1124 of Public Law 99-662 is modified to add the following new subsection:

"(e) The dollar amounts listed in this section are based on October 1985 price levels. Such amounts shall be subject to adjustment pursuant to section 902(2) of this Act. Total contributions to governments in Canada that are authorized by this section, as adjusted pursuant to section 902(2) of this Act, may fluctuate to reflect changes in the rate of exchange for currency between the United States and Canada that occurred between October 1985 and the time contributions are made.".

Sec. 103. The undesignated paragraph under the heading "Puerco River and Tributaries, New Mexico" in section 401(a) of Public Law 99-662 (100 Stat. 4082) is amended by striking out "$4,190,000", "$3,140,000", and "$1,050,000" and inserting in lieu thereof "$7,300,000", "$5,500,000", and "$1,800,000", respectively.

TITLE II

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

For carrying out the functions of the Bureau of Reclamation as provided in the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) and other Acts applicable to that Bureau as follows:

General Investigations

For engineering and economic investigations of proposed Federal reclamation projects and studies of water conservation and development plans and activities preliminary to the reconstruction, rehabilitation and betterment, financial adjustment, or extension of existing projects, to remain available until expended, $16,945,000: *Provided*, That of the total appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from that fund: *Provided further*, That all costs of an advance planning study of a proposed project shall be considered to be construction costs and to be reimbursable in accordance with the allocation of construction costs if the project is authorized for construction: *Provided further*, That funds contributed by non-Federal entities for purposes similar to this appropriation shall be available for expenditure for the purposes for which contributed as though specifically appropriated for said purposes, and such amounts shall remain available until expended.

Construction Program

(INCLUDING TRANSFER OF FUNDS)

For construction and rehabilitation of projects and parts thereof (including power transmission facilities for Bureau of Reclamation use) and for other related activities as authorized by law, to remain available until expended $699,038,000, of which $143,143,000 shall be available for transfers to the Upper Colorado River Basin Fund authorized by section 5 of the Act of April 11, 1956 (43 U.S.C. 620d), and $152,498,000 shall be available for transfers to the Lower Colorado River Basin Development Fund authorized by section 403 of the Act of September 30, 1968 (43 U.S.C. 1543), and such amounts as may be necessary shall be considered as though advanced to the Colorado River Dam Fund for the Boulder Canyon Project as authorized by the Act of December 21, 1928, as amended: *Provided*, That of the total appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from that fund: *Provided further*, That transfers to the Upper Colorado River Basin Fund and Lower Colorado River Basin Development Fund may be increased or decreased by transfers within the overall appropriation to the heading: *Provided further*, That funds contributed by non-Federal entities for purposes similar to this appropriation shall be available for expenditure for the purposes for which contributed as though specifically appropriated for said purposes, and such funds shall remain available until expended: *Provided further*, That approximately $5,630,000 in unobligated balances of Teton Dam Failure Payment of Claims funds provided under Public Laws 94-355 dated July 12, 1976, and 94-438, dated September 30, 1976, shall be available for use on projects under this appropriation: *Provided further*, That the final point of discharge for the interceptor drain for the San Luis Unit shall not be determined until development by the Secretary of the Interior and the State of California of a plan, which shall conform with the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters: *Provided further*, That no part of the funds herein approved shall be available for construction or operation of facilities to prevent waters of Lake Powell from entering any national monument: *Provided further*, That of the amount herein appropriated, such amounts as may be necessary shall be available to enable the Secretary of the Interior to continue work on rehabilitating the Velarde Community Ditch Project, New Mexico, in accordance with the Federal Reclamation Laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) for the purposes of diverting and conveying water to irrigated project lands. The cost of the rehabilitation will be nonreimbursable and constructed features will be turned over to the appropriate entity for operation and maintenance: *Provided further*, That of the amount herein appropriated, such amounts as may be required shall be available to continue improvement activities for the Lower Colorado Regional Complex: *Provided further*, That the funds contained in this Act for the Garrison Diversion Unit, North Dakota, shall be expended only in accordance with the provisions of the Garrison Diversion Unit Reformulation Act of 1986 (Public Law 99-294): *Provided further*, That none of the funds appropriated in this Act shall be used to study or construct the Cliff Dam feature of the Central Arizona Project: *Provided further*, That Plan 6 features of the Central Arizona Project other than Cliff Dam, including (1) water rights and associated lands within the State of Arizona acquired by the Secretary of the Interior through purchase, lease, or exchange, for municipal and industrial purposes, not to exceed 30,000 acrefeet; and, (2) such increments of flood control that may be found to be feasible by the Secretary of the Interior at Horseshoe and Barlett Dams, in consultation and cooperation with the Secretary of the Army and using Corps of Engineers evaluation criteria, developed in conjunction with dam safety modifications and consistent with applicable environmental law, are hereby deemed to constitute a suitable alternative to Orme Dam within the meaning of the Colorado River Basin Project Act (82 Stat.885; 43 U.S.C. 1501 et seq.): *Provided further*, That any funds expended under this Act for the purpose of conserving endangered fish species of the Colorado River system shall be charged against the increased amount authorized to be appropriated under the Colorado River Storage Project Act, as provided by section 501(A) of the Colorado River Basin Act of 1968: *Provided further*, That notwithstanding the provisions of the Garrison Diversion Unit Reformulation Act of 1986 (Public Law 99-294), the James River Comprehensive Report on water resource development proposals may be submitted to Congress at a date after September 30, 1988, but not later than September 30, 1989.

Operation and Maintenance

For operation and maintenance of reclamation projects or parts thereof and other facilities, as authorized by law; and for a soil and moisture conservation program on lands under the jurisdiction of the Bureau of Reclamation, pursuant to law, to remain available until expended, $154,297,000: *Provided*, That of the total appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from that fund: *Provided further*, That of the total appropriated, such amounts as may be required for replacement work on the Boulder Canyon Project which would require readvances to the Colorado River Dam Fund shall be readvanced to the Colorado River Dam Fund pursuant to section 5 of the Boulder Canyon Project Adjustment Act of July 19, 1940 (43 U.S.C. 618d), and such readvances since October 1, 1984, and in the future shall bear interest at the rate determined pursuant to section 104(a)(5) of Public Law 98-381: *Provided further*, That funds advanced by water users for operation and maintenance of reclamation projects or parts thereof shall be deposited to the credit of this appropriation and may be expended for the same objects and in the same manner as sums appropriated herein may be expended, and such advances shall remain available until expended: *Provided further*, That revenues in the Upper Colorado River Basin Fund shall be available for performing examination of existing structures on participating projects of the Colorado River Storage Project, the costs of which shall be nonreimbursable.

LOAN PROGRAM

For loans to irrigation districts and other public agencies for construction of distribution systems on authorized Federal reclamation projects, and for loans and grants to non-Federal agencies for construction of projects, as authorized by the Acts of July 4, 1955, as amended (43 U.S.C. 421a-421d), and August 6, 1956, as amended (43 U.S.C. 422a-422l), including expenses necessary for carrying out the program, $30,809,000, to remain available until expended: *Provided*, That of the total sums appropriated, the amount of program activities which can be financed by the reclamation fund shall be derived from that fund: *Provided further*, That during fiscal year 1988 and within the resources and authority available, gross obligations for the principal amount of direct loans shall not exceed $29,472,000: *Provided further*, That any contract under the Act of July 4, 1955 (69 Stat. 244), as amended, not yet executed by the Secretary, which calls for the making of loans beyond the fiscal year in which the contract is entered into shall be made only on the same conditions as those prescribed in section 12 of the Act of August 4, 1939 (53 Stat. 1187, 1197).

GENERAL ADMINISTRATIVE EXPENSES

For necessary expenses of general administration and related functions in the office of the Commissioner, the Denver Engineering and Research Center, and offices in the six regions of the Bureau of Reclamation, $53,690,000, of which $1,000,000 shall remain available until expended, the total amount to be derived from the reclamation fund and to be nonreimbursable pursuant to the Act of April 19, 1945 (43 U.S.C. 377): *Provided*, That no part of any other appropriation in this Act shall be available for activities or functions budgeted for the current fiscal year as general administrative expenses.

EMERGENCY FUND

For an additional amount for the "Emergency fund", as authorized by the Act of June 26, 1948 (43 U.S.C. 502), as amended, to remain available until expended for the purposes specified in said Act, $1,000,000, to be derived from the reclamation fund.

SPECIAL FUNDS

(TRANSFER OF FUNDS)

Sums herein referred to as being derived from the reclamation fund or the Colorado River development fund are appropriated from the special funds in the Treasury created by the Act of June 17, 1902 (43 U.S.C. 391) and the Act of July 19, 1940 (43 U.S.C. 618a), respectively. Such sums shall be transferred, upon request of the Secretary, to be merged with and expended under the heads herein specified; and the unexpended balances of sums transferred for expenditure under the head "General Administrative Expenses" shall revert and be credited to the special fund from which derived.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed 13 passenger motor vehicles of which 11 shall be for replacement only; payment of claims for damages to or loss of property, personal injury, or death arising out of activities of the Bureau of Reclamation; payment, except as otherwise provided for, of compensation and expenses of persons on the rolls of the Bureau of Reclamation appointed as authorized by law to represent the United States in the negotiations and administration of interstate compacts without reimbursement or return under the reclamation laws; for service as authorized by section 3109 of title 5, United States Code, in total not to exceed $500,000; rewards for information or evidence concerning violations of law involving property under the jurisdiction of the Bureau of Reclamation; performance of the functions specified under the head "Operation and Maintenance Administration", Bureau of Reclamation, in the Interior Department Appropriations Act 1945; preparation and dissemination of useful information including recordings, photographs, and photographic prints; and studies of recreational uses of reservoir areas, and investigation and recovery of archeological and paleontological remains in such areas in the same manner as provided for in the Acts of August 21, 1935 (16 U.S.C. 461-467) and June 27, 1960 (16 U.S.C. 469): *Provided*, That no part of any appropriation made herein shall be available pursuant to the Act of April 19, 1945 (43 U.S.C. 377), for expenses other than those incurred on behalf of specific reclamation projects except "General Administrative Expenses" and amounts provided for plan formulation and advance planning investigations, and general engineering and research under the head "General Investigations".

Sums appropriated herein which are expended in the performance of reimbursable functions of the Bureau of Reclamation shall be returnable to the extent and in the manner provided by law.

No part of any appropriation for the Bureau of Reclamation, contained in this Act or in any prior Act, which represents amounts earned under the terms of a contract but remaining unpaid, shall be obligated for any other purpose, regardless of when such amounts are to be paid: *Provided*, That the incurring of any obligation prohibited by this paragraph shall be deemed a violation of section 3679 of the Revised Statutes, as amended (31 U.S.C. 1341).

No funds appropriated to the Bureau of Reclamation for operation and maintenance, except those derived from advances by water users, shall be used for the particular benefits of lands (a) within the boundaries of an irrigation district, (b) of any member of a water users' organization, or (c) of any individual when such district, organization, or individual is in arrears for more than twelve months in the payment of charges due under a contract entered into with the United States pursuant to laws administered by the Bureau of Reclamation.

None of the funds made available by this or any other Act shall be used by the Bureau of Reclamation for contracts for surveying and mapping services unless such contracts are awarded in accordance with title IX of the Federal Property and Administrative Service Act of 1949 (40 U.S.C. 541 et seq.).

GENERAL PROVISIONS

DEPARTMENT OF THE INTERIOR

SEC. 201. Appropriations in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided*, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted.

SEC. 202. The Secretary may authorize the expenditure or transfer (within each bureau or office) of any appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of forest or range fires on or threatening lands under jurisdiction of the Department of the Interior.

SEC. 203. Appropriations in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency, or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by the Act of June 30, 1932 (31 U.S.C. 1535 and 1536): *Provided*, That reimbursements for costs of supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 204. Appropriations in this title shall be available for hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchases of reprints; payment for telephone services in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 205. Of the appropriations for the Central Utah project, in this or any other Act, not more than $18,500,000 of the total in any one fiscal year may be expended by the Secretary for all administrative expenses: *Provided*, That the Inspector General of the Department of the Interior shall annually audit expenditures by the Bureau of Reclamation to determine compliance with this section: *Provided further*, That none of the Bureau of Reclamation's appropriations shall be used to fund the audit: *Provided further*, That the Bureau of Reclamation shall not delay or stop construction of the project due to this limitation and shall apply all the remaining appropriations to completion of this project, unless continuation of work on the Central Utah project would cause administrative expenses attributable to the Central Utah project to be paid from funds available for other Bureau of Reclamation projects and thereby delay their construction.

TITLE III

DEPARTMENT OF ENERGY

ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES

For expenses of the Department of Energy activities including the purchase, construction and acquisition of plant and capital equipment and other expenses incidental thereto necessary for energy supply, research and development activities, and other activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 21 for replacement only), $2,056,207,000, to remain available until expended; and of which $45,000,000 which shall be available only for the following facilities: the Cancer Research Center at the Medical University of South Carolina; the Oregon Health Science University; the Center for Advanced Microstructures and Devices, Louisiana State University; the Center for Science and Engineering, Arizona State University; and the Center for Applied Optics, University of Alabama in Huntsville.

URANIUM SUPPLY AND ENRICHMENT ACTIVITIES

For expenses of the Department of Energy in connection with operating expenses; the purchase, construction, and acquisition of plant and capital equipment and other expenses incidental thereto necessary for uranium supply and enrichment activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 26 for replacement only); $1,116,000,000, to remain available until expended: *Provided*, That revenues received by the Department for the enrichment of uranium and estimated to total $1,301,000,000 in fiscal year 1988, shall be retained and used for the specific purpose of offsetting costs incurred by the Department in providing uranium enrichment service activities as authorized by section 201 of Public Law 95-238, notwithstanding the provisions of section 3302(b) of section 484, of title 31, United States Code: *Provided further*, That the sum herein appropriated shall be reduced as uranium enrichment revenues are received during fiscal year 1988 so as to result in a final fiscal year 1988 appropriation estimated at not more than $0.

GENERAL SCIENCE AND RESEARCH ACTIVITIES

For expenses of the Department of Energy activities including the purchase, construction and acquisition of plant and capital equipment and other expenses incidental thereto necessary for general science and research activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 22, of which 18 are for replacement only), $824,498,000, to remain available until expended: *Provided*, That within available funds, the Secretary shall commission two independent evaluations of the economic benefits associated with the Superconducting Super Collider and recommendations on a plan that could be used for any State which is awarded the project to raise or to borrow funds to help defray the overall cost of the project.

NUCLEAR WASTE DISPOSAL FUND

For nuclear waste disposal activities to carry out the purposes of Public Law 97-425, including the acquisition of real property or facility construction or expansion, $360,000,000, to remain available until expended, to be derived from the Nuclear Waste Fund. To the extent that balances in the fund are not sufficient to cover amounts available for obligation in the account, the Secretary shall exercise his authority pursuant to section 302(e)(5) to issue obligations to the Secretary of the Treasury. In paying the amounts determined to be appropriate as a result of the decision in Wisconsin Electric Power Co. v. Department of Energy, 778 F. 2d 1 (D.C. Cir. 1985), the Department of Energy shall pay, from the Nuclear Waste Fund, interest at a rate to be determined by the Secretary of the Treasury and calculated from the date the amounts were deposited into the Fund. Funds appropriated pursuant to this Act may be used to provide payments equivalent to taxes to special purpose units of local government at the candidate sites.

S. 1668, Nuclear Waste Policy Act Amendments Act of 1987, as reported to Senate on September 1, 1987, is included herein and shall be effective as if it had been enacted into law.

ATOMIC ENERGY DEFENSE ACTIVITIES

For expenses of the Department of Energy activities, $7,749,364,000, to remain available until expended, including the purchase, construction and acquisition of plant and capital equipment and other expenses incidental thereto necessary for atomic energy defense activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 292 for replacement only including 43 police-type vehicles; and purchase of two aircraft, one of which is for replacement only): *Provided*, That none of the funds made available by this Act may be used for the purpose of restarting the N-Reactor at the Hanford Reservation, Washington. For the purposes of this proviso the term "restarting" shall mean any activity related to the operation of the N-Reactor that would achieve criticality, generate fission products within the reactor, or discharge cooling water from nuclear operations.

DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for Departmental Administration and other activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the hire of passenger motor vehicles and official reception and representation expenses (not to exceed $35,000) $425,195,000, to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): *Provided*, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: *Provided further*, That moneys received by the Department for miscellaneous revenues estimated to total $233,896,000, in fiscal year 1988 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95-238, notwithstanding the provisions of section 3302 of title 31, United States Code: *Provided further*, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during fiscal year 1988 so as to result in a final fiscal year 1988 appropriation estimated at not more than $191,299,000.

POWER MARKETING ADMINISTRATIONS

OPERATION AND MAINTENANCE, ALASKA POWER ADMINISTRATION

For necessary expenses of operation and maintenance of projects in Alaska and of marketing electric power and energy, $3,026,000, to remain available until expended.

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93-454, are approved for fish passage improvements at the Umatilla River Diversion and for the Ellensburg Screen Fish Passage Facilities. Expenditures are also approved for official reception and representation expenses in an amount not to exceed $2,500.

During fiscal year 1988, no new direct loan obligations may be made.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, $27,400,000, to remain available until expended.

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, and for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses connected therewith, in carrying out the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power area, $16,648,000, to remain available until expended; in addition, notwithstanding the provisions of 31 U.S.C. 3302, not to exceed $4,625,000 in collections from the Department of Defense from power purchases and not to exceed $1,721,000 in collections from non-Federal entities for construction projects in fiscal year 1988, to remain available until expended.

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (Public Law 95-91), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed $1,500, the purchase of passenger motor vehicles (not to exceed 3 for replacement only), $258,512,000, to remain available until expended, of which $235,268,000, shall be derived from the Department of the Interior Reclamation fund; in addition, the Secretary of the Treasury is authorized to transfer from the Colorado River Dam Fund to the Western Area Power Administration $7,003,000, to carry out the power marketing and transmission activities of the Boulder Canyon project as provided in section 104(a)(4) of the Hoover Power Plant

Act of 1984, to remain available until expended.

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (Public Law 95-91), including services as authorized by 5 U.S.C. 3109, including the hire of passenger motor vehicles; official reception and representation expenses (not to exceed $2,000); $104,000,000, of which $3,000,000 shall remain available until expended and be available only for contractual activities: *Provided*, That hereafter and notwithstanding any other provision of law, not to exceed $104,000,000 of revenues from licensing fees, inspection services, and other services and collections in fiscal year 1988, may be retained and used for necessary expenses in this account, and may remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced as revenues are received during fiscal year 1988, so as to result in a final fiscal year 1988 appropriation estimated at not more than $0.

GEOTHERMAL RESOURCES DEVELOPMENT FUND

For carrying out the Loan Guarantee and Interest Assistance Program as authorized by the Geothermal Energy Research, Development and Demonstration Act of 1974, as amended, $72,000, to remain available until expended: *Provided*, That the indebtedness guaranteed or committed to be guaranteed through funds provided by this or any other appropriation Act shall not exceed the aggregate of $500,000,000.

GENERAL PROVISIONS—DEPARTMENT OF ENERGY

SEC. 301. Appropriations for the Department of Energy under this title for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance and operation of aircraft; purchase, repair and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services. From these appropriations, transfers of sums may be made to other agencies of the United States Government for the performance of work for which this appropriation is made. None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriation Act. The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private, or foreign.

(TRANSFERS OF UNEXPENDED BALANCES)

SEC. 302. Not to exceed 5 per centum of any appropriation made available for the current fiscal year for Department of Energy activities funded in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise provided, shall be increased or decreased by more than 5 per centum by any such transfers, and any such proposed transfers shall be submitted promptly to the Committees on Appropriations of the House and Senate.

SEC. 303. The unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this title. Balances so transferred may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 304. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 305. Section 970.3102-7 of Department of Energy Acquisition Regulations 48 CFR Part 970, issued pursuant to section 1534 of the Defense Authorization Act for 1986, shall not apply to the management and operating contractors for the Department of Energy National Laboratories.

SEC. 306. No funds appropriated or made available under this or any other Act shall be used by the executive branch for studies, reviews, to solicit proposals, to consider unsolicited proposals, undertake any initiatives or draft any proposals to transfer out of Federal ownership, management or control in whole or in part for the purpose of enriching uranium, the facilities and functions of the uranium supply and enrichment program until such activities have been specifically authorized in accordance with terms and conditions established by an Act of Congress hereafter enacted: *Provided*, That this provision shall not apply to the authority granted to the Department of Energy under section 161g of the Atomic Energy Act of 1954, as amended, under which it may sell, lease, grant, and dispose of property in furtherance of Atomic Energy Act activities or to the authority of the Administrator of the General Services Administration pursuant to the Federal Property and Administrative Service Act of 1944 to sell or otherwise dispose of surplus property.

SEC. 307. None of the funds appropriated by this Act or any other Act may be expended by the Federal Energy Regulatory Commission for the purpose of issuing a certificate of public convenience and necessity pursuant to the application made by the Iroquois Gas Transmission System under the Commission's optional expedited certificate procedures (Docket No. CP86-523 et al.).

SEC. 308. Within three months following the date of enactment of this Act, the Federal Energy Regulatory Commission shall provide the Committee with a report describing the policies followed in implementing the Commission's responsibilities under the National Environmental Policy Act. This report shall include a description of the steps the Commission has taken to ensure that environmental reviews are conducted efficiently and in a timely manner, the willingness of the Commission to utilize the technical expertise of other Federal and State agencies, and the Commission's environmental authority regarding nonjurisdictional facilities.

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, notwithstanding section 405 of said Act, except expenses authorized by section 105 of said Act, including services as authorized by section 3109 of title 5, United States Code, and hire of passenger motor vehicles, and for necessary expenses for the Federal Cochairman and the alternate on the Appalachian Regional Commission and for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by section 3109 of title 5, United States Code, and hire of passenger motor vehicles, to remain available until expended, $110,000,000.

DELAWARE RIVER BASIN COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out the functions of the United States member of the Delaware River Basin Commission, as authorized by law (75 Stat. 716), $203,000.

CONTRIBUTION TO DELAWARE RIVER BASIN COMMISSION

For payment of the United States share of the current expenses of the Delaware River Basin Commission, as authorized by law (75 Stat. 706, 707), $263,000.

INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

CONTRIBUTION TO INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

To enable the Secretary of the Treasury to pay in advance to the Interstate Commission on the Potomac River Basin the Federal contribution toward the expenses of the Commission during the current fiscal year in the administration of its business in the conservancy district established pursuant to the Act of July 11, 1940 (54 Stat. 748), as amended by the Act of September 25, 1970 (Public Law 91-407), $379,000.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act, as amended, including the employment of aliens; services authorized by section 3109 of title 5, United States Code; publication and dissemination of atomic information; purchase, repair, and cleaning of uniforms, official representation expenses (not to exceed $20,000); reimbursements to the General Services Administration for security guard services; hire of passenger motor vehicles and aircraft, $417,800,000, to remain available until expended: *Provided*, That from this appropriation, transfer of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: *Provided further*, That moneys received by the Commission for the cooperative nuclear safety research program, services rendered to foreign governments and international organizations, and the material and information access authorization programs including criminal history checks under section 149 of the Atomic Energy Act, as amended, may be retained and used for salaries and expenses associated with those activities, notwithstanding the provisions of section 3302 of title 31, United States Code, and shall remain available until expended: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections estimated at $208,900,000 in fiscal year 1988 shall be retained and used for necessary salaries and expenses in this account, notwithstanding the provisions of section 3302 of title 31, United States Code, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 1988 from licensing fees, inspection services and other services and collections, excluding those monies received for the cooperative nuclear safety research program, services rendered to foreign governments and international organizations, and the material and information access authorization programs, so as to result in a final fiscal year 1988 appropriation estimated at not more than $208,900,000.

Susquehanna River Basin Commission

SALARIES AND EXPENSES

For expenses necessary to carry out the functions of the United States member of the Susquehanna River Basin Commission as authorized by law (84 Stat. 1541), $197,000.

CONTRIBUTION TO SUSQUEHANNA RIVER BASIN COMMISSION

For payment of the United States share of the current expense of the Susquehanna River Basin Commission, as authorized by law (84 Stat. 1530, 1531), $249,000.

TENNESSEE VALLEY AUTHORITY

Tennessee Valley Authority Fund

For the purpose of carrying out the provisions of the Tennessee Valley Authority Act of 1933, as amended (16 U.S.C. ch. 12A), including purchase, hire, maintenance, and operation of aircraft, and purchase and hire of passenger motor vehicles, and for entering into contracts and making payments under section 11 of the National Trails System Act, as amended, $105,000,000, to remain available until expended: *Provided,* That this appropriation and other moneys available to the Tennessee Valley Authority may be used hereafter for payment of the allowances authorized by section 5948 of title 5, United States Code: *Provided further,* That the official of the Tennessee Valley Authority referred to as the "inspector general of the Tennessee Valley Authority" is authorized, during the fiscal year ending September 30, 1988, to require by subpoena the production of all information, documents, reports, answers, records, accounts, papers, and other data and other documentary evidence necessary in the performance of the audit and investigation functions of that official, which subpoena, in the case of contumacy or refusal to obey, shall be enforceable by order of any appropriate United States district court: *Provided further,* That procedures other than subpoenas shall be used by the inspector general to obtain documents and evidence from Federal agencies.

TITLE V

GENERAL PROVISIONS

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. None of the funds in this Act shall be used to pay the expenses of, or otherwise compensate, parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 503. None of the programs, projects or activities as defined in the report accompanying this Act, may be eliminated or disproportionately reduced due to the application of "Savings and Slippage", "general reduction", or the provision of Public Law 99-177: *Provided,* That nothing herein shall be deemed to affect the ability of the Chief of Engineers, United States Army Corps of Engineers and the Commissioner of the Bureau of Reclamation to reprogram funds based upon engineering-related considerations.

SEC. 504. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 505. None of the funds appropriated in this Act shall be used to implement a program of retention contracts for senior employees of the Tennessee Valley Authority.

SEC. 506. Notwithstanding any other provision of this Act or any other provision of law, none of the funds made available under this Act or any other law shall be used for the purposes of conducting any studies relating or leading to the possibility of changing from the currently required "at cost" to a "market rate" or any other noncost-based method for the pricing of hydroelectric power by the six Federal public power authorities, or other agencies or authorities of the Federal Government, except as may be specifically authorized by Act of Congress hereafter enacted.

SEC. 507. None of the funds appropriated in this Act for Power Marketing Administrations or the Tennessee Valley Authority, and none of the funds authorized to be expended by this or any previous Act from the Bonneville Power Administration Fund or the Tennessee Valley Authority Fund, may be used to pay the costs of procuring extra high voltage (EHV) power equipment unless contract awards are made for EHV equipment manufactured in the United States when such agencies determine that there are one or more manufacturers of domestic end product offering a product that meets the technical requirements of such agencies at a price not exceeding 130 per centum of the bid or offering price of the most competitive foreign bidder: *Provided,* That such agencies shall determine the incremental costs associated with implementing this section and defer or offset such incremental costs against otherwise existing repayment obligations: *Provided further,* That this section shall not apply to any procurement initiated prior to October 1, 1985, or to the acquisition of spare parts or accessory equipment necessary for the efficient operation and maintenance of existing equipment and available only from the manufacturer of the original equipment: *Provided further,* That this section shall not apply to procurement of domestic end product as defined in 48 C.F.R. sec. 25.101: *Provided further,* That this section shall not apply to EHV power equipment produced or manufactured in a country whose government has completed negotiations with the United States to extend the GATT Government Procurement Code, or a bilateral equivalent, to EHV power equipment, or which otherwise offers fair competitive opportunities in public procurements to United States manufacturers of such equipment.

INDIAN FINANCING ACT AMENDMENTS

INOUYE AMENDMENT NO. 1124

(Ordered to lie on the table.)

Mr. INOUYE submitted an amendment intended to be proposed by him to the bill (S. 1360) to amend the Indian Financing Act of 1974, and for other purposes; as follows:

At the end of the bill, add the following:

SURETY BOND GUARANTEES

SEC. 5. The Indian Financing Act of 1974 is amended by inserting the following new section 217A after section 217:

"SEC. 217A. (a) The Secretary may guarantee and enter into commitments to guarantee a surety against loss as the result of a breach by a principal of the terms of a bid bond, payment bond, or bonds ancillary and coterminous therewith, if:

"(1) the principal is an Indian tribe, an Indian, or an economic enterprise as defined in section 3;

"(2) the contract involved does not exceed $1,250,000;

"(3) the bond is required if the principal is to be a qualified bidder on a contract or a prime contractor or subcontractor on the contract;

"(4) the principal cannot obtain the bond on reasonable terms and conditions without the guarantee;

"(5) there is a reasonable expectation that the principal will perform the conditions of the contract;

"(6) the contract meets requirements established by the Secretary for feasibility of successful completion and reasonableness of cost;

"(7) the terms and conditions of the bond are reasonable in light of the risks involved and the extent of the surety's participation; and

"(8) the guarantee or commitment limits the obligation of the Secretary to 90 percent or less of the loss incurred and paid by the surety as the result of the principal's breach of the contract and includes such terms and conditions as the Secretary may prescribe in general or as the Secretary determines on the basis of the Secretary's experience with the particular surety or, in the case of an application for a guarantee on behalf of an enterprise that is less than 100 percent Indian owned, the guarantee or commitment limits the obligation of the Secretary to not to exceed 90 percent of the contract amount that is proportionate to the percentage of Indian ownership of the economic enterprise.

"(b) The terms, conditions, and procedure prescribed by the Secretary for reimbursing a surety for the losses paid by the surety may include monthly billing by the surety to the Secretary for losses paid by the surety and payment by the Secretary based upon prior monthly payments to the surety, with subsequent adjustments by the Secretary as may be appropriate.

"(c) The Secretary may audit in the surety's office the documents, files, books, records, and other material relevant to a guarantee or commitment to guarantee under this section.

"(d) The Secretary shall establish reasonable fees to be paid by principals and premiums to be paid by sureties and shall deposit them in the Loan Guarantee and Insurance Fund under section 217 of this Act. A guarantee or commitment to guarantee under this section is a guaranteed loan for purposes of section 217 of this Act.

"(e) In this section—

"(1) 'bid bond' means a bond conditioned on the bidder on a contract entering into the contract if the bidder receives the award and furnishes the prescribed payment and performance bonds;

"(2) 'payment bond' means a bond conditioned on the payment by the principal of money to persons under a contract;

"(3) 'performance bond' means a bond conditioned on the completion by the principal of a contract in accordance with its terms;

"(4) 'surety' means the person who (A) under the terms of a bid bond, undertakes to pay a sum of money to the obligee in the event the principal breaches the conditions of the bond, (B) under the terms of a performance bond, undertakes to incur the cost of fulfilling the terms of a contract in the event the principal breaches the conditions of the contract, (C) under the terms of a payment bond, undertakes to make payment to all persons supplying labor and materials in carrying out the work under the contract if the principal fails to make prompt payment, or (D) is an agent, underwriter, or any other company or individual authorized to act for such person;

"(5) 'obligee' means (A) in the case of a bid bond, the person requesting bids for the performance of a contract, or (B) in the case of a payment bond on a performance bond, the person who has contracted with a principal for the completion of the contract and to whom the obligation of the surety runs in the event of a breach by the principal of the conditions of a payment of performance bond;

"(6) 'principal' means (A) in the case of a bid bond, a person bidding for the award of a contract, or (B) the person primarily liable to complete a contract for the obligee, or to make payments to other persons in connection with the contract, and for whose performance the surety is bound under the payment or performance bond. A principal may be a prime contractor or a subcontractor;

"(7) 'prime contractor' means the person with whom the obligee has contracted to perform the contract; and

"(8) 'subcontractor' means a person who has contracted with a prime contractor or with another subcontractor to perform a contract.

(f) The Secretary, within the 180-day period following the date of the enactment of this section, shall promulgate such regulations as may be necessary to implement this section.".

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS, FISCAL YEAR 1988

JOHNSTON AMENDMENT NO. 1125

Mr. JOHNSTON proposed an amendment to the bill (H.R. 2700) supra; as follows:

At the end of the Committee amendment, add the following:

$141,450,000, to remain available until expended: *Provided,* That not to exceed $21,500,000 shall be available for obligation for research and development activities.

The Secretary of the Army, acting through the Chief of Engineers, is directed to undertake the following items under General Investigations in fiscal year 1988:

Olcott Harbor Improvements, New York;

Atlantic Coast of New York City from Rockaway Inlet to Norton Point, New York (Coney Island Area);

Red River Waterway, Shreveport, Louisiana to Index, Arkansas;

Miami Harbor, Florida (cleanup);

St. Petersburg, Florida (coastal area);

Westwego to Harvey Canal, Louisiana.

The Secretary of the Army shall allocate $395,000 to continue preconstruction engineering and design and develop and execute a local cooperative agreement covering all elements of the Roanoke River Upper Basin, Virginia project as described in the report of the Chief of Engineers dated August 5, 1985 and authorized in section 401(a) of the Water Resources Development Act, 1986 (Public Law 99-662).

Using funds previously appropriated in the Energy and Water Development Appropriation Act, 1987, Public Law 99-591, the Secretary of the Army is directed to undertake the following study: Indiana Shoreline Erosion, including preconstruction engineering and design, Indiana.

CONSTRUCTION, GENERAL

For the prosecution of river and harbor, flood control, shore protection, and related projects authorized by laws; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such studies shall not constitute a commitment of the Government to construction), $1,046,446,000 of which such sums as are necessary pursuant to Public Law 99-662 shall be derived from the Inland Waterway Trust Fund, to remain available until expended, and of which not more than $7,000,000 shall be available to pay the authorized governing body of the Tohono O'odham Nation in accordance with the provisions of section 4(a) of Public Law 99-469; and in addition, $103,690,000, to remain available until expended, for construction of the Red River Waterway, Mississippi River to Shreveport, Louisiana project, $87,000,000 for work presently scheduled and $16,690,000 with which the Secretary of the Army is directed, as a minimum to award continuing contracts in fiscal year 1988 for construction and completion of each of the following features of the Red River Waterway: in Pool 3, Nantachie/Red Bayou Revetment Extension and Crain and Eureka Revetments; in Pool 4, Gahagan, Piermont, Nicholas and Howard Realignments and Coushatta Capout; and in Pool 5, Cupples Revetment. None of these contracts are to be considered fully funded and contracts are to be initiated with funds herein provided; and in addition, $13,500,000, to remain available until expended, together with funds heretofore or hereafter appropriated, with which the Secretary of the Army is directed to award a single continuing contract for construction and completion of the Cooper River seismic modification, South Carolina project authorized by Public Law 98-63: *Provided,* That no fully allocated funding policy shall apply with respect to the construction of this project; and in addition, $2,500,000, to be made available to Metropolitan Dade County, Florida, for the purpose of a 50 per centum, cost-shared project, including environmental restoration, establishing public access and a regional public park along the Miami River in the Allapatah community across from Curtis Park.

Within available funds, the Secretary of the Army, is hereby directed to construct streambank protection measures along the west shoreline of the city of Guntersville, Alabama, on Guntersville Lake, under the authority of section 14 of Public Law 79-526.

The Secretary of the Army, acting through the Chief of Engineers, is directed to undertake the following projects in fiscal year 1988:

Sandy Hook to Barnegat Inlet, including Sea Bright to Ocean Township and Asbury Park to Manasquan, New Jersey;

Barbourville, Kentucky (Levisa/Tug Forks of Big Sandy River and Upper Cumberland River, West Virginia, Virginia, and Kentucky);

Harlan, Kentucky (Levisa/Tug Forks of Big Sandy River and Upper Cumberland River, West Virginia and Kentucky): *Provided,* That no fully allocated funding policy shall apply with respect to the construction of Barbourville, Kentucky, and Harlan, Kentucky (Levisa/Tug Forks of Big Sandy River and Upper Cumberland River West Virginia, Virginia, and Kentucky);

Cape May to Lower Township, New Jersey;

Ouachita River Levees, Louisiana;

Century Park, Lorain, Ohio;

Community Park, Sheffield Lake, Ohio.

FLOOD CONTROL AND COASTAL EMERGENCIES

For expenses necessary for emergency flood control, hurricane, and shore protection activities, as authorized by section 5 of the Flood Control Act, approved August 18, 1941, as amended, $26,000,000, to remain available until expended.

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

For expenses necessary for prosecuting work of flood control, and rescue work, repair, restoration, or maintenance of flood control projects threatened or destroyed by flood, as authorized by law (33 U.S.C. 702a, 702g-1), $315,130,000, to remain available until expended: *Provided,* That not less than $250,000 shall be available for bank stabilization measures as determined by the Chief of Engineers to be advisable for the control of bank erosion of streams in the Yazoo Basin, including the foothill area, and where necessary such measures shall complement similar works planned and constructed by the Soil Conservation Service and be limited to the areas of responsibility mutually agreeable to the District Engineer and the State Conservationist: *Provided further,* That with the additional funds herein appropriated, the Secretary of the Army is directed to expedite the acquisition in fee simple, of lands, excluding minerals, for public access in the Atchafalaya Basin Floodway System, Louisiana, in furtherance of the plan described in the report of the Chief of Engineers dated February 28, 1983, as authorized by Public Laws 99-88 and 99-662.

Funds provided to the Corps of Engineers are to be used in carrying out advanced engineering and design work on the Helena Harbor, Phillips County, Arkansas, project. The Corps will complete the advanced engineering and design work and be prepared to let a contract for the first phase of the construction not later than October 1, 1988.

The Secretary of the Army shall allocate $180,000 to the Mississippi River East Bank, Warren to Wilkerson Counties, Mississippi, Natchez Area project to initiate and complete in May 1988 a reevaluation of alternative plans, submission of a draft reevaluation report/Environmental Impact Statement supplement, coordination of report findings with public and other agencies, and completion and submission of the final report in December 1988.

Operation and Maintenance, General

For expenses necessary for the preservation, operation, maintenance, and care of existing river and harbor, flood control, and related works, including such sums as may be necessary for the maintenance of harbor channels provided by a State, municipality or other public agency, outside of harbor lines, and serving essential needs of general commerce and navigation; surveys and charting of northern and northwestern lakes and connecting waters; clearing and straightening channels; and removal of obstructions to navigation, $1,400,000,000, to remain available until expended, of which such sums as become available in the Harbor Maintenance Trust Fund, pursuant to Public Law 99-662, may be derived from that fund, and of which $12,000,000 shall be for construction, operation, and maintenance of outdoor recreation facilities, to be derived from the special account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l): *Provided*, That not to exceed $10,000,000 shall be available for obligation for national emergency preparedness programs: *Provided further*, That none of the funds made available under "Operation and Maintenance, General" shall be used to pay the expenses of the Department of the Army regulatory activities.

General Regulatory Functions

For expenses necessary for administration of laws pertaining to preservation of navigable waters, $60,000,000, to remain available until expended: *Provided*, That $5,000,000 shall be available for obligation only after the Secretary of the Army in consultation with the U.S. Army Corps of Engineers has submitted to the appropriate Congressional committees concurrently with transmission of the fiscal year 1989 budget, a legislative proposal, including fee schedules, to recover all actual costs of Department of the Army-Civil regulatory programs: *Provided further*, That the Secretary of the Army shall work with the General Accounting Office to ensure that effective auditing and cost accounting procedures which meet standards acceptable to the Comptroller General are established at the earliest possible time.

General Expenses

For expenses necessary for general administration and related functions in the office of the Chief of Engineers and offices of the Division Engineers; activities of the Board of Engineers for Rivers and Harbors, the Coastal Engineering Research Board, the Engineer Automation Support Activity, and the Water Resources Support Center, $128,200,000, to remain available until expended.

Administrative Provisions

Appropriations in this title shall be available for expenses of attendance by military personnel at meetings in the manner authorized by section 4110 of title 5, United States Code, uniforms, and allowances therefor, as authorized by law (5 U.S.C. 5901-5902), and for printing, either during a recess or session of Congress, of survey reports authorized by law, and such survey reports as may be printed during a recess of Congress shall be printed, with illustrations, as documents of the next succeeding session of Congress; not to exceed $2,000 for official reception and representation expenses; and during the current fiscal year the revolving fund, Corps of Engineers, shall be available for purchase (not to exceed 225 for replacement only) and hire of passenger motor vehicles.

General Provisions, Corps of Engineers

Sec. 101. In section 4(c) of Public Law 99-469, the word "Secretary" is deleted each time it appears and the words "United States" are inserted in lieu thereof.

Sec. 102. Section 1124 of Public Law 99-662 is modified to add the following new subsection:

"(e) The dollar amounts listed in this section are based on October 1985 price levels. Such amounts shall be subject to adjustment pursuant to section 902(2) of this Act. Total contributions to governments in Canada that are authorized by this section, as adjusted pursuant to section 902(2) of this Act, may fluctuate to reflect changes in the rate of exchange for currency between the United States and Canada that occurred between October 1985 and the time contributions are made.".

Sec. 103. The undesignated paragraph under the heading "Puerco River and Tributaries, New Mexico" in section 401(a) of Public Law 99-662 (100 Stat. 4082) is amended by striking out "$4,190,000", "$3,140,000", and "$1,050,000" and inserting in lieu thereof "$7,300,000", "$5,500,000", and "$1,800,000", respectively.

Sec. 104. None of the funds made available under "Department of Defense-Civil, Department of the Army, Corps of Engineers-Civil", except as provided for under "General Regulatory Functions", shall be used to pay the expenses of the Department of the Army-Civil regulatory activities.

TITLE II

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

For carrying out the functions of the Bureau of Reclamation as provided in the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) and other Acts applicable to that Bureau as follows:

General Investigations

For engineering and economic investigations of proposed Federal reclamation projects and studies of water conservation and development plans and activities preliminary to the reconstruction, rehabilitation and betterment, financial adjustment, or extension of existing projects, to remain available until expended, $16,945,000: *Provided*, That of the total appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from that fund: *Provided further*, That all costs of an advance planning study of a proposed project shall be considered to be construction costs and to be reimbursable in accordance with the allocation of construction costs if the project is authorized for construction: *Provided further*, That funds contributed by non-Federal entities for purposes similar to this appropriation shall be available for expenditure for the purposes for which contributed as though specifically appropriated for said purposes, and such amounts shall remain available until expended.

Construction Program

(including transfer of funds)

For construction and rehabilitation of projects and parts thereof (including power transmission facilities for Bureau of Reclamation use) and for other related activities as authorized by law, to remain available until expended $700,038,000, of which $143,143,000 shall be available for transfers to the Upper Colorado River Basin Fund authorized by section 5 of the Act of April 11, 1956 (43 U.S.C. 620d), and $152,498,000 shall be available for transfers to the Lower Colorado River Basin Development Fund authorized by section 403 of the Act of September 30, 1968 (43 U.S.C. 1543), and such amounts as may be necessary shall be considered as though advanced to the Colorado River Dam Fund for the Boulder Canyon Project as authorized by the Act of December 21, 1928, as amended: *Provided*, That of the total appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from that fund: *Provided further*, That transfers to the Upper Colorado River Basin Fund and Lower Colorado River Basin Development Fund may be increased or decreased by transfers within the overall appropriation to the heading: *Provided further*, That funds contributed by non-Federal entities for purposes similar to this appropriation shall be available for expenditure for the purposes for which contributed as though specifically appropriated for said purposes, and such funds shall remain available until expended: *Provided further*, That approximately $5,630,000 in unobligated balances of Teton Dam Failure Payment of Claims funds provided under Public Laws 94-355 dated July 12, 1976, and 94-438, dated September 30, 1976, shall be available for use on projects under this appropriation: *Provided further*, That within available funds $18,400,000 shall be for continuing the clean-up and related activities of the Kesterson Reservoir and the San Luis Drain of the Central Valley Project in California: *Provided further*, That the final point of discharge for the interceptor drain for the San Luis Unit shall not be determined until development by the Secretary of the Interior and the State of California of a plan, which shall conform with the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters: *Provided further*, That no part of the funds herein approved shall be available for construction or operation of facilities to prevent waters of Lake Powell from entering any national monument: *Provided further*, That of the amount herein appropriated, such amounts as may be necessary shall be available to enable the Secretary of the Interior to continue work on rehabilitating the Velarde Community Ditch Project, New Mexico, in accordance with the Federal Reclamation Laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) for the purposes of diverting and conveying water to irrigated project lands. The cost of the rehabilitation will be nonreimbursable and constructed features will be turned over to the appropriate entity for operation and maintenance: *Provided further*, That of the amount herein appropriated, such amounts as may be required shall be available to continue improvement activities for the Lower Colorado Regional Complex: *Provided further*, That the funds contained in this Act for the Garrison Diversion Unit, North Dakota, shall be expended only in accordance with the provisions of the Garrison Diversion Unit Reformulation Act of 1986 (Public Law 99-294): *Provided further*, That none of the funds appropriated in this Act shall be used to study or construct the Cliff Dam feature of the Central Arizona Project: *Provided further*, That Plan 6 features of the Central

Arizona Project other than Cliff Dam, including (1) water rights and associated lands within the State of Arizona acquired by the Secretary of the Interior through purchase, lease, or exchange, for municipal and industrial purposes, not to exceed 30,000 acrefeet; and, (2) such increments of flood control that may be found to be feasible by the Secretary of the Interior at Horseshoe and Barlett Dams, in consultation and cooperation with the Secretary of the Army and using Corps of Engineers evaluation critieria, developed in conjunction with dam safety modifications and consistent with applicable environmental law, are hereby deemed to constitute a suitable alternative to Orme Dam within the meaning of the Colorado River Basin Project Act (82 Stat.885; 43 U.S.C. 1501 et seq.): *Provided further,* That any funds expended under this Act for the purpose of conserving endangered fish species of the Colorado River system shall be charged against the increased amount authorized to be appropriated under the Colorado River Storage Project Act, as provided by section 501(A) of the Colorado River Basin Act of 1968: *Provided further,* That notwithstanding the provisions of the Garrison Diversion Unit Reformulation Act of 1986 (Public Law 99-294), the James River Comprehensive Report on water resource development proposals may be submitted to Congress at a date after September 30, 1988, but not later than September 30, 1989.

OPERATION AND MAINTENANCE

For operation and maintenance of reclamation projects or parts thereof and other facilities, as authorized by law; and for a soil and moisture conservation program on lands under the jurisdiction of the Bureau of Reclamation, pursuant to law, to remain available until expended, $154,297,000: *Provided,* That of the total appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from that fund: *Provided further,* That of the total appropriated, such amounts as may be required for replacement work on the Boulder Canyon Project which would require readvances to the Colorado River Dam Fund shall be readvanced to the Colorado River Dam Fund pursuant to section 5 of the Boulder Canyon Project Adjustment Act of July 19, 1940 (43 U.S.C. 618d), and such readvances since October 1, 1984, and in the future shall bear interest at the rate determined pursuant to section 104(a)(5) of Public Law 98-381: *Provided further,* That funds advanced by water users for operation and maintenance of reclamation projects or parts thereof shall be deposited to the credit of this appropriation and may be expended for the same objects and in the same manner as sums appropriated herein may be expended, and such advances shall remain available until expended: *Provided further,* That revenues in the Upper Colorado River Basin Fund shall be available for performing examination of existing structures on participating projects of the Colorado River Storage Project, the costs of which shall be nonreimbursable.

LOAN PROGRAM

For loans to irrigation districts and other public agencies for construction of distribution systems on authorized Federal reclamation projects, and for loans and grants to non-Federal agencies for construction of projects, as authorized by the Acts of July 4, 1955, as amended (43 U.S.C. 421a-421d), and August 6, 1956, as amended (43 U.S.C. 422a-422l), including expenses necessary for carrying out the program, $29,809,000, to remain available until expended: *Provided,* That of the total sums appropriated, the amount of program activities which can be financed by the reclamation fund shall be derived from that fund: *Provided further,* That during fiscal year 1988 and within the resources and authority available, gross obligations for the principal amount of direct loans shall not exceed $28,472,000: *Provided further,* That any contract under the Act of July 4, 1955 (69 Stat. 244), as amended, not yet executed by the Secretary, which calls for the making of loans beyond the fiscal year in which the contract is entered into shall be made only on the same conditions as those prescribed in section 12 of the Act of August 4, 1939 (53 Stat. 1187, 1197): *Provided further,* That not to exceed $1,009,000 shall be available for the Hidalgo County Irrigation District No. 1 supplemental loan.

GENERAL ADMINISTRATIVE EXPENSES

For necessary expenses of general administration and related functions in the office of the Commissioner, the Denver Engineering and Research Center, and offices in the six regions of the Bureau of Reclamation, $53,690,000, of which $1,000,000 shall remain available until expended, the total amount to be derived from the reclamation fund and to be nonreimbursable pursuant to the Act of April 19, 1945 (43 U.S.C. 377): *Provided,* That no part of any other appropriation in this Act shall be available for activities or functions budgeted for the current fiscal year as general administrative expenses.

EMERGENCY FUND

For an additional amount for the "Emergency fund", as authorized by the Act of June 26, 1948 (43 U.S.C. 502), as amended, to remain available until expended for the purposes specified in said Act, $1,000,000, to be derived from the reclamation fund.

SPECIAL FUNDS

(TRANSFER OF FUNDS)

Sums herein referred to as being derived from the reclamation fund or the Colorado River development fund are appropriated from the special funds in the Treasury created by the Act of June 17, 1902 (43 U.S.C. 391) and the Act of July 19, 1940 (43 U.S.C. 618a), respectively. Such sums shall be transferred, upon request of the Secretary, to be merged with and expended under the heads herein specified; and the unexpended balances of sums transferred for expenditure under the head "General Administrative Expenses" shall revert and be credited to the special fund from which derived.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed 13 passenger motor vehicles of which 11 shall be for replacement only; payment of claims for damages to or loss of property, personal injury, or death arising out of activities of the Bureau of Reclamation; payment, except as otherwise provided for, of compensation and expenses of persons on the rolls of the Bureau of Reclamation appointed as authorized by law to represent the United States in the negotiations and administration of interstate compacts without reimbursement or return under the reclamation laws; for service as authorized by section 3109 of title 5, United States Code, in total not to exceed $500,000; rewards for information or evidence concerning violations of law involving property under the jurisdiction of the Bureau of Reclamation; performance of the functions specified under the head "Operation and Maintenance Administration", Bureau of Reclamation, in the Interior Department Appropriations Act 1945; preparation and dissemination of useful information including recordings, photographs, and photographic prints; and studies of recreational uses of reservoir areas, and investigation and recovery of archeological and paleontological remains in such areas in the same manner as provided for in the Acts of August 21, 1935 (16 U.S.C. 461-467) and June 27, 1960 (16 U.S.C. 469): *Provided,* That no part of any appropriation made herein shall be available pursuant to the Act of April 19, 1945 (43 U.S.C. 377), for expenses other than those incurred on behalf of specific reclamation projects except "General Administrative Expenses" and amounts provided for plan formulation and advance planning investigations, and general engineering and research under the head "General Investigations".

Sums appropriated herein which are expended in the performance of reimbursable functions of the Bureau of Reclamation shall be returnable to the extent and in the manner provided by law.

No part of any appropriation for the Bureau of Reclamation, contained in this Act or in any prior Act, which represents amounts earned under the terms of a contract but remaining unpaid, shall be obligated for any other purpose, regardless of when such amounts are to be paid: *Provided,* That the incurring of any obligation prohibited by this paragraph shall be deemed a violation of section 3679 of the Revised Statutes, as amended (31 U.S.C. 1341).

No funds appropriated to the Bureau of Reclamation for operation and maintenance, except those derived from advances by water users, shall be used for the particular benefits of lands (a) within the boundaries of an irrigation district, (b) of any member of a water users' organization, or (c) of any individual when such district, organization, or individual is in arrears for more than twelve months in the payment of charges due under a contract entered into with the United States pursuant to laws administered by the Bureau of Reclamation.

None of the funds made available by this or any other Act shall be used by the Bureau of Reclamation for contracts for surveying and mapping services unless such contracts are awarded in accordance with title IX of the Federal Property and Administrative Service Act of 1949 (40 U.S.C. 541 et seq.).

GENERAL PROVISIONS

DEPARTMENT OF THE INTERIOR

SEC. 201. Appropriations in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided,* That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted.

SEC. 202. The Secretary may authorize the expenditure or transfer (within each bureau or office) of any appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of forest or range fires on or threatening lands under jurisdiction of the Department of the Interior.

SEC. 203. Appropriations in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency, or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by the Act of June 30, 1932 (31 U.S.C. 1535 and 1536): *Provided,* That reimbursements for costs of supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 204. Appropriations in this title shall be available for hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchases of reprints; payment for telephone services in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 205. Of the appropriations for the Central Utah project, in this or any other Act, not more than $18,500,000 of the total in any one fiscal year may be expended by the Secretary for all administrative expenses: *Provided,* That the Inspector General of the Department of the Interior shall annually audit expenditures by the Bureau of Reclamation to determine compliance with this section: *Provided further,* That none of the Bureau of Reclamation's appropriations shall be used to fund the audit: *Provided further,* That the Bureau of Reclamation shall not delay or stop construction of the project due to this limitation and shall apply all the remaining appropriations to completion of this project, unless continuation of work on the Central Utah project would cause administrative expenses attributable to the Central Utah project to be paid from funds available for other Bureau of Reclamation projects and thereby delay their construction.

TITLE III

DEPARTMENT OF ENERGY

ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES

For expenses of the Department of Energy activities including the purchase, construction and acquisition of plant and capital equipment and other expenses incidental thereto necessary for energy supply, research and development activities, and other activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 21 for replacement only), $2,056,207,000, to remain available until expended; and of which $45,000,000 which shall be available only for the following facilities: the Cancer Research Center at the Medical University of South Carolina; the Oregon Health Science University; the Center for Advanced Microstructures and Devices, Louisiana State University; the Center for Science and Engineering, Arizona State University; and the Center for Applied Optics, University of Alabama in Huntsville.

URANIUM SUPPLY AND ENRICHMENT ACTIVITIES

For expenses of the Department of Energy in connection with operating expenses; the purchase, construction, and acquisition of plant and capital equipment and other expenses incidental thereto necessary for uranium supply and enrichment activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 26 for replacement only); $1,116,000,000, to remain available until expended: *Provided,* That revenues received by the Department for the enrichment of uranium and estimated to total $1,301,000,000 in fiscal year 1988, shall be retained and used for the specific purpose of offsetting costs incurred by the Department in providing uranium enrichment service activities as authorized by section 201 of Public Law 95-238, notwithstanding the provisions of section 3302(b) of section 484, of title 31, United States Code: *Provided further,* That the sum herein appropriated shall be reduced as uranium enrichment revenues are received during fiscal year 1988 so as to result in a final fiscal year 1988 appropriation estimated at not more than $0.

GENERAL SCIENCE AND RESEARCH ACTIVITIES

For expenses of the Department of Energy activities including the purchase, construction and acquisition of plant and capital equipment and other expenses incidental thereto necessary for general science and research activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 22, of which 18 are for replacement only), $824,498,000, to remain available until expended: *Provided,* That within available funds, the Secretary shall commission two independent evaluations of the economic benefits associated with the Superconducting Super Collider and recommendations on a plan that could be used for any State which is awarded the project to raise or to borrow funds to help defray the overall cost of the project.

NUCLEAR WASTE DISPOSAL FUND

For nuclear waste disposal activities to carry out the purposes of Public Law 97-425, including the acquisition of real property or facility construction or expansion, $360,000,000, to remain available until expended, to be derived from the Nuclear Waste Fund. To the extent that balances in the fund are not sufficient to cover amounts available for obligation in the account, the Secretary shall exercise his authority pursuant to section 302(e)(5) to issue obligations to the Secretary of the Treasury. In paying the amounts determined to be appropriate as a result of the decision in Wisconsin Electric Power Co. v. Department of Energy, 778 F. 2d 1 (D.C. Cir. 1985), the Department of Energy shall pay, from the Nuclear Waste Fund, interest at a rate to be determined by the Secretary of the Treasury and calculated from the date the amounts were deposited into the Fund. Funds appropriated pursuant to this Act may be used to provide payments equivalent to taxes to special purpose units of local government at the candidate sites.

S. 1668, Nuclear Waste Policy Act Amendments Act of 1987, as reported to Senate on September 1, 1987, is included herein and shall be effective as if it had been enacted into law with the following amendments included:

(1) On page 13, line 5, strike the word "If" and insert in lieu thereof the phrase "Except as provided in subsection (1), if"; and

(2) On page 18, after line 17, insert the following new subsection (1):

"(1)(1)(A) There is established a MRS Review Commission (hereinafter in this subsection referred to as the 'MRS Commission'), which shall consist of three members who shall be appointed by and serve at the pleasure of the President pro tempore of the Senate and the Speaker of the House of Representatives.

"(B)(i) Members of the MRS Commission shall be appointed not later than thirty days after the date of the enactment of this subsection from among who persons as a result of training, experience and attainments are exceptionally well qualified to evaluate the need for a monitored retrievable storage facility as a part of the nation's nuclear waste management system.

"(C) The MRS Commission shall prepare a report on the need for a monitored retrievable storage facility as a part of a national nuclear waste management system that achieves the purposes of this Act. In preparing the report under this paragraph, the MRS Commission shall—

"(i) review the status and adequacy of the Department's evaluation of the systems advantages and disadvantages of bringing such a facility into the national radioactive waste disposal system;

"(ii) obtain comment and available data on the subject from affected parties, including states containing potentially acceptable sites;

"(iii) evaluate the utility of such a facility from a technical perspective; and

"(iv) make a recommendation to Congress as to whether such a facility should be included in the national nuclear waste management system in order to achieve the purposes of this Act, including meeting needs for packaging and handling of spent nuclear fuel, improving the flexibility of the repository development schedule, and providing temporary storage of spent nuclear fuel accepted for disposal.

"(2) In preparing the report and making its recommendation under paragraph (1) the MRS Commission shall compare such a facility to the alternative of at-reactor storage of spent nuclear fuel prior to disposal of such fuel in a repository under this Act. Such comparison shall take into consideration the impact on—

"(A) repository design and construction;

"(B) waste package design, fabrication and standardization;

"(C) waste preparation;

"(D) the waste transportation system;

"(E) the reliability of the national system for the disposal of radioactive waste;

"(F) the ability of the Secretary to fulfill contractual commitments of the Department under this Act to accept spent nuclear fuel for disposal; and

"(G) economic factors, including the impact on the costs likely to be imposed on ratepayers of the nation's electric utilities for temporary at-reactor storage of spent nuclear fuel prior to final disposal in a repository, as well as the costs likely to be imposed on ratepayers of the nation's electric utilities in building and operating such a facility.

"(3) The report under this subsection, together with the recommendation of the MRS Commission, shall be transmitted to

Congress between January 1, 1989 and January 20, 1989.

"(4)(A)(i) If the recommendation of the MRS Commission under paragraph (1)(D) is that the national nuclear waste management system should not contain a monitored retrievable storage facility, the Secretary may exercise his authority under subsection (d)(2) unless Congress, within 90 calendar days of continuous session of Congress (as computed for purposes of section 115) after transmission of the recommendation of the MRS Commission under paragraph (3), passes, and there is enacted into law, a resolution disapproving the deployment of a monitored retrievable storage facility as a part of the national nuclear waste management system.

"(ii) Any resolution under this subparagraph shall be introduced within 30 days after the date of transmission of the recommendation of the MRS Commission under paragraph (3). Such a resolution shall be expedited and considered by Congress in accordance with the procedures for consideration of a resolution of repository siting approval under subsections 115(d) through (g), except the 60-day period in section 115(d)(3) shall be shortened to 30 days.

"(B) In all other cases, the Secretary may exercise his authority under subsection (d)(2), after the report and recommendation of the MRS Commission has been transmitted to Congress.

"(5)(A)(i) Each member of the MRS Commission shall be paid at the rate provided for level III of the Executive Schedule for each day (including travel time) such member is engaged in the work of the MRS Commission, and shall receive travel expenses, including per diem in lieu of subsistance in the same manner as is permitted under sections 5702 and 5703 of title 5, United States Code.

"(ii) The MRS Commission may appoint and fix compensation, not to exceed the rate of basic pay payable for GS-18 of the General Schedule, for such staff as may be necessary to carry out its functions.

"(B)(i) The MRS Commission may hold hearings, sit and act at such times and places, take such testimony and receive such evidence as the MRS Commission considers appropriate. Any member of the MRS Commission may administer oaths or affirmations to witnesses appearing before the MRS Commission.

"(ii) The MRS Commission may request any Executive agency, including the Department, to furnish such assistance or information, including records, data, files, or documents, as the Commission considers necessary to carry out its functions. Unless prohibited by law, such agency shall promptly furnish such assistance or information.

"(iii) To the extent permitted by law, the Administrator of the General Services Administration shall, upon request of the MRS Commission, provide the MRS Commission with necessary administrative services, facilities, and support on a reimbursable basis.

"(iv) The MRS Commission may procure temporary and intermittent services from experts and consultants to the same extent as is authorized by section 3109(b) of title 5, United States Code, at rates and under such rules as the MRS Commission considers reasonable.

"(C) The MRS Commission shall cease to exist sixty days after the submission to Congress of the report required under this subsection.

"(D) There are authorized to be appropriated to the MRS Commission to carry out the purposes of this subsection such sums as may be necessary.".

; except that section 402 is amended by adding the following new subsection:

"(1)(1) The Secretary, or his designee, shall value land for leasehold or ownership title for purposes of site characterization and repository development in a manner that, in the opinion of the Secretary or such designee, addresses the unique geophysical attributes causing such land to be selected as a candidate site for deep geologic disposal for high-level radioactive waste and spent nuclear fuel.

"(2)(A) The Secretary, in acquiring private land for site characterization and repository development under this Act, shall, to the extent practicable—

"(i) acquire such private land only after a site characterization plan has been issued under section 113; and

"(ii) minimize the disruption of private use of lands in the vicinity of those acquired.

"(B) Nothing in subparagraph (A) affects the authority of the Secretary to secure a leasehold interest, easement, or right of way that the Secretary determines is necessary to carry out the purposes of subsection (a)(2).

"(3) The Secretary shall offer any landowner, or his heirs, first right to repurchase any land previously secured from such landowner for site characterization or repository development, should the site be found unsuitable, and after the site has been fully reclaimed as required under section 113.".

Atomic Energy Defense Activities

For expenses of the Department of Energy activities, $7,749,364,000, to remain available until expended, including the purchase, construction and acquisition of plant and capital equipment and other expenses incidental thereto necessary for atomic energy defense activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 292 for replacement only including 43 police-type vehicles; and purchase of two aircraft, one of which is for replacement only): *Provided*, That none of the funds made available by this Act may be used for the purpose of restarting the N-Reactor at the Hanford Reservation, Washington. For the purposes of this proviso the term "restarting" shall mean any activity related to the operation of the N-Reactor that would achieve criticality, generate fission products within the reactor, or discharge cooling water from nuclear operations.

Departmental Administration

For salaries and expenses of the Department of Energy necessary for Departmental Administration and other activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the hire of passenger motor vehicles and official reception and representation expenses (not to exceed $35,000) $425,195,000, to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): *Provided*, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: *Provided further*, That moneys received by the Department for miscellaneous revenues estimated to total $233,896,000, in fiscal year 1988 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95-238, notwithstanding the provisions of section 3302 of title 31, United States Code: *Provided further*, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during fiscal year 1988 so as to result in a final fiscal year 1988 appropriation estimated at not more than $191,299,000.

POWER MARKETING ADMINISTRATIONS

Operation and Maintenance, Alaska Power Administration

For necessary expenses of operation and maintenance of projects in Alaska and of marketing electric power and energy, $3,026,000, to remain available until expended.

Bonneville Power Administration Fund

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93-454, are approved for fish passage improvements at the Umatilla River Diversion and for the Ellensburg Screen Fish Passage Facilities. Expenditures are also approved for official reception and representation expenses in an amount not to exceed $2,500.

During fiscal year 1988, no new direct loan obligations may be made.

Operation and Maintenance, Southeastern Power Administration

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, $27,400,000, to remain available until expended.

Operation and Maintenance, Southwestern Power Administration

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, and for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses connected therewith, in carrying out the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power area, $16,648,000, to remain available until expended; in addition, notwithstanding the provisions of 31 U.S.C. 3302, not to exceed $4,625,000 in collections from the Department of Defense from power purchases and not to exceed $1,721,000 in collections from non-Federal entities for construction projects in fiscal year 1988, to remain available until expended.

Construction, Rehabilitation, Operation and Maintenance, Western Area Power Administration

(INCLUDING TRANSFER OF FUNDS)

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (Public Law 95-91), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed $1,500, the purchase of passenger motor vehicles (not to exceed 3 for replacement only), $258,512,000, to remain available until expended, of which $235,268,000, shall be derived from the Department of the Interior Reclamation fund; in addition, the Secretary of the Treasury is authorized to transfer from the Colorado River Dam Fund to the Western Area Power Administration $7,003,000, to carry out the power marketing and transmission activities of the Boulder Canyon project as provided in section 104(a)(4) of the Hoover Power Plant Act of 1984, to remain available until expended.

Federal Energy Regulatory Commission

SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (Public Law 95-91), including services as authorized by 5 U.S.C. 3109, including the hire of passenger motor vehicles; official reception and representation expenses (not to exceed $2,000); $104,000,000, of which $3,000,000 shall remain available until expended and be available only for contractual activities: *Provided*, That hereafter and notwithstanding any other provision of law, not to exceed $104,000,000 of revenues from licensing fees, inspection services, and other services and collections in fiscal year 1988, may be retained and used for necessary expenses in this account, and may remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced as revenues are received during fiscal year 1988, so as to result in a final fiscal year 1988 appropriation estimated at not more than $0.

Geothermal Resources Development Fund

For carrying out the Loan Guarantee and Interest Assistance Program as authorized by the Geothermal Energy Research, Development and Demonstration Act of 1974, as amended, $72,000, to remain available until expended: *Provided*, That the indebtedness guaranteed or committed to be guaranteed through funds provided by this or any other appropriation Act shall not exceed the aggregate of $500,000,000.

General Provisions—Department of Energy

Sec. 301. Appropriations for the Department of Energy under this title for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance and operation of aircraft; purchase, repair and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services. From these appropriations, transfers of sums may be made to other agencies of the United States Government for the performance of work for which this appropriation is made. None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriation Act. The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private, or foreign.

(TRANSFERS OF UNEXPENDED BALANCES)

Sec. 302. Not to exceed 5 per centum of any appropriation made available for the current fiscal year for Department of Energy activities funded in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise provided, shall be increased or decreased by more than 5 per centum by any such transfers, and any such proposed transfers shall be submitted promptly to the Committees on Appropriations of the House and Senate.

Sec. 303. The unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this title. Balances so transferred may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

Sec. 304. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

Sec. 305. Section 970.3102-7 of Department of Energy Acquisition Regulations 48 CFR Part 970, issued pursuant to section 1534 of the Defense Authorization Act for 1986, shall not apply to the management and operating contractors for the Department of Energy National Laboratories.

Sec. 306. No funds appropriated or made available under this or any other Act shall be used by the executive branch for studies, reviews, to solicit proposals, to consider unsolicited proposals, undertake any initiatives or draft any proposals to transfer out of Federal ownership, management or control in whole or in part for the purpose of enriching uranium, the facilities and functions of the uranium supply and enrichment program until such activities have been specifically authorized in accordance with terms and conditions established by an Act of Congress hereafter enacted: *Provided*, That this provision shall not apply to the authority granted to the Department of Energy under section 161g of the Atomic Energy Act of 1954, as amended, under which it may sell, lease, grant, and dispose of property in furtherance of Atomic Energy Act activities or to the authority of the Administrator of the General Services Administration pursuant to the Federal Property and Administrative Service Act of 1944 to sell or otherwise dispose of surplus property.

Sec. 307. None of the funds appropriated by this Act or any other Act may be expended by the Federal Energy Regulatory Commission for the purpose of issuing a certificate of public convenience and necessity pursuant to the application made by the Iroquois Gas Transmission System under the Commission's optional expedited certificate procedures (Docket No. CP86-523 et al.).

Sec. 308. Within three months following the date of enactment of this Act, the Federal Energy Regulatory Commission shall provide the Committee with a report describing the policies followed in implementing the Commission's responsibilities under the National Environmental Policy Act. This report shall include a description of the steps the Commission has taken to ensure that environmental reviews are conducted efficiently and in a timely manner, the willingness of the Commission to utilize the technical expertise of other Federal and State agencies, and the Commission's environmental authority regarding nonjurisdictional facilities.

TITLE IV

INDEPENDENT AGENCIES

Appalachian Regional Commission

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, notwithstanding section 405 of said Act, except expenses authorized by section 105 of said Act, including services as authorized by section 3109 of title 5, United States Code, and hire of passenger motor vehicles, and for necessary expenses for the Federal Cochairman and the alternate on the Appalachian Regional Commission and for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by section 3109 of title 5, United States Code, and hire of passenger motor vehicles, to remain available until expended, $110,000,000.

Delaware River Basin Commission

SALARIES AND EXPENSES

For expenses necessary to carry out the functions of the United States member of the Delaware River Basin Commission, as authorized by law (75 Stat. 716), $203,000.

CONTRIBUTION TO DELAWARE RIVER BASIN COMMISSION

For payment of the United States share of the current expenses of the Delaware River Basin Commission, as authorized by law (75 Stat. 706, 707), $263,000.

Interstate Commission on the Potomac River Basin

CONTRIBUTION TO INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

To enable the Secretary of the Treasury to pay in advance to the Interstate Commission on the Potomac River Basin the Federal contribution toward the expenses of the Commission during the current fiscal year in the administration of its business in the conservancy district established pursuant to the Act of July 11, 1940 (54 Stat. 748), as amended by the Act of September 25, 1970 (Public Law 91-407), $379,000.

Nuclear Regulatory Commission

SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act, as amended, including the employment of aliens; services authorized by section 3109 of title 5, United States Code; publication and dissemination of atomic information; purchase, repair, and cleaning of uniforms, official representation expenses (not to exceed $20,000); reimbursements to the General Services Administration for security guard services; hire of passenger motor vehicles and aircraft, $417,800,000, to remain available until expended: *Provided*, That from this appropriation, transfer of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: *Provided further*, That moneys received by the Commission for the cooperative nuclear safety research program, services rendered to foreign governments and international organizations, and the material and information access authorization programs including criminal history checks under section 149 of the Atomic Energy Act, as amended, may be retained and used for salaries and expenses associated with those activities, notwithstanding the provisions of section 3302 of title 31, United States Code, and shall remain available until expended: *Provided further,* That revenues from licensing fees, inspection services, and other services and collections estimated at $208,900,000 in fiscal year 1988 shall be retained and used for necessary salaries and expenses in this account, notwithstanding the provisions of section 3302 of title 31, United States Code, and shall remain available until expended: *Provided further,* That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 1988 from licensing fees, inspection services and other services and collections, excluding those monies received for the cooperative nuclear safety research program, services rendered to foreign governments and international organizations, and the material and information access authorization programs, so as to result in a final fiscal year 1988 appropriation estimated at not more than $208,900,000.

SUSQUEHANNA RIVER BASIN COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out the functions of the United States member of the Susquehanna River Basin Commission as authorized by law (84 Stat. 1541), $197,000.

CONTRIBUTION TO SUSQUEHANNA RIVER BASIN COMMISSION

For payment of the United States share of the current expense of the Susquehanna River Basin Commission, as authorized by law (84 Stat. 1530, 1531), $249,000.

TENNESSEE VALLEY AUTHORITY

TENNESSEE VALLEY AUTHORITY FUND

For the purpose of carrying out the provisions of the Tennessee Valley Authority Act of 1933, as amended (16 U.S.C. ch. 12A), including purchase, hire, maintenance, and operation of aircraft, and purchase and hire of passenger motor vehicles, and for entering into contracts and making payments under section 11 of the National Trails System Act, as amended, $105,000,000, to remain available until expended: *Provided,* That this appropriation and other moneys available to the Tennessee Valley Authority may be used hereafter for payment of the allowances authorized by section 5948 of title 5, United States Code: *Provided further,* That the official of the Tennessee Valley Authority referred to as the "inspector general of the Tennessee Valley Authority" is authorized, during the fiscal year ending September 30, 1988, to require by subpoena the production of all information, documents, reports, answers, records, accounts, papers, and other data and other documentary evidence necessary in the performance of the audit and investigation functions of that official, which subpoena, in the case of contumacy or refusal to obey, shall be enforceable by order of any appropriate United States district court: *Provided further,* That procedures other than subpoenas shall be used by the inspector general to obtain documents and evidence from Federal agencies.

TITLE V

GENERAL PROVISIONS

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. None of the funds in this Act shall be used to pay the expenses of, or otherwise compensate, parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 503. None of the programs, projects or activities as defined in the report accompanying this Act, may be eliminated or disproportionately reduced due to the application of "Savings and Slippage", "general reduction", or the provision of Public Law 99-177 or Public Law 100-119: *Provided,* That nothing herein shall be deemed to affect the ability of the Chief of Engineers, United States Army Corps of Engineers and the Commissioner of the Bureau of Reclamation to reprogram funds based upon engineering-related considerations.

SEC. 504. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 505. None of the funds appropriated in this Act shall be used to implement a program of retention contracts for senior employees of the Tennessee Valley Authority.

SEC. 506. Notwithstanding any other provision of this Act or any other provision of law, none of the funds made available under this Act or any other law shall be used for the purposes of conducting any studies relating or leading to the possibility of changing from the currently required "at cost" to a "market rate" or any other noncost-based method for the pricing of hydroelectric power by the six Federal public power authorities, or other agencies or authorities of the Federal Government, except as may be specifically authorized by Act of Congress hereafter enacted.

SEC. 507. None of the funds appropriated in this Act for Power Marketing Administrations or the Tennessee Valley Authority, and none of the funds authorized to be expended by this or any previous Act from the Bonneville Power Administration Fund or the Tennessee Valley Authority Fund, may be used to pay the costs of procuring extra high voltage (EHV) power equipment unless contract awards are made for EHV equipment manufactured in the United States when such agencies determine that there are one or more manufacturers of domestic end product offering a product that meets the technical requirements of such agencies at a price not exceeding 130 per centum of the bid or offering price of the most competitive foreign bidder: *Provided,* That such agencies shall determine the incremental costs associated with implementing this section and defer or offset such incremental costs against otherwise existing repayment obligations: *Provided further,* That this section shall not apply to any procurement initiated prior to October 1, 1985, or to the acquisition of spare parts or accessory equipment necessary for the efficient operation and maintenance of existing equipment and available only from the manufacturer of the original equipment: *Provided further,* That this section shall not apply to procurement of domestic end product as defined in 48 C.F.R. sec. 25.101: *Provided further,* That this section shall not apply to EHV power equipment produced or manufactured in a country whose government has completed negotiations with the United States to extend the GATT Government Procurement Code, or a bilateral equivalent, to EHV power equipment, or which otherwise offers fair competitive opportunities in public procurements to United States manufacturers of such equipment.

KARNES AMENDMENT NO. 1126

(Ordered to lie on the table.)

Mr. KARNES submitted an amendment, intended to be proposed by him, to the bill (H.R. 2700), supra; as follows:

On page 20, line 3, insert the following: strike "$699,038,000" and insert "$700,038,000."

At the bottom of page 23, insert the following: *"Provided further,* That $1 million shall be available for use on the Davis Creek Dam, North Loup Division, Nebraska."

NOTICE OF HEARING

SUBCOMMITTEE ON INNOVATION, TECHNOLOGY AND PRODUCTIVITY

Mr. BUMPERS. Mr. President, I would like to announce that the Senate Small Business Committee's Subcommittee on Innovation, Technology and Productivity will hold a hearing on Wednesday, December 2, 1987, on the problems confronting small manufacturing firms in automating their facilities. The hearing will be held in room 428A and will commence at 9:30 a.m. for further information, please call Scott Hibbard of the committee staff at 224-3052, or Peter Kyriacopoulos of Senator LEVIN's office at 224-9110.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry, be authorized to meet during the session of the Senate on Wednesday, November 4, 1987, to hold a hearing on the use and regulation of biotechnology in agriculture.

The PRESIDING OFFICER. Without objection, it is so ordered

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry, be authorized to meet during the session of the Senate on Wednesday, November 4, 1987 at 2 p.m. to markup farm credit legislation.

The PRESIDING OFFICER. Without objection, it is so ordered

COMMITTEE ON ARMED SERVICES

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Armed Services, be authorized to meet during the session of the Senate on Wednesday, November 4, 1987, in executive session to mark up title I of S. 1085, the Nuclear Protections and Safety Act of 1987.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban

Affairs, be allowed to meet during the session of the Senate Wednesday, November 4, 1987, to conduct oversight hearings on the recent developments in the securities markets.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER RESOURCES, TRANSPORTATION, AND INFRASTRUCTURE

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Water Resources, Transportation, and Infrastructure, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Wednesday, November 4, beginning to conduct a hearing on the Nation's infrastructure needs.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON HAZARDOUS WASTES AND TOXIC SUBSTANCES AND THE SUBCOMMITTEE ON ENVIRONMENTAL PROTECTION

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Hazardous Wastes and Toxic Substances and the Subcommittee on Environmental Protection, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on November 4, beginning at 2 p.m., to conduct a joint hearing on S. 1751, a bill to require vessels to manifest the transport of municipal or other nonhazardous commercial wastes illegally disposed of at sea.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION.

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on November 4, 1987, to resume oversight hearings on airline safety and reregulation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources, be authorized to meet during the session of the Senate on Wednesday, November 4, 1987, to conduct a hearing on "S. 1265, the Minimum Health Benefits Act."

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TRIBUTE TO RICHARD STOKES JONES

● Mr. INOUYE. Mr. President, on Wednesday, September 9, Richard Stokes Jones, a friend of ours from the Library of Congress, passed away after a brief illness. Richard was a specialist in the Government Division of the Congressional Research Service, Library of Congress, with particular emphasis in Indian affairs. His passing leaves a very significant gap in the capacity of the Government Division to respond to our informational needs in Indian affairs and he will be sorely missed not only by the Select Committee on Indian Affairs and the House Committee on Interior and Insular Affairs, but by all the Members of both the House and the Senate.

For those who may not be familiar with Richard's work, he compiled and edited the committee document entitled "Federal Programs of Assistance to American Indians," first published as a Senate document by the Select Committee on Indian Affairs in 1982. This is an index of available Federal programs with important information on the nature of the program, eligibility criteria, and application procedures. Richard had only recently completed its third revision and the document is now in its final printing stages.

He also organized a number of open seminars on important and often controversial Indian issues such as water rights, hunting and fishing rights, and Indian land claims. These seminars were particularly valuable in allowing all sides to air their views in a thoughtful and informative manner within the academic setting of the Library of Congress.

At the beginning of each session of Congress, Richard prepared an extensive paper outlining and explaining Indian issues the Congress could anticipate coming before it. He prepared more extensive issue briefs on specific subjects as they arose. Most important, Richard was available upon request to conduct research and provide information to the Members of Congress on a wide variety of complex subjects. His knowledge of the history of Indian affairs, of the extensive records available through the Library of Congress, and of the operations of Government relevant to Indian programs, enabled Richard to provide high quality products within the shortest possible time.

While I and my committee knew Richard principally for his work in Indian affairs, Indian issues were not his only concern. Richard first joined the staff of the Library of Congress in December 1966 as a member of the Government and General Research Division, Congressional Research Service [CRS]. Initially an analyst in history and public affairs, he developed extensive expertise in areas of research concerning civil rights and ethnic minorities. He eventually was promoted to the position of specialist in American Indian policy, and, since 1981, served as head of the Division's Civil Rights Section.

Richard's work went well beyond that which his job description required. He was recently the recipient of an outstanding performance rating in which his work was acknowledged as an exceptional "contribution to Congress' consideration and deliberation of Indian policy," an award which I can personally testify was well deserved. In his free time he traveled extensively in Indian country to gain personal knowledge of the events and problems confronting the Indian people. Most recently he traveled to both the Navajo and Hopi reservations in an effort to gain greater insight into that most difficult and traumatic issue.

I would be moved to say that Richard was that rare civil servant who extended himself far beyond the efforts that his job entailed. But that would not be entirely true, for there are many within the civil service who are truly dedicated and devoted to their jobs. But among them, Richard excelled.

Mr. President, Richard Jones was a good friend of the Congress, and a good friend of the American Indian. Already his loss is felt. On behalf of the Select Committee on Indian Affairs and his many friends in Indian affairs, I wish to extend to his father, his sister, and his many friends my deepest condolences and express the sincere appreciation of Richard felt by us all.●

ABSENCE FROM SENATE PROCEEDINGS ON FRIDAY, OCTOBER 30

● Mr. HEINZ. Mr. President, I was unavoidably absent from Senate business last Friday, October 30, because I had to undergo an orthopedic medical procedure which prevented me from being present on the Senate floor.

Had I been present, I would have voted "aye" on the Adams amendment to the Air Passenger Protection Act of 1987, Rollcall Vote No. 360, "aye" on final passage of the Air Passenger Protection Act of 1987, Rollcall Vote No. 361, and "aye" on the Cranston motion to table the Armstrong amendment to the Federal Housing Administration extender, Rollcall Vote No. 362.●

INFORMED CONSENT: MISSISSIPPI

● Mr. HUMPHREY. Mr. President, I ask that a letter from Mississippi in support of my informed consent legislation be entered into the RECORD at the conclusion of my remarks.

The legislation, S. 272 and S. 273, would require medical personnel in federally funded facilities to provide information about the risks, effects, and alternatives to women considering abortion. I urge my colleagues to support the bills.

The letter follows:

COLUMBUS, MS, *October 24, 1987.*

DEAR SENATOR HUMPHREY: In the spring of 1980, I had a saline abortion. I was single, five months pregnant, and desperate. I had one child from a previous marriage, and I felt there was no way I could emotionally or financially support another child.

I was seeing a gynecologist at the time who told me he didn't think I could "handle" an abortion. After my insistence, he said he would refer me (he did not perform abortions himself) only after I received counseling. I then began seeing a psychiatrist. This was still early in my pregnancy.

Throughout the counseling, we never really discussed abortion. I thought an abortion could only be performed through the fifth month of pregnancy. This is why I waited until that particular time. Finally, I called the gynecologist and told him that I was going to have an abortion. Either he could refer me to a professional medical facility or I would get one on my own. He never explained the medical procedure I would undergo and he did not advise me as to the extent of the emotional trauma abortion might have.

A few days later, I found myself at a women's clinic in Macon, Georgia along with eight or ten other frightened girls. We did not speak and we tried not to look at one another. We all just waited and waited. A nurse came into the room and "explained" briefly in very medical terms the procedure. I don't believe anyone could understand what she was saying and no one dared ask any questions. I could never have imagined what was about to take place.

We were taken one by one into separate rooms where the dilation process was begun. We were then transferred to another building like a hosptial. We each had separate rooms but we shared bathrooms with one other girl. Again, no one spoke or even looked at each other. I'll never forget thinking we must have looked and felt like a herd of cows being led to slaughter.

Upon my arrival in my room, the doctor came in and injected the saline solution into my abdomen. I then lay in labor for over 12 hours. All through the night, I could hear other girls screaming and then awful silence. A nurse came into my room three times during the night to "break my water," she said. It was the most horrible pain I have ever experienced. She had no compassion for me.

By morning, I was the only girl left who had not aborted. Finally, though, I did realize I was about to deliver and I was hysterical. Two nurses rushed in and injected some sort of drug directly into the vein in my arm. After that, everthing was foggy for a while. Two things I will never forget, though: (1) the perspiration literally dripping from the doctor's face as he delivered my baby and (2) the awful "thud" as my baby fell into the trash can.

Four years later, I found myself in another disastrous marriage. One night as I lay sleeping on the couch, I felt someone tapping my shoulder. Groggy at first, I turned over and tried to get back to sleep. Expecting to find my daughter standing there, I opened my eyes and sat up. There in front of me was a beautiful little boy, my son. I don't know how long we stared at each other, maybe for only a few seconds. But all too soon he was gone. A dream or vision, you say? Perhaps, but I don't believe it is so. I believe my son is alive and with his heavenly Father. But regardless of my beliefs, hundreds of innocent children are being slain each day by abortion.

Abortion is a totally devastating experience for anyone who naively enters into its grasp. And it is only after hours of agonizing and finally counseling that anyone can fully come to terms with what they've done. The blood of Jesus Christ can wash away our sins and in Him we can find forgiveness. However, to forgive ourselves is a little harder. Therefore, I continue in love and compassion counselling with women who face a crisis pregnancy. Regardless of their decision, they may know that someone shares their pain. And someone cares.

NAME WITHHELD.●

APPOINTMENT OF B.R. BEEKSMA TO U.S. LEAGUE OF SAVINGS INSTITUTIONS

● Mr. EVANS. Mr. President, I rise to recognize one of Washington State's most outstanding businessmen. Today, Mr. B.R. Beeksma, of Oak Harbor, WA, will assume the office of vice chairman of the U.S. League of Savings Institutions. This position carries much responsibility in the $1.4 trillion savings institutions industry.

As vice chairman of the 3,400-member U.S. League, his business' primary trade group, Mr. Beeksma will devote the next 12 months to articulating the concerns and interests of savings institutions nationwide, and to developing an agenda that will continue the remarkable recovery those institutions have made in recent years.

Mr. Beeksma's own institution is InterWest Savings Bank of Oak Harbor, WA. He joined InterWest, then known as Island Savings and Loan Association, in January 1960. He was the chief executive officer. The institution had one office, two employees, and assets of $1 million. Under Mr. Beeksma's leadership, it grew to 28 offices, assets of upwards of $500 million, and a record of uninterrupted profitability. Today, he is InterWest's president, chairman of the board, and chief executive officer.

Active on the State and national level, Mr. Beeksma has been a director, vice president, and president of the Washington Savings League. He also has served as a director and vice chairman of the Federal Home Loan Bank of Seattle. On the national level, Mr. Beeksma has served as a director of the U.S. League, and on numerous of its most important committees, including its FSLIC recapitalization committee, legislative committee, and legislative policy committee.

He is director of Omega Insurance Co., chairman of the board of Harbor Airlines, a past president of the North Whidbey Chamber of Commerce and the Rotary Club of Oak Harbor, and has served on the board of trustees of Skagit Valley College. Mr. Beeksma is an elder, vice president and adult Bible class leader for the First Reformed Church of Oak Harbor.

Mr. President, it is with pride that I recognize my good friend Barney Beeksma's many accomplishments. I wish him much success in his new endeavors as vice chairman of the U.S. League of Savings Institutions.●

IN ALABAMA NOVEMBER IS HEAD INJURY MONTH

Mr. SHELBY. Mr. President, this year, in the United States alone, some 700,000 people will sustain some form of head injury. I rise today to acknowledge that the month of November has been designated "Head Injury Month" in my home State of Alabama. I am proud of the good people of Alabama who I know will do their best to recognize this proclamation by the Governor and plan the appropriate activities.

The people of the State of Alabama, in commemorating head injury month, will hopefully become linked by a common interest, a common sense of responsibility, a common bond that will serve to join them in their support for these victims of head injury—some 100,000 of whom succumb to their injuries each year.

The statistics—all of which tell us that although this problem has reached mammoth proportions in this country and in the State of Alabama—indicate that there exist still some myths as to the incidence, degree, and availability of treatment for head injury.

It is the responsibility of the people of Alabama, as they participate in this month long commemoration, to help spread the word about head injury and prevention and better still, to work toward public recognition of the need for more research and assistance in this area.

When considering head injury and the vital treatment of this form of trauma—we must focus on the element of time. The difference between minutes and seconds can effectively determine the viability of a life after a head injury. That is why the availability of acute care across the State and country is of the gravest importance to everyone.

Coordination of extended rehabilitative therapy is the second step toward recovery. I know that Alabama's city hospitals provide a good deal of the care for head-injured persons and that there are several facilities that provide intense inpatient rehabilitation. But what we need to see is the development of more outpatient programs—programs that will allow head injury victims to recuperate in the community by attending day treatment centers.

In addition, there is a desperate need to focus State and national attention on the importance of community based transitional living arrangements for the head-injured. As the statistics indicate, head injury overwhelmingly strikes people in the under 40 age group. As many of these individuals led full and independent lives prior to their injury—it seems imperative that a treatment plan focus on helping these victims return to independence as quickly as possible. Under the proper supervision, at best, victims of head injury can learn to regain the responsibility they once had—or, equally important, they can learn to live with the constraints head injury has placed on their lives.

What this all boils down to is a continuum of commitment from the Federal Government, the State government, the medical and rehabilitation professionals, the universities and hospitals, the community and of course, the families and victims themselves.

When head injury strikes—it strikes more than the victim—it strikes the family and friends who suffer through the hurt and recovery along with the injured individual—it strikes the medical and rehabilitative specialists who painstakingly try to rebuild lives—and its strikes society—often depriving us of the meaningful contributions of talented individuals.

Mr. President, as we begin the month of November, I call the attention of all my colleagues to the efforts of my home State in acknowledging the national priority of head injury prevention and awareness.

EXPANSION OF MAJOR LEAGUE BASEBALL

● Mr. LUGAR. Mr. President, I rise to offer my enthusiastic support for the Senate Task Force on the Expansion of Major League Baseball. The task force is encouraging the fielding of new major league baseball teams whose participation in the great American pastime will benefit both the sport and several major cities throughout this Nation.

Of particular interest to the citizens of Indiana is the development of a professional baseball team whose home field would be in the Indianapolis area. In recent years, Indianapolis has poured more than $180 million into world class sports facilities, and it has received glowing evaluations from such respected publications as U.S. News & World Report and National Geographic. As host of the Pan-Am Games, the National Sports Festival, the World Indoor Track Championships, as well as various other world-class sporting events, Indianapolis has established itself as the amateur sports capital of the world.

Along with being the home of the NBA professional basketball team, the Indiana Pacers, Indianapolis is now the host of the professional football team, the Indianapolis Colts. Support for this team has been terrific. The Colts have played every home game to sell-out crowds and have established an NFL record of season ticket applications. Indianapolis is now ready to expand its participation in professional sports. Its population, economy, geographic location, and philosophy make Indianapolis the ideal location for a professional baseball team.

The tradition and fervor of athletics in Indiana are well-known and have been portrayed in the nationally acclaimed movie, "Hoosiers." It is the desire and goal of Indiana citizens to build on that fervor and to continue our long tradition of athletic interest by serving as host to a professional baseball team. Indianapolis has the fans, the resources, the community support, and the facilities. Now all we need is the team.●

DAV VIETNAM VETERANS' NATIONAL MEMORIAL, ANGEL FIRE, NM

● Mr. BINGAMAN. Mr. President, I rise today to commend the Senate for unanimously passing House Joint Resolution 97 on Friday. This measure passed the House on May 27 and is identical to Senate Joint Resolution 106 which I introduced earlier this year to declare the Disabled American Veterans Vietnam Veterans' National Memorial in Angel Fire, NM, a memorial of national significance. Fifty-five Senators, including the majority leader and the minority leader, and my colleague from New Mexico, Senator DOMENICI, cosponsored Senate Joint Resolution 106, and I want to take this opportunity to thank them all for their support.

Mr. President, the memorial in Angel Fire truly deserves the recognition the Congress has bestowed on it. It is an inspiring memorial to those who served this country in Vietnam. It rises to a height of nearly 50 feet above a hill overlooking Moreno Valley in northern New Mexico and pays a striking complement to its natural environment. The memorial attracts visitors from all over the country. As the first Vietnam veterans memorial to be initiated and completed, it has inspired efforts to establish other Vietnam memorials around the country, including the Vietnam Veterans' Memorial in Washington, DC.

The memorial chapel was begun in 1968 by Dr. and Mrs. Victor Westphall and their son Douglas in honor of their son and brother, David, who was killed, with 12 of his Marine Corps comrades, in an ambush in Vietnam. Dr. Westphall has described the memorial as a statement of homage "to all veterans of the fighting in that Asian nation, particularly the maimed in body and spirit, and most especially to those who gave the most precious gift of all—life itself."

The chapel is a solemn memorial for all those who served and especially those who died in Vietnam. At the same time, it is a place very much for the living. The Vietnam experience was a very complex one emotionally. The chapel at Angel Fire allows veterans and others to gather to meditate, pray, and share in the peaceful calm of the site, and in doing so, to deal with those emotions. David Westphall believed deeply in the cause for which he gave his life, and saw that cause as part of an ethical framework for a peaceful world.

In support of this resolution, Kenneth G. Musselmann, DAV National Commander wrote:

> During the Vietnam War, nearly 60,000 Americans lost their lives and hundreds of thousands of its participants still carry the physical and mental scars as a result of their dedicated service to America * * * [T]he genesis of the DAV's Vietnam Veterans National Memorial has its roots in one family's determination to create a lasting reminder of war's most tragic consequence—the loss of loved ones and the snuffing out of human potential.

Mr. President, I would like to congratulate the Westphalls for their deep devotion and unflagging dedication to their son and the other veterans who served in Vietnam. I would also like to acknowledge the DAV for its vision and commitment to seeing the memorial through to its completion, and for recognizing the need to keep this memorial open to the public as a constant reminder of the sacrifices made by our Vietnam veterans. Finally, I would like to again thank and commend my colleagues who cosponsored this resolution for their support in giving the memorial at Angel Fire the recognition it deserves.●

SENATOR DENNIS CHAVEZ DAY

● Mr. BINGAMAN. Mr. President, April 8, 1988, will be the centenary of the birth of the late Senator Dennis Chavez of New Mexico. As we near this date, I would like to call to the attention of my colleagues some of the history of this fine man and dedicated public servant.

My distinguished colleague, the senior Senator from New Mexico, recently introduced a joint resolution which I am pleased to cosponsor, designating April 8, 1988, as "Dennis Chavez Day." As the first American-born Hispanic to serve in the U.S. Senate, Dennis Chavez is an inspiration to all Americans and an example of just how far one can advance in this country with determination, courage, and hard work.

Chavez was born in his family's dirt-floor adobe home in Los Chavez, NM. Too poor to attend high school, he dropped out at the age of 14 and worked as a grocery boy to help support his family. His first contact with national politics came when he served as a Spanish interpreter for the election campaign of Senator Andrieus Jones of New Mexico. When Jones was elected and came to Washington, DC, he brought Chavez with him and helped him get a job as a clerk for the Secretary of the Senate. From this post, Chavez had an excellent opportunity to see the inner workings of the Senate and to develop a shrewd political sense, which would serve him as a Senator. Despite his lack of formal education, he read extensively and attended Georgetown Law School, graduating in 1920.

After nearly 10 years as a successful and popular attorney, State legislator, and U.S. Representative, he was appointed to the U.S. Senate after the sudden death of Senator Bronson Cutting in 1935. One year later, Chavez was elected by the people of New Mexico to the Senate, a post he would hold for nearly the next three decades. His 28-year tenure as a U.S. Senator is the longest in New Mexico history and exceeds all but 49 of those who have served in this body.

As a Senator, Senator Chavez served with distinction as chairman of the Public Works Committee and the Appropriations Defense Subcommittee. Although he rose to great prominence in the Senate, he never forgot his humble roots and was a champion for those who were oppressed and discriminated against. During his tenure, he fought for a permanent Fair Employment Practices Commission, initiated a national health insurance program which served as a model for Medicare, and worked to ensure that American Indians, Hispanics, and other minorities were integrated as smoothly as possible into the Nation's larger society without losing their unique social and cultural identity.

He was also a leader of exceptional personal courage, raising his voice against the anti-Communist paranoia and the suppression of civil liberties at the height of the McCarthyite hysteria. Indeed, many of his colleagues felt his speech on the Senate floor on May 12, 1950, against the curtailment of liberties and the shackling of the the growth of men's mind was instrumental in turning the tide against McCarthyism.

A statue of the Senator was placed in the rotunda of the Capitol as one of two representatives of the people of New Mexico, a fitting honor for this outstanding lawmaker.

Another appropriate honor would be a commemorative stamp honoring Senator Chavez. I have been working to convince Postal Service officials to issue such a stamp. I have written Postmaster General Tisch and Chairman Faries of the Citizens' Stamp Advisory Committee [CSAC] requesting that they announce at the next meeting of the CSAC plans to issue such a stamp sometime in the future. There is widespread support for a stamp. To date, 35 Representatives, 20 Senators, and numerous leaders in and out of Government have endorsed it. I ask that a copy of my letter and the response from the Postal Service be inserted in the RECORD following my remarks. I remain hopeful that the CSAC will recognize the national and historical importance of commemorating Senator Chavez and will announce the stamp at their December meeting.

I sincerely hope the Senate will support the resolution designating a day to honor Dennis Chavez. His true life Horatio Alger story from humble beginnings to one of the most powerful men in the U.S. Senate in his era, shows how far one can go in America and serves as an inspiration for us all. "Dennis Chavez Day" will help bring the story of this remarkable man to the people of this country. I urge my colleagues to support it.

The material follows:

U.S. SENATE,
September 25, 1987.

Hon. PRESTON R. TISCH,
Postmaster General, U.S. Postal Service, Washington, DC

DEAR MR. POSTMASTER GENERAL: We are writing to urge your reconsideration of the decision not to issue a commemorative stamp honoring the centenary of the late United States Senator Dennis Chevez of New Mexico.

Senator Chevez was the first American born Hispanic elected to serve in the U.S. Senate where he represented the people of New Mexico for 27 years. In his role as a Senator, he served not only as a national leader on behalf of the people of New Mexico, but as Chairman of the Committee on Public Works, and as a policymaker on the powerful Defense Appropriations Subcommittee. Despite his leadership role in the U.S. Senate, he never forgot his humble beginnings, always speaking out for the poor, the underprivileged, and the oppressed.

Although not all of us had the privilege of knowing Senator Chevez, we are all familiar with him impressive reputation. But it is not simply his successful tenure in the Senate which prompts us to send this letter. Senator Chevez' entire career exemplifies a true American success story. He was a shining example of just how far one can get in this country of ours, even against the most difficult odds. The issuance of a stamp honoring this great American would bring him and the Hispanic community as a whole the recognition and honor they deserve.

It is our understanding that the 1988 and 1989 stamp programs have already been finalized. Nonetheless, an announcement in 1988 to accompany the centenary celebration of the late Senator that a stamp honoring Senator Chevez would be released at a future date would be an important and necessary first step. We are aware that the Citizens' Stamp Advisory Committee will reconvene October 9. We respectfully request that you recommend to the committee that such an announcement is appropriate in light of the national and historical interest of this commemoration.

Thank you for your kind reconsideration of this important matter:

Sincerely,

Jeff Bingaman, Jim Sasser, Strom Thurmond, Bill Proxmire, Pete V. Domenici, Quentin Burdick, Robert Dole, Alan Cranston, Claiborne Pell, Albert Gore, Jr., John C. Stennis, Lawton Chiles, David Pryor, Bill Cohen, Harry Reid, and Robert C. Byrd.

THE POSTMASTER GENERAL,
Washington, DC, October 15, 1987.

Hon. JEFF BINGAMAN,
U.S. Senate, Washington, DC.

DEAR SENATOR BINGAMAN: This is in reference to your expressed interest in a commemorative stamp to honor Dennis Chevez.

As you know, the Citizens' Stamp Advisory Committee met last week and among their items of business was consideration of the proposal for a Dennis Chevez commemorative stamp. After careful deliberation, the Committee did not recommend the issuance of such a stamp.

This action by the Committee reflects the difficult decisions it must make in dealing with a limited stamp program. Although meritorious, many recommendations do not result in stamp issuances.

Sincerely,

PRESTON R. TISCH.●

HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1987

● Mr. DODD. Mr. President, this year marks the 50th anniversary of our Nation's commitment to public housing. Sadly, this year is also marked by a blight of homelessness across America and an ever increasing lack of safe, decent and affordable housing for low- and moderate-income Americans. It is my hope, in this anniversary year of housing, that we recommit our energy and resources toward meeting the pressing housing needs of low- and moderate-income Americans.

Even as we stand here today, the conferees to S. 825, the Housing and Community Development Act of 1987, are taking the final steps toward approving the first comprehensive housing legislation in 4 years. Housing programs have shouldered a disproportionate burden of budget cuts in the Reagan years. The passage of S. 825 is critical to our efforts to revive the Nation's historic and bipartisan commitment to decent shelter for all Americans.

In that bipartisan spirit and to emphasize the crucial importance of passing the housing legislation, the National Low Income Housing Coalition has gathered the signatures of over 1,500 State and local groups and nearly 100 national organizations who support the swift passage of S. 825. Such groups include the American Association of Retired Persons, the Council of Large Public Housing Agencies, the U.S. League of Women Voters, the National Urban League, the National Puerto Rican Coalition, the National League of Cities, the U.S. Conference of Mayors, Asian Americans for Equality, the National Coalition of LaRaza, the McCauley Institute, the American Planning Association and the National Neighborhood Coalition.

Mr. President, I would urge my colleagues to pay close attention to the bipartisan support that exists in their States for the reestablishment of sound national housing policies and for the passage of this legislation. I would further urge my colleagues to support the final adoption of the housing legislation on which so many our citizens depend.

I ask, Mr. President, that the "Open Letter to the 100th Congress Urging Adoption of Housing Legislation" and a list of its signatories, be printed in the RECORD.

The material follows:

OPEN LETTER TO THE 100TH U.S. CONGRESS URGING ADOPTION OF HOUSING LEGISLATION

The undersigned organizations are writing to urge you to support the final adoption by the Congress of legislation authorizing the low income housing and community development programs of HUD and the Farmers Home Administration (FmHA).

Since 1981, budget authority for HUD's housing assistance programs alone has been cut by more than 60 percent. Funding for Community Development Block Grants has been cut by more than 30 percent, further reducing state and local governments' ability to cope with the low income housing crisis. During this time, homelessness has soared. Millions of families, children and working men and women have been added to an already overburdened emergency system that attempts to provide shelter and meals on a first come, first serve basis. Low income elderly individuals and families compete for scarce public housing units or section 8 certificates and/or vouchers, remaining on waiting lists in many areas for up to 10 years. Our country cannot afford further reductions in federal housing and community development assistance programs. Nor can we afford another year without Congress acting to reaffirm its historic bipartisan commitment to helping all Americans enjoy an affordable, safe and sanitary home in a decent neighborhood.

The time to act on a housing bill is now! Congress has not passed a free-standing housing and community development authorization bill since 1981, and the need for these programs is still tremendous. Both the House and Senate have passed legislation in 1987 which would extend and revise current programs and introduce valuable new initiatives to meet the growing need for affordable housing.

A Conference Report will be presented to you for approval before the end of the first session of the 100th Congress. We strongly urge you, our Congress, to pass a housing and community development authorization bill this year. We request your firm commitment to support final passage of such a bill, and to oppose any attempts by the President to veto such legislation.

NATIONAL LOW INCOME HOUSING COALITION SIGN-ON LETTER

Organization, city, and State:

Anchorage Neighborhood Housing Services, Anchorage, AK.

Alabama Coalition Against Hunger, Auburn, AL.

Cmmty for Peace & Just St. Peter's Cath. Chch., Birmingham, AL.

Dept. of Church & Society Episcopal Diocese, Helena, AL.

Greater Wash. Pk. Imprvmnt. Org. Montgomery, AL.

Grtr. Birmingham Ministries, Birmingham, AL.

Hsng. Authority of the Birmingham Dist., Birmingham, AL.

Men's Sat. Share Grp./St. Peter's Cath. Church, Birmingham, AL.

New Prov. Baptist Church, Montgomery, AL.

Ngbrhd. Hsng. Renovation Co., Inc., Birmingham, AL.

Nichols Temple A.M.E. Church, Ensley, AL.

Rising-West Princeton Ngbrhd., Birmingham, AL.

Seeker-McCoy United Methodist Church, Birmingham, AL.

Sisters of St. Joseph, Pineapple, AL.

Southern Organizing Cmte for Eco/Soc Just., Birmingham, AL.

St. Francis Xavier Cath. Church, Birmingham, AL.

Task Force on Hunger, Birmingham, AL.

Travelers Aid of Montgomery, Montgomery, AL.

United Presbyterian Church (Five Mile), Birmingham, AL.

AR Chap. of the Amer. Plng. Assn., Little Rock, AR.

Economic Oppty. Agcy. of Wash. Cnty, Inc., Fayetteville, AR.

England Hsng. Auth., England, AR.

Hsng. Auth. of Sevier Cnty., DeQueen, AR.

Urban of AR, Inc., Little Rock, AR.

AZ Chap. of the Amer. Plng. Assn., Tucson, AZ.

AZ Cncil. for Snr. Cit., Phoenix, AZ.

Chicanos Por La causa, Inc., Phoenix, AZ.

Cmmty. Hsng. Prtnershp. Inc., Phoenix, AZ.

Community council, Phoenix, AZ.

East Valley Cath. Soc. Serv, Mesa, AZ.

East Valley Coal. for the Homeless, Apache Junction, AZ.

Family Alliance for the Mentally Ill, Phoenix, AZ.

Human Dvlpmnt. Cncil/Roman Cath Diocese, Phoenix, AZ.

Human Resources Ctr. #1, Phoenix, AZ.

Lutheran Soc Ministry of the SW., Phoenix, AZ.

Metro Independent Livng. Ctr., Tucson, AZ.

N. Phnx. Serv. Offc. Advsry. Bd., Phoenix, AZ.

Peace & Justice Cmmttee., Tempe, AZ.

Phnx. SER, Jobs for Progress, Phoenix, AZ.

Phoenix Consortium for the Homeless, Phoenix, AZ.

S. Mntain. Chamber of Comm., Phoenix, AZ.

Soc. Concerns Cmmttee. of the AZ Ecum. Cncil., Phoenix, AZ.

Sljourner Center, Phoenix, AZ.

Travelers Aid Society of Tucson, Tucson AZ.

Valley of the Sun United Way, Phoenix, AZ.

YUMA Cnty. Hsng. Devlpmnt. Corp., Yuma, AZ.

Survivors on Our Own, Phoenix, AZ.

Affordable Housing Alliance, San Francisco CA.

AID, Inc., San Jose' CA.

Area hsng Auth of Ventura Cnty, Camarillo, CA.

Arthouse, San Francisco, CA.

Asian Inc., San Francisco, CA.

Asian Law Caucus, Inc., Oakland, CA.

Asian Neighborhood Design, San Francisco, CA.

Asian Ngdrhd. Design, San Francisco, CA.

Bay Area Council, San Francisco, CA.

Bay Area Neighborhood Development Corp., El Cerrito, CA.

Bay Area Urban League, Inc., Oakland, CA.

Bd. of Sprvsrs., Cnty of Marin, San Rafael, CA.

Beach Flats Housing Improvement Assn, Santa Cruz, CA.

Belvedere-Triburon hsng Assn, Belvedere, CA.

Berkeley Oakland Support Services, Berkeley, CA.

Bernal Heights Community Foundation, San Francisco, CA.

Bldg. Industry Assn., CA.

Bonita House, Inc., Berkeley, CA.

Braun Programs, Inc., San Rafeal, CA.

C. J. Enterprises, Inc., Fresno, CA.

CA. Chap of the Amer. Plng Assn., Woodland, CA.

Cabrillo Eco. Dvlpmnt. Corp., Saticoy, CA.

California Coalition for Rural Housing Project, Sacramento, CA.

California Hsng Action & Info. Network, Oakland, CA.

Canal Child Care Ctr., San Frafael, CA.

Caritas Mgmnt. Corp., San Francisco, CA.

Carsbad Section 8 Housing, Carlsbad, CA.

Cath. Char. Diocese of Stockton, Stockton, CA.

Cath. Char. of Archdiocese of San Francisco, San Francisco, CA.

Cath. Char., Diocese of San Bernardino, Colton, CA.

Cath. Charties, Diocese of Oakland, Oakland. CA.

Catholic Charities, San Pedro Pastroral Region, Long Beach. CA.

Catholic Community Services, San Diego, CA.

Catholic Social Services, San Francisco, CA.

Catholic Social Services, Diocese of Monterey, Seaside, CA.

Center for New Americans, Corcord, CA.

Chicano Fed. of San Diego Cnty., San Diego, CA.

Chinatown Coalition of Better Housing, San Francisco, CA.

Chinese Community Housing Corporation, San Francisco, CA.

Christian Believers, Richmond, CA.

City of Fremont, Fremont, CA.

City of Hawaiian Gardens, Hawaiian Gardens, CA.

City of Novato, Novato, CA.

City of Oceanside, CA.

City of San Rafael, San Rafael, CA.

City of Sausalito, Sausalito, CA.

City/Cnty. Reinvestment Task Force, CA.

Clare Foundatin, Inc., Santa Monica, CA.

Cmmttee. for Farmworker Programs, Santa Rose, CA.

Cmmty. Economics, Inc., Oakland, CA.

Cmmty. Hsng. Developers, San Jose', CA.

Cmmty. Hsng. Imprvmnt. Sys. & Plnng. Inc., Alinas, CA.

Cmmty. Hsng. Imprvmnt. Prog., Chico, CA.

Cmmty. Servcs. Dept., Concord, CA.

Cmty. Dvlpmnt. Commission, Ukiah, CA.

Cmty. Human Relations Commission, CA.

Coachella Valley Housing Coalition, Coachella, CA.

Colorado Park Housing Corporation, Palo Alto, CA.

Community Corp. of Santa Monica, Santa Monica, CA.

Community Economics, Inc., Oakland, CA.

Community Living Centers, Daly City, CA.

Community Resources for the Disabled, Santa Cruz, CA.

Comprehensive Alcohol Program, Fresno, CA.

Compton Aid Ctr., Compton, CA.

Contra Costa Cnty. Ngbrhd Servcs Grp, Inc., Concord, CA.

Ctr. for Indpndnt. liv. Inc., Berkeley, CA.

Culver City Public Hsng Agcy., Culver City, CA.

David Paul Rosen & Associates, Oakland, CA.

Democratic Mgmnt. Servcs., Santa Cruz, CA.

Dept. of Aging, Los Angeles, CA.

Delores Housing, Inc., San Francisco, CA.

Drew Economic Dvlpmnt. Corp., Los Angles, CA.

E.M. Schaffran & Co., El Cerrito, CA.

East Bay Asian Local Development Corporation, Oakland, CA.

Ecumenical Assn. for Housing, San Rafael, CA.

El Rio Residents Association, Santa Cruz, CA.

Emergency Hsng. Consortium, Inc., San Jose', CA.

Emergency Servcs. Network of Alameda Cnty, Oakland, CA.

Fair Housing Council of Orange County, Santa Ana, CA.

Fair Housing Program of Marion County, San Rafael, CA.

Fair Hsng. Prog./Task Force, Riverside, CA.

Family Serv. Agncy. of San Francisco, San Francisco, CA.

Felicia Mahood Senior Club, Los Angeles, CA.

Feminist Planners & Designers Group, Los Angeles, CA.

First San Jose' Hsng., San Jose', CA.

First United Methodist Church of Oroville, Oroville, CA.

Flwship. of Challenged Individuals, Truckee, CA.

Fralick Dvlpmnt., Saratoga, CA.

Francis of Assissi Cmmty., San Francisco, CA.

Freedom Homes, Inc., Fresno, CA.

Fresno Cnty c/o Floyd Hyde & Associates, Fresno, CA.

Fresno-Madera Area Agncy. on Aging, Fresno, CA.

Galilee Harbor Community Association, Sausalito, CA.

Galt Community Concilio, Inc., Galt, CA.

Golden Gateway Tenants Association, San Francisco, CA.

Gray Panthers of Sacramento, Sacramento, CA.

Gray Panthers of Sonoma County, Santa Rosa, CA.

Gray Panthers-South Bay Network, Redondo Beach, CA.

Haight Ashbury Community Development Corp., San Francisco, CA.

Harbor Interfaith Shelter, Inc., San Pedro, CA.

Heartland Human Relations Assn, CA.

Home Economics, Ukiah, CA.

Home Loan Counseling Serv., CA.

Homeless Action Project, Midway City, CA.

Homeless Ed. & Support Fund, Los Angeles, CA.

Homeless Organizing Team, Los Angeles, CA.

Homeless/Mental Health Advocacy Program, Chico, CA.

Housing Authority of the City of San Pablo, San Pablo, CA.

Housing Authority of the County of Marin, San Rafael, CA.

Housing Authority of the County of Merced, Merced, CA.

Housing Coalition of Orange County, Santa Ana, CA.

Housing Conservation Development Corp., San Francisco, CA.

Housing for Independent People, Inc., San Jose, CA.

Housing Rights for Children, Oakland, CA.

Hsng Auth. of Kings Cnty., Hanford, CA.

Hsng, Coal. of San Diego, San Diego, CA.

Hsng. Alliance of Contra Costa Cnty, Inc., Walnut Creek, CA.

Hsng. Auth. of Riverside Cnty., Riverside, CA.

Hsng. Auth. of the City & Cnty. of Fresno, Fresno, CA.

Hsng. Auth. of the City of Eureka, Eureka, CA.

Hsng. Auth. of the City of Santa Barbara, Santa Barbara, CA.

Hsng. Auth. of the Cnty. of Santa Barbara, Lompoc, CA.

Hsng. Dvlpmnt. & Ngbrhd. Redev. Corp., San Francisco, CA.

Independent Housing Services, San Francisco, CA.

Indepndnt, Living Resource Ctr., Santa Barbara, CA.

Innovative Hsng., Larkspur, CA.

Japanese Amer. Cult. & Cmmty. Ctr., Los Angeles, CA.

Jubilee West, Oakland, CA.

LA Chap. Wmn's Int'l League Peace & Frdm., Los Angeles, CA.

La Clinica de la Raza, Fruitvale Hlth Proj., Oakland, CA.

Laurin Associatess, Citris Heights, CA.

League of Women Voters, San Diego Chapter, CA.

Los Angeles Cncil. of Unemployed & Homeless, Los Angeles, CA.

Los Angeles Homeless Health Care Project, Los Angeles, CA.

Los Angeles Jobs with Peace, Los Angeles, CA.

Low Income Hsng. Fund, San Francisco, CA.

MALDEF, Sacramento, CA.

Marin Ctr. for Indepdnt. Living, San Rafael, CA.

Marin Network of Mental Health Clients, San Anselmo, CA.

Mental Health Adsry. Bd. of Santa Cruz Cnty., Santa Cruz, CA.

Merced Cnty Mental Health/Homeless Project, Merced, CA.

Mid-Peninsula Housing Development Corporation, Palo Alto, CA.

MidPeninsula Cit. for Fair Hsng., Palo Alto, CA.

Mission Bay Consortium, San Francisco, CA.

Mission Safe, Inc., Oakland, CA.

Musicians for Survivors, Berkeley, CA.

Nat'l Chicano Cncil. Hghr. Ed., Claremont, CA.

Nevada Cnty Hsng. Dvlpmnt. Corp., Grass Valley, CA.

Ngbrhd. House Assn., CA.

North of Market Planning Coalition, San Francisco, CA.

Northern CA/Nevada Ex. Dr.'s Assn, Eureka, CA.

Novato Ecumenical Housing, Novato, CA.

Novato Enrichment Care, Novato, CA.

Oak Center Homes, Inc., Oakland, CA.

Oakland Chinese Cmmty. Cncil., Inc., Oakland, CA.

Oakland Housing Organizations, Oakland, CA.

Obeca/Arriba Juntos, San Francisco, CA.

Offc. of the Mayor, San Diego, CA.

One Voice, Los Angeles, CA.

Ormsby & Associates, Woodland, CA.

Palo Alto Hsng. Corp., Palo Alto, CA.

Parent-Infant Neighborhood Center, San Franciso, CA.

Peace & Justice Cmmsn.-Cath. Diocese, San Diego, CA.

Peace & Justice Grp., Santa Rosa, CA.

Peninsula Volunteers Properties, Inc., Menlo Park, CA.

People for Affordable Hsng., San Jose, CA.

Peoples' Self Help Hsng. Corp., San Luis Obispo, CA.

Pica Ngbrhd. Assn., Santa Monica, CA.

Pomona Valley Council of Churches, Pomona, CA.

Potrero Hill Community Development Corp, San Francisco, CA.

Resources for Cmmty. Dvlpmnt., Berkeley, CA.

Ronald Levine Construction & Investment Corp., Beverly Hills, CA.

Rosalie House, San Francisco, CA.

Rural Calibrian Hsng. Corp., Sacramento, CA.

Rural Cmmties. Hsng. Dvlpmnt. Corp., Ukiah, CA.

Rural Communities Development, Fresno, CA.

Sacramento Hsng. & Redvlpmnt., Agncy., Sacramento, CA.

Sacramento Ngbrhd. Hsng, Servcs., Sacramento, CA.

Sacramento Urban League, Sacramento, CA.

San Bernardino West Side CDC, San Bernardino, CA.

San Diego Apt. Assn., San Diego, CA.

San Diego Board of Realtors, San Diego, CA.

San Diego City Financial Mgmnt. Offc., San Diego, CA.

San Diego Cnty. Equal Oppty. Mgmnt. Offc., San Diego, CA.

San Diego Regional Fair Hsng. Task Force, San Diego, CA.

San Diego Unified Design Center, San Diego, CA.

San Francisco Community Design Center, San Francisco, CA.

San Francisco Dvlpmnt. Fund, San Francisco, CA.

San Francisco Found. for Architectural Hrtge., San Francisco, CA.

San Francisco Hsng. & Tenants Cncil., San Francisco, CA.

San Jose Dvlpmnt. Corp., San Jose, CA.

San Leandro c/o Floyd Hyde & Associates, San Leandro, CA.

San Mateo County Housing Coalition, San Mateo, CA.

San Ysidro School District, CA.

Santa Barbara Cmmty. Hsng. Corp., Santa Barbara, CA.

Santa Cruz Cmty. Cnsling Ctr., Inc./ Step'ng Out, Santa Cruz, CA.

Santa Cruz Community Housing Corporation, Santa Cruz, CA.

Santa Isabel Snr. Cit. Club, Los Angeles, CA.

Santa Monica/Westside Hotline, Santa Monica, CA.

Saratoga-Los Gatos Br.-AAUW, Los Gatos, CA.

Satellite Snr. Homes, Inc., Oakland, CA.

Savage & Taylor Associates, Inc., Los Angeles, CA.

Self Help Enterprises, Visalia, CA.

Senior Advocates Advisory Committee, Redwood City, CA.

Senior Servcs. Coordinating Cncil., Norwalk, CA.

Share-A-Home Pasadena, Pasadena, CA.

Shelter, Inc., Concord, CA.

Silvercrest Residence, San Francisco, CA.

Sisters of Charity-BVM, Tujunga, CA.

Soc. Just. Cmsn. of the Srs. of Mercy, Burlingame, CA.

Sonoma Cnty. Task Force on the Homeless, Santa Rosa, CA.

South Side Cmmty. Ctr, Richmond, CA.
Srs. of Mercy of Burlingame, Burlingame, CA.
St. Charles Catholic Church, San Diego, CA.
St. Francis Square Cooperative Apts. San Francisco, CA.
St. Joseph Center, Venice, CA.
St. Vincent de Paul Housing, San Francisco, CA.
State Dept. of Fair Employment. & Hsng. CA.
Stockton Family Shelter, Stockton, CA.
Student Hsng. Offc. Univ. of CA, San Diego, CA.
Tenants & Owners Development Corp., San Francisco, CA.
Tenderloin Housing Clinic, San Francisco, CA.
Tenderloin Neighborhood Development Corp., San Francisco, CA.
The Alternatives Center, Berkeley, CA.
The Envirmntl. Cncil. of Santa Cruz Cnty., Santa Cruz, CA.
The Playgroup, Inc., Inverness, CA.
The Salvation Army, San Francisco, CA.
The Salvation Army (Silvercrest Residence), Santa Rosa, CA.
The Salvation Army Residence, Inc., Eureka, CA.
The Shelter Project, Santa Cruz, CA.
Therapon Assn. for the Devlpmtly. Disabled, San Rafael, CA.
Tiburon Ecumenical Assn., Tiburon, CA.
Town Cncil. of San Anselmo, San Anselmo, CA.
Town Cncil/Town of Tiburon, Tiburon, CA.
Town Council of the Town of San Anselmo, San Anselmo, CA.
Town of Fairfax, Fairfax, CA.
Transitional Hsng. Network, Los Angeles, CA.
Travelers Aid Society of Alameda Co., Inc., Oakland, CA.
Union of Pan Asian Communities, CA.
United Cmmty. & Hsng. Dvlpmnt. Corp., Los Angeles, CA.
United States Escrow, Downey, CA.
United Way/Office on Homelessness, Concord, CA.
Univ. City Village Tenants Assn., San Diego, CA.
Urban League of Greater Hartford, Inc., Hartford, CA.
Urban League, San Diego Chapter, CA.
Victoria Gardens Tenants, Fremont, CA.
W. Contra Costa Conserv. Lgue. & Gray Pnthers., El Cirrito, CA.
Weingart Ctr, Assn., Los Angeles, CA.
Wmn's Int'l League for Peace & Frdm., San Jose, CA.
Women's Crisis Support & Shelter Srvcs, Santa Cruz, CA.
Allied Hsng. Inc., Denver, CO.
Archdiocese Hsng. Committee, Inc., Denver, CO.
Baptist Home Assn. of the Rocky Mntn., Wheat Ridge, CO.
Barker, Kinker Seacat & Partners, Denver, CO.
Brook Knolls Coop Cmmty, Inc., Loveland, CO.
Cath. Cmmty. Servcs., Colorado Springs, CO.
Catherine McAuley Housing Foundation, Denver, CO.
Christian Caring Ministries, Inc., Fort Collins, CO.
Citizens Steering Cmte of Fort Collins, Fort Collins, CO.
Cmmty, Dvlpmnt. Agency, Denver, CO.
CO Affrdble. Hsng. Prtnershp., Denver, CO.
CO Chap. of the Amer. Plng. Assn., Aurorra, CO.
Colorado Catholic Conference, Denver, CO.
Colorado Hsng. & Finance Auth., Denver, CO.
Del Norte Ngbrhd. Dvlpmnt. Corp. Denver, CO.
Del Norte RHF Snr. Hsng. Inc., Denver, CO.
Denver Cmmty. Dvlpmnt. Corp., Denver, CO.
Div. of Hsng. State of CO, Denver, CO.
Homestead Adult Day Program, Longmont, CO.
Hope Communities, Inc., Denver, CO.
Howard Bishop & Co., Denver, CO.
Hsng. Auth of Limon, Limon, CO.
Jeffco Amer. Baptist Residences, Inc., Lakewood, CO.
Larimer Cnty Mutual Affrdable Hsng., Loveland, CO.
Mercy Housing, Inc., Denver, CO.
Mercy Management Services, Denver, CO.
Newsed Cmmty. Dev. Corp., Denver, CO.
Rocky Mntn. Residence, Inc., Denver, CO.
Sable Care Ctr., Inc., Aurora, CO.
St. Joseph's House, Denver, CO.
Stone Crest "Cmmty Cornerstone Proj", Fort Collins, CO.
SW Cmmty Resources, Durango, CO.
The Resource Assistance Center, Fort Collins, CO.
West Alameda Baptist Church, Lakewood, CO.
Action Housing Inc., Norwalk, CT.
Archdiocese of Hartford/Ofc of Urban Affairs, Hartford, CT.
Branford Snr. Cit., Branford, CT.
Bristol Emergency Shelter Coalition, Bristol, CT.
Broad River Homes, Norwalk, CT.
Catholic Family Services, Norwalk, CT.
Caucus of Connecticut Democrats, Woodbridge, CT.
Central Housing Committee, Hartford, CT.
Citizens Advisory Committee, Waterbury, CT.
Coleman Towers Tenants Assn., Stamford, CT.
Columbus House, Inc., New Haven, CT.
Committee on Training & Employment, Inc. (CTE), Stamford, CT.
Community Action for Greater Middletown, Inc., Middletown, CT.
Community Housing Coalition of Stanford, Stanford, CT.
Community Housing Resource Board, Stamford, CT.
Community Hsg Resource Board of Norwalk, Norwalk, CT.
Connecticut Assn. of Residential Facilities, Wethersfield, CT.
Connecticut Citizen Action Group, Hartford, CT.
Connecticut Coalition for the Homeless, Wethersfield, CT.
Connecticut Coalition on Aging, Hartford, CT.
Credo Housing Development Corporation, Waterbury, CT.
CT Chap of the Amer. Plng. Assn., Meriden, CT.
CT Hsng Coal-Human Rgts. & Oppty. Cmsn., New Haven, CT.
CI Interfaith Hsng & Human Servcs Corp., Hartford, CT.
CT State Dept of Mental Retardation, Norwalk, CT.
Danbury NAACP, Danbury, CT.
Department of Human Services, Westport, CT.
Development Administration, City of New Haven, New Haven, CT.
El Hogar Del Futuro, Hartford, CT.
Family & Childrn's Servcs, Inc.-Bd of Drs', Stanford, CT.
Folly Brook Manor Tenants Association, Wethersfield, CT.
Greater Middletown Community Corporation, Middletown, CT.
Greater Norwalk Community Center, Norwalk, CT.
Green Community Services, Waterbury CT.
Greenwich Hsng Coal & 1st United Meth. Church, Stamford, CT.
Hartford Arcdcsen. Cmmsn for Justice & Peace, West Hartford, CT.
Hartford Cmmty Dvlpmnt. Auth., Hartford, CT.
Hartford Interval House, Inc., Hartford CT.
Hill Top Homes, Rowayton, CT.
HocKanom Valley Community Council, Inc., Vernon, CT.
Housing Authority of the City of Norwalk, South Norwalk, CT.
INFO LINE, North Central, Hartford, CT.
Keystone House, Inc., Norwalk, CT.
La Casa De Puerto Rico, Hartford, CT.
League of Women Votes of CT, Hamden, CT.
Martin House, Inc., Norwich, CT.
My Sister's Place, Hartford, CT.
Neighborhood Housing Services of Norwalk, Inc., South Norwalk, CT.
Neighborhood Housing Services of Waterbury, Waterbury CT.
New Haven Cmsn on Equal Oppty/Fair Hsng Prog., New Haven, CT.
Norwalk Department of Health, Norwalk, CT.
Norwalk Economic Opportunity NOW, Inc., Norwalk, CT.
Norwalk Fair Housing Office, Norwalk, CT.
Norwalk Hospital Social Work Department, Norwalk, CT.
Norwalk Housing Coalition, Norwalk, CT.
Norwalk Redevelopment Agency, So. Norwalk, CT.
Now Neighborhoods, Inc., Stamford, CT.
Office of Social Concerns Roman Cath Dcse., Bridgeport, CT.
Office of Urban Affairs Archdcse/Hartford, New Haven, CT.
Operation Hope of Fairfield, Inc., Fairfield, CT.
Project Match, Waterbury, CT.
Prospect Towers Tenants Association, Waterbury, CT.
Roodner Court Tenants Assoc. Inc., So. Norwalk, CT.
Save the Children Federation, Westport, CT.
Senior Services Coordinating Council, Norwalk, CT.
Sheldon Oak Central Hsng Developers, Hartford, CT.
Social Services Department, Milford, CT.
South End Community Center, Stamford, CT.
Southside Institutions Neighborhood Alliance, Hartford, CT.
Southside Institutions Ngbrhd Alliance, Hartford, CT.
Southwest Regional Mental Health Board, S. Norwalk, CT.
Southwestern Connecticut Agency on Aging, Bridgeport, CT.
St. Luke's Community Services, Stamford, CT.
St. Paul's on the Green Episcopal Church, Norwalk, CT.
St. Vincent De Paul Place, Middletown, CT.

St. Vincent De Paul Society of Waterbury, Inc., Waterbury, CT.

Stamford Alliance for Mentally Ill, Stamford, CT.

STAR Residential Services, Inc., Norwalk, CT.

State of CT/Dept. of Mental Retardation, Norwalk, CT.

Suffield CT Advisory Committee on Aging, Suffield, CT.

Taino Hsng & Dvlpmnt. Corp., Hartford, CT.

The Bristol Emergency Shltr. & Hsg Coal, Bristol, CT.

The Coalition for Children and Youth, Inc., Norwalk, CT.

The Cornerstone Foundation, Inc., Vernon, CT.

The New Project for Battered Women, New Haven, CT.

The Stamford Partnership (SEAC), Stamford, CT.

The Urban Ministry Project, Bridgeport, CT.

Tri-Twn. Humn. Srve Coal-Ellington, Soc. Srvcs., Ellington, CT.

Trinita Retreat Ctr., New Hartford, CT.

United Church of Christ Hispanic Cncil, New Britain, CT.

Urban League of Greater New Haven, Inc., New Haven, CT.

Vernon Wic Program, Rockville, CT.

Voluntary Action Center of Mid-Fairfield, Norwalk, CT.

W. Hartford Hsng Auth., West Hartford, CT.

Wesleyan Univ. Cmmty. Servcs. Prog., Middletown, CT.

West Hartford Hsng Auth., West Hartford, CT.

West Haven Emergency Assistance Task Force, West Haven, CT.

Wm Ward Tenants Association, Stamford, CT.

Women's Center of Greater Danbury, Danbury, CT.

Women's Crisis Center, Inc., Norwalk, CT.

Alameda, CA/clo Floyd Hyde Assctes., Washington, DC.

Anacostia Eco. Dvlpmnt. Corp., Washington, DC.

Association of Local Housing Finance Agencies, Washington, DC.

Comprehensive Shelters Corp., Washington, DC.

Floyd Hyde Associates, Washington, DC.

Glover Park Neighbors, Washington, DC.

Jubilee Housing, Inc., Washington, DC.

Lutheran Soc Servcs-Cmmty Justice Ministries, Washington, DC.

The Institute of Cultural Affairs, Washington, DC.

The Patrician Mortgage Company, Washington, DC.

Transitional Lvng. Cmmties., Washington, DC.

Washington Area Training Ctr., Washington, DC.

Nat'l Congress for Cmmty. Econ. Dvlpmnt., Washington, DC.

DE Chap Amer. Plng. Assn., Newark, DE.

DE Chap of the Nat'l Assn of Hsng. & Redvpmnt., Dover, DE.

DE Hsng. Coalition, Dover, DE.

DE Rainbow Coalition, Dover, DE.

Eastside Citizens, Inc., Wilmington, DE.

Grass Roots Wilmington (Newsletter), Wilmington, DE.

Hsng Helpers, Inc., Wilmington, DE.

Hsng. Oppty. of N DE, Inc., Wilmington, DE.

Latin Amer. Cmmty. Ctr., Wilmington, DE.

Milford Hsng. Dev. Corp., Milford, DE.

Nat'l Cncil on Agricltrl., Life & Labor, Dover, DE.

New Castle Cnty Cmmty Dvlpmnt & Hsng., Wilmington, DE.

People United to Serve Humanity, Dover, DE.

Self Dvlpmnt of Peoples Cmmttee., Wilmington, DE.

Wilmington Hsng Auth., Wilmington, DE.

Callahan Neighborhood Association, Orlando, FL.

Catholic Community Services, Miami Shores, FL.

Catholic Social Services, Lakeland, FL.

Citizens Advsry. Cncil. Orlando, Orlando, FL.

City of Fort Pierce, Fort Pierce, FL.

City of Hialeah, Hialeah, FL.

City of Key West, FL/Cmmty Dev Dept., Key West, FL.

City of Palm Bay, Palm Bay, FL.

Cmmty Dvlpmnt Section-OMB, Tallahasse, FL.

Cnty of Volusia-Cmmty Dvlpmnt Div., Daytona Beach, FL.

Coconut Grove Local Dvlpmnt. Corp., Miami, FL

Collier Co. Econ. Dvlpmnt./Hsg Prog. Dept., Naples, FL.

Community Dev/City of Fort Walton Beach, Fort Walton Beach, FL.

Community Equity Investments, Inc., Pensacola, FL.

Daily Bread Food Bank, Miami, FL.

Davis Homes, Orlando, FL.

Dept. of Cmmty Affairs, Tallahassee, FL.

Dist. VII Coalition on the Hungry and the Home, Orlando, FL.

East Little Havana Cmmty. Dvlpmnt Corp., Miami, FL.

Eco. Dvlpmnt./Hsng Programs Dept., Naples, FL.

Fl Chap of the Amer. Plng. Assn., Orlando, FL.

Florida Assn of Housing & Redevelopment Off., Jacksonville, FL.

Florida IMPACT, Tallahassee, FL.

Florida Low Income Housing Coalition, Tallahassee, FL.

Florida Non-Profit Housing, Sebring, FL.

Gtr. Tampa Urban League, Tampa, FL.

Haitan Task Force, Inc., Miami, FL.

Hernando County Housing Authority, Brooksville, FL.

Hillcreast Hampton House, Inc., Orlando, FL.

Holy Cross Service Center, Indiantown, FL.

Homebldrs. & Contrctrs. Assn., W. Palm Beach, FL.

Horizons Unlimited, Orlando, FL.

Housing Conservation and Development Agency, Miami, FL.

Immokalee Non-Profit Housing, Inc., Immokalee, FL.

Indian River County Housing Authority, Vero Beach, FL.

Jacksonville Department of HUD, Jacksonville, FL.

Lee County Division of Housing and Grants, Ft. Myers, FL.

Lutheran Social Services of Northeast Florida, Jacksonville, FL.

Mental Health Clinic of Jacksonville, Inc., Jacksonville, FL.

Metro-Orlando Hsng Affrdble. Wmn's Coal., Orlando, FL.

Milton Hsng. Auth., Milton, FL.

NAACP, Oldsmar, FL.

NAACP, Tampa, FL.

NAACP, St. Peterburg & Cncl on Hmn. Relations, St. Petersburg, FL.

NE Miami Chamber of Commerce, Miami, FL.

Opa-Locka Community Development Corp., Opa-Locka, FL.

Orlando City Council, Orlando, FL.

Orlando Coalition for the Homeless, Orlando, FL.

Palm Beach Cnty Hsng & Cmmty Dev., West Palm Beach, FL.

Panama City Hsng. Auth., Panama City, FL.

Pax Christi Tallahassee, Tallahassee, FL.

Polk Cnty Bd. of Commsnrs, Bartow, FL.

Project Home-Snr. Soc. Plng. Cncil., Tallahassee, FL.

Rescue Church of God Outreach Missionary, Sanford, FL.

St. Francis Shelter, Lakeland, FL.

St. John Cmmty. Dvlpmnt. Corp., Miami, FL.

Strategic Planning Group, Inc., Jacksonville, FL.

Tallahassee Housing Foundation, Tallahassee, FL.

The Briscoe Co., West Palm Beach, FL.

The City of Orlando-Grwth. Mgmnt. Div., Orlando, FL.

The Hsng. Auth. of Springfield, Springfield, FL.

Travelers Aid Society of Tampa, Inc., Tampa, FL.

Urban League, of Greater Miami, Inc., Miami, FL.

West Perrine Cmmty Dvlpmnt Corp., Miami, FL.

Athens Hsng. Auth., Athens, GA.

Athens Hsng. Auth., Athens, GA.

Atlanta Urban Ministry, Atlanta, GA.

Bibb Cnty Snr. Cit. Inc., Macon, GA.

Bron Cleveland Associates, Inc., Atlanta, GA.

Claxton Client Council, Claxton, GA.

Cmmty. Servcs. Food Bank, Dublin, GA.

Day Care, Wrightsville, GA.

Decatur-DeKalb Hsng. Auth., Decatur, GA.

E.O.A. Area Block 17th, Atlanta, GA.

Eastwyck Village Townhouses Corp., Decatur, GA.

GA Client Council, Ludowici, GA.

GA Hsng Coalition, Atlanta, GA.

GA Statewide Coal on Hunger & Homelessness, Atlanta, GA.

Hand Across America of GA, Atlanta, GA.

Heritage Registration, Atlanta, GA.

Hsng Auth of Blakely, GA, Blakely, GA.

Hsng Auth of Edison, Edison, GA.

Hsng Auth of Hampton, Hampton, GA.

Hsng Auth of Lumber City, Hazleburst, GA.

Hsng Auth of Ocilla, Ocilla, GA.

Hsng Auth of Tifton, Tifton, GA.

Hsng Auth. of Folkston, Folkston, GA.

Hsng Auth of Dallas, GA, Dallas, GA.

Hsng. Auth of Jasper, Jasper, GA.

Hsng. Auth. of Augusta, GA, Augusta, GA.

Hsng. Auth. of Education, Eatonton, GA.

Hsng. Auth. of McRae, McRae, GA.

Hsng. Auth. of Milledgeville, Milledgeville, GA.

Interfaith, Inc., Atlanta, GA.

Lauren Cty Client Council, Dublin, GA.

Long Cnty Client Cncil., Ludowici, GA.

Nutrition Childcare Homes, Dublin, GA.

Offc of Soc. Ministry, Savannah, GA.

Pelham Hsng Auth., Pelham, GA.

Pembroke Client Council, Pembroke, GA.

Reaching Out Social Action Cmtee., Atlanta, GA.

Regal Civic & Federation Club, Inc., Cedartown, GA.

S.C.L.C., Wrightsville, GA.

SALT, Atlanta, GA.

SRO Hsng. Inc., Atlanta, GA.

St. John's Ctr/Ofc. of Social Ministry, Savannah, GA.

The 3rd Dist Educational Advsry Cmmtee., Valdosta, GA.
Treutlen Co Job Club Counseling Ctr., Soperton, GA.
Wrightsville Hsng. Auth., Wrightsville, GA.
Affrdble. Hsng. Alliance, Honolulu, HI.
Hawaii Ecumenical Hsng Corp., Honolulu, HI.
HI Ecumenical Hsng. Corp., Honolulu, HI.
Hsng Asstnce. Program, Cath. Servcs to Elderly, Honolulu, HI.
Area XV Multi-County Housing Agency, Agency, IA.
Catholic Charities, Dubuque, IA.
City of Iowa City, Iowa City, IA.
IA Chap of the Amer Plng. Assn., Iowa City, IA.
N Iowa Regional Hsng. Auth., Mason City, IA.
Neighborhood Housing, Inc., Cedar Rapids, IA.
Southern Iowa Regional Housing Authority, Creston, IA.
Boise City Hsng Center, Boise, ID.
Boise Ngbrhd. Hsng Servcs., Inc., Boise, ID.
Boise City and ADA Cnty Hsng. Auth., Boise, ID.
Gtr. Boise Dvlpmnt Corp., Boise, ID.
Idaho Hunger Action Council, Boise, ID.
Idaho Migrant Cncil, IMC, Caldwell, ID.
Idaho Neighbors Network, Pocatello, ID.
Nez Perce Tribal Hsng. Authority, Lapwai, ID.
Amer. Indian Eco. Dev. Assn., Chicago, IL.
Bethel New Life, Inc., Chicago, IL.
Campaign for Human Dvlpmnt., Chicago, IL.
Center for Neighborhood Technology, Chicago, IL.
Chicago Refugee Wmn's Network, Chicago, IL.
Chicago Rehab Network, Chicago, IL.
Chicago Uptown Ministry, Chicago, IL.
Circle Christian Dvplmnt Corp., Chicago, IL.
Cmmty. Actn. Agncy. Project NOW, Rock Island, IL.
Cncil for Jewish Elderly, Evanston, IL.
Eighteenth Street Dev. Corp., Chicago, IL.
Greater North Pulaski Dev. Corp., Chicago, IL.
HESED House, Inc., Aurora, IL.
Hispanic Hsng. Dev. Corp., Chicago, IL.
HOPE Fair Housing Center, Lombard, IL.
Housing Resource Center, Chicago, IL.
Howard Area Community Center, Chicago, IL.
Hsng Rerch. & Dvlpmnt. Program/U of IL, Urbana, IL.
Hsng. Auth of East Peoria, East Peoria, IL.
Hsng. Auth. of the Cnty of Union, Anna, IL.
IL Chap of the Amer. Plng. Assn., Crystral Lake, IL.
Interfaith Hsng Ctr., Wilmette, IL.
Kenwood-Oakland Cmmty. Org., Chicago, IL.
Kenwood-Oakland Devlpmnt Corp., Chicago, IL.
Lake Cnty IL Regional Plng. Commission, Waukegan, IL.
Lake Cnty Urban League, Waukegan, IL.
Lawyers Commitee for Better Hsng., Chicago, IL.
Ldrshp. Cncl. for Metro. Open Communities, Chicago, IL.
League of Women Voter of Chicago, Chicago, IL.
League of Women Voters of Wheaton, Wheaton, IL.
Little Square Block Club, Chicago, IL.
Marina Park, Inc., Wheaton, IL.
Metro Chicago Clergy & Laity Concerned, Chicago, IL.
Metro. Chicago Coal. on Aging, Chicago, IL.
Metro. Tenants Organ., Chicago, IL.
NAACP-Evanston, Skokie, IL.
Our lady of Lourdes Parish, Chicago, IL.
PADS, Inc., Aurora, IL.
People's Reinvestmnt. & Dev. Effort, Chicago, IL.
Peoples Housing, Chicago, IL.
Province Adm. Team/Srs. of Mercy of Province, Chicago, IL.
Rescorp Dvlpmnt., Inc., Chicago, IL.
Statewide Hsng. Action Coal., Chicago, IL.
Travelers and Immigrants Aid of Chicago, Chicago, IL.
Urban League of Champaign Cnty., Champaign, IL.
Voice of the People in Uptown, Inc., Chicago, IL.
Wisdom Bridge Theatre, Chicago, IL.
Woodstock Institute, Chicago, IL.
Anderson Hsng Auth., Anderson, IN.
Cath. Family Service, Gary, IN.
Columbia Center Tenant Cncil., Hammond, IN.
Dept. of Just. & Peace, Evansville, IN.
Div. of Cmmty. Dev. & Plng., Ft. Wayne, IN.
Ft. Wayne Hsng. Auth, Ft. Wayne, IN.
Gary Hsng. Auth., Gary, IN.
Gary, IN c/o Floyd Hyde & Associates, Gary, IN.
Hsng. Auth. of the Cty. of Richmond, IN, Richmond, IN.
Hsng. Auth. of Michigan City, IN, Michigan City, IN.
IN Chap. of the Amer., Plng. Assn., Fort Wayne, IN.
Indianapolis Cmmty Hsng. Resrce. Bd., Inc., Indianapolis, IN.
LaSalle Park Dist. Cncil. Inc., South Bend, IN.
Martin Luther King Multi Serv. Ctr., Indianapolis, IN.
Mercy Hsng Corp., Olympia Fields, IN.
Riley Area Revitalization Program, Inc., Indianapolis, IN.
Chapman Hsng. Authority, Chapman, KS.
KS Chapter of the Amer. Plng. Assn., Overland Park, KS.
Mennonite Hsg Rehabilitation Srves., Wichita, KS.
Pickwick Place Apts., Coffeyville, KS.
Christian Church, KY Appalachian Ministry, Richmond, KY.
Cmmty Dvlpmnt Unit, Legal Aid Society, Louisville, KY.
Cooperative Christian Ministry, Inc., Middlesboro, KY.
Cranks Creek Survival Center, Harlan, KY.
Cumberland Valley Reg. Hsng. Auth., Barbourvill, KY.
Federation Applchn. Hsng Entprse., Inc., Berea, KY.
Frontier Housing, Inc., Morehead, KY.
Hmn/Econ. Applchn. Dvlpmnt. Corp., Berea, KY.
Homes, Inc., Neon, KY.
Human/Eco. Appalachian Dev. Corp., Berea, KY.
Interfaith of Bell County, Pineville, KY.
Kentucky Fair Tax Coalition, Prestonsburg, KY.
Kentucky Mountain Housing Development Corp., Manchester, KY.
Knott County Land Trust, Berea, KY.
KY Assn. of Homes for Children, Anchorage, KY.
KY Chap of the Amer. Plng. Assn., Elizabethtown, KY.
KY Fair Housing Tax Coalition, Prestonburg, KY.
Livingston Econ. Alternatives in Progress, Livingston, KY.
Louisville Urban League, Louisville, KY.
New Directions Housing Corp., Louisville, KY.
Northern Kentucky Community Center, Covington, KY.
People's Self-Help Housing, Vanaburg, KY.
Red Bird Medical Center, Beverly, KY.
Red Bird Mission, Inc., Beverly, KY.
Sisters of Mercy/KY Reg. Just. Cmsn., Louisville, KY.
St. Vincent Mission, David, KY.
Welcome House of Northern Kentucky, Inc., Covington, KY.
Associated Cath. Char. CARE Ctr., New Orleans, LA.
Cath. Dcse. of Shreveport/Ofc of Soc. Ministery, Shreveport, LA.
Commty. Dvlpmnt. Dept. of Lake Charles, Lake Charles, LA.
Cooper Rd Civic Club, Shreveport, LA.
Cooper Road Medical Bd., Shreveport, LA.
Dept. of Urban Development, Shreveport, LA.
Diocese of Shreveport, Shreveport, LA.
Fairfield Property Mgmnt., Shreveport, LA.
Hsng. Auth. of New Orleans, New Orleans, LA.
Hsng. Auth. of the City of Bunkie, Bunkie, LA.
Hsng. Auth. of Shreveport, Shreveport, LA.
Kenner Hsng. Authority, Kenner, LA.
LA Chap. of the Amer. Plng. Assn., Lafayette, LA.
Monroe Housing Authority, Monroe, LA.
Morgan City Hsng. Auth., Morgan City, LA.
Shreveport Landmark, Inc., Shreveport, LA.
Southern Mutual Help Assn., Inc., Jeanerette, LA.
Action Hsng. Auth., Action, MA
APA-New England Chapter, E. Weymouth, MA.
Barnstable Council on Aging, Hyannis, MA.
Boston Cluster Program, Dorchester, MA.
Boston Ngbrhd Hsng Services., Boston, MA.
Brookline Hsng. Auth., Brookline, MA.
Cape Ann Coal for Hsng & the Homeless, Gloucester, MA.
Cape Cod Wmn's Agenda, Brewster, MA.
CHAPA, Boston, MA.
Citizens' Hsng. & Plng. Assn, Inc., Boston, MA.
Codman Sq. Hsng. Dev. Corp., Dorchester, MA.
Cooperative Hsng. Task Force, Boston, MA.
Cooperative Living of Newton, Inc., Newton, MA.
Erickson Investment & Development, Boston, MA.
Falmouth Hsng. Task Force, Falmouth, MA.
Franklin Cnty Reg. Hsng. Auth., Turners Falls, MA.
Franklin Housing Alliance, Turners Falls, MA.
Greater Boston Cmmty. Develpmnt. Inc., Boston, MA.
House of Representatives, Boston, MA.
Independence House, Hyannis, MA.
Jewish Cmmty. Relations Cncil., Boston, MA.
Jewish Community Housing for the Elderly, Brighton, MA.

Judy Cohn Associates, Brookline Village, MA.
Just-A-Start, Cambridge, MA.
League of Wmn. Vtrs. of Fitchburg Area, Fitchburg, MA.
League of Women Vtrs. of Massachusetts, Boston, MA.
Lower Roxbury Commty. Corp., Roxbury, MA.
MA Affrdble. Hsng. Alliance, Boston, MA.
MA Tenants Organization, Boston, MA.
Martha's Vineyard NAACP, Oak Bluffs, MA.
Massachusetts Coal for the Homeless, Boston, MA.
Massachusetts Tenants Organization, Boston, MA.
Massachusetts Sector, Boston, MA.
Metropolitan Area Plng. Cncil., Boston, MA.
New England Elderly Housing Assn., Brighton, MA.
Offc. of Planning & Cmmty. Dvlpmnt., Somerville, MA.
OKM Associates, Inc., Boston, MA.
Pamela Goodman/Keen Dvlpmnt., Cambridge, MA.
Riverside-Cambridgeport Cmmty. Corp, Cambridge, MA.
Robert Pena Properties, West Falmouth, MA.
Robertson Consulting Servces., S. Attleboro, MA.
S. Shore Hsng. Dvlpmnt. Corp, Kinston, MA.
S.O. Middlesex Mass. Branch NAACP, Natick, MA.
Sarah James & Associates, Cambridge, MA.
Seminole Self-Reliant Housing, Inc., Sanford, MA.
Shelburne Hsng. Auth., Turners Falls, MA.
Shelter, Inc., Cambridge, MA.
Sojourner Hse., Inc., Roxbury, MA.
St. George Orthodox Church, West Roxbury, MA.
The Boston Hsng. Partnership, Boston, MA.
The Massachusetts Coalition for the Homeless, Boston, MA.
The Medford Tenants Assn. Steering Cmtee., Medford, MA.
The Robeson Corp., New Bedford, MA.
Tri-City Hsng. Task Force for Homeless Fam., Malden, MA.
UNIHAB, Inc., Cambridge, MA.
Unitarian Universalist Association, Boston, MA.
Urban Edge Housing Corp., Jamaica Plains, MA.
Urban Educational Systems, Inc., Jamaica Plains, MA.
Valley Oppty Cncil., Inc., Chicopee, MA.
Waltham Concerned Citizens, Waltham, MA.
Waltham Tenants United, Waltham, MA.
Wellesley Hsng. Auth., Wellesley, MA.
Wmn's Instit. for Hsng & Eco. Dev, Inc., Boston, MA.
Wmn's Int'l League for Peace & Frdm, Harwich, MA.
Baltimore Jobs in Energy Project (BJEP), Baltimore, MD.
Berlin Cmmty. Hsng. Corp., Berlin, MD.
Bethany Hse, Rockville, MD.
Campaign for Poor & Working People, Baltimore, MD.
Cardinal Shehan Ctr for the Aging, Towson, MD.
Citizens for Fair Hsng, Baltimore, MD.
Citizens Organized to Purchase Energy (COPE), Baltimore, MD.
City of Westminster, Westminster, MD.
Community Ministry of Montgomery County, Rockville, MD.
Development Training Institute, Baltimore, MD.
Housing Authority of Baltimore City, Baltimore, MD.
Housing Authority of Hagerstown, Maryland, Hagerstown, MD.
Housing Authority of the City of Cumberland, Cumberland, MD.
Howard Cnty Hsng Alliance, Columbia, MD.
Hsng Auth., City of Frederick, Frederick, MD.
Hsng. Auth. of Washington Cnty., Hagerstown, MD.
Jubilee Baltimore, Baltimore, MD.
MD Chap. of the Amer. Plng. Assn., Annapolis, MD.
MD Citzn Actn. Coal/Silver Spring Office, Silver Spring, MD.
Missionary Servants of the Most Holy Trinity, Silver Spring, MD.
Montgomery Cnty, MD Hsng Oppty Cmsn., Kensington, MD.
Montgomery Co. Commission on Aging, Rockville, MD.
Montgomery County Community Action Board, Rockville, MD.
Mutual Hsng. Assn. of Balto., Inc., Baltimore, MD.
NAACP-Maryland, Northeast, MD.
Ngbrhds Together, Inc., Silver Spring, MD.
Owens Memorial Baptist Church, Baltimore, MD.
People for Better Hsng. Inc., Frederickburg, MD.
People's Homesteading Group, Inc., Baltimore, MD.
Pioneers First Home, Hagerstown, MD.
Sharp Leadenhall, Baltimore, MD.
Snow Hill Cit, for Decent Hsng., Snow Hill, MD.
Snr. Advocates of Howard Cnty., Columbia, MD.
St. Ambrose Housing Aid Center, Baltimore, MD.
St. Jerome Hsng. Corp., Inc., Baltimore, MD.
The Enterprise Foundation, Columbia, MD.
United Cmmties Against Poverty, Inc., Capitol Heights, MD.
Wash. Cnty Cmmty. Action Cncil, Inc., Hagerstown, MD.
Wmn's Hsng Coal, Inc., Baltimore, MD.
Wyman House Tenant Council, Baltimore, MD.
Coastal Management Company, Portland, ME.
Deering Pavilion, Portland, ME.
Franklin Cnty Cmmty Action Cncil, Inc., East Wilton, ME.
Franklin Towers Tenant Cncil., Portland, ME.
Maine Assn of Interdependent Neighborhoods, Bangor, ME.
Portland Hsng Auth, Portland, ME.
Riverton Imprvmnt. Project, Portland, ME.
Sagamore Village Tenant Cncil., Portland, ME.
Temporary Shelter for the Homeless, Presque Isle, ME.
United Way of Greater Portland, Portland, ME.
Waldo Gilpatrick Advocate for the Elderly, Augusta, ME.
Washington Gardens Tenant Cncil., Portland, ME.
York Cnty Cmmty Action Corp., Sanford, ME.
York-Cumberland Housing, Goreham, ME.
Alger-Marquette Cmmty Mental Health Ctr., Marquette, MI.
Area Agency on Aging of Western Michigan, Grand Rapids, MI.
Area Cmmty Srves Emplymnt. & Trning. Cnci., Grand Rapids, MI.
Battle Creek Area Urban League, Battle Creek, MI.
Bay County Division on Aging, Bay City, MI.
Burton Neighborhood Housing, Inc., Burton, MI.
Catholic Charities, Lansing, MI.
Church of the Messiah Housing Corp., Detroit, MI.
Citry of Saginaw, Saginaw MI.
City of Grand Rapids, Plng Dept., Grand Rapids, MI.
Cmmty Action Agency of South Central Michigan, Battle Creek, MI
Community Action House, Holland, MI.
Cooperative Services, Inc., Oak Park, MI.
Detroit Non Profit Housing Corporation, Detroit, MI.
Detroit Organization of Tenants, Detroit, MI.
Dwelling Place of Grand Rapids, Inc., Grand Rapids, MI.
Groundwork for a Just World, Detroit, MI.
Housing Law Reform Project, Ann Arbor, MI.
Inner City Christina Fed., Grand Rapids, MI.
Latin American Affairs Department, Saginaw, MI.
Livonia Hsng. Commission, Livonia, MI.
Madison Square Co-operative, Inc., Grand Rapids, MI.
Mercy Services For Aging, Farmington Hills, MI.
MI Chap of the Amer. Plng. Assn., Detroit, MI.
Michigan Housing Coalition, Detroit, MI.
Michigan League for Human Services, Lansing, MI.
Mt. Morris Township Senior Citizen Services, Mt. Morris, MI.
Northeast Michigan Community Service Agency, Alpena, MI.
Pontiac/North Advisory Council, Pontiac, MI.
Region II Cmmty Action Agncy., Hillsdale, MI.
Saginaw County Community Action Committee, Saginaw, MI.
Saginaw County Youth Protection Council, Saginaw, MI.
Saranac Housing Commission, Saranac, MI.
Shelter of Flint, Inc., Flint, MI.
South Kent Mental Health Services, Inc., Grand Rapids, MI.
Srs. of Mercy-St. Francis Xavier Convent, Grand Rapids, MI.
St. Joseph's Alternative Education, Inc., Saginaw, MI.
The Other Way Cmmty Ctr., Grand Rapids, MI.
U-Snap-Bac, Inc., Detroit, MI.
United Community Housing Coalition, Detroit, MI.
United Way of Kent County, Grand Rapids, MI.
Urban Coalition of Greater Flint, Flint, MI.
Warren/Conner Dev. Coal, Detroit, MI.
Anoka Hsng. & Redevlpmnt Auth., Anoka, MN.
Big Stone Cnty Hsng & Redevlpmnt. Auth., Ortonville, MN.
Caritas Family Services, St. Cloud, MN.
Cath. Char./Archdcse. of St. Paul/Minn, St. Paul, MN.

Central Hennepin Human Sercs. Cncil., Minneapolis, MN.
City of Duluth, Duluth, MN.
City Wide Resident Cncil, St. Paul, MN.
Cmmty. Dev. Corp. for the Archdiocese, St. Paul, MN.
Community Equity Fund, Minneapolis, MN.
Ctr City Hsng Corp., Duluth, MN.
Dayton's Bluff Nghrhd Hsng Servcs. Inc., St. Paul, MN.
Duluth Cmmty. Action Program, Inc., Duluth, MN.
East Side Neighborhood Development Corporation, Saint Paul, MN.
Energy Efficient Self Hsng Inc., Blue Earth, MN.
Fergus Falls HRA, Fergus Falls, MN.
Franciscan Sisters of Little Falls, Little Falls, MN.
Greater Duluth Coal, Duluth, MN.
HRA of Cambridge, Cambridge, MN.
John Paul Apts., Cold Spring, MN.
Merriam Pk Cmmty Cncil., St. Paul, MN.
Metro Council of the Twin City Area, St. Paul, MN.
Minnesota State Council on Disability, St. Paul, MN.
MN Chap of the Amer. Plng Assn., Apple Valley, MN.
MN Clergy & Laty Concerned, Minneapolis, MN.
MN Cncil of NonProfits, St. Paul, MN.
MN Coal. for the Homeless, Minneapolis, MN.
MN Odd Fellows Nursing Home, Northfield, MN.
Ngbrhd. Improvmnt. Co., Minneapolis, MN.
Park Cooperative Apts., Minneapolis, MN.
Phillips Cmmty Dev. Corp., Minneapolis, MN.
Phillips Ngbrhd, & Trust, Minneapolis, MN.
Public Hsng. Agncy of the City of St. Paul, St. Paul, MN.
Roosevelt Resident Cncil, Inc., St. Paul, MN.
Senior Hsng. Inc., St. Paul, MN.
Seward Redesign, Inc., Minneapolis, MN.
St. Paul Coal for the Homeless, St. Paul, MN.
St. Paul Tenants Union, St. Paul, MN.
Summit-University Plng. Cncil., St. Paul, MN.
Theresa Living Ctr., St. Paul, MN.
West Bank Cmmty. Dev. Corp., Minneapolis, MN.
West Hennepin Human Services Planning Board, St. Louis Park, MN.
Women's Advocates, St. Paul, MN.
The Greater MN Metro. Hsng. Corp., Minneapolis, MN.
Adequate Hsng for Missourians, St. Louis, MO.
C.N.S.I./M.O.R.E. Leadership Legislative Comm, St. Louis, MO.
Catholic Charities of St. Louis, St. Louis, MO.
City of St. Louis Division of Human Services, St. Louis, MO.
Ecumenical Housing Production Corp., St. Louis, MO.
Good Ngbr. Program, Kansas City, MO.
Greater Kansas City Housing Information Center, Kansas City, MO.
Guadalupe Center, Inc., Kansas City, MO.
Hamilton Heights Neighborhood Organization, St. Louis, MO.
Hsng. Options Provided for the Elderly, St. Louis, MO.
International Institute, St. Louis, St. Louis, MO.
Mercy Housing, Kansas City, MO.
Missouri Association for Social Welfare, Jefferson City, MO.
MO Chap. of NAHRO, Springfield, MO.
Ngbrhd. Enterprises, Inc., St. Louis, MO.
North Side Team Ministry, St. Louis, MO.
Northside Cmmty Ctr., Inc., St. Louis, MO.
Operation Food Search, St. Louis, MO.
Peter and Paul Community Services, Inc., St. Louis, MO.
Redevelopmnt. Oppty. for Wmn., St. Louis, MO.
Soulard Ngbrhd. Imprvmnt. Assn., St. Louis, MO.
St. Louis Area Agency on Aging, St. Louis, MO.
St. Louis Assn. of Cmmty. Org, St. Louis, MO.
Task Force on Hunger (Episcopal Diocese), St. Louis, MO.
The Gtr St. Louis Lead Poisoning Prev. Cncl., St. Louis, MO.
The Salvation Army, St. Louis, MO.
Urban League of Metro. St. Louis, St. Louis, MO.
Westside Hsng. Organ., Kansas City, MO.
Youth Ed. & Health in Soulard, St. Louis, MO.
Jackson Urban League, Jackson, MS.
MS Chap of the Amer Plng. Assn., Hattiesburg, MS.
Travelers Aid, Jackson, MS.
Western Central Chap. Amer Plng. Assn., Billings, MT.
Albemarle Hsng Authority, Albemarle, NC.
Brunswick Cnty. Public Hsng Agncy., Bolivia, NC.
Charlotte-Mecklenburg Urban League, Charlotte, NC.
Choanoke Area Dvlpmnt. Assn., Inc., Murfreesboro, NC.
Gastonia Hsng. Auth., Gastonia, NC.
Hsng. Auth. of the City of Lumberton, Lumberton, NC.
Madison County Housing Authority, Marshall, NC.
Ministry for Justice & Peace, Charlotte, NC.
NAACP, Greensboro, NC.
NC Chap. Amer. Plng. Assn., High Point, NC.
Oxford Hsng. Auth., Oxford, NC.
Raleigh Inter-Church Housing Corp., Raleigh, NC.
Travelers Aid Society of Charlotte, N.C., Inc., Charlotte, NC.
Travelers Aid/Family Services of Wake County, Raleigh, NC.
Unitarian Universalist Fellowship of Raleigh, Raleigh, NC.
Western Piedmont Cncil of Gov'ts., Hickory, NC.
Catholic Family Service, Fargo, ND.
Special Investment & Mgmnt. Co, Inc., Fargo, ND.
Catholic Health Corp., Omaha, NE.
Holy Name Hsng. Corp., Omaha, NE.
Housing Authority of the City of Omaha, Omaha, NE.
Housing Authority of the City of Ord, Ord, NE.
NE Chap Amer. Plng. Assn., Omaha, NE.
Nebraska Chapter, NAHRO, Omaha, NE.
OEDC, Omaha, NE.
Omaha Coalition for the Homeless, Omaha, NE.
Sisters of Mercy Province of Omaha, Omaha, NE.
The Urban Hsng. Foundation, Inc., Omaha, NE.
United Catholic Social Services, Omaha, NE.
Urban League of Nebraska, Inc., Omaha, NE.
Gtr. Manchester Low Income Hsng. Netwrk., Manchester, NH.
New England Non-Profit Hsng. Dev. Corp., Manchester, NH.
Srs. of Mercy of NH, Windham, NH.
Anthony Hse. for Evicted Wmn/Subteen Chldrn., Jersey City, NJ.
Atlantic City Branch NAACP, Atlantic City, NJ.
Atlantic Human Resources, Inc., Pleasantville, NJ.
Bergen Chapter National Caucus Black and Aged, Hackensack, NJ.
Bergen County Housing Coalition, Hackensack, NJ.
Business and Professional Women's Club, Atlantic City, NJ.
Camden Cnty. New Jersey NAACP, Camden, NJ.
Camden County New Jersey NAACP, Camden, NJ.
Camden Shelter Coalition, Camden, NJ.
Cmmty. Investment Corp., New Brunswick, NJ.
Domestic Abuse & Rape Crisis Center, Belvidere, NJ.
Elizabeth Coal. to House the Hmlsnss., Elizabeth, NJ.
Essex Cnty College/Wise Wmn's Ctr., Newark, NJ.
Essex Co. Family Violence Program, Newark, NJ.
Essex Co. Family Violence Prgm., Newark, NJ.
Fair Housing Council of Northern New Jersey, Hackensack, NJ.
Good Samaritan Ctr., Inc., Camden, NJ.
Health & Human Servcs., Newark, NJ.
Hispanic Assn. of Ocean County, Lakewood, NJ.
Homes for All, Inc., Toms River, N.J.
Housing Authority of Plainfield, Plainfield, NJ.
Housing Authority of the City of East Orange, East Orange, NJ.
Hsng Auth of Morris Cnty, Morristown, NJ.
Hsng Auth. of the Cnty of Morris, Morristown, NJ.
Hsng. Oppty. Made Equal for All, Inc., Toms River, NJ.
Hud's Trentonsng Conselng. Serv., Trenton, NJ.
Ironbound Ecumenical Association, Newark, NJ.
Irvington Tenants Org., Irvington, NJ.
Isles, Inc., Trenton, NJ.
Jersey Battered Women's Service Inc., Morristown, NJ.
Johnson and Camper, Atlantic City, NJ.
La Casa de Don Pedro, Newark, NJ.
Latins Community Land Trust, Trenton, NJ.
Leavenhouse, Camden, NJ.
Life Line Emergency Shelter, Inc., Trenton, NJ.
Mill Hill Community Land Trust, Trenton, NJ.
Monmouth County Coalition for Homeless, Wall, NJ.
Monmouth County Coalition for the Homeless, Neptune, NJ.
Morris Cnty Urban League, Morristown, NJ.
Morris County Branch NAACP, Morristown, NJ.
Neighborhood Council—OCEAN, Inc., Toms River, NJ.
New Jersey Assn. of Hsng Counselors, Paterson, NJ.
New Jersey Right to Housing, East Brunswick, NJ.
New Jersey Tenants Organization, Hackensack, NJ.

Newark Collaboration Group, Newark, NJ.
Newark Emergncy. Servcs. for Families, Inc. Newark, NJ.
Ocean Community Economic Action Now, Inc., Toms River, NJ.
Ocean County Branch of the NAACP, Lakewood, NJ.
Passaic Cnty Wmn's Ctr., Paterson, NJ.
Providence House/Willingboro Shelter, Burlington, NJ.
Rescue Mission of Trenton, Inc., Trenton, NJ.
Shelter Our Sisters, Inc., Hackensack, NJ.
The Apostles' House Emergency Aid for Families, Newark, NJ.
Urban League for Bergen Co., Inc., Englewood, NJ.
Urban League of Essex County, Newark, NJ.
W. Windsor Cmsn. on Agng. & Snr. Srvcs., Princeton Jct., NJ.
Womanspace, Inc., Lawrenceville, NJ.
Woman Aware, Inc. (Abused Womens' Services) New Brunswick, NJ.
Women's Crisis Services, Inc., Flemington, NJ.
Women's Resource & Survival Center, Keyport, NJ.
Y.W.C.A. of Eastern Cnty., Elizabeth, NJ.
Albuquerque Jobs with Peace, Albuquerque, NM.
Cmmty. Assistance Grp., Inc., Albuquerque, NM.
Dona Ana NAACP, Las Crucez, NM.
New Initiatives Hsng, Inc., Albuquerque, NM.
NM Chap of the Amer. Plng. Assn., Albuquerque, NM.
Tierra Del Sol Hsng. Corp., Las Cruces, NM.
City of Henderson-Economic Dept., Henderson, NV.
Cmmttee. to Aid Abused Wmn., Sparks, NV.
Housing Authority of the County of Clark, Las Vagas, NV.
Hsng. Auth of the City of N Las Vegas, North Las Vegas, NV.
NV Chap of the Amer Plng Assn., Los Vegas, NV.
NV Chap. Amer. Plng. Assn., Los Vegas, NV.
Reno Hsng Authority, Reno, NV.
American Red Cross, Kingston, NY.
Ashanti Tenant Mgmnt., Corp., Rochester, NY.
Bellport, Hagerman, East Patchogue Alliance, Bellport, NY.
Bishop Sheen Ecumenical Housing Foundation, Rochester, NY.
Brighton Ngbrhd. Assoc., Inc., Brooklyn, NY.
Buffalo Urban League, Buffalo, NY.
Cathedral Snr. Outreach Prgm., New York, NY.
Catholic Charities/Christopher Cmmty, Inc., Syracuse, NY.
Cayuga Cnty Homesite Dev. Corp., Auburn, NY.
Citizens Hsng. & Plng. Cncil., New York, NY.
Claremont Village Tenant Association, Bronx, NY.
Cmmty. Serv. Soc. of NY, New York, NY.
Community Development Legal Assistance Center, New York, NY.
Community Progress Inc., Corning, NY.
Community Training & Resource Center, New York, NY.
Cortland Cnty Residential Resrces Corp., Cortland, NY.
CSEA Local 834, Syracuse, NY.
Disabled in Action of Metropolitan NY, New York, NY.
Dutches County Coalition, Beacon, NY.
E. NY Urban Yth. Corps Hsng. Dev. Fund Corp., Brooklyn, NY.
Economic Oppty. Cncil. of Suffolk, Inc., Patchogue, NY.
Edith-Doran Tenant Assn., Rochester, NY.
Fifth Avenue Cmmttee., Inc., Brooklyn, NY.
Flower City Lodge #91, Rochester, NY.
Good Shepherd House of Prayer, Bronx, NY.
Gray Panthers, Buffalo, NY.
Homes for the Homeless, New York, NY.
Homsite Development Corporation, Auburn, NY.
Housing Development Council of Orleans County, Albion, NY.
Hsng. Imprvmnt. Progm., Buffalo, NY.
Hudson River, Inc. Poughkeepsie, NY.
Human Dev Office of Rockville Ctr, New York, Rockville, NY.
Human Development Services, Port Chester, NY.
Interreligious Coalition for Housing, New York, NY.
ISLA Housing and Development Corporation, Rochester, NY.
Jamaica Hsng. Imprvmnt. Inc., Jamaica, NY.
Leviticus 25:23 Alternative Fund, Inc., Ossining, NY.
Longwood Hist. Dist. Cmmty. Assn., Inc., Bronx. NY.
MEGA-Cities Project, New York, NY.
Melita House, Rochester, NY.
Mercy Haven, Inc., Babylon, NY.
Monsignor Robert Fox Memorial Shelter, New York, NY.
NAACP Glen Cove Branch, Glen Cove, NY.
NAACP-Corona East Elmhurst Branch, Corona, NY.
Nazareth Home, Inc., New York, NY.
New York Assn of Homes & Servcs, for the Aging, Albany, NY.
New York City Housing—NAACP Branch, Bronx, NY.
New York State Tenant & Neighborhood Coalition New York, NY.
Ngbrhd Wmn's Project, Syracuse, NY.
Niagara Falls Hsng Auth., Niagara Falls, NY
NY Metro Chap of the Amer Plng. Assn., New York, NY.
Ny Upstate Chap of the Amer Png. Assn., Buffalo, NY.
NYC Coalition on Housing for Disabled People, New York, NY.
NYS Assn. of Renewal & Hsng. Offcls., Inc., Albany, NY.
Onondaga Wmn's Political Caucus, Syracuse, NY.
Ossining Branch NAACP, Ossining, NY.
Paulist Fathers, Scarsdale, NY.
Pelham Hsng. Authority, Pelham, NY.
People's Firehouse, Inc., Brooklyn, NY.
Pratt Ctr. For Cmty & Envrnmntl. Dvlpmnt., Brooklyn, NY.
Pratt Institute, Brooklyn, NY.
Resrce. Ctr. for Accessible Living, Inc., Kingston, NY.
Resurrection House, Inc. Wheatley Heights, NY.
Riverside Church Men's Shelter, New York City, NY.
Rochester Housing Authority, Rochester, NY.
Rondout Valley United Meth. Church, Stone Ridge, NY.
Rural Oppty. Inc. Rochester, NY.
Save the Children Federation, New York, NY.
Sisters of Charity, Bronx, NY.
Southwest Bronx Community Coordinating Council, Bronx, NY.
St. Lawrence County Housing Council, Inc., Canton, NY.
Staten Island Branch NAACP, Staten Island, NY.
Steuben Churchpeople Against Poverty, Inc., Bath, NY.
Syracuse Dental Hygenist Assn., Liverpool, NY.
Syracuse United Ngbrs Westend Coal., Syracuse, NY.
Syracuse-Onondaga NAACP, Syracuse, NY.
Ukter Cnty Cmmty Action, Kingston, NY.
United Church Bd for Homeland Ministries, New York, NY.
United Tenants of Albany, Albany, NY.
Urban League of Long Island, New York, NY.
Urban League of Onondaga Cnty., Syracuse, NY.
Village of St. Johnsville Hsng. Auth., St. Johnsville, NY.
Volunteers of Amer. of Gtr. NY, New York, NY.
Walter Castle, Yonkers, NY.
West Side Federation for Sonion Housing, Inc., New York, NY.
Westchester Cnty Dept. of Plng., White Plains, NY.
Westside Inner City Assn., Syracuse, NY.
White Plains Hsng Info. Serv., Inc., White Plains, NY
YWCA of Ulster Cnty. Kingston, NY
Aftercare Residential Ctr., Lakewood, OH.
American Red Cross Emergency Hsg Program, Dayton, OH.
Appalachian Ohio Public Interest Campaign, Athens, OH.
Assn of OH Philanthropic Homes & Hsg., Columbus, OH.
Aurora Project, Inc., Toledo, OH.
B.L.A.D.E.S., Kent, OH.
Battered Women's Project c/o YWCA, Dayton, OH.
Bethany House, Cincinnati, OH.
C.O.P.E., Inc., Dayton, OH.
Camp Washington Commty Bd, Inc., Cincinnati, OH.
Catholic Community Serv, Lorain, OH.
Catholic Social Services., Dayton, OH.
Christ Life Sanctuary, OH.
Cincinnati Metro. Advsry. Cncil., Cincinnati, OH.
City of University Heights, University Height, OH.
Cleveland Branch NAACP, Cleveland, OH.
Cleveland Health Care for the Homeless, Cleveland, OH.
Cleveland Hsng. Receivership Project, Inc., Cleveland, OH.
Cleveland Tenant's Organization, Cleveland, OH.
Clinton County Low Income Housing Coalition, Wilmington, OH.
CMHA Central Resident Advsry. Cncil., Cleveland, OH.
Collingwood Springs Redevelopment Corp., Toledo, OH.
Columbus Urban League, Columbus, OH.
Corp. for OH Appalachian Dev., The Plains, OH.
Council for Hsng & Rural Dev. Of OH, Columbus, OH.
Ctr. for Ngbrhd. Dev., Cleveland, OH.
Cuyahoga Street Area Block Club, Inc., Akron, OH.
Dayton Central YMCA, Dayton, OH.
Deaconess Krafft Center, Cleveland, OH.
Department of Social Concerns, Columbus, OH.
Dept. of Commty Dvlpmnt., Toledo, OH.
Eastside Cath. Shelter, Cleveland, OH.

Economic Oppty. Plng. Assn., Toledo, OH.
Family Outreach Church United Servcs., Toledo, OH.
Family Service Assn., Dayton, OH.
Findloter Garden Resident Cncil, Cincinnati, OH.
Friends of the Homeless, Columbus, OH.
Gerard Diaz Associates, Columbus, OH.
Governing Bd. of the Srs. of Charity, Mount St. Joseph, OH.
Greater Cincinnati Coalition for the Homeless, Cincinnati, OH.
Heights Commty Congress, Cleveland Heights, OH.
Heritage Preserv. Dvlpmnt. Corp., Cincinnati, OH.
Heritage Preserv. Dev. Corp., Cincinnati, OH.
Homes/Casas, Inc., Fremont, OH.
House My People, Inc., Toledo, OH.
Housing Opportunities Made Equal (HOME), Cincinnati, OH.
Hsng. Action Team, Fremont, OH.
Intercommunity Justice & Peace Ctr., Cincinnati, OH.
Interfaith Home Maintenance Service, Inc., Youngstown, OH.
Jefferson Cnty. Commty. Action Cncil, Inc., Steubenville, OH.
Kemper Lane Apartments Tenant Council, Cincinnati, OH.
Laurel Hmes. Residents Cncil, Cincinnati, OH.
Lima-Allen Community Action Commission, Lima, OH.
Lincoln Ct. Resident Council, Cincinnati, OH.
Lower Price Hill Cmty. Urban Redvlpmnt. Corp., Cincinnati, OH.
Lutheran Soc Servcs. of Central OH, Columbus, OH.
Maximun Independent Living, Cleveland, OH.
Meigs Cnty. Cncil on Agng., Inc., Pomeroy, OH.
Millvalle Resident Cmmty. Cncil., Cincinnatti, OH.
Montgomery Cnty. Chldrn Srvc Bd., Dayton, OH.
Montgomery Cnty. Dev Corp., Dayton, OH.
Montgomerty Co Adult Probation Dept., Dayton, OH.
NAACP, Marion, OH.
NER OH Legal Servcs., Youngstown, OH.
North Fairmount Community Center, Cincinnati, OH.
Nowata Gardens Coop, Chickasha, OH.
OH Chap of the Amer. Plng. Assn., Cincinnati, OH.
OH Farmworker Oppties., Bowling Green, OH.
OH Hsng. Finance Agency, Columbus, OH.
Ohio CDC Association, Cincinnati, OH.
Ohio Coalition for the Homeless, Columbus, OH.
Ohio Hispanic Institute of Opportunity, Inc., Toledo, OH.
Park Eden, Cincinnati, OH.
People Wrking Cooperatively, Inc., Cincinnati, OH.
Professional Housing Services, Inc., Cleveland, OH.
Professional Hsng. Servcs. Inc., Cleveland, OH.
Rehab Project, Lima, OH.
RESTOC, Inc., Cincinnati, OH.
San Marco Resident Cncil, Cincinnati, OH.
Setty Kuhn, Cincinnati, OH.
Share-A-Home Program (Miami Valley), Dayton, OH.
Sisters of Mercy Provence Justice Committee, Cincinnati, OH.
Soc. Just. Cmmtee. of St. Joseph Parish, Springfield, OH.
South Side Settlement, Columbus, OH.
SRD-Ngbrhd. Devlpmnt., Dayton, OH.
Srs. of Charity Health Care Systems, Inc., Cincinnati, OH.
Srs. of Charity/Dayton Region, Dayton, OH.
St. John Social Service Center, Cincinnati, OH.
St. Mark Ev. Lutheran Church, Fremont, OH.
Stanley Rowe "B", Cincinnati, OH.
Teen Connection, Dayton, OH.
The Cincinnati Metro. Residents Advsy Bd., Cincinnati, OH.
The Housing Advocates, Inc., Cleveland, OH.
The Salvation Army-Dayton Central Corp, Dayton, OH.
Union-Miles Dev. Corp., Cleveland, OH.
Walnut Hills Redev. Foundation, Cincinnati, OH.
Winton Terr Resident's Cncil., Cincinnati, OH.
Women Empowered, Dayton, OH.
Young Women's Christian Assn., Dayton, OH.
Zelma George Shelter, Cleveland, OH.
ZEPF, CMHC, Toledo, OH.
Absentee Shawnee Hsng. Auth., Shawnee, OK.
Commission for Just. & Human Dev., Oklahoma City, OK.
Metropolitan Tulsa Urban League, Inc., Tulsa, OK.
Assn. of OR Hsng. Auth., Salem, OR.
Central City Concern, Portland, OR.
City of Springfield, Springfield, OR.
Homestreet, Inc., Hillsboro OR.
Housing Auth. of Portland, Portland, OR.
Hsng. Auth. of Douglas Cnty., Roseburg, OR.
Hsng. Servcs. of OR, Cornelius, OR.
Knight Real Estate Co., Sutherlin, OR.
Lyn Musolf & Associates, Portland, OR.
Marion County Housing Authority, Salem, OR.
Mental Health Assn. of OR, Salem, OR.
Oregon Chapter American Plng. Assn., Albany, OR.
Polk County Housing Authority, Dallas, OR.
Portland Impact, Portland, OR.
Reach Community Development, Inc., Portland, OR.
Shared Hsng., Portland, OR.
Southeast Uplift Neighborhood Program, Portland, OR.
Southwestern Oregon Cmmty. Actn. Cmmttee., North Bend, OR.
Specialized Housing, Inc., Salem, OR.
SWstrn. OR Cmty. Action, Inc., North Bend, OR.
Urban League of Portland, Portland, OR.
Washington Cnty. Mental Health Dept., Hillsboro, OR.
Advocacy Committee for Emergency Services, Philadelphia, PA.
Aliquippa Alliance for Unity & Dev, Aliquippa, PA.
Allied Human Services Association, Inc., New Castle, PA.
Belmont Imprvmnt., Assn., Philadelphia, PA.
Blair Cnty. Hsng. & Redev. Auth., Holidaysburg, PA.
Bradford/Sullivan/Tioga Cnty. Hsng Auth., Blossburg, PA.
Bucks Cnty. Oppty Cncil, INc., Dolestown, PA.
Bucks Cnty. Welfare Rights Org., Bristol, PA.
Bucks Cnty, Childrn. & Youth Soc. Srvcs. Agcy., Doylestown, PA.
Bucks County Housing Group, Inc., Langhorne, PA.
Catherine McAuley Ctr., Scranton, PA.
Catholic Charities-Lancaster Cnslng. Offc., Lancaster, PA.
Christian Housing Inc., Pittsburgh, PA.
City of Allentown, Allentown, PA.
City of Easton, Easton, PA.
City of Phil.—Dept. of Human Services, Philadelphia, PA.
City of Scranton, Scranton, PA.
Clairvaux Commons Inc., Indiana, PA.
Cmmty Technical Asstnce. Ctr. Pittsburgh, PA.
Cmmty. Actn. Cmte. of Lehigh Valley, Inc., Bethlehem, PA.
Cmmty. Energy Dev. Corp., Philadelphia, PA.
Community Development Coalition, Inc., Philadelphia, PA.
Community Housing Resource Board of York, York, PA.
Covenant Community Church, Philadelphia, PA.
Crispus Attucks Assn., York, PA.
Delaware County Housing Committee, Media, PA.
Delaware County Housing Partnership, Inc., Upland, PA.
Delaware Valley Chap.—NAHRO, Philadelphia, PA.
Duquesne Bus, Advsry. Corp., Duquesne, PA.
East Liberty Dev. Inc., Pittsburgh, PA.
Easton Area YWCA, Easton, PA.
Energy Coordinating Agency of Philadelphia, Philadelphia, PA.
Enterprise Zone Corp. of Braddock, Braddock, PA.
Episcopal Community Services, Philadelphia, PA.
Fair Hsng. Cncil. of DE Cnty. Drexel Hill, PA.
Family & Children Serv. of Lancaster Cnty, Lancaster, PA.
Family Service of Montgomery County, Willow Grove, PA.
Fox Ridge Neighbors, Inc., Harrisburg, PA.
Fox Ridge Ngbrs. Inc., Harrisburg, PA.
Franklin Co. Coalition for the Homeless, Chambersburg, PA.
Friends Assn. for Care & Protection of Children, West Chester, PA.
Genesis II, Inc., Philadelphia, PA.
Gilbert Straub Plaza, Inc., Greensburg, PA.
Gray Smith's Office Architects/Planner, Philadelphia, PA.
Harrisburg Cmmty Eco. Affrs. Inc., Harrisburg, PA.
Harrisburg Fair Housing Council, Harrisburg, PA.
Harrisburg Redvlpmnt. Auth., Harrisburg, PA.
Hispanic Housing Inc., York, PA.
Homestead Eco. Revitlztn. Corp., Homestead, PA.
Housing Council of York, Inc., York, PA.
Hsng. Auth. of the Cnty. of Greene, Waynesburg, PA.
Hsng. Dev. Corp., Lancaster, PA.
Immaculate of Mary Inc. (John Paul Plaza), Pittsburgh, PA.
Lehigh Valley Confederation on the Homeless, Bethlehem, PA.
Life Guidance Srvcs., Broomall, PA.
Manchester Citizens Corp., Pittsburgh, PA.
McKeesport Branch, NAACP, McKeesport, PA.
McKeesport Hsng Corp., McKeesport, PA.
Media Fellowship House, Media, PA.
Merch Hospice, Philadelphia, PA.

Mill Creek Cncil., Inc., Philadelphia, PA.

Montgomery County Aging and Adult Services, Norristown, PA.

NAACP Action Branch, Philadelphia, PA.

Nat'l Temple Non-Profit Corp., Philadelphia, PA.

New Kensington Cmmty. Dev. Corp., Philadelphia, PA.

North Light Inc., Philadelphia, PA.

Northumberland Cnty. Hsng. Auth., Milton, PA.

Ogontz & Revitalization Corp., Philadelphia, PA.

Operation Better Block, Inc., Pittsburgh, PA.

PA Assn. of Non-Profit Hmes. for the Aging, Camp Hill, PA.

PA Hsng. Finance Agcy., Harrisburg, PA.

People's Emergency Center, Philadelphia, PA.

Philadelphia Baptist Association, Philadelphia, PA.

Philadelphia Urban Finance Corp., Philadelphia, PA.

Philadelphians Concerned About Hsng., Philadelphia, PA.

Point Breeze Federation, Inc., Philadelphia, PA.

Redevelopmnt. Auth. of the City of McKeesport, McKeesport, PA.

Redevlpmnt. Auth. of Sunbury, Sunbury, PA.

Shared Hsng. Resource Ctr., Philadelphia, PA.

Shenango Valley Urban League, Inc., Sharon, PA.

Sisters of Mercy, Merion Station, PA.

Sisters of Mercy, Province of Scranton, Dallas, PA.

South Philadelphia NAACP, Philadelphia, PA.

Spanish American Center of York, York, PA.

Srs. of Mercy of Alleg. Cnty., Pittsburgh, PA.

St. Ambrose Manor-Christian Housing, Pittsburgh, PA.

St. Francis Plaza, Pittsburgh, PA.

St. Justin Plaza, Inc., Pittsburgh, PA.

St. Theresa Plaza, Inc., Minnhall, PA.

St. Thomas More Manor, Bethel Park, PA.

SW Task Force, Inc., Philadelphia, PA.

Tenants Action Group of Philadelphia, Philadelphia, PA.

The Brashear Assn., Pittsburgh, PA.

The Salvation Army Red Shield, Philadelphia, PA.

Uptown Snr. Citizens Ctr., Inc., Harrisburg, PA.

Urban League of Philadelphia, Philadelphia, PA.

Urban Redelpmnt. Auth. of Pittsburgh, Pittsburgh, PA.

VISION, Wilkes Barre, PA.

Westmoreland Human Opportunities, Inc., Greensburg, PA.

Women of Hope, Philadelphia, PA.

Women's Agenda, Philadelphia, PA.

York Area Development Corporation, York, PA.

York HABITAT for Humanity, Inc., York, PA.

Young Women's Christian Assn., Williamsport, PA.

Desarrollos Metalarte, Inc., Coamo, PR.

Coalition for Consumer Justice, Woonsocket, RI.

Elmwood Neighborhood Housing Services, Providence, RI.

Family Housing Development Corp., Providence, RI.

Good News Housing, Providence, RI.

Hsng. Auth. of the City of Woonsocket, Woonsocket, RI.

John Hope Settlement House/Project BASIC, Providence, RI.

Joslin Community Development Corp., Providence, RI.

Manton Heights Tenant Assoc., Providence, RI.

RI Assn. of Executive Directors for Hsng., Woonsocket, RI.

RI Community Reinvestment Association, Providence, RI.

Shelter Services, Inc., Warwick, RI.

Smith Hill Center, Providence, RI.

St. Lucy Paris Cmmty. Actn. Cmtee., Middletown, RI.

St. Michael's Parish, Providence, RI.

St. Vincent de Paul Diocese Cncil., Providence, RI.

Stop Wasting Abandoned Property (SWAP), Providence, RI.

The Rhode Island Community Reinvestment Assoc., Providence, RI.

Travelers Aid Society of Rhode Island, Providence, RI.

Greenville, Cnty. Redev. Auth., Greenville, SC.

Hsng. Auth. of Charleston, Charleston, SC.

Hsng. Auth. of Columbia, Columbia, SC.

Hsng. Auth. of Aiken, Aiken, SC.

Hsng. Auth. of Anderson, Anderson, SC.

Hsng. Auth. of Columbia, SC., Columbia, SC.

Pee Dee Cmmty. Action Agcy., Florence, SC.

SC Chap. Amer. Plng. Assn., Lexington, SC.

SC Cmmty. Devlpmnt. Assn., Greenwood, SC.

The Grtr. Columbia Cmmty. Reltns. Cncil., Columbia, SC.

Sisseton Wahpeton Sioux Tribe, Sisseton, SD.

Associated Cath. Char., Inc., Memphis, TN.

Catholic Diocese of Memphis Housing Corp., Memphis, TN.

Knoxville's Cmmty Dvlpmnt. Corp., Knoxville, TN.

Mid-South Peace & Justice Ctr., Memphis, TN.

Mntn. Communities Child Care & Dvlpmnt. Crt, Duff, TN.

Model Valley Economic Development Corporation, Clairfield, TN.

Mountain Women's Exchange, Jellico, TN.

Rural Cumberland Resources, Crossville, TN.

Southern Ngbrhds Network, Nashville, TN.

TN Chap of the Amer. Plng. Assn., Memphis, TN.

Woodland Community Land Trust, Clearfield, TN.

(Third Ward) SE Area Cncil., Houston, TX.

Cameron Cnty Hsng. Auth., Brownsville, TX.

Cath. Family Services, Inc., Lubbock, TX.

City of Dallas Cmmty Dev. Advsry. Cmmttee., Dallas, TX.

Cmmty. Hsng. & Economic Dvlpmnt. Inc, Brownsville, TX.

Coal for the Homeless Houston/Harris Cnty., Houston, TX.

Ctr. for Hsng. Resources, Inc., Dallas, TX.

Hsng. Auth of the City of McAllen, McAllen, TX.

Hsng. Auth. of the City of Del Rio, Del Rio, TX.

Hsng. Auth. of the City of Dilley, Dilley, TX.

Hstn. Res. Cit. Partic. Commission, Houston, TX.

NAACP, Cameron, TX.

NAACP Houston Texas, Houston, TX.

NAACP, H. Boyd Branch, Corpus Christi, Corpus Christi, TX.

OPEIU–277, Dallas, TX.

San Antonio Dvlpmnt. Agcy., San Antonio, TX.

Texas Chapter-NAHRO, Fort Worth, TX.

Texas Tenants Union, Dallas, TX.

TX Alliance for Human Needs, Austin, TX.

TX Chap of the American Plng, Assn., Bellaire, TX.

Urban Progress Corp., San Antonio, TX.

Urban Renewal Agency, San Antonio, TX.

Native Amer. Cath. Diocesan Commission, Salt Lake City, UT.

Peace & Justice Commission, Salt Lake City, UT.

Sacred Heart Church, Salt Lake City, UT.

Salt Lake Citizens' Congress, Salt Lake City, UT.

Salt Lake Neighborhood Housing Services, Salt Lake City, UT.

Travelers Aid Society, Salt Lake City, UT.

Utah Chap of Amer Plng Assn., Farmington, UT.

Utah Housing Coalition, Salt Lake City, UT.

Utah Independent Living Ctr., Salt Lake City, UT.

Westside Youth Project-NHS, Salt Lake City, UT.

Alexandria Low Income Hsng Coal, Alexandria, VA.

Alexandria United Way, Alexandria, VA.

Arlington-Alexandria Coal for the Homeless, Arlington, VA.

Burke Lake Gardens, Burke, VA.

Cath. Char. of the Diocese of Arlington, Inc., Arlington, VA.

City of Portsmouth, Portsmouth, VA.

Ctr. for New Creation, Arlington, VA.

Dungannon Development Commission, Inc., Dungannon, VA.

Freedom House, Richmond, VA.

Gainsboro Ngbrhd. Dev. Corp., Roanoke, VA.

Greensville County NAACP, Emporia, VA.

Guildfield Hghts. Apts., Chatham, VA.

Heritage Flwship United Church of Christ, Reston, VA.

Lee Gardens Tenants Assn., Arlington, VA.

Louisa County Branch NAACP, Louisa, VA.

Mayor's Foundation Ad Hoc Cmtee., Chesapeake, VA.

Mayor's Low Income Hsng Incentives Cmtee., Chesapeake, VA.

Mayor's Task Force on Poverty, Chesapeake, VA.

McClure River Valley Community Service, Nory, VA.

Micah Hsng. Inc., Alexandria, VA.

Partners in Planning, Alexandria, VA.

Reston Interfaith, Inc., Reston, VA.

Robert Pierre Johnson Housing Development Corp., Arlington, VA.

Saunders B. Moon Cmmty Action Assn., Inc., Alexandria, VA.

Tenants of Arlington, Cnty., Arlington, VA.

The Daily Planet, Richmond, VA.

The STOP Organ., Norfolk, VA.

VA Assn. of Hsng. & Cmmty Dev Offc., Norfolk, VA.

VA Beach Dept. of Hsng. Cmmty. Dev., Virginia Beach, VA.

VA Chap of the Amer Plng. Assn., West Point, VA.

Virginia Mountain Housing, Christiansburg, VA.

Washington Plaza Baptist Church, Reston, VA.

Wesley Hsng. Devlpmnt. Corp., Alexandria, VA.
Burlington Community Land Trust, Burlington, VT.
Burlington Hsng. Auth., Burlington, VT.
City of Winooski, Winooski, VT.
Lake Champlain Housing Development Corp., Winooksi, VT.
Montpelier Cmmty Devlpmnt. Agncy., Montpelier, VT.
SE VT Cmmty Action, Bellows Falls, VT.
Vermont Housing Finance Agency, Burlington, VT.
VT State Hsng Auth., Montpelier, VT.
Appalachian S Folklife Ctr., Pipestem, WA.
Bellingham Hsng. Augh/Whatcom Cnty Hsng Auth., Bellingham, WA.
Catholic Charities, Seattle, WA.
City of Seattle (Dept of Cmmty Dvlpmnt.), Seattle, WA.
First Presbyterian Church, Everett, WA.
Fremont Public Assn., Seattle, WA.
Hsng. Auth City of Walla Walla, Walla Walla, WA.
N. Snottomish Cnty. Assn of Churches, Everett, WA.
Our Savior Luthern Church, Everett, WA.
Seattle Hsng. Authority, Seattle, WA.
Seattle Urban League, Seattle, WA.
Seattle-Chinatown Int'l District, Seattle, WA.
Sisters of Providence-Sacred Heart Province, Seattle, WA.
Social Justice Immaculate Conception Parish, Arlington, WA.
St. Cecilia Church, Stanwood, WA.
Stillaguamish Snr. Ctr., Arlington, WA.
Strawberryfield Center, Marysville, WA.
Volunteers of America, Everett, WA.
WA Assn. For Cmmty Eco. Dev., Seattle, WA.
WA Chap of the Amer. Plng. Assn., Seattle, WA.
WA State Dept. of Cmmty. Devlpmnt., Olympia, WA.
Whatcom Self Help Homes, Ferndale, WA.
ADVOCAP, INC., Fond du Lac, WI.
Amery Area Senior Citizens, Inc., Amery, WI.
Bangor Rockland Senior Citizens, Bangor, WI.
Bayview Terrace, Inc., Sturgeon Bay, WI.
Cable Senior Citizens Association, Cable, WI.
Cable Snr. Cit. Assn., Cable, WI.
CAP Services Inc., Stevens Point, WI.
Catholic Social Services, Milwaukee, WI.
Chippewa Dept of Aging, Chippewa Falls, WI.
Coalition of Wisconsin Aging Groups, Madison, WI.
Common Wealth Dev Inc., Madison, WI.
Community Relations-Social Development Comm., Milwaukee, WI.
Cornell Senior Citizens, Cornell, WI.
Cuba City Apartments, Inc., Cuba City, WI.
Dave Cnty Hsng Auth., Madison, WI.
Daystar, Inc., Milwaukee, WI.
Eastman Senior Citizens Club, Eastman, WI.
Elderly Energy Pathfinders of Wisconsin Gas, Milwaukee, WI.
Foundation for Rural Housing, Inc., Madison, WI.
Geriatrics Institute, Milwaukee, WI.
Golden Age Club Senior Ctr., Pulaski, WI.
Gray Panthers, Madison, WI.
Kenasha County Retired Teachers Association, Kenosha, WI.
Lakeshore CAP, Inc., Washington Island, WI.
Local 150, Service Employees International, Milwaukee, WI.
Madison Mutual Hsng. Assn., Madison, WI.
Madison Senior Citizens Advisory Committee, Madison, WI.
Menasha Senior Multi-Purpose Center, Menasha, WI.
Peshtigo Senior Citizens, Peshtigo, WI.
Phelps Senior Citizens, Inc., Phelps, WI.
Pulaski Senior Nutrition Program, Pulaski, WI.
Redgranite Friendship Club, Redgranite, WI.
S.E.R.V.E., Eagle River, WI.
SE WI Hsng Corp., Burlington, WI.
Senior Affiliates of Congregating United, Milwaukee, WI.
Senior Citizens of Spring Valley, Spring Valley, WI.
Sisters of St. Francis of Assisi, Milwaukee, WI.
Social Development Commission, Milwaukee, WI.
South Community Organization, Milwaukee, WI.
St. Francis Interfaith Prog. for Elderly, Cudahy, WI.
Superior Hsng. Auth., Superior, WI.
Vilas County Commission on Aging, Eagle River, WI.
West Central Wisconsin CAA, Inc., Glenwood City, WI.
Westside Hsng. Cooperative, Milwaukee, WI.
WI Chap. of the Amer. Plng. Assn., Milwaukee, WI.
Wisconsin Community Action Program Assn., Madison, WI.
Wisconsin Council on Human Concerns, Madison, WI.
Wisconsin Energy and Older Adult Network, Milwaukee, WI.
Wisconsin Nutrition Project, Inc., Madison, WI.
Wisconsin Partnership for Housing Development, Madison, WI.
Appalachian South Folklife Center, Pipestem, WV.
Clarksburg Hsng. Authority, Clarksburg, WV.
Upper Room Simpson United Church, Charleston, WV.
WV Chap of the Amer. Plng. Assn., Flat Top, WV.
Casper Hsng. Authority, Casper, WY.
Rock Springs Hsng. & Cmmty. Dvlpmnt., Rock Springs, WY.

NATIONAL ORGANIZATIONS

Organization, city, and State:
AAHA, Washington, DC.
ACORN, Washington, DC.
Amer. Fed. of State, Cnty. & Municipal Empl., Washington, DC.
Amer. Instit, of Certfd. Planrs., Washington, DC.
Amer. Youth Work Ctr., Washington, DC.
American Association of Retired Persons (AARP), Washington, DC.
American Baptist Church, USA, Washington, DC.
American Institute of Architects, Washington, DC.
Americans for Democratic Action, Inc., Washington, DC.
Assn. of Local Hsng. Finance Agencies, Washington, DC.
City of Fresno c/o Floyd Hyde Associates, Washington, DC.
Community Information Exchange, Washington, DC.
Consortium for Services to Homeless Families, Washington, DC.
Consumer Federation Of America, Washington, DC.
Council of Jewish Federations, Washington, DC.
Council of State Community Affairs Agencies, Washington, DC.
Friends of Vista, Washington, DC.
League of Wmn. Vtrs. of the U.S., Washington, DC.
Lutheran Office for Governmental Affairs, Washington, DC.
Nat'l. Assn. of Hsng. Cooperatives, Washington, DC.
Nat'l. Capital Area Chap.-Amer. Planning Assn., Washington, DC.
Nat'l. Caucus & Ctr. on Black Aged, Inc., Washington, DC.
Nat'l. Cncil. for Eco. Dvlpment., Washington, DC.
Nat'l. Corp. for Housing Partnerships, Washington, DC.
Nat'l. Ctr. for Urban Ethnic Affrs., Washington, DC.
Nat'l. Inst. of Snr. Hsg. of the Nat'l. Cncil/Ag. Washington, DC.
National American-Indian Housing Council, Washington, DC.
National Assn of Community Action Agencies, Washington, DC.
National Association of Housing Cooperatives, Washington, DC.
National Coalition for the Homeless, Washington, DC.
National Community Action Foundation, Washington, DC.
National Congress of American Indians, Washington, DC.
National Cooperative Business Association, Washington, DC.
National Council of La Raza, Washington, DC.
National Council on Aging, Washington, DC.
National Farmers Union, Washington, DC.
National Housing Conference, Washington, DC.
National League of Cities, Washington, DC.
National Leased Housing Association, Washington, DC.
National Low Income Housing Coalition, Washington, DC.
National Neighborhood Coalition, Washington, DC.
National Puerto Rican Coalition, Washington, DC.
National Rural Housing Coalition, Washington, DC.
National Urban League, Washington, DC.
Neighborhood Housing Services of America, Washington, DC.
Network: A Cath. Soc. Just Lobby, Washington, DC.
Planners Network, Washington, DC.
Rural Coalition, Washington, DC.
The Committee for Food and Shelter, Inc., Washington, DC.
The Cooperative Hsng. Foundation, Washington, DC.
U.S. Conference of Mayors, Washington, DC.
Union of American Hebrew Congregations, Washington, DC.
United Church of Christ-Ofc. for the Church, Washington, DC.
United Jewish Appeal-NY Federation, Washington, DC.
United Meth. Church-Gnrl. Bd. of Church & Soc., Washington, DC.
Council of Large Public Housing Authorities, Boston, MA.
Jobs for Peace (Nat'l. Offc.), Boston, MA.
City of Baltimore, Baltimore, MD.

McAuley Institute, Silver Spring, MD.
Sisters of Mercy of the Union, Silver Spring, MD.
National Housing Institute, Orange, NJ.
Asian Americans for Equality, New York, NY.
Local Initiatives Support Corp., New York, NY.
Volunteers of America, New York, NY.
National Church Residences, Columbus, OH.
Nat'l. Assn. of Independent Liv. Ctrs., Arlington, VA.

THE OPERATING CONDITION OF THE PANAMA CANAL

● Mr. LEVIN. Mr. President, last month during the consideration of the State Department authorization, which the Senate passed on October 8, there was an amendment considered which related to the Panama Canal treaties. The Senate tabled this amendment.

During the debate over this amendment, however, there were statements made concerning the deteriorating condition of the Panama Canal. Mr. President, I'd like to submit for the RECORD a letter I received from Mr. William R. Gianelli, the Chairman of the Board of Directors of the Panama Canal Commission, which addresses the concerns expressed by some Senators about the condition of the canal.

Mr. President, I ask that the letter be printed in the RECORD.

The letter follows:

BOARD OF DIRECTORS,
PANAMA CANAL COMMISSION,
October 30, 1987.

Hon. CARL LEVIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR LEVIN: During a recent debate on the Senate floor, statements were made concerning "the deteriorating condition of the Panama Canal." As Chairman of the Panama Canal Commission's Board of Directors, I wish to assure you and the other members of the Senate that the Panama Canal is in excellent operating condition.

Primary responsibility for implementing the appropriate programs and overseeing U.S. stewardship of the Panama Canal lies with its Board of Directors—five U.S. and four Panamanian members—will remain unchanged through the life of the Treaty. In addition to the U.S. Chairman, the nine member binational Board includes four other U.S. members with experience in U.S. maritime, port and labor matters. The current U.S. members were appointed by President Reagan, with the advice and consent of the Senate.

The members of the Board are proud of our responsibility and believe that all necessary Canal modernization and maintenance programs are being accomplished. Since the implementation of the Panama Canal Treaty in 1979, over half a billion dollars has been invested directly on the waterway. High mast lighting has been installed at all locks, extending the number of hours during which large vessels can transit; locks towing locomotive and tugboat fleets have been expanded and modernized; segments of the Canal have been widened and straightened and the channel has been deepened by three feet; a vessel tie-up station has been constructed in Gaillard Cut which permits more effective utilization of the Pacific locks; installation of a synchro-lift or elevator type drydock improves our ability to maintain and repair Commission equipment; reservoir management and weather monitoring capabilities have been significantly improved; and a new computerized marine traffic control system has been installed which facilitates the movement of transiting vessels. As a result of these and many other cumulative efforts, the Canal, today, is modern and efficient.

Perhaps the best evidence that these improvement programs are working is our Canal traffic record. Canal business has been increasing and most major traffic elements approached or exceeded all time highs during fiscal year 1987. More than 12,000 ships, carrying nearly 150 million tons of cargo and paying a record $330 million in tolls, passed through the waterway last year.

Looking to the future, shipbuilding trends and trade patterns indicate that the Canal will remain an important conduit for world commerce. Accordingly, we are moving ahead with additional improvements to meet expected requirements. We are proud of the fact that all Canal operations are financed from tolls collected from ships transiting the Canal and that the U.S. taxpayer is not called upon to help finance the operations.

I am confident about the future of the Panama Canal and its continuing role in world trade. Please be assured that the Panama Canal Commission is committed to taking all necessary steps to ensure that the Canal will continue to provide the international shipping community with efficient, cost-effective transit service.

Sincerely,

WILLIAM R. GIANELLI,
Chairman.●

THE CHILD ABUSE PREVENTION AND TREATMENT ACT REAUTHORIZATION OF 1987—S. 1663

● Mr. HARKIN. I am pleased that the Senate yesterday passed S. 1663, the Child Abuse Prevention and Treatment Act Reauthorization of 1987. I would like to commend the distinguished chairman of the Subcommittee on Children, Family, Drugs, and Alcoholism for addressing this important matter. Senator DODD has been a tireless advocate for all children and families, and particularly for those children and families which are sadly the subject of this legislation. Since passage of the Child Abuse Prevention and Treatment Act in 1974, the seriousness of family violence in America has become apparent to us all—thanks largely to persons like Senator DODD and his staff.

S. 1663 addresses family violence, adoption opportunities, and child abuse. I am especially pleased that this legislation creates a new demonstration priority aimed at increasing the participation of minority families in adoption. Moreover, this legislation provides for post legal adoption services to increase the availability of services for adoptive families with special needs children after the adoption has been legalized.

In addition, S. 1663 includes an amendment, which I proposed, which mandates a study of the incidence of abuse of children with disabilities, including children in out-of-home placements, as well as the relationship between child abuse and children's handicapping conditions. This study will also examine the incidence of children who have developed handicapping conditions as the result of child abuse and neglect.

Mr. President, child abuse is a serious public policy issue which will not go away by itself. Child abuse and other forms of family violence do not discriminate on the basis of race, religion, origin, sex, or handicapping condition. I applaud the efforts of the members of the Subcommittee on Children for their commitment to protect this Nation's most valuable assets: our children and our families. Through initiatives to promote the adoption of special needs children, as well as to improve post adoption services, I am hopeful that this legislation will help decrease the incidence of child abuse and increase the number of happy adoptive homes.●

THE BRAUNS ARE REUNITED

● Mr. LEVIN. Mr. President, today we have welcomed to the Nation's Capital, Svetlana Braun, a young woman who has been married for 3 years to Keith Braun of Southfield, MI. After a long, heartbreaking struggle, she was allowed to leave the Soviet Union and join her husband here.

We thank the Government of the Soviet Union for finally issuing an exit visa to Svetlana, and we wish this young couple all the best as they start a new life together.

At the same time, we note that Ida Nudel and Maria and Vladimir Slepak have very recently arrived in Israel. There they have joined many of their long-time friends and fellow refuseniks. We are all grateful that they have realized their dreams—dreams they have nurtured for more than 15 years.

We look forward to greeting other divided spouses and refuseniks, such as Abe Stolar and Alexander Lerner, whose cases date back to 1975 and 1971, respectively; and former prisoners such as Leonid Volkovsky and Alexei Magarik. It will be a great day when the terms "refusenik," "divided spouse," and "prisoner of conscience" no longer have to be a part of our vocabulary.●

UNANIMOUS-CONSENT AGREEMENT—REGULATIONS FOR THE PREVENTION OF POLLUTION BY GARBAGE FROM SHIPS

Mr. BYRD. Mr. President, as in executive session, I ask unanimous consent that when the Senate proceeds to the consideration of the treaty on regulations for the prevention of pollution by garbage from ships, treaty 100-3, the treaty be considered as having passed through its various parliamentary stages up to and including the presentation of the resolution of ratification; provided further, that when the resolution of ratification is pending there be 20 minutes for debate on the resolution to be equally divided and controlled in the usual form; provided further, that there be one amendment by the Senator from Texas [Mr. BENTSEN] in order, that there be 20 minutes for debate on that amendment to be equally divided and controlled in the usual form, that that be the only amendment in order; and I ask unanimous consent further that immediately following the disposition of the amendment the question occur on the adoption of the resolution of ratification without intervening motion or action of any kind; provided further, that there be 10 minutes to be equally divided on any debatable motion or appeal or point of order, and provided finally that the agreement in every respect be in the usual form, that on any motion to reconsider there be no time for debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY

ADJOURNMENT UNTIL 9 A.M.

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 9 o'clock tomorrow morning.

Mr. President, I ask unanimous consent that when the Senate convenes tomorrow it convene at the hour of 9 o'clock a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE TOMORROW

Mr. BYRD. Mr. President, I ask unanimous consent that the time of the two leaders tomorrow be waived under the standing order; and, that following the prayer there be not to exceed 2 minutes of morning business; that upon the expiration thereof, the Senate go into executive session to consider the treaty No. 100-3, the treaty on regulations for the prevention of pollution by garbage from ships; and that upon the disposition of the treaty the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

CALL OF THE CALENDAR WAIVED

Mr. BYRD. Mr. President, I ask unanimous consent that no motions or resolutions over under the rule come over tomorrow and that the call of the calendar be waived.

The PRESIDING OFFICER. Without objection it is so ordered.

THE CALENDAR

Mr. BYRD. Mr. President, I inquire of the distinguished acting Republican leader, Mr. WILSON, as to whether or not Calendar Orders numbered 397, 418, 419, 420, and 421 have been cleared on his side of the aisle.

Mr. WILSON. Mr. President, those items, Calendar Orders numbered 397, 418, 419, 420, and 421 have been cleared on this side.

CALENDAR ORDERS CONSIDERED EN BLOC AND AGREED TO EN BLOC

Mr. BYRD. Mr. President, I ask unanimous consent that the foregoing calendar orders be considered en bloc, agreed to en bloc, with the amendments shown as agreed to, and with the amendments to the preambles agreed to, as shown, that statements be included in the RECORD as fully read, and that the motion to reconsider en bloc be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENSE OF THE CONGRESS REGARDING INABILITY OF AMERICAN CITIZENS TO MAINTAIN CONTACT WITH RELATIVES IN THE SOVIET UNION

The concurrent resolution (H. Con. Res. 68) expressing the sense of the Congress regarding the inability of American citizens to maintain regular contact with relatives in the Soviet Union, was considered, and agreed to.

The preamble was agreed to.

NATIONAL VISITING NURSE ASSOCIATION WEEK

The Senate proceeded to consider the joint resolution (S.J. Res. 172) to designate the period commencing February 21, 1988, and ending February 27, 1988, as "National Visiting Nurse Association Week", which had been reported from the Committee on the Judiciary, with an amendment:

On page 3, line 5, strike "Association", and insert in lieu thereof "Associations".

The amendment was agreed to.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, as amended, and the preamble, are as follows:

S.J. RES. 172

Whereas Visiting Nurse Associations have served homebound Americans since 1885;

Whereas such Associations annually provide home care and support services to nearly 1,000,000 men, women, children, and infants;

Whereas such Associations serve 504 urban and rural communities in 47 States;

Whereas such Associations adhere to high standards of quality and provide personalized and cost-effective home health care and support regardless of the individual's ability to pay;

Whereas such Associations are voluntary in nature, independently operated, and community-based;

Whereas such Associations ensure the quality of care through oversight provided by professional advisory committees composed of local physicians and nurses;

Whereas such Associations enable hundreds of thousands of Americans to recover from illness in the comfort and security of their homes;

Whereas such Associations ensure that individuals who are chronically ill or who have physical and mental handicaps receive the therapeutic benefits of care and support services provided in the home;

Whereas, in the absence of such Associations, thousands of patients with mental or physical handicaps or chronically disabling illnesses would have to be institutionalized;

Whereas such Associations provide a wide range of services, including (where appropriate) health care, hospice care, personal care, homemaking, occupational, physical, and speech therapy, "friendly visiting services", social services, nutritional counseling, specialized nursing services, and meals on wheels;

Whereas such Associations offer nursing care provided by registered nurses, homemaking, therapy, and social services by qualified specialists, and "friendly visiting services" by volunteers;

Whereas in each community served by such Associations, local volunteers support the Association by serving on the board of directors, raising funds, visiting patients in their homes, assisting patients and nurses at wellness clinics, delivering meals on wheels to patients, running errands for patients, working in the Association's office, and providing tender loving care;

Whereas the need for home health care for young and old alike continues to grow annually; and

Whereas on February 23, 1988 a national meeting of Visiting Nurse Associations from throughout the United States will be held in Innisbrook, Florida; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the period commencing February 21, 1988, and ending February 27, 1988, is designated as "National Visiting Nurse Associations Week," and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate programs, ceremonies, and activities.

The title was amended so as to read "Joint resolution to designate the period commencing February 21, 1988, and ending February 27, 1988, as "National Visiting Nurse Association Week".

NATIONAL FOOD BANK WEEK

The joint resolution (S.J. Res. 200) to designate the period commencing on November 8, 1987, and ending on November 14, 1987, as "National Food Bank Week," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The amendment to the preamble was agreed to.

The preamble, as amended, was agreed to.

The joint resolution, and the preamble, as amended, are as follows:

S.J. Res. 200

Whereas an influential report has indicated that at least 20 million Americans go hungry at some time during every month, even though America is a land of abundant food resources;

Whereas the assistance of the private sector is needed to meet the increasing demands of families, children, the elderly, unemployed workers, and the homeless for food;

Whereas an extraordinary yearlong effort to feed the hungry is being coordinated by Second Harvest, America's Food Bank Network;

Whereas the 200 local food banks of the non-profit Second Harvest network are committed to channeling the surplus products of food manufacturers and retailers to the needy;

Whereas Second Harvest food banks rely upon the generous donations of hundreds of national food corporations, thousands of local food companies, and millions of concerned individuals;

Whereas in 1986 Second Harvest was able to distribute 352 million pounds of wholesome, nutritious food valued at $500,000,000 to 38,000 charitable feeding programs nationwide; and

Whereas the upcoming Thanksgiving season is a time not only to count one's own blessings, but to support those who are extending a helping hand to their fellow Americans: Now, therefore, be it:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the period commencing on November 8, 1987, and ending on November 14, 1987, is designated as "National Food Bank Week", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe such week with appropriate ceremonies and activities.

COMMENDING THE CZECHOSLOVAK ORGANIZATION CHARTER 77 ON ITS 10TH ANNIVERSARY

The concurrent resolution (S. Con. Res. 31) commending the Czechoslovak human rights organization charter 77, on the occasion of the 10th anniversary of its establishment, for its courageous contributions to the achievement of the aims of the Helsinki Final Act, was considered and agreed to.

The preamble was agreed to.

The concurrent resolution, and the preamble, are as follows:

S. Con. Res. 31

Whereas on August 1, 1975, the Final Act of the Conference on Security and Cooperation in Europe was signed at Helsinki, Finland, by thirty-three European states, together with Canada and the United States;

Whereas the signatories of the Helsinki Final Act committed themselves under principle VII to "respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language, or religion";

Whereas principle VII specifically confirms the "right of the individual to know and act upon his rights and duties" in the field of human rights, and principal IX confirms the relevant and positive role organizations and persons can play in contributing toward the achievement of the aims of the Helsinki Final Act;

Whereas the Helsinki Final Act raised the expectations of the peoples of Czechoslovakia for greater observance and human rights by the Government of Czechoslovakia, and engenered the formation of Charter 77 in 1977 as a mechanism whereby private citizens could maintain a dialog with that Government;

Whereas since 1977, when two hundred and fifty-seven people signed the Charter 77 manifesto, the number of signatories has risen to over one thousand;

Whereas in April 1978, Charter 77 signatories founded the working group VONS, the Committee for the Defense of the Unjustly Persecuted, which complements the work of Charter 77;

Whereas Charter 77 has informed many in the West of important developments in Czechoslovak society and the world, and it has willingly engaged in dialog with other East European activists, as well as West European organizations and individuals;

Whereas individuals involved in Charter 77 and VONS activities have spoken out honestly and forthrightly in a society beset by routine human rights violations, and they have done so at the risk—and sometimes the certainty—of imprisonment, exile, harassment, and other punishment by the Government of Czechoslovakia;

Whereas the Government of Czechoslovakia persecutes not just the people actively involved in Charter 77's activities, but also family members, including children;

Whereas at present, seven signatories of the Charter 77 manifesto are serving prison terms or are in detention: Walter Kania, Frantisek Veis, Jiri Wolf, Lenka Marechova, Stanislav Pitas, Herman Chromy, and Jan Dus; and

Whereas January 1987 marks the tenth anniversary of the establishment of Charter 77: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) commends the Czechoslovak human rights organization Charter 77, on the occasion of the tenth anniversary of its establishment of the aims of the Helsinki Final Act;

(2) calls upon the Government of Czechoslovakia to cease its persecution of those involved in Charter 77 and other human rights activities; and

(3) commends the United States representatives to the Vienna Review Meeting of the Conference on Security and Cooperation in Europe for raising with the representatives of the Government of Czechoslovakia the issue of the persecution of those involved in Charter 77 and other human rights activities, and encourages them to continue to raise this issue.

DISTRIBUTION OF FILM ENTITLED "AMERICA THE WAY I SEE IT"

The bill (H.R. 3428) to provide for the distribution within the United States of the film entitled "America The Way I See It," was considered, ordered to a third reading, read the third time, and passed.

NATIONAL FOOD BANK WEEK

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate turn to the immediate consideration of House Joint Resolution 368 to designate the week beginning November 8, 1987, as "National Food Bank Week" just received from the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 368) designating the week of November 8 through November 14, 1987, as "National Food Bank Week".

There being no objection, the Senate proceeded to the immediate consideration of the joint resolution.

Mr. DIXON. Mr. President, I rise today to applaud the vital work performed by food banks, charities, pantries, soup kitchens, shelters, and congregate feeding sites. Their outstanding achievements focus attention on a serious problem which, unfortunately, receives far too little attention.

Hunger and homelessness are a national disgrace and the problems are not diminishing. For millions of Americans, hunger is a tragic fact of life. In the Chicago area alone, there are over 800,000 people who are at risk of being hungry. On the national level, over 20 million Americans, including 4 million children face malnourishment. Mr. President, hunger and homelessness are rising at an epidemic level, and requests for hunger assistance throughout our Nation are urgent.

Those involved in the Nation's food bank network, as well as the thousands of charities, pantries, soup kitchens, shelters, and congregate feeding sites have done an outstanding job. The dedication and commitment of all those involved, from the volunteers at the grass-roots level to the executives of the national corporations which donate food, help ensure that the vital objectives of these programs will be accomplished.

Today there is a national network of food banks, spearheaded by Second Harvest. During 1986 Second Harvest collected and distributed 128.5 million pounds of nutritious food. Hundreds of national food companies, local manufacturers, supermarket chains, and canned food drives throughout our country participate in this food network. The Second Harvest national food bank network reached more than 38,000 agencies serving the hungry in their communities.

I commend the work of all these compassionate people, and the groups and agencies which they represent. Through National Food Bank Week it is my hope that we can increase the public's awareness of the serious problem posed by hunger in America. In addition, it pays tribute to the thousands of dedicated individuals whose tireless work contributes to the eventual eradication of this terrible problem.

The upcoming holidays give impetus to the need for combining efforts at the local, State, and national levels to bring food to the needy. We must continue to build a corporate-public partnership program to aid those less fortunate.

Mr. President, the sad part is that we had this problem licked once. As a nation, we Americans first became aware that many of our citizens were hungry and malnourished when thousands of men were rejected for service on those grounds during World War II. Programs were put in place which worked to virtually eliminate hunger and malnutrition across our bountiful land. We did the job then. We must do it again—now.

The PRESIDING OFFICER. The joint resolution is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the joint resolution.

The joint resolution (H.J. Res. 368) was ordered to a third reading, was read the third time, and passed.

The preamble was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. WILSON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, is the bill H.R. 2939 at the desk?

The PRESIDING OFFICER. The bill, H.R. 2939, is at the desk.

Mr. BYRD. I thank the Chair.

APPOINTMENT OF CONFEREES ON H.R. 2939—INDEPENDENT COUNSEL REAUTHORIZATION ACT

Mr. BYRD. Mr. President, I ask that the Chair lay before the Senate H.R. 2939, the independent counsel reauthorization bill.

The Presiding Officer laid before the Senate H.R. 2939.

"An Act to amend title 28, United States Code, with respect to the appointment of independent counsel.

Mr. BYRD. Mr. President, I move that the Senate insist upon its amendments to H.R. 2939, the independent counsel reauthorization bill, that the Senate request a conference with the House on the disagreeing votes between the two Houses and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. GLENN, Mr. LEVIN, and Mr. COHEN.

MEDICARE COMPREHENSIVE HEALTH CARE ACT—H.R. 2470

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate amendment to H.R. 2470, the Catastrophic Health Care Insurance Act, be printed as passed.

The PRESIDING OFFICER. Without objection, it is so ordered.

FINAL REPORT OF THE SELECT COMMITTEE ON SECRET MILITARY ASSISTANCE TO IRAN AND THE NICARAGUAN OPPOSITION

Mr. BYRD. Mr. President, I ask unanimous consent that notwithstanding the provisions of section 9(a) of the Senate Resolution 23, the Select Committee on Secret Military Assistance to Iran and the Nicaraguan Opposition shall make its final report to the Senate on or before November 17, 1987.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATIONS FOR PRINTING

H. CON. RES. 140: TO AUTHORIZE THE PRINTING OF MATERIALS ENTITLED "GUIDE TO RESEARCH COLLECTIONS OF FORMER MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES, 1789-1987"

H. CON. RES. 177: TO AUTHORIZE THE PRINTING OF THE COMPILATION OF MATERIALS ENTITLED: "GUIDE TO RECORDS OF THE U.S. HOUSE OF REPRESENTATIVES AT THE NATIONAL ARCHIVES, 1789-1989: BICENTENNIAL EDITION"

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be discharged from further consideration of House Concurrent Resolution 140 and House Concurrent Resolution 177; that the Senate proceed to the immediate consideration of the two concurrent resolutions en bloc, that they be considered en bloc, agreed to en bloc, the motions to reconsider en bloc be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF TIME TO FILE

REPORT ON S. 1085

Mr. BYRD. Mr. President, I ask unanimous consent that the Armed Services Committee may have until Tuesday, November 24, to file a report on S. 1085.

The PRESIDING OFFICER. Without objection, it is so ordered.

H.R. 3545—RECONCILIATION—READ FIRST TIME

Mr. BYRD. Mr. President, I believe there is a bill at the desk, H.R. 3545, the House reconciliation bill?

The PRESIDING OFFICER. That is correct.

Mr. BYRD. Mr. President, I ask that the bill be read.

The PRESIDING OFFICER. The clerk will read the bill.

The assistant legislative clerk read as follows:

A bill (H.R. 3545) an Act to provide for reconciliation pursuant to section 4 of the concurrent resolution on the budget for the fiscal year 1988.

Mr. BYRD. Mr. President, I ask the bill be read the second time.

Mr. WILSON. Mr. President, I object.

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. WILSON. Mr. President, the minority feels that we would profit from having the benefit of an additional day, so I enter the objection to the second reading.

The PRESIDING OFFICER. Objection is heard. The bill will remain at the desk pending the second reading on the next legislative day.

Mr. BYRD. Mr. President, does the distinguished acting Republican leader, Mr. WILSON, have any further statements or any further business?

Mr. WILSON. No. I thank my friend, the majority leader. I do not.

YEAS AND NAYS ORDERED ON THE RESOLUTION OF RATIFICATION OF TREATY NO. 100-3

Mr. BYRD. Mr. President, I ask unanimous consent that it be in order to order the yeas and nays on the resolution of ratification of Treaty No. 100-3.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BYRD. Mr. President, as in executive session, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. Mr. President, I ask unanimous consent there be a 30-minute time limitation on this rollcall vote which will occur at or around 9:40, 9:45 tomorrow morning; there will be a 30-minute time limitation thereon and that the call for regular order be automatic at the expiration of 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD. Mr. President, the Senate will shortly adjourn until tomorrow morning at 9 o'clock. After the prayer by the Chaplain, there will be 2 minutes for morning business. At the close of morning business I will ask that the reconciliation bill be read the second time and that will be done and then that measure will be on its way to the calendar under rule XIV.

There will then be 20 minutes for debate on the resolution of ratification of the treaty, No. 100-3, for the prevention of pollution by garbage from ships.

There will be only one amendment in order, that being an amendment by Mr. BENTSEN. There will be a time limitation of 20 minutes' debate on that amendment to be equally divided and controlled in the usual form.

Upon the disposition of the amendment, the question then will occur on the adoption of the resolution of ratification. That will be a rollcall vote, the rollcall having already been ordered. There will be a 30-minute time limitation on that rollcall vote. Senators are urged not to delay being in the Senate and voting, and the vote will begin at around 9:45 at the latest. This takes into consideration the full utilization of the 20 minutes for debate on the resolution and the 20 minutes for debate on the amendment. If the full 20 minutes are not utilized, then under the order the vote will come earlier.

I would suggest that Senators be prepared to vote at 9:30 tomorrow morning. But there will be a 30-minute time limitation on the vote. And then, Mr. President, the Senate will resume consideration of the energy-water appropriation bill. There will be debate thereon, hopefully some votes in relation thereto during the day. There may be other business if agreed to in the meantime. Senators should expect, therefore, rollcall votes tomorrow, one to be sure to begin somewhere between 9:30 and 9:45 a.m. I hope the cloakrooms will be able to alert Senators to the orders.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. BYRD. Mr. President, if the distinguished Senator from California, the acting Republican leader, has nothing further—and he indicates he does not—I move, in accordance with the order previously entered, the Senate stand in adjournment until 9 o'clock tomorrow morning.

The motion was agreed to, and at 8:38 p.m. the Senate adjourned until Thursday, November 5, 1987, at 9 a.m.

HOUSE OF REPRESENTATIVES—*Wednesday, November 4, 1987*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Instill in us, O God, enthusiasm and commitment for our beliefs and also a greater understanding of the beliefs of others. May Your relevation of the meaning of truth fill our lives with a wondrous appreciation for the mysteries and joys of living. As we learn from every person of faith in this world of so many backgrounds, may we know the gift of listening to others, for by listening we will grow in wisdom and stature and in favor with You and all humankind. Amen.

THE JOURNAL

The **SPEAKER**. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. **KOLBE**. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The **SPEAKER**. The question is on the chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. **KOLBE**. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER**. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 251, nays 144, not voting 38, as follows:

[Roll No. 406]

YEAS—251

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Aspin
Barnard
Bates
Beilenson
Bennett
Berman
Bevill
Bilbray
Boggs
Boland
Bonior
Bonker
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Brown (CA)
Bruce
Bryant
Bustamante
Byron
Campbell
Carper
Carr
Chappell
Clarke
Coelho
Coleman (TX)
Collins
Combest
Conte
Conyers
Cooper
Coyne
Crockett
Darden
de la Garza
DeFazio
Derrick
Dicks
Donnelly
Dorgan (ND)
Dowdy
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
English
Erdreich
Evans
Fascell
Fazio
Feighan
Fish
Flake
Flippo
Florio
Foley
Frank
Frost
Garcia
Gaydos
Gejdenson
Gibbons
Glickman
Gonzalez
Gordon
Gradison
Grant
Gray (IL)
Gray (PA)
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hochbrueckner
Horton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Konnyu
LaFalce
Lancaster
Lantos
Leath (TX)
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Lloyd
Lowry (WA)
MacKay
Markey
Martin (NY)
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDade
McEwen
McHugh
McMillen (MD)
Mfume
Mica
Miller (CA)
Mineta
Moakley
Mollohan
Montgomery
Moody
Morella
Morrison (CT)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal
Nelson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Panetta
Patterson
Pease
Pelosi
Penny
Pepper
Perkins
Petri
Pickett
Pickle
Price (IL)
Price (NC)
Quillen
Rahall
Rangel
Ray
Regula
Richardson
Rinaldo
Ritter
Robinson
Rodino
Roe
Rose
Rostenkowski
Rowland (GA)
Roybal
Russo
Sabo
Savage
Sawyer
Scheuer
Schroeder
Schulze
Schumer
Sharp
Shuster
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Solarz
Spence
St Germain
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Swift
Synar
Tallon
Tauzin
Taylor
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Valentine
Vento
Visclosky
Walgren
Watkins
Waxman
Weiss
Wheat
Whitten
Williams
Wolpe
Wortley
Wyden
Yates
Yatron

NAYS—144

Armey
Badham
Baker
Ballenger
Bartlett
Barton
Bateman
Bereuter
Bilirakis
Bliley
Boehlert
Boulter
Buechner
Bunning
Burton
Callahan
Chandler
Cheney
Clay
Clinger
Coats
Coble
Coleman (MO)
Coughlin
Courter
Craig
Dannemeyer
Daub
Davis (IL)
Davis (MI)
DeLay
DeWine
Dickinson
DioGuardi
Dornan (CA)
Dreier
Edwards (OK)
Emerson
Fawell
Fields
Frenzel
Gallegly
Gallo
Gekas
Gilman
Gingrich
Goodling
Grandy
Green
Gregg
Hansen
Hastert
Hefley
Henry
Herger
Hiler
Holloway
Hopkins
Hunter
Hyde
Inhofe
Ireland
Jacobs
Kasich
Kolbe
Kyl
Lagomarsino
Latta
Leach (IA)
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lott
Lowery (CA)
Lujan
Lukens, Donald
Lungren
Mack
Madigan
Marlenee
Martin (IL)
McCandless
McCollum
McGrath
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Moorhead
Morrison (WA)
Nielson
Oxley
Packard
Parris
Pashayan
Porter
Pursell
Ravenel
Rhodes
Ridge
Roberts
Rogers
Roth
Roukema
Rowland (CT)
Saiki
Saxton
Schaefer
Schneider
Schuette
Sensenbrenner
Shaw
Shays
Shumway
Sikorski
Skeen
Slaughter (VA)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solomon
Stangeland
Stump
Sundquist
Swindall
Tauke
Upton
Vander Jagt
Volkmer
Vucanovich
Walker
Weber
Weldon
Whittaker
Wolf
Wylie
Young (AK)
Young (FL)

NOT VOTING—38

Atkins
AuCoin
Bentley
Biaggi
Borski
Brown (CO)
Cardin
Chapman
Crane
Daniel
Dellums
Dingell
Dixon
Duncan
Espy
Foglietta
Ford (MI)
Ford (TN)
Gephardt
Guarini
Houghton
Howard
Kanjorski
Kemp
Kostmayer
Leland
Luken, Thomas
Manton
Mavroules
Nichols
Owens (UT)
Roemer
Spratt
Stratton
Sweeney
Thomas (CA)
Wilson
Wise

□ 1015

So the Journal was approved.

The result of the vote was announced as above recorded.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested a bill of the House of the following title:

H.R. 2672. An act to amend title 38, United States Code, for the purpose of improving veterans' housing programs.

The message also announced that the Senate agrees to the amendments of the House to the bill (S. 1452) entitled "An act to amend the Securities Act of 1933, the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, the Trust Indenture Act of 1939, the Investment Company Act of 1940, and the Investment Advisers Act of 1940 to make certain technical, clarifying, and conforming amendments, to authorize appropriations to the Securities and Exchange Commission, and for other purposes," with an amendment.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

The message also announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 85. Concurrent resolution correcting the enrollment of S. 1158.

COMMITTEE ON APPROPRIATIONS, SUBCOMMITTEE ASSIGNMENT CHANGES

(Mr. WHITTEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WHITTEN. Mr. Speaker, on Tuesday, October 27, the Democratic Caucus of the Committee on Appropriations met pursuant to caucus rule 32 to fill vacant subcommittee positions created by the resignation of our colleague Bill Boner of Tennessee. As a result of the selection process, 4 of the 13 subcommittee assignments have changed. Since the Speaker had previously appointed House conferees on two of these subcommittee bills, it will now be necessary to make some adjustments.

REQUEST TO AUTHORIZE SPEAKER TO DISCHARGE CONFEREE ON H.R. 2713 AND ADD ADDITIONAL CONFEREE TO H.R. 2783

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that Mr. SABO be discharged as a conferee on H.R. 2713, making appropriations for the District of Columbia for the fiscal year ending September 30, 1988, and that the Speaker be authorized to add one additional conferee to H.R. 2783, making appropriations for the Department of Housing and Urban Development and Independent Agencies for fiscal year 1988, and to fill a vacancy on the House conferees to H.R. 2713, making appropriations for the government of the District of Columbia for fiscal year 1988.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

Mr. WALKER. Mr. Speaker, reserving the right to object, the House was not in very good order and it sounded to me as though we were doing a number of things there. Can the Chair tell us what all was included?

The SPEAKER. Let us let the Chair restate the request.

The gentleman's point of order is well taken.

The gentleman from Mississippi points out that subsequent to the appointment of conferees on H.R. 2713, the appropriations for the District of Columbia, the gentleman from Tennessee, Mr. Boner, was named as a conferee thereon. Subsequently, Mr. Boner, as is well known by all of us, has been elected mayor of the city of Nashville and is no longer a Member of the House. Therefore, the gentleman from Mississippi asks unanimous consent that the House accept one resignation and that the Speaker add additional names to replace those who are not serving.

□ 1030

PARLIAMENTARY INQUIRY

Mr. WALKER. Mr. Speaker, further reserving the right to object, let me propound a parliamentary inquiry.

If in fact this action were not agreed to, what would be the result of not agreeing to this particular action?

The SPEAKER. The Chair has the authority to fill a vacancy but not to accept a resignation without unanimous consent or other action of the House.

Mr. WALKER. Mr. Speaker, further reserving the right to object, if the Chair could not accept a resignation without unanimous consent, that is what I am asking: What would be the result of not going along with this particular action?

The SPEAKER. If the resignation of the gentleman from Minnesota [Mr. SABO] from one of the conference committees in order that he might serve on another were objected to, then Mr. SABO would not be privileged to move from one conference committee to another as he has requested, but the Chair would be privileged to make such appointments as might be necessary to fill vacancies created otherwise.

Mr. WALKER. Further reserving the right to object, Mr. Speaker, if this took place, would not the minority then end up with little bit better ratios in these conference committees?

The SPEAKER. No. The Chair would reply that the minority would not wind up with better ratios; it simply would wind up with different members on the conference committees.

Mr. WALKER. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

Mr. WHITTEN. Mr. Speaker, will the gentleman withhold his objection, and will the gentleman yield to me?

Mr. WALKER. Further reserving the right to object, I am glad to yield to the gentleman from Mississippi.

Mr. WHITTEN. Mr. Speaker, what this amounts to is that we would have one of our Members serving as a conferee on the bill when he is no longer a member of the subcommittee. May I say that I follow rigorously the practice of recommending on all these appropriation bills the appointment of every member of the committee who is a subcommittee member. That gives them a chance to serve, whether we have a continuing resolution or the regular bill. It lets those who are in charge be on the conference. I have done that religiously. I recommend that to the Speaker, and the Speaker makes the appointment.

Unless this is done, it leaves the gentleman from Minnesota [Mr. SABO] in the position of being a conferee on a bill of which he is no longer a member of the subcommittee. What I am asking is, since Mr. Boner is gone, that the gentleman let us go ahead and follow the regular course of having those on the subcommittee appointed as conferees. That is what I have recommended, and I believe the gentleman would agreee that that is sound practice.

Mr. WALKER. Further reserving the right to object, Mr. Speaker, I am sure that the gentleman from Mississippi is bringing forward something that is in the regular processes. What we have discovered in the last couple of weeks around here is that the regular processes of the House are very often changed in order to give the majority an advantage, and there are some of us on our side who are rather disturbed about the fact that the rules can be overthrown, and that changes can be made that put us at a great disadvantage.

Therefore, we are a little suspicious these days when the regular processes of the House are brought forward in manners that once again seem to give the majority certain advantages as we proceed in this process. So, therefore, I do feel constrained to object.

Mr. WHITTEN. Mr. Speaker, I can understand the gentleman's position. However, may I say that where we follow the regular program, I would think that the gentleman would not want to object when we are following the regular rules.

Mr. WALKER. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

APPOINTMENT OF CONFEREES ON H.R. 2906, MILITARY CONSTRUCTION APPROPRIATION, 1988

Mr. HEFNER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2906) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1988, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference requested by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

Mr. WALKER. Mr. Speaker, reserving the right to object, I do so in order that the gentleman from North Carolina [Mr. HEFNER] might explain to the House exactly what posture we are in going to conference on his bill.

Are we in fact going to have a separate piece of legislation that will be sent to the President under this procedure, or are we in fact doing something that will ultimately end up in a major continuing resolution? Is it the gentleman's intention to send the President a separate piece of legislation on this matter?

Mr. HEFNER. Mr. Speaker, will the gentleman from Pennsylvania yield?

Mr. WALKER. I am glad to yield to the gentleman from North Carolina.

Mr. HEFNER. Mr. Speaker, we are going to approach this like we do all legislation. We are going to conference with the Senate, which is $200 million over the House number. We are going to try to reconcile the numbers and settle our differences on 360 amendments in disagreement. We are going to handle this like we do any other conference we have, and if we can reach agreement, we will come back and come to the floor, and if we are within the House numbers under our allocation, then hopefully the conference report will pass the House and we will take it to the President, just like we do on other bills.

Mr. WALKER. Mr. Speaker, further reserving the right to object, a number of Members in this body are concerned about the practice of wrapping everything into major continuing resolutions rather than giving the President a separate opportunity to reflect upon the individual bills.

My question of the gentleman was whether or not he intends for this process to end up being a separate piece of legislation going to the President or whether or not this is an exercise designed to have this become one more component part of a continuing resolution that would be enacted.

Mr. HEFNER. Mr. Speaker, will the gentleman from Pennsylvania yield further?

Mr. WALKER. I am very glad to yield to the gentleman from North Carolina.

Mr. HEFNER. Mr. Speaker, I have no way of knowing. We are going to go into conference with the Senate in good faith. We have an allocation, and we are within our allocation. If we can reach agreement with the Senate on items on which we have disagreement, if we can reach the numbers and we do not exceed the House numbers, we can reach a conference agreement with the Senate, we will bring a conference report back to the House, and if the House votes for the conference report, the bill will at that point in time be sent to the President of the United States for his discretion.

I understand that the President has some problems with this bill in that it does not have enough money in our bill. That is one of the rare entities around here. But that is the process we hope to follow, and that is the process we will follow. Whether it will wind up in a CR, I have no way of knowing.

Mr. WALKER. Mr. Speaker, further reserving the right to object, if I understand the gentleman correctly, what he is telling us is that if it is within his power to do it, he would send this measure to the President as a separate appropriation?

Mr. HEFNER. Mr. Speaker, I am not sure I heard the gentleman correctly. Would he give me the question again?

Mr. WALKER. If I understand what the gentleman is saying, if it is within his power to do so, he would send this appropriation to the President as a separate appropriation bill rather than wrapping it into the continuing resolution; is that correct?

Mr. HEFNER. I have stated so twice. This is the first step we have to go to before we can even arrive at a separate bill.

Mr. WALKER. And it is the gentleman's intention to send it to the President as a separate piece of legislation if it is at all possible?

Mr. HEFNER. Mr. Speaker, will the gentleman yield further?

Mr. WALKER. I am glad to yield to the gentleman from North Carolina.

Mr. HEFNER. Mr. Speaker, as chairman of the Military Construction Subcommittee, I have tried to act in a responsible way and am going to continue to do that. I am going to conference with the Senate and try to work out an agreement, and if we can work out an agreement, we plan to bring the bill to the House floor to be passed by this House. At that point in time it will go to the President of the United States. I intend to act in a responsible manner.

Mr. WALKER. Mr. Speaker, I thank the gentleman.

If I understand the gentleman, he is saying that the responsible action would be to send this measure to the President as a separate piece of legislation if that can be accomplished; is that correct?

Mr. HEFNER. Mr. Speaker, I believe that is what I have stated three times.

Mr. WALKER. Mr. Speaker, I thank the gentleman, and I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina? The Chair hears none, and appoints the following conferees: Messrs. HEFNER, ALEXANDER, COLEMAN of Texas, THOMAS of Georgia, BEVILL, EARLY, DICKS, FAZIO, WHITTEN, LOWERY of California, EDWARDS of Oklahoma, KOLBE, DELAY, and CONTE.

APPOINTMENT OF CONFEREES ON H.R. 2890, TRANSPORTATION AND RELATED AGENCIES APPROPRIATION, 1988

Mr. LEHMAN of Florida. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2890) making appropriations for the Department of Transportation and Related Agencies for the fiscal year ending September 30, 1988, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

Mr. WALKER. Mr. Speaker, reserving the right to object, I do so to make the same inquiry of the gentleman from Florida that I made of the gentleman from North Carolina [Mr. HEFNER].

Is it the gentleman's intention that the legislation that he is going to conference on will ultimately be brought back to the House as a separate piece of legislation and be sent to the President for his individual consideration of that piece of legislation?

Mr. LEHMAN of Florida. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from Florida.

Mr. LEHMAN of Florida. Mr. Speaker, that is the objective of the subcommittee chairman of this Appropriations Subcommittee. That is what this gentleman hopes to accomplish.

Mr. WALKER. Mr. Speaker, further reserving the right to object, so that the gentleman's preference would be on this kind of bill that it not be a part of the continuing resolution but, rather, be considered by the President as a separate appropriation; is that correct?

Mr. LEHMAN of Florida. Mr. Speaker, will the gentleman yield further?

Mr. WALKER. I am glad to yield to the gentleman from Florida.

Mr. LEHMAN of Florida. Mr. Speaker, that is correct. As the gentleman well knows, if we are not allowed to appoint conferees, the only alternative we would have would be to go with the House version as part of the continuing resolution. We cannot get from point one to point two without having the ability to go to conference.

Mr. WALKER. Mr. Speaker, I thank the gentleman, and I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Florida? The Chair hears none, and appoints the following conferees: Messrs. LEHMAN of Florida, GRAY of Pennsylvania, CARR, DURBIN, MRAZEK, SABO, WHITTEN, COUGHLIN, CONTE, WOLF, and DELAY.

APPOINTMENT OF ADDITIONAL CONFEREE ON H.R. 2713, DISTRICT OF COLUMBIA APPROPRIATION, 1988

The SPEAKER. The Chair additionally appoints as a conferee on the bill (H.R. 2713) making appropriations for the Government of the District of Columbia for the fiscal year ending September 30, 1988, and for other purposes, the gentleman from Oklahoma [Mr. WATKINS]

The Clerk will notify the Senate of the change in conferees.

LITTLE PROGRESS NOTED IN NEGOTIATING DEFICIT REDUCTIONS

(Mr. FRENZEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRENZEL. Mr. Speaker, the legislative-executive negotiating group does not seem to be making much progress.

Democrats still believe that most deficit reductions must come from new taxes. Republicans believe that most reductions must come from permanent spending cuts. House Democrats are still talking total cuts of only $23 billion.

None of this is news. Neither is the lack of progress. It would be news if the negotiators got down to business.

If they came only to talk, rather than negotiate, the Congress may as well accept the $23 billion sequester. At least those are real spending cuts.

In my judgment, the negotiators are at the table to exceed the $23 billion figure, and by a substantial amount. The Penny-Tauke group suggests $40 billion. Certainly that is a good starting point. If the negotiators want to make a 2-year arrangement which exceeds both years' Gramm-Rudman targets, that arrangement will be even more salutary in its effect on a nervous economy.

Mr. Speaker, the negotiators are wasting time and thinking small. It is time that they stopped talking peanuts and began negotiating real dollars.

□ 1045

INTRODUCTION OF RESOLUTION COMMENDING TURKISH GOVERNMENT FOR HOLDING FREE ELECTIONS

(Mr. CLARKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLARKE. Mr. Speaker, on behalf of myself and several colleagues I have introduced a resolution to commend the Government of our important NATO ally, Turkey, for holding free elections this month with all of the country's political leaders eligible to participate.

During the 1970's, Mr. Speaker, Turkey had an epidemic of domestic violence. The military intervened in 1980 but eventually it restored an elected parliamentary government. The Turkish political leaders of the 1970's, however, including two former Prime Ministers, were barred by the new Constitution from running in any future elections.

In September of this year the Turkish people in a national referendum amended the Constitution to restore political rights to their former leaders. The Parliament then scheduled a national election for this month open to all parties and leaders.

With borders on Russia, Bulgaria, Iran, Iraq, and Syria, Turkey is in a critically important position on NATO's eastern flank. Its 800,000-man army is the second largest in NATO.

Fortunately, Turkey's economy has shown rapid growth in recent years, and Government policy has reduced regulation and encouraged private enterprise.

Mr. Speaker, I ask my colleagues to support this resolution to show our Turkish friends that we commend their strong desire and willingness to maintain freedom and democracy in their country.

PRESIDENT ORTEGA SHOULD REMAIN IN MANAGUA

(Mr. HERGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HERGER. Mr. Speaker, Nicaragua's President Daniel Ortega has been in Moscow this very week perhaps thanking the Soviets for the $450 million in military aid Nicaragua has received from them for this year. Unfortunately for the rest of Central America, the price for Ortega's Soviet handouts will be paid by his Central American neighbors.

On Friday October 30, President Arias, this year's Nobel Peace Prize winner and author of the Central American peace plan, stated that Nicaragua was the one obstacle "obstructing peace in Central America." The 120,000-strong Nicaraguan Army and reserve force is 27,000 men larger than all the other Central American forces combined and 5 times the size of its two closest neighbors, so we can readily understand Arias' concern.

I believe President Ortega might better insure peace within Central America by remaining in Managua and implementing the democratic reforms called for under the peace plan, rather than making his 10th trip to Moscow since 1979.

RELEASE OF DIVIDED SPOUSES HELD IN SOVIET UNION

(Ms. PELOSI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PELOSI. Mr. Speaker, like my colleagues, I am pleased that Svetlana and Keith Braun have been reunited in freedom, in this country. Svetlana was recently allowed to emigrate from the Soviet Union and join her husband Keith here in the United States. Any time a divided spouse case is resolved, we can rejoice.

We must not forget, however, the many divided spouse cases which remain. Ann Michele Cardella, a resident of the Fifth Congressional District of California, was married to Leonid Sheiba in August 1985. In September 1985, Leonid submitted his first application to emigrate from the Soviet Union. This request was denied, as have been two subsequent applications to emigrate. In an effort to resolve this case and reunite this couple, Congresswoman BOXER has been in direct contact with Soviet officials. So far, the Soviets have unfortunately not responded affirmatively.

Today, while we celebrate the release of Svetlana Braun, we must reaffirm our commitment to work for the reunification of Ms. Cardella and Mr. Sheiba, and for all of the remaining divided spouses. We will not forget these special couples. I am pleased to join with my colleagues in their efforts to obtain the release of divided spouses being kept in the Soviet Union. Ms. Cardella and Mr. Sheiba will not be forgotten.

SAY NO TO POLYGRAPH PROTECTION BILL

(Mr. INHOFE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INHOFE. Mr. Speaker, to express my opposition to H.R. 1212, the Polygraph Protection Act, being considered today.

I oppose the bill because I believe the polygraph, when used in a professional manner, can be a fair and effective deterrent against theft. It is unwise to prohibit the polygraph at a time when on-the-job crime is sharply increasing, including workplace drug abuse, industrial espionage and employee theft.

We in Oklahoma have been undergoing a recession, the dimensions of which are comparable to those of the 1930's.

I have received many letters from businesses back in Oklahoma regarding the polygraph bill. They are suffering from a depressed economy—barely keeping their heads above water. The overwhelming majority of these businesses fear that if they are unable to use the polygraph they may be forced out of business, further exacerbating the unemployment situation.

Let us not allow government to intrude into our conduct of business any more than they already have. Let us defeat H.R. 1212.

EFFORTS TO REACH BUDGET AGREEMENT MUST SUCCEED

(Mr. PEASE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEASE. Mr. Speaker, the eyes of the Nation and, indeed, the world are on the budget summiteers. So often, perceptions and expectations drive financial markets. There is now a common perception that the quid pro quo for breaking the logjam in world financial markets is a 2-year program of genuine budget deficit reduction totaling about $70 billion. This would permit a global pact to coordinate macroeconomic policy in which interest rates would be cut and foreign fiscal policies would be made more expansionary.

The price of failure will be high. Sooner or later, the dollar's continuing slide is likely to recreate the conditions which led to the Wall Street panic 2 weeks ago. There can be no room for a false sense of security. Our efforts to reach a budget agreement must not fail.

A QUESTION OF SINCERITY

(Mr. DONALD E. LUKENS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DONALD E. LUKENS. Mr. Speaker, we are all hopeful for evidence of democratization in Nicaragua under the peace accord signed in Guatemala. As signatories, the Sandinistas' support for the principles of those accords ought to be clear and unequivocal. We should be concerned when Sandinista Commandante Bayardo Arce attacked the internal opposition in the official Sandinista Newspaper Barricada on October 20. Arce said that the Freedom Fighters had committed a grave error in believing the national dialog was a forum of equals, and stated that there was no alternative to Sandinista rule in Nicaragua.

Members will recall that this is the same commandante who said in 1984 that elections were a ploy for consolidating Marxist-Leninist rule. Mr. Speaker, we should all be concerned about the sincerity of Sandinista pronouncements on the democratization of Nicaragua.

LEGISLATION TO BAN USE OF POLYGRAPH IN THE PRIVATE SECTOR

(Mr. DARDEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DARDEN. Mr. Speaker, today, this House will consider sweeping legislation which seeks to ban the use of the polygraph in the private sector. In other words, government—State, local, and national—may continue to utilize this very effective investigative tool but private industry cannot.

The Department of Commerce estimates that internal theft and employee dishonesty throughout this Nation totals more than $40 billion. Prices in retail stores are 10 to 15 percent higher because of internal theft. More than 10 times as much money is taken from banks by dishonest employees than is taken by bank robbers.

While there is some potential for abuse of the polygraph, the source of those abuses should be addressed, instead of banning polygraphs altogether. Therefore, Mr. YOUNG of Florida and I will offer a substitute today which establishes minimum Federal standards for the use of polygraphs, but preserves for private industry the right to use polygraphs, along with other legitimate investigative methods, to prevent employee theft. At the same time, the opportunity for honest employees to be exonerated will be preserved.

I ask my colleagues to carefully study this issue and to vote for our substitute.

IMPORTANCE OF SUGAR TO THE STATE OF FLORIDA

(Mr. LEWIS of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Florida. Mr. Speaker, I have recently learned that a bill will be introduced later this month which would effectively destroy the domestic sugar program. This action would cause severe economic loss for thousands of people in the State of Florida and in my district.

Florida is the largest sugar-producing State in the United States. Grown and processed in my district, sugar generates $1.5 billion in economic activity per year for Florida and accounts for approximately 43,000 jobs.

But sugar is more than jobs. Sugar is a way of life in the communities on the south shore of Lake Okeechobbe. These communities would dry up without the sugar industry because the economic benefits of the sugar industry has created an economic base for Palm Beach County.

I seriously doubt that those corporations who are lobbying for lower sugar prices would generally lower the cost of their products. History indicates this has not happened in the past. They would simply watch their profit margins increase at the expense of the American consumer.

I urge my colleagues to continue to support the U.S. Sugar Program as passed in the 1985 farm bill. The farm bill is working. Let us not tinker or tamper with it.

The American farmer sees daylight at the end of the tunnel, only because of the 1985 farm bill.

CENSUS COUNT OF UNDOCUMENTED ALIENS

(Mr. DYMALLY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DYMALLY. Mr. Speaker, recently I called to the attention of this body my concern about misinformation on the effects of counting undocumented aliens in the 1990 census.

Since my first statement on this issue, it has come to my attention that the constitutional argument in favor of including all residents in the census counts may be stronger than I first imagined.

The distinguished chairman of the Subcommittee on Civil and Constitutional Rights, Congressman DON EDWARDS of California, has pointed out that because the 14th amendment specifically refers to an enumeration of "persons," not "citizens," for purposes of reapportionment, then it may take a constitutional amendment to exclude noncitizens from the census counts.

Because the decennial census and subsequent reapportionment of congressional seats is governed specifically by the Constitution, the Census Bureau cannot change administratively its policy of counting all persons residing in the United States, regardless of citizenship status.

And Congress is not in a position to simply override the 14th amendment by legislating an exclusion of undocumented aliens from the enumeration.

I hope my colleagues will consider this before cosponsoring any such legislation.

TRAGEDY OF U.S. MISSING IN ACTION

(Mr. DORNAN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN of California. Mr. Speaker, during the Indian wars on the Plains, we had cavalry, buffalo soldiers taken prisoner by the Indians; and some of them were kept for 5 or 6 years.

That was a horrible existence. They were tortured at night by the campfire, and most were dead within a few months, if not within a year, but a few rare cases survived several years.

There has never been anything in military, if not in all of our history, to equal the tragedy of our missing in action in Indochina, the suffering of their families and the men, some of whom I feel are still alive.

I commend this cover story 15 years after the last Life magazine cover story on the men who were known to be alive after they were captured, what was called discrepancy cases.

That last Life cover was November 1972, and it had Lt. Comdr. Ron Dodge on the cover, and he was never returned home until his bones came home a few years ago, and I went to his funeral at Arlington Cemetery.

My best friend in the Air Force, and I was the squadron intelligence officer and also personnel equipment officer. I issued him this jacket. We ferried airplanes together in Europe, and David Hrdlicka was a known POW in Laos for 5 years.

I commend an article by Bob Emmers in the Register in Orange County, and raise flags nationwide on December 13 for these missing in action.

BRING HOME OVERSEAS INVESTMENTS AND CREATE JOBS IN AMERICA

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute.)

Mr. TRAFICANT. Mr. Speaker, America's top 100 multinational corporations have assets of $600 billion overseas.

Their overseas profit alone was $27 billion in 1985. Think about it. If we could bring home half of that investment, $300 billion, we would create 5 million new manufacturing jobs.

We could rebuild our factories and start to cut our deficit, but let us face it. As of now, the only program in effect is to provide rustproof paint to empty factories and empty buildings with unemployed Americans in some souplines in the future.

□ 1100

What bothers me is that if you speak out on this issue, you are called a protectionist. I say today that everyone in this House is a protectionist. You are either protecting America or you are protecting workers overseas.

For years now we have been telling our kids that America is the land of opportunity, and unfortunately it is still true, but only for those manufacturing plants in Japan, Taiwan, Korea, Hong Kong, and Singapore. I think America better do something about it.

INTRODUCTION OF RADIOACTIVE MATERIALS TRANSPORTATION ACT

(Mrs. MEYERS of Kansas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MEYERS of Kansas. Mr. Speaker, this year there will be about 1,400 shipments of high-level nuclear waste and 2.8 million shipments of low-level waste. In the future, this number will increase as sites are chosen for both high-level and low-level waste disposal. This transportation of nuclear waste across our Nation is fraught with the slim, but very real, potential for catastrophe.

To lessen this risk, we must ensure that nuclear wastes are transported in as safe a manner as possible. Of the safety inspectors employed by the Department of Transportation, only one, that's right one, is a specialist in nuclear matters. Therefore, I am introducing the Radioactive Materials Transportation Act to mandate the hiring of 20 additional safety inspectors by DOT to specialize in the transportation of nuclear waste.

This bill is simple and direct. It is intended to prevent accidents by ensuring that safety regulations are enforced and maintained. We need more inspectors to license commercial drivers, inspect the containment casks, railroad tracks, major signals and determine optimal transport routes.

Every State is affected by this issue. I ask all my colleagues to support the Radioactive Materials Transportation Act.

U.S. CONTRIBUTIONS TO THE UNITED NATIONS

(Mr. WEISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEISS. Mr. Speaker, today Congressman JIM LEACH and I will be writing to our distinguished Foreign Affairs Committee chairman, the gentleman from Florida, Mr. DANTE FASCELL, supporting his efforts and urging the conferees on the State Department authorization bill to fully fund the United States required contribution to the United Nations.

Mr. Speaker, this issue transends the current budgetary situation. The Reagan administration itself has called attention to the fact that the failure to meet our assessed contribution to the United Nations would clearly violate our treaty obligations.

The situation is particularly embarrassing in light of the recent decision by the Soviet Union to pay not only its annual assessment to the United Nations, but all its outstanding debts as well. This leaves the United States as the largest debtor to the United Nations.

For the United States to be in this situation represents a drastic departure from our historical role as a moral leader in the company of law-abiding nations.

Mr. Speaker, there is an urgent need to strengthen respect for international law and the capacity of the United Nations to fulfill its responsibilities.

I urge my colleagues on the Foreign Affairs Committee to join us in supporting Chairman FASCELL in full funding for the United Nations.

QUESTIONS FOR CANDIDATE GEPHARDT

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, I simply want to ask all of our friends on the Democratic Party side and particularly those who support DICK GEPHARDT for President to talk with Congressman DAN GLICKMAN about the call-in show we did last night on C-SPAN for an hour, to ask him about the seven out of the nine callers who said they would never vote Democrat again, to ask about the tone of outrage on the part of viewers who watched last Thursday, who were disgusted to see House Members raise their own pay, give away tax breaks to every Member of the Democratic leadership and violate the spirit of the rules of the House.

I would be glad to provide a transcript of the callers to the debate.

I think as the news media pays attention and starts to ask Congressman GEPHARDT what he would do to clean up the House, we will discover that very rapidly it becomes impossible to hide, raise your own pay, violate the spirit of the rules, give away tax breaks to the big boys, and go home and claim you did not mean to do it.

PUT THE TRADE DEFICIT ON THE AGENDA

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALEXANDER. Mr. Speaker, yesterday the dollar plummeted again when traded against foreign currencies, losing several increments in its value in Japan, Germany, and the other major markets around the world. This was another signal to the President and to Members of Congress who are attempting the so-called economic summit that we must put the trade deficit on the agenda.

The budget deficit which has consumed most of the attention is only part of the problem, maybe half the problem. To address the entire problem, one must put the trade deficit on the agenda in order to restore the economic business of America.

EMPLOYEE POLYGRAPH PROTECTION ACT

Mr. WHEAT. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 295 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 295

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1212) to prevent the denial of employment opportunities by prohibiting the use of lie detectors by employers involved in or affecting interstate commerce, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and which shall not exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill as an original bill for the purpose of amendment under the five-minute rule and each section of said substitute shall be considered as having been read. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The **SPEAKER** pro tempore. The gentleman from Missouri [Mr. WHEAT] is recognized for 1 hour.

Mr. **WHEAT**. Mr. Speaker, for the purpose of debate only, I yield 30 minutes to the gentleman from Missouri [Mr. TAYLOR], pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 295 is an open rule providing for the consideration of H.R. 1212, the Employee Polygraph Protection Act. The resolution provides for 1 hour of general debate to be equally divided and controlled between the chairman and ranking minority member of the Committee on Education and Labor. The rule further makes in order the amendment in the nature of a substitute recommended by the Committee on Education and Labor and now printed in the bill as original text for the purpose of amendment. The substitute shall be considered for amendment under the 5-minute rule and each section shall be considered as having been read.

Finally, Mr. Speaker, the rule provides for one motion to recommit, with or without instructions.

Currently, numerous Americans are being subjected to polygraph examinations as a condition for obtaining and maintaining employment. Studies conducted by the Office of Technology Assessment indicate that these examinations are no better than 85 percent reliable. Thus these tests are unreliable in determining with full accuracy, the honesty or dishonesty of an employee.

H.R. 1212 would prohibit the arbitrary and indiscriminate use of polygraph examinations in preemployment screening or in the conduct of employee relations. It would also prohibit an employer's use of indirect suggestions that an employee submit to a lie detector test as a condition for employment and the bill would make it unlawful for an employer to discriminate against an employee because he or she exercises their rights as provided under this act. Finally, Mr. Speaker, this measure requires that employers posting notices informing employees of their rights under this act imposes up to a $100 per day civil penalty for failure to comply with the posting requirement, and imposes up to a $10,000 civil penalty for other violations of this act.

Mr. Speaker, H.R. 1212 is a measure which protects the rights of this country's citizens to work in an environment free of indiscriminate questioning. I urge that we adopt the rule so that we may proceed to consideration of this measure.

Mr. **TAYLOR**. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 295 is an open rule under which the House will consider a bill prohibiting the use of lie detector tests by all private employers not involved with intelligence and counterintelligence work for the Government.

The rule makes the Education and Labor Committee amendment for H.R. 1212 in order as original text for the purpose of amendment under the 5-minute rule, and the committee amendment is to be considered by sections.

Last, the rule provides one motion to recommit, with or without instructions.

Mr. Speaker, this bill made in order by the rule is highly controversial. Judging by the number and wide variety of amendments that have already been filed, it is apparent that the House will spend a considerable amount of time perfecting the bill.

Mr. Speaker, I can find no good reason why private sector employers should not be allowed to continue to use polygraph testing when screening potential employees. Polygraph test results are currently used by various government agencies in the most sensitive areas, such as national security and criminal law enforcement.

Last year, when a similar bill was offered, the House voted to permit polygraph testing in the private sector for those that work in the private security, utility, pharmaceutical, day care, and nursing home industries.

Mr. Speaker, under this open rule, we will again have the opportunity to amend the committee bill. I support this rule, and urge its adoption so that the House may proceed to bring up the bill.

Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. **GUNDERSON**. Mr. Speaker, I simply want to rise in support of the rule and the opportunity that it provides for us to have an open consideration of this legislation. As the ranking Republican on the Employment Opportunities Subcommittee which has jurisdiction over this legislation, I have had the opportunity over this session and previous sessions to listen to all the debate regarding this particular piece of legislation as it comes before us.

There is no question, as the gentleman from Missouri said, that there is a great deal of controversy surrounding this legislation. Polygraphs are controversial means by which we question employees and prospective employees in our society today. Forty-one States have recognized that controversy and have passed legislation. As a result and despite that, the legislation before us today seeks to preempt every State law in the land and to determine that we at the top at the Federal level know best how State legislatures, how local governments, and indeed how private business across this country ought to conduct themselves in this regard.

Some would suggest that we ought to regulate the tests. Some would say we ought to limit the exposure of the tests. The legislation in front of us today seeks to ban totally the use of polygraphs in the private sector, with only a couple exceptions.

I would suggest to my colleagues, Mr. Speaker, that this is a good rule because it allows us a long and open debate on the legislation that is before us. I would call to the attention of my colleagues that it is an open rule which brings to us, however, a very contentious and very controversial piece of legislation.

Mr. **TAYLOR**. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. **WHEAT**. Mr. Speaker, it is clear that the rule does provide consideration for a bill over which there is significant disagreement, but the rule provides ample opportunity for disagreement and discussion of all the issues involved.

Mr. Speaker, I have no requests for time and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The **SPEAKER** pro tempore. Pursuant to House Resolution 295 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1212.

□ 1114

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1212) to prevent the denial of employment opportunities by prohibiting the use of lie detectors by employers involved in or affecting interstate commerce, with Mr. GONZALEZ in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from California [Mr. MARTINEZ] will be recognized for 30 minutes and the gentleman from Wisconsin [Mr. GUNDERSON] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. MARTINEZ].

□ 1115

Mr. MARTINEZ. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as chairman of the Employment Opportunities Subcommittee, I rise in support of H.R. 1212 banning the use of lie detectors in the private workplace.

H.R. 1212 came out of my subcommittee and passed the House last year 236 to 173. This year witnesses from the American Medical Association, the American Psychological Association, and the legal establishment all testified that there is no basis of scientific validity whatsoever that the lie detector works. Last year we heard from the head researcher of the Congressional Office of Technology Assessment study on the issue who thoroughly debunked the validity of the lie detector. Scientifically, the evidence is in, the polygraph is no more effective for discerning truth and dishonesty than a black voodoo box.

Gentleman, I wish that there was a scientifically reliable measure, so that businesses can effectively deter the loss of their property and profits. However, I can only offer some pragmatic advise to employers who face this very real problem: use sound personnel and management methods of thorough background checks and apply narrow audits of inventory and cash. Not only are these methods cheaper but they can more effectively target theft than the cumbersome and time-consuming lie detector machines. In addition, companies will avoid troublesome litigation that are being won more and more by the complaining employees.

The proliferation of polygraph testing in our Nation is affecting 2 to 3 million Americans annually. Even at a 90-percent success rate, which is widely disputed, some 300,000 Americans annually will be falsely accused of crimes and thefts that they did not commit. The sad part is, the chronic thief and experienced liar will be able to beat the lie detector, while hypersensitive innocent workers will fail the test and have their lives ruined.

Mr. Chairman, we need to have control over the rampant abuse of a practice which currently has confused the business community into relying on an instrument and process that is fatally flawed and causes long-term harm to innocent workers. Polygraph use is available now, but it has not effectively deterred or detected the ongoing theft in our workplaces.

Finally, I do want to point out that losses from theft in the workplace should not be attributed soley to the dedicated workers of the company, but often are the result of management level and white-collar pilferage and embezzlement. These management level and white-collar officials are currently exempt from the practice of polygraph testing.

I urge my colleagues to support us on this bill and vote against the weakening amendments offered today.

Mr. GUNDERSON. Mr. Chairman, I yield myself 6 minutes.

Mr. Chairman, this is not the most controversial piece of legislation that we will deal with in this Congress, but it is very controversial, and it is not the most important piece of legislation that we will deal with in this Congress, but it is important.

I would like to take a little bit of time today to provide some background on where we are and where I suggest this bill may lead us. First of all, the bill before us, H.R. 1212, is wrong because of its approach. There is no debate that the polygraph has been used improperly across this country in certain cases. So we have various options. We can regulate its use, we can limit its use or we can totally ban it.

Unfortunately, the legislation before us today takes the absolute ultimate extreme of totally banning the use of polygraphs except in two isolated exemptions in the private sector.

Second, in taking this approach it rejects the fact that 41, of the 50 States, plus the District of Columbia, have already taken the initiative to regulate in this area. It is one thing for the Federal Government to act when the States are refusing to do their job. But when 41 States and the District of Columbia have already taken it upon themselves to properly regulate as they see fit for the conduct of business in their State, why do we at the Federal level want to come in and say to 41 State legislatures, 41 Governors, you are all wrong, we at the Federal level know better than you.

That gets into my second concern, which is hypocrisy. This legislation before us today allows the use of the polygraph for the highest national security in our country. We allow it for the Department of Defense, we allow it for the CIA, we say for the most important national concerns in this country it is OK to use the polygraph. But it is not OK for the private sector to use it because it is too unreliable. How does one justify that kind of inconsistency back home to one's constituents?

We tell the Department of Energy in this legislation that they can use it because nuclear power is too risky. But in this legislation we tell every public utility in the country you cannot use it in terms of nuclear power because it is too unreliable. We tell NASA you can use it in terms of high technology, but we tell every private firm and science foundation in the country you cannot use it in terms of protecting the high technology or the biotechnology of your industry because it is so unreliable.

What kind of message do we send here today with that kind of hypocrisy and inconsistency?

The legislation before us today does not learn from what we did last session, it does not build on that. It still prohibits the use of the polygraph in the area of drugs, it prohibits the use of the polygraph in protecting our nursing home residents and our day care young children, and in the security industries with those gentlemen and women who carry guns in the protection of private business and financial institutions and in employee theft. There is over $40 billion a year of employee theft in our Nation, and get this, over $7,125 a minute is stolen by employees from the companies they work with. Yet this legislation says even after that employee is on the job and has the work record, we are not going to allow the polygraph as one of the many investigatory tools to try to get at that kind of employee theft.

Then, as I mentioned earlier, the Drug Enforcement Administration, which supports the use of the polygraph when properly administered, will tell you that over 1 million doses of drugs are stolen each year, and yet this legislation bans testing.

I would hope today during not only the general debate but during the amendment process that we would try to pursue the responsible use of the polygraph, which is and ought to be a proper and legitimate concern for each and every one of us. We should protect against the abuses in testing. However, at the same time we must recognize the findings of the Office of Technology Assessment study of 1983 which said meaningful scientific evidence of the polygraph's validity could be found in the area of investigations of specific criminal incidents.

Earlier this year, on May 11, we accepted an amendment of the gentleman from Florida to establish a permanent polygraph program for national defense by a vote of 345 to 44. On June 16 of this year by a vote of 414 to nothing we accepted an amendment by the gentleman from Florida.

On June 16 of this year by a vote of 414 to nothing we said that we ought to establish a comprehensive embassy and diplomatic security program.

Mr. Chairman, there are reasons to consider regulation. There is no justification to take the extreme in the legislation before us. We ask you to listen and debate, to participate and support the amendments so that if we are going to impose mandates on these 41 State legislatures, we at least do so on a reasonable and consistent basis.

Mr. MARTINEZ. Mr. Chairman, I yield 5 minutes to the gentleman from Georgia [Mr. DARDEN].

Mr. DARDEN. Mr. Chairman, I thank the gentleman from California for yielding me this time.

Mr. Chairman, I rise in strong and adamant opposition to the Polygraph Protection Act, H.R. 1212.

Before I get into my discussion of my opposition to the bill in its present form I want to take a moment to commend my colleague, the gentleman from Montana, Mr. PAT WILLIAMS, my good friend, and the chairman of the Employment Opportunity Subcommittee, the gentleman from California, Mr. [MARTINEZ], for once again bringing this issue to the floor of the House of Representatives for debate. There is no question that this is a subject that should and must be dealt with by this Congress, and I look forward to the debate. And even though we disagree, Mr. Chairman, on a number of the provisions in the bill, and in fact we even disagree on the approach to be taken, I think special commendation should go to the gentleman from California [Mr. MARTINEZ] and the gentleman from Montana [Mr. WILLIAMS] for the very fair manner in which they have permitted the debate to go forward, especially in the Rules Committee, where we have now received an open rule so that whatever is the result of this House, those of us who oppose the Polygraph Protection Act cannot say we have not had a full and fair hearing.

So it is with this statement that I would like to point out to the chairman of the full committee that the opponents of this bill have been dealt with fairly, and I am most grateful to the gentleman from California [Mr. MARTINEZ], the chairman of the subcommittee, as well as the gentleman from Montana [Mr. WILLIAMS], for giving us a chance to fully and completely debate this very controversial topic.

Mr. Chairman, in the very famous words of Alexander Haig, "This is not an experience I haven't been through before." Or, in correct grammatical terms, we have previously discussed this issue at great length.

This House has gone on record as supporting the use of polygraphs. Last year during debate of the Polygraph Protection Act the House said polygraphs are proper for all employees of government agencies, at all levels of government, for consultants to the national security agencies, for employees of drug-related firms, for security service employees, employees at public utilities, for children's day care center employees and nursing home employees.

Incidentally, I will offer an amendment at a later time to exempt employees of children's day care centers.

Just 6 months ago, Mr. Chairman, 345 Members of this House of Representatives said polygraphs were legitimate tools for ensuring our national security. Just 5 months ago the House voted unanimously to establish a polygraph program for diplomatic and embassy security personnel.

The argument that the polygraph is some type of hocus-pocus, or witchcraft, or a torture machine has firmly been rejected by the Members of this House. We may not want to admit it, but by our previous votes we have legalized this machine. We have, and there is no denying it.

Mr. Chairman, I submit that if the polygraph is a legitimate investigative tool for these few industries and for all government employees, it is a legitimate investigative tool for all private industry.

The gentleman from Florida [Mr. YOUNG] and I will once again offer a substitute amendment which recognizes the inconsistencies in the approach taken by the Committee on Education and Labor. Our substitute takes the necessary steps to correct any abuses that may be occurring while still granting the private sector a decision.

Mr. Chairman, every individual in this Nation is affected by the practices of dishonest employees, just as we would all be affected by individuals in the Department of Defense or in the Department of State who practiced espionage. This House has taken steps to ensure our national security is not jeopardized, yet we are considering eliminating the very tool used by these departments by passage of this legislation.

Why is it acceptable, Mr. Chairman, for the polygraph to be administered to an employee of the Department of Agriculture or the Federal Aviation Administration and yet be disallowed to the local grocery store owner? Why can a city or county employee in my district be polygraphed, but a bank teller or bus driver cannot be polygraphed?

My point, Mr Chairman, is that we are extremely inconsistent to allow the use of polygraphs in the public sector on the one hand and to disallow them in the private sector on the other hand.

I say, Mr. Chairman, if there are abuses in the system, let us correct the abuses. Let us not eleminate the system.

I urge Members of this body to support the substitute amendment as a reasonable and measured approach to this issue.

Mr. MARTINEZ. Mr. Chairman, I yield 5 minutes to the gentleman from North Carolina [Mr. NEAL].

☐ 1130

Mr. NEAL. Mr. Chairman, I have several questions concerning the widespread use of polygraph testing and I would like to engage the opponents of this legislation in a little colloquy if I may.

My concerns are on two levels. The first level is this: It seems to me that the widespread use of polygraph devices turns the American system of justice on its head. As we use these in preemployment screening and even in other areas, criminal investigations and so on, it seems to me we are essentially saying to people, "We assume you are guilty and we want you to prove your innocence."

And the other area of concern to me is the wide body of literature indicating that these polygraph gadgets are in fact not lie detectors, that there is no clear indication that these things do what they say they are going to do. The fact is that polygraph tests are not reliable.

The problem here is an obvious one; that there are ways of fooling these gadgets. So a person skilled in deceiving the gadget might be entrusted with very important information, for instance, in the area of national security or other important security information.

I would welcome the chance to hear an answer to these questions.

But first let me elaborate on this concern: By depending on these gadgets, which Senator Sam Ervin from my State once characterized as "modern day witchcraft," we will be letting people into positions of high responsibility and make available to very clever people our most important national security secrets, and on the other hand, since these things are inherently unreliable we will be convicting a lot of innocent people.

Mr. DELAY. Mr. Chairman, will the gentleman yield?

Mr. NEAL. I yield to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. I thank the gentleman for yielding.

Mr. Chairman, I will attempt to address the position of the gentleman that the polygraph is fallible.

Did the gentleman vote for drug testing? And does the gentleman feel that drug testing is not infallible? Because if drug testing, as we know it, is fallible, then the same idea should be taken by the proponents of this bill that we ought to throw out drug testing because it is not 100 percent accurate.

Mr. NEAL. I do not recall any votes on drug testing at this moment, but if drug testing is not reliable, and I just do not know about that at this point, and that is not the subject under consideration this morning, but if it were not reliable then I certainly would not want to subject people to these unreliable tests.

Let me say one other thing about drug testing: Insomuch as we use drug testing in a broad way to say to people, "We are assuming you are guilty of some illegal activity and it is up to you to prove your innocence," I would be very leary of it. We have a responsibility here, my friends, no matter what the State legislatures around this country have done, of protecting the Constitution. And the Constitution is clear concerning our system of justice.It is what separates us from the totalitarian systems.

We assume our people to be innocent until proven guilty; under the totalitarian systems people are assumed to be guilty and it is up to them to prove their innocence. That is precisely what I believe the widespread use of lie detectors, so-called lie detector tests, would be doing.

Mr. DELAY. If the gentleman will yield further, does not the polygraph give the opportunity to those employees who have been wrongfully accused of stealing or raping or whatever they have been accused of, the opportunity to use this test procedure along with other types of examinations? Does not the polygraph give the opportunity, as it has in this Nation for years, to clear their name, keep them out of jail, keep their jobs and to keep their reputation? I think it should be known that the polygraph can also be used as a tool to prove that you are innocent.

Mr. NEAL. I am not aware of that. Let me ask the gentleman to describe that scenario. Do you mean where an employee requests a lie detector test?

Mr. DELAY. That is correct.

Mr. NEAL. That is a different question.

Mr. DELAY. No, the gentleman would destroy any industry that relies on polygraph testing. You would not be able to seek employment with a company that facilitates polygraph testing because there will not be any companies in business.

Mr. NEAL. Well, it is my understanding this legislation prohibits the screening use of the lie detector test.

Mr. GUNDERSON. Mr. Chairman, I yield 4 minutes to the distinguished ranking member of the Committee on Education and Labor, the gentleman from Vermont [Mr. JEFFORDS].

Mr. JEFFORDS. I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in strong support of the bill before us. The protections it will provide for workers are long overdue. My only regret is that our colleague, Stew McKinney, is not with us today to add his voice to ours. He was a champion of this cause, and a good friend. We are here today largely due to his hard work over many years.

There will no doubt be a lot of discussion through the course of today, as we debate this bill and the various amendments, but it all really boils down to one simple question. Do polygraphs work—especially in preemployment screening?

My response, and the response of every objective scientific observer, is that they do not work in the employment setting.

We are not here today to debate whether or not there is crime in the workplace. There is crime; by white-collar workers as well as blue. But the fact there is crime does not justify the unbridled use of the polygraph.

On just about every other labor bill you will hear the calls to extend the bill's provisions to Congress. I say this not to belittle those efforts, because I happen to be part of them. But the silence on this polygraph issue is deafening. No one seems to want to require preemployment screening of Members of Congress.

This, in fact, is where the vast majority of polygraph tests are administered by private employers. Such screening amounts to a fishing expedition, and often not a very lengthy one. This bill would prohibit the 10-minute quickie and all other polygraph tests. But the Darden-Young substitute and the various industry exemptions that will be offered do absolutely nothing to prevent the cheap, quick polygraph test.

The substitute, for example, says that no more than one exam can be scheduled per hour. But that language raises more questions than it answers. There is nothing in that language to compel that the test last for an hour, and presumably unscheduled walk-on business could be conducted.

The fact is that you cannot regulate the use of polygraphs. It has been tried by the States, and those efforts have failed. Enforcement is virtually impossible, and employers circumvent the law by testing employees in one State and the transferring them to another. Regulating the polygraph does nothing to redress its inherent flaws. In fact, polygraph usage may actually increase once employers believe the Government, be it State or Federal, has sanctioned its use. The Darden-Young substitute acknowledges the problems with polygraphs, but seeks to perpetuate their use in the private sector.

One of the most troubling things about polygraphs is their perverse impact. The scientific evidence indicates they are more likely to tar an innocent person as guilty than are to identify a thief. An honest person is concerned about telling the truth, a liar is not. The guy on the Isuzu ads would pass a polygraph with flying colors. George Washington might have had trouble.

And the more fundamental question is: Why try to regulate a machine that does not work? The Office of Technology Assessment thoroughly studied the polygraph and found no evidence that it had any validity in the employment setting. Aside from studies by the polygraph industry, no objective scientist has found it to be much more accurate than flipping a coin. That is why both the American Medical Association and the American Psychological Association support the bill.

The scientific theory is backed by our real world experience. Although you will hear statistics on the losses suffered by business—and those losses are very real—the one statistic you will not hear is how much the polygraph reduces those losses. Retail theft is no greater in Vermont, where the polygraph is banned, than it is in Georgia, where it is regulated. Casino losses are no greater in New Jersey, where polygraphs are outlawed, than they are in Nevada, which has few restrictions.

There are clearly better ways to limit theft, from both an employer and an employee's perspective, than by strapping someone into polygraph. At a time when many of us are calling for greater flexibility on the part of labor and increased labor-management cooperation, the growing use of polygraphs in the private sector seems to head us in exactly the wrong direction. Indeed, many employers have deliberately banned their use. We do not need polygraphs in a free society like ours. I urge you to join us in supporting H.R. 1212, and rejecting weakening amendments.

The CHAIRMAN. The gentleman from California [Mr. MARTINEZ] has 17 minutes remaining and the gentleman from Wisconsin [Mr. GUNDERSON] has 20 minutes remaining.

Mr. MARTINEZ. Mr. Chairman, I yield 3 minutes and 30 seconds to the gentleman from Texas [Mr. BROOKS].

Mr. BROOKS. I thank the gentleman for yielding.

Mr. Chairman, I rise in strong support of H.R. 1212—the Employee Polygraph Protection Act of 1987. This bill will eliminate the widespread and growing use of so-called lie detector tests as a condition of employment in

America. It will not block their use by law enforcement agencies for actual investigations. Rather, it is aimed at stopping the growing abuse of polygraphs used as screening tests for employment. Private employers increasingly are forcing their employees to take such tests as a condition of employment even though they are not suspected of any wrongdoing. This practice is un-American—it assumes everyone to be guilty until they prove their innocence.

My views on polygraphs have been developed over many years, as a member of the House Government Operations Committee. This committee has overseen the Government's polygraph programs since the early 1960's, and has strongly recommended against the use of polygraphs for screening in the Federal Government in four separate reports.

Several years ago, the Office of Technology Assessment surveyed the scientific literature on polygraph validity for the Government Operations Committee. In its report, the OTA concluded that there was no scientifically acceptable study to support the use of polygraphs for screening purposes, and that any validity that the polygraph test may have for specific incident use would likely decrease dramatically in a screening context.

In a recent update, the OTA reached similar conclusions. In fact, they cited new studies which seriously question the validity of polygraph testing. Using figures from a National Security Agency program, polygraphs generated error rates of 27 percent. That is, errors were made nearly one-third of the time. Further, other laboratory research indicates that those trained in simple countermeasures to beat the polygraph are successful in fooling the test or producing an inconclusive result 65 percent of the time.

Since OTA's studies, many proponents of polygraph use have backed away from their claims of high polygraph validity. Instead, they argue the concept of utility. They point to numerous instances when the polygraph exam, or the threat of the exam, has been useful in eliciting important information or even confessions.

We should not confuse validity with utility. There is no question that the polygraph can be a very intimidating tool and may have some utility in that regard, just as the dunking stool, the rack, and the firing squad have had in past centuries.

That would convince you to confess to damn near anything, would it not, Congressman?

Mr. DARDEN. Mr. Chariman, will the gentleman yield, the distinguished chairman of the Committee on Government Operations?

Mr. BROOKS. I yield to the gentleman from Georgia [Mr. DARDEN].

Mr. DARDEN. I thank the gentleman for yielding.

Mr. Chairman, would the distinguished chairman of the Committee on Government Operations agree that as the chairman of the Committee on Government Operations the chairman has very broad powers and could well have brought legislation in this body if he believed so strongly that the polygraph is witchcraft and torture, to eliminate its use throughout the country, not just in the private sector but for Government employees as well? And why has not the distinguished chairman brought legislation here to abolish the use of this machine to protect Government employees?

Mr. BROOKS. I would in one second. We did not have that jurisdiction. We had jurisdiction to examine what they are doing, but not to pass the legislative authority.

Now the Labor Committee has got it, and Judiciary may be able to get into it by eliminating the production of this kind of junky equipment, as being illegal advertising, you know, holding out that it would do something. I am looking for another way to introduce the bill.

As former President Nixon said about polygraphs on the Watergate tapes, "I don't know how accurate they are, but I do know that they'll scare the hell out of people."

This elaborate con operation should not be allowed to be institutionalized as a feature of our Nation's workplace. It is inherently offensive to American concepts of justice.

Last year, the world's largest association of psychologists condemned the widespread use of polygraph tests for screening purposes. The American Psychological Association concluded that conducting such tests by psychologists could be unethical. The group found the scientific evidence regarding the validity of polygraphing to be "unsatisfactory and particularly poor concerning polygraph use in employment screening." They recognized the "great damage to the innocent persons who must inevitably be labeled as deceptors" in such screening situations.

Recently, a scientific council of the American Medical Association has also questioned the use of polygraph testing.

We should not allow passing some bogus lie detector test to become a condition of employment in this country. I urge you to vote for H.R. 1212 and against all weakening amendments.

□ 1145

Mr. MARTINEZ. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. Mr. Chairman, I urge a "yes" vote on H.R. 1212, the Employee Polygraph Protection Act and a "no" vote on the Darden-Young substitute and other amendments.

H.R. 1212 prohibits the use of a polygraph in most employment situations. Currently, 10 States have similar statutes. In addition, 12 States go even further by effectively banning all use of such tests by employers.

Plain and simple—if you believe a polygraph is an imperfect tool and that its results may be unreliable—then you should support H.R. 1212 and oppose amendments.

The Darden-Young substitute allows the use of polygraphs in most instances but institutes a Government regulatory system. Get that—Government regulations! I can't believe the business community prefers this substitute.

The rights of America's work force are at stake in this vote.

We should make it clear that the polygraph is an inappropriate job screening mechanism.

Vote "no" on the Darden-Young big-government and redtape substitute and vote "yes" on the bill to protect employee rights.

Mr. GUNDERSON. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Iowa [Mr. GRANDY], a member of our subcommittee.

Mr. GRANDY. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, today the House is considering an issue basic to the American tradition of civil rights. The presumption of innocence until guilt is proven has been a right Americans have long protected. It is a presumption which lies at the very heart of the American legal system. Furthermore, it is a right to which this body is obliged to uphold.

I am sure we are all aware of the many violations of privacy rights which have occured from the abuse of the polygraph. The lives and reputations of countless innocent individuals have fallen victim to the harsh realities of an imperfect and perhaps even imperfectable test. The Committee on Education and Labor heard testimony from several organizations which pointed out the explosive use of these tests over the past several years. Although estimates on the validity and accuracy of the tests vary, it can be stated unequivocally that many innocent people have failed the exam. In point of fact, the exam has failed innocent people. Interestingly enough, this exam has also failed by proclaiming certain guilty individuals to be innocent.

Clearly, the time has come for Congress to address this issue. I believe that the amendments that will be offered by the ranking minority member of the Employment Opportunities Subcommittee, the gentleman from Wisconsin [Mr. GUNDERSON] would serve to protect the American worker while maintaining the ability of employers to control workplace crime. The amendment to which I refer would prevent preemployment testing, which has proven to be the most inaccurate type of polygraph test administered today. At the same time, the amendment would allow the use of polygraph testing when it has proven to be an effective tool in uncovering crime, namely, after a specific crime has been committed. By permitting the polygraph to be used in a controlled environment with restrictions on the questions asked, minimum requirements for the length of the test, and by putting the polygraph in proper perspective as only one tool among many, we will likely see a great improvement in the accuracy of polygraph testing.

I urge my colleagues to support the Gunderson amendment and extend to the American worker the rights which criminals already have.

Having said that, Mr. Chairman, I would also have to say that although I support their efforts, I will oppose all exemptions to this bill for obvious reasons. If the test is ineffective for daycare, it will also be ineffective for nursing homes, and if we are going to exempt day care, are we not going to exempt kindergartens?

If we are going to exempt nursing homes, are we not going to exempt nurses or home health care deliverers? In other words, Members have a choice in these exemptions of selecting between a sin of omission and a sin of commission. There is no way to work this bill unless we pass the Gunderson amendment.

Mr. Chairman, let us support accuracy. Let us support the test that does work and reduce the false positives. H.R. 1212 without the Gunderson amendment is unacceptable because it is a mixture of protection for the American worker and punishment for the American businessman.

Mr. NEAL. Mr. Chairman, will the gentleman yield?

Mr. GRANDY. I yield to the gentleman from North Carolina.

Mr. NEAL. Mr. Chairman, I would like to ask the gentleman how he can support the amendment which encourages an increased use of polygraphs if he says, as he did in his opening statement, that he thinks the polygraph test is inherently inaccurate.

Mr. GRANDY. Mr. Chairman, I thank the gentleman for asking that question because it plays into the data that we received in testimony on the Employment Opportunity Subcommittee which shows specifically that when the test is administered for incidents specific after the fact, the increase in accuracy raises dramatically. So, in that case we have perhaps an acceptable gauge to judge crime in the workplace. As a preemployment tool, I probably agree with the gentleman.

Mr. NEAL. Mr. Chairman, let me ask the gentleman this: The accuracy raises to what level?

Mr. GRANDY. Mr. Chairman, I am sorry. Will the gentleman repeat that?

Mr. NEAL. The gentleman said the level of accuracy is raised considerably when the test is not used for preemployment screening but, in fact, used for crime-specific purposes. What is the level of accuracy?

Mr. GRANDY. Mr. Chairman, I think the gentleman is asking me whether it is 100 percent, but that clearly is not it. It is higher than the 40 to 60 percent that we have seen as a preemployment figure.

The CHAIRMAN. The time of the gentleman from Iowa [Mr. GRANDY] has expired.

Mr. GUNDERSON. Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. YOUNG].

Mr. YOUNG of Florida. Mr. Chairman, if this bill becomes law in its present form or with additional amendments to exempt certain phase of the economy or with the substitute to be offered by the gentleman from Georgia [Mr. DARDEN] and myself, or if it becomes law just like it is written today, there will be the use of polygraphs throughout America. Let us understand that.

The substitute that the gentleman from Georgia [Mr. DARDEN] and I will offer answers to most of the complaints that we have heard from those Members who support the bill. They are concerned that the polygraph examination will not be given properly or that it will be done hurriedly. The purpose of our substitute is to guarantee that wherever polygraphs are used in America, they will be used by trained professionals with numerous safeguards to the person being examined.

Again I say there is going to be the use of the polygraph under this bill, no matter what form it takes when it is passed. Someone has called it a gadget. Maybe it is. It is a piece of equipment. Actually, the polygraph is only as good as the examiner.

If the Members allow us to adopt the Darden-Young substitute, we are going to require trained professional examiners who know what they are doing and who have a law to go by when they administer these examinations.

Someone else said there is nothing in the Darden-Young substitute to prevent a quickie polygraph exam. That is not accurate. That speaker has not read the substitute, because we provide in the substitute that the examiner shall set aside a minimum of 1 hour to conduct that examination.

Now, there are those who say that the polygraph does not work and should not be used. In the State of Florida, for the last 20 years polygraph examinations have been used. There were 300,000 last year alone. Before a polygraph examination can be administered in the State of Florida, the examinee must be advised that he has the right to complain if he is not satisfied with the conduct of the examiner, and he is told where to complain and to whom.

There were 300,000 examinations last year in Florida, Mr. Chairman, and there was one complaint. In the year before that there were in excess of 300,000 polygraph tests administered in the State of Florida, and there was one complaint. As a matter of fact, Florida's Secretary of State at the time testified before the other body last year about the polygraph, and I take that information from his statement.

Mr. Chairman, I would like to say something to the Members, in case they missed it about what one of our colleagues said. When our colleague, the gentleman from Texas [Mr. BROOKS], took the microphone, he said something very key to this debate. He said that his committee has put out four reports suggesting that the polygraph should be outlawed totally, including for the Government. Let us understand what he is saying, Mr. Chairman. When he says we should exclude them from the Government, he is saying that the Central Intelligence Agency cannot use them, the Defense Department cannot use them, and that none of our national security agencies can use them. He is saying that none of our intelligence secrets can be protected by the use of the polygraph.

The CHAIRMAN. The time of the gentleman from Florida [Mr. YOUNG] has expired.

Mr. MARTINEZ. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. VISCLOSKY].

Mr. VISCLOSKY. Mr. Chairman, I rise in strong support of H.R. 1212, the Employee Polygraph Protection Act, and I also rise in strong opposition to any amendment that might be offered to weaken the bill.

I speak from practical experience. I was the subject of a polygraph examination, if you would, when I was in the Manhattan district attorney's office in New York City during the summer of 1972. Each of us was given a polygraph examination, not as a condition of employment but to inform us of its operation, its use, and its validity or lack thereof.

In our group there were four individuals. We controlled the questions that were asked, and we answered in a negative fashion to each. Two questions were true, two questions were false. In my instance, I flunked that examination because the examiner mispronounced the name of the high school that I graduated from. A woman in our group also flunked the examination because apparently she had a reaction when the examiner mispronounced the place of her birth. So, out of that group, in a very controlled circumstance, we had a 50-percent ratio.

I am adamantly opposed to the use of these devices in our society. They do not have a place in our society.

Mr. Chairman, my support for H.R. 1212 is not due exclusively to my anecdotal experience. The hard, uncontested truth is that, in an employment situation, there is no scientific data to validate the use of polygraph machines. All agree that test validity is primarily affected by the examiner, the subject, and the setting. The fact remains that no one, regardless of experience, can determine from a polygraph chart why a subject responded in a certain way, whether out of guilt, fear, anger, humiliation, or intimidation. The ironic truth is that lie detector tests have a built-in bias against truthful people. The more honest workers are, the more likely they will fail the polygraph because of their heightened sensitivity to having their honesty challenged.

While polygraphs are unfair to all workers, I am concerned about their impact on minorities. In testimony before the Subcommittee on Employment Opportunities, the Legal Action Center reported that the tests have a substantial discriminatory effect on minority job applicants and employees. There are two reasons for this finding. First of all, the polygraph is a measure of physiological functions, and there is research evidence of ethnic and group differences in physiological reactivity to stress which may affect the polygraph's validity when used on particular groups. Second, the inherent subjectivity of determinations based on the polygraph creates extensive opportunities for conscious or unconscious biases and cultural stereotypes to affect the decisions made by polygraph examiners.

So, what do we know about polygraphs? We know that there is no research to validate their "findings." We know that they do not gauge what they are perceived to, and we know that there is growing evidence to indicate that they are used in a discriminatory fashion. There are less drastic, more effective ways to deter employee theft and abuse that do not infringe upon an individual's civil rights. I do not understand why criminal's are protected from polygraph testing, but American workers are not.

In conclusion, I can only observe with redress that we are faced with an administration that wants everyone to take a polygraph test to get a job, and take a drug test to keep the job, accept a minimum wage for the job. I urge my colleagues to join with me and support H.R. 1212 and to oppose attempts to weaken it.

Mr. GUNDERSON. Mr. Chairman, will the gentleman yield?

Mr. VISCLOSKY. I am happy to yield to the gentleman from Wisconsin.

Mr. GUNDERSON. Mr. Chairman, is it the gentleman's intent, then, to offer an amendment during the debate today that will prohibit the use of the polygraph for national security purposes or prohibit its use for our foreign policy personal as well?

Mr. VISCLOSKY. It is not, because at this point I do not believe that the majority of my colleagues in this Chamber agree with me on that particular subject. I am disappointed at that, and I regret that disappointment.

Mr. GUNDERSON. Why did the gentleman vote for the Mica amendment?

The CHAIRMAN. The time of the gentleman from Indiana [Mr. VISCLOSKY] has expired.

Mr. GUNDERSON. Mr. Chairman, I yield 2 minutes to the gentleman from Utah [Mr. NIELSON].

Mr. NIELSON of Utah. Mr. Chairman, I rise in support of H.R. 1212, the Employee Polygraph Protection Act.

I am committed to protecting the welfare of businesses and the consumers. Many of my colleagues and those in the areas of commerce feel that polygraph testing is necessary for preventive and prosecutorial measures.

As a former professor of statistics, however, I am very concerned with the validity in which the polygraph can accurately detect truth or deception.

Taking information published by the U.S. Congress Office of Technology Assessment, it is surprising how inaccurately these tests have been interpreted. The results can be summarized as follows:

For guilty persons:

Shown to be guilty: 65 percent.

Shown to be innocent: 18 percent.

Those who had inconclusive tests: 17 percent.

For innocent persons:

Shown to be guilty: 19 percent.

Shown to be innocent: 69 percent.

Those who had inconclusive tests: 12 percent.

It is easy to see that polygraph testing acts in a detrimental way for innocent persons.

As an example, assume that 5 percent of the people being screened are actually guilty. Also assume a very high validity rate of 90 percent. In this situation, the polygraph would only have a 33 percent predictive value, since for every person correctly identified as deceptive, two innocent people would be wrongly classified as deceptive. It is a matter of simple mathematics that in order to catch 90 percent of the guilty individuals, 68 percent of the people who fail the polygraph test will have been innocent.

The irony is that by basing more and more important social decisions on the results of polygraph tests, we may be producing an effect opposite to that intended, firing the most honorable police officers, refusing to hire the potentially most reliable employees, while staffing sensitive positions with those lucky or clever enough to know how to beat the polygraph.

I urge my fellow colleagues to vote in favor of H.R. 1212.

□ 1200

Mr. MARTINEZ. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. BIAGGI].

Mr. BIAGGI. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise as an original cosponsor and strong supporter of H.R. 1212, the Employee Polygraph Protection Act.

As New York's ranking member on the House Education and Labor Committee, I have heard the testimony about the abuse, misuse and overuse of polygraph testing in the private sector. However, I believe this legislation offers an effective and responsible solution to that problem. Simply put, it provides labor with important and much needed protections.

As a 23-year police veteran, I believe there are certain very specific situations where the polygraph can and should be used to help prevent crimes, and to detect criminals once a crime has been committed. This bill already has some specific allowances for those situations, and I will be supporting efforts later today to ensure that other exemptions are added as well, including one for certain segments of the private security industry.

Those exemptions will provide for the responsible and necessary use of the polygraph, while allowing the remaining provisions in the bill to prevent the abuse, misuse and overuse of the lie dector test. This is a very fair and balanced approach and one that deserves our full support.

Finally, Mr. Chairman, I want to commend the author of the bill, Mr. WILLIAMS, and the distinguished chairman of the Employment Opportunities Subcommittee, Mr. MARTINEZ, for their untiring efforts on behalf of this important piece of legislation.

Mr. GUNDERSON. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. FAWELL].

Mr. FAWELL. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in opposition to H.R. 1212, which would ban the use of polygraphs in the private sector, and urge my colleagues to support the various amendments which will be offered later today to allow the use of polygraphs under regulated and limited circumstances.

The polygraph is an important tool for deterring employee theft. Employee theft, which amounts to a hidden tax on all products purchased by consumers, is estimated at $40 billion per year. A 1980 University of Minnesota study concluded that 60 percent of the employees surveyed from nine retail organizations admitted to stealing from their employers.

If anything, the polygraph at least serves as a tool which deters many employees from ever considering to steal from their employers. H.R. 1212, by banning the use of polygraphs altogether in the private sector, takes away this deterrent.

Proponents of H.R. 1212 also question the validity of polygraphs and the accuracy of test results. Yet, the bill's proponents undermine their argument when they allow Federal, State, and local governments to continue to use polygraphs. If the bill's proponents think that the result of polygraphs are not valid in the private sector, how can they possibly be valid in the public sector?

Ironically, the House already this year has recognized the validity of polygraphs when it approved an amendment to the defense authorization bill which would establish a permanent polygraph program for national defense agencies. The House endorsed that amendment, and the validity of polygraphs, by a vote of 345 to 44.

Either polygraph results are valid or they are not? We can't have it both ways.

If there are problems with the way polygraphs are administered in the private sector, H.R. 1212 is the wrong response. Because Congress has already recognized that polygraphs do work in the Federal Government, attempts to ban their use in the private sector is high-handed hypocrisy.

Instead of banning polygraphs altogether, my colleagues should support the Young-Darden substitute amendment. The substitute is a reasonable and responsible alternative which allows private-sector employers to continue to use polygraphs under strict guidelines.

The Young-Darden substitute establishes minimum Federal standards for the use of polygraphs in the private sector and does not preempt more restrictive State laws. Individual rights are also protected. An employer could not deny employment, discharge, or discipline an individual based solely on the results of a polygraph exam.

The substitute also places strict requirements on polygraph examiners. Examiners are prohibited from asking questions pertaining to an individual's religious, racial, or political beliefs, union affiliation, or sexual preference. Tougher training standards are required for examiners, and an examiner could not give more than 10 polygraph tests per day.

More importantly, the substitute continues to respect the right of States to regulate the use of polygraphs, whereas H.R. 1212 imposes an outright Federal ban on their use in the private sector.

I urge my colleagues to reject H.R. 1212 as a hypocritical and irrational response to the so-called polygraph problem and, instead, support the Young-Darden substitute as a responsible alternative.

Mr. MARTINEZ. Mr. Chairman, I yield 1½ minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I find this debate very interesting. Richard Speck killed eight nurses, and he was not forced to take a polygraph. Neither was Charles Manson or the Son of Sam.

Your 18-year-old daughter going out for her first job, never accused of anything, is going to have to take a polygraph.

Companies that rely on polygraphs have more theft than those that do not. The polygraph will never replace good personnel management and background screens; and if this Congress can continue to fortify the rights of Speck and Manson, we should assist the American workers in some basic civil rights, too.

What about the workers coming into the company that pays minimum wage and says, we find out that you could afford to pay more. We have a collective bargaining agreement.

Will the company have to take a lie detector test? This is a rights vote, and what separates us from the Soviet Union is the debate that is going on in this House today.

It is a rights vote. I support this bill, and any amendment to weaken it, I will speak out against it.

Mr. GUNDERSON. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. DELAY).

Mr. DELAY. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, this debate is incredible. If the Members look at the bill and the cosponsors of the bill, it will show the Members the irony of H.R. 1212.

It seems interesting to me that the proponents of the bill, most of them, criticize the CIA, the FBI, law-enforcement agencies for Gestapo tactics. Yet, they are the very agencies that they are exempting in this bill and going to allow to use this abusive and intrusive polygraph.

These are also the very people that claim they protect labor, and by doing so, protect jobs. Yet, by passing this bill, No. 1, they are destroying 100,000 jobs by putting out and wiping out 10,000 businesses that administer polygraphs.

No. 2, polygraphs vindicate employees from accusations that could cost them their jobs and their reputations, and they are going to wipe that out.

The same proponents of this bill are also the very ones that say they are consumer advocates. Yet this bill will remove one of the tools that is used to fight theft that results in higher prices. We ought to call this bill the Criminal Protection Act of 1987.

The advocates also claim to be the protectors of children, elderly, and of women. Yes, these are the same people that want to take away the tools that would keep the child abuser out of the day-care center, keep those that mistreat the elderly out of the nursing home, and keep the rapists and the thieves out of personal residences.

I have an amendment that will exempt pest-control companies, and I will use this amendment to show the Members how ridiculous this bill is, and show the Members example after example.

In one case in San Antonio, there was a rapist that was kept from being hired by a pest control company because of the polygraph exam and other test procedures. If you as homeowners want to take away the ability of screening people, rapists and thieves, out from being able to come into your home, then you should support this bill. If you do not, and if you want to keep these people out of these homes, and they do come in unattended, then vote for my amendment. Please remember that there are all kinds of examples of horror stories of people going in to service a home and not only raping but stealing.

Mr. NEAL. Mr. Chairman, will the gentleman yield?

Mr. DELAY. I yield to the gentleman from North Carolina.

Mr. NEAL. Mr. Chairman, I thank the gentleman for yielding.

Is it the gentleman's position that these things are accurate?

Mr. DELAY. Absolutely.

Mr. NEAL. Does the gentleman have any evidence?

Mr. DELAY. Mr. Chairman, reclaiming my time, and I will tell the gentleman how accurate they are.

They are not from some study the gentleman cut out from the Institute of Justice, but accuracy of the practical marketplace.

If they were not accurate, companies would be wasting their money using them. They use them because they are 85- to 95-percent accurate.

Mr. MARTINEZ. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. ANDREWS].

Mr. ANDREWS. Mr. Chairman, I thank the gentleman for yielding me this time.

Private industry does have a real problem, and that is in screening employees and trying to avoid theft.

The answer, I believe, does not lie with the polygraph machine, with a lie detector.

We know from the estimates we have heard here in the debate today that they are only accurate somewhere between 8 and 10; and 25 percent of the time they are fallible. They do not work.

The response for business is to do it the old-fashioned way, to carefully screen their prospective employees, to examine their recommendations, to talk to their previous employers, but not a fallible lie detector.

I served 4 years in the district attorney's office in the Houston area. Most of that time I worked in prosecuting organized crime cases and major drug rings in the Texas area.

I am telling the Members, time and time again, the lie detector proved unworkable and fallible, and was not a useful tool, even in the very most competent hands.

In one instance I tried a defendant who robbed a camera store in a small shopping center. He was covered in a hood in a jumpsuit, and at the point of a gun in about 3 minutes he robbed a young woman of the money in the store.

He had six alibi witnesses, and he took three polygraph tests. Two were administered by the police department. He passed all three.

The State was prepared to dismiss the case, but the young woman over and over again said that this is the man that robbed me.

The case was tried, and I wondered whether the guilty verdict and the 15 years that the jury gave that defendant were correct. Two weeks later they brought the defendant into the courtroom manacled and ready to be sent away.

Everyone in the room but the jury knew that that man had passed those lie-detector tests. He leaned to the bailiff, and he whispered to him, "You know, if I had killed that young woman, today I would never be in this mess now."

They are fallible, they do not work, and it is very important by this bill that we limit their use as much as we can.

Mr. GUNDERSON. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Chairman, I thank the gentleman for yielding.

I wanted to ask the gentleman from Texas [Mr. ANDREWS], my good neighbor and friend from Houston, does the gentleman believe that drug tests are 100 percent infallible?

Mr. ANDREWS. Mr. Chairman, will the gentleman yield?

Mr. DELAY. I yield to the gentleman from Texas.

Mr. ANDREWS. Mr. Chairman, I thank the gentleman for yielding.

Of course not, but we can be relatively sure that they are more accurate.

If I could answer the gentleman's question?

Mr. DELAY. Are they 80 percent infallible?

Mr. ANDREWS. If I could have an opportunity to answer your question?

Mr. DELAY. Are they 80 percent infallible, 90 percent?

Mr. ANDREWS. If the gentleman would stop interrupting me and let me answer the question, the American Medical Association has stated over and over again that a lie-detector test is just about as accurate as a flip of the coin.

That is not true with drug testing.

Mr. DELAY. There are studies that refute that.

I am just asking the gentleman if drug tests are fallible. Is the gentleman suggesting that we require 100 percent accuracy on all tools to stop criminals?

Is the gentleman for or against drug testing?

The CHAIRMAN. The time of the gentleman from Texas [Mr. DELAY] has expired.

Mr. GUNDERSON. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I point out to the Members that the gentleman from Texas who just told the story did not point out that the gentleman was the prosecutor, the one obviously who was involved and supportive of the administration and the results of those polygraph tests; but now after the individual referred to was convicted, now the gentleman chooses to believe the person who was convicted.

I just suggest that we put this story in its proper perspective. I am not sure I believe someone who is convicted of this kind of a crime, is this type of person the one we ought to be relying on in determining whether a polygraph is or is not valid.

Mr. MARTINEZ. Mr. Chairman, I yield 5 minutes to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I urge support for this legislation. I am the prime sponsor of this bill.

The Members are going to be voting today on whether or not to halt what is an absolute epidemic in the growth of the use of the lie detector gadget in the American workplace.

One hundred eighty-two of the Members have joined me in cosponsoring this legislation. It has the support of the American Medical Association, the American Psycological Association, the AFL-CIO, the American Civil Liberties Union.

These organizations join me in opposing all specific exemptions and weakening substitute.

Similar legislation passed this House last year by a vote of 236 to 173; and it had, as does this bill, broad bipartisan support.

□ 1215

Yes, there is an epidemic explosion in the growth of the use of lie detector in the United States. The American Polygraph Association tells us that last year there were 2 million lie detectors tests given in the United States, and that number has tripled in just the past 10 years.

Now, when folks hear that there have been 2 million tests given, they say, "Well, sure, that's the FBI, the CIA, the National Security Council, and local police giving those tests." Not true. Ninety-eight percent of the 2 million tests given last year were not given by public agencies. They were given by private employers against their employees and 75 percent of those 2 million tests were given against people who were only applying for a job. They had not been accused of any wrongdoing. It is the 18-year-old who wants to be a stenographer, and they say, "Come here, sit down. We are going to strap you in and make you prove that your are not guilty of something."

Only about one-fourth of the tests are given to investigate workers who might be accused, usually wrongly accused, of some crime or other.

The broad support for lie detectors stems from the simple fact that there is no scientific evidence that shows that these gadgets, these so-called lie detectors work. Employers in this country have been deceived by the myth that a metal box plugged into a wall socket can detect truth from lies. If you believe that somehow all liars have universal physiological responses, that is, they all perspire about the same rate, their respiration increases at about the same rate, their heart beat increases at about the same rate, across all liars in the United States, then you think the gadget works. I suggest that that is like believing in Pinnochio. You believe that when you lie something physiological happens to you. In the case of Pinnochio, his nose got longer. In the case of the accused, you start to perspire more.

There has been much made here on the floor of the House about the use of the lie detector by the Federal Government. Yes the Federal Government uses them. Two percent of the tests given last year were given by all public agencies, including the Federal Government. But the Federal Government gives them in ways far different than private employers do.

The Department of Defense is a user of lie detectors, but this Congress limits the number of lie detector examinations that can be given by that Department. The Department of Defense itself has regulations that involve the preinterview, the test itself is given under specific controlled conditions, postinterviews, and again they limit the number they give. Then they forbid themselves down at the Department of Defense to use the lie detector as the sole determinant as to a person's questionability or lack or questionability.

Do they work? Well, they might be 85 percent effective, according to the people who support the gadget.

Now, let us see what that means. Let us say that an employer has 1,000 job applications and the employer suspects that 10 percent, or about 100 of those 1,000 job applications, are dishonest people, about 10 percent. So he gives the lie detector tests.

Now, if it works at the maximum, at 85 percent, that means that 85 out of the 100 people that they suspect, 85 of them will be correctly identified by the lie detector; but remember, 15 percent of them, or 135 prospective employees, will be misidentified.

Thus, here is what happens. The lie detector will accuse out of the 1,000, it will accuse 220 suspects, of whom 61 percent will be wrongly identified.

Out our way in Montana, we like western music, and I will close with this for now, my friends. There is a song by a Western singer called Tom T. Hall and there is a line in that song that says: "If you hang them all, you will get the guilty."

Mr. GUNDERSON. Mr. Chairman, I yield 4 minutes to the gentleman from Texas [Mr. BARTLETT].

Mr. BARTLETT. Mr. Chairman, I rise in opposition to H.R. 1212 and to urge a "yes" vote in support of many of the amendments that will be offered to help to do what some of the sponsors of the bill say that they want to do.

I would like for the House in these remaining minutes to back up just a little bit and cut through the smoke and the haze and talk about what H.R. 1212 actually does.

Now, some of the proponents and the speakers have said that they believe that the polygraph either never works or almost never works and thus they would prohibit it. They would say it should never be used. Yet the bill itself provides, authorizes the use of the polygraph by Government agencies.

Others would say that the polygraph is an imperfect tool and sometimes does not work, and yet this bill before us, and make no mistake about it, prohibits the use of the polygraph by any employer other than a Government agency, prohibits them in postemployment, prohibits it in the case of theft, prohibits it in the case of preemployment, prohibits no matter what the occupational needs are of those employees.

Let us back up to a few facts. First, this bill in its form today does not clarify the use of the polygraph. It does not limit the use of the polygraph. It does not correct abuses. It simply prohibits the use of a polygraph examination which is currently being used as one tool, as one determinant in preemployment and postemployment theft.

So we do not have before us a bill that somehow corrects abuses. We have a bill before us that eliminates the use of the polygraph in all but Government agencies.

Second, it does have law enforcement implications, and I think we ought to understand that. If you do not believe that or do not understand it, well, call your local police department or call your defense contractor who has to try to enforce national security.

The fact is that when a theft or a breech or a violation of health or safety has occurred in a nursing home or a bank or a defense contractor, that employer uses a variety of determinants to determine who they can eliminate as suspects and then turns the criminal case over to the police.

Take away that tool, and you take away the law enforcement agency's ability to enforce the law.

Third, let us examine the civil rights argument that is so often trotted out and is overused it is somewhat trite.

It has been said that the polygraph is not permitted as evidence in a criminal case in a court of law, and that is true; but the fact is that when employers hire employees we have long understood that those employers use all kinds of tests that are not allowed in a court of law. They use literacy tests sometimes if it is part of the job qualifications. They use hearsay evidence by checking references. They interview employees without the presence of an attorney.

References are used. Hearsay evidence is used. Interviews are used without the rules of evidence.

Now, the fact is that the polygraph has changed and that in today's world the use of the polygraph is not used by industry as a sole determinant because industry is trying to hire and to find qualified employees. Industry uses and business uses today, and we have evidence and testimony in the hearing record, industry uses the polygraph as one determinant, as one indicator, just like they use references, just like they use personal interviews, just like they sometimes use written examinations. They use it as one determinant.

This bill does not say that they could use it as one determinant. This bill would say that under no circumstances can a polygraph be used as any indication. That is not fair to the other employees and it is not fair to the customers and it is not fair to the individual homeowners who those employees will be entering their homes at all times of the day or night, and it is not fair to the consumer.

Mr. Chairman, I urge a "yes" vote for the Darden-Young substitute which does what many of the proponents of H.R. 1212 say they want to do, and that is to limit abuses, correct abuses, provide a framework, adopt minimum standards. If that is what we want to do, let us adopt minimum standards.

Mr. MARTINEZ. Mr. Chairman, I yield myself the balance of the 30 seconds I have left.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. MARTINEZ. I yield to the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Chairman, this bill will provide important and needed protection for hundreds of thousands of workers who are victimized each year by unreliable and intrusive polygraph testing.

Compulsory polygraphs as a preemployment testing device represent a threat to all job seekers. Additionally, there is mounting evidence that they represent an even more serious danger to black workers. What the new evidence indicates is that the polygraph is not only a threat to the privacy of all, but is a special threat to equal opportunity for black Americans.

None of this evidence may represent conclusive proof that polygraphs discriminate along racial lines. But it certainly constitutes important danger signs. The data reflects something that is already widely accepted: that the most important determinant in the accuracy of polygraph testing is the tester. What this new data suggests is that testers just bring their own subjective biases to the process.

The fight for equal employment opportunity in this country has not been an easy one, but we have made much progress in recent years. We cannot afford to see those gains eroded through back door means.

The unreliability and intrusiveness of polygraphs is reason enough to pass H.R. 1212. The evidence that they are also racially biased makes it absolutely imperative.

I am attaching to these remarks the following documents which are part of that mounting body of evidence of the racially discriminatory nature of the polygraph:

The opinion of the U.S. District Court for the Northern District of Illinois in the case of *Moon* v. *Cook County Police and Corrections Merit Board,* No. 78 C 1572 (Jan. 18, 1980). The court there found that the plaintiffs had presented sufficient evidence to establish that the defendant's preemployment polygraph test failed blacks at a significantly higher rate than whites. The case settled after this court ruling and the settlement included an agreement to eliminate the polygraph requirement.

The complaint in *Johnson* v. *Alexander's Inc.*, No. 85 Civ. 9691, filed Dec. 12, 1985, in the U.S. District Court for the Southern District of New York, charging that polygraph tests have a racially discriminatory effect. Paragraphs 20 and 21 of the complaint describe the findings made by the New York States Division of Human Rights before the case was filed in Federal court. The division found the charge of discrimination supported by probable cause. The case was settled for $25,000.

A statistical report by John Van Ryzin, chairman of Columbia University's Department of Statistics, filed in support of the complaint in Johnson versus Alexander's. The statistical analysis is based on data on polygraph tests outcomes admitted by the defendant. Over a 15-month period, during which more than 1,000 applicants were tested, 73.4 percent of the whites passed the test, while only 63.6 percent of the blacks passed.

EEOC Decision No. 79-44, February 23, 1979. The Equal Employment Opportunity Commission determined that a charge of discrimination was supported by reasonable cuase in a case where the applicant was rejected on "psychological grounds" for failing a polygraph test; the evidence showed that blacks were psychologically disqualified at a higher rate than whites.

An excerpt from a report by the Office of Technology Assessment on "Scientific Validity of Polygraph Testing: A Research Review and Evaluation" (November 1983). The OTA's report states that research conducted cross-culturally indicates that there are ethnic differences in response to stress that may affect the detection of deception.

An excerpt from an article by Paul R. Sackett and Phillip J. Decker, "Detection of Deception in the Employment Context: A Review and Critical Analysis," Personnel Psychology, Vol. 32 (1979). The authors refer to research evidence of ethnic differences in physiological reactivity to stress that could affect the accuracy of test results for different groups. They also note "the potential for factors such as first impressions, prejudices, and stereotypes to consciously or unconsciously affect the overall judgment made by the examiner."

An article by Daniel Jussim, "Lies, Dam Lies—and Polygraphs," from The National Magazine, December 21, 1985, discussing the discriminatory aspects of polygraphs.

[In the U.S. District Court for the Northern District of Illinois, Eastern Division, No. 78 C 1572]

HAROLD L. MOON, PLAINTIFF, V. COOK COUNTY POLICE AND CORRECTIONS MERIT BOARD, JAMES L. O'KEEFE, SIDNEY J. SEXNER, SAMUEL W. NOLAN, E. JAMES GARBUTT, ROBERT C. CUMMINGS, INC. POLYGRAPH LABORATORY, DEFENDANTS.

ORDER

This case comes before the court on plaintiff's objections to the Magistrate's order of September 17, 1979 recommending that defendant's motion for summary judgment be granted and the case dismissed. For the reasons herein stated, this court, after reviewing the additional evidence presented after the Magistrate's report, denies defendant's motions to dismiss and for summary judgment.

Also before the court is plaintiff's motion to certify the class. For the reasons herein stated, this motion is granted.

Plaintiff, Harold Moon, a black, brings this action challenging the creation, administration, evaluation, and use of polygraph tests administered to applicants for the position of Cook County Correctional officer. Plaintiff, after taking the polygraph test, was informed that he had not received a satisfactory grade on it and, consequently, was rejected as an applicant. Plaintiff brings this suit alleging that the polygraph tests discriminate against blacks in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, et seq., 42 U.S.C. § § 1981 and 1983, and the Fourteenth Amendment.

The defendant, in moving for summary judgment and dismissal, contends that there can be no discrimination where, as here, twice as many blacks as whites were hired as Correctional Officers over the five year period covering 1974-1978.

However, summary judgment under Rule 56, Federal Rules of Civil Procedure, is an extreme remedy which should be sparingly employed. *City National Bank of Fort Smith, Arkansas* v. *Vanderboom,* 422 F.2d 221, 223 (8th Cir.), cert. denied, 300 U.S. 905 (1970); *Homan Mfg. Co.* v. *Long,* 242, F.2d 645 (7th Cir. 1957). It should be entered only when "the pleadings, depositions, answers to interrogatories, and admissions on file, together with affidavits, if any, show that there is no genuine issues as to any material fact and that the moving party is entitled to judgment as a matter of law." Rule 56, Fed.R.Civ.P.

The basic mission of the summary judgment procedure is to allow a court to pierce the pleadings and assess proof in order to see whether there is a genuine need for a trial. *Gauck* v. *Meleski,* 346 F.2d 433 (5th Cir. 1965). Issue finding and not issue resolution is the court's task under such procedure. *Hackensack Water Co.* v. *Village of Nyack,* 289 F. Supp. 671 (S.D. N.Y 1968). In performing its task, the court must draw inferences from underlying facts contained in such materials as affidavits, exhibits, and depositions, in a light most favorable to the non-movant. *Technograph Printed Circuits, Limited* v. *Methode Electronics, Inc.,* 356 F.2d 442, 446-7 (7th Cir.), cert. denied, 384 U.S. 950 (1966). The non-movant's allegations must be taken as true, to the extent that they are consistent with its evidence before the court. See *Goodman* v. *Mead Johnson & Co.,* 534 F.2d 566 (3d Cir. 1976), cert. denied, 429 U.S. 1038 (1977). It is the court's duty to resolve all doubts as to the existence of a genuine issue as to material fact against the moving party. *Technograph Printed Circuits, Limited* v. *Methode Electronics, Inc.,* supra.

In the instant case, this court finds a clear question of material fact as to whether the use, administration, evaluation, and creation of the polygraph tests employed by the Correctional Department operates discriminatorily against blacks.

First, we note that defendants contentions, that there can be no discrimination where twice as many blacks as whites have been hired during the 1974-1978 period, lack serious merit. Numerous cases have held that a racially balanced work force cannot immunize an employer from liability for specific acts of discrimination, here the alleged employment of the polygraph test. See e.g., *Turnco Construction Corp.* v. *Walters,* 46 L.W. 4967, 4970.

And, in the instant case, plaintiffs have established by statistical evidence a prima facie case of discrimination based on the information contained in defendant's files. These statistics demonstrate that a higher percentage of blacks failed the polygraph test than whites taking the same test. In fact, plaintiff's expert correctly determined from the information available that there was one chance in 1,000 that in 1976-1978 the proportion of blacks who failed the polygraph would be as great as 72.5% (where 67.5% of those taking the test was black) if blacks had had an equal chance of passing the test.

In 1978, 65% of those who took the polygraph were black and 74% of those who failed the polygraph were black. But, 31.2% of those taking the test were white, yet only 21.5% of those who failed were white. Plaintiff's expert correctly determined that the chance that this proportion of blacks would fail the test absent discrimination is less than two in 10,000.

Based on the statistics, plaintiff has proffered sufficient evidence to constitute a prima facie case of discrimination.

While defendant correctly notes that the percentage used for the number of blacks taking the test was an assumption based on the percentage of blacks who applied, plaintiff used all the information available to him and defendants have offered no other figure that they allege to be more precise. While this assumption must be tested, its mere existence without some contrary evidence from defendants, is not enough to undermine plaintiff's efforts to establish a prima facie case. In fact, in *Hester* v. *Southern Railway Co.,* 497 F.2d 1374, 1379-1381 (5th Cir. 1974), a case cited by defendants in challenging the use of assumptions by plaintiff, the defendant there, unlike the defendant here, offered testimony that plaintiffs percentages were miscalculated because applicants "deselected" themselves. Defendants have not offered any such testimony nor proof explaining the basis for their challenges to plaintiff's assumptions.

The Supreme Court case of *New York City Transit Authority* v. *Blazer,* 99 S.Ct. 1355, 1364-1366 (1979) is likewise not applicable where, as here, defendant's have not offered any explanation as to the likelihood that plaintiff's assumptions are inaccurate in toto. Moreover, in *Blazer* the Supreme Court acknowledged that the available statistics could possibly have proven a prima facie case.

This court also find it noteworthy that plaintiff's statistics are compiled from records which were in defendants possession and defendant's challenges are logged against statistics for which plaintiff could find no records because, as defendant's admit, "the Merit Board does not have in its possession all of the white forms collected in 1977 and 1978." In fact, defendants efforts to undermine the validity of plaintiff's statistics is based on less reliable assumptions than plaintiffs.

For the foregoing reasons, this court finds that summary judgment and/or dismissal is inappropriate at this juncture . . .

[U.S. District Court, Southern District of New York]

BARBARA JOHNSON, PLAINTIFF, AGAINST, ALEXANDER'S, INC., DEFENDANT

(Complaint)

PRELIMINARY STATEMENT

1. This is an action brought pursuant to Title VII of the Civil Rights Act of 1964, as amended, 41 U.S.C. Section 2000e, seeking declaratory and injunctive relief to redress

the injury done to the plaintiff, Barbara Johnson, as a result of the defendant's policy and practice of denying employment to job applicants and new employees solely on the basis of a polygraph test. The defendant's polygraph tests, which are used as an initial condition of employment for positions at the defendant's stores in New York State, have a substantial discriminatory impact on job applicants and employees who are black. These tests are not justified by business necessity: they are not accurate and cannot serve as a valid predictor of future job performance. Accordingly, the defendant's policy and practice of conditioning employment on polygraph test results violates the Civil Rights Act.

JURISDICTION

2. The jurisdiction of this Court is invoked pursuant to 42 U.S.C. §§ 2000e-5 (f)(1) and (f)(3), the jurisdictional provisions of Title VII. Because this action arises under the laws of the United States, jurisdiction also lies under 28 U.S.C. § 1331. The plaintiff also seeks declaratory relief pursuant to 28 U.S.C. § 2201 and 2201 and Rule 57 of the Federal Rules of Civil Procedure.

PARTIES

3. Plaintiff Barbara Johnson is a 42 year old black woman. She is a citizen of the United States and the State of New York, and resides in Manhattan.

4. Defendant Alexander's, Inc. (hereinafter referred to as "Alexander's") is a corporation operating a chain of department stores. Its principal corporate office is located at 500 Seventh Avenue, New York, New York.

STATEMENT OF THE FACTS AND APPLICABLE LAW

A. Alexander's Denial of Employment to Ms. Johnson.

5. Ms. Johnson applied for employment as a "fitter-checker" (dressing room attendant) at Alexander's in October of 1981. On or about October 15, 1981, Ms. Johnson took and passed the requisite written test and was given an interview. During the interview she was told that if she received the job she would be required to submit to a polygraph test.

6. On October 19, 1981, Ms. Johnson began working for Alexander's on a part time basis. She worked every day that week and the beginning of the next week. During this period, she performed the duties of her job in a satisfactory manner.

7. On October 27, 1981, Ms. Johnson was required to take a polygraph test at Alexander's Lexington Avenue store.

8. Ms. Johnson asked the polygraph examiner, an Alexander's employee, what would happen if she refused to take the test. She was told that she would be fired. Ms. Johnson submitted to the test.

9. Ms. Johnson truthfully answered all of the questions that were put to her during the polygraph test. After the test was completed, she was told that she would be informed of the results.

10. On October 30, 1981, Ms. Johnson was instructed to report to the store personnel manager. The personnel manager told Ms. Johnson that she had "failed" the polygraph test and that it was Alexander's policy to terminate persons who fail the test. Ms. Johnson was discharged from employment that day.

B. Alexander's Policy and Practice of Conditioning Employment on Polygraph Test Results.

11. Ms. Johnson was denied employment pursuant to a policy and practice of Alexander's, which continues in effect to the present, requiring all employees in certain positions to pass a polygraph test as an initial condition of their employment.

12. The polygraph tests that are required by Alexander's as an initial condition of employment (hereinafter referred to as "initial polygraph tests") are administered to job applicants and new employees before or shortly after they commence their employment at Alexander's. The tests are administered by polygraph examiners employed by Alexander's.

13. The initial polygraph tests are used by Alexander's to assess whether an applicant or new employee is being truthful or deceptive when answering questions relating to his or her background, past employment and past behavior.

14. The job applicants and new employees who are required to submit to an initial polygraph test are deemed to have "failed" the test, and are denied employment, if (a) the job applicant or employee makes admissions in the course of the polygraph test that disqualify him or her from employment; or (b) the polygraph examiner determines, by examining the charts recorded by the polygraph machine, that the job applicant or employee gave deceptive answers during the test.

15. The policy and practice described above in paragraphs 11 through 14 applies uniformly to all Alexander's stores in New York State.

16. Ms. Johnson was denied employment by Alexander's, pursuant to the policy and practice described above in paragraphs 11 through 14, solely because an Alexander's polygraph examiner determined that Ms. Johnson's polygraph charts indicated that she gave deceptive answers during an initial polygraph test.

C. The Discriminatory Impact of Alexander's Employment Policy.

17. Alexander's policy and practice of denying employment to job applicants and new employees solely on the basis of the outcome of an initial polygraph test results in the disqualification of a disproportionately high percentage of black employees and job applicants.

18. Alexander's use of polygraph tests as an initial condition of employment is not justified by business necessity. The initial polygraph tests used by Alexander's are not accurate, cannot detect deception and are not a valid predictor of future job performance.

19. By making employment decisions, including the decision to discharge Ms. Johnson, on the basis of an employment test that has a disparate impact on blacks and is not justified by business necessity, Alexander's violated and continues to violate Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e-2(a).

D. Administrative Charges Filed by Ms. Johnson.

20. On April 23, 1982, Ms. Johnson filed a complaint with the New York State Division of Human Rights charging Alexander's with unlawful discrimination in employment on the basis of race. Ms. Johnson's discrimination charge was filed with the New York District Office of the Equal Employment Opportunity Commission (hereinafter referred to as "the Commission") on or about June 22, 1982. The Commission deferred investigation of the charge to the State Division of Human Rights.

21. The State Division of Human Rights (hereinafter referred to as "the Division") conducted an investigation of the racial impact of Alexander's polygraph testing. On September 19, 1985, the Division issued a determination that there is probable cause to believe that Alexander's polygraph testing discriminates on the basis of race. The Division's investigation found that "[t]he figures [on the racial impact of polygraph testing at Alexander's] establish that Black employees fail the polygraph test at a statistically significantly higher rate than others. . . ." Additionally the respondents have not shown that the use of the polygraph is a compelling business necessity. . . ." ("Basis for Probable Cause," dated September 13, 1985).

22. On November 15, 1985, the Commission issued a Notice of Right to Sue authorizing Ms. Johnson to file a civil action in federal district court. The Notice of Right to Sue was issued at Ms. Johnson's request, pursuant to 29 C.F.R. § 1601.28(a), because more than 180 days had elapsed since the filing of Ms. Johnson's charge with the Commission.

PRAYER FOR RELIEF

Wherefore, plaintiff requests that the Court:

A. Declare, pursuant to 28 U.S.C. § 2201, that Alexander's policy and practice of denying employment to job applicants and new employees solely on the basis of the outcome of an initial polygraph test violates Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-2(a);

B. Enjoin Alexander's from continuing its use of initial polygraph tests as a condition of employment;

C. Order Alexander's to offer the plaintiff reinstatement to her position, and award her back pay and all other benefits of employment from the date of her discharge;

D. Award the plaintiff reasonable attorneys' fees and the costs and disbursements incurred in the prosecution of this action.

E. Grant such other relief as may be deemed appropriate.

Dated: New York, NY, December 12, 1985.

Respectfully submitted,

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of the City of New
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Attorneys for Plaintiff, Barbara Johnson

STATISTICAL REPORT IN THE CASE OF JOHNSON VERSUS ALEXANDER'S

(By John Van Ryzin, Ph.D., Chairman, Department of Statistics and Professor, Division of Biostatistics, Columbia University)

SUMMARY

This report covers a statistical analysis of the results of "initial polygraph tests" and "security interviews" administered by Alexander's from August 1, 1980 through October 27, 1981. The statistical analysis seeks to address the question: Does the administration of the initial polygraph test given by Alexander's show substantially different pass proportions for blacks and whites, which are not attributable to chance by usual statistical practices? In answering this question, the analysis is done for the comparison of the black pass proportion with the white pass proportion, and for the comparison of the black pass proportion with the pass proportion for all non-blacks.

The defining characteristics of the "initial polygraph test" and "security interview" are described in the Pretrial Order (Stipulated Facts, ¶ 14-21). The initial polygraph test is part of the security interview procedure. Individuals may fail the security interview either (1) by failing the initial polygraph test (i.e., such persons are found, by means of the polygraph test, to have been deceptive in answering test questions), or (2) by making admissions that disqualify them from employment. To analyze the racial impact of the initial polygraph test, my analysis excludes instances where Alexander's records indicate that failure was based upon disqualifying admissions.

However, if Alexander's records are found to be insufficiently reliable in distinguishing between persons who failed the security interview solely because of a finding of deception on the polygraph test, and persons who failed because of admissions, then the data concerning the results of the overall "security interview" may be viewed as the best available measure of the initial polygraph test's impact on different groups. Accordingly, I have also done a statistical analysis for the comparison of black and white pass proportions, and for the comparison of black and non-black pass proportions for the data on the results of the security interview (i.e., including admissions).

Based on the detailed analysis carried out below, I conclude that, for the initial polygraph test, the black pass proportion of 63.6 percent versus the higher white pass proportion of 73.4 percent is not due to chance alone. In fact, the probability of the white pass proportion being this much higher than the black pass proportion is approximately .001 (one in a thousand). This is based on a difference in the pass proportions of 3.11 standard deviation units. The standard deviation analysis measures, in standard statistical units of variation, the significance of the disparity between the observed difference in the pass proportions and the result one would expect to find in a race-neutral test: no difference in the pass proportions for blacks and whites. A standard deviation of more than 2 units is commonly considered by statisticians as not due to chance alone. A similar analysis, of the black pass proportion of 63.6 percent versus the non-black pass proportions of 70.9 percent has a standard deviation of 2.82 units. The probability that such a larger pass proportion for non-blacks is due to chance alone is approximately .002 (two in one thousand).

Furthermore, if one compares the proportions for the entire "security interview" procedure (i.e., including admissions), the results are as follows: (1) For the black pass proportion of 58.2 percent versus the white pass proportion of 70.4 percent, the standard deviation is 3.86 units, representing a probability of approximately .0001 (one in the ten thousand) that the larger white pass proportion was due to chance alone. (2) For the black pass proportion of 58.2 percent versus the non-black pass proportion of 66.1 percent, the standard deviation is 3.07 units, representing a probability of approximately .001 (one in a thousand) that the larger non-black pass proportion was due to chance alone.

The above statements are justified in a more detailed explanation which is presented in the remainder of the report. Based on the above results, I conclude there is clear statistical evidence that black applicants and new employees given the initial polygraph tests administered by Alexander's during the period cited had a significantly lower pass proportion on the test when compared with both whites or non-blacks; and, furthermore these differences are not reasonably attributable to chance alone. Thus, I conclude that the initial polygraph test administered by Alexander's has an unfavorable impact on black applicants or new employees. Statistical analysis of the entire "security interview" procedure likewise shows that the Alexander's security interview has an unfavorable impact on blacks.

DETAILED ANALYSIS

The statistical analysis for the statements presented in the summary above will now be given in detail. The data upon which these statements are based in given in Table 1 below. The data represented in Table 1 comes from the chart agreed upon by the parties in the Joint Pretrial Order (Stipulated Facts, ¶23). This table does not include applicants of unknown ethnic origin and tests for which the results are unknown. The total number of such persons is a mere 19 out of 1457 persons taking the test. Since this is only 1.3 percent of all persons taking the test, the omission of such small numbers would not result in statistical conclusions essentially different from those given above. Also omitted from Table 1 are five "inconclsuve" test outcomes. These are omitted because no employment decisions were made on the basis of inconclusive tests. In two instances, employees failed a first test but requested and were given a second test. In these two cases, only the outcome of the second test is recorded in the Table, since only the second test resulted in an employment decision.

TABLE 1.—DATA ON POLYGRAPH TEST RESULTS OF 1433 KNOWN CASES BY ETHNIC GROUP

Ethnic group	Test results		
	Pass	Fail	Admission
White	240	87	14
Black	448	256	66
Hispanic	175	88	31
Asian	23	4	0
Native American	0	1	0

Table 2 presents the pass proportions as percentages by ethnic group with and without admissions included. Note that the last row of table 2 presents the combined rates for all ethnic groups which are non-black.

TABLE 2.—PASS PERCENTAGES BY ETHNIC GROUP

Ethnic group	Pass percentages	
	Initial polygraph test (admissions excluded)	Security interview (admissions included)
White	73.4	70.4
Black	63.6	58.2
Hispanic	66.5	59.5
Asian	85.2	85.2
Native American	0.0	0.0
Non-black	70.9	66.1

To analyze the data from Tables 1 and 2, a standard statistical technique of comparing two binomial proportions is employed. See, for example, Mosteller, Rourke and Thomas (1970, pp. 319-323). Specifically, four analyses were done: (1) comparing the black and white pass proportions for the initial polygraph test (without admissions included), (2) comparing the black and non-black pass proportions for the initial polygraph test, (3) comparing the black and white pass proportions for the security interview (including admissions), and (4) comparing the black and non-black pass proportions for the security interview.

A detailed explanation of the statistical procedure used will be given in the case of the comparison of the black and white pass proportions for the initial polygraph test (see (1) above). These results are given in Table 3 below. The comparisons in (2) to (4) above follow a similar procedure and the results are stated in Tables 4 to 6 below.

The statistical procedure used makes the following assumptions. Suppose we have two populations of applicants taking the polygraph test. In case (1), these populations are the black applicant pool and the white applicant pool. We assume that the applicants in table 1 are a random sample of the applicant pool for each racial group. Under these assumptions, it is well-known that the number of whites who pass have what is called binomial population with unknown pass proportion p_1. The number of white passes in this sample can be designated x_1, while n_1 designates the sample size for whites. In case (1) above, $x_1=240$ and $n_1=327=240+87$ (see row one of Table 1). Similarly, the number of blacks who pass have a binomial distribution with unknown pass proportion p_1. In the sample under study, the observed black number of passes is $x_2=448$, and the black sample size $n_2=704=448+256$ (see row two of Table 1).

We now ask the question: is $p_1=p_2$ (the unknown racial group pass proportions are the same) as opposed to whether $p_1>p_2$ (the unknown white pass proportion is higher than the unknown black pass proportion)? To answer this question, we begin by comparing the two observed proportions.

$$\rho^{=}_1 = \frac{x_1}{n_1} = \text{observed proportion of white passes.}$$

$$p_2 = \frac{x_2}{n_2} = \text{observed proportion of black passes.}$$

The estimated standard error, here .0315, is a measure of the expected spread of the observed difference $\bar{p}_1-\bar{p}_2$. Statistical theory says that if we divide the difference $\bar{p}_1-\bar{p}_2$ by the estimated standard error s, we get a statistic which measures the number of normalized standard deviations contained in the observed difference $\bar{p}_1-\bar{p}_2$. In this case, the z-value is 3.11.

$$z = \frac{\bar{p}_1-\bar{p}_2}{s} = \frac{.098}{.0315} = 3.11.$$

A z-value of more than 2 is commonly considered to be statistically significant. In other words, when the z-value exceeds 2, the observed difference in pass proportions cannot reasonably be attributed to chance alone.

By reference to statistical tables, the z-value can be used to determine the probability that the observed difference in pass proportions would occur by chance. In this case, the probability of the observed z-value being as large or larger than 3.11 is

Prob(observed z value > 3.11)
=Prob(observed difference $\bar{p}_1-\bar{p}_2$ >.098)
=.001

That is, the probability of seeing an observed difference $\bar{p}_1-\bar{p}_2$ as large or larger than .098, if indeed the pass proportions are equal for the white and black applicant pools ($\bar{p}_1 - \bar{p}_2$), is approximately one in a thousand (1 in 1000). Hence, we can conclude that this difference is too large to be reasonably attributable to chance alone. Thus, $\bar{p}_1$ the pass proportion for whites who take Alexander's initial polygraph test, is higher than $\bar{p}_2$ the pass proportion for the population of black test-takers. We can conclude that blacks compared to whites suffer a disadvantage from the initial polygraph test administered by Alexander's. Furthermore, such a disadvantage cannot be attributed based on the observed data to chance alone.

We summarize the result for the comparison of the white vs black pass proportions for the initial polygraph test in Table 3 below. (See (1) above).

TABLE 3.—STATISTICAL RESULTS FOR WHITE VERSUS BLACK PASS PROPORTIONS ON THE INITIAL POLYGRAPH TEST

Ethnic group	Pass	Fail	Total	Pass proportion
White	240	87	327	0.734(73.4%) = $\bar{p}_1$.
Black	448	256	704	0.636(63.6%) = $\bar{p}_2$.
Total	688	343	1,031	0.667(66.7%) = $\bar{p}$

Observed difference of proportion = $\bar{p}_1 - \bar{p}_2$ = .734 − .636 = .098.
Estimated standard error of difference = s = .0315.
Normalized standard deviation units = z = .098/.0315 = 3.11.
Probability (observed difference > .098) = .001 (1 in 1000).

TABLE 4.—STATISTICAL RESULTS FOR NON-BLACK VERSUS BLACK PASS PROPORTIONS ON THE INITIAL POLYGRAPH TEST

Ethnic group	Pass	Fail	Total	Pass proportion
Non-black	438	180	618	0.709(70.9%) = $\bar{p}_1$.
Black	448	256	704	0.636(63.6%) = $\bar{p}_2$.
Total	886	436	1,322	0.670(67.0%) = $\bar{p}$

Observed difference of proportion = $\bar{p}_1 - \bar{p}_2$ = .709 − .636 = .073.
Estimated standard Error of Difference = s = .0259.
Normalized standard deviation units = z = .073/.0259 = 2.82.
Probability (observed difference > .073) = .002 (2 in 1000).

TABLE 5.—STATISTICAL RESULTS FOR WHITE VERSUS BLACK PASS PROPORTIONS ON THE SECURITY INTERVIEW

Ethnic group	Pass	Fail	Total	Pass proportion
White	240	101	341	0.704(70.4%) = $\bar{p}_1$.
Black	448	322	770	.582(58.2%) = $\bar{p}_2$.
Total	688	423	1,111	0.619(61.9%) = $\bar{p}$.

Observed difference of proportions = $\bar{p}_1 - \bar{p}_2$ = .704 − .582 = .122.
Estimated standard error of difference = s − .0316.
Normalized standard deviation units = az − .122/.0316 = 3.86.
Probability (observed difference > .122 = .0001 (1 in 10,000).

TABLE 6.—STATISTICAL RESULTS FOR NON–BLACK VERSUS BLACK PASS PROPORTIONS ON THE SECURITY INTERVIEW

Ethnic group	Pass	Fail	Total	Pass proportion
Non-black	438	225	663	0.661(66.1%) = $\bar{p}_1$.
Black	448	322	770	0.582(58.2%) = $\bar{p}_2$.
Total	886	547	1,433	0.618(61.8%) = $\bar{p}$.

Observed difference of proportions = $\bar{p}_1 - \bar{p}_2$ = .661 − .582 = .079.
Estimated standard error of difference = s = .0257.
Normalized standard deviation units = z = .079/.0257 = 3.07.
Probability (observed difference > .079) = .001 (1 in 1000).

The conclusion I reach from Tables 3 through 6 is that if one compares the black pass proportion to either the white or non-black proportion for the initial polygraph test or security interview, there is a large, normalized standard deviation indicating most clearly that Alexander's administration of the initial polygraph test and security interview has an unfavorable impact on blacks.

REFERENCE

Mosteller, F., Rourke, R., and Thomas, G.B., Jr. (1970). "Probability with Statistical Applications," 2nd Ed., Addison-Wesley Publishing Co., Reading, MA.

POLYGRAPH TEST HAS BIASED IMPACT

Decision of Equal Employment Opportunity Commission Decision No. 79-44, February 23, 1979.

TITLE VII—CIVIL RIGHTS ACT OF 1964

Pre-employment Inquiries—Psychological Exam—Polygraph.—Rejection of an applicant for police employment because he failed a psychiatric test was racially discriminatory where the procedures used, which included a polygraph test, disqualified black applicants at a disproportionately high rate and were not shown to be related to successful job performance.

Back reference.—¶ 420.30.

[Full Text of EEOC Decision]

Summary of Charge

Charging Party alleges that Respondents engage in unlawful employment practices in violation of Title VII of the Civil Rights Act of 1964, as amended, on the basis of race by using hiring practices and selection procedures which discriminate against Blacks.

Jurisdiction

Respondent police department is an employer within the meaning of Section 701 of Title VII and, at the time the charge was filed, employed [number] persons. Respondent Civil Service Commission, is an employer within the meaning of Section 701 of Title VII.

The charge was deferred to the (local) Civil Rights Commission on March 26, 1973. No investigation was made of Charging Party's charges by the [local] Civil Rights Commission.

The charge was timely filed with the EEOC and all other jurisdictional requirements have been satisfied.

Summary of Investigation

At the time the charge was filed, Respondents utilized the following procedures to select policemen: 1) a written general ability test administered by the Civil Service Commission; 2) the formation of an eligibility list by the Civil Service Commission; 3) a background investigation; 4) a physical exam by the Department of Safety Medical Director, 5) a written psychological exam; 6) a psychiatric interview and evaluation of the summaries of the background investigation and the psychological exam; 7) review of the applicant's file by the Chief of Police; and 8) final selection by the Director of Public Safety.

Charging Party received a score of 81.515 on the written exam which placed him 832 on the eligiblity list. He took the polygraph test prior to the psychiatric and psychological tests and was rejected on psychological grounds as a result of this polygraph test. He alleges that his responses to questions posed during the polygraph were not accurately reflected. For exampe, he stated that his affirmative answer to a question regarding his knowing homosexuals was recorded as "applicant admitted going with homosexuals.".

Respondent's Chief of Police denied that Charging Party had been discriminated against and stated that Respondent Civil Service Commission devised and administered the tests used. Respondents refused to cooperate in the investigation of the charge, claiming that the charges fell within the continuing jurisdiction of the United States District Court * * * where an action had been brought under 42 U.S.C.A. § 1981.

An action was filed on October 12, 1972, by the—an organization composed principally of Black police officers, and individual Black police officers against the City, its Chief of Police, the Director of the Cities Program, and members of the [city] Civil Service Commission. The suit alleged that a range of practices used by the Respondents in the recruitment, testing, screening and hiring of new patrolmen; the assignment, treatment and promotion of current police officers, as well as the examination administered by the Civil Service Commission on July 15, 1972, had a racially discriminatory effect on Blacks and Puerto Ricans. The Court held that the evidence created a *prima facie* case that the battery of tests constituting the examination of July 15, 1972, had a racially discriminatory impact upon Blacks and Puerto Ricans who took the examination. The court fixed the minimum number of appointments of Blacks and Puerto Ricans, male and female, to be made to the police force from the 1972 eligibility list at 18 percent.

An action under 42 U.S.C.A. § 1981, however, is not a bar to action by any other persons who may believe that Respondents have in the past discriminated, or are presently discriminating, against them in violation of Title VII of the Civil Rights Act of 1964, as amended. It is well established that an action for employment discrimination involving racial discrimination may be brought under Title VII or 42 U.S.C.A. § 1981. See e.g. *Head* v. *Timken Roller Bearing Company* [6 EPD ¶ 8876]. 486 F.2d 870 (6th Cir. 1973), *Taylor* v. *Safeway Stores, Inc.* [10 EPD ¶ 10.410]. 524 F.2d 263 (10th Cir. 1975) where it was held that 42 U.S.C.A. § 1981 is an independent cause of action which may be maintained either concurrently with a claim under Title VII or without exhausting Title VII remedies and *Boles* v. *Union Camp Corp.*, 57 FRD 46 (S.D. Ga. 1972) 5 EPD ¶ 8051 where a class action was brought by several Black employees of Union Camp Corporation and by two former black employees and two blacks who were rejected under Title VII and 42 U.S.C.A. § 1981.

Although Charging Party successfully completed the eligibility exam, he was rejected for employment. The rejection of the Charging Party was based on psychiatric unfitness. An analysis of the points of rejection reveal wide disparities in the percentages of Blacks and Whites rejected. For example, 7.9 percent of Whites were rejected because of background while 19.3 percent of Blacks were rejected; .79 percent of Whites were rejected for psychological reasons (consisting of an IQ test and personality test) while 8.7 percent of Blacks were rejected; 16.90 percent of Whites were rejected for psychiatric reasons while 39.3 percent of Blacks were rejected; 28.30 percent of Whites were rejected for medical reasons while 18.7 percent of Blacks were rejected.

It is well established that employment tests and qualifications which have a disproportionate exclusionary effect on minority applicants and do not have a demonstrable relationship to successful performance on the job are prohibited. See e.g. *Griggs* v. *Duke Power Co.* [3 EPD ¶ 8137], 401 U.S. 424, 431 (1971), *Castro* v. *Beecher* [4 EPD ¶ 7783], 459 F. 2d 725 (1st Cir. 1972).

Furthermore, the Commission has held that the use of any test which adversely affects the hiring, promotion, transfer, or any other employment or membership opportunity of classes protected by Title VII constitutes discrimination unless: a) the test has been validated and evidences a high degree of utility and b) the person giving or acting upon the results of the particular test can demonstrate that alternative suitable hiring, transfer, or promotion procedures are unavailable. See EEOC Guidelines on Employment Selection, 29 CFR § 1607.3.

Conclusion

In view of the disproportionate impact of Respondents' selection procedures on Blacks, and in the absence of validation of the procedures, we conclude that there is reasonable cause to believe that Respondents violate Title VII of the Civil Rights Act of 1964, as amended, on the basis of race by using hiring practices and selection procedures which discriminate against Blacks.

SCIENTIFIC VALIDITY OF POLYGRAPH TESTING: A RESEARCH REVIEW AND EVALUATION

ETHNIC AND GROUP DIFFERENCES

Another category of subject differences that may affect polygraph validity has to do with ethnic and group differences in physiological response. Research conducted cross culturally (e.g., 97,104,158), indicates that there are ethnic differences in response to stress. Such differences may, in turn, affect detection of deception. As noted earlier, these effects may interact with the ethnic identification of the examiner. However, effects of ethnic differences have not been directly tested with respect to polygraph examinations.

AUTONOMIC LIABILITY

A final individual difference is what Waid and Orne (194) have referred to as automatic lability. Regardless of other differences among subjects, there may be consistent individual differences connected with their level of automatic arousal.

Although there is considerable variance for an individual in autonomic responses to most physiological measures of automatic nervous system (ANS) arousal, electrodermal lability may be different. Given the importance of the EDR for polygraph examinations, it may be essential to understand more about this factor. Unfortunately, most of this research (e.g., 200) has been conducted with concealed information tests and not with CQT or R I tests.

SETTING

One theory underlying lie detection using the polygraph is that the threat of punishment leads an individual to manifest a physiological reaction (48). This suggests, then, that settings in which an individual is more certain of being detected and in which the consequences are greatest, will permit higher levels of detection. Furthermore, in order to be certain of being detected, a subject must believe in the efficacy of the polygraph procedures in order for it to function. According to some (e.g., 194), the polygraph is often used somewhat like a "stage prop," and its presence is meant to "enhance the subject's concern." Stimulation tests, used in almost all field polygraph examinations, serve the same function, albeit more directly. There is considerable discussion (e.g., 202) in the literature about how frequently within a polygraph examination such stimulation tests should be utilized in order to increase the validity of the examination.

INSTRUMENT

Some research, reported by Orne and his colleagues, addresses the question of the situational features necessary for a polygraph examination. In one component of a study reported by Orne, et al. (123), subjects were led to believe that the polygraph recording equipment was not operative. There was some indication that the pretest condition in which subjects were led to believe that the polygraph instrument was inoperative produced a lower detectability; however, results were not statistically significant. In an earlier study (161), detectability was not affected by subjects' belief in whether the machine was recording. Both of these studies involved use of concealed information tests.

A more recent study by Orne's group (198) tested a similar hypothesis using a different procedure. In this study, subjects saw the polygraph machine turned off, although the experimenters actually ran the leads to a second polygraph device and were able to record responses during a pretest review of questions. The results indicated that subjects who were aware of being recorded had significantly higher responses to relevant questions and not significantly different responses to control questions.

DETECTION OF DECEPTION IN THE EMPLOYMENT CONTEXT: A REVIEW AND CRITICAL ANALYSIS

(By Paul R. Sackett and Phillip J. Decker)

Empirical research on the validity of the polygraph, voice stress analysis, and paper and pencil instruments as mechanisms for the detection of deception is reviewed. It is noted that while these devices have their greatest use in the employment context, virtually all research has been done in an actual or simulated criminal investigation context. Three separate uses of devices for the detection of deception in the employment context are identified, namely, preemployment screening, periodic screening of current employees, and investigation into a specific theft. Differences between each of these uses and the criminal investigation context are identified, and issues limiting the generalizability of research findings from one context to another are raised. Among the issues are the effects of a low base rate of guilt on accuracy, the effects of making multiple judgments on overall accuracy, and the potential for racial or ethnic bias in judgments of guilt or innocence.

An extensive body of literature exists on the topic of the detection of deception and investigation of theft using various techniques, including interpretation of physiological responses and questionnaries. Very little of this literature has appeared in psychological journals. Most reports are contained in polygraph trade publications or law enforcement publications. Lykken (1978b) discussed the lack of involvement by psychologists in this field, labeling it a case of "policemen rushing in where science fears to tread."

Regardless of who has done the research or its quality, the vast majority of polygraph examinations are conducted in the employment context rather than the criminal investigation context (U.S. Senate, 1974). However, virtually all reported research has dealt with actual or simulated criminal investigations.

REACTIONS TO POLYGRAPH EXAMINATIONS

The questions raised in this paper have focused on the accuracy of polygraph examinations. It should be noted that a number of objections to the polygraph can be made on ethical, social, and constitutional grounds. Among these are objections that the polygraph is an invasion of privacy and an infringement on the dignity of man, that it reverses the principle that one is innocent until proven guilty by requiring individuals to prove their innocence, and that it violates 5th amendment rights against self incrimination. Proponents of the polygraph reply that individual rights must be weighed against employer losses and that individuals have an obligation to society to cooperate in attempts to identify dishonest individuals (Shattuck, Brown, and Carlson, Note 6). The stand one takes regarding the polygraph may be largely determined by whether one's sympathies lie with the individual or the employer.

Another issue of interest is the attitude of applicants and employees toward the polygraph examination. Ash and Wheeler (Note 7) report that 86 percent of applicants thought the examination was fair, 96 percent were willing to take the test to get a job, and 88 percent were willing to routinely take an exam as a condition of employment. They interpret these results as indicating that resistance to the polygraph has been overestimated. However, all participants completed the attitude questionnaire after the polygraph examination. Thus, the questionnaire may have been viewed as part of the selection procedure, and applicants may have felt that expressing negative attitudes toward the examination would affect their chances for employment. Further research is needed in a setting in which no negative outcome may be anticipated by the subjects due to expression of negative attitudes.

BIAS IN POLYGRAPH EXAMINATIONS

Title VII of the Civil Rights Act of 1964 prohibits discrimination in employment decisions on the basis of race, color, religion, sex, and national origin. Two potential sources of bias in polygraph examinations have been identified. The first involves possible racial, ethnic, or sexual differences in physiological reactivity to psychological stress. Kugelmass and Lieblich (1968) have shown that persons of Eastern mediterranean origin show GSR non-reactivity more often than other ethnic groups. Relying on different physiological measures for different subgroups may result in differential accuracy across subgroups. It should be noted that ethnic differences in GSR *level* (e.g., Johnson and Corah, 1963; Lazarus, Tomita, Opton, and Kodama, 1966) do not constitute a threat to polygraph accuracy, since the subjects' responses to irrelevant or control questions are compared with their responses to relevant questions.

Second, and perhaps of greater interest, is the potential for factors such as first impressions, prejudices, and stereotypes to consciously or unconsciously affect the overall judgment made by the examiner. Orne, Thackray, and Paskewitz (1972) have suggested that "the manner in which questions are asked can certainly influence the physiological response. The interrogator wishing to obtain a record with physiological evidence of deception is likely to be able to do so. In view of the work of Rosenthal (1966) on experimenter bias, it seems extremely likely that the interrogator could unwittingly communicate some aspects of his conviction to the subject" (p. 751). There are no published field studies reporting information on the percent of deceptive and nondeceptive judgments among the various protected classes. Such information should be readily available and deserves to be reported.

There is one appelate court case confirming the EEOC's right of access to polygraph records (*Circle K Corporation* vs *EEOC*). The information sought by the EEOC is instructive: "a list of all applicants and present employees subjected to the polygraph examination, their racial/ethnic identity and whether they were accepted or rejected; documentation of the nature, standardization and validity of the polygraph test, and a list of questions asked of each applicant; qualifications of the examiners who administered the tests * * *" (P. 1054). The EEOC was granted access to this information, but a case involving discrimination on the basis of the polygraph examination has not come to trial. There have, however, been a number of cases in which the subjective nature of the decision made in an employment interview had been identified as having the potential for discrimination (e.g., *Hester* vs *Southern Railway Co.*, *Causey* vs *Ford Motor Co.*). On the other hand, one interview case has upheld the employer's right to subjective evaluation unless there is evidence of bias (*Salton* vs *Western Electric*). Thus, an examination based solely on the interpretation of polygraph charts may be on stronger legal grounds than one involving both charts and an evaluation of the examinee's verbal and nonverbal behavior.

[From the Nation, Dec. 21, 1985]

LIES, DAMN LIES—AND POLYGRAPHS

(By Daniel Jussim)

A machine that monitors blood pressure, respiration and the skin's electrical conductivity is depriving tens of thousands of law-abiding people of jobs every year. Used by employers as a means to ends both dubious and devious, the polygraph is nevertheless becoming as familiar as the time clock in more and more American workplaces. In the private sector alone, estimates of the number of polygraph tests administered annually range from several hundred thousand to 2 million. The American Polygraph Association says that three-quarters of them are used in pre-employment screening. A Presidential directive revealed last week swells the number of Federal employees who must undergo examination.

The test is most commonly used by businesses in which low-level employees handle large sums of cash daily in return for modest checks weekly, such as banks, restaurants and department stores. But all kinds of concerns tap into their workers' supposedly telltale heartbeats: meatpacking companies, hospitals and even the Yale Club have used "lie detectors" to screen prospective employees, check upon workers periodically or track down culprits in the wake of a theft or act of sabotage. Usually a security firm is hired to do the dirty work, but some businesses have in-house operations. Because employers who favor polygraph testing generally make it a condition of employment, workers find it difficult to refuse to take the test.

The machine is especially popular among employers who resent Federal and State regulations on hiring and firing; its reputation and supposedly scientific tool gives them a license to reject or sack whomever they please. Polygraph victims can almost never prove that an employer acted illegally. We didn't fire you because you're getting old and costing us too much, a company can argue; we fired you because the polygraph says you're a thief.

Don Blews, once a manager for a department store chain in the Carolinas, provided a glimpse into polygraph practices when he testified before a Senate Judiciary subcommittee in 1978. According to Blews, his district supervisor told him that blacks "just don't work out" and ordered him to dismiss two black women workers. Blews said that when he refused, the supervisor remarked, "we'll have to show you how our polygraph test works around here." The women were subsequently fired, after their test results indicated "a sign of a possibility of deceit." His bosses also turned down the only two blacks whom he had ever recommended for management trainee positions, again on the basis of the polygraph test. Others who lost their jobs at Blews's store included a woman who confessed that her boyfriend used to smoke marijuana, a woman who admitted that she occassionally suffered from migraines, an employee who said her heart condition made it unsafe for her to take the test and two high-school part-timers whom the polygraph examiner refused to fit into his schedule. Blews also testified that "the polygraph companies used by my employer apparently had a quota of employees they had to fire at every round of testing in order to show that the testing was accomplishing something and that the cost * * * was justified." Blews was fired after protesting against misuse of the test—but not before taking an examination himself and being accused of giving deceptive answers.

Besides using electronic inquests to discriminate against racial minorities, companies use them to spot deviants of all stripes. In 1977 workers at the Coors brewery struck, partly because they objected to the company's voyeurism. the polygraph agency employed by Coors asked job applicants these questions: What are your sexual preferences? How often do you change your underwear? Have you ever done anything with your wife that could be considered immoral? Are you a homosexual? Are you a Communist?

Union organizers have also been targets. The National Labor Relations Board recently ruled on a case involving two waitresses who tried to organize the Shoney's restaurant chain in Georgia. One of them, Maria Sganga, was fired on the basis of information she revealed during the interview preceding a polygraph examination. The company said she admitted she had taken home some leftover potatoes and parsley, a violation of company rules even though she had her manager's permission. Patricia Burch, the other waitress, had refused to sign the test consent form, which in Georgia permits the examiner to inquire about a worker's finances and military service. She considered her finances her own business and didn't want to be questioned about the military because her husband was in the service. She offered to sign a revised consent form but was fired nonetheless, for actions her boss considered tantamount to refusing the polygraph test.

N.L.R.B. Judge Richard J. Linton ruled that Shoney's "discharged Sganga and Burch because of their union and other protected * * * activities," adding that the company "would not have ordered the polygraph tests in the absence of such activities." He ordered them reinstated with back pay.

In the course of the hearing, a director of operations for Shoney's testified that he uses the polygraph "to keep people honest," that is, as a deterrent to theft. Jay Harvey, director of legislation for the A.F.L.-C.I.O.'s food and allied services trades department, whose federated union members are often subjected to polygraph tests, says the practice is common: "There are two kinds of employers who use the polygraph. The kind who honestly have the mistaken belief that the machines work—that's the minority. The majority of employers know that the machine is not necessarily reliable," but believe, as Richard Nixon put it, that polygraphs "scare the hell out of people."

Even employers simply seeking job-related information from applicants may end up invading their workers' privacy. People interrogated while hooked up to a pneumatic chest tube, a blood-pressure cuff and a galvanic skin-response indicator often come away feeling humiliated and violated. Polygraph foes have thus dubbed the tests psychological rubber-hose treatments and mental strip searches. The New York State Attorney General's Office has charged several examiners with sexual harassment. Carlin Meyer, who heads the office's labor bureau, says the office receives at least ten polygraph-related complaints each week.

A recent court case in Chicago revealed that blacks may suffer the adverse consequences of polygraph errors more frequently than whites. In a discrimination suit brought in U.S. District Court, individuals seeking jobs as prison guards proved to the satisfaction of the court that blacks fail pre-employment polygraph tests more often than whites. Jon Bauer, a staff attorney for the Legal Action Center of New York, a public interest law firm that has litigated several polygraph cases, believes that the discrepancy may result from differences between blacks and whites physiological responses to stress, tensions between white examiners and black subjects, or prejudices that can enter into an examiner's evaluation, which relies as much on subjective impressions as on squiggles on a chart. In any case, said Bauer: "we should not tolerate a test that has a discriminatory effect on blacks when there is no adequate evidence that the test is valid."

Losing one's job or not getting hired because of failure to pass a polygraph test can have disastrous consequences. A toy-department manager who was fired by one company after flunking a test (he had high blood pressure, which can skew test results) was dismissed from his next job after six months, when his new boss learned of the previous exam. In effect, the man had been blackballed in the toy industry.

In another form of polygraph double jeopardy, job seekers who have failed a test as applicants at one company find themselves facing the same polygraph agency when they look for work with a different employer. When the agency reports that they previously failed the test, they are sent on their way.

More than twenty states and the District of Columbia have passed legislation limiting polygraph use by private employers. All of the laws prohibit companies from "requiring" the tests, but ten states permit firms to "request" that individuals take them. Violations are considered a misdemeanor and generally punished with a small fine. Employers seeking to skirt the law have several options. Large chain stores in regulated states can hire employees in an adjacent state that has no polygraph statute and then transfer them to the regulated state. And employer pressure in "request" states can easily make workers feel that they have no choice but take the test. Finally, some companies simply ignore that law and pay the fine if they get caught. Some critics estimate that as many as 59,000 workers per year are denied employment either because they refuse to take the test or because of inaccuracies.

Because most state regulations are toothless, polygraph foes are pushing for Federal legislation prohibiting such tests. The Polygraph Protection Act of 1985, which would effectively ban the instrument in the private sector, is scheduled for a floor vote in the House before Christmas. Co-sponsored by 164 representatives, the bill has received strong support from the A.F.L.-C.I.O. Unlike earlier polygraph bills, which got bogged down in arguments over the constitutional right to privacy, H.R. 1524 is couched solely in terms of employment opportunity. According to labor lobbyist Jay Harvey, the bill will pass because "the American people don't like the test" and "there aren't too many [in Congress] who want to say that they advocate polygraphs." The bill's sponsor, Pat Williams, is also confident of passage. Antipolygraph sentiment runs the ideological gamut: Jack Kemp supports H.R. 1524, and Orrin Hatch and Edward Kennedy jointly introduced the Senate version, S. 1815.

The polygraph industry's answer to the proposed ban is a Federal licensing law which would set standards for examiners. That the industry favors that approach is not surprising, since use of the machine is more widespread in the twenty-six states that have licensing laws than in states having no polygraph statutes. The fact that Shoney's is in Georgia, a licensing state, should make legislators wary of the polygraph lobby's arguments. If every examiner had the integrity of a Boy Scout, the problems inherent in the technology of the polygraph would not go away.

A number of big companies, including J.C. Penney, Sears, Roebuck & Company, I.B.M. and General Electric, don't use the polygraph. At companies that do, workers have some defenses against it, even without Federal legislation. Some unions protect their members, either by winning contract provisions forbidding the test or by intervening to stop an employer from administering the examination. And workers ill treated by polygraph testing have filed a variety of civil suits, invoking state polygraph laws, Federal and state fair-credit reporting laws and such legal principles as malpractice, discrimination and defamation. A number of plaintiffs have received awards in the six figures. In 1982 an assistant manager in a Zayre department store in Florida received $250,000 as compensation for being fired under what the court described as "circumstances implying that he had been guilty of a felony." He had failed a lie detector test two years earlier and was dismissed for allegedly stealing $500 from the store. But after he left, the thefts continued, and eventually the culprit—who had passed the test—was discovered. The man sued Zayre for defamation, and the company that administered the test for negligence.

Unfortunately, invasion of workers' privacy and unfair denial of employment would not end with the banning of the polygraph. Bosses today have a battery of tests at their disposal that evaluate urine, handwriting or personality. Some who have been forced to abandon the polygraph have turned to written "honesty tests." If polygraphs are outlawed, workers will no doubt be faced with the question. Have you stopped ripping off the company?

Mr. RAHALL. Mr. Chairman, I have long supported legislation such as H.R. 1212, the Employee Polygraph Protection Act, which will grant much needed protections for American workers. This measure is needed to ensure that employees are not unfairly denied employment and careers wrongfully ruined based on the results of the highly questionable polygraph test.

The simple fact is, there is no scientific evidence that polygraph machines or other so-called lie detector tests accurately and reliably detect dishonesty. Which is precisely why results of such tests are not admissible in Federal courts. Because the polygraph test basically relies on simple mechanical readings of variations in an individual's rate of breathing, skin perspiration, and blood pressure during questioning, it is valid only as a test of stress. How can stress related to deception be separated from the fear, anger, frustration, or humiliation resulting from being forced to take the test?

The use of lie detector machines in the American workplace has dramatically escalated in recent years. Despite the questions about the accuracy of lie detector tests, approximately 2 million are given each year, most by private companies. The tests are an invasion of a worker's privacy and require an individual to prove his or her innocence even without evidence of suspicion of guilt. Our workers should not be denied job opportunities or discriminated against because they may refuse to take such an unreliable and inaccurate test or because of false test results.

Because State laws have proved ineffective in protecting America's workers from the abusive and degrading tests, legislation on the Federal level, such as H.R. 1212, is desperately needed. As Members of Congress, it is our responsibility to protect the citizens of this country from unwarranted and unfair treatment. I strongly urge my colleagues to support this legislation and to oppose amendments designed to weaken the bill or protect specific industries.

Mr. BONKER. Mr. Chairman as an original cosponsor of H.R. 1212, I want to urge my colleagues to support this legislation which will protect workers from being denied employment either because of information obtained through or refusal to take a lie detector test.

According to the Office of Technology Assessment, over 2 million polygraph tests are administered every year, 90 percent of them by private employers. Yet, over the years, studies have consistently shown that polygraph tests are unreliable. In most cases, lie detector tests are inadmissable as court evidence because of their questionable validity.

These same studies have also shown that lie detector tests can be beaten because they are only designed to measure physiological responses with no determination as to cause. Self-inflicted pain, extreme nervousness, and apprehension all can influence test results. It is up to the examiner to interpret the results and often these individuals are poorly trained.

Beyond the technical questions of validity, I believe the improper use of lie detectors does a disservice to our constitutional premise of innocence until proven guilty. Businesses who rely on lie detector tests to screen job applicants, assume untrustworthiness unless a lie detector test can be passed. Unfortunately, it has been shown that it is the most honest individuals who suffer the highest incidents of failure because of their adverse reactions to having their honesty questioned during these tests. This injustice is magnified in many cases, when workers find themselves forced to respond to questions into areas of their personal life with little regard for their right to privacy or relevancy to their work ability.

Many businesses, however, strongly believe that lie detector tests are an essential tool in preventing employee crime. Evidence exists, however, which shows that businesses that conduct thorough background checks and foster a trusting work atmosphere tend to have lower incidence of employee crime than those who rely on lie detectors to police their workforce.

Last, I am aware that many States have already passed legislation to protect workers from lie detector tests as conditions for employment. These laws have been circumvented by many businesses who either coerce applicants into taking tests "voluntarily" or arrange for interviews in neighboring States where prohibitory laws do not apply.

All this evidence points to the need for uniform, Federal legislation to ensure protection of workers' constitutional rights. I urge my colleagues to consider the overwhelming evidence against polygraph tests and support this legislation today.

Mr. HALL of Texas. Mr. Chairman, I rise in opposition to the Employee Polygraph Protection Act, H.R. 1212.

I believe that employers should be allowed the opportunity to continue to use the polygraph tests responsibly and for legitimate purposes. The polygraph helps protect the financial health of American businesses, and the health and safety of the customers as well as the employees.

The House of Respresentatives has repeatedly voted to permit the use of polygraph in circumstances where the public interest justifies its use. We have voted to allow the FBI, the CIA, and other national defense agencies to continue to use lie detectors. If, as supporters of H.R. 1212 suggest, these tests are so ineffective and unreliable, why are we using them to help protect national security?

Like the Federal Government, private businesses need the polygraph to guard their sensitive information and to protect the health and the security of their work forces. Businesses should be permtted legitimate use of lie detector tests as long as the rights of employees are protected.

I believe that this matter is one which should be regulated by State law. My home State of Texas has one of the toughest polygraph laws in the country which I introduced when I was in the State senate.

I urge my colleagues to vote against H.R. 1212. Voting for this legislation is just one more vote to abolish the right of the State to govern its citizens without interference from the Federal Government.

Mr. WEISS. Mr. Chairman, I rise in support of H.R. 1212, the Polygraph Protection Act, as it was reported from the House Education and Labor Committee. This bill is absolutely essential in order to restore basic fairness to the American workplace.

Let us state the issue clearly. There is no such thing as a lie detector in the workplace. There exist certain mechanical and electrical devices which are intended to detect lies by employees or potential employees. But there exists not one shred of evidence that that is what they do.

Quite to the contrary, there is a preponderance of evidence demonstrating that the tests, themselves, often lie. And it is not white lies that these devices tell, but lies that have serious and lasting consequences for the lives of millions of American workers.

The American Medical Association says:

> Studies indicate that polygraph tests result in enough false-positive and false-negative findings of truthfulness that their value is little better than the probabilities of chance, or flipping a coin.

Americans enjoy games of chance as a form of recreation. But they should not and will not tolerate employers who play games with the future of 2 million Americans who are subjected to lie detector tests each year. The continued use of devices masquerading as lie detectors is a serious invasion of privacy and an affront to basic human dignity.

H.R. 1212 would eliminate the use of these devices in the workplace. It would make it illegal for employers to require or request that employees or job applicants take lie detector tests. It would ensure that employees are notified of this prohibition, and it would provide specific recourse in the case of violations. H.R. 1212 is an urgently needed measure that ought to be approved intact and without any weakening amendments.

However, the record of the House of Representatives in considering this type of legislation is far from pristine. Last year, during consideration of a similar measure, the House voted to exempt industry after industry from the proposed prohibitions on polygraph use. In the end, the bill was so full of loopholes that it really amounted to an endorsement of the use of polygraphs. Though I strongly approved of the original measure, I was forced to vote against the final version that resulted from repeated amendments on the House floor.

I fervently hope that the House will not make the same error this year. There is no rationale for exempting specific industries from prohibitions on polygraph use. The fact is that polygraphs are just as harmful and just as inaccurate in all workplace settings.

I therefore urge my colleagues to join me in defeating amendments to exempt different industries from the bill's prohibitions. For a bill riddled with exceptions will be worse than no bill at all. It will only sanction a practice that is fundamentally at odds with individual rights.

I, for one, will not hesitate to vote against the final bill if it sanctions polygraph use in the guise of prohibiting it.

Mr. BRENNAN. Mr. Chairman, I rise as a cosponsor and strong supporter of H.R. 1212, the Employee Polygraph Protection Act. This needed legislation seeks to limit the growth of lie detector testing in the workplace—which has tripled in the past 10 years.

It is estimated that more than 2 million polygraph tests are given each year. In fact, 98 percent of those tests were not given by the FBI or the CIA, but were given by private business. Some three-quarters of these tests were given for preemployment screening.

Our criminal justice system presumes that an individual is innocent until proven guilty. Unfortunately, use of the polygraph stands that important principal on its head as it requires someone to prove their innocence. As a former criminal prosecutor I am fully aware of the unreliability in these gadgets. Courts refuse to accept polygraph results and it is sadly ironic that criminals are protected from polygraphs, while American workers are not. This legislation attempts to address that unfairness.

Twenty-two States and the District of Columbia have approved legislation prohibiting polygraph for use in the private work force. Another 19 States have attempted to regulate their use. However, the separate nature of these laws have not effectively protected workers from being subjected to these unreliable tests. Many localities are circumventing the law by requiring prospective employees to take the test in a neighboring State which allows polygraph testing.

H.R. 1212 is a prudent and moderate approach to the problem of protecting our citizens from abuse of lie detectors by management. American workers deserve the same protection afforded to those accused of crime—the ability to retain the presumption of innocence until proven guilty which is fundamental to our way of justice.

I urge my colleagues to join me in strong support of H.R. 1212.

Mrs. COLLINS. Mr. Chairman, the lie detector test is based on the premise that human behavior is predictable. When an employee lies, for instance, he or she exhibits certain reactions, such as an increased heartbeat, body temperature, or respiration, that can be detected electronically. The polygraph test is conducted under the assumption that different people respond to pressure situations in the same way.

Since its inception, however, the validity of the lie detector test has been under dispute. Studies by the American Medical Association indicate that polygraph tests result in enough false findings of truthfulness that their value is little better than the probabilities of flipping a coin. This level of inaccuracy is particularly troubling in the workplace. Because most individuals are truthful, an unacceptable number of innocent persons will be labeled as deceptive by the polygraph screening process.

The dubious reliability of the polygraph test has been illustrated by the inadmissability of lie detector tests in criminal trials since 1923. In the employment setting, a false determination of guilt can be just as damaging to a career as a false conviction of a criminal act, yet of the 2 million polygraph tests conducted last year, 98 percent of these were given by private businesses.

H.R. 1212 does not ban the use of lie detectors. Rather, it protects workers whose careers are devastated based on the results of these questionable tests. Tens of thousands of workers are wrongfully denied employment every year, either because they refuse to take the tests, due to the inherent inaccuracies of the machines, or because of the subjective analysis of their operators.

Our society is based on the assumption that an individual is innocent until proven guilty. The polygraph abuses that principle by requiring one to prove his or her innocence. As Members of Congress, we have the responsibility to weigh the benefits of lie detector tests against the damage such tests can wreak.

I urge my colleagues to vote in favor of this measure, and against any amendments that would weaken its provisions. The protection of employees' rights should always be of the highest importance.

Mr. EDWARDS of California. Mr. Chairman, I rise in strong support of H.R. 1212, the Employee Polygraph Protection Act. The Education and Labor Committee can be proud of their work, and the gentleman from Montana, PAT WILLIAMS, is really to be commended for a job well done.

Most Americans are hard working, decent, honest employees. Yet, the indiscriminate use of these so-called lie detector tests has skyrocketed in the past few years, subjecting untold numbers of innocent workers to an often devastating invasion of privacy. Such abuse simply is not necessary to ferret out the dishonest few; there are other, less intrusive, more reliable ways for employers to do that.

Numerous experts studying the reliability of the polygraph procedure have concluded that no scientific validity has been established. These tests are so suspect that they are not even admissible as evidence in a court of law.

At least 22 States have recognized the abuse inherent in polygraph testing and have taken steps to restrict its use. Workers are entitled to a fair workplace, and the Federal Government has an important role to play in ensuring that they get it.

Passing this bill, as reported from the Education and Labor Committee, will help remove the climate of suspicion, fear, and coercion that polygraph testing promotes in the workplace. I urge our colleagues to vote for the committee bill and against all pending amendments.

Mr. MARTINEZ. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, the debate is centered around the use of the polygraph by the Federal Government. Well, there are those of us who do not believe it should be used there as a sole determinant either. In fact, in the Federal Government it is not used as a sole determinant. There are other factors that have to build the case, and the polygraph is only a small part of it.

If that were the case, in private industry then they would have no problem. But the problem is that many employers are using it as a center of determinations for guilt or innocence.

I think we were challenged as to why we are involving the Federal Government in something like this, why we do not let the States laws and the States rights evolve here. Let me tell you why. When the rights of even one individual are trampled on, the Congress has a responsibility, and in the case of the polygraph, where many peoples rights are being trampled on, we have an added responsibility.

Polygraph should not be used to determine the innocence or guilt and it should not be used for a determination of employment. Employers should depend on proven methods of preemployment screening to determine eligibility for employment.

Mr. GUNDERSON. Mr. Chairman, I just want to point out in closing, let us not be hypocrites here today. Let us not impose upon the private sector what we are unwilling to do for ourselves.

I remind my colleagues, every one of them who has spoken in support of this legislation today needs to be reminded that on June 16 of this year by a vote of 414 to nothing we approved the Mica amendment as it deals with foreign policy in the implementation and conduct of our foreign policy.

On May 11 of this year, by a vote of 345 to 44, we established the use of a permanent polygraph examination for national security purposes.

The CHAIRMAN. All time has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute, now printed in the reported bill shall be considered as an original bill for the purpose of amendment and each section shall be considered as having been read.

The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Employee Polygraph Protection Act".

Mr. NEAL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to try again. Earlier I raised two questions concerning opposition to this bill. One is the question, the very basic question concerning our system of justice, wherein we assume our people to be innocent until proven guilty. It is absolutely clear that the widespread use of polygraph tests assumes quite the opposite. It essentially says that we assume people in a variety of circumstances are guilty and we think it's appropriate, as a condition of employment in some cases, or under other conditions that they should have to prove their innocence.

Would one of the opponents of this bill please help me in understanding how you can possibly justify the idea that we should turn our system of justice on its head by our assuming guilt and requiring people to prove their innocence.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. NEAL. I am happy to yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman for yielding.

I would like to suggest to the gentleman that in most cases the use of the polygraph is just part of the tool that industry uses, or in the case of the Defense Department, it is just a part of the process they use; when determining whether or not someone should be given access to our most sensitive national security secrets, certain court cases in our country in the last couple of years almost mandate polygraphs for employers.

Let me read just a very brief statement in response to the gentleman's question.

Mr. NEAL. Is the gentleman responding to this question,

Mr. YOUNG of Florida. Yes, I am responding to the gentleman's question.

Mr. NEAL. All right, I would like to hear it.

Mr. YOUNG of Florida. This is from testimony from the Florida secretary of state to the other body last year. He said:

> Recent litigation has also established the obligation of businesses to conduct adequate background evaluations to assure the protection of the public. Rulings from several cases nationwide support this statement. One recent pending suit involves a carpet cleaning company whose employee raped and murdered the child of a client. The proprietor has been sued for failure to perform adequate employment screening, specifically for not using an available resource—the polygraph.

□ 1230

Mr. NEAL. Mr. Chairman, reclaiming my time, the gentleman is not responding to my question.

Mr. YOUNG of Florida. Try again.

Mr. NEAL. Mr. Chairman, the question is this, I say to the gentleman from Florida, that the proponents of the widespread use of polygraph testing, putting aside the accuracy of these gadgets which I hope we get to in a minute, but putting that aside, is it not true that when one says to a prospective employee, or to others under a wide variety of circumstances that as a condition of one thing or another one has to take this test, that we are assuming their guilt and requiring that they prove their innocence? That is the question.

Mr. YOUNG of Florida. Mr. Chairman, if the gentleman will continue to yield, I do not see it that way at all. If that were the case, then the Federal Government would obviously not be as heavily involved in the use of polygraph as we presently are.

Mr. NEAL. That is not an answer, let me say to the gentleman.

Mr. YOUNG of Florida. The answer is no, that is not the case.

I disagree totally with the gentleman's assumption.

Mr. NEAL. Let me reclaim my time and comment on this question of the Federal Government's use of the polygraph.

The fact is that when we entrust people with important security information or other important responsibilities in our Government on the basis of their having passed a polygraph test, we are running an enormous risk. To those who object to this legislation because it continues to allow agencies of the Federal Government to use these tests, I say I think they are correct. We are running a grave risk to our national security by depending on these gadgets which are clearly very highly inaccurate. We have had important testimony from a number of gentlemen on the floor, including the distinguished gentleman from Utah [Mr. NIELSON], a professor of statistics, which indicates that the error rate of these gadgets is incredibly high.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. NEAL. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I would like to respond to that very point and I say to my colleague, pay close attention to what I am going to say. The Defense Department, in using the polygraph when screening people who have applied for top secret and special access type clearance, uses the polygraph only as a part of their screening process. It is not the total determining factor.

The gentleman suggested that to allow someone that kind of access just on the basis of a polygraph is a grave risk. But let me say to the gentleman that that is not how it is done. Polygraph examination is just part of a lengthy process used to clear one for access to classified materiel.

The CHAIRMAN. If there are no amendments to section 1, the Clerk will designate section 2.

The text of section 2 is as follows:

SEC. 2. PROHIBITIONS ON LIE DETECTOR USE.

It shall be unlawful for any employer engaged in commerce or in the production of goods for commerce—

(1) directly or indirectly, to require, request, suggest, or cause any employee or prospective employee to take or submit to any lie detector test;

(2) to use, accept, refer to, or inquire concerning the results of any lie detector test of any employee or prospective employee;

(3) to discharge, dismiss, discipline in any manner, or deny employment or promotion to, or threaten to take any such action against—

(A) any employee or prospective employee who refuses, declines, or fails to take or submit to any lie detector test; or

(B) any employee or prospective employee on the basis of the results of any lie detector test; or

(4) to discharge or in any manner discriminate against an employee or prospective employee because—

(A) such employee or prospective employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this Act;

(B) such employee or prospective employee has testified or is about to testify in any such proceeding; or

(C) of the exercise by such employee, on behalf of himself or others, of any right afforded by this Act.

The CHAIRMAN. Are there amendments to section 2?

Mr. BARTLETT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise for the purpose of clarification.

Mr. Chairman, my good friend, the gentleman from North Carolina [Mr. NEAL] is so eloquent on this case, and I want to pursue a bit of what he has mentioned a moment ago because I think the House needs to understand it. I would pose a question to the gentleman in a moment and give him ample opportunity to respond.

The House should be willing to take one of two positions, but not both simultaneously. We should either contend, as the bill does, that the polygraph should not be used on any occasion or we should permit it to be used but not as the sole determinant.

The gentleman from North Carolina [Mr. NEAL], was eloquent a moment ago in essentially saying it should not be used as the sole determinant. Frankly, I agree with that.

I do want to point out to the gentleman that one of the key features of the Darden-Young substitute is that for private employment as well as public employment, that the polygraph shall not be able to be used for discharging, disciplining, or denying employment or promotion to any employee as the sole determinant, or based solely on the analysis and opinions of the polygraph examiner.

My question is, is the gentleman proposing that we prohibit the use of polygraph even as the sole determinant, or does he believe that it should be as is currently done in national security, permitted to be used as one determinant, but not the sole determinant?

Mr. NEAL. Mr. Chairman, will the gentleman yield?

Mr. BARTLETT. Mr. Chairman, I yield to the gentleman from North Carolina.

Mr. NEAL. Mr. Chairman, the overwhelming evidence offered before our Subcommittee on Legislation and National Security on this question indicates that the polygraph tests are not lie detector tests. They are not reliable. They are not accurate. They cannot be depended upon.

So it is ridiculous to use these tests as a determinant of accuracy when they are inherently unreliable, as the gentleman from Texas [Mr. BROOKS], the chairman of our full committee, pointed out.

They can be useful. We can scare people with them. As long as people believe there is a level of accuracy here, we can scare people into admitting guilt, but the fact of the matter is that these things are inherently unreliable. It is no more accurate than the flip of a coin, as one witness said.

Mr. BARTLETT. Mr. Chairman, I do not want to put words in the gentleman's mouth, but I do want the House to understand. The gentleman then is advocating that we prohibit the use of the polygraph in all cases, even as one determinant, rather than prohibiting its use as a sole determinant?

Mr. NEAL. Mr. Chairman, if the gentleman will yield, that would be my own preference. That is absolutely correct. I think it is a very dangerous idea, especially dangerous to be using these gadgets in the area of national security.

Mr. BARTLETT. Mr. Chairman, my question is, even as one determinant? That is my question.

Mr. NEAL. If I could respond to the gentleman, I would say that if we are willing, as the gentleman from Texas [Mr. BROOKS] pointed out in his testimony, to start again using the rack or the dunking stool, or some other item of witchcraft, certainly those could be useful in scaring people into admitting guilt and so on.

If the gentleman would like to broaden the arsenal of our tools that we are going to use in this area, I guess we could include polygraph with those kinds of gadgets, but they are about the same level of reliability.

Mr. BARTLETT. Reclaiming my time, the gentleman does not believe in what is explicitly provided for in the bill, that is the use of polygraph in national defense and national security by the Government. Does the gentleman oppose that section of the bill, and think it should be deleted?

Mr. NEAL. Yes, I believe that is a dangerous procedure. I believe we will endanger our national security by that use.

Mr. BARTLETT. The gentleman believes it should be used in no case whatsoever. Would the gentleman then see this bill as the first step toward prohibiting the use of polygraph in national security cases?

Mr. NEAL. Mr. Chairman, I would hope so, because I think we run a grave risk of endangering our national security by relying on these gadgets which are inherently inaccurate.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. BARTLETT. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, when the Walker spy case first broke, I had the opportunity to inquire of the Chief of Naval Intelligence, what he needed to effectively do something to prevent Walker spy cases from happening, he responded by saying, "we need authority to polygraph those who seek access to classified information."

This is the Chief of Naval Intelligence. The Secretary of the Navy made basically the same statement as did many others. These are the people that have been given the responsibility for our national security. They tell us they have authority to polygraph.

If you don't trust them, than fire them. But if you do trust them, at least give them the tools they need to meet their responsibility.

The CHAIRMAN. The time of the gentleman from Texas [Mr. BARTLETT] has expired.

(By unanimous consent, Mr. BARTLETT was allowed to proceed for 1 additional minute.)

Mr. BARTLETT. Mr. Chairman, what I want to say very clearly so that everyone who is watching this debate understands, is that the debate is between the proponents of H.R. 1212 who have written a bill that would prohibit the use of polygraph in all cases except for national security even though national security would likely be next, but just prohibit the use of the polygraph as any kind of determinant comparable to prohibiting the use of reference checks because they are not perfect, or personal interviews, or written tests. That is one side of the debate.

The other side of the debate, would be the Darden-Young substitute that would permit the use of the polygraph under licensing but only if used as one determinant, but prohibit the use of the polygraph as the sole determinant.

Darden-Young would correct whatever abuses the sponsors would purport to have in the marketplace by prohibiting the use of the polygraph as the sole determinant.

Mr. Chairman, I yield to the gentleman from North Carolina [Mr. NEAL].

□ 1240

Mr. NEAL. I thank the gentleman for yielding. I would like to propose a question to the distinguished gentleman from Florida.

The CHAIRMAN. The time of the gentleman from Texas [Mr. BARTLETT] has again expired.

(By unanimous consent, Mr. BARTLETT was allowed to proceed for 1 additional minute.)

Mr. BARTLETT. Mr. Chairman, I continue to yield to the gentleman from North Carolina.

Mr. NEAL. Mr. Chairman, when the gentleman from Florida pointed out the statement regarding this Government official who thought that the polygraph was the most valuable tool at his disposal, or whatever that exact quote was, was it his position that the polygraph test was an accurate one, or was it his position that it had utility because some people believe that they were accurate and he might be able to scare someone into a confession or something?

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. BARTLETT. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman for that question. I would say again that none of us are contending, even in the field of national defense, and especially in the field of national defense, none of us are contending that the polygraph is the ultimate tool. But it is a tremendous tool in the overall process of doing background research to determine whether or not access to the most sensitive national defense secrets of our Nation with be granted. No, it is not a single tool. We have made that point time after time after time. It is one of the tools, and it is a most effective tool in conjunction with the other parts of the procedures that are used.

To get security clearances on occasion takes a year or longer when getting a person cleared for a particular type of classification, and the polygraph does not take anywhere near a year to perform, as the gentleman knows.

The CHAIRMAN. The time of the gentleman from Texas [Mr. BARTLETT] has again expired.

(On request of Mr. MARTINEZ and by unanimous consent, Mr. BARTLETT was allowed to proceed for 1 additional minute.)

Mr. MARTINEZ. Mr. Chairman, will the gentleman yield?

Mr. BARTLETT. I am happy to yield to the gentleman from California.

Mr. MARTINEZ. Mr. Chairman, the fact that the gentleman says it takes a year or a year and a half to get clearance on these high security matters indicates that the Federal Government at least in the use of these machines is not relying on them.

The problem lies in that a private employer often does rely totally on that and does a very cursory investigation once he determines that the evidence presented by this polygraph test is valid, and he does assume that it is valid. They have testified over and over again in the hearings that they believe in the reliability of this polygraph machine.

The problem that nobody here has talked about is that there is another flaw in it, and that is the human flaw, because these machines only read your blood pressure, your temperature and miscellaneous things like that, and then that polygrapher, depending on his training and his biases, is the determinant of whether the gentleman is lying or not, and that in many cases has been proven, as is true in the case of several court cases which have taken place, not to be valid.

Mr. BARTLETT. Reclaiming my time, I understand the gentleman's point. Of course, what the bill does is permit the use of the polygraph without restriction in national security cases. So if it is not accurate it does not provide for the sole determinant standard. The Darden-Young bill provides for the sole determinant standard, prohibits a sole determinant use of the polygraph. The Darden-Young bill does it right.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. BARTLETT. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. I thank the gentleman for yielding. He has very eloquently made the point I was going to make. There is going to be the use of the polygraph whether this bill passes or not.

What we are trying to do is make sure that the person conducting the examination is professional, has been licensed and knows what he is doing, and that the person being examined has legal protection of his personal and civil rights.

Mr. WILLIAMS. Mr. Chairman, I move to strike the last word. I am going to use 30 seconds of my 5 minutes and plead with my colleagues not to ask me to yield to them.

Mr. Chairman, the last time the bill was on the floor of the House it took us 6 hours to complete it. We are now debating specific points that we will debate again when these amendments come up and when the substitute is offered. I just appeal to my colleagues to wait until we get to the specific section of the bill where the amendments can be offered before we start a debate that we are going to go over again when we do reach that specific section, which in most instances, for most of the amendments, will be section 6.

We hope to be able to adjourn around dinnertime, but if I recollect how this debate proceeded a year ago, it is moving considerably more slowly now than it did then, and then it took 6 hours. So we want full debate and that is the reason I requested a fully open rule. But I encourage my colleagues to allow this process to move ahead.

I yield back the balance of my time.

The CHAIRMAN. Are there any amendments to section 2?

If not, the Clerk will designate section 3.

The text of section 3 is as follows:

SEC. 3. NOTICE OF PROTECTION.

The Secretary of Labor shall prepare, have printed, and distribute a notice that employers are prohibited by this Act from using a lie detector test on any employee or prospective employee. Each employer shall post and keep posted, in conspicuous places upon its premises where notices to employees and prospective employees are customarily posted, the notice distributed by the Secretary under this section.

The CHAIRMAN. Are there any amendments to section 3?

If not, the Clerk will designate section 4.

The text of section 4 is as follows:

SEC. 4. AUTHORITY OF THE SECRETARY OF LABOR.

(a) IN GENERAL.—The Secretary of Labor shall—

(1) issue such rules and regulations as may be necessary or appropriate for carrying out this Act;

(2) cooperate with regional, State, local, and other agencies, and cooperate with and furnish technical assistance to employers, labor organizations, and employment agencies to aid in effectuating the purposes of this Act; and

(3) make investigations and inspections and require the keeping of records necessary or appropriate for the administration of this Act.

(b) SUBPENA AUTHORITY.—For the purpose of any hearing or investigation under this Act, the Secretary shall have the authority contained in sections 9 and 10 of the Federal Trade Commission Act (15 U.S.C. 49, 50).

The CHAIRMAN. Are there any amendments to section 4?

If not, the Clerk will designate section 5.

The text of section 5 is as follows:

SEC. 5. ENFORCEMENT PROVISIONS.

(a) CIVIL PENALTIES.—(1) Subject to paragraph (2)—

(A) any employer who violates section 3 may be assessed a civil money penalty not to exceed $100 for each day of the violation; and

(B) any employer who violates any other provision of this Act may be assessed a civil penalty not to exceed $10,000.

(2) In determining the amount of any penalty under paragraph (1), the Secretary shall take into account the previous record of the person in terms of compliance with this Act and the gravity of the violation.

(3) Any civil penalty assessed under this subsection shall be collected in the same manner as is required by subsections (b) through (e) of section 503 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1853) with respect to civil penalties assessed under subsection (a) of such section.

(b) INJUNCTIVE ACTIONS BY THE SECRETARY.—The Secretary may bring an action to restrain violations of this Act. The district courts of the United States shall have jurisdiction, for cause shown, to issue temporary or permanent restraining orders and injunctions to require compliance with this Act.

(c) PRIVATE CIVIL ACTIONS.—(1) An employer who violates the provisions of this Act shall be liable to the employee or prospective employee affected by such violation. An employer who violates the provisions of this Act shall be liable for such legal or equitable relief as may be appropriate, including (without limitation) employment, reinstatement, promotion, the payment of wages lost, and an additional amount as consequential damages.

(2) An action to recover the liability prescribed in paragraph (1) may be maintained against the employer in any Federal or State court of competent jurisdiction by any one or more employees or prospective employees (or any person acting on behalf of such employee or employees) for or in behalf of himself or themselves and other employees or prospective employees similarly situated. No such civil action may be commenced more than 3 years after the date of the alleged violation.

(3) The court shall award to a prevailing plaintiff in any action under this subsection

the reasonable costs of such action, including attorneys' fees.

Mr. GUNDERSON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to call to the attention of my colleagues section 5 of this bill. I do not have an amendment at the present time and I do not intend to offer one because I do not think we ought to pursue along an acrimonious debate over the penalty section of this bill. I think the substance of the bill is far more important.

But I want people to understand what section 5 does here. It not only imposes rather significant financial penalties of up to $10,000 for any employer who violates the use of the test when they are banned, but it also goes so far as saying that once this legislation is passed that the Secretary of Labor shall prepare, have printed and distribute to every employer all over this country a notice that says lie detector tests cannot be required.

That is good, I have no problem with the Secretary of Labor doing that.

What I have a problem with, and what people ought to be aware of in this legislation is the fact that subsection (a) of section 5 provides for a penalty not to exceed $100 per day whenever that sign is not posted, from here to eternity.

I do not know how many of my colleagues have ever worked in the private sector. I am going to assume the vast majority of us have. I think we have all gone past those time clock areas where you punch the time clock and you see some notices and you do not see some notices. I have to tell my colleagues that as a youngster, in high school and in college, I had jobs as a janitor. I got to do the cleaning and all of that, and as we would go through and clean, and in particular when we would prepare for special occasions at the industry I was at, sometimes notices that were all dilapidated, that were outdated, that were faded, discolored, we would throw all of that away, clear the blackboard off so that we could start a new set of notices on the bulletin board.

I want my colleagues to know that the legislation in front of us now is going to require a $100 penalty, up to $100 penalty a day for anyone who innocently happens to have had some employee, who is a young high school janitor who accidentally, unintentionally, not knowingly, happened to pull that notice down.

Mr. DARDEN. Mr. Chairman, will the gentleman yield?

Mr. BARTLETT. I am happy to yield to the gentleman from Georgia.

Mr. DARDEN. Mr. Chairman, I thank the gentleman for yielding. I would like to use this opportunity, Mr. Chairman, to point out one distinction here that I do not think has been made very clear to the Members of this body. The distinguished gentleman from North Carolina, [Mr. [NEAL,] kept on talking about how this bill would somehow require a person to give testimony against himself and obviously violate the fifth amendment to the Constitution of the United States, which of course provides that no person shall be compelled to testify against himself.

It is important to note, Mr. Chairman, that most of the complaints we have heard about the polygraph relate to the specific conduct of law enforcement agencies, whether or not a particular sheriff or a police agency or a bureau of investigation has in fact properly conducted a polygraph examination, or in many instances has the scope of the examination gone too far, or has the person conducting it for the police actually been qualified.

I would like to point out to the Members of the body, Mr. Chairman, that the activities of police agencies, whether it be State, Federal, or local are absolutely exempt under this law. So if we are worried about innocent people somehow being forced into confessing or in some way admitting guilt or being found guilty by the use of a polygraph, this bill does not do a bit of good, because this bill excludes all activities of any police force or any other law enforcement agency.

So I would like for the body to keep that in mind, Mr. Chairman, that we are not really getting to the problem if we are interested in police abuses and a person having to violate the fifth amendment. What we are doing here is simply punishing the private sector by saying you cannot do in the private sector what you can do in the public sector.

Mr. WILLIAMS. Mr. Chairman, will the gentleman yield?

Mr. GUNDERSON. I am happy to yield to the gentleman from Montana.

Mr. WILLIAMS. Mr. Chairman, I want to note that the gentleman from Wisconsin raises a good point, and that is whether or not the penalties that are assessed here, the civil penalties, are too high, given the violations.

I would remind the House that they are within keeping with other penalties in similar types of legislation.

I would also tell the House that this $10,000 fine is a maximum and that the Act goes on to say that the Secretary shall take into account the gravity of the violation.

Finally I would remind or ask the House to recall that there was a recent award against an employer, a drug company in the United States, a recent award against that company of $4 million for violating the rights of an employee to whom they gave a polygraph examination.

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. GUNDERSON] has expired.

(By unanimous consent, Mr. GUNDERSON was allowed to proceed for 30 additional seconds.)

Mr. GUNDERSON. Mr. Chairman, I want to point out that the gentleman from Montana and I really have no dispute on the penalty section for the violations of the use or the abuse of the polygraph. My objection is the fact that we are going to send this signal in this legislation that we will provide penalties of up to $100 per day if there is not this little paper notice hanging up in every employer's building around this country. That is excessive, that is extreme, that is asking for trouble, and I think that section ought not be in this bill.

Mr. LUNGREN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I was intrigued while sitting in my office listening to the debate to hear some of the comments of the proponents of the bill that do not seem to me to match up with what is in the bill itself.

The point has been made by some who oppose this bill that even as we speak there are instances in which employees are using lie detector tests in order to take suspicion from them. Yet if my colleagues read the language of this bill, they would not be able to voluntarily do that. Why? Because it is unlawful for any employer "to use, accept, refer to, or inquire concerning the results of any lie detector test of any employee or prospective employee." So even if the employee requests of his employer permission to take a lie detector test so that that individual might be able to have more evidence that in fact, he or she, was not involved in something that was not appropriate, it would be a violation of the law for the employer to accede to the request of the employee to do that.

I do not understand why we are so worried about this test that we would even prohibit an employee from voluntarily taking it, and then allowing or asking or requesting or imploring their employer to look at it.

The other thing I would mention is in this case we want to make sure we really sock it to the employer. If you look at the last three lines of section 5 you find this: "The court shall award to a prevailing plaintiff in any action under this subsection the reasonable costs of such action, including attorneys' fees."

Note it does not say the court shall award the "prevailing party". In other words, a case, no matter how frivolous, brought against an employer by the employee that is determined to be frivolous will not allow that employer to get back the costs incurred. That may be a very expensive proposition when we realize up in the previous subsection it says:

An action to recover the liability prescribed in paragraph (1) may be maintained against the employer in any Federal or State court of competent jurisdiction by any one or more employees or perspective employees (or any person acting on behalf of such employee or employees) for or in behalf of himself or themselves and other employees or perspective employees in a similar situation.

In other words, it legitimizes class action suits.

So we can have a situation in which an employee brings a frivolous case on behalf of other employees or other members of a class before a court, go through the whole case, all the way to trial, and at that point in time when it is tossed out the employer is left with the large expenditure of funds, including attorney fees, but does not get the benefit of this section which says only prevailing plaintiffs can be recompensed.

□ 1255

Now I do not understand in this House how we continually want to make sure that we sock it to the employer even when the employer is proven to be without fault. Continually we have bills brought to us here that say, "By God, we are going to sock it to you and we are going to put the fear of God in you, so that even though we don't have a good case against you, we are going to punish you nonetheless."

That does not make a great deal of sense to me. It is a manifestation of a prevailing attitude in this House that seems to say the deep pockets of the employer are so deep we can keep digging and digging and digging.

Why we have this bias against employers in this bill, I do not know. "You shall award to the prevailing plaintiff, only" but not to the prevailing defendant.

The other factor I would like to discuss here is the question of whether or not these lie detector tests have any validity whatsoever.

We seem to just easily jump over the fact that we have required them in defense, in the intelligence community and now in the foreign policy community.

As a member of the Committee on Intelligence, I can tell you that the intelligence community absolutely believes in the validity of these tests, not as the sole determinant but as part of an entire review of prospective employees. In fact, in the last number of years that this Congress has been most critical of the intelligence community for security lapses, one of the problems cited has been the failure to administer such tests to individuals subsequently found to have skipped out with State secrets.

The CHAIRMAN. The time of the gentleman from California [Mr. LUNGREN] has expired.

(By unanimous consent, Mr. LUNGREN was allowed to proceed for 3 additional minutes.)

Mr. LUNGREN. So, in fact, as Members have suggested in debate here, there is a schizophrenic attitude evident on the floor today which says that we can use, in fact we require to be used, this tool as a pre-employment practice or as an investigative tool with the intelligence community of the United States. This is because we think that the national security interests of the United States are so important. Yet the validity that is assumed when we grant that authority and obligate those agencies to use it, is thrown by the wayside when we discuss it here.

Now I have in my previous life as an attorney had the opportunity to represent some security companies, that is, those who provide security. And I will tell you I am not satisfied in all cases that the standards that presently apply for those people who are allowed to carry guns and have badges on their shirts, rent-a-cops some people call them, are as great as they ought to be. But it seems to me nonsensical for us to say that a security firm that is going to put an amendment, a loaded gun on the hip of its employee to go out and supposedly protect us, is not going to have the ability to use this tool as part of an overall approach to its employment practices.

We allow these things to be done with respect to our police departments. In fact, a Supreme Court case found that a police officer accused of a particular offense may be required to take a lie detector test and his job would be in the balance if he failed to do so. This was allowed even though the Court would not allow that it be required in a criminal setting.

I also do not understand why we say here that the polygraph is not to be used because it is a fallible instrument. Every single one of us in this Chamber is fallible. In fact, last Thursday we found out how fallible our rules are in this House. Yet I do not see anybody here saying that we ought to close down completely, not do the Nation's business because we have imperfect laws or imperfect rules. In fact, some Members on that side have instructed us that those rules are going to remain imperfect and we should just accept it because that is the cost of doing business.

In a somewhat similar fashion, the polygraph is not infallible. We should recognize this. It can be used, it has been used. We have criticized the intelligence community when they have not used it. It seems to me to be the height of hyprocisy to require it in our "ballpark" but not to allow it in the private sector.

Mr. NEAL. Mr. Chairman, will the gentleman yield?

Mr. LUNGREN. I yield to the gentleman from North Carolina.

The CHAIRMAN. The time of the gentleman from California [Mr. LUNGREN] has again expired.

(On request of Mr. NEAL and by unanimous consent Mr. LUNGREN was allowed to proceed for 2 additional minutes.)

Mr. LUNGREN. I continue to yield to the gentleman from North Carolina.

Mr. NEAL. I thank the gentleman for yielding.

Mr. Chairman, I recognize that the gentleman from Florida and the gentleman from California and others are vitally interested in our national security. What I do not understand is how they would be willing to even begin to trust such a fallible instrument. It is not that these gadgets are accurate 95 percent of the time or 99 percent of the time; the fact of the matter is that they are no more accurate than the flip of a coin.

Mr. LUNGREN. Reclaiming my time, I would say to the gentleman I have heard that cited. I will tell you that is not the testimony you hear from the intelligence community. That is not the testimony you hear from the people who have been part of the CIA, the NSA and so forth, over the last 25 years.

In fact, criticisms of those agencies for security lapses have included criticism that they did not use the lie detector test when it should have been used. And there has also been the point that had it been used it is most likely that the agencies would have been able to stop certain people from having the classes of information that otherwise got into the hands of our enemy.

Mr. NEAL Mr. Chairman, will the gentleman yield again briefly?

Mr. LUNGREN. I yield to the gentleman from North Carolina [Mr. Neal].

Mr. NEAL. I thank the gentleman for yielding.

Mr. Chairman, I would like to refer the gentleman to some scientists, not hearsay evidence but scientific evidence. Here is a statement by Dr. John Berry, associate dean, Georgetown University School of Medicine. He calls his paper "The Nonexistence of the Lie Detector Test." He says he wants to "make two important points today." This was the testimony before our Committee on Government Operations.

"Two important points about the polygraph: First, no such machine as a lie detector exists. There is no physiological response unique to lying.

"I have to point out that the other point he makes is that a lot of people believe that there is such a thing as a "lie detector" test so you can scare some people.

The CHAIRMAN. The time of the gentleman from California has again expired.

(By unanimous consent, Mr. LUNGREN was allowed to proceed for 2 additional minutes.)

Mr. LUNGREN. I will continue to yield to the gentleman from North Carolina [Mr. NEAL].

Mr. NEAL. I thank the gentleman for yielding.

The author of the paper went on to say that lying is only one of several stimuli which may excite a person: other stimuli which cause excitement are fear of losing one's job, embarrassment or anger at being examined, for example. He, in answer to his own question, "Does it work at all?", says this: "It is a simple coin. It will be right 50 percent of the time in a dichotomous situation that is a lie-nonlie." The point he makes is that so called "lie detection" tests are no more accurate than the flip of a coin.

So I say to my distinguished colleagues, the point is we are relying on something that is inherently unreliable and to use this even as a part of clearing someone for important national security considerations is dangerous to our own security.

Mr. LUNGREN. I appreciate the gentleman's remarks. I might say if you would go back, say 10 years ago to the time when Mr. Califano was Secretary of HHS, I can cite you quotes from Mr. Califano, when he said that the CAT scanner was not an appropriate diagnostic instrument and that we were wasting money on it. Yet I know people walking the streets today who are alive because they used the CAT scanner as a diagnostic tool.

Mr. NEAL. The gentleman is very cleverly changing the subject. The subject is polygraphs.

Mr. LUNGREN. Now, wait a second. I would be glad to listen to the gentleman on his time but this is on my time.

The point is I can cite you medical authorities who will tell you that bypass surgery should not have been done in many cases 12 years ago. In fact, my father is one of those, a board certified internist and cardiologist. He changed his mind about their applicability after he had one. Thank God he has been able to live for over a decade after having such an operation.

I accept the gentleman's opinion as his own, that doctor's. I will say this, those in the intelligence community of the United States, not giving an opinion off the top of their head but giving an opinion based on their experience over some approximately 40 years have told us it is an essential tool to protect the national security interests of the United States. They use them in the employment practice, the preemployment practice techniques and also investigations later on. I would say that I would yield to their ideas rather than to someone who is giving us an opinion based on no practice.

The CHAIRMAN. The time of the gentleman from California has again expired.

(On request of Mr. NEAL and by unanimous consent, Mr. LUNGREN was allowed to proceed for 1 additional minute.)

Mr. NEAL. Mr. Chairman, will the gentleman continue to yield?

Mr. LUNGREN. I yield to the gentleman from North Carolina [Mr. NEAL].

Mr. NEAL. I thank the gentleman once again for yielding.

Mr. Chairman, I would ask my distinguished colleague to bring to the floor of the House of Representatives some evidence, some scientific evidence, not hearsay, not my evidence, not my opinion, not your opinion, but bring us some evidence that these gadgets are reliable. I certainly want to keep an open mind on the subject. I have riased this point throughout the debate today and no one in opposition to this bill has presented one scintilla of evidence that these things are reliable.

Mr. LUNGREN. There is a difference between science and art but that does not mean that art is witchcraft. We talk about the art of medicine; we do not talk about the science of medicine in terms of diagnosing people.

We talk about the practice of medicine; we do not talk about the perfection of medicine. Many of the techniques, diagnostic as they are, that doctors use today cannot be proven absolutely scientifically but they are proven in terms of practical effect. I would suggest that the relationship that the gentleman has presented between the scientific and witchcraft is a non sequitur. In fact we are talking about an art that has been proven.

The CHAIRMAN. Are there any amendments to section 5?

If not, the Clerk will designate section 6.

The text of section 6 is as follows:

SEC. 6. EXEMPTIONS.

(a) NO APPLICATION TO GOVERNMENTAL EMPLOYERS.—The provisions of this Act shall not apply with respect to the United States Government, a State or local government, or any political subdivision of a State or local government.

(b) NATIONAL DEFENSE AND SECURITY EXEMPTION.—(1) Nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to—

(A) any expert or consultant under contract to the Department of Defense or any employee of any contractor of such department; or

(B) any expert or consultant under contact with the Department of Energy in connection with the atomic energy defense activities of such department or any employee of any contractor of such department in connection with such activities.

(2) Nothing in this Act shall be construed to prohibit the administration, in the performance of any Intelligence or counterintelligence function, of any lie detector test to—

(A)(i) any individual employed by, or assigned or detailed to, the National Security Agency or the Central Intelligence Agency, (ii) any exert or consultant under contract to the National Security Agency or the Central Intelligence Agency, (iii) any employee of a contractor of the National Security Agency or the Central intelligence Agency, or (iv) any individual applying for a position in the National Security Agency or the Central Intelligence Agency; or

(B) any individual assigned to a space where sensitive cryptologic information is produced, processed, or stored for the National Security Agency or the Central Intelligence Agency.

(c) EXEMPTION FOR FBI CONTRACTORS.—Nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to an employee of a contractor of the Federal Bureau of Investigation of the Department of Justice who is engaged in the performance of any work under the contract with such Bureau.

AMENDMENT OFFERED BY MR. YOUNG OF FLORIDA

Mr. YOUNG of Florida. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. YOUNG of Florida: Page 8, after line 13, insert the following new subsection:

(d) NURSING HOME EXEMPTION.—This Act shall not prohibit the use of a lie detector test by an employer on any employee or prospective employee of any nursing home facility. This subsection shall not preempt or supercede any State or local law which prohibits or restricts the use of lie detector tests.

Mr. YOUNG of Florida. Mr. Chairman, this amendment comes at an appropriate place in the bill. Section 6 is entitled National Defense and Security Exemptions. In 1985, when we had the Armed Services authorization bill before the House, the House of Representatives approved by a vote of 333 to 71 an amendment offered by this Member to establish a polygraph program for those in the Defense Department seeking classified clearances.

That 2-year test program worked so well that in 1987 we offered the amendment to provide a permanent program for the national Department of Defense. That permanent program was approved by this House 345 to only 44 against.

And as was discussed earlier today, the House this year voted 414 to zero for an amendment to the State Department authorization bill to require the use of polygraphs in screening embassy security personnel.

So obviously the House of Representatives believes there is need for the use of polygraph.

I made this point earlier and I want to say it again briefly: If this bill becomes law the way it is presently written or if it is to be amended several times or no times, there is still going to be the use of the polygraph because the bill presented by the gentleman from Montana allows the use of polygraph by the Federal Government, State governments, county governments, and local governments and political subdivisions thereof.

Just for example back home in Florida where we used to have mosquito problems, we used to have what we called mosquito control boards. Now under this bill you use the polygraph when someone applies for a job on the mosquito control board to drive a truck between the hours of midnight and 4 o'clock in the morning spraying swampy areas and drainage ditches. Under this bill you could use the polygraph in that case but you could not use the polygraph to screen someone who would deal with America's elderly because under this bill, you cannot use the polygraph to screen an employee who is seeking employment to serve America's elderly in nursing homes.

In fact, I thought when the bill came out that it might do that, because last year in this debate, along with a number of other exemptions that the chairman accepted, he accepted my amendment to exempt nursing homes from this prohibition because he felt—and I am sure most of us in the Chamber felt—that if anyone needs our protection it is those elderly in nursing homes who cannot take care of themselves, who are bedridden, who have no family, in many cases, to look after them.

Mr. Chairman, I digress just a moment here: Here are three volumes of hearings conducted by Select Committee on Aging of the House of Representatives dealing with abuse of the elderly and to a great extent in nursing homes.

□ 1310

These reports also deal with the rights of America's institutionalized aged lodged in confinement, and elder abuse. Throughout these hearings we are told how elderly people in nursing homes have been abused and overdrugged to keep them under control so they did not make a lot of demands. We hear of soiled bed clothes not changed because someone did not want to do it, and of theft from elderly persons in the nursing homes.

One of the problems in nursing homes is that people who work there do not get paid enough money, and many of them do not stay on the job very long. They are very transient; they come and they go, and it is very difficult to keep track of their previous employment records.

So nursing homes and nursing home managements have turned to another tool. Little by little they are using the polygraph to screen prospective employees, those who are going to deal with the elderly, those who in the wee hours of the night have access to that patient strapped down to that bed, those who in the wee hours of the night have access to those people's belongings.

Mr. Chairman, we owe those in nursing homes the protection of this Congress and of this law, and I say again there is going to be the polygraph in America whether the Williams bill passes or not. The Williams bill provides for the polygraph in certain cases. But it is at least necessary that we accept this amendment to create an exemption for nursing homes so that those people who are serving America's elderly might be checked out before they do serious harm to one of our elderly mothers or grandmothers or fathers or grandfathers.

Let us look after them. As I said, the subcommittee chairman accepted this amendment last year. I had hoped that he would accept it again this year.

Mr. MARTINEZ. Mr. Chairman, I rise in opposition to the amendment, and I will not take the full 5 minutes allotted to me because I do not think it is necessary.

It really offends me to think that there are people who assume that every pervert in the world wants to work in this industry, and that all of those people who are working out there very diligently and conscientiously should be polygraphed in order to prove that they are conscientious and diligent, and yet there are people who are looking to work in these professions because of their dedication to aiding and helping the elderly and children in day care centers and other places.

I hate to think that we have to worry every time we send a child to school or to preschool or anytime we put one of our elderly parents or relatives in a day care home. I hate to think that we have to worry about all the perverts that are working there and all the perverts that want to apply for jobs there. It goes back to what one of my colleagues said. You are innocent until you are proven guilty, but this assumes you are guilty before you are proven innocent. That is offensive.

I do not see that there is anything wrong in requiring employers to do a diligent job if investigating the backgrounds of the individuals who are applying, looking at their credentials and histories and seeing what they are and who they are. I am sure that in the multitude of people working out there in those industries there is no reason to be alarmed. I resent the inference that all of those people need to be polygraphed.

Mr. Chairman, I also resent the inference that America is going to hell in a hand basket if we do not allow the polygraph to be used.

Mr. WILLIAMS. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment.

Mr. Chairman, it is true that this bill does not prevent the public sector, that is, law enforcement officers, the FBI, the National Security Council, and all the rest, from using the polygraph. They use the lie detector under very restrained and highly regulated circumstances. This bill does not have jurisdiction over that matter and does not affect it.

But I remind my colleagues again that our local police agencies, the FBI, the National Security Council, the CIA, and the other public agencies througout the United States administer only 2 percent of the lie detector tests given in the United States. What we are trying to do here is restrain the vast bulk of the quick, easy, simple, inexpensive, unreliable tests that are given in the United States.

Yes, we accepted this amendment the last time. We accepted it at almost midnight after 6 or 7 hours of debate. We felt that the Senate would not take this bill with that amendment in it or would strip that amendment. I guess we were correct about the former. The Senate did not take the bill. It was a mistake on our part to accept this amendment.

I ask my colleagues, have they read the amendment? It says that any employee or prospective employee of a nursing home facility has to undergo a lie detector test. I wonder how many people that is in the United States—prospective employees of nursing homes. It means that not only would we be strapping in and plugging in the doctors, the nurses, and the specialists that work in nursing homes, but we would also be giving the lie detector test to the fellow that raises the flag in the morning outside the nursing home and takes it down at night. We would also be strapping in the secretary that works in the front office and provides only indirect service to any of those elderly citizens in the nursing home. The groundskeeper who is out there cutting the lawn and trying to keep the place looking nice for those senior citizens and the people visiting them would have to undergo a lie detector test under this amendment.

Do we want to keep our senior citizens safe in the nursing homes in this country? Absolutely. Of course we do. And that may mean that we ought to raise the minimum wage in America, because, as the gentleman from Florida has noted, one of the reasons, in his opinion, that we get less then perhaps excellent employees in nursing homes is because we do not pay them enough. We will see how the gentleman and his colleagues vote when the minimum wage bill comes up perhaps next year.

Yes, we need good personnel practices, including good wages and good benefits in the nursing homes. We need a screening process. But we just maintain that to make every employee and every prospective employee of the nursing homes in the United States undergo this demeaning test is wrong.

Mr. BARTLETT. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMS. I yield to the gentelman from Texas.

Mr BARTLETT. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, there will be a lot of debate no doubt on this, but I do want to be sure to clarify and give the gentleman a chance to clarify his statement as to what the amendment says. I have a copy of it if the gentleman has not been provided one.

The amendment does not provide that every employee or any employee of any nursing home will be subjected to a polygraph test. The amendment merely says that this act shall not prohibit the use of the polygraph by an employer of employees at a nursing home. The amendment does not mandate the employers to do any more or any less than they are doing now.

It goes on to say that this subsection is not going to preempt any State law which in most States places rather stringent standards and in most States prohibits the use of the polygraph as the sole determinant.

So when the gentleman told us that this amendment provides that all employees of nursing homes will be required to take a polygraph test, I just want to bring to the gentleman's attention the fact that that is not true. This amendment provides that this act will not prohibit the use of the polygraph, but it does not require it for anybody.

Mr. WILLIAMS. Mr. Chairman, reclaiming my time, I appreciate the gentleman's explanation. He is, of course, correct. I did not mean to and I believe that I did not misrepresent the amendment. This simply allows nursing home owners to polygraph any employee or any prospective employee, from the groundskeeper to the flag raiser.

Mr. LUNGREN. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, a lot of times here we talk in the ephemeral world. We talk in legalities, and we do not talk about what actually happens in the real world. We forget, on the one hand, that we have in the past, and State legislatures have in the past, enacted precisely legislation which does not allow certain information to come out.

Yes, you can in some cases get conviction records if those conviction records have not been sealed, but you cannot get arrest records. And as many of us know, in many situations around the country, because of the overcrowding of our court system, oftentimes a plea bargain will take place to an offense that is a lesser offense or to an offense that may be only tangentially involved with the facts of the crime committed.

So in some cases we may have someone whose actions gave rise to a crime which would bring some cause to have alarm about having that individual taking care of the elderly. Yet there is no way the employer can check on that.

When the Subcommittee on Health and Long-Term Care of the Select Committee on Aging held hearings on the rights of America's institutionalized aged, they heard testimony from one of the representatives from California, the executive director of the Commission on California State Government Organization and Economy, that has gone in and looked at the level of care of the institutionalized elderly. He indicated that although under California law the applicant, that is, the person whose actual name would be on the license for the community care facility is screened for past criminal record, there is—and these are his words—"no way of knowing whether his employees have a criminal record. We received testimony on various cases in which employees with criminal records raped, beat, and abandoned residents."

That is what we are talking about here. We are not talking about the guy who is raising the flag in the morning and has no connection with the patients involved. We are talking about prospective employees with criminal records who would rape, beat, and abandon residents. These are the elderly in our community care facilities.

That is pretty serious. That ought to be something that we are concerned about in this House. So when we talk about this amendment, let us talk about the practical. Let us talk about an 80-year-old woman who is bedridden, who is being treated in one of these facilities, and who is at the mercy of the employees there. And so I ask, should we say to her after she has been beaten or raped, "Well, maybe if we had had a little bit better information about that person, we wouldn't have hired him. But, you know, we had to make sure that person didn't suffer the indignity of having to take a lie detector test as part of the entire screening; nonetheless we will make sure that that person is not employed tomorrow to rape or to beat you."

This is the real world. We are not making these things up. This is from the testimony of people who have looked at what has happened in my home State of California.

Mr. Chairman, I would suggest that we ought to be concerned about that.

Mr. LAGOMARSINO. Mr. Chairman, will the gentleman yield?

Mr. LUNGREN. I yield to the gentleman from California.

Mr. LAGOMARSINO. Mr. Chairman, I thank the gentleman for yielding.

What the gentleman says is very accurate and very true. It is something we should consider very carefully. It is not just a possibility.

Just yesterday, I believe it was, a man pleaded guilty to killing 13 people, and they think there were many more, in a hospital. This is a not unsimilar situation.

Mr. Chairman, this is something we do owe to our people. Why should we say that the secrets of the Defense Department are more sacred than the lives and well-being of our elderly citizens?

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. LUNGREN. I am happy to yield to the author of this amendment.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman from California for his contribution. He has made some very, very strong and persuasive points here. In support of that, let me just hold up these relatively important copies of newspaper stories telling how previous employers are not responding to requests for information about employees that might have worked for them because if they give a bad recommendation, they are getting sued. In some cases they are getting sued if they give a good recommendation.

They are just buttoning up in many cases, and it is getting more difficult all the time to learn something about an applicant from a previous employer.

Mr. LUNGREN. Mr. Chairman, I thank the gentleman for offering his amendment, and I hope we will have a unanimous vote in favor of this amendment.

Mr. DARDEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Florida [Mr. YOUNG], and I want to commend him for realizing that here we have a very obvious flaw in the Williams bill that must be addressed and that I think certainly is addressed by this amendment.

I think it is interesting to note, Mr. Chairman, that if this House of Representatives has gone on record for any one thing or any one subject or any one topic, it has been taking action to better the lot and the lives of our elderly people in this country. I think to take away, as this bill would do, the right to see that those persons who care for and administer care to our elderly are not properly investigated would indeed be setting a bad, bad precedent here on the floor of the House of Representatives.

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Further example of how unfair the situation has become, Mr. Chairman, under the bill as it now stands, a person who is charged, a young person who is charged with stealing $3.50 worth of candy from a store can be polygraphed by the police; but at the same time a person who may have a serious record of convictions, and the amount of convictions may not have been divulged, cannot be polygraphed by the owners of a nursing home.

It is important to note that, let us not take away this valuable investigative tool which should be used in conjunction with, not solely for the purpose of determining suitability for a particular job, but in conjunction with all other evidence to screen out these people who might not be employable.

I was gratified last year when the committee accepted this amendment, but now it appears to be an opposite situation here today.

Mr. MARTINEZ. Mr. Chairman, will the gentleman yield?

Mr. DARDEN. I yield to the gentleman from California.

Mr. MARTINEZ. Mr. Chairman, I thank the gentleman for yielding to me.

I want to refer to the point the gentleman makes on the validity of a lie-detector test, because it is given by a police department and not used in evidence.

A court of law does not recognize it, because the polygraph is recognized as invalid. They cannot use it in evidence.

If the police are using it, they are using it as a supplement, and that requires them to dig up the hard evidence, and more than just that polygraph test.

I think the argument is the kind of an argument that confuses us into giving credibility to the use of a lie detector test in the private workplace.

Mr. DARDEN. The police can, under this bill, continue to use a polygraph unfettered as they have in many years throughout this country.

What it does prohibit as it stands now is the right of a person who may go to work in a nursing home to care for our elderly, they cannot have that type of background check.

Mr. LUNGREN. Mr. Chairman, will the gentleman yield?

Mr. DARDEN. I yield to the gentleman from California.

Mr. LUNGREN. Mr. Chairman, I thank the gentleman for yielding.

The police departments use the lie detector tests in precisely the same way we are asking under this amendment that employers, in taking care of the elderly, use it; that is, in employment situations.

That is where the police use it today, and the Supreme Court has said that they can use it. They can use it for employment circumstances.

We are not talking about using it for criminal circumstances here. We are talking about using it for employment circumstances.

Mr. DARDEN. Mr. Chairman, I thank the gentleman for making that point.

We are contending that the polygraph ought to be used in evidence, even though it might be permitted to be used in evidence by stipulation in some States.

We are making the point that once more the polygraph should be used as the same investigative tool by owners of nursing homes, just as police officers can use it.

It is a valuable investigative tool which should not be taken away from the possible benefit to the elderly.

Mr. WILLIAMS. Mr. Chairman, will the gentleman yield?

Mr. DARDEN. I yield to the gentleman from Montana.

Mr. WILLIAMS. Mr. Chairman, I thank the gentleman for yielding.

Who ought to investigate crime? This bill says if the police departments want to investigate crime and want to use the lie detector to investigate crime, let them do it; but what some of the Members on the floor seem to want is to allow private industry to become police departments, and not only that, but they want to allow private industry to use the gadget in a way we do not allow law enforcement to use it; and that is, for preemployment, for people who never committed a crime.

The Members would allow the owners of nursing homes to require a secretary seeking a job in a nursing home to be sat down, strapped in and plugged in. We do not let the law-enforcement agencies in this country do that. That is a far broader situation that the gentleman wants to create.

Mr. WALKER. Mr. Chairman, I move to strike the requisite number of words.

I rise in support of the amendment, and I would say to the gentleman from Montana that what the gentleman just said is wrong with regard to what we do in this body.

Just a few moments ago the staff checked with the Capitol Police, and guess what. For the protection of ourselves around here, we allow the Capitol Police to have two full-time examiners who do nothing but screen all applicants for the Capitol Police Force, to check the info that is on their applications, not for investigative work of criminals.

We allow our Capitol Police to screen all their applicants about the information that is on their applications.

Mr. WILLIAMS. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Montana.

Mr. WILLIAMS. Mr. Chairman, I thank the gentleman for yielding.

My question is, do we allow the Capitol Police, or any other police department, to use the lie detector test to screen prospective employees of nursing homes or banks or anywhere else? That is what this amendment allows, nursing homes, so I was not wrong.

Mr. WALKER. No, we are allowing the Capitol Police Force, in terms of the people that apply to work at the Capitol Police Force, to use lie detector tests to screen those applicants, exactly what the gentleman from Florida wants to do in terms of nursing homes, screening their own applicants. It is exactly the same.

What we now have is a standard which says that to protect ourselves, we will have one standard. To protect the elderly of America, we will have another standard.

That is an abomination. Once again, we have legislation on the floor that says we are somehow above the law, that this particular body of men and women is better than the law, that what we are going to take away from private industry, we are not willing to take away from ourselves, because there is nothing in this bill that takes away from our ability to use lie detectors to screen the people that protect us.

I cannot understand it. Why is it day after day, week after week we are bringing bills to the floor that say we are better than the rest of the American people?

I would think it would get to be an embarrassment after a while. To find out the gentleman from Florida wants to protect the elderly of America, and we say no, you cannot do that. When it comes to protecting ourselves, we are going to have the best equipment in our arsenal to do so.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman for yielding to me.

I want to make sure I understand the gentleman's point. If it is proper to use a polygraph examination to screen those who protect Members of the U.S. Congress, then it should be proper to use that same process, that same quote gadget unquote to protect elderly people lying in nursing homes who cannot take care of themselves nearly as well as we can here in Congress. Is that what the gentleman is saying?

Mr. WALKER. I would say to the gentleman, I think it is probably more important to have that particular ability rather than for ourselves.

Maybe those people who are lying helpless in nursing homes deserve more protection than what we deserve in the U.S. Congress, and so the gentleman is absolutely correct, and that is the point I am making.

If the technique is good enough, if it is good enough for elderly Americans, it is good enough for employers all the way across this country.

I find it very, very disturbing that day after day, week after week we are saying we are somehow better than the rest of America.

Mr. WILLIAMS. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Montana.

Mr. WILLIAMS. Mr. Chairman, I thank the gentleman for yielding to me.

Does the gentleman know in this matter of the House being duplicitous here on Capitol Hill, does the gentleman know whether or not the Capitol Police give lie detector tests to that fellow that raises the flag and to those secretaries that work in the office of the gentleman from Pennsylvania, because this amendment allows nursing home owners, not public officials, to give the lie detector test to people applying for a job to cut lawn outside the nursing home?

Mr. WALKER. The gentleman's bill exempts all government employees, so it is my understanding, and in the same way that the gentleman's amendment allows the nursing home operators to behave, we are allowed to behave ourselves.

If we wanted to test the people who raised the flag in the morning, we could under the gentleman's bill; but under the gentleman's bill, the nursing home operator does not have that option.

The gentleman from Florida is saying that your bill ought to give the nursing homes that option.

Mr. BARTLETT. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Texas.

Mr. BARTLETT. Mr. Chairman, I thank the gentleman for yielding to me.

We need to get back to what the bill says, and I propound the question to the sponsor of the bill, or any of the sponsors including the gentleman from Montana.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. WALKER] has expired.

(On request of Mr. BARTLETT, and by unanimous consent, Mr. WALKER was allowed to proceed for 3 additional minutes.)

The CHAIRMAN. The Chair will offer the explanation that in accordance with the precedents, the Chair will recognize members of the committee, first priority, and then those nonmembers in accordance with seniority.

I thought that explanation would be in order to understand the recognition by the Chair of diverse Members who have sought recognition.

Mr. WALKER. We thank the Chair.

Mr. Chairman, I yield further to the gentleman from Texas [Mr. BARTLETT].

Mr. BARTLETT. Mr. Chairman, I thank the gentleman for yielding to me.

I would propound the question to the sponsors of the legislation.

Would they then accept an amendment to permit nursing-home operators to use the polygraph as one determinant in hiring those employees that deal directly with the elderly in a way in which it is an occupation?

If that is an amendment that is acceptable, then perhaps the sponsor of the bill should accept the amendment with that change in it, and we could go on to the next amendment.

Mr. WILLIAMS. Mr. Chairman, will the gentleman yield?

Mr. WALKER. Mr. Chairman, I would be glad to yield to the gentleman from Montana to see if the gentleman wants to have that reasonable amendment added to the bill.

Mr. WILLIAMS. Mr. Chairman, I thank the gentleman for yielding to me.

The sponsor of the bill believes that one cannot cure baldness through the application of electricity, just as one believes that a box plugged into a wall cannot determine through the application of electricity whether the person is telling a truth or a lie.

The sponsor of the bill is opposed to the use of the lie detector gadget.

Mr. WALKER. Let me say to the sponsor of the bill, what the gentleman is saying is, it is perfectly all right when it comes to protecting the gentleman, when the Capitol Police use it to protect him, and the gentleman's bill in now way says we are going to take that power away from the Capitol Police when it comes to protecting the gentleman?

Mr. BARTLETT. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Texas.

Mr. BARTLETT. Mr. Chairman, I thank the gentleman for yielding.

I further inquire as to whether or not the sponsor would accept an amendment to unexempt Congress from this bill.

Mr. WILLIAMS. Mr. Chairman, if the gentleman will continue to yield, the sponsor of this bill will cosign a bill introduced by the gentleman from Texas to take away from the Capitol Police the use of the lie detector gadget.

Will the gentleman offer that?

Mr. BARTLETT. It would not be a bill; it would be an amendment to this bill.

Mr. WILLIAMS. My bill would have jurisdiction over this. If the gentleman can offer this amendmennt to strip the use of the lie detector from the Capitol Police, this gentleman will support it; and I will tell the gentleman why.

Spies and terrorists, people intent on doing the Members any bodily harm can go through a lie detector like water through a sieve.

If we are depending on the lie detector to protect ourselves, we are in a lot of trouble.

Mr. BARTLETT. Mr. Chairman, if the gentleman will continue to yield, the sponsor of the bill is being straightforward and honest then.

The gentleman wants to prohibit polygraphs in all cases. The House will consider an amendment to remove the congressional exemption from this bill.

Mr. WALKER. Mr. Chairman, reclaiming my time, we also do lie detector tests of the people who work on our intelligence committees, for example.

It goes much further than that when we are relying on protecting the intelligence of this country, using the employees of this body, and we use lie detectors there too.

The gentleman thinks they are some sort of a witchcraft, but we do depend upon them.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. WALKER] has again expired.

(On request of Mr. YOUNG of Florida, and by unanimous consent, Mr. WALKER was allowed to proceed for 3 additional minutes.)

Mr. KASICH. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Ohio.

Mr. KASICH. Mr. Chairman, I thank the gentleman for yielding to me.

The Stillwell Commission, the group that studied the problems with security leaks throughout this country, pointed out the problem with polygraphs is not the fact that people can avoid them.

The problem is that they are not administered in a way that does not tip somebody off as to when those tests are going to be administered; and in fact, if you study the whole Walker situation, the senior Walker told his son, "Don't get yourself in a position where you are ever going to be polygraphed, because that is how you are going to get discovered."

Using a polygraph in national security is a very valuable tool in terms of trying to prevent this kind of thing from happening. They are recommending more use of the polygraph, not less, when it comes to national security.

That point ought not to be missed when we are looking at something as sensitive as this.

□ 1340

Mr. WALKER. Mr. Chairman, I thank the gentleman.

Let me yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman for yielding.

An important point has been raised relative to who believes the polygraph works or does not work.

This latest conversation prompts me to read this statement from Christopher Boyce. Christopher Boyce appearing before the Senate Committee on Governmental Affairs made this statement. Christopher Boyce is very infamous in that while he worked for one of our defense contactors, he sold out to the KGB and provided them with some very strategic information that harmed us considerably.

Christopher Boyce said that the KGB officer who was his charge told him that they had ways to beat the polygraph. Christopher Boyce said to the Senate:

> I knew I could not pass the polygraph and greatly feared it. That same fear heightened my resolve never to accept direct employment with the CIA because they require a polygraph.

Now, Christopher Boyce, I think, should be paid attention to because he has cost us a lot of money and he has given the Soviets some very important strategic information that belonged to us, that we developed. Unfortunately we are getting away from the amendment at hand. The subject before us now is are we going to give elderly people in nursing homes the protection of having an opportunity to screen prospective employees who are going to be tending them in the wee hours. That is the issue. Are we going to do that or not?

Unfortunately we have allowed the debate to move in the wrong direction. The proponents of this bill are trying to create the illusion that we are going to polygraph, that we want to polygraph everyone who applies for a job anywhere in the world. That is not the case, not the case at all.

First of all, to conduct a polygraph examination takes time.

No. 2, it is extremely costly and if you think that all these industries just want to indiscriminately use polygraphs, you are wrong, but it is a very good tool and the existence of the program itself will be very helpful.

But let us not allow this debate to move off in 20 directions. This debate, this moment, is whether or not we are going to give protection to the elderly people in America's nursing homes.

I thank the gentleman for yielding.

The CHAIRMAN. The time of the gentleman from Pennsylvania has again expired.

(By unanimous consent, Mr. WALKER was allowed to proceed for 2 additional minutes.)

Mr. WALKER. Mr. Chairman, let me say to the gentleman, and I will yield to the gentleman in a moment, but let me say to the gentleman that I think it is important that we refocus the debate on his amendment.

What this gentleman is saying is we ought to do unto others, namely, the elderly, what we willingly do unto ourselves, namely, we allow our Capitol Police to administer lie detector tests when it comes to protecting us. They do it on the basis of job applications. That is the same standard of protection that we ought to allow to the elderly of this country.

Mr. NEAL. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I am very glad to yield to the gentleman from North Carolina.

Mr. NEAL. Mr. Chairman, I thank the gentleman for yielding.

I agree with the gentleman that we ought to be on this subject, but the gentleman from Florida made a very important point. The gentleman from Florida said that the spy that he quoted was afraid of the polygraph. That is precisely the point.

The point is that the polygraph tests do not work. They are not lie detector tests. They are unreliable, no more accurate than the flip of a coin, but there are people who are afraid of them. There are some people out there who believe that they work and in those cases when there are people who believe that they work, the threat of a polygraph can elicit a desired response; but as more and more people learn that they do not work, they will become less and less effective.

This is the most important point, since they are unreliable and many people do it, the most dangerous people, the people who would be most dangerous to our national security or to our elderly or to us here, the terrorists and so on, know how to beat them.

There are mental techniques, drugs, and other ways to beat the polygraph.

Mr. DELAY. Mr. Chairman, will the gentleman yield?

Mr. WALKER. Let me regain my time and yield to the gentleman from Texas.

Mr. DELAY. Mr. Chairman, I think that the gentleman from North Carolina has established his entire support for this bill on the fallibility of the polygraph system. The gentleman cited a few studies and challenged us to come up with studies of our own.

The CHAIRMAN. The time of the gentleman from Pennsylvania has again expired.

(At the request of Mr. DELAY, and by unanimous consent, Mr. WALKER was allowed to proceed for 2 additional minutes.)

Mr. WALKER. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Chairman, I would ask the gentleman after my statement if he will change his support for the bill if we can cite to the gentleman numerous studies that show the accuracy of the polygraph.

In 1984, the Department of Defense called for a study to be done of the number of studies in the United States that have been done on the accuracy of the polygraph. I would just like to cite a few of them.

From Dr. Barland, University of Utah, 89.7 percent accurate.

Mr. Philip Bersh, Temple University, 92.4 percent accurate.

Mr. Richard Blum, Stanford University, 96.2 percent accurate.

Dr. Frank Horvarth, 87.8 percent accurate.

Dr. David Raskin, 96 percent accurate, and I could go on and on. I have got the book coming over. It is about that thick of all the studies that have been done that show that it is as accurate as most drug testing or any other tools that are being used in employment; so I can show the gentleman that there are as many, if not more studies, that show at least 85 percent accuracy of the polygraph.

I will ask the gentleman, will he now change his support for the bill, because I have as many, if not more, than the gentleman has on the accuracy of the polygraph.

Mr. NEAL. Mr. Chairman, will the gentleman yield to me to respond?

Mr. WALKER. I am happy to yield to the gentleman from North Carolina.

Mr. NEAL. Mr. Chairman, I would refer the gentleman to the distinguished Republican Member from Utah who is a former professor of statistics. I think he will point out to the gentleman if we can get him involved in this debate that at those levels of accuracy, and I am not a statistician and I cannot make his argument for him, but I wish the gentleman was here to make it, because I think he could demonstrate that at these levels, and this comes as news to me, frankly, because the studies I have seen indicate that they are much less reliable than the gentleman indicates, but even at these levels the gentleman is talking about, the level of inaccuracy would be one that would be a very dangerous one for us to trust, so I hope that when the gentleman from Utah returns we can get involved in this.

Mr. DELAY. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from Texas.

Mr. DELAY. Mr. Chairman, I am looking for the gentleman from Utah, the statistician, because three of the studies were done by the University of Utah.

Mr. CHAIRMAN. The time of the gentleman from Pennsylvania has once again expired.

(By unanimous consent, Mr. WALKER was allowed to proceed for an additional 10 seconds.)

Mr. WALKER. Mr. Chairman, I do so just to bring the subject matter back, protect the elderly the same as we protect ourselves. Vote for the amendment of the gentleman from Florida.

Mr. JEFFORDS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the key question here is whether or not passing this amendment will do anything to protect the elderly. That is the question. Related to that is the question of the validity of preemployment testing.

Now, the gentleman from Texas mentioned some studies, and if my memory serves me correctly these studies were done by the polygraphers about themselves, or related to studies of polygraphers, or at least did not deal with preemployment testing.

Mr. DELAY. Mr. Chairman, will the gentleman yield?

Mr. JEFFORDS. I will yield to ask the gentleman this question. Did they deal with preemployment testing?

Mr. DELAY. Yes, the studies dealt with preemployment testing and these were not conducted by polygraphers. These tests were performed by professors in universities that made studies commission by private organizations and compiled by the Department of Defense in 1984. These individuals are not polygraphers.

Mr. JEFFORDS. Well, I would just point to the OTA, the Office of Technology Assessment of the Congress, which did a study of the studies, and those were not commented on there, and found that there is no study, to their knowledge at that time, that showed any validity to preemployment testing. That is the issue here, because we are weighing issues here dealing with the private sector which we do not have with the Government sector.

Now, as to government use of the polygraphers I will recite some information that came to me this morning by virtue of my being on C-SPAN. I was talking with a polygrapher who did some preemployment testing for a police department. I will get to that matter in a minute.

The question here is an interest-weighing matter. The important point here is the polygraph test is not reliable. Let us take a look at what the courts have said about this and how long they have said it. The first case in the U.S. Supreme Court case dealing with polygraphs was in 1923. This issue and discussion on it has been in existence for probably 70 years. Yet still the courts will not allow this test to come into evidence. This should be distinguished from drug testing and all those kind of things which are allowed in evidence in courts under certain circumstances. Let us not be confused by these analogies.

Also, it should be pointed out that this particular amendment is opposed by the American Medical Association, the American Psychologists Association and the American Nurses Association. These tests administered here under these circumstances are humiliating. They are an invasion of privacy with the questions that are asked. They have no known validity in the preemployment testing situation, the private sector interests should be distinguished from the military and others who come forward and are placed in a position of national security. They are considered to have waived some of those rights. Certainly that would be true with respect to police officers dealing with us here in applying for positions which involve that kind of rigorous testing required for such tests and responsibilities. This is not true when you talk about people deserving and work for nursing homes, et cetera in the private sector.

Let me relate to you the experience I had this morning to show you how these polygraphs are used or rather misused. On C-SPAN this morning, naturally, I was challenged by polygraphers. One was the police department examiner in one of the Virginia areas. He called and said, "It is very reliable. We had 100 applications for four positions in the police department. I examined them and in 96 cases I could tell they were drug addicts, criminals, or sexual abusers. Therefore, we were able to hire the only four that came forward that I could tell were really honest and would make police officers, and they have."

Now, can you believe that that would occur? He must have been sitting outside of the State prison examining people coming out the door and looking for jobs. That is the kind of ridiculous response you get from some polygraph operators.

I point that out because what we are basically concerned with here is the protection of people, yes; but it is protection also of those who want to be there to try to protect people.

Since the polygraph has no demonstrated reliability in this kind of situation, what we are trying to say here, at least in the preemployment situation, is that we should not subject people to such intimidating and unreliable tests, thus eliminating people from being able to work by virtue of a test which absolutely has no known validity in the preemployment situation.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. JEFFORDS. I am happy to yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman for yielding.

Since we got away from the elderly nursing home amendment once again and we are back on the bill, let me tell you why the gentleman from Georgia [Mr. DARDEN] and myself have suggested this substitute, because we put in there a bill of rights for that person who might be examined by a polygrapher. A substitute says:

> A polygrapher may not ask a question during the actual examination unless such question is in writing and has been reviewed with the examinee prior to such examination.

That takes care of the problem the gentleman from Indiana [Mr. VISCLOSKY] mentioned earlier in the debate when they could not pronounce the name of his high school.

> A polygraph examiner may not inquire into (a) religious beliefs or affiliations; racial beliefs or opinions; political beliefs or affiliations; sexual preferences or activities, beliefs affiliations or opinions regarding unions or labor organizations. Each prospective examinee shall be required to sign a notice before the beginning of each polygraph examination that he understands the limitations imposed on the examiner; that the examinee may terminate the examination at any time; that the examinee has legal rights and remedies if the polygraph examination is not conducted in accordance with this title.

And it goes on.

The CHAIRMAN. The time of the gentleman from Vermont has expired.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield further?

Mr. JEFFORDS. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Let me add this further point. This is a bill of rights to protect the person who will be examined by a polygrapher.

Now, under the Williams bill, there is no such guarantee. There is no bill of rights for the examinee in the bill before us.

This substitute is the only legislation pending today that protects the rights of the examinee. That is why we should adopt this substitute later on to do just that. There are going to be polygraph examinations whether the Williams bill passes or not; so at least let us make them professional and provide a bill of rights for the examinee now, Mr. Chairman, but at this point let us get back to the issue at hand, which is protection of the elderly in nursing homes, because that is the issue before us right now.

The CHAIRMAN. The time of the gentleman from Vermont has again expired.

(By unanimous consent, Mr. JEFFORDS was allowed to proceed for 2 additional minutes.)

Mr. JEFFORDS. Well, it is ture, Mr. Chairman, that under the Williams bill there would be no bill of rights because there would be no examination. You do not need a bill of rights to protect you from something which is prohibited.

Now, if the gentleman is saying that it would expand to other areas that may be allowed, that may be true and I would certainly have no quarrel with that aspect of it. But here we are involved here with the question of validity and nothing you can do is going to make something that has been shown not to be valid enough to be considered in evidence for 70 years to be suddenly valid now. I am sure that questions not have been asked, have been changed and reordered by polygraph examiners over the years to try and get admissible results. Yet, they still cannot get results which are reliable enough to let the courts admit them into evidence.

So, I would say right now the question is whether or not these tests are valid the evidence is very clear that they are not valid, potential employees should not be subjected to such humiliating tests and questions in preemployment situations.

□ 1355

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. JEFFORDS. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I am sure the gentleman from Vermont did not do this intentionally, but he misspoke. Under the Williams bill millions of Americans can be polygraphed. Those who work for the U.S. Government, those who work for the governments of all the 50 States, those who work for the governments of the thousands of counties and the thousands and thousands of cities can all be polygraphed.

Mr. JEFFORDS. Reclaiming my time, I will admit that the gentleman is correct and add that is true for some employees of the defense industry.

Mr. YOUNG of Florida. All of those people are subject to polygraph by the Williams bill. I do not think the gentleman intended to misspeak, but unfortunately he did.

Mr. JEFFORDS. Mr. Chairman, I would say that the gentleman is correct in that. Of course, those situations other than the Federal Government are not under our jurisdiction, otherwise we may have given consideration to covering them. However, that does not diminish my arguments relative to the nonvalidity of the tests.

Mr. MARTINEZ. Mr. Chairman, will the gentleman yield?

Mr. JEFFORDS. Mr. Chairman, I yield to the gentleman from California.

Mr. MARTINEZ. Mr. Chairman, the point is they are susceptible to being polygraphed and are not part of the Federal Government. The point is there are tens of thousands of those who have no business being polygraphed because they have not done anything wrong to begin with, who are going to be polygraphed if this bill does not pass.

Mr. JEFFORDS. I agree with the gentleman. We are here to protect the private sector, also, as well as deal with Government agencies.

Mr. Chairman, I again urge my colleagues that this amendment be defeated.

Mr. McCOLLUM. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I think this debate is down to the point now where we ought to be talking about what is reasonable. Everything we do in this Congress, it seems to me, is all part of our checks and balances, that old balance wheel that we have talked about in many of these debates comes into play here, it seems to me.

What are the inherent evils of the polygraph test? I do not think there are inherent evils. If the polygraph is given to somebody, there may be harassment, there is potential for abuse of it in the preemployment practice, no doubt about it, but in the sense that it is inherently evil that somebody will suffer physical ailment or somebody is going to die from it or somebody is going to be irreparably injured by it, that is highly improbable that that would occur. On balance, the question is under what circumstances, if any, will the polygraph examination be given in the employment scenario?

It seems to me that when one weighs the limited amount of evil, if that is what it is to be called, or problems for somebody seeking employment in a nursing home, the harassment and potential abuse that might be there weighed against the harm that could occur to the elderly if we denied the owners and operators of nursing homes the opportunity to preemployment screen with a polygraph, I think that we have to come down firmly on the side of the elderly in allowing the employment screening to take place.

The fact of the matter is that there will always be debate over the technical validity of the polygraph, whether it is 85, 90, 72 percent accurate. Let me say to my colleagues, drug tests are not all accurate. We had a great debate over the AIDS test, and a lot of people still say, people in the medical profession, say the AIDS test does not screen out all the necessary things to make certain determinations.

The point is that the polygraph test, by the evidence I have seen, and I have seen a lot of it as my colleagues have also seen it, is extremely valid for the purposes of preemployment screening if an employer uses other things besides simply the polygraph, which we would be required I am sure under any form of this legislation, the substitute or this one, the tests that the gentleman from Florida [Mr. YOUNG] has proposed in his substitute would seem eminently fair. These would provide the degree of safeguards necessary to let the polygraph be used for the protection of the elderly.

I had a grandmother in a nursing home, some of my colleagues have had their parents or grandparents in a nursing home. I think most of the nursing homes of this country are to be respected. There has been a great improvement over the last few years in the quality of care and inspections, but elderly people in nursing homes themselves are often not capable of understanding certain things, or protecting themselves. They are among the most vulnerable citizens of this country. They are people that I am sure every Member of this body wants to be sure their interests are protected. The fact is they can have valuable possessions in their rooms that could be easily stolen. As the debate brought out earlier, in a nursing home, an elderly citizen can be attacked by the wrong person working there. We have had documented cases of rape and of physical abuse to the elderly in nursing homes by people who have no business being employees of those nursing homes. The polygraph itself is not going to be a guarantee to get rid of all those people but it seems to me on balance, and I think that is what we have to do here as a body, if we are weighing the good and the evil of the use of the polygraph, in this case the good, the need for the polygraph in the nursing home setting to protect the elderly far outweighs any harm that could possibly occur in the employment area to somebody who might want to work in a nursing home.

There are a lot of other places, if somebody is worried about getting a job and being rejected, where they can go to work where they will not worry, and we will not worry, about what kind of threat they will be to the elderly, to the health and safety of the elderly and to their possessions.

It is just not responsible for this body to allow a bill like this to go through that would prohibit the employer in a nursing home context from screening people who work in that establishment who take care of the elderly, who are on guard around the clock at midnight when everybody else has gone home. It is not reasonable for us to prohibit that employer from using the polygraph, from using every reasonable means to protect the elderly that are in that nursing home facility.

Mr. Chairman, I strongly urge my colleagues to put some common sense into this debate. Whatever my colleagues think about the use of the polygraph in general, the gentleman from Florida's [Mr. YOUNG] amendment on nursing homes is eminently fair and logical, and a balanced approach to this process. We need to have an amendment in this bill that exempts nursing homes.

Mr. Chairman, I urge my colleagues to vote for the Young amendment.

Mr. WORTLEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Young amendment. As a member of the Select Committee on Aging, I am acutely aware of the special concerns of the elderly and those involved with caring for the elderly. This amendment realistically confronts a very sad reality facing our seniors—a reality that involves cases of physical and psychological abuse, violation of rights, and financial exploitation in nursing homes.

Let met make it clear from the start that my comments in no way typify employees and professionals of the nursing home industry, but rather some particular cases which could be avoided in the future by the use of polygraph testing.

Physical abuse in nursing homes comes in many forms ranging from simple neglect to being strapped to a bed and left in the dark for hours. Occasionally, actual beatings occur which result in cuts, bruises, and broken bones.

Psychological abuse is even more diverse, ranging from verbal assaults to protracted efforts to dehumanize an elderly person.

Additionally, violation of fundamental inalienable rights occur in nursing homes. This includes violation of the right to adequate, appropriate medical treatment and the right to a clean, safe, living environment, among others.

Finally, financial exploitation by nursing home employees has been accomplished through force, fraud, deceit and misrepresentation. I am talking about documented cases in which employees have physically forced seniors into signing checks and cosigner release forms.

Allowing nursing home employers to use polygraph testing would significantly aid in weeding out those few—and I emphasize few—employees or applicants who pose a direct physical, psychological or financial threat to the elderly.

Currently, it is conceivable that a person with a history of physical assault coud gain employment, undetected, in a nursing home. Polygraph testing is one important and necessary option to help make it impossible for a person to carry a bad track record, in terms of nursing home employment, from one location to another. I sincerely believe that nursing home employers should be permitted to use this testing method to aid their efforts to keep criminals away from the elderly.

I support this amendment since it provides a much needed tool in protecting our senior citizens. We have already made an exemption to the polygraph prohibition for reasons of national security, and I cannot accept that it is any less important to protect our elderly—your parents, my parents, my 87-year-old mother who resides in a nursing home. I urge your consideration and strong support of this crucial exemption to H.R. 1212.

Mr. GUNDERSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I hope that I will not take my full time, but I think there are two important items that need to be added to the discussion on the amendment of the gentleman from Florida [Mr. YOUNG].

I rise in support of this amendment and I rise in strong support of this amendment because I would call to the attention of every one of my colleagues and particularly my colleagues on the Democratic side of the aisle, to take a look at the 1985 May report by the Select Committee on Aging on "Elderly Abuse: A National Disgrace."

☐ 1405

Take a look at that report and take a look at the discussions in there on the area of sexual abuse alone.

Let me recall for my colleagues some of the testimony from that report. An elderly woman with cerebral palsy related her experiences in five different nursing homes in which she lived. In one of those experiences she was abused sexually by her doctor. At that time her speech was so severely impaired that she could not relate this experience to her nurses.

A daughter wrote from California regarding treatment of her aged mother in a convalescent hospital. The hospital personnel would tie her mother in a chair and leave her in a crowded room for long periods of time. No attempt was made to treat a bad eye infection. Her mother was beaten up while a patient. When questioned by the daughter, the head nurse said, "We really don't know what happened."

Mr. Chairman, elder abuse is happening and what we are talking about here today could have a direct impact on curbing such abuse. Before we get into some kind of a rampage to automatically ban the use of polygraphs for everybody but national security, we must somehow or another take into consideration the very threats to those least able to protect themselves, our elderly population in this country.

Second, I want to point out that 41 States in this country have some kind of legislation regarding the use of the polygraph today. All 50 States, all 50 States, have regulation of their nursing home industry. Are we going to at the Federal level say no matter what you are trying to do to regulate your nursing homes, you cannot in any way try to protect the residents of that nursing home by making sure that the people that are hired as the staff and the employees of that nursing home do not have previous records of sexual abuse of elder people. Where are our consciences?

This amendment ought to be accepted. There should not have been a debate, and if there is a rollcall I ask everyone to vote for it in a unanimous fashion.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. YOUNG].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. YOUNG of Florida. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 187, noes 237, not voting 9, as follows:

[Roll No. 407]

AYES—187

Anderson
Archer
Armey
Badham
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bennett
Bentley
Bereuter
Bevill
Bilirakis
Bliley
Boggs
Boulter
Broomfield
Buechner
Bunning
Burton
Byron
Callahan
Chandler
Chapman
Chappell
Cheney
Clarke
Coats
Coble
Coleman (MO)
Combest
Courter
Craig
Daniel
Dannemeyer
Darden
Daub
de la Garza
DeLay
DeWine
Dickinson
DioGuardi
Dornan (CA)
Dreier
Edwards (OK)
Emerson
Erdreich
Fawell
Fields
Flippo
Frenzel
Gallegly
Gallo
Garcia
Gekas
Gingrich
Goodling
Gradison
Grant
Gunderson
Hall (OH)
Hall (TX)
Hammerschmidt
Hansen
Harris
Hastert
Hatcher
Hayes (LA)
Hefley
Hefner
Herger
Hiler
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Smith, Denny (OR)
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Thomas (GA)
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Vander Jagt
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Young (FL)

NOES—237

Ackerman
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Anthony
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Lowry (WA)
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Young (AK)

NOT VOTING—9

Biaggi
Brown (CO)
Crane
Duncan
Gephardt
Kemp
Owens (UT)
Roemer
Stratton

□ 1420

Mr. WELDON changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MRS. ROUKEMA

Mrs. ROUKEMA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. ROUKEMA. Page 8, after line 13, insert the following new subsection:

(d) EXEMPTION FOR SECURITY SERVICES.—(1) Subject to paragraph (3), this Act shall not prohibit the use of a lie detector test on employees or prospective employees of a private employer whose primary business purpose consists of providing armored car personnel, personnel engaged in the design, installation, and maintenance of security alarm systems, or other uniformed or plainclothes security personnel and whose function includes protection of—

(A) facilities, materials, or operations having a significant impact on the health or safety of any State or political subdivision thereof, or the national security of the United States, as determined under rules and regulations issued by the Secretary within 60 days after the date of the enactment of this Act, including—

(i) facilities engaged in the production, transmission, or distribution of electric or nuclear power;

(ii) public water supply facilities;

(iii) shipments or storage of radioactive or other toxic waste materials; and

(iv) public transportation; or

(B) currency, negotiable securities, precious commodities or instruments, or proprietary information or property.

(2) The exemption provided under paragraph (1) shall not diminish an employer's obligation to comply with—

(A) applicable State and local law, and

(B) any negotiated collective bargaining agreement,

which limit or prohibit the use of lie detector tests on such employees.

(3) The exemption provided under this subsection shall not apply if—

(A) the results of an analysis of lie detector charts are used as the sole basis upon which an employee or prospective employee is discharged, dismissed, disciplined in any manner, or denied employment or promotion; or

(B) the test is administered to an employee or prospective employee who is not or would not be employed to protect facilities, materials, operations, or assets reeferred to in paragraph (1).

Mrs. ROUKEMA (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from New Jersey?

There was no objection.

Mrs. ROUKEMA. Mr. Chairman, I hope that as we consider this amendment there will be less heat and more light on the subject.

This is the same one which was passed by the House last year and which the gentleman from Montana [Mr. WILLIAMS] accepted last year. He stated then that "it is very necessary * * * to establish symmetry between what we allow in the public sector * * * and what we allow in the private sector." And that it "establishes some symmetry with what the FBI, the CIA, and the National Security Agency are allowed to do."

The amendment applies to firms whose primary business is to furnish protective security services for sensitive facilities affecting the public health and welfare and valuable items and documents. In other words, private firms which perform a policing function of protection of certain types of property and facilities would have the same ability to use the polygraph as public police forces.

This amendment would include armored car, uniformed and plainclothes guards and security alarm companies. It would allow the administration of polygraphs to those who guard such facilities as nuclear powerplants, public water supplies, and public transportation, such as airports. I cannot overstate the need for airport security. There would be devastating results to the public if just one terrorist infiltrated such facilities.

Let me give you just one example of the need for this amendment. The armored car industry transports, counts and stores over $15 billion per day. The majority of the monetary losses in the industry—65 percent—result from internal theft. Furthermore, employees in the industry are frequently required to carry guns. Employers necessarily have a great concern for investigating those they employ in such sensitive positions, both to protect their customer's property and to protect the public.

To address concerns that the exemption not be so broad as to cover low priority security functions, there is an important limitation. The administration of polygraphs is only allowed when employees are engaged in the protection of currency, negotiable securities, precious commodities or instruments, proprietary information, or facilities, materials or operations having a significant impact on our national security or the health or safety of a state or locality.

Finally, the amendment contains a safeguard for employees who are tested. They may not be denied employment, discharged, or disciplined solely on the basis of the results of a polygraph test. An employer would have to have additional corroborating information before taking any of these actions.

The amendment specifically states that more restrictive state or local law or collective bargaining agreements limiting polygraph use are not preempted.

In further defining these interests through regulations, I emphasize that the language in the amendment is designed to be inclusive and broadly construed. Therefore, we do not expect the Secretary in his regulations to limit the exemption to just those facilities listed in the amendment. In addition, the definition of "proprietary information" shall include documents which are essential for the functioning of a business.

Finally, the amendment contains a safeguard for employees who are tested. They may not be denied employment, discharged, or disciplined solely on the basis of the results of a polygraph test. An employer would have to have additional corroborating information before taking any of these actions.

Even if you believe there is a need for this bill's prohibitions, you must realize that there are certain interests which are so sensitive to both the employer and the public that we must provide special consideration. The sponsors of the bill already recognize that a balancing test between individual interests and the public interest is sometimes needed because exemptions are included for all State, local, and Federal Government employers and for defense and FBI contractors. The private security industry has a similar compelling need for access to the polygraph.

I urge you to support this important common sense public safety exemption, as did the House last year.

□ 1435

Mr. SKELTON. Mr. Chairman, I approach the subject—in favor of the original bill and against the substitute—with trepidation. A number of years ago, I had the opportunity to serve as the Lafayette County prosecuting attorney back home in Missouri, and on several occasions, I was aware of and knew of the administration of polygraph tests to people who were suspected of criminal activity in one form or another. As a result of the experiences that I had, there were cases in which the findings were, at best, inconclusive. On two occasions I had good reason to believe that people beat the test. The fact of the matter is these tests are far from reliable and polygraphs are no better than the person who gives them.

We are fortunate to have in my home county a sheriff who has served on the force for some 27 years, and I think no one would question his ability. But, compare this gentleman, Sheriff Gene Darnell of Lafayette County, with someone who has had only 6 weeks of training and is a certified polygraph tester and I think that there would be a great deal of difference between the two.

In all truthfulness I have some serious problems with this issue, and because of my past experiences, I am driven irresistibly in favor of the bill.

Mr. SLATTERY. Mr. Chairman, I move to strike the last word, and I rise in support of the Roukema amendment.

Mr. Chairman, we all agree that the polygraph can be and has been abused. There is no question that some people have been wrongfully denied employment or fired on the basis of a faulty polygraph examination. There can be no doubt that this legislation will sharply reduce the use of the polygraph in the workplace.

This legislation will not eliminate the use of the polygraph. But, we are deciding where and when the use of the polygraph is justified. The Education and Labor Committee has already determined that for purposes of national security and law enforcement, some useful information can be gained from polygraph examinations.

Private security companies are often hired to fulfill functions of equal importance, especially in the area of public safety.

The Roukema amendment provides a narrow, well defined exemption from the provisions of H.R. 1212. Only professional security services could use polygraphs and only for employees who are assigned to protect:

Electric or nuclear powerplants;

Radioactive or toxic waste;

Public water supplies;

Public transportation; or

Currency, negotiable securities and other precious materials.

In these instances, the overriding concern must be for the protection of the public and the prevention of losses of currency or other precious items.

The Roukema amendment recognizes that the polygraph does not and cannot replace appropriate background checks on prospective employees. The results of a polygraph test could not be used as the sole basis under which an employee or prospective employee is dismissed, disciplined, or denied employment.

The polygraph is far from a perfect tool. But, I believe that in a limited number of instances, under the direction of a qualified examiner, the polygraph can be a useful tool.

In this case, I believe that we must put the public safety first. I urge a "yes" vote on the Roukema amendment.

Mr. SUNDQUIST. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by the gentlewoman from New Jersey [Mrs. ROUKEMA] to exempt the private security industry from the restrictions placed upon the use of the polygraph in the pending legislation.

I think it is important, Mr. Chairman, as we take up this critical bill, that we have the good sense to make exceptions. I think it is important to recognize that we cannot make broad rules, that we cannot just get the steamroller going and say, "The public be damned."

This amendment is necessary to protect the private security industry, and I commend the gentlewoman from New Jersey [Mrs. ROUKEMA] for offering her amendment. It is necessary for consumers of private security, and I think it is critical for the general public safety.

Mr. Chairman, Government security agencies, such as the CIA and the FBI, as has been explained previously, have the option to use polygraph tests. Private security is an extension of Government security, and this is true particularly when security personnel protects companies doing contract work for the Government.

Mr. Chairman, it is only consistent with current policy that private companies be given the same polygraph exemptions as Government security. To do less does not make any sense. The polygraph test is a useful tool. It is a deterrent, it is a protector. This test, or even better said, the threat of this test effectively deters criminally minded individuals from abusing sensitive security positions. This test also protects the innocent, and that is important to consider. It protects the innocent in cases where integrity is questioned.

Security exists to protect the safety of the public. The general public is at danger if this amendment does not pass. The Roukema amendment ensures against terrorist or psychopathic takeovers of vulnerable public installations such as airports and water facilities.

Each and every one of us is affected by private security. We are affected when we go to a football game, when we go to the airport, when next summer we go to the conventions of the Democratic and the Republican Parties, when we go to the hospital, when we go to the grocery stores, or when we go to banks or any public places, and as has been mentioned previously, we in the House allow the use of the polygraph here at the Capitol. Yet we are going to say to the private sector, "You can't use this same tool while we in the House of Representatives allow it to be used for our protection."

The largest independently owned security company in America is headquartered in Memphis—Guardsmark, Inc. Its employees range from security guards at industrial plants to highly sophisticated security experts inside sensitive industries where there is no room for error. Think for a moment about the damage that could be done. We have read in the papers about problems in recent times. Think for a moment about the damage that could be done by the wrong person doing baggage screening. Think for a moment about the misconduct, as was recently reported, among security guards at a nuclear power-plant. If this amendment does not pass, we face that problem.

Finally, let us bear in mind that the results from this test cannot be used as the sole factor of an employment decision.

In a company that I am familiar with, Mr. Chairman, when they have been doing their interviewing and the prospective employee was given a list of the questions that were to be asked on the polygraph, over 65 percent of the people who were discovered to be guilty of filling out that employment application wrongly admitted to that offense prior to the polygraph test being administered. In other words, almost two-thirds of the people who were not telling the truth admitted prior to the test that they had filled out the application wrongly.

Are we going to deprive the private security industry of that tool? Good security can only exist with rigorous standards. I would urge my colleagues to support this amendment to guarantee effective security performance by private security companies.

Mr. Chairman, I ask the Members to support the amendment to guarantee good security for sensitive businesses and to support it for the safety and welfare of the general public.

Mr. BIAGGI. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mrs. ROUKEMA. Mr. Chairman, will the gentleman yield?

Mr. BIAGGI. I am glad to yield to the gentlewoman from New Jersey.

Mrs. ROUKEMA. Mr. Chairman, I want to thank the gentleman from New York [Mr. BIAGGI] for the wonderful support he has given to this amendment, both last year in committee and on the floor, and now this year. I appreciate the leadership he has shown on this issue.

Mr. BIAGGI. Mr. Chairman, I thank the gentlewoman from New Jersey. She is very kind. I was just about to say that I am very proud to join the distinguished gentlewoman from New Jersey in offering this important amendment to permit certain segments of the private security industry to continue to use the polygraph test. I want to commend Mrs. ROUKEMA for the effective leadership she has demonstrated on this important issue.

Mr. Chairman, this is the same amendment that we offered last year on the House floor. It was adopted then by voice vote, and I would suggest to my colleagues that it deserves your overwhelming support once again. Simply put, it recognizes the highly sensitive nature of the security industry, while providing a number of carefully crafted and very important labor protections. Let me stress to my colleagues that, as a strong supporter of labor, I would not be endorsing this amendment if it did not protect the rights of labor.

As a 23-year police veteran, I believe there are certain very specific situations where the polygraph can and should be used to help prevent crimes, and to detect criminals once a crime has been committed. This is clearly one of those times.

This amendment would allow a private employer to use the polygraph for prehiring and posthiring purposes, but only in those cases where employees would be responsible for high priority security functions. The bill defines these jobs as those that have a significant impact on the health or safety of any State or local government, as well as those jobs that impact on national security. The only other security personnel who would be eligible for the polygraph test under this amendment would be those responsible for protecting public utilities, hazardous materials shipments, public transportation, currency, negotiable securities, precious commodities, or proprietary information from terrorist or other criminal threats. I want to emphasize that this amendment does not provide a blanket prohibition for the entire private security industry. It deals strictly with terrorism and other highly dangerous security risks. Nothing more.

Certainly, a crime in any of these areas could have devastating consequences. That is why the private security industry deserves the same special consideration already given by this bill to Government employers and private contractors dealing with intelligence or counterintelligence with the CIA, NSA, Department of Defense, and the FBI. And, that's why this amendment, unlike some of the others to be offered, is totally consistent with what's already in the bill.

Let me offer a perfect illustration of why this amendment is so important. In 1983, a member of a Puerto Rican terrorist group robbed a Wells Fargo armored car depot of $7 million—the second largest theft in U.S. history. Why is that incident so important to today's debate? Because that Puerto Rican terrorist was a Wells Fargo security guard. Unfortunately, he was hired in Connecticut, a State that does not allow polygraph testing. Based on his employment profile, this terrorist was going to make a fine security guard and was entrusted with guarding millions of dollars. Only the polygraph test could have determined his true criminal intent. In this case, a group of violent terrorists ended up with $7 million in stolen money to fund death and destruction. Simply put, we need to fight terrorism with all the tools at our disposal, and the polygraph test is one of those important tools.

As stated previously, the amendment contains a number of very important labor protections. For example, it would not preclude existing State and local law, or any negotiated collective-bargaining agreement, which limit or prohibit the use of lie detector tests; and it guarantees that the analysis of lie detector charts will not be used as the sole basis for denying employment or promotion. The Department of Labor would be required to ensure that these provisions are effectively enforced and that the rights of the employee under these provisions are fully protected.

H.R. 1212 seeks to prevent employment discrimination based on the irresponsible use of the polygraph test by private employers. I fully support that worthy objective and am an original cosponsor of this bill. I know that too much of the private sector does abuse and overuse the polygraph to the detriment of our Nation's labor force.

However, the same cannot be said about the private security services industry. In fact, evidence we heard presented before the Education and Labor Committee has convinced me that the polygraph test is an important anticrime tool that is selectively and responsibly used by the private security services industry.

Mr. Chairman, for anyone interested in fighting terrorism and other serious crime, this is a good amendment. For anyone interested in protecting the rights of labor, this is a good amendment. And, for anyone interested in protecting the security interests of our Nation, as well as the personal safety and property of American citizens, this is a good amendment.

I strongly urge its approval.

1450

Mr. MARTINEZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to state that we will get into the same debate that we got into in the past over the fact that some Members believe that this is the save-all of all the problems of industry, that by polygraphing employees prior to hiring that we are going to weed out the people that would perpetrate any wrongdoing while in your employ.

The truth of the matter is, it is not, because it does not take into consideration the conditions at the time when that person would perpetrate, for whatever reason.

I doubt very much that it would do anything other than allow people to misuse this device for discrimination.

I was interested in the comments of the gentleman from Vermont about being on C-SPAN and getting a call from a person who was a polygrapher for law enforcement, and where the gentleman described taking a number of applicants, screening them down to four that he knew of the myriad of applicants he got that were honest.

In my city the individual doing the polygraph, after receiving an education in polygraphing from one of the finest schools back here in the East, used this to discriminate against employees.

It was determined after an investigation of his activities as a polygrapher that the applicants that were being denied were those of Hispanic descent, and that was the only basis on which he was using the polygraph for evaluating these people coming under those applications.

There is a lot of area for abuse, and the one thing that must be kept in mind, when we talk about protecting people's rights, we have to understand that we are trying to protect the employees' rights, or people that are applying for jobs and their rights; and there is no way that anybody can really justifiably make the argument that it is going to protect their rights.

They are victims of the failure factor of this machine and process, and it will not protect their rights. It gives the ability of the bias of the polygrapher an opportunity to manipulate a situation to his like or dislike, and for that reason I do not think it should be used for anything more than incident-specific after a situation has occurred, and only as a part of a total investigation, and where there is some determination, some direction they can go with that investigation, something they gather from that, so that they might bring to the front the hard evidence that actually determines whether this person is guilty or innocent.

Mr. BARTLETT. Mr. Chairman, will the gentleman yield?

Mr. MARTINEZ. I yield to the gentleman from Texas.

Mr. BARTLETT. Mr. Chairman, I thank the gentleman for yielding to me.

I want to inquire what the gentleman meant. Did the gentleman mean to say that the gentleman would then support an incident-specific exception, so that the polygraph could be used if there was a specific incident, because an amendment will be offered later by the gentleman from Wisconsin [Mr. GUNDERSON] for incident-specific testing?

Mr. MARTINEZ. As the gentleman read from the bill earlier, the bill provides for the use only as a part of a total investigation.

I supported that portion of the bill and offered that as an amendment in committee which indicates my support for the use in specific incidents.

Mr. BARTLETT. If the gentleman would further yield, because I am trying to clarify for the House, the bill as currently drafted coming out of committee, H.R. 1212, as I read it, does not provide for any use of polygraphs, except by a Government agency, and does not provide for an incident-specific test.

I respect the gentleman saying that he would support an incident-specific use.

Mr. MARTINEZ. Yes.

Mr. BARTLETT. I would comment to the gentleman that later in the debate, probably way toward the end, the gentleman from Wisconsin [Mr. GUNDERSON] will have a very specific amendment that will permit incident-specific testing or postemployment; and I would commend that to the gentleman from California.

Mr. SHAW. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I doubt that I will consume my full 5 minutes. The debate seems to be going along the lines of those who are voting against this particular amendment, those speaking against it, those that have voted already. Unfortunately, the majority has voted on the wrong side of the amendment of the gentleman from Florida [Mr. YOUNG], which was a very good amendment.

In looking at this as to the object of what we are talking about, you are looking at the rights of the employee and what the rights of the employer should be. One cannot look only that far.

We have to look to the general public, to the good of the entire community. We have to look to what are the rights of those that live near an atomic plant to know that those employees who are in charge of the security of that atomic plant have gone through every bit of screening that they could possibly be subjected to.

We are talking about when someone entrusts his money to a carrier, that those employees have been screened in every way possible. Yes, there is going to be abuses. Yes, there will be abuses.

There was one cited for discrimination by the gentleman from California. We cannot legislate to address the worst among us, but we must always address the rights of the safety of individuals.

In my district office we are protected by private security firms. I want to know that my people working in my office, and my constituents who are coming in, my elderly who are visiting their Social Security offices, which are also in that Federal building, I want to know that they are being protected.

This is a most important amendment, and I compliment the gentlewoman from New Jersey for having offered it.

It is very fair and very narrow, and we are not talking about doing great harm to this legislation, even though I feel very strongly that the legislation itself is ill-advised.

Mrs. ROUKEMA. Mr. Chairman, will the gentleman yield?

Mr. SHAW. I yield to the gentlewoman from New Jersey.

Mrs. ROUKEMA. Mr. Chairman, I thank the gentleman for yielding to me.

The gentleman from Florida has made an excellent point here. The gentleman referred to the fact that this amendment is carefully drawn.

The gentleman asked the question, are we going to say we do not want the best possible people properly screened to guard nuclear powerplants? Do we not want properly screened personnel protecting water supplies?

Can you believe the deleterious effects of some person getting at a public water supply? That is not beyond one person's imagination.

Included also in this amendment are those persons that are involved in the shipment and storage of radioactive or other toxic waste materials.

The gentlemen and I know how we have worked so hard on legislation in this Congress to protect the radioactive and toxic wastes. We know what emotions break out in communities if there is any hint of a toxic waste problem.

Can you imagine what the American public's reaction is going to be to learn that we cannot even give employers the right to use a polygraph as one tool in screening the employees that have responsibility for toxic wastes and radioactive wastes?

I thank the gentleman for the gentleman's contribution.

Mr. SHAW. The gentlewoman from New Jersey is making some wonderful points.

The gentlewoman is trying to correct something by this particular amendment. What this bill does in its present form, it does not create rights. We cannot create rights.

We can merely redistribute them. Sometimes they need to be redistributed; but in this instance, one is talking about the water supply or an atomic plant, the rights are being taken away from the consumer and the general public, simply to protect the rights which have in very minor instances been abused of the employee.

This one is wrong. I hope that the Members of the House will vote yes for the amendment of the gentlewoman from New Jersey [Mrs. ROUKEMA]. It is a most important amendment.

Mr. VALENTINE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do not suppose there is much that I can add to this discussion that would not repeat or, I hope, underscore some of the arguments that have been made previously.

I rise in strong support of this amendment, Mr. Chairman.

☐ 1505

I rise to express to my colleagues a grave concern which I have concerning this proposed legislation and a lot of other matters which have come before the U.S. House of Representatives in the 5 years that I have been privileged to serve here.

Do we really believe that American business does not understand what we are about, what some elements here are about as we here in this legislation say to them that we do not have enough confidence in you to entrust into your hands an instrumentality, a mechanism, a machine, which is okay for us to use in the Federal Government? We can use it all we want to. We passed legislation recently which says in no uncertain terms that the U.S. Government is free to use a polygraph or lie detector in many different sets of circumstances, yet we have elected to say to American business here today that we do not think you gentlemen collectively have got enough sense to use it.

We say to the young proprietor or old proprietor of a jewelry store that if he has a handful of diamonds that are missing, you know, you could put him into bankruptcy by the wealth that you could hold in one hand, that this instrumentality which some say is faulty and is an instrument of the devil, he can not use it, but Uncle Sam can use it all he wants to.

One final comment. I have great respect for all the gentlemen who have testified here and for those who sponsored this legislation. They are my friends, I hope, but it is strange to me, maybe some of the rest of you understand this, but it is strange to me that the sponsors of this legislation could stand up here and tell us what a sorry useless unreliable contraption this is, but say that not only can the Government use it, but with the legislation that came up for consideration in 1986, and I hold in my hand a copy of the CONGRESSIONAL RECORD, they accepted, after having cursed this device so vehemently, they accepted an amendment which permitted the use of polygraph examinations for current and prospective employees in the pharmaceutical industry, for example. They accepted the use of polygraph examinations for employees who work as security personnel protecting facilities. They accepted an amendment which permitted the use of polygraph examinations for employees at public utilities and they accepted the amendment which was voted down by this body a few minutes ago.

Now what does all this mean? What are the folks back home looking at me and looking at the rest of us, what are they to make of that? We come here and say that this dastardly contraption, that you can not use it in American business, with certain exceptions, but that we in the Government can use it all we want to.

I suggest that we ought to give this more serious consideration, Mr. Chairman. We ought to support this amendment and the other amendments which seek to liberalize this legislation and then defeat the legislation and adopt the substitute which gives us some reasonable, meaningful, sensible relief.

Mr. Chairman, although it is clear that H.R. 1212 has widespread support, I hope my colleagues will reconsider their positions on the bill and on the Young-Darden substitute.

As I stated last year during House consideration of a similar bill, if polygraphs are so unreliable, so wrong, and if their use violates individual rights, then their use should be made unlawful in all situations and by all citizens. Instead, H.R. 1212 will exempt large numbers of Government employees as well as certain private consultants, contractors, and employees of contractors doing business with the Federal Government.

So far this year, the House has given overwhelming approval to a random counterintelligence polygraph program at the Department of Defense, and to a similar polygraph program for diplomatic and embassy security personnel as a part of the State Department authorization bill that passed the House unanimously. If the use of polygraphs is acceptable in these situations, then I believe private industry should be allowed to utilize polygraphs under certain conditions and with strong safeguards as a security tool.

On the other hand, if polygraphs are unreliable, why should we use them to test those who are entrusted with our most sensitive secrets? Are they unreliable in detecting shoplifting but all right for espionage? I fail to see the logic in our position.

The Young-Darden substitute would provide for the use of polygraphs only under carefully regulated conditions, with protection for those taking the tests, and impose standards for test examiners. This is a much fairer approach than the blanket prohibition of H.R. 1212.

If the Young-Darden substitute is voted down and H.R. 1212 is passed without exempting amendments, then the House will be saying to the American people that it is perfectly all right, even commendable, for Government to use polygraphs but that the private sector must not touch them.

Do we really want to administer this slap in the face to the private sector? Think about it.

Mr. BARTLETT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to speak in favor of this amendment. In speaking in favor of the amendment I want to call to the attention of the House that this is a different issue and a different amendment than the issues we have been debating all day; that is to say that the gentlewoman from New Jersey has constructed a very narrow amendment that should have been accecpted by the sponsors of the legislation.

Now, there is a fundamental disagreement within this body about the need to eliminate the use of the polygraph as a whole, and we all understand that and from the last vote it is apparent that at least a majority so far in the debate would choose to do that and a minority would not choose to do that; but the gentlewoman from New Jersey [Mrs. ROUKEMA] is offering an amendment that those who favor the bill can and ought to vote for. I have gotten a copy of the amendment and I want to walk through it, describing for the House how narrow this amendment is. The Roukema amendment would set out to protect the public from some rather serious and dangerous instances of potential abuse without permitting any abuse whatsoever of the polygraph of those potential employees.

Now, the amendment is narrow. The gentlewoman has very explicitly drafted the amendment so that it permits, or does not prohibit the use of a polygraph on employees by a private employer only if that private employer is an employer whose business consists of providing armored car personnel, personnel engaged in the design, installation, and maintenance of security alarm systems, or other uniformed or plainclothes security personnel and whose function includes the direct protection of the public in specific ways, including only—and it is a limited list—including only the health or safety of any State or political subdivision and, if that involves the transmission or distribution of nuclear power or electric power, public water supply facilities, shipments, or storage of radioactive or other toxic waste materials, and public transportation. The other possibility is the transmittal or protection of currency or negotiable securities or precious commodities or instruments.

The Roukema amendment—what I am trying to bring to the attention of the House is that it is not unlimited. It is a very narrow amendment that only applies to armored car personnel and security personnel involved in those activities.

Further, the Roukema amendment says that the result of that polygraph cannot be used as the sole determinant, and further the results cannot be used on an employee unless the employee or prospective employee is employed directly to protect the facilities, materials, operations, or assets that are set out in the bill. So the Roukema amendment is drafted so carefully, it seems to me, as to eliminate all the arguments that have been used against amendments in the past. It is far more narrow than even the Government exemption that we have in the rest of the bill.

Mrs. ROUKEMA. Mr. Chairman, will the gentleman yield?

Mr. BARTLETT. I yield to the gentlewoman from New Jersey.

Mrs. ROUKEMA. Mr. Chairman, I thank the gentleman from Texas for his explanation and the stress that he has put quite properly on the definition and the limitations of the amendment.

I think the corollary of what the gentleman has just said should also be stressed, which is that there is a protection carefully devised here in this amendment against abuse. The polygraph cannot under my amendment be used as the sole vehicle or instrument for making a determination on employment, promotion, dismissal, or any other factor pertaining to the applicant or the employee, and I think that is equally important, because one of the arguments that we hear is that we are going to somehow be using polygraphs as the sole instrument to hang the employee or hand the innocent applicant. This is not the case and it is expressly prohibited in my amendment.

Mr. BARTLETT. Mr. Chairman, the gentlewoman is correct.

Mr. WILLIAMS. Mr. Chairman, I move to strike the requisite number of words. I rise in opposition to the amendment.

Mr. Chairman, the gentlewoman has attempted to specifically draw her amendment. I think she has probably done it as well as it could be done; however, to vote for this, you first have to believe that the gadget works. You first have to accept that there is universal physiological response shared by all liars, that they all perspire about the same rate, their respiration increases when they start lying, all at about the same rate; the heart rate increases by a certain amount. You have to accept that this metal box can pick out the liars from the nonliars, and there is no scientific evidence that that is true.

Now, specifically with regard to the language that the gentlewoman has drawn, I would say that I do not want my colleagues to misunderstand this amendment. It is not limited to just security guards guarding, for example, nuclear powerplants. In fact, it is not limited to just security guards at all. It also includes the engineer who is working quietly in the laboratory trying to develop a new circuit system to be used for alarm systems or for electronic fences. Those people if they want a job, those engineers, could have to undergo a lie detector test.

This amendment is not just limited to certain security guards who are guarding airports. It also includes that electrician who comes by your house to install security alarm, just the electrician is also included in this amendment.

If a private company hires a plainclothes man to ride on Metro, those plainclothes men to get a job would have to undergo a lie detector test; so I say again, it is not limited to security guards.

You know, we are starting that part of the process now which I guess we could call the butchers, bakers and candlestick makers, amendments. I mean, every industry in the United States, security guards, the electrical industry, plainclothes people, the day care operators, the nursing home operators, the bankers, the butchers, the bakers and the candlestick makers are all going to come before us now with amendments asking that they be exempted from this bill.

I think it is wrong to start trying to pick and choose those industries or those individuals that we should give this phony lie detector gadget test to.

So I oppose the gentlewoman's amendment and I do so knowing that she made an attempt to craft it carefully, but (a) the lie detector does not work, and (b) it is not crafted all that carefully. If it only included, if the amendment only included security guards and private police and private protective service people, it would mean that more than half a million Americans would be subjected to this gadget for which there is no scientific evidence that it works.

Mr. BARTLETT. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMS. Yes; I am pleased to yield to the gentleman from Texas.

Mr. BARTLETT. Mr. Chairman, I thank the gentleman for yielding.

Again, to clarify the amendment, the amendment does not require that anyone use a polygraph, but only that the Federal law not prohibit the use of the polygraph, just as in the last amendment.

I do want to call the gentleman's attention to the last paragraph of the amendment on page 2 beginning on line 19. It is a limiting paragraph. It limits the rest of the amendment, and I will read it very slowly.

> The exemption provided under this subsection shall not apply if the test is administered to an employee or prospective employee who is not or would not be employed to protect facilities, materials, operations, or assets referred to in paragraph (1).

So in fact the amendment does not apply to people who are not used to protect those facilities. It is only those employees who are engaged in the direct protection of those facilities. The amendment does not cover secretaries and gardeners and maintenance workers and people who raise the flag, as has been previously discussed.

The CHAIRMAN. The time of the gentleman from Montana has expired.

(By unanimous consent, Mr. WILLIAMS was allowed to proceed for 1 additional minute.)

Mr. WILLIAMS. Mr. Chairman, I understand that the gentleman is precisely correct. I would only read to the gentleman the first paragraph, subsection (d), which indicates that the lie detector test can be used, quoting from the amendment now, on employees or prospective employees of a private employer whose primary business purpose consists of providing armored car personnel, personnel engaged in the design, installation, and maintenance of security alarm systems.

Mrs. ROUKEMA. Mr. Chairman, will my good friend, the gentleman from Montana, yield?

Mr. WILLIAMS. Yes; I am pleased to yield to the author of the amendment, the gentlewoman from New Jersey.

□ 1520

Mrs. ROUKEMA. Mr. Chairman, I believe the gentleman from Montana [Mr. WILLIAMS] should read that first section and that should be understood in conjunction with the exemption provided on page 2, section 3, line 12.

The CHAIRMAN. The time of the gentleman from Montana [Mr. WILLIAMS] has expired.

(On the request of Mrs. ROUKEMA, and by unanimous consent, Mr. WILLIAMS was allowed to proceed for 1 additional minute.)

Mrs. ROUKEMA. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMS. I yield to the gentlewoman from New Jersey.

Mrs. ROUKEMA. Section 3 at line 12 on page 2 says, "the exemption provided under this subsection shall not apply," and then are two sections. As the gentleman from Texas [Mr. BARTLETT] has said, part B is the limiting section. That limits the application to only those personnel that are directly involved.

I think the gentleman from Montana [Mr. WILLIAMS] should remember that last year we worked together on the development of this amendment and we had hoped together to reach that kind of an agreement that would be limiting and would be very specific as to its application.

Mr. WILLIAMS. Mr. Chairman, reclaiming my time, finally I again want to express my and the committee's opposition to this amendment which would be the beginning of opening up this bill, and once the opening up of this legislation starts for security guards or electricians or the people who maintain or prepare alarm systems, there will be no stopping it.

I urge my colleagues to vote "no."

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New Jersey [Mrs. ROUKEMA].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. WILLIAMS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 210, noes 209, not voting 14, as follows:

[Roll No. 408]

AYES—210

Anderson
Andrews
Archer
Armey
Badham
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bennett
Bentley
Bereuter
Bilirakis

Bliley
Boulter
Broomfield
Buechner
Bunning
Burton
Byron
Callahan
Cardin
Chandler
Chapman
Chappell
Cheney
Clarke
Coats
Coble
Coleman (MO)
Combest
Courter
Craig
Daniel
Dannemeyer
Darden
Daub
de la Garza
DeLay
DeWine
Dickinson
DioGuardi
Dornan (CA)
Dreier
Edwards (OK)
Emerson
English
Erdreich
Fawell
Fields
Fish
Flippo
Foglietta
Ford (TN)
Frenzel
Gallegly
Gallo
Gekas
Gingrich
Goodling
Gradison
Grant
Green
Gregg
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Hastert
Hatcher
Hayes (LA)
Hefley
Hefner
Herger
Hiler
Holloway
Hopkins
Horton
Houghton
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jenkins
Jones (NC)
Jones (TN)
Kasich
Kolbe
Konnyu
Kyl
Lagomarsino
Lancaster
Latta
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lloyd
Lott
Lowery (CA)
Lujan
Luken, Thomas
Lukens, Donald
Lungren
Mack
Madigan
Marlenee
Martin (IL)
Martin (NY)
Mazzoli
McCandless
McCollum
McCurdy
McDade
McEwen
McGrath
McMillan (NC)
Meyers
Mica
Michel
Miller (OH)
Molinari
Montgomery
Moorhead
Morrison (WA)
Murphy
Myers
Nelson
Nichols
Nielson
Ortiz
Oxley
Packard
Parris
Pashayan
Petri
Pickett
Pickle
Porter
Price (NC)
Quillen
Ravenel
Ray
Regula
Rhodes
Richardson
Ritter
Roberts
Roe
Rogers
Rose
Roth
Roukema
Rowland (GA)
Saiki
Saxton
Schaefer
Scheuer
Schuette
Schulze
Sensenbrenner
Shaw
Shumway
Shuster
Sisisky
Skeen
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solomon
Spence
Spratt
Stangeland
Stenholm
Stump
Sundquist
Sweeney
Swindall
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torricelli
Upton
Valentine
Vander Jagt
Vucanovich
Walker
Weber
Weldon
Whittaker
Wolf
Wortley
Wylie
Young (FL)

NOES—209

Ackerman
Akaka
Alexander
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Bates
Beilenson
Berman
Bevill
Bilbray
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Bruce
Bryant
Bustamante
Campbell
Carper
Carr
Clay
Clinger
Coelho
Coleman (TX)
Collins
Conte
Conyers
Cooper
Coughlin
Coyne
Crockett
Davis (IL)
Davis (MI)
DeFazio
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Dowdy
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Espy
Evans
Fascell
Fazio
Feighan
Flake
Florio
Foley
Ford (MI)
Frank
Frost
Garcia
Gaydos
Gejdenson
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Grandy
Gray (IL)
Gray (PA)
Guarini
Harris
Hawkins
Hayes (IL)
Henry
Hertel
Hochbrueckner
Hoyer
Hubbard
Jacobs
Jeffords
Johnson (CT)
Johnson (SD)
Jontz
Kanjorski
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lantos
Leach (IA)
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Lowry (WA)
MacKay
Manton
Markey
Martinez
Matsui
Mavroules
McCloskey
McHugh
McMillen (MD)
Mfume
Miller (CA)
Miller (WA)
Moakley
Mollohan
Moody
Morella
Morrison (CT)
Mrazek
Murtha
Nagle
Natcher
Neal
Nowak
Oakar
Oberstar
Obey
Olin
Owens (NY)
Panetta
Patterson
Pease
Pelosi
Penny
Pepper
Perkins
Price (IL)
Pursell
Rahall
Rangel
Ridge
Rinaldo
Robinson
Rodino
Rostenkowski
Rowland (CT)
Roybal
Russo
Sabo
Savage
Sawyer
Schneider
Schroeder
Schumer
Sharp
Shays
Sikorski
Skaggs
Skelton
Smith (FL)
Smith (IA)
Solarz
St Germain
Staggers
Stallings
Stark
Stokes
Studds
Swift
Synar
Tallon
Tauke
Torres
Towns
Traficant
Traxler
Udall
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates
Yatron
Young (AK)

NOT VOTING—14

Biaggi
Brown (CA)
Brown (CO)
Crane
Duncan
Gephardt
Howard
Kaptur
Kemp
Leath (TX)
Mineta
Owens (UT)
Roemer
Stratton

□ 1530

The Clerk announced the following pair:

On this vote:

Mr. Brown of Colorado for, with Ms. Kaptur against.

Messrs. DERRICK, MORRISON of Connecticut, AuCOIN, HAYES of Illinois, and PANETTA changed their votes from "aye" to "no."

Messrs. ANDREWS, MOORHEAD, DE LA GARZA, and FLIPPO changed their votes from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MRS. ROUKEMA

Mrs. ROUKEMA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. ROUKEMA: Page 8, after line 13, insert the following new subsection:

(d) EXEMPTION FOR FEDERALLY REGULATED FINANCIAL INSTITUTIONS.—(1) Subject to paragraph (3), this Act shall not prohibit the use of a lie detector test on employees or prospective employees of a financial institution (as defined in section 7(4)).

(2) The exemption provided under paragraph (1) shall not diminish an employer's obligation to comply with—

(A) applicable State and local law, and

(B) any negotiated collective bargaining agreement, which limit or prohibit the use of lie detector tests on such employees.

(3) The exemption provided under this subsection shall not apply if the results of an analysis of lie detector charts are used as the sole basis upon which an employee or prospective employee is discharged, dismissed, disciplined in any manner, or denied employment or promotion. Nothing in this paragraph shall be construed to prohibit the temporary reassignment of any employee for such period as is necessary for a speedy and thorough investigation concerning potential criminal activity which involves the operations of the employer.

Page 9, line 2, strike "and".

Page 9, line 5, strike the period at the end of such line and insert "; and".

Page 9, after line 5, add the following new paragraph:

(4) the term "financial institution" means—

(A) an insured bank, as defined in section 3(h) of the Federal Deposit Insurance Act (12 U.S.C. 1813(h));

(B) an insured institution, as defined in section 408(a)(1) of the National Housing Act (12 U.S.C. 1730a(a)(1));

(C) an insured credit union, as defined in section 101(7) of the Federal Credit Union Act (12 U.S.C. 1752(7)); or

(D) an exchange, broker, dealer, investment company, securities information processor, clearing agency, municipal securities broker, municipal securities dealer, government securities broker, or government securities dealer, as such terms are defined in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)), or an exchange member subject to section 15(e) of such Act (15 U.S.C. 78o(e)).

Mrs. ROUKEMA (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from New Jersey?

There was no objection.

Mrs. ROUKEMA. Mr. Chairman, I offer an amendment to exempt federally insured or federally regulated financial institutions from the bill's ban on the use of polygraphs. This amendment has the same logic and commonsense as the previous exemptions.

As you know, last year the House very nearly passed an exemption for financial institutions. The amendment failed because some felt it was too broad—it included pawnbrokers, telegraph companies, and travel agencies. I recognize these Members' concern with confining any such exemption to those institutions which truly have a compelling need for retaining the use of the polygraph. Therefore, I emphasize that I have carefully drafted my amendment to apply only to federally insured banks and financial institutions and stock exchanges and investment companies regulated pursuant to the Securities Exchange Act.

American financial institutions handle an enormous amount of cash and securities every day, with many employees—from the lowest clerk to the highest executive—having access to these funds. Unfortunately, losses from internal fraud and embezzlement are enormous. According to the FBI, over $1.1 billion was lost by banks, savings and loans, and credit unions last year. The sad fact is that over 80 percent of these losses have been attributed to employee theft. Employees, in fact, are responsible for greater losses than all robberies, burglaries, and larcenies combined. What's worse, these losses have greatly increased in the last few years. In 1981, the losses totaled less than $200 million; by 1986, they shot up to over a billion dollars. With such an alarming trend taking place, it would be totally irresponsible for us to prohibit the use of a tool which helps detect embezzlers, particularly when you realize that today's computerized operations make it possible to divert millions of dollars in an instant if the confidentiality of computer codes is compromised.

These are the exact reasons why financial institutions are highly regulated by the Federal Government. Let me give you some examples of the extensive regulation.

The Bank Protection Act of 1968 requires the establishment of comprehensive security programs.

The Federal Deposit Insurance Act prohibits federally insured banks from employing anyone convicted of "any criminal offense involving dishonesty or a breach of trust" without first obtaining the written approval of the FDIC.

SEC regulations require fingerprinting of securities industry personnel to help identify people with criminal records.

Other Federal laws and regulations require the investigation of suspected thefts, embezzlements, unexplained shortages of funds, and so forth. Findings must be reported to the Federal Reserve, Comptroller of the Currency, or FDIC. Reports must also be made to the FBI and other law enforcement agencies.

I ask you: How can the Federal Government on the one hand place such stringent duties and requirements on financial institutions, and on the other hand prohibit the use of one of the methods of carrying out these requirements?

For these reasons the Chairman of the Securities and Exchange Commission has written a letter of support for this amendment.

For these reasons the Chairman of the Federal Deposit Insurance Corporation has written a letter of support for this amendment.

I know many of you are concerned about the validity of polygraph exams. You are reluctant to exempt specific industries because of the basic question of whether or not polygraphs are valid indicators of honesty. I point out, however, that often in the law we use a balancing test. We recognize that the need for something is so great that we use the best helpful means at our disposal, even though it may not be perfect. Such a balancing test has already been recognized by the sponsors of this bill because exemptions have been included for all State, local, and Federal Government employers and for defense and FBI contractors. Financial institutions similarly have a compelling need to use the polygraph in certain situations. With the events occurring in the stock market in the last few weeks, this is no time to enact any laws which could raise the least doubts about the securities industry or other financial institutions.

I urge your support.

□ 1545

Mr. WYLIE. Mr. Chairman, I move to strike the last word, and I rise in support of the amendment.

Mr. Chairman, I am glad to rise in support of the amendment offered by my colleague from New Jersey, Mrs. ROUKEMA. This amendment which would exempt financial institutions from H.R. 1212's ban on the use of polygraph tests is an appropriate measure to protect the integrity of savings, lending, and trading institutions that are at the heart of our economy.

Through membership on the Banking Committee I have learned that employees of banks and other securities houses handle enormous amounts of cash and other valuable items each day and that there are many possibilities for fraud, embezzlement and theft. Just a few statistics show the scope of the problem.

The FBI estimates that banks, savings and loans and credit unions lost more than $1.1 billion in 1986 through employee losses from banks, savings and loans, and credit unions. Losses attributable to employees are greater than losses caused by robberies, burglaries, and larcenies. In fact, the difference is overwhelming. Over 80 percent of the losses that these financial institutions suffered were the result of employee theft.

As the gentleman from Kansas mentioned a little earlier, we are deciding here where and when the polygraph test is appropriate. The ability to use all available screening and investigative tools is critical to maintaining security at financial institutions.

As Mrs. ROUKEMA mentioned a little earlier, both the Chairman of the FDIC, Mr. Seidman and the Chairman of the SEC, Mr. Ruder, have recognized the importance of employee theft and have stated their support for an exemption that would allow financial institutions to use the polygraph.

We considered and almost passed a similar amendment last year. The problem with the amendment that was offered last year was that it was too broad; it would have granted exemptions to travel agents and pawn brokers among others. These businesses are not federally insured and they are not federally regulated like banks and other savings institutions.

This amendment is much more carefully drawn and narrowly drafted. There is a Federal nexus here. The amendment covers only financial institutions insured under Federal law or regulated under the Securities and Exchange Act.

I was once a prosecuting attorney myself and I can tell you that a polygraph test can be useful in helping solve crime. I believe that use of the polygraph test can be an important and proper security measure and can be used as an ounce of prevention in these cases. So I enthusiastically support the amendment and urge an "aye" vote on the amendment.

Mr. BARNARD. Mr. Chairman, will the gentleman yield?

Mr. WYLIE. I yield to the gentleman from Georgia.

Mr. BARNARD. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the amendment offered by my colleague from New Jersey allowing financial institutions to continue to utilize polygraph examinations as one tool in their continued fight against white collar crime, crime which all too often places a heavy burden on the safety and soundness of our Nation's financial institutions when they can least afford it.

Since 1984, the subcommittee which I chair has held extensive hearings on insider abuse and criminal misconduct in financial institutions and found that losses from fraud and other criminal activities have amounted to billions of dollars. Many of these losses occur at smaller institutions which are the least able to afford them and which can suffer the greatest impact. In 1986, over one-third of the 138 bank failures that occurred were due to fraud and embezzlement, according to FBI statistics. These losses occur at the upper management levels and are not by any means confined to lower echelon employees. Polygraphs are needed for all levels of employment in the financial services industry. In many of the fraud cases, a polygraph exam would have indicated the need for further research of a person's background.

The Roukema amendment is narrowly drawn and consistent with the exemptions already included in the bill for various governmental agencies and private companies that are national security contractors. No industry has a higher fiduciary responsibility than our federally insured financial institutions. I urge my colleagues to support the amendment and the availability of polygraphs as one arrow in the quiver of defenses against criminal misconduct in our financial services industry.

Mr. WYLIE. I thank the gentleman for his contribution.

Financial institutions do occupy a very special place in our economy. Banks do have the responsibility to maintain appropriate security and I think this very carefully, well-drawn amendment will help them with that charge.

Mr. Chairman, I yield back the balance of my time.

Mr. McCANDLESS. Mr. Chairman, I move to strike the requisite number of words and I rise in support of the amendment.

Mr. Chairman, as a member of the Banking Committee, I support the gentlewoman from New Jersey's important amendment to create an exemption for financial institutions such as banks, savings and loan, and the security industry. I rise in support of this measure because the financial institutions protected by the amendment are a distinct part of our economy.

Deposits at banks, savings and loan, and credit unions are insured by the Federal Government. Losses at these institutions are therefore costly to the Federal Government. That is why the Government imposes security requirements on savings institutions. The security requirements are strict and exacting. To comply with Federal regulations, a great many savings institutions use the polygraph as one important element in their overall security program.

Similarly, the securities industry is heavily regulated by the Federal Government. For instance, securities firms are prohibited from hiring anyone who has a felony conviction. Therefore, securities firms find that the polygraph is a useful tool in complying with Federal Law.

In light of the Federal regulatory requirements on financial institutions, it is particularly noteworthy that the heads of the principal regulatory agencies, the FDIC and the SEC, have written to the Members of the House expressing their support for the Roukema amendment to exempt financial institutions from H.R. 1212.

In the final analysis, for the Government to require security programs at financial institutions, and then take away those institutions' ability to use a vital security tool would be nonsensical. For this reason, I strongly support the amendment under consideration, and I urge you to join me.

Mr. MILLER of Washington. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as a cosponsor of H.R. 1212, I hope that we do not amend this bill to death.

Let us remember the polygraph machine does not measure mendacity, it measures stress. The wildly misnamed lie detector cannot detect lies or for that matter the truth. Yet there are those who argue that the jobs, reputations, and integrity of thousands of truthful American workers should depend on the outcome of these stress tests.

Mr. Chairman, courts of law in this country protect criminal defendants from taking these tests. Yet there are those who would compel thousands of law abiding American workers to submit to these discredited proceedings.

Finally, Mr. Chairman, every American enjoys constitutional protection from self-incrimination and arbitrary searches and seizures devoid of probable cause. Yet there are those who would play with this most basic constitutional right to privacy in order to use a pseudo technology only slightly more accurate in assessing truth than a Ouija board.

I urge my colleagues to support the passage of H.R. 1212.

Mr. PERKINS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this entire discussion today strikes me as pretty ludicrous. The question is: Do polygraphs, do lie detectors work or not? They do not work.

I was an attorney in the real world for a period of time. Some people here have had that same experience.

I was a criminal attorney. I had people who dealt with things like murder, arson, drugs, kidnaping; you name it, at one time or another I probably either defended or prosecuted them in some fashion or another.

The question became time and time again what happened if they took the lie detector test?

Let me tell you, the people that took the lie detector test, those guys, those people were smooth, they were able to stand there with steel nerves and lie, control their breathing. They got through the thing.

Time and time again I would see the police drop the case on the outcome of what happened with that lie detector test and then they would come back later and say, "Yeah, I did it."

□ 1605

What we are talking about with this entire exercise is a stress test. We are talking about whether or not you can handle that stress test or not. We are not talking about a lie detector test. That is a misnomer. So this entire exercise we are going through today is just a complete exercise in futility.

Mr. GUNDERSON. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Wisconsin.

Mr. GUNDERSON. Mr. Chairman, I appreciate my good friend, the gentleman from Kentucky, yielding to me.

Mr. Chairman, I am just curious about this. If the lie detector never works, why did the gentleman vote in the majority when we created a permanent polygraph program for national defense agencies?

Mr. PERKINS. I take no issue at all with that, and quite frankly, if I voted that way, I made a big mistake. I will stand here and tell that to the gentleman.

Mr. GUNDERSON. Mr. Chairman, will the gentleman yield again?

Mr. PERKINS. I will yield further to the gentleman, and I hope the gentleman extends the same courtesy to me when my time expires.

Mr. GUNDERSON. I will get more time for the gentleman.

Mr. PERKINS. All right.

Mr. GUNDERSON. Why did the gentleman on June 16 of this year vote with the majority again when an amendment was offered by the gentleman from Florida [Mr. MICA] dealing with the Department of State authorization bill to allow the use of the polygraph and other means of investigation for embassy and diplomatic security? If this machine is so bad, why did the gentleman vote for that? Anybody can make a mistake once, but twice the gentleman voted for it. Why?

Mr. PERKINS. Let me tell the gentleman that the machine does not work.

Mr. GUNDERSON. But I ask, why?

Mr. PERKINS. The gentleman can read idiosyncrasies in my record, and I can say that I make mistakes. But the fact of the matter is that the machine does not work. Consistently, when you look and see the results of the tests, you will find the machine does not work.

I saw these clients who would come in and literally stand there and tell me they committed the crime, and the police just did not even bother to continue afterwards with the investigations, after they got off, because the police relied on this test.

This test is an excuse for laziness. It is an excuse for not investigating and not paying any attention to the results and really do some more investigation.

This entire series of amendments, in my opinion is a farce. The bill is an excellent bill because it says this is a farce. We cannot allow this as a divining rod, and that is what we are talking about, a divining rod. That is the entire situation.

Mr. MARTINEZ. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I am pleased to yield to the gentleman from California.

Mr. MARTINEZ. Mr. Chairman, what I hear the gentleman saying is so evident, if we would really listen to what we have all said. Nobody has said that this machine is a perfect machine other than in measuring nerves and stress. The problem is that there is that human factor the gentleman is talking about.

The gentleman made a mistake in the way he voted, and he admits it, but the polygrapher never admits when he makes a mistake because he always says the machine said so and the machine is a perfect tool because the machine is infallible. But where the machine may not be infallible in its readings, he is infallible because he is trained to read the results of that, and most polygraphers do not have either the training or the background in psychiatry or anything else to understand the emotions of the person they are testing.

This country does not have standards for polygraphers, and the Darden amendment would not create those kinds of standards that require polygraphers to be trained or educated and have the background to do that kind of a job that needs to be done in evaluating what that person is going through under the polygraph.

So where you and I are human and make mistakes and we can admit it, the polygrapher, because he depends on that machine, does not do it; is that not right?

Mr. PERKINS. I am sure that I agree with my colleague.

Mr. Chairman, I would like to say this in closing because I realize a lot of Members want to continue in this exercise in futility.

The CHAIRMAN. The time of the gentleman from Kentucky [Mr. PERKINS] has expired.

(By unanimous consent, Mr. PERKINS was allowed to proceed for 2 additional minutes.)

Mr. PERKINS. Mr. Chairman, this is, as I say, an exercise in futility. If we want to impinge on the American public with a divining rod and go in and try to take away constitutional rights based on the flip of a coin, we can go ahead and do it. We have the ability to do it by passing these amendments here today.

But if we want to use legitimate investigation techniques, we could get out and do some hard work, we could get out and find some good evidence as to whether or not this person should be hired in a particular industry or not and find some good evidence as to whether this person is an individual we would want working for us or not.

Let us not rely on the flip of a coin. The machine does not work, and it is not admitted in any criminal court in this country. It is ridiculous. I ask the Members to vote against all these amendments. Let us pass the bill and give the American people some protection here. That is what we need.

Mr. McCOLLUM. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I have listened to a lot of this debate and participated in part of it this afternoon, and I do not think any of us who advocate some exceptions to this bill believe that the polygraph is a perfect machine. We do not believe that the system is going to be errorless, and we do not think the way it is conducted in the cases around the country today is always right. But the fact is that it is, by the testimony of those who are experts in this—at least a good number of them that I have read—something that, 80 percent of the time, 90 or 70 percent of the time, is right and is accurate, and if you do have a good polygraph test giver, a polygraph machine expert, you can produce results for screening and prescreening of employment applications that will aid, not give a definitive answer but aid the person making employment decisions in making that decision.

I think the question is not one of whether or not we totally do away with the polygraph examination, but what areas do we limit it to. That is what this legislation is all about. What restrictions do we place on it? What areas do we limit it to?

It was already decided when this bill came forward that the Defense Department and the national security areas of our country were still going to be able to use this machine. I think if this body had determined that this machine was absolutely not valuable in any way, we would not have even agreed to that. Though some do not agree with it and there are isolated instances of those speaking today who do not think we ought to have it at all, I think the body has made that decision. The body has also, I think, decided that there are other exceptions.

We just did one a few minutes ago. It was a close vote, but it was something we decided in the last Congress and we decided it this time, that in the case of security guards and armored personnel guards, those who carry money and are involved in guarding private businesses, we ought to screen those applicants or at least allow the polygraph to be used by those who screen applicants and make employment decisions.

So the issue here is on the amendment offered by the gentlewoman from New Jersey [Mrs. ROUKEMA] as to whether or not we should give this same exemption that we just gave to the security guards to the banks, the savings and loans, the credit unions, and some security industry folks. That is a question of judgment, a question of balance and reasonableness on whether or not we want to make this particular exception. It is not a question of whether the polygraph works or does not work. It is not a question either of whether or not somebody is harassed or whether there can be abuse, because indeed there can be, and there ought to be restrictions and limitations and guidelines, maybe more than those that are here. Many of us have argued for those. The question, though, now that we ought to address ourselves, it seems to me, is, should we grant this exemption to the banking community, to the financial services community, as narrowly defined?

I offered an amendment similar to this to Congress a year ago. It was broader. It was defeated by about 10 votes. It seems to me the complaints made by a few Members about that ought to bring them aboard, and we ought to pass this amendment.

The fact is that the money that we are concerned about being embezzled or taken away by the push of a button in this electronic world of banking today is not the banks' money. It is my money, it is your money, it is the money of the constituents of every Member of this body. We are the people and our constituents are the people who deposit our funds in the banks of this country, in the savings and loans, in the credit unions, and with the securities industry people, and we are the ones as a whole, the whole public, that have to be worried that somebody is going to go out and take this money by the push of a button somewhere.

I submit to my colleagues that we have a paramount fiduciary duty in this case as Congressmen and Congresswomen to pass this exception to allow this tool to be one more of a number used by those in employment, making decisions in the financial services area so they can have the opportunity of making better decisions on which 10 out of 100 people who apply for a banking job are going to be hired. This will not necessarily be the deciding criteria, but it ought to be a tool available if we are going to get some of this fraud out of the industry.

Let me make one other point. In the banking world today, unfortunately, there is another great abuse that some employees take of our money system, and we all too well know about this if we think about if for a minute. That is in the area of drug trafficking and money laundering. We passed a major drug trafficking bill last year, trying to get at that tremendous problem for our citizenry. As part of that, we passed a bill dealing with the new crime of money laundering. That cannot possibly be enforced or it cannot work if we do not have a system of screening out the people in the financial services institutions who might be prone to be involved in the shady transactions that are involved in the process of hiding their sources of crime and money dealing in drugs.

I submit to my colleagues, if we really want to fight drug trafficking, we have got to get at it in a number of ways, and one of the key ways is to stop money laundering.

The CHAIRMAN. The time of the gentleman from Florida [Mr. McCollum] has expired.

(By unanimous consent, Mr. McCollum was allowed to proceed by 2 additional minutes.)

Mr. McCOLLUM. Mr. Chairman, if we are going to be effective in fighting the war on drugs, it requires that we have at our disposal not only the law on the books to make something a crime but the ability on the part of those who are managing our financial institutions to screen out those who might become employees who would push those computer buttons around to aid and abet the criminal element who would like to pass millions of dollars through our institutions in various ways, although we have now passed laws saying that they should not. In other words, we are not going to catch all those people simply because we have a law on the books. We have got to have honest people at the teller window, we have got to have honest people dealing with the funds, and it seems to me it makes no sense to pass a bill like this one and pass an exception to it that says the guard who is transporting the money between two banks is going to be exempt, or the employer of that guard is exempt, but the teller or the person at the computer desk or the computer station may not be someone the employer has screened as well. That makes no sense to me at all if we are going to protect the financial interests of our citizenry.

Mrs. ROUKEMA. Mr. Chairman, will the gentleman yield?

Mr. McCOLLUM. I am glad to yield to my colleague, the gentlewoman from New Jersey.

Mrs. ROUKEMA. Mr. Chairman, I thank the gentleman for yielding to me.

I wanted to commend the gentleman from Florida [Mr. McCollum], a distinguished member of the Committee on Banking, Finance and Urban Affairs, and one who worked very hard on this amendment last year.

The gentleman alluded to a point that should be stressed for the Members, and it is a compelling reason for passing this amendment. The gentleman alluded to the fact that we are talking about banks that have federally insured deposits. This is full faith and credit of the U.S. Government, and ultimately it may actually back up to the taxpayers.

This is a compelling reason why this is a legitimate inclusion in this bill.

Second, the Security Exchange Act controls here. We have highly regulated institutions, and they should be under the provisions of this act and should be given all the tools they need.

Mr. McCOLLUM. The gentlewoman's amendment to exclude certain banks, financial institutions, certain securities outfits needs to be passed, if we are going to have a truly fair bill to protect the interests of the American deposit holder in our banking institutions.

Mr. MARTINEZ. Mr. Chairman, I move to strike the requisite number of words.

I doubt very much that the banking institution is going to change its way of doing business or reduce any of its losses that take place because of polygraphing employees.

The banking institution has adequate measures now to screen employees, test employees for employment there.

I have had family members who have worked for the banks, and I have some familiarity with their procedures for hiring. I do not think they really need the polygraph. It will not do anything for them.

The kind of abuse that the gentleman from Florida is concerned about is taking place at a higher level, and where those people are able to make a decision whether they would use polygraphs on that level of employee or not, and I doubt very much if they would, if they are going to be nefarious about their business operations and contemplate anything that would be illegal. That is a moot point.

It gets back down to the basic thing we have been arguing. Is there enough margin of error in the procedure that it merits penalizing people in applying for employment, and does it merit invading people's rights?

Does it merit violating civil rights, people having to prove themselves innocent when they have not been accused of a crime, and all of the things we have argued, and we are beginning to get redundant on?

I urge the Members to oppose the amendment.

Mr. PARRIS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to take this time to congratulate the gentlewoman from New Jersey on her amendment.

It is very carefully drawn and is an important improvement and a contribution to this legislation.

Let me quickly reiterate that this measure would exempt federally insured banks, credit unions, and securities firms regulated by the Securities and Exchange Commission from this legislation. It does not preempt local or State law on the use of these kinds of tests, and cannot be used as the sole basis for an employment decision; but it is and should be an important tool in that process.

Let me ask the Members to use a little common sense here. The famous bank robber, Willie Sutton, when asked, why do you rob banks? Answered: "Because that is where the money is."

Where do you suppose the money is in our society? Where do you suppose the people that are inclined to steal money from an institution will find it? In an insured bank or other financial institution in this Nation is where.

They have the opportunity to make enormous impacts on not just the system itself but on individual depositors financial assets, so I suggest to the Members, what more logical place to use a lie detector test than in an institution where there are huge amounts of cash laying around all over the place, with an opportunity for a person criminally inclined to take advantage of that fact.

They do not make nuts and bolts in banks. They deal with money, and they ought to be able to use polygraph tests to determine whether or not as an element of an employment decision, this or that applicant for employment is the kind of person that ought to be given the opportunity to be in that environment, and to be exposed to that situation.

I would simply emphasize for this industry particularly, this exemption is a very good idea. It deserves our support.

I hope the Members will support it.

Mr. WILLIAMS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, are we all in favor of honest bank and financial institution employees? Of course, we are.

The question before the Members is, how do we achieve that. I do not think we achieve it by making it convenient and quick for the banks to hire people, and financial institutions to hire people without going through a good personnel security check.

Why does American businesses want to use the lie detector? It cannot be because the scientific evidence is there that it works, because it is not. It is because it is convenient.

It is easier to use the lie detector than it is to raise the wage, minimum wage, or create a good personnel department to really do a good personnel check on the bank tellers.

Lie-detector gadgets are not going to improve security fraud and bank theft, because we have them now in the United States.

The banks use them now, and the banks tell us, some of them at least, that they are hemorrhaging because of illegal acts of some of their employees.

This is when they use the lie-detector gadget. It does not work. Maybe the banks are just looking in the wrong place.

Our Department of Justice indicates they are. The research arm of the Department of Justice called the National Institute of Justice estimates that here is the reason there is a hemorrhage from banks and other financial institutions in the United States, because of security fraud, corporate kickback, and insurance fraud estimated by the Department of Justice to be three times the loss than is employee pilferage.

Corporate kickbacks, insurance fraud, securities fraud being conducted not by bank tellers, the people that are going to have to take these tests, but being conducted illegally by the captains of this industry. That is our problem on Wall Street.

That is our problem in the financial institutions of this country; and while the gentlewoman's amendment allows the presidents of these financial institutions to be strapped in and the box plugged in, how many of the Members believe that they are going to be strapped in? How many? How many people does this amendment include?

The best estimates I can get say that it includes a lot more than we might originally anticipate.

I am told by folks over at the Congressional Research Service who tried to count it for me, that if this amendment passes, it is going to include 3,152,000's of people who could be made susceptible to this gadget.

Does it affect credit unions? Sure. When we get off the subway down here, we are liable to go past a long line of our employees in the Wright Patman Federal Credit Union who are lining up to take the lie detector test, sure, because they are going to be subjected to this, and so are people who are called securities information processors.

I did not know what security information processors were, so I checked the law.

A securities information processor means any person engaged in the business of, first, collecting, processing, or preparing for distribution or publication, or assisting, participating in or coordinating the distribution or publication of information with respect to transactions in or quotations from any security, or distributing or publishing, whether by means of tickertape or any other communications network on a current and continuing basis, information with respect to such transaction or quotations.

Probably most of the Members listening to that are, as I am, somewhat confused by what it means; but it obviously includes thousands of people who are involved in the distribution of or publication of information about quotations or securities.

The amendment also covers clearing agencies.

The CHAIRMAN. The time of the gentleman from Montana [Mr. WILLIAMS] has expired.

(By unanimous consent, Mr. WILLIAMS was allowed to proceed for 2 additional minutes.)

Mr. WILLIAMS. When you check to see what clearing agencies are, clearing agencies mean any person who acts as an intermediary in making payments or deliveries or both in connection with transactions in securities or who provides facilities for comparison of the data respecting the terms of settlement of securities transactions, and it goes on.

The point is that you can drive the financial community of the United States through the loophole being created by this bill.

Again, do we want honesty in the financial institutions of the United States? Yes. Are we going to get it with this outdated, timeworn, unscientific device called a lie detector gadget? No. That is not how we are going to get it, and I urge the Members to oppose this amendment.

Mr. GUNDERSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, listening to the gentleman from Montana, the next thing we are going to do is outlaw in this country any kind of a preemployment interview, because they are unscientific.

The gentlewoman from New Jersey is suggesting here that a polygraph cannot be the sole determinant of whether you hire someone or whether you do not hire them. That is very clear.

I would suggest that, if anything, this is going to almost be an advantage to an applicant for work in the financial industries. This says that if you require the use of a polygraph, then comprehensive consideration of that application is also required. And do not forget: it is the gentleman from Montana who has imposed in this bill a fine of up to $10,000 for a violation.

Do the Members think any bank, any financial institution in this country is going to turn around and somehow slap a polygraph test on someone, use that as the sole determinant, say no to hiring them with the full knowledge that if that person goes out and sues, they will be fined up to $10,000?

Let us use a little common sense and recognize what we are dealing with in this amendment. Then the gentleman from Montana says that if this amendment is approved, we will open it up to some 3,152,000 potential employees who will be subject to the polygraph. Now, come on.

The facts are, and we all agree, that there are no more than at the maximum 2 million tests conducted per year. Let us use a little common sense.

We are also aware of the fact, and every one of the Members can go to any local financial institution in their district and be reassured, that when employers are not about to spend anywhere from $75 to $125 just to mandate that every one of these people, whether it be tellers or clerical employees, has to take a polygraph test, especially in light of the other requirements of the bill which would suggest that if they give them a polygraph, they must be fully prepared to prove that that is not the sole determinant for an employment action.

□ 1630

I mean, it is almost like if you use the polygraph test, you better hire me, because if you do not, you are probably going to have to pay at least half my annual wages in a penalty to the Federal Government for not hiring me because it may be the sole determinant for your action.

I really call upon my colleagues. The one thing the American people ask of us when we come here is not be Democrat, not be Republican, not be liberal, not be conservative. They say, "For gosh sakes, can you please go to Washington and use a little common sense in government?"

I think that is what this amendment is all about. I hope we support it.

Mr. ST GERMAIN. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Rhode Island is recognized for a total of 7 minutes.

Mr. ST GERMAIN. Mr. Chairman, I rise in opposition to the amendment of the gentlewoman from New Jersey.

As chairman of the Committee on Banking, there is not a soul in this House that I will take a back seat to when it comes to discussing the reasons for bank failures, fraud, embezzlement.

Money laundering—my God, I am one who is responsible for the legislation that requires reporting of transactions of over $10,000 and of the amendments thereto in the recent past. I take a back seat to no one.

I will tell you right now, a polygraph test will do nothing about money laundering.

Mr. Chairman, the amendment we are considering would deny workers employed by financial institutions the protections contained in this bill.

As a result, every person employed by a financial institution—and, I might add, that is a term which is quite broadly defined—would be accorded a lesser degree of personal privacy and a greater presumption of complicity than other workers.

The amendment suffers a fatal flaw in that it makes no distinction between a bank president, whose actions can and have threatened the safety, and in some instances brought about the collapse of an entire institution, and an underpaid janitor or receptionist or a clerk-typist.

Over the past few years, the Banking Committee has conducted exhaustive hearings into the causes of the failure of a financial institution. Certainly economic factors such as the downturn in the agricultural and energy sectors have been a major cause.

Just as important have been insider abuse and mismanagement—sometimes criminal mismanagement. However, nowhere in our hearings did we find that polygraph testing of employees would have reduced bank failures or reduced losses suffered by our deposit insurance fund.

In the case of financial institutions, we would simply be fooling ourselves if we make bank employees the scapegoat.

Instead, banks and other financial institutions must initiate greater internal control, if needed, and Federal and State regulators must use the powers Congress and State legislatures have given them to protect our Nation's financial institutions.

The bill before us today provides prudent exceptions which I support. In matters involving national security or in instances such as nuclear science, where the potential for disaster is great, balancing the public good against the privacy of an employee, it is clear that the potential risks to the public far outweigh the potential damage to an individual.

However, the proponents of this amendment have not made a case that employees of a credit union, for example, many of whom are volunteers, mind you, they serve without pay, have any greater propensity for committting a crime than any other person. Nor have they been able to prove that any crime committed in a credit union by such as employee would be likely to have cataclysmic consequences.

I understand the concern of the gentlewoman from New Jersey, but I believe she has not provided sufficient justification to subject one class of workers to a lesser degree of personal freedom and privacy simply because they work for financial institutions.

Nothing whatsoever has been shown that suggest that employees of financial institutions have any greater opportunity for crime, or a greater disposition to commit crimes.

Nor has it been shown that bank crime so threatens the public good that we must treat all bank employees as second-class citizens and deny them their right to privacy, due process and the presumption of innocence.

For these reasons I must oppose an amendment which would deny people an opportunity for employment or perhaps ruin a career based upon a polygraph's reading, and as has been stated here today, that is of very questionable value.

Mr. Chairman, the problem with money laundering and banks that were fined by the Department of Justice was because that the principals, the executives in these financial institutions, did not communicate to the employees what their duties and responsibilities were under the reporting requirements of legislation designed to protect our institutions from being used as laundromats for drug traffickers.

Again I repeat, Mr. Chairman, I take a back seat to no one on that one, because I have been in the forefront of that fight throughout.

Mr. Seidman wrote in support of the amendment, frankly, what he should do is upgrade the supervision and regulation of financial institutions, rather than talk about polygraph testing if he wants to save money for the insuring fund.

I will tell you, after my hearings, there is a lot of room for improvement there.

Now, let me finish by saying this. If polygraph testing is so good, so efficient, so wonderful in the area of financial institutions, how come over a billion dollars, we were told earlier in this debate, was lost by employee fraud and embezzlement?

The CHAIRMAN. The time of the gentleman from Rhode Island has expired.

(By unanimous consent, Mr. ST GERMAIN was allowed to proceed for 1 additional minute.)

Mr. ST GERMAIN. Frankly, Mr. Chairman, the polygraph has not done much good, has it?

I really do not think that the uncertainty involved and the case that has been made for this amendment warrants the invasion of privacy and subjecting these innocent people to a polygraph test of questionable value.

Mrs. ROUKEMA. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. Without objection, the gentlewoman from New Jersey is recognized for 5 minutes.

There was no objection.

Mrs. ROUKEMA. I do not know if there will be other speakers, Mr. Chairman, but in conclusion for my part, I would like to make some final observations on my amendment, because I think we have gone pretty far afield from the amendment.

I would like to again clearly state that this is an amendment that is carefully defined. It is not the same amendment as was presented in the previous Congress. It is clearly limited to only federally insured institutions and securities firms that are regulated by the SEC.

It does not preempt any State or local laws and it cannot be used as the sole basis for an employment decision or of demotion or of promotion or any other kind of action on behalf of an employee.

Finally, Mr. Chairman, I want to say that somehow it has been intimated here by the previous speakers that financial institutions and banks do not know what is in their own best interests. It has been indicated here that banks and these institutions do not know how to conduct their business and that they do not know that it is not in their best interests to properly screen employees.

Now, I just ask my colleagues, if it is not in their best interests to screen their employees in many ways, including the polygraph as one tool, then why would they want this ability, an expensive procedure, I might add, why would they want the ability to go through this expensive procedure unless they felt it was in their own best interests to do so?

I would suggest that these people know what they are doing and that if the theft numbers are mounting, and they are alarmingly, that one should not say therefore the polygraph has failed. One can also say imagine how great the problem would have been had they not been able to use the polygraph.

Mr. WYLIE. Mr. Chairman, will the gentlewoman yield?

Mrs. ROUKEMA. I yield to the distinguished ranking member of the Banking Committee, the gentleman from Ohio.

Mr. WYLIE. Mr. Chairman, I thank the gentlewoman again for yielding and for her amendment.

We do not say that this is the final word. We say that this is one more tool in checking and recognizing that there are certain exemptions already included in this bill and that financial institutions are held to a special responsibility, to a higher standard, if you please, than some other institutions in our society.

Now, it was mentioned a little while ago that perhaps volunteer employees of credit unions would be subjected to a polygraph test. I doubt if there are very many voluntary employees in credit unions anymore, but that would be all the more reason why would an employee volunteer to be an employee of a credit union? Maybe they ought to be the ones who would be checked; but financial institutions are required by law to carefully screen prospective employees and that recognizes that certain persons with criminal records might want to go to work in financial institutions to take care of an expensive drug habit or maybe to take care of a gaming debt or something else.

I think this is a good amendment. Financial institutions are required by law to establish comprehensive security programs. That includes their hiring practices. This is just one more tool it seems to me that they ought to have.

Mrs. ROUKEMA. Mr. Chairman, I thank the distinguished ranking member of the Banking Committee.

I would simply conclude by saying that I think the financial institutions' people understand their own industry and they understand their needs and they are being overwhelmed by theft. I think this will go far to help them in dealing with their problem.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New Jersey [Mrs. ROUKEMA].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MARTINEZ. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 184, noes 237, not voting 12, as follows:

[Roll No. 409]

AYES—184

Anderson
Archer
Armey
Badham
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bennett
Bereuter
Bilirakis
Bliley
Boulter
Broomfield
Buechner
Bunning
Burton
Byron
Callahan
Chandler
Chapman
Chappell
Cheney
Coats
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Coleman (MO)
Combest
Courter
Craig
Dannemeyer
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de la Garza
DeLay
DeWine
Dickinson
DioGuardi
Dornan (CA)
Dreier
Edwards (OK)
Emerson
English
Erdreich
Fawell
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Gallegly
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Gekas
Gingrich
Goodling
Gordon
Gradison
Grant
Green
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Gunderson
Hall (OH)
Hall (TX)
Hammerschmidt
Hansen
Harris
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Hatcher
Hayes (LA)
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Hubbard
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Hyde
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Ireland
Jones (NC)
Jones (TN)
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Lagomarsino
Lancaster
Latta
Leath (TX)
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Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lott
Lowery (CA)
Lujan
Lukens, Donald
Lungren
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Madigan
Marlenee
Martin (IL)
Martin (NY)
Mazzoli
McCandless
McCollum
McEwen
McGrath
McMillan (NC)
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Miller (OH)
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Morrison (WA)
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Rose
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Rowland (GA)
Saiki
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Schuette
Schulze
Sensenbrenner
Shaw
Shumway
Shuster
Sisisky
Skeen
Slaughter (VA)
Smith (NE)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
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Solomon
Spence
Stangeland
Stenholm
Stratton
Stump
Sundquist
Sweeney
Swindall
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torricelli
Upton
Valentine
Vander Jagt
Vucanovich
Walker
Weber
Weldon
Whittaker
Wolf
Wortley
Wylie
Young (FL)

NOES—237

Ackerman
Akaka
Alexander
Andrews
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Bates
Beilenson
Bentley
Berman
Bevill
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Boggs
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Davis (IL)
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DeFazio
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Derrick
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Dixon
Donnelly
Dorgan (ND)
Dowdy
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Dymally
Dyson
Early
Eckart
Edwards (CA)
Espy
Evans
Fascell
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Flake
Florio
Foglietta
Foley
Ford (MI)
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Frank
Frost
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Gray (IL)
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Leach (IA)
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Levine (CA)
Lewis (GA)
Lipinski
Lloyd
Lowry (WA)
Luken, Thomas
MacKay
Manton
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Martinez
Matsui
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McCurdy
McDade
McHugh
McMillen (MD)
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Miller (CA)
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Owens (NY)
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Price (IL)
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Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NJ)
Snowe
Solarz
Spratt
St Germain
Staggers
Stallings
Stark
Stokes
Studds
Swift
Synar
Tallon
Tauke
Torres
Towns
Traficant
Traxler
Udall
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates
Yatron
Young (AK)

NOT VOTING—12

Biaggi
Brown (CA)
Brown (CO)
Crane
Daniel
Duncan
Gephardt
Howard
Kaptur
Kemp
Owens (UT)
Roemer

□ 1655

The Clerk announced the following pair:

On this vote:

Mr. BROWN of Colorado for, with Ms. KAPTUR against.

Mr. BEREUTER and Mr. STRATTON changed their votes from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. RICHARDSON

Mr. RICHARDSON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RICHARDSON: Page 8, after line 13, insert the following new subsection:

(d) EXEMPTION FOR DRUG SECURITY, DRUG THEFT, OR DRUG DIVERSION INVESTIGATIONS.—This Act shall not prohibit the use of a lie detector test by any employer authorized to manufacture, distribute, or dispense a controlled substance listed in schedule I, II, III, or IV pursuant to section 202 of the Controlled Substances Act (21 U.S.C. 812) to the extent that—

(1) such use is consistent with—

(A) applicable State and local law, and

(B) any negotiated collective bargaining agreement,

that explicitly or implicitly limits or prohibits the use of lie detector tests by such employer;

(2) the test is administered only to an employee who has, or a prospective employee who would have, direct access to the manufacture, storage, distribution, or sale of any such controlled substance; and

(3) the results of an analysis of lie detector charts are not used as the sole basis upon which any employee or prospective employee is discharged, dismissed, disciplined in any manner, or denied employment or promotion.

Mr. RICHARDSON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

Mr. RICHARDSON. Mr. Chairman, I rise to offer an amendment for myself and Mr. HUGHES. Our amendment will counter the problems of the theft and diversion of controlled substances into the illegal drug market.

The Richardson-Hughes amendment specifically exempts those companies authorized by the Federal Government to manufacture, distribute, or dispense controlled substances from the polygraph ban. Its intent is to minimize the theft and diversion of dangerous drugs and narcotics from legitimate sources in the United States. The exemption provided by this amendment is narrowly drawn: the test can only be administered to employees who have, or prospective employees who would have, direct access to the manufacture, storage, distribution, or sale of controlled substances. More importantly, the amendment explicitly prohibits polygraph test results from being used as the sole determining factor in the hiring, disciplining, or firing of any employee. Finally, this amendment is the exact, word for word language that was adopted by the House when we debated the polygraph ban in the 99th Congress.

Each year, large volumes of prescription drugs are stolen or diverted into illicit channels. The Drug Enforcement Administration [DEA] and the General Accounting Office estimate that 250 million to 270 million dosage units of legally manufactured drugs are stolen or diverted into illicit channels annually. There is a justified need for a pharmaceutical exemption. The DEA reports losses in the retail chain which includes retail pharmacies, warehouses, and trucks in transit of between 500,000 and 1 million dosage units yearly.

More importantly, these losses are solely attributed to employee theft. In other words, employee theft accounts for 60 percent of all losses incurred by the chain drug industry. There is, however, another meaning to these DEA figures: employee theft and diversion results in direct and substantial dollar losses to the involved industries. Retail corporate drug stores alone lose over $480 million annually due to internal theft. I believe these statistics indicate that there is a legitimate requirement for the Richardson-Hughes exemption from the polygraph ban.

In addition to economic reasons however, there are valid social policy arguments that support passage of this amendment. I am convinced this amendment is a public health and safety amendment addressing the problems of drug abuse and the safety of this Nation's prescription drugs. The incentive for illicit drug trading looms large when a capsule or pill which retails for 50 cents can command $25 to $35 on the black market. This presents a clear and present danger for manufacturers and distributors who must guarantee the security, safety, and integrity of prescription drugs. While this amendment won't stop drug trafficking, it will present a clear deterrent to those who would steal or divert prescription drugs.

Lastly and perhaps most importantly, the Richardson-Hughes amendment will help combat this Nation's drug abuse problem. Drug abuse is pervasive in the United States. An estimated 40 million abuse illegal or legitimately controlled drugs. Drug addiction not only takes its toll in lost productivity—absenteeism, crime, and medical expenses from drug dependencies cost the U.S. economy $230 billion each year—but in human lives and suffering. Stopping the flow of drugs into the black market is essential to combating this Nation's drug abuse problem and I believe this amendment will act as a deterrent—helping to stop the flow of controlled substances into illicit channels.

□ 1710

Mr. ARMEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman proponents of H.R. 1212 claim that the business community is requiring individuals and employees to take too many polygraph tests. According to my friend from Montana, Mr. WILLIAMS, some 2 million tests are given every year in the private sector.

In my view, this number pales in comparison to the number of Americans who are abusing addictive drugs and illicit substances. According to a number of sources, 40 million people in the United States regularly use illegal drugs or abuse legitimate controlled substances. In other words, America has a serious, widespread drug problem.

When we consider that there are some 1 million jobs among drug manufacturing companies, wholesalers and retail pharmacies, the odds that an individual with a chemical dependency problem or a history of drug related crimes seeking employment with one of these businesses is fairly substantial.

Congress would be making a terrible mistake if we do not provide an exemption on the controlled substance issue. To reject the Richardson amendment will mean that we will have created a gaping loophole in our war against drugs and drug-related crimes. Moreover, rejecting this amendment will mean we'll lose a valuable procedure available to companies in their efforts to minimize and deter losses of controlled drugs.

No matter what your perspective is on lie detector tests, I believe that it is imperative in the name of national security as well as public health and safety to carve out an exemption so that drug thefts and diversion from legitimate sources do not escalate any further.

Mr. Chairman, we agreed to this very same amendment in the last Congress because we, sadly, acknowledged we have a terrible drug abuse/drug theft problem. I strongly urge the House to adopt this important amendment.

Let me say, Mr. Chairman, that I want to express my appreciation to the framer of this amendment. I think it is very carefully thought out.

We agreed to this a year ago. I think the need is very apparent. It has been especially seen by this Congress.

We have an opportunity here to provide an extra element of protection to our young children from those who would abuse their employment privilege by stealing drugs and making them available to our school children.

I urge everybody to support this amendment.

Mr. OXLEY. Mr. Chairman, will the gentleman yield?

Mr. ARMEY. I yield to the gentleman from Ohio [Mr. OXLEY].

Mr. OXLEY. I thank the gentleman for yielding.

Mr. Chairman, I too want to join Congressman RICHARDSON and Congressman HUGHES in support of this amendment. This is the amendment that passed the last time this bill was up. I think it makes a great deal of sense. Our committee, the Oversight and Investigations Subcommittee of the Committee on Energy and Commerce have had numerous hearings on the whole question of drug diversion. It is a very, very serious problem in this country. Many of the drugs that are diverted are caused by theft, which eventually get into the illicit market.

So it is very important that we have this tool.

As the gentleman from New Mexico said, this is not the be-all, end-all, it is not going to solve the total problem, but it is a tool which these companies can use, and these pharmacies can use to determine what kind of people they have working for them.

So it is a well-crafted amendment.

Mr. HUGHES and I are both on the Select Committee on Narcotics Abuse and Control. We understand the real problem of drugs in our country. This is a small step that we can use in providing the exemption which is provided for in the amendment by the gentleman from New Mexico.

Mr. ECKART. Mr. Chairman, will the gentleman yield to me?

Mr. ARMEY. I yield to the gentleman from Ohio [Mr. ECKART].

Mr. ECKART. I thank the gentleman for yielding.

My colleague from Ohio and I have worked together on the Subcommittee on Oversight and Investigations on this matter. It was a year ago that this was the Armey-Eckart amendment that the House passed. It is my understanding that the gentleman's representations are true. I wish to be associated with them. It does include our direct access language and makes clear we want to focus on those employees who are in those circumstances.

So I wish to associate myself with the gentleman's remarks and thank him for yielding to me.

Mr. ARMEY. I thank both of the gentlemen.

Let me say as I did say, as Mr. ECKART pointed out this is a well crafted amendment. Let me say to the body at large that a "yes" vote on the Richardson amendment is a vote for the safety and health of your children.

I applaud the gentleman from New Mexico once again for his concern and in bringing this amendment.

Mr. MARTINEZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. OWENS of New York. Mr. Chairman, will the gentleman yield?

Mr. MARTINEZ. I yield to the gentleman from New York.

Mr. OWENS of New York. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in strong support of the Employee Polygraph Protection Act (H.R. 1212) and against the many amendments which will be offered today to gut the bill. Polygraph screening does not work, cannot work, and does not belong in the American workplace.

One of the things that has made this country great is our boundless faith in science and technology, but sometimes it can get us into trouble. We have seen so many miracles made possible in our lives through science that it does not seem implausible to us that a little electronic box really could tell whether or not we are telling the truth. But the reality is that polygraph screening is essentially a quack science which should enjoy about as much credibility as the "x-ray specs" advertised in the back pages of comic books. It does not measure truthfulness; it measures physiological indicators of stress—changes in our blood pressure, breathing, and perspiration. Sometimes those signals of stress can mean you are lying, but they can also mean any number of other things as well, including simply that having electrodes strapped to your head and being interrogated like a criminal makes you very nervous. Study after study has found that there is absolutely no scientific basis for the idea that polygraph exams can reliably identify lies and deception.

We tolerate many foolish practices in our society and if polygraphs were used as benignly as comic book "x-ray specs" they would be of no concern to us. That is not the case, however. Despite the dearth of scientific evidence to support its reliability, the use of polygraph screening by employers is now epidemic and it is hurting too many of our constituents. Every year, hundreds of thousands of American workers—innocent, honest, decent people—are being denied jobs and turned into unemployable pariahs on the basis of this bogus, pseudoscientific exam. Because the polygraph measures physiological functions, persons with physical and mental disabilities or ailments are particularly vulnerable to being unfairly and incorrectly identified as "liars" by the exam. For similar reasons, as well as because the interpretation of polygraph results is inevitably subjective and prone to bias, there is also evidence that polygraph screening unfairly discriminates against black Americans and other ethnic minorities; if you are black, in other words, the polygraph is far more likely to tag you as a liar than if you are white. And most perversely of all, the greatest discriminatory impact of polygraph screening falls on precisely those of our constituents who are the most scrupulously honest because their understandable indignation, surprise, and anger at being interrograted is likely to create the kind of stress the polygraph treats as a signal of deception.

The opponents of H.R. 1212 and those who support industry-specific exemptions to the legislation would have you believe that the polygraph is necessary to combat employee theft—even employee "terrorism"—and are trying hard to cast this debate as some kind of referendum on the crime in the workplace. This is absurd. There is simply no evidence to support their claim that the pseudoscience of polygraph screening is an effective, much less an essential tool against employee crime. Businesses in those States which have banned the use of the polygraph experience no higher rate of theft and other crimes by employees than businesses in those States where polygraph use is unregulated and has been allowed to flourish. Indeed, the National Institute of Justice Study on Employee Theft found that employers who use polygraph screening actually experienced a higher rate of employee theft than those who did not.

Other opponents of H.R. 1212 have argued that instead of banning the use of the polygraph in private employment we should first try to regulate its use in the workplace. Unfortunately, advocates of this approach seem to have missed the point. Since polygraph screening does not work, trying to regulate its use makes about as much sense as trying to regulate numerology or palm-reading—it is an utterly pointless exercise which is inherently unworkable. Moreover, the few States that have tried this approach have demonstrated little success in stopping what even polygraph advocates agree are abuses of the device. In fact, during the subcommittee's consideration of H.R. 1212, one of the most frightening stories we heard about employer abuse and misuse of the polygraph was told by a worker who was purportedly "protected" by one of the State laws upon which the Darden substitute has been modeled. Polygraph regulation was of no use to this man and would be of no use to other American workers either.

The massive polygraph screening now taking place in American workplaces is an abomination and it must be halted. If thousands of our constituents were being branded liars and denied employment on the basis of their horoscopes, we would not hesitate to outlaw the practice. The polygraph is no more useful or valid in detecting deception than astrology, but we have tolerated its use because it looks somehow scientific with its tangle of wires and electrodes and its charts of colorful, squiggly lines. It is long past time for us to end this absurd masquerade and to provide the protection American workers need from the dangerous quackery of the polygraph. Pass H.R. 1212 and defeat the weakening amendments.

Mr. MARTINEZ. Mr. Chairman, I do not know how all of a sudden the legislation becomes a panacea to curb all the abuses in banking, in child care, in care of the elderly and all of the amendments that we have heard so far. I do not believe that security measures for the safekeeping of drugs or for keeping them out of the hands of drug dealers should depend on the reliability of a machine that is questionable.

The credibility of the machine and the track record of the machine is not such that we should depend on it for our security measures to keep drugs out of the hands of drug dealers. If we are reduced to that kind of thinking then we ought to turn over the key to the cabinet to the drug dealers because it is not going to do the job.

The polygraph is not a security measure. Twenty to forty percent of the time the machines are wrong. If this amendment passes it is just leading us down the primrose path of a false sense of security.

AMENDMENT OFFERED BY MR. HUGHES TO THE AMENDMENT OFFERED BY MR. RICHARDSON

Mr. HUGHES. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. HUGHES to the amendment offered by Mr. RICHARDSON: In the matter proposed to be inserted by the amendment offered by the Gentleman from New Mexico, strike out "and" at the end of paragraph (2); strike out the period at the end of paragraph (3) and insert in lieu thereof "; and"; and after such paragraph insert the following new paragraph:

(4) if the test is administered to a current employee—

(A) the test is administered only in connection with an ongoing investigation of criminal or other misconduct involving, or potentially involving, loss or injury to the manufacture, distribution, or dispensing of any such controlled substance by such employer; and

(B) the employee had access to the person or property which is the subject of the investigation.

Mr. HUGHES (during the reading). Mr. Chairman, I ask unanimous consent that the amendment to the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. HUGHES. Mr. Chairman, I rise in very strong support of the Richardson amendment which creates a narrow exception from the prohibition in the bill in the case of the traffic in controlled substances. The amendment I am offering improves the Richardson amendment by limiting its coverage in investigative uses of polygraph testing.

The first question of course is, Do we need a special exception in this bill to fight drug trafficking and drug abuse? I think that this House is on record singling out the importance of comprehensively attacking the drug abuse problem on every front.

In fact it was just over a year ago, on October 27, 1986, that President Reagan signed the Anti-Drug Abuse Act, which originated in this House, the most massive legislative assault and comprehensive attack upon the problems of drug abuse in this Nation.

Certain drugs are well known to the public and extensively covered in the news media—drugs such as heroin, cocaine, and marijuana. However, there are other drugs which have legitimate medical uses which are even more widely abused. Throughout the 1970's and 1980's these drugs were responsible for three-quarters of all the deaths and injuries due to drug abuse in the United States. They were responsible for more deaths than heroin and cocaine combined. Only in the last 2 years, because the tidal wave of "crack" cocaine has engulfed our cities' youth, has the percentage of deaths and injuries due to legitimate drugs gone down. Legitimate drugs are produced here in the United States. We can't blame anyone else for the thousands of deaths and tens of thousands of hospital admissions from these drugs.

In the past 3 years this House has taken the lead in strengthening our ability to prevent the diversion of legitimate drugs from channels of medical distribution to the blackmarket. We have appropriated additional funds for the drug enforcement administration to investigate these cases. We have strengthened the laws to allow the revocation of registrations of manufacturers, distributors, and medical practitioners who are involved in diversion. We made the robbery and burglary of controlled substances from a registrant a separate Federal crime.

Recent estimates by DEA of the quantities of drugs diverted run as high as 700 million doses per year. It's a very serious problem. These pills are widely distributed to children because they are easy to take. They don't need to be injected or smoked. They look like medicine because they are medicine, but they are very dangerous, and when offered to children they are a specially dangerous temptation.

These legitimate drugs—powerful painkillers, tranquilizers, and stimulants—are widely sought in the blackmarket. A single 4 milligram pill of a painkiller such as dilaudid sells for between $30 and $65 on the blackmarket. This is easy money for the unscrupulous employee who pilfers drugs, and big money for more sophisticated criminals who try to infiltrate wholesale drug distribution operations.

The Richardson amendment gives us a critical tool to prevent the organized crime rings from infiltrating drug companies and distributors. My amendment narrows the Richardson amendment. In the case of current employees, a polygraph can only be used in connection with an ongoing investigation or criminal or other misconduct involving the manufacture, distribution, or dispensing of controlled substances, and only if the employee had access to the person or property which is the subject of the investigation. There can be no random polygraph testing of current employees under this amendment. Indeed, the industry has told us that they don't need random testing.

There are Members who may have been reluctant to support the Richardson exception. In light of my amendment, which narrows and focuses the Richardson amendment, I urge these Members to take another look at the Richardson amendment.

I urge my colleagues to support both my amendment and the Richardson amendment.

□ 1725

Mr. RICHARDSON. Mr. Chairman, will the gentleman yield?

Mr. HUGHES. I am happy to yield to the gentleman from New Mexico.

Mr. RICHARDSON. Mr. Chairman, I want to commend the gentleman for offering his amendment. I think it improves the one that I offered. It narrows the scope, it creates a threshold, and I would just like to advise the gentleman that I would be pleased to accept his amendment.

Mr. HUGHES. Mr. Chairman, I thank the gentleman for his support.

Mr. WILLIAMS. Mr. Chairman, will the gentleman yield?

Mr. HUGHES. I am happy to yield to the gentleman from Montana.

Mr. WILLIAMS. Mr. Chairman, I want to be sure I understand the gentleman's amendment. The gentleman is eliminating the postemployment random nature of the Richardson amendment and substituting for that the use of the lie detector in an incident-only matter?

Mr. HUGHES. That is correct.

The CHAIRMAN. The time of the gentleman from New Jersey [Mr. Hughes] has expired.

(By unanimous consent, Mr. Hughes was allowed to proceed for 2 additional minutes.)

Mr. WILLIAMS. Mr. Chairman, if the gentleman will yield, let me ask this question:

Does the gentleman's amendment continue to allow all preemployment testing to go forward, or has it eliminated the preemployment testing in the Richardson amendment?

Mr. HUGHES. No, the preemployment testing is permitted under my amendment.

Mr. WILLIAMS. Mr. Chairman, I thank the gentleman.

Mr. HUGHES. Mr. Chairman, let me say that the only thing it does is it focuses the postemployment testing on those incidents which in fact result in an ongoing criminal or civil investigation.

Let me make one additional point if I might before I yield back the balance of my time.

Mr. Chairman, we make an exception for the law enforcement community. The law enforcement community, in using the polygraph, basically is exposed to a very small amount of controlled substances. Here we are talking about millions and millions and millions of dosage units that are being handled by these pharmaceutical companies and distributors, and this is where we really need to have the polygraph testing for diversion.

So I urge my colleagues, if they are persuaded that law enforcement has needs in the area of controlled substances, they certainly a fortiori have to argue that we need it in this particular area.

Mr. Chairman, I urge my colleagues to support my amendment and to support the Richardson amendment, which is an excellent amendment. I can tell my colleagues that I would have a hard time supporting this legislation if this amendment does not carry.

Mr. Chairman, I yield back the balance of my time.

Mr. LUNGREN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think that the Members ought to realize that for the greatest period of the history of the FBI they did not involve themselves in drug cases. They specifically were prohibited from being involved in drug cases because J. Edgar Hoover, seeing the tremendous amounts of money to be gained in the illegal use of drugs, was afraid it was such a corrosive, corruptive influence on even law enforcement that it would be extremely difficult for him to maintain the purity, so to speak, of the FBI.

A number of years ago, in conjunction with this administration, we made the decision and the administration made the decision to remove the barrier to investigation by the FBI, to have them work with the DEA. In fact, some of J. Edgar Hoover's worst thoughts came to the fore. We have had for the first time in the history of the FBI, some FBI agents who went bad, and we have had some prosecutions of FBI agents. Nonetheless, we thought that risk was appropriate because of the enormity of the drug problem facing the Nation.

Is it too much to believe that with all the requirements we make prospective FBI agents go through, when even then some of them succumb to the temptations in this area, therefore, some of the people working in the pharmaceutical industry would not be tempted to fall to the illegal perpetrators of drugs? I think if we looked at it realistically, we know that is happening. Not only is the illegal manufacture and distribution of drugs a problem, as the gentleman from New Jersey [Mr. Hughes] has pointed out, but the illegal diversion of drugs which are controlled, having been produced legally, is a problem in this country. If we believe it is a continuing major problem why should we remove one of the most valuable tools that law enforcement has found in policing itself from private industry?

I heard my friend, the gentleman from California, say a little earlier that Members who support this amendment believe this gadget is the panacea, and I would say to my friend, the gentleman from California, that he misstates our position. This is not the panacea, but it is a tool, an effective tool, a seen by law enforcement, that we are without this amendment taking away from the private sector, those who produce, manufacture and distribute controlled substances. It is not a panacea, but it is an effective tool.

Others have said, "Wait a second. This involves the constitutional rights of individual Americans." I would say, if we look at the 5th and 14th amendments of the Constitution, we would find that they talk about State action. They talk about prohibiting unreasonable searches and seizures by the State, that is, by Government officials. Here we have made that exception, a blanket exception in that regard.

What we are asking is this: What should be the case in the private sector, in the private employer-employee relationships? All I would say is, if we are going to be true to the feelings of the floor of the House that were expressed last year in support of the antidrug bill, truly a bipartisan approach fighting the drug problem in this country, we ought to support the amendment. It is more narrowly drawn now, with the Hughes amendment, so we do not have to fear random polygraph tests being administered to already existing employees, but it does continue to allow preemployment screening and having the polygraph as part of that, not the total thing but part of it.

Mr. Chairman, it seems to me that this is a reasonable amendment. It is something we ought to adopt. It is something that is not to be feared. It is something we should accept as reasonable under the circumstances.

Mr. WILLIAMS. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I wonder if the author of the amendment would answer a few questions to clarify my understanding of the amendment. Does the amendment include the polygraphing of people who transport drugs, that is, truck drivers?

Mr. RICHARDSON. Mr. Chairman, if the gentleman will yield, the answer to the question is no.

Mr. WILLIAMS. Mr. Chairman, let me ask, what does the gentleman mean in his amendment when he says, "distribution"?

Mr. RICHARDSON. What I mean by "distribution" is the normal procedure of drug manufacturers and distributors. Once again, it would preclude the trucker's ability to have direct access to controlled substances. Trucks transporting controlled substances are locked before leaving the loading dock and unlocked at the point of destination by authorized personnel.

In answer to the second question, I mean anybody involved in the entire process in the channel of controlled substances.

Mr. WILLIAMS. Except truckers?

Mr. RICHARDSON. Yes.

Mr. WILLIAMS. Mr. Chairman, if the gentleman will answer another question, so it is the gentleman's purpose that those who haul drugs or transport drugs are not included in his amendment?

Mr. RICHARDSON. That is correct.

Mr. WILLIAMS. How about those people who store drugs or are involved in warehousing drugs on their way to the pharmacy?

Mr. RICHARDSON. Let me just make this case: Those that are registered with the DEA, those that store and are registered with the DEA are included. So storage operators are included.

Mr. BARTLETT. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMS. I yield to the gentleman from Texas.

Mr. BARTLETT. Mr. Chairman, I thank the gentleman for yielding, because I think the gentleman is doing the House a service in pointing out what the Richardson amendment includes.

I think it is important to read paragraph 2 of the amendment. It would be administered or permitted to be administered only to an employee or prospective employee who would have direct access to the manufacture, storage, distribution, or sale of controlled substances. So whether it is a truck driver or a pharmacy or a pharmacist or anyone else, it is only employees who have direct access to the substance itself. I think that is a fair place to draw the line. A truck driver who does not have access to the controlled substance is no threat, and, therefore, this amendment would not apply to him.

Mr. WILLIAMS. Mr. Chairman, let me reclaim my time. I appreciate the gentleman's assistance and his explanation.

Relating to these substances in schedules 1, 2, 3, and 4, which apparently are the only controlled substances the gentleman's amendment covers, are those substances always sealed? Are they always in a certain state of security by having been sealed as they are transported and stored according to DEA's regulations?

Mr. RICHARDSON. Mr. Chairman, if the gentleman will yield, that is correct. They are also sealed within the truck, meaning that controlled substances are doubled-sealed during transportation.

Mr. WILLIAMS. So as those substances come across the country and are put in a warehouse, does the manner in which they are sealed mean that the people dealing with them in the warehouse are not subject to a lie detector examination under the gentleman's amendment?

Mr. RICHARDSON. They are covered under the bill.

Mr. WILLIAMS. So the truck driver would not be the person who unloads the truck and stores the drugs, so he would not be subject to examination?

Mr. RICHARDSON. The gentleman is correct.

Mr. WILLIAMS. Mr. Chairman, if the author of the amendment will continue to respond, let me say that I appreciate his willingness to engage in this colloquy.

Does the author of the amendment know what the position of the American Pharmaceutical Association is on the gentleman's amendment?

Mr. RICHARDSON. Mr. Chairman, my understanding is that the entire pharmaceutical industry, the drug manufacturers and distributors, are in support of the legislation.

Mr. WILLIAMS. Mr. Chairman, the gentleman is wrong. Let me read from a letter to me from the American Pharmaceutical Association. I will read only the one sentence which sums up the association's position.

The CHAIRMAN. The time of the gentleman from Montana [Mr. WILLIAMS] has expired.

(By unanimous consent, Mr. WILLIAMS was allowed to proceed for 2 additional minutes.)

Mr. WILLIAMS. Mr. Chairman, let me say to my colleagues that I want to share this with them because I believe this is very important. The American Pharmaceutical Association has written this:

"The American Pharmaceutical Association's position is that polygraph tests should not be used as a means of preemployment screening in pharmacies, should not be used in pharmacies for routine security checking of employees"—and the amendment offered by the gentleman from New Jersey may have taken care of that—and finally, "should not be used in pharmacies in the course of investigation for causes."

The American Pharmaceutical Association itself is against this amendment. I ask, why is that? Because they know this gadget does not work. It creates a false sense of security, and they do not want it. They do not want the pharmacists and the drugstore owners of America to be relying on a gadget that does not work. The American Pharmaceutical Association knows that we cannot protect the American public when we let pharmacists and drugstore owners depend upon this faulty gadget.

Mr. RICHARDSON. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMS. I yield to the gentleman from New Mexico.

Mr. RICHARDSON. Mr. Chairman, I would like to make the point very clear that while the gentleman may have a letter from the American Pharmaceutical Association, they are very limited in being involved in the storing and distribution of drugs as prescribed in this amendment.

Let me just say that the National Association of Chain Dealer Drugs is supportive of this bill. Most drug manufacturers have sent many letters throughout the Congress in support of this legislation. Law enforcement agencies support it. Perhaps that small group that the gentleman mentions is not included.

The CHAIRMAN. The time of the gentleman from Montana [Mr. WILLIAMS] has again expired.

(By unanimous consent, Mr. WILLIAMS was allowed to proceed for 2 additional minutes.)

Mr. RICHARDSON. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMS. I yield to the gentleman from New Mexico.

□ 1740

Mr. RICHARDSON. Mr. Chairman, I thank the gentleman for yielding.

The implication that the gentleman is trying to leave is that this is not supported by a wide group of people and companies in the drug business, and that is not the case.

I wanted to point that out to the gentleman.

Mr. WILLIAMS. The American Pharmaceutical Association was founded in 1852, and it is the leader in the professional and scientific advancement of this industry.

This gets at the point of it. Of course, we want to protect America from a misuse of these drugs, but here is the association that is most important for this matter saying do not allow the lie-detector gadget to be used to protect America from these drugs, because it is no good. It is faulty.

We use it now, and it does not work. It is part of the reason we have a hemorrhaging in our industry. Instead, they want to come up with good personnel practices. They want the respected official law enforcement agencies of the United States, the public agencies, to be investigating these matters, not the manager of Drug Fair. That is our problem now.

We are trying to tighten up this hemorrhaging in America with regard to the illegal use of drugs, but I submit, and the American Pharmaceutical Association agrees, that continued use of the lie detector will do the reverse of what the gentleman from New Mexico and others are trying to do here this evening.

Mr. SHAW. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think that the gentleman who just spoke is missing the point. We are not here to represent the American Pharmaceutical Association or any other employer, and we are not here to look at strictly protecting the rights of the employee.

We must not lose the big picture which is, if we are going to pass this bill, which I believe is ill-advised, that it has to be pared down to exempt certain categories.

We have done it earlier in areas that have security sensitivity by a very narrow vote. Now we are going to have an opportunity to do this again, and in casting your vote, do not talk about the American Pharmaceutical Association. Do not look at Dart Drug or Drug Fair, but look at the kids out there that are getting these drugs, the misguided drugs that are illegally coming onto the market and being diverted. It is a big problem.

The gentleman from New Jersey [Mr. HUGHES] said he did not think he could support this legislation without this very important amendment in it. Whereas I do not intend to support this legislation on final passage, we are very kindly cleaning it up and getting rid of some of the sensitive areas that must be addressed.

The gentleman from Montana has made numerous references like it is a piece of witchcraft. It is not.

Some 30 percent of the Fortune 500 companies in this country today use the polygraph test. It is not altogether correct, I know that; and there are some stopgaps and some guarantees that have to be put in it.

The gentleman from Florida [Mr. YOUNG] will offer some of these protections to the employee later which will make a very, very positive addition to what is going on here this evening.

Addressing right now the amendment of the gentleman from New Mexico, the gentleman has pointed out a very important part of the economy and commerce that must be made an exception to.

Mr. RICHARDSON. Mr. Chairman, will the gentleman yield?

Mr. SHAW. I yield to the gentleman from New Mexico.

Mr. RICHARDSON. Mr. Chairman, I thank the gentleman for yielding to me.

I want to point out here a statement in support of the amendment by the National Wholesale Druggists Association.

Mr. SHAW. Mr. Chairman, in conclusion I would certainly hope that if we are going to have a vote on this particular issue, that it be an overwhelming "yes" vote.

We are going far beyond the rights of the employee at this particular point, and we are talking about the rights of America to be crime free and drug free as much as possible.

This is a very important amendment, an exception that I hope the Members will vote for.

Mr. JACOBS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Speaker, in speaking of the Spanish Inquisition, the author of the novel "Captains from Castille" spoke of a situation where, "no one was too innocent to be proved guilty."

I am thinking of an incident about a year ago when our incumbent Attorney General was before the other body for confirmation.

It was determined that his official financial report, which he had filed and signed, was false. The issue was whether it was consciously false or negligently false.

At that time some commentators suggested that Mr. Meese, being one of the leading advocates of the use of so-called polygraph or lie detector tests, take a dose of his own medicine, which might prove to be truth serum, in order that it be determined with some reliability whether his false financial statement was intentional or unintentional.

If I recall correctly, Mr. Meese declined to submit to a polygraph test. That raises an interesting question.

Did he decline to submit to the polygraph test because he thought the test was unreliable, or did he refuse to submit to that test, because he thought it was reliable?

Surely one must conclude one or the other.

The Good Book tells us among the Ten Commandments, that thou shall not bear false witness. I wonder if that only applies to humans, or also to the contraptions humans have contrived to manufacture.

If this mechanism is unreliable, and if we assume the honesty of our own Attorney General, we must assume that in his opinion the test is unreliable, then one must ask, how does it suddenly become reliable simply because it is drug abuse which one is trying to detect.

If a chicken cannot fly across the Ohio River to read poetry does it not follow then that a chicken cannot fly across the Ohio River to read prose?

If a Member is among those who believe that the polygraph test is inherently unreliable—as our courts have repeatedly held—how do drugs make it reliable?

If, on the other hand, a Member believes that it is reliable, then why not apply it to the detection of all crimes?

It is important to me that controlled substances not be put to illicit use. But that is not the issue here. The issue is whether the polygraph which the courts say is unreliable is somehow made reliable by a vote of the Congress.

One is reminded of the city council which passed an ordinance which said, "Henceforth and hereafter pigeons shall not light on city hall."

If this polygraph machine is unreliable, can an act by the Congress make it reliable? No.

Mr. HUGHES. Mr. Chairman, will the gentleman yield?

Mr. JACOBS. I yield to the gentleman from New Jersey.

Mr. HUGHES. Mr. Chairman, I thank the gentleman for yielding to me.

I thank the gentleman for the gentleman's statement, and I do not agree with the gentleman with regard to the use of the lie detector, the polygraph as a tool in law enforcement; but I would suggest that the gentleman would have problems with the bill, because the bill carves out exceptions for government, law enforcement, intelligence-gathering.

Mr. JACOBS. I would suggest, all of the Members should have problems with the logic discussed in the last couple of hours here.

I think this is definitely a case for consistency. Either the gun shoots bullets or blanks. It it shoots bullets, it may be useful; and if it shoots blanks and impugns the reputation of a thoroughly honest citizen, which I assume Mr. Meese considers himself to be when he did not take the test, then it is not useful.

Mr. GUNDERSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise, first of all, to respond to the gentleman from Montana, who suggests that somehow because the American Pharmaceutical Association is opposed to this amendment, that it is a bad amendment.

The fact is that the Drug Enforcement Administration estimates that the employees are stealing between 500,000 to more than 1 million doses of dangerous drugs per year.

And let us be very blunt about it.

It is the American Pharmaceutical Association that apparently has some of their employees, not the majority, but some of their employees who are probably stealing those drugs who do not want to be subject to a lie-detector test. That is why they have taken that position.

The pharmaceutical manufacturers and distributors are in favor of it. Look as well at what the gentleman from Montana said last year on the floor of the House when we considered this legislation.

He stood up before the House and said, "Likewise, the bill before us provides exemptions for those private businesses that directly impact on our national security or public health. We will be accepting amendments to provide other exemptions regarding dangerous drugs, security guards, and the protection of electric and nuclear powerplants and public transportation. We will accept those amendments, because they are a matter of protecting the national health and safety."

That is what we are talking about in this particular amendment. We are talking about the fact that we need to protect the health and safety of our young children, as the gentleman from Florida stated.

This is not a cure-all, but a tool. The amendment is very clear; and as the amendment by the gentleman from New Jersey says, when we are dealing with present employees, we make sure that testing is incident-specific, not random. And that harassment and other abuses are addressed.

If we cannot pass this amendment, then we are suggesting that the so-called war on drugs that this Congress waged last year was just a joke.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey [Mr. HUGHES] to the amendment offered by the gentleman from New Mexico [Mr. RICHARDSON].

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Mexico [Mr. RICHARDSON], as amended.

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. RICHARDSON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 313, noes 105, not voting 15, as follows:

[Roll No. 410]

AYES—313

Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Archer
Armey
Aspin
Badham
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bennett
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Boggs
Boland
Bonker
Borski
Bosco
Boulter
Brennan
Broomfield
Brown (CA)
Bryant
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Chappell
Cheney
Clarke
Coats
Coble
Coelho
Coleman (MO)
Coleman (TX)
Combest
Conte
Cooper
Coughlin
Courter
Craig
Dannemeyer
Darden
Daub
Davis (IL)
Davis (MI)
de la Garza
DeLay
Derrick
DeWine
Dickinson
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Dowdy
Dreier
Dwyer
Dyson
Early
Eckart
Edwards (OK)
Emerson
English
Erdreich
Espy
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flippo
Florio
Foley
Ford (TN)
Frenzel
Frost
Gallegly
Gallo
Gaydos
Gekas
Gibbons
Gilman
Gingrich
Glickman
Goodling
Gordon
Gradison
Grant
Gray (IL)
Green
Gregg
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hastert
Hatcher
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hiler
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jenkins
Johnson (SD)
Jones (NC)
Jones (TN)
Kanjorski
Kasich
Kleczka
Kolbe
Kolter
Konnyu
Kyl
Lagomarsino
Lancaster
Lantos
Latta
Leach (IA)
Leath (TX)
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lloyd
Lott
Lowery (CA)
Lujan
Luken, Thomas
Lukens, Donald
Lungren
Mack
Madigan
Marlenee
Martin (IL)
Martin (NY)
Martinez
Mavroules
Mazzoli
McCandless
McCollum
McCurdy
McDade
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Mica
Michel
Miller (OH)
Molinari
Mollohan
Montgomery
Moorhead
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Nelson
Nichols
Nielson
Nowak
Olin
Ortiz
Oxley
Packard
Panetta
Parris
Pashayan
Patterson
Pepper
Petri
Pickett
Pickle
Porter
Price (IL)
Price (NC)
Pursell
Quillen
Rahall
Ravenel
Ray
Regula
Rhodes
Richardson
Rinaldo
Ritter
Roberts
Robinson
Roe
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland (GA)
Saiki
Sawyer
Saxton
Schaefer
Scheuer
Schneider
Schroeder
Schuette
Schulze
Sensenbrenner
Shaw
Shumway
Shuster
Sisisky
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solomon
Spence
Spratt
St Germain
Staggers
Stallings
Stangeland
Stenholm
Stratton
Stump
Sundquist
Sweeney
Swindall
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torricelli
Traficant
Udall
Upton
Valentine
Vander Jagt
Volkmer
Vucanovich
Walgren
Walker
Watkins
Weber
Weldon
Whittaker
Whitten
Wilson
Wise
Wolf
Wortley
Wylie
Yatron
Young (AK)
Young (FL)

NOES—105

Ackerman
Applegate
Atkins
AuCoin
Bates
Beilenson
Berman
Boehlert
Bonior
Boucher
Boxer
Brooks
Bruce
Clay
Clinger
Collins
Conyers
Coyne
Crockett
DeFazio
Dellums
Downey
Durbin
Dymally
Edwards (CA)
Evans
Flake
Foglietta
Ford (MI)
Frank
Garcia
Gejdenson
Gonzalez
Grandy
Gray (PA)
Hawkins
Hayes (IL)
Hertel
Hoyer
Jacobs
Jeffords
Johnson (CT)
Jontz
Kastenmeier
Kennedy
Kennelly
Kildee
Kostmayer
LaFalce
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lewis (GA)
Lowry (WA)
Manton
Markey
Matsui
McCloskey
Miller (CA)
Miller (WA)
Mineta
Moakley
Moody
Morella
Morrison (CT)
Neal
Oberstar
Obey
Owens (NY)
Pease
Pelosi
Penny
Perkins
Rangel
Ridge
Rodino
Rowland (CT)
Roybal
Russo
Sabo
Savage
Schumer
Shays
Sikorski
Skaggs
Solarz
Stark
Stokes
Studds
Swift
Synar

Torres
Towns
Traxler
Vento
Visclosky
Waxman
Weiss
Wheat
Williams
Wolpe
Wyden
Yates

NOT VOTING—15

Biaggi
Brown (CO)
Crane
Daniel
Duncan
Gephardt
Howard
Kaptur
Kemp
Lipinski
MacKay
Oakar
Owens (UT)
Roemer
Sharp

□ 1810

Messrs. EDWARDS of California, CLINGER, HOYER, ROYBAL, WAXMAN, OBEY, MANTON, HERTEL, and RUSSO changed their votes from "aye" to "no."

Messrs. MARTINEZ, MAVROULES, and ROBINSON changed their votes from "no" to "aye."

So the amendment, as amended, was agreed to.

The result of the vote was announced as above recorded.

AMENDMENTS OFFERED BY MR. GUNDERSON

Mr. GUNDERSON. Mr. Chairman, I offer several amendments.

The Clerk read as follows:

Amendments offered by Mr. GUNDERSON: Page 8, after line 13, insert the following new subsection:

(d) EXEMPTION FOR ONGOING INVESTIGATIONS.—Subject to section 7, this Act shall not prohibit any employer from requesting an employee to submit to a lie detector test if—

(1) the test is administered in connection with any ongoing investigation of criminal or other misconduct involving, or potentially involving, significant loss or injury to the employer's business;

(2) the employee had access to any person or property which is the subject of the investigation; and

(3) the employer has a reasonable suspicion that the employee was involved in the incident or activity under investigation.

Page 8, after line 13, insert the following new sections (and redesignate succeeding sections accordingly):

SEC. 7. RESTRICTIONS ON EXEMPTIONS.

(a) OBLIGATION TO COMPLY WITH CERTAIN LAWS AND AGREEMENTS.—Any exemption provided under section 6 (other than subsections (a), (b), and (c) of such section) shall not diminish an employer's obligation to comply with—

(1) applicable State and local law, and

(2) any negotiated collective bargaining agreement, which limit or prohibit the use of lie detector tests on such employees.

(b) TEST MAY NOT BE SOLE BASIS FOR ADVERSE EMPLOYMENT ACTION.—Any such exemption shall not apply unless the employer can demonstrate that the results of an analysis of lie detector charts are not used as the sole basis upon which an employee or prospective employee is discharged, dismissed, disciplined in any manner, or denied employment or promotion.

(c) RIGHTS OF EXAMINEE.—Such exemptions shall not apply unless the requirements described in paragraphs (1), (2), and (3) are met.

(1) PRETEST PHASE.—During the pretest phase the prospective examinee—

(A) is provided with reasonable written notice of the date, time, and location of the test, and of such examinee's right to obtain and consult with legal counsel throughout all phases of the test;

(B) is not subjected to prolonged interrogation;

(C) is informed of the nature and characteristics of the tests and of the instruments involved;

(D) is informed in writing as to whether (i) the testing area contains a two-way mirror, a camera, or any other device through which the test can be observed, or (ii) the test will involve any other device, including any device for recording or monitoring the conversation;

(E) is informed of such examinee's privilege against self-incrimination under the Fifth Amendment of the Constitution of the United States;

(F) is provided an opportunity to review all questions (technical or relevant) to be asked during the test and is informed of the right to terminate the test at any time;

(G) signs a notice informing such examinee of—

(i) the limitations imposed under this section; and

(ii) the legal rights and remedies available to the examinee if the lie detector test is not conducted in accordance with this Act.

(2) ACTUAL TESTING PHASE.—During the actual testing phase—

(A) the examinee is not asked any questions by the examiner concerning—

(i) religious beliefs or affiliations;

(ii) beliefs or opinions regarding racial matters;

(iii) political beliefs or affiliations;

(iv) any matter relating to sexual behavior or any sexual behavior of such employee or prospective employee, unless sexual behavior is specifically related to job performance or inquiry into such behavior is required under State law; and

(v) beliefs, affiliations, or opinions regarding unions or labor organizations;

(B) the examinee is permitted to terminate the test at any time;

(C) the examiner does not ask such examinee any question (technical or relevant) during the test which was not presented in writing for review to such examinee before the test;

(D) the examiner does not ask technical questions of the examinee in a manner which is designed to embarrass, degrade, or needlessly intrude upon the examinee; and

(E) the examiner does not conduct a test on an examinee who, in the opinion of the examiner, is inhibited from responding coherently to the test because of—

(i) mental or physical fatigue,

(ii) undue emotional stress or intoxication due to excessive use of alcohol, sedatives, stimulants, or tranquilizers,

(iii) addiction to narcotics,

(iv) known mental disorder, or

(v) significant physical discomfort or physical disability that, in and of itself, might cause abnormal responses during the test.

(3) POST-TEST PHASE.—During the post-test phase, the examinee—

(A) is further interviewed on the basis of the results of the test; and

(B) is provided with a written copy of—

(i) any opinion and conclusion rendered as a result of the test,

(ii) questions asked during the test, presented along with the corresponding charted responses, and

(iii) upon the request of the employee, a written description of the incident or activity in connection with which the test is administered.

(d) QUALIFICATIONS OF EXAMINER.—Such exemptions shall not apply unless the individual who conducts the lie detector test—

(1) is at least twenty-one years of age;

(2) is a citizen of the United States;

(3) is a person of good moral character;

(4) has complied with all required laws and regulations established by licensing and regulatory authorities in the State in which the test is to be conducted;

(5)(A) has successfully completed a formal training course regarding the use of lie detector tests that has been approved by the State in which the test is to be conducted or by the Secretary of Labor; and

(B) has completed a lie detector test internship of not less than 6 months duration under the direct supervision of an examiner who has met the requirements of this section;

(6) maintains a minimum of $50,000 bonding or an equivalent amount of professional liability coverage;

(7) uses an instrument that records continuously, visually, permanently, and simultaneously changes in the cardiovascular, respiratory, and electrodermal patterns as minimum instrumentation standards;

(8) bases an opinion of deception indicated upon evaluation of changes in physiological activity or reactivity in the cardiovascular, respiratory, and electrodermal patterns on the lie detector charts;

(9) renders any opinion or conclusion regarding the test—

(A) in writing and solely on the basis of an analysis of the lie detector charts;

(B) which does not contain information other than admissions, information, case facts, and interpretation of the charts relevant to the purpose and stated objectives of the test; and

(C) which does not include any recommendation concerning the employment of the examinee;

(10) does not conduct and complete more than 6 lie detector tests on the calendar day on which the test is given and does not conduct any such test for less than a 90-minute duration; and

(11) maintains all opinions, reports, charts, written questions, lists, and other records relating to the test for a minimum period of 2 years after administration of the test.

SEC. 8. DISCLOSURE OF INFORMATION.

(a) IN GENERAL.—A person, other than the examinee, may not disclose information obtained during a lie detector test, except as provided in this section.

(b) PERMITTED DISCLOSURES.—A polygraph examiner, polygraph trainee, or employee of a polygraph examiner may disclose information acquired from a lie detector test only to—

(1) the examinee or any other person specifically designated in writing by the examinee;

(2) the employer that requested the test; or

(3)(A) any person or any governmental agency that requested the test, or

(B) any person, as required by due process of law, who obtained a warrant to obtain such information in a court of competent jurisdiction.

(c) DISCLOSURE BY EMPLOYER.—An employer (other than an employer covered under section 6(a), 6(b), or 6(c), for whom a lie detector test is conducted may disclose information from the test only to a person described in subsection (b).

Page 8, strike lines 16 through 22, and insert the following:

(1) the term "lie detector test" includes—

(A) any examination involving the use of any polygraph, deceptograph, voice stress analyzer, psychological stress evaluator, or any other similar device (whether mechanical or electrical) which is used, or the results of which are used, for the purpose of rendering a diagnostic opinion regarding the honesty of an individual; and

(B) the testing phases described in paragraphs (1), (2), and (3) of section 7(c);

Page 9, line 2, strike "and".

Page 9, line 5, strike the period and insert a semicolon.

Page 9, after line 5, insert the following new subsections:

(4) the term "relevant question" means any lie detector test question which pertains directly to the matter under investigation with respect to which the examinee is being tested; and

(5) the term "technical question" means any control, symptomatic, or neutral question which, although not relevant, is designed to be used as a measure against which relevant responses may be measured.

Mr. GUNDERSON (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered en bloc, considered as read, and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. GUNDERSON. Mr. Chairman, the amendment that is now before the House is an amendment that is being offered by myself and the gentleman from Texas [Mr. Stenholm] jointly. This amendment will provide and allow the use of the polygraph for investigative testing of current employees.

I want to make it very clear that what we are trying to do with this particular amendment is respond both to the legitimate needs of American business and industry and at the same time deal with the overuse and abuse of the polygraph.

How do we do that? First of all, at least 75 percent of all polygraph tests in this country are used for preemployment screening. I think most people will agree that perhaps the biggest concern over the polygraph is that it is used so extensively in preemployment. When used for preemployment screening, the polygraph is First, intimidating; and, No. 2, it tends to be the sole determinant of whether the job applicant is or is not hired or offered that job. Yet, as we go through the long litany of concerns here today, we talk about the climb of the exam's use in business.

The amendment before us, as I indicated, tries to respond to the particular concerns that I think many people have raised with regard to this legislation that is now before us. The amendment does so in a way that does not handicap or absolutely handcuff the ability of business and industry in this country to deal with the legitimate threat of internal theft and crimes within industry in this country. First of all there is great concern about whether or not the polygraph examination is ever accurate. I will point out that the scientific evidence clearly suggests, and the Office of Technology Assessment study indicates that the polygraph shows meaningful scientific evidence of validity when it is focused in the area of investigations of specific criminal activity.

That is exactly what this amendment focuses upon doing.

□ 1820

In addition to that, the amendment assures the fair conduct of polygraph testing by providing strict regulations on such testing that will guarantee that any polygraph examination that is used under this act will protect not only the rights of the employer but equally the rights of the employee.

So the legislation before us is what I would call the perfect middle ground. No. 1, it eliminates the abuse, No. 2, it eliminates the majority of the exams. Over 75 percent of the exams would be eliminated or not allowed with this particular amendment, and yet it also would be consistent with current government policies—saying if we are going to allow the use of the polygraph in specific incidents and specific cases here within the Federal Government, we would do the same in the private sector.

Mr. Chairman, I want to point out to my colleagues in closing that this amendment probably has broader support from the outside community than any other amendment that has been offered earlier today or will be offered from here on out. It is endorsed by the American Retail Federation which consists of 24 different groups, by the National Mass Retailing Institute, the Food Marketing Institute, the National Grocers Association, the National Association of Chain Drug Stores, and the National Retail Merchants Association.

I would also point out to my colleagues on the other side of the aisle that they should be aware that many people in the other body, including Senator Kennedy, believe that this approach may be the proper middle ground. It bans the use of the polygraph for preemployment testing, but it clearly allows the use of the polygraph, not as the sole tool, but as one of many investigatory tools once a person is on the job, there is a specific incident, where that person is under reasonable suspicion, and yes, only when that person has a work history already on board.

I would encourage my colleagues to accept and support this particular amendment. It will make the legislation in front of us much, much better.

I would also suggest it would enhance the chances of enactment a great deal.

Mr. STENHOLM. Mr. Chairman, I move to strike the last word, and I rise in support of the amendment.

Mr. Chairman, I rise in support of this amendment and strongly urge my colleagues to vote for the Gunderson-Stenholm amendment.

If my colleagues are looking today for an amendment that is moderate and measured, that takes a thoughtful and circumspect approach, that maximizes the potential for beneficial polygraph testing while preventing abuses and careless procedures, this, Mr. Chairman, is that amendment.

Far from offering a simple, hostile amendment, we are proposing changes that solve many of the problems created by the shotgun approach taken by H.R. 1212 and more than adequately address the problems that motivated the underlying bill. I commend my friend, Steve Gunderson, for his hard work and his thoroughness in developing this amendment.

This amendment removes the randomness that the bill's supporters have attacked. We would allow testing that relates only to a specific incident of theft, criminal activity, or other misconduct, and would affect only those employees under reasonable suspicion of involvement.

In other words, rather than use as a prehire, screening device, our amendment focuses on testing as an investigative device relating only to current employees. Moreover, Congress' own Office of Technology Assessment has found that the accuracy and reliability of polygraph testing increases markedly with incident-specific applications.

And there are ample regulatory protections in our amendment to prevent the investigative device from going too far.

First, irrelevant personal questions are prohibited, such as those relating to religious, political, union, or other affiliation. All questions must pertain to the misconduct being investigated.

Employees would be counseled in advance on exactly what questions would be asked, what procedure would be used, and how the testing equipment works.

Employees would be provided immediately with a copy and discussion of test results and guaranteed complete confidentiality.

To guarantee that all testing is done in a thorough and deliberate manner, each test must last at least 90 minutes and no more than six tests could be administered in a single day by an examiner.

Finally, unlike H.R. 1212, which arbitrarily second-guesses those State legislatures that do not find a total polygraph ban to be in the public interest, the Gunderson-Stenholm amendment is a minimum standard—and a high-minimum standard, at that—and would not preempt States from enacting stricter laws.

This amendment goes much more than halfway toward meeting the concerns raised by supporters of H.R. 1212. At the same time, it would do much to allow the reasonable and constructive use of polygraph tests to continue protecting the property and personal safety of innocent individuals.

Mr. GRANDY. Mr. Chairman, I move to strike the requisite number of words and I rise in support of the amendment.

Mr. Chairman, this is the only amendment that I intend to support today, and I would like to speak to those colleagues who are inclined to perhaps be somewhat questionable about the outcome of H.R. 1212, who are concerned about the polygraph from the worker point of view and from the businessman's point of view.

It seems to me this is the only amendment that strikes a balance. Prior to my addressing the Chamber, Mr. Chairman, a Member asked does this amendment penalize the worker in any way. One only has to read as far as line 3 to see that the employer must request an employee to submit to a test.

A Member asked me does this mean he will be fined if he does not. It does not mean that. The employee is protected here.

But I would say this: The American Medical Association, which does not support Young-Darden, which supports H.R. 1212, has said that it will not support the polygraph in industry or in the Federal agencies as a preemployment test.

In the same article it said the following: "Criminal investigations has often benefited from polygraph usage because the investigator can focus on the incident in question, using it as the basis for selecting relevant and controlled questions in the application of the test, in the full knowledge that the detection of deception will not be absolutely accurate." Nobody is arguing that it will be, but it is closer to accuracy than we will come otherwise. It is a management tool, one among many.

I encourage colleagues that have not supported any of the amendments and will continue to vote against the exemptions to vote for Gunderson-Stenholm. It provides an option to serve your business constituency and to not compromise the civil rights of American workers.

Mr. WILLIAMS. Mr. Chairman, I rise in opposition to the amendment.

My colleagues, let us be certain as to what this amendment does. It allows every employer in the United States to require their employee to take a lie detector test when that employee says that there has been some incident or other in that business.

Mr. GUNDERSON. Mr. Chairman, will the gentleman yield on that point?

Mr. WILLIAMS. I yield to the gentleman from Wisconsin.

Mr. GUNDERSON. Mr. Chairman, I am only going to ask the gentleman to read lines 2 and 3. That is absolutely not correct. "This amendment shall not prohibit an employer from requesting an employee to submit to a lie detector test." There is absolutely no mandate in this amendment. That is very, very important, and I appreciate the gentleman yielding.

Mr. WILLIAMS. Let me ask the author of the amendment, in case I misread his amendment, first, if he disagrees that this covers every single employee in the United States postincident?

Mr. GUNDERSON. Absolutely.

Mr. WILLIAMS. It does cover every employee in the United States?

Mr. GUNDERSON. If there is an incident; and there is no random testing. There has to be a specific crime.

Mr. WILLIAMS. In every industry with no exceptions?

Mr. GUNDERSON. That is correct.

Mr. WILLIAMS. Then I have a second question.

Mr. GUNDERSON. With one exception, if the gentleman will yield, with one exception. We do not preempt any State laws. Do not forget there are 41 States that have adopted their own legislation.

Mr. WILLIAMS. Yes; that has been true in every amendment that has been offered, of course. So what the gentleman is taking exception to is my indication that an employer can mandate the test to the employee?

The employee can say I will not take the test. Does the gentleman's amendment then protect that employee's job?

Mr. GUNDERSON. Sure it does, because we do not allow the lie detector to be the sole determinant. Therefore a refusal to take a lie detector test cannot be the basis on which one is dismissed.

Mr. WILLIAMS. I do not see the language where the gentleman disallows an employer from firing an employee who refuse to take the test.

Mr. GUNDERSON. The gentleman can certainly see the lanugage on sole determinant because that is on page 2, and it states that the test may not be the sole basis for adverse employment action. It also puts the burden of proof on the employer.

Mr. WILLIAMS. I appreciate the gentleman's explanation.

So let us understand it now, an employer can request, mind you, of their employee, every employee in America, request them to take the lie detector test on any incident. The incident, mind you, does not have to be reported to the police. The incident, in fact, does not have to involve loss or injury to the employer, only potential loss or injury.

So do my colleagues see what is happening? Every employer in America, if this passes, can claim an incident has happened. They do not have to report it to the police. It does not have to become an official act on the part of the employer. They do not even have to demonstrate that the incident took place or that it created a loss to the employer, but they can say we would like you to volunteer. I admit the gentleman has that in the amendment, we would like you all to volunteer to take this lie detector test.

Would my colleagues want to be the one employee in America that does not agree to volunteer?

This opens this bill as wide, wider, than any amendment which has yet been offered, and I urge my colleagues to oppose it.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Wisconsin [Mr. GUNDERSON].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. GUNDERSON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 197, noes 220, not voting 16, as follows:

[Roll No. 411]

AYES—197

Anderson
Archer
Badham
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Boulter
Broomfield
Buechner
Bunning
Burton
Byron
Callahan
Campbell
Chandler
Chapman
Chappell
Cheney
Clarke
Clinger
Coats
Coble
Coleman (MO)
Combest
Cooper
Courter
Craig
Dannemeyer
Darden
Daub
de la Garza
DeLay
Derrick
DeWine
Dickinson
DioGuardi
Dorgan (ND)
Dornan (CA)
Dreier
Durbin
Edwards (OK)
Emerson
English
Fawell
Fields
Fish
Frenzel
Gallegly
Gallo
Gekas
Gingrich
Goodling
Gradison
Grandy
Grant
Gregg
Gunderson
Hall (OH)
Hall (TX)
Hammerschmidt
Hansen
Hastert
Hatcher
Hayes (LA)
Hefley
Henry
Herger
Hiler
Holloway
Hopkins
Houghton
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jeffords
Johnson (CT)
Jones (NC)
Jones (TN)
Kasich
Kolbe
Konnyu
Kyl
Lagomarsino
Lancaster
Latta
Leath (TX)
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lloyd
Lott
Lowery (CA)
Lujan
Luken, Thomas
Lukens, Donald
Lungren
Mack
MacKay
Madigan
Marlenee
Martin (IL)
Martin (NY)
McCandless
McCollum
McCurdy
McEwen
McGrath
McMillan (NC)
Mica
Michel
Miller (OH)
Molinari
Montgomery
Moorhead
Morrison (WA)
Nelson
Nichols
Nielson

Oxley
Packard
Parris
Pashayan
Patterson
Petri
Pickett
Porter
Pursell
Quillen
Ravenel
Ray
Regula
Rhodes
Ritter
Roberts
Rogers
Roth
Roukema
Rowland (GA)
Saiki
Saxton
Schaefer
Schuette
Schulze
Sensenbrenner
Shaw
Shumway
Shuster
Sisisky
Skeen
Slaughter (VA)
Smith (NE)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Solomon
Spence
Spratt
Stangeland
Stenholm
Stratton
Stump
Sundquist
Sweeney
Swindall
Tallon
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Upton
Valentine
Vander Jagt
Volkmer
Vucanovich
Walker
Weber
Weldon
Whittaker
Wolf
Wortley
Wylie
Young (FL)

NOES—220

Ackerman
Akaka
Alexander
Andrews
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Bates
Beilenson
Bennett
Berman
Bevill
Bilbray
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Brown (CA)
Bruce
Bryant
Bustamante
Cardin
Carper
Carr
Clay
Coelho
Coleman (TX)
Collins
Conte
Conyers
Coyne
Crockett
Davis (IL)
Davis (MI)
DeFazio
Dellums
Dicks
Dingell
Dixon
Donnelly
Dowdy
Downey
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frost
Garcia
Gaydos
Gejdenson
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Gray (IL)
Gray (PA)
Green
Guarini
Hamilton
Harris
Hawkins
Hayes (IL)
Hefner
Hertel
Hochbrueckner
Horton
Hoyer
Jacobs
Jenkins
Johnson (SD)
Jontz
Kanjorski
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lantos
Leach (IA)
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lewis (GA)
Lowry (WA)
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McDade
McHugh
McMillen (MD)
Meyers
Mfume
Miller (CA)
Miller (WA)
Mineta
Moakley
Mollohan
Moody
Morella
Morrison (CT)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Panetta
Pease
Pelosi
Penny
Pepper
Perkins
Pickle
Price (IL)
Price (NC)
Rahall
Rangel
Richardson
Ridge
Rinaldo
Robinson
Rodino
Roe
Rose
Rostenkowski
Rowland (CT)
Roybal
Russo
Sabo
Savage
Sawyer
Scheuer
Schneider
Schumer
Shays
Sikorski
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NJ)
Snowe
Solarz
St Germain
Staggers
Stallings
Stark
Stokes
Studds
Swift
Synar
Tauke
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Vento
Visclosky
Walgren
Watkins
Waxman
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates
Yatron
Young (AK)

NOT VOTING—16

Armey
Biaggi
Brown (CO)
Coughlin
Crane
Daniel
Duncan
Gephardt
Howard
Kaptur
Kemp
Lipinski
Owens (UT)
Roemer
Schroeder
Sharp

□ 1835

Mr. TALLON changed his vote from "no" to "aye."

So the amendments were rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. BARTLETT

Mr. BARTLETT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BARTLETT: On page 7, line 1, strike "United States Government," and insert in lieu thereof the following: "United States Government, except for the Congress of the United States insofar as it is engaged in functions not directly related to national security as determined by such Congress,".

Mr. ACKERMAN (during the reading). Mr. Chairman, I reserve the right to object.

Mr. BARTLETT. Mr. Chairman, a point of order. There is no unanimous consent request before the House.

Mr. ACKERMAN. Mr. Chairman, I make a point of order that the amendment is not germane.

The CHAIRMAN. The gentleman's request will be addressed at the proper time as soon as the Clerk has reported the amendment.

The Clerk will read.

The Clerk concluded the reading of the amendment.

Mr. ACKERMAN. Mr. Chairman, I reserve a point of order on the amendment.

Mr. BARTLETT. Mr. Chairman, I offer an amendment that would essentially unexempt Congress as an employer from the exemption that is in this bill. This bill provides a prohibition of the use of polygraph examinations in all cases for all employers in private industry within this bill, in all cases whether it is preemployment or postemployment.

This bill however exempts Congress as an employer and would say—the irony of the bill today is that it would say that even though we would prohibit nursing home operators from using a polygraph examination as a screening tool or as a determinate device, even though we would prohibit other industries in other sensitive areas from the same thing, such as day care centers and others, we would continue to permit Congress as an employer to use a polygraph in preemployment screening and in post-employment-incident testing.

Now this issue came up earlier in the debate and it was during the debate that several examples of polygraphs that are used by Congress as an employer were interjected into the debate, at which point the sponsor of the legislation, the very honorable gentleman from Montana, announced that he would support the inclusion of Congress in this prohibition so as to prohibit Congress also from using the polygraph.

□ 1900

The sponsor of the bill, however, had not included that prohibition of Congress in his original bill. So the House by its vote tonight will be able to include the prohibition of the use of the polygraph on Congress as an employer, just the same as we would prohibit all other employers in the country from using the polygraph.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. BARTLETT. I yield to the gentleman from Pennsylvania, who originally brought this subject to the attention of the House.

Mr. WALKER. Mr. Chairman, I thank the gentleman for yielding.

Do I understand correctly now that if we pass the bill in the form that it is at present, we will be specifically saying that while employers cannot use polygraph techniques, we in Congress will be able to continue to use them just as we are now using them in the Capitol Police force in order to interview applicants and check their applications? Is that the gentleman's understanding?

Mr. BARTLETT. Mr. Chairman, the gentleman is correct. Indeed we could and no doubt would continue to use the polygraph in the House restaurant system, in our offices, and for committee staff and for other locations.

Mr. WALKER. Mr. Chairman, will the gentleman yield further?

Mr. BARTLETT. I yield further to the gentleman from Pennsylvania.

Mr. WALKER. So we will have made a decision as a Congress that nursing home operators cannot use it, but in our House restaurant system or in our Capitol Police force we can use it. It will be one more case where the hypocrisy of Congress would be very evident, that we require of others that which we are not willing to do on our own?

Mr. BARTLETT. Mr. Chairman, the gentleman is correct.

Mr. WALKER. Mr. Chairman, I find that most disturbing, and I find it very disturbing based upon the discussion that the gentleman mentioned, that we would now have a point of order raised against this amendment, because what we have now is another situation where, while during debate the sponsors of the legislation indicate, "Oh, yes, that sounds like a wonderful idea," they have this nice little gimmick of points of order, and the majority then comes back and says, "Oh, but I'm sorry, you can't offer that particular amendment."

I find it very disturbing that we will find ways to make certain that Congress is exempted from that which we are requiring of the rest of the country.

Mr. BARTLETT. The gentleman is correct. I have served on the Education and Labor Committee now for 5 years, and what happens is that when we have a bill in Congress that applies to employers, either I or someone on the committee offers an amendment to apply that provision to Congress as an employer, and that amendment is ruled nongermane because it is not within our committee's jurisdiction.

So we bring the bill onto the floor, and when that amendment is within the jurisdiction of the Congress as a whole, then we are told, "No, you can't offer that amendment because it has to go through the committee." So it is not germane in the committee because it has not gone to the floor, and it is not germane on the floor because it has not gone to the committee.

The gentleman is correct. This is not the first time that has happened. It is a catch-22 kind of trick to make sure that Congress exempts itself from all the laws we pass for everyone else.

Mr. WALKER. Mr. Chairman, will the gentleman yield further?

POINTS OF ORDER

Mr. FORD of Michigan. Mr. Chairman, I have a point of order.

The gentlemen are engaged in their own colloquy over there. They are not addressing the point of order.

The CHAIRMAN. The gentleman from Michigan [Mr. Ford] will state his point of order.

Mr. FORD of Michigan. Mr. Chairman, the gentlemen are out of order. They are not addressing the point of order. They are have an interesting discussion on the practices and procedures of the House.

The CHAIRMAN. The gentleman has failed to note that no point of order has been interjected.

Mr. FORD of Michigan. Mr. Chairman, the point of order has been reserved, and the gentleman was asked to explain his language.

The CHAIRMAN. The gentleman from Texas [Mr. Bartlett], the author of the amendment, has yielded to the gentleman from Pennsylvania [Mr. Walker] during his 5-minute explanation of the amendment.

Mr. FORD of Michigan. The Chair does not recognize that there is a reservation of a point of order pending at this time?

The CHAIRMAN. The gentleman from New York [Mr. Ackerman] is standing on his feet with his reservation. Nevertheless he has not interposed a point of order as yet. He has merely reserved a point of order.

Mr. BARTLETT. Mr. Chairman, given the hour, I yield back the balance of my time.

The CHAIRMAN. The gentleman from Texas [Mr. Bartlett] yields back the balance of his time, and the Chair will inquire, does the gentleman from New York [Mr. Ackerman] still wish to reserve his point of order?

Mr. ACKERMAN. Mr. Chairman, I will state my point of order.

The CHAIRMAN. The Chair will hear the gentleman.

□ 1905

Mr. ACKERMAN. Mr. Chairman, I wish to pursue my point of order.

It appears to me that the amendment is not germane, because it broadens the scope of the coverage to Government employees; and at the present time, the bill only covers the private sector.

The CHAIRMAN. Has the gentleman concluded his statement?

Mr. ACKERMAN. It is as simple as that, Mr. Chairman.

The CHAIRMAN. Does the gentleman from Texas wish to be heard on the point of order?

Mr. BARTLETT. Mr. Chairman, I do wish to be heard on the point of order.

Mr. Chairman, I would cite in the rules of the House in section 10.10 on page 579 the rule of the House that states the following:

"To a bill extending benefits to a certain class of employees, an amendment to extend those benefits to an additional category of employees within that class is germane"—is germane.

Mr. Chairman, my amendment takes the bill which extends to a class of employees which is cited in the definition in the bill on page 8, line 23, defining the term "employer" as all employers.

The sponsor of the bill listed the language directly out of the Fair Labor Standards Act amendments which includes all employers in this country, public and private alike.

I then would extend under rule 10.10 an amendment to extend those benefits to an additional category of employees within the class that is contained in the bill.

Mr. Chairman, I have an additional point as to why the amendment is in order in addition to the first one in this form; and that is that this amendment is to section 6, the exemptions.

The bill has established a class of employees of all employees, and then exempted all Government employees from that class.

I would then very narrowly remove a portion of the exemption as the category within the class that is being exempted, so if the bill exempts all Government employees, then the Congress can remove part of that exemption.

Either the exemption section is out of order, or my amendment is out of order.

Mr. WALKER. Mr. Chairman, I wish to be heard on the point of order.

The CHAIRMAN. Does the gentleman from New York wish to be heard further on the point of order?

Mr. ACKERMAN. Mr. Chairman, the operative words that we just heard here were not employees but rather "class of employees."

As described in the proposed legislation, the class pertains to private-sector employees, thereby exempting the entire class of public-sector employees.

Mr. WALKER. Mr. Chairman, I wish to be heard on the point of order.

The CHAIRMAN. The gentleman from Pennsylvania is recognized for that purpose.

Mr. WALKER. Mr. Chairman, I would hope the point of order would not be sustained.

If the Chair will examine the bill, the Chair will find in section 6 of the bill that there is indeed an exemption for all Government employees, and this was done to make certain the bill was sent only to the Committee on Education and Labor.

On page 7 of the bill, the Chair would find under part (2), (A)(i) any individual employed by, or assigned or detailed to, the National Security Agency or the Central Intelligence Agency; and in the bill itself they begin the process of defining certain Government employees.

The only people who can be employed by or particularly detailed are a class of certain Government employees, so in this bill we have defined certain Government employees that we single out for special treatment.

All the gentleman from Texas is doing is singling out another group of people who the gentleman is saying should not be exempted, so therefore, because the bill was broadened by the language on page 7, it is this gentleman's interpretation that the Chair should rule against the point of order raised by the gentleman from New York, because the bill already classifies Government employees in the same way that the gentleman from Texas seeks to classify Government employees.

The CHAIRMAN. Does the gentleman from New York wish to further discuss the point of order?

Mr. ACKERMAN. Mr. Chairman, I call for the ruling of the Chair.

The CHAIRMAN. The Chair will inform the gentleman from New York that that is within the discretion of the Chair, and the Chair is most anxious to get all aspects of the arguments on the point of order.

Does the gentleman from Texas wish to be heard further?

Mr. BARTLETT. Mr. Chairman, I rely on the fairness of the Chair, and the fairness of my fellow Texan.

What constitutes a class, I call to the Chair's attention page 3, section 3, lines 2 and 3 of the bill, in which the bill clearly establishes the class of employers that are covered.

The class of employers that are covered is established by the following one sentence:

"It shall be unlawful for any employer engaged in commerce or in the production of goods for commerce * * *"

The bill then later narrows, or takes that class and removes one category of that class. Therefore, my amendment is in order, because it applies to the same class that the bill covers; that is, any employer engaged in commerce or in the production of goods for commerce.

I rest on the Chairman's good judgment.

The CHAIRMAN. Does the gentleman from New York have any additional remarks by way of argument?

Mr. ACKERMAN. We await the decision of the Chair.

The CHAIRMAN (Mr. GONZALEZ). The Chair has carefully evaluated the arguments, having anticipated the same, and wishes to state that with reference to the citation that the gentleman from Texas [Mr. BARTLETT] referred to, section 10.10 chapter 28 of the Procedures in the House, the gentleman did not emphasize, and the Chair will read, "to a bill extending benefits to a certain class of employees, an amendment to extend those benefits to an additional category of employees within that class is germane."

Obviously, the Chair cannot select a narrow reading of one part of the bill, as the gentleman from Texas has just done, but must consider the bill as a whole.

In doing so, we find that both the thrust of the bill, as well as the report accompanying the bill explaining the bill, clearly define the range and scope of coverage to the private sector.

In the case of exemptions as put forth on page 14 of the report, section 6 exempts all governmental employers, whether Federal, State, local, or a political subdivision.

This section consistent with this exemption also provides a rule of construction with respect to private-sector employers doing counterintelligence or intelligence work with the CIA, DOD, DOE atomic energy defense activities, FBI and NSA.

Clearly, the committee was trying to stay within the limits of its jurisdiction by attempting to legislate for the private sector employer/employee, and trying to stay within the limitations imposed by prior legislation by the Congress in which it had legislated with respect to the Defense Department, intelligence community and the like, so therefore, the Chair is prepared to rule that in light of the fact that intentionally, or unintentionally, the amendment of the gentleman from Texas [Mr. BARTLETT] would in effect do by indirection what cannot be done by direction, and therefore, is not in keeping with Jefferson's Manual and the citations following the germaneness rules, as well as Deschler's procedure, chapter 28, section 709 which clearly prohibits broadening of exemptions in cases such as this. Therefore, the Chair is compelled to sustain the point of order raised by the gentleman from New York.

Mr. WALKER. Mr. Chairman, I ask unanimous consent that the amendment of the gentleman from Texas be made in order.

Mr. ACKERMAN. Mr. Chairman, I object.

Mr. WALKER. Could the Chair state who made the objection?

Mr. ACKERMAN. Mr. Chairman, on the basis that the decision was left at the discretion of the Chair, and I would not allow anything that I can do while I am on my feet to impinge upon the discretion of the Chair as has been granted to the Chair, I will object.

The CHAIRMAN. Objection is heard to the unanimous consent request.

Are there other amendments to section 6?

AMENDMENT OFFERED BY MRS. VUCANOVICH

Mrs. VUCANOVICH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. VUCANOVICH: Page 8, after line 13, add the following new subsection:

(d) EXEMPTION FOR FIANANCIAL INSTITUTIONS.—(1) Subject to paragraph (3), this Act shall not prohibit the use of a lie detector test or employees or prospective employees of a financial institution (as much term is defined in section 5312(a)(2) of title 31, United States Code, and as further defined in section 103.11(g) of title 31 of the Code of Federal Regulations as in effect on the date of the enactment of this Act).

(2) The exemption provided under paragraph (1) shall not diminish an employer's obligation to comply with—

(A) applicable State and local law, and

(B) any negotiated collective bargaining agreement, which limit or prohibit the use of lie detector tests on such employees.

(3) The exemption provided under this subsection shall not apply if the results of an analysis of lie detector charts are used as the sole basis upon which an employee or prospective employee is discharged, dismissed, disciplined in any manner, or denied employment or promotion. Nothing in this paragraph shall be construed to prohibit the temporary reassignment of any employee for such period as it necessary for a speedy and thorough investigation concerning potential criminal activity with involves the operations of the employer.

Mrs. VUCANOVICH (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Nevada?

There was no objection.

Mr. MARTINEZ. Mr. Chairman, I ask unanimous consent to limit the debate on this amendment to 10 minutes, 5 minutes on each side.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. DELAY. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

The gentlewoman from Nevada [Mrs. VUCANOVICH] is recognized for 5 minutes.

Mrs. VUCANOVICH. Mr. Chairman, my amendment is simple—to exempt financial institutions from restrictions against the use of polygraphs, with "financial institution" being defined as under title 31 of the United States Code, section 5312(a), subject to currency transaction regulations as further defined under 31 Code of Federal Regulations, part 103.

As we all know, the reporting requirements for these financial institutions are very strict, and failure to comply or errors in reporting subject the institution to severe civil and criminal penalties. For this reason, it is critical that these financial institutions be exempt from the ban against polygraphs. Without the use of the polygraph, they are at tremendous risk. It is essential that employees who handle large sums of money make the transaction properly. There is a terrific burden on financial institutions, and their accountability is vital.

One of the purposes of the strict currency reporting regulations for financial institutions is to help track down drug traffickers. In the last congress we reinforced this goal when we passed the Omnibus Drug Enforcement Act of 1986, which strengthened the currency reporting provisions.

Financial institutions handle enormous sums of money every day, and many people have access to these funds. Embezzlement and internal fraud cause billions of dollars in losses each year. In fact, the losses amount to more than losses from robberies, burglaries, and larcenies combined. Use of the polygraph as an investigative tool is absolutely essential to these entities.

This amendment is critical to constituents in each and every one of our districts. Do you have loan or finance companies in your district? Is there a Western Union office there? A jeweler? The polygraph can make the difference in whether or not they stay in business.

The toll extracted due to internal theft in these businesses is great. These losses cause many businesses to close their doors, resulting in unemployment for many workers. The losses are also reflected in higher costs for consumers, as employers raise prices on goods and services to recoup their losses.

Unquestionably, there are places and occasions where polygraph testing is vital. This body officially acknowledged its legitimacy in the last Congress and again more recently when we overwhelmingly endorsed the use of polygraph testing for national security purposes.

We cannot acknowledge the usefulness—the essential role of polygraph testing as a legitimate and effective tool for the Government to use, and yet deny its credibility and efficacy for the private sector. Obviously, the polygraph test has a proper place in both Government and private business.

□ 1920

Mr. WILLIAMS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this is a rewrite of an amendment that just a couple hours ago the House rejected by a vote of 184 to 237, only this time the exemption is even wider than the exemption that the House has already rejected.

The gentlewoman's amendment refers to financial institutions as defined in section 5312(a)(2) of title 31 of the United States Codes. Let me share with the House the definition of financial institutions under that section:

All insured banks, all commercial banks, all trust companies, all private banks, all thrift institutions, all brokers or dealers in securities, all operators of credit card systems, all insurance companies, all pawn brokers, all loan companies, all travel agencies, all telegraph companies.

Those are the definitions of a financial institution.

The gentlewoman also refers to a certain regulation of law which includes all casinos or gambling casinos. This amendment would include every person in the United States literally who works in a financial institution, including pawn brokers, insurance companies, and people that make credit cards.

This is an extremely broad amendment and one which myself and the committee wholeheartedly oppose.

Mr. ST GERMAIN. Mr. Chairman, I move to strike the last word. I rise in opposition to the amendment.

Mr. Chairman, this amendment when compared to the amendment that was previously defeated that had reference to federally insured financial institutions, that was bad enough, but my God, here we are going to impose this upon branches of foreign banks. They are not federally insured.

I mean, I cannot believe the scope of this amendment. Very frankly, in keeping with the consideration of the gentleman from Texas [Mr. BARTLETT] earlier when he recognized the hour, I would say this amendment is one whose hour has not arrived and it should be summarily dismissed, as was done with the previous amendment referring to financial institutions.

Mr. Chairman, I would call for a "no" vote on this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Nevada [Mrs. VUCANOVICH].

The amendment was rejected.

AMENDMENT OFFERED BY MR. DELAY

Mr. DELAY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DELAY: Page 8, after line 13, insert the following new subsections:

(d) EXEMPTION FOR SERVICES CONDUCTED IN PERSONAL RESIDENCES.—This Act shall not prohibit the use of a lie detector test by an employer whose business consists of providing services in private residences and whose employees obtain access to such residences, to the extent that—

(1) such use is consistent with—

(A) applicable State and local law, and

(B) any negotiated collective bargaining agreement,

that explicitly or implicitly limits or prohibits the use of lie detector tests by such employer;

(2) the test is administered only to employees who have, or prospective employees who would have, reasonable access to the private residence of any customer of the employer; and

(3) the results of an analysis of lie detector charts are not used as the sole basis upon which any employee or prospective employee is discharged, dismissed, disciplined in any manner, or denied employment or promotion.

Mr. DELAY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. DELAY. Mr. Chairman, I will not go into a lengthy debate as we have had a long evening on the efficacy of a polygraph with the other points made already this evening. I recognize by some of the votes that the House does believe that polygraphs are useful in certain instances and certain cases. I am hoping that I can make a case that affects I think every American, every man, every woman, every child in the United States, because my amendment calls for an exemption from this act for those service companies whose business is providing service inside private residences. Subsequently this amendment ultimately affects every person in America with a home.

My amendment attempts to protect the persons and property of every child and every woman and every man in the United States.

You may ask how that is, and I will try to explain it through the pest control industry, something I am very familiar with because I own a pest control company.

The pest control industry sees everything you own. When they send out an unsupervised service technician to service your home, they go through all your cabinets, all the drawers in your bureaus, everything. They see your clothing. They see your jewelry. They see your silver. They see even where you may have a hidden safe. They know where everything is in your home. Not only that, but the pest control industry is in a catch-22 situation with this bill, because if that employee goes to that home and commits bodily harm on a child or a woman or if the service technician goes in that home and steals something, that company is liable for sending that person into that home; but on the other hand, you are taking away the tools of these service companies, whether it be plumbing, electricians, remodelers, roofers, any sort of service industry, you are taking away their tools by which they screen for people who would commit these bodily harms or thefts.

We must not leave women and children and the elderly exposed to the possibility of theft, child abuse, rape and other horrendous crimes. At the present time we do not have a lot of problems because those companies that deem it necessary use polygraphs along with many other things to screen employees for any potential problems.

I must point out to the Members of this body that this bill attempts to correct two points. The bill itself, H.R. 1212, removes any ability of service companies to screen for employees, and I have already addressed that; but it also is antiemployee, because there is incident after incident and we have stacks of cases of which I will discuss, as an example, one particular letter from an employee that expresses his appreciation for having the ability to take a polygraph test.

It says:

MAY 5, 1986.

Mr. ROSS SMITH,
Orkin District Office,
P.O. Box 73406, Metairie LA.

DEAR MR. SMITH: I understand that the future use of the polygraph is in question. I think we need to inform that there are circumstances where good honest employees have been vindicated and were unfairly accused of a dishonest or immoral act.

As you know I was in a situation like that. A customer accused me of taking a ring during a treatment. My Branch Manager had a polygrapher test me and I was vindicated. Without the polygraph I am not sure how this situation would have been resolved.

Please pass along my example of the positive use of polygraphs where my reputation was sustained and continuous employment at Orkin preserved.

Sincerely,

JAMES DIXON,
Termite Inspector, Jackson MS branch.

He would have lost his job. He would have lost his reputation. So H.R. 1212 is antiemployee. If you exempt these employees, you will give them the chance to vindicate themselves.

Proponents say that there are other means by which you can screen applicants. Well, let me read a letter which I will put into the Record at this point from a company in San Antonio, TX, as follows:

ABC Pest Control
of San Antonio, Inc.,
San Antonio, TX, May 1, 1987.

Mr. Cliff McCreedy,
National Pest Control Association, Governmental Affairs Department, Dunn Loring, VA.

Dear Cliff: The story I told the other day at the Executive Board Meeting concerning my experiences with polygraphs, was told only to explain *my* experiences with polygraphs. I was surprised that you thought it had other applications.

Last summer, when I became concerned that polygraphs would be outlawed for use as pre-employment exams, I began to look for other alternatives. We visited with several psychologists and psychiatrists here in San Antonio, and selected the Wilkerson Personality and Honesty Test. Since then we have made six hires, one of which provied too horrible. The horrible one is very frightening.

A very nice looking, athletic, well-educated man applied for a job as a pest control service technician. He was very articulate and had what appeared to be a fine previous job history. He had worked for the U.S. Border Patrol for four years, and had left them because of job burnout and family problems. He took a short term job here in San Antonio as a "rent-a-cop". He was on our staff for approximately one week when I received a call from San Antonio Savings and Loan asking that they be allowed to polygraph this man in connection with something that had happened there. I agreed and afterwards, pressed to find out why the interest. While they wouldn't tell me anything, they suggested that I conduct a polygraph of my own and I said "why"? Our test showed him to be honest and the personality test indicated that he would like the kind of work we do. Also his former employers gave no bad recommendations. The people at San Antonio Savings insisted that, for my own best interests, I should look further into the situation. Our new employee hadn't stolen anything, but the polygraph disclosed that he had raped three women. He required their services in exchange for passage into the United States. He had just completed three years in federal prison, and was now about to enter the homes of our customers here in San Antonio.

Frightening! We could have destroyed the lives of some innocent customers, and my family could have lost its only means of livelihood.

We have gone back to the polygraph and while it wasn't ever perfect, I never hired a rapist or burglar before.

Cliff, I hope you can put this to the right use. I will be happy to verify the story.

Sincerely,

Robert W. Jenkins,
President, ABC Pest Control, Inc.

Mr. GUNDERSON. Mr. Chairman, will the gentleman yield?

Mr. DeLAY. I am glad to yield to the gentleman from Wisconsin.

Mr. GUNDERSON. Mr. Chairman, I ask unanimous consent that at this time this amendment be accepted.

The CHAIRMAN. The Chair will say to the gentleman that he is invading the prerogative of the Chair. Only the Chair can put the question before the Committee. I hate to disappoint the gentleman, but he has to wait.

Mr. DeLAY. Mr. Chairman, I appreciate the gentleman's generosity.

Let me describe this letter from a pest control company that had concern about using the polygraph in preemployment examinations, so he went to another alternative called the Wilkerson Personality and Honesty Test. After administering this test to many applicants, he made six hires. One of those people he hired was a nice looking, well educated, articulate man who had previously worked for the U.S. Border Patrol. His reasons for leaving the Border Patrol were supposedly due to job burnout and family problems.

However, soon after this gentleman was hired, the owner received advice from a saving and loan who had employed the gentleman as a security guard to conduct a polygraph on the new hire. The pest control owner did so and discovered that this man had raped three people during his tenure at the Border Patrol and had served 3 years in Federal prison.

Mr. Chairman, you will expose your family to possible horrendous crimes if you remove the ability to the service sector to guard their customers against liars, thieves, and rapists who appear harmless.

If you vote against my amendment, you are telling the hundreds of thousands of service companies in this country that they are going to be liable for any wrongs committed in our homes, and you don't care if they lose one of the tools that may help to prevent those wrongs. You are telling the hundreds of thousands of service employees in this country that you don't care that they will not have one of the tools to vindicate themselves of false accusations. You are telling the millions of Americans that you don't care if companies no longer have the tools to prevent harm to their person and property.

Vote aye on the DeLay amendment and tell Americans that we are no longer going to protect criminals at their expense.

The CHAIRMAN. The time of the gentleman from Texas has expired.

The question is on the amendment offered by the gentleman from Texas [Mr. DeLay].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. DeLAY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 147, noes 268, not voting 18, as follows:

[Roll No. 412]

AYES—147

Archer
Armey
Badham
Baker
Ballenger
Bartlett
Barton
Bateman
Bennett
Bereuter
Bilirakis
Bliley
Boulter
Broomfield
Bryant
Bunning
Burton
Byron
Callahan
Chandler
Chappell
Cheney
Coats
Coble
Combest
Craig
Dannemeyer
Darden
Daub
de la Garza
DeLay
DeWine
Dickinson
DioGuardi
Dornan (CA)
Dreier
Edwards (OK)
Emerson
Fawell
Fields
Frenzel
Gallegly
Gekas
Gingrich
Goodling
Gradison
Grant
Hall (OH)
Hall (TX)
Hammerschmidt
Hansen
Hastert
Hatcher
Hefley
Herger
Hiler
Holloway
Hopkins
Hubbard
Hunter
Hutto
Hyde
Inhofe
Ireland
Kasich
Konnyu
Kyl
Lagomarsino
Latta
Leath (TX)
Lewis (FL)
Lightfoot
Livingston
Lott
Lowery (CA)
Lujan
Lukens, Donald
Lungren
Mack
Madigan
Marlenee
Martin (IL)
Martin (NY)
McCandless
McCollum
McEwen
McMillan (NC)
Meyers
Mica
Michel
Miller (OH)
Montgomery
Morrison (WA)
Myers
Nelson
Nichols
Oxley
Packard
Parris
Pashayan
Pickett
Porter
Quillen
Ravenel
Ray
Rhodes
Roberts
Rogers
Roth
Rowland (GA)
Saiki
Saxton
Schaefer
Schuette
Schulze
Sensenbrenner
Shaw
Shumway
Shuster
Skeen
Slaughter (VA)
Smith (NE)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Solomon
Spence
Stangeland
Stenholm
Stump
Sundquist
Sweeney
Swindall
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Valentine
Vander Jagt
Vucanovich
Walker
Weldon
Whittaker
Wolf
Wylie
Young (FL)

NOES—268

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Barnard
Bates
Beilenson
Bentley
Berman
Bevill
Bilbray
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Brown (CA)
Bruce
Buechner
Bustamante
Campbell
Cardin
Carper
Carr
Chapman
Clarke
Clay
Clinger
Coelho
Coleman (MO)
Coleman (TX)
Collins
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
Crockett
Davis (IL)
Davis (MI)
DeFazio
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Dowdy
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frost
Gallo
Garcia
Gaydos
Gejdenson
Gilman
Glickman
Gonzalez
Gordon
Grandy
Gray (IL)
Gray (PA)
Green
Gregg
Guarini
Gunderson
Hamilton
Harris
Hawkins
Hayes (IL)
Hayes (LA)

Hefner
Henry
Hertel
Hochbrueckner
Horton
Houghton
Hoyer
Huckaby
Hughes
Jacobs
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (TN)
Jontz
Kanjorski
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Leach (IA)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (GA)
Lloyd
Lowry (WA)
Luken, Thomas
MacKay
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDade
McGrath
McHugh
McMillen (MD)
Mfume
Miller (CA)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Moody
Moorhead
Morella
Morrison (CT)
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Panetta
Patterson
Pease
Pelosi
Penny
Pepper
Perkins
Petri
Pickle
Price (IL)
Price (NC)
Pursell
Rahall
Rangel
Regula
Richardson
Ridge
Rinaldo
Ritter
Robinson
Rodino
Roe
Rose
Rostenkowski
Roukema
Rowland (CT)
Roybal
Russo
Sabo
Savage
Sawyer
Scheuer
Schneider
Schroeder
Schumer
Shays
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NJ)
Snowe
Solarz
Spratt
St Germain
Staggers
Stallings
Stark
Stokes
Stratton
Studds
Swift
Synar
Tallon
Tauke
Torres
Torricelli
Towns
Traficant
Traxler
Upton
Visclosky
Volkmer
Walgren
Watkins
Waxman
Weber
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wortley
Wyden
Yates
Yatron
Young (AK)

NOT VOTING—18

Biaggi
Brown (CO)
Crane
Daniel
Duncan
Gephardt
Gibbons
Howard
Jones (NC)
Kaptur
Kemp
Lewis (CA)
Lipinski
Owens (UT)
Roemer
Sharp
Udall
Vento

□ 1945

Mr. PORTER changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. MARTINEZ. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentleman from Texas [Mr. Bartlett] for the purposes of entering into a colloquy with the gentleman from Montana [Mr. Williams].

Mr. BARTLETT. Mr. Chairman, the gentleman from Montana [Mr. Williams] has seen a copy of the colloquy. What I would do is just read an abbreviated version of the questions and answers, Mr. Chairman, and enter the entire colloquy into the Record at the conclusion of that abbreviated version.

The CHAIRMAN. The Chair must advise our distinguished colleague from Texas [Mr. Bartlett] that colloquies may not be entered in the Record according to the rules during deliberations in the Committee of the Whole.

Mr. BARTLETT. Mr. Chairman, I would inquire of the gentleman from Montana and would like to ask him a few questions concerning the meaning of the term lie detector as used in the bill in order to clarify what is and what is not included in the definition. I ask the gentleman if the definition of lie detector as contained in the bill before us would in any way be interpreted to include drug tests within its scope?

Mr. WILLIAMS. Mr. Chairman, will the gentleman yield?

Mr. MARTINEZ. I yield to the gentleman from Montana.

Mr. WILLIAMS. Mr. Chairman, I answer my friend from Texas by saying that if his understanding is that the modified definition of lie detector does not include tests which are administered to detect the presence or absence of a drug in a person's body, the gentleman is correct. As the gentleman knows, the original definition of lie detector was never intended to include drug testing. Nevertheless, I did not object to the amendment added in committee which further clarified that drug tests were not included within the scope of the meaning of the term lie detector.

I am not expressing an opinion on whether or not I am for drug testing, but that is not the purpose of this legislation.

Mr. BARTLETT. I thank the gentleman.

The definition still includes the term "mechanical or electrical devices." Because of that, some have argued that it could be broad enough to include routine preemployment or employment physical examinations, thus prohibiting most employers from administering such examinations. Does the definition include employment and preemployment physical examinations?

Mr. WILLIAMS. The answer is no.

Mr. BARTLETT. I thank the gentleman for the colloquy.

The CHAIRMAN. Are there further amendments to section 6?

If not, the Clerk will designate section 7.

The text of section 7 is as follows:

SEC. 7. DEFINITIONS.

As used in this Act—

(1) the term "lie detector test" includes any examination involving the use of any polygraph, deceptograph, voice stress analyzer, psychological stress evaluator, or any other similar device (whether mechanical or electrical) which is used, or the results of which are used, for the purpose of rendering a diagnostic opinion regarding the honesty of an individual;

(2) the term "employer" includes an agent, independent contractor, employee, or any other person acting directly or indirectly in the interest of an employer in relation to an employee or prospective employee; and

(3) the term "commerce" has the meaning provided by section 3(b) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(b)).

The CHAIRMAN. Are there any amendments to section 7?

If not, the Clerk will designate section 8.

The text of section 8 is as follows:

SEC. 8. EFFECTIVE DATE

This Act shall take effect 6 months after the date of its enactment.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. YOUNG OF FLORIDA

Mr. YOUNG of Florida. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. Young of Florida: Strike all after the enacting clause and insert the following:

SHORT TITLE

Section 1. This Act may be cited as the "Polygraph Reform Act of 1987".

POLYGRAPH EXAMINATIONS

Sec. 2. The Fair Labor Standards Act of 1938 (29 U.S.C. et seq.) is amended—

(1) by inserting above the heading of Section 2 the following:

"TITLE I—FAIR LABOR STANDARDS";

(2) by striking out "this Act" each place it appears (other than in the first section) and inserting in lieu thereof "this title"; and

(3) by adding at the end thereof the following new title:

"TITLE II—POLYGRAPH EXAMINATIONS

"LIMITATIONS ON THE USE OF POLYGRAPH EXAMINATIONS

"Sec. 201. (a) Unless the examination is given in accordance with section 202, no employer or any other person engaged in or affecting commerce, nor any agent or representative thereof may—

"(1) directly or indirectly require, request, suggest, permit, or cause any employee, agent, prospective employee, or prospective agent to take or submit to any polygraph examination for any purpose; or

"(2) use, accept, or refer to the results of any polygraph examination of any employee, agent, prospective employee, or prospective agent for any purpose.

"(b) No employer may discharge, dismiss, discipline, or deny employment or promotion to; or threaten to discharge, dismiss, discipline, or deny employment or promotion to any employee, agent, prospective employee, or prospective agent who refuses, declines, or fails to take or submit to any polygraph examination.

"(c) No employer may discharge, dismiss, discipline, or deny employment or promotion to; or threaten to discharge, dismiss, discipline, or deny employment of promotion to; an employee or applicant based solely on the opinions or conclusions of a polygraph examiner reached by analysis of the results of a polygraph examination of the employee or applicant for employment given in accordance with section 202. If a polygraph examiner concludes, based on an analysis of the results of a polygraph examination given in accordance with section 202, that an employee or applicant for employment was deceptive, the employee or applicant for employment must be provided an opportunity to rebut such conclusion.

"MINIMUM STANDARDS FOR CONDUCTING POLYGRAPH EXAMINATIONS

"SEC. 202. (a) The Secretary shall establish standards of conduct and qualifications for persons who wish to conduct polygraph examinations. The standards shall include the requirements set forth in subsections (b) through (k).

"(b) Subject to subsection (c), no polygraph examination shall be conducted by an individual unless the individual—

"(1) is at least twenty one years of age;

"(2) is a citizen of the United States;

"(3) is a person of good moral character;

"(4) has complied with all required laws, rules, and regulations established by the Secretary and other polygraph licensing and regulatory authorities in the state in which the examination is to be conducted; and

"(5)(A) has successfully completed a formal training course regarding the use of polygraphs that has been approved under (4) above or by the Secretary; and

"(B) has completed a polygraph examiner internship of at least six months duration under the direct supervision of a polygraph examiner who has met the requirements of this section.

"(c) The Secretary shall establish standards governing individuals who, on the date of enactment of the Polygraph Reform Act of 1987, are qualified to conduct polygraph examinations in accordance with applicable State law. Such standards shall not be satisfied merely because an individual has conducted a specific number of polygraph examinations in the past.

"(d)(1) When conducting a polygraph examination, a polygraph examiner may not ask a question during the actual examination unless such a question is in writing and has been reviewed with the examinee prior to such examination.

"(2) A polygraph examiner may not inquire into—

"(A) religious beliefs or affiliations;

"(B) racial beliefs or opinons;

"(C) political beliefs or affiliations;

"(D) sexual preferences or activities, unless such information regarding sexual preferences or activities is required by State law, or is directly job-related; or

"(E) beliefs, affiliations, or opinions regarding unions or labor organizations.

"(e)(1) Each prospective examinee shall be required to sign a notice before the beginning of each polygraph examination that the examinee understands—

"(A) the limitations imposed on polygraph examiners in subsection (d);

"(B) that the examinee may terminate the examination at any time; and

"(C) that the examinee has legal rights and remedies if the polygraph examination is not conducted, or the results of the examinations are not used, in accordance with this title.

"(2) Each examinee shall be provided with a written copy of any opinion or conclusion rendered as a result of the examination upon written request by the examinee and upon payment of a reasonable fee by such examinee.

"(f) A polygraph examiner may not, in any calendar day, conduct and complete more than ten polygraph examinations which are subject to the requirements of this title. A polygraph examination subject to the limitation of this subsection shall consist of a full and complete pretest interview, recording of physiological chart data, analysis of recorded chart data, and posttest interview as required. The examiner shall schedule not less than one hour to conduct an examination of an examinee as defined in this subsection.

"(g)(1) Each polygraph examiner shall—

"(A) use an instrument that records continuously, visually, permanently, and simultaneously changes in cardiovascular, respiratory, and electrodermal patterns as minimum instrumentation standards; and

"(B) base an opinion of deception indicated or no deception indicated upon evaluation of changes in physiological activity or reactivity in the cardiovascular, respiratory, and electrodermal patterns on the polygraph charts.

"(2) A polygraph examiner may use an instrument that records additional physiological patterns as specified in paragraph (1) and may consider such additional patterns in furnishing an opinion.

"(h) All conclusions or opinions of the polygraph examiner arising from a polygraph examination shall—

"(1) be in writing and based solely upon polygraph chart analysis;

"(2) contain no information other than admissions, information, case facts, and interpretation of the chart data relevant to the purpose and stated objectives of the examination; and

"(3) contain no recommendation regarding the prospective or continued employment of an examinee.

"(i) A polygraph examiner shall maintain all opinions, reports, charts, questions, lists, and all other records relating to the polygraph examination for a minimum of two years after administering such examination.

"(j) Any polygraph examiner conducting a polygraph examination shall acquire and maintain a minimum of $50,000 bonding or an equivalent amount of professional liability insurance coverage.

"(k) An employer may not use voice stress analyzers, psychological stress evaluators or any other similar device for the purpose of detecting deception or verifying the truth of statements. An employer may not use or cause to be used any such device (as described in this subsection) with any employee or prospective employee interview, or use or cause to be used any recording which at any time is subjected to analysis by any voice stress analyzer, psychological stress evaluator, or any other similar device, the results of which are reported to any employer.

"DISCLOSURE OF INFORMATION

"SEC. 203. (a) A person, other than an examinee, may not disclose information obtained during a polygraph examination, except as provided in this section.

"(b) A polygraph examiner may disclose information acquired from a polygraph examination only to—

"(1) another polygraph examiner in private consultation, the examinee, or any other person or firm specifically designated in writing by the examinee;

"(2) the employer that requested the examination;

"(3) a person or governmental agency that requested the examination or others as required by due process of law who obtained a warrant to obtain such information in a court of competent jurisdiction; or

"(4) appropriately licensed or chartered polygraph licensing boards or polygraph professional associations upon written request in connection with a complaint filed against an examiner pursuant to a grievance procedure.

"(c) An employer for whom a polygraph examination is conducted may disclose information from the examination only to a person described in subsection (b).

"WAIVER OF RIGHTS PROHIBITED

"SEC. 204. The rights and procedures provided pursuant to this title may not be waived by contract or otherwise. No polygraph examiner may request an examinee to waive any such right or procedure.

"ADMINISTRATION

"SEC. 205. The Secretary shall—

"(1) issue such rules and regulations as may be necessary or appropriate for carrying out this title; and

"(2) cooperate with regional, State, local, and other agencies, and cooperate with and furnish technical assistance to employers, labor organizations, and employment agencies to carry out this title.

"RECORDKEEPING, INVESTIGATIONS, AND ENFORCEMENT

"SEC. 206. (a) The Secretary shall have the power to make investigations and require the keeping of records necessary or appropriate for the administration of this title in accordance with the powers and procedures provided in sections 9 and 11.

"(b)(1) This Act shall be enforced in accordance with the powers, remedies, and procedures provided in sections 11(b), 16 (except for subsection (a) thereof), and 17, and subsection (c).

"(2) Any act prohibited under section 201 or 202 shall be deemed to be a prohibited act under section 15.

"(3) Amounts owing to a person as a result of a violation of this title shall be deemed to be unpaid minimum wages or unpaid overtime compensation for purposes of sections 16 and 17, except that liquidated damages shall be payable only in cases of willful violations of this title.

"(4) In any action brought to enforce this title, the court shall have jurisdiction to grant such legal or equitable relief as may be appropriate to carry out this title, including judgments compelling employment, reinstatement or promotion, or enforcement of liability for amounts deemed to be unpaid minimum wages or unpaid overtime compensation under this section.

"(5) Before instituting any section under this section, the Secretary shall attempt—

"(A) to eliminate the practice or practices alleged; and

"(B) to effect voluntary compliance with the requirements of this title through informal methods of conciliation, conference, and persuasion.

"(c)(1) Subject to the limitations stated in section 207, any person aggrieved may bring a civil action in any court of competent jurisdiction for such legal or equitable relief as will effectuate the purposes of this title, except that the right of any person to bring such action shall terminate on the commencement of an action by the Secretary to enforce the right of such person under this title.

"(2) In an action brought under paragraph (1), a person shall be entitled to a trial by jury with respect to any issue of fact in any such action for recovery of amounts owing as a result of a violation of this title, regardless of whether equitable relief is sought by any party in such action.

"(d)(1) No civil action may be commenced by an individual under this section until sixty days after a charge alleging a violation of this title has been filed with the Secretary.

"(2) Such a charge shall be filed—

"(A) within one hundred and eighty days after the alleged violation occurred; or

"(B) in a case to which section 207 applies—

"(i) within three hundred days after the alleged violation occurred; or

"(ii) within thirty days after receipt by the individual of notice of termination of proceedings under State law, whichever is earlier.

"(3) On receiving such a charge, the Secretary shall promptly—

"(A) notify all persons named in such charge as prospective defendants in the action; and

"(B) seek to eliminate any alleged violation by informal methods of conciliation, conference, and persuasion.

"(e)(1) Sections 6 and 10 of the Portal-to-Portal Act of 1947 (29 U.S.C. 255 and 259) shall apply to actions under this title.

"(2) For the period during which the Secretary is attempting to effect voluntary compliance with requirements of this title through informal methods of conciliation, conference, and persuasion pursuant to subsection (b), the statute of limitations as provided in section 6 of such Act shall be tolled, but in no event for a period in excess of one year.

"EFFECT OF STATE LAW

"SEC. 207. (a) It is the express intent of Congress that the States may regulate polygraph examinations in a manner that is consistent with the standards set forth in this title.

"(b)(1) Any State or political subdivision thereof which desires to develop and enforce standards for the use of polygraphs by employers and polygraph examiners may submit an administrative plan to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require. Such plan shall—

"(A) identify the State agency designated as responsible for administering the plan;

"(B) describe the standards in the administrative plan governing polygraph examiners and the use of polygraph examinations by employers;

"(C) provide assurances through a written certification that such standards, and the enforcement of such standards, will be at least as effective as the standards set out in this Act; and

"(D) explain the manner in which the standards in such plan will be administered and enforced by the State agency to assure compliance with this Act.

"(2) An administrative plan meeting the requirements of subsection (b)(1) shall be deemed approved by the Secretary.

"(3) The Secretary shall make a continuing evaluation of each administrative plan which has been approved. If the Secretary finds that a plan is not being administered in a manner that assures substantial compliance with the standards of this Act, the Secretary shall notify the State or political subdivision thereof which submitted such plan that approval of such plan is being withdrawn and, upon receipt of such notice, such plan shall cease to be in effect.

"(4) Review of a decision of the Secretary to withdraw approval of an administrative plan under this section may be obtained in the United States court of appeals for the circuit in which the State or political subdivision thereof is located by filing a petition for review with such court within thirty days after receipt of the notice of withdrawal of approval.

"(5) The prohibitions contained in sections 201 and 202 of this title shall not apply to any polygraph examiner or any employer engaged in any business in or affecting interstate commerce, or any agent or representative of such polygraph examiner or employer, in any State or political subdivision which has adopted an administrative plan pursuant to subsection (b).

"(c) Nothing in this title shall be construed to require regulation by a State or to prohibit a State from establishing a standard that prohibits an employer from—

"(1) taking any action against an employee or a prospective employee based on the results of a polygraph examination; or

"(2) making an employee or prospective employee submit to a polygraph examination against his or her will.

"(d)(1) Subject to paragraph (2), in the case of an alleged violation of this title occurring in a State that has an approved administrative plan regulating polygraph examinations in a manner that is at least as stringent as the requirements of this title, or that has a standard referred to in subparagraph (c)(2), no suit may be brought under section 206 sooner than sixty days after proceedings have been commenced under the State law or standard, unless such proceedings have been earlier terminated.

"(2) Such sixty-day period shall be extended to one hundred twenty days during the first year after the effective date of such State law or standard.

"(3) For purposes of this subsection, a State proceeding shall be deemed to have commenced at the time it is deemed to have commenced under State law.

"(e) Nothing in this title shall be construed to apply the provisions of this title to the United States Government, to any agency or agent of the United States Government, to any State governmental agency or agent of any State governmental agency, or to any law enforcement agency or agent of any law enforcement agency.

DEFINITIONS

"SEC. 208. As used in this title—

"(1) the term 'commerce' has the meaning provided by section 3(b);

"(2) the term 'employer' includes any person acting directly or indirectly in the interest of an employer in relation to an employee or prospective employee;

"(3) the term 'Secretary' means the Secretary of Labor;

"(4) the term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, and any political subdivision thereof;

"(5) the term 'polygraph examination' means any interview or examination of any employee or prospective employee of an employer—

"(A) involving the use of any polygraph, deceptograph, or any other similar device not otherwise prohibited by this Act which is used primarily for the purpose of detecting deception, verifying the truth of statements, or any similar purpose; or

"(B) which is subject to at any time to analysis by any polygraph, deceptograph (GBs1), or any other similar device the results of which are ever reported to any employer; and

"(6) the term 'polygraph examiner' means any person who conducts a polygraph examination as defined in paragraph (5) of this section.".

EFFECTIVE DATE

SEC. 3. (a) Except as provided in subsection (b), this Act and the amendments made by this Act shall become effective six months after the termination of the first legislative session of each State that occurs after the date of enactment of this Act.

(b) The Secretary of Labor shall issue such rules and regulations as may be necessary or appropriate for carrying out title II of the Fair Labor Standards Act of 1938 (as added by section 2 of this Act) not later than one hundred and eighty days after the date of enactment of this Act.

Mr. YOUNG of Florida (during the reading). Mr. Chairman, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. YOUNG of Florida. Mr. Chairman, this is a very serious substitute. Last year it received a very large vote in this House of Representatives. It is presented to our colleagues today on behalf of myself and the gentleman from Georgia [Mr. DARDEN].

In an effort to save time, I asked that we not read the full amendment because it is lengthy. I might also tell our colleagues, Mr. Chairman, that the gentleman from Georgia [Mr. DAREN], and I had 11 other amendments at the desk, but in an attempt to accommodate the Members and to keep the proceedings from going on too late this evening, we have agreed not to offer those amendments. But we would like a serious discussion of this very important substitute before us today at this point.

The bill before us now, Mr. Chairman, allows the use of polygraph by the Federal Government, State governments, local government, political subdivisions of those local governments, contractors to the FBI, those who are involved in the security guard business, those who are involved in the drug business. It prohibits the use of polygraph for those who work in nursing homes or financial institutions, or those who are involved in a business where some specific incident has taken place, or in the delivery of home health care or the delivery of other home type services.

So on one hand this bill says it is OK to use the polygraph; on the other hand it says no, you cannot use the polygraph.

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Now there is something just a little inconsistent about that argument. But during most of this debate today, Mr. Chairman, it has been suggested that using the polygraph harassed people, that it was used by quacks or that it was a gadget that did not work and the list of allegations and accusations go on and on.

Well, Mr. Chairman, the substitute that we present here this evening solves every problem that was mentioned by every Member today in that debate. Just for example, there is nothing in the bill before us that protects the right of the employer or the employee or the prospective employee from being fired, dismissed or disciplined because he did not take a lie detector test or a polygraph test if you will.

Our substitute says that no employer may discharge, dismiss, discipline or deny employment or promotion to or threaten to discharge, dismiss, discipline or deny employment or promotion to any employee, agent, prospective employee or prospective agent who refuses, declines, or fails to take or submit to any polygraph examination.

Mr. Chairman, this protection is not in the bill H.R. 1212. Further it says no employer may discharge, discipline, dismiss, and so forth, or deny employment based solely on the opinions or conclusions of a polygraph examiner.

Further, Mr. Chairman, this Darden-Young substitute says no employer may dismiss, discipline, and so forth, any employee because of the opinions or conclusions of a polygraph examiner.

Mr. Chairman, there is no such protection in H.R. 1212.

Mr. Chairman, this substitute provides that an employee who feels that he has been abused by the polygraph examination is given an opportunity to rebut any conclusion made by anyone in conjunction with that polygraph examination. There is no such protection in the bill H.R. 1212.

Mr. Chairman, it has been said so many times that this is a machine, it is a gadget. We concede that it is mechanical. The polygraph examination is only going to be as good as the examiner who gives it. In our bill we provide that the examiner, amongst other things, must comply with all laws, Federal, State or local; must be licensed; must have completed a formal training course regarding the use of polygraphs which has been approved by the Secretary; must have completed a polygraph examiner internship for at least 6 months. It goes on, listing the qualifications of the examiner. No such protection in the Williams bill, H.R. 1212.

Under that bill all of those people that I mention, those millions of Americans who could be polygraphed under H.R. 1212, could have it done to them in a slipshod, or quickie fashion, under their bill the polygraph exam could be done without any kind of a professional atmosphere and without any legal protection for the person being examined.

The Darden-Young substitute provides those protections. Listen to this: We include a bill of rights for the examinee and it includes such things as the polygraph examiner may not inquire into religious beliefs or affiliations, racial beliefs, and so forth.

The CHAIRMAN. The time of the gentleman from Florida [Mr. YOUNG] has expired.

(By unanimous consent, Mr. YOUNG of Florida was allowed to proceed for 3 additional minutes.)

Mr. YOUNG of Florida. Let me repeat, a polygraph examiner may not inquire into racial beliefs or opinions, political beliefs or affiliations, sexual preferences or activities, beliefs, affiliations, or opinions regarding unions or labor organizations. Each prospective examinee shall be required to sign a notice before the beginning of each polygraph examination that he understands the limitations imposed upon the examiner; he understands his rights as an examinee; he understands that he may terminate the polygraph examination at any time and that he has legal rights under this substitute, if the polygraph examination is not conducted in accordance with this title.

We provide that the polygraph examiner must schedule at least an hour to conduct the examination. We provide that the questions to the examinee must be in writing and must be discussed with the examinee prior to the time that the polygraph actually takes place.

We make every one of these protections and more, and none of these protections, not the first one of these protections that I think you would all want in the case of any polygraph, not one of them is included in the main bill, H.R. 1212 as presented to this House.

There will be many polygraph exams under this bill because the exemptions are there, and I listed the many exemptions. It will apply to millions of Americans. The exemptions are there.

There will be polygraph exams in America whether this bill passes or not or whether this bill is amended or not.

So if you are going polygraph, why not do it right; let us do it with examiners who know what they are doing, who have been trained, who have been educated and who meet certain criteria under the law.

Second, Mr. Chairman, and more importantly let us write into the law protection for the examinee. He is going to be examined under the Williams bill. So why not make sure that he has a bill of rights, the protection provided by the Darden-Young substitute. That is what we are asking. There is going to be polygraph examinations in America, no matter what we do on this bill; pass it or do not pass it, you are going to polygraph. Let us make sure it is done right. Let us protect the people who are having the polygraph done to them.

Mr. LAGOMARSINO. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. I thank the gentleman for yielding.

Mr. Chairman, I commend the gentleman for his statement, I join in strong support of the substitute. I think it is a practical answer, a practical solution to this problem.

Mr. Chairman, I rise in support of the Young-Darden substitute amendment to H.R. 1212. This amendment is identical to legislation I have cosponsored, H.R. 1536, the Polygraph Reform Act.

While I recognize the potential for abuse and actual abuse of the polygraph test and the need to establish standards for its use, I do not believe that a total ban is the solution. In fact, as we have seen from the language of the bill and the string of amendments attempting to exempt various industries, a total ban is not even possible. We are inevitably faced with the question of where to draw the line. Do we want to make use of the polygraph to protect our money and not our children? Or allow its use by companies authorized to manufacture and distribute controlled substances while not permitting it to be utilized in protecting nursing home residents from abuse?

The substitute would allow business and industry to continue making use of the polygraph to protect their customers and assets, while protecting those who are asked to take polygraph exams to make sure that the tests are administered fairly and accurately. I believe it is the proper approach and urge my colleagues to support the substitute.0

Mr. YOUNG of Florida. I thank the gentleman for his contribution and support and I yield back the balance of my time.

Mr. MARTINEZ. Mr. Chairman, I move to strike the last word and rise in opposition to the amendment.

Mr. Chairman, the hour is late, the debate is becoming redundant. I would simply like to say that it scares me when the gentleman from Florida says we are going to have polygraphing whether we like it or not and we might as well do it right. It has not been proven yet that it can be done right.

I would simply say this is the substitute, the same substitute pretty much as offered in 1986. We voted it down then, we should vote it down now and vote for the bill as presented with the amendments accepted by the committee.

Mr. Chairman, I urge my colleagues to resist the substitute amendment.

Mr. DARDEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, first of all I want to thank you for the fair manner in which you have presided over the Committee of the Whole today and to my colleagues for the kind attention and consideration that they have given our substitute as well as the entire debate that we have heard.

What Mr. Young from Florida and I have done, quite frankly, we have taken a different approach than has been taken by the committee. We think that we have built a better mousetrap. We think that we have a solution here to the problem of polygraph abuse. We content, as well as the committee, that there have been abuses of the polygraph in the past. Certainly there have. But you do not correct the abuses or eliminate the abuses by eliminating the system itself. So what we have done, Mr. Chairman, is to provide and devise a way to regulate the polygraph and to eliminate the abuses of which the committee complaints.

Mr. Chairman, what we have done is we have provided regulations in two particular areas: First of all we have provided that the scope of the examination will be limited. It will be limited solely to issues clearly relevant to the employment that is sought or the incident that is being investigated.

Second, no person may be required to take a polygraph examination. But if that person does take a polygraph examination, that examination and its contents will be explained to that person before it is taken numerous times so there is no possibility for abuse or even mispronouncement of where the person was born, as one of our colleagues said, would cause the machine to go bad.

Well, in addition to providing certain inherent rights to the person taking the examination, Mr. Chairman, we have also provided in our bill some very strict requirements for the examiner. The examiner must meet certain minimum Federal requirements. But in addition to that, Mr. Chairman, we have not preempted State law in any way. If your State does prohibit the use of the polygraph in the private sector then your State will not be affected because you have the right in your State to go beyond the minimum Federal standards that we set forth here today.

Let me touch on several differences between our approach and that of the committee bill. First of all, the committee bill constitutes a total ban while our substitute represents thoughtful regulation. Our substitute recognizes the problems of huge losses suffered each year by merchants and manufacturers and the need for them to have tools for screening employees in positions of trust.

Our substitute recognizes that the polygraph can be used to vindicate the innocent as well as to indicate the guilty. I think perhaps this is something that has been overlooked and needs to be emphasized over and over again.

Mr. SWINDALL. Mr. Chairman, will the gentleman yield?

Mr. DARDEN. I yield to the gentleman from Georgia [Mr. SWINDALL.]

Mr. SWINDALL. I thank the gentleman for yielding.

Mr. Chairman, I would like to ask the gentleman about one of his comments because it concerns me greatly. Is the gentleman saying that in the event an employee, unless they fall into one of the exempted areas under the committee bill, if an employee desires to have a lie detector test to vindicate himself but under the committee's bill that type of activity would be prohibited?

Mr. DARDEN. The gentleman is absolutely correct. An innocent person can be breaking the door down to take a polygraph examination too, assert his or her innocence and would be prohibited under the committee bill from proclaiming their innocence, shouting from the rooftops.

Mr. SWINDALL. Mr. Chairman, as the gentleman knows I used to be in the furniture business back in Georgia. On occasion I would hire convicted felons because I for one think that folks can make mistakes but they ought not to be preempted from the job market afterward.

This is a true story. One of the convicted felons whom I hired was working at our store at the time of the theft loss that was obviously internal. I came to that individual and said, "I want you to know that a number of your fellow employees are saying you did it." And I said, I asked him if he would mind submitting to a polygraph test. And he said not only would he not mind, he wanted to because he felt very strongly about his character and he also knew that if he lost that job he would go back into the slammer because it was absolutely a condition to his parole that he have a job.

So he went and he took the polygraph and it did vindicate him.

My point is that without the gentleman's substitute that type of opportunity for individuals that would otherwise be preempted most likely from finding a job and having a second chance, would really be hurt very badly.

So I want to first of all commend the gentleman on the substitute because I think it does strike a balance between some of the concerns that individuals have with respect to rights of privacy and the professional quality of these examinations.

The CHAIRMAN. The time of the gentleman from Georgia [Mr. DARDEN] has expired.

(By unanimous consent, Mr. DARDEN was allowed to proceed for 1 additional minute.)

Mr. DARDEN. I yield further to the gentleman from Georgia [Mr. SWINDALL].

Mr. SWINDALL. I thank the gentleman for yielding further.

Moreover, it recognizes the very important need in the marketplace to protect workers who would desire to vindicate their good name because of their past circumstances in the sense that they would be the first suspected and they will be basically stripped of the opportunity to show that they were not the person that was guilty and unquestionably suspicion would be theirs.

Mr. DARDEN. I thank the gentleman for dramatizing the point for me and demonstrating it so well.

I will say in conclusion, my colleagues, everywhere I go throughout this district, I ask people what they want me to be concerned about and how they want to be represented. They say "do one thing for us: Leave us alone, get the Government off our backs."

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Mr. Chairman, this is one more example of this Congress and this House, I truly believe, getting on the backs of our constituents and private business in general. As far as I am concerned, if the polygraph is good enough for the U.S. Government, for the State of Georgia and local governments, it is good enough for the private sector.

Mr. THOMAS of Georgia. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, H.R. 1212 would essentially outlaw the use of the polygraph in most American businesses—except those few that might gain an exemption from the ban. During the debate on this issue, others have talked about how the ban would hurt businesses and consumers and about the unfortunate double standard that the Williams bill would create. I would like to talk briefly about how it could hurt American workers.

If we were to ban the polygraph, companies would change their policies to adapt to the ban. Instead of using the polygraph as a screening device, they would most likely rely more extensively on background checks, employment histories, and so forth. Those who oppose the use of the polygraph, in fact, advocate these alternative methods of personnel screening.

But let's think for a moment about the long-term consequences of this change. Employers who could not use the polygraph would hire workers with long and verifiable work histories. They would increasingly look for people with strong family ties, with ties to their community, and give even greater preference to those with a proven track record.

This policy would enable most companies to continue to hire competent, reliable workers, although the screening process may be more expensive. For many companies, a polygraph ban would not erode their workforce. It would be business as usual for most firms.

But this change in hiring policies could have serious consequences for a major and especially vulnerable segment of the work force—those who are trying to work themselves out of poverty, and those just enterning the job market. These are the very people who can least tolerate another barrier to employment.

Those who would suffer the most from a polygraph ban would be those who have just moved to another city to search for opportunity, those who have had a rocky employment history—perhaps through no fault of their own—and those who are having a tough time breaking into the job market. It seems to me that it would be a terrible mistake for us to pass a bill that would make it even harder for them to get jobs.

We have a responsibility to look down the road at the consequences of a total ban on the polygraph. I believe that if we pass the Williams bill, we may be kicking many of our citizens off the employment ladder, just as they are trying to work their own way up.

For these reasons, I cannot support H.R. 1212, and urge consideration of the Darden-Young substitute.

Mr. LIVINGSTON. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to H.R. 1212 and in support of the Young-Darden substitute.

Mr. Chairman, in the interest of expediency, since time is very valuable to the Members, I will not use all of my time. I would simply say that I believe the Young-Darden substitute is a very reasonable compromise to the approach that has been taken here today. H.R. 1212 is a bill whose time has not come.

Mr. Chairman, I rise in opposition to H.R. 1212 and in support of the Young-Darden substitute.

I oppose and testified against legislation to ban the polygraph last year, and I continue to oppose it, because I believe that such legislation would deprive private employers of a very important tool in screening out thieves and criminals from various specialized places of employment. Polygraph tests are needed. They are effective, and they protect banks, child-care centers, and nuclear powerplants. Businesses of all kinds need the polygraph to help them hire trustworthy people and combat an estimated annual loss of $40 billion from theft.

Obviously polygraphs work and clearly Congress knows they work. Time after time the House has voted to allow Government agencies to use the polygraph. Just this year we included by a vote of 345–44 a provision in the 1987 defense authorization bill which permits random polygraph tests of DOD employees and contractors with access to sensitive information. We also passed the State Department authorization bill 414–0 in June which allows polygraph testing of Embassy security personnel.

Department of Defense counterintelligence personnel have identified seven cases in the past 2 years in which polygraph examinations uncovered information about potentially serious national security breaches that would have never come to light without such a program. For instance, a polygraph exam of a defense contractor employee applying for special access clearance revealed that he has previously been involved in a scheme to smuggle U.S. high technology equipment to the Eastern bloc.

In case after case there is evidence to show that the polygraph is critical to efforts to protect our Nation's security interests from espionage. During the Defense Appropriations Subcommittee's investigation into the Walker spy ring Members asked witnesses what could be done to prevent such activities in the future. Admiral Butts, who was the Chief of Naval Intelligence at the time, told us that random polygraph testing would be the most effective deterrent. That is why Representative BILL YOUNG of Florida added a provision to the defense authorization bill that would allow random testing. If the possibility of polygraph testing is such an important deterrent factor to the Department of Defense, how can we then disallow its use—and thus its deterrent effect on thefts and dishonesty in the private sector.

So we've acknowledged that our national security needs require the protection provided by polygraph exams, yet why are we now saying that our private citizens are not entitled to the same protection? That's foolish. It would be horribly inconsistent to approve the use of the polygraph for the Government, and then prohibit it for the private sector. Yet that's what we're about today.

Opponents of the polygraph argue that polygraph examiners are poorly trained and that the results are inaccurate. However, the polygraph has consistently proven accurate 85 to 95 percent of the time, and that's why we want our intelligence gathering agencies to use it.

In my 6 years as a criminal prosecutor in Louisiana, the polygraph proved to be a valuable investigative tool upon which we relied. There were times when charges were actually dropped because of a defendant's performance on a polygraph. The exam is valuable, it not only helps in catching crooks, but in clearing innocent people as well.

It is in everyone's interest that polygraph results be as accurate as possible. In Louisiana, laws have been passed which establish guidelines for the training and licensing of polygraph examiners, set requirements for the equipment used in the test, and institute protections for the rights of those taking the exam. In fact, according to the U.S. Chamber of Commerce, 34 States and the District of Columbia now regulate the practices of polygraph examiners. Although I do not see any purpose in involving the Federal Government in this area at all, it would be better to pass legislation modeled on current State law than to simply outlaw the use of the polygraph in the private sector. That is why I support the Young-Darden substitute amendment.

The substitute allows private-sector employers to use polygraphs provided they follow certain guidelines. It protects examiners by making it illegal for examinees to ask questions concerning religious, racial, political or social beliefs. Further, it specifies that polygraph results may not be used as the sole basis for an employment decision. There are also provisions allowing relief in Federal court for any improper use of the polygraph. This substitute allows the private sector to protect itself, and us, from dishonest employees, but at the same time it preserves the rights of all employees from possible polygraph abuses. It is a fair and reasonable alternative to H.R. 1212.

Mr. Chairman, I urge the Members to support the Young-Darden substitute and oppose H.R. 1212.

Mr. ROWLAND of Georgia. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, there has been considerable discussion about the degree of accuracy of polygraph examinations.

Even the most ardent believer in polygraphs will concede that they are not infallible. Unfortunately, the results of polygraph tests have sometimes been treated as absolute fact. It is this kind of abuse that the Young-Darden substitute seeks to eliminate.

At the same time, it is my understanding that over the past 10 to 15 years important strides have been made in the training of examiners, in the sophistication of the testing, and in the quality of the equipment. Polygraph testing is more reliable as an investigative tool today than it has been in the past.

As a physician, I am very aware of the usefulness of electrocardiograms in the diagnosis of a heart condition. But as every physician knows, an electrocardiogram does not tell everything. While it is an important tool, it is not the only one which is used to determine the cardiac status of a patient. Many other tests are also used.

The same is true of a polygraph test. It can be helpful if properly used in conjunction with other investigative procedures.

However, given the fact that polygraph testing is not totally accurate, it is important that something be done to prevent the abuses. Among other things, the Young-Darden substitute would prohibit any employer from making a decision about an employee based solely on the results of a polygraph test. Other investigative techniques would need to be used to determine whether any action should be taken.

I believe that employees deserve protection against the improper use of polygraph examinations. I do not believe that an absolute ban on polygraphs is the way to provide that protection. In my view, Mr. Chairman, the Young-Darden substitute is an approach that all sides on this issue should be able to support.

Mr. HUTTO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Darden-Young substitute to the Employee Polygraph Protection Act. My State of Florida first passed laws regulating the polygraph industry in 1967. Over that time, the State has developed a system of stringent regulations that allow both business and labor access to the polygraph while minimizing instances of abuse.

Florida's former secretary of state, George Firestone, presented testimony to the last Congress detailing our State's experience with the polygraph. I would like to share some of his observations with you.

Last year, there were 519 fully licensed polygraph examiners in Florida, conducting an estimated 300,000 tests a year. State law requires that each of those 300,000 individuals be told that they have a right to file a complaint with the secretary of state, yet only one validated complaint aginst an examiner was filed all year. This evidence would lead me to conclude that polygraph abuse is neither widespread nor prevalent in our State. Furthermore, there is evidence to show that the polygraph can benefit both employers and employees.

It benefits our State in that those who are qualified to work can find jobs. And it certainly benefits our citizens when they are protected by the information from polygraph tests from persons who would use their jobs to commit crimes.

In Florida, the polygraph fulfills demonstrated public need to employers, employees, and customers. One of the reasons it serves us so well is because we enforce a strict set of standards, restrictions, and practices regarding the polygraph.

I support the Young-Darden substitute because it respects my States's right to use the polygraph under the regulations that it determines to be appropriate. If Congress were to outlaw polygraph testing in the private sector, the Federal Government would be denying our citizens jobs, stripping our businesses of an important tool they need to operate, and intruding in our legitimate right to manage our own affairs.

I urge my colleagues to join with me in supporting the Young-Darden amendment.

Mr. RAY. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the Darden-Young substitute.

Mr. Chairman, I wish to compliment the gentleman from Georgia [Mr. DARDEN] and the gentleman from Florida [Mr. YOUNG] for their interest in business. These gentlemen are probusiness. They have dug into the situation that is affecting business. They have come down on the side of being probusiness, and I think they have done a very good job in crafting and bringing together this substitute.

Mr. Chairman, today we are considering legislation that those on both sides of the issue agree would make sweeping changes in the polygraph industry and dramatically affect dozens of other industries that rely on the polygraph.

While all of us would agree that polygraph abuse should be stopped, many of us nonetheless believe that H.R. 1212, which outlaws the polygraph in many private sector industries, has serious flaws. It sets up a double standard between the Government and private industry. We should pass legislation that takes a consistent approach to polygraph regulation.

Banning the polygraph in many private sector industries while allowing its use by Government agencies is inconsistent with Democratic principles. Government officials at all levels—from the CIA to local police forces—have said that the polygraph can be an essential tool in investigations, often providing the key to solving a case. The Congress has passed legislation to require expanded use of the polygraph by the Defense Department to protect our national security. If the polygraph is useful to them, it must be useful for private employers as well.

Mr. DARDEN. Mr. Chairman, will the gentleman yield?

Mr. RAY. I yield to the gentleman from Georgia.

Mr. DARDEN. Mr. Chairman, does the gentleman realize that if this committee bill is adopted, we would not even be able to administer a polygraph test to people who go to work in day care centers before they go to work there?

We are told that 52 percent of America's mothers with children of the age of 6 are in the work force, and many of these children are taken to day care centers and nursery schools every day while their mothers work. Does the gentleman agree that we have a responsibility to protect these children from the possibility of abuse by unfit employees in these child day care centers?

Mr. RAY. Mr. Chairman, I do agree with the gentleman from Georgia. I also would make an inquiry of the gentleman, who is, I believe, a former district attorney in Cobb County, GA.

Mr. DARDEN. That is correct.

Mr. RAY. I understand the gentleman had many cases dealing with child abuse in day care centers, or at least the gentleman knew of many cases?

Mr. DARDEN. Yes. And in addition to that, if you look at the newspapers over the last several years, there have been rampant examples of abuse by employees of day care centers. All we need to do is call the Congressional Research Service. We found about 40 or 50 such examples just in the past year.

We believe this is one more reason why we must have the use of the polygraph to prohibit people such as this from looking after our children under the guise of caring for them.

Mr. RAY. I know the gentleman is aware of this problem, and so am I. The most precious commodity we have is our children. Certainly we need to do everything we can to protect these children in day care centers.

Mr. DARDEN. Mr. Chairman, I thank the gentleman.

Mr. RAY. Mr. Chairman, in an article in the Labor Law Journal, a noted polygraph authority said "If * * * the test is reliable enough to aid in promoting public safety by keeping dishonesty among public employees in check, it must logically follow that private employers be allowed to impose its use as well."

Over the past several decades, we have passed hundreds of bills requiring business and industry to protect the health and welfare of their customers. We require them to accept this responsibility, and we give citizens the right to take them to court if they violate it.

The business and industrial manager serves at the first line of defense in protecting the public from abuses of products, services, and employees. It is in the employer's and the public's interest for businesses to monitor their inventories and to screen personnel so that they can detect, correct, and avoid problems before they cause damage or injury. A company's internal controls provide the quickest, the most economical, and the safest solution to many of these problems.

This brings me to my second point: not only is the double standard wrong, but so is the triple or quadruple standard that would be created if some businesses were allowed to use polygraph testing and not others.

I believe it is essential that we consider the needs of industries which use the polygraph to protect the health, safety, and resources of millions of Americans. It is essential that we make sure that the legislation we develop addresses their concerns in an appropriate manner. While we have a responsibility to our constitutents to protect them from abusive polygraph exams, we also must make sure that we don't pass a bill that disregards the legitimate needs and concerns of employers. I believe it is possible to strike a balance between the two.

The Young-Darden substitute sets up guidelines for those States that have either weak or no polygraph legislation. It sets standards which ensure not only that examinees are protected but which require tests to be thorough and given by competent examiners.

This legislation recognizes the practical needs of American business and is responsive to the potential harm that can be done to examinees by improperly trained testers or others who abuse test results. It recognizes that the States are best able to consider all of these needs and to find the balance that works best for their citizens, using guidelines that we establish at the Federal level.

The polygraph has a role to play as one of the tools used by companies in internal investigations, but the polygraph must be administered fairly and accurately if it is to be effective. The Young-Darden substitute would regulate the polygraph industry to protect employees while serving American business by improving the reliability of polygraph exams.

Mr. JEFFORDS. Mr. Chairman, I move to strike the requisite number of words.

Mrs. VUCANOVICH. Mr. Chairman, will the gentleman yield?

Mr. JEFFORDS. I am happy to yield to the gentlewoman from Nevada.

Mrs. VUCANOVICH. Mr. Chairman, I rise in support of the Young-Darden substitute and urge its adoption. This is a good substitute. It is a good balanced bill.

Mr. Chairman, proponents of H.R. 1212 say that polygraphs don't work; that they aren't reliable. Well, Mr. Chairman, these same proponents of H.R. 1212 have already acknowledged the legitimacy and efficacy of polygraph testing in some stituations because of the exemptions written into this bill. As we know, H.R. 1212 proposes to ban polygraph testing by all private employers, except for: First, all Federal, State, and local government employers; and second, private employers engaged in governmental intelligence or counterintelligence work. The bill specifically exempts employees of the CIA, the National Security Agency, the FBI, and DOD from the ban.

In addition, this body has already officially acknowledged how essential polygraph testing is for national security purposes. In the last Congress, and again more recently, during consideration of the Defense authorization bill, we overwhelmingly endorsed the use of polygraph testing. Unquestionably, there are places and occasions where polygraph testing is vital.

So, are we to say that polygraph tests are good and essential; and that a polygraph test is a legitimate tool for use in the public sector, but it is not reliable for the private sector? Is this another double standard Congress presumes to impose? We cannot acknowledge the usefulness—the essential role of polygraph testing as a legitimate and effective tool for the Government to use, and yet deny its credibility and efficacy for the private sector. Obviously, the polygraph test has a proper place in both Government and private business.

Yes, abuses can and do occur; however, the abuses occur when there are no regulations—when there are no standards for training, and when there are no guidelines for conducting the tests. The answer is to eliminate the abuses of polygraph testing, not the uses of polygraph testing. Banning the use of the polygraph is throwing the baby out with the bathwater.

The Young-Darden substitute properly addresses the need for regulating the use of polygraph testing and ensuring that examiners meet certain standards, while at the same time guaranteeing the rights of individuals being examined. This is where our focus should be—recognizing the essential role of polygraph tests, while at the same time recognizing the need to provide uniform, strict standards.

The Young-Darden substitute is a balanced bill—a reasonable measure that protects both the employee/prospective employee, and the employer. It is a moderate alternative which would allow the private sector the same protections afforded the Government. I urge my colleagues to vote for the Young-Darden substitute.

Mr. JEFFORDS. Mr. Chairman, I do not intend to take much time, but I do want to clarify a couple of things.

Earlier I spoke and took a position in strong opposition to amendments to this bill, and I am most strongly in opposition to this particular amendment.

Something is wrong if the system does not work, and nothing we can do to regulations is going to fix it. My position is that any validity there may be in this is far outweighed by the damages created to the individuals who are forced to go through the polygraph examinations, and the general feeling among those who have studied this issue is that it is no better than a flip of a coin.

I did vote for the Gunderson substitute because I believe that the intimidation factor, which I believe is a primary consideration, can sometimes be successful. In fact, I would point out one incident to the Members where the police, who were very imaginative and did not have a polygraph handy, wired a fellow up to a Xerox machine and started questioning him, and at an appropriate time they pushed a button on the machine where they had previously put in a piece of paper that said, "It's a lie." So when they asked the gentleman as to whether or not he had committed the crime, they pushed the button, and out popped the paper, it said, "It's a lie," and he confessed.

I can see that this machine or these kinds of tactics of intimidation can lead to some utility, but the question is whether it is utility with respect to preemployment.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. JEFFORDS. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman for yielding.

I agree with the gentleman and the problem that the gentleman expresses about the Xerox machine.

Under H.R. 1212 that could still happen. Under the Darden-Young substitute, because we put in place certain safeguards, that could not happen; but under H.R. 1212, the situation that the gentleman is really worried about can still happen.

Mr. JEFFORDS. I do not want to stop police officers from being able to do their duty in that kind of fashion.

I would say that I think that the bill or the amendment that we have here is going to create more problems than it solves, and I would like to refer to a colloquy that I had earlier with the gentleman from Texas, because I do not want to leave any impression upon the Members that I made a misstatement.

I indicated that the DOD study did not show any studies which indicated there was a validity with respect to preemployment screening, or if there was, it was done by a polygraph examiner.

The gentleman from Texas [Mr. DELAY] took serious exception to that, but the gentleman gave me a list of the studies to which the gentleman relied upon.

There was one study that was referred to in the DOD study which indicated that there was validity to prescreening for employment. However, it was by a polygraph screening director of the Polygraph Screening Service in Salt Lake City, UT, Dr. Barland, who is not referred to as being a polygraph expert on the gentleman's list.

There are other studies, the Bursch, Bloom and Edle study, and one was a study by Mr. Horvath, former chief examiner for the largest polygraph institution in the United States, and the others he referred to were studies by a Dr. Raskin.

Let me read what he said in testimony before the Senate committee.

> There is no scientific evidence that polygraph testing, when used in the commercial sector for screening, has any scientific validity * * * One thing I would like to point out very clearly is that there is a substantial difference between its use in criminal investigation and in national security applications as compared to commercial screening applications.

Except that one study done by a polygraph operator, that has shown any validity to preemployment screening, and we are dealing with that here.

I could take a little issue with the gentleman from Florida that we cannot still have quickies on this, because the amendment only says that they must set aside 1 hour.

It does not say that they have to have an exam that lasts at least an hour, so I do not think it does all the gentleman hopes it will do.

We should not be validating something which has never been proven to be validated, except in one city by a polygraph operator.

Mr. DELAY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I wish to answer the gentleman from Vermont, the gentleman's statement that there is only one study on preemployment polygraph examination.

I would like to clear it up. There is one study in the Department of Defense survey of 42 studies. There are 42 studies in 1 survey.

I would also like to point out that they are not the only studies that have been done on preemployment polygraph examination, the effects of motivation.

There is another survey, a review of the scientific literature of the validity, reliability and utility of polygraph techniques and many others that I could refer to.

There are more studies than have been quoted by the proponents of this bill.

They say the AMA and the OTA have done studies. I can show you 42 in 1 survey and hundreds from all over the world, Canada, Israel, and other countries in this world in this particular review.

Every one of them says that there is some validity in some way, or I should not say every one of them, but the vast majority of them say that there is validity in the polygraph system, and most of them say that there is at least validity in at least 80, if not 95, percent of the examinations taken.

That is not the point. They have brought up a few studies. We have brought up many, many studies that are done to attest to the validity.

I think the real validity is if the polygraph is not any good, then why are so many people using it? Why has this House recognized that it would be valid in the case of drugs and financial institutions and in the Government? It is valid. There is no argument.

There is one opinion by this side, and our opinion is that it is valid.

The point is that it is valid, and this substitute restricts and gives you criteria by which it is not abused and gives certain minimums by which you can hold the examiner's feet to the fire.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. DELAY. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman for yielding.

On the subject of accuracy and effectiveness of the polygraph, 2 years ago this House and the Congress created a temporary test program in the Department of Defense for polygraph, and a school for polygraph examiners was established at Fort McClellan, AL.

Under this test program, polygraphers for the Department of Defense conducted 9,500 exams. The Department of Defense did a random survey of those people who took those polygraph tests, and found that 99 percent did not think that the polygraph was unfair in any way, or that it was objectionable or an unwarranted invasion of privacy.

Based on this study, this House and the conferees committee on the authorization bill now have agreed, to make the test program a permanent program because they are satisfied it works when you do it right.

We are trying to put in place the same professional requirements that the Department of Defense is using at their school at Fort McClellan, AL.

Mr. DELAY. The gentleman from Vermont did not refer to the other studies done on postincidents, crime detection, and others that were done that were highly effective, so what the gentleman is saying, and what most of them are basing the invalidity of a polygraph on is saying that there are no major studies done on prescreening, but there have been many studies done on criminal investigations, postincident investigations that show time and time again that it is a valid process.

You cannot have it both ways, where it is not valid for prescreening, so it is not valid for anything.

It is valid, and we all know it is valid, and it ought to be used to protect the citizens of America.

Mr. NEAL. Mr. Chairman, I move to strike the requisite number of words.

I would like to share with the Members an article that I found in my desk today. It is interesting, and I had not seen this when I came over earlier in the day and got involved in the debate.

Let me quote a few relevant passages.

Donald Davis is a 22-year-old worker, and so on, and was grilled extensively by police after reporting his wife's disappearance on January 12.

He flunked every time he was asked if he had killed her. I will skip down in the article.

"They asked me if I killed my wife with a gun or a knife or my hands, and they asked me if I threw her off a mountain or in a lake or a river or a rock quarry," he said.

The polygraph report showed a long list of questions, each asking if he killed the woman or knew where she was, or if she was alive.

Beside each question was Davis' response of no, along with the word "deception."

The story goes on to point out that his wife returned. She left town, had gone to somewhere in Florida. She said she wanted to find out if she could make it on her own. She was gone 6 weeks, and somehow called home and talked to a girlfriend; and the girlfriend told her about the problems her husband was having, and because she returned, he was not convicted of murder.

The article ends with a quote from Mr. Davis where he says, "I wasn't lying. It was that lie detector that was lying."

There are several major problems with this proposal to use widespread lie-detector tests, and the first one is a very basic constitutional question: The question of our system of justice.

Under our system we assume that our public, the people of this country, are innocent until proven guilty. The widespread use of lie-detector tests says to our public that you are guilty, and you must prove your innocence, and how are you going to do it.

You are going to do it with a gadget that our now distinguished Senator from North Carolina called 20th-century witchcraft. These gadgets do not work.

I looked at some of the studies the distinguished gentleman from Texas was quoting. Every one of those studies I could find some weasel word, some way of qualifying that study to make it clear that these lie detectors are simply not reliable.

I have not seen these comments, but it has been said over and over again today that the American Medical Association is against the use of these gadgets, that the American Psychological Association, the experts on testing, are against using these gadgets.

Let us pay some attention to these experts in the field. We are running the grave risk of putting American people at great risk in an attempt to find some quick fix for a very serious problem.

Let me close by asking the Members to ask yourselves this question: Would you like to subject your future, your future, the opportunity to work and in some instances to be free, to this little black box, this little gadget, plus some person, usually a person that is not highly trained or qualified, would you want to subject your life, your future to this kind of gadget?

If you answer yes, I guess you can say yes, this is just wonderful.

Let us run ahead with these kinds of tests, but this is a very dangerous precedent.

It has been said over and over again today that we are being hypocritical when we say we ought to let the Federal Government, the intelligence agencies of our country use these gadgets but not let private business, and that is absolutely correct.

If we let our intelligence agencies use these gadgets and rely upon them for important national security questions, we subject our country to great danger.

I would urge the Members not to continue to let the intelligence agencies of this country use these gadgets in a way that might put our country in great jeopardy.

There are mental techniques that can be used, drugs that can be taken so people can defeat these tests, and we run a grave risk.

The CHAIRMAN. The time of the gentleman from North Carolina [Mr. NEAL] has expired.

(On request of Mr. SWINDALL, and by unanimous consent, Mr. NEAL was allowed to proceed for 1 additional minute.)

Mr. SWINDALL. Mr. Chairman, will the gentleman yield?

Mr. NEAL. I yield to the gentleman from Georgia.

Mr. SWINDALL. Mr. Chairman, I thank the gentleman for yielding to me.

First of all, what would the gentleman do about the situation which I addressed earlier where there is a convicted ex-con who desires to have a polygraph to clear his or her good name?

What would the gentleman do for that person?

Mr. NEAL. I would have to say to that person, you cannot do it with these gadgets, because they are inherently unreliable.

I have a hearing record of hearings held before the Committee on Government Operations when we heard witness after witness testify to the point, to the fact that these gadgets are not reliable; and for that reason, I would have to say to the gentleman, you cannot depend on these gadgets to finally determine innocence or guilt.

Mr. SWINDALL. Under that scenario, the person loses his job, so what could be worse?

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Mr. NEAL. Many people are going to lose their jobs, just like this poor fellow here. This fellow could have ended up, "Lie Detector Tells Fib," the headline says. This fellow could have ended up dead because of a faulty lie detector.

Mr. BARTLETT. Mr. Chairman, I move to strike the requisite number of words. I rise to speak in favor of the substitute.

Mr. Chairman, I will not take the entire 5 minutes, but I must say in response to my good friend, the gentleman from North Carolina, who is very eloquent, that I want to call to the attention of the gentleman and the attention of the House in the example that the gentleman use of a law enforcement lie detector or polygraph which later proved to be false is expressly permitted and authorized under the bill that is before us; so if you want to eliminate or to restrict any abuses that you may see happening in law enforcement, then you should vote against the bill.

On the other hand, the Darden-Young substitute that is before us would establish minimum standards for polygraph examiners, requirements that the questions be in writing and a whole host of other standards; so if the gentleman is interested, as I know he is, in curing the problem that he specifically cited, that is, a polygraph that was used in a law enforcement case and it turned out to be incorrect, then he should vote for the substitute which will establish minimum standards, improve those standards, and establish standards for polygraph examiners and examinations.

The House needs to understand there are two bills before us. The main bill would prohibit in all cases the use of a polygraph examination without regard to whether it meets standards or not, except for Government work. For Government work, no standards are given in the bill at all, or drugs.

On the other hand, there is the Darden-Young substitute that would say that if there had been abuses in polygraphs, if there are standards that ought to be adopted, we will adopt those standards for all cases.

Mr. NEAL. Mr. Chairman, will the gentleman yield?

Mr. BARTLETT. Yes, I yield to the gentleman from North Carolina.

Mr. NEAL. Well, Mr. Chairman, I would just like to make one point. I do not mean to be too facetious. I am quoting from a statement by a distinguished Member of this House.

I would say I would consider establishing standards for these so-called lie detector tests about like establishing standards for the dunking stool, the rack, and the firing squad. These are all techniques for eliciting a particular response, but I submit to my good friend and my distinguished colleague that these lie detector tests are no more accurate than the gadget that they used to dunk people to determine if they were liars.

Mr. BARTLETT. I understand.

Mr. NEAL. I would hope we would not proceed with those things in this modern-day era.

Mr. BARTLETT. I understand the gentleman's modernization. I did not make that statement and the gentleman did not; but the bill that the gentleman from North Carolina plans to vote for and is speaking for establishes no standards whatsoever for Government uses, none, not one. If it is a government use, if it is a law enforcement agency, if it is the Congress of the United States, we will have no standards, not one; but under the Darden-Young bill we would establish at least some standards for all uses of the polygraph.

Mr. NEAL. Mr. Chairman, will the gentleman yield one more time?

Mr. BARTLETT. I yield to the gentleman from North Carolina.

Mr. NEAL. Let me say, Mr. Chairman, I share that concern and I would hope that we would understand that these gadgets are inherently unreliable and not depend on them for the Government use. If we can stop their widespread use, which I believe to be unconstitutional and unreliable with the American public, maybe we can move to stop their use in the Government also.

Mr. BARTLETT. I understand what the gentleman is saying. That is not the subject that is before the House.

We have two bills before the House. We can choose one to prohibit all uses in private industry and no standards at all in the public sector, or two, we can acknowledge that we should establish some standards, minimum standards, and some licensing requirements for the use of the polygraph.

I urge the House to take the other course, the Darden-Young course, for the minimum standards.

Mr. OBERSTAR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, if the claims of its supporters can be believed, the polygraph is truly an amazing device. It is supposed to measure our intangible thoughts; determine if we are telling the truth or telling a lie; it is supposed to help police and prosecutors determine the truth of a suspect's statements, and thereby determine probable guilt or innocence. It is supposed to aid employers to weed out those prospective employees who would be prone to lie, to cheat, and to steal. If all those claims are believed, the polygraph is truly an amazing device. It can find that most elusive of all human qualities: truth.

Unfortunately, the fact is that the polygraph does not measure truth and it does not measure falsehood. It can only measure physical reactions such as blood pressure, heart beat, perspiration, and then technicians take those reactions and measure them against research figures to determine if the subject is uncomfortable enough to be suspected of telling a lie.

What type of device is this to inflict upon human beings, who as the gentleman from North Carolina so eloquently said, under our Constitution and under our system or jurisprudence are presumed to be innocent until proven guilty.

Polygraph testing has expanded in recent years in the private sector, as businesses have sought them out and used these devices for preemployment screening, for internal security investigations to determine who gets hired and who gets fired, who advances in his or her career and who is set aside. At the same time, the validity of polygraph testing has come into wide question all across this country. The Office of Technology Assessment has reported that available research evidence does not establish the scientific validity of polygraph testing for personnel security screening.

Twenty-two States and the District of Columbia have restrictions on the use of polygraphs for testing for private employment, but that is not enough. Companies can circumvent that provision by hiring people in States that do not restrain or restrict or prohibit polygraph testing and then transfer their personnel into those more restrictive States.

The numbers speak for themselves. The American Polygraph Association says that 98 percent of the 2 million polygraph tests given each year are given by private business, three-fourths of those for preemployment screening. I cannot think of a more intrusive and dangerous device to inflict upon the people of this country than polygraph testing on such a widespread indiscriminate basis.

I think this legislation is a reasonable approach, one that protects the integrity of the individual and it is a bill that we ought to pass.

Mr. FRENZEL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am one who has had some experience with these particular kinds of machines in private business and in all the cases where I saw it applied, there was a positive result. I have not heard anyone claim a hundred percent accuracy for the process. I have not heard anyone claim a hundred percent accuracy for interviews or drug tests or even thermometers, as far as that goes.

I myself probably am a dangerous weapon. I interview a lot of employees. I am certainly not a skilled interviewer. I am considerably less dangerous than a polygraph.

But what this bill does is to bar the use of polygraphs. It means you cannot use them in connection with any other system, machinery or processes, that you might want to use to check on employees in which cases you need some very strong security.

The bill is a little bit inconsistent because it does allow exceptions, and as the gentleman from Florida has pointed out, you are going to have polygraph use whether this bill passes or not.

My personal preference would be that there would be no messing around in the private use of polygraphs by the Congress.

I understand 41 States have laws on the books relating to polygraph use or standards, and in my judgment it is a splendid area in which the States should legislate and a wonderful area for the heroes of Congress to stop messing; but if we are going to pass a bill, we certainly should have the good sense to accept the Young-Darden substitute, because at least there we have some consistent principles that will protect everyone, not just those who were fortunate enough to get exclusions from the bill.

I think any rule of good reason and sanity would lead us to support the Darden-Young substitute, if indeed we have to legislate in this field at all.

Mr. WILLIAMS. Mr. Chairman, I move to strike the requisite number of words. I raise in opposition to the amendment, but really for the purpose of thanking my colleagues who have been more than patient during what has been really a good debate and has focused by both the opponents of my bill and the supporters of my bill and the opponents and supporters of the substitute now before us have focused on the merits and the demerits of the lie detector.

We are now approaching just a few minutes short of 10 hours on this bill. It is interesting that we can pass a reconciliation bill within an hour. We can spend $100 billion within just a few minutes with no debate, but it takes 10 hours to get passed an emotional issue like this.

The debate has been good. The attention has been good.

Mr. Chairman, orderliness of the House has of course been excellent and we appreciate everyone's involvement in this.

I would also remind the Members that we just finished voting on this a year ago on this very substitute and turned it down 173 to 241. I urge you to turn it down again tonight.

Mr. BILIRAKIS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from Florida [Mr. YOUNG].

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman for yielding. I will be very brief.

I listened to the debate of those who say that the polygraph does not work. If it does not work, I say to my dear friends and colleagues, if it does not work, why are you supporting a bill that allows it to be used in all the Federal Government, every State government, every county, every city, and every political subdivision in America, the FBI, contractors, security guards, those involved in the drug industry? If it does not work, why are you going to support a bill that allows it to be used without any professionalism in millions and millions of cases?

I thank the gentleman for yielding.

Mr. BILIRAKIS. Mr. Chairman, I endorse the gentleman's remarks and ask that we support the bill.

Mr. PARRIS. Mr. Chairman, our national security agencies repeatedly come to us asking for authority to conduct polygraph examinations as part of their programs to guard our national security.

So far this year, this body has voted twice to support measures that provide for polygraph testing by the Federal Government. On May 11, the vote was 345 to 44 in favor of an amendment offered by the gentleman from Florida [Mr. YOUNG] to the Defense Department's authorization bill. The measure establishes a permanent polygraph program for national defense agencies.

Then just 1 month later, on June 16, there was a unanimous vote to back an amendment offered by the gentleman from Florida [Mr. MICA] to the State Department's authorization bill. That amendment included language to require counterintelligence polygraph examinations for members of the Diplomatic Security Services.

The increasing prevalence of espionage and deceit in our Government underscores the need for polygraph examinations. And these latest votes, which are only the latest in a series, show our consistent backing for the use of polygraph testing to protect our national security.

The Congress itself relies on the use of polygraph examinations to protect this building and the Members and staff who work here. The Capitol Police use the polygraph to screen their applicants and to investigate specific incidents, including suspected drug use. That the Congress relies on the polygraph is still another testament to its value.

The need for polygraph testing to protect lives, property and valuable information does not end here. The polygraph is indispensable in protecting the customers, employees, inventories, and assets of American business and industry as well, and they also are entitled to access to the polygraph.

We would be establishing a dangerous double standard if we were to approve this legislation to strip business and industry of access to the same investigative tool that the Government obviously finds to be so useful.

Private business and industry also have a serious responsibility to protect people and assets. The polygraph enables them to better carry out these responsibilities to protect the health and welfare of our citizens.

I urge my colleagues to oppose the ban on polygraph testing in the private sector and instead to support the more reasonable, and workable, measure introduced by the gentleman from Florida [Mr. YOUNG] and the gentleman from Georgia [Mr. DARDEN] to set nationwide standards for testing and examiner qualifications. If the polygraph technique is acceptable in protecting national security and other Government interests, it should also be acceptable to protect the interests of business and industry.

Mr. DREIER of California. Mr. Chairman, I rise today in support of the Young-Darden substitute to the Polygraph Reform Act. The substitute better addresses the concerns of employees and employers over abuse in administering polygraph examinations. This measure would guarantee specific rights to employees asked to take a polygraph and would impose stringent Federal standards on polygraph examiners. In addition, the substitute respects the rights of State and local governments to impose their own more stringent standards on the polygraph industry.

Though not infallible, polygraphs have demonstrated a certain accuracy in determining a subject's truthfulness. I do not believe an employer should be deprived of this useful tool as a means to hire trustworthy employees any more than he should be deprived of the imperfect techniques of a personal interview, reference or written application. All of these tools should be used together to select the most qualified candidate. I would like to point out that the Young-Darden substitute would assure that no employment decision would be made based solely upon the results of a polygraph examination or an employee's refusal to take a polygraph.

When the House passed in the 99th Congress a similar ban on the use of polygraph examinations in the private sector, a number of exemptions were added to the bill which had the effect of permitting polygraph tests in selected industries. While I supported these exemptions, Congress creates a double standard by exempting day care facilities, nursing homes, pharmaceutical firms, armored car and security guard agencies, and the nuclear power industry from the ban on polygraph examinations. By retaining the use of the polygraph for all private sector employers, the Young-Darden substitute would treat all industries equally.

Mr. MONTGOMERY. Mr. Chairman, as we debate the merits of the polygraph technique and its value in the workplace, I ask my colleagues to focus for a moment on a larger issue at stake here. Namely: the Constitution.

It is our responsibility to protect and ensure the proper balance of power between the States and the Federal Government.

There is no constitutional basis for a Federal ban on polygraph testing in the private sector. Article 10 clearly states:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Thirty-one States already have passed polygraph legislation. At least four of them chose to outlaw polygraph testing completely. The others have developed various regulatory approaches that allow polygraph testing under certain conditions.

It is clear that the States are accepting their responsibility to regulate this controversial instrument.

The approach presented to us today to ban the polygraph is an overreaction that undermines the hard and careful work that the States are doing to develop their own bodies of law. The principles of federalism call on us not to intervene in matters that are the responsibility of the States and in which there is no overriding need for a uniform national policy.

In fact, the heated debate among scientists and academicians about the validity of the polygraph is evidence that this issue has not been resolved to the point that any national polcy could be formulated. This appears to be an appropriate area in which to allow the States to develop various approaches that suit their citizens best. And they are demonstrating their ability to do that.

Further, it has traditionally been the purview of the States to regulate commmerce within their boundaries. They have mechanisms to certify that those who deliver health care services to residents are qualified to do so. They oversee insurance and real estate brokers, utility companies, doctors, lawyers, and dentists, to name just a few.

The States are equipped to regulate the services offered by polygraph examiners as well, as most have demonstrated by passing their own legislation.

Assistant Attorney General John Bolton sent a letter to the Congress addressing this issue. He said:

> Polygraph misuse may be more appropriately deterred by restricting the conditions under which polygraphs are administered rather than prohibiting their use altogether. The States are better equipped to make those determinations.

He suggested that the States can provide avenues for appeal if someone feels his or her rights have been violated. States also can regulate the kinds of questions that are asked, the equipment that is used, and the qualifications of examiners.

I agree with Mr. Bolton that the Federal Government should not prohibit the use of the polygraph in the private sector. There should not be a flat, nationwide ban on the polygraph, but its use should be regulated on a case-by-case, and State-by-State basis, as provided by the Constitution.

Mr. EMERSON. Mr. Chairman, I rise in support of the Darden-Young substitute, H.R. 1536, a bill which would more fairly and equitably deal with the use of polygraphs in the workplace.

The real issue that we are trying to address here is the irresponsible use of polygraph testing—we are all in agreement that such abuse is unacceptable. However, a total ban on the use of polygraphs in private business is an overreaction to dealing with this situation. A more balanced approach would be to insure that polygraph examiners are properly qualified, and to establish Federal standards for the administration of polygraph tests, while protecting the rights of employees.

The Darden-Young substitute addresses these needs while still leaving a workable format for sensitive employment positions where polygraph testing is truly needed. I urge Members of the House of Representatives to use their good judgment and prudence in passing polygraph regulations and to support the Darden-Young substitute.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Florida [Mr. YOUNG].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. YOUNG of Florida. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 169, noes 242, not voting 22, as follows:

[Roll No. 413]

AYES—169

Anderson
Archer
Armey
Badham
Baker
Ballenger
Barnard
Bartlett
Bateman
Bennett
Bentley
Bereuter
Bevill
Bilirakis
Bliley
Boulter
Broomfield
Buechner
Bunning
Burton
Byron
Callahan
Campbell
Chandler
Chapman
Chappell
Cheney
Coats
Coble
Coleman (MO)
Combest
Craig
Dannemeyer
Darden
Daub
de la Garza
DeLay
Derrick
DeWine
Dickinson
DioGuardi
Dornan (CA)
Dowdy
Dreier
Edwards (OK)
Emerson
Erdreich
Fawell
Fields
Flippo
Frenzel
Gallegly
Gekas
Goodling
Gradison
Grant
Gunderson
Hall (OH)
Hall (TX)
Hammerschmidt
Hansen
Hastert
Hatcher
Hayes (LA)
Hefley
Hefner
Herger
Hiler
Hochbrueckner
Holloway
Hopkins
Huckaby
Hunter
Hutto
Hyde
Inhofe
Ireland
Jenkins
Jones (TN)
Kasich
Konnyu
Kyl
Lagomarsino
Latta
Leath (TX)
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lowery (CA)
Lujan
Lukens, Donald
Lungren
Mack
MacKay
Madigan
Marlenee
Martin (NY)
McCandless
McCollum
McEwen
McGrath
McMillan (NC)
Meyers
Mica
Michel
Miller (OH)
Montgomery
Moorhead
Morrison (WA)
Myers
Nelson
Nichols
Ortiz
Oxley
Packard
Parris
Pashayan
Pickle
Porter
Quillen
Ravenel
Ray
Rhodes
Roberts
Rogers
Roth
Roukema
Rowland (GA)
Saiki
Schaefer
Schuette
Schulze
Sensenbrenner
Shaw
Shumway
Shuster
Sisisky
Skeen
Slaughter (VA)
Smith (NE)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Solomon
Spence
Stangeland
Stenholm
Stratton
Stump
Sundquist
Sweeney
Swindall
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Upton
Valentine
Vander Jagt
Vucanovich
Walker
Whittaker
Wolf
Wortley
Wylie
Young (FL)

NOES—242

Ackerman
Akaka
Alexander
Andrews
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Barton
Bates
Beilenson
Berman
Bilbray
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Brown (CA)
Bruce
Bryant
Bustamante
Cardin
Carper
Clarke
Clinger
Coelho
Coleman (TX)
Collins
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
Crockett
Davis (IL)
Davis (MI)
DeFazio
Dellums
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
English
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frost
Gallo
Garcia
Gaydos
Gejdenson
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Grandy
Gray (IL)
Gray (PA)
Green
Gregg
Guarini
Hamilton
Harris
Hawkins
Hayes (IL)
Henry
Hertel
Horton
Houghton
Hoyer
Hubbard
Hughes
Jacobs
Jeffords
Johnson (CT)
Johnson (SD)
Jontz
Kanjorski
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Leach (IA)
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lewis (GA)
Lloyd
Lowry (WA)
Luken, Thomas
Manton
Markey
Martin (IL)
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDade
McHugh
McMillen (MD)
Mfume
Miller (CA)
Miller (WA)

Mineta
Moakley
Mollohan
Moody
Morella
Morrison (CT)
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Owens (NY)
Panetta
Patterson
Pease
Pelosi
Penny
Pepper
Perkins
Petri
Pickett
Price (IL)
Price (NC)
Pursell
Rahall
Rangel
Regula
Richardson
Ridge
Rinaldo
Ritter
Robinson
Rodino
Roe
Rose
Rostenkowski
Rowland (CT)
Roybal
Russo
Sabo
Savage
Sawyer
Saxton
Scheuer
Schneider
Schroeder
Schumer
Shays
Sikorski
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NJ)
Snowe
Solarz
Spratt
St Germain
Staggers
Stallings
Stark
Stokes
Studds
Swift
Synar
Tallon
Tauke
Torres
Torricelli
Towns
Traficant
Traxler
Vento
Visclosky
Volkmer
Walgren
Watkins
Weber
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates
Yatron
Young (AK)

NOT VOTING—22

Biaggi
Brown (CO)
Carr
Clay
Crane
Daniel
Duncan
Gephardt
Gingrich
Howard
Jones (NC)
Kaptur
Kemp
Lipinski
Lott
Molinari
Owens (UT)
Roemer
Sharp
Udall
Waxman
Weiss

□ 2110

The Clerk announced the following pairs:

On this vote:

Mr. Roemer for, with Mr. Gephardt against.

Mr. Brown of Colorado for, with Ms. Kaptur against.

Mr. Lott for, with Mr. Weiss against.

Mrs. **BOXER** changed her vote from "aye" to "no".

Mr. **CAMPBELL** changed his vote from "no" to "aye."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The **CHAIRMAN**. The question is on the Committee amendment in the nature of a substitute, as amended.

The Committee amendment in the nature of a substitute, as amended, was agreed to.

The **CHAIRMAN**. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. FOLEY] having assumed the chair, Mr. GONZALEZ, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1212) to prevent the denial of employment opportunities by prohibiting the use of lie detectors by employers involved in or affecting interstate commerce, pursuant to House Resolution 295, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The **SPEAKER** pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the Committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The **SPEAKER** pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The **SPEAKER** pro tempore. The question is on the passage of the bill.

RECORDED VOTE

Mr. **GUNDERSON**. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 254, noes 158, not voting 21, as follows:

[Roll No. 414]

AYES—254

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Bates
Beilenson
Bentley
Berman
Bevill
Bilbray
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boulter
Boxer
Brennan
Brooks
Broomfield
Brown (CA)
Bruce
Bryant
Bustamante
Byron
Campbell
Cardin
Carper
Clarke
Clinger
Coelho
Coleman (TX)
Collins
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
Crockett
Davis (IL)
Davis (MI)
DeFazio
Dellums
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Dowdy
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Gallo
Garcia
Gaydos
Gejdenson
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Gray (IL)
Gray (PA)
Green
Gregg
Guarini
Hamilton
Harris
Hawkins
Hayes (IL)
Hayes (LA)
Henry
Hertel
Hochbrueckner
Horton
Houghton
Hoyer
Hubbard
Hughes
Jacobs
Jeffords
Johnson (CT)
Johnson (SD)
Jontz
Kanjorski
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Leach (IA)
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lewis (GA)
Lloyd
Lowry (WA)
Luken, Thomas
Manton
Markey
Martin (IL)
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDade
McHugh
McMillen (MD)
Mfume
Miller (CA)
Miller (WA)
Mineta
Moakley
Mollohan
Moody
Morella
Morrison (CT)
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Panetta
Pashayan
Pease
Pelosi
Penny
Pepper
Perkins
Petri
Pickle
Price (IL)
Price (NC)
Pursell
Quillen
Rahall
Rangel
Regula
Richardson
Ridge
Rinaldo
Ritter
Robinson
Rodino
Roe
Rose
Rostenkowski
Rowland (CT)
Roybal
Russo
Sabo
Savage
Sawyer
Saxton
Scheuer
Schneider
Schroeder
Schuette
Shays
Sikorski
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NJ)
Snowe
Solarz
St Germain
Staggers
Stallings
Stark
Stokes
Stratton
Studds
Swift
Synar
Tauke
Tauzin
Torres
Torricelli
Towns
Traficant
Traxler
Upton
Vander Jagt
Vento
Visclosky
Volkmer
Walgren
Watkins
Weber
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates
Yatron
Young (AK)

NOES—158

Archer
Armey
Badham
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bennett
Bereuter
Bilirakis
Bliley
Buechner
Bunning
Burton
Callahan
Chandler
Chapman
Chappell
Cheney
Coats
Coble
Coleman (MO)
Combest
Craig
Dannemeyer
Darden
Daub
de la Garza
DeLay
Derrick
DeWine
Dickinson
DioGuardi
Dornan (CA)
Dreier
Edwards (OK)
Emerson
Fawell
Fields
Frenzel
Frost
Gallegly
Gekas
Gingrich
Goodling
Gradison
Grandy
Grant
Gunderson
Hall (OH)
Hall (TX)
Hammerschmidt
Hansen
Hastert
Hatcher
Hefley
Hefner
Herger
Hiler
Holloway
Hopkins
Huckaby
Hunter
Hutto
Hyde
Inhofe
Ireland
Jenkins
Jones (TN)
Kasich
Kolbe
Konnyu
Kyl
Lagomarsino
Latta
Leath (TX)
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lowery (CA)
Lujan
Lukens, Donald
Lungren
Mack
MacKay
Madigan
Marlenee
Martin (NY)
McCandless
McCollum
McEwen
McGrath
McMillan (NC)
Meyers
Mica
Michel
Miller (OH)
Montgomery
Moorhead
Morrison (WA)
Myers
Nelson
Nichols
Oxley
Packard
Parris
Patterson
Pickett
Porter
Ravenel
Ray
Rhodes
Roberts
Rogers
Roth
Roukema
Rowland (GA)
Saiki
Schaefer
Schulze
Sensenbrenner
Shaw
Shumway
Shuster
Sisisky
Skeen
Slaughter (VA)
Smith (NE)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Solomon
Spence
Spratt
Stangeland
Stenholm
Stump
Sundquist
Sweeney
Swindall
Tallon
Taylor
Thomas (CA)
Thomas (GA)
Valentine
Vucanovich
Walker
Weldon
Whittaker
Wolf
Wortley
Wylie
Young (FL)

NOT VOTING—21

Biaggi
Brown (CO)
Carr
Clay
Crane
Daniel
Duncan
Gephardt
Howard
Jones (NC)
Kaptur
Kemp
Lipinski
Lott
Molinari
Owens (UT)
Roemer
Schumer
Sharp
Udall
Waxman

□ 2125

The Clerk announced the following pairs:

On this vote:

Mr. Gephardt for, with Mr. Brown of Colorado against.

Mr. Kemp for, with Mr. Crane against.

Ms. Kaptur for, with Mr. Lott against.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN THE ENGROSSMENT OF H.R. 1212, EMPLOYEE POLYGRAPH PROTECTION ACT

Mr. MARTINEZ. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, the Clerk be authorized to make corrections in section numbers, punctuation, and cross-references and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in amending the bill, H.R. 1212, the Employee Polygraph Protection Act.

The SPEAKER pro tempore (Mr. Durbin). Is there objection to the request of the gentleman from California?

There was no objection.

GENERAL LEAVE

Mr. MARTINEZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 1212, the Employee Polygraph Protection Act, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 394, FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 1988

Mr. PEPPER, from the Committee on Rules, submitted a privileged report (Rept. No. 100-419) on the resolution (H. Res. 302) providing for the consideration of the joint resolution (H.J. Res. 394) making further continuing appropriations for the fiscal year 1988, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 435, UNIFORM POLL CLOSING TIME FOR PRESIDENTIAL ELECTIONS

Mr. PEPPER, from the Committee on Rules, submitted a privileged report (Rept. No. 100-240) on the resolution (H. Res. 303) providing for the consideration of the bill (H.R. 435) to amend title 3, United States Code, and the Uniform Time Act of 1966 to establish a single poll closing time in the continental United States for Presidential general elections, which was referred to the House Calendar and ordered to be printed.

RESIGNATION AS MEMBER OF COMMITTEE ON GOVERNMENT OPERATIONS

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Government Operations:

House of Representatives,
Washington, DC, November 4, 1987.

Hon. Jim Wright,
Speaker of the House, H-204 Capitol, Washington, DC.

Dear Mr. Speaker: Effective today, I tender my resignation from the House Committee on Government Operations.

With kind regards, I am,
Sincerely,
Ernie Konnyu,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON MERCHANT MARINE AND FISHERIES

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Merchant Marine and Fisheries.

House of Representatives,
Washington, DC, November 4, 1987.

Hon. Jim Wright,
Speaker of the House, The Capitol, H-204, Washington, DC.

Dear Mr. Speaker: I am writing to inform you that I hereby resign from the House Committee on Merchant Marine and Fisheries effective this date.

Sincerely,
Joseph J. DioGuardi,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

ELECTION AS MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. KOBLE. Mr. Speaker, by direction of the Republican Conference and on behalf of the Republican leader I offer a privileged resolution (H. Res. 304) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 304

Resolved, That the following named Members be, and they were hereby elected to the following standing committees of the House of Representatives:

Committee on Merchant Marine and Fisheries: Mr. Konnyu of California.

Committee on Government Operations: Mr. Shays of Connecticut.

Committee on Science, Space, and Technology: Mr. Shays of Connecticut.

The resolution was agreed to.

A motion to reconsider was laid on the table.

VACATING OF APPOINTMENT OF ADDITIONAL CONFEREE ON H.R. 2713, DISTRICT OF COLUMBIA APPROPRIATIONS, 1988

The SPEAKER pro tempore. Without objection, the Chair's prior appointment today of Mr. Watkins of Oklahoma as a conferee on the bill H.R. 2713 is vacated.

There was no objection.

The Clerk will notify the Senate of the change in conferees.

INTRODUCTION OF EXPORT-IMPORT BANK AMENDMENTS OF 1987

(Mr. KLECZKA asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. KLECZKA. Mr. Speaker, I am today introducing legislation to require the Export-Import Bank of the United States (Eximbank) to establish a loan loss reserve for bad debts.

Each fiscal year since 1983, the General Accounting Office [GAO] has issued an adverse opinion on Eximbank's financial statements. GAO regularly points out that the Eximbank's failure to establish a loan loss reserve for bad debts, as mandated by generally accepted accounting principles [GAAP], gives a misleadig picture of the Bank's fiscal health.

As a strong Eximbank supporter, I find GAO's annual admonitions especially troubling. Such criticism encourages those opponents of the Bank who would limit the Federal commitment to a vigorous Federal export agency.

Eximbank advocates have special reason for immediate concern. It is quite likely that we will be called upon to make a case for Eximbank recapitalization in the very near future. The Export-Import Bank Act Amendments of 1983 required that Congress be informed when the Bank's equity falls below approximately $1.4 billion—roughly half the amount of capital and retained earnings reported by the Bank as of September 30, 1983. On October 23, 1987, the Eximbank informed the Congress that this had, in fact, happened.

I support Eximbank recapitalization. Toward that end, I intend to offer additional legislation at a later date to allow the Eximbank to prepay some or all of its debt to the Federal Financing Bank [FFB] at par without paying a pepayment penalty. Under current law, Eximbank borrowers may prepay loans at face value at any point. When interest rates decline, as they did in fiscal years 1985 and 1986, many prudently do so. The Bank, however, is unable to prepay existing FFB debt without a penalty, a situation which increases operating losses and contributes to capital erosion. The Congressional Budget Office advises that allowing the prepayment of Eximbank FFB loans at par, without penalty, would aid in the recapitalization of the Bank. This action, which requires no new budget authority, would reduce Eximbank outlays for interest payments without adverse impact on the Federal budget deficit.

While Eximbank recapitalization is essential, it should not occur without the establishment of loan loss reserve. As a friend and advocate of the Bank and its mission, I do not believe its interests are well served by yearly fiscal reports which give an overly rosy assessment of condition.

Recognition of problem loans, especially in the Third World, is a matter of some currency. Many commercial banks, led by Citibank, recently added to their loan loss reserves to reflect anticipated losses from certain Third World debts. They took action, I might point out, at the urging of Federal regulators. Once taken, the actions drew praise from many financial experts who maintained that it was in the best interests of stockholders.

Eximbank's stockholders are, of course, the American people. As the ultimate board of directors for the Bank, Congress must act to ensure that the interests of the stockholders are protected. At this juncture, that means establishing a loan loss reserve to reflect accurately anticipated losses. The current situation simply cannot continue. Eximbank's refusal to recognize the impairment of individual loans causes it to carry at full value a $26 million loan made to China in 1946 that has been delinquent since 1949. It also carries, at full value, $36 million in loans to Cuba delinquent since 1960. The governments which negotiated each of these loans no longer exist. such wishful thinking accounting violates Financial Accounting Standards Board Statement No. 5, "Accounting for Contingencies." Regular accounting procedures require a recognition of the diminished value of loans and a corresponding increase in allowance for loan losses.

The Eximbank's irregular accounting procedure represents more than an argument among accountants. It allows a muddled picture of the Bank's condition to be presented to Congress, As the GAO testified to the House Banking International Finance, Trade and Monetary Policy Subcommittee in May of this year:

> One significant result of not recognizing loan losses is the potential impact on congressional oversight and other users. Since the Bank does not recognize an allowance for loan losses on its financial statements, the Bank's fiscal condition appears stronger than it is in reality. Therefore, the Congress and other users could be led to make decisions based on misleading information.

Congress cannot afford to make decisions based on misleading information. As the House Appropriations Committee report on the foreign operations and export financing and related programs appropriations bill for fiscal year 1988 recently observed:

> The Committee continues to believe that the Bank's accounting and reporting practices inaccurately reflect the Bank's financial condition as reported repeatedly by the GAO. The Committee believes that these practices are at best misleading and that they significantly overstate the Bank's financial condition.
>
> The Bank holds a very significant level of non-performing loans yet it has repeatedly refused to create a loan loss reserve. The Committee finds this refusal inexcusable and financially irresponsible. The Committee notes that at the same time that the Export-Import Bank is refusing to take this action, a vast number of private commercial banks in the United States have been making additional large contributions to their loan loss reserves in order to cover poorly or nonperforming third world loans. The Committee hopes the Bank will reconsider its position prior to requesting any funds from Congress for its recapitalization.

The Bank does indeed hold a significant number of poorly performing or nonperforming loans. In its Eximbank financial audit for fiscal year 1985, the GAO estimated potential losses from problem debt in the range of $1.1 billion to $1.9 billion—out of total debt of roughly $15.4 billion. Under GAAP, this amount should have been included as part of a loan loss reserve. As bracing as those numbers are, the situation appears to be worsening. In GAO's fiscal year 1986 Eximbank audit, released in August of this year, GAO estimates potential losses which range from $2.7 billion to $3.8 billion. As matters now stand, Congress now has two reports on the Bank's fiscal condition. Eximbank reports a reserve of $773 million as of the end of fiscal year 1986. GAO maintains that uncollectible loans, or portions of loans, indicate the Bank faced a cumulative deficit of between $1.9 billion and $3 billion as of that date.

Such a dramatic divergence of opinion on the Bank's fiscal health creates unnecessary confusion for the Congress in its role as oversight agent. We can act to end the confusion. The establishment of a loan loss reserve for the Export-Import Bank should, as the Appropriations Committee recommends, be a key part of any effort to recapitalize the bank. Requiring a Federal agency to use widely accepted accounting principles is not a novel idea. In the recent FSLIC recapitalization, Congress required that agency to move toward GAAP accounting. Nor are there any technical roadblocks to requiring a unit of the Federal Government dealing with foreign credit to allow for loan losses. The Overseas Private Investment Corporation [OPIC], an agency which deals daily with foreign debt, has little difficulty in maintaining a loan loss reserve. Every quarter, OPIC adjusts its loan loss allowance account based on past experience and current conditions. At the end of the fiscal year, OPIC reviews those allowances to determine accuracy, as do independent auditors. If necessary, aggregate adjustments are made. OPIC has not found it necessary to establish a specific allowance for any one account or country, which negates the prospect for any adverse foreign policy implications.

Mr. Speaker, this is the direction in which Eximbank should be headed. The legislation I introduce today would require the Bank to establish a loan loss allowance in accordance with GAAP. To minimize adverse foreign policy impact, it would specifically provide that no reference be made nor information disclosed with respect to any particular loan or country.

I urge support for the legislation. At this point, I would like to include in the RECORD a copy of the legislation and a copy of the letter from Eximbank informing Congress of the diminished equity position of the Bank:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Export-Import Bank Amendment of 1987".

SEC. 2 LOAN LOSS ALLOWANCE ESTIMATES REQUIRED.

Section 9 of the Export-Import Bank Act of 1945 (22 U.S.C. 635g) is amended by adding at the end thereof the following new subsection:

"(e) LOAN LOSS ALLOWANCES.—

"(1) IN GENERAL.—The Bank shall—

"(A) estimate an allowance for loan losses; and

"(B) deduct the amount of such allowance from revenues and assets in accordance with generally accepted accounting principles.

"(2) REPORT ON LOAN LOSS ALLOWANCES.—The Bank shall include in its annual report under subsection (a) the aggregate amount of allowances for loan losses and a description of the method used in determining the amount of such allowances.

"(3) NO REFERENCE TO SPECIFIC LOANS OR COUNTRIES.—In providing for loan loss allowances or reporting on such allowances under this subsection, no reference shall be made and no information disclosed with respect to any particular loan or country.".

EXPORT-IMPORT BANK
OF THE UNITED STATES,
Washington, DC, October 23, 1987.

The SPEAKER OF THE HOUSE,
House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Under Section 14 of the Export-Import Bank Act of 1945, as amended, the Board of Directors of the Export-Import Bank of the United States is required to notify the Congress not later than 30 days after the end of a fiscal quarter if the value of the total capital stock and retained earnings of the Bank at that time falls below 50 percent of their value as of the end of fiscal year 1983.

As of September 30, 1983, the capital stock and retained earnings of the Bank amounted to $2,792,400,000 of which $1,000,000,000 represented capital stock and the balance retained earnings. While the value of capital stock has remained constant since that time, retained earnings have declined as a result of the negative impact of loans extended by Eximbank in the late 1970's. These loans accrue interest at heavily subsidized interest rates which were necessary to enable U.S. exporters to offer competitive financing, but which were significantly below market rates and the Bank's cost of funds at the time they were authorized. Since the rates on these loans and our whole portfolio remain below the Bank's aggregate cost of funds, retained earnings continue to be affected adversely.

In accordance with the provisions of Section 14, therefore, the Board of Directors has directed me to inform the Congress that as of September 30, 1987, the value of the total capital stock and retained earnings of the Bank has fallen below 50 percent of the value of those items as of September 30, 1983.

Sincerely yours,

JOHN A. BOHN, JR.

□ 2140

REMEMBERING THE POW'S AND MIA'S DURING THE COMING HOLIDAYS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 5 minutes.

Mr. DORNAN of California. Mr. Speaker, I will ask my colleagues to read this excellent article with young Bonnie French's superb idea to remember our missing heroes during the holidays.

The article is from the Orange County Register of Monday, November 2, 1987, as follows:

[From the Orange County Register, Nov. 2, 1987]

LET'S HEAR IT FOR THE POW/MIA FLAG-RAISING TO HELP BRING OUR BOYS HOME

(By Bob Emmens)

It was only a week ago that I told you about Bonnie French's idea for a nationwide flag-raising Dec. 13 dedicated to the memory of the American MIAs and POWs left behind in Vietnam.

Only a week ago, but already a lot is happening.

Just to refresh your memories, it's Bonnie's notion that all across the country on Dec. 13 the POW/MIA flag should be raised in front of homes, businesses, churches, city halls, fire stations, banks, post offices and so on.

She picked Dec. 13 because she wears an MIA bracelet bearing the name of Maj. Morgan Donahue, and that is the date in 1968 when his plane went down over Laos and he was seen bailing out. (There have been recent reports that Maj. Donahue and five other Americans have been seen alive in a Laotian prison camp.)

Bonnie is just an ordinary citizen who grew up in Westminster in the '60s and watched a number of friends go off to fight in Vietnam. Some of those friends never came home again. She feels that if enough other ordinary citizens become aware of the plight of the MIAs/POWs, enough pressure can finally be brought to bear to get our government to do something about bringing them back.

That's the background to the Dec. 13 flag-raising.

So far, Bonnie's got commitments from several Vietnam veterans' groups in New Jersey, Oregon, and here in Southern California to raise the MIA/POW flag Dec. 13. She's also talked to the American Legion in Pomona, where she now lives.

I've been busy the past week, too. I've received a number of phone calls and letters from Orange County schools and civic groups asking for more information about the flag-raising. A couple of local cities are considering passing resolutions to fly the POW/MIA flag.

Also—and this will probably knock your socks off—I actually called my old nemesis, Rep. Bob Dornan. I assure you I'm not mellowing; I'm as nasty and irascible as ever. But on this issue the congressman and I happen to agree: Something has to be done to bring the MIAs home.

Rep. Dornan, who has been very active and outspoken on the MIA issue, said he thought Bonnie's idea was great. "It's the best I can think of for the holidays," he said. He said he'd mention the idea to his colleagues in the House and would also talk it up in his travels around the country.

Let's see, what else? Oh, yeah, I also got a number of calls from people wondering just exactly what the MIA/POW flag looks like so that they could make one. OK. A drawing of the flag appears along with this column. (If you don't want to make one, you can buy one for $25 from the National Human Rights Committee for POWs/MIAs, Box 2, Walden, N.Y. 12586.)

All told, not too bad for the first week.

But look, guys, we need to do more.

I'm a skeptic. But I've been doing a lot of reading about the MIA/POW issue—magazine articles, books, government documents obtained through the Freedom of Information Act—and I've become convinced that many of the 2,400 Americans left behind in Vietnam and Laos are still alive and in captivity.

It may be that the communist governments in Southeast Asia are holding them for some future diplomatic advantage or maybe just for ransom. It's even possible that some are being held by local chieftains outside the control of the government.

Whatever the reason, we have to get them home. Honor demands it. And this flag-raising on Dec. 13 is one good way to work toward that. If enough of us become aware of this issue, our government is finally going to have to move on it.

So talk to your friends about the flag-raising. Bring up the idea at meetings of your civic or fraternal groups. Call your city halls and ask them to fly the flag Dec. 13. Call the county supervisors and ask them to pass a resolution to raise the MIA/POW flag Dec. 13.

Talk to the teachers and administrators at your local school and suggest that they do class projects on the MIA/POW issue to coincide with a flag-raising over the school Dec. 13. Maybe for a class project, the kids could make an MIA/POW flag.

C'mon, do these things today.

Look at it this way. We're the only hope those Americans over there have.

MONETARY POLICY SHOULD STABILIZE THE DOMESTIC ECONOMY, NOT EXCHANGE RATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina [Mr. NEAL] is recognized for 5 minutes.

Mr. NEAL. Mr. Speaker, today I am introducing a resoluton expressing the sense of the House that the Federal Reserve should not set monetary policy primarily to stabilize exchange rates. Stabilizing the dollar is widely perceived to have been the primary objective of monetary policy for much of this year. This perception appears to have been one of the important forces behind the collapse of the stock market.

In February the Secretary of the Treasury is reported to have reached an understanding with major industrial countries—the so-called Louvre agreement—that foreign exchange rates should be stabilized around the levels then prevailing. I say "reported to have reached an understanding" because the actual contents of this agreement, if that is what it was, were kept entirely secret—secret from the public, secret from the financial markets, and secret from the Congress.

But, though no one outside the financial authorities of the countries involved really knew what it contained, it was hailed as an important step toward the international coordination of economic policies, presumably a laudable goal. And it is hailed today as the cornerstone on which we should base our efforts to stave off the recessionary impact of the collapse of the stock maket. This assessment of the Louvre agreement is, however, totally erroneous. It was, from the outset, a disaster waiting to happen. Prolonging it in any form whatsoever would compound the disaster that has now happened. It should be explicitly abandoned, and not replaced with any international commitments, explicit or implicit, which would tend to tie the hands of the Federal Reserve in its efforts to stabilize the domestic economy.

It is, of course, difficult to criticize an agreement which was, and remains, secret. But the financial markets operate on perceptions and expectations, and they certainly were encouraged to form the expectation that the major industrial countries would coordinate their policies to maintain more or less stable exchange rates. They were encouraged in that expectation by vague but official statements, by the evidence of massive intervention in the foreign exchange markets, and by the fact that, for most of the year, exchange rates did remain relatively stable. Most of all, however, they were encouraged by the monetary policy of the Federal Reserve.

Foreign exchange intervention cannot, by itself, peg exchange rates for long. It must, ultimately, be supported in that effort by the basic thrust of monetary policy. An exchange rate under persistent downward pressure can only be supported by tighter and tighter monetary policy, entailing higher and higher interest rates. A commitment to stabilize the dollar in the face of such pressure is a commitment to tighten monetary policy as required for that purpose, and that purpose alone, without regard to the domestic economy.

Whatever the precise understandings of the Louvre agreement, if any, the Federal Reserve acted as though it felt committed to dollar stabilization. It dramatically tightened monetary policy in 1987. Growth rates for the monetary aggregates declined substantially, compared to 1986. And interest rates on dollar assets began rising noticeably, from about midyear on.

Some of this tightening was certainly necessary. Monetary growth in recent years, and especially in 1986, had been extraordinarily rapid. A continuation of those rapid rates would have reignited inflation sooner or later, and probably sooner. The Subcommittee on Domestic Monetary Policy, which I chair, examined this threat in a series of hearings this summer. I concluded, based on those hearings, that past monetary growth did not inevitably entail a resurgence of inflation, but it could not continue unabated without eventual inflationary consequences. Some deceleration of monetary expansion seemed the wisest course, though no one could know how fast a deceleration would be optimal. The Federal Reserve delivered a sharp deceleration.

Judged solely in terms of its impact on the domestic economy, there is no convincing evidence that it has been too sharp. Real economic growth has been surprisingly robust, unemployment has been falling, and inflation has been rising. Prior to the stock market crash the economy seemed more prone to overheating than to undercooling. How, then, did monetary policy contribute to the crash?

Financial markets undoubtedly feared that monetary policy would continue to be subordinated to the presumed commitments of the Louvre agreement. Month after month brought discouraging news that the nominal trade deficit was not declining. Investors worldwide realized that, without more progress on the trade deficit, the dollar would come under stronger and more persistent downward pressure in the foreign exchange markets. To stabilize the dollar in the face of this pressure, the Federal Reserve would have to tighten monetary policy even more than it already had, which would entail ever higher interest rates. The only escape from this dilemma would lie in much easier monetary policy and much lower interest rates in Germany and Japan. But interest rates in Germany and Japan were headed up, not down.

If the market fears an eventual fall in the dollar against the German mark and Japanese yen, investors in dollar assets will demand interest rates sufficiently higher than mark and yen interest rates to protect them against the expected exchange rate losses on their dollar assets. Clearly, in the face of our continuing trade deficit, and in the face of our very timid and uncertain steps toward budget reduction, investors did expect the dollar to fall sometime in the future, and were willing to hold dollar assets only at rates significantly higher than German or Japanese interest rates. This "risk premium" built into dollar interest rates could only grow larger and larger as the market's expectation of an eventual fall in the dollar grew stronger and stronger. Or, to pose the problem another way, protecting the dollar against this fall would require an ever tightening monetary policy, producing ever rising interest rates. This fear of rising interest rates, far outstripping the yields available on highly inflated equities, created an explosive disequilibrium requiring a major downward adjustment in the value of equities.

The Louvre debacle yields unambiguous conclusions. We cannot rely on the international coordination of economic policies to stabilize exchange rates. The Treasury has taken to blaming the Germans for raising their interest rates, forcing us to follow suit. That blame is entirely misplaced. Whether higher interest rates on mark assets are, under present conditions, good or bad for the German economy is a question for the German authorities, not the American. They will make their policies in the light of their own understanding of their own interests—and not to bail us out of our problems. Most countries, most of the time, will view the "international coordination of economic policies" as a way of getting other countries to help them solve their own problems.

We should no longer expect the Germans, or anyone else, to solve our own problems for us. The rise in our interest rates should not be blamed on German economic policy, but on our presumed commitment to stabilize the dollar against the German mark. We need to repudiate that commitment, to make it explicitly clear that our monetary policies are driven by the needs of our domestic economy, and not by any exchange rate commitments. If the consequence is a sharp drop in the dollar, so be it. When the point is reached where the market expects no further decline, it would no longer demand the "risk premium" it now builds into dollar interest rates as protection against dollar depreciation. Dollar interest rates would then be free to fall, relative to German and Japanese rates. And the dollar would be free to fall against the mark and the yen, as it has been doing in the past few days. If we really think German monetary policy should be more expansive, the best way to induce that expansion is by letting the mark appreciate substantially against the dollar. Market pressures can work wonders in inducing shifts in policy. Attempts to coordinate such shifts through high-level political negotiations will, all too often, produce only rancor and stalemate.

The resolution I am introducing today is very simple and clear. It expresses the sense of the House that the Federal Reserve should not be bound to conduct monetary policy primarily to buttress exchange rate targets negotiated by the Treasury. By law the Federal Reserve is free and independent of the Treasury in the setting of monetary policy. It has the legal authority to conduct monetary policy according to its own independent assessment of the needs of the American economy. We would make clear, by adopting this resolution, that we expect the Federal Reserve to make full use of that independent authority, and not feel constrained in the slightest by Treasury's secret international maneuverings.

This independence does not, of course, preclude the Federal Reserve from taking account of the behavior of the dollar on the foreign exchange markets in its deliberations and decisions. Dollar exchange rates have an undeniably important impact on our domestic economy. But they are only one among many factors the Federal Reserve should consider. We need to make clear to the financial markets that we do not want the Federal Reserve to give predominant weight to exchange rate stabilization at times when the economy may well need greater liquidity, and when the dollar probably needs further substantial depreciation, given our intractable trade deficit.

The Federal Reserve remains free, of course, to disagree with assessment. It remains free to pursue any policy it deems appropriate. I only want to make clear, with this resolution, that it should be the independent judgment of the Federal Reserve that is brought to bear on its conduct of monetary policy, unconstrained by Treasury exchange rate objectives. The Treasury has never had any legal authority to impose such objectives on the Federal Reserve. With the Louvre debacle it has forfeited even the slightest presumption that it should set the course to which monetary policy should conform.

AN EVALUATION OF THE CURRENT POLITICAL AND ECONOMIC CONCERNS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. GINGRICH] is recognized for 60 minutes.

Mr. GINGRICH. Mr. Speaker, I do not intend to take my full 60 minutes, but I did want to talk for a few minutes tonight about the situation the House seems to be finding itself in, the concerns we have for the national economy, and the problems that the country is evidencing as the people watch the House in action or in inaction.

I was very surprised last night, as I mentioned in the 1-minute earlier today, to discover that in a series of nine telephone calls in a call-in show on C-SPAN, which occurred after the House had adjourned for the day, 7 of the 9 people who called in were extremely angry and they were very upset with the way the Democratic leadership had abused the rules of the House and had run over the prerogatives of Members last Thursday, and that there was a very deep feeling that something was fundamentally wrong when the U.S. House of Representatives was being ramrodded in such a dictatorial fashion.

I understand there is great stress and concern on the Democratic side tonight over how tomorrow's rule will be written and what will happen on the floor tomorrow with the continuing resolution. I understand that there is great concern about the pay raise, and there is some talk now that when the larger continuing resolution comes up later, some of those who were frightened by their vote for a pay raise are now going to try to hide behind an amendment to kill the pay raise they earlier voted for, proving that they can be both afraid of the Speaker and afraid of the people back home in the same month.

I think the public, looking at the confusion of Washington, looking at the drop in the stock market and seeking some kind of stability, looking at the difficulties in the Reagan administration and at the confusion in the Senate and at the extreme problems the House had last Thursday, might ask, what is going on, and how do we explain late 1987? Is this not, after all, the 200th anniversary of our Constitution?

I want to put in context what I think is happening. The world is changing very rapidly today in a way that never before was true. Hong Kong, Tokyo, London, Paris, Frankfort, and New York are all tied together with computers, with television, with long-distance telephone. People are now pulled together into an instantaneous, tiny world in which a stock market price shift can begin in Tokyo at the beginning of the day and literally come around the planet, going from Tokyo to Hong Kong, from Hong Kong to Singapore, and from Singapore leaping across to frankfort and then to Paris and London, and then coming across to New York, to Chicago, and to San Francisco.

This worldwide network literally watches on television. I had the experience recently of being in Costa Rica and watching the Cable News Network in a foreign country, in its capital, and I was told that there are some 7,000 homes in the capital of Costa Rica that one receives Cable News Network.

Across the planet we are beginning to be wired together. Faced with that kind of worldwide information and worldwide shifting around of money, money in enormous sums, billions of dollars a day shift from country to country electronically, by telephone, and by computer. Investors across the planet watch what happens to tax bills, what happens to banking regulations, and what happens to interest rates.

Recently when the House of Representatives bagan to write under Democratic leadership a particularly bad tax bill, we had what I would call the Hoover Democrats writing a tax bill guaranteed to make the economy worse, a tax bill which the New York Times in effect said was an antiinvestor, antistock buyer, anti-New York Stock exchange bill, a bill which raised the cost of being in the stock market. As that bill went through the House and went through the Ways and Means Committee, and was announced, the stock market began to crumble. In fact, any student who wants to look at the New York Times articles which cover the Democratic leadership between the Democratic tax increase and the collapse of the stock market will find that the New York Times—not a supply-side newspaper like the Wall Street Journal but the establishment New York Times—blames the Hoover Democrats for having raised taxes in a way guaranteed to weaken the stock market.

Then the country looks and says, "Ah, but don't we need to reassure the investors? Don't we need to do something to bring down the deficit?" I think the answer is yes. Certainly on the Republican side of the aisle there are many Members who want to bring down the deficit.

But let us talk about the most recent tax bill. Yes, it raised taxes. Yes, it raised fees to go into Yellowstone National Park, into Grand Canyon National Park, and into the Tetons National Park. But what else did it do? Initially, as it first came into the House, it dramatically raised spending. It created a welfare increase program which would have had more spending for welfare, more restrictions on requiring work, and which would have made it harder for poor people currently trapped in welfare to go out and find a job.

It also had special interest goodies in it. We have the Democratic leadership taken care of. The Speaker of the House, for example, had a provision that gave $4 million to one family. Apparently, as we have pieced it together since then, that family had a will that was written wrong. The way the will was written, the family had to pay $4 million extra that they did not think they should have to pay. So we are in the House under the Democrats rewriting a bill to take care of in one clause one family whose lawyer did not do the right job, and they get $4 million.

The second ranking Democrat had, I believe, $42 million in the bill. Other members of the Democratic leadership had a bit here and a bit there. One presidential candidate, Presidential candidate GEPHARDT, had something in the bill, and the result was that it was a classic pork barrel bill that raised taxes on average Americans to give tax advantages to special interests that had access to those who would take care of them.

On the Republican side of the aisle we felt very strongly that this bill was wrong. We rose in protest. We spoke against it. In alliance with some Democrats, we defeated the rule in the morning, but the Democratic leadership was not comfortable being defeated. They did not listen to the House. They said, "Oh, we will come back and we will pass it, no matter what," and in fact they went to the extraordinary occasion of adjourning the House and creating a second legislative day. That is, we quit, and then they came back in and reopened the House. That was to allow them to get around the rules.

The rules of the House require that if you are going to pass a rule out of the Rules Committee—and a rule is simply a basic device; it is like being a traffic cop; it says, "Here is the way we are going to play the game on this next bill"—in order to protect individual Members and in order to protect the minority, there is a requirement that if a rule is reported out on the legislative day, it has to be approved by two-thirds of the Members. This protects the minority. It allows the minority to have rights, to know that the majority will not run over them, to know that the machine in charge of the House will not suddenly trample on an individual's right to know, to make sure that the rule comes up is noncontroversial so that if a Member has to be off on a trip or has to be out of town or something happens, the minority Member will not come back to town to discover that something radical and dramatic happened.

□ 2155

The Democratic leadership knew they could not get a two-thirds majority for a rule that would allow them to pass a tax increase, give away special privileges to a handful of key players kind of bill, so they used a gimmick.

By adjourning, they in effect said they had one legislative day in the morning when the Committee on Rules met, and at 3:15 we would start a second legislative day; and therefore, they had violated the fundamental spirit of protecting the rights of the individual Members and the rights of the minority.

We protested strongly. We fought against the new rule. We fought against the bill. We pointed out that it had a congressional pay raise, the third congressional pay raise of 1987, a total of over $17,000 in pay raises for Congressmen.

The pay raises in many districts are now larger than the entire income of the average person in that district. We argued, faced with the giant budget deficit and the failure for Congress to get its job done, for us now to add $17,000 in pay raises in 1 year, and we pointed out it was wrong to be giving $4 million away to one family in Fort Worth on behalf of the Speaker at a time when we were saying we had to raise money in order to shrink the deficit.

What virtue is there in charging every family that goes to Yellowstone National Park $5 more if the first

800,000 families that go to Yellowstone are paying their $5 in effect as a transfer payment to one family in Fort Worth, TX, for $4 million, or what virtue is there in raising $31 million in fees at national parks, if raising that money from families that want to go on vacation and see our national treasures does not shrink the deficit, but transfers their hard-earned money to one place in Spokane, WA, on behalf of the majority leader?

We argued that this was wrong, and this was not shrinking the deficit. This was not a good bill, and we also argued that every analysis available said that the taxes raised by the Democrats were aimed right at the stock market and would actually weaken, not strengthen, the stock market.

We felt on our side that we had won the vote when it was 206 to 205, when we defeated the bill, because 206 were registered no, and 205 were registered yes.

We waited for over 5 minutes after the vote was supposed to have been closed, and we waited, and finally the Speaker said, "All time has expired."

At that moment just as he was bringing the gavel down and formally closing the vote, one member of the Democratic Party came down front and changed his vote, so it went from being 206 against defeating the bill by 1 to 206 in favor of passing the bill by 1.

That means every single person who voted yes was the margin of difference. Every single one of them, if any one of them had had the courage to change their vote, they would have defeated the third pay raise of the year, defeated a $5 increase at Yellowstone, the Grand Canyon and Tetons National Park, a $14 billion tax increase bill that will hurt the stock market, defeated the giveaways that went out special interest by special interest by special interest to people who had access to the big boys.

In that setting we arrive at today. Where are we? First of all, any viewer who has been watching the House over the last few years and is curious has to understand that we are in a very different House of Representatives than we were 1 year ago, or 5 years ago. The difference is more than personality.

The House, when I came here in 1979, was essentially still operating under the rules that had first been established in 1910. Those were rules designed by the progressive movement in a bipartisan effort to protect the rights of the individual, relatively strong seniority system. The committees had real power.

The Committee on Rules was deliberately independent of the Speaker to make sure that the Committee on Rules would protect the House from a strong Speaker. Speakers had relatively limited control of the agenda. They could set the schedule, but they were largely pressured.

While Speaker O'Neill was a strong Speaker, he was not a dictator. Inch by inch, year by year under Speaker O'Neill, power came closer and closer to the speakership.

We now have a new Speaker, and what we have is a resurrection of something which I recommend to audiences they read a book called "Kings of the Hill" by Dick and Lynne Cheney.

It describes the people who dominated the House and the two people who will give you the best sense of the modern speakership of Speaker WRIGHT, or Speakers Thomas Reed and Joe Cannon.

Reed was a Republican, but he believed in the absolute total domination by the minority. He used to laugh at the minority. His position was, let us run over them if they got the votes.

More than once, he locked the doors of the Chamber and would not let people leave to make sure he had a quorum. He was a tough, hard man in the late 19th century.

His successor, Speaker Cannon, made all the decisions in the Speaker's office. Speaker Cannon became so powerful that he was virtually a dictator. "Cannonism" became a major campaign issue across the country, and not just Democrats against Republicans. There was a feeling among people who were called Progressive Republicans, and they said it is against the popular will to have a dictator in Washington. It is wrong to have a dictator in the speakership.

Too much power is centralized in one man. Yet in 1910 they rebelled. They stood up in a dramatic moment and took on the Speaker; and when he ruled against them, they appealed the ruling of the Chair, and they defeated him.

Speaker Cannon offered to step down; and they said no, no, stay in as Speaker, but we are never going to give any one man the dictatorial powers you had.

Those who would like to know more about what a strong, powerful dictator he was ought to read "Kings of the Hill" by Dick and Lynne Cheney.

As we look at our modern speakership, remember first the progressive reforms that strengthened the rights of individual Members were far stronger in 1910 than they were 5 years ago, and incredibly stronger than they are today.

You used to be able to have a discharge petition; one Member could discharge a bill under certain circumstances. Then there was an open discharge petition, and gradually it has been closed up.

Up until 1962, the Committee on Rules was totally independent of the Speaker and gradually from 1962 to the present, more and more powers come in until, in all fairness, the Committee on Rules is the Speaker's committee.

This Speaker can order the Committee on Rules to write any rule he wants, and he has the votes to get it done.

The power to schedule used to be far more restrictive, the freedom of debate, the ability to slow down things on the side of the minority; inch by inch, year by year, in order to bring power together for the leftwing Democratic machine that runs the House, they gradually changed the rules and centralized power. There is a problem which even the Democrats are discovering.

When you have power diffused, and all of us have a little of it, and all of us are protected and have our rights, things move a little slowly; but everyone participates. Everyone is involved.

You have a spirit of cooperation. You recognize that you have to give a little to get a little. As you draw power into a dictatorial Speaker and give more and more power to one man, two things happen that are very dangerous. The first is the personality of the Speaker becomes dramatically more important.

If you are a dictator, what is to prevent power from going to your head? Speaker Cannon clearly had this problem. He had power go to his head.

He thought he was the dictator rather than the office. He began to be arbitrary and capricious, and people rebelled.

There was always a danger when the Speaker has too much power of the Mussolini-like effect of deciding to impose your will, deciding that you are in charge, and you drive the House.

You can see to some extent that kind of power exhibited last week when we created 2 days in one in order to impose the will of the machine that the Democrats use to run the House.

There is a seocnd problem, and one that our friends on the left are discovering tonight. Anytime you have 435 people representing all of America, you have to have ways of getting the information into the central decisions.

You have to have committees of some kind, maybe not the committees we have this year, but some kind of structure, because you have to bring information and power together.

Once power gets centralized in one man and his personal staff, he never has enough information to make good decisions, because the world changes faster than any one man can possibly understand it.

That is why the genius of our Founding Fathers in having a President down at the White House, 100 Senators, 435 House Members by diffusing power and responsibility, and making all of us players, they guaranteed that when the vote came, we would all be involved, and all of our people back home would be involved, and everyone would be represented.

As we gradually bring more and more power into the speakership, as the Speaker dominates and owns the Committee on Rules and the schedule, as the Speaker makes decisions often changing rapidly, and this would be true of any Speaker, not just one whose personality was open to this kind of flattery, this kind of power, but virtually any of us, given that much power in an institution like this, would discover suddenly we could not get to enough meetings, listen to enough people, and we did not really understand the pressures and all of the different second- and third-order effects that were going on, or know what was around the bend on the next proposal.

As a result, we would make in effect dumber-and-dumber decisions, dumber in the sense that we literally were out of touch with information. We just did not know what had happened in the last 5 years. We were not able to touch base with all the different elements of the House.

For almost 80 years, the House was relatively stable. If you read the history of the House from 1910 up until 1979, 1980, it is pretty much similar, gradually an erosion of the power on the Committee on Rules in 1962 largely over the civil rights issue, but very similar.

In 1975, the Watergate Democrats, the relatively left wing Democrats who came in, in a huge flood began to break down the seniority system, the committee. In 1979, Speaker O'Neill began to centralize power. Anyone who looks at today's House and measures it against the House of Rayburn or McCormack or Longworth misunderstood what has happened.

The only two Speakers who are comparable to the power we have now centralized, the kind of dictatorship of the center, if you will, right there in the Speaker's chair are Tom Reed and Joe Cannon.

Not since 1910 have we seen power centralized, so that one man decides, dictates the rules and sets the schedule, and our friends on the left wing of the Democratic Party are discovering tonight that there are very, very great disavantages to any one person having that much power and that much authority.

Let me say in closing, America is a great enormous country stretching from the Atlantic all the way across to California and out into the Pacific, north across Alaska.

We have interests across the planet. We have allies in Japan and Singapore. We have allies in the Middle East.

We have allies in Europe and South America and Africa. We have allies in Asia.

The world is changing very rapidly. No White House can keep up with that change, and no single Presidential candidate can save us.

The House of Representatives is the largest single body of elected officials in the United States, more people in terms of Federal Government, and there is only one President.

There are 100 Senators. There are 435 Representatives. When the House of Representatives works right, when we have to go home every 2 years to get reelected which we do not now frankly, because the incumbency advantages are so massive that many incumbents think they own the seat, and they can do anything they want; but when we really have a fair break for challengers and have to go home and listen, when the House works properly and the committees make sense, and there is enthusiastic, energetic work being done, and the rights of the minority are protected, and everyone participates fairly, then you have the most creative single body for decisionmaking in the Federal Government of the United States.

□ 2210

We are now in an institutional crisis. We have a weakened Presidency downtown. We have the usual chaos in the other body, which I think has rules designed for that purpose, and then we have a House in which on the one hand an increasingly bitter minority is confronted by a Democratic majority dominated by an increasingly dictatorial speakership; so now we find even the Democratic majority beginning to fall into factions.

Every Member of this House needs to look at the dangers facing America, needs to look at the changes occurring in the world, and needs to make a very serious decision about the oath we swore to uphold the Constitution.

Are we really serving America well when one man has this much power? Are we really doing the right thing by our children and our children's future when one person has this much power? Is this kind of dictatorship in the Reed-Cannon tradition really what we want to impose on America, or has the time come on a bipartisan basis to rethink the House rules, to rethink what we are doing, to be honest with the American people and to do what is necessary in order to bring back to the people's House and true sense of fairness and a true sense of respect for the rights of the minority?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. FRANK] is recognized for 60 minutes.

[Mr. FRANK addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

THE BUDGET CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. DIOGUARDI] is recognized for 30 minutes.

Mr. DIOGUARDI. Mr. Speaker, I wanted to address the House tonight on an issue that is very timely in the sense of the budget crisis that we face. A number of us joined together to write a book that has been publicized. The title of that book is "A House of Ill Repute," talking about the problems that at least 10 Congressmen see each year in the way the House operates.

I cannot speak for the other Congressmen, but I can certainly speak for the chapter that I contributed to the book, a chapter that I entitled, "Ending the Credit Card Mentality in Congress, a Guide to Achieving Fiscal Discipline."

I spent 22 years in the private sector as a certified public accountant. I feel it is important that I bring my background to bear, as other Members do here with their backgrounds and their contributions, and as we approach the budget deficit it seems to me that a lot what I see that is lacking in Washington deals with structural and systemic problems ranging from things as mundane as the improper use of accounting systems in Washington.

Many people are shocked when I say that we are still in Washington using the same Mickey Mouse cash basis of accounting that we took New York City off of in 1976 as a price for the Federal bailout; but I think it is important to understand that if we are going to manage $1 trillion of spending, which is what we are doing here today, and obviously we do raise that much money. That is why we have an annual budget deficit on a cash basis of approximately $150 billion, but if we are going to talk about spending $1 trillion and managing $1 trillion, I think we have to do it with the best systems available, and why not start with the system that we in Government impose on the private sector through the Securities and Exchange Commission. If you buy a share of stock in a public corporation, that corporation could not use the accounting sytem and the budget systems that we use here in Congress. I dare say that would be such a gross violation of Federal securities laws that that would be tantamount to securities fraud and those people would be put in jail.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. DIOGUARDI. Yes, I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding.

I want to go back to a point the gentleman made just a couple minutes ago, because that interests me.

Did the gentleman say that some time ago we required the city of New York that was going broke to do a different accounting system and that we here in Washington maintain the same accounting system that we took New York off of?

Mr. DIOGUARDI. That is absolutely right. We found in New York that they were playing the biggest shell game in the world. As a matter of fact, they actually had a capital budget. We do not even have a capital budget. The Controller General, probably the most impartial referee that we have here in Washington, who himself is a certified public accountant, did a study and of 43 States that responded to the study, would you believe that 37 of them employ a capital budget, and yet we in the U.S. Government do not.

Now, New York City had a capital budget, but they were abusing it. They were playing the shell game of taking funds from one and putting it into the other, but the point is that they were also on the cash basis, as we are now, and that basis of accounting, not to get into accounting 101, is a politicians dream because what it does, especially if you are a tax and spend politician, what it does is that it enables you to accelerate revenues, defer expenses, and we had the best example of that just last year in our budget process here where we actually deferred 1 week of the military payroll into the following fiscal year, which is this fiscal year, October 1, the fiscal year ending 1988, which means that this year we now have a greater problem than we had last year because while we had 51 weeks of the military payroll into this year, we now have 53 weeks of the military payroll into this year, so we just keep passing the problem on to the future, like a snowball.

I would like to see us get off of that system, that case basis, which is tantamount to a shell game.

Mr. WALKER. Mr. Speaker, will the gentleman yield further?

Mr. DIOGUARDI. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Does it strike the gentleman that is a rather hypocritical double standard, that when we are telling one municipality that they have to end a certain kind of accounting system, that we maintain that same accounting system for exactly the same reasons for ourselves?

Mr. DIOGUARDI Absolutely, and it is being done to my mind to serve political ends, certainly not to serve what I believe is our stewardship and that is public accountability, fiscal responsibility.

There is no way that the budget systems that we use here, the accounting systems that we use here, can be equated to fiscal responsibility and accountability to the public. The public is not getting a dollar's worth of goods and surpluses for a dollar's worth of taxes, and as we have seen with the Grace Commission, I think Peter Grace aptly pointed out 400 billion dollars' worth of waste. Well, much of that waste goes undetected because we use systems here that kind of disguise economic reality. We do not really see where we are going.

One of the other things that I am concerned about, and I know the gentleman is as a Congressman, is that we do not get financial information that allows us to make multibillion-dollar decisions. Many times we are forced to vote on programs where we are only given the financial impact of those programs on this year's cash budget. We are never told what the impact is to the future. Many times there are Congressmen selling programs to us on the basis that it is only going to cost us this year $10 million or $20 million.

An example in point is that atom smasher which many Congressmen want for their districts because it is going to be a multibillion-dollar project.

Now, I understand there are Congressmen trying to sell that on the basis that it is only going to impact this year's budget by $5 million or $10 million or $20 million, and yet we know that once we pass that, we have obligated the future for billions of dollars.

Mr. WALKER. $6 billion.

Mr. DIOGUARDI. And yet our accounting system does not permit us to pick that up. We do not have a balance sheet. It is really a double standard.

We here in Government sell tens of billions of dollars' worth of bonds every month and we do not give the public one piece of paper. It is not a red herring. We do not say what the risks are, what the problems are. There is not a financial disclosure, and yet we in Government tell a corporation, God forbid you sell bonds or sell stocks to the public without having an annual audit, a certified financial statement, or without having a disclosure sometimes a half-inch thick, maybe an inch. Even municipal bonds today cannot be sold without a disclosure, and yet we allow the Treasury to float these bonds to the public without giving them the financial information they need, and frankly we do not get the financial information we need to make these multibillion-dollar decisions.

Mr. WALKER. Mr. Speaker, will the gentleman yield further?

Mr. DIOGUARDI. Yes, I yield to the gentleman from Pennsylvania.

Mr. WALKER. Did we not have exactly that kind of a shell game take place in the bill that was muscled through the House here the other day that was called a $23 billion budget reducer, when in fact it had about $14 billion in taxes in it? It had a bunch of spending increases in it. It claimed to have spending reductions, but those spending reductions were reductions that maybe we could get in the out year, that we could get some time next years, that in fact it was precisely the same shell game wrapped into one huge bill that the gentleman is referring to.

Mr. DIOGUARDI. Absolutely. That is another manifestation of the problem, just like it was ridiculous last year when the House Ways and Means Committee came up with a tax bill and said that it was revenue neutral over 5 years. We have never done anything here except for Gramm-Rudman on a 5-year basis. We live here year by year, in fact week by week many times with these continuing resolutions and debt limit ceiling increases, and yet someone had the nerve to suggest last year that we could look at a tax bill on a 5-year basis where we knew in some years we would be in a deficit position and some years in a surplus from a tax point of view, and that is not being respected now.

Mr. WALKER. Mr. Speaker, will the gentleman yield further?

Mr. DIOGUARDI. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I wonder what the gentleman's advice as an accountant would have been to a company that came in and was in great financial trouble and was trying to reduce its expenses, but included in the package of reduced expenses a significant pay increase for all its top officials? Would the gentleman probably have given that company some advice that they were not going to work their way out of the problem?

Mr. DIOGUARDI. I would say that the gentleman is absolutely right. I think it is shocking that we could even think about imposing a tax increase on the American public and in the same bill have a pay raise for Congressmen. I mean, that is like rewarding incompetence.

As the gentleman knows, I took a very strong stand on the other pay increase that we had and decided to contribute that increase to the homeless in my district because I felt it was not right to have voted on a bill a day after anything could be effective, and as the gentleman knows, there was a parliamentary procedure employed to make it look like Congressmen were voting against their pay raises, when in fact no matter what they did, it was too late and I would not be a part of that because I believe that accountability is not just with numbers, but in actions in our behavior here.

Mr. WALKER. Mr. Speaker, if the gentleman will yield further, that is interesting, because when we refer back to earlier this year when they snuck through this $12,000 pay increase, the other evening when we were on the floor I was pointing out, for example, there was a $2,700 pay increase down in this bill that got muscled through, there were several people running around the floor explaining to me that there was no real pay increase in this bill, that I was absolutely wrong, that this was not the case. Well, I know that there was, but that explanation was there.

Today the Speaker of the House announced that we were going to repeal that pay increase when the continuing resolution comes up; so now it is obvious that in fact it was there. They are now catching heat for it, as rightfully they should, so now they come to the admission that, well, yes, it was there, but now we are going to get rid of it.

The American people have got to be disgusted with people that play that kind of game when what we ought to be about for the good of the Nation is real deficit reduction.

So I think the gentleman from New York does a great service to the House by pointing out that we probably are never going to get there from here unless we revise the procedures by which we budget, unless we go to accounting methods that are accepted, rather than the unacceptable methods that we use to spend money in the House.

I personally think that the gentleman's chapter in the book, The House of Ill Repute, is a very good outline of what we need to do in order to reform our accounting systems in this Government, so that it becomes an honest accounting system rather than a dishonest accounting system that now pervades our methodology.

Mr. DioGUARDI. And it is not an academic issue. It is not just to get a better accounting system so we can say we have a good accounting system. The issue is to be accountable to the people of the United States of America for the huge amount of money that we raise here. We will pick up this year some $850 billion and we now know that is not enough. We are spending a trillion dollars and we now know that the very people who are spending that money want to come back and rather than dealing with the spending side of the equation, which we should be dealing with, they now want to bring new revenues to Washington, which to my mind would be a license to go back to fiscal irresponsibility and would be an opportunity for Congressmen and Congresswomen to stand in line and say, "Hey, there are new programs that we need." We cannot allow that to happen.

Mr. WALKER. Mr. Speaker, if the gentleman will yield one last time, it is important maybe for the gentleman to point out something that he pointed out to me one day, and that is that in the private sector, had the gentleman as a private sector accountant used the same accounting procedures that we use in Government, that he would have gone to jail. Is that not what the gentleman told me at one point?

☐ 2225

Mr. DioGUARDI. The Securities and Exchange Commission has a very harsh statute when it comes to securities fraud, and when one is dealing with public corporations that sell stock to the public and float bonds to the public there are very stringent rules that must be followed, and basically monitored by the Securities and Exchange Commission. If one tries to sell securities and give financial information that is not meaningful and the Securities and Exchange Commission in conjunction with the accounting profession has decided that the cash basis of accounting is not meaningful, that the only basis that is meaningful is called generally accepted accounting principles, if you do not employ those principles so that an outside audit firm, and independent audit firm can certify to it and that company tries to sell securities they will be committing securities fraud in most cases if not all cases.

The point is that I say to the gentleman from Pennsylvania [Mr. WALKER] he is absolutely right. We are getting away with what we are imposing on the private sector, and my feeling is that it is another example of the double standard.

Government seems to say, do as I say, not as I do. That is wrong.

That is why I think the public has such low regard for public officials these days, whether they are in Washington or locally, and that is why the name of the book I daresay is not a gimmick. The reason why we decided to say something shocking in calling the House of Representatives a house of ill repute is that it has a bad reputation. In any public opinion poll that is taken, Congressmen, both Senators and House Members, rank somewhere near the bottom. Just recently the American Institute of Certified Public Accountants commissioned Lou Harris, and I asked for the poll and I believe I do have it so I can make it public, but Lou Harris did a poll across the country on the 100th anniversary of the accounting profession. It was a rather large poll. Twelve occupations and professions were ranked in that poll in the eyes of the American public, and guess who was at the top? At the top were CPA's. They had a 90-percent positive identification.

Guess who was at the bottom? Congressmen, including Senators, 58 percent negative in the eyes of the public.

So it is the public that is calling this place a house of ill repute, not 10 Members of Congress. The reason for it is that they constantly witness the double standard that we have and it is about time that we impose on ourselves the same rules that we impose on the American people.

I remember as a practicing CPA back in 1974, we had a bill called ERISA, the Employee Retirement Income Security Act of 1974. It was needed. We needed reform in the vesting rules for pensions, especially private pensions, and the coverage and funding. Yet what did Government do at that time? They exempted almost all public pension plans from the same rules.

If it was good enough to impose on the private sector, why is it not good enough to impose on the public sector? That is the kind of thing that we have to get away from so that we in effect get the public to believe that this is a place of public respect.

None of us feel comfortable in referring to the House of Representatives as a house of ill repute. We believe it is a great institution and we believe it should be revered as a place of public respect but it is not going to get that respect until we change our behavior here in the House of Representatives. I cannot think of a better place to start, as a certified public accountant and now a Congressman, than in the area of financial responsibility, and fiscal responsibility.

Let me start by holding up this card, since I named one chapter, "Ending the Credit Card Mentality in Congress."

Many people have not or do not know what this card is. It looks like a credit card. In fact, it is a credit card. It is my congressional voting card. We have a computerized system here in the House of Representatives, unlike in the Senate, the other body, and at the end of a row of seats we put this in and press either "yes," "no," or "present" and a series of lights showup, green, red, or orange.

I want to give a message to the public because it is the theme of that chapter, and in pointing to this card I would ask the public if they know what this card is?

This is the card I use to vote for you each day that I am in Congress. This is true whether the constituent is in my district or not. I cast votes that impact your life and, my friends, take a good hard look at this card. This is the most expensive credit card in the world. This card has no limit.

When a husband or wife get a call from American Express, Diners Club, MasterCharge, or whatever, and the $2,000 limit or the $5,000 limit has been reached, we know that economic reality has arrived. The family sits down, looks at your standard of living, and the family might even defer a vacation.

Not with this card. Last year we reached $2 trillion on a cash basis for the national debt. It is now approaching $2.4 trillion.

What do we do? We just keep raising the limit, the debt ceiling. We seem to say, "Pass it on to the kids. Let them pay for it."

We have a credit card mentality in this Congress and we have got to take this card away from those legislators, Democratic or Republican, that are using it irresponsibly. We have also got to surround the House of Representatives with the right kind of systems, the right kind of structure so that we can account for economic reality and decide where we are going as a nation.

I have said that we have probably got 10 years, and I know Gramm-Rudman is a 5-year plan which has now been extended for 2 years so that now it is a 7-year plan, and thank God that we have a plan that goes beyond this year. Everything else I have seen here is like robbing Peter to pay Paul, putting out fires, staying one step ahead of the sheriff, just total reaction. We need to think multiyear. We need a 5-year plan or a 7-year plan. Even though many people feel that Gramm-Rudman is not the way to go, and I have said it is a bad idea whose time has come, we do not have the responsibility or at least the discipline here in the House to think past 1 year. Without that discipline we need to impose on this system a plan that would ratchet down the deficit so that at a point in time, whether it is 5 years or 7 years away, we get to the point where the annual deficit is zero.

Does that mean we are paying off our national debt? Hardly.

This year we have a deficit of approximately $150 billion. Under Gramm-Rudman if we reduce it by 20 percent we are going to have next year a deficit of over $100 billion and we will go year by year where we are adding 150, 100, 80, 50, and Lord knows what else in billions of dollars to the national debt. That means that we will have in 1992 and 1993 a national debt of $3 trillion even with Gramm-Rudman.

That to me is unconscionable. By the way, that is a national debt that is calculated under the Mickey Mouse basis that we referred to before, the cash basis. If we ever used the system that we imposed on the private sector and if we recorded on our books the contingencies, the guarantees, the accounts payable, the accrued pensions for civil service and for the military, not even counting Social Security which is on a pay-as-you-go basis, we are talking about a national debt right now that would go from $2.4 trillion to probably over $4 trillion.

If Social Security were added in there we would have to add another $2 trillion.

If we used a system of accounting, a meaningful system of accounting to record economic reality as we should, a system that we impose on the private sector through the Securities and Exchange Commission, if we imposed it on ourselves so that we would be accountable to the American public, the real national debt—hold on to your seats—would be more like $6 trillion today.

I hesitate to guess what it would be in 1992.

We know that even with Gramm-Rudman that in 1992, and even with the Mickey Mouse cash basis that we use, and that we took New York City off of in 1976 as a price for the Federal bailout, that even with the cash basis the national debt would be somewhere around $3 trillion in 1992.

Think about the interest that will have to be paid on that national debt. We borrowed last year approximately $155 billion to pay interest on the national debt last year. Not one of those dollars went to improve roads, to improve Government, or to house people. None of the good things that we wanted to do with that money was accomplished. It went basically to pay the interest on the national debt.

Who buys our bonds? Obviously people that can afford to buy our bonds. We have one of the most regressive taxes in the world because the interest literally comes out of the mouth of the poor people in this country who do not have the lobby to take what is left of the remaining pie and that interest is going to people who can afford to buy these bonds, usually people who are more affluent.

Thank God they can afford to buy the bonds to fund the deficit. What is worse, much of this interest is going offshore. Who is buying our bonds? It is the Japanese, the West Germans, and thank God they are because if they were not we would see interest rates go through the ceiling here in this country.

□ 2235

They are funding our deficits, and frankly many people ask me what happened to New York City in 1975 can happen to the Federal Government. You know something, it theoretically can. And who is going to bail us out? The Japanese?

The problem back in the 1970's is the shareholders were the banks in New York City. They were buying those bonds. They did not like the answers that they were getting back and they brought their accountants in. Finally Senator PROXMIRE got involved with his committee to review the fiscal affairs of New York City. They hired outside accounting firms and guess what happened when they found out that New York City was playing the biggest shell game in the world? Moody's and Standard and Poors reformed their investment grade ratings, and I guess it was a AA to a C. You could not sell a bond in New York City, and guess what, you could not raise taxes either because people were voting with their feet. They were moving to the suburbs. Corporations were moving out.

Now can that happen to the United States of America? Let me tell you, the new shareholders are not banks, they are the Japanese. Do you remember what happpened a few months ago? The Japanese sent us a very interesting signal. When we were beating up on them for the face that they were not treating us fairly in trade, and let us face it we have a $70 billion deficit with Japan, in 1 month instead of buying $7 billion worth of our Treasury bills and Treasury notes they decided only to buy $2 billion that month. Guess what happened? Interest rates moved up almost 2 percent. You could have gotten before that a 30-year fixed rate mortgage for under 10 percent, and then it went over.

Guess what the Japanese did? They just moved back, and now they have us, and now we are hostage to them because one of the most politically sensitive things that can happen in this country right now is for interest rates to rise, and if the Japanese decide they are not going to buy our bonds, that is exactly what is going to happen.

So the new shareholders were not the banks like they were in New York City, but not these foreigners, and we cannot allow this to continue to happen because we are not going to be able to bail out like New York City was.

So we have to now look at a 7-year plan. I think we have 10 years, frankly, to get our house in order. I would give us a good 10 years to bring to bear these systems, because you cannot change things overnight. It is going to take some time to turn around a large tanker, a large ship like the United States of America. It has to be done very carefully because you do not want the economic dislocation. So we need to phase things in, let us say, over 10 years, and we need to phase in a new accounting system, a capital budget and accure all of these expenses over a 10-year period.

But let us begin. Let us send a signal to the public that we mean to be accountable here in Washington.

The 508 point drop in the stock market was not just an accident. The public was giving us a very strong signal. They have lost confidence in what we are doing here in Washington, and we have to restore that confidence, and we have to do it in a number of ways.

First, by not increasing taxes, because that will be a signal that we are going back to business as usual.

Second, by finding more than $23 billion of deficit reduction, and there are many ways to do it. Peter Greace has given us a road map. We had a press conference this morning, a group of Republicans, believe it or not, calling for the examination of 28 military installations and bases, and we are putting those on the table as Republicans. We believe in a strong defense, but we do not believe in a spendthrift defense. We encourage the Democrats to come up with their programs and put them on the table so we do not hold the public hostage to partisan politics, which is what is happening this very day.

The public deserves better and the markets are not going to stabilize until we send a very strong signal that we mean to get our fiscal house in order. It may be $50 billion that we will have to find and we have to find it soon. Otherwise the public is going to create a self-fulfilling prophecy, because if they think we are not going to do it, and they think we are going to have a recession, then we are going to have a recession. And God forbid we have a recession with the kinds of debts we have outstanding and interest rates creeping up. I do not know how we are going to balance the budget then.

So there is a lot that we have to do, and it may take 10 years to do it, but we have to begin by doing it now.

Mr. GINGRICH. Mr. Speaker, will my colleague yield?

Mr. DioGUARDI. Certainly, I yield to the gentleman from Georgia.

Mr. GINGRICH. Mr. Speaker, let me thank the gentleman for both the work he did as the general editor helping put together "The House of Ill Repute" as a book, as well as the chapter he wrote and for the professionalism he has brought to the U.S. House of Representatives as somebody who is a certified public accountant.

Mr. DioGUARDI. Mr. Speaker, I thank the gentleman for those comments and I include my chapter from the book "The House of Ill Repute," which is Chapter III, "Ending the Credit Card Mentality in Congress: A Guide to Achieving Fiscal Discipline."

CHAPTER III—ENDING THE CREDIT CARD MENTALITY IN CONGRESS: A GUIDE TO ACHIEVING FISCAL DISCIPLINE

(By Joseph J. DioGuardi)

THE CREDIT CARD MENTALITY

Some people get very excited about their first American Express Gold Card because it gives them a $10,000 credit limit. Others need to obtain a Platinum Card and its $100,000 credit limit to feel powerful. As a Member of the U.S. House of Representatives, however, I hold a plastic card that puts those two to shame—my Congressional voting card. In an instant, I can whip out my card, insert it in the computer terminal at the end of a row of seats, and vote in favor of spending $5 million on a water project in Mississippi, $30 million on an Air Force jet or $100 million on a Federal honey program, whether or not we have the money. Simply put, my voting card is the most expensive credit card in the world.

Many of the economic problems facing our country today stem from the unlimited abuse of the congressional voting card on spending measures. A "credit card mentality" has prevailed in Congress for years, and is well illustrated by my colleagues Newt Gingrich and Duncan Hunter in the two previous chapters of this book. By discussing "spendaholism," however, they have only scratched the surface of the problem of excessive federal spending. Having spent 22 years in the private sector as a certified public accountant, I believe that the horror story known as the annual Congressional budget process stems from the fact that the United States government is not run in a businesslike way; we are missing fiscal discipline and meaningful financial information to measure the real cost of programs before we vote.

CONGRESS AS A BOARD OF DIRECTORS

When I first ran for Congress, I thought that I was campaigning for a seat on the Board of Directors of Government much like a board of directors of a major business corporation. I envisioned that as a member of Congress, I would be presented reliable information with which I would make decisions and then report back to the public, our taxpaying shareholders. What I have experienced thus far couldn't be farther from this setting. Accountability is key to a board of directors; we have none in the federal government. Consider the now-famous Grace Commission report, which uncovered an estimated $424 billion dollars of mismanagement and waste in the federal government. Needless to say, if the federal government were really a publicly-held corporation, the blatant mismanagement of its resources described in this chapter would lead to an immediate investigation by the Securities and Exchange Commission and probably prison terms for those responsible.

THE PROBLEM: POOR ACCOUNTING LEADS TO FISCAL MISMANAGEMENT

One need not be a CPA to see that our current budget process has serious deficiencies. Congress stumbles from budget to budget and deficit to deficit, conscientiously proclaiming its commitment to Federal deficit reduction yet consistently neglecting to pay attention to the underlying problems of budget policy.

As Connie Mack explains in the next chapter, the time squeeze associated with existing budget procedures forces Congress to appropriate without proper oversight of the previous year's authorization—in other words, we commit to spending more money without knowing what happened with the funds we allocated the year before. The net result of this process is that quantitative thinking replaces qualitative analysis, and the bottom line becomes more important than the relative success of a program. Thus, the fate of a budget item will more often rest upon political considerations than upon a sound economic analysis.

Meanwhile, our federal government operates on a Mickey Mouse, cash basis of accounting, does no strategic planning whatsoever with respect to spending and, as a result, wastes billions of dollars a year of taxpayer dollars. For example, when Congressional committees work towards developing a budget, they only ask how much money was spent during the previous fiscal year on a particular program, rather than ask how it was spent. This is tantamount to building a home from the fifth floor down, rather than from the ground floor up. The current system of superficial, quantative, year to year comparative budgets has conditioned everyone in Washington to spend, not save.

What should concern us is that the current accounting system is exactly the same accounting system which contributed to the financial collapse of New York City in the mid-1970's. As a precondition for economic assistance, the federal government required the City to cease using a cash basis of accounting. Why, then, do we still use it ourselves? Furthermore, New York had the federal government to bail it out, but who will bail out the federal government if its own budget crisis becomes worse than it already is? The Japanese?

ONE HAND DOESN'T KNOW WHAT THE OTHER IS DOING

As if the use of a cash basis accounting system weren't problem enough, there is enough variety among the numerous systems used by the federal departments and agencies that even the most practiced CPA would be confused. There is nothing new about this state of affairs. For years, the General Accounting Office of Congress (GAO) has reported that these government entities are a jungle of special purpose, incompatible, antiquated accounting systems that produce unreliable and often irrelevant financial information. One of the latest GAO studies, moreover, reported that the federal government now uses more than 425 different accounting systems and more than 150 different payroll systems. Of these, more than half do not even conform to GAO-approved standards, let alone generally accepted accounting principles.

Other voices besides the GAO have called attention to the inadequacy of federal accounting systems and the lack of accountability resulting from inadequate federal financial management systems. For example, President Reagan's Council on Management Improvement released a study in September, 1985 concerning a "Strategic Plan for Federal Financial Management." This study was unique in that it did not depend on the assessments of outside critics. Instead, its results came from those on the firing line: financial management executives in Federal departments and agencies.

Notably, those interviewed for the study regarded less than 50 percent of governmental accounting and financial reporting systems as capable of producing timely, accurate and relevant information for management decision-making. In addition, 61 percent of the systems cannot provide the data necessary for assessing management performance, 35 percent of the systems were considered incapable of providing sufficient data to support the allocation of funds, and 33 percent do not provide effective control over, and accountability for, assets.

DIDN'T ANYONE HERE TAKE ACCOUNTING 101?

The extent to which the government as a whole departs from basic accounting textbook requirements—to say nothing of common sense—defies logic. An earlier GAO study, "Managing the Cost of Government," for example, illustrated that agencies budget and account for costs on different bases. Budgets are requested and justified in terms of programs and projects, such as infant health care or dams for flood control. Accounting reports, however, often focus on actual appropriations and categories of expenses such as personnel, without relating them to the particular programs for which the money was requested and approved. Further complicating the budget process, as Connie Mack explains in the next chapter, is the division of labor between authorizing and appropriations committees in the House, which often leaves us with a situation in which one hand doesn't know what the other is doing.

In assessing the lack of internal controls and compliance with proper accounting techniques, the GAO has cited the failure of the Office of Management and Budget (OMB is part of the Executive Branch) to develop adequate financial management guidelines as a principal cause. But something more fundamental is at issue; to the detriment of all involved, OMB has generally been charged with focusing primarily on the bottom line of the budget and not on examining how it gets there. As a result, depsite OMB's best intentions, the development of such guidelines may require more time, resources and expertise—and the actual process more leadership—than OMB is able to provide.

THE SOLUTION: THE FEDERAL FINANCIAL IMPROVEMENT ACT OF 1987

Given these obstacles, how can we as legislators make effective financial decisions when most of the numbers we receive are untimely, questionable or meaningless? Over the past 30-35 years, some attempts have been made to bring some sense to the shambles of an accounting system that is used by our federal government. Inexplicably, none was fully implemented. Though there has been some recent movement at OMB to give financial management the attention it richly deserves, there hasn't been enough.

In light of the need for radical change in our present accounting and financial management systems, I have utilized my background as a CPA to propose legislation that would fill the void in fiancial management leadership in the federal government: the Federal Financial Management Improvement Act of 1987.

When enacted, my bill (H.R. 1241) would address the inconsistencies, overlap and duplication that are prevalent in our federal government's crude attempts to manage itself financially. Currently, the federal financial management functions are divided among three central agencies in the Executive Branch—OMB, the Office of Personnel Management (OPM) and the Treasury Department—the various Executive Branch agencies and the General Accounting Office. None of these entities has clear-cut responsibility for oversight and direction of the Federal government's financial management operations and activities. In addition, financial management responsibilities have frequently been shifted from one central agency to another and have ben relegated to a secondary role behind other policy concerns. (All this at a time when we are spending 1 trillion dollars a year, on a cash basis.)

The legislative remedy I have recommended comes in three parts:

(1) The establishment of an independent Office of the Chief Financial Officer of the United States (CFO) within the Executive Office of the President for the purpose of providing government-wide direction and coordination of financial management activities;

(2) The establishment of an office of the Assistant Secretary for Financial Management within each executive agency; and

(3) The creation of a Federal Financial Management Council chaired by the CFO and composed of the Assistant Secretaries of each executive agency.

Essentially, the CFO would provide strategic planning and leadership while actively coordinating and monitoring the executive agencies in their financial management and reporting functions. Working closely with the persons appointed to the newly-created Assistant Secretary positions, the CFO would primarily provide the Executive Branch with centralized guidance on financial management that is not currently available.

Furthermore, the improved coordination among the agencies of the federal government that one could expect from a system utilizing a CFO would have a very positive effect on the annual budget deliberations in Congress. By creating a much clearer picture of the needs of the federal government, the accurate data that the CFO would provide to Congress would help us allocate resources more efficiently, eliminating much of the wasteful federal spending that occurs under the current budget process. Implementing appropriate accounting principles and systems would become a top priority.

CONCLUSION: THE CFO—AN IDEA WHOSE TIME HAS COME

Gramm-Rudman was called a bad idea whose time had come. A Chief Financial Officer for the federal government is a good idea whose time is long overdue. Sound financial management practices are not just accountants' issues. It is not a Republican issue and it is not a Democrat issue. Colleagues on both sides of the aisle in Congress have agreed on the clear need for action in the area of fiscal discipline. But without a foundation of accurate financial information and proper management practices, the entire structure is capable of collapsing around us.

By adopting the provisions in the Federal Financial Management Improvement Act in 1987 and by combining them with reforms such as a two-year budget cycle, creation of a capital budget and enhanced Presidential impoundment authority, we would create a sense of order and direction during the Congressional budget process. This, in turn, would finally place a limit on the Congressional "credit card" that I discussed earlier in this chapter—the electronic voting card—and would assure the American taxpayer full accountability for the way we spend his or her money.

Mr. GINGRICH. Mr. Speaker, the gentleman made two points I think that are very important for our colleagues and for the country to think about. The first is if we raise taxes and we precipitate a recession, given the weakened condition of many American companies, given the difficulties of Third World countries in terms of their need to export to the United States in order to be able to earn the income to pay off their debts, given the impact that a recession would have on the U.S. budget, which is that as we have a recession the rule of thumb used to be that for every one percentage point of additional unemployment, as you took people off the tax rolls because they were no longer working and put them on unemployment and welfare there was about a $36 billion change. That is, the deficit would go up $36 billion per 1 percent of new employment in recovery.

If we were to have a serious recession right now, let us say a 3 percentage point increase in unemployment, we would end up with $108 billion additional in borrowing which would force the Federal Government to go to the market to borrow the money. That would drive up interest rates. That might well lead to Brazil or Mexico going bankrupt.

It seems to me there is a very great danger from the Hoover Democrats actually triggering by a massive tax increase or by a protectionist trade bill the very crisis we want to avoid.

The SPEAKER pro tempore (Mr. Durbin). The time of the gentleman from New York [Mr. DioGuardi] has expired.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Howard (at the request of Mr. Foley), for today after 2:15 p.m. through Monday before 4:00 p.m., on account of death in the family.

Mr. Brown of Colorado (at the request of Mr. Michel), for today and Thursday on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Kolbe) to revise and extend their remarks and include extraneous material:)

Mr. DioGuardi, for 30 minutes, today.

Mr. Dornan of California, for 5 minutes, today.

Mr. Gekas, for 5 minutes, today.

Mr. Burton of Indiana, for 60 minutes, today.

Mrs. Bentley, for 60 minutes, on November 9.

Mr. Gingrich, for 60 minutes, on November 5.

(The following Members (at the request of Mr. Donnelly) to revise and extend their remarks and include extraneous material:)

Mr. Annunzio, for 5 minutes, today.

Mr. Neal, for 5 minutes, today.

Ms. Slaughter of New York, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. Kolbe) and to include extraneous matter:)

Mr. Schaefer in two instances.
Mr. McCandless.
Mr. Dornan of California.
Mr. Badham.
Mr. Michel in two instances.
Mr. Courter.
Mr. Bereuter.
Mrs. Roukema.
Mr. Fawell.

Mr. Rinaldo.
Mr. Weber.
Mr. Gingrich in two instances.

(The following Members (at the request of Mr. Donnelly) and to include extraneous matter:)

Mr. Sawyer.
Mr. Coelho in two instances.
Mr. Rostenkowski.
Mr. Udall.
Mr. Rodino.
Mr. Guarini.
Mr. Stokes.
Mr. Rangel.
Mr. Bryant.
Mr. Studds.
Mr. Garcia.
Mr. Florio in two instances.
Mr. Campbell.
Mr. Carr.
Mr. Borski.
Mr. Traficant.
Mr. Hamilton.
Mr. Nelson of Florida.
Mr. Edwards of California.
Mr. Miller of California.
Mr. Dingell.
Mr. Leland.
Mr. Lipinski.
Mr. Ackerman in two instances.
Mr. Lowry of Washington.
Mr. Richardson.
Mr. Dymally.
Mr. Williams.

SENATE JOINT RESOLUTION REFERRED

A joint resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 205. Joint resolution expressing the sense of the Congress that U.N. General Assembly Resolution 3379 (XXX) should be overturned, and for other purposes, to the Committee on Foreign Affairs.

BILL AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill and joint resolutions of the House of the following titles:

H.J. Res. 130. Joint resolution to designate the week beginning November 22, 1987, as "National Family Caregivers Week";

H.J. Res. 97. Joint resolution to recognize the Disabled American Vietnam Veterans National Memorial as a memorial of national significance; and

H.R. 614. A bill to designate the new U.S. courthouse in Birmingham, AL, as the "Hugo L. Black United States Courthouse."

ADJOURNMENT

Mr. GINGRICH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 42 minutes p.m.) the House adjourned until tomorrow, Thursday, November 5, 1987, at 10 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports and amended reports of various House committees and delegations traveling under authorizations from the Speaker concerning the foreign currencies and U.S. dollars utilized by them during the first, second, and third quarters of calendar year 1987 in connection with foreign travel pursuant to Public Law 95-384 are as follows:

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, SELECT COMMITTEE TO INVESTIGATE COVERT ARMS TRANSACTIONS WITH IRAN, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1987

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Pamela Naughton	3/23	3/29	Switzerland		906.00		1,108.09				2,014.09
Richard Leon	3/23	3/29	Switzerland		906.00		1,108.09				2,014.09
Committee total					1,812.00		2,216.18				4,028.18

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

LEE H. HAMILTON, Chairman, Oct. 26, 1987.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1987

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Delegation to Mexico, Panama, Peru, Brazil, and Grenada, Apr. 1-20, 1987:											
Delegation expenses	4/15	4/17	Peru						767.38		767.38
Visit to Thailand, Apr. 12-18, 1987:											
Delegation expenses	4/12	4/18	Thailand						584.10		584.10
Visit to Paris, France, June 12-16,1987:											
Hon. Beverly B. Byron	6/12	6/16	France		936.00						936.00
Military transportation							1,366.56				1,366.56
Committee total					936.00		1,366.56		1,351.48		3,654.04

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

LES ASPIN, Chairman, Oct. 31, 1987.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, SELECT COMMITTEE ON HUNGER, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1987

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Mickey Leland	6/12	6/15	Haiti		371.00		NA				371.00
Byron Dorgan	6/12	6/15	Haiti		371.00		NA				371.00
Tony Hall	6/12	6/15	Haiti		371.00		NA				371.00
Gary Ackerman	6/12	6/15	Haiti		371.00		NA				371.00
Miranda Katsoyannis	6/12	6/15	Haiti		371.00		NA				371.00
Jeff Clark	6/12	6/15	Haiti		371.00		NA				371.00
Catherine Jensen	6/12	6/15	Haiti		371.00		NA				371.00
Mary Ruth Herbers	6/12	6/15	Haiti		371.00		NA				371.00
John Cuttell	6/12	6/15	Haiti		371.00		NA				371.00
Doug Norrell	6/12	6/15	Haiti		371.00		NA				371.00
Martin Rendon	6/12	6/15	Haiti		371.00		NA				371.00
Committee total					4,081.00		NA				4,081.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

MICKEY LELAND, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RULES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1987

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Claude Pepper	1/9	1/10	Spain		578.00		737.00		764.63		2,079.63
	1/11	1/13									
	1/19	1/20									
	1/10	1/11	Portugal		310.00		76.37		412.12		798.49
	1/13	1/16	Morocco		375.00		47.67		278.14		700.81
	1/16	1/19	Ivory Coast		498.00		84.05		262.73		844.78
Military transportation							14,135.34				
Committee total					1,761.00		15,080.43		1,717.62		4,423.71
Hon. Anthony C. Beilenson	1/9	1/10	Spain		578.00		737.00		764.63		2,079.63
	1/11	1/13									
	1/19	1/20									
	1/10	1/11	Portugal		310.00		76.37		412.12		798.49
	1/13	1/16	Morocco		375.00		47.67		278.14		700.81
	1/16	1/19	Ivory Coast		498.00		84.05		262.73		844.78
Military transportation							14,135.34				
Committee total					1,761.00		15,080.43		1,717.62		4,423.71
Hon. Martin Frost	1/9	1/10	Spain		578.00		737.00		764.63		2,079.63
	1/11	1/13									
	1/19	1/20									
	1/10	1/11	Portugal		310.00		76.37		412.12		798.49
	1/13	1/16	Morocco		375.00		47.67		278.14		700.81
	1/16	1/19	Ivory Coast		498.00		84.05		262.73		844.78
Military transportation							14,135.34				
Committee total					1,761.00		15,080.43		1,717.62		4,423.71
Mr. Thomas J. Spulak	1/9	1/10	Spain		578.00		737.00		764.63		2,079.63
	1/11	1/13									
	1/19	1/20									
	1/10	1/11	Portugal		310.00		76.37		412.12		798.49
	1/13	1/16	Morocco		375.00		47.67		278.14		700.81
	1/16	1/19	Ivory Coast		498.00		84.05		262.73		844.78
Military transportation							14,135.34				
Committee total					1,761.00		15,080.43		1,717.62		4,423.71
Ms. Rita Harris	1/9	1/10	Spain		578.00		737.00		764.63		2,079.63
	1/11	1/13									
	1/19	1/20									
	1/10	1/11	Portugal		310.00		76.37		412.12		798.49
	1/13	1/16	Morocco		375.00		47.67		278.14		700.81
	1/16	1/19	Ivory Coast		498.00		84.05		262.73		844.78
Military transportation							14,135.34				
Committee total					1,761.00		15,080.43		1,717.62		4,423.71
Mr. George Crawford	1/9	1/10	Spain		578.00		737.00		764.63		2,079.63
	1/11	1/13									
	1/19	1/20									
	1/10	1/11	Portugal		310.00		76.37		412.12		798.49
	1/13	1/16	Morocco		375.00		47.67		278.14		700.81
	1/16	1/19	Ivory Coast		498.00		84.05		262.73		844.78
Military transportation							14,135.34				
Committee total					1,761.00		15,080.43		1,717.62		4,423.71
Mr. John Daniel	1/9	1/10	Spain		578.00		737.00		764.63		2,079.63
	1/11	1/13									
	1/19	1/20									
	1/10	1/11	Portugal		310.00		76.37		412.12		798.49
	1/13	1/16	Morocco		375.00		47.67		278.14		700.81
	1/16	1/19	Ivory Coast		498.00		84.05		262.73		844.78
Military transportation							14,135.34				
Committee total					1,761.00		15,080.43		1,717.62		4,423.71

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RULES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1987—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Mr. Charles Nichols	1/9	1/10	Spain		578.00		737.00		764.63		2,079.63
	1/11	1/13									
	1/19	1/20									
	1/10	1/11	Portugal		310.00		76.37		412.12		798.49
	1/13	1/16	Morocco		375.00		47.67		278.14		700.81
	1/16	1/19	Ivory Coast		498.00		84.05		262.73		844.78
Military transportation							14,135.34				
Committee total					1,761.00		15,080.43		1,717.62		4,423.71
Mr. Jack Dooling	1/9	1/10	Spain		578.00		737.00		764.63		2,079.63
	1/11	1/13									
	1/19	1/20									
	1/10	1/11	Portugal		310.00		76.37		412.12		798.49
	1/13	1/16	Morocco		375.00		47.67		278.14		700.81
	1/16	1/19	Ivory Coast		498.00		84.05		262.73		844.78
Military transportation							14,135.34				
Committee total					1,761.00		15,080.43		1,717.62		4,423.71
Ms. Kristi Walseth	1/9	1/10	Spain		578.00		737.00		764.63		2,079.63
	1/11	1/13									
	1/19	1/20									
	1/10	1/11	Portugal		310.00		76.37		412.12		798.49
	1/13	1/16	Morocco		375.00		47.67		278.14		700.81
	1/16	1/19	Ivory Coast		498.00		84.05		262.73		844.78
Military transportation							14,135.34				
Committee total					1,761.00		15,080.43		1,717.62		4,423.71
Ms. Rondalyn Kane	1/9	1/10	Spain		578.00		737.00		764.63		2,079.63
	1/11	1/13									
	1/19	1/20									
	1/10	1/11	Portugal		310.00		76.37		412.12		798.49
	1/13	1/16	Morocco		375.00		47.67		278.14		700.81
	1/16	1/19	Ivory Coast		498.00		84.05		262.73		844.78
Military transportation							14,135.34				
Committee total					1,761.00		15,080.43		1,717.62		4,423.71
Mr. William Crosby	1/9	1/10	Spain		578.00		737.00		764.63		2,079.63
	1/11	1/13									
	1/19	1/20									
	1/10	1/11	Portugal		310.00		76.37		412.12		798.49
	1/13	1/16	Morocco		375.00		47.67		278.14		700.81
	1/16	1/19	Ivory Coast		498.00		84.05		262.73		844.78
Military transportation							14,135.34				
Committee total					1,761.00		15,080.43		1,717.62		4,423.71
Mr. Richard Diehl	1/9	1/10	Spain		578.00		737.00		764.63		2,079.63
	1/11	1/13									
	1/19	1/20									
	1/10	1/11	Portugal		310.00		76.37		412.12		798.49
	1/13	1/16	Morocco		375.00		47.67		278.14		700.81
	1/16	1/19	Ivory Coast		498.00		84.05		262.73		844.78
Military transportation							14,135.34				
Committee total					1,761.00		15,080.43		1,717.62		4,423.71

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

CLAUDE PEPPER, Chairman, Oct. 22, 1987.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1987

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Delegation to Bahrain, Kuwait, and Saudi Arabia, July 2–6, 1987:											
Hon. Les Aspin	7/2	7/3	Bahrain		125.00						125.00
	7/3	7/5	Kuwait		456.00						456.00
	7/5	7/6	Saudi Arabia		184.00						184.00
Military transportation							3,664.18				3,664.18
Hon. Samuel S. Stratton	7/2	7/3	Bahrain		125.00						125.00
	7/3	7/5	Kuwait		456.00						456.00
	7/5	7/6	Saudi Arabia		184.00						184.00
Military transportation							3,664.18				3,664.18
Hon. Bill Nichols	7/2	7/3	Bahrain		125.00						125.00
	7/3	7/5	Kuwait		456.00						456.00
	7/5	7/6	Saudi Arabia		184.00						184.00
Military transportation							3,664.18				3,664.18
Hon. Bob Stump	7/2	7/3	Bahrain		125.00						125.00
	7/3	7/5	Kuwait		456.00						456.00
	7/5	7/6	Saudi Arabia		184.00						184.00
Military transportation							3,664.18				3,664.18
Hon. Larry J. Hopkins	7/2	7/3	Bahrain		125.00						125.00
	7/3	7/5	Kuwait		456.00						456.00
	7/5	7/6	Saudi Arabia		184.00						184.00
Military transportation							3,664.18				3,664.18
Hon. Nicholas Mavroules	7/2	7/3	Bahrain		125.00						125.00
	7/3	7/5	Kuwait		456.00						456.00
	7/5	7/6	Saudi Arabia		184.00						184.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1987—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Military transportation							3,664,18				3,664.18
Hon. Herbert Bateman	7/2	7/3	Bahrain		125.00						125.00
	7/3	7/5	Kuwait		456.00						456.00
	7/5	7/6	Saudi Arabia		184.00						184.00
Military transportation							3,664.18				3,664.18
Hon. John M. Spratt	7/2	7/3	Bahrain		125.00						125.00
	7/3	7/5	Kuwait		456.00						456.00
	7/5	7/6	Saudi Arabia		184.00						184.00
Military transportation							3,664.18				3,664.18
Hon. Frank McCloskey	7/2	7/3	Bahrain		125.00						125.00
	7/3	7/5	Kuwait		456.00						456.00
	7/5	7/6	Saudi Arabia		184.00						184.00
Military transportation							3,664.18				3,664.18
Hon. Thomas F. Robinson	7/2	7/3	Bahrain		125.00						125.00
	7/3	7/5	Kuwait		456.00						456.00
	7/5	7/6	Saudi Arabia		184.00						184.00
Military transportation							3,664.18				3,664.18
Hon. Joseph E. Brennan	7/2	7/3	Bahrain		125.00						125.00
	7/3	7/5	Kuwait		456.00						456.00
	7/5	7/6	Saudi Arabia		184.00						184.00
Military transportation							3,664.18				3,664.18
Hon. Curt Weldon	7/2	7/3	Bahrain		125.00						125.00
	7/3	7/5	Kuwait		456.00						456.00
	7/5	7/6	Saudi Arabia		184.00						184.00
Military transportation							3,664.18				3,664.18
Archie D. Barrett	7/2	7/3	Bahrain		125.00						125.00
	7/3	7/5	Kuwait		456.00						456.00
	7/5	7/6	Saudi Arabia		184.00						184.00
Military transportation							3,664.18				3,664.18
Warren L. Nelson	7/2	7/3	Bahrain		125.00						125.00
	7/3	7/5	Kuwait		456.00						456.00
	7/5	7/6	Saudi Arabia		184.00						184.00
Military transportation							3,664.18				3,664.18
Peter M. Steffes	7/2	7/3	Bahrain		125.00						125.00
	7/3	7/5	Kuwait		456.00						456.00
	7/5	7/6	Saudi Arabia		184.00						184.00
Military transportation							3,664.18				3,664.18
Russell Murray II	7/2	7/3	Bahrain		125.00						125.00
	7/3	7/5	Kuwait		456.00						456.00
	7/5	7/6	Saudi Arabia		184.00						184.00
Military transportation							3,664.18				3,664.18
Rudy F. de Leon	7/2	7/3	Bahrain		125.00						125.00
	7/3	7/5	Kuwait		456.00						456.00
	7/5	7/6	Saudi Arabia		184.00						184.00
Military transportation							3,664.18				3,664.18
Andrew K. Ellis	7/2	7/3	Bahrain		125.00						125.00
	7/3	7/5	Kuwait		456.00						456.00
	7/5	7/6	Saudi Arabia		184.00						184.00
Military transportation							3,664.18				3,664.18
Visit to Honduras, El Salvador, and Panama, July 16–20, 1987:											
Hon. Duncan Hunter	7/16	7/18	Panama		244.00						244.00
	7/18	7/19	El Salvador		125.00						125.00
	7/19	7/20	Honduras		92.00						92.00
Military transportation							1,505.67				1,505.67
Delegation to Equador, July 24–26, 1987:											
Hon. G. V. Montgomery	7/24	7/26	Equador		250.00						250.00
Military transportation							572.44				572.44
Hon. Beverly B. Byron	7/24	7/26	Equador		250.00						250.00
Military transportation							662.89				662.89
Hon. Roy Dyson	7/24	7/26	Equador		250.00						250.00
Military transportation							662.89				662.89
Hon. David O'B. Martin	7/24	7/26	Equador		250.00						250.00
Military transportation							662.89				662.89
Hon. Albert G. Bustamante	7/24	7/26	Equador		250.00						250.00
Military transportation							662.89				662.89
G. Kim Wincup	7/24	7/26	Equador		250.00						250.00
Military transportation							662.89				662.89
Anthony R. Battista	7/24	7/26	Equador		250.00						250.00
Military transportation							662.89				662.89
Visit to Honduras, July 24–26, 1987:											
Hon. David O'B. Martin	8/8	8/9	Honduras		46.35						46.35
Military transportation							621.93				621.93
Andrew K. Ellis	8/8	8/9	Honduras		46.35						46.35
Military transportation							621.93				621.93
Visit to Egypt, Jordan, and Israel, Aug. 10–16, 1987:											
Hon. Mac Sweeney	8/10	8/12	Egypt		296.00						296.00
	8/12	8/14	Jordan		158.00						158.00
	8/14	8/16	Israel		320.00						320.00
Commercial transportation							291.05				291.05
Visit to the United Kingdom, Belgium, Spain, Turkey and Greece, Aug. 21 to Sept. 3, 1987:											
Alan B. Moore	8/21	8/23	United Kingdom		452.00						452.00
	8/23	8/24	Belgium		181.00						181.00
	8/24	8/26	Spain		308.00						308.00
	8/26	8/30	Turkey		588.00						588.00
	8/30	9/3	Greece		527.00						527.00
Military transportation							537.68				537.68
Commercial transportation							3,303.00				3,303.00
Marilyn A. Elrod	8/21	8/23	United Kingdom		452.00						452.00
	8/23	8/24	Belgium		181.00						181.00
	8/24	8/26	Spain		308.00						308.00
	8/26	8/30	Turkey		588.00						588.00
	8/30	9/3	Greece		527.00						527.00
Military transportation							537.68				537.68
Commercial transportation							3,303.00				3,303.00
Visit to Federal Republic of Germany, Italy, Yugoslavia, and United Kingdom, Aug. 23 to Sept. 7, 1987:											
Hon. Marvin Leath	8/23	8/26	Germany		546.00						546.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1987—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	8/26	8/29	Italy		672.00						672.00
	8/29	9/1	Yugoslavia		387.00						387.00
	9/1	9/4	Germany		552.00						552.00
	9/4	9/7	United Kingdom		663.00						663.00
Military transportation							3,810.80				3,810.80
Hon. Herbert H. Bateman	8/23	8/26	Germany		546.00						546.00
	8/26	8/29	Italy		672.00						672.00
	8/29	9/1	Yugoslavia		387.00						387.00
	9/1	9/4	Germany		552.00						552.00
	9/4	9/7	United Kingdom		663.00						663.00
Military transportation							3,810.80				3,810.80
Visit to Iceland, Scotland, Norway, Finland, Sweden, and Belgium, Aug. 25 to Sept. 4, 1987:											
Hon. Ike Skelton	8/25	8/26	Iceland								
	8/26	8/28	Scotland		356.00						356.00
	8/28	8/30	Norway		382.00						382.00
	8/30	9/1	Finlnd		394.00						394.00
	9/1	9/2	Sweden		208.00						208.00
	9/2	9/4	Belgium		221.28						221.00
Military transportation							2,054.60				2,054.60
Commercial transportation							2,301.00				2,301.00
Archie D. Barrett	8/25	8/26	Iceland								
	8/26	8/28	Scotland		356.00						356.00
	8/28	8/30	Norway		382.00						382.00
	8/30	9/1	Finlnd		394.00						394.00
	9/1	9/2	Sweden		208.00						208.00
	9/2	9/4	Belgium		273.56						273.56
Military transportation							2,054.60				2,054.60
Commercial transportation							2,337.11				2,337.11
Visit to Greece and Cyprus Aug. 24—Sept. 1, 1987:											
Hon. Nicholas Mavroules	8/24	8/30	Greece		777.00						777.00
	8/30	9/1	Cyprus		235.18						235.18
Military transportation							221.92				221.92
Commercial transportation							4,576.50				4,576.50
Colleen A. Preston	8/24	8/30	Greece		777.00						777.00
	8/30	9/1	Cyprus		176.46						176.46
Military transportation							221.92				221.92
Commercial transportation							4,642.00				4,642.00
Rudy F. de Leon	8/24	8/30	Greece		777.00						777.00
	8/30	9/1	Cyprus		185.88						185.88
Military transportation							221.92				221.92
Commercial transportation							4,642.00				4,642.00
Delegation expenses	8/24	8/30	Greece						1,487.26		1,487.26
	8/30	9/1	Cyprus						168.75		168.75
Visit to Federal Republic of Germany, Aug. 28–30, 1987:											
William H. Hogan, Jr	8/28	8/30	Germany		564.00						564.00
Visit to Russia, Aug. 30 to Sept. 7, 1987:											
Anthony R. Battista	8/30	9/7	Russia		1,400.00						1,400.00
Commercial transportation							4,383.00				4,383.00
Committee total					34,667.06		116,505.13		1,656.01		152,828.20

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[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

LES ASPIN, Chairman, Oct. 13, 1987.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1987

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. David Dreier	7/16	7/18	Panama		244.00		.				244.00
	7/18	7/19	El Salvador		125.00		.				125.00
	7/19	7/20	Honduras		92.00		[3] 5,138.28				5,230.28
John Balder	7/21	7/31	Switzerland		2,112.20		[4] 899.00				3,011.20
Hon. George Wortley	8/10	8/11	Panama		147.00						147.00
	8/11	8/14	Chile		417.00		.				417.00
	8/14	8/17	Argentina		435.00		.				435.00
	8/17	8/18	Panama		147.00		[3] 12,635.00				12,782.00
Hon. Bruce Morrison	9/4	9/6	Chile		417.00		[4] 1,686.00		161.36		2,264.36
Hon. Kweisi Mfume	9/18	9/21	Barbados		680.00		[3] 1,541.81				2,221.81
Committee total					4,816.20		21,900.09		161.36		26,877.65

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[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military transportation.
[4] Commercial air transportation.

FERNAND J. ST GERMAIN, Chairman, Oct. 28, 1987.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE BUDGET, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1987

Name of member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Peter Storm	8/8	8/11	Switzerland		588.00						588.00
	8/11	8/13	Federal Republic of Germany		249.00		38.46				287.46
	8/13	8/15	Belgium		362.00						362.00
Commercial air transportation							1,899.00				1,899.00
Kenneth Leventhal	8/8	8/11	Switzerland		588.00						588.00
	8/11	8/13	Federal Republic of Germany		249.00		38.46				287.46
	8/13	8/15	Belgium		362.00						362.00
Commercial air transportation							1,899.00				1,899.00
Charles Thomas	8/8	8/11	Switzerland		588.00						588.00
	8/11	8/13	Federal Republic of Germany		249.00		38.46				287.46
	8/13	8/15	Belgium		362.00						362.00
Commercial air transportation							1,899.00				1,899.00
Subtotal					3,597.00		5,812.38				9,409.38
Roger Famiglietti	8/8	8/11	Switzerland		588.00						588.00
	8/11	8/13	Federal Republic of Germany		249.00		38.46				287.46
	8/13	8/15	Belgium		362.00						362.00
Commercial air transportation							1,899.00				1,899.00
Kathleen Ausley	8/8	8/11	Switzerland		588.00						588.00
	8/11	8/13	Federal Republic of Germany		249.00		38.46				287.46
	8/13	8/15	Belgium		362.00						362.00
Commercial air transportation							1,899.00				1,899.00
Rochelle Karen Amdur	8/8	8/11	Switzerland		588.00						588.00
	8/11	8/13	Federal Republic of Germany		249.00		38.46				287.46
	8/13	8/15	Belgium		362.00						362.00
Commercial air transportation							1,899.00				1,899.00
Subtotal					3,597.00		5,812.38				9,409.38
Cornelia Motheral	8/8	8/11	Switzerland		588.00						588.00
	8/11	8/13	Federal Republic of Germany		249.00		38.46				287.46
	8/13	8/15	Belgium		362.00						362.00
Commercial air transportation							1,899.00				1,899.00
Albert Davis	8/8	8/11	Switzerland		588.00						588.00
	8/11	8/13	Federal Republic of Germany		249.00		38.46				287.46
	8/13	8/15	Belgium		362.00						362.00
Commercial air transportation							1,899.00				1,899.00
Karen Buttaro	8/8	8/11	Switzerland		588.00						588.00
	8/11	8/13	Federal Republic of Germany		249.00		38.46				287.46
	8/13	8/15	Belgium		362.00						362.00
Commercial air transportation							1,899.00				1,899.00
Subtotal					3,597.00		5,812.38				9,409.38
Molly Frantz	8/8	8/11	Switzerland		588.00						588.00
	8/11	8/13	Federal Republic of Germany		249.00		38.46				287.46
	8/13	8/15	Belgium		362.00						362.00
Commercial air transportation							1,899.00				1,899.00
Allen Unsworth	8/8	8/11	Switzerland		588.00						588.00
	8/11	8/13	Federal Republic of Germany		249.00		38.46				287.46
	8/13	8/15	Belgium		362.00						362.00
Commercial air transportation							1,899.00				1,899.00
John King	8/8	8/11	Switzerland		588.00						588.00
	8/11	8/13	Federal Republic of Germany		249.00		38.46				287.46
	8/13	8/15	Belgium		362.00		56.44				418.44
Commercial air transportation							1,899.00				1,899.00
Subtotal					3,597.00		5,868.82				9,465.82
Scheryl Portee	8/8	8/11	Switzerland		588.00						588.00
	8/11	8/13	Federal Republic of Germany		249.00		38.46				287.46
	8/13	8/15	Belgium		362.00		56.44				418.44
Commercial air transportation							1,899.00				1,899.00
Mike Telson	7/5	7/8	Canada		350.00		782.29		206.00		1,338.29
Subtotal					1,549.00		2,776.19		206.00		4,531.19
Committee grand total					15,937.00		26,082.15		206.00		42,225.15

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

WILLIAM H. GRAY III, Chairman, Oct. 29, 1987.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERIOR AND INSULAR AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1987

Name of member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Jeffrey Farrow, staff	8/14	8/16	Majuro		150.00						150.00
	8/16	8/18	Kwajalein		150.00		2,182.97				2,332.97
Manase Mansur, staff	8/14	8/16	Majuro		150.00						150.00
	8/16	8/18	Kwajalein		150.00		1,887.00				2,037.00
Committee total					600.00		4,069.97				4,669.97

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

MO UDALL, Chairman, Oct. 21, 1987.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON POST OFFICE AND CIVIL SERVICE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1987

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. William D. Ford	8/20	8/25	Great Britian	717.91	1,130.00			24.66	39.11	742.57	1,169.11
Commercial transportation							3,344.00				3,344.00
Hon. Gary L. Ackerman	8/18	8/21	Great Britian	430.74	678.00	6.40	10.00	24.66	39.11	461.80	727.11
Commercial transportation							4,599.00				4,599.00
Robert Levi	8/18	8/25	Great Britian	1,005.07	1,582.00			24.66	39.11	1,029.73	1,621.11
	8/25	9/1	Germany	2,114.84	1,162.00	71.25	39.13	32.81	18.00	2,218.00	1,219.13
Commercial transportation							1,043.00				1,043.00
Thomas Wolanin	8/19	8/25	Great Britian	861.49	1,356.00			24.66	39.11	886.15	1,395.11
	8/25	9/1	Germany	2,114.84	1,162.00	71.25	39.13	32.81	18.00	2,218.90	1,219.13
	9/1	9/3	Italy	467,784	356.00	41.40	22.77	27,606	21.01	495,390	399.78
										41.40	
	9/3	9/7	Spain	86,864	712.00					86,864	712.00
Commercial transportation							1,613.00				1,613.00
Dan Blair	8/19	8/25	Great Britian	861.48	1,356.00			24.66	39.11	886.15	1,395.11
	8/25	9/1	Germany	2,114.84	1,162.00	71.25	39.13	32.81	18.00	2,218.90	1,219.13
	9/1	9/3	Italy	467,784	356.00	41.40	22.77	27,606	21.01	495,390	399.78
										41.40	
	9/3	9/7	Spain	86,864	712.00					86,864	712.00
Commercial transportation							1,613.00				1,613.00
Ronald Downing	8/19	8/25	Great Britian	861.48	1,356.00			24.66	39.11	886.15	1,395.11
	8/25	9/1	Germany	2,114.84	1,162.00	71.25	39.13	32.81	18.00	2,218.90	1,219.13
	9/1	9/3	Italy	467,784	356.00	41.40	22.77	27,606	21.01	495,390	399.78
										41.40	
	9/3	9/7	Spain	86,864	712.00					86,864	712.00
Commercial transportation							1,613.00				1,613.00
Kristin Glibert	8/19	8/25	Great Britian	861.48	1,356.00			24.66	39.11	886.15	,395.11
	8/25	9/1	Germany	2,114.84	1,162.00	71.25	39.13	32.81	18.00	2,218.90	1,219.13
	9/1	9/3	Italy	467,784	356.00	41.40	22.77	27,606	21.01	495,390	399.78
										41.40	
	9/3	9/7	Spain	86,864	712.00					86,864	712.00
							1,613.00				1,613.00
Committee total					18,896.00		15,734.73		447.81		35,078.54

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

WILLIAM D. FORD, Chairman, Oct. 22, 1987

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1987

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Robert Roe	7/11	7/18	Ireland		1,300.00		3,018.08				4,318.08
John F. Fryer	7/11	7/18	Ireland		1,300.00		3,154.08				4,454.08
Hon. Helen Delich Bentley	7/30	7/31	Canada				[3] 693.51				693.51
Hon. Benjamin L. Cardin	7/30	7/31	Canada				[3] 693.51				693.51
Hon. Nick Joe Rahall	7/30	7/31	Canada				[3] 693.51				693.51
	8/23	8/26	Bahrain, Saudi Arabia		130.00		[4] 4,823.00				4,953.00
Hon. Bud Shuster	8/30	8/31	England				2,180.21				2,180.21
Committee total					2,730.00		15,255.90				17,985.90

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military transportation.
[4] Military transportation—equivalent to 1st class commercial.

JAMES J. HOWARD, Chairman, Oct. 26, 1987.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1, AND SEPT. 30, 1987

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Mr. George S. Kopp	7/9	7/19	China	7,128.40	1,920.00			1,114	300.00	8,242.40	2,220.00
	7/19	7/21	Hong Kong	3,124	400.00					3,124	400.00
Commercial air							2,901.00				2,901.00
Dr. Eileen Lee	7/9	7/19	China	7,128.40	1,920.00			1,114	300.00	8,242.40	2,220.00
	7/19	7/21	Hong Kong	3,124	400.00					3,124	400.00
Commercial air							2,901.00				2,901.00
Hon. Claudine Schneider	8/20	9/3	Madagascar		1,750.00						1,750.00
	9/3	9/10	Kenya		750.00						750.00
Commercial air							3,941.00				3,941.00
Mr. Charles Cooke	9/13	9/16	Canada	583.66	441.00					583.66	441.00
Commercial air							273.66				273.66

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1, AND SEPT. 30, 1987—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Ralph M. Hall	8/23	8/24	Germany	300.30	165.00	256.50	140.93	78.31	43.03	635.11	348.96
	8/24	8/27	Switzerland	887.90	588.01	285.71	189.90	201.85	133.91	1,375.46	911.82
	8/27	8/30	Germany	889.98	489.00					889.98	489.00
	8/30	9/1	France	2,796.80	460.00					2,796.80	460.00
Military air							4,686.60				4,686.60
Hon. James H. Scheuer	8/23	8/24	Germany	300.30	165.00	256.50	140.93	95.41	52.42	652.21	358.35
	8/24	8/27	Switzerland	887.90	588.01	285.71	189.90	201.85	133.91	1,375.46	911.82
	8/27	8/30	Germany	889.98	489.00					889.98	489.00
	8/30	9/1	France	2,796.80	460.00					2,796.80	460.00
Military air							4,686.60				4,686.60
Hon. Manuel Lujan, Jr	8/23	8/24	Germany	300.30	165.00	256.50	140.93	78.31	43.03	635.11	348.96
	8/24	8/27	Switzerland	887.90	588.01	285.71	189.90	201.85	133.91	1,375.46	911.82
	8/27	8/30	Germany	889.98	489.00					889.98	489.00
	8/30	9/1	France	2,796.80	460.00					2,796.80	460.00
Military air							4,686.60				4,686.60
Hon. Tim Valentine	8/23	8/24	Germany	300.30	165.00	256.50	140.93	78.31	43.03	635.11	348.96
	8/24	8/27	Switzerland	887.90	588.01	285.71	189.90	201.85	133.91	1,375.46	911.82
	8/27	8/30	Germany	889.98	489.00					889.98	489.00
	8/30	9/1	France	2.796.80	460.00					2,796.80	460.00
Military air							4,686.60				4,686.00
Hon. Jim Chapman	8/23	8/24	Germany	300.30	165.00	256.50	140.93	78.31	43.03	635.11	348.96
	8/24	8/27	Switzerland	887.00	588.01	285.71	189.90	201.85	133.91	1,375.46	911.82
	8/27	8/30	Germany	889.98	489.00					889.98	489.00
	8/30	9/1	France	2,796.80	460.00					2,796.80	460.00
Military air							4,686.60				4,686.60
Hon. Ron Packard	8/23	8/24	Germany	300.30	165.00	256.50	140.93	78.31	43.03	635.11	348.96
	8/24	8/27	Switzerland	887.90	588.01	285.71	189.90	201.85	133.91	1,375.46	911.82
	8/27	8/30	Germany	889.98	489.00					889.98	489.00
	8/30	9/1	France	2,796.80	460.00					2,796.80	460.00
Military air							4,686.60				4,686.60
Dr. Robert E. Palmer	8/23	8/24	Germany	300.30	165.00	256.50	140.93	78.31	43.03	635.11	348.96
	8/24	8/27	Switzerland	887.90	588.01	285.71	189.90	201.85	133.91	1,375.46	911.82
	8/27	8/30	Germany	889.98	489.00					889.98	489.00
	8/30	9/1	France	2,796.80	460.00					2,796.80	460.00
Military air							4,686.60				4,686.60
Mr. Charles Cooke	8/23	8/24	Germany	300.30	165.00	256.50	140.93	78.31	43.03	635.11	348.96
	8/24	8/27	Switzerland	887.90	588.01	285.71	189.90	201.85	133.91	1,375.46	911.82
	8/27	8/30	Germany	889.98	489.00					889.98	489.00
	8/30	9/1	France	2,796.80	460.00					2,796.80	460.00
Military air							4,686.60				4,686.60
Mr. James R. Miller	8/23	8/24	Germany	300.30	165.00	256.50	140.93	78.31	43.03	635.11	348.96
	8/24	8/27	Switzerland	887.90	588.01	285.71	189.90	201.85	133.91	1,375.46	911.82
	8/27	8/30	Germany	889.98	489.00					889.98	489.00
	8/30	9/1	France	2,796.80	460.00					2,796.80	460.00
Military air							4,686.60				4,686.60
Mr. Robert Maitlin	8/23	8/24	Germany	300.30	165.00	256.50	140.93	78.31	43.03	635.11	348.96
	8/24	8/27	Switzerland	887.90	588.01	285.71	189.90	201.85	133.91	1,375.46	911.82
	8/27	8/30	Germany	889.98	489.00					889.98	489.00
	8/30	9/1	France	2,796.80	460.00					2,796.80	460.00
Military air							4,686.60				4,686.60
Dr. Harold P. Hanson	8/23	8/24	Germany	300.30	165.00	256.50	140.93	78.31	43.03	635.11	348.96
	8/24	8/27	Switzerland	887.90	588.01	285.71	189.90	201.85	133.91	1,375,46	911.82
	8/27	8/30	Germany	889.98	489.00					889.98	489.00
	8/30	9/1	France	2,796.80	460.00					2,796.80	460.00
Military air							4,686.60				4,686.60
Mr. Robert C. Ketcham	8/23	8/24	Germany	300.30	165.00	256.50	140.93	78.31	43.03	635.11	348.96
	8/24	8/27	Switzerland	887.90	588.01	285.71	189.90	201.85	133.91	1,375.46	911.82
	8/27	8/30	Germany	889.98	489.00					889.98	489.00
	8/30	9/1	France	2,796.80	460.00					2,796.80	460.00
Military air							4,686.60				4,686.60
Mr. George S. Kopp	8/23	8/24	Germany	300.30	165.00	256.50	140.93	78.31	43.03	635.11	348.96
	8/24	8/27	Switzerland	887.90	588.01	285.71	189.90	201.85	133.91	1,375,46	911.82
	8/27	8/30	Germany	889.98	489.00					889.98	489.00
	8/30	9/1	France	2,796.80	460.00					2,796.80	460.00
Military air							4,686.60				4,686.60
Dr. John V. Dugan	8/23	8/24	Germany	300.30	165.00	256.50	140.93	78.31	43.03	635.11	348.96
	8/24	8/27	Switzerland	887.90	588.01	285.71	189.90	201.85	133.91	1,375.46	911.82
	8/27	8/30	Germany	889.98	489.00					889.98	489.00
	8/30	9/1	France	2,796.80	460.00					2,796.80	460.00
Military air							4,686.60				4,686.60
Mr. R. Thomas Weimer	8/23	8/24	Germany	300.30	165.00	256.50	140.93	78.31	43.03	635.11	348.96
	8/24	8/27	Switzerland	887.90	588.01	285.71	189.90	201.85	133.91	1,375.46	911.82
	8/27	8/30	Germany	889.98	489.00					889.98	489.00
	8/30	9/1	France	2,796.80	460.00					2,796.80	460.00
Military air							4,686.60				4,686.60
Ms. Harriet J. Smith	8/23	8/24	Germany	300.30	165.00	256.50	140.93	78.31	43.03	635.11	348.96
	8/24	8/27	Switzerland	887.90	588.01	285.71	189.90	201.85	133.91	1,375.46	911.82
	8/27	8/30	Germany	889.98	489.00					889.98	489.00
	8/30	9/1	France	2,796.80	460.00					2,796.80	460.00
Military air							4,686.60				4,686.60
Ms. Maryanne Bach	8/23	8/24	Germany	300.30	165.00	256.50	140.93	78.31	43.03	635.11	348.96
	8/24	8/27	Switzerland	887.90	588.01	285.71	189.90	201.85	133.91	1,375.46	911.82
	8/27	8/30	Germany	889.98	489.00					889.98	489.00
	8/30	9/1	France	2,796.80	460.00					2,796.80	460.00
Military air							4,686.60				4,686.60
Dr. Harlan Watson	8/23	8/24	Germany	300.30	165.00	256.50	140.93	78.31	43.03	635.11	348.96
	8/24	8/27	Switzerland	887.90	588.01	285.71	189.90	201.85	133.91	1,375.46	911.82
	8/27	8/30	Germany	889.98	489.00					889.98	489.00
	8/30	9/1	France	2,796.80	460.00					2,796.80	460.00
Military air							4,686.60				4,686.60
Mrs. Lynne D. Sullivan	8/23	8/24	Germany	300.30	165.00	256.50	140.93	78.31	43.03	635.11	348.96
	8/24	8/27	Switzerland	887.90	588.01	285.71	189.90	201.85	133.91	1,375.46	911.82
	8/27	8/30	Germany	889.98	489.00					889.98	489.00
	8/30	9/1	France	2,796.80	460.00					2,796.80	460.00
Military air							4,686.60				4,686.60
Committee totals					39,919.19		105,347.83		3,971.25		149,238.27

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

ROBERT A. ROE, Chairman, Oct. 29, 1987.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1987

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Ronnie G. Flippo	7/24	7/26	Equador		250.00						250.00
Military transportation							662.89				662.89
Janice Mays	8/9	8/11	The Netherlands	703.84	332.00						332.00
	8/11	8/13	France	2,884.20	460.00						460.00
	8/13	8/15	Portugal	46,746.00	318.00						318.00
	8/15	8/18	Morocco	3,187.50	375.00						375.00
	8/18	8/19	Nigeria	622.00	144.00						144.00
	8/19	8/22	Italy	784,536.00	582.00						582.00
Military transportation							12,474.09				12,474.09
Janet Nuzum	8/17	8/20	Hong Kong	6,246.40	800.00						800.00
Committee total					3,261.00		13,136.98				16,397.98

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DAN ROSTENKOWSKI, Chairman, Oct. 27, 1987.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, SELECT COMMITTEE ON HUNGER, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1987

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Timothy Penny	8/28	8/31	Nicaragua		150.00						150.00
Peter Kostmayer	8/28	8/31	Nicaragua		150.00						150.00
Charles Hayes	8/28	8/31	Nicaragua		150.00						150.00
Jeffrey Clark	8/28	8/31	Nicaragua		150.00						150.00
Melissa Brown	8/28	8/31	Nicaragua		150.00						150.00
Jane Shey	8/28	8/31	Nicaragua		150.00						150.00
Peter Kostmayer	8/31	9/1	Mexico		150.00						150.00
Committee total					1,050.00						1,050.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

Note.—Cost for transportation not available from State Department.

MICKEY LELAND, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, SELECT COMMITTEE TO INVESTIGATE COVERT ARMS TRANSACTIONS WITH IRAN, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1987

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Donald Remstein	7/21	7/25			368.00		612.81				980.81
Committee total					368.00		612.81				980.81

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

LEE H. HAMILTON, Chairman, Oct. 26, 1987.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO IRELAND, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 10 AND JAN. 20, 1987

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Brian J. Donnelly	1/10	1/20	Ireland		1,411.00		3,481.00		1,687.57		6,579.57
Kevin F. Peterson	1/10	1/20	Ireland		1,411.00		3,481.00		1,687.57		6,579.57
Committee total					2,822.00		6,962.00		3,375.15		13,159.15

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BRIAN J. DONNELLY, Apr. 3, 1987.

REPORT ON EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO NORTH ATLANTIC ASSEMBLY IN BELGIUM, FRANCE, AND AUSTRIA, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 12 AND FEB 17, 1987

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Thomas Bliley	2/12	2/14	Belgium		384.00						
	2/14	2/17	France		657.00						
Military transportation							9,846.56				10,887.56
Hon. Robert Garcia	2/12	2/14	Belgium		384.00						
	2/14	2/17	France		657.00						
Military transportation							9,846.56				10,887.56
Hon. Benjamin Gilman	2/12	2/14	Austria		380.00						
	2/14	2/17	France		657.00						
Military transportation							9,846.56				10,883.56
Hon. Ralph Regula	2/12	2/14	Belgium		384.00						
	2/14	2/17	France		657.00						
Military transportation							9,846.56				10,887.56
Hon. Charles Rose	2/12	2/14	Belgium		384.00						
	2/14	2/17	France		657.00						
Military transportation							9,846.56				10,887.56
Peter Abbruzzese	2/12	2/14	Belgium		384.00						
	2/14	2/17	France		657.00						
Military transportation							9,846.56				10,887.56
Dorothy Biard	2/12	2/14	Belgium		384.00						
	2/14	2/17	France		657.00						
Military transportation							9,846.56				10,887.56
Rebecca Harrington	2/12	2/14	Belgium		384.00						
	2/14	2/17	France		657.00						
Military transportation							9,846.56				10,887.56
Ronald Lasch	2/12	2/14	Belgium		384.00						
	2/14	2/17	France		657.00						
Military transportation							9,846.56				10,887.56
Arch Roberts	2/12	2/14	Austria		380.00						
	2/14	2/17	France		657.00						
Military transportation							9,846.56				10,883.56
Josephine Weber	2/12	2/14	Belgium		384.00						
	2/14	2/17	France		657.00						
Military transportation							9,846.56				10,887.56
Committee totals					11,443.00		108,312.16				119,755.16

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

CHARLIE ROSE, Mar. 25, 1987.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO EL SALVADOR, NICARAGUA, COSTA RICA, AND HONDURAS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 16 AND FEB. 19, 1987

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. David E. Bonior	2/16	2/17	El Salvador		56.53				26.20		82.73
	2/17	2/17	Nicaragua								
	2/17	2/18	Costa Rica		61.78						61.78
	2/18	2/19	Honduras		74.00						74.00
Military transportation							2,199.23				2,199.23
Hon. George Miller	2/16	2/17	El Salvador		56.53				26.20		82.73
	2/17	2/17	Nicaragua								
	2/17	2/18	Costa Rica		61.78						61.78
	2/18	2/19	Honduras		74.00						74.00
Military transportation							2,199.23				2,199.23
Hon. Mel Levine	2/16	2/17	El Salvador		85.53				31.20		116.73
	2/17	2/17	Nicaragua								
	2/17	2/18	Costa Rica		61.78						61.78
	2/18	2/19	Honduras		103.50						103.50
Military transportation							2,199.23				2,199.23
Hon. Robert J. Mrazek	2/16	2/17	El Salvador		56.53				26.20		82.73
	2/17	2/17	Nicaragua								
	2/17	2/18	Costa Rica		61.78						61.78
	2/18	2/19	Honduras		74.00						74.00
Military transportation							2,199.23				2,199.23
Hon. Wayne Owens	2/16	2/17	El Salvador		56.53				26.20		82.73
	2/17	2/17	Nicaragua								
	2/17	2/18	Costa Rica		61.78						61.78
	2/18	2/19	Honduras		74.00						74.00
Military transportation							2,199.23				2,199.23
Hon. Mickey Edwards	2/16	2/17	El Salvador		56.53				26.20		82.73
	2/17	2/17	Nicaragua								
	2/17	2/18	Costa Rica		61.78						61.78
	2/18	2/19	Honduras		74.00						74.00
Military transportation							2,199.23				2,199.23
Hon. Nancy L. Johnson	2/16	2/17	El Salvador		56.53				26.20		82.73
	2/17	2/17	Nicaragua								
	2/17	2/18	Costa Rica		61.78						61.78
	2/18	2/19	Honduras		74.00						74.00
Military transportation							2,199.23				2,199.23
Hon. Jan Meyers	2/16	2/17	El Salvador		56.53				26.20		82.73
	2/17	2/17	Nicaragua								
	2/17	2/18	Costa Rica		61.78						61.78
	2/18	2/19	Honduras		74.00						74.00
Military transportation							2,199.23				2,199.23
Hon. John R. Miller	2/16	2/17	El Salvador		56.53				26.20		82.73
	2/17	2/17	Nicaragua								
	2/17	2/18	Costa Rica		61.78						61.78
	2/18	2/19	Honduras		74.00						74.00
Military transportation							2,199.23				2,199.23
Hon. Donald E. "Buz" Lukens	2/16	2/17	El Salvador		56.53				26.20		82.73

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO EL SALVADOR, NICARAGUA, COSTA RICA, AND HONDURAS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 16 AND FEB. 19, 1987—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	2/17	2/17	Nicaragua								
	2/17	2/18	Costa Rica		61.78						61.78
	2/18	2/19	Honduras		74.00						74.00
Military transportation							2,199.23				2,199.23
Hon. Harris W. Fawell	2/16	2/17	El Salvador		56.53				26.20		82.73
	2/17	2/17	Nicaragua								
	2/17	2/18	Costa Rica		61.78						61.78
	2/18	2/19	Honduras		74.00						74.00
Military transportation							2,199.23				2,199.23
Kathleen Gille	2/16	2/17	El Salvador		56.53				26.20		82.73
	2/17	2/17	Nicaragua								
	2/17	2/18	Costa Rica		61.78						61.78
	2/18	2/19	Honduras		74.00						74.00
Military transportation							2,199.23				2,199.23
Mark Johnson	2/16	2/17	El Salvador		56.53				26.20		82.73
	2/17	2/17	Nicaragua								
	2/17	2/18	Costa Rica		61.78						61.78
	2/18	2/19	Honduras		74.00						74.00
Military transportation							2,199.23				2,199.23
William R. Pitts	2/16	2/17	El Salvador		56.53				26.20		82.73
	2/17	2/17	Nicaragua								
	2/17	2/18	Costa Rica		61.78						61.78
	2/18	2/19	Honduras		74.00						74.00
Military transportation							2,199.23				2,199.23
Jeff Pierson	2/16	2/17	El Salvador		56.53				26.20		82.73
	2/17	2/17	Nicaragua								
	2/17	2/18	Costa Rica		61.78						61.78
	2/18	2/19	Honduras		74.00						74.00
Military transportation							2,199.23				2,199.23
Jake Dunman	2/16	2/17	El Salvador		56.53				26.20		82.73
	2/17	2/17	Nicaragua								
	2/17	2/18	Costa Rica		61.78						61.78
	2/18	2/19	Honduras		74.00						74.00
Military transportation							2,199.23				2,199.23
Committee total					3,135.46		35,187.68		424.20		38,747.34

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DAVID E. BONIOR, Mar. 23, 1987.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HONORABLE JIM MOODY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 16 AND FEB. 21, 1987

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Jim Moody	2/16	2/20	Switzerland	893.10	582.00		2,515				3,097
	2/20	2/21	London, England	132.98	202.00						202
Committee total					784.00		2.515.00				3,299

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JIM MOODY, Apr. 9, 1987.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. THOMAS V. RAWLES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 26 AND FEB. 28, 1987

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Thomas V. Rawles	2/26	2/28	Mexico		150.00						150.00
Committee total					150.00						150.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

THOMAS V. RAWLES, Mar. 24, 1987.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO FRANCE, POLAND, AND THE UNITED KINGDOM, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 10 and APR. 18, 1987

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Edward P. Boland	4/10	4/12	France		657.00						
	4/12	4/15	Poland		375.00						
	4/15	4/18	United Kingdom		630.00						
Military transportation							9,236.00				10,898.00
Hon. Jack Brooks	4/10	4/12	France		657.00						
	4/12	4/15	Poland		375.00						
	4/15	4/18	United Kingdom		630.00						
Military transportation							9,236.00				10,898.00
Hon. George W. Crockett	4/10	4/12	France		657.00						
	4/12	4/15	Poland		375.00						
	4/15	4/18	United Kingdom		630.00						
Military transportation							9,236.00				10,898.00
Hon. Dante B. Fascell	4/10	4/12	France		657.00						
	4/12	4/15	Poland		375.00						
	4/15	4/18	United Kingdom		630.00						
Military transportation							9,236.00				10,898.00
Hon. Henry J. Hyde	4/10	4/12	France		657.00						
	4/12	4/15	Poland		375.00						
	4/15	4/18	United Kingdom		630.00						
Military transportation							9,236.00				10,898.00
Hon. Gerald D. Kleczka	4/10	4/12	France		657.00						
	4/12	4/15	Poland		375.00						
	4/15	4/18	United Kingdom		630.00						
Military transportation							9,236.00				10,898.00
Hon. Charles Rose	4/10	4/12	France		657.00						
Military transportation							2,760.44				
Commercial transportation							1,956.27				5,373.71
David Addington	4/10	4/12	France		657.00						
	4/12	4/15	Poland		375.00						
	4/15	4/18	United Kingdom		630.00						
Military transportation							9,236.00				10,898.00
Donnald Anderson	4/10	4/12	France		657.00						
	4/12	4/15	Poland		375.00						
	4/15	4/18	United Kingdom		630.00						
Military transportation							9,236.00				10,898.00
John J. Brady, Jr	4/10	4/12	France		657.00						
	4/12	4/15	Poland		375.00						
	4/15	4/18	United Kingdom		630.00						
Military transportation							9,236.00				10,898.00
Robert Huber	4/10	4/12	France		657.00						
	4/12	4/15	Poland		375.00						
Military transportation							3,848.30				4,880.30
Ronald Lasch	4/10	4/12	France		657.00						
	4/12	4/15	Poland		375.00						
	4/15	4/18	United Kingdom		630.00						
Military transportation							9,236.00				10,898.00
Nancy Mims	4/10	4/12	France		657.00						
	4/12	4/15	Poland		375.00						
	4/15	4/18	United Kingdom		630.00						
Military transportation							9,236.00				10,898.00
Arch Roberts	4/10	4/12	France		657.00						
	4/12	4/15	Poland		375.00						
	4/15	4/18	United Kingdom		630.00						
Military transportation							9,236.00				10,898.00
Josephine Weber	4/10	4/12	France		657.00						
	4/12	4/15	Poland		375.00						
	4/15	4/18	United Kingdom		630.00						
Military transportation							9,236.00				10,898.00
Total military transportation							126,676.44				
Total commercial transportation							1,956.27				
Grand total											151,928.01

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DANTE B. FASCELL.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO NORTH ATLANTIC ASSEMBLY, QUEBEC CITY, CANADA, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 21 AND MAY 25, 1987

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Robert Badham	5/21	5/25	Canada		632.00						
Military transportation							303.32				935.32
Hon. Herbert Bateman	5/21	5/25	Canada		632.00						
Military transportation							303.32				935.32
Hon. Doug Bereuter	5/21	5/25	Canada		632.00						
Military transportation							152.49				
Commercial transportation							462.00				930.40
Hon. Howard Berman	5/21	5/25	Canada		632.00						
Military transportation							303.32				935.32
Hon. Thomas Bailey	5/21	5/15	Canada		623.00						
Military transportation							303.32				935.32
Hon. Jack Brooks	5/21	5/25	Canada		632.00						
Military transportation							303.32				935.32
Hon. Ron Dellums	5/21	5/25	Canada		632.00						
Military transportation							303.32				935.32
Hon. Dante Fascell	5/21	5/25	Canada		632.00						
Military transportation							303.32				935.32
Hon. Frank Horton	5/21	5/25	Canada		632.00						
Military transportation							303.32				935.32

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO NORTH ATLANTIC ASSEMBLY, QUEBEC CITY, CANADA, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 21 AND MAY 25, 1987—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Steny Hoyer	5/21	5/25	Canada		632.00						
Military transportation							303.32				935.32
Hon. Tom Lewis	5/21	5/24	Canada		474.00						
Military transportation							152.49				626.49
Hon. Patricia Schroeder	5/21	5/25	Canada		632.00						
Military transportation							303.32				935.32
Hon. Lawrence Smith	5/21	5/22	Canada		158.00						
Military transportation							152.49				310.49
Peter Abbruzzese	5/21	5/25	Canada		632.00						
Military transportation							303.32				935.32
Stephen Biegun	5/21	5/25	Canada		632.00						
Military transportation							303.32				935.32
John J. Brady	5/21	5/25	Canada		632.00						
Military transportation							303.32				935.32
Ronald Lasch	5/21	5/25	Canada		632.00						
Military transportation							303.32				935.32
Sharton Matts	5/21	5/25	Canada		632.00						
Military transportation							303.32				935.32
Spencer R. Oliver	5/21	5/25	Canada		632.00						
Military transportation							303.32				935.32
Arch Roberts	5/21	5/25	Canada		632.00						
Military transportation							303.32				935.32
Dara Schlieker	5/21	5/25	Canada		632.00						
Military transportation							303.32				935.32
Josephine Weber	5/21	5/25	Canada		632.00						
Military transportation							303.32				935.32
Jack Russ	5/21	5/22	Canada		158.00						
Military transportation							152.49				
Commercial transportation							427.50				737.99
Committee total							13,114.00		7,262.54		23,466.77

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DANTE B. FASCELL, July 24, 1987.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO THE AZORES AND LAJES AIR FORCE BASE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 22 AND MAY 25, 1987

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Tony Coelho	5/22	5/25	Lajes AFB and Azores		187.50		[3] 3,622.03				3,809.53
Hon. Barney Frank	5/22	5/25	Lajes AFB and Azores		108.10		[3] 3,622.03				3,730.13
Hon. Robert Matsui	5/22	5/25	Lajes AFB and Azores		187.50		[3] 3,622.03				3,809.53
Douglas Cahn	5/22	5/25	Lajes AFB and Azores		69.60		[3] 3,622.03				3,691.63
Hon. Chester Atkins	5/22	5/25	Lajes AFB and Azores		108.10		[3] 3,622.03				3,730.13
Thomas Nides	5/22	5/25	Lajes AFB and Azores		187.50		[3] 3,622.03				3,809.53
Keith Jewell	5/22	5/25	Lajes AFB and Azores		187.50		[3] 3,622.03				3,809.53
Paul Hester, U.S. Air Force	5/22	5/25	Lajes AFB and Azores				[3] 3,622.03				3,622.03
Committee total					1,035.80		28,976.24				30,012.04

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] U.S. Air Force plane.

TONY COELHO, June 23, 1987.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO POLAND AND FRANCE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JUNE 14 and JUNE 20, 1987

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Celeste Gabinski	6/14	6/19	Poland	209.198	814.00						814.00
	6/19	6/20	France	2,854.80	468.00						468.00
Military transportation							7,612.60				7,612.60
Nancy Panzke	6/14	6/19	Poland	209.198	814.00						814.00
	6/19	6/20	France	2,854.80	468.00						468.00
Military transportation							7,612.60				7,612.60
Committee total					2,564.00		15,225.20				17,789.20

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

NANCY A. PANZKE, July 29, 1987.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2343. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notification of a proposed license for the export of major defense equipment sold commercially under a contract in the amount of $14 million or more (Transmittal No. MC-1-88), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

2344. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50 million or more (Transmittal No. MC-28-87), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

2345. A letter from the Acting Director, Defense Security Assistance Agency, transmitting a copy of the Department of the Army's proposed letter(s) of offer to Austria for defense articles and services estimated to cost $18 million (Transmittal No. 88-04), pursuant to 22 U.S.C. 2796(a); to the Committee on Foreign Affairs.

2346. A letter from the Deputy Associate Director for Collection and Disbursements, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2347. A letter from the Independent Counsel, transmitting a redacted version of the report concerning the investigation of allegations relating to Raymond J. Donovan, pursuant to 28 U.S.C. 595(b)(3); to the Committee on the Judiciary.

2348. A letter from the Chairman, Merit Systems Protection Board, transmitting a copy of the report on revised reduction-in-force [RIF] regulations that went into effect in February 1986, and implementing guidance published by the U.S. Office of Personnel Management through September 1987, pursuant to 5 U.S.C. 1205(a)(3); to the Committee on Post Office and Civil Service.

2349. A letter from the Chairman, Merit Systems Protection Board, transmitting a copy of the Board's monograph titled "The Office of Special Counsel: Judicial Views on Prosecution of Prohibited Personnel Practices", pursuant to 5 U.S.C. 1205(a)(3); to the Committee on Post Office and Civil Service.

2350. A letter from the Chairman, Merit Systems Protection Board, transmitting the Board's report titled "in Search of Merit: Hiring Entry-Level Federal Employees", pursuant to 5 U.S.C. 1205(a)(3); to the Committee on Post Office and Civil Service.

2351. A letter from the Chairman, Merit Systems Protection Board, transmitting a copy of the seventh annual report of the Board's appeals decisions during fiscal year 1986, pursuant to 5 U.S.C. 1205(a)(3); to the Committee on Post Office and Civil Service.

2352. A letter from the Acting Assistant Secretary (Civil Works), the Department of the Army, transmitting a report from the Chief of Engineers, Department of the Army, on Lower Ohio River Navigation, Illinois and Kentucky, together with other pertinent reports (H. Doc. No. 100-127): to the Committee on Public Works and Transportation and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. Dingell: Committee on Energy and Commerce. H.R. 519, a bill to direct the Federal Energy Regulatory Commission to issue an order with respect to Docket No. EL-85-38-000; with an amendment (Rept. 100-418). Referred to the Committee of the Whole House on the State of the Union.

Mr. Bonior: Committee on Rules. House Resolution 302. Resolution providing for the consideration of H.J. Res. 394, a joint resolution making further continuing appropriations for the fiscal year 1988, and for other purposes (Rept. 100-419). Referred to the House Calendar.

Mr. Beilenson: Committee on Rules. House Resolution 303. Resolution providing for the consideration of H.R. 435, a bill to amend title 3, United States Code, and the Uniform Time Act of 1966 to establish a single poll closing time in the continental United States for Presidential general elections (Rept. 100-420). Referred to the House Calendar.

Mr. Rodino: Committee on the Judiciary. H.R. 585, a bill to establish evidentiary standards for Federal civil antitrust claims based on resale price fixing; with an amendment (Rept. 100-421). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of the rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GOODLING:

H.R. 3607. A bill to amend Federal laws to grant the same rights and privileges afforded to blind individuals who depend on seeing-eye dogs to other disabled individuals who depend on guide, hearing, or service dogs; jointly, to the Committees on Agriculture, Veterans' Affairs, Public Works and Transportation, and Energy and Commerce.

By Mr. KLECZKA (for himself, Mr. Barnard, and Mr. Kanjorski);

H.R. 3608. A bill to require the Export-Import Bank of the United States to make estimates of allowances for loan losses and include such estimates in such bank's financial reports; to the Committee on Banking, Finance and Urban Affairs.

By Mr. KOSTMAYER:

H.R. 3609. A bill to amend the Wild and Scenic Rivers Act to designate a certain portion of the Delaware River in the State of Pennsylvania and New Jersey as a study area for potential addition to the wild and scenic rivers system; to the Committee on Interior and Insular Affairs.

By Mr. STOKES:

H.R. 3610. A bill to designate the general mail facility of the U.S. Postal Service in Cleveland, OH, as the "John O. Holly Station of the United States Postal Service; to the Committee on Post Office and Civil Service.

By Mr. HASTERT:

H.J. Res. 398. Joint resolution to designate May 8-14, 1988, as "National Tuberous Sclerosis Awareness Week"; to the Committee on Post Office and Civil Service.

By Ms. SNOWE (for herself, Mr. Akaka, Mr. Atkins, Mrs. Bentley, Mr. Bilbray, Mr. Blaz, Mrs. Boxer, Mr. Buechner, Mr. Carper, Mr. Coelho, Mr. Conte, Mr. Crockett, Mr. Davis of Illinois, Mr. de la Garza, Mr. de Lugo, Mr. Dicks, Mr. Donnelly, Mr. Dwyer of New Jersey, Mr. Dymally, Mr. Evans, Mr. Fazio, Mr. Foglietta, Mr. Frenzel, Mr. Fuster, Mr. Garcia, Mr. Gordon, Mr. Gray of Illinois, Mr. Gunderson, Mr. Horton, Mr. Howard, Mr. Hughes, Mr. Lagomarsino, Mr. Lehman of Florida, Mr. Leach of Iowa, Mr. Lewis of Georgia, Mr. Lipinski, Mr. Lungren, Mr. Matsui, Mr. Mazzoli, Mrs. Morella, Mr. Owens of New York, Mrs. Patterson, Mr. Rangel, Mr. Ritter, Mr. Roe, Mr. Smith of Florida Mr. Solarz, Mr. Stenholm, Mr. Stokes, Mr. Tallon, Mr. Tauke, Mr. Thomas of Georgia, Mr. Torricelli, Mr. Traxler, Mr. Walgren, Mr. Waxman, Mr. Weiss, Mr. Wolf, Mr. Wortley, Mr. Wyden, and Mr. Yatron,)

H.J. Res 399. Joint resolution to designate February 4, 1988, as "National Women in Sports Day"; to the Committee on Post Office and Civil Service.

By Mr. CLARKE (for himself, Mr. Kasich, Mr. Berman, Mr. Oxley, Mrs. Martin of Illinois, and Mr. Murtha):

H. Con. Res. 211. Concurrent resolution expressing the sense of the Congress to commend the Government of Turkey for preparing to hold free and democratic elections open to all political parties and leaders; to the Committee on Foreign Affairs.

By Mr. CROCKETT (for himself, Mr. Fauntroy, and Mr. Dymally):

H. Con. Res. 212. Concurrent resolution expressing the sense of the Congress with respect to continued political unrest and violence in Haiti; to the Committee on Foreign Affairs.

By Mr. KOLBE:

H. Res. 304. Resolution designating minority membership on certain standing committees of the House; considered and agreed to.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 80: Mr. McEwen, Mr. Coble, Mr. Annunzio, Mr. Hayes of Illinois, Mr. Florio, and Mr. Sawyer.

H.R. 276: Mr. Fazio.

H.R. 311: Mr. DeFazio.

H.R. 541: Mrs. Bentley.

H.R. 637: Mr. Foglietta, Mr. Parris, and Mr. Kanjorski.

H.R. 1119: Mr. Sawyer.

H.R. 1546: Mr. Lujan and Mr. McCollum.

H.R. 1640: Mr. Solomon.

H.R. 1692: Mr. McDade, Ms. Snowe, Mr. DioGuardi, Mr. MacKay, Mr. McEwen, Mr. Bateman, Mr. Udall, Mrs. Boxer, Mr. Denny Smith, Mr. Bevill, Mr. Barton of Texas, Mr. Martin of New York, and Mr. Lehman of Florida.

H.R. 1755: Mr. Mavroules.

H.R. 1841: Mr. Hutto.

H.R. 1917: Mrs. Saiki.

H.R. 1966: Mr. Schaefer.

H.R. 1984: Mr. Mack.

H.R. 2114: Mrs. Martin of Illinois.

H.R. 2148: Mr. Rodino, Mr. Wise, Mr. Smith of Florida, Mr. Bevill, Mr. Shuster, Mr. Lehman of Florida, Mr. Martinez, Mr. Stratton, Mr. Boucher, and Mr. Hughes.

H.R. 2260: Mr. Thomas of California, Mr. Bilirakis, Mr. Dorgan of North Dakota, Mr. Stark, Mr. Spence, Mr. McCollum, Mr. McCurdy, and Mr. Jeffords.

H.R. 2437: Mr. Jones of Tennessee, Mr. Sundquist, and Mr. St Germain.

H.R. 2580: Mr. Jeffords.

H.R. 2776: Mr. Valentine, Mr. Boulter, Mr. Roe, Mr. Solomon, Mr. Stallings, and Mr. Spratt.

H.R. 2800: Mr. Sawyer, Mr. Matsui, Mr. Towns, Mr. Wheat, Mr. Hoyer, Mr. Clarke, Mr. Fawell, Mr. Slattery, Mr. Pease, Mr. Russo, Mr. Brooks, Mr. Mica, Mr. Lehman of Florida, Mr. Kennedy, Mr. Derrick, Mr. Jacobs, and Mr. Torricelli.

H.R. 2862: Mr. Hyde, Mr. Johnson of South Dakota, Mr. Traxler, Mr. Wise, Mr. Bliley, and Mr. Smith of New Hampshire.

H.R. 2870: Mr. Martinez.

H.R. 2883: Mr. Tallon and Mr. Edwards of California.

H.R. 2934: Mrs. Saiki and Mr. Bennett.

H.R. 2963: Mr. Hammerschmidt.

H.R. 3009: Mr. Stokes.

H.R. 3132: Mr. Martinez.

H.R. 3174: Mr. Sabo, Mr. DeFazio, Mr. Kolter, Ms. Pelosi, Mr. Downey of New York, Mr. Sikorski, Mr. Lowry of Washington, Mr. Dellums, and Mr. Miller of Washington.

H.R. 3193: Mr. McHugh, Mr. de Lugo, and Mr. AuCoin.

H.R. 3205: Mrs. Collins, Mr. Fish, and Mr. Edwards of Oklahoma.

H.R. 3225: Mr. Johnson of South Dakota, Mr. Crockett, Mr. Fish, Mrs. Bentley, Mr. Towns, and Mr. Ridge.

H.R. 3286: Mr. Miller of California, Mr. Fawell, Mr. Lewis of Georgia, Mr. Boucher, Mr. Ackerman, Mr. Martinez, Mr. Eckart, and Mr. Rangel.

H.R. 3294: Mr. Atkins, Mr. Andrews, Mr. Lowry of Washington, and Mr. Johnson of South Dakota.

H.R. 3351: Mr. Bilirakis.

H.R. 3377: Mr. Whittaker.

H.R. 3390: Mr. Hatcher, Mrs. Bentley, Mr. Wortley, Mr. Craig, Mr. DioGuardi, and Mr. Goodling.

H.R. 3410: Mr. Visclosky.

H.R. 3448: Mr. Coelho, Mr. Fazio, Mr. Roe, and Ms. Slaughter of New York.

H.R. 3478: Mrs. Bentley.

H.R. 3511: Ms. Pelosi, Mrs. Collins, Mr. Coelho, Mr. Fazio, and Mr. Sawyer.

H.R. 3523: Mr. Lagomarsino, Mr. Morrison of Connecticut, Mr. Smith of Florida, and Mr. Owens of New York.

H.R. 3589: Mr. Chapman and Mr. Eckart.

H.J. Res. 48: Mrs. Morella and Mr. Gray of Illinois.

H.J. Res. 311: Mr. Leland.

H.J. Res. 349: Mr. Bliley, Mr. Leach of Iowa, Mrs. Meyers of Kansas, and Mr. Buechner.

H.J. Res. 376: Mrs. Martin of Illinois, Mr. Konnyu, Mr. Volkmer, Mr. Fazio, Mr. Badham, Mr. Buechner, Mr. Towns, Mr. Holloway, and Mr. Gilman.

H.J. Res. 382: Mr. Wheat, Mr. Matsui, Mr. Kildee, Mr. McCloskey, Mr. Jacobs, Ms. Slaughter of New York, Mr. Hughes, Mr. Green, Mr. Berman, Mr. Atkins, Mr. Markey, Mr. Fazio, Mr. Wyden, Mr. Lowry of Washington, and Mr. de Lugo.

H.J. Res. 385: Mr. Fawell, Mr. Moorhead, Mr. Frost, Mr. McGrath, Mrs. Morella, Mr. Garcia, Mr. Owens of New York, and Mr. de Lugo.

H.J. Res. 388: Mr. Stratton.

H. Con. Res. 35: Ms. Snowe.

H. Con. Res. 137: Mr. Solomon.

H. Con. Res. 205: Mr. Neal, Mr. Evans, Mrs. Boxer, Mr. Hayes of Illinois, Mr. Eckart, and Mr. Edwards of California.

H. Con. Res. 209: Mr. Feighan, Mr. Broomfield, Mr. Manton, Mr. Mavroules, Mrs. Byron, Mr. Annunzio, Mr. Robinson, Mr. Burton of Indiana, Mr. Frank, Mr. Courter, Mr. Rinaldo, and Mr. Lipinski.

H. Res. 249: Mr. Schuette, Mr. Huckaby, Mr. Penny, Mr. DeLay, Mr. Konnyu, Mr. Lagomarsino, Mr. Nielson of Utah, Mr. Wolf, Mr. Martinez, Mr. Clinger, Mr. Fawell, Mr. Swindall, Mr. McCollum, and Mr. Herger.

H. Res. 271: Mr. Cheney, Mr. Lagomarsino, Mr. Nielson of Utah, Mr. Shaw, Mr. Stump, Mr. Ireland, Mr. Shumway, Mr. Gingrich, Mr. Kolbe, Mr. Brown of Colorado, Mr. Sundquist, Mr. Huckaby, Mr. Solomon, Mr. McMillan of North Carolina, Mr. Wortley, Mr. Gradison, Mr. DioGuardi, Mr. Leath of Texas, Mr. Combest, Mr. Dornan of California, and Mr. Goodling.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3100

By Mr. DORNAN:

—Page 247, insert the following after line 16.

SEC. 1116. RESTRICTION ON FOREIGN ASSISTANCE TO CERTAIN COUNTRIES.

(a) Prohibition.—Foreign assistance may not be provided to any country which has in effect a Treaty of Friendship and Cooperation with the Soviet Union, except to the extent that the President determines that such assistance is in the national interest of the United States.

(b) Definition.—For purposes of this section, the term "foreign assistance" means assistance under the Foreign Assistance Act of 1961, the Agriculture Trade Development and Assistance Act of 1954, the African Development Foundation Act, the Inter-American Foundation Act, or the Arms Export Control Act, and Peace Corps programs under the Peace Corps Act.

By Mr. HALL of Ohio:

—Page 247, after line 16, insert the following:

SEC. 1116. INTERNATIONAL CHILD LABOR RIGHTS.

(a) Findings.—The Congress finds that—

(1) the international exploitation of child labor remains a serious problem, notwithstanding the adoption of the Declaration of the Rights of the Child and efforts by the United Nations, including a draft convention on the rights of the child and a seminar on ways of achieving the elimination of the exploitation of child labor in all parts of the world;

(2) an estimated 88,000,000 children between the ages of 11 and 15 serve in the world's work force, according to the United Nations International Labor Organization; and

(3) the annual reports prepared by the Department of State on individual country human rights practices can be used to call greater attention to international child labor conditions.

(b) Statement of Policy.—It is the sense of the Congress that the annual reports on individual country human rights practices (submitted to the Congress by the Department of State pursuant to section 116(d) and 502B(b) of the Foreign Assistance Act of 1961), should include, as the first section in the discussion of conditions of labor in each country, a description of respect for child labor rights.

—Page 247, after line 16, insert the following:

SEC. 1116. INTERNATIONAL CHILD LABOR RIGHTS.

(a) Findings.—The Congress finds that—

(1) the international exploitation of child labor remains a serious problem, notwithstanding the adoption of the Declaration of the Rights of the Child and efforts by the United Nations, including a draft convention on the rights of the child and a seminar on ways of achieving the elimination of the exploitation of child labor in all parts of the world;

(2) an estimated 88,000,000 children between the ages of 11 and 15 serve in the world's work force, according to the United Nations International Labor Organization;

(3) the United Nations is an appropriate forum for initiatives to focus international attention on child labor rights; and

(4) the annual reports prepared by the Department of State on individual country human rights practices can be used to call greater attention to international child labor conditions.

(b) Statement of Policy.—It is the sense of the Congress that—

(1) the permanent representative of the United States to the United Nations should recommend to the United Nations appropriate measures to call further international attention to the exploitation of child labor and the need for international respect for child labor rights; and

(2) the annual reports on individual country human rights practices (submitted to the Congress by the Department of State pursuant to sections 116(d) and 502B(b) of the Foreign Assistance Act of 1961) should include, as the first section in the discussion of conditions of labor in each country, a description of respect for child labor rights.

EXTENSIONS OF REMARKS

A BILL TO RENAME THE MAIN POSTAL FACILITY IN CLEVELAND, OH

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1987

Mr. STOKES. Mr. Speaker, today I introduced legislation which would rename the U.S. Postal Service building located at 2400 Orange Avenue in Cleveland, OH, the "John O. Holly Station of the U.S. Postal Service."

Mr. Speaker, it is with great pride that I introduce this bill, in tribute and recognition to one of the greatest citizens of Cleveland, OH. During his lifetime, between 1903–74, the late John Oliver Holly distinguished himself as both a champion and a pioneer in the realm of civil rights and equal employment opportunity. His life encompassed almost half-a-century throughout the State of Ohio, as a leader in political, fraternal, and religious activities.

At a time when most of the civil rights leaders of the sixties were only children, John O. Holly was organizing one of the most successful "grass-roots" local organizations for tearing down racial barriers to employment opportunities in the Nation. In 1935, through his founding of the Future Outlook League, John O. Holly began a crusade for job opportunities for blacks that would provide an effective model for future civil rights leaders seeking to use the economic weapon as a vehicle to social progress.

Mr. Speaker, if we are to truly understand and appreciate the great contributions of this unique public champion, it is important to realize the difficulties of the times in which he worked for social change, and how actions that we have come to expect as routine today, were carried out in John Holly's time at great personal risk. In fact, John O. Holly was sent to jail on several occasions for defying a court order banning orderly picketing. He not only placed his own personal safety in jeopardy while attempting to help others, he dared to challenge an enormously negative bureaucratic system which offered few avenues of hope for the advancement of his people.

At the time that John O. Holly began organizing the Future Outlook League in February of 1935, almost 80 percent of all black Americans were unemployed. Fifteen percent of those working were located in menial jobs, having a gross family income of less than $1,000 per year. Minority businesses numbered less than 50 out of a black population of 80,000 in Cleveland. Many of the black professionals in the area, including medical doctors, were forced to accept work on the Federal WPA project as their only means of employment.

Although more than 3,000 businesses were located in the central area of Cleveland, less than 100 of these employed blacks in any capacity. For example, there were 35 food chain stores in the area, which together employed only three black workers. The entire Cleveland transit system had only one black employee. Furthermore, a survey at the time indicated that blacks in the central area of Cleveland were spending over $200,000 per week in business establishments which refused to hire them. Contributing to the problem of employment discrimination for black adults, was a youth crisis which forced nearly 30,000 young people to roam the streets without either job opportunities or adequate recreational facilities.

Against this difficult backdrop, John O. Holly stepped into the picture and soon started turning the situation around. He literally led hundreds of black citizens in Cleveland into peaceful demonstrations, employing consumer boycotts and picketing as a means of getting companies doing business in black neighborhoods to open their doors to black workers.

John O. Holly's accomplishments as the leader of the Future Outlook League are many, and his contributions to the well-being of black people of that time cannot be measured through mere statistics. He gave people hope they had never experienced, provided opportunities that they did not think were possible, and offered leadership that they had never seen.

Through the work of John O. Holly, an unprecedented number of social accomplishments were achieved in Cleveland between 1935 and 1943. In May 1935, for example, he succeeded in getting the first black clerk placed in an A&P food store, and found jobs for another 395 blacks. In 1936, he led 5 days of picketing area theaters, resulting in the employment of several cashiers and ushers in the majority of the theaters located in the black area of the city, as well as a manager in Cleveland's Globe Theatre. In 1937, after he led 7 weeks of boycotting in severe winter weather, black drivers were provided jobs on milk wagons of the Telling Belle Vernon Co.

In 1938, John O. Holly challenged the employment practices of the Woolworth Co., leading a large number of young blacks in a protest against the company's long record of discrimination. Although Holly and his followers faced tear gas, sawed-off shotguns, and were carried off to jail, they succeeded in placing several young black women into jobs at the Woolworth Co. and the East 55th Street Market. Years later, these girls would go on to become department heads at the Woolworth Co.

In 1939, John O. Holly successfully focused the Nation's attention onto the atrocious housing conditions that black people were forced to live in. His efforts spearheaded improvements which resulted in more than 6,000 houses being repaired in a 3-month period, and a reduction in rent for 250 families.

In 1940, he held firm in the face of opposition from local unions, and assisted black deliverymen in gaining employment with a small white-owned bakery. This action soon opened the door for the establishment in the Cleveland area of one of the finest black bakeries in the State. During that same year, John O. Holly and the Future Outlook League also succeeded in defying and preventing the unions from forcing nearly 200 blacks with push carts, broken down trucks, horse wagon coal, and ice peddlers from paying a $25 joining fee and $3 per month dues to sell coal and ice in the black areas of Cleveland.

In 1941, John O. Holly concentrated his fight for jobs for blacks on the Ohio Bell Telephone Co. Through continuous pressure brought on by well-organized protests, John O. Holly succeeded in getting for the first time, jobs for 11 blacks to distribute telephone directories. On May 5 of the same year, following a conference in which Ohio Bell Co. officials expressed their vehement opposition to hiring black women, John O. Holly responded swiftly by organizing a picketing effort with over 200 blacks in front of the downtown 25-story Ohio Bell headquarters building. As a result of his efforts, 15 black women were employed who otherwise would have been denied an important job opportunity.

As a leader of the Future Outlook League's Fair Rent Committee, John O. Holly wielded pivotal influence in fighting unscrupulous landlord activities, and succeeded in securing rent reductions for hundreds of black families in the Cleveland area in 1942. In that same year, on May 1, John O. Holly led the Future Outlook League in picketing the Standard Tool Co., a large factory responsible for work on war orders, but which refused to hire black women. After 5 intense weeks of protesting, and consultations with the mayor, Holly's efforts resulted in seven factories opening their doors to hiring black women which had never done so before.

Mr. Speaker, as these events clearly demonstrate, John O. Holly was a tireless champion for racial equality. In 1954, he made the strongest bid to that date, for the Democratic nomination for Congress in the 21st District of Ohio. I am proud to serve in the district he sought to represent, and like many other black leaders in the Cleveland community, I have greatly benefited from the causes this great man has championed. His leadership, his commitment to an agenda of racial equality, and his cognizance of political and economic realities, make him a cherished figure for Clevelanders and others.

Mr. Speaker, the designation of this post office building in honor of John O. Holly will memorialize his contributions, and will ensure that his legacy be passed to future generations, that they may be touched by his uniqueness and vision.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

CONCERN FOR THE HOMELESS

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1987

Mr. COELHO. Mr. Speaker, during the past few months, I have been a very visible supporter of aid for the homeless in our country. During this time, I have received much support from individuals all over the Nation who are concerned about the homeless. However, I have also drawn some criticism, including some from my own constituents. In talking with these people and hearing some of their arguments, I have found that their criticism of aid to the homeless often stems from a basic misconception of who the homeless are.

A stereotype exists which says that the homeless are derelict men and women who choose to live on the streets rather than work for a living. This view is a myth. Those of us who support the homeless do so because we know that we have to face reality.

And the reality is that the homeless are people not so much different from you and me.

They are the elderly whose incomes are too small to afford permanent shelter. They are war veterans, and particularly veterans from the Vietnam era. They are the physically disabled who are unable to find jobs. They are the chronically ill who cannot afford long-term health care. They are migrant farm workers who toil to harvest our food during the day, but have no place to sleep at night. They are men and women who are struggling with dependency on alcohol or drugs. They are people with emotional problems who do not have the resources to get the help they need. They are runaway and abandoned children who have a history of abuse and neglect. And, in increasing numbers, they are families with children. Presently, families make up fully one-third of the homeless population, and children themselves count for an estimated 20 percent of the homeless.

In looking at this list, it becomes apparent that there are a lot of people living on the streets who have been productive citizens and want to be again. There was a time when they thought that they would never be without a home. Before the lost job, before the illness, before the rent got too high to pay, they, like you and me, never dreamed that they would one day be living in streets and shelters.

Also in this group of homeless is a estimated 800,000 children who are starting life under tremendous and debilitating disadvantages. These children are growing up without adequate nutrition, without health care, and without a decent education. This entire generation of children is growing up without the resources necessary to develop into healthy and productive adults. Can we really delude ourselves into thinking that society will not pay a heavy price if we allow this to continue?

In this country today, we have an estimated 4 million homeless people. We as American citizens have two choices. We can turn our backs on the homeless and watch their numbers increase as they sink deeper into poverty and despair. Or we can lend a hand and help them get back on their feet so that they can be contributing members of society once again. A price will be paid for either choice. But the price we pay now to assist the homeless is nothing compared to what we will pay if we neglect them. To have a growing segment of our society living in such impoverished conditions, and particularly when a large percentage of those are children with their whole lives ahead of them, is bound to have devastating effects on our Nation as a whole.

To help the homeless now is not only the compassionate choice, but the wise one as well. As an American citizen, but more importantly as a father, I urge my fellow citizens to join me in this crucial effort to aid the homeless and show that our unity as Americans extends to all of our citizens, including those who have fallen upon hard times.

STATES STEP IN TO PROTECT CONSUMERS

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1987

Mr. FLORIO. Mr. Speaker, States are increasingly stepping in to fill the void caused by the withdrawal of the Federal Government from consumer protection.

The Subcommittee on Commerce, Consumer Protection, and Competitiveness, which I chair, has jurisdiction over the Consumer Product Safety Commission [CPSC]. Because of a lack of top leadership commitment and resources, the CPSC is unwilling or unable to vigorously enforce its regulations. In response, I, along with eight other members of the subcommittee, have sponsored legislation, H.R. 3343, to reorganize and revitalize the CPSC. One of the most important provisions of this legislation would give State attorneys general and consumer protection officials greater authority to enforce the regulations.

The following article from the Economist describes the recent consumer protection activity by the States:

[From the Economist, Oct. 24, 1987]

STATES STEP IN

KANSAS CITY, MO—The idea of reducing federal intervention and enhancing the role of the states is coming back to haunt the administration. Suddenly, on issues as various as farm policy, corporate merges and consumer and environmental protection, state attorneys-general are popping up to challenge administration objectives or to protect the sort of federal policies and practices that the administration would just as soon live without.

Consumer protection is the field where states are busiest. Attorneys-general have battled all sorts of businesses: not merely the fly-by-nighters who prey on unwary consumers, but companies of national standing. More than a dozen states, led by Virginia, persuaded Ford Motor to recall some 18,000 ambulances after several of them caught fire and exploded. The states acted after they encountered "a reluctance to move despite much evidence" on the part of federal transport officers.

Midwestern attorneys-general have been locked in nearly continuous combat with federal agencies, including the Department of Agriculture, over regulations covering loan and other programmes for farmers. This year, for example, attorneys-general in the farm belt sounded an alarm over proposed lending rules by the Farmers Home Administration, the federal farm lender of last resort, which might, they said, disqualify up to half of all current borrowers. Final regulations have not yet been issued, but Congress appears likely to prevent any narrowing of eligibility for the agency's customers.

Environmental issues have also brought states together against the federal government. Half a dozen New England and other eastern states have sued the Environmental Protection Agency to try to get stronger action against acid rain. And the horrors of air travel have bonded the states too; they are threatening to prosecute airlines for deceptive scheduling, pricing and advertising.

Federal officials appreciate some of this state-level activism, particularly in consumer protection. But their approval has limits. They would prefer the states to adopt the administration's policy goals as well, such as less regulation of business. Administration officials insist, moreover, that despite lower agency budgets they, too, are working to help consumers, notably in cases of outright theft and deception. In general, however, the administration's over-riding philosophical approach is that consumer decisions in the free market can normally provide the best protection.

National advertisers and businesses are also growing suspicious of all this state activity. They foresee a world in which each state will impose its own rules on nationally distributed and advertised products. The constitution, they note, leaves it to the federal government, not the states, to regulate interstate commerce. Advertisers, who do not care for government regulation of any kind, now say they would prefer limited regulation by their old enemy, the Federal Trade Commission, rather than by the 50 states individually.

Fear of "balkanisation" also applies to the trickier area of antitrust, where the states once had a much larger role. A Supreme Court decision in the 1970s ended some state enforcement. But federal enforcement in the 1980s, which has been less fierce than hitherto, has led states to redouble their own efforts. Thirty-nine states, for example, joined to sue Minolta, a camera maker for price fixing and won a settlement that could bring refunds to thousands of customers. Several others have tried to prevent corporate mergers or buy-outs on the ground that regional competition and customer service would suffer. And the National Association of Attorneys-General has issued merger guidelines that go against the Reagan administration's essentially relaxed approach.

Some critics of the new state activism wonder privately whether the attorneys-general are less interested in protecting consumers than getting votes for themselves. The typical state attorney-general today is, by all accounts, younger, better educated and at least as ambitious as any predecessor; many have gone on to higher office. But, as Oregon's attorney-general points out, state legislatures have given added powers and responsibilities to the attorneys-general in recent years. It is also true, he says, that consumer protection is the sort of area where good policy is likely to make good politics.

A $12 BILLION TAX HIKE

HON. DAN SCHAEFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1987

Mr. SCHAEFER. Mr. Speaker, last week the House leadership railroaded a $12 billion tax hike through this body when it adopted the Omnibus Budget Reconciliation Act of 1987 by a vote of 206 to 205. A number of us that opposed this measure thought that it was defeated until the Speaker of the House held the vote open for nearly 10 additional minutes, long enough to find someone to switch his vote. Nevertheless, even though this measure passed, I think the closeness of the vote sends a clear message of deep opposition to the claim that the only way to grapple with the deficit is to raise taxes.

I opposed this measure not only because of the massive tax increase involved, but also because it ignored the primary cause of our deficit. The American people are not undertaxed, the Federal Government overspends, and this measure made no significant spending cuts. Out of a budget exceeding $1 trillion, I find it hard to believe that there is no wasteful spending to be cut, nor a single Federal program that could be eliminated.

Not only did this measure raise taxes, it in fact contained additional funding for some Federal programs, and incredibly, a payraise for Members of Congress. In the face of our $2.3 trillion national debt, I fail to see the logic in taking money from the American people with one hand and increasing Government spending with the other.

I also opposed this reconciliation bill because it ignored the ongoing deficit reduction discussions being held by representatives of the House, Senate, and administration. Congress has yet to meet any of the budget timetables it has set for itself, but it could not wait for any proposals or recommendations to come from this conference. Instead it proceeded to rush through this ill-conceived tax hike.

This is a time for Congress and the President to work together to make the tough choices for America's future. I call upon my colleagues to put aside partisan considerations and to make these decisions to ensure America's prosperity. Our economy continues to expand, and there is still time for a reasoned approach to maintain this growth and reduce Government red ink.

EDUCATION OF THE NATION'S YOUTH

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1987

Mr. RANGEL. Mr. Speaker, one of the most pressing concerns of this Nation today is the education of our children. As our most valuable resource, the Nation must nurture the potential of our young as we move into the next century. After repeated cuts in social service and educational programs, it is our children who have suffered from increasing poverty and a multiplicity of resulting ills that hamper their ability to grow into productive citizens and the Nation's ability to maintain its prominence in the world.

In line with the 17th annual Congressional Black Caucus legislative weekend, there is a need to especially focus on those segments of the young population that are the most at risk of not meeting their potential as citizens of this Nation. This year's theme, "Educating the Black Child: Our Past and Our Future," necessarily targeted attention on poor and minority youngsters who make up a large portion of these at risk children. At the closing dinner, Marian Wright Edelman of the children's defense fund commendably called for adequate social support services as well as early and sustained intervention into their lives to prevent educational failure and poverty amongst our children.

The recent educational reform movement has largely focused on higher standards and teacher quality in the public school system. It has, however, been remiss in ignoring the needs and problems of these at risk children. We have a moral responsibility to ensure that all children are granted the fundamental right to a quality education and, thus, an equal opportunity to contribute and survive in this country. Moreover, we have a greater responsibility for at risk children when we consider that by the year 2000, 90 percent of the people entering the job market will be women, blacks, and Hispanics. They are the caretakers of our future. I would, therefore, like to take this opportunity to urge each of my colleagues to read the following editorial, "Face Up to Race:"

FACE UP TO RACE—A FAIR CHANCE, ESPECIALLY FOR MINORITY CHILDREN

Everywhere, the unlikely subject of early childhood health and learning stirs political interest. After a decade of watching poverty grow among children, the nation may finally be coming to understand the cost.

Democratic analysts see child welfare as the basis for coalitions. The Committee for Economic Development, a big business research group, urges investing heavily in the educationally disadvantaged. Experts give Congress striking evidence of how early intervention reduces educational failure and welfare dependency. Senator Lloyd Bentsen of Texas promises to make children and their health the "number one priority" of his Senate Finance Committee.

If society means to break the iron cycle of urban proverty, early childhood is a powerful place to start, helping all children win a fair chance. Many children get it from their families. For the public to provide it to those who don't would benefit everyone, including the taxpayer. But this rising recognition can bring results only if founded on candor. The time has come to face up to race.

The need for help in early childhood is especially acute for urban, inner-city youngersters, many of whom are black or Hispanic. They would benefit disproportionately because they are disproportionately at risk. Yet the instinct among reformers, fearing, hostility from a public weary of social welfare, is denial or disguise. Even for benign tactical reasons, that repeats error and ignites disbelief.

In the 1960's, social welfare advocates were sincere about helping poor whites in the hollows of Appalachia, disease-plagued American Indians and migratory agricultural workers. Yet their core concern was the plight of poor blacks and Hispanics in tense urban ghettos. Thinking that America would not support programs that seemed directed mainly to racial minorities, they swaddled their proposals in a larger package.

The first result was constructive: the War on Poverty of the mid-60's. The second result was disaster: a loss of credibility among ordinary citizens. The belief that the programs were mostly for blacks and Hispanics did not stop with skeptics or racists. Support eroded even for highly effective programs.

In the last 20 years, urban poverty has been increasing dramatically; the poorest blacks and Hispanics have been left behind in the ghettos. Too often, the young men fall quickly out of the labor market. Too often, the young women become child-mothers whose poverty, youth and lack of social structure leave them unequipped to transmit much to their children. Helping them in the early years of childhood is to practice what Marian Wright Edelman, head of the Children's Defense Fund, calls "welfare prevention."

There's factual reason to look especially to urban minority children. About 18 percent of urban children live in poverty; all warrant assistance. For whites, the figure is about 14 percent. Among blacks and Hispanics, it's about 40 percent. Children in female-headed households are much more likely to be poor. In urban areas, 45 percent of the white children in such families are poor. Among black children, the figure is 65 percent.

There's also a pragmatic basis for emphasis on urban minority children. The present political stirrings reflect a new realism on all sides. Some people may be motivated by a desire to prevent crime or to stop pouring money down a perceived welfare rathole. Others may wish to save lives and futures. There's no need to choose between the hard-headed and warm-hearted. Focusing on early childhood health and education, especially in urban ghettos, is cost-effective and it is right.

SALUTING MATTIE LEE NASH, "MAYOR OF WEST DALLAS"

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1987

Mr. BRYANT. Mr. Speaker, few people have spent as much time and energy unselfishly serving the communities in which they live as Mattie Lee Nash.

Recently, this tireless and most deserving public-spirited citizen—a friend to everyone—was honored as the third recipient of the Willow Award at the Dallas Black Chamber of Commerce annual banquet.

Mattie Lee Nash's decades of contributions to her community and her fellow citizens, which earned her this prestigious award for community service, were outlined in an article in the October 31, 1987, edition of the Dallas Times Herald.

I call to the attention of my colleagues and my fellow Americans the outstanding contributions of this outstanding citizen.

AWARD HONORS FRIEND OF POOR

(By Richard R. Aguirre)

Mattie Lee Nash, the unofficial "mayor of West Dallas," is aware that some people think her sprawling domain is dirty, rundown and crime-infested, but she has other ideas.

"This is my pride and joy," Nash says with a broad smile. "I have lived other places and have had the opportunity to live other places, but I wouldn't trade living in West Dallas for anywhere."

A tireless advocate for residents of her neighborhood, Nash, 64, received the third annual Willow Award at the Dallas Black Chamber of Commerce's annual banquet Friday night at the Hilton Hotel. She received $10,000 to give to Dallas non-profit organizations of her choice.

The award, sponsored by Willow Distributors Inc. and the Dallas Times Herald, honors Nash for outstanding volunteer service to the black community and caps 43 years of organizing the West Dallas poor to take economic, political and social action.

"I am flattered to death to think that they would even look at a grass-roots person to give this award to. This is just too much for an old folk," Nash said.

"Some have called her the mayor of West Dallas," said John Dodd, chamber president. "She doesn't see West Dallas as an area with many problems, but as a home that must be defended and protected."

Billy Allen, the former Dallas park board president who won the award last year, said Nash has long been a role model.

"I see her as one of those sincere, hard-working individuals who have been giving both leadership and inspiration to the younger generation as well as to seniors in her community," Allen said. "She's a legend."

"I would definitely call her one of the really continually strong and vocal advocates, not only for the people of West Dallas, but low-income people throughout the city," said Councilwoman Lori Palmer.

"She does her homework and is not afraid to speak out on what she believes. She is rarely stopped because she knows there is a lot that needs to be done," Palmer said.

Nash was born and reared in Elm Flat, in Navarro County, and came to Dallas during World War II to work in a defense plant. From the time she was a child, Nash said, her "greatest ambition" was to help others.

She says she got that opportunity after she moved to Dallas.

"I saw that the community needed so many things done," Nash said. "We had to fight for whatever we got, such as being annexed to the city and even to get stoplights."

Nash who is married and has one son, works long days and often does not do housework until 2 a.m. She says she's usually back out on the streets by 7 a.m., attending a community meeting or lobbying an elected official.

On a recent tour through West Dallas, Nash displayed the pride of a mother showing off her children.

"West Dallas is a neighborhood where people are community-oriented," she said. "If one of us is in trouble, we're all in trouble. If I was out of a cup of sugar, I could immediately go to my neighbor for sugar and think nothing of it."

As she walked through a neighborhood shopping center, she was continually greeted by friends and acquaintances.

"Now can you see why I live in West Dallas? I know everybody."

Such contacts have led her to involvement in scores of committees, task forces and groups, friends say.

Nash has worked to bring and then preserve educational and social services for the poor and has maintained a keen interest in developing the political clout of blacks.

LOCAL SERVICE

HON. ROBERT E. BADHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1987

Mr. BADHAM. Mr. Speaker, there is a great deal of talk around today about fiscal policy and the stock market and the value of the dollar and all of the other factors that play roles in our current economic situation. As important as all of these things are, the basic well-being of our economy depends on something that is getting a lot less attention: education. Without a well-educated population, we face a dreary economic future. With good education, our economic potential is unlimited. It is my privilege today to tell my colleagues about someone who has done something tangible in the effort to improve education and who probably has done a lot more for the future of our economy than any of the fiscal tinkerers in our Federal Government.

Mr. Brian Lake, a member of the Huntington Beach Union High School District Board of Trustees for the past 9½ years, is retiring from the board November 27. While his departure will be a loss for the people of Huntington Beach, he has left a legacy of accomplishment that will be enjoyed well into the future.

Mr. Lake was involved in the development of a model curriculum, the establishment of a teachers' center, the institution of a new attendance policy and procedure, the development and initiation of the Business/Education Encounter Programs, computer education curriculum development and application, formation of an academic boosters club, development of the White Paper on Non-Adversarial Negotiations, and establishment of a model United Nations Program.

Mr. Speaker, not only does our economy depend upon a well-educated population, but so does the future of our democracy. I would like to thank Mr. Lake for a job well-done and for what really is service to our country.

A TRIBUTE TO HANS ZELLMAN

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1987

Mr. COURTER. Mr. Speaker, it is with great pleasure that I bring to my colleagues' attention the many accomplishments of Mr. Hans Zellman of High Bridge, NJ. Mr. Zellman passed away on August 26.

Hans Zellman was born in Gross-Trebbow, Germany. He came to this country in 1923 and lived in my district most of his life. He was a serviceman with Van Doren Oil Co. for more than 25 years. After retiring in 1985, Hans served as water superintendent in High Bridge. He also served in the Army during World War II and during the Korean war.

Mr. Zellman was most recognized for his work as a rescue squad leader. In 18 years as a member of the High Bridge Emergency Squad, Hans responded to about 2,000 emergency calls. During that period he served as a line officer, vice president, and captain of the squad. His dedication to saving lives is known by all. This dedication extended far beyond the area served by the High Bridge squad, however. Mr. Zellman helped organize the North Hunterdon Training Group for emergency services. He taught CPR and first aid for both the American Red Cross and for the American Heart Association and was certified by the Department of Transportation as an emergency medical technician [EMT] instructor.

In 1985, the borough council presented Mr. Zellman with a plaque commemorating his years of dedicated service. This past May, he received the Hunterdon County Valor Award and was inducted into the 200 Club. He received many other awards for emergency services. Additionally, he was a life member of the L.H. Taylor Hose Co. in High Bridge.

Mr. Zellman should be an inspiration to us all. Despite his age and illness, Hans continued to respond to help others and to train volunteers thoughout the county and elsewhere in lifesaving skills. He continued to teach and to respond to calls from others for as long as he was able. Hans Zellman's devotion to volunteer work will always be remembered by the people in Hunterdon County.

A TRIBUTE TO MR. JIM BRADY

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1987

Mr. COELHO. Mr. Speaker, I rise today to highlight the achievements of Mr. Jim Brady, who, as most of us are aware, was tragically wounded in March 1981.

For those who are unfamiliar with this story, I highly recommend a recent article in the Washington Post magazine by Mollie Dickenson, titled "Against All Odds." As I stated, however, the story is by now familiar to most of us. A man, who has just reached the zenith of his distinguished professional career by being named Press Secretary and Assistant to the President, is struck by a bullet fired by a deranged man intent on assassinating the President. His chances for survival, let alone recovery, were limited. Yet, Mr. Brady defied the odds, not only surviving, but making remarkable rehabilitative progress.

Today, he continues to undergo this painful physical rehabilitation. His daily regiment is filled with frustration, stress, and difficulties, but his progress, nonetheless, is tremendous, and at times remarkable. Most vividly, we see his achievement in the renewed public demonstration of his well known wit and humor.

Despite the obvious successes, there can be no question that it is a difficult and constant struggle. A lesser man might very well have given in to despair. Quite simply, it is not fair that a man so intellectually gifted and professionally dedicated should be denied the full use of his skills. Yet, Jim Brady, rather than succumb to this injustice, has bravely adopted the attitude that "you play the cards your are dealt." As such, he continues to fight with unrelenting determination to overcome this injury, and it is with almost unbelieving admiration that I observe the strides which he has so far made in this endeavor.

Despite his monumental advances, the doctors report that Jim Brady probably will never return to his original state of physical health. I do not know if this is true, but I can be certain that "The Bear," as he is affectionately known, will remain stubborn and steadfast in his efforts to improve. He has, and I believe, will continue to make tremendous progress in his rehabilitation program. Mr. Speaker, today, I wish to make it clear that as Jim Brady fights his battle, he does not do so alone. I, along with my colleagues in the House of Representatives, continually admire his courage, marvel at his tenacity of purpose, and believe that it is an honor for us that he know, at all times of the day, we are with him in spirit.

The following is the text of the Washington Post magazine article:

[From the Washington Post Magazine, Nov. 1, 1987]

AGAINST ALL ODDS

(By Mollie Dickenson)

Jim Brady's ambulance, siren screaming, pulled up to the emergency room door of George Washington University Medical Center. He looked hideous. His entire head had begun to swell, and blood and brain tissue, oozing tooth-paste-like from his wound, were dribbling down his face. He was propped up at an incline to help relieve the pressure inside his head, and his head lolled toward his left shoulder.

Carefully and swiftly, orderlies and nurses transferred this mountain of apparently mortally wounded man to the hospital gurney in Bay 5B, only six feet from the one President Reagan was on. The curtain between the two men was partially pulled as nurse Kathy Stevens began cutting all of Jim's clothes away. Dr. Judith Johnson asked him, "Are you getting enough air?" "Yes," said Jim. But he was trying to remove the oxygen mask. "No, you've got to leave that there," she told him. "Okay," said Jim, and he put his hands down.

"His blood pressure was extremely high—230 over 180," says Johnson. Through an intravenous line, she gave him sodium pentathol to anesthetize him and quiet the brain. Then she injected 10 milligrams of Pavulon, a derivative of curare, to paralyze him for the delicate procedure of intubation, which would flood his brain with oxygen, crowding out the carbon dioxide to lower his blood pressure. An extremely uncomfortable procedure on a conscious patient, intubation is the inserting of a plastic tube down the windpipe to the lungs. "It was a frightening situation," says Johnson. "Everything I was doing could make him worse. In the roof of his mouth there was swelling and blood. It was difficult, but I was lucky—I got it in on the first pass."

"This was perhaps the most important procedure performed on Jim Brady in the emergency room," says neurosurgeon Arthur Kobrine, who would soon assume command of Jim's case. "If she hadn't gotten it in on the first pass, he might have gone several minutes without breathing. Meanwhile, the CO_2 was building up. Also, coming in as he did with a full stomach, the procedure could easily have made him vomit, drawing some into his lungs. He could so easily have herniated and died right there in the emergency room. It was a gutsy thing she did. Not all residents could have handled that, and they would be perfectly within their rights to call for an attending physician." But Johnson did it, and pure oxygen began surging into Jim's lungs and from there to his brain. The goal was to get it there quickly. As the priority organ, the brain controls blood flow, and when it received the pure oxygen, it signaled his rapidly beating heart to slow down, reducing the pressure in his brain.

Swelling and the resultant enormous pressure kill most brain-injured patients. "Only one in 10 survives," says Kobrine.

The portable X-ray machine just used to X-ray Reagan's chest was wheeled over, and pictures were taken of Jim's head front and side. Then they propped him up for a preoperative chest X-ray.

Kobrine, who was nearby reviewing one of his patient's X-rays, heard the commotion in the emergency room. His beeper was going off as well, and he took off toward the noise. Neurosurgery resident Ed Kornel saw Kobrine coming and told him that the president had been shot. "Are there any head injuries?" Kobrine asked a hospital administrator. "Am I needed in there?" In the confusion, Kobrine was told that there were no head injuries in the ER, and that he and Kornel were not needed. But then Kobrine saw Daniel Ruge, the president's physician, coming out of the ER. Ruge said, "You'd better get in there. Someone has been shot in the head. I think it's the president's press secretary. And, Art, I think you should handle it."

From that moment on, Kobrine would direct Jim's medical care with his neurosurgical residents. By this time, only three or four minutes had passed since Jim's arrival in 5B, but the external swelling of his head was so great that Kobrine was unable to open Jim's eyes. Kobrine lifted the 4-by-4 gauze off the wound. "I have never seen a face on a patient that grotesque and ugly," he says. "Jim's face was purple. His eyes were purple. His left eye was the size of an egg. His nose was swollen and his lips were swollen. He had abrasions all over his forehead and cheeks. He had bruises on his knees. His appearance made me even more pessimistic about his chances than I thought I would be." The entrance wound itself was small, about the size of the eraser on the end of a pencil, just at the middle of his left eyebrow. There was a raised "abrasion collar" around the opening, and injured brain tissue was oozing through the hole.

A radiology technician brought Jim's X-rays to Kobrine, and they showed, as expected, his fractured skull and multiple fragments from the bullet but also that the bullet had crossed from the left to the right side of his brain. There is almost no hope for gunshot victims when both sides of the brain have been penetrated.

Ruge, at his post with his hand on the pulse in Reagan's foot, called out to Kobrine, "What do you think about your patient, Art?"

"It's a terrible injury. I don't think he has a chance," said Kobrine. "But I think we should try. He is still breathing and we will operate."

No more than 15 minutes has elapsed since Jim Brady's arrival. Swiftly, Kobrine wheeled him to the CAT scan room. A sophisticated X-ray process, the CAT scan displays horizontal slices through the skull and brain. After several pictures, Kobrine told the radiology technician to stop. "When I saw the track of the bullet, the bone fragments, plus this enormous blood clot, I didn't need to see any more," says Kobrine. "I had seen enough to plan the surgery, and I didn't want to spend another 20 to 30 minutes completing the study."

Kobrine came out to meet Sarah Brady, drew her off to a corner where they could sit and began: "Mrs. Brady, your husband has been shot above the left eye." Sarah closed her eyes; her head dropped forward. "The bullet went through his brain and is lodged in the right hemisphere of his brain. His condition is extremely serious. We are going to operate, and the operation will take four to six hours. It will begin immediately." "May I see him?" asked Sarah. "No," said Kobrine. "We are worried about time. We have got to get started. If the operation is a success, your husband will wake up tomorrow with little use of his left leg and no use of his left arm. Eventually, he may be able to walk. In fact, he may walk out of this hospital someday. However, I want you to know that he could easily succumb to this operation." Kobrine stood up to leave. Sarah looked at him. "You've got to save my husband," she said. "My 2-year-old little boy needs his father."

In Operating Room 4, scrub nurses were already opening the packs of sterile craniotomy tools. They transferred Jim from the cart to the operating table. It would take several minutes of shaving and washing Jim's head to prepare him for surgery. Kobrine had decided that Jim's entire head should be shaved. He didn't know if he might have to open it in more than one place, and he wanted the entire head sterilized so that he could enter it anywhere.

As he changed clothes in the locker room nearby, Kobrine debated with himself how to approach this injury. He could open a window over the entrance area to take care of the damage there, and then make another opening at the site of the bullet above Jim's right ear. Or he could open up the entire front of the head and then open another area only if it became necessary. He decided the second course would give him the most flexibility.

In the OR, an operating headlight strapped to his capped head, Kobrine got down to business. Starting above Jim's left temple, Kobrine guided the scalpel being wielded by Jeff Jacobson, one of his neurosurgical residents. Holding gauze sponges tightly to Jim's scalp to stanch the bleeding, they cut into the half-inch-thick scalp, going straight up over the top of his head, then down to just above his right temple.

At the same moment, ophthalmologist Mansour Armaly began to cut the ligaments on the outer corner of Jim's left eyelid to release the tremendous pressure on the orbit. Kobrine had asked Armaly to take a look at the enormous blood clot that had formed over Jim's left eye. Kobrine knew that, left unrelieved, the pressure would have destroyed Jim's vision in that eye. "It always amazes me," says Sarah, "how clearly Art was thinking. He saw to it if Jim lived his eyes would be fine."

Meanwhile, as Kobrine suctioned the blood away, Jacobson clamped plastic

Rainey clips onto both sides of the incision to stop the bleeding of the scalp. Carefully, Kobrine and Jacobson rolled the scalp away to expose the bone, cutting it loose from its attaching fascia and muscle. Along with the scalp, they rolled the skull covering, the periosteum. Kobrine planned to use it later.

As Armaly worked, Jacobson began drilling dime-size holes in Jim's cranium with the "bone-biting" rongeur attachment to the craniotome, which has a pressure clutch to prevent the bit from entering the brain. As Jacobson started the second hole, Kobrine took over. A row of four holes was made, two on top and one on either side of the head. In addition, they drilled off the edges of the bullet hole. It was considered a "dirty wound"—a possible source of infection.

Armaly finished draining Jim's eye as Kobrine and Jacobson carefully rolled the thick skin flap farther down to just below Jim's brow line. Now the bullet hole in the skull—about three-eighths of an inch in diameter—was exposed. They drilled two more holes, one above each eye. With a cranial saw, they connected the holes—up across the top of his head, then across the brow. The bone flap was free, and they removed it in one piece, setting it aside to be wrapped in wet gauze for its replacement after the operation. "We were in his head within an hour of the shooting," says Kobrine.

Kobrine looked at the dura mater, about as thick and tough as chicken skin, which covered Jim's brain. It was intact except for the ragged hole made by the bullet. "I opened the hole up to expose the left frontal tip of the brain," says Kobrine. "I cautiously debrided [suctioned out] the area of obviously dead and detached brain tissue and several bone fragments. I would estimate that the brain loss from the left frontal tip was, in volume, the equivalent of two walnuts."

Kobrine inspected everything, trying to determine what was viable tissue and what was not, making every effort to be conservative in what he took out. It was important not to be overly aggressive, not to manipulate or even move areas of the brain that he had already judged from the CAT scan to be all right.

"Injured brain gets gooey," says Kobrine. "It loses its integrity as a structure. You have to be very gentle. You touch it or even put a sucker near it and, as the jokes go in neurosurgical circles, 'Whoops, there goes high school. Whoops, there goes college.'

"The right lobe looked normal on the surface, but I knew I had to get inside to the bullet damage. I picked a spot that was avascular [without blood vessels], and as I was about to make an incision, this huge blood clot burst spontaneously to the surface, like a geyser, sending blood two inches into the air and opening up a cavernous, really, hole for me to work through. It also immediately relieved most of the pressure. It was serendipitously fortunate, to say the least."

Kobrine looked up and saw Ruge watching him from the door. "Dan, you should see this; it's incredible," he said. "No, but thank you very much," replied Ruge. "You carry on."

It was 5 o'clock; they had been operating for an hour and a half. Kobrine was feeling much better about his patient. Jim's heartbeat had slowed down to within a normal range; the sound of it on the monitor was almost soothing. Even more important, Kobrine and his team found themselves saying to one another, "The brain looks good."

Kobrine probed for the main piece of the bullet. He knew where it was, and soon he had his finger on it. Keeping track of it with his left index finger, he reached in with a slender forceps to retrieve the piece of metal. Kobrine then began the delicate, painstaking search for dead brain tissue, bone fragments and more of the bullet.

Plastic surgeon Jack Fisher, Kobrine's friend, stuck his head into the operating room: "Hey, Art, the radio just said your patient is dead." "Well," said Kobrine, no one has told that to Brady or me."

Kobrine asked his senior resident, Ed Engle, to help now, and Engle gently held the healthy brain back so Kobrine could debride the dead and disconnected tissue. For more than an hour they worked on Jim's right hemisphere, carefully suctioning out dead brain and bone fragments. It was important to get out all the bits of bone that were embedded in the brain; overlooked, they would provide a perfect medium for infection.

Now, Kobrine went back to look at the left frontal lobe. "I still didn't think Jim would survive," he says, "but I knew that if I mucked with it any more, he'd be a vegetable if he did survive. I didn't want any reporter doing independent research and then write an article about how Brady had been lobotomized."

It was almost 8 o'clock; they had been at it for 4½ hours. Kobrine believed he had done everything he could do for now. It was time to close Jim Brady's head and hope for the best.

At 9:30 p.m., seven hours after Jim had been shot, Sarah went up to the intensive care unit to wait for him. The first sight of him frightened her: Ther were so many lines into him and monitors throbbing. But she went to his side and took his right hand: "Jim, it's the Raccoon. We're all here. Don't be afraid." She turned to Alison Griswold, a senior staff nurse assigned to Jim's care. "I know he's going to be fine. He's squeezing my hand." Griswold was astonished that he was able to respond in any meaningful way. She and Sarah began talking to Jim, asking him to wiggle his hands, his toes. He did everything they asked. They spent most of the rest of the night encouraging him. By dawn, Jim was moving his right arm and his right leg on command and using his right hand to squeeze a wad of gauze Griswold had given him.

At 6:30 the next morning, Kobrine came by, and Griswold told him what Jim had been doing. He couldn't believe her. "Alison," said Kobrine, "don't get your hopes up too high. This patient's chances are very slim."

Angry that she couldn't convince him, she went to Jim's side and said, "Jim, shake your fist." He raised his right hand in a fist and shook it. "Now, give them the thumbs-up sign," she said, and Jim obliged. Kobrine broke into a broad grin, hardly believing what he had seen. But Kobrine cautioned Griswold that a dangerous road still lay ahead.

At 11:30 that night, when nurse Elizabeth Ann (Betsi) Horwath arrived, she made up a new ball of gauze and tape. An hour or two later, Jim was bouncing the ball on the bed. "Hey Jim," Horwath said, "throw me the ball." Jim his eyes still swollen shut, wound up and threw it across the room toward the sound of her voice. Sarah heard Horwath's cheers and joined the game, and the three played ball for two hours.

When Kobrine made his rounds again early the next morning, Horwath told him what Jim had been doing. "Betsi, this isn't funny," Kobrine said. "After that injury, Jim Brady just couldn't be doing anything like that."

"I'm not making a joke," she said, and then called out, "Hey, Jim, throw me the ball." Jim threw it across the room to her. "Oh, my God," said Kobrine. Everyone was crying. Then Kobrine said, "Jim, what do you have there in your hand?" "Ball," said Jim very deliberately, the first word he had spoke since being put under anesthesia. Kobrine asked Jim to stick out his tongue. Jim complied. Kobrine asked Jim to count. "One, two, three," said Jim. Jim's surprising progress "was a mixed blessing because people began to hope he'd be perfect," says Kobrine, "and, of course, I knew he would not be perfect."

The next afternoon Sarah was holding Jim's hand: "Jim, do you know who this is?" "Raccoon," he said quietly but firmly.

"From then on," says Griswold, "if there was a moment of silence, he'd ask for 'Racoon.' He was one surprise after another. He started speaking one word at a time. He began to ask for 'water' or 'drink.' Also, he was allergic to some of his medications, and he was itching like crazy. He would say 'scratch' and 'feet, feet,' meaning he wanted his feet scratched.

"He did that before he was hurt," says Sarah, "and it used to drive me up the wall. He always wanted me to scratch his feet. But it sounded pretty darned good to me when he said it for the first time in the hospital."

Monday, April 6, one week from the day of the shooting, physical therapist Cathy Wynne and occupational therapist Susan Marino began to organize the rehabilitation of their 40-year-old patient. At first, Jim was completely exhausted by the simplest activity—sitting in a chair or holding his head up. Wynne started working on his sitting balance on the edge of the bed, getting him to lean forward, backward and from side to side. "He would work with me," she says, "but he was very quiet. He had a very flat 'affect'—a blank emotional look—and I started facial exercises for the paralysis on the left side of his face." Wynne tried without success during that first week simply to get Jim to talk to her. One day during the second week, Wynne mentioned to Sarah that she needed to buy a bottle of wine to take to a dinner party that night. Jim immediately chimed in, "Get Jordan Cabernet Sauvignon, '78. You can get it at Eagle Wine and Liquor." "Sarah and I were so thrilled with this show of memory," Wynne says. "He even told me how to get there."

A few days later, Wynne asked Jim to stick out his tongue. He complied with a cartoon sequence, slapping the back of his head to trigger his tongue out, pulling it to the left by tugging at his left ear, to the right via the right ear, tugging at his throat to pop it back in. "That took a lot of initiative, considering his situation. It let me know there was a lot going on in there."

Sometimes there was a little more going on than people bargained for. Early, on, Jim's brain injury dulled his inhibitions. When cerebrospinal fluid began leaking into the flap that had been rolled down for surgery—distending his forehead and rolling back and forth as he moved—his doctors decided to tap the fluid off. "I had to be very careful about inserting the needle," says Dr. Jacobson, "and I told the nurse to hold Jim's head tightly, that she was not to move. Hearing this, Jim reached up and slipped his hand onto her breast. 'What'll I do?' she shrieked. 'What'll I do?' "

"Well, you can enjoy it, or not enjoy it," Jacobson told her, "but don't you move!"

The damage showed itself in other ways. He would preseverate—repeat things for no reason, an act, a word, a gesture. When eating, for instance, he might continue to fill his mouth with food, and not swallow, until he choked. He had to relearn the complicated act of swallowing food. When given pen and paper, he wrote things like "Racoocoon," or "Bob Woodwardard." He drew a portrait of one of his doctors with 30 buttons down the front of his jacket.

Jim would get lost in time, moving back and forth between the present and the past, sometimes believing he was still on the Reagan campaign plane. "Where are we heading for today?" he would say. In his jottings could be seen the efforts of a mind turned topsy-turvy, desperately trying to impose some order. He drew a selfportrait of himself with the top of his head lopped off. There was a poignant little note to his son: "Dear Scott, Here's your autograph. JSB 1:59 p.m."

Jim remembers very little of the first several weeks of his hospitalization. "I was drifting in and out," he says today. "And I'll tell you if it wasn't for the honor of it, I'd just as soon skip it."

Jim's physical state was pretty well defined almost from the beginning. He had some movement in his left leg quadriceps—the heavy muscles on the front of the thigh—but virtually none anywhere else in the leg. He could move his left arm only slightly, and his left hand was useless.

But Jim's sense of humor, his intellect and his interest in the people around him shone through. And Kobrine told Sarah that Jim's brain could very well heal and improve its functioning—by finding and making new neural pathways—over the course of the next 7 to 10 years. That knowledge gave her great hope.

On June 2 the recovered Ronald Reagan came to see Jim in his hospital room, said his job was being held open for him and scolded him, saying, "You've been on your back long enough, Jim, and work is piling up. It's about time you finished up this stuff and got back to the White House." It showed a nicely intuitive sense of what Jim needed to hear—that he was still needed. As he left, Reagan said, "We're waiting for you to get back. We need you."

While Sarah and Kobrine were pleased overall with the way Jim handled himself during the visit, there were several times when he sounded as though he were crying. This "wailing," as Sarah called it, was a very big problem in his recovery because it alarmed people. Jim might wail while telling a joke or just giving a straightforward answer, and they didn't know what it meant or how to handle it. The truth was, it meant almost nothing. "It's not really crying at all," says Kobrine. "It's a sign of sort of stress."

Jim's injury caused other problems at the beginning. He would look at his nearly lifeless left arm and not recognize it as his own. Asked how his arm was, he would say, "It's fine, but will you just take this other arm out of my bed and put it on the windowsill?"

Recovery was the byword that summer, however. Problems with wailing, visual perception and mental confusion seemed small and solvable. Every day, Sarah worked on bringing him back to reality, correcting his misimpressions. He didn't know he was taking things in wrong. He didn't want to make mistakes. He just couldn't help it. Sarah firmly and consistently set him straight, but he didn't always accept her coaching. For a long time he didn't understand that he had specific gaps in his brain power. It was only as he got better that he was able to begin to understand that, and then to try to work on the relearning he needed to do.

On the other hand, everything that Jim had learned or experienced before the shooting was still stored, almost perfectly, in his left hemisphere—although he had considerable trouble retrieving information, especially numbers, dates and times, numerical figuring not being his strong suit in the first place. Most important, his gut political instincts were as sharp as ever. His assessment of what should be done in a public relations sense in any given political situation was usually right on target. His ability to perceive correctly and to store new information—things that has happened since the shooting—was impaired. But Jim Brady was the same man with the same personality and wit.

In October, Jim was physically well enough to begin walking a few tentative steps and to start speech pathology. Speech pathologist Arlene Pietranton found he slept a great deal during the day but was "consistently alert and responsive" when he was awake. However, his brain was still healing, and when she asked him questions about his personal history, he was confused. He maintained that he lived in his old home town of Centralia, Ill.; he forgot about his previous marriage. "If I asked him what he was doing that day, he said he had an appointment in another part of the country as press secretary. Some confusion was understandable because he was getting visits from the White House staff and hearing about all these travels and events."

He was impulsive in his responses; he needed to relearn how to wait. Such exercises as telling him to "pick up the pen and put it in the cup, but before you do that, turn over the brush" confused him. He wanted to respond to her first words. Pietranton gradually began adding exercises above his level of performance so they would be more and more challenging.

Jim's emotions were unstable. "They came to the surface more easily, showing up in his wailing and loss of pitch control—a condition triggered by honest emotion," Pietranton says. "His ability to override that was damaged, probably by the rippling effect of one damaged area communicating with another damaged area."

In the area of language skills, he was capable of understanding everything said to him, but, she says, "he had a problem listening long enough to get the full message." And there was that problem with perseveration—the broken-record syndrome. But as time went on, she says, "he would catch himself and say, 'I perseverated on this one, didn't I?' "

He had the ability to use language appropriately, and his syntax was correct. "Some of his answers weren't appropriate," she says, "but they were stated in good language. His reading comprehension was within normal limits, but it was impaired because of his impulsiveness."

Lastly, Pietranton saw that Jim had trouble getting things in the proper sequence, drawing analogies from a simple set of facts and thinking abstractly.

They began working together an hour a day. "At first I put a tremendous amount of emphasis on his taking initiative. I tried to structure our sessions in order to make him make choices. For instance, if I asked him to write something, I wouldn't give him a pen until he asked for it."

In his moods, Jim could be noncommunicative and depressed, or childish and demanding, or he could be right on target in his analysis and conversation. "When all circuits are wired together correctly," says one surgeon, "he is hilarious." Examining him one day when Jim was being particularly quick and talkative, Kobrine told him, "J.B., you're as sharp as a tack, you know that?" "I'd say more like as sharp as a marble," Jim answered.

At last, toward the end of November, Kobrine gave the word: Jim could go home for good, in time for Thanksgiving.

Before Jim left the hospital, he asked Kobrine to tell him exactly what, medically, had happened to him. "I spent an hour and a half over everything," says Kobrine, "showing him X-rays, CAT scans, going through his record." After hearing it all, Jim, adopting the current fad of Valley Girl talk, told Kobrine and anyone else who would listen, "This is a totally new head you gave me, A.K., totally."

At home, Sarah uncorked a bottle of champagne first thing upon entering the house. Scott, now 3, was there, as well as Sarah's mother, Frances Kemp, and Sarah's brother Bill Kemp. Jim's 19-year-old daughter Missy would join them for the holiday.

Now the household included round-the-clock nursing staff, too, which proved to be the most difficult part of Jim's homecoming.

"I wasn't accustomed to having live-in help and the complete lack of privacy that comes with it," says Sarah. In addition, she was expected to provide meals for everybody and run what had become a very complicated household. When the washing machine broke down, it loomed as a major catastrophe. "The sheer drudgery of it at first totally exhausted me."

"The RNs, being professionals, tended to want to run our lives, and to run our house like a hospital," says Sarah. "I couldn't convince them we didn't need them right there with us every moment."

The night nurse particularly was a stickler. "She disapproved of our drinking and smoking," says Sarah. "In addition, she was a vegetarian and she spent a good deal of time reading her Bible in the living room."

"She also had the unnerving habit of creeping around the house at all hours of the night. She would come into our bedroom in the middle of the night and reach under the covers for Jim to use the urinal."

"She had the coldest hands," says Jim.

After about two weeks of this routine, the Bradys went out in the evening for the first time. "When we got into the van, it seemed like it was the first moment we had been alone together since Jim came home," says Sarah, "and, among other things, I asked Jim what he thought of our night nurse."

"You mean Hitler?" Jim said.

"We both decided we couldn't stand her. She had to go."

Jim continued to plug away at his regimen of physical and occupational therapy and speech pathology. There was no doubt in his mind that he was going to recover completely. He and Sarah started accepting some of the many invitations that were coming into his White House office. But their favorite evenings out were with friends for dinner. At first, people were taken aback at his lack of initiating conversation. But in December Jim began to initiate and anticipate things in his therapy.

In January, he and Sarah and Missy attended the annual Washington Press Club congressional dinner. He took his seat at the head table to "thunderous applause," reported The Washington Post, and was besieged by people wanting to shake his hand. The spontaneous and emotional ovation he received that night was the first of many tributes. In late February, at the opening-night performance of the Dance Theatre of Harlem at the Kennedy Center, he was given an "emergency award" by the ballet company. He and Sarah accepted many chores as charity chairmen as well, starting with the D.C. Society for Crippled Children campaign that spring. They became greatly in demand as patrons for charities and fund raisers.

On Valentine's Day eve 1983, John Hinckley made his third attempt at suicide while in custody by taking an overdose of his medication. Over breakfast, Sarah told Jim that Hinckley had tried it again.

"How'd he do?" asked Jim.

"Well, it looks like he flunked again," said Sarah.

"Maybe we should send him a how-to kit," Jim suggested, "with a razor blade in it."

When David Hartman interviewed him for ABC-TV's "Good Morning America," he asked, "What does it do to you, mentally and emotionally, Jim when you were so capable, obviously, not to be able to do the things physically you'd been used to doing all your life?"

Jim paused. "It's humiliating," he said. "That's one word that comes to mind."

Having seizures in public was humiliating. Being barely able to walk was humiliating. Being in a wheelchair most of the time was humiliating. Being dependent on others for almost everything was humiliating.

His body was playing another mean trick that was even worse for his self-esteem. For the first several years of his recovery, Jim wasn't always able to tell when he needed to urinate. Although the accidents became fewer and fewer, the ones in public devastated him. After all, he felt, if you can't control that, what can you control?

As Jim was leaving a restaurant in his wheelchair one night, his bladder suddenly let go. Although no one else was aware of the accident, on the trip home Jim wept and railed at Sarah in helpless frustration over the unfairness of it. But Jim learned to handle even that kind of humiliation with humor, telling his doctor that his soaking of his office carpet "would build character into it."

Little by little, his control improved until it ceased to be a problem—to Jim's immense relief.

He was increasingly able to put in longer days without tiring as readily. Increasing his endurance was very important to him. But as he worked harder and harder, it started to become painfully clear to him that he could no longer see the light at the end of the tunnel. Until the summer of 1983, he had been positive he was going to beat this thing completely. In a Father's Day interview with CBS' Bill Plante, Jim said, "I will not be a cripple. I will not have it." Intellectually and emotionally he was wrestling with the inevitable—denying to himself that he was going to have to make major adjustments in his thinking about his condition.

In August that year, it all came crashing down one day in physical therapy. He complained to Cathy Wynne of vague abdominal pain and refused to work on his exercises. Wynne, worried, called Kobrine, who came over to find Jim lying on one of the exercise tables looking very morose. Kobrine checked him over. "It doesn't look like there's anything organically wrong with you, Jim, but it looks like you're pretty down in the dumps."

"Yes, I am," he admitted, tears beginning to roll down his face.

"Well, there's nothing the matter with that. Everybody gets down in the dumps sometimes."

Jim broke into loud sobbing, and between sobs, his sorrow poured out. "Here I am," he said. "Some f - - - er has shot half my brain away, and maybe he'll be out on the streets someday. Meanwhile, I piss in my pants, I can't remember things, I'm here at the hospital every day. Wouldn't you be depressed?"

"You're right, goddamit," Kobrine came back at him. "That f - - - er oughta be taken out behind the barn and shot. I agree with you. But that's the fact of it. You're shot in the brain. You're never going to be as good as you were. You've just got to be tough."

"I know, I know," sobbed Jim. "The Bear is tough," he said, invoking his nickname, "but you're not the one whose back aches, and who can't get out of your chair."

"But you've got to be tough Jim," Kobrine repeated. "You've got to be tough."

"North American brown bears are tough," said Jim, his sobs subsiding. "The Bear is tough. The Bear is tough."

"Soon he was over it and joking and throwing off his one-liners," says Kobrine. But Jim has hit rock bottom. At last he had faced his tragedy and knew that only small victories lay ahead, not the complete recovery he had dreamed about.

The loss of his mobility was almost unbearable. He began to talk about levitating. In the interview with Plante, Jim announced that he'd been working on trying to levitate. "Are you going to levitate on the air for us?" asked Plante. "No. I'm saving it for NBC," says Jim. "NBC [in 1983] is in third place and dropping quickly. My levitating would put it over the top."

Someone has to be the first one to levitate, he always said. "Why shouldn't it be me?" Consciously, he was kidding, of course, but levitating was an idea he loved. He sat in his "Bear Chair" at home, hardly able to move, and imagined himself levitating out to the kitchen, to the refrigerator, to the deck out back, to the swing in the yard to play with Scott.

After six years, Jim has nearly beaten his wailing problem. "When he's laid back and with friends, he doesn't wail," says Kobrine. "I have seen it on his face when he just starts to wail, and then I can see him consciously suppress that. That's learned behavior. Jim's way of diffusing tension is to crack jokes. It is a very deep-rooted way of his to cope with his stress."

He continues in his therapies and continues to make progress. By mid-1984 he had made most of the significant progress he was expected to make. Now he is making small, subtle but important refinements of his mental skills. His physical condition has not changed much, nor is it expected to. While Jim can walk when he absolutely has to, he spends most of his day in his wheelchair. However, he can become stronger, increase his endurance and his flexibility, as long as he continues to work at it.

He is still dealing with lingering vestiges of his problems with perseveration, short-term memory, organization and lack of initiating. "But," says vocational rehabilitation counselor Cynthia Potesta, "you also see the sheer force of Jim Brady's personality coming out of all of that. And his kindness. I was totally unprepared for the depth of his kindness to people."

Tom Welsh, the man Jim calls his "physical terrorist," says that since 1984 he has seen "dramatic differences in the way he handles things. He is so quickwitted." He remembers private jokes he has shared with almost everybody he has met at the hospital, says Welsh, "and he is even quicker to make them laugh now."

"Physically, Jim is doing different things, including dancing [swaying to the music]. His endurance has improved as well as his balance and coordination. And he will be able to gain more strength in his leg and develop new skills. I can see him getting out of that wheelchair more and more.

"Jim still has pain in his contracted left hand and entire left leg. All pain is in the brain, and it is possible that the pain he feels is misperceived. But it is real to him. The chances that there will be any return of function in his hand are very poor, and Jim still takes it very hard. I've seen him break into tears about it." (Sometimes Jim speaks sorrowfully of it. "It's my little dead hand," he will say, patting it protectively. "It just lies there. Don't hurt my paw.")

"Mentally, he's made leaps and bounds," says Welsh. "He is better motivated now and is much more receptive to doing new things. He has a schedule, more places to go. He's not out in limbo anymore. He has a purpose.

"Jim Brady is a pretty gritty guy, still a real brainy guy. I can just imagine how he must have been before. He must have been so exceptional. He must have just had it all at his fingertips."

AMTRAK TAKES ON AIR SHUTTLE

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1987

Mr. FLORIO. Mr. Speaker, Amtrak is a major competitive force in the Northeast corridor. Indeed, Amtrak carries about one-third of the over 3 million passengers per year using public transportation between Washington and New York and is the single largest carrier in the Northeast corridor.

The following article from the Washington Times describes Amtrak's latest marketing initiative in the corridor:

[From the Washington Times, Oct. 27, 1987]

AMTRAK DECLARES COMMUTER WAR AGAINST PAN AM, EASTERN

(By David Field)

Amtrak declares one-way war on the air shuttle yesterday when its fastest-ever Metroliner made its debut, northbound only run between Washington and New York.

"We can shave 19 minutes off the (normal two-hour-and-49-minute) run by skipping the Baltimore, Wilmington and Philadelphia stops," says Timothy P. Gardner, Amtrak vice-president of passenger marketing, "and we are determined to provide a more reliable service than our competitors."

The express Metroliner is only scheduled to make one northbound trip daily. Amtrak officials say they will add a southbound express if there is enough demand.

In the meantime, passengers who want to return to Washington can use the regular Metroliner run.

Amtrak, Mr. Gardner says, carries on its Metroliners and its slower trains about one-third of the more than 3 million travelers using public transport per year between Washington and New York.

Since the Department of Transportation compiled those figures in 1986, Amtrak has claimed to be the single largest carrier, air or rail, in the Northeast Corridor, "a claim no one has disputed," says R. Clifford Black, an Amtrak public affairs manager.

"We started this express service because we think there are business travelers who want to get up to New York in time for a 10 a.m. meeting. We're going to be able to get them to midtown in an overall time that's competitive with air unless they live so near the airport that there's no sense in trying," he says. The express train is scheduled to arrive in New York at 9:30 a.m.

"There's a psychological factor: Sometimes when you're in business, you feel you have to rush all the time, and running from the plane to the cab to the office certainly is part of that. But with the train, we think we can offer some calm, solitude and time to work," says Mr. Gardner.

To judge by the passengers sitting in the Metroclub car, that's the case. The business travelers in the extra fare first-class car at the end of the eight-car train don't want to be disturbed. Some have two seats, with work spread out next to them.

"No, you really can't get work done on the plane. It's too busy and there's too much happening," says David J. Gilbert of Bethesda, a 32-year-old securities and commodities attorney with the Washington law firm of Rogers & Wells. "I make the trip three or four times a month and I prefer the train because I can read. Sometimes it's hard to write, but I prefer it."

Like many of the Metroliner's customers, Mr. Gilberg used to be a flier.

"I used to fly, but the time promises they [the airlines] make are never fulfilled. They say 40 minutes but you sit on the runway and the time adds up. The plane is still faster, but I prefer the train. It's more productive time."

Mr. Gilberg says that the price difference matters little. "It's a marginal factor." The fare for the ride is $91.50 as opposed to $54 for a regular Metroliner seat.

Mr. Gilberg flies back to Washington on many of the days when he has finished business in New York.

"That's a common pattern, riding up with us and flying back," says Mr. Gardner, explaining Amtrak "isn't ready yet to start a southbound express."

Passengers flying the air shuttles this bright autumn morning are as dedicated to their planes as the Metroliner riders are to their trains.

"No, I wouldn't think of taking the train. I haven't since I was in school. For me, it's a choice between Pan Am and Eastern [which offer the two Washington National to New York LaGuardia shuttles]," said Gary Marcus, a sales official with a New York city firm that markets to college students.

"I fly between the two cities three or four times every six months, and I don't think the train gives you any bargains," he adds.

Mr. Marcus spoke as passengers from Pan Am Shuttle Flight Number 249 arrived at National with about 62 of its 80 seats filled.

"No, I won't take the train unless there's parking at the train station," says James J. Ryan, an official of the U.S. Customs Service. "Since Pan Am started its shuttle to compete with Eastern, it's been a better deal for all of us."

Officials of Pan Am agree.

Pamela Hanlon, a Pan Am official, says, "we came into the market to provide better grade of service. People appreciate that." Shuttle, a subsidiary of Pan American World Airways, is carrying about one-third of the air travelers between New York and Washington.

Eastern, though, is still the dominant carrier in the market, with two-thirds of the air market.

"We originated the shuttle, and people know that if they come to the airport, we'll carry them even if we have to roll out an extra section. We do that 16 or 17 times a day," says Joe Scott, spokesman for Eastern's shuttle operations.

"We've added customer features, and the service has certainly far outgrown the 'cattle car' image it may once have had."

"For a railroad to suggest that it is competitive with air travel is somewhat misleading. Each mode has its role in the transportation market, but for a railroad to claim that they can equal a 500-mile-per hour jet is whimsical at best," concludes Mr. Scott.

COMMENDATION OF JAMES M. NOLD

HON. DAN SCHAEFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1987

Mr. SCHAEFER. Mr. Speaker, I want to take this opportunity to commend Mr. James M. Nold who is retiring after 30 years of distinguished service to the Federal Government.

Jim graduated from West Point in 1950 and, after paratrooper training at Fort Bragg, volunteered for combat service in Korea. While on patrol along the 38th parallel in 1952, he received a severe head wound from an enemy sniper. After many years in rehabilitation, Jim began working as an electrical engineer with the Bureau of Reclamation and is retiring December 3 of this year having worked for the Department of Energy in Golden, CO, since its formation in 1977.

As a handicapped Federal employee Jim has been a model of devotion to the job under adverse circumstances and has been an inspiration to those who have known him during his 30 years of distinguished service.

We will miss his expertise and diligence in the technical aspects of his job and his ever-present optimism. I want to extend my best wishes to him in his retirement years ahead. Jim, from all of us in public service who understand the sacrifices you have made, thank you.

THE SAMARITANS OF CAPE COD

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1987

Mr. STUDDS. Mr. Speaker, I wish to take this opportunity to pay special tribute to The Samaritans of Cape Cod, which will celebrate its 10th anniversary on November 15, 1987.

Founded in 1977 by Monica Dickens Stratton, great granddaughter of Charles Dickens, The Samaritans of Cape Cod is part of a world wide organization of volunteers committed to preventing suicide; to alleviating the pain of depression and other mental illnesses; to easing the loneliness of the sick, isolated, and aged; and to being available to any troubled or desperate person. They offer one of the best therapies known to mankind—the opportunity to talk freely about feelings and problems in strict confidence to someone who can listen with compassion and understanding.

The Samaritans of Cape Cod can look back proudly at their achievements during the past 10 years. They have:

Maintained a telephone befriending service 7 days a week, 24 hours a day, interrupted only three times, by snow and hurricanes;

Responded to roughly 250,000 calls from residents of Cape Cod, the Islands of Nantucket and Martha's Vineyard, and neighboring areas in southeastern Massachusetts;

Recruited and trained over 315 volunteers who have served as Samaritans for periods ranging up to 10 years;

Campaigned for the erection of steel barriers on the Sagamore and Bourne Bridges over Cape Cod Canal, which has virtually eliminated suicides from these bridges;

Provided speakers on suicide prevention to 630 audiences;

Sponsored a special program at the Barnstable County House of Correction for the prevention of suicide by prisoners;

Provided emotional support to survivors of people who have died by suicide.

The Samaritans receive no funds from the Federal Government. Their work is performed entirely by volunteers, who generally average 30 hours duty per month. Operating expenses are financed mainly by private donations plus a modest allocation from the United Way.

With the growing incidence of suicide among both the young and the old, with the failure of our mental health institutions to provide adequate help to all in need, with the increasing number of people living alone without family or friends to share in their problems, I urge my colleagues to join with me in saluting The Samaritans of Cape Cod as they observe their 10th anniversary on Sunday, November 15, 1987, and wish them many more years of providing a service in my district which is both unique and desperately needed.

IN COMMEMORATION OF LANSING COMMUNITY COLLEGE'S 30TH YEAR OF SERVICE

HON. BOB CARR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1987

Mr. CARR. Mr. Speaker, I rise today to commend Lansing Community College on its 30th year in serving the residents of mid-Michigan. The college is recognized as a national and international leader in community education.

Lansing Community College was founded in 1957 as a technical institution. From these humble beginnings Lansing Community College has blossomed into one of the largest colleges in the State of Michigan, providing over 200 different programs to more than 40,000 individuals each year.

As is so important with an institution of this sort, the college maintains close contact with the community, local, and State governments, providing training for industry employees at all levels and working with the Governor's office for job training. The school's impact is currently felt far beyond its campus, with 25 off campus learning sites. The faculty has also grown tremendously, presently numbering 470 full-time and 1,400 part-time members.

Lansing Community College is firmly committed to offering the educational benefits provided by the latest technology. The school provides an extensive telecours program utilizing its own cable television station and local public television. It is the midwest training center for CADAM, licensed by the Lockheed Corp. In addition, a computerized writing program has been developed to help students study English and composition.

These programs provide a sound base for liberal arts and technical education and training. I am proud that such an excellent institution serves many of my constituents, and I would like to congratulate Lansing Community College, Dr. Phillip Gannon, the founding and current president, administration, faculty, and staff on their outstanding efforts in education.

A CONGRESSIONAL SALUTE TO BELLFLOWER, CA

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1987

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to the city of Bellflower, CA. Bellflower will celebrate 30 years of incorporation November 7, 1987. A parade and carnival as well as an entire week of activities have been planned to make this celebration one that will never be forgotten.

The celebration Bellflower anticipates, will actually be a celebration of its community. A community rich in tradition and proud of its heritage. Bellflower rose from a town which produced beets and grain, into an industrious, thriving metropolis. The present city of Bellflower reaffirms the American ideals envisioned by its settlers. Fran E. Woodruff, one of the cities original founders, helped develop the peoples belief that prosperity may flourish if the people share a vision of unity. A people dedicated toward a threefold ideal of health, beauty, and permanence.

Bellflower has grown in great strides over the years, and still boasts the nickname given to it in the early 1900's, the "Friendly City." The rapid growth of Bellflower accelerated during World War II as two major weapon manufacturers at the time, Vultee Aircraft and McDonnell Douglas, established themselves in the area. This afforded a great many job opportunities, and soon the population grew and bolstered the economy. Bellflower also continued to maintain a very profitable dairy industry in the 1950's which helped it to become one of the largest unincorporated towns in the area.

In 1957, the town of Bellflower became incorporated and proudly acclaimed T. Mayne Thompson of the Thompson pioneer family its first mayor. The city has grown to 60,000 residences since its incorporation, and is a beautiful place in which to live and work. The business district expanded in a most impressive fashion and new recreation facilities that accommodate its residents are constantly being developed. Parks and a new library; a new civic center auditorium and a new courthouse are all part of Bellflower's recent accomplishments.

Bellflower is governed by a dedicated group of leaders starting with its current Mayor Mike Brassard; Mayor pro tempore Ken Cleveland; city councilmen, Joseph Cvetko, John Andsell, and William Pendleton. The current president of the chamber of commerce is Joyce Haupt.

Mr. Speaker, I am proud to represent Bellflower in our Nation's Capital. This beautiful city typifies all that is wonderful in our society and our great Nation. It has grown and prospered, and reflects the values of America. Perhaps one of the most pleasant tasks I enjoy as a U.S. Congressman is paying tribute to a community such as Bellflower. The potential is tremendous, and the rewards are immeasurable. My wife, Lee, joins me in congratulating Bellflower on its anniversary, and its many great accomplishments. We wish the city of Bellflower and all its residents, happiness, and continued success in the years ahead.

A SALUTE TO LEO FONTANA

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 1987

Mr. MILLER of California. Mr. Speaker, I rise to pay tribute to one of Contra Costa County's most outstanding public citizens, an individual who has been active in the community affairs of my district for over 40 years, Leo Fontana.

Later this month, many friends and colleagues will honor Leo's extraordinary commitment to our community at a special testimonial dinner. This recognition is well-deserved.

Leo became involved in civic affairs soon after serving during the Second World War. As is typical of his career, he not only took the lead in organizing community activities, but also played an integral part in supporting them for decades to come. For 13 years, Leo served on the Antioch Recreation Commission, helping organize youth baseball leagues and citizens groups. He still sponsors a baseball team today.

During the decade of the fifties, Leo played a leading role in spurring economic growth for the people of Antioch and the surrounding county. He was president of the Lions' Club, charter president of the Antioch Downtown Association and of the Retail Merchant's Division of the Chamber of Commerce. As a founder of the corporate assessment District of County East, Leo enhanced area commerce and strengthened the local tax base.

We all recognize the value of providing work opportunities for young people, especially students, who are learning in the classroom but have little practical experience in the world of business. Leo Fontana has been a pioneer in the area of helping students obtain practical training. For 3 years, he chaired a state-funded program to allow student participation in a manufacturing and retail sales program. For 41 years he has worked closely with students in business, and has employed over 200 over this period.

By the time Leo was awarded the Distinguished Service Award from the Jaycees in 1960, he was only beginning to make his impact felt. Continuing his commitment to building a better future for young Americans, he served as an advisor to Antioch schools. His leadership was vital as a member of the executive board of the Better Business Bureau, and an active participant in the Lions' Club. In 1970, he was appointed to the Planning Commission, where he would serve for 10 years, twice as chairman, helping shape the future development of the expanding city of Antioch.

In 1975, Leo Fontana was named "Citizen of the Year" in recognition of 30 years of service to the community. Since then, Leo has worked even harder to help improve the lives of other citizens. He has been a leader in the Christian community, a member of the Antioch City Council, and vice mayor. More recently, he has been deeply involved with water quality issues and addressing the concerns of senior citizens.

Leo has been married for 36 years to Ann, and together they have raised two children. They have two grandchildren. Leo's real family, however, extends to friends and colleagues who respect his dedicated leadership, as well as the county in appreciation for a lifetime of work.

Mr. Speaker, as a member of that family, I thank Leo Fontana on behalf of the citizens of Contra Costa County. We have been extremely lucky to have an individual of his caliber and commitment working—and continuing his efforts—on our behalf.

THE PROSPECTS OF PRESSURE AND HUMAN RIGHTS

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1987

Mr. FLORIO. Mr. Speaker, for several decades now, the Soviet Union has consistently demonstrated time and time again that the expression of the inalienable human freedoms of speech and of religion is often not tolerated by the ruling regime.

In fact, for numerous political dissidents held in Siberian gulags and psychiatric hospitals throughout the Soviet Union, the lengthy terms of imprisonment and the conditions of confinement are testimony to the ordeal faced by those who dare to speak out or challenge the authority of the Kremlin.

However, recent events have proven that pressure exerted at the national level here in Washington or by concerned individuals across the Nation can have beneficial results on the political prisoners in the Soviet Union.

Adding to the hopes of the friends, family, and supporters of these political prisoners is the recent warming trend in the Kremlin's domestic policies.

For the political dissidents, the most tangible results of First Secretary Mikhail Gorbachev's efforts at glasnost have been the release of several hundred detainees and veterans of labor camps and jail in the Soviet Union.

Recently, two political prisoners, Yosyp Terelia and Danylo Shumuk, were released. These two individuals have been in the vanguard of the movement of the Ukrainian national rights movement. For their efforts at gaining a measure of independence and freedom for their people during and after World War II, they were imprisoned by the Soviet Government, consigning them to years of torture and summary sentencing.

Their efforts on behalf of the Ukrainian Catholic Church and the struggle to regain self-determination for the Ukrainian people was a struggle for millions of people throughout the Ukraine. Indeed, Mr. Terelia and Mr. Shumuk spoke for the nearly 7 million adherents of the Ukrainian Catholic Church, both in the Ukraine and across the Soviet Union.

The release of these two individuals was in great part the result of years of organized effort by a Newark, New Jersey group, Americans for Human Rights in the Ukraine. Through the intense campaigning of the group and its President, Ms. Bozhena Olshaniwsky, the detention of Mr. Terelia, Mr. Shumuk, and the many others finding themselves in similar conditions of repression gained nationwide attention.

In the past, I have been pleased to have worked with the AHRU and Ms. Olshaniwsky. Their advocacy of the cause of human rights, not only in the Ukraine but also throughout the Soviet Union and the world, has added to the urgency with which the violations of human rights need to be addressed.

In the 98th Congress, I introduced legislation supported by the AHRU creating the Congressional Commission on the Ukrainian Famine. Established to investigate the Ukrainian famine, that commission is currently proceeding with its mandate to bring to light the details of this tragedy in the history of the Ukrainian people.

Finally, many of those efforts are showing that continued publicity of the abuse of human rights in the Soviet Union and the continued call for the Soviets to abide by the charter of the Helsinki Human Rights Commission can, indeed, be successful on the individual level.

Those individual successes, though, are not a signal to stop. Rather, they are a sign to persevere in the same efforts, yet with greater emphasis.

I applaud Ms. Olshaniwsky and the Americans for Human Rights in the Ukraine for their longstanding advocacy of the plight of the Ukrainian people.

When the Ukraine became a part of the Soviet Union, there was no discussion or plebiscite as to the wishes of the Ukrainian population. Those who dared to discuss human rights and self-determination were branded conspirators against the Soviet state.

Now, in 1987, the urgency of human rights is no less diminished by the passage of time.

Many of the concerns of the Ukrainian people, among others, have yet to be formally and democratically addressed in the Soviet Union. Until those concerns are met, there will always be a need for Ms. Olshaniwsky and AHRU. Until those concerns are met, Ms. Olshaniwsky and AHRU will certainly prove equal to the challenge.

INTERNATIONAL ECONOMIC COORDINATION AND ECONOMIC STABILITY

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1987

Mr. GARCIA. Mr. Speaker, this Thursday, November 5, the Banking Committee's Subcommittee on International Finance, Trade, and Monetary Policy, which I chair, is holding a joint hearing with the committee's Domestic Monetary Policy Subcommittee on international economic coordination in general, and in particular, Secretary of the Treasury James Baker's suggestion that we use a basket of commodities, including gold, as an additional coordinator for our exchange rates.

I am especially pleased to be holding this hearing with the Domestic Monetary Policy Subcommittee because it is chaired by my friend and colleague from North Carolina, STEVE NEAL. STEVE is the former chair of the International Finance Subcommittee, and he has a great deal of expertise in international economic issues.

The stock market's unprecedented fall 2½ weeks ago sent a shudder through the world's economies. From Tokyo to London, everyone wondered if the sky was falling. So far, it seems as if the markets are stabilizing, relatively speaking. But I think it would be dangerous if we were to ignore the signal that the fall in the market sent: There are real economic problems that can't be ignored or wished away.

Our budget deficit is surreal. It has been allowed to grow at an exponential rate. We must all share a little of the blame, but we must all also put aside that blame and work together in earnest to reduce our deficit in a fair and equitable manner. The budget summit that is now taking place is a step in the right direction. Men like BILL GRAY and his colleagues on the Budget Committee have worked hard to try and tackle this most difficult problem. They are to be commended.

Yet, it is not only the United States that bears the responsibility for the present economic crisis. The other major industrialized nations must also share the blame for the present state of affairs. This is so because whether we like it or not, national economies no longer operate in splendid isolation without impunity. We are all tied together by our markets and our policies.

Certainly, we must work on our budget deficit, but our trade deficit, the other half of our present dilemma, has grown, in part, because of the policies of our friends and allies. We now need their help to reduce that deficit.

Help can come in many ways: Through better economic coordination; through the stimulation of internal demand; and through an opening up of domestic markets to exports. The United States has the most open market in the world, and we certainly have not discouraged internal demand for foreign goods and services. Unfortunately, there is a price for our excess—our present economic problems. We now need the other industrialized nations to put in practice what we all have been preaching: the gospel of free trade.

Admittedly, the United States must do more than cry foul to members of the G-7. We must rebuild our industrial base; we must develop better and more long-term marketing techniques tailored to individual markets; we must continue to coordinate exchange rates; and as I mentioned we must cut our deficit. None of this, however, can be done in isolation. We must work with the other industrialized nations to ensure that our efforts will not be in vain.

I am confident that our witness for Thursday's hearing, Assistant Secretary of the Treasury, David Mulford, will have some answers for us on where we stand with regard to these issues. I also hope he will be able to shed some light on another issue of importance to me, one that I believe is directly related to present problems; the developing world debt crisis.

While a resolution of that crisis would not necessarily put our economy on sound footing, it could help. As long as the economies of nations like Brazil, Mexico, and Argentina are suffering under an unmanageable debt burden, they are not able to buy our products. The statistics on lost trade, and conversely lost jobs, are varied. But one thing is clear, there is a real, as well as a potential loss in trade as a result of the debt crisis.

I do not want to point a finger at commercial banks, regulators, the government of debtor nations, the IMF, or anyone else. I believe that we must work together if we are to solve this problem. I intend to ask Secretary Mulford to discuss what role this crisis has played in contributing to the present state of economic difficulties and how the administration views the situation in light of the fall in the market.

Our November 5 hearing is the first of two that we are holding with the Domestic Monetary Policy Subcommittee on these issues. The next hearing, on November 17, will be with economic experts. I'm sure that it will also be helpful as we try to get a better understanding of our present economic situation.

THE RIGHT MOVES

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1987

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, November 4, 1987, into the CONGRESSIONAL RECORD:

THE RIGHT MOVES

The United States is at a critical point in making economic policy. In Washington, one senses that the world financial markets are clamoring for political leadership. The U.S. is looked to around the world to restore economic order. The challenge to American economic policy is formidable. Washington is told that it must calm the financial markets, lower interest rates, cut the budget and trade deficits, stabilize the dollar, and avoid a recession.

The danger is that the stock market collapse could lead to a U.S. economic recession. Already many economists have pared their forecasts of growth in the nation's gross national product because of the market's decline. About $1 trillion in buying power which had been presumed to be available to the owners of common stocks has been erased from the stock market. Most economists assert that a recession is still not likely, but the big unknown is how badly the confidence of Americans has been shaken by the crash. The stock market is ordinarily a good indicator of future economic prospects, but it is not infallible. If deep pessimism sets in, a recession probably would follow. Early polls show that the market crash is producing growing pessimism about the future of the economy. That is why it is urgent to take appropriate economic policy steps to help restore confidence.

Many causes have been cited for the stock market's crash. They include the lack of progress in reducing the federal budget and trade deficits, rising protectionism, a failure of Germany, Japan and the U.S. to coordinate their exchange rate policies, too much programmed trading on the stock market, rising interest rates, a breakdown between the President and Congress in developing economic policy, the threat of a further fall of the dollar, worries about the Persian Gulf and a boom-bust psychology. It is unlikely that any one factor caused the market collapse; probably all of them had something to do with it. That suggests that the remedy must include many elements.

My hope is that the stock market collapse may prove to be good for the economy. If it has frightened policymakers into taking appropriate economic steps, the crash will have been useful. For too long we have tried to achieve our economic goals with gimmicks and mirrors. We know that the nation cannot forever consume and spend more than it produces, and then hope that foreigners will finance the difference. The U.S. must get its economic house in order. The markets have warned us that the risks are grave if we do not do so. The markets just may get policymakers to do what they should have been doing anyway.

Some economists warn that shrinking the deficit by cutting government spending and raising taxes would be the wrong thing to do at this time. They argue that we should not tighten fiscal policy when the stock market is in shock and the economy may be on the brink of recession.

But my view is that it is crucial for the President and Congress to make a believable commitment to shrink the budget deficit. Policymakers must seek a budget cut large enough to reassure the financial markets but not so large as to feed a recession. A good place to start would be the $23 billion deficit cut required for 1988 by the Gramm-Rudman deficit reduction law.

Washington's efforts in the next few weeks must be seen as part of a solid, long run plan. The downward pressure on the economy of tighter fiscal policy must be offset by Federal Reserve actions to ease monetary policy and to bring down interest rates. Lower interest rates would raise business investment, encourage consumer spending for homes and appliances, and strengthen the stock and bond markets. They would also ease the debt burdens of third world countries.

For the Federal Reserve, the dilemma is to defend the dollar by keeping interest rates up or to defend U.S. economic growth by keeping interest rates down. Most experts seem to think that the dollar, at least over time, will have to fall further in order to help the U.S. reduce its trade deficit. The real question is how far the U.S. should go in trying to manage the declining of the dollar or to defend an agreed-upon level for the dollar.

I think it is appropriate to let the dollar slip modestly now. That seems to be happening in the markets and we should not resist it. A gradual slippage to a moderately lower level is preferable to climbing interest rates, and it may head off a decline in the economy.

Progress will also have to be made in the coming weeks to relieve world economic imbalances. With the American economy growing somewhat more slowly as a result of tighter fiscal policy, faster growth policies in Europe and Japan will be needed to prevent a worldwide recession.

If the Congress and the President can reduce the federal budget deficit, it might be possible to get cooperation from Japan and West Germany that would allow a gradual reduction in the value of the dollar and a coordinated easing of interest rates. That approach might be one way out of the dilemma. We will need the cooperation of other major industrial countries if U.S. interest rates are to be brought down without causing the dollar to fall precipitously. A sharp drop in the dollar could unleash inflation, driving foreign capital out of the U.S. and forcing U.S. interest rates higher.

I have always felt that our economic problems are manageable. In a real sense, they present more of a political problem than an economic one. The basic lessons of the market crash are obvious. They include cooperation to break the political deadlock over the deficit, investing more in the U.S., saving more money, increasing productivity, and not accumulating excessive debt. The remedies go far beyond just deficit reduction.

My view is that Americans saw the economic trouble coming. For many months they have been impatient with Washington's inability to adopt economic policies that address underlying problems. They have had a disquieting sense that we have been living far beyond our means and that a day of accounting was near. Now is the time for policymakers to act to ease their concerns.

PROPHET IN HIS OWN TIME

HON. GERRY SIKORSKI

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1987

Mr. SIKORSKI. Mr. Speaker, it is said that prophets are never accepted in their own land, which would seem to indicate that Richard Cohen's characterization of Walter Mondale as "Prophet in His Own Time" is right on the button. Walter Mondale's observation that the economic expansion of the 1980's was being built on the debt of the 1990's and beyond was not popular with the supply-siders in the White House or the paper bulls on Wall Street, but the recent Wall Street readjustment all too graphically illustrates its acuity.

Had Walter Mondale's message not been obscured by the political smoke and mirrors of administration double speak and rented prosperity, perhaps the recent stock market crash could have been averted. In building a solid, steadily expansive economy for ourselves and our children, Walter Mondale's message of 1984 provides perhaps the most honest assessment of where we are.

With this in mind, I found Richard Cohen's recent column in the Washington Post particularly relevant and insightful.

[From the Washington Post, Oct. 30, 1987]

MONDALE'S VINDICATION

(By Richard Cohen)

Earlier this month, Alf Landon died at the age of 100. He had been the Republican presidential candidate in 1936, a goat shoved into Franklin Roosevelt's political den, where the Lion of Hyde Park ate him alive. Landon went down in history as one of the great losers of all times, carrying only Vermont and Maine. It took decades for his sagacity, intellectual independence and sheer decency to be recognized.

Walter Mondale was even a bigger loser than Landon. In 1984, Mondale lost every state but his native Minnesota. As a politician he was discredited, as a party leader he was given the gate. He was accused of many political sins (pandering to special interests, for instance), but his worst sin was calling for a tax increase to balance the federal budget.

Now Mondale's political blunder has become the commonplace antidote for what ails the stock market. A president who said that taxes would be raised over his "dead body" seems to be having an out-of-body experience as a fiscal realist. A team from the White House is meeting with congressional leaders, and no one thinks that new sources of revenues (taxes) will not be found. Wall Street clamors for a tax increase to narrow the budget gap, insisting the deficit, coupled with the trade imbalance, caused the stock market to collapse. This is the accepted wisdom. As Tevye noted in "Fiddler on the Roof," when you're rich, everyone thinks you're wise.

But a tax increase is precisely what Mondale proposed on July 19, 1984, after four years of the Reagan presidency and unprecedented deficits. "Here's the truth about the future," he said in his acceptance speech to the Democratic National Convention. "We are living on borrowed money and borrowed time. These deficits hike interest rates, clobber exports, stunt investment, kill jobs, undermine growth, cheat our kids and shrink our futures." That approximately is what Wall Street is now saying—but in 1984, with few exceptions, it was singing a different tune. Back then most of the booming financial community was squarely in Reagan's corner. Greed will vanquish common sense any day.

As a campaigner, there was plenty wrong with Mondale—but not his math. "Whoever is inaugurated in January, the American people will have to pay Mr. Reagan's bills," Mondale said. "The budget will be squeezed. Taxes will go up. And anyone who says they won't is not telling the truth to the American people." A bit later, Mondale added, "Mr. Reagan will raise taxes, and so will I. He won't tell you. I just did." With that, Mondale challenged Reagan to explain how he was going to reduce the deficit without raising taxes. Reagan responded with balloons and smiles and proceeded to clobber Mondale on Election Day.

Mondale's acceptance speech was not only bold, it was prescient. But there was a corollary point he wanted to make. It was not just that higher taxes were needed, that the government was being starved for revenue, but that Reagan's fiscal policies had produced the growing deficit. The initial Reagan tax cut, a bender of supply-side economics concocted by Rep. Jack Kemp and Sen. William Roth out of wishful thinking, was the cause of it. The deficit had not descended from Mars, was not an act of God, but was the consequence of the president's program. Once again, though, greed seduced common sense. Times were good, and listening to Mondale was like listening to your tax accountant.

Now Walter Mondale is back in Minnesota, the land of many lakes and, given its 1984 vote, some common sense. Until recently, he was an asterisk in history, the great political klutz who lunged at the Electoral College and almost missed entirely. He ended his 1984 convention speech with a declaration: "I want to be president of the United States." He was denied that. Maybe he'll settle for Prophet in His Own Time.

BROAD-BASED SUPPORT FOR IDA REPLENISHMENT

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1987

Mr. BEREUTER. Mr. Speaker, on October 22, 1987, an open message to the Congress appeared in the Washington Post signed by 293 distinguished Americans from all walks of life. It is entitled "IDA Is an Important Investment in Our Future."

The Who's Who of signatories starts with the three former Presidents of the United States—Jimmy Carter, Gerald Ford, and Richard Nixon—followed by nine former Treasury Secretaries, four Secretaries of State, four Secretaries of Agriculture, five Secretaries of Commerce, three U.S. Trade Representatives, and numerous others who have held Cabinet office in both Republican and Democratic administrations.

The stellar bipartisan lineup continues with leaders from Federal, State, and local government, agriculture and manufacturing, business and labor, religious organizations and voluntary groups, the press and universities, from diplomacy, law, banking, and the military. A number of distinguished former colleagues from the Congress are also among those reminding us that "IDA is an Important Investment in Our Future."

While I wish I could mention all of the names, I will especially note that of Harold W. Anderson, chairman of the Omaha World-Herald. The World-Herald is the largest newspaper in Nebraska and continues to develop outstanding in-depth coverage of international agricultural issues such as the week-long series beginning July 5, 1987 on "World Agriculture: Growing Pains."

These leaders, from their different vantage points and experience, all have a common message. Under the aegis of the Bretton Woods Fund, they are calling our attention to the importance of the International Development Association of the World Bank in strengthening and stabilizing the world economy and political situation. The contributions of IDA are highly cost-effective ways for the United States to promote development and hunger alleviation in the poorest countries in the world through programs in health, education, agriculture, environment, and other sectors. The IDA has been a effective mechanism of burden-sharing, with the United States share declining as other countries like Japan have picked up a larger share of these international responsibilities. Certainly IDA's technical assistance helps the poorest countries develop and carry out the difficult policy reforms necessary to achieve private-sector-oriented growth. And all of this occurs at the World Bank under the leadership of our former colleague, Barber Conable, whose sensitivity to the importance for the United States of sound trade and investment policies everywhere in the world was honed by years of service on the Ways and Means Committee.

As we approach the authorization of U.S. participation in the eighth replenishment of IDA's resources, I would like to commend the text of the statement by these distinguished Americans to my colleagues' attention.

IDA IS AN IMPORTANT INVESTMENT IN OUR FUTURE

The International Development Association (IDA), the arm of the World Bank that makes long-term loans to the poorest countries, requires a new infusion of funds by Congress. We strongly support this eighth IDA replenishment and urge Congress to approve the full amount requested by the Administration—$958 million for each of the next three years.

IDA is the most important source of development financing for the 56 recipient countries. IDA's unique combination of financial support and economic guidance creates a highly effective instrument for development. For the U.S. IDA offers an outstanding investment opportunity as a result of favorable leverage and burden sharing arrangements.

Cost effectiveness: For every one dollar contributed by the U.S. IDA receives $3.31 from other donors and generates $16 in total investment.

Burden Sharing: The U.S. percentage contribution has declined from 42% in 1961 to 23% in the latest replenishment. In the meantime, the Japanese share has grown to 21%.

Agricultural focus: IDA was a major supporter of the "Green Revolution" which led to food self-sufficiency in much of Asia. Over 40% of IDA lending is for agricultural improvement.

African emphasis: 45%-50% of IDA will go to Africa, primarily to boost food production. IDA is the largest single source of assistance to Africa.

Policy reforms: IDA backed reforms in 22 African countries are encouraging privatization and market-oriented economic policies.

Export benefits: Based on 1985-86 data, the U.S. had a positive trade balance with IDA countries, excluding China and India. Roughly 190,000 American jobs depend on exports to IDA countries.

Farm export prospects: Studies show that increased agricultural production in poor countries generally leads to more U.S. farm exports, as their citizens upgrade their diets. The 29 IDA graduate countries are the fastest growing markets for U.S. agricultural products.

Foreign policy goals: IDA complements U.S. foreign policy goals by stretching U.S. development dollars to assist friendly countries. IDA provides the mechanism for donor coordination and coherent economic advice.

The American people support IDA type assistance: A recent major public opinion survey concluded that the majority of Americans support foreign assistance, with support increasing since 1978. Up to 60% support the types of agricultural programs funded by IDA.

IDA was an American idea: Senator Mike Monroney of Oklahoma proposed IDA in 1958 to extend the scope of the World Bank to reach the poorest countries. Senator Monroney's foresight has had strong bipartisan support even since. Every President since Eisenhower has backed IDA.

We believe that IDA is a sound investment for a more prosperous and peaceful world and urge the Congress to support full funding for continued U.S. participation.

THE 100TH ANNIVERSARY OF SS. JOSEPH AND MICHAEL CHURCH, UNION CITY, NJ

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1987

Mr. GUARINI. Mr. Speaker, on Sunday, November 8, 1987, there will be a most meaningful celebration in Union City, NJ, in the heart of the 14th Congressional District which I represent. On that day, at 12:30 p.m., Newark Archbishop Theodore E. McCarrick will be principal celebrant at the 100th anniversary of SS. Joseph and Michael parish of the Roman Catholic faith in Union City.

This centennial celebration marks 100 years of service to God and man, originating with the German national parish, established at Central Avenue and 14th Street, by Msgr. Joseph Grieff of Holy Family Church, under the patronage of St. Joseph, in West Hoboken.

At that time, when the good people of this area saw need for a house of God, a two-story frame building was erected to serve as church and school with a cornerstone placing by Bishop Wigger on July 31, 1887. The good bishop upon completion of the facility in October of that year, dedicated the building for parish use on October 16, 1887.

The diocesan priests staffing the new church soon found that the facilities were much too small because of the growing congregation caused by the migration to America of thousands of individuals to the area from central Europe.

In 1898 permission was granted to build a beautiful and sturdy brick church which stands on the southwest corner of Central Avenue and 14th Street in this northern Hudson County community.

In 1903 the Bishop of Newark requested the Passionist Fathers of St. Michael's Monastery, also Union City, to serve at St. Joseph's. This they did with great love, zeal, and devotion, until 1972.

A high point in their involvement was to bring to Union City and their parish a world renowned Passion Play, "Veronica's Veil," which has been presented continuously during lent since 1914. In more than 70 years, literally hundreds of thousands of individuals, men, women and children, of all faiths, of all colors and nationality groups, witnessed performances of this tremendous presentation, considered by many as one of the outstanding lenten season church presentations in the entire Nation.

During this period, this parish tended to the religious, family, and educational needs of tens of thousands of individuals, mostly from areas of Germany and Italy.

In 1926, this ethnic community became a diocesan parish enriched with the people of various nationalities joining in worship.

In 1970, when the heavy influx of Hispanic families from Central America, South America, and Cuba came into the North Hudson area of Hudson County, hundreds of thousands of new communicants were added to the parish, again being staffed by the diocesan clergy.

In 1982, Archbishop Peter L. Gerety merged St. Michael's Monastery parish with the community in St. Joseph's, rededicating the parish as SS. Joseph and Michael parish community. Again the Passionist Fathers have been assigned to staff the church.

Father Joseph C. Ryan, C.P., is pastor, assisted by Father Teodoro Aguirre, C.P., Father Gregory Paul, C.P., and Father Thomas Graf, C.P. The parish school, which handles hundreds of children is under the direction of Sister Jo Ann Cross, S.C., as principal.

The good work of this very fine church, its religious leadership, and its hard-working, peace-loving parish, echoes the words of our late President John F. Kennedy, who said:

"You can't have religious freedom without political freedom, and religious freedom has no significance unless it is accompanied by conviction."

"Wherever we are, we must all, in our daily lives, live up to the age-old faith that freedom and peace walk together."

"Just as the Family of Man is not limited to a single race or religion, neither can it be limited to a single city or country. The Family of Man is more than 3 billion strong. It lives in more than 100 nations."

This great parish has stood for the dignity of man working for opportunities for all individuals coming from many lands, with various cultures, with different languages. This parish has echoed the words of His Holiness Pope John Paul II to the XXXIV General Assembly of the United Nations Organization, on October 2, 1979:

"I would like to draw attention to a 'second systematic threat' to man in his inalienable rights in the modern world, a threat which constitutes no less a danger than the first to the cause of peace. I refer to the various forms of injustice in the field of the spirit.

"Man can indeed be wounded in his inner relationship with truth, in his conscience, in his most personal belief, in his view of the world, in his religious faith, and in the sphere of what are known as civil liberties. Decisive for these last is equality of rights without discrimination on grounds of origin, race, sex, nationality, religion, political convictions and the like. Equality of rights means the exclusion of the various forms of privilege for some and discrimination against others, whether they are people born in the same country or people from different backgrounds of history, nationality, race and ideology. For centuries the thrust of civilization has been in one direction: that of giving the life of individual political societies a form in which there can be 'fully safeguarded the objective rights of the spirit, of human conscience and of human creativity, including man's relationship with God.' Yet in spite of this we still see in this field recurring threats and violations, often with no possibility of appealing to a higher authority or of obtaining an effective remedy.

"Besides the acceptance of legal formulas safeguarding the principle of the freedom of the human spirt, such as freedom of thought and expression, religious freedom, and freedom of conscience, structures of social life often exist in which the practical exercise of these freedoms condemns man, in fact if not formally, to become a second class or third class citizen, to see compromised his chances of social advancement, his professional career or his access to certain posts of responsibility, and to lose even the possibility of educating his children freely. It is a question of the highest importance that in internal social life, as well as an international life, all human beings in every nation and country should be able to enjoy effectively their full rights under any political regime or system.

"Only safeguarding of this real completeness of rights for every human being without discrimination can ensure peace at its very roots."

To celebrate the centennial a spiritual renewal week was held from September 27 to October 2; a Spanish speaking mission and renewal week was conducted from October 18 to October 23, a Marian Year Play, "Our Lady of Fatima," will be enacted by the Veronica's Veil players, on November 14, 15, 21, and 22. After the solemn bilingual eucharistic celebration on November 8, a banquet will be held at Top of the Meadows, Holiday Inn, North Bergen, NJ.

I feel certain that my colleagues here in the House of Representatives wish to join in this well-deserved salute to the clergy and parishioners, past and present, who have served the parish of SS. Joseph and Michael in Union City, NJ, with so much distinction and dedication.

A TRIBUTE TO JACK O'CONNELL

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1987

Mr. TRAFICANT. Mr. Speaker, today I rise in order to pay tribute to Mr. Jack O'Connell, a very special resident of my 17th Congressional District. This tribute before the U.S. House of Representatives is a very moving and touching moment for me. Mr. O'Connell, who works for me in my district congressional office as a labor liaison, recently became the grandfather of twin girls.

Jack and his loving wife Janet O'Connell are bursting with pride over this wonderous event. Their beautiful daughter Kathy, who is married to David Sauline and lives in Girard, OH, gave birth to twin girls on October 13, 1987. These two adorable babies, who weighed 7 pounds, 14 ounces and 6 pounds, 8 ounces, were named Janet Louise and Mary Kathleen.

Announcing this heavenly event is certainly one of my proudest moments as a Member of Congress. I wish Jack, Janet, Kathy, David, Janet Louise, and Mary Kathleen every success in the world. Thus, it is with thanks and special pleasure that I join with the residents of the 17th Congresssional District in paying tribute to Mr. Jack O'Connell and his two wonderful granddaughters.

LET'S HEAR IT FOR THE POW/MIA FLAG-RAISING TO HELP BRING OUR BOYS HOME

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1987

Mr. DORNAN of California. Mr. Speaker, please will you and my colleagues read this excellent article with young Bonnie French's superb idea to remember our missing heroes during the holiday:

[From the Orange County Register, Nov. 2, 1987]

LET'S HEAR IT FOR THE POW/MIA FLAG-RAISING TO HELP BRING OUR BOYS HOME

(By Bob Emmers)

It was only a week ago that I told you about Bonnie French's idea for a nationwide flag-raising Dec. 13 dedicated to the memory of the American MIAs and POWs left behind in Vietnam.

Only a week ago, but already a lot is happening.

Just to refresh your memories, it's Bonnie's notion that all across the country on Dec. 13 the POW/MIA flag should be raised in front of homes, businesses, churches, city halls, fire stations, banks, post offices and so on.

She picked Dec. 13 because she wears an MIA bracelet bearing the name of Maj. Morgan Donahue, and that is the date in 1968 when his plane went down over Laos and he was seen bailing out. (There have been recent reports that Maj. Donahue and five other Americans have been seen alive in a Laotian prison camp.)

Bonnie is just an ordinary citizen who grew up in Westminster in the '60s and watched a number of friends go off to fight in Vietnam. Some of those friends never came home again. She feels that if enough other ordinary citizens become aware of the plight of the MIAs/POWs, enough pressure can finally be brought too bear to get our government to do something about bringing them back.

That's the background to the Dec. 13 flag-raising.

So far, Bonnie's got commitments from several Vietnam veterans' groups in New Jersey, Oregon and here in Southern California to raise the MIA/POW flag Dec. 13, She's also talked to the American Legion in Pomona, where she now lives.

I've been busy the past week, too, I've received a number of phone calls and letters from Orange County schools and civic groups asking for more information about the flag-raising. A couple of local cities are considering passing resolutions to fly the POW/MIA flag.

Also—and this will probably knock your socks off—I actually called my old nemesis, Rep. Bob Dornan. I assure you I'm not mellowing; I'm as nasty and irascible as ever. But on this issue the congressman and I happen to agree: Something has to be done to bring the MIAs home.

Rep. Dornan, who has been very active and outspoken on the MIA issue, said he thought Bonnie's idea was great. "It's the best I can think of for the holidays," he said. He said he'd mention the idea to his colleagues in the House and would also talk it up in his travels around the country.

Let's see, what else? Oh, yeah, I also got a number of calls from people wondering just exactly what the MIA/POW flag looks like so that they could make one. OK. A drawing of the flag appears along with this column. (If you don't want to make one, you can buy one for $25 from the National Human Rights Committee for POWs/MIAs, Box 2, Walden, N.Y. 12586.)

All told, not too bad for the first week.

But look, guys, we need to do more.

I'm a skeptic. But I've been doing a lot of reading about the MIA/POW issue—magazine articles, books, government documents obtained through the Freedom of Information Act—and I've become convinced that many of the 2,400 Americans left behind in Vietnam and Laos are still alive and in captivity.

It may be that the communist governments in Southeast Asia are holding them for some future diplomatic advantage or maybe just for ransom. It's even possible that some are being held by local chieftains outside the control of the government.

Whatever the reason, we have to get them home. Honor demands it. And this flag-raising on Dec. 13 is one good way to work toward that. If enough of us become aware of this issue, our government is finally going to have to move on it.

So talk to your friends about the flag-raising. Bring up the idea at meetings of your civic or fraternal groups. Call your city halls and ask them to fly the flag Dec. 13. Call the county supervisors and ask them to pass a resolution to raise the MIA/POW flag Dec. 13.

Talk to the teachers and administrators at your local school and suggest that they do class projects on the MIA/POW issue to coincide with a flag-raising over the school Dec. 13. Maybe for a class project, the kids could make a MIA/POW flag.

C'mon, do these things today.

Look at it this way. We're the only hope those Americans over there have.

DAY-TO-DAY VIOLENCE TAKES A TERRIBLE TOLL ON INNER-CITY YOUTH

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1987

Mr. RANGEL. Mr. Speaker, I wish to call the attention of my colleagues and the public to an article which appeared in the October 27, 1987, edition of the Wall Street Journal entitled "Day-to-Day Violence Takes a Terrible Toll on Inner-City Youth." This article describes in graphic detail the experiences of Lafayette Walton, a 12-year-old living in Chicago, in coping with urban violence and drug trafficking. Many of the conditions described in that article also apply to the constituents in my congressional district of Harlem, NY. I do not know what the answer to the problem of urban violence is, certainly better education for black and minority children, and better-paying jobs for their parents are part of the answer. An end to drug dealing and an attitude that use of violence is acceptable behavior are also needed.

Urban Trauma: Day-to-Day Violence Takes a Terrible Toll on Inner-City Youth

(By Alex Kotlowitz)

Chicago.—Saturday, June 13, 1987: Today is Lafayette Walton's 12th birthday.

Under a gentle afternoon sun, Lafayette and his nine-year-old cousin, Denise, skip across the worn lawn of the Henry Horner Homes public housing project, a seven-block stretch of red-brick apartment buildings on this city's West Side. The two are on their way to buy a pair of radio headphones with $8 Lafayette received as a birthday gift.

Suddenly, gunfire erupts nearby. The frightened children fall to the ground. "Hold your head down," snaps Lafayette, covering Denise with her pink nylon jacket.

As the shooting continues, the two crawl through home. When they finally make it inside, Lafayette discovers that all but 50 cents of his birthday money has trickled from his pockets.

Lafayette Walton lives in a neighborhood where gunshots are as common as the playful screeches of young children. He has watched men being beaten and has seen friends shot. Two bullet holes in the olive-green curtains of his family's apartment are reminders of a gang shoot-out at the project. Two years ago, the boy stood over a dying teen-ager who had been gunned down outside the Walton apartment. This year, not long before Lafayette's birthday, his mother permanently lost the use of two fingers when she was attacked by knife-wielding muggers.

An account of three months in Lafeyette's life, based on visits with the boy and on interviews with the police and other sources, is a chronicle of almost constant exposure to frightening brutality: During the summer at Lafeyette's project, the police say, an average of one person every three days was beaten, shot or stabbed. Henry Horner is far from the worst of Chicago's public housing projects.

Lafeyette's story is familiar to many of the nation's 5.3 million poor, inner-city children. "These children are surrounded by a very real and immediate world of violence, of gunfire, of death," says Theodore Cron, special assistant to the U.S. surgeon general, who believes the problem is growing. "It's every day," he says. "We just simply didn't have that before."

Newly alarming to psychologists and social workers are recent findings that many youngsters routinely exposed to violence exhibit the same post-traumatic-stress symptoms that plague Vietnam combat veterans. Many frequently suffer nightmares, depression and personality disorders. Some withdraw and give up hope; others become more aggressive.

Lafeyette Walton reins in his emotions. He keeps to himself and tries to avoid trouble. More important, there is a passivity about him that therapists caution can be a direct outcome of witnessing the victimization of others. He only shrugs when asked what he wants to be when he grows up. He rarely laughs.

Lafeyette lives with his mother, LaJoe; his 17-year-old brother, Raydale; his nine-year-old brother, Pharoah; and three other siblings: triplets who are four years old. Lafeyette's father, a bus driver for the city, stays with the family sporadically.

The Waltons live in a ground-floor apartment. The dirty cinder-block walls and iron grilles over the windows lend a fortresslike feeling to their home. Graffiti, mostly gang-related, decorate the hallway walls like an ugly mural; Lafeyette boasts that his name appears on all seven floors of the building.

Lafeyette and his family often talk of moving, but it would be difficult, if not impossible, on the $837 a month his mother receives in aid. Five years ago, it appeared that they might have a chance to move to a quieter neighborhood because Mrs. Walton, who worked as a clerk at a nearby health clinic, intended to enter nursing school. But the triplets, two girls and a boy, were born prematurely and spent their first year in the hospital, disrupting Mrs. Walton's plans.

Both Lafeyette and Pharoah get headaches when they hear the gunfire. Nine-year-old Pharoah, a child whose intelligence is belied by a speech impediment, sometimes shakes uncontrollably when surprised by a loud noise. One evening earlier this year, Pharoah fainted after pleading with his mother to stop the shooting outside. But throughout the summer of 1987, the shooting went on.

Tuesday, June 16: It is three days after Lafeyette's birthday, and once again the sound of gunfire fills the air. Lafeyette and his mother hurriedly herd the triplets onto the floor of the apartment's narrow hallway. They catch glimpses through the windows of young gunmen waving their pistols about. One youth totes a submachine gun. In an apartment upstairs, other gang members blast away at rivals in a building across the street.

In the middle of the battle, the elementary school across the street lets out. Lafeyette, who has left his fifth-grade class early this day, watches from his apartment as children pour out of the school, many of them panicking and running directly into the gunfire. He and his mother scream at the oncoming children to turn back. Lafeyette spots his brother Pharoah but then loses sight of him in the chaos. He begs his mother to let him go after his brother, who has a dangerous habit of running through gunfire when he first hears it. She refuses Lafeyette's request.

Lafeyette's friend James Cox, 13, who has cowered behind a nearby tree, sprints for the Waltons' apartment. Pharoah arrives about the same time. But with all the noise, no one can hear the two boys' pleas for shelter. Finally, the two run to another apartment upstairs.

"We were beating on the door real hard," James later recalls. "Then I kicked on it. I was hysterical. My heart was pounding hard." Pharoah talks about how he has learned to react to shooting: "My mom told me when you hear the shooting, first to walk because you don't know where the bullets are coming."

Meanwhile, the police, who at first thought they were the targets of the shooting, have taken cover in their cars and in the building's lobby. Passers-by lie motionless on the ground, protected by parked vehicles and an ice-cone vending stand. Finally, the battle ends. No one—amazingly—is hurt. Lafeyette learns that one errant bullet from the shooting pierced a friend's third-floor window with such force that it cut through a closet door and lodged in the cinder-block wall.

The police make no arrests.

Wednesday, June 24: The summer sun highlights the hundreds of small shards of glass littering the asphalt. The debris is a reminder of the time two years ago when Lafeyette threw a chunk of glass that accidentally put out a friend's eye. "I got real mad at myself," he mumbles. "I thought of pulling my eye out."

Today, though, the boy is more preoccupied with a dream. On the way to a nearby McDonald's, he points to an empty basketball court and says that two nights ago he dreamed that his older brother had been fatally shot there. "That's where Raydale was killed," he says, as if it had really happened.

Friday, June 26: Today, Lafeyette refuses to play basketball with some children his own age. "I don't want to play ball with them, they might try to make me join a gang," he says.

Lafeyette constantly worries that he may be pulled into the gangs. His friend James, with whom he hunts for garter snakes along the nearby railroad tracks, recommends that if children are to make it out of Henry Horner, they should "try to make as little friends as possible."

About a week ago, members of the Blackstone Rangers gang, which virtually controls Lafeyette's building, asked him to stand security. Before that could happen, his mother intervened, telling the gangs she will call the police if they keep after her son. "I'd die first before I let them take one of my sons," Mrs. Walton says.

Gangs often recruit young children to do their dirty work. Nine days ago, a 14-year-old friend of Lafeyette's allegedly shot and killed an older man in an alley half a block north of Lafeyette's building. Residents and police say the killing was gang-related. The friend is now in custody. "I wish he hadn't done it," says Lafeyette.

Saturday, June 27: A large, overweight man runs across a vacant lot. Lafeyette points to him and says he is the "raper man." According to Lafeyette and other youths, the man has sexually accosted children. Quite matter-of-factly, Lafeyette points to two buildings and explains, "That's where they have rapes."

Tuesday, June 30: Along with a crowd of chattering children and parents, Lafeyette watches as police bomb squad removes a World War II-vintage grenade from a fourth-floor apartment. Lafeyette worries that members of a gang "were figuring to blow up the building." The police believe there are more grenades in the building, but they can't locate them.

Monday, July 6: Lafeyette comes home with a gash over his left eye. He says his cousin Denise whacked him with a lead pipe. Lafeyette hit the nine-old when he heard she had carried cocaine for a local drug dealer. "She's not my best little cousin anymore," says Lafeyette.

Saturday, July 11: Despite an increase in the number of policemen in the project, the drug wars and family scraps continue. (The police will confiscate 22 guns and 330 grams of cocaine from people in the project this week.)

Shortly after dusk, while Lafeyette is playing outside, the street and hall lights in his building suddenly go dark. Residents say gang members, who have keys to the janitor's closet, shut them off. The pitch black darkness brings with it ominous signs that shooting may soon erupt. So Lafeyette slithers along the cinder-block walls into his apartment. In the back, Pharoah screams in terror as his mother leads him and the triplets inside.

Sunday, July 12: Lafeyette looks out his living-room window at a squad of plainclothes men arriving to break up a family squabble that has spilled over outside. An older woman pulls a long, curved butcher knife on a teen-age boy who threatens her daugther. As Lafeyetts peers from behind the metal gates covering the windows, he says nothing.

Sunday, July 19: This evening, Lafeyette and his mother, while sitting on a bench, watch a tall, lanky teen-ager hold up a chrome-plated revolver to admire in the light of the setting sun. Layfeyette, who can more easily distinguish a .357-caliber Magnum from a .45-caliber revolver than he can a computer from a typewriter, points at the pistol. His mother slaps his arm down. Pointing, and snitching, can get you killed.

Monday, July 20: Lafeyette and his friends talk incessantly about leaving the project. They live in constant fear of being hit by cross fire. "I'm going to have my own condominium in Calumet Park [a Chicago suburb]. It's nice out there. You could sit outside all night and nothing would happen," James tells Lafeyette, who breaks into a wide grin. "They have flowers this tall," Lafeyette says, holding his hand four feet off the ground.

Tuesday, July 21: It is a hot summer; but with the police more visible than usual, the young children are out en massee today for the first time in many weeks. It leads to an incongruous scene.

An open fire hydrant has created a large wading pool outside Lafeyette's building. Gaggles of hollering children, including Lafeyette with his pant legs rolled up, throw buckets of water on one another.

The local leader of a gang called the Stones, whom everyone calls Junebug, wanders by. About 30 years old, Junebug has served two prison terms for armed robbery, has twice been accused—then acquitted—of murder, and has been arrrested numerous times for drug-related charges, the police say. But his reputation doesn't deter the water brigade of children, who begin a slapdash run to wet the gang leader. In his white designer jogging suit, Junebug hurdles a 3-foot-high wire fence and escapes—dry. He turns and laughs with the kids. Only his panting pit bull, which is tied to the fence, reminds Lafeyette and others who's in charge here.

As Junebug ambles away, Lafeyette pursues him. He wants the $10 he was promised as payment for getting the gang leader a bottle of apple juice the other day. Junebug assures him he will get his pay.

Thursday, July 30: Lafeyette watches as a group of about 10 teen-agers just outside his apartment hit James's stepfather with fists and sticks, leaving him with multiple welts and bruises on his head. The assault is apparently related to drugs.

In the next few days, James won't play with Lafeyette. He worries that his stepfather's assailants might come after him so he stays at a friend's apartment, inside. "If they can't get to [the stepfather], they'll try to get to me," he says, "It has to get better. We can't keep living like this," he adds, sounding like a world-weary adult.

The beating clearly leaves its mark on James, who generally retreats from any kind of trouble. The next week, he and six others beat up a young girl, an almost direct imitation of the punishment administered to his stepfather.

Monday, Aug. 3: Something happens that Lafeyette refuses to talk about. According to the police, a gang member was shot while sitting in the back seat of a car parked about 50 feet in front of Lafeyette's building. Lafeyette stood in the entrance of his building when it happened. He refuses to say whether he witnessed the shooting, possibly for fear of gang repraisals.

Friday, Aug. 21: "Bird Leg" is dying across the street.

Bird Leg, whose real name is Calvin Robertson, has long been involved with the gangs, according to the police and residents. Earlier this year, the police confiscated a starving and scarred pit bull from him, which he had once used to threaten an officer. Bird Leg is 15.

Though Lafeyette knows the dying boy, he decides not to join the other children who run to the crime scene. "I just didn't want to go, he says.

During his 12 years he already has seen two children shot, both two summers ago: a young girl hit in the leg while jumping rope outside his building and the teen-age boy who died from a bullet wound on the stairs just a few feet from his apartment.

Lafeyette's friend James, however, sprints across Damen Avenue and snakes through the large crowd. He later tells Lafeyette what he saw. On the grass, only 10 feet from a small playground full of young children, lay Bird Leg, his white jogging suit stained with blood. A shot from a sawed-off rifle had hit him in the chest. According to the police, Bird Leg, a member of the Vicelords gang, had been fighting with rival gang members. Wrapped around one hand is his main weapon: his belt.

"I was just shocked," James tells Lafeyette. "The eyes just rolled to the back of his head and he was gone."

Thursday, Aug. 27: Lafeyette is haunted by Bird Leg's death. At a friend's apartment, he says he saw Bird Leg's spirit. "He was trying to tell us something," he says, though he isn't sure what.

Mrs. Walton worries that Lafeyette has become unusually withdrawn: "He says talking isn't going to help him. He says that everything that goes wrong keeps going on and everything that's right doesn't stay right so why should I talk. He's got a lot of hate built up inside him."

Normally, when someone at Henry Horner is killed, mimeographed sheets go up in the halls giving details of the funeral. In Bird Leg's case, however, this procedure is forgotten.

Friday, Aug. 28: Lafeyette, Pharoah and James are among the first to arrive for Bird Leg's funeral service at the Zion Grove Baptist Church on the city's South Side. The three find seats in the church's red pews, which are packed with parents and children. Bird Leg's 13-year-old sister cries so long and hard that friends drag her out halfway through the service to get her some air. She later vomits at the burial.

The three boys filed up to the open casket, where Lafeyette runs his fingers along Bird Leg's suit and then caresses his slightly puffy face. Lafeyette's own face is impassive. As they return to their seats and the services begin, James says, "I'm figuring to cry" and buries his head in his hat to hide the tears. Lafeyette, who sits solemnly through the funeral with his hand on his chin, holds the hand of his two-year-old nephew. Pharoah sits silent with a headache, his arms clutching hs rolled-up sweatshirt like a security blanket.

The morning after the funeral, a friend of the Waltons, a man in his early 20s, is fatally shot. Lafeyette decides not to attend a second funeral. "I ain't going to nobody else's funeral," he says. "I just don't want to go."

That same weekend, James is conked over the head with a glass bottle, opening a gash requiring seven stitches. On the way to a neighborhood grocery store, he exchanged words with a young girl whose cousin then came after him. James says he plans to go after the young assailant once he gets his bandages removed.

Both Lafeyette and Pharoah have become more withdrawn over the course of the summer, talking less about the goings-on here. Pharoah, in particular, often wanders off alone to collect soda cans, his shoulders hunched over, his unusually wide eyes drifting into space. Mrs. Walton plans to take him to a health clinic because his speech problem is worsening.

Lafeyette has begun to hang around with a more mischievous group of kids that even he admits is the "wrong crowd." One day in September, a local grocery-store owner calls Mrs. Walton to ask that she pick up her son; Lafeyette is accused of shoplifting candy.

The opening of school is delayed by a teacher's strike. So Mrs. Walton sends her two sons to stay with their grandmother for a few days because she lives in a quieter neighborhood farther west. The boys have less chance of getting hurt there, Mrs. Walton says.

For his part, Lafeyette often prays before he goes to sleep. "If I was God," he says, "there wouldn't be no word 'killing.'"

His mother has another philosophy: She has taken out burial insurance on all of her children, including the four-year-old triplets.

BANKROLLING THE CONTRAS IS NOT THE ANSWER

HON. TOM SAWYER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1987

Mr. SAWYER. Mr. Speaker, I would like to bring to the attention of all Members an article written by my friend and colleague from Ohio, Representative ED FEIGHAN, a member of the House Foreign Affairs Committee. The article, which appeared earlier this week in the Christian Science Monitor, is an excellent summary of what our goals should be in Central America. As Representative FEIGHAN points out, adherence to the Arias peace plan, not continued funding of the Contras, is the best hope for peace in Nicaragua and the rest of Central America.

[From the Christian Science Monitor, Nov. 2, 1987]

BANKROLLING THE CONTRAS IS NOT THE ANSWER

(By Edward Feighan)

President Reagan could put a lock on next year's Nobel Peace Prize. By undermining the Central American peace plan, he is missing a golden opportunity and may be commiting the greatest foreign policy blunder of his administration.

In recent weeks, the President called the Central American peace plan "fatally flawed" and repeated his view of the contras as the American insurance policy against duplicitous Sandinista behavior. This view is not shared by United States allies in Central America. Nobel Peace Prize winner Oscar Arias Sánchez of Costa Rica and the Presidents of four other Central American nations are united behind a plan that explicitly calls for the termination of aid to irregular forces. The contras did not bring Nicaraguan President Daniel Ortega Saavedra to the negotiating table; Nicaragua's neighbors did.

In the 3 months since the signing of the Guatemala agreement, there has been more progress toward peace than in the preceding 6 years. Dialogues have begun in El Salvador, Guatemala, and even in Nicaragua, where opposition parties are now organizing and testing the Sandinistas' commitment to the peace plan. But the agreement is not a panacea; it omits those issues that the parties do not have the power to control.

Soviet bases: President Kennedy settled this issue 25 years ago. Any U.S. president must guarantee United States national-security interests directly threatened by the presence of Soviet bases in Nicaragua. Nicaragua cannot be allowed to jeopardize its neighbors and the United States with offensive Soviet weapons.

Foreign military advisers: A ceasefire as envisioned in the Guatemala agreement would greatly decrease the need for foreign military advisers to the Sandinistas. Harder to negotiate will be the removal of other Soviet, Cuban, and East-bloc advisers—doctors, engineers, and mechanics—who have flocked to Nicaragua. The United States should demand that the military advisers leave, and offer to replace the others with U.S. personnel.

Regional arms race: Much has been said about the Soviet and Cuban pipeline of military hardware into Nicaragua. The Sandinistas have justified their buildup as preparation for the U.S. invasion. The end of contra aid will eliminate this rationale; the countries of Central America, along with the United States, can then make a credible demand for a military build-down in line with similar steps by all five nations.

These issues form the crux of U.S. security concerns on the region. There is agreement in Congress that the Western Hemisphere is no place for Soviet forward bases, East-bloc advisers, and sophisticated weapons that threaten to destabilize U.S. allies in the region. But contra aid is not the key to securing U.S. goals in the region. These issues must be settled by direct United States-Nicaraguan negotiations.

The administration also contends that contra aid will teach the Sandinistas good government. Human rights and political freedoms must be restored. But does contra aid ensure internal reform in Nicaragua? Quite the opposite.

For 7 years, the Sandinistas have used the contra war as their excuse for crackdowns on the domestic opposition. Only the Sandinistas know whether the end of contra aid will bring an end to domestic repression. But the United States has a range of policy tools, short of arming insurgencies, to encourage and maintain the political opening within Nicaragua.

Even if armed intervention were appropriate, one has to ask whether the contras are the true hope for democracy in Nicaragua. According to Rob Owen, Oliver North's "courier," the contras see the war as a business. They await a U.S. invasion to install them in power. To the Nicaraguan people, they remain a creature of the Central Intelligence Agency, sustained by an official U.S. policy of deceit in which U.S. tax dollars are supplemented by nefarious arms deals with Iran.

It's time for this administration to advance a Central America policy that has a hope of securing U.S. interests. The United States needs to deal directly with the Sandinistas. If the U.S. goal is to bolster democratic change in Nicaragua, it is time to embrace and support the Arias plan.

The $270 million the administration proposes as contra aid should not be given. Instead, the United States should restore the $160 million cut from the State Department budget over the last 3 years. The administration would rather bankroll the contras than the diplomatic corps. The rest of the contra aid request should be used to leverage contributions from the European Community and other international organizations to fund further application of the Guatemala agreement—establishing international missions of election observers and teams for ceasefire verification.

The contra war is not "tough on communism." It is not pro-democracy. The United States can either bolster the democratic opening made possible by the peace plan, or it can continue a senseless war that promises neither security for us nor democracy for Nicaragua. The choice should be clear.

RECOGNITION OF UNITED WAY OF PALM BEACH COUNTY

HON. DAN MICA

OF FLORIDA

HON. TOM LEWIS

OF FLORIDA

IN THE HOUSE OF RERESENTATIVES

Wednesday, November 4, 1987

Mr. MICA. Mr. Speaker, we rise today in tribute to a group of dedicated men and women whom we are privileged to represent in south Florida.

On November 19, the United Way of Palm Beach County, Inc. will hold its victory dinner. At that time, United Way will formally announce that it has raised $4 million for our community.

Mr. Speaker, this truly is a remarkable accomplishment. The success of the United Way of Palm Beach County in helping less fortunate and needy persons is in the finest tradition of private sector initiatives.

We also would like to take this opportunity to commend to our colleagues Mr. Dino Caras, the executive director of the United Way of Palm Beach County.

For 15 years, Dino has been the driving force in this organization. Dino has informed us that he will be leaving this position to work for the United Way in another capacity. It goes without saying that he will be sorely missed. Although it would be impossible to quantify his contributions, we all know that Dino has enriched the quality of life in Palm Beach County in countless ways.

Mr. Speaker, we would ask our colleagues to join us in commending Dino, and all his associates in the United Way of Palm Beach County, for their work in making this victory dinner a resounding success. We wish them even greater success in all their future endeavors.

GORBACHEV'S ABUSE OF HISTORY

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1987

Mr. MICHEL. Mr. Speaker, much has been written and said about Mikhail S. Gorbachev's speech commemorating the 70th anniversary of what the Communist Party of the Soviet Union calls the revolution. What occurred in October 1917 was, of course, not a revolution but a coup directed against the revolutionary and democratic government headed by Alexander Kerensky.

William Safire, columnist of the New York Times, read Mr. Gorbachev's speech and has written what I believe is the best and most incisive analysis. Safire points out that, contrary to what American media have been saying, Gorbachev didn't just "criticize" Stalin—indeed, Gorbachev's criticism of Stalin was muted and his handling of the notorious Hitler-Stalin pact quite simply lacked honesty, to put it in the mildest sense.

Mr. Speaker, after all of the big public relations victories won by Mr. Gorbachev during the past few years, it is refreshing to read an intelligent and objective summary of a speech that was, in effect, yet another piece of evidence that all that matters to the rulers of the Soviet Union is retention of total power by the party. That, after all, is the issue. All the glasnost in the world will not change the brutal fact that the Communist Party of the Soviet Union sees itself as the only legitimate source of authority. Unless the fact changes—and it won't under glasnost—nothing else matters.

At this time I wish to insert in the RECORD, "The Abuse of History," by William Safire, New York Times, November 4, 1987.

THE ABUSE OF HISTORY

(By William Safire)

An American lawyer in Moscow in 1965 asked his Intourist guide-guards the way to the men's room, slipped out the back of a restaurant and took a taxi to an address he had been given by a Canadian newsman. The politically defunct lawyer was seeking a rendezvous with a former Soviet leader he had spoken with in a kitchen six years before.

At the apartment house, the American was turned away by two burly women; the man he wanted to see was not a nonperson, existence officially forgotten, unavailable to visitors. Frustrated, the lawyer left a note, which was probably delivered to the K.G.B.

The American was Richard Nixon; the Russian, Nikita Khrushchev. I recall that abortive attempt to reach a Soviet nonperson on reading Mikhail Gorbachev's speech at the 70th anniversary of Lenin's overthrow of the Kerensky government that had replaced the Czar. This week the new Soviet leader chose to mention Mr. Khrushchev favorably, making permissible the discussion of his regime in history books.

Do not be seduced into thinking that Mr. Gorbachev has suddenly been seized by a desire to let his people learn the truth about their past. Communist history never allows scholars to discover the way things really were; on the contrary, it directs them to reshape the facts to advance the party's current line.

The authorized Gorbachev version of Soviet history has disappointed détenteniks, who thought he would strike a blow for credibility by endorsing Khrushchev's secret excoriation of Stalin's bloody dictatorship. Many are dismayed by his worshipful obeisances to Lenin, by his support of Stalin as the legitimate party heir against Trotsky deviationism, by his justification of the nonaggression pact with the Nazis, and by his half-hearted plug for Bukharin, the economic pragmatist executed by Stalin.

That version, produced after 56 days in the wilderness, shows Mr. Gorbachev trying to position himself between the extremes of entrenched party bureaucrats and change-minded "reformers" who want heavier doses of perestroika and glasnost. Apparently in trouble, he has come back from the cutting edge; that may explain his recent diplomatic floundering and crackdown on dissenters.

What else would cause him to reach back to single out for praise Feliks Dzerzhinsky, founder of the feared Cheka that became Stalin's secret police? It is not for nothing, as the Russians say, that Lubyanka Prison, headquarters of the K.G.B., is located on Dzerzhinsky Square.

Mr. Gorbachev is the protégé of the K.G.B.'s Yuri Andropov, and his evocation of the fearsome Feliks in this latest revision of Soviet history is a cogent reminder to those who would seize power from him that the secret police, not the party bureaucracy, is the source of his control of the Politburo. Although he criticized some of Stalin's crimes, he pointedly omitted any criticism of Lavrenti Beria, the secret-police chief killed soon after Stalin died. The heirs of Feliks Dzerzhinsky can do no wrong.

One sentence must have been painful for Mr. Gorbachev to read out: "The Stalin personality cult . . . was alien to the nature of socialism." Only a week before, Boris Yeltsin, his handpicked Moscow party chief who kicked over the Grishin urn, denounced the General Secretary for establishing his own personality cult.

Of course that charge is true, and Americans accustomed to Presidential buildups think nothing of it, but Communists know that a personality cult is a Stalin-style challenge to collective part-K.G.B.-Red Army balance. That accusation is now in the Moscow air, despite its attempted suppression by Tass, and weakens the leader who must denounce Stalin's personality cult while establishing his own.

The desperate backtracking evident in this week's speech suggest that the man who needs a summit meeting now, to reassert authority at home, is not Mr. Reagan but Mr. Gorbachev. Not for nothing (that style is getting to me) did the Soviet leader speak assuredly of "the third and fourth Soviet-U.S. summits"—the fourth being a Reagan visit to Moscow next summer, which some of us had not yet put on our travel schedules.

In his symbolic rejiggering of the figures of the past, and his bestowing medium personhood on a predecessor who could not receive an American visitor, Mr. Gorbachev promises his power elite that the successor to Dzerzhinsky and Andropov will break few Stalinist icons. In his studied abuse of history, he tells the rest of the world that truth to a dedicated Communist is whatever story serves his present purpose.

A TRIBUTE TO MRS. ROSE BLAIR

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1987

Mr. BORSKI. Mr. Speaker, I rise today to pay tribute to Mrs. Rose Blair for her many years of dedicated service to the shipping industry of Philadelphia and the Delaware River Valley.

Mrs. Blair will be retiring soon from the Columbus Line. As a member of the House Merchant Marine Committee, I know the importance of shipping to the Philadelphia area's economic vitality. It is only through the committed effort of people like Mrs. Blair that the ports of the Delaware Valley remain the lifeline of the region.

Her dedication continued beyond her job, as well. Mrs. Blair has proven it again and again by teaching music and liturgy, fundraising for the symphony and working with handicapped children. This commitment has not gone unnoticed, as evidenced by Woman of the Year Awards from the Women's International Trade Association and the Philadelphia Brokers Association.

I join the entire Philadelphia port community in paying tribute to this dedicated woman.

VOTING RECORD

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1987

Mr. UDALL. Mr. Speaker, it has become my practice from time to time to list my votes in the CONGRESSIONAL RECORD. I strongly believe that the people of the Second Congressional District of Arizona have a right to know where I stand on the issues decided by this body, and I have found that printing my record here is the best way to provide that information.

This is not an all inclusive list. I have omitted noncontroversial votes such as quorum calls, motions to resolve into the Committee of the Whole House, and motions to approve the Journal of the previous day.

The descriptions are necessarily somewhat short, and I am sure that some of my constituents will have additional questions about the issues described here. So I invite them to write me for more specifics.

The votes are described as follows:

KEY

1. Rollcall Number;
2. Number of the bill or resolution;
3. Title of the bill or resolution;
4. A description of the vote;
5. The outcome of the vote;
6. The vote total;
7. My vote, in the form Y-yes, N-no, and NV-not voting;
8. The vote totals of the Arizona delegation (yes-no-not voting); and
9. The date.

2. Election of Speaker, Nominees for Speaker of the House of Representatives for

the 100th Congress were Jim Wright D-Texas, the majority leader since 1977, and Robert H. Michel, R-Ill., the minority leader since 1981. Wright elected 254-173:Y(1-4-0), Jan. 6, 1987

3. H. Res. 5. Rules of the House. Frost, D-Texas, motion to order the previous question (thus ending debate and the possibility of amendment) on the resolution to make minor changes in House rules, including one that would allow members to refer to the Senate during floor debate and another raising from $35 to $50 the limit on the value of gifts that members and certain House employees can receive in a year. Motion agreed to 236-168:Y(1-4-0), Jan. 6, 1987

4. H. Res. 5. Rules of the House. Lott, R-Miss., motion to commit the resolution to a select committee to be named by the Speaker, with instructions to add an amendment precluding consideration in the 100th congress of any measure that would raise tax rates or limit deductions. Motion rejected 175-240:N(4-1-0), Jan. 6, 1987

5. H. Res. 5. Rules of the House. Adoption of the resolution to make minor changes in House rules, including one that would allow members to refer to the Senate during floor debate and another raising from $35 to $50 the limit on the value of gifts that members and certain House employees can receive in a year. Adopted 245-172:Y(1-4-0), Jan. 6, 1987

6. H. Res. 12. Select Committee on Iran-Contra Affair. Adoption of the resolution to establish the House Select Committee to Investigate Covert Arms Transactions with Iran, to probe the Reagan administration's sales of weapons to Iran and possible diversion of funds to anti-government contra forces in Nicaragua. Adopted 416-2:Y(5-0-0), Jan. 7, 1987

7. H.R. 1. Clean Water Act Amendments. Moakley, D-Mass., motion to order the previous question (thus ending debate and the possibility of amendment) on the rule (H. Res. 27) to provide for House floor consideration of the bill to amend and reauthorize the Clean Water Act of 1972 (P.L. 92-500). Motion agreed to 286-124:Y(1-4-0), Jan. 8, 1987

8. H.R. 1. Clean Water Act Amendments. Passage of the bill to amend and reauthorize the Clean Water Act of 1972 (P.L. 92-500), to authorize funds for controlling water pollution and for aiding local governments in building sewage treatment plants. The bill includes $18 billion for sewage aid for fiscal 1986-94. Passed 406-8. Y(4-1-0), Jan 8, 1987

9. H. Res. 26. Establishment of Select Committees. Adoption of Title I of the resolution to establish three select committees in the 100th Congress. Title I established the Select Committee on Hunger. Adopted 312-89:Y(2-3-0)

11. H.R. 2. Omnibus Highway Reauthorization. Moakley, D-Mass., motion to order the previous question (thus ending debate and the possibility of amendment) on the rule (H. Res. 38) to provide for House floor consideration of the bill to authorize approximately $90 billion in funds for highway and mass transit programs in fiscal 1987-91. Motion agreed to 331-88:Y(1-4-0), Jan. 21, 1987

12. H.R. 2. Omnibus Highway Reauthorization. Passage of the bill to authorize approximately $90 billion in funds for highway and mass transit programs in fiscal year 1987-91. Passed 401-20:Y(4-1-0), Jan. 21, 1987

13. H.J. Res. 102. Supplemental Appropriation for the Homeless, Fiscal 1987. Whitten, D-Miss., motion to suspend the rules and pass the joint resolution to transfer $50 million in supplemental fiscal 1987 appropriations within the Federal Emergency Management Agency for the emergency food and shelter program for the homeless. Motion agreed to 296-79:Y(1-4-0), Jan. 27, 1987

14. H.R. 1. Clean Water Act Reauthorization. Passage, over President Reagan's Jan. 30 veto, of the bill to amend and reauthorize the Clean Water Act of 1972 (P.L. 92-500) authorizing appropriations of $18 billion through fiscal 1994 in federal aid to state and local governments for construction of sewage treatment plants and authorizing more than $2.14 billion for other water pollution control programs. Passed 401-26:Y(4-1-0), Feb. 3, 1987

17. H.R. 558. Urgent Relief for the Homeless. Wheat, D-Mo., motion to order the previous question (thus ending debate and the possibility of amendment) on the rule (H. Res. 109) to provide for House floor consideration of the bill to authorize $725 million over four years for new aid to the homeless. Motion agreed to 269-138:Y(1-4-0), March 5, 1987

18. H.R. 558. Urgent Relief for the Homeless. Adoption of the rule (H. Res. 109) to provide for House floor consideration of the bill to authorize $725 million over four years for new aid to the homeless. Adopted 274-126:Y(1-4-0), March 5, 1985, 1987

19. H.R. 558. Urgent Relief for the Homeless/Deficit Neutrality. Michel, R-Ill., amendment to specify that any funding under the bill be provided only through transfer of existing budget authority rather than through appropriation of new budget authority. Rejected 203-207:N(4-1-0), March 5, 1987

20. H.R. 558. Urgent Relief for the Homeless/AIDS Testing. Dannemeyer, R-CA., amendment to require that homeless persons receiving medical assistance under the bill be tested for the AIDS disease. Rejected 101-292:N(3-2-0), March 5, 1987

21. H.R. 558. Urgent Relief for the Homeless/Deficit Neutrality. Walker, R-Pa., amendment to prohibit the authorization of funds under the bill from violating any other federal law, including balanced budget statutes. Rejected 154-230:N(4-1-0)

22. H.R. 558. Urgent Relief for the Homeless/Spending Delay. Gekas, R-Pa., amendment to delay the expenditure of funds under the bill for six months pending a report by the administration's Interagency Commission on Homelessness. Rejected 124-260:N(4-1-0), March 5, 1987

23. H.R. 558. Urgent Relief for the Homeless-CCNV Shelter. DeLay, R-Texas, amendment to deny federal funds to a homeless shelter in Washington, D.C., operated by the Community for Creative Non-Violence (CCNV), unless the group registers as a nonprofit organization and submits to an audit. Rejected 183-202:N(4-1-0), March 5, 1987

24. H.R. 558. Urgent Relief for the Homeless. Passage of the bill to authorize $725 million over four years for new aid to the homeless. Passed 264-121:Y(1-4-0), March 5, 1987

25. H.R. 242. Wisconsin Land Conveyance. Vento, D-Minn., motion to suspend the rules and pass the bill to authorize the secretary of the interior to convey to qualified citizens portions of approximately 200 acres of land in Oconto and Marinette counties, Wis. Motion agreed to 407-0:Y(5-0-0), March 10, 1987

26. H.R. 240. Santa Top Trail. Vento, D-Minn., motion to suspend the rules and pass the bill to designate the Santa Top Trail as a National Historic Trail, approximately 950 miles long, from Missouri to New Mexico. Motion agreed to 403-3:Y(5-0-0), March 10, 1987

28. H.J. Res. 175. Moratorium on Contra Aid. Adoption of the rule (H. Res. 116) to provide for House floor consideration of the joint resolution to place a six month moratorium on $40 million in aid to the Nicaraguan contras during which time the president must account for funds previously provided to the rebels. Adopted 227-198:Y(1-4-0), March 11, 1987

30. H.J. Res. 175. Moratorium on Contra Aid. Passage of the joint resolution to place a six-month moratorium on $40 million in aid to the Nicaraguan contras during which time the president must account for funds previously provided to the rebels. Passed 230-196:Y(1-4-0), March 11, 1987

31. H.R. 1085. GI Bill/Educational Assistance Programs. Montgomery, D-Miss. motion to suspend the rules and pass the bill to extend permanently the new GI Bill of 1984 (P.L. 98-525), which authorized 36 months of educational benefits to participating active duty, National Guard and Reserve military personnel. Motion agreed to 401-2:Y(4-0-1), March 17, 1987.

32. H.R. 1157. Farm Disaster Assistance. De la Garza, D-Texas, motion to suspend the rules and pass the bill to provide income-support payments for certain grain producers who could not plant their crops in 1986 because of weather disasters, to make hay farmers and apple growers eligible for benefits under a 1986 disaster payment program and to authorize increased spending for the disaster program subject to further appropriations. Motion agreed to 304-100:Y(1-3-1), March 17, 1987.

33. H.R. 2. Omnibus Highway Reauthorization. Walker, R-Pa., motion to recommit to the conference committee (thus killing) the conference report on the bill to authorize $88.6 billion for highway and mass transit programs through fiscal 1991. Motion rejected 25-401:N(2-3-0), March 18, 1987.

34. H.R. 2. Omnibus Highway Reauthorization. Adoption of the conference report on H.R. 2, a bill to authorize $88.6 billion for highway and mass transit programs through fiscal 1991. Adopted 407-17:Y(4-1-0), March 18, 1987.

35. H. Con. Res. 77/H.R. 2. Speed Limit/Omnibus Highway Reauthorization. Adoption of the concurrent resolution to make a correction in the enrollment of the bill, 1, H.R. 2, to allow states to raise the speed limit to 65 mph on Interstate highways located outside urbanized areas of 50,000 population or more. Adopted 217-206:Y(5-0-0), March 18, 1987.

36. H. Res. 108. Committee Funding. Dannemeyer, R-Calif., motion to recommit to the House Administration Committee the resolution to provide $47.9 million in 1987 for 25 House committees, with instructions to report it back to the House with funding set at levels not exceeding those for 1986. Motion rejected 127-268:N(4-1-0), March 19, 1987.

37. H. Res. 108. Committee Funding. Adoption of the resolution to provide $47.9 million in 1987 for 25 House committees to cover expenses of staff, investigations and studies. Adopted 280-117:Y(1-4-0), March 19, 1987.

39. H.R. 2. Omnibus Highway Reauthorization/Veto Override. Passage, over President Reagan's March 27 veto, of the bill to authorize $88 billion for highway and mass transit programs through fiscal 1991. Passed 350-73:Y(2-3-0), March 31, 1987.

40. H. Con. Res. 34. Soviet Human Rights Violations. Yatron, D-Pa., motion to suspend the rules and adopt the concurrent resolution to protest continuing human rights violations in the Soviet Union. Adopted 415-0:Y(5-0-0), March 31, 1987.

41. H. Res. 121. Anniversary of the Treaty of Rome. Lantos, D-Calif., motion to suspend the rules and adopt the resolution to commend the European Community in recognition of the 30th anniversary of the signing of the Treaty of Rome. Motion rejected 269-147:Y(1-4-0), March 31, 1987.

42. H.R. 1320. National Park Fee Increase/Rule. Adoption of the rule (H. Res. 135) to provide for House floor consideration of the bill to authorize increases in certain National Park System entrance fees and to reauthorize the Land and Water Conservation Fund Act of 1965 for 25 years. Adopted 303-110:Y(2-2-0), April 1, 1987.

43. H.R. 1320. National Park Fee Increase/Golden Age Passport Fee. Hansen, R-Utah, amendment to charge a one-time fee of $10 for the Golden Age Passport (currently free for people over age 62) for entry to national parks and certain other federal recreation facilities. Rejected 43-375:N(0-5-0), April 1, 1987.

44. H.R. 1320. National Park Fee Increase/Final Passage. Passage of the bill to authorize increases in certain National Park System entrance fees and to reauthorize the Land and Water Conservation Fund Act of 1965 for 25 years. Passed 416-5:Y(5-0-0), April 1, 1987.

46. H. Con. Res. 93. Budget Resolution, Fiscal 1988/Rule. Derrick, D-S.C., motion to order the previous question (thus ending debate and the possibility of amendment) on the rule (H. Res. 139) to provide for floor consideration of the concurrent resolution to set fiscal 1988 budget totals. Motion agreed to 241-174:Y(1-4-0), April 8, 1987.

47. H. Con. Res. 93. Budget Resolution, Fiscal 1988/Rule. Adoption of the rule (H. Res. 139) to provide for House floor consideration of the concurrent resolution to set fiscal 1988 budget totals. Adopted 241-168:Y(1-4-0), April 8, 1987.

49. H. Con. Res. 93. Budget Resolution, Fiscal 1988/Administration Budget. Gray, D-Pa., substitute to set fiscal 1988 budget totals as follows: new budget authority, $1.142 trillion; outlays, $1.024 trillion; revenues, $916.6 billion; deficit, $107.8 billion. Rejected 27-394:N(2-3-0), April 9, 1987.

50. H. Con. Res. 93. Budget Resolution, Fiscal 1988/Dannemeyer Budget. Dannemeyer, R-Calif., substitute to set fiscal 1988 budget totals as follows: new budget authority, $1.135 trillion; outlays, $1.027 trillion; revenues, $919.4 billion; deficit, $108 billion. Rejected 47-369:N(0-5-0), April 9, 1987 ed A1001-2.

RETIREMENT OF MR. LEWIS BUTTI

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1987

Mr. ACKERMAN. Mr. Speaker, it is my great pleasure to rise today to recognize the 40 years of service my friend and former colleague, Lewis Butti, has given to the educational community. I am especially honored to have worked with Lewis. In my previous career as a teacher I had the privilege of working with Lewis at Junior High School 142 in Queens. As the principal of this school, Lewis demonstrated all the best qualities an administrator and educator should possess.

Lewis' entire adult life has been dedicated to education. He has worked as a teacher and a supervisor at all levels, from elementary school to college. He has taught English, foreign languages, education, and humanities. Mr. Butti has also taught courses in Secondary School Problems and Methods in the New York University Graduate School as an ancillary professor. He has taught at the graduate level at the City College of New York, in the Intensive Teacher Training Program. He can proudly point out that many of his former students have gone on to become principals or professors. He is currently a member of the Principal Training Center at the City College of New York. In Community School District 28, Queens, Lewis has served as deputy to the Community Superintendent and Administrator of Curriculum and Instruction. In light of his knowledge of school administration, Lewis has served on panels to select junior high and elementary principals, and other employees at all educational levels.

This outstanding educator has always sought to learn from those around him, and has done so by participating in a wide variety of professional organizations, including the New York Schoolman's Club, the National Association of Secondary School Principals, the Phi Delta Kappa Honorary Fraternity, and the New York City Catholic Teachers Association, which once named him Teacher of the Year.

A good teachers commitment does not remain enclosed in a school, and neither does Lewis. He has been very active in many community organizations and has been an active participant in the political process. He was elected as a Queens County Democratic committeeman, as a delegate to several judicial conventions, and as an alternate to a New York State gubernatorial nomination convention. For 7 years he served as vice president of the Eastern Queens Democratic Club, and he has worked for good government throughout his life.

On the occasion of his retirement, Lewis' wife Mary; his children, Larry and Claire; and extended family, many of whom are teachers themselves, can look back on his acheivements, and hope they too can have as much impact and positive influence on young people as Lewis Butti has provided in his 46 years as an educator.

A CONGRESSIONAL SALUTE TO JIM WORSHAM AND THE McDONNELL DOUGLAS CORP.

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1987

Mr. ANDERSON. Mr. Speaker, it is my honor to rise today to pay tribute to Jim Worsham, corporate vice president, aerospace group executive for the McDonnell Douglas Corp., as well as the contributions of the McDonnell Douglas Corp. to the Boy Scouts of America. The Boy Scouts of America will honor Mr. Worsham and the McDonnell Douglas Corp. at the Long Beach Area Council's Annual "Report to the Community" dinner, November 24, 1987.

Jim Worsham is a native of Hopkinsville, KY. He is a graduate of Vanderbilt University, magna cum laude, BSME, and a graduate of the University of Arkansas, MSME. Upon graduation from college, Jim taught mechanical engineering at the college level for 3 years before joining General Electric.

Jim enjoyed 30 years at General Electric in which he accelerated in his work with the Aircraft Engine Group. He strived for perfection which led him to become vice president of commercial engines; vice president of military engines; and vice president of marketing development. His expertise and firm understanding of his area qualified him to direct activities for advanced engines and the G.E.I. building block advanced engine program.

Jim's efforts, knowledge, and great contributions were acknowledged in 1968 when he was presented the Goddard Award from the American Institute of Aeronautics and Astronautics for contributions to the development of the high bypass ratio turbofan engine.

Jim joined McDonnell Douglas in 1982. For 4 years prior to assuming his present duties in February 1987, he was president of Douglas Aircraft Co. Jim has a desire and a commitment to excellence. In 1987 he was selected "Engineer of the Year" by the Institution of Advancement of Engineering. Jim's efforts reflect the McDonnell Douglas Corp. itself.

The McDonnell Douglas Corp. is a huge defense contractor that is a frontrunner in electronic technology. Committed to quality, McDonnell Douglas has succeeded in becoming one of the most prestigious, respected corporations in the United States. McDonnell Douglas, however, still maintains an excellent relationship with the community outside the business world. With the use of its success, McDonnell Douglas can contribute heavily to worthwhile programs in its community, and is well respected for its efforts and achievements.

Mr. Speaker, the McDonnell Douglas Corp. has given much time, energy, and money to worthwhile organizations like the Boy Scouts of America. It is comforting to know that this large, powerful, industrious corporation can make itself available to contribute to the betterment of a community. Jim Worsham typifies the McDonnell Douglas attitude. He is an intricate part of this most prestigious corporation. Jim has served his company for many years displaying a commitment to his work. My wife, Lee, joins me in congratulating Jim Worsham and his wife, Sandra Lee, and the McDonnell Douglas Corp. for their many years of success, and their commitment to the Boy Scouts of America. We wish Jim and Sandra, and the McDonnell Douglas Corp. continued success in the years ahead.

CLAUDE PEPPER, PUBLIC SERVANT

HON. BILL NELSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1987

Mr. NELSON of Florida. Mr. Speaker, my distinguished colleague, Senator CLAUDE PEPPER, was recently honored by the National Coalition for Cancer Research for his outstanding service in the fight against cancer.

I would like to call attention to the fact that Senator PEPPER was one of the authors of the legislation establishing the National Cancer Institute and has been a long-time supporter of cancer research, making possible the first International Conference on Cancer and Aging held in Washington in September 1980.

On the 50th anniversary of the National Cancer Institute, Senator PEPPER was presented with a gold medal for his dedication to this cause. At that time, Congressman JAMIE WHITTEN delivered a most fitting tribute on CLAUDE PEPPER, the Public Servant. I would ask permission to insert this statement into the RECORD at this time. Thank you.

CLAUDE PEPPER, PUBLIC SERVANT

I greatly appreciate the opportunity you have given me tonight in recognizing an outstanding Member of the United States House of Representatives—one who served his apprenticeship in the United States Senate—the Honorable Claude Pepper of Florida, who has such a wonderful record of service go the people of the Nation.

Elected to the Senate on Novemer 4, 1936, he served there actively until January 3, 1951. Then on November 6, 1962, he was elected to the House of Representatives where he now serves as Chairman of the Committee on Rules, perhaps the most vital House position.

You know, there are two ways to serve in Congress—one is to merely record your views and the other is to do something about it. Claude Pepper has always been one to do something about it—not only cancer, but other diseases; not only protection of health, but education and all the other programs for the benefit of our people.

Claude was one of the first to support Federal programs to meet local problems. It was then that we set out to be one Nation, with somewhat equal opportunity, to our people regardless of the State where they lived. Since 1934, when the Congress agreed to meet local problems with national programs, our real national wealth has increased 41 times, and since 1940, 36 times.

Highways, hard surface roads, our schools and universities, factories electricity, water systems, and all the rest are investments in our Nation, its present and future, to which Claude is committed.

Has Claude Pepper changed over the years? I don't think so. You and the public have always known where he stood—out in front—active and successful.

He hasn't changed. He has adjusted to change.

Claude, this is a great tribute to you, not only for your length of service, but most importantly, for how well you have served.

It is a fitting tribute to you here tonight that the National Coalition for Cancer Research gives you this recognition on behalf of the people of our great Nation.

ANTI-INDIAN PREJUDICE AND VIOLENCE

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1987

Mr. EDWARDS of California. Mr. Speaker, I want to share with our colleagues a disturbing and serious problem, a recent upsurge in prejudice and violence against American Indians.

An optimist might think that prejudice and violence against members of minority groups are no longer a problem in this country, following the civil rights victories that started in the 1960's. But the past few years have seen an upsurge in this ugly activity.

Prejudice and violence appears to be increasing against American Indians, a group we too often overlook. There have been disturbing incidents when conflicts have arisen between Indian and non-Indian people, often led by organized hate groups. These events have not been isolated in one part of the country, but unfortunately have happened all over the country, in the West, the Southwest, and the Midwest. Left unchecked, this violence and prejudice will reproduce itself, spawning more hate and misunderstanding. We need to take a serious look at this problem.

Mr. Speaker, I know all our colleagues deplore the prejudice and violence against minority groups. In order to study the issue of anti-Indian violence and prejudice, the Subcommittee on Civil and Constitutional Rights, which I chair, had planned to hold hearings today on anti-Indian violence and prejudice. I decided, however, that the subcommittee needed further time to study the issue before hearings were held. We plan to conduct this hearing in the near future.

FRIEND OF YOUTH AWARD

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1987

Mr. RINALDO. Mr. Speaker, the Boys and Girls Club of Union, NJ, is one of the foremost organizations dedicated to serving the youth of my hometown. It benefits from the generous support of the citizens and businesses in Union. For many years, one of its most dedicated and enthusiastic supporters has been Thomas A. Ehrhart.

Hundreds of Tom Ehrhart's friends will join in honoring him on November 13 when he receives the second annual "Friend of Youth" award from the Boys and Girls Club. It is an honor which Tom Ehrhart richly deserves. Through his generosity and his encouragement of others to contribute to the Boys and Girls Club, its programs have, over the years, enriched the lives of thousands of boys and girls. Through recreation, education, and various other social activities, the Boys and Girls Club has been a source of community involvement in promoting Union Township's slogan, "What Helps Youth Helps Union."

A successful businessman and chairman of the Ehrhart-Babic Group, a leading market research firm in Englewood Cliffs, NJ, Tom Ehrhart has served his community in many ways since moving to Union 25 years ago. He has been involved in a number of civic, church, social, political, athletic, and philanthropic activities. He has served as president of the Holy Spirit Church Holy Name Society, was selected as "Man of the Year," and in 1969 was awarded Papal honors as a Knight of Malta, the highest lay award of the Catholic Church.

Union High School has enjoyed outstanding sports teams, most notably in football. Tom Ehrhart was one of the originators of the Union High School Grandstand Gang, a group devoted to supporting and rewarding athletic activities at Union High School. He also was a founder and director of the Union Senior Housing Corp. That successfully developed a 151-unit senior citizens project in Union with Federal funds. A second senior citizens housing project, Ehrhart Gardens, was named in his honor. He served for 7 years as vice president of the Boys and Girls Club of Union, and in 1974 the Union Lodge of Elks selected him as "Citizen of the Year." He was appointed to the New Jersey Public Broadcasting Authority by former Gov. Brendan Byrne.

I join my neighbors and friends in Union Township and the Boys and Girls Club in saluting one of Union Township's most outstanding citizens, Tom Ehrhart, and extend my congratulations to his wife, Margaret, and their two daughters, Joanne and Gail Marie.

DR. ISRAEL MOWSHOWITZ—50 YEARS AS A RABBI

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1987

Mr. ACKERMAN. Mr. Speaker, it is my great pleasure to rise today to recognize the 50th anniversary of the ordination of Rabbi Dr. Israel Mowshowitz. On November 8, the Hillcrest Jewish Center will dedicate its main sanctuary in honor of its Rabbi Emeritus. The past half century has, indeed, been very rewarding for the rabbi, who has dedicated his life not only to the Jewish community, but to the entire world community.

In 1949, rabbi, Mowshowitz arrived at the Hillcrest Jewish Center, which at the time was a small and struggling congregation. Under his guidance, this center of Jewish life in Queens grew into a vibrant organization of over 2,000 families. These member families are now provided with a religious school, a youth department, athletic program, and adult education classes and lectures.

In addition to his duties as rabbi, Dr. Mowshowitz has devoted a great deal of time and energy to the welfare of the world Jewish community. Among his many accomplishments, he was the spokesman for the first delegation of American rabbis to visit the Soviet Union in 1956, and he has served as president of the New York Board of Rabbis. He founded the International Synagogue at Kennedy Airport, and still serves as its honorary president. The distinguished rabbi has been cochair of the National Conference of Christians and Jews of Long Island, and was the first Jewish cochair of the Catholic-Jewish relations committee established after Vatican II.

Among his other achievements, Dr. Mowshowitz can be proud of cofounding the first "Crossroads Africa Project," the pilot program that helped launch the Peace Corps. Israel Mowshowitz currently serves on the board of directors of the New York State Dr. Martin Luther King, Jr. Commission, on the advisory board of Channel 13, the New York areas public television station, and as a delegate-at-large of the Jewish Community Relations Council. He also serves the people of New York State as assistant to Governor Cuomo for Community Affairs. The rabbi has been bestowed with an almost endless list of awards and honors.

Not only is this impressive man a rabbi, he is also a teacher and a licensed clinical psychologist. He has taught this subject at the University of Nebraska and at York College of the City University of New York, in Jamaica, Queens. To further expand his résumé, the rabbi can also call himself an author, having written three books, with a fourth currently in the works.

On this special occasion, I share the joy with Rabbi Mowshowitz, his wife, Libby, and their four children. I feel privileged to have a man of such great distinction as a constituent. The entire Queens community can be proud of the accomplishments of Israel Mowshowitz, and we can all hope that he will continue to serve us so well.

THE MINNESOTA TWINS BASEBALL TEAM, 1987 WORLD SERIES WINNER

HON. VIN WEBER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1987

Mr. WEBER. Mr. Speaker, all of us from Minnesota, and I might say millions who were watching television from around the Nation last week, were thrilled when the Minnesota Twins won the 84th World Series. It gave those of us from Minnesota and throughout the upper Midwest a tremendous surge of pride to have a world champion from our State for the first time since the Minneapolis Lakers won the NBA title in 1954.

I think it will be quite a while before anyone in our part of the country forgets the great moments of the series; the ace pitching of Frank Viola in games one and seven, the clinch hitting of Dan Gladden and Tim Laudner in games one and two, the crucial defensive fielding by Gary Gaetti and Kirby Puckett throughout the series, the tremendous grand slam home run by Kent Hrbeck in game six, and the real cap—the Jeff Reardon relief pitching that brought home the seventh game, and the World Championship to Minnesota.

In addition to the exploits of the players, I'm sure that the enthusiasm of the tens of thousands of Minnesota fans, waving their homer hankies in the "Thunder Dome," and in the living rooms and downtown businesses across Minnesota, won't soon be forgotten either.

It was a tremendous pleasure for us in the Minnesota delegation to welcome the Minnesota Twins organization to Washington last week. They had a morning welcome by the President of the United States in the White House Rose Garden and then a short lunch with us on the Senate side, and later a rally with hundreds of ex-Washington Senators', and now Minnesota Twins' fans in our own House caucus room.

Though I extended my congratulations personally to many of the Twins at that time, I would like to extend my congratulations again for the RECORD to Tom Kelly, the Twins manager, their owner Carl Pohlad, and all the Twins players who gave us such a terrific season and a World Series victory.

I thought the President's remarks to the Twins during their meeting were especiallly appropriate in capturing the spirit of their victory, and I would like to include them now for the RECORD. And as Carl Pohlad said to the President, we look forward to doing this again next year.

REMARKS BY THE PRESIDENT IN GREETING TO THE MINNESOTA TWINS BASEBALL TEAM, 1987 WORLD SERIES WINNER

THE PRESIDENT. Well, I thank you all and I'd like to welcome the winners of the 84th World Series, the Minnesota Twins—(applause)—their owner, Carl Pohlad; and the umpires and officials of Major League Baseball to the White House and Washington, the Twins' original home. And by the way, if you'd like to move back here, keep in mind, there's no astroturf here—(laughter)—the Rose Garden has real grass. (Laughter.) And I know there are a lot of people in this town who want a Major League baseball team again, so if you guys ever get tired of playing in front of all those screaming, adoring fans, you're welcome back. (Laughter.)

Well, actually, I could use a couple of you guys in the Congress hitting some grand slams for me up there—and maybe some of you umpires calling the shots.

But seriously, I'd like to congratulate your manager, Tom Kelly—the youngest nonplaying manager to take his team to a World Series since 1905—(applause)—and Frank Viola, the Series Most Valuable player; and Garry Gaetti, the League Championship Series Most Valuable Player. And, Frank and Garry, you two really did an outstanding job, as did all the Twins.

You know, right up until the end, there were a few skeptics saying the Twins didn't stand a chance. Well, you guys proved them wrong, winning all four home games, which is the way it should have been—what with your home-win percentage of .691, the best of any team during the past season. That's one heck of a finish considering the Twins were 150-1 long-shots at the start of the season.

But with Frank's pitching; Garry's fielding; and the hitting of Kirby Puckett, and Dan Gladden, and Tom Brunansky and Kent Hrbeck, your team was a shoo-in. As Kirby said after the final victory, you're "number one in the whole world." (Applause.)

The Minnesota Twins franchise has come a long way in the past 86 years. It started out as the Washington Senators, won the '24 World Series; lost in the '25 and '33 Series; moved to Minnesota in '61; and lost the '65 Series; and finally, ending up with a thrilling seventh game victory in front of 55,376 decibel-shattering fans. (Laughter and applause.) You know, one sportscaster announcing those games proclaimed, "Forget the decibel meter; how about the Richter Scale." (Laughter.) Or as second baseman Steve Lombardozzi said, "I wish all the fans that were out there tonight could stand in my shoes and feel the exhilarating feeling. It is beyond description." Well, Steve, I'm not sure those fans didn't feel a bit of the exhilaration. I know they felt the thunder.

And you know all this talk about baseball, I got to get into the game somehow myself here with a story. I set a record in baseball, in Major League baseball. I wasn't playing, I was a sports announcer. I was doing a telegraphic report game of the Cubs and the Cards. Billy Jurges at the plate, ninth inning, the game tied up. I saw my operator on the other side of the window, with the headphones on, listening to the dot and dash from the field, and start typing—meaning that there was something—the ball was on the way to the plate. And so I didn't wait. I said—Dizzy Dean was on the mound, and I said, "All right, Dean has got his sign. He's out of the wind-up. Here comes the pitch."

And he was shaking his head, no. And I took it and it said the wire had gone dead. (Laughter.) I had a ball on the way to the plate. (Laughter.) So I had Jurges foul it off. (Laughter.) And then I thought—you know, in those days, a dozen of us were broadcasting the same baseball game. It wasn't one outfit. And I didn't want to, at that point of the game, lose my audience. So I decided I'd have Jurges foul another one off, which he did. (Laughter.) And my operator still just sitting there.

Then I had him foul one that just missed being a homerun by a foot. (Laughter.) Then I had him foul one down back of third and I described the two kids that got in a fight over the ball. (Laughter.) Well, this went on until I knew now I couldn't back out, I'd had him at the plate so long. And all of sudden, Curly started typing. And I started another ball to the plate, got it—and I could hardly talk for giggling. Jurges popped out on the first ball pitched. (Laughter.) But in the meantime, I had set a baseball record for successive fouls and length of time at the bat for one player. (Laughter and applause.)

Well, you know, this is the true essence of sportsmanship, what has taken place here. A World Series saw to teams competing right down to the ninth inning of the seventh game. And it's reflected, I think, in St. Louis manager Whitey Herzog's statement, "We got to the seventh game of the World Series. If I could do that for the next 10 years, Id' be satisfied." Well, the Cards just might do that, considering they're the only team to play in the World Series three times in this decade. And to reach this playoff the Cardinals had to overcome the immense talent of three great teams, the Mets, the Expos, and the Giants.

I'd like to think the Cardinals were winners in their own way. They made no excuses and they accepted their defeat with class. (Applause.)

So to all you champions here and those homer hanky-waving Minnesotans back home as well as here, again congratulations. And Steve Lombardozzi no longer needs to worry about hearing the term "Twinkie" anymore. (Laughter.) The Minnesota Twins are the World Champs.

So good luck, champs, and God bless you all. (Applause.)

Mr. POHLAD. Well, thank you, Mr. President. On behalf of the Minnesota Twins, Minnesota, and the entire upper Midwest area, we thank you for this honor, Mr. President.

I'd like to take a moment of silence just to extend our deep sympathy to Mrs. Reagan and the unfortunate death of her mother. So if you'll just be quiet and bow your heads for a second. (A moment of silence.) I hope, Mr. President, you will extend our best to Mrs. Reagan.

The PRESIDENT. I will.

Mr. POHLAD. You know, there used to be an old saying around Washington. Washington is noted for being "first in war, first in peace, and you could always depend on the Senators to finish last." (Laughter.) I'm proud of our team, Mr. President. They operate—or, work together as a family. Never have I heard the expression "I." You understand how important it is to work as a team. And everything I've heard this year has been "we, we, we," and I think it's a great tribute to you players out there.

And I'm looking forward to being back here, personally, next year at this time, if you'll be good enough to invite me. (Laughter and applause.)

Now, I can remember Mr. Reagan when he used to—Mr. President, I should say, announce at WHO in Des Moines.

The PRESIDENT. Yes.

Mr. POHLAD. I was brought up in Valley Junction. You've probably never heard of that.

The PRESIDENT. Oh, yes.

Mr. POHLAD. Now known as West Des Moines. They've changed the name, and they're trying to get the name now changed back to Valley Junction. So that's because I guess I was there or something. (Laughter.)

Well, anyway, thank you again, Mr. President, for inviting us, and as I say, we'll look forward to next year. (Applause.)

Mr. KELLY. On behalf of the ball club, I get to do the honors. But one thing I want to bring up here—after looking at these umpires for seven days, It's nice to see their wives with them here today. (Laughter and applause.) What an awful sight for seven days. God! Frightening! (Laughter.) You think talking to the media is bad—you talk to these fellows for seven days. (Laughter.) Okay.

On behalf of the ball club, Mr. President, we've brought along a few tokens of our appreciation of you having us here. We've got a couple of Kent Hrback model bats, but we've got everybody's name on there. And one's for you and Mrs. Reagan. Also, we have a shirt that Frankie is going to model here. (Applause.) And also, from the wives, the wives brought their—a whistle along for you—for Mrs. Reagan. (Applause.) Okay. If you need that to referee any of your talks coming up, just whip that baby out. (Laughter.)

The PRESIDENT. Thank you very much.

Mr. KELLY. Do you want me to hold them for you?

The PRESIDENT. No. I thank you very much. I'm very proud to have these things. And before I blow the whistle, I do want to thank you for also that moment for Nancy. And I couldn't help but think how appropriate.

Nancy's mother was a wonderful woman. And she always insisted that Nancy's July 6th birthday was supposed to be July 4th. But there was a double-header that day—(laughter)—and she postponed it. (Laughter.) She was in New York, and a Yankee fan at the time. (Laughter.) But I'm just—I'm very proud to have these, and proud of all of you. And now (The President blows a whistle) here we go. (Applause.)

A CHAMPION FOR WOMEN

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1987

Ms. OAKAR. Mr. Speaker, I rise today in order to commemorate a truly great woman and friend of mine. I am speaking of Rose Kushner, who in the eyes of many people is the champion of women who have been afflicted with breast cancer.

Rose Kushner has had more than one fight with breast cancer and she has won them all. This is due to an amazing inner strength and personal grace. In many ways, Rose Kushner represents an ultimate in human dignity.

Perhaps even more astonishing than her personal fight with breast cancer, is her continual battle to educate the American public about this terrible disease. Rose has been very active for over 15 years in trying to prod legislators to alter existing laws that do not cover breast cancer screening. In fact, she has been instrumental in the formulation of my bill, H.R. 2935, that provides for free annual mammograms for all women covered by Medicare. I owe a debt of gratitude for all of her assistance.

Perhaps the best tribute to Rose Kushner is to help her further educate the public on the evils of breast cancer. The fact is that breast cancer kills over 38,000 women and has affected over 1.5 million women. This is a staggering problem requiring quick action. On behalf of Rose Kushner and all American women, I urge all of my colleagues to vote for legislation that provides coverage for breast cancer screening.

Again, congratulations Rose. You have been a great inspiration to all American women.

The following is an article which appeared in the Baltimore Sun about Rose.

[From the Baltimore Sun, Oct. 20, 1987]

THE BIGGEST PROBLEM IS THE FEAR—WOMEN URGED TO WEIGH ALTERNATIVES TO MASTECTOMY

(By Susan Baer)

KENSINGTON.—Friday was a carbon copy of a Friday in 1974 for Rose Kushner. Complete deja vu, she says. She was just as urgent in trying to get a message to the White House as she had been 13 years ago. She was just as relentless in trying to get someone to listen, just as passionate about what she had to say.

And just as unsuccessful.

Which is not typical for the outspoken Rose Kushner, 58, founder and executive director of the Breast Cancer Advisory Center, author, presidential appointee to the National Cancer Advisory Board, and, as she says, "professional cancer patient."

Since her bout with breast cancer in 1974, she has taught herself as much about breast cancer as any doctor. "More," she says. Doctors sometimes call her.

She has been a one-person lobbying team, effectively changing much about the way women think about, and doctors treat, a disease that affects one out of every 10 women. Her efforts have made rare the once-common "one-step" procedure Nancy Reagan underwent last week in which a biopsy that turns up positive is immediately followed by a mastectomy. And she pushed doctors to investigate alternatives to mastectomies—such as the lumpectomy, in which only the cancerous tumor and surrounding healthy tissue is removed, and the lumpectomy followed by radiation treatment, procedures now widely accepted by doctors as viable, equally successful, alternatives to the mastectomy.

"My line for the past 10 years has been that when you find it (cancer) when it's very small, you may not only be able to save your life, but you can also save your breast," says the small, but definitely spunky, Kensington wife and mother of three grown children.

So Friday, when friends at the White House called her with rumors that Nancy Reagan was to be admitted to Bethesda Naval Hospital for a biopsy of a lump in her left breast, found by a routine mammogram, Ms. Kushner stayed on the phone from 9:30 in the morning until 11:30 at night, calling everyone she knew who could possibly get through to the Reagans or the doctors.

Wearing the same crusader jacket she sported Sept. 27, 1974, the night before Betty Ford's biopsy and subsequent mastectomy, she wanted to urge the first lady not to rush into an immediate mastectomy should the biopsy turn up cancer. More conclusive study of the tissue, including a second opinion, should be done, Ms. Kushner believed, and other, less drastic, alternatives should be considered.

But Rose Kushner did not have her say.

"I'm worried that women may feel, what's the point of getting a mammogram if the treatment for something found through that kind of screening is the same for a tumor the size of a walnut or a lemon," she said yesterday of Nancy Reagan's decision to have a mastectomy to treat the non-invasive, 7-millimeter lesion. "Younger women, especially, think first of their breast, then of their lives."

"I was going to keep quiet about the treatment, until I got calls from five women who had this kind of in situ [or confined and non-invasive] carcinoma who said that tomorrow they were going to go in for a mastectomy. If they did it to Mrs. Reagan . . .

"I don't want women to feel the president's wife got the best. The president's wife got what the president's wife wanted and what I assume her doctors recommended."

And though she may oppose the one-step procedure, Ms. Kushner says, "The important thing is that Mrs. Reagan was awake and made her own decision." And had a choice.

In her own case, Ms. Kushner called 19 surgeons before she would find one who would perform a biopsy only on the lump in the left breast she found on June 15, 1974—a date as much a part of her as her birth date—and agree not to perform an immediate mastectomy if the lump was found to be malignant.

It was malignant, and the surgeon was furious he had made such an agreement, Ms. Kushner says. But he had.

Her next search, after extensive reading, was for a surgeon who would perform a modified radical mastectomy, in which the pectoral muscles are left, as opposed to the Halsted radical mastectomy in which the breast, lymph nodes and muscles are all removed. After traveling to several hospitals, she arrived, with her excised tumor in a Maxwell-House coffee can of formaldehyde, at the office of Dr. Thomas L. Dao, at Roswell Park Memorial Institute in Buffalo, who performed the surgery.

Through the entire ordeal, Ms. Kushner kept notes and, when whe could no longer type with her left hand, she recorded tapes. She wrote an article for the Washington Post about her experience, and the article formed the basis for her first book, "Breast Cancer, A Personal History and Investigative Report," a hefty paperback which she completed in five weeks. The book has been updated and reissued several times, renamed "Why Me," ["Women didn't want to be seen buying a book on breast cancer," she said] and most recently, "Alternatives."

Through her book and her pamphlets, her articles and lectures, her appointment by President Carter to the National Cancer Advisory Board, Ms. Kushner has become known as a sort of breast cancer guru. Letters come to her home addressed to "Mrs. Breast Cancer." The phone at her contemporary, glass home rarely stops ringing—especially when breast cancer is in the news.

And next month, the American Cancer Society is to award her its highest honor, its Medal of Honor. "Rose Kushner has probably done more than any single lay person in the country for breast cancer and for putting women in a much better situation to deal with it in a life-saving way," said Irv Rimer, a vice president with the American Cancer Society. "She's a fighter and she's accomplished a great deal."

Dr. E. George Elias, a cancer surgeon at the University of Maryland, said Ms. Kushner was a key player in pushing for the landmark project, published in 1985, that showed comparable survival rates for patients undergoing a lumpectomy and radiation combination as those choosing a mastectomy. "She pushed her point," said Dr. Elias. "And that's the way to get around in the world. She watched us like a hawk."

Some doctors, however, issue a few caveats along with their praise of Rose Kushner. "She is a very outspoken consumer advocate for the right of women," said Dr. Arthur Serpick, an oncologist and director of medicine at St. Joseph's Hospital. "She wrote a nice book. She's a bright woman and has done a lot for a cause. But not every lay person can make medical decisions. If you read between the lines in her book, she wants every patient to make medical decisions. I think every women should go to a physician she trusts and has confidence in and be a part of the decision making. Not everyone can do what Rose did, going from city to city."

Ms. Kushner says she's always been interested in medicine. After graduating from Forest Park High School in 1946, she enrolled at Johns Hopkins as a premed student. But, as her parents had both died when she was young, her mother of a stroke, her father of a heart attack, she was supporting herself and couldn't come up with the tuition to finish a year there. Instead, she got a job working in a psychiatric lab at the Hopkins Medical School.

It was there she met her husband, Harvey, a senior at Hopkins who is now a mechanical engineer. The two were married in 1950 and moved to Falls Church the following year. Ms. Kushner continued to work in medicine, finding jobs at Arlington, and then Suburban, hospitals.

She picked up the jargon, the "medicalese," as well as much knowledge about the field. She also picked up what one might gently call her healthy wariness of doctors.

"I learned that doctors are just plain human beings," she says. "I learned that M.D. does not stand for 'medical deity.' And that doctors made mistakes."

While she raised her three children, Gantt, now 35, Todd, 31, and Lesley, 28, she began to write medical articles for some of the local papers, including The Sun. In 1967, she went to Vietnam for several months to write articles for The Sun and to work on a book she had started with a former professor of hers at the University of Maryland where she had gone back to school, part-time, to study psychiatry. Although the book was never published, the Vietnam war became one of her metaphors for what would rule the subsequent years, and decades, of her life—cancer. "A human body invaded by cancer is like a country battling a small guerrilla insurgency," she writes in her book.

In 1972, the Kushners moved to Kensington, and Rose continued to write medical and news articles—until the summer of 1974, when there was only topic that she began to write about, one cause she would pursue. She has run the Breast Cancer Advisory Center from her home since 1975, in earlier days manning a hot line, now just making referrals to patients.

"Breast cancer has created a whole career for me," she says.

Four years after her mastectomy, Ms. Kushner had reconstructive surgery—that has not been without some complications—and now proudly boasts a cleavage. "My cleavage is my trademark," she says. And her "uniform" has become a low-neck shirt.

But, while she remains cheery and optimistic—and definitely still outspoken—the ending isn't as happy as it once was. She has had two recurrences since 1982, both skin cancers in the breast area, which means her 10-year survival rate has dropped from 95 percent to "maybe 60 percent," she says. Running the Advisory Center, she concedes, "is not as much fun since the recurrences. I thought I was cured. I now know I'm not cured."

But she knows her crusade—to involve the patients, to give them choices, to give them some time between a diagnosis of cancer and treatment—has taken the edge off of breast cancer for many patients. "The biggest problem is the fear," she says. "Once you know where you stand, once you make up your mind what you're going to do and you had a role in the decision making, you feel better."

Cured or not, she knows she does.

SHARING DEFENSE COSTS

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1987

Mr. LIPINSKI. Mr. Speaker, in recent months, there have been numerous calls for our allies in Europe and Asia to shoulder more of the burden for their own defense.

At present, we spend a sum equivalent to 6.9 percent of our GNP for defense while such economically sound states such as Japan and West Germany pay out only 1 percent and 3.2 percent respectively. This disparity in outlays, which has become a sore spot in relations within the Western alliance, has been magnified due to the continued existence of huge trade deficits with these states as well as with other important allies around the world. Americans, ranging from my distinguished colleague from Colorado Representative SCHROEDER to real estate tycoon Donald Trump, have expressed a sense of anger and outrage. There appears to be a consensus that our allies, in light of their financial ability, should be forced to contribute more for defense.

In order to achieve this end, several varying proposals have been put forth. The most simplistic of which calls for the withdrawal of forces from Europe and elsewhere. The more complex, such as that which has been proposed by Representative SCHROEDER, seek among other things to tie our allies defense contributions to a flexible tariff system. This system would make it advantageous for our allies to pay their fair share of defense costs. If for some reason they do not, they are penalized with tariffs on their imports into the United States. The guiding principle behind this legislation appears to be a sense of frustration that, while we are tying up huge amounts of our capital to defend our allies, they are using their own to improve their economies and enhance their respective positions in the world marketplace. As a consequence of this condition, the U.S. economy is suffering. This fact is most visibly reflected in the extraordinary trade deficits which have been occurring.

Japan presents perhaps the most poignant example of this problem, her constitution mandates that she spend an amount no more than 1 percent of her GNP on defense. This provision, put into place to prevent Japan from rebuilding her military might after World War II, has aided in the creation of an economic power unprecedented in the postwar world. However, this renaissance has come at a great cost to United States markets which have been battered by the Japanese. There have been calls to persuade the Japanese to contribute more heavily to her own defense. This idea, though not without merit, could potentially cause problems as other Asian nations tend to be wary of Japanese rearmament. To avoid creating such fear, it has been suggested that Japan contribute an amount comparable to what we pay for her defense in the form of foreign aid. This proposal, would serve Western interests internationally, possibly prevent Japan's economy from benefiting at our expense, and keep other Asian allies free from the fears of Japanese rearmament, certainly warrants consideration.

According to Representative SCHROEDER, at present, approximately $150 billion of the $300 billion which the United States spends on defense is used to fulfill our obligations to NATO. At the same time, our trade deficit is running at about $175 billion a year. Thus, according to this line of reasoning, we are spending an amount to protect our allies roughly comparable to what we lose annually in the trade war.

Though such figures may evoke strong feelings of resentment toward our allies, it is essential to bear in mind the undeniable fact that their defense and well-being is inextricably linked to our very own. We have already lost Eastern Europe to the Soviets, and we will not permit that same fate to befall the remaining free States on the European continent and Asia. Too many American lives have been lost due to conflicts in/on these continents for us to simply walk away now. The Soviet threat has not diminished—it remains as potent as ever. We must maintain a state of constant readiness on all fronts if we intend to keep intact a viable deterrence and to have the ability to meet any situation which might arise.

Another interesting analysis of the current situation has been put forth by former Carter National Security Adviser Zbignew Brzezinski. Brzezinski believes that "the real question confronting the United States is what is the best distribution of U.S. Forces globally, given the likely geostrategic threats to our interest." In his view, the current number of troops in Europe is not sacrosanct. The United States must in fact constantly reassess the changing world situation and deploy its troops accordingly. Such a view does not necessarily mean a weakening of U.S. strength and interests, but actually seeks to enhance the U.S. position globally, and is worthy of consideration.

There is no shame in calling for greater sharing of defense costs between the United States and her allies. This idea is not incompatible with maintaining strength. We cannot, and most certainly will not, walk away from our commitments to our allies, but we must be willing to make readjustments such as sharing of costs. Given our current economic situation it is imperative that we make the best use of our spending and our contributions don't come to haunt us in the form of huge trade deficits.

FROM ATOM SMASHERS TO CANCER SMASHERS: MEDICINE BENEFITS FROM PHYSICS RESEARCH

HON. HARRIS W. FAWELL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1987

Mr. FAWELL. Mr. Speaker, a new weapon may soon be added to the war against cancer, thanks to collaborative research between California's Loma Linda University Medical Center and Illinois' Fermi National Accelerator Laboratory. Proton beam therapy is as much a success story for modern medicine as it is a reminder that such "remote" fields as high energy physics can produce dramatic—and unexpected—benefits for society.

Medical scientists estimate that 100,000 Americans die each year due to uncontrolled tumor growth. Currently doctors rely on surgery, drugs, and radiotherapy to combat cancer. However, many tumors are inoperable, and existing radiation techniques cause damage to both cancerous and healthy tissue. X rays, for example, are widely used in cancer therapy, yet doctors have only a limited ability to control the dosage of x rays through the body. In order to limit damage to healthy tissue, doctors have to administer a less then optimal dosage of x rays to the tumor. What doctors need is the ability to focus radiation on the tumor alone, while leaving healthy tissue untouched.

Proton beam therapy will provide the solution. Unlike x rays, protons—heavy, charged particles found in atomic nuclei—are able to safely penetrate surface tissues to reach tumors underneath. The depth of penetration can be carefully controlled by varying the energy of the protons as they are emitted by a particle accelerator. Protons have the added advantage that the energy they carry is deposited within a very small range. As a result, a physician is able to maximize the dosage received by the tumor while protecting surrounding and surface tissues.

Preliminary experiments have demonstrated the success of proton beam therapy. Eye tumors treated through this method have a cure rate of 95 percent, compared to only 60 percent with surgical methods. Tumors at the base of the skull, which are normally untreatable, now have a cure rate of 85 percent. Doctors have achieved these and other amazing results even though they have had to use proton accelerators designed not for medical use but for basic physics research.

Since 1970 Lomo Linda University Medical Center in Loma Linda, CA has been studying and preparing for a clinical-based proton accelerator that would be specifically designed to provide daily cancer treatment. Over 1,000 cancer patients per year could be treated with this cancer smasher. In addition, this facility would greatly reduce the costs and anxieties of cancer treatment. Proton beam therapy has no significant side effects on the patient, so patients would be spared the need for expensive inpatient care. After 17 years of planning, this goal may soon become a reality, with the help of the accelerator experts at Fermi National Accelerator Laboratory who will design and construct Loma Linda's proton accelerator.

Fermilab is best known as the world's center for high energy physics research. There scientists use the world's most powerful accelerator, the Tevatron, to study nature on its smallest, most fundamental scale. Scientists are also finding practical applications for accelerators outside of basic research. Accelerators in various forms are now being used for ion implantation, materials science, biological and medical research, and many other areas of research. The Loma Linda accelerator is only the most recent example of the growing use of particle accelerators.

Interestingly enough, there is a long history of interplay between medicine and particle physics. For example, the high-energy electron accelerators currently used for cancer therapy are, like the proposed proton beam accelerator, offshoots of accelerator technology originally developed for atom smashing. Proton beam therapy would not even be possible without recent advances in medical diagnostics, particularly the development of CAT [computed tomography] scanners and MRI [magnetic resonance imaging] devices. MRI technology, in turn, followed from the particle physicists' discovery of the magnetic properties of atomic nuclei in the 1940's. Looking even farther back, the discovery of x-rays and radioactive materials in the late 1800's virtually opened up the entire field of particle physics in addition to providing new tools for medicine and medical research.

As we debate the merits of constructing new accelerator facilities, like the superconducting super collider, it is worth keeping in mind the fact that seemingly abstract sciences like high energy physics frequently yield practical benefits. Proton beam therapy typifies the kind of unexpected but very real benefits we enjoy from basic research. The physicists who first built particle accelerators to investigate the properties of the atom could hardly have predicted that the technology they would develop would later be used to save thousands of lives. Yet the wonder of science is its very unpredictability and the subtle interplays between seemingly separate fields. As a member of the House Science, Space, and Technology Committee, I believe that our Nation must continue to invest in basic research and make civilian research a priority in the budget. Thank you, Mr. Speaker.

DEBATE ON H.R. 3545—THE OMNIBUS RECONCILIATION ACT

HON. ALFRED A. (AL) McCANDLESS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1987

Mr. McCANDLESS. Mr. Speaker, the procedure did not permit the inclusion of my statement in the CONGRESSIONAL RECORD during the debate on H.R. 3545, the Omnibus Reconciliation Act. What follows is my statement of Thursday, October 29th:

Mr. Chairman, I rise in opposition to H.R. 3545, the Omnibus Reconciliation Act.

For years, the Republicans have referred to the Democrats as the party of "Tax and Tax—Spend and Spend." Some Democrats have protested this label, but in the case of H.R. 3545, the label fits. As brought to the floor of the House of Representatives this morning, the Omnibus Reconciliation Act had new and higher taxes—nearly $60 billion worth over the next 3 years—and new spending of nearly $7 billion over the next 5 years in the form of expanded entitlement programs inappropriately called "welfare reform." In addition, carefully tucked away in the spending portions of the bill is a 3 percent pay raise for Members of Congress.

In December 1985, with the passage of the Gramm-Rudman balanced budget law, Congress made a commitment to the American people. That commitment was to reduce the Federal deficit and balance the budget by 1991. Honoring that commitment is the single most important task facing Congress, yet it has largely been ignored. The original Gramm-Rudman deficit target for fiscal year 1987 was $144 billion. The target for fiscal year 1988 was $108 billion. However, Congress did not keep its promise. Spending increased, new Federal programs were created, existing programs were expanded, but not a single program or subsidy was terminated. In fact, Congress was so far off the mark, that we had to go back and change the deficit targets. The new target for fiscal year 1988 is the old target for fiscal year 1987—$144 billion. In other words, Congress made absolutely no progress toward reducing the defict last year. And now we are being told by the proponents of H.R. 3545 that the only way we can meet the new/old target is by raising taxes by $14.1 billion next year. Well, Mr. Chairman, I don't buy it, and I will not vote for H.R. 3545.

The purpose of a "reconciliation" bill is to reconcile Federal spending with the Federal budget and with the Gramm-Rudman deficit targets. The idea is to reduce spending and to reorganize our spending priorities. That idea was apparently lost on the Democratic authors of H.R. 3545 who reverted back to their instincts of tax and spend.

There are two paths to deficit reduction. The first is the path of reducing spending. The second is the path of increasing taxes. A middle path of tax increases now and promised spending reductions later has been tried, and the results have been poor. In 1982, Congress passed the largest tax increase in history with the promise to reduce spending by $3 for every additional $1 raised. Not only did those spending reductions never materialize, but spending actually increased $1.14 for every new tax dollar. We repeated the process in 1984, again with a promise to cut spending by $1 for every $1 of new taxes. Only 20 percent of those spending reductions were ever enacted. Another venture down the path of tax increases is only likely to lead to similar results. And, under no circumstances should we even consider raising taxes while giving ourselves a pay raise. Yet that is exactly what H.R. 3545 does.

After we have thoroughly re-examined all Federal spending, cut out waste and obsolete and unnecessary programs, established our spending priorities, and considered new ways to better utilize Federal resources, then, and only then, should we begin to talk about new or higher taxes to reduce the deficit.

Even without another tax increase, Federal revenues will increase. Since 1980, even with the reductions in the marginal rates, revenues have increased by $333 billion. The Congressional Budget Office estimated earlier this year that Federal revenues will increase an average of $77 billion a year over the next 5 years. In other words, if Congress would control spending, we could meet the Gramm-Rudman deficit targets without draconian budget cuts and higher taxes. But Federal spending is not under control. It has gone from $591 billion in 1980 to over $1 trillion this year.

Actual spending reductions in H.R. 3545 amount to less than $1 billion. Now, that's a start, but it's not nearly enough. A trillion is 1,000 billion. What H.R. 3545 says, is that after Contress thoroughly examined its trillion dollar budget, it only found less than one one-thousandth of unnecessary, wasteful, and obsolete Federal spending. Mr. Chairman, the American people and our constituents know better than that.

As introduced, there were major components to H.R. 3545: First, tax increases; second, technical corrections to the Tax Reform Act of 1986; third, welfare reform; and fourth, spending cuts.

H.R. 3545 would raise taxes by $14.1 billion in fiscal year 1988, and by $59.1 billion over the next 3 years. By limiting mortgage interest deductions, changes in employee pension plans, and estate and gift taxes, the bill will raise $2.3 billion in fiscal year 1988 ($12.5 billion over 3 years) from individuals. The remainder is primarily raised by changes and increases in business taxes. While businesses should pay their fair share of taxes, it should be remembered that taxes, like rent, salaries, overhead, and other expenses, are costs of doing business that are ultimately passed on to the consumer in the form of higher prices. At a time when we are trying to reduce our foreign trade deficit and improve our competitiveness in the world market, higher taxes and higher prices will only make the trade deficit worse.

H.R. 3545 incorporates over 70 "technical" changes in the Tax Reform Act of 1986. As one who opposed the Tax Reform Act, I support many of those changes. However, there are many changes that cause me grave concern. They are not good changes, they are "treats" for members of the Democratic leadership. Included in H.R. 3545 is:

Forgiveness of a $4 million tax liability of the Ballard Estate in Tarrant County, TX, which happens to be located in Speaker JIM WRIGHT's district.

A $42 million tax refund for Kaiser Aluminum and Chemical Corp. in the form of special permission to carry back its investment tax credit for 15 years, enabling it to offset its tax liability in prior years. Kaiser is located in majority leader TOM FOLEY's district.

Similar special treatment for Southwestern Bell Corp. of St. Louis, MI, which is in Democratic caucus chairman DICK GEPHARDT's district.

A special provision is included to assist a domed stadium project in Cleveland, OH, home of the Democratic caucus vice chairman, MARY ROSE OAKAR.

Special tax treatment for the Claridge Hotel in Chicago, IL, on behalf of the chairman of the Ways and Means Committee, DAN ROSTENKOWSKI.

A $26 million tax break for McLouth Steel Co. in Trenton, MI, in the form of permission to carry forward net operating losses to offset future income. Trenton is located in Energy and Commerce Committee Chairman JOHN DINGELL's district.

Preferential tax treatment for the University of Miami, located in Rules Committee Chairman CLAUDE PEPPER's district.

The original version of H.R. 3545 contained what was erroneously called "welfare reform." It wasn't reform, it was a liberalization of entitlement eligibility for AFDC and food stamps. The price tag was $200 million in fiscal year 1988 and $6.6 billion over the next 5 years.

I welcome the opportunity to consider welfare reform. It is long overdue. However, H.R. 3545 was not real welfare reform and a reconciliation bill is not the place to consider new and higher spending. We're supposed to be reducing the deficit, not adding to it. Apparently a majority of the House of Representatives agreed as 48 Democrats voted with a unanimous 169 Republicans this morning to delete "welfare reform" from the bill by a 217 to 203 margin.

Nor is there much to support in H.R. 3545 when it comes to alleged spending "cuts." It is the usual collection of smoke and mirrors bogus deficit reductions. Over $1.7 billion in "savings" is achieved merely by shifting spending to fiscal year 1989. Other "savings" include raising another $1 billion in the form of user fees and other Government receipts. Once again, however, not a single Federal program is terminated.

In short, Mr. Chairman, this bill is nothing short of pure partisan politics. The President will not sign it. It is a tool by which the House Democrats hope to score political points against the administration. The American people deserve better. They deserve real and decisive action on the Federal deficit. They deserve to be spared from the tax and spend policies that have led us to a national debt in excess of $2 trillion. They deserve to have Congress honor its commitment to move with certainty toward a balanced Federal budget. That, more than anything else, will calm the waves on Wall Street.

In the spirit of Halloween, it is fair to refer to H.R. 3545 as a trick, not a treat. We can do better. Therefore I will vote against the bill and I would urge my colleagues to do likewise.

DOW JONES, AND MR. AND MRS. JONES

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1987

Mr. MILLER of California. Mr. Speaker, last week, I addressed the House in the wake of the crash of the stock market and discussed the underlying economic weakness in this country which have been obscured by hubris and homilies of the administration.

I noted that for years, the President has entertained the Nation into misplaced confidence about the strength of the economy and about his willingness to take tough political actions to address the national debt, which has doubled in just 7 years under his stewardship.

As I noted in that floor statement, millions of Americans have never enjoyed the economic boom in the Reagan years. While the Dow Jones boomed, Mr. and Mrs. Jones—in thousands of towns and cities across this Nation—have faced relentless poverty, declining wages and job opportunities, and a gnawing realization that economic security was beyond their grasp.

The severity of that situation has now been detailed in a new series by the Washington Post entitled, "Almost Poor." The first in the series, "A Fifth of Americans on the Margin" ran in yesterday's paper.

According to the Post, there are millions of Americans—old, middle aged, and young—who are not quite poor, but far from economically comfortable. They aspire not the wealth through stock speculation, but to economic security for their families, generally through hard, but minimally profitable, work.

These are the families with an annual income of $9,941 to $18,700—the retirees, the undereducated young worker, the dropout, and the single parent. They are following the traditional advice of working hard and sacrificing, but what they receive for their labors are abysmal wages that barely keep their families from impoverishment.

And, as the Post notes, the median income for America's black and Hispanic families falls within this income range—meaning that what is "working poor" for many is, in fact, "middle class" for millions of American families.

As we continue to search for the reasons for the collapse of the market 2 weeks ago, those of us in this House should keep in mind that the indicators of economic trouble were there long ago for all to see, if we chose to look. It is all well and good to focus on the "yuppies" and the revival of formal parties and the boom in imported foods.

But for millions of our fellow citizens, the alchemy of Reaganomics was all a hoax from 1981 onward. The deficits it was supposed to cure, in fact, doubled and tripled despite Congress' approval of lower budgets that the President proposed. We lost our status as the world's largest exporter and became the world's largest debtor despite the stock market boom. And a very high percentage of those jobs which have been created are filled by those who are earning far less than they did before their previous jobs were lost.

We are now engaged in a overdue economic summit with representatives of the President, hoping to find some way to bring down the deficit responsibly and fairly.

Let us be certain that in our rush to achieve that worthy goal, we do not place these millions of "almost poor" Americans at greater risk of impoverishment, that we do not remove what meager incentives currently exist to keep them in the work force instead of on the public dole. Let us not fall prey to believing that across-the-board cuts which affect all Americans alike are equitable, cuts which would further victimize the working poor of America.

The Post article follows:

[From the Washington Post, Nov. 1, 1987]

ALMOST POOR—HOLDING JOBS, SEEKING CAREERS

(By Morris S. Thompson)

Almost everybody knows somebody, by sight or name, like Charlie Luker. Luker, 37, a car washer in Lawrenceburg, Tenn., works long and hard. He relaxes in front of the television with a beer most evenings, goes to bed early, gets up early and does it all over again. He is part of the backbone of the U.S. economy and society, one of the many Americans who makes enough to survive but not much more.

They are little noticed by politicians and policy-makers because they do not vote in large numbers or qualify for most forms of government aid. And more affluent Americans rarely consider the life, needs or thoughts of a Charlie Luker, who shined their new cares before they drove them off the lot.

The Washington Post went looking for the one-fifth of Americans, more pervasive than visible, who live above the official poverty line but below the middle-income bracket. These are the Americans who buy used cars or no cars, take few vacations, shop for clothes at discount stores, often go without health insurance and hope for the best.

According to data in the Census Bureau's 1986 Current Population Survey (CPS) of nearly 65,000 households nationwide, this group lives in households where the annual income is $9,941 to $18,700. In two-thirds of those households, it takes two wage-earners to reach that range. The members of this group are demographically so diverse that income is one of the main statistical characteristics they share.

The other is education. Except for the senior citizens, they have less of it than the average for their age group. Throughout their lives, people with less education tend to be paid less and be unemployed more.

But in interviews, another unquantifiable similarity emerges: Those of the same age, with about the same responsibilities, expressed remarkably similar views about the future despite vast differences in their backgrounds.

The demographic analysis suggests that the members of this nearly poor quintile are white and black and Hispanic; married, single and divorced; working, retired or between jobs; old, young and in between.

Some, young and on their way up, may belong to the group temporarily. Others, ill or laid-off or on strike, are here suddenly and accidentially. Still others have wittingly chosen professions that will make them happy but not financially comfortable. And some, whose needs outstrip their skills, may be stuck here permanently.

Because living costs vary with family responsibilities, all of these people have to budget carefully, but some more carefully than others.

For example, the largest category of householders in the group (29 percent) is made up of persons over age 65 whose children are likely to be grown and gone.

And because the incomes of most people drop when they retire, senior citizens in this group tend to have done better during their working lives than the wage-earners now in the group. Many have accumulated such valuable assets as a paid-for house.

In fact, only 3 percent of householders older than 65 in the group list Social Security as their sole source of income. But when the workers in the group stop working, their incomes are likely to place them among the poorest of the poor.

The second largest number of householders in the group (24 percent) are those between 25 and 34, if they are parents, they have learned that the price of children's shoes is out of proportion to their size, but those children's appetites have not yet become the black holes of adolescence.

Of the 15 percent of householders in the group between 35 and 44, many are facing the near certainty that they will never be rich and the probability that they will not be able to pay for their children's education after high school. Many others are divorced; surveys consistently find that money problems are among the leading causes of failed marriages.

The 10 percent between ages 45 and 54 are in the peak earning years for most Americans but finding it increasingly difficult to get or keep a job, especially one that would allow them to plan for retirement.

The 14 percent between the ages of 55 and 64 have reached the stage at which persons with below-average educations who have unskilled and semiskilled jobs begin to drop out of the work force. Sometimes the years of unaffordable, and therefore neglected, health care play a role. For white-collar workers in the group, it is the age for hanging in there for their pensions.

Finding the Charlie Lukers of this nation—those who fit the statistical profiles of this group in age, race, education, occupation and other characteristics—turned out to be unexpectedly difficult. In the informal search in a half-dozen communities, few of the standard reportorial methods—talking to ministers, priests, politicians or community, fraternal and veterans organizations—bore fruit.

Most such community workers first said they surely knew many families whose members worked hard but earned very little. Days and weeks later, they ended by wondering where those families were. Most, it seemed, are not "joiners."

Luker said he has drifted away from his hometown buddies in Lawrenceburg over the years and was never much for church-going, voting or school. The closest the Army veteran ever got to the American Legion was a daily stop after work for a beer to go until the Legion Hall burned down in June. But a high-school acquaintance who is now a Methodist minister eventually remembered Luker and pointed him out to a reporter.

A reporter had met teacher Aggela Keel, a subject of today's article on young, single adults, on a previous assignment at a meeting of the Montgomery County Day Care Council. Calls to a District of Columbia career counseling program led to Wayne Miller.

A food stamp administrator in Lawrenceburg suggested Tom Price and his family, featured in Monday's segment on young families, several years after rejecting his request for food stamps. For the same report, the reporter was led to Houston barber Ray Salinas and his family by a customer.

Local union officials led to middle-aged midwestern meatpackers for Tuesday's report. A reporter's instinct and a teachers' association led to retired Omaha teachers for Wednesday's segment. In each case, cold trails far outnumbered the warm.

Since more than 80 percent of the U.S. population is white, it is not surprising that most households in this group also are headed by white men like Luker, Census data show. But a greater proportion is headed by someone who is black, Hispanic, female, over 65 or unmarried than are households in any other quintile of the population except the poorest.

While whites in the group are worse off financially than most other U.S. whites, the median income for all black and Hispanic households in the United States falls in this $9,941 to $18,700 range. So a group often knows as "working poor" is, in this land of plenty, the middle class for blacks and Hispanics.

A NATIONAL TREASURE ON THE BRINK OF POVERTY: THE ELDERLY

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1987

Mr. LELAND. Mr. Speaker, today the elderly comprise about 12 percent of the U.S. population; in 2020 it is estimated that 17 percent of the United States will be elderly. Many of the elderly today live on fixed incomes that barely keep them above the poverty line. Yet, for 12.1 percent of the elderly population these fixed incomes are not keeping them out of poverty. As the elderly advance in age their likelihood to fall below the poverty line increases. It is disturbing, to consider, that individuals who have contributed so much to the growth of our Nation should be isolated and then allowed to meander into poverty.

Mr. Speaker, I would like to bring to the attention of my colleagues the last in a series of articles published by the Washington Post on the "Almost Poor." This final article depicts with care and understanding the plight of the aged. As our society grows older, we as policymakers must begin to understand the complexities and hardships associated with growing old and develop policies which will reflect both our acknowledgement and concern of the severity of the issues surrounding a nation growing older.

[From the Washington Post, Nov. 4, 1987]

ALMOST POOR—RETIRING ON FIXED INCOME

(By Neil Henry)

OMAHA—In Apartment 1206 at a high-rise known as The Manor, Dorothy Cathers was talking about her 40 years as a history teacher, recalling the poverty of the children she first taught in 1935, the drama of World War II and the days of racial desegregation here in the 1970s.

Then she remembered a few of the sacrifices she had made to exert a small, signficant influence on that sweep of events—and to survive.

"When I started, women didn't have many options," said Cathers, 74. "You could be a teacher, a nurse or a mother. At $70 a month, I knew I'd never be rich, and because the school system disapproved of our marrying, I knew I'd likely remain single.

"I retired in 1975 and still live alone on very little," she said. "But I look around The Manor at all the others, who gave so much, and I feel reassured that everything I tried to do in life was worthwhile and appreciated."

From the outside, this retirement home for Nebraska schoolteachers doesn't look like much—a plain, beige apartment house, 12 stories tall on a hilltop in downtown Omaha.

But inside The Manor, amid the framed, reprinted poems by John Greenleaf Whittier, the oak tables covered with literary classics and knickknacks of appreciation from generations of students, lives a remarkable collection of 140 people whose cumulative years of public service here are measured not in decades but in centuries.

The average age here is 84 years. The residents live on annual fixed incomes averaging less than $11,000. But their careers testify vibrantly to the history of the heartland in the 20th century. To them, the American Dream had more to do with intellectual, spiritual and professional fulfillment—and many here achieved a large piece of that dream.

This is the home of 88-year-old Myrtle McGinnis, Apt. 807, who taught grade school in the 1930s and '40s to scores of Polish, German and Italian immigrants so poor that they called themselves "the River Rats." Today, some of those River Rats are themselves retired, after productive careers in Nebraska industry and commerce—and several years ago they held a reunion to thank her.

In Apt. 906 lives a retired music teacher named Evelyn Graham who, at 93, still occasionally play show tunes for her friends in the parlor, despite hands gnarled by arthrites. In her day, Graham performed with the state's best entertainers, helping to launch the careers of fledgling local actors—including Henry Fonda.

And in Apt. 406, Eloise Crabbe, who spent several years as a missionary teacher in Egypt after she retired for the first time in 1951, still tutors a few Omaha students in the mysteries of algebra and geometry. She is 97.

"Here are people who devoted their lives to the public," and John Thies, president, of the Omaha Education Association. "They came up at a time when women were expected to have undivided loyalty to pupils, and in many cases that precluded them from marrying and raising kids of their own. They really helped shape this part of the country—morally, intellectually. Now they're old and largely forgotten but rich in a sort of nobility that I think is quite rare."

This report, the last in a series about the nation's working class, is about the schoolteachers at The Manor. In socioeconomic terms, they belong to a larger cross section of Americans older than 65, who make up the most sizable percentage of households earning between $9,941 and $18,700 a year. Although their jobs and careers are behind them, their work goes on in the lives of those they taught.

Most Americans in this group live on fixed incomes after lifetimes in the nation's factories, mills and warehouses, farms and schoolrooms—blue-collar workers, small business executives and low-level civil servants among them.

Their minds and muscle helped build and sustain the country during the most turbulent and desperate years of this century. They suffered through the Great Depression and saw years of plenty after World War II. Some of them fought in the "war to end all wars," World War I, only to see sons and grandsons fight in Europe and Asia.

A few of these Americans have voted in as many as 16 presidential elections and witnessed some of the greatest social changes in U.S. history, from the organized labor and women's voting rights movements of the 1920s and '30s through the civil rights era of the 1960s.

Most are retired, and their savings, pensions, social security benefits and investments—in land, stocks, government bonds—are their primary means of support.

Of the 17.6 million households in this income group, they make up 29 percent. More than 75 percent own their homes, nearly half are married, and most have reached a time in life when they finally can spend the penny saved that was once a penny earned.

The schoolteachers at The Manor—which could be any retirement home, anyplace in America—are not a prefect statistical fit. Many of them are women who never married or owned their own homes. Some live on far less than $9,941 a year. A few spent so many of their working years before the passage of the Social Security Act that they are eligible for only a bare minimum in federal retirement benefits—in some cases as little as $25 a month.

But in other ways these teachers are more than exemplary, transcending stereotype to evoke a grace, dignity and quality of life that capture the very spirit of their age. The Manor is the kind of place where beliefs in God and country are neither ephemeral nor frail. A portrait of the president hangs in the lobby, and an American flag, certified to have flown over the U.S. Capitol waves out front year-round.

When old men gather in the parlor with their canes and walkers to recall "the war," it is sometimes World War I they speak of, 85-year-old George Rybin in particular remembering the hellish days of the Argonne Forest.

This is a place where life's smaller joys resonate with singular clarity, nurtured by the power of time. Last year, when Halley's Comet made its first return to Earth since 1910, many here, binoculars in hand, spent hours atop the roof each March night gazing heavenward to see the comet a *second* time.

A TRADITION OF SELF-RELIANCE

The Manor was built in 1958 with federal loans and $300,000 in private donations from Nebraska teachers. Administered by a nonprofit foundation made up of educators, it was the first retirement home in the United States built specifically for teachers.

In this city of 311,681, whose growth was spurred initially by the cattle and railroad industries, self-reliance and private charity have a long, honorable tradition. This is the home of Boys' Town, which 80 years after its founding by an Irish immigrant priest, continues to educate and nurture delinquent and troubled youths from across the United States.

The same spirit, applied at the opposite end of the life cycle, gave rise to The Manor.

"Omaha didn't get into the Social Security system until 1951, and for a long time our pension plans were quite poor." Thies said. "The Manor was a way of helping our old teachers who just weren't doing well. A few were broke and quite ill. Many were single and had outlived their families, It was also a way of bringing these teachers together so they wouldn't have to be alone."

Each year, an average of 12 people die here. The second floor was converted long ago into a 16-bed health care center for teachers too ill or frail to care for themselves. There, amid sepia-toned photographs of parents long dead and bouquets of flowers from Omaha schoolchildren, the teachers a few older than 100, spend their last weeks of life.

"When they come to this floor they expect to die, but while they're here they do come to terms with the loneliness of their life," said nurse Edie Schulte, 59, showing a visitor through the center, where most of the patients were napping. "An old schoolteacher, is a lovely sort of person. Even those with Alzheimer's are always thinking of children. One lady moans most of the day about how cold it was one winter years ago and how badly her children needed shoes . . .

"A couple of months ago a wonderful woman named Amy died. She was 94 and taught English for 45 years in Omaha," Schulte said in a soft voice, as she brushed a few stands of white hair back from the face of a sleeping teacher. "She never married and was dying alone. On her last night, I held her face in my hands and I told her, "Amy, you have such a beautiful smile. I love you.' The poor thing started crying. She said, 'No one's ever told me that before.' "

The nurse entered Room 201, where 88-year-old Rose Lite, who taught grade school here for 44 years, sat in a wheelchair eating lunch. She was thin, her gray hair tied in a bun behind her head. "Hi, babe," Schulte said, smiling as she admired an old framed photograph of a beautiful young couple sitting beneath a tree.

"Those are my parents," Lite said, "It was taken in 1907."

"You taught at Corrigan, didn't you, Rose?"

"Yes, indeed, I spent most of my life there. In the early days, the children used to come to school in white shirts and long black stockings and garters no matter how poor they were. One boy used to say every day. 'I wished to *heck* I had a nickel.' Finally, I asked him why. He said. 'So I can buy a loaf of bread and eat it all myself.' He said his mother had to put their bread in the upper level of the oven so the rats couldn't get it. . . ."

Lite told stories as she sipped her coffee and puffed on a cigarette. Then Schultz asked, "Why didn't you ever get married, babe?"

"No one could afford me," Lite replied, her eyes alight with conviction. "No man ever got lucky enough."

ENDOWED WITH HIGHER VALUES

Rent at the The Manor—now $260 a month—has always been modest, but for a time in the late 1970s, when occupancy dropped below 80 percent, the association that runs the building was in grave danger of bankruptcy. Then, like the unlikely twist in plot of a 1930s melodrama, three resident teachers in their 90s died within a month, bequeathing their entire estates to the home and their comrades.

"Suddenly, we had $2.5 million," recalls Linda Richter, 44, the manager of The Manor. "I usually get mad when I hear the stereotype about the quiet old lady who stashes away all her money. Most of our people just don't have much. But in this case, the three ladies had inherited money from parents who had gotten wealthy in railroads and ranching before the turn of the century. They worked and taught and lived all their lives without spending any of it."

Such devotion to higher values above earthly gain characterized the working lives of almost everyone at The Manor. To hear them speak about the America they used to know and the one they know now is to grasp how much they have invested in this country, and how much—and how little—it has changed.

"When I was a little girl in Missouri, I was very close to my grandmother," said Lola Williams, 75, a cheerful woman with bright gray eyes who taught nursing for 30 years. "I remember her once talking about the war—the Civil War—and how she ran mile after mile telling people, 'Mr. Lincoln's been shot!' I remember how amazed she was at the neighbors' reaction. One farmer just broke down and cried. Another said he should have been shot years ago.

"In my time, there's been quite a few things that have divided people," she said. "But it's faith that keeps us together. The men in my family have fought in every war we have ever had, including the revolution. It would be sinful for me to say I don't believe in this land."

Williams, asked how Americans' attitudes have changed in her life, told a story about a slave woman named Annie who once worked as a nanny for her grandmother's family. After Emancipation, the woman married and moved to Iowa. Years later, the family learned that Annie was dying of tuberculosis. Williams' grandmother hitched a horse and wagon and traveled 425 miles to Iowa to pick her up and return her to the family farm, where she was cared for until she died.

"When you love people, race and politics don't matter. During the worst days of the Depression, people survived because they helped each other. If I had a box of tomatoes and you had a box of potatoes, we shared them because it was better for both of us," she said. "Nowadays, I don't think people care as much. We've got welfare and Social Security now, but I think we've forgotten how to help each other as people. That's what worries me most: If bad times come again, I'm not so sure we'd share."

Myrtle McGinnis, curly-haired, enthusiastic, witty, recalls the Depression in equally vivid terms. She taught for 21 years at a grade school filled with immigrant children, some of whom lived on the banks of the Missouri River in "huts made of dried mud," she said.

"They came from broken homes, and a lot of their parents were alcoholics. Most of them worked on produce farms. The most important thing I tried to teach these kids was that life could be much better. I told them, 'Look, I don't want to hear any more of that 'River Rat' nonsense," McGinnis, a widow, recalled. " 'You're just as good as anyone else. I'm with you for more hours every day than my own children, and I am certainly *not* a 'River Rat.' "

Twenty-two years after she retired, McGinnis said she still hears from those pupils today, one of whom ended up in a Nebraska prison serving a long term for armed robbery. "He wrote to me, 'Mrs. McGinnis, you helped me out of so many scrapes, is there anything you can do to help me?' " McGinnis said. She writes to him every month.

McGinnis then recalled the reunion several of her old students held last year. Her face radiant with pride, she laughed and said, "Oh, they were so successful—insurance people, car dealers, mechanics. I was never kissed by so many old geezers in my life."

Of all the teachers at The Manor, Dorothy Cathers is perhaps the most active, volunteering as a guide at the Omaha History Museum, a receptionist at The Manor and a saleswoman at a local educators' thrift shop whose profits subsidize the rents of poor teachers in her building.

Cathers is graceful, with blue eyes and wavy white hair. Her income is $1,135.87 a month from three sources: Social Security ($581), Omaha public school teachers' pension ($425.87) and $129 from a small annuity she purchased a quarter century ago.

"It isn't much, but I learned to live on little a long time ago," she said. Her monthly expenses, including rent, utilities, food, transportation and recreation, usually total a little more than half her income.

During the 40 years she taught school, American consumer prices rose 292 percent, according to U.S. Department of Commerce statistics. But Cathers never thought much about money, she said, as long as "I had a place to live and food to eat." She measured the passage of time not by what money could do but by what *she* could do in her classroom.

"In 1935, when I taught world history, I began the year with the Greeks and Egyptians," she said. "By my last year, so much had *happened* in my life—Hitler, the war, Vietnam, Civil Rights—I saved time by starting with the Treaty of 1815."

In retirement, Cathers delights in the simplest of things, like eating lunch once or twice a week at the Omaha Press Club, where patrons respectfully address her as "Miss Cathers." The other day, with McGinnis, Williams and 40 others from The Manor, she rode a bus to a picnic at Beaver Lake, where they ate fried chicken, drank beer and, giggling like schoolgirls, crooned songs from their youth.

For hours that hot afternoon, the strains of "Side by Side," "Oh You Beautiful Doll" and "Let Me Call You Sweetheart" resounded on the lakefront. At one point, Cathers gleefully discovered a bed of wild poppies like ones she remembered from her mother's garden. "I haven't seen these in *years*," she exulted, picking a few and presenting them to her friends.

JOY IN CONTINUITY

But perhaps her greatest joy is her sense of the continuity in her life and career. A block from The Manor is Central High School, at 128 years the oldest public school in Nebraska. It's a fine old building of brick and granite. Cathers' father went to school there, graduating in 1901. Cathers went there, finishing in 1931. She taught there for 31 years until she retired.

Each morning when school is in session, Cathers rises from her bed, takes a cup of coffee and sits by her dining room window, which overlooks the school's parking lot. She waits and sips, she said, and watches intently until her great-grandniece, Catherine, now a Central senior, steers her car into the lot.

"It makes me feel so good to see her," the teacher said, "I always find myself smiling."

A TRIBUTE TO PHILIP PEARLMAN

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1987

Mr. LEVINE of California. Mr. Speaker, I would like to recognize Mr. Philip Pearlman who has been selected by the Association of Container Reconditioners to receive the prestigious Morris Hershon Award of Merit. This award, to be presented at the association's 46th national convention, is given annually to the person who has made the greatest contribution to the industry.

Phil is the only founding member of the association who is still actively engaged in the business. He started working part time for Acme Barrel in 1928. By the time he was named president in 1953, he had held every job in the company. He has a similar record with the National Barrel & Drum Association. Phil has held every office in the organization, except that of president—several times. He has served as finance chairman for 19 years. In addition to his extensive organizational contributions on behalf of the association, Phil has made a considerable number of technical contributions to the industry. He pushed for the use of interior lining of steel drums, participated in the design of what is now standard reconditioning equipment and persuaded the military to come up with acceptable, uniform specifications for all of the services. Phil is clearly a man who knows the barrel business inside and out.

In 1940, he and Ray Cabrey, the first president of NABADA, attended an informal gathering of Eastern drum reconditioners in Philadelphia. In that meeting, the National Barrel & Drum Association was born. On his way back to Chicago, Phil stopped off in four cities to enroll 38 members in the new organization. The first meeting of the NABADA, the Association of Container Reconditioners, was held in 1941.

For 46 years, the association has provided an essential environmental service—that of reconditioning and recycling used steel drums for commercial reuse. It has kept countless millions of used oil, chemical, paint and other used drums from adding to the growing problems of industrial waste. Approximately 1 million drums are emptied each week in this country: all must have their residues removed, neutralized and safely disposed of before the containers are either reconditioned or recycled as scrap metal. The association offers "responsible container management" services to drum users and emptiers which ensures the proper disposition of the inevitable drum residues, reduces solid waste disposal problems, and protects the environment. An official of the Environmental Protection Agency is reported to have said: "If NABADA did not exist, EPA would have to invent it."

Mr. Speaker, my own family has long been active in the barrel and drum business. It was the business of my grandparents; my father, my uncle, and several cousins. Some of my cousins are still in the business. I know, therefore, from my family of Phil Pearlman's leadership—and it is, therefore, a special privilege to offer this tribute to him.

Mr. Speaker, I ask my colleagues to join me in paying tribute to Philip Pearlman for his outstanding contributions to the container reconditioning industry. NABADA members have provided responsible and environmentally sound recycling and disposal of over 90 percent of the steel drums that are reconditioned and recycled annually. Philip Pearlman, as one of the founding members, and as a longtime officer of the association has made innumerable contributions to the effectiveness of the NABADA and the container reconditioning industry.

TRIBUTE TO EMILY J. FRANK AND RICHARD E. GEIST

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1987

Mr. DINGELL. Mr. Speaker, I wish to recognize two outstanding individuals from the 16th Congressional District of Michigan for their distinctive honor as being selected as Peace Corps volunteers. Serving respectively in Haiti and Ghana, it is appropriate that Emily J. Frank and Richard E. Geist be congratulated for their commitment and dedication to the worthwhile cause of helping the less fortunate through volunteer work.

Emily Frank of Petersburg, MI, will be serving on a business project in Haiti as part of an effort to stimulate governmental support for small businesses. In many countries, regional government offices have been established for the promotion and development of small business enterprises. In turn, these small businesses deliver products and services to needy, rural communities and small towns. Business volunteers typically are involved in making feasibility studies for production and marketing, preparing loan proposals, financing and supervising credit use, instructing preparation of financial statements, inventory control, storage, marketing, and product development and design.

Serving on an education project, Richard Geist of Grosse Ile, MI, will assist in several responsibilities to improve the quality of education to students in Ghana. As a volunteer he will be reviewing curriculum, adapting and expanding curriculum to ensure its relevancy to students, preparing teaching aides and daily lesson plans. In addition, Richard will be responsible for the daily tasks of running a classroom including teaching and maintaining classroom discipline for 4 to 6 hours, evaluating students' progress, attending faculty meetings, and sharing extracurricular faculty responsibilities.

Improving the lives of individuals as far away as Haiti and Ghana, exemplifies the sound cause upon which the Peace Corps was founded. The international goodwill and assistance provided by Emily Frank and Richard Geist is remarkable. We are proud of your accomplishments and of your dedication to helping other less fortunate individuals throughout the world in their struggle to live quality lives.

RECESSION ADVICE

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1987

Mr. GINGRICH. Mr. Speaker, the following letter outlines an important warning to everyone who hopes to avoid a recession and protect jobs.

Hon. ALAN GREENSPAN,
Chairman, Board of Governors of the Federal Reserve System, Washington, DC.

DEAR ALAN: Those of us in the policy community who are sympathetic to the efforts of the G-5 conservative governments to promote economic progress by expanding private property rights through privatization, deregulation, tax rate reduction, and control of inflation are concerned that the Federal Reserve and other central banks are jeopardizing the political revival of private property by leading the world into recession.

During 1987 money growth in the U.S. has abruptly slowed and practically halted. The subsequent rise in interest rates has been misinterpreted even by some Fed officials as the consequence of rising inflation expectations, and the Fed even raised the discount rate in the mistaken belief that it would reassure the markets and stabilize, if not reduce, long-term rates.

As long-term rates moved up sharply, the theory failed the test. Moreover, dollar-based inflation expectation fears cannot readily explain the sharp upward movement in both German and Japanese Government bond yields from May to October. It is dangerous for central banks to postulate world inflation from an exchange rate adjustment.

The willingness to risk a recession over commodity prices is also hard to understand. A rise in commodity prices from extreme lows reflects a rebound of the economy. Recession level commodity prices must not be taken as the norm. In addition, volatility in commodity prices can be a result of speculative factors and random events. Moreover, central banks must not interpret every price rise as inflationary, as prices play allocative roles and act as signals to expand output.

The Fed's response to the global stock market crash has been inadequate. The provision of reserves on an overnight basis through repurchase agreements does not signal any but a temporary change from the tight monetary policy that is threatening the world economy. Leadership is required and can be provided only by cutting the discount rate and standing ready to purchase long-term bonds in order to prevent a premature end to the rally in bond prices.

The Fed is targeting reserves, and the sharply increased spread of Fed funds over the 3-month T-bill rate suggests that the Fed is underestimating the demand for reserves. This is worrisome in view of the tendency for stock market crashes to increase and demand for money, causing velocity to deline.

The Fed should remember that a higher price level due to an exchange rate adjustment is not the same as monetary inflation—especially in a year during which there has been little money growth. The Fed should cease trying to stabilize the dollar by going on a mark standard and, instead, stabilize the economy by getting money growth up into the Fed's announced target ranges. Recession may already be baked into the cake, and action to minimize its severity is an appropriate concern for the Federal Reserve.

DAVID MEISELMAN.
PAUL CRAIG ROBERTS.
WILLIAM NISKANEN.
RICHARD W. RAHN.

CBI AND THE PRODUCTION OF ETHANOL

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1987

Mr. DYMALLY. Mr. Speaker, as part of the revenue reconciliation provisions recently approved by the Committee on Ways and Means is a small but important amendment regarding the Caribbean Basin Initiative [CBI] and the production of ethanol. The amendment modifies the requirements that Caribbean countries and firms must meet in order to export to United States under the provisions of the CBI.

As my colleagues may be aware, ethanol is a motor-grade alcohol fuel blend used as a gasoline octane enhancer. Ethanol is made from raw sugar, grain, molasses, or beverage grade alcohol, for example, wine or spirits called feedstock.

Last year the Tax Reform Act of 1986, unreasonably altered the CBI rules with regard to ethanol, and unattainable feedstock requirements have been imposed on Caribbean producers. Specifically, the act requires that by 1989, at least 75 percent of their raw material—or feedstock—for production must come from the Caribbean—30 percent in 1987, and at least 60 percent in 1988.

These raw materials requirements are objectionable for several reasons. First, the requirements are highly discriminatory. No other products which receive CBI duty-free status have similar rules.

Second, the 1986 act requirements are unnecessary. As my colleagues know, under the CBI there are rules of origin and substantial transformation requirements to make sure products which receive favorable duty treatment are actually made or produced in a CBI beneficiary country. With respect to CBI produced ethanol, the U.S. Customs Service has found that these rules were being met.

Third, the new rules are not attainable by Caribbean producers. There is not enough CBI feedstock now available, nor is there enough physical plant, for example, fermentation factories.

The domestic ethanol industry disingenuously promoted the 1986 act changes arguing that they would encourage new ethanol investments in the Caribbean. In fact, since its passage, the 1986 act is having a chilling effect. Several ethanol projects, which include plans for refurbished sugar plantations and new or renovated fermentation facilities have been put on hold. In addition, existing operations of CBI governments and private firms have been seriously jeopardized.

At the same time, the domestic ethanol industry disingenuously argues that the 1986 act changes will help the Caribbean, domestic producers know that their real effect will be a U.S. market closed to Caribbean producers. In this respect, the 1986 act changes exacerbate spot shortages of ethanol for U.S. users, is contrary to U.S. trade policy, and enhances the near monopoly of large U.S. producers and distributors.

Recognizing these facts, and in the spirit of compromise, the Committee on Ways and Means has adopted a provision that will hold the CBI ethanol raw materials—feedstock—requirement at 30 percent for 1988 and years thereafter. This provision is equitable and will permit Caribbean producers to stay in business and addresses the concerns of domestic ethanol producers.

I commend the committee on its wisdom.

TRIBUTE TO ALBERT KRAUSE

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1987

Mrs. ROUKEMA. Mr. Speaker, I ask my colleagues to join me, and all the residents of Bergen County and River Vale, NJ, in congratulating Mr. Albert Krause, Jr., as he marks his 50th anniversary in the fire service.

It was the fall of 1936 when 21-year-old Al Krause joined the Oradell Fire Department. Now, 50 years, seven Presidents and thousands of alarm bells later, Al Krause is still working hard to make our community a safe place to live and raise our children.

For the last 43 years he has contributed his time and skill to the River Vale Fire Department, serving as lieutenant, fire marshal, and chief twice. In fact, to this day he is the good-natured target of his friends' humor when they point out that it was on Al Krause's second "watch" as chief in 1974 that the River Vale Fire Department gained a distinction perhaps unique to annals of American firefighting: their firehouse burned down.

But seriously and most sincerely, Al Krause has done more than anyone else to build up the River Vale Fire Department and the region's firefighting organizations. He was a founder of the Pascack Valley Fire Association and past president of Pascack Valley Fire Chiefs Association, the Exempt Association, the Relief Association, and other groups.

His reputation is extensive. Everyone knows Al Krause and knows he typifies the proud tradition and spirit of voluntarism that made America the great Nation it is today.

To Albert Krause, Jr., go my deep appreciation and the thanks of River Vale, Bergen County, and the entire State of New Jersey.

AIDS EDUCATION RIDER

HON. MIKE LOWRY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1987

Mr. LOWRY of Washington. Mr. Speaker, several weeks ago the overwhelming majority of my colleagues in this body voted in favor of instructing our conferees on the Labor-HHS appropriation to accept Senate amendment 963. That amendment would prohibit use of Federal funds made available to the Centers for Disease Control for any "AIDS education, information, or prevention materials and activities that promote or encourage, directly or indirectly, homosexual activities." I am sure that my colleagues who supported the measure did so out of a belief that tax dollars should not promote homosexual activity—of any sort of sexual activity, for that matter.

I don't think there is any Member of this body who thinks tax dollars should be used to promote or encourage sexual activity. I don't think that is the issue here. The issue is how many effective educational projects are going to be closed because some bureaucrat, fearful of becoming the target of politically motivated critics, shuts down a project because it just might be construed by someone, somewhere to "indirectly encourage homosexual activities" somehow? What does that phrase even mean? I fear that enactment of this amendment could well have a very deleterious impact in our educational battle against AIDS not anticipated by many of my colleagues.

Well over 25,000 American sons and daughters are already dead from AIDS. It is predicted that by 1991, only a few years away, that death toll could very well have reached 179,000 people. Despite the massive financial commitment made by this Congress to fight the disease, it appears our only hope for controlling AIDS at this time is education to halt its further spread.

We know that many in our society are sexually active outside of monogamous heterosexual marriages. We also know that many of these people are young and homosexual. It is reasonable to expect these young people, like other young people, think they are immortal. At the same time, many are exploring their sexuality, just like their heterosexual brothers and sisters. Whether we like it or not is not the question.

The sexual activity of many of our young people, heterosexual or homosexual, is simply a fact we cannot ignore. We have to let them know how to protect themselves against AIDS if they choose to be sexually active. It is telling them that certain sexual practices are safer than others encouraging or promoting homosexuality? I think not, but I fear that enactment of this amendment could be used by some in this administration to deny the use of Federal funds for such information to homosexuals who desperately need to know.

In recent days, I have begun to hear from constituents of mine who are involved in the fight against AIDS or who have been touched by it personally. They have all called or written to express a very real fear that enactment of this amendment will have a crippling effect on our ability to educate people, particularly young homosexuals, as to how they can avoid this terrible disease.

Dr. Robert W. Wood, medical director of the AIDS project of the Seattle-King County Department of Public Health wrote to me, "Since about 1 in 10 men are sexually attracted to men, gay male sex is inevitable. The most successful AIDS control programs are recognizing this and trying to substitute safe for unsafe behaviors. Recognizing and substituting strategies could be interpreted as encouraging or even promoting gay male sex * * * Because the present administration may take a very conservative and religious view of safe sex educational messages, successful programs like ours may be forced to stop our present effective advertising and counseling programs which promote safe sex options among men."

Perhaps more poignant was a call I received this past Monday in opposition to the amendment from Barbara and William Nance of my district. The Nances have called and written my office a number of times over the past year since their son, Robert L. Nance, was diagnosed with AIDS. They called Monday out of fear that enactment of this amendment will deny vitally important information to young people that might help other parents avoid the pain and suffering they have experienced since their son became ill. Robert Nance died the day before they called. Robert's suffering is over, but theirs continues.

Education is our only hope at present for halting further suffering. I fear that enactment of this amendment can only worsen a situation that is already too painful to accept. AIDS is a public health crisis and should be treated as such. The overwhelming passage of this measure in both Houses makes it difficult for my colleagues on the conference committee to consider deleting this amendment, but I must ask them to do just that.

HISPANICS AND THE PEACE CORPS EXPERIENCE

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1987

Mr. RICHARDSON. Mr. Speaker, the Peace Corps provides a tremendous opportunity for volunteers to learn new languages, experience different cultures, and to share values. Many Hispanic-Americans have found this experience especially rewarding because of their own cultural background.

I would like to alert my colleagues to an excellent article by Bill Heenan in the hopes that more Hispanic-Americans will share this rewarding experience. Hispanic volunteers have made invaluable contributions of Peace Corps programs. I believe Hispanics will find the Peace Corps experience serves them well in the future.

HISPANIC PEACE CORPS VOLUNTEERS EFFECTIVELY SERVE LATIN AMERICA AND AFRICA

(By Bill Heenan)

Like the 120,000 Americans who have served in 93 developing countries, Hispanic-Americans join the Peace Corps to help others help themselves, put their skills to good use, or redefine their goals. And if they serve in Latin America, they can explore their cultural heritage. Whatever the reasons, Hispanic-Americans discover that their memorable experiences as Peace Corps volunteers will serve them well in the future.

Though Cuban-American, Mexican-American, Puerto Rican and other Hispanic volunteers represent only a small percentage—3 percent—of today's 5,300 volunteers (Hispanics are about 6.5 percent of the total U.S. population), the number signing up for the two-year stint is steadily increasing, drawn by the reputation of the Corps, one of most effective grassroots development organizations in the world. In Latin America, free from many of the language and cultural barriers faced by other volunteers, Hispanic-Americans often integrate themselves more rapidly into the communities they serve.

Lillian Ortiz, a health volunteer in Ecuador had dreamed of joining Peace Corps since high school. Unlike most volunteers who sign up right after graduation, the 1976 graduate of Long Island University in Brooklyn, New York waited until she had six years of experience to share in a 39-bed hospital in the rural town of Cariamanga.

"My goals were quite simple, to raise the consciousness of the community that health care was their right, and that it was the responsibility of the hospital staff, in turn, to deliver competent care to everyone, whether it be an urban or rural person," Ortiz explains.

"And being a Latin American I wanted to know a Latin country through its people, lifestyle, and beliefs, and maybe understand my roots better," she adds.

As part of an Ecuadorian government educational and preventive health program, Ortiz organized medical school graduates into a team which established a health education program at local schools.

"I was pleasantly surprised that everyone involved started enjoying practicing public health, visiting the campos, and getting to know the rural sites," she recalls. "And I got the most satisfaction when these graduates thanked me for helping them realize the importance of their role in community health and the development of health care in their country."

Besides putting his college degree into practical use, Leo Alonso of Miami, Florida wished to immerse himself in the culture of a Latin American country. His parents, immigrating from Cuba 26 years ago, encouraged him to know this "other place." The "other place" turned out to be Honduras where he served from 1982 to 1984 as an agricultural extensionist.

"The Peace Corps was one of the most inspiring experiences in my life, really changing it," the 28-year-old former volunteer asserts. "I learned a lot about what it means to be Latin and about the customs and idiosyncrasies that unite all Latins."

Feeling that he could "never do enough to promote Peace Corps" after serving, Alonso worked as a recruiter in the Miami Peace Corps office and wrote an editorial in the Spanish section of the Miami Herald urging the Cuban-American community to participate more in the Corps.

"To those individuals, young or old, in the Cuban-American community who possess a skill as a farmer, mechanic, carpenter or professional and who have a genuine desire to help our less fortunate Latin American neighbors, I plead with you to investigate what Peace Corps offers, and not to forget what it means to be a poor, illiterate, landless campesino," Alonso wrote. As a result of his appeal, several Cuban-Americans responded and are now serving as volunteers. Now Alonso is a medical student at the University of Miami.

At age 65, Felix Garcia of Turlock, California answered the call, too. Thirty-six years older than the average volunteer, he signed up to help the rural Paraguayan city of San Ignacio develop a farmers cooperative.

"I felt that after running three cooperatives, two credit unions and my own business, I could bring economic development to others," explains the former president of the Mexican-American Chamber of Commerce in Modesto, Calif.

"I really looked forward to the day when four Holando cows and a bull would be led into a model dairy farm and when the walls of a farmer's market would go up in this town," he relates. "My heart leapt to my throat and it was difficult to hide my tears of joy when I saw my projects succeed."

Shortly after he arrived in San Ignacio, Garcia launched another "project" to help bring medical attention to two crippled children. "Of all the things I've done, I feel most happy about being able to help them. Beautiful Mary, an honor student in her school, is now able to walk on straight feet with a new world opened to her. And Marciano is now able to walk straight and proud, proud because he would be able to support a widowed mother and two sisters," he says. Garcia is a widower himself, with three grown children.

Despite no electricity and running water in his home, Garcia enjoyed life in his town. "The thing that made it easy for me to adjust was that the people are very much like those in the town of Antonito, Colo. where I have many relatives," he explains. "The residents of San Ignacio even look and speak like Coloradans."

The difficult part of Garcia's assignment was leaving. "When I left the people of Paraguay with whom I had rejoiced, suffered and cried with for the past two years, I left a part of my heart with them. I hope they will remember me as the Don Garcia who was there when they needed a helping hand."

Immediately after graduating in animal husbandry in 1981 from Washington State University, Dennis Lattimer joined the Peace Corps as an Animal Science volunteer in Honduras. Thoroughly enjoying his first two years, he then signed up for a third.

"Joining the Peace Corps and staying on was the best decision I made," says Lattimer. "Not only did it give me the travel, hands-on experience, a sense of direction, and chance to help people that no other employer could give, but it also fulfilled my desire to return to Latin America because I was born in Peru, and my mother is a Peruvian."

Lattimer was assigned to coordinate the Animal Production Program in the small rural town of La Entrada. At first he had to convince dairy farmers that artificial insemination was not "the work of the devil" but a technique to improve breeding. Finally, after he and his Honduran counterpart conducted a series of workshops and lectures, he won the support of the town.

"As time passed, the birth of healthy calves enabled the farmers to finally believe in the program, and for the first time, I felt that I was truly contributing to the development of a sound dairy industry," he recalls. "Now, years after leaving Honduras, I'm still receiving reports on the continued success of my project." Inspired by his Peace Corps experience, Lattimer worked for the Peace Corps office in Miami for two years before entering Arizona State University where he will be studying for an M.S. in Agricultural Economics.

"I am directing my interests toward reproductive physiology, emphasizing my experience in livestock pregnancy and parturition," Lattimer explains. "I believe that a background in this area, one which little research breakthroughs have been applied to the developing world, would allow me to continue to help improve the critical agricultural and economic needs of these people and prepare me for a successful career in agriculture."

Since 1961, Hispanic volunteers have been serving Costa Rica, Honduras, Ecuador, and Paraguay in the areas of agriculture, forestry, fisheries, health/nutrition, skilled trades, education, and income generation projects. And because of the success of Hispanic-Americans, these countries are requesting more volunteers than the Peace Corps can supply.

Meanwhile, others such as Nicasio Suarez, Ramon Gomez, and Roberto Rodriguez report high levels of satisfaction with their experiences teaching math and science in Africa.

"I, too, come from a traditional, conservative Cuban family, where professional careers, monetary success and social standing are heavily emphasized," explains Rodriguez. "But I saw serving in West Africa as an invaluable opportunity to learn another language, to travel and to learn about different educational systems."

Anxious to launch a career, many prospective volunteers fear that two years overseas will hurt their prospects. However, Hispanic-Americans may not be aware of the wide range of opportunities that Peace Corps service opens up to them.

"Serving in the Peace Corps is helping others to help themselves, yet I benefited from the experience much more than I gave," Stresses Lillian Ortiz who is now a community nurse in Seattle, Washington. "The Peace Corps was a shaping experience for me and one that benefits me day after day."

While on assignment, volunteers receive a monthly living allowance, free medical and dental care, transportation to and from their site, and invaluable language, cross-cultural, and community development techniques training. In addition, they may defer student loans. After completing the two-year term of service, returned volunteers (RPCVs) receive a readjustment allowance of $4,200, equal to $175 for each month of service, and are entitled to one year of noncompetitive eligibility when applying for Federal government jobs.

Government, business and volunteer agencies actively seek former volunteers who have reached high positions in these organizations. For example, several RPCVs are in Congress, over 100 work for the World Bank, and 14 are vice presidents of Chase-Manhattan Bank. Meanwhile, 90 percent of all new recruits for USAID and 10 percent of each new Foreign Service class consist of RPCVs.

"As a person, I've grown and changed many of my values and outlooks on life because of the Peace Corps," continues Ortiz. "I would advise others to join because I have found it one of the most unroutine, exciting, hectic, adventurous and hardest jobs I've ever had. If you want to have days filled with joy, wonder and laughter, and other days filled with frustration, hopelessness and loneliness; if you are flexible enough to bend with the wind and have a big enough heart to take in a lot of happiness and a lot of sadness, then you'll understand what a volunteer is all about."

Indeed, as their slogan stresses, Peace Corps is "The toughest job you'll ever love." Despite its attractions, the two-year stint is demanding: about a fourth of all volunteers do not complete their two-year assignments due to medical, family or job-related reasons.

"Pulling all my drinking and washing water from a well presented no difficulties, but for a person used to push-button living, a lack of electricity is difficult to adjust to," cautions Felix Garcia.

To join Peace Corps, you must be a U.S. citizen at least 18 years of age, though few applicants under 21 have the skills and experience to qualify. There are also medical and legal requirements. By joining the Peace Corps, Hispanic-Americans, with their reputation for warmth, vitality and ethnic pride can make a difference in international development efforts.

"As one of the few Cuban-Americans who has volunteered for the Peace Corps, I am very proud to have been able to serve my country and likewise a neighboring country in the most direct and absolute manner, with sweat and will power," adds Leo Alonso.

For more information, talk to a former Peace Corps Latin American volunteer at 800-424-8580, ext. 93 between 9 a.m. and 7 p.m.

SUPPORT FOR H.R. 1212

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1987

Mr. WILLIAMS. Mr. Speaker, the following are a sampling of letters I have received in support of the Polygraph Protection Act, H.R. 1212, which passed today by a vote of yeas 254, nays 158:

AMERICAN MEDICAL ASSOCIATION,
Chicago, IL, October 30, 1987.

Re: H.R. 1212, The Employee Polygraph Protection Act.

Hon. PAT WILLIAMS,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE WILLIAMS: The American Medical Association supports the passage of H.R. 1212, the Employee Polygraph Protection Act, which you introduced. We will be sending letters to each member of the House of Representatives stating our support for H.R. 1212 and explaining our opposition to the use of polygraph testing in the employment setting until it can be shown to be valid with a high level of predictability.

The polygraph is designed to record a number of physiologic variables that are affected by an individual's autonomic nervous system—heart rate, blood pressure, respiration rate, and galvanic skin response. To use this device as a so-called lie detector cannot be supported since no physiologic response is unique to lying. There simply is no "Pinocchi effect" that a polygraph test can measure.

The structure and substance of the questions asked in a polygraph test and the individual skill and training of the examiner will influence the results of such a test, yet these are subjective variables that are difficult to quantify, much less regulate. Examining the validity of polygraph testing itself is difficult for this reason and, among other factors, because the "ground truth" being sought in a polygraph examination is not often known.

Finally, studies indicate that polygraph tests result in enough false-positive and false-negative findings of truthfulness that their value is little better than the probabilities of chance, or flipping a coin. In the employment setting, this level of inaccuracy has a particularly pernicious effect. Because most individuals are truthful, an unacceptable number of innocent persons will be labeled as deceptive in a job interview process or in a sweep of employees to find the perpetrator of a theft.

Our judicial system, since 1923, has consistently rejected the use of polygraph test results in criminal trials. In the employment setting, where a false determination of truthfulness can be just as damaging to a life or career as a false conviction for a criminal act, individuals also need protection from the use of polygraph testing as currently used. H.R. 1212 would provide that protection, and the AMA supports its enactment.

Sincerely,

JAMES H. SAMMONS, M.D.

AMERICAN PSYCHOLOGICAL ASSOCIATION,
Washington, DC, November 3, 1987.

Hon. PAT WILLIAMS,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE WILLIAMS: I am writing on behalf of the American Psychological Association, a professional and scientific organization representing 90,000 psychologists, in support of H.R. 1212, the Employee Polygraph Protection Act. As we stated in our testimony earlier this year before the House Subcommittee on Employment Opportunities, we strongly endorse this legislation. In fact, in 1986 APA adopted a resolution which concludes that the scientific evidence regarding the validity of polygraph tests to detect deceptive behavior is unsatisfactory. Recognizing the unreliability of the polygraph test, APA opposed the use of polygraphs in pre-employment screening settings.

Despite many years of polygraph development and use, APA finds that the high rate of false positives which occurs with the polygraph test and inevitably labels innocent persons as deceptors, is unacceptable. As a result of the two million polygraph tests given last year in private employment settings, an alarming number of innocent persons could have been denied employment and promotion on the basis of a test which falsely identifies individuals as deceptive or dishonest. Moreover, an overwhelming majority of individuals who administered these tests have limited training and expertise in psychology and in the interpretation of psychophysiological measures. In spite of the fact that the polygraph test is a psychological test which must conform to accepted Standards for Educational and Psychological Testing, the opportunity for misuse of the polygraph test continues to exist.

Because of the lack of scientific evidence for the validity of polygraph tests, designated exemptions for specific industries from legislation regulating or prohibiting the use of polygraphs is equally unacceptable. In any industry setting the consequences of misidentifying both honest and dishonest individuals are significant. Moreover, in certain industries the consequences for falsely identifying individuals as deceptive may be even more severe than in other settings. Consequently, APA opposes exemptions for any specific industry and any amendments to H.R. 1212 designed to provide such exemptions.

Without this legislation, the use of polygraph tests for pre-employment screening will continue to harm innocent persons. APA supports the final passage of H.R. 1212 as reported by the House Education and Labor Committee and urges all members of the House of Representatives to support this bill.

Sincerely,

ALAN G. KRAUT,
Executive Director for Science.

COMMITTEE ON ARMED SERVICES,
Washington, DC, October 22, 1987.

Hon. PAT WILLIAMS,
House of Representatives,
Washington, DC.

DEAR PAT: I understand that H.R. 1212, the Employee Polygraph Protection Act, will be considered by the House on November 4.

This is to advise you that the Committee on Armed Services is supportive of the bill as reported by the Committee on Education and Labor. We note that section 6(b) exempts: individuals employed by, or assigned or detailed to, the National Security Agency (NSA) and the Central Intelligence Agency (CIA); individuals employed by contractors of either the NSA or the CIA; individuals applying for a position in either the NSA or the CIA; individuals assigned to a space in which sensitive cryptologic information is produced, processed or stored for either the NSA or the CIA; experts or consultants under contract to the Department of Defense or employees of such contractors; and experts or consultants under contract to the Department of Energy in connection with atomic energy defense activities or employees of such contractors. Those exemptions should protect the essential national defense activities of the U.S. government.

Sincerely,

LES ASPIN,
Chairman.

ACLU,
Washington, DC, October 30, 1987.

DEAR REPRESENTATIVE: On November 4, the House of Representatives will be voting on a measure which has the potential to greatly improve the privacy and fair working conditions of millions of Americans—the Employee Polygraph Protection Act, H.R. 1212. The bill, sponsored by Representative

Pat Williams and a bipartisan group of more than 180 members, will prohibit employers engaged in interstate commerce from requesting or requiring that their employees or job applicants submit to these grossly inaccurate and invasive tests.

The American Civil Liberties Union places a high priority on restricting polygraph use. Not only are these tests invasive of personal privacy, they are also denounced by scientists and psychologists as scientifically invalid. They simply do not work, and they cause enormous harm to the lives of innocent working men and women by wrongly branding them as liars.

The Office of Technology Assessment in its comprehensive study of polygraph testing concluded that: "available research evidence does not establish the scientific validity of the polygraph test for personnel security screening", and that "the further one gets away from the conditions of a criminal investigation, the weaker the evidence for polygraph validity".

Most states do not allow the use of polygraph tests as evidence in criminal trials but many states continue to allow it to determine whether someone is hired or fired. This is now beginning to change, twenty-two states and the District of Columbia have some type of restriction on polygraph use in private employment. However, state attempts to reduce polygraph abuse through regulation have not been successful.

I urge you to support this vital bill without weakening amendments. Our office would be glad to provide you and your staff with information on polygraph tests and the laws and practices of the states. Please contact Judy Goldberg or Allan Adler, our legislative representatives on this issue, at 544-1681 if you would like further information.

Sincerely,

MORTON H. HALPERIN.

ACLU—In Support of Banning the Use of Polygraphs in Private Employment

INTRODUCTION

The Employee Polygraph Protection Act, HR. 1212, is designed to prohibit employers engaged in interstate commerce from requesting or requiring polygraph examinations of their employees or job applicants. If passed by Congress it would protect the individual rights of millions of citizens and strike a blow for basic fairness in the workplace.

The American Civil Liberties Union opposes the use of lie detection devices because they are an invasion of privacy, an affront to human dignity, a violation of self incrimination prohibitions, and an unlawful search and seizure, whether or not at some future time such devices may be found to have scientific credibility.

This Act provides critically-needed federal restrictions on private employers whose use of so-called "lie detectors" has tripled over the past decade to a level of some 2 million tests per year. The restrictions, along with provisions to enforce them and remedies for their violation, can protect the tens of thousands of persons who every year are unfairly denied or dismissed from private employment as a direct result of submitting or refusing to submit to what one expert has aptly called the "bloodless third-degree."

SCIENTIFIC UNRELIABILITY—DO THE TESTS WORK?

The polygraph test basically depends upon simple mechanical recordings of the fluctuations in an individual's rate of breathing, blood pressure and skin perspiration during an interrogation. Polygraph advocates claim these recordings can be interpreted by "trained" examiners to provide conclusive evidence of the truth or falsity of the individual's "yes" or "no" answers to particular questions. But, since there is no known physiological response that is uniquely identified with lying, the polygraph technique is simply invalid. The so-called "lie detector" is really only a "stress detector" and a polygraph examiner has no scientific basis for separating the stress that may indicate deception from any other stress, including fear, anger, humiliation or frustration regarding the polygraph test itself.

In 1983, the Office of Technology Assessment, the research arm of the U.S. Congress, released its comprehensive study Scientific Validity of Polygraph Testing. The study concluded that: "available research evidence does not establish the scientific validity of the polygraph test for personnel security screening", and that "the further one gets away from the conditions of a criminal investigation, the weaker the evidence for polygraph validity". The report went on to express concerns about persons falsely labeled as deceptive by these tests.

The American Psychological Association recently has adopted a policy resolution recognizing that scientific evidence for polygraph test validity is "still unsatisfactory". This year the American Medical Association and the American Psychological Association have both testified in support of H.R. 1212 due to the tests' unreliability.

One of the foremost researchers on the validity of polygraph examinations, Dr. David Raskin, testified in April 1986 that "there is not a single scientific study which demonstrates any reasonable degree of accuracy for general employment (polygraph) screening tests". He went on to add that the degree of reliability of the polygraph as a detection device falls below 50% whenever the number of guilty people in a group to be tested is less than 20%, even when it is used to investigate specific incidents.

Even F. Lee Bailey, testifying in favor of polygraph use has stated that his support was confined to polygraph use in specific investigations, conducted by a skilled and highly trained examiner, and when the examination lasted a minimum of three hours. All his claims for accuracy were based on its use under those conditions. He also indicated that he did not believe the test was a reliable tool for employee screening. Brief employment screening tests, commonly used as a condition of employment, did not meet his definition of a polygraph test.

Testimony indicated that such tests brand an estimated 300,000 U.S. workers as deceptive each year, causing them to be fired, disciplined, or not hired.

THE ISSUE OF "CONSENT"

Some have argued that employer use of polygraph tests is not invasive because an employee signs a waiver stating that he or she consents to take the test voluntarily. This reasoning is self deceptive. In many cases employees are told that their only options are to take the test or to lose their job. Their consent in these cases is clearly coerced.

THE TESTS HAVE A DISCRIMINATORY IMPACT

The House subcommittee heard testimony that there is mounting evidence that the tests have a substantial discriminatory impact on black job applicants and employees. In the Illinois case of *Moon* v. *Cook County Police and Corrections Merit Board* the judge found that the statistics:

"Demonstrate that a higher percentage of blacks failed the polygraph test than whites taking the same test. In fact, plaintiff's expert witness correctly determined . . . that there was one change in 1,000 that . . . the proportion of blacks who failed the polygraph test would be as great as 72.5% (where 67.5% of those taking the test were black) if blacks had an equal chance of passing the test."

Obviously, a test which measures blood pressure, breathing and heartbeat can discriminate severely against persons with physical ailments or handicaps. In the case of *Mark Smith* v. *Mechanics Lumber Company* et al., an Arkansas man with Multiple Sclerosis was required to take several polygraph examinations. The lawsuit alleges that the stress of the exams, and being told that he has failed the exams, brought on an aggravation of the MS, at one point making him partially paralyzed.

WHAT ARE STATE LAWS DOING?

The Employee Polygraph Protection Act would extend relief from the dubious "lie detector" to millions of prospective and current members of the private workforce who are not now covered or adequately protected under the patchwork quilt of diverse polygraph legislation that has been enacted over the years by forty-one states and the District of Columbia.

Only nine states currently have no laws governing any aspect of employee polygraph testing. Nineteen states either require licensing of polygraph examiners or regulate the conduct of polygraph examinations. Ten states prohibit most private employers from requiring a polygraph examination as a condition of employment or continued employment, but allow an employer to request such an exam. Finally, twelve states and the District of Columbia prohibit most private employers from requiring or requesting that a polygraph test be taken as a condition of employment, effectively banning its use in employment.

Some employers get around state laws which don't allow them to require a polygraph test by pressuring their employees into "volunteering" for the examinations. Yet even where states have absolutely prohibited employment polygraph testing employers have been known to evade the ban by hiring in a neighboring state which permits such testing, or by requiring employees to cross state lines to take the test in an adjoining state where it is legal.

States which license examiners or regulate the conduct of examinations vary widely in their statutes and regulations regarding the types of questions which may be asked during exams, the rights of employees who are tested, or the kind of training required for licensing.

HAS STATE REGULATION WORKED?

No, the regulatory approach has not worked to curb polygraph abuse. ACLU affiliate offices in states which regulate but do not prohibit polygraphs reported receiving over 1,400 complaints relating to polygraph examinations during 1986. Five ACLU state offices reported over 150 calls each. Polygraphs are one of the single largest sources of complaints received by the ACLU.

By contrast, an ACLU survey shows that 26 state polygraph boards reported a total of only 56 complaints in the last year, although they have 3,604 registered polygraph examiners. Ten of them reported receiving no complaints at all. The boards report that these complaints resulted in only one fine, two revocations, nine suspensions (most for nonpayment of license fees) and twelve fines and nine revocations of licenses. This leads to the conclusion that state polygraph regulatory boards are for the most part virtually invisible and inactive. In the face of growing employee concern, they produce hardly a trickle of activity.

In addition, simply "regulating" polygraph testing bags the key issue of polygraph validity. No amount of training or experience on the part of an examiner can overcome the glaring absence of scientific evidence supporting the underlying premise of lie detector testing, particularly in the area of pre-employment or random screening. No amount of procedural "safeguards" or detailed statutory instructions on how employment polygraph tests may be conducted can alleviate the fundamental unfairness of purporting to assess an individual's integrity by means of this dubious process.

AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS,
Washington, DC, October 30, 1987.

DEAR REPRESENTATIVE: The AFL-CIO urges your strong support for H.R. 1212, the Employee Polygraph Act, which is scheduled for a floor vote next Wednesday, November 4. We also urge your opposition to any substitute bills, industry exemptions, or other weakening amendments.

H.R. 1212 has 182 bipartisan cosponsors. It was reported out of the Employment Opportunities Subcommittee by a voice vote and out of the full Education and Labor Committee by a 25-9 vote.

The use of polygraphs and other so-called "lie detectors" has reached shocking levels in America's workplaces. Workers in the private sector are subjected to more than two million "lie detector" tests every year, four times the number given just ten years ago. According to estimates, at least 200,000 Americans lose jobs or are denied their employment opportunities solely because of inaccurate "lie detector" tests.

Because of the continuing widespread abuse of polygraphs and their lack of reliability, twenty-two states have limited or outlawed polygraph examinations in the workplace. However, many employers evade state prohibitions simply by sending applicants and employees across state lines for testing in jurisdictions which allow polygraphs. A uniform federal prohibition of these inaccurate, intrusive instruments is needed.

For this reason, we urge your opposition to a substitute bill which we anticipate will be offered by Reps. Darden (D-GA) and Young (R-FL). This substitute would undermine H.R. 1212 by allegedly regulating at the state level testing procedures and licensing of polygraph operators. The real effect of this substitute will be to perpetuate the state by state quagmire that results in the use of these inherently flawed machines and their all powerful operators.

In addition we urge you to oppose amendments seeking to exempt specific industries from the coverage of H.R. 1212. Objective investigators of polygraph accuracy agree that the polygraph cannot accurately or consistently distinguish truth from deception. Thus, such devices are not suitable for use in any industry.

Based on the foregoing, I again urge your strong support for H.R. 1212 which would offer much-needed protection to millions of vulnerable American workers. This legislation is the long overdue solution to the growing threat presented to working Americans by these intrusive, intimidating and so often grossly inaccurate machines.

Sincerely,

ROBERT M. MCGLOTTEN, *Director, Department of Legislation.*

BOSTON UNIVERSITY,
CENTER FOR APPLIED SOCIAL SCIENCE,
Boston, MA, October 2, 1987.

Congressman PAT WILLIAMS,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN WILLIAMS: I understand that H.R. 1212, the Polygraph Protection Act, will be voted upon shortly by the full House. As principal author of the 1983 Congressional Office of Technology Assessment report on the scientific validity of polygraph tests, I have followed closely the development of this legislation. As you know from my public testimony, I strongly support the pending bill and believe that it protects not only employees, but businesses as well.

I have continued to study the use of polygraph tests. It has become even clearer that there is little scientific foundation for polygraph tests and that, if anything, the potential for abuse has increased substantially. As part of my on-going research and educative efforts, I have traveled throughout the country talking with other scientists and with individuals who use or have taken polygraph tests. The patchwork of ineffective state legislation seems to have created a chaotic situation that only national legislation can correct.

You may also be interested to know that courts are increasingly being forced to decide about employment use of polygraph tests. Although long-barred from introduction in Federal Courts, and most State courts, recently polygraph tests have been successfully challenged by employees in several jurisdictions. In one recent case involving police officer candidates in Philadelphia (for which I served as an expert witness), a Federal judge ruled that polygraph tests are an unreasonable and irrational job requirement. Unfortunately, employees in private rather than public organizations do not share the same Constitutional protections of these public employees.

Thank you for your leadership on this important legislation. Please let me know if I can provide any information about current research on polygraph testing.

Cordially,

LEONARD SAXE, Ph.D.,
Associate Professor of Psychology, Co-Director.

SNEAKY PAY RAISE

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1987

Mr. GINGRICH. Mr. Speaker, the following Dallas Morning News editorial is a good example of the outrage people feel about last week's Democratic leadership push to vote taxes, raise congressional pay, and switch votes. Members should take heed:

[From The Dallas Morning News, Nov. 4, 1987]

ANOTHER SNEAKY PAY RAISE

The word is beginning to get out about the pay raise the House of Representatives leadership sneaked through last week.

And it should make taxpayers hopping mad at the lawmakers who voted for it while pretending to be cutting the budget deficit. That's like buying a Rolex with what was supposed to be the rent money, while vowing concern that the cookie jar is empty.

How did the pay raise get through without most members of the media even noticing it? The raise was tucked away in the voluminous pages of a "deficit reduction" package that House Speaker Jim Wright armtwisted out by a 206-205 vote.

The tactics that were used to push through the tax hike already have Republican members of Congress steaming. In order to get the vote on what amounted to a $12.3 billion tax increase, Wright created another legislative day Thursday so a required 24-hour delay could be avoided before considering the revised measure.

Then, the House leadership held up the vote for nearly 10 minutes after a 15-minute time limit had passed while staffers searched for a lawmaker who could be convinced to change his vote. That last-minute change of heart was provided by Rep. Jim Chapman, D-Sulphur Springs.

There was considerable resistance to the bill because it contained some politically unpopular tax increases, such as extending the 3 percent telephone excise tax and repealing the cuts in the top rate for estate and gift levies.

There should be even more resistance to the fact the "deficit reduction" package was supposed to be a 50-50 deal, 50 percent tax increases, 50 percent spending reductions. In truth, it was more like a 12-to-1 deal, with $12 billion in tax increases and $1 billion in spending cuts—plus $1 billion in spending additions.

What was most galling however, was the fact that a 3 percent pay hike for all federal employees was slipped into the wording. That, as usual, would include all members of Congress, unless the representatives specifically excluded themselves. They didn't.

This comes on the heels of a pay raise that was approved in another backdoor maneuver earlier this year. You may recall that the Commission on Executive, Legislative and Judicial Salaries recommended last fall that Congress be given pay raises from $75,000 to $135,000. The president, in submitting his budget, compromised and reduced that amount to $89,500. Under the pay raise procedures, that recommendation would become law unless Congress voted against it. Which many of them did—a day after the legal deadline for opposing the increase. The raise went into effect anyway, enabling the lawmakers to have their raise and vote against it, too.

The 3 percent pay raise tacked on last week would raise the congressional salary to around $92,200. It would amount to two raises in one year, at a time when Congress is supposed to be looking for ways to cut the federal budget by $23 billion in order to meet the Gramm-Rudman-Hollings-mandated cutbacks by Nov. 20.

The only heartening aspect to this episode is that the smoke-and-mirrors raise probably will not be accepted by the Senate. The senators are understandably leery of a package that had such narrow support and left so many hard feelings.

But the episode is an embarrassing reflection of the mind-set that is ingrained in some House leaders. That mind-set is that procedural rules are to be used to dictate measures, rather than guarantee fair play, and that Congress' role is to take money from the taxpayers rather than leave taxpayers as much of their own money as possible.

Congress is pressing dangerously close to the Nov. 10 deadline when the continuing resolution that keeps the government operating runs out and the Nov. 20 deadline when the Gramm-Rudman automatic cuts kick in. The representatives who voted for the tax package claim they had to do so in order to get things moving in time to meet the deadline to reduce the budget. But they used techniques borrowed from the Jim and Tammy Faye Bakker school of finance.

As Rep. Dick Armey, R-Texas, who voted against the package, put it, "The members of Congress who voted with Jim Wright last week voted to raise taxes on the people and to spend at least some of those taxes to line their own pockets."

THE CURRENT SITUATION IN HAITI

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1987

Mr. DYMALLY. Mr. Speaker, I would like to bring to your attention a situation which, I am certain, is of great concern to the Members of this House. On November 29, the Haitain people are supposed to go to the polls to elect Members of the Legislature and the President of the country.

An escalation of violence and abuses of human rights are testing the resolve of the Haitian people, who have shown themselves determined to rid themselves of the last vestiges of Duvalierism. The earlier assassinations of two Presidential candidates, one at a rural rally, the other in front of Port-au-Prince's main police station, have now been followed by the deliberate burning of the elections commission headquarters and a business belonging to a member of the commission, as well as the murder of a security guard at the commission.

These attacks are apparently in response to a ruling by the commission which upheld the exclusion of candidates with links to Duvalier. It is increasingly clear that the killings and other efforts at intimidation are being perpetrated by those who wish to retain the oppressive economic, political, and social structures that characterized the Duvalier regime.

Even more disheartening is the inability or unwillingness of the National Council of Governments [CNG] to bring the perpetrators to justice and to offer the remaining political candidates any assurances for their personal safety.

We in Congress are united in our support of the people of Haiti to choose their own representatives through democratic elections. We must not sit idly by while the Haitain people struggle to achieve a society built on principles of justice and equality. We can reflect our commitment to them in our trade and aid policies for that country.

We know that the only way the Duvalierists can triumph is not through free and fair elections, but through intimidation and violence. Given the present situation and the recalcitrant posture of the interim military government, Representative FAUNTROY, Representative CROCKETT, and I continue to be opposed to any form of military aid which could be used to increase the list of victims.

We stand ready to support the provisional electoral commission, the CEP, in every appropriate way, and we know we are joined in our endeavor by the courageous Haitian people, and the people of goodwill throughout the international community.

As a Member of the Congressional Task Force on Haiti and a member of the Committee on Foreign Affairs, I will be working closely with both Representative WALTER FAUNTROY, chairman of the Congressional Task Force on Haiti, and Representative GEORGE CROCKETT, chairman of the Subcommittee on the Western Hemisphere, to ensure that United States policy toward Haiti is on the right side of the struggle for democracy and social justice.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, November 5, 1987, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

NOVEMBER 6

9:30 a.m.

Finance

Taxation and Debt Management Subcommittee

To hold hearings on S. 639 and S. 1099, bills to empower States to require out-of-State vendors to collect State sales and use taxes SD-215

Joint Economic

To hold hearings to review the employment/unemployment statistics for October. SD-628

10:00 a.m.

Foreign Relations

To hold hearings on the nominations of George S. Vest, of Maryland, for the personal rank of Career Ambassador in recognition of especially distinguished service over a sustained period, and William C. Harrop, of New Jersey, to be Ambassador to the Republic of Zaire. SD-419

NOVEMBER 9

9:30 a.m.

Energy and Natural Resources

To hold hearings on the greenhouse effect and global climate change. SD-366

10:00 a.m.

Agriculture, Nutrition, and Forestry

Agricultural Production and Stabilization of Prices Subcommittee

To hold joint hearings with the House Committee on Agriculture's Subcommittee on Wheat, Soybeans, and Feed Grains on the impact of Federal Inspection Service protein measurement on wheat prices. SR-332

NOVEMBER 10

9:00 a.m.

Select on Indian Affairs

To hold oversight hearings on implementation of the Indian Child Welfare Act (P.L. 95-608). SR-485

9:30 a.m.

Energy and Natural Resources

To continue hearings on the greenhouse effect and global climate change. SD-366

10:00 a.m.

Agriculture, Nutrition, and Forestry

To resume joint hearings with the Committee on the Judiciary's Subcommittee on Technology and the Law on the use and regulation of biotechnology in agriculture. SR-332

Judiciary

Patents, Copyrights and Trademarks Subcommittee

To hold hearings on S. 698, Syndicated Television Music Copyright Reform Act of 1987. SD-226

2:00 p.m.

Labor and Human Resources

Education, Arts, and Humanities Subcommittee

To hold oversight hearings on the Institute of Peace. SD-430

NOVEMBER 12

9:00 a.m.

Commerce, Science, and Transportation

Communications Subcommittee

To hold oversight hearings on the public broadcast system. SR-253

9:30 a.m.

Energy and Natural Resources

Business meeting, to consider pending calendar business. SD-366

10:00 a.m.
Agriculture, Nutrition, and Forestry
Business meeting, to mark up S. 1516, the Federal Insecticide, Fungicide, and Rodenticide Act Reform of 1987.
SR-332

Foreign Relations
To hold hearings to reexamine the War Powers Resolution with a view to possibly revising the law.
SD-419

1:00 p.m.
Rules and Administration
To hold joint hearings with the Select Committee on Indian Affairs on S. 1722, to establish the National Museum of the American Indian, Heye Foundation within the Smithsonian Institution, and to establish a memorial to the American Indian, and S. 1723, to establish certain regional exhibition facilities as part of the National Museum of the American Indian.
SR-301

Select on Indian Affairs
To hold joint hearings with the Committee on Rules and Administration on S. 1722, to establish the National Museum of the American Indian, Heye Foundation within the Smithsonian Institution, and to establish a memorial to the American Indian, and S. 1723, to establish certain regional exhibition facilities as part of the National Museum of the American Indian.
SR-301

2:00 p.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on H.R. 2416, to establish the Jimmy Carter National Historic Site and Preservation District in the State of Georgia, and H.R. 2325, to authorize the acceptance of a donation of land for addition to Big Bend National Park, in the State of Texas.
SD-366

NOVEMBER 13

9:30 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings to review the activities of transportation property brokers.
SR-253

Energy and Natural Resources
To hold hearings on the nominations of Earl E. Gjelde, of Virginia, to be Under Secretary of the Interior, and Henry M. Ventura, of California, to be an Assistant Secretary of the Interior for Policy, Budget and Administration.
SD-366

Finance
Taxation and Debt Management Subcommittee
To hold hearings on S. 983, to provide tax incentives for businesses in enterprise zones designated in economically depressed rural areas, S. 788, to provide tax incentives for businesses in enterprise zones established on Indian lands, and S. 1781, to permit donors of debt of developing nations to charitable organizations to obtain a charitable deduction equal to their basis in the debt.
SD-215

NOVEMBER 16

10:00 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Production and Stabilization of Prices Subcommittee
To hold hearings to review the potential effects of the drawback extension of the sugar program.
SR-332

2:00 p.m.
Agriculture, Nutrition, and Forestry
To hold hearings on the nomination of Roland R. Vautour, of Vermont, to be Under Secretary of Agriculture for Small Community and Rural Development, and to be a Member of the Board of Directors of the Commodity Credit Corporation.
SR-332

Rules and Administration
To resume joint hearings with the Select Committee on Indian Affairs on S. 1722, to establish the National Museum of the American Indian, Heye Foundation within the Smithsonian Institution, and to establish a memorial to the American Indian, and S. 1723, to establish certain regional exhibition facilities as part of the National Museum of the American Indian.
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SR-301

NOVEMBER 17

9:00 a.m.
Rules and Administration
Business meeting, to consider pending legislative and administrative business.
SR-301

10:00 a.m.
Commerce, Science, and Transportation
To hold hearings on the nomination of James H. Burnley IV, of North Carolina, to be Secretary of Commerce.
SR-253

Conferees
On H.R. 1777, to authorize funds for fiscal year 1988 for the Department of State, United States Information Agency, Voice of America, and the Board of International Broadcasting.
S-116, Capitol

2:00 p.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 1544, to provide for cooperation with State and local governments for the improved management of certain Federal lands.
SD-366

NOVEMBER 18

10:00 a.m.
Agriculture, Nutrition, and Forestry
To resume markup of S. 1516, the Federal Insecticide, Fungicide, and Rodenticide Act Reform of 1987.
SR-332

Commerce, Science, and Transportation
To resume hearings on safety and regulation of the airline industry.
SR-253

2:00 p.m.
Energy and Natural Resources
To hold hearings on S. 1567 and H.R. 2858, bills to provide for refunds pursuant to rate decreases under the Federal Power Act.
SD-366

NOVEMBER 19

9:30 a.m.
Commerce, Science, and Transportation
Business meeting, to consider pending calendar business.
SR-253

2:00 p.m.
Select on Indian Affairs
To hold oversight hearings to review Federal agency actions related to the implementation of the Department of the Interior's Garrison Unit Joint Tribal Advisory Committee final report recommendations, and on proposed legislation to implement the report recommendations.
SR-485

DECEMBER 2

9:00 a.m.
Select on Indian Affairs
To hold hearings on S. Con. Res. 76, to acknowledge the contribution of the Iroquois Confederacy of Nations to the development of the United States Constitution and to reaffirm the continuing government-to-government relationship between Indian tribes and the United States established in the Constitution.
SR-485

9:30 a.m.
Small Business
Innovation, Technology and Productivity Subcommittee
To hold hearings to review problems confronting small manufacturing firms in automating their facilities.
SR-428A

DECEMBER 3

9:00 a.m.
Select on Indian Affairs
To hold hearings on S. 1236, authorizing funds for certain programs of the Navajo-Hopi Relocation Program.
SR-485

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To resume hearings on S. 1600, to create an independent Federal Aviation Administration.
SR-253

DECEMBER 8

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To resume hearings on S. 1600, to create an independent Federal Aviation Administration.
SR-253

CANCELLATIONS

NOVEMBER 5

9:30 a.m.

Commerce, Science, and Transportation

Aviation Subcommittee

To hold oversight hearings on activities of the Federal Aviation Administration, Department of Transportation.

SR-253

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

NOVEMBER 10

9:30 a.m.

Commerce, Science, and Transportation

Aviation Subcommittee

To resume hearings on S. 1600, to create an independent Federal Aviation Administration.

SR-253

NOVEMBER 12

9:30 a.m.

Commerce, Science, and Transportation

Aviation Subcommittee

To resume hearings on S. 1600, to create an independent Federal Aviation Administration.

SR-253

HOUSE OF REPRESENTATIVES—*Thursday, November 5, 1987*

The House met at 10 a.m.

Rev. John A. Cupp, Jr., pastor, Brainerd Church of Christ, Chattanooga, TN, offered the following prayer:

Almighty and eternal God our Father in Heaven, we thank You for this day with the blessings we have already received and for the opportunities for service that are ours today.

We come to You, Father, to ask Your continued blessings upon our great Republic and the noble ideals for which it was established.

Help us as we continually strive for world peace and justice in the world. Bless all the rulers as they work with us in this noble endeavor. Please grant wisdom to those who have been elected and selected to serve, and help them not become discouraged in welldoing.

In our Master's name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment bills, a joint resolution, and concurrent resolutions of the House of the following titles:

H.R. 3428. An act to provide for the distribution within the United States of the film entitled "America The Way I See It";

H.R. 3457. An act to amend the Packers and Stockyards Act, 1921, to provide financial protection to poultry growers and sellers, and to clarify Federal jurisdiction under such act;

H.J. Res. 368. Joint resolution designating the week of November 8 through November 14, 1987, as "National Food Bank Week";

H. Con. Res. 68. Concurrent resolution expressing the sense of Congress regarding the inability of American citizens to maintain regular contact with relatives in the Soviet Union;

H. Con. Res. 140. Concurrent resolution authorizing printing of the compilation of materials entitled "Guide to Research Collections of Former Members of the United States House of Representatives, 1789-1987"; and

H. Con. Res. 177. Concurrent resolution authorizing the printing of the compilation of materials entitled "Guide to Records of the United States House of Representatives at the National Archives, 1789-1989; Bicentennial Edition."

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 953. An act to authorize appropriations for fiscal year 1988 for certain maritime programs of the Department of Transportation and the Federal Maritime Commission; and

H.R. 2939. An act to amend title 28, United States Code, with respect to the appointment of independent counsel.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2939) "An act to amend title 28, United States Code, with respect to the appointment of independent counsel," and requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. GLENN, Mr. LEVIN, and Mr. COHEN to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the amendments of the House to the bill (S. 442) "An act to amend section 914 of title 17, United States Code, regarding certain protective orders."

THE REVEREND JOHN A. CUPP, JR.

(Mrs. LLOYD asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. LLOYD. Mr. Speaker, I urge my colleagues to join me in welcoming my minister and my friend, John A. Cupp, Jr., who delivered our opening prayer today.

John Cupp has effectively served as pulpit minister of the Brainerd Church of Christ in Chattanooga for nearly 5 years. But he has other titles of distinction as well. A man of great compassion, he is counselor, friend, lecturer, and adviser to a host of Tennesseans. Perhaps his best-known title is Lt. John Cupp, director of the narcotics information office, sheriffs office, of Hamilton County, TN.

Lieutenant Cupp's work in drug education spans two decades. He was a pioneer in this effort when he recognized through his ministerial counseling the depth of this problem. In the past 9 years alone, Lieutenant Cupp has spoken to over 270,000 persons on drug abuse and drug awareness.

Mr. Cupp is accompanied today by his wife, Carolyn. The Cupps have four children: Phyllis, Darlene, John III, and George; a granddaughter, Jennifer, and a grandson, Ryan Andrew.

SOVIET POLICY OF SEPARATING FAMILIES

(Mr. GREEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN. Mr. Speaker, this week we all share in the joy of Keith Braun on the arrival of his wife Svetlana from the Soviet Union. In celebrating their long-awaited reunification, we should take this opportunity to dedicate ourselves to a greater effort in behalf of those Americans still waiting for Soviet officials to permit their spouses and fiances to join them.

In the case of my constituent Antonette Bohonovsky, Soviet officials have succeeded in blocking her marriage to Évgeníye Grígoríshin, despite granting them permission to marry on two occasions. After refusing to issue a visa to her to enter the U.S.S.R. for the first wedding date, arresting her fiance en route to the marriage ceremony once she finally arrived, and committing her to a hospital for several days against her will, Soviet authorities put Ms. Bohonovsky on a plane out of the Soviet Union and convicted her fiance of stealing. She has not seen Mr. Grígoríshin since May 1986. He is serving a 5-year sentence.

I believe Grígoríshin was taken into custody, charged and sentenced only because he intended to marry an American. The actions taken by Soviet authorities to block this marriage are in blatant violation of the Helsinki accords.

As administration officials prepare for the upcoming summit, I urge that they remember the plight of Antonette Bohonovsky and her Soviet fiance.

RESIGNATION AS CONFEREE AND APPOINTMENT OF CONFEREE ON H.R. 2713, DISTRICT OF COLUMBIA APPROPRIATIONS, 1988

The SPEAKER laid before the House the following resignation as a conferee of the House-Senate conference committee on the bill, H.R. 2713, District of Columbia appropriations, 1988:

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

COMMITTEE ON APPROPRIATIONS,
Washington, DC, November 5, 1987.

Hon. JIM WRIGHT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I hereby resign as a conferee on H.R. 2713—a bill making appropriations for the District of Columbia.

Sincerely,

MARTIN OLAV SABO.

The **SPEAKER**. Without objection, the resignation is accepted.

There was no objection.

The **SPEAKER**. The Chair appoints as a conferee on the bill, H.R. 2713, the gentleman from Oklahoma [Mr. WATKINS], and the Clerk will notify the Senate of the action of the House.

LEADERSHIP OF SPEAKER WRIGHT

(Mr. LEVINE of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. **LEVINE** of California. Mr. Speaker, I would like to compliment you on the leadership that you have been showing on two extraordinarily important issues for the country.

First, an issue in which I believe the entire world is looking at Washington right now and looking both at congressional and executive negotiators, the issue of finding a compromise in terms of dealing with the extraordinarily urgent and significant deficit reduction problems that are facing this country.

Second, Mr. Speaker, the leadership that you have been providing with regard to working with the Nobel Prize recipient, President Arias of Costa Rica in his heroic and historic efforts to achieve peace in Central America.

Mr. Speaker, I hope that the President will respond to the type of conciliatory and bipartisan initiatives that have been placed before him on the issue of both the budget deficits and the Central American peace process. But, Mr. Speaker, the reports that we have been receiving, both with regard to the budget deficit discussions and with regard to the peace process have been very disturbing. These reports suggest that the President's negotiators have thus far not been authorized to go beyond the sterile positions that the administration presented in its own budget proposal that was so thoroughly repudiated by the Congress earlier this year.

Mr. President, the world is waiting and watching both with regard to achieving a compromise here at home to deal with the urgent budget problems and peace in Central America. I hope the President will respond to your initiatives.

LEGISLATION ESTABLISHING STUDY OF HANFORD REACH OF THE COLUMBIA RIVER FOR INCLUSION IN WILD AND SCENIC RIVER SYSTEM

(Mr. MORRISON of Washington asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. **MORRISON** of Washington. Mr. Speaker, today I am introducing legislation to establish a study of the 57-mile stretch of the Columbia River known as the Hanford Reach for possible inclusion in our Nation's Wild and Scenic River System. Identical legislation is being introduced in the Senate by Senator EVANS and Senator ADAMS.

The Hanford Reach is often referred to as the last free-flowing stretch of the Columbia River in the United States. Although the segment lies between two major hydroelectric facilities, it maintains many of the characteristics of the river as it existed prior to the construction of the dams that helped develop the Pacific Northwest. Many Indian cultural and burial sites can be found along the banks of the river as well as a wide variety of wildlife ranging from deer and coyote to the American bald eagle. In recent years, the Hanford Reach has provided important spawning sites for the rapidly increasing number of salmon in the Columbia River.

The Corps of Engineers is currently studying the feasibility of a navigation channel in the Hanford Reach and have proposed a controversial spawning demonstration project in the area. While I believe it is important for the corps to continue its study of the environmental impacts of the navigation channel and the possible mitigation of those impacts, I also believe that other options for the river should not be precluded by these activities. The legislation I am introducing today will eliminate the controversy over the spawning demonstration project and ensure that Congress will have all the alternatives before it when it is asked to address the future of the Hanford Reach.

AUTHORIZING THE SPEAKER TO DECLARE RECESSES ON TUESDAY, NOVEMBER 10, 1987

Mr. **WRIGHT**. Mr. Speaker, I ask unanimous consent that it may be in order at any time on Tuesday, November 10, 1987, for the Speaker to declare recesses, subject to the call of the Chair, for the purpose of receiving in joint meeting the President of Israel.

The **SPEAKER** pro tempore (Mr. OLIN). Is there objection to the request of the gentleman from Texas?

There was no objection.

DIVIDED FAMILY RATNER

(Mrs. BOXER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. **BOXER**. Mr. Speaker, I want to attempt today to share with my colleagues for one brief minute the anger, the disappointment, the overwhelming frustration Marina Ratner of California experienced last October 9. On that day, Judith Ratner of Moscow and her family were senselessly denied for the 13th time permission to be reunited with Marina and Judith's frail 83-year-old mother in Israel.

It is incomprehensible that this family would be denied reunification. The mother is ill and fragile, and must face daily the dread that she may never see her daughter and grandsons again. Marina Ratner's husband, Leonid Bialy, was examined in Moscow 2 months ago by an American physician and appears to have acute and severe heart damage. He requires treatment now, and he cannot get it in Moscow.

Why? Why this senseless torture of a divided family? Soviet authorities have examined Leonid Bialy, and they say he suffers from a severe condition known as state secrets. It appears too that Leonid's son Mikhail suffers from this deadly congenital malady, for he too has been denied emigration for his father's state secrets. This is preposterous. Leonid Bialy worked as a TV repairman for the last 15 years, until his heart condition forced him to quit. State secrets? Please. I appeal to the Soviet authorities to let these people go.

DISPLAY OF ART WORK OF LESLIE COPE IN CANNON HOUSE OFFICE BUILDING

(Mr. MILLER of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. **MILLER** of Ohio. Mr. Speaker, my colleagues and Hill staff alike have the unique opportunity this week to view the exceptional artwork of the talented Ohio-based artist, Mr. Leslie Cope. Leslie Cope's paintings reflect the lifestyle and values of rural America and capture the spirit of Americana. His exhibit is currently on display in the Cannon House Office Building Rotunda and will be available for viewing through Friday.

Southeastern Ohio is justifiably proud of Leslie Cope and his contributions to art. It is with that sense of pride in this resident of Roseville, OH, that I urge my colleagues and every staff member to view the Cope display and appreciate it as we have always appreciated him.

□ 1015

HOW WILL HISTORY TREAT CASPAR WEINBERGER?

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, how will history treat "Cap" Weinberger? There is no doubt he was a patriot who gave many years of his professional life to Government service.

And there can be no doubt that he oversaw the most gigantic increases in defense spending in history.

Whether that was necessary I will leave to posterity to judge.

But on one point there is no doubt his legacy is not positive. There is a black mark on Cap Weinberger's record, his failure to deal with the waste, fraud, and abuse endemic in our Defense Department. When it came to spending money, Cap Weinberger did nothing to stretch our defense dollars. In fact he too often shrunk them by buying overpriced, useless, weapons we already had, or didn't need. The man once called "Cap the Knife" for his treatment of social programs at HEW will probably be remembered as "Cap the Ladle" for his treatment of the Defense Department.

He bought us too many tanks that do not run, too many guns that cannot shoot, and too many planes that do not fly.

We have suffered from a lack of preparedness in each of our military encounters. Troops without a gameplan in Lebanon, soldiers without radio contact in Grenada, ships without minesweepers in the Persian Gulf. This too is Cap Weinberger's legacy.

And so we close the book on Secretary Weinberger's problems with wasteful Pentagon spending. We hope that Frank Carlucci reads the lessons of this book well.

ON BEHALF OF ANDREI AND ELIZABETH ZHITKOV

(Mr. FAWELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FAWELL. Mr. Speaker, I join with my colleagues to bring to the attention of this Congress the sad plight faced by many families divided by Soviet emigration policies. The personal drama of the divided spouses issue has been brought home to me through the case of Andrei and Elizabeth Zhitkov.

Elizabeth, an American citizen, met Andrei last fall while she was on a 4-month study program in Leningrad. They were married in March of this year. They had planned to live together in the Soviet Union, but due to unforeseen problems Elizabeth was forced to return to the United States only 2 days after their wedding. Andrei and Elizabeth have not seen each other since then.

For 7 long months Andrei has been trying in vain to join his wife here in the United States. He has attempted to comply with all of the regulations and requirements for emigration, yet always some new obstacle is thrown in his path. Promises of emigration have been made, and then suddenly broken. To make matters worse, as a direct result of complying with the demands of OVIR, the Soviet emigration office, Andrei has now lost his job and his right to live in Leningrad, and still with no hope of emigration in sight.

How long must these families wait before they are reunited? Why are they being punished, when all they ask is to live together as man and wife? Mr. Speaker, we are not here to make any political demands or denounce any system of government. Our appeal is strictly humanitarian. We urgently request that the Government of the Soviet Union allow the divided spouses to be reunited, so that couples like Andrei and Elizabeth Zhitkov may start new lives together, without the threat of government interference. Surely this respect for simple human dignity should not be too much to ask.

MULTINATIONAL CORPORATIONS EXPORT JOBS OVERSEAS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, $600 billion multinational corporations have invested overseas. Tremendous amount of profits, $27 billion in 1985 alone, and much of it stays overseas.

What do we have to show for it? Our number one export in America has become jobs. Of the 100 largest multinational corporations of the world, 50 percent of them are in America. That may look good to some people.

The bottom line is those companies have exported 1.4 million jobs. IBM has 40 percent of their workers overseas; Exxon, 54 percent of their workers overseas. General Electric has become the biggest exporter of Taiwan. General Motors has 40 percent of their workers overseas. Ford Motor Co. has 53 percent of their workers overseas.

And some people are saying that these multinationals overseas are good for America because they are taking our costs down, it is good for the consumers.

Mr. Speaker, if the jobs are overseas and Americans are underemployed, who is going to buy anything in America? I say that the multinational corporations have been riding a gravy train elevator and the American workers have been getting the shaft.

Mr. Speaker, we had better start doing something about it here in the Congress.

IN BEHALF OF ANDREA WINE AND VICTOR FAERMARK

(Mr. SMITH of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of New Jersey. Mr. Speaker, it seems to me that in light of the approaching summit that this is a most propitious time for Secretary General Gorbachev to demonstrate Soviet commitment to human rights.

Mr. Speaker, due to Soviet policy there are a number of individuals who have been denied the right to join their spouses or even are impeded from marrying their fiances.

One couple which I have been particularly concerned about is a personal friend of mine, a New Jerseyan, Andrea Wine who is a guest of this Chamber today, and her husband, a Soviet citizen, Victor Faermark.

Andrea and Victor first met in 1973 in the Soviet Union. Over the years the relationship blossomed and they were married in November 1985. That was 2 years ago this month. Despite the fact that repeated requests have been made to Soviet authorities in Moscow, in Washington, DC, and at the Helsinki meetings in Vienna, the followup conference, all those requests have been turned down thus far.

Mr. Speaker, Victor Faermark was working as a research scientist at a prestigious institute when he was first denied his application for emigration in 1971. Not only did he lose his job because of his desire to emigrate but his request was denied on the ground that he had access to state secrets. Frankly, Mr. Speaker, possession of state secrets is a flimsy excuse because Victor has not worked in any area which could possibly be regarded as threatening to the Soviet state of security since at least 1968, 19 years ago.

It is a tragedy that this couple and others are forced to begin and maintain their marriages thousands of miles apart. Our united message today, Mr. Speaker, is to let these couples be together, let Andrea Wine and Victor Faermark live their lives in peace and in the country of their choice.

JOY AND SORROW—THE ONGOING PLIGHT OF DIVIDED SPOUSES

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, yesterday was a joyous day for Keith and Svetlana Braun. A married couple separated by the Soviet Government since 1984, they were welcomed by Members of Congress at a reception in their honor. Their presence yesterday demonstrated that the power of love was far greater than an ocean and, indeed, far greater than the Government that had separated them.

While we all shared in the joy of the reuniting of this couple after repeated attempts by Svetlana to leave the Soviet Union, let me take a moment to challenge Mr. Gorbachev to reunite the remaining divided spouses.

Mr. Speaker, I realize that General Secretary Gorbachev has limited space on the plane he will travel in to Washington for the December summit. But in the spare seats I would like to suggest that he take with him the remaining Soviet citizens who have been kept from joining their spouses in America. Mr. Gorbachev, why don't you take along with you: Yuri Balovlenkov, Galina Michelson, Sergei Petrov, Pyatras Pakenas, Victor Novikov, Andrei Zhitkov, Victor Faermark, Leonid Sheiba, Elena Kaplan, Vladislav Kostin, Yevgeny Grigorishin, and Tatiana Alexandrovich?

Let us hope that the surreal barriers the Kremlin has placed in the lives of these individuals will be torn down—and that they will be able to share the joy we witnessed yesterday with the reunification of Keith and Svetlana Braun.

IN SUPPORT OF DIVIDED SPOUSES

(Mr. SHAW asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHAW. Mr. Speaker, I would like to take a moment to note a very special reunion in the Soviet Union.

One of my constituents, Dr. Galina Vileshina, was allowed last month to visit her husband, Pyatras Pakenas, in Lithuania after a 7-year separation. I will tell you frankly that we had hoped they would be reunited permanently in the United States, but we are very happy that they are at least able to see each other.

I wish to congratulate the Soviet Government for granting Dr. Vileshina visit papers after turning her down for several years. It is my hope that when they see the joy of this couple together, they will allow Mr. Pakenas to emigrate and join his wife in America.

Dr. Vileshina has tirelessly worked to convince the Soviets to release her husband. In the face of despair, she continues to live—quite literally—on love.

I hope there is a happy ending to this love story. When Dr. Vileshina returns to the United States, may her husband soon be allowed to join her.

THE U.S. SUGAR PROGRAM IS NOT BROKEN—IT DOES NOT NEED TO BE FIXED

(Mr. TRAXLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAXLER. Mr. Speaker, this year, Mother Nature has provided the right combination of rain, sunshine and other conditions in most of this country's sugar beet and sugarcane growing areas and, as a result, it now appears the 1987 crop could be perhaps the largest in history. Keep in mind, however, a great share of this crop remains to be harvested and processing won't be completed until next spring. It's early to post any final numbers, but surely, the potential for a bumper domestic sugar crop exists.

This fact, coupled with the administration's refusal to take action to stem the rush of sugar-containing products and blends across our border in circumvention of the sugar import quota program, may result in a reduction of the sugar quota for the next calendar year. This decision must be announced by December 15.

In the meantime, however, some are clamoring for a change in the sugar program.

Because it's one farm program that is working well for both farmers and consumers, they claim it is encouraging expanded production and they want to dismantle it.

I'd like to remind my colleagues that in 3 of the 6 years we've had a price support loan program for sugarcane and sugar beets, cane and beet sugar production has actually declined from the level of the previous year. The U.S. Sugar Program is not broken; it doesn't need to be fixed.

KOCH SPEAKS OUT ABOUT SANDINISTA TORTURE

(Mr. LAGOMARSINO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAGOMARSINO. Mr. Speaker, the Associated Press reports this morning that Mayor Ed Koch of New York has voiced concern about reports of torture of political prisoners by the Communist Sandinista government in Nicaragua. He thus joins a growing number of leaders from across the political spectrum who have observed with disappointment the Sandinistas' failure to live up to the Guatemala City peace accords. When Koch yesterday asked if he could visit the notorious Chipote prison to determine if the reports were true, a Sandinista official refused, saying she was offended that the Mayor would even bring the question of torture up.

The Sandinistas' refusal to abide by the peace accords, end human rights violations and grant amnesty to political prisoners except in the most minimum way makes it both necessary and appropriate that we continue to supply the Contras with food, clothing, and medicine.

HUMANITARIAN AID FOR NICARAGUAN RESISTANCE AND TRIBUTE TO CASPAR WEINBERGER

(Mr. KASICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KASICH. Mr. Speaker, we are all hopeful that the Central American peace plan can be implemented as agreed to, but it has become evident, as the deadline looms today, that the Communist Sandinistas are not fulfilling important parts of the accords. President Arias was quoted on CBS radio this morning as saying he is not satisfied with the progress of the plan, and hopes that the Sandinistas will be more forthcoming on important measures like an internal amnesty.

Members will recall that only a few weeks ago, President Arias told Congress that existing humanitarian aid money as provided under the continuing resolution is proper and helpful. And let's not forget that the Wright-Reagan agreement permits humanitarian aid even after a cease-fire—and today, on the deadline of the Arias plan, the Sandinistas still have not granted a cease-fire. Under such circumstances, Mr. Speaker, the providing of food, clothing, and medicine to the resistance is the right thing to do.

Mr. Speaker, one other point I would like to make: an earlier speaker talked about Cap Weinberger. Let me say this: It was Cap Weinberger who served as Ronald Reagan's point man in developing bipartisan support for the defense buildup. Whether people like to admit it or not, under Ronald Reagan and under the stewardship of Cap Weinberger at the Department of Defense we are going to have for the first time in our history elimination of an entire class of nuclear weapons, and, second, serious discussions in reducing the strategic arsenals of the superpowers by 50 percent.

Let us give Cap Weinberger a well deserved round of applause for having strength and his goal of peace as a top priority. It is going to be successful.

□ 1030

A PLEA TO THE PRESIDENT TO HELP SOLVE THE ECONOMIC CRISIS

(Mr. KANJORSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KANJORSKI. Mr. Speaker, at this time in history, when the economy is fluctuating the way it is, I would like to urge the President of the United States to join in the discussions with the leaders of Congress to work out a deficit reduction plan.

Like most Americans, when the President took the sign, "the buck stops here," to the White House, I was excited to recognize that the President of the United States recognized a great leader in President Truman and would follow in his footsteps.

I would like to call to the President's attention two other great quotes from Harry S. Truman, the first of which said:

> Men make history and not the other way around. In periods where there is no leadership, society stands still. Progress occurs when courageous, skillful leaders seize the opportunity to change things for the better.

President Truman also said:

> As long as I was in the White House, I ran the executive branch of Government and no one was ever allowed to act in the capacity of the President of the United States except the man who held that office. I had no intention of being an acting President.

Mr. Speaker, I say to the President, Mr. Reagan, we ask you now to recognize the leadership of President Truman. Join directly in these discussions to solve the budget crisis of the United States and help solve our economic problems.

CALLING FOR RELEASE OF POLITICAL PRISONERS IN NICARAGUA

(Mr. DORNAN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN of California. Mr. Speaker, I just heard that indeed a few minutes ago Cap Weinberger, of California, did resign as Secretary of Defense, and I will make longer remarks about that this evening or when we come back on Monday. But it was a job well done. Thank you, Cap.

Mr. Speaker, today is November 5. We have had an argument over whether the Arias plan ends the negotiating period and starts the action period on the 90-day point today or, coincidentally, on the 70th anniversary of the Bolshevik revolution 2 days from now.

I go with a group of Congressmen down to Managua this evening or tomorrow morning. For me I go to principally ask one question: When do the political prisoners get out?

Mr. Ortega told me in that bizarre meeting in the presidential candidate's dining room, in Jesse Jackson's home in Chicago, a year ago August, that he had 3,000 political prisoners. Tomas Borge in the last month admitted to 8,800. Amnesty International now maybe thinks that our State Department is right, that the figure is 11,000. President Azcona in his home last month told me it is somewhere between 7,000 and 9,000.

Mr. Speaker, is he going to release 9,000 to 11,000 political prisoners with torture stories? It is not going to happen. Let me join together in this Congress, and as our great senior, CLAUDE PEPPER, said, get the Communists out of Central America.

LESS WAXING AND LESS RENDING

(Mr. WISE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WISE. Mr. Speaker, let me say this to the President: Mr. President, the stock market is an economic yo-yo right now. The dollar drops to its lowest in 40 years, and budget deficits are dragging us ever deeper. The country cries out for statemanship. "Bring us together" is the common cry. The White House and the Congress must work together in the budget summit.

And what is your reaction, Mr. President? There you go again—wax and wax, rend and rend. You revert to the old domestic cold war rhetoric, waxing about 50 years of deficits. They doubled under your administration, I might add. You are a big render also, Mr. President, rending apart the unity that everyone is working for.

Stop waxing with the old rhetoric, Mr. President. Stop rending us apart with the old battles. You have said you will negotiate with the Contras, you have said you will negotiate with the Communists. It is time to add the Congress to that list.

Mr. Speaker, in this case the best prescription to lick budget deficits is both less waxing and less rending.

NEGOTIATIONS ARE NOT CONDUCTED WITH CLUSTER BOMBS

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, while the peace accords of Guatemala City call for the Communist Sandinistas to negotiate with the Nicaraguan opposition, the facts are that they have refused to talk with Contra representatives, and have stepped up the level of terror in their attacks against the freedom fighters. According to recent reports, the Sandinista army has begun using cluster bombs against the Nicaraguan resistance.

While the Sandinistas claim to want peace, the use of cluster bombs and a new 30,000-man draft announced last month heighten the intensity and brutality of the civil war. Instead of using the Central American peace plan to pursue a fair and equitable settlement with the opposition, the Sandinistas apparently hope to bludgeon the freedom fighters into submission.

Mr. Speaker, the Arias peace plan calls for political negotiation and national reconciliation. But negotiations are not conducted with cluster bombs. Under such conditions, we in Congress ought to do the right thing: continue to provide food, clothing, and medicine to the Nicaraguan resistance.

NEITHER BOSTON NOR JERUSALEM REPRESENTED AT WORLD HISTORIC CITIES CONFERENCE

(Mr. ATKINS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ATKINS. Mr. Speaker, I rise today to describe a sad sequence of events that has resulted in the city of Boston withdrawing from the World Historic Cities Conference in Kyoto, Japan.

Mr. Speaker, without satisfactory explanation, the host city of Kyoto has refused to include Jerusalem among the historic cities to be invited to the conference. Despite repeated pleas, including those conveyed by many of my colleagues, urging Kyoto to extend an invitation to Jerusalem, Kyoto has remained intransigent.

Boston, a sister city of Kyoto and the sole representative of the United States invited to the conference, announced that it could not countenance such a slight to Jerusalem and reluctantly, but with dignity and honor withdrew. Such action seemed the only recourse when Kyoto turned down Boston's proposal to share its own space with Jerusalem, thus causing no inconvenience to Kyoto or other participants.

Is there really any question in anyone's mind that Jerusalem is among the world's most historic cities. Think for a moment of Jerusalem. It is the living legacy of King David who built Jerusalem. It is the site of the last supper. The Dome of the Rock is where Mohammed is thought to have ascended to Heaven. So many monuments, temples, and mosques stand to this day attesting to the rich and magnificent history of Jerusalem.❩ Which city in the world is more experienced in preserving historical treasures and celebrating cultural heritage? For once the world had an opportunity to celebrate Jerusalem as an historic city—a celebration that might have been free of politics and dissension—if only Kyoto had seized the opportunity.

No valid explanation has been offered for Jerusalem's exclusion and, Mr. Speaker, believing that Kyoto was acting dishonorably in this matter, Boston in the end chose a noble protest. We hope the absence of two such great and remarkable cities will, in the end, prove a glaring example of the damage done by prejudice and discrimination.

WHO IS FISCALLY RESPONSIBLE?

(Mr. LUNGREN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUNGREN. Mr. Speaker, we have heard a lot of talk about bipartisanship on the question of the budget. The American people are asking for it. But, frankly, I have been offended or upset by some of the comments I have seen coming from the other side of the aisle accusing the President of being the reason why we are not making progress toward taking care of the deficit.

Let us at least be honest about this. When I see a leader from the other party say that this President is not fiscally responsible, I have to go to the National Taxpayers Union rating of Members of Congress, both the House and the Senate, and it is obvious where the big spenders are. We cannot deny it.

There is a rating that is floating around the floor having been produced by a distinguished Member on that side of the aisle that rates Members of Congress. According to the rating, out of the top 138 big spenders of Congress, 1 is a Republican. Out of the best voters on spending; that is, those who vote for fiscal responsibility, there are 38 under his rating, and 1 is a Democrat.

I am not saying we cannot change, that we cannot have bipartisanship, but it is absolute nonsense to be saying on television that Ronald Reagan is fiscally irresponsible.

The buck stops here, Mr. Speaker, not at the White House. This is where we create the spending. This is where we take the bucks from our constituents' pockets. Let us at least be honest about it. Let us come together. Let us work in a bipartisan way, not like last week when we had 1 hour on a 1,000-page bill and yet had 10 hours yesterday on a 5-page bill.

THE BEST PLACE IN AMERICA TO RETIRE? MURRAY, KY

(Mr. HUBBARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUBBARD. Mr. Speaker, a new book published by Rand McNally entitled "Retirement Places Rated" has selected Murray, KY, home of Murray State University, as the most popular retirement location in the United States.

Naturally, as the Congressman for Murray, KY, and as one who was born in this city of 15,000, 50 years ago, I am very proud of this community and the honor bestowed upon it.

Rand McNally says:

> Murray, KY, and the wooded, rolling hill country around Kentucky Lake is at the top of our list of the 131 most popular retirement locations in America.

The competition was based on cost of living, climate, personal safety and services, health care, continuing education, housing, taxes, and leisure living.

To those of you today who would rather retire in La Jolla or Carmel, CA, or Sanibel Island or Fort Lauderdale, FL, I would encourage you to visit Murray, KY. You may just change your mind!

COMPLIANCE, NOT HYPOCRISY

(Mr. WALKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALKER. Mr. Speaker, today is the deadline for the implementation of the Guatemala peace accords signed last August. In typically cynical fashion, the Sandinistas are reported to be orchestrating mass demonstrations today to "celebrate" the peace accords. However, there is nothing to celebrate if the Sandinistas' own compliance record is taken into account.

The Communist Sandinistas have thus far refused to negotiate a comprehensive cease-fire, they have refused to release political prisoners, and they refused to lift the state of emergency. They have censored the broadcasts of Radio Catolica. It is characteristic of the cynism of Communist regimes that the Sandinistas should be celebrating a treaty whose provisions they refuse to live up to.

Mr. Speaker, we need compliance from the Sandinistas, not hypocrisy. We need freedom in Nicaragua, not staged demonstrations. We need the Nicaraguan people to have a chance to choose their own destiny, not more Communist lies and distortions. We need peace, real peace, peace with freedom, not posturing, not Communist circuses.

KEITH AND SVETLANA BRAUN IN WASHINGTON PLEADING THE CAUSE OF REFUSENIKS

(Mr. CARR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARR. Mr. Speaker, 3 years ago a determined young man from Southfield, MI, and a determined young woman from Moscow in the Soviet Union fought to be together.

Keith and Svetlana Braun were married in August of 1984 in the city of Moscow. They waited 3 years for the Soviet Government to grant permission to Svetlana to come to the United States and live with her husband.

On Tuesday of this week that wait came to an end, and now Keith and Svetlana are here together.

Instead of going off on a well-deserved time alone, as one might expect, they are spending the remainder of this week here in Washington to press the case of divided spouses before the Congress, the State Department, and the Soviet Government.

The plight of divided spouses and other refuseniks must continue to be highlighted, both in our Government and in the Soviet Union. That is why Keith and Svetlana are speaking openly and freely about themselves, and that is why the National Conference on Soviet Jewry will be marching here in Washington on December 6, the date of the United States-Soviet summit.

Mr. Speaker, today I want to give special recognition to Keith and Svetlana and wish them a long and happy future.

WHAT'S SO SURPRISING ABOUT ALL THOSE CESAREANS?

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, Tuesday's Post had a front page article entitled "Group Decries Rising Rate of Cesarean Births." The group run by Ralph Nader says the cesarean section is the Nation's No. 1 unnecessary surgery.

They are undoubtedly right that all those cesareans aren't necessary. But Mr. Nader's group ignores the reason. That reason is the ridiculous medical malpractice situation affecting obstetricians and gynecologists. As one obstetrician points out in the article, when a woman's labor becomes complicated, the physician opts for the cesarean because he's scared of getting sued if the baby isn't perfect.

The 1985 data from a recently completed GAO study I commissioned bears out the legitimacy of that fear. Obstetricians and gynecologists are only 5 percent of all doctors, but they are named in 12 percent of claims which ultimately account for 30 percent of actual awards. They are sued more often, they are forced to pay more often, and the amount they must pay is more than for any other group of doctors. Is it any wonder that their malpractice insurance and the cost of having a baby is so expensive?

Mr. Speaker, there is nothing more tragic than a child whose birth is not trouble free. But as a society we must face up to the reality that we are running an expensive, inequitable and unpredictable compensation system for these children through the tort system. We should look for alternatives because right now that system is producing unnecessary surgeries, high costs to consumers and unavailable prenatal and neonatal care. And that, Mr. Speaker, is unacceptable.

A WELCOME TO KEITH AND SVETLANA BRAUN

(Mr. LEVIN of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVIN of Michigan. Mr. Speaker, yesterday a bipartisan group of Members on both sides of the aisle welcomed Svetlana Braun to Washington. It was a heart-warming event. The glow is still with us. She reminded us, as did her husband Keith from Southfield, MI, that she leaves many behind her in the Soviet Union.

There are approximately 20 divided spouses who are still there. There are also tens of thousands of others who wish to leave the Soviet Union, as Svetlana was finally able to do.

The Secretary General, Mr. Gorbachev, will be in the United States on December 7. As mentioned here by the gentleman from Michigan [Mr. CARR], the Brauns are in Washington today, and they will be here in the next few days to help raise their voices so the pressure will remain on Secretary Gorbachev that he act as they finally did in the case of Svetlana Braun.

Mr. Speaker, may their presence here remind each of us in this House that the fight is still to be carried on.

□ 1045

BALANCING THE NATION'S ENERGY NEEDS WITH APPROPRIATE ENVIRONMENTAL PROTECTIONS

(Mr. IRELAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. IRELAND. Mr. Speaker, many of us have been working to develop an acceptable plan for offshore oil and gas leasing which balances our country's energy needs with appropriate environmental protections.

Recently, I received a visit from a company which hopes to bring clean coal technology to my State of Florida. The experimental project would cover boilers currently burning oil or natural gas to coal slurry fuel. Emissions normally associated with coal firing would be reduced through the use of advanced coal cleaning technologies.

Current trends indicate that the United States will be more than 50 percent dependent on foreign oil by the 1990's, and an increasingly large part of that will come from the Middle East. Therefore, I am highlighting the Florida proposal for the benefit of my colleagues so that we are all aware that there are many alternatives to our current dependence on oil.

By pursuing alternative resources we can guarantee that we attain the appropriate balance between environmental protection and fulfilling our energy needs.

OUR CHILDREN'S FUTURE AND THE FEDERAL DEFICIT

(Mrs. PATTERSON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. PATTERSON. Mr. Speaker, a few weeks ago I had the chance to meet with several high school students from Travelers Rest, SC.

These students were worried about the Federal deficit and had come to me to share their concern and present a check for $276.50 as a downpayment on the Federal deficit. In raising this money, these students washed cars and went door-to-door.

Their check may not be enough to fund the Department of Education for a minute, or to buy a part for a high-technology weapon system, but it represents something that I urge my colleagues to think long and hard about as we try to deal with the problem of the deficit.

We must take decisive steps now to drastically reduce the Federal deficit or this deficit is something we're going to pass on to our children. Bill Williams' students have given the Government one hard-earned check already. I don't want them to be doing it for the rest of their lives.

We have all heard the saying that "the future is now." Our decisions about responsible deficit reduction now will be our legacy to our children. The question is what kind of future will we leave them?

U.S. SUGAR PROGRAM

(Mr. STANGELAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STANGELAND. Mr. Speaker, because a group of colleagues plan to unwisely introduce a bill next week which would for all intents and purposes destroy the U.S. Sugar Program, I would like to outline the benefits of the program and to clarify some of the misconceptions.

The sugar program is intended to insure an affordable, stable, supply of sugar to the American consumer with no excessive surpluses. It is working. Also, countries that export sugar to the United States benefit because an equitable price for their exported sugar is maintained. And most importantly, the sugar program is intended to operate at no cost to the U.S. Federal Government.

Critics of the program focus most of their criticism on the difference between the price of U.S. sugar and the price of sugar on the world market. What they fail to recognize is that the world price has little to do with its real economic value—it is the dumping price. This price is currently around 7 cents per pound, well below the cost of production anywhere in the world.

We do not need new legislation for the sugar program. The program is working and is essential to the rural areas where sugar is grown and to those places where it is processed in terms of jobs and revenue.

NEW ERA OF GLASNOST

(Mr. CARDIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARDIN. Mr. Speaker, on December 5, 1978, Elena and Yuri Balovlenkov were married. In most countries, this would not present a problem. But, since Yuri was a citizen of the Soviet Union and their marriage took place in the Soviet Union, Elena and Yuri have not known the experience of sharing the same household. For 10 years now, Elena, a resident of the Third Congressional District of Maryland, and Yuri have had to get by with infrequent phone calls, letters and visits. Miraculously, they do have two children—but Yuri has never seen his youngest in person. Yuri has gone on two prolonged hunger strikes to try and change the minds of Soviet officials who have repeatedly denied him permission to leave the country to join his wife in the United States.

As we approach the time of the summit between President Reagan and Secretary-General Gorbachev, it would certainly seem fitting if the United States and the Soviet Union could come together on the issue of human rights as they are doing on arms control. Denying a husband and wife the right to be together in the country of their choosing is a basic denial of those rights. I sincerely hope that the openness the Soviets profess to be practicing will be extended to those individuals who desire to make their lives outside of the Soviet Union. If the words of the Helsinki agreement are to ring true and if glasnost is to have any meaning at all, the Soviets will bring about an end to the suffering and pain of families by allowing them to settle—together as a family—

in the country of their choice. It is my wish and hope that Elena and Yuri will soon be among those to benefit from the new era of glasnost.

FURTHER CONTINUING APPROPRIATIONS, 1988

Mr. BONIOR of Michigan. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 302 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 302

Resolved, That upon the adoption of this resolution it shall be in order to consider, section 302(f) of the Congressional Budget Act of 1974, as amended (Public Law 93-344), as amended by Public Law 99-177), to the contrary notwithstanding, the joint resolution (H.J. Res. 394) making further continuing appropriations for the fiscal year 1988, and for other purposes, in the House. Debate on the joint resolution shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The amendment printed in section 2 of this resolution shall be considered to have been adopted. No other amendment shall be in order except the amendment printed in section 3 of this resolution, by and if offered by, Representative Bonior of Michigan, which shall be debatable for not to exceed sixty minutes, equally divided and controlled by the proponent and a Member opposed thereto. The previous question shall be considered as ordered on the joint resolution and amendments thereto to final passage without intervening motion except one motion to recommit, which may not contain instructions.

SEC. 2. On page 1, line 6 strike "November 20, 1987" and insert in lieu thereof "December 16, 1987".

SEC. 3. At the end of the joint resolution, insert the following:

SEC. 2. Section 101(a)(1) of the joint resolution of September 30, 1987 (Public Law 100-120), is amended by inserting before the semicolon at the end of the paragraph relating to military construction appropriations: ": *Provided further,* That any new assistance shall be provided consistent with the Central American peace agreement signed in Guatemala on August 7, 1987".

The SPEAKER pro tempore (Mr. OLIN). The gentleman from Michigan [Mr. BONIOR] is recognized for 1 hour.

Mr. BONIOR of Michigan. Mr. Speaker, for debate purposes only, I yield the customary 30 minutes to the gentleman from Tennessee [Mr. QUILLEN] and pending that, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 302 provides for the consideration of House Joint Resolution 394 which makes further continuing appropriations for fiscal year 1988. The joint resolution shall be considered in the House and the 1-hour debate time shall be equally divided and controlled between the chairman and ranking minority member of the Committee on Appropriations.

The rule waives section 302(f) of the Congressional Budget Act against consideration of the bill. That section prohibits consideration of measures causing subcommittee levels or program level ceilings to be exceeded.

This rule has one self-executing section. The amendment printed in section 2 of House Resolution 302 changing the termination date of the continuing resolution from November 20 to December 16 is considered to be adopted upon adoption of the rule.

The only other amendment allowed to House Joint Resolution 394 would be an amendment printed in section 3 of the rule concerning Contra aid if offered by myself. I have decided, at this time, not to offer the amendment.

The rule allows one motion to recommit.

Mr. Speaker, House Joint Resolution 394 is a simple extension of the continuing resolution of September 30, 1987, until November 20, 1987, with a self-executing amendment further extending it until December 16, 1987.

Mr. Speaker, I urge the adoption of House Resolution 302.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as has been ably explained, this is a simple extension of a continuing resolution until December 16. Appropriations are absolutely necessary.

Mr. Speaker, I support the rule, and I support the extension.

Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding me this time.

Yesterday at the end of the session we had a little bit of discussion on the floor about the historic implications of what is taking place in the House of Representatives, that we are moving more and more toward being a House where the tyranny of the majority and the dictatorship of the Chair rival that of the days of Speaker Reed and Speaker Cannon.

The people's House is more and more becoming a House where power is more important than individual rights.

I raise this in conjunction with this rule, because once again in this rule a step is being taken to undermine the rights of the minority in consideration of appropriations bills.

In this rule in an unprecedented action, the Committee on Rules is denying to the minority the ability to offer instructions on the motion to recommit on an appropriations bill. As nearly as I can determine, that is something which has not been done before, certainly not in recent history.

It is a precedent now established that I am certain we will see again, but it is a disturbing precedent, because it takes away from the minority one more fundamental right that we have to influence the course of legislation, particularly major appropriations bills as they come before the House, and particularly continuing resolutions which have become the vehicle by which most of the appropriations are being passed these days.

It is a very disturbing provision in this rule. In addition, as the gentleman from Michigan has pointed out, this bill waives section 302(f) of the Congressional Budget Act.

Once again we are a House where power is so closely held that we feel that we can ignore the law and do whatever we want.

This is one more rule where we have decided to ignore the law of the land; namely, the Budget Act, and go ahead and do what we want.

The question we have to begin to ask, it seems to me, as we see rule after rule of this type, is whether or not a House that is unwilling to protect the rights of its own Members, particularly the rights of its minority, can be trusted to protect the rights of the American people.

Mr. Speaker, I would ask that the rule be defeated.

Mr. QUILLEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BONIOR of Michigan. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1100

Mr. WHITTEN. Mr. Speaker, pursuant to the rule just adopted, I call up the joint resolution (H.J. Res. 394) making further continuing appropriations for the fiscal year 1988, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore (Mr. GRAY of Illinois). Pursuant to House Resolution 302, the gentleman from Mississippi [Mr. WHITTEN] will be recognized for 30 minutes and the gentleman from Massachusetts [Mr. CONTE] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. WHITTEN].

GENERAL LEAVE

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and that I may be allowed to include extraneous and tabular material on H.J. Res. 394, the joint resolution presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. WHITTEN. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, the resolution that we bring before you today continues the existing continuing resolution for an additional period. It is necessary to continue the orderly operations of the Government since the present resolution expires on November 10, 1987.

STATUS OF APPROPRIATIONS BILLS

The Appropriations Committee has completed its work on all 13 regular appropriations bills.

The House has passed the following 10 appropriations for fiscal year 1988:

Energy and water development on June 24;

Interior and related agencies on June 25;

District of Columbia on June 26;

Legislative branch on June 29;

Commerce, Justice, and State on July 1;

Transportation and related agencies on July 13;

Military construction on July 14;

Treasury-Postal Service on July 15;

Labor-Health and Human Services-Education on August 5; and

HUD-independent agencies on September 22.

And in addition, the committee reported the foreign assistance appropriations bill on August 6, the rural development, Agriculture bill on October 20, and the defense appropriations bill on October 28.

To date the Senate has passed 9 of the 10 House-passed appropriations bills and the House has agreed to go to conference on all 9 bills. Because the outlook is that it will require some time beyond November 10 for these bills to be handled in conference, and signed into law by the President, it is proposed that the continuing resolution be extended to allow time to complete action on the fiscal year 1988 appropriations bills. It is essential that this resolution be passed in a timely manner. Otherwise the Government comes to a halt until such action occurs.

We are currently operating under the resolution which the President signed and which became Public Law 100-120. Today, we are asking for an extension of this clean resolution which continues funding at "not to exceed the current rate of operations." This would stay in effect until December 16, 1987, or until the regular annual appropriations bills are enacted into law, whichever comes first. This extension would give us time to try to work out individual bills, which when enacted would drop out of the continuing resolution.

The resolution and the existing law which it amends is a very straightforward continuing resolution. There are no special provisions and no special funding levels for any programs. The resolution simply carries the Government forward at the current level until December 16 or until appropriations bills are enacted. It is a "clean" resolution.

PHILOSOPHY OF THE RESOLUTION

Provides a reasonable level of interim funding to allow for continued operation of Government programs until final decisions about bills are made—the current level.

Is of short duration.

Automatically disengages when regular annual bills are enacted.

Contains no extraneous provisions which more properly should be considered with regular bills.

LEVELS OF FUNDING UNDER THE RESOLUTION

Section 101 of Public Law 100-120 provides interim funding at the current rate of operations with one exception and under the terms and conditions in effect during fiscal year 1987, with one exception, for the following 13 regular appropriations bills:

First. The Agriculture, Rural Development, and Ralated Agencies Appropriations Act, 1987, and section 1241(a)(1) of Public Law 99-198;

Second. The Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1987, notwithstanding section 15(a) of the State Department Basic Authorities Act of 1956 and section 701 of the United States Information and Educational Exchange Act of 1948, as amended.

Third. The Department of Defense Appropriations Act, 1987;

Fourth. The District of Columbia Appropriations Act, 1987;

Fifth. The Energy and Water Development Appropriation Act, 1987;

Sixth. The Foreign Assistance and Related Programs Appropriations Act, 1987, notwithstanding section 10 of Public Law 91-672 and section 15(a) of the State Department Basic Authorities Act of 1956: *Provided,* That the rate of operations shall not be in excess of the current rate or the rate provided for in the budget estimate, whichever is lower.

Seventh. The Department of Housing and Urban Development-Independent Agencies Appropriations Act, 1987;

Eighth. The Department of the Interior and Related Agencies Appropriations Act, 1987;

Ninth. The Department of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1987, and section 101(n) of Public Laws 99-500 and 99-591;

Tenth. The Legislative Branch Appropriations Act, 1987;

Eleventh. The Military Construction Appropriations Act, 1987, except for section 206 of such act;

Twelfth. The Department of Transportation and Related Agencies Appropriations Act, 1987; and

Thirteenth. The Department of Treasury, Postal Service, and General Government Appropriations Act, 1987.

NO NEW STARTS

The resolution also prohibits any new starts—section 101(a)(2) of Public Law 100-120—from beginning during this interim time period.

TERMINATION DATE

Section 102 of Public Law 100-120 is amended by this resolution to provide that funds shall continue to be made available until December 16, 1987, or until the enactment of the regular appropriations acts. When regular bills are signed into law, the provisions of the continuing resolution automatically disengage and the regular appropriations bills then become the funding device. This continuing resolution in no way precludes subsequent enactment into law of the regular appropriations bills.

CONCLUSION

Prompt enactment of this resolution will allow more time to work on the regular annual 1988 appropriations bills. We hope to clear as many of the regular bills as possible during the effective date of this resolution.

Mr. Speaker, I urge its adoption.

Mr. Speaker, at this time I would like to include information showing the funding levels in this resolution—as it amends Public Law 100-120—compared to our budget allocation:

COMPARISON TO THE 302(b) SUBDIVISIONS

This continuing resolution provides $482,128 million of discretionary budget authority, $9,047 million less than the Appropriations Committee allocation of discretionary budget authority. The Appropriations Committee filed a 302(b) allocation report on July 19 (Rept. 100-253). A comparison of this continuing resolution to the spending allocations follows:

COMPARISON TO SPENDING ALLOCATION

[In millions of dollars]

	Budget authority	Outlays
Continuing resolution:		
Discretionary	$482,128	$266,702
Mandatory [1]	120,544	322,412
Total	602,672	589,114
Appropriations Committee 302(b) allocation:		
Discretionary	491,175	271,317
Mandatory [1]	120,544	322,412
Total	611,719	593,729
Continuing resolution over (+)/under (−) 302(b) allocation:		
Discretionary	−9,047	−4,615
Mandatory [1]		
Total	−9,047	−4,615

[1] Conforms to budget resolution estimates.

Mr. MICHEL. Mr. Speaker, will the distinguished chairman yield?

Mr. WHITTEN. I yield to the distinguished gentleman from Illinois.

Mr. MICHEL. Mr. Speaker, I thank the gentleman very much for yielding.

I had intended actually to make a few remarks with respect to the rule. I want to express my appreciation to the majority side, frankly, for heeding what I thought were very appropriate reservations on the original rule that was contrived for this continuing resolution, because it was my clear understanding from my consultations with the distinguished chairman and his subordinates that this continuing resolution would in fact be simply without any inhibitions or reservations a continuing of the level of spending for all the departments and agencies of Government as is.

There was some reverberation with respect to the Contra issue and the kind of funding that is involved in the last continuing resolution, and that frankly will be involved in this continuing resolution; but I think on balance, as I said again, having raised these very serious objections during the course of the Rules Committee hearing yesterday, and we will expand upon what we did say up there in the record during the course of these remarks so that the record will be abundantly clear.

We will probably have to enjoin this issue at the time of the long-range continuing resolution because of some of the broad implications, particularly with respect to the mechanism for delivery of nonlethal assistance to the Contras.

I just wanted to put it on the record at this time, No. 1, to express my appreciation to the Speaker and to the gentleman from Michigan [Mr. BONIOR] for heeding what we thought were adequate warnings up in the Rules Committee yesterday, to the distinguished chairman for the position that he has taken all along to make this as simple a kind of resolution as possible. There is going to be plenty of time for fireworks and hassling over the long-term one, undoubtedly, because it happens every year. We may not like it, but we know it is going to happen.

So I just wanted to take this opportunity to express my appreciation to the distinguished chairman of the committee.

Mr. Speaker, if I might have the attention of the gentleman from Massachusetts, the distinguished minority member of the committee, I know the gentleman has been involved in the budget negotiations downstairs and developments have moved rather rapidly here with the adoption of the rule. We are now on the debate on the continuing resolution.

I just expressed my own appreciation to the distinguished chairman and those responsible here for keeping it a clean resolution for the time being. That does not suggest that there will not be some fireworks on the long-term one when it comes up in December.

I would like to think that nothing would happen, but we know better than to expect it to be as smooth sailing as this one.

The gentleman probably need not make any comment, but I certainly wanted to at least kill a little time for the gentleman so that he might have an opportunity to make whatever remarks he feels appropriate at this time.

Mr. Speaker, I thank the distinguished chairman again.

CONGRESSMAN BOB MICHEL, TESTIMONY BEFORE RULES COMMITTEE, ARGUMENTS AGAINST ANTI-CONTRA AMENDMENT, NOVEMBER 4, 1987

Let me quickly get to the point about this amendment because we are all aware of the background against which this debate takes place.

The amendment, no matter how it is phrased, has one goal: to forbid the House to continue non-lethal aid to the contras, aid we have recently agreed to extend.

The House, in a bi-partisan fashion, with the full concurrence of the Speaker, agreed to extend non-lethal aid on September 23, 1987, knowing full well what the Guatemala Peace agreement said.

Well, if it was right for the House to pass such aid a few weeks ago, with no such amendment attached, why do we need the amendment now?

If we agree to this amendment, we will not only be sending the wrong signal to the Communists in Nicaragua, who would seize upon our action and use it for propaganda purposes, but would be overturning a bi-partisan consensus that we agreed to only a few short weeks ago.

We have to get straight in our minds exactly what this country's position should be toward the Peace Accords.

We are not a signatory to them. We want them to work if their success leads to freedom in the entire Central American region. But we are not allied to an agreement—we are allied to a principle—freedom.

The United States has a duty to do what we believe is right concerning our own duties and responsibilities in this area.

By our action on September 23, we have committed the word of the United States to helping the contras—by non-lethal means—during this period of negotiations.

And we are doing so precisely because everyone involved with the peace accord recognizes—and many have publicly stated—that it is the existence of a strong contra force that has created the atmosphere in which the peace accord was possible.

That point must be emphasized. Without the existence of a contra force that is able to maintain its readiness during this negotiations period, the Communist government of Nicaragua has absolutely no reason to live up to the agreement it signed.

Let the peace process continue.

Let the democracies of Central America keep a close eye on the Communist.

But while this is going on, the United States of America in general and this House in particular, have a sacred duty not to abandon or to appear to abandon the freedom fighters precisely at the historic moment when their presence is being so effective in leading toward possible freedom and democracy in Nicaragua.

The amendment's term "consistent with the Central America peace Agreement" is vague. Consistent according to whose interpretation? Consistent with what set of principles? Consistent with what the House has already committed itself to, in a true bi-partisan fashion only weeks ago? Or consistent with the communists' view of the peace agreement?

I believe that the United States should be consistent with the principles of freedom and democracy and helping the Nicaraguan people to get the chance to freely elect a government.

That is the consistency we have to honor. That is the consistency the Communists understand.

I urge that this amendment be rejected because it is in effect telling us, Democrats and Republicans alike, that the aid we passed in a bi-partisan fashion only weeks ago is somehow not in the interest of peace.

Well, the Speaker of the House believes it is in the interest of peace. That's why he agreed to include such aid in the September 23rd CR.

Let the nations who are signatories to the treaty continue to monitor its specific proposals, as we do. They have that responsibility.

But we have another responsibility as well. We have the responsibility to live up to the commitment we in the House already agreed to only a few weeks ago.

I strongly urge that this amendment be rejected and that the House continue to extend non-lethal aid. We did the right thing in the extension and we should continue to do it without any incumbering amendments that depend upon the vague, ill-defined and shadowy theories as to exactly what is consistent with the peace agreement, when such consistency exists and how it is to be interpreted.

If this amendment is not rejected and becomes part of the Rule, and if the resolution passes, I want to tell you now, Mr. Chairman, I will personally and with all the energy and commitment I can muster, lead a fight to get 145 votes to sustain a presidential veto of this measure.

We are willing to go the wall on this one, Mr. Chairman. This amendment would seek to tie the President of the United States to an agreement made by other countries, an agreement of which we are not a part, an agreement the specifics on which this amendment would bind us in law.

This is, so far as I know, unprecedented and ought to be rejected.

Mr. CONTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I will be very brief. At the outset, I want to thank my Republican leader, Congressman BOB MICHEL, for giving me this opportunity. I was downstairs in the budget summit and did not expect the rule to get through that quickly or I would have been up here.

I met with my good chairman, Congressman JAMIE WHITTEN, before he had drafted the continuing resolution and we agreed on what we were going to do in the short-term continuing resolution.

I want to commend the chairman. We cooperated together. We worked together and we did come up with a clean, short resolution. Originally we brought it up before the full Appropriations Committee with an expiration date of November 20, but there is no way in the world that we can get all of our work done and be out of here by November 20. We also had a continuing resolution which would take effect on November 20 and go the entire fiscal year. At that point I told the chairman, we have always leveled with each other, that I would have to oppose the full-year CR if it came up today because my arguments in fighting the reconciliation battle were that we were meeting downstairs on the summit with the Senate at that time, and now on the House side, and that it would be wrong to try to pass a continuing resolution with all 13 appropriation bills before the summit had an opportunity to work its will and try to come out with a plan that would reduce the deficit considerably this year and next year.

So I am very pleased that the long continuing resolution has been pulled and that we have this short continuing resolution which the chairman has amended to expire on December 16. It makes a lot of sense. I think by that time that the summit will come to fruition and will come out with a package. If not, the whole darn country is going to go down in a hand basket.

An extension through December 16 is reasonable, and has the support of the administration.

I hope that both the House and the Senate will pass this resolution without amendment, so that we can continue the budget negotiations without distraction.

I particularly hope that my colleagues on the Republican side of the aisle will understand that this is a vote to continue appropriations at last year's levels, with the support of the administration, and with no extraneous legislation or special interest provisions.

It is a vote for outlay levels for discretionary programs which are: $6.8 billion below our 302(a) allocation; $14 billion below the President's budget; $5.7 billion below the bills reported to or passed the House, and $12.7 billion below the Gradison baseline.

It is a vote to reaffirm the position taken by Republicans on reconciliation that the House should not proceed with final spending legislation until the budget negotiations have been completed.

I understand and share your frustrations with the process. At another time a "no" vote would be in order.

But this is not the time. Vote "yes" and give us time to complete those negotiations.

Mr. Speaker, I yield 2 minutes to my good friend, the gentleman from Texas [Mr. ARMEY].

Mr. ARMEY. Mr. Speaker, I thank the gentleman for yielding.

Let me say at the outset that I do intend to vote for this continuing resolution today. As I say that, I also want to express my appreciation to Chairman WHITTEN and to the gentleman from Massachusetts [Mr. CONTE], and the members of the committee. I know this is a difficult committee, I say to the gentleman from Massachusetts [Mr. CONTE]. I know that the gentleman worked very hard on that.

I also realize that given the obligation we voted ourselves in the 99th Congress to live with the new mandate and the new limits imposed by Gramm-Rudman that it is a difficult process, more so than it has been in past years. The upshot of that process is that I do believe we must expect that we will have a full continuing resolution with all 13 appropriation bills for the remainder of the fiscal year sometime before Christmas.

I wanted to rise at this time and say that although I appreciate your efforts today and will vote for your efforts today, and in fact, appreciate the efforts of the committee throughout all the appropriation process and even in light of the necessary long-term continuing resolution that will necessarily have to be brought down to us.

At that point, given the fact that a lump sum continuing resolution that includes within it all 13 appropriation bills does negate the President's legitimate existing veto authority that could have under a timely passage allowed him to consider each bill separately, having the circumstance where that will be negated, I will go to the Rules Committee and I will request a rule that will allow me to amend that long-term continuing resolution to include in it enhanced decision authority that would allow the President to examine that large omnibus spending bill line item by line item and make line-item vetos, as it were, with a simple majority override capacity remaining for the House.

If the Rules Committee does not grant me that rule, I will use the parliamentary procedures available to me, including attempting to defeat the moving of the previous question on the rule. Then, if necessary, I will try to defeat the previous question to make that amendment in order.

I would ask all of the Members of this body, including the Rules Committee, including the Appropriations Committee, to consider this case, consider that long-term continuing resolution's are exceptions to our own procedures, our own rules, that they do have this perverse impact on the President's ability to be involved and see if in fact you could not support me in that effort. I would appreciate that support.

Again, I want to express my appreciation to the committee and express my willingness to happily vote "yes" today in appreciation for your good work.

Mr. WHITTEN. Mr. Speaker, I yield myself such time as I may require.

I want to say to my colleagues, I appreciate their statements and I assure the House that it is a pleasure for me to work with the gentleman from Massachusetts. We try to keep each other informed. We have worked together through the years.

May I say that I have pointed out the reason for us to pass the continuing resolution. The House has performed its duties. We have handled bills in the regular way. We have appointed conferees on those bills where they are ready for it. We have been ready to meet with the Senate. We are now.

One of the problems, and I say it at this time, is that while we have done all the things that are required in connection with concluding our work, they have a different 302 allocation in the Senate that differs from ours.

In every case the Senate 302(b) subdivision for each subcommittee is different from those of the House.

As the Senate passes bills, and we go to conference, we need to keep in mind that this difference in allocations affects each subcommittee and thus, the entire committee. Points of order, of course, lie in the House if we exceed our 302(b) allocation in the conference agreement on each bill. This, therefore, further complicates matters. It may mean that we will have to go to a continuing resolution for the balance of the year, but, if so, it will be because of matters such as that and not because of any negligence on our part.

May I say that I appreciate the cooperation of all the people here because we have to do this. We are doing it the best way we know how. There is no disturbance of anything that exists and I appreciate the support that we have had in bringing us to this level.

Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Virginia [Mr. OLIN].

Mr. OLIN. Mr. Speaker, I thank the committee chairman for yielding this time to me.

Mr. Speaker, I certainly rise in support of the short-term continuing resolution. It obviously needs to be passed. It is a good way to give us a little more time to deal with the longer term problem.

I was unhappy that the gentleman from Michigan [Mr. BONIOR] chose not to offer the amendment that was authorized by the Rules Committee. I understand the gentleman's logic in doing that, because the subject is extremely controversial. I do not seek in any way to criticize his decision in that regard.

I would like, however, to call the attention of the Members to the issue of Contra aid and continuing Contra aid as a matter of information. In the agreement of the five country Presidents under the heading of "Cessation of Aid to Irregular Forces or Insurgent Movements," their agreement said:

> The governments of the five Central American nations ask the governments of the region and governments outside the region which are providing openly or covertly military, logistical, financial, rhetorical

(propanganda), and assistance in the form of humanitarian aid, arms, supplies, and equipment to irregular forces or insurgent movements to stop such aid as an indispensable element to achieving a lasting and stable peace in the region.

□ 1115

The above does not include aid which is given for reparation or in its place relocation and the necessary assistance for reintegration into the normal life of those persons who belong to said groups or movement."

The Bonior amendment which will not be introduced would have made it clear in appropriating any new money for the Contras it was to be in the spirit of the agreement of the five Presidents. I think I understand the reason for not offering the amendment. I am not suggesting people vote against the motion.

I want to point out that in the long term we need to come to grips with this issue. Undoubtedly we will later on in the longer term CR, if we have it. I myself in good conscience feel that we need to specify that any further aid is for relocation purposes only and not to support the cease-fire that has not occurred.

Mr. WHITTEN. Mr. Speaker, for purposes of debate only, I yield 4 minutes to the gentleman from Delaware [Mr. CARPER].

Mr. CARPER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I have a question I would like to direct to the chairman or really anyone else who happens to be on the floor. I was just having a discussion with the gentleman from Massachusetts [Mr. CONTE] on this point. The question that concerns me is this, we are talking about adopting a short-term continuing resolution that goes well beyond the date of November 20, the date at which sequestration is to occur unless we have agreed on a deficit reduction plan. Which supersedes, Gramm-Rudman or this short-term continuing resolution on November 21? My understanding is that sequestration, absent an agreement with the White House, sequestration kicks in on November 21.

Mr. WHITTEN. Mr. Speaker, will the gentleman yield?

Mr. CARPER. I yield to the gentleman from Mississippi.

Mr. WHITTEN. Mr. Speaker, it is my understanding that at such time as this would be adopted it would not in any way change whatever the rules are in connection with sequestration.

Mr. CARPER. So, if I understand what the chairman is saying, even if we adopt this short-term CR and November 20 comes and goes, we do not have an agreement with the White House on a deficit reduction plan, then this CR, for all intents and purposes, becomes moot, and Gramm-Rudman and the reductions that are mandated under Gramm-Rudman become effective. Is that correct?

Mr. WHITTEN. My understanding is they are two separate things. It would be handled and would go ahead, as the gentleman says, with whatever the law may be.

Mr. CARPER. I find that confusing, because under this CR, as I understand it, we provide for level funding, 1987 and 1988 funding are the same. Under sequestration, domestic discretionary spending would be cut by about 8 percent and defense discretionary spending would be cut by about 10 percent. I do not see how we can have it both ways. We cannot have both the freeze that we have under this CR past November 20 and then the 8- or 10-percent cuts mandated by Gramm-Rudman.

Mr. CONTE. Mr. Speaker, will the gentleman yield?

Mr. CARPER. I am happy to yield to the gentleman from Massachusetts.

Mr. CONTE. Mr. Speaker, the gentleman is confusing two things. This CR does not become moot, as the gentleman says, if Gramm-Rudman triggers on November 20. It has nothing to do with it. If on November 20 we have not done anything about cutting the budget by $23 billion, then Gramm-Rudman-Hollings triggers in, and that will have an effect on the entire budget. The budget will be cut.

Mr. DICKS. Mr. Speaker, will the gentleman yield?

Mr. CARPER. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Speaker, one thing that does happen, you still have a continuing resolution, but it would be at the Gramm-Rudman levels as that would occur on November 20. But there still are 10 days after that when a privileged resolution could be introduced to modify Gramm-Rudman, so there is still a chance to change it after November 20, at least as I understand the Budget Act.

Mr. WHITTEN. One other thing, if I may say so, we all understand that if they reach agreement on any of these bills and get them through conference and adopted by the Congress and signed by the President, they come out from under the continuing resolution. I would not lead the gentleman to believe that is likely to happen, but it is true so far as procedures are concerned.

Mr. CARPER. Let me take my few seconds still available to say that I am uncomfortable in adopting a continuing resolution that carries us past November 20. I think we have a tendency around here to only react in times of crisis. I think we need to hold our feet to the fire, I think we need to hold the feet of our negotiators from the White House to the Congress to the fire so that we can negotiate seriously about the deficit reduction plan by November 20.

Mr. CONTE. If the gentleman will yield to me again, let me say that the gentleman cannot compare Gramm-Rudman-Hollings with the continuing resolution. Assuming that Gramm-Rudman-Hollings goes into effect and triggers on November 20, the continuing resolution, I tried to explain, is only a vehicle to keep the Government going and it has nothing to do with Gramm-Rudman. Gramm-Rudman-Hollings can go into effect unless the privileged resolution the gentleman from Washington talks about were introduced to change it. We would have to vote on that here.

This only continues the work of the Government through December 16. With the 1 week that we are going to be off for Thanksgiving, the 3 days we are going to be off next week, there is no way in the world, even the great Houdini could not pass 13 appropriation bills.

So we are going to have to have a continuing resolution to keep the Government running until December 16.

That is all this does.

Mr. WEISS. Mr. Speaker, I plan to cast my vote in favor of House Joint Resolution 394, which extends the existing short-term continuing resolution until December 16. However, I do so only with great reluctance.

The resolution contains funding for every domestic and foreign assistance program of the U.S. Government. It is absolutely essential to keep the Government and its programs running, and therefore it is not possible for me to vote against this measure.

Unfortunately, the resolution also continues a small amount of nonlethal aid for the Contras which was included in the short-term continuing resolution voted on last month for food, medicines, clothing and the like. For the 36 days covered by House Joint Resolution 394, the measure would provide approximately $3.2 million in nonlethal aid for the Contras.

I strongly believe that even this small amount of aid is totally unnecessary and flies in the face of the Guatemala peace plan at the very moment when the regional leaders are working on implementing the accord.

Nevertheless, I am persuaded that, at the moment, efforts to delete these funds would be counterproductive. Losing that vote could have a negative effect on the major battle coming up in approximately 2 weeks to terminate all support to the Contras.

That is the struggle on which we must concentrate our efforts. When we win that fight we will at long last have brought America's vote in the killing to an end. We can then start to restore America's image as a law-abiding member of the community of nations.

Mr. ATKINS. Mr. Speaker, I rise in opposition to House Joint Resolution 394.

I fully realize the importance of this legislation. But I must oppose the bill because, like the short-term continuing resolution we approved in September, it includes assistance to the Contras to be administered by the Department of Defense and the CIA. My conscience did not allow me to vote for such aid in September, and I must vote against it today.

We are all aware of the track record of the DOD and the CIA when it comes to Central America. We should not allow this aid to be administered by the main proponents of a military solution in Central America. If the aid is to be truly humanitarian, it should be administered by the Red Cross or other relief agencies.

Today is a day that could go down in history as the beginning of peace in Central America. Today the five signatories to the Arias accord will announce their intentions for complying with the agreement. At this critical moment, the peace process demands the cooperation of the United States. But approval of this aid could be seen as a sign of bad faith on our part. This is, once again, the wrong kind of aid at the wrong time.

I urge my colleagues to oppose the bill.

Mrs. MORELLA. Mr. Speaker, it is with some reluctance that I will vote for the continuing resolution, a measure which will continue Government spending until December 16 for all programs funded by the 13 regular appropriations bills.

Without passage of a continuing resolution, there would be no paychecks for Federal employees, 60,000 of whom live in Maryland's Eighth Congressional District, and essential Government services would soon grind to a halt.

I am opposed to the provision of the continuing resolution that appropriates an additional $3.2 million in nonmilitary aid for the Nicaraguan Contras. To authorize such funding on the very day the Guatemala accord is supposed to go into effect is unfortunate. I am disappointed that there was no opportunity to vote on an amendment to strike this provision from the resolution.

Under the rule that was approved, the only amendment that was in order was an amendment, that could only be introduced by Congressman BONIOR, that would provide that any aid to the Contras under the bill be consistent with the Guatemala accords. I was disappointed that Congressman BONIOR chose not to offer this amendment, which would have required the $3.2 million to be delivered by a neutral organization, such as the International Red Cross, as opposed to the CIA. Had this amendment been offered, I would have voted for it.

It is unfortunate that Government funding should come to this. All too often in recent years, Congress has failed to pass appropriations bills in a timely fashion and has had, instead, to pass omnibus spending bills outside of the normal, careful funding process. As a result, individual items are not given the consideration which is their due, but are instead wrapped into a large spending package which must be approved to keep the Government operating.

Mr. KENNEDY. Mr. Speaker, I am voting against the short-term continuing resolution today for the same reason that I voted against the last short-term CR a few weeks ago—because it contains over $3 million in aid to the Contras in Nicaragua.

The bottom line is that I am opposed to aid to the Contras, but today there is an even stronger reason to oppose sending them more money. Today, November 5, marks a major milestone in the Central American peace process begun 3 months ago. The five governments who are signatories to the Guatemala accords initiated by President Oscar Arias of Costa Rica have asked all nations to cease military and logistic aid to insurgent forces such as the Contras in Nicaragua. The $3.2 million included in this second short-term CR is a repeat of the Contra aid money this Congress passed without my support a few weeks ago. This so-called logistical, humanitarian aid is illegal under the Arias plan. It will go for boots and supplies delivered by the CIA to support a deadly force that murders innocent civilians in Nicaragua.

Last weekend Daniel Ortega told President Arias that the Sandinistas will eventually negotiate a cease-fire with the Contras but that "now is not the proper time." I say to Ortega that there is no better time for peace than now. Ortega should declare full amnesty and empty Nicaragua's jails of political prisoners. He should hold discussions to arrange a ceasefire in the guerrilla war. He should establish real freedom of the press and media, beyond the symbolic opening of La Prensa. At the same time, our allies in Honduras have taken no action to evict Contra forces from their territory as required by the Arias plan. From this day forward the verification process of compliance with the Arias plan goes forward. All parties to the plan should make a conscientious effort to support it. A vote for this CR is a vote against the peace plan signed in Guatemala by leaders of all five Central American nations.

Had I had the opportunity to support an amendment to eliminate all Contra aid from the CR, or an amendment requiring that the aid go only toward eliminating the Contra threat, I would have done so. Today that is not an option. More people will die in Nicaragua because of this money, and I cannot support a continuing resolution that allows more innocent civilians to be killed.

Mr. CONTE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. WHITTEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. Under the rule, the amendment in section 2 of House Resolution 302 is considered as having been adopted.

The text of House Joint Resolution 394, as amended by House Resolution 302, is as follows:

H.J. RES. 394

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 102(c) of the joint resolution of September 30, 1987 (Public Law 100-120), is hereby amended by striking out "November 10, 1987" and inserting in lieu thereof "December 16, 1987".

The SPEAKER pro tempore. No other amendments are in order except the amendment printed in section 3 of House Resolution 302, if offered by Representative BONIOR. If the gentleman from Michigan [Mr. BONIOR] does not seek recognition, under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. KENNEDY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 256, nays 159, not voting 18, as follows:

[Roll No. 415]

YEAS—256

Ackerman
Alexander
Andrews
Annunzio
Anthony
Archer
Armey
Aspin
Badham
Baker
Bartlett
Bateman
Bennett
Bentley
Bereuter
Bevill
Bilbray
Bliley
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Boucher
Boulter
Brooks
Broomfield
Brown (CA)
Bryant
Bunning
Bustamante
Byron
Callahan
Cardin
Carr
Chandler
Chapman
Chappell
Cheney
Clarke
Clinger
Coats
Coble
Coelho
Coleman (MO)
Coleman (TX)
Combest
Conte
Cooper
Coughlin
Courter
Craig
Crockett
Darden
Davis (MI)
de la Garza
Dickinson
Dicks
Dingell
DioGuardi

Dixon
Donnelly
Dowdy
Downey
Dwyer
Dymally
Edwards (OK)
Emerson
English
Erdreich
Espy
Fascell
Fawell
Fazio
Fish
Foley
Ford (MI)
Ford (TN)
Frank
Frost
Gallo
Garcia
Gaydos
Gejdenson
Gekas
Gibbons
Gilman
Gingrich
Glickman
Goodling
Gordon
Gradison
Grandy
Grant
Gray (IL)
Gray (PA)
Green
Guarini
Hall (TX)
Hammerschmidt
Harris
Hatcher
Hawkins
Hayes (LA)
Hefner
Hochbrueckner
Holloway
Hoyer
Huckaby
Hunter
Hutto
Jenkins
Johnson (CT)
Jones (NC)
Jones (TN)
Kanjorski
Kaptur
Kasich
Kleczka
Kolbe
Kolter

LaFalce
Lancaster
Lantos
Latta
Leath (TX)
Lehman (FL)
Lent
Levin (MI)
Lewis (CA)
Livingston
Lloyd
Lott
Lowery (CA)
Lujan
Luken, Thomas
Lukens, Donald
MacKay
Madigan
Manton
Martin (NY)
Martinez
Mazzoli
McCollum
McCurdy
McDade
McGrath
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Mica
Michel
Miller (OH)
Molinari
Mollohan
Montgomery
Morella
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Nelson
Nichols
Nowak
Obey
Ortiz
Owens (UT)
Packard
Parris
Pashayan
Patterson
Penny
Pepper
Pickett
Pickle
Price (IL)
Price (NC)
Pursell
Quillen

Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Rinaldo
Roberts
Roe
Rogers
Rose
Rostenkowski
Roukema
Rowland (GA)
Roybal
Sabo
Saiki
Saxton
Schumer
Shaw
Sisisky
Skeen
Skelton
Slattery
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Solarz
Spence
Spratt
St Germain
Staggers
Stallings
Stenholm
Stokes
Stratton
Stump
Sundquist
Sweeney
Swift
Synar
Tallon
Tauzin
Taylor
Thomas (GA)
Torricelli
Towns
Traficant
Traxler
Udall
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Watkins
Weber
Weiss
Weldon
Whittaker
Whitten
Wise
Wolf
Wolpe
Wortley
Wylie
Young (AK)
Young (FL)

NAYS—159

Anderson
Applegate
Atkins
AuCoin
Ballenger
Barton
Bates
Beilenson
Berman
Bilirakis
Bosco
Boxer
Brennan
Bruce
Buechner
Burton
Campbell
Carper
Collins
Conyers
Coyne
Crane
Dannemeyer
Daub
Davis (IL)
DeFazio
DeLay
Dellums
Derrick
DeWine
Dornan (CA)
Dreier
Durbin
Dyson
Early
Eckart
Edwards (CA)
Evans
Feighan
Fields
Flake
Florio
Foglietta
Frenzel
Gallegly
Gonzalez
Gregg
Gunderson
Hall (OH)
Hamilton
Hansen
Hastert
Hayes (IL)
Hefley
Henry
Herger
Hertel
Hiler
Hopkins
Horton
Hubbard
Hughes
Inhofe
Ireland
Jacobs
Jeffords
Johnson (SD)
Jontz
Kastenmeier
Kennedy
Kennelly
Kildee
Konnyu
Kostmayer
Kyl
Lagomarsino
Leach (IA)
Lehman (CA)
Leland
Levine (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lowry (WA)
Lungren
Mack
Markey
Marlenee
Martin (IL)
Matsui
Mavroules
McCandless
McCloskey
McEwen
Mfume
Miller (CA)
Miller (WA)
Mineta
Moakley
Moody
Moorhead
Morrison (CT)
Nagle
Neal
Nielson
Oberstar
Olin
Owens (NY)
Oxley
Panetta
Pease
Pelosi
Perkins
Petri
Porter
Rahall
Ridge
Ritter
Robinson
Rodino
Roth
Rowland (CT)
Russo
Savage
Sawyer
Schaefer
Scheuer
Schneider
Schroeder
Schuette
Schulze
Sensenbrenner
Sharp
Shays
Shumway
Shuster
Sikorski
Skaggs
Slaughter (NY)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solomon
Stangeland
Stark
Studds
Swindall
Tauke
Thomas (CA)
Torres
Upton
Walker
Waxman
Wheat
Williams
Wyden
Yates
Yatron

NOT VOTING—18

Akaka
Barnard
Biaggi
Brown (CO)
Clay
Daniel
Dorgan (ND)
Duncan
Flippo
Gephardt
Houghton
Howard
Hyde
Kemp
Lipinski
Oakar
Roemer
Wilson

□ 1130

The Clerk announced the following pairs:

On this vote:

Mr. Akaka for, with Mr. Brown of Colorado against.

Mr. Barnard for, with Mr. Houghton against.

Messrs. LELAND, SIKORSKI, GUNDERSON, RUSSO, FOGLIETTA, FLORIO, SAVAGE, PANETTA, HAYES of Illinois, McEWEN, OBERSTAR, LEHMAN of California, SWINDALL, WAXMAN, RODINO, RITTER, HUGHES, DEWINE, and COYNE, and Mrs. COLLINS changed their votes from "yea" to "nay."

Messrs. WEBER, SKELTON, ARCHER, and GLICKMAN changed their votes from "nay" to "yea."

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. DORGAN of North Dakota. Mr. Speaker, I missed the vote on House Joint Resolution 394, the short-term continuing resolution; because the device in my office to notify me of votes failed to signal a vote was in progress.

Had I been present, I would have voted "no" on the resolution.

□ 1145

PERMISSION TO HAVE UNTIL MIDNIGHT TOMORROW TO FILE CONFERENCE REPORT ON H.R. 1451, OLDER AMERICANS ACT AMENDMENTS OF 1987

Mr. KILDEE. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tomorrow night to file a conference report on the bill (H.R. 1451) to amend the Older Americans Act of 1965 to authorize appropriations for the fiscal years 1988, 1989, 1990, and 1991; to amend the Native Americans Programs Act of 1974 to authorize appropriations for such fiscal years; and for other purposes.

The SPEAKER pro tempore (Mr. GRAY of Illinois). Is there objection to the request of the gentleman from Michigan?

There was no objection.

PERMISSION FOR COMMITTEE ON INTERIOR AND INSULAR AFFAIRS TO FILE REPORTS ON H.R. 2967 and S. 247

Mr. UDALL. Mr. Speaker, I ask unanimous consent that the Committee on Interior and Insular Affairs have until 5 p.m. today to file reports on H.R. 2967 dealing with safe disposal of nuclear waste and on S. 247 designating the Kern River as a wild and scenic river.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

PERSONAL EXPLANATION RELATIVE TO COSPONSORSHIP OF H.R. 3400

Mr. McEWEN. Mr. Speaker, if the rules would permit, I would ask that my name be removed as a cosponsor of the bill, H.R. 3400.

LEGISLATIVE PROGRAM

(Mr. LOTT asked and was given permission to address the House for 1 minute.)

Mr. LOTT. Mr. Speaker, I take this time for the purpose of determining the schedule for the balance of the day and for next week. It is my understanding that after this colloquy we will take up the rule on the foreign aid authorization bill, but only the rule, and that should not take too long, and that would conclude the business for the day and the week.

I would be glad to yield to the majority leader to receive the schedule for next week.

Mr. FOLEY. Mr. Speaker, I thank the distinguished Republican whip for yielding.

Mr. Speaker, the gentleman is correct, we will this afternoon take up the rule on the International Security and Development Cooperation Act of 1987, providing for 1 hour of debate. That completes the schedule for the day and for the week.

The House will meet at noon on Monday, November 9, and we have scheduled 10 bills under suspension of the rules, as follows:

H.R. 2752, to encourage use of program crop acreage for the purpose of creating game and wildlife habitat;

H.R. 519, to require a limited FERC decision on the Swan Falls, ID, hydroelectric plant license;

H.R. 2167, Railroad Unemployment Insurance and Retirement Improvement Act;

H.J. Res. 385, expressing the sense of Congress that the U.N. General Assembly Resolution 3379 (which equates Zionism with racism) should be overturned;

H.J. Res. 376, calling upon the Soviet Union to grant permission to immigrate to all those who wish to join spouses in the United States;

H. Con. Res. 209, expressing the sense of Congress with respect to demonstrations in Latvia commemorating Latvian Independence Day;

H. Con. Res. 186, regarding the Berlin Wall;

H.R. 2210, Organotin-Based Antifoulant Paint Control Act of 1987;

H.R. 2853, San Francisco Bay National Wildlife Refuge Authorization; and

H.R. 2598, Commercial Fishing Industry Vessel Anti-Flagging Act of 1987.

We will also take up H.R. 1326, the Public Health Service Infant Mortality Amendments Act of 1987, subject to a rule.

Mr. Speaker, Members may wish to be advised that we will withhold votes on suspensions debated on Monday until the end of consideration of the public health bill and votes on that bill. There will, in other words, be votes at the end of the day on Monday. There will be votes on that day, and we cannot advise Members precisely when those will take place at the end of the legislative day, but from the schedule I assume that Members would be taking some risk of missing votes if they come later than 2:30 or 3.

On Tuesday, November 10, the House will meet at 10 a.m., and we will consider H.R. 435, the Uniform Poll Closing Act, under an open rule, with 1 hour of debate. The House will recess at 2:30 p.m. and reconvene at 3:15 p.m. to receive the President of Israel in a joint meeting.

Following the joint meeting and the address of President Herzog, the House will reconvene for legislative business.

Mr. LOTT. Mr. Speaker, let me ask this question at this point: Is it the intent or presumption that we would probably be able to finish the Uniform Poll Closing Act before 2:30, since we are coming in at 10 a.m.?

Mr. FOLEY. We hope to be able to do that, yes.

On Wednesday and the balance of the week, November 11, 12, and 13, the House will not be in session, for Veterans' Day, Wednesday, and the 12th and the 13th. And that is on the assumption, which is very much in order today, I think, that the continuing resolution has been sent to the President. So that one caveat that I expressed before in answer to the questions of the gentleman from Mississippi has now been removed, and I think we have gone from 99.8 percent certainty to something very close to 100 percent.

The House will accordingly be in session only on Monday and Tuesday next week, but I repeat that there will be votes on both days. There will be votes on both Monday and Tuesday.

Mr. LOTT. Mr. Speaker, let me state to the distinguished majority leader that it is my understanding that he has stated here that Members should be aware of possible further action on the continuing appropriations resolution. I guess that is based on the possibility that the short CR might get hung up for some reason. But the gentleman's intention is to bring up the larger CR the week of November 16; is that correct?

Mr. FOLEY. The gentleman is correct.

Mr. LOTT. In that connection, does the gentleman have any plans at this time for that Monday, November 16?

Mr. FOLEY. We are not able to advise Members at this time about the Monday schedule. But I do wish to go back, if I may, to this coming Monday and correct the statement I made on that so there is no misunderstanding.

We will postpone the votes on next Monday on legislative matters until after the conclusion of the Public Health Service Amendments Act, but in view of the immediate past history, Members would have to be advised that procedural votes could occur earlier. We hope that they do not, but they might, and so Members will have to make their own judgment in respect to that.

Mr. LOTT. Mr. Speaker, I have one final question. Does the gentleman have any information he could give the membership with regard to Thanksgiving and what the recess would be for that time?

Mr. FOLEY. Mr. Speaker, the House will be concluding business on Friday, November 20, at the close of business, and will begin a Thanksgiving recess that will encompass the entire week of Thanksgiving. The House will return to session on Monday, November 30. We do not anticipate legislative votes on that day. Again procedural votes could occur.

We will be in session on Tuesday, December 1. We do not anticipate legislative votes on that day. Procedural votes could occur. But we do expect debate on suspensions on Tuesday, December 1. The votes will be rolled until Wednesday, December 2.

So as far as legislative votes are concerned, from the conclusion of business on Friday, November 20, until the meeting of the House on Wednesday, December 2, the House will either be in recess or will be meeting without legislative votes expected.

Mr. MONTGOMERY. Mr. Speaker, will the gentleman yield?

Mr. LOTT. I yield to the distinguished chairman of the Veterans' Affairs Committee.

Mr. MONTGOMERY. Mr. Speaker, I would like to take this time to thank the majority leader and the leadership on behalf of the number of Members of Congress as well as the number of veterans' organizations for giving Members a chance to have the holiday for Veterans Day, November 11, 12, and 13. I would like to also thank the majority leader, because I am sure we will be able to get out rather early on Tuesday afternoon to meet our obligations on Wednesday.

Mr. FOLEY. Mr. Speaker, I thank the gentleman from Mississippi.

Mr. Speaker, if the gentleman will yield further, I have been advised that what I described in answer to the question of the gentleman from Mississippi was the proposed, but not yet final, arrangements for Thanksgiving, so Members should treat that as not yet official. We will attempt to make the decision very shortly. This is the proposal that will be discussed and made final very soon, but for the moment the schedule for November 20 and through the week of Thanksgiving, with legislative business but without votes on November 30 and December 1, should be considered as tentative. We will try to accommodate the Members with a final statement on that as soon as possible. The rest of the schedule is official.

Mr. LOTT. Mr. Speaker, let me ask, the gentleman expects to try to pass the adjournment resolution next week, not today, the adjournment resolution for next week; is that right?

Mr. FOLEY. The gentleman is correct.

Mr. LOTT. And the gentleman only expects to have one legislative day on next Tuesday?

Mr. FOLEY. In the sense that the gentleman refers to Tuesday, yes, I think just one. We will try to advise the Members in advance if there is any change in that.

HOUR OF MEETING ON TUESDAY NEXT

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, November 9, 1987, it adjourn to meet at 10 a.m. on Tuesday, November 10, 1987.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1326, PUBLIC HEALTH SERVICE INFANT MORTALITY AMENDMENTS ACT OF 1987

Mr. HALL of Ohio, from the Committee on Rules, submitted a privileged report (Rept. No. 100-422) on the resolution (H. Res. 305) providing for the consideration of the bill (H.R. 1326) to amend the Public Health Service Act to provide for additional funds to Community and Migrant Health Centers for the purpose of reducing the incidence of infant mortality, which was referred to the House Calendar and ordered to be printed.

PERSONAL EXPLANATION

Mr. YATES. Mr. Speaker, last Monday I missed rollcall votes Nos. 396, 397, 398, and 399. These were procedural votes, and I missed the votes because of illness in my family.

PROVIDING FOR CONSIDERATION OF H.R. 3100, INTERNATIONAL SECURITY AND DEVELOPMENT COOPERATION ACT OF 1987

Mr. HALL of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 293 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 293

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3100) to authorize international security and development assistance programs and Peace Corps programs for fiscal years 1988 and 1989, and for other purposes, and the first reading of the bill shall be dispensed with. After the general debate, which shall be confined to the bill and which shall not exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs, the bill shall be considered for amendment under the five-minute rule by titles instead of by sections and each title shall be considered as having been read. No amendment to the bill shall be in order except those printed in the Congressional Record on or before November 10, 1987. Subject to clause 6 of rule XXIII, debate on all amendments except as provided in the next sentence, shall not exceed ten hours. It shall be in order to consider an amendment in the nature of a substitute by, and if offered by, Representative Broomfield of Michigan, or his designee, said amendment shall not be subject to amendment except one en bloc amendment by and if offered by Representative Broomfield or his designee, which could only include amendments to the bill which have been adopted in the Committee of the Whole and shall be debatable for not to exceed one hour, equally divided and controlled by the proponent and a Member opposed thereto. It shall be in order for the chairman of the Committee on Foreign Affairs, or his designee, at any time to offer en bloc amendments printed in the Congressional Record, including modifications in the text of any amendment which are germane thereto. Such amendments en bloc shall be considered as having been read and shall not be subject to amendment or to a demand for a division of the question in the House or in the Committee of the Whole. Such amendments en bloc shall be debatable for not to exceed twenty minutes, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs. The original proponents of the amendments offered en bloc shall have permission to insert statements in the Congressional Record immediately before the disposition of the amendments offered en bloc. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1200

Mr. HALL of Ohio. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Mississippi [Mr. LOTT], for purposes of debate only, pending which I yield myself such time as I may consume.

Mr. HALL of Ohio. Mr. Speaker, House Resolution 293 is a modified open rule providing for the consideration of H.R. 3100, the International Security and Development Cooperation Act of 1987.

The rule provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs. The bill shall be considered for amendment by titles, instead of by sections, and each title shall be considered as having been read.

It should be noted that the rule provides that no amendment to the bill is in order except those printed in the CONGRESSIONAL RECORD on or before November 10, 1987. Since it is difficult to predict how many and what kind of amendments might be offered to this important foreign policy legislation, it will be helpful to the managers to have fair advance notice of the contents of potential amendments. This will facilitate the efficient use of House floor time, and will allow the managers ample opportunity to examine amendments that can be accepted without extended debate.

Subject to clause 6 of rule XXIII, debate on all amendments shall not exceed 10 hours. Although there is a 10-hour limit on amendments, amendments printed in the CONGRESSIONAL RECORD shall be debatable for 10 minutes, equally divided between the proponent of the amendment and a Member opposed to it.

In addition to the 10 hours of debate on amendments, the rule makes in order an amendment in the nature of a substitute by, and if offered by, Representative BROOMFIELD of Michigan, or his designee. The Broomfield amendment shall not be subject to amendment except for one en bloc amendment by, and if offered by, Representative BROOMFIELD or his designee, which could only include amendments to the bill which have been adopted in the Committee of the Whole. This provision in the rule allows the gentleman from Michigan [Mr. BROOMFIELD] to incorporate in his substitute selected amendments adopted in the Committee of the Whole. The Broomfield amendment shall be debatable for 1 hour, equally divided and controlled by the proponent and a Member opposed to it.

The rule makes it in order for the chairman of the Foreign Affairs Committee, or his designee, at any time to offer en bloc amendments printed in the CONGRESSIONAL RECORD, including germane modifications in the text of any amendment. Such amendments en bloc shall be considered as having been read, and shall not be subject to amendment or to a demand for a division of the question in the House or in the Committee of the Whole. The amendments en bloc shall be debatable for not to exceed 20 minutes, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs.

The rule states that the original proponents of the amendments offered en bloc shall have permission to insert statements in the CONGRESSIONAL RECORD immediately before the disposition of the amendments offered en bloc.

My colleagues should be aware that the provisions in this rule relating to the grouping of amendments en bloc are similar to those incorporated in House Resolution 160, the rule considered earlier this year for the Department of Defense authorization, H.R. 1748.

Finally, Mr. Speaker, this rule provides for one motion to recommit, with or without instructions.

This is a bipartisan rule. It enjoys the support of Members on both sides of the aisle from both the Foreign Affairs Committee and the Rules Committee. It is a fair rule, designed to expedite floor consideration of the often complex and sometimes controversial issues relating to the foreign aid authorization.

Mr. Speaker, with respect to H.R. 3100 itself, I wish to commend the Foreign Affairs Committee for some of the positive actions it has taken in this bill to meet basic human needs in the developing world. In particular, I call my colleagues' attention to the funding provided for the Child Survival Fund, for UNICEF, for African famine recovery and development, for the Peace Corps, and to provide credit for the poor in developing nations. In my opinion, programs such as these are among the best components of the foreign aid we provide. I wish to encourage the committee to continue its good work in these areas.

Mr. Speaker, I urge my colleagues to adopt this bipartisan rule.

Mr. LOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 293 is categorized as a modified open rule. Again, this could be a little misleading because of the word "open." It still remains a restrictive rule; therefore, I would like to refer to it as modified close.

Mr. Speaker, as the gentleman from Ohio [Mr. HALL] has so ably explained, after 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority of the Foreign Affairs Committee, the bill shall be considered for amendment under the 5-minute rule by titles instead of by sections and each title shall be considered as having been read.

The rule provides that no amendment to the bill shall be in order except those printed in the CONGRESSIONAL RECORD on or before November 10. Subject to clause 6 of rule XXIII, amendments, printed in the CONGRESSIONAL RECORD are debatable for not to exceed 10 hours.

Mr. Speaker, I am not too comfortable with the requirement that amendments be printed in advance in the RECORD, unless there is a compelling reason for doing so. I think most Members already put their amendments in the RECORD as a matter of courtesy to the committee and their colleagues, as well as for their own position. But, to require printing on short notice—in this case, before the rule has even been considered on the floor—may catch many Members unaware, and thereby shut them out of the amendment process.

Also, the rule provides that the Chair of the Foreign Affairs Committee may group and accept amendments for en bloc consideration, including germane modifications in the text of any amendments. These amendments are debatable for 20 minutes.

Further, the rule makes in order an amendment in the nature of a substitute by Representative BROOMFIELD or his designee. This amendment is nonamendable, and it is debatable for 1 hour.

Finally, Mr. Speaker, the rule provides for one motion to recommit with or without instructions.

Mr. Speaker, this bill authorizes approximately $23 billion for international security and development assistance programs for fiscal years 1988 and 1989. It is also replete with administering of foreign policy.

It restricts the United States from providing economic or military assistance to any person or groups assisting the freedom fighters. Mr. Speaker, this provision restrains our ability to carry out normal foreign assistance relationships with security assistance recipients that also wish independently to support the Nicaraguan Democratic Resistance. In other words, Mr. Speaker, this provision literally ties the President's hands.

Of course there are other provisions in this bill that I am sure will be addressed when the House considers it. Adoption of this rule allows the House to expedite action on this measure. I urge adoption of this resolution.

Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. BROOMFIELD].

Mr. BROOMFIELD. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, while I have reservations on several of the provisions in H.R. 3100, the committee bill, I support the rule allowing for consideration of the foreign aid authorization bill.

At the outset, I would like to express my sincere appreciation to the gentleman from Florida [Mr. FASCELL] for incorporating several of the minority's concerns into the rule. I only wish that everyone, including the administration, had been as committed as the chairman to producing a bill that could command broad, bipartisan support and hopefully could pass the House.

Unfortunately, we have been unable to develop such a consensus approach to foreign aid. But the chairman and I will continue to work closely in an attempt to find a workable approach.

The authorization process should be the primary mechanism through which Congress exercises its role in the formulation of U.S. foreign policy. Despite the steady erosion of this historic role in the direction of appropriations measures, it would be irresponsible to walk away from the authorization process. I do not believe that sound foreign policy decisions can or should be made during the mad rush of considering a continuing resolution.

For that reason I am pleased that the rule to be considered today allows the minority to offer a substitute bill, which I hope can win the support of a majority of this body.

A unique feature of the rule allows the gentleman from Michigan to incorporate into the minority substitute any or all amendments added to the bill during the 10 hours of floor consideration in the Committee of the Whole.

Members should take notice that all amendments, including the minority substitute, must be printed in the CONGRESSIONAL RECORD on or before November 10, 1987. I invite every Member to study the minority substitute and acquaint yourself with its provisions.

I believe this is a fair rule and I am hopeful that it will facilitate Republican efforts to join with our majority colleagues in producing a foreign aid bill we can all support.

Mr. FASCELL. Mr. Speaker, will the gentleman yield?

Mr. BROOMFIELD. I yield to the gentleman from Florida.

Mr. FASCELL. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I want to thank the gentleman from Michigan [Mr. BROOMFIELD] for the gentleman's remarks and express my appreciation to the gentleman, and to the other members on the minority on the Committee on Foreign Affairs for the hard work and good faith and diligent effort made to achieve a bipartisan posture, not only with respect to the rule, but also with respect to the bill.

I join the gentleman in the hope that we can continue this kind of work to present to the House a bill which can be supported.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

I would like to clarify one thing that was mentioned by the distinguished gentleman from Mississippi that in fact the rule does say total time on the amendments will take 10 hours; but the rule does say under clause 6 of rule XXIII, that even though we might run out of time, even though it is possible to go over the 10 hours, each amendment is guaranteed at least 5 minutes on each side.

Mr. Speaker, with that I have no requests for time.

Mr. LOTT. Mr. Speaker, I yield back the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. GRAY of Illinois). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CONTE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 316, nays 97, not voting 20, as follows:

[Roll No. 416]

YEAS—316

Ackerman
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Atkins
AuCoin
Ballenger
Bartlett
Bateman
Bates
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Brown (CA)
Bruce
Bryant
Bunning
Burton
Bustamante
Byron
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Clarke
Coats
Coble
Coelho
Coleman (TX)
Collins
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
Crockett
Darden
Davis (MI)
de la Garza
DeFazio
Dellums
Derrick
DeWine
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dowdy
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frost
Gallo
Garcia
Gejdenson
Gibbons
Gilman
Glickman
Goodling
Gordon
Gradison
Grant
Gray (IL)

Gray (PA)
Guarini
Gunderson
Hall (OH)
Hamilton
Hansen
Hastert
Hatcher
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Hertel
Hiler
Hochbrueckner
Hopkins
Horton
Hoyer
Huckaby
Hughes
Hutto
Jacobs
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Kostmayer
LaFalce
Lagomarsino
Lancaster
Lantos
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (GA)
Livingston
Lloyd
Lowery (CA)
Lowry (WA)
Lujan
Luken, Thomas
Mack
MacKay
Manton
Markey
Marlenee
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCollum
McCurdy
McDade
McGrath
McHugh
McMillen (MD)
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Panetta
Patterson
Pease
Pelosi
Penny
Pepper
Perkins
Pickett
Pickle
Porter
Price (IL)
Price (NC)
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Richardson
Rinaldo
Ritter
Robinson
Rodino
Roe
Rogers
Rose
Rostenkowski
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Savage
Sawyer
Saxton
Scheuer
Schneider
Schroeder
Schulze
Schumer
Sharp
Shays
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith, Robert (OR)
Snowe
Solarz
Spence
Spratt
St Germain
Staggers
Stallings
Stark
Stokes
Stratton
Studds
Sundquist
Swift
Synar
Tallon
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Valentine
Vento
Visclosky
Volkmer
Walgren
Waxman
Weiss
Weldon
Wheat
Whitten
Wilson
Wise
Wolf
Wolpe
Wortley
Wyden
Yates
Yatron
Young (AK)

NAYS—97

Archer
Armey
Badham
Baker
Barton
Bilirakis
Bliley
Boulter
Buechner
Callahan
Cheney
Clinger
Coleman (MO)
Combest
Craig
Crane
Dannemeyer
Daub
Davis (IL)
DeLay
Dickinson
Dornan (CA)
Dreier
Edwards (OK)
Emerson
English
Fields
Frenzel
Gallegly
Gaydos
Gekas
Gingrich
Gonzalez
Grandy
Green
Hall (TX)
Hammerschmidt
Henry
Herger
Holloway
Hubbard
Hunter
Hyde
Inhofe
Ireland
Kyl
Latta
Lewis (CA)
Lewis (FL)
Lightfoot
Lott
Lukens, Donald
Lungren
Madigan
Martin (IL)
McCandless
McEwen
McMillan (NC)
Oxley
Packard
Parris
Pashayan
Petri
Rhodes
Ridge
Roberts
Roth
Schaefer
Schuette
Sensenbrenner
Shaw
Shumway
Shuster
Slaughter (VA)
Smith (NE)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Solomon
Stangeland
Stenholm
Stump
Sweeney
Swindall
Tauke
Tauzin
Taylor
Thomas (CA)
Upton
Vander Jagt
Vucanovich
Walker
Watkins
Weber
Whittaker
Wylie
Young (FL)

NOT VOTING—20

Akaka
Aspin
Barnard
Biaggi
Brown (CO)
Chappell
Clay
Daniel
Duncan
Gephardt
Gregg
Harris
Hawkins
Houghton
Howard
Kemp
Konnyu
Lipinski
Roemer
Williams

□ 1230

Mr. EDWARDS of California and Mr. COBLE changed their votes from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2260

Mr. FRANK. Mr. Speaker, I ask unanimous consent that my name be removed as cosponsor of H.R. 2260.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

PERMISSION TO FILE CONFERENCE REPORT ON S. 825, HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1987, AND TO WAIVE THE 3-DAY RULE

Mr. ST GERMAIN. Mr. Speaker, I ask unanimous consent that the managers may have until midnight, Friday, November 6, 1987, to file a conference report on the Senate bill (S. 825) to amend and extend certain laws relating to housing, and for other purposes, and I further ask unanimous consent to waive the 3-day rule, and that the House be permitted to consider the conference report any time after it is filed notwithstanding clause 2 rule XXVIII, subject to 2-hour availability.

The SPEAKER pro tempore (Mr. GRAY of Illinois). Is there objection to the request of the gentleman from Rhode Island?

Mr. WYLIE. Mr. Speaker, reserving the right to object, and I will not object, I want to say that this procedure has been cleared with the minority leader and this side has no objection.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

DRUG TESTING IS AN ENORMOUS INVASION OF PRIVACY

(Mr. ACKERMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ACKERMAN. Mr. Speaker, I have stood before this House and argued against drug testing for the past 2 years because I believe that drug testing is an enormous invasion of privacy. Drug tests can be used to identify urinary tract infections, epilepsy, venereal disease, whether you're under the care of a prescribing psychiatrist, or pregnancy.

Now, Mr. Speaker, in this morning's Washington Post, there is a front-page story about drug testing of job applicants by the D.C. Police Department.

The twist to this story is that the police department was also secretly testing the urine of female job applicants for pregnancy—without their knowledge or consent. Is potential motherhood another crime we have to invade people's bodies to check out?

If it's Government's function to make these determinations in the interest of society, shouldn't the results be made public?

Maybe we should brand these people's foreheads with scarlet letters identifying what we find in their blood, if it's really in the public interest to know.

Mr. Speaker, there is a malodious tide rolling across our Nation, a tide of those who thirst for a police state, who would constantly monitor our blood, have us hooked up to lie detectors, and if they could, censor our minds for impure thoughts.

If we would stop it, where do we start?

The article referred to is as follows:

[From the Washington Post, Nov. 5, 1987]

APPLICANTS FOR D.C. POLICE SECRETLY TESTED FOR PREGNANCY, OFFICIALS REASSESS POLICY AFTER COMPLAINT

(By Victoria Churchville)

Women who have applied to be D.C. police officers during the past two years have been given pregnancy tests without their knowledge, district police officials have confirmed.

The secret pregnancy tests were conducted on urine samples that the women were required to submit for drug screening to the Police and Fire Clinic in Southwest Washington. If the samples showed no traces of drugs, they were marked with a red F—for female—and tested for pregnancy. The women were aware of the drug screening test requirement to become police recruits, but were not told of the pregnancy test.

Police officials could not say how many women had received the pregnancy test since November 1985, but said that during the past two years, 126 women have joined the 3,880-member force, which now counts about 525 women officers in its ranks. It was also unclear whether any women had been denied a position as a police recruit because of a positive test result. District law prohibits discriminating against women because they are pregnant.

Clinic officials said that they halted the secret pregnancy tests Tuesday after a female employee of the clinic complained that they were an invasion of privacy and demanded to see the policy in writing.

It's been a policy to do the testing, but they [the female applicants] should have been informed," said Lt. Michael Irish, administrative lieutenant for the clinic, 2 D.C. Village La. SW. "They were not informed; the policy was never written down, therefore we've suspended the program until the policy can be clearly defined in writing."

But Capt. William White III, a police spokesman, disputed that version of events, saying that the process of testing applicants for pregnancy without their knowledge was "under [a] review that will determine whether it's appropriate—the process of them being informed as well as the test itself."

Neither White nor Irish could explain why the pregnancy tests were conducted in secret. Form letters sent to police department applicants inform them of the drug screening tests and other qualifications necessary for becoming a police officer, but do not mention the pregnancy tests.

Last week, one recruit learned that she was pregnant after submitting her urine to be tested for drugs, police sources said. The astonished woman was informed by police officials that she was pregnant and would have to reapply after her pregnancy.

The secret pregnancy tests immediately raised constitutional questions concerning sexual discrimination and an individual's right to privacy, and further deepened the controversy already surrounding the integrity of the department's drug screening program.

"This is one of the things that is a danger of the current drug testing craze because an employer who says he's going to test for drug use can also find out other things about a person, such as whether that person is pregnant, whether the person has a sexually transmitted disease such as syphilis or AIDS and whether the person is taking medication under a psychiatrist's care, and all those things would be very invasive of a person's privacy," said Arthur Spitzer, director of the national capital area chapter of the American Civil Liberties Union.

Police officials said that they began the pregnancy tests in November 1985 as a precaution against injury to women or fetuses that they thought could be caused by the rigors of training at the police academy. They said that if a police officer applicant is determined to be pregnant, they defer consideration of her application until after the birth of the baby, at which time she can reapply.

"We don't discriminate against people who are pregnant—that would be against the Human Rights Act of the District," said Capt. Max P.T. Sachs, the department's personnel officer.

"However, we will defer you until the completion of your pregnancy. Wouldn't you want to know whether you're pregnant before you become a police officer?"

Under police department rules, when officers on the force learn they are pregnant they must notify their superiors. Then the woman's doctor and a clinic doctor decide what kind of duty assignment is best for the officer.

Since mid-August, the drug screening program has been under investigation by an in-house panel of police officials. The investigation was started after two workers at the clinic took allegations of serious flaws in the testing procedures to Mayor Marion Barry and U.S. Attorney Joseph E. diGenova. A report on the panel's findings is expected to be completed this month.

The clinic whistle-blowers alleged "gross misconduct and possible criminal violations" by police officials, including bribery, tampering with physical evidence and violations of standards of conduct. In one case, they alleged, police officials tampered with the positive drug test result of an official up for promotion.

Since the drug testing program began in 1982, it has emerged as a critical component of the police department's personnel procedures. The urine of police officers now is tested when they are new recruits, when they are up for promotion, when they are accused of substance abuse and during routine annual physicals given to officers 35 and older. Officers are subject to termination after one positive drug test. During the last five years, at least 40 officers have been fired because their urine allegedly was tainted by drugs.

FIFTIETH ANNIVERSARY OF GREEK ORTHODOX COMMUNITY OF GREATER HARRISBURG, PA

The SPEAKER pro tempore (Mr. GRAY of Illinois). Under a previous order of the House, the gentleman from Pennsylvania [Mr. GEKAS] is recognized for 5 minutes.

Mr. GEKAS. Mr. Speaker, I stand today to talk about an event that may not capture the headlines of world publications but to a certain group of people in Harrisburg, PA and the surrounding communities it is an extraordinary event.

It is the 50th anniversary celebration of the birth of the existence of the Greek Orthodox community of that area of Pennsylvania culminated by a dinner which will honor the new establishment, the new cathedral of the Greek Orthodox Church, the Holy Trinity Cathedral of Greater Harrisburg. As I said, this is not an extraordinary event and daily on the floor of this House we hear of the 50th anniversary, the 100th anniversary, the 75th anniversary of various individuals and entities and organizations and institutions, but this one has, of course, a unique distinction in my own being, and that is coming from the fact that I have lived through every single 1 of these 50 years about which I speak and I saw this church and church community grow from literally a handful of people who met for religious services with visiting clergy from New York and elsewhere from 1933 on, and meeting in various places like an old paint shop, a home that was abandoned, a hall that was used primarily for ballroom dancing and for basketball, and in various other almost uncomfortable but nevertheless places that did the service that was required, namely to house religious services for this nucleus of people of the Greek Orthodox faith.

□ 1240

I served as an altar boy in this paint shop and I remember very vividly, I do remember a small fire starting in the altar area because some of the paint got mixed up with some of the flames of the candles that we were in charge of as altar boys.

These things crowd into one's memory when one looks back at this 50 years and can only breathe nostalgia every time one talks about it. So from those early beginnings, finally because some of the elders who worked incessantly to bring about a home of our own, as it were, a building enshrined with the Greek Orthodox theme, and finally in downtown Harrisburg in the early 1940's we did establish a church of our own, and that was a blessed place to meet. Not only did we have for the first time a permanent place for the choir and a permanent place for the clergy to perform their religious services, but we had permanent seats for the congregation. What a change from what we had experienced until that time.

From that building has grown the movement toward the establishment of the now cathedral in which the services are currently conducted where it is the wonder of our area, the beauty and majesty of the church itself, the cathedral, and of the wondrous events that occur there, not only the religious ones but the social ones, which include the annual and sometimes twice-a-year bazaars and other community events that attract people from around the region.

Every moment that we spend in this 50th celebration, those of us who lived through, as I said, these 50 years, makes us wonder how we got through it. But one thing is sure, for our part we have established something for our successors, the children and grandchildren who are going to partake of the taste of Greek Orthodoxy in the central Pennsylvania area, and we salute those of our fathers and grandfathers who established the first community in 1937 and who helped us work through a half a century of progress and of beauty and of a day when we can look back and say thank you to all of them and charge our successors, the youngsters who are celebrating with us, that they have a heavy responsibility to form the 100th celebration 50 years from now.

Mr. GONZALEZ. Mr. Speaker, will the gentleman yield?

Mr. GEKAS. Certainly, I am happy to yield to the gentleman from Texas.

Mr. GONZALEZ. Mr. Speaker, I thank the gentleman for yielding and rise to compliment him and to add my felicitations to the church in Harrisburg. In San Antonio, in my home town, we have St. Sophia, the Greek Orthodox Church, which has a magnificent structure, even though the population is indeed a minority. So I just merely wanted to say I am sure my constituents extend felicitations to yours in Harrisburg.

Mr. GEKAS. I thank the gentleman from Texas.

Mr. EMERSON. Mr. Speaker, will the gentleman yield.

Mr. GEKAS. I yield to the gentleman from Missouri.

Mr. EMERSON. Mr. Speaker, I, too, want to commend the gentleman for the statement he has just made. I had no idea that the gentleman was approaching the ability to remember back over 50 years. He appears to be far too young for that.

But it is a very moving statement the gentleman has made, and I was delighted to be able to listen to what he had to say, and my felicitations and those of my constituents to yours and your church on this very happy occasion.

Mr. GEKAS. I thank the gentleman. If I had two or three more of these I may issue a blanket invitation to all of us to join me for the next bazaar in our community.

Mr. Speaker, I yield back the balance of my time.

INFRASTRUCTURE IMPROVEMENTS ACT OF 1987

The SPEAKER pro tempore (Mr. HAYES of Louisiana). Under a previous order of the House, the gentleman from Pennsylvania [Mr. COYNE] is recognized for 5 minutes.

Mr. COYNE. Mr. Speaker, I rise in support of the Infrastructure Improvements Act of 1987.

Mr. Speaker, America's cities are in a rut; one that threatens to stunt economic development in this country. The basic public facilities of America are either insufficient, nonexistent or in need of substantial repair. All around us there is an urgent need for better bridges, highways, ports, waterways, mass transit, airports, and greater water and sewage treatment capacity.

Our systems are, by most accounts, strained far beyond their capacity to serve the needs of the public and the business community.

What is equally strained is the ability at all levels of Government to finance the construction or repair of vital infrastructure facilities. Today I am introducing the Infrastructure Improvements Act, which is designed to revamp the way we finance critical public works projects. The key is using low-interest loans instead of direct Federal grants.

The task for the country is mammoth. The most recent congressional estimates by the Joint Economic Committee and the Congressional Budget Office put the cost of needed infrastructure between for the rest of the century at between $52.6 and $64.3 billion. Even more disturbing is the gap separating what we are presently spending and what is needed—between $17 and $25 billion each year.

Local governments traditionally have relied on State and Federal grants to cover a major portion of the costs of public works. That era is clearly over. State and Federal funds have become increasingly scarce during the 1980's for local infrastructure projects. Total real spending has grown at a rate of only 0.6 percent per year since 1972. Actual real spending by States and the Federal Government has declined by more than $10 billion since 1980; dropping to the level of the 1970's.

During the Reagan administration, the Community Development Block Grant Program has been cut 18.5 percent; the urban mass transit program has been cut 20 percent; Economic Development Administration funds have been cut 51 percent and Environmental Protection Agency sewage plant construction funds have been reduced 50 percent; and general revenue sharing has been eliminated entirely. Combined Federal spending in these programs was slashed nearly in half to approximately $7 billion in 1987, down from more than $13.8 billion in 1981.

The Federal Government can no longer afford to appropriate billions of dollars in direct grants for infrastructure projects given the competing social and national defense needs in this age of large budget deficits. Infrastructure has been among the hardest hit during the past decade as we have adjusted our spending priorities.

Some of the reductions in Federal development programs, I believe, have shortchanged our future. And unless we implement a new program dedicated to revitalizing and building our infrastructure, many of our finest urban centers may crumble in the not too distant future.

My legislation offers the Congress, States, and local governments a new direction for financing public works projects that can create jobs and spark economic growth.

Basically, my bill would establish a 5-year loan program, providing States with up to $2.5 billion annually for infrastructure projects. A key component to this program would be that local governments would be required to repay with interest these funds. Another important element of my proposals is that communities with higher than average unemployment, job losses, or business failures would have top priority in obtaining the loans.

To obtain a loan, a local government would have to submit a detailed economic plan to the State. Each plan must include a description of the project, a description of actions taken to retain businesses and industry currently located in the Government's jurisdiction, a job retraining program for dislocated workers and the economically disadvantaged, evidence of community involvement in developing the plan, and a schedule of repayment for the loan. In this way, loans can be made in areas with the greatest need and the most comprehensive, long-range plan for utilizing infrastructure to promote economic development. These plans will also serve as economic roadmaps for businesses looking to expand, locate, or establish new plants.

The Department of Commerce would allocate the funds to States, which would in turn make loans to cities and counties. States would be charged interest on the loans equal to 25 percent of the average annual rate paid on 3-month Treasury bills. In communities where the unemployment rate remains 150 percent or more of the national average 1 year after the completion of the projects, repayment can be deferred for up to 12 months. After that, up to 25 percent of the loan can be forgiven if unemployment remains 150 percent or more of the national average. But in all cases, States will be obligated to repay no less than 75 percent of the original loan, limiting the revenue loss to the Federal Government. In any event, the interest on the loans should be more than adequate to cover revenues lost due to this forgiveness provision.

There would be other net revenue gains for the Federal Government as a result of this program. When public works projects attract new businesses or prompt others to expand, new long-term, private sector jobs would be created. This would add a sizable amount of increased personal income to the economy, creating a demand for goods and services, and increase personal and corporate taxes. The Federal Government might also see a significant reduction in demand for its social service programs for the unemployed as more people join the work force.

This is not just a guess. In 1976 and 1977, Congress created a $6 billion public works capital program that provided funds for more than 10,000 projects. The Economic Development Administration estimated that those projects generated more than 1 million jobs in the construction and related industries. In another real-world example, the Corps of Engineers concluded that its McClellan-Kerr Arkansas River navigation project contributed to the creation of 21,000 jobs per year and $297 million in additional personal income to the national economy. Furthermore, a study by Data Resources Inc. on the effects of infrastructure estimated that each $1 billion in construction spending for public works would create about 32,000 jobs.

Make no mistake about the importance of adequate infrastructure to the ability of a community to keep or attract a business or industrial plant. Planning offficals in Wayne County, MI, have reported that their county lost an automobile manufacturing plant, and potentially thousands of new jobs, in part because of the lack of funds to finance additional sewage treatment capacity.

Business leaders in a Census Bureau survey conducted about 10 years ago, indicated that out of 254 categories the availability of public works was either a critical or significant importance to location decisions. Infrastructure was often cited as a more important factor than the existence of local tax incentives or local industrial revenue bond financing to those surveyed.

The goal of this legislation is to help communities help themselves by providing low-interest loans that will, hopefully, generate both short-term public sector jobs and permanent private sector employment opportunities. This bill specifically targets those communities and individuals in the greatest need by emphasizing job retraining and the use of local labor pools. And finally, this bill should cost the American taxpayer next to nothing while providing incalculable long-term economic benefits.

Section-by-Section Summary of the Infrastructure Improvement Act

(This summary was prepared with the assistance of the Congressional Research Service)

Sections 1 and 2: Short Title and Findings and Policy.—The Infrastructure Improvement Act of 1987 would supplement existing programs to help communities improve their infrastructure. Real spending on infrastructure has been growing at a relatively slow rate since 1972. In addition, a substantial gap between infrastructure needs and expenditures is estimate through 1990. The bill would give priority to projects in economically distressed areas so that they might better attract and keep businesses and jobs, as well as to projects that would employ economically disadvantaged individuals and dislocated workers.

Section 3: Loans to States.—States could apply for loans to the Secretary of Commerce. The funds would come from two loan accounts, a Nondiscretionary Loan Account and a Discretionary Loan Account. The Nondiscretionary Loan Account would have three component accounts, namely, the Above-Average Unemployment Loan Account, the High Unemployment Loan Account, and the Business Failures Loan Account.

A State's share of funds from the Nondiscretionary Loan Account could not exceed the sum of its shares from the other three component accounts. If a State's unemployment rate averaged over the 24-month period preceding the date of application was equal to or greater than the median of the average unemployment rates of the 50 States and the District of Columbia during the same period, it would be eligible for funds from the Above-Average Unemployment Loan Account. If eligible, a State's maximum entitlement from this account would be based upon the following formula: (the number of unemployed persons in the State/the number of unemployed persons in all eligible States)—the amount of funds allocated to this account. If a State's unemployment rate for the 12-month period preceding the date of application exceeded 4.5 percent as determined by the Bureau of Labor Statistics (BLS), it would be eligible for funds from the High Unemployment Loan Account. If eligible, a State's maximum entitlement from this account would be based upon the following formula: (the number of unemployed persons in the State/the number of unemployed persons in all eligible States)—the amount of funds allocated to this account. If a State's rate of business failures per 10,000 concerns in the State during a calendar year exceeded the failure rate of all States for that year, as determined by the Census Bureau, it would be eligible for funds from the Business Failures Loan Account. If eligible, a State's maximum entitlement from this account would be based upon the following formula: (the number of business failures in the State during the calendar year/the number of business failures in all eligible States)—the amount of funds allocated to this account.

The Secretary of Commerce also could make loans from discretionary funds to States that submit applications. The Secretary should give priority to States that are ineligible for nondiscretionary loans and contain units of local government which are eligible for loans.

States would have to repay loans over a 10-year period, although the Secretary could extend that period. Deferral and partial forgiveness of payments would be permitted. The annual payments would begin after a 12-month grace period. The interest rate would be one-fourth of the 3-month Treasury bill rate during the most recent calendar year. Interest would begin to be applied to the State's loan once it loans money to a unit of local government.

Section 4: Loans by States to Units of Local Government.—To be eligible for loans from the State, a unit of local government would have to have a population of at least 50,000, and must meet one of four economic distress criteria and one of three other economic distress criteria. The first four criteria are: (1) excluding employment changes of a temporary or seasonal nature, the jurisdictional area of the government unit must experience a "sudden and significant decline" in employment over a 24-month period, (2) the jurisdictional area of the unit must fall, in whole or part, within a labor surplus area so designated by the U.S. Secretary of Labor, (3) the percent change in employment in the area within a 24-month period must be less than the percent change in population of the area, (4) the median duration of unemployment in the area during a calendar year must be longer than 26 weeks. The second three criteria are: (1) a decline in the area's tax revenues during a fiscal year due to a decrease in the government unit's taxable resources, (2) the most recently recorded percent change in the area's population must not exceed the percent change in the Nation's population over the same period, (3) the proportion of households in the area with annual incomes below the poverty level, based upon the most recent Census Bureau data, must not be less than the proportion for all households throughout the United States.

In order for a unit of local government to obtain a loan, it would have to submit an economic plan to the chief executive officer of its State. The plan would have to describe the project and the need for it, the government's prior efforts to retain local businesses, how the project will promote job and business creation, and how it will directly or indirectly retrain and employ economically disadvantaged individuals and dislocated workers. The plan also would have to include the amount to be borrowed, schedule and source of repayment, and evidence of local community involvement.

Loans could only be used for projects involving the construction of publicly owned facilities on public owned land (e.g. highways, streets, bridges, mass transit facilities and equipment, resource recovery facilities, airports and related facilities, water and wastewater systems, dams, docks, ports). Projects to be given priority include those that would maximize the use of local labor, especially that of economically disadvantaged individuals and dislocated workers as well as of persons certified to be jobless for at least 15 out of the last 20 weeks, and projects that would promote business creation as well as job creation and training for the just-mentioned groups.

Loans to a unit of local government could not be used to replace existing infrastructure funding or to serve as the non-Federal share of a project using other Federal funds. The loans would have to be repaid over a 10-year period, beginning after a 12-month grade period once the project is completed. The interest rate would be one-fourth of the 3-month Treasury bill rate. Loans could be deferred for 12 months if, during the 10-year repayment period, an area's annual unemployment rate is at least 150 percent of the national rate. If a unit of local government that has been granted a deferral then maintains an annual average unemployment rate of 150 percent of the national rate for 12 months, the unit may ask the State to forgive a portion of the loan. The State, in consultation with the Secretary of Commerce, could forgive 25 percent of the loan. The unit would have had to demonstrate good-faith efforts to reduce unemployment and create jobs.

Section 5: Establishment of Loan Accounts.—In the Treasury, there would be two accounts for sums appropriated to carry out this Act. The Discretionary Loan Account would receive 5 percent and the Nondiscretionary Loan Account would receive 95 percent of appropriations under the Act. Within the Nondiscretionary Loan Account, each of the three component accounts would be allocated one-third of the total.

Section 6: Schedule.—Within 90 days of the Act's becoming law, the Secretary of Commerce would submit to Congress a schedule for collecting information necessary to carry out the Act and for making loans.

Section 7: Review of the Program.—Every 12 months, the General Accounting Office (GAO) would review the States' and local governments' activities. GAO then would report to Congress and the President on the effectiveness of the economic plans and the decisions of the State officials in targeting priority projects, the activities of units of local government that received deferral or forgiveness of loan payments, and the effectiveness of the Act in reducing unemployment in economically distressed areas, improving public works infrastructure, and providing training and jobs for economically disadvantaged individuals and dislocated workers in distressed communities.

Section 8: Determinations.—The Secretary of Labor shall make determinations of the average unemployment rates and numbers of unemployed required in Sections 3 and 4. The Secretary of Commerce, acting through the Bureau of the Census, shall make determinations of the rates of business failures for Section 3 and the proportions of households having an annual income of less than the poverty level of income for Section 4.

Section 9: Definitions.—The term local government refers to Metropolitan Statistical Areas under rules issued by the Director of the Office of Management and Budget, cities, counties, parishes, boroughs, or combinations thereof. The term Secretary refers to the Secretary of Commerce. The term business concern refers to activities conducted for the purchase, sale, lease, or rental of personal or real property, for the manufacture, procuring, or marketing of products, commodities, or other personal property or for sale of services to the public. The term state refers to any of the 50 states, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and other territories and possessions of the United States.

Section 10: Authorization of Appropriations.—In fiscal years 1989 through 1993, $2.5 billion would be appropriated annually.

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York [Ms.

SLAUGHTER] is recognized for 5 minutes.

Ms. SLAUGHTER of New York. Mr. Speaker, due to a long-standing commitment to speak before 300 members of the Rochester Rotary, I was unable to be present for rollcall votes taken on November 3, 1987. Had I been present I would have voted "yea" on rollcall Nos. 402, 403, 404, and 405. In addition, Mr. Speaker, if U.S. Air had not discontinued its 1:20 p.m. flight effective October 31, I would have been able to keep my commitment to the Rochester Rotary and would have arrived in Washington on time to make the afternoon votes.

EXPOSING STALIN'S CRIMES AND GORBACHEV'S

The SPEAKER pro tempore. Under a previous order of the House the gentleman from California [Mr. LUNGREN] is recognized for 5 minutes.

Mr. LUNGREN. Mr. Speaker, several days ago, Soviet General Secretary Mikhail Gorbachev broke 23 years of silence about the Stalinist holocaust and declared: "The guilt of Stalin * * * is enormous and unforgivable. This is a lesson for all generations." Gorbachev criticized the use of policies appropriate to an internal class war in a "period of peaceful socialist construction." And he expressed regret over the suffering of "many thousand of people inside and outside the [communist] party."

Although some Soviet scholars acknowledge that millions actually perished during Stalin's rule, we in the West should commend Mr. Gorbachev's movement toward historical truth. Such a reaction does not preclude our recognition that his address invites as many questions as it does reasons for encouragement.

For even as Mr. Gorbachev condemns Stalin's guilt, he leaves untouched his own responsibility for human rights abuses of the most grotesque character. In the October 21 edition of the New York Times, a prominent Soviet dissident exposed the continuing perversion of psychiatric treatment into instruments of repression. Vladimir Titov, the man who reported the employment of slave labor in the construction of the Siberian gas pipeline, has just completed 5 years of confinement in psychiatric hospitals. He vividly recalls the injection of psychotropic drugs which produced fever, pain, slurred speech, and an inability to lie, sit or stand with comfort. Asked about the impact of Mr. Gorbachev on these abuses, he told the Times: "There are no changes. On the contrary, it's getting nastier."

The Soviets maintains a explicit nexus between psychiatry and internal security policy. Soviet psychiatric textbooks still list "sluggish schizophrenia"—described as an obsessive desire to "seek social justice"—as a form of chronic mental illness. The Ministry of Internal Affairs, not the Ministry of Health, continues to administer the 18 infamous special psychiatric hospitals. It was therefore not an accident that shortly before Mr. Titov's release, officials of Soviet state security—the KGB—visited him in his hospital quarters and urged him to recant his opinions. Remarkably, Mr. Titov's tormentors released him on the condition that he emigrate immediately to Israel—despite the fact that he is not Jewish and that tens of thousands of Soviet Jews who do wish to depart for Israel cannot do so.

In this context, Mr. Speaker, I'd like to once again call on Soviet authorities to release all dissidents from psychiatric facilities. Thanks in part to the efforts of the American Psychiatric Association, Yegor Volkov, a labor activist who has spent much of the past 19 years in the special mental hospitals which house dissenters, has been moved to a conventional mental hospital. But many others—too many others—remain in brutal confinement, N.S. Akhmetov, a winner of the Rotterdam International Poetry Award and the PEN Freedom-to-Write Award, remains incarcerated in a Soviet psychiatric clinic. At that location, he has already experienced a severe beating—on the evening of March 6—as well as injection with sulfazin, a sulfur compound that causes extreme and debilitating pain.

In a letter smuggled out of the West, Mr. Akhmetov stated:

> I am having to submit to cruel treatment: sulfazin, cedoxin * * * and the devil knows what they will give me next. I lose my capacity to think clearly and if they resort to haloperidol * * * I will be unhappier than any animal.
>
> Already in the reception room a commission awaited me consisting of the public prosecutor, a local KGB man, a professor and the head of the department I was assigned to. They demanded that I sign a paper declaring that I had no wish to go to the West. Help me please if you can.

To use Mr. Gorbachev's own words, Mr. Speaker, the immorality of such persecution is both "enormous and unforgivable." While no one can mistake Gorbachev for Stalin, no one should doubt that the champion of glasnost remains as committed to the ruthless preservation of authoritarianism as his five predecessors.

CENTRAL AMERICAN PEACE PLAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 5 minutes.

Mr. DORNAN of California. Mr. Speaker, my colleagues, and any other American citizens that are interested in what we say here after formal business is over, do you not love these camera shots panning an empty Chamber? All right, an empty Chamber is because 300,000 or 400,000 people are watching on television. So it is important what we say here at the end of the day.

Mr. Speaker, we have a major problem with the security of freedom and liberty in this hemisphere. Today, November 5, or the day after tomorrow, Saturday, November 7, pick your day, both days have been used willy-nilly over the past couple of months, is supposed to be the final deadline for setting in place the Arias peace plan. The President of Costa Rica, is a single term 4-year President, who will be gone in another couple of years, probably off to teach in a university or on the lecture circuit using the power of his Nobel Peace Prize. This most recently elected of the four democratically elected Presidents in Central America, Mr. Arias, instituted his plan on the heels by only 48 hours of the so-called Wright-Reagan plan or the Reagan-Wright plan, depending on which side of the aisle you are sitting on. Here is why the whole thing is sad. There is no defined criteria, none, no set rules that we can use to understand whether or not compliance is occurring. A defined criteria of compliance has never existed.

Here is what I have been able to find out in some top secret briefings, without giving particulars or leaking, as some people do in both bodies. This was never the Wright-Reagan plan, it was the Tunnerman plan, delivered to Wright. Tunnerman is the Communist ambassador of the Communist government from Managua, Nicaragua, and the Tunnerman-Wright plan was sold to Reagan. Unfortunately it gave the wrong signals to the strongest of the two elected Presidents down there, President Azcona of Honduras, and President Duarte of El Salvador, and they decided they would not be upstaged and instead cut their own deal a couple of days later in Guatemala at Esquipulas.

The second major problem here is the slippage of these dates. We have already established that there is no defined criteria for compliance. Just look at how we are trying to boilerplate the intermediate nuclear weapons, nuclear forces treaty that is going to be signed supposedly by General Secretary Gorbachev and President Reagan.

In January, we are going to have 535 interpretations of compliance plus the interpretation of the State Department, and the interpretation of the National Security Council which will now be under Gen. Colin Powell, an excellent officer, and then a separate interpretation by President Reagan. Unless you have a defined criteria, nobody knows what you are talking about. The result is so that you get all of these ambiguities like we had under the series of Boland amendments. We almost had one today by the gentleman from Michigan [Mr. BONIOR], my good friend, which was going to be attached to the CR, which passed overwhelmingly today.

No, this Arias peace plan is a mess right now. I still hold out hope for Mr. Arias. I still respect him, although I did not vote to commend him for the peace plan. It was not because I do not think he is a good man and not because I do not like him. I just think when they violate their own cutoff date, rush to give him an award, a Nobel Peace Prize, to give him an award for a potential peace, for an idea as to how to bring about peace which has really been an idea with no defined criteria. If you combine that with slipping dates, and a Communist government in Managua with more political prisoners prorated than any nation on the face of the Earth, then you can expect trouble.

□ 1255

If Gorbachev and his politburo are telling the truth that they only have 10,000 political prisoners in a nation of 277½ million people, if North Communist Vietnam that won a Communist horrible victory crushing liberty in Cambodia, Laos, and Vietnam without ever winning a battle, having no air or sea power control at all, if they are telling the truth that they have 7,000 persons then why shouldn't we expect the same of the Sandinistas? Nicaragua has 11,000 prisoners and they have not released one who was arrested before the signing of Esquipulas II on August 7.

So we have a mess here. I am hoping that Arias will become a hero on January 7 by denouncing the Communist government in Nicaragua and that he will then say that the peace prize was awarded too soon. "I am sorry that I failed but at least I should get some credit for trying." We must for the national security of this hemisphere do what Mr. CLAUDE PEPPER, a senior Member in this body, has been saying for years, drive the Communists out of Central America.

Stay tuned, more later on the Tunnerman/Wright plan swallowed by Arias idea. His Nobel Peace Prize is akin to Le Duc Tho and Kissinger getting the peace prize in 1973. Le Duc Tho who speaks fluent French would like my saying that he lacked the savoir faire to turn it down. Then there is the Briand/Kellog Pact in 1929 which outlawed war in 1929. Remember World War II, Korea and Vietnam and Afghanistan and Cambodia and all the wars, 40 of them going on around the world?

Thank you, Mr. Speaker, for that tolerance and time at the end.

THE SITUATION WITH RESPECT TO ELECTIONS IN HAITI

The SPEAKER pro tempore (Mr. HAYES of Louisiana). Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 5 minutes.

Mr. OWENS of New York. Mr. Speaker, the systematic reign of terror in Haiti continues. It appears now that there is no hope that peaceful elections will be held. Haiti's Presidential and congressional elections which were set for November 29 are now 25 days away. There has been no official announcement yet canceling these elections. However, the local and regional elections which were scheduled for November 15 have been rescheduled now for December 20 due to the fact that there is rampant fear among the candidates; they do not want to come out and campaign due to the fact that the election headquarters was firebombed 2 days ago. And last night at 1 a.m. the printing office of the election council was firebombed. At 1 a.m. this morning Port-au-Prince, the printing office was set afire. The speculation is that the voter material, the voter registration lists, everything relating to elections that had been printed might be burned up in this fire. The fire department in Port-au-Prince did not respond to calls for help until 6 a.m. Hours after the fire started, the fire still was not put out according to the New York Times. An electoral board office in a neighboring suburb was also ransacked last night.

Haiti's three-man ruling junta, and these are the men responsible really for the systematic organized terror, they have issued statements that they will investigate these matters and they have appointed some of their military colleagues to investigate these matters. It is like the fox appointing members of their group to investigate a raid on the hen house.

In a New York Times story today witnesses of the fire that occurred two nights ago said that half a dozen men appeared with submachineguns, they blocked all intersections leading to the election council headquarters, and they fired bursts of machinegun fire into the air and then other men appeared who went into the office, chisled the iron door open and started the fire in the office.

This does not seem to be the work of random hotheads. This is a systematically organized effort. It had to be condoned by the government in order to take place.

The election council member, Emmanuel Ambroise, whose home appliance business was destroyed by fire the same night that the election council headquarters was set afire, spoke on Haitian radio yesterday addressing all Haitians and the international community. And he charged that the assassins and arsonists are now running Haiti. He made a desperate appeal to the whole world for protection.

Another member, the treasurer of the election council Alain Rocourt was quoted in today's New York Times story as saying "We are in the midst of total insecurity." I think that is a gross understatement.

They are in the midst of total terror. I wish some of the Judeo-Christian indignation that we express about freedom in Nicaragua, about free elections in Nicaragua, I wish we could get just a small portion of that indignation and apply it to Haiti which is only 90 miles from the shores of the United States.

We can do a great deal about the terror taking place in Haiti. We can do a great deal to help the 90 percent of the population, 90 percent of the 6 million people who came out and voted for a Constitution. They set up a timetable for elections. We sit by and do nothing while armed bandits, military thugs destroy the whole election process.

We say we offer freedom in this hemisphere. We say we are interested in free elections. But we do nothing to help Haiti. We can do a lot, there is a great deal we can do. The President can call upon the U.S. Government to make provisions to reestablish the printing press; if not the printing press, to do the printing for them. We can provide the technical assistance to keep that election going.

We can make a statement, if the President would make a statement and let the military junta know that we disapprove at the highest levels of what they are doing. The military junta is a creation of the U.S. State Department. It was not created by any constitutional process, thank God. Our State Department helped to push Duvalier out but they set up an alternative which had no basis in the constitution. The election council is the only body in the Haitian country right now which has the will of the people behind it. The people voted to set up the election council. The people voted to establish the election timetable.

We should call upon the junta to step down. We should call upon the military junta to spend all of their time guaranteeing law and order in Haiti and allow the election council to run the Government at this point until the elections are held on time in November.

We can do a great deal. We can call upon the Organization of American States to send in observers en masse. We can call upon the United Nations to send in observers.

There are a lot of peaceful intervention steps that can be taken, if we do not continue to follow this hypocritical policy of closing our eyes to violatons of human rights, to a reign of

terror in Haiti while we insist that we are interested in freedom and human rights in the rest of the world.

Mr. Speaker, I would like to submit two articles that appeared in The New York Times because they chronicle in a very good way the story of violence in Haiti. They tell the story very well. I think these stories will be very helpful.

(The articles referred to are as follows:)

[From the New York Times, Nov. 4, 1987]

New Violence Breaks Out in Haiti as Vote Panel Bars Duvalier Men

(By Joseph B. Treaster)

Miami, November 3.—Violence flared again today in Haiti hours after a dozen associates of François and Jean-Claude Duvalier, the former dictators, were rejected as presidential candiates.

The national election headquarters in the heart of the capital, Port-au-Prince, was broken into and set afire and gunmen sprayed machine-gun fire at a smaller election office, the office of a centrist presidential candidate and the home of a Senate candidate.

Another fire heavily damaged a hardware store owned by one of the nine members of the National Electoral Council, which is organizing the elections.

Gunshots in the night and mysterious killings have become a part of life in Haiti since the Duvalier dictatorship collapsed in February 1986.

The army-dominated provisional Governmental of Lieut. Gen. Henri Namphy has refused to provide protection or administrative support protection or administrative support to the electoral council, feeding speculation in Haiti that it wants the elections to fail.

Alain Rocourt, the head of the Methodist Church in Haiti and treasurer of the electoral council, said that while flames swept through all three stories of the election headquarters, destroying records and equipment, he thought it would still be possible to hold the presidential elections as scheduled on Nov. 29.

"WE ARE CARRYING ON"

"The election will take place as planned unless we are physically unable," Mr. Rocourt said in a telephone interview from Port-au-Prince.

In spite of daily death threats, Mr. Rocourt said: "We are continuing. We are carrying on."

Three weeks ago a presidential candidate was shot to death in front of the national police headquarters, across the street from the presidential palace where General Namphy has his offices, and in August the leader of a moderate political party was hacked to death in a rural churchyard. No arrests have been made.

Soldiers firing at point-blank range killed more than 30 demonstrators in protests during the summer after General Namphy's Government briefly seized control of the electoral process. But since then the streets have been left to unidentified gunmen in civilian clothes who many Hatians assume are either former members or associates of the Tontons Macoute, the army of thugs that the Duvaliers used to terrorize Haiti.

Mr. Rocourt said the electoral council wrote to the provisional Government on Oct. 16 and again on Oct. 26 asking for protection of its offices around the countries and its members and that the Government did not even reply.

"This shows the contempt the authorities have for the electoral council," Mr. Rocourt told a reporter for The Associated Press.

As dawn broke today, witnesses said that a curious crowd was milling around the smoke-chared entrance to the still-smouldering election headquarters, but that there was no sign of any security forces.

Richard N. Holwill, the Deputy Assistant Secretary of State in charge of Caribbean affairs, said in an interview from Washington that the United States was encouraging the provisional Government to support the electoral council and provide "the needed security."

"We have every reason to believe at this time that they are trying to do so," Mr. Holwill said.

Mr. Holwill said the electoral council had not notified the Government that it was going to announce the rejection of the candidacies Monday night, "so they were not prepared."

Mr. Holwill said it was not clear to him that the council had formally asked for protection. Despite the widespread insecurity in Haiti, Mr. Holwill said, he was not going to try to "second-guess" whether security forces should have been posted at the election headquarters.

The former aides to François and Jean-Claude Duvalier had issued veiled threats of a violent reaction if their candidacies were rejected and one, Clovis Desinor, a former Finance Minister, raised the specter of civil war.

One of the most enthusiastically supported provisions of Haiti's newly adopted Constitution banned key members of the family dictatorship from running for public office for 10 years. In announcing their candidacies in mid-October, the Duvalier aides charged that the Constitution was discriminatory and challenged the electoral control to try to enforce the ban.

12 "COULD NOT BE ACCEPTED"

In a statement read over Port-au-Prince radio stations Monday night, the electoral council declared that 23 of the 35 men who had registered as presidential candidates were eligible. It did not name the rejected candidates, Mr. Rocourt said. But, he added, it was clear "they were out."

"We made a very careful and calm survey of the names and with documents in our hands we saw that those 12 could not be accepted," Mr. Rocourt said. He said the decision was unanimous.

Among those rejected, in addition to Mr. Desinor, a 73-year-old lawyer who campaigned for the election of François Duvalier in 1957 and served for more than 11 years as his chief financial adviser, were Lieut. General Claude Raymond, retired, a former Chief of Staff under both François and Jean Claude Duvalier, and several other former army officers and Cabinet ministers.

In a second statement last night, the electoral council announced that elections in the nation's 565 rural sections and in 137 municipalities were being postponed from Nov. 15 until Dec. 20, partly because of a lack of candidates. There have been some administrative difficulties, Mr. Rocourt said. But, most importantly, he said, people were afraid to sign up as candidates.

[From the New York Times, Thursday, Nov. 5, 1987]

Election Panel Officials in Haiti Flee New Violence in the Capital

(By Joseph B. Treaster)

Port-au-Prince, Haiti, November 4—Several members of the Haitian electoral commission were in hiding today after a second night of arson attacks against election officials.

A 75-year-old election official whose home was a target bitterly accused the army-dominated provisional Government of complicity in the violence.

Addressing Haitians and the "international community," on capital radio stations, the official, Emmanuel Amboise, charged that "assassins and arsonists," were running Haiti. He made a desperate appeal for protection.

Two days after arsonists heavily damaged local election headquarters and gunmen sprayed machine-gun fire at a district voting office and the office and home of two candidates, the Government still had not assigned security forces to protect election officials and offices.

Several election officials expressed serious doubts today that the presidential elections could be held as scheduled on Nov. 29.

"TOTAL INSECURITY"

"We are in the midst of total insecurity," said Alain Rocourt, the head of the Methodist Church in Haiti and treasurer of the nine-member Electoral Council.

The national election headquarters was set afire Monday, hours after the Electoral Council had rejected the presidential candidacies of a dozen associates of the former dictators of Haiti, Francois Duvalier and his son, Jean-Claude, who fled to France 21 months ago. Haiti's new constitution bars key officials of the family dictatorship from elections for 10 years.

In another attack on Monday, arsonists also destroyed a hardware store owned by Mr. Amboise. On Tuesday night, they unsuccessfully tried to set fire to Mr. Amboise's home and the family car.

After ignoring two earlier written requests for protection from the Electoral Council, the Government said in a statement last night that it had instructed the "appropriate authorities" to "determine the necessary security measures" to be taken "to guarantee the progression of the electoral process."

By midday, Mr. Rocourt said the Government had done "nothing at all" to provide security for any council members or the council's offices. Mr. Rocourt said a high-ranking Government official suggested that the council hire a private guard to protect the charred equipment and files in the headquarters.

ATTACKS ON OFFICES

According to witnesses, Mr. Rocourt said, a half-dozen men with submachine-guns blocked the intersections at both ends of the street on which the headquarters is located by firing bursts into the air shortly before midnight Monday. Then, he said, men with chisels and metal cutters chopped through the steel doors of the offices and started the fire.

Mr. Rocourt said a neighbor of Mr. Amboise telephoned him last night to say she could see men trying to set fire to the Amboise home.

"She said she had called the police and they said they wouldn't come." Mr. Rocourt recalled.

Mr. Amboise said he held the three members of the provisional Government, whose names he recited, "responsible for the security of my family's lives."

Mr. **OWENS** of New York. I yield to the gentleman from California.

Mr. **DORNAN** of California. I thank the gentleman for yielding.

The reason I asked the gentleman to yield is I was in Haiti last month, one of the most recently returned Congressmen—and not many Congressmen and women are going down there. I think the gentleman made an excellent statement. The gentleman may have been a little harsh on the State Department because I know they are concerned about what is happening down there. They do not like the fait accomplis of this junta. I met with Gen. Henri Namphy with three stars on his shoulder—that would be a three-star general anywhere else in the world but he does not have enough troops there to justify any rank beyond colonel—I told him, I said the United States wants this election November 7. He said—rather the inauguration. He said there will be an inauguration of a politically nonmilitary president on February 7.

And I said, "Well General, you cannot get there until you have the election on November 29." I asked could a group of Congressmen come down and monitor this?

I think in all due respect to the gentleman's suggestion about the OAS sponsoring it, I think Congressmen and Congresswomen should go down there and monitor it. And I recommend that the gentleman from New York lead a group and I would be glad to give up a weekend away from my family and go down there with the gentleman.

Mr. **OWENS** of New York. The gentleman is recommending cosmetic measures. Right now the election process is underway. If the candidates cannot campaign, if the election commission cannot carry on with orderly records, there is nothing to observe, there will be nothing to observe when we get to November 29. We need to do something now—and not Congressmen. Congressmen have full-time jobs. They cannot do the job.

THE SITUATION IN CENTRAL AMERICA AND THE ECONOMIC ISSUES CONFRONTING THE UNITED STATES

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

Mr. **GONZALEZ**. Mr. Speaker, last week, to be exact on Thursday, I was asked to use a special order technique for the purpose of enabling the House to proceed and allow the Committee on Rules to deliberate in order to, in turn, allow the House to continue in session that day. So in obedience to that request I did. And I spoke about 10 minutes' worth and by that time the rule was reported.

In those 10 minutes I announced to the House that I wanted to develop two themes. One, the question and continuing issue very fundamental to the destiny of our country and to the neighbors who share the new world with us, that is Central America, specifically, and Latin America in general though not exclusively in reality restricted to those areas.

And secondly I wanted to continue the discussion that I had sustained over a period of time and in reality quite a bit of time, and that is on the fiscal, the monetary, the financial, the economic situations and issues confronting our country, burgeoning up from the midst of our society and also from a world continuing in a process of contraction, with the tremendous ability to instantaneously communicate throughout the world as well as to travel great distances in small numbers of hours, facts which were not true after World War I, were not true immediately after World War II with the exception of the revolutionary technological explosion in those matters having to do with international financial transactions and which apparently have not given an opportunity for lawmakers not only in our country but throughout the world to catch up with.

It has been, as I said last Thursday, disappointing to me since beginning the discussions on what was obvious to me at the time would be the coming crisis and issues but which at that time seemed remote and improbable.

I am speaking now of 25 years ago where I came to this body 26 years ago and I was assigned to the Banking Committee, at that time known as the Banking and Currency Committee, now know as the Committee on Banking, Finance and Urban Affairs—and I have remained on that committee through the years mostly because it is an area in which I felt quite a bit of interest, dedicated effort going back to the time I initiated my career as a public elective office holder on the city council of the city of San Antonio and then in the State senate of the State of Texas where I had been appointed to serve as chairman of the Banking Committee of the State senate.

□ 1310

There has always been political pressure obedient to other issues in my district, defense issues, that place a considerable amount of political pressure on me to serve on such committees as Armed Services. But when I came here, the seniority system was in its strong vigor, and the Texas delegation in particular was an inexorable follower of the seniority system, and it would have been impossible to have gained admission to that committee, even though the Speaker at that time, the Honorable John McCormack, had asked me if I would give permission for him to intervene. I declined that invitation on the basis, given my experience in the State senate and even on the council of the local legislative body, that anything that is constrained or forced is not going to work, and that the natural flow of things was always to be preferred.

I am glad of those choices, even though in the intervening years I have been offered appointment to the Ways and Means Committee, the Appropriations Committee, and the Rules Committee, but I have maintained my membership on the Banking Committee because I feel that it gives a necessary locus of activity. I learned in the State senate that it is not what committee you are assigned to any more than what seat you are assigned to but what you do and to what extent you develop expertise and ability, not only long-term but short-term ability on the issues.

So one of the first issues I addressed was in 1963. At that time we had a far more leisurely time as far as the processes were concerned in the Congress. Seldom did we have rollcall votes. Seldom did we meet for active legislative exertion more than 2 days a week, and the Banking Committee for the first time in 1963 met more than three times during that first session. In 1962, my first year, the committee met one time, to give my colleagues an idea of the different pace and environment that has existed since then.

The reason that I knew I had made the right choice was that the then Secretary of the Treasury, the great Mr. Dillon, Douglas Dillon, who was considered an expert—but I soon found that experts sometimes need to be more carefully scrutinized than laymen—came before us. Mr. Dillon appeared before us in the spring of 1963 to request that we approve a measure that would repeal the silver transactions tax. It also coincided with the first year that Chairman Wright Patman served as chairman, and it was Wright Patman that inaugurated the 5-minute rule. Chairman Patman was the first chairman of a standing committee to allow every member of that committee to have a chance under the 5-minute rule to ask a question or make a statement.

I took advantage of that to ask two questions of Mr. Dillon: First, was it not true that the silver transactions tax had been a wartime tax? To which he replied affirmatively.

And I said second: Was it not true that the reason it was passed by the Congress was to prevent speculation in time of war, particularly in this market known as the silver market?

To which he said he was not sure, but he thought so.

I then had an opportunity to ask a followup question, and that was this: Since at this time we are using silver in our currency, what will be the impact of creating a volatile, speculative market, which is bound to be born or reborn, if we abrogate the silver transactions tax? To which he replied that it was necessary because of the heavy industrial use of silver in the postwar period.

But he did not answer the question, and that was: Would it not ultimately impact on the Treasury's ability to consider silver content in our coinage? And he said, "Not for the foreseeable future, at the worst."

Well, I will sum up by saying that exactly 2 years later, in the spring of 1965, the same Secretary came with a measure that removed the silver content from our coinage system, so that we had a rebirth of the speculative futures markets, if you please.

Then some 14 years later, or 17 years later, the renowned billionaires, the Hunt brothers of Texas—that is H.L. Hunt—decided that they were going to pit their narrow Texas wealth-gathering abilities against the experts. And these were mostly based on the fact that they and their predecessors had been in the right place in Texas to own land that produced oil, and they cashed in on that. They had no other ability that I know of in business or entrepreneurship. Nevertheless they decided that they were smart enough to pit their brains against those old speculative markets in London, France, and Zurich, forgetting that the world had changed, and that these are people who have had 400-plus years experience in the most speculative but yet controlled markets of all, the silver and the gold markets.

Lo and behold, at the same time and coincident with that effort, we had the beginning of what now has turned out to be the takeovers, the mergers, the giant dinosaurs trying to eat the other dinosaurs. But what the American people have never been clearly told is that all those processes were tying up the available credit resources or banking credit resources of the Nation, if you please. In the case of the H.L. Hunt brothers—Bunker and Nelson, or Nelson Bunker Hunt; I forget which way is goes—they were able to garner from $20 to $30 billion worth of banking resources and credit that should have been available as the law prescribes in issuing charters to banks, that is, for public need and convenience. Everybody forgets about that.

This week and last week the distinguished and very able chairman of the full Committee on Banking, the gentleman from Rhode Island [Mr. St Germain] called, on the request of many of the Members, on us to have hearings on the present monetary problems. We have gone into such things as even the recent stock market collapse. We summoned forth the executive secretary or manager or director of the Securities and Exchange Commission, and we had a private meeting to hear all those after-the-fact lamentations and wailings and moanings.

But some of us had predicted this because the handwriting on the wall was plain and significant, going all the way back to the 1960's even to the last year of President Kennedy's regime, when the trade balance began to suffer deficits, deficits compared to $150 to $160 billion annual deficits that we suffer today. This bloodletting was the beginning of the bloodletting of our life's blood. Of course, $10 billion in that day and time was relatively manageable, and indeed the President had the sagacity to have working in the Department of the Treasury such men as Robert Roosa of New York, who then devised the so-called Roosa Dollar or the two-tiered gold proposal, which kept things together until 1971, at which time President Nixon, with my fellow Texan, the Secretary of the Treasury, John Connally, devalued the dollar in August 1971 by 10 percent. Yet there was not on newspaper, there was not one journal that ever called it a devaluation at all. It was just like in prior years nobody was taking note of the fact that we were having a repetition of what happened after World War I when Germany, overcome by the might of the Allies, prostrated, was compelled to pay reparations when everybody with any common sense knew at the time that would be impossible to meet. So they were very ably seeking ways to get over that, and they finally did.

The United States was the only creditor nation in World War I. The United States was the only creditor nation in World War II. As of 3 years now, the United States is a debtor nation, the biggest debt-ridden nation in the whole world, with a greater debt than all of the so-called Third World or developing nations who are perishing under the burden of their debt and their inability to pay it.

So some of us dared to question the situation in June 1966, when we had this so-called credit crunch occasioned by the fact that overnight, on June 19, 1966, the principal banks headquartered in New York overnight in one fell swoop raised the prime interest rate by 1 whole percent. That had never happened before, even during the Civil War. This was before we had what we know as our national banking system, which incidentally was born in 1865. That was under the National Currency Act of 1865, right about the time President Lincoln was assassinated, and he had this problem uppermost in his mind the day he died.

So to sum up where we are today, this is similarly clearly reflected, although, of course, it is not the same, as after World War I. Last week we had four preeminent economists, the outstanding economists in our country, and one of the younger ones, who happens to be the economist for the biggest bond and stock house in New York, said, "Well, you know, we built an econometric model, but, of course, we couldn't put into our model"—meaning they could not put it in the computer—"anything going back beyond two decades."

I could not believe it. Of course, this man's youth clearly would indicate that he is not a Depression-era kid, as some of us are, that whatever he knows comes through reading history, and that he himself is admitting that they had not gone back into history far enough to factor what I reported to this House in a special order in August 1979, that all of the factors were once again coming back. These are variable, what they call in mathematics variable factors. So the variables were now back in that equation that produced the bust in 1929. And I pointed out why. Among the factors, as of that point in 1979, was the rule of thumb of the real international bankers, the Bank for International Settlements in Basel, Switzerland. These are the boys that have survived wars, financed wars, and had all the warring and financial interests all together in one fold. While our men were dying and German boys were dying and British boys were dying, these bankers were there in Basel, Switzerland, making sure that they not only came out alive but came out richer than ever before, and in fact they determined such things as the International Monetary Fund, the IMF, that was born of the Bretton Woods Conference after the war in 1944 and 1945 here in the United States.

□ 1325

It should not surprise the Members that Bretton Woods collapsed when President Nixon took us off the gold exchange and devalued the dollar by 10 percent and devalued it again in 1973. It was to no avail.

I had become chairman of the Subcommittee on International Finance, Trade and Monetary Policy; and it was to no avail that I raised my voice and tried to protest that we should at least have hearings and consider the implications and the underlying causes, and that the United States would have to again exert its remaining vestige of persuasive power to lead the nations into a more fixed stable arrangement rather than going into what they call the floating currencies. Floating means exactly that. It means there is no stability, and all through mankind's history at all times, there are two truths: First, that you cannot charge usurious interest and legalize what otherwise has been illegal through the centuries without that society failing, and all the history of interest rates shows the rise and the fall of empires, including the Spanish Empire of the 15th century.

All you have to do is just track the interest rates, how much those Spanish kings with all the gold they had and everything had to pay the money lenders by way of interest to fund their wars.

The same thing is true today, and I would like to place into the RECORD an article in the New York Times, Sunday, October 25, in the foreign section entitled "History Lessons We Failed to Learn."

The last paragraph I am going to refer to says exactly what I have been saying, that there are few schools of business in the United States that teach financial history. How can we remember the lessons of history if we have not been taught them?

I submit a copy of the October 25 New York Times article as follows:

[From the New York Times, Oct. 25, 1987]

HISTORY LESSONS WE FAILED TO LEARN

By Henry Kaufman

The historic drop in the stock market was the result of the bearing down of a series of fundamental forces, the coming to the fore of a variety of structural vulnerabilities and the failure of market participants either to learn from or remember the lessons of history.

During the euphoria of the market rise, the warnings of low dividend and earnings yields on stocks were ignored. It was assumed that yields would rise along with expected large increases in corporate earnings.

Several developments cast their shadow over these expectations, especially in the interval since late summer. One was increasing evidence that consumer prices were on a rising trajectory of about 5 percent for 1987. Inflationary expectations were further heightened by the apparent stalemate between Congress and the Administration in reducing the Federal budget deficit. Even if the budget cuts from Gramm-Rudman prevail, the deficit is likely to rise to $160 billion or $165 billion from about $150 billion last year.

It also became evident that higher interest rates were likely as a result of our Federal and trade deficits. Our trade deficit could be reduced either by stronger exports or weaker imports. But this would intensify demand pressures that are already surfacing in many of our manufacturing industries. Strong-exports would add to the demand for our domestically produced goods. Weaker imports would shift demand from foreign-produced to domestic-produced goods. These inflationary pressures could only be offset if there were a slowdown in domestic demand.

Protectionist measures to reduce imports at a time when the economy is operating near full employment would also pose inflation risks. In addition, under current circumstances, a further decline in the value of the dollar would lessen foreign investors' willingness to hold dollar obligations and this would further add to inflationary expectations.

The stock market at first ignored these disturbing developments while the bond market did not. Long-term Treasury bond yields rose through 10 percent and before the stock markets crashed, bond yields had risen over 35 percent from the lows reached earlier this year. The combination of dollar instability and 10 percent-plus yields on government bonds compared with the previously noted low earnings yield on common stocks unmasked a number of weak features in the equity market and contributed to its demise. The earlier strengths in the stock market became its weaknesses. These include the following:

Higher interest rates quickly raised the probability that there would be an end to the sharp contraction in outstanding shares of common stock, which had been largely the result of mergers, consolidations and leveraged buyouts. These restructurings had taken more than $100 billion of equities out of the market, in each of the last three years, thus shrinking the supply of common stock. A comparable withdrawal was in train for this year. It seemed not to matter to the stock market that this taking out of equities was largely accomplished through the substitution of debt for equity. The risks that these corporate restructurings would entail was not a concern to a market that was being driven by a high near-term performance orientation. The immediate rewards from the decapitalization of corporations was dominant until the rise in interest rates challenged the restructuring process.

Concern about the stability of the dollar also brought into sharp question whether the voraciousness of foreign appetites for American equities would continue. Last year and thus far in 1987, they were second only to mutual funds in net purchases of common stock. In the one and a half years to mid-1987, they bought net an estimated $35 billion. The mutual funds had become the dominant domestic buyers of equities during this period by taking down $40 billion of shares. Both foreigners and mutual funds as buyers had certain volatile characteristics. Foreigners responded quickly to interest rate differentials and inflation developments among world financial markets. Many investors in mutual funds have become highly sensitized to domestic market changes. Some investors regard mutual fund shares not as long-term investment vehicles, but as liquid investments having the potential of a higher rate of return, thus ignoring the downside risks.

Corporate stock retirements and foreign and mutual fund stock buying contrast with the more stable investor groups that dominated the equity market a decade ago. At that time, private and public pension funds, with their steady inflow of funds and their conservative long-term investment behavior, were dominant.

The rapid growth of stock options and futures also contributed to the unstable structure of the market. The daily average volume of trading in stock index futures and options rose from about $11 billion in 1984 to $35 billion during the last three months. So far this year, through early October, the volume of stock futures trading reached $2.9 trillion, compared with $1.9 trillion in actual stock transactions. Many of these transactions in options and futures were designed to limit risk, as in the case of portfolio insurance transactions. But even here, as well as in program trading, the volatility of the market was exacerbated. A similar explosion occurred in debt options and futures. The capacity to take risks with little capital was enhanced, bringing participants into the markets who sought near-term price objectives.

High price volatility will continue to be a feature of both our equity and debt markets. The securitization of assets will breed more intensive efforts at achieving near-term performance objectives. The globalization of markets will subject them even more to the impact of international capital flows. The efforts to further deregulate the financial system will encourage the abuse of fiduciary responsibility by market participants that can only be cured through extreme price volatility.

The events leading up to the latest stock market debacle have their counterparts in history. In the 1920's, the public utility holding companies acquired the equities of operating companies through huge borrowings. Ivan Boesky is not singular in history. He stands alongside Ivan Kreuger, Charles Ponzi and Sam Insull—among others—of earlier times. Problems with foreign debt are also not new. History is full of debt moratoriums and failures.

The new decision makers in the financial markets are exceedingly well trained in analytical skills; they are ambitious and they are willing to take risks, but unfortunately their entrepreneurial drive has not been tempered by the lessons of history. We should not be surprised that this is so. There are few schools of business in the United States that teach financial history. How can we remember the lessons of history if we have not been taught them?

(Henry Kaufman is Managing Director and Member of the Executive Committee at Salomon Brothers Inc.)

Today I would also like to include in the RECORD part of the testimony that was offered by one of the economists that appeared before the committee, and also the testimony of the Chairman of the Board of the Federal Deposit Insurance Corporation, because in the midst of this crisis, every one of these witnesses said oh, yes, but now we can depend on these regulators, and we can depend because we have insurance; and yet when I asked the Assistant Secretary of the Treasury 3 days ago, Mr. Gould, "Mr. Gould, can you tell me what is the amount in the till that the Federal Deposit Insurance Corporation has by way of insurance, in contrast to the total volume or the total amount of insured deposits?"

He said, "Oh, well, what is in the till is somewhere around $19 billion, but I cannot remember what the total volume is now."

I said, "Well, is it safe to say that it is over a trillion?"

He said yes, he thought so.

When I pointed out in 1979 that the ratio then was about $13 billion to cover $900 billion, and announced that the rule of thumb that these bankers in Basel, Switzerland, always use, no matter what bank is concerned, where it the ratio is 22 to 1; that is, total assets, what they call capital assets, capitalization to debt, or overhang, reaches 22 to 1, a point of no return.

I will have this much to say. The Chairman of the Federal Reserve Board then, Arthur Burns, may his soul rest in peace, he died recently, and he read the Congressional Record. I was speaking on the floor. He called me and said he wanted to have breakfast, because he had seen my remarks in the Record and wanted to discuss them.

I have been the only one in either this body or the other body across the Rotunda to even mention the European currency unit, the European monetary system, EMS, ECU as they call it, and I was the only one to even discuss it. Yet, that is the most awesome development, as far as the United States of America's fiscal monetary economic standard of living; the biggest, biggest most awesome shadow that we have, with the turmoil that has been reflected and with the Federal Reserve.

This is the great body that is so independent, it does not account to anybody. Most of the Members think that the Federal Reserve Board is a Federal Government entity; and when I tell them no, it is not, even though the Congress created it, it has been acting as if it were created in Heaven, as if it were divinely destined to rule over the monetary and fiscal policies of our country, so I wish to place in the Record at this point an article from the Christian Science Monitor, page 9, Friday, October 30, entitled "U.S.'s allies urge fresh look at world monetary system," and I am going to quote just two paragraphs.

As the "stock crisis" develops into "dollar crisis," Europeans are rethinking their monetary policies and renewing calls for a new international monetary system.

Such a system, say top-ranking French officials, would decrease the importance of the dollar by introducing wide-scale use of the European Currency Unit (ECU)—a mix of several national European currencies—and the Japanese yen as reserve assets for central banks.

Mr. Speaker, I submit a copy of the Christian Science Monitor article as follows:

U.S.' ALLIES URGE FRESH LOOK AT WORLD MONETARY SYSTEM

JAPAN WILLING TO PROP UP DOLLAR, BUT SAYS U.S. MUST TACKLE ITS OWN DEFICITS

(By Takashi Oka)

Tokyo.—First the stock market, and now the yen-dollar exchange market—or rather, the foreign exchange market as a whole.

The steep fall in shares prices and the sudden slide of the dollar reflect increasing uneasiness here about the American economy, especially about the so-called twin deficits—the trade deficit and the budget deficit.

Thursday the dollar declined to a record low of 137.55 yen here, while stock prices fell by 2.4 percent following larger losses earlier in the week.

Central banks can temporarily prop up the dollar if the Big Five (G-5)—the United States, Britain, France, West Germany, and Japan—are in agreement to do so. But they cannot resist for long a generalized feeling that the dollar can only go in one direction—down.

"Behind the stockprice slump," said Governor Satoshi Sumita of the Bank of Japan Thursday, "lies skepticism over the future of the dollar. To me, the skepticism lacks rationale . . . but it spreads as a rumor and affects the market."

Finance Minister Kiichi Miyazawa insisted that the "Louvre Accord" reached by the Big Seven finance ministers (G-5 plus Italy and Canada) in Paris in February this year still stood firm and that central banks were cooperating to keep the dollar from sliding disastrously by buying up dollars. The bank of Japan is reported to have spent $1 billion in Tokyo yesterday as its share of the joint action, and European central banks intervened in their respective markets, though not in such a massive degree.

Europe's business day began as Tokyo's closed, but dealers here are getting no sleep: their eyes are glued to computer screens, their ears to international telephones as they follow Europe's day to its close and the dawning of New York's business day.

Japanese officials and economists insist that their country's situation is basically sound, with "brisk domestic demand," as Mr. Sumita says, and it is the Americans who need to pull up their socks. But the Japanese, the South Koreans, and the other Asian NICs (newly industrialized countries) know that their own economies depend heavily on exports to the insatiable American market and that a downturn in the market is bound to have a ripple effect throughout this part of the world. Stock market declines in this region reflect this concern.

"The world's economic system will collapse if we don't do something now," says Josen Takahashi, who is widely regarded as one of Japan's most level-headed economic analysts.

"What is needed is clear: to restructure the US economy. But this cannot be achieved overnight. . . . what is needed is to reorganize international financial cooperation. We can't get out of the current situation by having the US make all sorts of demands on Japan and West Germany without doing what the US itself needs to do. The key is how much pain the US can take. Americans must undergo the pain of cutting expenditures and raising taxes if they are to correct their current deficit."

There seems to be a general resignation here that the dollar will indeed drift lower, perhaps to the 135 yen range—and to the 1.70 range vis-a-vis the West German mark. Japanese interest rates are already the lowest in history—the official discount rate standing at 2.5 percent—and there is great reluctance to lowering it any further in order to help the dollar. This means that, in the Japanese view, helping the dollar means continued intervention in the foreign exchange markets by the Japanese and other central banks—even though the Japanese know that all they can hope for is a gentle decline rather than a precipitous one.

EUROPE SEEKS TO GET OFF CURRENCY ROLLER COASTER BY LESSENING ROLE OF U.S. DOLLAR

(By William Echikson)

Paris.—As the "stock crisis" develops into "dollar crisis," Europeans are rethinking their monetary policies and renewing calls for a new international monetary system.

Such a system, say top-ranking French officials, would decrease the importance of the dollar by introducing wide-scale use of the European Currency Unit (ECU)—a mix of several national European currencies—and the Japanese yen as reserve assets for central banks. Volatile currency fluctuations would be calmed by recognizing the relative economic weakness of the United States and the relative strength of Europe and Japan.

"The US is the only country which can pay its own debts with its own currency," said an adviser of French President Francois Mitterrand. "That situation cannot continue."

As he spoke, the dollar was tumbling against European currencies. If fell this week to new lows, closing Thursday at 1.727 marks, 5.82 francs, and 1.7265 pounds. Europe now fears Washington is willing to let it plunge further.

"Let's not have any illusions," said Jacques Delors, commissioner of the European Economic Community. "Americans are prepared to let it fall to 1.6 marks."

To shore up the US currency, European central banks are buying huge amounts of dollars. West German Finance Minister Gerhard Stoltenberg, the key European actor in the crisis, told an interviewer his country would do everything possible "to stabilize currency rates," even lowering interest rates.

If the Germans carry out this pledge, it would represent a dramatic shift. Until now, the Germans have insisted that they could not ease their credit stance out of fear of overheating their economy and setting off an inflationary spiral. But the dollar's fall has scared them, with their European partners, for the following reasons:

It hurts exports. Americans now will have to spend more money to buy German BMW's and Mercedes, French perfume and cheese, and British woolens and antiques. For every 20 percent the dollar falls, French growth decreases by an estimated one-half percent.

A weaker dollar puts pressure on the Europeans to expand their money supply, risking renewed inflation. European central banks must buy dollars on foreign exchange markets to support its price, paying with their domestic currencies.

The feeble dollar plays havoc with European exchange rates. As the dollar falls, people buy the strongest available alternative. In Europe, that means the mark. But under the rules of the European Monetary System, the mark cannot rise too much against weaker European currencies such as the French franc and Italian lira without a change in exchange rates.

This may now happen. The franc has fallen against the mark and European finance ministers are rumored to be planning a meeting this weekend. For French Prime Minister Jacques Chirac and other leaders of governments with weak currencies, a devaluation would be a severe political shock.

French voters don't like to hear that their money is worth less against the currencies of close neighbors such as West Germany, the Netherlands, and Austria, and Switzerland—and to find their favorite imported new car costing more.

Drastic action may be needed to bolster the dollar, officials and analysts agree. Mere intervention in foreign exchange markets by central banks—so far, the only move taken—is insufficient to return order to world currency markets.

The French adviser proposes a three-part recovery program. First, he says U.S. budget deficits must be reduced. Then the Europeans, especially the Germans, must pick up the slack created by weakened American growth and promote an expansive fiscal policy.

In concrete terms, he suggested speeding up the construction of intra-European high-speed train connections, the tunnel under the English Channel, and a new generation European telephone system.

The final part of the program would be the convening of a monetary conference to set semi-fixed exchanges. President Mitterrand first suggested such a meeting in 1981, but French officials think the time now may be ripe for another try.

"When we proposed the idea, the U.S. Treasury minister at the time [Donald Regan] laughed at us," recalls the French adviser. "In the last few years, they have come to realize that some control is needed over exchange rates," he said.

As proof, the official pointed out that present U.S. Treasury Secretary James Baker III entered into informal agreements to control exchange rates, first in 1986 and most recently this February in Paris at the Louvre. The dollar's present instability shows that stronger, more formal agreements are needed.

Until now, most reserves held by central banks to make payments for goods have been in dollars.

This unique status for the American currency lets the U.S. create dollars to pay its international bills and not give adequate attention to its balance-of-payment deficits. Under the French proposal, the ECU and the yen would become alternative "reserve currencies."

"This won't happen overnight," the adviser to Mitterrand said. "But sooner or later, we must put order into our affairs."

I have been speaking on this since 1979 when on May 1, more or less, when President Carter journeyed to Bonn to the economic summit meeting of that year; and at the end of their meeting, they issued a one-page communique, which the last sentence was,

> We hold and affirm to the principle of the development of the European Currency Unit, the European monetary system.

Nobody even mentioned it other than in the communique here. I asked questions on several occasions of the Federal Reserve Board Chairman, and the last occasion was this summer when he was coming before us to sing his swan song before he left, the immediate predecessor of the present Chairman.

I asked him about this, and he looked at me as if he did not know what I was talking about.

I said, "Well, but just 2 months ago the Japanese for the first time made heavy use of their European Currency Unit?"

He said, "Oh, well," like so what. I want the Members to read this article in the Christian Science Monitor. Nothing like this has appeared in the financial pages of the outstanding metropolitan journals of our country.

It took the Christian Science Monitor with its correspondent in Tokyo—let us go see what is happening in Tokyo, and for that I would like to introduce into the RECORD the first page of a New York Times Magazine article by Martin Mayer, a great writer on economic and financial matters, entitled "Japan Roils the Markets."

Mr. Speaker, the excerpt referred to follows:

JAPAN ROILS THE MARKETS

(By Martin Mayer)

Americtronics had been formed in 1989 on the chassis of some of the largest and most innovative electronics companies in the United States. Its sole mission was to develop products from the new mix of chemistry and physics that had made superconductivity a practical industrial prospect.

Normally, meetings of the Americtronics board—a pantheon of businessmen, scientists and former Cabinet members—were highly structured and formal. Today's session, in the company's elegant boardroom overlooking the Potomac, was going to be different. At dinner the night before, the executive committee had reached a decision that required board approval, a decision that might transform the company and the nation.

The chairman raced through the routine agenda of the board at an unprecedented speed. Then he summoned from the ante room the director of the company's Northwest laboratory complex, who described the remarkable electrical and physical properties of a new ceramic created in his group. "Ameramic," as he called it, was capable of achieving miracles—from efficient electrically powered automobiles to controlled fusion energy.

The next step, the chairman said, was to build and equip factories capable of fabricating Ameramic wires and magnets and induction coils. But the risk, he warned, would be enormous—an investment of billions of dollars. As one man, the board turned to its member from the fraternity of investment bankers. Could the money be raised?

The banker looked at the pad on which he had been taking careful notes, took off his glasses and nodded apologetically toward the chairman. "Excuse me," he said, "but I will have to consult with the home office in Tokyo."

The home base of Daiwa Securities is a nondescript, steel-sheathed eight-story building halfway between the little bridge at Nihombashi, site of the village that became the city of Tokyo, and the hustle of the main railroad station. A pair of small elevators serves the building: Most employees walk up and down a broad stairway. The executive offices are on the fifth floor, guarded by two young women wearing the Daiwa uniform, a pleated fawn-colored skirt and maroon jacket, with the company symbol, an eagle, on the lapel. Both bow from the hips, as only the Japanese can, then guide the visitor to a reception room.

Japanese businessmen do not receive in their offices; instead, the company provides dignified, not to say stuffy, conference rooms. Lace doilies ornament the backs of the overstuffed chairs ranged around a table on which green tea and then coffee will be served. Only a few dozen of Daiwa's hundreds of executives have offices at all—most of them work in open bullpens, some simply at the head of a row of steel tables crowded with CRT screens and keyboards. From these undistinguished spaces, and from even more Spartan quarters scattered around the square mile of Tokyo's financial district, the leaders of the world's second largest brokerage and investment banking house—with estimated 1987 profits nearly three times those of Merrill Lynch & Company—make recommendations that affect the lives and livelihoods of millions of people around the world, not least in the United States.

Over the last few years a tidal wave of Japanese money has inundated the securities and real-property markets in New York, London, Hong Kong, Toronto and other financial capitals. When the United States Treasury auctions off the bonds it must sell to pay the Federal Government's bills, Japanese investors dominate. By most accounts, they bought more than 40 percent of the $9 billion sold last month. In the first half of this year, the Japanese did a tenth of the trading on the New York Stock Exchange, and their net purchases of $10 billion so far in 1987 are the customary explanation of a bull market otherwise very difficult to explain. In London, Daiwa and its even larger rival, Nomura Securities, have become the largest underwriters of corporate bonds issued on the Euromarket.

Among other things, he says on the floor of the Tokyo stock exchange, more than a billion shares are traded daily, five times the volume of the New York Stock Exchange. Thirty-three American companies are listed, so what I was trying to advise my colleagues, as far back as 20 years ago, what I have been trying to advise my colleagues with respect to our defense, we are taxing the American people for $315 billion worth of defense. I have been the only Member that has gotten up on the floor and asked the chairman of the Committee on Appropriations, how much of this is for the so-called defense of Europe?

He said, "Well, we can't tell you, because it is not compartmentalized."

I said, "Yes, according to what I deduce here, anywhere from 60 to 65 percent of this $315 billion could be said to be for that purpose."

I don't have any problem with that, if you are thinking about today's world.

The trouble is that our leaders in and out of the White House, in and out of the Congress and the business world even are all thinking about a 1947 Europe, and that is gone forever.

We have a divided Germany, and that is the issue, and it continues to be the issue.

It was no coincidence that Secretary Baker had gone to Germany, came back on the Tuesday after the October 18 crash in order to announce that he was trying to presuade the Germans to be nice boys and stimulate their economy and help the dollar, but help it how?

Between the 6 or the 10 which comprise the European monetary system, they have far more gold reserves than we have; and we have the tragic misunderstanding, misperception that if we demonetize, we said today gold is antiquated, outmoded, it would be fine if that were the universal consensus; but it is not.

France never has considered anything but gold; and of course, West Germany now has. It is a leading gold reserve holder, so that is the reason our Secretary of the Treasury was going to Germany and not the other way around.

If this had been something that had happened 25 years ago, even 25 years ago, it would have been the other way around. It would have been Konrad Adenauer coming to the United States, not Secretary of the Treasury Baker going over there, but what does this mean to us?

It means that we have, as I have repeatedly said, and I am not going to go into it, because I have spoken ad nauseam on this, but we have lost control.

We, in the Congress, most irresponsible of our own destiny, have allowed what the founders of this country, the men who first organized the colonies into a nation and the Continental Congresses would not let happen.

☐ 1340

As Thomas Jefferson said, "To let the bankers rule is to say that we are permitting—it is as bad as having a standing army of occupation rendering our citizens propertyless, homeless, and bankrupt."

What is the issue? The issue is the allocation of credit. Who is going to allocate credit?

If Nelson Bunker Hunt could tie up $30 billion in purely speculative failures, if such entities as DuPont and Gulf and others in these massive takeover mergers that do not create one job, do not produce one product, but tie up billions and billions of dollars in credit resources that ought to be out here available to the small businessman at reasonable, just, and legal interest rates.

I think the average citizen I speak to thinks that there is a law that prohibits usury. I want to remind my colleagues, there has not been any such thing on a national level since the National Currency Act of 1965. This is why President Lincoln was worried, so we should not be surprised that in 1979 and 1980 the prime interest rate, so called, went up to the horribly unconscionable extortionate skullduggery level of 21 percent. No wonder that we had the massive bankruptcies of small businesses.

How can a small businessman, and I am talking about the real backbone of America, the small businessmen, I am not talking about what up here in the Small Business Committee we call small business nationally. I am talking about what we call small business back home, this little tailor shop, this little successful businessman who is able to have more than one little grocery store and he needs to go to the bank to borrow $3,000 in order to continue to have some viable inventory.

I say to my colleagues, never in the history of mankind, and it is not happening now and it will not happen in the future, can any businessman such as that go and borrow $3,000 at 10, 11, 12, 13, 14, 15, 16, 17 percent, as he has been forced to in the last few years, and stay in business and earn a profit. He is working for the usurer.

Now, for seven different chairmen of the Federal Reserve Board, I have asked the same question. What about interest rates?

Oh, well, they say that nothing can be done about that, that is like an act of God; yet here lately they are all coming and saying, oh, yes, the Federal Reserve Board can determine the interest rate, except lately the Federal Reserve Board, as I reported in the second to last special order I had, owns less even though it is supposed to be the fiscal agent of the U.S. Treasury, that is what the law says. It is the other way around now. It owns less of our national debt, that is, our Government paper, bonds, and so forth, than the foreign investor, fickle, opportunistic, and who is to blame him? After all, the purpose of all this is to make money. These are interests that all through mankind's history are greedy, unrestrained, except by law. The more they have, the more they want.

The second half that I wanted to address is a question of the fact that today is November 5. It is supposed to be the day of truth as far as the so-called Central American or the peace plan of President Arias of Costa Rica.

Now, the question is not whether we are against communism. I do not know of anybody, in the first place.

I have never met a live and kicking Communist, at least not native sprung. If I have met some Russian visitors, I assume they may or they may not necessarily be members of the Communist Party. You know, not everybody in Russia is a member of the Communist Party; but if you want to be anything, you better be a member of the Communist Party, because it is the official party.

Now, we cannot stand here and say that that is an issue at all, because I think there is nobody I know of—in the first place, I do not know anybody who understands it. I know I do not. I do not understand all this jargon of dialectics. It leaves me cold, and in politics, which is the most realistic effort of all of mankind, you have to remain realistic and you have to remain within reason. I do not know of anybody who is advocating anything or even endorsing it, but what I do see is this fatal error, this fatal flaw, this Achilles heel in our great Nation's leadership thinking, born of ignorance, not cruelty, not imperialism. Of course, it is imperialism if you want to define it in the strict sense of the word. It is not when we consider the fact that our country has unavoidably a basic national interest involved in what happens, particularly on our front porch or back porch, depending on the point of view. There is no question about that. We do not argue that.

I think where we could stand some enlightenment is in trying to study the cultural history, the political history of these lands and peoples, because it is a great history. Instead of saying that we are going to determine and we are going to divert the course of a revolution, which is indigenous, sprung from the people.

I would like to call to mind of our colleagues that we have no experience with civil war, thank God, since the Civil War, thank God, but that ought to make us think twice about some of these nations that we have considered lesser because they have had a different course of development, different historical development; but in order to try to equate what I am saying, I want to go to the 39th Congress, which was the Reconstruction Congress, the beginning of it in 1865, and quote from a great Senator, a Member of the House and the Senate, who was a member of the Committee of Fifteen, which was known as the Committee on Reconstruction, to show you what a revolution civil war is all about.

I quote from Roscoe Conklin, a representative and senator from the State of New York:

> A moral earthquake has turned fractions into units and units into ciphers. If a black man counts at all now, he counts five-fifths of a man, not three-fifths. Revolutions have no such fractions in their arithmetic. War and humanity join hands to blot them out.

We have dealt with leaders who have oppressed the multitudes south of the border. We have drawn them close to our bosum throughout the years. We have invaded their lands. We have learned nothing since we joined the French and the English in 1918 in invading Russia to try to put down their revolution. We lost over 300 American soldiers, and we have learned nothing since then, and that is that just as in the case of our two revolutions, the original American Revolution, and let us not forget that there was no unanimity or consensus. There were more Tories and King sympathizers then than there were revolutionaries for a time and that even we in our revolution had the Benedict Arnolds.

In the Civil War, we are still 100 years after the Civil War, we in the Congress in 1964 struggled 10 days to try to forge a Civil Rights Act, 100 years after the Civil War.

These are the cataclysmic, moral cataclysms, moral earthquakes that we must learn to deal with in order to preserve the integrity and the proper defense of our own national interests.

And incidentally, as I have told some of our businessmen up here, also pluck from that metal danger this flower of economic leadership that the United States not only has the ability, but has the right to lead and exert to its benefit and to the benefit of our neighbors.

We can never eliminate communism with guns and bombs, any more than the Roman emperors could kill off Christianity by throwing the Christians to the lions, not that I am making a comparison between the two.

But I am saying is the best way to overcome defeat and prevent communism is social justice. We have not been socially just. We have been aligned with those forces in these countries, in El Salvador with the despots that murdered an archbishop, killed four American nuns. In Nicaragua we have been financing, and in fact today we approved a continuing resolution that had some money for the forces that have killed American citizens who were legitimately in Nicaragua, because after all, our President has a duly empowered Ambassador in Managua testifying to the world that we recognize that regime has the legitimate ruler of that country, while on the other hand he is doing everything in his power to undermine it.

This is the reason why we have lost the decent respect of mankind, as the Declaration of Independence put it.

I want to report further on both these issues, but more specifically, the Good Lord willing and the special orders still prevailing, next week with respect to the financial and the monetary part of it, because I think at this point what we need is not to curse the darkness. What is past is past, no matter how much we try to inveigh against it, but to light the candle in this darkened atmosphere.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. AKAKA (at the request of Mr. FOLEY), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. GEKAS) to revise and extend their remarks and include extraneous material:)

Mr. PORTER, for 60 minutes, on November 17.

Mr. GEKAS, for 5 minutes, today.

Mr. MORRISON of Washington, for 5 minutes, on November 10.

(The following Members (at the request of Mr. GONZALEZ) to revise and extend their remarks and include extraneous material:)

Ms. SLAUGHTER of New York, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. LUNGREN (at his own request) for 5 minutes, today.

Mr. DORNAN (at his own request) for 5 minutes, today.

(The following Members (at the request of Mr. GONZALEZ) to revise and extend their remarks and include extraneous material:)

Mr. GAYDOS for 60 minutes, November 9.

Mr. MRAZEK for 60 minutes, December 2.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. GEKAS) and to include extraneous matter:)

Mr. PORTER.
Mr. DORNAN of California.
Ms. SNOWE.
Mr. LAGOMARSINO.
Mr. JEFFORDS in two instances.
Mr. GILMAN in two instances.

(The following Members (at the request of Mr. GONZALEZ) and to include extraneous matter:)

Mr. ROSTENKOWSKI.
Mr. NELSON of Florida.
Mr. MAVROULES.
Mr. WYDEN.
Mr. HARRIS.
Mr. LELAND.
Mr. UDALL.
Mr. RODINO.
Mr. ASPIN.
Mr. STARK.

SENATE ENROLLED JOINT RESOLUTIONS SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following titles:

S.J. Res. 66. Joint resolution to designate the week of November 22, 1987, through November 28, 1987, as "National Family Week"; and

S.J. Res. 154. Joint resolution to designate the period commencing on November 15, 1987, and ending on November 22, 1987, as "National Arts Week."

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 55 minutes p.m.), under its previous order, the House adjourned until Monday, November 9, 1987, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2353. A letter from the Auditor, District of Columbia, transmitting a report entitled, "Review of Northeast Community Development Corporation", pursuant to D.C. Code section 47-117(d); to the Committee on the District of Columbia.

2354. A letter from the Secretaries of Defense and Education, transmitting the final report of the two Departments on their joint study of the construction and repair needs of military dependent educational facilities on military installations in the United States, together with a proposed policy to meet those needs, pursuant to Public Law 99-661, section 2726(b) (100 Stat. 4044); jointly, to the Committee on the Education and Labor and Armed Services.

2355. A letter from the Secretary of Energy, transmitting the fifth report on a project negotiated under the Department of Energy's [DOE] Clean Coal Technology Demonstration Program entitled "Prototype Commercial Coal/Oil Co-processing Plant", pursuant to Public Law 99-190; jointly, to the Committee on Appropriations, Science, Space and Technology, and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PEPPER: Committee on Rules. House Resolution 305. Resolution providing for the consideration of H.R. 1326, a bill to amend the Public Health Service Act to provide for additional funds to Community and Migrant Health Centers for the purpose of reducing the incidence of infant mortality (Rept. 100-422). Referred to the House Calendar.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 2598. A bill entitled the "Commercial Fishing Industry Vessel Anti-Reflagging Act of 1987"; with an amendment (Rept. 100-423). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. S. 247. An act to designate the Kern River as a national wild and scenic river (Rept. 100-424). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BROOMFIELD:

H.R. 3611. A bill to provide for executive branch notification to the legislative branch of sensitive foreign intelligence activities in a manner consistent with the constitutional authorities and duties of both branches, and for other purposes; to the Committee on the Permanent Select Committee on Intelligence.

By Mr. COYNE:

H.R. 3612. A bill to establish a program of loans to States and units of local government for infrastructure improvement projects; to the Committee on Public Works and Transportation.

By Mr. LELAND:

H.R. 3613. A bill to designate the U.S. Post Office Building located at 8525 South Broadway in Los Angeles, CA, as the "Augustus F. Hawkins Post Office Building"; to the Committee on Post Office and Civil Service.

By Mr. MORRISON of Washington:

H.R. 3614. A bill to amend the Wild and Scenic Rivers Act to designate a section of the Columbia River in Washington State as a study area for inclusion in the National Wild and Scenic Rivers System and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. REGULA:

H.R. 3615. A bill to amend the Clean Air Act to exempt tactical military vehicles and engine driven military equipment from certain regulations under the Clean Air Act; to the Committee on Energy and Commerce.

By Mr. SUNDQUIST:

H.R. 3616. A bill to require high-buoyancy life vests aboard commercial aircraft; to the Committee on Public Works and Transportation.

H.J. Res. 400. Joint resolution proposing an amendment to the Constitution relating to the continuance in office of judges of inferior courts; to the Committee on the Judiciary.

By Mr. LAGOMARSINO:

H. Con. Res. 213. Concurrent resolution providing that Nicaragua should fulfill its commitments under the Central American peace agreement; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII.

239. The SPEAKER presented a memorial of the Senate of the State of Michigan, relative to the Low Level Radioactive Waste Policy Act of 1980; jointly to the Committees on Energy and Commerce and Interior and Insular Affairs, November 5, 1987.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII.

Mr. Hayes of Louisiana introduced a bill (H.R. 3617) for the relief of the Coushatta Tribe of Louisiana; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 608: Mr. Pease.

H.R. 1038: Mr. Barton of Texas.

H.R. 1294: Mr. Robert F. Smith.

H.R. 1531: Mr. Hansen, Mr. Brooks, Mr. Dwyer of New Jersey, Mr. Davis of Illinois, and Mr. Mavroules.

H.R. 1933: Mrs. Bentley, Mr. Ridge, and Mr. Kolter.

H.R. 2138: Mr. Conte.

H.R. 2248: Mrs. Vucanovich and Mr. Donald E. Lukens.

H.R. 2532: Mr. Rangel.

H.R. 2587: Mr. McMillen of Maryland.

H.R. 2724: Mr. Donnelly.

H.R. 3292: Mr. DeFazio, Mr. Espy, Mrs. Collins, Mr. Miller of California, Mr. Fish, Mr. Morrison of Connecticut, Mr. Bates, Mr. Mfume, and Mr. Martinez.

H.R. 3334: Mr. Chapman, Mr. Buechner, Mr. Hochbrueckner, and Mr. Brennan.

H.R. 3343: Mrs. Bentley.

H.R. 3478: Mr. Miller of Washington, Mr. Weiss, and Mr. Fish.

H.R. 3517: Mr. Neal, Mr. Buechner, and Mr. Horton.

H.R. 3518: Mr. Lagomarsino and Mr. Hansen.

H.J. Res. 169: Mr. Hughes.

H.J. Res. 272: Mr. Chandler, Mrs. Kennelly, Mr. Shaw, Mr. Torricelli, and Mr. Bonior of Michigan.

H.J. Res. 314: Mr. Aspin, Mr. Bonior of Michigan, Mr. Brown of California, Mr. de Lugo, Mr. Edwards of California, Mr. Fauntroy, Mr. Fawell, Mr. Garcia, Mr. Holloway, Mr. Kolter, Mr. Konnyu, Mr. Lowry of Washington, Mr. Saxton, Mr. Swindall, and Mr. Wyden.

H.J. Res. 318: Mr. Quillen, Mr. Skelton, Mr. Regula, Mr. Bonior of Michigan, Mr. Oberstar, Mr. Sikorski, Mr. Bruce, Mrs. Kennelly, Mr. DeFazio, Mr. Upton, Mr. Mavroules, Mr. DioGuardi, Mr. Clinger, Mr. Gilman, Mr. Dyson, Mr. Dornan of California, Mr. Lagomarsino, Mr. Denny Smith, Mr. Towns, Mr. Lewis of Georgia, Mrs. Vucanovich, Mr. Florio, Mr. Hunter, Mr. Ford of Michigan, Mr. Porter, and Mr. Jontz.

H.J. Res. 332: Mr. Anthony, Mr. Biaggi, Mr. Chappell, Mr. DeLay, Mr. Donnelly, Mr. Emerson, Mr. Gilman, Mr. Goodling, Mr. Grant, Mr. Hastert, Mrs. Johnson of Connecticut, Mr. Jones of Tennessee, Mr. Jontz, Mr. Kanjorski, Mr. Kolter, Mr. Lewis of California, Mr. Lipinski, Mrs. Martin of Illinois, Mr. Miller of Washington, Mr. Nielson of Utah, Mr. Owens of New York, Mr. Panetta, Mr. Shaw, Mr. Smith of New Jersey, Mr. Stratton, Mr. Sundquist, Mr. Volkmer, and Mr. Yates.

H.J. Res. 337: Mr. Walgren, Mr. Gilman, Mr. Waxman, Mr. Donnelly, and Mr. Olin.

H.J. Res. 369: Mr. Ritter, Mr. Lowry of Washington, Mr. Stratton, Mr. Oxley, Mr. Lungren, Mr. Flippo, Mr. Wolf, Mr. Courter, and Mrs. Vucanovich.

H.J. Res. 372: Mr. Mack, Mr. Rodino, Mr. Hunter, Mr. Bevill, Mr. Horton, Mr. Coyne, Mr. Levin of Michigan, Mr. Levine of California, Mr. Studds, Mr. Waxman, Mr. Bilbray, Mr. Sunia, Mr. Bryant, Mr. Akaka, Mr. Bilirakis, Mr. Bosco, Mr. Morrison of Washington, Mr. Vento, Mr. Valentine, Ms. Pelosi, Mr. Mavroules, Mr. Morrison of Connecticut, Mr. Volkmer, Mr. Badham, Mr. Nielson of Utah, Mr. Hawkins, Mr. Dornan of California, Mr. Dyson, Mrs. Collins, Mr. Stark, Mr. Weber, Mr. Panetta, Mr. Gray of Illinois, Mr. Oberstar, Mr. Clay, Mr. Ackerman, Mr. Lungren, and Mr. Dellums.

H.J. Res. 383: Mr. Roe, Mr. Yatron, Mr. Mavroules, Mrs. Meyers of Kansas, Mr. Pepper, Mr. Tallon, Mr. Hayes of Illinois, Mr. Bliley, Mr. Thomas of Georgia, Mr. Stratton, Mr. Chappell, Mr. Owens of New York, Mr. Moody, Mr. Carper, Mr. Gekas, Mr. Rinaldo, Mr. Mrazek, Mr. Frank, Mr. Nowak, Mr. Russo, Mr. Berman, and Mr. Hoyer.

H.J. Res. 385: Mr. Dornan of California, Mr. Ackerman, and Mrs. Meyers of Kansas.

H. Con. Res. 188: Mr. Frost, Mr. Bilirakis, Mr. Evans, Mr. Lowry of Washington, Mr. Jontz, Mr. Archer, and Mr. Bartlett.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2260: Mr. Frank.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3100

By Mr. HALL of Ohio:

—Page 26, after line 4, insert the following:

(c) *Vitamin A Deficiency Program.*—Section 103 of that Act, as amended by subsection (b), is further amended by adding at the end the following:

"(j)(1) The Congress recognizes that vitamin A deficiency is a major cause of childhood morbidity and mortality. An estimated 500,000 children are blinded every year from the vitamin A deficiency disease known as Xerophthalmia. The Congress further recognizes that vitamin A intervention programs are inexpensive, practical to administer, and cost-effective in terms of human productivity. Supplying doses of vitamin A, promoting the consumption of foods which are either good natural sources of vitamin A or fortified with vitamin A, nutrition education, and agricultural extension projects which emphasize the utility of consuming adequate amounts of dietary sources of vitamin A are essential interventions to be considered in the design of programs to eliminate vitamin A deficiency.

"(2) Of the funds authorized to be appropriated to carry out this section for each of the fiscal years 1988 and 1989, not less than $8,000,000 shall be available only for the Vitamin A Deficiency Program."

—Page 31, strike out lines 13 through 15.

By Mr. SMITH of Florida:

—Page 16, after line 7, insert the following:

SEC. 116. CONDITIONS ON SALES OF F-15's TO SAUDI ARABIA.

Any sale or other transfer to Saudi Arabia by the United States of F-15 aircraft shall be subject to the following conditions:

(1) Any F-15 aircraft sold or otherwise transferred to Saudi Arabia shall be limited to models A, B, C, and D.

(2) The United States shall not sell or otherwise transfer to Saudi Arabia the F-15-E or other advanced aircraft with a ground attack capability and shall not upgrade existing Saudi aircraft to that capability.

(3) Saudi Arabia shall not possess more than 60 F-15 aircraft at any one time, except that additional replacement F-15 aircraft may be held in the United States, at the expense of Saudi Arabia, for shipment to Saudi Arabia only after the President notifies the Congress that the existing inventory of F-15 aircraft held by Saudi Arabia is less than 60 and, then, only on a one-for-one replacement basis as each F-15 aircraft is totally removed from the inventory of Saudi Arabia.

CONFERENCE REPORT ON S. 825

Mr. ST GERMAIN, pursuant to the order of the House on November 5, 1987, submitted the following conference report and statement on the bill (S. 825) to amend and extend certain laws relating to housing, and for other purposes:

Conference Report (H. Rept. 100-426)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 825) to amend and extend certain laws relating to housing, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Housing and Community Development Act of 1987".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title and table of contents.
Sec. 2. Findings and purpose.
Sec. 3. Budget compliance.

TITLE I—HOUSING ASSISTANCE

Subtitle A—Programs Under United States Housing Act of 1937

PART 1—GENERAL PROVISIONS

Sec. 101. Lower income housing authorization.
Sec. 102. Tenant rental contributions.
Sec. 103. Income eligibility for assisted housing.

PART 2—PUBLIC HOUSING

Sec. 111. Discretionary preference for near elderly families in public housing projects designed for the elderly.
Sec. 112. Grants for public housing development.
Sec. 113. Limitation on public housing development and assurance of public housing quality standards.
Sec. 114. Limitation on recapture of funding reservations.
Sec. 115. Indian public housing.
Sec. 116. Location of acquired housing.
Sec. 117. Public housing child care grants.
Sec. 118. Payments for operation of lower income housing projects.
Sec. 119. Comprehensive improvement assistance program.
Sec. 120. Comprehensive improvement assistance special purpose needs.
Sec. 121. Public housing demolition and disposition.
Sec. 122. Public housing resident management.
Sec. 123. Public housing homeownership and management opportunities.
Sec. 124. Treatment of certain public housing development funds.
Sec. 125. Energy efficient public housing demonstration.
Sec. 126. Public housing comprehensive transition demonstration.

PART 3—SECTION 8 ASSISTANCE AND OTHER PROGRAMS

Sec. 141. Section 8 contracts for existing dwelling units.
Sec. 142. Section 8 fair market rentals and contract rents.
Sec. 143. Housing voucher program.
Sec. 144. Administrative fees for section 8 certificate and housing voucher programs.
Sec. 145. Portability of section 8 certificates and vouchers.
Sec. 146. Prohibition of denial of section 8 certificates and vouchers to residents of public housing.
Sec. 147. Nondiscrimination against section 8 certificate holders and voucher holders.
Sec. 148. Project-based section 8 assistance.
Sec. 149. Section 8 assistance for residents of rental rehabilitation projects.
Sec. 150. Rental rehabilitation grants.
Sec. 151. Rental development grants.

Subtitle B—Other Housing Assistance Programs

Sec. 161. Housing for the elderly and handicapped.
Sec. 162. Housing for the handicapped.
Sec. 163. Section 235 homeownership program.
Sec. 164. Congregate services.
Sec. 165. Modification of restriction on use of assisted housing by aliens.
Sec. 166. Preventing fraud and abuse in Department of Housing and Urban Development programs.
Sec. 167. Annual report on characteristics of families in assisted housing.
Sec. 168. Section 236 rental housing program.
Sec. 169. Tenant eligibility determinations in rent supplement projects.
Sec. 170. Counseling to tenants and homeowners.
Sec. 171. Housing assistance technical amendments.

Subtitle C—Multifamily Housing Management and Preservation

Sec. 181. Management and preservation of HUD-owned multifamily housing projects.
Sec. 182. Acquisition of insured multifamily housing projects.
Sec. 183. Tenant participation in multifamily housing projects.
Sec. 184. Multifamily housing disposition partnership.
Sec. 185. Multifamily housing capital improvements assistance.
Sec. 186. Flexible subsidy program.
Sec. 187. Use of funds recaptured from refinancing State finance projects.

TITLE II—PRESERVATION OF LOW INCOME HOUSING

Subtitle A—General Provisions

Sec. 201. Short title.
Sec. 202. Findings and purpose.
Sec. 203. Termination of certain provisions.

Subtitle B—Prepayment of Mortgages Insured Under National Housing Act

Sec. 221. General prepayment limitation.
Sec. 222. Notice of intent.
Sec. 223. Plan of action.
Sec. 224. Incentives to extend low income use.
Sec. 225. Criteria for approval of plan of action.
Sec. 226. Alternative State strategy.
Sec. 227. Timetable for approval of plan of action.
Sec. 228. Modification of existing regulatory agreements.
Sec. 229. Consultations with other interested parties.
Sec. 230. Right of conversion to alternative prepayment system.
Sec. 231. Insurance for second mortgage financing.
Sec. 232. Report to Congress.
Sec. 233. Definitions.
Sec. 234. Regulations.
Sec. 235. Effective date.

Subtitle C—Rural Rental Housing Displacement Prevention

Sec. 241. Prepayment and refinancing procedures.
Sec. 242. Equity recapture loans.
Sec. 243. Use of Rural Housing Insurance Fund.

Subtitle D—Other Measures to Preserve Low Income Housing

Sec. 261. Use of funds recaptured from contract cancellation.
Sec. 262. Early prepayment.
Sec. 263. Section 8 assistance.
Sec. 264. Direct loans to prevent defaults by multifamily projects.
Sec. 265. Section 515 operating reserve and equity contribution requirements.

TITLE III—RURAL HOUSING

Sec. 301. Program authorizations.
Sec. 302. Eligibility requirements.
Sec. 303. Escrowing taxes and insurance.
Sec. 304. Rural housing guaranteed loan demonstration.
Sec. 305. Definition of domestic farm labor.
Sec. 306. Conformance with low-income housing tax credit eligibility requirements.
Sec. 307. Limitation of fees on rural rental housing loans.
Sec. 308. Rural area classification.
Sec. 309. Procedures for reduction of interest credits.
Sec. 310. Rural housing preservation grant program.
Sec. 311. Rural rental rehabilitation demonstration.
Sec. 312. Study of mortgage credit in rural areas.
Sec. 313. Debt settlement authority of Secretary.
Sec. 314. Manufactured housing.
Sec. 315. Loan packaging by nonprofit organizations.
Sec. 316. Rural housing technical amendments.

TITLE IV—MORTGAGE INSURANCE AND SECONDARY MORTGAGE MARKET PROGRAMS

Subtitle A—FHA Mortgage Insurance Programs

Sec. 401. Insurance authority for FHA.
Sec. 402. Amount to be insured under National Housing Act.
Sec. 403. Limitation on Federal Housing Administration insurance premiums.
Sec. 404. Increase in maximum mortgage amount under single family insurance program.
Sec. 405. Change in definition of veteran.
Sec. 406. Limitation on use of single family mortgage insurance by investors.
Sec. 407. Actions to reduce losses under single family mortgage insurance program.
Sec. 408. Insurance of graduated payment mortgages.
Sec. 409. Refinancing mortgage insurance for hospitals, nursing homes, intermediate care facilities, and board and care homes.
Sec. 410. Mortgage insurance for nursing homes, intermediate care facilities, and board and care homes.
Sec. 411. Requirement of State approval for mortgage insurance for hospitals.
Sec. 412. Mortgage insurance for public hospitals.
Sec. 413. Mortgage insurance on Hawaiian home lands and Indian reservations.
Sec. 414. Co-insurance program.
Sec. 415. Increase in authority to insure adjustable rate single family mortgages.

Sec. 416. Penalties for equity skimming.
Sec. 417. Home equity conversion mortgage insurance demonstration.
Sec. 418. Assurance of adequate processing of applications for loan and mortgage insurance.
Sec. 419. Prohibition of lender requirements discouraging loans with lower principal amounts.
Sec. 420. Repeal of requirement to publish prototype housing costs for 1- to 4-family dwelling units.
Sec. 421. Double damages remedy for unauthorized use of multifamily housing project assets and income.
Sec. 422. Miscellaneous mortgage insurance provisions.
Sec. 423. Calculation of maximum mortgage amount under single family insurance program.
Sec. 424. Approval of individual residential water purification or treatment units.
Sec. 425. Regulation of rents in insured projects.
Sec. 426. Mortgage limits for multifamily projects.
Sec. 427. Operating loss loan insurance.
Sec. 428. Interest charges on temporary mortgage assistance payments and assignment or other assistance.
Sec. 429. Mortgage insurance technical amendments.
Sec. 430. Release of pool funds.

Subtitle B—Secondary Mortgage Market Programs

Sec. 441. Limitations on certain secondary mortgage market fees.
Sec. 442. FNMA cumulative voting.
Sec. 443. Permanent authority to purchase second mortgages on single-family properties.
Sec. 444. Period for approval of actions of FNMA.
Sec. 445. Prohibition of limitation on FHLMC mortgage operations.
Sec. 446. Limitation on GNMA guarantees of mortgage-backed securities.

TITLE V—COMMUNITY DEVELOPMENT AND MISCELLANEOUS PROGRAMS

Subtitle A—Community and Neighborhood Development and Preservation

Sec. 501. Community development authorizations.
Sec. 502. Targeting of benefits to persons of low and moderate income.
Sec. 503. City and county classifications.
Sec. 504. Eligible activities.
Sec. 505. Statement of activities and review.
Sec. 506. Alleviation of lakefront flooding and erosion.
Sec. 507. Housing assistance plans.
Sec. 508. Citizen participation plan.
Sec. 509. Conserving neighborhoods and housing by prohibiting displacement.
Sec. 510. Limited new construction of housing under community development block grant program.
Sec. 511. Availability of community development block grants for uniform emergency telephone number systems.
Sec. 512. State certifications for receiving community development block grants for nonentitlement areas.
Sec. 513. Administrative expenses of States distributing funds to nonentitlement areas.
Sec. 514. Community development block grant loan guarantees.
Sec. 515. Urban development action grant selection criteria.
Sec. 516. Prohibition on use of urban development action grants for business relocations.
Sec. 517. Urban homesteading.
Sec. 518. Rehabilitation loans.
Sec. 519. Loan cancellation.
Sec. 520. Neighborhood reinvestment corporation.
Sec. 521. Neighborhood development demonstration program.
Sec. 522. Park Central New Community Project.
Sec. 523. Use of urban renewal land disposition proceeds and certain other community development funds.
Sec. 524. Community development projects labor standards.
Sec. 525. Urban planning.
Sec. 526. Community development technical amendments.

Subtitle B—Flood and Crime Insurance Programs

Sec. 541. Extension of flood insurance program.
Sec. 542. Extension of crime insurance program.
Sec. 543. Studies under national flood insurance program.
Sec. 544. Schedule for payment of flood insurance for structures on land subject to imminent collapse or subsidence.
Sec. 545. Flood and crime insurance technical amendments.

Subtitle C—Miscellaneous Programs

Sec. 561. Fair housing initiatives program.
Sec. 562. Collection of certain data.
Sec. 563. Regulatory authority.
Sec. 564. Research and development.
Sec. 565. Home mortgage disclosure.
Sec. 566. Lead-based paint poisoning prevention.
Sec. 567. Median area income.
Sec. 568. Solar Energy and Energy Conservation Bank.
Sec. 569. Manufactured housing construction and safety standards.
Sec. 570. Nullification of right of redemption of single-family mortgagors.
Sec. 571. Miscellaneous programs technical amendments.
Sec. 572. Use of American materials and products.
Sec. 573. Study of voluntary standards for modular homes.

TITLE VI—NEHEMIAH HOUSING OPPORTUNITY GRANTS

Sec. 601. Statement of purpose.
Sec. 602. Definitions.
Sec. 603. Assistance to nonprofit organizations.
Sec. 604. Use of assistance.
Sec. 605. Program requirements.
Sec. 606. Terms and conditions of assistance.
Sec. 607. Program selection criteria.
Sec. 608. Distribution of assistance to nonprofit organizations.
Sec. 609. Nehemiah Housing Opportunity Fund.
Sec. 610. Annual report.
Sec. 611. Regulations.
Sec. 612. Authorization of appropriations.

TITLE VII—ENTERPRISE ZONE DEVELOPMENT

Sec. 701. Designation of enterprise zones.
Sec. 702. Evaluation and reporting requirements.
Sec. 703. Interaction with other Federal programs.
Sec. 704. Waiver or modification of housing and community development rules in enterprise zones.
Sec. 705. Coordination of housing and urban development programs in enterprise zones.
Sec. 706. Coordination with CDBG and UDAG programs.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) for the past 50 years, the Federal Government has taken the leading role in enabling the people of the Nation to be the best housed in the world, and recent reductions in Federal assistance have contributed to a deepening housing crisis for low- and moderate-income families;

(2) the efforts of the Federal Government have included a system of specialized lending institutions, favorable tax policies, construction assistance, mortgage insurance, loan guarantees, secondary markets, and interest and rental subsidies, that have enabled people to rent or buy affordable, decent, safe, and sanitary housing; and

(3) the tragedy of homelessness in urban and suburban communities across the Nation, involving a record number of people, dramatically demonstrates the lack of affordable residential shelter, and people living on the economic margins of our society (lower income families, the elderly, the working poor, and the deinstitutionalized) have few available alternatives for shelter.

(b) PURPOSE.—The purpose of this Act, therefore, is—

(1) to reaffirm the principle that decent and affordable shelter is a basic necessity, and the general welfare of the Nation and the health and living standards of its people require the addition of new housing units to remedy a serious shortage of housing units for all Americans, particularly for persons of low and moderate income;

(2) to make the distribution of direct and indirect housing assistance more equitable by providing Federal assistance for the less affluent people of the Nation;

(3) to provide needed housing assistance for homeless people and for persons of low and moderate income who lack affordable, decent, safe, and sanitary housing; and

(4) to reform existing programs to ensure that such assistance is delivered in the most efficient manner possible.

SEC. 3. BUDGET COMPLIANCE.

(a) IN GENERAL.—This Act and the amendments made by this Act may not be construed to provide for new budget authority, budget outlays, or new entitlement authority, for fiscal year 1988 in excess of the appropriate aggregate levels established by the concurrent resolution on the budget for such fiscal year for the programs authorized by this Act and the amendments made by this Act.

(b) DEFINITIONS.—For purposes of this section, the terms "budget authority", "budget outlays", "concurrent resolution on the budget", and "entitlement authority" have the meanings given such terms in section 3 of the Congressional Budget Act of 1974 (2 U.S.C. 622).

TITLE I—HOUSING ASSISTANCE

Subtitle A—Programs Under United States Housing Act of 1937

PART 1—GENERAL PROVISIONS

SEC. 101. LOWER INCOME HOUSING AUTHORIZATION.

(a) AGGREGATE BUDGET AUTHORITY.—Section 5(c)(6) of the United States Housing Act of 1937 is amended by adding at the end the following new sentence: "The aggregate

amount of budget authority that may be obligated for contracts for annual contributions for assistance under section 8, for contracts referred to in paragraphs (7)(A)(iv) and (7)(B)(iv), and for grants for public housing and comprehensive improvement assistance, is increased (to the extent approved in appropriation Acts) by $7,091,588,685 on October 1, 1987, and by $7,437,899,194 on October 1, 1988.".

(b) Utilization of Budget Authority.—Section 5(c)(7) of the United States Housing Act of 1937 is amended to read as follows:

"(7)(A) Using the additional budget authority provided under paragraph (6) and the balances of budget authority that become available during fiscal year 1988, the Secretary shall, to the extent approved in appropriations Acts, reserve authority to enter into obligations aggregating—

"(i) for public housing grants under subsection (a)(2), $481,311,000, of which amount $144,696,000 shall be available for Indian housing;

"(ii) for assistance under subsections (b)(1) and (o) of section 8, $2,340,000,000;

"(iii) for assistance under section 8(e)(2), $400,000,000;

"(iv) for assistance under section 8 in connection with projects developed under section 202 of the Housing Act of 1959, $1,681,440,000;

"(v) for comprehensive improvement assistance grants under section 14, $1,700,000,000;

"(vi) for assistance under section 8 for property disposition, $301,692,045; and

"(vii) for assistance under section 8 for loan management, $187,145,640.

"(B) Using the additional budget authority provided under paragraph (6) and the balances of budget authority that become available during fiscal year 1989, the Secretary shall, to the extent approved in appropriations Acts, reserve authority to enter into obligations aggregating—

"(i) for public housing grants under subsection (a)(2), $504,254,000, of which amount $151,594,000 shall be available for Indian housing;

"(ii) for assistance under subsections (b)(1) and (o) of section 8, $2,444,114,000;

"(iii) for assistance under section 8(e)(2), $419,040,000;

"(iv) for assistance under section 8 in connection with projects developed under section 202 of the Housing Act of 1959, $1,761,360,000;

"(v) for comprehensive improvement assistance grants under section 14, $1,775,660,500;

"(vi) for assistance under section 8 for property disposition, $329,220,000; and

"(vii) for assistance under section 8 for loan management, $204,250,000.

"(C)(i) Any amount available for Indian housing under subsection (a) that is recaptured may be used only for such housing.

"(ii) Any amount available for the conversion of a project to assistance under section 8(b)(1), if not required for such purpose, shall be used for assistance under section 8(b)(1).

"(iii) Any amount available for assistance under section 8 for property disposition, if not required for such purpose, shall be used for assistance under section 8(b)(1).".

SEC. 102. TENANT RENTAL CONTRIBUTIONS.

(a) Economic Rent.—Section 3(a) of the United States Housing Act of 1937 is amended—

(1) by inserting "(1)" after "(a)";

(2) in the last sentence, by striking "A" and inserting the following: "Except as provided in paragraph (2), a";

(3) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively; and

(4) by adding at the end the following new paragraph:

"(2)(A) Any public housing agency may provide that each family residing in a public housing project owned and operated by such agency (or in lower income housing assisted under section 8 that contains more than 2,000 dwelling units) shall pay as monthly rent for not more than a 5-year period an amount determined by such agency to be appropriate that does not exceed a maximum amount that—

"(i) is established by such agency and approved by the Secretary;

"(ii) is not more than the amount payable as rent by such family under paragraph (1); and

"(iii) is not less than the average monthly amount of debt service and operating expenses attributable to dwelling units of similar size in public housing projects owned and operated by such agency.

"(B) The 5-year limitation established in subparagraph (A) shall not apply to any family residing in a public housing project administered by an Indian public housing agency.".

(b) Rent Phase-In.—Section 3 of the United States Housing Act of 1937 is amended by adding at the end the following new subsection:

"(d)(1) In any case in which the obtaining of employment by a resident of a dwelling unit assisted under this Act will result in an increase in the rent payable by the family of such resident under subsection (a), the public housing agency involved (or the Secretary, if no public housing agency is involved) shall provide for a gradual increase in such rent to the full amount during a period of not more than 6 months.

"(2) The requirements of paragraph (1) shall not apply to any public housing agency that submits evidence satisfactory to the Secretary that compliance with the requirements will impose an unreasonable administrative burden on the public housing agency.".

(c) Reduction of Rental Payments for Elderly and Handicapped Families.—Section 3(a) of the United States Housing Act of 1937 (as amended by subsection (a) of this section) is further amended—

(1) in paragraph (1)(A), by inserting before the semicolon the following: ", except as provided in paragraph (4)"; and

(2) by adding at the end the following new paragraph:

"(4)(A) The Secretary may, for any public housing project, reduce the amount established in paragraph (1)(A) to not less than 25 percent of the family's monthly adjusted income for each elderly family (as defined in subsection (b)(3)) who resides in a 0-bedroom dwelling unit in the project, if the Secretary determines that the reductions are likely to result in lower costs to the Federal Government by decreasing or preventing dwelling unit vacancies in the project.

"(B) The rents charged in any public housing project may not be reduced under this paragraph after September 30, 1989, except pursuant to a determination of the Secretary made under this paragraph on or before such date.".

(d) Utility Allowance.—

(1) The Comptroller General of the United States shall submit to the Congress not later than October 30, 1988, a report regarding the utility allowances provided to the residents of public housing and housing assisted under section 8 of the United States Housing Act of 1937.

(2) The report shall include the following:

(A) A description of the manner in which public housing agencies are currently calculating utility allowances, including a national survey of the calculation methods used.

(B) An estimate of the number of residents of public housing and housing assisted under section 8 of the United States Housing Act of 1937 paying more than 30 percent of monthly adjusted income for rent and utilities, including a separate estimate for each meter category.

(C) Recommendations for revisions that may be made in current law to ensure that—

(i) utility allowances will not differ solely because of the metering system of the dwelling unit;

(ii) residents of public housing and housing assisted under section 8 of the United States Housing Act of 1937 will not pay more than 30 percent of monthly adjusted income for rent and utilities; and

(iii) such residents will have a strong incentive to conserve energy and reduce utility costs, and residents who waste substantial amounts of energy will be penalized.

(D) A description of administratively feasible methods of ensuring that utility allowances will reflect differences in the size, location, and energy-conserving condition of different types of dwelling units and appliances.

(E) An estimate of the costs that will be associated with any recommendation made under subparagraph (C).

(3) In preparing the report under this subsection, the Comptroller General shall consult with the Secretary of Housing and Urban Development, other appropriate Federal officials, other knowledgeable individuals, and national and other organizations representing public housing agencies, local governments, tenants, and energy conservation interests.

SEC. 103. INCOME ELIGIBILITY FOR ASSISTED HOUSING.

(a) Implementation of Percentage Limitations.—Section 16 of the United States Housing Act of 1937 is amended by adding at the end the following:

"(c) In developing admission procedures implementing subsection (b), the Secretary may not totally prohibit admission of lower income families other than very low-income families, and shall establish, as appropriate, differing percentage limitations on admission of lower income families in separate assisted housing programs that, when aggregated, will achieve the overall percentage limitation contained in subsection (b). The Secretary shall issue regulations to carry out this subsection not later than 60 days after the date of the enactment of the Housing and Community Development Act of 1987.".

(b) Exemptions from Percentage Limitations.—Section 16 of the United States Housing Act of 1937 (as amended by subsection (a) of this section) is further amended by adding at the end the following new subsection:

"(d)(1) The limitations established in subsection (b) shall not apply to dwelling units made available under section 8 housing assistance contracts for the purpose of preventing displacement, or ameliorating the effects of displacement, including displacement caused by rents exceeding 30 percent of monthly adjusted family income, of lower income families from projects being rehabilitated with assistance from rehabilitation

grants under section 17 and the Secretary shall not otherwise unduly restrict the use of payments under section 8 housing assistance contracts for this purpose.

"(2) The limitations established in subsections (a) and (b) shall not apply to dwelling units assisted by Indian public housing agencies.".

PART 2—PUBLIC HOUSING

SEC. 111. DISCRETIONARY PREFERENCE FOR NEAR ELDERLY FAMILIES IN PUBLIC HOUSING PROJECTS DESIGNED FOR THE ELDERLY.

Section 3(b)(3) of the United States Housing Act of 1937 is amended by adding at the end the following new sentence: "In determining priority for admission to public housing projects designed for elderly families, the public housing agency shall give preference to such families. When the public housing agency determines (in accordance with regulations of the Secretary) that there are insufficient numbers of elderly families to fill all the units in such a project, the agency may give preference to families in which the head of household (or spouse) is at least 50 years of age but below the age of 62 before those in which the head of household and spouse, if any, are below the age of 50.".

SEC. 112. GRANTS FOR PUBLIC HOUSING DEVELOPMENT.

(a) AUTHORITY TO PROVIDE GRANTS.—Section 5(a) of the United States Housing Act of 1937 is amended to read as follows:

"(a)(1) The Secretary may make annual contributions to public housing agencies to assist in achieving and maintaining the lower income character of their projects. The Secretary shall embody the provisions for such annual contributions in a contract guaranteeing their payment. The contribution payable annually under this section shall in no case exceed a sum equal to the annual amount of principal and interest payable on obligations issued by the public housing agency to finance the development or acquisition cost of the lower income project involved. Annual contributions payable under this section shall be pledged, if the Secretary so requires, as security for obligations issued by a public housing agency to assist the development or acquisition of the project to which annual contributions relate and shall be paid over a period not to exceed 40 years.

"(2) The Secretary may make contributions (in the form of grants) to public housing agencies to cover the development cost of public housing projects. The contract under which such contributions shall be made shall specify the amount of capital contributions required for each project to which the contract pertains, and that the terms and conditions of such contract shall remain in effect for a 40-year period.

"(3) The amount of contributions that would be established for a newly constructed project by a public housing agency designed to accommodate a number of families of a given size and kind may be established under this section for a project by such public housing agency that would provide housing for the comparable number, sizes, and kinds of families through the acquisition and rehabilitation, or use under lease, of structures that are suitable for lower income housing use and obtained in the local market.".

(b) CONFORMING AMENDMENTS.—

(1) Section 5 of the United States Housing Act of 1937 is amended—

(A) by striking "ANNUAL" in the section heading; and

(B) by striking "annual" in subsection (e)(2).

(2) Section 6 of the United States Housing Act of 1937 is amended by striking "annual" the first place it appears in the first sentence of subsection (g), and each place it appears in subsection (d) and the first sentence of each of subsections (a) and (c).

(3) Section 7 of the United States Housing Act of 1937 is amended by striking "annual" in the proviso in the first sentence.

(4) Section 9(a)(2) of the United States Housing Act of 1937 is amended—

(A) by striking "being assisted by an annual contributions contract authorized by section 5(c)" and inserting the following: "one developed pursuant to a contributions contract authorized by section 5"; and

(B) by striking "any such annual" and inserting "any such".

(5) Section 12 of the United States Housing Act of 1937 is amended by striking "annual".

(6) Section 14 of the United States Housing Act of 1937 is amended—

(A) by striking "receive assistance under section 5(c)" in subsection (c)(2) and inserting "assisted under section 5"; and

(B) by striking "annual" in each of paragraphs (2) and (4)(C) of subsection (d).

(7) Section 15 of the United States Housing Act of 1937 is amended by striking "with loans or debt service annual contributions" in clause (2).

(8) Section 16(b) of the United States Housing Act of 1937 is amended by striking "annual".

(9) Section 18(c) of the United States Housing Act of 1937 is amended by striking "annual contributions authorized under section 5(c)" and inserting "contributions authorized under section 5".

SEC. 113. LIMITATION ON PUBLIC HOUSING DEVELOPMENT AND ASSURANCE OF PUBLIC HOUSING QUALITY STANDARDS.

Section 5 of the United States Housing Act of 1937 is amended by adding at the end the following new subsection:

"(j)(1) After September 30, 1987, in providing assistance under this Act to a public housing agency for public housing (other than for Indian families), the Secretary shall reserve funds for the development of public housing only if—

"(A) the Secretary determines that additional amounts are required to complete the development of dwelling units for which amounts are obligated on or before such date;

"(B) the public housing agency certifies to the Secretary that 85 percent of the public housing dwelling units of the public housing agency—

"(i) are maintained in substantial compliance with the housing quality standards established by the Secretary under section 8(o)(6);

"(ii) will be so maintained upon completion of modernization for which funding has been awarded; or

"(iii) will be so maintained upon completion of modernization for which applications are pending that have been submitted in good faith under section 14 (or a comparable State or local government program) and that there is a reasonable expectation, as determined by the Secretary in writing, that the applications would be approved;

"(C) the public housing agency certifies that such development—

"(i) will replace dwelling units that are disposed of or demolished by the public housing agency, including dwelling units disposed of or lost through sale to tenants or through units redesign; or

"(ii) is required to comply with court orders or directions of the Secretary;

"(D) the public housing agency certifies that it has demands for family housing not satisfied by the rental assistance programs established in subsection (b) or (o) of section 8 for which it plans to construct or acquire projects of not more than 100 units; or

"(E) the Secretary makes such reservation under paragraph (2).

"(2) Notwithstanding any other provision of law, not more than 20 percent of the funds appropriated for development of public housing also may be committed by the Secretary for the substantial redesign, reconstruction, or redevelopment of existing public housing projects or units, which work shall be carried out pursuant to the rules and regulations applicable to the development of public housing.".

SEC. 114. LIMITATION ON RECAPTURE OF FUNDING RESERVATIONS.

Section 5 of the United States Housing Act of 1937 (as amended by section 113 of this Act) is further amended by adding at the end the following new subsection:

"(k) After the reservation of public housing development funds to a public housing agency, the Secretary may not recapture any of the amounts included in such reservation due to the failure of a public housing agency to begin construction or rehabilitation, or to complete acquisition, during the 30-month period following the date of such reservation. During such 30-month period, the public housing agency shall be permitted to change the site of the public housing project or reformulate the project, if not less than the original number of dwelling units are to be constructed, rehabilitated, or acquired. There shall be excluded from the computation of such 30-month period any delay in the beginning of construction or rehabilitation of such project caused by (1) the failure of the Secretary to process such project within a reasonable period of time; (2) any environmental review requirement; (3) any legal action affecting such project; or (4) any other factor beyond the control of the public housing agency.".

SEC. 115. INDIAN PUBLIC HOUSING.

Section 5 of the United States Housing Act of 1937 (as amended by section 114 of this Act) is further amended by adding at the end the following new subsection:

"(l) The Secretary may not use as a criterion for distributing assistance under this section the progress made by an Indian public housing agency in collecting rents owed by tenants unless—

"(1) such criterion is used as 1 of several criteria that are weighted proportionally and is established by regulations issued after public notice and opportunity to comment in accordance with section 553 of title 5, United States Code; or

"(2) the Secretary determines that the Indian public housing agency has demonstrated a pattern of substantial noncompliance with requirements governing the collection of rents.".

SEC. 116. LOCATION OF ACQUIRED HOUSING.

Section 6(h) of the United States Housing Act of 1937 is amended—

(1) by inserting before "is" the following: "in the neighborhood where the public housing agency determines the housing is needed"; and

(2) by inserting "in such neighborhood" after "rehabilitation".

SEC. 117. PUBLIC HOUSING CHILD CARE GRANTS.

Section 222 of the Housing and Urban-Rural Recovery Act of 1983 is amended to read as follows:

"PUBLIC HOUSING CHILD CARE DEMONSTRATION PROGRAM

"Sec. 222. (a) Program Authority.—

"(1) The Secretary of Housing and Urban Development shall, to the extent approved in appropriation Acts, carry out a demonstration program of making grants to nonprofit organizations to assist such organizations in providing child care services in lower income housing projects for lower income families who reside in public housing.

"(2) The Secretary shall design the program described in paragraph (1) to determine the extent to which the availability of child care services in lower income housing projects facilitates the employability of the parents or guardians of children residing in public housing.

"(b) Eligibility for Assistance.—The Secretary may make a grant to a nonprofit organization for child care services in a lower income housing project only if—

"(1) prior to receipt of assistance under this section, a child care services program is not in operation in the project;

"(2) the public housing agency agrees to provide suitable facilities for the provision of child care services;

"(3) the child care services program in the project will serve preschool children during the day, school children after school, or both, in order to permit the parents or guardians of such children to obtain, retain, or train for employment;

"(4) the child care services program in the project is designed, to the extent practicable, to involve the participation of the parents of children benefiting from such program;

"(5) the child care services program in the project is designed, to the extent practicable, to employ in part-time positions elderly individuals who reside in the lower income housing project involved; and

"(6) the child care services program in the project complies with all applicable State and local laws, regulations, and ordinances.

"(c) Allocation of Assistance.—In providing grants under this section, the Secretary shall—

"(1) give priority to nonprofit organizations providing child care services in lower income housing projects in which reside the largest number of preschool and school children of lower income families;

"(2) seek to ensure a reasonable distribution of such grants between urban and rural areas and among nonprofit organizations providing child care services in lower income housing projects of varying sizes; and

"(3) seek to provide such grants to the largest number of nonprofit organizations practicable, considering the amount of funds available under this section and the financial requirements of the particular child care services programs to be established in the lower income housing projects for which applications are submitted under this section.

"(d) Administrative Provisions.—

"(1) Applications for grants under this section shall be made by nonprofit organizations (in consultation with public housing agencies) in such form, and according to such procedures, as the Secretary may prescribe.

"(2) Any nonprofit organization receiving a grant under this section may use such grant only for operating expenses and minor renovations of facilities necessary to the provision of child care services under this section.

"(3) The Secretary shall conduct periodic evaluations of each child care services program assisted under this section for purposes of—

"(A) determining the effectiveness of such program in providing child care services and permitting the parents or guardians of children residing in public housing to obtain, retain, or train for employment; and

"(B) ensuring compliance with the provisions of this section.

"(4) No provision of this section may be construed to authorize the Secretary to establish any health, safety, educational, or other standards with respect to child care services or facilities assisted with grants received under this section. Such services and facilities shall comply with all applicable State and local laws, regulations, and ordinances, and all requirements established by the Secretary of Health and Human Services for child care services and facilities.

"(e) Report to Congress.—Not later than the expiration of the 3-year period following the date of the enactment of the Housing and Community Development Act of 1987, the Secretary shall prepare and submit to the Congress a detailed report setting forth the findings and conclusions of the Secretary as a result of carrying out the demonstration program established in this section. Such report shall include any recommendations of the Secretary with respect to the establishment of a permanent program of assisting child care services in lower income housing projects.

"(f) Definitions.—For purposes of this section:

"(1) The term 'lower income families' has the meaning given such term in section 3(b)(2) of the United States Housing Act of 1937.

"(2) The terms 'lower income housing project' and 'public housing' have the meanings given such terms in section 3(b)(1) of the United States Housing Act of 1937.

"(3) The term 'public housing agency' has the meaning given such term in section 3(b)(6) of the United States Housing Act of 1937.

"(4) The term 'Secretary' means the Secretary of Housing and Urban Development.

"(g) Authorization of Appropriations.—Of the total amount approved in appropriation Acts under section 103 of the Housing and Community Development Act of 1974, there shall be set aside to carry out this section $5,000,000 for fiscal year 1988 and $5,210,000 for fiscal year 1989.".

SEC. 118. PAYMENTS FOR OPERATION OF LOWER INCOME HOUSING PROJECTS.

(a) Performance Funding System.—Section 9(a) of the United States Housing Act of 1937 is amended—

(1) by striking the last sentence of paragraph (1); and

(2) by adding at the end the following new paragraph:

"(3)(A) For purposes of making payments under this section, the Secretary shall utilize a performance funding system that is substantially based on the system defined in regulations and in effect on the date of the enactment of the Housing and Community Development Act of 1987 (as modified by this paragraph), and that establishes standards for costs of operation and reasonable projections of income, taking into account the character and location of the project and the characteristics of the families served, in accordance with a formula representing the operations of a prototype well-managed project. Such performance funding system shall be established in consultation with public housing agencies and their associations, be contained in a regulation promulgated by the Secretary prior to the start of any fiscal year to which it applies, and remain in effect for the duration of such fiscal year without change. Notwithstanding the preceding sentences, the Secretary shall revise the performance funding system by June 15, 1988, to accurately reflect the increase in insurance costs incurred by public housing agencies.

"(B) Under the performance funding system established under this paragraph—

"(i) in the first year that the reductions occur, any public housing agency shall share equally with the Secretary any cost reductions due to the differences between projected and actual utility rates attributable to actions taken by the agency which lead to such reductions;

"(ii) in the case of any public housing agency that receives financing (from a person other than the Secretary) or enters into a performance contract to undertake energy conservation improvements in a public housing project, under which payment does not exceed the cost of the energy saved as a result of the improvements during a negotiated contract period of not more than 12 years that is approved by the Secretary—

"(I) the public housing agency shall retain 100 percent of any cost avoidance due to differences between projected and actual utility consumption (adjusted for heating degree days) attributable to the improvements, until the term of the financing agreement is completed, at which time the annual utility expense level 3-year rolling base procedures shall be applied using—

"(a) in the first year following the end of the contract period, the energy use during the 2 years prior to installation of the energy conservation improvements and the last contract year;

"(b) in the second year following the end of the contract period, the energy use during the 1 year prior to installation of the energy conservation improvements and the 2 years following the end of the contract period; and

"(c) in the third year following the end of the contract period, the energy use in the 3 years following the end of the contract period; or

"(II) the Secretary shall provide an additional operating subsidy above the current allowable utility expense level equivalent to the cost of the energy saved as a result of the improvements and sufficient to cover payments for the improvements through the term of the contract or agreement;

"(iii) there shall be a formal review process for the purpose of providing such revisions to the allowable expense level of a public housing agency as necessary—

"(I) to correct inequities and abnormalities that exist in the base year expense level of such public housing agency;

"(II) to accurately reflect changes in operating circumstances since the initial determination of such base year expense level (including, but not limited to, any increase in amounts paid for employee salaries or wages due to the repeal of the Comprehensive Employment and Training Act); and

"(III) to ensure that the allowable expense limit accurately reflects the higher cost of operating the project in an economically distressed unit of local government and the lower cost of operating the project in an economically prosperous unit of local government; and

"(iv) if a public housing agency redesigns or substantially rehabilitates a public housing project so that 2 or more dwelling units are combined to create a single larger dwell-

ing unit, the payments received under this section shall not be reduced solely because of the resulting reduction in the number of dwelling units if not less than the same number of individuals will reside in the new larger dwelling unit as resided in the dwelling units that were combined to form such larger dwelling unit.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 9(c) of the United States Housing Act of 1937 is amended to read as follows:

"(c) There are authorized to be appropriated for purposes of providing annual contributions under this section $1,500,000,000 for fiscal year 1988 and $1,563,000,000 for fiscal year 1989.".

(c) TIME OF PAYMENT.—Section 9 of the United States Housing Act of 1937 is amended by adding at the end the following new subsection:

"(e) In the case of any public housing agency that submits its budget for any fiscal year of such agency to the Secretary in a timely manner in accordance with the regulations issued by the Secretary under this section, assistance to be provided to such agency under this section for such fiscal year shall commence not later than the 1st month of such fiscal year, and shall be paid in accordance with such payment schedule as may be agreed upon by the Secretary and such agency.".

(d) USE OF OPERATING SUBSIDIES TO REMEDY PHA NONCOMPLIANCE WITH AUDIT RESPONSIBILITIES.—Section 9(a)(1) of the United States Housing Act of 1937 is amended by adding at the end the following new sentences: "If the Secretary determines that a public housing agency has failed to take the actions required to submit an acceptable audit on a timely basis in accordance with chapter 75 of title 31, United States Code, the Secretary may arrange for, and pay the costs of, the audit. In such circumstances, the Secretary may withhold, from assistance otherwise payable to the agency under this section, amounts sufficient to pay for the reasonable costs of conducting an acceptable audit, including, when appropriate, the reasonable costs of accounting services necessary to place the agency's books and records in auditable condition.".

SEC. 119. COMPREHENSIVE IMPROVEMENT ASSISTANCE PROGRAM.

(a) PURPOSE OF AMENDMENTS.—It is the purpose of the amendments made by this section—

(1) to provide assistance on a reliable and more predictable basis to public housing agencies in furtherance of their plans to enable them to operate, upgrade, modernize, and rehabilitate public housing projects financed under the United States Housing Act of 1937 to ensure their continued availability for the benefit of lower income families as decent, safe, and sanitary rental housing at affordable rents;

(2) to provide considerable discretion to public housing agencies to decide the specific improvements, the manner of their execution, and the timing of the expenditure of funds in the modernization of projects under section 14 of the United States Housing Act of 1937;

(3) to significantly simplify the program of Federal assistance for capital improvements in public housing projects;

(4) to provide increased opportunities and incentives for more efficient management of public housing projects; and

(5) to afford public housing agencies greater control in planning and expending funds under the United States Housing Act of 1937 for the modernization, rehabilitation, maintenance, and improvement of public housing projects to benefit lower income families.

(b) AUTHORITY TO PROVIDE FINANCIAL ASSISTANCE.—Section 14(b) of the United States Housing Act of 1937 is amended—

(A) by inserting "(1)" after the subsection designation; and

(B) by adding at the end the following new paragraph:

"(2) The Secretary may make contributions (in the form of grants) to public housing agencies under this section. The contract under which the contributions shall be made shall specify that the terms and conditions of the contract shall remain in effect for a 20-year period for any project receiving the benefit of a grant under the contract.".

(c) APPLICATIONS BY PHA'S MANAGING LESS THAN 500 UNITS.—Section 14(d) of the United States Housing Act of 1937 is amended in the matter preceding paragraph (1) by inserting after "subsection (b)" the following: "to a public housing agency that owns or operates less than 500 public housing dwelling units".

(d) COMPREHENSIVE PLANS.—Section 14 of the United States Housing Act of 1937 is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection:

"(e)(1) No financial assistance may be made available under this section to a public housing agency that owns or operates 500 or more public housing dwelling units unless the Secretary approves (or has approved before the effective date of this subsection) a 5-year comprehensive plan submitted by the public housing agency, except that the Secretary may provide such assistance if it is necessary to correct conditions that constitute an immediate threat to the health or safety of tenants. The comprehensive plan shall contain—

"(A) a comprehensive assessment of—

"(i) the current physical condition of each public housing project owned or operated by the public housing agency;

"(ii) the physical improvements necessary for each such project to permit the project—

"(I) to be rehabilitated to a level at least equal to the modernization standards specified in the Modernization Handbook of the Department of Housing and Urban Development in effect on the date of the enactment of the Housing and Community Development Act of 1987, as well as the modernization standards established by the Secretary and in effect at the time of the preparation of the comprehensive plan; and

"(II) to comply with life-cycle cost-effective energy conservation performance standards established by the Secretary to reduce operating costs over the estimated life of the building; and

"(iii) the replacement needs of equipment systems and structural elements that will be required to be met (assuming routine and timely maintenance is performed) during the 5-year period covered by the comprehensive plan;

"(B) a comprehensive assessment of the improvements needed to upgrade the management and operation of the public housing agency and of each such project so that decent, safe, and sanitary living conditions will be provided such projects, which assessment shall include at least an identification of needs related to—

"(i) the management, financial, and accounting control systems of the public housing agency that are related to such projects;

"(ii) the adequacy and qualifications of personnel appropriate to be employed by the public housing agency (in the management and operation of such projects) for each significant category of employment; and

"(iii) the improvement of the efficacy of—

"(I) tenant programs and services in such projects;

"(II) the security of each such project and its tenants;

"(III) policies and procedures of the public housing agency for the selection and eviction of tenants in such projects; and

"(IV) other policies and procedures of the public housing agency relating to such projects, as specified by the Secretary;

"(C) an analysis, made on a project-by-project basis in accordance with standards and criteria prescribed by the Secretary, demonstrating that completion of the improvements and replacements identified under subparagraphs (A) and (B) will reasonably ensure the long-term physical and social viability of each such project at a reasonable cost;

"(D) an action plan for making the improvements and replacements identified under subparagraphs (A) and (B) that are determined under the analysis described in subparagraph (C) to reasonably ensure long-term viability of each such project at a reasonable cost, which action plan shall include at least a schedule, in order of priority established by the public housing agency, of the actions that are to be completed over a period of 5 years from the date of approval of the comprehensive plan by the Secretary (or any longer period reasonably needed to make the improvements and replacements, considering the scope of the improvements and replacements and the amount of funding provided) and that are necessary—

"(i) to make the improvements and replacements identified under subparagraph (A) for each project expected to receive capital improvements or replacements (with priority to improvements and replacements required to correct any life threatening condition); and

"(ii) to upgrade the management and operation of the public housing agency and its public housing projects as described in subparagraph (B);

"(E) a statement, to be signed by the chief local government official (or Indian tribal official, if appropriate), certifying that—

"(i) the comprehensive plan was developed by the public housing agency in consultation with appropriate local government officials (or Indian tribal officials) and with tenants of the housing projects (or tenants of the Indian housing projects) eligible for assistance under this section, which shall include at least one public hearing that shall be held prior to the initial adoption of any plan by the public housing agency for use of such assistance, and afford tenants and interested parties an opportunity to summarize their priorities and concerns, to ensure their due consideration in the planning process of the public housing agency; and

"(ii) the comprehensive plan is consistent with the assessment of the community of its lower income housing needs and that the unit of general local government (or Indian tribe) will cooperate in the provision of tenant programs and services (as defined in section 3(c)(2));

"(F) a statement, to be signed by the chief public housing official, certifying that the public housing agency will carry out the comprehensive plan in conformity with title VI of the Civil Rights Act of 1964, title VIII

of the Act of April 11, 1968 (commonly known as the Civil Rights Act of 1968), and section 504 of the Rehabilitation Act of 1973;

"(G) a preliminary estimate of the total cost of the items identified in subparagraphs (A) and (B), including a preliminary estimate of the funds that will be required during each year covered by the comprehensive plan to accomplish the work pursuant to the action plan; and

"(H) such other information as the Secretary may require.

"(2)(A) The Secretary shall approve a comprehensive plan unless—

"(i) the comprehensive plan is incomplete in significant matters;

"(ii) on the basis of available significant facts and data pertaining to the physical and operational condition of the public housing projects of the public housing agency or the management and operations of the public housing agency, the Secretary determines that the identification by the public housing agency of needs is plainly inconsistent with such facts and data;

"(iii) on the basis of the comprehensive plan, the Secretary determines that the action plan described in paragraph (1)(D) is plainly inappropriate to meeting the needs identified in the comprehensive plan, or that the public housing agency has failed to demonstrate that completion of improvements and replacements identified under subparagraphs (A) and (B) of paragraph (1) will reasonably ensure long-term viability of one or more public housing projects to which they relate at a reasonable cost; or

"(iv) there is evidence available to the Secretary that tends to challenge in a substantial manner any certification contained in the comprehensive plan.

"(B) The comprehensive plan shall be considered to be approved, unless the Secretary notifies the public housing agency in writing within 75 calendar days of submission that the Secretary has disapproved the comprehensive plan as submitted, indicating the reasons for disapproval and modifications required to make the comprehensive plan approvable.

"(3)(A) Each public housing agency that owns or operates 500 or more public housing dwelling units shall, after being advised by the Secretary of the estimated assistance it will receive under this section in any fiscal year, submit to the Secretary, at a date determined by the Secretary, an annual statement of the activities and expenditures projected to be undertaken, in whole or in part, by such assistance during the 12-month period immediately following the execution of the contract for such assistance. The Secretary, in establishing the funding for a public housing agency for any fiscal year, shall review the relative needs for restoring public housing shown by the approved comprehensive plans in the regional or area office of the Department of Housing and Urban Development for such agency. As long as the activities and expenditures are consistent with the approved plan, the public housing agency shall have total discretion in expending assistance for any activity or work set forth in the plan. The annual statement shall include a certification by the public housing agency that the proposed activities and expenditures are consistent with the approved comprehensive plan of the public housing agency. The annual statement also shall include a certification that the public housing agency has provided the tenants of the public housing affected by the planned activities the opportunity to review the annual statement and comment on it, and that such comments have been taken into account in formulating the annual statement as submitted to the Secretary.

"(B) A public housing agency may propose an amendment to its comprehensive plan under paragraph (1) in any annual statement. Any such proposed amendment shall be reviewed in accordance with paragraph (2), and shall include a certification that (i) the proposed amendment has been made publicly available for comment prior to its submission; (ii) affected tenants have been given sufficient time to review and comment on it; and (iii) such comments have been taken into consideration in the preparation and submission of the amendment. A public housing agency shall have a right to amend its comprehensive plan and related statements to extend the time for performance whenever the Secretary has not provided the amount of assistance set forth in the plan or has not provided the assistance in a timely manner.

"(C) The Secretary shall approve the annual statement and any amendment to it or the comprehensive plan unless the Secretary determines that the statement or amendment is plainly inconsistent with the activities specified in the comprehensive plan. The statement or amendment shall be considered to be approved, unless the Secretary notifies the public housing agency in writing before the expiration of the 75-day period following its submission that the Secretary has disapproved it as submitted, indicating the reasons for disapproval and the modifications required to make it approvable.

"(4)(A) Each public housing agency that owns or operates 500 or more public housing dwelling units shall submit to the Secretary, on a date determined by the Secretary, a performance and evaluation report concerning the use of funds made available under this section. The report of the public housing agency shall include an assessment by the public housing agency of the relationship of such use of funds made available under this section, as well as the use of other funds, to the needs identified in the comprehensive plan of the public housing agency and to the purposes of this section. The public housing agency shall certify that the report has been made available for review and comment by affected tenants prior to its submission to the Secretary.

"(B) The Secretary shall, at least on an annual basis, make such reviews as may be necessary or appropriate to determine whether each public housing agency receiving assistance under this section—

"(i) has carried out its activities under this section in a timely manner and in accordance with its comprehensive plan;

"(ii) has a continuing capacity to carry out its comprehensive plan in a timely manner;

"(iii) has satisfied, or has made reasonable progress towards satisfying, such performance standards as shall be prescribed by the Secretary, and has made reasonable progress in carrying out modernization projects approved under this section.

"(C) Each public housing agency that owns or operates 500 or more public housing dwelling units and receives assistance under this section shall have an audit made in accordance with chapter 75 of title 31, United States Code. The Secretary, the Inspector General of the Department of Housing and Urban Development, and the Comptroller General of the United States shall have access to all books, documents, papers, or other records that are pertinent to the activities carried out under this section in order to make audit examinations, excerpts, and transcripts.

"(D) The comprehensive plan, any amendments to the comprehensive plan, and the annual statement shall, once approved by the Secretary, be binding upon the Secretary and the public housing agency. The Secretary may order corrective action only if the public housing agency does not comply with subparagraph (A) or (B) or if an audit under subparagraph (C) reveals findings that the Secretary reasonably believes require such corrective action. The Secretary may withhold funds under this section only if the public housing agency fails to take such corrective action after notice and a reasonable opportunity to do so. In administering this section, the Secretary shall, to the greatest extent possible, respect the professional judgment of the administrators of the public housing agency.".

(e) ELIGIBLE COSTS.—Section 14(f) of the United States Housing Act of 1937 (as so redesignated by this section) is amended—

(1) by inserting "(1)" after the subsection designation;

(2) in the matter preceding paragraph (1), by inserting after "public housing agency" the following: "that owns or operates less than 500 public housing dwelling units";

(3) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D); and

(4) by adding at the end the following new paragraph:

"(2) A public housing agency that owns or operates 500 or more public housing dwelling units may use financial assistance received under subsection (b) only—

"(A) to undertake activities described in its approved comprehensive plan under subsection (e)(1) or its annual statement under subsection (e)(3);

"(B) to correct conditions that constitute an immediate threat to the health or safety of tenants and to meet special purpose needs described in section 14(i)(1)(D), whether or not the need for such correction is indicated in its comprehensive plan or annual statement; and

"(C) to prepare a comprehensive plan under subsection (e)(1), including reasonable costs that may be necessary to assist tenants in participating in the planning process in a meaningful way, an annual statement under subsection (e)(3), an annual performance and evaluation report under subsection (e)(4)(A), and an audit under subsection (e)(4)(C).

(f) ALLOCATION OF ASSISTANCE.—Section 14 of the United States Housing Act is amended by adding at the end the following new subsection:

"(k)(1) Until the Congress establishes by law a revised method for allocating assistance under this section, assistance shall be allocated under this section in substantial accordance with the allocation method in effect on the date of the enactment of the Housing and Community Development Act of 1987.

"(2) Not later than 1 year after the date of the enactment of the Housing and Community Development Act of 1987, the Secretary shall—

"(A) complete the study of the need for public housing modernization initiated pursuant to the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1984 (Pub. L. 98-45) and any other studies that are necessary to evaluate the current condition and capital requirements of public housing as well as

the future need for rehabilitation and replacement of public housing facilities;

"(B) submit to the Congress proposed methods for determining the relative allocation of funds between activities to correct existing deficiencies and the annual accrual of resources to meet future needs;

"(C) submit to the Congress proposed alternatives for allocating funds among public housing agencies to correct existing deficiencies, including formulas for distributing funds to public housing agencies, to regional and field offices of the Department of Housing and Urban Development, or to States, as well as such other allocation methods as the Secretary may wish to recommend;

"(D) provide the Congress with—

"(i) an analysis of data and other information used to develop recommendations for measuring existing deficiencies, future needs, and anticipated emergencies;

"(ii) an analysis of the bases underlying each of the proposed allocation methods; and

"(iii) a comparison of proposed allocations to previous allocations under this section;

"(E) propose to the Congress criteria for distinguishing capital replacement activities that are routine from those that are not routine;

"(F) propose to the Congress alternative methods—

"(i) to allocate funds to public housing agencies to meet predictable routine modernization and regular capital replacement expenses; and

"(ii) provide for unpredictable, infrequent, or extraordinary future capital replacement needs through a fund administered on a national, regional, State, or local level or through such other methods as the Secretary may recommend;

"(G) consult at least on a quarterly basis with organizations and individuals representing public housing agencies, local government, and tenants regarding progress on the studies referred to in subparagraph (A) and the development of alternatives for improving this section; and

"(H) estimate, for not less than the 200 largest public housing agencies, the amount that will be received annually under each such alternative allocation system and compare such amounts to funds received in prior years under this section.".

(g) ANNUAL REPORT.—Section 14 of the United States Housing Act (as amended by subsection (f) of this section) is further amended by adding at the end the following new subsection:

"(l) The Secretary shall include in the annual report under section 8 of the Department of Housing and Urban Development Act—

"(1) a description of the allocation, distribution, and use of assistance under this section on a regional basis and on the basis of public housing agency size; and

"(2) a national compilation of the total funds requested in comprehensive plans for all public housing agencies owning or operating 500 or more public housing dwelling units.".

(h) REGULATIONS.—Section 14 of the United States Housing Act (as amended by subsection (g) of this section) is further amended by adding at the end the following new subsection:

"(m) Subject to subsection (k)(1), the Secretary may issue any regulations that are necessary to carry out this section.".

(i) CONFORMING AMENDMENTS.—

(1) Section 14(d) of the United States Housing Act of 1937 is amended in the matter preceding paragraph (1) by striking "subsection (e)(4)" and inserting "subsection (f)(4)".

(2) Section 14(i)(1) of the United States Housing Act of 1937 is amended in the matter preceding subparagraph (A) by inserting "(f)," after "(e),".

(3) Section 14(f) of the United States Housing Act of 1937 (as so redesignated by this section) is amended by striking "annual".

(4) Section 14(g) of the United States Housing Act of 1937 is amended by inserting "or (e)" after "subsection (d)(4)".

(5) Section 14(h)(2) of the United States Housing Act of 1937 is amended by inserting "or (e)" after "subsection (d)(4)".

(6) Section 14(i) of the United States Housing Act of 1937 is amended by striking "subsections (c), (d), (e), (g), and (h)" and inserting "subsections (c) through (h)".

SEC. 120. COMPREHENSIVE IMPROVEMENT ASSISTANCE SPECIAL PURPOSE NEEDS.

Section 14(i)(1)(D) of the United States Housing Act of 1937 is amended—

(1) by inserting "(i)" after "(D)";

(2) by redesignating clauses (i) and (ii) and clauses (I) and (II), respectively;

(3) by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following new clause:

"(ii) physical improvement needs eligible under this subparagraph shall include replacing or repairing major equipment systems or structural elements, upgrading security, increasing accessibility for elderly families and handicapped families (as such terms are defined in section 3(b)(3)), reducing the number of vacant substandard units, and increasing the energy efficiency of the units, except that the Secretary may make financial assistance available under this clause only if the Secretary determines that the physical improvements are necessary and sufficient to extend substantially the useful life of the project.".

SEC. 121. PUBLIC HOUSING DEMOLITION AND DISPOSITION.

(a) DETERMINATION OF INFEASIBILITY OF MODIFICATIONS.—Section 18(a)(1) of the United States Housing Act of 1937 is amended by striking "or" after "purposes," and inserting "and".

(b) DEVELOPMENT AND APPROVAL OF REPLACEMENT HOUSING PLAN.—Section 18(b) of the United States Housing Act of 1937 is amended—

(1) by striking "and" at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting "; and"; and

(3) by adding at the end of the following new paragraph:

"(3) the public housing agency has developed a plan for the provision of an additional decent, safe, sanitary, and affordable dwelling unit for each public housing dwelling unit to be demolished or disposed under such application, which plan—

"(A) provides for the provision of such additional dwelling units through—

"(i) the acquisition or development of additional public housing dwelling units;

"(ii) the use of 15-year project-based assistance under section 8;

"(iii) the use of not less than 15-year project-based assistance under other Federal programs;

"(iv) the acquisition or development of dwelling units assisted under a State or local government program that provides for project-based assistance comparable in terms of eligibility, contribution to rent, and length of assistance contract (not less than 15 years) to assistance under section 8(b)(1);

"(v) the use of 15-year tenant-based assistance under section 8 (excluding vouchers under section 8(o)); or

"(vi) any combination of such methods;

"(B) if it provides for the use of tenant-based assistance under section 8, may be approved—

"(i) only after a finding by the Secretary that replacement with project-based assistance is not feasible, and the supply of private rental housing actually available to those who would receive such assistance under the plan is sufficient for the total number of certificates and vouchers available in the community after implementation of the plan and that such supply is likely to remain available for the full 15-year term of the assistance; and

"(ii) only if such finding is based on objective information, which shall include rates of participation by landlords in the section 8 program, size, conditions and rent levels of available rental housing as compared to section 8 standards, the supply of vacant existing housing meeting the section 8 quality standards with rents at or below the fair market rent or the likelihood of adjusting the fair market rent, the number of eligible families waiting for public housing or housing assistance under section 8, and the extent of discrimination against the types of individuals or families to be served by the assistance;

"(C) is approved by the unit of general local government in which the project is located;

"(D) includes a schedule for completing the plan within a period consistent with the size of the proposed demolition or disposition, except that the schedule shall in no event exceed 6 years;

"(E) includes a method of ensuring that the same number of individuals and families will be provided housing;

"(F) provides for the payment of the relocation expenses of each tenant to be displaced and ensures that the rent paid by the tenant following relocation will not exceed the amount permitted under this Act; and

"(G) prevents the taking of any action to demolish or dispose of any unit until the tenant of the unit is relocated to decent, safe, sanitary, and affordable housing that is, to the extent practicable, of the tenant's choice.".

(c) FUNDING OF REPLACEMENT HOUSING PLAN.—Section 18(c) of the United States Housing Act of 1937 is amended—

(1) by inserting "(1)" after the subsection designation; and

(2) by adding at the end the following new paragraphs:

"(2) The Secretary shall, upon approving a plan under subsection (b)(3), agree to commit (subject to the availability of future appropriations) the funds necessary to carry out the plan over the approved schedule of the plan.

"(3) The Secretary shall, in allocating assistance for the acquisition or development of public housing or for moderate rehabilitation under section 8(e)(2), give consideration to housing that replaces demolished public housing units in accordance with a plan under subsection (b)(3).".

(d) APPLICABILITY.—Section 18 of the United States Housing Act of 1937 is amended by striking subsection (d) and inserting the following new subsection:

"(d) A public housing agency shall not take any action to demolish or dispose of a public housing project or a portion of a public housing project without obtaining the approval of the Secretary and satisfying the conditions specified in subsections (a) and (b).".

SEC. 122. PUBLIC HOUSING RESIDENT MANAGEMENT.

The United States Housing Act of 1937 is amended by adding at the end the following new section:

"PUBLIC HOUSING RESIDENT MANAGEMENT

"SEC. 20. (a) PURPOSE.—The purpose of this section is to encourage increased resident management of public housing projects, as a means of improving existing living conditions in public housing projects, by providing increased flexibility for public housing projects that are managed by residents by—

"(1) permitting the retention, and use for certain purposes, of any revenues exceeding operating and project costs; and

"(2) providing funding, from amounts otherwise available, for technical assistance to promote formation and development of resident management entities.

For purposes of this section, the term 'public housing project' includes one or more contiguous buildings or an area of contiguous row houses the elected resident councils of which approve the establishment of a resident management corporation and otherwise meet the requirements of this section.

"(b) PROGRAM REQUIREMENTS.—

"(1) RESIDENT COUNCIL.—As a condition of entering into a resident management program, the elected resident council of a public housing project shall approve the establishment of a resident management corporation. When such approval is made by the elected resident council of a building or row house area, the resident management program shall not interfere with the rights of other families residing in the project or harm the efficient operation of the project. The resident management corporation and the resident council may be the same organization, if the organization complies with the requirements applicable to both the corporation and council. The corporation shall be a nonprofit corporation organized under the laws of the State in which the project is located, and the tenants of the project shall be the sole voting members of the corporation. If there is no elected resident council, a majority of the households of the public housing project shall approve the establishment of a resident council to determine the feasibility of establishing a resident management corporation to manage the project.

"(2) PUBLIC HOUSING MANAGEMENT SPECIALIST.—The resident council of a public housing project, in cooperation with the public housing agency, shall select a qualified public housing management specialist to assist in determining the feasibility of, and to help establish, a resident management corporation and to provide training and other duties agreed to in the daily operations of the project.

"(3) BONDING AND INSURANCE.—Before assuming any management responsibility for a public housing project, the resident management corporation shall provide fidelity bonding and insurance, or equivalent protection, in accordance with regulations and requirements of the Secretary and the public housing agency. Such bonding and insurance, or its equivalent, shall be adequate to protect the Secretary and the public housing agency against loss, theft, embezzlement, or fraudulent acts on the part of the resident management corporation or its employees.

"(4) MANAGEMENT RESPONSIBILITIES.—A resident management corporation that qualifies under this section, and that supplies insurance and bonding or equivalent protection sufficient to the Secretary and the public housing agency, shall enter into a contract with the public housing agency establishing the respective management rights and responsibilities of the corporation and the public housing agency. Such contract shall be consistent with the requirements of this Act applicable to public housing projects and may include specific terms governing management personnel and compensation, access to public housing project records, submission of and adherence to budgets, rent collection procedures, tenant income verification, tenant eligibility determinations, tenant eviction, the acquisition of supplies and materials, and such other matters as may be appropriate. The contract shall be treated as a contracting out of services and shall be subject to any provision of a collective bargaining agreement regarding contracting out to which the public housing agency is subject.

"(5) ANNUAL AUDIT.—The books and records of a resident management corporation operating a public housing project shall be audited annually by a certified public accountant. A written report of each audit shall be forwarded to the public housing agency and the Secretary.

"(c) COMPREHENSIVE IMPROVEMENT ASSISTANCE.—Public housing projects managed by resident management corporations may be provided with comprehensive improvement assistance under section 14 for purposes of renovating such projects in accordance with such section. If such renovation activities (including the planning and architectural design of the rehabilitation) are administered by a resident management corporation, the public housing agency involved may not retain, for any administrative or other reason, any portion of the assistance provided pursuant to this subsection unless otherwise provided by contract.

"(d) WAIVER OF FEDERAL REQUIREMENTS.—

"(1) WAIVER OF REGULATORY REQUIREMENTS.—Upon the request of any resident management corporation and public housing agency, and after notice and an opportunity to comment is afforded to the affected tenants, the Secretary may waive (for both the resident management corporation and the public housing agency) any requirement established by the Secretary (and not specified in any statute) that the Secretary determines to unnecessarily increase the costs or restrict the income of a public housing project.

"(2) WAIVER TO PERMIT EMPLOYMENT.—Upon the request of any resident management corporation, the Secretary may, subject to applicable collective bargaining agreements, permit residents of such project to volunteer a portion of their labor.

"(3) REPORT ON ADDITIONAL WAIVERS.—Not later than 6 months after the date of the enactment of the Housing and Community Development Act of 1987, the Secretary shall submit to the Congress a report setting forth any additional waivers of Federal law that the Secretary determines are necessary or appropriate to carry out the provisions of this section. In preparing the report, the Secretary shall consult with resident management corporations and public housing agencies.

"(4) EXCEPTIONS.—The Secretary may not waive under this subsection any requirement with respect to income eligibility for purposes of section 16, rental payments under section 3(a), tenant or applicant protections, employee organizing rights, or rights of employees under collective bargaining agreements.

"(e) OPERATING SUBSIDY AND PROJECT INCOME.—

"(1) CALCULATION OF OPERATING SUBSIDY.—Notwithstanding any provision of section 9 or any regulation under such section, and subject to the exception provided in paragraph (3), the portion of the operating subsidy received by a public housing agency under section 9 that is allocated to a public housing project managed by a resident management corporation shall not be less than the public housing agency per unit monthly amount provided in the previous year as determined on an individual project basis.

"(2) CONTRACT REQUIREMENTS.—Any contract for management of a public housing project entered into by a public housing agency and a resident management corporation shall specify the amount of income expected to be derived from the project itself (from sources such as rents and charges) and the amount of income funds to be provided to the project from the other sources of income of the public housing agency (such as operating subsidy under section 9, interest income, administrative fees, and rents).

"(3) CALCULATION OF TOTAL INCOME.—

"(A) Subject to subparagraph (B), the amount of funds provided by a public housing agency to a public housing project managed by a resident management corporation may not be reduced during the 3-year period beginning on the date of enactment of the Housing and Community Development Act of 1987 or on any later date on which a resident management corporation is first established for the project.

"(B) If the total income of a public housing agency (including the operating subsidy provided to the public housing agency under section 9) is reduced or increased, the income provided by the public housing agency to a public housing project managed by a resident management corporation shall be reduced or increased in proportion to the reduction or increase in the total income of the public housing agency, except that any reduction in operating subsidy that occurs as a result of fraud, waste, or mismanagement by the public housing agency shall not affect the funds provided to the resident management corporation.

"(4) RETENTION OF EXCESS REVENUES.—

"(A) Any income generated by a resident management corporation of a public housing project that exceeds the income estimated for purposes of this subsection shall be excluded in subsequent years in calculating (i) the operating subsidies provided to the public housing agency under section 9; and (ii) the funds provided by the public housing agency to the resident management corporation.

"(B) Any revenues retained by a resident management corporation under subparagraph (A) shall be used for purposes of improving the maintenance and operation of the public housing project, for establishing business enterprises that employ residents of public housing, or for acquiring additional dwelling units for lower income families.

"(f) RESIDENT MANAGEMENT TECHNICAL ASSISTANCE AND TRAINING.—

"(1) FINANCIAL ASSISTANCE.—To the extent budget authority is available for section 14, the Secretary shall provide financial assistance to resident management corporations or resident councils that obtain, by contract or otherwise, technical assistance for the development of resident management entities, *including the formation of such entities, the development of the management capability of newly formed or existing entities, the identification of the social support needs of residents of public housing projects, and the securing of such support.*

"(2) LIMITATION ON ASSISTANCE.—The financial assistance provided under this subsection with respect to any public housing project may not exceed $100,000.

"(3) FUNDING.—Of the amounts available for financial assistance under section 14, the Secretary may use to carry out this subsection not more than $2,500,000 for fiscal year 1988 and not more than $2,500,000 for fiscal year 1989.

"(f) ASSESSMENT AND REPORT BY THE SECRETARY.—Not later than 3 years after the date of the enactment of the Housing and Community Development Act of 1987, the Secretary shall—

"(1) conduct an evaluation and assessment of resident management, and particularly of the effect of resident management on living conditions in public housing; and

"(2) submit to the Congress a report setting forth the findings of the Secretary as a result of the evaluation and assessment and including any recommendations the Secretary determines to be appropriate.".

SEC. 123. PUBLIC HOUSING HOMEOWNERSHIP AND MANAGEMENT OPPORTUNITIES.

The United States Housing Act of 1937 (as amended by section 122 of this Act) is further amended by adding at the end the following new section:

"PUBLIC HOUSING HOMEOWNERSHIP AND MANAGEMENT OPPORTUNITIES

"SEC. 21. (a) HOMEOWNERSHIP OPPORTUNITIES IN GENERAL.—Lower income families residing in a public housing project shall be provided with the opportunity to purchase the dwelling units in the project through a qualifying resident management corporation as follows:

"(1) FORMATION OF RESIDENT MANAGEMENT CORPORATION.—As a condition for public housing homeownership—

"(A) the adult residents of a public housing project shall have formed a resident management corporation in accordance with regulations and requirements of the Secretary prescribed under this section and section 20;

"(B) the resident management corporation shall have entered into a contract with the public housing agency establishing the respective management rights and responsibilities of the resident management corporation and the public housing agency; and

"(C) the resident management corporation shall have demonstrated its ability to manage public housing effectively and efficiently for a period of not less than 3 years.

"(2) HOMEOWNERSHIP ASSISTANCE.—

"(A) The Secretary may provide comprehensive improvement assistance under section 14 to a public housing project in which homeownership activities under this section are conducted.

"(B) The Secretary, and the public housing agency owning and operating a public housing project, shall provide such training, technical assistance, and educational assistance as the Secretary determines to be necessary to prepare the families residing in the project, and any resident management corporation established under paragraph (1), for homeownership.

"(C) This paragraph shall not have effect after September 30, 1990.

"(3) CONDITIONS OF PURCHASE BY A RESIDENT MANAGEMENT CORPORATION.—

"(A) A resident management corporation may purchase from a public housing agency one or more multifamily buildings in a public housing project following a determination by the Secretary that—

"(i) the resident management corporation has met the conditions of paragraph (1);

"(ii) the resident management corporation has applied for and is prepared to undertake the ownership, management, and maintenance of the building or buildings with continued assistance from the Secretary;

"(iii) the public housing agency has held one or more public hearings to obtain the views of citizens regarding the proposed purchase and, in consultation with the Secretary, has certified that the purchase will not interfere with the rights of other families residing in public housing, will not harm the efficient operation of other public housing, and is in the interest of the community;

"(iv) the public housing agency has certified that it has and will implement a plan to replace public housing units sold under this section within 30 months of the sale, which plan shall provide for replacement of 100 percent of the units sold under this section by—

"(I) production, acquisition, or rehabilitation of vacant public housing units by the public housing agency; and

"(II) acquisition by the resident management corporation of nonpublicly owned, decent, and affordable housing units, which the resident management corporation shall operate as rental housing subject to tenant income and rent limitations comparable to the limitations applicable to public housing; and

"(v) the building or buildings meet the minimum safety and livability standards applicable under section 14, and the physical condition, management, and operation of the building or buildings are sufficient to permit affordable homeownership by the families residing in the project.

"(B) The price of a building purchased under the preceding sentence shall be approved by the Secretary, in consultation with the public housing agency and resident management corporation, taking into account the fair market value of the property, the ability of resident families to afford and maintain the property, and such other factors as the Secretary determines to be consistent with increasing the supply of dwelling units affordable to very low income families.

"(C) This paragraph shall not have effect after September 30, 1990.

"(4) CONDITIONS OF RESALE.—

"(A)(i) A resident management corporation may sell a dwelling unit or ownership rights in a dwelling unit only to a lower income family residing in, or eligible to reside in, public housing and only if the Secretary determines that the purchase will not interfere with the rights of other families residing in the housing project or harm the efficient operation of the project, and the family will be able to purchase and maintain the property.

"(ii) The sale of dwelling units or ownership rights in dwelling units under clause (i) shall be made to families in the following order of priority:

"(I) a lower income family residing in the public housing project in which the dwelling unit is located;

"(II) a lower income family residing in any public housing project within the jurisdiction of the public housing agency having jurisidiction with respect to the project in which the dwelling unit is located;

"(III) a lower income family receiving Federal housing assistance and residing in the jurisdicition of such public housing agency; and

"(IV) a lower income family on the waiting list of such public housing agency for public housing or assistance under section 8, with priority given in the order in which the family appears on the waiting list.

"(iii) Each resident management corporation shall provide each family described in clause (ii) with a notice of the eligibility of the family to purchase a dwelling unit under this paragraph.

"(B) A purchase under subparagraph (A) may be made under any of the following arrangements:

"(i) Limited dividend cooperative ownership.

"(ii) Condominium ownership.

"(iii) Fee simple ownership.

"(iv) Shared appreciation with a public housing agency providing financing under paragraph (6).

"(v) Any other arrangement determined by the Secretary to be appropriate.

"(C) Property purchased under this section shall be resold only to the resident management corporation, a lower income family residing in or eligible to reside in public housing or housing assisted under section 8, or the public housing agency.

"(D) In no case may the owner receive consideration for his or her interest in the property that exceeds the total of—

"(i) the contribution to equity paid by the owner;

"(ii) the value, as determined by such means as the Secretary shall determine through regulation, of any improvements installed at the expense of the owner during the owner's tenure as owner; and

"(iii) the appreciated value determined by an inflation allowance at a rate which may be based on a cost of living index, an income index, or market index as determined by the Secretary through regulation and agreed to by the purchaser and the resident management corporation or the public housing agency, whichever is appropriate, at the time of initial sale, and applied against the contribution to equity; the resident management corporation or the public housing agency may, at the time of initial sale, enter into an agreement with the owner to set a maximum amount which this appreciation may not exceed.

"(E) Upon sale, the resident management corporation or the public housing agency, whichever is appropriate, shall ensure that subsequent owners are bound by the same limitations on resale and further restrictions on equity appreciation.

"(5) USE OF PROCEEDS.—Notwithstanding any other provision of this Act or other law to the contrary, proceeds from the sale of a building or buildings under paragraph (3) and amounts recaptured under paragraph (4) shall be paid to the public housing agency and shall be retained and used by the public housing agency only to increase the number of public housing units available for occupancy. The resident management corporation shall keep and make available to the public housing agency and the Secretary all records necessary to calculate accurately payments due the local housing agency under this section. The Secretary shall not reduce or delay payments under other provisions of law as a result of amounts made available to the local housing agency under this section.

"(6) FINANCING.—When financing for the purchase of the property is not otherwise available for purposes of assisting any purchase by a family or resident management

corporation under this section, the public housing agency involved may make a loan on the security of the property involved to the family or resident management corporation at a rate of interest that shall not be lower than 70 percent of the market interest rate for conventional mortgages on the date on which the loan is made.

"(7) ANNUAL CONTRIBUTIONS.—Notwithstanding the purchase of a building in a public housing project under this section, the Secretary shall continue to pay annual contributions with respect to the project. Such contributions may not exceed the maximum contributions authorized in section 5(a).

"(8) OPERATING SUBSIDIES.—Operating subsidies shall not be available with respect to a building after the date of its sale by the public housing agency.

"(b) PROTECTION OF NONPURCHASING FAMILIES.—

"(1) EVICTION PROHIBITION.—No family residing in a dwelling unit in a public housing project may be evicted by reason of the sale of the project to a resident management corporation under this section.

"(2) TENANTS RIGHTS.—Families renting a dwelling unit purchased by a resident management corporation shall have all rights provided to tenants of public housing under this Act.

"(3) RENTAL ASSISTANCE.—If any family resides in a dwelling unit in a building purchased by a resident management corporation, and the family decides not to purchase the dwelling unit, the Secretary shall offer to provide to the family (at the option of the family) a certificate under section 8(b)(1) or a housing voucher under section 8(o) for as long as the family continues to reside in the building. The Secretary may adjust the fair market rent for such certificate to take into account conditions under which the building was purchased.

"(4) RENTAL AND RELOCATION ASSISTANCE.—If any family resides in a dwelling unit in a public housing project in which other dwelling units are purchased under this section, and the family decides not to purchase the dwelling unit, the Secretary shall offer (to be selected by the family, at its option)—

"(A) to assist the family in relocating to a comparable appropriate sized dwelling unit in another public housing project, and to reimburse the family for their cost of relocation; and

"(B) to provide to the family the financial assistance necessary to permit the family to stay in the dwelling unit or to move to another comparable dwelling unit and to pay no more for rent than required under subparagraph (A), (B), or (C) of section 3(a)(1).

"(c) FINANCIAL ASSISTANCE FOR PUBLIC HOUSING AGENCIES.—The Secretary shall provide to public housing agencies such financial assistance as is necessary to permit such agencies to carry out the provisions of this section.

"(d) ADDITIONAL HOMEOWNERSHIP AND MANAGEMENT OPPORTUNITIES.—This section shall not apply to the turnkey III, the mutual help, or any other homeownership program established under section 5(h) or section 6(c)(4)(D) and in existence before the date of the enactment of the Housing and Community Development Act of 1987.

"(e) REGULATIONS.—The Secretary shall issue such regulations as may be necessary to carry out the provisions of this section. Such regulations may establish any additional terms and conditions for homeownership or resident management under this section that are determined by the Secretary to be appropriate.

"(f) ANNUAL REPORT.—The Secretary shall annually submit to the Congress a report setting forth—

"(1) the number, type, and cost of units sold;

"(2) the income, race, gender, children, and other characteristics of families purchasing or moving and not purchasing;

"(3) the amount and type of financial assistance provided;

"(4) the need for subsidy to ensure continued affordability and meet future maintenance and repair costs;

"(5) any need for the development of additional public housing dwelling units as a result of the sale of public housing dwelling units under this section;

"(6) recommendations of the Secretary for additional budget authority to carry out such development;

"(7) recommendations of the Secretary to ensure decent homes and decent neighborhoods for lower income families; and

"(8) the recommendations of the Secretary for statutory and regulatory improvements to the program.

"(g) LIMITATION.—Any authority of the Secretary under this section to provide financial assistance, or to enter into contracts to provide financial assistance, shall be effective only to such extent or in such amounts as are or have been provided in advance in appropriation Act.".

SEC. 124. TREATMENT OF CERTAIN PUBLIC HOUSING DEVELOPMENT FUNDS.

(a) FORGIVENESS OF CERTAIN INTEREST.—Notwithstanding any other provision of law or other requirement, any interest accruing on any excess funds advanced to the Housing Authority of the City of Pittsburgh, in the State of Pennsylvania, for development of the public housing project numbered PA-1-22 shall be forgiven, and any such interest paid to the Secretary of Housing and Urban Development before the date of the enactment of this Act shall be returned to such City.

(b) FORGIVENESS OF CERTAIN PAYMENTS.—Notwithstanding any other provision of law or other requirement, the Secretary of Housing and Urban Development may not require the Bay City Housing Commission in the State of Michigan to pay any amount relating to ineligible costs incurred with respect to the public housing development grant numbered Michigan 24-7, awarded in 1974, under the United States Housing Act of 1937.

SEC. 125. ENERGY EFFICIENT PUBLIC HOUSING DEMONSTRATION.

(a) ESTABLISHMENT.—The Secretary of Housing and Urban Development shall establish a demonstration program through the assistance of an appropriate technology transfer organization that specializes in producing detailed energy-efficient designs and in conducting local and statewide, public participation tests for energy efficient, needs-oriented housing. The appropriate technology organization shall carry out the demonstration working through and with public housing agencies to build and test a variety of energy-efficient housing designs in 100 separate housing units in 4 different States that meet local lower income housing needs (including single parent, disabled, and elderly concerns) through a composite ranging from single to 12-plex units in the cluster approach on vacant lots and open areas.

(b) REPORT.—As soon as practicable following September 30, 1988, the Secretary of Housing and Urban Development shall submit to the Congress a report setting forth the findings and recommendations of the Secretary as a result of the demonstration under this section.

(c) FUNDING.—Of the budget authority authorized to be provided for the development of public housing, there is authorized to be appropriated to carry out this section $4,700,000 for fiscal year 1988.

SEC. 126. PUBLIC HOUSING COMPREHENSIVE TRANSITION DEMONSTRATION.

(a) ESTABLISHMENT OF DEMONSTRATION PROGRAM.—The Secretary of Housing and Urban Development (in this section referred to as the "Secretary") shall carry out a program to demonstrate the effectiveness of providing a comprehensive program of services to participating public housing residents in order to ensure the successful transition of such residents to private housing. In carrying out the demonstration program, the Secretary shall consult with the heads of other appropriate Federal agencies to design and implement procedures to carry out the transition from public housing.

(b) SCOPE OF DEMONSTRATION PROGRAM.—The Secretary shall carry out the demonstration program with respect to public housing administered by the Housing Authority of the City of Charlotte, in the State of North Carolina. The Secretary may also carry out the demonstration program with respect to public housing administered by not more than 10 additional public housing agencies.

(c) REQUIREMENTS OF DEMONSTRATION PROGRAM.—The demonstration program shall consist of the following requirements:

(1) CONTRACT OF PARTICIPATION.—Each participating public housing agency may enter into a voluntary contract with any family that is to commence residence in a public housing project administered by the public housing agency. The contract shall be made part of the lease, shall set forth the provisions of the demonstration program, and shall specify the resources to made available to the participating family and the responsibilities of the participating family.

(2) REMEDIATION PHASE.—

(A) During not to exceed the first 2 years of residence of a participating family in public housing, the public housing agency shall ensure the provision of remediation services to the family in accordance with the terms and conditions of the contract of participation, which may include—

(i) remedial education;

(ii) completion of high school;

(iii) job training and preparation;

(iv) substance abuse treatment and counseling;

(v) training in homemaking skills and parenting; and

(vi) training in money management.

(B) During the remediation phase, the amount of rent charged the family may not be increased on the basis of any increase in earned income of the family.

(3) TRANSITION PHASE.—

(A) During not to exceed a 5-year period following completion of the remediation stage—

(i) the head of the family shall be required to have full-time employment; and

(ii) the public housing agency shall ensure the provision of counseling for the family with respect to homeownership, money management, and problem solving.

(B) During the transition phase, the amount of rent charged the family—

(i) may be increased on the basis of any increase in family income; and

(ii) may not be decreased on the basis of any decrease in earned income due to voluntary termination of employment.

(4) ENCOURAGEMENT OF SAVINGS.—The public housing agency shall take appropriate actions (including the establishment of an escrow savings account) to encourage each participating family to save funds during the remediation and transition phases.

(5) EFFECT OF INCREASES IN FAMILY INCOME.—

(A) Any increase in the earned income of a family during participation in the demonstration program under this section may not be considered as income or a resource for the purpose of denying the eligibility of, or reducing the amount of benefits payable to, the family under any other Federal law, unless the income of the family increases at any time to not less than 50 percent of the median income of the area (as determined by the Secretary with adjustments for smaller and larger families).

(B) If at any time during the participation of a family in the demonstration program the income of the family increases to not less than 80 percent of the median income of the area (as determined by the Secretary with adjustments for smaller and larger families), the participation of the family in the demonstration program shall terminate.

(6) COMPLETION OF TRANSITION.—Each family participating in the demonstration program shall be required to complete the transition out of public housing during a period of not more than 7 years. The public housing agency shall extend the period for any family that requests an extension for good cause.

(d) REPORTS TO CONGRESS.—

(1) INTERIM REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall submit to the Congress an interim report evaluating the effectiveness of the demonstration program under this section.

(2) FINAL REPORT.—Not later than 60 days after the termination of the demonstration program under subsection (f), the Secretary shall submit to the Congress a final report evaluating the effectiveness of the demonstration program under this section.

(e) REGULATIONS.—The Secretary shall issue such regulations as may be necessary to carry out this section.

(f) TERMINATION OF DEMONSTRATION PROGRAM.—The demonstration program under this section shall terminate upon the expiration of the 7-year period beginning on the date of the enactment of this Act.

PART 3—SECTION 8 ASSISTANCE AND OTHER PROGRAMS

SEC. 141. SECTION 8 CONTRACTS FOR EXISTING DWELLING UNITS.

Section 8(b)(1) of the United States Housing Act of 1937 is amended by inserting after the first sentence the following new sentence: "The Secretary shall enter into a separate annual contributions contract with each public housing agency to obligate the authority approved each year, beginning with the authority approved in appropriations Acts for fiscal year 1988 (other than amendment authority to increase assistance payments being made using authority approved prior to the appropriations Acts for fiscal year 1988), and such annual contributions contract (other than for annual contributions under subsection (o)) shall bind the Secretary to make such authority, and any amendments increasing such authority, available to the public housing agency for a specified period.".

SEC. 142. SECTION 8 FAIR MARKET RENTALS AND CONTRACT RENTS.

(a) ANNUAL ADJUSTMENT.—Section 8(c)(1) of the United States Housing Act of 1937 is amended by inserting before the last sentence the following new sentence: "Each fair market rental in effect under this subsection shall be adjusted to be effective on October 1 of each year to reflect changes, based on the most recent available data trended so the rentals will be current for the year to which they apply, of rents for existing or newly constructed rental dwelling units, as the case may be, of various sizes and types in the market area suitable for occupancy by persons assisted under this section.".

(b) CALCULATION FOR CERTAIN COUNTY.—Section 8(c)(1) of the United States Housing Act of 1937 is amended by adding at the end the following new sentence: "The Secretary shall establish separate fair market rentals under this paragraph for Westchester County in the State of New York.".

(c) COMPARABILITY.—

(1) Section 8(c)(1) of the United States Housing Act of 1937 (as amended by subsection (b) of this section) is further amended by adding at the end the following new sentence: "If units assisted under this section are exempt from local rent control while they are so assisted or otherwise, the maximum monthly rent for such units shall be reasonable in comparison with other units in the market area that are exempt from local rent control.".

(2) Section 8(c)(2)(C) of the United States Housing Act of 1937 is amended—

(A) by striking "assisted and comparable unassisted units" and inserting the following: "assisted units and unassisted units of similar quality and age in the same market area"; and

(B) by adding at the end the following new sentence: "If the Secretary or appropriate State agency does not complete and submit to the project owner a comparability study not later than 60 days before the anniversary date of the assistance contract under this section, the automatic annual adjustment factor shall be applied.".

(d) PROHIBITION ON REDUCTION OF CERTAIN CONTRACT RENTS.—Section 8(c)(2)(C) of the United States Housing Act of 1937 (as amended by subsection (c) of this section) is further amended by adding at the end the following new sentence: "The Secretary may not reduce the contract rents in effect on or after April 15, 1987, for newly constructed, substantially rehabilitated, or moderately rehabilitated projects assisted under this section (including projects assisted under this section as in effect prior to November 30, 1983), unless the project has been refinanced in a manner that reduces the periodic payments of the owner.".

(e) REPEAL OF LIMIT ON CONTRACT RENT INCREASES.—Section 8(c)(2) of the United States Housing Act of 1937 is amended by striking subparagraph (D).

SEC. 143. HOUSING VOUCHER PROGRAM.

(a) OPERATION.—Section 8(o) of the United States Housing Act of 1937 is amended—

(1) in the first sentence of paragraph (1), by striking "In" and all that follows through "demonstration program" and inserting "The Secretary may provide assistance";

(2) by striking paragraph (4); and

(3) by redesignating paragraphs (5) through (8) as paragraphs (4) through (7), respectively.

(b) FLEXIBILITY TO ADJUST ASSISTANCE PAYMENTS.—Section 8(o)(6) of the United States Housing Act of 1937 (as so redesignated by subsection (a) of this section) is amended—

(1) in subparagraph (A), by striking "as frequently as twice during any five-year period" and inserting "annually"; and

(2) by striking subparagraph (D).

(c) USE OF VOUCHERS IN CONNECTION WITH COOPERATIVE AND MUTUAL HOUSING.—Section 8(o)(7) of the United States Housing Act of 1937 (as so redesignated by subsection (a) of this section) is amended by striking "not to exceed 5 per centum of the amount of".

(d) ADJUSTMENT POOLS.—Section 8(o) of the United States Housing Act of 1937 (as amended by subsection (a) of this section) is further amended by adding at the end the following new paragraph:

"(8) The Secretary shall set aside a portion of amounts appropriated under this subsection as an adjustment pool to pay for the adjustments required by paragraph (6)(A). Funds shall be distributed from the adjustment pool on a needs basis. To receive an adjustment, a public housing agency shall certify that adjustment funds are necessary to compensate for higher than normal increases in rent levels in its jurisdiction.".

SEC. 144. ADMINISTRATIVE FEES FOR SECTION 8 CERTIFICATE AND HOUSING VOUCHER PROGRAMS.

Section 8 of the United States Housing Act of 1937 is amended by adding at the end the following new subsection:

"(q)(1) The Secretary shall establish a fee for the costs incurred in administering the certificate and housing voucher programs under subsections (b) and (o). The amount of the fee for each month for which a dwelling unit is covered by an assistance contract shall be 8.2 percent of the fair market rental established under subsection (c)(1) for a 2-bedroom existing rental dwelling unit in the market area of the public housing agency. The Secretary may increase the fee if necessary to reflect the higher costs of administering small programs and programs operating over large geographic areas.

"(2)(A) The Secretary shall also establish reasonable fees (as determined by the Secretary) for—

"(i) the costs of preliminary expenses (not to exceed $275) that the public housing agency documents it has incurred in connection with new allocations of assistance under the certificate and housing voucher programs under subsections (b) and (o);

"(ii) the costs incurred in assisting families who experience difficulty (as determined by the Secretary) in obtaining appropriate housing under the programs; and

"(iii) extraordinary costs approved by the Secretary.

"(B) The method used to calculate fees under subparagraph (A) shall be the same for the certificate and housing voucher programs under subsections (b) and (o) and shall take into account local cost differences.".

SEC. 145. PORTABILITY OF SECTION 8 CERTIFICATES AND VOUCHERS.

Section 8 of the United States Housing Act of 1937 (as amended by section 144 of this Act) is further amended by adding at the end the following new subsection:

"(r)(1) Any family assisted under subsection (b) or (o) may receive such assistance to rent an eligible dwelling unit if the dwelling unit to which the family moves is within the same, or a contiguous, metropolitan statistical area as the metropolitan statistical area within which is located the area of jurisdiction of the public housing agency approving such assistance.

"(2) The public housing agency having authority with respect to the dwelling unit to

which a family moves under this subsection shall have the responsibility of carrying out the provisions of this subsection with respect to the family. If no public housing agency has authority with respect to the dwelling unit to which a family moves under this subsection, the public housing agency approving the assistance shall have such responsibility.

"(3) In providing assistance under subsection (b) or (o) for any fiscal year, the Secretary shall give consideration to any reduction in the number of resident families incurred by a public housing agency in the preceding fiscal year as a result of the provisions of this subsection.

"(4) The provisions of this subsection may not be construed to restrict any authority of the Secretary under any other provision of law to provide for the portability of assistance under this section.".

SEC. 146. PROHIBITION OF DENIAL OF SECTION 8 CERTIFICATES AND VOUCHERS TO RESIDENTS OF PUBLIC HOUSING.

Section 8 of the United States Housing Act of 1937 (as amended by section 145 of this Act) is further amended by adding at the end the following new subsection:

"(s) In selecting families for the provision of assistance under this section (including subsection (o)), a public housing agency may not exclude or penalize a family solely because the family resides in a public housing project.".

SEC. 147. NONDISCRIMINATION AGAINST SECTION 8 CERTIFICATE HOLDERS AND VOUCHER HOLDERS.

Section 8 of the United States Housing Act of 1937 (as amended by section 146 of this Act) is further amended by adding at the end the following new subsection:

"(t)(1) No owner who has entered into a contract for housing assistance payments under this section on behalf of any tenant in a multifamily housing project shall refuse—

"(A) to lease any available dwelling unit in any multifamily housing project of such owner that rents for an amount not greater than the fair market rent for a comparable unit, as determined by the Secretary under this section, to a holder of a certificate of eligibility under this section a proximate cause of which is the status of such prospective tenant as a holder of such certificate, and to enter into a housing assistance payments contract respecting such unit; or

"(B) to lease any available dwelling unit in any multifamily housing project of such owner to a holder of a voucher under subsection (o), and to enter into a voucher contract respecting such unit, a proximate cause of which is the status of such prospective tenant as holder of such voucher.

"(2) For purposes of this subsection, the term 'multifamily housing project' means a residential building containing more than 4 dwelling units.".

SEC. 148. PROJECT-BASED SECTION 8 ASSISTANCE.

Section 8(d)(2) of the United States Housing Act of 1937 is amended by inserting before the period at the end of the last sentence the following: ", except that the Secretary shall permit the public housing agency to approve such attachment with respect to not more than 15 percent of the assistance provided by the public housing agency if the requirements of clause (B) are met".

SEC. 149. SECTION 8 ASSISTANCE FOR RESIDENTS OF RENTAL REHABILITATION PROJECTS.

Section 8 of the United States Housing Act of 1937 (as amended by section 147 of this Act) is further amended by adding at the end the following new subsection:

"(u) In the case of lower income families living in rental projects rehabilitated under section 17 of this Act or section 533 of the Housing Act of 1949 before rehabilitation—

"(1) certificates or vouchers under this section shall be made for families who are required to move out of their units because of the physical rehabilitation activities or because of overcrowding; and

"(2) at the discretion of each public housing agency or other agency administering the allocation of assistance, certificates or vouchers under this section may be made for families who would have to pay more than 30 percent of their adjusted income for rent after rehabilitation whether they choose to remain in, or to move from, the project.".

SEC. 150. RENTAL REHABILITATION GRANTS.

(a) Authorization of Appropriations.—Section 17(a)(3) of the United States Housing Act of 1937 is amended to read as follows:

"(3) Authorization.—There are authorized to appropriated for rental rehabilitation under this section $200,000,000 for each of the fiscal years 1988 and 1989, of which $1,500,000 shall be available each fiscal year for technical assistance, including the collection, processing, and dissemination of program information useful for local and national program management.".

(b) Eligible Property.—Section 17(a)(1)(A) of the United States Housing Act of 1937 is amended by inserting after "property" the following: ", or of real property that will be privately owned upon the completion of rehabilitation,".

(c) Maximum Grant Amount.—Section 17(c)(2)(E) of the United States Housing Act of 1937 is amended by striking "$5,000 per unit" and inserting the following: "$5,000 per unit for a unit with no bedrooms, $6,500 per unit for a unit with 1 bedroom, $7,500 per unit for a unit with 2 bedrooms, and $8,500 per unit for a unit with 3 or more bedrooms,".

(d) Use of Funds.—Section 17(c) of the United States Housing Act of 1937 is amended by adding at the end the following new paragraph:

"(4) Use of Funds To Comply With Seismic Standards.—If a unit of general local government has a local ordinance that requires rehabilitation to meet seismic standards, the unit of local government may use all rehabilitation assistance received under this section to rehabilitate units with no bedroom or 1 bedroom, if the occupants of the units will have incomes that do not exceed 50 percent of the median income of the area.".

(e) Administrative Expenses.—Section 17(h) of the United States Housing Act of 1937 is amended by inserting before the period at the end the following: ", except that not more than 10 percent of any rehabilitation grant received under subsection (c) may be retained to cover administrative expenses incurred by any State administering resources made available under subsection (b) (which State shall share such amount with units of general local government administering the program with the State) and by any city or urban county receiving resources under subsection (b)".

(f) Eligibility.—Section 17(k)(4) of the United States Housing Act of 1937 is amended—

(1) by inserting "privately owned" before "real property";

(2) by inserting "(A)" after "includes"; and

(3) by inserting before the semicolon at the end the following: ", and (B) housing that is owned by a State or locally chartered, neighborhood based, nonprofit organization the primary purpose of which is the provision and improvement of housing".

SEC. 151. RENTAL DEVELOPMENT GRANTS.

(a) Authorization of Appropriations.—Section 17(a)(3) of the United States Housing Act of 1937 (as amended by section 150 of this Act) is further amended by adding at the end the following new sentence: "There are authorized to be appropriated for development grants under this section $75,000,000 for fiscal year 1988 and $78,075,000 for fiscal year 1989.".

(b) Area Eligibility.—Section 17(d)(2) of the United States Housing Act of 1937 is amended by adding at the end the following new sentence: "Notwithstanding any other provision of law, the eligibility requirements for development grants under this section shall be the requirements in effect under this subsection on October 17, 1986.".

(c) Grant Amount.—Section 17(d)(4)(B) of the United States Housing Act of 1937 is amended by striking "refinancing costs and".

(d) Program Requirements.—Section 17(d)(4) of the United States Housing Act of 1937 is amended—

(1) by inserting before the semicolon at the end of subparagraph (G) the following: ", except that the Secretary may extend such period by not more than 6 months if the commencement of such activities is delayed due to judicial or administrative proceedings";

(2) by striking "and" at the end of subparagraph (G);

(3) by striking the period at the end of subparagraph (H) and inserting "; and"; and

(4) by adding at the end the following new subparagraph:

"(I) the owner of each assisted structure agrees to comply with the provisions of paragraph (8) until the 20-year period specified in paragraph (7) has ended.".

(e) Development Cost.—Section 17(d) of the United States Housing Act of 1937 is amended by adding at the end the following new paragraph:

"(10) Development Cost.—

"(A) The Secretary shall include in the development cost of a project assisted under this subsection any developer's fee if such fee—

"(i) is included in a mortgage secured by the project; and

"(ii) the lender is a State housing finance agency or the project is financed by bonds issued by a State housing finance agency or similar local entity.

"(B) The amount of any developer's fee shall not be counted in calculating the maximum grant amount pursuant to paragraph (4)(B).

"(C) This paragraph shall only be applicable to projects with respect to which a notice of project selection is received before the date of the enactment of the Housing and Community Development Act of 1987.".

Subtitle B—Other Housing Assistance Programs

SEC. 161. HOUSING FOR THE ELDERLY AND HANDICAPPED.

(a) Borrowing Authority.—The first sentence of section 202(a)(4)(B)(i) of the Housing Act of 1959 is amended—

(1) by striking "and" the first place it appears; and

(2) by inserting after "1984," the following: "and to such sums as may approved in appropriation Acts for fiscal years 1988 and 1989,".

(b) Loan Authority.—Section 202(a)(4)(C) of the Housing Act of 1959 is amended by adding at the end the following new sentence: "For fiscal years 1988 and 1989, not more than $621,701,000 and $651,334,000, re-

spectively, may be approved in appropriation Acts for such loans.”.

(c) Interest Rate on Loans.—

(1) Calculation of Rate.—Section 202(a)(3) of the Housing Act of 1959 is amended—

(A) by inserting “(A)” after the paragraph designation;

(B) by striking all that follows “Secretary” the second place it appears through “loan is made” and inserting the following: “taking into consideration the average yield, during the 3-month period immediately preceding the fiscal year in which the loan is made, on the most recently issued 30-year marketable obligations of the United States”; and

(C) by adding at the end the following new subparagraph:

“(B) At the option of the borrower, a loan under this section may be made and may be processed for a conditional or firm commitment either (i) at an interest rate not to exceed a rate and allowance determined by the Secretary in accordance with subparagraph (A) using the 1-month period immediately prior to the month in which the request for a commitment is submitted; or (ii) at an interest rate not to exceed a rate and allowance determined by the Secretary in accordance with subparagraph (A) using the 3-month period immediately preceding the fiscal year in which the request for a commitment is submitted.”.

(2) Maximum Rate.—Section 223(a) of the Housing and Urban-Rural Recovery Act of 1983 is amended by striking paragraph (2).

(d) Interest Rate on Notes.—The second sentence of section 202(a)(4)(B)(i) of the Housing Act of 1959 is amended to read as follows: “Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury taking into consideration the average yield, during the 3-month period immediately preceding the fiscal year in which the loan is made, on the most recently issued 30-year marketable obligations of the United States.”.

(e) Appeal of Cancellation of Loan Authority.—Section 202 of the Housing Act of 1959 is amended by adding at the end the following new subsection:

“(n) The Secretary shall notify the project sponsor not less than 30 days prior to canceling any loan authority provided under this section. During the 30-day period following the receipt of a notice under paragraph (1), a sponsor may appeal the proposed cancellation of loan authority. Such appeal, including review by the Secretary, shall be completed not later than 45 days after the appeal is filed.”.

(f) Priority.—Section 202(a) of the Housing Act of 1959 is amended by adding at the end the following new paragraph:

“(8) In reviewing applications for loans under this section, the Secretary shall give a priority to any project that will provide housing designed to replace a structure that is owned by a public housing agency, contains not less than 100 dwelling units, is used for housing only elderly families, and is to be demolished. The requirements of this paragraph shall not apply after September 30, 1988.”.

SEC. 162. HOUSING FOR THE HANDICAPPED.

(a) Findings and Purpose.—

(1) The Congress finds that—

(A) housing for nonelderly handicapped families is assisted under section 202 of the Housing Act of 1959 and section 8 of the United States Housing Act of 1937;

(B) the housing programs under such sections are designed and implemented primarily to assist rental housing for elderly and nonelderly families and are often inappropriate for dealing with the specialized needs of the physically impaired, the developmentally disabled, and the chronically mentally ill;

(C) the development of housing for nonelderly handicapped families under such programs is often more expensive than necessary, thereby reducing the number of such families that can be assisted with available funds;

(D) the program under section 202 of the Housing Act of 1959 can continue to provide direct loans to finance group residences and independent apartments for nonelderly handicapped families, but can be made more efficient and less costly by the adoption of standards and procedures applicable only to housing for such families;

(E) the cost containment policies currently being implemented in the development of small group homes (i) do not adequately reflect the necessity for building designs to meet the needs of the designated residents; and (ii) do not recognize necessary State and local standards for the operation of such homes;

(F) the use of the program under section 8 of the United States Housing Act of 1937 to assist rentals for housing for nonelderly handicapped families is time consuming and unnecessarily costly and, in some areas of the Nation, prevents the development of such housing;

(G) the use of the program under section 8 of the United States Housing Act of 1937 to assist rentals for housing for nonelderly handicapped families should be replaced by a more appropriate subsidy mechanism;

(H) both elderly and handicapped housing projects assisted under section 202 of the Housing Act of 1959 will benefit from an increased emphasis on supportive services and a greater use of State and local funds; and

(I) an improved program for nonelderly handicapped families will assist in providing shelter and supportive services for mentally ill persons who might otherwise be homeless.

(2) The purpose of this section is to improve the direct loan program under section 202 of the Housing Act of 1959 to ensure that such program meets the special housing and related needs of nonelderly handicapped families.

(b) Housing for Handicapped Families.—

(1) Section 202(h) of the Housing Act of 1959 is amended to read as follows:

“(h)(1) Of the amounts made available in appropriation Acts for loans under subsection (a)(4)(C) for any fiscal year commencing after September 30, 1987, not less than 15 percent shall be available for loans for the development costs of housing for handicapped families. If the amount required for any such fiscal year for approvable applications for loan under this subsection is less than the amount available under this paragraph, the balance shall be made available for loans under other provisions of this section.

“(2) The Secretary shall take such actions as may be necessary to ensure that—

“(A) funds made available under this subsection will be used to support a variety of methods of meeting the needs primarily of nonelderly handicapped families by providing a variety of housing options, ranging from small group homes to independent living complexes; and

“(B) housing for handicapped families assisted under this subsection will provide families occupying units in such housing with an assured range of services specified in subsection (f), will provide such families with opportunities for optimal independent living and participation in normal daily activities, and will facilitate access by such families to the community at large and to suitable employment opportunities within such community.

“(3)(A) In allocating funds under this subsection, and in processing applications for loans under this section and assistance payments under paragraph (4), the Secretary shall adopt such distinct standards and procedures as the Secretary determines appropriate due to differences between housing for handicapped families and other housing assisted under this section. In adopting such standards, the Secretary shall ensure adequate participation by representatives of the disability community through the provisions available under the Federal Advisory Committee Act.

“(B) The Secretary may, on a demonstration basis, determine the feasibility and desirability of reducing processing time and costs for housing for handicapped families by limiting project design to a small number of prototype designs. Any such demonstration shall be limited to the 3-year period following the date of the enactment of the Housing and Community Development Act of 1987, may only involve projects whose sponsors consent to participation in such demonstration, and shall be described in a report submitted by the Secretary to the Congress following completion of such demonstration.

“(4)(A) The Secretary shall, to the extent approved in appropriation Acts, enter into contracts with owners of housing for handicapped families receiving loans under, or meeting the requirements of, this section to make monthly payments to cover any part of the costs attributed to units occupied (or, as approved by the Secretary, held for occupancy) by lower income families that is not met from project income. The annual contract amount for any project shall not exceed the sum of the initial annual project rentals for all units and any initial utility allowances for such units, as approved by the Secretary. Any contract amounts not used by a project in any year shall remain available to the project until the expiration of the contract. The term of a contract entered into under this subparagraph shall be 240 months. The annual contract amount may be adjusted by the Secretary if the sum of the project income and the amount of assistance payments available under this subparagraph are inadequate to provide for reasonable project costs. In the case of an intermediate care facility in which there reside families assisted under title XIX of the Social Security Act, project income under this subparagraph shall include the same amount as if such families were being assisted under title XVI of the Social Security Act.

“(B) The Secretary shall approve initial project rentals for any project assisted under this subsection based on the determination of the Secretary of the total actual necessary and reasonable costs of developing and operating the project, excluding the costs of the assured range of services under subsection (f), taking into consideration the need to contain costs to the extent practicable and consistent with the purposes of the project and this section.

“(C) The Secretary shall require that, during the term of each contract entered into under subparagraph (A), all units in a project assisted under this subsection shall be made available for occupancy by lower

income families, as such term is defined in section 3(b)(2) of the United States Housing Act of 1937. The rent payment required of a lower income family shall be determined in accordance with section 3(a) of such Act, except that the gross income of a family occupying an intermediate care facility assisted under title XIX of the Social Security Act shall be the same amount as if the family were being assisted under title XVI of the Social Security Act.

"(D) The Secretary shall coordinate the processing of an application for a loan for housing for handicapped families under this section and the processing of an application for assistance payments under this paragraph for such housing.".

(2) Section 202(d) of the Housing Act of 1959 is amended by adding at the end the following new paragraphs:

"(9) The term 'housing for handicapped families' means housing and related facilities to be occupied by handicapped families who are primarily nonelderly handicapped families.

"(10) The term 'nonelderly handicapped families' means elderly or handicapped families, the head of which (and spouse, if any) is less than 62 years of age at the time of initial occupancy of a project assisted under this section.".

(3) Section 202(c)(3) of the Housing Act of 1959 is amended by inserting after "section" the following: "and designed for dwelling use by 12 or more elderly or handicapped families".

(c) Supportive Services for Elderly and Handicapped Families.—Section 202(f) of the Housing Act of 1959 is amended—

(1) by inserting "(1)" after the subsection designation; and

(2) by adding at the end the following new paragraph:

"(2) Each applicant for a loan under this section for housing and related facilities shall submit with the application a supportive services plan describing—

"(A) the category or categories of families such housing and facilities are intended to serve;

"(B) the range of necessary services to be provided to the families occupying such housing;

"(C) the manner in which such services will be provided to such families; and

"(D) the extent of State and local funds available to assist in the provision of such services.".

(d) Termination of Section 8 Assistance.—On and after the first date that amounts approved in an appropriation Act for any fiscal year become available for contracts under section 202(h)(4)(A) of the Housing Act of 1959, as amended by subsection (b) of this section, no project for handicapped (primarily nonelderly) families approved for such fiscal year pursuant to section 202 of such Act shall be provided assistance payments under section 8 of the United States Housing Act of 1937, except pursuant to a reservation for a contract to make such assistance payments that was made before the first date that amounts for contracts under such section 202(h)(4)(A) became available.

(e) Implementation.—Not later than the expiration of the 120-day period following the date of the enactment of this Act, the Secretary of Housing and Urban Development shall, to the extent amounts are approved in an appropriation Act for use under section 202(h)(4)(A) of the Housing Act of 1959 for fiscal year 1988, publish in the Federal Register a notice of fund availability to implement the provisions of, and amendments made by, this section. The Secretary shall issue such rules as may be necessary to carry out such provisions and amendments for fiscal year 1989 and thereafter.

(f) Effective Date and Applicability.—

(1) Except as otherwise provided in this section, the provisions of, and amendments made by, this section shall not apply with respect to projects with loans or loan reservations made under section 202 of the Housing Act of 1959 before the implementation date under subsection (e).

(2) Notwithstanding paragraph (1), the Secretary shall apply the provisions of, and amendments made by, this section to any project if needed to facilitate the development of such project in a timely manner.

SEC. 163. SECTION 235 HOMEOWNERSHIP PROGRAM.

The second sentence of section 235(h)(1) of the National Housing Act is amended by inserting after the third sentence the following new sentence: "Any amount of budget authority under this section that is recaptured by the Secretary shall be made available for new contracts for assistance payments under this section.".

SEC. 164. CONGREGATE SERVICES.

(a) Authorization of Appropriations.—Section 411(a) of the Congregate Housing Services Act of 1978 is amended to read as follows:

"(a) There are authorized to be appropriated to carry out this title $10,000,000 for each of the fiscal years 1988 and 1989.".

(b) Deletion of Reference to Program as Nonpermanent.—Section 408 of the Congregate Housing Services Act of 1978 is amended by striking subsection (c).

(c) Report.—Section 408 of the Congregate Housing Services Act of 1978 (as amended by subsection (b) of this section) is further amended by adding at the end the following new subsection:

"(c)(1) The Secretary shall contract with a university or qualified research institution to produce a report—

"(A) documenting the number of elderly living in federally assisted housing at risk of institutionalization;

"(B) studying and comparing alternative delivery systems in the States, including the congregate housing services program, to provide services to older persons in assisted congregate housing;

"(C) assessing existing and potential financial resources at the Federal, State, and local levels for the support of congregate housing services; and

"(D) making legislative recommendations as to the feasibility of permitting State housing agencies and other appropriate State agencies to participate and operate the program on a matching grant basis.

"(2) The Secretary shall submit the report to the Congress not later than September 30, 1988.".

SEC. 165. MODIFICATION OF RESTRICTION ON USE OF ASSISTED HOUSING BY ALIENS.

(a) Aliens Admitted for Lawful Residence.—Section 214(a) of the Housing and Community Development Act of 1980 is amended—

(1) by striking "or" at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting "; or"; and

(3) by adding at the end the following new paragraph:

"(6) an alien lawfully admitted for temporary or permanent residence under section 245A of the Immigration and Nationality Act.".

(b) Preservation of Families.—Section 214 of the Housing and Community Development Act of 1980 is amended by inserting after subsection (b) the following new subsection:

"(c)(1) The restriction established in subsection (a) shall not apply to—

"(A) any family in which the head of household or spouse is a citizen of the United States, a national of the United States, or an alien resident of the United States described in any of the paragraphs (1) through (6) of subsection (a); or

"(B) the continued provision of any financial assistance commenced before the effective date of the regulations issued to carry out this subsection.

"(2) Notwithstanding any other provision of law, the Secretary of Housing and Urban Development may not make financial assistance available for the benefit of—

"(A) any alien who—

"(i) has a residence in a foreign country that such alien has no intention of abandoning;

"(ii) is a bona fide student qualified to pursue a full course of study; and

"(iii) is admitted to the United States temporarily and solely for purposes of pursuing such a course of study at an established institution of learning or other recognized place of study in the United States, particularly designated by such alien and approved by the Attorney General after consultation with the Department of Education of the United States, which institution or place of study shall have agreed to report to the Attorney General the termination of attendance of each nonimmigrant student (and if any such institution of learning or place of study fails to make such reports promptly the approval shall be withdrawn); and

"(B) the alien spouse and minor children of any alien described in subparagraph (A), if accompanying such alien or following to join such alien.".

(c) Verification Procedures.—Section 214(d) of the Housing and Community Development Act of 1980 (as added by section 121(a)(2) of the Immigration Reform and Control Act of 1986 (Public Law 99-603)) is amended—

(1) in paragraph (2), by inserting after "States" the following: "and is not 62 years of age or older";

(2) in paragraph (4), in the matter before subparagraph (A)—

(A) by inserting after "States" the following: "and is not 62 years of age or older"; and

(B) by inserting "or recertification" after "application";

(3) in paragraph (4)(A)(i), by inserting after the comma the following: "or to appeal to the Immigration and Naturalization Service the verification determination of the Immigration and Naturalization Service under paragraph (3),";

(4) in paragraph (4)(B), by striking the matter before clause (i) and inserting the following:

"(B) if any documents or additional information are submitted as evidence under subparagraph (A), or if appeal is made to the Immigration and Naturalization Service with respect to the verification determination of the Service under paragraph (3)—";

(5) in paragraph (4)(B)(i), by inserting "or additional information" after "documents";

(6) in paragraph (4)(B)(ii), by inserting "or appeal" after "verification";

(7) by inserting after paragraph (5) the following new paragraph:

"(6) For purposes of paragraph (5)(B), the applicable fair hearing process made available with respect to any individual shall in-

clude not less than the following procedural protections:

"(A) The Secretary shall provide the individual with written notice of the determination described in paragraph (5) and of the opportunity for a hearing with respect to the determination.

"(B) Upon timely request by the individual, the Secretary shall provide a hearing before an impartial hearing officer designated by the Secretary, at which hearing the individual may produce evidence of a satisfactory immigration status.

"(C) The Secretary shall notify the individual in writing of the decision of the hearing officer on the appeal of the determination in a timely manner.

"(D) Financial assistance may not be denied or terminated until the completion of the hearing process."; and

(8) by striking the last sentence and inserting the following: "For purposes of this subsection, the term 'Secretary' means the Secretary of Housing and Urban Development, a public housing agency, or another entity that determines the eligibility of an individual for financial assistance.".

(d) ENFORCEMENT PROCEDURES.—Section 214(e) of the Housing and Community Development Act of 1980 (as added by section 121(a)(2) of the Immigration Reform and Control Act of 1986 (Public Law 99-603)) is amended—

(1) in the matter before paragraph (1), by inserting "of Housing and Urban Development" after "Secretary";

(2) in paragraph (2), by inserting after "(d)(4)(A)(ii)" the following: "(or under any alternative system for verifying immigration status with the Immigration and Naturalization Service authorized in the Immigration Reform and Control Act of 1986 (Public Law 99-603))";

(3) in paragraph (3), by inserting after "(d)(4)(B)(ii)" the following: "(or under any alternative system for verifying immigration status with the Immigration and Naturalization Service authorized in the Immigration Reform and Control Act of 1986 (Public Law 99-603))"; and

(4) in paragraph (4), by inserting after "(d)(5)(B)" the following: "(or provided for under any alternative system for verifying immigration status with the Immigration and Naturalization Service authorized in the Immigration Reform and Control Act of 1986 (Public Law 99-603))".

(e) VERIFICATION SYSTEM.—Section 214 of the Housing and Community Development Act of 1980 (as amended by section 121(a)(2) of the Immigration Reform and Control Act of 1986 (Public Law 99-603)) is amended by adding at the end the following new subsection:

"(f)(1) Notwithstanding any other provision of law, no agency or official of a State or local government shall have any liability for the design or implementation of the Federal verification system described in subsection (d) if the implementation by the State or local agency or official is in accordance with Federal rules and regulations.

"(2) The verification system of the Department of Housing and Urban Development shall not supersede or affect any consent agreement entered into or court decree or court order entered prior to the date of the enactment of the Housing and Community Development Act of 1987.".

(f) REIMBURSEMENT FOR COSTS OF IMPLEMENTATION.—

(1) Section 214 of the Housing and Community Development Act of 1980 (as amended by subsection (e) of this section) is further amended by adding at the end the following new subsection:

"(g) The Secretary of Housing and Urban Development is authorized to pay to each public housing agency or other entity an amount equal to 100 percent of the costs incurred by the public housing agency or other entity in implementing and operating an immigration status verification system under subsection (d) (or under any alternative system for verifying immigration status with the Immigration and Naturalization Service authorized in the Immigration Reform and Control Act of 1986 (Public Law 99-603)).".

(2) The United States Housing Act of 1937 (as amended by section 121(b)(6) of the Immigration Reform and Control Act of 1986 (Public Law 99-603)) is amended by striking section 20.

(g) TRANSITIONAL CERTIFICATION AND DOCUMENTATION PROVISIONS.—In carrying out section 214 of the Housing and Community Development Act of 1980 during fiscal year 1988, the Secretary of Housing and Urban Development shall require, as a condition of providing financial assistance for the benefit of any individual, that such individual—

(1) declare in writing, under penalty of perjury, whether or not such individual is a citizen or national of the United States; and

(2) if not a citizen or national—

(A) declare in writing, under penalty of perjury, the immigration status of such individual, if such individual is not less than 62 years of age; or

(B) provide such documentation regarding the immigration status of such individual as the Secretary may require by regulation.

(h) EFFECTIVE DATES.—

(1) The provisions of, and amendments made by, subsections (a), (b), (e), (f), and (g) shall take effect on the date of the enactment of this Act.

(2) The amendments made by subsections (c) and (d) shall take effect on October 1, 1988.

SEC. 166. PREVENTING FRAUD AND ABUSE IN DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT PROGRAMS.

(a) DISCLOSURE OF SOCIAL SECURITY ACCOUNT NUMBER.—As a condition of initial or continuing eligibility for participation in any program of the Department of Housing and Urban Development involving loans, grants, interest or rental assistance of any kind, or mortgage or loan insurance, and to ensure that the level of benefits provided under such programs is proper, the Secretary of Housing and Urban Development may require that an applicant or participant (including members of the household of an applicant or participant) disclose his or her social security account number or employer identification number to the Secretary.

(b) DEFINITIONS.—For purposes of this section, the terms "applicant" and "participant" shall have such meanings as the Secretary of Housing and Urban Development by regulation shall prescribe. Such terms shall not include persons whose involvement is only in their official capacity, such as State or local government officials or officers of lending institutions.

SEC. 167. ANNUAL REPORT ON CHARACTERISTICS OF FAMILIES IN ASSISTED HOUSING.

(a) IN GENERAL.—The Secretary of Housing and Urban Development shall include in the annual report under section 8 of the Housing and Urban Development Act descriptions of the characteristics of families assisted under each of the following programs of assistance: public housing, section 8 of the United States Housing Act of 1937 (other than subsection (o) of such section), section 8(o) of the United States Housing Act of 1937, and section 202 of the Housing Act of 1959.

(b) SPECIFIC REQUIREMENTS.—The descriptions required in subsection (a) shall include information with respect to—

(1) family size, including the number of children;

(2) amount and sources of family income;

(3) the age, race, and sex of family members; and

(4) whether the head of the family (or the spouse of such person) is a member of the armed forces.

SEC. 168. SECTION 236 RENTAL HOUSING PROGRAM.

(a) STATE-AIDED PROJECTS.—

(1) Section 236(f)(4) of the National Housing Act is amended by striking "90 per centum" and inserting "100 percent".

(2) Section 101(g) of the Housing and Urban Development Act of 1965 is amended by striking "90 per centum" and inserting "100 percent".

(b) INSURING AUTHORITY.—Section 236(n) of the National Housing Act is amended by adding at the end the following new sentence: "A mortgage may be insured under this section after the date in the preceding sentence in order to refinance a mortgage insured under this section or to finance pursuant to subsection (j)(3) the purchase, by a cooperative or nonprofit corporation or association, of a project assisted under this section.".

SEC. 169. TENANT ELIGIBILITY DETERMINATIONS IN RENT SUPPLEMENT PROJECTS.

Section 101 of the Housing and Urban Development Act of 1965 is amended—

(1) by striking the second sentence of subsection (e)(1); and

(2) by striking subsection (k) and inserting the following:

"(k) In selecting individuals or families to be assisted under this section in accordance with the eligibility criteria and procedures established under subsection (e)(1), the project owner shall give preference to individuals or families who are occupying substandard housing, are paying more than 50 percent of family income for rent, or are involuntarily displaced at the time they are seeking housing assistance under this section.".

SEC. 170. COUNSELING TO TENANTS AND HOMEOWNERS.

(a) COUNSELING SERVICES.—Section 106(a)(3) of the Housing and Urban Development Act of 1968 is amended in the first sentence by striking all that follows the semicolon and inserting the following: "except that for fiscal years 1988 and 1989 there are authorized to be appropriated $3,651,000 and $3,811,644, respectively, for such purposes.".

(b) EMERGENCY HOMEOWNERSHIP COUNSELING.—Section 106 of the Housing and Urban Development Act of 1968 is amended by inserting at the end the following new subsection:

"(c) GRANTS FOR HOMEOWNERSHIP COUNSELING ORGANIZATIONS.—

"(1) IN GENERAL.—The Secretary of Housing and Urban Development may make grants—

"(A) to nonprofit organizations experienced in the provision of homeownership counseling to enable the organizations to provide homeownership counseling to eligible homeowners; and

"(B) to assist in the establishment of nonprofit homeownership counseling organizations.

"(2) Program requirements.—

"(A) Applications for grants under this subsection shall be submitted in the form, and in accordance with the procedures, that the Secretary requires.

"(B) The homeownership counseling organizations receiving assistance under this subsection shall use the assistance only to provide homeownership counseling to eligible homeowners.

"(C) The homeownership counseling provided by homeownership counseling organizations receiving assistance under this subsection shall include counseling with respect to—

"(i) financial management;

"(ii) available community resources, including public assistance programs, mortgage assistance programs, home repair assistance programs, utility assistance programs, food programs, and social services; and

"(iii) employment training and placement.

"(3) Availability of homeownership counseling.—The Secretary shall take any action that is necessary—

"(A) to ensure the availability throughout the United States of homeownership counseling from homeownership counseling organizations receiving assistance under this subsection, with priority to areas that—

"(i) are experiencing high rates of home foreclosure and any other indicators of homeowner distress determined by the Secretary to be appropriate; and

"(ii) are not already adequately served by homeownership counseling organizations; and

"(B) to inform the public of the availability of the homeownership counseling.

"(4) Eligibility for counseling.—A homeowner shall be eligible for homeownership counseling under this subsection if—

"(A) the home loan is secured by property that is the principal residence (as defined by the Secretary) of the homeowner;

"(B) the home loan is not assisted under title V of the Housing Act of 1949; and

"(C) the homeowner is, or is expected to be, unable to make payments, correct a home loan delinquency within a reasonable time, or resume full home loan payments due to a reduction in the income of the homeowner because of—

"(i) an involuntary loss of, or reduction in, the employment of the homeowner, the self-employment of the homeowner, or income from the pursuit of the occupation of the homeowner; or

"(ii) any similar loss or reduction experienced by any person who contributes to the income of the homeowner.

"(5) Notification of availability of homeownership counseling requirement.—The creditor of a delinquent home loan shall notify an eligible homeowner of the availability of any homeownership counseling offered by the creditor. As a supplement to the counseling provided by the creditor, the creditor shall notify the homeowner of the availability of 1 of the following:

"(A) Homeownership counseling provided by nonprofit organizations approved by the Secretary and experienced in the provision of homeownership counseling.

"(B) A list of the nonprofit organizations, approved by the Secretary and experienced in the provision of homeownership counseling, that can be obtained by calling a toll-free telephone number at the Department of Housing and Urban Development.

"(C) Homeownership counseling provided by the Administrator of Veterans' Affairs for loans insured or guaranteed under chapter 37 of title 38, United States Code.

"(6) Definitions.—For purposes of this subsection:

"(A) The term 'creditor' means a person or entity that is servicing a home loan on behalf of itself or another person or entity.

"(B) The term 'eligible homeowner' means a homeowner eligible for counseling under paragraph (4).

"(C) The term 'home loan' means a loan secured by a mortgage or lien on residential property.

"(D) The term 'homeowner' means a person who is obligated under a home loan.

"(E) The term 'residential property' means a 1-family residence, including a 1-family unit in a condominium project, a membership interest and occupancy agreement in a cooperative housing project, and a manufactured home and the lot on which the home is situated.

"(7) Regulations.—The Secretary shall issue any regulations that are necessary to carry out this subsection.

"(8) Authorization of appropriations.—There are authorized to be appropriated to carry out this subsection such sums as may be necessary for each of the fiscal years 1988 and 1989. Any amount appropriated under this subsection shall remain available until expended.

"(9) Termination.—The provisions of this subsection shall not be effective after September 30, 1989.".

SEC. 171. HOUSING ASSISTANCE TECHNICAL AMENDMENTS.

(a) Section 235 Homeownership Assistance.—Section 235(i)(3)(C) of the National Housing Act is amended by inserting an opening parenthesis before "including".

(b) Rental Housing for Lower Income Families.—The last sentence of section 236(i)(1) of the National Housing Act is amended by striking "(h)" and inserting "(f)(4)".

(c) Definition of Disability.—Section 3(b)(3)(A) of the United States Housing Act of 1937 is amended—

(1) by striking "or" the first place it appears and inserting a comma; and

(2) by striking "or in section 102 of the Developmental Disabilities Services and Facilities Construction Amendments of 1970" and inserting the following: ", has a developmental disability as defined in section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(7))".

(d) Lower Income Housing.—

(1) The first sentence of section 6(a) of the United States Housing Act of 1937 is amended by inserting "The" before "Secretary".

(2) Section 6(c)(4)(A) of the United States Housing Act of 1937 is amended—

(A) by striking "or are paying more than 50 per centum of family income for rent"; and

(B) by inserting ", are paying more than 50 percent of family income for rent," after "substandard housing".

(3) Paragraphs (4) and (5) of section 6(k) of the United States Housing Act of 1937 are amended by striking "his" each place it appears and inserting "their".

(e) Housing Development Grants.—Section 17(d)(7)(A) of the United States Housing Act of 1937 is amended by striking "title" and inserting "subsection".

(f) Public Housing Demolition and Disposition.—Section 18(b) of the United States Housing Act of 1937 is amended in the matter preceding paragraph (1) by inserting "or" after "section".

(g) Housing for the Elderly and Handicapped.—

(1) The third sentence of section 202(d)(4) of the Housing Act of 1959 is amended by striking "is a developmentally disabled individual as defined in section 102(5) of the Developmental Disabilities Services and Facilities Construction Amendments of 1950" and inserting the following: "has a developmental disability as defined in section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(7))".

(2) Section 202(f) of the Housing Act of 1959 is amended by striking "section 134" and inserting "section 133".

(3) Section 202(l) of the Housing Act of 1959 is amended by striking "difference" and inserting "different".

(h) Rent Supplements.—Section 101(j)(1)(D) of the Housing and Urban Development Act of 1965 is amended by striking "divided" and inserting "dividend".

Subtitle C—Multifamily Housing Management and Preservation

SEC. 181. MANAGEMENT AND PRESERVATION OF HUD-OWNED MULTIFAMILY HOUSING PROJECTS.

(a) Goals.—Section 203(a) of the Housing and Community Development Amendments of 1978 is amended by striking "(a)" and all that follows through the semicolon at the end of paragraph (1) and inserting the following:

"(a) The Secretary of Housing and Urban Development (in this section referred to as the 'Secretary') shall manage or dispose of multifamily housing projects that are owned by the Secretary, or that are subject to a mortgage held by the Secretary that is either delinquent, under a workout agreement, or being foreclosed upon by the Secretary, in a manner that is consistent with the National Housing Act and this section and that will, in the least costly fashion among the reasonable alternatives available, further the goals of—

"(1) preserving so that they are available to and affordable by low- and moderate-income persons—

"(A) all units in multifamily housing projects that are subsidized projects or formerly subsidized projects;

"(B) in other multifamily housing projects owned by the Secretary, at least the units that are occupied by low- and moderate-income persons or vacant; and

"(C) in all other multifamily housing projects, at least the units that are, on the date of assignment, occupied by low- and moderate-income persons;".

(b) Management Services.—Section 203(b)(2) of the Housing and Community Development Amendments of 1978 is amended—

(1) by inserting "(A)" after the paragraph designation;

(2) by redesignating clauses (A) through (D) as clauses (i) through (iv), respectively;

(3) by striking ", owned by the Secretary" and inserting the following: "subject to subsection (a) that is owned by the Secretary (or for which the Secretary is mortgagee in possession)";

(4) by striking the period at the end and inserting "; and"; and

(5) by adding at the end the following new subparagraph:

"(B) to require the owner of a multifamily housing project subject to subsection (a) that is not owned by the Secretary (and for

which the Secretary is not mortgagee in possession), to contract for management services for the project in the manner described in subparagraph (A).".

(c) Maintaining of Projects.—Section 203(c) of the Housing and Community Development Amendments of 1978 is amended to read as follows:

"(c)(1) In the case of multifamily housing projects subject to subsection (a) that are owned by the Secretary (or for which the Secretary is mortgagee in possession), the Secretary shall—

"(A) to the greatest extent possible, maintain all such occupied projects in a decent, safe, and sanitary condition;

"(B) to the greatest extent possible, maintain full occupancy in all such projects; and

"(C) maintain all such projects for purposes of providing rental or cooperative housing for the longest feasible period.

"(2) In the case of any multifamily housing project subject to subsection (a) that is not owned by the Secretary (and for which the Secretary is not mortgagee in possession), the Secretary shall require the owner of the project to carry out the requirements of paragraph (1).".

(d) Financial Assistance.—Section 203 of the Housing and Community Development Amendments of 1978 is amended—

(1) by redesignating subsections (d) through (g) as subsections (e) through (h), respectively; and

(2) by inserting after subsection (c) the following new subsection:

"(d) In carrying out the goals specified in subsection (a)(1) the Secretary shall take not less than one of the following actions:

"(1) Enter into contracts under section 8 of the United States Housing Act of 1937, to the extent budget authority is available for such section 8, with owners of multifamily housing projects that are acquired by a purchaser other than the Secretary at foreclosure or after sale by the Secretary. Such contracts shall provide assistance to the project involved for a period of not less than 15 years. Such contracts shall be sufficient to assist all units in subsidized or formerly subsidized projects, and all units in other projects that are occupied by lower income families eligible for assistance under such section 8 at the time of foreclosure or sale, as the case may be, and all units that are vacant at such time (which units shall be made available for such families as soon as possible). In order to make available to families any units in subsidized or formerly subsidized projects that are occupied by persons not eligible for assistance under such section 8, but that subsequently become vacant, the contract shall also provide that when any such vacancy occurs the owner involved shall lease the available unit to a family eligible for assistance under such section 8. The Secretary shall provide such contracts at contract rents that, consistent with subsection (a), provide for the rehabilitation of such project and do not exceed the most recently adjusted fair market rents for substantially rehabilitated units published by the Secretary in the Federal Register.

"(2) In accordance with the authority provided under the National Housing Act, provide purchase-money mortgages, reduce the selling price, or provide other financial assistance to the owners of multifamily housing projects that are acquired by a purchaser other than the Secretary at foreclosure, or after sale by the Secretary, on terms that will ensure that, for a period of not less than 15 years (A) the project will remain available to and affordable by low- and moderate-income persons; and (B) such persons shall pay not more than the amount payable as rent under section 3(a) of the United States Housing Act of 1937.".

(e) Right of First Refusal.—Section 203 of the Housing and Community Development Amendments of 1978 is amended—

(1) by redesignating subsections (e) through (h) (as so redesignated by this section) as subsections (f) through (i); and

(2) by inserting before such subsection (f) the following new subsection:

"(e) Upon receipt of a bona fide offer to purchase a project subject to subsection (a), the Secretary shall notify the local government and the State housing finance agency (or other agency or agencies designated by the Governor) of the proposed terms and conditions of the offer, including the assistance that the Secretary plans to make available to the prospective purchaser. The local government and the designated State agency shall have 90 days to match the offer and purchase the project. In administering the right of first refusal provided in this subsection, the Secretary shall offer assistance to the local government or designated State agency on terms and conditions at least as favorable as made available to the prospective purchaser. Notwithstanding any other provision of law to the contrary, a local government (including a public housing agency) or designated State agency may purchase a subsidized project or formerly subsidized project in accordance with this subsection.".

(f) Displacement Protection.—Section 203(f)(1) of the Housing and Community Development Amendments of 1978 (as so redesignated by this section) is amended—

(1) by striking "owned by the Secretary" and inserting the following: "subject to subsection (a) that is owned by the Secretary (or for which the Secretary is mortgagee in possession)"; and

(2) by adding at the end the following new sentence: "In the case of a multifamily housing project subject to subsection (a) that is not owned by the Secretary (and for which the Secretary is not mortgagee in possession), the Secretary shall require the owner of the project to carry out the requirements of this paragraph.".

(g) Limitations on Certain Project, Loan, and Mortgage Sales.—Section 203 of the Housing and Community Development Amendments of 1978 is amended—

(1) by redesignating subsections (h) and (i) (as so redesignated by this section) as subsections (i) and (j); and

(2) by inserting before such subsection (i) the following new subsection:

"(h)(1) The Secretary may not approve the sale of any loan or mortgage held by the Secretary (including any loan or mortgage owned by the Government National Mortgage Association) on any subsidized project or formerly subsidized project unless such sale is made as part of a transaction that will ensure that such project will continue to operate at least until the maturity date of such loan or mortgage in a manner that will provide rental housing on terms at least as advantageous to existing and future tenants as the terms required by the program under which the loan or mortgage was made or insured prior to the assignment of the loan or mortgage on such project to the Secretary.

"(2) The Secretary may not approve the sale of any subsidized project (A) that is subject to a mortgage held by the Secretary; or (B) if the sale transaction involves the provision of any additional subsidy funds by the Secretary or a recasting of the mortgage, unless such sale is made as part of a transaction that will ensure that such project will continue to operate at least until the maturity date of the loan or mortgage in a manner that will provide rental housing on terms at least as advantageous to existing and future tenants as the terms required by the program under which the loan or mortgage was made or insured prior to the proposed sale of the project.

"(3) Notwithstanding any provision of law that may require competitive sales or bidding, the Secretary may carry out negotiated sales of subsidized or formerly subsidized mortgages held by the Secretary, without the competitive selection of purchasers or intermediaries, to agencies of State or local government, or groups of investors that include at least 1 such agency of State or local government, if the negotiations are conducted with such agencies, except that—

"(A) the terms of any such sale shall include the agreement of the purchasing agency or agencies of State or local government to act as mortgagee or owner of a beneficial interest in such mortgages in a manner consistent with maintaining the projects that are subject to such mortgages for occupancy by the general tenant group intended to be served by the applicable mortgage insurance program, including, to the extent the Secretary determines appropriate, authorizing such agency of State or local government to enforce the provisions of any regulatory agreement or other program requirements applicable to the related projects; and

"(B) the sales prices for such mortgages shall be, in the determination of the Secretary, the best price that may be obtained for such mortgages from an agency of State or local government, consistent with the expectation and intention that the projects financed will be retained for use under the applicable mortgage insurance program for the life of the initial mortgage insurance contract.".

(h) Definitions.—Section 203(i) of the Housing and Community Development Amendments of 1978 (as so redesignated by this section) is amended—

(1) by inserting "(1)" after the subsection designation; and

(2) by adding at the end the following new paragraphs:

"(2) For the purpose of this section, the term 'subsidized project' means a multifamily housing project receiving any of the following assistance immediately prior to the assignment of the mortgage on such project to, or the acquisition of such mortgage by, the Secretary:

"(A) below market interest rate mortgage insurance under the proviso of section 221(d)(5) of the National Housing Act;

"(B) interest reduction payments made in connection with mortgages insured under section 236 of the National Housing Act;

"(C) rent supplement payments under section 101 of the Housing and Urban Development Act of 1965;

"(D) direct loans at below market interest rates, made under section 202 of the Housing Act of 1959 or to a multifamily housing project under section 312 of the Housing Act of 1964; or

"(E) housing assistance payments made under section 23 of the United States Housing Act of 1937 (as in effect before January 1, 1975) or section 8 of the United States Housing Act of 1937 (other than subsection (b)(1) of such section), without regard to whether such payments are made to all or a portion of the units in the project.

"(3) For the purpose of this section, the term 'formerly subsidized project' means a multifamily housing project owned by the Secretary that was a subsidized project immediately prior to its acquisition by the Secretary.".

SEC. 182. ACQUISITION OF INSURED MULTIFAMILY HOUSING PROJECTS.

Section 207(k) of the National Housing Act is amended by inserting after the second sentence the following new sentence: "In determining the amount to be bid, the Secretary shall act consistently with the goal established in section 203(a)(1) of the Housing and Community Development Amendments of 1978.".

SEC. 183. TENANT PARTICIPATION IN MULTIFAMILY HOUSING PROJECTS.

(a) APPLICABILITY.—Section 202(a) of the Housing and Community Development Amendments of 1978 is amended by inserting before the period at the end the following: "or section 202 of the Housing Act of 1959".

(b) NOTICE AND COMMENT.—Section 202(b)(1) of the Housing and Community Development Amendments of 1978 is amended by striking "and the Secretary deems it appropriate" and inserting the following: "or where the Secretary proposes to sell a mortgage secured by a multifamily housing project".

(c) NONDISCRIMINATION AGAINST SECTION 8 CERTIFICATE HOLDERS AND VOUCHER HOLDERS.—No owner of a subsidized project (as defined in section 203(i)(2) of the Housing and Community Development Amendments of 1978, as amended by section 181(h) of this Act) shall refuse—

(1) to lease any available dwelling unit in any such project of such owner that rents for an amount not greater than the fair market rent for a comparable unit, as determined by the Secretary under section 8 of the United States Housing Act of 1937, to a holder of a certificate of eligibility under such section, a proximate cause of which is the status of such prospective tenant as a holder of such certificate, and to enter into a housing assistance payments contract respecting such unit; or

(2) to lease any available dwelling unit in any such project of such owner to a holder of a voucher under section 8(o) of such Act, and to enter into a voucher contract respecting such unit, a proximate cause of which is the status of such prospective tenant as holder of such voucher.

SEC. 184. MULTIFAMILY HOUSING DISPOSITION PARTNERSHIP.

(a) ESTABLISHMENT OF DEMONSTRATION PROGRAM.—The Secretary of Housing and Urban Development (referred to in this section as the "Secretary") shall carry out a program to demonstrate the effectiveness of disposing of distressed multifamily housing projects owned by the Department of Housing and Urban Development through a partnership with State housing finance agencies. The demonstration program may be carried out with not more than 4 State housing finance agencies and shall be designed to determine the feasibility of entering into similar relationships with other State housing finance agencies.

(b) REQUIREMENTS OF DEMONSTRATION PROGRAM.—

(1) OPPORTUNITY TO PARTICIPATE IN SALE.—Not less than 30 days before offering to sell any multifamily housing project that is located in a State participating in the demonstration program and that is subject to section 204 of the Housing and Community Development Amendments of 1978, the Secretary shall—

(A) notify the State housing finance agency of the plan of the Secretary to sell the project; and

(B) provide the State housing finance agency with the option to provide the long-term financing for the sale of the project through the co-insurance program of the Secretary, if the project complies with the State laws applicable to the State housing finance agency.

(2) TERMS OF PARTICIPATION.—If the State housing finance agency agrees to participate in the sale of a project under this section, the terms of the sale shall be as follows:

(A) The State housing finance agency shall provide a loan to the purchaser of the property.

(B) The mortgage securing the loan shall be insured by the Secretary and the State housing finance agency under paragraph (3) or (4) of section 221(d) of the National Housing Act.

(C) The terms and conditions of the loan shall be consistent with the terms and conditions of the sale.

(3) COOPERATIVE AGREEMENT.—Not later than the expiration of the 3-month period beginning on the date of the enactment of this Act, the Secretary shall enter into cooperative agreements with State housing finance agencies to carry out the demonstration program under this section.

(c) TERMINATION OF DEMONSTRATION PROGRAM.—

(1) IN GENERAL.—Except as provided in paragraph (2), the demonstration program under this section shall terminate upon the expiration of the 3-year period beginning on the date of the enactment of this Act.

(2) CONTINUATION OF PROGRAM.—

(A) The Secretary may continue the demonstration program under this section after the termination date established in paragraph (1) for such additional period as the Secretary determines to be appropriate.

(B) The Secretary shall continue the demonstration program under this section with respect to any project for which the Secretary notifies the State housing finance agency under subsection (b)(1)(A) before the termination date established in paragraph (1) or under subparagraph (A).

(d) REPORT TO CONGRESS.—Not later than 6 months after the termination date established in subsection (c)(1), the Secretary shall submit to the Congress a report evaluating the effectiveness of the demonstration program under this section as a national model for the disposition of distressed multifamily housing projects owned by the Department of Housing and Urban Development.

SEC. 185. MULTIFAMILY HOUSING CAPITAL IMPROVEMENTS ASSISTANCE.

(a) PURPOSE.—Section 201(a) of the Housing and Community Development Amendments of 1978 is amended by inserting after "management," the following: "to permit capital improvements to be made to maintain certain projects as decent, safe, and sanitary housing,".

(b) ELIGIBLITY.—Section 201(c)(1)(B) of the Housing and Community Development Amendments of 1978 is amended by inserting after "is assisted under" the following: "section 23 of the United States Housing Act of 1937, as in effect immediately before January 1, 1975,".

(c) BORROWER REQUIREMENTS.—Section 201(d) of the Housing and Community Development Amendments of 1978 is amended—

(1) in paragraph (1), by inserting "or physical" after "maintain the financial"; and

(2) in paragraph (6), by striking the final period, and inserting the following: "; except that the Secretary may excuse an owner from compliance with the plan requirement set forth in this paragraph in any case in which such owner seeks only assistance for capital improvements under this section.".

(d) AMOUNT AND CONDITIONS OF ASSISTANCE.—Section 201(f) of the Housing and Community Development Amendments of 1978 is amended—

(1) in paragraph (1), by inserting after "to any project" in the matter preceding subparagraph (A) the following: "(except a project assisted only for capital improvements)"; and

(2) in paragraph (4), by inserting after "for any year" the following: "for a project (other than a project receiving assistance only for capital improvements)".

(e) REGULATIONS.—Section 201(g) of the Housing and Community Development Amendments of 1978 is amended by inserting before the period at the end the following: ", to the extent applicable.".

(f) FLEXIBLE SUBSIDY FUND.—Section 201(j) of the Housing and Community Development Amendments of 1978 is amended to read as follows:

"(j)(1) For purposes of carrying out the provisions of this section, there is hereby established in the Treasury of the United States a revolving fund, to be known as the Flexible Subsidy Fund. The Fund shall, to the extent approved in appropriation Acts, be available to the Secretary to provide assistance under this section (including assistance for capital improvements).

"(2) The Fund shall consist of (A) any amount appropriated to carry out the purposes of this section; (B) any amount repaid on any assistance provided under this section; (C) any amounts credited to the reserve fund described in section 236(g) of the National Housing Act; and (D) any other amount received by the Secretary under this section (including any amount realized under paragraph (3)).

"(3) Any amounts in the Fund determined by the Secretary to be in excess of the amounts currently required to carry out the provisions of this section shall be invested by the Secretary in obligations of, or obligations guaranteed as to both principal and interest by, the United States or any agency of the United States.

"(4) The Secretary may use not more than $50,000,000 from the Fund in any fiscal year for purposes of providing assistance for capital improvements in accordance with this section.".

(g) ASSISTANCE FOR CAPITAL IMPROVEMENTS.—Section 201 of the Housing and Community Development Amendments of 1978 is amended by adding at the end the following new subsections:

"(k)(1) Assistance for capital improvements under this section shall include assistance for any major repair or replacement of a capital item in a multifamily housing project, including any such repair or replacement required as a result of deferred or inadequate maintenance. Capital improvements do not include maintenance of any such item. Assistance for capital improvements under this section shall be in the form of a loan.

"(2) The owner of a project receiving assistance for capital improvements shall agree to contribute assistance to such project in such amounts, from such sources, and in such manner as the Secretary determines to be appropriate, except that—

"(A) such contribution shall not be less than 20 percent of the total estimated cost of the capital improvements involved, unless the Secretary, upon application of the owner, determines that such contribution is financially infeasible and waives or reduces such contribution to the extent necessary;

"(B) the Secretary may not require an amount to be contributed, from the reserve funds established by the owner of such projects for the purpose of making capital improvements, in excess of 50 percent of the amount of such reserve funds on the date of such loan; and

"(C) The Secretary shall waive the requirements of this paragraph if such owner is a private nonprofit corporation or an association.

"(3) The Secretary may provide assistance for capital improvements under this section if the Secretary finds that the reserve funds established by the owner of a project for the purpose of making capital improvements are insufficient to finance both the capital improvements for which such assistance is to be used and other capital improvements that are reasonably expected to be required in the near future, and such insufficiency is not the result of the failure of such owner to comply with any standard established by the Secretary for management of such reserve funds.

"(4) In providing, and contracting to provide, assistance for capital improvements under this section, the Secretary shall—

"(A) give priority to projects that are eligible for incentives under section 224(b) of the Emergency Low Income Housing Preservation Act of 1987; and

"(B) with respect to any amounts not required for projects under subparagraph (A), give priority among other projects based on the exent to which—

"(i) the capital improvements for which such assistance is requested are immediately required;

"(ii) the projects serve as the residences of lower income families, and the extent which other suitable housing is unavailable for such families in the areas in which such projects are located;

"(iii) the capital improvements for which such assistance is requested involve the life, safety, or health of the residents of the project or involve major capital improvements in the projects; and

"(iv) the projects demonstrate the greatest financial distress, while continuing to meet the requirements of subsection (d)(1).

"(l)(1) The principal amount of any assistance for capital improvements under this section that is provided to the owner of a project shall not exceed the difference between the contribution made by the owner in accordance with subsection (k)(2) and the sum of—

"(A) the amount determined by the Secretary to be necessary for such owner to make capital improvements with respect to capital items that have failed, or are likely to deteriorate seriously or fail in the near future, in such projects;

"(B) the amount determined by the Secretary to be necessary to carry out a plan to upgrade the capital items being improved, and any other capital items determined by the Secretary to be associated with such capital items being improved and to require upgrading, to meet cost-effective energy efficiency standards prescribed by the Secretary; and

"(C) the amount determined by the Secretary to be necessary to comply with the requirements of section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

"(2)(A) The term of any assistance for capital improvements in the form of a loan under this section shall not exceed the remaining term of the mortgage of the project with respect to which such loan is provided.

"(B) Each loan for capital improvements provided under this section shall bear interest at a rate determined by the Secretary to be appropriate, except that—

"(i) such rate shall not be more than 3 percentage points below a rate determined by the Secretary of the Treasury taking into consideration the average interest rate on all interest bearing obligations of the United States then forming a part of the public debt, computed at the end of the fiscal year next preceding date on which the loan is made, adjusted to the nearest ⅛ of 1 percent, plus an allowance adequate in the judgment of the Secretary of Housing and Urban Development to cover administrative costs and probable losses under the program; and

"(ii) such interest rate plus such allowance shall not exceed 6 percent per annum nor be less than 3 percent per annum.

"(C) Each loan for capital improvements provided under this section shall be considered to be a liability of the project involved, and shall not be dischargeable in any bankruptcy proceeding under section 727, 1141, or 1328(b) of title 11, United States Code.

"(D) The Secretary may establish such additional conditions on loans provided under this section as the Secretary determines to be appropriate.

"(E) The Secretary may provide more than one loan or assistance in any other form to any project under this section, if each loan or other assistance complies with the provisions of this section.

"(m)(1) Increases in rental payments that may occur as a result of the debt service and other expenses of a loan for capital improvements provided under this section for a project subject to a plan of action approved under subtitle B of the Emergency Low Income Housing Preservation Act of 1987 shall be governed by the rent agreements entered into under such subtitle.

"(2) In order to minimize any increases in rental payments that may occur as a result of the debt service and other expenses of a loan for capital improvements provided under this section for a project not subject to paragraph (1) and that would be incurred by lower income residents of the project involved whose rental payments are, or would as a result of such expenses be, in excess of the amount allowable if section 3(a) of the United States Housing Act of 1937 were applicable to such residents, the Secretary may take any or all of the following actions:

"(A) Provide assistance with respect to such project under section 8(b)(1) of the United States Housing Act of 1937, to the extent amounts are available for such assistance and without regard to section 16 of such Act.

"(B) Reduce the rate of interest charged on such loan to a rate of not less than 1 percent.

"(C) Increase the term of such loan to a term that does not exceed the remaining term of the mortgage on such project.

"(D) Increase the amount of assistance to be provided by the owner of such project under subsection (k)(2), if applicable, to an amount not to exceed 30 percent of the total estimated cost of the capital improvements involved.".

(h) Conforming Amendment.—The section heading for section 201 of the Housing and Community Development Amendments of 1978 is amended by striking "OPERATING".

SEC. 186. FLEXIBLE SUBSIDY PROGRAM.

(a) Use of Section 236 Excess Rental Charges.—Section 236(f)(3) of the National Housing Act is amended by striking "September 30, 1985" and inserting "September 30, 1989".

(b) Assistance for Certain Housing Projects for Elderly or Handicapped Families.

(1) Section 201(a) of the Housing and Community Development Amendments of 1978 is amended by inserting "the Housing Act of 1959," after "1937,".

(2) Section 201(c)(1)(A) of the Housing and Community Development Amendments of 1978 is amended by inserting before the semicolon at the end the following: ", or received a loan under section 202 of the Housing Act of 1959, more than 15 years before the date on which assistance is made available under this section".

SEC. 187. USE OF FUNDS RECAPTURED FROM REFINANCING STATE FINANCE PROJECTS.

In the case of any State financed project that was provided a financial adjustment factor under section 8 of the United States Housing Act of 1937 and is being refinanced, 50 percent of the amounts that are recaptured from the project shall be made available to the State housing finance agency in the State where the project is located for use in providing decent, safe, and sanitary housing affordable to very low-income families or persons.

TITLE II—PRESERVATION OF LOW INCOME HOUSING

Subtitle A—General Provisions

SEC. 201. SHORT TITLE.

This title may be cited as the "Emergency Low Income Housing Preservation Act of 1987".

SEC. 202. FINDINGS AND PURPOSE.

(a) Findings.—The Congress finds that—

(1) in the next 15 years, more than 330,000 low income housing units insured or assisted under sections 221(d)(3) and 236 of the National Housing Act could be lost as a result of the termination of low income affordability restrictions;

(2) in the next decade, more than 465,000 low income housing units produced with assistance under section 8 of the United States Housing Act of 1937 could be lost as a result of the expiration of the rental assistance contracts;

(3) some 150,000 units of rural low income housing financed under section 515 of the Housing Act of 1949 are threatened with loss as a result of the prepayment of mortgages by owners;

(4) the loss of this privately owned and federally assisted housing, which would occur in a period of sharply rising rents on unassisted housing and extremely low production of additional low rent housing, would inflict unacceptable harm on current tenants and would precipitate a grave national crisis in the supply of low income housing that was neither anticipated nor intended when contracts for these units were entered into;

(5) the loss of this affordable housing, to encourage the production of which the public has provided substantial benefits over past years, would irreparably damage hard-won progress toward such important and long-established national objectives as—

(A) providing a more adequate supply of decent, safe, and sanitary housing that is affordable to low income Americans;

(B) increasing the supply of housing affordable to low income Americans that is accessible to employment opportunities; and

(C) expanding housing opportunities for all Americans, particularly members of disadvantaged minorities;

(6) the provision of an adequate supply of low income housing has depended and will continue to depend upon a strong, long-term partnership between the public and private sectors that accommodates a fair return on investment;

(7) recent reductions in Federal housing assistance and tax benefits related to low income housing have increased the incentives for private industry to withdraw from the production and management of low income housing;

(8) efforts to retain this housing must take account of specific financial and market conditions that differ markedly from project to project;

(9) a major review of alternative responses to this threatened loss of affordable housing is now being undertaken by numerous private sector task forces as well as State and local organizations; and

(10) until the Congress can act on recommendations that will emerge from this review, interim measures are needed to avoid the irreplaceable loss of low income housing and irrevocable displacement of current tenants.

(b) Purpose.—It is the purpose of this title—

(1) to preserve and retain to the maximum extent practicable as housing affordable to low income families or persons those privately owned dwelling units that were produced for such purpose with Federal assistance;

(2) to minimize the involuntary displacement of tenants currently residing in such housing; and

(3) to continue the partnership between all levels of government and the private sector in the production and operation of housing that is affordable to low income Americans.

SEC. 203. TERMINATION OF CERTAIN PROVISIONS.

(a) In General.—Effective upon the expiration of the 2-year period beginning on the date of the enactment of this Act—

(1) subtitles B and D are repealed; and

(2) each provision of law amended by subtitle B or D is amended to read as it would without such amendment.

(b) Savings Provision.—The repeal or amendment of any provision under subsection (a) shall have no effect on any action taken or authorized under the provision prior to such repeal or amendment.

Subtitle B—Prepayment of Mortgages Insured Under National Housing Act

SEC. 221. GENERAL PREPAYMENT LIMITATION.

(a) Prior Approval of Plan of Action.—An owner of eligible low income housing may prepay, and a mortgagee may accept prepayment of, a mortgage on such housing only in accordance with a plan of action approved by the Secretary of Housing and Urban Development under this subtitle.

(b) Alternative Prepayment Moratorium.—In the event any court of the United States or any State invalidates the requirements established in this subtitle, an owner of eligible low income housing located in the geographic area subject to the jurisdiction of such court may not prepay, and a mortgagee may not accept prepayment of, a mortgage on such housing during the 2-year period following the date of such invalidation.

SEC. 222. NOTICE OF INTENT.

An owner of eligible low income housing seeking to initiate prepayment or other changes in the status or terms of the mortgage or regulatory agreement shall file with the Secretary a notice of the intent of the owner in such form and manner as the Secretary shall prescribe. The owner shall simultaneously file the notice or intent with any appropriate State or local government agency for the jurisdiction within which the housing is located.

SEC. 223. PLAN OF ACTION.

(a) Preparation and Submission.—Upon receipt of a notice of intent, the Secretary shall provide the owner with such information as the owner needs to prepare a plan of action, which information shall include a description of the Federal incentives authorized under this title. The owner shall submit the plan of action to the Secretary in such form and manner as the Secretary shall prescribe. The owner may simultaneously submit the plan of action to any appropriate State or local government agency for the jurisdiction within which the housing is located, which agency shall, in reviewing the plan, consult with representatives of the tenants of the housing.

(b) Contents.—The plan of action shall include—

(1) a description of any proposed changes in the status or terms of the mortgage or regulatory agreement, which may include a request for incentives to extend the low income use of the housing;

(2) a description of any assistance that could be provided by State or local government agencies, as determined by prior consultation between the owner and any appropriate State or local agencies;

(3) a description of any proposed changes in the low income affordability restrictions;

(4) a description of any change in ownership that is related to prepayment;

(5) an assessment of the effect of the proposed changes on existing tenants;

(6) a statement of the effect of the proposed changes on the supply of housing affordable to lower and very low income families or persons in the community within which the housing is located and in the area that the housing could reasonably be expected to serve; and

(7) any other information that the Secretary determines is necessary to achieve the purposes of this title.

(c) Revisions.—The owner may from time to time revise and amend the plan of action as may be necessary to obtain approval of the plan under this subtitle.

SEC. 224. INCENTIVES TO EXTEND LOW INCOME USE.

(a) Agreements by Secretary.—After receiving a plan of action from an owner of eligible low income housing, the Secretary may enter into such agreements as are necessary to satisfy the criteria for approval under section 225.

(b) Permissible Incentives.—Such agreements may include one or more of the following incentives that the Secretary, after taking into account local market conditions, determines to be necessary to achieve the purposes of this title:

(1) An increase in the allowable distribution or other measures to increase the rate of return on investment.

(2) Revisions to the method of calculating equity.

(3) Increased access to residual receipts accounts or excess replacement reserves.

(4) Provision of insurance for a second mortgage under section 241(f) of the National Housing Act.

(5) An increase in the rents permitted under an existing contract under section 8 of the United States Housing Act of 1937, or (subject to the availability of amounts provided in appropriation Acts) additional assistance under such section 8 or an extension of any project-based assistance attached to the housing.

(6) Financing of capital improvements under section 201 of the Housing and Community Development Amendments of 1978.

(7) Other actions, authorized in other provisions of law, to facilitate a transfer or sale of the project to a qualified nonprofit organization, limited equity tenant cooperative, public agency, or other entity acceptable to the Secretary.

(8) Other incentives authorized in law.

SEC. 225. CRITERIA FOR APPROVAL OF PLAN OF ACTION.

(a) Plan of Action Involving Termination of Low Income Affordability Restrictions.—The Secretary may approve a plan of action that involves termination of the low income affordability restrictions only upon a written finding that—

(1) implementation of the plan of action will not materially increase economic hardship for current tenants or involuntarily displace current tenants (except for good cause) where comparable and affordable housing is not readily available; and

(2)(A) the supply of vacant, comparable housing is sufficient to ensure that such prepayment will not materially affect—

(i) the availability of decent, safe, and sanitary housing affordable to lower income and very low-income families or persons in the area that the housing could reasonably be expected to serve;

(ii) the ability of lower income and very low-income families or persons to find affordable, decent, safe, and sanitary housing near employment opportunities; or

(iii) the housing opportunities of minorities in the community within which the housing is located; or

(B) the plan has been approved by the appropriate State agency and any appropriate local government agency for the jurisdiction within which the housing is located as being in accordance with a State strategy approved by the Secretary under section 226.

(b) Plan of Action Including Incentives.—The Secretary may approve a plan of action that includes incentives only upon finding that—

(1) the package of incentives is necessary to provide a fair return on the investment of the owner;

(2) due diligence has been given to ensuring that the package of incentives is, for the Federal Government, the least costly alternative that is consistent with the full achievement of the purposes of this title; and

(3) binding commitments have been made to ensure that—

(A) the housing will be retained as housing affordable for very low-income families or persons, lower income families or persons, and moderate income families or persons for the remaining term of the mortgage;

(B) throughout such period, adequate expenditures will be made for maintenance and operation of the housing;

(C) current tenants shall not be involuntarily displaced (except for good cause);

(D) any increase in rent contributions for current tenants shall be to a level that does not exceed 30 percent of the adjusted income of the tenant or the fair market rent for comparable housing under section 8(b) of

the United States Housing Act of 1937, whichever is lower;

(E)(i) any resulting increase in rents for current tenants (except for increases made necessary by increased operating costs)—

(I) shall be phased in equally over a period of not less than 3 years, if such increase is 30 percent or more; and

(II) shall be limited to not more than 10 percent per year if such increase is more than 10 percent but less than 30 percent; and

(ii) assistance under section 8 of the United States Housing Act of 1937 shall be provided if necessary to mitigate any adverse affect on current income eligible tenants; and

(F)(i) rents for units becoming available to new tenants shall be at levels approved by the Secretary that will ensure, to the extent practicable, that the units will be available and affordable to the same proportions of very low-income families or persons, lower income families or persons, and moderate income families or persons (including families or persons whose incomes are 95 percent or more of area median income) as resided in the housing as of January 1, 1987; and

(ii) in approving rents under this paragraph, the Secretary shall take into account any additional incentives provided under this subtitle and shall make provision for such annual rent adjustments as may be made necessary by future reasonable increases in operating costs.

SEC. 226. ALTERNATIVE STATE STRATEGY.

(a) CRITERIA FOR APPROVAL.—The Secretary may approve a State strategy for purposes of section 225(a) only upon finding that it is a practicable statewide strategy that ensures at a minimum that—

(1) current tenants will not be involuntarily displaced (except for good cause);

(2) housing opportunities for minorities will not be adversely affected in the communities within which the housing is located;

(3) any increase in rent for current tenants shall be to a level that does not exceed 30 percent of the adjusted income of the tenants or the fair market rent for comparable housing under section 8(b) of the United States Housing Act of 1937, whichever is lower, except that any increase not necessitated by increased operating costs shall be phased in equally over not less than 3 years if such increase exceeds 10 percent;

(4) housing approved under the State strategy will remain affordable to very low-income, lower income or moderate income families and persons for not less than the remaining term of the original mortgage, if the housing is to be made available for rental, or for not less than 40 years, if the housing is to be made available for homeownership;

(5)(A) not less than 80 of all units in eligible low income housing approved under the State strategy shall be retained as affordable to families or persons meeting the income eligibility standards for initial occupancy that applies to the housing on January 1, 1987; and

(B) not less than 60 percent of the units in any one project shall remain available and affordable to such families or persons, within which not less than 20 percent of the units shall remain available and affordable to very low income families or persons as determined by the Secretary with adjustments for smaller and larger families;

(6) expenditures for rehabilitation, maintenance and operation shall be at a level necessary to maintain the housing as decent, safe and sanitary for the period specified in paragraph (4);

(7) not less than 25 percent of new assistance required to maintain low income affordability in accordance with this section shall be provided through State and local actions, such as tax exempt financing, low-income tax credits, State or local tax concessions, and other incentives provided by the State or local governments; and

(8) for each unit of eligible low income housing approved under the State strategy that is not retained as affordable to families or persons meeting the income eligibility standards for initial occupancy on January 1, 1987, the State will provide with State funds 1 additional unit of comparable housing in the same market area that is available and affordable to such families or persons, and such units or funds shall be made available before the Secretary approves the State strategy.

(b) ADDITIONAL REQUIREMENTS.—

(1) The Secretary may not approve a State strategy until the State has entered into all of the agreements necessary to carry out the strategy.

(2) Each State strategy shall include any other provision that the Secretary determines to be necessary to implement an approved State strategy.

(c) IMPLEMENTATION AGREEMENTS.—The Secretary may enter into such agreements as are necessary to implement an approved State strategy, which agreements may include incentives that are authorized in other provisions of this subtitle.

SEC. 227. TIMETABLE FOR APPROVAL OF PLAN OF ACTION.

(a) NOTIFICATION OF DEFICIENCIES.—Not later than 60 days after receipt of a plan of action, the Secretary shall notify the owner in writing of any deficiencies that prevent the plan of action from being approved. If deficiencies are found, such notice shall describe alternative ways in which the plan could be revised to meet the criteria for approval.

(b) NOTIFICATION OF APPROVAL.—

(1) IN GENERAL.—Not later than 180 days after receipt of a plan of action, or such longer period as the owner requests, the Secretary shall notify the owner in writing whether the plan of action, including any revisions, is approved. If approval is withheld, the notice shall describe—

(B) the actions that could be taken to meet the criteria for approval.

(2) OPPORTUNITY TO REVISE.—The Secretary shall subsequently give the owner a reasonable opportunity to revise the plan of action and seek approval.

SEC. 228. MODIFICATION OF EXISTING REGULATORY AGREEMENTS.

(a) IN GENERAL.—If a plan of action cannot be approved within 300 days after a plan of action is submitted, the Secretary shall, upon the request of the owner, modify existing regulatory agreements to—

(1) prevent involuntary displacement of current tenants (except for good cause);

(2) ensure that adequate expenditures will be made for maintenance and operation of the housing,

(3) extend any expiring project-based assistance on the housing for the term of the agreement;

(4) permit an increase in the allowable distribution that could be accommodated by a rise in rents on occupied units to rise to a level no higher than 30 percent of the adjusted income of the current tenants, as determined by the Secretary, except that rents shall not exceed the fair market rent for comparable housing under section 8(b) of the United States Housing Act of 1937 and any resulting increase in rents for current tenants shall be phased in equally over a period of no less than 3 years unless such increase is less than 10 percent; and

(5) ensure that units becoming vacant during the term of the agreement are made available in accordance with section 225(b)(6).

(b) EXPIRATION.—Agreements entered into under this section shall expire upon the expiration of the 4-year period beginning on the date of the enactment of this Act. Upon the expiration of the agreements, the housing covered by the agreements shall be subject to any law then affecting low income affordability restrictions.

SEC. 229. CONSULTATIONS WITH OTHER INTERESTED PARTIES.

The Secretary shall confer with any appropriate State or local government agency to confirm any State or local assistance that is available to achieve the purposes of this title and shall give consideration to the views of any such agency when making determinations under section 225. The Secretary shall also confer with appropriate interested parties that the Secretary believes could assist in the development of a plan of action that best achieves the purposes of this title.

SEC. 230. RIGHT OF CONVERSION TO ALTERNATIVE PREPAYMENT SYSTEM.

Any agreement to extend low income affordability restrictions under section 225(b) shall, for 4 years from the date of the enactment of this Act, provide the owner the right to convert to any system of incentives and restrictions provided in law during such period, with such adjustments as the Secretary determines are appropriate to compensate for the value of any benefits the owner had received under this title.

SEC. 231. INSURANCE FOR SECOND MORTGAGE FINANCING.

Section 241 of the National Housing Act is amended by adding at the end the following new subsection:

"(f)(1) Notwithstanding any other provision of this section, the Secretary may, upon such terms and conditions as the Secretary may prescribe, make a commitment to insure and insure equity loans made by financial institutions approved by the Secretary. For purposes of this section, the term 'equity loan' means a loan or advance of credit to the owner of eligible low income housing (as defined in section 233 of the Emergency Low Income Housing Preservation Act of 1987) that is made for the purpose of implementing a plan of action approved under such Act.

"(2) To be eligible for insurance under this subsection, an equity loan shall—

"(A) be limited to an amount equal to 90 percent of the value of the equity in the project, as determined by the Secretary, and the Secretary, in making the determination, shall take into account that rental income for the project may rise within limits established by section section 225(b) of the Emergency Low Income Housing Preservation Act of 1987;

"(B) have a maturity and provisions for amortization satisfactory to the Secretary, bear interest at such rate as may be agreed upon by the mortgagor and mortgagee, and be secured in such manner as the Secretary may require; and

"(C) contain such other terms, conditions, and restrictions as the Secretary may prescribe, including phased advances of equity loan proceeds to reflect project rent levels.

"(3) A qualified nonprofit organization or limited equity tenant cooperative corpora-

tion, when purchasing an otherwise eligible project, may constitute an owner of eligible low income housing for purposes of receiving a loan insured under this subsection.

"(4) The provisions of subsections (d), (e), (g), (h), (i), (j), (k), (l), and (n) of section 207 shall be applicable to loans insured under this section, except that—

"(A) all references to the term 'mortgage' shall be construed to refer to the term 'loan' as used in this subsection;

"(B) loans involving projects covered by a mortgage insured under section 236 shall be insured under and shall be the obligation of the Special Risk Insurance Fund; and

"(C) with respect to any sale under foreclosure of a mortgage on the project that is senior to the equity loan insured under this subsection and when the equity loan is secured by a mortgage, the Secretary may—

"(i) issue regulations providing that, in order to receive insurance benefits, the insured mortgagee shall either assign the equity loan to the Secretary or bid the amount necessary to acquire the project and convey title to the project to the Secretary, in which case the insurance benefits paid by the Secretary shall include the amount bid by the mortgagee to satisfy the senior mortgage at the foreclosure sale; and

"(ii) if the equity loan has been assigned to the Secretary, bid, in addition to amounts authorized under section 207(k), any sum not in excess of the total unpaid indebtedness secured by such senior mortgage and the equity loan, plus taxes, insurance, foreclosure costs, fees, and other expenses.".

SEC. 232. REPORT TO CONGRESS.

Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit to the Congress a report setting forth the activities carried out under this subtitle. The report shall include a description of the plans of action approved under subsections (a) and (b) of section 225 and an analysis of the extent to which the plans retain housing affordable for very low-income families or persons, lower income families or persons, and moderate income families or persons.

SEC. 233. DEFINITIONS.

For purposes of this subtitle:

(1) The term "eligible low income housing" means any housing financed by a loan or mortgage—

(A) that is—

(i) insured or held by the Secretary under section 221(d)(3) of the National Housing Act and assisted under section 101 of the Housing and Urban Development Act of 1965 or section 8 of the United States Housing Act of 1937;

(ii) insured or held by the Secretary and bears interest at a rate determined under the proviso of section 221(d)(5) of the National Housing Act;

(iii) insured, assisted, or held by the Secretary under section 236 of the National Housing Act; or

(iv) held by the Secretary and formerly insured under a program referred to in clause (i), (ii), or (iii); and

(B) that, under regulation or contract in effect before the date of the enactment of this Act, is or will within 1 year become eligible for prepayment without prior approval of the Secretary.

(2) The term "low income affordability restrictions" means limits imposed by regulation or regulatory agreement on tenant rents, rent contributions, or income eligibility in eligible low income housing.

(3) The terms "lower income families or persons" and "very low-income families or persons" mean families or persons whose incomes do not exceed the respective levels established for lower income families and very low-income families under section 3(b)(2) of the United States Housing Act of 1937.

(4) The term "moderate income families or persons" means families or persons whose incomes are between 80 percent and 95 percent of median income for the area, as determined by the Secretary with adjustments for smaller and larger families.

(5) The term "owner" means the current or subsequent owner or owners of eligible low income housing.

(6) The term "Secretary" means the Secretary of Housing and Urban Development.

(7) The term "termination of low income affordability restrictions" means any elimination or relaxation of low income affordability restrictions (other than those permitted under an approved plan of action under section 225(b)).

SEC. 234. REGULATIONS.

The Secretary shall issue final regulations to carry out this subtitle not later than 60 days after the date of the enactment of this Act. The Secretary shall provide for the regulations to take effect not later than 45 days after the date on which the regulations are issued.

SEC. 235. EFFECTIVE DATE.

The requirements of this subtitle shall apply to any project that is eligible low income housing on or after November 1, 1987.

Subtitle C—Rural Rental Housing Displacement Prevention

SEC. 241. PREPAYMENT AND REFINANCING PROCEDURES.

Section 502(c) of the Housing Act of 1949 is amended by adding at the end the following new paragraphs:

"(3) NOTICE OF OFFER TO PREPAY.—Not less than 30 days after receiving an offer to prepay any loan made or insured under section 514 or 515, the Secretary shall provide written notice of the offer or request to the tenants of the housing and related facilities involved, to interested nonprofit organizations, and to any appropriate State and local agencies.

"(4)(A) AGREEMENT BY BORROWER TO EXTEND LOW INCOME USE.—Before accepting any offer to prepay, or requesting refinancing in accordance with subsection (b)(3) of, any loan made or insured under section 514 or 515 pursuant to a contract entered into before December 21, 1979, the Secretary shall make reasonable efforts to enter into an agreement with the borrower under which the borrower will make a binding commitment to extend the low income use of the assisted housing and related facilities involved for not less than the 20-year period beginning on the date on which the agreement is executed.

"(B) ASSISTANCE AVAILABLE TO BORROWER TO EXTEND LOW INCOME USE.—To the extent of amounts provided in appropriation Acts, the agreement under subparagraph (A) may provide for 1 or more of the following forms of assistance that the Secretary, after taking into account local market conditions, determines to be necessary to extend the low income use of the housing and related facilities involved:

"(i) Increase in the rate of return on investment.

"(ii) Reduction of the interest rate on the loan through the provision of interest credits under section 521(a)(1)(B).

"(iii) Additional rental assistance, or an increase in assistance provided under existing contracts, under section 521(a)(2) or under section 8 of the United States Housing Act of 1937.

"(iv) An equity loan to the borrower under paragraphs (7) and (8) of section 515(b).

"(v) Incremental rental assistance in connection with loans under clauses (ii) and (iv) to the extent necessary to avoid increases in the rental payments of current tenants not receiving rental assistance under section 521(a)(2) or under section 8 of the United States Housing Act of 1937.

"(C) APPROVAL OF ASSISTANCE.—The Secretary may approve assistance under subparagraph (B) only if the Secretary determines that the combination of assistance provided—

"(i) is necessary to provide a fair return on the investment of the borrower; and

"(ii) is the least costly alternative for the Federal Government that is consistent with carrying out the purposes of this subsection.

"(5)(A) OFFER TO SELL TO NONPROFIT ORGANIZATIONS AND PUBLIC AGENCIES.—

"(i) IN GENERAL.—If the Secretary determines after a reasonable period that an agreement will not be entered into with a borrower under paragraph (4), the Secretary shall require the borrower (except as provided in subparagraph (G)) to offer to sell the assisted housing and related facilities involved to any qualified nonprofit organization or public agency at a fair market value determined by 2 independent appraisers, one of whom shall be selected by the Secretary and one of whom shall be selected by the borrower. If the 2 appraisers fail to agree on the fair market value, the Secretary and the borrower shall jointly select a third appraiser, whose appraisal shall be binding on the Secretary and the borrower.

"(ii) PERIOD FOR WHICH REQUIREMENT APPLICABLE.—If, upon the expiration of 120 days after an offer is made to sell housing and related facilities under clause (i), no qualified nonprofit organization or public agency has made a bona fide offer to purchase, the Secretary may accept the offer to prepay, or may request refinancing in accordance with subsection (b)(3) of, the loan. This clause shall apply only when funds are available for purposes of carrying out a transfer under this paragraph.

"(B) QUALIFIED NONPROFIT ORGANIZATIONS AND PUBLIC AGENCIES.—

"(i) LOCAL NONPROFIT ORGANIZATION OR PUBLIC AGENCY.—A local nonprofit organization or public agency may purchase housing and related facilities under this paragraph only if—

"(I) the organization or agency is determined by the Secretary to be capable of managing the housing and related facilities (either directly or through a contract) for the remaining useful life of the housing and related facilities; and

"(II) the organization or agency has entered into an agreement that obligates it (and successors in interest thereof) to maintain the housing and related facilities as affordable for very low-income families or persons and low income families or persons for the remaining useful life of the housing and related facilities.

"(ii) NATIONAL OR REGIONAL NONPROFIT ORGANIZATION.—If the Secretary determines that there is no local nonprofit organization or public agency qualified to purchase the housing and related facilities involved, the Secretary shall require the borrower to offer to sell the assisted housing and related facilities to an existing qualified national or regional nonprofit organization.

"(C) FINANCING OF SALE.—To facilitate the sale described in subparagraph (A), the Secretary shall—

"(i) to the extent provided in appropriation Acts, make an advance to the nonprofit organization or public agency whose offer to purchase is accepted under this paragraph to cover any direct costs (other than the purchase price) incurred by the organization or agency in purchasing and assuming responsibility for the housing and related facilities involved;

"(ii) approve the assumption, by the nonprofit organization or public agency involved, of the loan made or insured under section 514 or 515;

"(iii) to the extent provided in appropriation Acts, transfer any rental assistance payments that are received under section 521(a)(2)(A), or under section 8 of the United States Housing Act of 1937, with respect to the housing and related facilities involved; and

"(iv) to the extent provided in appropriation Acts, provide a grant to the nonprofit organization or public agency whose offer to purchase is accepted under this paragraph to enable the organization or agency to purchase the housing and related facilities involved.

"(D) RENT LIMITATION AND ASSISTANCE.—The Secretary shall, to the extent provided in appropriation Acts, provide to each nonprofit organization or public agency purchasing housing and related facilities under this paragraph financial assistance (in the form of monthly payments or forgiveness of debt) in an amount necessary to ensure that the monthly rent payment made by each low income family or person residing in the housing does not exceed the maximum rent permitted under section 521(a)(2)(A).

"(E) RESTRICTION ON SUBSEQUENT TRANSFERS.—Except as provided in subparagraph (B)(ii), the Secretary may not approve the transfer of any housing and related facilities purchased under this paragraph during the remaining useful life of the housing and related facilities, unless the Secretary determines that—

"(i) the transfer will further the provision of housing and related facilities for low income families or persons; or

"(ii) there is no longer a need for such housing and related facilities by low income families or persons.

"(F) GENERAL RESTRICTION ON PREPAYMENTS AND REFINANCINGS.—Following the transfer of the maximum number of dwelling units set forth in subparagraph (H)(i) in any fiscal year or the maximum number of dwelling units for which budget authority is available in any fiscal year, the Secretary may not accept in such fiscal year any offer to prepay, or request refinancing in accordance with subsection (b)(3) of, any loan made or insured under section 514 or 515 pursuant to a contract entered into before December 21, 1979, except in accordance with subparagraph (G). The limitation established in this subparagraph shall not apply to an offer to prepay, or request to refinance, if, following the date on which such offer or request is made (or following the date of the enactment of the Housing and Community Development Act of 1987, whichever occurs later) a 15-month period expires during which no budget authority is available to carry out this paragraph. For purposes of this subparagraph, the Secretary shall allocate budget authority under this paragraph in the order in which offers to prepay, or request to refinance, are made.

"(G) EXCEPTION.—This paragraph shall not apply to any offer to prepay, or any request to refinance in accordance with subsection (b)(3), any loan made or insured under section 514 or 515 pursuant to a contract entered into before December 21, 1979, if—

"(i) the borrower enters into an agreement with the Secretary that obligates the borrower (and successors in interest thereof)—

"(I) to utilize the assisted housing and related facilities for the purposes specified in section 514 or 515, as the case may be, for a period determined by the Secretary (but not less than the period described in paragraph (1)(B) calculated from the date on which the loan is made or insured); and

"(II) upon termination of the period described in paragraph (1)(B), to offer to sell the assisted housing and related facilities to a qualified nonprofit organization or public agency in accordance with this paragraph;

"(ii) the borrower enters into an agreement with the Secretary that obligates the borrower (and successors in interest thereof) to ensure that tenants of the housing and related facilities financed with the loan will not be displaced due to a change in the use of the housing, or to an increase in rental or other charges, as a result of the prepayment or refinancing; or

"(iii) the Secretary determines that there is an adequate supply of safe, decent, and affordable rental housing within the market area of the housing and related facilities and sufficient actions have been taken to ensure that the rental housing will be made available to each tenant upon displacement.

"(H) FUNDING.—

"(i) BUDGET LIMITATION.—Not more than 5,000 dwelling units may be transferred under this paragraph in any fiscal year, and the budget authority that may be provided under this paragraph for any fiscal year may not exceed the amounts required to carry out this paragraph with respect to such number.

"(ii) REIMBURSEMENT OF RURAL HOUSING INSURANCE FUND.—There are authorized to be appropriated to the Rural Housing Insurance Fund such sums as may be necessary to reimburse the Fund for financial assistance provided under this paragraph, paragraph (4), and section 517(j)(7).

"(I) DEFINITION.—For purposes of this paragraph, the term 'nonprofit organization' means any private organization—

"(i) no part of the net earnings of which inures to the benefit of any member, founder, contributor, or individual; and

"(ii) that is approved by the Secretary as to financial responsibility.

"(J) REGULATIONS.—Notwithstanding section 534, the Secretary shall issue final regulations to carry out this paragraph not later than 60 days after the date of the enactment of the Housing and Community Development Act of 1987. The Secretary shall provide for the regulations to take effect not later than 45 days after the date on which the regulations are issued.".

SEC. 242. EQUITY RECAPTURE LOANS.

Section 515(b) of the Housing Act of 1949 is amended—

(1) by striking "and" at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting "; and"; and

(3) by adding at the end the following new paragraphs:

"(7) an equity loan may be made for the purpose of equity takeout or refinancing to the owner of housing financed with a loan made or insured under this section pursuant to a contract entered into before December 21, 1979, for the purpose of extending the affordability of the housing for low income families or persons and very-low income families or persons for not less than 20 years, except that such loan may not exceed 90 percent of the value of the equity in the project as determined by the Secretary; and

"(8) the Secretary may transfer and reamortize existing loans in connection with assistance provided under paragraph (7).".

SEC. 243. USE OF RURAL HOUSING INSURANCE FUND.

Section 517(j) of the Housing Act of 1949 is amended—

(1) by striking "and" at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(7) to provide grants, advances, financial assistance, and other payments required to carry out paragraphs (4) and (5) of section 502(c).".

Subtitle D—Other Measures to Preserve Low Income Housing

SEC. 261. USE OF FUNDS RECAPTURED FROM CONTRACT CANCELLATION.

Any subsidy funds recaptured from contract cancellation, including the proceeds of repayments and sales of loans with below-market interest rates (or sales of beneficial interest in such loans) that are insured under section 221(d)(3) of the National Housing Act and owned by the Government National Mortgage Association shall be reserved and, to the extent approved in appropriation Acts, used to achieve the purposes of this title.

SEC. 262. EARLY PREPAYMENT.

Section 250(a)(1) of the National Housing Act is amended by striking "or" and all that follows through "needs" the last place it appears.

SEC. 263. SECTION 8 ASSISTANCE.

(a) REQUIRED NOTICE.—Section 8(c) of the United States Housing Act of 1937 is amended by adding at the end the following new paragraph:

"(9) Not less than 1 year prior to terminating any contract under which assistance payments are received under this section (but not less than 90 days in the case of housing certificates or vouchers under subsection (b) or (o)), an owner shall provide written notice to the Secretary and the tenants involved of the proposed termination, specifying the reasons for the termination with sufficient detail to enable the Secretary to evaluate whether the termination is lawful and whether there are additional actions that can be taken by the Secretary to avoid the termination. The Secretary shall review the owner's notice, shall consider whether there are additional actions that can be taken by the Secretary to avoid the termination, and shall ensure a proper adjustment of the contract rents for the project in conformity with the requirements of paragraph (2). The Secretary shall issue a written finding of the legality of the termination and the reasons for the termination, including the actions considered or taken to avoid the termination. For purposes of this paragraph, the term 'termination' means the expiration of the assistance contract or an owner's refusal to renew the assistance contract.".

(b) ADJUSTMENT OF ALLOWABLE RENT.—Section 8(c) of the United States Housing Act of 1937 (as amended by subsection (a) of this section) is further amended by adding at the end the following new paragraph:

"(10) If an owner provides notice of proposed termination under paragraph (9) and *the contract rent is lower than the maximum monthly rent for units assisted under subsection (b)(1), the Secretary shall adjust the contract rent based on the maximum monthly rent for units assisted under subsection (b)(1) and the value of the lower income housing after rehabilitation.".*

(c) Loan Management and Property Disposition Programs.—Section 8 of the United States Housing Act of 1937 (as amended by section 149 of this Act) is further amended by adding at the end the following new subsection:

"(v)(1) Each contract entered into by the Secretary under this section for loan management assistance shall be for a term of 180 months.

"(2) The Secretary shall extend any expiring contract entered into under this section for loan management assistance or execute a new contract, if the owner agrees to continue providing housing for lower income families during the term of the contract.

"(3) In carrying out the loan management and property disposition programs under this section, the Secretary may not provide housing voucher assistance.".

SEC. 264. DIRECT LOANS TO PREVENT DEFAULTS BY MULTIFAMILY PROJECTS.

Section 203(g) of the Housing and Community Development Amendments of 1978 (as so redesignated by section 181 of this Act) is amended—

(1) by inserting "(1)" after the subsection designation; and

(2) by inserting at the end the following new paragraph:

"(2) If the Secretary determines that a mortgage insured by the Secretary that covers an unsubsidized multifamily housing project is at risk of going into default and if the mortgagee indicates to the Secretary that it will not agree to a request to accept partial payment of a claim under the mortgage insurance contract and to recast the mortgage in accordance with paragraph (1), the Secretary may make a loan to the mortgagor from the applicable insurance fund in order to assist the mortgagor to avoid a default under the mortgage. To be eligible for a loan under this paragraph—

"(A) the amount of the loan or loans made with respect to any mortgage shall not exceed the amount necessary to cover the sum over a 36-month period of the taxes, principal, and interest on the mortgage debt, mortgage insurance premiums, and hazard insurance premiums;

"(B) the mortgagor shall agree to repay the Secretary;

"(C) the loan shall have a maturity satisfactory to the Secretary, which shall not extend beyond the term of the original mortgage;

"(D) the loan shall bear interest at a rate agreed upon by the mortgagor and the Secretary;

"(E) the mortgagor shall provide the Secretary with a note and mortgage or deed of trust, in recordable form, together with a deferred recordation agreement; and

"(F) the loan shall be subject to any other terms and conditions that the Secretary prescribes.".

SEC. 265. SECTION 515 OPERATING RESERVE AND EQUITY CONTRIBUTION REQUIREMENTS.

Section 515 of the Housing Act of 1949 is amended by adding at the end the following new subsection:

"(q) The Secretary—

"(1) may require that the initial operating reserve under this section may be in the form of an irrevocable letter of credit; and

"(2) may not require more than a 3 percent contribution to equity.".

TITLE III—RURAL HOUSING

SEC. 301. PROGRAM AUTHORIZATIONS.

(a) Insurance and Guarantee Authority.—Section 513(a)(1) of the Housing Act of 1949 is amended to read as follows:

"(a)(1) The Secretary may, to the extent approved in appropriation Acts, insure and guarantee loans under this title during fiscal years 1988 and 1989 in aggregate amounts not to exceed $1,775,376,000 and $1,859,884,806, respectively, as follows:

"(A) For insured or guaranteed loans under section 502 on behalf of borrowers receiving assistance under section 521(a)(1) or receiving guaranteed loans pursuant to section 304 of the Housing and Community Development Act of 1987, $1,103,983,000 for fiscal year 1988 and $1,156,533,500 for fiscal year 1989.

"(B) For loans under section 504, $11,335,000 for fiscal year 1988 and $11,874,546 for fiscal year 1989.

"(C) For insured loans under section 514, $11,484,000 for fiscal year 1988 and $12,030,638 for fiscal year 1989.

"(D) For insured loans under section 515, $647,000,000 for fiscal year 1988 and $677,797,200 for fiscal year 1989.

"(E) For loans under section 523(b)(1)(B), $1,000,000 for fiscal year 1988 and $1,047,600 for fiscal year 1989.

"(F) For site loans under section 524, $574,000 for fiscal year 1988 and $601,322 for fiscal year 1989.".

(b) Authorization of Appropriations.—Section 513(b) of the Housing Act of 1949 is amended to read as follows:

"(b) There are authorized to be appropriated for fiscal years 1988 and 1989, and to remain available until expended, the following amounts:

"(1) For grants under section 502(c)(5)(C), $47,000,000 for fiscal year 1988 and $49,021,000 for fiscal year 1989.

"(2) For grants under section 504, $13,113,000 for fiscal year 1988 and $13,096,250 for fiscal year 1989.

"(3) For purposes of section 509(c), $713,000 for fiscal year 1988 and $747,010 for fiscal year 1989.

"(4) Such sums as may be necessary to meet payments on notes or other obligations issued by the Secretary under section 511 equal to—

"(A) the aggregate of the contributions made by the Secretary in the form of credits on principal due on loans made pursuant to section 503; and

"(B) the interest due on a similar sum represented by notes or other obligations issued by the Secretary.

"(5) For financial assistance under section 516, $9,979,000 for fiscal year 1988 and $10,454,998 for fiscal year 1989.

"(6) For grants under section 523(f), $8,392,000 for fiscal year 1988 and $8,792,298 for fiscal year 1989.

"(7) For grants under section 533, $20,078,000 for fiscal year 1988 and $21,035,721 for fiscal year 1989.".

(c) Rental Assistance Payment Contracts.—Section 513(c) of the Housing Act of 1949 is amended to read as follows:

"(c)(1) The Secretary, to the extent approved in appropriation Acts for fiscal years 1988 and 1989, may enter into rental assistance payment contracts under section 521(a)(2)(A) aggregating $275,310,000 for fiscal year 1988 and $287,313,516 for fiscal year 1989.

"(2) Any authority approved in appropriation Acts for fiscal year 1988 or any succeeding fiscal year for rental assistance payment contracts under section 521(a)(2)(A) shall be used by the Secretary—

"(A) to renew rental assistance payment contracts that expire during such fiscal year;

"(B) to provide amounts required to continue rental assistance payments for the remaining period of an existing contract, in any case in which the original amount of rental assistance is used prior to the end of the term of the contract; and

"(C) to make additional rental assistance payment contracts for existing or newly constructed dwelling units.".

(d) Supplemental Rental Assistance Contracts.—Section 513 of the Housing Act of 1949 is amended by adding at the end the following new subsection:

"(d) The Secretary, to the extent approved in appropriation Acts for fiscal years 1988 and 1989, may enter into 5-year supplemental rental assistance contracts under section 502(c)(5)(D) aggregating $26,000,000 for fiscal year 1988 and $27,534,000 for fiscal year 1989.".

(e) Rental Housing Loan Authority.—Section 515(b)(4) of the Housing Act of 1949 is amended by striking "November 15, 1987" and inserting "September 30, 1989".

(f) Mutual and Self-Help Housing Grant and Loan Authority.—Section 523(f) of the Housing Act of 1949 is amended by striking "November 15, 1987" and inserting "September 30, 1989".

SEC. 302. ELIGIBILITY REQUIREMENTS.

(a) Resident Aliens.—Section 501 of the Housing Act of 1949 is amended by adding at the end the following new subsection:

"(h)(1) The Secretary may not restrict the availability of assistance under this title for any alien for whom assistance may not be restricted by the Secretary of Housing and Urban Development under section 214 of the Housing and Community Development Act of 1980.

"(2) In carrying out any restriction established by the Secretary on the availability of assistance under this title for any alien, the Secretary shall follow procedures comparable to the procedures established in section 214 of the Housing and Community Development Act of 1980.

(b) Income Levels.—

(1) Section 501(b)(4) of the Housing Act of 1949 is amended by adding at the end the following new sentence: "Notwithstanding the preceding sentence, the maximum income levels established for purposes of this title for such families and persons in the Virgin Islands shall not be less than the highest such levels established for purposes of this title for such families and persons in American Samoa, Guam, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.".

(2) The amendment made by paragraph (1) shall be applicable to any determination of eligibility for assistance under title V of the Housing Act of 1949 made on or after the date of the enactment of this Act.

SEC. 303. ESCROWING TAXES AND INSURANCE.

Section 501(e) of the Housing Act of 1949 is amended to read as follows:

"(e) The Secretary shall establish procedures under which borrowers under this title are required to make periodic payments for the purpose of taxes, insurance, and other necessary expenses as the Secretary may deem appropriate. Notwithstanding any other provision of law, such payments shall not be considered public funds. The Secretary shall direct the disbursement of the

funds at the appropriate time or times for the purposes for which the funds were escrowed. If the prepayments made by the borrower are not sufficient to pay the amount due, advances may be made by the Secretary to pay the costs in full, which advances shall be charged to the account of the borrower, bear interest, and be payable in a timely fashion as determined by the Secretary. The Secretary shall notify a borrower in writing when loan payments are delinquent.".

SEC. 304. RURAL HOUSING GUARANTEED LOAN DEMONSTRATION.

(a) ESTABLISHMENT OF DEMONSTRATION.—The Secretary of Agriculture (referred to in this section as the "Secretary") shall carry out a rural housing guaranteed loan demonstration program under which the Secretary shall, to the extent of amounts provided in appropriation Acts, provide guaranteed loans in accordance with section 502, 517(d), and the last sentence of section 521(a)(1)(A), of the Housing Act of 1949.

(b) AMOUNT AVAILABLE FOR DEMONSTRATION.—

(1) There shall be available for guaranteed loans under this section for any fiscal year in each State an amount equal to whichever of the following is lower:

(A) 10 percent of the total loan authority allocated under section 502 of the Housing Act of 1949 to the State for the fiscal year.

(B) The average, during the preceding 3 fiscal years, of the funds allocated to the State under section 502 of the Housing Act of 1949 that have not been utilized.

(2) Any amount made available under this subsection that is not used before the last 60 days of a fiscal year shall become available for assistance for low income families or persons under section 502 of the Housing Act of 1949.

(c) ELIGIBLITY FOR LOANS.—Loans guaranteed pursuant to this section shall be made only to borrowers with moderate incomes that do not exceed 115 percent of the median income of the area, as determined by the Secretary, with adjustments for smaller and larger families.

(d) REPORTS TO CONGRESS.—The Secretary shall submit to the Congress—

(1) as soon as practicable after September 30, 1989, an interim report setting forth the findings and recommendations of the Secretary as a result of the demonstration; and

(2) as soon as practicable after September 30, 1991, a final report setting forth the findings and recommendations of the Secretary as a result of the demonstration.

(e) TERMINATION.—The Secretary may not provide any guaranteed loan under this section after September 30, 1991, except pursuant to a commitment entered into on or before such date.

SEC. 305. DEFINITION OF DOMESTIC FARM LABOR.

(a) INSURED LOAN PROGRAM.—Section 514(f)(3) of the Housing Act of 1949 is amended to read as follows:

"(3) the term 'domestic farm labor' means any person (and the family of such person) who receives a substantial portion of his or her income from primary production of agricultural or aquacultural commodities or the handling of such commodities in the unprocessed stage, without respect to the source of employment, except that—

"(A) such person shall be a citizen of the United States or a person legally admitted for permanent residence;

"(B) such term includes any person (and the family of such person) who is retired or disabled, but who was domestic farm labor at the time of retirement or becoming disabled; and

"(C) in applying this paragraph with respect to vacant units in farm labor housing, the Secretary shall make units available for occupancy in the following order of priority:

"(i) to active farm laborers (and their families);

"(ii) to retired or disabled farm laborers (and their families) who were active in the local farm labor market at the time of retiring or becoming disabled; and

"(iii) to other retired or disabled farm laborers (and their families).".

(b) GRANT PROGRAM.—Section 516(g) of the Housing Act of 1949 is amended—

(1) by striking "and" at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(4) the term 'domestic farm labor' has the meaning given such term in section 514(f)(3).".

SEC. 306. CONFORMANCE WITH LOW-INCOME HOUSING TAX CREDIT ELIGIBILITY REQUIREMENTS.

Section 515(o) of the Housing Act of 1949 is amended by adding at the end the following:

"(4) In projects financed under this section, units that have been allocated a low-income housing tax credit by a housing credit agency pursuant to section 42 of the Internal Revenue Code of 1986 shall not be available for occupancy by persons or families other than persons or families with incomes not in excess of the qualifying income applicable to such units pursuant to subparagraph (A) or (B) of section 42(g)(1) of such Code, except when the Secretary determines that the continued vacancy of units that have been unoccupied for at least 6 months threatens the financial viability of the project.".

SEC. 307. LIMITATION OF FEES ON RURAL RENTAL HOUSING LOANS.

Section 515 of the Housing Act of 1949 (as amended by section 265 of this Act) is further amended by adding at the end the following new subsection:

"(r) No fee may be imposed by or for the Secretary or any other Federal agency on or with respect to a loan made or insured under this section.".

SEC. 308. RURAL AREA CLASSIFICATION.

(a) HOLD HARMLESS.—Section 520 of the Housing Act of 1949 is amended by striking "November 15, 1987" in the last sentence and inserting "September 30, 1989".

(b) ELIGIBILITY OF RURAL AREA PROXIMATE TO URBAN AREA.—Section 520 of the Housing Act of 1949 is amended in the first sentence by inserting before "part of or associated with" the following: "(except in the case of Pajaro, in the State of California)".

SEC. 309. PROCEDURES FOR REDUCTION OF INTEREST CREDITS.

Section 521(a)(1)(B) of the Housing Act of 1949 is amended by adding at the end the following new sentence: "In the case of assistance provided under this subparagraph with respect to a loan under section 502, the Secretary may not reduce, cancel, or refuse to renew the assistance due to an increase in the adjusted income of the borrower if the reduction, cancellation, or nonrenewal will cause the borrower to be unable to reasonably afford the resulting payments required under the loan.".

SEC. 310. RURAL HOUSING PRESERVATION GRANT PROGRAM.

Section 533(h) of the Housing Act of 1949 is amended—

(1) by inserting "(1)" after the subsection designation; and

(2) by adding at the end the following new paragraph:

"(2) The Secretary shall, not later than the expiration of the 30-day period following the date of the enactment of the Housing and Community Development Act of 1987 issue regulations to carry out the program of grants under subsection (a)(2).".

SEC. 311. RURAL RENTAL REHABILITATION DEMONSTRATION.

(a) ESTABLISHMENT OF DEMONSTRATION.—The Secretary of Housing and Urban Development (referred to in this section as the "Secretary") shall carry out a rural rental rehabilitation demonstration program in accordance with this section.

(b) AVAILABILITY OF AMOUNTS.—For purposes of the demonstration program, any rental rehabilitation grant amount provided to a State under section 17 of the United States Housing Act of 1937 that is unutilized from any prior fiscal year shall be available for use in areas eligible for assistance under title V of the Housing Act of 1949.

(c) REPORT TO CONGRESS.—The Secretary shall submit to the Congress as soon as practicable after September 30, 1989, a report setting forth the findings and recommendations of the Secretary as a result of the demonstration program. The report shall include an evaluation of the following:

(1) The effectiveness of the program in meeting the need for the rehabilitation of rental housing in rural areas.

(2) The extent of participation by the owners of rental properties in the program.

(3) The cost of the program.

(d) TERMINATION.—The authority provided in this section shall terminate after September 30, 1989.

SEC. 312. STUDY OF MORTGAGE CREDIT IN RURAL AREAS.

The Secretary of Housing and Urban Development shall conduct a study of the availability and use of funds (including mortgages and loans insured under title II of the National Housing Act, loans made or insured under title V of the Housing Act of 1949, and conventional mortgages and loans) for the purchase and improvement of residential real property in rural areas, particularly in communities that have populations of not more than 2,500 individuals. Not later than April 1, 1988, the Secretary shall submit to the Congress a detailed report setting forth the findings of the Secretary as a result of the study.

SEC. 313. DEBT SETTLEMENT AUTHORITY OF SECRETARY.

Section 510(c) of the Housing Act of 1949 is amended to read as follows:

"(c) compromise, adjust, reduce, or charge-off claims, and adjust, modify, subordinate, or release the terms of security instruments, leases, contracts, and agreements entered into or administered by the Secretary under this title, as circumstances may require, including the release of borrowers or others obligated on a debt from personal liability with or without payment of any consideration at the time of the compromise, adjustment, reduction, or charge-off of any claim;".

SEC. 314. MANUFACTURED HOUSING.

Section 502(e) of the Housing Act of 1949 is amended by adding at the end the following:

"(3) A loan that may be made or insured under this section with respect to a manufactured home on a permanent foundation, or a manufactured home on a permanent foundation and a lot, shall be repayable over the same period as would be applicable under section 203(b) of the National Housing Act.".

SEC. 315. LOAN PACKAGING BY NONPROFIT ORGANIZATIONS.

Section 501 of the Housing Act of 1949 (as amended by section 302) is further amended by adding at the end the following new subsection:

"(i) For the purposes of this title, the term 'development cost' shall include the packaging of loan and grant applications and actions related thereto by public and private nonprofit organizations tax exempt under the Internal Revenue Code of 1986.".

SEC. 316. RURAL HOUSING TECHNICAL AMENDMENTS.

(a) DEFINITIONS.—Section 501(b)(3) of the Housing Act of 1949 is amended by striking "is a developmentally disabled individual as defined in section 102(7) of the Development Disabilities Services and Facilities Construction Act" and inserting the following: "has a developmental disability as defined in section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(7))".

(b) FARM LABOR HOUSING.—Section 514(f)(1) of the Housing Act of 1949 is amended by striking "and" at the end.

(c) HOUSING FOR ELDERLY FAMILIES.—Section 515(o)(1) of the Housing Act of 1949 is amended by striking "effective".

(d) LOANS TO LOW- AND MODERATE-INCOME FAMILIES.—Section 521(a) of the Housing Act of 1949 is amended—

(1) in paragraph (1)(A), by striking ", except" and all that follows through "charges"; and

(2) in paragraph (2)(A), by striking "; or" and inserting ", or".

(e) HOUSING FOR RURAL TRAINEES.—Section 522(a) of the Housing Act of 1949 is amended by striking the comma after "Health".

(f) CONDOMINIUM HOUSING.—

(1) Section 526(a) of the Housing Act of 1949 is amended by striking "and" the first place it appears.

(2) Section 526(c) of the Housing Act of 1949 is amended by striking "and" the first place it appears.

(g) HOUSING PRESERVATION GRANTS.—

(1) Section 533(e)(1)(B)(iii) of the Housing Act of 1949 is amended by inserting "to" before "refuse".

(2) Section 533(g) of the Housing Act of 1949 is amended by striking "persons of low income and very low-income" and inserting "low income families or persons and very low-income families or persons".

TITLE IV—MORTGAGE INSURANCE AND SECONDARY MORTGAGE MARKET PROGRAMS

Subtitle A—FHA Mortgage Insurance Programs

SEC. 401. INSURANCE AUTHORITY FOR FHA.

(a) REPEALS.—Each of the following provisions of law is repealed:

(1) Section 217 of the National Housing Act.

(2) The fifth sentence of section 221(f) of the National Housing Act.

(3) Section 244(d), and the last sentence of section 244(h), of the National Housing Act.

(4) The last sentence of section 245(a) of the National Housing Act.

(5) The second sentence of section 809(f) of the National Housing Act.

(6) The second sentence of section 810(k) of the National Housing Act.

(7) The second sentence of section 1002(a) of the National Housing Act.

(8) The second sentence of section 1101(a) of the National Housing Act.

(b) AMENDMENT.—The first sentence of section 2(a) of the National Housing Act is amended by striking "and not later than November 15, 1987,".

(c) EXTENSION OF SECTION 235.—The last sentence of section 235(h)(1), section 235(m), and the last sentence of section 235(q)(1), of the National Housing Act are each amended by striking out "November 15, 1987" and inserting in lieu thereof "September 30, 1989".

SEC. 402. AMOUNT TO BE INSURED UNDER NATIONAL HOUSING ACT.

Section 531 of the National Housing Act is amended—

(1) by inserting "(a)" after "SEC. 531."; and

(2) by adding at the end thereof the following:

"(b) Notwithstanding any other provision of law and subject only to the absence of qualified requests for insurance, to the authority provided in this Act, and to the limitation in subsection (a), the Secretary shall enter into commitments to insure mortgages under this Act with an aggregate principal amount of $100,000,000,000 during fiscal year 1988, and $104,000,000,000 during fiscal year 1989.".

SEC. 403. LIMITATION ON FEDERAL HOUSING ADMINISTRATION INSURANCE PREMIUMS.

Section 203(c) of the National Housing Act is amended by adding at the end the following new sentence: "In the case of any mortgage secured by a 1- to 4-family dwelling, the total premium charge shall not exceed an amount equal to 3.8 percent of the original principal obligation of the mortgage if the Secretary requires (1) a single premium charge to cover the total premium obligation of the insurance of the mortgage; or (2) a periodic premium charge over less than the term of the mortgage.".

SEC. 404. INCREASE IN MAXIMUM MORTGAGE AMOUNT UNDER SINGLE FAMILY INSURANCE PROGRAM.

Section 203(b)(2)(A) of the National Housing Act is amended by striking "133⅓ per centum" and inserting "150 percent".

SEC. 405. CHANGE IN DEFINITION OF VETERAN.

The National Housing Act is amended—

(1) by inserting before the period at the end of the first undesignated paragraph of section 203(b)(3)(2) the following: ", except that persons enlisting in the armed forces after September 7, 1980, or entering active duty after October 16, 1981, shall have their eligibility determined in accordance with section 3103A(d) of title 38, United States Code"; and

(2) by inserting before the semicolon at the end of section 220(d)(3)(A)(i) the following: ", except that persons enlisting in the armed forces after September 7, 1980, or entering active duty after October 16, 1981, shall have their eligibility determined in accordance with section 3103A(d) of title 38, United States Code".

SEC. 406. LIMITATION ON USE OF SINGLE FAMILY MORTGAGE INSURANCE BY INVESTORS.

(a) IN GENERAL.—Section 203 of the National Housing Act is amended by inserting the following new subsection before subsection (h):

"(g)(1) The Secretary may insure a mortgage under this title that is secured by a 1- to 4-family dwelling, or approve a substitute mortgagor with respect to any such mortgage, only if the mortgagor is to occupy the dwelling as his or her principal residence or as a secondary residence, as determined by the Secretary.

"(2) The occupancy requirement established in paragraph (1) shall apply only if the mortgage involves a principal obligation that exceeds, as appropriate, 75 percent of—

"(A) the appraised value of the dwelling;

"(B) the estimate of the Secretary of the replacement cost of the property;

"(C) the sum of the estimates of the Secretary of the cost of repair and rehabilitation and the value of the property before repair and rehabilitation; or

"(D) the sum of the estimates of the Secretary of the cost of repair and rehabilitation and the amount (as determined by the Secretary) required to refinance existing indebtedness secured by the property, and, in the case of a property refinanced under section 220(d)(3)(A), any existing indebtedness incurred in connection with improving, repairing, or rehabilitating the property.

"(3) The occupancy requirement established in paragraph (1) shall not apply to any mortgagor (or co-mortgagor, as appropriate) that is—

"(A) a public entity, as provided in section 214 or 247;

"(B) a private nonprofit or public entity, as provided in section 221(h) or 235(j);

"(C) an Indian tribe, as provided in section 248;

"(D) a serviceperson who is unable to meet such requirement because of his or her duty assignment, as provided in section 216 or subsection (b)(4) or (f) of section 222; or

"(E) a mortgagor or co-mortgagor under subsection (k).

"(4) For purposes of this subsection, the term 'substitute mortgagor' means a person who, upon the release by a mortgagee of a previous mortgagor from personal liability on the mortgage note, assumes such liability and agrees to pay the mortgage debt.".

(b) CONFORMING AMENDMENTS.—

(1) Section 203(b)(2) of the National Housing Act is amended—

(A) in the first sentence, by striking "(whether" and all that follows through "purposes)"; and

(B) in the second sentence, by striking the following: "to be occupied as a principal residence of the owner".

(2) Section 203(b) of the National Housing Act is amended by striking paragraph (8).

(3) Section 203(h) of the National Housing Act is amended by striking "is the owner and occupant and".

(4) Section 203(i) of the National Housing Act is amended—

(A) by striking the first proviso; and

(B) by striking "further" the first place it appears.

(5) The first sentence of section 203(o)(2) of the National Housing Act is amended by striking "occupant".

(6) The first sentence of section 203(p)(2) of the National Housing Act is amended by striking "owner-occupant" and inserting "owner".

(7) The fourth sentence of section 214 of the National Housing Act is amended by striking the following: "shall be the owner and occupant of the property or".

(8) Section 216 of the National Housing Act is amended—

(A) by striking "that the mortgagor be the occupant" and inserting "with respect to the occupancy of the mortgagor"; and

(B) by striking "occupy the property" each place it appears and inserting "meet such requirement".

(9) Section 220(d)(3)(A) of the National Housing Act is amended—

(A) by inserting "and" at the end of clause (i);

(B) by striking clauses (ii) and (iii);

(C) in clause (iv), by striking the following: "(except as provided in clause (iii))"; and

(D) by redesignating clause (iv) as clause (ii).

(10) Section 221(d)(2) of the National Housing Act is amended—

(A) by striking the colon at the end of subparagraph (A)(iv) and all that follows through "Provided further, That" the first place it appears, and inserting ", except that";

(B) by striking "Provided, That (i)" and all that follows through "(1) in" and inserting the following: "Provided, That (i)(1) in";

(C) by striking the penultimate proviso; and

(D) in the last proviso, by striking the following: ", if the mortgagor is the owner and an occupant of the property such" and inserting "the".

(11) Section 221(d)(6)(ii) of the National Housing Act is amended by striking the following: "is an owner-occupant of the property and".

(12) The first sentence of section 221(h)(6) of the National Housing Act is amended by striking "and occupied".

(13) Section 221(h)(8) of the National Housing Act is amended by striking the following: "if one of the units is to be occupied by the owner".

(14) Subsections (b)(4) and (f) of section 222 of the National Housing Act are amended by inserting "as a principal residence" after "occupies the property" each place it appears.

(15) Section 223(a) of the National Housing Act is amended by inserting after "this Act," the first place it appears the following: "other than the limitation in section 203(g),".

(16) The first sentence of section 223(e) of the National Housing Act is amended by inserting after "title XI," the following: "other than the limitation in section 203(g),".

(17) Section 234(c) of the National Housing Act is amended by striking the fourth sentence.

(18) Section 235(i)(3)(A) of the National Housing Act is amended by striking the following: "one of the units of which is to be occupied by the owner and".

(19) Section 235(j)(6) of the National Housing Act is amended by striking the following: "if one of the units is to be occupied by the owner".

(c) REPEAL OF VACATION AND SEASONAL HOME INSURANCE PROGRAM.—Section 203 of the National Housing Act is amended by striking subsection (m).

(d) APPLICABILITY.—The amendments made by this section shall apply only with respect to—

(1) mortgages insured—

(A) pursuant to a conditional commitment issued on or after the date of the enactment of this Act; or

(B) in accordance with the direct endorsement program (24 CFR 200.163), if the approved underwriter of the mortgagee signs the appraisal report for the property on or after the date of the enactment of this Act; and

(2) the approval of substitute mortgagors, referred to in the amendment made by subsection (a), if the original mortgagor was subject to such amendment.

(e) TRANSITION PROVISIONS.—Any mortgage insurance provided under title II of the National Housing Act, as it existed immediately before the date of the enactment of this Act, shall continue to be governed (to the extent applicable) by the provisions specified in subsections (a) through (c), as such provisions existed immediately before such date.

SEC. 407. ACTIONS TO REDUCE LOSSES UNDER SINGLE FAMILY MORTGAGE INSURANCE PROGRAM.

(a) IN GENERAL.—

(1) AMENDMENT TO SECTION 203.—Section 203 of the National Housing Act is amended by adding at the end the following new subsection:

"(r) The Secretary shall take appropriate actions to reduce losses under the mortgage insurance program carried out under this section. Such actions shall include—

"(1) an annual review by the Secretary of the rate of early serious defaults and claims, in accordance with section 533;

"(2) requiring reviews of the credit standing of each person seeking to assume a mortgage insured under this section (A) during the 12-month period following the date on which the mortgage is endorsed for insurance, or (B) during the 24-month period following the date on which the mortgage is endorsed for insurance in the case of an investor originated mortgage; and

"(3) in any case where a mortgage is assumed after the period specified in paragraph (2), requiring that the original mortgagor be advised of the procedures by which he or she may be released from liability.

In any case where the homeowner does not request a release from liability, the purchaser and the homeowner shall have joint and several liability for any default for a period of 5 years following the date of the assumption. After the close of such 5-year period, only the purchaser shall be liable for any default on the mortgage unless the mortgage is in default at the time of the expiration of the 5-year period.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to mortgages endorsed for issuance on or after December 1, 1986.

(b) REPORTS BY MORTGAGEES.—Title V of the National Housing Act is amended by adding at the end thereof the following new section:

"DIRECTION TO THE SECRETARY TO REQUIRE MORTGAGEES WITH ABOVE NORMAL RATES OF EARLY, SERIOUS DEFAULTS AND CLAIMS TO SUBMIT REPORTS AND TAKE CORRECTIVE ACTION

"SEC. 533. (a) To reduce losses in connection with mortgage insurance programs under this Act, the Secretary shall review, at least once a year, the rate of early serious defaults and claims involving mortgagees approved under this Act. On the basis of this review, the Secretary shall notify each mortgagee which, as determined by the Secretary, had a rate of early serious defaults and claims during the preceding year which was higher than the normal rate for the geographic area or areas in which that mortgagee does business. In the notification, the Secretary shall require each mortgagee to submit a report, within a time determined by the Secretary, containing the mortgagee's (1) explanation for the above normal rate of early serious defaults and claims; (2) plan for corrective action, if applicable, both with regard to (A) mortgages in default; and (B) its mortgage-processing system in general; and (3) a timeframe within which this corrective action will be begun and completed. If the Secretary does not agree with this timeframe or plan, a mutually agreeable timeframe and plan will be determined.

"(b) Failure of the mortgagee to submit a report required under subsection (a) within the time determined by the Secretary or to commence or complete the plan for corrective action within the timeframe agreed upon by the Secretary may be cause for suspension of the mortgagee from participation in programs under this Act.".

SEC. 408. INSURANCE OF GRADUATED PAYMENT MORTGAGES.

(a) AUTHORITY TO INSURE REFINANCING.—Section 223(a)(7) of the National Housing Act is amended in the first proviso by inserting after "except that" the following: "(A) the principal amount of any such refinancing mortgage may equal the outstanding balance of an existing mortgage insured pursuant to section 245, if the amount of the monthly payment due under the refinancing mortgage is less than that due under the existing mortgage for the month in which the refinancing mortgage is executed; and (B)".

(b) TERMINATION OF AUTHORITY TO INSURE.—Section 245(b) of the National Housing Act is amended by adding at the end the following new sentence: "No loan or mortgage may be insured under this subsection after the date of the enactment of the Housing and Community Development Act of 1987, except pursuant to a commitment to insure entered into on or before such date.".

SEC. 409. REFINANCING MORTGAGE INSURANCE FOR HOSPITALS, NURSING HOMES, INTERMEDIATE CARE FACILITIES, AND BOARD AND CARE HOMES.

(a) STATE CERTIFICATION REQUIREMENT.—Section 223(f)(4)(D) of the National Housing Act is amended to read as follows:

"(D) the applicable requirements for certificates, studies, and statements of section 232 (for the existing nursing home, intermediate care facility, board and care home, or any combination thereof, proposed to be refinanced) or of section 242 (for the existing hospital proposed to be refinanced) have been met.".

(b) REFINANCING INSURANCE FOR NURSING HOMES, INTERMEDIATE CARE FACILITIES, AND BOARD AND CARE HOMES.—Section 223(f) of the National Housing Act is amended—

(1) in paragraph (1), by inserting after "existing hospital" the following: "(or existing nursing home, existing intermediate care facility, existing board and care home, or any combination thereof)"; and

(2) in paragraph (4) (other than in subparagraph (D)), by inserting after "existing hospital" each place it appears the following: "(or existing nursing home, existing intermediate care facility, existing board and care home, or any combination thereof)".

(c) REGULATIONS.—The Secretary of Housing and Urban Development shall issue such regulations as may be necessary to carry out the amendment made by this section by not later than the expiration of the 90-day period following the date of the enactment of this Act.

SEC. 410. MORTGAGE INSURANCE FOR NURSING HOMES, INTERMEDIATE CARE FACILITIES, AND BOARD AND CARE HOMES.

(a) INSURANCE FOR PUBLIC NURSING HOMES.—Section 232(b)(1) of the National Housing Act is amended by inserting "public facility," before "proprietary".

(b) REQUIREMENT OF STATE APPROVAL.—Section 232(d)(4)(A) of the National Housing Act is amended by inserting at the end the following new sentences: "If no such State agency exists, or if the State agency exists but is not empowered to provide a certification that there is a need for the home or facility or combined home and facility as required in clause (i) of the first sentence, the Secretary shall not insure any mortgage under this section unless (i) the State in which the home or facility or combined home and facility is located has conducted or commissioned and paid for the preparation of an independent study of market need

and feasibility that (I) is prepared in accordance with the principles established by the American Institute of Certified Public Accountants; (II) assesses, on a marketwide basis, the impact of the proposed home or facility or combined home and facility on, and its relationship to, other health care facilities and services, the percentage of excess beds, demographic projections, alternative health care delivery systems, and the reimbursement structure of the home, facility, or combined home and facility; (III) is addressed to and is acceptable to the Secretary in form and substance; and (IV) in the event the State does not prepare the study, is prepared by a financial consultant who is selected by the State or the applicant for mortgage insurance and is approved by the Secretary; and (ii) the State complies with the other provisions of this subparagraph that would otherwise be required to be met by a State agency designated in accordance with section 604(a)(1) or section 1521 of the Public Health Service Act. The proposed mortgagor may reimburse the State for the cost of the independent feasibility study required in the preceding sentence. In the case of a small intermediate care facility for the mentally retarded or developmentally disabled, or a board and care home housing less than 10 individuals, the State program agency or agencies responsible for licensing, certifying, financing, or monitoring the facility or home may, in lieu of the requirements of clause (i) of the third sentence, provide the Secretary with written support identifying the need for the facility or home.".

(c) REGULATIONS.—The Secretary of Housing and Urban Development shall issue such regulations as may be necessary to carry out the amendments made by this section by not later than the expiration of the 90-day period following the date of the enactment of this Act.

SEC. 411. REQUIREMENT OF STATE APPROVAL FOR MORTGAGE INSURANCE FOR HOSPITALS.

(a) IN GENERAL.—Section 242(d)(4) of the National Housing Act is amended by inserting at the end the following new sentences: "If no such State agency exists, or if the State agency exists but is not empowered to provide a certification that there is a need for the hospital as set forth in clause (A) of the first sentence, the Secretary shall not insure any mortgage under this section unless (A) the State in which the hospital is located has conducted or commissioned and paid for the preparation of an independent study of market need and feasibility that (i) is prepared in accordance with the principles established by the American Institute of Certified Public Accountants; (ii) assesses, on a marketwide basis, the impact of the proposed hospital on, and its relationship to, other health care facilities and services, the percentage of excess beds, demographic projections, alternative health care delivery systems, and the reimbursement structure of the hospital; (iii) is addressed to and is acceptable to the Secretary in form and substance; and (iv) in the event the State does not prepare the study, is prepared by a financial consultant selected by the State and approved by the Secretary; and (B) the State complies with the other provisions of this paragraph that would otherwise be required to be met by a State agency designated in accordance with section 604(a)(1) or section 1521 of the Public Health Service Act. The proposed mortgagor may reimburse the State for the cost of the independent feasibility study required in the preceding sentence.".

(b) REGULATIONS.—The Secretary of Housing and Urban Development shall issue such regulations as may be necessary to carry out the amendment made by this section by not later than the expiration of the 90-day period following the date of the enactment of this Act.

SEC. 412. MORTGAGE INSURANCE FOR PUBLIC HOSPITALS.

(a) ELIMINATION OF ADDITIONAL COLLATERAL REQUIREMENTS FOR PUBLIC HOSPITALS.—Section 242(a) of the National Housing Act is amended by adding at the end the following: "Such assistance shall be provided regardless of the amount of public financial or other support a hospital may receive, and the Secretary shall neither require additional security or collateral to guarantee such support, nor impose more stringent eligibility or other requirements on publicly owned or supported hospitals.".

(b) CREDIT FOR EXISTING EQUIPMENT AND IMPROVEMENTS.—Section 242(d)(2) of the National Housing Act is amended by striking the matter preceding subparagraph (A) and inserting the following:

"(2) The mortgage shall involve a principal obligation in the amount requested by the mortgagor if such amount does not exceed 90 percent of the estimated replacement cost of the property or project including—".

(c) CONTINUED USE OF LETTERS OF CREDIT.—Section 242(d) of the National Housing Act is amended by adding at the end the following new paragraph:

"(6) To the extent that a private nonprofit or public facility mortgagor is required by the Secretary to provide cash equity in excess of the amount of the mortgage to complete the project, the mortgagor shall be entitled, at the option of the mortgagee, to fund the excess with a letter of credit. In such event, mortgage proceeds may be advanced to the mortgagor prior to any demand being made on the letter of credit.".

(d) IMMEDIATE PROCESSING OF APPLICATIONS FOR PUBLIC HOSPITALS.—Section 242(f) of the National Housing Act is amended by adding at the end the following: "The Secretary shall begin immediately to process applications of public facilities for mortgage insurance under this section in accordance with regulations, guidelines, and procedures applicable to facilities of private nonprofit corporations and associations.".

SEC. 413. MORTGAGE INSURANCE ON HAWAIIAN HOME LANDS AND INDIAN RESERVATIONS.

(a) APPLICABILITY OF MORTGAGE INSURANCE ON HAWAIIAN HOME LANDS.—Section 247(c)(1) of the National Housing Act is amended by inserting before the period at the end the following: "(or, in the case of an individual who succeeds a spouse or parent in an interest in a lease of Hawaiian home lands, such lower percentage as may be established for such succession under section 209 of the Hawaiian Homes Commission Act, 1920, or under the corresponding provision of the Constitution of the State of Hawaii adopted under section 4 of the Act entitled 'An Act to provide for the admission of the State of Hawaii into the Union', approved March 18, 1959 (73 Stat. 5))".

(b) MORTGAGE INSURANCE ON HAWAIIAN HOME LANDS AS OBLIGATIONS OF GENERAL INSURANCE FUND.—Section 247 of the National Housing Act is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection:

"(c) Notwithstanding any other provision of this Act, the insurance of a mortgage using the authority contained in this section shall be the obligation of the General Insurance Fund established in section 519. The mortgagee shall be eligible to receive the benefits of insurance as provided in section 204 with respect to mortgages insured pursuant to this section, except that (1) all references in section 204 to the Mutual Mortgage Insurance Fund or the Fund shall be construed to refer to the General Insurance Fund; and (2) all references in section 204 to section 203 shall be construed to refer to the section under which the mortgage is insured.".

(c) MORTGAGE INSURANCE ON INDIAN RESERVATIONS AS OBLIGATIONS OF GENERAL INSURANCE FUND.—Section 248 of the National Housing Act is amended—

(1) in paragraphs (3) and (5) of subsection (f), by striking "insurance fund" each place it appears and inserting "General Insurance Fund";

(2) by redesignating subsections (f), (g), and (h) as subsections (g), (h), and (i), respectively; and

(3) by inserting after subsection (e) the following new subsection:

"(f) Notwithstanding any other provision of this Act, the insurance of a mortgage using the authority contained in this section shall be the obligation of the General Insurance Fund established in section 519. The mortgagee shall be eligible to receive the benefits of insurance as provided in section 204 with respect to mortgages insured pursuant to this section, except that (1) all references in section 204 to the Mutual Mortgage Insurance Fund or the Fund shall be construed to refer to the General Insurance Fund; and (2) all references in section 204 to section 203 shall be construed to refer to the section under which the mortgage is insured.".

SEC. 414. CO-INSURANCE PROGRAM.

(a) REPEALER.—Section 244 of the National Housing Act is amended by striking subsection (c).

(b) CO-INSURANCE AMENDMENTS.—Section 244 of the National Housing Act is amended—

(1) in subsection (h), by striking "coinsurance" each place it appears and inserting "co-insurance"; and

(2) by adding at the end the following new subsection:

"(i) Any mortgagee which enters into a contract of co-insurance under this section shall have the authority to assign its interest in any note or mortgage subject to a contract of co-insurance to a warehouse bank or other financial institution which provides interim funding for a loan co-insured under this section, and to retain the co-insurance risk of such note or mortgage, upon such terms and conditions as the Secretary shall prescribe.".

SEC. 415. INCREASE IN AUTHORITY TO INSURE ADJUSTABLE RATE SINGLE FAMILY MORTGAGES.

(a) IN GENERAL.—Section 251(c) of the National Housing Act is amended to read as follows:

"(c) The aggregate number of mortgages and loans insured under this section in any fiscal year may not exceed 30 percent of the aggregate number of mortgages and loans insured by the Secretary under this title during the preceding fiscal year.".

(b) CONFORMING AMENDMENTS.—

(1) Section 245(c) of the National Housing Act is amended in the last sentence by striking ", section 251,".

(2) Section 252(g) of the National Housing Act is amended—

(A) by striking the first comma and inserting "and"; and

(B) by striking ", and section 251".

SEC. 416. PENALTIES FOR EQUITY SKIMMING.

(a) Purchase of Dwelling Subject to Loan in Default.—Section 912 of the Housing and Urban Development Act of 1970 is amended—

(1) in paragraph (1), by inserting "(including condominiums and cooperatives)" after "dwellings";

(2) in paragraph (2), by inserting after "due" the following: ", regardless of whether the purchaser is obligated on the loan"; and

(3) in the matter following paragraph (3)—

(A) by striking "$5,000" and inserting "$250,000"; and

(B) by striking "three" and inserting "5".

(b) Use of Funds Derived From Property Subject to Loan in Default.—Title II of the National Housing Act is amended by adding at the end the following new section:

"EQUITY SKIMMING PENALTY

"Sec. 254. Whoever, as an owner, agent, or manager, or who is otherwise in custody, control, or possession of property that is security for a mortgage note that is insured, acquired, or held by the Secretary pursuant to section 203, 207, 213, 220, 221(d)(3), 221(d)(4), 223(f), 231, 232, 234, 236, 238(c), 241, 242, 244, 608, or 810, or title XI, or is made pursuant to section 202 of the Housing Act of 1959, willfully uses or authorizes the use of any part of the rents, assets, proceeds, income or other funds derived from property covered by such mortgage note during a period when the mortgage note is in default or the project is in a nonsurplus cash position as defined by the regulatory agreement covering such property, for any purpose other than to meet actual or necessary expenses that include expenses approved by the Secretary if such approval is required under the terms of the regulatory agreement, shall be fined not more than $250,000 or imprisoned not more than 5 years, or both.".

(c) Conforming Amendments.—Section 239 of the National Housing Act is amended—

(1) by striking "INSURED" in the section heading;

(2) by striking "(a)" after "Sec. 239."; and

(3) by striking subsection (b).

SEC. 417. HOME EQUITY CONVERSION MORTGAGE INSURANCE DEMONSTRATION.

(a) In General.—Title II of the National Housing Act (as amended by section 416 of this Act) is further amended by adding at the end the following new section:

"DEMONSTRATION PROGRAM OF INSURANCE OF HOME EQUITY CONVERSION MORTGAGES FOR ELDERLY HOMEOWNERS

"Sec. 255. (a) Purpose.—The purpose of this section is to authorize the Secretary to carry out a demonstration program of mortgage insurance designed—

"(1) to meet the special needs of elderly homeowners by reducing the effect of the economic hardship caused by the increasing costs of meeting health, housing, and subsistence needs at a time of reduced income, through the insurance of home equity conversion mortgages to permit the conversion of a portion of accumulated home equity into liquid assets;

"(2) to encourage and increase the involvement of mortgagees and participants in the mortgage markets in the making and servicing of home equity conversion mortgages for elderly homeowners; and

"(3) to require the evaluation of data to determine—

"(A) the extent of the need and demand among elderly homeowners for insured and uninsured home equity conversion mortgages;

"(B) the types of home equity conversion mortgages that best serve the needs and interests of elderly homeowners, the Federal Government, and lenders; and

"(C) the appropriate scope and nature of participation by the Secretary in connection with home equity conversion mortgages for elderly homeowners.

"(b) Definitions.—For purposes of this section:

"(1) The terms 'elderly homeowner' and 'homeowner' mean any homeowner who is, or whose spouse is, at least 62 years of age or such higher age as the Secretary may prescribe.

"(2) The terms 'mortgage', 'mortgagee', 'mortgagor', and 'State' have the meanings given such terms in section 201.

"(3) The term 'home equity conversion mortgage' means a first mortgage which provides for future payments to the homeowner based on accumulated equity and which a housing creditor (as defined in section 803(2) of the Garn-St Germain Depository Institutions Act of 1982) is authorized to make (A) under any law of the United States (other than section 804 of such Act) or applicable agency regulations thereunder; (B) in accordance with section 804 of such Act, notwithstanding any State constitution, law, or regulation; or (C) under any State constitution, law, or regulation.

"(c) Insurance Authority.—The Secretary may, upon application by a mortgagee, insure any home equity conversion mortgage eligible for insurance under this section and, upon such terms and conditions as the Secretary may prescribe, make commitments for the insurance of such mortgages prior to the date of their execution or disbursement to the extent that the Secretary determines such mortgages—

"(1) have promise for improving the financial situation or otherwise meeting the special needs of elderly homeowners;

"(2) will include appropriate safeguards for mortgagors to offset the special risks of such mortgages; and

"(3) have a potential for acceptance in the mortgage market.

"(d) Eligibility Requirements.—To be eligible for insurance under this section, a mortgage shall—

"(1) have been made to a mortgagee approved by the Secretary as responsible and able to service the mortgage properly;

"(2) have been executed by a mortgagor who—

"(A) qualifies as an elderly homeowner;

"(B) has received adequate counseling by a third party (other than the lender) as provided in subsection (f); and

"(C) meets any additional requirements prescribed by the Secretary;

"(3) be secured by a dwelling that is designed principally for a 1-family residence and is occupied by the mortgagor and that has a value not to exceed the maximum dollar amount established by the Secretary under section 203(b)(2) for a 1-family residence;

"(4) provide that prepayment, in whole or in part, may be made without penalty at any time during the period of the mortgage;

"(5) provide for a fixed or variable interest rate or future sharing between the mortgagor and the mortgagee of the appreciation in the value of the property, as agreed upon by the mortgagor and the mortgagee;

"(6) contain provisions for satisfaction of the obligation satisfactory to the Secretary;

"(7) provide that the homeowner shall not be liable for any difference between the net amount of the remaining indebtedness of the homeowner under the mortgage and the amount recovered by the mortgagee from—

"(A) the foreclosure sale; or

"(B) the insurance benefits paid pursuant to subsection (i)(1)(C); and

"(8) contain such terms and provisions with respect to insurance, repairs, alterations, payment of taxes, default reserve, delinquency charges, foreclosure proceedings, anticipation of maturity, additional and secondary liens, and other matters as the Secretary may prescribe.

"(e) Disclosures by Mortgagee.—The Secretary shall require each mortgagee of a mortgage insured under this section to make available to the homeowner—

"(1) at the time of the loan application, a written list of the names and addresses of third-party information sources who are approved by the Secretary as responsible and able to provide the information required by subsection (f);

"(2) at least 10 days prior to loan closing, a statement explaining the homeowner's rights, obligations, and remedies with respect to temporary absences from the home, late payments, and payment default by the lender, all conditions requiring satisfaction of the loan obligation, and any other information that the Secretary may require; and

"(3) on an annual basis (but not later than January 31 of each year), a statement summarizing the total principal amount paid to the homeowner under the loan secured by the mortgage, the total amount of deferred interest added to the principal, and the outstanding loan balance at the end of the preceding year.

"(f) Information Services for Mortgagors.—The Secretary shall provide or cause to be provided by entities other than the lender the information required in subsection (d)(2)(B). Such information shall be discussed with the mortgagor and shall include—

"(1) options other than a home equity conversion mortgage that are available to the homeowner, including other housing, social service, health, and financial options;

"(2) other home equity conversion options that are or may become available to the homeowner, such as sale-leaseback financing, deferred payment loans, and property tax deferral;

"(3) the financial implications of entering into a home equity conversion mortgage;

"(4) a disclosure that a home equity conversion mortgage may have tax consequences, affect eligibility for assistance under Federal and State programs, and have an impact on the estate and heirs of the homeowner; and

"(5) any other information that the Secretary may require.

"(g) Limitation on Insurance Authority.—No mortgage may be insured under this section after September 30, 1991, except pursuant to a commitment to insure issued on or before such date. The total number of mortgages insured under this section may not exceed 2,500. In no case may the benefits of insurance under this section exceed the maximum dollar amount established under section 203(b)(2) for a 1-family residence.

"(h) Administrative Authority.—The Secretary may—

"(1) enter into such contracts and agreements with Federal, State, and local agencies, public and private entities, and such other persons as the Secretary determines to be necessary or desirable to carry out the purposes of this section; and

"(2) make such investigations and studies of data, and publish and distribute such reports, as the Secretary determines to be appropriate.

"(i) PROTECTION OF HOMEOWNER AND LENDER.—

"(1) Notwithstanding any other provision of law, and in order to further the purposes of the demonstration program authorized in this section, the Secretary shall take any action necessary—

"(A) to provide any mortgagor under this section with funds to which the mortgagor is entitled under the insured mortgage or ancillary contracts but that the mortgagor has not received because of the default of the party responsible for payment;

"(B) to obtain repayment of disbursements provided under subparagraph (A) from any source; and

"(C) to provide any mortgagee under this section with funds not to exceed the limitations in subsection (g) to which the mortgagee is entitled under the terms of the insured mortgage or ancillary contracts authorized in this section.

"(2) Actions under paragraph (1) may include—

"(A) disbursing funds to the mortgagor or mortgagee from the General Insurance Fund;

"(B) accepting an assignment of the insured mortgage notwithstanding that the mortgagor is not in default under its terms, and calculating the amount and making the payment of the insurance claim on such assigned mortgage;

"(C) requiring a subordinate mortgage from the mortgagor at any time in order to secure repayments of any funds advanced or to be advanced to the mortgagor;

"(D) requiring a subrogation to the Secretary of the rights of any parties to the transaction against any defaulting parties; and

"(E) imposing premium charges.

"(j) SAFEGUARD TO PREVENT DISPLACEMENT OF HOMEOWNER.—The Secretary may not insure a home equity conversion mortgage under this section unless such mortgage provides that the homeowner's obligation to satisfy the loan obligation is deferred until the homeowner's death, the sale of the home, or the occurrence of other events specified in regulations of the Secretary. For purposes of this subsection, the term 'homeowner' includes the spouse of a homeowner.

"(k) REPORTS TO CONGRESS.—

"(1) The Secretary shall, not later than September 30, 1989, submit an interim report to Congress describing—

"(A) design and implementation of the demonstration;

"(B) number and types of reverse mortgages written to date;

"(C) profile of participant homeowner-borrowers, including incomes, home equity, and regional distribution; and

"(D) problems encountered in implementation, including impediments associated with State or Federal laws or regulations governing taxes, insurance, securities, public benefits, banking, and any other problems in implementation that the Secretary encounters.

"(2) Not later than March 30, 1992, the Secretary shall submit to Congress a preliminary evaluation of the program authorized in this section. Such evaluation shall include an updated report on the matters referred to in paragraph (1) and shall in addition—

"(A) describe the types of mortgages appropriate for inclusion in such program;

"(B) describe any changes in the insurance programs under this title, or in other Federal regulatory provisions, determined to be appropriate;

"(C) describe any risk created under such mortgages to mortgagors and mortgagees or the insurance programs under this title, and whether the risk is adequately covered by the premiums under the insurance programs;

"(D) evaluate whether such program has improved the financial situation or otherwise met the special needs of participating elderly homeowners;

"(E) evaluate whether such program has included appropriate safeguards for mortgagors to offset the special risks of such mortgages; and

"(F) evaluate whether home equity conversion mortgages have a potential for acceptance in the mortgage markets.

"(3) The preliminary evaluation shall incorporate comments and recommendations solicited by the Secretary from the Board of Governors of the Federal Reserve System, the Secretary of Health and Human Services, the Federal Council on Aging, Federal Home Loan Bank Board, the Comptroller of the Currency, and the National Credit Union Administration Board regarding any of the matters referred to in paragraph (1) or (2).

"(4) Following submission of the preliminary evaluation, the Secretary shall, on a biennial basis, submit to the Congress an updated report and evaluation covering the period since the most recent report under this subsection and shall include analysis of the repayment of the home equity conversion mortgages under this demonstration during such period.".

(b) REGULATIONS.—The Secretary of Housing and Urban Development shall—

(1) not later than 6 months after the date of enactment of this Act, consult with lenders, insurers, and organizations and individuals with expertise in home equity conversion in developing proposed regulations implementing section 254 of the National Housing Act; and

(2) not later than 9 months after the date of the enactment of this Act, issue proposed regulations implementing section 254 of the National Housing Act.

SEC. 418. ASSURANCE OF ADEQUATE PROCESSING OF APPLICATIONS FOR LOAN AND MORTGAGE INSURANCE.

Title V of the National Housing Act (as amended by section 407 of this Act) is amended by adding at the end the following new section:

"ASSURANCE OF ADEQUATE PROCESSING OF APPLICATIONS FOR LOAN AND MORTGAGE INSURANCE

"SEC. 534. In order to ensure the adequate processing of applications for insurance of loans and mortgages under this Act, the Secretary shall maintain not less than one office in each State to carry out the provisions of this Act.".

SEC. 419. PROHIBITION OF LENDER REQUIREMENTS DISCOURAGING LOANS WITH LOWER PRINCIPAL AMOUNTS.

(a) LOAN AMOUNT OF ORIGINAL LOANS.—Title V of the National Housing Act (as amended by sections 407 and 418 of this Act) is further amended by adding at the end the following new section:

"PROHIBITION OF REQUIREMENT OF MINIMUM PRINCIPAL LOAN AMOUNT

"SEC. 535. A mortgagee or lender may not require, as a condition of providing a loan insured under this Act or secured by a mortgage insured under this Act, that the principal amount of the loan exceed a minimum amount established by the mortgagee or lender.".

(b) LOAN AMOUNT OF REFINANCINGS.—Section 223(a)(7) of the National Housing Act (as amended by section 408 of this Act) is further amended by striking "; and (B)" and inserting the following: "; (B) a mortgagee may not require a minimum principal amount to be outstanding on the loan secured by the existing mortgage; and (C)".

(c) STUDY OF OTHER LENDING PRACTICES.—During the 6-month period beginning on the date of the enactment of this Act, the Secretary of Housing and Urban Development shall conduct a study of the interest rates and discount points charged for mortgages and loans insured under the National Housing Act. The study shall be designed to identify any pattern or practice of charging higher interest rates or discount points for mortgages or loans with lower principal amounts than for mortgages or loans with the maximum principal amounts permitted for insurance under the National Housing Act. Not later than 3 months after the expiration of the 6-month period, the Secretary shall submit to the Congress a report setting forth the findings and recommendations of the Secretary.

SEC. 420. REPEAL OF REQUIREMENT TO PUBLISH PROTOTYPE HOUSING COSTS FOR 1- TO 4-FAMILY DWELLING UNITS.

The Housing and Community Development Act of 1977 is amended by striking section 904.

SEC. 421. DOUBLE DAMAGES REMEDY FOR UNAUTHORIZED USE OF MULTIFAMILY HOUSING PROJECT ASSETS AND INCOME.

(a) ACTION TO RECOVER ASSETS OR INCOME.—

(1) The Secretary of Housing and Urban Development (referred to in this section as the "Secretary") may request the Attorney General to bring an action in a United States district court to recover any assets or income used by any person in violation of (A) a regulatory agreement that applies to a multifamily project whose mortgage is insured or held by the Secretary under title II of the National Housing Act; or (B) any applicable regulation. For purposes of this section, a use of assets or income in violation of the regulatory agreement or any applicable regulation shall include any use for which the documentation in the books and accounts does not establish that the use was made for a reasonable operating expense or necessary repair of the project and has not been maintained in accordance with the requirements of the Secretary and in reasonable condition for proper audit.

(2) For purposes of a mortgage insured or held by the Secretary under title II of the National Housing Act, the term "any person" shall mean any person or entity which owns a project, as identified in the regulatory agreement, including but not limited to any stockholder holding 25 percent or more interest of a corporation that owns the project; any beneficial owner under any business or trust; any officer, director, or partner of an entity owning the project; and any heir, assignee, successor in interest, or agent of any owner.

(b) INITIATION OF PROCEEDINGS AND TEMPORARY RELIEF.—The Attorney General, upon request of the Secretary, shall have the exclusive authority to authorize the initiation of proceedings under this section. Pending final resolution of any action under this section, the court may grant appropriate temporary or preliminary relief, including restraining orders, injunctions, and acceptance of satisfactory performance bonds, to protect the interests of the Secretary and to prevent use of assets or income in violation of the regulatory agreement and any appli-

cable regulation and to prevent loss of value of the realty and personalty involved.

(c) Amount Recoverable.—In any judgment favorable to the United States entered under this section, the Attorney General may recover double the value of the assets and income of the project that the court determines to have been used in violation of the regulatory agreement or any applicable regulation, plus all costs relating to the action, including but not limited to reasonable attorney and auditing fees. Notwithstanding any other provision of law, the Secretary may apply the recovery, or any portion of the recovery, to the project or to the applicable insurance fund under the National Housing Act.

(d) Time Limitation.—Notwithstanding any other statute of limitations, the Secretary may request the Attorney General to bring an action under this section at any time up to and including 6 years after the latest date that the Secretary discovers any use of project assets and income in violation of the regulatory agreement or any applicable regulation.

(e) Continued Availability of Other Remedies.—The remedy provided by this section is in addition to any other remedies available to the Secretary or the United States.

SEC. 422. MISCELLANEOUS MORTGAGE INSURANCE PROVISIONS.

(a) Mortgage Insurance for Condominiums.—Section 234(e)(3) of the National Housing Act is amended by inserting after "design;" the following: "except that each of the foregoing dollar amounts is increased to the amount established for a comparable unit in section 221(d)(3)(ii);".

(b) Mortgage Insurance for Certain Properties Within an Indian Reservation.—Section 203(q)(1) of the National Housing Act is amended by striking "Secretary may" and inserting "Secretary shall".

SEC. 423. CALCULATION OF MAXIMUM MORTGAGE AMOUNT UNDER SINGLE FAMILY INSURANCE PROGRAM.

Section 203(b)(2) of the National Housing Act is amended by inserting after the first sentence the following: "For purposes of the preceding sentence, the term 'area' means a county, or a metropolitan statistical area as established by the Office of Management and Budget, whichever results in the higher dollar amount.".

SEC. 424. APPROVAL OF INDIVIDUAL RESIDENTIAL WATER PURIFICATION OR TREATMENT UNITS.

(a) In General.—When the existing water supply does not meet the minimum property standards established by the Department of Housing and Urban Development and a permanent alternative acceptable water supply is not available, a continuous supply of water may be provided through the use of approved residential water treatment equipment or a water purification unit that provides bacterially and chemically safe drinking water.

(b) Approval Process.—A performance-based approval of the equipment or unit and the maintenance, monitoring, and replacement plan for such equipment or unit shall be certified by field offices of the Department of Housing and Urban Development based upon general standards recognized by the Department as modified for local or regional conditions. As a part of such approved plan, a separate monthly escrow account may be required to be established through the lender to cover the cost of the approved yearly maintenance and monitoring schedule and projected replacement of the equipment or unit.

SEC. 425. REGULATION OF RENTS IN INSURED PROJECTS.

After October 20, 1987, the Secretary of Housing and Urban Development shall control rents and charges as they were controlled prior to April 19, 1983, for any multifamily housing project insured under the National Housing Act if—

(1) the project owner and the Secretary have not executed, during the period of April 19, 1983, through October 20, 1987, an amendment to the regulatory agreement pursuant to regulations published by the Secretary on April 19, 1983, or June 4, 1986, electing to deregulate rents or utilize an alternative formula for determining the maximum allowable rents pursuant to regulations published by the Secretary on April 19, 1983, or June 4, 1986; and

(2)(A) the project was, as of October 20, 1987, receiving a housing assistance payment under a contract pursuant to section 8 of the United States Housing Act of 1937 (other than under the existing housing certificate program of section 8(b)(1) of such Act); or

(B) not less than 50 percent of the units in the project are occupied by lower income families (as defined in section 3(a)(2) of the United States Housing Act of 1937).

SEC. 426. MORTGAGE LIMITS FOR MULTIFAMILY PROJECTS.

(a) Section 207 Limits.—Section 207(c)(3) of the National Housing Act is amended—

(1) by striking out "$19,500", "$21,600", "$25,800", "$31,800", and "$36,000" and inserting in lieu thereof "$25,350", "$28,080", "$33,540", "$41,340", and "$46,800", respectively; and

(2) by striking out "$22,500", "$25,200", "$30,900", "$38,700", and "$43,758" and inserting in lieu thereof "$29,250", "$32,760", "$40,170", "$50,310", and "$56,885", respectively.

(b) Section 213 Limits.—Section 213(b)(2) of the National Housing Act is amended—

(1) by striking out "$19,500", "$21,600", "$25,800", "$31,800", and "$36,000" and inserting in lieu thereof "$25,350", "$28,080", "$33,540", "$41,340", and "$46,800", respectively; and

(2) by striking out "$22,500", "$25,200", "$30,900", "$38,700", and "$43,758" and inserting in lieu thereof "$29,250", "$32,760", "$40,170", "$50,310", and "$56,885", respectively.

(c) Section 220 Limits.—Section 220(d)(3)(B)(iii) of the National Housing Act is amended—

(1) by striking out "$19,500", "$21,600", "$25,800", "$31,800", and "$36,000" and inserting in lieu thereof "$25,350", "$28,080", "$33,540", "$41,340", and "$46,800", respectively; and

(2) by striking out "$22,500", "$25,200", "$30,900", "$38,700", and "$43,758" and inserting in lieu thereof "$29,250", "$32,760", "$40,170", "$50,310", and "$56,885", respectively.

(d) Section 221(d)(3) Limits.—Section 221(d)(3)(ii) of the National Housing Act is amended by striking out "$21,563"; "$24,862"; "$29,984"; "$38,379"; "$42,756"; "$22,692"; "$26,012"; "$31,631"; "$40,919"; and "$44,917" and inserting in lieu thereof "$28,032"; "$32,321"; "$38,979"; "$49,893"; "$55,583"; "$29,500"; "$33,816"; "$41,120"; "$53,195"; and "$58,392", respectively.

(e) Section 221(d)(4) Limits.—Section 221(d)(4)(ii) of the National Housing Act of 1934 is amended by striking out "$19,406"; "$22,028"; "$26,625"; "$33,420"; "$37,870"; "$20,962"; "$24,030"; "$29,220"; "$37,800"; and "$41,494" and inserting in lieu thereof "$25,228"; "$28,636"; "$34,613"; "$43,446"; "$49,231"; "$27,251"; "$31,239"; "$37,986"; "$49,140"; and "$53,942", respectively.

(f) Section 231 Limits.—Section 231(c)(2) of the National Housing Act is amended—

(1) by striking out "$18,450", "$20,625", "$24,630", "$29,640", and "$34,846" and inserting in lieu thereof "$23,985", "$26,813", "$32,019", "$38,532", and "$45,300", respectively; and

(2) by striking out "$20,962", "$24,030", "$29,220", "$37,800", and "$41,494" and inserting in lieu thereof "$27,251", "$31,239", "$37,986", "$49,140", and "$53,942", respectively.

(g) Section 234 Limits.—Section 234(e)(3) of the National Housing Act is amended—

(1) by striking out "$19,500", "$21,600", "$25,800", "$31,800", and "$36,000" and inserting in lieu thereof "$25,350", "$28,080", "$33,540", "$41,340", and "$46,800", respectively; and

(2) by striking out "$22,500", "$25,200", "$30,900", "$38,700", and "$43,758" and inserting in lieu thereof "$29,250", "$32,760", "$40,170", "$50,310", and "$56,885", respectively.

(h) Limits for Multifamily Projects in High-Cost Areas.—Section 207(c)(3), the second proviso of section 213(b)(2), the first proviso of section 220(d)(3)(B)(iii), section 221(d)(3)(ii), section 221(d)(4)(ii), section 231(c)(2), and section 234(e)(3) of the National Housing Act are each amended by striking "not to exceed 75 per centum" and all that follows through "involved) in such an area" and inserting the following: "not to exceed 110 per centum in any geographical area where the Secretary finds that cost levels so require and by not to exceed 140 percent where the Secretary determines it necessary on a project-by-project basis, but in no case may any such increase exceed 90 percent where the Secretary determines that a mortgage purchased or to be purchased by the Government National Mortgage Association in implementing its special assistance functions under section 305 of this Act (as such section existed immediately before November 30, 1983) is involved".

SEC. 427. OPERATING LOSS LOAN INSURANCE.

Section 223(d) of the National Housing Act is amended—

(1) by inserting "(1)" after the subsection designation;

(2) by striking the first and second sentences and inserting the following:

"Notwithstanding any other provision of this Act, the Secretary is authorized to insure loans made to cover the operating losses of certain projects that have existing project mortgages insured by the Secretary. Insurance under this subsection shall be in the Secretary's discretion and upon such terms and conditions as the Secretary may prescribe, and shall be provided in accordance with the provisions of this subsection. For purposes of this subsection, the term 'operating loss' means the amount by which the sum of the taxes, interest on the mortgage debt, mortgage insurance premiums, hazard insurance premiums, and the expense of maintenance and operation of the project covered by the mortgage, exceeds the income of the project.

"(2) To be eligible for insurance pursuant to this paragraph—

"(A) the existing project mortgage (i) shall have been insured by the Secretary at any time before or after the date of enactment of the Housing and Community Development Act of 1987; and (ii) shall cover any proper-

ty, other than a property upon which there is located a 1- to 4-family dwelling;

"(B) the operating loss shall have occurred during the first 24 months after the date of completion of the project, as determined by the Secretary; and

"(C) the loan shall be in an amount not exceeding the operating loss.

"(3) To be eligible for insurance pursuant to this paragraph—

"(A) the existing project mortgage (i) shall have been insured by the Secretary at any time before or after the date of enactment of the Housing and Community Development Act of 1987; (ii) shall cover any property, other than a property upon which there is located a 1- to 4-family dwelling; and (iii) shall not cover a subsidized project, as defined by the Secretary;

"(B) the loan shall be in an amount not exceeding 80 percent of the unreimbursed cash contributions made on or after March 18, 1987, by the project owner for the use of the project, during any period of consecutive months (not exceeding 24 months) in the first 10 years after the date of completion of the project, as determined by the Secretary, except that in no event may the amount of the loan exceed the operating loss during such period;

"(C) the loan shall be made within 10 years after the end of the period of consecutive months referred to in the preceding subparagraph; and

"(D) the project shall meet all applicable underwriting and other requirements of the Secretary at the time the loan is to be made.

"(4) Any loan insured pursuant to this subsection shall (A) bear interest at such rate as may be agreed upon by the mortgagor and mortgagee; (B) be secured in such manner as the Secretary shall require; (C) be limited to a term not exceeding the unexpired term of the original mortgage; and (D) be insured under the same section as the original mortgage. The Secretary may provide insurance pursuant to paragraph (2) or (3), or pursuant to both such paragraphs, in connection with an existing project mortgage, except that the Secretary may not provide insurance pursuant to both such paragraphs in connection with the same period of months referred to in paragraphs (2)(B) and (3)(B)."; and

(3) by inserting "(5)" before "A loan" at the beginning of the undesignated paragraph at the end.

SEC. 428. INTEREST CHARGES ON TEMPORARY MORTGAGE ASSISTANCE PAYMENTS AND ASSIGNMENT OR OTHER ASSISTANCE.

Section 230(a)(5) of the National Housing Act is amended by striking the third sentence and inserting the following: "The interest rate on payments made under this subsection shall be the rate established under section 1803(c) of title 38, United States Code. The interest rate to be charged shall be determined when the Secretary approves assistance under this subsection.".

SEC. 429. MORTGAGE INSURANCE TECHNICAL AMENDMENTS.

(a) ADMINISTRATIVE PROVISIONS.—The second sentence of section 1 of the National Housing Act is amended by striking the last comma.

(b) APPLICABLITY.—Section 9 of the National Housing Act is amended by inserting the following section heading:

"APPLICABILITY".

(c) LOAN INSURANCE PROGRAMS.—Sections 203(k)(3)(B) and 241(b)(3) of the National Housing Act are amended—

(1) by striking "mortgagor" each place it appears and inserting "borrower"; and

(2) by striking "mortgagee" each place it appears and inserting "financial institution".

(d) MISCELLANEOUS HOUSING INSURANCE.—

(1) Section 223(a)(7) of the National Housing Act is amended—

(A) in the first proviso, by striking "a rate not in excess of the maximum rate prescribed under the applicable section or title of this Act" and inserting the following: "such rate as may be agreed upon by the mortgagor and the mortgagee";

(B) in the second proviso, by striking "maturity, a principal obligation, and an interest rate" and inserting the following: "maturity and a principal obligation"; and

(C) by inserting before the semicolon at the end the following: ", and shall bear interest at such rate as may be agreed upon by the mortgagor and the mortgagee".

(2) Section 223(d)(1) of the National Housing Act is amended by striking "bear interest (exclusive of premium charges for insurance) at not to exceed the per centum per annum currently permitted for mortgages insured under the section under which it is to be insured" and inserting the following: "bear interest at such rate as may be agreed upon by the mortgagor and the mortgagee".

(e) INSURANCE FOR NURSING HOMES, INTERMEDIATE CARE FACILITIES, AND BOARD AND CARE HOMES.—

(1) Section 232(b) of the National Housing Act is amended—

(A) by indenting as a separate paragraph (in the same manner as paragraph (1)) "(3) a nursing" and all that follows through "day; and";

(B) in such new paragraph (3)—

(i) by inserting "the term" after the paragraph designation; and

(ii) by striking "and" at the end;

(C) by redesignating the second paragraph (3) as paragraph (4); and

(D) by redesignating paragraph (4) as paragraph (5).

(2) Section 232(i)(2)(B) of the National Housing Act is amended to read as follows:

"(B) bear interest at such rate as may be agreed upon by the mortgagor and the mortgagee;".

(f) MULTIFAMILY ASSISTANCE.—Section 236 of such Act is amended by striking out "(h)" in the last sentence of subsection (i)(1) and inserting in lieu thereof "(f)(4)".

(g) CO-INSURANCE.—

(1) Section 244(g) of the National Housing Act is amended—

(A) by striking paragraph (2); and

(B) by redesignating paragraphs (3) through (6) as paragraphs (2) through (5), respectively.

(2) Section 244(h) of the National Housing Act is amended by striking "coinsurance" each place it appears and inserting "co-insurance".

(h) INSURANCE ON HAWAIIAN HOME LANDS.—Section 247(a)(2) of the National Housing Act is amended by striking "Mortgagor" and inserting "mortgagor".

(i) INSURANCE ON INDIAN RESERVATIONS.—Section 248 of the National Housing Act is amended—

(1) in subsection (a)(1), by striking "lands" and inserting "land";

(2) in subsection (a)(2), by striking "lands"; and

(3) in subsection (d), by striking "tribal or trust land" and inserting "trust or otherwise restricted land".

(j) SHARED APPRECIATION MORTGAGES.—Section 253 of the National Housing Act is amended—

(1) in subsection (b), by striking the fourth sentence and inserting the following: "For purposes of this section, the term 'net appreciated value' means the amount by which the sales price of the property (less the mortgagor's selling costs) exceeds the actual project cost after completion, as approved by the Secretary.";

(2) in the first sentence of subsection (c), by striking "204" and inserting "207"; and

(3) in subsection (c), by striking the last sentence and inserting the following: "The term 'original principal face amount of the mortgage' as used in section 207 shall not include the mortgagee's share of net appreciated value.".

(k) DEFENSE HOUSING FOR IMPACTED AREAS.—The first sentence of section 810(h) of the National Housing Act is amended—

(1) by striking "(exclusive of premium charges for insurance) at not to exceed the rate applicable to mortgages insured under section 207" and inserting the following: "at such rate as may be agreed upon by the mortgagor and the mortgagee"; and

(2) by striking "not to exceed the rate applicable to mortgages insured under section 203" and inserting the following: "such rate as may be agreed upon by the mortgagor and the mortgagee".

SEC. 430. RELEASE OF POOL FUNDS.

(a) SECTION 236.—Section 236 of the National Housing Act is amended by adding at the end thereof the following:

"(r) The Secretary shall, not later than 45 days after receipt of an application by the mortgagee, provide interest reduction and rental assistance payments for the benefit of projects assisted under this section whose mortgages were made by State or local housing finance agencies or State or local government agencies for a term equal to the remaining mortgage term to maturity on projects assisted under this section to the extent of—

"(1) unexpended balances of amounts of authority as set forth in certain letter agreements between the Department of Housing and Urban Development and such State or local housing finance agencies or State or local government agencies, and

"(2) existing allocation under section 236 contracts on projects whose mortgages were made by State or local housing finance agencies or State or local government agencies which are not being funded, to the extent of such excess allocation, for any purposes permitted under the provisions of this section, including without limitation rent supplement and rental assistance payment unit increases and mortgage increases for any eligible purpose under this section, including without limitation operating deficit loans.

An application shall be eligible for assistance under the previous sentence only if the mortgagee submits the application within 548 days after the effective date of this subsection, along with a certification of the mortgagee that amounts hereunder are to be utilized only for the purpose of either (A) reducing rents or rent increases to tenants, or (B) making repairs or otherwise increasing the economic viability of a related project. Unexpended balances referred to in the first sentence of this subsection which remain after disposition of all such applications is favorably concluded shall be rescinded. The calculation of the amount of assistance to be provided under an interest reduction contract pursuant to this subsection shall be made on the basis of an assumed mortgage term equal to the lesser of a 40-year amortization period or the term of that part of the mortgage which relates to the additional as-

sistance provided under this subsection, even though the additional assistance may be provided for a shorter period.".

(b) RENT SUPPLEMENT PROGRAM.—Section 101 of the Housing and Urban Development Act of 1965 is amended by adding at the end thereof the following:

"(m) The Secretary shall, not later than 45 days after receipt of an application by the mortgagee, provide interest reduction and rental assistance payments for the benefit of projects assisted under this section whose mortgages were made by State or local housing finance agencies or State or local government agencies for a term equal to the remaining mortgage term to maturity on projects assisted under this section to the extent of—

"(1) unexpended balances of amounts of authority as set forth in certain letter agreements between the Department of Housing and Urban Development and such State or local housing finance agencies or State or local government agencies, and

"(2) existing allocation under section 236 contracts on projects whose mortgages were made by State or local housing finance agencies or State or local government agencies which are not being funded, to the extent of such excess allocation, for any purposes permitted under the provisions of this section.

An application shall be eligible for assistance under the previous sentence only if the mortgagee submits the application within 548 days after the effective date of this subsection, along with a certification of the mortgagee that amounts are to be utilized hereunder for the purpose of either (A) reducing rents or rent increases to tenants, or (B) making repairs or otherwise increasing the economic viability of a related project. Unexpended balances referred to in the first sentence of this subsection which remain after disposition of all such applications is favorably concluded shall be rescinded.".

Subtitle B—Secondary Mortgage Market Programs

SEC. 441. LIMITATIONS ON CERTAIN SECONDARY MORTGAGE MARKET FEES.

(a) FEDERAL NATIONAL MORTGAGE ASSOCIATION.—Section 304 of the Federal National Mortgage Association Charter Act is amended by adding at the end the following new subsection:

"(f) Except for fees paid pursuant to section 309(g), no fee or charge may be assessed or collected by the United States (including any executive department, agency, or independent establishment of the United States) on or with regard to the purchase, acquisition, sale, pledge, issuance, guarantee, or redemption of any mortgage, asset, obligation, trust certificate of beneficial interest, or other security by the corporation. No provision of this subsection shall affect the purchase of any obligation by the Secretary of the Treasury pursuant to subsection (c).".

(b) FEDERAL HOME LOAN MORTGAGE CORPORATION.—Section 306 of the Federal Home Loan Mortgage Corporation Act is amended by adding at the end the following new subsection:

"(i) Except for fees paid pursuant to section 303(c) or 306(c), no fee or charge may be assessed or collected by the United States (including any executive department, agency, or independent establishment of the United States) on or with regard to the purchase, acquisition, sale, pledge, issuance, guarantee, or redemption of any mortgage, asset, obligation, or other security by the Corporation. No provision of this subsection shall affect the purchase of any obligation by any Federal home loan bank pursuant to section 303(a).".

SEC. 442. FNMA CUMULATIVE VOTING.

Section 303(a) of the Federal National Mortgage Association Charter Act is amended by inserting after the first sentence the following new sentence: "The corporation may eliminate such rights of cumulative voting by a resolution adopted by its board of directors and approved by the holders of a majority of the shares of common stock voting in person or by proxy at the annual meeting, or other special meeting, at which such resolution is considered.".

SEC. 443. PERMANENT AUTHORITY TO PURCHASE SECOND MORTGAGES ON SINGLE-FAMILY PROPERTIES.

(a) FEDERAL NATIONAL MORTGAGE ASSOCIATION.—Section 302(b)(5)(A)(i) of the Federal National Mortgage Association Charter Act is amended by striking "through November 15, 1987,".

(b) FEDERAL HOME LOAN MORTGAGE CORPORATION.—Section 305(a)(4)(A)(i) of the Federal Home Loan Mortgage Corporation Act is amended by striking "through November 15, 1987,".

SEC. 444. PERIOD FOR APPROVAL OF ACTIONS OF FNMA.

Section 309(i) of the Federal National Mortgage Association Charter Act is amended in the second sentence by inserting before the period at the end the following: ", but such 45-day period may not be extended for any other reason or for any period in addition to or other than such 15-day period".

SEC. 445. PROHIBITION OF LIMITATION ON FHLMC MORTGAGE OPERATIONS.

Section 305 of the Federal Home Loan Mortgage Corporation Act is amended by adding at the end the following new subsection:

"(c) The Board of Directors may not impose any annual limitation on the maximum aggregate principal amount of mortgages purchased by the Corporation.".

SEC. 446. LIMITATION ON GNMA GUARANTEES OF MORTGAGE-BACKED SECURITIES.

Section 306(g)(2) of the Federal National Mortgage Association Charter Act is amended to read as follows:

"(2) Notwithstanding any other provision of law and subject only to the absence of qualified requests for guarantees, to the authority provided in this subsection, and to any funding limitation approved in appropriation Acts, the Association shall enter into commitments to issue guarantees under this subsection in an aggregate amount of $150,000,000,000 for fiscal year 1988, and $156,000,000,000 for fiscal year 1989.".

TITLE V—COMMUNITY DEVELOPMENT AND MISCELLANEOUS PROGRAMS

Subtitle A—Community and Neighborhood Development and Preservation

SEC. 501. COMMUNITY DEVELOPMENT AUTHORIZATIONS.

(a) COMMUNITY DEVELOPMENT BLOCK GRANTS.—The second sentence of section 103 of the Housing and Community Development Act of 1974 is amended to read as follows: "There are authorized to be appropriated for purposes of assistance under sections 106 and 107 $3,000,000,000 for fiscal year 1988, and $3,090,000,000 for fiscal year 1989.".

(b) DISCRETIONARY FUND.—

(1) The first sentence of section 107(a) of the Housing and Community Development Act of 1974 is amended to read as follows: "Of the total amount provided in appropriation Acts under section 103 for fiscal years 1988 and 1989, $60,000,000 may be set aside in each year in a special discretionary fund for grants under subsection (b).".

(2) Section 107 of the Housing and Community Development Act of 1974 is amended—

(A) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(B) by inserting after subsection (b) the following new subsection:

"(c) Of the amount set aside for use under subsection (b) in any fiscal year, the Secretary shall, to the extent approved in appropriation Acts, make available not less than $3,000,000 in the form of grants to institutions of higher education, either directly or through areawide planning organizations or States, for the purpose of providing assistance to economically disadvantaged and minority students who participate in community development work study programs and are enrolled in full-time graduate or undergraduate programs in community and economic development, community planning, or community management.".

(c) URBAN DEVELOPMENT ACTION GRANTS.—Section 119(a) of the Housing and Community Development Act of 1974 is amended by striking the second and last sentences and inserting the following new sentences: "There are authorized to be appropriated to carry out this section $225,000,000 for fiscal year 1988, and $225,000,000 for fiscal year 1989. Any amount appropriated under this subsection shall remain available until expended.".

SEC. 502. TARGETING OF BENEFITS TO PERSONS OF LOW AND MODERATE INCOME.

(a) PRIMARY OBJECTIVE.—Section 101(c) of the Housing and Community Development Act of 1974 is amended in the second sentence by striking "51 percent" and inserting "60 percent".

(b) SPECIFIC OBJECTIVES.—Section 101(c)(6) of the Housing and Community Development Act of 1974 is amended by striking "to attract persons of higher income".

(c) CERTIFICATION.—Section 104(b)(3) of the Housing and Community Development Act of 1974 is amended by striking "51 percent" and inserting "60 percent".

SEC. 503. CITY AND COUNTY CLASSIFICATIONS.

(a) METROPOLITAN CITY.—Section 102(a)(4) of the Housing and Community Development Act of 1974 is amended—

(1) in the second sentence, by striking "November 15, 1987" and inserting "September 30, 1989";

(2) by striking out the third sentence and inserting in lieu thereof the following: "Any unit of general local government that becomes eligible to be classified as a metropolitan city, and was not classified as a metropolitan city in the immediately preceding fiscal year, may, upon submission of written notification to the Secretary, defer its classification as a metropolitan city for all purposes under this title, if it elects to have its population included in an urban county under subsection (d). Notwithstanding the second sentence of this paragraph, a city may elect not to retain its classification as a metropolitan city for fiscal year 1988 or 1989."; and

(3) by adding at the end thereof the following new sentence: "Any city classified as a metropolitan city pursuant to the first or second sentence of this paragraph, and that no longer qualifies as a metropolitan city under such first or second sentence in a fiscal year beginning after fiscal year 1989, shall retain its classification as a metropolitan city for such fiscal year and the succeed-

ing fiscal year, except that in such succeeding fiscal year (A) the amount of the grant to such city shall be 50 percent of the amount calculated under section 106(b); and (B) the remaining 50 percent shall be added to the amount allocated under section 106(d) to the State in which the city is located and the city shall be eligible in such succeeding fiscal year to receive a distribution from the State allocation under section 106(d) as increased by this sentence.".

(b) Urban County.—Section 102(a)(6) of the Housing and Community Development Act of 1974 is amended to read as follows:

"(6)(A) The term 'urban county' means any county within a metropolitan area which—

"(i) is authorized under State law to undertake essential community development and housing assistance activities in its unincorporated areas, if any, which are not units of general local government, and

"(ii) either—

"(I) has a population of 200,000 or more (excluding the population of metropolitan cities therein) and has a combined population of 100,000 or more (excluding the population of metropolitan cities therein) in such unincorporated areas and in its included units of general local government (which areas and units of general local government must include the areas and units of general local government which have the highest percentages of the persons of low and moderate income who reside in the county) (a) in which it has authority to undertake essential community development and housing assistance activities and which do not elect to have their population excluded, or (b) with which it has entered into cooperation agreements to undertake or to assist in the undertaking of essential community development and housing assistance activities, or

"(II) has a population in excess of 100,000, a population density of at least 5,000 persons per square mile, and contains within its boundaries no incorporated places as defined by the United States Bureau of the Census.

"(B) In order to permit an orderly transition of each county losing its classification as an urban county by reason of a decrease in population, any county classified as or deemed to be an urban county under this paragraph for purposes of receiving assistance under any section of this title for fiscal year 1983 or subsequent years shall retain such qualification for purposes of receiving such assistance through September 30, 1989, or for such longer period covered by a cooperation agreement entered into during fiscal year 1984, except that the provisions of this subparagraph shall not apply with respect to any county losing its classification as an urban county by reason of the election of any unit of general local government included in such county to have its population excluded under clause (ii)(I)(a) of subparagraph (A) or to not renew a cooperation agreement under clause (ii)(I)(b) of such subparagraph.

"(C) Notwithstanding the combined population amount set forth in clause (ii) of subparagraph (A), a county shall also qualify as an urban county for purposes of assistance under section 106 if such county—

"(i) complies with all other requirements set forth in the first sentence;

"(ii) has, according to the most recent available decennial census data, a combined population between 190,000 and 199,999, inclusive (excluding the population of metropolitan cities therein) in all its unincorporated areas that are not units of general local government and in all units of general local government located within such county;

"(iii) had a population growth rate of not less than 15 percent during the most recent 10-year period measured by applicable censuses; and

"(iv) has submitted data satisfactory to the Secretary that it has a combined population of not less than 200,000 (excluding the population of metropolitan cities therein) in all its unincorporated areas that are not units of general local government and in all units of general local government located within such county.

"(D) Such term also includes a county that—

"(i) has a current population in excess of 175,000 (exclusive of all metropolitan cities therein), with more than 50 percent of the housing units of the area unsewered and with the unsewered housing units contributing to the degradation of an aquifer that has been declared a sole source aquifer by the Environmental Protection Agency;

"(ii) has taken steps, which include at least one public referendum, to consolidate substantial public services with an adjoining metropolitan city, and in the opinion of the Secretary, has consolidated these services with the city in an effort that is expected to result in the unification of the two governments within 6 years of the date of enactment of the Housing and Community Development Act of 1987; or

"(iii) had a population between 180,000 and 200,000 on October 1, 1987, was eligible for assistance under section 119 of the Housing and Community Development Act of 1974 in fiscal year 1986, and does not contain any metropolitan cities.

"(E) Any county classified as an urban county pursuant to subparagraph (A), (B), or (C) of this paragraph, and that no longer qualifies as an urban county under such subparagraph in a fiscal year beginning after fiscal year 1989, shall retain its classification as an urban county for such fiscal year and the succeeding fiscal year, except that in such succeeding fiscal year (i) the amount of the grant to such an urban county shall be 50 percent of the amount calculated under section 106(b); and (ii) the remaining 50 percent shall be added to the amount allocated under section 106(d) to the State in which the urban county is located and the urban county shall be eligible in such succeeding fiscal year to receive a distribution from the State allocation under section 106(d) as increased by this sentence.".

(c) Definition of Urban County for Purposes of Allocation.—Section 106(b)(2)(A)(i) of the Housing and Community Development Act of 1974 is amended by inserting before the semicolon at the end the following: "(except that, for purposes of this clause, the population of any county qualifying as an urban county under section 102(a)(6)(A)(ii)(I) shall be the population of the portion of the urban county complying with the requirements of subclause (a) or (b) of such section)".

(d) Inclusion of Units of General Local Government in Urban Counties.—Section 102(d) of the Housing and Community Development Act of 1974 is amended by striking the last sentence.

SEC. 504. ELIGIBLE ACTIVITIES.

(a) Eligible Activities.—Section 105(a)(15) of the Housing and Community Development Act of 1974 is amended by striking out "grants" both places it appears and inserting in lieu thereof "assistance".

(b) Energy Use Strategies.—Section 105(a)(16) of such Act is amended to read as follows:

"(16) activities necessary to the development of energy use strategies related to a recipient's development goals, to assure that those goals are achieved with maximum energy efficiency, including items such as—

"(A) an analysis of the manner in, and the extent to, which energy conservation objectives will be integrated into local government operations, purchasing and service delivery, capital improvements budgeting, waste management, district heating and cooling, land use planning and zoning, and traffic control, parking, and public transportation functions; and

"(B) a statement of the actions the recipient will take to foster energy conservation and the use of renewable energy resources in the private sector, including the enactment and enforcement of local codes and ordinances to encourage or mandate energy conservation or use of renewable energy resources, financial and other assistance to be provided (principally for the benefit of low- and moderate-income persons) to make energy conserving improvements to residential structures, and any other proposed energy conservation activities;".

SEC. 505. STATEMENT OF ACTIVITIES AND REVIEW.

Section 104(a)(1) of the Housing and Community Development Act of 1974 is amended by striking out the last sentence.

SEC. 506. ALLEVIATION OF LAKEFRONT FLOODING AND EROSION.

Section 104(b)(3) of the Housing and Community Development Act of 1974 is amended—

(1) by inserting "(A)" after "except that"; and

(2) by inserting before the semicolon at the end the following: "; and (B) a grantee that borders on the Great Lakes and that experiences significant adverse financial and physical effects due to lakefront erosion or flooding may include in the projected use of funds activities that are clearly designed to alleviate the threat posed, and rectify the damage caused, by such erosion or flooding if such activities will principally benefit persons of low and moderate income and the grantee certifies that such activities are necessary to meet other needs having a particular urgency".

SEC. 507. HOUSING ASSISTANCE PLANS.

(a) Housing Preservation.—Section 104(c)(1) of the Housing and Community Development Act of 1974 is amended—

(1) by striking "and" at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(D) specifies activities that will be undertaken annually to minimize displacement and preserve or expand the availability of housing for persons of low and moderate income, such as the preservation of single room occupancy housing and the development by public and private nonprofit organizations of vacant properties that become available under in rem proceedings, and specifies separately the activities that will be undertaken for persons of low income and the activities that will be undertaken for persons of moderate income.".

(b) Technical Amendments.—Section 104(c)(1) of the Housing and Community Development Act of 1974 is amended—

(1) by striking "lower income persons" each place it appears and inserting "persons of low and moderate income"; and

(2) in subparagraph (C)(ii), by striking "low-income persons" and inserting "persons of low and moderate income".

SEC. 508. CITIZEN PARTICIPATION PLAN.

Section 104(a) of the Housing and Community Development Act of 1974 is amended by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) A grant under section 106 may be made only if the grantee certifies that it is following a detailed citizen participation plan which—

"(A) provides for and encourages citizen participation, with particular emphasis on participation by persons of low and moderate income who are residents of slum and blight areas and of areas in which section 106 funds are proposed to be used, and in the case of a grantee described in section 106(a), provides for participation of residents in low and moderate income neighborhoods as defined by the local jurisdiction;

"(B) provides citizens with reasonable and timely access to local meetings, information, and records relating to the grantee's proposed use of funds, as required by regulations of the Secretary, and relating to the actual use of funds under this title;

"(C) provides for technical assistance to groups representative of persons of low and moderate income that request such assistance in developing proposals with the level and type of assistance to be determined by the grantee;

"(D) provides for public hearings to obtain citizen views and to respond to proposals and questions at all stages of the community development program, including at least the development of needs, the review of proposed activities, and review of program performance, which hearings shall be held after adequate notice, at times and locations convenient to potential or actual beneficiaries, and with accommodation for the handicapped;

"(E) provides for a timely written answer to written complaints and grievances, within 15 working days where practicable; and

"(F) identifies how the needs of non-English speaking residents will be met in the case of public hearings where a significant number of non-English speaking residents can be reasonably expected to participate.

This paragraph may not be construed to restrict the responsibility or authority of the grantee for the development and execution of its community development program.".

SEC. 509. CONSERVING NEIGHBORHOODS AND HOUSING BY PROHIBITING DISPLACEMENT.

(a) IN GENERAL.—Section 104 of the Housing and Community Development Act of 1974 is amended—

(1) by redesignating subsections (d) through (j) as subsections (e) through (k), respectively; and

(2) by inserting after subsection (c) the following new subsection:

"(d)(1) A grant under section 106 or 119 may be made only if the grantee certifies that it is following a residential antidisplacement and relocation assistance plan. A grantee receiving a grant under section 106(a) or section 119 shall so certify to the Secretary. A grantee receiving a grant under section 106(d) shall so certify to the State.

"(2) The residential antidisplacement and relocation assistance plan shall in connection with an activity assisted under section 106 or 119—

"(A) in the event of such displacement, provide that—

"(i) governmental agencies or private developers shall provide within the same community comparable replacement dwellings for the same number of occupants as could have been housed in the occupied and vacant occupiable low and moderate income dwelling units demolished or converted to a use other than for housing for low and moderate income persons, except where the demolition or conversion results from code enforcement activities, and provide that such replacement housing may include existing housing assisted with project based assistance provided under section 8 of the United States Housing Act of 1937;

"(ii) such comparable replacement dwellings shall be designed to remain affordable to persons of low and moderate income for 10 years from the time of initial occupancy;

"(iii) relocation benefits shall be provided for all low or moderate income persons who occupied housing demolished or converted to a use other than for low or moderate income housing, including reimbursement for actual and reasonable moving expenses, security deposits, credit checks, and other moving-related expenses, including any interim living costs; and in the case of displaced persons of low and moderate income, provide either—

"(I) compensation sufficient to ensure that, for a 5-year period, the displaced families shall not bear, after relocation, a ratio of shelter costs to income that exceeds 30 percent; or

"(II) if elected by a family, a lump-sum payment equal to the capitalized value of the benefits available under subclause (I) to permit the household to secure participation in a housing cooperative or mutual housing association;

"(iv) relocation benefits shall be provided for low and moderate income tenants who are (or are about to be) indirectly displaced, within 18 months of the expenditure of grant funds in connection with a specified development project, as a result of increases in residential rents—

"(I) that are significantly higher and more rapid than increases in comparable sections of the city or urban county, and

"(II) of which a specified development project is a proximate cause, except that rental assistance that a grantee shall be required to provide under this clause shall be limited to amounts available, after good faith efforts of the grantee, to provide housing assistance for 5 years under section 8 of the United States Housing Act of 1937, public housing, and loan repayments from the project; and

"(v) persons displaced shall be relocated into comparable replacement housing that is—

"(I) decent, safe, and sanitary;

"(II) adequate in size to accommodate the occupants;

"(III) functionally equivalent; and

"(IV) in an area not subject to unreasonably adverse environmental conditions;

"(B) provide that persons displaced shall have the right to elect, as an alternative to the benefits under this subsection, to receive benefits under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.) if such persons determine that it is in their best interest to do so; and

"(C) provide that where a claim for assistance under subparagraph (A)(iv) is denied by a grantee, the claimant may appeal to the Secretary in the case of a grant under section 106 or 119 or to the appropriate State official in the case of a grant under section 106(d), and that the decision of the Secretary or the State official shall be final unless a court determines the decision was arbitrary and capricious.

"(3) For purposes of paragraph (2)(A)(iv) of this subsection, the term 'specified development project' means a project assisted under section 106 or 119 which is a luxury residential project, which in the case of a rental project has rents higher than 120 percent of the section 8 existing fair market rent for the area, as determined by the Secretary, or a commercial or industrial project.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1988.

SEC. 510. LIMITED NEW CONSTRUCTION OF HOUSING UNDER COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.

Section 105(a) of the Housing and Community Development Act of 1974 is amended—

(1) by striking out "and" at the end of paragraph (17);

(2) by striking out the period at the end of paragraph (18) and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new paragraph:

"(19) provision of assistance to facilitate substantial reconstruction of housing owned and occupied by low and moderate income persons (A) where the need for the reconstruction was not determinable until after rehabilitation under this section had already commenced, or (B) where the reconstruction is part of a neighborhood rehabilitation effort and the grantee (i) determines the housing is not suitable for rehabilitation, and (ii) demonstrates to the satisfaction of the Secretary that the cost of substantial reconstruction is significantly less than the cost of new construction and less than the fair market value of the property after substantial reconstruction.".

SEC. 511. AVAILABILITY OF COMMUNITY DEVELOPMENT BLOCK GRANTS FOR UNIFORM EMERGENCY TELEPHONE NUMBER SYSTEMS.

Section 105(c)(2) of the Housing and Community Development Act of 1974 is amended—

(1) by inserting "(A)" after the paragraph designation;

(2) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively; and

(3) by adding at the end thereof the following new subparagraph:

"(B) The requirements of subparagraph (A) do not prevent the use of assistance under this title for the development, establishment, and operation for not to exceed 2 years after its establishment of a uniform emergency telephone number system if the Secretary determines that—

"(i) such system will contribute substantially to the safety of the residents of the area served by such system;

"(ii) not less than 51 percent of the use of the system will be by persons of low and moderate income; and

"(iii) other Federal funds received by the grantee are not available for the development, establishment, and operation of such system due to the insufficiency of the amount of such funds, the restrictions on the use of such funds, or the prior commitment of such funds for other purposes by the grantee.

The percentage of the cost of the development, establishment, and operation of such a system that may be paid from assistance *under this title and that is considered to benefit low and moderate income persons is the percentage of the population to be served that is made up of persons of low and moderate income.".*

SEC. 512. STATE CERTIFICATIONS FOR RECEIVING COMMUNITY DEVELOPMENT BLOCK GRANTS FOR NONENTITLEMENT AREAS.

Section 106(d)(2) of the Housing and Community Development Act of 1974 is amended—

(1) in subparagraph (C), by striking "the Governor must certify that the State" and inserting "the State must certify that it"; and

(2) in subparagraph (D), by striking "the Governor of each State" and inserting "the State".

SEC. 513. ADMINISTRATIVE EXPENSES OF STATES DISTRIBUTING FUNDS TO NONENTITLEMENT AREAS.

Section 106(d)(3)(A) of the Housing and Community Development Act of 1974 is amended by striking "$102,000" and inserting "$100,000".

SEC. 514. COMMUNITY DEVELOPMENT BLOCK GRANT LOAN GUARANTEES.

(a) Limitation on Commitments.—The last sentence of section 108(a) of the Housing and Community Development Act of 1974 is amended—

(1) by striking "during fiscal year 1984"; and

(2) by striking "$225,000,000" and inserting "$150,000,000 during fiscal year 1988, and $156,150,000 during fiscal year 1989".

(b) Prohibition on Fees.—Section 108 of the Housing and Community Development Act of 1974 is amended by adding at the end the following new subsection:

"(m) No fee or charge may be imposed by the Secretary or any other Federal agency on or with respect to a guarantee made by the Secretary under this section after the date of the enactment of the Housing and Community Development Act of 1987.".

(c) Eligible Uses of Loan Guarantees.—Section 108(a) of the Housing and Community Development Act of 1974 is amended in the first sentence—

(1) by inserting "(1)" after "purposes of financing"; and

(2) by inserting before the period at the end the following: "; (2) housing rehabilitation; or (3) economic development activities permitted under paragraphs (14), (15), and (17) of section 105(a)".

SEC. 515. URBAN DEVELOPMENT ACTION GRANT SELECTION CRITERIA.

(a) Project Quality Criteria.—Section 119(d)(1) of the Housing and Community Development Act of 1974 is amended—

(1) by inserting a dash before "(A)";

(2) by indenting subparagraphs (A) and (B) in the same manner as subparagraphs (C) and (D), as inserted by this subsection;

(3) in subparagraph (A), by striking out "as the primary criterion,";

(4) by striking out "and" at the end of subparagraph (B); and

(5) by striking out subparagraph (C) and inserting in lieu thereof the following new subparagraphs:

"(C) the following other criteria:

"(i) the extent to which the grant will stimulate economic recovery by leveraging private investment;

"(ii) the number of permanent jobs to be created and their relation to the amount of grant funds requested;

"(iii) the proportion of permanent jobs accessible to lower income persons and minorities, including persons who are unemployed;

"(iv) the extent to which the project will retain jobs that will be lost without the provision of a grant under this section;

"(v) the extent to which the project will relieve the most pressing employment or residential needs of the applicant by—

"(I) reemploying workers in a skill that has recently suffered a sharp increase in unemployment locally;

"(II) retraining recently unemployed residents in new skills;

"(III) providing training to increase the local pool of skilled labor; or

"(IV) producing decent housing for low- and moderate-income persons in cases where such housing is in severe shortage in the area of the applicant, except that an application shall be considered to produce housing for low- and moderate-income persons under this clause only if such application proposes that (a) not less than 51 percent of all funds available for the project shall be used for dwelling units and related facilities; and (b) not less than 30 percent of all funds used for dwelling units and related facilities shall be used for dwelling units to be occupied by persons of low and moderate income, or not less than 20 percent of all dwelling units made available to occupancy using such funds shall be occupied by persons of low and moderate income, whichever results in the occupancy of more dwelling units by persons of low and moderate income;

"(vi) the impact of the proposed activities on the fiscal base of the city or urban county and its relation to the amount of grant funds requested;

"(vii) the extent to which State or local Government funding or special economic incentives have been committed; and

"(viii) the extent to which the project will have a substantial impact on physical and economic development of the city or urban county, the proposed activities are likely to be accomplished in a timely fashion with the grant amount available, and the city or urban county has demonstrated performance in housing and community development programs; and

"(D) additional consideration for projects with the following characteristics:

"(i) projects to be located within a city or urban county which did not receive a preliminary grant approval under this section during the 12-month period preceding the date on which applications are required to be submitted for the grant competition involved; and

"(ii) twice the amount of the additional consideration provided under clause (i) for projects to be located in cities or urban counties which did not receive a preliminary grant approval during the 24-month period preceding the date on which applications under this section are required to be submitted for the grant competition involved.

If a city or urban county has submitted and has pending more than one application, the additional consideration provided by subparagraph (D) of the preceding sentence shall be available only to the project in such city or urban county which received the highest number of points under subparagraph (C) of such sentence.".

(b) Selection Limitations and Criteria Weight.—Section 119(d) of the Housing and Community Development Act of 1974 is amended by adding at the end thereof the following new paragraphs:

"(3) The Secretary shall award points to each application as follows:

"(A) not more than 35 points on the basis of the criteria referred to in paragraph (1)(A);

"(B) not more than 35 points on the basis of the criteria referred to in paragraph (1)(B);

"(C) not more than 33 points on the basis of the criteria referred to in paragraph (1)(C); and

"(D)(i) 1 additional point on the basis of the criterion referred to in paragraph (1)(D)(i); or

"(ii) 2 additional points on the basis of the criterion referred to in paragraph (1)(D)(ii).

"(4) The Secretary shall distribute grant funds under this section so that to the extent practicable during each funding cycle—

"(A) 65 percent of the funds is first made available utilizing all of the criteria set forth in paragraph (1); and

"(B) 35 percent of the funds is then made available solely on the basis of the factors referred to in subparagraphs (C) and (D) of paragraph (1).

"(5)(A) Within 30 days of the start of each fiscal year, the Secretary shall announce the number of competitions for grants to be held in that fiscal year. The number of competitions shall be not less than two nor more than three.".

"(B) Each competition for grants described in any clause of subparagraph (A) shall be for an amount equal to the sum of—

"(i) approximately the amount of the funds available for such grants for the fiscal year divided by the number of competitions for those funds;

"(ii) any funds available for such grants in any previous competition that are not awarded; and

"(iii) any funds available for such grants in any previous competition that are recaptured.

"(6) In an application under this subsection, an urban county may use data relating to the criteria under paragraph (1) that reflect distress conditions of census tracts within a radius of 15 miles of the proposed project and within that urban county and in metropolitan cities within that urban county, except that if any data reflecting conditions in a metropolitan city with a population of 100,000 or more are included, then data reflecting conditions in any metropolitan city with a population of 75,000 or more may be used only with the consent of that metropolitan city.".

(c) Use of Repaid Grant Funds.—Section 119(f) of the Housing and Community Development Act of 1974 is amended by adding at the end thereof the following: "In any case in which the project proposes the repayment to the applicant of the grant funds, such funds shall be made available by the applicant for economic development activities that are eligible activities under this section or section 104. The applicant shall annually provide the Secretary with a statement of the projected receipt and use of repaid grant funds during the next year together with a report acceptable to the Secretary on the use of such funds during the most recent preceding full fiscal year of the applicant.".

(d) Nondiscrimination.—Section 119(r) of the Housing and Community Development Act of 1974 is amended to read as follows:

"(r) In utilizing the discretion of the Secretary when providing assistance and applying selection criteria under this section, the Secretary may not discriminate against applications on the basis of (1) the type of activity involved, whether such activity is pri-

marily housing, industrial, or commercial; or (2) the type of applicant, whether such applicant is a city or urban county.".

(e) REPORTS OF COMPTROLLER GENERAL.—

(1)(A) Not later than the expiration of the 1-year period following the date of enactment of this Act and every 3 years thereafter, the Comptroller General of the United States shall prepare and submit to the Congress a comprehensive report evaluating the eligibility standards and selection criteria applicable under section 119 of the Housing and Community Development Act of 1974.

(B) Such report shall evaluate in detail the standards and criteria specified in such section that measure the level or comparative degree of economic distress of cities and urban counties and the effect of the grants awarded on the basis of such standards and criteria on stimulating the maximum economic development activity.

(C) Such report shall also evaluate in detail the extent to which the economic and social data utilized by the Secretary in awarding grants under such section is current and accurate, and shall compare the data used by the Secretary with other available data. The Comptroller General shall make recommendations to the Congress on whether or not other data should be collected by the Federal Government in order to fairly and accurately distribute grants under such section based on the level or comparative degree of economic distress. The Comptroller General shall also make recommendations on whether or not existing data should be collected more frequently in order to ensure that timely data is used to evaluate grant applications under such section.

(2) Not later than the expiration of the 3-month period following the date of the final competition for grants for fiscal year 1988 under section 119 of the Housing and Community Development Act of 1974, the Comptroller General of the United States shall prepare and submit to the Congress a comprehensive report describing the effect of the amendments made by this section on—

(A) the targeting of grant funds to cities and urban counties having the highest level or degree of economic distress;

(B) the distribution of grant funds among regions of the United States;

(C) the number and types of projects receiving grants;

(D) the per capita funding levels for each city, urban county, or identifiable community described in subsection (p) of such section 119, receiving assistance under such section 119; and

(E) the stimulation of the maximum economic development activity.

(f) REGULATIONS.—The Secretary of Housing and Urban Development shall issue such regulations as may be necessary to carry out the amendments made by this section. Such regulations shall be published for comment in the Federal Register not later than 60 days after the date of enactment of this Act. The provisions of section 119(d)(1)(D), section 119(d)(3), and section 119(d)(4) of the Housing and Community Development Act of 1974, shall take effect on the date of enactment of this Act.

(g) APPLICABILITY.—

(1) IN GENERAL.—The amendments made by this section shall be applicable to the making of urban development action grants that have not received the preliminary approval of the Secretary of Housing and Urban Development before the date on which final regulations issued by the Secretary under subsection (f) become effective. For the fiscal year in which the amendments made by this section become applicable, such amendments shall only apply with respect to the aggregate amount awarded for such grants on or after such effective date.

(2) SUNSET OF URBAN COUNTY COMPETITION RULE.—Effective October 1, 1989, section 119(d)(6) of the Housing and Community Development Act of 1974 is repealed.

(h) LIMITATION ON GRANT AMOUNTS.—Section 119 of the Housing and Community Development Act of 1974 is amended by adding at the end thereof the following:

"(s) For fiscal years 1988 and 1989, the maximum grant amount for any project under this section is $10,000,000.".

(i) CONSIDERATION OF CERTAIN COUNTIES AS CITIES UNDER URBAN DEVELOPMENT ACTION GRANT PROGRAM.—Section 119(n)(1) of the Housing and Community Development Act of 1974 is amended by adding at the end thereof the following new sentence: "Such term also includes the counties of Kauai, Maui, and Hawaii in the State of Hawaii.".

SEC. 516. PROHIBITION ON USE OF URBAN DEVELOPMENT ACTION GRANTS FOR BUSINESS RELOCATIONS.

(a) IN GENERAL.—Section 119(h) of the Housing and Community Development Act of 1974 is amended—

(1) by inserting after the subsection designation the following: "(1) SPECULATIVE PROJECTS.—";

(2) by adding at the end of paragraph (1) (as so redesignated by paragraph (1) of this subsection) the following new sentence: "The provisions of this paragraph shall apply only to projects that do not have identified intended occupants."; and

(3) by adding at the end the following new paragraphs:

"(2) PROJECTS WITH IDENTIFIED INTENDED OCCUPANTS.—No assistance may be provided or utilized under this section for any project with identified intended occupants that is likely to facilitate—

"(A) a relocation of any operation of an industrial or commercial plant or facility or other business establishment—

"(i) from any city, urban county, or identifiable community described in subsection (p), that is eligible for assistance under this section; and

"(ii) to the city, urban county, or identifiable community described in subsection (p), in which the project is located; or

"(B) an expansion of any such operation that results in a reduction of any such operation in any city, county, or community described in subparagraph (A)(i).

"(3) SIGNIFICANT AND ADVERSE EFFECT.—The restrictions established in paragraph (2) shall not apply if the Secretary determines that the relocation or expansion does not significantly and adversely affect the employment or economic base of the city, county, or community from which the relocation or expansion occurs.

"(4) APPEAL OF ADVERSE DETERMINATION.—Following notice of intent to withhold, deny, or cancel assistance under paragraph (1) or (2), the Secretary shall provide a period of not less than 90 days in which the applicant can appeal to the Secretary the withholding, denial, or cancellation of assistance. Notwithstanding any other provision of this section, nothing in this section or in any legislative history related to the enactment of this section may be construed to permit an inference or conclusion that the policy of the Congress in the urban development action grant program is to facilitate the relocation of businesses from one area to another.

"(5) ASSISTANCE FOR INDIVIDUALS ADVERSELY AFFECTED BY PROHIBITED RELOCATIONS.—

"(A) Any amount withdrawn by, recaptured by, or paid to the Secretary due to a violation (or a settlement of an alleged violation) of this subsection (or of any regulation issued or contractual provision entered into to carry out this subsection) by a project with identified intended occupants shall be made available by the Secretary as a grant to the city, county, or community described in subsection (p), from which the operation of an industrial or commercial plant or facility or other business establishment relocated or in which the operation was reduced.

"(B)(i) Any amount made available under this paragraph shall be used by the grantee to assist individuals who were employed by the operation involved prior to the relocation or reduction and whose employment or terms of employment were adversely affected by the relocation or reduction. The assistance shall include job training, job retraining, and job placement.

"(ii) If any amount made available to a grantee under this paragraph is more than is required to provide assistance under clause (i), the grantee shall use the excess amount to carry out community development activities eligible under section 105(a).

"(C)(i) The provisions of this paragraph shall be applicable to any amount withdrawn by, recaptured by, or paid to the Secretary under this section, including any amount withdrawn, recaptured, or paid before the effective date of this paragraph.

"(ii) Grants may be made under this paragraph only to the extent of amounts provided in appropriation Acts.

"(6) DEFINITION.—For purposes of this subsection, the term 'operation' includes any plant, equipment, facility, position, employment opportunity, production capacity, or product line.

"(7) REGULATIONS.—Not later than 60 days after the date of the enactment of the Housing and Community Development Act of 1987, the Secretary shall issue such regulations as may be necessary to carry out the provisions of this subsection. Such regulations shall include specific criteria to be used by the Secretary in determining whether there is a significant and adverse effect under paragraph (3).".

(b) APPLICABILITY.—The amendments made by this section shall be applicable to urban development action grants that have not received the preliminary approval of the Secretary of Housing and Urban Development before the date of the enactment of this Act.

SEC. 517. URBAN HOMESTEADING.

(a) EXTENSIONS.—(1) Section 810(h)(1) of such Act is amended by striking out "1984 and 1985" and inserting in lieu thereof "1988 and 1989".

(2) Section 810(i)(1) of such Act is amended by striking out "1984 and 1985" and inserting in lieu thereof "1988 and 1989".

(3) Section 810(j) of such Act is amended by striking out "December 31, 1985" and inserting in lieu thereof "December 1, 1987".

(b) STATE ADMINISTRATIVE EXPENSES.—

(1) The second sentence of section 106(d)(3)(A) of the Housing and Community Development Act of 1974 is amended—

(A) by inserting immediately after "such expenses" the first time it appears the following: "and its administrative expenses under section 810 of this Act"; and

(B) by inserting immediately after "such expenses" the second time it appears the following: "under this title".

(2) Section 107(b)(4) of such Act is amended by inserting before the first semicolon the following: "and section 810 of this Act".

(c) SELECTION PROCEDURE.—

(1) Section 810(b)(2) of the Housing and Community Development Act of 1974 is amended to read as follows:

"(2) an equitable procedure for selecting recipients of homestead properties who have the capacity to make or cause to be made the repairs and improvements required under paragraph (3) of this subsection, which procedure shall—

"(A) give special priority to applicants who are 'lower income families' as defined in section 3(b)(2) of the United States Housing Act of 1937;

"(B) exclude applicants who are currently homeowners;

"(C) take into account the applicant's capacity to contribute a substantial amount of labor to the rehabilitation process, or to obtain assistance from private sources, community organizations, or other sources; and

"(D) include other reasonable selection criteria.".

(2) Section 810(b)(5) of such Act is amended by adding "and" after the semicolon.

(3) Section 810(b)(6) of such Act is amended by striking out "; and" and inserting in lieu thereof a period.

(4) Section 810(b)(7) of such Act is repealed.

(d) TRANSFER OF PROPERTY TO QUALIFIED COMMUNITY ORGANIZATIONS.—Section 810 of the Housing and Community Development Act of 1974 is amended—

(1) in subsection (a), by inserting "qualified community organization or" before "public agency designated";

(2) in subsection (b), by inserting "qualified community organization or" before "public agency designated";

(3) in subsection (b)(1), by inserting before the semicolon the following: "or in accordance with subsection (l) to qualified community organizations";

(4) in subsection (b)(3)(D), by inserting "qualified community organization or" before "public agency designated";

(5) in subsection (b)(5), by inserting "qualified community organization or" before "public agency designated";

(6) by redesignating subsection (k) as subsection (l); and

(7) by inserting after subsection (j) the following new subsection:

"(k) A unit of general local government or a State, or a public agency designated by a unit of general local government or a State, may transfer any real property that it receives under subsection (a) or purchases under subsection (i) to a qualified community organization. Qualified community organizations shall be limited to organizations that—

"(1) are incorporated and controlled by a board of directors whose members receive no compensation of any kind for the performance of their duties;

"(2) are organized exclusively for charitable, educational, scientific purposes, or the promotion of social welfare, and qualify as exempt organizations under paragraph (3) or (4) of section 501(c) of the Internal Revenue Code of 1986; and

"(3) agree to assist the applicable State or unit of general local government with the selection of homesteaders, the selection, inspection, and rehabilitation of the properties, and to perform such other functions as may be agreed between the State or unit of general local government and the qualified nonprofit organization, including the acceptance of title to property from the relevant Federal agency and the direct conveyance of the property to the homesteaders subject to the terms and conditions specified in this section.".

(e) AUTHORIZATION OF APPROPRIATIONS.—The first sentence of section 810(l) of the Housing and Community Development Act of 1974 (as so redesignated by subsection (d) of this section) is amended to read as follows: "To reimburse the housing loan funds for properties transferred pursuant to this section, and to carry out subsections (c), (g), (h), and (i), there are authorized to be appropriated $12,000,000 for fiscal year 1988, and $12,576,000 for fiscal year 1989.".

SEC. 518. REHABILITATION LOANS.

(a) EXTENSION OF LOAN AUTHORITY.—Section 312(h) of the Housing Act of 1964 is amended by striking "November 15, 1987" and inserting "September 30, 1989".

(b) PROHIBITION OF CERTAIN FEES.—Section 312(g) of the Housing Act of 1964 is amended by adding at the end the following new sentence: "No risk premium or loan fee may be imposed by or for the Secretary or any other Federal agency on or with respect to a loan made under this section after the date of the enactment of the Housing and Community Development Act of 1987.".

(c) PROHIBITION OF LOAN SALES.—Section 312 of the Housing Act of 1964 is amended by adding at the end the following new subsection:

"(l) The Secretary may not sell any loan made under this section.".

SEC. 519. LOAN CANCELLATION.

The Secretary of Housing and Urban Development shall cancel the indebtedness represented by loan number 070024914 under section 312 of the Housing Act of 1964. The obligor on such loan is relieved of all liability to the Government for the outstanding principal balance on such loan, for the amount of accrued interest on such loan, and for any other fees and charges payable in connection therewith.

SEC. 520. NEIGHBORHOOD REINVESTMENT CORPORATION.

(a) COMPOSITION OF BOARD.—Section 604 of such Act is amended—

(1) by inserting before the semicolon in subsection (a)(1) the following: "or a member of the Federal Home Loan Bank Board to be designated by the Chairman";

(2) by striking out subsection (a)(3) and inserting in lieu thereof the following: "(3) the Chairman of the Board of Governors of the Federal Reserve System, or a member of the Board of Governors of the Federal Reserve System to be designated by the Chairman;";

(3) by inserting before the semicolon in subsection (a)(4) the following: "or the appointive member of the Board of Directors of the Federal Deposit Insurance Corporation if so designated by the Chairman"; and

(4) by striking out "Administrator" in subsection (a)(6) and inserting in lieu thereof the word "Chairman"; and by inserting after "Administration" the following: "or a member of the Board of the National Credit Union Administration to be designated by the Chairman.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 608(a) of the Neighborhood Reinvestment Corporation Act is amended to read as follows:

"(a) There are authorized to be appropriated to the corporation to carry out this title $18,300,000 for fiscal year 1988, and $18,300,000 for fiscal year 1989.".

SEC. 521. NEIGHBORHOOD DEVELOPMENT DEMONSTRATION PROGRAM.

Section 123(g) of the Housing and Urban-Rural Recovery Act of 1983 is amended to read as follows:

"(g) There are authorized to be appropriated to carry out this section $2,000,000 for fiscal year 1988, and $2,000,000 for fiscal year 1989.".

SEC. 522. PARK CENTRAL NEW COMMUNITY PROJECT.

(a) HOUSING ASSISTANCE.—Section 213 of the Housing and Community Development Act of 1974 is amended by adding at the end the following new subsection:

"(e) From budget authority made available in appropriation Acts for fiscal year 1988, the Secretary shall enter into an annual contributions contract for a term of 180 months to obligate sufficient funds to provide assistance payments pursuant to section 8(b)(1) of the United States Housing Act of 1937 on behalf of 500 lower income families from budget authority made available for fiscal year 1988, so long as such families occupy properties in the Park Central New Community Project or in adjacent areas that are recognized by the unit of general local government in which such Project is located as being included within the Park Central New Town In Town Project. If a lower income family receiving assistance payments pursuant to this subsection ceases to qualify for assistance payments pursuant to the provisions of section 8 of such Act or of this subsection during the 180-month term of the annual contributions contract, assistance payments shall be made on behalf of another lower income family who occupies a unit identified in the previous sentence.".

(b) COMMUNITY DEVELOPMENT ASSISTANCE.—Section 107(a) of the Housing and Community Development Act of 1974 is amended by adding at the end the following new sentence: "Of the amount set aside for grants under subsection (b) for fiscal year 1988, $5,000,000 shall be made available by the Secretary for purposes of grants under subsection (b)(1) for the Park Central New Community Project.".

SEC. 523. USE OF URBAN RENEWAL LAND DISPOSITION PROCEEDS AND CERTAIN OTHER COMMUNITY DEVELOPMENT FUNDS.

(a) IN GENERAL.—Notwithstanding any other provision of law or other requirement, each unit of general local government referred to in subsection (b) is authorized to retain any land disposition proceeds from the specified financially closed-out urban renewal projects not paid to the Department of Housing and Urban Development and to use such proceeds in accordance with the requirements of the community development block grant program specified in title I of the Housing and Community Development Act of 1974. Each such unit of general local government shall retain such proceeds in a lump sum and shall be entitled to retain and use, in accordance with this section, all past and future earnings from such proceeds, including any interest.

(b) APPLICABILITY.—The units of general local government and projects to which subsection (a) applies are as follows:

(1) The City of Hartford, in the State of Connecticut, with respect to the Sheldon-Charter Oak, Section A Urban Renewal Project (No. Conn. R. 77).

(2) The City of Lebanon, in the State of Pennsylvania, with respect to the Southside Urban Renewal Project (R-635(C)).

(3) The City of Richmond, in the State of Virginia, with respect to the following projects:

(A) The Washington Park Conservation Project (No. VA-A-3-1).

(B) The Fulton Redevelopment Project (No. VA-A-3-2).

(C) The George Mason Redevelopment Project (No. VA-A-3-3).

(D) The Jefferson Park Conservation Project (No. VA-A-3-4).

(E) The Randolph Redevelopment and Conservation Project (No. VAR-58).

(4) The City of Milwaukee, in the State of Wisconsin, with respect to urban renewal projects (Nos. R-1 and R-20).

(5) The Borough of East Stroudsburg, in the State of Pennsylvania, with respect to the Courtland Plaza Urban Renewal Project (No. PA-R-352).

(c) Additional Authorizations.—(1) Notwithstanding any other provision of law or other requirement, the city of Nanticoke, the Borough of Plymouth, and the Borough of Forty Fort, all in the county of Luzerne and in the State of Pennsylvania, are authorized to retain any categorical settlement grant funds or urban renewal grant funds that remain after the financial closeout of the Lower Broadway Disaster Urban Renewal Project (No. B-79-UR-42-0001) in the city of Nanticoke, the Plymouth Disaster Urban Renewal Project (No. PA.R-617 and No. B-79-UR-42-0007) in the Borough of Plymouth, and the Forty Fort Disaster Urban Renewal Project (No. PA.R-613 and No. B-79-UR-42-0003) in the Borough of Forty Fort, respectively, and to use such funds in accordance with the requirements of the Community Development Block Grant Program specified in title I of the Housing and Community Development Act of 1974. The city of Nanticoke, the Borough of Plymouth, and the Borough of Forty Fort shall retain such funds in a lump sum and shall be entitled to retain and use, in accordance with this paragraph, all past and future earnings from such funds, including any interest.

(2) Notwithstanding any other provision of law or other requirement, the City of Vallejo in the State of California is authorized to retain any land disposition proceeds from the Marina Vista Urban Renewal Plan (No. CA R-14) if the City of Vallejo, or its Redevelopment Agency, will construct within the Plan Area and within the Community Development Block Grant Target Area a waterfront park of approximately 5 acres. Such proceeds shall not be deemed as income for purposes of determining the allocation of Community Development Block Grant funds to the City of Vallejo in the State of California.

SEC. 524. COMMUNITY DEVELOPMENT PROJECTS LABOR STANDARDS.

Section 110 of the Housing and Community Development Act of 1974 is amended by striking "is designed for residential use of eight or more families" and insert "contains not less than 8 units".

SEC. 525. URBAN PLANNING.

Section 702 of the Housing Act of 1954 is amended—

(1) by striking subsections (c) and (h); and

(2) by striking subsection (g) and inserting the following:

"(g) Effective upon the date of the enactment of the Housing and Community Development Act of 1987, and in accordance with such accounting and other procedures as the Secretary may prescribe, each advance made by the Secretary under this section that has any principal amount outstanding shall be forgiven. The terms and conditions of any contract, or any amendment to a contract, for such advance with respect to any promise to repay the advance shall be canceled.".

SEC. 526. COMMUNITY DEVELOPMENT TECHNICAL AMENDMENTS.

Section 123(e)(3) of the Housing and Urban-Rural Recovery Act of 1983 is amended by striking "Act" and inserting "section".

Subtitle B—Flood and Crime Insurance Programs

SEC. 541. EXTENSION OF FLOOD INSURANCE PROGRAM.

(a) General Authority.—Section 1319 of the National Flood Insurance Act of 1968 is amended by striking "November 15, 1987" and inserting "September 30, 1989".

(b) Emergency Implementation.—Section 1336(a) of the National Flood Insurance Act of 1968 is amended by striking "November 15, 1987" and inserting "September 30, 1989".

(c) Establishment of Flood-Risk Zones.—Section 1360(a)(2) of the National Flood Insurance Act of 1968 is amended by striking "November 15, 1987" and inserting "September 30, 1989".

(d) Limitation on Premiums.—The premium rates charged for flood insurance under any program established pursuant to the National Flood Insurance Act of 1968 may not be increased during the period beginning on the date of the enactment of this Act and ending on September 30, 1989, by more than a prorated annual rate of 10 percent.

SEC. 542. EXTENSION OF CRIME INSURANCE PROGRAM.

(a) General Authority.—Section 1201(b)(1) of the National Housing Act is amended by striking "November 15, 1987" in the matter preceding subparagraph (A) and inserting "September 30, 1989".

(b) Continuation of Existing Contracts.—Section 1201(b)(1)(A) of the National Housing Act is amended by striking "September 30, 1986" and inserting "September 30, 1990".

(c) Limitation on Premiums.—The premium rates charged for crime insurance under any program established pursuant to part C of title XII of the National Housing Act may not be increased during the period beginning on the date of the enactment of this Act and ending on September 30, 1989, by more than a prorated annual rate of 5 percent.

SEC. 543. STUDIES UNDER NATIONAL FLOOD INSURANCE PROGRAM.

Section 1376(c) of the National Flood Insurance Act of 1968 is amended to read as follows:

"(c) There are authorized to be appropriated for studies under this title $36,670,000 for fiscal year 1988, and such sums as may be necessary for fiscal year 1989. Any amount appropriated under this subsection shall remain available until expended.".

SEC. 544. SCHEDULE FOR PAYMENT OF FLOOD INSURANCE FOR STRUCTURES ON LAND SUBJECT TO IMMINENT COLLAPSE OR SUBSIDENCE.

(a) In General.—Section 1306 of the National Flood Insurance Act of 1968 is amended by adding at the end the following new subsection:

"(c)(1) If any structure covered by a contract for flood insurance under this title and located on land that is along the shore of a lake or other body of water is certified by an appropriate State or local land use authority to be subject to imminent collapse or subsidence as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels, the Director shall (following final determination by the Director that the claim is in compliance with regulations developed pursuant to paragraph (6)(A)) pay amounts under such flood insurance contract for proper demolition or relocation as follows:

"(A) For proper demolition—

"(i) Following final determination by the Director, 40 percent of the value of the structure; and

"(ii) Following demolition of the structure (including any septic containment system) prior to collapse, the remaining 60 percent of the value of the structure and 10 percent of the value of the structure, or the actual cost of demolition, whichever amount is less.

"(B) For proper relocation (including removal of any septic containment system) if the owner chooses to relocate the structure—

"(i) following final determination by the Director, prior to collapse, up to 40 percent of the value of the structure;

"(ii) the total payment under this subparagraph shall not exceed the actual cost of relocation.

"(2) If any structure subject to a final determination under paragraph (1) collapses or subsides before the owner demolishes or relocates the structure and the Director determines that the owner has failed to take reasonable and prudent action to demolish or relocate the structure, the Director shall not pay more than the amount provided in subparagraph (A)(i) with respect to the structure.

"(3) For purposes of paying flood insurance pursuant to this subsection, the value of a structure shall be whichever of the following is lowest:

"(A) The fair market value of a comparable structure that is not subject to imminent collapse or subsidence.

"(B) The price paid for the structure and any improvement to the structure, as adjusted for inflation in accordance with an index determined by the Director to be appropriate.

"(C) The value of the structure under the flood insurance contract issued pursuant to this title.

"(4)(A) The provisions of this subsection shall apply to contracts for flood insurance under this title that are in effect on, or entered into after, the date of the enactment of the Housing and Community Development Act of 1987.

"(B) The provisions of this subsection shall not apply to any structure not subject to a contract for flood insurance under this title on the date of a certification under paragraph (1).

"(C) The provisions of this subsection shall not apply to any structure unless the structure is covered by a contract for flood insurance under this title—

"(i) on or before June 1, 1988;

"(ii) for a period of 2 years prior to certification under paragraph (1); or

"(iii) for the term of ownership if less than 2 years.

"(D) The provisions of this subsection shall not apply to any structure located in the area west of the groin field on the barrier island from Moriches Inlet to Shinnecock Inlet on the southern shore of Long Island of Suffolk County, New York.

"(5) For any parcel of land on which a structure is subject to a final determination under paragraph (1), no subsequent flood insurance coverage under this title or assistance under the Disaster Relief Act of 1974 (except emergency assistance essential to save lives and protect property, public health and safety) shall be available for—

"(A) any structure consisting of one to four dwelling units which is constructed or

relocated at a point seaward of the 30-year erosion setback; or

"(B) any other structure which is constructed or relocated at a point seaward of the 60-year erosion setback.

"(6)(A) The Director shall promulgate regulations and guidelines to implement the provisions of this subsection.

"(B) Prior to issuance of regulations regarding the State and local certifications pursuant to paragraph (1), all provisions of this subsection shall apply to any structure which is determined by the Director—

"(i) to otherwise meet the requirements of this subsection; and

"(ii) to have been condemned by a State or local authority and to be subject to imminent collapse or subsidence as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels.".

(b) Effective Date.—The amendment made by this section shall become effective on the date of the enactment of this Act.

SEC. 545. FLOOD AND CRIME INSURANCE TECHNICAL AMENDMENTS.

(a) Crime Insurance Program Authority.—Section 1201(b) of the National Housing Act is amended—

(1) by striking paragraphs (2) and (3);

(2) by striking "(b)(1)" and inserting "(b)"; and

(3) by redesignating subparagraphs (A) through (C) as paragraphs (1) through (3), respectively.

(b) Reinsurance Agreements.—Section 1222(c) of the National Housing Act is amended by striking "section 3679(a) of the Revised Statutes of the United States (31 U.S.C. 665(a))," and inserting "section 1341(a) of title 31, United States Code,".

(c) National Insurance Development Fund.—Section 1243(d) of the National Housing Act is amended by striking "by law (sections 102, 103, and 104 of the Government Corporation Control Act (31 U.S.C. 847-849))" and inserting "by sections 9103 and 9104 of title 31, United States Code,".

(d) National Flood Insurance Fund.—Section 1310(e) of the National Flood Insurance Act of 1968 is amended by inserting a comma after "Code".

(e) Flood Insurance in Colorado River Floodway.—The National Flood Insurance Act of 1968 is amended by inserting the following section heading for section 1322: "COLORADO RIVER FLOODWAY".

(f) FEMA Treasury Borrowings.—The third sentence of section 15(e) of the Federal Flood Insurance Act of 1956 is amended by inserting a comma after "Code".

Subtitle C—Miscellaneous Programs

SEC. 561. FAIR HOUSING INITIATIVES PROGRAM.

(a) In General.—The Secretary of Housing and Urban Development (in this section referred to as the "Secretary") may make grants to, or (to the extent of amounts provided in appropriation Acts) enter into contracts or cooperative agreements with, State or local governments or their agencies, public or private nonprofit organizations or institutions, or other public or private entities that are formulating or carrying out programs to prevent or eliminate discriminatory housing practices, to develop, implement, carry out, or coordinate—

(1) programs or activities designed to obtain enforcement of the rights granted by title VIII of the Act of April 11, 1968 (commonly referred to as the Civil Rights Act of 1968), or by State or local laws that provide rights and remedies for alleged discriminatory housing practices that are substantially equivalent to the rights and remedies provided in such title VIII, through such appropriate judicial or administrative proceedings (including informal methods of conference, conciliation, and persuasion) as are available therefor; and

(2) education and outreach programs designed to inform the public concerning rights and obligations under the laws referred to in paragraph (1).

(b) Program Administration.—

(1) Not less than 30 days before providing a grant or entering into any contract or cooperative agreement to carry out activities authorized by this section, the Secretary shall submit notification of such proposed grant, contract, or cooperative agreement (including a description of the geographical distribution of such contracts) to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives.

(2) The Secretary shall provide to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives a quarterly report that summarizes the activities funded under this section and describes the geographical distribution of grants, contracts, or cooperative agreements funded under this section.

(c) Regulations.—

(1) The Secretary shall issue such regulations as may be necessary to carry out the provisions of this section.

(2) The Secretary shall, for use during the demonstration authorized in this section, establish guidelines for testing activities funded under the private enforcement initiative of the fair housing initiatives program. The purpose of such guidelines shall be to ensure that investigations in support of fair housing enforcement efforts described in subsection (a)(1) shall develop credible and objective evidence of discriminatory housing practices. Such guidelines shall apply only to activities funded under this section, shall not be construed to limit or otherwise restrict the use of facts secured through testing not funded under this section in any legal proceeding under Federal fair housing laws, and shall not be used to restrict individuals or entities, including those participating in the fair housing initiatives program, from pursuing any right or remedy guaranteed by Federal law. Not later than 6 months after the end of the demonstration period authorized in this section, the Secretary shall submit to Congress the evaluation of the Secretary of the effectiveness of such guidelines in achieving the purposes of this section.

(3) Such regulations shall include provisions governing applications for assistance under this section, and shall require each such application to contain—

(A) a description of the assisted activities proposed to be undertaken by the applicant, together with the estimated costs and schedule for completion of such activities;

(B) a description of the experience of the applicant in formulating or carrying out programs to prevent or eliminate discriminatory housing practices;

(C) available information, including studies made by or available to the applicant, indicating the nature and extent of discriminatory housing practices occurring in the general location where the applicant proposes to conduct its assisted activities, and the relationship of such activities to such practices;

(D) an estimate of such other public or private resources as may be available to assist the proposed activities;

(E) a description of proposed procedures to be used by the applicant for monitoring conduct and evaluating results of the proposed activities; and

(F) any additional information required by the Secretary.

(4) Regulations issued under this subsection shall not become effective prior to the expiration of 90 days after the Secretary transmits such regulations, in the form such regulations are intended to be published, to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives.

(5) The Secretary shall not obligate or expend any amount under this section before the effective date of the regulations required under this subsection.

(d) Authorization of Appropriations.—There are authorized to be appropriated to carry out the provisions of this section, including any program evaluations, $5,000,000 for fiscal year 1988, and $5,000,000 for fiscal year 1989, of which not more than $3,000,000 in each year shall be for the private enforcement initiative demonstration. Any amount appropriated under this section shall remain available until expended.

(e) Sunset.—The demonstration period authorized in this section shall end on September 30, 1989.

SEC. 562. COLLECTION OF CERTAIN DATA.

(a) In General.—To assess the extent of compliance with Federal fair housing requirements (including the requirements established under title VI of Public Law 88-352 and title VIII of Public Law 90-284), the Secretary of Housing and Urban Development and the Secretary of Agriculture shall each collect, not less than annually, data on the racial and ethnic characteristics of persons eligible for, assisted, or otherwise benefiting under each community development, housing assistance, and mortgage and loan insurance and guarantee program administered by such Secretary. Such data shall be collected on a building by building basis if the Secretary involved determines such collection to be appropriate.

(b) Reports to Congress.—The Secretary of Housing and Urban Development and the Secretary of Agriculture shall each include in the annual report of such Secretary to the Congress a summary and evaluation of the data collected by such Secretary under subsection (a) during the preceding year.

SEC. 563. REGULATORY AUTHORITY.

(a) Department of Housing and Urban Development.—Section 7(o) of the Department of Housing and Urban Development Act is amended by adding at the end thereof the following new paragraph:

"(7) The Secretary shall include with each rule or regulation required to be transmitted to the Committees under this subsection a detailed summary of all changes required by the Office of Management and Budget that prohibit, modify, postpone, or disapprove such rule or regulation in whole or part.".

(b) Farmers Home Administration.—Section 534 of the Housing Act of 1949 is amended by adding at the end thereof the following new subsection:

"(d) The Secretary shall include with each rule or regulation required to be transmitted to the Committees under this section a detailed summary of all changes required by the Office of Management and Budget that prohibit, modify, postpone, or disapprove such rule or regulation in whole or part.".

SEC. 564. RESEARCH AND DEVELOPMENT.

Section 501 of the Housing and Urban Development Act of 1970 is amended by striking the second and third sentences and inserting the following: "There are authorized to be appropriated to carry out this title $17,000,000 for fiscal year 1988, and $17,918,000 for fiscal year 1989.".

SEC. 565. HOME MORTGAGE DISCLOSURE.

(a) Applicability to Mortgage Banking Affiliates.—

(1) Section 303(2) of the Home Mortgage Disclosure Act of 1975 is amended—

(A) by striking "or" the first place it appears; and

(B) by inserting before the semicolon at the end the following: ", mortgage banking subsidiary of a bank holding company or savings and loan holding company, or savings and loan service corporation that originates or purchases mortgage loans".

(2) Section 304 of the Home Mortgage Disclosure Act of 1975 is amended by adding at the end the following new subsection:

"(g) The requirements of subsections (a) and (b) shall not apply with respect to mortgage loans that are—

"(1) made by any mortgage banking subsidiary of a bank holding company or savings and loan holding company or by any savings and loan service corporation that originates or purchases mortgage loans; and

"(2) approved by the Secretary for insurance under title I or II of the National Housing Act.".

(3) The first sentence of section 311 of the Home Mortgage Disclosure Act of 1975 is amended by inserting after "306(b)" the following: "(and for each mortgagee making mortgage loans exempted under section 304(g))".

(4) The amendments made by this subsection shall be applicable to calendar years beginning after December 31, 1986.

(b) Permanent Extension of General Authority.—The Home Mortgage Disclosure Act of 1975 is amended by striking section 312.

SEC. 566. LEAD-BASED PAINT POISONING PREVENTION.

(a) Detection and Abatement Procedures.—Section 302 of the Lead-Based Paint Poisoning Prevention Act is amended—

(1) by inserting after the section designation the following: "(a) General Requirements.—";

(2) in the second sentence, by striking "housing constructed prior to 1950" and inserting the following: "housing constructed or substantially rehabilitated prior to 1978";

(3) in clause (1) of the second sentence, by striking "paint which may contain lead and to which children may be exposed" and inserting the following: "accessible intact, intact, and nonintact interior and exterior painted surfaces that may contain lead in any such housing in which any child who is less than 7 years of age resides or is expected to reside";

(4) in clause (2) of the second sentence, by inserting after "notification" the following: "(using a brochure developed after consultation with the National Institute of Building Sciences)";

(5) by striking the third sentence; and

(6) by adding at the end the following new subsections:

"(b) Measurement Criteria.—The procedures established by the Secretary under this section for the detection and abatement of lead-based paint poisoning hazards in any housing—

"(1) shall be based upon criteria that measure the condition of the housing; and

"(2) shall not be based upon criteria that measure the health of the residents of the housing.

"(c) Inspection Requirements.—The Secretary shall require the inspection of all intact and nonintact interior and exterior painted surfaces of housing subject to this section for lead-based paint using an approved x-ray fluorescence analyzer or comparable approved sampling or testing technique. A qualified inspector shall certify in writing the precise results of the inspection. If the results equal or exceed a level of 1.0 milligrams per centimeter squared, the results shall be provided to any potential purchaser or tenant of the housing. The Secretary shall periodically review and reduce the level below 1.0 milligram per centimeter squared to the extent that reliable technology makes feasible the detection of a lower level and medical evidence supports the imposition of a lower level. The requirements of this subsection shall apply as provided in subsection (d).

"(d) Abatement Required.—

"(1) Section 8 and public housing.—In the case of housing assisted under section 8 of the United States Housing Act of 1937 and public housing assisted under such Act, the Secretary shall require the inspection described in subsection (c) for—

"(A) each vacant dwelling prior to rerenting;

"(B) a random sample of all occupied dwellings; and

"(C) each dwelling in any housing in which there is a dwelling determined under subparagraph (A) or (B) to have lead-based paint hazards.

The Secretary shall require the inspection of all housing subject to this paragraph prior to the expiration of 5 years from the date of the publication of final regulations pursuant to this subsection. The Secretary shall prioritize, within such 5-year period, inspections on the basis of vacancy, age of housing, or projected modernization or rehabilitation. The Secretary shall require abatement to eliminate the lead-based paint poisoning hazards in housing in which the test results equal or exceed the standard established by or under subsection (c). Final inspection and certification after abatement shall be made by a qualified inspector.

"(2) HUD-owned properties.—

"(A) Abatement demonstration program.—In carrying out the requirements of this subsection with respect to single-family and multifamily properties owned by the Department of Housing and Urban Development, the Secretary shall utilize a sufficient variety of abatement methods in a sufficient number of areas and circumstances to demonstrate their relative cost-effectiveness and their applicability to various types of housing.

"(B) Report.—Not later than 18 months after the effective date of the regulations issued to carry out this subsection, the Secretary shall transmit to the Congress the findings and recommendations of the Secretary as a result of the demonstration program, including any recommendations of the Secretary for legislation to revise the requirements of this subsection. In preparing such report, the Secretary shall examine—

"(i) the most reliable technology available for detecting lead-based paint;

"(ii) the most efficient and cost-effective methods for abatement;

"(iii) safety considerations in testing;

"(iv) the overall accuracy and reliability of laboratory testing of physical samples, x-ray fluorescence machines, and other available testing procedures;

"(v) availability of qualified samplers and testers; and

"(vi) an estimate of the amount, characteristics, and regional distribution of housing in the United States that contains lead-based paint hazards at differing levels of contamination.

"(3) Privately owned housing.—

"(A) Report required.—Not later than 9 months after completion of the demonstration required by paragraph (2), the Secretary shall, based on the demonstration, prepare and transmit to the Congress, a comprehensive and workable plan, including any recommendations for changes in legislation, for the prompt and cost effective inspection and abatement of privately owned single family and multifamily housing.

"(B) Pre-sale inspections.—If the report required by subparagraph (A) is not submitted within the period specified in such subparagraph, the Secretary shall require inspection and abatement prior to sale to eliminate lead-based paint poisoning hazards where test results equal or exceed the level established in or under subsection (c) for all housing which is or will be security for a real property loan originated or assigned to a lender. For the purpose of the preceding sentence, the terms 'lender' and 'real property loan' have the meanings given by paragraphs (2) and (3), respectively, of section 341(a) of the Garn-St Germain Depository Institutions Act of 1982. Final inspection and certification after abatement shall be made by a qualified inspector.

"(e) Exceptions.—The provisions of this section shall not apply to—

"(1) housing for the elderly or handicapped, except for any dwelling in such housing in which any child who is less than 7 years of age resides or is expected to reside;

"(2) any project for which an application for insurance is submitted under section 231, 232, 241, or 242 of the National Housing Act; or

"(3) any 0-bedroom dwelling.

"(f) Funding.—The Secretary is expected to continue carrying out the provisions of this section utilizing available Federal funding sources.".

(b) Regulations.—

(1) Proposed regulations.—Not later than the expiration of the 60-day period following the date of the enactment of this Act, the Secretary of Housing and Urban Development shall publish proposed regulations to carry out the amendments made by this section.

(2) Final regulations.—The Secretary shall publish final regulations to carry out the amendments made by this section, which shall become effective not later than the expiration of the 120-day period following the date of the enactment of this Act.

(3) Required consultations.—Before issuing proposed regulations under this subsection, the Secretary shall consult with—

(A) the National Institute of Building Sciences and the National Bureau of Standards with respect to the most cost-effective methods of detecting and abating lead-based paint poisoning hazards; and

(B) public housing agencies to develop a cost-efficient plan for detecting and abating lead-based paint poisoning hazards in dwelling assisted under section 8 of the United States Housing Act of 1937 and dwellings in public housing assisted under such Act.

SEC. 567. MEDIAN AREA INCOME.

For purposes of calculating the median income for any area that is not within a metropolitan statistical area (as established by the Office of Management and Budget) for programs under title I of the Housing and Community Development Act of 1974, the United States Housing Act of 1937, the National Housing Act, or title V of the Housing Act of 1949, the Secretary of Housing and Urban Development or the Secretary of Agriculture (as appropriate) shall use whichever of the following is higher:

(1) the median income of the county in which the area is located; or

(2) the median income of the entire nonmetropolitan area of the State.

SEC. 568. SOLAR ENERGY AND ENERGY CONSERVATION BANK.

(a) EXTENSION OF BANK.—Section 505(a) of the Solar Energy and Energy Conservation Bank Act is amended by striking "1987" and inserting "1989".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 522(a) of the Solar Energy and Energy Conservation Bank Act is amended by striking "fiscal year 1985" and inserting "fiscal years 1988 and 1989".

SEC. 569. MANUFACTURED HOUSING CONSTRUCTION AND SAFETY STANDARDS.

Section 604 of the National Manufactured Housing Construction and Safety Standards Act of 1974 is amended by adding at the end the following new subsection:

"(i)(1) The Federal manufactured home construction and safety standards established by the Secretary under this section shall include preemptive energy conservation standards in accordance with this subsection.

"(2) The energy conservation standards established under this subsection shall be cost-effective energy conservation performance standards designed to ensure the lowest total of construction and operating costs.

"(3) The energy conservation standards established under this subsection shall take into consideration the design and factory construction techniques of manufactured homes and shall provide for alternative practices that result in net estimated energy consumption equal to or less than the specified standards.".

SEC. 570. NULLIFICATION OF RIGHT OF REDEMPTION OF SINGLE-FAMILY MORTGAGORS.

Section 204 of the National Housing Act is amended by adding at the end the following new subsection:

"(l)(1) Whenever the Secretary or a contract mortgagee (pursuant to its contract with the Secretary) forecloses on a Secretary-held single family mortgage in any Federal or State court or pursuant to a power of sale in a mortgage, the purchaser at the foreclosure sale shall be entitled to receive a conveyance of title to, and possession of, the property, subject to the interests senior to the interests of the Secretary or the contract mortgagee, as the case may be. Notwithstanding any State law to the contrary, there shall be no right of redemption (including in all instances any right to possession based upon any right of redemption) in the mortgagor or any other person subsequent to the foreclosure sale in connection with a Secretary-held single family mortgage. The appropriate State official or the trustee, as the case may be, shall execute and deliver a deed or other appropriate instrument conveying title to the purchaser at the foreclosure sale, consistent with applicable procedures in the jurisdiction and without regard to any such right of redemption.

"(2) The following actions shall be taken in order to verify title in the purchaser at the foreclosure sale:

"(A) In the case of a judicial foreclosure in any Federal or State court, there shall be included in the petition and in the judgment of foreclosure a statement that the foreclosure is in accordance with this subsection and that there is no right of redemption in the mortgagor or any other person.

"(B) In the case of a foreclosure pursuant to a power of sale provision in the mortgage, the statement required in subparagraph (A) shall be included in the advertisement of the sale and either in the recitals of the deed or other appropriate instrument conveying title to the purchaser at the foreclosure sale or in an affidavit or addendum to the deed.

"(3) For purposes of this subsection:

"(A) The term 'contract mortgagee' means a person or entity under a contract with the Secretary that provides for the assignment of a single-family mortgage from the Secretary to the person or entity for the purpose of pursuing foreclosure.

"(B) the term 'mortgage' means a deed of trust, mortgage, deed to secure debt, security agreement, or any other form of instrument under which any interest in property, real, personal, or mixed, or any interest in property, including leaseholds, life estates, reversionary interests, and any other estates under applicable State law, is conveyed in trust, mortgaged, encumbered, pledged, or otherwise rendered subject to a lien, for the purpose of securing the payment of money or the performance of an obligation.

"(C) The term 'Secretary-held single family mortgage' means a single-family mortgage held by the Secretary or by a contract mortgagee at the time of initiation of foreclosure that—

"(i) was formerly insured by the Secretary under any section of this title; or

"(ii) was taken by the Secretary as a purchase money mortgage in connection with the sale or other transfer of Secretary-owned property under any section of this title.

"(D) The term 'single-family mortgage' means a mortgage that covers property on which is located a 1-to-4 family residence.".

SEC. 571. MISCELLANEOUS PROGRAMS TECHNICAL AMENDMENTS.

(a) HUD ADMINISTRATIVE PROVISIONS.—

(1) Section 502(a) of the Housing Act of 1948 is amended by striking the fourth sentence.

(2) Section 502(b) of the Housing Act of 1948 is amended—

(A) by striking "United States Housing Authority" each place it appears and inserting "Secretary of Housing and Urban Development"; and

(B) by striking "the Authority" each place it appears and inserting "the Secretary of Housing and Urban Development".

(3) Section 502(c)(2) of the Housing Act of 1948 is amended by adding "and" at the end.

(b) ANNUAL REPORT OF SECRETARY.—Section 802 of the Housing Act of 1954 is amended by inserting the following section heading:

"ANNUAL REPORT OF SECRETARY".

(c) ENERGY CONSERVATION IN NEW BUILDINGS.—Section 303(11) of the Energy Conservation Standards for New Buildings Act of 1976 is amended by striking "Secretary of Housing and Urban Development" and inserting "Secretary of Energy".

(d) WEATHERIZATION ASSISTANCE.—Section 412(9)(G) of the Energy Conservation in Existing Buildings Act of 1976 is amended by striking the first comma after "determine".

(e) SOLAR ENERGY AND ENERGY CONSERVATION BANK.—Sections 506(f)(1), 509(b)(2)(E), 509(c), 515(b)(1)(A)(iii), 515(b)(1)(B), 515(b)(1)(C)(ii), 515(b)(1)(D), and 515(b)(2) of the Solar Energy and Energy Conservation Bank Act are amended—

(1) by striking "section 38" each place it appears and inserting "section 23";

(2) by striking "section 44C" each place it appears and inserting "section 38"; and

(3) by striking "Internal Revenue Code of 1954" each place it appears and inserting "Internal Revenue Code of 1986".

(f) NATIONAL INSTITUTE OF BUILDING SCIENCES.—

(1) Section 809(g)(4) of the Housing and Community Development Act of 1974 is amended by striking "and its" and inserting "of its".

(2) Section 809(h) of the Housing and Community Development Act of 1974 is amended by striking "preceeding" in the last sentence and inserting "preceding".

(g) REAL ESTATE SETTLEMENT PROCEDURES.—Section 8(c)(5) of the Real Estate Settlement Procedures Act of 1974 is amended by striking "clause 4(B)" and inserting "clause (4)(B)".

(h) HOME MORTGAGE DISCLOSURE.—Section 304(a)(1) of the Home Mortgage Disclosure Act of 1975 is amended by striking "at at" and inserting "at".

(i) STEWART B. MCKINNEY HOMELESS ASSISTANCE ACT.—(1) Section 422(1) of the Stewart B. McKinney Homeless Assistance Act is amended by inserting "governmental entity," after "urban county,".

(2) Section 431(1) of such Act is amended by inserting "governmental entity," after "urban county,".

SEC. 572. USE OF AMERICAN MATERIALS AND PRODUCTS.

In the administration of housing assistance programs, the Secretary of Housing and Urban Development shall encourage the use of materials and products mined and produced in the United States.

SEC. 573. STUDY OF VOLUNTARY STANDARDS FOR MODULAR HOMES.

(a) IN GENERAL.—In order to facilitate the construction and delivery of housing, the National Institute of Building Sciences shall prepare and submit to the Congress not later than 6 months after the date of the enactment of this Act a report describing feasible alternative systems for implementing one or more voluntary preemptive national codes for modular housing, including the method for inspecting the structures to ensure compliance with the selected code or set of codes. Such codes may be national model codes and shall provide for periodic upgrading through recognized model code development procedures and the development of modular housing standards for construction, design, and performance that ensure quality, durability, and safety and are in accordance with life-cycle cost-effective energy conservation standards established by the Secretary of Housing and Urban Development and designed to ensure the lowest total construction and operating costs over the estimated life of such housing.

(b) DEFINITION.—For purposes of this section, the term "modular housing" means factory-built single-family and multifamily housing (including closed wall panelized housing) not subject to the requirements of the National Manufactured Housing Construction and Safety Standards Act of 1974.

(c) GRANT.—From amounts appropriated pursuant to section 501 of the Housing and Urban Development Act of 1970, the Secretary of Housing and Urban Development shall make a grant to the National Institute of Building Sciences in an amount not to exceed $50,000 to cover the cost of the report under this section.

TITLE VI—NEHEMIAH HOUSING OPPORTUNITY GRANTS

SEC. 601. STATEMENT OF PURPOSE.

It is the purpose of this title—

(1) to encourage homeownership by families in the United States who are not otherwise able to afford homeownership;

(2) to undertake a concentrated effort to rebuild the depressed areas of the cities of the United States and to create sound and attractive neighborhoods; and

(3) to increase the employment of neighborhood residents.

SEC. 602. DEFINITIONS.

For purposes of this title:

(1) The term "Fund" means the Nehemiah Housing Opportunity Fund established in section 609(a).

(2) The term "home" means any 1- to 4-family dwelling. Such term includes any dwelling unit in a condominium project or cooperative project consisting of not more than 4 dwelling units, any town house, and any manufactured home.

(3) The term "lower income families" has the meaning given such term in section 3(b)(2) of the United States Housing Act of 1937.

(4) The term "metropolitan statistical area" means a metropolitan statistical area as established by the Office of Management and Budget.

(5) The term "nonprofit organization" means a private nonprofit corporation, or other private nonprofit legal entity, that is approved by the Secretary as to financial responsibility.

(6) The term "Secretary" means the Secretary of Housing and Urban Development.

(7) The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.

(8) The term "substantial rehabilitation" means—

(A) rehabilitation involving costs in excess of 60 percent of the maximum sale price of a home assisted under this title in the market area in which it is located; or

(B) the rehabilitation of a vacant, uninhabitable structure.

(9) The term "unit of general local government" means any borough, city, county, parish, town, township, village, or other general purpose political subdivision of a State.

SEC. 603. ASSISTANCE TO NONPROFIT ORGANIZATIONS.

(a) IN GENERAL.—The Secretary may provide assistance to nonprofit organizations to carry out Nehemiah housing opportunity programs in accordance with the provisions of this title. Such assistance shall be made in the form of grants.

(b) APPLICATIONS.—Applications for assistance under this title shall be made in such form, and in accordance with such procedures, as the Secretary may prescribe.

SEC. 604. USE OF ASSISTANCE.

(a) IN GENERAL.—Any nonprofit organization receiving assistance under this title shall use such assistance to provide loans to families purchasing homes constructed or substantially rehabilitated in accordance with a Nehemiah housing opportunity program approved under this title.

(b) SPECIFIC REQUIREMENTS.—Each loan made to a family under this section shall—

(1) be secured by a second mortgage held by the Secretary on the property involved;

(2) be in an amount not exceeding $15,000;

(3) bear no interest; and

(4) be repayable to the Secretary upon the sale, lease, or other transfer of such property.

SEC. 605. PROGRAM REQUIREMENTS.

(a) IN GENERAL.—Assistance provided under this title may be used only in connection with a Nehemiah housing opportunity program of construction or substantial rehabilitation of homes.

(b) FAMILY NEED.—Each family purchasing a home under this title shall—

(1) have a family income on the date of such purchase that is not more than whichever of the following is higher:

(A) the median income for a family of 4 persons in the metropolitan statistical area involved or, in the case of not more than 30 percent of the families in any project, 115 percent of such median income; or

(B) the national median income for a family of 4 persons; and

(2) not have owned a home during the 3-year period preceding such purchase.

(c) DOWNPAYMENT.—

(1) Each family purchasing a home under this title shall make a downpayment of not less than 10 percent of the sale price of such home unless—

(A) the nonprofit organization determines a higher downpayment to be appropriate; or

(B) the first mortgage on the home is held by a State or unit of general local government under a home loan program of the State or unit of general local government, and the program provides for a lower downpayment.

(2) Any downpayment made under this subsection shall accrue interest from the date on which such downpayment is made through the date of settlement, at a rate not less than the passbook rate. Such interest shall be paid by the nonprofit organization involved to the family purchasing the home for which such downpayment was made.

(d) LEASING PROHIBITION.—No family purchasing a home under this title may lease such home.

SEC. 606. TERMS AND CONDITIONS OF ASSISTANCE.

(a) LOCAL CONSULTATION.—No proposed Nehemiah housing opportunity program may be approved by the Secretary under this title unless the nonprofit organization involved demonstrates to the satisfaction of the Secretary that—

(1) it has consulted with and received the support of residents of the neighborhood in which such program is to be located; and

(2) it has the approval of each unit of general local government in which such program is to be located.

(b) PROGRAM SCHEDULE.—Each nonprofit organization applying for assistance under this title shall submit to the Secretary an estimated schedule for completion of its proposed Nehemiah housing opportunity program, which schedule shall have been agreed to by each unit of general local government in which such program is to be located.

(c) MINIMUM PARTICIPATION.—No nonprofit organization receiving assistance under this title may commence any construction or substantial rehabilitation (except with respect to homes to be constructed or substantially rehabilitated for the purpose of display) until not less than 25 percent of the homes to be constructed or substantially rehabilitated are contracted for sale to purchasers who intend to live in such homes and the required downpayments are made.

(d) FINANCIAL FEASIBILITY.—The Secretary may not provide any assistance under this title to any nonprofit organization unless such nonprofit organization demonstrates the financial feasibility of its proposed Nehemiah housing opportunity program, including the availability of non-Federal public and private funds.

(e) HOME QUALITY AND LOCATION.—A Nehemiah housing opportunity program may be approved under this title only if it provides that—

(1) the number of homes to be constructed or substantially rehabilitated under such program will not be less than whichever of the following is less:

(A) the greater of (i) 50 homes; or (ii) 0.25 percent of the number of existing dwelling units in the unit of general local government that provides the most assistance to such program; or

(B) 250 homes;

except that the Secretary may waive the requirements of this paragraph for any unit of general local government if the Governor of the State or the unit of general local government requests such waiver and certifies with supporting documentation that such requirements will prevent the State or the unit of general local government from being able to use such program effectively;

(2) each home constructed or substantially rehabilitated under such program will comply with—

(A)(i) applicable local building code standards;

(ii) in any case in which there is not an applicable local building code, a nationally recognized model building code mutually agreed upon by the sponsoring nonprofit organization and the Secretary; or

(iii) in the case of a manufactured home, the standards prescribed pursuant to title VI of the Housing and Community Development Act of 1974 and the installation, structural, and site requirements that would apply under title II of the National Housing Act; and

(B) the energy performance requirements established under section 526 of the National Housing Act or, in the case of manufactured housing, the energy conservation requirements prescribed in accordance with section 203(b) of the National Housing Act;

(3) all homes constructed or substantially rehabilitated under such program will be located in census tracts, or identifiable neighborhoods within census tracts, in which the median family income is not more than 80 percent of the median family income of the area in which such program is to be located, as such median family income and area are determined for purposes of assistance under section 8 of the United States Housing Act of 1937;

(4) all homes constructed or substantially rehabilitated under such program will be concentrated in a single neighborhood and located on contiguous parcels of land, except that homes may be constructed or substantially rehabilitated in up to 4 identifiable neighborhoods that each consist of contiguous parcels of land if—

(A) the unit of general local government in which the project is located certifies that land cannot be made available in a single neighborhood for a program of the size required by paragraph (1);

(B) the nonprofit organization submits evidence satisfactory to the Secretary that construction or substantial rehabilitation in more than 1 identifiable neighborhood will result in cost reductions through economies of scale comparable to the cost reductions achieved by other programs eligible for assistance under this title; and

(C) the nonprofit organization submits evidence satisfactory to the Secretary that

the program, by itself or together with improvement efforts that are or will be undertaken in the identifiable neighborhoods by the unit of general local goverment or private entities, will result in a substantial improvement in the overall quality and long-term viability of the neighborhoods; and

(5) sales contracts entered into under such program will contain provisions requiring repayment of any loan made under this title upon the sale or other transfer of the home involved, unless the Secretary approves a transfer of such home without repayment (in which case the second mortgage held by the Secretary on such home shall remain in force until such loan is fully repaid).

SEC. 607. PROGRAM SELECTION CRITERIA.

(a) In General.—In selecting Nehemiah housing opportunity programs for assistance under this title from among eligible programs, the Secretary shall make such selection on the basis of the extent to which—

(1) non-Federal public or private entities will contribute land necessary to make each program feasible;

(2) non-Federal public and private financial or other contributions (including tax abatements, waivers of fees related to development, waivers of construction, development, or zoning requirements, and direct financial contributions) will reduce the cost of homes constructed or substantially rehabilitated under each program;

(3) each program will produce the greatest number of units for the least amount of assistance provided under this title, taking into consideration the cost differences among different market areas;

(4) each program is located in a neighborhood of severe physical and economic blight (and, in determining the degree of physical blight, the Secretary shall consider the condition of the housing, other buildings, and infrastructure, in the neighborhood of the proposed program);

(5) each program uses construction methods that will reduce the cost per square foot below the average construction cost in the market area involved; and

(6) each program provides for the involvement of local residents in the planning, and construction or substantial rehabilitation, of homes.

(b) Exception.—To the extent that non-Federal public entities are prohibited by the law of any State from making any form of contribution described in paragraph (1) or (2) of subsection (a), the Secretary shall not consider such form of contribution in evaluating such program.

SEC. 608. DISTRIBUTION OF ASSISTANCE TO NONPROFIT ORGANIZATIONS.

(a) Reservation of Amounts.—Following the selection of any Nehemiah housing opportunity program for assistance under this title, the Secretary shall reserve sufficient amounts in the Nehemiah Housing Opportunity Fund for such assistance.

(b) Distribution of Assistance.—Following the sale of any home constructed or substantially rehabilitated under a Nehemiah housing opportunity program selected for assistance under this title, the Secretary shall provide to the sponsoring nonprofit organization an amount equal to the amount of the loan made to the family purchasing such home. Such amount shall be provided not more than 30 days after the sale of such home.

(c) Maximum Assistance.—The assistance provided to any nonprofit organization under this title may not exceed $15,000 per home.

SEC. 609. NEHEMIAH HOUSING OPPORTUNITY FUND.

(a) Establishment.—There is established in the Treasury of the United States a revolving fund, to be known as the Nehemiah Housing Opportunity Fund. The Fund shall be available to the Secretary, to the extent approved in appropriation Acts, for purposes of providing assistance under section 603.

(b) Assets.—The Fund shall consist of—

(1) any amount appropriated under section 612;

(2) any amount received by the Secretary under section 604(b)(4); and

(3) any amount received by the Secretary under subsection (c).

(c) Administration.—Any amount in the Fund determined by the Secretary to be in excess of the amount currently required to carry out the provisions of this title shall be invested by the Secretary in obligations of, or obligations guaranteed as to both principal and interest by, the United States or any agency of the United States.

SEC. 610. ANNUAL REPORT.

The Secretary shall annually prepare and submit to the Congress a comprehensive report setting forth the activities carried out under this title. Such report shall include—

(1) an analysis of the characteristics of the families assisted under this title during the preceding year, including family size, number of children, family income, sources of family income, race, age, and sex;

(2) an analysis of the market value of homes purchased under this title during the preceding year;

(3) an analysis of the non-Federal public and private financial or other contributions made during the preceding year to reduce the cost of homes constructed or substantially rehabilitated under each program;

(4) an analysis of the sales prices of homes under this title during the preceding year;

(5) an analysis of the amounts of the grants made to programs under this title during the preceding year; and

(6) any recommendations of the Secretary for modifications in the program established by this title in order to ensure the effective implementation of such program.

SEC. 611. REGULATIONS.

The Secretary shall issue such regulations as may be necessary to carry out the provisions of this title. Any such regulations shall be issued in accordance with section 553 of title 5, United States Code, notwithstanding the provisions of subsection (a)(2) of such section.

SEC. 612. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title such sums as may be necessary for fiscal year 1988 and $150,000,000 for fiscal year 1989. Any amount appropriated under this section shall be deposited in the Nehemiah Housing Opportunity Fund, and shall remain available until expended.

TITLE VII—ENTERPRISE ZONE DEVELOPMENT

SEC. 701. DESIGNATION OF ENTERPRISE ZONES.

(a) Designation of Zones.—

(1) Definition.—For purposes of this section, the term "enterprise zone" means any area that—

(A) is nominated by one or more local governments and the State or States in which it is located for designation as an enterprise zone (in this section referred to as a "nominated area"); and

(B) the Secretary of Housing and Urban Development designates as an enterprise zone, after consultation with—

(i) the Secretaries of Agriculture, Commerce, Labor, and the Treasury, the Director of the Office of Management and Budget, and the Administrator of the Small Business Administration; and

(ii) in the case of an area on an Indian reservation, the Secretary of the Interior.

(2) Number of designations.—

(A) In general.—The Secretary of Housing and Urban Development may designate not more than 100 nominated areas as enterprise zones.

(B) Minimum designation in rural areas.—Of the areas designated under clause (i), not less than ⅓ shall be areas that—

(i) are within a local government jurisdiction or jurisdictions with a population of less than 50,000 (as determined under the most recent census data available);

(ii) are outside of a metropolitan statistical area (as designated by the Director of the Office of Management and Budget); or

(iii) that are determined by the Secretary, after consultation with the Secretary of Commerce, to be rural areas.

(3) Areas designated based solely on degree of poverty.—

(A) In general.—Except as provided in subparagraph (B), the Secretary shall designate the nominated areas with the highest average ranking with respect to the criteria set forth in subparagraphs (C), (D), and (E) of subsection (c)(3). For purposes of the preceding sentence, an area shall be ranked within each such criterion on the basis of the amount by which the area exceeds such criterion, with the area that exceeds such criterion by the greatest amount given the highest ranking.

(B) Exception where inadequate course of action, etc.—An area shall not be designated under subparagraph (A) if the Secretary determines that the course of action with respect to such area is inadequate.

(C) Separate application to rural and other areas.—Subparagraph (A) shall be applied separately with respect to areas described in paragraph (2)(B) and to other areas.

(4) Limitation on designations.—

(A) Publication of regulations.—Before designating any area as an enterprise zone, the Secretary shall prescribe by regulation not later than 4 months following the date of the enactment of this Act, after consultation with the officials described in paragraph (1)(B)—

(i) the procedures for nominating an area under paragraph (1)(A);

(ii) the parameters relating to the size and population characteristics of an enterprise zone; and

(iii) the manner in which nominated areas will be evaluated based on the criteria specified in subsection (d).

(B) Time limitations.—The Secretary shall designate nominated areas as enterprise zones only during the 24-month period beginning on the 1st day of the 1st month following the month in which the effective date of the regulations described in subparagraph (A) occurs.

(C) Procedural rules.—The Secretary shall not make any designation under paragraph (1) unless—

(i) the local governments and the State in which the nominated area is located have the authority—

(I) to nominate such area for designation as an enterprise zone;

(II) to make the State and local commitments under subsection (d); and

(III) to provide assurances satisfactory to the Secretary that such commitments will be fulfilled;

(ii) a nomination therefor is submitted in such a manner and in such form, and contains such information, as the Secretary shall by regulation prescribe;

(iii) the Secretary determines that any information furnished is reasonably accurate; and

(iv) the State and local governments certify that no portion of the area nominated is already included in an enterprise zone or in an area otherwise nominated to be an enterprise zone.

(5) NOMINATION PROCESS FOR INDIAN RESERVATIONS.—In the case of a nominated area on an Indian reservation, the reservation governing body (as determined by the Secretary of the Interior) shall be deemed to be both the State and local governments with respect to such area.

(b) PERIOD FOR WHICH DESIGNATION IS IN EFFECT.—

(1) IN GENERAL.—Any designation of an area as an enterprise zone shall remain in effect during the period beginning on the date of the designation and ending on the earliest of—

(A) December 31 of the 24th calendar year following the calendar year in which such date occurs;

(B) the termination date designated by the State and local governments as provided for in their nomination pursuant to subsection (a)(4)(C)(ii); or

(C) the date the Secretary revokes such designation under paragraph (2).

(2) REVOCATION OF DESIGNATION.—The Secretary, after consultation with the officials described in subsection (a)(1)(B) and a hearing on the record involving officials of the State or local government involved, may revoke the designation of an area if the Secretary determines that the local government or the State in which it is located is not complying substantially with the State and local commitments pursuant to subsection (d).

(c) AREA AND ELIGIBILITY REQUIREMENTS.—

(1) IN GENERAL.—The Secretary may make a designation of any nominated area under subsection (a)(1) only if it meets the requirements of paragraphs (2) and (3).

(2) AREA REQUIREMENTS.—A nominated area meets the requirements of this paragraph if—

(A) the area is within the jurisdiction of the local government;

(B) the boundary of the area is continuous; and

(C) the area—

(i) has a population, as determined by the most recent census data available, of not less than—

(I) 4,000 if any portion of such area (other than a rural area described in subsection (a)(2)(B)(i)) is located within a metropolitan statistical area (as designated by the Director of the Office of Management and Budget) with a population of 50,000 or more; or

(II) 1,000 in any other case; or

(ii) is entirely within an Indian reservation (as determined by the Secretary of the Interior).

(3) ELIGIBILITY REQUIREMENTS.—For purposes of paragraph (1), a nominated area meets the requirements of this paragraph if the State and local governments in which it is located certify and the Secretary, after such review of supporting data as he deems appropriate, accepts such certification, that—

(A) the area is one of pervasive poverty, unemployment, and general distress;

(B) the area is located wholly within the jurisdiction of a local government that is eligible for Federal assistance under section 119 of the Housing and Community Development Act of 1974, as in effect on the date of the enactment of this Act;

(C) the unemployment rate, as determined by the appropriate available data, was not less than 1.5 times the national unemployment rate for that period;

(D) the poverty rate (as determined by the most recent census data available) for each populous census tract (or where not tracted, the equivalent county division as defined by the Bureau of the Census for the purpose of defining poverty areas) within the area was not less than 20 percent for the period to which such data relate; and

(E) the area meets at least one of the following criteria:

(i) Not less than 70 percent of the households living in the area have incomes below 80 percent of the median income of households of the local government (determined in the same manner as under section 119(b)(2) of the Housing and Community Development Act of 1974).

(ii) The population of the area decreased by 20 percent or more between 1970 and 1980 (as determined from the most recent census available).

(4) ELIGIBILITY REQUIREMENTS FOR RURAL AREAS.—For purposes of paragraph (1), a nominated area that is a rural area described in subsection (a)(2)(B) meets the requirements of paragraph (3) if the State and local governments in which it is located certify and the Secretary, after such review of supporting data as he deems appropriate, accepts such certification, that the area meets—

(A) the criteria set forth in subparagraphs (A) and (B) of paragraph (3); and

(B) not less than one of the criteria set forth in the other subparagraphs of paragraph (3).

(d) REQUIRED STATE AND LOCAL COMMITMENTS.—

(1) IN GENERAL.—No nominated area shall be designated as an enterprise zone unless the local government and the State in which it is located agree in writing that, during any period during which the area is an enterprise zone, such governments will follow a specified course of action designated to reduce the various burdens borne by employers or employees in such area. A course of action shall not be treated as meeting the requirements of this paragraph unless the course of action include provisions described in not less than 4 of the subparagraphs of paragraph (2).

(2) COURSE OF ACTION.—The course of action under paragraph (1) may be implemented by both such governments and private nongovernmental entities, may be funded from proceeds of any program administered by the Secretary of Housing and Urban Development or of any program administered by the Secretary of Agriculture under title V of the Housing Act of 1949, and may include, but is not limited to—

(A) a reduction of tax rates or fees applying within the enterprise zone;

(B) an increase in the level of public services, or in the efficiency of the delivery of public services, within the enterprise zone;

(C) actions to reduce, remove, simplify, or streamline paperwork requirements within the enterprise zone;

(D) involvement in the program by public authorities or private entities, organizations, neighborhood associations, and community groups, particularly those within the nominated area, including a written commitment to provide jobs and job training for, and technical, financial, or other assistance to, employers, employees, and residents of the nominated area;

(E) the giving of special preference to contractors owned and operated by members of any minority; and

(F) the gift (or sale at below fair market value) of surplus land in the enterprise zone to neighborhood organizations agreeing to operate a business on the land.

(3) RECOGNITION OF PAST EFFORTS.—In evaluating courses of action agreed to by any State or local government, the Secretary shall take into account the past efforts of such State or local government in reducing the various burdens borne by employers and employees in the area involved.

(4) PROHIBITION OF ASSISTANCE FOR BUSINESS RELOCATIONS.—

(A) IN GENERAL.—The course of action implemented under paragraph (1) may not include any action to assist—

(i) any establishment relocating from one area to another area; or

(ii) any subcontractor whose purpose is to divest, or whose economic success is dependent upon divesting, any other contractor or subcontractor of any contract customarily performed by such other contractor or subcontractor.

(B) EXCEPTION.—The limitations established in subparagraph (A) shall not be construed to prohibit assistance for the expansion of an existing business entity through the establishment of a new branch, affiliate, or subsidiary if the Secretary—

(i) finds that the establishment of the new branch, affiliate, or subsidiary will not result in an increase in unemployment in the area of original location or in any other area where the existing business entity conducts business operations; and

(ii) has no reason to believe that the new branch, affiliate, or subsidiary is being established with the intention of closing down the operations of the existing business entity in the area of its original location or in any other area where the existing business entity conducts business operations.

(e) DEFINITIONS.—For purposes of this section:

(1) GOVERNMENT.—If more than one government seeks to nominate an area as an enterprise zone, any reference to, or requirement of, this section shall apply to all such governments.

(2) LOCAL GOVERNMENT.—The term "local government" means—

(A) any county, city, town, township, parish, village, or other general purpose political subdivision of a State;

(B) any combination of political subdivisions described in subparagraph (A) recognized by the Secretary; and

(C) the District of Columbia.

(3) SECRETARY.—The term "Secretary" means the Secretary of Housing and Urban Development.

(4) STATE.—The term "State" includes Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and any other possession of the United States.

SEC. 702. EVALUATION AND REPORTING REQUIREMENTS.

Not later than the close of the 4th calendar year after the year in which the Secretary of Housing and Urban Development first designates areas as enterprise zones, and at the close of each 4th calendar year thereafter, the Secretary shall prepare and submit to the Congress a report on the effects of such *designation in accomplishing the purposes of this title.*

SEC. 703. INTERACTION WITH OTHER FEDERAL PROGRAMS.

(a) Coordination With Relocation Assistance.—The designation of an enterprise zone under section 701 shall not—

(1) constitute approval of a Federal or federally assisted program or project (within the meaning of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.)); or

(2) entitle any person displaced from real property located in such zone to any rights or any benefits under such Act.

(b) Enterprise Zones Treated as Labor Surplus Areas.—Any area that is designated as an enterprise zone under section 701 shall be treated for all purposes under Federal law as a labor surplus area.

SEC. 704. WAIVER OR MODIFICATION OF HOUSING AND COMMUNITY DEVELOPMENT RULES IN ENTERPRISE ZONES.

(a) In General.—Upon the written request of the governments that designated and approved an area that has been designated as an enterprise zone under section 701, the Secretary of Housing and Urban Development (or, with respect to any rule issued under title V of the Housing Act of 1949, the Secretary of Agriculture) may, in order to further the job creation, community development, or economic revitalization objectives of the zone, waive or modify all or part of any rule that the Secretary has authority to promulgate, as such rule pertains to the carrying out of projects, activities, or undertakings within the zone.

(b) Limitation.—No provision of this section may be construed to authorize the Secretary to waive or modify any rule adopted to carry out a statute or Executive order that prohibits, or the purpose of which is to protect persons against, discrimination on the basis of race, color, religion, sex, marital status, national origin, age, or handicap.

(c) Submission of Requests.—A request under subsection (a) shall specify the rule or rules to be waived or modified and the change proposed, and shall briefly describe why the change would promote the achievement of the job creation, community development, or economic revitalization objectives of the enterprise zone. If a request is made to the Secretary of Agriculture, the requesting governments shall send a copy of the request to the Secretary of Housing and Urban Development at the time the request is made.

(d) Consideration of Requests.—In considering a request, the Secretary shall weigh the extent to which the proposed change is likely to further job creation, community development, or economic revitalization within the enterprise zone against the effect the change is likely to have on the underlying purposes of applicable statutes in the geographic area that would be affected by the change. The Secretary shall approve the request whenever the Secretary finds, in the discretion of the Secretary, that the public interest that the proposed change would serve in furthering such job creation, community development or economic revitalization outweighs the public interest that continuation of the rule unchanged would serve in furthering such underlying purposes. The Secretary shall not approve any request to waive or modify a rule if that waiver or modification would—

(1) directly violate a statutory requirement; or

(2) be likely to present a significant risk to the public health, including environmental health or safety.

(e) Notice of Disapproval.—If a request is disapproved, the Secretary shall inform the requesting governments in writing of the reasons therefor and shall, to the maximum extent possible, work with such governments to develop an alternative, consistent with the standards contained in subsection (d).

(f) Period for Determination.—The Secretary shall discharge the responsibilities of the Secretary under this section in an expeditious manner, and shall make a determination on requests not later than 90 days after their receipt.

(g) Applicable Procedures.—A waiver or modification of a rule under subsection (a) shall not be considered to be a rule, rulemaking, or regulation under chapter 5 of title 5, United States Code. To facilitate reaching a decision on any requested waiver or modification, the Secretary may seek the views of interested parties and, if the views are to be sought, determine how they should be obtained and to what extent, if any, they should be taken into account in considering the request. The Secretary shall publish a notice in the Federal Register stating any waiver or modification of a rule under this section.

(h) Effect of Subsequent Amendment of Rules.—In the event that the Secretary proposes to amend a rule for which a waiver or modification under this section is in effect, the Secretary shall not change the waiver or modification to impose additional requirements unless the Secretary determines, consistent with standards contained in subsection (d), that such action is necessary.

(i) Expiration of Waivers and Modifications.—No waiver or modification of a rule under this section shall remain in effect for a longer period than the period for which the enterprise zone designation remains in effect for the area in which the waiver or modification applies.

(j) Definitions.—For purposes of this section:

(1) Rule.—The term "rule" means—

(A) any rule as defined in section 551(4) of title 5, United States Code; or

(B) any rulemaking conducted on the record after opportunity for an agency hearing pursuant to sections 556 and 557 of such title 5.

(2) Secretary.—The term "Secretary" means the Secretary of Housing and Urban Development or, with respect to any rule issued under title V of the Housing Act of 1949, the Secretary of Agriculture.

SEC. 705. COORDINATION OF HOUSING AND URBAN DEVELOPMENT PROGRAMS IN ENTERPRISE ZONES.

Section 3 of the Department of Housing and Urban Development Act is amended by adding at the end the following new subsection:

"(d) The Secretary shall—

"(1) promote the coordination of all programs under the jurisdiction of the Secretary that are carried on within an enterprise zone designated pursuant to section 701 of the Housing and Community Development Act of 1987;

"(2) expedite, to the greatest extent possible, the consideration of applications for programs referred to in paragraph (1) through the consolidation of forms or otherwise; and

"(3) provide, whenever possible, for the consolidation of periodic reports required under programs referred to in paragraph (1) into one summary report submitted at such intervals as may be designated by the Secretary.".

SEC. 706. COORDINATION WITH CDBG AND UDAG PROGRAMS.

It is the policy of the Congress that amounts provided under the community development block grant and urban development action grant programs under title I of the Housing and Community Development Act of 1974 shall not be reduced in any fiscal year in which the provisions of this title are in effect.

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment to the title of the bill insert the following: "An Act to amend and extend certain laws relating to housing, community and neighborhood development and preservation, and related programs, and for other purposes.".

And the House agree to the same.

Fernand J. St Germain,
Henry Gonzalez,
Walter Fauntroy,
Mary Rose Oakar,
Bruce F. Vento,
Robert Garcia,
Charles Schumer,
Barney Frank,
Richard Lehman,
Bruce A. Morrison,
Marcy Kaptur,
Ben Erdreich,
Chalmers P. Wylie,
Marge Roukema,
George C. Wortley,
Doug Bereuter,
John Hiler,
Tom Ridge,
Steve Bartlett,
Managers on the Part of the House.

Alan Cranston,
Don Riegle,
Paul Sarbanes,
John Heinz,
Alfonse M. D'Amato,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 825) to amend and extend certain laws related to housing and for other purposes, submitted the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The House amendment to the text of the bill struck out all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment which is a substitute for the Senate bill and the House amendment. The differences between the Senate bill, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

SHORT TITLE

The Senate bill was entitled the Housing and Community Development Act of 1987. The House amendment was entitled the Housing, Community Development, and

Homelessness Prevention Act of 1987. The conference report contains the Senate title.

FINDINGS AND PURPOSES

Findings.—The House amendment contained a provision that was not contained in the Senate bill which found that the Federal Government has had a leading role in U.S. housing in the past 50 years, that that role has included the development of various programs and policies to enable people to rent or buy affordable housing, that recent reductions in federal housing programs have contributed to a deepening housing crisis for low- and moderate-income families, and that homelessness in communities across the nation demonstrates the lack of affordable residential shelter for people living on the economic margins of society. The conference report contains the House provision.

Purposes.—The House amendment contained a provision that was not contained in the Senate bill which established as the purposes of this legislation the following: to reaffirm that decent and affordable shelter is a basic necessity, and that the general welfare of the nation and the health and living standards of its people require the addition of new housing units to remedy a serious shortage of housing units for all Americans, particularly for persons of low and moderate income; to make the distribution of direct and indirect housing assistance more equitable by providing Federal assistance for the less affluent people of the nation; to provide needed housing assistance for the homeless and for persons of low and moderate income who lack affordable, decent, safe, and sanitary housing; and to reform existing programs to ensure that such assistance is delivered in the most efficient manner possible. The conference report contains the House provision.

BUDGET COMPLIANCE

The House amendment contained a provision that was not contained in the Senate bill to require that funding for FY 1988 provided in the act may not exceed the appropriate aggregate levels established in the FY 1988 Concurrent Budget Act. The House amendment also contained a similar provision in its final title. The conference report contains the first House provision.

TITLE I—HOUSING ASSISTANCE

SUBTITLE A—PROGRAMS UNDER UNITED STATES HOUSING ACT OF 1937

Part I—General provisions

Lower Income Housing Authorization

The Senate bill contained a provision to authorize the appropriation of funds for Lower Income Housing Assistance at $7.51 billion for each of fiscal years 1988 and 1989, and to set a maximum ratio of voucher to Sec. 8 existing assisted units of 2:1. The House amendment contained a provision to authorize the appropriation of $7.9 billion for FY 1988 Section 8 and public housing programs which includes: approximately $481.3 million for public housing grants, $144.7 million of which is set aside for Indian housing; $3.24 billion for Section 8 existing; $401 million for Section 8 moderate rehabilitation; $1.7 billion for Section 8/202 elderly and handicapped; $1.5 billion for comprehensive improvement assistance grants; $315.7 million for Section 8 property disposition; and $195.8 million for Sec. 8 loan management. The conference report contains an authorization of appropriations as follows: an aggregate amount of $7.091 billion for fiscal year 1988 and $7.436 billion for fiscal year 1989 of which $482 million for public and Indian housing development grants for fiscal year 1988 and $504 million for public and Indian housing grants for fiscal year 1989, $1.7 billion for the Comprehensive Improvement Assistance Program (CIAP) for fiscal year 1988 and $1.775 billion for fiscal year 1989 for CIAP grants, $1.681 billion for fiscal year 1988 for Section 8/202 elderly and handicapped and $1.761 billion for fiscal year 1989 for Section 8/202, $400 million for fiscal year 1988 for Section 8 moderate rehabilitation and $419 million for fiscal year 1989 for Section 8 moderate rehabilitation, $2.340 billion for fiscal year 1988 Section 8 existing certificates and vouchers, and $2.444 billion for fiscal year 1989 for Section 8 existing certificates and vouchers, $302 million for fiscal year 1988 for Section 8 property disposition and $329 million for fiscal year 1989 for Section 8 property disposition, and $187 million for fiscal year 1988 for Section 8 loan management and $204 million for fiscal year 1989 for Section 8 loan management.

Tenant Rental Contributions

The House amendment contained several provisions that were not contained in the Senate bill to amend current tenant rental contributions program requirements in public housing.

Economic rent.—The House amendment contained a provision to permit a PHA to establish monthly rents which do not exceed the maximum allowable contribution to rent and is not less than the average monthly debt service and operating expenses attributable to dwelling units of similar size in its public housing projects, and to limit such a ceiling to 5 years per family. The conference report contains the House provision. The conferees expect HUD will establish appropriate approval procedures to ensure that ceiling rents are available to families that are income eligible for public housing, i.e., who have incomes below 80 percent of area median. Once a family has qualified for a ceiling rent for a five-year period, the family may continue to have the benefit of the ceiling rent for the full five-year period even if the family's income increases beyond 80 percent of area median.

Adjusted income.—The House amendment contained a provision to allow working families to take a ten percent deduction in determining adjusted income. The conference report does not contain the House provision. The conferees are concerned that working low-income families who pay income and social security taxes face a reduction in their disposable income with no compensatory reduction in their adjustable income for rent purposes. Therefore, the conferees expect HUD to begin providing incentives through the rent structure that encourage and do not penalize working tenants in federally assisted housing.

Rent phase-in.—The House amendment contained a provision to require the PHA or HUD to increase gradually during a 6-month period rent for residents of public housing who obtain employment which will result in an increase in the rent payable by the family. The conference report contains the House provision with an amendment to exempt PHAs who demonstrate to the Secretary that compliance with this provision will impose an unreasonable administrative burden.

Reduction of rental payments for elderly families.—The House amendment contained a provision to reduce rent for elderly families living in federally-assisted housing to 25 percent of their adjusted income. The conference report contains a substitute provision to permit the Secretary, on a project-by-project basis, to reduce the rent contribution to not less than 25 percent of adjusted income for each elderly family living in an efficiency unit in a public housing project if the Secretary determines that the reductions are likely to result in lower costs to the federal government as a result of minimizing vacancies. The provision will cease to have effect in two years.

Utility allowance.—The House amendment contained a provision to require tenant-paid utilities to be based on the average actual utility consumption for each size and type of dwelling unit. The conference report contains an amendment deleting the House provision and replacing it with a report to be conducted by the Comptroller General and submitted to Congress not later than October 30, 1988, which would assess the utility allowances provided tenants in assisted housing. The report would: describe how public housing authorities are currently calculating utility allowances based on a national survey of actual PHA methods; estimate the number of tenants paying more than 30 percent of income for rent and utilities in master metered, check metered and individually metered units; describe changes needed in current law and regulation and the costs associated with those changes to ensure that utility allowances do not differ merely because of the units' metering system, tenants do not pay more than 30 percent of their income for rent and utilities and tenants have a strong incentive to conserve energy and cut utilities while those who waste substantial amounts of energy are penalized; describe feasible ways utility allowances can reflect differences in the size, location and energy-conserving condition of units and appliances; and be developed in consultation with HUD, DOE, other federal officials and representatives of PHA's local governments, tenants, energy conservation interests and other knowledgeable individuals.

The conferees are concerned that under HUD's prior, present, and proposed regulations, a large number of assisted housing tenants who are not substantially wasteful of utilities are being unfairly penalized by the existing allowances and end up paying more than 30 percent of their adjusted income for shelter and utilities. A number of legal decisions, including the Supreme Court's recent decision in *Wright* v. *Roanoke Redevelopment and Housing Authority,* have established both the inequity of prior and present allowance systems and the ability of tenants to enforce their rights judicially. However, the conferees believe more specific information is needed about the kinds of problems created by HUD's existing regulatory requirements before a precise corrective statutory proposal can be developed. Therefore, the conference agreement includes a provision for a study to determine both the nature of existing practices in setting allowances and the extent of variation between existing practices and standards that would assure tenants pay no more than 30 percent of adjusted income for shelter, all necessary appurtenances equipment and utilities. The conferees expect HUD to continue to ensure prompt allowance adjustments to cover changes in utility rates for both Section 8 and public housing so tenants are not harmed for rate increases beyond their control.

Income Eligibility for Assisted Housing

The Senate bill contained a provision to require the Secretary to establish different percentage limitations for different assisted housing programs, provided that the percentage limitations, when aggregated achieve the requirement that 95 percent of all housing assistance go to very low-income households, and to waive the 95 percent targeting requirement in cases where such a waiver would prevent or ameliorate the effects of displacement in the rental rehabilitation program. The House amendment contained a provision to increase the percentage of units which may be available under public housing or Sec. 8 to families with incomes between 50 and 80 percent of area median to 25 percent. The conference report contains the Senate provision with an amendment to exempt homeownership projects under the Indian Housing Program from the 95 percent requirement. The conferees intend that for every assisted housing program, the Secretary shall establish an appropriate percentage of families between 50 and 80 percent of median that may be served in each program.

Part II—Public housing

Public Housing Management Simplification

The House amendment contained a provision that was not contained in the Senate bill to encourage efficient and effective administration of public housing by permitting well-managed PHAs to certify compliance with federal requirements. The conference report does not contain the House provision, since the conferees are encouraged that HUD is taking steps to recognize the competence of well-managed PHAs and is simplifying some of the procedures they are required to follow.

The conferees feel strongly that HUD should work to improve the ability of PHAs to manage their projects and to simplify the procedure for complying with federal requirements. In fact, the public housing profession has already developed voluntary professional performance standards which can be used to provide guidance and to certify efficient and well-managed public housing agencies. Therefore, the conferees intend the Secretary to begin establishing a system which will achieve these goals by permitting PHAs which meet the voluntary standards to certify compliance with the standards and with requirements established by the Secretary for receiving operating subsidy and modernization funds. Finally, the conferees expect HUD to continue its deregulatory program for well-managed PHAs and make this a Departmental priority.

Discretionary Preference for Near Elderly Families in Public Housing Projects Designed for the Elderly

The House amendment contained a provision that was not contained in the Senate bill to expand the definition of "family" to include certain single people, to expand the definition of "elderly family", and to give PHAs the discretion to admit near elderly persons, those between 50 and 62 years of age, to elderly public housing projects when there is an insufficient number of elderly persons to fill such units. The conference report contains the House provision with an amendment to delete all of the provision except for the discretionary preference for the near elderly in elderly public housing. The conferees expect HUD, in implementing this provision, to be sure that the demographics are such that this new authority will not deny any otherwise eligible elderly family a dwelling unit.

Grants for Public Housing Development

The House amendment contained a provision that was not contained in the Senate bill to authorize direct capital grants for funding development and modernization of public housing and Indian Housing Authorities. The conference report contains the House provision.

Limitation on Public Housing Development and Assurance of Public Housing Quality Standards

The Senate bill and the House amendment contained similar provisions which restricted the use of public housing development funds and which ensured compliance with Sec. 8 housing quality standards. The Senate provision required that in order to get development funds, the application for modernization be submitted and pending and comply with the comprehensive modernization plan of the PHA. The House provision required that the application be submitted in good faith and that the Secretary determine, in writing, that there is a reasonable expectation that the application will be approved. The conference report contains the House provision.

Limitation on Recapture of Funding Reservations

The House amendment contained a provision that was not contained in the Senate bill to prohibit HUD from recapturing public housing reservation funds for 30 months from the date of reservation, due to the failure of a PHA to complete acquisition and begin construction or rehabilitation, and to suspend 30-month period in the case of HUD-caused delays, environmental requirements or factors beyond the control of the PHA. The conference report contains the House provision.

Indian Public Housing

The House amendment contained a provision that was not contained in the Senate bill to prohibit the Secretary from using as a criterion for distributing public housing development funds an Indian Housing Authority's (IHA) progress in the collection of rents owed by tenants. The conference report contains the House provision with an amendment to require that the Secretary only employ this criterion if it is one of several selection criteria, weighted proportionally, or if an IHA has a pattern of substantial noncompliance with this criterion and to require that the criteria used for the purpose of distributing development funds be set forth in regulation and be subject to public comment.

Location of Acquired Housing

The House amendment contained a provision that was not contained in the Senate bill to authorize HUD to approve public housing new construction in the neighborhood where the PHA determines the housing is needed. The conference report contains the House provision.

Public Housing Evictions Due to Nonpayment of Rent

The House amendment contained a provision that was not contained in the Senate bill to establish income and rent review prior to tenants receiving pretermination notices, and to establish notification requirements, including directing tenants to housing counseling agencies, for eviction of public housing residents for nonpayment of rent. The conference report does not contain the House provision.

Public Housing Grievance Procedures

The House amendment contained a provision that was not contained in the Senate bill to clarify that the mandatory public housing grievance procedure cover a PHA's failure to act, as well as its actions. The conference report does not contain the House provision.

Congress has always intended that the mandatory public housing grievance procedure apply to failures to act, such as failure to maintain housing in decent condition, failure to provide timely subsidy increases when incomes drop, or failure to provide appropriate utility allowances. In fact, the court ruling in *Samuels v. District of Columbia*, 770 F2d 184 (D.C. Cir. 1985) confirmed that PHA omissions or failures to act are grievable. HUD, however, has published proposed regulations which create an artificial distinction between actions and omissions. Therefore, the conferees intend that HUD revise these regulations to be consistent with the ruling in *Samuels*.

Public Housing Child Care Grants

The House amendment contained a provision that was not contained in the Senate bill to authorize $5 million for FY 1988 for a demonstration program to provide grants to PHAs to assist in providing child care services for low-income families residing in public housing. The conference report contains the House provision with an amendment to set aside $5 million for fiscal year 1988 and $5.2 million for fiscal year 1989 from CDBG funds for the demonstration and to reformulate the program as an amendment to the child care demonstration in existing law. This program is in addition to child care funded by communities using their CDBG funds. The conferees expect HUD to amend existing regulations to permit licensed family day care in federally-assisted housing units.

Payments for Operation of Lower Income Housing Projects

Performance funding systems.—The House amendment contained a provision that was not contained in the Senate bill to require the Secretary to utilize a performance funding system (PFS) that establishes standards for costs of operation and reasonable projections of income. The provision required that, under the PFS, (1) the PHA and HUD share cost reductions due to differences between projected and actual utility costs; (2) certain guidelines and requirements be met for energy conservation improvements undertaken by the PHA; (3) there be a formal review process for revising the allowable expense level of a PHA; (4) PHAs be reimbursed for costs incurred beyond their control; (5) the estimate for the next fiscal year rental income of a PHA be based on the actual rent in the 4th, 5th, or 6th month prior to the beginning of the new fiscal year; (6) any revenues which result from rental income or other income, including investment income, which exceed projected revenue from such sources may not be recaptured, used or recomputed to reduce the federal operating subsidy unless the estimate was unreasonable according to regulations in effect when the estimate was made, or was fraudulent or deceptive; and (7) if a PHA redesigns or rehabilitates a project to combine 2 units, the payments not be reduced solely because of the reduction in dwelling units unless fewer individuals reside in the unit than before they were combined.

The conference report contains the House provision with an amendment directing the Secretary to revise PFS by 6/15/88 to reflect accurately the increase in insurance costs incurred by PHAs and to delete the requirements which deal with cost beyond control, estimate of rental income for the next fiscal year, and limitations on recapture of excess income.

The conferees are concerned that, in the recent past, HUD has attempted, without agreement from Congress, to retroactively impose new standards on the investment and recapture of excess income. These standards have substantially distorted the system Congress and the PHAs have generally endorsed and, being punitive in nature, are not designed to reward improved management and budgetary practices. Therefore, the conferees intend that, absent a clear mandate from Congress, HUD not recapture, use, or recompute to reduce the federal operating subsidy revenues which result from rental income or other income, including investment income, which exceed projected revenues from such sources. The conferees are also aware of the Administration's proposal to change the method by which an annual inflation factor is established and want it understood that such a change would violate the intent of the provision requiring the FPS to be substantially based on the system in effect on the date of enactment.

Authorization.—The Senate bill contained a provision to authorize $1.6 billion for PFS in each of FYs 1988 and 1989. The House amendment contained a similar provision except that it authorized for FY 1988 only. The conference report authorizes $1.5 billion for FY 1988 and $1.563 billion for FY 1989.

Time of payment.—The House amendment contained a provision that was not contained in the Senate bill to require that any PHA which submits its fiscal year budget in a timely manner in accordance with regulations issued by the Secretary receive its operating subsidies in equal monthly or quarterly installments, or as may be agreed upon between the Secretary and the PHA, beginning not later than the first month of that fiscal year. The conference report contains the House provision with an amendment to delete the requirement that the operating subsidies be paid in equal monthly or quarterly installments.

Use of operating subsidies.—The House amendment contained a provision that was not contained in the Senate bill to authorize HUD to arrange an audit if a PHA fails to submit one in a timely manner in accordance with regulations, to charge the cost of this audit to the PHA, and to deduct the cost of the audit from assistance otherwise payable to the agency. The conference report contains the House provision.

Comprehensive Improvement Assistance Program

Findings and purpose.—The Senate bill contained a provision to state congressional findings which necessitate reform in the comprehensive improvement assistance program and to set forth purposes which clarify what such reforms should accomplish. The House amendment contained a provision to set forth similar purposes for this section. The conference report contains the House provision with an amendment to incorporate the Senate purposes.

Authority to provide assistance.—The house amendment contained a provision that was not contained in the Senate bill to authorize the Secretary to make grants for comprehensive improvement assistance to PHAs with conditions in the contract to be effective for 20 years. The conference report contains the House provision.

Comprehensive plan.—The House amendment contained a provision that was not contained in the Senate bill to require the Secretary, prior to awarding the grant, to approve a PHA's 5-year comprehensive plan which includes (1) an assessment of the physical condition of each project, the improvements necessary to rehabilitate each project to the minimum property standards and to life-cycle cost-effective energy standards; the replacement needs of equipment and structural elements during the 5-year comprehensive plan; (2) an assessment of the management improvements needed, including needs relating to (a) the PHA's management, financing and accounting control systems, (b) the qualifications of PHA personnel, (c) the adequacy of tenant programs and services, project security and PHA selection and eviction policies and procedures; (3) an analysis demonstrating that improvements and replacements will ensure long-term viability of each project at a reasonable cost; (4) an action plan establishing priorities for improvements (including repairs for life-threatening conditions) and replacements and upgrading PHA project management and operation during the 5-year plan; (5) a certification by the chief local government or trial official that the comprehensive plan was developed by the PHA in consultation with appropriate local government officials, or Indian tribal officials, public housing tenants, included no less than two public hearings, that the plan is consistent with the community's lower income housing needs and that the local government or Indian tribe will cooperate in providing tenant programs and services; (6) a statement signed by the chief public housing official certifying that the PHA will administer the plan in conformity with the Civil Rights Act of 1964, 1968, and Section 504 of the Rehabilitation Act of 1973; (7) a preliminary estimate of the total cost of the items identified in the comprehensive plan; (8) other information the Secretary may require. The conference report contains the House provision with an amendment to include the changes in Sec. 14; to limit the requirements to PHAs which own or operate 500 or more units, to add a requirement that the project be rehabilitated at least to the modernization standards specified in the HUD Modernization Handbook; to modify the energy conservation requirement to require that the energy conservation standards reduce operating costs over the estimated life of the building, to modify the adequacy requirement to require improved efficacy of the programs and procedures, and to modify the consultation requirement to require one public hearing.

Approval of plan.—The House amendment contained a provision that was not contained in the Senate bill to require that the Secretary approve the plan unless (1) the plan is incomplete; (2) PHA identification of needs is plainly inconsistent with the project facts and data; (3) the PHA action plan is plainly inappropriate to meeting the needs of the plan, the PHA failed to demonstrate that improvements and replacements would reasonably ensure long-term viability, or if the Secretary has any other evidence which substantially challenges the certified comprehensive plan. The conference report contains the House provision with an amendment to modify the completion requirement to clarify that the plan would be approved unless significantly incomplete.

Annual statement.—The House amendment contained a provision that was not contained in the Senate bill to require each PHA receiving comprehensive grant assistance to submit an annual statement of the activities and expenditures to be funded during the immediately following fiscal year of the PHA, including a certification that tenants and other interested parties had the opportunity to review and comment on the Annual Statement and any amendments to the plan; to require the Secretary to approve the annual statement unless it is inconsistent with the comprehensive plan; and to require that the annual statement be approved before the PHA receives any comprehensive grant assistance. The conference report contains the House provision with an amendment to clarify that the PHA would submit an annual statement after being advised of the estimated CIAP funds it will receive, to clarify that the PHA would have full discretion in expending assistance for any activity or work set forth in the annual plan as long as these expenditures are consistent with the approved comprehensive plan, to clarify that only tenants affected by the planned activities would have the opportunity to review and comment on the statement, to give PHAs a limited opportunity to amend its comprehensive plan and annual statement after submission, to delete the requirement that the annual statement be approved prior to giving assistance to the PHA, and to provide that the comprehensive plans shall be taken into account in allocating funds from the regional or area office.

Annual performance reports, reviews and audits.—The House amendment contained a provision that was not contained in the Senate bill to set guidelines and procedures for annual performance reports by PHAs receiving grants, for annual performance reviews of the grant assistance provided by the Secretary, and for audits of grantees. The conference report contains the House provision.

Eligible costs.—The House amendment contained a provision that was not contained in the Senate bill to specify the activities for which the CIAP funds would be used, including up to 20% for operating expenses. The conference report contains the House provision with an amendment to delete the use of not more than 20% of CIAP funds for operating expenses.

Fund allocation and report on alternative allocation system.—The Senate bill contained a provision to require HUD, within one year of enactment, to complete modernization studies which will evaluate present and future rehabilitation and replacement needs; to submit proposed methods for determining relative allocation of funds between existing deficiencies and accrual to meet future needs; to submit to Congress alternatives for allocating funds among PHAs for existing deficiencies, including formulas for distribution to PHAs, to HUD regional and field offices or to states and other allocation methods; to provide Congress an analysis of data used to develop recommendations for measuring existing deficiencies, future needs and emergencies, an analysis comparing the proposed allocation to previous CIAP allocations; to propose criteria to distinguish routine capital replacement from non-routine replacement; to propose alternative methods to allocate funds to meet routine capital replacement expenses and provide unpredictable or extraordinary capital replacement needs through an actuarially based fund administered on a national, regional, state or local level; and to consult at least quarterly with representatives of PHAs, local government and tenants regarding required studies and developing alternatives to improve CIAP. The House amendment contained a provision to require

HUD, within a month of enactment to submit a report: (1) assessing conditions of public housing and need for financial assistance for capital improvements and for establishment of replacement reserves; (2) proposing alternative systems of allocating funds under this section, according to a formula or other allocation method, to determine for each PHA, the amounts necessary to address current needs for capital improvements and future needs through a replacement reserve and the relative needs of public housing agencies of different sizes for those funds; and (3) estimating, for not less than 200 largest PHAs, the amount that will be received annually under each alternative allocation system; and to require that no assistance be provided until HUD Secretary submits required report and Congress by law establishes criteria for a formula or other allocation method to be used by the Secretary in determining for each PHA: the necessary amount to address current needs for capital improvements; the future needs for capital improvements through a replacement reserve; and the relative needs of PHAs of different sizes. The conference report contains the Senate provision with an amendment to incorporate the requirement for estimation of funds to be allocated for at least 200 PHAs.

Annual report.—The House amendment contains a provision that was not contained in the Senate bill to require that the HUD annual report include a description of the allocation, distribution, and use of comprehensive grant assistance on a regional basis and on the basis of PHA size. The conference report contains the House provision with an amendment to require that the report also include a description of the allocation, distribution and use of assistance under this section on a regional basis and a national compilation of the total funds requested in comprehensive plans.

Use of operating assistance.—The House amendment contained a provision that was not contained in the Senate bill to permit a PHA to use available operating subsidy amounts for the comprehensive grant program. The conference report does not contain the House provision.

Applicability.—The Senate bill contained a provision that was not contained in the House amendment to permit the current CIAP program to continue until it is repealed. The conference report does not contain the Senate provision.

Comprehensive Improvement Assistance Special Purpose Needs

The House amendment contained a provision that was not contained in the Senate bill to authorize direct capital grants for FY 1988 to finance comprehensive improvement assistance for PHAs and IHAs and to clarify the types of special improvement needs eligible for emergency and special purpose CIAP funds. The conference report contains the House provision with an amendment to require the Secretary, prior to making special purpose grants, to find that such improvements are necessary and sufficient to extend substantially the life of the structure.

Public Housing Demolition and Disposition

The House amendment contained a provision that was not contained in the Senate bill to prohibit the Secretary from approving a PHA's request for public housing demolition and demolition unless the plan provides for the replacement of each public housing unit if there is a local need for lower income housing or to substitute Sec. 8 project based or alternative project based subsidies and provides relocation expenses for displaced tenants. The conference report contains the House provision with an amendment to require that the plan include a schedule for completion, which would vary in proportion to the size of the proposed demolition, up to a maximum of six years; to require the Secretary, in allocating assistance for public housing development or acquisition or Section 8 moderate rehabilitation, to give consideration to application for housing which replaces demolished or sold public housing; and to make several technical changes.

The conference agreement also contains a provision clarifying that no PHA shall take any steps toward demolition and disposition without having satisfied the statutory criteria. This provision is intended to correct an erroneous interpretation of the existing statute by the United States Court of Appeals for the D.C. Circuit in *Edwards* v. *District of Columbia* and shall be fully enforceable by tenants of and applicants for the housing that is threatened.

Public Housing Resident Management

The Senate bill and the House amendment contained provisions to establish a program of resident management of public housing projects. Differences are noted below.

Purpose.—The Senate bill contained a provision to establish as the purpose of this section the encouragement of increased resident management and to define public housing projects as one or more buildings with an elected resident council and resident management corporation (RMC). The House amendment contained a provision to establish as the purpose of this section establishing a program of resident management and permitting tenants to volunteer labor under existing statutory and contractual obligations of the PHA. The conference report contains the Senate provision.

Resident council.—The Senate bill contained a provision to require that the resident management program not impair the rights of other families in the project and not impair the operation of the project. The House amendment contained a provision to require that the RMC be a nonprofit corporation organized under applicable state law with tenants as sole voting members. The conference report contains both the House and Senate provisions.

Management responsibilities.—The House amendment contained a provision that was not contained in the Senate bill to require that the contract between the RMC and the PHA be consistent with the requirements of the Housing Act of 1937, to allow the contract to govern tenant selection and screening, to require that the contract be consistent with any PHA collective bargaining agreement regarding contracting out, and to require the RMC to submit annually a report to the PHA and HUD setting forth its activities. The conference report contains the House provision with an amendment to delete the stipulation that the contract may govern tenant selection and screening and to delet the reporting requirement.

Comprehensive improvement assistance.—The Senate bill contained a provision to permit projects to receive and PHAs to retain CIAP funds for administrative and other reasons only if provided by contract. The House amendment contained a provision to permit projects managed by RMCs to receive Sec. 14 or 20. CIAP funds. The conference report contains the Senate provision.

Waiver of Federal Requirements.—The House amendment contained a provision that was not contained in the Senate bill to provide guidelines and procedures for the waiver of certain federal requirements by the Secretary for RMCs and PHAs. The conference report contains the House provision.

Retention of excess revenues.—The Senate bill contained a provision to require that income generated by a PHA in excess of the estimated amount used for calculation of operating subsidies not be used in subsequent years in calculating operating subsidies and the funds provided by the PHA to the RMC. The House amendment contained a similar provision except that it permitted excess investment and rental income to be used in calculating subsequent operating subsidies and PHA funds for the RMC. The conference report contains the Senate provision.

Technical assistance.—The Senate bill contained a provision to authorize the Secretary to provide financial and technical assistance RMCs or resident councils and to set aside $1.5 million from Sec. 14 funds for this purpose. The House amendment contained a similar provision except that it limited the assistance to 15 RMCs or resident councils and set aside $2.5 million from Sec. 14 or 20 funds. The conference report contains the Senate provision with an amendment to set aside $2.5 million from Section 14 funds.

Report.—The Senate bill contained a provision to require the Secretary to submit a report within 3 years to assess resident management, particularly its effect on living conditions in public housing. The House amendment contained a provision to require an annual report to evaluate the impact of the RMC on rent collections, maintenance, tenant employment, and operating costs and to summarize the waivers provided and recommend waivers which should be provided for all PHAs. The conference report contains the Senate provision. The conferees intend that the Secretary's report include an evaluation of the impact of resident management on rent collections, maintenance, tenant employment and operating costs.

Public Housing Homeownership and Management Opportunities

The Senate bill and the House amendment contained provisions to permit public housing tenants to purchase the dwelling units in a project through a qualifying RMC. Differences are noted below.

General requirements.—The Senate bill contained a provision to permit the Secretary to provide comprehensive improvement assistance and training, technical and educational assistance to a public housing project in which homeownership activities are being conducted. The House amendment contained a similar provision except that it required the Secretary to provide the assistance. The conference report contains the Senate provision with an amendment to require the Secretary to provide the assistance in instances where he/she has approved the homeownership or management activity for which the assistance is requested.

Replacement of sold units.—The Senate bill contained a provision that was not contained in the House amendment to require the PHA to certify that existing units sold will be replaced with new units or rehabilitated public housing within 30 months if justified by local supply. The conference report contains the Senate provision with an amendment to clarify that the PHA is responsible for assuring one-for-one replacement but not with rehabilitated vacant public housing units and that the RMC may provide some of this replacement for the PHA through acquisition of non-publicly owned, decent, and affordable lower income housing, and the RMC must operate such housing under the tenant eligibility and rent requirements of public housing.

Conditions of resale by RMC.—The Senate bill contained a provision to require that the dwelling unit only be sold to a lower income family eligible to reside in public housing, that the purchase be made under one of the following arrangements: shared appreciation, cooperative or condominium ownership, or another arrangement determined appropriate by the Secretary, and that if the purchaser sells the property within 5 years, they must pay the PHA a percentage of the excess of the sales price over the purchase price. This required percentage would be 100% for the first two years after the purchase, 75% for the third year, 50% for the fourth year, and 25% for the fifth year. The House amendment contained a similar provision except that the lower income family had to reside in public housing, the purchase arrangement could include fee simple ownership, cooperative ownership had to be limited dividend, and, upon resale, the owner's consideration could not exceed the total of the equity contribution, value of improvements installed by the owner, and the appreciated value due to an agreed-upon inflation allowance. Subsequent owners were bound by the same limitations. The conference report contains the House provision with an amendment to specify the following order of preference for resale: (1) those residing in the project; (2) those residing in other projects in the jurisdiction of the PHA; (3) other families within the jurisdiction of the PHA receiving federal housing assistance; and (4) those on the PHA waiting list (with due consideration given to the ranking order), and to require a notice of eligibility for these eligible families.

Use of proceeds.—The Senate bill contained a provision to require that proceeds from the sale only be used to increase the number of PHA units available for occupany. The House amendment contained a similar provision except that it also allowed proceeds to be used for rehabilitation. The conference report contains the Senate provision.

Financing.—The Senate bill contained a provision to permit the PHA, if alternate financing is not available, to provide a loan at not lower than 70% of the market rate for conventional mortgages. The House amendment contained a similar provision except that it did not require a minimum rate. The conference report contains the Senate provision.

Protection of Non-purchasing families.—The Senate bill contained a provision to require the Secretary to provide nonpurchasing families the assistance necessary to permit them to continue living in the dwelling unit. The House amendment contained a similar provision except that it permitted families to chose Sec. 8 or voucher assistance and be guaranteed such assistance for as long as they lived in the building and permitted the Secretary to adjust the FMR of the certificate to take into account conditions under which the building was purchased. The conference report contains the House provision.

Relocation assistance.—The Senate bill contained a provision to require the Secretary to assist non-purchasing families in relocating to units in another public housing project and to provide assistance to permit family to obtain comparable and affordable alternative housing. The House amendment contained a similar provision except that it also required the Secretary to reimburse the family for relocation expenses and to provide assistance to ensure that the family not pay more than 30% of adjusted income for rent. The conference report contains the House provision.

Additional homeownership and management opportunities.—The Senate bill contained a provision to stipulate that this section would not apply to other homeownership programs. The House amendment contained a provision to stipulate that this section would not apply to other homeownership programs in existence before enactment. The conference report contains the House provision. Any homeownerhship programs in existence prior to enactment may be contained under existing requirements but any expansion would be covered by the new law.

Annual report.—The Senate bill contained a provision to require the Secretary to submit annually a report setting forth: (1) the need for additional public housing units due to resale of units; (2) recommendations for additional budget authority for such units; and (3) recommendations to ensure decent homes and neighborhoods for lower income families. The House amendment contained a provision to require the report to specify: (1) the number, type and cost of sold units; (2) income, race, gender, family size and similar characteristics of purchasing and nonpurchasing families; (3) among and type of financial assistance provided; (4) need for subsidy to ensure continued affordability; and (5) recommendations for statutory and regulatory improvement. The conference report contains both provisions.

Effective date.—The Senate bill contained a provision that was not contained in the House amendment to specify that the provisions dealing with assistance and training for homeownership and conditions for purchase by the RMC not be effective after FY 1990. The conference report contains the Senate provision.

Treatment of Certain PHA Development Funds

The House amendment contained a provision that was not contained in Senate bill to forgive certain interest payments made by the housing authority in Pittsburgh, PA. The conference report contains the House provision.

Energy Efficient Public Housing Demonstration

The House amendment contained a provision that was not contained in the Senate bill to authorize $4.7 million for FY 1988 from public housing development funds for a demonstration program to build and test energy efficient housing designs. The conference report contains the House provision with an amendment to require a report to Congress on the effectiveness of this demonstration.

Public Housing Comprehensive Transition Demonstration

The House amendment contained a provision that was not contained in the Senate bill to establish a 7-year Public Housing Comprehensive Transition Demonstration Program to demonstrate the effectiveness of providing comprehensive services to public housing tenants to ensure their transition to private housing. The conference report contains the House provision amended to clarify the contract with the family is voluntary and specifies the resources available to and the responsibilities of the family; to provide the PHA may assist in establishing an escrow savings account and any tenant whose income increases above 80 percent of median during the demonstration program will no longer qualify for remediation services or reduced rent but may continue to live in public housing until the end of the 7-year period. The conferees expect the PHA to assist families participating in the demonstration by making available adequate child care support which is necessary to facilitiate their employment.

Part III—Section 8 assistance and other programs

Section 8 Assistance For Existing Dwelling Units

The House amendment contained a provision that was not contained in the Senate bill to require that Sec. 8 existing contracts, except those for Sec. 8 vouchers, have a 15-year term and to require each annual contribution contract to provide full funding for a specific number of Sec. 8 certificates or vouchers. The conference report contains the House provision with an amendment to delete the requirement that the term be 15 years and to delete the requirement that the annual contribution contract provide full funding.

Section 8 Fair Market Rentals and Contract Rents

Calculation for certain county.—The House amendment contained a provision that was not contained in the Senate bill to authorize HUD to establish a separate FMR for Westchester County, New York. The conference report contains the House provision.

Consideration of capital improvement costs.—The House amendment contained a provision that was not contained in the Senate bill to require that capital improvement costs be considered in providing Sec. 8 annual adjustments. The conference report does not contain the House provision.

Prohibition of reduction of certain contract rents.—The House amendment contained a provision that was not contained in the Senate bill to prohibit the reduction of certain contact rents for Sec. 8 unless the project debt service has been reduced because of refinancing. The conference report contains the House provision, with a technical amendment to substitute the term "periodic payments" for the term "debt".

Repeal of limit on contract rent increases.—The House amendment contained a provision that was not contained in the Senate bill to eliminate the requirement that Section 8 rent increases be based only on increased operating costs. The conference report contains the House provision.

Comparability.—The House amendment contained a provision that was not contained in the Senate bill to require that rent adjustments not result in material differences between rents for assisted and unassisted units of similar quality and age in the same market area and that automatic annual adjustment factor be used if the Secretary or appropriate State agency fails to submit a comparability study to the project owner 60 days before the anniversary date of the assistance contract. The conference report contains the House provision with an amendment to also require that the maximum monthly rent permitted under Section 8 for assisted units exempt from local rent control be reasonable in comparison with non-rent controlled units in the market area. This provision is only applicable in areas that have rent controls but, in order to induce owners to provide housing to low-income residents, have exempted such assisted units from local rent control restrictions.

Housing Voucher Program

Use of vouchers with cooperative and mutual housing.—The House amendment contained a provision that was not contained in the Senate bill to permit the use of vouchers without limitation on cooperative or mutual housing. The conference report contains the House provision.

Adjustment Pools.—The Senate bill contained a provision that was not contained in the House amendment to require the Secretary to set aside a portion of voucher funds for an annual adjustment pool which would be used for adjustments to assure continued affordability. Funds were to be distributed at the discretion of the Secretary. The conference report contains the Senate provision with an amendment to delete the stipulation that the funds be distributed at the discretion of the Secretary. The conferees intend that, in situations where the amount of funds needed to make the adjustments exceed the funds available in the pool, the distribution of these funds would be at the discretion of the Secretary.

Administrative Fees for Section 8 Certificate and Housing Voucher Programs

The Senate bill contained a provision to establish an administrative fee for Section 8 existing and voucher programs, to authorize the Secretary to establish a preliminary expense fee for new Section 8 existing and voucher units to establish a hard-to-house fee, and to require a GAO report by 6/30/87 on the fees and on the Section 8 voucher and certificate programs. The House amendment contained a similar provision except that it limited the preliminary expense fee to $275, established a fee to cover extraordinary costs, and did not require the GAO report to cover the Section 8 voucher and certificate programs. The conference report contains the House provision with an amendment to delete the requirement of a GAO report. The conferees intend that GAO issue a report which assesses the fee system, as well as the Section 8 voucher and certificate programs in general, by June 30, 1988.

Portability of Section 8 Certificates and Vouchers

The House amendment contained a provision that was not contained in the Senate bill to provide portability of Section 8 certificates and vouchers to assisted tenants if the dwelling unit is within the same or contiguous metropolitan statistical area as the dwelling unit from which the family moves. The conference report contains the House provision. The conferees intend that once a family is informed of the availability of a voucher or certificate, it may use the assistance in the home to which it moves. In addition, any family receiving voucher or certificate assistance may use that assistance in a new home in the same or a contiguous MSA.

Prohibition of Denial of Section 8 Certificates and Vouchers to Residents of Public Housing

The House amendment contained a provision that was not contained in the Senate bill to prohibit public housing authorities (PHAs) from denying Section 8 certificates and vouchers to residents of public housing. The conference report contains the House provision.

Nondiscrimination Against Section 8 Certificates and Voucher Holders

The House amendment contained a provision that was not contained in the Senate bill to prohibit private owners who have entered into a Section 8 contract for housing assistance payments for tenants in their multifamily housing projects, from refusing to lease available dwelling units at the fair market rent (FMR) to a holder of a Section 8 certificate or voucher. The conference report contains the House provision with an amendment to define multifamily housing project as any residential building containing 5 or more units and to clarify that the provision applies to each project owned by the same owner.

Section 8 Eviction Due to Nonpayment of Rent

The House amendment contained a provision that was not contained in the Senate bill to require owners with Section 8 assistance payments contracts to review a tenant's situation and verify the accuracy of the rent charged and the subsidy provided before terminating the lease of that tenant for nonpayment of rent. The conference report does not contain the House provision.

Project-based Section 8 Assistance

The House amendment contained a provision that was not contained in the Senate bill to permit a PHA to use up to 15% of its Section 8 Existing Certificate for project-based assistance and to require HUD to implement provision permitting Section 8 existing contract to be attached to the building if the owner finances rehabilitation. The conference report contains the House provision.

ABT Associates Report

The Senate bill contained a provision that was not contained in the House amendment to require the Secretary to release the preliminary report on the Voucher Demonstration Program within 90 days of enactment. The conference report does not contain the Senate provision.

Section 8 Assistance for Residents of Rental Rehabilitation Projects

The Senate bill contained a provision that was not contained in the House amendment to require the Secretary to provide voucher assistance payments to lower income families who are physicially displaced as a result of rehabilitation activities or whose rent after rehabilitation would exceed 30 percent of their monthly adjusted income. The conference report contains the Senate provision with an amendment to require the Secretary to use vouchers or certificates when tenants are physically displaced and to clarify that the use of vouchers or certificates to address economic displacement would be at the discretion of the local government. The conferees intend the HUD continue to provide one voucher or certificate for every $7,500 in rehabilitation funds or such other allocation which insures that sufficient resources are available to address physical or economic displacement of existing tenants. The conferees have considered and rejected the policy on economic displacement set forth in HUD's proposed rule of August 14, 1987.

Rental Rehabilitation Grants

Authorization of appropriations.—The Senate bill contains a provision to authorize $220 million for rental rehabilitation and $100 million for rental development for each of fiscal years 1988 and 1989. The House amendment contained a provision to authorize $175 million for rental rehabilitation and $99.5 million for rental development for fiscal year 1988. The conference report authorizes $200 million for each of fiscal years 1988 and 1989 for the rental rehabilitation program, and $75 million for fiscal year 1988 and $78 million for fiscal year 1989 for the rental development program.

Rental rehabilitation eligible properties.—The House amendment contained a provision that was not contained in the Senate bill to make properties that will be privately owned after rehabilitation eligible for rental rehabilitation. The conference report contains the House provision.

Rental rehabilitation maximum grant.—The Senate bill increased the maximum grant to $7,500 per unit up to 2 bedrooms and to $8,500 per unit with 3 or more bedrooms. The House amendment contained a provision not to increase the maximum grant to $5,000 per efficiency, $6,500 per one or two bedroom unit, and $7,500 per unit with three or more bedrooms. The conference report contains a provision to increase the maximum grant to $5,000 per efficiency, $6,500 per one bedroom unit, $7,500 per two bedroom unit, and $8,500 per unit with three or more bedrooms.

Rental rehabilitation use of funds.—The House amendment contained a provision that was not contained in the Senate bill to permit all rehabilitation funds to be used to rehabilitate efficiency or one bedroom units in cases where a local law requires rehabilitation to meet seismic standards. The conference report contains the House provision.

Rural areas.—The Senate bill contained a provision that was not contained in the House amendment to permit states to administer the rental rehabilitation program in rural areas. The conference report contains the Senate provision with an amendment to permit the temporary use of rental rehabilitation in rural areas on a limited basis in another section of this report.

Administrative expenses.—The Senate bill contained a provision to permit States to use its small cities CDBG funds to administer Rental Rehabilitation program and to permit the Secretary's CDBG discretionary fund to be used to cover those administrative expenses. The House amendment contained a provision to permit States administering the Rental Rehabilitation program to retain up to 10 percent of the grant for administrative expenses. The conference report contains the House provision with an amendment to require that fees be shared where local governments administer the program in connection with the State and to permit entitlement communities to use up to 10 percent of the grant for administrative expenses.

Rental Development Grants

Rental development area eligibility.—The House amendment contained a provision that was not contained in the Senate bill to make the eligibility requirements for development grants under this section be the requirements in effect on October 17, 1987. The conference report contains the House provision.

When determining areas eligible for assistance, the conferees intend that decent rental housing include units that are decent and suitable for occupancy. Those units that are not habitable shall not be counted when determining the level and duration of rental housing vacancies.

Rental development program requirements.—The House amendment contained a provision that was not contained in the Senate bill to require grantees to commence construction or substantial rehabilitation activities within 36 months of project selection and to require that the owner of each assisted structure agree to comply with the 20% lower income minimum requirement for a 20-year period. The conference report contains the House provision with an amendment to delete the 36-month requirement and insert in lieu thereof the requirement that where judicial or administrative proceedings block or delay the beginning of construction or substantial rehabilitation an additional 6 months be granted during which the activity should begin.

Development cost.—The House amendment contained a provision that was not contained in the Senate bill to allow developers' fees to be included in HODAG development costs for those projects selected before the enactment date if the fee is included in a mortgage secured by the project and the lender is a State housing finance agency. The conference report contains the House provision with an amendment to permit the developers' fees to be included if the development cost of the project is financed by bonds issued by a State housing finance agency or similar local issuer.

Rents.—The Senate bill contained a provision that was not contained in the House amendment to give owners the option of basing their calculations of low income rents in buildings assisted under HODAG on either the most recent estimate of area median income or the estimate that was in effect when the HODAG application was submitted. The conference report does not contain the Senate provision.

SUBTITLE B—OTHER HOUSING ASSISTANCE PROGRAMS

Elderly and Handicapped Housing

Budget authority.—The House amendment increased the borrowing authority for Section 202 by such sums as approved in Appropriations Act for fiscal year (FY) 1988 while the Senate bill changed the aggregate borrowing authority to $595 million in both FYs 1988 and 1989. The conference report includes the House provision with an amendment to include FY 1989.

Loan authority.—The House amendment contained a provision not contained in the Senate bill that authorized $621,701,000 in loans for FY 1988. The conference report contains the House provision amended to provide for $621,701,000 in loan authority in FY 1988 and $651,334,000 in FY 1989.

Interest rates.—The Senate bill contained a provision to base interest rates on HUD loans to sponsors of Section 202 housing projects on the average yield on the most recently issued 30-year marketable obligations of the United States during the three-month period immediately preceding the fiscal year in which the loan is made. The provision also permitted the borrower, at its option, to lock in an interest rate determined at the time a request is submitted to HUD for a conditional or firm loan commitment, based either on the formula rate for that year or a rate based on applying the formula in the month preceding the month in which the commitment request is made. The House amendment used a different method for establishing interest rates.

The conference report contains the Senate provision. The conferees intend that the formula apply to all Section 202 loans that are closed after the enactment date, and that the provisions giving the borrower the option to lock in a rate at the time a commitment request is submitted apply to requests submitted prior to enactment if the loan is closed after the enactment date.

Appeal of cancellation of Section 202 loan authority.—The House amendment contained a provision that was not contained in the Senate bill to require HUD to notify Section 202 project sponsors at least 30 days before cancelling their Section 202 loan and permits sponsor to appeal cancellation. The conference report contains the House provision.

Section 202 priority.—The House amendment contained a provision that was not contained in the Senate bill that provides for priority in HUD's selection of Section 202 projects for applicants providing replacement housing for 100 unit projects or larger owned by a public housing authority (PHA) that was used for elderly families and is to be demolished. The conference report contains the House provision with an amendment to sun-set the provision after September 30, 1988.

Community participation.—The House amendment contained a provision not included in the Senate bill to eliminate the requirement that the governing board of a Section 202 nonprofit sponsor has representatives from the community where the project is located. The conference report does not contain the House provision.

Housing for the Handicapped

Findings.—The House amendment contained a provision not included in the Senate bill stating that cost containment policies applied to handicapped group homes do not reflect design needs of residents or state and local residents. The conference report includes the House provision.

Standards.—The House amendment contained a provision not contained in the Senate bill to require HUD to insure participation by disability community representatives in developing standards to distinguish differences between elderly and handicapped housing. The conference report contains the House provision.

Initial annual assistance contract.—The House amendment provided that the annual contract amount established initially shall include an initial utility and services allowances. The Senate bill did not include services allowance. The conference report includes the Senate provision. However, the conferees intend HUD, in operating the Section 202 handicapped program, to allow reasonable allowances for realty related expenditures.

Cost of services.—The House amendment contained a provision that the Secretary shall approve initial project rentals based on total actual, necessary and reasonable costs of developing and operating the project. The Senate bill contained a similar provision except it explicitly excluded costs of an assured range of supportive services. The conference report contains the Senate provision.

Implementation.—The House amendment contained a provision that requires the Secretary to publish a notice of funds availability to implement the provisions of and amendments made by this section within 120 days of enactment. The Senate bill contained a similar provision. The conference report contains the House provision.

The conferees intend that HUD has the authority to approve realistic fair market rentals and mortgage limits as provided by this section to build Tweemill House (project #012-EH-347/NY36-T831-006), a project for 40 nonelderly low-income handicapped persons in the East Harlem Triangle Urban Renewal Area in New York City. This project is currently being processed by HUD, and thus would be covered by the section which establishes the retroactive application of the revised subsidy mechanism for projects currently being processed by the Department.

The Tweemill House project is being sponsored by an experienced minority organization, the Community Association of the East Harlem Triangle, Inc. In addition, the New York Easter Seal Society has guided the planning of this project in order that handicapped persons—the deaf, the blind and those in wheelchairs—may be provided a safe and decent place of residence. The conferees commend these organizations for their commitment to such a worthy project.

HUD found in early 1987 that the proposal met cost containment requirements. However, even though cost containment requirements were met, the small size of the project and the extra equipment required to insure the safety of the handicapped residents pushed costs beyond the limits of the firm commitment despite strict adherence by the sponsor to HUD's bidding procedures.

The conferees believe that independent living by handicapped persons is an important goal, and therefore intend that adequate project rentals and mortgage funds should be permitted in order that construction of Treemill House can begin immediately.

Section 235 Homeownership

The House amendment contained a provision, similar to the provision in the Senate bill, that mandates recaptured budget authority for Section 235 be used for new contracts for assistance payments. The conference report contains the House provisions.

Congregate Services

The Senate bill contained a provision to require the Secretary to submit a report to Congress which documents the number of elderly living in federally assisted housing, compares alternative congregate service delivery system, and assesses the availability of financial resources to support these services at federal, state and local levels, and to authorize $7 million for FY 1988 and $13 million for FY 1989 for Congregate Housing Services, $2 million of which would be used for the report. The House amendment contained a provision to authorize $13 million for FY 1988, to make Congregate Services a permanent program, and to require HUD to submit a report which outlines the number of individuals living in assisted housing at risk of institutionalization, alternative delivery systems, governmental financial resources for congregate housing, and legislative recommendation is to the feasibility of permitting State housing agencies to participate and operate the program on a matching grant basis. The conference report contains the House provision with an amendment to authorize $10 million for each of fiscal years 1988 and 1989, and to clarify that the report should also study the feasibility of permitting other appropriate State agencies to participate. The conferees also wish to make clear that no specific number of meals is required so long as the meal service provided under the Congregate Housing Services Program meets the nutritional needs of the frail elderly.

Procedures and Policies for Mandatory Meal Programs in Assisted Housing for the Elderly

The House amendment contained a provision that was not contained in the Senate bill to establish four specific exemptions for elderly residents residing in assisted elderly projects with mandatory meal programs, and to require acceptance of food stamps as payment for a meal program. The conference report does not contain the House provision.

Modification of Restriction on use of Assisted Housing by Aliens

The Senate bill contained a provision to exempt from liability state and local governments for the design or implementation of the Federal Alien Verification System if the implementation is in accordance with federal rules and regulations, and to require that the HUD verification system not supercede or affect any consent agreement entered into or court decree order entered prior to enactment. The House amendment contained a provision to permit continued assistance to aliens presently receiving assistance, to make eligible for future assistance aliens undergoing legalization and families in which any member is a citizen, a natural or a legal alien resident; to establish verification, enforcement, transitional certification and documentation procedures; to establish a fair appeals process during which financial assistance would not be denied or terminated, and to authorize HUD to reimburse PHAs for costs incurred in implementing and operating an immigration status verification system. The conference report contains both the House and the Senate provisions with an amendment to permit assistance to previously unassisted families only if the head of the household or their spouse is a citizen or national of legal alien resident, to clarify that the verification determination of the Immigration and Naturalization Status (INS) may be appealed to the INS, and to modify the fair hearing process requirement to require the Secretary to notify individuals of hearing decisions in a timely manner, rather than within 45 days.

Preventing Fraud and Abuse in HUD Programs

The Senate bill contained a provision to permit the Secretary to require applicants and participants in HUD-assisted housing to disclose their social security or employment identification numbers and sign a consent form to authorize release of pertinent salary and wage information, to allow HUD access to wage and employment compensation information contained in state agency records, and to establish strict safeguards to prevent improper use of the information HUD obtains. The House bill contained a provision to authorize the Secretary to require applicants and participants for HUD assistance programs to disclose social security or employer identification numbers for income verification purposes. The conference report contains the House provision.

Though the conference report does not contain the Senate provision, the conferees wish to make clear that they support the approach taken by the Senate because they feel it would help deter fraud and abuse in HUD programs. The conferees agreed to delete the Senate provision, however, after the House Ways and Means Committee, in a letter to the House Banking Committee, asserted its jurisdiction over this provision.

The conferees strongly urge the House Ways and Means Committee to give expeditious consideration to H.R. 1028, a bill introduced on February 5, 1987, which was referred to the Committee on Ways and Means. This legislation is similar in intent to the bill on which a hearing was held on June 25, 1986, but provides additional safeguards to protect the privacy of individuals involved and to prevent any improper use of data generated.

Energy Conservation in Assisted Housing

The House amendment contained a provision that was not contained in the Senate bill to require any housing project, for which development or rehabilitation is assisted to be developed or rehabilitated in accordance with life-cycle cost-effective energy conservation performance standards established by HUD. The conference report does not contain the House provision.

The conferees are concerned that one of the major expenses associated with housing cost is the expense of heating, cooling and lighting the building. It makes no sense for the Federal Government, in administering programs that subsidize the cost of construction, rehabilitation or operation of housing to tolerate the construction or rehabilitation of housing that is not optimally energy efficient.

The energy conserving requirements presently in place for most of the programs covered by this amendment are required by the FHA minimum property standards for multifamily housing and are based on standards established in 1975 by the American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE). Since then, energy costs have escalated dramatically but only minor modification has been made to those standards.

Therefore, the conferees intend that HUD begin developing life-cycle cost-effective energy conservation performance standards for all housing projects assisted under the U.S. Housing Act of 1937 or the Section 202 program for the elderly and handicapped. Such standards, when implemented, will ultimately lower substantially the cost to the Federal Governemnt, as well as lower the shelter costs of the building residents because the energy saved over the life of the building will more than offset any increased construction costs.

Annual Report on Characteristics of Families in Assisted Housing

The House amendment contained a provision that was not contained in the Senate bill to require the Secretary to include in the HUD annual report descriptions of the characteristics of the families assisted under public housing, Section 8, vouchers, and Section 202. The conference report contains the House provision.

Housing Demonstration Project

The House amendment contained a provision that was not contained in the Senate bill to authorize $5 million for FY 1988 for the Housing Demonstration Project. The conference report does not contain the House provision.

The Housing Demonstration Project was reflective of longstanding concerns about the lack of coordination between HUD housing assistance programs and Health and Human Services (HHS) shelter assistance. Therefore, the conferees intend that HUD and HHS investigate this problem, evaluate approaches for coordination between the two Departments, and submit the findings and recommendations to Congress.

Section 236 Rental Housing Program

The House amendment contained a provision that was not contained in the Senate bill to require the Secretary to amend annually contracts with owners of projects assisted under Section 236 and the Rent Supplement Program to provide sufficient payments to cover 100 percent of the necessary rent increases and changes in the income of eligible tenants. The conference report contains the House provision.

Exclusion of Housing Assistance as Income

The House amendment contained a provision that was not contained in the Senate bill to require that federal housing assistance not be regarded as income for the purpose of determining any other federal assistance benefits. The conference report does not contain the House provision.

Counseling to Tenants and Home Owners

Housing counseling.—The House amendment contained a provision that was not contained in the Senate bill to authorize $3,651,000 for the Housing Counseling Program for fiscal year 1988. The conference report contains the House provision with an amendment to authorize $3.651 million for fiscal year 1988 and $3.812 for fiscal year 1989.

Emergency home ownership counseling.—The House amendment contained a provision that was not contained in the Senate bill to authorize $30 million for grants to nonprofit organizations experienced in providing home ownership counseling, to require the Secretary to ensure the availability of counseling from grantees throughout the U.S., particularly in areas with high rates of foreclosures, to establish eligibility requirement for this counseling for homeowners facing foreclosure, and to require a moratorium on foreclosures, in which either the creditor or the loan is federally guaranteed or insured, for 6 months after an eligible homeowner applies for counseling. The conference report contains the House provision with an amendment to incorporate it into Senate 106 of the Housing and Community Development Act of 1968, to delete the foreclosure moratorium and substitute in lieu thereof the requirement that lenders notify homeowners when they become eligible for counseling, to advise the mortgagor of both counseling offered by the creditor and other available counseling programs, to sunset the provision in two years, and to authorize such sums as may be appropriated for FY 1988 and 1989.

Housing Assistance Technical Amendments

The Senate bill and the House amendment contained provisions with housing assistance technical amendments. The conference report contains all the technical amendments contained in both provisions.

SUBTITLE C—MULTIFAMILY MANAGEMENT AND PRESERVATION

Management and Preservation of HUD-Owned Multifamily Housing Projects

The House amendment contained a provision not included in the Senate bill which amended current law governing the management and disposition of projects owned by the Department of Housing and Urban Development. The conference report contains the House provision with amendments as noted.

Goals.—The House provision extended the coverage of current law beyond HUD-owned projects to include projects with mortgages held by HUD that are delinquent, under a work-out agreement, or being foreclosed upon. The House provision also amended the objectives in current law to indicate that preservation of units for low and moderate income persons is the paramount objective. The conference report contains an amendment to clarify that HUD must, in a manner consistent with the revised preservation objectives, manage projects with HUD held mortgages that are being foreclosed upon, and manage and dispose of projects that are owned by HUD. The conference report does not require HUD to provide Section 8 Loan Management Set Aside subsidies or some other form of assistance to projects with HUD-held mortgages that are delinquent simply because of the delinquent status. The conferees do intend, however, that HUD continue to use LMSA as a tool in assisting troubled projects.

Management services.—The House provision clarified HUD's obligation to maintain projects that HUD owns or controls and mandated that HUD require owners of multifamily projects covered by the amended law to carry out these duties. The conference report contains the House provision.

Maintaining of projects.—The House provision clarified HUD's obligation to maintain projects that HUD owns or controls and mandated that HUD require owners of multifamily projects covered by the amended law to carry out these duties. The conference report contains the House provision.

Financial assistance.—The House provision required the Secretary, in carrying out the statutory objectives, to provide project-based Section 8 contracts for at least 15 years and/or provide purchase-money mortgages, reduce the selling price or provide other financial assistance to owners to ensure that rents are affordable for 15 years. The conference report contains the House provision with two amendments. First, the conference report clarifies that the obligation to provide Section 8 project-based assistance is triggered when a project is acquired by a purchaser other than HUD at foreclosure or after sale. Second, the conference report provides State and local governments a right of first refusal to purchase projects. The conferees believe that increasing State and local government ownership of multifamily projects will help create a long-term supply of housing affordable and available to low income families. The conference report requires HUD, upon receiving a bona fide offer to purchase a project, to notify the State and local government of the proposed terms and conditions of the offer, including the assistance that the Secretary plans to make available to the prospective purchaser. The government entities then have 90 days in which to match the offer and purchase the project. The conferees emphasize that HUD must offer assistance to the government entities on terms and conditions at least as favorable as those made available to the prospective purchaser. The conferees intend that HUD, when offering assistance to government entities, take into account that these entities are not eligible for the type of tax benefits which private purchasers often receive. The conferees also note that the inclusion of this amendment does not preclude HUD from negotiated sales with State and local governments. And finally, the conferees do not intend that HUD take the actions required under this section in extreme situations where the construction is substantially incomplete or the project is uninhabitable due to environmental factors beyond the control of the Secretary.

Displacement protection.—The House provision extended tenant displacement protections to multifamily projects controlled as well as owned by HUD and mandated that HUD require owners of multifamily projects covered by the amended law to carry out these requirements. The conference report contains the House provision.

Limitation of certain project, loan and mortgage sales.—The House provision restricted HUD's ability to approve certain project and mortgage sales. The conference report contains the House provision with an amendment to permit HUD to conduct sales on a negotiated basis with agencies of State and local government.

Definitions.—The House provision defined the terms "subsidized project" and "formerly subsidized project". The conference report contains the House provision.

The conferees intend that HUD, in implementing the goals of the revised statute for projects facing foreclosure under the Multifamily Mortgage Foreclosure Act or otherwise, impose restrictions on rents, charges and methods of operation similar to those in effect prior to the foreclosure for the full remaining term of the mortgage, notwithstanding any interpretations of prior law. Such restrictions shall be applicable to any purchaser at the foreclosure sale, including private purchasers.

Acquisition of Insured Multifamily Housing Projects

The House amendment contained a provision not included in the Senate bill which required the Secretary to take into account the objective of preserving the low-income character of projects when determining the government's bids at the foreclosure sale of insured multifamily housing projects. The conference report contains the House provision.

Tenant Participation in Multifamily Housing Projects

The House amendment contained a provision not included in the Senate bill which amended current law governing the ability of tenants to receive notice and comment on various management activities in multifamily housing projects. The provision (a) extended the coverage of current law to include projects developed under Section 202 of the Housing Act of 1959; (b) removed HUD's discretion to deny tenants the right to notice and comment on specified management actions; and (c) added transfers of physical assets, applications for capital improvement loans and mortgage sales to the list of management actions subject to tenant notice and comment. The conference report contains the House provision amended to delete the additional management actions subject to tenant notice.

Multifamily Housing Disposition Partnership

The House amendment contained a provision not included in the Senate bill which established a 3-year demonstration program to test the effectiveness of disposing of distressed multifamily housing projects owned by HUD through a partnership with the Massachusetts Housing Finance Agency. The provision required that not less than 30 days before offering to sell any project that is not located in Massachusetts, HUD shall notify MHFA and provide MHFA the opportunity to provide financing through HUD coinsurance to a purchaser. The provision also required HUD to submit a report to Congress evaluating the effectiveness of the demonstration programs as national model for the disposition of the distressed multifamily housing projects. The conference report contains the House provision with an amendment to delete the specific mention of the Massachusetts Housing Finance Agency and to authorize HUD to select four State housing finance agencies to carry out the demonstration program.

Multifamily Housing Capital Improvements Assistance

The House amendment contained a provision not included in the Senate bill which authorized the Secretary to make direct loans to owners of certain projects in order for the owner to make necessary capital improvements and to maintain the low and moderate income character of the project. The conference report contains the House provision with an amendment to incorporate the House provision into Section 201 of the Housing and Community Development Amendments of 1978 and to make such conforming and technical amendments as necessary. The conference report also made such additional amendments as noted. It is clear that by incorporating this loan program as an amendment to Section 201, that recipients of the loan will be required to maintain the low and moderate income character of the project for the remaining term of the project mortgage.

Flexible subsidy fund.—The House provision established a special revolving fund to carry out the new loan program. The conference report contains the House provision with an amendment to expand the coverage of the Fund to include all assistance made under the Flexible Subsidy statute. The conference report would authorize the Secretary to use no more than $50 million of the Fund in any given fiscal year for the purpose of providing loans for capital improvements.

Amount and conditions of loans.—The House provision stated that the principal amount of a loan for capital improvements would not exceed 80 percent of the sum of the amounts necessary for an owner to make (a) capital improvements, (b) improvements necessary to make cost-effective energy standards, and (c) improvements necessary to comply with Section 504 of the Rehabilitation Act of 1973. Since the Secretary has the authority to allow the owner's contribution to be less than 20 percent of the loan amount, the conference report contains the House provision with an amendment to clarify that the amount of the loan should be the difference between the owner's contribution and the amounts needed to make the improvements specified above. The conferees intend that the rehabilitation work carried out under this program be performed in a manner that minimized disruption to current tenants.

Minimization of rent increases.—The House provision permitted the Secretary to take certain actions to minimize increases in rental payments incurred by residents of a project which has obtained a capital improvement loan as a result of the debt service and other expenses associated with the loan. Such actions could include providing section 8 assistance to the project, reducing the interest rate on the loan to not less than one percent, increasing the term of the loan to not more than the remaining term of the mortgage, increasing the amount of owner assistance up to 30 percent of the total estimated cost of the capital improvements. The conference report contains the House provision with an amendment to limit the applicability of the minimization of rent increases to low income tenants and to provide in the case of projects receiving these loans that are eligible to prepay, that the minimization of rent increases will be governed by the rent structure established in the prepayment provisions of this title.

Priority for certain projects.—The conference report also contains a provision to give priority for these loans to projects that agree to extend low income affordability restrictions under the FHA prepayment provisions of this title.

Flexible Subsidies

The House amendment contained three provisions not included in the Senate bill which amended current law authorizing the Secretary to provide operating assistance, or flexible subsidies, to owners of troubled multifamily housing projects. The conference report contains the House provision with amendments as noted.

Troubled multifamily housing projects.—The House amendment contained a provision which required an owner of a project receiving flexible subsidies to apply for sufficient Sec. 8 assistance or any other appropriate federal, State or local assistance to ensure the financial soundness and low-income character of the project, and the HUD Secretary must request sufficient funds for this purpose. The House provision also established an exception to the use restriction contained in existing flexible subsidy agreements, providing that such restriction is binding only as long as the project or the families receive subsidies sufficient to permit the owner to maintain the financial soundness of the project. The conference report contains the House provision with an amendment to delete the exception. The conferees wish to clarify a statement contained in the House Committee Report. The conferees fully support this amendment, but recognize that when an owner diligently seeks, but does not have available to him or the residents sufficient federal, State or local housing assistance to permit the owners to maintain the financial soundness of the project, the owner is not bound to a requirement to limit the occupancy of the housing to families whose incomes do not exceed 50 percent of area median. Rather, such owner only has to abide by the income restrictions imposed upon the project at the time that the project's original loan was insured through a Regulatory Agreement entered into with HUD and the agreement to maintain the low and moderate income character of the project made at the time the flexible subsidy funds were provided. The conferees intend that the owner should not discriminate against a family that has shown an ability to pay the rent for a unit or against any family that is the holder of a Section 8 certificate or voucher.

Excess rent authorization.—The House amendment contained a provision which authorized the Secretary, in fiscal year 1988, to use certain excess rental charges from Section 236 projects for the purpose of assisting troubled multifamily housing projects. The conference report contains the House provision amended to extend this provision through fiscal year 1989.

Section 202 extension.—The House amendment contained a provision which expanded the coverage of the Flexible Subsidy program to include Section 202 elderly and handicapped projects provided that such projects received a loan more than 15 years before the flexible subsidy assistance was made available. The conference report contains the House provision.

Use of Funds Recaptured From Refinancing State Finance Projects

The House amendment contained a provision that was not contained in the Senate bill to require that half of the funds recaptured from the refinancing of any State-financed project that was provided a financial adjustment factor under Section 8 be made available to the State housing finance agency to produce new lower income housing. The conference report contains the House provision.

TITLE II—PRESERVATION AND MANAGEMENT OF LOWER INCOME HOUSING

The House amendment contained several provisions not included in the Senate bill to retain privately owned, federally assisted low income housing that will be lost as a result of mortgage prepayment or expiring rental assistance contracts. Separate solutions were provided for housing assisted by the Department of Housing and Urban Development (HUD) and housing assisted by the Farmers Home Administration.

The conference report includes a separate title, which may be cited as the "Emergency Low Income Housing Preservation Act of 1987", that incorporates the House provisions related to rural housing, with amendments as noted below, and a Senate amendment related to HUD assisted housing.

SUBTITLE A—GENERAL PROVISIONS

The House amendment contained a provision establishing that it is the national policy to retain insured or assisted multifamily rental housing as affordable for lower income families. To govern the Secretary's administration of the policy the provision outlined a set of goals: maintenance of the stock in decent, safe and sanitary condition, preserving and revitalizing residential neighborhoods, and minimizing the involuntary displacement of tenants. Finally, the provision directed the Secretary to undertake a comprehensive review of all federal programs and actions that the Secretary has undertaken or recommended, or might undertake or recommend, in administering the policy.

The conference report contains a substitute for the House provision: the "Emergency Low Income Housing Preservation Act of 1987". Findings establish the reasons why legislative action is necessary in this bill. They indicate that almost 950,000 low income housing units could soon be lost through mortgage prepayments and the expiration of Section 8 rental assistance contracts. They note that the timing of the loss would inflict unacceptable harm on current tenants and could precipitate a grave national crisis in the supply of low income housing that was neither anticipated nor intended when contracts for these units were entered into. The findings also establish that the loss of this affordable housing would harm long-established national objectives: the provision of decent, safe and sanitary housing affordable to low income Americans; the provision of low income housing that is accessible to job opportunities; and the expansion of housing opportunities for all Americans, but particularly members of disadvantaged minorities.

The findings note that an adequate supply of low income housing has depended and will continue to depend upon a strong long-term partnership between the public and private sectors that accommodates a fair return on investment. They further note that reductions in the federal housing budget and in the tax benefits previously associated with low income housing have increased the incentives for private industry to withdraw from the production of low income housing. The findings declare that efforts to preserve this housing for low income use must be tailored to the unique financial and market conditions of individual projects.

The findings note that a number of private sector task forces (including those established by the National Corporation for Housing Partnerships, the National Housing Conference and the Advisory Council of HUD Management Agents) as well as state and local organizations have undertaken a major review of alternative responses to the threatened loss of low income housing. The findings conclude that, in the interim period before the recommendations of the various task forces and organizations can be completed, Congress must enact emergency, temporary measures to avoid the irreplaceable loss of low income housing and the irrevocable displacement of current tenants.

The conference report establishes three purposes for the title: to preserve to the maximum extent practicable as housing affordable to low income families or persons those privately-owned housing units that were produced for such purpose with federal assistance; to minimize the involuntary displacement of tenants currently residing in such housing; and, to continue the private/public partnership in the production and operation of housing affordable to low income families or persons.

The conference report establishes a timetable making the requirements of this subtitle effective November 1, 1987, and declares that the provisions of Subtitles B and D shall be repealed two years after the date of enactment. However, any agreements entered into prior to that date will be covered by the provision of this title for the term of the agreement. The conferees intend that a longer term approach to the threatened loss of housing affordable to low income families or persons will be developed and enacted by that date.

SUBTITLE B—PREPAYMENT OF MORTGAGES INSURED UNDER THE NATIONAL HOUSING ACT

The House amendment contained a provision establishing a procedure for notice and negotiation prior to prepayment of mortgages under certain HUD programs. The provision required owners to file a one-year notice of intent to prepay with the HUD Secretary, the State housing finance agency, the local government and the tenants. The notice would have to include detailed project financial information. During that year, defined in the provision as the "prohibited period", the owner could not prepay. The provision established a schedule for negotiations during which HUD, the State and local governments and the tenants could propose financial incentives to persuade the owner to retain the property for low-income use or, alternatively, to sell the property to a tenant cooperative, nonprofit organization or public agency.

The House amendment provided for a one-year "permitted period", to take effect upon expiration of the "prohibited period", during which the owner would be allowed to prepay. The provision enabled the owner to extend the permitted period year by year by notifying HUD 30 days before its termination. The provision also required owners to notify HUD and other interested parties within 90 days of a proposed sale or 60 days of a proposed refinancing and provided a schedule according to which HUD and interested parties could respond with counterproposals. Finally, the provision required the HUD Secretary to publish a monthly listing in the Federal Register of all projects that are eligible for prepayment one year from publication.

The conference report contains a substitute for the House provision that implements an interim solution for the prepayment problem. The report establishes that an owner of "eligible low income housing", defined in the Act, may prepay and a mortgagee may accept prepayment only in accordance with a plan of action approved by the Secretary. The report establishes a streamlined procedure for notice and approval of a plan of action.

Notice.—An owner of eligible low-income housing seeking to prepay or initiate other changes in the status or terms of the mortgage or regulatory agreement would file a simple notice of intent with the HUD Secretary and any appropriate State or local government agencies. The term "other changes" refers to changes related to an owner's acceptance of certain incentives in exchange for an agreement to retain the housing for low- and moderate-income use for the remaining term of the mortgage. Incentives which alter the current rent structure, for example, will necessitate amendments to the existing regulatory agreements. The conferees intend with this provision to affect only housing that is likely to prepay and do not intend to alter HUD administration of other regulatory agreements under the affected programs. The mortgages covered by this provision include purchase money mortgages held by the Secretary that were provided to provisions formerly insured under Sections 221(d)(3), 221(d)(3) BMIR, or 236.

Plan of action.—Upon receipt of the notice, the HUD Secretary would be required to provide the owner with such information as the owner needs to prepare a plan of action. The Act outlines the type of information which the plan of action must include. The conferees expect that details of individual plans of action will differ markedly from project to project. An owner seeking to prepay the mortgage and terminate the affordability restrictions would be expected to provide detailed information on the impact of such actions on the current tenants and the local supply of affordable housing during the forseeable future. However, an owner wishing to take advantage of incentives offered by the Federal Government would not be expected to provide such information since the acceptance of incentives obligates the owner to retain the housing for low-and moderate-income use.

The conferees expect that the timing of the submission and approval of plans of action will also differ from project to project depending upon the complexity of individual plans. The conferees intend that procedures for review be flexible, timely and designed to encourage all interested parties to cooperate in finding ways to retain the low income affordability of eligible housing. The conferees expect that, wherever possible, State and local agencies will take a leading role in finding solutions appropriate to a project. The conference report establishes maximum periods for review, and the conferees expect the Secretary to review and decide upon plans of action as quickly as fair deliberation and involvement of all interested parties will allow.

Incentives.—The conference report requires an owner to submit the plan of action to the HUD Secretary and any appropriate State or local government agencies. If an owner demonstrates a willingness to negotiate to keep the housing affordable to low and moderate income families or persons for the remaing term of the mortgage, the Secretary is authorized to offer the owner one or more of the incentives delineated in the Act. These incentives include (a) an increase in the rate of return on equity; (b) revisions in the method of calculating equity; (c) increased access to the resideual receipts accounts or excess replacement reserves; (d) the provision of insurance for a second mortgage to take out equity; (e) the provision of additional Section 8 assistance or an increase in the rents under existing contracts or an extension of any project-based assistance such as Loan Management Set-Aside; (f) the provision of a capital improvement loan; (g) other actions, authorized elsewhere in law, designed to facilitate a transfer or sale of the project to a variety of entities; and (h) other incentives authorized elsewhere in law. In determining which incentives are properly suited to individual projects, the conferees intend that the HUD Secretary take into account local market conditions and the existing tenant population. The conferees intend that any of the specified incentives may be offered in conjunction with the transfer or sale to a nonprofit organization or other organization identified in Section 224(b)(7). The conferees recognize that, for some eligible projects, the provision of incentives under this section are not justified because local market conditions make it very unlikely that the projects will be prepaid or that the low income affordability restrictions would be terminated. The conferees intend that the Secretary will use appropriate care to ensure that incentives provided under this section are used only in those cases where they are needed to avoid the termination of low income affordability and that any agreement to permit increases in rents for new tenants that exceed rents charged existing tenants plus reasonable increases in operating costs should be considered only where the other incentives authorized by this section are insufficient to provide a fair return on investment to owners. In some projects many of the incentives such as increased Section 8 assistance, higher Section 8 Fair Market Rents, access to residual receipts or replacement reserves, local and State tax benefits or subsidies and increases in return on equity related to the provision of these incentives will not require increases in tenant rents beyond those permitted for existing tenants.

Consultation.—The conference report requires the HUD Secretary to consult with State and local governments in developing a package of incentives to offer an owner. The conferees note that a number of States have already begun to provide resources to ameliorate the prepayment problem. The conferees believe that an array of federal, State and local incentives will be needed to resolve the prepayment problem and urge the HUD Secretary to work with all levels of government, as well as parties, such as tenant organizations, that the Secretary believes could assist in developing an "approvable" plan of action. In addition, State and local governments are required to consult with tenant representatives from the affected projects.

Criteria for approval.—There will essentially be two types of plants: those that request permission to prepay a mortgage and terminate the current affordability restrictions and those that request government or other incentives to preserve the housing as affordable to low income tenants. The conference report, therefore, contains two types of approval criteria. The HUD Secretary may approve a plan of action that merely requests permission to prepay and terminate affordability restrictions only upon finding that the plan satisfies long-established national objectives. Specifically, the Secretary must find that implementation of the plan of action would (a) not create hardship for current tenants or displace them where a comparable and affordable housing is not readily available and (b) would not materially affect the general supply of low income housing in the market area, lessen the ability of low income people to find housing near job opportunities or reduce housing opportunities for minorities. In making these findings, the Secretary must give consideration to the views of appropriate State and local agencies and to tenants who may be affected by the termination of the affordability provisions.

The HUD Secretary may approve a plan of action that includes incentives only upon finding that binding commitments have been made to ensure that: (a) the housing will be retained as housing for low and moderate income residents for the remaining term of the mortgage; (b) operation and maintenance will be adequate; (c) current tenants will not be involuntarily displaced without good cause and may receive rent increases only in accordance with certain limitations; (d) any rent increases for current tenants, except as specified, would phase in over three years; (e) vacant units would have rents approved by the Secretary so that they continue to be available and affordable to very low income, lower income and moderate income families or persons; (f) the package of incentives is needed to provide a fair return on investment; and (g) the package is the least costly alternative that meets the purposes of the Act. The conferees are aware that some tenants who originally met the income occupancy criteria now have incomes higher than moderate income. The conferees intend that such tenants be considered moderate income tenants for the purposes of calculating rents affordable to families with different income proportions under Section 226(b)(6).

The conference report provides guidance for the rent structure of projects that receive incentives. The conferees have included incentives designed to provide owners a fair return on investment while minimizing rent increases for tenants. Some of these incentives involve an increase in project debt which can be serviced, in part, by increases in rents for current tenants, increases in existing federal subsidies and the provision of additional State and local government assistance. Tenants who are now paying less than 30 percent of their income for rent could have their rents increased up to the 30 percent level provided that such increases are necessary to service the project's financial structure and are phased-in in accordance with the Act. Rents for units covered by Section 8 contracts may rise to the maximum permissible fair market rent for existing Section 8 certificates provided that the general rent reasonableness tests are satisfied. Finally, rents for tenants who now pay more than 30 percent of their income for rent will not change as a result of incentives which increase the projects' debt. In all cases, however, the Secretary may approve annually rent increases to cover future reasonable increases in operating expenses that become necessary.

Rents for new tenants.—The conference report provides that rents charged new tenants must be approved by the Secretary and must ensure, to the extent practicable, that the units will be available and affordable to the same proportions of very low income, lower income and moderate income families as those families residing in the housing as of January 1, 1987. In approving these rents the Secretary shall take into account any financial burden related to incentives provided to persuade owners to extend low income affordability requirements for the remaining term of the mortgage. The conferees recognize that the provision affecting rents for new tenants (in combination with incentives that do not affect tenants rents) is an initial attempt by Congress to balance an improvement in the financial return of the owner of the property with the necessity to preserve housing that is affordable for new low and moderate income tenants by minimizing rent increases. The conferees expect that in approving affordable rents for an individual project, the Secretary will permit rents that are affordable, with 30 percent of adjusted income, to a substantial range of tenants in each of the three defined categories of very low income, low income and moderate income. The conferees expect that the rents established for units occupied by existing tenants will not be reduced when new tenants move into the project and that owners may not discriminate against new tenants on the basis of their income if the tenants have a good rent paying record or if the tenants are holders of Section 8 certificates or vouchers.

Alternative State strategy.—In recognition that some States have already begun to address the problem of expiring low income affordability restrictions in FHA-insured projects and some States may develop creative new solutions to the problem, the conference report provides that as an alternative, the Secretary may approve a plan of action developed under an approved State strategy that meets a number of criteria. The State plan must be a practicable statewide strategy that ensures at a minimum that: current tenants will not be displaced except for good cause; housing opportunities for minorities will not be adversely affected; any rent increases for current tenants will not exceed the lower of 30 percent of the adjusted income of tenants or the existing Section 8 fair market rent; housing will remain affordable to very low income, lower income or moderate income families for not less than the remaining term of the mortgage if used for rental housing or for not less than 40 years if used for homeownership; and expenditures for rehabilitation, maintenance and operation must be at a level to preserve the housing for the specified period.

In addition, the State plan must provide that not less than 80 percent of all of the units statewide that are approved under the State strategy shall be retained as affordable to families meeting the income affordability standards for initial occupancy applying to the housing on January 1, 1987. Not less than 60 percent of the units in any one project shall remain available and affordable to such families and within the total units in the project no less than 20 percent of the units shall remain available and affordable to very low income families.

Any dwelling unit that will no longer be available to low and moderate income tenants as a result of State approval must be replaced in the same market area served by the housing through State-financed newly constructed or rehabilitated rental units that are made available and affordable to such tenants. The State funds or the replacement dwelling units must be made available before the HUD Secretary, according to the requirement of Section 225, approves the plan of action proposed by the project owner. The mortgagee may not approve the prepayment of a mortgage covered by a State plan until the project owner and the State have entered into the necessary binding agreements. Under this alternative the HUD Secretary may enter into agreements that include the incentives authorized elsewhere in this subtitle.

The conferees permit the Secretary to approve an alternative State strategy as a substitute for the criteria for Secretarial approval required under Section 225. The conferees wish to make clear, however, that the criteria listed in the alternative State strategy are minimum criteria and States are encouraged to develop strategies that preserve a greater number of units in ways that are more affordable for low and moderate income tenants.

Timetable.—The conference report contains a streamlined timetable for consideration and review of plans of action. The report requires the Secretary to provide a written assessment of the plan of action within 60 days of receiving the plan. The assessment would outline any deficiencies that prevent the plan from being approved and would describe alternative ways in which the plan could be revised to rectify the deficiencies.

The report requires the Secretary to provide a final determination on approval within 180 days of receiving the plan. If approval is withheld, the determination shall describe the reasons for the disapproval and actions that could be taken to meet the criteria for approval. The Secretary shall give the owner a reasonable opportunity to revise the plan of action and seek approval.

If a plan of action cannot be approved within 300 days, HUD would be required, at the owner's request, to enter into a four-year agreement that, among other things, prevents the involuntary displacement of current tenants except for good cause, extends any expiring project-based assistance for the term of the agreement and permits an increase in the allowable distributions that can be accommodated by modest rent increases. Upon expiration of the four-year term, the housing shall be subject to any law then affecting mortgage prepayments and low income affordability restrictions.

Conversion.—The conferees recognize that more needs to be learned about the nature of the prepayment problem before Congress will be in a position to enact a set of procedures and incentives that will most effectively retain low income affordability in eligible housing. The conferees intend to review recommendations of high-level private sector task forces and to develop a longer term solution within the next two years. For that reason, the conference report requires any agreement to extend the affordability restrictions for the remaining term of the mortgage to provide the owner a four-year option to convert to any new system of incentives and restrictions enacted by Congress.

Moratorium.—The conference report provides that if any provision of Subtitle B is invalidated by any state or federal court, an owner of an eligible low income housing project may not prepay, and a mortgagee may not accept prepayment of a mortgage during the two-year period following the date of such invalidation.

SUBTITLE C—RURAL RENTAL HOUSING DISPLACEMENT PREVENTION

The House amendment contained a provision that was not contained in the Senate bill requiring owners of projects with contracts that were entered into prior to December 21, 1979, that are no longer willing to operate rural rental housing for low income use, to sell their projects, at fair market value, to a nonprofit or public agency. The conference report contains the House provision with an amendment to make the provision effective only after the Secretary offers owners the option to extend the housing's affordability restrictions in exchange for various incentives. The conferees note that the Farmers Home Administration provisions are amendments to permanent law and are not subject to the sunset provision in Subtitle A.

Offer to sell rural rental housing to nonprofit organizations and public agencies.—The House amendment contained a provision not included in the Senate bill which required the Secretary to require the owner requesting prepayment or refinancing of a Section 514 or Section 515 loan that was under contract prior to December 21, 1979, to offer to sell the housing and related facilities to any qualified nonprofit organization or public agency. Such sale would be made at the fair market value as determined by an appraiser chosen by the Secretary and an appraiser chosen by the owner, and if both failed to agree, a third appraiser jointly selected prior to accepting any offer to prepay, or a request to refinace. It permitted the Secretary to accept the owner's offer to prepay, or refinance only if, 90 days after an offer is made, no qualified nonprofit organization or public agency has made a bona fide offer to purchase the housing. The conference report contains the House provision with an amendment to make the provision effective only after the Secretary has made reasonable efforts to enter into agreements with the owner or other parties for the purpose of extending the low income affordability restrictions of the housing for an additional twenty years. The agreements could include one or more of the following incentives: an increase in the rate of return on investment; the provision of a subsequent loan designed to allow the owner to take out equity; a reduction in the interest rate on the existing interest credit agreement to 1 percent; the provision of additional rental assistance to a project or, in projects which already have rental assistance, an increase in the rents provided under the existing contracts; the provision of incremental rental assistance to tenants not currently receiving rental assistance so that the increased debt service associated with an equity loan can be met; or the provision of other incentives authorized elsewhere in law. To facilitate the negotiation process, the Secretary is required, within 30 days of receipt of an offer to prepay, to provide written notice of the offer to the tenants of the housing, interested nonprofit organizations and any appropriate state or local government agencies.

The Secretary may enter into an agreement that includes incentives only upon finding that binding commitments have been made which ensure that: the housing will be retained as affordable housing for no less than twenty years from the date of execution of the agreement; maintenance and operation will be adequate; the existing rental assistance contracts will be extended; rents will be increased only in accordance with regulations; vacancies will be filled only in accordance with regulations; and the package of incentives is needed to provide a fair return on investment. The conferees expect that the package the Secretary agrees to will be the least costly alternative that meets the purposes of the Act. If, after a reasonable period of time, the Secretary determines that agreements cannot be entered into, then the Secretary will require the owner to offer to sell the project to a nonprofit organization or public agency. The amendment also extends, from 90 days to 120 days after the offer to sell the project is made, the period in which a bona fide offer to purchase may be received from a nonprofit or public agency.

The conferees intend that a bona fide offer be any offer by an applicant which is determined to be qualified by the Secretary. An offer shall be deemed to be bona fide regardless of the availability of funds at the time the application for prepayment is made or the offer to purchase by the nonprofit or public body is made.

Local nonprofit organizations and public agencies—The House amendment contained a provisions not included in the Senate bill which provided that only organizations or agencies determined by the Secretary to be capable of managing the housing (either directly or through contract) for the remaining period of the loan shall be permitted to purchase projects; and allowed the sale to a qualified regional or national nonprofit if not local nonprofit is available or qualified. The conference report contains the House provision. The conferees expect that the Secretary immediately upon enactment of these provisions will take steps to begin to mobilize appropriate local, regional and national nonprofit agencies, as well as State and local public agencies, in order to encourage their effective participation in purchasing such projects as may be offered for sale under this provision. Such efforts should include regional conferences, as well as other appropriate methods utilized for this purpose. The conferees intend that before ownership of housing is transferred to a nonprofit organization or public agency, binding commitments will insure that the housing shall remain available and affordable to low-income families or persons for the remainder of its useful life.

Financing of sale.—The House amendment contained a provision not included in the Senate bill which required the Secretary, in the event of the sale of rural rental housing to a qualified nonprofit organization or public agency, to the extent provided in Appropriations Acts, to make an advance to the organization or agency to cover direct costs (other than the purchase price) incurred in purchasing and assuming responsibility for the housing; to transfer any Sec. 521(a) or Sec. 8 rental assistance payments; and, to provide a grant to the organization or agency to enable them to purchase the housing, and is further required to approve the assumption of the Secs. 514 or 515 loan by the organization or agency. The conference report contains the House provision.

Rent limitation and assistance.—The House amendment contained a provision not included in the Senate bill which required the Secretary, to the extent provided in Appropriations Act, to provide the organization or agency purchasing such housing with financial assistance, through forgiveness of debt or the provision of additional rental assistance payments, necessary to insure that eligible law and very low income tenant rent contribution not exceed 30 percent of adjusted income. The conference report contains the House provision.

Restriction on subsequent transfers.—The House amendment contained a provision not included in the Senate bill which prohibited the transfer of housing and related facilities purchased by a nonprofit organization or public agency during the remaining term of the initial loan unless the Secretary determines that the transfer will further the provision of housing for low income families or persons, or that no need for such housing exists. The conference report contains the House provision.

General restriction on prepayments and refinancing.—The House amendment contained a provision not included in the Senate bill which provided that the Secretary may not accept an offer to prepay or request refinancing of Secs. 514 or 515 loans pursuant to a contract entered into before December 21, 1979, (unless such offer or request is subject to an approved exception) in any fiscal year after the maximum number of units authorized for prepayment is reached or the budget authority available in such year is used, but further provided that this limitation shall not apply if following the date of the offer or request is made or the date of enactment, whichever occurs later, a 12-month period expires during which no funds are available and also required the Secretary to allocate prepayment funds in the order in which prepayment offers or refinancing requests are made. The conference report contains the House provision with an amendment extending the 12 month period to 15 months.

Exception.—The House amendment contained a provision not included in the Senate bill which permitted the owner to prepay or refinance provided that an agreement is signed ensuring the property will continue to be available for low income families for the remaining term of the loan or not to exceed 20 years from the date that the loan was made, or that the Secretary determines tenants will not be displaced or that adequate, affordable, decent and safe housing is available within 25 miles and that sufficient actions are taken to ensure that such housing will be made available to each displaced tenant. The conference report contains the House provision with an amendment to permit an owner to prepay if, when Farmers Home funding is not available to facilitate the transfer of ownership to a nonprofit or public agency, an owner has made an offer to transfer ownership to a nonprofit or public agency and a period of 120 days has passed in which the owner has received no bona fide offer to buy; permit prepayment or refinancing if the Secretary determines that the action would not materially affect the housing opportunities of minorities; that binding commitments have been made to ensure that tenant displacement would not occur as a result of prepayment or refinancing; or there is an adequate supply of safe, decent and affordable rental housing within the market area defined in the market analysis when the loan was initially approved. During the time in which the owner has prepaid but is still under the use restriction, the Secretary shall require an annual report from the owner which certifies that households eligible under Section 515 rules and regulations are living in the project, that rents in the project have not been increased and that involuntary displacement has not occurred. If the owner has not met such standards the Secretary will be expected to void the prepayment agreement and return the project to the Section 515 program.

Funding.—The House amendment contained a provision not included in the Senate bill which prohibited the transfer of more than 5,000 units in any fiscal year and provided that the budget authority in any fiscal year for transfers not exceed amounts necessary for not more than 5,000 units, and provided authority for appropriation to the rural housing insurance fund the sums necessary to reimburse the fund for financial assistance provided under this Section. The conference report contains the House provision with an amendment to authorize in the absence of the appropriation of grant funds such sums as necessary to reimburse the Rural Housing Insurance Fund in order to assure that, to the maximum extent practicable, funds will be available to finance the sale of these units to nonprofit and public agencies or the equity takeout under refinancing.

Definition.—The House amendment contained a provision not included in the Senate bill which defined "nonprofit organization" as a private organization whose earnings do not benefit any member, founder, contributor, or individual, and is approved by the Secretary as to financial responsibility. The conference report contains the House provision.

Regulations.—The House amendment contained a provision not included in the Senate bill which required the Secretary to issue final regulations to carry out this provision within 60 days, and required implementation no more than 45 days later. The conference report contains the House provision.

Notice of possible prepayments and refinancings.—The House amendment contained a provision not included in the Senate bill which (a) required the Secretary to publish, in the Federal Register, a timely notice of the housing and related facilities for which the Secretary is authorized to accept an offer to prepay, or to request refinancing for Secs. 514 or 515 loans, and to publish all offers to prepay or refinance not later than 30 days after the date of enactment for loans made prior to December 21, 1979, and not less than one year before the Secretary is authorized to accept an offer to prepay or to request refinancing and (b) provided that the Secretary shall also provide notice of an offer or request in the Federal Register, to the public, the tenants involved, and qualified nonprofit and public agencies as soon as practicable after receiving same. The conference report contains the House provision with an amendment to delete the general notice provision under (a) and to require that within 30 days of the receipt of an offer to prepay written notice of the offer be made available to the tenants, interested nonprofit organizations and any appropriate state or local government agency.

Use of the rural housing insurance fund.—The House amendment contained a provision not included in the Senate bill which authorized the use of the rural housing insurance fund to provide for advances, financial assistance, and other payments required to carry out this prepayment program. The conference report contains the House provision with an amendment to clarify that the Rural Housing Insurance Fund may also be used for financing incremental rental assistance payments necessary for the purposes of this section.

SUBTITLE D—OTHER HOUSING ASSISTANCE PROVISIONS

The House amendment contained provisions not included in the Senate bill which addressed other issues related to the loss of low income housing. The conference report contains the House provisions with amendments as noted.

Funding recapture.—The House amendment required that any subsidy funds recaptured from the sale of Section 221(d)(3) BMIR loans owned by the Government National Mortgage Association (GNMA) be used to assist other projects. The conference report contains the House provision with amendments to limit the general use of recaptured funds to achieving the purposes of this title.

Early prepayment.—The House provision amended existing law to delete the authorization for the Secretary to approve an early prepayment prior to the expiration of an initial 20-year period where the Secretary determines that the needs of lower income families can be met through other federal housing assistance. The conference report contains the House provision.

Section 8 assistance opt-out notice.—The House provision required owners to notify the HUD Secretary and tenants not less than one year prior to terminating a Section 8 contract and directed the Secretary to review the notice to consider whether the termination was lawful and whether additional actions could be taken to avoid termination. The notice period was reduced to 90 days in the case of Section 8 certificates or vouchers. The conference report contains the House provision.

Loan management.—The House provision required 15-year contract terms for Section 8 Loan Management and an extension of the original contract or a new contract if the owner agreed to continue housing lower income families or persons. The provision also specified that vouchers not be used in the Loan Management program. The conference report contains the House provision.

Direct loans to prevent default by multifamily projects.—The House provision authorized the HUD Secretary to make direct loans (with up to 3-year terms) to prevent defaults on insured multifamily projects. The conference report contains the House provision with an amendment to clarify that the loans be limited to prevent defaults in unsubsidized projects.

Section 515 operating reserve and equity contribution requirements.—The House provision authorized the Secretary to permit the Section 515 initial operating reserve to be in the form of an irrevocable letter of credit, and prohibited the Secretary from requiring that the contribution to equity be more than 3 percent of the project amount. The conference report contains the House provision. The conferees are concerned that, as a result of changes in federal tax laws, builder and developer profit expectations have been so reduced as to discourage their future participation in rural low income housing programs. Therefore, the conferees have acted to reduce the upfront cash requirements as an inducement to their further participation in these much needed low and very low income housing programs.

Title III—Rural Housing

Program Authorizations

Insurance and guarantee authority.—The Senate bill contained a provision to insure and guarantee loans in an aggregate amount not to exceed $2,033,093,000 for each of the fiscal years 1988 and 1989 as follows: not to exceed $1,339,800,000 for insured Sec. 502 loans to borrowers receiving assistance under Sec. 521(a)(1); not to exceed $11,335,000 for Sec. 504 very low income repair loans; not to exceed $11,484,000 for Sec. 514 domestic farm labor housing loans; not to exceed $669,900,000 for Sec. 515 rural rental housing loans, and not to exceed $574,000 for Sec. 524 nonprofit housing site loans. The House amendment contained a provision to insure and guarantee loans, to the extent approved in Appropriations Acts, in an aggregate amount not to exceed $1,960,090,000 for Fiscal Year 1988 as follows: $1,109,700,000 for borrowers receiving assistance under Sec. 521(a)(1) or guarantees under Sec. 502(f), $11,340,000 for Sec. 504 very low income repair loans, $11,480,000 for Sec. 514 domestic farm labor housing loans, $826 million for Sec. 515 rural rental housing loans, $1 million for Sec. 523 mutual and self-help housing loans, and $570,000 for Sec. 524 nonprofit housing site loans. The conference report contains an aggregate insurance and loan guarantee authority of $1,775 million for fiscal year 1988 and $1,860 million for fiscal year 1989; $1,104 million for Section 502 for fiscal year 1988 and $1,157 million for fiscal year 1989; $11.3 million for Section 504 loans for fiscal year 1988 and $11.9 million for Section 504 for fiscal year 1989; $11.5 million for Section 514 for fiscal year 1988 and $12 million for Section 514 for fiscal year 1989; $647 million for Section 515 for fiscal year 1988 and $678 million for Section 515 for fiscal year 1989; $1 million for Section 523 for fiscal year 1988 and $1.048 million for Section 523 for fiscal year 1989; $574,000 for Section 524 for fiscal year 1988 and $601,322 for Section 524 for fiscal year 1989.

Authorization of appropriations.—The Senate bill contained a provision which authorized to be appropriated for each of the fiscal years 1988 and 1989 $12.5 million for Sec. 504 very low income housing repair grants, $9,513,000 for Sec. 516 domestic farm labor housing grants, $8 million for Sec. 523 mutual and self-help housing grants, and $19,140,000 for Sec. 533 rural housing preservation grants. The House amendment contained provisions which authorized to be appropriated for fiscal year 1988, $47 million for equity purchase authorized under the Sec. 515 prepayment provisions contained in the House bill, $13,113,000 for Sec. 504 very low income housing repair grants, $9,979,000 for Sec. 516 domestic farm labor housing grants, $8,392,000 for Sec. 523(f) mutual and self-help housing grants, and $20,078,000 for Sec. 533 rural housing preservation grants. The conference report contains the following authorizations: for Sec. 509(c) grants $713,000 for FY 1988 and $747,010 for FY 1989; for equity purchase under the Sec. 515 prepayment provisions $47 million for FY 1988 and $49,021,000 for FY 1989; $13,113,000 for Sec. 504 grants for FY 1988 and $13,096,250 for FY 1989; $9,979,000 for Sec. 516 grants for FY 1988 and $10,454,998 for FY 1989; $8,392,000 for Sec. 523 grants for FY 1988 and $8,792,298 for FY 1989; $20,078,000 for Sec. 533 grants for FY 1988 and $21,035,721 for FY 1989.

Rental assistance payment contracts.—The Senate bill contained a provision which provided to the extent approved in Appropriations Acts $160,310,000 for Sec. 521 rental assistance payment contracts for fiscal years 1988 and 1989. The House amendment contained the same funding level for fiscal year 1988 and authorized rental assistance payments contracts to be used in fiscal year 1988 or in any succeeding fiscal year to fund shortfalls in five-year contracts in addition to renewing expiring contracts and making additional rental assistance contracts. The conference report contains the House provision and authorizes $275,310,000 for fiscal year 1988 and $28,313,516 for fiscal year 1989.

Supplemental rental assistance contracts.—The House amendment contained a provision not included in the Senate bill which authorized, to the extent approved in Apropriations Acts for fiscal year 1988, $26 milion for five-year supplemental rental assistance payments contracts for tenants residing in prepaid projects purchased by public or nonprofit agencies whose contribution to rent is in excess of 30 percent of adjusted median income. The conference report contains $26 million for fiscal year 1988 and $27,534,000 for fiscal year 1989.

Rental housing loan authority.—The House amendment contained a provision not included in the Senate bill which extended authority to make Sec. 515 rural rental housing loans through fiscal year 1988. The conference report contains the House provision amended to include fiscal year 1989.

Mutual and self-help grant and loan authority.—The House amendment contained a provision not included in the Senate bill which extended authority for Sec. 523 mutual and self-help grants and loans through fiscal year 1988. The conference report contains the House provision amended to include fiscal year 1989.

Eligibility Requirements

The House amendment contained a provision not included in the Senate bill which provided that maximum income eligibility levels for the Farmers Home Administration housing programs in the Virgin Islands not be less than the highest level established for other American Trust Territories and provided that this criteria be applicable to applications for assistance made on or after enactment. The conference report contains the House provision.

Definition of Very Low Income Families

The Senate bill contained a provision which defined very low income families or persons, for purposes of receiving Farmers Home Administration Sec. 502 homeownership assistance, as those with incomes which do not exceed the applicable 50 percent of area median income established or 50 percent of area median income established or 50 percent of the statewide nonmetropolitan median income, whichever amount is higher. The House amendment contained a similar provision except it did not limit it to applicants under the Sec. 502 low income homeownership loan program. The conference report does not contain either provision since this has been resolved in Sec. 567 of the conference report. Since the establishment of the Sec. 502 targetting requirements many States have not been able to use their full allocation of Sec. 502 homeowner loans because they contained many areas in which the median income is very low. In such areas the very low income target is difficult to meet because 50 percent of the adjusted income often is simply too low for participation in the Sec. 502 program. This has the effect of denying low income persons having incomes above 50 percent but not more than 80 percent of the adjusted median income from participation in the program. The conferees, therefore, have acted to permit the higher of the area on nonmetropolitan statewide median income to be used in the definition of very low income eligibility levels under the rural housing assistance programs.

Rural Housing Escrow Accounts

The Senate bill contained a provision which required the Secretary, within 60 days of enactment, to establish procedures which allowed any borrower to make periodic payments for the purposes of taxes, insurance, and such other necessary expenses as the Secretary determines to be appropriate, and provided that, notwithstanding any other provision of law, such payments shall not be considered public funds, that the Secretary direct the disbursement of funds at the appropriate time or times for the purposes for which the funds are escrowed, that if the prepayments made by the borrower are not sufficient to pay the amount due, the Secretary may make advances to pay the costs in full, that these advances be charged to the borrowers account, bear interest, and be payable in a timely fashion determined by the Secretary, and that the Secretary notify a borrower in writing when loan payments become delinquent. The House amendment simply required the Secretary, at the option of the borrower, to establish an escrow account. The conference report contains the Senate provision.

Rural Housing Guaranteed Loan Demonstration

The House amendment contained a provision not included in the Senate bill which required that not less than 5 percent nor more than 10 percent of the Sec. 502 homeownership loan authority in fiscal year 1988, or any succeeding fiscal year, may be used for loan guarantees for moderate income borrowers having income up to 115 percent of the area media income, with adjustments for smaller and larger families. The conference report contains the House provision amended to provide that the demonstration will be for four years and funds shall be provided on a State level from the lower 10 percent of the State's 502 homeownership loan authority in the current fiscal year or the average over the previous three-year period of any unexpended loan authority. The Secretary shall report to Congress on the impact of this demonstration.

Requirement of Local Consultation for Domestic Farm Labor Housing

The House amendment contained a provision not included in the Senate bill which required local consultation with the units of general local government for farm labor housing insured under Sec. 514 or assisted under Sec. 516 for every applicant applying for financial assistance after enactment. The conference report does not contain the House provision.

Definition of Domestic Farm Labor

The House amendment contained a provision not included in the Senate bill which expanded the Sec. 514 and 516 definition of domestic farm labor to include any person (and their family) who receives a substantial portion of his or her income from the production of agriculture or aquaculture commodities, or the handling of such commodities in the unprocessed stage provided that such person is a citizen or legal permanent resident and including retired or disabled farm laborers. The conference report contains the House provision amended to include retired and disabled farmworkers, and to require that housing available under this section be utilized first for active farmworkers and only then for retired or disabled farmworkers. The conferees are concerned that farmworkers are assigned tasks in primary production activities or in activities involving handling unprocessed projects not be denied assistance because of narrow interpretation of the definition of a farmworker under existing law and regulations. Furthermore, the conferees wish to make clear that in expanding the definition of farmworkers to include retired or disabled farmworkers the conferees intend to permit such persons and families to be eligible to occupy available assisted housing in places other than where they were employed as farmworkers if their choice of location is necessary to be close to other family members or to return to their home town.

Conformance With Low Income Housing Tax Credit Eligibility Requirements

The House amendment contained a provision which provided that the Secretary may not carry out Sec. 515 in any manner that would cause the project to be ineligible for new tax credits. The Senate bill contained a provision to restrict occupancy in Section 515 projects which have been allocated a low income housing tax credit under section 42 of the Internal Revenue Code of 1986 to families whose incomes do not exceed the qualifying income under the Code, unless the Secretary determines, after a period of not less than six months, that vacancies threaten the financial viability of the project. The conference report contains the Senate provision.

Limitation of Fees on Rural Rental Housing Loans

The House amendment contained a provision not included in the Senate bill which prohibited the Secretary or any other federal agency from imposing a fee on or with respect to Sec. 515 loans made to nonprofit organizations for elderly persons and families in rural areas, unless specified by Congress, but provided that a fee may be imposed by the Secretary of Agriculture in the case of for-profit entities not to exceed the fee imposed by the HUD Secretary for the same type of activity. The conference report contains the House provision with an amendment deleting the provision permitting fees to be charged for for-profit entities.

Rural Area Classification

The House amendment contained a provision which extended the definition of a rural area for fiscal year 1988 and permitted the inclusion of Pajaro, California, as a rural area. The Senate bill only extended the rural area definition for fiscal years 1988 and 1989. The conference report contains the House provision amended to extend the definition through fiscal year 1989.

Procedures for Reduction of Interest Credit

The House amendment contained a provision not included in the Senate bill which required the Secretary to continue interest credit assistance under the Sec. 502 rural homeowners assistance program, to existing borrowers whose income increases above the ceiling for interest credit assistance but who would not be able to reasonably afford the new loan payment without interest credits. The conference report contains the House provision. The conferees are aware that borrowers whose incomes rise above the eligibility levels permitted for interest subsidies may be unable to afford the monthly payments required at the note rate of interest without having to pay an excessive portion of their monthly income. Therefore, the conferees have acted to give the Secretary discretion on a case-by-case basis to continue to provide such borrowers interest subsidies as one necessary to make their monthly payments affordable.

Rental Assistance Tenant Contribution

The House amendment contained a provision not included in the Senate bill which restricted the Secretary from increasing rents in any 12-month period in an assisted unit by any percentage that will result in vacancies in an assisted unit because of the availability of alternative affordable housing in that area. The conference report does not contain the House provision.

Rural Housing Preservation Grant Program

The House amendment contained a provision not included in the Senate bill which required the Farmers Home Administration to implement the Sec. 533 Housing Preservation grant program for rental units within 30 days of enactment of this Act. The conference report contains the House provision with an amendment to permit states, for two years from enactment, which do not use all of their HUD rental rehabilitation funds allocated for use in communities with a population between 20,000 and 50,000 to use these funds in smaller communities. In permitting the use of HUD rental rehabilitation in rural areas for 2 years, the conferees intend that this be a temporary solution to a problem which should never have occurred, and which can only be alleviated when FmHA complies with congressional intent regarding the Section 533 Housing Preservation Grant program. Therefore, the Conferees direct the Secretary to immediately implement the Section 533 program for rental housing as the Congress intended when it established this program. The Administration has attempted to force all rental rehabilitation activities to be carried out under the HUD Section 17 Rental Rehabilitation program. It has persistently withheld the regulations that would implement the rural rental housing rehabilitation program authorized under Section 533. This has caused considerable confusion in many states and has deprived rural areas of much needed funds for low income housing preservation.

Study of Mortgage Credit in Rural Areas

The House amendment contained a provision not included in the Senate bill which required the HUD Secretary to study the availability and use of funds for the purchase and improvements of residential real property in rural areas, particularly in communities that have populations of not more than 2,500 individuals, and to report these findings to Congress by April 1, 1988. The conference report contains the House provision with an amendment to include within the study mortgage financing under the Farmers Home Administration, the Federal Housing Administration and conventional financing programs. This action is taken because in many areas of the nation persons slightly above the income eligibility limits for Section 502 homeowner assistance are unable to obtain HUD/FHA insured loans simply because lenders are unwilling to participate in this program. Moreover, in such areas many lenders are not willing to make conventional loans for home purchase unless the amounts involved are substantially higher than what the moderate income family can be expected to afford. Therefore, unless families in these areas are relatively poor or affluent they have no possible resource for mortgage financing. The conferees believe this study can substantiate the extent of the mortgage credit gap and the reasons why it exists.

Debt Settlement Authority of Secretary

The House amendment contained a provision not included in the Senate bill which clarified that the Department of Agriculture has the authority to forgive the debt of Sec. 502 borrowers whose property had declined in value to less than the remaining principal owed. The conference report contains the House provision. The conferees have taken this action to permit the Secretary to dispose of properties without having to charge the difference to the borrower where the current value of the property is less than the amount owed by the borrowers.

Manufactured Housing

The House amendment contained a provision which required the Secretary to provide a loan term (30 years) for the same period as would be applicable under Sec. 203(b) of the National Housing Act if the manufactured home is on a permanent foundation. The Senate bill contained a similar provision but did not require the manufactured home to be on a permanent foundation. The conference report contains the House provision.

Rural Housing Technical Amendments

The House amendment contained a provision not included in the Senate bill which provided rural housing technical amendments. The conference report contains the House provision.

TITLE IV—MORTGAGE INSURANCE AND SECONDARY MORTGAGE MARKET PROGRAM

FHA—MORTGAGE INSURANCE PROGRAMS

Permanent Insurance Authority for FHA

The House amendment contained a provision that was not contained in the Senate bill to provide permanent insurance authority for the Section 235 Homeownership Assistance Program. The conference report contains the House provision with an amendment to provide insurance authority for 2 years for the Section 235 program.

Limitation on Amount to be Insured Under National Housing Act

The Senate bill contained a provision to limit credit authority to such extent or in such amounts as may be approved in appropriation acts. The House amendment contained a provision to limit FHA insuring authority to such extent and or in such amounts provided in appropriation acts and to insure up to an aggregate principal amount of $100 billion in FY 1988, notwithstanding any other provision in law and subject to absence of qualified insurance requests. The conference report contains the House provision with an amendment to delete the provision that limits the FHA insuring authority to the extent and amounts provided in Appropriations Acts.

Limitation on FHA Insurance Premiums

The Senate bill contained a provision to limit FHA premium charges for insurance on standard, fixed-rate mortgages to 3.8 percent of the principal obligation, to limit premiums for other FHA mortgages to no more than one percent of the principal mortgage obligation, and to require HUD to notify Congress 90 days prior to any increase in fees, which would be allowed solely to meet anticipated insurance claims and administrative expenses. The House amendment contained a provision to limit FHA insurance premiums for mortgages secured by 1- to 4-family dwellings to 3.8 percent of the principal obligation. The House limitation applies to either a single premium charge to cover the total premium obligation or a periodic premium charge over less than the life of the mortgage. The conference report contains the House provision.

Limitation on Use of Single Family Mortgage Insurance by Investors

The House amendment contained a provision that was not contained in the Senate bill to allow FHA to insure mortgages only where the mortgagor will occupy the property as a principal or secondary residence, to apply this occupancy requirement only if the principal obligation of the mortgage exceeds 75 percent of the estimated value of the dwellings; and to repeal the Vacation and Seasonal Home Insurance Program. Investor loans made prior to enactment, or that carry a conditional commitment, or in which the direct endorsement underwriter has signed the appraisal report, would be exempt from the provision. The conference report contains the House provision with an amendment to add an exemption for mortgages insured under Section 203(k).

Actions To Reduce Losses Under Single Family Mortgage Program

The Senate bill contained a provision to direct the Secretary to take appropriate administrative actions to reduce losses under mortgage insurance programs. The House amendment contained a similar provision, except that it did not use the term "administrative". The conference report contains the House provision.

Independent verification.—The House amendment contained a provision that was not contained in the Senate bill to require the Secretary to verify that a certain percentage of the borrowers for which mortgage applications are submitted under certain programs and in specific areas had the ability to pay those mortgages. The conference report does not contain the House provision.

Reports of identifying numbers.—The Senate bill contained a provision that was not contained in the House amendment to require that mortgages and lenders disclose to HUD the taxpayer identification numbers of borrowers under any program under the National Housing Act. In this provision precautions would be taken to insure that taxpayers identifying numbers would be used only to enforce the requirements of this section. While the conference report does not contain the Senate provision, the conferees wish to make clear that they support this provision because they feel that it would help deter fraud and abuse in FHA programs. The conferees agreed to delete the provision, however, after the House Ways and Means Committee, in a letter to the House Banking Committee, asserted its jurisdiction over this provision.

Annual review of defaults.—The Senate bill contained a provision to direct the Secretary to review annually the rates of early serious defaults and claims involving lenders under the National Housing Act and to require lenders experiencing a rate of early defaults and claims that are higher than normal for the geographic area in which the lender does business to submit a report that would (1) explain the reasons for the high rate and (2) set forth a plan and timetable for corrective action. The House amendment contained a similar provision except that the normal rate of defaults or claims was related to the administrative region in which the lender does business. The conference report contains the Senate provision. The conferees intend that in areas where the above normal rate of default is due to economic downturns, a corrective plan of action should not be imposed since the defaults would not be related to a mortgage's practices or procedure.

Verification of credit reports and appraisals.—The House amendment contained two provisions that were not included in the Senate bill to require independent verification of all credit reports in the case of sales of investor-owned properties when the mortgagors have no prior credit history, and of all appraisals involving investor-owned property that is acquired by the investor less than 12 months prior to the date of the mortgage application. The conference report does not contain the House provisions.

The conferees are aware of the severe problems which have occurred in the sale of a number of single-family properties. In many cases, properties have been sold to investors who make little or no home improvements and then have obtained FHA guarantees for unqualified home buyers. The buyers subsequently default on the property, while the lender collects their investment through the FHA guarantee. HUD must then dispose of the property, and the cycle repeats itself. The consequences of such inefficient oversight are unfortunate for the home buyer, the stability and fabric of the neighborhood, and for the FHA single-family insurance program.

Therefore, as a means of reducing potential losses to FHA, the conferees expect HUD to begin independent verification of appraisals involving investor-owned property that is acquired by the investor within a year prior to the date of the mortgage application. The conferees are concerned, however, that the FHA staffing levels are inadequate to take on additional responsibilities including those changes embodied in Mortgage Letter 86-15 which implements HUD's Single Family Task Force recommendations. Therefore, the conferees expect the Secretary to take the necessary actions to increase personnel to carry out many of these new recommendations.

Reviews of credit standing on mortgage assumptions.—The House amendment contained a provision that was not contained in the Senate bill to require the Secretary to review the credit standing of persons seeking to assume a mortgage within the 24-month period following either the date on which the mortgage is endorsed for insurance or the date of a previous assumption of the mortgage. The conference report contains the House provision with an amendment to require that a credit check be performed upon each purchaser assuming an existing FHA mortgage within 12 months of origination for mortgages involving owner-occupied properties and within 24 months of origination for mortgages involving investor-owned properties, and to establish a five-year period of joint and several liability between the initial FHA mortgagor and the purchaser for an assumption transaction in which the mortgagor does not request a release from liability. After the five-year period, the liability for the loan will pass exclusively to the purchaser. This provision shall be applicable to mortgages insured under this section pursuant to an application for a commitment for insurance signed by the applicant on or after December 1, 1986.

The conferees intend that the mandatory credit review not create lengthy delays or prohibitive costs for the processing and approval of either owner-occupied or investor-owned assumption transactions. To that end, the conferees recommend that HUD establish guidelines for the timely processing of the credit review and limit the fees that may be charged. The conferees also intend that, consistent with existing HUD policy, during the five-year period of joint and several liability, the original mortgagor shall be released from liability for the FHA mortgage upon satisfactory completion of a credit check of the purchaser.

Fee Appraisers.—The House amendment contained a provision that was not included in the Senate bill to prohibit the use of fee appraisers to conduct field reviews of appraisals. The conference report does not contain the House provision.

The conferees encourage HUD to continue to use existing legal remedies to protect FHA's interest in combatting fraud, as well as to focus the FHA on reviewing loan quality and working with mortgagees to improve internal quality controls.

Insurance of Graduated Payment Mortgages

The House amendment contained a provision that was not contained in the Senate bill to repeal the authority to insure Section 245(b) graduated payment and index mortgages and loans. The conference report contains the House provision.

Mortgage Insurance For Hospitals, Nursing Homes, Intermediate Care Facilities, and Board and Care Homes.

The House amendment contained a provision that was not included in the Senate bill that provides that State program agency or agencies responsible for small intermediate care facility for mentally retarded developmentally disabled or a board and care home of less than ten individuals may provide the Secretary with a report identifying the need for such facility in lieu of an independent study of market need and feasibility. The conference report contains the House provision.

Mortgage Insurance for Public Hospitals

The House amendment contained a provsion that was not contained in the Senate bill to prohibit the Secretary from disqualifying or imposing additional financial restrictions on publicly-owned or supported hospitals which qualify for the Sec. 242 program, to require that the principal obligation be the amount requested by the mortgagor if the amount does not exceed 90 percent of the estimated replacement cost of the property or project, to permit the cash equity required by the Secretary in excess of the amount of the mortgage to complete the project to be funded by the mortgagor at the option of the mortgagee with a letter of credit, and to require the Secretary to begin immediately to process applications of public facilities for Sec. 242 mortgage insurance in accordance with existing procedures for nonprofit institutions. The conference report contains the House provision.

Increase in Authority To Insure Adjustable Rate Single Family Mortgages

The Senate bill contained a provision to increase the authority of FHA to insure Adjustable Rate Mortgages (ARMS) to 40 percent of the previous year's volume of insurance. The House amendment contained a similar provision to increase the percentage to 20 percent. The conference report contains the Senate provision with an amendment to increase the percentage to 30 percent.

Penalties for Equity Skimming

The House amendment contained a provision that was not contained in the Senate bill to expand the definition of properties covered by penalties for equity skimming to condominiums and cooperatives insured under the National Housing Act, to hold liable purchasers who assume mortgage, deed, or trust payments and willfully fail to make such payments, to raise the penalties for equity skimming to a fine of up to $250,000, and a jail term of up to five years, or both, and to provide similar penalties for any one in control or possession of property insured under the National Housing Act who uses rent, assets, proceeds or income when the mortgage is in default or the project is in a nonsurplus cash position for any purpose other than to meet actual and necessary expenses. The conference report contains the House provision.

Authority for Secretary to Impose Civil Money Penalties

The House amendment contained a provision that was not contained in the Senate bill to allow the Secretary to impose civil money penalties on HUD-approved mortgagees who violate certain program requirements. The conference report does not contain the House provision but the conferees expect HUD to use all legal remedies available to protect FHA from fraudulent practices.

Home Equity Conversion Mortgage Insurance Demonstration

The Senate bill contained a provision to create a demonstration program of mortgage insurance of home equity conversion mortgages for the elderly. The House amendment contained a similar provision with differences noted below.

Insurance authority.—The House amendment contained a provision that was not contained in the Senate bill to make these mortgages eligible for purchase by a secondary market institution. The Senate receded to the House with a technical amendment that the mortgages have a potential for acceptance into the mortgage markets.

Eligibility requirements.—The Senate bill contained a provision to provide for a fixed or variable interest rate or future sharing of the appreciation of the property between the mortgagor and mortgagee. The House amendment contained a provision to provide for a fixed interest rate, as agreed upon by the mortgagor and the mortgagee. The conference report contains the Senate provision.

The conferees make clear that they intend that variable interest should be capped at five points above the original rate, and should only be permitted on Home Equity Conversion mortgages that provide either 1) monthly disbursements that do not diminish for as long as the borrower owns the home as a principal residence, or 2) a line-of-credit in which interest on each disbursement accrues at a fixed rate for the life of the mortgage, but different disbursements may be subject to different fixed rates.

The conferees further intend that the cost of Home Equity Conversion mortgages involving shared appreciation should be limited to protect borrowers against high effective interest rates, that is, the combination of fixed interest plus shared appreciation. Furthermore, insurance benefits on Home Equity Conversion mortgages involving shared appreciation should only be paid to borrowers, and only in cases of lender default. Such mortgages must provide 1) monthly disbursements that do not diminish for as long as the borrower owns the home as a principal residence, 2) loss of all interest and appreciation sharing as a penalty for defaulting lenders, 3) full disclosure of potential "worst case" loan costs involving shared appreciation, and 4) continuing deferral of the borrower's repayment obligation for as long as the borrower owns the home as a principal residence.

Safeguard to prevent displacement.—The Senate bill contained a provision to require that the mortgage defer the homeowner's obligation to satisfy the loan obligation until the death of the homeowner, the sale of the home, or the occurrence of other events specified in regulations of the Secretary. The House amendment contained a similar provision, except that it also required that the Secretary's regulations not contain a provision which would involuntarily displace the homeowner. The conference report contains the Senate provision.

The conferees recognize that there may be extraordinary situations in which involuntary displacement of the homeowner may become necessary. However, the conferees intend that the Secretary clearly delineate such circumstances in regulations, and that any lender action based on such regulation be subject to prior approval by the Secretary. Examples of extraordinary situations may include those in which a borrower donates the property while retaining occupancy, abandons the property and returns during legal proceedings, permits the property to fall into extreme and dangerous disrepair, or contracts a permanent illness that requires institutionalization or serious illness that may cause health and safety problems.

Assurance of Adequate Processing of Applications for Loan and Mortgage Insurance

The House amendment contained a provision not contained in the Senate bill to require the Secretary to maintain not less than one HUD/FHA office in each State. The conference report contains the House provision.

Closing of Any Office Prohibited Before Completion of Certain Studies

The House amendment contained a provision not contained in the Senate bill to prohibit the Secretary, on or after October 1, 1985, from closing any FHA office until at least 30 days after the completion of any investigation, study or review by any other Federal agency or department or any committee of either House of Congress or the Secretary's proposal or determination to close the office. The conference report does not contain the House provision.

Prohibition of Requirement of Minimum Principal Loan Amount

The House amendment contained a provision that was not contained in the Senate bill to prohibit mortgagees or lenders from requiring a minimum principal loan amount or from charging higher interest rates or discount points as a condition of providing a loan or refinancing an existing mortgage than the interest rate or discount points charged on the maximum principal amount permitted for insurance. The conference report contains the House provision with an amendment to delete the prohibition on charging higher interest rates or discount points. The amendment requires that the Secretary complete, within 6 months of enactment, a study of the interest rates and discount points charged for mortgages and loans insured under the National Housing Act. The study will be designed to identify any pattern or practice of charging higher interest rates or discount points for mortgages or loans with less than the maximum principal amounts permitted for insurance under the National Housing Act and the Secretary shall submit a report to Congress setting forth the findings and recommendations made pursuant to the study within 9 months of enactment.

Study of Voluntary Standards for Modular Homes

The House amendment contained a provision that was not contained in the Senate bill to require the Secretary to submit to Congress within 6 months of enactment a report describing feasible alternative systems for implementing one or more voluntary pre-emptive national codes for modular housing. The conference report contains the House provision with an amendment to authorize the National Institute of Building Sciences to conduct the study and to authorize the Secretary to allocate $50,000 from HUD Policy Development and Research for the study.

Double Damages Remedy for Unauthorized Use of Multifamily Housing Project Assets and Income

The House amendment contained a provision that was not contained in the Senate bill to expand the ability of the Secretary to deter the use of the assets and income of multifamily housing projects in violation of the projects regulatory agreement or applicable regulations, by providing a statutory double damages civil recovery remedy. The conference report contains the House provision.

Miscellaneous Mortgage Insurance Provisions

The House amendment contained two provisions that were not included in the Senate bill, one to conform blanket mortgage insurance for multifamily projects to existing amounts established for each bedroom size under existing Section 221(d)(3) mortgage insurance provisions and another to require the Secretary to execute Section 203(q)(1) of the National Housing act by providing mortgage insurance for certain properties within an Indian reservation. The conference report contains the House provisions.

Increase In Maximum Mortgage Amount Under Single-Family Insurance Program

The House amendment contained a provision that was not contained in the Senate bill to require HUD to report to Congress, within 4 months of enactment, on the feasibility of exempting from the maximum mortgage limitation geographic areas which have high prevailing housing sale prices. The conference does not contain the House provision.

The conferees wish to make clear that they are concerned that substantial increases in housing and land costs in high-cost areas currently preclude many moderate income families from utilizing the FHA program to purchase modest homes and feel that an exemption from the maximum mortgage limitation for these high-cost geographic areas might help alleviate this situation.

Therefore, the conferees expect HUD to investigate the possibility of exempting from the maximum mortgage limitation geographic areas which have high prevailing housing sales prices and to advise Congress of the feasibility of this option.

Calculation of Maximum Mortgage Amount Under Single-Family Insurance Program

The House amendment contained a provision that was not contained in the Senate bill to define "area" for purposes of calculating the FHA maximum mortgage amount as either a county or a metropolitan statistical area established by the Office of Management and Budget, whichever results in a higher dollar amount. The conference report contains the House provision.

Approval of Individual Residential Water Purification or Treatment Units

The House amendment contained a provision that was not contained in the Senate bill to permit the use of approved individual residential water purificiation or treatment units if the existing water supply does not meet the HUD minimum property standards, and to establish an approval process for such units in HUD. The conference report contains the House provision.

Direct Loans to Prevent Defaults by Multifamily Projects

The House amendment contained a provision that was not contained in the Senate bill to establish direct loans to prevent defaults on insured multifamily projects. The conference report contains the House provision with an amendment to clarify that only unsubsidized projects are eligible for the loans.

Expirations of Certificates of Reasonable Value

The House amendment contained a provision that was not contained in the Senate bill to allow certificates of reasonable value issued by the VA on an FHA single-family property to expire within 12 months of issuance instead of 9 months as currently required. The conference report does not contain the House provision.

Regulation of Rents in Insured Projects

The House amendment contained a provision that was not contained in the Senate bill to require HUD to continue to regulate rents in insured projects after May 1, 1987, if, since April 19, 1983, there has been no agreement entered into to permit an alternative formula on maximum allowable rents and it is a Section 8 project, other than Section 8 Existing, or a project where at least 50 percent of the units are occupied by lower-income families. The conference report contains the House provision with an amendment to clarify that project owners who have not entered into agreements to change the method of regulatory rents as of October 20, 1987, pursuant to the regulations published by the Secretary on April 19, 1983, or June, 1986, will have their rents controlled by the Secretary as they were controlled prior to April 19, 1983.

Authority for Increased Mortgage Limits for Multifamily Projects in High-Cost Areas

The Senate bill contained a provision to increase the FHA multifamily mortgage limits established in Section 221(d)(3) and 221(d)(4) by 23 percent. The House bill contained a provision to increase the mortgage limits for multifamily projects, as established in Sections 207(c)(3), 213(b)(2), 220(d)(3)(B)(iii), 221(d)(4)(ii), 231(c)(2), and 234(e)(3), from 75 percent to 110 percent of the basic mortgage limits for dwelling units of various sizes and types in high-cost areas and by up to 140 percent where the Secretary determines it necessary on a project-by-project basis. The conference report contains both the House and Senate provisions with an amendment to the Senate provision to increase the FHA limits established in Sec. 207(c)(3), Sec. 213(b)(2), Sec. 220(d)(3)(B)(iii), Sec. 221(d)(3)(ii), Sec. 221(d)(4)(ii), Sec. 231(c)(2), and Sec. 234(e)(3).

The conferees expect that the increase in the high-cost area limitation from 75 to 110 percent will streamline FHA processing by permitting HUD field offices to review and approve higher cost projects within the maximum set by the developers, without the need for oversight of individual projects by the Secretary.

It has been brought to the conferees attention that HUD has not revised Section 202 loan limits each year to reflect construction cost changes in the private sector as required by Section 223(e) of HURRA. The conferees intend the Secretary to raise the mortgage limits for Section 202 projects to levels commensurate with the new limits established in this section for Section 221(d)(3).

Operating Loss Loan Insurance

The House amendment contained a provision not contained in the Senate bill to authorize the Secretary to insure operating loss loans for insured projects, as well as other properties other than those with subsidized projects or 1-4 family dwellings, (1) to cover operating losses which occur within 24 months after completion of the project or (2) to cover not to exceed 80 percent of the owner's unreimbursed cash contributions to a project made on or after March 18, 1987, during any consecutive 24-month period, up to the amount of the operating loss. This second type of loan could be made only within ten years after the expiration of the 24-month period of consecutive cash contributions. The conference report contains the House provision.

Interest Charges on Temporary Mortgage Assistance Payments and Assignment or Other Assistance

The House amendment contained a provision that was not contained in the Senate bill to authorize the Secretary to determine the interest rate on HUD-approved Section 230(a) assistance. The conference report contains the House provision with an amendment to require that the interest rate be equal to the Veteran's Administration rate on the date the assistance is provided.

Mortgage Insurance Technical Amendments

Both the Senate bill and the House amendment contained provisions to provide mortgage insurance technical amendments. The conference report contains a provision to include all technical amendments in the House and Senate provisions.

Release of Pool Funds

The Senate bill contained a provision that was not included in the House amendment to direct HUD to release special funds that have been set aside under written agreements with certain city and State housing authorities under Section 236 of the National Housing Act, to require that these pool funds be used to strengthen the financial feasibility of State-insured mutifamily housing, following agreements entered into between HUD and certain State and local agencies, to grant the affected agencies 18 months to apply for release of their funds, and to rescind amounts remaining after these applications are funded. The conference report contains the Senate provision.

Section 236 Program

The House amendment contained a provision that was not contained in the Senate bill to allow Section 236 insurance to be used in refinancing an existing Section 236 project by a cooperative or nonprofit corporation or association. The conference report contains the House provision.

FHA Title I Regulations

The Senate bill contained a provision that was not included in the House amendment to give applicants for FHA insurance on property improvement or manufactured home loans under Title I of the National

Housing Act the option of complying with either the regulations in effect prior to January 15, 1986, or the new regulations published on October 25, 1985, and to reopen the new rule for public comment and account for the comments received. The conference report does not contain the Senate provision.

SECONDARY MORTGAGE MARKET PROGRAMS

Limitations on Certain Secondary Mortgage Market Fees

The Senate bill contained a provision not contained in the House amendment to limit GNMA fees to 6 basis points on the guarantee of securities backed by 1- to 4-family FHA and VA mortgages, to require that fees on other guarantees be no higher than needed for actuarial soundness, to prohibit fees for commitment and miscellaneous administrative fees, and to freeze fees at September 1985 levels unless an increase is needed solely to cover administrative costs as certified by the Secretary and reported to Congress at least 90 days prior to raising the fees. The conference report does not contain the Senate provision.

FNMA Cumulative Voting

The Senate bill contained a provision to permit the FNMA Board of Directors, with the approval of the holders of a majority of FNMA shares, to eliminate the right of cumulative voting in the election of board members. The provision also contained language to clarify that FNMA would have common stock, without par value, and that each share, under normal circumstances, would equal one vote. The House amendment contained a similar provision, except that it did not contain the clarifying language. The conference report contains the House provision.

Permanent Authority To Purchase Second Mortgages

Both the Senate bill and House amendment included a provision to make permanent the authority of FNMA and FHLMC to deal in second mortgages. FNMA initiated purchases of second mortgages with the approval of HUD in 1981. Congress subsequently endorsed FNMA's authority in 1984 in the Secondary Mortgage Market Enhancement Act, and at the same time extended similar authority to Freddie Mac. In the six years since Fannie Mae, and more recently Freddie Mac, have participated in second mortgage programs, these agencies have enhanced and strengthened the nationwide system of home finance precisely as Congress intended them to perform when it codified this authority in 1984. The benefits afforded by these programs have been ample, significant, and continuous throughout the period of their operation, and the Congress finds no continuing reason to revisit this authority. The conference report therefore codifies without change permanent authorization for these programs.

The Fannie Mae and Freddie Mac second mortgage programs have translated into important gains for lenders, home buyers, and homeowners in the form of enhanced competition, standardization, reduced second mortgage interest rates, and assured access to second mortgages in all types of economic and interest rate environments. The presence of Fannie Mae and Freddie Mac has generated competition in the second mortgage marketplace that has dramatically reduced the cost of financing for consumers. The spread on interest rates between second mortgages and first mortgages has dropped sharply. In 1981, the interest charge on second mortgages cost homeowners 5 to 6 percentage points more than the interest rate charged on first mortgages. Today, the difference is less than 2 percentage points.

Fannie Mae and Freddie Mac second mortgage programs also have promoted standardization of second mortgages, minimizing consumer confusion and inhibiting loan abuses.

The continued presence of Fannie Mae and Freddie Mac in the market throughout the housing cycle is also important to provide stability and liquidity which are crucial to lenders and consumers. When rates are high, second lien financing often provides the only practical way for many prospective home buyers to afford to purchase a home. The presence of Fannie Mae and Freddie Mac in the second mortgage market encourages more lenders to offer second lien financing because they can rely on the critical option of selling their second mortgages to these agencies, if the need arises. As a result, consumers can always depend on the availability of second mortgages, even in periods of high or volatile interest rates.

By permanently codifying the second mortgage authority of Fannie Mae and Freddie Mac without change, the conference report assures that these agencies will continue to set the standard for such loans and ensure the continued ability of lenders to extend inexpensive consumer credit.

Period for Approval of Actions of FNMA

The House amendment contained a provision that was not contained in the Senate bill to require the Secretary to act on a request by FNMA of approval of actions within a 45-calendar-day period, with a 15-day extension to be granted if necessary, and to allow FNMA to proceed with the action if HUD has not acted on their request for approval within the required time period. The conference report contains the House provision.

Prohibition of Limitation on FHLMC Mortgage Operations

The House amendment contained a provision that was not contained in the Senate bill to prohibit the FHLMC Board of Directors from imposing any annual limitation on the maximum aggregate principal amount of mortgages that FHLMC may purchase. The conference report contains the House provision.

Limitation on GNMA Guarantees of Mortgage-backed Securities

The House amendment contained a provision that was not contained in the Senate bill to authorize a $150 billion ceiling on GNMA guarantees of mortgage-backed securities for fiscal year 1988. The conference report contains the House provision amended to authorize $156 billion for FY 1989.

TITLE V—COMMUNITY DEVELOPMENT AND MISCELLANEOUS PROGRAMS

COMMUNITY AND NEIGHBORHOOD DEVELOPMENT AND PRESERVATION

Community Development Authorizations

Authorization.—The Senate bill contained a provision to authorize $3 billion for Community Development Block Grants (CDBGs) for each of the fiscal years 1987, 1988, and 1989. The House amendment contained a similar provision except that it authorized for fiscal year 1988 only. The conference report contains an authorization of $3 billion for each fiscal year 1988 and 1989 for the CDBG program.

Discretionary fund.—The House amendment contained a provision that was not contained in the Senate bill to set aside $60 million of the total amount appropriated for CDBG for the Secretary's Discretionary fund. The conference report contains the House provision.

Work study program.—The House amendment contained a provision that was not contained in the Senate bill to require the Secretary, to the extent approved in Appropriation Acts, to set aside $2.5 million in grants from the Secretary's Discretionary Fund to institutions of higher education to continue to assist economically disadvantaged and minority students, and to require that these grants be made only to fiscal year 1984 program grantees. The conference report contains the House provision with an amendment to raise the set-aside to $3 million and to delete the requirement that grants be made only to fiscal year 1984 grantees.

Urban Development Action Grants (UDAG).—The Senate bill contained a provision to authorize $225 million for UDAG for both fiscal years 1988 and 1989. The House amendment contained a similar provision except that it authorized for fiscal year 1988 only. The conference report contains the Senate provision.

Congressional policy.—The House amendment contained a provision that was not contained in the Senate bill to declare that it is the policy of Congress that amounts appropriated for each succeeding fiscal year for CDBG and UDAG should be not less than the amounts appropriated for fiscal year 1987 CDBG and UDAG. The conference report does not contain the House provision.

Targeting of Benefits to Persons of Low and Moderate Income

The House amendment contained a provision that was not contained in the Senate bill to require that not less than 75 percent of the total appropriated amount for the CDBG program be used for the support of activities that benefit persons of low and moderate income, to require CDBG grantees to certify to the Secretary that the projected use of CDBG funds meet these criteria, and to delete from the CDBG program objectives the specific objective "to attract persons of higher income". The conference report contains the House provision with an amendment to change the required percentage of funds which must be used for the support of activities that benefit persons of low and moderate income to 60 percent.

The conferees intend that the 60 percent requirement apply to the aggregate total received by each state or entitlement community, rather than to individual activities. The conferees further intend that requirement applies to the average spent over a 1-, 2-, or 3-year period, whichever period the grantee state or entitlement community selects for planning purposes.

City and County Classifications

Metropolitan city classification.—The Senate bill contained a provision to extend entitlement eligibility through fiscal year 1989; to permit after 1989 metropolitan cities which lose such classification in a subsequent fiscal year to retain the classification and receive full funding in the first year and 50 percent of such funds in the second year; and to permit any unit of general local government which becomes eligible to be classified as a metropolitan city to defer such classification if it elects to have its population included in an urban county, except that a city may elect not to retain its classification as a metropolitan city for fiscal year 1988 or 1989. The House amendment contained a similar provision except that it extended entitlement eligibility only through fiscal year 1988 and the transition provision applied to cities losing their metropolitan classification in any year after 1988. The conference report contains the Senate provision amended to permit a city not to retain its classification for fiscal year 1989.

Definition of urban county.—The House amendment contained a provision that was not contained in the Senate bill to permit a county to qualify as an urban county if the total population, excluding metropolitan cities located in the county, is at least 200,000 and the combined population of the communities that are covered by cooperation agreements is at least 50,000. The conference report contains the House provision with an amendment to require that the combined population of the communities covered by cooperation agreements be at least 100,000 and that the communities which comprise this 100,000 be those communities in the county that have the highest percentage of low- and moderate-income people.

Special counties.—The Senate bill contained a provision to permit a county to be considered an entitlement community if it has a current population in excess of 175,000 with more than 50 percent of the housing units in the area unsewered and contributing to the degradation of an aquifer designated before March 1, 1987 a sole source aquifer by the Environmental Protection Agency, and to require the amount of the grant to be deducted from the state non-entitlement allocation. The House amendment contained a similar provision except that it required that the current population be in excess of 177,000 (exclusive of all metropolitan cities within) and did not require that the aquifer be declared sole source prior to March 1, 1987, or that the amount of the grant be deducted from the state non-entitlement allocation. The conference report contains the Senate provision with an amendment to delete the requirement that the amount of the grant be deducted from the state non-entitlement allocation, and to delete a requirement that the aquifer be declared sole source prior to March 1, 1987.

The House amendment contained a provision that was not contained in the Senate bill to make Knox County, Tennessee, and Beaver County, Pennsylvania, CDBG eligible counties. The conference report contains a substitute provision to grant CDBG eligibility, for not more than six years, to a county that has taken steps, including at least one public referendum, to consolidate substantial public services with an adjoining metropolitan city and, in the opinion if the Secretary, has consolidated these services with the city in an effort that is expected to result in the unification if the two governments within 6 years; and to grant CDBG eligibility to a county which had a population between 180,000 and 200,000 on October 1, 1987, was eligible for assistance under Section 119 of the Housing and Community Development Act of 1974 in FY 1986, and contains no metropolitan cities. The House amendment contained an additional provision that was not contained in the Senate bill to designate any city within a metropolitan area a metropolitan city if it 1.) was entitled to a hold-harmless Sec. 106(h) grant; 2.) had, according to the 1980 census, a population of 36,957; and 3.) received a preliminary approval, on March 8, 1984, for a UDAG, and to provide guidelines for CDBG eligibility for metropolitan cities in fiscal year 1987. The conference report does not contain the House provision.

Loss of urban county classification.—The Senate bill contained a provision to permit any county which loses urban county population by reason of population loss but was deemed to be eligible for Title I assistance for fiscal year 1983 or 1984 to retain its urban county classification through September 30, 1989. The House amendment contained a similar provision except that it extended urban county classification through September 30, 1988. The conference report contains the Senate provision.

Inclusion of units of general local government in urban counties.—The House amendment contained a provision that was not contained in the Senate bill to allow the population of a unit of local government not included in that of the urban county for the first year of any three year program to be eligible for such inclusion in the second or third program year. The conference report contains the House provision.

Definition of urban county for purposes of allocation.—The House amendment contained a provision that was not contained in the Senate bill to amend the allocation formula for urban counties to include the population of urban counties covered by cooperation agreements. The conference report contains the House provision.

Consideration of certain counties as cities under UDAG.—The Senate bill contained a provision that was not contained in the House amendment to classify Kauai, Maui, and Hawaii in the State of Hawaii as eligible cities under the UDAG program. The conference report contains the Senate provision.

Eligible Activities

Eligible activities.—The Senate bill contained a provision that was not contained in the House amendment to expand CDBG eligible activities to include, in addition to grants, loans and other forms of assistance. The conference report contains the Senate provision. The conferees also intend that the CDBG funds may be expended for projects which anticipate a future use of property or facilities, especially with regard to economic development projects. For example, site development of an industrial park, including road work, water lines and drainage, is a permissible use of CDBG funds.

Energy use strategies.—The Senate bill contained a provision that was not contained in the House amendment to streamline and update the detailed description of an energy use strategy that is eligible for CDBG funding. The conference report contains the Senate provision.

Calculation of Median Income for Nonentitlement Areas

The Senate bill contained a provision to define the area involved as the entire nonmetropolitan area of the state in the case of funds distributed to units of general local government in non-entitlement areas. The House amendment contained a provision to require the Secretary to determine the median income for non-entitlement areas on the basis of the median income of the area, or of all nonentitlement areas in the State, whichever is higher. The conference report does not contain either provision since this issue has been resolved in an amendment included in Section 567 of the conference report.

Statement of Activities and Review

The House amendment contained a provision that was not contained in the Senate bill to repeal the requirement that the CDBG recipient include in their Statement of Activities and Review a final statement of the projected use of funds. The conference report contains the House provision.

Alleviation of Lakefront Flooding and Erosion

The House amendment contained a provision that was not contained in the Senate bill to permit CDBG recipients to use CDBG funds under urgent needs for Great Lakes flooding and erosion control. The conference report contains the House provision with an amendment to clarify that such use may be considered an urgent need but must also principally benefit low- and moderate-income families.

Activities to Preserve and Expand Lower Income Housing

Grantee certification.—The House amendment contained a provision that was not included in the Senate bill to require CDBG recipients to certify that they will preserve or expand the availability of housing for low- and moderate-income persons, to minimize displacement, and to provide relocation assistance when such displacement is unavoidable, and to develop separate provisions for low- and moderate-income persons. The conference report does not contain the House provision.

Housing assistance plan.—The House amendment contained a provision that was not contained in the Senate bill to require CDBG entitlement communities to provide within their Housing Assistance Plans (HAPs) specific activities to preserve and expand annually housing availability for low- and moderate-income persons, such as the preservation of single room occupancy housing (SROs), and the development of vacant IN-REM properties by public and private nonprofit groups. The conference report contains the House provision. The conferees direct the Secretary to take actions that will encourage communities to take steps to utilize as additional resources for housing for low- and moderate-income families (including the homeless) vacant properties that are available as a result of In-Rem proceedings. The conferees believe that such properties are currently underutilized and could be a significant added low income housing resource if rehabilitated and made available.

Housing Assistance Plans

The House amendment contained a provision that was not contained in the Senate bill to require CDBG entitlement recipients to include in their Housing Assistance Plans (HAPs) the housing assistance needs of the homeless and to conform the term "low- and moderate-income persons" with the term as it is used throughout Title I of the 1974 Act. The conference report contains the House provision with an amendment to require only those cities not covered by the 1987 Homeless Assistance Act to include the housing assistance needs of the homeless in their HAP, and to make Public Housing Authorities (PHAs) eligible for some programs established in the 1987 Homeless Assistance Act.

Economic Development Strategy

The House amendment contained a provision that was not contained in the Senate bill to require CDBG entitlement recipients to certify that they are following a detailed economic development strategy regarding the economic development activities to be carried out with the CDBG grant. The conference report does not contain the House provision.

Citizen Participation Plan

The House amendment contained a provision that was not contained in the Senate bill to require CDBG grantees to certify that they are following a detailed citizen participation plan which includes neighborhood participation, reasonable and timely access to citizens of meetings and information citizens, continuity for citizen involvement in all stages, technical assistance to low-income groups, a sufficient number of public hearings, and responses to complaints and grievances within 15 days. The conference report contains the House provision with an amendment to delete the requirement of continuity for citizen involvement in all stages of the community development program, to clarify that the technical assistance to low-income groups should be the level and type determined appropriate by the applicant, and to substitute in lieu of the 15 day response requirement the requirement that grantees provide a timely, written answer to written complaints and the grantee should make every reasonable effort to respond to these complaints within 15 days.

Conserving Neighborhoods and Housing by Prohibiting Displacement

The House amendment contained a provision that was not contained in the Senate bill to require CDBG and UDAG grantees to certify that they are following a residential antidisplacement and relocation assistance plan which would permit the involuntary displacement of low- and moderate-income persons due to CDBG and UDAG assisted activities only if unavoidable and in the best interest of the households and communities affected, and would provide, in the event of displacement:

(1) one-for-one replacement of all low- and moderate-income units demolished;

(2) a guarantee that such housing is designed to remain affordable to low- and moderate-income people for 20 years;

(3) relocation benefits for all displaced persons including reimbursement for all moving-related expenses, including interim living costs, compensation to insure that, for 10 years after relocation, displaced low- and moderate-income households shall not pay more than 30 percent of their adjusted income for rent, and compensation to permit displaced low- and moderate-income households to participate in housing cooperative or mutual housing association;

(4) comparable replacement housing that is decent, safe and sanitary, adequate in size to accommodate the occupants, functionally equivalent, in an area not subject to unreasonable adverse environmental conditions and located in an area approved by the displaced person;

and permit displaced persons to elect to receive benefits under the Uniform Relocation Assistance Act.

The conference report contains the House provision with an amendment to modify the replacement requirement: to provide that housing demolished as a result of CDBG funded code enforcement activities does not have to be replaced; to require that only occupied housing which is demolished or converted to a use other than low and moderate income housing must be replaced, that the replacement housing be affordable for 10 years and be sufficient to house the same number of people as the converted or demolished housing, and to clarify that replacement housing could include existing housing assisted with project-based subsidies, such as 15-year Section 8 moderate rehabilitation or Section 8 existing attached to a rehabilitated project; to limit rental assistance benefits to 5 years for low and moderate income persons directly displaced as a result of demolition or conversion of housing to a different use, and for indirectly displaced persons who, within 18 months of the expenditure of the CDBG or UDAG funds for market rate or luxury residential, commercial or industrial activity, have been or are about to be displaced as a result of increases in residential rents (1) that are significantly higher and more rapid than increases in comparable sections of the city, and (2) of which the project is a proximate cause, and to limit rental assistance for indirectly displaced tenants to amounts available, after good faith efforts of the grantee, under Section 8 certificates or vouchers, public housing and loan repayments from the projects; to limit to low and moderate income persons the reimbursement for actual and reasonable expenses; to provide that where a claim related to displacement is denied by a grantee, the claimant may appeal to the Secretary of HUD in the case of CDBG entitlement community or UDAG project and to the appropriate State official in the case of a CDBG small cities program and the decision of the HUD Secretary or the state official shall be final unless a court determines the decision was arbitrary and capricious, and to provide that relocated tenants would not have authority to veto grantees' choice of the location or type of replacement housing for them; and to delay the effective date of the provision until October 1, 1987.

The conferees intend that vacant and unoccupiable housing not be subject to the replacement requirement of this section unless the housing was vacated within the CDBG or UDAG project site after the developer or the city began preparations for the project or less than one year before the grant was approved. Applicants must certify that tenants were not forced out under either of these conditions. Replacement housing need not be replaced exactly one unit for one unit; however, the replacement housing would have to be sufficient to house the same number of people who had lived in the housing prior to demolition. Large family units, for instance, could not be replaced with studio apartments.

The conferees further intend that relocation benefits for persons indirectly displaced as a result of residential rent increases would not apply if the CDBG or UDAG funds were used for general public improvements, such as street repairs or parks. Rather, the conferees intend that the residential, commercial, or industrial activity for which the relocation benefits would apply involve direct assistance which enhances commercial, industrial and residential revitalization undertaken by private businesses. A rental project triggering assistance for indirectly displaced persons would have rents equivalent or greater than 120 percent of the fair market rent for Section 8 existing housing. If the local unit of local government did not have sufficient Section 8 or public housing assistance available immediately to assist indirectly displaced families, a good faith effort must be made to secure such assistance.

The appeals process is a limitation on the process indirect displacees must follow in appealing any denial of assistance. The provision is not intended to limit the rights direct displacees have under administrative or judicial process to appeal a denial of benefits.

The conference report provides that those persons eligible for benefits under the Uniform Relocation Act have the option to select either those benefits or those provided under this section.

CDBG Public Service Activities

The House amendment contained a provision to permit CDBG recipients to use more than 15% of its annual grant for public service activities but not more than the highest percentage permitted by another local government in the same metropolitan area, to support a local government's proposed community development activities. The conference report does not contain the House provision.

Limited New Construction of Housing Under CDBG Program

The House amendment contained a provision that was not contained in the Senate bill to expand CDBG eligible activities to include limited new construction or substantial rehabilitation of existing housing in instances in which low- and moderate-income people own homes that the grantee determines are not suitable for renovation. The conference report contains the House provision with an amendment to permit substantial reconstruction of units owned and occupied by low- or moderate-income people only and to require that the reconstruction be part of a concentrated neighborhood rehabilitation effort, that the grantee demonstrate to the satisfaction of the Secretary that the cost of reconstruction is significantly less than the cost of new construction, and that funds allocated for the reconstruction not exceed the estimated fair market value of the property after reconstruction.

The conferees intend that the cost of reconstruction be considered significantly less than the cost of new construction if the reconstruction cost is determined to be at least 20 percent less than the cost of new construction.

CDBG Assistance for Telephone Number Systems

The Senate bill contained a provision not included in the House amendment which would permit CDBG funds to be used for the development and operation for up to two years of a uniform emergency telephone number system. The conference report includes the Senate provision amended to provide that the percentage of funds used for such purposes that are considered to benefit low- and moderate-income persons living in the community shall be the percentage of low-and moderate-income persons living in the area served by the telephone service.

Multiyear and Multipurpose Distributions for Nonentitlement Areas

The House amendment contained a provision that was not contained in the Senate bill to allow States to commit CDBG funds to small cities on a multiyear basis. The conference report does not contain the House provision because under existing law States may, subject to the availability of future appropriations, make such commitments.

CDBG Loan Guarantees

The House amendment contained a provision that was not contained in the Senate bill to authorize a guarantee limit of $150 million for FY 1988 for the Sec. 108 Loan Guarantee Program, to prohibit the Secretary or any other federal agency from charging a fee with respect to the guarantee, and to expand the eligible uses of loan guarantees to housing rehabilitation and certain economic development activities. The conference report contains the House provision amended to authorize $156,150,000 for fiscal year 1989.

UDAG Selection Criteria

Project quality criteria.—The Senate bill contained a provision to award two points if the community has not received preliminary UDAG grant approval in the preceding two years and to provide that, if a community has more than one application pending, additional consideration for failure to receive a UDAG within the prior one or two years will be awarded only to the project with the highest project merit points. The House amendment contained a provision to award two points if the community has not received a preliminary grant approval on or after December 21, 1983, and to award one point if the project will utilize one or more small business concerns owned and controlled by socially and economically disadvantaged individuals. The conference report contains the Senate provision.

Number of competitions and amount of funds.—The Senate bill contained a provision to require the Secretary to announce, within 30 days of the start of the fiscal year, the number of UDAG competitions which will be held in that year, to require at least 2 competitions each for large and small cities, and to require that each competition include approximately the amount of funds available for the fiscal year divided by the number of competitions. The House amendment contained a provision to require 3 competitions each for large and small cities and to require that each competition include approximately one-third of the funds available for the fiscal year. The conference report contains the Senate provision with an amendment to limit UDAG rounds to at least 2 but no more than 3 per fiscal year.

Urban county competitions.—The House amendment contained a provision that was not contained in the Senate bill to require that applications for grants for urban counties be compared only with other urban county grant applications. The conference report contains the House provision with an amendment to allow an urban county to use data that reflect the distress conditions of the Census tracts within a radius of 15 miles of the proposed project and to require that if any data reflecting conditions in a metropolitan city of 100,000 or more are included, then data reflecting conditions in any metropolitan city with a population of 75,000 or more may be used only with the consent of that metropolitan city.

Reports.—The Senate bill contained a provision to require the Comptroller General to submit to Congress a comprehensive report evaluating UDAG eligibility standards and selection criteria within six months of enactment. The House amendment contained a similar provision except that it required the report within one year of enactment. The conference report contains the House provision.

Applicability.—The Senate bill contained two provisions that were not contained in the House amendment to make the project quality criteria amendments which involve failure to receive preliminary approval, the number of points for each criteria, and the 65/35 fund split effective on the date of enactment, and to make other amendments made by this section applicable to those grants awarded after the effective date of enactment. The conference report contains the Senate provision.

Limitation of grant amounts.—The Senate bill contained a provision that was not contained in the House amendment to limit pocket of poverty grants to $6,000,000, and to limit entitlement grants to $6,000,000 for fiscal years 1988 and 1989, except for projects where the average cost for each new permanent job and each permanent job retained that would otherwise be lost does not exceed $8,000. The conference report contains the Senate provision with an amendment to raise both limits to $10,000,00 and make them applicable for fiscal years 1988 and 1989 and to delete the exception for the average cost of new and retained jobs.

Prohibition on Use of UDAG for Business Relocations

The Senate bill contained a provision to prohibit the Secretary from funding any UDAG projects that would facilitate a relocation from one distressed city to another and to provide for a 90-day appeals process for non-speculative projects. The House amendment contained a similar provision except that it required the Secretary to issue regulations within 60 days of enactment and provided a 90-day appeals process for speculative projects. The conference report contains the House provision with an amendment to provide a 90-day appeal process for speculative and non-speculative projects.

State Administration of CDBG Program in Non-entitlement Areas

The House amendment contained a provision that was not contained in the Senate bill to allow CDBG funds for units of general local government located in non-entitlement areas to be administered by the State. The conference report does not contain the House provision.

Prohibition on Use of CDBG and UDAG Funds to Increase Market Share of Nondomestic Corporations

The House amendment contained a provision to prevent UDAG or community development funds from being used after the enactment date to increase the market share of nondomestic corporations. The conference report does not contain the House provision.

The primary intent of the House provision was to deny federal community development assistance to non-domestic corporations unless the Secretary determined that the presence of the non-domestic entity would not have a harmful effect on any United States plan, equipment, market share, facility, employment opportunity, production capacity or product line.

The conferees on the part of the Senate were concerned that the provision might dissuade non-domestic corporations from expanding their operations within the United States. Thus, potential American jobs would be lost. The conferees on the part of the House, however, were concerned that any compromise which accommodated this concern would sanction the provision of federal community development funds to non-domestic entities at the expense of domestic entities. Therefore, the House conferees agreed to delete the provision.

Urban Homesteading

Both the Senate bill and the House amendment contained provisions to expand the use of urban homesteading to meet the needs of low income families and other properties. Differences are noted below.

Conveyances of property by state and local governments for consideration.—The Senate bill contained a provision to give priority for occupancy to lower income families, to allow localities to determine a family's ability to afford homeownership before including the family in a selection lottery. The House amendment contained a provision to allow governmental entities to charge non-lower income persons an agreed upon amount for homesteading properties, to give priority for occupancy to qualified lower income persons, to prohibit the governmental entity from charging persons given priority for the property if the charges would prevent them from occupying the property, to require that amounts which governmental entities collect from these charges be deposited in a revolving fund. The conference report contains the Senate provision.

Purchase of tax delinquent properties.—The Senate bill contained a provision to extend through FY 1989 the program for states and local governments to purchase single family homes, including tax foreclosed properties. The House amendment contained a provision to permit the purchase of tax delinquent properties. The conference report contains the Senate provision.

Increased assistance for communities having high rates of foreclosures.—The House amendment contained a provision that was not contained in the Senate bill to permit local governments which have had a 20% foreclosure rate on FHA insured single-family homes in the last year to apply to the Secretary for an increase in their urban homesteading assistance, and to limit such increases to 50% of the localities' original program application request. The conference report does not contain the House provision.

Transfer to qualified community organizations.—The Senate bill contained a provision to permit state or local governments to transfer property to qualified community organizations that agree to accept title to the property and to convey the property to homesteaders. The House amendment contained a similar provision except that it specified that the organization should accept title from the relevant federal agency and should convey the property directly to homesteaders. The conference report contains the House provision.

Extension of multifamily homesteading demonstration and evaluations.—The Senate bill contained a provision that was not contained in the House amendment to extend through FY 1989 the multifamily homesteading demonstration and to extend the deadline for the HUD report on the multifamily and single family tax delinquent properties programs to December 31, 1989. The conference report contains the Senate provision with an amendment to require the report by December 31, 1987.

Authorization of appropriations.—The Senate bill contained a provision to authorize $12 million for urban homesteading for FYs 1988 and 1989. The House amendment contained a similar provision except that it authorized only for FY 1988. The conference report contains an authorization of $12 million for fiscal year 1988 and $12,576,000 for fiscal year 1989.

State administrative expenses.—The Senate bill contained a provision that was not contained in the House amendment to permit states taking title to federally-owned properties in the Urban Homesteading Program to use a portion of the State administrative CDBG funds for the administration of homesteading in non-metropolitan areas. The conference report contains the Senate provision.

Selection procedure and priorities.—The Senate bill contained a provision that was not contained in the House amendment to delete the existing priorities for families who live in substandard housing, who pay more than 30% of their income for rent and who have little prospect for obtaining housing without the homesteading program and to substitute in lieu thereof a priority for lower income families and to delete from the selection procedure special consideration to recipient's need for housing and capacity to make the required repairs and substitute in lieu thereof the requirement that the selection procedure take into account the applicant's capacity to make the required repairs. The conference report contains the Senate provision.

Section 312 Rehabilitation Loans

Extension of loan authority.—The Senate bill contained a provision to extend Sec. 312 rehabilitation loan authority through FY 1989. The House amendment contained a similar provision to extend loan authority through FY 1988. The conference report contains the Senate provision.

Prohibition of loan sales.—The House amendment contained a provision that was not contained in the Senate bill to prohibit the Secretary from selling Sec. 312 loans. The conference report contains the House provision.

Prohibition of fees.—The Senate bill contained a provision to prohibit the imposition of risk premiums or loan fees under the Sec. 312 Rehabilitation Loan Program. The House amendment contained a similar provision except that it specified that the prohibition would take effect on the date of enactment. The conference report contains the House provision.

Loan cancellation.—The Senate bill contained a provision not included in the House amendment that cancels the indebtedness of a particular Section 312 loan. The conference report contains the Senate provision.

Neighborhood Reinvestment Corporation (NRC)

The Senate bill contained a provision to authorize $19 million for the NRC for each of FYs 1988 and 1989 and to change the NRC Board to include the chairman or a designated member of the Home Loan Bank Board, Federal Reserve Board, Federal Deposit Insurance Corporation and National Credit Union Administration. The House amendment contained a provision to authorize $19 million for the NRC for FY 1988 and to permit NRC Board members to designate substitutes. The conference report contains an authorization of $18.3 million for each fiscal year 1988 and 1989.

Neighborhood Development Demonstration Program (NDDP)

The Senate bill contained a provision to authorize such sums as may be necessary for the NDDP for each of FYs 1988 and 1989. The House amendment contained a provision to authorize $2 million for the NDDP for FY 1988, to permit housing to be developed for the homeless through matching program funds, and to expand selection criteria to include consideration of monetary support neighborhood development organizations receive from individuals, businesses or other organizations in the metropolitan area. The conference report contains the Senate provision with an amendment to authorize $2 million for each fiscal year 1988 and 1989 fron the CDBG program funding level.

Park Central New Community Project

The House amendment contained a provision that was not contained in the Senate bill to provide a set-aside of sufficient funds for Sec. 8 existing certificates on behalf of 500 lower income families in the closed-out new community project for FY 1988, and requires that $5 million be made available from the Secretary's CDBG Discretionary Fund for the Park Central New Community Project. The conference report contains the House provision.

Limitations on Recapture of Certain Reservations of Assistance

The House amendment contained a provision that was not contained in the Senate bill to prohibit the Secretary from recapturing any previously reserved assistance under the Sec. 312 Rehabilitation Loan Program or the Sec. 810 Urban Homesteading Program within 12 months of receipt of the funds. The conference report does not contain the House provision. The conferees wish to make clear however that they are aware that, in the past, the Secretary has recaptured reserved assistance under these programs before sufficient time has elapsed for the funds to be utilized. This practice runs counter to the intent of the Congress and undermines the viability of the programs. The conferees feel that one year is sufficient time for the person or government entity for whom the assistance has been reserved to utilize it. Therefore, the conferees intend that the Secretary establish a policy that funds reserved for each community under the Sec. 312 Rehabilitation Loan Program or the Sec. 810 Urban Homesteading Program not be recaptured for at least one year after assistance is given.

Urban Renewal Land Disposition Proceeds

The Senate bill contained a provision to authorize Hartford, Conn. and Lebanon, PA to retain land disposition proceeds from the specified closed-out urban renewal projects and to use the proceeds for eligible CDBG activities. The House amendment contained a similar provision except that it also gave authority to Richmond, VA, Milwaukee, Wis., East Stroudsburgh, PA, and Northfield Village, Illinois, and authorized Naticoke, PA to retain categorical settlement grant funds that remain from a project closeout. The conference report contains the House provision with an amendment to delete this authority for Northfield Village, Illinois.

Regulations To Implement CDBG Provisions of HURRA of 1983

The House amendment contained a provision that was not contained in the Senate bill to require the Secretary to issue regulations to implement provisions in the 1983 HURRA Act (P.L. 98-181), within 30 days of enactment. The conference report does not contain the House provision.

The conferees wish to make clear their extreme displeasure that HUD has still not issued final regulations to implement the significant changes to the CDBG program which were included in the Housing and Urban Rural Recovery Act of 1983. This act became law in November of 1983 and, since then, the program has been run according to memoranda and notices. It is intolerable that these regulations have not been issued and that communities, States and individual beneficiaries do not have clear and consistent guidance as to how the changes will be administered. The conferees understand that the major impediment to the issuance of the regulations is the Department of Justice, which is trying to weaken the guidance provided for compliance with the Civil Rights laws. The conferees feel that it is time the Administration resolve its internal conflicts and publish final rules which implement all the statutory changes. Therefore, the conferees intend that the Secretary issue regulations to implement the applicable provisions in the 1983 HURRA Act (P.L. 98-181) within 30 days of enactment of this act.

Community Development Projects Labor Standards

The House amendment contained a provision that was not contained in the Senate bill to require that labor standards be applied to rehabilitation of residential property containing 8 or more units. The conference report contains the House provision.

Community Development Technical Amendments

The Senate bill contained a provision to amend Sec. 106(d)(3)(A) of the 1974 Housing and Community Development Act. The House amendment contained a provision to amend Sec. 123(e)(3) of the 1983 HURRA. The conference report does not contain either provision.

FLOOD AND CRIME INSURANCE PROGRAMS

Extension of Flood Insurance Authority

The House amendment contained a provision which extended the National Flood Insurance program, the emergency implementation portion of the National Flood Insurance Act, and the authority to establish Flood risk zones through fiscal year 1988. The Senate bill contained similar provisions but extended these authorities for each fiscal year 1988 and 1989. The conference report contains the Senate provision.

Limitation on Flood Insurance Premiums

The House amendment contained a provision which limited increases in flood insurance premium rates to 5 percent annually for fiscal year 1988. The Senate bill contained a similar provision except premium increases were limited to 10 percent annually for each fiscal year 1988 and 1989. The conference report contains the Senate provision.

Postponement of Implementation of Regulations

The Senate contained a provision which provided that the revised Federal Emergency Management Administration (FEMA) regulations relating to flood plain management standards for mobile homes and mobile home subdivisions (51 FR 30290, 8-25-86) be suspended for 60 days, and that during this period, the FEMA Director shall solicit and receive public comment, and submit to Congress a study of the regulations' impact on small business. The House amendment contained a similar provision, except provided for a 6-month moratorium on regulations beginning on the date of enactment. The conference report does not contain the House or the Senate provision.

Extension of Crime Insurance Authority and Limitation on Premiums

The House amendment contained provisions not included in the Senate bill which extended crime insurance through fiscal year 1989, provided continuation of existing crime insurance contracts through fiscal year 1990 and limited premium increases on crime insurance to no more than a prorated annual rate of 5 percent for fiscal year 1988. The conference report contains the House provision.

Flood Insurance Studies

The House amendment contained provisions which authorized to be appropriated for flood insurance studies and surveys $37,773,000 for fiscal year 1988 and provided that all funds appropriated remain available until extended. The Senate bill contained provisions which authorized such sums as may be necessary for fiscal years 1986 and 1987, and authorized not to exceed $37 million for each fiscal year 1988 and 1989. The conference report contains an authorization of $36,670,000 for flood insurance studies and surveys for FY 1988 and such sums as may be necessary for FY 1989.

Flood Insurance for Structures on Land Subject to Imminent Collapse

The House amendment contained provisions not included in the Senate bill which provided eligibility for federal flood insurance payments for structures covered by flood insurance that are located along the shore of a lake or other body of water which are subject to imminent collapse as a result of erosion or undermining caused by waves or water levels exceeding cyclical levels, and which are condemned by local government officials. The House provision would provide flood insurance payments following condemnation amounting to 40 percent of the value of the structure, and that, following demolition, the payment would be 60 percent of the structure's value or the cost of demolition, whichever is less. The House provision provided that if the owner of the structure chose to relocate, payments would be either the lesser of 40 percent of the structure's value, half paid before relocation and half paid afterwards, or the cost of relocation. The House provision provided eligibility for up to 40 percent of the value of the structure if the structure collapses or subsidies, after being certified for demolition or relocation, and after the owner has had a reasonable period to demolish or relocate the structure. The House provision provided that for purposes of paying flood insurance, the value of the structure shall be determined as the lower of (1) the fair market value of a comparable structure not subject to imminent collapse or subsidence, (2) the price paid for the structure, adjusted for inflation, or (3) the insured value of the structure. The House provision restricted applicability of these provisions to flood insurance policies effective on or entered into after the enactment of this Act and to structures covered by insurance on the date of certification. The House provision additionally provided that the structure must be covered by insurance on or before June 1, 1988, 2 years prior to certification, or for the term of ownership if less than 2 years. The House provision prohibited insurance of structures constructed or relocated, to a point seaward of the 30-year erosion setback on land on which a structure was certified. The House provision also authorized the Secretary to promulgate regulations and guidelines necessary to carry out these provisions and made these provisions effective on enactment of this Act or October 1, 1987, whichever occurs later.

The Conference Report incorporates the House provision with an amendment. These provisions authorize the Federal Emergency Management Administration (FEMA) to provide advance insurance coverage under the National Flood Insurance Program (NFIP) for structures which are subject to imminent collapse due to erosion.

According to a 1971 study conducted by the U.S. Army Corps of Engineers, approximately one quarter of the nation's 84,000 miles of Atlantic, Pacific, Gulf of Mexico and Great Lakes shoreline could be categorized as "seriously eroding". Subsequent studies have confirmed that nearly all U.S. shorelines are receding, with a national average rate of 0.4 meters per year. Both gradual and storm generated erosion continue to result in flood related claims under the NFIP. Since it is possible to identify structures which have been placed in flood risk due to erosional forces, it is possible to take preventative action to avoid collapse of the structure.

This provision amends section 1306 of the National Flood Insurance Act of 1968 by adding a new subsection. The new subsection applies to any structure which is covered by a contract for flood insurance under the NFIP and is along the shore of a lake or other body of water.

Effective implementation of this provision will depend on the accurate and timely identification of structures which are subject to imminent collapse. The Federal Emergency Management Administration will be responsible for developing regulations outlining uniform standards and procedures for making such determinations. In developing these regulations, FEMA should consult widely with coastal geologists and other scientists, with other federal agencies, and with officials at the state and local level who have experience in the management of erosion hazards.

This provision is not intended to expand the scope of coverage under the NFIP. The provisions will be triggered only when the Director determines that a structure is subject to imminent collapse. Therefore, these provisions will apply to those structures which, with a high degree of certainty, are likely to collapse within the near future. Such a determination will have to incorporate many technical considerations, including regional geology, expected erosion rates, and storm periodicity and severity. Through advance identification of imminently threatened structures, structural collapse and total loss claims under the NFIP can be avoided. Thus, the conferees do not expect this provision will result in a net increase of claims under the NFIP, nor in significantly increased costs to the taxpayer.

To the contrary, this process of advance identification is expected to reduce the value and number of NFIP claims over the long-term. In addition, the value of claims can be significantly reduced by encouraging relocation of threatened structures. Moreover, the total number of claims should decline as highly exposed structures are relocated beyond the erosion setbacks required under paragraph (5), thereby mitigating the potential for future repetitive claims.

In order to ensure timely consideration of potentially threatened structures, the provision provides a role for state or local authorities in the identification process. Using standards and procedures developed by the Director, a state or local government may certify, to the Director, that a structure is subject to imminent collapse. This local level involvement will help speed the identification process and will provide the Director with information needed in making a final determination.

Once a final determination has been made, the homeowner will have the responsibility to demolish or relocate the structure. The conferees expect that the majority of homeowners will choose to relocate, and thus the provision will reduce the value of claims under the NFIP. Paragraph (2) requires the homeowner to take reasonable and prudent action to relocate or demolish the structure before it collapses. Failure to take such action will result in a limitation of benefits under the NFIP.

Advance identification of threatened structures provides a unique opportunity to mitigate future erosion-related damages. One of the most effective approaches for managing coastal erosion hazards is the requirement that new buildings be placed at a specified distance from the shoreline based on the expected rate of erosion. These so-called erosion setback lines are being used increasingly at the state and local level.

Redevelopment setbacks are a crucial feature of this provision. A certification under these provisions is a recognition that the subject parcel of land is subject to high rates of erosion. Therefore, it is reasonable to place certain restrictions on redevelopment of that parcel, such as the requirement to relocate or rebuild beyond the expected extent of erosion in order to qualify for further NFIP coverage. Minimum setbacks are established in paragraph (5) based on dwelling units or less must be placed landward of the 30-year erosion setback, while a structure containing more than 4 dwelling units must be placed landward of the 60-year erosion setback. These minimum setbacks are expected to help channel redevelopment into areas which are reasonably safe from damage over the expected life of the structure.

Failure to comply with these minimum setback standards will result in the ineligibility of that structure for further flood insurance coverage and certain disaster assistance. These restrictions should encourage voluntary compliance with the erosion setbacks.

In order to effectively implement the erosion setback requirement, FEMA will be required to develop and publish tables of annual erosion rates for the calculation of erosion setbacks. The conferees believe that such studies can be conducted under authority of section 1361 of the National Flood Insurance Act of 1968.

Coastal erosion is a burgeoning national problem and is the root cause of millions of dollars in flood insurance claims annually. The provisions of this section are an important first step in coming to grips with the management of this problem. However, it is the expectation of the conferees that the Federal Emergency Management Administration will take actions to fully utilize its existing authorities to address this issue on a broader scale. For instance, FEMA has authority under section 1315 of the National Flood Insurance Act of 1968 to require adequate land use management controls as a precondition for community participation in the flood insurance program. This authority could be used more effectively to encourage local governments to conduct erosion hazard management planning and to institute sound erosion management practices such as setback requirements.

The erosion rate data developed for the implementation of these provisions can also be used to improve administration of the insurance program. While the 30- and 60-year erosion setbacks have been established as minimum requirements, beyond which no coverage may be obtained, insurance rates landward of the setback can be set to reflect the actuarial risk based on the rate of erosion over the expected life of the structure. Thus, new flood insurance policies will more accurately reflects the long-term threat posed by erosion and increasing exposure to flood hazards.

Flood and Crime Insurance Technical Amendments

The House amendment contained provisions not included in the Senate bill which provided technical amendments. The conference report contains the House provision.

MISCELLANEOUS PROGRAMS

Fair Housing Initiatives Program (FHIP)

The House amendment contained a provision which authorized to be appropriated $5 million for the FHIP program for fiscal year 1988. The Senate bill contained a provision which authorized to be appropriated $5 million for the FHIP program for each fiscal year 1988 and 1989. The conference report contains the Senate provision.

Both the House and Senate bills included a Fair Housing Initiatives Program demonstration of methods to expand housing opportunities for all Americans through public education and enforcement of Title VIII of the Civil Rights Act of 1968. The conferees take note of the fact that the Secretary has publicly announced a set of guidelines for funding of testing that the Department intends to employ and evaluate during the demonstration period. Such guidelines are intended (1) to ensure that such testing is objective, reliable and controlled, (2) to guarantee the credibility and probative value of testing evidence, and (3) to preclude the misuse of the funds under the program without infringing on rights and remedies provided by federal fair housing laws. The conferees intend that these guidelines be applied only to activities funded directly under the Fair Housing Initiatives Program. The conferees expect that the Secretary's evaluation of the testing program will give particular consideration to the comments and suggestions both of housing industry members (including those that have been the subjects of testing or otherwise involved in the testing process) and of private and public agencies that have practical experience in the use of testing as an instrument for securing rights under fair housing laws. The Secretary should accord special weight and due deference to relevant court decisions involving the admissibility of evidence adduced through testing.

Collection of Certain Data

The House amendment contained provisions which required each of the Departments of Housing and Urban Development and Agriculture to collect certain racial and ethnic data in order to assess the extent of compliance with federal fair housing requirements. The Senate bill contained similar provisions, except that the provisions did not refer to fair housing laws and the provisions required that a summary and evaluation of the data be included in annual reports to Congress. The conference report contains the Senate provision with an amendment to incorporate the collection of data to assess the extent of compliance with fair housing laws. The conferees intend the Secretary of HUD, not the Director of the Office of Management and Budget, to determine whether building by building data needs to be collected in order to make such assessments. In some cases where a project has multiple buildings, some of which may be on a single site and others on a scattered site, project data may be insufficient to assess the extent of compliance with federal fair housing requirements.

Regulatory Authority

The House amendment contained a provision not included in the Senate bill which required each of the Departments of Housing and Urban Development (HUD) and Agriculture, on a quarterly basis, to send both the House and Senate Banking Committees each notice or handbook issued at least 15 days before the date of its issuance and to include a detailed summary of all changes required by the Office of Management and Budget (OMB) that would affect a rule or regulation in whole or part. The conference report contains the House provision with an amendment to delete the requirement that the Departments send each notice or handbook at least 15 days before the issuance date. The conferees strongly express their objection to changing federal policy through notices, handbooks and mortgage letters which may be initiated by the Departments themselves or OMB. Changes in federal policy should be exposed to the federal rulemaking process for public review and comment.

Timely Payment of Subcontractors

The House amendment contained a provision not included in the Senate bill which provided that it is the policy of the United States that each HUD prime contractor should establish procedures to ensure the timely payment of subcontractors. The conference report does not contain the House provision; however, the conferees expect that all subcontractors should receive timely payment by each prime contractor engaged under the Department of Housing and Urban Development. Failing to follow such a course of action is egregious and not within the intent of federal housing law and standards.

Research and Development

Authorization.—The House amendment contained a provision which authorized to be appropriated $17 million for fiscal year 1988 for the Department of Housing and Urban Development (HUD) Research and Development program. The Senate bill contained a provision which authorized to be appropriated $17 million for the program for each fiscal year 1988 and 1989. The conference report contains the Senate provision amended to provide $50,000 of the appropriated funds to NIBS to conduct a study of the feasibility of a national voluntary preemptive code for modular housing and an authorization of $17 million for HUD Research and Development for FY 1988 and $17,918,000 for FY 1989.

Public housing energy improvements.—The House amendment contained a provision not included in the Senate bill which required HUD to develop a system that may be used by public housing authorities to monitor energy use in public housing projects and to identify energy conservation improvements that are cost-effective. The conference report does not contain the House provision because the conferees understand HUD has already agreed to fund such research. The conferees emphasize the importance of the Department developing a prototype system and develop cost-effective energy conservation improvements which can be used by public housing authorities around the country. Such efforts by the Department will represent fiscal responsiveness and have the potential for reducing the amounts of federal operating assistance used for energy used by public housing authorities.

Lower cost building technologies.—The House amendment contained a provision not included in the Senate bill which required the Secretary to conduct research on new building technologies that are designed to lower the cost of construction of single and multifamily housing. The conference report does not contain the House provision; however, the conferees urge the Department to conduct such research which has the potential of lowering the cost of housing for low income families as well as reducing federal subsidies.

Home Mortgage Disclosure Act (HMDA)

Availability to mortgage banking affiliates.—The House amendment contained a provision not included in the Senate bill which extended HMDA to mortgage banking subsidiaries of a bank holding company or savings and loan holding company, or savings and loan service corporation, that originates or purchases mortgage loans applicable to calendar years beginning after December 31, 1986. The conference report contains the House provision.

Certain mortgage loan records.—The House amendment contained a provision not included in the Senate bill which required that records on mortgage loans secured by property outside metropolitan statistical areas be reported on a state-by-state basis. The conference report does not contain the House provision.

Conventional mortgage loan records.—The House amendment contained a provision not included in the Senate bill which required that the applicable institutions report the number and dollar amount of conventional mortgage loans secured by 1-4 family dwellings and report whether such loans are insured or uninsured. The conference report does not contain the House provision.

Availability of disclosure statements.—The House amendment contained a provision not included in the Senate bill which required that disclosure statements be publicly available by June 1 of the year following the calendar year on which the statements are based. The conference report does not contain the House provision. However, the conferees are concerned that there is a need to take steps to make the aggregate HMDA data available at central depositories earlier than has been the case in recent years. The Federal Financial Institutions Examination Council (FFIEC), which is responsible for providing the data to central depositories, has agreed to report to the Congress, within two months after enactment of the bill, on modifications that could be made to the present data handling procedures to facilitate earlier data availability. The conferees expect the report to describe various options for modifications, along with the expected improvement in availability dates as well as possible adverse consequences that modifications would entail. The report should also enumerate the steps being taken by the bank regulatory agencies to provide earlier availability, and suggest, if any, needed legislative modifications to the Home Mortgage Disclosure Act to improve the reporting process.

Study of data collection requirement.—The House amendment contained provisions not included in the Senate bill which required the Federal Financial Institutions Examination Council to assess the cost to institutions who comply with HMDA, to estimate the usage of the data, to determine any obstacles to the usage of the data by the public and how these obstacles may be eliminated, and to submit the report within 36 months following enactment. The conference report does not contain the House provision.

The conferees are aware that under the present HMDA reporting requirements the category of loan types reported includes "other" or conventional loans. The conferees strongly urge the expansion of the requirements under "other" to simply report if these loans carry conventional mortgage insurance or do not have mortgage insurance coverage. The change should not be a burden on lenders who are subject to the reporting requirement since lenders will continue to report "other" loans by number and dollar amount only adding a subcategory of insured or uninsured. This information is not presently available and will be very useful in analyzing the role of the conventional mortgage insurance industry in serving borrowers in specific markets, neighborhoods and geographic regions as well as assisting Congress in its focus on the role served now and in the future by the FHA, VA and FmHA loan programs.

Lead-Based Paint Poisoning Prevention

The House amendment contained a provision that was not contained in the Senate bill to require HUD to eliminate lead-based paint on interior and exterior surfaces of assisted housing, to make a periodic determination of whether housing constructed during or after 1950 presents hazards of lead-based paint, to require the Secretary to take actions necessary to ensure that PHAs comply with the established procedures for insured multifamily dwellings and other federally assisted dwellings, to permit lead paint abatement under the flexible subsidy fund and allow up to 5% of CDBG funds to be used by localities with lead-based paint problems, to require inspection for treatment of defective paint for FHA-insured single family dwellings, to authorize the National Institute of Building Sciences (NIBS) to report to HUD within 18 months of the enactment date on the lead-based paint problem and to require the Secretary to issue regulations within 90 days of enactment.

The conference report contains a substitute provision: to expand the detection and abatement procedures in existing law to housing constructed or substantially rehabilitated prior to 1978 with interior and exterior intact and non-intact painted surfaces that may contain lead in which any child 7 years old or younger resides; to require HUD to develop a consumer warning brochure on lead-based paint, in consultation with NIBS; to require that HUD measurement criteria be based on the condition of the housing rather than on the health of the residents; to establish inspection procedures; and to require notification of potential tenants and purchasers if the test results exceed 1.0 milligram per centimeter squared, as well as a requirement that the Secretary reduce the level below 1.0 milligram per centimeter squared if technology is available and medical evidence supports the imposition of the lower level. The Secretary would be required to inspect all vacant Section 8 and public housing units, as well as a random sample of occupied Section 8 and public housing dwellings, within 5 years of enactment, and abate those units which exceed the levels for lead-based established in the provision.

The Secretary would be required to carry out an 18-month abatement demonstration program, in consultation with the National Bureau of Standards, on HUD-owned single and multifamily housing. This demonstration shall be used to develop the most practical and cost-efficient methods and procedures for testing and abatement. Not later than 18 months after the effective date, the Secretary shall transmit to Congress the findings and recommendations of the abatement demonstration, including any legislative recommendations to revise the requirements of this subsection. Within 9 months after the report, the Secretary, based on the results of the demonstration, would submit a workable plan to Congress for the legislative actions needed for prompt and cost-effective inspection and abatement of privately-owned and federally-insured single family and multifamily housing. If the report required is not submitted within the period specified, the Secretary shall require the elimination in all single and multifamily housing of lead-based paint poisoning hazards where test results equal or exceed the level established for single and multifamily housing. The Secretary is expected to continue carrying out the provisions of this section utilizing available federal funding sources. The provision would not apply to elderly or handicapped housing; efficiency units; or Secs. 231, 232, 241, and 242 insured dwellings.

The conferees expect the Secretary of HUD to establish a program and plan of action which utilizes available funding resources from the Comprehensive Improvement Assistance Program, Public Housing Operating Subsidies, Section 312 Rehab Loans, Section 108 Loan Guarantees, Community Development Block Grant funds, cooperative agreements for matching funds set asides from State and local governments and any other appropriate resources for the testing, inspecting, and removal of the lead-based paint hazards in public housing projects. These recommended funding resources may also be made available as a priority for lead-based paint abatement, where necessary, and applicable for housing assistance under the Section 8 program. In addition, the Section 8 Housing Assistance payments contracts, including project reserve accounts, may also be increased or made available to Section 8 project owners for the abatement of lead-based paint hazards.

The conferees expect the Secretary to demonstrate and carry out the requirements of this section in an expedited manner. It will no longer suffice to delay this urgent mandate by pleading that it is not practicable to commit funds for this purpose. The health care costs to taxpayers and society in general are greater than the cost for removing this highly preventable health hazard of lead-poisoning of young children.

Median Area Income

The House amendment contained a provision not included in the Senate bill which required that in calculating the median income for any area that is not within a metropolitan statistical area, the Secretaries of HUD or Agriculture shall use the higher of the median income of the county in which the area is located or the median income of the entire nonmetropolitan area of the state. The conference report contains the House provision with an amendment to use the higher of the median income of the area, in the case of Farmers Home Administration rural areas, or the median income of the nonmetropolitan portion of the State.

Interstate Land Sales

The House amendment contained a provision not included in the Senate bill which permitted HUD to establish a reasonable filing fee in the Interstate Land Sales Registration. The conference report does not contain the House provision.

Solar Bank

The House amendment contained provisions which extended the Solar Energy and Energy Conservation Bank through fiscal year 1988 and authorized the appropriation of such sums as may be necessary for fiscal year 1988. The Senate bill contained a similar provision except that it extended the Solar Bank for each fiscal year 1988 and 1989. The conference report contains the Senate provision and authorizes such sums as may be necessary for each fiscal year 1988 and 1989.

Innovative Housing and Neighborhood Development by Nonprofits

The House amendment contained provisions not included in the Senate bill which required the Secretary to include within the HUD Annual Report a section on innovative housing, neighborhood and community development initiatives for low and moderate income persons, including specific data requirements and analyses, and make the specific data generated within the report in an appropriate format in order to facilitate specific project inquiries. The conference report does not contain the House provisions; however the conferees direct the Department to include all the provisions outlined in the House amendment within the HUD Annual Report.

Employment Opportunities Report

The House amendment contained a provision not included in the Senate bill which required the Secretary to provide to Congress a detailed report which assesses the impact of HUD-assisted activities on enhancing the employment opportunities for lower income persons and the use of businesses located in the area of the assisted projects. The conference report does not contain the House provision; however, the conferees expect the report outlined in the House provision to be completed and made available to the public within one year of enactment of this Act.

Manufactured Homes Energy Conservation Standards

The House amendment contained a provision not included in the Senate bill that would require HUD to establish energy conservation standards for manufactured homes that are equivalent in energy performance to those required for FHA-insured single family homes. The conference report includes a substitute provision that would require HUD to issue pre-emptive cost-effective energy conservation standards that: 1) are designed to ensure the lowest total of construction and operating costs; 2) take into consideration the design and factory construction techniques of manufactured homes; and 3) provide for alternative practices that result in net estimated energy consumption equal or less than the specified standard.

The conferees agreed that the present energy conservation standards applicable to manufactured homes are inadequate and the Department's efforts to delegate these standards to a multitude of conflicting State energy codes defeats the requirement of a pre-emptive national code for manufactured housing. The conferees also recognize that the application of a standard equivalent in energy performance to the FHA Minimum Property Standards in some southern areas of the country would result in decreasing the energy efficiency of these homes, not creating the most cost-effective energy standards as the agreement would require.

The provision would require the Department to develop a standard that results in the lowest total costs to manufactured home owners. Such a goal can be achieved by establishing a standard that assures the combination of construction costs and estimated value of energy saved through the operation of the energy-efficient home over its estimated useful life will result in the lowest possible total cost taking into consideration downpayment, financing, construction and energy costs to the manufactured home owner.

Since the manufactured home standards generally is a performance standard, the energy conservation standard will also be a performance standard and it is expected that HUD will establish separate maximum transmission heat loss coefficients for the overall envelope area for single-wide and double-wide manufactured homes in a number of climatic zones.

In developing these standards, HUD should assume reasonable levels of air infiltration, heating and cooling equipment efficiencies and solar heat gain through glazing and should assure a minimum effect on the overall costs of homeownership. In addition, any design claiming, through generally accepted engineering practices, energy performance equal or better than the specified performance standard should be allowed to benefit from improvements to those components.

It is expected that the Department will rely on currently available research in order to develop cost-effective energy standards and make them effective within one year from enactment.

American Materials and Products

The House amendment contained a provision not included in the Senate bill which prohibited the use of any funding under this act to purchase materials or products used in the construction or rehabilitation of any structure unless they are mined or produced in the United States, except that this shall not apply if the materials or products are not of a satisfactory quality or available in sufficient and reasonable available quantities. The conference report contains the House provision with an amendment requiring the Secretary to encourage the use of American materials and products in construction and rehabilitation of structures.

Foreclosure Procedures for HUD-Held Single Family Homes

The House amendment contained a provision not included in the Senate bill which amended the Multifamily Foreclosure Act of 1981 to permit the foreclosure procedures to be applied to HUD-held single family properties. The conference report replaces the House provision with an amendment that nullifies the right of redemption in a foreclosure sale in connection with a Secretary held single-family mortgage.

Miscellaneous Technical Amendments

The House amendment contained provisions not included in the Senate bill which provided technical amendments for miscellaneous programs. The conference report contains the House provision.

TITLE VI—NEHEMIAH HOUSING OPPORTUNITY GRANTS

Family Need

The Senate bill contained a provision requiring participating families to have an income for a family of four of no more than the higher of the area median income of the applicable MSA or the national median income. The House amendment contained a provision which required participating families to have an income for a family of four of no more than the higher of 115 percent of the area median income of the applicable metropolitan statistical area (MSA) or the national median income. The conference report contains the House provision with an amendment to require that in cases where 115 percent of the area median income exceeds the national median income, no more than 30 percent of the families within the project may have incomes between 100 and 115 percent of the area median income.

Downpayment

The Senate bill contained a provision requiring participating families to make a downpayment of not less than 10 percent of the sales price of the home. The House amendment contained a provision which required participating families to make a downpayment of not less than 5 percent of the sales price of the home. The conference report contains the Senate provision with an amendment to exempt the family from the 10 percent downpayment requirement if the first mortgage on the home is held by a State or unit of general local government under a home loan program of the State or unit of local government, and the program provides for a lower downpayment.

Number of Homes Requirement

The House amendment contained a provision not included in the Senate bill which permitted the Secretary to waive the number of homes requirement for particular areas of the States if the Governor requests the waiver and certifies with supporting documentation that this requirement prevents the State from using the program effectively. The conference report contains the House provision amended to permit the waiver to be requested by the governor or by the unit of local government where the project will be located.

Manufactured Housing Standards

The House amendment contained a provision not included in the House amendment which required manufactured homes provided under the Nehemiah program to meet applicable building standards prescribed under Title VI of the 1974 Housing and Community Development Act and the applicable installation, structural and site requirements under Title II of the National Housing Act, and required manufactured homes to meet applicable energy conservation requirements prescribed in accordance with Sec. 203(b) of the National Housing Act. The conference report contains the Senate provision.

Neighborhood Requirement

The House amendment contained a provision which allowed homes to be constructed in up to four identifiable neighborhoods. The Senate bill contained a similar provision but allowed homes to be constructed in a single indentifiable neighborhood if the program provides for construction or substantial rehabilitation on not less than 20 percent of the lots in the neighborhood. The conference report contains the House provision amended to clarify that homes may be constructed in up to four separate locations, each consisting of contiguous parcels of land, in identifiable neighborhoods where the applicant submits evidence to the satisfaction of the Secretary that: construction in more than one identifiable neighborhood will result in cost-reductions through economies of scale comparable to those achieved by other projects eligible for funding; and the project by itself or together with improvement efforts that are or will be undertaken in the identifiable neighborhoods by the local government or private entities will result in a substantial improvement in the overall quality and long-term viability of the neighborhoods.

Housing Priority and Affirmative Marketing

The House amendment contained a provision not included in the Senate bill which required project sponsors to give priority in selecting program participants to assisted housing tenants in federal and comparable State and local housing programs and required sponsors to submit an affirmative marketing plan. The conference report does not contain the House provision.

Authorization of Appropriations

The House amendment contained a provision which authorized to be appropriated $100 million for fiscal year 1988 to carry out the Nehemiah program. The Senate bill contained a provision which authorized to be appropriated such sums as may be necessary for each fiscal year 1988 and 1989 to carry out the program. The conference report authorizes such sums as may be necessary for fiscal year 1988 and $150 million for fiscal year 1989.

TITLE VII—ENTERPRISE ZONE DEVELOPMENT

Definition and Number of Designations

The House amendment contained provisions not included in the Senate bill which defined enterprise zones and provided requirements for the designation of 100 enterprise zones, with a minimum of 33 or one-third of the designations in rural areas. The conference report contains the House provision.

Areas Based on Degree of Poverty

The House amendment contained provisions not included in the Senate bill which required the Secretary to select nominated areas with the highest average ranking based on degree of poverty criteria; but required a separate ranking for rural areas and allowed for exceptions. The conference report contains the House provision.

Designation Limitations

The House amendment contained provisions not included in the Senate bill which required the publication of regulations for designating enterprise zones, provided a time limitation of two years to designate zones, provided procedural rules for designating zones, and included Indian Reservation Nominations. The conference report contains the House provision.

Designation Period

The House amendment contained provisions not included in the Senate bill which provided an effective period for zone designation and authorized the Secretary to revoke zone designation. The conference report contains the House provision.

Area and Eligibility Requirements

The House amendment contained provisions not included in the Senate bill which provided area requirements based on location and population size and eligibility requirements based on specific criteria of economic distress. The conference report contains the House provision.

Required State and Local Commitments

The House amendment contained provisions not included in the Senate bill which required State and local governments to follow a course of action, which can be funded through HUD or FmHA program funds, to reduce burdens borne by employers or employees within a designated zone; but prohibited assistance from being used for business relocations within the zone. The conference report contains the House provision.

Definitions and Reporting Requirements

The House amendment contained provisions not included in the Senate bill which defined terms for purposes of establishing enterprise zones and required the Secretary to submit to Congress a program report every four years. The conference report contains the House provision.

Interaction With Other Federal Programs

The House amendment contained provisions not included in the Senate bill which provided that zone designations did not constitute approval or entitle persons to receive Uniform Relocation Assistance; but allowed zones to be treated as labor surplus areas. The conference report contains the House provision.

Waiver Authority

The House amendment contained provisions not included in the Senate bill which required the Secretary of HUD or Agriculture, upon local or State request, to waive or modify any rule, except those relating to antidisplacement, to further job creation, community development or economic revitalization in the zone, and established procedures for consideration of requests. The conference report contains the House provision.

Coordination of HUD Programs in Enterprise Zones

The House amendment contained provisions not included in the Senate bill which required the HUD Secretary to coordinate HUD programs, consolidate HUD program applications and reports into one summary report for designated zones. The conference report contains the House provision.

Coordination With CDBG and UDAG Programs

The House amendment contained provisions not included in the Senate bill which established Congressional policy that prohibited Community Development Block Grant and Urban Development Action Grant Program funds from being reduced in any fiscal year in which enterprise zones are in effect. The conference report contains the House provision.

Fernand J. St Germain,
Henry Gonzalez,
Walter Fauntroy,
Mary Rose Oakar,
Bruce F. Vento,
Robert Garcia,
Charles Schumer,
Barney Frank,
Richard Lehman,
Bruce A. Morrison,
Marcy Kaptur,
Ben Erdreich,
Chalmers P. Wylie,
Marge Roukema,
George C. Wortley,
Doug Bereuter,
John Hiler,
Tom Ridge,
Steve Bartlett,
Managers on the Part of the House.

Alan Cranston,
Don Riegle,
Paul Sarbanes,
John Heinz,
Alfonse M. D'Amato,
Managers on the Part of the Senate.

SENATE—*Thursday, November 5, 1987*

The Senate met at 9 a.m., and was called to order by the Honorable TERRY SANFORD, a Senator from the State of North Carolina.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

"Lord, who shall abide in Thy tabernacle? Who shall dwell in Thy holy hill? He that walketh uprightly, and worketh righteousness, and speaketh the truth in his heart," for the righteous Lord loveth righteousness.

"The Lord is my shepherd, I shall not want. He leadeth me in the path of righteousness for His namesake."

Righteous Father perfect in holiness, how easily and how far we stray to our own peril. History makes it clear that no great empire has been destroyed from without before it had decayed morally from within. With all our military might and all our political power we grow weaker ethically and morally, and strangely, Father, somehow the people expect Congress to legislate righteousness. Even the churches demand that Congress legislate a lifestyle which they themselves fail to sustain.

How desperately we need a spiritual awakening which will bring moral and ethical renewal.

Grant to each Senator the grace to take righteousness seriously and to live well pleasing under his Lord. Lead us in the path of righteousness for Your own glory, and for our salvation as a people. Hear us as we pray in the name that is above every name, Jesus. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The **PRESIDING OFFICER**. The clerk will please read a communication to the Senate from the President pro tempore [Mr. STENNIS].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 5, 1987.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TERRY SANFORD, a Senator from the State of North Carolina, to perform the duties of the Chair.

JOHN C. STENNIS,
President pro tempore.

Mr. **SANFORD** thereupon assumed the chair as Acting President pro tempore.

MORNING BUSINESS

The **ACTING PRESIDENT** pro tempore. Under the previous order, there will now be a period for the transaction of morning business for not to exceed 2 minutes.

THE JOURNAL

Mr. **BYRD**. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. **BYRD**. Mr. President, I ask unanimous consent that morning business be extended for 5 minutes, and that Senators may speak therein for 5 minutes each.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

The Senator from Wisconsin is recognized.

Mr. **PROXMIRE**. Mr. President, I thank my good friend, the majority leader.

THE LONG-TERM THREAT OF SDI TECHNOLOGY

Mr. **PROXMIRE**. Mr. President, at President Reagan's most recent press conference on the night of October 22, he once again asserted that the strategic defense initiative [SDI] would make nuclear weapons obsolete. It is this wholly unrealistic goal of the President of the United States that represents the basis for continuing SDI. Now, think of the price we pay for pursuing this wild phantom. First, and most obviously the cost of completing research on SDI, then developing it, then testing it, then building the immense amount and tonnage of hardware that it would require and then deploying this hardware in orbit—all of this would certainly approach $1 trillion. Would that be the total cost? No way. That trillion dollars would only be the beginning. The cost of maintaining, operating and especially continually modernizing this maginot-line-in-the-sky would, according to former Defense Secretary Harold Brown, be something like $150 billion in 1986 dollars each and every year, forever. This is a colossally heavy cost. But that's the least of the SDI problem.

The second enormous cost of rushing ahead with SDI is that it prevents an arms control agreement with the Soviet Union that would permit both superpowers to save billions in military expenditures without sacrificing the credibility of the deterrent of either country. This is because a mutual, carefully verified reduction of their offensive arsenals by both superpowers would save billions for both countries without diminishing the relative military strength of either. And such an agreement would actually strengthen national security by diminishing both the mutual fear and hostility on the one hand and the hair trigger instruments of nuclear destruction on the other. But United States plans to proceed with SDI kills any realistic prospect of agreement with the Soviet Union to limit or reduce offensive nuclear arms.

The third cost of pushing ahead with SDI represents the greatest danger of all. Consider that this technology embraces free electron lasers, and nuclear directed energy weapons. These are, of course, conceived by the President as strictly defensive weapons, capable when fully developed and deployed of destroying the credibility of the Soviet's mighty nuclear deterrent.

Mr. President, the Reagan administration appears to be unaware that they are building a monster that will certainly come back to haunt and very possibly destroy us. It is, of course, conceivable that these speed-of-light, nuclear driven, immensely powerful weapons could, indeed, destroy the present Soviet deterrent. But it is absolutely certain that the Soviets would pour all of their resources into saving that deterrent. For starters they would use precisely the same particle beams and lasers that we would use for smashing their ICBM's. They would use this SDI technology to destroy our orbiting kinetic kill vehicles which we design to strike Soviet ICBM's. The Soviets would be likely to use the SDI technology to destroy our trillion dollar SDI hardware. But they, like us, could hardly overlook the immense potential for offensive warfare embodied in weapons that could strike across continents not in the relatively slow half hour that it would now take a Soviet ICBM to reach American targets following the over-the-pole route, but literally in a fraction of a second.

Mr. President, all of us in the Congress should think long and hard before we rush into the arms race to vie with the Soviet Union in developing weapons that move with the speed

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

of light and strike with devastating power. These weapons are a long, long way from perfection. It will take many years and enormous funding of dollars and huge diversion of our scientific genius to bring them from birth to their king size combination of lightning speed and massive power. The expert panel of the American Physical Society that recently studied the potential of these weapons reported that it would require an improvement ranging from a factor of 100—that is a hundredfold, to a factor of a million to make them effective. What does that mean? It means the cost will be vast. It means the weapons may never achieve effectiveness. It means the time before we can use them even under the best of circumstances will be decades.

But, Mr. President, the development of these SDI weapons means something else. It means that both superpowers will be racing ahead to construct the most swift, sudden and devastating weapons ever. And, irony of ironies, we will be building these immensely destructive weapons in the name of peace. Would these lightning fast weapons be used offensively? What do you think? This is not the way to build peace. The way to build peace is to learn from the lesson of the past 42 years of superpower and European peace. Why did we have that peace? Because we have had and still have a terrible, fear inspiring military deterrent. We had begun to build on that peace with the limited Test Ban Treaty, with the Anti-Ballistic Missile Treaty [ABM] that prevented a defensive arms race and Strategic Arms Limitation Treaty [SALT II] that aimed to prevent an offensive arms race. Now SALT II has expired. The ABM Treaty is in dire jeopardy because of SDI. And the administration has refused to pursue the unlimited, comprehensive test ban we and the Soviet Union promised to negotiate when we signed and ratified the 1963 Test Ban Treaty.

Arms control is in serious trouble. The headlong rush to move ahead with SDI is the reason.

Mr. President, once again I thank the distinguished majority leader, and I yield the floor.

ECONOMIC SUMMIT

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. BYRD. Mr. President, are there any measures under rule XIV that should be read the second time?

The ACTING PRESIDENT pro tempore. The clerk will now read Senate Joint Resolution 204 for the second time.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 204) calling for an economic summit to deal with the financial crisis.

Mr. BYRD. Mr. President, I ask that there be no further action on this measure at this point.

The ACTING PRESIDENT pro tempore. Objection having been heard to further proceedings on the measure, the joint resolution will be placed on the calendar.

RECONCILIATION ON THE BUDGET FOR THE FISCAL YEAR 1988

The ACTING PRESIDENT pro tempore. The clerk will now read H.R. 3545 for the second time.

The legislative clerk read as follows:

A bill (H.R. 3545) to provide for the reconciliation pursuant to section 4 of the concurrent resolution on the budget for the fiscal year 1988.

Mr. BYRD. Mr. President, I ask that there be no further proceedings on the bill at this point.

The ACTING PRESIDENT pro tempore. Objection having been heard to further proceedings on the measure, the bill will be placed on the calendar.

HENRY BASCOM COLLINS, 1899–1987

Mr. STEVENS. Mr. President, at this very time at the Smithsonian they are now having a service to honor the life of Dr. Henry Bascom Collins. This is a memorial service held in the Baird Auditorium of the Museum of Natural History.

Collins, the world-acknowledged dean of Arctic archeology, died on October 21 of this year in Campbelltown, PA. Collins came to work at the Smithsonian in 1924, working in the National Museum's Division of Ethnology and Bureau of American Ethnology until his retirement in 1967. Like most Smithsonian curators, he remained active after retirement, continuing his research into the mid-1980's. During his 50 years of service to science he made immense contributions to the study of Alaska's Native peoples, to the prehistory of Arctic Canada, and to the archeology of the Southeastern United States. Henry Collins was a dedicated scientist whose science prowess and humanity helped give voice to the generations—really millenia—of Native peoples of the North whose written history began only a few hundred years ago.

Collins went north to Alaska in 1927 searching for clues about the movement of man into the New World. He worked along the Bering Sea coast, surveying and collecting. Collins became convinced that the Bering Strait region held important evidence of undiscovered early Eskimo cultures, and in 1928 he traveled to St. Lawrence Island to explore for them. This led to Collins' major work, "Archeology of St. Lawrence Island, Alaska," published in 1937.

For nearly 100 years, scholars and explorers had debated the question of Eskimo origins. Many believed that Eskimo culture developed in northern Canada from northward-drifting Indian groups who became accustomed to Arctic life. Collins' excavations of the remains of villages frozen in time by permafrost provided evidence conclusively refuting the Canadian origin theory. He found that the earliest Eskimo remains on St. Lawrence Island were twice as old as the oldest Canadian Thule Eskimo culture. Gradual changes in artifacts and art styles could be traced through an unbroken 2,000-year sequence. I find it fascinating that the earliest cultures were the most elaborate, having a highly developed artistic style unknown outside of western Alaska, with ties to early Asian cultures. Henry Collins' work established the antiquity of Eskimo culture in Alaska and linked its origins to Asian roots.

Dr. Collins' primary focus was archeology. Yet he maintained a strong interest in ethnology, physical anthropology, and prehistoric art and published influential papers in these areas. Collins was particularly stimulated by the work of Edward W. Nelson. Nelson had collected extensively for the Smithsonian in western Alaska in 1877-81. You may recall that the Nelson collection on Eskimo culture was on display at the Smithsonian in 1982. The exhibit, entitled "Inua: Spirit World of the Bering Sea Eskimo," projected an insightful picture into the lifestyle, philosophy and spirit of the 19th century Bering Sea Eskimo peoples. Nelson's collections and observations were much admired by Collins for their accuracy and clarity of expression.

Henry Collins retired from the Smithsonian in 1967 but remained active in research until his death. During his long career he published more than 125 scholarly monographs, articles, and reviews covering the entire field of North American Arctic archeology—a field that Collins, more than any other researcher, helped create.

Collins' many contributions to Alaska, the Smithsonian, to the Nation, to northern peoples everywhere, and to science, are widely appreciated. He will long be remembered as the man who settled the basic questions of Eskimo origins and who contributed most to the study of prehistoric Eskimo art. It was Henry Collins who established the field of Eskimo archeology as a modern science, and identified and resolved its major issues in the 20th century. Alaskans in particular owe him a debt of gratitude.

In recognition of his many contributions, the Smithsonian is establishing a national center for arctic studies to further the work begun so well by Henry Bascom Collins.

My good friend William W. Fitzhugh, Curator of Arctic Studies, Department of Anthropology at the Smithsonian Institution, sent me an article that highlights the many accomplishments of this "Renaissance Man." I ask that this article be printed in the Record, and urge my colleagues to take a few minutes to read it.

There being no objection, the article was ordered to be printed in the Record, as follows:

Dr. Henry Bascom Collins, Smithsonian "Dean" of Arctic Archeology, Dies at 88

Dr. Henry Bascom Collins, the Smithsonian Institution's internationally honored arctic anthropologist, died in Campbelltown, Pa., Oct. 21, of injuries following a fall. He was 88. Collins' pioneering studies on Eskimo prehistory and art influenced two generations of scholars who considered him the pre-eminent "Eskimologist" in the world.

Collins was best known for discoveries at St. Lawrence Island, Alaska, in the decade from 1927-1937, proving for the first time that Eskimo cultures had ancient roots in the Bering Strait and were not recent arrivals from Canada as had been previously thought.

On St. Lawrence Island, Collins excavated a series of sites where he found evidence of an unbroken sequence of changes in Eskimo art styles going back 2,000 years. This research resolved nearly a century of scholarly squabbles and the concerns of arctic peoples about their history, earning Collins the Gold Medal of the Royal Danish Academy of Sciences and an Honorary Doctor of Sciences degree from his alma mater, Millsaps College.

In 1948, Collins began research on Canadian prehistory at the invitation of his friend and colleague Diamond Jenness of the Canadian National Museum. Through excavations at Frobisher Bay, Resolute, Southampton Island, and other Canadian arctic locations between 1948-1955, Collins provided important new data and interpretations on Dorset and Thule Eskimo cultures, and trained the first generation of Canadian nationals who specialized in arctic prehistory. The Canadian work led Collins to a new synthesis of Alaskan, Canadian and Greenlandic prehistory.

Collins was born on April 9, 1899, in Geneva, Ala., and received his bachelors' degree from Millsaps College in Jackson, Miss., in 1922. After working for three summers for the Smithsonian at Pueblo Bonito, a New Mexico archaeological site, and receiving a masters' degree from George Washington University, Collins was hired as an assistant curator in the division of ethnology of the Smithsonian's U.S. National Museum.

At the onset of his Smithsonian career, from 1925 to 1929, Collins was mainly interested in the archaeology of the Southeastern United States, and he made major contributions to the study of the prehistory of the region that earned him a citation from colleagues at Harvard University in 1980.

Collins officially retired from the Smithsonian's National Museum of Natural History in 1967 but continued to maintain an office there and publish research until 1986.

Collins contributed leadership, scholarly acuity and gentlemanly ways to many organizations and activities, according to his colleagues in the Anthropology Department. He was a member of many academic societies and social clubs, including the Cosmos and the Explorers clubs. He served several times as an officer of the Congress of Anthropological and Ethnological Sciences and the Congress of the Americanists. He was president of the Washington Anthropological Society (1938-1939) and was twice vice president of the Society of American Archeology (1942-1952).

During World War II, he directed the Ethnogeographic Board, and in 1945 helped found the Arctic Institute of North America, serving as director of its Board of Governors in 1948, as chairman of its Arctic Bibliography Committee from 1947-1967, and several times as a member of its Board of Governors. Preferring research activity, Collins avoided administrative duties at the Smithsonian until 1963-65 when he was Acting Director of Smithsonian's Bureau of American Ethnology during the last two years of its existence.

Dr. Collins is survived by his wife Carolyn Walker Collins of Campbelltown; by his sister, Ione Givens of Jackson, Miss.; by his daughter Judith Rafferty of Bethesda, Md., and by his granddaughter, Penelope Pagani. A memorial service will be held in Baird Auditorium in the Museum of Natural History, Smithsonian Institution, at 2 p.m. on Nov. 5. Interested individuals may make donations to the Collins Center for Arctic Studies, c/o William Fitzhugh, National Museum of Natural History, Smithsonian Institution, Washington, D.C. 20560.

Mr. STEVENS. Again, I thank my good friend. It is not possible to be at this memorial service to honor Dr. Collins, and I am pleased to have the opportunity to do so here.

The PRESIDING OFFICER. The Senator from Alaska yielded the floor.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that morning business be closed.

The ACTING PRESIDENT pro tempore. Morning business is closed.

EXECUTIVE SESSION

REGULATIONS FOR THE PREVENTION OF POLLUTION BY GARBAGE FROM SHIPS (ANNEX V OF MARPOL 73/78)

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now go into executive session to consider a treaty, Calendar No. 3, Treaty Document No. 100-3, which the clerk will state.

The legislative clerk read as follows:

A treaty, Calendar No. 3, Treaty Document No. 100-3, Regulations for the Prevention of Pollution by Garbage from Ships (Annex V of MARPOL 73/78).

The ACTING PRESIDENT pro tempore. The treaty will be considered as having passed through its various parliamentary stages up to and including the presentation of the resolution of ratification, which the clerk will report.

The legislative clerk read as follows:

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Annex V, Regulations for the Prevention of Pollution by Garbage from Ships, an Optional Annex to the 1978 Protocol Relating to the International Convention for the Prevention of Pollution from Ships, 1973 (MARPOL 73/78).

Mr. BYRD. Mr. President, who controls time on the treaty itself?

The ACTING PRESIDENT pro tempore. The managers of the treaty will control the time.

Mr. BYRD. I thank the Chair.

Mr. PELL addressed the Chair.

The ACTING PRESIDENT pro tempore. On this resolution there will be 20 minutes of debate to be equally divided and controlled in the usual form.

The Senator from Rhode Island is recognized.

Mr. PELL. Mr. President, for decades, man has been discarding debris as part of the normal operations of merchant, passenger, fishing and recreational vessels. In recent years, the refuse disposed overboard has changed from degradable materials to waste containing many nondegradable plastic products.

Plastics are now used for fishing nets, garbage bags, packing bands and a myriad of other objects. Advances in plastic technology indicate that the production of plastic objects will continue to grow dramatically. Unfortunately, laws controlling the disposal of plastics products have not kept pace with the proliferation of these objects in the marketplace. According to testimony received by the Foreign Relations Committee, the world's shipping fleet reportedly discards each day more than 450,000 plastic containers into the world's oceans. Each year the fishing vessels dump an estimated 52 million pounds of plastic packaging material and over 298 million pounds of plastic fishing gear.

These products pose a serious threat to the marine environment and wildlife. Careful control of garbage disposal is necessary to ensure that the harm to the marine environment is minimized. The adoption of annex V of the MARPOL Convention by the United States and other countries will go a long way toward ameliorating this problem.

Therefore, I urge my colleagues to vote in favor of granting advice and consent to the ratification of this agreement.

Mr. CHAFEE. Mr. President, will the distinguished manager yield me 3 minutes?

Mr. PELL. I yield 3 minutes to the Senator.

Mr. CHAFEE. Mr. President, I want to say how happy I am that we are now ratifying annex V of the MARPOL Treaty. This is a great step forward in diminishing the amount of plastics and other types of garbage that are discharged from vessels into the seas of the world.

Because of the development of plastics and the increasing greater use of the same in water bottles and every form of food packaging and water containerization, the proliferation of plastics has increased to a far greater degree than any of us ever anticipated.

Last summer, I had the pleasure of meeting a group of sailors who had single-handedly raced around the world, with only three stops. They raced from Newport, RI, to Capetown; from Capetown to Sydney, Australia, which was the second stop; and from Sydney, Australia, to Rio de Janeiro, and then on back to Newport.

Each of these sailors, on the leg from Sydney, Australia, to Rio, and from Rio to Newport, made the commitment that they would not discharge any of their plastic waste but would save it until they had reached the next port of call. I saw the amount of plastics they had when they arrived on the leg from Rio to Newport.

It was remarkable that these single-handed sailors, with all they had to attend to, made this effort to save their plastics from being discharged, to set a model, an example, for all sailors around the world, sailors who had much more time, who did not have the burdens placed upon them that a singlehanded sailor had.

There were two extraordinary things. One was the amount that a single person could generate in plastic waste. They had saved it in great bags and brought it into the hall for a demonstration. Each sailor had approximately three mammoth garbage bags full of plastic waste that that single sailor had generated on one of the legs of the trip.

The other point they made which was interesting was that despite the lonely courses they had to choose—there is not much traffic going in the southern latitudes from Sydney, Australia, to Rio de Janeiro, around Cape Horn; very little traffic makes that journey—they all stated that they encountered in those lonely waters plastic bags floating on the surface.

We have now created an international garbage pit of the oceans of the world. Floating on the seas is all kinds of disposed plastic waste and other waste discharged from vessels.

So this MARPOL treaty, annex V, will go a long way toward reducing that. It will not totally do it, but it is a great step in the right direction. Already the U.S. Navy has taken major steps to reduce the plastic waste it discharges overboard.

So I commend the distinguished chairman of the committee for the action of his committee, and the others who partook in it, and I look forward to this annex of the treaty to vastly reduce the disposal that unfortunately is taking place to such a degree in the waters of the world.

Mr. GRAMM. Mr. President, in the absence of the distinguished Senator from North Carolina, I ask unanimous consent that I control the time on the Republican side.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. GRAMM. I yield myself 3 minutes.

Mr. President, I commend those who have worked on annex V.

With our ratification here today, 29 nations will have ratified the treaty. In terms of total tonnage of merchant shipping on the seas, preliminary estimates indicate that will take us over 50 percent, and that is the trigger point that will begin the 1-year period that must elapse before the treaty actually goes into effect.

This treaty is vitally important. We have always had a problem, since the first mariner went to sea, with seamen throwing garbage overboard, but plastics add a new dimension that we have never faced before.

Had George Washington, for example, thrown one of those plastic yokes from a six-pack of beer into the Delaware as he crossed, that plastic yoke would just be reaching its half-life today.

These plastic bottles, these plastic containers, have full lives of 400 or 500 years. That represents a very real peril, not just to wildlife but also to the lives of men and women on the planet who want to see our beaches beautiful, who want to see the quality of our oceans restored to the way the Lord made them.

This a vitally important treaty. I am proud to be one who will cast a vote for it.

My colleague from Texas, Senator BENTSEN, will be offering an amendment later that is aimed at trying to obtain for the Gulf of Mexico a special area designation. I will join him in cosponsoring that.

It is critical that we move ahead to protect our environment. I, for one, do not see any ultimate conflict between protecting our environment and having an environment in which we can create jobs, growth, and opportunity. I think the two go together. By working together on a private and public partnership, we can make that happen.

This is a historic treaty we are ratifying today in annex V, and I hope we will have an overwhelming vote for it.

AMENDMENT NO. 1127

(Purpose: To add to the Resolution of Ratification an understanding that the U.S. Government shall make every reasonable effort to have the Gulf of Mexico designated a "special area")

Mr. BENTSEN. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Texas [Mr. BENTSEN], for himself, Mr. CHILES, Mr. GRAHAM, Mr. GRAMM, Mr. HEFLIN, Mr. SHELBY, and Mr. JOHNSTON, proposes an amendment numbered 1127.

Mr. BENTSEN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the Resolving clause, and add in lieu thereof the following:

"That the Senate advise and consent to the ratification of Annex V, Regulations for the Prevention of Pollution by Garbage from Ships, an Optional Annex to the 1978 Protocol Relating to the International Convention for the Prevention of Pollution from Ships, 1973 (MARPOL 73/78), subject to the following:

"(a) *Understanding.*—

(1) The United States Government shall make every reasonable effort to have the Gulf of Mexico designated a 'special area' governed by the terms of Regulation 5 of Annex V to the 1978 Protocol Relating To The International Convention For The Prevention Of Pollution From Ships, 1973 (MARPOL 73/78).

(2) The President shall include this understanding incorporated by the Senate in the Resolution of Ratification in the Instrument of Ratification to be deposited with the Secretary-General of the International Maritime Organization.

Mr. BENTSEN. Mr. President, I have as cosponsors my distinguished colleague, Senator GRAMM of Texas, and also Senator GRAHAM of Florida, Senator CHILES of Florida, Senator SHELBY and Senator HEFLIN of Alabama, and Senator JOHNSTON of Louisiana.

Mr. President, I strongly support the ratification of annex V. Favorable action by the United States will bring this agreement into force because nations with more than 50 percent of the gross tonnage of the world's merchant shipping will have ratified it.

This is thus an historic occasion, a chance for us by a single vote to help improve the quality of life throughout the globe.

Annex V will help to rid the seas of plastic articles which now are killing millions of birds, fish, whales, seals, and sea turtles each year. It will set tougher rules against the dumping of garbage which now floats ashore and spoils our beaches.

In voicing our approval for this international agreement, I believe we can and should take an additional step to bring the extra protections of annex V to the Gulf of Mexico.

The gulf is a semienclosed basin with currents and circulation that take as long as 90 years to flush it. It is economically important and ecologically vulnerable. It has the same characteristics as other bodies of water already designated "special areas" under the terms of this annex.

In such zones, no garbage or nonfood wastes can be dumped into the sea. In other ocean areas, all kinds of floating wastes—except plastics—can be tossed overboard so long as the boat is at least 12 nautical miles from shore. Unless the Gulf of Mexico is made a special area, with the extra protection that status gives, coastal beaches from Florida to Texas will continue to be littered with tons of garbage from far off shore.

The widespread support for annex V is strong evidence of the determination of the American people to clean up our oceans and beaches. Last spring, over 23,000 Americans volunteered for beach cleanup activities. They covered over 1,800 miles of coastline and collected over 670 tons of debris. Texans were particularly active in this effort, fielding over 7,000 people who gathered over 306 tons of debris.

But volunteer efforts alone can't turn back the tide of garbage.

Cleaner beaches require cleaner oceans. For example, over three-fourths of the trash on Texas beaches comes from offshore.

Unlike so many problems that we face, this is one where there is widespread recognition that something must be done, broad consensus on what should be done, and an opportunity right at hand to do it.

Ratification, of annex V would set tough international standards against the dumping of plastics, garbage, and solid wastes. Then we can enact tough but fair implementing legislation.

Today, as we approve annex V, I believe the Senate should go on record expressing its support for the designation of the Gulf of Mexico as a special area where no solid waste dumping would be allowed.

The U.S. Government has already recognized the desirability of making such a designation. The U.S. delegation to the International Maritime Organization has announced our intention to seek approval of the designation at the IMO's meeting in November.

We now have a report by the Center for Environmental Education which assembles the proof that the Gulf of Mexico has the same characteristics of those bodies of water already named special areas. This report will be used to persuade the IMO members of the need to make the gulf a special area.

I believe that the Senate should support the policy. Accordingly I am offering an amendment to the resolution of ratification which will put the Senate firmly on record in favor of seeking to have the Gulf of Mexico designated as a special area.

This is not a condition or reservation on our approval of annex V. It is simply an understanding, an expressed hope that the U.S. Government will make very reasonable effort to achieve this goal.

By this action we can support those people who have already volunteered their time and energy for our common goal of cleaner oceans and cleaner beaches for all to enjoy.

Mr. BREAUX. Mr. President, I would like to take this opportunity to address the amendment offered by the distinguished senior Senator from Texas and ask for his clarification thereof.

First, I want to express my strong interest and support for ratification and implementation of annex V of the 1978 protocol relating to the International Convention for the Prevention of Pollution from Ships, otherwise referred to as MARPOL.

The current ocean dumping of garbage, specifically nonbiodegradable plastic materials, is simply an unacceptable practice in light of the extreme value of our delicate coastal and marine resources. The impacts of such persistent materials on marine life, recreation and tourism are well documented and certainly warrant our rapid attention. I appreciate the efforts of the distinguished chairman of the Foreign Relations Committee and others in this regard.

Because of the special hydrological characteristics of the Gulf of Mexico, and because this area is a focus of intense global shipping, oil and gas development, commercial fishing, and recreational fishing and boating, I believe it would be appropriate to further consider the designation of the Gulf of Mexico as a "special area" under the terms of regulation 5 of annex V of MARPOL. Under paragraph 2(a) of regulation 5, such designation would prohibit the disposal into the Gulf of Mexico of all plastics as well as all other garbage, including paper products, rags, glass, metal, bottles, crockery, dunnage, lining, and packing materials.

However, I am very concerned over subsequent provisions of annex V prohibiting the disposal of highly biodegradable food wastes within 12 miles of land in special areas. I recognize that outside of special areas annex V prohibits the disposal of food wastes within 3 miles of land, requires food wastes to be reduced to a maximum size of 25 millimeters for disposal from 3 to 12 miles offshore, and permits any food waste disposal beyond 12 miles. These requirements alone present a rather aggressive approach. However, paragraph 2(b) of regulation 5 regarding special areas eliminates even the option of passing food waste through a grinder—in order to achieve the 25 millimeter size—for disposal within the 3- to 12-mile zone.

My concern is that this requirement places an undue burden on small boat and vessel operators operating in the Gulf of Mexico. In particular, my concern is for the thousands of shrimp fishing vessels that typically operate for 2 to 4 weeks at a time in the 3- to 12-mile zone. Requiring these relatively small vessels to retain on board all of their food wastes for several weeks at a time poses a serious health problem not justified by the environmental threat of otherwise disposing of these wastes.

Therefore, while I certainly advocate that special attention be given to the garbage disposal problems in the Gulf of Mexico, I strongly recommend that any such proposal contain at a minimum a provision that would permit the disposal of small-particle food wastes within the 3- to 12-mile zone. I would suggest that the 25-millimeter requirement applicable to the disposal of food wastes outside special areas would be appropriate.

I have discussed this approach with those at the U.S. Coast Guard who are responsible for pursuing the special area designation for the Gulf of Mexico on behalf of the U.S. Government at future meetings of the International Maritime Organization [IMO] and I have been given every indication that the Coast Guard has no objection to including such a provision in the U.S. proposal.

Therefore, I ask the distinguished senior Senator from Texas if it is his understanding and intent that his amendment in no way precludes the efforts of the U.S. Government from pursuing and securing such a provision regarding the disposal of food wastes in the proposal to establish the Gulf of Mexico as a special area?

Mr. BENTSEN. Yes, that is my understanding and intent.

Mr. PELL. Mr. President, what is the time situation both on the treaty and on the amendment?

The ACTING PRESIDENT pro tempore. On the resolution Senator GRAMM has 7 minutes and Senator PELL has 5 minutes. On the amendment Senator BENTSEN has 6 minutes remaining and Senator PELL has 10 minutes.

Mr. PELL. I thank the Chair very much.

I would add that I think that the amendment is an excellent amendment. The Gulf of Mexico has very unique circumstances which warrant the special protections afforded by regulation 5 of this annex.

In order to preserve our time, I will at this point suggest the absence of a quorum, the time to be equally divided between both sides.

Mr. GRAMM. Excuse me.

If the Senator will withhold, Mr. President, I am happy to join my colleague, Senator BENTSEN, in offering this amendment. I do not think any of us suffer any delusion about it being easy to designate the Gulf of Mexico a special area under this treaty because this process is lengthy and cannot be done unilaterally.

Critical to that agreement will be decisions by Mexico, Cuba and other Caribbean nations to support this decision and to actively seek the support of others in trying to designate the gulf as a special area.

I think there are many things we are going to have to do. One of those things is to devise an efficient and economical way of disposing trash generated on ship, and bring together the resources of the Federal Government, the State governments, and our ports, so that we can dispose of this garbage in an efficient manner.

We are going to have to build the economic infrastructure to make all that happen.

We are going to have to prove that it can be done efficiently because when we go to nations like Mexico, far poorer than ourselves, we are going to have to be able to demonstrate conclusively, based on hard fact and proven result, that you can deal with this garbage problem, that you can impose these restrictions to improve the quality of the gulf, and you can do it at a price that does not disadvantage you in the world marketplace in terms of trade and shipping.

I think it is going to be a long and difficult task. But it is important that we begin.

I guess the turning point for me on this whole issue was when I was in Turkey as part of my work on the Armed Services Committee looking at a new facility being built by General Dynamics to build the F-16 there and I decided to go out and visit our service men and women in the Mediterranean. In flying out on a helicopter I kept seeing many black splotches on the bottom of the sea. I asked the admiral what they were. As it turns out, it was plastic, plastic bags, garbage, literally covering the bottom of the Mediterranean Sea. And that is garbage that I guess is going to be there for hundreds of years.

We have an opportunity in the Gulf of Mexico, a very fragile area, a very important area, to begin today with this amendment to annex V to begin to develop the economic infrastructure to deal with this garbage, to prove that we can dispose of it efficiently, that there is a better way than throwing it overboard.

If we can do that in the United States, if we go out and effectively convince Mexico and the other nations that have ratified this treaty, I think we have a real opportunity to see this special area designation become a reality. I think it is vitally important.

I have been very impressed by the number of people in my State and other States who have taken a personal concern for the beauty of our beaches, for wildlife and have helped clean our beaches, but there is no substitute for preventing the garbage from being dumped in the first place because the unseen garbage does as much damage to the wildlife and the environment as the garbage which we see.

I personally am committed to see this effort through to a successful conclusion. To those ports that are concerned about the economics of it, I certainly am willing to work with them to find ways to deal with the economic problem, to develop whatever public-private relationship is necesary to build the infrastructure to deal with the flow of garbage to assure that it is brought into port, that it is disposed of properly so that we do not throw it into our oceans and seas and especially into the Gulf of Mexico.

So I congratulate my colleague. I am happy to join him and I commit not only to the support of this amendment which states the goal, but I also commit to the work that is going to have to be done to make this a reality.

I yield back the remainder of my time.

Mr. BENTSEN. Mr. President, I thank my distinguished colleague for his generous remarks, and I very much appreciate his valiant support.

I yield the remainder of my time to the manager for the majority of the resolution.

The **ACTING PRESIDENT** pro tempore. The Senator from Rhode Island.

Mr. PELL. Mr. President, I thank my colleague from Texas.

I would just add again how important this treaty is and I urge all my colleagues to support it.

I think all of us who live near the sea or travel on the sea are more vividly aware of this serious problem than others. To be sailing along out of sight of land only to encounter large amounts of floating garbage makes you realize that this is a treaty long overdue.

It should be noted that the enforcement provisions of this agreement will be left in great part to the Coast Guard. I think we should bear in mind that recently the Coast Guard has been given the additional responsibilities of drug interdiction and fishery and pollution controls. At the same time, it is having its budget reduced. We are giving it more to do but less money with which to do it.

Today we are giving the Coast Guard another mission—the responsibility for the enforcement of this treaty.

I am sure they will perform to the best of their ability, but I would hope when the time comes to consider their budget, we would give them more means with which to carry out their difficult duties.

Mr. President, I suggest at this time the absence of a quorum, the time to be equally divided.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. PELL. Mr. President, I ask unanimous consent that the time on the amendment be transferred to the time on the bill.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

All time having expired on the amendment, the question will be on the amendment.

Mr. BYRD. Mr. President, does the agreement provide for a vote on the treaty immediately upon disposition of the amendment?

The **ACTING PRESIDENT** pro tempore. It does not. It provides for a vote at the expiration of the time.

The question is on agreeing to the amendment.

The amendment (No. 1127) was agreed to.

Mr. PELL. I move to reconsider the vote by which the amendment was agreed to.

Mr. BYRD. I move to lay the motion to reconsider on the table.

The motion to lay on the table was agreed to.

Mr. LAUTENBERG. Mr. President, I rise in support of the annex V Treaty of MARPOL. This is an essential step the United States must take to protect our oceans. Ratification of annex V is critical if we hope to make cleaner oceans and shores.

Annex V sets international regulations to prohibit ships from disposing of garbage in our coastal waters. It would end careless pollution from ships that dirties our waters and fouls our shores.

I applaud Senator PELL for bringing this treaty to the Senate floor and I strongly urge my fellow Senators to vote to ratify it.

Ratification of annex V in and of itself may not end pollution from ships, but without it our hopes for a cleaner ocean and unsullied beaches are little more than wishful thinking.

Furthermore, this is an opportunity to make a clear statement about the U.S. commitment, not only to cleaner oceans, but to the protection of our marine life. One of the major purposes of annex V is to control the disposal of plastics. Plastics are responsible for the death of many marine animals, including birds, turtles, and many marine mammals.

U.S. ratification would serve as a catalyst since the treaty goes into effect only after it has been ratified by countries representing more than 50 percent of the world's shipping tonnage. Nations that have ratified now account for 48 percent. American controls 5 percent of the world's shipping. Our ratification today would put the agreement over the halfway mark and trigger actual implementation.

There is overwhelming support for ratification of the treaty from all segments of the America population, not only from environmentalists but from fishing and marine industries, State and local governments, and many U.S. Government officials.

We need to recognize the consequences of failing to act on this critical treaty. I have seen the results of ocean pollution firsthand. New Jersey has an enormous coastline in contrast to the size of its land mass. We are very dependent on the resort industry. What we saw this past summer were tides of debris washed onto our shores. Vacations were ruined. Many summer businesses were seriously harmed.

I have introduced Federal legislation aimed at controlling plastic pollution. The Subcommittee on Environmental Pollution of the Environment Committee has marked up a plastics bill that incorporates much of that bill. One of its major purposes is to provide for U.S. implementation of annex V.

It is time to end this pervasive threat to our oceans and our marine life. We have delayed too long already. We will still have to wait a year after ratification for the treaty to take effect. We must act now before still more beaches are spoiled and more sea animals needlessly injured.

The next International Maritime Organization's Marine Environment Protection Committee is scheduled to meet on November 30. Adjustments to the world's shipping figures at the November meeting could change the balance needed to ratify the treaty or the U.S. share of the world tonnage.

If we fail to act now we may lose this opportunity. There will never be a better opportunity for the United States to show its commitment to cleaner oceans and shores.

America should be in the forefront of international efforts to protect our oceans. Mr. President, I call upon my fellow Senators to approve this vital treaty so we can protect our oceans and our shores.

Mr. D'AMATO. Mr. President, I rise today in support of annex V of the MARPOL Treaty. This treaty is essential in that it will ban the dumping of plastics and other garbage into the ocean by ships.

The dumping of plastics into our oceans has reached epidemic proportions. Recent studies indicate that each year approximately 640,000 plastic containers are dumped into the ocean by the world's shipping fleet and approximately 52 million pounds of plastic packaging material and 298 million pounds of synthetic fishing gear, including nets, lines and buoys are discarded by fishing vessels. Over the past few years, our beaches and coastlines have been bombarded with the plastics and other garbage thoughtlessly tossed overboard by marine vessels.

On October 10 of this year, the New York State Department of Environmental Conservation organized a group of volunteers to scour four of New York's beaches. The amount of garbage recovered by these volunteers was astounding. At Breezy Point Beach in Queens alone, over 4,000 separate items, or 1 ton of garbage, was collected; 90 percent of this garbage was plastics. The items included: 600 small plastic juice containers, untold quantities of plastic stirrers, hundreds of styrofoam cups, 18 automobile tires and countless quantities of automotive products containers—an unsavory beachcombers take, if a hefty one.

Mr. President, how can we allow our children to swim in waters that are brimming with garbage? The dangers posed to humans and marine life are immense. Ships are damaged by plastic sheets picked up in water intakes and from ropes and nets that foul propellers.

This problem is worldwide in scope. Ratification of this treaty by at least 25 countries would virtually eliminate this desecration of our precious, and all to fragile, oceans. This international agreement would become effective 1 year after at least 25 nations representing 50 percent of the world's shipping tonnage ratify it. The United States accounts for about 4 percent of the world's shipping tonnage. Twenty-seven countries, representing 45 percent of the world's shipping tonnage, have already ratified the treaty. U.S. ratification would increase the tonnage to 49 percent.

Mr. President, I urge my colleagues to ratify this treaty. Cleaner and safer waters, and beaches we and our children can safely enjoy, will benefit us all.

Thank you, Mr. President.

Mr. KERRY. Mr. President, for centuries our oceans have served as a dumping ground for ships at sea and the Nation's coastal cities. Today however, such dumping has reached epidemic proportions and created an alarming situation. America's oceans are literally being swamped with garbage.

For that reason, I strongly support the pending treaty to ratify Annex V of the MARPOL Convention. This treaty is critical in working toward cleaning up our oceans and shores and is a first step in ridding our waters and beaches of the fouling plastic pollution that is plaguing our marine life. Annex V prohibits the dumping and discharge by vessel signatories of plastic garbage anywhere in the ocean. Disposal of packing material is prohibited within 25 miles of the land and disposal of other garbage such as food wastes, glass, and metal, within 12 miles. In addition reception facilities capable of accepting garbage from vessels will be required at ports and terminals.

Earlier this year I chaired a Commerce Committee hearing on plastic pollution and what we learned at the hearing was alarming. According to the National Academy of Sciences they estimate that several hundred million pounds of plastic products end up in the sea each year. Plastic trash includes discarded fish gear, plastic bottles, six-pack holders, plastic bags, styrofoam packing materials, and a variety of other plastic objects. The consequences of having such plastic pollution littering our beaches and surface waters is staggering. Millions of birds, fish, whales, seals and sea turtles die each year from ingesting or becoming entangled in plastic debris. In fact recently off the Massachusetts coast, a National Marine Fisheries Service researcher studying marine life on Georges Bank, roughly 50 miles from shore, came across a fish with a plastic six-pack holder hooked around its gills. Not a very pleasant picture. Yet even more alarming, Mr. President, is the fact that such plastic garbage can take up to 450 years before the environment can break it down. To point out the extent of how this problem has grown, a new study by the Woods Hole Oceanographic Institution in my home State found that two to four times more plastic debris is washing up on our shoreline than just a decade ago. Recently, I helped sponsor "Coastweek '87," a month long volunteer effort to clean up Massachusetts beaches. It has been estimated that volunteers collected approximately 170 pounds of trash per mile during this clean up celebration.

The ratification of this treaty before us will not end plastic pollution in our waters, but it will work to significantly curb such marine abuse. Some of you may recall an incident last August off of Cape Code in which hundreds of bags of garbage floated up on the cape's historic beaches. Upon investigation it became clear that the origin of this garbage was a foreign vessel. The treaty before us today will ban such international abuse that has violated our seashore and marine life by making offshore ship dumping a crime. In addition, Mr. President, in the Commerce Committee we will soon be marking up a plastic pollution bill which will work hand in glove with this important treaty. Mr. President, I strongly support this treaty and urge my colleagues to vote in favor of the Annex V Treaty of the MARPOL Convention.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

All time has expired. The question is on agreeing to the resolution of ratification, as amended, on Executive Calendar No. 3, 100-3, 100th Congress, 1st session, regulations for the prevention of pollution by garbage from ships (annex V of Marpol 73/78).

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Tennessee [Mr. GORE], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Maryland [Ms. MIKULSKI], the Senator from New York [Mr. MOYNIHAN], the Senator from Illinois [Mr. SIMON], and the Senator from Mississippi [Mr. STENNIS] are necessarily absent.

I further announce that, if present and voting, the Senator from Tennessee [Mr. GORE] would vote "yea."

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. BOND] is necessarily absent.

The PRESIDING OFFICER (Mr. BREAUX). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 93, nays 0, as follows:

[Rollcall Vote No. 368 Ex.]

YEAS—93

Adams
Armstrong
Baucus
Bentsen
Biden
Bingaman
Boren
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Chiles
Cochran
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Evans
Exon
Ford
Fowler
Garn
Glenn
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Hecht
Heflin
Heinz
Helms
Hollings
Humphrey
Inouye
Johnston
Karnes
Kassebaum
Kasten
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lugar
McCain
McClure
McConnell
Melcher
Metzenbaum
Mitchell
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Proxmire
Pryor
Quayle
Reid
Riegle
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simpson
Specter
Stafford
Stevens
Symms
Thurmond
Trible
Wallop
Warner
Weicker
Wilson
Wirth

NAYS—0

NOT VOTING—7

Bond
Gore
Matsunaga
Mikulski
Moynihan
Simon
Stennis

The PRESIDING OFFICER. Two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

Mr. PELL. Mr. President, I move to reconsider the vote by which the resolution of ratification was agreed to.

Mr. BRADLEY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Jersey.

Mr. BRADLEY. Mr. President, I ask unanimous consent to proceed for 4 minutes as in executive session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BRADLEY. Mr. President, I rise today to offer my very strong support of ratification of annex V of the International Convention on the Prevention of Pollution from Ships [MARPOL]. It is high time we recognize the danger of ocean dumping and joined the international community in stopping ships from dumping their garbage into the ocean.

Ratification of annex V of the MARPOL Convention will ban the dumping of shipboard wastes within 25 miles off shore. Dumping of plastics would be banned completely.

A decade ago, the National Academy of Sciences estimated that 14 billion pounds of waste are thrown overboard by vessels at sea each year. That figure is clearly higher today. Our marine environment shows the effects of using the ocean as a garbage dump. We in New Jersey witnessed an awful spectacle last summer. Beaches up and down the State closed because pollution—including syringes and other hospital waste, plastics, and other forms of garbage—washed up on our shores. One source of that pollution was the thousands of vessels arriving in and approaching New York Harbor each year.

Not only does plastic waste and other debris follow our Jersey shore, but also, it poses a grave hazard to marine life. Sea turtles, pelicans, herons, cranes, and other water fowl become entangled in plastic fishing lines and net fragments, packing bands, six-pack connectors, and plastic bags. Dolphins and water fowl swallow plastic pellets along with other foods. It is estimated that 50,000 northern fur seals die each year after becoming entangled in plastic packing bands. That number, I am sorry to say, is growing.

Plastics do not sink or decay; they persist, and they float—until, of course, they wash up on our beaches or kill marine life. We must dispel the notion that the ocean is a convenient place to dump wastes. The problem has become so enormous that inaction is simply not an acceptable option.

Mr. President, the action we are taking today is of singular importance. But there are many other steps we must take to preserve our shore and our marine environment. We have to enact legislation to implement this treaty. We must curb the blight of plastic pollution on the domestic front.

The Environmental Protection Agency must move quickly on a request I have made to implement a system of tracking hospital waste from cradle to grave. The Secretary of Commerce must share an interagency task force to investigate the possible use of satellites to enforce the laws which make dumping a crime.

Finally, the EPA must use the funds the Senate has already provided to investigate the State of New York Bight and to assess ways to preserve the delicate estuarine areas that we value so greatly.

All these measures are intended to protect and preserve our oceans and shorelines. The treaty we will ratify today is one important part of the continuing effort to preserve the Jersey shore and the entire coastal area of the United States.

MORNING BUSINESS

Mr. BYRD. Mr. President, as in legislative session, I ask unanimous consent that there be a period for morning business, not to extend beyond 10 minutes, and that Senators may speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

PRESIDENT'S CHILD SAFETY PARTNERSHIP AWARD

Mr. SHELBY. Mr. President, in this body, we frequently rise to express our anger, our frustration, and our opposition to various situations, programs, and policies. Less frequently, however, do we have the opportunity to stand in this Chamber and speak about the good things that are sometimes overlooked among all the problems. Mr. President, today I have such an opportunity because the people in my home State of Alabama time and time again give me reason and cause to stand before this distinguished body and proudly share their accomplishments.

Today in a ceremony at the White House, Mr. Robert E. Cramer, the founder and president of the National Children's Advocacy Center in Huntsville, AL, will receive the President's Child Safety Partnership Award. Founded in May of 1985 by Mr. Cramer, the district attorney of Madison County, this north Alabama center has become a role model for three other centers in Alabama and several other centers nationwide.

Mr. President, we live in a country where conservative estimates reveal that the number of child deaths from abuse or neglect rose 23 percent between 1985 and 1986. We live in a country that has the highest teen pregnancy and infant mortality rates in the Western industrialized world. We live in a country that for too long has let the cries for help—the cries of children—go unheeded.

Indeed, child abuse is a problem that is both complex and emotional—a subject that for a long time has been almost taboo. It seems to me that for too long family problems have been viewed as just that—family problems—regardless of the fact that many of the problems have constituted criminal acts. A result of the secrecy that shrouds this issue is the problem of collecting any substantive statistics about the frequency, incidence, and degree of child abuse in the United States. This lack of information prevents a truly coordinated—national approach—to this problem which continues to permeate our society and gnaw away at the fabric of this country—the American family.

And that is why it is with a great deal of pride that I share with you the success of the National Children's Advocacy Center in Huntsville. This program is rooted in the concept of preventing the revictimization of abused children. This goal is accomplished by following three tenets: First, by enabling the children to experience their involvement with the responding agencies as therapeutic in the environment of the center; second, by holding more child abuse offenders accountable for their crimes; and finally, by enhancing the skills of the professionals who work with the abused children.

But above and beyond this, the National Children's Advocacy Center provides a safe haven for the children—a place to escape their problems, a place to receive counseling or talk with law enforcement personnel, a place to just be a kid—free from both the physical and emotional burdens of abuse. The Huntsville Center is a place away from the home, yet, in the community, where a child is free to deal with their problems on their own terms, at their own safe haven.

That, Mr. President, has been the formula for success for the National Childrens' Advocacy Center in Huntsville—a success that has brought the center to the attention of the President of the United States and has earned them this most prestigious award. I salute the National Children's Advocacy Center and Mr. Robert Cramer, its founder and president, for their tireless efforts to bring the crisis of child abuse out of the home and into the community. I feel confident that programs such as this in conjunction with the renewed support of the Congress as is evidenced by the swift passage of the Child Abuse Prevention Act just 2 days ago will help this country deal more effectively with the national problem of child abuse.

Mr. President, I yield the remainder of my time.

SENATOR STENNIS' 40TH ANNIVERSARY

Mr. JOHNSTON. Mr. President, today we are celebrating the 40th anniversary of the day Judge John Stennis came to the U.S. Senate. Before he arrived, he had already had more careers, served longer in public life, given more to his State and Nation than most people would in a lifetime. Today, over 13,000 rollcall votes and eight Presidents later, he is still going strong; to use his favorite expression, he is still plowing his furrow as straight as ever.

Compared to others, the United States is still a young country. JOHN STENNIS has been in the Senate for one fifth of its existence as an institution. It is possible to capture much of the history of a young country in the memory of a single man or woman. JOHN STENNIS remembers his mother telling him how her mother buried the family silver to hide it from the Yankees. He remembers growing up in the red-clay cotton fields of Kemper County, and knowing at first hand how vulnerable his State's rural economy was to drought or depression. But the Judge doesn't believe in looking back or going back. Through 40 years of legislative mastery and sheer hard work, he has fought for jobs and industry for Mississippi. Thanks to him, she holds her own among the 50 States, almost all larger and richer, and for the people of his State, this may be his greatest legacy.

They don't just appreciate him in Mississippi, they revere him. On August 3, 1985, his 84th birthday, they gave him a party in De Kalb, his hometown. Thousands of people, including a dozen present and former Senators of both parties, showed up to weclome him home. He was recovering from surgery, and of course we wanted to let him know how pleased we were to have him back at work in the Senate. We stood there on the courthouse porch and talked about his achievements—Tenn-Tom, the Appalachian Regional Development projects, the Naval Oceanographic Institute, the Pascagoula shipyards. But what we were really doing there, everybody, black, white, young, old, men and women—and the Judge says that the contribution of women to public life is the biggest change that has happened in his lifetime—was reaffirming our basic values. The grit that keeps a man coming back from illness and loss, time after time, that keeps him doing his duty as he sees it, is the attribute Americans admire most. In celebrating JOHN STENNIS' homecoming, we were celebrating what is best about Mississippi and about America.

He seems to me to embody all the values of the young republic, the concepts of duty and hard work, of courage and endurance, of courtesy and candor. He is, however, a modest and unassuming man. Looking across the street from the courthouse, we could see the sign on his office. In De Kalb, MS, they think of the President pro tempore of the Senate as "JOHN STENNIS, Lawyer."

He has brought those values to the U.S. Senate. Based on his knowledge and love of the laws of God and man, he set for himself standards of behaviour. He has shared them with us, to our great benefit, devising the Senate's first code of ethics and chairing the first select committee.

He is a great chairman of the Appropriations Committee because he is a frugal man, who knows a bargain when he sees one, especially a bargain for his country. Back in the 1970's, the Shah of Iran contracted to buy four destroyers. We all know what happened to the Shah, but maybe some people don't know what happened to the destroyers. When the Shah fell, the ships were under construction. Obviously, the shipbuilders wanted to be paid, and equally obviously, the ships couldn't be sold to the Iranians. The Judge convinced President Carter to buy the ships, and the United States got four *Kidd*-class destroyers at bargain-basement prices. Ironically, the U.S.S. *Kidd* is on patrol in the Persian Gulf today. A less farsighted man might have saved the money and passed up buying the destroyers; a less economical man might have spent twice as much. JOHN STENNIS has always tried to stretch the taxpayers' dollars as far as they will go to buy the best defense the country can afford.

For the 40 years while he served Mississippi in the U.S. Senate, he has also served his country. He has worked to develop its resources, military, economic and social. He believes in a strong defense, a sound fiscal policy and a productive educational system, and he has mastered the art of compromise which allows him to move, slowly and steadily, toward these goals. For 15 of those 40 years, I have had the honor and pleasure of serving with him, and learning from him.

One thing I learned is that you finish what you start. There was no way JOHN STENNIS was going home to De Kalb without writing his ticket on the Tenn-Tom. Working with him has been one of the great experiences of my life, and today I want to thank him for it.

FATHER JOHN P. SMYTH, A LEADER IN COMBATING CHILD VICTIMIZATION

Mr. DIXON. Mr. President, I would like to call the Senate's attention to the work of Father John P. Smyth, executive director of Maryville City of Youth in Des Plaines, IL. Father Smyth is receiving an award today from the President's Child Safety Partnership Committee recognizing Maryville's Paulina Home Shelter as one of the exemplary facilities in the country combating child victimization.

Sexually exploited children come from all parts of the country, all levels of socioeconomic status, and all racial and ethnic groups, Mr. President. The cycle of child abuse and exploitation perpetuates itself as victims become adults. However, intervention and treatment can bring victims back from the brink. The cycle does not have to perpetuate itself. Father Smyth recognized this and sought to do something about it. Paulina Home Shelter is the result.

Father Smyth opened Paulina Home in the city of Chicago in March 1985. The home's purpose is to provide for the care and treatment of victims of sexual abuse, child pornography and teen-age prostitution. More than 250 youths have received its services.

The good news, Mr. President, is that the program works; these youths are growing and developing a sense of balance where once there was none. In short, the program allows them a chance to be chidren again.

Under Father Smyth's leadership, Paulina Home seeks to heal the deep emotional scars these youths sustained as a result of sexual abuse. Paulina Home's program fosters renewal of the victims' spirits by providing a familial setting in which to begin the process of redeveloping self-esteem and self-worth.

Paulina Home works closely with the Cook County State's Attorney Office, the Chicago Police Department and the Illinois Department of Children and Family Services to provide care for these sexually exploited children. Their combined efforts have produced a more effective outreach program for the victims of sexual abuse.

Father Smyth, the director and staff at Paulina Home Shelter have worked tirelessly to bring these young people back into the mainstream, to heal the wounds of sexual abuse and to instill in them dignity, trust, and confidence.

The Nation, the people of Illinois, and especially the youth who have benefited from Paulina Home owe much to Father Smyth's vision and dedication. It is with great pleasure that I congratulate Father Smyth on his efforts, and wish him and the administration and staff of Paulina House continued success in the fight against child victimization.

We should further congratulate Father John Smyth, a former captain of the University of Notre Dame basketball team, on his 25th anniversary as executive director of Maryville which is totally dedicated to the training and development of our abandoned and unfortunate youth.

HEALTH CARE COST CONTAINMENT

Mr. DIXON. Mr. President, on October 14, 1987, Robert A. Schoellhorn, chairman and chief executive officer of Abbott Laboratories, spoke to the shared medical systems [SMS] health executives forum which was held in Palm Desert, CA.

I believe Mr. Schoellhorn's speech, "the cost and quality of health care's impact on medical technology" to be both timely and appropriate.

While Abbott supports and contributes to cost containment in the health care system, Mr. Schoellhorn expresses a potential threat to medical innovation from shortsighted approaches. He offers specific recommendations on how partners in the health care delivery system can work together to protect medical innovation and the long-term quality of the health care system.

Mr. President, I ask unanimous consent that Mr. Schoellhorn's speech by printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SPEECH OF ROBERT A. SCHOELLHORN, CHAIRMAN AND CHIEF EXECUTIVE OFFICER, ABBOTT LABORATORIES

Good morning. The assigned title of my talk today is "Medical Technology's Impact on the Cost and Quality of Health Care." I hope you don't mind if I take the opposite perspective of this subject by flipping the title around. That makes it "The Cost and Quality of Health Care's Impact on Medical Technology."

Let me explain. I believe everybody in this room appreciates the tremendous contribution medical advances have made to improve the quality of health care—and most of us appreciate to some degree how technologies can help control spiraling health care costs.

But what hasn't been aired publicly is the pending crisis medical technology now faces under the weight of today's simultaneous and somewhat contradictory demands for higher quality care and rigorous cost controls. The crisis is inconspicuous, but ominous. Important advances in medical technology face the threat of being sacrificed in the name of cost control. Obviously, we all have a stake in this.

To remind you of that stake and so we're all operating from the same premise, let me describe what I mean by medical technology. If the average American were asked to define medical technology, more than likely he would speak of highly visible items such as artificial hearts, computed tomography, liver transplants and the like.

I don't need to tell you that medical technology is much broader than that encompassing pharmaceuticals, devices, diagnostics, nutritionals and many other products. And that's only part of it—the manufacturer's contribution. You—the providers—have the other half of the equation—the skills to perform a procedure, interpret a result or supervise a process. Medical technology, then, consists of combinations of products, procedures and personnel that save lives and reduce costs.

The point is—medical technology involves all of us and together manufacturers, providers and purchasers need to address the potential threat to future advances.

Now "threat" is a strong word and I don't use it lightly. What makes it so serious is that for most of the public it's an unrecognized threat—which is understandable. After all, the rate of innovations and new breakthroughs is greater than ever before. But that's because most of today's medical advances came about in an era driven by untethered patient demand for more and better health care with virtually unlimited access. Today's environment is a very different one.

Few industries have changed so dramatically over such a short time. In just two decades, we've built a health care delivery system in this country that is second to none. A vast majority—80 percent—of Americans now have access to a system which includes the best in medical technology, most of it developed by U.S.-based manufacturers and providers.

This kind of expanded access has had its costs. Between 1966 and 1986, health care expenditures grew tenfold from $42 billion a year to $426 billion annually. It took a while, but these huge outlays did not go unnoticed by a government footing 42 percent of the bill.

So in 1983 President Reagan signed legislation enacting the prospective payment system for Medicare. It replaced the traditional means of reimbursing hospitals for their costs and substituted instead the pre-established rates you all know as diagnostically related groups of illnesses or DRG's.

Today, four years later, DRG's have not only revolutionized government programs, they have led to a revolution in the private sector. The competition that manufacturers have been facing for years has been unleashed among providers and insurers. Throughout the health care system, everyone whether it's HMO's, PPO's, hospital chains, third-party insured or employers is working within some kind of cost parameters.

As you well know, the name of the game today is creating incentives that direct health care utilization towards the most cost-effective systems and technologies. Much of the private sector's way of doing this is through a variety of "managed care" approaches. While providers traditionally emphasized quality, "managed care" focuses more on cost.

In the process, a new set of decision makers has been created. Medical care decisions are no longer the domain of only the physicians. Insurance companies, employers and utilization review coordinators are now acting as the gatekeepers to health care—and I might add, to new medical technologies.

So, the byword today is "cost containment." This isn't to say we've forgotten quality. We haven't. In fact, our growing elderly population's rising expectations of improved lifestyles has driven the demand for quality health care higher than ever. And this is the crux of the problem.

I believe that our system's responses to demands for cost controls are now on a collision course with the new medical technologies being developed in response to public demands for more and better health care. This brings us to a critical crossroads in deciding the value we want to place on protecting medical innovation.

Few of us here would disagree that the challenge for the future is to contain costs while continuing to provide as many people as possible with the highest quality care. But can this be done in today's cost competitive environment? Some thought leaders think these are contradictory goals that cannot be met without foregoing certain medical technologies and denying some patients access to the more expensive forms of health care. I don't believe this has to happen.

Our new competitive environment presents some excellent opportunities for manufacturers and providers to work together to achieve both goals. Prospective payment and many managed care approaches to cost controls do. However, they pose some very serious risks that could bring the rate of innovation in medical technology to a grinding halt. But there are ways to substantially reduce these risks.

Let me begin with two excellent opportunities stemming from cost control pressures that we need to capitalize on as soon as possible. The first is partnerships—or alliances—linking manufacturers, providers, and purchasers into comprehensive systems of health care delivery networks.

The genesis of these partnerships is improved communications. As all of us search for solutions to cost containment, we have been virtually forced to communicate with each other on an unprecedented level. Through communications, manufacturers now have a much clearer understanding of providers' day-to-day costs and quality problems, and as a result are focusing R&D on high quality technologies that reduce labor costs and shorten hospital stays. Providers, in turn, are gaining a better understanding of which technologies can reduce costs per case. And purchasers are setting clearer objectives for providers in terms of price, quality and patient outcome.

This kind of communications has led to the establishment of some prototype partnerships between various sectors of the health care system that set a promising trend for the future. For providers, this has included hospitals allying with other providers as well as with teaching facilities, nursing homes and suppliers.

A good example of this type of partnership is in the New England area where the Voluntary Hospitals of America has established a regional healthcare network of 17 hospitals, which includes such institutions as Massachusetts General and Lawrence Memorial. Working together, these hospitals have developed joint home health care, nursing homes and purchasing operations along with an extensive patient referral system.

Manufacturers, such as Abbott, are also getting involved. Two years ago Abbott established a Corporate Partnership Program which works closely with major health care providers to ensure our technology is used in a manner that maximizes both cost effectiveness and quality care.

Abbott and other manufacturers are also allying with each other. Just last week, Abbott and 3-M announced the formation of a partnership called the Corporate Alliance that will help hospitals lower the cost of acquiring branded health care products from the two companies. The Alliance initially offers hospitals three major services: a multi-vendor electronic order entry system, consolidated product delivery, and centralized customer service. We anticipate that other major health care suppliers will join the Corporate Alliance making it even more attractive to hospitals.

These examples are the embryonic stages of what health care delivery may evolve into by the year 2000. According to a recent article in the Journal of the American Medical Association, "The hospital of the future will be transformed into the critical care hub of a dispersed network of smaller clinical facilities, physician offices, and remote care sites that may stretch out as far as 200 miles from the core facility connected by air and ground critical care transport and integrated by clinical information and patient monitoring systems."

Now why are these networks—or partnerships—important to the future of medical technology? This brings me to the second opportunity. Up until recently manufacturers, providers, and purchasers, for the most part, have worked independently to innovate, purchase and utilize medical technology. That was O.K. as long as we could afford to subsidize the inefficiences and over-utilizations that something resulted. Today's environment doesn't permit that luxury.

However, the new partnerships being formed present a tremendous opportunity for manufacturers and providers to conduct joint research not only to evaluate clinical results (as we do today), but to assess long-term economic costs (which we don't do now). The synergy resulting from these relationships can contribute directly to new technologies with improved quality as well as economic benefits.

Now let me turn to the risks I mentioned earlier. Inherent in our new competitive environment is a substantial yet largely unrecognized risk of seriously damaging the innovative process that produces so many important medical advances for us.

Why do I believe this? As we have debated solutions to the cost of health care, two words have become synonymous: technology and expensive. New Drugs, new medical devices, new diagnostic tests and new procedures are often critized for their price and rate of utilization.

According to a study done by Lewin Associates for the National Committee on Quality Health Care, "Under the sometimes misleading label of 'intensity,' technology has been charged with responsibility for 20 to 50 percent of the growth in health care costs." In a recent Forbes magazine article, professor William Schwartz of Tufts University says, "Unless we are willing to forego the introduction and diffusion of innovative diagnostic and therapeutic measures, they will add billions to medical costs."

If we accept this kind of reasoning, we are allowing technology to become identified as the major factor in increasing the cost of health care. Nothing could be further from the truth.

Technology by its very nature offers us the opportunity to reduce costs. This can occur in two basic ways. First, technology can produce something that does the job better, more accurately or faster even though the specific technological element may cost more. Examples of this include premixed I.V. solutions that improve hospital productivity and less invasive surgical procedures, such as arthroscopic surgery that allows outpatient treatment instead of inpatient care. Most managed care systems recognize the effectiveness of these kinds of technologies.

There is a second type of technology whose primary quality and economic benefits do not immediately accrue to the system, but are realized in longer terms. This type also can lead to the development of cures or procedures that are not possible today.

A couple of quick examples come to mind. One is the continuous measurement of oxygen saturation with a catheter. While this new catheter technology is initially more expensive than the standard thermal dilution catheter, its superior ability to detect cardiac output problems early helps avoid complications which, of course, reduce longer-term costs.

Another example is the cochlear implant that offers a stone-deaf person a rather crude but nevertheless important advance in his or her ability to hear. This is an expensive technology. But it's an advance that is clearly the first generation of an increasingly sophisticated range of products—products with long-term economic benefits that can allow a person to be more productive in the workplace.

Unfortunately, these kinds of advances that do not produce clear, immediate cost savings are much less likely to be reimbursed by the government or purchased by providers. I can tell you—this doesn't offer a medical products manufacturer much incentive to invest in the development of such technologies. R&D decisions, after all, reflect the reality of the marketplace. This is a serious long-term problem—for you as well as us.

As CEO's of provider organizations, I'm sure you recognize that advances in medicine help you maintain your competitive edge—and as manufacturers we're proud to contribute to that. But the economic incentives of many cost driven plans run in the other direction. If we can't invest in bringing higher quality, cost-efficient products to the market, we lost the sale, and you lose your competitive edge. That's bad business for both of us. So in many ways, your future is our future.

What can we do as partners in the health care delivery system to ensure this mutual future comes out well for both of us—and, more importantly, for society? I have a few recommendations. Several of them are taken from the National Committee for Quality Health Care of which I am a trustee.

There are actions all of us can initiate and other actions that can be taken specific to each player in the system. This includes manufacturers, providers, physicians, purchasers, and government officials.

First, all of us must ensure that the high level of support for research and development of medical technology is continued in both the private and public sectors. Progress in medicine is heavily dependent on progress in technology. Illnesses that are not effectively treatable as well as high cost technologies represent problems that will likely yield only to successful research and development.

Second, all of us must evaluate technology, not only for a short-term effect on the bottom line, but for a system-wide benefit. This means we must readjust our reimbursement philosophy to take into consideration the fact that some new products with higher acquisition costs than older ones actually produce a net economic benefit. What we should be doing is spending more of our energy to assess the impact of a product on total costs associated with illness. This includes the efficiencies it brings to delivering care and the economic benefit to the individual and to society of returning that person to good health sooner than would otherwise be possible.

Third, all of us must generate better data and do a better job of exchanging that data if we are going to improve the evaluation of long-term cost effectiveness. Information about the immediate and long-term clinical and economic impacts of technologies is a crucial element in making balanced purchasing decisions and allocating appropriate research expenditures.

Fourth, providers should do more to establish technology assessment procedures that integrate both quality and cost effectiveness. In the past, quality was the prime factor in assessing technology. Now, the pendulum has swung—too far in my opinion—over to costs. The decision process must be intergrated and a key element of this process is the physician.

That leads me to point number five—physicians must get themselves more involved in technology selections. They are the gatekeepers of quality medicine and traditionally have been the major decision makers regarding which technologies are adopted. With many managed care systems, there is a potential for technology decisions to be removed from medicine to the detriment of quality care.

Sixth, manufacturers need to do a better job of directing R&D dollars at technologies that are truly cost effective. If manufacturers are going to be successful under our new system of cost constraints, they must respond to market demands. This means making an extra effort to understand your economic incentives as well as those of health care purchasers and patients. One of the best ways for us to do this is through the partnerships between providers and manufacturers that I mentioned earlier. I might also add that providers have a direct interest in supporting research-based suppliers—the ones who actually develop new technologies rather than just copy someone else's innovations.

Seventh, manufacturers also must do a better job of marketing cost effective technologies to providers. Too many manufacturers try to impress customers with "high-tech" features and the "gee whiz" gadgets and promises that go with them. While high-tech features may get some products to market, your bottom line won't be helped unless you understand how products can be used to control your costs. It would be a shame if a product's bells and whistles overshadowed a real cost benefit that went unrealized.

Eighth, purchasers should be committed to long-term patient quality of care and cost effectiveness. Employers have the responsibility of educating employees on the value of insurance that protects them against the extremely high cost of long-term care. This could mean offering lower cost insurance plans that have better, long-term coverage but with higher deductibles and co-payments. In doing so, employers should reward competitive plans that are mindful of long-term, cost-effective technologies. In fact, early next year Abbott will begin an employee benefits program along these lines.

Finally, government needs to purge itself of regulations that serve as barriers to technology development. Examples are excessively restrictive government reimbursement policies for new innovations that limit the resources and incentives needed to conduct research on new technologies. Another example is the Health Care Financing Administration's review process. HCFA needs to begin reviewing devices for medical reimbursement before final FDA approval to avoid unnecessary delays in making cost-effective new technologies available to patients.

In conclusion, the new competitive environment and its twin driving forces of cost control and quality will have a significant impact on future medical technologies. Some of the impacts will be good. The search for cost reductions has forced many major health care players together. From these new partnerships will come significant efficiencies in the way health care is delivered as well as some important cost and quality improvements in medical technology.

However, the impact of cost-driven systems with myopic approaches to containment could seriously damage incentives to discover and develop new advances. All of us should be concerned about these incentives. We should be concerned about industry's ability to invest in R&D that is going to yield important advances with long-term economic efficiences—not just those that help cut costs immediately.

So all of us have a stake in protecting continued medical innovation and we need to work together to achieve this goal. Manufacturers, providers, purchasers, physicians, and policymakers can take specific actions together and as individuals to collectively assure that a balance is maintained between cost savings and quality health care.

We have worked hard to make our system of health care the best in the world. Let's do everything we can to keep it that way.

ENERGY AND WATER DEVELOPMENT APPROPRIATION ACT, 1988

The **PRESIDING OFFICER.** Under the previous order, the Senate will now return to legislative session and the clerk will report the pending legislative business.

The assistant legislative clerk read as follows:

A bill (H.R. 2700) making appropriations for energy and water development for the fiscal year ending September 30, 1988, and for other purposes.

The Senate resumed consideration of H.R. 2700.

Pending:

Johnston Amendment No. 1125 (to the first committee amendment), of a perfecting nature.

The **PRESIDING OFFICER.** The Senator from Louisiana.

Mr. **JOHNSTON.** Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. **JOHNSTON.** Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is ordered.

Mr. **JOHNSTON.** Mr. President, I send a modification of my amendment to the desk and ask that it be reported.

The **PRESIDING OFFICER.** The clerk will report the amendment of the Senator from Louisiana.

The assistant legislative clerk read as follows:

In amendment No. 125, insert new language after page 39.

Mr. **JOHNSTON.** Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

Mr. **ADAMS.** Reserving the right to object.

Mr. **BYRD.** That is not an amendment. It is a modification and the Senator is entitled to make it.

The **PRESIDING OFFICER.** The Chair will observe the Senator has a right to modify his amendment.

Mr. **ADAMS.** That, I understand, Mr. President.

The **PRESIDING OFFICER.** The Senator reserves the right to object to dispensing with the reading of that amendment?

Mr. **ADAMS.** Yes.

Mr. **BYRD.** It is not an amendment. It is a modification.

The **PRESIDING OFFICER.** The modification of the amendment will be made available to all Senators.

Mr. **ADAMS.** I thank the Chair.

The modification is as follows:

On page 39, after line 18 of the Johnston amendment No. 1125, insert:

"(1) on page 5, line 4, amend paragraph (2) to read as follows:

'(2)(A) Effective on such date of selection of a preferred site, the Secretary shall initiate a program of surface-based testing at the other sites selected for characterization as candidate sites for the first repository.

'(B) The purpose of the program under subparagraph (A) shall be to obtain such additional data as the Secretary determines is necessary to have sufficient information to evaluate the suitability of such other candidate sites for a repository should the preferred site prove to be unsuitable or inadequate for licensing under section 114(d).'

"(2) On page 25, after line 21, add a new subsection as follows:

'(d) Upon the date of the enactment of this section the Secretary shall phaseout in an orderly manner within 6 months of funding for all existing research programs designed to evaluate the suitability of crystalline rock as a potential repository host medium.'

"(3) On page 27, after line 20, add a new subsection as follows:

'(f) Not later than January 1, 1990 the Administrator of the Environmental Protection Agency shall promulgate revised standards for the disposal of radioactive waste under section 121.'

"(4) On page 27, strike lines 21 and 22 and insert in lieu thereof the following:

'OVERSIGHT BOARD

'(a) Within 30 days after the date of the enactment of this section, the Secretary shall seek to enter into a contract with the National Academy of Sciences (hereinafter in this section referred to as 'the Academy') for the purpose of establishing an oversight board under the auspices of the Academy to review and evaluate the scientific and technical adequacy of the Secretary's programs under this Act.

'(b) The oversight board established under this section shall consist of an appropriate number of scientists, engineers, and other individuals determined to be qualified by the Academy.

'(c) Activities of the Secretary to be reviewed by the oversight board under this section include—

'(1) activities under section 402(a)(2) relating to the information useful in selecting a preferred site;

'(2) activities under section 402(b)(2) relating to surface based testing at candidate sites that are not selected as the preferred site;

'(3) the site characterization program at the preferred site; and

'(4) such other activities involving significant scientific or technical issues as the Academy finds appropriate.

'(d) The oversight board shall establish procedures for the appropriate involvement in the work of the board by the Secretary, the Commission, affected states and affected Indian tribes. In addition to other reports deemed appropriate by the Academy, the board shall provide an annual report on the status of the programs of the Secretary under this Act that have been reviewed by the board. All reports of the board shall be available to the Secretary, the Commission, and the public.

'(e) The expenses of the oversight board under this section shall be paid from the Waste Fund.

'AUTHORIZATION OF APPROPRIATIONS

'SEC. 411. There is authorized to be appropriated from'.

"(5) On page 33, the last line of the table of contents is amended to read as follows:

'SEC. 410. Oversight Board.

'SEC. 411. Authorization of Appropriations.'

"(6) On page 25 after line 21, insert the following new subsection:

'(d) In the event that the Secretary at any future time considers any sites in crystalline rock for characterization or selection as a repository, the Secretary shall give consideration as a supplement to the siting guidelines under section 112 to potentially disqualifying factors such as—

'(1) seasonal increases in population;

'(2) proximity to public drinking water supplies, including those of metropolitan areas; and

'(3) the impact characterization or siting decisions would have on lands owned or placed in trust by the Federal Government for Indian tribes.'."

Mr. JOHNSTON. Mr. President, this modification does four things. First, it requires the National Academy of Science to created an oversight board to evaluate DOE's activities. Second, it requires the EPA to promulgate revised standard's for the disposal of radioactive waste by January 1, 1990. I think those are final ground water projection regulations by January 1, 1990. EPA would be subject to a citizen's suit if it failed to meet the deadline.

Third, it terminates all U.S. funding for research on granite as a possible medium for nuclear waste repository. There is presently a cooperative program with Canada by which this research is done, and that would be terminated.

Fourth, it provides that, in the event any future time the DOE considers crystalline rock sites as suitable for characterization, that it give consideration to disqualifying factors such as seasonal increases in population, proximity of drinking water, et cetera.

Finally, it requires additional surface based testing at the two candidate repository sites that are not selected for characterization on January 1, 1989. So that, in effect, what would happen here, Mr. President, is that once one site is selected for characterization, then surface based testing on the other two sites would proceed just in case the first site turns out not to be suitable. Then they would have additional information on the other two sites.

CLOTURE MOTION

Mr. JOHNSTON. Mr. President, at this time, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the modified Johnston amendment No. 1125 to the first committee amendment to H.R. 2700, an act making appropriations for energy and water development for the fiscal year ending September 30, 1988, and for other purposes.

Senators J. Bennett Johnston, Dale Bumpers, James A. McClure, John Heinz, Mark O. Hatfield, J.J. Exon, Bill Armstrong, Howell Heflin, Jeff Bingaman, Alan J. Dixon, Steven Symms, Robert C. Byrd, Jake Garn, Robert Dole, John Glenn, Warren B. Rudman, Lowell Weicker, Sam Nunn, Daniel J. Evans, and Nancy L. Kassebaum.

Mr. JOHNSTON. Mr. President, this cloture motion will be ripe for voting on Tuesday. I would like to explain to my colleagues that this is a cloture motion on the Johnston modified amendment. In effect what we have done is, the filibuster actually started on the first committee amendment. There are a whole group of committee amendments. The filibuster started on the first committee amendment. Last night we tabled an amendment to the committee amendment. So the pending business was the first committee amendment.

We have now sent an amendment to the desk which is the pending business which is a modification to the first committee amendment, which incorporates all the remaining committee amendments in one amendment. So, in effect, what we want to do is vote on all the committee amendments en bloc.

Second, it has some modifications, some of which I explained last night, which are not particularly far reaching. But the main effect of the amendment is to incorporate all of the committee amendments into one amendment, and the cloture will be on that amendment.

I would like to make clear to my colleagues that if we obtain cloture and then pass the Johnston amendment, as I hope we will, then it will be unnecessary to consider the further committee amendments. But cloture then will not affect the amendments to be offered on the bill itself. So that the bill itself will be further amendable as to both any nuclear waste provisions and other energy or water matters contained in the bill.

So, in other words, Senators who have a water project, for example, that they want to amend need not get their amendments in under the deadline provided. I think the deadline is on Monday. They need not worry about getting their amendments in by that deadline. All other amendments will be in order, in other words, after, I hope, cloture is invoked on Tuesday.

With that, Mr. President, unless my esteemed colleague, Senator MCCLURE, has anything to add? If he has not, then I will surrender the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BYRD. Mr. President, I ask unanimous consent that I may speak out of order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, so that I may know how to plan the business of the day, I would ask either or both the Senator from Washington or the Senator from Nevada, what their plans are with respect to the pending amendment? What I might expect? Then that will be helpful to me, if they can state it at this moment. Mr. President, I yield to either for the purpose of their answering my question.

Mr. ADAMS. Mr. President, I will be happy to respond to the distinguished majority leader. We are prepared to debate today all day on this if that is the wish of the majority leader. However, we have a cloture motion which has been filed, and I understood from the distinguished floor manager, the Senator from Louisiana, that we would go with the cloture motion until Tuesday; I think that is what he was suggesting. And that is certainly all right with us to go to Tuesday and, therefore, that would free the floor schedule for the majority leader to handle whatever business he wished to do today and tomorrow. We would like to confirm that unanimous-consent request, with the majority leader indicating that, so that we would all know exactly what we are doing and would free the floor for action.

Mr. JOHNSTON. Does the Senator yield?

Mr. BYRD. Yes, I yield for the purpose of enlightenment of myself.

Mr. JOHNSTON. Mr. President, first I will say that the Senator from Texas, Mr. GRAMM, wants just a couple of minutes to elucidate on his amendment. I must say that I very much enjoyed the speeches of yesterday and would like very much to hear further speeches today. I am, however, called elsewhere. But if the Senators do make speeches today I will do my best to be close to a television where I will not miss a word of it.

However, if they wish to move to something else, I will have no objection.

Mr. REID. Will the leader yield?

Mr. BYRD. I yield without losing my right to the floor.

Mr. REID. I would join in the remarks of my friend from the State of Washington.

If the leader has other matters he wishes to proceed on, I have no objection. I have, prior to the vote on cloture, I have a few remarks that I would like to make but they could be made at the pleasure of the leader.

Mr. ADAMS. Mr. Leader, we would be pleased to make our remarks on Tuesday so as to free up the schedule for the next 2 days if that is the leader's pleasure.

Mr. BYRD. Mr. President, let me then state that based on what the distinguished manager of the bill has said, and the responses by the two Senators who are opposing the pending amendment, it would be my plan to proceed through the day, stay on this measure but set it aside from time to time if we can do other business.

I have asked the distinguished Senator from Lousiana, Mr. JOHNSTON, to be one of the negotiators on behalf of the Senate with respect to the budget—the deficit reduction package that we are trying to develop. Therefore I feel that that is where he ought to be if he possibly can be at this moment, because it seems to me that that is a more urgent matter than this bill at this moment. Notwithstanding the fact that this is an important bill and I also urge that we pass that.

So, I will state to the Senators, all who are involved here, that we might plan, then, to shift from time to time. When we are not on other business, we can be on this business and the Senators may speak.

I feel it my duty to protect Mr. JOHNSTON while he is elsewhere at my request against anything happening untoward on this measure while he is off the floor today.

If that is understood and agreeable then we can proceed.

Mr. REID. Would the leader yield for one request?

Mr. BYRD. Yes.

Mr. REID. We would also ask that we be protected if the leader does pull this for whatever reason; that we be notified in a reasonable time in advance before the bill comes up again.

Mr. BYRD. The Senator may be assured that this Senator will protect all Senators to the best of his ability within the context of the rules.

Mr. ADAMS. I thank the majority leader and I just want to echo the request of my distinguished friend from Nevada that I note that the Senator from Louisiana is required to be in negotiations. We want to free him up. We, also, would request the same privilege and I am sure the Senator has the same idea in mind. If the majority leader does not have the schedule now but if he has one, if we could be notified when we should return to the floor after whatever business he wishes to place, whether it be nomination of judges on the Executive Calendar or whatever else, we would just appreciate our offices being notified. We will appear and try to accommodate the schedule of the majority leader and the rest of the Senators.

Mr. BYRD. The Senators have been most accommodating and most cooperative, and they are assured that I will notify them.

Mr. McCLURE. Mr. President, will the distinguished majority leader yield for a question?

Mr. BYRD. Yes.

Mr. McCLURE. It is my understanindg that under this arrangement this matter would be the pending business temporarily laid aside for other matters from time to time by unanimous consent, is that correct?

Mr. BYRD. Precisely.

Mr. McCLURE. Second, would it be the intention to continue that process again on tomorrow?

Mr. BYRD. That would be the intention on tomorrow, yes.

Mr. McCLURE. I thank the distinguished leader.

Mr. JOHNSTON. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. The yeas and nays are requested. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. I yield to the distinguished Senator from Texas.

Mr. GRAMM. If the distinguished majority leader would yield, both Senator BENTSEN and I are on the floor. We want to discuss a series of amendments having to do with property owner rights that were included in the Johnston amendment reintroduced last night. We would be very brief.

Mr. BYRD. Very well. Mr. President, I yield the floor with the understanding that, after a period of not to exceed 15 minutes——

Mr. GRAMM. Five minutes is fine.

Mr. BYRD. Not to exceed 10 minutes, that I be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Texas.

Mr. GRAMM. Mr. President, last night when the bill was reintroduced it contained three landowner rights amendments which I had planned to offer. Those amendments basically have to do with the taking of private property relating to site characterization and relating to the construction of a nuclear waste repository. They are sound provisions and I thank the distinguished Senator from Louisiana for including them in his comprehensive amendment.

The first amendment requires that if private property is taken for site characterization or for construction of a nuclear waste repository, then in evaluating that property the unique geophysical properties of that land be taken into account in giving an appraisal of the land for the ultimate transaction involving a purchase.

The second provision simply says that, while the Department of Energy can go out and lease land, that it cannot buy land from private property owners until a final site characterization plan is in place.

The third provision states that if private land is taken through a purchase for site characterization or for construction of a nuclear waste repository, that if the site characterization is terminated, if the site is deemed to be unacceptable, if a final decision is made not to build a repository there, that the private property owner who sold the land to begin with to make it available for characterization or for site construction would have the first right to buy it back.

These are straightforward amendments. They are amendments that protect the property owner. They give the property owner the advantage of the geophysical properties that the land contains, in terms of valuation and purchase. They minimize private land taking through purchase, until there is a final plan in place for site characterization.

Finally, they guarantee the landowner, if land is taken for site characterization and construction and ultimately is not used for the building of the repository, that that landowner would have, in essence, the right of first refusal in buying that land back.

Obviously, I am pleased that Senator BENTSEN joins me in this effort.

Mr. BENTSEN addressed the Chair.

The PRESIDING OFFICER (Mr. CONRAD). The Senator from Texas.

Mr. BENTSEN. Mr. President, I am pleased that the distinguished floor managers of the bill agreed to these three amendments. They address specific problems faced by people in Deaf Smith County. The first would require that the Secretary of Energy value the land leased or purchased by the Department of Energy in such a way to recognize its unique geophysical characteristics. What we want to avoid is a situation where the land is leased or purchased at rates that do not fully reflect this land's actual value, either to the landowners or the nuclear waste program. That is particularly true now while the Texas economy is suffering. To some extent, this amendment allows the Secretary to place a premium on this land when it is being valued.

The other amendment makes so much sense I wonder why the Department is not willing to do it already. It requires the Secretary, to the extent that it is practicable, to acquire land only after a site characterization plan has been submitted and approved. This is needed to ensure that only the land necessary to be acquired will be taken out of private hands.

The last amendment affords landowners the first right to repurchase land that has been acquired by the Department of Energy. The point of this amendment is that if Deaf Smith County land is acquired by the Federal Government and the site is not developed as a repository or characterized, then the people from whom this land was acquired ought to have the first opportunity to buy it back if they want to do so.

I am pleased to have been able to work with my distinguished colleague from Texas, Senator GRAMM, on this. Our staffs have been working with Senator JOHNSTON's staff to make certain that the people here understand the problems of our constituents. They are the ones who have to live with the decisions we make here on this issue.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BYRD. Mr. President, I thank the Chair.

MOVING THE TRADE BILL

Mr. BYRD. Mr. President, the distinguished Senator from Texas [Mr. BENTSEN], who is chairman of the Finance Committee and who is, I would say, general chairman of the Senate conferees on the trade bill, has indicated to me that the 17 subconferences that are handling the various components of this historic legislation are making excellent progress and a great deal of work has been done.

Some committees are nearing completion of their negotiations with their House counterparts. The staff is working hard. I believe that we can put a trade bill on the President's desk before we adjourn sine die this session.

Indeed, I believe that we have the duty to put a trade bill on the President's desk before we go out sine die.

There are those voices who say, "Wait." They say, "The market is jittery. Financial market are unstable; let us not upset them anymore."

There are some in the administration who may want to take advantage of the ups and downs of the markets to take the teeth out of the bill or to have no bill at all, who characterize any action by Congress on trade as negative, as protectionist.

Mr. President, this is not a fair-weather trade bill. Indeed, if economic times were rosy, if our balance of trade were positive, if the world trading system were fair and expansionist, if mercantilism were a thing of the past, if the international economic situation were robust, what need would there be for a trade bill? There would not be any.

If American industry were competitive, were all on the cutting edge of state-of-the-art techniques and technology, what need would there be for a competitiveness bill?

For those who say we should wait until the markets become more stable, by some unknown standard of stability, I ask this question: Does the uncertainty on U.S. trade and competitiveness policy lead to stability?

This bill is intended to expend trade, to expand the opportunity for American exports. It is not intended to penalize anyone who practices trading policy which is open and fair.

It is only punitive in those cases where the trading practices of certain Nations are, to put it bluntly, rapacious, using closed markets to protect their industries, while competing aggressively and sometimes unfairly through dumping.

The Senate provisions in this legislation were carefully crafted, and they commanded a strong, bipartisan majority, to get at the behavior of some nations and to change that behavior, and for whose benefit? For the benefit of all fair trading nations and to change that behavior so that others would not choose to emulate it.

That is the intent, Mr. President, of the so-called super "301 provisions" which threaten limited retaliation if mercantilist practices remain unabated.

As Mr. BENTSEN said just a few days ago, the stock market tragedy makes action on this bill more imperative, not less imperative. This bill is intended to promote more trade. It will enable us to sell more products abroad and will enable the Third World to sell more of their products in all world markets.

For example, Mr. President, the bill recognizes, for the first time, that long-term relief of Third World debt is essential for many developing nations—I think we might be reminded that that includes most of the major economies of our hemisphere—if they are to increase their trade. So, Mr. President, servicing their heavy debt repayment schedules cripples their ability to invest and, therefore, their ability to produce and export. Serving their onerous debt starves them of scarce foreign exchange, dollars, needed to buy our products.

The linkage between debt and trade is for the first time recognized in this legislation. There has been an absolute dearth of press attention to the use of this vehicle to help remedy this very difficult problem.

Mr. President, six Cabinet officers wrote the distinguished chairman of the Finance Committee, and provided me with a copy of their letter, on October 30. The letter deals with the problems the administration has with subconference No. 1, the Finance Committee-reported bill. I would like to take the view that the letter really means what it says in one part, that is:

> We are prepared to work with you on a bipartisan basis to develop forward-looking trade legislation. We could support a strong, responsible bill which will indeed enhance the ability of U.S. firms to compete in a global market and encourage other nations to open their markets further.

That is a good, positive statement, and I take it in a positive spirit, as a desire on the part of the administration to work with the Congress in the final shaping of the trade conference report. We are ready to talk to the administration about anything it wants to discuss in relation to the trade bill. We are ready to be accommodating.

Certainly, I do not agree with certain objections that the Cabinet officials raised with this bill. For instance, the officials say they "strongly oppose provisions that mandate American retaliation."

Mr. President, if there is no hammer in the legislation, then our efforts to open foreign markets, markets of modern mercantilist nations, will be very difficult to achieve. It flies against human nature to expect other nations to take, what will be at times, painful steps to open their own markets if there is no penalty for their not doing so. That is just plain realism in dealing with behavior changes, be they at the individual or national levels.

But I prefer to see this letter as the administration's opening position. I prefer to believe the administration is willing to be constructive, is willing to make accommodations. We are operating under the assumption that the President will sign a bill that is good for the country. We will sit down with his representatives, just as we have sat down with his representatives on the budget deficit, to try to reach a consensus on how the economy should be managed. We welcome a positive attitude. We invite good faith negotiations.

We in the Senate built a truly bipartisan coalition in passing our trade bill. It passed by a vote of 71 to 27. For instance, the amendment, I crafted together with the leaders of the Finance Committee, Mr. BENTSEN and the distinguished Senator from Missouri [Mr. DANFORTH] and the distinguished Senator from Michigan [Mr. RIEGLE], and which was finally worked out in negotiations with the distinguished minority leader, Mr. DOLE, deals with the central question of mercantilist nation trading practices. It created a mechanism to deal with those unfair practices, a subject of keystone importance in the trade bill, and the amendment passed by a majority of 87 to 7. That major achievement was truly bipartisan. The same outcome be achieved with the White House. We are working out our differences with the House of Representatives, but at the same time we are mindful of the views of the administration. While we are not prepared to walk away from the need for meaningful and decisive action to make our industries more competitive, our people more educated, and the global trading system more growth oriented and open, we are ready to work things out with the White House. So the high road is available on the trade bill—but the destination of this vehicle must be reached in 1987.

It will no longer do for the administration to cry "protectionist wolf for congressional action on trade; the critics ought to stop to ask themselves a few questions: What is the signal to the world markets and to our trading partners, and to the world economy in general, if Congress decides to do nothing on trade now? Doesn't that mean that mercantilist behavior pays off? Doesn't that mean that the smart money should flow to closed markets? Doesn't that mean that the United States intends to do really nothing about its trade deficit and is incapable of exerting leadership to reform the world's trading system?

What are we saying about American leadership? Would doing nothing be better? Would continued uncertainty be greeted with relief, and stabilize the financial markets?

Mr. President, statistics can often be deceiving, but it is hard to dispute the nature of our present crisis. We are the world's greatest debtor nation, the accelerator is on the floor, and it is going straight down hill. In 1980, our external balance was a positive $106 billion, foreigners owed us that much. The breakeven point was in 1984 when we were not a creditor nation anymore, but not a debtor either. It did not take long to reach a crisis point. By the end of 1985 our external debt was $112 billion, it was more than double that by the end of last year, at $263 billion, and it is projected by the Congressional Research Service and the Senate Budget Committee to be some $400 billion by the end of this year. It seems quite likely that by 1990 our external debt will be somewhere around $500 billion. What does that mean? If the interest rate on that debt is 8 percent or so, a reasonable projection, we would have to run a trade surplus of $40 billion annually just to service our external debt, just to stay even, to meet our international payments on our debt.

Mr. President, our options are limited. What are they? We could close our markets to the outside world and engage in extreme isolationism. That would throw the world into a depression, and ourselves as well, impoverishing everyone. Nobody advocates that. Or we could cut our defense spending in half and balance the Federal budget in one fell swoop in the first year, pour about $150 billion per year for the next few years into competitiveness measures and try to turn around the trade balance, or pour it into paying off our external debt. Is anybody interested in biting on that? Are there any takers for putting the defense of the West and the security of the United States into the drainpipe to pay off our creditors? Or we could try to increase our exports and sharpen our competitiveness, in a fair and reasonable way which does not impoverish our trading partners and which expands the world trading system. But you cannot get there from here without action. Our national budget balance has gone from a positive deficit of $79 billion in 1981 up to a projected deficit of $148 billion this year. We have recently seen a downturn in the deficit number but only through painful action.

We are still deeply in the hole. Our trade deficit situation is the same story: in 1981 it was $40 billion; in 1986 it was up to $170 billion. The story speaks for itself. What is it going to take to get our budget deficit below $100 billion per year? What is it going to take to get our trade deficit below $100 billion per year? What is it going to take to get them both in black ink? At a minimum, it is going to take concerted action, bipartisan action, discipline, and a clearly charted course which the markets and our trading partners understand.

The Joint Economic Committee, under the able chairmanship of the distinguished Senator from Maryland, Mr. SARBANES, released a study on August 5, 1987, which lays it out. The study say that in order for the United States to restore its creditor status, today's trade deficits will have to be transformed into trade surpluses. The shift from deficit to surplus on our trade accounts must be faced, since international investors will not finance huge U.S. trade deficits forever.

The report outlines a strategy which will bring more rapid GNP growth combined with a strong improvement in our external account position. It includes new policies which will first improve the productivity and competitiveness of American industry; second, enhance worker skills; third, deal with the Third World debt crisis; fourth, improve the infrastructure of the American economy; fifth, produce an appropriate exchange rate; sixth, establish fairer rules of international trade and ensure open access for U.S. products in foreign markets. The trade bill now in conference attempts to address the whole range of factors in this most difficult, critical, and complicated area.

I have already alluded to the Byrd-Dole-Danforth-Bentsen-Riegle amendment dealing with the questions of unfair trading practices. I could elaborate at length on the whole range of other initiatives in the legislation, but I will confine myself to just one more: education. A major component of the bill focuses on education—perhaps the key ingredient in our Nation's ability to compete. Close to $900 million in Federal effort is on the House-Senate conference table. Both Senate and House bills contain a two-pronged strategy: They increase authorization levels for existing programs which relate to economic growth and competitiveness, and they create several new programs designed to address the special needs and concerns in this area. The legislation gives special attention to improving educational achievement of American children in mathematics, science, and foreign languages; disadvantaged youth and displaced workers; the educational needs of illiterate adults; and the increased use of technology in education.

Two programs which receive especially enhanced attention are the major math-science education program known as the Education for Economic Security Act which was begun in 1985, and the chapter I compensatory education program for disadvantaged youth. Other programs include foreign language training grants for elementary and secondary schools, demonstration grants for partnerships between schools and the private sector to develop education programs, and high technology education grants to schools.

Mr. President, psychology is important—market psychology, investor psychology. Perception becomes reality. There is work left to do in the trade conference. If we are to build confidence, a psychology of sureness, of determination, of implementation of the growth oriented strategy embodied in this bill, then the formula should be: To finish crafting this bill, to work with the administration and make the necessary mutual accommodations where they are sensible. The very worst thing we can do is to be panicked into doing nothing.

For 6 years this administration did not want a trade bill. It controlled the

Senate and it did not get a trade bill. Now there is a trade bill, a bill that had strong bipartisan support when it left this Senate with a vote of 71 to 27. That should indicate the kind of bipartisan support that this bill had in this body.

But to be panicked into doing nothing—does the administration see in the market crash an opportunity to scuttle this bill so that once again Congress goes through a year without passing a trade bill? That is not a solution. That is deepening the problem. That is the psychology of a loser.

Above all, Mr. President we must lead and we must show we can lead, we must demonstrate America can lead. And so, we are dedicated to completing this bill because we believe it serves the Nation, the competitiveness of our economy, and the future of a more open and robust trading system.

THE BUDGET SUMMIT

Mr. BYRD. Mr. President, for the past week and a half, while Members of Congress and officials of the administration have been engaged in negotiations on the budget, it has been common wisdom that it was the stock market's "crash" 2 weeks ago that brought the two sides to the table. There is some truth to that belief. But just as the roots of our deficit troubles started long before October 19, so must the solution look beyond the immediate symptoms.

Ever since the free world's leaders convened in Williamsburg, VA, in May 1983, for an economic summit, our industrial allies have called on the United States to get a grip on its budget deficit. That message was repeated, with more conviction, this past June when President Reagan traveled to Venice for the most recent economic summit. He heard the leaders of the major industrialized countries once more call on the United States to reduce its massive budget deficit.

It is no accident that other countries see the same dangers in the budget deficit that Wall Street sees.

Mr. President, other countries see that. I hold in my hand an AP wire, dated today. I will just read excerpts there from Prime Minister Margaret Thatcher:

> . . . has sent a personal message to President Reagan "encouraging" efforts to cut the deficit, British official said today.
>
> "The Prime Minister sent a supportive and encouraging message on efforts to cut the U.S. deficit," said an official, who spoke on condition he was not identified. But the official said the conservative party leader, Reagan's closest foreign ally, avoided suggesting specific amounts of budget cuts or tax increases.
>
> The message was the first direct intervention by Mrs. Thatcher in the crisis and came as the U.S. dollar plunged to new lows and the London Stock Exchange headed lower.
>
> Mrs. Thatcher's intervention coincided with the toughest speech yet by her chief treasury official, Chancellor of the Exchequer Nigel Lawson, demanding a cut in the deficit or more than the $23 billion required, under U.S. law and an increase in taxes.
>
> News of Thatcher's intervention has splashed by the British media after the announcement Thursday. The British Broadcasting Corp. said Mrs. Thatcher has told Reagan to "sort out of his finances."
>
> "Yankee Doodle Ditherers," said the London evening standard in a front-page headline on Lawson's Wednesday night address to businessmen in which he blamed the weak dollar and stock market chaos on the U.S. deficit.
>
> Lawson said that narrowing the deficit has become "the touchstone of whether the United States has the political will to take hard choices and to do what needs to be done?"
>
> Cutting State borrowing has been a key to Mrs. Thatcher's rigorous economic policies since she won power in 1979.

Mr. President, I ask unanimous consent to insert the AP wire in the Record in its entirety.

There being no objection, the material was ordered to be printd in the Record, as follows:

Britian—United States Deficit

London.—Prime Minister Margaret Thatcher, intervening personally in the U.S. budget crisis, has sent a personal message to President Reagan "Encouraging" efforts to cut the deficit, British officials said today.

"The Prime Minister sent a supportive and encouraging message on efforts to cut the U.S. deficit," said an official, who spoke on condition he was not identified.

The contents of the message, sent Wednesday evening, were not disclosed. But the offiical said the Conservative Party leader, Reagan's closest foreign ally, avoided suggesting specific amounts of budget cuts or tax increases.

The message was the first direct intervention by Mrs. Thatcher in the crisis and came as the U.S. dollar plunged to new lows and the London Stock Exchange headed lower.

Mrs. Thatcher's intervention coincided with the toughest speech yet by her Chief Treasury Official, Chancellor of the Exchequer Nigel Lawson, demanding a cut in the deficit of more than the $23 billion required under U.S. law and an increase in taxes.

News of Thatcher's intervention was splashed by the British Media after the announcement Thursday, the British Broadcasting Corp, said Mrs. Thatcher has told Reagan to "sort out his finances,"

"Yankee Doodle Ditherers," said the London Evening Standard in a front-page headline on Lawson's Wednesday night address to businessmen in which he blamed the weak dollar and stock market chaos on the U.S. deficit.

Lawson said that narrowing the deficit has become "the touchstone of whether the United States has the political will to take hard choices and to do what needs to be done,"

However, British officials indicated Mrs. Thatcher's message to Reagan was couched in gentler language.

Cutting state borrowing has been a key to Mrs. Thatcher's rigorous economic policies since she won power in 1979.

Lawson announced this week that the deficit in the current $261 billion budget will be just $1.76 billion, three-fourths less than originally predicted.

The opposition Socialist Labor Party's finance spokesman, John Smith, said today that expansion of West European economies, including higher British state spending, was also necessary to avert recession.

"The Government's line is to blame it all on the Americans. But it is not as simple as that," Smith said on BBC Television. "All Western Europe must take part in a process where the American deficit narrowly goes down and the others expand their economies,"

Mr. BYRD. The link between our budget deficit, our trade imbalance, the value of our dollar, and world economic growth is as complex as it is certain. Yet, as we are reminded almost daily, the world's economic future will remain shakey unless some sanity is restored to our Government's finances.

These negotiations began on a note of urgency and bipartisan cooperation. The negotiators have spent considerable time discussing a broad range of options on both the spending and revenue sides to reduce the deficit. At times, progress seems painfully slow and frustrating, especially when details of the talks appear in the press. I hope my colleagues on both sides of the aisle, and on both sides of the Hill and down at the White House—and the administration's representatives would redouble their efforts to refrain from public comments so as not to impose any additional burdens on an already difficult task.

Mr. President, these talks must succeed. The financial markets are still jittery and need reassurance soon. Our economic allies are growing increasingly impatient for some sign that the United States is willing to exert world economic leadership by cleaning up its own economic house first. And the American people need to have confidence that their Government is capable of governing, capable of making the tough choices that must be made.

There is too much at stake to allow the deficit to go unchecked. Or, for that matter, to allow a computer to make the automatic, across-the-board spending cuts otherwise required by the Gramm-Rudman-Hollings legislation. Those of us in public service, including the President and Members of Congress, have a responsibility to defend this country against all enemies, foreign and domestic, we take an oath to do so. And today, domestic enemy No. 1 is what? The budget deficit.

I believe that the negotiators have made progress. They have discussed specific proposals and the numbers associated with them. More remains to be done, and soon. As the talks continue, I hope all participants will recognize that full and free negotiations are vital. Without that essential ingredient, success will remain illusive.

Mr. President, the Senate negotiators have continued to work long and hard to achieve an agreement with the White House to reduce the budget deficit. I commend them for their perseverance and their perspiration. Theirs may not be a popular task, and it certainly is not an easy one, but it is an important one. They deserve our thanks and our encouragement.

Mr. President, I thank all Senators, and I yield the floor.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, I ask unanimous consent that Senators may speak out of order for the next 30 minutes, if they wish to do so.

The PRESIDING OFFICER. Without objection, it is so ordered.

ANNIVERSARY OF THE IMMIGRATION REFORM ACT OF 1986

Mr. KENNEDY. Mr. President, tomorrow marks the first anniversary of the Immigration Reform and Control Act of 1986. It bears the name of the former chairman of the Immigration and Refugee Subcommittee, Senator Al Simpson, who guided that extremely important measure through the U.S. Senate and was instrumental in assuring that it won the support of the administration and became law. It was spearheaded in the House of Representatives by Representative Rodino, the chairman of the Judiciary Committee, and by Representative Mazzoli, who worked long and hard on that measure as well.

I expressed my views on that legislation on the floor of the U.S. Senate last October, expressing my concerns. That measure, though, has become the law; and included in that measure is the most generous legalization program in the history of our country.

I think the Senate will want to know that that measure, providing amnesty, is now in effect and is now being implemented by the Immigration Service in an extremely generous and compassionate way. In the various INS offices across the country, hundreds of thousands of individuals are coming forward and adjusting their status. Most are doing it without the help or assistance of lawyers or church agencies. They are just doing it as individuals.

In the hearings we have had on the progress of that provision, plus the inspection of the various INS offices by the majority and minority staff members of the subcommittee, we find that the INS is doing an extraordinary job. I also believe the INS is to be commended in the way they are implementing the various sanction provisions.

It was always the intention of Congress that there be a period of time to implement the various sanction provisions. It seems to me that INS is doing that, following the letter of the law, but also following the spirit of the law, with a few exceptions. But in looking at the total record, I think it is a commendable one.

Mr. President, I want to again commend the Agency and again commend Congress for accepting the legalization provisions. Now, some 1 million individuals who were already making contribution to communities across our land will be able to adjust their status, emerge out of the underworld economy, free themselves in many instances from the worst kind of exploitation because they will no longer fear discovery that has been held over their heads, of being exploited in their jobs and in other aspect of their lives.

Mr. President, I think it is especially important on this anniversary date to pay tribute to all of those who have toiled over this past year in helping to make this legislation work. In passing this law, we knew we were entering some uncharted waters, and that its implementation would not be without its challenges. But those helping to implement this bill—both in government and in the private sector—have done so with integrity and enthusiasm, leading to the successes we celebrate today.

First and foremost, Mr. President, we should recogize the dedicated civil servants of the Immigration and Naturalization Service. In 107 legalization offices throughout the country, in all of the district offices, and here at the INS headquarters, countless men and women of the Immigration Service have worked to implement the sweeping provisions of this immigration reform. Legalization officers at the local level have exhibited tremendous leadership and resourcefulness in bringing the program to the doorsteps of our communities. They deserve our respect and commendation.

We required the Immigration Service to take a large leap into the unknown, as no one knew who and how many would apply for legalization. We knew that early participation in the amnesty program would be sparse, and that it would be necessary to go to great lengths to encourage applicants to step forward. We knew that the Congress was divided over the legalization program. But I am pleased to report that these challenges have been more than met by INS, and that the legalization program has been administered in a generous and flexible manner.

And this is reflected, Mr. President, in the confidence that legalization applicants have shown in coming directly to the INS without the counsel of attorneys or voluntary agencies. The statistics show that undocumented aliens are voting with their feet—having the confidence to come to INS offices to legalize their status. This is the best evidence of the good work of INS legalization officers in the field, and a credit to their performance in reflecting both the letter and spirit of the amnesty enacted by Congress last year.

Equally important has been the work of so many in the private sector, particularly the voluntary and church agencies. Whether as qualified designated entities or simply as volunteer organizations, they have all played an extraordinarily important role in implementing this legislation.

Together they have formed an important partnership with the Government in bringing the word of the law to those who can benefit from it, and protecting and assisting those who need it. We must nurture their role in this program to ensure that every person has a chance to apply for legalization.

Although the statistics are impressive, Mr. President—and I will introduce a summary of them at the conclusion of my remarks—this is also an occasion for new resolve to carry forward the progress we have already seen in immigration reform.

We are only halfway through the legalization program, and while almost 1 million have come forward, by most estimates an equal number remain to be processed. It is important for all of us involved in this effort to encourage families to come forward and apply. Even if not all family members ultimately qualify, families need to understand that there is no risk in pursuing legalization and that the principle of "family unity" will not be violated by INS officers in the field. That is clearly the intent of Congress, as I outlined in a letter to INS Commissioner Nelson, which I will also include in the Record.

There has also been commendable progress in the implementation of the employer sanctions provisions of the new law. INS, appropriately, has treaded softly with employers. It has used the 1-year education and information period established by Congress to undertake an outreach program and to inform our Nation's employers how to comply with the provisions of the new law.

In conclusion, Mr. President, while there is much to commend in the progress achieved on this, the first anniversary of the new law, there is also much that remains to be done.

We must continue to pursue the implementation of employer sanctions in a thoughtful and nondiscriminatory way—to take whatever actions necessary to assure that employees and employers alike are treated as the law requires. This will require continued public education and counseling.

We must also continue efforts to spread the word about the legalization program to encourage undocumented aliens to come forward, and to continue to adjust the program to achieve

that end. Our subcommittee will work with INS in support of efforts to involve community and church groups in the legalization program, as I believe their role will become increasingly important in the later stages of the program.

Mr. President, we are 1-year and midway through the first steps to implement the immigration bill. Much has been achieved, and many should be commended—not the least the Senator from Wyoming.

Yet much remains to be done. And the remaining challenges are there for all to see.

To meet them will require a redoubling of the efforts of those in the churches and private sector, as well as the officers of the Immigration and Naturalization Service. I know they will rise to the challenge.

Today, we are halfway there in terms of the legalization program; and I believe that if we follow the steps which have been taken to date, that this program will continue to move forward compassionately.

The Senator from Wyoming is to be commended for his perserverence in this legislative effort, and we will look forward periodically to giving the membership an update on the progress that is being made.

I welcome the chance to make this brief report with my good friend and colleague, the Senator from Wyoming [Mr. Simpson].

Mr. President, I ask that my recent correspondence on the implementation of the immigration bill, as well as a statistical fact sheet, be printed at this point in the Record.

There being no objection, the material was ordered to be printed in the Record as follows:

U.S. Senate,
Committee on the Judiciary,
Washington, DC, October 14, 1987.

Hon. Alan C. Nelson,
Commissioner, Immigration and Naturalization Service, Washington, DC.

Dear Commissioner Nelson: As you know, the issue of providing an interim legal status to immediate family members of persons qualifying for the legalization program is one which has been raised with you in oversight hearings by the Subcommittee. We understand this is currently under review within the Immigration and Naturalization Service. While we know that it is not your intent that immediate family members who are disqualified for legalization be deported, we would nonetheless encourage INS to develop a Service-wide policy which would—on a case-by-case basis and to avoid unnecessary hardship—permit such family members to remain in the United States through a number of available interim legal statuses.

We believe these administrative actions in no way contradict the Senate's legislative history in the Immigration Reform and Control Act of 1986, which states:

"It is the intent of the Committee that the families of legalized aliens will obtain no special petitioning rights by virtue of the legalization. They will be required to "wait in line" in the same manner as immediate family members of other new resident aliens." (S. Rpt. 99-132, p. 16)

A policy which permits certain immediate family members an interim legal status would not alter the requirement that they "wait in line" like all other immigrants for their permanent legal status until their legalized relatives can petition for them.

It is our view that a policy directive should be issued which will permit District Directors, on a case-by-case basis, to use any of a number of authorities already available to provide an interim legal status to those immediate family members of legalized aliens who qualify.

We think that such a policy clarification should be made as soon as possible, and the Subcommittee staff is at your disposal for consultation on this matter, as well as any further assistance you might need from us in developing such a directive.

Best wishes, and many thanks for your consideration.

Sincerely,

Edward M. Kennedy,
Chairman.

Paul Simon.

[IRCA Fact Sheet No. 1]

Legalization of Eligible Aliens

APPLICATIONS

Legalization Office: One of 107 INS offices throughout the U.S. with 1,956 positions created specifically to handle legalization applications.

QDE: Qualified Designated Entity. Officially designated community organizations qualified to handle legalization applications. There are 964 throughout the U.S.

RPF: Regional Processing Facility. Legalization applications are forwarded to one of four RPFs for review—authenticity of documents, possible police records, etc.—after which, a temporary resident card is issued (I-688).

STATISTICS (AS OF 10/15/87)

Number of applications	701,847
SAW	154,249
Total	856,096

Number of applicants interviewed: 727,935

Number of temporary resident cards issued: 88,987

MATERIALS/SOURCES

Videotape: Step-by-step process of filling out forms for filing an application (in Spanish).

Legalization Handbook: Two million handbooks, in English and Spanish, are being printed by the Government Printing Office and will be ready for distribution in late October-early November.

Toll-free information number: 1-800-777-7700.

Any INS Legalization Office or QDE.

[IRCA Fact Sheet No. 2]

Legalization of Special Agricultural Workers [SAW]

APPLICATIONS

SAW Group 1: Aliens who have worked at least 90 man-days in seasonal agricultural services in each of the three years ending May 1, 1984; May 1, 1985, and May 1, 1986. Can apply for permanent resident status after one year as a temporary resident.

SAW Group 2: Aliens who have performed seasonal agricultural services in the U.S. for at least 90 man-days from May 1, 1985 to May 1, 1986.

H-2A: A new streamlined program by which the Department of Labor and INS can process employer applications for temporary agricultural workers during emergency labor shortages.

QDE: See Legalization Fact Sheet. There are 157 agriculturally oriented QDEs to assist SAW applicants in going through the legalization process.

INS SAW SERVICES

Regions: 40 INS mobile van offices schedule informational meetings and assist in the legalization process in remote areas. Intensive press publicity to inform farm workers when a van will be in a given area. Cooperative programs with growers to help their workers use van services.

Legalization offices are open weekends and evenings to accommodate the schedules of agricultural workers.

Special SAW staff members to answer questions on SAW program and assist applicants.

Mexico: In Mexico, application forms and instructions are available at all consulates and at nine consular agencies. Processing of applications is done at consulates in Monterrey and Hermosillo and the consular section of the American Embassy in Mexico City.

STATISTICS (AS OF 10/15/87)

SAW applications: 154,249.

[IRCA Fact Sheet No. 3]

Employer and Labor Relations

ELEMENTS

LAW Program: Legally Authorized Worker Program. Designed to put employers in contact with lawful workers in need of jobs, including welfare recipients, migrant workers, unemployed, youth.

SAVE: Systematic Alien Verification for Entitlements. An automated system for checking the documentation and status of aliens who apply for public benefits, such as welfare, food stamps, educational assistance, housing and unemployment compensation.

I-9: The employment eligibility form that must be completed by everyone starting a job. It must be signed by employers verifying the employee has submitted documents showing identity and eligibility to work. Available through GPO bookstores and INS offices.

ELR STAFF

Washington, D.C.: A position of Assistant Commissioner, Employer and Labor Relations, was created.

Regions: 71 specially trained ELR officers have been strategically placed throughout the U.S. to assist in the employer-education program. Also, 50% of investigator time is to be spent on educational visits.

STATISTICS (AS OF 10/15/87)

Number of Employer Handbooks (M-274) distributed: 6.7 million directly through an Internal Revenue Service mailing. Another million were distributed on request through INS offices.

Number of employer contacts: 259,000 (Program calls for visits to one million employers to provide them with information on their IRCA responsibilities.)

MATERIALS/SOURCES

Videotape: "Complying with the New Immigration Law"—explains employer responsibilities and the sanctions that would ensue if they hire people not authorized to work in the U.S. or fail to verify the eligibility of those they do hire. About 1000 copies of this videotape were distributed to INS offices, major employer and labor groups, and individual employers. The tape may be copied but not sold for a profit. Employer Handbook: The M-274 can be bought from the Superintendent of Documents, U.S. Government Printing Office or at local Government Printing Office bookstores. Copies are also available for consultation at public libraries.

Poster: Provided to INS offices for distribution to employers who, by displaying it, pledge to comply with IRCA's requirement to hire only legally authorized workers. Copies available from the nearest INS office.

Speaking engagements: INS officers address trade, business and agricultural organizations on request. Inquiries should be addressed to the ELR Officer, INS District Office.

ENFORCEMENT

First citations were issued: August 21, 1987.

Total citations to date: 141, as of October 16.

Fines to date: On October 2, the first notices of intent to fine were served. The two firms were Quality Inn, Arlington, Va., and a waterbed frame maker in El Cajon, Calif.; they face potential fines of $16,500 and $6,000, respectively.

[IRCA Fact Sheet No. 4]

ADVERTISING PROGRAM THROUGH OCTOBER 1987

NUMBER OF INFORMATION CONTACTS

Legalization, Spanish TV: 242,000,000.

Legalization, Spanish Radio: 124,000,000.

Legalization, English Radio: 132,300,000.

Sanctions, English TV: 69,600,000.

Sanctions, English Network Radio: 27,200,000.

CIRCULATION

Legalization, Ethnic Print: 3,710,000.

Sanctions, Major Daily Newspapers: 10,400,000.

Sanctions, Smaller Newspapers: 18,700,000.

Sanctions, Trade/Consumer/Agriculture Magazines: 7,500,000.

ESTIMATED VALUE OF PSAS TO DATE

Television: $1,500,000 ("free" ads).

Radio: $750,000 ("free" ads).

PERCENT OF TOTAL AD DOLLARS SPENT

Legalization Advertising: 49 percent.

Sanctions Advertising: 51 percent.

Print advertising will be 48 percent of total $; electronic, 52 percent.

COVERAGE

Radio stations bought in program: 2,000+.

Television stations used in program: 250+.

Farm Radio Networks used in program: 8.

English Newspapers: 60 cities with 95 newspapers.

Foreign Language Radio Markets, other than Spanish: 21.

Foreign Language Print Ads: 20 cities with 46 newspapers.

English legalization advertising: 12 major markets.

Spanish TV Hispanic households: 90%.

Spanish TV purchased: 2 networks and 14 spot markets.

SAW Legalization Spanish Radio: California, Texas, Arizona, New Mexico, Florida.

LANGUAGES USED IN IRCA ADVERTISING PROGRAM

Armenian, Arabic, Albanian, Assyrian, Afghanistani, Basque, Bulgarian, Croatian, Chinese, Czech, English, Farsi, Finish, Flemish, French, German, Greek, Hindi, Hungarian, Italian, Japanese, Korean, Latvian, Lithuanian, Lebanese, Persian, Polish, Portuguese, Romanian, Russian, Serbian, Slavic, Spanish, Ukrainian, Urdu, Vietnamese.

[IRCA Fact Sheet No. 5]

Financial statement

Media buys (April through September 1987):	
Hispanic Spot Radio: Pre-May 5, 1987	$72,000.00
English Newspaper: Special ½ page July 1987	125,400.00
Hispanic Network Television: Univision	340,340.00
Hispanic Spot Television.	319,303.00
English Network Television: CNN and ESPN	213,933.00
Hispanic Radio Network	49,470.00
Hispanic Spot Radio	370,343.00
English Network Radio	498,100.00
English Spot Radio	280,784.00
Ethnic Print, Spanish/Asian	91,044.00
English Newspaper	624,517.00
English Magazine	322,535.00
Subtotal, media buys (cost only)	3,307,769.00
Fees:	
Western International Media 5 percent placement fee	165,389.00
The Justice Group Fee at 8 percent	277,853.00
Subtotal	443,242.00
Other:	
Charges for advertising production, labor, travel, telephone, and other out-of-pocket expenses—April through June 1987 (subtotal)	1,239,928.32
Grand total	4,990,939.32

Mr. SIMPSON. Mr. President, before my friend from Massachusetts leaves the Chamber, let me say that he was of immeasurable assistance to me in regard to the Immigration Reform and Control Act. There were some tremendous political realities that he was confronted with on the bill and he shared that with me throughout the proceedings. I understood fully, for they were things that happened in his State. But whatever original movement was made here on this issue was made because of the persistence of the Senator from Massachusetts, who, for 17 years, was involved in the Subcommittee on Immigration and Refugee Policy, who mastered the issue, who held hearings on the issue, who often was ready to proceed with the issue in the U.S. Senate. But the then chairman of the Judiciary Committee was reluctant to do so. Chairman RODINO, would send the important essence of immigration reform over here twice, which was employer sanctions, and the Senator from Massachusetts would pick it up and proceed with it, but it never got through because of the reluctance of the now deceased former chairman of the Senate Judiciary Committee.

When I came upon the scene, the Senator from Massachusetts helped me in learning the issue. He was a good counsel. He knew the techniques; he knew the technical work that had to be done. We served together on the Select Commission on Immigration and Refugee Policy and I look forward to working with him in the future as we grapple with legal immigration issues, and that will be presented in the Senate very shortly. It is a distinct pleasure to have him working with me; and, more than that, to enjoy his friendship.

Mr. President, it has been a full year since President Reagan signed into law the Immigration Reform and Control Act. I had first introduced that bill nearly 6 years earlier; and while this body provided an extraordinarily strong bipartisan support for the immigration reform legislation effort by passing it by wide margins in Congress after Congress, the special interest groups across the full spectrum of political ideology opposed the bill.

They claimed it would cause discrimination against employees. They claimed it would impose unfair burdens on employers, it would cause labor shortages, and a remarkable variety of other ills were contended.

Now, Mr. President, we are only 6 months into the actual implementation of the principal portions of the bill, and I believe it is proper and fair to say that the legislation is proving to be successful, perhaps more successful than many optimistic supporters had expected. Although employer sanctions, which is the very keystone of the bill, is still in the educational stage of implementation, most employers appear to be doing their level best to comply with the law. There is a great deal of voluntary compliance. Reduced apprehensions of illegal aliens along our southern border would indicate the law is having the desired effect. After years of seeing the steadily increasing apprehensions along the southern border, apprehensions in the past fiscal year dropped 30 percent.

To date, complaints of employment discrimination have been few and unproven, and labor shortages in Western agriculture which some anticipated—and even, I think, sometimes hoped for in the Northwest—have not materialized, at least not in the figures we have.

Those are important things I think to keep in mind.

We do have a special counsel on board now and he will be reviewing whatever complaints of employment discrimination might be presented.

The legalization, which, of course, was the most controversial aspect of the bill, was opposed by some who feared it would legalize "millions upon millions" of illegal aliens, and by others who said it would provide legal status for too few persons, perhaps only a few hundred thousand. Both apparently were wrong. Thus far, more than 900,000 applications for legalization have been received, which is right in line with the Congressional Budget Office's preenactment estimated total of 1.5 to 2 million persons.

We are going to be awfully close to that. An interesting thing is it has not cost the American taxpayer at all, for the legalization fees are covering the Government costs of implementation, just as the Congress had intended. This is what we said. That it should be self-generated and it is.

Many were also concerned that the Immigration and Naturalization Service, so long under-funded and maligned from all quarters, would be unable to fairly and firmly handle the implementation of the bill. I join with my friend from Massachusetts in saying that we see that the INS has truly, I think, met the test. I believe the "naysayers" have been proven wrong again. Having adequate funding for a change, the Immigration Service, under the very able and the wholly accessible nature and personality of the Commissioner, Al Nelson, has shown itself to be fair, firm, and trustworthy. I think it is an agency that reflects the personality of its director. It is trustworthy. We see that now more than 85 percent—I think this is very important—85 percent of the legalization applicants, those illegal aliens who are seeking legal status under the bill, or amnesty under the bill, have applied directly to the INS for that remarkable act of grace. Now, that is interesting. They came to the INS rather than go through the voluntary agency networks which we felt we had to establish in order to accept applications if we were to be sure we could encourage a "fearful" alien to come forward and apply under the bill. We felt that they would feel that they would not go to the INS, they would be frightened, indeed, a natural antipathy. So we set up the qualified designated entities [QDE's] and yet they are being underused because people seem quite willing to go right to the INS for their application. I think that is good.

I always counsel people, too, "You need have a lawyer to do this," and I think there are some lawyers who prey upon those people and prepare some rather dazzling applications and forms, and I am not saying that within the voluntary agencies—for they do a superb job—or about the qualified designated entities; they do a superb job. But others who present that they are the "key to freedom" and charge accordingly, I think, they badly serve the profession that I very much love.

So those are some things I just wanted to review.

The Immigration and Naturalization Service I think has performed particularly well in implementing the legislation and carrying out true congressional intent, as expressed in the debate and in the legislation.

I think while we want to be optimistic, we must continue to follow closely the implementation of the legislation through our oversight responsibility. I think the really important thing is that all the players are here. The people who put together the legislation are all here. We know what needs to be done. We are ready to assume our burden and we will. We will follow matters very closely.

We must continue to adequately fund the Immigration and Naturalization Service. We must continue to search for solutions to the conditions in the sending countries which generate undocumented migration and the legisltion did create the Commission for the Study of International Migration and Cooperative Economic Development which is chaired by a true professional and another friend of mine, and of the Senator from Massachusetts Ambassador Diego Ascencio. I look forward to working with him and this very distinguished Commission and they have some superb members, Father Tim Healey of Georgetown, and other remarkable American citizens serve on that commission.

We look forward to working with them as we anticipate receiving their conclusions and their recommendation, and for the record the members of the Commission are: Diego Ascencio, Donna Alvarado, Eric Biddle, Toney Anaya, Dale DeHaan, Art Torres, Michael Teitelbaum, Rev. Timothy Healey, J. Garner Cline, Esther Lee Yao, Edward Rivera, and Congressman JOHN BRYANT.

We are very fortunate that people like that will come forward to serve, and I have worked with many of them personally.

Finally, Mr. President, it is important now to go on to reform our legal immigration laws in order to more adequately meet the current needs and conditions in the United States, because the last major change in our legal immigration laws occurred more than 20 years ago—the Senator from Massachusetts was instrumental in that—when we repealed the national origin quotas in an effort to make immigration to the United States a possibility to people from all nations, a very worthy goal we would all embrace.

While our intentions were inherently good and indeed proper, the changes have had the unexpected effect of denying legal immigration opportunities to most people in the world who do not have family connections in the United States.

We must make some reasonable changes in the law to open immigration to independent immigrants who now have little hope or opportunity to seek a new life in America, as so many have in the past.

Congressman SCHUMER of the House is working on that, a superb ally in illegal immigration reform. He refers to that as a classic immigrant, a return to the view of the classic immigrant. Father Hesburgh, who is my great friend from Notre Dame, referred to it as the seed immigrant. We want to pursue that and we will do that on the basis which is not at all discriminatory of others but takes into a new view family reunification and classic immigration in this country.

So I shall be there to try to help make the changes to open immigration to those who have this new hope, and we will give them that. I look forward to working with my friend and colleague and chairman of the subcommittee, Senator KENNEDY, and with the interested members of the House subcommittee and the full committee, a splendid group, who are completely pleasant to work with. When I say the "chairman" in the House we speak only for PETER RODINO, a superb ally and great friend, and RON MAZZOLI, my sidekick from Kentucky, and the new ranking member of the subcommittee, the Republican PAT SWINDALL, whom I am looking forward to coming to know better. His predecessor, DAN LUNGREN, was a superb compatriot and HAM FISH, the ranking member of the full Judiciary Committee, and CHUCK SCHUMER who, indeed, being a congressional Representative from Brooklyn had no possible stake in anything but the turmoil of immigration reform and did so with remarkable ability and skill.

So I look forward to working with them as we make needed changes now in our legal immigration laws during this Congress. We will present you, I think, with a very thoughtful package and hope you will look at it carefully and we will still continue our responsible oversight of the implementation of the 1986 immigration control bill.

It was a great pleasure to be part of that legislation and we must see that it works properly, with compassion and reason and in a very humane way. I thank the Chair.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY AND WATER DEVELOPMENT APPROPRIATION ACT, 1988

The Senate continued with the consideration of the bill (H.R. 2700).

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I rise to speak on the pending matter before the Senate, H.R. 2700, and the amendment thereto.

Mr. President, yesterday, we discussed at some length nuclear waste and nuclear waste repositories. I thought it would be important this morning to talk for a short time about what those of us who are opposed to the present legislation that is on this appropriation bill are trying to accomplish.

Yesterday, we criticized the Department of Energy and we had many reasons for doing so. But I think it now is time to talk a little bit on a positive note, the positive note being that we feel it is important to indicate to our colleagues here in this body that those of us who are opposing this legislation on this appropriation bill are not trying to kill the nuclear waste program. We are not trying to say that there should not be a nuclear waste program. All we are saying is that there should be a fair approach to nuclear waste.

I want to spend a little time this morning discussing what I feel is the middle ground, what I feel is a fair approach to the nuclear waste problem.

The committee that has jurisdiction, rightfully, of this issue, nuclear waste, is the Environment and Public Works Committee. The Environment and Public Works Committee has legislation that deals with this subject. And it is the middle ground. It is the way we should go in this area. It is a middle ground between the Johnston proposal that is now the legislation that is inappropriately on an appropriation bill, and the 1982 Nuclear Waste Policy Act that we spent a lot of time discussing yesterday as to why it has caved in; why, as Chairman UDALL stated, it is time to start over again.

The Department of Energy has so approached the problem by not following the law, not following its own regulations, not following the scientific advice that it received, that now we must look at some other approach. That is why the legislation that we now have that has come from the Environment and Public Works Committee is in fact a good approach.

As you will recall, there was a lot of talk yesterday about the 1982 act and some of its basic concepts. What the Environment and Public Works Committee has done is tried to take the best that we have out of everything that is floating around here; again, I repeat, the so-called middle ground.

Mr. President, I will talk a little bit about some of the key points of this legislation. First of all, the Department of Energy must develop surface testing plans for the three sites. This is important. This is what the Nuclear Regulatory Commission stated in their testimony last week before the Environment and Public Works Committee, saying this is the way to go. Let us do some surface testing before we go ahead and dig these deep holes into the ground. Surface testing will alleviate a lot of the guesswork.

And, of course, the thing that the Nuclear Regulatory Commission is concerned about is, if, in fact, you do not follow this approach here, you are going to wind up with a big hole in the ground, and they are going to have tremendous pressure placed on them to license that one facility. Why? Because there will have been hundreds of millions, if not several billions, of dollars spent on that one site and the pressure would be unbelievable to say, "Well, you can't license that." And even if they decided not to license it, the program would be set back even further because you would have to start all over again. That is why there must be some surface testing.

It is important, Mr. President, that surface testing be completed before selecting a preferred site. And it is obvious why that is important. There are some who are saying that you could do the surface testing after selecting the preferred site. In fact, that is one of the things that the chairman of the Subcommittee on Energy and Water has tried to do. In fact, he placed an alteration on the previous amendment by saying that surface testing could take place after the preferred site was selected.

Well, that really does not answer the question. The question is: Should the surface testing be done first? So you do the real characterization at the preferred site. There should not be a shaft dug until the preferred site is selected.

And when we are talking about a shaft, this is not like drilling an oil well or a water well. This is a huge hole in the ground that will have room for railroad cars. It will have room for hauling huge quantities of material up and down this vertical shaft and then after the vertical shaft is put in place, there will be drifts or tunnels placed at various angles in this shaft.

Simply, as the Environment and Public Works Committee said, is it not important that we do the surface testing before the shaft is done? And, of course, it is reasonable and logical and it will save the Government a lot of money.

Also, Mr. President, the Environment and Public Works Committee also is not saying we are going to just do away with the nuclear waste activities of this country; we are trying to sweep it under the rug; we are going to try to have Congress forget about it. That is not the case. That is not the case at all.

By January 1, 1991, the selection must be made—1991. In just a few weeks, we are going to be in 1988. So we are talking about a 2-year period—that is all—a 2-year period to do the surface testing, and by then make the site selection.

That, as you can see, tracks with what we have here. it is a middle ground. The matter that is now before the Senate is not a middle ground. It forces the DOE to pick a site and pick a site very quickly; in fact, to pick it by the end of next year, to pick it in a few months.

It also talks about the Department of Energy developing a decision methodology for selecting the site. This is based on current siting guidelines. All the Environment and Public Works Committee said is we will follow the current siting guidelines you have. We did not do it the first time but we will do it the second time; and that DOE must issue a comprehensive explanation of its decision.

There was a lot of conversation yesterday, Mr. President, about the Department of Energy not being able to supply information, to supply working papers, to justify some of its multibillion-dollar decisions and that is something that is important.

Again, I stress this is a middle ground. It is a reasonable way to go. It sets the target date of 2 years that there must be a site selection made. It does not put it off forever. But it gives people that work at the Department of Energy enough time to do what is appropriate.

Also, it calls for future judicial review and it is under an expedited procedure. But it is not a kangaroo court.

There is a record for judicial review. It allows the real courts to be involved in the program.

Also, there is some satisfactory handling of the pending litigation. The NEPA generally applies. Not verbatim but it generally applies. Again, a middle ground. Again, to show that the Environment and Public Works Committee was reasonable, the Environment and Public Works Committee felt it appropriate to do away with the second-round repository site. The reason they did it is because of convenience; because we have to get the first site underway first before we go to the second-round States.

I serve on the Environment and Public Works Committee. I did not agree with this provision. I did not think they should do away with the second-round sites. But in an effort of compromise, that was the position reached and so we follow the Environment and Public Works Committee.

Myself and others will have to go along with this middle-ground, middle-of-the-road approach.

The National Science Foundation, National Academy of Sciences—they have an oversight board. I think it is interesting to note that, in the alteration of the chairman's amendment today, there is some approach toward this and I think that is a step in the right direction.

Under the Environment and Public Works Committee, the MRS selection procedures are implemented, but there are significant safeguards. And there are no incentives, which all States can live with. We want this to be done on its merits. I think, being realistic, talking about these incentives, with all the crunches we have with money in this Congress, in this country, I think everyone is going to recognize it is going to be very hard to have the $100 million in perpetuity that is in effect in the amendment that is before this body. In fact, it is $100 million for the permanent repository; it is $50 million a year for the MRS. That is $150 million a year, and this bill does not have it because, realistically, I think we all agree it just simply will not happen.

(Mr. FOWLER assumed the chair.)

Mr. REID. I will not spend a lot of time talking about the Johnston matter, which is in effect the bill that is before the body now, but to point out some of the things that I think are worth pointing out. The important thing is we spent a long time yesterday talking about some of the DOE's violations and we are going to talk about some more of that today. We are going to talk about some of the past violations of the Department of Energy. But under this legislation that is now before this body, the Department of Energy is rewarded for their inactions and their violations of the 1982 act. They ratify everything they have done.

We talk about this bill that limits judicial review, sets up the so-called kangaroo court. Yet it shifts to a single site characterization, totally in opposition to the testimony that nearly everyone has given, including as late as last week the Nuclear Regulatory Commission saying that was not the right thing to do.

So, without belaboring the point, Mr. President, the Environment and Public Works Committee is a middle ground, it is a halfway, it is a reasonable approach. I would recommend to the Members of this body that they should look at this and should understand that those of us that are opposing the amendment on the floor this day as we did yesterday are not trying to put in the garbage can nuclear waste siting for a repository. That is not what we are doing. We are trying to do something that for all States would be fair and reasonable and that in good conscience could be voted for. I must withhold until I go over to my desk, away from these charts.

Mr. President, I indicated yesterday that I would spend some time today talking about the transportation of nuclear wastes and I do want to do that because a safe, reliable system for transporting nuclear waste is crucial to any nuclear waste management program. Although wastes have been shipped since the beginning of this country's nuclear program, most wastes that have been shipped, we must understand, are low-level wastes.

Mr. President, I talked about a lot of things the State of Nevada has done for this country, and we have done it gladly. I talked about the Nevada test facility I talked about the Nellis Air Force Base, Indian Springs Air Force Base, Fallon Naval Air Force Station, the Hawthorne Ammunition Depot.

Another thing I did not talk about is that we have been one of the three sites in this country for low-level nuclear waste for many years. We have handled, again, the waste from all over this country, along with the States of South Carolina and Washington. We are just chock full of low-level nuclear waste. But low-level nuclear waste, as concerning as it is to be hauled across this country, it is low-level nuclear waste. There is a tremendous difference between low-level nuclear waste and high-level nuclear waste. One is extremely dangerous, as was indicated yesterday; the most dangerous substance, the most dangerous poison that we have on Earth today.

Since the beginning of this country's nuclear program, what we have transported principally has been low-level waste. The high-level waste has stayed at the site where it has been developed, with rare exception. When a permanent repository opens, and of course a monitored retrieval storage facility as well, the quantity of spent fuel in shipment will increase and for the first time high-level waste will be moved around this country.

Aware of these facts, many State and local governments and citizens have become increasingly concerned about the safety of radioactive waste shipments. They want to have some control over what is shipped through their boundaries, when it is shipped, and how it is shipped and how it is packaged.

Furthermore, there are conflicts between the U.S. Department of Transportation and some States and local agencies over Federal preemption of State and local routing regulations. Two Federal agencies, the Department of Transportation and the Nuclear Regulatory Commission share responsibilities to develop, regulate, and enforce safety standards to ensure safe transport of radioactive waste.

The Department of Transportation, under the Hazardous Materials Transportation Act of 1975, has the authority to establish standards on any safety aspect of the transport of hazardous—and this, of course, includes radioactive—material, by any mode in interstate and foreign commerce.

The NRC, under the Atomic Energy Act of 1954, that is the Nuclear Regulatory Commission, has the authority to regulate "the receipt, possession, use, and transfer of radioactive materials."

So, to avoid possible conflicts and overlap in their regulations, the Department of Transportation and the Nuclear Regulatory Commission have agreed on their respective responsibility. They, in effect, have an interagency agreement.

In general, the Department of Transportation has the responsibility for packaging and shipping standards for certain low-level radioactive materials and for general labeling, handling, placarding, loading, and unloading requirements.

It also regulates the qualification for carrier personnel.

The NRC sets standards for packaging and regulating the shipment and security of containment of certain higher concentrations of radioactive materials, including large quantities, special nuclear materials, and spent nuclear fuel shipments to and from commercial nuclear powerplants.

Under the provisions of the Nuclear Waste Policy Act of 1982, all shipments of commercial high-level waste and spent fuel to Federal facilities, the repository or monitored retrievable storage system, or research center, are the responsibility of the Department of Energy, Office of Civilian Radioactive Waste Management. These shipments must comply with the Department of Transportation regulations.

In addition, DOE has formally agreed to transport commercial spent fuel and high-level wastes in certified shipping casks.

Finally, DOE is required by law to enter into contracts with producers of high-level waste and spent fuel to take title to the waste when it is being shipped to a Federal repository.

These contracts, negotiated in 1984, include provisions that cover transportation from the reactor to the repository or to a federally owned and operated interim facility, such as an MRS facility. All costs are to be borne by the users of nuclear-generated electricity.

PACKAGING

The packaging design for transportation of nuclear waste is the primary insurance against the release of radioactive contents during shipment. DOT and NRC packaging and contaminant standards are based on first, the degree of hazard posed by specific radionuclides to be shipped; second, the quantity of radionuclides—greater quantities require more protective packaging; and third, the form of the radioactive materials—most are solid, but liquid and gaseous materials are also shipped. Current DOT and NRC regulations specify four different types of packaging:

Strong tight containers, in addition to being highly durable, must have a tight seal and act as a shield to prevent exposure to handlers and drivers.

Type A packages must meet the requirements for strong, tight containers and in addition be capable of preventing spills and leaks under normal driving conditions. The bulk of low-level radioactive waste is shipped by truck in these two kinds of packages.

Type B packages are designed for radioactive materials with a higher curie content. They must meet all type A standards and be able to withstand a severe accident without the loss of shielding or the release of radioactive materials.

Special shipping casks for spent fuel are even more elaborate and rugged. Solidified high-level waste will be shipped in similar heavily shielded casks, which are still in the conceptual design stage.

That is important to point out. They still are conceptually not certain how they should be developed.

These casks for shipping spent fuel generally consist of a stainless steel cylinder with a heavy metal shield, enclosed in a steel shell. The casks are designed to withstand a sequence of hypothetical tests that encompass a range of very severe accident conditions, including impact, puncture, fire, and immersion in water without releasing more than a specified small amount of radioactive material. It should be noted that analytical methods, rather than actual field tests on sample casks, are used to assess the ability of a cask design to pass these tests.

I think the reason that is important is, again, we are going on theory, not practicality. That is similar to the environmental explosions of atomic weapons. In theory, at the time they did not feel there was any problem with people watching and standing downwind from them. But, in fact, that was not the case. In fact, it did harm people.

To date, most accidents in leakages in tranist have involved low-level waste and fortunately we have not had any deaths that relate to leakages in transit. But, of course, they have only dealt with low-level waste.

In fact, compared to transport of other hazardous materials, radioactive shipments, and, again, this is low level, have been fairly safe.

The interesting thing about hauling this poison across our highways and byways is how it is going to be routed.

The route of a radioactive material shipment depends on the type of material in the shipment, its size, the distance it must travel, and Federal, State, and local regulations.

Mr. President, I would hope that my colleagues appreciate that this poison is so dangerous that the routes selected depend on the type of material in the shipment, not only what material it is but how large the quantity is, the distance it must travel, and they are even concerned about some of the local regulations.

The U.S. Department of Transportation issued two sets of routing regulations in 1981 for highway carriers of radioactive materials. First, there is a general set of regulations governing the radioactive shipments of radiopharmaceuticals, industrial isotopes, and low-level wastes which, if properly packaged, are considered to present relatively minimal risks compared to other hazardous materials such as gasoline. These regulations allow carriers to use their own discretion in selecting routes. The second set of routing rules, which applies to motor vehicles transporting large quantities of radioactive materials, is more stringent. Carriers are required to use interstate highways as preferred routes, to avoid urban centers by using by-passes and beltways when available, to avoid travel during rush hours, and to avoid local hazards such as roads and bridges under construction or repair.

Why would they want to avoid urban centers if these things are safe as some would tell you? They want to avoid urban centers so there will be no accidents because these containers, these casks, contain materials that are dangerous.

Furthermore, drivers must have special driver training certification and be notified that they are carrying radioactive materials.

Many State and local governments have established their own rules, specifying such things as prenotification requirements, time-of-day restrictions, routes, and special equipment. The most recent example is the April 1985 ordinance enacted by the Denver City Council. In addition to many of the above requirements, the Denver law levies a fee on hazardous and radioactive waste shipments within the city. The fees will be used to underwrite costs of administration and emergency response.

Some State and local governments have adopted bans on the transport of nuclear waste through their jurisdictions. In 1976 New York City authorities banned shipments of large quantities of radioactive materials and spent nuclear fuel through the city. When the Department of Transportation issued its 1981 regulations allowing preemption, that is overriding of local restrictions, the city of New York immediately sued to block the regulations. A Federal district court sided with New York City in a very narrowly written ruling, agreeing that, in the case of New York City, DOT's environmental appraisal and assumptions about a "worst case scenario" were inadequate.

The U.S. Circuit Court of Appeals then heard this case and they overturned the decision, leaving the Department of Transportation regulations intact. The decision upholds the authority of Federal regulation, but allows State and local governments to petition DOT for waiver of the regulations.

If we have time in the next little bit, Mr. President, we are going to go look at some of these transportation routes. We are going to look at these different highways and byways because under the present state of the law States and local governments are not going to be able to pass any laws that will override the Department of Transportation. The Department of Transportation, according to the U.S. Circuit Court of Appeals, in effect said the Department of Transportation can do anyting it wants with nuclear waste through your towns and cities.

The Department of Transportation asserts that State and local rules are in many cases conflicting and that they restrict interstate commerce.

Now, remember the interstate commerce we are restricting. We are restricting the hauling of high-level nuclear wastes, nuclear poisons, that have been placed in these casks that are designed to prevent the materials from leaking.

State agencies may designate alternative preferred routes. It does not mean they will take those, but agencies may designate alternative preferred routes under the transportation routing rule, but the agency maintains that State and local regulations that unnecessarily burden, delay, or ban shipments will be preempted under the Hazardous Materials Transportation Act. It seems likely that this controversy, pitting the rights of States and local authorities against the Federal Government, will continue to be aired in the courts.

We also have a problem that I think we should talk about a little bit, and that is the liability coverage for accidents. The 1982 Nuclear Waste Policy Act, of course, heightened concern not only about the increased shipments of radioactive wastes, high-level radioactive wastes but also what would happen if there were an accident in the carriage of high-level nuclear waste. What about the adequacy of the liability coverage for such shipments. So currently the liability for a nuclear accident, whether occurring at a nuclear plant, a Department of Energy facility, or along the transportation route, is determined by the provisions of the Price-Anderson Act. This amendment to the 1954 Atomic Energy Act had two purposes. First, to ensure compensation for the public in the case of a nuclear accident and to protect the nuclear industry from a potential accident liability so large it would threaten the future of nuclear power.

This was first passed 3 years after the Atomic Energy Act in 1957 and renewed for 10 years in 1966 and again in 1975. The problem with this, Mr. President, is that the Price-Anderson Act expired this past summer, in August. So there, in effect, really is no protection from accidents if, in fact, they did happen. What Price-Anderson was set up to do was to provide a two-tier "no-fault" system of insurance. We need to get that back on track. That certainly is something we should be talking about. It is worth the time of this body to talk about a bill of substance, Price-Anderson, not to have on an appropriation bill a piece of legislation.

Again, Mr. President, I would like to withhold until I walk over to the easels.

Mr. President, what we have here in these charts are, of course, pictures of the United States. And on the first chart we have the projected annual spent fuel shipments to a Western storage site right after the turn of this century, using rail and all others using truck, and this is for demonstration purposes only.

I think it is important to note that where we are talking about the very, very large number of shipments, that is, 1,200—here—you see these areas that will be traversed with nuclear waste. Let us talk about some of the places. This is not a problem that deals with the State of Washington, the State of Nevada, and/or the State of Texas. It deals with most of this country. These are States that are affected, and it is easy to see which States they are. Of course, Salt Lake City, UT—huge amounts. Salt Lake was known in the early days as the crossroads of the West—crossroads of the West. Well, it will be the crossroads of nuclear waste. The crossroads of the West will be the crossroads of nuclear waste. Shipments of nuclear waste will be coming through here like gangbusters. Look at that large black line. Twelve hundred is this big. It is larger than that.

So Salt Lake City certainly is the crossroads of the West, but it will be for nuclear waste.

Traveling east, we go to the great State of Colorado, and I am only talking about the major cities that will be concerned and should be concerned about shipments of these hundreds and thousands of tons of nuclear waste. Denver, CO, the mile high city. It may not be so high when it is loaded down with nuclear waste or in fact if something goes wrong there. The people of Colorado have been very environmentally conscious. Some have said it is the most environmentally conscious State in the United States, for a lot of reasons. They share the great Rocky Mountains. I have been advised that one of my colleagues would like the floor. I would be willing to yield to my friend from Alaska under the condition that this not in any way interfere with, take away from, or be my second time speaking on this amendment.

The **PRESIDING OFFICER.** If there is no objection, the Senator from Alaska [Mr. MURKOWSKI] is recognized.

Mr. **MURKOWSKI.** I thank my friend from Nevada. I am very appreciative of his allowing me this opportunity to make a statement. I shall be happy to yield the floor back to him on my conclusion.

BUDGET DEFICITS

Mr. **MURKOWSKI.** Mr. President, for the last several days I have been drawing the attention of this body to the precarious fiscal situation of our Nation today, a situation that has been created over some 20 years. We have seen huge rising deficits, from $147 billion to $180 billion in the next year alone, an ever-mounting debt which increased as much as fourfold over the past 7 years. Interest on the debt as a percentage of Federal spending and GNP has doubled over the same period.

Now, when we reflect on the current accumulated debt in this Nation, we are faced with the stark reality that it is somewhere in the area of $2.3 trillion.

I came to the Senate, as I have indicated, in 1981. I had an opportunity to attend a budget meeting. At that time the total debt of this Nation was $757 billion, Mr. President. That has stuck in my mind because I happened to need a padlock that day and went out and bought a padlock. Rather than buy one with a key, I bought one with a combination. I was wondering at what to set the combination that would be easy to remember. I had been startled at the magnitude of that accumulated debt, $757 billion. Well, every time I use that padlock, the reality that now it is over $2.3 trillion I think says enough.

I think it says enough. It is obvious I cannot get a padlock with that many numbers. But the reference of the rate of growth of that debt certainly hits this Senator every time he uses that padlock.

We are seeing within the area of our gross national product a dip below 3 percent in 1988, but the thing that strikes me most significantly, Mr. President, is the dwindling savings in this Nation for capital growth. It is at its lowest point in 40 years with excessively high interest rates, long-term rates currently at 9 percent, and up from 7.1 percent since January. We have seen a reduction as a consequence of the Black Monday. We have a very nervous stock market. In a recent single day there was a 20-percent drop in Wall Street's equity value. What that means on paper is that it is substantial to those who value their net worth in stocks at a given time. The $23 billion in deficit savings discussed currently is not enough, Mr. President. With the present Gramm-Rudman-Hollings deficit reduction law, although somewhat flawed, even if the summit negotiators can get $23 billion in deficit savings to avoid sequestration, we will still have more spending than ever with no real deficit reduction, and we will still continue to have uncontrolled debt.

Mr. President, we cannot overreact. I am not suggesting that. It is too serious and too fast of a deficit reduction. Tax increases could retard the growth of our Nation and likewise spending cuts could push those on the edge over the brink. But make no mistake about it, Mr. President. It is a relatively simple matter. You do one of two things. You either increase revenues or you decrease spending. There is no other alternative.

What is needed is a long-term correction in U.S. fiscal policy, and that must be one that encourages savings. Savings are significant. We cannot do it with tax increases. We cannot do it with spending cuts. The initiative of the public to have an incentive to save is paramount. We all know savings stimulate growth, stabilize debt, and can help firm up Wall Street and cut the deficit. And savings in this country are at the lowest point in 40 years. Currently savings, as a percent of disposable income, has steadily shrunk from 6.8 percent in 1982 to just 3 percent in the last quarter of 1987. Savings are critical for the long-term health of our economy. Make no mistake about it.

Savings help keep interest rates down at a reasonable level. They make capital affordable. This opens doors to opportunities, it lowers the debt cost, increases jobs, increases growth for business and inventories, and of course, the broad base is that it increases tax revenues to the Federal Government and lowers borrowing costs of our Government to help stabilize the debt and pay for the deficit.

Mr. President, you get interest rates down through savings. And low interest rates really built America. Make no mistake about it—from our railroads, our farms, our homes, to our universities. And the interesting thing that we have to reflect on is our current system. Let us examine it for a moment.

The current system encourages spending. It encourages the accumulation of debt. It does not encourage savings. It even penalizes savings. Let me explain that, Mr. President. Interest on debt is deductible. Is that not a substantial incentive for further debt? And what do we do with interest on savings? We tax it. If that is not backwards, I do not know what is. The objective is to provide the incentive for savings. So incentives to save, to work, not spend, requires a fundamental rethinking of our policies, and our country's fiscal economic policies. I think it is time, Mr. President, for some initiative, some bold ideas, some new approaches because what we are doing is we are continuing even in the economic summit to vacillate over policies that simply are not addressing reality because they leave us with the dilemma of no other alternative but to increase revenues or decrease spending. And you increase revenues quickly by increasing taxes and where do you get those revenues? You get them from the individual, the consumers, the businesses of this country which have less to reinvest in the system, and then we tax their savings and away we go.

There are a lot of ideas around. And I think we should champion some of those ideas on the basis of some long-term solutions. It has been suggested that maybe instead of the personal income tax that we have learned to almost accept as part of our heritage that some other type of taxation may have merit.

It has been suggested that the value-added tax be examined. In a series of speeches that I intend to make before this body, I intend to address in each one various alternatives. Let us start with the value-added tax and ask a few questions about what it does.

Maybe in the area of asking whether it would offer an incentive to savings we find that there are significant advantages in the sense that a value-added tax is a flat-rate tax on services throughout production, distribution of consumer goods, and on business inventories. It does not tax savings. It taxes after you spend the savings, but you have the choice, Mr. President, of whether you want to make the expenditure or not. But you do not get taxed theoretically on a value-added tax on your interest or your return on your investment or your investment in the New York Stock Exchange or any other investment. You get taxed when you make a purchase.

As we look at alternatives, we are looking at alternatives to the current system, whether it be the Federal income tax system or something else that would come up. So make no mistake about it. I am not suggesting an additional tax. I am talking about whether there is a better, more equitable, fairer way, and perhaps the value-added tax deserves some consideration. We have seen its application in other countries. It is broad based. It can yield substantial revenues at low rates, and let us look at a 5-percent value-added tax and estimate what it might produce.

The figures provided indicate that a 5 percent value-added tax could produce about $100 billion in revenue. Value-added tax revenues, of course, as I stated, would have to end the personal income tax. They have the flexibility of substantially reducing the deficit. If we take an 18 percent value-added tax, we can end the personal income tax and add a 5 percent value-added tax, and we can go in and cut the deficit by two-thirds. It is a rather interesting reflection. To offset regressive features of the value-added tax, there has been examination of the necessity of eliminating the tax on the food, clothing, medicine, heating oils, and various other necessities of life. That is appropriate.

A 15-percent application would cut personal income taxes in half, and the deficit by approximately seven-eighths in 1 year.

Make no mistake about it, a value-added tax, as other proposals, is not without difficulty: regressive, unfamiliar, tax enforcement costs, time of implementation, vendor compliance. These are all difficulties. But with some fine-tuning, is this an alternative to the present system? The system simply is not working, because it takes the basic incentive away, and that incentive is to save.

I repeat that in this country we penalize those who save by taxing their savings, and for the debt we incur, what do we do? We give tax forgiveness.

That basic premise, that basic policy, is grounds for a complete review of our system, a complete policy change, based on the situation where we are today, with $2.3 billion of debt, with the interest on that debt taking some 16 cents to 18 cents out of every dollar on interest. As I said before, it is like owning a horse that eats while you sleep. It does not provide one job, one program, one social benefit. It just continues to eat, like a cancer, more and more. We are not addressing it.

If we could address the accumulated debt and reduce the interest, we would have more money for social programs, we would have more money for the things we need in this country.

So, as we debate the merits of what to do about our economic crisis, I think it is appropriate that we look at a value-added tax to replace the personal income tax as an alternative. It would certainly be attractive to the individual who, instead of having 20 percent to 25 percent of his salary withheld every month, would have 25 percent more disposable income; but he would have a choice, to take that disposable income and spend it or save it. If he saved it or invested it, he would not be penalized on it.

This is the type of thinking that is appropriate for this body to begin to reflect on: the merits of looking at alternatives that will correct the situation, correct the accumulation of our debt, and address our deficits.

Mr. President, I conclude my remarks today with the thought that I will be back addressing other potential alternatives, other major policy changes that should be considered at this time. I may propose legislation. The legislation that I am inclined to support at this time, very frankly, is an across-the-board freeze on all COLA's for the balance of this current fiscal year. That addresses the problem immediately. It does not take care of the outyears. So, what do we do about the outyears?

I have been around here long enough to know that this is not the only fountain of wisdom, that this is not the only place where concrete ideas come from, the changes in the policy of this Nation that redirect the economic direction. There are a lot of competent people in the private sector who should be heard from.

We have seen Presidential commissions proposed from time to time. Perhaps this is an alternative that could meld in as we reflect on the proposal of across-the-board COLA freeze, where potentially we would pick up some $12 billion or thereabouts, and then use that time to propose a commission of our noted economists to come in with some advice to the Congress of the United States on alternatives.

It would do two things. It would do something in the meantime, while the meantime is here today. We are still debating at the economic summit level the merits of what to do. Should it be a combination? Should it be a Democratic plan? Should it be a Republican plan? Or should we just talk a little bit more about it while the Nation waits for leadership?

One of the advantages of an across-the-board freeze is that we are doing something now. We have 8 months left. We have a crisis. Then we have time to make some judgments based on the input of the wisest counsel that these bodies in Congress can possibly bring into the policymaking system.

So that is some preview of what the contribution of the junior Senator from Alaska is on this subject.

I have been a commercial banker in Alaska virtually all my life and I am very concerned. I do not believe that jawboning or partisanship is going to be the answer. I am not blaming one party or the other. The fact remains that we have a crisis now, and we are reflecting on the crisis; but we are not reflecting on it, in my opinion, in an adequate manner, in addressing needed policy changes that will have to be dramatic enough to turn the direction around. I think we all agree that it has to be done and has to be done now.

I yield back to my good friend, the Senator from Nevada. I thank him for the opportunity to address my colleagues during the time he was carrying on his important dialog on nuclear waste.

I am very sympathetic to his concern and his cause, and I wish him well.

The PRESIDING OFFICER. The Senator from Nevada [Mr. REID] retains the floor.

ENERGY AND WATER DEVELOPMENT APPROPRIATION ACT, 1988

The Senate continued with the consideration of the bill (H.R. 2700).

Mr. REID. Mr. President, at the time of the break in the proceedings regarding nuclear waste, I was talking about transportation.

Returning to this illustration we have here, it is a map of the United States. On the map are the major rail and highway routes that would be used, according to the National Academy of Sciences, for hauling high-level nuclear waste. We proceeded to talk a little about some of the major cities through which nuclear waste would travel.

We talked about Salt Lake City, which is only one part of Utah that is going to be affected with nuclear waste. As can be seen from this map, not only is Salt Lake going to be affected, but also other cities in the State of Utah. Salt Lake is in the northern part of the State. There would be much nuclear waste coming down through some of the most rapidly growing areas in the country.

In the southern part of the State of Utah are the cities of Cedar City and St. George, and huge amounts of nuclear waste would be transported through these cities.

St. George is a tourist community now. According to studies put out, it is 1 of the 10 best places to retire, so it is growing very rapidly. They have numerous golf courses and tennis complexes, and a major highway and a railroad goes into general vicinity. The highway, of course, goes right through the city.

So it is a concern that should be to the people of the State of Utah.

I talked about Denver, CO. What I did not talk about and I should have talked about was Wyoming. Cheyenne, WY, is one of the areas where nuclear waste would be transported in large quantities. Cheyenne, WY, is a great city. I spent a lot of time there in the courts of the State of Wyoming, the courts in Cheyenne. I had a criminal case that I handled there. I traveled there a number of times from my home in Las Vegas. And it is a major thoroughfare, a major transportation route and, of course, nuclear waste would travel through that area.

I was happy to see Senator SIMPSON who served on the Environment and Public Works Committee being one of the major proponents of the middle ground, the ground that I have adopted, that is a midpoint between the Johnston proposal that is now before this body and the old outdated and ruined by the Department of Energy proposal of the 1982 Nuclear Waste Policy Act.

So, of course, my friend from Wyoming, Senator SIMPSON, understands the danger of transporting high-level nuclear waste through that community.

We talked about Denver, CO, and the significance of hauling with truck and rail through the State of Colorado, and I am suggesting, Mr. President, as you can see from these small lines here, which gets up to 1,200 shipments, why it would be more than that. It would be a significant amount of high-level nuclear waste that would be traveling through these areas.

We are going to talk about Lincoln, NE. Lincoln, NE, is an area, of course, that there is a lot of travel through.

I can remember, Mr. President, when I graduated from law school back here in Washington, DC, many years ago and traveling from here with my small family one of the places we stopped was Lincoln, NE. The reason we stopped in Lincoln, NE, is that we had a problem with bringing all of our wordly possessions. At the time they were on the top of a little station wagon that I had and had a luggage rack on the top of that, and we stopped in Lincoln, NE, to have that tarp repaired.

We stopped in Lincoln, NE, because it was on a major highway. I think it was Route 70. I am not certain. Route 30 or 70, but it was on a major thoroughfare, major highway, major freeway system. And they are going to be hauling nuclear waste along the same routes people like me traveled with my small family. They will be passing a nuclear waste truck.

Omaha, NE, is also on the roadways of nuclear waste. Des Moines, IA; Rockford, IL; Chicago, IL. Chicago, IL, one of the largest cities in the United States, one of the largest cities in the world. I bet the people of the city of Chicago would be interested to know that they are on the map, they are on the map because we are going to haul in trucks high-level nuclear waste through the city of Chicago. Not only will we haul by truck, we will put railroad cars with high-level nuclear wastes on them to be hauled through that very large city.

Gary, IN; South Bend and Elkhart, IN; Fort Wayne, IN; Akron and Cleveland, in Ohio; Erie, PA; Buffalo, NY. Buffalo, NY, knows something about nuclear waste because just a short distance outside Buffalo, NY, is West Valley; West Valley, NY, a place where they have already nuclear waste. It is on the ground. They are trying to figure a way to get rid of it. They have been trying to get rid of it for years and years. They have not been able to get rid of it. A very large cleanup project is there taking place. It is a concern because some of the nuclear waste they believe has traveled into Lake Erie, one of the Great Lakes.

So Buffalo, NY, I am sure, would be interested to know that not only will they have to continue dealing with West Valley, they will have to start dealing with nuclear waste that will be hauled by rail and by truck at or near Buffalo, NY.

There is Rochester, NY, and then, of course, we drop down to one of the lower more southerly routes and find Topeka, KS, as a place that will transport nuclear waste. Kansas City, MO, and Kansas City, KS, one of the very, very large metropolitan areas in the country. I am sure the city fathers there would be interested to know that they are on the map again for being a route through which nuclear waste will be carried.

St. Louis, MO—St. Louis, MO, had a reputation earlier on similar to Salt Lake City. It was a crossroads area. To get anyplace you had to go through St. Louis, partly because of the great Mississippi River. But St. Louis now again is on the crossroads because that will be one of the major routes through which nuclear waste will be carried.

Indianapolis, IN; Columbus, OH; Cincinnati, OH; Pittsburgh, PA; Philadelphia, PA, the city of brotherly love, the place where we traveled on July 16 to commemorate the 200th anniversary of the Great Compromise. It will be a place that will be a transportation route for high-level nuclear waste by truck and by rail.

Boston, MA; New York, NY; Baltimore, MD; Washington, DC; Norfolk, VA; and as we pointed out before, there is no need for Topeka, Baltimore, Philadelphia, to try to pass an ordinance or a law that would prevent or restrict or help you pay for any accidents that may occur as a result of nuclear waste or to pay for enforcing the law. You cannot do that. The courts have said you cannot. The Department of Transportation prevailed.

Mr. President, I would at this time yield under the condition that the next time I assume the floor it would not be considered a second speech.

I am happy to yield to my friend from the State of Washington who is so knowledgeable in this area.

Mr. ADAMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ADAMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GRAHAM). Without objection, it is so ordered.

The Senator from North Carolina.

Mr. SANFORD. Mr. President, our high-level Nuclear Waste Program needs to be put back on track. Many Senators and Members have spent a good deal of time investigating problems experienced by the Department of Energy, and putting together legislation designed to improve the situation. The distinguished chairman of the Energy Committee, the Senator from Louisiana, and the ranking minority member, the distinguished Senator from Idaho, have clearly made great efforts to redirect the program, and I commend these Senators for their diligence and leadership.

I do not think that anyone in this body would dispute the fact that there are serious problems in our high-level waste program at present. I do not think that these problems necessarily reflect any major flaws in the Nuclear Waste Policy Act of 1982. But it is clear that significant redirection is necessary, and I think we all agree on that. However, redirecting the program in such a manner as to maximize public confidence and safety while meeting our obligations to the generators of nuclear waste is an extraordinarily complex task.

I would like to address some specifics about the problems that have occurred in the implementation of the Nuclear Waste Policy Act, and then make some comments on the choices that we face, and some of the specific concerns that I would ask my colleagues to reflect upon.

Mr. President, the Department of Energy has experienced myriad difficulties almost from the start in implementing the NWPA. The DOE has been accused of failing to properly consult and cooperate with officials of affected States and Indian tribes. They have come under fire for underestimating safety concerns at a number of sites, in both the East and the West.

The DOE's siting guidelines have been widely criticized. Environmental assessments for the three western finalist sites have created many problems. The tortuous logic used by the Department to select these three sites, in fact, has raised many eyebrows, and the ugly shadow of politics has been cast over what ought to be pure technical decisions in some cases.

The proposed monitored retrievable storage facility has been extremely controversial. The DOE's assumptions about the MRS have been called into question by such reputable organizations as the General Accounting Office and the Office of Technology Assessment. The State of Tennessee, our close neighbor, has raised many valid concerns about the MRS that I do not believe have been adequately addressed. And even high-ranking utility officials have expressed considerable skepticism about the MRS proposal. In particular, criticisms about DOE's cost assumptions and lack of consideration of realistic alternative systems have been right on target.

Even the Department's surprising decision to halt work on the Eastern Repository Program last year raises interesting questions, to say the least. The problem was certainly not with the merits of that decision, since DOE forecasts of waste volumes clearly show that more than one permanent repository will not be necessary until well into the next century. With the current budgetary situation, it does not make sense to be wasting billions of dollars on a facility that we don't need any time in the foreseeable future.

Mr. President, the surprise was that the DOE reversed its previous position and took a quite logical, if controversial, step. The problem was when the DOE suddenly saw the light. It is quite interesting that, although DOE had the necessary information to make this decision well in advance, they waited until the middle of the 1986 campaign season to share it with us.

So the DOE's program has been under a cloud of suspicion almost from the start. The unfortunate result has been a mountain of litigation, well-founded concern from utilities about the use of the nuclear waste fund, and a complete and total loss of public confidence in the program. The DOE's credibility with the public is virtually nonexistent.

In my mind, the most important task that we have before us is to reestablish this essential public confidence to the greatest extent possible. People are afraid of nuclear waste, and rightly so. It is dangerous. It stays around for a long, long time. To residents of a host State for a repository, it will be an unwanted guest that came for dinner and would not leave for 10,000 years.

We have to face nuclear waste disposal in a rational manner. With proper safeguards, there is ample evidence to suggest that it can be stored safely for long periods of time. But how can we expect the public to believe this when, every time they turn around, some prominent citizen or scientist is blasting the DOE in the newspapers, pointing out yet another problem in the Nuclear Waste Program?

And just so we make no mistake, I am not suggesting there has been too much public involvement in the process. That is not the problem. If anything, the public should become more aware and more involved. The problem is that the DOE has not earned the public's trust. The problem is that the DOE has not been able to give the right answers to all the right questions. The problem is that what should be a purely technical, scientific decisionmaking process has become charged with politics.

Whatever action we take on this issue, I would respectfully ask my colleagues to consider well the impact of new legislation on the public's confidence in the program. We ought to be finding the safest site we can for disposal of high-level nuclear waste. That should be true whether the site is in our own backyard or whether it is 3,000 miles away. But the public does not believe the DOE when it says a site will be safe, let alone the safest site possible.

Mr. President, nuclear waste can be disposed of safely. Let us do our best to give the public a better reason to believe that. Let us make sure that future program decisions are made purely on the basis of the best available technical evidence. Let us remove, as much as we can, the ugly specter of politics from this process.

WHAT TO DO

The concerns I have discussed at some length led me, several months ago, to introduce legislation with a number of my colleagues to correct the DOE's program. My distinguished colleague, the senior Senator from Tennessee, was instrumental in putting together this legislation, as were my respected colleagues from Nevada and Washington. Our bill, S. 428, would have imposed an 18-month moratorium on the program. It would have set up a blue-ribbon panel to recommend solutions to the many difficult problems. It would have provided objective answers to the public's questions, and I think would have greatly boosted public confidence in the program.

I know that many of my colleagues were concerned that this legislation would unduly delay the program. They felt that it would be unfair to the utilities, who have been promised that spent fuel will be taken off their hands by 1998. They were concerned that a flurry of new litigation, responsible or otherwise, might result. And they did not want to see all the hard work that went into the Nuclear Waste Policy Act of 1982 unraveled.

While I believe that these concerns could have been addressed in a bill similar to S. 428, I recognize their legitimacy. These are important issues that must be dealt with responsibly. The Senator from Louisiana and the Senator from Idaho, I believe, have clearly addressed these concerns in their legislation, and I commend them for that. They have worked very hard to create a bill that would redirect the program while allowing it to move ahead, to put this issue behind us.

Mr. President, I still believe that S. 428 has considerable merit. The House of Representatives seems to be embarking on a similar course, and we must all pay close attention to the pros and cons of that approach. But of course the bill at hand is H.R. 2700, and I would like to address this measure now.

The nuclear waste language in H.R. 2700 would allow the program to go ahead. It would allow us to meet our obligations to the utilities, and to dispose of defense wastes in a timely manner. It would prevent the destruction of the program.

This language also takes note of some important facts regarding the amounts of high-level wastes that must be disposed of. The bill recognizes that we simply will not need more than one permanent repository for many years. It recognizes that we have far more important things to do—such as reducing the deficit, for one—with billions of dollars than create an unnecessary eastern repository.

AN EASTERN SITE?

H.R. 2700 would eliminate the search for an eastern permanent repository at least until the year 2007. This is a very good idea. Even the DOE agrees. We simply do not have the need for an expensive, controversial, and extremely unpopular repository in the East right now.

Serious problems have been found with many of DOE's proposed candidate sites in the East. I cannot speak for sites in other Senators' States. I am sure that others can add their own findings. But in my State of North Carolina, it is hard to see how DOE came up with the sites they did.

Both sites are near major cities. One is near Asheville; the other a few miles from our State capital, Raleigh. The Asheville site is very close to a number of hot springs. The hot springs indicate that ground water is rapidly circulating to great depth, and returning to the surface. The ground water may contain corrosive minerals. This is not the place to put highly dangerous radioactive waste. You might as well keep it on the surface, because the gound water would bring it back to you very soon.

The Raleigh site is near 17 geologically young faults. This is not a stable geologic area. And the city is experiencing tremendous economic growth. The area under consideration for a repository is likely to become densely populated in the near future. And believe me when I tell you, as friendly as Tar Heels in Raleigh are, the DOE is one "good neighbor" they do not want to have.

I could go into more detail about eastern sites, Mr. President, but the point is that there are serious problems. There is clearly no need to walk into this particular minefield at present. We do not need to waste the money. I have been saying this for a long time, and I am very glad that the Senators from Louisiana and Idaho concur.

THE MRS

However, there is at least one portion of H.R. 2700 that I must strongly object to. That is the authorization of a monitored retrievable storage facility, or MRS. I recognize that an MRS would add flexibility to our nuclear waste system. It would certainly help us meet our 1998 deadline. But the questions are, is it necessary? Is it too expensive? And most importantly, will it be safe?

I have opposed the MRS for a long time. I do not believe it has been firmly established that we need one. I do not believe that DOE compares an MRS system to realistic alternatives. And I think the General Accounting Office was right to question the cost effectiveness of this option.

The sponsors of H.R. 2700 worked hard to put together a cost-effective program. They have achieved commendable budget savings through a number of means. But I am convinced that we could make the program even more cost effective without sacrificing safety, by deleting the MRS.

I also question the DOE's assertion that transportation will be minimized through use of the MRS. It simply does not make sense to ship wastes twice when you can ship them once. I recognize that efficiencies could be created through the use of dedicated trains, et cetera, but I certainly do not think the DOE has even come close to proving its case yet.

If we are to have more transportation, we will also have more transportation risks. I do not believe the DOE has satisfactorily addressed this issue, either.

Mr. President, many North Carolinians are aware that H.R. 2700 could lead to the placement of an MRS in our State. They have made it clear to me in no uncertain terms that they do not want an MRS. They do not want an MRS in Tennessee. They do not want one anywhere. And neither do I. Wherever would not make any sense.

The General Accounting Office this year recommended further study of the MRS proposal. I urge my colleagues to consider carefully whether we have the information we need to make a decision of this importance. I also submit that we may wish to consider the benefits of a contingency storage program. Under such a program, utilities could receive credit from the nuclear waste fund by creating safe temporary onsite storage facilities, for one alternative.

This program would provide utilities with a cost-effective option in the event of repository siting difficulties in the future. It could even be used in conjunction with an MRS if further study indicated an MRS was absolutely necessary. Several utilities are experimenting with this technology on their own, including North Carolina's Carolina Power & Light.

High-ranking officials at leading utilities have expressed skepticism about the MRS idea. The well-respected Adm. Stephen White, manager of nuclear power for the Tennessee Valley Authority, is among these. In an August 6 memorandum, Admiral White stated that the MRS proposal is not considered to be in TVA's best interest and therefore should not be supported. This memorandum has drawn widespread attention in the press lately, and I ask unanimous consent to have it printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SANFORD. I would also like to draw the attention of my colleagues to several other issues relating to H.R. 2700, and would ask that they consider the following ideas.

First, I believe that we still need some kind of independent review of DOE's past program actions. This review need not delay the program, but I think the public deserves answers to many questions. Independent review would go a long way toward restoring confidence in the program.

I am no expert on the technical aspects of the program, but I have identified several technical provisions in DOE documents that give me pause. To name one example, DOE apparently considers proximity to a population center to be an asset for a site. Incredible as it may seem, DOE believes that having a city nearby will minimize socioeconomic impacts of the facility, and this consideration outweighs the threat to city dwellers posed by up to 70,000 metric tons of high-level nuclear waste.

Another interesting fact is that, in predicting the hazards posed by migrating radioactive substances, DOE apparently does not care where these substances reach the environment. As I understand it, all accessible environments are treated the same, whether they happen to be in a desert, a forest, or a major public drinking water supply. I would certainly think that these two examples would be difficult for the DOE to explain to the public.

Second, I believe we need some independent peer review of the program as it continues. Such oversight would encourage the DOE to be as conscientious as possible. It would help reassure the public that they can believe what they are told.

Third, I think we should carefully consider to what extent siting or characterization decisions should be subject to the National Environmental Policy Act. We may not wish to create unnecessary delays in the program, but we should make sure that well-established procedures to protect the environment are followed, and that reasonable alternatives to individual sites are considered.

Fourth, we should make sure that States' rights are not trampled on during the siting process. States should have meaningful input into the process, and they should have adequate rights to judicial review.

Fifth, we should make sure that all siting and characterization decisions should be made on the basis of adequate technical data. We must be able to defend the program against charges that decisions were made for political reasons.

And finally, I will return to the MRS proposal. I have stated my opposition to the MRS. I have stated my belief that we need more information about the facility. However, if at some future point Congress decides that we must have an MRS, we absolutely must make sure that the facility does what it is intended to do, and no more.

A great many people in North Carolina and other States fear, with some justification, that an MRS could become a de facto repository for all of the Nation's wastes. A brand new and fully functional MRS would be an easy target for expansion should we run into further difficulties at permanent sites.

The MRS, as currently proposed, would provide temporary storage and processing services for relatively small amounts of waste. It is not designed to hold unlimited quantities of high-level radio active material. That would not be a very safe way to go as a permanent solution.

If an MRS is ever approved, it should be strickly limited to handle only the amounts of waste that DOE has proposed. DOE wants to put 15,000 tons of waste in the facility, and we should not allow an MRS to ever handle more. If Congress wants an MRS—and I want to make it clear that I do not think it is a sound policy—then a tonnage ceiling and an acreage limitation, at a minimum, would be absolutely requisite for passing such authority.

Mr. President, I close by saying again that this is an extremely complicated issue. I personally do not think that an appropriations bill is the best place to put substantive authorizing legislation of this complex type, but that will be the decision of the Senate. I believe there are many positive aspects to H.R. 2700, and other aspects that require further consideration. I would hope that my colleagues will give careful thought to these points, and that we will ultimately pass a fair bill that, above all, will help restore public confidence in our program for the disposal of high-level nuclear waste. We need that kind of public confidence.

EXHIBIT 1

To: W.F. Willis, General Manager, E12 B16 C-K (7).

From: S.A. White, Manager of Nuclear Power, LF 6N 38A-C.

Date: August 6, 1987.

Subject: Edison Electric Institute (EEI) and American Public Power Association (APPA) Transmittals Regarding Nuclear Waste Policy Act (NWPA) Activities.

The following comments are provided in response to the June 22, July 2, and July 17 letters from Loring Mills, of EEI, and the July 9 memorandum from APPA regarding current legislation and activities related to NWPA. Detailed comments on specific items in the transmittals are attached.

The July 17 letter from Loring Mills requested guidance from all ACORD members on the approach the industry should take in regard to Senator Johnston's proposed bill S. 1481 and whether an all-out effort should be applied by the industry governmental affairs persons to seek its enactment. Mr. Mills requested that a recommendation be telephoned to him, along with a view on whether near-term follow-up by ACORD is needed. If Chairman Dean chooses to respond, we recommend the following.

An all-out effort to enact S. 1481 should not be supported at this time since it calls for a near status quo continuation of current program activities by the Department of Energy (DOE) without an independent program review and provides for authorization of the monitored retrievable storage (MRS) facility. TVA should instead continue to endorse the objectives of NWPA and support an overall NWPA program review which has a definitive scope and limited duration (as currently proposed in legislation by Senator Sasser and Representative Udall). This approach would be more appropriate in view of the very controversial status and acknowledged impasse that now exists in implementing NWPA. The program review would be used to develop constructive program modifications in order to reestablish consensus support and credibility and allow progress in NWPA. Legislation S. 1481 is a limited-scope initiative which will not provide complete and enduring solutions to the wide range of issues affecting NWPA. The current, extremely intense industry and congressional actions related to NWPA accurately reflect the very unsettled and fluid status of NWPA and the need for comprehensive initiatives such as the program review to get it back on track.

ATTACHMENT

Review of the June 22, July 2, and July 17 Edison Electric Institute (EEI) transmittals and the July 9 American Public Power Association (APPA) transmittal indicate the following points:

1. An impasse now exists in implementing the Nuclear Waste Policy Act (NWPA). This impasse will likely lead to a delay in the program since consensus support has been seriously eroded, and significant compromise is not evident. Two bills, each having substantial cosponsorship, have been proposed (one by Senator Sasser and one by Representative Udall) that would create independent commissions to review the current program and made recommendations to Congress. Under these proposals, all site-specific repository and monitored retrievable storage (MRS) activities would be suspended while the program review is conducted. Congressman Udall, as one of the main authors and one of the strongest supporters to date of NWPA, has stated that "DOE has handled the screening effort so badly that the public and many of us in Congress have lost faith in the integrity of the process."

2. EEI proposes that MRS be approved by Congress without the usage restrictions proposed by the Department of Energy (DOE). This would involve removal of the constraints put on operation of MRS by DOE in response to Oak Ridge area concerns. DOE proposes to specifically link operation of MRS to NRC licensing of the first repository and to limit the total capacity of MRS. NRC has also indicated opposition to the proposed linkage between operation and licensing.

3. The General Accounting Office (GAO) recommended in its June 1987 report, "Nuclear Waste—DOE Should Provide More Information on Monitored Retrievable Storage," that before Congress considers the current DOE MRS proposal, DOE should (1) provide a more comprehensive and integrated non-HRS alternative (i.e., the currently authorized waste management system) for comparison to the proposed MRS and (2) provide an estimate of the cost of all elements associated with MRS. The State of Tennessee has indicated full concurrence in GAO's recommendations on the need for additional information on MRS costs and on alternatives for improving the waste management system.

4. DOE indicated in its June 1987 report, "Nuclear Waste Fund Fee Adequacy: An Assessment," that the 1-mill/kWh fee is sufficient at this time, but an indexing inflation factor may be needed as soon as 1988.

5. Legislation S. 748, proposed by Senator Sasser, would provide an onsite storage credit to utilities against the contributions they have already made to the Nuclear Waste Fund. The legislation also requires each licensee to develop and implement, based on NRC's approval, a spent fuel contingency management plan. This plan would be for storage needs beyond the January 1998 target date for repository operation established by NWPA.

6. In response to previous testimony at congressional hearings that "the entire nuclear industry supports the need for the MRS facility," the APPA transmittal clarified, for the record, that the association has taken no position on the current DOE MRS proposal. APPA supports NWPA as enacted but does not support DOE's draft amendment to its mission plan which postpones operation of the first repository for five years. APPA emphasized the need to move ahead because delays jeopardize the NWPA and destroy public confidence in industry's ability to provide a permanent solution.

7. The APPA transmittal also included a proposal by the New York Power Authority (NYPA) regarding a policy statement on the high-level waste repository and MRS. The intent of the transmittal is to determine whether there are other utilities with the similar sentiments as NYPA. NYPA's proposal regarding the repository program calls for (1) modification of the standard contract with DOE for repository services to provide credits to utilities for their spent fuel storage cost after 1998 and for actions which they undertake that reduce DOE's overall disposal cost, (2) conditioning any increase in the Nuclear Waste Fund fee with attainment by DOE of agreed-upon milestones, and (3) strong consideration of the recommendations of the advisory panel on Alternative Means of Financing and Manag-

ing Radioactive Waste Facilities that the program be removed from DOE and given to a quasi-governmental organization. These proposals, which could have a beneficial impact on implementation of NWPA, are considered in TVA's best interest and should be supported. In addition, NYPA proposes that MRS, as proposed by DOE, be authorized and funded by Congress. This proposal is not considered to be in TVA's best interest and therefore should not be supported since it would require payment by TVA and use of MRS regardless of our own spent fuel storage capabilities and plans.

ATTACHMENT 2

II. TVA's Spent Fuel Management Planning

As recently affirmed in TVA's response to the Office of Management and Budget (OMB) regarding DOE's draft bill to authorize the MRS, TVA's spent fuel management planning basis has been to ensure adequate, onsite, life-of-plant spent fuel storage at each plant. This contingency planning has been considered prudent for the following reasons:

1. By current projections, TVA will require additional spent fuel storage capacity before any Federal nuclear waste storage or disposal facility is available to meet our needs. When considering the startup period and fuel receipt rate of any such Federal facility, TVA could be required to continue to add additional storage capacity until as late as the year 2008, even assuming the current DOE schedules are met.

2. The schedule for actual availability of any Federal facility to relieve TVA of its additional storage requirements has always been and continues to be highly uncertain. With the current status of implementation of the NWPA, continuing delays in the program are considered likely. The schedule for the first repository, currently the only authorized facility under the NWPA, has been delayed for five years from 1998 until 2003 for initial startup, the MRS, as proposed by DOE, would be scheduled for initial operation by 1998 with full operational receipt achieved by 2003. However, actual authorization of the MRS is currently uncertain and, since startup of the MRS itself is linked to DOE receipt of a construction permit for the first repository, the proposed MRS schedule is also highly uncertain.

3. TVA's studies have indicated that safe and economically viable storage options do exist that would allow us to meet our storage needs, even achieve life-of-plant storage if necessary, at each of our plants. These studies also indicate that incorporation of these options, along with an overall system management approach by DOE in the NWPA program, could save TVA's ratepayers very significant expenditures. The MRS itself could cost TVA ratepayers approximately $200 million more than implementation of TVA's onsite storage.

4. Review and development of TVA's spent fuel management concepts have involved an extensive cross section of national, State, local, and public, and private organizations and individuals active in nuclear waste management. To date, these concepts have received a broad base of support from these groups, especially from and within the State of Tennessee.

EDISON ELECTRIC INSTITUTE (EEI) TRANSMITTALS REGARDING NUCLEAR WASTE POLICY ACT (NWPA) AND ACORD ACTIVITIES

W.F. Willis, General Manager, E12 B16 C-K (7).

S.A. White, Manager of Nuclear Power, LP 6N 38A-C.

June 8, 1987.

The following comments are provided in response to the March 26, April 3, and May 8 letter from Loring Mills, of EEI, regarding current activities related to NWPA and the June 9 ACORD meeting that Chairman Dean has indicated he plans to attend. In addition, our comments of June 5 to Edward S. Christenbury, as they relate to this subject, are directly applicable.

John Siegel, of the Atomic Industrial Forum (AIF), stated at the May 14 AIF Subcommittee on Spent Fuel Storage meeting that he intends to provide a forum at the upcoming ACORD meeting for discussion of utility thoughts regarding the currently proposed Monitored Retrievable Storage (MRS) and for consideration of options to the Department of Energy's (DOE) proposal. This action appears to be based on utility response to the testimony of W.W. Berry at the April 29 Senate hearings on MRS where he stated, "The industry supports, unequivocally, the need for the MES." As discussed at the May 14 AIF meeting, the May 4 AIF Oversight Committee meeting, and the May 18 Electric Power Research Institute External Fuel Cycle Committee meeting, this testimony is in conflict with other industry statements regarding MRS.

Utilities represented at these meetings have not indicated total support regarding the need for an MRS; and, in particular, some industry spokesman have stated that their companies have refused to sign an AIF statement in support fo MRS. To date, a number of utilities are developing their own storage capabilities to address their long-term needs and are pushing for DOE consideration of options that incorporate utility onsite spent fuel management into the DOE system.

With regard to the Government Accounting Office's (GAO) report discussed in Mr. Berry's testimony and based on our contact with utility representatives responsible for response to the GAO survey, we believe that the GAO survey was reasonably accurate and can be considered a reliable indication of utility needs and attitudes related to an MRS. We believe that review of the MRS issue at this timely point by ACORD would be in the best interest of TVA and the nuclear industry.

The PRESIDING OFFICER. The Senator from Washington.

Mr. ADAMS. Thank you, Mr. President.

Mr. President, we now have the amendment of the distinguished Senator from Louisiana before the Senate. Let me, if I may, try to draw a distinction between the amendment now before us and the amendment that Senator Reid and I offered yesterday. They are very different.

The amendment that we had before the Senate yesterday was nicknamed, by our staff at least, the "Kitchen Sink Without the Drain" amendment. They gave it that name because it included the kitchen sink.

All of the amendments adopted by the Energy and Water Appropriations Committee and the Full Appropriations Committee as well, and all the House language that the committee had agreed to at the same time had excluded the drain.

Senator Reid and Senator Adams offered an amendment that would exclude S. 1668, the Nuclear Waste Policy Act Amendments of 1987 which was reported by the Energy Committee on August 7 of this year.

I want to stress, Mr. President, that S. 1668 is not law. It was a bill which was put in by the Energy Committee and it has passed out of the Energy Committee but it is pending as a bill to come to the floor. And I will repeat what I said yesterday.

I have indicated to the chairman of the Energy Committee, and to all other Senators, that we would be willing—at least this Senator would—to agree to a time agreement on that authorization bill.

There has also been placed a separate authorization bill, from the Environment and Public Works Committee, into the reconciliation bill. So we have pending two authorization bills in the reconciliation vehicle. That is why we have had such a long fight, and it will continue, not to put legislation of this type of complicated nature into an appropriations bill.

If our amendment yesterday was called the kitchen sink without the drain, the amendment by the Senator from Louisiana, the chairman of the subcommittee and manager of the appropriations bill, would certainly include the drain. So we now have the kitchen sink with the drain. It would force us to wash the Nuclear Waste Policy Act of 1982 down the drain but it would also take one State down the drain with it.

And I want to talk with my colleagues today about some of the objections I have to this legislation. Yesterday when I addressed the Senate, I raised a number of procedural concerns about considering authorizing legislation on an appropriation bill. That fight will continue.

I object to the procedures of the Senate, and yes, of the other body, the House, being completely bypassed by putting legislation on appropriations bills. I think that bypasses the authorizing committees, it takes out of the potential conference the people who have expertise, many of whom have spent their careers in the U.S. Senate working on this issue. It would bypass them on a conference and we would have simply an appropriation conference. So those procedural things are important.

I am not going to repeat those arguments today. I just have one last thing that I want to say on the procedural issue at this time—that I recognize fully that sometimes the Senate will include legislation on an appropriation bill. But usually we do it with some degree of subtlety or we do it because of some overwhelming pressing need. Neither of those situations apply here.

We have an appropriation bill which incorporates by reference—it does not repeat the language, but just by reference—a pure authorization act which has never been considered by the Senate. That may be many things, but, Mr. President, it certainly is not subtle. And it is not pressing.

My goodness, Mr. President. As the Senator from Nevada and I pointed out yesterday we will be considering this issue on reconciliation hopefully in the next few days. So it is going to come up and it is going to come up in an authorizing form.

I will later in this year and certainly during the next session address the whole problem of reconciliation. It also tends to bypass authorizing committees by rolling into one large bill all of the authorizations and appropriations. This started in 1981. I was not in either the House or the Senate in those days. But I had been the first budget chairman, and the rolling together of all matters in a reconciliation bill I think is bad legislating. It prevents real consideration of authorizing committees' work, and it combines appropriations and authorizations. But at least it does that. It has authorizing committees available in it.

In this case it will have the Environment and Public Works' version as well as the Energy Committee version of what to do with nuclear waste. And out of that we would go then to conference with all of the authorizing committees involved as well as the Appropriations Committees.

So the appropriate authorizing committees in the Senate and in the House would have an opportunity to speak. Be that as it may, we are considering an authorization bill in the context of an appropriation bill. And today I would like to open the debate on and discuss with my colleagues some of the problems I see in the authorization in S. 1668, if it were ever to come before this body.

I realize that some of my colleagues have not lived with the issue of nuclear waste on a daily basis as Senator REID and I have. That is understandable. And it indicates why we perhaps have had to spend more time on this issue than many of our other colleagues. We live with it every day, every day.

Many do not realize that under existing law before a repository is selected all three of the candidate sites are supposed to be subjected to characterization. That is, for all three sites a drill is supposed to bore a giant hole in the earth, and gain information about subsurface characteristics of all three sites.

The reason that all three sites were to be subjected to this characterization was so that DOE could make a rational decision at least to the extent that they can about which of the three sites was best suited to be a repository for the Nation's nuclear waste.

The key is that the existing law requires a comparative evaluation of the three sites before a decision is made. In other words, know what you are doing before you decide; not to decide and repent later.

Now, deciding and repenting later is precisely the kind of thing that would happen under this bill. This bill is trying to avoid having the information and doing the necessary characterization which is required to select a site.

This morning the Senator from Louisiana, the manager of the bill, modified his amendment, and I requested that I at least have it read or that it be immediately made available. The ground is shifting on characterization but he has not met the full problem.

I think that our debate yesterday made the point to a number of people that you should know what you are doing before selecting a site.

The reason we are having so much trouble with this bill now is the fact that the sites were picked on a political rather than a scientific basis. And the consensus and support of the bill blew apart. It is unfortunate for the Nation that that happened. But it has happened, and DOE did it.

I want to talk now about characterization, because there is a difference between drilling a huge shaft which may go through the aquifer, may go through an existing dump site, may have water coming up instead of going down, and may dump as it goes down if it goes through a hazardous waste site.

As I said yesterday, there are 55 of these, at a minimum, in Hanford Reservation. They do not even know where they are. They could go through one of those and go through the aquifer or the water could wash it away. It is possible that we do not need characterization at each site prior to exploring a site for a shaft.

I indicated to the Senator from Louisiana, and I want to make it clear, that I can accept some form of sequential characterization—going one, two, three. I can accept the notion that we will decide that one of the three sites is best suited to be a repository without drilling a shaft and without doing full characterization in all three places. This saves the money that he talks about, to a considerable degree—in other words, the ratepayer money that is paid on the millage that goes into an account that is then spent by the appropriations process through the Department of Energy. But if we are to make this change in direction, it makes sense that we have some rational basis, some objective data base, some reasonable amount of evidence, before we make a decision. In other words, let us not repeat the mistake made in going from five sites to three, by going from three to one, and not knowing what we, as a nation, are doing.

After all, the decision to select a single site to dispose of the Nation's commercial and civilian nuclear waste is not a trivial one. It is a decision of great magnitude. What I object to in the authorization bill, which is lurking in this appropriation bill, is the fact that it does not require—indeed, it does not allow—a rational decision to be made. The bill is based on this assumption, which I feel is false. It is based on the assumption that DOE now has enough information available to it to make a decision as to which site to select without doing the in-depth characterization currently required at all three sites. It is upon that assumption that this amendment and the authorization bill upon which it is based depend.

However, while that assumption may not be accepted by the Members who support this amendment, it is not shared by those who need to implement it. In fact, Mr. President, the Nuclear Regulatory Commission, which will need to license the repository which may be selected under the process contained in this amendment, has serious concerns about the procedures this amendment contains. In a few moments, I will read into the RECORD several memoranda submitted to the Nuclear Regulatory Commission from the staff of the NRC. But before I turn to those official documents, I want to mention in passing the fact that the Environment and Public Works Committee held a hearing, one of a number of hearings they held on this subject, on October 29 of this year.

While no official transcript of that hearing is yet available, I understand that the NRC staff and the Chairman of the NRC expressed strong doubts and reservations about the wisdom of requiring a decision based upon what they know today about those sites and the DOE program of a single site for characterization as this amendment proposes.

It is my impression that the testimony on that day before the Environment and Public Works Subcommittee indicates that the NRC does not believe that there is enough information to decide where to sink an exploratory shaft of the kind envisioned in this amendment. They just do not know. As I indicated in my remarks yesterday, this is a huge shaft. The drill that sits on the Hanford Reservation now is the second-largest drilling rig in the world. It is an enormous instrument and would create a shaft many feet across. This is not just some small exploratory borer. This is like a mine shaft of very large proportions drilled into the ground.

What the staff and the Commission indicated was that before you sink a shaft, before you spend all the money involved in that sort of activity, you need a lot more information than we have now. Yet, it is precisely that sort of information which the pending amendment would prevent us getting. It is precisely that kind of information which would make the decision of DOE—and ultimately the NRC, to license a facility—much more scientific and much more likely to prove safe and to provide a method of protecting the health and environment of the Nation.

The point is simply this, Mr. President: The amendment pending by the Senator from Louisiana does not require—indeed, it actually prevents—us from gathering the kind of information that we need if we are going to make a rational and realistic analysis of the three candidate sites before spending billions of dollars to sink a shaft, only then to find that the site is not any good.

Last night, the Senator from Louisiana said that we have to save billions of dollars by not characterizing all these sites. We agree, and we would save that money. We would not drill the site. We would go just to surface characterization, and it would give information on these sites to the appropriate officials and to the Congress of the United States and to the American people that we knew what we were doing and that we were not just drilling, drilling, drilling.

In that context, one of the amendments I attempted to discuss with the chairman of the committee would have us do some additional surface base characterization at all three sites before we sank a billion dollars into each shaft. He was unwilling at that time to consider that amendment because it conflicted with his desire to make a decision by a date certain, an issue I am perfectly willing to discuss.

My point now is that this option of gathering information has been presented to the committee. It was similar to the provision reported by the Environment and Public Works Committee in its reconciliation package described in a "Dear Colleague" letter circulated to the committee yesterday. I hope my colleagues will read the "Dear Colleague" letter circulated by Senator Reid, me, and others, and that by Senator Breaux and others, from the Environment and Public Works Committee.

Mr. BYRD. Mr. President, will the distinguished Senator yield?

Mr. ADAMS. Mr. President, I ask unanimous consent that I may yield, without it counting as a speech under the two-speech rule.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ADAMS. I yield the floor.

Mr. BYRD. I thank the distinguished Senator.

I ask unanimous consent that the Record not show an interruption in the Senator's statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that the distinguished Senator from Alaska be permitted to speak, as if in morning business, for 5 minutes; that the pending bill be temporarily laid aside; that upon the yielding of the floor then by Mr. Stevens, the Senate proceed to the consideration of Calendar Order No. 396, House Concurrent Resolution 195.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I thank my good friend, the distinguished majority leader.

(The remarks of Mr. Stevens are printed earlier in the Record, by unanimous consent.)

PRINTING OF REPORTS OF THE SENATE AND HOUSE SELECT COMMITTEES ON IRAN

The PRESIDING OFFICER. Under the previous order the Senate will proceed to the consideration of House Concurrent Resolution 195. The clerk will report.

The bill clerk read as follows:

A concurrent resolution (H. Con. Res. 195) providing for filing and printing of the reports of the House and Senate select committees on Iran as a joint report.

The Senate proceeded to consider the concurrent resolution.

The PRESIDING OFFICER (Mr. Conrad). The Senator from Hawaii.

AMENDMENT NO. 1128

(Purpose: To revise the organization of and number of reports to be printed)

Mr. INOUYE. Mr. President, I send and amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Hawaii [Mr. Inouye], for himself and Mr. Rudman, proposes an amendment numbered 1128.

On page 2, line 4, strike all through line 18 and insert in lieu thereof the following:

"(b) The first volume of the joint report shall contain a summary of facts, descriptive matter, findings, conclusions, and recommendations, including supplemental, minority, and additional views. In addition to the usual number, nine thousand copies of such volume shall be printed for the use of the House select committee and nine thousand copies of such volume shall be printed for the use of the Senate select committee."

Mr. INOUYE. Mr. President, we are ready for a vote.

I have been advised that the distinguished Senator from North Carolina has an amendment.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I have a few questions I would like to direct to the managers of the bill.

First of all, would one of the distinguished Senators advise me on the question of the number of extra copies—and I put "extra copies" in quotes because it has a meaning under the rules of the Senate—the extra copies that will be printed as the term extra copies is defined under the law?

Mr. INOUYE. If the Senator would yield, under the amendment under consideration, each House will have, in addition to the usual number of a thousand, 9,000 copies per House; an additional 18,000 for both Houses.

Mr. HELMS. How many copies of the appendix?

Mr. INOUYE. 1,000.

Mr. HELMS. So there will be a total of how many copies of the report.

Mr. INOUYE. We will have 2,000 copies of the appendix, 20,000 copies of the report. The report will be in one volume.

Mr. HELMS. May I ask how many copies are printed in accordance with the so-called usual number provided for under the statute?

Mr. INOUYE. The usual number is 1,000.

Mr. RUDMAN. Will the Senator from North Carolina yield for an additional comment on his question?

Mr. HELMS. Certainly. I am trying to take a few notes; 20,000 plus 1,000, is that what the Senator said?

Mr. INOUYE. One thousand, plus 9,000 for each House, a total of 20,000 reports for the Congress of the United States.

Mr. HELMS. Yes, I yield to the distinguished Senator from New Hampshire.

Mr. RUDMAN. The Senator from North Carolina might be interested to know that the normal rules entitle each committee to issue a separate report and print 1,000 copies. That would have cost each House approximately $29,000. So the committees would have spent roughly $58,000.

As the Senator from North Carolina knows, it is the first copy that costs the most money. The incremental spending on this is actually $35,780. That is what all of the additional copies would cost.

Mr. HELMS. I thank the Senator.

Then, that raises a question: What is the precise extra cost for the extra copies to be printed?

Mr. RUDMAN. Mr. President, assuming separate reports, which is what we had assumed originally, $35,780. I might add that this report, I would advise my friend from North Carolina, appears to be in the range of between 500 and 700 pages, one volume containing both majority and minority views. To save money, all will be in one volume, including dissenting views and concurring views. The volume size will not be the size of a normal congressional report. The volume size will be similar to that of the Tower Commission report.

Mr. HELMS. I thank the Senator.

Now, how will these extra copies be distributed?

Mr. INOUYE. Ten thousand copies per House will be distributed to Members, to the media, to the administration, and to libraries throughout the Nation. In fact, it is the judgment of the committee that 20,000 copies may not suffice.

Mr. HELMS. May not suffice?

Mr. INOUYE. May not suffice. But keeping in the spirit of austerity that prevails throughout the Congress, we have decided to tighten our belt.

Mr. HELMS. Can the Senator from Hawaii tell me how many copies each Senator will get?

Mr. INOUYE. We will have to accommodate the libraries and the media and the administration and, at that rate, I would hope that each Member will be able to get at least 50.

Mr. RUDMAN. If the Senator would yield, I am advised that because of the potential demand for the copies, what will probably happen is that the Government Printing Office will print additional volumes, as they do with many Government documents, and offer them for sale generally. But the committees felt that their limit on the report would be the 20,000.

Mr. HELMS. So there will be no instance of a Senator using these for mass mailings purposes, under the Senate definition of mass mailings?

Mr. INOUYE. Unless we describe 10 volumes being mailed out as mass mailings.

Mr. HELMS. No; I would say to the Senator, over 500. There is no possibility?

Mr. INOUYE. No possibility.

Mr. HELMS. Well, that is comforting. It is reassuring that we will not have to worry about the cost of mailing any document in mass quantities.

Now, I believe you mentioned the number of pages in this volume. Would you restate that for me.

Mr. RUDMAN. The committee finally approved the report this morning. We have to get a conversion figure from the Government Printing Office, but we believe that it will come out between 500 and 700 printed pages. So it is a rather substantial volume.

But as the Senator from North Carolina I am sure knows, once you start printing a volume of this size, the additional pages have a diminishing cost in proportion to what the volume would cost if it had, say, 200 pages. And once you go for the binding, the binding costs would not be that much more for a volume of this size. We decided, in the interest of economy, to publish one volume that will be reasonable.

Now, I have some doubts myself in terms of how the middle pages will read in terms of folding on the binding. But we have made that decision.

Mr. HELMS. I thank the Senator.

At the time this committee was constituted, I stated, with all due and true respect for my colleagues from Hawaii and New Hampshire, that I thought another investigating committee and another television circus was the last thing we needed.

I must say, in all honesty, I still hold that view.

Does either Senator have any notion as to what demand there will be for extra copies to be purchased from the Government Printing Office? Have you any mail count, people requesting them, that sort of thing?

Mr. RUDMAN. I would advise my friend from North Carolina that it is my sense, from mail I have received and from comments from various other colleagues, that there is going to be a substantial demand way beyond the 20,000 copies. And people will just pay for those.

I daresay that a number of libraries in the country, secondary school libraries, college libraries, will not be able to get a copy, even among the copies that we are now printing, after you distribute to the House and the Senate. There are 10,000 volumes for the House of Representatives, for instance, and each Member of the House may receive 10. That will be 4,350 copies. In the Senate, if we receive 50, or 20, even, it will be somewhere in the several thousand range.

So my anticipation is that GPO will have to print additional volumes for sale. It is also assumed that, as the Tower Commission report, there might be private enterpreneurs who decide to print it. As the Senator well knows, there is no copyright on this type of document.

Mr. HELMS. Well, I hope that would be the case, because I do not know of any function of Government that does anything at a profit. More functions should turn over to the entrepreneurs.

The Senators have no way of knowing whether there will be a policy of sending this material only to the people who request it. Are you going to send it to all the libraries, whether they ask for it or not?

Mr. RUDMAN. I can only answer in terms of what I intend to do, and that is to send them to the major libraries in my State, such as in reasonable numbers to our college libraries, our university libraries, our secondary school libraries and large municipal libraries, to the extent I can send them copies. Other than that, I will tell them to write to the Government Printing Office and buy one.

Mr. HELMS. But the committee is not going to send any to libraries? It would be up to each Senator?

Mr. RUDMAN. I can only say that the chairman and vice chairman might decide, out of their allocation, to send a few to some libraries, but we have not made that decision. We have not precluded it, but certainly, in my discussion with the chairman—and he can speak for himself—we intend no mass mailings of our own.

Mr. HELMS. The Senator from Hawaii said that there will be at least 50 copies available to each Senator. I will be glad to share some of my copies with other Senators.

What will be the maximum number of copies that a Senator might expect?

Mr. INOUYE. Two hundred.

Mr. HELMS. Two hundred?

Mr. INOUYE. I mean 100 copies, dividing 10,000 by——

Mr. HELMS. So it will be somewhere between 50 and 100?

Mr. INOUYE. Sir?

Mr. HELMS. It will be somewhere between 50 copies and 100 copies?

Mr. INOUYE. It could be lower than that.

Mr. HELMS. I understand that. But——

Mr. INOUYE. Because from our allotment we will be providing necessary copies to the administration. I am certain the White House will want some. The CIA most certainly will be asking for some. The Justice Department, the FBI, Department of Defense, State Department.

Mr. HELMS. But, did not the Senator say no fewer than 50 copies?

Mr. INOUYE. I said I hope that we have no fewer than 50.

Mr. HELMS. Oh, I see.

Mr. INOUYE. Very likely we will end up with something like 20 copies.

Mr. HELMS. Does either Senator have any figure in mind as to the number of requests there have been so far, other than those requested by the media, Senators, Members of the House, the FBI, the administration and so forth? How many copies from the general public have been requested?

Mr. INOUYE. If my mailbag is any indication, and I do not believe it is because many of those sending letters to me send them to me in my capacity as chairman—I received a total in excess of 140,000 letters and in those letters, easily over 25,000 requested copies of reports.

Mr. RUDMAN. I wanted to also respond that I also received a large number of requests and our standard response was that we did not think we would have sufficient copies for general distribution. Although I am sure, if the Senator would join with us, if we wanted to do a real public service we could increase the number of public volumes printed and really serve the people of the country well. But I really doubt I would get that cooperation today.

Mr. HELMS. Well, I am not certain about that. Maybe the people of this country would rather have the money saved.

But that runs the gamut of my questions, Mr. President. Is the bill now open to amendment?

The PRESIDING OFFICER. There is an amendment pending.

Mr. HELMS. I see. I yield the floor.

The PRESIDING OFFICER. If there is no further debate the question is on the amendment.

Mr. HELMS. Mr. President, would the managers mind stating what the amendment does in a brief sort of way?

Mr. INOUYE. This amendment states that, in addition to the usual number of copies per House, 9,000 copies will be printed per House.

Mr. HELMS. I thank the Senator.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Hawaii.

The amendment (No. 1128) was agreed to.

Mr. INOUYE. I move to reconsider the vote by which the amendment was agreed to.

Mr. RUDMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1129

(Purpose: To insure that Lt. Col. Oliver North and others are not prosecuted for criminal activities in connection with the so called Iran-Contra matter except upon showing of clear, personal and illegal financial gain or their perjury)

Mr. HELMS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 1129.

The amendment is as follows:

Add at the end of the Concurrent Resolution the following new section:

"SEC. . It is the Sense of Congress that it is not in the national security interest of the United States that any individual who appeared before the Senate Select Committee on Secret Military Assistance to Iran and the Nicaraguan Opposition or the House Select Committee to Investigate Covert Arms Transactions With Iran should be indicted or otherwise prosecuted or tried for any activity related to the subject matter before such Committees unless such activities resulted in the clear personal and illegal financial gain of such persons or their perjury.".

Mr. HELMS. Mr. President, let me say at the outset that I have had many requests to offer this amendment. Not a one of them coming from anybody in Government. The requests have come from the American people, obviously, especially from North Carolina, who have had their own reaction to the events of the past several months.

I am offering this amendment in a bipartisan spirit, in the hope that the Senate will go on record against a further drawing out, extension of the Iran-Contra affair that will serve absolutely no purpose except to aid those governments around the world which are unfriendly to the United States, chiefly the Soviet Union and Iran.

The amendment is non-binding. I intended it to be that way. But it recommends that there be no individual prosecutions, which will inevitably degenerate into show trials not unlike the Soviet model, unless the prosecution charges criminal personal financial gain or perjury of the defendant. The amendment expresses the view that prosecution in other circumstances would not serve the public good and that the potential damage to the national security interest of the entire country would outweigh whatever minor advantage or petty satisfaction to be derived from extracting another pound of flesh from those involved in this unfortunate affair.

Obviously, justice should be served if there is evidence of criminal conduct for personal enrichment or of clear perjury; otherwise justice will not be served in the judgment of this Senator, nor will the public good.

It is well established in American law that prosecutorial discretion is permitted prosecutors at all levels for exactly that purpose. Similar discretion is given even a special prosecutor appointed under the so-called Special Prosecutor Act found at 28 U.S.C. section 594. In fact, 28 U.S.C. section 594(g) specifically grants authority to a special prosecutor "to dismiss matters within his prosecutorial jurisdiction without conducting an investigation or at any subsequent time prior to prosecution if to do so would be consistent with the written or other established policies of the Department of Justice with respect to the enforcement of criminal laws."

I point out to the Senate that the term "other established policies" was recently added by Congress in Public Law 97-409 section 2(a)(1)(A) and that subsection (g) specifically granting authority to decline prosecution on such basis was added in the 97th Congress by the same Public Law 97-409 at section 6(c) which added the material I have quoted.

Since "other established policies" and, indeed, I believe even "written policies" allow consideration of the overall national security and public good, it follows that a special prosecutor not only "may" but under the statute "must" take those factors into account in determining whether or not to dismiss a prosecution.

Now, Mr. President, despite these facts, I am certain we are going to hear a chorus of Senators who want their pound of flesh asserting that my amendment interferes with the special prosecutor, or as he is now called the independent counsel. These Senators—when they do come forward, as I suspect they shall—will be wrong for the following three reasons.

First, the amendment is nonbinding. It simply states the sense of the Senate that, absent personal criminal gain or perjury, the public good would not be served by flogging this dead horse any further.

It implies also that to do so would be a matter of little more than holding this country up to further ridicule for the benefit only of our enemies.

But I reiterate for the point of emphasis, that this amendment mandates nothing.

Second, the amendment acknowledges but does not interfere with the well-established tenet of common law that every crime, taking account of surrounding circumstances and the overall public good, need not be brought to trial. That is why there is prosecutorial discretion in the first place. That is why a citizen preventing a bank robbery with his own illegally-possessed weapon is normally congratulated rather than being sent to jail.

But, again, Mr. President, the amendment is advisory, it is an opinion, and it does not at all or in any way direct that any prosecution be dismissed.

Third, independent counsel status has been amended for the precise purpose of allowing the counsel to exercise discretion in matters of this nature. All this amendment does is encourage consideration of the national interest in the counsel's decision.

The amendment absolutely does no more than that.

Maybe Senators are having a different reaction from their constituents from the reaction that I have had in a torrent of mail, telephone calls, and personal visits. But based on the reading of the American people with whom I have been in contact, they are tired of hauling military officers and others before various tribunals asking them about everything ranging from their NFL preferences to where they keep their paperclips.

The American people who have contacted me, by almost a unanimous majority, have said in one fashion or another, "enough is enough."

So unless there be individuals who have perjured themselves or stolen funds from the public, I think they need to be left in peace now. Several of them have risked their lives and sustained wounds in battle defending the people of the United States. Although in the present matter they may have been wrong, they may have been unwise, they may have been unthinking, I think there is little question that emerged from the hearing that they were trying to serve their country.

Their inentions were honorable and their actions had been undertaken for their country as best they saw it. Their vision may have been clouded.

We may have learned a great deal, and I think we did, about policy. But I will tell you one thing, Mr. President: I was provoked last night by a 90-minute television documentary by a self-proclaimed expert, Mr. Bill Moyers, wherein he went back and destroyed, as best he could, the character of Winston Churchill, Franklin Roosevelt, Lyndon Johnson, whom he served at one time as a patsy. Ronald Reagan he was particularly hard on. He said time and time again that "Ronald Reagan lied when he said that" or "Ronald Reagan did not tell the truth when he said that," never once giving the other side in terms of what the Nation was confronting during World War II, during the Vietnam war, or during the Korean war, and now in the war, declared or undeclared, that exists in Central America, in Africa, in Afghanistan, and so forth.

It was, in short, a sorry performance by a newsman who undoubtedly congratulates himself on pillorying people who are dead, who cannot defend themselves. And even if they were here, they could not go into the classified information in the first place.

It was 90 minutes devoted to running this country down. It was 90 minutes of blaming America first with scarcely a mumbling word about the real evil in the world, the real danger in this world, and that is the force of communism.

So I am not mystified that people, at least those from my State, are saying "enough is enough. Let us put this behind us. Let us consider that we may have learned something." I do not think that Ollie North ought to be indicted. I do not think that he ought to be pushed around anymore.

The purpose of this amendment is to give Senators an opportunity to express on opinion as a body as to whether enough is in fact enough.

Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. RUDMAN. Mr. President, let me say at the outset that if this amendment were appropriate at all, even as a nonbinding sense-of-the-Senate resolution, it seems to me that it might be appropriate after our colleagues had a chance to read a 5- to 700-page report that the committee will be releasing on the 17th of November. Certainly, very few Members of the Senate, other than those who are on the panel, I would doubt have had the opportunity to have the insight into the evidence that the members of the panel had and that the report will reflect.

It may well be after reading that report that the Senator from North Carolina might attract many adherents and supporters to his amendment. He might today.

This is a very premature kind of an offering, it seems to me, because there is much in the report which I believe will come as somewhat of a surprise to even those who thought they followed the hearings.

Second, let me say if there is one thing that we believe in America it is equal justice under the law.

Let me say that this committee report, when it is published, does not recommend the prosecution of anyone. It talks at great length about the law because we are a nation of laws. But it leaves to Mr. Walsh, who, incidentally, I think bears little resemblance to Bill Moyers, the ultimate decision of whether to proceed to a grand jury. That, of course, is as it should be because we do believe in this country in the separation of powers, that the traditional executive, legislative, and judicial branches are all quite separate.

Having said that, I say reluctantly that, although I deeply admired many of the witnesses before us for their exemplary conduct in the defense of America, conduct that many Members of this Senate have also engaged in in other places at other times, that there is evidence before the committee that I think is best left to a prosecutor. It may well be that even though laws may have been violated, there was no criminal intent. If that is true, I have great confidence in the judicial system that a good trial will prove there was not criminal intent.

Look just for a moment at actions that, to put it, I think, mildy, contain evidence of probable cause within our hearing record in the words of the witnesses themselves.

We have the shredding of hundreds, possibly thousands, of documents, not to hide them from the KGB, but from the FBI.

We have lying to an Attorney General of the United States. We have lying to the Congress. We have conversion of millions of dollars of U.S. Government property belonging to the taxpayers. We have misappropriation. We have the gross mishandling of classified documents. And the list goes on, and I will not bore the Senate with it. The committee assiduously has avoided in its report the casting of any criminal shadow over any witness in a section of the report that is entitled "The Rule of Law." We leave that to Mr. Walsh, who was appointed at the request of the Attorney General of the United States, and I would assume with the concurrence of the President of the United States.

I wish no one any ill. I believe that there are adequate defenses to some of the charges that Mr. Walsh may bring, and that the justice system will prevail. I understand fully what my friend from North Carolina is saying. I do not disagree with part of it in terms of some of the people involved. If, in fact, they were only acting out of patriotic zeal and had no intent whatsoever to violate U.S. law, even that which can be imputed by their actions in some cases under holdings of our highest courts, then they ought to be acquitted. But we, as a U.S. Senate, it seems to me, if nothing else, ought to observe the rule of law.

We finished our hearings. Democrats and Republicans alike were dedicated to not putting a shadow over any of the witnesses in terms of subsequent possible prosecutions. The report will read just that way.

Although this is nonbinding, I know the Senator from North Carolina would not disagree with me that a sense-of-the-Senate resolution such as this has a certain force and power of its own. If it did not, the Senator from North Carolina would not waste the time of the body to introduce it. So I hope that we will defeat this amendment, not because I do not share some of the views of my friends from North Carolina about some of the witnesses, but because I think the question must be addressed by other people at other times if the symbol that is on our Supreme Court, "Equal Justice Under the Law" has a meaning to all Americans, rich and poor, civilian and military. The strength of this democracy is that none of us are above the law, even those who may break laws because they may think it is in the national interest.

I yield the floor.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Mr. MITCHELL. Mr. President, I urge Members of the Senate to vote against this amendment. It is really highly inappropriate for the legislative branch in this fashion to attempt to intervene directly into a pending matter before another branch of Government, specifically the possibility of a criminal indictment arising out of these events. It contradicts directly and flatly the principle of separation of powers between the three branches of Government, and it is an effort without precedent in my knowledge to have the legislative branch be dictating to another branch of Government who ought or who ought not to be subject to criminal prosecution.

Senators ought to think carefully that if we start down this road now, where does it stop.

The Senator from North Carolina was very candid in saying that the people of his State want this matter to end. Presumably, he is referring to a majority in his State and there may well be a majority in the country for that position. Are we then to subject criminal prosecutions, the decisions on criminal prosecutions in this society to public opinion polls?

Whether or not anyone is indicted in this case is a decision to be made by the independent counsel, an independent counsel appointed by the present Attorney General at the specific request of the President of the United States. Indeed, it is my recollection that the President took the extraordinary step of personally announcing the appointment of the independent counsel—the only time that has ever happened to my recollection under the independent counsel statute.

And so we have the present Attorney General naming an independent counsel at the specific request of the President and now the Senate asked to dictate to that independent counsel what he should or should not do. Even if we had all of the evidence that is in the possession of the independent counsel, it would be inappropriate for us to take this step, but the reality is that not a single Member of the Senate, not one, not the Senator from North Carolina, not the distinguished Senator from Hawaii, who is the chairman of our committee, not the distinguished Senator from New Hampshire, who is the vice chairman of the committee, no other members of the select committee, no other Member of the Senate knows, can possibly know or can legally know all of the evidence that is in the possession of the independent counsel.

We specifically established legal mechanisms in our society to encourage the gathering of information by prosecuters, and one of the ways we facilitate that is to make those proceedings in part secret, and we do not permit the dissemination of that information. That helps us as a society because it encourages the gathering of complete information by prosecutors. We, therefore, render that entire process suspect.

If the Senate, admittedly not possessing the information which is available to the independent counsel, not knowing what evidence the independent counsel has, enacts a resolution telling him not to indict anyone, how can we possibly know that? What would the Members of the Senate think if we went before a court and the jury before hearing the evidence, not knowing what the facts were, rendered a judgment? And yet that is precisely what the Senate is being asked to do.

The Senate is being asked to express an opinion on which it does not have all of the information, on which it did not legally have all of the information, and therefore plainly we should not approve this resolution. It is most inappropriate.

We already have two branches of Government, the executive branch headed by the President, and the legislative branch, consisting of the Senate and the House, where too many decisions are already made on the basis of public opinion polls.

Are we now to say that the third branch is to engage in decisionmaking by public opinion poll? That if someone happens to be popular or receive a favorable rating in the polls, we ought not to let the normal processes of Government go forward?

It is a very dangerous road that the Senate is being asked to start down. And remember, if we say that someone ought not to be prosecuted because the public opinion polls show they are popular, how much of a step is it to saying that those who are unpopular ought to be subject to prosecution? What American now could be assured if the Senate were to adopt this resolution that someday in some future circumstance they might be subject to an unwarranted prosecution or that others who should be prosecuted would not be?

Mr. President, I want to conclude with one brief comment. One of the very real problems in our Nation today is that large numbers of Americans believe that there are two systems of justice in America. They believe that there is one system of justice for all of the ordinary citizens, and there is another system of justice for those in positions of power, public or private, or those who possess sufficient wealth. And the reality is there is a lot of evidence to support that.

I have spent most of my adult life in the criminal justice system as a State prosecutor, a Federal prosecutor, a Federal judge, and a defense attorney. And the hard reality of life in America today is that the brand of justice you get can in some cases and in some places depend upon the color of your skin, the size of your bank account, and a lot of other factors that ought to be extraneous. If there is one thing this Senate ought to be doing it is everything it can to establish the principle that there is one standard of justice for all Americans, that every American, every person from the President on down is subject to the same rules, the same standards, the same laws, and that we do not have the Senate of the United States interfering in the judicial process for the benefit of persons who happen to hold high Government office.

It may well be that none of these persons will be indicted. If that is the decision of the independent counsel, then the process will have worked in that fashion. No one here should assume what is going to happen because no one here knows what is going to happen. I do not know if or when there will be indictments.

I am sure the chairman of our committee and the vice chairman of our committee who have devoted countless, thousands of hours to this effort know what is going to happen. So we ought not to assume that. We ought not to be intrigued in the judicial process. We ought not to be involving the Senate in a place where it should not be doing what it should not be doing, and further undermining respect for the system of justice in our society. Ours is an imperfect system. This will make it much more imperfect. Rejection of this resolution will say at least on this day and in this case that in America everybody does stand equal before the law, and everybody must be subject to the same process, and that no one, no matter what position they hold, is going to be exempt from the ordinary process of Government.

I thank you, Mr. President. I will just conclude by urging the Members of the Senate to overwhelmingly reject this amendment. I yield the floor.

Mr. **SPECTER** addressed the Chair.

The **PRESIDING OFFICER**. The Senator from Pennsylvania.

Mr. **SPECTER**. Mr. President, I oppose the pending amendment as in my judgment, an unwarranted interference by legislative authority with a prosecutorial function. In our Government, Mr. President, there is a clear separation of powers. It is simply not the function of the legislative branch, after having established a criminal code, to direct or even suggest to the prosecutorial authorities what action should or should not be taken. That limitation applies to the judicial branch as well as to the legislative branch. Prosecutorial discretion is exclusively lodged in the district attorneys, the U.S. attorneys, or the independent counsel who has jurisdiction over the matter.

I served as district attorney of Philadelphia for some 8 years and as an assistant district attorney for a time and have seen efforts to intrude on prosecutorial discretion. They are characteristically rejected. Equity actions brought in court seeking to have the judges stop a prospective prosecution are uniformly rejected because even the courts who have overall supervisory authority over matters within the courts will not take action to enjoin the prosecution before it is brought. The interest of justice is for anyone who may be prosecuted or served by the defenses available, to be treated by the adjudicators of fact through the normal procedures which protect the defendant's rights. It is unacceptable under our tradition to interfere in advance with that exercise of prosecutorial discretion.

Mr. President, there is a constitutional provision which prevents legislative action on a bill of attainder. When our Constitution was framed there was a specific direction which prevented legislative action in directing criminal prosecution where it was linked to a specific person, in contrast to British practice where there had been such action. The Founding Fathers made sure that the legislature would not intervene to say that a given individual ought to be prosecuted; it is one of the really fundamental freedoms that is very frequently overlooked because it has become such a matter of accepted practice. Of course, that is not dispositive of the converse where you say somebody should not be prosecuted. But I would suggest, Mr. President, that the same philosophy which keeps the Congress and the legislature out of directing prosecution would logically keep the legislative branch out of saying who should not be prosecuted. But the principle is well established that once the Criminal Code has been enacted, then individual cases are a matter of prosecutorial discretion and separation of power and not a legislative function.

Mr. President, if this amendment is defeated, there is a significant risk that some will interpret the negative implication to be present that the Senate intends or thinks that some people ought to be prosecuted. While this amendment does not name anyone on its face as a person whose prosecution should be rejected, there are certain prominent figures in the investigation by the select committees who come readily to mind, and there might be an inference that the Senate is encouraging prosecution of a certain individual. That would be very unfair and very unwarranted and not intended, but an implication which might well arise from the face of this resolution.

Mr. President, the resolution's call for the rejection of prosecution, unless the activities of the individual resulted in "clear personal and illegal financial gain," or "their perjury," is a statement far outside existing law. It is not necessary to state a crime that there be personal financial gain. The conduct may be criminal if there is gain for a third party or an illegal diversion of funds.

In the context of hasty consideration, this amendment would be a major modification of existing criminal law in a most unwarranted and unwise way.

The public policy factors which are an issue in this matter have very deep ramifications and ought not be the subject of a very sudden incursion by a surprise amendment where there is no notice to other Senators. I heard about it only because I monitored the proceedings through the television coverage.

This is much too complex a matter for a rush to judgment, as exists in the context of the amendment process. If there is to be some serious effort to impede the action of the independent counsel in some significant way, then it ought to be a matter for legislative hearings and for due deliberations, for a committe report, and for the deliberative process of prepared debate on the floor of the Senate.

In summary, there are very serious philosophical objections to proceeding in this manner, most fundamental of which is the traditional prosecutorial discretion afforded to whomever is in charge of the case, here the independent counsel, and the traditional rules, based on very sound policy, to maintain that separation of powers and not to allow interference with the appropriate discretion of a prosecutor.

Mr. **RUDMAN.** Mr. President, I was going to put in a quorum call, but if the Senator from Maryland seeks recognition, I will withhold that request.

Mr. **SARBANES.** I just have a couple of minutes.

Mr. **RUDMAN.** I do not have a time schedule, I say to my friend. I yield the floor.

The **PRESIDING OFFICER.** The Senator from Maryland is recognized.

Mr. **SARBANES.** Mr. President, I rise in opposition to the amendment.

I simply point out to the body that in terms of logic, if an amendment were offered directing that people who had appeared before the Senate Select Committee should be prosecuted, I assume that Members would take the floor in opposition to that proposition as an interference with the appropriate discretion that rests in the prosecutor—an intervention by the legislature in a matter into which they should not trespass.

However, this raises the same question from the other direction, and I submit that it is inappropriate for the legislature to intervene, to direct no prosecution, as it is to direct prosecution.

What this amendment fails to understand is the nature of the process we follow in this country in order to reach very basic decisions. It is not a legislative authority to decide who should or should not be prosecuted. That is a clear trespass by the legislative branch into an area which has been set aside for decision by others.

We proceed with the discretion placed in the prosecutor to determine whether a charge should be brought. The decision then, in the last analysis, will be made within our judicial system by a judge and a jury—if, in fact, a charge is brought. But for the legislative branch to be directed that no charge should be brought, or directing that a charge should be brought, is a trespass by the legislative branch.

So I think the amendment is fraught with danger. It does not recognize the proper allocation of authority under the constitutional scheme which we have adopted in this country and which has served us so well for two centuries. In fact, it underscores the importance of not being so determined to seek a particular substantive result that one is prepared to violate or trample upon the proper procedure for reaching decisions. That is at the heart of our constitutional system, that we have provided certain ways by which decisions are reached which we regard to be fair and equitable and just.

Of course, one of the fundamental premises on which we operate is that the legislative branch is not to direct whether or not prosecution should take place. We do not, by passing an edict here, either free someone of a possible prosecution or place someone into a prosecution. The logic of this amendment would do exactly that, and I hope that the Senate will reject the amendment.

Mr. **ADAMS.** Mr. President, I will be very brief. I simply want to echo what the Senator from Maryland and the Senator from Maine have said.

This is a fundamental question of a bill of attainder, and I hope we will not get into this kind of process—either saying a negative bill of attainder or a positive bill of attainder. As the Senator from Maryland said, we carefully divided that power away from the legislative branch to avoid this activity.

I support the position of the Senator from Hawaii and the Senator from New Hampshire.

Mr. **KERRY.** Mr. President, I rise to express my strong opposition to this dangerous amendment.

The Senate should never carve out exceptions in our criminal justice system to exculpate ex post facto individuals who might otherwise be convicted of crimes.

Equal justice for all means just that: Equal justice, not permitting prosecution for some people and prohibiting it for others.

To support this amendment would be to give credence to the point of view expressed by some at the NSC, that sometimes its alright to go above the written law.

Rule of law has always been the first principle of American Government as far as domestic affairs go. As President Kennedy recognized, "law is the adhesive force of the cement of society, creating order out of chaos and coherence in place of anarchy * * * for one man to defy a law or court order he does not like is to invite others to defy those which they do not like, leading to a breakdown of all justice and order."

To the extent that any administration undermines respect for the law, it undermines the basis for government itself, indeed, for our very existence as a nation. It is hard to recall any time other than Watergate when this principle seemed as severely threatened as it was in the course of the NSC operations summarized as Iran/Contra.

For us to make legal for Oliver North and the others involved in the Iran/Contra scandal what would have been illegal for anyone else, would be to further the very injury to our Nation already threatened by the actions of Oliver North and his colleagues inside and outside the Government.

Mr. RUDMAN. Mr. President, I see no other Senator seeking recognition, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. RIEGLE). Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that H.R. 2700, which is not the legislative matter before this body, be put over until tomorrow.

Mr. BYRD. Mr. President, I object to that.

The PRESIDING OFFICER. Objection is heard.

Mr. BYRD. Mr. President, if the Senator will allow the majority leader to take care of the program he will not be hurt.

Mr. REID. I am sorry. I misunderstood the leader. I thought he asked me to do that. I certainly apologize.

I withdraw my unanimous consent request and suggest the absence of a quorum.

The PRESIDING OFFICER. The request is withdrawn.

The clerk will call the roll.

The legislative clerk proceed to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorm call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. If I might ask the managers of the concurrent resolution that is before us, what is the status of things? Are we approaching a rollcall vote or are we not; and, if so, how soon?

Mr. RUDMAN. I would advise the leader that I believe we are ready for a vote, unless other Senators wish to speak. There do not appear to be any. Senator HELMS was called from the floor for other important business and asked we have a quorum call. I advised him that we are now ready to proceed.

It is my understanding, Mr. Leader, there is one other amendment that will require very brief debate and we then should be able to move to final passage of this resolution.

Mr. BYRD. Is it the plan to move to table the pending amendment?

Mr. RUDMAN. That is the intention of the managers of the concurrent resolution.

Mr. BYRD. I wonder if we could hear something from the distinguished Senator from North Carolina. I hesitate to proceed with a motion to table immediately unless he knows we are going to do that. Does he have that information?

Mr. RUDMAN. Mr. Leader, I would suggest that I now suggest the absence of a quorum and immediately notify the Senator of that.

Mr. BYRD. If the Senator will withhold just briefly.

Yes, I hope we can do that, because there is another measure that I had hoped and expected to try to take up this afternoon. But this quorum has been going on quite some time, and I hope we can move on.

I thank the distinguished Senator, and I yield the floor.

Mr. RUDMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. LEAHY). The Senator from North Carolina.

Mr. HELMS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, the distinguished minority leader asked me to come to his office on a matter of some urgency. I apologize to the Senators for having taken substantially longer than I had intended.

Dealing with the subject at hand, I tried, from the minority leader's office to listen with one ear to the comments on the floor. I respect all Senators who have reservations about this amendment. I know they are sincere and I believe they are sincerely wrong.

Now, the legal encyclopedia, American Jurisprudence 2d, notes how prosecutorial discretion is understood. Let me read from volume 63A, section 24. It says:

> In other words, the duty to prosecute is not absolute, but qualified, requiring of the prosecuting attorney only the exercise of a sound discretion, which permits him to refrain from prosecuting whenever he, in good faith and without corrupt motives or influences, thinks that a prosecution would not serve the best interests of the state.

Well, that is the whole predicate for this amendment. I am raising the question by offering this amendment as to whether it is not in the absolute disinterest of the Government of the United States and the people of this country to drag this controversy out further. Of course there were mistakes made, mistakes that nobody in this Chamber would admit to being a participant in. But I do not know that any Senator would like to have his whole activities on any matter attacked with a fine-tooth comb such as occurred during the hearings, on national television. Really a television circus.

I heard one Senator, and I am not sure which one, say: We cannot interfere with another branch of Government. I am not suggesting that we do. All I am saying is that Senators individually, and I may be the only one voting for my amendment, but Senators individually have a right, and I think a duty at this point, to say enough is enough.

If Senators disagree with me and it is 99 to 1, it will not be the first time that JESSE HELMS has voted by himself. But I just feel strongly that Ollie North and others have been put through the wringer enough; particularly when it is fairly well and broadly acknowledged that they were doing what they thought was good for the country. Even if it turns out it may not have been good.

But the point is that they were being hamstrung. The President's policies were being interfered with—certainly he was receiving no cooperation. Aid to the freedom fighters was on again, off again, and on again. We have been up and down that road with respect to congressional interference with the freedom fighters in Angola. And finally, after years, it took the Senator from Idaho [Mr. SYMMS] to come up with an amendment to halt such interference.

So now we are not interfering with Jonas Savimbi. But we still have a hodgepodge of confusion down in Central America. I can understand how some of these people said: Well, we have got to help these freedom fighters any way we can. I do not think that they intended to violate the law. I think they intended to support the freedom fighters, with the Congress refusing to do so. So we are not interfering, with this amendment, with prosecutorial discretion. I thought I made that absolutely clear from the moment I offered the amendment. It is a sense of the Congress, not dictation in any way nor to any degree. If anybody wants to read the amendment, they will see this to be clear.

Then I think I heard, on the squawk box back in the minority leader's office, something to the effect that all men are equal under the law. Of course. Absolutely. I agree.

But this statement, in this context, is irrelevant. As I just cited from American Jurisprudence 2d, it is well established that a prosecutor may drop a prosecution or not pursue one on the basis of the best interests of the state.

Then I heard, I think I heard correctly, a Senator speak at some length about violation of separation of powers. Not at all. Not at all. This is a sense of Congress that it is not in the national security interests of the United States. If that is not within the purview of the U.S. Senate, I do not know what is.

The issue is national security. The question is how far are we going to continue to denigrate the country? I mentioned Bill Moyers last night, an hour and a half of saying: America is wrong, America is dishonest, Roosevelt, Reagan, Churchill—he did not mention Patrick Henry. I do not know how he left him out. But not a mumbling word on the threat of tyranny hanging over this world today.

I simply do not understand what is so wrong about saying, "Look, enough is enough. Everybody ought to be satisfied that we are not going to have people running off and trying to do this, that, and the other." But I hope implicit in that is the fact that Congress will wake up and stop interfering with the constitutional duties and responsibilities of the President of the United States with respect to foreign policy.

We can rub salt in the wounds of the Arab States by extending this process, but what will that get us? The Soviets love it. They are sitting in the Kremlin saying, "Keep it up, keep it up." Because a main goal of the Soviet Union right now is to exploit the situation in the Persian Gulf, and to knock us from our leadership position in the Middle East. We are aiding and abetting this goal every day we further extend this Iran-Contra affair.

I just say, like my constituents in overwhelming numbers have said, "Enough is enough."

I understand there will be a motion to table my amendment, and that is fine. If no other Senator votes against tabling it, that is fine. Each Senator must speak for himself and act for himself.

I yield the floor, Mr. President.

Mr. **INOUYE** addressed the Chair.

The **PRESIDING OFFICER.** The Senator from Hawaii.

Mr. **INOUYE.** Mr. President, I join in opposition to this amendment. Accordingly, I move to table the amendment. I ask for the yeas and nays.

The **PRESIDING OFFICER.** Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The **PRESIDING OFFICER.** The question is on the motion to lay on the table amendment No. 1129.

The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. **CRANSTON.** I announce that the Senator from Tennessee [Mr. GORE], the Senator from Hawaii [Mr. MATSUNAGA], and the Senator from Illinois [Mr. SIMON] are necessarily absent.

Mr. **SIMPSON.** I announce that the Senator from Missouri [Mr. BOND] and the Senator from Rhode Island [Mr. CHAFEE] are necessarily absent.

Mr. **BYRD.** Regular order, Mr. President.

The **PRESIDING OFFICER.** Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 91, nays 4, as follows:

[Rollcall Vote No. 369 Leg.]

YEAS—91

Adams
Armstrong
Baucus
Bentsen
Biden
Bingaman
Boren
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chiles
Cochran
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Evans
Exon
Ford
Fowler
Garn
Glenn
Graham
Gramm
Grassley
Harkin
Hatfield
Heflin
Heinz
Hollings
Humphrey
Inouye
Johnston
Karnes
Kassebaum
Kasten
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lugar
McCain
McClure
McConnell
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Proxmire
Pryor
Quayle
Reid
Riegle
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simpson
Specter
Stafford
Stennis
Stevens
Thurmond
Trible
Wallop
Warner
Weicker
Wilson
Wirth

NAYS—4

Hatch
Hecht
Helms
Symms

NOT VOTING—5

Bond
Chafee
Gore
Matsunaga
Simon

So the motion to lay on the table the amendment (No. 1129) was agreed to.

Mr. **RUDMAN.** Mr. President, I move to reconsider the vote by which the motion to table was agreed to.

Mr. **INOUYE.** I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The **PRESIDING OFFICER.** The question is on agreeing to the concurrent resolution, as amended.

The concurrent resolution (H. Con. Res. 195), as amended, was agreed to.

Mr. **RUDMAN.** Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. **INOUYE.** I move to lay that motion on table.

The motion to lay on the table was agreed to.

Mr. **BYRD.** Mr. President, I thank both Senator INOUYE and Senator RUDMAN.

The **PRESIDING OFFICER.** If the Senator will withhold, the Senate is not in order. The Senate is not in order. The Senate will be in order.

The distinguished Senator from West Virginia has a right to be heard.

Mr. **BYRD.** Mr. President, I thank the Chair.

AUTHORITY TO TAKE UP CONTINUING RESOLUTION ON TUESDAY NEXT

Mr. **BYRD.** Mr. President, the continuing resolution has come over from the House of Representatives. I have discussed this with the distinguished Republican leader. Mr. President, I ask unanimous consent that I may be authorized to proceed to take up the continuing resolution, which has just come over from the House, on next Tuesday.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. **BYRD.** Mr. President, that will be the plan; to take up the continuing resolution on next Tuesday.

I thank the distinguished Republican leader. Otherwise, I would have to say that unless I can get consent to put that resolution directly on the calendar it would take me a couple of days because of rule XIV, and I think this is just a much preferable way. I thank the Republican leader.

Mr. **DOLE** addressed the Chair.

The **PRESIDING OFFICER.** The Republican leader is recognized.

Mr. **DOLE.** Mr. President, let me thank the distinguished majority leader, and also the ranking Republican on the Appropriations Committee, Senator HATFIELD, and other Senators who asked to be notified—Senator ARMSTRONG, Senator EVANS, Senator GRAMM, and Senator MCCLURE.

Mr. **BYRD.** Mr. President, anent the request I made in the order that was entered concerning the continuing resolution, I ask unanimous consent that, notwithstanding the fact that cloture may have been invoked prior to that time, the impact of rule XXII have no effect whatsoever on the order that was entered, that the continuing resolution may be brought up on Tuesday, and that the Senate may proceed with it until it is disposed of.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

EXECUTIVE CALENDAR

Mr. BYRD. Mr. President, I inquire of the Republican leader as to whether or not the following orders on the Executive Calendar have been cleared on that side of the aisle:

Under the Department of State, on page 2, Calendar Order No. 382; and on page 3, Calendar Order Nos. 383, 384;

Under Judiciary, Calendar Order Nos. 387, 388, 389, and 390;

On page 4, all calendar orders on that page; 391, 392, 393, 394, 395, and 396;

On page 5, under the Department of State, Calendar Order Nos. 397 and 398;

Under the U.S. International Development Cooperation Agency, Calendar Order No. 400;

Under United Nations on page 5, Calendar Order No. 401;

And, on page 6, under United Nations, all calendar orders numbered 403 through 409 inclusive.

That would be 24 nominations.

Mr. DOLE. Mr. President, if the majority leader will yield, I will indicate that those have been cleared on our side.

Mr. BYRD. Mr. President, I thank the distinguished Republican leader.

EXECUTIVE SESSION

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session, that the aforementioned calendar orders be considered en bloc, confirmed en bloc, that the President be immediately notified of the confirmation of the nominees, that the motions to reconsider en bloc be laid on the table.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

The nominations confirmed are as follows:

DEPARTMENT OF STATE

William Henry Houston III, of Mississippi, for the rank of Ambassador during his tenure of service as U.S. Negotiator on Textile Matters.

Deane Roesch Hinton, of Illinois, a career member of the Senior Foreign Service, with the personal rank of career Ambassador, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Costa Rica.

Richard C. Howland, of Maryland, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Suriname.

THE JUDICIARY

David G. Larimer, of New York, to be U.S. district judge for the western district of new York.

Ernest C. Torres, of Rhode Island, to be U.S. district judge for the district of Rhode Island.

William L. Standish, of Pennsylvania, to be U.S. district judge for the western district of Pennsylvania.

James A. Parker, of New Mexico, to be U.S. district judge for the district of New Mexico.

William L. Dwyer, of Washington, to be U.S. district judge for the western district of Washington.

DEPARTMENT OF JUSTICE

Lawrence J. Siskind, of California, to be special counsel for Immigration-Related Unfair Employment Practices for a term of 4 years.

DEPARTMENT OF COMMERCE

Jeffrey M. Samuels, of Virginia, to be an Assistant Commissioner of Patents and Trademarks.

THE JUDICIARY

Laurence J. Whalen, of Oklahoma, to be a judge of the U.S. Tax Court for a term expiring 15 years after he takes office.

Robert P. Ruwe, of Virginia, to be a judge of the U.S. Tax Court for a term expiring 15 years after he takes office.

DEPARTMENT OF STATE

James B. Moran, of Virginia, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Seychelles.

David H. Shinn, of Washington, a career Member of the Senior Foreign Service, class of counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Burkina Faso.

Robert Maxwell Pringle, of Virginia, a career member of the Senior Foreign Service, class of counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Mali.

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

M. Alan Woods, of the District of Columbia, to be Administrator of the Agency for International Development.

UNITED NATIONS

Doug Bereuter, U.S. Representative from the State of Nebraska, to be a Representative of the United States of America to the 42d session of the General Assembly of the United Nations.

George W. Crockett, Jr., U.S. representative from the State of Michigan, to be a representative of the United States of America to the 42d session of the General Assembly of the United Nations.

Herbert Stuart Okun, of the District of Columbia, to be a Representative of the United States of America to the 42d session of the General Assembly of the United Nations.

Vernon A. Walters, of Florida, to be a representative of the United States of America to the 42d session of the General Assembly of the United Nations.

Patricia Mary Byrne, of Ohio, to be an alternate representative of the United States of America to the 42d session of the General Assembly of the United Nations.

Hugh Montgomery, of Virginia, to be alternate representative of the United States of America to the 42d session of the General Assembly of the United Nations.

Lester B. Korn, of California, to be an alternate representative of the United States of America to the 42d session of the General Assembly of the United Nations.

William W. Treat, of New Hampshire, to be an alternate representative of the United States of America to the 42d session of the General Assembly of the United Nations.

NOMINATION OF WILLIAM L. DWYER

Mr. HELMS. Mr. President, I have been aware for quite some time of the controversy surrounding the nomination of William Dwyer, who has been nominated to be a Federal district court judge in the State of Washington. It wasn't until his nomination was placed on the Executive Calendar that I took a more indepth look at the source of that controversy—a legal opinion given in 1985 by Mr. Dwyer of the explicit sex manual for children titled "Show Me."

Mr. President, this book is a repulsive collection of page after page showing nude children and adults performing various sexual acts. It was produced in West Germany in the early 1970's as a sex education manual for children. In this country, it is advertised in magazines such as Hustler as "the last word in photographically explicit sex manuals for children."

I must say that when I looked through this book, I was so disturbed by it and by the knowledge that Mr. Dwyer once gave a legal opinion that it does not violate child pornography laws that I placed a hold on the nomination. Last night I had an opportunity to read through the approximately 300 pages of hearings that were held by the Judiciary Committee on the nomination. While I can't honestly say that I support this nomination 100 percent, I must admit that many of my initial concerns were diminished—and in fact, I was very favorably impressed—by some of the evidence that was presented on Mr. Dwyer's behalf.

Mr. President, during the hearings, Mr. Dwyer's opinions, both legal and personal, were thoroughly explored by our distinguished colleagues on the committee, including Senators LEAHY, THURMOND, GRASSLEY, and SIMPSON. There were various other witnesses testifying about Mr. Dwyer—some supporting, some opposing his nomination.

I read at length about the situation in 1985, when pressure was being placed on the Seattle Public Library to stop carrying this book. The library retained Mr. Dwyer to give them a legal opinion as to whether they would be violating any law by keeping the book in their collection. The question, as Mr. Dwyer phrased it, was, "if the matter were tested in a court of law, would a court find that the library was committing a crime by continuing to keep the book." According to Mr. Dwyer, he and an associate in his firm determined that the answer was probably "no."

Mr. President, that raised a question about this man's views on pornography, particularly child pornography, and raised serious doubts in my mind as to his fitness to sit as a judge in cases involving child pornography. It was also pointed out that Mr. Dwyer was an active member of the American Civil Liberties Union—a fact which also raised questions in my mind about how objective and fair minded this man could be on the Federal bench.

As I continued through the transcript, I learned a few more interesting facts about Mr. Dwyer. He explained to Senator SIMPSON that he had joined the ACLU in the late 1950's, was a member of the local board from about 1959 to 1961, but ceased his membership in the late 1960's or early 1970's. He stated that he ceased his membership because he found himself in disagreement with them often enough that he was uncomfortable being a member.

Most impressive to me was the testimony of Mr. David Crosby, who started a group in Seattle called Parents in Arms. Mr. Crosby described a youth nightclub called the Monastery in Seattle which was run by a convicted felon and admitted homosexual. It became a hangout for runaway youths, drug addicts, and pedophiles and was an open market for drugs and sex. On a regular basis, kids were being taken out of there with drug overdoses.

Mr. Crosby had a direct interest in the Monastery: His 14-year-old son had been enticed to start frequenting this place and eventually got involved in drugs and dropped out of school. When Mr. Crosby turned to the police for help in closing the Monastery, they explained that there were political problems involved. As Mr. Crosby explained, when the police once raided the club and seized the membership list, the homosexual community and the ACLU complained to the city's mayor. Mr. Crosby was left helpess.

He turned to Mr. Dwyer to form a group called Parents in Arms to close down the Monastery once and for all. Mr. Dwyer agreed to help the group on a pro bono basis. To make a long story short, Mr. Crosby and Mr. Dwyer, despite threats on the lives, persisted with their group and ultimately closed down the Monastery.

Mr. President, there was one particular part of that story which made an especially strong impression on me. According to Mr. Crosby, at his first late night meeting with Mr. Dwyer, the first time they had met—and on subsequent evenings—the two of them walked the streets of Seattle looking for Mr. Crosby's 14-year-old son.

Also important to me was the testimony from the chief of staff of the King County prosecuting attorney's office, in Washington. He described his boss, the elected prosecutor, as having a national reputation for his expertise and innovation in the area of prosecution of cases of child sexual abuse and exploitation.

The chief of staff stated that Mr. Dwyer had been a constant supporter of the prosecutor's efforts to fight child sexual abuse in their community. The chief of staff further explained that the prosecutor's office agreed with Mr. Dwyer's legal opinion and did not feel that they could successfully prosecute the library in this limited situation.

Mr. President, throughout the hearing, it became clear to me that Mr. Dwyer and I would probably not agree on a lot of political and philosophical questions. To be perfectly honest, I think that he is politically and philosophically more liberal than would be my ideal candidate for the Federal bench.

But whatever differences I may have with Mr. Dwyer, the story related by Mr. Crosby told me a lot about the man. There were other issues discussed during the hearing. For example, Mr. Dwyer wrote a book titled "The Goldmark Case: An American Libel Trial." In this book, he was very critical of what he described during the 1960's as the "far right," which according to Mr. Dwyer, included Senator THURMOND, Ronald Reagan, and several former admirals and generals. I certainly did not find this information reassuring.

Mr. President, in the final analysis, I feel that I must rely on Mr. Dwyer's assurances that he will be fair and impartial if placed on the Federal bench and exercise judicial restraint in his interpretation of the law. I trust his statements that he personally finds the book, "Show Me," repulsive and would not have it in his home. Finally, he made repeated assurances that he is fully supportive of child pornography laws, believes them to be constitutional, and feels they should be enforced.

THE DWYER NOMINATION

Mr. EVANS. Mr. President, it is with a profound sense of relief, a strong feeling of elation, and a great degree of pride that I note the confirmation of William L. Dwyer of Seattle to be a U.S. district judge for the western district of Washington. He will be a superlative addition to the Federal bench.

Today we have come to the end of a long and tortured journey. Former Senator Gorton and I first rcommended that that the President nominate Bill to be district judge nearly 20 months ago. In the interim, he has been nominated, his initial nomination lapsed, and he has been renominated by the President. He has appeared at two separate, lengthy confirmation hearings before the Judiciary Committee. He now will be a Federal judge.

Mr. President, during this year, which marks the 200th anniversary of our Constitution, the people of the United States have demonstrated in many ways their commitment to and appreciation for the ideals manifest in that document and the structure of government developed to help ensure that those ideals will for all time continue to animate our public policies. Fundamental to that structure is an independent judiciary.

Accordingly, Federal judges play a central role in our system. By interpreting and applying the law to the facts in numerous individual cases, they help flesh out the broader framework of statutory law and assist in refining the common law. Therefore, it is imperative that we appoint to the Federal bench people who not only are gifted intellectually and beyond reproach ethically but who are especially sensitive to the profound influence of the law in our society.

Bill Dwyer is a sparkling example of the type of person whom we should seek for the Federal judiciary. He has a keen intellect and is of exceptionally sound character. But perhaps most outstanding is his basic humanity.

The Judiciary Committee hearing record is replete with testimonials from people whose lives have been touched by Bill Dwyer. From the record we learn that Bill has spent countless hours walking the Seattle streets with distraught parents looking for their children. We learn that he has given his time and energy to help close down a teen nightclub notorious as a hangout for drug dealers. We learn that has contributed countless additional time and money to help when help was sought. We learn that while he is compassionate he also is unafraid to tackle controversial, difficult issues. And we learn most of this from people other than Bill because he is too modest to tell these stories himself.

I want to thank all the people who have helped us in our efforts to obtain confirmation. Members and staff of the Judiciary Committee have worked long hours on this nomination even as they were spending a great deal of time with other matters. Witnesses who testified on Bill's behalf gave freely of their time and energy and helped us blow away the smoke generated by opponents so that all could see the real Bill Dwyer. Finally, I want to thank Bill, for his patience and good humor and I wish him God speed in his new job.

WILLIAM DWYER

Mr. ADAMS. Mr. President, as a former U.S. attorney of the western district of Washington and a member of that bar for 35 years, it gives me great pleasure to stand before the U.S.

Senate and recommend confirmation of William L. Dwyer as a U.S. district judge for the western district of Washington.

I have personally known Mr. Dwyer and his wife Vasiliky for over 30 years and can say from personal experience that he is one of the most honorable, fairminded individuals that I know, as well as a distinguished, experienced trial lawyer.

It is for this reason that I have joined with Senator EVANS in our complete and unreserved support of Bill Dwyer. He has distinguished himself as a lawyer of extraordinary talent and intelligence and a man of scupulous integrity, honesty, and courage. I cannot think of anyone else who is better suited to fill this judicial vacancy.

I should note as well that Bill Dwyer has been rated "exceptionally well qualified" by the ABA, their very highest rating.

Mr. President, there have been two hearings before the Judiciary Committee to consider William Dwyer's qualifications for the Federal bench. In particular, questions were raised about a legal opinion that Mr. Dwyer rendered to the Seattle Public Library Board concerning retention by the library of a sex education book, and about statements that Mr. Dwyer made in a book that he wrote entitled "The Goldmark Case."

Mr. President, the Judiciary Committee examined these issues thoroughly in over 7 hours of testimony by ten witnesses in addition to Mr. Dwyer, myself and Senator EVANS. The committee rejected any objection to Mr. Dwyer and unanimously approved the nomination. I would like to spend some time, however, explaining for my colleagues the circumstances of these two issues.

In 1985, the Seattle Public Library received a complaint about a book in their collection, a sex education book with the title "Show Me!" Bill Dwyer was retained by the Seattle Library Board to render a legal opinion on a single, narrow issue. As described by the chairman of the board of trustees of the library, who testified before the Judiciary Committee, the question asked was "If the issue was tested in court, would the retention of Show Me! by the Seattle Public Library be found to be in contravention of any State or Federal statute."

Let me read part of a statement on this issue made by the Library Board:

> In answering the Board's legal questions, Mr. Dwyer mentioned his strong support for the laws against child pornography, and said that they represented a great improvement in the legal protection of children. The advise he gave was conscientious, faithful to the law, and correct.

The board also stated:

> It was Mr. Dwyer's reputation as a defender of the rights of children and disadvantaged persons, as well as for outstanding legal ability, that led us to ask for his help. He performed a public service in advising the library. In the process, he demonstrated a clear grasp of the law and a sensitive understanding of the interests of all concerned.

Mr. President, let me just say a few words about Mr. Dwyer's book, "The Goldmark Case." The book received the American Bar Association's Gavel Award and the Washington State Governor's Award for Writers. It was written in an evenhanded and factual manner and demonstrates Mr. Dwyer's respect and tolerance for all political viewpoints. I would like to make one last point on these issues. When Mr. Dwyer was asked in the hearings whether he would have reconsidered taking the library board's inquiry or whether he would have rewritten parts of his book had he known the problems they would cause for him now, Mr. Dwyer's answer to the committee is further evidence of his courage and convictions. He said:

> I've thought about that, but as soon as you stop taking on legal matters out of fear, you might as well hang it up and stop practicing law.

Bill Dwyer's qualifications to be a district court judge are amply demonstrated by the remarkably broad range of community leaders who have endorsed this nomination—Democrats and Republicans, and Independents alike. Law enforcement leaders including the King County prosecuting attorney and the Seattle chief of police support his nomination, as do the Washington State Bar Association, the Seattle-King County Bar Association and the Federal Bar Association for the western district of Washington.

The dean and 28 professors at the University of Washington School of Law have written that Mr. Dwyer "is the very best qualified person in Washington to be appointed to a Federal trial court."

This support is not at all surprising, considering Mr. Dwyer's record. He is a renowned trial attorney with 30 years of experience in a broad array of legal areas. He is an acknowledged expert in antitrust matters and first amendment litigation. He has tried both large and small cases in many other fields as well, including torts, contracts, domestic relations, and construction law.

In reviewing Mr. Dwyer's career, what really strikes me is his devotion to the American legal system, and the jury system in particular. This dedication is shown in his practice and in his extra legal activities. From 1982 to 1985, Mr. Dwyer was a member of the board of governors of the Washington State Bar Association, and he served a term as president of the Seattle-King County Bar Association in 1979-80.

He has taught law as an adjunct professor of law at the University of Washington School of Law and he is currently a member of that school's visiting committee. Also, he continues his teaching through continuing legal education programs in the State.

Perhaps more than any other activity, though, Bill Dwyer demonstrates his qualities of compassion and commitment through his pro bono work. While he was president of the bar association, he was instrumental in establishing the Volunteer Legal Services Program, through which lawyers in King County donate legal advise and representation to persons who need help but cannot afford it.

Mr. Dwyer has also handled many pro bono cases himself. These have included cases involving the public interest, claims of infringement of constitutional rights and representing unpopular criminal defendants.

The Judiciary Committee has reported this nomination with a unanimous recommendation. I urge the full Senate to confirm this outstanding individual to the Federal bench.

JAMES A. PARKER TO THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO

Mr. DOMENICI. Mr. President, I rise to express my support for the confirmation of the nomination of James A. Parker to be a U.S. District Court Judge for the District of New Mexico.

Jim Parker is a man of superior ability and qualifications. I believe that he will serve the Nation with great distinction. I encourage all of my colleagues to lend their enthusiastic support to this nomination.

New Mexico is blessed with many well-qualified and distinguished attorneys. When Judge Howard C. Bratton announced his intention earlier this year to assume senior status, I consulted with members of the legal community in New Mexico. Out of those discussions, came a list of nine attorneys in New Mexico who, through their professional expertise, personal integrity, and commitment to justice, have demonstrated that they possess the qualifications to serve as a Federal judge. I submitted the list to the President for his consideration.

It is a testament to the outstanding qualifications of Jim Parker that President Reagan selected him from among this very distinguished group to fill this position.

Jim Parker will make an excellent Federal judge. This is not just my judgment or the judgment of the President. The American Bar Association evaluated Jim Parker's credentials and proclaimed him to be "well qualified" to serve as a Federal district court judge. The Senate Judiciary Committee conducted a very thorough investigation of Jim Parker's qualfications, competence, integrity, and temperament, as they do for all nominees, and based on that investigation, unanimously approved the nomination.

In short, everyone that has reviewed Jim Parker's credentials has determined that he will be an excellent judge.

Jim Parker graduated from Rice University in 1959 with a degree in mechanical engineering. He went on to the University of Texas School of Law, where he graduated first in his class in 1962. At the University of Texas, he was an editor of the law review, president of the Phi Delta Phi Legal Fraternity, and a member of the Order of the Coif.

While in law school, Jim Parker worked for the Texas State Legislature as a legislative draftsman. Immediately after graduating, he joined the law firm of Modrall, Sperling, Roehl, Harris & Sisk in Albuquerque. He has remained there for the past 25 years and is now a partner and director of the firm.

Jim Parker has had a diverse practice. He has participated in cases involving administrative, banking, bankruptcy, corporate, criminal defense, personal injury, professional malpractice, real property, and wills and estates law. In recent years, he has specialized in civil litigation in both the State and Federal courts. His broad expertise in the practice of law, particularly his trial experience, gives him a solid background to serve on the U.S. District Court, the Federal trial court.

Throughout his career, Jim Parker has demonstrated a commitment to justice and the legal system by his participation in a wide variety of professional activities. In addition to performing pro bono legal services for underprivileged individuals, Jim Parker is a member of the American, New Mexico, Texas, and Albuquerque Bar Associations, the American Board of Trial Advocates, the American Judicature Society, the Tenth Circuit Judicial Conference, and the Albuquerque Lawyers Club. He is a past president of the New Mexico Chapter of the American Board of Trial Advocates and is now a National Director of the ABOTA.

He also currently serves on the New Mexico Bar Association Commission on Professionalism, the Joint Liaison Committee of the New Mexico Bar Association and the New Mexico Medical Society, the New Mexico Medical-Legal Malpractice Screening Panel, and the New Mexico State Bar Foundation. He has previously served on the New Mexico Board of Bar Commissioners, the Albuquerque Bar Association Judicial Selection Committee, the New Mexico Supreme Court Task Forces on Lawyer Advertising and the Legal Profession, and a variety of other professional committees.

Jim Parker has also engaged in a number of civic activities, including the Albuquerque Goals Committee, the United Way, the United Community Fund, the University of New Mexico Presidential Scholarship Fund, the Rice University Alumni Association, and the University of Texas Law School Association. His activities on behalf of his profession and his community demonstrate Jim Parker's dedication to service.

For the past 27 years Jim Parker has been married to Florence Parker. Mrs. Parker is self-employed as a fashion coordinator. The Parkers have two children, Roger, the president of an oil and gas development company in Denver, and Pamela, a graduate student at Wake Forest University.

Mr. President, I have listed the qualifications and experience of Jim Parker, but this is not the sum of the man. I have known him for many years. He is an excellent attorney, an exemplary citizen, and a man of integrity. He is a family man who has his feet well-planted on the ground and who is guided by common sense. The broad-based support from the legal community for Jim Parker's appointment is a tribute to his qualifications.

I am confident that Jim Parker will prove to be an excellent addition to our Federal judiciary. I urge the Senate to act favorably on this nomination.

LEGISLATIVE SESSION

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. DOLE. Mr. President, if the majority leader will yield, I should like to make an inquiry with reference to Calendar No. 386, the nomination of Frank L. McNamara, Jr., of Massachusetts, to be U.S. attorney.

Mr. BYRD. We are agreeable to doing that, if the distinguished Republican leader would like to.

Mr. DOLE. We would like to do that.

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nomination of Frank L. McNamara, Jr.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER (Mr. LAUTENBERG). The nomination will be stated.

DEPARTMENT OF JUSTICE

The assistant legislative clerk read the nomination of Frank L. McNamara, Jr., of Massachusetts, to be U.S. attorney for the district of Massachusetts for the term of 4 years.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. BYRD. Mr. President, I ask that the President be immediately notified of the confirmation of the nomination.

The PRESIDING OFFICER. The President will be so notified.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

LEGISLATIVE

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

There being no objection, the Senate resumed the consideration of legislative business.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, it is the plan to take up the railroad bill, Calendar Order No. 306, S. 1539, but it will not be possible to take it up for about 45 minutes to an hour.

So that the Senate might utilize its time to the best, therefore, the Senators who are debating the energy and water appropriation bill may wish to proceed with debate thereon; and then when certain Senators are free to proceed with the railroad bill, S. 1539, the majority leader will attempt to proceed to do that. The order has been entered whereby the majority leader is authorized to do it after consultation with the minority leader, so there will be no problem in that respect.

If the distinguished Senator from Washington or others would like to proceed to debate the energy and water appropriation bill, I yield the floor.

Mr. ADAMS. Mr. President, I thank the majority leader for his courtesy.

I inquire of the majority leader: I believe he indicated that the railway safety bill is expected this afternoon, and I inquire as to what the majority leader wants to do. We will be available, of course, to continue on tomorrow. Does he have other matters he would like to proceed with in the morning?

We would be prepared to set aside this matter to move to other business in the morning, if we could know what the plans of the majority leader might be.

Mr. BYRD. I would hope that on tomorrow we could continue with debate on the energy and water bill and also take up any other matters that have been cleared for action.

Mr. ADAMS. I thank the majority leader. We will prepare in the morning to continue with the debate, and perhaps there will be an opportunity in the morning to indicate other matters that we might anticipate, so that we will know whom to expect.

Mr. BYRD. I should utter a caveat, however.

For the moment, I do not know of other business that might be taken up. I hope that there will be other business; but in the event there is not, the Senate then will proceed with debate on the energy and water appropriation bill. There could be votes thereon. Amendments are in order, and there could be action on such. Motion might be made.

So I would say to all Senators that they might expect rollcall votes tomorrow.

Mr. ADAMS. I thank the majority leader. It is my understanding from the unanimous-consent request that on Tuesday next, after the vote on cloture, the majority leader's intention is to move to the continuing resolution at that point, for whatever period of time is required.

Mr. BYRD. The Senator is precisely correct.

Mr. ADAMS. I appreciate that. I thank the majority leader for his courtesy.

ENERGY AND WATER DEVELOPMENT APPROPRIATION ACT, 1988

The Senate continued with the consideration of the bill (H.R. 2700).

Mr. HOLLINGS. Mr. President, the Senate voted yesterday to table an amendment to the energy and water appropriations bill by the Senator from Washington, Senator ADAMS, and the Senator from Nevada, Senator REID. I supported their amendment because a portion of the nuclear waste legislation contained in this appropriations bill is a mistake.

I strongly support most of the provisions of H.R. 2700. Regrettably, however, this otherwise sound legislation is carrying a monkey on its back, a monkey that the Senate would be well advised to strip off. I am speaking of the text of S. 1668—requiring the construction of temporary nuclear waste storage facilities—which was unwisely incorporated into H.R. 2700.

Mr. Presidnet, politicians live by a tried-and-true maxim: Never put off until tomorrow a sensitive political decision you can put off until next year—or, better yet, until the next decade. The provisions of H.R. 2700 authorizing temporary nuclear storage facilities are a classic illustration of this old political rule—which would be just fine if the price tag were not $2 billion.

Permit me a few words of background. In the Appropriations Committee, earlier this year, I voted—with major reservations—to support Senator JOHNSTON's nuclear waste proposals. I supported the Senator's effort to move the process forward, and I hoped that the more ill-considered and wasteful elements of his legislation would be changed. I was wrong.

Bear in mind, when Congress passed the Nuclear Waste Policy Act in 1982, we expected it to set in motion a process that would be at once technically sound and politically fair. We expected that act to cut through years of distrust and failure, and pave the way for construction of one, and eventually two, national repositories for the permanent burial of high-level nuclear waste. The Nation badly needs such a permanent repository. The temporary storage of spent fuel at reactor sites is safe in the short run but hardly desirable in the long run.

Unfortunately, the high hopes created by the 1982 act have been dashed. Distrust of the Department of Energy's nuclear waste program is at an all-time high. With good reason, people have concluded that candidate repository sites have been selected or dropped for reasons having more to do with politics than geology. Just ask our colleagues from Washington State, Nevada, and Texas—the three candidates for the first repository. Their constituents have zero confidence in the Energy Department. The opposition has dug in its heels, and the entire high-level waste program is at a standstill.

It is imperative that we jump start the national nuclear waste program. We need to get it moving again—especially the effort to build a permanent repository. And this is exactly why I oppose the provision in H.R. 2700 to build temporary storage facilities. Such facilities would be grotesquely expensive. They would increase the threat of a nuclear accident. And they would guarantee further delay and obstructionism in the effort to build permanent sites.

In 1986, the Energy Department recommended building such an MRS facility in Tennessee, but the Volunteer State has been less than obliging. And for good reason. By any objective standard, the technical arguments for an MRS have never been compelling.

The Energy Department attempts to justify an MRS as a central packaging and transportation center. But the fact is that such a facility would increase transportation, not decrease it, since every spend fuel shipment would be transported twice—once to the MRS, and again from the MRS to the permanent repository. A major study by the University of Tennessee determined that an MRS option does not reduce transportation impacts and risks over a non-MRS option. Worst of all, the MRS option would cost approximately $2 billion more than the non-MRS alternative.

Proponents claim that we need an MRS as a backup facility to take the Nation's spend fuel in case the permanent repository program remains stalled. But surely this is the worst reason for building an MRS. It would remove all sense of pressure and urgency to move forward with a permanent facility.

Give the bureaucrats this cut-and-paste alternative and—I guarantee you—they will declare victory and withdraw from the fight. The State that hosts the MRS will be left holding the bag.

Mr. President, over the years, South Carolina has borne more than its share of the Nation's nuclear burden. We are savvy to the ways of the Energy Department. And we are under no delusions: We know that our State is on the Department's short list of likely MRS sites. I look at South Carolina and see beautiful tourist beaches, fertile farm land, and unspoiled pine forests. The Energy Department looks at South Carolina and has visions of glowing nuclear dumps and 16-wheelers hauling spent plutonium up and down I-95.

Mr. President, I certainly don't want to discourage the Senator from Louisiana from inviting an MRS into his State. The Energy Department is offering a $50 million bounty to any State willing to take the plunge. But a word of warning: We South Carolinians know that temporary storage can quickly become indefinite or semipermanent storage. The temptation to focus on short-term half-measures is simply too great. Accordingly, instead of deceiving ourselves that interim facilities can help, we should keep our eye and efforts on the ultimate goal: the construction of a safe, permanent, underground repository.

There can be no question that the MRS option would sap what remains of the will to build that permanent site. By diverting scarce Federal money and political capital to MRS, we would deal a deathblow to the permanent repository.

In the Appropriations Committee, the Senator from Louisiana and I agreed on report language regarding possible additional MRS facilities beyond the first one. I had hoped that futher discussion would lead to changes in the provisions regarding that first MRS facility. But we have been unable to work out any such changes.

In the meantime, the Environment Committee has reported nuclear waste provisions as part of its reconciliation package. The MRS language in the environment bill, while not perfect, is far superior to the proposal before us now. By saying that no MRS facility may actually receive waste until construction of a permanent repository is authorized, the Environment language at least provides assurances that an MRS will not become the Nation's de facto permanent wastesite. Regrettably, the Energy Committee language before us does not even provide that assurance.

For these various reasons, Mr. President, I oppose the Energy Committee's MRS provisions now included in the energy and water development appropriations bill and will continue to work to change them.

HIGH-LEVEL NUCLEAR WASTE

Mr. MITCHELL. Mr. President, the two sites in Maine currently under review by the Department of Energy [DOE] are obviously unsuitable as potential repository sites. This is clear to everyone except DOE. Legislation is needed to prevent DOE from pursuing this ill-advised course of action. The pending legislation, including an amendment I and Senator Cohen proposed, redirects the program to avoid this problem.

I am therefore pleased that this amendment is acceptable. This amendment provides new safeguards and additional assurances that DOE will no longer consider Maine as a potentially acceptable site for a second nuclear waste repository.

A second site is not necessary. We must reduce Federal expenditures where possible. Canceling the second repository saves the ratepayers of the country billions of dollars. Suspension of the second site is an essential component of the underlying bill.

The amendment also cancels U.S. funding for research into granite as a possible place for a wastesite. The second round sites in the Northeast, much as Maine and the Midwest, are all granite sites. If we suspend the seach for a second site, there is no reason to spend millions of Federal dollars on research for a site that will not be located in granite.

Over the next 3 years, the Department of Energy proposed to spend $30 million on granite research. The amendment requires DOE within 6 months to terminate all funding for such research. This includes funding for the Underground Research Laboratory, a joint United States-Canadian project in which a deep shaft was being sunk into Canadian granite. Such activities are no longer relevant to the U.S. Nuclear Waste Program.

The bill before us suspends work on the second round for at least 20 years. In the event that, in the next century, DOE finds each of the current first round sites unacceptable, a possibility that is highly remote, we have provided additional assurances that any future search for a granite repository must consider additional factors.

These factors are important to Maine. Under this amendment, DOE must now consider seasonal fluctuations in population. The current law requires consideration of population density, but DOE refuses to acknowledge that the population of the Sebago Lake region in Maine is considerably higher in the summer than in the winter. Under this amendment to consider such population fluctuations as a basis for disqualification.

Should DOE in the next century ever consider granite sites, the agency would also have to consider proximity to public drinking water supplies, particularly those of metropolitan areas. Portland, ME should have its drinking water supplies protected. Under this amendment, DOE would be required to consider this factor.

Finally, DOE is required under this amendment to consider the impact site characterization or site selection would have on lands owned by Indians or placed in trust by the Federal Government for Indian tribes. Lands owned by such tribes or held in trust by the Federal Government for such tribes cannot reasonably be used for a dumping ground for our nuclear waste. To do so would be to violate the fiduciary duty of the Federal Government to the tribes. Had these factors been considered last year, the Maine sites would have been disqualified.

While keeping DOE out of Maine is important, it is clear that additional changes need to be made in the Nuclear Waste Program. The major criticism of DOE's implementation of the Nuclear Waste Policy Act is that the agency has not been thorough or objective. As a result, the public does not trust the agency.

To counter this criticism, this amendment requires DOE to enter into a contract with the National Academy of Sciences to create an oversight board. This board will assess DOE's activities and publish annual reports. This board is intended to provide an independent, technical review of DOE actions.

The proposal also requires DOE to conduct additional surface research at the sites not selected by characterization for a first repository. This will provide needed additional data on these sites, and will minimize the disruption of the program should the site selected for characterization be deemed unsuitable.

Last of all, the amendment requires EPA to promulgate revised ground water protection standards by January 1, 1990. These standards were struck down recently by the First Circuit Court of Appeals.

These changes represent significant improvements in the crippled nuclear waste program.

Mr. COHEN. Mr. President, I appreciate the efforts of the Senator from Louisiana to modify the Committee's amendment to reflect some of the concerns I share with my colleague from Maine, Senator Mitchell, and others, about the need for greater environmental protection during the Department of Energy's search for a nuclear waste repository.

I am also pleased that the Appropriations and Energy Committees have voted to put off a search for a second repository in the east for at least 20 years. The legislation before us today requires that, between the years 2007 and 2010, the DOE is to report to Congress on the need for a second repository, and Congress will then take the Department's recommendations under consideration. This is the most sensible course, and I strongly support these provisions of the Committee's bill.

It has been clear for the past 2 years that the waste generation projections upon which the 1982 Nuclear Waste Policy Act was based are no longer accurate. The DOE has revised the waste generation estimates and now states that we will not need a second repository, even with the 70,000 metric ton cap on the first repository, until at least the year 2020. While I still question the need for the 70,000 ton cap, I believe the determination that a second site is not now necessary and in fact should be studied is a good one that reflects a realistic assessment of our waste projections.

The additional revisions submitted by Senator Mitchell and me address the need to improve the overight of DOE activities during the site selection and characterization process, as well as to ensure that the DOE will take into account important factors that affect the health and safety of our citizens.

First, we require that DOE conduct additional surface study at the sites not chosen as the preferred site for the first respository. This is to ensure that, should the preferred site not need the licensing requirements established by the Nuclear Regulatory Commission, there will be available to the DOE sufficient information to determine the suitability of alternative sites.

Second, we require the Environmental Protection Agency to promulgate final regulations governing the protection of ground water from hazards that might stem from the characterization of a site as a waste repository. The agency's existing regulations have been struck down by a Federal court and we believe it is important that these crucial guidelines be ready before the DOE makes its final selection.

Third, we require the phase-out, within a 6-month period, of DOE's research into granite formations. Since the second site search, which is investigating granite-based sites only, has been suspended in this legislation, we see no need for the DOE to conduct this research at this time.

Fourth, we require the establishment of a National Academy of Sciences oversight body that is authorized to review DOE decisions and actions in characterizing and selecting a site for the waste repository. This oversight capability is essential to ensure that the DOE does not act with no regard for legitimate public concerns. In Maine, we have not had a good experience with the DOE, and I feel that the entire waste repository program needs continuous monitoring by an independent board.

Finally, we propose that, should the DOE return to a search in Maine or other eastern States, the agency should take into account factors which it appears to have previously ignored. These important factors are: One, the proximity of the site to public drinking water supplies; two, the seasonal fluctuations in the population that might occur in an area surrounding a site; and three, the impact that site characterization and selection will have on the trust relationship that exists between the Federal Government and Indian tribes.

I believe that our revisions result in a more reasonable approach to the waste repository selection program. We hope our colleagues will agree with us and support the committee amendment.

Again, I want to thank the Senator from Louisiana and the Senator from Idaho for their willingness to work with us on this issue. I hope our efforts led to a DOE that is more accountable to the public as it carries out its waste program.

AMENDMENTS TO THE NUCLEAR WASTE POLICY ACT

Mr. JOHNSTON. Mr. President, I would like to clarify for the record some information related to surface testing and site characterization activities at the candidate sites for a geologic repository. The nuclear waste legislation incorporated in H.R. 2700, the energy and water development appropriations bill, would direct the Secretary of Energy to select one of the three candidate sites by January 1, 1989, as its preferred site for detailed site characterization and testing. The preferred site would then undergo extensive site investigation, which will include construction of an exploratory shaft facility at the proposed depth of a repository. Up until January 1, 1989, the point at which the preferred site would be selected, the Department is directed to carry out site investigation work that would provide information useful in making the selection of one site. The Department would be prohibited, however, from initiating construction of an exploratory shaft facility at any of the three sites until the selection of one site is made.

Earlier today, my colleague from Washington, Mr. Adams, stated that this legislation would prevent the Department from gathering the data necessary to make an informed decision on a preferred site. He stated further that this legislation would prevent the Department from obtaining necessary site information from surface-based testing prior to the drilling of an exploratory shaft. My colleague also attributed to the Nuclear Regulatory Commission the opinion that this legislation will prevent the Department from obtaining the data necessary to make an informed decision on a preferred site.

I must say to my colleague from Washington that this is simply not true. There appears to be some confusion over exactly what this legislation would do and over what the Nuclear Regulatory Commission has said about it. Let me attempt to clear up that confusion.

On October 2, I received a letter from Lando W. Zech, Chairman of the Nuclear Regulatory Commission, restating the NRC's position on this legislation. In this letter, Chairman Zech stated—

> The Commission does not oppose legislation which would require that only one site undergo at-depth characterization. The Commission does not believe that simultaneous characterization of three sites is necessary to ensure the public health and safety. . . . The staff has not identified any technical reason to preclude sequential site characterization. Thus, like the Commission, the staff does not identify any regulatory health and safety requirement for characterizing three sites in parallel.

Let me emphasize that the Nuclear Regulatory Commission has not stated that the Department of Energy will not have sufficient data available to make an informed decision on a preferred site by January 1, 1989. In testimony before a House subcommittee in October, Victor Stello, head of the NRC staff, stated specifically that the Commission had no opinion on this question. Just last week, the NRC Commissioners themselves affirmed this during testimony before the Committee on Environmental and Public Works.

Unfortunately, I believe that the NRC Commissioners statements before the Committee on Environment and Public Works have been misunderstood. What the Commissioners did state was that some surface-based testing would be required—and should be carried out—prior to the time that an exploratory shaft is drilled. Let me emphasize again—the NRC Commissioners did not state that all such surface-based testing would be required prior to the point at which a preferred site is selected on January 1, 1989. The Commissioners' position has not changed—it is the same as they so stated in Chairman Zech's October 2 letter to me.

I think it is important to remind my colleagues that all three of these candidate sites—in Nevada, in Washington, and in Texas—have already been selected for characterization. All three sites have already been found suitable for detailed characterization and testing. The Nuclear Regulatory Commission has reviewed the data base leading to selection of these three sites, and they confirmed in testimony before the Committee on Energy and Natural Resources in April that there are no technical reasons not to go ahead with characterization of all three sites. They have stated that we are ready now to proceed with characterization, which includes the drilling of exploratory shafts.

The point is that all three sites are suitable for characterization. In the absence of these amendments to the Nuclear Waste Policy Act, the Department will go ahead with detailed site investigations and drilling of exploratory shafts at all three sites. This legislation would simply choose one of those sites as the preferred site and proceed with the lengthy 5- to 7-year site characterization program at that site.

Let me elaborate for a minute on what is involved in the 5- to 7-year site characterization program. Site characterization, by definition, involves surface-based testing, drilling of near-surface boreholes, laboratory testing, and testing in an exploratory shaft facility at the proposed depth of the repository. Some of this testing will be conducted above ground and some will be deep below the surface. Some data can be obtained strictly through surface-based testing, but essential information on the suitability of a site for development as a repository must be collected below the surface.

So the options are quite simple—we can proceed with the entire program, including the drilling of exploratory shafts deep below the surface, at all three sites; or we can select a preferred site and proceed with characterization sequentially.

This legislation proposes to proceed with characterization sequentially and to select a preferred site by January 1, 1989. The Department has stated that it has sufficient information to make that decision, and the Nuclear Regulatory Commission has not stated to the contrary.

The NRC Commissioners have stated that they would feel more comfortable about the selection of a preferred site for sequential at-depth characterization if the Department continued some degree of surface-based testing at the remaining two sites as insurance. I believe this is a constructive suggestion. In that regard, I submitted an amendment this morning that would direct the Secretary of Energy to continue surface-based testing at the two candidate sites not selected as the preferred site. It is my hope that this amendment will address any lingering concerns of the Nuclear Regulatory Commission about the decision to proceed with site characterization in a sequential fashion rather than at three sites simultaneously.

I ask unanimous consent that the text of my September 30 letter to Lando W. Zech, Chairman of the Nuclear Regulatory Commission, and Chairman Zech's October 2 response be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Nuclear Regulatory Commission,
Washington, DC, October 2, 1987.
Hon. J. Bennett Johnston,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC

Dear Mr. Chairman: I am writing in response to your letter dated September 30, 1987 in which you requested clarification of the Commission's position on S. 1668, the Nuclear Waste Policy Act Amendments Act of 1987. The agency's position is set forth in the enclosure to the letter of September 14th to Senator John B. Breaux. The Commission does not oppose legislation which would require that only one site undergo at-depth characterization. The Commission does not believe that simultaneous characterization of three sites is necessary to ensure the public health and safety. The Commission expressed the concern, however, that sequential site characterization could considerably delay the schedule for opening a repository if the preferred site is found to be unlicensable.

Mr. Hugh Thompson, Director of the NRC Office of Nuclear Material Safety and Safeguards, reflected our specific concerns regarding a potential for delay in testimony before the Committee on April 28, 1987. We would refer you to page 6 of his statement in which he said:

"One of our principal concerns is that, considering the first-of-a-kind nature of this effort, selection of only one site for detailed site characterization runs a risk of resulting in a site which may ultimately prove to be unlicensable. If, after suspending characterization of other sites, DOE were to find its initially-chosen site inadequate, or if it could not provide assurance in a licensing proceeding that the site met NRC technical requirements, there could be considerable delay while characterization was completed on another site or slate of sites, with a consequent loss of momentum. The impacts of such a delay on NRC's stated belief that there is reasonable assurance that methods of safe permanent disposal of high level waste would be available when they are needed, would have to be carefully evaluated."

The staff has not identified any technical reason to preclude sequential site characterization. Thus, like the Commission, the staff does not identify any regulatory health and safety requirement for characterizing three sites in parallel.

The Commission believes that, under the Nuclear Waste Policy Act, the site selection process is the responsibility of the U.S. Department of Energy. The adequacy of the site will ultimately be determined by the NRC in a licensing proceeding. Although the NRC will be mindful of scheduling considerations, we will only license a site which satisfies our licensing requirements.

I hope that this letter clarifies the Commission's position on S. 1668. Please contact me if we can be of further assistance.

Sincerely,
Lando W. Zech, Jr.,
Chairman.

U.S. Senate, Committee on
Energy and Natural Resources,
Washington, DC, September 30, 1987.
Hon. Lando W. Zech, Jr.,
Chairman, U.S. Nuclear Regulatory Commission, Washington, DC.

Dear Mr. Chairman: I am writing in the hope that you can clarify some apparent misunderstanding over the Commission's position on S. 1668, the Nuclear Waste Policy Act Amendments Act of 1987. This legislation was reported to the Senate by the Committee on Energy and Natural Resources on September 1.

On September 14, the Commission provided written comments on S. 1668 to the Senate Committee on Environment and Public Works. I am particularly concerned about the interpretation of the Commission's comments related to the selection of single candidate site for characterization for a repository.

I read your comments to say that the Commission generally supports legislation to characterize candidate repository sites sequentially and, thus, to select a single site for characterization by January 1, 1989. As I understand it, the Commission's main concern with S. 1668 is the potential for considerable delay in the schedule for opening of a repository if the selected site is not ultimately found to be licensable by NRC. It is my understanding, however, that while the Commission may have concerns about the potential for schedule delays, the Commission does not believe there is any public health and safety reason to characterize three candidate sites in parallel.

As I recall, Mr. Hugh Thompson, of the NRC staff, testified before our Committee in April that the Commission's main concern about sequential site characterization was that this would somehow force NRC to license a site that it did not feel was licensable in order for the Department of Energy to meet the 1998 contractual obligation to take spent fuel from utilities. Mr. Thompson testified further, in response to questioning, that the Commission's concerns about sequential site characterization would be mitigated so long as there were assurances that the opening of a repository would be driven by its licensability and not by schedule considerations.

It would be helpful if you could clarify the Commission's position on sequential characterization of candidate repository sites as contemplated in S. 1668. Thank you for your assistance in this matter.

Sincerely,
J. Bennett Johnston,
Chairman.

Mr. ADAMS. Mr. President, we have been discussing the appropriations bill from the Energy and Water Subcommittee of the Appropriations Committee and have been pointing out to our colleagues—and I hope that those who are watching and observing this today will be aware—that we are objecting to the placing of legislation on this appropriations bill.

To those who have amendments to the bill, there is the availability of making amendments to that bill to the original text. There has been no effort by Senators who have been discussing the nuclear waste repository provisions being placed on this bill to block other Members who have legitimate concerns or wish to debate other amendments to the energy and water bill or other amendments that may be proposed, so that on the proposition of whether or not Senators should vote or not vote for cloture next Tuesday, they should not in any way be influenced either way by the debate that is going on with regard to the nuclear waste provisions.

As I have previously stated and has been indicated in my debate with the distinguished Senator from Louisiana, Senator Johnston, who is managing the bill, our concern is with placing an entire legislative bill, S. 1668, onto the appropriation bill, H.R. 2700.

We have attempted at all points during this debate to indicate that if that authorization bill were withdrawn and were taken up as it will and should be and the authorization forum be that either the reconciliation bill portions that deal with authorizations or as a freestanding bill, we were prepared to agree on time, so that there would be no delay of the authorization bill, nor would there be delay of the appropriation bill.

We have not been able to receive an agreement on that and, therefore, I would urge my colleagues that during the period of time next week when we will be debating this bill, which will be on Tuesday after the continuing resolution, regardless of whether cloture is invoked, because if cloture is invoked there are 30 hours of debate and we will debate it, if it is not invoked we will have an opportunity to discuss that tomorrow and on Tuesday, then we would debate as the bill being completely open, but with the authorization bill being struck out of it, because we would certainly move to see that the authorization bill was not stricken.

Mr. President, earlier in the day I was in the process of discussing some of the substantive bases and reasons why we want this bill to be taken up in the regular processes of the Senate and of the House, which provides in detail for the use of the authorizing procedure before you arrive at the appropriating procedure.

We have tried very hard to discuss, for example, the fact that this authorization bill's being placed in the appropriation bill completely changes the Nuclear Waste Policy Act, that this Senate worked on for so many hours, days, weeks, and months, in 1982 in order to create the Nuclear Waste Policy Act of 1982. The people who were involved in that are in the authorizing committees. They are the experts. They are the people who have devoted years of their lives to this, and it is wrong not just from a matter of technical rules but wrong from a matter of the interest of the United States that we should have those people with the expertise bypassed in this matter handled entirely in an appropriations bill and later in an appropriations conference.

I want to turn now to some of the exact points that we have discussed.

Earlier today I was discussing the necessity for going to each of the various sites and determining whether or not it was possible for that site to be considered for final selection. This needs what is known as surface characterization, a big word that describes some very simple but important things. It describes going to the site and without drilling an enormous shaft, which might be terribly dangerous to determine the water flows, to determine the socioeconomic surroundings of the shaft, to determine the geological formation that is there, to determine before you select a site whether or not that site can meet the final qualifications.

What a tragic thing it would be for the whole program, for the whole national interest if we were to select a site and often Nevada has been mentioned, go to that area, start the work that is required by S. 1668 as opposed to looking at all three sites and in the course of that determine that it is not qualified and that a scientific basis for deciding what is good and what is bad has not been made. We would then at that point probably have to back up and start all over.

That has been suggested in the House of Representatives by those who handled the original authorization. They are saying that the selection of going down to three was so bad, we may not have anything in any one of the three. So what would happen then is Nevada might be put out for national security reasons for testing of nuclear weapons. You go up to Hanford and find that the water flows there are absolutely impossible to build it. You go to Texas and we do not even know what we have there. We know it is a salt site, but nobody has done any extensive work, and at that point you would have the scientific community and the American public saying, "We don't have any site at all." Then you would start all over.

All of our efforts are directed toward trying to get a rational basis for selection so we do not spend all of our time with lawsuits or backing up and going and looking someplace else.

This is a national problem, and that national problem is that there are reactors and these reactors are producing more and more rods filled with highly radioactive waste and they are filling up blue pools in the entire country and particularly in the Eastern part of the United States and we have to have a valid program for proceeding with this.

We still are not certain under S. 1668 which is trying to be incorporated by reference into H.R. 2700 whether or not there is going to be a monitored retrievable storage system, again a big word, but all it says and means is you take all these rods, take them to a place above ground, divide them all up, package them in some way and they are not even sure how to package them, because if you put copper around them and you bury them in salt they will corrode, if you put another metal around them which is much more expensive it tends to be more brittle and so you do not want it anyplace where there is going to be an earthquake fault. So we have a program that is off the track and we are trying to put it back on the track and want to do it in a sustained and legislative manner that is valid.

And to do this I think it is absolutely essential that we have the option of gathering additional information, more than has been presented to the Committee on Appropriations, and to use the great amount of information that has been presented to the Committee on Environment and Public Works which is well described as I have stated this morning in my statement, and I was just starting to refer to this, the dear colleague letter circulated by the Environment and Public Works Committee yesterday. The Appropriations Committee rejected the Environment and Public Works Committee's even attempting to assert their legitimate jurisdiction.

Mr. President, I do not try to make judgment between the Energy Committee and the Environment and Public Works Committee to say to all my colleagues one is absolutely better. But I can tell you from this Senator's viewpoint in looking at them, the Environment and Public Works authorizing bill which will go into the reconciliation bill is far superior to the Energy and Water Subcommittee of the Energy Committee which has been presented and is in the reconciliation also. Let us have it out at that point. Let us get it done.

I just do not believe that the National Regulatory Commission [NRC], the agency with ultimate responsibility of ensuring the public health and safety, the agency which is going to have to license this repository at some time, should be ignored. And they say that they have got great problems with the manner of not characterizing all three sites, not getting more information.

I want to document that claim, Mr. President, and, at a later point, either today or tomorrow, I will read into the RECORD some of the memorandum from the NRC staff to its Commissioner, which was affirmed by the Commissioners testifying on October 29 before the Environment and Public Works Committee. But what it does is it simply describes some of the things that need to be done. And it is very important these things be considered because they are directly in opposition to S. 1668, which has been thrown into this appropriation bill.

Mr. President, I notice that my colleague from Nevada has arrived on the floor. I know that he has some additional points he wishes to make. So, at this point, without losing my right to the floor under the agreements that I understand have been made under the two-speech rule, I yield the floor at this point to allow the other Senators to discuss the matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nevada.

Mr. REID. Thank you very much, Mr. President. I say to my friend and colleague from the State of Washington, I commend him on the statement he has given. I was speaking earlier today—and we have just a limited amount of time this afternoon to discuss it at some length—about the shipment and routing of spent fuel and high-level waste. I want to spend the remaining time we have this afternoon talking in some detail about this subject. And then at some later time, I will return to my illustrations indicating the transportation routes, both of rail and truck, through this country.

Although a number of spent-fuel shipments have already been made, the eventual full-scale transportation of spent fuel to a permanent repository or a monitored retrievable storage facility would have a far greater impact on the country both physically and certainly psychologically.

Since 1979 over 779 commercial and special/test spent-fuel shipments have been made in the United States totaling approximately 361 metric tons. The Southern States have had over 240 spent-fuel shipments weighing some 66.6 metric tons. Specific shipping information is currently required by the U.S. Department of Transportation and is stored in the Department's radioactive materials routing report data base. The report provides detailed shipping information, including shipping company, carrier, origin and destination, shipment date, material shipped, and route. From the South's perspective, this information indicates little consistency over time in the number and destination of spent-fuel shipments. In the case of high-level waste, there have been no shipments—that is zero shipments—because of the adequate storage capacity at the Denver generation site.

Southern reactors as a whole are projected to be major shippers to either a geologic repository or monitored retrievable storage facility, if such is approved by Congress. The region's 27 reactor sites are projected to make 502 annual shipments to a repository, some 40 percent of the national total. Although 19 of the South's 27 reactor sites would ship by rail because of a rail cask's higher volume capacity, nearly 82 percent of the region's annual shipments would be made by truck. With an MRS facility, southern reactor sources would account for nearly 50 percent of total shipments to the facility, since western reactors are assumed to ship directly to a repository. The annual shipment of high level waste from the Savannah River plant, for example, would account for approximately 515 truck or 103 rail shipments.

Under current DOT regulations, shipments of "highway route controlled quantity radioactive materials"—including spent fuel and Type B quantities of HLW—must use preferred routes for highway transport. Preferred routes are interstate highways, with use of an interstate bypass around cities when available, and State-designated routes selected by State routing agencies in accordance with DOT guidelines or an equivalent routing analysis that adequately considers all public risks.

A number of routing and shipping regulations have been passed by State and local governments to restrict the transportation of spent fuel and high-level waste, but these prohibitions, controls and impediments probably would be preempted by Federal law, some which we have already explained today.

Hypothetical routing of commercial spent fuel shipments by highway and rail to three nominated repository locations and an MRS, if approved by Congress—which it appears that it certainly will—can be predicted by the highway and interline automated routing models. The models are in essence computerized routing atlases that incorporate current DOT highway routing requirements and other important criteria to generate the hypothetical routing networks on maps and tables. The models predict that spent-fuel shipments will have a significant impact on several Southern States, depending on the eventual location of the repository or use of an MRS.

While no hypothetical routes have been projected for defense or high-level waste shipments to a repository—and this is still another problem, Mr. President, talking about defense high-level waste. We are only talking about commercial high-level waste—while no hypothetical routes have been projected for defense high-level waste shipments to a repository, by extrapolating from commercial reactor routes located near high-level waste storage areas, general rail and truck routes can be estimated.

From July 16, 1979, to June 1, 1985, there were some 779 commercial and special/test spent-fuel shipments in the United States totaling, as I indicated before, about 361 metric tons. While many special/test spent-fuel shipments have taken place since 1979, the bulk of the shipments has involved commercial spent fuel. Returning to the Point Beach reactor in Wisconsin, for example, were 223 shipments of spent fuel from the shutdown of reprocessing facilities in Morris, IL, and West Valley, NY.

We have spent a lot of time the last few days talking about West Valley, NY, and it is interesting to note that, as I indicated previously, returning to the Point Beach reactor in Wisconsin, for example, were 223 shipments of its spent fuel from the shutdown of reprocessing facilities in Morris, IL, and West Valley, NY.

Well, a lot of the materials from West Valley, NY, have not been able to return anyplace. Those fuels have spoiled the ground in that area. They have spoiled the environment and they are trying to figure out a way to get rid of them. That is not easy.

In addition, the Monticello reactor site in Monticello, MN, shipped the largest quantity of spent fuel, 122½ metric tons, to Morris, IL.

We are talking about these shipments here for illustrative purposes and we are talking about 361 tons here, we are talking about 122½ tons there; very small amounts, when you consider that right now, ready to be shipped, of commercial, high-level nuclear waste, we have 70,000 metric tons. So the figures we talk about here are very, very tiny in comparison to what really needs to be considered in the future.

According to the U.S. Nuclear Regulatory Commission, they have graphed the amount of nuclear fuel that is to be sent to various places. The NRC receives its spent-fuel shipping information under the law. There is a law that requires the spent-fuel shipping information to be given to the NRC which, of course, requires licensees to obtain advance approval for the routes used for truck shipments of spent fuel.

Between 1979 and 1985, 1979 and 1985, there were 240 spent-fuel shipments in Southern States totaling approximately 66.6 metric tons. This accounts for 30.8, and 18.5 percent of U.S. shipments and quantity, respectively.

The majority of the southern shipments, 194 of them, and quantity, which is 66⅓ metric tons, took place within this region. The most significant shipment involved the transfer of almost 50 metric tons of commercial spent fuel in 19 separate shipments from Robinson, the nuclear powerplant in Hartsville, SC, to the Brunswick reactor site in North Carolina.

The largest receiver of spent fuel in the South is the Savannah River plant in Aiken, SC. Between 1979 and 1985 the plant was the destination for 180 shipments totaling .92 metric tons.

We spent some time yesterday, and I have spent time on this floor on previous occasions, talking about the disaster that we have at the Savannah River plant on the South Carolina-Georgia border. It is a disaster. The mess there will take years and years to clean up, if in fact they can clean it up.

People are worried that they may not be able to clean it up. Right now, as we sit here, the tanks are leaking. The tanks containing high-level nuclear waste are leaking into the ground—into the ground water in this area. It is not a question of there being a few tons stored there; thousands of tons, thousands of gallons of high-level nuclear waste are stored at Savannah River. And they really do not know what to do with it.

It is a multibillion dollar project to clean it up already, they know. What they are doing, they have storage tanks and they are moving materials out of that into casks and placing them into a separate storage area, similar, I guess, to a monitored retrieval site. Because the fuel is still very, very hot.

In addition to the U.S. Nuclear Regulatory Commission's listing of spent fuel shipments, the U.S. Department of Transportation requires the post-notification of highway route controlled quantity shipments of radioactive materals.

Following the DOT's final rulemaking in the Federal Register, all shippers of specified quantities of radioactive materials were required prior to shipment to the Department of Transportation, route plan and other information.

Now, Mr. President, this goes back to some of the things, then, I have talked about previously. It is good that the Department of Transportation requires a shipment route plan and other information which would, in effect, as I indicated yesterday, notify areas on the route where it would be transported that this highly toxic, highly poisonous material would be transported through the cities and towns.

But, as indicated yesterday, so what? What good does it do to notify these States, these cities, these towns, these counties that they are going to be on the route of a large load of high-level nuclear waste? We established today that the courts have held that the local cities and towns cannot pass any ordinances or laws that affects the Department of Transportation's routing. They cannot collect moneys from the transporters of this trash. They are just there with no ability to respond in case of an accident; no ability to monitor, no ability to oversee how they feel that it could be safely carried through the streets—through the highways, through the freeways. They are just at the mercy of the Department of Transportation.

The only thing the notification does, of the Department of Transportation, is just frighten these people. Because, as I indicated yesterday, as one police officer informed me: So tell us that these hazardous wastes are coming. We cannot do anything about it.

We have made sure now that we cannot do anything about it because the courts have said they cannot.

Since 1983 this criteria replaced the use of "large quantity" with "highway route controlled quantity" based on the A1-A2 radionuclide classification system. The radioactive shipment information is stored in the radioactive materials routing report and this data base—which is a data base. It is controlled by the Department of Transportation Office of Hazardous Materials Transportation. The RAMRT data originate from three sources: Nuclear Regulatory Commission's Office of Nuclear Material Safety and Safeguards, the Division of Safeguards; the Office of Defense Waste and Byproducts Management; the Division of Operations and Traffic of the Department of Energy and NRC-licensed shippers.

The report is available to States and public on request in a computer printout format that is very hard to read. I have a copy of one here.

Of the 431 shipments, only 18 involved spent fuel with the majority being large quantity and highway route quantity controlled shipments.

The most active DOE shippers include INEL, Oak Ridge National Laboratories, Three Mile Island.

We have heard a lot of discussion, Mr. President, here about Three Mile Island and why it has brought the public's attention to nuclear waste and nuclear energy. We know at Oak Ridge that the people of Tennessee are concerned. They are concerned because they are in the running. They are leading the pack for the monitored retrievable storage system, the first one.

Nevada may be leading the pack for the permanent high-level waste repository but, without question, Tennessee, Clinch River, is leading the charge for the monitored retrievable.

The NRC licensees, shipping large quantity on highway route controlled quantity products, included a lot of companies: Neutron Products, Union Carbide, Advanced Medical Systems, and many others. These shipments have been conducted primarily by common carriers as compared to private carriers owned by the shippers.

Between January 2, 1982 and February 2, 1987, a period of 5 years and 1 month, the Southern States were involved in shipping and/or receiving approximately 493 of these shipments. The shipment of commercial and special/test spent fuel accounted for 151 shipments, or about 31 percent of the southern total.

There is little consistency over time in the number and destination of spent fuel shipments from a regional perspective. It really does not give you a good balance.

For example, if you look at the spent fuel shipments in the South, you will find in 1982, and remember this is a region where, in fact, the majority of the fuel, spent fuel comes, in 1982, 53 shipments. But in 1986, only 23 shipments. Interesting. Even though we know that just the same amount is being produced.

The heaviest spent fuel shipping year in the South, which was 1982, involved a large number of shipments, leaving the Savannah River plant and the port facilities of Portsmouth, VA. Also, the Westinghouse plant in Chatsworth, in California.

In addition, 11 shipments were made to the Savannah River plant, mostly from Chalk River, in Canada. The most shipments, that is 16 in 1982, however, were made from Portsmouth to the Savannah River plant.

The most frequent point of origin for spent fuel shipments leaving the region has been Portsmouth, VA. Some 44 shipments of special test of mainly naval reactor fuel and imported foreign spent fuel have been sent from Portsmouth primarily to INEL.

I will bet that most Members here did not realize that we imported spent fuel, but we do. We import spent fuel.

In addition, the Savannah River plant and the University of Missouri both shipped significant amounts of special/test spent fuel out of the region, 13 and 8 respectively. With regard to shipments entering the South, the Savannah River plant received the most spent fuel by far, 22 shipments. The Savannah River plant was also the leading recipient of spent fuel shipped within the region, accepting 33 shipments from Portsmouth. In addition, eight commercial spent fuel shipments were moved from VEPCO's Surry plant to INEL during April-May 1986 for research use involving dry cask storage.

High-level waste has not been transported in the United States, as I indicated earlier, because of adequate storage capacity at the various generation sites. Moreover, a majority of the high-level waste is currently in forms that are very difficult to handle and transport.

What is this material? What is the form it is in now?

The form that it is now in is liquid. You can imagine the difficulty of shipping a liquid, especially something that has the dangerous characteristics of plutonium. So the forms that are difficult to transport and handle come in two forms: liquid, which I have just talked about, and also a sludge that some say is even worse than the pure liquid because it is kind of a mixture between a liquid and a solid. They have difficulty placing these in containers for shipment.

So the best that we can do now, Mr. President, is talk about, in effect, a computer model, or maybe even one step lower than a computer model. In effect, what we are talking about now no one really knows how it is going to work in the transportation of this high-level waste. The President remembers the longstanding controversy that involved the State of New Jersey and the State of Nevada dealing with low-level nuclear waste.

In the State of New Jersey, they had many, many railroad cars of low-level nuclear waste that they wanted to move out of the State of New Jersey. Where did they want to move it? To the State of Nevada, some 3,000 miles across country.

Mr. President, the reason I mentioned that is because that was low-level nuclear waste, something that is not dangerous, the type that x-ray technicians use, gloves that doctors' use in some of their work, not anything that you would really be frightened about just by talking about it.

But that is not high-level nuclear waste. High-level nuclear waste is not gloves worn by x-ray technicians or gowns worn by x-ray technicians, but it is plutonium, a dangerous, dangerous, element or material.

You can recall, Mr. President, the controversy that went on for weeks and months regarding low-level nuclear waste. You can imagine the fear and trepidation of the people that have to be concerned about high-level nuclear waste when you can remember the great controversy over low-level nuclear waste.

Some of the controversy over those shipments of low-level nuclear waste from New Jersey to Nevada was not only with the States of Nevada and New Jersey, but there was a lot of controversy between the States of New Jersey and Nevada. Why? Because they would be hauling these railroad cars through major metropolitan areas. That was a real concern to people who knew about it.

One reason this debate is important is because people need to be educated, they need to be educated to realize that we have a little bit of experience with just a few score cars of spent fuel. We have no experience with high-level nuclear waste.

The reason I have gone into some detail about shipments and the routing of spent fuel is because we are going to have a comparison to the difficulty with high-level nuclear waste as compared to the spent fuel.

As time goes on we will develop graphically and be able to show the real danger as high-level nuclear waste is carried through the streets and cities of our communities so that people will know this is happening. People should be educated. This should not be a surprise to them.

That is why the Department of Transportation must do more than just simply notify someone that a shipment is being sent through their city. Who do they notify? They notify the police who cannot do anything anyway because they have established by law and in court decisions that nothing can be done by States or local entities to generate revenues by virtue of these shipments coming through so they can enforce the law, so they can monitor what is going on with this nuclear waste.

Prior to the start of shipments of spent fuel and high-level waste to the geologic repositor or MRS, if approved, DOE anticipates numerous spent fuel shipments over the next 5 years in support of dry storage research and development.

For example, in June 1985, the Virginia Electric Power Co.'s surry plant began an estimated 50 shipments to INEL for dry cask storage testing. Maryland's Calvert Cliffs reactor site soon will be shipping some spent fuel to the Hanford Reservation for dry storage testing. Additional reactor facilities are expected to ship spent fuel to INEL in 1988 for testing of prototype fuel rod consolidation equipment.

The leading candidate for first repository sites include Hanford, WA, Yucca Mountain, NV, and Deaf Smith County, TX. According to the DOE environmental assessments for these nuclear waste repository sites, the authorized first repository will begin accepting spent fuel totaling 400 metric tons of uranium in 1998 and 3,000 annually within 6 years of that date.

The first repository is expected in full operation—we do not know when any more, Mr. President, because, as we explained this morning, we have three different laws floating around here, or proposed laws.

We have first the 1982 Nuclear Waste Policy Act, which was the law of the land, which started out on a very positive note, with the President of the United States giving a speech on new federalism and how this was an example of how 12 committees of Congress had gotten their act together and how this would be a step in the right direction, giving the States the right to participate in their future. Well, that law has been ruined. That law is still on the books but in name only.

We have another law that is proposed, and that is the one that is the measure of legislation that is attached to the appropriations bill that is now before this body. It is an incredible piece of work that is a legislative measure, violative of its own committee rules and regulations; namely, violative of the committee's own rules, notwithstanding the fact that it violates the rules of this body by being legislation on an appropriations bill.

What that proposed law does is just rubberstamp all the illegal activities of the Department of Energy up to this date, and we documented them, and documented them in great detail, just a few hours ago. Very simply, what it does is just ramrod a decision, it forces a decision, it forces a decision based on a travesty, because we have the Department of Energy, which looks at a law passed by the United States, signed by the President, throwing that piece of legislation away, saying, "In our bureaucratic mind, we, the Department of Energy, know better what the people of this country need than those elected officials, the President and the Congress. Even though they passed the law, we are not going to pass the law because we know better than they what the law should be."

So they set out on January 7, 1983—or probably even before then—saying we are not going to do what that law says, and they have not. And that is what we are rubberstamping in this body. They have gone so far as to not even follow their own regulations. They do not follow the law. They do not follow their own regulations. And then we had all kinds of testimony read into the RECORD which shows they do not even follow their own scientific research and findings. But what we are being asked to do in this body is put a great big stamp of approval on all the illegal, improper, and unfair activities of the Department of Energy.

We simply cannot do that. It is wrong.

Mr. President, I want to reemphasize that those of us who are opposing this legislation on an appropriation bill are not individuals who are saying kill the nuclear waste program. Quite to the contrary. In fact, I think we have approached it very reasonably. We have approached it reasonably in that we have taken the middle ground. We have said there should be a nuclear waste program in this country. What we are asking—and I am speaking of we collectively. When I say we, the Environment and Public Works Committee, which truly has jurisdiction over this—what we are saying should be done is to let us look at the 1982 act. Let us look at what the legislation on an appropriation bill has done. Let us look at the good parts out of both and take a middle ground. That is what the Environment and Public Works Committee has done. They have attempted to arrive at a middle ground. We have done that. We do not rubberstamp all of the illegal things the Department of Energy has done over the years. We have not done that.

The Committee on Environment and Public Works has attempted the reasonable approach. What we have tried to do is say we have 70,000 metric tons of high-level nuclear waste stored around this country. Something has to be done with it.

The Environment and Public Works Committee has said let us look at what should be done with it.

We have given a reasonable time to reassess what the Department of Energy has done, reassess how they arrived at their siting, reassess how the characterization will go forward. In effect, Members of this body must recognize that the Committee on Environment and Public Works is going more than half way, they are going with something over which in fact they have jurisdiction.

Mr. President, I have heard Members of this body talk on occasion about the quality of life of a U.S. Senator. They talk about the extremely long hours we work in this body from early in the morning until late at night. Why do we not have the quality of life we want? Why do we not have a quality of life that allows us to spend more time with our children? Why do we not have a quality of life in this body that allows us to spend more time with our families? Why do we not have a quality of life in this body that allows us to return home to our States more often than we do?

The main reason we do not is because we do not follow the rules and regulations that are set up for this body. We do not follow our own rules and regulations. If we followed our own rules in the Senate of the United States, we would have a better quality of life. If we followed our own rules, we would not be legislating on appropriations bills. That is against the rules of this body. We are not supposed to legislate on appropriation bills. I am a member of the Appropriations Committee. We have plenty to do in that committee without considering legislative matters. We have extremely complicated budgetary matters compounded by Gramm-Rudman, compounded by sequestration, compounded by budget marks, compounded by a lot of things.

The Appropriations Committee has lots to do. We do not need to infringe upon this jurisdiction of the Environment and Public Works Committee. The Environment and Public Works Committee has jurisdiction over what we are talking about today and the Appropriations Committee should not be involved in it. There is not a Member of this body who is not concerned with the quality of life of a U.S. Senator. So I suggest, Mr. President, if we want to improve the quality of life of Senators, then those Senators and staff members who are listening must recognize that they should support the Senator from Washington and the Senator from Nevada and go along with dropping, wiping out, getting rid of legislation on this appropriation bill and following generally the rules of this body. That would improve the quality of life significantly.

Mr. President, I think we all recognize, while we are talking about quality of life as it relates to different rules and regulations, why this method is being used. This method is being used as a ploy to get around a conference with committees of the other body which have jurisdiction over nuclear waste—the Committee on Energy and Commerce, the Committee on Interior. Because with this ploy, this circuitous route, what we are doing is going around committees which have jurisdiction over these matters, and it should not be done. It should not be done because we are not following the rules of this body. I cannot believe that Chairman Morris Udall and Chairman John Dingell will allow this to happen. I cannot believe that the Rules Committee, the powerful Rules Committee of the other body will allow this to take place, will allow the rules of this body, which are not being followed, to violate what has taken place in the House.

Mr. President, it is my understanding that the Senator from the State of Nebraska wishes this Senator to yield upon the condition that I do not have a problem, the next time I arise, with a second speech. Is that true.

Mr. EXON. I thank my friend for yielding. To respond to his question, I would simply advise him that I understand the majority leader is on his way to the floor to propose an agreement. And I appreciate very much his courtesies. I would like to ask the Senator to yield to the majority leader when he arrives on the floor.

Mr. REID. I appreciate the response of the Senator from Nebraska.

Mr. President, just in brief summation, I think it would be inappropriate, and it would be wrong and I think this body should be reminded as often as it can be the purpose of having this legislation on this appropriation bill.

I repeat it is simply a ploy to get around the conference with the House, a conference with the House with appropriate committees. It would be as if a matter from the Ways and Means Committee of the House of Representatives comes over here and instead of going to conference with the Finance Committee they send it, the Ways and Means matter, to the Committee on Environment and Public Works. That would not be right. What they are trying to do here is not right either, Mr. President.

I apologize to the Chair for my deviation from my statement on transportation of high-level nuclear waste. But I have to, I think, Mr. President, from time to time make that point, and make that statement.

Let us not get lost in statistics over 70,000 metric tons, whether it is high-level nuclear waste or spent fuel. Let us realize why we are here. We are here because we have a committee that is trying to take jurisdiction over something that it has no right to do. It is trying to take jurisdiction over matters that should not be before this body at this point.

While we are talking about it, I am going to continue to remind my fellow Senators that if we want to improve the quality of life of the Members of the U.S. Senate, then let us start following our own rules. Let us not play games. Let us not have the Parliamentarian rule with us on point of order, and then have the Members violate their own rules by overruling the Parliamentarian. That is not appropriate.

I would also suggest, Mr. President, that from time to time it is important that we recognize that we are not here trying to nit-pick. We are not here trying to thread the eye of a needle. The reason we are here, Mr. President, is because the Committee on Environment and Public Works has drawn a middle ground.

You know, I learned many years ago when I served in the Nevada State Legislature that the art of legislation was the art of compromise. I think it is about time that Members recognize why we are here. The Environment and Public Works Committee has come up with a middle ground, a fair, reasoned approach to a controversy. We do not want the radical DOE-botched job of the 1982 act. We do not want the radical approach that is in the legislation on this matter.

Mr. BYRD. Mr. President, would my distinguished friend yield for a question?

Mr. REID. I would be happy to yield to the majority leader.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Nevada.

Would he be ready to yield the floor? I would like to proceed to the consideration of a bill that is on the calendar, and the distinguished Senator from Nebraska, Senator Exon, is here and ready to proceed to deal with that bill and the management of S. 1539.

And I would say to the distinguished Senator from Nevada that upon the disposition of the Railroad Safety Act bill it would not be my intention to return to the energy and water appropriation bill today. The Senate would be back on that bill tomorrow. So at any moment when he is ready to close his statement, I would then proceed to call up the bill that I have mentioned.

I thank him for yielding.

Mr. REID. I would be happy to yield to the majority leader recognizing we will turn to this matter tomorrow at the call of the majority leader.

Mr. BYRD. I thank the able Senator, Mr. President. I congratulate him. I say he is most cooperative and accommodating.

RAILROAD SAFETY ACT

Mr. BYRD. Mr. President, under the order, after consultation with the minority leader, the majority leader is authorized to proceed to the consideration of Calendar Order No. 306, S. 1539, a bill to amend the Federal Railroad Safety Act of 1970.

I ask that the Chair lay before the Senate that bill.

The PRESIDING OFFICER (Mr. Breaux). The clerk will report.

The legislative clerk read as follows:

A bill (S. 1539) to amend the Federal Railroad Safety Act of 1970, and for other purposes.

The Senate proceeded to consider the bill (S. 1539) to amend the Federal Railroad Safety Act of 1970, and for other purposes, which had been reported from the Committee on Commerce, Science, and Transportation, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italic.)

S. 1539

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Railroad Safety Act of 1987".

AUTHORIZATION FOR APPROPRIATIONS

Sec. 2. Section 214 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 444) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting immediately after subsection (c) the following:

"(d) There are authorized to be appropriated to carry out the provisions of this Act not to exceed $40,649,000 for the fiscal year ending September 30, 1988, and not to exceed $41,868,470 for the fiscal year ending September 30, 1989.".

INCREASED PENALTIES; LIABILITY OF INDIVIDUALS

Sec. 3. (a) Section 209(a) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 438(a)) is amended by striking "railroad" and inserting in lieu thereof the following: "person (including a railroad or an individual who performs service covered under the Act of March 4, 1907, commonly referred to as the Hours of Service Act (45 U.S.C. 61 et seq.) as in effect on the date of enactment of the **[**Federal**]** Railroad Safety **[**Authorization**]** Act of 1987, or who performs other safety-sensitive functions for a railroad, as those functions are determined by the Secretary)".

(b) Section 209(b) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 438(b)) is amended by striking all after "thereof" and inserting in lieu thereof the following: "in such amount, not less than $250 nor more than $10,000, as the Secretary considers reasonable.".

(c)(1) The first sentence of section 209(c) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 438(c)) is amended to read as follows: "Any person violating any rule, regulation, order or standard referred to in subsection (b) of this section may be assessed by the Secretary the civil penalty applicable to the rule, regulation, order or standard violated, except that any penalty may be assessed against an individual only for willful violations.".

(2) The third sentence of section 209(c) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 438(c)) is amended [immediately after "occurred" the following: "in which the individual resides,".] *by striking "occurred" and inserting in lieu thereof the following: "occurred, in which the individual resides,".*

(d) Section 209 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 438) *is amended by adding at the end* the following:

"(f) Where, after notice and opportunity for a hearing, violation by an individual of any rule, regulation, order, or standard prescribed by the Secretary under this title indicates that such individual is unfit for performance of any safety-sensitive task, the Secretary may issue an order directing that such individual be prohibited from serving in a safety-sensitive capacity in the rail industry for such period of time as the Secretary considers necessary. This subsection shall not be construed to affect the Secretary's authority under section 203 of this title to take such action on an emergency basis.".

QUALIFICATIONS OF OPERATORS OF TRAINS

SEC. 4. Section 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431), as amended by this Act, is further amended by adding at the end the following:

"(j)(1) The Secretary shall, within 18 months after the date of enactment of this subsection, issue rules, regulations, standards and orders concerning the minimum qualifications of the operators of trains. In issuing such rules, regulations, standards and orders, the Secretary shall consider the establishment of an engineer licensing program, uniform minimum qualification standards, and a program of review and approval of each railroad's own qualification standards.

"(2) Not later than twelve months after the date of enactment of this subsection, the Secretary shall transmit to the Congress a report on the activities of the Secretary under this subsection, together with an evaluation of the rules, regulations, standards and orders the Secretary anticipates will be issued under this subsection.".

ACCESS TO THE NATIONAL DRIVER REGISTER

SEC. 5. (a) Section 206(b) of the National Driver Register Act of 1982 (23 U.S.C. 401, note) is amended by adding at the end the following:

"(5) Any individual who is employed by a railroad or who seeks employment with a railroad and who performs or would perform services covered by the Hours of Service Act (45 U.S.C. 61 et seq.) or other safety-sensitive functions, as determined by the Secretary, may request the chief driving licensing official of a State to transmit information regarding the individual under subsection (a) of this section to his or her employer, prospective employer, or to the Administrator of the Federal Railroad Administration. The Administrator, employer or prospective employer shall make that information available to the individual, who will be given an opportunity to comment on it in writing. There shall be no access to information in the Register under this paragraph which was entered in the Register more than three years before the date of such request, unless such information relates to revocations or suspensions that are still in effect on the date of the request. Information submitted to the Register by the States under Public Law 86-660 (74 Stat. 526) or under this Act shall be subject to access for the purpose of this paragraph during the transition to the Register established under section 203(a) of this Act.".

(b) [Sections 206(b) (1), (2), and (5)] *Paragraphs (1) and (2) of subsection (b) of section 206* of the National Driver Register Act of 1982 (23 U.S.C. 401, note) [is] *are each* amended by adding at the end the following: "Information submitted to the Register by States under Public Law 86-660 (74 Stat. [526), and] *526) or* under this Act shall be subject to access for the purpose of this paragraph during the transition to the Register established under section 203(a) of this Act.".

PROTECTION OF EMPLOYEES AGAINST DISCRIMINATION

SEC. 6. Section 212(c)(2) of the Federal Railroad Safety Act of 1970 [(45 U.S.C. 441(c)(2)] *(45 U.S.C. 441(c)(2))* is amended to read as follows:

"(2) In any proceeding with respect to which a dispute, grievance or claim is brought for resolution before the Adjustment Board (or any division or delegate thereof) or any other Board of Adjustment created under section 3 of the Railway Labor Act (45 U.S.C. 153), such dispute, grievance or claim shall be expedited by any such Board and be resolved within 180 days after its filing. If the violation of subsection (a) or (b) is a form of discrimination other than discharge, suspension, or any other discrimination with respect to pay, and no other remedy is available under this subsection, the Adjustment Board (or any division or delegate thereof) or any other Board of Adjustment created under section 3 of the Railway Labor Act, may award the aggrieved employee reasonable damages, including punitive damages, not to exceed [$5,000.".] *$10,000.".*

NORTHEAST CORRIDOR IMPROVEMENT PROJECT

SEC. 7. Section 704(a)(1) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 854(a)(1)) is amended by adding at the end the following: "improvements to the communication and signal systems at locations between Wilmington, Delaware, and Boston, Massachusetts, on the Northeast Corridor main line and between Philadelphia, Pennsylvania, and Harrisburg, Pennsylvania, on the Harrisburg Line; improvement to the electric traction systems between Wilmington, Delaware, and Newark, New Jersey; installation of baggage rack restraints, seat back guards and seat lock devices on three hundred forty-eight passenger cars operating within the Northeast Corridor; installation of forty-four event recorders and ten electronic warning devices on locomotives operating within the Northeast Corridor; and acquisition of cab signal test boxes and installation of nine wayside loop code transmitters for use on the Northeast Corridor;".

JURISDICTION OVER HIGH SPEED RAIL SYSTEMS

SEC. 8. (a) Section 202(e) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431(e)) is amended to read as follows:

"(e) The term railroad as used in this title includes all forms of non-highway ground transportation that run on rails or electromagnetic guideways, except for rapid transit operations within an urban area that are not connected to the general railroad system of transportation. The term railroad specifically refers, but is not limited, to (1) commuter or other short-haul rail passenger service in a metropolitan or suburban area, including any commuter rail service which was operated by the Consolidated Rail Corporation as of January 1, 1979, and (2) high speed ground transportation systems that connect metropolitan areas, without regard to whether they use new technologies not associated with traditional railroads.".

(b) Section 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431) is amended by striking subsections (i), (j), and (k).

ENFORCEMENT OF SUBPOENAS AND ORDERS

SEC. 9. Section 208(a) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 437(a)) is amended by striking all from the semicolon and inserting in lieu thereof the following: ". In case of contumacy or refusal to obey a subpoena, order, or directive of the Secretary issued under this subsection or under section 203 of this title by any individual, partnership, or corporation that resides, is found, or conducts business within the jurisdiction of any district court of the United States, such district court shall have jurisdiction, upon petition by the Attorney General, to issue to such individual, partnership, or corporation an order requiring immediate compliance with the Secretary's subpoena, order, or directive. Failure to obey such court order may be punished by the court as a contempt of court.".

STUDY

SEC. 10. Not later than six months after the date of enactment of this Act, the Secretary of Transportation shall report to the Congress on the need and feasibility of imposing user fees as a source of funding the costs of administering the Federal Railroad Safety Act of 1970 (45 U.S.C. 431 et seq.) and all other Federal laws relating to railroad safety and railroad noise control. In preparing such report, the Secretary shall specifically consider various methodologies and means for establishing a schedule of fees to be assessed to railroads or others involved in providing rail transportation; procedures for the collection of such fees; the projected revenues that could be generated by user fees; a projected schedule for the implementation of such fees; and the impact of user fees on railroads or others who might be subject to such fees and on the Federal railroad safety and railroad noise control programs.

CONFORMING AMENDMENTS

SEC. 11. Section 202(a) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431(a)) is amended by inserting immediately after the first sentence the following: "This authority specifically includes the authority to regulate all aspects of railroad employees' safety-related behavior, as well as the safety-related behavior of the railroads themselves.".

MISCELLANEOUS

SEC. 12. Section 211(c) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 440(c)) is repealed.

The **PRESIDING OFFICER.** The Chair recognizes the Senator from Nebraska.

Mr. **EXON.** Mr. President, I am pleased the leadership has scheduled this time for consideration of S. 1539, the Railroad Safety Act of 1987. As chairman of the Surface Transportation Subcommittee, I can say in all confidence that this legislation represents a bipartisan effort by members of the Senate Commerce Committee to improve the safety of rail transportation in the United States. This legislation was drafted following comprehensive hearings held by the Surface Transportation Subcommittee in February and June of this year. Passage of this legislation should do much to benefit travelers and rail workers throughout the Nation.

I am pleased to have as cosponsors of this legislation the chairman of the Commerce Committee, Senator HOLLINGS; as well as Senator DANFORTH, the ranking member of the Commerce Committee; Senator KASTEN, the ranking member of the Surface Transportation Subcommittee, and Senator MIKULSKI, who has taken an active interest in efforts to improve rail safety.

At the outset, the Railroad Safety Act of 1987 would reauthorize the Federal Rail Safety Program for fiscal years 1988 and 1989. This represents an approximately 5 percent increase in funding for the Federal Rail Safety Program during each of these 2 years. With the funds authorized by this legislation the Federal Railroad Administration [FRA] should be able to strengthen the current Federal rail safety programs, as well as undertake the safety initiatives mandated by this legislation.

This legislation is more, however, than a simple reauthorization measure. I say this because it includes important provisions which are designed to close loopholes which exist in our current rail safety laws. This legislation was also drafted to address other important safety needs which were brought to light in our hearings.

One of the principal loopholes this legislation seeks to close is the loophole that exists in current law which prevents the Federal Government from taking enforcement action against an individual who is shown to have violated the Federal rail safety laws. Under current law, if an individual is found to have violated a Federal safety law or regulation, the only enforcement action that the Federal Railroad Administration can take is against that individual's employer—a railroad. The FRA has no authority to take enforcement action against an individual, even for willful or repeated violations.

For example, if a supervisor or manager orders an employee to take out a train in violation of the Federal safety laws, the FRA has no direct enforcement authority against that supervisor or manager. If a rail worker tapes a warning whistle on a train, as appears to have been the case on the Conrail locomotive involved in the Amtrak accident in Chase, MD, the FRA has no current enforcement authority against the individual who may be found to have taped that whistle.

The members of our committee feel strongly that safety is compromised by the current limits on Federal enforcement authority. Under this bill, civil penalties could be assessed for willful violations of the Federal safety laws. Sanctions, such as disqualification from service, could be imposed if an individual's violation is shown to render such individual unfit for performance of a safety-sensitive task.

Mr. President, representatives of rail labor have expressed the concern that the authority provided in this legislation will be used to persecute workers and to let carriers off the hook. Well, I would like to say that nothing could be farther from the intentions of this Senator and the cosponsors of this legislation. This bill simply seeks to ensure that individuals can be held accountable for willful violations or other actions which threaten safety.

This legislation is not intended to let carriers off the hook in any way. To the contrary, this legislation increases the current maximum civil penalty that may be imposed from the current $2,500 per day per violation maximum to a new maximum of $10,000 per day per violation. It is the committee's intent to put some teeth in the penalties that may be assessed. These penalties are to be vigorously pursued against carriers when violations are shown to exist and it is our intention that actions against rail carriers will continue to serve as the FRA's primary enforcement mechanism.

The committee report also seeks to clarify a point that I will reiterate today. That is the committee's intent that civil penalties will only be imposed where an individual has a choice and freely elects to violate a safety rule, regulation, standard or order. If an individual has no choice, such as where an action might be ordered by a supervisor or manager, or other personnel, it is the committee's clear intention that the supervisor, manager, agent or other such individual ordering the action shall be held accountable. We will not tolerate any scapegoats. Rather, we are seeking in this legislation to combine Federal enforcement authority against individuals in those limited situations where it may be appropriate, with the broad enforcement authority that exists currently insofar as carriers are concerned.

Mr. President, while I have spent a great deal of time addressing the issue of enforcement authority and seeking to resolve any concerns that may be lingering in this area. I do not wish to understate the significance of the remaining provisions of this legislation. These provisions are of great significance in the context of the totality of this legislation. However, in the interest of time, I will summarize these provisions, referring my colleagues to the committee report accompanying this legislation for a more complete description of these provisions. I will also offer to respond to any questions my colleagues may have regarding these issues.

In summary, the other key provisions of this legislation would require the FRA to conduct a rulemaking and implement a program within 18 months to ensure proper training and qualifications for individuals who operate trains. For the first time, we will have standards in place to ensure that all individuals in these safety sensitive positions are qualified to meet the high degree of responsibility with which they are charged.

This legislation also provides for access to the national driver register for railroad employers, prospective employers, and the FRA. Standards will be established for the use of information regarding an individual's driving record or record of offenses that might call into question an individual's fitness to perform certain safety-sensitive functions.

This bill also includes an important safety provision which is intended to encourage rail workers to report safety violations when they occur. This would be accomplished by the provision in this bill which authorizes punitive damages of up to $10,000 for employees who are harassed for reporting safety violations. Specifically, current law limits damages to those situations in which harassment takes the form of job loss or other direct monetary damages. This bill recognizes that harassment has equally chilling effects in whatever forms it takes and seeks to stamp this out by authorizing punitive damages in those cases where remedies do not exist in current law.

This legislation includes a number of other significant provisions, including ones authorizing safety-related improvements on Amtrak, clarifying the FRA's safety jurisdiction over newly emerging high-speed rail systems, clarifying the FRA's subpoena authority, and requiring a report to Congress on proposals to assess user fees to railroads and others to cover the costs of the Federal rail safety programs.

I would like to also note at this point that there are several amendments to be considered in connection with this legislation. I am hopeful that none of these will prove to be controversial, and all that I am currently aware of, have the support of the committee and myself, as subcommittee chairman.

The first of the amendments that I expect to be considered will be a committee amendment that proposes to update the older rail safety laws to ensure that the maximum civil penalty levels contained therein are brought in line with the new $10,000 maximum authorized in this legislation. The committee amendment also seeks to establish greater consistency between the older laws and S. 1539 by providing for Federal authority over individuals—both management and labor, as well as carriers, and by updating the older safety laws so that their jurisdictional reach is as broad as the 1970 Safety Act and S. 1539. Finally, the committee amendment proposes to amend the Hours of Service Act to increase the maximum civil penalty that may be assessed for violations of that act.

I would like to conclude these opening remarks by restating my belief that approval of this legislation will do much to improve the level of rail safety in this country. It is an important piece of legislation. It is one that has received a great deal of consideration and thought on the part of myself, other members of the committee and of the Senate. I wish to thank my colleagues who have worked closely with me in the development of this legislation. I strongly urge its approval.

Mr. President, I would simply say that we have one technical amendment, a committee amendment, that I will offer in a few moments. Then we have floor amendments, important amendments all, but amendments that have been agreed to. I believe in the interest of conserving time we can move speedily on this bill, and at an appropriate time when we go to third reading I will ask for the yeas and nays on the bill.

At this time I hope the Chair would see fit to recognize my colleague and coworker on this bill, the Senator from Wisconsin for any statement that he has.

The PRESIDING OFFICER. The Senator from Wisconsin, Senate KASTEN, is recognized.

Mr. KASTEN. Thank you, Mr. Chairman. Thank you, Mr. President.

Mr. KASTEN. Mr. President, I am pleased to be a cosponsor of S. 1539, the Railroad Safety Act of 1987. On January 4, 1987, over 170 rail passengers were injured and 16 died as a result of a terrible Conrail/Amtrak crash near Chase, MD. S. 1539 represents a straight forward and bipartisan effort by members of the Senate Commerce, Science and Transportation Committee to make sure that another completely preventable tragedy like the one at Chase won't happen again.

Key elements of this proposal are: First, authorization of funding levels for rail safety programs of $40.6 million for fiscal year 1988 and $41.8 million for fiscal year 1989; second, Federal Railroad Administration [FRA] authority to sanction and penalize individuals for willful violations of rail safety laws; third, an increase in FRA's maximum penalty level from $2,500 to $10,000 per violation per day; fourth, FRA establishment of minimal qualifications, licensing, or a program of review and approval of railroad qualifications standards for engineers; fifth, access to National Driver Register information on employees and prospective employees by FRA and railroad employers; sixth, Northeast Corridor/Amtrak improvements; seventh, FRA jurisdiction over high speed rail systems; eight, expedition of harassment claims through Adjustment Board proceedings with damages not to exceed $10,000; and ninth, a DOT study on the feasibility of establishing user fees to fund railroad safety programs.

I would like to comment on four of these provisions for purposes of further clarification.

LIABILITY OF INDIVIDUALS

S. 1539 provides the Secretary of Transportation with authority to sanction and penalize individuals for violations of the Federal safety laws.

It is important to understand that this provision is not intended to disrupt labor-management relations on the individual railroads. Furthermore, the legislation is not intended to direct the Secretary to find and punish a "culpable" individual for each and every rule violation detected by the FRA. That would create an intolerable situation for rail employees and management alike.

As we discover with the Chase, MD, accident, the tampering with and disabling of critical safety equipment such as warning signals and automatic braking systems in locomotives has become pervasive. What is intended by S. 1539 is that the Secretary have clear authority to penalize individuals who willfully violate safety laws so that such dangerous practices will occur no longer.

REMOVAL OF EMPLOYEES FROM SAFETY-SENSITIVE POSITIONS

Section 3(d) of the Railroad Safety Act of 1987 would authorize the Secretary of Transportation to prohibit a railroad employee from serving in a safety-sensitive capacity if it is determined that he or she is unfit to perform the tasks required in that position.

Because such action would be subject to judicial review, it is possible that the Secretary's decision could be reversed. My understanding is that the railroads will not be liable for any damages, such as back wages, that might be claimed as a result of an order reinstating an employee who had been suspended or disbarred by an action of the Secretary.

MAXIMUM CIVIL PENALTY LEVELS

S. 1539 increases the current maximum civil penalty per violation per day from the $2,500 level set in 1970 to $10,000. Commerce Committee members believed that in order for penalties to act as a real deterrent to the commission of safety violations, inflation since 1970 needed to be taken into account.

At the same time, the committee does not intend for this adjustment to result in an across-the-board increase in all penalty assessments. Simply stated, we are not directing the Secretary to multiply by four every entry in the penalty schedules currently published by the FRA.

Instead, as indicated in the committee report, the Secretary is expected "to act expeditiously to set penalty levels commensurate with the severity of violations, with imposition of the new maximum penalty reserved for violation of any regulation where warranted by exceptional circumstances."

It is my understanding that the higher penalties will not be assessed unless there are truly "exceptional circumstances," as, for example, where there is a grossly negligent violation or a pattern of repeated violations creating an imminent hazard which has caused, or could result in, injury or death. Isolated violations or violations which do not present an imminent hazard would not be penalized at the higher levels.

ANTI-HARRASSMENT PROVISIONS

The Railroad Safety Act of 1987 amends section 212 of the 1970 Safety Act to permit the award of damages to an employee wrongfully discriminated against, even if the employee was not discharged, suspended, or subjected to specific monetary losses. The damages, including punitive damages, are not to exceed a maximum total of $10,000.

The establishment of this $10,000 maximum does not imply that each award should reach that level. Not every aggrieved employee will suffer damage to the same extent, and not all discriminatory actions will justify the imposition of substantial punitive damages. Accordingly, the extent of damages awarded will vary as the circumstances warranting punitive damages vary. My understanding of the intent of this provision is that the maximum of $10,000 only would be awarded in cases where there are compelling reasons for doing so.

In closing, I would note that today's limited amendments to S. 1539 are in keeping with the straight-forward approach we promoted when we reported the Railroad Safety Act of 1987 from the Commerce Committee. It is my sincere hope that during this Congress our colleagues in the other body also will approve legislation which is simple, direct and to the point with regard to improving rail safety. I believe the stakes are too high to do otherwise.

The tragic Chase, MD, accident provided clear and convincing evidence of the need to ensure better the safety of rail passengers and rail employees. I urge my colleagues to support S. 1539.

Mr. DANFORTH. Mr. President, today I am pleased to rise in support of S. 1539, the Railroad Safety Act of 1987, which I cosponsored earlier this year.

On January 4, 1987, 170 innocent rail passengers were injured and 16 died as a result of the tragic Conrail/Amtrak accident near Chase, MD. Indications are that the engineer and brakeman of the Conrail locomotives were high on drugs at the time they ran through several stop signals onto the tracks in front of the Amtrak train. The signal equipment on the cab of the Conrail locomotive did not warn the engineer of the impending danger because it had been purposefully disabled.

Since that tragic day we have learned of other rail incidents where drugs and alcohol have been a factor, in spite of the Federal Railroad Administration's [FRA] existing, but limited, drug testing program. In response, just last week the Senate approved an amendment I cosponsored to provide for random drug and alcohol testing of engineers, brakemen, and other railroad employees whose actions affect the safety of passengers and fellow employees.

During the Commerce Committee hearings on the Conrail/Amtrak accident and related discussions on overall rail safety we learned how widespread the disabling of safety equipment on locomotives has become. Since the accident, the FRA has reported over 100 incidents where signal devices, alerter whistles, and automatic braking systems have been tampered with, rendering them useless. Today, we have an opportunity to address this serious problem.

S. 1539 represents the second half of the Commerce Committee's straight forward and bipartisan efforts to make sure that another completely preventable tragedy like the one at Chase won't happen again. I urge my colleagues to join me in support of this important legislation.

Mr. KASTEN. Mr. President, I share the sentiments of the chairman of our committee. We have done a lot of work on the amendments before us. I think most of them can be agreed to, and I hope we can proceed expeditiously with this legislation.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that I be added as a cosponsor of the Railroad Safety Act, S. 1539.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, unless the floor manager wants the floor, I have a brief amendment I would like to send to the desk.

Mr. EXON. If the Senator from New Jersey will yield for a moment or two, there are one or two things we have to take care of. I know he has an amendment I think both sides have agreed to, and we will be glad to proceed to that in a few moments. Is that satisfactory?

Mr. LAUTENBERG. Absolutely.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. HOLLINGS. Mr. President, I wish to offer my strong support for passage of S. 1539, the Railroad Safety Act of 1987. I am pleased to serve as a cosponsor of this legislation which is the product of a great deal of effort on the part of the chairman of the Surface Transportation Subcommittee, Senator EXON. My colleague has sought to come up with a fair piece of legislation which seeks to make improvements in the Federal rail safety program while balancing the interests of the public, railworkers and recognizing constraints on the Federal budget. I believe that Senator EXON has accomplished this through this legislation, for which he is to be commended, along with those other members who have worked closely with him, including Senators DANFORTH, KASTEN, ADAMS, LAUTENBERG, and MIKULSKI.

Mr. President, the Amtrak/Conrail accident in Chase, MD, on January 4, serves as a continuing reminder of the tragic consequences that can ensue when safety is compromised. That accident caused many to recognize the importance that needs to be placed on rail safety. This was something that has been known for years to railworkers, the industry, and others. I fear, however, that this was not as widely acknowledged on the part of some members of the public as it should have been. That has changed.

The legislation that is being proposed today seeks to strengthen the Federal role in ensuring safety in the rail industry. It would accomplish this by closing the loophole that currently prevents the Federal Railroad Administration from taking enforcement action against individuals who willfully violate the Federal safety laws or who pose a serious safety threat. Passage of this legislation would ensure that individuals, both management and labor, are held accountable for their actions. The Department of Transportation has enforcement authority when aviation and motor carrier safety laws are violated and it is only appropriate that similar authority be extended insofar as the rail industry is concerned.

At the same time, this legislation seeks to reaffirm a strong enforcement role against rail carriers. Indeed, it is the committee's intention that this should remain as the primary enforcement tool used by the Federal Railroad Administration. For this reason, S. 1539 increases the maximum civil penalty that may be assessed for violation of the Federal safety laws from the current $2,500 maximum civil penalty to a new maximum of $10,000 per day per violation. This more than makes up for the effects of inflation that have undercut the effectiveness of the current maximum civil penalty established in 1970.

The Railroad Safety Act of 1987 also makes a number of other and substantive changes in the Federal safety laws. Adoption of this legislation will result in standards to ensure that operators of trains are properly qualified. It will provide access to the National Driver Register so that information regarding an individual's record of driving offenses can be used to assist in judging that individual's fitness to serve in a safety-sensitive position with a railroad. This legislation also contains important "whistle-blower" protection to ensure that rail employees are encouraged to report safety violations and that all rail employees are protected when they do so.

These are only a number of the important provisions contained within this legislation. Taken as a whole, they represent a significant effort to reaffirm our longstanding commitment to rail safety. This legislation, along with the drug and alcohol testing legislation approved last week as an amendment to S. 1485, the Air Passenger Protection Act, should do much to improve the overall level of rail safety in the United States. I urge its passage.

Mr. EXON. Mr. President, I send an amendment to the desk which essentially is a technical amendment, a committee amendment, and ask for its immediate consideration.

The PRESIDING OFFICER. The Chair states to the Senator from Nebraska that the bill was reported with committee amendments that must be disposed of prior to handling additional amendments.

Mr. EXON. The Chair is correct.

The PRESIDING OFFICER. Is there objection to en bloc consideration and adoption of the committee amendments?

Without objection, the committee amendments are adopted.

Mr. EXON. Mr. President, I move to reconsider the vote by which the committee amendments were agreed to.

Mr. KASTEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1130

(Purpose: To modernize the jurisdictional and penalty provisions of older railroad safety laws and make them consistent with those of the Federal Railroad Safety Act of 1970)

Mr. EXON. Mr. President, I call up my amendment, which I have sent to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Nebraska [Mr. EXON] proposes an amendment numbered 1130.

Mr. EXON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

The amendment is as follows:

On page 4, line 10, strike "(j)(1)" and insert in lieu thereof "(i)(1)".

On page 3, between lines 16 and 17, insert the following:

(3) Section 209(c) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 438(c)) is amended by adding at the end the following: "For purposes of this section, an individual shall be deemed not to have committed a willful violation where such individual has acted pursuant to the direct order of a railroad official or supervisor.".

At the end of the bill, add the following:

AMENDMENTS TO SAFETY APPLIANCE ACTS

SEC. 13. The Act of March 2, 1893 (45 U.S.C. 1-7), the Act of March 2, 1903 (45 U.S.C. 8-10), and the Act of April 14, 1910 (45 U.S.C. 11-16), commonly referred to as the Safety Appliance Acts are amended as follows:

(a) The Act of March 2, 1893, is amended—

(1) in the first section (45 U.S.C. 1)—

(A) by striking "common carrier engaged in interstate commerce by";

(B) by striking "in moving interstate traffic"; and

(C) by striking "in such traffic"; (2) in section 2 (45 U.S.C. 2)—

(A) by striking "common carrier" and inserting in lieu thereeof "railroad"; and

(B) by striking "used in moving interstate traffic";

(3) in section 3 (45 U.S.C. 3), by striking "person, firm, company, or corporation engaged in interstate commerce by";

(4) in section 4 (45 U.S.C. 4), by striking "in interstate commerce";

(5) in section 5 (45 U.S.C. 5), by striking "in interstate traffic";

(6) in section 6 (45 U.S.C. 6)—

(A) by striking all before the first semicolon and inserting in lieu thereof the following: "Any such person (including a railroad or any individual who performs service covered under the Act of March 4, 1907, commonly referred to as the House of Service Act (45 U.S.C. 61 et seq.), as in effect on the date of enactment of the Railroad Safety Act of 1987, or who performs other safety-sensitive functions for a railroad, as those functions are determined by the Secretary of Transportation) using any locomotive engine, running any train, or hauling or permitting to be hauled or used on its line any car in violation of any of the provisions of this Act, shall be liable to a penalty in such amount, not less than $250 nor more than $10,000 per violation (with each day of a violation constituting a separate violation), as the Secretary of Transportation deems reasonable, except that a penalty may be assessed against an individual only for a willful violation, such penalty to be assessed by the Secretary of Transportation and, where compromise is not reached by the Secretary, recovered in a suit or suits to be brought by the United States Attorney for the judicial district in which the violation occurred, in which the individual defendant resides, or in which the defendant has its principal executive office"; and

(B) by adding at the end the following: "For purposes of this section, an individual shall be deemed not to have committed a willful violation where such individual has acted pursuant to the direct order of a railroad official or supervisor."; and

(7) in section 8 (45 U.S.C. 7)—

(A) by striking "common carrier" and inserting in lieu thereof "railroad"; and

(B) by striking "such carrier" and inserting in lieu thereof "such railroad".

(b) The Act of March 2, 1903, is amended—

(1) in the first section (45 U.S.C. 8), by striking "common carriers by" and by striking "engaged in interstate commerce" the second time it appears;

(2) in section 2 (45 U.S.C. 9)—

(A) by striking "common carriers engaged in interstate commerce by railroad" and inserting in lieu thereof "railroads"; and

(B) by striking "engaged in interstate commerce"; and

(3) in section 3 (45 U.S.C. 10), by striking "common carrier" and inserting in lieu thereof "railroad".

(c) The Act of April 14, 1910, is amended—

(1) in section 2 (45 U.S.C. 11), by striking "common carrier" and inserting in lieu thereof "railroad";

(2) in section 3 (45 U.S.C. 12)—

(A) by striking "in interstate or foreign traffic" wherever it appears;

(B) by striking "common carriers" and inserting in lieu thereof "railroads"; and

(C) by striking "common carrier" and inserting in lieu thereof "railroad";

(3) in section 4 (45 U.S.C. 13)—

(A) by striking "common carrier" and inserting in lieu thereof "person (including a railroad or any individual who performs service covered under the Act of March 4, 1907, commonly referred to as the Hours of Service Act (45 U.S.C. 61 et seq.), as in effect on the date of enactment of the Railroad Safety Act of 1987, or who performs other safety-sensitive functions for a railroad, as those functions are determined by the Secretary of Transportation)";

(B) by striking "carrier" wherever it appears and inserting in lieu thereof "person";

(C) by striking "of not less than $250 and not more than $2,500 for each and every such violation," and inserting in lieu thereof the following: "in such amount, not less than $250 nor more than $10,000 per violation (with each day of a violation constituting a separate violation), as the Secretary of Transportation deems reasonable, except that a penalty may be assessed against an individual only for a willful violation, such penalty";

(D) by striking "and recovered" and inserting in lieu thereof the following: "and, where compromise is not reached by the Secretary, recovered"; and

(E) by adding at the end the following: "For purposes of this section, an individual shall be deemed not to have committed a willful violation where such individual has acted pursuant to the direct order of a railroad official or supervisor.";

(4) in section 5 (45 U.S.C. 14), by striking "common carrier" and inserting in lieu thereof "railroad"; and

(5) by amending the first section (45 U.S.C. 16) to read as follows: "That used in this Act, the Act of March 2, 1893 (45 U.S.C. 1-7), and the Act of March 2, 1903 (45 U.S.C. 8-10), commonly known as the Safety Appliance Acts, the term 'railroad' shall have the same meaning as when used in the Federal Railroad Safety Act of 1970 (45 U.S.C. 431 et seq.).".

AMENDMENTS TO LOCOMOTIVE INSPECTION ACT

SEC. 14. The Act entitled "An Act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto", approved February 17, 1911 (45 U.S.C. 22 et seq.), is amended—

(1) by amending the first section (45 U.S.C. 22) to read as follows: "That the term 'railroad', when used in this Act, shall have the same meaning as when used in the Federal Railroad Safety Act of 1970 (45 U.S.C. 431 et seq.).";

(2) in section 2 (45 U.S.C. 23), by striking "carrier" wherever it appears and inserting in lieu thereof "railroad";

(3) in section 5 (45 U.S.C. 28)—

(A) by striking "common carrier" and inserting in lieu thereof "railroad"; and

(B) by striking "carrier" wherever it appears and inserting in lieu thereof "railroad";

(4) in section 6 (45 U.S.C. 29), by striking "carrier" and "carriers" wherever they appear and inserting in lieu thereof "railroad" and "railroads", respectively;

(5) in section 8 (45 U.S.C. 32), by striking "carrier" wherever it appears and inserting in lieu thereof "railroad"; and

(6) in section 9 (45 U.S.C. 34)—

(A) by striking all before the first semicolon and inserting in lieu thereof the following: "Any person (including a railroad or any individual who performs service covered under the Act of March 4, 1907, commonly referred to as the Hours of Service Act (45 U.S.C. 61 et seq.), as in effect on the date of enactment of the Railroad Safety Act of 1987, or who performs other safety-sensitive functions for a railroad, as those functions are determined by the Secretary of Transportation) violating this Act, or any rule or regulation made under its provisions or any lawful order of any inspector shall be liable to a penalty in such amount, not less than $250 nor more than $10,000 per violation (with each day of a violation constituting a separate violation), as the Secretary of Transportation deems reasonable, except that a penalty may be assessed against an individual only for a willful violation, such penalty to be assessed by the Secretary of Transportation and, where compromise is not reached by the Secretary, recovered in a suit or suits to be brought by the United States Attorney for the judicial district in which the violation occurred, in which the individual defendant resides, or in which the defendant has its principal executive office"; and

(B) by adding at the end the following: "For purposes of this section, an individual shall be deemed not to have committed a willful violation where such individual has acted pursuant to the direct order of a railroad official or supervisor.".

AMENDMENTS TO ACCIDENT REPORTS ACT

SEC. 15. The Act entitled "An Act requiring common carriers engaged in interstate and foreign commerce to make full reports of all accidents to the Interstate Commerce Commission, and authorizing investigations thereof by said commission", approved May 6, 1910 (45 U.S.C. 38 et seq.) is amended—

(1) in the first section (45 U.S.C. 38)—

(A) by striking "common carrier engaged in interstate or foreign commerce by";

(B) by striking "carriers" and by inserting in lieu thereof "railroads"; and

(C) By adding at the end the following: "The term 'railroad', when used in this Act shall have the same meaning as when used in the Federal Railroad Safety Act of 1970 (45 U.S.C. 431 et seq.).";

(2) in section 2 (45 U.S.C. 39)—

(A) by striking from "common carrier" and inserting in lieu thereof "railroad"; and

(B) by striking the last sentence;

(3) in section 3 (45 U.S.C. 40)—

(A) by striking "common carrier engaged in interstate or foreign commerce by "; and

(B) by striking "carriers" and inserting in lieu thereof "railroads";

(4) by amending section 7 (45 U.S.C. 43) to read as follows:

"SEC. 7. Any person (including a railroad or any individual who performs service covered under the Act of March 4, 1907, commonly referred to as the Hours of Service Act (45 U.S.C. 61 et seq.), as in effect on the date of enactment of the Railroad Safety Act of 1987, or who performs other safety-sensitive functions for a railroad, as those functions are determined by the Secretary of Transportation) who violates this act or any rule, regulation, order, or standard issued under this Act or the Federal Railroad Safety Act of 1970 pertaining to accident reporting or investigations shall be liable for a penalty in such amount, not less than $250 nor more than $10,000 per violation (with each day of a violation constituting a separate violation), as the Secretary of Transportation deems reasonable, except that a penalty may be assessed against an individual only for a willful violation, such penalty to be assessed by the Secretary of Transportation and, where compromise is not reached by the Secretary, recovered in a suit or suits to be brought by the United States Attorney for the judicial district in which the violation occurred, in which the individual defendant resides, or in which the defendant has its principal executive office. For purposes of this section, an individual shall be deemed not to have committed a willful violation where such individual has acted pursuant to the direct order of a railroad official or supervisor.".

AMENDMENTS TO HOURS OF SERVICE ACT

SEC. 16. The Act of March 4, 1907, commonly referred to as the Hours of Service Act (45 U.S.C. 61 et seq.), is amended—

(1) in the first section (45 U.S.C. 61)—

(A) in subsection (a), by striking "common carrier engaged in interstate or foreign commerce by";

(B) in subsection (b)(1), by striking all after "term" and inserting in lieu thereof " 'railroad' shall have the same meaning as when used in the Federal Railroad Safety Act of 1970 (45 U.S.C. 431 et seq.)."; and

(C) in subsection (b)(4), by striking "carrier" and inserting in lieu thereof "railroad";

(2) in section 2 (45 U.S.C. 62), by striking "common carrier" wherever it appears and inserting in lieu thereof "railroad";

(3) in section 3 (45 U.S.C. 63), by striking "common carrier" and inserting in lieu thereof "railroad";

(4) in section 3A (45 U.S.C. 63a), by striking "common carrier" and "carrier" wherever they appear and inserting in lieu thereof "railroad";

(5) in section 4 (45 U.S.C. 64), by striking "common carrier" and inserting in lieu thereof "railroad";

(6) in section 5 (45 U.S.C. 64a)—

(A) by amending subsection (a)(1) to read as follows:

"(a)(1) Any person (including a railroad or any officer or agent thereof, or any individual who performs service covered by this Act, or who performs other safety-sensitive functions for a railroad, as those functions are determined by the Secretary of Transportation) that requires or permits any employee to go, be, or remain on duty in violation of section 2, section 3, or section 3A of this Act, or that violates any other provision of this Act, shall be liable for a penalty of up to $1,000 per violation, as the Secretary of Transportation deems reasonable, except that a penalty may be assessed against an individual only for a willful violation, such penalty to be assessed by the Secretary of Transportation and, where compromise is not reached by the Secretary, recovered in a suit or suits to be brought by the United States Attorney for the judicial district in which the violation occurred, in which the individual defendant resides, or in which the defendant has its principal executive office. It shall be the duty of the United States Attorney to bring such an action upon satisfactory information being lodged with him. In the case of a violation of section 2 (a)(3) or (a)(4) of this Act, each day a facility is in noncompliance shall constitute a separate offense. For purposes of this section, an individual shall be deemed not to have committed a willful violation where such individual has acted pursuant to the direct order of a railroad official or supervisor.";

(B) in subsection (a)(2), by striking "the common carrier" and inserting in lieu thereof "such person";

(C) in subsection (c), by striking "common carrier" and inserting in lieu thereof "railroad"; and

(D) in subsection (d), by striking "carrier" and inserting in lieu thereof "railroad".

AMENDMENTS TO SIGNAL INSPECTION ACT

SEC. 17. Section 26 of the Act of February 4, 1887 (49 App. U.S.C. 26) is amended—

(1) by amending subsection (a) to read as follows:

"(a) The term 'railroad' as used in this section shall have the same meaning as when used in the Federal Railroad Safety Act of 1970 (45 U.S.C. 431 et seq.).";

(2) in subsection (b), by striking "carrier" wherever it appears and inserting in lieu thereof "railroad", and by striking "carriers" and inserting in lieu thereof "railroads";

(3) in subsection (c)—

(A) by striking "carrier by"; and

(B) by striking "carrier" wherever it appears and inserting in lieu thereof "railroad";

(4) in subsection (d), by striking "carrier" wherever it appears and inserting in lieu thereof "railroad";

(5) in subsection (e), by striking "carrier" and inserting in lieu thereof "railroad";

(6) in subsection (f), by striking "carrier" and inserting in lieu thereof "railroad";

(7) in subsection (h)—

(A) by amending the first sentence to read as follows: "Any person (including a railroad or any individual who performs service covered under the Act of March 4, 1907, commonly referred to as the Hours of Service Act (45 U.S.C. 61 et seq.), as in effect on the date of enactment of the Railroad Safety Act of 1970, or who performs other safety-sensitive functions for a railroad, as those functions are determined by the Secretary of Transportation) which violates any provision of this section, or which fails to comply with any of the orders, rules, regulations, standards, or instructions made, prescribed, or approved hereunder shall be liable to a penalty in such amount, not less than $250 nor more than $10,000 per violation (with each day of a violation constituting a separate violation), as the Secretary of Transportation deems reasonable, except that a penalty may be assessed against an individual only for a willful violation, such penalty to be assessed by the Secretary of Transportation and, where compromise is not reached by the Secretary, recovered in a suit or suits to be brought by the United States Attorney for the judical district in which the violation occurred, in which the individual defendant resides, or in which the defendant has its principal executive office."; and

(B) by adding at the end the following: "For purposes of this section, an individual shall be deemed not to have committed a willful violation where such individual has acted pursuant to the direct order of a railroad offical or supervisor.".

(8) by striking "Commission" wherever it appears and inserting in lieu thereof "Secretary of Transportation".

Mr. EXON. Mr. President, this amendment would amend the older rail safety laws to bring them more closely in line with the Federal Railroad Safety Act of 1970, as that statute would be amended by S. 1539, with respect to jurisdictional reach, venue, and civil penalties.

Enforcement of the Federal railroad safety laws has long suffered from the jurisdictional differences between the Safety Act and the older laws. The Safety Act applies to all railroads whose activities affect interstate commerce, except for rapid transit lines that are not a part of the general railroad system of transportation. The older laws are presently limited to common cariers engaged in interstate or foreign commerce by rail. Correcting this disparity will eliminate bifurcated enforcement of the safety laws based on the vintage of the particular statute at hand.

The penalty provisions of the older safety laws—except that of the Hours of Service Act—were amended in 1976 to correspond to those of the Safety Act. As the Safety Act is being amended to provide for higher penalty levels and authorize civil penalties against individuals for willful violations, the older laws need to be amended accordingly. In addition, the maximum penalty for violations of the Hours of Service Act would be increased from the current $500 level to a new maximum of $1,000.

This amendment also seeks to clarify that the purpose of imposing civil penalties against individuals is to deter those who, of their free will, decide to violate the rail safety laws. The purpose is not to penalize those who are ordered to commit violations by those above them in the railroad chain of command. Rather, in such cases, the railroad official or supervisor who orders the others to violate the law would be liable for any violations his order caused to occur. One example is the movement of railroad cars or locomotives that are actually known to contain certain defective conditions. A train crew member who was ordered to move such equipment would not be liable for a civil penalty, and his participation in such movements could not be used against him in any disqualification proceeding brought by FRA.

It is my understanding that this amendment has been agreed upon in its current form.

Mr. President, this is a routine amendment, merely explaining in more detail and expanding somewhat on the bill itself.

We are prepared to vote, but I suspect that the able ranking member, who has been extremely helpful all the way through in working out the details of this bill, may have a comment.

Mr. KASTEN. The Senator is correct. We have no objection on this side.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Nebraska.

The amendment (No. 1130) was agreed to.

Mr. EXON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. KASTEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LAUTENBERG. Mr. President, I compliment the chairman of the subcommittee and the ranking member for an excellent piece of legislation. They have worked hard to insure safer travel on the rails, and it is important in terms of timing and in terms of interest that we take up this legislation at this time.

AMENDMENT NO. 1131

(Purpose: To promote railroad safety)

Mr. LAUTENBERG. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG], for himself and Ms. MIKULSKI, proposes an amendment numbered 1131.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 10, between lines 2 and 3, insert the following new section:

SEC. 12. The Federal Railroad Safety Act of 1970 is amended by inserting immediately after section 202 the following new section:

"SEC. 202A. (a) Within 180 days after the date of enactment of this section, the Secretary shall issue rules, regulations, standards, and orders requiring that whoever performs the required test of automatic train stop, train control, or cab signal apparatus prior to entering territory where such apparatus will be used shall certify in writing that such test was properly performed, and that such certification shall be kept and maintained in the same manner and place as the daily inspection report for that locomotive.

"(b) Within 30 days of the date of enactment of this section, the Secretary shall issue rules, regulations, standards, and orders requiring the use of automatic train control on all trains operating in the Northeast Corridor by not later than December 31, 1990. The Secretary shall submit a report to the Congress by January 1, 1989, on the progress of this effort, and detail in that report any proposals to modify the requirements in this subsection, and the reasons for such modification.

"(c) The Secretary shall require the installation and use of event recorders on freight trains no later than one year after the date of enactment of this section.

"(d)(1) Within 30 days after the date of enactment of this section, the Secretary shall establish a Northeast Corridor Safety Committee and appoint members to the Committee consisting or representatives of—

"(A) the Secretary;

"(B) the National Railroad Passenger Corporation;

"(C) freight carriers;

"(D) commuter agencies;

"(E) railroad passengers; and

"(F) any other persons or organizations interested in rail safety.

"(2) The Secretary shall consult with the Northeast Corridor Safety Committee on safety improvements in the Northeast Corridor.

"(3) Within 90 days following the date of enactment of this section, the Secretary shall, in accordance with section 333 of title 49, United States Code, convene a meeting of Northeast Corridor rail carriers for the purpose of reducing through freight traffic on Northeast Corridor passenger lines.

"(4) Within one year after the date of enactment of this section, and annually thereafter, the Secretary shall submit a report, including any recommendations for legislation, to the Congress on the status of efforts to improve safety in the Northeast Corridor pursuant to the provisions of this section.".

On page 10, line 4, strike out "SEC. 12." and insert in lieu thereof "SEC. 13."

Mr. LAUTENBERG. Mr. President, I offer this amendment for myself and the distinguished Senator from Maryland [Ms. MIKULSKI].

This amendment incorporates the provisions of sections 3 and 8 of S. 1098, the Rail Safety Improvement Act of 1987, which I introduced on April 28. Its adoption will add to the margin of safety on our rails, particularly those in the Northeast corridor, the most heavily traveled area in our country.

Over the last year, we have seen just how fragile our rail network can be. Added to the strong bill reported by the Commerce Committee, this amendment will help make the system safer.

First, it would require the Department of Transportation to require written certification of predeparture inspections of important safety systems in the cab of a locomotive. Today, there is no formal procedure for these inspections.

The potential for problems resulting from this lack of requirement came to light during a hearing of my Transportation Appropriations Subcommittee into the Chase accident. Without such written certification, there is no accountability; no paper trail to indicate that the important safety systems, such as cab whistles, were in working order prior to leaving a station. Without such certification, it is more difficult for an engineer to call for repairs, and to refuse to take out an ill-equipped engine.

This amendment would require that the engineer, or whoever performs the inspection of automatic train stop, control, or cab signal apparatus, certify in writing that the test was performed, and that the equipment is functioning.

Second, the amendment would require the use of automatic train control on trains in the Northeast corridor not later than December 31, 1990. The Secretary would have to submit a report to Congress by January 1, 1989 on the progress of this effort.

Mr. President, automatic train control could have prevented the tragedy in Chase, MD. We need to have it on our trains, and we need to have it quickly.

In May, the Department of Transportation proposed orders to require that Northeast corridor trains be equipped with ATC. The proposal is a good one, and followed in the wake of a proposal in S. 1098, rail safety legislation I introduced in April of this year. This amendment would ensure that that proposal move forward, and move forward without delay.

The amendment would also require the use of event recorders on freight trains within 1 year of enactment. These event recorders, known more commonly as black boxes, are invaluable assets in determining the cause of accidents, and preventing more accidents.

It is my understanding that Federal Railroad Administrator John Riley shares this view, and that he will move quickly to require the installation and use of event recorders on the Northeast corridor, in accordance with this provision.

This amendment would also establish a Northeast Corridor Safety Committee to look at means of improving safety in the corridor. This committee would include representatives of the Department of Transportation, Amtrak, freight carriers, commuter agencies, railroad passengers, and other interested parties. The committee will provide a regular forum for consideration of safety matters, and a means of bringing together all the users of the corridor for the purpose of promoting safer use of the corridor.

The Department would be required to submit annual reports to the Congress on behalf of the committee. Those reports would include any recommendations for legislation to improve the safety on the corridor.

Finally, the amendment will require the Department of Transportation to work with corridor users to reduce through freight traffic on passenger lines.

Freight and passenger service is mixed to a great degree on the corridor. By all accounts, this mixture is an unsafe one. Heavy freight trains put additional strain on passenger track. Freight use results in increased wear, and the need for more maintenance of the rail infrastructure. Additionally, the slow-moving freight trains impede the smooth flow of passenger traffic, and pose a threat to the safety of our passengers. As we saw in Chase when a freight train moving at 30, or even 50 miles per hour, pulls out onto a track ahead of a passenger trains traveling at 100 miles per hour or more, the result can only be disaster.

In my subcommittee hearings, there was unanimity about the need to reduce the mix of freight and passenger traffic on the same lines. We need to find ways to remove as much freight traffic as feasible from passenger lines. This amendment would help us accomplish this goal.

Mr. President, S. 1539 is a good bill, and I commend the Commerce Committee for their efforts. This amendment will make a good bill better.

Mr. President, I believe this amendment has been cleared with the managers of the bill, and that it is acceptable to them. I ask for its adoption.

The PRESIDING OFFICER. Is there further debate?

Mr. EXON. Mr. President, I will be very brief. I am very pleased that Senator LAUTENBERG has become a cosponsor of the legislation. Senator LAUTENBERG was present at every hearing that we had on this subject. He has been a real leader in the improvement of rail safety overall, carrying on his similar duties over on the Appropriations Committee. He has done an outstanding job and has made significant contributions to this bill. In fact, I would say he was the introducer of the first bill on this subject, I believe in this Congress, and a large part of what has become the committee bill rested and had its base upon the piece of legislation originally promoted by the Senator from New Jersey.

I thank him for his attention, I thank him for his interest, and I thank him for his cooperation and contribution to the bill.

And with regard to the amendment he has just offered, we think it is a very good one. There is no objection on this side. We would be prepared to vote.

Mr. KASTEN. Mr. President, we have had an opportunity to review the amendment and we have no objection to the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from New Jersey.

The amendment (No. 1131) was agreed to.

Mr. EXON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. KASTEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1132

(Purpose: To provide for the initiation of safety measures and other programs at rail grade crossings near densely populated campuses)

Mr. BENTSEN. Mr. President, I have an amendment I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Texas [Mr. BENTSEN] proposes an amendment numbered 1132.

Mr. BENTSEN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following new section:

MAXIMUM TRAIN SPEEDS

SEC. . The Secretary of Transportation, in consultation with the Federal Railroad Administration, shall, within six months of the enactment of this legislation, institute a rulemaking, as may be necessary, to provide for the safety of highway travelers and pedestrians who use railroad grade crossings at points where trains operate through any densely populated college campus. As determined by the Secretary to be necessary such rulemaking shall require, maximum speed limits for trains guardrails and warning lights at railgrade crossings located on any such campus, and intensified presentation of Operation Lifesaver educational programs on such campuses to familiarize students and other persons with the inherent in dangers of such crossing.

Mr. BENTSEN. Mr. President, the amendment I am proposing has been discussed with the managers on both sides of the aisle. It is to the Railroad Safety Act of 1978. What it would do is provide for the initiation of safety measures through densely populated college campuses. It is my understanding that it has been cleared by both sides of the aisle.

The campus of Texas A&M University in College Station, TX is bisected by a railroad track. Many of the university's 38,000 students are forced each day to cross that track to attend class. I have been informed by university officials that since 1980, four students have tragically lost their lives in accidents on the tracks. I submit that those deaths need not have occurred.

Clearly the ideal solution to this problem would be to move the tracks so that they went around the campus. That, however, has proved to be infeasible. The university administration is instead working on plans to lower the grade of the tracks, thus allowing the students to walk or drive over them. However, to immediately address this serious hazard, I propose that the Secretary of Transportation consider initiating a rulemaking to establish maximum speed limits for trains while operating within the boundaries of college campuses, and to take such other actions as may be required to enhance safety.

This rulemaking would add no additional costs to the Rail Safety Act. More importantly though, this provision provides an ideal arena in which all interested parties can present their views. This amendment will have the effect of bringing universities, local communities, and railroads together to address this dangerous situation, wherever it may occur.

Today, we have an opportunity to correct a great hazard and to enhance the safety of our Nation's rail system. Mr. President, I urge my colleagues to join me in support of this amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. EXON. Mr. President, the amendment offered by the Senator from Texas has been reviewed on this side. We think it is an excellent amendment and addressed a problem that is not unique to any one area of the country, but is something that should be considered all across this Nation wherever a similar situation might presently exist. It has been cleared on this side and we are prepared to vote.

The PRESIDING OFFICER. Is there further debate?

Mr. KASTEN. Mr. President, we have had an opportunity to review the amendment and we are in support of the amendment of the Senator from Texas.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment of the Senator from Texas.

The amendment (No. 1132) was agreed to.

Mr. EXON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BENTSEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1133

(Purpose: To make certain amendments to the Rail Passenger Service Act, and for other purposes)

Mr. EXON. Mr. President, I send an amendment to the desk in behalf of the chairman of the committee, Senator HOLLINGS, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Nebraska [Mr. EXON] for Mr. HOLLINGS, proposes an amendment numbered 1133.

Mr. EXON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following:

RAIL PASSENGER SERVICE ACT AMENDMENTS

SEC. . (a) Section 301 of the Rail Passenger Service Act (45 U.S.C. 541) is amended by striking "agency" and inserting in lieu thereof "agency, instrumentality,".

(b) Section 303(a)(1)(E) of the Rail Passenger Service Act (45 U.S.C. 543(a)(1)(E) is amended to read as follows:

"(E) Two members selected by the preferred stockholders of the Corporation, who each shall serve for a term of one year or until their successors have been appointed.".

(c) Section 303(d) of the Rail Passenger Service Act (45 U.S.C. 543(d)) is amended by striking the third sentence and inserting in lieu thereof the following: "The president and other officers of the Corporation shall receive compensation at a level no higher than the general level of compensation paid officers of railroads in positions of comparable responsibility.".

(d) Section 308(a) of the Rail Passenger Service Act (45 U.S.C. 548(a)) is amended by inserting immediately after "also" in the last sentence the following: "provide all relevant information concerning any decisions to pay to any officer of the Corporation compensation at a rate in excess of that prescribed for level I of the Executive Schedule under section 5312 of title 5, United States Code, and".

(e) Section 602(i) of the Rail Passenger Service Act (45 U.S.C. 602(i)) is repealed.

(f) Subsection (b) of the first section of the Act entitled "An Act to amend the Rail Passenger Service Act of 1970 in order to provide financial assistance to the National Railroad Passenger Corporation, and for other purposes", approved June 22, 1972 (Public Law 92-316; 86 Stat. 227), is repealed.

Mr. HOLLINGS. Mr. President, today I offer an Amtrak-related amendment to S. 1539, the Railroad Safety Act of 1987. The first provision of this amendment seeks to stem Amtrak's increasing loss each year of senior level officers. The second and third elements of this amendment are primarily technical in nature.

The first provision of my amendment calls for the elimination of the salary cap of $85,000 which has been imposed on the president of Amtrak since 1975. During the 12 years which have elapsed since this cap was imposed, inflation has eroded the level of the president's salary, as well as those of other officers whose salaries are compressed below the $85,000 rate prescribed for the president.

The salary issue has resulted in a critical loss of experienced personnel and a resultant loss of efficiency at Amtrak. For example, within the past 2½ years, Amtrak has lost 15 to 20 percent of its management personnel at the director level and above.

Among the most valuable officers Amtrak has lost in recent years have been Amtrak's vice president for sales, at an Amtrak salary of $75,000, lost to British Airways at a 100-percent increase in compensation; the executive vice president for law and public affairs, at an Amtrak salary of $76,900, was lost to a local firm at over a 75-percent increase in compensation; the vice president for labor relations (and largely responsible for Amtrak's new labor agreements), at an Amtrak salary of $75,000, was lost to the National Railway Labor Conference at some 20 percent increase in compensation; and finally, Amtrak's associate general counsel (who had been primarily responsible for the litigation arising from the Amtrak-Conrail accident earlier this year), at an Amtrak salary of $64,000, was lost to the Federal Home Loan Mortgage Corporation at more than a 25-percent increase in compensation—and this is not some downtown law firm, this is an independent Government agency that does not have a salary cap.

Mr. President, I am confident that if this amendment is adopted, we will not see a rush to increase salaries at Amtrak. In support of this I ask unanimous consent that a letter to me from W. Graham Claytor, president of Amtrak, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL RAILROAD PASSENGER CORP.,
Washington, DC, November 3, 1987.

Hon. ERNEST F. HOLLINGS,
Chairman, Committee on Commerce, Science and Transportation, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to urge you to include in the Senate's railroad safety legislation language removing statutorily imposed salary caps which presently limit the compensation of Amtrak officers. This statute already provides that salaries of officers of the company are to be fixed by the Amtrak Board of Directors, upon which the Department of Transportation is strongly represented, and which ultimately must justify its actions to Congress each year.

The present pay cap is causing us to lose more and more of our capable upper and middle management officers every year, not only because of the inadequacy of their present salaries but because they see that there is no possibility of significant financial improvement if they are promoted to higher positions. This hemorrhage of talent is increasing every year; currently, for example, one of our most capable senior finance officers has been offered a salary increase of over 75% by a publicly financed commuter agency. While we do not have to and would not attempt to match all salaries in the private sector, or even the state commuter agencies, we must have the ability to respond at least in part to such offers. Since any properly managed company must maintain a reasonable spread between position levels, the statutory cap at Federal Executive Level I puts severe limits on what we can pay even at middle management levels.

In the case of Amtrak, elimination of the statutory cap would not open the company to unbridled escalation of pay. As noted above, our basic statute provides that the appointment and compensation of all company officers is to be effected by our nine-man Board of Directors. By statute these consist of the Secretary of Transportation, the President of the company and seven directors appointed by either the President of the United States or by the Secretary of Transportation.

Such a Board is highly unlikely to be reckless in approving salaries, but it could not successfully do so in any event because of the intensive Congressional oversight to which Amtrak is subject. All of our operations, and particularly our expenses, are closely scrutinized each year and often several times a year by Senate and House Appropriation Subcommittees, as well as by our Senate Committee and Mr. Dingell's parallel House Committee. Under these circumstances there is no real possibility of abuse by Amtrak in the salary area. Experience indicates that any such abuse will be promptly corrected by these oversight committees, and the knowledge that this is so will serve as a strong deterrent to any such effort.

No one recognizes more than my Board and I the budgetary problems we all face. I am satisfied that elimination of the Amtrak pay cap will decrease, not increase Amtrak's need for Federal financial support. Our ability to improve our bottom line—our revenue-to-cost ratio—every year since 1981 has been due largely to hard work by talented management people. At present we are covering 65% of our total operating costs with our revenue—up from 48% a few years ago—and if I can keep capable managers here, this will continue to improve. When our best managers are hired away as they move up in the company, however, our efficiency suffers and our ability to reduce costs and increase revenues diminishes.

The elimination of the pay cap now will not result in any spectacular pay increases, but will give us flexibility to stop the hemorrhage of talent that continues to plague us. I can assure you that the total cost of some desperately needed salary corrections that this will make possible will not exceed $850,000 in FY 1988, and in subsequent years will similarly be modest. With a company having total operating costs of over $1.5 billion, this is a negligible percentage. A failure to take this step could cost us many millions of dollars each year in lost productivity and efficiency.

Finally, I want to make it clear that I am not seeking this for myself. I do not personally require and will not accept a salary above Executive Level I so long as I am with Amtrak. Without elimination of the present salary cap, however, I am doubtful that we could obtain a competent and experienced successor when I retire.

Your help on this most critical issue on which I feel that Amtrak's very future depends is most appreciated.

Sincerely,
W. GRAHAM CLAYTOR, JR.,
President.

Mr. HOLLINGS. In this letter, Mr. Claytor describes the crisis the pay issue poses for Amtrak and why he feels restraint will be exercised in setting salaries.

I would also like to note that any decision as to the salaries of officers of Amtrak will receive careful scrutiny by the company's board of directors and in Congress. By statute, salaries of officers of Amtrak are fixed by the company's board of directors, upon which the Department of Transportation is strongly represented, ensuring that the administration's views will be taken into consideration in setting salaries. Amtrak's nine member board, which will continue to approve officers' salaries, consists of the president of the company, the Secretary of Transportation and seven directors appointed by either the President of the United States or the Secretary of Transportation.

Additionally, Amtrak's operations are closely scrutinized each year by Congress and as such it is highly unlikely that elimination of the statutory cap would open the company to unjustifiable escalations of pay. To make certain that this oversight will be carried out, this amendment requires Amtrak to report annually to Congress on any officers' salaries in access of the executive schedule level I, which is the maximum level Amtrak can now pay.

Mr. President, this is not an amendment which calls upon us to debate continuing Federal assistance to Amtrak. Rather, it is an amendment that recognizes that while we currently provide support for Amtrak we have also reduced the level of Federal funding that goes to Amtrak, in order to both meet our budgetary needs and to make Amtrak more efficient. I have been assured that the flexibility that this amendment gives Amtrak will not cost the Federal Government additional money. But in the alternative, the cost of lost productivity, efficiency, as well as the cost of staff recruiting and retraining could prove far more substantial and detrimental.

If we are truly interested in making Amtrak more efficient, we have to see to it that Amtrak has an ability to attract and retain personnel of the caliber needed to fill its executive positions. To accomplish this, the current salary cap must be eliminated.

The second provision of my amendment would allow Amtrak to use tax-exempt bonds in lieu of direct capital grants to leverage additional State and local financing of rail-related projects. A problem in doing this now arises from section 103 of the Internal Revenue Code which indicates that tax-exempt bonds may not be guaranteed—directly or indirectly—by an agency or intrumentality of the United States. In order for Amtrak to overcome this problem, the Rail Passenger Service Act must be amended to make clear that Amtrak is not an instrumentality of the Federal Government and subsection 602(1) deleted to remove the limitation on the discretion of the Secretary of Transportation in deciding whether to guarantee Amtrak loans.

The third and last provision of my amendment is purely technical in nature. It would amend the Rail Passenger Service Act to allow the two Amtrak board of directors selected by the preferred stock holder of the corporation, the Department of Transportation, to serve on the board until their successors are appointed.

Mr. HEINZ. Mr. President, the amendment offered by the distinguished chairman of the Commerce Committee, Senator HOLLINGS, contains two technical provisions that would ensure Amtrak's ability to issue tax-exempt bonds for the rehabilitation of the 30th Street Station in Philadelphia. Let me first express my appreciation to the chairman for agreeing to include these provisions in his amendment.

Mr. President, 30th Street Station is the second busiest station in Amtrak's system, serving 8 million passengers each year. In addition to serving regular Amtrak service along the Northeast corridor, the station is now being used for a new center city rail connection and a high speed rail line to Philadelphia airport. In order to meet this growing demand, a major refurbishing and expansion of the station is essential.

The Amtrak project will consist of complete rehabilitation of the building infrastructure, renovation, and improvements in the main terminal, development of retail space, construction of a new parking facility, and restoration of the building exterior. The project will cost a total of $60 million, to be financed by public and private sources. In addition to significantly improving rail service, the project will create or retain 2,775 jobs, of which 1,575 will be permanent.

Amtrak intends to provide half of the project funds through a tax-exempt bond issue for which the authority was provided in the 1986 Tax Reform Act. However, a possible conflict has been identified between the issuing authority granted to Amtrak in the Tax Act and a provision of the Internal Revenue Code, which prevents any agency or instrumentality of the United States from guaranteeing these bonds.

In order to ensure that this provision of the Internal Revenue Code does not preclude Amtrak from issuing the tax-exempt bonds, the Rail Passenger Service Act [RPSA] must be amended to make clear that Amtrak is not an instrumentality of the Federal Government and subsection 602(i) of the RPSA must be deleted to remove the limitation on the discretion of the Secretary of Transportation in deciding whether to guarantee Amtrak loans.

In the absence of this amendment, Amtrak would have to pursue direct Federal capital grants to leverage State, local, and private financing of the 30th Street Station project, which is far less preferable from a budgetary standpoint than issuance of tax-exempt bonds.

Senator HOLLINGS' amendment includes the necessary amendments to the RPSA. I appreciate the Senator's willingness to cooperate in including these technical amendments, which ensure that Amtrak can help finance the vital 30th Street Station rehabilitation project. I urge adoption of the amendment.

Mr. EXON. Mr. President, the amendment offered by Senator HOLLINGS is an amendment that has been considered at considerable length. It basically has to do with the improvement and efficiency in the operation of the Amtrak system, and I think that we all are very much in favor of that.

The amendment has been cleared on this side and in the interest of saving time I would simply say that we are prepared for the vote.

Mr. KASTEN. Mr. President, we have had an opportunity to review the amendment and we support the amendment.

The **PRESIDING OFFICER.** If there is no further debate, the question is on agreeing to the amendment of the Senator from Nebraska.

The amendment (No. 1133) was agreed to.

Mr. EXON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. KASTEN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The **PRESIDING OFFICER.** Are there further amendments to be proposed?

AMENDMENT NO. 1134

(Purpose: To provide protections to maintenance-of-way workers and for other purposes)

Mr. ADAMS. Mr. President, I send an amendment to the desk.

The **PRESIDING OFFICER.** The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Washington [Mr. ADAMS] proposes an amendment numbered 1134.

Mr. ADAMS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following:

PROTECTION FOR CERTAIN WORKERS

SEC. . (a) No employee shall be disciplined or sanctioned as a result of information discovered through access authorized by this Act to the National Driver Register, where such employee has successfully completed a rehabilitation program subsequent to the cancellation, revocation, or suspension of the motor vehicle operator's license of such person.

(b) Section 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431), as amended by this Act, is further amended by adding at the end the following:

"(j) The Secretary shall, within one year after the date of enactment of the Railroad Safety Act of 1987, issue such rules, regulations, orders, and standards as may be necessary for the protection of maintenance-of-way employees, including standards for bridge safety equipment, such as nets, walkways, handrails, and safety lines, and requirements relating to instances when boats shall be used.".

(c) Section 2 of the Act of March 4, 1907, commonly referred to as the Hours of Service Act (45 U.S.C. 62), is amended by adding at the end the following:

"(e) As used in section 2(a)(3) of this Act, the term 'employee' shall be deemed to include an individual employed for the purpose of maintaining the right-of-way of any railroad.".

(d) The Secretary of Transportation shall, within one year after the date of enactment of this Act, amend part 218 of title 49, Code of Federal Regulations, to apply blue signal protection to on-track vehicles where rest is provided.

Mr. ADAMS. Mr. President, as the tragic railroad accident in Chase, MD, demonstrates, railroad safety is a vital and pressing concern for the Congress. Federal laws and regulations should be designed to ensure the safest rail system possible for rail passengers, railroad employees, and the communities through which our trains travel.

I would like to thank the distinguished Senator from Nebraska for his fine work on this legislation. The Railroad Safety Act of 1987 provides much needed funds to continue Federal rail safety programs. It also makes certain changes to the Federal Railroad Safety Act of 1970 to improve the enforcement of rail safety laws. I support these changes, especially the provisions in the bill that establish a program to ensure proper training of individuals who operate trains and the section that protects employees from harassment and discrimination for reporting safety violations.

I believe, however, that additional steps must be taken to ensure a safe workplace for railroad employees. Remarkably, 10 percent of all railroad employees are injured annually on the Nation's railroads. The amendment that I am offering would accomplish the following:

First, it would require the Federal Railroad Administration to issue standards for the protection of maintenance-of-way employees. Because maintenance-of-way employees are required to work on bridges crossing large bodies of water, expressways, turnpikes, and busy city streets, there is a need to protect against the hazards associated with this work. This amendment would require standards for bridge safety equipment such as nets, walkways, handrails, and safety lines.

Second, the amendment addresses the living conditions of maintenance-of-way employees when they are required to work away from home during the construction season and live in what are known as camp cars or bunk cars. This amendment would expand the statutory standards for clean, safe, and sanitary camp cars contained in the Hours of Service Act to apply when camp cars are used for maintenance-of-way workers.

This amendment also revises the bill's provisions allowing access by railroads to an employee's driving records. To avoid unfair discrimination against an employee or job candidate, the amendment prohibits carriers from sanctioning an employee as a result of information discovered from the National Driver Registry where such employee has successfully completed a rehabilitation program subsequent to the revocation or suspension of his or her driver's license.

Mr. President, I believe these changes will improve railroad safety and I urge the amendment's adoption.

Mr. President, I have discussed this amendment with the distinguished Senator from Wisconsin. I believe that this is agreed to by both sides.

I thank both of the distinguished Senators for the cooperation we have received.

I think it has been well stated by the Senator from Nebraska, and I have been following this debate by the Senator from Wisconsin, that as the tragic railroad accident in Maryland demonstrates, railroad safety is a vital and pressing concern for Congress. Federal laws and regulations need to be designed to handle this problem.

I think that the distinguished chairman of the subcommittee has done an excellent job of doing this. I want to compliment him on that and I appreciate the consideration they have given to our amendment and I hope that the amendment will be adopted.

I thank the Senator from Nebraska.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. EXON. Mr. President, I thank my friend and colleague from Washington, who has vast experience in the area of ground transportation with the distinguished record that he had in a previous administration, as the Secretary that had direct responsibility for everything with regard to transportation.

Senator Adams is an extremely valued member of the committee and especially the Surface Transportation Subcommittee, and his expertise as a former Secretary of Transportation has been of invaluable assistance to the committee. We thank him for all of his efforts and especially this one.

I will simply say to him that during the several hearings that we had on this he took part and very actively. There were a lot of things that were very vividly brought to my attention, not the least of which was the conditions of the maintenance of way workers and some of the testimony that we heard in that regard. This is an important amendment to attempt to correct that situation.

I congratulate him for offering the amendment. It has been cleared on this side and we are prepared to vote.

Mr. KASTEN. Mr. President, we have had an opportunity to review this amendment and we are in support of this amendment.

The PRESIDING OFFICER. Is there further debate on the amendment of the Senator from Washington?

Mr. ADAMS. Mr. President, I believe the Senator from Maryland has a comment she might like to make.

I thank the Presiding Officer very much and I thank very much the ranking member and chairman of the subcommittee. The remarks were most kind and I appreciate them.

Is there further debate on the amendment of the Senator from Washington? If not, the question is on agreeing to the amendment of the Senator from Washington.

The amendment (No. 1134) was agreed to.

Mr. EXON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. ADAMS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Are there further amendments?

Ms. MIKULSKI. Mr. President, I rise not to offer an amendment, but in strong support of the Railroad Safety Act. Just 9 short months ago, 2 days before I was sworn in as a Maryland's junior Senator, my State suffered the worst rail disaster in its history.

On January 4, 1987, a Conrail locomotive collided with an Amtrak passenger train near Chase, MD, taking the lives of 16 innocent people. A few weeks ago, hundreds of the families and friends of those victims, spent a day on Capitol Hill urging the Senate to pass this legislation that is now pending before the Senate.

The day of the accident, I went to the hospital near Chase where victims were treated. I saw firsthand the grief their loved ones suffered. Yet despite this personal tragedy, they have not let their personal sorrow become an end in itself.

Instead, they have vowed that other families across the Nation should not be forced to suffer from a rail transportation system that too often does not make safety its top priority.

This senseless tragedy was compounded by the knowledge that it could have, and should have, been prevented because it was caused by human error, not the failure of technology.

Standard devices that should have warned the Conrail locomotive's operators of the approaching Amtrak train were either disconnected or ignored.

We cannot compensate for the enormous loss which so many families suffered from the Chase crash. Nevertheless, this body has a responsibility to them and to all citizens that the Northeast corridor rail system is operated in the safest way possible.

In response to January's tragedy, Senator LAUTENBERG and I introduced legislation designed to correct the most serious flaws in our rail safety system. Many of the provisions in that bill were the direct result of suggestions from Maryland families who lost a family member or friend in January.

I am pleased that the Commerce Committee has included most of the provisions in that bill into S. 1539, the Rail Safety Act of 1987.

First, it guarantees that national training standards will exist for all railroad operators. This will correct a serious flaw in our current system—no common standards to guarantee all operators are properly trained in these highly safety-sensitive positions.

Second, the bill increases the civil penalties for violation of safety regulations and makes those who violate them personally liable for these fines. This is a new and important requirement because it holds those who violate the rules of safety responsible for their actions.

Third, the bill makes eligible for Federal funding certain safety improvement projects for Amtrak's lines along the Northeast corridor.

These include installing baggage restraints and seat back guards for passengers, as well as electronic warning devices for locomotives.

Finally, I am delighted to join with Senator LAUTENBERG in offering an amendment requiring the installation of automatic train controls on all Northeast corridor trains by 1990. This step, coupled with the amendment's establishment of a Northeast Corridor Safety Committee, will help reduce the threat of accidents on the corridor in the years ahead.

These improvements will make trains on the corridor more safe despite the high volume of traffic between Boston and Washington.

Passage of this legislation will not ease the pain or remove the sorrow from January's tragedy. But it is the first step to returning safety as the first and most important goal of our Nation's rail system, and sparing other families from the anguish of a rail safety system gone awry.

I compliment the chairman of the committee on the excellent work that has been done and those who offered perfecting amendments.

I urge the adoption of this bill.

Mr. EXON. Mr. President, I thank the Senator from Maryland for her kind words. I salute her for all the help that she has been to the committee on the work that went into developing this piece of legislation. She is an original cosponsor. We appreciate very much her work, her dedication, and her help.

Mr. ADAMS. Mr. President, I rise to discuss with the distinguished manager of the bill a question that I have about the changes made by the bill to the Federal Rail Safety Act of 1970. The bill would amend the law to grant the Federal Railroad Administration enforcement authority over employees now covered by the Hours of Service Act and other employees who perform safety-sensitive functions. I wonder if the Senator from Nebraska would clarify whether the bill would apply to railroad managers and supervisors.

Mr. EXON. I thank the distinguished Senator from Washington for raising this question. I would like to assure the Senator that it is the intent of the committee that the FRA's enforcement authority would apply to railroad managers, supervisors, and agents when they perform safety-sensitive functions and when they could be in a position to direct that violations of safety regulations be committee. By no means are we intending to limit applicability of enforcement authority to labor. In fact, one of the prime purposes of the change made by the bill is to allow the FRA to impose penalties on supervisors or managers that order employees to operate trains with safety violations. I would also like to point out to the Senator from Washington that the changes made by this bill to the older rail safety laws are also intended to apply to railroad managers and supervisors, as well as other rail workers.

Mr. ADAMS. I thank the distinguished manager for his assistance and I have one additional question. The bill amends the civil penalties provision of the Federal Rail Safety Act of 1970 by substituting the word "may" for the word "shall." Could the distinguished manager clarify whether this change was intended to modify the FRA's enforcement policies?

Mr. EXON. Mr. President, in answer to the inquiry from the Senator from Washington, this change clarifies the Secretary's authority to use discretion in determining when to assess penalties against railroads and individuals. The committee thought this change necessary especially in light of the extension of FRA's authority over individuals; it does not signal any intention on the part of the committee that the enforcement of FRA's safety regulations against the railroads should be diminished in any way.

Mr. LAUTENBERG. Mr. President, I rise in strong support of S. 1539, the Railroad Safety Act of 1987.

The January 4 crash of an Amtrak train with a Conrail locomotive in Chase, MD, pointed out all too clearly the deficiencies in our rail system. That tragedy, which resulted in the loss of 16 lives, 175 injuries, and more than $1 million in property loss, showed just how fragile the system is.

Mr. President, I went to Chase the morning after the accident. The loss and devastation was almost beyond comprehension. No one witnessing the scene could have been untouched by what they saw.

As did others, I wondered just how such a tragedy could have happened; what was wrong with our system that allowed the accident; and what needed to be done to prevent it from happening again. I left Chase that day determined to do something about it, and determined to do my best to try to reduce the chances of such a tragedy from ever happening again.

On January 20, I held a hearing of the Transportation Appropriations Subcommittee to investigate the accident. At that hearing, we heard from officials representing Amtrak, Conrail, and rail labor. We also heard from families of the victims. Dr. Roger Horn, who lost his daughter in that accident, provided valuable well-thought consideration of the safety problems in our rail system. Along with other family and friends of victims, including Arthur and Anne Johnson, the Horn family turned their grief into a positive force. That positive force was so visibly demonstrated several weeks ago when hundreds of family and friends of victims, and some of those injured in the crash, came to Washington. That coalition, known as Safe Travel America, came to push for prompt, effective action on rail safety. The passage of this legislation today is due in no small part to the efforts of Safe Travel America. I want to take this opportunity to express my sincere appreciation and commendation for their efforts.

Many important points were raised at the January 20 hearing. Weaknesses in our rail safety system were exposed. Based on that hearing, I put together a nine-point letter to then-Secretary of Transportation Dole outlining the areas I felt needed to be addressed. I ask unanimous consent that the text of my letter, dated February 2, 1987, be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered. (See exhibit 1.)

Mr. LAUTENBERG. One of those recommendations has already been acted upon. In May, Secretary Dole proposed an order to require the installation and use of automatic train control on all Northeast corridor trains. With acceptance of my amendment today, we take another step toward ensuring that this important safety equipment be included on corridor trains in a timely manner.

On April 28, I introduced S. 1098, the Rail Safety Improvement Act of 1987. This legislation incorporated the recommendations in my letter to Secretary Dole. I was pleased to be joined in introducting this bill by the distinguished junior Senator from Maryland, Senator MIKULSKI.

S. 1098 was a focus of Commerce Committee hearings in the spring and summer. I am pleased to note that many of the provisions in S. 1098 were included in S. 1539, the bill we are considering today.

As in S. 1098, S. 1539 would increase penalties for violations of Federal safety laws and regulations. It would also make individual employees liable for violation of those laws or regulations.

S. 1098 would require minimum Federal standards, through a license, for railroad operators. It would also allow the Federal Railroad Administration to have access to the National Driver Register when evaluating train operators. We have a right to know what type of person is behind the controls of our trains, whether they be carrying hundreds of passengers, freight, or hazardous cargo. The accident at Chase showed us how little we now know.

S. 1539 contains the requirement of minimum Federal standards, and would have the Secretary consider a licensing program as part of that effort. It would also allow access to the NDR. An amendment accepted today reinforces the intent of the NDR access provision, and clarifies its use.

The bill before us also includes protection of employees against discrimination. S. 1098 provided similar whistle-blower protection.

Section 7 of S. 1539 expands the list of important projects eligible for Northeast corridor improvement project funding. This provision was included as section 9 of the Rail Safety Improvement Act.

Mr. President, several other important provisions have been adopted on the floor today. My amendment, excompassing sections 3 and 8 of S. 1098, would require written certification of predeparture inspections, require the installation and use of automatic train controls and event recorders on trains in the Northeast corridor, and lead to the reduction of through-freight traffic on the corridor.

Additionally, provisions have been adopted to ensure the rights of maintenance of many employees, and to clarify the sections of S. 1539 pertaining to individual liability and access to the National Driver Register.

Mr. President, the Railroad Safety Act is a strong bill. It represents the combined efforts of this body, labor, industry, and concerned citizens. I am proud to have played a part in their process, and commend the others who have been involved.

I would especially like to commend the distinguished manager of the bill, Senator EXON, for his efforts. As chairman of the Surface Transportation Subcommittee, he took the initiative to move this important legislation this session. The bill he has put together will go a long way toward ensuring the safety of those people traveling on, working on, or living near our rails.

Mr. President, I urge my colleagues to support this legislation.

EXHIBIT 1

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, February 2, 1987.

Hon. ELIZABETH H. DOLE,
Secretary of Transportation, Department of Transportation, Washington, DC.

DEAR MADAM SECRETARY: On Tuesday, January 20, the Subcommittee on Transportation and related agencies held a hearing on the tragic crash of AMTRAK's Colonial with three Conrail locomotives near Chase, Maryland earlier this month. Sixteen lives were lost in the crash and the preliminary damage estimates exceed $15 million.

The purpose of the hearing was to assess the implications of this accident for the performance of our rail safety system and for the management and funding of the rail safety program which you administer. Passenger safety was, of course, of particular concern, especially on the high speed trackage of the Northeast Corridor.

The hearing raised serious questions on several crucial matters of rail safety. There was conflicting testimony, for example, on the priority that safety is given in day to day rail operations, on the adequacy of procedures for assuring compliance with safety rules, on the effectiveness of your enforcement program, and on how best to achieve an alcohol and drug free environment in the rail industry. These are important, complicated, and contentious issues. The Subcommittee will carefully evaluate the hearing record and supplementary information before reaching any final conclusions. Some of the recommendations we heard will require legislation which lies beyond the jurisdiction of the Appropriations Committee.

This is no excuse for delay, however. In my judgment, there are certain measures that can and should be taken now to improve rail safety and restore public confidence.

First, let me commend you for announcing your intention to make elimination of drug and alcohol abuse from public transportation a priority objective. The development of a sensible and effective rule for the aviation industry is long overdue. I urge you to make every effort to expedite the rulemaking initiated by FAA early this month.

I also share your goal of strengthening the effectiveness of the Federal Railroad Administration's drug and alcohol abuse rule. While Congress considers legislation authorizing procedures in addition to those already in place, it is clear that the administration of the current rule can be improved.

In this regard, I have two recommendations. Train crews should be required to check in face-to-face with a supervisor when they come on duty. My understanding is that there is no such requirement at present. Such a check-in procedure would, I believe, both deter employees from reporting for work while under the influence of alcohol or drugs and improve the chances that those who do would be detected and removed from service.

FRA should aggressively enforce Subpart E of the rule (relating to Identification of Troubled Employees). Every carrier should be required to establish a referral and rehabilitation program consistent with the provisions of Subpart E. In addition, FRA should systematically monitor these programs to assure that they are being effectively implemented and managed. Where necessary FRA should provide technical assistance to both the carrier and employee representatives to assure that troubled employees are identified, removed from service, and given the opportunity for rehabilitation.

One final point on drug testing in general should be mentioned. I believe that any additional rules should include provision for an amnesty period before the new testing procedures are put into effect. During this period, employees with drug dependencies should have the right to disclose their problem and seek rehabilitation without fear of censure, penalty, or sanction. Such an amnesty provision would, in my judgment, be both fair and effective in achieving the objective of a drug-free environment in safety-critical occupations.

Second, the investigative record makes it painfully clear that this accident would not have happened had the Conrail locomotive been equipped with Automatic Train Control (ATC). The National Transportation Safety Board has recommended ATC on the Northeast Corridor since the early 1970's. The Board has recently reaffirmed that recommendation in the wake of the Colonial tragedy. I urge you to move promptly to institute a rule requiring appropriate ATC on all trains in the Corridor as soon as practicable.

Third, for many years now, concerns have been raised about the mixed use of Corridor high speed trackage for both passenger and freight service. Mr. Richard B. Hasselman, Senior Vice President of Conrail, indicated at our hearing that his company would be willing to consider further measures to reduce freight traffic on the Corridor. I urge you to seize this opportunity to work with AMTRAK and Conrail to develop a feasible plan for moving as much freight as possible off the Corridor, in the near term, and restricting what remains to off-hours for passenger traffic.

Fourth, the record also indicates the need to strengthen procedures for assuring compliance with predeparture tests and inspections and, more generally, with safety-related maintenance requirements. As you know, the FAA requires the commercial aviation industry to document compliance with mandatory, well-defined maintenance schedules. The core of the system is certification by different individuals at several points in the process that the required maintenance has been performed.

I believe that an analogous, perhaps less elaborate, system should be required in the rail industry. If such a system were in place, it would be a relatively simple matter to fix responsibility for failure of safety-critical equipment. In addition, such a system should help to prevent the intentional disablement of safety devices such as warning whistles and speed controls. Multiple certification by qualified personnel would also promote full compliance with the required predeparture tests and inspections.

Fifth, I am convinced that a Federal license should be required for locomotive engineers. Today, as you know, no license of any kind is required. In my judgment, no one should be permitted to get behind the throttle of an engine pulling hundreds of passengers or tons of cargo without a license to prove he or she possesses the requisite skills and qualifications. Whether such a licensure program can be established without legislation is debatable. But I believe it is well within your authority to establish minimum standards for the training and qualification of engineers (and for that matter, other operating employees as well). I urge you to initiate a rulemaking to set such standards for engineers as a possible first step in creating a system of Federal licensure.

Sixth, the Conrail locomotive involved in the Colonial crash lacked an operable train-to-train and train-to-station radio. From what is now known about the timing of the accident, it seems doubtful that the Conrail crew could or would have been able to alert either the Colonial or the signal tower controlling that block in time. However, radio capability could make the critical difference in slightly altered circumstances. The NTSB recommendations issued after the accident include operable train-to-train and train-to-station radios. The FRA, I understand, began hearings on radio-communication problems January 28th. I urge you to move as quickly as possible to develop a rule addressing the problems in this area, including a requirement for operable radios with train-to-train and train-to-station capability.

Seventh, the Subcommittee has been told that employees who report violations of safety rules and requirements to FRA inspectors have been subject to later harrassment and reprisal by the carrier involved. The Department should immediately institute a process for affording "whistle blower" protection to such individuals.

Eighth, the AMTRAK engine involved in the collision had no event recorder. I believe all locomotives should be required to carry such instruments and urge you to promulgate a rule incorporating this requirement without delay.

Finally, the effectiveness of FRA's current approach to enforcement has also been seriously questioned. I am concerned that only a small proportion of recorded safety defects are reported as violations. Moreover, FRA's apparent willingness to settle almost all the violations that are reported out of Court for substantially less than the penalty originally assessed tends to undermine the deterrent effect of existing sanctions. It could also damage the morale of the inspector force. I request that your office conduct a review of FRA enforcement policy and inform me, if you could, within 60 days, of the improvements you intend to implement. I will be especially interested in the criteria you might propose for deciding what classes of defects should be reported as violations and in any changes that may be necessary to increase the percentage of penalty assessments actually collected.

I look forward to working with you on these and other initiatives to improve safety in all modes of transportation.

Sincerely yours,

FRANK R. LAUTENBERG,
Chairman, Senate Appropriations Subcommittee on Transportation and Related Agencies.

Mr. EXON. Mr. President, as far as I know, we have completed all of the amendments that we were asked to consider on this bill.

I just want to thank the staff of the Commerce Committee, and the staff of our subcommittee, in particular, for their excellent job on a very detailed piece of legislation.

I wish to thank once again my ranking member, who has been very, very helpful and understanding all of the way through. This was not an easy piece of legislation, but it was a piece of legislation with a lot of hard work, a lot of lengthy hearings, and a lot of common understanding that we were able to work out in a fashion that I think that is highly acceptable and possibly, very probably, will be the model eventually that will come out of the House and Senate conference.

Mr. KASTEN. Mr. President, I know of no further amendments. We are prepared to go to third reading.

Before we do so, I would like to thank and also commend the chairman of the subcommittee for his work on the Railroad Safety Act of 1987. I think we have demonstrated an ability to work out some tough problems. We have a strong, clean bill, and we also have strong bipartisan support to what I think is truly an important and monumental effort.

We are prepared to go to third reading.

The PRESIDING OFFICER. Is there further debate on the bill?

Mr. EXON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. EXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TECHNICAL CORRECTION TO AMENDMENT NO. 1132

Mr. EXON. Mr. President, just as we were going to third reading, it was called to my attention a last-minute correction on line 6 of an amendment to S. 1539, that in hastily drafting that the word "trains" was struck and the word "while" was left in. The correct interpretation is to strike the word "while" and insert the word "trains." That is a technical question and I ask that the staff be authorized to make that correction as I have just indicated.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered and amendment No. 1132 will be so corrected.

Is there further debate on the bill?

Mr. EXON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been requested. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Are there further amendments to the bill? If not, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and was read a third time.

The PRESIDING OFFICER. The bill having been read a third time, the question is, Shall it pass?

The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Georgia [Mr. FOWLER], the Senator from Tennessee [Mr. GORE], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Rhode Island [Mr. PELL], and the Senator from Illinois [Mr. SIMON] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. BOND] and the Senator from Rhode Island [Mr. CHAFEE] are necessarily absent.

The PRESIDING OFFICER (Mr. CONRAD). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 93, nays 0, as follows:

[Rollcall Vote No. 370 Leg.]

YEAS—93

Adams
Armstrong
Baucus
Bentsen
Biden
Bingaman
Boren
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chiles
Cochran
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Evans
Exon
Ford
Garn
Glenn
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Hecht
Heflin
Heinz
Helms
Hollings
Humphrey
Inouye
Johnston
Karnes
Kassebaum
Kasten
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lugar
McCain
McClure
McConnell
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pressler
Proxmire
Pryor
Quayle
Reid
Riegle
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simpson
Specter
Stafford
Stennis
Stevens
Symms
Thurmond
Trible
Wallop
Warner
Weicker
Wilson
Wirth

NOT VOTING—7

Bond
Chafee
Fowler
Gore
Matsunaga
Pell
Simon

So the bill (S. 1539), as amended, was passed, as follows:

S. 1539

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Railroad Safety Act of 1987".

AUTHORIZATION FOR APPROPRIATIONS

SEC. 2. Section 214 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 444) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting immediately after subsection (c) the following:

"(d) There are authorized to be appropriated to carry out the provisions of this Act not to exceed $40,649,000 for the fiscal year ending September 30, 1988, and not to exceed $41,868,470 for the fiscal year ending September 30, 1989.".

INCREASED PENALTIES; LIABILITY OF INDIVIDUALS

SEC. 3. (a) Section 209(a) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 438(a)) is amended by striking "railroad" and inserting in lieu thereof the following: "person (including a railroad or an individual who performs service covered under the Act of March 4, 1907, commonly referred to as the Hours of Service Act (45 U.S.C. 61 et seq.) as in effect on the date of enactment of the Railroad Safety Act of 1987, or who performs other safety-sensitive functions for a railroad, as those functions are determined by the Secretary)".

(b) Section 209(b) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 438(b)) is amended by striking all after "thereof" and inserting in lieu thereof the following: "in such amount, not less than $250 nor more than $10,000, as the Secretary considers reasonable.".

(c)(1) The first sentence of section 209(c) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 438(c)) is amended to read as follows: "Any person violating any rule, regulation, order or standard referred to in subsection (b) of this section may be assessed by the Secretary the civil penalty applicable to the rule, regulation, order or standard violated, except that any penalty may be assessed against an individual only for willful violations.".

(2) The third sentence of section 209(c) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 438(c)) is amended by striking "occurred" and inserting in lieu thereof the following: "occurred, in which the individual resides,".

(3) Section 209(c) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 438(c)) is amended by adding at the end the following: "For purposes of this section, an individual shall be deemed not to have committed a willful violation where such individual has acted pursuant to the direct order of a railroad official or supervisor.".

(d) Section 209 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 438) is amended by adding at the end the following:

"(f) Where, after notice and opportunity for a hearing, violation by an individual of any rule, regulation, order, or standard prescribed by the Secretary under this title indicates that such individual is unfit for performance of any safety-sensitive task, the Secretary may issue an order directing that such individual be prohibited from serving in a safety-sensitive capacity in the rail industry for such period of time as the Secretary considers necessary. This subsection shall not be construed to affect the Secretary's authority under section 203 of this title to take such action on an emergency basis.".

QUALIFICATIONS OF OPERATORS OF TRAINS

SEC. 4. Section 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431), as amended by this Act, is further amended by adding at the end the following:

"(i)(1) The Secretary shall, within 18 months after the date of enactment of this subsection, issue rules, regulations, standards and orders concerning the minimum qualifications of the operators of trains. In issuing such rules, regulations, standards and orders, the Secretary shall consider the establishment of an engineer licensing program, uniform minimum qualification standards, and a program of review and approval of each railroad's own qualification standards.

"(2) Not later than twelve months after the date of enactment of this subsection, the Secretary shall transmit to the Congress a report on the activities of the Secretary under this subsection, together with an evaluation of the rules, regulations, standards and orders the Secretary anticipates will be issued under this subsection.".

ACCESS TO THE NATIONAL DRIVER REGISTER

SEC. 5. (a) Section 206(b) of the National Driver Register Act of 1982 (23 U.S.C. 401, note) is amended by adding at the end the following:

"(5) Any individual who is employed by a railroad or who seeks employment with a railroad and who performs or would perform services covered by the Hours of Service Act (45 U.S.C. 61 et seq.) or other safety-sensitive functions, as determined by the Secretary, may request the chief driving licensing official of a State to transmit information regarding the individual under subsection (a) of this section to his or her employer, prospective employer, or to the Administrator of the Federal Railroad Administration. The Administrator, employer or prospective employer shall make that information available to the individual, who will be given an opportunity to comment on it in writing. There shall be no access to information in the Register under this paragraph which was entered in the Register more than three years before the date of such request, unless such information relates to revocations or suspensions that are still in effect on the date of the request. Information submitted to the Register by the States under Public Law 86-660 (74 Stat. 526) or under this Act shall be subject to access for the purpose of this paragraph during the transition to the Register established under section 203(a) of this Act.".

(b) Paragraphs (1) and (2) of subsection (b) of section 206 of the National Driver Register Act of 1982 (23 U.S.C. 401, note) are each amended by adding at the end the following: "Information submitted to the Register by States under Public Law 86-660 (74 Stat. 526) or under this Act shall be subject to access for the purpose of this paragraph during the transition to the Register established under section 203(a) of this Act.".

PROTECTION OF EMPLOYEES AGAINST DISCRIMINATION

SEC. 6. Section 212(c)(2) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 441(c)(2)) is amended to read as follows:

"(2) In any proceeding with respect to which a dispute, grievance or claim is brought for resolution before the Adjustment Board (or any division or delegate thereof) or any other Board of Adjustment created under section 3 of the Railway Labor Act (45 U.S.C. 153), such dispute, grievance or claim shall be expedited by any such Board and be resolved within 180 days after its filing. If the violation of subsection (a) or (b) is a form of discrimination other than discharge, suspension, or any other discrimination with respect to pay, and no other remedy is available under this subsection, the Adjustment Board (or any division or delegate thereof) or any other Board of Adjustment created under section 3 of the Railway Labor Act, may award the aggrieved employee reasonable damages, including punitive damages, not to exceed $10,000.".

NORTHEAST CORRIDOR IMPROVEMENT PROJECT

SEC. 7. Section 704(a)(1) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 854(a)(1)) is amended by adding at the end the following: "improvements to the communication and signal systems at locations between Wilmington, Delaware, and Boston, Massachusetts, on the Northeast Corridor main line and between Philadelphia, Pennsylvania, and Harrisburg, Pennsylvania, on the Harrisburg Line; improvement to the electric traction systems between Wilmington, Delaware, and Newark, New Jersey; installation of baggage rack restraints, seat back guards and seat lock devices on three hundred forty-eight passenger cars operating within the Northeast Corridor; installation of forty-four event recorders and ten electronic warning devices on locomotives operating within the Northeast Corridor; and acquisition of cab signal test boxes and installation of nine wayside loop code transmitters for use on the Northeast Corridor;".

JURISDICTION OVER HIGH SPEED RAIL SYSTEMS

SEC. 8. (a) Section 202(e) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431(e)) is amended to read as follows:

"(e) The term railroad as used in this title includes all forms of non-highway ground transportation that run on rails or electromagnetic guideways, except for rapid transit operations within an urban area that are not connected to the general railroad system of transportation. The term railroad specifically refers, but is not limited, to (1) commuter or other short-haul rail passenger service in a metropolitan or suburban area, including any commuter rail service which was operated by the Consolidated Rail Corporation as of January 1, 1979, and (2) high speed ground transportation systems that connect metropolitan areas, without regard to whether they use new technologies not associated with traditional railroads.".

(b) Section 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431) is amended by striking subsections (i), (j), and (k).

ENFORCEMENT OF SUBPOENAS AND ORDERS

SEC. 9. Section 208(a) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 437(a)) is amended by striking all from the semicolon and inserting in lieu thereof the following: ". In case of contumacy or refusal to obey a subpoena, order, or directive of the Secretary issued under this subsection or under section 203 of this title by any individual, partnership, or corporation that resides, is found, or conducts business within the jurisdiction of any district court of the United States, such district court shall have jurisdiction, upon petition by the Attorney General, to issue to such individual, partnership, or corporation an order requiring immediate compliance with the Secretary's subpoena, order, or directive. Failure to obey such court order may be punished by the court as a contempt of court.".

STUDY

SEC. 10. Not later than six months after the date of enactment of this Act, the Secretary of Transportation shall report to the Congress on the need and feasibility of imposing user fees as a source of funding the costs of administering the Federal Railroad Safety Act of 1970 (45 U.S.C. 431 et seq.) and all other Federal laws relating to railroad safety and railroad noise control. In preparing such report, the Secretary shall specifically consider various methodologies and means for establishing a schedule of fees to be assessed to railroads or others involved in providing rail transportation; procedures for the collection of such fees; the projected revenues that could be generated by user fees; a projected schedule for the implementation of such fees; and the impact of user fees on railroads or others who might be subject to such fees and on the Federal railroad safety and railroad noise control programs.

CONFORMING AMENDMENTS

SEC. 11. Section 202(a) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431(a)) is amended by inserting immediately after the first sentence the following: "This authority specifically includes the authority to regulate all aspects of railroad employees' safety-related behavior, as well as the safety-related behavior of the railroads themselves.".

SEC. 12. The Federal Railroad Safety Act of 1970 is amended by inserting immediately after section 202 the following new section:

"SEC. 202A. (a) Within 180 days after the date of enactment of this section, the Secretary shall issue rules, regulations, standards, and orders requiring that whoever performs the required test of automatic train stop, train control, or cab signal apparatus prior to entering territory where such apparatus will be used shall certify in writing that such test was properly performed, and that such certification shall be kept and maintained in the same manner and place as the daily inspection report for that locomotive.

"(b) Within 30 days of the date of enactment of this section, the Secretary shall issue rules, regulations, standards, and orders requiring the use of automatic train control on all trains operating in the Northeast Corridor by not later than December 31, 1990. The Secretary shall submit a report to the Congress by January 1, 1989, on the progress of this effort, and detail in that report any proposals to modify the requirements in this subsection, and the reasons for such modification.

"(c) The Secretary shall require the installation and use of event recorders on freight trains no later than one year after the date of enactment of this section.

"(d)(1) Within 30 days after the date of enactment of this section, the Secretary shall establish a Northeast Corridor Safety Committee and appoint members to the Committee consisting or representatives of—

"(A) the Secretary;

"(B) the National Railroad Passenger Corporation;

"(C) freight carriers;

"(D) commuter agencies;

"(E) railroad passengers; and

"(F) any other persons or organizations interested in rail safety.

"(2) The Secretary shall consult with the Northeast Corridor Safety Committee on safety improvements in the Northeast Corridor.

"(3) Within 90 days following the date of enactment of this section, the Secretary shall, in accordance with section 333 of title 49, United States Code, convene a meeting of Northeast Corridor rail carriers for the purpose of reducing through freight traffic on Northeast Corridor passenger lines.

"(4) Within one year after the date of enactment of this section, and annually thereafter, the Secretary shall submit a report, including any recommendations for legislation, to the Congress on the status of efforts to improve safety in the Northeast Corridor pursuant to the provisions of this section.".

MISCELLANEOUS

SEC. 13. Section 211(c) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 440(c)) is repealed.

AMENDMENTS TO SAFETY APPLIANCE ACTS

SEC. 14. The Act of March 2, 1893 (45 U.S.C. 1-7), the Act of March 2, 1903 (45 U.S.C. 8-10), and the Act of April 14, 1910 (45 U.S.C. 11-16), commonly referred to as the Safety Appliance Acts are amended as follows:

(a) The Act of March 2, 1893, is amended—

(1) in the first section (45 U.S.C. 1)—

(A) by striking "common carrier engaged in interstate commerce by";

(B) by striking "in moving interstate traffic"; and

(C) by striking "in such traffic";

(2) in section 2 (45 U.S.C. 2)—

(A) by striking "common carrier" and inserting in lieu thereof "railroad"; and

(B) by striking "used in moving interstate traffic";

(3) in section 3 (45 U.S.C. 3), by striking "person, firm, company, or coporation engaged in interstate commerce by";

(4) in section 4 (45 U.S.C. 4), by striking "in interstate commerce";

(5) in section 5 (45 U.S.C. 5), by striking "in interstate traffic";

(6) in section 6 (45 U.S.C. 6)—

(A) by striking all before the first semicolon and inserting in lieu thereof the following: "Any such person (including a railroad or any individual who performs service covered under the Act of March 4, 1907, commonly referred to as the Hours of Service Act (45 U.S.C. 61 et seq.), as in effect on the date of enactment of the Railroad Safety Act of 1987, or who performs other safety-sensitive functions for a railroad, as those functions are determined by the Secretary of Transportation) using any locomotive engine, running any train, or hauling or permitting to be hauled or used on its line any car in violation of any of the provisions of this Act, shall be liable to a penalty in such amount, not less than $250 nor more than $10,000 per violation (with each day of a violation constituting a separate violation), as the Secretary of Transportation deems reasonable, except that a penalty may be assessed against an individual only for a willful violation, such penalty to be assessed by the Secretary of Transportation and, where compromise is not reached by the Secretary, recovered in a suit or suits to be brought by the United States Attorney for the judicial district in which the violation occurred, in which the individual defendant resides, or in which the defendant has its principal executive office"; and

(B) by adding at the end the following: "For purposes of this section, an individual shall be deemed not to have committed a willful violation where such individual has acted pursuant to the direct order of a railroad official or supervisor."; and

(7) in section 8 (45 U.S.C. 7)—

(A) by striking "common carrier" and inserting in lieu thereof "railroad"; and

(B) by striking "such carrier" and inserting in lieu thereof "such railroad".

(b) The Act of March 2, 1903, is amended—

(1) in the first section (45 U.S.C. 8), by striking "common carriers by" and by striking "engaged in interstate commerce" the second time it appears;

(2) in section 2 (45 U.S.C. 9)—

(A) by striking "common carriers engaged in interstate commerce by railroad" and inserting in lieu thereof "railroads"; and

(B) by striking "engaged in interstate commerce"; and

(3) in section 3 (45 U.S.C. 10), by striking "common carrier" and inserting in lieu thereof "railroad".

(c) The Act of April 14, 1910, is amended—

(1) in section 2 (45 U.S.C. 11), by striking "common carrier" and inserting in lieu thereof "railroad";

(2) in section 3 (45 U.S.C. 12)—

(A) by striking "in interstate or foreign traffic" wherever it appears;

(B) by striking "common carriers" and inserting in lieu thereof "railroads"; and

(C) by striking "common carrier" and inserting in lieu thereof "railroad";

(3) in section 4 (45 U.S.C. 13)—

(A) by striking "common carrier" and inserting in lieu thereof "person (including a railroad or any individual who performs service covered under the Act of March 4, 1907, commonly referred to as the Hours of Service Act (45 U.S.C. 61 et seq.), as in effect on the date of enactment of the Railroad Safety Act of 1987, or who performs other safety-sensitive functions for a railroad, as those functions are determined by the Secretary of Transportation)";

(B) by striking "carrier" wherever it appears and inserting in lieu thereof "person";

(C) by striking "of not less than $250 and not more than $2,500 for each and every such violation," and inserting in lieu thereof the following: "in such amount, not less than $250 nor more than $10,000 per violation (with each day of a violation constituting a separate violation), as the Secretary of Transportation deems reasonable, except that a penalty may be assessed against an individual only for a willful violation, such penalty";

(D) by striking "and recovered" and inserting in lieu thereof the following: "and, where compromise is not reached by the Secretary, recovered"; and

(E) by adding at the end the following: "For purposes of this section, an individual shall be deemed not to have committed a willful violation where such individual has acted pursuant to the direct order of a railroad official or supervisor.";

(4) in section 5 (45 U.S.C. 14), by striking "common carrier" and inserting in lieu thereof "railroad"; and

(5) by amending the first section (45 U.S.C. 16) to read as follows: "That used in this Act, the Act of March 2, 1893 (45 U.S.C. 1-7), and the Act of March 2, 1903 (45 U.S.C. 8-10), commonly known as the Safety Appliance Acts, the term 'railroad' shall have the same meaning as when used in the Federal Railroad Safety Act of 1970 (45 U.S.C. 431 et seq.).".

AMENDMENTS TO LOCOMOTIVE INSPECTION ACT

SEC. 15. The Act entitled "An Act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto", approved February 17, 1911 (45 U.S.C. 22 et seq.), is amended—

(1) by amending the first section (45 U.S.C. 22) to read as follows: "That the term 'railroad', when used in this Act, shall have the same meaning as when used in the Federal Railroad Safety Act of 1970 (45 U.S.C. 431 et seq.).";

(2) in section 2 (45 U.S.C. 23), by striking "carrier" wherever it appears and inserting in lieu thereof "railroad";

(3) in section 5 (45 U.S.C. 28)—

(A) by striking "common carrier" and inserting in lieu thereof "railroad"; and

(B) by striking "carrier" wherever it appears and inserting in lieu thereof "railroad";

(4) in section 6 (45 U.S.C. 29), by striking "carrier" and "carriers" wherever they appear and inserting in lieu thereof "railroad" and "railroads", respectively;

(5) in section 8 (45 U.S.C. 32), by striking "carrier" wherever it appears and inserting in lieu thereof "railroad"; and

(6) in section 9 (45 U.S.C. 34)—

(A) by striking all before the first semicolon and inserting in lieu thereof the following: "Any person (including a railroad or any individual who performs service covered under the Act of March 4, 1907, commonly referred to as the Hours of Service Act (45 U.S.C. 61 et seq.), as in effect on the date of enactment of the Railroad Safety Act of 1987, or who performs other safety-sensitive functions for a railroad, as those functions are determined by the Secretary of Transportation) violating this Act, or any rule or regulation made under its provisions or any lawful order of any inspector shall be liable to a penalty in such amount, not less than $250 nor more than $10,000 per violation (with each day of a violation constituting a separate violation), as the Secretary of Transporation deems reasonable, except that a penalty may be assessed against an individual only for a willful violation, such penalty to be assessed by the Secretary of Transportation and, where compromise is not reached by the Secretary, recovered in a suit or suits to be brought by the United States Attorney for the judicial district in which the violation occurred, in which the individual defendant resides, or in which the defendant has its principal executive office"; and

(B) by adding at the end the following: "For purposes of this section, an individual shall be deemed not to have committed a willful violation where such individual has acted pursuant to the direct order of a railroad official or supervisor.".

AMENDMENTS TO ACCIDENT REPORTS ACT

SEC. 16. The Act entitled "An Act requiring common carriers engaged in interstate and foreign commerce to make full reports of all accidents to the Interstate Commerce Commission, and authorizing investigations thereof by said commission", approved May 6, 1910 (45 U.S.C. 38 et seq.) is amended—

(1) in the first section (45 U.S.C. 38)—

(A) by striking "common carrier engaged in interstate or foreign commerce by";

(B) by striking "carriers" and by inserting in lieu thereof "railroads"; and

(C) by adding at the end the following: "The term 'railroad', when used in this Act shall have the same meaning as when used in the Federal Railroad Safety Act of 1970 (45 U.S.C. 431 et seq.).";

(2) in section 2 (45 U.S.C. 39)—

(A) by striking from "common carrier" and inserting in lieu thereof "railroad"; and

(B) by striking the last sentence;

(3) in section 3 (45 U.S.C. 40)—

(A) by striking "common carrier engaged in interstate or foreign commerce by"; and

(B) by striking "carriers" and inserting in lieu thereof "railroads";

(4) by amending section 7 (45 U.S.C. 43) to read as follows:

"SEC. 7. Any person (including a railroad or any individual who performs service covered under the Act of March 4, 1907, commonly referred to as the Hours of Service Act (45 U.S.C. 61 et seq.), as in effect on the date of enactment of the Railroad Safety Act of 1987, or who performs other safety-sensitive functions for a railroad, as those functions are determined by the Secretary of Transportation) who violates this act or any rule, regulation, order, or standard issued under this Act or the Federal Railroad Safety Act of 1970 pertaining to accident reporting or investigations shall be liable for a penalty in such amount, not less than $250 nor more than $10,000 per violation (woth each day of a violation constituting a separate violation), as the Secretary of Transportation deems reasonable, except that a penalty may be assessed against an individual only for a willful violation, such penalty to be assessed by the Secretary of Transportation and, where compromise is not reached by the Secretary, recovered in a suit or suits to be brought by the United States Attorney for the judicial district in which the violation occurred, in which the individual defendant resides, or in which the defendant has its principal executive office. For purposes of this section, an individual shall be deemed not to have committed a willful violation where such individual has acted pursuant to the direct order of a railroad official or supervisor.".

AMENDMENTS TO HOURS OF SERVICE ACT

SEC. 17. The Act of March 4, 1907, commonly referred to as the Hours of Service Act (45 U.S.C. 61 et seq.), is amended—

(1) in the first section (45 U.S.C. 61)—

(A) in subsection (a), by striking "common carrier engaged in interstate or foreign commerce by";

(B) in subsection (b)(1), by striking all after "term" and inserting in lieu thereof "'railroad' shall have the same meaning as when used in the Federal Railroad Safety Act of 1970 (45 U.S.C. 431 et seq.)."; and

(C) In subsection (b)(4), by striking "carrier" and inserting in lieu thereof "railroad";

(2) in section 2 (45 U.S.C. 62), by striking "common carrier" wherever it appears and inserting in lieu thereof "railroad";

(3) in section 3 (45 U.S.C. 63), by striking "common carrier" and inserting in lieu thereof "railroad";

(4) in section 3A (45 U.S.C. 63a), by striking "common carrier" and "carrier" wherever they appear and inserting in lieu thereof "railroad";

(5) in section 4 (45 U.S.C. 64), by striking "common carrier" and inserting in lieu thereof "railroad";

(6) in section 5 (45 U.S.C. 64a)—

(A) by amending subsection (a)(1) to read as follows:

"(a)(1) Any person (including a railroad or any officer or agent thereof, or any individual who performs service covered by this Act, or who performs other safety-sensitive functions for a railroad, as those functions are determined by the Secretary of Transportation) that requires or permits any employee to go, be, or remain on duty in violation of section 2, section 3, or section 3A of this Act, or that violates any other provision of this Act, shall be liable for a penalty of up to $1,000 per violation, as the Secretary of Transportation deems reasonable, except that a penalty may be assessed against an individual only for a willful violation, such penalty to be assessed by the Secretary of Transportation and, where compromise is not reached by the Secretary, recovered in a suit or suits to be brought by the United States Attorney for the judicial district in which the violation occurred, in which the individual defendant resides, or in which the defendant has its principal executive office. It shall be the duty of the United States Attorney to bring such an action upon satisfactory information being lodged with him. In the case of a violation of section 2(a)(3) or (a)(4) of this Act, each day a facility is in noncompliance shall constitute a separate offense. For purposes of this section, an individual shall be deemed not to have committed a willful violation where such individual has acted pursuant to the direct order of a railroad official or supervisor.";

(B) in subsection (a)(2), by striking "the common carrier" and inserting in lieu thereof "such person";

(C) in subsection (c), by striking "common carrier" and inserting in lieu thereof "railroad"; and

(D) in subsection (d), by striking "carrier" and inserting in lieu thereof "railroad".

AMENDMENTS TO SIGNAL INSPECTION ACT

SEC. 18. Section 26 of the Act of February 4, 1887 (49 App. U.S.C. 26) is amended—

(1) by amending subsection (a) to read as follows:

"(a) The term 'railroad' as used in this section shall have the same meaning as when used in the Federal Railroad Safety Act of 1970 (45 U.S.C. 431 et seq.).";

(2) in subsection (b), by striking "carrier" wherever it appears and inserting in lieu thereof "railroad", and by striking "carriers" and inserting in lieu thereof "railroads";

(3) in subsection (c)—

(A) by striking "carrier by"; and

(B) by striking "carrier" wherever it appears and inserting in lieu thereof "railroad";

(4) in subsection (d), by striking "carrier" wherever it appears and inserting in lieu thereof "railroad";

(5) in subsection (e), by striking "carrier" and inserting in lieu thereof "railroad";

(6) in subsection (f), by striking "carrier" and inserting in lieu thereof "railroad";

(7) in subsection (h)—

(A) by amending the first sentence to read as follows: "Any person (including a railroad or any individual who performs service covered under the Act of March 4, 1907, commonly referred to as the Hours of Service Act (45 U.S.C. 61 et seq.), as in effect on the date of enactment of the Railroad Safety Act of 1970, or who performs other safety-sensitive functions for a railroad, as those functions are determined by the Secretary of Transportation) which violates any provision of this section, or which fails to comply with any of the orders, rules, regulations, standards, or instructions made, prescribed, or approved hereunder shall be liable to a penalty in such amount, not less than $250 nor more than $10,000 per violation (with each day of a violation constituting a separate violation), as the Secretary of Transportation deems reasonable, except that a penalty may be assessed against an individual only for a willful violation, such penalty to be assessed by the Secretary of Transportation and, where compromise is not reached by the Secretary, recovered in a suit or suits to be brought by the United States Attorney for the judicial district in which the violation occurred, in which the individual defendant resides, or in which the defendant has its principal executive office."; and

(B) by adding at the end the following: "For purposes of this section, an individual shall be deemed not to have committed a willful violation where such individual has acted pursuant to the direct order of a railroad official or supervisor.".

(8) by striking "Commission" wherever it appears and inserting in lieu thereof "Secretary of Tranportation".

MAXIMUM TRAIN SPEEDS

SEC. 19. The Secretary of Transportation, in consultation with the Federal Railroad Administration, shall, within six months of the enactment of this legislation, institute a rulemaking, as may be necessary, provide for the safety of highway travelers and pedestrians who use railroad grade crossings points where trains operate through any densely populated college campus. As determined by the Secretary to be necessary such rulemaking shall require, maximum speed limits for trains, guardrails and warning lights at railgrade crossings located on any such campus, and intensified presentation of Operational Lifesavers educational programs on such campuses to familiarize students, and other persons with the inherent dangers of such crossings.

RAIL PASSENGER SERVICE ACT AMENDMENTS

SEC. 20. (a) Section 301 of the Rail Passenger Service Act (45 U.S.C. 541) is amended by striking "agency" and inserting in lieu thereof "agency, instrumentality,".

(b) Section 303(a)(1)(E) of the Rail Passenger Service Act (45 U.S.C. 543(a)(1)(E)) is amended to read as follows:

"(E) Two members selected by the preferred stockholders of the Corporation, who each shall serve for a term of one year or until their successors have been appointed.".

(c) Section 303(d) of the Rail Passenger Service Act (45 U.S.C. 543(d)) is amended by striking the third sentence and inserting in lieu thereof the following: "The president and other officers of the Corporation shall receive compensation at a level no higher than the general level of compensation paid officers of railroads in positions of comparable responsibility.".

(d) Section 308(a) of the Rail Passenger Service Act (45 U.S.C. 548(a)) is amended by inserting immediately after "also" in the last sentence the following: "provide all relevant information concerning any decision to pay to any officer of the Corporation compensation at a rate in excess of that prescribed for level I of the Executive Schedule under section 5312 of title 5, United States Code, and".

(e) Section 602(i) of the Rail Passenger Service Act (45 U.S.C. 602(i)) is repealed.

(f) Subsection (b) of the first section of the Act entitled "An Act to amend the Rail Passenger Service Act of 1970 in order to provide financial assistance to the National Railroad Passenger Corporation, and for other purposes", approved June 22, 1972 (Public Law 92-316; 86 Stat. 227), is repealed.

PROTECTION FOR CERTAIN WORKERS

SEC. 21. (a) No employee shall be disciplined or sanctioned as a result of information discovered through access authorized by this Act to the National Driver Register, where such employee has successfully completed a rehabilitation program subsequent to the cancellation, revocation, or suspension of the motor vehicle operator's license of such person.

(b) Section 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431), as amended by this Act, is further amended by adding at the end the following:

"(j) The Secretary shall, within one year after the date of enactment of the Railroad Safety Act of 1987, issue such rules, regulations, orders, and standards as may be necessary for the protection of maintenance-of-way employees, including standards for bridge safety equipment, such as nets, walkways, handrails, and safety lines, and requirements relating to instances when boats shall be used.".

(c) Section 2 of the Act of March 4, 1907, commonly referred to as the Hours of Service Act (45 U.S.C. 62), is amended by adding at the end the following:

"(e) As used in section 2(a)(3) of this Act, the term 'employee' shall be deemed to include an individual employed for the purpose of maintaining the right-of-way of any railroad.".

(d) The Secretary of Transportation shall, within one year after the date of enactment of this Act, amend part 218 of title 49, Code of Federal Regulations, to apply blue signal protection to on-track vehicles where rest is provided.

Mr. KASTEN. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. KERRY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senate will be in order.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there be a brief period for morning business, that Senators may speak therein for not to exceed 5 minutes each, and that that period not extend beyond the hour of 6:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

WEINBERGER DEPARTS

Mr. DOLE. Mr. President, after 7 years overseeing one of our Nation's most important agencies, Cap Weinberger stepped down today as Secretary of Defense.

We will miss him and his service.

In his long and distinguished public career, Secretary Weinberger has served this Nation in numerous ways—as a member of Gen. Douglas MacArthur's intelligence staff during World War II; as director of finance for the State of California; as Chairman of the Federal Trade Commission; as Deputy Director and later Director of the Office of Management and Budget; then as Secretary of HHS: and finally, Secretary of Defense.

Throughout his decades of public service—and throughout his successful private business career, as well—Cap has been renowned for his constant adherence to principle.

I can think of no better way to prove that than to point out that when he served as OMB Director, Cap gained a reputation for extraordinary cost cutting. That was not a popular thing to do in this town back then—nor may I add that it's any more popular today—but Cap took this unpopular but necessary action based on his principles.

Conversely, as Secretary of Defense, he has called for a level of defense spending that in recent years has not been popular. But, again, he did not bend with the changing political winds. He stoods firm—based on the principle that his responsibility was to defend the country.

His clear vision of defense led him inevitably to advocate that the United States develop the capability to defend herself from enemy ballistic missiles. He championed the cause for a strategic defense not just on strategic grounds, but on the higher moral necessity for a government to protect its citizens.

Further, he directed the urgent drive to rebuild our Nation's neglected and demoralized Armed Forces. He accomplished these goals and much more.

In doing so, he has been able to provide President Reagan with insightful counsel on matters of national security. For instance, it was his principle and clear world view that led him to oppose the ill-fated sales of arms to Iran.

That kind of counsel will be missed not only by the President, but by this body and the Nation at large. We'll miss his exhortations for appropriate caution when dealing with the Soviet Union as we are today.

Indeed, as the Senate focuses on the need for verification and enforceability of the proposed INF Treaty, we'll do so in large part because Cap Weinberger helped keep those issues before us.

We'll miss Cap and we will miss his devotion to timeless American principles, his willingness to work long hours, and his deep commitment to his defense responsibilities.

History will record that Caspar Weinberger was one of the finest public servants this country has ever known.

BICENTENNIAL MINUTE

NOVEMBER 5, 1975: SENATE OPENS ALL COMMITTEE MEETINGS

Mr. DOLE. Mr. President, a dozen years ago today, on November 5, 1975, the U.S. Senate voted 86 to 0 to open its committee meetings to the public and the press. This move was a part of the general "Sunshine" movement that followed in the wake of Watergate, and concern over excessive secrecy in Government.

The Senate began by rejecting—by a margin of 77 to 16—a Rules Committee proposal that would have allowed each committee to set its own rules for opening hearings, and then adapted a more sweeping proposal, offered by Senator ROBERT BYRD, to open all committee meetings, including markup sessions, unless they dealt with issues of national security or personal privacy.

As Senator MARK HATFIELD said during the debate over the measure: "For too long the major decisions affecting the lives of millions of Americans have been made behind closed doors. The pictorial image of smoke-filled rooms, unfortunately, has not only been applied to political image of smoke-filled rooms, unfortunately, has not only been applied to political conventions, but to the Congress as well." Senator WILLIAM ROTH added: "I believe that when we rid the Government of unnecessary secrecy, there will be greater respect for the times when confidentiality is necessary."

Senator Edmund Muskie pointed out that the Budget Committee had already begun holding its markup sessions in public, and while he had first had some misgivings, he found that it was quite possible to reach accommodations and debate difficult issues in open sessions. "Open meetings have encouraged responsible decisionmaking," he reported. "They have improved our access to public opinion, and they have broadened both the debate and public involvement where our tax dollars will be spent."

Today, the Senate continues to work quite well under the open door rule that we adopted 12 years ago.

SOVIET JEWRY REUNIFICATION

Mr. GRAHAM. Mr. President; Svetlana Braun lives today in the United States with her husband. She is one of the lucky ones—Soviet Jews who were given permission to join their families living outside Russia. We rejoice in the good fortune of Keith and Svetlana Braun as their long overdue reunification takes place. But the end of the Brauns' ordeal serves as a stark reminder that others are not so fortunate.

Dr. Galina Vileshina, a Russian imigrant who is now a U.S. citizen with a medical practice in Boca Raton, FL, is currently visiting her husband for 3 weeks in Lithuania. The couple has been separated since 1978. Dr. Vileshina's husband, Pyatras Pakenas, has been forbidden to practice law since he first applied for an exit visa in 1978. Every request he has submitted to emigrate has been denied. this is a shameful violation of every humane principle and of human rights, made more grievous by Mr. Pakenas' serious medical problems. The stress and sorrow of separation from his family is compounded by his precarious health and by the unavailability of adequate medical treatment for his condition in the Soviet Union.

There is no cogent reason to make virtual prisoners of people who have legal permission to join their families in other countries. Citizens of the Union of Soviet Socialist Republics have the same love of family and the same right to be with their families as anyone else, anywhere else. We continue to insist that trust in international relations cannot be developed with governments which do not treat their citizens honorably. Respect for marriage and family and individual choice is so fundamental a social value that we cannot conceive of a world in which such respect does not exist. We call upon the Soviet Union to allow the reunification of divided families without further delay. A political policy of broken families is a tactic unworthy of a world power and unacceptable to the world community.

A CALL TO THE SOVIET UNION TO REUNITE DIVIDED FAMILIES

Mr. DIXON. Mr. President, in my home State of Illinois there is a young woman, Elizabeth Zhitkov, who since her marriage last March has been separated from her husband, Andrei. Elizabeth has been working with my friend and colleague, Senator PAUL SIMON, in an effort to expedite her husbands immigration to the United States. Their experience is filled with frustration, and clearly shows the difficulties imposed by the Soviet Government on their citizens who marry foreigners.

While Elizabeth and Andrei have in good faith done everything to make his emigration possible, the Soviet Government consistently created obstacles. The Zhitkovs have been unable to obtain the appropriate papers and currently face a situation which is needless and frightening.

In the fall of 1986, Elizabeth Crewe, from Palos Hills, IL, traveled to the Soviet Union to participate in a 4-month study program in conjunction with the Council on International Educational Exchange at Leningrad State University. There she met and fell in love with Andrei Zhitkov. They decided to marry.

In December 1986, Andrei and Elizabeth applied for a marriage application. They were given a 3-month waiting period. In January 1987, Elizabeth's student visa expired and she was forced to return to the United States.

On March 2, 1987, after a 3-month separation, Elizabeth returned to Leningrad and married Andrei without difficulty. Unable to remain in Leningrad, Elizabeth left the Soviet Union 2 days later and has been separated from her husband, Andrei, for the past 8 months.

In July 1987, having secured an indefinite postponement of Andrei's induction into the military, the Office of Visas and Emigration Registration [OVIR], accepted Andrei's application for an exit visa. According to Soviet law, OVIR must act within a month to grant or reject his request. Instead, Andrei's application remains on indefinite hold and due to actions taken by the OVIR, Andrei's legal right to stay in Leningard is now uncertain.

Andrei's parents divorced over 20 years ago, but since his estranged father refuses to sign the necessary documents for either Elizabeth to live in Leningrad or for Andrei to emigrate, his papers are "incomplete". On the advice of official at the OVIR, Aleksandr Alekseevich Chulilin, Andrei signed out of his biological father's apartment in Leningrad. Mr. Chulilin stated that Andrei's father's claims against his son were based on the fact that Andrei occupied this apartment and that as soon as Andrei signed out, they could grant him an exit visa.

Andrei, in good faith, followed this advice. He has now lost his job and has no legal right to remain in Leningrad. It is only a matter of time before Andrei is forced to return to the closed city of Pechora, where Elizabeth can never visit.

The situation of Andrei and Elizabeth Zhitkov's is not new. What emerges is a clear picture of a young couple whose hopes of a life together have been blocked by the Soviet Government. The OVIR has broken its word and Elizabeth and Andrei suffer needlessly. For what purpose? The motive is beyond this Senator's comprehension.

Soon President Reagan and General Secretary Gorbachev will meet to discuss relations between our two nations. Now is an opportune time for the Soviet Union to honor the Helsinki accords and actively work to reunite divided families. A important first step would be to grant Andrei Zhitkov's exit visa.

DIVIDED SPOUSES

Mr. MOYNIHAN. Mr. President, I rise today to address a human rights problem of special poignance: divided spouses. The Soviet Government has repeatedly prevented spouses and intended spouses from reuniting when one partner is American and the other a Soviet citizen.

The number of such cases is not large, but their import in human terms is great. In the case of Elizabeth Condon of Massachusetts and her fiance Victor Novikov, an 8-year delay by the Soviet authorities has prevented the couple from realizing their wish to have children.

Antonette Bohonovsky of New York City twice had her marriage to Soviet Evgenie Grigorishin blocked by Soviet authorities. The second time, in May 1986, the Soviets intervened on the day of the marriage and arrested the groom. Soviet agents then harassed Ms. Bohonovsky until they put her on a flight to Paris with no ticket home.

According to a June 26, 1986, cable from the Department of State, "Ms.

Bohonovsky's harassment by Soviet authorities is unfortunately not unique."

The Soviets are bound by the Helsinki accords to "examine favorably and on the basis of humanitarian considerations requests for exit or entry permits from persons who have decided to marry a citizen" from one of our two countries. Their record in this regard, while improving, falls short.

There have been encouraging signs in recent months that the Soviet Union is improving its human rights record. It is not a coincidence that this improvement has been accompanied by closer relations between our two countries.

My colleagues in the Senate and I were heartened Tuesday night when Svetlana and Keith Braun were reunited more than 3 years after their marriage. We hope that the coming months will bring us more stories like the Brauns', and that at this time next year, there will be no more divided spouses.

SOVIET JEWRY REUNIFICATION

Mr. KENNEDY. Mr. President, there are encouraging signs that the Soviets are permitting some families to reunite. I rejoice that Svetlana Braun was able to leave the Soviet Union and be reunited with her husband Keith on Tuesday. But that is only one case.

On October 23, Elizabeth Condon and Victor Novikov would have celebrated their eighth wedding anniversary had Soviet authorities not prevented their marriage in 1979. Since that time, Elizabeth has applied 10 times to visit the Soviet Union and Victor has applied 9 times to visit the United States so they could be married—each request was denied.

Elizabeth is a Russian teacher in Lynn, MA. She has devoted much of her life to improving relations between the United States and the Soviet Union. She has participated in Fulbright and AFS programs in Moscow and has escorted groups of students on tours in the Soviet Union. Elizabeth is an example of one dedicated to finding what is positive about the Soviet Union but has been repaid with what is unacceptable about the Soviet Union.

After meeting in 1967, Elizabeth and Victor saw each other 10 times before 1979. Victor, formerly a research chemist, lost his job in 1982 after applying to emigrate. Their first attempt at marriage was blocked by a slanderous letter reporting that Victor was already married—he was not. Since that time, Soviet officials have come up with one excuse after another to prevent the couple from being married.

As Anthony Lewis wrote more than a year ago:

> They are not politically significant people, Miss Condon and Mr. Novikov. They have achieved no fame, carried out no political dissent, challenged no orthodoxy. They just want to get married and live together, but the denial of that simple human right is significant, a damaging and puzzling Soviet policy.

I am elated that the Brauns will finally be able to begin a life together which was for so long denied them—a life which is still denied Elizabeth Condon and Victor Novikov.

DIVIDED SPOUSES: THE BALOVLENKOV CASE

Mr. SARBANES. Mr. President, while overall emigration levels from the Soviet Union have improved somewhat in recent months, almost no progress has been made toward resolving the tragic problem of divided spouses and blocked marriages. There are now approximately 20 Soviet-American couples who are forced to live in separation because the Soviet Government will not grant one of them an exit visa. The case of Yuri and Elena Balovlenkov has been of particular concern to me since Elena is an American citizen and a native of Baltimore.

Mr. and Mrs. Balovlenkov have been forcibly separated for almost 9 years. Yuri, a computer engineer, met Elena, an American nurse, when she was visiting the Soviet Union in 1977, and they were married the following year. Since that time, Yuri has been denied an exit visa on 15 occasions with no reason given for his refusal. Elena has not been allowed to visit him since 1982, and even telephone contact has been severely restricted. Yuri's job was taken away immediately following his first application to emigrate, forcing Elena to work two jobs in the United States in order to support him and their two daughters—the younger of which Yuri has never even seen.

To protest his treatment by the Soviet Government, Mr. Balovlenkov has undertaken two lengthy and debilitating hunger strikes. The first one, in 1982, lasted 79 days, and ended after the Soviets promised him that he would be allowed to leave the country by 1985. When that date passed and Yuri still had not been granted an exit visa, he began a second hunger strike which lasted 100 days. His health still suffers from that experience.

The Balovlenkovs have withstood great hardship and deep personal anguish. They have remained brave and committed to one another throughout their long ordeal, and are doing everything in their power to secure a future together in the United States. I once again call upon the Soviet Union to stop this senseless harassment and allow the Balovlenkov family to be reunited at once.

NEW JERSEY DIVIDED SPOUSE ANDREA WINE

Mr. LAUTENBERG. Mr. President, I am pleased to join in this effort to raise the cases of American citizens that are needlessly separated from their spouses in the Soviet Union. I have been working on behalf of one of my constituents, Andrea Wine, who has been separated from her husband, Victor Faermark, since they married in 1985.

Andrea Wine is a U.S. citizen who grew up in New Jersey. She is now an international management consultant who currently lives and works in England. Her parents live in Cranbury, NJ. Andrea married Victor Faermark in the Soviet Union on November 21, 1985.

Like all of the divided spouse cases, Victor and Andrea's is tragic. Victor is 45 years old and has a doctoral degree in physical chemistry. When he first applied to emigrate from the Soviet Union in 1971 he had an excellent job as a research scientist. But, as soon as he applied to emigrate, he lost his job and was denied permission to emigrate on the grounds of secrecy. Because of his desire to emigrate, Victor has been unable to get a scientific job, and he has been working as an engineer on ventilation projects.

Andrea and Victor have been married for nearly 2 years, but the Soviets keep them needlessly separated. Since they were married, Andrea has been able to see her husband only a handful of times.

Despite the fact that Victor has not had access to any secret information since he was fired from his job in 1971, the Soviets continue to deny him permission to emigrate on the grounds of "possession of state secrets." Andrea has been told countless times that her husband's case is under review.

Reviewing the case of Victor Faermark is not enough. Victor and Andrea should be able to live together in the United States. They should not be used as pawns in the game of international politics. The Soviets should make good on the promises they made when they signed the Helsinki accords and resolve this case.

AN OCEAN APART

Mr. KERRY. Mr. President, the Soviet Union has made progress recently in the area of human rights under Mikhail Gorbachev's policy of glasnost. The numbers of Jews allowed to emigrate has increased, although not to the levels of 1979, and a number of prominent refuseniks have been permitted to leave. We have also seen evidence of a more open Soviet attitude in arms control, in arts and literature, and in other areas.

However, while I am encouraged by this progress, there is still much room for improvement. I am concerned by the numbers of Jews and others who are still not permitted to leave. And I am concerned by the continuing cases of divided spouses which are still unresolved.

One such case is that of Elizabeth Condon and Victor Novikov. Ms. Condon is a resident of Lynn, MA. She is a teacher of Russian, and has been engaged in efforts to promote greater understanding of Russian language and culture in this country. She also happens to be engaged to a Soviet citizen, Victor Novikov.

Mr. Novikov lives in Moscow, and has been refused permission to leave the U.S.S.R. and come to America to be united with his fiance, Ms. Condon. He has applied for permission to emigrate 10 times, and each time he has been refused. Mr. Novikov is a research chemist, and he held a low-level classification for his work in a "closed institute" from 1976-77. However, he has not engaged in any such work for 10 years, and has not been able to work in his profession at all since 1982.

Victor Novikov is not a threat to the Soviet state. He is simply a man who wishes to be united with his fiance, and to be allowed to marry and to live with his wife. The continuing Soviet refusal to allow him to do this is not comprehensible to me.

I hope that the Soviets will reconsider the case of Victor Novikov, and others like him. I hope that, in the spirit of the upcoming summit meeting and improved relations between our two countries, the Soviet Union will allow Mr. Novikov to emigrate and come to the United States. In the spirit of glasnost, I call upon the Soviets to let Victor Novikov go.

I ask unanimous consent that an article from the Lynn Magazine about Elizabeth Condon and Victor Novikov be printed in the RECORD.

There being no objection the article was ordered to be printed in the RECORD, as follows:

AN OCEAN APART

(By Joan Axelrod)

Their story has all the romance and political intrigue of a best-selling novel. She's a school teacher from Lynn. He's a boyishly handsome Soviet scientist. They met on a blustery Tuesday in Moscow, fell in love, and decided to marry. That's when their problems began. The Soviet government blocked their wedding, at the last minute, in the fall of 1979. Since then, the government has kept the two lovers apart by refusing to let him leave or her enter the country.

Elizabeth Condon, 44, is a slender woman with delicately chiseled features and dark hair flecked with gray. She dresses conservatively and seems, at first glance, a model of decorum. But, beneath the mild manner is the spirit of a fighter. Just when she feels like giving up, something within drives her on. Stubborness. Anger. She's indignant that any government can control whom she marries. Convinced she is too old to bear children, she says, "Clearly, the Soviets made the decision for me."

Her fiancé, Victor Novikov, 55, who is also dark-haired and conservative looking, save for a pixyish smile, agrees that no government should have a say in whom he marries. He's a fighter too, with more to lose in his native country than Condon in hers.

Their friendship has been a long one. Condon first visited Moscow in 1967 as a young woman of 24 on a cultural exchange program about American consumer goods. She and Novikov met at a bus stop. Condon wanted to go shopping but wasn't sure which bus to take, so she asked the person standing next to her. Later she'd find out his name—Victor Novikov—but initially their conversation was limited to bus routes.

Condon rode the bus to her stop, only to find that the shops were closed for lunch. Walking down the street, she heard a voice say, "Are you lost? Can I help you?"

"No," she replied firmly in Russian. But Novikov kept walking beside her anyway. They chitchatted about her stay in Moscow and his graduate school work, then agreed to meet later that afternoon at a museum. The museum date was followed by picnics and trips to the ballet and theater.

They talked about the fountain of youth. He was a firm believer in exercising and eating right to stay young. She smoked (much to his dismay) and thought the fountain of youth was an illusion.

The two also differed in temperament. Although witty and laid-back most of the time, Novikov had a passionate all-or-nothing streak when it came to their budding romance. She, on the other hand, tended to be more nervous about day-to-day matters but easygoing about developing their relationship. Instead of plunging right in, she was willing to take her time. "I don't believe in bells ringing," she explains.

At first Condon viewed Novikov as simply a nice guy and potential pen pal. Even if the Soviet government had hired him to occupy her time (she was working for the U.S. government at the time, and the thought had crossed her mind, although she eventually dismissed it), he struck her as intelligent and well read. Still, the idea of getting involved with someone from so far away didn't really appeal to her.

He, however, looked at things differently. By the time Condon returned to Moscow in 1970, Novikov knew he wanted to marry her. But she turned him down. Devastated, he wanted to break off the relationship altogether. Ultimately, she prevailed on him to keep seeing her for the rest of the visit.

CHANGE OF HEART

Condon returned to Moscow several times in the 1970s, usually on visits with her students, and her feelings about marrying Novikov began to change. Never before had she met a man who enjoyed all the things she enjoyed (from sunbathing to ballet), and whose temperament balanced hers so well.

Also contributing to her change of heart were the facts that by 1979 detente had arrived, and Novikov, who originally had wanted Condon to move to the Soviet Union, agreed to move to the United States. That summer Condon said she would marry him. She and Novikov filed for a wedding license in Moscow and were given a date—Thursday, October 23, 1979—to get married.

Condon returned home, bought a wedding gown, and made travel arrangements for herself and her sister. But the October trip seemed ill-fated from the start. Instead of starting in Moscow and then going to Leningrad as planned, the tour group she had flown over with made a last minute switch in the itinerary. Condon and her sister were in Leningrad—not Moscow—the eve of the wedding. Then the plane was delayed in a snowstorm. Frantically, Condon called Novikov, who was waiting in Moscow with some bad news of his own.

Soviet authorities told him they had received an anonymous tip that he was already married. Novikov insisted that it was a lie, but authorities said they needed to investigate the matter. Time was running out. Having finally arrived in Moscow late Tuesday night, Condon had less than a week left of her visit. She turned to the U.S. Embassy for help but was told that since her passport did not list marriage as the reason for her visit, there was nothing the embassy could do.

In retrospect, Condon wishes she'd been more aggressive with the embassy, or had contacted politicians in Washington then, but at the time all she could do was hope the matter would quickly be resolved.

The last night of her trip Condon donned her cream-colored wedding dress and pinned silk flowers in her hair for a special dinner with Novikov and his family at his sister's house. The prospective bride and groom tried on their wedding bands. Then, instead of banging on their glasses to get the couple to kiss, members of Novikov's family yelled "gorko," or "bitter," in keeping with the Russian tradition of kissing away the bitterness. (Both families have been supportive of the couple. Novikov's mother died in 1982, without seeing the matter resolved.)

Condon and Novikov said good-by, having no idea of what was in store for them. They didn't imagine they would still be unmarried eight years later.

Once the anonymous tip about his marriage was disproved, Novikov tried to reschedule the wedding, to no avail. Altogether, the couple has had nine visas denied. Condon says her applications have come back to Novikov stamped "undesirable" or "inexpedient."

After applying for emigration in 1982, Novikov was fired from his position as an organic chemist doing medical research. He is now unemployed. His position, like that of other separated spouses and fiancés, is similar to that of the Jewish refuseniks, according to Condon: they are ostracized by the government and often by their friends. Novikov does have his family around him. He comes from a well-to-do background, by Soviet standards. Two of his sisters are physicists, his brother's a doctor. The family has a country house in addition to their Moscow home. All the children play musical instruments, (Novikov plays the cello).

Novikov's exist visa requests have been denied on various grounds: one time officials said he did not know Condon well enough; another time they said he was a "valuable scientific worker" (after he had been fired).

He has been beaten up and called to the police station for questioning, according to Condon. "Why do you want to marry an American?" he's been asked. In response, he's written to top officials, deciding his case. Condon says he's even written to Soviet leader Mikhail Gorbachev with words to the effect of, "What would you do if someone told you to get rid of your wife? Why can't I pick whom I want to marry?"

Condon and Novikov aren't the only Russian/American couple waiting to be reunited. According to U.S. State Department information, 80 to 90 percent of the Russians married to Americans (about 100 per year) are permitted to emigrate within a year; others are still waiting after thirty years.

Condon believes that by not letting everyone out, the Soviets have hostages of sorts they can use as "bargaining chips" in the international diplomatic arena.

Kathleen Lang, a human rights officer for the State Department, says the Condon case has come up several times in Soviet-American negotiations, but, each time, the Soviets have contended that Novikov poses a security risk and should therefore be refused emigration. As an organic chemist, Novikov had been involved in classified research between 1976 and 1977, according to Condon. But Lang is skeptical about how much of a security risk Novikov's old work could really pose.

"After a few years of not practicing, scientists don't know any sensitive information," says Lang. "You don't even need to have done scientific work to be considered a security risk in Russia, however. We never know why one person's considered a security risk and others aren't. It's illogical."

In a telephone interview, Soviet spokesman Vladimir Kuleshov of the Soviet Embassy in Washington, DC, said he saw no contradictions between Gorbachev's new policy of openness and the blocking of Condon and Novikov's marriage. "In every country there are certain rules and certain regulations which exist for the sake of safe security," he said, adding that the Condon-Novikov case is now being reconsidered.

The State Department contends that the Soviets' refusal to let Novikov emigrate violates a clause in the Helsinki Accords requiring participating states to "examine favorably . . . requests for exit or entry permits from persons who have decided to marry a citizen from another participating state." The Soviets signed this agreement in 1975, but when reminded of it in the context of the Condon case, Lang says the Soviets argue back that the United States has violated the human rights accords by failing to address its own problems of unemployment.

The State Department also has received some criticism from the American citizens involved in blocked marriages. Until the past eighteen months, the State Department had not given partners of blocked marriages nearly as much attention as divided spouses. "Part of the problem is deciding who is really engaged and who is not," explains Lang. "It can be difficult to decide." Both governments have a fear of fictitious marriages.

Condon had to fight to get her name on the list for the Vienna negotiations this year, but did so with help from politicians such as Congressman Nicholas Mavroules (D-Massachusetts).

The State Department is now giving blocked marriages a high priority. Having already filed for a marriage license (eight years ago), Condon has had little trouble convincing the State Department that she's truly engaged.

In June, she and eight other divided partners met with Secretary of State George Shultz who assured them of the government's commitment to their cause. Several cases have been resolved in the past two years—often right before high-level meetings such as the Geneva Summit in 1985. "Maybe they wanted to put the U.S. in a good mood for the negotiations, although that hasn't been the case in 1987," says Lang. In these cases, "you can never know what did the trick. You never know what changed their mind."

More light might be shed on the Soviet's point of view during a satellite hookup between Soviet and American legislators scheduled for an October broadcast. The program will tentatively include discussion of blocked marriages and divided spouses.

Mavroules, meanwhile, continues to press Condon's case. "We'll pursue this matter for as long as the Soviet's remain intransigent," says Michael Greenstein, chief district aid for the congressman.

WAITING IS THE HARDEST PART

Each year Condon fills out her Christmas cards with the same note: "Still working on the thing with Victor." Friends have begged her to put a time limit on her waiting, to find someone closer to home. But Condon doesn't take her commitments lightly. It took her twelve years to decide to marry Victor, she says. She's not about to back out while there's still a glimmer of hope.

In the early years of waiting Condon kept a low profile, hoping the situation would resolve itself quietly. But eventually, her patience wore thin. That is when she decided to publicize her case and seek help from politicians.

The decision was a difficult one. Ever since her days in the Russian Club at St. Mary's High in Lynn she's had a fondness for the Russian people and culture. She was afraid her fight would encourage people to think of the Russians as "evil commies," when she really believes the Russians are nice people, for the most part. However, she knew if the marriage was ever to take place, she needed the help of government officials.

"Speaking out" can be a demanding job, however, especially in addition to her full-time job teaching French in the Woburn public schools. She is constantly calling or writing politicians, attending talks by Soviet specialists, or talking to the press. Every proposed summit or mention of the New Soviet openness ("glasnost") puts her on an emotional roller coaster.

While waiting for results, Condon writes to Novikov frequently and calls him every month or two. At two dollars per minute they try to avoid depressing subjects, she says. They try to stay positive, although it is not easy. Last Christmas she got a telegram from Novikov saying "Merry Christmas. Happy New Year. I got another denial.

The denials and the arguments over red tape and futility have put a strain on the relationship. So has the fact that Novikov has not yet learned how to speak English.

But despite the wear and tear, the romance continues, and recently Condon was relieved to discover the same old witty Victor she remembered from their courting days. She had called to ask him to appear on a special satellite hookup of the Donahue Show. The two would be reunited on video. (The show never was filmed, although Condon appeared on another show featuring divided spouses.)

"You've got to look nice and seem intelligent," said Condon.

"What do you mean seem intelligent?" he replied.

"If they ask why Gorbachev's doing this to us, just say you don't understand."

"How can I seem intelligent saying I don't understand?" he teased.

Neither Novikov nor Condon knows for sure why they haven't been allowed to be together. She wants nothing more than to pick him up at the airport and bring him home to the North Shore for a stroll along the beach and a romantic seafood dinner. But she has to wait and see, while the wheels of bureaucracy slowly turn.

DIVIDED AMERICAN AND SOVIET SPOUSES

Mr. DECONCINI. Mr. President, I am pleased to join my colleagues to address a subject which dramatically affects the lives of a small group of individuals. In late August 1985, I traveled to the Soviet Union for the third time as a member of a congressional delegation. During my trip, I had the opportunity to meet personally with several Soviet citizens who have been repeatedly denied the right to emigrate to join their American spouses in this country. Their only fault was to fall in love. Unfortunately, they did so in a nation that does not respect the rights of its citizens to emigrate freely.

I am encouraged that since my last visit to the Soviet Union, positive steps have been taken by the Soviet Government to resolve binational marriage cases. However, there are still some Soviet citizens who are unable to join their spouses in America, including that of Anatoly Michelson who has been kept apart from his wife by Soviet authorities for an incredible 31 years. I am also concerned about what appears to be a concerted Soviet effort to block a small number of marriages.

Mr. President, the most basic family relationship is between husband and wife. The Helsinki Final Act clearly establishes that married citizens of different states should have their requests for exit and entry permits examined favorably and expeditiously in a humanitarian spirit. What the Helsinki Final Act does not do is allow states to second-guess the decision an individual makes about whom they want to be with for the remainder of his/her life. I call upon the Soviet Union to honor its commitments under the binational marriage provision of the Helsinki Final Act and immediately grant emigration permission to the relatively small number of remaining divided spouses. By resolving these personal tragedies, the Soviet Union would be taking a step forward in enhancing trust between our two countries.

DIVIDED SPOUSES

Mr. CRANSTON. Mr. President, I would like to join my colleagues today in condemning the Soviet Union's refusal to grant exit visas to Soviet citizens who are married to Americans. The Helsinki accords and other human rights conventions to which the Soviet Union is a signatory clearly state that married couples should be allowed to transfer their permanent residence to the home nation of either partner. It is a tragedy that the Soviet Government continues to force the separation of married couples, or, in some cases, prevent marriages from taking place.

Two Californian couples are among those cruelly separated by the vagaries of Soviet emigration procedure.

Ann Michele Cardella, of San Francisco, married Leonid L'vovovich Sheyba, a resident of Leningrad on August 13, 1985. Mr. Sheyba has twice applied for permission to join Michele in California. He was refused both times, most recently in December 1986. Soviet authorities continue to harass Leonid by threatening to draft him despite his having high blood pressure and kidney stones.

Gary Kaplan, of Tahoe City, married his Soviet wife, Elan Kaplan, in Moscow over 9 years ago. Elena has not yet been granted permission to emigrate.

As a signatory of the Helsinki accords, the Soviet Union has an obligation to reunite divided families and married couples. It is hard to understand what reason there might be for the continued torment of these people who only wish to live a normal married life together. What possible threat could the reunification of these couples be to the Soviet state?

I strongly urge the Soviet authorities to grant exit visas to Elena Kaplan and Leonid L'vovovich Sheyba without further delay.

DIVIDED SPOUSES

Mr. D'AMATO Mr. President, I rise today to join my colleagues who are speaking on behalf of constituents who are part of United States-Soviet divided or blocked marriages. My constituent, Antonette Bohonovsky, is party to one of the blocked marriages.

Let me briefly tell you the story of Antonette Bohonovsky and Evgeniye Grigorishin. Soviet authorities twice blocked their planned marriage, once on March 15, 1986, and again on May 14, 1986. Evgeniye was sentenced to 5 years in prison on a false charge as a result of their attempts to marry. Antonette was taken into custody and held for interrogation for 1 week in a Soviet hospital. She was also subjected to harassment.

Her case is one of too many such cases. I introduced Senate Joint Resolution 203 on October 15, 1987, calling upon the Government of the Soviet Union:

> (1) To grant immediately to all those who wish to join spouses in the United States (including Galina Goltzman Michelson, Yuri Balovlenkov, Victor Faermark, Yegueni Grigorishin, Elena Kaplan, Valdislav Kostin, Victor Novikov, Pyatras Pakenas, Sergei Petrov, Leonid Scheiba, and Andrei Zhitkov) permission to emigrate with their family members to the United States and be reunited with their spouses; and
>
> (2) To give special consideration to cases that have remained unresolved for many years, the longest of which is the case of Galina Goltzman Michelson and her daughter and grandson.

As of this moment, 32 of our colleagues have joined me as cosponsors of this resolution. I hope it will be reported from the Committee on Foreign Relations in the very near future so that it may be signed by the President before the December 7, 1987, summit meeting.

As former chairman of the Commission on Security and Cooperation in Europe—better known as the Helsinki Commission, I am particularly concerned over the failure of the Soviet Union to honor its promises in the Helsinki Final Act on this subject. The final act, which Leonid Brezhnev signed in Helsinki for the Soviet Union on August 1, 1975, provides as follows:

> The participating States will deal in a positive and humanitarian spirit with the applications of persons who wish to be reunited with members of their family, with special attention being given to requests of an urgent character—such as requests submitted by persons who are ill or old; and
>
> In dealing with requests from couples from different participating States, once married, to enable them and the minor children of their marriage to transfer their permanent residence to a State in which either one is normally a resident, the participating States will also apply the provisions accepted for family reunification.

While there has recently been some good progress in resolving these outstanding cases, Antonette Bohonovsky is still separated from her fiance. The others listed in my resolution are still kept apart from their loved ones.

I strongly urge the Soviet Union to respond favorably in these cases. It is time to let these people go.

Mr. President, I ask unanimous consent that two documents be printed in the RECORD immediately following my remarks: A joint letter Congressman CONNIE MACK and I sent to the Deputy Secretary of State dated November 3, 1987, regarding Senate Joint Resolution 203 and its companion House measure, House Joint Resolution 376; and a State Department cable containing the text of an earlier letter signed by 16 Senators in support of our constituents in these divided and blocked marriages, identified as State 328205, dated October 20, 1987, from Armacost to the American Embassy in Moscow.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, November 3, 1987.

Hon. JOHN WHITEHEAD,
Deputy Secretary,
Department of State, Washington, DC.

DEAR SECRETARY WHITEHEAD: We understand that you will be visiting Moscow soon to discuss human rights issues in preparation for the December 7 U.S.-Soviet Summit in Washington, D.C.

You and Secretary Shultz have always given human rights a high priority in your negotiations with Soviet officials. As you are aware, there are a number of unresolved cases involving spouses who have not been allowed to emigrate from the Soviet Union. We believe that these cases merit immediate action and should receive close attention during these meetings.

We have introduced legislation in the House and Senate calling upon the Soviets to resolve quickly these troublesome cases and to give highest priority to the longer-standing cases, such as that of Galina Golzman-Michelson. These resolutions, H.J. Res. 376 and S.J. Res. 203, have garnered significant support in Congress and it is our intention that this legislation reach the President for signature before the December 7 summit.

We believe it is important that the Soviets understand that the United States Congress sees a direct correlation between progress in human rights issues and progress in other areas, such as nuclear arms reduction. You have our best wishes for your efforts to persuade the Soviets that progress in the human rights arena is crucial to improved relations between our two countries.

Sincerely,

ALFONSE M. D'AMATO,
U.S. Senator.
CONNIE MACK,
Member of Congress.

DEPARTMENT OF STATE.

The following letter was received in the Department for transmission to Secretary Shultz.

DEAR SECRETARY SHULTZ: We, the undersigned United States Senators, representing our constituents who have been unjustly separated from their loved ones, wish to express our continuing appreciation for your efforts to reunite these couples, as the Soviets promised when they signed the Helsinki accords in 1975.

During your upcoming talks with Minister Shevardnadze, please convey our sincere desire to resolve these cases. If we are to begin a new relationship with the Soviets, our most basic principles of human rights must be respected. Reuniting these spouses and permitting these blocked marriages to occur are easy, but essential ingredients in building that relationship.

Thank you and best of luck in your discussions.

Sincerely,

Senators Chiles and Graham (Florida) on behalf of Anatoly Michelson and his wife, Galina Goltzman Michelson; Dr. Galina Vileshina and her husband, Pyatras Yuozo Pakenas; Senators Sarbanes and Mikulski (Maryland) on behalf of Elena Kusmenko Balovlenkov and her husband, Yuri Balovlenkov; Senators Riegle and Levin (Michigan) on behalf of Keith Braun and his wife, Svetlana Ilyininchna Braun; Senators Cranston and Wilson (California) on behalf of Michele Cardella and her husband, Leonid Shieba; Senators Dixon and Simon (Illinois) on behalf of Elizabeth Zhitkov and her husband, Andrei A. Zhitkov; Senators Bradley and Lautenberg (New Jersey) on behalf of Andrea Wine and husband, Viktor Faermark.

SOVIET JEWRY

Mr. SIMON. Mr. President, the divided spouse and blocked marriage issue is one which has yet to be resolved. There are still Soviet-American couples who have been sentenced to an indefinite separation. These couples are being denied the right to build their futures together, because Soviet officials are refusing to grant exit visas. Incredibly, one couple has been separated for more than 20 years.

A few years ago, I worked with some of the spouses to form the Divided Spouse Coalition. The purpose of the coalition was and still is to provide support for the American spouses and to organize an effective lobbying effort for their cause. When we started, there were over 30 couples. Since that time, almost two-thirds of these couples have been reunited.

Keith Braun, one of the original organizers, has been a divided spouse for over 3 years. I am pleased to report that his wife, Svetlana, arrived in the United States on Tuesday, after being separated from her American husband for 3 years. The Braun's story is one of success. Unfortunately, there are still many who live day-to-day and year-to-year in hopes of the same success.

A perfect example of this is in my home State of Illinois. Elizabeth Crewe and Andrei Zhitkov fell in love and got married. From then on their's is anything but an ordinary story for the Soviet Union refuses to make a decision on Andrei's exit visa application. In the United States, Elizabeth has been separated from her husband for the 8 months they have been married. In the Soviet Union, Andrei has been told repeatedly that he will be granted an exit visa in order to join his wife if he follows certain "instructions." Homeless and unemployed, he is still waiting. This does not make sense to me.

Soviet law is clear in permitting married couples to select their place of residence. Moreover, the Soviet Government signed the Helsinki accord. The governments that signed that document agreed to "examine favorably and on the basis of humanitarian consideration requests for exit or entry permits from persons who have decided to marry a citizen from another participating State." I do not believe it is asking too much to ask the Soviet Government to live up to its own laws and the international agreements it signed.

I'm grateful that the Soviet Union has permitted Svetlana and Keith to live together. But I wait impatiently for word on the rest, and for a more humane, sensible policy on the part of the Soviet Government. I urge the Soviet Government to grant these individuals exit visas.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Emery, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED JOINT RESOLUTIONS SIGNED

At 11:06 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolutions:

S.J. Res. 66. Joint resolution to designate the week of November 22, 1987, through November 28, 1987, as "National Family Week"; and

S.J. Res. 154. Joint resolution to designate the period commencing on November 15, 1987, and ending on November 22, 1987, as "National Arts Week".

The enrolled joint resolutions were subsequently signed by the President pro tempore (Mr. STENNIS).

At 1:57 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 394. Joint resolution making further continuing appropriations for the fiscal year 1988, and for other purposes.

ENROLLED BILL SIGNED

At 4:05 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 442. An act to amend chapter 9 of title 17, United States Code, regarding protection extended to semiconductor chip products of foreign entities.

The enrolled bill was subsequently signed by the President pro tempore (Mr. STENNIS).

MEASURES PLACED ON THE CALENDAR

The following bill and joint resolution were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 3295. An act for the relief of Nancy L. Brady;

H.J. Res. 394. Joint resolution making further continuing appropriations for the fiscal year 1988, and for other purposes.

The following measures were read the second time, and placed on the calendar:

H.R. 3545. An Act to provide for reconciliation pursuant to section 4 of the concurrent resolution on the budget for the fiscal year 1988; and

S. J. Res 204. Joint resolution calling for an economic summit to deal with the financial crisis.

ENROLLED JOINT RESOLUTIONS PRESENTED

The Secretary of the Senate reported that on today, November 5, 1987, he had presented to the President of the United States the following enrolled joint resolutions:

S.J. Res. 66. Joint resolution to designate the week of November 22, 1987, through November 28, 1987, as "National Family Week"; and

S.J. Res. 154. Joint resolution to designate the period commencing on November 15, 1987, and ending on November 22, 1987, as "National Arts Week".

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BIDEN, from the Committee on the Judiciary, without amendment:

S. 860: A bill to designate "The Stars and Stripes Forever" as the national march of the United States of America.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. BIDEN, from the Committee on the Judiciary:

Clarence A Beam, of Nebraska, to be U.S. circuit judge for the eighth circuit;

Robert E. Cowen, of New Jersey, to be U.S. circuit judge for the third circuit;

George C. Smith, of Ohio, to be U.S. district judge for the southern district of Ohio;

Michael B. Mukasey, of New York, to be U.S. district judge for the southern district of New York;

Nicholas H. Politan, of New Jersey, to be U.S. district judge for the district of New Jersey;

R. Kenton Musgrave, of California, to be a judge of the U.S. Court of International Trade; and

William D. Breese, of Georgia, to be U.S. marshal for the middle district of Georgia.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MELCHER:

S. 1849. A bill for the relief of Mr. Conwell F. Robinson and Mr. Gerald R. Robinson; to the Committee on Energy and Natural Resources.

By Mr. EVANS (for himself and Mr. ADAMS):

S. 1850. A bill to amend the Wild and Scenic Rivers Act to designate a section of the Columbia River in Washington as a study area for inclusion in the National Wild and Scenic Rivers System and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BIDEN (for himself, Mr. PROXMIRE, and Mr. METZENBAUM):

S. 1851. A bill to implement the International Convention on the Prevention and Punishment of Genocide; to the Committee on the Judiciary.

By Mr. FOWLER:

S. 1852. A bill to amend the National Security Act of 1947, and for other purposes; to the Select Committee on Intelligence.

By Mr. LAUTENBERG (for himself and Mr. Bradley):

S. 1853. A bill to designate the facility of the United States Postal Service located at 850 Newark Turnpike in Kearny, New Jersey, as the "Dominick V. Daniels Postal Facility"; to the Committee on Governmental Affairs.

By Mr. QUAYLE:

S. 1854. A bill to amend the Federal Food, Drug, and Cosmetic Act to include and regulate a polygraph as a medical device under such act, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. STAFFORD:

S. 1855. A bill to authorize a certificate of documentation for the vessel White Seal; to the Committee on Commerce, Science, and Transportation.

By Mr. SASSER (for himself, Mr. Heinz, Mr. Glenn, and Mr. Hatfield):

S. 1856. A bill to amend chapter 25 of title 44, United States Code, to provide an authorization for the National Historical Publications and Records Commission programs, and for other purposes; to the Committee on Governmental Affairs.

By Mr. DIXON:

S.J. Res. 212. Joint resolution to designate the period commencing May 8, 1988, and ending on May 14, 1988, as "National Tuberous Sclerosis Awareness Week"; to the Committee on the Judiciary.

By Mr. ADAMS (for himself, Mr. Cranston, Mr. Weicker, Mr. Bumpers, Mr. Matsunaga, and Mr. Proxmire):

S.J. Res. 213. Joint resolution providing specific authorization under the War Powers Resolution for the continued use of United States Armed Forces in the Persian Gulf, consistent with the foreign policy objectives and national security interests of the United States; to the Committee on Foreign Relations.

By Mr. LAUTENBERG (for himself, Mr. Danforth, Mr. Hollings, and Mr. Gore):

S.J. Res. 214. Joint resolution to designate the week of February 7-13, 1988, as "National Child Passenger Safety Awareness Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. RIEGLE (for himself, Mr. Dole, Mr. Byrd, Mr. Bumpers, Mr. Lautenberg, Mr. Sarbanes, Mr. Moynihan, Mr. Simon, Mr. Glenn, Mr. DeConcini, Mr. Durenberger, Mr. Leahy, Mr. Levin, Mr. Proxmire, Mr. Pryor, Mr. Pressler, Mr. Murkowski, Mr. Dixon, Mr. Burdick, and Mr. Kasten):

S. Con. Res. 87. Concurrent resolution expressing the sense of the Congress with respect to demonstrations in Latvia commemorating Latvian Independence Day; placed on the calendar.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MELCHER:

S. 1849. A bill for the relief of Mr. Conwell F. Robinson and Mr. Gerald R. Robinson; to the Committee on Energy and Natural Resources.

RELIEF OF CONWELL F. ROBINSON AND GERALD R. ROBINSON

● Mr. MELCHER. Mr. President, I am introducing today a private relief bill for two of my constituents, Mr. Conwell Robinson, and his brother, Mr. Gerald Robinson. The Robinson brothers, who are in their seventies and live in Great Falls, MT, previously owned a 130-acre tract of property in Glacier National Park in northwestern Montana. However, their property was taken from them in a condemnation proceeding by the U.S. Government in 1967. The Robinson brothers lived on their property in the summers throughout most of their lives until 1984 at which time the Government refused them further use of their property. This property was homesteaded by their maternal grandparents prior to the creation of Glacier National Park.

It has been the established policy of the National Park Service to grant life estates to private owners of property who sell their land to the Government and who request use of their property for the rest of their lives. That policy was not followed in the case of the Robinson brothers. After conducting my own personal investigation of this matter, I am convinced that these two gentlemen were not treated fairly by the U.S. Government. They are asking only that they be treated as others have been treated. That is the humane thing for the Government to do, and my bill will allow that result. Specifically, my bill would extend to their lifetime a special use permit similar to that which the Government had issued to the Robinson brothers from 1969 through the summer of 1984. My bill does not transfer any ownership rights to the Robinson brothers beyond allowing them the use of the property.

I realize that in-holder land ownership issues can be complex and burdensome for the Park Services. I do not wish to add to the Park Services' administrative burdens, nor do I seek to establish a precedent that will jeopardize the Government's legal position in subsequent controversies over private property claims within the boundaries of Glacier National Park. The intent and, I believe, the effect of my bill is simple: to allow two senior citizens the right to use their family homestead until their death. The bill is directed only to the Robinson brothers and addresses their special circumstances which I expect will be brought out in adequate detail when this bill receives due consideration in a committee hearing at the appropriate time.

Thank you, Mr. President. I ask that the text of the bill and a letter to Mr. Con Robinson from the Department of the Interior be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 1849

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a)(1) the Secretary of the Interior shall grant a life estate special use permit to Mr. Conwell F. Robinson and Mr. Gerald R. Robinson to use the property in Glacier National Park described in paragraph (2).

(2) The property referred to in paragraph (1) is Tract 398 which is property formerly owned by Robinson brothers. The property was originally homesteaded by maternal grandparents of the Robinson brothers prior to the creation of Glacier National Park and was deeded to their grandmother, Margaret McCarthy, but President Woodrow Wilson on April 23, 1915. Tract 398 was taken from the Robinson brothers by condemnation through an eminent domain action brought by the United States Government in 1967.

(b)(1) The special use permit granted by this Act shall be extended for a period coincident with the lives of Conwell F. Robinson and Gerald R. Robinson.

(2) The special use permit granted by this Act shall grant to Conwell F. Robinson and Gerald R. Robinson reasonable use of the property.

(c) Any fee collected for the special use permit required by this Act shall be fair and reasonable and in an amount necessary to cover the administrative costs associated with granting the permit, except that in no event shall the fee collected exceed $100 per annum.

(d) The Secretary shall promulgate such regulations as the Secretary deems are necessary to insure that the life estate special use permit granted by this Act does not unreasonably diminish the scenic, historic, and other values for which the Glacier National Park was established.

National Park Service,
Glacier National Park,
West Glacier, MT, October 29, 1987.

Mr. Con Robinson,
Great Falls, MT.

Dear Mr. Robinson: The time limit has expired for the removal of your personal items from the cabins. The items will be inventoried and government locks will be put on the buildings.

You have 15 days from the day you receive this letter to remove the items. Please contact Roger Semler, Polebridge Sub-District Ranger, to make arrangements for access.

Any items left in the buildings after the cut-off date will be considered abandoned and will become government property and be disposed of.

Sincerely,

H. Gilbert Lusk
Superintendent.●

By Mr. EVANS (for himself and Mr. Adams):

S. 1850. A bill to amend the Wild and Scenic Rivers Act to designate a section of the Columbia River in Washington as a study are for inclusion in the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Energy and Natural Resources.

WILD AND SCENIC RIVERS STUDY OF THE COLUMBIA RIVER IN WASHINGTON

Mr. EVANS. Mr. President, I rise today along with my distinguished colleague from Washington, Mr. ADAMS, to introduce legislation to authorize a study of the Hanford Reach of the Columbia River in Washington State for potential inclusion in the National Wild and Scenic Rivers System.

The Hanford Reach is the last significant stretch of the Columbia River that maintains the characteristics of the predevelopment mid-Columbia River ecosystem. The reach extends for approximately 55 miles between the McNary Pool north of Richland to just south of the Priest Rapids Dam.

The reach provides the most diverse natural habitat on the Columbia River. Similar habitat has been completely eliminated on the remainder of the Columbia River. Species found along the reach include migratory waterfowl, salmon, steelhead, sturgeon, coyote, deer, and a variety of plant species, some of which are proposed for classification as endangered, threatened, or sensitive by Federal and State agencies. The reach is highly valued for its natural spawning beds that support one of the few wild stocks of fall chinook.

The Hanford Reach is also vastly important for its archeological resources. Because access to the river has been restricted as a result of the presence of the Department of Energy's Hanford Reservation, these sites have been remarkably free of vandalism. The Hanford Reach sites are also rare in that the majority of other sites along the river have been inundated by hydroelectric development. Research by the Mid-Columbia Archeological Society has revealed evidence of at least 115 sites along the river. There have been estimates of at least 4.5 sites per river mile of shoreline. Many of these sites have religious and spiritual significance for native Americans. In fact, this area was the birthplace of the Native American Dreamer Religion. For the Yakima and Wanapum Indians, it is the last area in the entire Columbia Basin where their religious places and burial sites have not been flooded or destroyed.

Mr. President, the desire to protect the Hanford Reach to date has been farreaching. In September 1970, the Department of the Interior and the Department of Agriculture identified the Hanford Reach as 1 of 47 rivers nationwide that were deserving of further evaluation under section 5(d) of the Wild and Scenic Rivers Act. In 1982, the Department of the Interior placed the Hanford Reach on the nationwide rivers inventory list.

The State of Washington has also expressed interest in protecting the Hanford Reach. The Washington Parks and Recreation Commission has initiated consideration of the Hanford Reach for State scenic river status. The Washington State Department of Natural Resources-Natural Heritage Program and the Department of Wildlife have recommended that the reach be placed on the Washington Register of Natural Areas. In 1973, the State ecological commission passed a resolution endorsing "the development and implementation of an integrated, comprehensive resource management program by the various responsible agencies for the future use, protection and enhancement of this area, so that it's basic environmental uniqueness will be preserved."

Mr. President, this legislation would primarily authorize the Department of the Interior to conduct a study of the Hanford Reach to determine it's eligibility for inclusion in the National Wild and Scenic Rivers System. It also provides that the protections afforded under the Wild and Scenic Rivers Act be extended for a period of 8 years. This is to ensure that there is ample time for Congress to consider permanent designation.

The Corps of Engineers is in the process of completing an environmental impact statement on the mid-Columbia navigation project that would allow barge traffic through this area. This legislation will not prohibit the Corps of Engineers from completing its environmental impact statement on this project. It will however prohibit any activities that will have an adverse impact on the resources for which the river is being protected. It would prohibit the corps from proceeding with an ill-conceived project to destroy a natural spawning channel by replacing it with an artificial channel to measure the effectiveness of an artificial spawning bed as mitigation for the navigation project. Given the paucity of natural spawning habitat remaining on the Columbia River, I do not believe that this demonstration project should proceed. This legislation will ensure that the river is protected for an adequate period of time so that the study can be completed and Congress can make a final determination.

Mr. President, I urge my colleagues to support the speedy passage of this worthwhile legislation. I ask unanimous consent that the full text of the bill be printed in the RECORD, and that articles from the Seattle Post-Intelligencer be included as part of the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1850

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF STUDY.

Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276) (herafter in this Act referred to as the "Act") is amended by adding the following new paragraph at the end thereof:

"(96) Columbia, Washington.—The segment extending from one mile below Priest Rapids Dam downstream approximately 57 miles to the McNary Pool north of Richland, Washington, as generally depicted on the boundary map entitled 'Proposed Columbia River Wild and Scenic River Boundary' dated ——, 1987, which is on file at the United States Department of the Interior.".

SEC. 2. COMPLETION DATE.

Section 5(b) of the Act (16 U.S.C. 1274(b)) is amended by adding the following at the end thereof:

"(8) The study of the river named in paragraph (96) of subsection (a) shall be carried out by the Secretary of the Interior, in consultation with the Secretary of Energy, and shall be completed not later than one year after the date of enactment of this paragraph.".

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

Paragraph (4) of section 5(b) of the Act (16 U.S.C. 1274(b)) is amended by adding at the end thereof the following: "There are authorized to be appropriated for the purpose for conducting the study of the river named in paragraph (96) $150,000.".

SEC. 4. SPECIAL PROVISIONS.

The provisions of section 7(b) of the Act (16 U.S.C. 1278(b)) shall extend for a period of 8 years from the date of enactment of this Act with respect to the segment of the Columbia River proposed for inclusion in the National Wild and Scenic Rivers System in this Act.

[From the Seattle Post-Intelligencer, Aug. 7, 1987]

ARMY WAGES WAR ON NW FISH

(By John de Yonge)

The Army Corps of Engineers is proposing a last-ditch effort to justify plans to destroy much of the last natural salmon and steelhead-trout spawning areas on the Columbia River.

The corps next month wants to bulldoze a 1,500-foot artificial spawning channel on the China Bar of the Columbia's Hanford Reach. The 57-mile-long reach near the Tri-Cities is the only free-flowing stretch of the Columbia above Bonneville Dam.

The corps also intends to bulldoze forth an artificial river bar and to plunk mounds of shoreside cobblestones into the river. It says it need not write an environmental impact statement about all this.

Noel Gilbrough of the corps said this is an honest attempt to see if the corps can invent spawning areas along or in the river to replace miles of natural spawning beds that the corps would dig up as part of a proposed $190 million project to float deepwater, sea-going barges upriver to Wenatchee.

"We definitely will be dredging river bottoms used for spawning in the Hanford Reach," Gilbrough said. "We've proven that. There's no doubt about that in anybody's mind, including the Corps of Engineers. The question is, what to do to replace the losses?"

Gilbrough is managing the corps' study of the dredging-barging project, a pet plan of Wenatchee business interests and of the Port of Chelan there.

A draft environmental impact statement on the dredging-barging project is scheduled for about Nov. 1, too soon to know if artifical "natural" spawning areas work.

The Yakimas, other Indian tribes, environmentalists, sportsmen, state and federal fisheries and wildlife agencies oppose the dredging-barging project.

A drive is beginning to get the Hanford Reach classified under the U.S. Wild and Scenic Rivers Act. Such classification would forever ban dredging, damming or otherwise havocking the reach.

The natural spawning areas of the reach produce upwards of 300,000 "upriver bright" fall chinook salmon, a unique run preserved and increased by years of lawsuits, negotiations and agreements by state, federal and Indian agencies. Steelhead—searun rainbow trout that grow to salmon size—also spawn where the dredges would rip.

The spawning channel and related activities would cost $100,000 and would severely alter an area that Hanford Reach enthusiasts want preserved as wild or scenic river terrain.

The experiment could provide little information for the draft environmental impact statement on the dredging-barging project.

"We hope like hell fish show up there . . .," Gilbrough said of the channel. "If they don't, we've got problems . . . a lot of people are praying that they don't, of course."

The draft environmental impact statement will offer artificial spawning areas built by or in the river as "unproved mitigation" for the severe fish losses from the dredging, Gilbrough said.

Gilbrough said the corps would monitor only whether fish spawn in the new facilities, whether eggs hatch and fry head for the sea. Whether fry survive, whether salmon using the channel originally hatched there, whether survival equals natural survival—these would wait until Congress OKs the dredging-barging project.

Dr. William Hershberger of the University of Washington School of Fisheries, a habitat expert, said the channel project cannot yield data that's meaningful before Congress is asked next year to fund the dredging-barging project. Such experiment, he said, requires years to produce significant information.

Larry Burnstad, private consultant on fisheries habitat, said having fish show up to spawn means little by itself. "I can show you where fish spawn because they have no choice. That doesn't mean offspring will survive."

Grant County PUD in 1980 bulldozed an experimental 450-foot spawning channel upstream from the corps' proposed site. The PUD's environmental supervisor, Donald Ziegler, said the last count showed 35 places in that channel that salmon used for spawning.

Asked if such results allowed the generalization that man can build "natural" spawning areas to replace the natural spawning areas he destroys, Ziegler said: "No."

Opposition from state and federal fish and wildlife agencies over the 30-day response time now running could slow and—theoretically—even stop the channel and related experiments.

So could a lawsuit testing whether the project can go forward without the preparation of an environmental impact statement on what bulldozing the Hanford Reach's China Bar might bring about. One impact might be to foreclose ever classifying that area under the Wild and Scenic Rivers Act. It's something to think about.

[From the Seattle Post-Intelligencer, Sept. 25, 1987]

Corps' Plan for Columbia River Meets Strong Resistance

(By John de Yonge)

U.S. Sen. Dan Evans has ordered staff to prepare federal legislation to preserve the Hanford Reach—the last free-flowing stretch of the Columbia River above Bonneville Dam—from damming, dredging and other drearies dear to the U.S. Army Corps of Engineers.

Work to prepare a bill has just started, Evans said from Washington, D.C., "but I think putting the Hanford Reach under U.S. Wild and Scenic Rivers Act designation would be the most straightforward way to go." Hopes are to put a bill before Congress this year.

Evans' aim has the support of U.S. Sen. Brock Adams, who hopes "we can make good use of the Hahford Reach and have it designated as wild and scenic river."

The reach, 57 miles long, begins at Priest Rapids Dam and ends at Richland. Much of it borders or flows through the Hanford Nuclear Reservation. Miles of the Columbia there are much as they were in pioneer days.

Earlier this month Evans and Adams, in a stern letter, joined with U.S. Rep. John Miller of Seattle, the state of Washington, federal agencies, Indian tribes, environmental groups and hunting and fishing organizations to protest possibly the dumbest proposal to issue from the Corps of Engineers in years.

It was, on short notice, to bulldoze a 1,500-foot channel this month along the Columbia to see if any of the 100,000 Chinook salmon now returning to the Beach would spawn there.

Such spawning, the Corps said, would show that bulldozing more channels could replace natural salmon and steelhead trout spawning areas along the reach that the Corps would destroy by dredging. These are the last spawing areas for salmon and steelhead left on the entire length of the Columbia.

Without dredging the spawning shallows, the Corps cannot bring off a boondoggle mutually drummed up with Wenatchee's Port of Chelan. It is to have seagoing barges tugged up the Hanford Reach daily to Priest Rapids Dam for mechanical lift over the dam. Other lifts over other upstream dams would allow the barges to arrive at Wenatchee. Then, supposedly groaning with the cargoes from that area, they would head down stream for the sea. All this would cost federal taxpayers about $200 million to build, assuming the Corps estimates approximate actual costs, which they sometimes do.

For decades, the Corps has been spending millions trying to fiddle a scheme to get barges to Wenatchee, proving the adage that no idea is too discredited for the Corps to abandon if hope glimmers that Congress will slop it with dollars and so keep Corps functionaries (mainly career civilians, bossed in theory by Army officers) drawing paychecks.

The newly formed Columbia River coalition of environmental and sportsmen's groups and Columbia River Indian tribes—aiming to preserve the Hanford Reach in its natural state and being coordinated by the Nature Conservancy here—jumped on the Corps' gamble to bulldoze around Congress refusal to approve any project that destroys the Columbia's last naturally spawning salmon and steelhead.

State and federal wildlife agencies rained scientific criticism upon the scheme. Washington state refused to issue permits. Rep. John Miller demanded a full environmental impact study, which the Corps did not want to do. Then the letter from Evans and Adams told Maj. Gen. Mark J. Sisinyak, Corps boss in these parts, that he had the project state's senators opposed.

Political lightning. Before it flashed, the Corps ducked for cover. Bulldozing a channel, it admitted, would be delayed. What about the entire project, which would destroy the Hanford Reach to satisfy Wenatchee's dream of seeing barnacled barges? Corps brass, including troubleshooters from Washington, D.C., are going to deepthink that next month.

All this has embarrassed the project's main political gun, U.S. Rep. Sid Morrison of Yakima, who blames the Corps for "muddying the water" and "raising a red flag" with its spawning-channel blunder. Now, Morrison said, he won't commit to dredging and barging or to sinking the scheme until he weighs "the impacts and options based on a thorough environmental impact statement."

Morrison could shorten his agonizing and burnish his reputation by sponsoring in the House the bill to save the Hanford Reach that Evans will sponsor in the Senate.

Once the reach is protected, political noodling to make Wenatchee a seaport will stop. And Morrison won't have to decide whether he's for or against the reach when he runs for re-election next year.

Dredging Would Kill Columbia's Last Free Stretch

(By John de Yonga)

A bad idea—dredging the last free-flowing stretch of the Columbia River—is under study again by the U.S. Army Corps of Engineers.

It faces massive opposition by Indian tribes and environmental and sportsmen's groups. If Congress authorizes dredging, it probably will spark a dispute with Canada under the new U.S.-Canada Pacific Salmon Treaty.

The Corps is studying whether to dredge up to 7 feet of cobblestones off the shallows of six or more miles of the Hanford Reach, the last undammed water on the Columbia, to extend deep-water barge navigation up river to Wenatchee.

At one shallow point, Ringold, dredging may go down to 14 feet.

From its head at Priest Rapids Dam to its tail at Richland, most of the Reach is uninhabited because much of it flows through or by the U.S. Hanford Nuclear Reservation.

But thousands of anglers, hunters, boaters, bird watchers, picnickers and others value and visit the free-flowing river throughout the year.

Dredging threatens the only salmon and steelhead-trout spawning grounds remaining on the Columbia, especially the spawning grounds for the river's last remnant stock of wild fall chinook salmon.

These are the prized "fall up-river brights," an internationally managed run central to the salmon-treaty talks.

Five years ago, these fish were nearly extinct. This year, 100,000 are spawning in areas the Corps' "Middle Columbia Preliminary Navigation Study" targets for dredging.

In all, 300,000 up-river brights, most spawned naturally in the Hanford Reach, entered the Columbia this year, to the delight of commercial, Indian and sports fishermen. It was the biggest run of these fish since Bonneville Dam near Portland, Ore., was completed in 1938, according to the state Fisheries Dept.

The Hanford Reach is 57 miles of currents, bars, islands, bluffs and other river terrain rich with fish and wildlife, desert scenery, Indian archaeological sites, remoteness and all aesthetics of the big, clear, sweet-water river known by pioneers.

Dams have impounded the rest of the Columbia, upstream beyond the U.S.-Canada border and downstream to Bonneville Dam, into sluggish pools.

For decades, commercial interests in and around Wenatchee have pushed the Corps for a plan Congress would buy to bring subsidized barge transport to central Washington to move wheat and other bulk cargoes down to Portland and Vancouver, Wash. These products now move by truck and railroad. Some of them move to Puget Sound ports barging would bypass.

Between Wenatchee and the lower Columbia are the Reach and Priest Rapids, Wanapum and Rock Island dams. The Reach is too shallow for deep-draft barges. The dams contain no locks.

The Corps, a cadre of civilian engineers patinated by Army brass, has tried to oblige Wenatchee's wants. But one scheme after another has withered under economic scrutiny and the moral outrage and political savvy of groups that want the Hanford Reach preserved as a recreation area free of dredges, dams and other river killers.

In partners with the Port of Chelan in Wenatchee—and relying on Ogden Beeman & Associates, a consulting firm hired by the port to resurrect bringing barges to up-river grain bins—the Corps has begun a feasibility study on a new scheme to float barges over financial and environmental shoals.

The study has one strength: Noel Gilbrough, manager of the Corps study, a bright, environmentally conscious engineer who contrasts mightily to previous Corps managers. Their attitude was: Stick it, citizens, we'll build it whether you like it or not, and screw the fish runs.

A lot of water has run over their dams since, and reams of environmental legislation passed consequently, and billions spent trying to mitigate the harm they, the U.S. Bureau of Reclamation and public and private utilities wreaked upon what was once the world's greatest salmon and trout runs.

Gilbrough credits Ogden Beeman with reviving the Corps' interest in barges to Wenatchee with two new ideas.

One is to tow heavily laden barger down the Hanford Reach on the daily surge of water released by Priest Rapids Dam to generate electricity for the daily power-use peakin the Pacific Northwest.

"That's 7 to 10 feet of water, 7 to 10 feet of additional dredging we may not need, Gilbrough says.

Less dredging means less cost. Less cost means the overall project may meet the law's demand that a dollar spent on a project return more than a dollar in economic benefits.

Less dredging perhaps means less harm to the salmon and steelhead spawneries in the reach's 57 miles, the only bit of river left for them out of the Columbia's 1,200 miles.

Ogden Beeman's other new idea is to use mechanical or railroad lifts to haul the barges up and down Priest Rapids and the other dams.

Such lifts are used in Europe and cost a fraction of what one lock in one dam would cost.

Gilbrough says a complete system to land barges at or near Wenatchee—initial and annual dredging lift systems, docking and other facilities—"would cost from about $160 million to $190 million, which is about what it would cost to build just one conventional lock in a dam. So we're looking at a considerable cost savings over a lock system."

He's convinced that more research by Ogden Beeman and others will come up with the economics on bull: shipments of wheat, wood and petroleum products, aluminum products (from Alcoa's Wenatchee plant) and fertilizers to justify the project.

He's sure that once the National Marine Fisheries Service and the U.S. Fish and Wildlife Service supply the Corps with facts about the fish and wildlife, then most environmental impacts can be avoided, mitigated or even cured.

Consider the problem of disposing of the millions of tons, hundreds of thousands of cubic yards, of melon-sized cobblestones to be dredged.

"We're not sure yet what we will do with the dredge spoils," Gilbrough says, "We may try to build another Vernita Bar with the dredged gravels. . . . We're going to try to do something with the spoils to improve the Hanford Reach."

The Vernita Bar is a miles-long bar below Priest Rapids Dam where fall Chinook spawn. Thousands of steelhead trout probably spawn there, too, The bar is a target for dredging.

Fisheries experts say no one has ever tried in any river such a massive experiment in disrupting and trying to re-create major fish spawning areas.

News of the project sparks expressions of incredulity. Typical is the response of Ed Sheets, executive director of the federally ordained Northwest Power Council, preparing a fish and wildlife program for the Columbia River Basin.

"You're not making this up?" Sheets asks. Told no, he says any such project must square itself with the council's planning.

Indian opposition is set.

Lynn Hatcher, Yakima Nation Fisheries manager, says the Port of Chelan bounced the dredging idea off the Yakima Council two years ago. "The tribe is flat against the whole idea. We told the port people they're wasting their time and taxpayers' money. . . . The tribe will be spending a lot of attorney time killing this project if it starts to come about."

The Yakimas, Nez Perces, Warm Springs and Umatillas, through their Columbia River Inter-Tribal Fish Commission, were main players in the U.S.-Canada Salmon Treaty. They ensured that having both nations protect the Columbia fall chinook is a major part of that agreement.

The commission is on record as absolutely opposing any dredging of the Hanford Reach. Sources say Tim Wapato, commission chairman and member of the Pacific Salmon Commission that oversees the Salmon Treaty, certainly would lay any dredging proposal before the international commission for action.

Another Salmon Commission member, Bill Wilkerson, until recently director of the state Fisheries Dept., was surprised to hear of the proposal to dredge the Reach.

"I can tell you," he says, "we've fought like hell to build that up-river-bright fall chinook run. And to protect that run is one major reason we fought to get the treaty with Canada."

News that corps surveyors are looking at a potential barge channel has stirred a call to arms by the Tri-Cities-based Columbia River Conservation League, founded in the 1960s by environmental, hunting and fishing groups to fight proposals to dam or dredge the Reach.

The league is mustering its members, according to its chairman, Richard Steeler, Hanford technican and sportsman. "We intend to stop this before it gets further in the Corps process," he says.

The Sierra Club and Friends of the Earth here say they will fight any dredging of the free-flowing river. Trout Unlimited, the region's biggest sports fishing group, will oppose dredging, Executive Director Jerry Pavletich says, unless the Corps can supply what no one can supply: "absolute proof that the fall chinook spawnery won't be damaged."

U.S. Rep. Sid Morrison, R-Yakima, whose district includes the Reach, says he favors the project. But he admits all he knows about the idea comes from the Port of Chelan and state Sen. George Sellar, R-Wenatchee, a port official hired specifically to get the navigation project built.

Sellar is convinced dredging can be accomplished without hurting the salmon. The project will supply the evidence, he says, and therefore will provide the best of all possible worlds: barging to supply competitive freight rates for central Washington and a healthy supply of fish.

Sellar is wrong.

Only fools would so experiment with the last remaning wild salmon and steelhead-trout spawneries on the Columbia River and otherwise tribe with the Hanford Reach's fragile environment. Those who do try will be wrapped up in years of lawsuits and political action.

What needs to be done is to recognize that the last free flowing stretch of the Columbia is a unique state and national treasure that should be protected under the U.S. Wild and Scenic Rivers Act, so that 100 years from now this remnant of the river will flow undredged, unbarged, undamned and beyond what is there now, undeveloped.

Mr. ADAMS. Mr. President, I join with my colleague, Senator EVANS, in introducing legislation which would designate approximately 57 miles of the Columbia River, known as Hanford Reach, as a study area for inclusion in the National Wild and Scenic Rivers System.

The Hanford Reach is the last significant free-flowing stretch of the Columbia River. Originating below the Priest Rapids Dam, it flows through and borders the U.S. Department of Energy's Hanford Reservation, much of which has been closed to public access since 1942. This protective isolation has allowed the area to retain much of its presettlement character.

Most of the Columbia River has been drastically altered by damming. The Hanford Reach is the last area still providing a natural spawning and migration area for tens of thousands of fall chinook salmon. It is also utilized by migratory waterfowl as a staging and wintering area. Several candidate species for the endangered species list occur in the Hanford Reach area. Some of the few remaining archaelogical and historic sites in the basin exist along the reach. Many of these sites are sacred religious sites and burial grounds to native Americans.

The Hanford Reach has been previously threatened by water resources projects, including plans for hydropower development. Current plans call for establishment of a navigation channel. To protect its unique surroundings and status, the area is in need of immediate and permanent protection. The legislation being introduced today would designate the area for study, in anticipation of eventual inclusion in the National Wild and Scenic Rivers System. I urge my colleagues to approve this bill and thereby provide the necessary protection for this unique area of the Columbia River.

By Mr. BIDEN (for himself, Mr. PROXMIRE, and Mr. METZENBAUM):

S. 1851. A bill to implement the International Convention on the Prevention and Punishment of Genocide; to the Committee on the Judiciary.

GENOCIDE CONVENTION IMPLEMENT ACT

Mr. BIDEN. Mr. President, today I am introducing the "Genocide Convention Implementation Act of 1987." Enactment of this legislation is necessary for the United States to fulfill its international obligation to prevent and punish the crime of genocide. This bill is identical to H.R. 807 which was introduced earlier this year by House Judiciary Committee Chairman PETER RODINO.

At the end of World War II, in response to the systematic killing of 6 million Jews by the Nazis, the United Nations drafted the "Convention on the Prevention and Punishment of the Crime of Genocide." Article V of the convention requires the parties to enact legislation to give effect to its provisions and to provide penalties for persons found guilty of the enumerated crimes. Last year, after 37 years of debate and controversy, the Senate voted, 83 to 11, to approve ratification of the convention, subject to 8 provisions in the form of 2 reservations, five understandings and one declaration. The declaration provides that the President may not deposit the instrument of ratification until after the implementing language is enacted.

The Genocide Convention Implementation Act of 1987 would fulfill the U.S. obligation under article V. This bill provides protection to members of any national, ethnic, racial, or religious group by creating a new Federal crime of genocide or attempted genocide for any person who attempts to destroy such a group—in whole or in part—through murder, serious bodily injury, mental or physical torture, prevention of members of the group from having children or forcible removal of children from the control of any member of the group. Genocide or attempted genocide would be an offense punishable by imprisonment for not more than 20 years, a fine of not more than $1,000,000 or both; any offense that results in death would be punishable by imprisonment for life, a fine of not more than $1,000,000 or both. These provisions would be applicable to any national of the United States or to any offense committed within U.S. borders.

The United States has always been a leader in the international struggle for human rights. In 1948, President Truman reaffirmed the U.S. commitment to human rights by signing the Genocide Convention, and since that time, Presidents Kennedy, Johnson, Nixon, Ford, Carter, and Reagan all have supported ratification. Enactment of this legislation—and the ratification of the Genocide Convention—would signal the U.S. Government's resolve to prevent future holocausts and to advance the cause of human rights throughout the world.

I ask unanimous consent that the bill be printed in the RECORD at this time.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1851

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Genocide Convention Implementation Act of 1987".

SEC. 2. TITLE 18 AMENDMENTS.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 50 the following:

"CHAPTER 50A—GENOCIDE

"Sec.
1091. Genocide.
1092. Definitions.

"§ 1091. Genocide

"(a) BASIC OFFENSE.—Whoever, in a circumstance described in subsection (d) of this section and with intent to destroy, in whole or in substantial part, a national, ethnic, racial, or religious group—

"(1) kills a member of that group;

"(2) causes serious bodily injury to a member of that group;

"(3) causes the permanent impairment of the mental faculties of a member of the group through drugs, torture, or similar techniques;

"(4) subjects the groups to conditions of life that are intended to cause the physical destruction of the group;

"(5) imposes measures intended to prevent births within the group; or

"(6) transfers by force a child of the group to another group;

or attempts to do so, shall be punished as provided in subsection (b) of this section.

"(b) PUNISHMENT FOR BASIC OFFENSE.—The punishment for an offense under subsection (a) of this section is—

"(1) in the case of an offense under subsection (a)(1) that results in the death of any person, a fine of not more than $1,000,000 or imprisonment for life, or both; and

"(2) a fine of not more than $1,000,000 or imprisonment for twenty years, or both, in any other case.

"(c) INCITEMENT OFFENSE.—Whoever in a circumstance described in subsection (d) of this section directly and publicly incites another to violate subsection (a) of this section shall be fined not more than $500,000 or imprisoned not more than five years, or both.

"(d) REQUIRED CIRCUMSTANCE FOR OFFENSES.—The circumstance referred to in subsections (a) and (c) of this section is that—

"(1) the offense is committed within the United States; or

"(2) the alleged offender is a national of the United States (as defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101)).

"§ 1092. Definitions

"As used in this chapter—

"(1) the term 'child' means an individual who has not attained the age of eighteen years;

"(2) the term 'ethnic group' means a set of individuals whose identity as such as distinctive in terms of common cultural traditions or heritage;

"(3) the term 'incites' means urges another to engage imminently in conduct in circumstances under which there is a substantial likelihood of imminently causing such conduct;

"(4) the term 'national group' means a set of individuals whose identity is distinctive in terms of nationality or national origins;

"(5) the term 'racial group' means a set of individuals whose identity as such is distinctive in terms of physical characteristics or biological descent;

"(6) the term 'religious group' means a set of individuals whose identity as such is distinctive in terms of common religious creed, beliefs, doctrines, practices, or rituals; and

"(7) the term 'substantial part' means a part of a group of such numerical significance that the destruction or loss of that part would cause the destruction of the group as a viable entity within the nation of which such group is a part.".

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of part I of title 18, United States Code, is amended by inserting after the item relating to chapter 50 the following new item:

"50A. Genocide .... 1091".

Mr. PROXMIRE. Mr. President, today we have taken the first step in completing action begun June 16, 1949, when President Harry Truman sent the Genocide Treaty to the Senate for ratification. For the next 36 years this illustrous body drug its feet on ratifying a treaty that would make it a crime under the laws of our country for a person or persons to engage in the planned, premeditated extermination of an entire ethnic, racial, or religious group.

Finally, on February 19, 1986, the vote for ratification of the Genocide Treaty was an overwhelming 82 to 11.

But, our responsibility was not finished. The ratification has no meaning without the implementation legislation. Today, Mr. President, we begin that legislative process.

I support Senator BIDEN in the introduction of the genocide implementation legislation and will work in every way possible to see the completion of Senate action.

December 9 will mark the 39th anniversary of the unanimous U.N. General Assembly adoption of the Genocide Convention. December 11 will mark the anniversary of the United States signing. And, December 10 will be International Human Rights Day. It now appears that President Reagan and General Secretary Gorbachev will be meeting in December. I am pleased that the timely introduction of this bill may serve to galvanize us as a body into action that will affirm our abhorrence of human rights violations.

Mr. METZENBAUM. Mr. President, I am pleased to be an original cosponsor of the Genocide Convention Implementation Act of 1987. This bill provides the means to carry out our decision to ratify the Genocide Convention.

The Genocide Convention was born out of a determination to prevent a repetition of the events of the Holocaust. After the war, the nations of the world banded together to define and deter the crime of genocide. On December 11, 1946, the U.N. General Assembly passed a resolution declaring genocide a crime under international law. Two years later, the General Assembly unanimously passed the Genocide Convention, and in 1949, President Truman submitted this treaty to the Congress for ratification.

In February of last year, we gave advice and consent to the ratification of this treaty by an overwhelming vote. But that vote alone is not enough.

In order to fully ratify the Genocide Convention, the Congress must pass implementing legislation. Until that point, we will only be on record as supporting the Genocide Convention, but we will not be a party to that all-important treaty; 96 nations have become parties to it.

Our closest allies—the United Kingdom, West Germany, France, Israel, to name just a few—have ratified the Genocide Convention.

But we have not.

Mr. President, there is nothing complicated about this issue.

It is very simple and straightforward.

Genocide is perhaps the most terrible crime known to mankind, and we must enact this legislation to spell out the punishment for those found guilty of commiting this heinous crime.

It is time for us to act.

I hope the Senate will move expeditiously on this measure, and I urge my colleagues to support it.

By Mr. FOWLER:

S. 1852. A bill to amend the National Security Act of 1947, and for other purposes; referred to the Select Committee on Intelligence.

INTELLIGENCE ACTIVITIES OVERSIGHT IMPROVEMENT ACT

● Mr. FOWLER. Mr. President, I rise today to introduce the Intelligence Activities Oversight Improvement Act of 1987, legislation designed to both clarify and strengthen the role of Congress in overseeing intelligence operations.

Let me make it clear at the outset that this measure is not an attempt to "get the CIA" or to impede necessary intelligence operations. As a four-term, charter member of the House Permanent Select Committee on Intelligence, I believe that a strong and effective intelligence capability is absolutely essential to our national security. Indeed, my bill aims at enhancing America's intelligence programs by rebuilding congressional and public trust in the conduct of those activities. For the greatest threat to our intelligence community, and the thousands of dedicated men and women within it, has come not from abroad, nor even from critics here at home, but rather from those in positions of authority who sought to operate a separate and secret foreign policy through the intelligence agencies and in so doing have jeopardized the bipartisan, national consensus for improved intelligence capabilities.

This is a highly appropriate time to consider questions on the proper distribution of authority in the conduct and oversight of intelligence activities, appropriate not so much because of the recent revelations of questionable and possibly illegal policies, but because we are currently celebrating the two-hundredth anniversary of that greatest of all American inventions, the U.S. Constitution. That Constitution provides for a Nation of laws, not expedients. That Constitution sets forth a system of checks and balances, not lies and evasions. That Constitution promotes sometimes untidy rights and liberties, not perfect efficiency. That Constitution is a grant of limited power to the Government from the people, not of an unlimited license for the executive branch to do as it pleases.

I would like to describe the Intelligence Activities Oversight Improvement Act by setting out first what the bill doesn't do, followed by a description of what it does provide.

The legislation I introduce today will have no effect on over 90 percent of all U.S. intelligence operations. Those programs which have clearly defined roles and which enjoy broad congressional support, including intelligence gathering and analysis, and counterespionage activities, are not covered by the bill.

Other intelligence programs which have similarly well-defined objectives and support but whose execution may involve greater risk, such as counterterrorism and antidrug trafficking efforts, would be affected only to a limited degree by the Intelligence Activities Oversight Improvement Act. Essentially, my legislation would simply codify in statute what has been executive branch practice in these areas.

With regard to the one intelligence field expressly covered by my bill, there is no prohibition on covert operations. There have been in the past, and in the dangerous world we live in no doubt will be in the future, extraordinary circumstances in which covert action is the only effective means to protect vital interests of the United States. Thus, I do not seek to abolish the covert operation option, only to improve the process by which it is undertaken.

Finally, with regard to the constitutional questions of separation of powers and the President's role in conducting foreign policy, the bill would violate neither the letter nor the spirit of current arrangements. Indeed, it is an attempt to make the present system work better. There is nothing in my bill which gives to the Congress or takes away from the President the authority to initiate and conduct intelligence operations. Under my proposal, the President would continue to have prime responsibility for making these decisions. However, the same Constitution which makes the President Commander-in-Chief gives to the Congress the power to declare war as well as the power of the purse. My legislation is thus well within Constitutional norms in its efforts to clarify the congressional role in this critical area of national policy.

In brief, the Intelligence Oversight Activities Improvement Act which I introduce today would establish statutory standards in place of Executive order requirements, and an unambiguous prior reporting system in place of disputed legal mandates, for the one category of intelligence operations which has produced controversy and conflict vastly out of proportion to its role within our intelligence agencies: the category of covert operations, or special activities in the parlance of the intelligence community.

With an inherent danger of disclosure, with a mixed record of accomplishment, and with their risk of long-term damage to the success of overt American foreign policy objectives, covert actions should not be routine. As a foreign policy tool that must necessarily remain shielded from our normal democratic processes and as a method which often has a low cost-benefit ratio, covert action ought to be a last resort. Furthermore, experience has shown that covert operations work best when they are consistent with our publicly avowed ideals and foreign policy. It would seem only logical that neither overt nor covert policy can be successful when they are at odds with each other, and since we are governed by a democratic system now 200 years old and our overt foreign policy must be the controlling force. I used nearly identical arguments in favor of legislation similar to the bill I am introducing today 4 years ago; disclosures of the past 12 months have only served to underscore their validity.

Specificially, my legislation would require that in order for a covert activity to be initiated, the President must make a written finding that such activity is:

Essential to the national defense or foreign policy of the United States;

Consistent with, and in support of, the publicly avowed foreign policy of the United States;

Likely to produce benefits that justify the risks of its disclosure to a foreign power;

Necessary because other alternatives could not achieve the intended objectives; and

Required by circumstances that dictate the use of extraordinary means.

In addition, the written findings would have to specify what government or private entity would be conducting the covert operation, and the authorized duration—not to exceed 1 year—of the operation.

Some would say these standards are nothing more than common sense, or that we shouldn't write such binding requirements into law, or that they are unnecessary because the executive branch is now using similar safeguards anyway. In response, it could be pointed out that had such a before-the-fact written finding been required in the case of the "arms to Iran for hostages" deal, the President and the country might well have been spared the enormous damage to his personal prestige and our nation's foreign policy interests in the Middle East.

However, I do not believe that we should make policy based solely on one case. I support those standards because I believe they should be the ones the President gets answered before committing us to a covert operation. A President, any President, should not be able to undertake one of these high-risk ventures simply because he finds it easier than working through normal channels. And the time to stop a questionable covert action is before it gets started, not after we have committed human and material resources, and our Government's stamp of approval to the project.

As to the question of the adequacy of existing executive branch standards, I applaud the more rigorous evaluation of covert operations being applied by Mr. Carlucci, but I would only point out what is done by Executive order can be undone in the same way. Executive orders governing intelligence can, and in the past have been, changed by each new administration. And by the time this legislation can be considered, enacted, and implemented the Reagan administration will be history. Just as we should not base our decisions on covert policy on a single incident, so we cannot pin all our hopes for improved decisionmaking in this area on a single administration or Executive order.

The requirements for a written finding, and for specific designations of who—what agency—will be conducting the covert operation and for what period of time, will serve to improve accountability both internally within the executive branch and between the executive branch and Congress.

In addition to establishing statutory standards to guide executive branch authorization of covert activities, the Intelligence Activities Oversight Improvement Act defines and clarifies the Executive's reporting requirements to the Congress. In place of the current law provision calling on the Director of Central Intelligence to keep the House and Senate Intelligence Committees "fully and currently informed of all intelligence activities" including covert operations, a requirement whose meaning has been repeatedly disputed over the years, my bill unequivocally requires prior notification of covert operations to the two committees. In place of current law's general waiver of prior notice in extraordinary circumstances, my bill requires that such a waiver can only be granted "when time is of the essence," and furthermore, that the maximum delay in notification would be 48 hours.

Other reporting provisions: allow the President to authorize certain covert activities by category rather than individual project; require the President to provide the two intelligence committees any additional information they might request about convert operations, and retain current law language for all intelligence activities other than covert operations.

Over the years, the Congress has been extremely reluctant to get too deeply involved in reviewing intelligence activities, in part because of deference to the President as the chief architect of our foreign policy, and in part because of uneasiness about potential security breaches if too many in the Congress knew too much about intelligence programs. On this latter point, I believe that the Congress has acted responsibly, by limiting reporting requirements from the intelligence community to the two intelligence committees, and by establishing stringent security requirements within the committees. The result, in the view of most impartial observers, has been that the Congress has performed better in maintaining secrecy than has the executive branch.

On the large question of the proper role for the Congress in reviewing covert activities, I would say that the very nature of these activities, which cannot be subjected to the crucible of full public scrutiny and debate, cries out for the active involvement of the people's branch of government, the Congress, in overseeing these activities. In fact, as every living former Director of Central Intelligence has testified, such outside scrutiny by the Congress has been valuable in sharpening the internal review process within the intelligence community and the executive branch: when an outside party has oversight authority, those directly responsible for a given program are more likely to thoroughly analyze the advisability of the program than if they were not so accountable.

Other provisions of the Intelligence Activities Oversight Improvement Act: require the National Security Council [NSC] to supervise covert activities to insure that they remain consistent with the project as authorized by the President and reported to Congress; prohibit the NSC from exercising operational authority over covert operations; exempt wartime activities from the bill; and require all peacetime covert operations to be conducted in accordance with the bill.

The absence of clear and permanent standards to govern the conduct of covert activities and of a well-defined role for the Congress has been, in my opinion, detrimental to both our overt and covert foreign policies. Suspicions abroad and here at home about secret policies and hidden agendas have reduced confidence in our intelligence community, have lowered morale among our intelligence professionals, and have undermined our efforts to rebuild a strong national consensus in favor of necessary intelligence activities. One need look no further than the Iran/Contra fiasco to find evidence in support of these claims.

In introducing the Intelligence Activities Oversight Improvement Act, I hope to advance the effort to establish an bipartisan, national agreement on the conduct of covert activities. Such a consensus would confer a number of important benefits. It would provide statutory guidelines to the Congress, the administration, and the intelligence community to govern covert actions and insure that those projects with high risks to our national interests are only undertaken when absolutely essential. It would improve public confidence, and the confidence of our allies, in American foreign policy. And in the long run, by imposing more exacting standards and by improving outside oversight, it would mean better policy, both overt and covert.

Mr. President, I ask unanimous consent that a summary of the bill be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY

Section 1 gives the short title of the bill, the "Intelligence Activities Oversight Improvement Act."

Section 2 repeals Section 662 of the Foreign Assistance Act, which is the so-called Hughes-Ryan Amendment. This statute, which requires the President to make a finding that a "significant anticipated intelligence activity" ("other than activities intended solely for obtaining necessary intelligence") "is important to the national security of the United States" before any funds can be expended for such activity, would be supplanted by the provisions of Section 3(b)(1) of the "Intelligence Activities Oversight Improvement Act."

Section 3 amends Section 501 of the National Security Act, which is the section on congressional oversight of intelligence activities.

Subsection (a) tracks the language of Section 501(a)(1) of the National Security Act, except for striking the following: "if the President determines it is essential to limit prior notice to meet extraordinary circumstances affecting vital interests of the United States, such notice shall be limited to the chairman and ranking minority members of the intelligence committees, the Speaker and minority leader of the House of Representatives, and the majority and minority leaders of the Senate." This provision is incorporated into Section 3(b)(3) of the "Intelligence Activities Oversight Improvement Act."

Subsection (b) establishes a new system for congressional oversight of covert actions (called "special activities" in the bill). It replaces Section 501(b) of the National Security Act which states, "The President shall fully inform the intelligence committees in a timely fashion of intelligence operations in foreign countries, other than activities intended solely for obtaining necessary intelligence, for which prior notice was not given under subsection (a) and shall provide a statement of the reasons for not giving prior notice."

Paragraph (1) prohibits the initiation of any special activity "unless and until" the President has approved the activity and has made a written finding that:

"(A) such activity is essential to the national defense or the conduct of the foreign policy of the United States;

(B) such activity is consistent with, and in support of, the publicly avowed foreign policy of the United States;

(C) the anticipated benefits of such activity justify the foreseeable risks and likely consequences of its disclosure to a foreign power;

(D) overt or less sensitive alternatives would not be likely to achieve the intended objectives; and

(E) the circumstances require the use of extraordinary means."

The written finding must also designate what "department, agency, or entity of the United States, or the private entity acting on behalf of the United States" is to perform the special activity, and specify the authorized duration of the activity, which cannot exceed one year.

Paragraph (2) requires the President to submit, before a major special activity is commenced, a report to the House and Senate Intelligence Committees containing the written finding required by Paragraph (1), and a description of the nature, scope, and specific objectives of the activity.

Paragraph (3) allows the President to limit the notice required by Paragraph (2) provided the President determines that it "is essential in order to meet extraordinary circumstances affecting vital interests of the United States, and that time is of the essence in initiating the special activity." In each such case, notice would have to be given within 48 hours of the Presidential finding required by Paragraph (1) to: the chairmen and ranking minority members of the two intelligence committees, the Speaker and minority leader of the House, and the majority and minority leaders of the Senate. In addition, the President would be required to provide a statement of the reasons for not giving prior notice to the intelligence.

Paragraph (4) requires the President to provide any additional information that either intelligence committee might request about special activities reported under Paragraphs (2) and (3). Also, the National Security Council would be required to conduct ongoing supervision of each such activity and to ensure that it "remains consistent with the nature, scope, and objectives of the activity as authorized by the President."

Paragraph (5) allows the President to authorize special activities which do not or will not "involve elements of high risk, major resources, or serious political consequences" by category rather than individual project. The President is required to find "that activities falling within the category are important to the national security of the United States" and to report, before any activity within the category is commenced, to the intelligence committees, describing and justifying the category and activities within it.

Paragraph (6) requires the National Security Council to conduct ongoing supervision of each activity authorized by category under Paragraph (5) and to "ensure that each such activity remains consistent with the nature and scope of the category as authorized by the President."

Paragraph (7) requires the President to provide any additional information that either intelligence committee might request about the special activities authorized by category under Paragraph (5).

Paragraph (8) defines "special activity" in the same language used in the President's December 1, 1981 Executive Order on United States Intelligence Activities.

Paragraph (9) covers all intelligence activities abroad, other than "special activities" as defined by Paragraph (8) or "activities intended solely for obtaining necessary intelligence." It requires that before a covered activity can be initiated, the President must find that the activity is "important to the national security of the United States," and report "in a timely fashion, a description of the nature and scope of the activity to the intelligence committees." The language in this Paragraph is drawn, in part, from the current Hughes-Ryan statute which would be repealed by Section 2 of the "Intelligence Activities Oversight Improvement Act." It is an attempt to maintain current law authorization and reporting requirements for intelligence activities other than "special activities."

Paragraph (10) exempts war-time activities from the provisions of the bill.

Paragraph (11) prohibits the National Security Council from engaging in or carrying out "special activities except for the supervisory role provided for in Paragraphs (4) and (6).

[Sections 501(c),(d), and (e) of the National Security Act would not be changed by the "Intelligence Activities Oversight Improvement Act."]

Section 4 prohibits funding for any "special activity" (as defined by Section 3(b)(8)) not conducted in accordance with the provisions of Section 3 of the "Intelligence Activities Oversight Improvement Act."●

By Mr. LAUTENBERG (for himself and Mr. BRADLEY):

S. 1853. A bill to designate the facility of the U.S. Postal Service located at 850 Newark Turnpike in Kearny, NJ, as the "Dominick V. Daniels Postal Facility"; to the Committee on Governmental Affairs.

DOMINICK V. DANIELS POSTAL FACILITY

● Mr. LAUTENBERG. Mr. President, I am introducing today a bill to designate a postal service facility in Kearny, NJ, as the "Dominick V. Daniels Postal Facility," in memory of former Congressman Daniels, who died this July.

Congressman Daniels represented the 14th district of New Jersey for 18 years, from 1958 to 1976. Congressman Daniels made improved health and safety standards in the workplace his major concerns. He was successful in bringing compensation to injured workers and in creating Federal job-safety rules where States failed to provide any. Under his leadership, the principles of Federal supervision over occupational health and industrial safety were established. He was instrumental in the passage of key labor legislation, including the Comprehensive Employment and Training Act [CETA], and the Occupational Safety and Health Act [OSHA]. Congressman Daniels also was involved in efforts to see that schools and colleges strictly complied with the 1954 Supreme Court decision against racial segregation.

The voters in his district showed their appreciation by sending Congressman Daniels back to Congress every 2 years until his retirement. I hope that the Senate will act quickly to name the postal facility in Kearny for Dominick V. Daniels. This tribute is particularly fitting because Congressman Daniels was instrumental in the development of the Kearny facility.

A similar bill has been introduced in the House of Representatives by Congressman FRANK GUARINI.

Mr. President, I ask unanimous consent to place in the RECORD the New York Times, obituary for Congressman Daniels and the text of the bill.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 1853

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the facility of the United States Postal Service located at 850 Newark Turnpike in Kearny, New Jersey, is hereby designated as the "Dominick V. Daniels Postal Facility". Any reference to such facility in a law, rule, map, document, record, or other paper of the United States shall be considered to be a reference to the "Dominick V. Daniels Postal Facility".

EX-REP. DOMINICK V. DANIELS; HELD JERSEY SEAT IN CONGRESS

(By Wolfgang Saxon)

Dominick Vincent Daniels, a former Representative from New Jersey who wielded much power over education and labor legislation until he retired in 1976 after 18 years in Congress, died Friday at Christ Hospital in Jersey City after a long illness. He was 78 years old and lived in Union City, N.J.

Mr. Daniel's influence stemmed from his seniority on the House Education and Labor Committee, having been assigned to it in 1959 as a freshman liberal Democrat to foil party conservatives then holding sway over it.

Over the years, he shaped bills in his fields of interest and headed some highly visible and politically weighty subcommittees. The panels dealt with subjects ranging from manpower over health and safety in the working place to postal and Federal payrolls.

Congressman Daniels championed safety standards at youth summer camps in the 1970's when New Jersey, New York and Connecticut were among only a few states that had strict regulations. He took a lead in efforts to provide for compensation of injured workers and Federal job-safety rules where states failed to enforce any.

A CLASSIC BATTLE

His efforts lead to a compromise in 1970 that, after a classic labor-industry battle established the principle of Federal supervision over occupational health and a safety in industries around the country

He was prominent in the Democratic anti-recession crusades that in another compromise brought the Ford Administration in 1974 to accept a measure that called for 375,000 public sector jobs for the unemployed and provided a Federal assistance program for millions of worker otherwise not covered by unemployment compensation.

A loyal Democrat, Mr. Daniels nevertheless was outspoken in prodding the Kennedy Administration to see that schools and colleges strictly complied with the 1954 Supreme Court decison against racial segregation. He wrote a bill that in 1962 closed a loop hole though which land grant colleges could escape such compliance.

He fought to improve the lot of the handicapped, especially children and poorly paid migrant workers, and worked for programs to combat drug addiction and hard-core pornography.

When he decided in 1976 not to seek a 10th term, Hudson County Democratic leaders tried to change his mind. Mr. Daniels advised them to direct their energies at his wife, Camille. Mrs. Daniels, it seemed, had grown tired of living alone in their high-rise apartment for most of the week, prompting him to come back to Jersey City as a lawyer doing mostly trust and estate work.

He was born in Jersey City, the son of an Italian immigrant. He graduated from Fordham University, worked his way through New Jersey Law School and was admitted to the bar at age 21.

He later became Jersey City's presiding magistrate, a post he resigned to run for Congress in 1959. His constituency was the 14th District, a small, tightly built-up industrial district of mostly Italian-American and Irish American blue collar workers.

Though its boundaries kept shifting, no Republican had ever been elected in the 14th except in the Eisenhower landslide of 1956. That year, Vincent J. Dellay, a Republican, won the seat, promptly turned Democrat and chose not to run again.

Mr. Daniels trounced his opponents in every election year until his final re-election in 1974.

In addition to his wife, he is survived by two daughters, Dolores D. Maragni of North Long Branch, N.J., and Barbara D. Coleman of Avon, N.J.; five sisters, Anna Coglianese of Holmdel, N.J., Mildred Daniels of Cliffside Park, N.J., Eleanor Stutz, who lives in Louisiana, and Genevieve Daniels and Elizabeth Corrigan, both of Avon; a brother, Alfred, of Englewood Cliffs, N.J., and four grandchildren.

A funeral mass is to be held tomorrow at 10:30 A.M. at St. Joseph's Roman Catholic Church in Jersey City, preceded by a service at 9:30 at McLaughlin's funeral home at 625 Pavonia Avenue.

Daniels—Honorable Dominick V. of Union City, N.J., formerly of Jersey City (former Congressman of the 14th Congressional District of New Jersey), on July 17, 1987. Beloved husband of Camille (nee Curcio). Devoted father of Dolores Maragni of North Long Branch, and Barbara Coleman of Avon, N.J. Dear brother of Mrs. Anna Coglianese of Holmdel; Genevieve Daniels of Avon; Mrs. Elizabeth Corrigan of Avon; Mildred Daniels of Cliffside Park; Mrs. Eleanor Stutz of Louisiana; and Alfred J. Daniels of Englewood Cliffs. Also survived by four grandchildren. Relatives and friends are invited to attend funeral services on Tuesday, July 21, 1987, at 9:30 a.m. at McLaughlin Funeral Home, 625 Pavonia Avenue, Jersey City, followed by a 10:30 a.m. Mass at St. Joseph's Church. Interment, Holy Cross Cemetery. Visiting hours Monday, 2-4 and 7-9 p.m.●

By Mr. QUAYLE:

S. 1854. A bill to amend the Federal Food, Drug, and Cosmetic Act to include and regulate a polygraph as a medical device under such act, and for other purposes; to the Committee on Labor and Human Resources.

POLYGRAPH LABELING ACT

● Mr. QUAYLE. Mr. President, I rise today to introduce legislation to provide for the full disclosure of the limitations on the validity and reliability of the polygraph machine. This legislation concerns a major dilemma that is faced by millions of Americans; employers and employees, alike.

More than 2 million tests are conducted in the United States each year. Polygraph testing is in reality a very complex process that varies widely in application. Although the polygraph instrument itself is essentially the same for all applications, the purpose of the examination, type of individual tested, examiner training, setting of the examination, and type of questions asked, among other factors, can differ substantially. The instrument cannot itself detect deception and there is no known physiological response unique to lying. Therefore, polygraph tests require the examiner to develop questions to be asked in each case, compare the physiological response to the different questions, and infer deception or truthfulness based on these comparisons. Furthermore, repeated studies by government and private organizations have failed to establish the validity of polygraph testing.

Compounding the absence of scientific studies validating the accuracy of polygraph examinations in the ever-expanding record of abuse of the examination process and the test results. The polygraph has been used to inquire into the personal beliefs of employees or applicants with questions concerning religion, race, color, sex, national origin, and labor union activity.

The legislation I am introducing today does two things. First, it provides for the full disclosure of information regarding the polygraph's reliability by amending the Federal Food, Drug, and Cosmetic Act to include the polygraph as a medical device under the statute and thereby subjecting it to the act's false labeling prohibitions and penalties. With this legislation, a means can be found to inform the business or individual who purchases the device and sanctions its use, the actual operator of the device, and the subject being tested, as to the limitations of what the polygraph measures and what conclusions can be drawn from the test results.

The full disclosure provisions of this bill will mitigate the fear and intimidation that many subjects of polygraph testing feel because of their ignorance about what the polygraph actually measures. The aura of pseudoscience that surrounds the polygraph testing process convinces many subjects that the machine itself is a lie detector. By disclosing information on the polygraph's validity and reliability, much of the ignorance about the polygraph can be erased.

Second, this legislation also amends the Civil Rights Act and the National Labor Relations Act to make it unlawful for the employer to sanction polygraph testing which includes questions concerning race, color, religion, sex, national origin, or labor union activity.

Unlike other legislation now pending in Congress, this bill does not cause a further unnecessary intrusion of the Federal Government into the hiring and firing practices of private employers. The Federal Government has traditionally ventured forth into the employer's hiring and firing only to prevent discrimination, leaving the great bulk of regulation of hiring and firing to the collective-bargaining process or to regulation by the States.

It is true that employers make many mistakes in the millions of hiring and firing decisions that they make. But we need to close our eyes to reality to believe that Federal supervision of these decisions will improve their quality.

If the polygraph is unfair, what about the personality test? What about the personal reaction? The fact that there may be problems in hiring and firing decisions does not mean that a new Federal labor law is the solution. The legislation that I am introducing today uses an existing structure, that is, the Food, Drug, and Cosmetic Act and its accompanying labeling provisions, to regulate polygraph testing without expanding any other provisions of labor law.

I believe that this bill accomplishes much to provide for the regulation of polygraphs in the workplace with the least intrusion by the Federal Government. I hope my colleagues will join me in supporting this important and needed piece of legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1854

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITION OF DEVICE.

Section 201(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(h)) is amended—

(1) by striking out "or" at the end of paragraph (2);

(2) by striking out "and" at the end of paragraph (3) and inserting in lieu thereof "or"; and

(3) by inserting after paragraph (3) the following new paragraph:

"(4) solely for the purposes of section 502, used, or the results of which are used, to render a diagnostic opinion concerning the honesty or veracity of a subject, and".

SEC. 2. MISBRANDED DEVICES.

Section 502 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352) is amended by adding at the end thereof the following new subsection:

"(u) In the case of a device referred to in section 201(h)(4), if the device does not fully disclose to the purchaser, user, operator, and subject the limitations of the accuracy and reliability of the device under specified conditions of use."

SEC. 3. PROHIBITED DISCRIMINATION.

Section 704 of Title VII of the Civil Rights Act (42 U.S.C. 2000e-3) is amended by adding at the end thereof the following new subsection:

"(c) It shall be an unlawful employment practice for an employer to sanction polygraph testing procedures which include questions for an employee or an applicant for employment concerning race, color, religion, sex, or national origin."

Section 8 of the National Labor Relations Act (29 U.S.C. 158) is amended by adding at the end thereof the following new subsection:

"(8) It shall be an unfair labor practice for an employer to sanction polygraph testing procedures which include questions for an employee or applicant for employment concerning membership in or opinions concerning a labor organization."●

By Mr. STAFFORD:

S. 1855. A bill to authorize a certificate of documentation for the vessel *White Seal;* to the Committee on Commerce, Science, and Transportation.

CERTIFICATE OF DOCUMENTATION FOR THE VESSEL "WHITE SEAL"

● Mr. STAFFORD. Mr. President, today I rise to introduce a bill that would provide a basis for documenting the vessel *White Seal* for coastwise trading privileges. Under the first provision of section 27 of the Merchant Marine Act, 1920, as amended (46 App. U.S.C. 883), a vessel built in the United States which is sold foreign in whole or in part, or placed under foreign registry, forever loses its coastwise trading privileges. This first provision was added to section 27 by act of July 2, 1935 (49 Stat. 442), to protect American shipping and shipbuilding from a potential influx of renaturalized vessels that had been built in the United States and later sold to foreign owners.

Mr. President, I am offering this measure to make an exception to the prohibitions of the Jones Act for the vessel *White Seal* which is owned by Charles Langworthy, a Burlington, VT, resident. Mr. Langworthy purchased the vessel, which is an American-made cal 36 sailing sloop, with the intention of using it to carry small groups of persons daysailing out of Burlington, VT, on Lake Champlain. When Mr. Langworthy attempted to have the documentation changed from pleasure to coastwise trade he found that because it had once been owned by a Canadian couple it permanently forfeited its rights to participate in coastwise trade. Mr. Langworthy has since had to find alternative summer work.

Mr. President, Charles Langworthy is a highly qualified and experienced sailor. His Coast Guard license (3230125) allows him to carry up to six passengers for hire on all inland waters. This Senator believes he should be allowed to do just that. Burlington, VT, would only benefit from having the *White Seal* provide daysails on beautiful Lake Champlain.●

Mr. SASSER (for himself, Mr. HEINZ, Mr. GLENN, and Mr. HATFIELD):

S. 1856. A bill to amend chapter 25 of title 44, United States Code, to provide an authorization for the National Historical Publications and Records Commission programs, and for other purposes; referred to the Committee on Governmental Affairs.

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION AMENDMENT ACT

● Mr. SASSER. Mr. President, today, I am joined by Senator JOHN HEINZ in introducing a bill to reauthorize the National Historical Publications and Records Commission [NHPRC] for fiscal years 1989 through 1993. I am pleased to have as cosponsors Senator JOHN GLENN, chairman of the Committee on Governmental Affairs, and Senator MARK HATFIELD, the appointed Senate member of the NHPRC.

The NHPRC, a part of the National Archives, plays a vital role in preservation, documentation, and publication of our Nation's important historical papers. Through its publications program, the Commission provides to the American public documentary editions, free from partisan interpretation, concerning the Founding Fathers and the creation of the Government: such as the papers of Thomas Jefferson, the First Federal Congress, and the early years of the Supreme Court. Their editions have gone beyond the Government to cover military affairs, social concerns, labor, and the arts and the sciences.

Through its records program the NHPRC provides support to State and local historical societies, archives libraries and associations to ensure the discovery and preservation of valuable historical documents, especially those in imminent danger of destruction.

In Tennessee, as in other States, the NHPRC has funded valuable publications programs, such as grants to the University of Tennessee for the "Papers of Andrew Jackson" and the "Papers of Andrew Johnson," as well as to Vanderbilt University for the "Correspondence of James K. Polk." In Pennsylvania, grants have been awarded to Penn State University for the "Papers of Martin Van Buren" and to the Pennsylvania Historical Record Advisory Board for a comprehensive study of institutional archives for college and university records.

The NHPRC has recognized that the tasks facing archival institutions, manuscripts repositories and researchers demand far more than the efforts of a single Federal agency. The Commission has favored projects which show financial commitment from a number of sources, and the Commission's funds represent less than half of all moneys used by these record projects.

The Commission's grants are not intended to replace the support of other Federal, State, and local agencies, nonprofit institutions and organizations; nor have they. Rather, they have supplemented and expanded programs throughout the country and stimulated private giving.

Mr. President, the celebration this year of the bicentennial of the U.S. Constitution gives us pause to reflect upon our heritage and the importance of this Nation's historical documents. We must begin to share a greater appreciation of the profound importance of preserving and making available for study the records illustrating that history—from the Constitution itself to the papers of individuals and institutions whose written record reveal our past.

In fiscal year 1986, although receiving grants requests exceeding $6.4 million, the Commission made 58 grants totaling $2 million in support of archival programs across the country. In many States, historical records preservation plans have been tabled until moneys can be found; the records, meanwhile, further deteriorate. Valuable historical photograph collections go unprocessed. Studies documenting the needs for better city and State records management programs are often carelessly filed away.

Rather than eliminate funding for the NHPRC as the Office of Management and Budget has previously recommended, I am joined by Senator HEINZ and other distinguished cosponsors in recommending an authorization of $10 million for each fiscal year between 1989 and 1993. Without question, every penny spent will yield a valuable net return on our investment.

The worthiness of preserving our Nation's records is as tantamount today as it was 200 years ago. Recognizing this need, it was Thomas Jefferson who stated in 1791:

> Time and accident are committing daily havoc on the originals of the valuable historical and State papers deposited in our public offices. The late war has done the work of centuries in this business. The last cannot be recovered, but let us save what remains; not by vaults and locks which fence them from the public eye and use in consigning them to the waste of time, but by such a multiplication of copies, as shall place them beyond the reach of accident.●

By Mr. DIXON:

S.J. Res. 212. Joint resolution to designate the period commencing May 8, 1988, and ending on May 14, 1988, as "National Tuberous Sclerosis Awareness Week"; to the Committee on the Judiciary.

NATIONAL TUBEROUS SCLEROSIS AWARENESS WEEK

Mr. DIXON. Mr. President, I am introducing today a joint resolution to designate the week beginning May 8, 1988, as "National Tuberous Sclerosis Awareness Week."

Tuberous sclerosis [TS] is a genetic disorder which affects as many as 1 in 10,000 Americans. Its characteristics include skin markings, seizures, motor difficulties, mental retardation, tumors of the brain and other organs, and behavioral abnormalities.

Individuals with TS may live a completely normal and productive life and may be unaware of the disease. However, in the more severe forms of TS, the disabilities may be serious, and premature death may occur as a result of seizures, tumors, or infections.

Although TS is one of the more common genetic disorders, it remains poorly understood and frequently misdiagnosed.

I am introducing the resolution because of the need to heighten public awareness of TS, and to stimulate further TS research.

Mr. President, I ask unanimous consent that the joint resolution be printed in the RECORD, and I urge my colleagues to join me in its prompt approval.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 212

Whereas tuberous sclerosis (hereinafter referred to in this resolution as "TS") is a genetic disorder affecting as many as 1 in 10,000 Americans;

Whereas TS remains poorly understood and frequently misdiagnosed, even though it is one of the more common genetic disorders;

Whereas TS affects males and females of all races;

Whereas the characteristics of TS include skin markings, seizures, motor difficulties, mental retardation, tumors of the brain and other organs, and behavioral abnormalities;

Whereas in any individual, the disease's severity can range from being mild, when patients can live normal lives, to being extreme, when TS is disabling and may be life threatening;

Whereas although modern research technology has provided information about TS, there remains much to be learned;

Whereas only with continued, extensive research is there any chance of conquering TS; and

Whereas establishing a national TS awareness week would serve to enhance public awareness of TS and stimulate further TS research: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the period commencing May 8, 1988, and ending on May 14, 1988, is designated a "National Tuberous Sclerosis Awareness Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week with appropriate programs, ceremonies, and activities.

By Mr. ADAMS (for himself, Mr. CRANSTON, Mr. WEICKER, Mr. BUMPERS, Mr. MATSUNAGA, and Mr. PROXMIRE):

S.J. Res. 213. Joint resolution providing specific authorization under the War Powers Resolution for the continued use of U.S. Armed Forces in the Persian Gulf, consistent with the foreign policy objectives and national security interests of the United States; to the Committees on Armed Services and Foreign Relations.

PERSIAN GULF NAVIGATION PROTECTION ACT

Mr. ADAMS. Mr. President, today I am introducing a joint resolution under the War Powers Resolution which provides specific authorization for the continued use of U.S. Armed Forces in the Persian Gulf. I am pleased to be joined in this effort by Senators CRANSTON, WEICKER, BUMPERS, MATSUNAGA, and PROXMIRE.

Over the past several months, we have had a long debate in the Senate over whether or not to invoke the War Powers Resolution. While that debate has, at times, been useful, it has also obscured the central issue before us. Invoking the War Powers Resolution was never an end in and of itself; rather it was a means to get to the point where we could develop a consensus for a policy in the Persian Gulf. Those of us who sought to invoke the War Powers Resolution hoped that once the procedures established by that resolution were in effect, the Congress and the administration could work together to develop a coherent policy.

Obviously we were not able to invoke the War Powers Resolution. But after a lengthy debate, we did pass the Byrd-Warner amendment. While the Byrd-Warner amendment sets forth a procedure for obtaining and acting on a report from the President on the situation in the Persian Gulf, it leaves unaddressed the constitutional duty of the Congress, as prescribed under the War Powers Resolution, to participate in developing policy toward the Persian Gulf given the present hostilities in the region.

The War Powers Resolution is the law. This Senator believes that we must be a nation of laws and not of men. Section 4(a)(1) of the War Powers Resolution states:

> In the absence of a declaration of war, in any case in which United States Armed Forces are introduced into hostilities or into situations where imminent involvement in hostilities is clearly indicted by the circumstances; the President shall submit within 48 hours to the Speaker of the House of Representatives and to the President pro tempore of the Senate a report, in writing, setting forth (A) the circumstances necessitating the introduction of United States Armed Forces; (B) the constitutional and legislative authority under which such introduction took place; and (C) the estimated scope and duration of the hostilities or involvement.

The language of the War Powers Resolution is clear enough. Looking back at the events in the Persian Gulf since July when the United States began to escort reflagged Kuwaiti tankers through the gulf, one must conclude that "imminent involvement in hostilities" in the Persian Gulf by U.S. forces is "clearly indicated by the circumstances." In fact, we have seen a steady stream of such hostilities since the President made the decision to escalate our involvement in the Persian Gulf.

The War Powers Resolution, the law of the land which we are sworn to uphold, also states in section 5(b) that:

> * * * within sixty calendar days after a report is submitted or is required to be submitted pursuant to section 4(a)(1), which ever is earlier, the President shall terminate any use of United States Armed Forces with respect to which such report was submitted or required to be submitted, unless the Congress (1) has declared war or has enacted a specific authorization for such use of United States Armed Forces, (2) has extended by law such sixty day period, or (3) is physically unable to meet as result of an armed attack upon the United States.

Again the law is clear. Although the President has chosen to ignore the law and has not submitted a report to the Congress pursuant to the War Powers Resolution, the hostilities and circumstances in the Persian Gulf clearly require that he should have done so. Therefore, unless Congress acts under the War Powers Resolution to authorize our involvement in the Persian Gulf, the President is bound by law to terminate the operation.

I don't believe that the United States should withdraw from the Persian Gulf. We have maintained a prescence in the gulf since 1949 because we have substantial national security interests in the gulf. But, we have more than tripled our presence in the gulf since the President began the Kuwaiti reflagging operation, and our forces are now involved in hostilities. As required under the War Powers Resolution, it is time to spell out our policy and unite the country behind it.

The resolution we are introducing today addresses that policy. It specifically authorizes the continued use of U.S. Armed Forces in the Persian Gulf to achieve our foreign policy objectives and protect our national security interests. It sets forth our policy objectives in the gulf in ways which are perfectly consistent with the latest administration articulation of those objectives.

This resolution should stop all criticism by those who believe that abiding by the War Powers Resolution is the same as advocating that we cut and run from the gulf. Section 7(2) of the resolution specifically states that:

> * * * nothing in this joint resolution requires the President to totally withdraw United States Armed Forces from the Persian Gulf if such forces are not used in connection with the escorting or convoying of vessels reregistered under the United States flag.

While this resolution supports the presence of American forces in the gulf, it does place certain restrictions on the President's authority in conjunction with both the reflagging operation and in connection with the initiation of offensive hostile acts by the United States in the region.

In terms of reflagging, this joint resolution authorizes a continuation of that operation for only an additional 6 months, at which point the President must terminate it unless its continuation is specifically authorized by the Congress. Many of us expressed serious reservations about the reflagging operation from the outset and foretold the consequences. Many of us wish the President had consulted adequately with the Congress prior to making such a far-reaching international commitment. But the commitment now made, it is important that we make sure it is not an open-ended commitment for two reasons. First, the reflagging has clearly placed the United States forces in a position of assisting Kuwait to secure her oil revenues, a portion of which are being used to finance the Iraqi war effort against Iran. This has compromised our neutral position toward the Iran-Iraq war. Second, this is an expensive commitment which could cost us as much as $350 million a year from new appropriations or drawing from our resources elsewhere in the world.

Under this resolution, the President has 6 months to continue this reflagging operation. During that period, all possible efforts should be made to end the Iran-Iraq war and, short of that, to coordinate a multilateral peacekeeping force to conduct the escorting and conveying function. Also during that period, we can work with our allies in the region to develop some alternatives to reflagging or to obtain a united operation as suggested by former Secretary of State Cyrus Vance and former Secretary of Defense Elliot Richardson. In the final analysis, if alternatives are not viable, Congress can consider voting to continue the reflagging operation for another 6 months.

This resolution places one other restriction on our activities in the Persian Gulf. It requires the President to consult with the Congress before using U.S. Armed Forces in hostilities other than those necessary to repel attacks against our Armed Forces or U.S.-flag vessels. In other words, if the President feels it is appropriate to initiate any offensive hostile action, as he did when we bombed the Iranian oil platforms recently, he is required to consult with the Congress prior to a decision to initiate such offensive actions.

It is important that we debate this policy. There may not be a consensus for the specific provisions of the resolution my colleagues and I are introducing today. But if there isn't, then that is not an indication of failure—it is simply a sign of our need to use the mechanisms available to debate the issue and develop a consensus. American lives are at stake and we must exercise our responsibility to articulate a sensible policy in the complicated Persian Gulf situation. Some may be inclined to wait until we see if the Byrd-Warner amendment becomes law and we recieve a report. The problem is that amendment has not yet passed the House and it has not been signed by the President. It could easily be another year before that process competes itself, if it ever does.

In the meantime, with each day that passes we are not meeting our responsibilities under the law to address this issue. During the debate on the Byrd-Warner amendment, the authors repeatedly stated that their amendment in no way altered or modified the provisions of the War Powers Resolution. Given that legislative intent, this Senator believes that we have no choice but to proceed to the consideration of a joint resolution as required under the War Powers Resolution.

It is important to recognize that precedent exists for this action. Although the President refused to invoke the War Powers Resolution in 1983 in relation to the participation of the United States Armed Forces in the multinational force in Lebanon, the Congress proceeded to consider and enact into law a joint resolution under the procedures contained in the War Powers Resolution.

With the introduction of this resolution today, we are triggering the expedited procedures contained in that act. By doing so, as the authors of the War Powers Resolution intended, we will ensure a timely debate over our policy options in the Persian Gulf. This is critical to our ability to protect our interests in the Persian Gulf region and our ability to protect the 25,000 men who have been sent to the gulf to pursue a policy which has yet to be well defined. Through our consideration of this resolution and forthcoming debate on our policy options, we have an opportunity to unite the country behind our future actions in the gulf.

I look forward to the debate on this resolution, both within the Foreign Relations Committee, and on the floor of the Senate. I have set forth what I believe to be a sensible policy toward the gulf. By introducing this resolution, I am fullfilling what I believe to be my responsibility as a U.S. Senator under the law of our land.

The real significance of this action today is that it provides us with a timely mechanism to develop a national consensus around our policy. Therefore, I expect and look forward to discussions with both those who will criticize the elements of this resolution and with those who will be inclined to support it. It is only through such a debate and action that we can ensure that we are pursuing a policy in the Persian Gulf which is both in our national interest and which has the solid support of the American people.

Mr. President, I ask unanimous consent that the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 213

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This joint resolution may be cited as the "Persian Gulf Navigation Protection Act of 1987".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) keeping the Persian Gulf sea lanes open to international commerce is critical to the national security of the United States;

(2) beginning in July 1987 the United States Armed Forces began the convoying or escorting in the Persian Gulf of vessels formerly owned by Kuwait or Kuwaiti nationals which had been reregistered under the flag of the United States;

(3) on October 19, 1987, United States Armed Forces fired upon and destroyed an armed Iranian platform in the Persian Gulf in retaliation for an Iranian missile attack on October 15, 1987, against a United States-flag tanker;

(4) the War Powers Resolution requires that United States Armed Forces may not be introduced into hostilities or into situations in which imminent involvement in hostilities is clearly indicated by the circumstances for longer than the 60-day period described in section 5(b) of such Resolution without the specific authorization of Congress, a declaration of war, or other extenuating circumstances; and

(5) the United States must continue to maintain a military presence in the Persian Gulf to protect United States national security interests.

(b) DECLARATION.—The Congress declares that the requirements of section 4(a)(1) of the War Powers Resolution became operative on October 19, 1987.

(c) PURPOSES.—The purposes of this joint resolution are—

(1) to provide specific authorization under section 5(b) of the War Powers Resolution for the continued deployment of United States Armed Forces in the Persian Gulf to achieve United States foreign policy objectives and to protect United States security interests; and

(2) to clarify United States goals and policy toward the continued deployment of United States armed forces in the Persian Gulf.

SEC. 3. STATEMENT OF POLICY IN THE PERSIAN GULF.

It shall be the United States policy in the Persian Gulf—

(1) to keep the sea lanes open to international commerce;

(2) to remain neutral in the war between Iran and Iraq and to seek a just end to that conflict;

(3) to preserve the integrity of other nonbelligerent countries bordering the Persian Gulf;

(4) to prevent a strategic gain by the Soviet Union in the region;

(5) to urge United States allies, whether within or outside the Persian Gulf region, to participate more fully in sharing the burden of achieving and preserving peace in the Persian Gulf region;

(6) to defend United States Armed Forces against aggression by any country bordering the Persian Gulf which threatens the peaceful United States presence in the Gulf and the policy set forth in this section; and

(7) to pursue efforts through the United Nations to implement a cease-fire in the war between Iraq and Iran and other actions which will contribute to a lessening of hostilities in the Persian Gulf.

SEC. 4. SPECIFIC AUTHORIZATION FOR CONTINUED DEPLOYMENT OF UNITED STATES ARMED FORCES IN THE PERSIAN GULF.

The President is specifically authorized, for purposes of section 5(b) of the War Powers Resolution, to continue to deploy United States Armed Forces in the Persian Gulf, subject to the restrictions of section 5 of this joint resolution.

SEC. 5. RESTRICTIONS ON PRESIDENTIAL AUTHORITY.

The restrictions referred to in section 4 are as follows:

(1) Notwithstanding any other provision of law, on or after the date of enactment of this joint resolution no vessel owned by a government or national of a country bordering the Persian Gulf may be reregistered under the flag of the United States, except that any such vessel first so reregistered before such date may continue to be so reregistered.

(2)(A) On and after the date of enactment of this joint resolution, the use of United States Armed Forces to convoy or escort vessels owned by any government or national of a country bordering the Persian Gulf as of June 1, 1987, may continue—

(i) only if the government of such country agrees to reimburse the United States for the costs incurred in such use of the United States Armed Forces; and

(ii) only until the date which is 6 months after the date of enactment of this joint resolution, except that such date may be extended by additional periods of 6 months if for each such period the Congress enacts, in accordance with subparagraph (B), a joint resolution authorizing the use of United States Armed Forces for such period of time for the purposes authorized by this joint resolution.

(B) A joint resolution described in subparagraph (A)(ii) shall be considered in the House of Representatives and in the Senate in accordance with the procedures applicable to joint resolutions under paragraphs (3) through (7) of section 8066(c) of the Department of Defense Appropriations Act, 1985 (as contained in Public Law 98-473), except that references in such paragraphs to the Committee on Appropriations shall be deemed to be references in the House of Representatives to the Committee on Foreign Affairs and in the Senate to the Committee on Foreign Relations.

(3) The President shall consult with the Congress before using United States Armed Forces in hostilities under this joint resolution (other than actions necessary to repel attacks against United States Armed Forces or United States-flag vessels).

SEC. 6. REPORTING REQUIREMENT.

In addition to the reports required by section 4(c) of the War Powers Resolution, beginning 30 days after the date of enactment of this Act, and every 30 days thereafter, the President shall prepare and transmit to the Speaker of the House of Representatives and the President pro tempore of the Senate a report on the progress made in implementing the policy set forth in this joint resolution.

SEC. 7. INTERPRETATION OF THIS JOINT RESOLUTION.

(a) APPLICATION OF PRESIDENTIAL AUTHORITY.—(1) Nothing in this joint resolution shall preclude the President from withdrawing United States Armed Forces from the Persian Gulf if circumstances warrant their withdrawal.

(2) Nothing in this joint resolution requires the President totally to withdraw United States Armed Forces from the Persian Gulf if such Forces are not used in connection with the escorting or convoying of vessels reregistered under the United States flag.

(b) APPLICATION OF THE WAR POWERS RESOLUTION.—Nothing in this joint resolution shall have the effect of modifying, limiting, or superseding any provision of the War Powers Resolution.

By Mr. LAUTENBERG (for himself, Mr. DANFORTH, Mr. HOLLINGS, and Mr. GORE):

S.J. Res. 214. Joint resolution to designate the week of February 7-13, 1988, as "National Child Passenger Safety Awareness Week"; referred to the Committee on the Judiciary.

NATIONAL CHILD PASSENGER SAFETY AWARENESS WEEK

● Mr. LAUTENBERG. Mr. President, today I am introducing legislation to designate the week of February 7-13, 1988 as "National Child Passenger Safety Awareness Week." I am pleased to be joined in introducing this resolution by Senators HOLLINGS, DANFORTH, and GORE.

Since coming to the Senate, I have worked to improve safety on our roads and highways. Over the last several years, tremendous progress has been made. Promising airbag technology continues to improve. Legislation I authored to raise the minimum drinking age was passed, and that law has resulted in tangible savings of lives. With full compliance with the law, we can expect to save upwards of a thousand young lives a year.

Mr. President, we're saving hundreds of teenage lives a year. But there's another group we need to look after—the small children riding as passengers in our cars.

Motor vehicle crashes are the leading cause of the death and crippling of children over the age of 6 months in the United States. More children under the age of 5 are killed or crippled as a result of motor vehicle crashes than the total number of children killed or crippled by the seven most common childhood diseases. Between 1978 and 1986, nearly 9,300 children under the age of 5 were killed, and more than 450,000 children were injured, as a result of traffic crashes.

Children can be highly vulnerable as motor vehicle passengers, much more so than adults. For example, an unrestrained child is less protected by padding and energy-absorbing materials than an adult in a motor vehicle crash because protective devices are placed in areas more likely to benefit adults.

In addition, because their bodies are less developed and provide less protection, unrestrained children are subject to a significantly higher risk of serious head, spine, chest and abdominal injury in motor vehicle crashes than older passengers.

The death of any child is a tragedy. But what is so tragic about the deaths and injuries of children involved in motor vehicles accidents, is that they are so often preventable if simple precautions are taken. Research shows that the correct use of child passenger protection devices is over 70 percent effective in preventing death and 67 percent effective in preventing injury in motor vehicle crashes.

However, despite the fact that all 50 States and the District of Columbia have laws mandating the use of child passenger protection systems, the latest national surveys show that only 72 percent of children under 5 are placed in child safety seats, and that one-third of such seats are used incorrectly. That means that only 48 percent of children under the age of 5 are fully protected in cars through the proper usage of child safety seats.

Mr. President, our children are our future. It's our responsibility to protect them. We need to educate the public about the serious dangers children can face as automobile passengers and the importance of child safety protection devices and their correct use. It is my hope that "National Child Passenger Safety Awareness Week" will help focus the Nation's attention on the passenger safety of children and help promote the universal and correct usage of child passenger protection devices.

I urge my colleagues to join me in sponsoring this resolution. I ask unanimous consent that the text of the joint resolution be printed in the Record.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

S.J. Res. 214

Whereas motor vehicle crashes are the number one cause of death of children over the age of six months in the United States;

Whereas motor vehicle crashes are the number one cause of the crippling of children in the United States;

Whereas more children under the age of five years are killed or crippled as passengers involved in motor vehicle crashes than the total number of children killed or crippled by the seven most common childhood diseases: pertussis, tetanus, diphtheria, measles, mumps, rubella, and polio;

Whereas motor vehicle crashes are the leading trauma related cause of spinal cord injuries, epilepsy, and mental retardation in the United States;

Whereas between the years 1978 and 1987 nearly nine thousand three hundred children under the age of five years were killed in traffic crashes, and more than four hundred and fifty thousand children were injured in the United States;

Whereas an unrestrained child is less protected by padding and energy-absorbing materials than an adult in a motor vehicle crash, because protective devices are placed in areas more likely to benefit adults;

Whereas unrestrained children are subject to a significantly higher risk of serious head, spine, chest and abdominal injury in motor vehicle crashes than older passengers because the bodies of children are less developed and provide less protection;

Whereas an unrestrained child in a motor vehicle crash faces an increased danger of fatal or serious injury from ejection as well as injuries resulting from contact with the vehicle interior;

Whereas an unrestrained child in a motor vehicle not involved in a collision may be killed or injured as a result of sudden stops, turns, swerves, or from the unrestrained child falling from a moving vehicle.

Whereas all fifty states and the District of Columbia have enacted laws mandating the use of child passenger protection systems;

Whereas the latest national surveys show that 72 percent of children under the age of five are placed in child safety seats in the United States and that one-third of such seats are used incorrectly;

Whereas current nationwide studies estimate that only 48 percent of children under the age of five are fully protected in cars in the United States through the correct usage of child safety seats;

Whereas numerous government and private sector organizations have agreed to work in concert to achieve a minimum 70 percent correct usage of child passenger protection devices and adult safety belts by the year 1990;

Whereas research shows that the correct use of child passenger protection devices is over 70 percent effective in preventing death and 67 percent effective in preventing injury;

Whereas death and injuries may be reduced significantly through greater public awareness, information, education, and enforcement: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That February 7-13, 1988 is designated as "National Child Passenger Safety Awareness Week" and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that week with appropriate programs, ceremonies and activities to maximize correct usage of child safety seats.●

● Mr. DANFORTH. Mr. President, I am pleased to join with Senator LAUTENBERG in introducing a resolution on designating February 7-13, 1988, as "National Child Passenger Safety Awareness Week." This resolution is designed to promote the proper use of child care seats.

Mr. President, I have long been a believer in the value of child safety seats. In 1984, I joined with Senator LAUTENBERG in the successful effort to pass legislation authorizing Federal highway safety grants for the development and implementation of State programs concerning the use of child safety seats.0

Child car seat laws are in effect in all 50 States. The child safety seat law in my home State of Missouri is representative of these life saving measures. It requires that children under 4 years of age be protected by an approved safety seat if they are riding in the front seat. Young children in the rear seat must be restrained with a seat or a standard belt. An infraction carriers a $25 fine.

These laws and public education have greatly increased child safety seat use. The National Highway Traffic Safety Administration reports that between 1981 and 1986, safety seat use rose from 23 to 72 percent. These laws are critical to the protection of our children. A 1986 Department of Transportation [DOT] study estimated that when correctly used, child car seats can greatly reduce deaths and injuries. A child that is in a car seat can survive 71 percent of the serious accidents that would be fatal to an unrestrained child. A child care seat can prevent 67 percent of the hospitalizations that unrestrained children suffer in serious accidents.

The same 1986 DOT study points out an area in which our efforts in the child safety seat area can improve—proper usage. Specifically, DOT found that 21 percent of seats are grossly misused—that is, where either the child is not restrained in the child car seat, the seat is not anchored to the vehicle, or an unsuitable seat is used—and 40 percent of the seats are partially misused—that is, where some elements of the child car seat are not used properly but the child is somehow held in the seat and the seat is anchored to the vehicle in some manner. Grossly misused seats were found to be of little or no value in reducing death and injury. Partially misused seats are only 44 percent effective in reducing fatalities and 48 percent effective in reducing hospitalizations.

Mr. President, parents obviously want to protect their children. A national awareness week on child safety will help parents protect their children by informing them about the proper use of child safety seats.

Mr. President, I urge all my colleagues to support the designation of February 7-13, 1988, as "National Child Passenger Safety Awareness Week." If we can increase proper use of child safety seats, we will save a lot of children from needless death and injury.●

ADDITIONAL COSPONSORS

S. 123

At the request of Mr. INOUYE, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 123, a bill to amend title XVIII of the Social Security Act to provide that psychologist services are covered under part B of Medicare.

S. 714

At the request of Mr. SPECTER, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of S. 714, a bill to recognize the organization known as the Montford Point Marine Association, Inc.

S. 824

At the request of Mr. Specter, the name of the Senator from South Dakota [Mr. Daschle] was added as a cosponsor of S. 824, a bill to establish clearly a Federal right of action by aliens and U.S. citizens against persons engaging in torture or extrajudicial killing, and for other purposes.

S. 951

At the request of Mr. Heflin, the name of the Senator from Pennsylvania [Mr. Specter] was added as a cosponsor of S. 951, a bill entitled the "Federal Courts Study Act."

S. 998

At the request of Mr. DeConcini, the name of the Senator from New York [Mr. Moynihan] was added as a cosponsor of S. 998, a bill entitled the "Micro Enterprise Loans for the Poor Act."

S. 1109

At the request of Mr. Harkin, the name of the Senator from South Dakota [Mr. Daschle] was added as a cosponsor of S. 1109, a bill to amend the Federal Food, Drug, and Cosmetic Act to require certain labeling of foods which contain tropical fats.

S. 1203

At the request of Mr. Grassley, the name of the Senator from Maryland [Mr. Sarbanes] was added as a cosponsor of S. 1203, a bill to amend title 22, United States Code, to make unlawful the establishment or maintenance within the United States of an office of the Palestine Liberation Organization, and for other purposes.

S. 1440

At the request of Mr. Evans, the name of the Senator from Massachusetts [Mr. Kennedy] was added as a cosponsor of S. 1440, a bill to provide consistency in the treatment of quality control review procedures and standards in the Aid to Families with Dependent Children, Medicaid, and Food Stamp Programs; to impose a temporary moratorium for the collection of penalties under such programs, and for other purposes.

S. 1489

At the request of Mr. Moynihan, the names of the Senator from North Carolina [Mr. Sanford] and the Senator from Mississippi [Mr. Cochran] were added as cosponsors of S. 1489, a bill to amend section 67 of the Internal Revenue Code of 1986 to exempt certain publicly offered regulated investment companies from the disallowance of indirect deductions through passthrough entities.

S. 1539

At the request of Mr. Lautenberg, his name was added as a cosponsor of S. 1539, a bill to amend the Federal Railroad Safety Act and for other purposes.

S. 1678

At the request of Mr. Hatch, the name of the Senator from Wisconsin [Mr. Kasten] was added as a cosponsor of S. 1678, a bill to establish a block grant program for child care services, and for other purposes.

S. 1679

At the request of Mr. Hatch, the name of the Senator from Wisconsin [Mr. Kasten] was added as a cosponsor of S. 1679, a bill to establish a block grant program for child care services, and for other purposes.

S. 1697

At the request of Mr. Harkin, the name of the Senator from Maryland [Ms. Mikulski] was added as a cosponsor of S. 1697, a bill to provide for the registration of foreign interests in U.S. property.

S. 1709

At the request of Mr. Kasten, the name of the Senator from Minnesota [Mr. Boschwitz] was added as a cosponsor of S. 1709, a bill to amend the Internal Revenue Code of 1986 and the Congressional Budget and Impoundment Control Act of 1974 to improve the tax policy process, provide more accurate information to the Congress and the executive branch, and to provide for improved measurement of tax expenditures.

S. 1789

At the request of Mr. Kasten, the name of the Senator from Minnesota [Mr. Boschwitz] was added as a cosponsor of S. 1789, a bill to amend the Internal Revenue Code of 1986 to reduce the rate of tax on long-term capital gains of individuals from 28 to 15 percent.

SENATE JOINT RESOLUTION 181

At the request of Mr. Wilson, the names of the Senator from Idaho [Mr. Symms], and the Senator from Wyoming [Mr. Wallop] were added as cosponsors of Senate Joint Resolution 181, a joint resolution designating the week beginning February 1, 1988, as "National VITA Week."

SENATE JOINT RESOLUTION 203

At the request of Mr. D'Amato, the names of the Senator from Michigan [Mr. Levin], the Senator from Connecticut [Mr. Dodd], the Senator from Illinois [Mr. Simon], the Senator from New Jersey [Mr. Bradley], the Senator from Vermont [Mr. Leahy], the Senator from North Dakota [Mr. Conrad], the Senator from Colorado [Mr. Armstrong], the Senator from Tennessee [Mr. Gore], the Senator from Michigan [Mr. Riegle], the Senator from Oklahoma [Mr. Nickles], the Senator from New York [Mr. Moynihan], and the Senator from New Jersey [Mr. Lautenberg] were added as cosponsors of Senate Joint Resolution 203, a joint resolution calling upon the Soviet Union immediately to grant permission to emigrate to all those who wish to join spouses in the United States.

SENATE CONCURRENT RESOLUTION 43

At the request of Mr. Stevens, the names of the Senator from Georgia [Mr. Fowler], and the Senator from Minnesota [Mr. Boschwitz] were added as cosponsors of Senate Concurrent Resolution 43, a concurrent resolution to encourage State and local governments and local educational agencies to provide quality daily physical education programs for all children from kindergarten through grade 12.

At the request of Mr. D'Amato, his name was added as a cosponsor of Senate Concurrent Resolution 43, supra.

SENATE CONCURRENT RESOLUTION 87—RELATING TO DEMONSTRATIONS IN LATVIA COMMEMORATING LATVIAN INDEPENDENCE DAY

Mr. RIEGLE (for himself, Mr. Dole, Mr. Byrd, Mr. Bumpers, Mr. Lautenberg, Mr. Sarbanes, Mr. Moynihan, Mr. Simon, Mr. Glenn, Mr. DeConcini, Mr. Durenberger, Mr. Leahy, Mr. Levin, Mr. Proxmire, Mr. Pryor, Mr. Pressler, Mr. Murkowski, Mr. Dixon, Mr. Burdick, and Mr. Kasten submitted the following concurrent resolution; which was placed on the calendar by unanimous consent:

S. Con. Res. 87

Whereas The United States, since its inception, has been committed to the principle of self determination;

Whereas this essential moral principle is also affirmed in the Charter of the United Nations;

Whereas the Union of Soviet Socialist Republics is, according to its constitution, a voluntary federation of autonomous republics;

Whereas the Republic of Latvia did not become a member republic of the Union of Soviet Socialist Republics voluntarily, but rather was occupied militarily by the Soviet armed forces in the early days of World War II and subsequently incorporated by force into the Union of Soviet Socialist Republics, and has since been governed by a government approved by, and subservient to, the Government of the Union of Soviet Socialist Republics;

Whereas the United States has consistently refused to recognize the unlawful Soviet occupation of Latvia and continues to recognize the diplomatic representatives of the last independent government of the Republic of Latvia;

Whereas November 18, 1987, marks the 69th anniversary of the founding of the independent Republic of Lativa;

Whereas the United States Government has traditionally recognized November 18th as Latvian Independence Day, and the Congress has passed resolutions calling for special commemoration of that date;

Whereas November 18, 1987, also marks the 52nd anniversary of the dedication of the Latvian Monument of Freedom, completed in Riga, Latvia in 1935, to honor the Latvian people and their nation;

Whereas since the Soviet occupation of Latvia, the people of Latvia have been prevented from publicly commemorating this important day in their national history;

Whereas a peaceful noncommunist demonstration was allowed to occur on June 14, 1987, as 5000 Latvian people gathered in Riga to honor the victims of Soviet deportations which occurred between 1940 and 1949;

Whereas credible western news sources have indicated that Latvian citizens are planning to hold their third mass demonstration of the year on November 18 at the Latvian Monument of Freedom in downtown Riga;

Whereas Anatolijs Gorbunovs, Secretary of the Latvian Communist Party Central Committee, has stated that participation in such a demonstration in Riga on November 18 will be construed as an anti-Soviet act; and

Wheras A. Drizulis, Vice President of the Latvian Soviet Social Republic Academy of Sciences, echoing the new Soviet policies of glasnost, and perestroika, has stated that "it is necessary to cleanse history of various distortions and deformations, to return civic spirit, honesty and courage to it": Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

(1) prior to November 18, 1987, the Secretary of State should inform the Government of the Soviet Union that the United States Government supports the right of the Latvian people to peaceably assemble to commemorate important dates in their history, and should urge the Soviet Government to—

(A) apply a policy of openness and democratization to the people of Latvia;

(B) allow the people of Latvia to publicly commemorate November 18 in whatever peaceful manner they may choose, without fear of arrest, harassment, or other resprisals;

(C) allow the Western media access to Riga, Latvia, on November 18, 1987, to observe and report on events of that day;

(D) halt immediately the harassment of the members of all Latvian human rights groups, including HELSINKI 86 and the Latvian Christian Movement for Rebirth and Renewal; and

(E) release, prior to November 18, 1987, all Latvian prisoners of conscience from internal exile, prison, and labor camps in the Soviet Union, including Latvian human rights activists Linards Grantins and Gunars Astra;

(2) the President should direct all appropriate United States Government agencies to monitor closely the events of November 18, 1987, in Riga, Latvia, and should send an appropriate United States Government representative to Latvia on November 18, 1987, to observe personally the events of that day; and

(3) the President and the Secretary of State should raise the issues of human rights and self-determination in the Baltic states during the next United States-Soviet summit.

Mr. RIEGLE. Mr. President, I am pleased to be joined by the majority and minority leaders and a number of my Senate colleagues in submitting this concurrent resolution, asking the President to urge Soviet authorities to allow the Latvian people to hold a peaceful demonstration to mark Latvian Independence Day on November 18.

During the past 6 months, the citizens of the Baltic republics have twice participated in mass demonstrations to publicly commemorate important dates in their nations' history.

On June 14, more than 5,000 citizens gathered at the Monument of Liberty in Riga, Latvia, to honor the victims of the Stalinist deportations in the 1940's. A crowd twice that size went to the monument on August 23 to protest the signing of the 1939 Molotov-Ribbentrop Pact, which cosigned the Baltic republics to Soviet control. Simultaneous demonstrations occurred on that date in Estonia and Lithuania as well.

November 18 will mark the 69th anniversary of the founding of the independent Republic of Latvia. Although the Latvian human rights group, Helsinki 86, which organized the previous two events, has not officially called for a November 18 demonstration, credible Western news reports and other sources inside Latvia report widespread sentiment among the people there to gather publicly to mark this important date.

While Soviet authorities reluctantly tolerated the June 14 demonstration, official response was harsher to the August 23 event. Many participants were arrested, human rights leaders were beaten, fired from their jobs and threatened with further reprisals. Indications are that official response to a third mass demonstration will be harsher still.

A high-ranking Latvian Communist Party official has issued the warning that participation in a November 18 demonstration at the Monument of Liberty would be reviewed as an anti-Soviet act, and the Latvian people have received warnings of reprisals if they participate. Rumors, perhaps intentionally spread by the Government, are that the KGB is preparing provocateurs to disrupt the peaceful demonstration, in order to give authorities an excuse to suppress the demonstration by force.

Rolands Silaraups, a member of Helsinki 86 who led the June 14 demonstration in Riga, and who has recently emigrated to the West, believes that strong congressional support for this resolution will greatly enhance the likelihood that the Latvian people will be allowed to mark their independence day without official interference and without fear of reprisals.

I am therefore hopeful that the Senate will have an opportunity to vote on this important concurrent resolution prior to November 18, and I urge all Senators to support it.

AMENDMENTS SUBMITTED

REGULATIONS FOR THE PREVENTION OF POLLUTION BY GARBAGE FROM SHIPS

BENTSEN (AND OTHERS) (EXECUTIVE) AMENDMENT NO. 1127

Mr. BENTSEN (for himself, Mr. CHILES, Mr. GRAHAM, Mr. GRAMM, Mr. HEFLIN, Mr. SHELBY, and Mr. JOHNSTON) proposed an amendment to the resolution of ratification to Treaty Doc. 100-3, Annex V, Regulations for the Prevention of Pollution by Garbage From Ships, an Optional Annex to the 1978 Protocol Relating to the International Convention for the Prevention of Pollution From Ships, 1973 (MARPOL 73/78); as follows:

Strike all after the Resolving clause, and add in lieu thereof the following:

"That the Senate advise and consent to the ratification of Annex V, Regulations for the Prevention of Pollution by Garbage from Ships, an Optional Annex to the 1978 Protocol Relating to the International Convention for the Prevention of Pollution from Ships, 1973 (MARPOL 73/78), subject to the following:

"(a) UNDERSTANDING.—

"(1) The United States Government shall make every reasonable effort the have the Gulf of Mexico designated a 'special area' governed by the terms of Regulation 5 of Annex V to the 1978 Protocol Relating To The International Convention For The Prevention Of Pollution From Ships, 1973 (MARPOL 73/78).

"(2) The President shall include this understanding incorporated by the Senate in the Resolution of Ratification in the instrument of Ratification to be deposited with the Secretary-General of the International Maritime Organization."

PRINTING OF REPORT OF HOUSE AND SENATE SELECT COMMITTEES ON IRAN AS A JOINT REPORT

INOUYE (AND RUDMAN) AMENDMENT NO. 1128

Mr. INOUYE (for himself and Mr. RUDMAN) proposed an amendment to the concurrent resolution (H. Con. Res. 195) providing for filing and printing of the reports of the House and Senate select committees on Iran as a joint report; as follows:

On page 2, line 4, strike all through line 18 and insert in lieu thereof the following:

"(b) The first volume of the joint report shall contain a summary of facts, descriptive matter, findings, conclusions, and recommendations, including supplemental, minority, and additional views. In addition to the usual number, nine thousand copies of such volume shall be printed for the use of the House select committee and nine thousand copies of such volume shall be printed for the use of the Senate select committee."

HELMS AMENDMENT NO. 1129

Mr. HELMS proposed an amendment to the concurrent resolution, House Concurrent Resolution 195, supra; as follows:

Add at the end of the Concurrent Resolution the following new section:

"SEC. . It is the sense of Congress that it is not in the national security interest of the United States that any individual who appeared before the Senate Select Committee on Secret Military Assistance to Iran and the Nicaraguan Opposition or the House Select Committee to Investigate Covert Arms Transactions With Iran should be indicted or otherwise prosecuted or tried for any activity related to the subject matter before such Committees unless such activities resulted in the clear personal and illegal financial gain of such persons or their perjury.".

FEDERAL RAILROAD SAFETY ACT AMENDMENTS

EXON AMENDMENT NO. 1130

Mr. EXON proposed an amendment to the bill (S. 1539) to amend the Federal Railroad Safety Act of 1970, and for other purposes; as follows:

On page 4, line 10, strike "(j)(1)" and insert in lieu thereof "(i)(1)".

On page 3, between lines 16 and 17, insert the following:

(3) Section 209(c) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 438(c)) is amended by adding at the end the following: "For purposes of this section, an individual shall be deemed not to have committed a willful violation where such individual has acted pursuant to the direct order of a railroad official or supervisor.".

At the end of the bill, add the following:

AMENDMENTS TO SAFETY APPLIANCE ACTS

SEC. 13. The Act of March 2, 1893 (45 U.S.C. 1-7), the Act of March 2, 1903 (45 U.S.C. 8-10), and the Act of April 14, 1910 (45 U.S.C. 11-16), commonly referred to as the Safety Appliance Acts are amended as follows:

(a) The Act of March 2, 1893, is amended—

(1) in the first section (45 U.S.C. 1)—

(A) by striking "common carrier engaged in interstate commerce by";

(B) by striking "in moving interstate traffic"; and

(C) by striking "in such traffic"; (2) in section 2 (45 U.S.C. 2)—

(A) by striking "common carrier" and inserting in lieu thereof "railroad"; and

(B) by striking "used in moving interstate traffic";

(3) in section 3 (45 U.S.C. 3), by striking "person, firm, company, or corporation engaged in interstate commerce by";

(4) in section 4 (45 U.S.C. 4), by striking "in interstate commerce";

(5) in section 5 (45 U.S.C. 5), by striking "in interstate traffic";

(6) in section 6 (45 U.S.C. 6)—

(A) by striking all before the first semicolon and inserting in lieu thereof the following: "Any such person (including a railroad or any individual who performs service covered under the Act of March 4, 1907, commonly referred to as the Hours of Service Act (45 U.S.C. 61 et seq.), as in effect on the date of enactment of the Railroad Safety Act of 1987, or who performs other safety-sensitive functions for a railroad, as those functions are determined by the Secretary of Transportation) using any locomotive engine, running any train, or hauling or permitting to be hauled or used on its line any car in violation of any of the provisions of this Act, shall be liable to a penalty in such amount, not less than $250 nor more than $10,000 per violation (with each day of a violation constituting a separate violation), as the Secretary of Transportation deems reasonable, except that a penalty may be assessed against an individual only for a willful violation, such penalty to be assessed by the Secretary of Transportation and, where compromise is not reached by the Secretary, recovered in a suit or suits to be brought by the United States Attorney for the judicial district in which the violation occurred, in which the individual defendant resides, or in which the defendant has its principal executive office"; and

(B) by adding at the end the following: "For purposes of this section, an individual shall be deemed not to have committed a willful violation where such individual has acted pursuant to the direct order of a railroad official or supervisor."; and

(7) in section 8 (45 U.S.C. 7)—

(A) by striking "common carrier" and inserting in lieu thereof "railroad"; and

(B) by striking "such carrier" and inserting in lieu thereof "such railroad".

(b) The Act of March 2, 1903, is amended—

(1) in the first section (45 U.S.C. 8), by striking "common carriers by" and by striking "engaged in interstate commerce" the second time it appears;

(2) in section 2 (45 U.S.C. 9)—

(A) by striking "common carriers engaged in interstate commerce by railroad" and inserting in lieu thereof "railroads"; and

(B) by striking "engaged in interstate commerce"; and

(3) in section 3 (45 U.S.C. 10), by striking "common carrier" and inserting in lieu thereof "railroad".

(c) The Act of April 14, 1910, is amended—

(1) in section 2 (45 U.S.C. 11), by striking "common carrier" and inserting in lieu thereof "railroad";

(2) in section 3 (45 U.S.C. 12)—

(A) by striking "in interstate or foreign traffic" wherever it appears;

(B) by striking "common carriers" and inserting in lieu thereof "railroads"; and

(C) by striking "common carrier" and inserting in lieu thereof "railroad";

(3) in section 4 (45 U.S.C. 13)—

(A) by striking "common carrier" and inserting in lieu thereof "person (including a railroad or any individual who performs service covered under the Act of March 4, 1907, commonly referred to as the Hours of Service Act (45 U.S.C. 61 et seq.), as in effect on the date of enactment of the Railroad Safety Act of 1987, or who performs other safety-sensitive functions for a railroad, as those functions are determined by the Secretary of Transportation)";

(B) by striking "carrier" wherever it appears and inserting in lieu thereof "person";

(C) by stiking "of not less than $250 and not more than $2,500 for each and every such violation," and inserting in lieu thereof the following: "in such amount, not less than $250 nor more than $10,000 per violation (with each day of a violation constituting a separate violation), as the Secretary of Transportation deems reasonable, except that a penalty may be assessed against an individual only for a willful violation, such penalty";

(D) by striking "and recovered" and inserting in lieu thereof the following: "and, where compromise is not reached by the Secretary, recovered"; and

(E) by adding at the end the following: "For purposes of this section, an individual shall be deemed not to have committed a willful violation where such individual has acted pursuant to the direct order of a railroad official or supervisor.";

(4) in section 5 (45 U.S.C. 14), by striking "common carrier" and inserting in lieu thereof "railroad"; and

(5) by amending the first section (45 U.S.C. 16) to read as follows: "That used in this Act, the Act of March 2, 1893 (45 U.S.C. 1-7), and the Act of March 2, 1903 (45 U.S.C. 8-10), commonly known as the Safety Appliance Acts, the term 'railroad' shall have the same meaning as when used in the Federal Railroad Safety Act of 1970 (45 U.S.C. 431 et seq.).".

AMENDMENTS TO LOCOMOTIVE INSPECTION ACT

SEC. 14. The Act entitled "An Act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto", approved February 17, 1911 (45 U.S.C. 22 et seq.), is amended—

(1) by amending the first section (45 U.S.C. 22) to read as follows: "That the term 'railroad', when used in this Act, shall have the same meaning as when used in the Federal Railroad Safety Act of 1970 (45 U.S.C. 431 et seq.).";

(2) in section 2 (45 U.S.C. 23), by striking "carrier" wherever it appears and inserting in lieu thereof "railroad";

(3) in section 5 (45 U.S.C. 28)—

(A) by striking "common carrier" and inserting in lieu thereof "railroad"; and

(B) by striking "carrier" wherever it appears and inserting in lieu thereof "railroad";

(4) in section 6 (45 U.S.C. 29), by striking "carrier" and "carriers" wherever they appear and inserting in lieu therof "railroad" and "railroads", respectively;

(5) in section 8 (45 U.S.C. 32), by striking "carrier" wherever it appears and inserting in lieu thereof "railroad"; and

(6) in section 9 (45 U.S.C. 34)—

(A) by striking all before the first semicolon and inserting in lieu thereof the following: "Any person (including a railroad or any individual who performs service covered under the Act of March 4, 1907, commonly referred to as the Hours of Service Act (45 U.S.C. 61 et seq.), as in effect on the date of enactment of the Railroad Safety Act of 1987, or who performs other safety-sensitive functions for a railroad, as those functions are determined by the Secretary of Transportation) violating this Act, or any rule or regulation made under its provisions or any lawful order of any inspector shall be liable to a penalty in such amount, not less than $250 nor more than $10,000 per violation (with each day of a violation constituting a separate violation), as the Secretary of Transportation deems reasonable, except that a penalty may be assessed against an individual only for a willful violation, such penalty to be assessed by the Secretary of Transportation and, where compromise is not reached by the Secretary, recovered in a suit or suits to be brought by the United States Attorney for the judicial district in which the violation occurred, in which the individual defendant resides, or in which the defendant has its principal executive office"; and

(B) by adding at the end the following: "For purposes of this section, an individual shall be deemed not to have committed a willful violation where such individual has acted pursuant to the direct order of a railroad official or supervisor.".

AMENDMENTS TO ACCIDENT REPORTS ACT

Sec. 15. The Act entitled "An Act requiring common carriers engaged in interstate and foreign commerce to make full reports of all accidents to the Interstate Commerce Commission, and authorizing investigations thereof by siad commission", approved May 6, 1910 (45 U.S.C. 38 et seq.) is amended—

(1) in the first section (45 U.S.C. 38)—

(A) by striking "common carrier engaged in interstate or foreign commerce by";

(B) by striking "carriers" and by inserting in lieu thereof "railroads"; and

(C) by adding at the end the following: "The term 'railroad', when used in this Act shall have the same meaning as when used in the Federal Railroad Safety Act of 1970 (45 U.S.C. 431 et seq.).";

(2) in section 2 (45 U.S.C. 39)—

(A) by striking from "common carrier" and inserting in lieu thereof "railroad"; and

(B) by striking the last sentence;

(3) in section 3 (45 U.S.C. 40)—

(A) by striking "common carrier engaged in interstate of foreign commerce by" and

(B) by striking "carriers" and inserting in lieu thereof "railroads";

(4) by amending section 7 (45 U.S.C. 43) to read as follows:

"Sec. 7. Any person (including a railroad or any individual who performs service covered under the Act of March 4, 1907, commonly referred to as the Hours of Service Act (45 U.S.C. 61 et seq.), as in effect on the date of enactment of the Railroad Safety Act of 1987, or who performs other safety-sensitive functions for a railroad, as those functions are determined by the Secretary of Transportation) who violates this act or any rule, regulation, order, or standard issued under this Act or the Federal Railroad Safety Act of 1970 pertaining to accident reporting or investigations shall be liable for a penalty in such amount, not less than $250 nor more than $10,000 per violation (with each day of a violation constituting a separate violation), as the Secretary of Transportation deems reasonable, except that a penalty may be assessed against an individual only for a willful violation, such penalty to be assessed by the Secretary of Transportation and, where compromise is not reached by the Secretary, recovered in a suit or suits to be brought by the United States Attorney for the judicial district in which the violation occurred, in which the individual defendant resides, or in which the defendant has its principal executive office. For purposes of this section, an individual shall be deemed not to have committed a willful violation where such individual has acted pursuant to the direct order of a railroad official or supervisor.".

AMENDMENTS TO HOURS OF SERVICE ACT

Sec. 16. The Act of March 4, 1907, commonly referred to as the Hours of Service Act (45 U.S.C. 61 et seq.), is amended—

(1) in the first section (45 U.S.C. 61)—

(A) in subsection (a), by striking "common carrier engaged in interstate or foreign commerce by";

(B) in subsection (b)(1), by striking all after "term" and inserting in lieu thereof "'railroad' shall have the same meaning as when used in the Federal Railroad Safety Act of 1970 (45 U.S.C. 431 et seq.)."; and

(C) in subsection (b)(4), by striking "carrier" and inserting in lieu thereof "railroad";

(2) in section 2 (45 U.S.C. 62), by striking "common carrier" wherever it appears and inserting in lieu thereof "railroad";

(3) in section 3 (45 U.S.C. 63), by striking "common carrier" and inserting in lieu thereof "railroad";

(4) in section 3A (45 U.S.C. 63a), by striking "common carrier" and "carrier" wherever they appear and inserting in lieu thereof "railroad";

(5) in section 4 (45 U.S.C. 64), by striking "common carrier" and inserting in lieu thereof "railroad";

(6) in section 5 (45 U.S.C. 64a)—

(A) by amending subsection (a)(1) to read as follows:

"(a)(1) Any person (including a railroad or any officer or agent thereof, or any individual who performs service covered by this Act, or who performs other safety-sensitive functions for a railroad, as those functions are determined by the Secretary of Transportation) that requires or permits any employee to go, be, or remain on duty in violation of section 2, section 3, or section 3A of this Act, or that violates any other provision of this Act, shall be liable for a penalty of up to $1,000 per violation, as the Secretary of Transportation deems reasonable, except that a penalty may be assessed against an individual only for a willful violation, such penalty to be assessed by the Secretary of Transportation and, where compromise is not reached by the Secretary, recovered in a suit or suits to be brought by the United States Attorney for the judicial district in which the violation occurred, in which the individual defendant resides, or in which the defendant has its principal executive office. It shall be the duty of the United States Attorney to bring such an action upon satisfactory information being lodged with him. In the case of a violation of section 2 (a)(3) or (a)(4) of this Act, each day a facility is in noncompliance shall constitute a separate offense. For purposes of this section, an individual shall be deemed not to have committed a willful violation where such individual has acted pursuant to the direct order of a railroad official or supervisor.";

(B) in subsection (a)(2), by striking "the common carrier" and inserting in lieu thereof "such person";

(C) in subsection (c), by striking "common carrier" and inserting in lieu thereof "railroad"; and

(D) in subsection (d), by striking "carrier" and inserting in lieu thereof "railroad".

AMENDMENTS TO SIGNAL INSPECTION ACT

Sec. 17. Section 26 of the Act of February 4, 1887 (49 App. U.S.C. 26) is amended—

(1) by amending subsection (a) to read as follows:

"(a) The term 'railroad' as used in this section shall have the same meaning as when used in the Federal Railroad Safety Act of 1970 (45 U.S.C. 431 et seq.).";

(2) in subsection (b), by striking "carrier" wherever it appears and inserting in lieu thereof "railroad", and by striking "carriers" and inserting in lieu thereof "railroads";

(3) in subsection (c)—

(A) by striking "carrier by"; and

(B) by striking "carrier" wherever it appears and inserting in lieu thereof "railroad";

(4) in subsection (d), by striking "carrier" wherever it appears and inserting in lieu thereof "railroad";

(5) in subsection (e), by striking "carrier" and inserting in lieu thereof "railroad";

(6) in subsection (f), by striking "carrier" and inserting in lieu thereof "railroad";

(7) in subsection (h)—

(A) by amending the first sentence to read as follows: "Any person (including a railroad or any individual who performs service covered under the Act of March 4, 1907, commonly referred to as the Hours of Service Act (45 U.S.C. 61 et seq.), as in effect on the date of enactment of the Railroad Safety Act of 1970, or who performs other safety-sensitive functions for a railroad, as those functions are determined by the Secretary of Transportation) which violates any provision of this section, or which fails to comply with any of the orders, rules, regulations, standards, or instructions made, prescribed, or approved hereunder shall be liable to a penalty in such amount, not less than $250 nor more than $10,000 per violation (with each day of a violation constituting a separate violation), as the Secretary of Transportation deems reasonable, except that a penalty may be assessed against an individual only for a willful violation, such penalty to be assessed by the Secretary of Transportation and, where compromise is not reached by the Secretary, recovered in a suit or suits to be brought by the United States Attorney for the judical district in which the violation occurred, in which the individual defendant resides, or in which the defendant has its principal executive office."; and

(B) by adding at the end the following: "For purposes of this section, an individual shall be deemed not to have committed a willful violation where such individual has acted pursuant to the direct order of a railroad offical or supervisor.".

(8) by striking "Commission" wherever it appears and inserting in lieu thereof "Secretary of Transportation".

LAUTENBERG (AND MIKULSKI) AMENDMENT NO. 1131

Mr. LAUTENBERG (for himself and **Ms. Mikulski**) proposed an amendment to the bill S. 1539, supra; as follows:

On page 10, between lines 2 and 3, insert the following new section:

Sec. 12. The Federal Railroad Safety Act of 1970 is amended by inserting immediately after section 202 the following new section:

"Sec. 202A. (a) Within 180 days after the date of enactment of this section, the Secretary shall issue rules, regulations, standards, and orders requiring that whoever performs the required test of automatic train stop, train control, or cab signal apparatus prior to entering territory where such apparatus will be used shall certify in writing that such test was properly performed, and that such certification shall be kept and maintained in the same manner and place as the daily inspection report for that locomotive.

"(b) Within 30 days of the date of enactment of this section, the Secretary shall issue rules, regulations, standards, and orders requiring the use of automatic train control on all trains operating in the Northeast Corridor by not later than December 31, 1990. The Secretary shall submit a report to the Congress by January 1, 1989, on the progress of this effort, and detail in that report any proposals to modify the requirements in this subsection, and the reasons for such modification.

"(c) The Secretary shall require the installation and use of event recorders on freight trains no later than one year after the date of enactment of this section.

"(d)(1) Within 30 days after the date of enactment of this section, the Secretary shall establish a Northeast Corridor Safety Committee and appoint members to the Committee consisting or representatives of—

"(A) the Secretary;

"(B) the National Railroad Passenger Corporation;

"(C) freight carriers;

"(D) commuter agencies;

"(E) railroad passengers; and

"(F) any other persons or organizations interested in rail safety.

"(2) The Secretary shall consult with the Northeast Corridor Safety Committee on safety improvements in the Northeast Corridor.

"(3) Within 90 days following the date of enactment of this section, the Secretary shall, in accordance with section 333 of title 49, United States Code, convene a meeting of Northeast Corridor rail carriers for the purpose of reducing through freight traffic on Northeast Corridor passenger lines.

"(4) Within one year after the date of enactment of this section, and annually thereafter, the Secretary shall submit a report, including any recommendations for legislation, to the Congress on the status of efforts to improve safety in the Northeast Corridor pursuant to the provisions of this section.".

On page 10, line 4, strike out "SEC. 12." and insert in lieu thereof "SEC. 13.".

BENTSEN AMENDMENT NO. 1132

Mr. BENTSEN proposed an amendment, which was subsequently modified, to the bill S. 1539, supra; as follows:

At the end of the bill, add the following new section:

MAXIMUM TRAIN SPEEDS

SEC. . The Secretary of Transportation, in consultation with the Federal Railroad Administration, shall, within six months of the enactment of this legislation, institute a rulemaking, as may be necessary, to provide for the safety of highway travelers and pedestrians who use railroad grade crossings at points where trains operate through any densely populated college campus. As determined by the Secretary to be necessary such rulemaking shall require maximum speed limits for trains, guardrails and warning lights at railgrade crossings located on any such campus, and intensified presentation of Operation Lifesaver educational programs on such campuses to familiarize students and other persons with the inherent dangers of such crossings.

HOLLINGS AMENDMENT NO. 1133

Mr. EXON (for Mr. HOLLINGS) proposed an amendment to the bill S. 1539, supra; as follows:

At the end of the bill, add the following:

RAIL PASSENGER SERVICE ACT AMENDMENTS

SEC. . (a) Section 301 of the Rail Passenger Service Act (45 U.S.C. 541) is amended by striking "agency" and inserting in lieu thereof "agency, instrumentality,".

(b) Section 303(a)(1)(E) of the Rail Passenger Service Act (45 U.S.C. 543(a)(1)(E)) is amended to read as follows:

"(E) Two members selected by the preferred stockholders of the Corporation, who each shall serve for a term of one year or until their successors have been appointed.".

(c) Section 303(d) of the Rail Passenger Service Act (45 U.S.C. 543(d)) is amended by striking the third sentence and inserting in lieu thereof the following: "The president and other officers of the Corporation shall receive compensation at a level no higher than the general level of compensation paid officers of railroads in positions of comparable responsibility.".

(d) Section 308(a) of the Rail Passenger Service Act (45 U.S.C. 548(a)) is amended by inserting immediately after "also" in the last sentence the following: "provide all relevant information concerning any decision to pay to any officer of the Corporation compensation at a rate in excess of that prescribed for level I of the Executive Schedule under section 5312 of title 5, United States Code, and".

(e) Section 602(i) of the Rail Passenger Service Act (45 U.S.C. 602(i)) is repealed.

(f) Subsection (b) of the first section of the Act entitled "An Act to amend the Rail Passenger Service Act of 1970 in order to provide financial assistance to the National Railroad Passenger Corporation, and for other purposes", approved June 22, 1972 (Public Law 92-316; 86 Stat. 227), is repealed.

ADAMS AMENDMENT NO. 1134

Mr. ADAMS proposed an amendment to the bill S. 1539, supra; as follows:

At the end of the bill, add the following:

PROTECTION FOR CERTAIN WORKERS

SEC. . (a) No employee shall be disciplined or sanctioned as a result of information discovered through access authorized by this Act to the National Driver Register, where such employee has successfully completed a rehabilitation program subsequent to the cancellation, revocation, or suspension of the motor vehicle operator's license of such person.

(b) Section 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431), as amended by this Act, is further amended by adding at the end the following:

"(j) The Secretary shall, within one year after the date of enactment of the Railroad Safety Act of 1987, issue such rules, regulations, orders, and standards as may be necessary for the protection of maintenance-of-way employees, including standards for bridge safety equipment, such as nets, walkways, handrails, and safety lines, and requirements relating to instances when boats shall be used.".

(c) Section 2 of the Act of March 4, 1907, commonly referred to as the Hours of Service Act (45 U.S.C. 62), is amended by adding at the end the following:

"(e) As used in section 2(a)(3) of this Act, the term 'employee' shall be deemed to include an individual employed for the purpose of maintaining the right-of-way of any railroad.".

(d) The Secretary of Transportation shall, within one year after the date of enactment of this Act, amend part 218 of title 49, Code of Federal Regulations, to apply blue signal protection to on-track vehicles where rest is provided.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS, FISCAL YEAR 1988

GLENN (AND OTHERS) AMENDMENT NO. 1135

(Ordered to lie on the table.)

Mr. GLENN (for himself, Mr. PROXMIRE, Mr. SIMON, Mr. BUMPERS, Mr. COCHRAN, Mr. HARKIN, Mr. DIXON, and Mr. PELL) submitted an amendment intended to be proposed by them to the bill (H.R. 2700) making appropriations for energy and water development for the fiscal year ending September 30, 1988, and for other purposes; as follows:

On page 49, between lines 20 and 21, insert the following:

"SEC. 309. Out of the appropriations for the Department of Energy under this title, $2,600,000 shall be available for the Reduced Enrichment Research and Test Reactor Program.".

GLENN (AND OTHERS) AMENDMENT NOS. 1136 AND 1137

(Ordered to lie on the table.)

Mr. GLENN (for himself, Mr. PROXMIRE, Mr. SIMON, Mr. BUMPERS, Mr. DIXON, Mr. HARKIN, and Mr. PELL) submitted two amendments intended to be proposed by them to the bill H.R. 2700, supra; as follows:

AMENDMENT NO. 1136

On page 41, line 4, after "expended," insert "of which $2,600,000 shall be available from funds allocated to Nuclear Directed Energy Weapons for the Reduced Enrichment Research and Test Reactor Program,".

AMENDMENT NO. 1137

At the appropriate place, add the following:

"Not withstanding any other provision of this Act, $2,600,000 shall be available from funds allocated to Nuclear Directed Energy Weapons for the Reduced Enrichment Research and Test Reactor Program,".

GLENN (AND OTHERS) AMENDMENT NO. 1138

(Ordered to lie on the table.)

Mr. GLENN (for himself, Mr. PROXMIRE, Mr. SIMON, Mr. BUMPERS, Mr. COCHRAN, Mr. HARKIN, Mr. DIXON, and Mr. PELL) submitted an amendment intended to be proposed by them to the bill H.R. 2700, supra; as follows:

At the appropriate place, add the following:

"Not withstanding any other provision of this Act, out of the appropriations for the Department of Energy under this title, $2,600,000 shall be available for the Reduced Enrichment Research and Test Reactor Program.".

KARNES AMENDMENTS NOS. 1139 THROUGH 1141

(Ordered to lie on the table.)

Mr. KARNES submitted three amendments intended to be proposed by him to the bill H.R. 2700, supra; as follows:

AMENDMENT No. 1139

On page 2, line 17, strike "$141,450,000" and insert in lieu thereof "$141,550,000".

On page 6, line 9, insert the following new paragraph:

"$100,000 shall be available for the Secretary of the Army, acting through the Chief of Engineers, to initiate a plan of review for Elm Creek, Decatur, Nebraska, under the provisions of Section 903(b) of Public Law 99-662."

AMENDMENT No. 1140

On page 6, line 18, insert the following: strike "$1,046,446,000" and insert in lieu thereof "$1,047,446,000".

On page 12, after line 10, insert the following:

"$3.5 million shall be made available for construction on the Papillion Creeks and Tributaries Lakes Project, Nebraska, which includes $1 million for work on water quality problems associated with Dam Site 18."

AMENDMENT No. 1141

On page 15, line 1, insert the following: strike "$1,404,738,000" and insert in lieu thereof "$1,404,938,000".

On page 15, after line 19, insert the following:

"$200,000 shall be made available for repairs necessary to maintain the integrity of existing federally financed streambank erosion control projects located in the Missouri National Recreation River, Nebraska and South Dakota, project corridor."

NOTICES OF HEARINGS

SUBCOMMITTEE ON MINERAL RESOURCES DEVELOPMENT AND PRODUCTION

Mr. MELCHER. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Subcommittee on Mineral Resources Development and Production on Monday, November 16, 1987, at 10 a.m. in room 366 of the Dirksen Senate Office Building. The purpose of the hearing is to receive testimony concerning the proposed rules issued by the Department of the Interior relating to the valuation of coal production from Federal and Indian leases for royalty purposes.

Those wishing to submit written testimony should address it to the Committee on Energy and Natural Resources, room 364, Dirksen Senate Office Building, Washington, DC 20510.

For further information, please contact Patricia Beneke at (202) 224-2383 or Lisa Vehmas at (202) 224-7555.

Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Mineral Resources Development and Production on Tuesday, November 17, 1987, at 10 a.m. in room 366 of the Dirksen Senate Office Building. The purpose of the hearing is to receive testimony on S. 1120, the "Federal Coal Leasing and Utilization Act of 1987".

Those wishing to submit written testimony should address it to the Committee on Energy and Natural Resources, room 364 Dirksen Senate Office Building, Washington, DC 20510.

For further information, please contact Patricia Beneke at (202) 224-2383 or Lisa Vehmas at (202) 224-7555.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LEAHY. Mr. President, I wish to announce that the Committee on Agriculture, Nutrition, and Forestry will hold a hearing on Monday, November 16, 1987, at 2 p.m. in SR332 to receive testimony on the nomination of Roland Vautour to be Under Secretary of Agriculture for Small Community and Rural Development, and a member of the Board of Directors of the Commodity Credit Corporation.

For further information, please contact Mike Dunn of the committee staff at 224-2035.

SUBCOMMITTEE ON AGRICULTURAL PRODUCTION AND STABILIZATION OF PRICES

Mr. LEAHY. Mr. President, I wish to announce that the Subcommittee on Agricultural Production and Stabilization of Prices of the Committee on Agriculture, Nutrition, and Forestry will hold a joint hearing with the House Agriculture Subcommittee on Wheat, Soybeans, and Feed Grains to receive testimony on the impact of Federal inspection service protein measurement on wheat prices. The hearing will be held on November 10, 1987 at 10 a.m. in room 332, Russell Senate Office Building.

Senator JOHN MELCHER will preside. For further information please contact David Voight of Senator MELCHER's office at 224-2644.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold a business meeting during the session of the Senate on November 5, 1987.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. BYRD. Mr. President, I ask unanimous consent that the Select Committee on Indian Affairs, be authorized to meet during the session of the Senate on Thursday, November 5, 1987, at 2 p.m. to hold hearings on the Implementation of the Omnibus Drug Act (Pubic Law 99-570, title IV, part C) and on S. 1684, Florida Seminole Water Claims Settlement, and to hold a markup on S. 795, San Luis Rey Water Rights Settlement Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON HAZARDOUS WASTES AND TOXIC SUBSTANCES

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Hazardous Wastes and Toxic Substances, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on November 5, to conduct an oversight hearing on the regulation of biotechnology.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CONSUMER AFFAIRS

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Consumer Affairs of the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate Thursday, November 5, 1987 at 3:15 p.m. to conduct oversight hearings on the ability of consumers to plan their financial affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on November 5, 1987 to hold a hearing on judicial nominations.

The PRESIDING OFFICER. Without objection it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands, National Parks and Forests be authorized to meet during the session of the Senate on Thursday, November 5, 1987, to continue hearings to receive testimony on S. 708, a bill to require annual appropriations of funds to support timber management and resource conservation on the Tongass National Forest.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

SALUTING BILL DAVIDSON

● Mr. LEVIN. Mr. President, tonight, in Southfield, MI, Congregation Shaarey Zedek is paying tribute to a very special man. William Davidson will receive Israel's Peace Medal at a dinner to benefit State of Israel bonds.

Let me read from the invitation to this event:

> It is singularly fitting that, on the eve of the 40th anniversary of a remarkable nation, the Detroit Jewish Community and Congregation Shaarey Zedek salute a remarkable man.

Bill Davidson is dedicated and determined. He has served as president of his beloved Congregation Shaarey Zedek. His deep commitment to

Jewish education can be seen in his building of a wing at the Hillel Day School of Metropolitan Detroit.

He has remembered his own alma mater by establishing a visiting professorship in business administration at the University of Michigan. And he has endowed a chair in industrial and managerial engineering at the Technion-Israel Institute of Technology.

He has a profound interest in the quality of life of his community and has participated with great generosity in philanthropic efforts to satisfy educational, social, and cultural needs both in this country and abroad.

As involved as Bill is in the business world and community life, he still finds time to avidly follow the Detroit Pistons, of which he is the principal owner. Not surprisingly, Bill is more than just a fan. He has a terrific relationship with the players and truly loves the game. Bill had special reason to be proud of the Pistons this past year when they went all the way to the semifinals in the NBA and took the powerful Boston Celtics to a hard-fought seven game series.

Let me conclude with another quotation from the invitation to tonight's dinner:

> It is with justifiable pride that Congregation Shaarey Zedek pays tribute to a vigorous international industrialist who is also a distinguished leader in congregational and communal life.

As we congratulate a good friend and great community leader, Bill Davidson, we also want to commend his congregation and community for recognizing his many contributions. Tonight will be an evening of celebration.●

JAPAN SELECTS BOEING TO SUPPLY PRIME MINISTER AIRCRAFT

● Mr. EVANS. Mr. President, within the last 2 weeks the Government of Japan has made a final decision to purchase two aircraft for use by the Prime Minister and the Foreign Minister for official foreign travel. I am pleased and proud that they have selected the Boeing Model 747-400 for this important and prestigious mission.

By selecting the Boeing aircraft, the Japanese Government sends a clear and strong message to the rest of the world: This Northwest company is at the absolute top of the commercial aviation industry. Although other excellent U.S.-built and foreign-built aircraft also were considered, the 747-400 turned out to be the best of the best.

I want to commend the Japanese Government for making the choice that they did. Obviously it will mean even more work for Boeing and more employment in the State of Washington. But is a broader context, it demonstrates that the Japanese are serious when they say they want to work with us in bringing greater balance to our trade relationship.

By selecting a U.S. aircraft as their equivalent to our Air Force One, the Japanese are manifesting a desire to continue to pursue mutually beneficial commercial activities with the United States. They have manifested that desire—and the desire to stengthen already strong collective security ties—through other important acts in recent weeks as well.

Responding quickly to the revelations that high-technology items had been illegally diverted to the Soviet Union by Toshiba, the Japanese Government developed a comprehensive package designed to ensure both that it doesn't happen again and that we can recoup some of the severe national security losses that resulted from that diversion. The Japanese also recently announced that they would enter into a joint production agreement with General Dynamics to build a new fighter support aircraft.

These steps are welcome. Further work needs to be done, however, if we are going to restore totally the balance necessary to sustain a prosperous trading relationship into the future. Japan must continue to evaluate carefully their long-term security needs and to recognize that other United States equipment—such as advanced airborne early warning aircraft—is available to help them meet their defense objectives. I applaud the efforts of the Japanese in recent months and look forward to an ever more beneficial relationship in the future.●

TRADE COOPERATION BETWEEN THE UNITED STATES AND JAPAN

● Mr. ADAMS. Mr. President, I am pleased to learn of the decision by the Japanese to purchase two Boeing model 747-400 aircraft from us by the Prime Minister as his official aircraft. These aircraft will be delivered sometime in the spring of 1991 and will reduce our bilateral trade deficit with the Japanese by $250 million.

This transaction represents the kind of cooperation which will be needed to resolve our bilateral trade tensions with the Japanese. The Japanese have made a great effort with respect to this particular sale. This Senator is grateful and indeed this country should hold this up as an example of the tremendous potential for improved cooperation between the United States and Japan in expanding, not contracting our trade opportunities.●

CENTENNIAL ANNIVERSARY OF CHINO, CA

● Mr. WILSON. Mr. President, November marks an important date in the history of California. One hundred years ago this month, the city of Chino, CA, was founded and I think it appropriate to reflect on the colorful history, growth, and prosperity of the Chino Valley.

The history of Chino began some 200 years ago when bands of Indians roamed the fertile valley and hunted game that existed in ample supply. In the early 1800's, the land became part of the San Gabriel Mission and was used to graze horses and cattle belonging to the mission. In 1810, a young Spaniard named Don Antonio Maria Lugo began to accumulate lands and was granted rights, in 1841, to what was to become the 47,000-acre Rancho Santa Del Chino. He later sold the Rancho to his son-in-law, Issac Williams.

Richard Gird purchased Rancho Del Chino from Williams' heirs, and in 1887, subdivided 24,000 acres into small ranches, and 640 acres into the town site of Chino, marking the beginning of the town of Chino.

Chino remained basically an agricultural community until the 1950's at which time Chino saw the beginning of residential, commercial and industrial development, growing from a population of 3,196 tin 1930 to its present population of over 50,000.

Chino's growth, achievements and advances since its founding reflect the commitment, fortitude and determination of all the people of the Chino community.

I congratulate and commend the city of Chino and take great pleasure in heralding its centennial anniversary within this Chamber of the U.S. Senate.●

CELEBRATING NATIONAL COMMUNITY EDUCATION DAY

● Mr. RIEGLE. Mr. President, the National Community Education Association is planning its sixth annual observance of National Community Education Day on November 17, 1987. I am pleased that the Senate passed my resolution, Senate Joint Resolution 87, to mark this occasion.

Between 1982 and 1986, Governors in 38 States proclaimed community education days in recognition of the strong relationships that have developed between public schools and the communities they serve. Community education is a philosophy which encourages all members in a community to work together to enhance the education process. It recognizes that the community has a wealth of resources that can enrich the educational process.

I had the opportunity to attend community schools in Flint, MI, where this concept originated over 50 years ago and I am particularly proud of the success of this program in my home community. What began as a small recreational program in 1935 has now become a strong, positive force not only in Flint but in many other communities across the country. The community education program now provides needed recreational, education, cultural, social, and medical services in some 3,500 school districts across the country.

Community education has helped to improve the performance of students and helped open up classrooms for adult education programs to fight illiteracy and teach job skills to workers so they can participate more fully in our increasingly technical workplace and society. The program has also helped reach alienated and isolated groups in our society who need special assistance. One of the greatest values of community schools is that they reestablish a sense of community to give people a sense of connection and of shared purpose.

Mr. President, community education has proven it can help build strong bridges between public schools and their communities. These bridges are essential to improving education so that it can help all citizens meet the challenges of the future. I believe that Community Education Day will help strengthen existing community education programs and provide the impetus for other communities to develop their own programs.●

SALUTE TO JACK STACKPOOL

● Mr. DURENBERGER. Mr. President, more than three decades have passed since I graduated from St. John's University, but I still remember the aggressive ballhandling and take-charge leadership of "fellow-Johnny," Jim Stackpool.

Jim was one of those unique student-athletes St. John's has become known for. He's a great inspiration to the students he has coached. And, I'm proud to say, he's a good friend.

Jim Stackpool's impressive résumé is about to be enhanced, Mr. President, through Jim's induction into the Minnesota Coaches' "Hall of Fame." Jim will be induced into this prestigious group of retired coaches November 6 at a banquet in Minneapolis, along with Bill Selisker of Crosby-Ironton, Walt Williams of Minneapolis-Southwest, and the late Ted Peterson, who was a long-time and well-known sportswriter.

Although he has retired from coaching after 25 years, Jim is still a social studies teacher and athletic director at Glenwood High School. Previously, he taught and coached at Wabasha and Foley.

Jim has always been willing to give of his time to his profession, having served as president of the State coaches association, game manager for the first two State high school all-star basketball games, and as district and regional representative to the Minnesota State High School League.

Mr. President, because of his outstanding contributions to the education and athletic accomplishments of young athletes over more than a quarter century, I would ask that the full text of the following article on Jim Stackpool from the West Central Tribune in Willmar, MI, be printed in the RECORD.

The article follows:

[From the West Central Tribune, Aug. 28, 1987]

COACHING GROUP HONORS STACKPOOL

(By Bruce Strand)

GLENWOOD.—Jack Stackpool has always said "yes" to getting involved in projects that promote Minnesota high school basketball.

In recognition, the Minnesota Basketball Coaches Association has said "yes" to Glenwood's nomination of Stackpool to the state coaches Hall of Fame.

Stackpool, 53, a social teacher and athletic director at Glenwood, coached 25 years at Wabasha, Foley and Glenwood. The association honors only retired coaches.

He'll be inducted Nov. 6 at a banquet in Minneapolis, along with Bill Sellisker of Crosby-Ironton. Walt Williams of Minneapolis Southwest, and the late sportswriter Ted Peterson of Minneapolis and Alexandria.

"It's an excellent honor," said Stackpool. "You always try to do the best you can as you coach, and this is something nice added on by my fellow coaches."

Stackpool held several offices, including president, with the state coaches association. He served as game manager for the first two state high school all-star basketball games. He was district and region representative for many years.

The MBCA's criteria for Hall of Fame selection are: (1) demonstrating a dedication to the highest value of competitive high school basketball, (2) conducting programs in a beneficial way for players, schools, and community, and (3) membership and participation in the MBCA and its parent organization.

This is the fourth year of the Hall of Fame. Twenty-one persons have been inducted. Stackpool is the first from the Tribune area.

Stackpool was nominated by his longtime assistant, Donald Torgerson, and his successor, John Holsten, along with Albany athletic director Pete Herges and Starbuck coach Greg Starns.

"Jack proved himself in many ways as a coach," said Herges, himself a Football Coaches Hall of Fame member. "His teams were always very well prepared, and his ability to adjust to various changes in the game, I think were responsible for conference championships he won at Foley.

"Ethically, he's a person to look up to, one you'd like to have your son play for."

Torgerson cited Stackpool for being "a leader in our district and region . . . He likes to take charge and see that things are done correctly."

Stackpool is a native of Chicago, where he played prep basketball for Johnny Dee, a former Notre Dame standout who would eventually coach at that university Dee's ex-teammate. Buster Hiller, coached at St. John's, and Dee steered Stackpool there.

He played basketball at St. John's, where, ironically, he once guarded co-inductee Sellsker in a game in which the Johnnies ended a long losing streak against Hairline.

After earning his degree at St. John's—a masters in education with emphasis on political science from St. Cloud came later—Stackpool served in the Army for two years before starting his teaching/coaching career.

Stackpool never got into a state tournament, but established winning traditions at all his locations while promoting the sport in those extra capacities.

Being active is a family trait.

His wife, Mary, teaches a Partners in Agriculture program (for farm wives) at Alexandria Vo-Tech, and ran unsuccessfully for the state senate last year.

Their youngest son, Tom, was the Tribune's 1978 Hengstler-Ranweller, Award (top area senior athlete) recipient as a four-sport star. He's now a graduate basketball coaching assistant at University of North Dakota, after coaching at Perham for four years.

Oldest son Mike, a drama standout at Glenwood, now works in a psychiatric hospital in Denver. Another son, Dick, a football/track star at Glenwood, has two college degrees and is involved in the insurance business in Dallas. Daughter Ann, an all-state musician in high school, does social work in Cambridge.

"I guess I'm a proud father," he said after rattling off his offspring's achievements in response to a reporter's question.

He took pride in his coaching, too. In both his kids and his job, it showed.●

"DEDICATION OF STATUE TO THE HUNGARIAN FREEDOM FIGHTER"

● Mr. LAUTENBERG. Mr. President, on October 25, 1987, in the Veterans' Park at Passaic, NJ, a statue honoring the Hungarian freedom fighter was dedicated. I would like to draw my colleagues' attention to remarks I made on that occasion:

I want to congratulate Mr. Erno Balogh, the Hungarian Freedom-fighters Memorial Committee and the entire community of Hungarian Americans on the dedication of this statue to the Hungarian freedom fighter at Veterans' Park, in Passaic, NJ.

This dedication is a proud and happy occasion, but also a bittersweet one. Bitter because the statue reminds us of the heroic struggle of the Hungarian people against the Soviets in 1956, and of the fact that your native land remains under the oppressive domination of the Soviet Union. And sweet, because the statue will serve as a reminder and a symbol of the courage and deep love for freedom shown by your people in 1956.

The brave Hungarian who fought the Soviets were true freedom fighters. They fought for the freedom to express, the freedom to dissent, the freedom to publish, and the freedom to worship their own God, not the gods of the state. They fought for the freedom to elect a government of their own choosing.

These freedoms have a deep resonance with the American people because the founders of this country fought for exactly these freedoms. That's why the valiant struggle of the Hungarian people struck such a chord of recognition with Americans in 1956, and why it continues to do so today.

I believe it accounts for the success of the Hungarian community in the United States, and for the proud dedication of this statue today. Hungarian Americans have much to be proud of. Some of you participated directly or indirectly in one of the most inspiring, and ultimately tragic uprisings in history.

But the events of 1956 were not in vain. They set an example for the other oppressed peoples of Soviet dominated Eastern Europe. The people of Hungary were leaders in the struggle for freedom. A struggle that continues today, both in Hungary and in Romania.

I know firsthand of the struggle of the Hungarians in Romania from my own Hungarian American constituents and from my visit to Romania this summer. While I was there, I repeatedly raised the issue of oppression of ethnic Hungarians. I pressed Romanian officials at every meeting to explain why Hungarians were not free to speak their own language and teach it to their children.

Why Hungarian schools and theaters are closed or merged until they lose their Hungarian characteristics. The Romanian officials, from President Ceaucescu on down, denied there was a problem with ethnic Hungarians. Yet our request to visit Transylvania to discuss these issues with affected Hungarians was refused.

Instead, we were shunted off to a Romanian ski resort where we were able to speak only to some Hungarian folk dancers. To us, this said almost more than we would have heard in Transylvania. For after all, if the Romanians had nothing to hide, why did they treat us that way?

So the fight for freedom represented by this statue is not only historic. It continues today. And I am very pleased that the community of Passaic will be home to this proud reminder of the bravery and courage of the Hungarian freedom fighters, and of their continuing struggle for freedom.

Congratulations and best wishes! ●

SECURITIES MARKETS ON OCTOBER 19

● **Mr. ARMSTRONG.** Mr. President, evidence appears to be accumulating concerning the events in the securities markets on October 19 and beyond and what precipitated them.

President Reagan has begun assembling the individuals who might be able to put the evidence into a comprehensive form and the Nation will be awaiting the results of their work. I personally believe that a very important factor was the decision by the Federal Reserve to tighten the money supply, a decision that was reconsidered by the Board of Governors in light of the events on October 19th.

In addition there is growing discussion over the role of the decisions made by the Ways and Means Committee that may have contributed to the greatest single day's decline ever on stock exchanges here and abroad.

One such article that appeared in yesterday's Wall Street Journal written by the Director of Economics at a prominent securities firm makes the case that the disallowance of interest deductions exceeding $5 million a year for debt incurred in takeovers may have been a culprit.

If this tax provision was even partially responsible for what happened in the markets, it was a bad decision. Material provided by the Joint Tax Committee on debt financing and corporate acquisitions estimated—on a static basis—that the revenue to be raised by such a provision would amount to $1.7 billion over 3 years. The day after this provision was adopted $130 billion in values were lost on the New York Stock Exchange, alone, followed on "Black Monday" by another $478 billion in losses on that exchange.

Mr. President, I would like to have printed in the RECORD this article for the benefit of my colleagues which I believes makes a good case for avoiding a bad tax.

The article follows:

THAT M&A TAX SCARE RATTLING THE MARKETS

(By Edward Yardeni)

Tomorrow the House will vote on a $12 billion tax increase containing what was a major cause of the recent stock-market crash. That is a provision designed to severely limit corporate merger and acquisition activity.

Many investors and traders learned of this plan from a Wall Street Journal story on Oct. 14. The Day before, the Democrats on the House Ways and Means Committee agreed on a number of tax-raising measures including the elimination of the deduction for interest expenses exceeding $5 million a year on debt from a takeover or leveraged buyout.

On Oct. 15, the full committee approved the package. Takeover stocks were pummeled late during the trading day (see table). Several announced and unannounced deals were delayed. Arbitragers sold large blocks of the stocks.

Though the tax measures faced an uncertain future both in Congress and with the White House (the Senate Finance Committee on Oct. 16 approved a bill without the anti-takeover provisions), the arbs sold fast. They are not long-term investors, and they feared the worst.

Under the Ways and Means proposal, the interest provision would be retroactive to Oct. 13, a crushing setback to any deal being worked on or considered. To understand its effect, consider this case:

For an $800 million business in a stable industry, a relatively conservative acquisition financing would be 75% debt and 25% equity. The annual interest charges on the $600 million debt would be about $60 million, assuming a 10% interest rate. Under the committee's plan, only $5 million would be deductible. So additional taxes of $18.7 million (34% of $55 million) would have to be paid every year.

The acquirer's annual after-tax cash flow would be reduced by $18.7 million, lowering the value of the business by an estimated $187 million, the value of the reduced cash flow assuming a 10% discount rate. That's a 23% decline in the value of the business!

The decrease in value would be greater if the acquisition were financed entirely with debt, which would be possible if a larger company were the acquirer. It would be less dramatic if more equity were used in the takeover.

How could the collapse in the prices of a small number of takeover stocks cause the awesome crash in the entire stock market? Corporations were the largest purchasers of stocks during the bull market. According to Federal Reserve Board data, corporate equity outstanding declined by $74.5 billion during 1984, $81.5 billion during 1985 and $80.8 billion during 1986. Acquisitions and stock repurchases account for this dramatic reduction in the supply of stocks.

This suggests that the bull market was largely fueled by mergers, acquisitions and buy-backs. Stock values were driven up by corporate entrepreneurs willing to pay above-market prices to control other corporations. Controlling ownership must always be worth more than minority ownership. Presumably, the new owners believe that they can increase the value of the acquired company above their purchase price with better management and by restructuring the business, including selling undervalued assets.

The recent surge in mergers and acquisitions brought more, and larger, publicly traded businesses into the category of corporations that could be acquired. So price-earnings ratios rose closer to valuations based on majority, rather than minority, ownership. Owners of minority interests in public companies benefited as share prices rose.

As shown, the value of a typical corporation to a potential acquirer would be cut by roughly a quarter under the Ways and Means plan. Interestingly, the Dow fell 20.6% from Oct. 13, when the idea was accepted, through last Friday. Price-earnings ratios collapsed toward minority ownership levels.

HOW SOME TAKEOVER STOCKS WERE HIT

	Tues. October 13	Wed. October 14	Thur. October 15	Fri. October 16	Mon. October 19
Allegis	103⅝	102¼	97	93⅞	66
Dayton Hudson	54½	52⅞	49½	44¾	30
Gillette	41¼	40½	36⅝	32¾	24
Irving Bank	74½	72	70	65⅝	48½
Kansas City Southern	70½	67⅞	61¾	56½	45
Mead	45¼	43¼	41½	38¾	29¼
Santa Fe Southern	60¾	61	56¼	51	41⅝
Tenneco	59	60¼	57½	55	43¼
USG	53⅝	52¾	49⅛	43⅝	31½
Zayre	31	30	28⅝	24¾	15⅝

Apparently, the House Ways and Means Committee adopted the provision not only to raise taxes, but also to halt mergers and acquisitions. Whether this is a good idea is a profound policy question with tremendous implications for U.S. productivity and trade competitiveness. However, a better way to slow takeover activity is to have stock prices that as fully as possible reflect the control values of businesses. Share prices would be higher and pension funds, mutual funds and individual shareholders would be, in the aggregate, $1 trillion better off, or about where they were before the October massacre.

In these days of a weakened presidency, the threat of the Ways and Means bill being enacted was sufficient to cause a widespread flight from equities. We've seen recent precedents for financial-market panic in response to Washington.

For example, on March 27, the administration announced a tariff on certain imports of Japanese electronic products. The dollar immediately plunged and government bond yields soared from 7½% to 9% in a few weeks. Early this summer, the Treasury proposed termination of a tax treaty with the Netherlands Antilles, which permits certain investors to avoid withholding on bond-coupon income. The market in affected bonds declined precipitously until the Treasury corrected the admitted error.

A curious aspect of the present anti-takeover initiative is that foreigners would not be adversely affected by taxes. Their relative ability to acquire U.S. owned companies would be enhanced, doubly so because U.S. companies would stand to be sold at a significant discount to their potential value.

The Ways and Means measure contains some needed takeover reforms, such as a prohibitive tax on "greenmail" payments to raiders. But putting most companies out of reach of entrepreneurs, and sacrificing a measure of the more-accountable management that this fosters, has already had a disastrous effect on equity prices, aggregate wealth and national income. If the House puts the anti-takeover plan to rest, perhaps some of the damage can be undone.●

COMMUTATION OF SENTENCES FOR INDIAN FISHERMEN

● Mr. ADAMS. Mr. President, I rise today to discuss an issue of great sensitivity in my State: The arrest, prosecution, conviction, and current Federal Imprisonment of David Sohappy, Sr., and several other Yakima Indians for violations of Federal, State, and tribal fishing laws. This prosecution has attracted both national and international attention.

It has also attracted the attention of my distinguished colleague from Hawaii, Senator Inouye. In his capacity as chairman of the Senate Committee on Indian Affairs, Senator Inouye has written Howard Baker, President Reagan's Chief of Staff, in support of the Yakima Indian Nation's request that the President commute the remainder of these sentences. Today, I would like to add my support to this effort.

The early 1980's were an unhappy chapter in the history of management of Washington State's valuable fisheries resource. Salmon runs were low due to diminished habitat. Ongoing litigation over the extent of Indian treaty fishing rights, and the adverse effects of the Boldt decision on non-Indian fisherman created an atmosphere of economic hardship and cultural tension.

One such issue involved the extent of Indian fishing rights on the Columbia River; and in particular, the fishing activities of David Sohappy, Sr., a 62-year-old member of the Yakima Indian Tribe. Mr. Sohappy has a long history of advocacy on behalf of Indian treaty fisheries rights. For instance, in 1969, his Federal court lawsuit, Sohappy versus Smith, led the U.S. Supreme Court to reaffirm the Stevens Treaties of 1855, and the right of treaty fishermen to fish at their usual and accustomed fishing sites without interference from State authorities. By 1981, David Sohappy, Sr.'s, fishing activities, and his assertions that these activities were justified by both treaty rights and his religion, had created ongoing conflicts with Federal, State, local, and tribal authorities.

Between April 1981 and June 1982, agents of the National Marine Fisheries Service conducted a Federal undercover fish-buying operation known as "Salmonscam" along the Columbia River. During that time, Federal agents, acting at the request of the Washington State Department of Fisheries, purchased in excess of 6,000 salmon and steelhead from over 70 individuals, most of whom were members of the Yakima, Warm Springs, and Umatilla Indian Tribes. A subsequent Federal court indictment charged 19 individuals with participating in a conspiracy to violate Federal, State, and tribal laws during the spring chinook salmon run in April 1982.

David Sohappy, Sr., was charged with being the leader of this conspiracy. A Federal jury acquitted him of the conspiracy charges in April 1983, but found him guilty of four violations of the Lacey Act for selling 317 salmon to Federal undercover agents. His son, David Sohappy, Jr., was found guilty of two Lacey Act violations for selling 28 salmon to the agents. Both Sohappys were sentenced to 5 years in Federal prison. Recently, pursuant to an agreement between the Justice Department and the Yakima Indian Nation, these men were tried in Yakima Indian Nation tribal court on charges of violating tribal fishing law, and were acquitted.

During the course of these lengthy proceedings, the atmosphere in Washington State on fishing issues has improved dramatically. State and tribal officials are now working together to manage this resource for the benefit of all citizens. The new salmon treaty between the United States and Canada, in particular, has enhanced efforts to rebuild salmon stocks. This year, chinook salmon have reappeared in near record numbers, to the delight of sportsmen, commercial, and treaty fishermen alike.

In this new era of cooperation, increasing national and international attention has been focused on David Sohapy, Sr., and the other "Salmonscam" defendants. The case as received detailed treatment from major newspapers across the country; and has also received attention from international human rights groups like Amnesty International. Subsequent to the acquittal of Sohappy and his codefendants in tribal court, and their return to Federal custody, the Yakima Indian Nation joined the defendants in requesting that President Reagan commute the balance of the Federal sentences. As I noted earlier, this request has received the support of Senator Inouye, as well as editorial support from the Yakima Herald-Republic and the Seattle Times.

At this point, Mr. President, I ask that these two editorials be entered into the Record.

The editorials follow:

[From the Seattle Times, Sept. 7, 1987]

"SALMONSCAM" SENTENCE COMMUTATIONS IN ORDER

David Sohappy Sr., his son, and two other Yakima Indians in federal prisons for convictions in the "Salmonscam" illegal-fishing case are paying an inordinately heavy price for their much-publicized offenses.

The petitions for presidential commutation of the sentences of David Sohappy Sr. and Jr., Wilbur Slockish and Leroy Yocash should be granted—if for no other reason than the disproportionality of their sentences.

Consider: The younger Sohappy's five-year sentence was the result of selling 28 illegal salmon to government "sting" operatives.

Also, the senior Sohappy, 62, recently suffered a stroke in federal custody in Spokane. A petition for a medical furlough was turned down. Along with the disproportionality arguments, the commutations are sought on humanitarian grounds.

When Daniel Inouye, D-Hawaii, chairman of the Senate Select Committee on Indian Affairs, was in Seattle last week, he summed up their situation succinctly: "Others in the past have been pardoned for worse offenses."

Inouye has written directly to Howard Baker, President Reagan's chief of staff, saying: "I believe that their petition for a commutation of sentence has merit, and I am sure that when you look into the matter you will agree that simple justice demands an expeditious response to the Yakima Indian Nation."

The celebrated case, which has spawned "Free David Sohappy" bumper stickers, holds many of the complexities of treaty-rights struggles between Indians and state and federal governments.

That argument also is made by Inouye in his letter to Baker:

"You should know that this cause has been followed closely by other Indian tribes who feel that the integrity of our judicial system, and the longstanding government-to-government relationship between their tribes and the U.S. government, are being tested by this case."

The four Yakima Indians, found innocent in Yakima tribal court but guilty in U.S. District Court in California, are not considered dangerous. They have paid their debt. Nothing more is being served by their imprisonment.

[From the Yakima Herald-Republic, Sept. 2, 1987]

SALMONSCAM OVER

If for no other reason than humanitarian, President Reagan should approve the request of Sen. Daniel Inouye, D-Hawaii, that the sentences of five Yakima Indians convicted in the socalled "Salmonscam" case be commuted.

The real legal issues involved in the illegal fish selling episode have long since been blurred by politics. The Yakima Indian Nation has locked horns with the federal government over who has jurisdiction—with the tribal court acquitting the five while a federal court convicted them and sentenced them to prison. That jurisdictional war has long since clouded the crimes' severity.

An executive branch decision in favor of the convicted Indian fishermen would reinforce the primal character of the relationship represented by the 1855 treaty between the Yakima Indian Nation and the United States of America.

Certainly the sorry odyssey of musical prisons, in which the men have been regularly shipped from one federal penitentiary to another, borders on cruel and unusual punishment in itself. Finally, the health of David Sohappy Sr. is now a factor after he suffered a stroke in prison.

The whole Salmonscam case has been a sad commentary on how political considerations can so greatly overshadow legal ones. Frankly, the Salmonscam five have paid their debt to society and there's nothing more to be gained by further confinement in federal prison.

Mr. ADAMS. I also support commutation of these sentences. First, this case raises significant issues concerning Federal Indian policy. Our Government is committed to a government-to-government relationship with Indian tribes. The exercise of criminal jurisdiction over violations of government law is one of the fundamentals of sovereignty. In my opinion the Yakima Indian Nation is the governmental entity with the most direct interest in this case. These men were tried in tribal court, and they were found innocent. I believe that it would be consistent with our government-to-government policy to show deference toward this verdict. One way of showing such deference would be to grant the Yakima Indian Nation's request for commutation.

In addition, there are strong humanitarian reasons why these sentences should be commuted. David Sohappy, Sr., is 62 years old. He has recently suffered a stroke, and is generally in poor health. He is serving an extremely severe sentence compared to those given to other violators of the Lacey Act. For instance, in September 1986, a civil suit was filed against a California shipper for participating in a major fish smuggling and laundering operation between Washington State and Taiwan. This was the largest fish smuggling operation in the history of the United States, involving $800,000 worth of fish.

In contrast, David Sohappy, Sr., convicted for selling one-eightieth of this amount, was sentenced to 5 years in jail. His son received the same sentence for illegally selling 28 fish, truly a minimal amount. These men have now served over 1 year of those sentences; and have been in and out of Federal and tribal custody since their arrest. I believe these men have been in jail long enough to serve their debt toward society, and that mercy and justice would be served by the commutation of the remainder of their sentence.●

INFORMED CONSENT: WISCONSIN

Mr. HUMPHREY. Mr. President, I ask that the following letter from a woman in Wisconsin be inserted in the RECORD at the conclusion of my remarks.

The letter is in favor of my informed consent legislation, S. 272 and S. 273. The bills would require medical personnel in federally funded facilities to secure informed consent from women considering abortion. It is clear from today's letter why such legislation is necessary. The letter follows:

JUNE 10, 1986.

SENATOR, My name is Shelly and I had an abortion when I was 16 years old. I will tell you briefly about my experience with the abortion chamber, and my personal physician prior to my abortion.

My parents decided I was to abort—I told them I felt it was the murder of an innocent baby. "They were told by the physician that it was only a "mass of cells" and was easily removed with no chance of other problems. I was given no other choice or alternatives.

The abortion chamber provided counseling only on the day of the abortion and in a group of 3 other women. I told the counselor that I thought abortion was murder and she quickly enlisted the aid of the other girls to apply pressure and I was bombarded with remarks such as "What would you do with a baby?" and "Where would you go?" I had no answers so I sat silently during the remainder of the session. A uterine model was brought in which contained only a nucleus of cells with protons and neutrons revolving around it—not an 8-10 week fetus which was really there. The fetus was only referred to as a "by-product" of conception and no possible side-effects or alternatives were ever discussed with us.

If someone had offered me an alternative such as a "shepherd home," I would not have had the abortion and I would be at peace now instead of the hell I live in knowing I allowed my baby to be killed. No one ever described possible side-effects with me, not the guilt, depression, low self-esteem, poor decision skills—and there are more. I had developed a predisposition to cervical cancer. One of my children was almost born at six months gestation, but due to modern medicine I was able to carry her to term. I have had suicidal thoughts. There will always be a part of me missing—the baby who never had a chance at life.

Please help the informed consent bill to be passed. I would prefer abortion be outlawed completely, but I feel that many women will not choose abortion if they know the truth.

Sincerely yours,

SHELLY BANDA,
Wisconsin.

PUBLIC OPINION ON THE ENVIRONMENT

● Mr. ADAMS. Mr. President, recently a constituent of mine, Riley Dunlap, sent me an article he had written. Mr. Dunlap has analyzed public opinion on environmental issues relative to the policies of the Reagan administration. Without endorsing all of its conclusions, I believe that the article may be useful to my colleagues when we consider environmental legislation in the future. Accordingly, I ask that Mr. Dunlap's article be printed in the RECORD.

The article follows:

[From Environment, vol. 29 (July-August) 1987]

PUBLIC OPINION ON THE ENVIRONMENT IN THE REAGAN ERA

(By Riley E. Dunlap)

[Figures not reproducible for the RECORD]

Public awareness of environmental problems in the United States emerged rapidly in the late 1960s and reached a peak with the first Earth day celebration in 1970. While public concern with environmental problems declined somewhat during the next decade, it by no means disappeared.[1] Indeed, levels of public support for environmental protection remained surprisingly, strong in the face of energy crises, economic downturns, and tax revolts. As a result, by the early 1980s it was common for public opinion analysts to describe environmental quality as an "enduring" concern of the American public.[2]

One of the most detailed reviews of public opinion on environmental issues appeared in *Environment* five years ago. In it Richard Anthony concluded that "it appears that environmental protection, like issues such as health care and education, has become one of the lasting concerns of the public." [3] Anthony went on, however, to raise questions about the strength or intensity of Americans' concern with environmental quality, specifically, the importance of environmental protection as a political issue. While Anthony suggested that environmental issues were becoming increasingly partisan, with Democrats being rated much better than Republicans on environmental protection, he questioned whether such issues would have anywhere near the electoral impact of economic matters.

Ending in early 1982, Anthony's review of environmental opinion data was completed before the scandal involving top officials at the Environmental Protection Agency (EPA) and the James Watt controversy pushed the Reagan administration's environmental policies into the national spotlight.[4] Examining public opinion on environmental issues during the rest of the Reagan era is important not only to bring our understanding of public support for environmental quality up to date, but also to assess

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Footnotes at end of article.

the administration's possible impact on the public's view of environmental protection. Has the president been successful in convincing the public that environmental and other governmental regulations should be eased in pursuit of economic growth, or has his administration's controversial record on environmental protection led to renewed public concern with environmental quality? If the public has become more concerned about environmental quality in recent years, is it due to the Reagan administration's weak record on environmental protection (as portrayed by the media and environmentalists) or to increased societal awareness of environmental hazards such as toxic contamination of water supplies? Finally, does the evidence suggest that environmental quality is becoming a more potent political issue in our society? An update of Anthony's analysis may help provide answers to these questions.

REAGAN'S ENVIRONMENTAL POLICIES

Even before its January 1981 inauguration, the Reagan administration was viewed with suspicion by environmentalists because of its emphasis on deregulating the economy and encouraging growth.[5] The suspicion quickly turned to opposition as environmentalists accused the administration of failing to enforce environmental regulations and of ignoring environmental preservation in pursuit of energy and economic development. Environmental organizations helped stimulate media attention to President Reagans' environmental policies during his first year in office, and the scrutiny intensified greatly with the Superfund scandal at EPA in late 1982 and early 1983 (leading to Administrator Anne Burford's resignation in March 1983) and intermittent controversies involving Department of the Interior Secretary James Watt (culminating in his October 1983 resignation).[6]

In the face of continuing criticism, the Reagan administration defended its environmental policies in terms of its "electoral mandate," arguing that the president's landslide victory was evidence of voter approval of his goal of revitalizing the economy by freeing it from governmental regulations. The president was a vigorous spokesman for his policy of dereguation and took particular aim at environmental regulations. Was he successful in convincing the public that environmental protection efforts needed to be relaxed in order to promote economic prosperity?

TRENDS IN PUBLIC OPINION

Trend data for national opinion on six environment-related items provide good indicators of the public's level of support for enrironmental protection (see graphs on pages 6 and 7). All but two of the items were used in the 1970s, and results from the last decade are reported in order to provide a context for evaluating recent trends. In each case the most recently available data are reported, but to save space only the "pro-" and "anti-environment" response categories are noted—with the "don't know" and neutral categories omitted. A simple but consistent yardstick, the percent different between the two polar responses, is used to evaluate trends in environmental opinion.

The first item, used by the Roper Organization between 1973 and 1982, forced respondents to choose between "adequate energy" and "protecting the environment" (see also Figure 1 on this page).[7] The public was evenly split in 1973, but over the rest of the decade the percentage opting for adequate energy generally (with the exception of 1976) increased—a reflection of the energy supply problems. In fall 1980 energy adequacy had a 9 percent margin over environmental protection, 45 versus 36 percent. The situation quickly reversed under the Reagan administration, however. By September 1982 (less than two years after Reagan took office) there was a 10 percent increase in those choosing environmental protection and a similar decrease in those preferring adequate energy. The 46 percent siding with environmental protection in 1982 is the highest figure recorded for this item, and the 11 percent margin it enjoyed over energy adequacy matches the previous high point of 1976 (an anomalous year in terms of long-term trends). These results are particularly impressive because a major theme of the early Reagan administration was that environmental regulations needed to be relaxed in order to encourage the increased energy production necessary for strong economic growth.

A second Roper Organization item, also used beginning in 1973, provides an even more direct indicator of the public's evaluation of the administration's environmental policy agenda.[8] It asked respondents whether environmental protection laws and regulations "have gone too far, or not far enough, or have struck about the right balance" (see Figure 2 on this page). The results suggest that the public quickly disagreed with the administration's contention that such laws and regulations had gone too far. After gradually declining throughout the 1970s and reaching a low point of only 5 percent in 1979, the margin between those indicating "not far enough" and "too far" began to increase in the first year of the Reagan administration. By 1982 the 37 percent supporting additional environmental protection exceeded the previous high of 34 percent in 1973, while the 21 percent margin by which that position was favored over support for less environmental protection equalled the margin in 1973. In 1983, the last year the item was used, the percentage indicating that environmental regulations had not gone far enough jumped to 48 percent, while the precentage indicating that such regulations had gone too far dropped to 14 percent, nearly matching the previous low of 13 percent in 1973. These results clearly suggest that Reagan was unsuccessful in convincing the American public that environmental regulations had become excessive and needed to be relaxed.

The third item, a spending item used by the National Opinion Research Center (NORC) from 1973 up to the present, is also quite relevant because budget cuts for environmental agencies have been a controversial aspect of the administration's deregulation strategy.[9] It asks respondents whether we are "spending too much, too little, or about the right amount" on "improving and protecting the environment" (see Figure 3 on page 10).[10] Support for increased spending on environmental protection slowly declined throughout the 1970s, although by 1980 the percentage indicating "too little" was being spent in the area still greatly exceeded the percentage indicating "too much" was being spent—48 versus 15 percent. The gap between the two positions widened in 1982, and by 1984 it reached 51 percent, matching the 1974 level and nearing the previous high of 54 percent in 1973. The figures have remained virtually the same for the past two years. The overwhelming support for increasing rather than lowering environmental spending is impressive, in view of the substantial amount already spent on environmental protection in the last two decades, and is at odds with the administration's budgetary restrictions for environmental programs.

The fourth item, which Cambridge Reports began using in 1976, poses a tradeoff between economic growth and environmental quality. It asks respondents whether we must "sacrifice environmental quality for economic growth" or vice versa (see Figure 4 on page 11).[11] The first year the public was almost twice as likely to prefer sacrificing economic growth for environmental quality rather than the opposite (38 versus 21 percent), but by 1979 the gap narrowed to only 5 percent (37 versus 32 percent). In the first year of the Reagan administration, the percentage preferring that economic growth be sacrificed rose to 41 percent, a new high, while the percentage opting to sacrifice environmental quality dropped to 26 percent, producing a margin that nearly equalled the 1976 level. Despite surprisingly large fluctuations over the next three years, the 1984 results were nearly identical to those for 1981. The next two years, however, saw a sharp rise in the preference for sacrificing economic growth on behalf of environmental quality and a modest decline in the opposing preference. The result is that last year the public was nearly three times as likely to favor pursuing environmental quality over economic growth as the opposite (58 versus 19 percent), a margin that considerably exceeded the 1976 gap. The public's preferences in this regard are clearly at odds with the administration's priorities.

A CBS News/ New York Times poll began using the fifth item in September 1981, by which time the Reagan administration was under attack from environmentalists (especially for its agency appointments) but before its environmental policies had become the object of intense media attention via the Watt and EPA controversies.[12] This item asks respondents to react to an extreme pro-environment position—that environmental protection standards "cannot be too high" and that environmental improvements should be pursued "regardless of cost" (see Figure 5 on page 32).[13] The public was almost evenly divided on the issue in 1981, but a year later those agreeing held an 11 percent margin (52 versus 41 percent) over those disagreeing with this extreme position. By April 1983 the gap had more than doubled to a 23 percent margin, and in January 1986 it reached nearly 40 percent (66 versus 27 percent). That two-thirds of the public gave verbal support to such a staunch pro-environment position indicates strong disagreement with the Reagan administration's policy of emphasizing the economic costs of environmental regulations.

The final item was not used by Cambridge Reports until March 1982. Like the second Roper item, it provides a good indicator of public reaction to the Reagan administation's overall environmental policy agenda, asking respondents if they think "there is too much, too little, or about the right amount of government regulation and involvement in the area of environmental protection?" (see Figure 6 on page 33).[14] From the outset the public clearly rejected the administration's contention that environmental regulations were excessive (by a margin of 35 to 11 percent), and this view has become more pronounced over the years. By last year the public overwhelmingly indicated that it thought there was "too little" rather than "too much" governmental regulation for environmental protection (59 versus 7 percent). These results, along with those for the NORC spending item, indicate that in 1986 the public was nearly 10 times as likely to see a need for increased governmental efforts and spending on behalf of environmental protection as to take the opposite view. The public appears to view the need for environmental regulations quite differently than does the Reagan administration.

Taken together, the six sets of data reported in the graphs and individual figures provide a consistent view of recent trends in public support for evironmental protection. After declining moderately from the early to late 1970s, public support for environmental protection began to rise shortly after Reagan took office and has continued to do so. The current level of support appears to exceed that fund in the early to mid-1970s, except in the case of the NORC spending item, where 1986 support for increased environmental spending is comparable to the 1973-1974 level.

In general, it appears fair to conclude that, after suffering deterioration in the late 1970s, environmental quality has again become a "consensual" issue—as it was in the early 1970s.[15] A majority of the public supports increased environmenal protection efforts, and a huge majority appears opposed to weakening current efforts, judging from the small percentages indicating that current efforts should be reduced relative to those who support increased efforts or at least support maintaining the status quo (the "neutral" categories for each item). The only possible exception is in the case of energy-environment tradeoffs: in 1982 slightly over a third of the public favored ensuring an adequate supply of energy even if doing so entailed "taking some risks with the environment." However, in view of the trends observed with the other items and given the current situation of ample energy (at least in the eyes of the consumer), it seems likely that current support for energy adequacy versus environmental quality would be much less than it was in 1982.

In sum, the available data consistently indicate a significant upturn in public concern for environmental quality during the Reagan presidency. Even though the public seems to be sympathetic to the idea that government has become too big in recent years, Reagan has obviously failed to convince the public that environmental protection regulations need to be curtailed in order to achieve economic prosperity. Indeed, the administration's environmental policies and practices seem to have produced the opposite effect.

EXPLAINING THE UPTURN

Although it is tempting to attribute the dramatic upturn in public support for environmental protection to a reaction against the Reagan administration's environmental record,[16] caution is required. First, it needs to be demonstrated that the public has been aware of the administration's controversial record on environmental protection *and* evaluates it negatively. Second, consideration needs to be given to alternative contributors to the upturn, such as the growing attention paid to toxic wastes and other environmental hazards.

Reaction to Reagan

Writing in early 1982, Anthony cited a September 1981 CBS News/New York Times poll that found 50 percent of the public saying "they trusted Ronald Reagan to 'make the right kind of decision on the environment,'" versus 33 percent not trusting the president. Also, three-fourths of the public "didn't know enough" to have an opinion on Watt.[17] However, the visibility and unpopularity of the administration's environmental policies were increasing rapidly, and a January 1982 Gallup/Newsweek poll found 37 percent to "approve" but 40 percent to "disapprove" of Reagan's "handling of environmental protection."[18]

The public's awareness of the administration's controversial environmental record no doubt increased substantially in 1983, when the EPA and Watt controversies reached their peaks. A Harris poll in March 1983 found 74 percent saying they had "heard or read about" the congressional investigations of EPA. That same poll found a majority agreeing that Democratic allegations against EPA officials were justified and found a large majority giving the president negative ratings on environmental matters. Specifically, only 24 percent gave the president a positive ("excellent" or "pretty good") rating on "his handling of the congressional investigations of the Environmental Protection Agency," while 68 percent gave him a negative ("only fair" or "poor") rating. The rating was even worse on a more general item, "his handling of environmental cleanup matters," with 21 percent positive versus 74 percent negative.[19] As the EPA scandal began to subside with the resignation and replacement of Anne Burford by William Ruckelshaus, Watt continued to attract growing attention and criticism. An ABC News/Washington Post poll in April 1983 found the percentage of the public that "didn't know enough" to have an opinion on Watt to be down to 57 percent, well under the three-fourths cited in the late 1981 poll and probably quite low for a cabinet officer. [30] More important, in October—shortly after Watt's indiscreet characterization of a coal advisory panel created a furor—a Harris poll found 65 percent favoring and only 29 percent opposing his ouster.[21]

The negative image of the Reagan administration's environmental policies formed during its first two stormy years (an image encouraged by environmental organizations) has persisted to a considerable degree, despite the lower profiles of Ruckelshaus and Lee Thomas at EPA and William Clark and Donald Hodel at the Interior Department. A Harris survey conducted in late 1984 and early 1985 found that Reagan's "positive" rating on "environmental cleanup matters" had increased to 34 percent, but his negative rating had dropped only to 63 percent.[22] Similarly, a September 1984 Harris survey focusing on the perceived failures and successes of Reagan's first term found 50 percent labeling his "enforcement and strengthening of controls on air and water pollution and toxic wastes" a "failure" and only 33 percent calling his efforts a "success."[23]

It seems fair to conclude that the public was aware of and generally disapproved of Reagan's environmental policies early in his administration, and that the growth of this awareness and disapproval coincided with the significant increases in public support for environmental protection during 1982 and 1983 (see graphs). This certainly gives credence to the idea that the upturn was at least in part a public backlash against what was perceived to be the administration's weakening of environmental protection efforts.[24] At the same time, the fact that the upturn has persisted well past the EPA and Watt controversies, and the subsequent decline in media scrutiny of the administration's environmental policies, suggests that it is not simply a reaction against Reagan.

Other contributors to the upturn

Another possible reason for the upturn is that, because of the efforts of scientists, environmentalists, and the media, the public has come to view environmental problems in the 1980s as increasingly serious threats to human health and well-being. Although there seem to be no hard data for documentation, it reasonable to assume that since the late 1970s the public has heard more and more about problems such as toxic wastes, acid rain, ozone depletion, and the greenhouse effect. These problems typically pose more serious threats to humans than did the major environmental issues of the 1960s and early 1970s—wilderness and wildlife preservation, litter and other visual pollution, and even most instances of air and water pollution. The growing attention to the environmental hazards of the 1980s has probably offset awareness of successful pollution cleanups, and created the perception that environmental conditions are deteriorating and threatening human welfare.

There is surprisingly limited information on public perceptions of environmental conditions during the 1980s, especially trend data, because pollsters have instead concentrated on measuring "support for environmental protection." There are, however, bits of evidence to support the contention that the public considers current environmental problems to be more pressing than before. In 1981 and again in 1985, Harris gave national samples a list of environmental problems and asked repsondents if each "is currently a very serious problem, a somewhat serious problem, only a small problem, or no problem at all in this country." Over the four years the percent indicating "very serious" rose noticeably for three of the problems: from 60 to 74 percent for "disposal of hazardous wastes," from 60 to 69 percent for "pollution of lakes and rivers by toxic substances from factories," and from 30 to 38 percent for "pollution from acid rain."[25]

A similar trend was found by Cambridge Reports for an environmental issue that hits very close to home for most people; water contamination. In four national surveys between 1981 and 1985, Cambridge asked the following question:

There are a lot of sources of underground water in the United States. Some people say many of these sources are contaminated with chemicals and other pollutants. Do you think most underground sources of water are contaminated, as many underground sources are contaminated as are uncontaminated, not very many are contaminated, or none are contaminated?

The percentages indicating either "most" or "as many are as are not" steadily rose from 28 percent in 1981, to 29 percent in 1983, to 37 percent in 1984, and to 40 percent in 1985.[26] That such a large proportion of Americans believes that half or more of our underground water sources are contaminated reflects the degree to which pollution is now seen as a serious threat to humans.

These trends in the perception of environmental hazards are consistent with nonlongitudinal (cross-sectional) data on perceived changes in water quality. In a 1982 survey, for example, Harris asked respondents, "Compared to ten years ago, would you say the streams, lakes, and rivers in your area are more polluted than they were, less polluted, or about the same as they were then?" Despite a good deal of progress in cleaning up the nation's waterways during the 1970s, 46 percent replied "more polluted" and only 19 percent said "less polluted." [27] Furthermore, the public sees continued environmental deterioration in the future. When Harris asked the same question about pollution of streams, lakes, and rivers "ten years from now," 44 percent responded that the waters would be "more polluted," and only 17 percent indicated "less polluted." [28]

Given these perceptions of declining water quality, it should not be surprising that when Harris also asked in 1982, "Do you think that federal water pollution standards are overly protective of people's health, not protective enough, or just about right?" only 4 percent chose "overly protective," while 59 percent indicated "not protective enough" (with 34 percent indicating "just about right" and 3 percent "not sure"). Earlier, in a May 1981 Harris survey using the same item, only 48 percent chose "not protective enough," indicating an 11 percent increase in this view during a year and a half of the Reagan administration. [29] Harris found a similar pattern when he asked for opinions about the Clean Water Act (up for renewal) with the following item:

This year Congress will reconsider the Clean Water Act. Given the costs involved in cleaning up the environment, do you think Congress should make the Clean Water Act stricter than it is now, keep it about the same, or make it less strict?

In May 1981, 52 percent said "make it stricter," 41 percent said "keep it about the same," and only 4 percent said "make it less strict" (with 3 percent "not sure"). By fall 1982 the percent wanting the Clean Water Act made stricter grew to 60 percent, with 34 percent wanting it the same, and 3 percent wanting it made less strict. [30]

Evidence of increased support for government protection of water quality points to another crucial factor underlying the upturn in public support for environmental protection—the public definitely sees government as having the responsibility for protecting environmental quality. This point is made explicit in a May 1981 survey by the Opinion Research Corporation, conducted shortly after the Reagan administration took office. Respondents were read a "list of areas in which government might play a role," and asked if "government should play a major role, a minor role, or no role at all" for each area. When it came to "protecting the environment," 73 percent said government should play a "major role," 23 percent said a "minor role," and only 3 percent said "no role at all" (with 2 percent indicating "don't know"). The same poll found similar results when it asked if protecting the environment should be made more public or more private: 62 percent indicated "more public," 25 percent indicated "about as is," and only 8 percent indicated "more private" (with 2 percent indicating "don't know"). [31] These preferences are clearly at odds with the Reagan administration's deregulation emphasis, and suggest that at the outset the administration's goal of easing environmental regulations was incompatible with public preferences.

A complex interaction

The foregoing results, while admittedly not conclusive, suggest that during the 1980s the pulic views environmental problems—especially those involving toxic and other hazardous wastes—as representing increasingly serious threats, and is looking to the government for protection. In this context it is not surprising that the public reacted negatively to the Reagan administration's perceived efforts to weaken environmental regulations and their enforcement, or that the public felt the need to express increased support for environmental protection. Thus the significant upturn in public support for environmental protection during the 1980s is the product of a complex interaction: at the same time the environmental appeared to be becoming more hazarous (because of the attention given to toxic wastes and other hazards), the public was losing trust in the traditional guardian of its welfare, the government. The public's recourse was to state, even more emphatically, its continued support for environmental protection.

THE POLITICAL IMPACT

The public had, of course, an avenue for rejecting President Reagan's handling of environmental protection in November 1984, yet it nonetheless reelected him by a landslide. The election highlights Anthony's point that "the polls do not offer much guidance in trying to assess the potential political impact of the environmental issue." [32] Given the pro-environment options at the time (see graphs), one wonders if the electorate had somehow forgotten or forgiven Reagan's environmental misdeeds by late 1984.

This seems unlikely. Shortly after the election a Harris poll not only found the public giving the president the poor rating on his "handling of environmental cleanup matters" noted previously (63 percent negative versus 34 percent positive), but also found that only 30 percent expected him to do "a better job" on environmental cleanup in his second term, while 60 percent felt he would do "about what he did before," and 7 percent expected him to do "a worse job." [33] Similarly, a February 1985 Gallup poll found that 33 percent believed "the environmental situation" had become much or somewhat worse "as a result of Reagan policies," and only 22 percent believed it had gotten much or somewhat better (while 33 percent believed it had stayed the same and 12 percent had no opinion). [34] Finally, throughout the campaign, polls found Walter Mondale being rated much more favorably than Reagan on environmental protection. [35]

Gauging electoral impact

Does Reagan's landslide re-election in the face of his poor environmental ratings indicate that environmental issues are of no consequence politically? An affirmative answer would be unwise, as it is expecting a great deal to believe that a poor record on environmental protection would have harmed an immensely popular president riding the crest of an economic revival. [36] In fact, data suggest that Reagan's rating were tied closely to the performance of the economy. [37] There is, however, additional evidence that directly casts doubts on the political significance of environmental issues.

At the time Anthony was writing, Louis Harris was beginning to attract considerable attention for his inferences (from his survey results) about the political impact of environmental quality. As Anthony noted, in a February 1982 survey, Harris found 15 percent of those polled indicating that they probably would not vote for a congressional candidate whose views on "controlling air and water pollution" disagreed with their own, even if they mostly agreed with the candidate on other issues. Further, since 13 percent held pro-environment views and only 2 percent held anti-environment views, Harris concluded that environmental issues represented a potential swing vote of 11 percent—ranking it third among nine issues examined. [38] Harris' assertions subsequently attracted a good deal of criticism, including a scathing attack by the political scientist Everett Carll Ladd. Ladd's interpretation was that the 15 percent indicating a candidate's stand on pollution control would probably influence their vote ranked environment eighth out of the nine issues (well below abortion, with 32 percent, and barely above affirmative action programs, with 14 percent), suggesting—contrary to Harris—the limited electoral impact of environmental issues. [39]

Additional evidence on the voting impact of environmental issues would seem to support Ladd. In September 1982 a CBS News/*New York Times* poll asked a sample of registered voters, "Is there any *one* issue that is so important to you that you would *change* your vote because you disagreed with a candidate's position on that single issue?" The 48 percent who replied "yes" were then asked to name the issue, and environment was one of several issues cited by only 1 percent, well below the 16 percent mentioning economic issues and the 7 percent citing abortion. CBS News/*New York Times* also conducted an exit poll after the November 1982 election and asked voters, "Which of these issues were most important in deciding how you voted for the U.S. House?" Although voters were allowed to check two of the nine issues listed, only 3 percent checked "the environment," ranking it last on the list. [40]

While these results suggest that there is unlikely to be a large bloc of environmentalist "single-issue" voters, which no analyst other than Harris has claimed to exist, they are also important because they provide insight into the strength or intensity of public support for environmental protection. Environmental opinion analysts have typically tried to judge the intensity of pro-environment opinions by using items posing tough tradeoffs between environmental quality and energy adequacy or economic growth (the first and fourth items graphed), or by examining the frequency with which the public "strongly" or "definitely" favors environmental protection. [41] However, recent research on attitude measurement suggests that whether people feel strongly enough about an issue to have it affect their voting behavior is a better indicator of attitude strength. [42] This research implies that the above results on the limited electoral impact of environmental issues (particularly relative to economic issues) indicate that support for environmental protection is not as strong as the tradeoff responses suggest.

While the foregoing helps account for the negligible political damage caused by Reagan's poor environmental record, readers should not conclude that environmental issues have *no* political significance. First, environmental activists can provide significant resources such as labor and money to political campaigns. [43] Through such support, environmentalists frequently claim to have affected the outcome of targeted campaigns. [44] Second, in some campaigns environmental issues are so important they clearly affect the outcome. For example, Brock Adams's (D-Wash.) startling upset of Slade Corton (R-Wash.) in the 1986 election for the U.S. Senate is commonly attributed to Adams's staunch opposition to having the nation's first permanent nuclear waste repository located in Washington—a position shared by an overwhelming majority of state residents. It is easy to envision how state and local campaigns might be heavily influenced by local environmental issues, such as the proposed location of a toxic waste site or even a less-hazardous garbage landfill. These two points suggest that being seen as against the environment may well constitute a political liability for many candidates and make the difference in some elections, even if not to the degree implied by Harris.[45] Finally, it should be emphasized that referenda and initiatives designed to protect environmental quality have generally fared well at the ballot box over the years, with election results more closely approximating the pro-environment sentiment reflected in the survey data reviewed earlier.[46]

Permissive consensus

Two additional points are helpful in reconciling the strong public support for environmental protection reflected in the polls with the evidence (admittedly limited) of the minimal electoral impact of environmental issues. First, for most voters numerous factors enter into the evaluation of candidates, and to expect environmental stances to consistently weigh heavily is asking a great deal. Second, the near-consensual support given by the public to environmental protection appears to constitute what public opinion analysts term a "permissive consensus."[47] In such situations of widespread but not terribly intense public support for a goal, government has considerable flexibility in pursuing the goal and is not carefully monitored by the public (unlike the situation surrounding core economic goals such as low inflation and unemployment rates). It is only when government policy becomes obviously out of tune with the public consensus that the government risks political reprisals. This is precisely what occurred during the first two years of the Reagan administration, as Watt's outspokenness and the EPA scandal attracted enough attention to highlight the discrepancy between Reagan's environmental policies and the public's goal of achieving environmental quality.[48]

Organized environmentalists, already opposed to Reagan's policies, certainly led the charge against the administration. However, it is clear that they were able to mobilize people who were previously inactive on environmental issues to join their organizations, sign petitions, write and call officials, and take other actions to protest the administration's efforts to weaken environmental regulations (see box on page 35). In light of this active opposition, as well as opinion polls showing widespread displeasure with Reagan's environmental record, the administration began to fear political damage. It therefore jettisoned Watt and top EPA officials in order to signal that it was changing course on the environment. The degree to which its policies and practices actually changed is a matter of debate, but clearly the administration was forced to temper its environmental initiatives to some degree.[49] Had it *not* done so—that is, had Watt and Burford and others been retained—it is possible that the president would have suffered significant damage. The pro-environment consensus is "permissive," but would probably not tolerate a blatant rejection of its goal of environmental protection.

At a minimum, the public outcry against Reagan's policies strengthened the hand of Congress in its efforts to combat the administration on environmental issues. In fact, the broad consensus on behalf of environmental protection revealed in the polls (and Harris's predictions about the political costs of ignoring that consensus) was prominently used in congressional hearings on the Clean Water Act and Clean Air Act.[50] And, as Anthony pointed out, public support for environmental protection is vital when it helps convince policymakers "that relaxing environmental safeguards is politically dangerous."[51] Still, the fact that the president was able to challenge this consensus yet avoid noticeable punishment at the ballot box emphasizes that the consensus in support of environmental quality is more "permissive" than that supporting intensely held economic goals.

OPINION AND ACTION

Public opinion on environmental issues in the 1980s reveals both good news and bad news for those concerned about environmental quality. The good news is that public support for environmental protection has not only survived Reagan but has apparently been strengthened by the challenge posed by his administration. While its electoral importance remains ambiguous, the public consensus behind environmental protection nonetheless constitutes a significant political resource for lobbying and, more generally, influencing public officials. The bad news is that, as Anthony surmised, the staunch pro-environment responses to opinion polls do not translate directly into pro-environment votes and political action.

Environmental problems will probably become more potent political issues as they become increasingly viewed as threatening public health. But is is likely that (numerous exceptions to the contrary) public concern over basic economic conditions will typically outweigh concern about environmental quality in the ballot booth—survey responses to environment-economy tradeoffs notwithstanding!

FOOTNOTES

[1] R.E. Dunlap, "Public Opinion: Behind the Transformation," *EPA Journal*, July/August 1985, 15-17. For a more comprehensive review of 1965-1985 trends see R.E. Dunlap, "Public Opinion and Environmental Policy," in J.P. Lester, ed., *Environmental Politics and Policy: Theories and Evidence* (Durham, N.C.: Duke University Press, in press).

[2] R. C. Mitchell, "Public Opinion on Environmental Issues," in Council on Environmental Quality, *Environmental Quality: The Eleventh Annual Report of the Council on Environmental Quality* (Washington, D.C.: U.S. Government Printing Office, 1980); E. C. Ladd, "Clearing the Air: Public Opinion and Public Policy on the Environment," *Public Opinion*, February/March 1982, 16-20.

[3] R. Anthony, "Polls, Pollution and Politics: Trends in Public Opinion on the Environment," *Environment*, May 1928, 19.

[4] R. Thompson, "Environmental Conflicts in the 1980s," *Editorial Research Reports*, 15 February 1985, 123-44; for more detail see P. R. Portney, ed., *Natural Resources and the Environment: The Reagan Approach* (Washington, D.C.: Urban Institute Press, 1984); N. J. Vig and M. E. Kraft, eds., *Environmental Policy in the 1980s: Reagan's New Agenda* (Washington, D.C.: CQ Press, 1984).

[5] C. Holden, "The Reagan Years: Environmentalists Tremble," *Science* 210(1980):988-89, 991.

[6] Friends of the Earth, *Ronald Reagan and the American Environment* (San Francisco: Friends of the Earth Books, 1982); A. Szasz, "The Process and Significance of Political Scandals: A Comparison of Watergate and the 'Sewergate' Episode at the Environmental Protection Agency," *Social Problems* 33(1986): 202-17; R. M. Cawley and W. Chaloupka, "James Watt and the Environmentalists: A Clash of Ideologies," *Policy Studies Journal* 14(1985):244-54.

[7] Results provided by The Roper Center, University of Connecticut; also available in J. M. Gillroy and R. Y. Shapiro, "The Polls: Environmental Protection," *Public Opinion Quarterly* 50(1986):270-79. Results are from September-October surveys in each year. The Roper polls, and all other polls reported in this article unless noted otherwise, used representative samples of at least 1,200 U.S. adults—resulting in 95 percent confidence intervals of no more than ± 3 percent.

[8] Ibid.

[9] R. V. Bartlett, "The Budgetary Process and Environmental Policy," in Vig and Kraft, eds., note 4 above; Friends of the Earth, note 6 above.

[10] National Opinion Research Center, *General Social Surveys, 1972-1986: Cumulative Codebook* (Chicago: National Opinion Research Center, 1986). Results through 1985 also in Gillroy and Shapiro, note 7 above. In 1984 the item was shortened to "the environment" for subsamples, but since the effect was minimal I report results for the total sample. See Dunlap, in Lester, ed., note 1 above.

[11] Results for 1982 to 1986 from Cambridge Reports, Inc., "Paying for Environmental Quality," *Bulletin on Consumer Opinion*, no. 112, 1986; earlier results from Gillroy and Shapiro, note 7 above.

[12] F. Lyman, "The Invasion of the Eco-snatchers," *Environmental Action*, April 1981, 16-18.

[13] Results from Gillroy and Shapiro, note 7 above.

[14] Cambridge Reports, Inc., note 11 above. Results through 1985 also in Gillroy and Shapiro, note 7 above.

[15] But it should be noted that the environment did not reemerge in Gallup's list of volunteered "most important problems" (from which it disappeared in 1973) nor did it rise in Roper's list of "personal concerns," even during the EPA and Watt controversies, suggesting that environmental problems have low salience for most people. See Dunlap, in *EPA Journal* and Lester, ed., note 1 above; R. C. Mitchell, "Public Opinion and Environmental Politics in the 1970s and 1980s," in Vig and Kraft, eds., note 4 above.

[16] Mitchell, note 15 above.

[17] Anthony, note 3 above, 33.

[18] D. A. Alpern, "Polarizing the Nation?" *Newsweek*, 8 February 1982, 33-34. Sample size is 1,009; confidence intervals are ± 4 percent.

[19] *The Harris Survey*, no. 24, 24 March 1983; also see Mitchell, note 15 above, 57.

[20] Mitchell, note 15 above, 56.

[21] *The Harris Survey*, no. 82, 13 October 1983.

[22] *The Harris Survey*, no. 6, 21 January 1985; for additional evidence of Reagan's negative ratings on environmental issues see Mitchell, note 15 above, 57, and J. L. Goodman, Jr., *Public Opinion during the Reagan Administration* (Washington, D.C.: Urban Institute Press, 1983), 36.

[23] *The Harris Survey*, no. 86, 8 October 1984. Results based on 1,326 "likely voters" from a total sample of 2,121.

[24] Dunlap, in *EPA Journal*, note 1 above; Mitchell, note 15 above, 57.

[25] *The Harris Survey*, no. 26, 1 April 1985.

[26] Cambridge Reports, Inc., "Emerging Environmental Concerns and Controversies," *Bulletin on Consumer Opinion*, no. 103, 1986, 35.

[27] Louis Harris and Associates, Inc., *A Survey of American Attitudes toward Water Pollution* (New York: Louis Harris and Associates, 1982), 26.

[28] Ibid., 27.

[29] Ibid.

[30] Ibid., 28. Cambridge Reports, Inc., subsequently reported continued increases in support of making both the Clean Water Act and the Clean Air Act "more strict" between 1982 and 1985. For the former the figures increased from 45 to 59 percent, and for the latter they increased from 38 to 53 percent. See Cambridge Reports, Inc., note 26 above, 16-17.

[31] Results reported in the Roper Center, *American Public Opinion and Public Policy on the Environment* (Storrs, Conn.: The Roper Center, University of Connecticut, 1983), 36-37.

[32] Anthony, note 3 above, 19.

[33] *The Harris Survey*, no. 7, 24 January 1985.

[34] *The Gallup Report*, no. 235, April 1985, 15.

[35] *The Harris Survey*, no. 80, 20 September 1984; *The Gallup Report*, nos. 228-229, August/September 1984.

[36] Reagan had particularly high ratings on inflation and defense, and high ratings on unemployment and "respect for U.S. abroad." See *The Gallup Report*, note 34 above, 4.

[37] Goodman, note 22 above.

[38] *The Harris Survey*, no. 20, 11 March 1982; also see Louis Harris, "American Attitudes toward Clean Water" (Testimony before the Subcommittee on Environmental Pollution, Committee on Environment and Public Works, U.S. Senate, 15 December 1982); Anthony, note 3 above, 20.

[39] Ladd, note 2 above; Ladd also apparently wrote the more detailed Roper Center critique cited in

note 31 above. For an excellent review of the debate between Harris and Ladd, see Mitchell, note 15 above, 64-67.

[40] Goodman, note 22 above, 12; The Roper Center, note 31 above, 21-22.

[41] For examples, see Anthony, note 3 above; Dunlap, in *EPA Journal*, note 1 above; Mitchell, note 2 above.

[42] H. Schuman and S. Presser, *Questions and Answers in Attitude Surveys* (New York: Academic Press, 1981), chap. 9; for a more detailed examination of the intensity and salience of environmental opinions see Dunlap, in Lester, ed., note 1 above.

[43] Mitchell, note 15 above, 67-70.

[44] S. Ades, "The Environment Wins," *Environmental Action*, January/February 1987, 17-19.

[45] Anthony speculated at length as to whether being a Republican would constitute a liability because of the party's poor ratings on environmental issues. Even though Democrats continue to receive better ratings on environmental protection, it does not appear that Reagan's weak environmental record is automatically generalized to all Republican candidates. See *The Harris Survey*, no. 30, 5 May 1986, for recent ratings of the two parties on environmental protection.

[46] L. M. Lake, "The Environmental Mandate: Activists and the Electorate," *Political Science Quarterly* 98(1983):215-33; *National Journal*, 15 November 1986, 2793.

[47] J. C. Pierce, K. M. Beatty, and P. R. Hagner, *The Dynamics of American Public Opinion* (Glenview, Ill.: Scott, Foresman & Co., 1982), 19; also see The Roper Center, note 31 above, 41.

[48] Goodman, note 22 above, 36; Mitchell, note 15 above.

[49] Thompson, note 4 above; Portney, ed., note 4 above; Vig and Kraft, eds., note 4 above.

[50] Mitchell, note 15 above, 67-70; The Roper Center, note 31 above, 14-23; Ladd, note 2 above, 16-17.

[51] Anthony, note 3 above, 19.●

IN RECOGNITION OF THE CONGRESSIONAL MEDAL OF HONOR SOCIETY

Mr. WILSON. Mr. President, on December 9, 1861, Senator James W. Grimes of Iowa, chairman of the Naval Affairs Committee, proposed that "medals of honor" be prepared to commemorate acts of military bravery performed above and beyond the call of duty. President Abraham Lincoln signed the public resolution into law on February 12, 1862 and since that time 3,393 men and 1 woman have been honored with the United States of America's highest military decoration for bravery.

There is no greater distinction or military award in the armed services. It is granted for deeds of personal bravery, clearly demonstrating gallantry, self-sacrifice and risk of life, proven by uncontestable evidence.

There are approximately 230 living recipients of the Congressional Medal of Honor from World War I, World War II, the Korean war and the Vietnam war. They exemplify gallantry and intrepidity, and their badges of valor labeled them as American heroes to their fellow countrymen.

The members of the Congressional Medal of Honor Society and their guests will be gathering in Orange County, from November 12 through 15 for their biennial conference. I am very proud that this prestigious group has chosen California for its Fifteenth National Convention, and I know that my fellow Members of the Senate join me in a salute to the Congressional Medal of Honor Society on this auspicious occassion.

SALUTE TO REGION 9 RDC, AND TO TERRY STONE

Mr. DURENBERGER. Mr. President, when I served in the Governor's office in the late 1960's, one of Minnesota's proudest achievements was authorization of a system of Regional Development Commission throughout the State.

These "RDC's," as they came to be called, were multicounty agencies made up of local elected officials and other community leaders who were given responsibility for reviewing Federal and State grant applications, developing proposals on regional issues like transportation and economic development, and generally working to improve cooperation and coordination of governmental agencies in their areas.

Over the years, one of the most successful of these commissions has been the Region 9 Development Commission which serves a nine county area in southcentral Minnesota. This week, Mr. President, the Region 9 RDC is celebrating its 15th anniversary.

One indication of the success of Region 9 is the recognition it has received from the National Association of Development Organizations (NADO). At this year's NADO annual meeting, Region 9 received three "Innovation Awards" for projects completed in 1987. They included the St. Peter comprehensive plan, the Farmer to Farmer Conference, and the Leadership and Educational Training Conference.

For the second straight year, Region 9 received more awards than any other planning or development organization. In all, 30 organizations from around the country received NADO Innovation Awards.

I want to take this opportunity to formally recognize Region 9 for its 15 years of service to the citizens of southcentral Minnesota and for the outstanding leadership which is exemplified by the recognition it has received nationally.

No organization of this nature can succeed without active and dedicated lay leadership. Current Region 9 chairman John King, and past and present officers and board members of this fine organization have been important partners in its success.

But, without question, the biggest single factor in the success of Region 9 over the past 15 years has been its outstanding executive director, Terry Stone.

I take particular pride in the fact that Terry is a fellow graduate of St. John's University. As mayor of Madelia, Terry was one of the leading forces among local officials in establishing Region 9 in 1972. He served as chairman of the commission in 1975 and 1976 and was hired as its full-time executive director in October 1976.

Terry's strong and effective leadership has been felt well-beyond the boundaries of Region 9. At the recent annual conference of the National Association of Development Organizations, Terry was elected the organization's treasurer. He also serves as chairman of NADO's aging committee.

And, this year, Mr. President, Terry became the first Minnesotan to receive NADO's J. Ray Fogle Award. This coveted award is presented each year to a planning and economic development organization executive director for outstanding contributions, creating leadership and innovative management.

These are very challenging times in rural areas, Mr. President, but the presence of active organizations like Region 9—and the contributions of leaders like Terry Stone—give me great hope that rural America can continue to make the contributions to this country's values which have been so important in the past.●

TRIBUTE TO HON. PAUL J. WIDLITZ ON HIS RETIREMENT

● **Mr. D'AMATO.** Mr. President, it is with native pride to recognize for the record Justice Paul J. Widlitz on his retirement from the appellate term of the New York State Supreme Court. I am pleased to have this opportunity to congratulate him on this most memorable occasion and join with the citizens of New York State to thank him for his years of outstanding public service.

Justice Widlitz' distinguished career began in 1951 on the Nassau County District Court. In 1957, he was elected county judge, and served in this capacity until elevation to the State supreme court in 1961. An appointment to the Nassau County court eventually followed. He held the position of administrative judge from 1976-81. Finally, his most recent appointment—to the appellate term of the New York State Supreme Court for the 9th and 10th judicial districts—came in 1981.

Justice Widlitz' activities extend beyond the judicial sphere. He has held, and holds, several offices and activity participates in a wide array of community associations: president and chairman of the board of directors of the Hebrew Academy of Nassau County, a member of B'nai B'rith, the American Legion, Jewish War Veterans, and the bar associations of Nassau County and New York State, demonstrating more than just judicial leadership and commitment.

The court has benefited greatly from Justice Widlitz' knowledge and experience. He will be missed, but we are consoled by the certainty of his continuing contributions and counsel to the people of my home Nassau County.

Thank you, Mr. President.●

TRIBUTE TO HON. THEODORE VELSOR ON HIS RETIREMENT

● Mr. D'AMATO. Mr. President, I rise today to pay tribute to a man of long and established distinction, Justice Theodore Velsor. After 25 years of outstanding service on the court, Justice Velsor will retire this year from the New York State Supreme Court. In view of this, it is indeed appropriate to congratulate Justice Velsor on his retirement and commend him on a most distinguished career.

Justice Velsor has served Nassau County and New York for the past 37 years in many capacities. In 1950, he became deputy county attorney of Nassau County and held that position until 1961. He became a deputy town attorney for the town of Oyster Bay a year later and served there until his elevation to justice of the New York State Supreme Court in 1963.

An active participant in community events and an influential member of a number of clubs and associations—the Bar Association of Nassau County, the New York State Bar Association, and the Association of Supreme Court Justices to name but a few—Justice Velsor's influence extends far beyond the court.

Justice Velsor's wisdom and years of experience have made an enormous contribution to the court. His impact on the community and its legal profession will endure, and his active participation be much missed.

Thank you, Mr. President.●

TRIBUTE TO THE HONORABLE JAMES F. NIEHOFF ON HIS RETIREMENT

● Mr. D'AMATO. Mr. President, I rise today to extend my most sincere congratulations to Justice James F. Niehoff on his retirement from the appellate division of the supreme court of New York State.

Remarkably and tellingly, Justice Niehoff came to the New York State Supreme Court in 1973 as a candidate of both the Republican and Democratic parties after previously serving as judge of the first and second district courts of Nassau Country. In December of 1981, Governor Carey appointed him to his current post on the appellate division of the supreme court, second department.

Justice Niehoff is an active and influential participant in Masonic and church associations, a member of the Association of Supreme Court Justices for the State of New York, and a member of the American Bar, New York State Bar, Nassau Country Bar, and protestant lawyers associations.

His extensive achievements are too numerous to count, and too well-known in his community to need recitation. His wisdom, experience, and judicial acumen have been demonstrated consistently throughout his career. We will remember his years on the supreme court, for he has made a difference.

Thank you Mr. President.●

PHYSICAL EDUCATION FOR ALL CHILDREN

● Mr. D'AMATO. Mr. President, I rise today in support of legislation to promote the healthy development of our Nation's children. Senate Concurrent Resolution 43, introduced by my distinguished colleague, Senator Stevens, would do this by encouraging State and local governments and local educational agencies to provide quality physical education programs for all children from kindergarten through grade 12.

Recent studies by the President's Council on Physical Fitness and Sports have shown that our Nation's schoolchildren are failing to meet established physical fitness standards. Our youth are increasingly unable to measure up in basic tests of cardiorespiratory endurance, upper body strength, and flexibility.

This trend has serious implications for the long-term health of our children. As today's children reach adulthood, they are more likely than their predecessors to suffer from high blood pressure, diabetes, and heart disease. In fact, many experts are calling heart disease a pediatric disease because its risk factors—obesity and high blood cholesterol—are developing in so many of our children and youth.

The declining fitness of our children is also an impediment to their ability to learn. Physically inactive children often lack the mental alertness and enthusiasm for learning apparent in their physically active classmates. Yet, ironically, many schools have reduced or eliminated the time devoted to physical education programs.

The Surgeon General, in "Objectives for the Nation," has already called for an increase in the number of school-mandated physical education programs. By supporting Senate Concurrent Resolution 43, we can further underscore the importance of physical fitness programs for the healthy physical and mental development of our children. I encourage my colleagues to join me in supporting this needed legislation and I urge its immediate passage.●

ADMISSION BY JUDGE GINSBURG

Mr. DOLE. Mr. President, at 6 o'clock today W. Stephen Cannon, a spokesman for Judge Douglas Ginsburg, issued the following statement by Judge Ginsburg:

> Earlier today, I was asked whether I had ever used drugs. To the best of my recollection, once as a college student in the sixties, and then on a few occasions in the seventies, I used marijuana. That was the only drug I ever used. I have not used it since. It was a mistake, and I regret it.

Mr. President, this statement was issued by Judge Ginsburg after a number of hours of meetings today with various people including a number of Republican Senators, and that statement in my view says it all.

I met with Judge Ginsburg last week and asked if he had any information that I needed to have. And since, he said, it had not occurred to him at that time, he wanted to make certain that this information was available to me and others that he had talked with.

BUDGET SUMMIT

Mr. DOLE. Mr. President, we have had another day of budget hearings, and I commend the distinguished chairman of that committee, Tom Foley, who has done an outstanding job. I do not know how many hours they have met altogether because I have not been there for every meeting.

At 9:15 tomorrow morning the President will meet with the Republican Members, House and Senate, before the meeting that Chairman Foley has called at 10 or 10:15.

And I think there is a feeling by all Members, both parties, House and Senate, and the President that we need to do something. Tomorrow will be I think the seventh, eighth, or ninth day—I cannot remember which—that we have had discussions. We had a Saturday session last week. There has been a lot of effort made by every member of that group, including the majority leader, the Speaker, the minority leader of the House and the minority leader in the Senate.

I believe there is a feeling that we do what we can do very quickly. I am not certain what that will be. The goal is, of course, $23 billion. If we can do more, it is commendable. There is also a great deal of interest in doing it for a couple of years. That would be commendable.

I am not at liberty to discuss the details. But I just want to indicate that despite reports to the contrary no one has given up. There is still a strong desire to reach some agreement and do it very quickly, hopefully tomorrow. Maybe that is that possible. But I would hope that tomorrow somebody can put a plan on the table, maybe it will just be there when we arrive so nobody will be tagged with it. We can look at it, and maybe express ourselves by a show of hands or some way to indicate again to the markets, to the American people, and to those around the world that we are serious about this. We are. It has been bipartisan. It has been nonpartisan.

And sometimes it takes a while to do things but I just say for the RECORD as far as this Senator knows not a single Member on either side of the aisle in either House wants to give up on it. We are trying to get it done. I think that is important. I think that is an indication of progress, and hopefully by tomorrow evening or maybe early next week there can be some agreement put together.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, I share the Republican leader's expressed viewpoint. We must not fail. I have been through a good many efforts over the years to reach agreements in complex situations. And in many instances I have seen situations in which about everyone else was ready to give up. I never lost faith, and I have faith in this instance. And I have good reason to believe that there is a potentially good, strong, meaningful agreement that is to be had. And I think we are getting closer. In the final analysis, however, it is going to require the President of the United States' involvement. We all know that. As the President said at the beginning some days ago, that when the package has been finalized we are all to come back. I believe that the finalization of that package will require the President's presence. I do not think it will be finalized here, after which we go back to him.

It seems to me that the Republican leader is right in saying that we need to get an agreement this week. Of course, that could have been said last week. We needed to get it last week. But that did not happen. Time is running out. The calendar is marching on. And we do need to reach an agreement this week.

Can we? I believe that we can. Will we? I do not know. But I hope—and I say this, believing that it would produce results—that the President will sit down with the leaders on both sides of the aisle, as we did in the beginning, and meet for a long time on Saturday, if not tomorrow evening, or sometime tomorrow.

There is a time when the iron is hot, and that is the time to strike. I am not sure that moment is here. But it is not that far away, and if we are ever going to strike that iron, then we should be ready. It is going to require a give and take on all sides.

I sense that there is that willingness to give and take here among the Republicans and Democrats. We have to be careful that we do not raise false hopes and false expectations. I think there has been too much talk about details of proposals that have been advanced by Democrats on the one hand or Republicans on the other. And sometimes the airing of those details may make it more difficult for the participants in the negotiations.

So if we could bite our tongues just a little bit with respect to details, and continue our work, we will succeed. The negotiators on the part of the House and the Senate and the White House have been working. They have worked long hours. It has been tedious. It has been difficult. But they will not be able to reach a final agreement until the President is ready to sit down and put his seal right on it along with the rest of us.

I have hope, and I believe that the Republican leader is right. The time is now. I would not want, however, the markets or the American people to believe that, if the work is not finished by this Saturday or by tomorrow, there is not going to be an agreement. I think that a good package is finally going to come out of this effort. But we do not have any time to lose.

Mr. President, I do not have anything further to say on this subject today.

I ask unanimous consent that the period for morning business be extended to 6:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I yield the floor.

Mr. BOSCHWITZ. Mr. President, I compliment the majority leader and the minority leader, and I want to express myself in the same vein: that indeed the iron is hot; that indeed there is a willingness on both sides of the aisle.

As I think of all my colleagues I have spoken to in the last few days, without exception, every one has said that the iron is hot, that this is the time to strike.

In my 9 years here, only on one other occasion can I recall that the iron has been hot, in the sense that we would be able to gain control of Government spending. We must do it now. There is a willingness, certainly, on this side of the aisle.

I have talked to virtually every Republican Member, and I have talked to a very large number of Members on the other side of the aisle, and they show the same willingness to make the votes, to make the moves that are necessary to begin the process of bringing the budget into balance and not sending a heritage to our children of excessive debt.

I agree with the majority leader that it is important that we not fail. I agree with the majority leader that it is absolutely imperative that the President of the United States engage himself in negotiations. In my considered judgment, on this side of the aisle, he has not done so extensively enough up to this point.

We really are not talking about cutting the budget. We are just talking about slowing the increases. This year, the Federal budget is slated to grow by 8 percent—by $80 billion—and if it grows any less, if it grows only $70 billion, in the arcane way we use the language about the budget down here, that is cutting the budget. Even though the increase in spending this year is $70 billion, we would have cut the budget.

Every American who receives something from the Federal Government can receive more than a year before: those under Social Security, those who are retirees under other programs, the farmers, the military, every program. It is a question of how much.

Really, the thing we are trying to do is control the growth. If we can give more, but not too much more, we will be able to bring the budget into balance in fairly short order and fairly effectively.

Mr. President, I also urge on the negotiators that they have the support of the Senate. I have met also with Members of the House of Representatives, and I can say that they have the support of the House of Representatives.

I have met with the President and his negotiators and have been involved personally in a number of the negotiations, and there is great unanimity. The question is, who takes the first step, or do they all march in lockstep together? It has to be the latter.

There are too many programs that are too delicate politically, unfortunately, for one group or the other to get out ahead. It has to be done together, and so it should be done. If it is done in that manner, I think we will make the progress that is necessary to restore fiscal sensibility and responsibility to this Government, reassure markets, as we should have done years ago, and make this economy move forward at a rapid pace once again.

So I compliment the majority leader for his statement. I agree with him that false hope should not be raised. On the other hand, I am pleased to note, too, that agreement is closer today than it was yesterday; and yesterday closer than it was the day before; so that we are moving in the right direction. Indeed, all players, in my judgment, are going to be involved. All players are needed, and we will move forward.

Mr. BYRD. I thank the distinguished Senator for his statement.

MEASURES PLACED ON THE CALENDAR

Mr. BYRD. Mr. President, I ask unanimous consent that Senate Concurrent Resolution 87, H.R. 3295, H.R. 1212 when received from the House, and House Joint Resolution 395 be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

RELIEF OF KIL JOON YU CALLAHAN

Mr. BYRD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 423.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 423) entitled "An Act for the relief of Kil Joon Yu Callahan", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. TEMPORARY RESIDENT STATUS FOR BENEFICIARY AND ADJUSTMENT OF STATUS.

(a) TEMPORARY RESIDENCE.—Notwithstanding section 212(a)(23) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(23)), Kil Joon Yu Callahan may be issued a visa and admitted to the United States for temporary residence if she—

(1) is found to be otherwise admissible under the provisions of that Act; and

(2) applies for a visa and for admission to the United States within two years after the date of the enactment of this Act.

(b) PREVIOUSLY KNOWN GROUND FOR EXCLUSION.—The exemption under subsection (a) shall apply only to grounds for exclusion of which the Department of State or the Department of Justice had knowledge before the date of the enactment of this Act.

(c) ADJUSTMENT TO PERMANENT RESIDENCE.—The Attorney General shall, at the end of the 2-year period after the date on which the beneficiary was granted such temporary status, adjust the status of the beneficiary provided lawful temporary resident status under subsection (a) to that of an alien lawfully admitted for permanent residence if—

(1) the Attorney General finds, that the beneficiary has exhibited conduct during such period which demonstrates good moral character (including drug rehabilitation and community ties);

(2) the beneficiary establishes that she has resided continuously in the United States since the date she was granted such temporary status; and

(3) the beneficiary establishes that she—

(A) is admissible to the United States as an immigrant; and

(B) she has not been convicted of any felony or three or more misdemeanors committed in the United States.

(d) TREATMENT OF BRIEF, CASUAL, AND INNOCENT ABSENCES.—During the period the beneficiary is in temporary status under subsection (a), the beneficiary shall not be considered to have failed to maintain continuous physical presence in the United States for purposes of such subsection by virtue of brief, casual, and innocent absences from the United States.

(e) AFFIDAVITS.—The Attorney General may require the beneficiary to submit affidavits for purposes of determinations made under subsection (c).

Mr. BYRD. Mr. President, I move that the Senate concur in the House amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion to concur.

The motion was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. ARMSTRONG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I ask the distinguished acting Republican leader if Calendar Order No. 300 has been cleared on his side.

Mr. ARMSTRONG. Mr. President, if the leader will yield, I am glad to report that Calendar Order No. 300 has been cleared on our side.

Mr. BYRD. I thank the Senator.

INDIAN FINANCING ACT AMENDMENTS

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 300, S. 1360.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1360) to amend the Indian Financing Act of 1974, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Indian Affairs, with an amendment to strike out all after the enacting clause, and insert the following:

LIMITATIONS ON AMOUNT OF LOANS TO INDIVIDUAL INDIANS OR ECONOMIC ENTERPRISES

SECTION 1. Section 204 of the Indian Financing Act of 1974 (25 U.S.C. 1484) is amended by striking out "$350,000" and inserting in lieu thereof "$500,000".

ASSIGNMENT OF LOANS

SEC. 2. Section 205 of the Indian Financing Act of 1974 (25 U.S.C. 1485) is amended to read as follows:

SEC. 205. Any loan guaranteed under this title, including the security given for such loan, may be sold or assigned by the lender to any person.".

AGGREGATE LOANS LIMITATION

SEC. 3. Section 217 of the Indian Financing Act of 1974 (25 U.S.C. 1497) is amended by striking out "$200,000,000" in subsection (b) and inserting in lieu thereof "$500,000,000".

AUTHORIZATION OF APPROPRIATIONS

SEC. 4. (a) The last sentence of subsection (e) of section 217 of the Indian Financing Act of 1974 (25 U.S.C. 1497(e)) is amended to read as follows: "All collections and all moneys appropriated pursuant to the authority of this subsection shall remain available until expended.

(b) Section 217 of the Indian Financing Act of 1974 is amended by adding at the end thereof the following new subsection:

"(f) In the event that the amount in the fund is not sufficient to maintain an adequate level of reserves, as determined by the Secretary of the Interior, necessary to meet the responsibilities of the fund in connection with losses on loans guaranteed or insured under this title, the Secretary shall promptly notify the President of that fact, and within the 30-day period following such notification, the President shall submit to the Congress a proposed supplemental appropriation request in an amount necessary to assure an adequate level of reserves.".

(c) Any new credit authority (as defined in section 3 of the Congressional Budget and Impoundment Control Act of 1974) which is provided by amendments made by this Act shall be effective only to such extent and in such amounts as may be approved in advance in appropriation Acts.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDING OFFICER. Are there amendments to the committee substitute? If not, the question is on agreeing to the committee amendment in the nature of a substitute.

The committee amendment was agreed to.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill (S. 1360) was pased.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ARMSTRONG. I Move to lay that motion on the table.

The motion to lay on the table was agreed to.

UNANIMOUS-CONSENT AGREEMENT—TREATY NO. 100-5

Mr. BYRD. Mr. President, as in executive session, I ask unanimous consent that when the Senate proceeds to the consideration of the Fisheries Treaty with certain Pacific Island States, Treaty No. 100-5, the treaty be considered as having passed through its parliamentary stages up to and including the presentation of the resolution of ratification.

I further ask unanimous consent that when the resolution of ratification is pending, that there be 20 minutes for debate on the resolution, to be equally divided and controlled in the usual form.

I ask unanimous consent that immediately following disposition or yielding back of time, the question occur on the adoption of the resolution of ratification, without intervening motion or action; and, further, that there be a time limitation on any debatable motion or appeal or points of order of not to exceed 10 minutes to be equally divided in accordance with the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that on tomorrow at the hour of 10 a.m., the Senate go into executive session and proceed to the consideration of Treaty No. 100-5; that there be a 30-minute time limitation on the rollcall vote which is expected on the resolution of ratification.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. BYRD. Mr. President, I am not going to ask that the call for regular order be automatic. There will be a 30-minute time limitation on that rollcall vote. I would hope that Senators would not take any chances on going beyond the 30 minutes. That will be the first rollcall vote tomorrow.

Mr. President, I ask unanimous consent that upon the disposition of the treaty, the Senate return to legislative session.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

ORDERS FOR FRIDAY

Mr. BYRD. Mr. President, there are no bills tomorrow under rule XIV that would need further reading at this point?

The **PRESIDING OFFICER.** There are none.

Mr. BYRD. I thank the Chair.

Bills that have been triggered by rule XIV automatically go on the calendar on tomorrow, or do I need to adjourn the Senate once more?

The **PRESIDING OFFICER.** They are already on the calendar.

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 9:20 a.m. tomorrow; that the time of the two leaders be waived; that there be a period for morning business following the prayer to extend until not beyond 9:30 a.m., that Senators may speak during that period for not to exceed 5 minutes each; provided further that at 9:30 a.m. the Senate go into executive session to consider treaty No. 100-5, and that the vote on the treaty resolution begin at 10 o'clock.

The **PRESIDING OFFICER.** Is there objection? Without objection, it is so ordered.

PROGRAM

Mr. BYRD. Mr. President, I think that pretty well clears the air as far as the program for tomorrow morning is concerned. There will be a rollcall vote at 10 o'clock. That will be a 30-minute rollcall vote. And upon the disposition of the treaty, the Senate will return to legislative session. At that time, the Senate will resume consideration of the energy-water appropriation bill. There may be other matters to come before the Senate tomorrow that can be cleared for action. So rollcall votes may be anticipated.

It is not my intention to bring the Senate in on Monday. We have made good progress. We have done about as well as we could in view of the fact that there is a filibuster going on on the energy-water appropriation bill.

I have indicated to all Senators on both sides that the vote on the cloture motion would not occur until Tuesday. Having sent out that word, I will not retract it.

ORDER RESTORING LEADER TIME ON TOMORROW

Mr. BYRD. Mr. President, I ask unanimous consent that the leaders' time which earlier was waived be restored for tomorrow.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. BYRD. And that it be limited to 5 minutes for each leader.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

ORDER TO PROCEED TO EXECUTIVE SESSION AT 9:40 AM TOMORROW

Mr. BYRD. Mr. President, I note that the time for debate on the treaty is limited to 20 minutes and I believe that, under the order entered, the Senate was to go into executive session at 9:30 a.m., am I correct?

The **PRESIDING OFFICER.** That is correct.

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed tomorrow morning at 9:40 a.m. to go into executive session to proceed with the treaty No. 100-5.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. BYRD. Mr. President, I believe that leaves a little more time for morning business on tomorrow.

PROGRAM

Mr. BYRD. Mr. President, the rollcall vote then will begin at 10 o'clock. It will be a 30-minute rollcall vote. I urge that the Cloakrooms notify Senators to start early, not to wait too long, thus prolong the vote.

I want to call attention each day to the fact that rollcall votes are limited by order of the Senate to 15 minutes. That was the order entered at the beginning of the 100th Congress. I hope that, as we move along, Senators will try more and more to get to the floor and enable the votes to be taken within that time limit. By doing so, much of the Senate's time will be saved and much of the inconvenience that is caused other Senators who are caused to await the arrival of a single colleague will be lessened.

ADJOURNMENT UNTIL 9:20 A.M. TOMORROW

Mr. BYRD. Mr. President, does my friend have any other business or further statement to make, in which case I would be happy to yield?

Mr. ARMSTRONG. Mr. President, I thank the leader for his courtesy. I have nothing to offer.

Mr. BYRD. I thank my friend.

I move, in accordance with the order previously entered, the Senate stand in adjournment until the hour of 9:20 tomorrow morning.

The motion was agreed to, and at 6:32 p.m., the Senate adjourned until Friday, November 6, 1987, at 9:20 a.m.

NOMINATIONS

Executive nominations received by the Senate November 5, 1987:

DEPARTMENT OF DEFENSE

FRANK C. CARLUCCI, OF VIRGINIA, TO BE SECRETARY OF DEFENSE.

DEPARTMENT OF TRANSPORTATION

MARY ANN WEYFORTH DAWSON, OF THE DISTRICT OF COLUMBIA, TO BE DEPUTY SECRETARY OF TRANSPORTATION, VICE JAMES H. BURNLEY IV.

DEPARTMENT OF STATE

APRIL CATHERINE GLASPIE, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF IRAQ.

THE JUDICIARY

KENNETH CONBOY, OF NEW YORK, TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK, VICE ROBERT L. CARTER, RETIRED.

DEPARTMENT OF ENERGY

CHANDLER L. VAN ORMAN, OF MARYLAND, TO BE ADMINISTRATOR OF THE ECONOMIC REGULATORY ADMINISTRATION, VICE MARSHALL A. STAUNTON, RESIGNED.

CONFIRMATIONS

Executive nominations confirmed by the Senate November 5, 1987:

DEPARTMENT OF STATE

WILLIAM HENRY HOUSTON III, OF MISSISSIPPI, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS U.S. NEGOTIATOR ON TEXTILE MATTERS.

DEANE ROESCH HINTON, OF ILLINOIS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, WITH THE PERSONAL RANK OF CAREER AMBASSADOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF COSTA RICA.

RICHARD C. HOWLAND, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SURINAME.

THE JUDICIARY

LAURENCE J. WHALEN, OF OKLAHOMA, TO BE A JUDGE OF THE U.S. TAX COURT FOR A TERM EXPIRING 15 YEARS AFTER HE TAKES OFFICE.

ROBERT P. RUWE, OF VIRGINIA, TO BE A JUDGE OF THE U.S. TAX COURT FOR A TERM EXPIRING 15 YEARS AFTER HE TAKES OFFICE.

DEPARTMENT OF STATE

JAMES B. MORAN, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SEYCHELLES.

DAVID H. SHINN, OF WASHINGTON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICAN TO BURKINA FASO.

ROBERT MAXWELL PRINGLE, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MALI.

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

M. ALAN WOODS, OF THE DISTRICT OF COLUMBIA, TO BE ADMINISTRATOR OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT.

UNITED NATIONS

DOUG BEREUTER, U.S. REPRESENTATIVE FROM THE STATE OF NEBRASKA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE 42D SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

GEORGE W. CROCKETT, JR. U.S. REPRESENTATIVE FROM THE STATE OF MICHIGAN, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE 42D SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

HERBERT STUART OKUN, OF THE DISTRICT OF COLUMBIA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE 42D SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

VERNON A. WALTERS, OF FLORIDA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE 42D SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

PATRICIA MARY BYRNE, OF OHIO, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE 42D SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

HUGH MONTGOMERY, OF VIRGINIA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE 42D SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

LESTER B. KORN, OF CALIFORNIA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE 42D SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

WILLIAM W. TREAT, OF NEW HAMPSHIRE, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE 42D SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF JUSTICE

FRANK L. MCNAMARA, JR., OF MASSACHUSETTS, TO BE U.S. ATTORNEY FOR THE DISTRICT OF MASSACHUSETTS FOR THE TERM OF 4 YEARS.

THE JUDICIARY

DAVID G. LARIMER, OF NEW YORK, TO BE U.S. DISTRICT JUDGE FOR THE WESTERN DISTRICT OF NEW YORK.

ERNEST C. TORRES, OF RHODE ISLAND, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF RHODE ISLAND.

WILLIAM L. STANDISH, OF PENNSYLVANIA, TO BE U.S. DISTRICT JUDGE FOR THE WESTERN DISTRICT OF PENNSYLVANIA.

JAMES A. PARKER, OF NEW MEXICO, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF NEW MEXICO.

WILLIAM L. DWYER, OF WASHINGTON, TO BE U.S. DISTRICT JUDGE FOR THE WESTERN DISTRICT OF WASHINGTON.

DEPARTMENT OF JUSTICE

LAWRENCE J. SISKIND, OF CALIFORNIA, TO BE SPECIAL COUNSEL FOR IMMIGRATION-RELATED UNFAIR EMPLOYMENT PRACTICES FOR A TERM OF 4 YEARS.

DEPARTMENT OF COMMERCE

JEFFREY M. SAMUELS, OF VIRGINIA, TO BE AN ASSISTANT COMMISSIONER OF PATENTS AND TRADEMARKS.

EXTENSIONS OF REMARKS

IRVINGTON MIDDLE SCHOOL HONORED FOR EDUCATIONAL EXCELLENCE

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 5, 1987

Mr. GILMAN. Mr. Speaker, I recently had the honor of participating in an awards assembly at the Irvington High School in Irvington, NY.

Irvington Middle School is one of 271 schools from 46 States, Puerto Rico, and the District of Columbia selected for recognition by President Reagan for educational excellence.

The schools were selected for recognition in the President's Secondary School Recognition Program on the basis of very strict criteria. Secondary schools were judged on the basis of: community support, student achievement, minimum competency test scores, low dropout rates, and the school's record of success in overcoming obstacles.

Irvington Middle School met all of these criteria with flying colors. I was deeply impressed with their entire program, but especially with the enthusiasm and the school pride manifested by the entire student body and teaching faculty.

Mr. Speaker, to Dr. Andrew C. Kerfut, the principal of Irvington Middle School, to the excellent teaching staff, to the sterling administrators, and especially to the fine student body, I know that my colleagues will want to join with me in extending our congratulations and best wishes upon the achievement of this distinct honor.

OPPOSITION TO ANTISUGAR LEGISLATION

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 5, 1987

Mr. BONIOR of Michigan. Mr. Speaker, there is reason for legitimate concern about the economic plight of some of our Nation's trading partners, particularly the Philippines and some of the struggling nations in the Carribean Basin. To suggest, as some in this Chamber have, that all their economic problems can be solved by dismantling the U.S. sugar program—thus destroying the U.S. sugar producing industry—is unrealistic and unfair.

Each of these countries currently enjoy a limited access to the U.S. sugar market and, while it is limited, they receive the U.S. price for the sugar they sell here—some two and a half times what they'd receive from dumping their sugar on the world market. As I understand it, some of our colleagues are preparing to introduce a legislative proposal called the Sugar Stabilization Act which will call for a 1.5 cents reduction in the U.S. loan rate per year until it gets down to 12 cents per pound in 1991. It is claimed this reduction in the U.S. price will be accompanied by an increase in import quotas for our sugar trading partners. What they're really saying is that, as the reduced loan rate for domestic sugar producers forces them out of business, their share of the U.S. market will be sent overseas.

I look forward to hearing an explanation of how reducing the U.S. price of sugar to 12 cents per pound is going to help the Caribbean countries and the Philippines when its common knowledge that their costs of production are well above that level! It's unreasonable to believe they are going to benefit from selling this country more sugar when they'll lose money on every pound they send us.

Those countries need and deserve our help, but this proposal is not going to provide it.

And, it's unfair to place the full burden of any kind of U.S. foreign aid program on the back of the 12,000 American farmers, plus the 100,000 field, factory and related service industry workers whose economic livelihood depends on a viable U.S. sugar industry.

CONTINUING RESOLUTION

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 5, 1987

Mr. COLEMAN of Texas. Mr. Speaker, the House has just approved a short-term continuing resolution which provides $3.2 million in nonlethal aid to Contras. Taken in conjunction with funds already appropriated since the beginning of the new fiscal year on October 1, we have now provided a total of $6.7 million in nonlethal aid to the Contras for the period beginning October 1 and ending December 16, 1987. To date, we are still on track. This is due to the patience demonstrated by the Central Americans, the leadership of Speaker WRIGHT and the conciliation of the minority in this House and the forebearance shown in fact if not in words, by the administration.

This is significant because today is the date on which the implementation of the Guatemalan peace accord begins in earnest. We should have learned by now that deeds, not words, are important in judging the truth of the declared intentions of the Central American nations in abiding by the terms of the plan. What we cannot do is to subvert the peace process by our actions in this Chamber. The success or failure of the plan must be determined by the Central Americans, not by our reading of press releases from Managua, San Salvador, or San Jose.

A number of my colleagues have, with sincere intentions, drawn up a list of conditions which they insist must be met if the regional accord is to earn our support. With all due respect, I cannot agree that it is appropriate for us to enumerate conditions—no matter how sensible or benign—which define compliance. Obviously, then, the various proposals to provide a full-blown package of military aid, threatened by the administration but not yet formally announced, have no place in our discussions today. This is a point at which we must be careful observers. Any motion to bring up the question of military aid is, as we all know, a motion to effectively abrogate the terms of the peace accord.

The announced intentions of the democracies in the region—Guatemala, El Salvador, Honduras, and Costa Rica—are a confirmation that these nations and their leaders will make significant sacrifices to bring peace to the region. They also emphasize the frequently repeated belief that there will be no peace in Central America without democracy in Nicaragua.

The definition of democracy is contained in the planks on the Arias plan which call for the restoration of civil liberties, the release of political prisoners, an amnesty for political opponents and the beginning of negotiations to implement a cease-fire to all hostilities throughout the isthmus.

In recent weeks, the rhetoric from Managua has been discouraging. It has been discouraging not just to those of us in the Congress who hope for the success of the plan, but to its author, President Oscar Arias, of Costa Rica, and to the other signatory nations. But we cannot impose our interpretation of those planks and those definitions. This is a Central American problem with implications for our national security. It is not a problem or a treaty which affects our national security first and the Central Americans only secondarily.

Mr. Speaker, we have prepared ourselves for the contingency of noncompliance on the part of the Sandinistas by making nonlethal aid available. We are prepared for the worst. But we must not, by our actions, bring the worst about.

SMALL BUSINESS SHOULD HAVE ACCESS TO THE POLYGRAPH

HON. ANDY IRELAND

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 5, 1987

Mr. IRELAND. Mr. Speaker, through my membership on the Small Business Committee, I have become increasingly aware of the struggles confronting our Nation's small business community. They must comply with complex Federal, State, and local regulations, not to mention a mountain of tax law require-

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

ments. The small businessman has only so many hours in a day, and those spent untangling redtape take away from attending his business and helping it grow.

We should be doing everything we can to nurture small business since it provides the vast majority of new jobs created in this country.

But, the bill we debated and passed yesterday, H.R. 1212, will set up one more regulatory hurdle for small business by banning the use of the polygraph in the private sector. For this reason, I opposed this legislation.

The great strength of small business is that they must hire new workers as they grow. But finding the right worker can often be a full-time job, from interviewing candidates to checking background and references. Many simply do not have the resources to conduct full-scale personnel searches.

One of the tools that is useful to America's small business is the polygraph. This is true for several reasons. First, the polygraph provides an extra dimension of information about the references and work history listed on the applicant's resume. Second, the polygraph helps the small businessman decide whether to hire someone who has a short or sketchy work history but who could turn out to be an excellent employee.

The courts are placing heavy responsibilities on businesses to adequately screen employees who could commit crimes against customers or otherwise harm our citizens or communities. These businesses need every tool available to help them make sure they are hiring the best people available for a job.

It is unfair for us to rob them of the polygraph and the information it can provide to help businesses meet their responsibility to the public.

Critics of the polygraph say that background and reference checks are at least as reliable if not more so as polygraph testing. I would disagree.

Labor lawyers now are telling business owners that when another employer calls to check a reference on a former employee, they should give as little information as possible to avoid the threat of lawsuits. As a result, it has become more and more difficult for small business to verify the employment record of applicants.

For a small drug store owner, the quality of the employees he or she hires can often make or break the business. For example, a service-station owner must trust his employees to handle cash when he is not around. A drug store operator allows the part-time pharmacist he has hired access to his inventory at night and on weekends. Often, these businessmen are entrusting their lifesavings and their lifework to the employees they hire.

While not all of them use the technique, it is a mistake for the Federal Government to ban its use for those who find it to be an important and necessary investigative tool.

The Young-Darden substitute would have allowed the continued use of the polygraph so long as the tests are conducted under a strict set of Federal guidelines. I am greatly disappointed that this measure failed. I believe that it was a serious mistake for us to disregard the voice of the small businessman on this issue.

HILL STAFFERS FOR THE HUNGRY AND HOMELESS TREAT UNDERPRIVILEGED KIDS TO A HALLOWEEN PARTY

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 5, 1987

Mr. EDWARDS of California. Mr. Speaker, I had almost forgotten how much fun Halloween can be. Last Friday I went to a Halloween party thrown by a staff group called Hill Staffers for the Hungry and Homeless. There was apple bobbing, face painting, clowns, dancers, live music, a magician and, of course, lots of treats. But the highlight of the evening was the expressions on the faces of the children—who came from shelters in D.C.—the moment they entered the Cannon Caucus Room for the party.

The room was dimly lit and heavily decorated with pumpkins, corn stalks and black and orange streamers. Shadowy hill staffers lurked in the corners dressed as vampires or gorillas. Halloween treats donated by hill staffers covered the tables. When the trick-or-treaters entered the room, they hesitated for a moment and then exploded with a burst of enthusiasm into every corner of the room.

Hill Staffers for the Hungry and Homeless was formed 1 year ago in order to promote the personal involvement of House and Senate staffers with the less fortunate. Judging from the party alone, they have been tremendously successful. Staffers ran games, painted faces and helped the children to Halloween treats. A good contingent from the Congressional Wives Club got a healthy round of musical chairs going. I took a couple of the 6-year-olds around the room and could see what a great time they were having.

Over the last year, Hill Staffers for the Hungry and Homeless has placed over 120 volunteers from Capitol Hill at shelters and soup kitchens around town. It also holds a weekly collection of food and clothing for the homeless.

I commend the good efforts of the Hill Staffers for the Hungry and Homeless: Michael Slater, Wendell Pritchett, Steve Arnold, Pat Fahy, Mai Hernandez, Cynthia Folcarelli, Karen Masterson, Sarah Malm, Diane Tausner, Grant Kraus, and Ben Field. The Halloween party was proof, once again, of the generosity of the people who work for the House of Representatives and the Senate. Hill Staffers for the Hungry and Homeless should feel gratified that their efforts are supported and encouraged by all of us.

HON. FRANK J. GUARINI ADDRESSES ITALIAN AMERICAN FOUNDATION

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 5, 1987

Mr. GILMAN. Mr. Speaker, I recently had the pleasure and privilege, along with Mrs. Gilman, of attending the 12th Anniversary Dinner of the National Italian American Foundation. This outstanding, gala event, attended by more than 2,500 participants, owes much of its great success to the hard work and dedication of its chairman, our colleague the gentleman from New Jersey [Mr. GUARINI].

We in the House are familiar with Mr. GUARINI's dedication and hard work. And we are fully aware that any task to which he devotes himself is certain to become a great success.

One of the high points of the evening was the keynote address delivered by Congressman GUARINI which I would like to share with all of our colleagues by inserting them at this point in the CONGRESSIONAL RECORD:

REMARKS BY U.S. REPRESENTATIVE FRANK J. GUARINI

Thank you very much for that gracious introduction. My good friends, good evening to each and everyone. Buono sera. It is my pleasure this evening to have the privilege of being your dinner chairman on this twelfth anniversary of the National Italian American Foundation. I am delighted to see such a strong outpouring. And thank goodness it was sold out before black Monday. There is present here a splendid show of support from many prominent men and women from every corner of America as well as Italy. Upon entering the ballroom this evening one can feel the spirit and enthusiasm among the Italian Americans and their many friends. You have worked diligently to improve the quality of life for people in so many parts of the world.

This national awards dinner is a wonderful way of bringing together thousands of people with varied interests and common concerns. Tonight we present our national awards to Perry Como and Henry Mancini, who have been great entertainers, providing beautiful music—the international language—for all of us to enjoy, not only for the talent they have, but for the dignity, honor, and respect they have brought to America.

To those of us in Congress, the foundation has been a great help and friend. With your encouragement our ranks have swollen to 35 members in the House and Senate. Five have risen to the title of Mr. Chairman.

These are powerful committee chairmen who wield their authority and influence with dignity and style.

Senator Pat Leahy chairs the Committee on Agriculture.

My colleague Dante Fascell serves as chairman of the Foreign Affairs Committee;

John LaFalce chairs the Small Business Committee;

Peter Rodino is chairman of the Judiciary Committee; and

Frank Annunzio chairs the Committee on House Administration.

These men have not only provided inspiration for all of us, but they have worked for America, protecting the rights and opportunities of all regardless of race, creed, color and national origin.

Since its inception in 1975, the foundation has provided leadership—for professionals, businesspeople, educators, seniors and youth, assuring an effective voice in Washington for those who might otherwise have no voice. What has been of the utmost importance is the foundation's position in exploring, developing and strengthening political, social and economic challenges in today's complex world, making for a stronger relationship with our partners abroad.

Now we are on the threshold of a most important milestone in our history: The 500th anniversary of Christopher Columbus' discovery of America. With God's help, we will all share in a unique celebration of the founding of the new world. It is a source of great pride for all of us. Ralph Waldo Emerson reminds us in his writings that "while Columbus discovered no isle or key so lonely as himself—every ship that comes to America got its start from Columbus." As great as Columbus' accomplishments were, he died a lonely, poor man, yet millions of ships later charted his course. This afternoon many of you participated in the kick-off of the 1992 celebration honoring the anniversary of the land we call America, and honoring Amerigo Vespucci, the Florentine seaman who also landed here.

In this year's 200th anniversary of the signing of the U.S. Constitution, we remember with pride Phillip Mazzei's contributions. In his book "A Nation of Immigrants", John F. Kennedy said that Mazzei had exercised significant influence on Jefferson and that Mazzei's writing was paraphrased by Jefferson in the Declaration of Independence. The groundwork was founded for a New Nation under God and the great American experiment had begun.

It was Fre'de'ric Auguste Bartholdi, whose hand and genius crafted the bronze Statue of Liberty whose centennial we recently celebrated under the leadership of our own Lee Iacocca. The fine hands and minds of the Italian lineage have been present at every key moment in the history of our republic.

Gathered here tonight are Prominenti Del Circolo Italiano, but remember, we are only the tip of the iceberg. There are many at the broad base who assisted us over the years who we must remember and others who are striving for success and opportunity that we must never forget.

This evening we honor the great and only Perry Como, who helped us make beautiful music together. His talent, supplemented by his lifestyle and generosity, indeed have made him an eternal star. We can recall with nostalgia and pleasure the 1944 debut of this former Canonsburg, Pennsylvania barber with the Chesterfield Supper Club.

He won America's hearts with a soft, easygoing style singing such immortals as "I'll Walk Alone", "You're Nobody Till Somebody Loves You", "You Always Hurt the One You Love", "I Should Care", and "I've Got a Lovely Bunch of Coconuts".

His contributions to the world of music and pleasure have been matched by the artistry of Henry Mancini, whose magic baton and unique skills helped produce the immortal "Moon River" and the composition of the film music in such great movies as "The Glenn Miller Story", "The Benny Goodman Story," and "Breakfast at Tiffany's". He was honored with 17 Academy Award nominations and four coveted Golden Oscars along with 20 Grammy Awards.

This evening we also pay tribute to Italian Foreign Minister Giulio Andreotti, our good friend, who has been in the political limelight in Italy for more than 30 years. He has served formerly as Prime Minister. Minister Andreotti is being honored for his contributions in maintaining a strong relationship between the United States and Italy. We thank him for constantly strengthening the bond between our two great nations.

Also this evening we honor Dr. Peter Sammartino, from my native State of New Jersey, who has served as regional vice president of this outstanding foundation. He was also the founder of Fairleigh Dickinson University in New Jersey. His entire life has been devoted to the field of education. In recognition of his many years of service to the Italian community and America, he is being presented the Service Loyalty Award. I recall some 20 years ago when Peter singlehandedly began a drive to save Ellis Island. At the time, the island's future was in doubt. Because of his great work, our two shrines in Liberty Harbor (which by the way are in New Jersey and near New York), are being preserved.

All of these fine gentlemen have served their country well. Countless individuals have participated in the success story of our foundation and their dedication and leadership is worthy of high praise. Let us begin with Frank Annunzio and Peter Rodino, who have provided support and inspiration from the very start. Also Jeno Paulucci, our devoted chairman, has always been there to lend a helping hand. Our own Frank Stella, who now serves as president, has unselfishly given his time and energy over the years. And I would be terribly remiss if I did not acknowledge the unfailing efforts of our dinner coordinator, John Salomone, who has labored long in the vineyards since the first dinner.

Our heritage, traditions and contributions are also being preserved by the emerging generation, our youth. The first national youth conference took place this weekend. These conferences will be vital to our future. I also commend the foundation for its scholarship program, which over the years, has granted hundreds of thousands of dollars to help students meet spiralling college costs. This program provides them an opportunity to achieve for greatness. It reminds me of a story about the great Michelangelo. One day while Michelangelo was pushing with great effort a large piece of marble into his studio, an older woman in the village asked "Why are you so insistent on working on this stone?" Michelangelo replied: "Because there is an angel inside seeking to come out." You never know the potential of an individual until you give him or her an opportunity to unlock their hidden talents.

Finalmente (finally) I wish to say grazie tante (thank you) for allowing me this privilege, and to express my admiration for this magnificent foundation. There is no question that without you, we would not have so many success stories in the fields of business, the professions, arts, music, education, and in science.

In closing, I want to thank all of you for your unstinted support. With your continued help, the foundation will thrive and grow and continue to be the heartbeat of the Italian American community.

Buon divertimento (let us have a good time).

Many thanks and God bless.

CELEBRATING THE RETIREMENT OF MARY WENSEL

HON. DENNIS M. HERTEL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 5, 1987

Mr. HERTEL. Mr. Speaker, my good friend Mary Wensel is retiring from the office staff of the United Auto Workers Union.

She gave the UAW her skills, her ability, and her unyielding respect for herself and all other working people.

She has been secretary to three UAW presidents; Leonard Woodcock, Doug Fraser, and Owen Bieber.

She participated in virtually every important meeting including the first ever convening of the Ford and General Motors Bargaining Councils.

Like other institutions, trade unions are the product of people and personalities.

Although never, until now, in the limelight, Mary Wensel's personality helped to make the UAW the powerful force it is today. She brought calm to many a stormy scene.

Again and again, she inspired with her perspective, her dignity and her common touch.

Over five decades, she kept her wit, and humor and her love of life.

In her retirement, a great union is losing a great lady.

LAWYERS HELPING FIGHT HUNGER

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 5, 1987

Mr. LELAND. Mr. Speaker, I would like to share with my colleagues a project initiated by the Texas Young Lawyers Association to serve needy individuals.

In 1985, two young lawyers, Eric Galton and Michael Curry, with the cooperation of the Austin Young Lawyers Association, developed a program that would encourage Austin's lawyers to contribute to local and international hunger relief organizations. Through the Austin Lawyers for Hunger Relief Program, every lawyer contacted was requested to donate to their favorite hunger relief group the fee or salary they would earn for 1 hour of legal services. The project succeeded in raising $16,000 in 2 weeks.

In 1986, the Austin Lawyers for Hunger Relief, by expanding its efforts, was able to solicit $7,000 more in contributions than it had in the previous hear. Through an organized mailing effort, a letter was sent to all local bar members requesting a donation equivalent to that lawyer's fee or salary for 1 hour of legal services. The letter also provided a suggested list of international, national, and local relief organizations. Contributors were instructed to make their checks payable to the hunger relief organization of their choice. Thus no funds needed to be deposited, and accounting and administrative problems were avoided.

This year, the Texas Young Lawyers Association has formed a Hunger Relief Committee to facilitate and encourage a statewide bar-sponsored program aimed at helping those who suffer from hunger and malnutrition. The organization surpassed its previous fundraising records by obtaining over $28,000 in contributions.

Mr. Speaker, I would like to pay tribute to this group of young lawyers by commending them for their generous efforts. With estimates that 20 million people in our country periodically go hungry during the month, the contributions of such groups as the Texas Lawyers for Hunger Relief are vital. I would like to encourage my colleagues to bring back to their districts the ideas set forth by this organization. The impact of such contributions on a national basis has great potential for helping efforts to alleviate the hunger and malnutrition problems in the United States, as well as abroad.

NATIONAL WOMEN IN SPORTS DAY

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 5, 1987

Ms. SNOWE. Mr. Speaker, yesterday I introduced a resolution which would designate February 4, 1988 as "National Women in Sports Day."

The history of women in sports is rich and long. Over the last 15 years, the level of women's participation in sports and physical conditioning programs has dramatically increased. However, there has been little national recognition of the significance of women's athletic achievements. By drawing attention to women in sports, we can recognize women athletes who serve as examples of the avenues available through which women of America may develop physical fitness, self-discipline, initiative, confidence, and leadership skills.

National Women in Sports Day will recognize the importance of women's athletic achievements to our country. Today women represent 31 percent of all college student athletes, and over 10,000 of these women attend college on athletic scholarships. However, the athletic opportunities for male students at collegiate and high school levels still far exceeds those for female students. Women today comprise 52 percent of college enrollments, but only one dollar in five of financial aid based on athletic ability is awarded to women. It is time to recognize that these inequities still exist, while highlighting how far women have come in their athletic achievements.

I invite my colleagues to join me in recognizing our women athletes by cosponsoring this resolution.

IN MEMORY OF JUDGE JOSEPH GLADSTONE BURNS, SR.

HON. CLAUDE HARRIS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 5, 1987

Mr. HARRIS. Mr. Speaker, I rise today to speak in memory of my friend and colleague at the bar, a distinguished and long-time public servant, Judge Joseph Galdstone Burns, of Tuscaloosa.

Judge Burns, as he was called by all who knew him, was a native of North Carolina. He first came to Tuscaloosa, the community which was to remain his home for more than 50 years, when Coach Wallace Wade offered him an athletic scholarship to the University of Alabama. A lineman for the Crimson Tide, he played under both Coach Wade and Coach Thomas, receiving his letter in football and becoming a lifelong member of the "A-Club." Judge Burns was not only an outstanding athlete, but also an outstanding student leader, chosen by his fellow students as president of the Student Government Association.

At the University of Alabama, the most esteemed award presented each year is the Algernon Sydney Sullivan Award, which is given in recognition of excellence of character, the application of fine spiritual qualities to daily living, and service to humanity. Each year, one young man and one young woman among the senior class are chosen to receive this honor. During his senior year at the university, Judge Burns was so honored. In addition to receiving his bachelor of arts degree from the University of Alabama, he also received his masters of arts and law degree. He also attended the School of Religion at Vanderbilt University.

In 1937, he became one of the Nation's youngest municipal court judges, being sworn into office at age 26. Those who are familiar with our legal system recognize that the municipal courts represent, for most of our citizens, their most frequent form of contact with our legal system, often their only contact. The majority of those appearing before such courts are not represented by an attorney, and a great burden falls upon the judge to insure not only that justice is done in fact, but that it clearly appears, to both participants and observers, that justice has been done. For more than 35 years, Judge Burns admirably fulfilled this role in Tuscaloosa. He was a member of the Tuscaloosa, AL and American Bar Associations, and served as president of the Tuscaloosa Bar. Additionally, he was active in our Democratic Party in Alabama, and served more than 20 years on the State Democratic Executive Committee.

During World War II, Judge Burns established a memorable military record as an officer in the 3d Marine Division, serving in the South Pacific. He was wounded at Saipan, but continued in service.

An avid sportsman, Judge Burns was a noted turkey hunter, a skill he has passed on to his son and grandsons. While members of the bar had great respect for his legal ability, they learned it was futile to schedule cases with him during spring turkey season, an indication he always maintained the right priorities and a proper perspective on his profession.

Mr. Speaker, this is truly the record of a full life, well-lived, and our community and country will be poorer for his passing.

THE APPEAL OF THE CASE OF THE "BIRMINGHAM SIX"

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 5, 1987

Mr. GILMAN. Mr. Speaker, on Monday, November 2, I had the privilege of attending an important appeal that was being heard in the venerable "Old Bailey" courthouse in London, England. Before a three-judge bench of the Court of Appeal, Criminal Division, lawyers for the so-called Birmingham Six defendants presented factual evidence, tending to show that there was a miscarriage of justice—or perhaps worse—in their conviction in a tragic bombing that killed 21 and injured scores of others in Birmingham, England, in 1974.

The Birmingham Six were convicted of a bombing which they insist they did not commit. The convictions of the six men have been widely questioned in the light of new evidence turned up over the past several years. Although the men claimed at the time of their trial that confessions they signed were beaten out of them, their contentions were rejected at trial. Subsequently, an eyewitness—a police officer—to their alleged mistreatment has come forward. Moreover, the validity of forensic evidence against them has been disputed, and a journalist claims to have located the men truly responsible for the bombing.

I have been interested in this case for several years, as have scores of parliamentarians from around the world. My unavoidably short visit to the courtroom and my discussions with experts on the matter have strengthened my strong suspicion that a miscarriage of justice, if not a deliberate effort to convict innocent men, occurred in the original trial many years ago. Now, we hope, the full story will come out.

We must give credit to British Home Secretary Hurd, who allowed the appeal to go forward. But the appeal has driven home some points about any system of justice which should be elementary:

First, that confessions which are recanted at trial—when the person being tried states that they were not freely given—should be regarded with utmost skepticism;

Second, that forensic evidence should similarly be regarded as indicative of the truth and not conclusive, because the underlying assumptions about the tests in question may well prove to be wrong. In this case, for example, a chemical test that allegedly proved that the men accused were handling explosives also shows positive if those in question had been handling playing cards coated with a particular, widely used chemical.

The case has attracted worldwide attention, with over 100 members of the British Parliament—of both parties—calling for a full hearing of the new evidence. Also calling for a reopening of the case were Cardinal Hume of Britain and Cardinal O'Fiaich, Primate of All Ireland. Two years ago British Home Secretary Hurd agreed to refer the case to the Court of Appeal, Criminal Division, for a full rehearing. The court has the power to remand the case for a new trial by jury or to set aside the conviction.

As ranking minority member of the Subcommittee on Europe and the Middle East of the Committee on Foreign Affairs, and a founding member of the Ad Hoc Committee on Irish Affairs, my presence at this appeal allowed me to more fully understand, at first hand, the facts and political implications of this widely followed case.

I urge my colleagues to closely follow this matter, over the course of appeal, which may take 2 or more weeks. In the United States, we honor the British system of justice, from which our system was derived. We hope that its underlying values will triumph in the course of this appeal.

STOCK MARKET LEGISLATION

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 5, 1987

Mr. DORNAN of California. Mr. Speaker, all of us should understand that at least some of the boom in the stock market was the result of corporate restructuring caused by the threat of takeovers. Reduce that threat and all of a sudden stocks don't seem like such a good investment. This is one of the important lessons that this Congress needs to learn from the recent stock market collapse.

Congressional efforts to thwart takeovers by taxing them, and then making those provisions retroactive to October 13, helped trigger the market's collapse by prompting arbitragers, or arbs, to sell large blocks of takeover-target stocks. The question is why should the arbs have that much power over the market in the first place? Why are the arbs controlling large blocks of stock instead of shareholders?

The answer is the Williams Act, a piece of legislation passed in 1968 that spawned the current rash of insider trading scandals and gave the arbitrage business its biggest boost. Under the Williams Act, acquirers of a company are forced to stop buying stock on the open market once they have 5 percent. Since they can no longer acquire control by themselves, they must rely on the arbs to get big blocks of stock for them. This may have satisfied the goal of protecting incumbent managers, but it also increased opportunities for trading on insider information.

So we have a decision to make, Mr. Speaker. We can either repeal the Williams Act and halt big opportunities for insider trading, or we can thwart takeovers by attacking the raiders. Since the restructuring of American business through takeovers, or the threat of takeovers, has generally been a good thing, it is time this Congress admitted it made a mistake and repeal the Williams Act. I have introduced legislation that would do just that and I invite my colleagues to cosponsor.

Mr. Speaker, a return to pre-1968 open-market takeovers wouldn't please everyone. Managers of inefficient firms couldn't adopt defensive tactics, and bankers and lawyers would play lesser roles for lesser fees. That is not necessarily bad as the market for corporate control helps maximize share price. And more importantly, the market would at last be returned to its rightful owner—the shareholder.

THE PLUTONIUM CHALLENGE

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 5, 1987

Mr. WYDEN. Mr. Speaker, today several defense experts and scientists, including William Colby, former Director of the CIA; Rear Adm. T.D. Davies, retired, former Assistant Director of the U.S. Arms Control and Disarmament Agency; Ambassador Gerard Smith, Chief of the SALT I delegation; and Paul Warnke, former Assistant Secretary of Defense [ISA] and former Director of the U.S. Arms Control and Disarmament Agency, are proposing that we present the Soviet Union with a "Plutonium Challenge." They suggest the United States call for a bilateral end to new production of this nuclear bomb material as a verifiable way of capping the nuclear arms race.

The United States is in a good position to call for such a moratorium. We currently have a plutonium stockpile, a cushion, thanks in part to accelerated plutonium production in the first half of this decade. And if we successfully negotiate the proposed INF Treaty with the U.S.S.R., that stockpile will grow as we reclaim plutonium from dismantled weapons.

At the same time, our plutonium production facilities are presently only limping along. The N reactor at Hanford is not operating; three of the four reactors at Savannah River are at half power and a fourth is closed, all because of safety problems. Bringing these aging facilities back up to speed or building new facilities will be very expensive. A permanent verifiable ban could save billions of dollars in future defense production costs.

The time is ripe for innovative attempts to end the arms race. Mr. Speaker, I urge my colleagues to take a close look at this proposal, and I ask that a copy of an open letter to the Congress and the President from the proponents of the challenge be included in the RECORD.

The letter follows:

THE PLUTONIUM CHALLENGE: AN OPEN LETTER TO THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES

We want to alert you to a historic opportunity and to urge you to take a bold initiative for world security with substantial economic and environmental benefits for our nation.

The United States should declare an immediate 2-year moratorium on the further production of plutonium for nuclear weapons and challenge the Soviet Union to negotiate a bilateral, verifiable cutoff of the production of plutonium—as well as highly-enriched uranium—for nuclear weapons.

We are at a major turning point in the four-decade-long history of the production of nuclear warheads in our nation. Since 1945, the United States has manufactured some 60,000 warheads, of which some 25,000 are now in our arsenal. We have produced some 200,000 lbs. of plutonium and, prior to 1964, some one million lbs. of highly enriched uranium (HEU)—the key ingredients in all nuclear explosives, also known as "fissile materials". Our nuclear weapons material production reactors at the Hanford Reservation in Washington and the Savannah River Plant in South Carolina are now all over 20 years old and dangerously outmoded. The Chernobyl disaster in April 1986 focused public attention upon the safety of these facilities. Today these reactors are limping along, producing only some 1000 lbs of plutonium each year. Their continued operations are under very serious question.

The Department of Energy (DOE) is formulating plans to spend tens of billions of dollars on new production reactors and a laser plutonium processing facility which would be in operation well into the 21st century. At the same time, however, the DOE is reluctant to take on an equally expensive task of cleaning up and disposing of the vast amounts of radioactive and chemical wastes it has already produced over the last four decades.

These DOE plans to increase production of plutonium run counter to the vision articulated by President Reagan and General Secretary Gorbachev at the Reykjavik Summit of a world of much reduced nuclear weapons arsenals. Both nations already have more than enough plutonium and HEU to maintain their combined current stockpiles of over 50,000 nuclear warheads—stockpiles sufficient to destroy one another's societies many times over and to threaten human well-being everywhere on our planet.

The United States risks nothing and has much to gain from our proposal of a two-year plutonium pause. We have not produced any HEU for nuclear weapons since 1964 and, by halting plutonium production for two years, we would be forgoing the equivalent of only some 1% of our current plutonium stockpile. In any event, almost all of the plutonium for new warheads is being obtained through retirement of old warheads and recycling.

Such a pause would provide a chance for our nation to stop and consider carefully the need for a new multibillion dollar investment in our nuclear weapons materials production complex. This review also would include an assessment of the future needs for: (1) tritium, which is used to increase the yields of nuclear warheads and unlike plutonium decays rapidly enough so that it must be replenished; and (2) HEU for non-weapons purposes, such as submarine fuel. We also should examine alternative ways of meeting those needs and, consistent with the goal of reduced nuclear arsenals, should initiate a pilot program to demonstrate the feasibility of the verifiable removal and disposal of fissile materials from dismantled warheads.

A unilateral production cutoff would create worldwide public pressure upon the Soviets to negotiate a verifiable halt to all production of plutonium and HEU for nuclear weapons. Such a cutoff would be an important cap on the arms race. It would provide a basis for other agreements to reduce nuclear armaments.

Under a production cutoff agreement, the United States and the Soviet Union would in effect make the same commitment not to produce fissile materials for nuclear explosives as have some 130 non-nuclear-weapons countries that have joined the Nuclear Non-Proliferation Treaty. This would give new legitimacy to American and Soviet leadership in international efforts to stop the spread of nuclear weapons. Moreover, the United States would be in a far stronger position to appeal to other nations, including the Soviet Union, to reconsider plans to introduce vast quantities of plutonium into their civilian nuclear power programs.

There are good reasons to believe that the Soviets would be responsive to an American initiative. In recent years, the Soviets have indicated an interest in a cutoff. They too have aging production reactors and heightened awareness of their hazards in the wake of Chernobyl. The Soviets also have demonstrated a new openness towards the presence of American and international inspectors to monitor nuclear weapons activities.

The shutdown of production reactors could be easily verified on an interim basis by satellites which are able to detect the heat associated with an operating reactor. The United States and the Soviet Union have already opened some of their civilian nuclear reactors to international safeguards, which are already in place in over 50 nations. Verification arrangements could be developed to monitor any continued production of tritium for weapons and HEU for nonweapons purposes.

If we make major new commitments to plutonium production facilities, the nuclear arms race will be that much more difficult to stop. As a nation, we must just say NO to more plutonium and put forward to the Soviet Union this challenge in the interest of both our countries and indeed of the entire world.

SIGNATORIES

Professor Dean E. Abrahamson, Hubert H. Humphrey Institute of Public Affairs, University of Minnesota.

Mr. Peter A. Bradford, Former Commissioner, Nuclear Regulatory Commission.

Mr. George Bunn, Former General Counsel, U.S. Arms Control and Disarmament Agency.

Dr. Christine K. Cassel, President Elect, Physicians for Social Responsibility.

Dr. Thomas B. Cochran, Senior Staff Scientist, Natural Resources Defense Council.

Mr. William Colby, Former Director, Central Intelligence Agency.

Mr. David Cortright, Co-Director, SANE/Freeze.

Rear Admiral T. D. Davies (Ret.), Former Assistant Director, U.S. Arms Control and Disarmament Agency.

Ms. Randall Forsberg, Director, Institute for Defense and Disarmament Studies.

Professor Donald Geesaman, Hubert H. Humphrey Institute of Public Affairs, University of Minnesota.

Ms. Frances Close Hart, Chairperson, Environmental Research Foundation, South Carolina.

Dr. William Higinbotham, Consultant, Brookhaven National Laboratory, Technical Support Organization of the Department of Nuclear Energy.

Professor John P. Holdren, Energy and Resources, University of California, Berkely.

Professor Robert C. Johansen, Government and International Studies, University of Notre Dame.

Dr. Henry Kendall, Chairman, Union of Concerned Scientists and Professor of Physics, Massachusetts Institute of Technology.

Dr. Betty Lall, Director, Arms Control Verification Studies, Council on Economic Priorities.

Mr. John Marshall Lee, Vice Admiral (Ret.).

Jennifer Leaning, M.D., Chief, Emergency Medical Services, Harvard Community Health Plan.

Dr. Frank A. Long, Former Luce Professor of Science and Technology, Cornell University.

Professor David Ozonoff, M.D., Chief, Environmental Health Section, Boston University School of Public Health.

Dr. Russel Peterson, President Emeritus, National Audubon Society.

Dr. George Rathjens, Chairman of the Board, Council for a Livable World and Professor of Political Science, Massachusetts Institute of Technology.

Dr. Judith V. Reppy, Associate Director, Peace Studies Program, Cornell University.

Dr. Anthony Robbins, Associate Director, National Institute for Occupational Health and Safety and Past President American Public Health Association.

Mr. Stephen G. Sawyer, Executive Director, Greenpeace, USA.

Ambassador Gerard Smith, Chief, SALT I Delegation and Former Ambassador to the International Atomic Energy Agency.

Dr. Jeremy J. Stone, Director, Federation of American Scientists.

Dr. Theodore B. Taylor, Consulting Physicist and Former Deputy Director for Technology, Defense Nuclear Agency.

Dr. Kosta Tsipis, Director, Program in Science and Technology for International Security, Massachusetts Institute of Technology.

Professor Frank von Hippel, Public and International Affairs at the Woodrow Wilson School, Princeton University, and Physicist.

Dr. Herman Warsh, Chairman of the Board, Environmental Policy Institute.

Mr. Paul Warnke, Former Assistant Secretary of Defense (ISA) and Former Director, U.S. Arms Control and Disarmament Agency.

Professor Jerome Weisner, President Emeritus, Massachusetts Institute of Technology.

Ms. Cynthia Wilson, Executive Director, Friends of the Earth.

Dr. Robert R. Wilson, Professor Emeritus, Cornell University.

THE CENTRAL AMERICAN PEACE PLAN

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 5, 1987

Mr. LAGOMARSINO. Mr. Speaker, today is November 5, the day on which the Central American peace plan is to go into effect. The plan calls for each country in Central America to take action to provide for internal reconciliation and dialogue and to promote and strengthen Democratic institutions.

On this date, when so much was expected, the Sandinista regime in Nicaragua has stalled and obstructed the full implementation of the Guatemala peace accord.

I am introducing today a resolution expressing the sense of the Congress that the Government of Nicaragua should fulfill the commitments it made by signing the Central American peace agreement in Guatemala City on August 7, 1987. It further states the Nicaraguan Government should undertake national reconciliation and cessation of hostilities, including undertaking all necessary actions to obtain an effective ceasefire, which must include either direct or indirect negotiations with the Nicaraguan resistance. The other Central American presidents have urged the Sandinistas to do this, so it is appropriate for us to urge them to do so as well.

A TRIBUTE TO DR. MILTON DOUGLAS QUIGLESS, SR.

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 5, 1987

Mr. LEWIS of Georgia. Mr. Speaker, I rise to pay tribute to a great American and friend, Dr. Milton D. Quigless Sr. Dr. Quigless, 83, a medical doctor, graduated from Meharry Medical School in 1934. Over the years, Dr. Quigless has given his tireless energies to improving the quality of health care for the poor and disenfranchised residents of Tarboro and Edgecombe County, NC since his arrival in 1936.

Saturday September 19, 1987 was designated "Dr. Milton D. Quigless Day" by the towns of Tarboro and Princeville, NC. This was in recognition of 51 years of medical service to Edgecombe County and surrounding areas. On Monday, September 14, the Tarboro City Council issued a proclamation to that effect and on August 24, Princeville did the same. Dr. Quigless has also received numerous citations from area clubs and community based organizations. Therefore, I appear before my colleagues to recognize the accomplishments of this great man. A brief biographical sketch outlining Dr. Quigless' accomplishments follows:

BIOGRAPHICAL SKETCH OF MILTON DOUGLAS QUIGLESS, SR.

Milton Douglas Quigless, born August 16, 1904 in Port Gibson, Mississippi. He was the son of Rev. John and Agnes Quigless. He is the fifth child of a family of six children. His wife is the former Helen M. Gordon of Washington, DC. Dr. Quigless is the father of three children namely: Milton D. Quigless, Jr. M.D., Chairman of Wake County Medical Hospital Complex in Raleigh, N.C.; Helen Quigless of Tarboro, N.C. a former Librarian of the University of District of Columbia in Washington, D.C. and Carol Quigless of Los Angeles, California, a legal secretary and the owner and operator of Home Dining Delight, a catering service. Initially Doctor Quigless only completed the fifth grade, but was tutored by a six grade student during the summer. He then entered the 8th grade class at Alcorn College, which was the state school for blacks.

While at Alcorn College, Milton Quigless decided to become a medical doctor. He transferred from Alcorn College to a high school in Chicago where he enrolled as a high school senior in 1925. In order to finance his education, he worked as a sleeping car porter. After graduating from high school, Milton Quigless enrolled in Crane Junior College as a pre-med student and received his Associate Arts Degree in 1928. Later, he attended Meharry Medical College in 1929 and received his M.D. Degree in 1934.

After graduation, Milton Quigless did his internship at City Hospital #2 in St. Louis, Mo. for 1 year. He then worked as an Assistant of Physiology at Meharry Medical College.

After 1 year's experience as Assistant of Physiology, Dr. Quigless began making plans to open up his medical practice in North Carolina. To begin his quest to select a location for his practice, he had to write the Chamber of Commerce in several North Carolina Cities requesting information about the number of black physicians in those cities. He then had to go to Raleigh, North Carolina to meet with the Medical Board of Examiners. Dr. Quigless then visited one of his fellow physicians in Rocky Mount, N.C. This physician asked Dr. Quigless to consider Tarboro, North Carolina because the only black physician in Tarboro had died about 5 years previously. Dr. Quigless made a trip to Tarboro, North Carolina and talked with several people of the town. He then decided to set up his practice in Tarboro, North Carolina.

Dr. Quigless resigned his position as Assistant in Physiology at Meharry Medical College and returned to Tarboro and opened up his practice in an old abandoned fish market on August 5, 1936. After having practices in Tarboro, North Carolina for six months, Dr. Quigless applied for staff membership at Edgecombe General Hospital but was denied because of color. After having been turned down for staff membership for several years and because of his patients' needs for hospital care, he decided to open up his own hospital. Dr. Quigless then secured a loan with the help of a local bank cashier, who was on the Board of Directors of a Building and Loan Association in Rocky Mount. The Quigless Clinic Hospital was built and opened on December 3, 1946.

Dr. Quigless was one of the founders of Tarboro Edgecombe Development Corporation (TEDCO), which consisted of farmers, businessmen and professionals in an effort to bring industries to the area. Dr. Quigless was also a co-founder of the Tarboro Citizens League, which was an organization designed to speak for the black citizens in the area. Dr. Quigless is also a life-member of the NAACP and has served as a member of the Edgecombe-Nash Mental Health Board for several years.

During World War II and as a result of the scarcity of doctors in the area, he conducted most of the pre-natal and baby clinics for the local Health Department.

In the 1960's, when the Civil Rights Movement was underway, there were marches and demonstrations in the surrounding towns. Dr. Ed Robertson, the Mayor of Tarboro, N.C. appointed an inter-racial committee, of which Dr. Quigless was a member.

He is a former staff member of the Edgecomb General Hospital, but because of cataract operations, it was impossible for Dr. Quigless to continue on the medical staff as a surgeon, so he is now an honorary member of Edgecombe General Hospital. He is the past president of the Homer Phillips Intern Alumni Association and past president of the Old North State Medical Association and the Edgecombe County Medical Association. He is a trustee of the St. Paul AME Zion Church, a Mason, member of the North Carolina Medical Association and National Medical Association. He is still a practicing physician in Tarboro, North Carolina.

WENTE BROS. WINERY: STAR OF THE LIVERMORE VALLEY

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 5, 1987

Mr. STARK. Mr. Speaker, one of the most impressive landmarks of Alameda County, CA, is the 104-year-old pacesetting winery of the Wente Brothers and Sister.

The Los Angeles Times Magazine of November 1, 1987, carried an excellent article on the history and importance of this Livermore Valley winery. I would like to include this article in the RECORD in the hope that more Members and readers will become familiar with this outstanding family business.

The Wente Bros. winery should be on everyone's list of "musts" when visiting the San Francisco Bay Area.

A SPARKLING NEW IMAGE—WENTE BROS. ENTERS ITS THIRD CENTURY WITH A NEW CHAMPAGNE AND A WENTE SISTER IN CHARGE OF MARKETING

(By Robert Lawrence Balzer)

As the fourth generation of the Wente family of the Livermore Valley settles into control of this California winery, some remarkable changes are obvious. Forty years ago, the main building, like a square red barn with neat white trim, rested in the bare rolling hills like an austere portrait of an American farm by Iowa's Grant Wood.

Today, there is still that air of neat tranquility, though the winery buildings are now quadruple the size and painted white, with much stainless steel in evidence. The production of varietal wines in California was initiated here 50 years ago, in a bold, revolutionary marketing decision. America's first California wine authority, writer and wine distributor Frank Schoonmaker, immediately recognized that this separation of wines by the breed of grape, accenting the noble *Vitis vinifera* origins—Sauvignon Blanc, Semillon, and Cabernet Sauvignon—instead of European place names such as Burgundy, Sauternes and Moselle, would provide an avenue of distinction for our native wines. Schoonmaker encouraged other leading wineries to produce varietal wines for his nationwide distribution. But it all began at Wente Bros.

Young Carl H. Wente arrived in California from Hanover, Germany, in the 1870s. He was aware of California as a wine region and determined to make wine his life's work. After an apprenticeship period with Charles Krug in the Napa Valley, Wente bought land in the rolling hills of the Livermore Valley, poetically described as the Valle de Oro, or vale of gold; he planted a vineyard and built a home in 1883. Cuttings for those first 50 acres of Semillon and Sauvignon Blanc, and for one they called "Grey Riesling" (actually a French grape called Chauche Gris, not truly a member of the Riesling family), had come from neighbor Louis Mel, who was—like the vines—a native of France.

Three sons were born at the Wente farm on Tesla Road: Carl Jr., Herman and Ernest. As they grew into their lifetime roles, Carl became a banker, ultimately the president of the Bank of America; Herman became the wine maker, and Ernest the vineyardist. No wines were bottled at the winery until after Prohibitions' repeal, when the Wente Bros. Valle de Oro was born. In the rocky reservoir of that Livermore soil, the first commercial acreage of Chardonnay vines were planted in California. Until 1962, there were fewer than 150 acres of this varietal, then known as "Pinot Chardonnay," in all of California. That year, the representative of the Guide Michelin, after touring the United States, reported in Life magazine that the Wente Bros. Livermore Pinot Chardonnay was the finest white wine produced in America, and the rush to plant this varietal began.

Ernest's only son, Karl Wente, became the president of the winery in the late '50s but died in 1977. His children—Eric, Philip and Carolyn—the fourth generation, carry on the Wente tradition.

A salient lesson in the choice of a wine at buying time, taught to me by Herman Wente 50 years ago: "The most important thing on a label is the vintner's name; second, the district; and third, the variety." That still stands. And today, with Marketing Director Carolyn Wente's very active administrative role in the winery's operation, there's a Wente sister to acknowledge. Carolyn has helped bring the Livermore Valley into competition with the more celebrated Napa and Sonoma valleys.

Much of this dramatic change was triggered by Wente's purchase a few years ago of the historic Cresta Blanca vineyard real estate. The complete rebuilding of this handsome site, only minutes away from the main Wente winery, was timed to coincide with the launching of the first Wente Bros. Brut Vintage Sparkling Wine (Methode Champenoise), drawing much of the cuvee from their mature bearing vineyards at Arroyo Seco in Monterey County. It is a world-class bubbly, perhaps the best bargain in California champagne available on the market ($9). This stunningly beautiful sparkling-wine facility has not only the cliff-side cellars for the aging tirage, or "resting" room, but also a conference center for visiting groups' seminars and an award-winning restaurant that is more than worth a special journey, if you're anywhere in the Bay Area.

A TRIBUTE TO BUCK CLEMENS

HON. ROBERT F. (BOB) SMITH

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 5, 1987

Mr. ROBERT F. SMITH. Mr. Speaker, colleagues, I rise today in tribute to one of the finest men I have ever had the privilege to know, Mr. Buck Clemens, the man who so generously, so lovingly and so completely stepped in to assume the role of father to me when I, in my youth, was left without parents. I would like to share with each of you today the sentiments I shared with the marvelous Clemens family, most of whom still live in my hometown of Burns, OR.

The trunk of the Clemens tree has fallen. Buck Clemens is gone, yet the branches and leaves are still vital, still productive, still vibrant. There's every reason to believe they'll remain that way for many generations more.

While this is a time of sadness for Buck's beautiful wife, Bessie, his sons, Tom and Del, and Buck's many grandchildren and great grandchildren who loved him, it's equally sad for another. That other, of course, is the boy who, at 18 and without living relatives of his own, was taken so completely and so lovingly into the Clemens family. I share the Clemens sense of deep loss for the man who stepped in as my adopted father. Buck's sons are like brothers. Bessie like my adopted mother.

In many ways, though, those of us in the extended Clemens family are far more fortunate than others because of Buck. Our sadness, though very real, is tempered with the strength of his memory. Our future has been shaped by a past close to him. We have inherited the closeness, the generosity, the firm wisdom of one of the exceptional men put on this Earth.

I'm certain that Buck will never fade from my life, nor from the lives of any who knew him. Our pride for him and our love for him will keep his memory fresh. He lives through his family and friends. Now it's up to us to share that with our next generation, and they with theirs.

Buck Clemens, one of the few mighty oaks anyone of us will have the privilege of knowing, will be with us forever. Our sadness is tempered with a celebration of that friendship.

JUSTICE DELAYED FOR THE BIRMINGHAM SIX

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 5, 1987

Mr. MANTON. Mr. Speaker, at approximately 8:20 p.m. on Thursday, November 21, 1974, bombs exploded in two pubs in Birmingham, England which killed 21 people and injured 162. In the hysteria that followed, six men were convicted and sentenced to life imprisonment. These men, Hugh Callaghan, Paddy Hill, Dick McIlkenny, Bill Power, Gerry Hunter, and John Walker, have been trying to prove their innocence ever since.

Five of the men were arrested boarding a ferry to Northern Ireland, where they were going to attend a funeral of a childhood friend, James McDade. McDade was a member of the IRA who died placing a bomb at a Coventry telephone exchange. Police stopped them because they were Irish, and arrested them on finding mass cards for McDade's funeral.

Once in police custody, they were tested to see if they had recently handled explosives, The test that was used is called the Greiss test. It is a very primitive test which shows whether something has been in contact with nitrites, which may indicate exposure to nitroglycerin. The Greiss tests for Paddy Hill and Bill Power proved positive. However, exposure to many other things will produce the same reaction. As a matter of fact, cigarette smoke, the coating of playing cards, and chemicals used to clean bars and trains all leave residues which will produce a positive result in a Greiss test. When much more sophisticated tests designed to detect minute amounts of nitroglycerine were done on Mr. Hill and Mr. Power, no trace of any explosive could be found.

After the preliminary results of the Greiss test, the police interrogations intensified. There is widespread evidence which supports the defendant's claims of horrible beatings, sleep and food deprivations, and other humiliations. These tactics eventually succeeded in getting them to sign confessions.

The defendants told police that Hugh Callaghan had intended to go to the funeral with them, but had not due to lack of funds. He was arrested as a coconspirator and was interrogated in the same manner.

A former British police constable has come forward to corroborate that the beatings took place. And other medical experts have said that photographs taken of the men while in police custody are consistent with sustained beatings.

During the trial the presiding judge refused to accept that the police could have beaten confessions out of the men, despite the fact the confessions were confused, contradictory and often at variance with known facts.

After over 10 years of public protest and pressure, the British Home Secretary, Mr. Douglas Hurd, referred the case to the court of appeals for review. He did this only after an investigation by "World in Action a British television show, and a book by Chris Mullins M.P., "An Error in Judgment." One of the most startling revelations of the book is an interview with IRA members who claim to be responsible for the bombings.

Mr. Speaker, this week the court of appeals finally began to hear the appeal of these six men. We can only hope the British system of justice works more effectively this time. After 13 years, I hope that justice will finally be served, and that these men get a fair trial. If so, I believe an innocent verdict must surely follow.

Mr. Speaker, I ask that a portion of British Home Secretary Hurd's statement explaining his decision, to refer the case to the court of appeals, be included in the RECORD at this point.

PARTIAL STATEMENT OF BRITISH HOME SECRETARY HURD

BOMBING (COURT CASES)

The Secretary of State for the Home Department (Mr. Douglas Hurd): With permission, Mr. Speaker, I should like to make a statement on my review of the cases of the Birmingham pub bombings, the Guildford and Woolwich pub bombings and Mrs. Anne Maguire and her codefendants. Although there were, of course, connections between the Guildford bombings case and that of the Maguires, these were three separate cases, treated entirely separately in the courts. It follows that I have considered each one separately. I apologise to the House for the length of the statement.

All 17 people concerned were found guilty of very serious offences by a jury following lengthy trials. The verdicts in each case were later upheld on appeal after further long hearings. In short, the question of guilt was in each case properly determined by due process of law.

A Home Secretary must consider very carefully in what circumstances if any he would be justified in interfering with a verdict reached by the courts. Over the years, all kinds of changes may come to alter the view which some people may take of a particular case. The enormity of the crime committed may cease to dominate the scene; those convicted may continue to protest their innocence; police procedures may be improved; new scientific tests may be developed; individuals may write books or produce television programmes which summarise days or weeks of evidence in a way which reflects their genuine conviction that the verdict was wrong or open to considerable doubt: as a result, a body of distinguished opinion may grow up to the same effect. All that has happened here.

In responding to these pressures, a Home Secretary must never allow himself to forget that he is an elected politician and that, under our system, the process of justice must be kept separate from the political process. It is open to others to say: "If I were trying that case as a judge, I would have given a different summing up," or, "If I had been on that jury, I would have reached a different verdict." But it is not open to a Home Secretary simply to substitute his own view of a case for that of the courts. It would be an abuse of his powers if he were to act as though he or those who might advise him constituted some higher court of law.

A different situation arises, of course, if new evidence or some new consideration of substance is produced which was not available at the trial or before the Court of Appeal. In any civilised system of justice, there must be a means whereby a case can be reopened so that new matters can be assessed alongside the old evidence by due process of law. This distinction between new evidence and differences of opinion about old evidence has governed the way in which my predecessors have used the power under section 17 of the 1968 Criminal Appeal Act to refer cases to the Court of Appeal.

Mr. Robert Kee, in his book "Trial and Error", implies that this distinction is a technicality. I disagree. In my view it is fundamental. It is hard to see how the Court of Appeal could fail to dismiss any reference to it based simply on the proposition, argued without fresh evidence, that its predecessors and the jury had got it wrong. More important, perhaps, this House and the public would rightly become deeply suspicious of a convention which enabled politicians to throw a verdict into doubt simply because they had developed, without any fresh evidence, a view that the verdict may have been mistaken. Once such a convention had become established, the door would be wide open to interference in any case in which a Home Secretary thought it convenient to bow to pressure to have a case reopened.

Thus I believe that my predecessors were right to take a principled view of the circumstances in which it is proper to excercise the power of reference to the Court of Appeal, and after much thought I mean to follow them. . . .

Finally, I turn to the case of the six men who were convicted in respect of the Birmingham pub bombings. In August 1975, after a two-month trial, Hugh Callaghan, Patrick Hill, Robert Hunter, Nioel McIlkenny, William Power and John Walker were convicted and sentenced to life imprisonment in respect of the bombing of two public houses in Birmingham in November 1974 in which 21 people were killed and 162 injured. Applications by the six men for leave to appeal were refused by the full court on 30 March 1976. The men later pursued a civil action that was eventually dismissed by the House of Lords in 1981.

The prosecution case rested principally on admissions made by the six men in police custody, together with scientific evidence that indicated that two of the men had handled nitroglycerine. The six men maintained at trial that the admissions had been secured by means of police brutality and intimidation. The defense also disputed the scientific evidence, alleging that the results obtained on the Griess test were due to contact with a harmless substance called nitrocellulose.

As the House will be aware, the safety of these convictions had since been challenged, notably in two "World in Action' programmes and in a book published by Mr. Chris Mullin in June last year.

I have examined all the material with great care. I am satisfied that there is new evidence that would justify my referring this case to the Court of Appeal, and I have now done so. The effect of my action is that the case will now be treated as an appeal by the six men and is sub judice. The House will therefore understand why I cannot comment in detail. I can say, however, that the grounds relate to the scientific evidence given at the trial and the recent allegations by ex-PC Clarke that he witnessed intimidation of five of the six men in police custody and saw signs of injury on them.

I am placing in the Libraries of both Houses a copy of a letter which I have today sent to my hon. Friend the Member for Harborough (Sir J. Farr) and the report of a reappraisal of the Griess test that was conducted at my request by the Aldermaston forensic science laboratory.

Following consultation between the chief constables of the West Midlands and the Devon and Cornwall forces, the latter force has been asked to undertake further inquiries into the allegations made by Mr. Clarke. The results of that investigation will be made available to the Director of Public Prosecutions and the appellants.

I should add, for the avoidance of doubt, that the Court of Appeal is not confined to considering those matters which form the grounds of reference by me and that it is open to the appellants to seek to place before the court any matters which they wish to raise on their behalf.

As the House will recognise, these have not been easy decisions to take. I have thought it right to maintain the principle that I should interfere with the verdict of a court only where there is some new evidence or new consideration of substance which casts doubt on the safety of the convictions. The second necessary principle is that, where such material is to hand, no consideration of amour propre or possible embarrassment should prevent a referral of the case. I believe that by following these principles a Home Secretary can best serve the interest of justice.

HOW TO PROTECT THE GLOBAL ECONOMY

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 5, 1987

Mr. ASPIN. Mr. Speaker, I would like to call the Members' attention to an excellent and timely article that appeared as the lead piece on yesterday's New York Times Op-Ed page. The subject is "How to Protect the Global Economy"; the author is Francis Bator, the Ford Foundation Professor of International Political Economy at the Kennedy School at Harvard. As Deputy National Security Adviser to President Johnson, he was deeply involved in domestic and international financial policy.

Among Professor Bator's thoughtful suggestions for what needs to be done is a proposal for a distinguished commission, led by Presidents Carter and Ford, to prepare a plan for future spending cuts and tax increases. That we desperately need such a plan is beyond debate.

The problem is twofold—how to cope with an issue of such immense political sensitivity, and how to bring the Nation's best economic minds to bear on a solution. As a way of dealing with the issue with a real chance of success, such a commission strikes me as a thoroughly sensible and promising idea.

HOW TO PROTECT THE GLOBAL ECONOMY

(By Francis M. Bator)

CAMBRIDGE, MA.—The task of governments now is to protect the "real" economy—production, income and employment—from the downward pressure exerted on private spending by the shocking loss of recently acquired financial wealth (about one trillion dollars in the United States alone, $14,000 per family). That small reductions in wealth have typically caused only very small reductions in spending offers no ground for complacency. The odds on a recession in 1988-89 have shortened substantially. In a debt-ridden world, the consequences could be devastating.

Governments should take the following steps:

1. The major central banks should continue to drive down short-term interest rates and stand by as lenders of last resort. Even before Black Monday, the risk of an inflationary boom was small; recession is now the greater danger by far.

2. For internal as well as international reasons, Tokyo and Bonn should cut taxes or increase expenditures, or both, by significant amounts.

3. The United States needs to bring long-term interest rates down, improve its bargaining position abroad and remedy the high-consumption, low investment bias caused by an overstimulative budget and a tight monetary policy. To these ends, a commission led by Presidents Jimmy Carter and Gerald R. Ford should be asked to prepare a plan of future spending cuts and tax increases. The object would be to shift the structural budget (that is, what the budget would be at high employment) from a deficit measuring 5 percent of the gross national product in 1985, and 3 percent now, into a surplus of 1 to 2 percent by the mid-1990's.

Such a 6 to 7 point turnaround in the Federal Government's saving rate would make room both for a 3 to 5 point improvement in exports relative to imports and for the increase in private investment we need for better productivity growth. Taken together, tax increases and cuts in the Government's noncapital expenditures should also allow for an increase in public investment in infrastructure, research and development, and education.

4. Apart from modest symbolic cuts, we should not now tighten the 1988-89 budgets, either by raising near-term taxes or by cutting expenditures. And if a 1988-89 recession causes the budget deficit to balloon rather than repeat the tragic fiscal mistake of 1932 we should welcome that built-in "parachute" effect and, if necessary, make the deficit larger still by temporary spending increases and tax cuts.

Budgets deficits are not good or bad as such. To blame them for the bursting of the stock market bubble is both nonsense and irrelevant; one might with equal reason credit them for the rise in the market that preceded the bust. They are good or bad according to what effect we wish the budget, together with monetary policy, to have on the economy—on total spending, and thus on output and employment, and on the allocation of output among consumption, public and private investment, and net exports.

The deficits of 1981-83 were, on balance, good deficits; together with easier money in 1982 they saved us from an even worse recession. But the 1984-87 deficits have been bad deficits. Government purchases and personal consumption have grown too fast, and, to prevent an inflationary boom, the Federal Reserve has had to use high real interest rates mercilessly, squeezing the other two components of spending: domestic private investment and net exports. (High American interest rates boosted foreign demand for dollars to buy American securities, thus causing the dollar to appreciate. That made American goods expensive abroad and foreign goods cheap in the United States.)

By 1985, the share in gross national product accounted for by personal consumption and Government purchases, taken together, was three percentage points higher than during 1961-79; net private domestic investment was down by one point; and net exports had dropped by three points to produce an international current account deficit equal to 3 percent of the G.N.P. We "absorbed" 103 widgets for every 100 widgets we produced and paid for the difference by running up the rest of the world's claims on the American economy.

Fiscal tightening, however, is not an end in itself. The goal is to shift resources from public and private consumption, not into unemployment and nonuse but into investment and net exports. By itself, fiscal tightening will serve only to compress consumption and Government purchases, thus releasing resources. To draw those resources into investment or net exports will require strong Federal Reserve action to reduce interest rates in the United States, a cheaper dollar and expansionary policies in Japan and Europe.

Bringing about such a switch is a delicate task, best done gradually, and when the economy is expanding rapidly. Fiscal compression works predictably and fast; monetary ease, acting in part through the exchange rate, works only slowly—the lags are variable and long.

The motion that stringent tightening of the fiscal 1988 budget would revive "confidence" is implausible. Maybe for a week: That is how long it would take Wall Street analysts to lower their 1988-89 profit estimates. A policy that would damage sales and profits, and make a recession more likely, is unlikely to induce money managers to rush out and buy common stock.

Still, a credible, multiyear plan to eliminate the structural budget deficit would help. The roles we assign to tax increases and spending cuts should reflect a national debate about how we want to divide up the national product—currently about $600,000 per American family. Private investment and net exports must go up. I believe that we should also increase spending on public capital, including education. Moreover, my values say that it is better to squeeze the consumption by taxpayers in general than consumption by the beneficiaries of transfer payments. If I am right, tax increases down the road should play a large role. They are essential if we are to achieve a political compromise.

With luck, prudent management can still produce a decent outcome during the next several years. In the near term, both monetary and fiscal ease is the right policy. For 1988-89, appreciable fiscal tightening would be dangerous. It's a mistake to take medicine just because it hurts. There is enough pain to go around as is.

BUDGET RECONCILIATION

HON. JAMES M. JEFFORDS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 5, 1987

Mr. JEFFORDS. Mr. Speaker, I wish it had not taken the stock market slide to get us to step up our efforts to attack the deficit. But since that is the situation we find ourselves in, let's make the most of it.

I have consistently maintained that tax increases must be our last resort in addressing the Federal deficit. Unfortunately, this does not appear to be the approach of the bill before us. Given the economic and political realities we must face, deficit reduction will have to combine a combination of spending reductions and tax increases. I am concerned that this proposal tilts too far in the latter direction.

The particular provisions of the reconciliation proposal trouble me as well. Obviously many of us, in fact most of us, have not had time to study the many proposals in the Ways and Means proposal. Some of them seem to make sense, others do not.

For instance, I was disturbed to see that the Post Office and Civil Service Committee did not include a provision exempting Members of Congress from the Federal employee salary COLA. Unless such language is passed before January 1, 1988, we will receive a 3-percent pay increase along with the Federal employees. This hardly seems reasonable in light of the salary increase Members received earlier this year.

I will support the bill, however. I do not support this process, and I am troubled by the content of the bill, but I am convinced by talking with my colleagues that we should move this bill forward in order to be in a position to act quickly to put a deficit reduction package in place so as to avoid sequestration.

With regard to the programs within the Education and Labor Committee, I had been prepared to speak to the issue of welfare reform. While I am pleased that this important proposal will not be wrapped up in a reconciliation bill, I do hope that the House will return to the issue very quickly.

I support the pension funding, termination insurance, and portability provisions of H.R. 3545, as described under title III reported by the Committee on Education and Labor, and title X reported by the Committee on Ways and Means. These provisions take the necessary steps not only to deal with the short-term deficit of the Pension Benefit Guaranty Corporation [PBGC], but also with the long-term need to expand pension coverage, improve pension portability, and increase the retirement income security of employees and retirees.

As its share of reconciliation, the Education and Labor Committee was instructed to achieve $500 million in savings within the next 3 years in the area of the single employer pension insurance program run by the PBGC. Aside from being important to the budget process, the changes proposed by the Education and Labor Committee, as well as parallel changes proposed by the Ways and Means Committee, are important to the viability of the single employer pension system.

The two House committees, while reaching the same reconciliation targets, have done so in significantly different ways. While the budget process may be on a fast track, I would caution my colleagues that in the area of pensions, we must weigh very carefully the consequences of our actions.

In the Education and Labor proposal, for example, the administration's proposal for a variable rate premium was not adopted. Some have criticized our funding rules as being too weak for some plans. And employers have objected strenuously to provisions that would require that a portion of excess assets revert to plan participants above and beyond any promised retirement benefits.

The past few weeks have demonstrated all too vividly how volatile our economy can be. The health of pension plans, of course, is closely linked with the fortunes of our markets. We must proceed carefully, and we must concern ourselves with the interests of several parties; retirees, active workers, plan sponsors and the PBGC. We also have to concern ourselves with the employer who a year or two from now may be deciding whether to start up a defined benefit pension plan. Will the incentives for doing so outweigh the disadvantages? Or will we by our actions increase the trend away from defined benefit plans and toward defined contribution plans?

These are all tough questions without easy answers. I look forward to working with my colleagues, both on Education and Labor and the Ways and Means Committees, to fashion a responsible approach to meet our obligations to the reconciliation process and the single employer pension system.

Let me go into these provisions in greater detail In certain areas the two titles take somewhat different approaches in making the needed corrections to ensure the solvency of the single employer defined benefit pension system.

The Senate will also include two similar, but differing, ERISA single employer changes in its reconciliation bill. Given the number of differences between the measures and the inherent complexity of ERISA, perhaps it is not an overstatement to observe that an exceptional level of cooperation and care will be required in conference, if the final product is to stand the test of time and not contain inadvertent oversights. Toward this end, I would encourage the administration to offer the conferees its close cooperation and technical assistance.

If retirement income security is to be enhanced, this body must reconcile its differences in conference to achieve the following goals. First, adequate financing must be provided to the PBGC to maintain the single employer termination insurance program on a solvent and self-supporting basis in both the short and long run. Second, faster and more adequate funding of pensions must be adopted to increase participant security, reduce risk to the PBGC, and maintain future PBGC premiums at an affordable level which will not discourage plan formation and continuance. Third, specific mechanisms protective of employees and retirees must be adopted to encourage plan continuation and discourage plan termination. Last, future retirement needs must be addressed by enhancing pension portability and expanding pension plan coverage.

As to this last goal, expanding pension coverage and improving pension portability, I would direct the attention of my colleagues to the provisions of subtitle B of title III, the Pension Portability Act of 1987. In short, this part of the bill will further national retirement income policy by providing for portable pension plans. Such portable plans will provide a more efficient mechanism for pension portability, spousal protections, and the preservation of pension plan assets to be distributed in monthly benefit form to meet death, disability, and retirement needs. These portable plan provisions, by allowing for a simplified salary-reduction arrangement, will encourage the expansion of employer funded pension coverage and result in a more efficient and equitable tax and retirement income delivery system.

The portable pension plan concept will correct several deficiencies under present law. Increasingly pension plan asset accumulations are being "cashed out" at job termination and used for current consumption, thus leaving the pension jar empty for too many employees when retirement age is reached. Also, pension plan sponsors wishing to facilitate pension portability do not have a pension vehicle to which they can transfer employee pension accumulations. Under current law, pension plans cannot transfer amounts to individual retirement arrangements. Neither can employee contributions, upon distribution, be reinvested in a tax-free retirement arrangement. These restrictions severely frustrate the ability of mobile employees, among them teachers and engineers, to take advantage of so-called buy-back provisions under which pension plans permit the repurchase of prior service. In addition, the coverage of workers under private pension plans has stagnated, and even recently declined. Many companies have not established pension plans for their workers, often because of administrative costs, complexity, and the lack of a portability mechanism.

The portable plan concept meets these problems directly, in general, portable pension plans are defined as arrangements consisting of one or more "rollover" individual retirement accounts or annuities as defined under current law. To be considered portable pension plans, such arrangements must also meet certain accounting, contribution, distribution, and portability rules.

Unlike under current law, individuals would be able to use their portable pension plans to commingle their tax-deferred retirement investments whether originating as rollovers or transfers from qualified pension plans, as regular tax-excludible or after-tax IRA contributions, or as SEP-like employer and salary-reduction employee contributions.

The distribution rules require portable pension plans to provide a "core set" of distribution options; beneficiary and spousal consent rules similar to those applicable to pension plans under present law; and information on the effect—including possible tax consequences—of electing out of the automatic joint and survivor form of distribution. It is intended that these provisions serve as a strong incentive for individuals to retain their tax-deferred investment accumulations to meet death, disability, and retirement needs.

Portable pension plans would accept distributions from tax-qualified pension and annuity plans, simplified employee pensions, IRA's and other portable pension plans, whether as direct transfers or cash rollovers. In a change to current law, such transfers and rollovers could include after-tax employee contributions previously made to qualified plans. In addition, portable pension plans could serve as the retirement vehicle to receive employer and employee contributions under current simplified employee pension rules and new rules which would permit matching employee salary-reduction contributions.

To encourage employers to keep their pension plans assets invested for retirement purposes, and to meet the demands of our more mobile labor force for a more attractive pension portability vehicle, the Pension Portability Act would require private pension plans to provide for "separation transfers" to portable pension plans. This change removes the prohibition under current law from allowing direct transfers from qualified plans to rollover IRA's or other tax-deferred investment vehicles.

As under current law, private pension plans would not have to provide for early withdrawals upon job termination, but if an ongoing or terminating plan does so provide, then the form of distribution, subject to certain exceptions, must be as a direct transfer to a portable pension plan of the value of the terminating employee's vested benefits. At the employee's election, such transfers need not include the amount of the employee's own contributions made on an after-tax basis.

Also unaffected by this "separation transfer" rule are any pension plan distributions made after age 59½, for early retirement made after age 55, or made in a retirement income stream at any age. Consistent with the exceptions to the early withdrawal tax imposed under the Tax Reform Act of 1986, the "separation transfer" rule would exempt distributions to survivors, disabled, and alternate payees and also to employees if because of hardship, including the payment of medical expenses over a certain limit, or in the form of employer stock or dividends thereon.

In addition to pension portability, the widespread lack of pension coverage is one of the most serious problems remaining to be addressed by ERISA. About one-half of this Nation's recent retirees must meet their retirement needs without the benefit of employer sponsored or other individual retirement savings. Even today far too many of the Nation's workers must rely on Social Security alone for their retirement income security.

The Pension Portability Act addresses this pension coverage need by reducing the administrative and cost barriers currently hindering employers from establishing plans and making contributions, by establishing portable pension plans under which employers and employees may make contributions as circumstances permit without having a continual and annual obligation to do so, and by allowing an employer of any size to make contributions for their uncovered workers, thus qualifying such employees to make matching contributions on a salary-reduction; that is, tax-excludible basis.

In short, the Pension Portability Act of 1987, under title III, subtitle B, is designed to improve retirement income security and address issues of worker dislocation, mobility, and competitiveness by enhancing pension investment choice, national savings, and capital formation.

I believe it critical that the Congress address the portability issue now and in the context of the pension plan termination/funding legislation we are considering today. The recent acceleration in the number of terminations of overfunded pension plans has led to the cashout of billions of dollars of vested benefits, thus undermining the future retirement income security of employees who reject lifetime annuities. The adoption of this portability legislation would help assure that such sums continue to be invested for retirement purposes. Also, the Tax Reform Act's amendments shortening ERISA's vesting provisions from 10 to 5 years will undoubtedly result in a further acceleration in both the voluntary and mandatory lump-sum cashout of vested benefits when short-service employees terminate their employment. Given that plans' vesting provisions must soon be brought into conformance with the Tax Reform Act, it is crucial that the portability legislation be enacted now so that the pension asset preservation provisions can be made effective in a timely manner.

In addition, budget reconciliation is perhaps the most appropriate forum in which to legislate improved pension coverage and portability in that, in the long-term, billions in Federal expenditures will be saved as many more retired employees and their dependents can be expected to become self-sufficient and less reliant on the Federal Government during their retirement years.

Let me return for just a moment to the defined benefit pension plan provisions under the bill. In pursuing the legislative goals I described earlier, I believe that those of us who conference on the pension provisions will have to be extremely careful to fashion a compromise which does not adversely affect the willingness of plan sponsors to start up or continue such defined benefit arrangements. In this connection, the PBGC premium structure and the ERISA funding provisions will have to be carefully integrated to encourage responsible funding behavior while minimizing the future risk to employees, retirees, and the PBGC.

The funding rules are, of course, the key to the underlying soundness of the defined benefit termination insurance system. The rules cannot be so strict that they would discourage new plan formation; and thus allow the defined benefit system to degenerate into a closed system with higher and higher PBGC premiums to be paid by a diminishing number of plan sponsors. On the other hand the funding rules must be adequate enough to not only prevent plan funding declines, but assure continued progress toward full funding over a reasonable time.

The "benefit security contribution" funding approach under title III, with appropriate funded ratio caps or other limitations on contribution increases, has been shown to be able to achieve these objectives. In addition the benefit security contribution—defined generally as the annual amount of benefit payments plus interest on plan unfunded vested liabilities—is well targeted to only those plans which need additional funding in order to avoid being an undue risk to participants and the PBGC. Using a less targeted aproach, which might be described as merely reducing the amortization period under current law, would result in many more plans, principally newer plans and those of less "maturity," being subjected to stricter funding. This approach would result in the loss of significant revenue—due to the deductibility of the required increase in contributions—and further discourage the formation of new defined benefit pension plans. In addition to the final adoption of a well targeted funding rule, I believe it also important that adequate funding flexibility be maintained lest defined benefit plans lose one of their most appealing aspects. In this regard the maximum contribution limits, in combination with the increased funding minimums, must be maintained in appropriate balance.

These and other ERISA technicalities only serve to underscore the care with which, I believe, the conferees must approach the important mission of protecting not only the PBGC but the very future of employee retirement income security as provided through defined benefit pension plans.

In conclusion, Mr. Speaker, I commend the administration and my colleagues in this body who have labored long and hard, in a bipartisan fashion, to bring us to the point where we can now vote to strengthen and expand private pensions and improve pension portability.

VOTING RECORD

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 5, 1987

Mr. UDALL. Mr. Speaker, it has become my practice from time to time to list my votes in the CONGRESSIONAL RECORD. I strongly believe that the people of the Second Congressional District of Arizona have a right to know where I stand on the issues decided by this body, and I have found that printing my record here is the best way to provide that information.

This is not an all inclusive list. I have omitted noncontroversial votes such as quorum calls, motions to resolve into the Committee of the Whole House, and motions to approve the Journal of the previous day.

The descriptions are necessarily somewhat short, and I am sure that some of my constituents will have additional questions about the issues described here. So I invite them to write me for more specifics.

The votes are described as follows:

KEY

1. Rollcall Number;
2. Number of the bill or resolution;
3. Title of the bill or resolution;
4. A description of the vote;
5. The outcome of the vote;
6. The vote total;

7. My vote, in the form Y=yes, N=no, and NV=not voting;

8. The vote totals of the Arizona delegation (yes-no-not voting);

9. The date.

51. H. Con. Res. 93. Budget Resolution. Fiscal 1988/Congressional Black Caucus Budget. Dymally, D-Calif., substitute to set fiscal 1988 budget totals as follows: new budget authority, $1,179 trillion; revenues, $989 billion; deficit $105.7 billion. Rejected 56-362:N(0-5-0), April 9, 1987.

52. H. Con. Res. 93. Budget Resolution. Fiscal 1988/House-Budget Commitee Budget. Gray, D-Pa., substitute to set fiscal 1988 budget totals as follows: new budget authority, $1.142 trillion; outlays, $1.039 trillion; revenues, $930.9 billion; deficit, $107.6 billion. Adopted 230-192:Y(1-4-0), April 9, 1987.

55. H.R. 1827. 1987 Supplemental Appropriations/Budget Act Waiver Rule. Adoption of the resolution (H. Res. 148) to waive points of order against the bill regarding the authorization of new budget authority for the fiscal year, which exceeds spending ceilings set by the current fiscal year budget resolution as established in the 1974 Congressional Budget and Impoundment Control Act (Pub. L. 344); the rule also provided a waiver, with a few exceptions, to objections to the inclusion of authorizing legislation in an appropriations bill. Adopted 222-191:Y(1-4-0), April 23, 1987.

56. H.R. 1827. 1987 Supplemental Appropriations/Enacting Clause. Armey, R-Texas, motion to instruct the Committee of the Whole to rise and report the bill back to the House with the recommendation that the enacting clause be stricken from the bill. The effect of the amendment would have been to kill the bill. Rejected 151-261:N(4-1-0), April 23, 1987.

57. H.R. 1827. 1987 Supplemental Appropriations/Project Funding. Gingrich, R-Ga., amendment to prohibit the transfer of money from the Army Corps of the Engineers construction funds to five previously funded water projects, which the administration indicated a desire to eliminate. Rejected 100-310:N(3-2-0), April 23, 1987.

58. H.R. 1827. 1987 Supplemental Appropriations/Corps of Engineers. Walker, R-Pa., amendment to eliminate operations and maintenance funding for the Army Corps of Engineers. Rejected 75-332:N(4-1-0), April 23, 1987.

59. H.R. 1827. 1987 Supplemental Appropriations/Foreign Aid. Walker, R-Pa., amendment to eliminate appropriations for various foreign assistance and related programs. Adopted 209-194:N(4-1-0), April 23, 1987.

60. H.R. 1827. 1987 Supplemental Appropriations/Highways. Kyl, R-Ariz., amendment to eliminate Highway Trust Fund transfers for the Baltimore-Washington Parkway, highway safety and economic development demonstration projects, highway safety improvements, and highway-railroad grade crossing safety demonstration projects. Rejected 133-254:N(3-2-0), April 23, 1987.

61. H.R. 1827. Fiscal 1987 Supplemental Appropriations/Amtrak. Armey, R-Texas, amendment to strike a provision in the bill prohibiting the Department of Transportation from using any funds to pay for an advisory commission to study the sale of Amtrak, the national passenger railroad. Rejected 144-239:N(4-1-0), April 23, 1987.

62. HR. 1827. Fiscal 1987 Supplemental Appropriations/Drug Testing. Barton, R-Texas, amendment to strike language that would prohibit drug testing of federal employees, as mandated by Executive Order, 12564. Rejected 145-242:N(4-1-0), April 23, 1987.

63. H.R. 1827. Fiscal 1987 Supplemental Appropriations/Budget Authority. MacKay, D-Fla., amendment to reduce discretionary budget authority by an across-the-board cut of 21 percent in order to keep total appropriations within the ceiling set by the 1987 budget resolution. Adopted 263-123:N(2-3-0), April 23, 1987.

64. H.R. 1827. Fiscal 1987 Supplemental Appropriations/Texas Accelerator Center. Brooks, D-Texas, amendment to earmark $2.8 million in previously appropriated funds for general science and research activities of the Texas Accelerator Center. Rejected 97-288:NV(0-4-1), April 23, 1987.

65. H.R. 1827, Fiscal 1987 Supplemental Appropriations/Foreign Aid. Walker, R-Pa., amendment to eliminate appropriations for various foreign assistance and related programs. Adopted 204-184:NV(4-0-1), April 23, 1987.

66. H.R. 1827. Fiscal 1987 Supplemental Appropriations/Final Passage. Passage of the bill to appropriate $9 billion in supplemental funds for the fiscal year ending September 30, 1987. Passed 208-178:NV(0-4-1), April 23, 1987.

67. H.R. 3. Omnibus Trade Bill/Rule. Adoption the rule (H. Res. 151) to provide for House floor consideration of the bill to improve U.S. competitiveness in international trade. Adopted 326-83:Y(2-3-0), April 28, 1987.

69. H.R. 3. Omnibus Trade Bill/Negotiating Objectives. Kaptur, D-Ohio, amendment to add to the list of principal negotiating objectives for the Uraguay Round of multilateral trade talks under the General Agreement on Tariffs and Trade the Objective that most-favored-nation status need not be extended to any country that does not maintain equally open markets. Adopted 398-19:Y(4-1-0), April 29, 1987.

70. H.R. 3. Omnibus Trade Bill/Cuban Imports. Pepper, D-Fla., amendment to require actions to prevent circumvention of existing federal prohibitions on imports from Cuba, and to require the U.S. Trade Representative to issue a report to Congress on such actions. Adopted 394-27:Y(5-0-0), April 29, 1987.

72. H.R. 3. Omnibus Trade Bill/Excess Trade Surplus Countries. Gephardt, D-Mo., amendment to require identification of countries with excess trade surpluses with the United States and quantify the extent to which unfair trade practices contribute to that surplus, to mandate negotiations to eliminate those unfair trade practices, and, if neogitations fail or an agreement is not fully implement, to mandate imposition of tariffs or quotas to yield annual 10 percent reductions in that country's trade surplus. Adopted 218-214:Y(4-1-0), April 29, 1987.

73. H.R. 3. Omnibus Trade Bill/International Finance. Wylie, R-Ohio, amendment to strike provisions in the bill that would mandate action to establish a competitive exchange rate for the dollar and provide relief for Third World debtor countries, and that would create a Council on Industrial Competitiveness and to substitute studies and reports on exchange rates and the Third World debt problem. Rejected 187-239:N(4-1-0), April 29, 1987.

75. H.R. 3. Omnibus Trade Bill/Foreign Investment Disclosure. Lent, R-N.Y., amendment to add to provisions requiring disclosure of certain foreign investment in U.S. businesses and real estate a provision granting the secretary of commerce authority to exempt classes of investments or investors from the disclosure rules. Rejected 190-230:N(4-1-0), April 30, 1987.

76. H.R. 3. Omnibus Trade Bill/Most-Favored-Nation Status for Romania. Wolf, R-Va., amendment to deny to Romania for six months non-discriminatory access to U.S. markets (most-favored-nation status) and to require a review every six months of Romania's compliance with existing statutory requirements for continued most-favored-nation status. Adopted 232-183:Y(5-0-0), April 30, 1987.

77. H.R. 3. Omnibus Trade Bill/Comprehensive Substitute. Michel, R-Ill., amendment in the nature of a substitute to retain all provisions from H.R. 3 as reported to the House floor, but to strike provisions on excess trade surplus countries international finance, foreign investment disclosure and purchases of foreign goods by U.S. government agencies. Rejected 156-268:N(4-1-0), April 30, 1987.

78. H.R. 3. Omnibus Trade Bill/Final Passage. Passage of the bill to authorize presidential negotiations to reduce international tariffs and non-tariff barriers to trade, mandate reductions in trade surpluses certain countries have with the United States, require retaliation against "unjustifiable" foreign trade practices, enhance worker and company benefits for industries injured by imports, relax controls on certain high-technology products to Western countries, enhance exports, expand programs for worker retraining and improve math, science and foreign language education. Passed 290-137:Y(1-4-0), April 30, 1987j.

79. H.R. 1748. Defense Authorization/Rule. Adoption of the rule (H. Res. 152) to provide for House floor consideration of the bill to establish defense 19e funding levels for fiscal 1988. Adopted 319-83:NV(2-2-1), April 30, 1987.

80. H.R. 28. Expedited Funds Availability Act/Final Passage. St Germain, D-R.I., motion to suspend the rules and pass the bill to limit the time that banks and thrifts can deny access to customers' check deposits. Motion agreed to 388-5:Y(5-0-0), May 5, 1987.

81. H.R. 1748. Defense Authorization, Fiscal 1988/Aspin Substitute. Aspin, D-Wis., substitute to reduce to $288 billion the total fiscal 1988 defense budget authority that would result from the bill. Adopted 249-172:Y(1-4-0), May 5, 1987.

83. H.R. 27. FSLIC Rescue/$15 Billion Plan. St Germain, D-R.I., amendment to increase the bill's $5 billion, two-year recapitalization borrowing authority to $15 billion over five years. Rejected 153-258:NV(1-3-1), May 5, 1987.

84. H.R. 27. FSLIC Rescue/Direct Investments. Leach, R-Iowa, amendment to limit the ability of Federal Savings and Loan Insurance Corporation (FSLIC)-insured thrifts to make direct investments in real estate or other holdings. Rejected 17-391:NV(0-4-1), May 5, 1987.

85. H.R. 27. FSLIC Rescue/Final Passage. Passage of the bill to provide for the $5 billion over two years in borrowing authority to recapitalize the Federal Savings and Loan Insurance Corporation (FSLIC). Passed 402-6:NV(4-0-1), May 5, 1987.

86. H.R. 1748. Defense Authorization, Fiscal 1988/Rule. Adoption of the rule (H. Res. 156) to provide for further House floor consideration of the bill to establish defense funding levels for fiscal 1988. Adopted 303-108:Y(2-3-0), May 6, 1987.

87. H.R. 1748. Defense Authorization, Fiscal 1988/Dickinson Substitute. Dickinson, R-Ala., amendment to increase to $302 billion the total fiscal 1988 defense budget authority that would result from the bill. Rejected 174-241:NV(4-0-1), May 6, 1987.

88. H.R. 1748. Defense Authorization, Fiscal 1988/SALT II Compliance. Dicks, D-Wash., amendment to require U.S. observance of certain limits set by the unratified 1979 U.S.-Soviet strategic arms limitation treaty (SALT II). Adopted 245-181:Y(1-4-0), May 6, 1987.

89. H.R. 1748. Defense Authorization, Fiscal 1988/SALT II Compliance. Broomfield, R-Mich., amendment to provide that the United States not be bound by any limits of the unratified 1979 U.S.-Soviet strategic arms limitation treaty (SALT II) if the Soviet Union is violating any provision of that agreement. Rejected 189-231:N(4-1-0), May 6, 1987.

90. H.R. 1748. Defense Authorization, Fiscal 1988/ABM Treaty. Hunter, R-Calif., amendment to delete a provision in the bill that would require continued adherence to the traditional interpretation of the 1972 U.S.-Soviet treaty limiting anti-ballistic missile (ABM) systems. Rejected 159-262:N(4-1-0), May 6, 1987.

91. H.R. 1748. Defense Authorization, Fiscal 1988/Rule. Adoption of the rule (H. Res. 157) to waive the requirement for a two-thirds vote to consider a rule on the same day it is reported. Adopted 251-166:Y(1-4-0), May 7, 1987.

92. H.R. 1748. Defense Authorization, Fiscal 1988/Soviet Violation of the ABM Treaty. Hunter, R-Calif., on behalf of Weldon, R-Pa. amendment to express the sense of Congress that the Soviet Union has violated the 1972 treaty limiting anti-ballistic missile (ABM) systems by constructing a radar at Krasnoyarsk in Siberia. Agreed to 418-0:Y(5-0-0), May 7, 1987.

93. H.R. 1748. Defense Authorization, Fiscal 1988/Aircraft Carrier Funding. Martin, R-Ill., amendment to delete $644 million from the account for components to be used in two aircraft carriers. Full funding for the ships would be requested in future budgets. Rejected 124-294:Y(2-3-0), May 7, 1987.

94. H.R. 1748. Defense Authorization, Fiscal 1988/Aircraft Carrier Funding. McCurdy, D-Okla., amendment to delete funding from the account for components that would be used in one aircraft carrier. Full funding for the ship would be requested in a future budget. Rejected 145-267:Y(2-3-0), May 7, 1987.

95. H.R. 1748. Defense Authorization, Fiscal 1988/Rule. Adoption of the rule (H. Res. 160) to provide for further House floor consideration of the bill to establish defense funding levels for fiscal 1988. Adopted 254-149:Y(1-4-0), May 7, 1987.

97. H.R. 558. Urgent Relief for the Homeless/Motion to Instruct. Michel, R-Ill., motion to instruct House conferees to agree to a Senate provision to require that funding for homeless programs not increase deficit levels established by the Gramm-Rudman-Hollings deficit-control law (Pub. L. 99-177). Motion agreed to 342-26:Y(5-0-0), May 8, 1987.

98. H.R. 1748. Defense Authorization, Fiscal 1988/U.S. Troops in Korea. Mrazek, D-N.Y., amendment to recommend that the President develop a plan to reduce that number of U.S. military personnel in Korea during fiscal years 1988-1992. Rejected 64-311:N(0-5-0), May 7, 1987.

99. H.R. 1748. Defense Authorization, Fiscal 1988/Navy Overhaul Work. AuCoin, D-Ore., substitute amendment to exempt Navy aircraft-overhaul factories from a requirement for allocating jobs between public and private maintenance facilities. Rejected 90-271:NV(0-4-0), May 8, 1987.

100. H.R. 1748. Defense Authorization, Fiscal 1988/Reserve Forces. Montgomery, D-Miss., amendment to increase the strengths of the National Guard and the reserves. Adopted 350-0:Y(5-0-0), May 8, 1987 file.

WELCOME SVETLANA BRAUN

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 5, 1987

Mr. BROOMFIELD. Mr. Speaker, I wish to welcome a new resident to the United States, Mrs. Svetlana Braun, and to say how pleased all of us are to have her here.

Svetlana is the wife of a young Southfield, MI, attorney, Mr. Keith Braun. While they have been married for the past 3 years, they have spent far less time together because of the Soviet Government's refusal to abide by accepted international agreements on human rights.

Keith Braun had been studying in Moscow where he met Svetlana and married her in 1984. Since then, Mrs. Braun had her request to emigrate to the United States and join her husband turned down on five different occassions by the Soviet Government.

The determined effort of Keith Braun, who wrote Svetlana daily and telephoned her every week, and who helped focus the attention of the Congress, the administration, and the news media on his and similar cases helped move the Soviet Government to finally grant Svetlana permission to emigrate. Mrs. Braun arrived in the United States this past Tuesday, and they can finally begin to live their lives together as other young couples naturally do.

In denying Mrs. Braun permission to emigrate from the Soviet Union during the past 3 years, Soviet officials ignored the 1975 Helsinki accords which the Soviet Union signed. That international agreement commits signatories to allow reunification of families and the right of binational couples to choose their country of residence.

While all of us are extremely happy finally to have Mrs. Braun with us in the United States, our joy is tempered by the knowledge of how difficult it was for her to emigrate, how difficult life was for her in the Soviet Union while she tried to come to the United States, and the fact that there are still many other divided spouses who are still separated because of Soviet emigration policy. There is still a long way to go before the spirit of "glasnost" becomes a reality.

Mr. Speaker, I and many other Members of Congress, the administration, and others have been working hard on Keith and Svetlana's behalf. I talked to Soviet leaders about the Brauns when Congressman FASCELL, the chairman of the Foreign Affairs Committee, and I went to Moscow a little more than a year ago. I know many other Members of Congress, as part of other congressional delegations to the Soviet Union, have also held similar discussions with Soviet leaders. This is an example of the bipartisan effort that was required to succeed.

And so, Mr. Speaker, I welcome Mrs. Braun to the United States, and I wish this fine young couple all of the best as they begin their life together here. I also look forward to the day when the Soviet Union will finally abide fully by the Helsinki human rights accords and allow the remaining divided spouses and the others who seek to emigrate from the Soviet Union to do so freely and without difficulty.

A TRIBUTE TO JONES TABERNACLE BAPTIST CHURCH

HON. KWEISI MFUME

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 5, 1987

Mr. MFUME. Mr. Speaker, I want to pay special tribute to the Jones Tabernacle Baptist Church as it celebrates its 47th anniversary and the 44th anniversary of their minister, Rev. Dr. Arthur Eugene Jones.

Reverend Jones started in the Christian ministry by assisting his father, the late Rev. Arthur Daniel Jones—founder of the Jones Tabernacle Baptist Church—and was also inspired by his mother, the late Rev. Mamie Jones, an evangelist, pianist, and gospel songstress. He was ordained a minister in 1943, after which time, he was appointed assistant Minister of the Jones Tabernacle Baptist Church.

Reverend Jones was an instrumental force in the development and planning which led to the establishment of the Jones Tabernacle Baptist Church, and the establishment of this church has contributed much in the way of positive growth throughout the city of Baltimore and the State of Maryland. He also worked enthusiastically for 32 years with the Social Security Administration, Woodlawn, and is presently the executive Director of the Maryland Baptist Aged Home. Reverend Jones is truly one whose love for mankind dominates in all that he does.

Mr. Speaker, on Monday, November 16, 1987, the Jones Tabernacle Baptist Church will hold its gala anniversary celebration banquet and I know that my colleagues will want to join with me in applauding the Jones Tabernacle Baptist Church for its outstanding years of service and commitment to the community it serves under the leadership of Rev. Arthur Eugene Jones.

DOWN WITH DOPE—UP WITH HOPE

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 5, 1987

Mr. RODINO. Mr. Speaker, drugs have become the No. 1 enemy confronting our families and our children today. Although we have made great strides in mobilizing our resources to combat this terrible problem, the scope and magnitude of drug abuse in the United States continues to grow. We are still a long way from declaring victory in the war against drugs.

But I remain optimistic that we will ultimately eradicate this crippling stain on our society. Last year, Congress passed a comprehensive drug bill which included a provision that I authored calling for a White House Conference for a Drug Free America. The White House Conference will provide a forum for those individuals who deal on a day-to-day basis with the problem of drug abuse to draw upon their collective experience to assist in developing a national antidrug policy. This week the first of six regional meetings, which will culminate in a national conference in February 1988, was held in Omaha, NE.

The most encouraging news is that the youth of America are already actively involved in a grassroots effort to combat the drug problem. I am particularly proud that the young people of my own city of Newark, NJ have taken the initiative to bring this crusade to their schools and neighborhoods.

Recently, students from the Miller Street School urged the Newark School Board to help make all the schools in the city drug free. The board responded with a new antidrug program aimed at reminding the student population that drugs destroy lives.

At the kickoff of this campaign, hundreds of Newark schoolchildren gathered in Military Park to hear essays written by their peers describing the dangers of drug use. These young Newarkers then took to the streets to share their message with the community: "Down with dope—up with hope."

Mr. Speaker, I commend and applaud the children of Newark for reminding us that we must remain vigilant against the drug menace. The message of these future leaders is one of hope and determination to ensure a bright tomorrow for everyone. Their public spirit and their strong voice in the antidrug crusade is an inspiration to us all. They have clearly demonstrated that, working together, we can and we will win the war against drugs.

IF NOT NOW, WHEN?

HON. JAMES M. JEFFORDS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 5, 1987

Mr. JEFFORDS. Mr. Speaker, there is one issue that, because of its seriousness, should take precedence over all other issues facing Congress—the urgent need to take effective action to reduce the Federal deficit. The recent crisis on Wall Street should make it perfectly clear to all of us that the Nation is looking to Congress for leadership and tough decisionmaking. With our current reliance upon foreign investments to finance our debt, we cannot afford to allow a crisis of confidence to shake faith in our economy. Political posturing and procrastination will leave us with the Gramm-Rudman-Hollings across-the-board cuts, an indication of our inability to make the tough decisions necessary to bring the situation under control.

I would point out that the situation we are facing is a great deal more serious than most people realize. The deficit figure of $148 billion for fiscal year 1987, released last week by the U.S. Department of the Treasury, is misleading. These calculations counted $44 billion in surplus funds in the Social Security trust funds, the unemployment insurance fund, the highway fund, and other restricted trust funds as being moneys available to reduce the deficit. In fact, the trust fund moneys cannot be used to cover any other area of Federal spending. In addition, the Treasury figure takes into account $17 billion in asset sales and other one-time nonrecurring savings that merely reduce the appearance of the 1987 deficit. Finally, $20 billion in revenue was generated by the phase-in periods of last year's tax reform act will not be available in 1988 and beyond. Refiguring the 1987 deficit without these misleading provisions indicates that the true 1987 deficit is actually $229 billion!

If we are honest with ourselves and the true deficit figures, it becomes quickly apparent that more than $23 billion in deficit reduction must be accomplished this year in order to meet the Gramm-Rudman-Hollings goal of a balanced budget by 1993. Specifically, reductions in the amount of $38 billion per year will be required—allowing for no grace period this year.

Since 1981, interest payments on the national debt have skyrocketed. By 1986, payments were roughly double what they were in 1981. By 1988, the Treasury will have paid almost $900 billion in interest on the debt alone, which is only slightly less than the entire budget of the Federal Government for 1 year. The cost of deficit spending continues to be staggering.

Many participants in the current economic summit believe that the $23 billion deficit reduction goal of Gramm-Rudman-Hollings is too low, and for the reasons stated above, I agree. While the summit should aim to reduce the deficit by about $40 billion, any agreement must provide at least a $30 billion reduction in the deficit. I am confident our action on reconciliation legislation will give impetus to that process.

For a number of reasons, spending cuts ought to be twice as great as the revenue increase in the final deficit reduction package. Therefore, I favored the Republican substitute to the reconciliation bill, which would have provided for more spending cuts than revenue increases. When that amendment failed, however, it became even more important that we take action.

If Congress and the administration fail to agree upon a deficit reduction package of at least $23 billion by November 20, the Gramm-Rudman-Hollings across-the-board cuts will take effect. This is clearly the worst option currently before us. The cost to Vermont of the 8.5-percent cut would be approximately $10 million in Federal funding. Both this Congress and the State of Vermont have made funding for education a high priority. The Gramm-Rudman-Hollings cuts would make it difficult to sustain current program levels. In addition, the costs might jeopardize the funding of a number of new education initiatives approved by Congress.

I am particularly concerned about the impact of sequestration upon Vermont's dairy farmers. The Gramm-Rudman-Hollings sequestration procedure does not take into account the unique manner in which the dairy program operates. As a result, an 8.5-percent reduction in the support price would mean a loss of $1.3 billion in farm income while only producing $60 million in budget savings for the Treasury. This $1.3 billion in lost farm income is more than the cost of the entire dairy program. Vermont farmers' share of this loss in farm income would be over $15 million.

As difficult as these cuts would be, they would still fall far short of the $38 billion required to zero out the true deficit by 1993. Therefore, we must get on with the process of deficit reduction now.

I recognize that the economic summit's deficit reduction target of $30 billion will most likely have to include about $10 billion in new revenues. It must also be pointed out that under the Constitution, all revenue measures must commence in the House of Representatives. Thus, it will greatly simplify the process, especially in view of the extreme time limitations in this case, to have a package of revenue raising measures available to the summit. This will cut down on the amount of legislative and parliamentary confusion when a summit agreement is reached.

For these reasons, I carefully examined the revenue package proposed by the Ways and Means Committee contained in the reconciliation bill. While I would have preferred to substitute different revenue options in some areas and would have eliminated those provisions singling out certain taxpayers for favorable treatment, there were two overriding reasons to support the package. First, I examined the bill's impact upon Vermont and determined that the proposals would have little, if any, detrimental effect upon Vermonters. Second, the package meets the President's requirement that any revenue increases not be harmful to the economy or reverse the fundamental provisions of the 1986 tax reform.

The revenue proposals described in the President's fiscal year 1988 budget would have raised about $6.1 billion. The Ways and Means tax package will raise an additional $5.9 billion. Of the $12 billion in revenues for fiscal year 1988, approximately $2.3 comes from proposals in the President's budget. An additional $2.1 billion comes from the extension of expiring Internal Revenue Code provisions, and thus does not represent a new burden for affected taxpayers. Another substantial chunk—$1.3 billion—is obtained by conforming to the congressional intent of last year's tax reform bill the estate tax deduction for the proceeds of sales to employee stock ownership plans. Additional revenues of $1.8 billion are raised simply by requiring large corporations to pay estimated taxes in a more timely fashion.

No tax bill that results in revenue increases is going to be universally acceptable. With the 1986 Tax Reform Act's repeal of many special tax breaks, taxpayers have become more protective than ever of the remaining tax deductions and credits available to them. If I could have determined the manner in which we are to raise tax revenues, I'm not sure that I would have gone about it in the same manner that the Ways and Means Committee did.

There are definitely some elements of unfairness. The bill converts the 0.2 percent component of the FUTA tax rate into a source of general revenue. When originally enacted, this temporary tax had a specific purpose: to repay advances from general revenues to the extended unemployment compensation account. That purpose has been served; the tax should be allowed to expire. In addition, the extension of the FICA payroll tax to cash tips is also objectionable. I am also troubled by the limitation on deferrable gain in like-kind exchanges of real estate. After such an exchange a taxpayer may well be in the same economic position as he or she was before the exchange, and without any new cash to pay the tax on nondeferred gain. I had earlier suggested other alternatives that would have more than compensated for the objectionable features mentioned above.

On the other hand, there are some beneficial changes in the tax laws, particularly in the technical corrections package. The Ways and Means tax package repeals the provision requiring partnerships, S corporations and personal service corporations to use a calendar year tax year. It relieves writers and photographers of the burdens of the uniform capitalization rules in last year's tax bill. And it exempts nondealers from the proportionate disallowance rules applicable to installment sales. In addition, the technical corrections package contains two provisions which I believe will benefit higher education. Graduate students who perform research or teach classes in exchange for reduced tuition will not have to report reductions in tuition as income. And colleges and universities that raise funds by way of charitable gift annuities will not see this activity taxed as an insurance business.

On balance, I believe that the Ways and Means tax package raises revenues by means of tax law changes that will not affect most taxpayers. It does not alter the basic rate reduction scheme that was the cornerstone of last year's tax reform bill, nor further postpone the effective dates of the reduced tax rates. It largely avoids regressive excise and payroll taxes that fall disproportionately on low- and middle-income taxpayers. And it does not provide for an oil import tax which would be especially harmful to Vermonters. In short, I believe most Vermonters—and most low- and middle-income taxpayers in general—will simply not be directly affected by the proposed tax law changes.

We must take appropriate action, even though it may prove to be very difficult, to get the deficit under control. We absolutely cannot procrastinate any longer. The scenario we are seeing on Wall Street alone should be a warning shot of what the consequences will be if we do nothing.

ACLU WARNS ON RUSH TO JUDGMENT OVER GINSBURG

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 5, 1987

Mr. CONYERS. Mr. Speaker, we all owe a debt of gratitude to the American Civil Liberties Union for its eternal vigilance on behalf of our constitutional liberties.

Recently, the ACLU performed another important public service in the debate in the other House over the nomination of Robert H. Bork to the U.S. Supreme Court. The cogent and detailed report on Judge Bork's record prepared by the ACLU played an important part in informing the public and the Congress about Judge Bork's constitutional views and helped shape the outcome of that debate.

Now that President Reagan has sent a new Supreme Court nomination to the Senate, ACLU Executive Director Ira Glasser has offered some wise counsel in an Op Ed piece that appeared in the New York Times yesterday. Mr. Glasser cautions against any rush to judgment on a nominee who, if confirmed, may be setting constitutional policy for our Nation for the next three or four decades. I share his concerns that this nomination receive the careful and detailed evaluation such an important decision deserves.

I urge my colleagues in both Houses to carefully consider Mr. Glasser's advice, which I ask be included in the RECORD:

STOP THIS HEADLONG RUSH TO JUDGMENT ON GINSBURG

(By Ira Glasser)

In the first few days after President Reagan nominated Judge Douglas H. Ginsburg to the Supreme Court, my phone rang off the hook. Everyone wanted to know what the early "line" would be on Judge Ginsburg and whether the American Civil Liberties Union was going to oppose him.

Would the debate over this candidate be a carbon copy of the fight over Judge Robert H. Bork? Judging from some initial public statements, it certainly seemed that way.

Before President Reagan nominated Judge Ginsburg, he denounced the politicization of the selection process. Yet he himself chose to begin the nomination of Judge Ginsburg by casting it as a referendum on his own political views.

Beginning with a carefully staged partisan pep rally in the East Room of the White House, the President attributed views to Judge Ginsburg that the Judge may or may not have, and urged the Senate to act quickly to confirm him.

Almost immediately thereafter, at least one prominent Democrat labeled Judge Ginsburg a "Bork clone," and some liberal groups raced each other to television studios to see which would be first to announce its opposition.

Not to be outdone, a conservative direct-mail guru, I'm told, had fundraising letters already prepared, even before Judge Ginsburg was nominated. Only the name of the nominee remained to be filled in.

Why this rush to judgment?

What really do we know about Judge Ginsburg?

And what is the best process for finding out?

For those of us who opposed Judge Bork, and helped defeat him, there is reason to be suspicious of this latest nomination

Judge Bork was rejected because he was an extremist, not a conservative, and many of his most fervent supporters in the Senate and the Justice Department are extremists, too.

It is interesting, and ominous, that such respected and bona fide conservative judges as Anthony Kennedy and Ralph K. Winter were unacceptable to Attorney General Edwin Meese 3d; Bradford Reynolds, who runs the Justice Department's civil rights division, and Senator Jesse Helms, Republican of North Carolina.

Mr. Helms even threatened a filibuster if a conservative like Judge Kennedy was nominated. It was in response to pressure from these extremists that President Reagan finally decided, against the advice of his chief of staff, Howard H. Baker Jr., to nominate Judge Ginsburg.

Beyond that, very little is known about Judge Ginsburg. He has been a judge for less than a year and has written only a baker's dozen of majority opinions, most of them on matters involving economic regulation, which was his primary academic interest. Unlike Judge Bork, he has not written extensively, and most of what he has written is in the field of antitrust laws and economic regulations.

We therefore do not know much about his judicial philosophy, or what he thinks about the role of the Supreme Court on our system of government. We do not know how he thinks the Bill of Rights should be interpreted or what he believes the proper balance is between majority rule and individual rights.

We do not know whether he interprets the 14th Amendment broadly to cover women and other victims of discrimination, or whether he believes that the 9th Amendment reserves unspecified rights to the people, including the right to be free from Government intrusion into the intimate details of our private lives.

No one should be appointed to the Court unless we know the answers to these and other important questions.

In the case of Judge Bork, who has written extensively for more than 25 years about the Supreme Court, there was a vast record of his relevant views. It took months for the Senate staff and public-interest groups to read, digest and analyze his record.

That was appropriate and necessary.

In the case of Judge Ginsburg, the written record is much thinner. It is precisely for this reason that the Senate Judiciary Committees hearings may be even more important than they were the last time.

With Judge Bork, the hearings were a staging ground for supporters and opponents to debate a record that was already established. But this time there isn't much of a written record, and the Judiciary Committee will have to elicit one.

It will have to find out, by searching and persistent questions, what Judge Ginsburg thinks. Although it is inappropriate to ask him his views on specific cases or issues on which he may have to rule, it is entirely appropriate to require him to reveal his judicial philosophy and his general views about the scope of the various amendments to the Constitution and the rule of the Court. If he is evasive, or resists answering such questions, the committee should make it clear that his silence will result in rejection. The days of rubber-stamp confirmation hearings are, properly, over.

Moreover, the questioning will have to be preceded by thorough scrutiny of what he has written and said. After the hearings, there should be adequate time for the Senate committee to prepare its report, and for the full Senate to review and debate it.

This kind of process ought to apply to all candidates for the Supreme Court, now and in the future. A Supreme Court Justice is not a Cabinet member, and the President ought not to be entitled to special deference on Supreme Court appointments.

That is why President Reagan's call for quick confirmation is inappropriate.

Judge Ginsburg is 41 years old and if he is confirmed he may sit on the Court for three or four decades. It is surely worth a few months of the country's time to make sure we are making the right decision. The next 60 days should be a time for research and the preparation of reports by the Senate staff, the American Bar Association, the American Civil Liberties Union and other concerned groups. The time for final judgment is later.

RULE ON H.R. 1720—FAMILY WELFARE REFORM ACT OF 1987

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 5, 1987

Mr. ROSTENKOWSKI. Mr. Speaker, I wish to serve notice to my colleagues that, pursuant to the rules of the Democratic Caucus, I have been instructed by the Committee on Ways and Means to seek less than an open rule for the consideration by the House of Representatives of the bill, H.R. 1720, the Family Welfare Reform Act of 1987.

INTERNATIONAL FUND FOR NORTHERN IRELAND AND IRELAND

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 5, 1987

Mr. HAMILTON. Mr. Speaker, I would like to bring to my colleagues' attention a copy of a recently completed Status Report on the International Fund for Northern Ireland and Ireland prepared by the Agency for International Development [AID]. The report covers the structure of the Fund, its procedures for selecting and making grants and the results achieved by the Fund to date in encouraging intercommunal reconciliation and economic improvements in Northern Ireland and Ireland.

The International Fund is now over 6 months in existence and the United States has provided through fiscal year 1987 $85 million to the Fund, although few of these funds have been expended.

The AID report follows:

THE INTERNATIONAL FUND FOR NORTHERN IRELAND AND IRELAND: A STATUS REPORT

SUMMARY

Since its formal creation less than ten months ago, the International Fund for Northern Ireland and Ireland has developed an effective program for evaluating proposals and administering grants. The Fund is run by an independent seven-person Board of Directors, successful business leaders from both sides of the border. Seventy-five percent of Fund resources will go to Northern Ireland and twenty-five percent to Ireland. Donor funding, totalling about 54 million pounds sterling, has been available only since March of this year.

In April, the Fund announced that it would concentrate its resources on programs in the areas of urban development, investment, business enterprise, tourism support, agriculture and fisheries, science and technology and expanding the horizons of young people in both regions. Of these activities, those for urban development and tourism show particular promise for promoting understanding and reconciliation between the Unionist and Nationalist communities. Toward these goals, the Board has already committed 13.3 million pounds sterling for two investment companies and eight specific projects.

The U.S. contribution to the Fund will be associated primarily with activities directly related to new investment, job creation, and economic revitalization. Projects in these fields—the principal focus of the Fund's activities—are approved under strict guidelines aimed to ensure selection based on merit and acceptance by grantees of the principles of equality of opportunity and non-discrimination in employment. The Fund's goals and programs should have a positive influence in the years ahead in increasing respect for human rights and fundamental freedoms for all people in the two regions.

I. INTRODUCTION

The International Fund for Northern Ireland and Ireland was formally established by the British and Irish Governments on December 12, 1986, pursuant to the Anglo-Irish Agreement of November 15, 1985. The principal objectives of the Fund are to stimulate economic revitalization in Northern Ireland and six border counties in Ireland—in order to promote employment—and to "encourage contact, dialogue, and reconciliation between nationalist and unionists throughout Ireland." To date, contributions to the Fund are $85 million from the United States in Fiscal Years 1986 and 1987, $10 million from Canada, and $300,000 from New Zealand.

In its first year of operation, the International Fund developed an effective program for evaluating proposals and administering grant aid. The Board of Directors and the Secretariat of the Fund have worked deliberately and successfully to establish credibility with all segments of the population in Northern Ireland and the Republic. Congressional guidelines for disbursing, and accounting for, U.S. aid funds have been followed scrupulously. The Board has also sought to avoid projects for which alternative funding could be made available. The Board of Directors has now begun to award grants for projects which come within the Fund's overall developmental programs. Recent media comment regarding the Fund has been sparse. This reflects the low profile adopted by the Fund's Directors during the early stages of activity.

II. STRUCTURE

The Fund is run by an independent seven-person Board of Directors headed by Mr. Charles E. B. Brett. (Mr. Brett is a highly respected Belfast solicitor who adroitly headed the Northern Ireland Housing Authority.) Its members are successful businessmen from both sides of the border who were jointly appointed by the British and Irish Governments. The Board also has three non-voting observers, "with voice but not vote," from the three donor countries. The Fund's operating expenses are paid for by the British and Irish Governments, who also have seconded civil servants to the Fund's Secretariat. The Board has appointed two directors general, one in Belfast and one in Dublin, to jointly prepare papers for meetings, coordinate programs and generally assure that the Board's policies are implemented. There is, in addition, an advisory committee of eight senior government officials, four from each government, whose chairmen attend Board meetings and advise the Board on existing governmental policies and programs to avoid possible conflicts and overlaps.

III. INITIAL GRANTS AND PROCEDURE FOR SELECTING AND MAKING GRANTS

Approximately 54 million pounds sterling are now available from donor contributions to the Fund. On April 15, 1987, less than one month after the U.S. contribution had been transferred to the Fund, the Board announced that it had decided to provide 100,000 pounds sterling to fund two projects—a study to explore the possibility of developing the historic Navan Fort/Emain Macha area in County Armagh for tourism as well as a job-creating youth enterprise program—and that it had made commitment to a new software center and to facilities designed to assist small entrepreneurs in establishing their businesses. It also announced that it would concentrate funding in the following seven program areas for projects on both sides of the border and as well as joint projects (tentative budgetary allocations totalled 47.9 million pounds sterling):

1. Creation of an urban development program in 24 towns in the north and 12 in the south (5.5 million);
2. Establishment of two investment companies, one in the north and the other in the south (9.5 million);
3. Adoption of a business enterprise program (7 million);
4. Tourism support program (8.9 million);
5. Agriculture and Fisheries program (3.5 million);
6. Science and Technology program (6.5 million); and
7. Wider horizons program for overseas training exchanges and work experience (6.5 million).

The Board also announced that it had retained a reserve of approximately 6 million pounds sterling to be used for the "future development of programs in light of experience and to fund a restricted number of exceptionally worthwhile projects which do not fit neatly into any of the programmes." Of these tentative allocations, about 73% is for projects in Northern Ireland and 27% is for Ireland (for use in the six counties bordering on Northern Ireland). Within the above planning allocations, the Board has already made commitment to the two investment companies and eight specific projects totalling about 13.3 million pounds sterling. In January of this year, the Board of the International Fund ran advertisements in the major local newspapers announcing the creation of the Fund and soliciting the submission of project proposals. The response was immediate and, by August, the Fund had received more than 1,650 proposals.

The Board has been wholly responsible for deciding which projects will be selected and which rejected. It has been guided by the language of the various pieces of legislation pertaining to the Fund, including the Anglo-Irish Agreement Support Act of 1986 which stipulates that the purpose of the Fund was to "serve as an incentive for economic development and reconciliation in Ireland and Northern Ireland." The memorandum of justification for certification of U.S. contributions to the Fund stated that the Fund shall accomplish these objectives by "stimulating private investment and enterprise, supplementing public programs and encouraging voluntary effort, with special emphasis on projects promoting communal reconciliation."

Believing all projects must satisfy the test of commercial viability, the Board also seeks to use its resources in ways which will lever contributions from the private and public sectors in order to maximize its impact. Such criteria and language, along with the advice of observers from the three donor counties, have assisted the Board members in deciding which areas will receive priority attention, as well as which projects should actually be selected. There is no doubt, judging by the program commitments to date, that investment projects in the private sector have earned highest priority. For example, a Fund-supported Northern Ireland investment company was incorporated on September 8 and is already considering four serious investment possibilities.

Since the Board is the final decision-making body, it cannot also be the administrative body because its members are too busy with other obligations. To bridge the gap, two Board members oversee each of the seven priority areas of responsibility. The Secretariat staff, along with U.K. and Irish government agencies acting on their behalf, have been entrusted with the responsibility for policy implementation. The aim was to have the various elements work together, not in isolation from the governments concerned.

IV. CONTRIBUTION TO RECONCILIATION BETWEEN THE COMMUNITIES IN NORTHERN IRELAND

The very limited time the Fund has been in operation makes it difficult to assess the Fund's contributions to reconciliation between the two communities. Some in these communities argue that the Anglo-Irish agreement, which gave birth to the Fund, contributed to a polarization between the two communities and that the Fund would be likewise. Initially the Fund was severely criticized by Unionist leaders as an integral part of the Anglo-Irish agreement. Others argue that it is impossible to solve political problems of a divided community solely by making funding for projects available to them. However, a significant number believe that the Fund offers at least a positive incentive to work towards reconciliation of the Catholic and Protestant communities.

The initial reaction to the Fund by Unionist (Protestant) leaders was one of rejection. The Fund received general support from the Nationalist (Catholic) community, including the Social Democratic and Labor Party, which represents the vast majority of the Catholic community. It was rejected by Sinn Fein, which is the political arm of the IRA. The initially lukewarm support for it from the Non-Sectarian Alliance Party has become more positive in recent months. Most significantly, despite efforts by the Unionists to have their supporters turn their backs on the Fund, as best one can deduce from the geographic distribution of the project submissions, about half are from Catholic areas and half from traditionally Protestant areas, with a number from cross-community and cross-border groups.

Over 1,600 applications have been received for project assistance in the territories covered by the Fund's mandate. Many of them were for cross-border projects. Applicants included individuals and community groups from both the Unionist and Nationalist communities in Northern Ireland. As the entire community is seen to be a potential beneficiary, several of the Fund's programs have potential for reconciliation. The Urban Development program, with planned funding of 5.5 million pounds sterling, is being implemented in 22 towns in Northern Ireland and 12 in the six border counties in the south eligible for funding. Under this program, commercial buildings are to be rehabilitated in order to attract small businesses and provide jobs for inhabitants regardless of creed. Confidence and pride in the local communities should increase as a result of this program.

Another program seeks to support tourism on both sides of the border. It has already resulted in an agreement between the authorities of Northern Ireland and Ireland to jointly promote travel to all parts of Ireland regardless of political boundaries. Facilities and activities under this 8.9 million pound program are to be developed in a coordinated fashion so as to attract travellers to visit both sides of the border. North-South interchange should contribute to greater understanding between the two major sectarian groups in Northern Ireland.

To date, a tangible sign of cooperation between the two communities brought about by the Fund can be seen at the governmental level, where Board members, Secretariat staffers and people on both sides of the border are working to get projects prepared, approved and implemented. Some strong and influential supporters of reconciliation organizations, some of which have requested large sums of money from the Fund, are disappointed that the private sector thrust of the Fund's programming to date has left them unfunded. In its initial approvals, however, the Fund emphasized the predominantly private job creation and economic development character of its operations.

V. ENCOURAGING NEW INVESTMENT, JOB CREATION, AND ECONOMIC RECONSTRUCTION ON THE BASIS OF EQUALITY OF OPPORTUNITY

The Fund's programs focus primarily on job creation and new investment through private enterprise. For example, 7 million pounds have been set aside for the business enterprise program, to stimulate viable job creation, and strengthen management expertise and marketing skills. To encourage new investment, two investment companies have been created and financed at 5 million pounds each. One is for the north, the other for the south. A 6.5 million pound science and technology program will establish business innovation units in Atrim, Northern Ireland and Dundalk, Sligo, and Letterkenny in the Republic. These units will seek to link industry with institutions of higher education in order to develop new investment projects and jobs. The Fund's Board of Directors, comprised of highly respected individuals from both north and south, is highly sensitive to the need for strict equality of opportunity to participate in these and other job-creating programs.

Specific guidelines have been adopted to guarantee that project applications are screened on the basis of their merits alone and that no discrimination on the basis of religion takes place. This is perhaps best reflected by the letter which the Board has sent to all successful project applicants which advises the applicant that his or her acceptance of Fund assistance will be deemed to signify "Acceptance of the principle of equality of opportunity and non-discrimination in employment, without regard to religious affiliation" and that he/she will be expected to use the money in accordance with these principles. Monitoring and evaluation systems are now being developed to ensure that the agreed-upon guidelines are followed, that financial controls are working, and that the concepts discussed above are, in fact, successfully implemented.

VI. RESPECT FOR HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

The Fund has made significant progress since its establishment in December 1984, but it could not realistically claim to have achieved in one year a fundamental shift in perceptions among the people of Northern Ireland. No aid program could. However, the reconciliation and reconstruction programs of the Fund are positive. They have the potential to bring together large numbers of Irish people of diverse views to work together for their mutual benefit. Sectarian divisions in Northern Ireland are deeply rooted. They are a consequence of a long and complex history. The wellsprings of sectarian animosity lie in basic attitudes shaped by beliefs, tradition, heritage, questions of political power and a perception of accumulated grievances. It is, therefore, doubtful that an assistance program on the present scale, regardless of how well designed, could be a decisive factor in changing Northern Ireland. Such a progam, however, should prove to be a positive influence in the years ahead.

ON BEHALF OF ELIZABETH CONDON AND VICTOR NOVIKOV

HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 5, 1987

Mr. MAVROULES. Mr. Speaker, it is with great sadness and frustration that I am here once again to recount the blocked marriage of Elizabeth Condon and Victor Novikov. This marriage has been blocked for over 8 years, and during that time this couple has been repeatedly denied permission to see one another.

Mr. Novikov received his 20th denial from the Soviet Government on September 23, and was told that because of his exposure to "state secrets" his case will not be reconsidered until 1990. This charge by the Soviets has no basis in fact, and would require only a little groundwork to establish its ridiculousness.

It is true that Mr. Novikov worked in what is known in the Soviet Union as a "closed institute." However, it is also true that the extent of his work was that of a laborer who removed desks and blackboards to maximize space in the building.

This case is a travesty. Elizabeth and Victor's original wedding date of October 23, 1979, is 8 years past. On this crucial issue of divided spouses and blocked marriages, it is time for Mr. Gorbachev to stop talking and start acting.

H.R. 3545—OMNIBUS BUDGET RECONCILIATION

HON. MICKEY EDWARDS

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 5, 1987

Mr. EDWARDS of Oklahoma. Mr. Speaker, the most important signal we can send to the American people, and the most important signal we can send to the stock market, is that Congress has shed its partisan chicanery, its snickering phony savings plans, and its love affairs with taxes and has finally gotten serious about deficit reduction. This bill sends the opposite signal. It proclaims loudly to anyone who cares to listen that we are not serious about lasting deficit reduction, that we will not make serious attempts to reduce spending, and that Congress' word that it will leave the Tax Code alone for even 1 year, means nothing.

Right now the President of the United States is meeting with congressional leaders from both parties of both Houses, at the request of the Speaker, in an effort to reach agreement on serious savings and lasting deficit reduction. He has agreed to put taxes on the table if the Democrats will put true spending cuts on the table. Over the year he has seen his budget, that contains numerous revenue increasing measures, made light of by my Democratic colleagues on the Budget Committee for 3 months—then ignored. He has seen funding for defense slashed this year, below even last year's level without inflation. Yet, now, he is still willing to meet with leaders of Congress in both parties to hammer out an agreement because he is serious about making progress toward eliminating this budget deficit forever.

Why then, when both sides are cooperating are we being forced by the leadership of this House to consider this false plan of swiss cheese savings and chilling tax increases, surer to bring the bear to the market than a fresh trail of honey. I was under the impression that a consensus existed in Congress that we had to get serious, in a bipartisan way, about savings, and stop playing games—something that those of us in the Republican Party have been taking heat for trying to do all year.

The gimmick savings, spending shifts, new spending, and increased taxes in this bill are outdated now. This bill is a dinosaur, but even a caveman can see that it is a plan whose time has long gone, if such a time ever existed.

Savings through cheese labeling, Kuwaiti user fees, year to year payment shifting: Is this the signal you want to send to the American people? Undermining good-faith negotiations taking place in the White House?

Do you really want to deceive the American people again by telling them we will save $5 to $6 billion through the appropriations process this year when we all know that we did the exact opposite—we increased spending in almost every category except defense; $5 to $6 billion in real savings through appropriations would help in the long run, but $5 to $6 billion in imaginary savings helps only those seeking reelection, while making next year's problems worse. I thought we had learned the lesson that nobody wins when we avoid necessary decisions, but apparently not.

My Democratic friends on the Budget and Appropriations Committees have successfully convinced many of us who care about a strong defense that we will be lucky if Congress agrees to fund defense at last year's level without inflation. If we must accept that, we will, but let's then keep all discretionary spending at last year's level without inflation. If we can't afford more money to defend our country, can we afford to increase spending for the many lesser priorities that my friends on the other side of the aisle fight hard to protect?

Mr. Speaker, I oppose this bill, both because it relies almost entirely on tricks and taxes for deficit reduction, while adding billions in new spending, and because the fact that consideration of this prehistoric package at this time sends the wrong signal to the market and to the American people.

Instead of the business as usual attitude of this bill, an attitude that the stock market and the American people have indicated that they are fed up with, I believe we should go beyond the bare requirements of Gramm-Rudman and achieve more than $23 billion in spending, and more than 1 year savings. I believe a plan that freezes discretionary spending across the board is a better plan, and if we really want to send a signal, we should lay our plans for next year on the table as well. An agreement now, that we will take a freeze in spending this year and continue the freeze next year, will provide for sensible stable spending reductions and provide a calming climate for all Americans who care about the fact that we are a debtor nation.

If we don't choose now to reduce spending next year, it is certain that, in a political climate, we will not have the courage to do so then.

I urge my colleagues who support bipartisan negotiations to reject this make-believe deficit reduction and support real spending cuts, measured against the amount of money we actually appropriated last year.

I say to my friends on the other side of the aisle, we on this side have come a long way trying to reach a compromise. If you give us a package that eliminates all new spending and extend it over 2 years, we can reach agreement on a plan that will finally, convincingly, reverse deficit spending increases. The Republicans, from the President on down, are here to play, to join the process, to cooperate on a workable policy—where are you? Will you join us?

KOREAN PRISONER KOH SONG-GUK

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 5, 1987

Mr. PORTER. Mr. Speaker, I rise to express my deep concern for the continued detention of Koh Song-Guk, and at least 40 other political prisoners, who are detained in South Korea for peacefully exercising their rights to free speech.

Korean authorities arrested Koh Song-Guk, a 28-year-old part-time lecturer at Korea University, and nine others in September 1986. According to reliable sources, police officers tortured Koh and the other prisoners, in order to force them to confess to the charges made against them. The prisoner's relatives allege that they showed signs of having been ill-treated.

The Congressional Human Rights Caucus will continue to call attention to the plight of Koh Song-Guk and the denied basic rights until they are released. We are encouraged by the recent release of other prisoners and the adoption of a new constitution requiring direct presidential elections. But we believe that these positive actions should be followed by the release of Koh and others whose basic freedoms have been denied.

CONGRESSIONAL DELEGATION REPORT ON TRIP TO NICARAGUA

HON. TIMOTHY J. PENNY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 5, 1987

Mr. PENNY. Mr. Speaker, as the leader of a congressional delegation trip to Nicaragua, I would like to submit for the RECORD a brief report of the observations and conclusions that we made to our sponsor the Select Committee on Hunger.

I was accompanied on this trip by CHARLIE HAYES and PETER KOSTMAYER. During our time in Nicaragua, we spent 1 day visiting the sites of private voluntary organizations and a second day meeting with Government officials, representatives of the media, and members of the business community. It was an eye-opening trip that allowed a firsthand glimpse of the living conditions of the people of Nicaragua and the operation of the Sandinista government. Our report gives a summary of our activities and the conclusions from our visit.

I. BACKGROUND TO SELECT COMMITTEE'S TRIP TO NICARAGUA

The people of Nicaragua, like those elsewhere living in chronic poverty and suffering from an acute shortfall in basic human services, are of concern to the House Select Committee on Hunger. The vast majority of the Nicaraguan people live in poor and deteriorating conditions. Life expectancy is fifty-eight years. The literacy rate is estimated at sixty-six percent. Unemployment, in 1986, was twenty-two percent. $860 is the per capita income; the effective per capita income in rural Nicaragua would be considerably below that figure. The current rate of inflation, which is approaching 1,500 percent per year, distorts the cost and relative value of commodities and services in the country, forcing many people to operate outside the formal economy. Malnutrition is widespread and a serious problem in rural Nicaragua.

Nicaragua has a relatively small population of approximately 3.3 million people. The annual growth rate is, however, a high 3.4 percent. Spanish is the official language of the country; English is generally spoken on the Caribbean coast. Most Nicaraguans live in the Pacific lowlands and the adjacent interior highlands region. About forty percent of the population is urban. The principal cities, Managua, Leon and Granada, are on the Pacific side of the rugged mountains which run through the country north to south. The largest town on the Caribbean coast is Bluefields.

Nicaragua's resources are primarily agricultural. An estimated seventy percent of the nation's territory is suitable for agriculture or livestock. More than half of the country is covered in forest that includes marketable pine and tropical hardwood. The principal export crops are coffee, cotton, bananas and sugar. Beef, gold and shellfish are also exported. Export earnings from agriculture have declined drastically since the 1979 revolution. Due to depressed markets, government policies, a shortage of foreign exchange for raw materials and equipment, and an American trade embargo, Nicaragua's industrial production has declined to one-third of its former value. There has been a steady decline in the production of goods and services in Nicaragua and a continuing outflow of skilled personnel. There is an acute shortage of spare parts and agricultural equipment.

Christopher Columbus sailed along the Nicaraguan coast on his last voyage in 1502. The colonial period in Nicaragua began twenty years later with the arrival from Panama of Spanish conquistadors. Wars between the Spanish and the Indians on the Pacific and the Indians and the British on the Caribbean marked the colonial period. Nicaragua became an independent country in 1838; the British presence on the eastern shore did not end until 1905, however.

Governments in nineteenth century Nicaragua were unstable, the politicians prone to violence. In 1856 an American, William Walker, and a group of supporters seized the presidency of Nicaragua. The advent of a foreigner as president led the political parties to suspend their sharp rivalry long enough to drive Walker out of the country in 1857.

In 1909, hostility between the United States and the Nicaraguan government over the construction of an isthmian canal led to U.S. intervention. U.S. troops were present in Nicaragua from 1909 until the "Good Neighbor Policy" commenced in 1933.

National Guard Commander Anastasio Somoza Garcia took over the presidency of Nicaragua in 1936, initiating thirty-six years of Somoza family rule. Somoza Garcia was assassinated in 1956, and control passed to his elder son, Luis Somoza Debayle. In 1967, following the four year presidency of former Foreign Minister Rene Schick, the younger son, Anastasio Somoza Debayle, took office. The Somozas used political power and brute force to dominate Nicaragua's economy and government, despite occasional political and armed challenges from opponents.

A December, 1972, earthquake devastated the capital city of Managua, killing or injuring an estimated 10,000 people and leaving 300,000 homeless. Essential businesses and government offices were destroyed, along with most of the downtown area. The Somoza government proved unable to cope with the emergency and family control began to erode.

The Marxist Sandinista National Liberation Front (FSLN) had been fighting a sporadic guerrilla war since 1962 to overthrow the Somoza regime. (The FSLN took its name from Augusto Sandino, a Liberal Party general who opposed both U.S. intervention and Somoza Garcia, and who was assassinated on the senior Somoza's orders in 1934.) Indications that Anastasio Somoza had embezzled aid donated after the 1972 disaster raised popular discontent with his government. By 1977, increasing reports of the government's torture and murder of opponents led to organized resistence by businesses, professional groups and the church. The assassination of *La Prensa* editor Pedro Joaquin Chamorro in 1978 ignited a massive anti-Somoza uprising, which the FSLN quickly dominated as the opposition's only organized military force.

After a few months of intense fighting, pressure from the Organization of American States, and the withdrawal of all U.S. support for the Somoza government, Anastasio Somoza fled the country. A Sandinista dominated coalition government took office on July 19, 1979.

Today, Nicaragua is under virtually total control of the FSLN. The party retains exclusive control of police, internal security and the military forces. The Sandinistas are implementing an extensive program for social change. By early 1982, the Government of National Reconstruction had changed from the pluralistic government installed by the revolution into a single-party dominated regime. Moderates were forced from the government, and the activities of other political parties, independent labor unions, private groups and the Catholic and Protestant churches were increasingly restricted.

Daniel Ortega was elected president of Nicaragua in a 1984 election marked by charges of manipulation, coercion, violence and threats. Most opposition parties withdrew from the contest prior to balloting. The FSLN, nevertheless, hailed the election of Ortega as a mandate from the Nicaraguan people to pursue its programs and has proceeded to restructure the country into a classic one-party society.

Opposition to the Sandinista regime can be roughly divided into three categories of activity: civic opposition; political parties participating in the National Assembly; and, the armed external opposition (the Contras). The Contras are estimated to number around 20,000.

The current Central American peace initiative raises major questions and hope concerning the ultimate prospects of political pluralism and thus stability in Nicaragua. The peace initiative calls for democratization, including a free press, amnesty for opposition groups, a restoration of civil rights, political pluralism and free elections. The stability the peace initiative offers is central to a restoration of economic growth and an assault on the harsh conditions in which so many of the Nicaraguan people live.

II. TRIP DELEGATION

Rep. Tim Penny (D-Minn.) served as the chief of the Select Committee on Hunger delegation to Nicaragua. Reps. Peter Kostmayer (D-Pa.), a member of the Select Committee on Hunger, and Charles Hayes (D-Ill.) also traveled to Nicaragua. Three congressional staff members, Jane Shey, Melissa Brown and Jeffrey Clark, accompanied the delegation.

The delegation participants wish to express their appreciation to the officials of the U.S. Department of State, both in Washington and Managua, for their assistance in making the journey to Nicaragua as comprehensive and informative as it was. Additionally, the delegation is thankful to the Government of Nicaragua and to indigenous and international private voluntary organizations (PVO) officials who contributed to the success of the mission.

III. OFFICIAL AND INFORMAL MEETINGS

The delegation toured the *La Barricada* facilities in the company of the paper's editor. *La Barricada* is supported in part by the Sandinista government and affiliated solidarity groups. It is one of two papers that receive government support in Nicaragua. The circulation for *La Barricada* is 120,000; *Aries*, the other newspaper being printed at the time of the visit, has a circulation of over 120,000. *La Prensa* (which has resumed publication since the visit) had a circulation of 90,000 prior to being closed by the government in 1986.

Much of the discussion and questioning during the *La Barricada* visit centered on press censorship in Nicaragua and the closing of *La Prensa* in June of 1986. The editor said that there is freedom of press in Nicaragua as long as the press offers "constructive criticism". He said that *La Prensa* previously would criticize without offering suggestions to remedy the situation. He added that *La Prensa's* downfall came when they had a headline supporting the decision of the U.S. Congress to aid the Contra rebels. When asked when *La Prensa* would be reopened, he commented, "when they learn to criticize in the proper way." When asked why information was so tightly controlled the editor said because if the people hear conflicting views, they could become confused.

The delegation also met with Ms. Lea Guido, president of the Sandinista Women's Association. This organization was founded in 1977 and is concerned with human rights and specifically the rights of women. The organization attempts to expand the role of women politically and socially.

Prior to the revolution, illiteracy in Nicaragua was over sixty percent and for rural women approximately eighty percent. Nicaragua has the highest infant mortality rate in Latin America. The Sandinista's Women's Association has endeavored to decrease infant mortality, to develop literacy campaigns and is involved in primary health care programs. The Association is organized as a grassroots community-based entity with numerous local directors who meet with small groups of women. There are 60,000 directors who have capability to mobilize 200,000 women, the delegation was told. According to Ms. Guido, fifty-nine percent of the women in Nicaragua belong to the organization. The Women's Association receives no government funding, but was founded by the Sandinistas and receives financial support from the party (FSLN).

In response to questioning on reported forced roundups of young men for military service. Ms. Guido denied forced conscription, but acknowledged heavy penalties for noncompliance with the draft.

The delegation next met with Dr. Jamie Bengoechea, director of the Industrial Chamber of Commerce and vice president of COSEP (a private sector business association). Dr. Bengoechea voiced frustration with the business climate in Nicaragua and with the sluggish economy. He indicated that the government's attempts to control multiple aspects of the economy, from the acquisition of raw materials to the marketing of the finished products, not only stifled economic growth but in fact discouraged businesses from operating in Nicaragua.

Also meeting with the delegation was Mr. Jose Castillo, director of Radio Corporation. Mr. Castillo is also a ranking official of the Conservative Faction of Mario Rappaccioli (the Conservative Party) and is a member of the board of the Commission for the Protection of Human Rights. Mr. Castillo stated that more than seventy percent of the radio broadcasting facilities in Nicaragua were state-owned. Radio Corporacion is a news station that in 1984 was prohibited from broadcasting news or any programming other than music. This prohibition, Mr. Castillo said, came about as a result of one of the company's partners involvement with the Contra rebels. On August 15, Mr. Castillo requested permission to resume news broadcasting, but was informally told that the permission would not be granted until the Nicaraguan civil war has ceased.

Mr. Castillo, active in opposing the Somoza regime prior to the revolution, indicated a belief that repression of the press was worse under the Sandinistas than the Somoza government. The press was harassed under Somoza, he said, but allowed to function. He stated that no source of information exists in the country that is not controlled by the government.

Mr. Castillo explained that the Commission for the Protection of Human Rights was formed during the Somoza regime to monitor human rights violations. Two weeks prior to the delegation's arrival in Managua, Mr. Lino Hernandez, executive secretary of the Commission, was arrested while observing the opening of a political headquarters of an opposition political party. (Mr. Hernandez subsequently has been released from prison.) Mr. Castillo volunteered the opinion that the difference between Somoza and the Sandinistas is that of a family dictatorship versus an ideological dictatorship.

When asked about religious freedoms in Nicaragua, Mr. Castillo said that the less established churches, such as the Jehovah's Witnesses, the Mormons and the Seventh Day Adventists, have been restricted and that many non-Nicaraguan ministers have been forced to leave the country. There has also been harassment of the Catholic Church as well by the closing of affiliated radio stations and newspapers.

Mr. Castillo indicated a strong belief that the opposition parties, operating under a semblance of freedom of speech and of the press, would be able to provide balance to the policies of the Sandinistas. He felt that the political opposition that has remained active in Nicaragua "has prevented the country from becoming another Cuba".

The delegation also met with Mr. Alejandro Bendana, director general of the Foreign Ministry, on the last night of the visit. Mr. Bendana gave a lengthy recitation of the history of the Nicaraguan revolution and of alleged U.S. Government acts of hostility towards his country. He indicated the intention of the Nicaraguan government to cooperate fully with the Central American peace initiative. Mr. Bendana provided little new information, but, instead, a forceful recitation of the Sandinista view of U.S.-Nicaraguan relations.

A dinner with representatives of several church and private voluntary organizations concluded the delegation's itinerary in Managua. The dinner discussions centered on the various projects that these organizations are operating in Nicaragua and the effects of the civil war on general development in the country. The officials present at the dinner expressed strong reservations against any support for the Contras, and indicated considerable regrets over the loss of lives in the countryside and over the disruption of the economy which the conflict produces.

IV. PROJECT SITE VISITS

CARE-INAA Las Pencas Water Supply Project: The delegation traveled north of Managua to visit a CARE water supply project. CARE and INAA, a government-supported organization, are providing villagers with centralized water stations for drinking, washing clothes and bathing. A hand pump serves twenty-five farm families within a two mile radius. CARE personnel assist in the construction of these wells and INAA maintains them. Additional funding for the wells is contributed by the Canadian government.

School of Agricultural Mechanization: Located in Chaguitillo, approximately sixty miles north of Managua, CARE, OXFAM, and the EEC are operating an agricultural mechanization school. Three staff members provide instruction to the students on welding, construction, and mechanics. Currently there are thirty-two students receiving training as machine tool operators and welders at the school. The majority of students come from state-run farms and cooperatives, and attendance varies each semester. A total of 300 students have attended the school.

The schools curriculum is developed to reflect the needs of the area. Courses include machine use, maintenance and repair and crafting of spare parts. Courses vary in length from two weeks to one year. The instructor/student ratio varies per course with twelve students to one instructor for tractor driving and simple maintenance, four to one for tractor repairs and welding, and one to one on forging spare parts.

Students attending the school are housed in a former ranch home which has been converted into a dormitory for twenty students. A welding shop and a machine shop have been built by the students and CARE staff; a construction shop is under construction. The school recently received machinery valued at $45,000 from the Democratic Republic of Germany and Sweden to be used in repairing farm equipment. A machinist will be arriving in Chaguitillo at the beginning of 1988 to instruct the students on the use of the machines. The largest problem facing the school is recruitment of qualified foreign instructors. A total of $255,000 has been invested in the school through combined recourse of CARE-USA and CARE-International.

Save the Children Stoves Project: The delegation traveled to Esteli to visit a project supported by Save the Children. The majority of Esteli's 70,000 residents live in deep poverty. The average home consists of two rooms with dirt floors, no windows, poor lighting and approximately two beds for a family of ten. Most cooking is done over a campfire. Save the Children is providing families with woodburning stoves made of concrete. These stoves allow families to cook three dishes at once while cutting fuel consumption in half. Save the Children is also providing outdoor bread ovens to be shared by groups of four families. Construction of these stoves and ovens is performed by the villagers with the supervision of Save the Children staff.

According to Save the Children, the government provides sixty percent of the funding for the project, while Save the Children Foundation provides the remaining forty percent. Each villager is asked if they want to participate in the project through a door-to-door campaign. Those who wish to receive a stove then obtain the materials to contruct one. Nearly twenty percent of the homes in Esteli are now equipped with the stoves.

Save the Children is also working on a major sanitation project in Esteli. Latrines are being installed in a number of residences in the town, reducing the contamination of the drinking water supply and the spread of disease. Such basic facilities, their beneficial impact obvious, are widely unknown to the people of rural Nicaragua.

Clinica Sylvia Ferrufino—Government Health Unit: While the Ministry of Health operates health units throughout the country, the units are inadequate in number and in quality to adequately serve the needs of the people. The delegation toured one such unit in Managua, finding limited facilities and poor sanitary conditions. The ceiling of the examining rooms were leaking and puddles of water stood on the floors; there was a general sense of disorganization throughout the clinic facilities.

The health unit serves thirty-one neighborhoods with twelve medical teams of one doctor and one nurse each. Factors that influence people's access to health care include the area's population and the ability to reach those requiring medical attention; perceived political orientation; and an individual's type of employment, with government workers or those working in industries with health risks allegedly receiving preferential treatment.

According to Marisa Carrion, director of the health unit visited, the government provides ninety percent coverage of basic health care services. The health unit recently launched an immunization campaign and has achieved an eighty-five to ninety percent success rate in the first three phases of its program. Immunization treatments are provided in the home by a door-to-door program.

The health unit is funded by the Ministry of Health; the Government of the Netherlands also contributed $150,000 to the immunization program.

UNAG Peasant Stores: UNAG, a government supported small farmers union, has developed "peasant stores" for members of the union to buy farms supplies. The union is organized by regions throughout the country, with each region containing approximately twenty peasant stores. The delegation visited a peasant store in Region I, located fifteen miles south of Esteli.

Each store is operated by a committee of eleven members. The committee sets prices for the items and determines which farmers receive priority goods based on needs. In addition to providing administrative services, the committee members rotate working in the store. Goods provided by the union include corrugated zinc roofing, fertilizer, saws, hammers and other farming tools. Most items provided by the union have been donated by OXFAM and the EEC, but the fertilizer is provided by a company in Managua at a reduced price.

V. CONCLUSIONS FROM STUDY MISSION

Agriculture: Agricultural production is obviously an essential component of the Nicaraguan economy. Corn, cotton, sugar and coffee are the primary field crops and there is a large cattle industry as well. The farming methods vary from modern tractors to oxen and single row plows. The lack of tractor parts and needed inputs has hampered production. The country's ability to feed itself and compete in the export market has also been negatively affected by the agricultural policies of the government and by the ongoing civil war.

Agrarian reform has been an announced priority of the Sandinista government since the revolution of 1979. The primary focus has been to take confiscated or abandoned land and develop it as agricultural cooperatives. The cooperatives are given priority in the acquisition of materials and credit from lending institutions. An official with CARE indicated that a serious problem has developed with the cooperatives borrowing money and then defaulting on the loan. There is evidence that the government is in the process of curbing these credit abuses.

Agricultural productivity has declined in Nicaragua since the revolution and the country must now import food to feed its people. This is due to the effects of the civil war, largely fought in the agricultural north, to the low output of state farms and the cooperatives and to the lack of economic incentives stemming from agricultural policies of the government. Some people with whom the delegation conferred expressed the belief that the state farms and co-ops did not provide sufficient incentives for the workers to maximize productivity. The private development agency officials with whom the delegation met indicated that the cooperatives were helpful in the distrbution of fertilizer, seeds and tools to the farmers with whom the agencies were working.

From the establishment of the FSLN government in 1979 through 1985, the Sandinistas had distributed approximately thirteen percent of the available land to landless peasants, largely in the form of agricultural cooperatives. Low productivity and growing dissatisfaction among the peasants has led the government to begin a shift in its agrarian reform priorities. Additional land is now being distributed to individual farmers.

Primary Health Care: It is difficult to quantify the expansion of primary health care services in Nicaragua under the Sandinista government, but it is clear that the health sector has had a priority focus from the government. Eastern bloc nations have contributed equipment, training and technicians to the government as it attempts to expand health care services. Government and international development agency health programs have succeeded in raising the immunization coverage rates in Nicaragua considerably above prerevolutionary levels. The health care facilities observed by the delegation were not, however, managed with apparent efficiency. Also, access to health care facilities appeared, at least in some circumstances, to depend on political orientation or connections. Random conversations with citizens indicated a strong preference for private health care services when available.

An expansion of basic health care services is central to a reduction of malnutrition in Nicaragua as it is everywhere. Ultimate progress in this area rests on the establishment of a self-sustaining system of health care available to all, not demonstration projects designed for political purposes. It is the hope of the delegation that the emphasis on health care by the government can be sustained and expanded and the program implementation improved to assure long-term improvements. Primary health care is clearly an area where the expertise of international development agencies and the private and voluntary organizations (PVOs) immediately can be brought to bear to improve the living conditions of the Nicaraguan people without awaiting final resolution of the political situation in the country.

Expanded United States Government Assistance: It was clear to the delegation that the political situation in Nicaragua thwarts the development of the people of that nation. When a more pluralistic and democratic system is functioning in Nicaragua, international development assistance will have to play a large part in the success of the progress made there to address the plight of the people. There is an enormous need for improvement in the standard of living for the people of Nicaragua, and the United States at some future time can and should play a central role in bringing about those improvements. Pending an improvement in the overall political situation in Nicaragua, official U.S. Government assistance to the country may have to be limited to humanitarian assistance such as food aid in the case of serious shortfall. The traditional U.S. policy of providing food assistance in time of emergency despite political complications should apply to Nicaragua should that ever be necessary.

CARE, Save the Children, OXFAM and other private American voluntary organizations are providing invaluable assistance to the poor people of Nicaragua. From providing clean water to teaching a farmer how to make an ox-cart, these organizations are essential to the growth of the people of Nicaragua. The Select Committee delegation supports and applauds their contribution to the improvement of everyday life in Nicaragua. Although development in Nicaragua is long-term goal, the delegation supports and encourages the utilization of the private voluntary organizations as the conduit for goods and services to those in need.

SENATE—*Friday, November 6, 1987*

The Senate met at 9:20 a.m., and was called to order by the Honorable RICHARD C. SHELBY, a Senator from the State of Alabama.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Therefore shall a man leave his father and his mother and shall cleave unto his wife * * *.—Genesis 2:24. *Husbands, love your wives even as Christ also loved the church and gave Himself for it* * * *.—Ephesians 5:25. * * * *fathers do not frustrate your children.*—Ephesians 6:4.

Eternal God, our loving Father, we, Your children, seem predisposed to give priority to business at the expense of the family, despite which knowledge and experience indicate that family stability is indispensable to social order. As another busy week comes to a close, help the Senators to take seriously the necessity of family strength for the sake of the Nation as well as their loved ones. Help them not to allow families to be hostage to Senate business, however important. Remind them of their responsibility to themselves, for their own health and fitness that they will make time to rest and relax—for the sake of their family, the people they represent, as well as themselves. We make this prayer in His name who is love incarnate. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. STENNIS].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 6, 1987.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICHARD C. SHELBY, a Senator from the State of Alabama, to perform the duties of the Chair.

JOHN C. STENNIS,
President pro tempore.

Mr. SHELBY thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, I ask unanimous consent that the call of the calendar be waived under rule VIII and that resolutions and motions over under the rule not come over.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE JOURNAL

Mr. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE FAMILY

Mr. BYRD. Mr. President, I think that the Chaplain, today, as he has done from time to time, has touched upon the most important entity in American life. He spoke of the family: of love for the family; of our children. I am glad that he did that. I am glad that we are caused to pause and reflect upon that great pillar of the American society: the family.

I took a piece of plastic clay
And idly fashioned it one day
And as my fingers pressed it still
It moved and yielded to my will.
I came again when days were past.
The bit of clay was hard at last.
The form I gave it, it still bore,
And I could change that form no more.

I took a piece of living clay
And gently formed it day by day.
And molded with my power and art
A young child's soft and yielding heart.
I came again when years were gone,
He was a man I looked upon.
He still that early impress wore,
And I could change him nevermore.

How important was the prayer of our Chaplain and how important it is that we, the parent and grandparents, set the right example before our children.

They fail because we fail—so often. We have gotten away from the old landmarks in this country. "Train up a child in the way he should go, and when he is old he will not depart from it."

Parents are too lax. They are too careless. They have too much time for other things.

At the center of this family pillar is the mother. Since I was 28 years old I have given my life to politics. I have been away campaigning, day after day, early and late, and my young daughters were brought up without my being present as much as I should have been as a father. But they had a mother who taught them in the way they should go so that when they were older they would not depart from it.

That is the one great sacrifice, may I say, that I will never be able to recoup in this very busy political life that I have led.

When my own two beautiful, lovely, sweet young daughters were in that most formative stage—I can never recapture that, I can never bring it back—they were only about 5 years and 8 years old when I started out in politics, and that was more than 40 years ago.

But I thank God that my wife Erma was always there, teaching them, training them, in the way they should go.

I thank the Chaplain for his prayers for all of us and our families.

Mr. PROXMIRE. Mr. President, would the majority leader yield?

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin.

Mr. PROXMIRE. I congratulate the majority leader and the Chaplain, and I am just delighted I was here this morning to hear such inspirational guidance on the family.

I might add to what has been said what the former president of Notre Dame University, Father Hesburgh said: "The greatest thing a father can do for his child is to love their mother." I think that came through very well in what the Chaplain and the majority leader said this morning.

RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the Republican leader is to be recognized at this time.

Mr. BYRD. Mr. President, I ask unanimous consent that the time of the Republican leader be reserved for his use later today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for not to

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

extend beyond the hour of 9:40 a.m. with Senators permitted to speak therein for not to exceed 5 minutes.

Mr. **PROXMIRE** addressed the Chair.

The **ACTING PRESIDENT** pro tempore. The Senator from Wisconsin.

TIME TO REDUCE AMERICAN DEBT ON ALL FRONTS

Mr. **PROXMIRE.** Mr. President, neither the Congress, the press, nor the American people have recognized the enormous threat to our economy of the increase in total and I repeat total debt in America. I hasten to add that there is recognition aplenty of the enormity of our Federal Government debt. But that is just the beginning. It is less than one-third of our problem. It is hard to find even an academic economist who has paid much attention to our much bigger household debt and our king size business debt. And, Mr. President, it is the totality of our debt that constitutes our problem. Ever since the big stock market crash the country's attention has focused on the attempt of the Congress to cut $20 or $30 or $40 billion from the Federal deficit. That is fine. We should do it. But this ignores our much bigger debt problem. Meanwhile business debt and household debt continue to swell. So even if we do reduce the rate of increase of the Federal debt, the rising household and business debt will dwarf that increase. And, is it not the total debt that causes this country to borrow from abroad? Is it not the total debt that absolutely forces business cash flow out of investment in research, out of manpower training, out of buying more efficient equipment and into paying higher and higher interest costs? Is it not total debt that forces households to reduce the spending that has driven this economy for the past 5 years in order to pay interest on skyrocketing household debt? So, Mr. President, household debt and business debt play at least twice as important an economic role in our country as the Federal debt because together they are more than twice as big.

Now consider what has happened to household debt in the past 30 years. Since 1955 household debt has soared from 34 percent of our gross national product to 64 percent. Household debt was 44 percent of personal income. Today, it is 77 percent. Now prepare for a shock. In 1955 household debt was 101 percent of savings. Today it is a stunning 400 percent of savings.

Business debt has suffered almost precisely the same miserable experience. As compared to our Nation's GNP business debt has almost precisely doubled. It was 32 percent of GNP in 1955. Today it is 65 percent. In 1955 it was 42 percent of personal income. Today it is 78 percent. And in 1955 it was 94 percent of savings. Today it is a whopping 407 percent of savings.

Now let us consider what this will cost our economy. The debt that a business establishment carries depends for servicing on the earnings of that business. In 1955 each dollar of business earnings matched $2.80 of debt. That level of debt relative to earnings meant that lenders to American business could generally feel secure. Businesses could fund debt that was less than three times earnings. Even the more heavily indebted firms were reasonably safe come the next recession. But over the past 30 years the ratio of debt to net earnings has steadily swollen to a ponderous, and get this, $9.07 in debt to every dollar of earnings. This is for the economy as a whole. It represents the debt burden of the average firm. Obviously thousands of American firms are much more heavily in debt. So come the next recession, as it certainly will come, the American economy is certain to be plagued with record bankruptcies of both households and business. Consider how fraught with danger a 9-to-1 debt to earnings ratio for all American business is. The prime interest rate is the rate banks charge to their biggest and best customers. Most business borrowers pay more. Today the prime rate is about 9 percent. The average business borrower probably pays 11 or 12 percent in interest. Now if earnings before paying interest are still positive but fall to 50 percent of their present level, the average American corporation will be losing money. It must rely on its diminished equity to stay solvent. Interest payments are absolute. They are compulsory. They cannot be postponed. They cannot be stretched out for a single day. So what does a firm do as its earnings fall and it faces an interest cost that takes more than half of its earnings before meeting its debt obligations? It cuts every expenditures in sight. It postpones its capital expenditures. It kills research projects. It reduces its advertising. It reduces wages and salaries. It lays off every nonessential employee. And what does all this do to our country's economic growth? The answer is a slow down in business spending. But that is not all. What does the average householder do as millions of jobs become endangered in the face of the highest debt in relation to personal income and savings that households ever faced? The householder knows he and she have to pay that big interest cost or lose their house. So they cut spending. They stop eating out. They do not take that vacation. They put off buying that car they planned to buy. Result: a sharp recession strikes.

Now, Mr. President, none of this may take place tomorrow, or this year or maybe even next year. But the debt we suffer today, the highest household and business debt ever by any measure is a ticking time bomb. This is exactly why the sooner all Americans get on a thrift kick on every front—Federal Government, American household, and the Nation's business, the better we will be. Yes, indeed, that thrift kick will slow the economy. It will bring a recession earlier. But it will enable our country to begin reducing the debt. We cannot avoid a recession. But if we reduce the debt on time, we may be able to avoid a depression, and save this great American economy.

Mr. President, I once again thank my good friend, the majority leader, and I yield the floor.

Mr. President, I suggest the absence of a quorum.

The **ACTING PRESIDENT** pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. **BYRD.** Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The **ACTING PRESIDENT** pro tempore. Morning business is now closed.

EXECUTIVE SESSION

FISHERIES TREATY WITH CERTAIN PACIFIC ISLAND STATES

The **ACTING PRESIDENT** pro tempore. Under the previous order, the Senate will now go into executive session to consider Treaty No. 100-5, which the clerk will report.

The legislative clerk read as follows:

A Treaty, Calendar No. 4, Treaty Document No. 100-5, Fisheries Treaty With Certain Pacific Island States.

The **ACTING PRESIDENT** pro tempore. The treaty will be considered as having passed through its various parliamentary stages up to and including the presentation of the resolution of ratification, which the clerk will report.

The legislative clerk read as follows:

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty on Fisheries Between the Governments of Certain Pacific Island States and the Government of the United States of America, with annexes and agreed statement, signed on April 2, 1987.

The **ACTING PRESIDENT** pro tempore. On this resolution, there will be 20 minutes of debate to be equally divided and controlled in the usual form. Who yields time?

Mr. **PELL.** Mr. President, I yield myself such time as I may need.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island is recognized.

Mr. PELL. Mr. President, the Western and South Pacific Ocean is an important fishing area for the U.S. tuna fleet. Hearings before the Foreign Relations Committee indicated that well over $300 million of tuna is caught in that area each year.

Most of the island states of the South Pacific utilize an archipelago concept to define their national boundaries. This concept allows a group of islands that form an intrinsic geographical, economic, and political entity to define its national boundary by connecting its outermost islands with a series of archipelagic construction lines. These lines are then used as baselines from which to measure a territorial sea and national economic or resource zone. Consequently, huge areas of the Pacific Ocean are being claimed as the economic resource zones of various island nations.

All of these island states wish to exert resource jurisdiction over all the fisheries, including tuna, within their exclusive economic zones. This desire conflicts with the U.S. position that tuna is a highly migratory species and should not be regulated by coastal states. As a result, there have been seizures of U.S. tuna vessels which resulted in U.S. retaliatory trade embargoes. This cycle of conflict has undermined our relations with a number of South Pacific nations providing the U.S.S.R. with an opportunity to exploit this problem through bilateral fishery agreements. The Soviet Union negotiated a fishing arrangement with Kiribati in 1985, and an agreement with Vanuatu in 1987.

In an effort to resolve this dispute and secure agreed terms of access for the U.S. tuna fleet, the United States has entered into an agreement with 14 of the 16 Pacific island nations.

This agreement consists of a treaty, three annexes and a related economic assistance package. I ask unanimous consent that a summary of the major provisions of this arrangement be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

MAJOR PROVISIONS

The following is a brief summary of the Treaty, its three annexes and the related economic assistance package:

Article 3 of the treaty and Annex I and II set out terms and conditions for U.S. flag tunaboats to purchase licenses for access to some 10 million square miles of the South Pacific Ocean, primarily within the 200 nautical mile zones of the island states.

Up to 50 licenses per year will be made available as follows:

Year 1: Up to 40 licenses will be granted at a base price of $50,000. Once 40 licenses have been issued, 10 additional will be sold at $60,000 a piece.

Subsequent years: License prices will be indexed to the price of tuna, but will not drop below $50,000 each.

The U.S. tuna industry has guaranteed a lump-sum payment of $1.75 million for 35 licenses in the first year of the treaty.

Industry license payments are comparable to those called for under the Eastern Pacific Ocean Tuna Fishing Agreement (EPOTFA).

The industry has also agreed to provide technical assistance valued at $250,000 annually for five years.

In addition to the licensing fees, the U.S. has agreed to a five year economic assistance package which consists of:

$10 million annually in the form of cash transfers;

$9 million of this amount will be divided among participating states on the basis of tuna catch; and

$1 million will be earmarked for development projects proposed through the Forum Fisheries Agency and approved by AID.

No licenses will be granted until the AID funds are paid.

Mr. PELL. Mr. President, this agreement will eliminate a serious foreign policy irritant with a number of democratic, pro-Western nations and will establish a fair mechanism whereby regional fishing licenses will be provided to the U.S. tuna industry. Therefore, I urge my colleagues to vote in favor of granting advice and consent to this treaty.

Mr. BREAUX. Mr. President, I appreciate the opportunity to lend my strong endorsement to the "Treaty on Fisheries Between the Governments of Certain Pacific Island States and the Government of the United States of America." By providing U.S. tuna fishermen access to fishing grounds throughout the South Pacific through a regional licensing program, the treaty represents an important reaffirmation of U.S. tuna policy and the commitment of the U.S. Government to working closely and cooperatively with the many governments of this region. Clearly, the treaty has substantial economic and political significance.

Mr. President, I first want to congratulate my friends and colleagues down at the State Department—particularly Ambassadors Ed Derwinski, John Negroponte and Ed Wolfe—for all their hard work and success in securing what is truly a complex agreement. As you know, as many as 14 very independent and unique Pacific island nations—with diverse perspectives regarding sovereignty, maritime jurisdiction and their relationships with the United States and the Soviet Union—are expected to ratify the agreement. In fact, few treaties involve as many distinct governments or pertain to as large a geographic area—I understand that 10 million square miles of waters rich in tuna are covered by this agreement. I suspect that we have only begun to perceive the many benefits a strong relationship with the South Pacific region will bring for all nations involved.

Hand in hand with the treaty goes the economic assistance agreement with the South Pacific forum fisheries agency. Under this related agreement, the U.S. has made what I feel is a very necessary commitment to provide $10 million in economic assistance for each of 5 years to the South Pacific forum fisheries agency—which serves as the agent for the signatory nations.

Mr. President, as is well recognized, the Pacific island nations very much desire and deserve the opportunity to improve their economies and standard of living. It is certainly appropriate and wholly consistent with United States foreign policy to assist these nations to achieve their long-term goals of economic stability and independence—particularly if U.S. industry will benefit as well. And, it will. Under this agreement, U.S. tuna vessels will achieve access to 10 million square miles of what may be the richest of tuna fishing grounds in the world.

Representing the American tuna industry's commitment to the agreement, U.S. tuna vessels will purchase regional licenses at $50,000 each with a first year guaranty of 35 licenses and $1.75 million. Beyond administrative expenses, these revenues will be distributed among the island nations that are party to the agreement. The U.S. industry has also committed to provide $250,000 of direct fisheries-related technical assistance each year to the signatory nations.

Mr. President, I have been following the progress of this negotiation closely for quite some time now—well back into my tenure in the House as chairman of the Fisheries and Wildlife Subcommittee. In fact, tuna jurisdictional issues have become almost second nature to me. For the record, I have remained a strong proponent and advocate of the U.S. juridical position that, due to their highly migratory nature, tuna cannot be effectively conserved and managed on a unilateral basis. Instead, such conservation and management must be addressed on a cooperative, multilateral basis throughout the range of the species. I have to commend the dogged efforts of the State department over the years to bring this policy of responsible resource conservation and management to the recognition of many nations whose declared economic zones support populations of highly migratory tuna.

In this regard, the treaty before us is consistent with similar existing tuna treaties pertaining to other regions of the Pacific and the North Atlantic. These have shown to be highly effective from a conservation and management perspective. A case in point is the International Convention for the Conservation of Atlantic Tunas [ICCAT] which represents the multilateral management regime for North

Atlantic tuna. Upon the coming into force of ICCAT in 1969, the extremely valuable bluefin tuna fishery was heavily overfished, particularly by Japanese longliners, and the population was in a dangerous state of decline. An effective conservation plan for bluefin was established through ICCAT and today I am told that the resource is slowly recovering. This could not have been achieved by the United States on a unilateral basis because much of the resource and fishing occurs beyond the fisheries jurisdiction of the United States. Instead, rangewide management was accomplished through the cooperative participation of all parties, particularly Canada, Japan, and the United States.

Toward the achievement of responsible and effective tuna management globally, it is also important that Congress continue to actively support current U.S. tuna policy as specified in the Fishery Conservation and Management Act of 1976. That statute calls for economic sanctions against those nations that persist in their shortsighted jurisdictional claims over tuna. Many U.S. tuna vessels have been forcefully seized at gunpoint by foreign nations based on irresponsible jurisdictional claims the United States neither claims itself nor recognizes. These aggressive actions are at substantial cost to our U.S. tuna fishermen and certainly threaten the safety and lives of their crew.

Under authority of the Fishermen's Protective Act, the State Department backs up U.S. tuna policy by providing economic compensation to those U.S. tuna vessels who are the victims of such actions and who are operating in a manner that reflects U.S. tuna policy. I would simply urge my Senate colleagues' continued support for these important policies and programs.

Again, I urge the Senate to move swiftly toward ratification of the agreements before us and I look forward to personally working on implementing legislation.

Mr. PELL. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the call for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECESS UNTIL 10 A.M.

Mr. BYRD. Mr. President, the vote on the treaty is to begin at 10 o'clock this morning. No other speakers, I am informed, wish to take time prior thereto. Therefore, I ask unanimous consent that the Senate stand in recess until 10 a.m. today.

There being no objection, the Senate, at 9:49 a.m., recessed until 10 a.m.; whereupon, the Senate reassembled when called to order by the Acting President pro tempore.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the resolution of ratification on Executive Calendar No. 4, Executive Treaty Document No. 100-5, 100th Congress, 1st session, Fisheries Treaty With Certain Pacific Island States.

The majority leader.

Mr. BYRD. Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Oklahoma [Mr. BOREN], the Senator from Tennessee [Mr. GORE], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from New York [Mr. MOYNIHAN], and the Senator from Illinois [Mr. SIMON] are necessarily absent.

I further announce that, if present and voting, the Senator from Tennessee [Mr. GORE] would vote "yea."

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. BOND], the Senator from Mississippi [Mr. COCHRAN], the Senator from Utah [Mr. GARN], the Senator from Utah [Mr. HATCH], the Senator from Vermont [Mr. STAFFORD], and the Senator from Wyoming [Mr. WALLOP] are necessarily absent.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 89, nays 0, as follows:

[Rollcall Vote No. 371 Ex.]

YEAS—89

Adams
Armstrong
Baucus
Bentsen
Biden
Bingaman
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Chiles
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Evans
Exon
Ford
Fowler
Glenn
Graham
Gramm
Grassley
Harkin
Hatfield
Hecht
Heflin
Heinz
Helms
Hollings
Humphrey
Inouye
Johnston
Karnes
Kassebaum
Kasten
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lugar
McCain
McClure
McConnell
Melcher
Metzenbaum
Mikulski
Mitchell
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Proxmire
Pryor
Quayle
Reid
Riegle
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simpson
Specter
Stennis
Stevens
Symms
Thurmond
Trible
Warner
Weicker
Wilson
Wirth

NOT VOTING—11

Bond
Boren
Cochran
Garn
Gore
Hatch
Matsunaga
Moynihan
Simon
Stafford
Wallop

The ACTING PRESIDENT pro tempore. Two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the resolution of ratification was agreed to.

Mr. CRANSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

LEGISLATIVE SESSION

Mr. BYRD. Mr. President, I ask the Senate return to legislative session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD. Mr. President, the Senate will be on the energy and water development appropriation bill as soon as the clerk restates it. I will desist until the clerk has done that.

ENERGY AND WATER DEVELOPMENT APPROPRIATION ACT, 1988

The ACTING PRESIDENT pro tempore. The clerk will report the pending legislative business.

The assistant legislative clerk read as follows:

A bill (H.R. 2700) making appropriations for energy and water development for the fiscal year ending September 30, 1988, and for other purposes.

The Senate resumed consideration of H.R. 2700.

Pending:

Johnston modified Amendment No. 1125 (to the first committee amendment), of a perfecting nature.

Mr. BYRD. Mr. President, I hope shortly to be able to call up another bill on which there will probably be a couple of rollcalls, two or three. I would like to get this up sooner rather than later so that Senators could vote and then, at that point, I would be able to say, then, there would be no more rollcall votes today. But the Senate could proceed with debating the energy and water development appropriations bill. I am not quite to the point that I can call up that measure but I should alert Senators that I expect at this point rollcall votes, further rollcall votes today.

At this point, the Senate is on the energy and water appropriations bill and, as Senators will remember the Pastore rule, debate has to be germane on this measure for a period of 3 hours after the pending business or unfinished business is laid before the Senate and Senators should get consent if they wish to speak out of order.

It would be an accommodation to me as the leader and to the two Senators who are discussing this energy and water appropriations bill very assidulously and attentively, and giving their full time to it. I am referring to the Senator from Washington, Mr. Adams, and the Senator from Nevada, Mr. Reid.

If Senators would, if they expect to speak out of order, please ask consent to limit themselves at this point.

I think that is all I have to say. I yield the floor.

The **ACTING PRESIDENT** pro tempore. The Senator from Michigan.

Mr. **RIEGLE.** Mr. President, I wonder if it would be appropriate, then, to seek unanimous consent to speak out of order for a short period of time at this time?

Mr. **BYRD.** It certainly will be. If the distinguished Senator would say what he means by "short period of time"? Five minutes? Ten minutes? Fifteen minutes?

Mr. **RIEGLE.** Ten minutes, I would say.

Mr. **BYRD.** Unless we have a limitation, I have no control over the floor.

Mr. **RIEGLE.** I would say for 10 minutes.

Mr. **ADAMS.** I have no objection.

The **ACTING PRESIDENT** pro tempore. The Senator from Michigan is recognized for a period not to exceed 10 minutes.

SOCIAL SECURITY SHOULD STAY OFF THE TABLE

Mr. **RIEGLE.** Mr. President, I rise to address an issue that is presented in today's New York Times on page A14. The headline is "Social Security Brought Up In Deficit Talks Again."

The thrust of the story is to the effect that the Social Security issue apparently has somehow gotten on the table in the deficit reduction talks. The article goes on to indicate some of the negotiators in talking with, apparently, this reporter, indicated "Several negotiators said this week that they were still hoping that a package with a Social Security cut could be assembled."

It goes on to describe one proposal. That would be a limit on the cost-of-living increase, in effect a cut in the coming year's cost-of-living increase, of 2.2 percent.

It goes on to indicate that if that cut were to be part of the package it would save in outlays from Social Security $4 billion in fiscal 1988 and $12 billion in fiscal 1989.

The reason that I take the floor is because this issue is now very much in the public domain because of this article, and others like it in other national papers today. But I want to address the issue of Social Security in this context, because Social Security is a separate trust fund. It is in surplus. The surplus is building every day. It is not the cause of our Federal budget deficit. Many of us for a period of years have fought to get the Social Security account put completely and separately to the side so that it is not even commingled in an accounting way with the Federal budgets. In fact, we are scheduled to do that, but it has not yet happened.

What happens here is that the surplus in Social Security under the bookkeeping system that we have today under Gramm-Rudman can, in effect, be used to hide spending in other parts of the Government. The more Social Security benefits might be cut and increase the surplus in the Social Security fund, the more that would allow us in the accounting system to go over and do other spending in other totally unrelated areas of the Government, whether it is defense spending or nondefense spending.

That is why the President the other day, when he said Social Security should not be on the table in these discussions, was exactly right. I applaud the President for having said that. That was a proper position to take because it is not a part of the deficit problem. How it may be finding its way back on the table, as stories like this indicate, is really hard for me to understand.

I do not happen to be a member of that budget consulting group so I do not know in a direct way what is going on there.

Let me just put the facts into the Record.

In fiscal year 1987, the Social Security surplus will be reducing the deficit by $19 billion. That means that we had coming into the Social Security trust fund at least $19 billion over and above what is being spent from the Social Security trust fund.

That surplus will increase this fiscal year, in 1988, to cut $38 billion off of the deficit, and it continues to rise.

In fact, over the next 6 years, Social Security will produce a surplus into the Social Security trust fund of $287 billion of deficit reduction.

It is very important that that happen because those surpluses have to go in now and then they earn interest over the years and then that money is there in the future to pay the claims of workers who are now working but who will retire in the future.

So, the Social Security trust fund is very strong, very solvent, and it ought not to be tampered with here in any way, shape, or form. But there are some other factors that are in the works that should be brought to light.

Senior citizens next year are going to be hit with the largest increase in their Medicare premium that they pay as a deduction from their Social Security check that they have ever had. That increase will be 38.5 percent on the 1st of January of next year. That means that the deduction from each person's Social Security benefit that goes to pay the Medicare part will go up from $17.90 a month to $24.80 a month. So already Social Security recipients next year are going to find that their Social Security payment is going to be reduced.

Hopefully, if the cost-of-living adjustment stays in place for the coming year, that will help restore some of the buying power and that will help offset that cut in the payment that is going for increased Medicare costs.

Then there is a second cost that is coming down the track and that is the new cost for the catastrophic health insurance.

It is fair to say that the catastrophic health insurance package provides a new benefit, as it does, but it has to be paid for and the seniors are going to be paying for it.

The bill that we have passed has every senior paying an additional $4 a month, which will come out of their Social Security check. Then there is a sliding scale supplemental premium that also will have to be paid for those people who have high incomes. As I recall, there are about 60 percent of the citizens who will not pay the supplemental premium but, of course, the rest will.

So we have those two additional charges that will impact on Social Security recipients beginning in January of next year. That is why we have to be very sensitive about any prospective cut in the cost-of-living adjustment.

The COLA, or the cost-of-living adjustment, does not provide the Social Security recipient with new spending power. That adjustment is done after the fact to take account of inflation that has already happened and has reduced the spending power of their Social Security payment. So the COLA adjustment is a catchup. It simply brings them back to where they were before in terms of restoring the buying power of their money because prescription drugs are going up, fuel oil costs are going up, home utility bills are going up, telephone bills are going up, medical costs are going up, everything is going up, by and large, and it hits people on fixed incomes in a severe way.

In addition to that, there is another factor that bears on this. That is starting in this coming year, 1988, workers who are presently in the work system are going to have their Social Security tax rate increased. It is already in the law and scheduled to take effect. It is going up from 7.15 percent to 7.51 percent. So these taxes that are already scheduled to increase the amount that is deducted for Social Security, of course, will be a reduction from net disposable income for the current work force. But I think that work force is entitled to know that that money is going into the fund that is being used only for Social Security and not through any other kind of bookkeeping device or anything else, in a sense, being diverted off to help finance or to hide the cost of other parts of the Government.

Another item that is coming in, is that on top of all of that, in the Senate reconciliation bill we lifted the cap on the Medicare payroll tax. That, again, is going to impose a new burden on workers, which will go into the Social Security funds, but I think it creates one more very powerful reason why people do not want Social Security tampered with. We have had a lot of votes here in the Senate over the last several years, and we have had any number of public opinion polls taken, that show overwhelmingly that people understand that Social Security is a separate trust fund, it is in surplus, it is not contributing to the deficit, it is not the cause of the deficit, and it is not the answer to the deficit problem.

If you go out and in some arbitrary way scale back on Social Security, it really is not in any direct, honest fashion helping us financially with the Federal budget deficit.

I think it is important to understand clearly the relationship here between the Social Security trust fund, which is a separate trust fund for that purpose, and the rest of the Federal Government because the Social Security trust fund ought to be kept totally separate and apart. But the way it works today is if someone found a way to cut Social Security and increase the surplus of the Social Security trust funds, under the budget accounting system that "saving in Social Security" could actually be used to hide an increase in spending in the defense budget or in any other part of the Federal budget.

Basically, that is what has gone on for a long period of time. When Social Security was put into the Federal budget in the so-called unified Federal budget, it was done when Lyndon Johnson was President and it was basically to take the surplus of the Social Security fund to hide the buildup in the cost of the Vietnam war. So it was done for an improper purpose at that time.

The ACTING PRESIDENT pro tempore. The Senator from Michigan has spoken for 10 minutes.

Mr. RIEGLE. I ask unanimous consent to speak for 3 additional minutes.

Mr. ADAMS. This Senator has no objection.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Michigan is recognized for 3 additional minutes.

Mr. RIEGLE. I thank the Chair. So at that time, we have had what is called a unified Federal budget, and what this has done is put Social Security out there as a target year after year because by cutting Social Security, it was a way to create an accounting saving that would be used to hide spending in the other part of the Federal budget. And that is really what is going on here even though technically Social Security is no longer part of the unified Federal budget.

It seems to me that rather than cut the spending in the regular part of the Federal budget or to raise the revenues to pay for it, any proposal to chip away at Social Security is really an attempt to find a larger surplus to use to offset or to hide or to disguise that unwillingness to really pay our bills over in the regular part of the Federal budget.

Now, Social Security recipients are different in another respect. Some people say, "Well, if you are going to look at veterans' pensions or any other kind of pensions, don't you have to look at Social Security?" There is a certain merit to that argument, but there is a lack of merit when it comes to the fact that the Social Security system is a self-financing system. It is a separate trust fund. And it is on a solid financial footing. Our seniors, when they reach the retirement age—many of them now in their seventies, eighties, even nineties—count on this money. Most of them have little income over and beyond their Social Security income. As their health goes downhill—in many cases the husband or the wife passes away and one is left—Social Security income is literally the amount of money that they have to survive, to eke out in many cases a bare existence.

So to target them today, to say that they are the ones who are going to have their benefits scaled down in order to provide a way to justify and avoid either a real spending cut or revenue increase, to cover the spending in the rest of the Government, to me is exactly the wrong direction to take. I do not think the country wants to do it that way and I do not think we will have fooled anybody. I think the public knows that Social Security is not the problem, it has not caused the Federal deficit, and that cutting Social Security is not going to solve the budget deficit problem.

I hope we can have a package. We need one. I would like to see one before the end of the day. I have suggested, along with the others, that the President take the negotiators, go out to Camp David, sit down around the table, the President leading the discussion, and not let anybody leave until a package is worked out, whether that takes a few hours or a few days. That is the way to really get this thing done.

With a combination of spending cuts in the budget itself, the direct Federal budget, and some combination of revenues, I think we can get a package that will do the job. I will support that package. But I must say that if somebody tries to reach over into the Social Security trust fund to create an artificial saving, thereby scaling down Social Security in order to bring that money over to justify in an accounting sense more spending or a lack of fiscal discipline in the regular Federal budget, then I would have to offer an amendment to correct that. We would have to vote on it, as we properly should. I hope we do not come to that.

I hope that we can get a package. It is essential that we have one. I am prepared to support a tough package of honest fiscal discipline, both spending cuts, even in areas that I do not want to see cut, as well as the necessary revenues to pay the bills, but let us leave Social Security alone. It is not the problem. It did not cause the deficit problem and cannot solve it. And it should not be asked to solve it.

I thank the Chair and I thank the majority leader.

Mr. PRESSLER addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from South Dakota.

Mr. PRESSLER. I ask unanimous consent to proceed for 5 minutes on a subject separate from the legislative business.

Mr. ADAMS. This Senator has no objection.

The ACTING PRESIDENT pro tempore. Is there objection? Hearing none, the Senator from South Dakota is recognized for 5 minutes.

JUDGE GINSBURG

Mr. PRESSLER. Mr. President, I wish to speak regarding Judge Ginsburg and the issue of marijuana use.

Mr. President, I am not making a judgment on the use of marijuana by the judge at a certain point in his life, but as one who has supported Judge Bork and Judge Manion and all of President Reagan's judicial nominees, I am very concerned about this nomination. I had a discussion with Judge Ginsburg in my office late on Wednesday. At the end of that discussion I, as a Senator who was likely to support him but was not yet committed to support him, asked him if he would tell me if there was anything that might cause me embarrassment in supporting him, and he said, "No."

That distresses me, because from some news reports I have heard this matter already had been raised, and as a Senator I have a great deal of difficulty with that.

We go through a process whereby each Senator has a means of arriving at his own conclusions, and I shall not arrive at a final conclusion until the hearings have been held. But when a judge comes into a Senator's office and is asked such a question as that, I think full disclosure is required.

Another thing that troubles me about this nomination is the White

House clearance process. Are questions not asked about such matters as possible marijuana use? Senator Baker told Judge Ginsburg to think it over the night before he was nominated, and if there was anything in his background to bring it forth then, and he did not. So it is really a question of how Judge Ginsburg has handled this matter.

Let me also say that I do not know the facts surrounding the use of marijuana by Judge Ginsburg, but if it occurred when he was a Harvard Law School professor, then it is a serious matter—and indeed the news reports say that it did occur during the time he was teaching at Harvard Law School. I have advocated getting a Justice on the Supreme Court who is tough on crime, so to speak, who is concerned about closing some of the loopholes that permit some criminals to escape justice.

I am very concerned about this whole matter. When Judge Ginsburg was nominated, I said I probably would support him, barring some unfavorable disclosure based upon his ethical or professional conduct. If indeed he used marijuana in the 1970's and into the 1980's when he was teaching at Harvard Law School, I would have a very difficult time with his nomination.

Aside from the issues that surround the use of marijuana, I am concerned first about the way the judge handled the subject in a discussion in my office, and there I am speaking just as one Senator and one Senator's vote is not going to decide this. But that very much disturbed me.

Second, I am very disturbed with the White House clearance process. All of us who support the White House nominees regularly, also have constituencies to answer to. We have responsibilities to our State and to our country. Putting someone on the Supreme Court is serious business and our people take it very seriously. So this is one Senator who wants to make it clear that he thinks the White House should sit down with Judge Ginsburg and go through his life with him to be sure there are no other such revelations and determine exactly the timeframe in which he used marijuana. I know he regrets it now, and I appreciate his saying that publicly.

It is unfair to those of us who are in the trenches trying to provide support, to ask him, "Is there anything else that might embarrass me as a Senator who is trying to support you?" being told no, and then reading contrary information in the paper. So I am not reaching any final conclusion now. But, Mr. President, let me say that the facts surrounding this, the way it was handled by the judge and by the White House, have been very disturbing to this Senator.

Mr. President, I yield back the balance of my time.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, I ask unanimous consent to proceed out of order for 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I have listened to the distinguished Senator as he has expressed his concern about the nomination of Judge Ginsburg to sit on the Supreme Court. This whole matter leaves me somewhat in wonderment. What are the procedures by which the administration, by which the FBI, do their background checks on important nominees? All nominees are important. But we are talking about a nominee to sit on the Supreme Court of the United States. How does the FBI go about doing these checks? Why cannot something like this come to the attention of the White House before it embarrasses a President or before it is made embarrassing by the nominee in a revelation that later comes to light which should have come to light earlier? I do not know what the procedures are. I will not say anything further in that regard except that it seems to me that any President should be spared this kind of problem through the procedures, if they are not too hastily conducted. And if they are more thorough, this kind of thing would not happen.

The thing that concerns me about this nomination—I am perfectly willing to hear Judge Ginsburg answer any questions on it—is the image that a Supreme Court Justice presents to the young people of this country. It was not a youthful indiscretion as I understand it. He did it while he was a law professor. And it was illegal.

What kind of image does this give to the young people of this country? We are all engaged in a war on drugs. The President and Mrs. Reagan have been leading this war on drugs, and quite appropriately. Now to have this happen, it seems to me, is most unfortunate, and it is not irrelevant. Then when we look at the cumulative effort, the conflict of interest problem, and now this, it is most disappointing, I would say. It is like a continuing of drops of water on stone.

It makes a piece in Shakespeare, Henry IV, part II, come to mind, when the insurgents were talking following the battle of Shrewsbury. They were counting their losses and talking of fighting again on another day. Lord Bardolph, one of the insurgents, said,

> When we mean to build,
> We first survey the plot, then draw the model;
> And when we see the figure of the house,
> Then must we rate the cost of the erection;
> Which if we find outweighs ability,
> What do we then but draw anew the model
> In fewer offices, or at least desist
> To build at all?

The administration failed. It has failed to survey the plot. It went through its battle of Shrewsbury with Judge Bork, and it has failed to draw anew the model and rate the cost of construction; in finding that the cost outweighs ability it has failed to draw anew the model in fewer offices or desist to build at all. In sending up its newer model, Mr. President, one should think that more care and more time would have been given, and that more thoroughness would have been given to the background check of the nominee.

Mr. SYMMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. Mr. President, might I inquire? Are we in morning business?

The PRESIDING OFFICER. We are on H.R. 2700.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, Senator PRESSLER spoke on a matter out of order, that being the nomination of Judge Ginsburg. I spoke out of order, and the Senator may get unanimous consent to speak out of order for such time, 5 minutes, 10 minutes, whatever he would like. So there would be no objection.

Mr. SYMMS. Mr. President, I ask unanimous consent that I might speak out of order for 5 minutes.

Mr. ADAMS. Mr. President, I have no objection to that.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Idaho is recognized for a time not to exceed 5 minutes.

Mr. SYMMS. Mr. President, I might just say that I was interested in the remarks of the distinguished majority leader, and I think that one must not fail to put this in proper perspective.

I might just say to my colleagues that the distinguished Senator from Arizona, Senator MCCAIN, and I just had a press conference in the Capitol Press Gallery. The subject of the press conference was our trip to Central America on which we are leaving today as members of the Commission appointed by Senator DOLE and Senator BYRD to observe the peace proposal. We got two or three questions, I must say, from the media about the peace process, and what we thought we might see in Central America, but the overwhelming interest was "Is Judge Ginsburg qualified to be on the Court with these latest revelations or not?"

I think we should not have such hysteria about these revelations, frankly. I think when you look at Judge Ginsburg's age group, and how many in that age group might have tried marijuana while they were in college, one might be surprised. I would hate to disqualify everyone from being a Justice of the Supreme Court or holding other important offices just because they may have made a mistake at a younger age.

I do think that the question of the cable company stock has been very fully answered for anyone who will examine it. There was no conflict of interest in that case. There is no conflict of interest. If anything, the position that the judge took actually would have been detrimental to the stock he owned. So I think that is not an issue.

We have heard the issue about whether his wife performed abortions when she was a young resident physician, under training, prior to the time he was married to her. Surely, we are not going to throw someone out for something that another person did who, by her own personal decision, no longer performs those medical procedures.

I think it is unfortunate, of course—and I have to share the concern expressed by the majority leader—that this issue has come up. But I think we should be careful, as Members of the U.S. Senate. Whom do we want on the Supreme Court? Do we want to take a bright, young person, get him through law school, lock him in a closet for 25 years, and then put him on the Supreme Court, so he has no experience of life? I think this holier-than-thou attitude and self-righteousness can be carried too far.

I think this young judge should have a full hearing, and the Senate should get on with it immediately. He has been nominated by the President, and we should decide whether or not he is qualified to sit on the Court. We should make that judgment on the whole person and not focus our attention on mistakes he admits to making many years ago. He has admitted it was a mistake. I said in the press conference that if people in my generation, who are 10 years ahead of Judge Ginsburg, has to answer whether or not they had a beer in high school, when that was illegal for people under 21, there would be very few people in that age group who could truthfully say, "No."

I think we ought to sit back, make a fair appraisal of this judge, put the mistakes of his youth proper perspective.

It is unfortunate, of course, but it did happen. I think it is being blown out of proportion, and I do not think it contributes to the dignity of the Court or the comfirmation process to make it the focus of our debate.

I think the young judge is highly qualified, he has a very distinguished record, and he should be given a fair hearing by this body.

The ultimate question, so far as I am concerned, is what he is doing now, what he had done during his tenure on the court of appeals.

Second, what kind of judge do we believe he will be on the Supreme Court. Will he in fact be a strict constructionist? That is what the issue is. Do we want an activist Court or a strict constructionist Court? So we want a Court that will interpret the laws passed by Congress and the State legislatures, or are we going to have Judges on the Court who want to write laws? That is what the issue is.

Mr. PRESSLER. Mr. President, I ask unanimous consent to proceed for 2 more minutes.

Mr. ADAMS. I have no objection.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr PRESSLER. Mr. President, I have not reached a decision on Judge Ginsburg but if he did use marijuana during the time he was a professor at Harvard Law School, I would have a very difficult time supporting his nomination. I say that as a graduate of Harvard Law School, in this context: that this administration has had a very strong war on drugs. It is a situation that would be very hard to explain. Support for a person who used marijuana while a professor of law to be Supreme Court Justice would be very hard to defend in my State.

Much as I want to support President Reagan's nominees, I do respond to the constituents of my State, and of course I also have certain beliefs. This is a serious matter. I have asked the White House to reassess this nomination, to get the facts out on this point. But I will not reach a final decision until I get more information.

If the press reports are true, that it was strictly when he was a student, that perhaps is another story. I did want to clarify that point.

ENERGY AND WATER DEVELOPMENT APPROPRIATION ACT, 1988

The Senate continued with the consideration of the bill (H.R. 2700).

The PRESIDING OFFICER (Mr. CONRAD). The Senator from Washington.

Mr. ADAMS. Mr. President, a parliamentary inquiry.

What is the pending business?

The PRESIDING OFFICER. The pending business is H.R. 2700.

Mr. ADAMS. Mr. President, I seek recognition to discuss H.R. 2700.

The PRESIDING OFFICER. The Senator is recognized.

Mr. ADAMS. Mr. President, some Senators may believe—and this concerns this Senator greatly—that this issue is not of concern to the citizens of their State, that this is an issue that concerns only the States of Washington, Nevada, and Texas.

I know that many of you may be both relieved that your State was not selected and weary of the issue. Many of us would like this issue to go away, also. For those of you who believe that once a final site is selected your problems will have ended, let me just suggest that your problems have just begun.

While it is true that during construction of a multibillion-dollar repository, opposition to the site will likely be confined to the host State and its adjacent States and the transportation States and the loading and unloading States, which gets to be quite a number—but may not be a majority of the Senate—I ask this question, and I hope my colleagues will focus on it: What will happen upon the completion of a repository? How do my colleagues think the waste will get to the repository? It is not going to appear there by magic. It must travel across this country, primarily from east to west.

I ask my colleagues in the Midwest and the South, in Missouri, Tennessee, Kentucky, Illinois—all major transportation States—what will you say to the people of your State when they ask you where you were when this issue was being debated? Where was your voice? At the time voices are raised and these questions are asked, it will be too late. Billions will have been spent. The repository will have been completed. Maybe you will not be here then to answer the questions. Maybe I will not be here, because it is a long time away. But I want the people of my State to know and I want my children and grandchildren to know that this Senator spoke up and told the truth about what DOE has done.

This Senator tried to prevent the U.S. Senate from making a terrible mistake. We are making a decision that future generations will have to live with. If this bill prevails, politics will win and policy and science will lose and the American people will lose.

As I have said before, this should not come down to an East versus West issue. It may come down to that, but I think if it does, it will be a tragedy.

Let us not forget that the ranking member and former chairman of the Energy Committee when this bill was being debate and later enacted was a westerner. He carefully crafted with Congressman MORRIS UDALL, the chairman of the House committee, a bill that addressed the concerns of the East and the West. Senators were promised that science not politics would determine the final selection.

My colleagues, that Senator was Washington's Scoop Jackson. Imagine what he would be saying if he were here today to witness what has become of the 1982 Waste Policy Act.

Those of you who knew Scoop, as I did, knew he wanted a solution to the waste problem because, as I pointed out, no State has more defense waste than Washington. The promises made in 1982 are promises being broken in 1987.

Let me say this: Had Scoop foreseen the future, I do not believe he ever would have agreed to this bill. I do not believe this bill would ever have seen the light of day, and we would not be here debating amendments to the 1982 Waste Policy Act on an appropriations bill. We certainly would not because the chairman of the Energy Committee, then in his days the Interior Committee, was not involved with the Appropriations Committee, but I might state that another Senator from the State of Washington was chairman of the Appropriations Committee, the Honorable Warren Magnuson, and there would have been no 1982 Waste Policy Act if they had known that in 1987 there was going to be this kind of change.

We are not debating minor changes. These amendments drastically change the system. This bill drastically changes the system. The amendments are sort of frosting around the edge of a very large and not very well done cake.

I remember one time when I was very young and wanted to bake my mother a birthday cake, and I tried to make an angel food cake. I tended to be very liberal minded, so I followed the directions very closely, and I put all of the proper ingredients into the bowl. What I did not understand was what the words "fold in" meant with egg whites, so I beat them in. The result of that angel food cake was that it had a lot of ingredients in it, but the cake, instead of being 6 inches high, was 2 inches high.

Now, that is what is happening here. We have a lot of ingredients, but we are not following through with them in proper fashion. We have not baked the cake right, and what I am concerned about and my colleagues should be concerned about is we are going to have a 2-inch high angel food cake, and let me tell you it is very heavy, even the dog would not eat it, and I think we should be thinking about that when we are changing this act and not focusing on the baking, which is what DOE did with all of these ingredients, and they baked a very bad cake.

What I am concerned about is that my children and grandchildren are going to have to eat this cake. I do not know whether we will live long enough to see all of the things that are going to happen in the time periods that are mentioned, 2007, 2010, and so on. I hope I am here and I hope I still have floor privileges because if this bill comes through I am going to take my little cane and walk through those back two doors and say "How are you getting along in the year 2010?" And there is going to be a little group of people cluster around and they are going to say, "You know, you folks didn't do that very well."

So, what I am going to talk about next is what we do about restoring the protections that were carefully crafted 5 years ago and so we will not wish at the year 1998, 2000, 2010 that we had simply let politics rather than science make a national decision, because, Mr. President, I want to turn for a minute to the issue of both politics as it affects this bill and the timeframe in which the decision to select a repository site is being made.

Yesterday my colleague from Nevada, Mr. REID, spent a good deal of time talking about the experiences that his State had with the Department of Energy.

A little later in this debate, either today or on Tuesday, I am going to start informing my colleagues of what the Governor of our State has said about this bill and about the amendments and that this was said immediately after DOE made a decision on May 28, 1986, about the bill and about what was going on and why the State was so opposed. There were three issues which he talked about, and they were short-term management and storage of spent fuel, the need for timing of a second repository, and, most important, credible siting process.

That leads me to discussing the issue of the behavior of the Department of Energy and the time period in this amendment which the Senator from Louisiana has submitted to the Senate that puts the decision into a lameduck administration, in other words, the decision to be made January 1, 1989, a few days before a new administration is sworn into office.

Mr. President, there has to be a new administration. The Constitution prevents Ronald Reagan from running again so there will be a new administration. So this is being put into a lameduck administration.

Why are we concerned about this? As my colleague from Nevada, Mr. REID, talked about yesterday of his experiences with DOE I believe at one point he called behavior of the Department "rude" and at another point he suggested their behavior was "obnoxious." Senator REID is a very gentle man. And I suspect that the terms he used to describe the Department of Energy are not the words that may spring to the minds or trip off the tongues of some of his constituents or mine. Unfortunately, those words cannot be reproduced in the CONGRESSIONAL RECORD. So I will have to leave it to the imagination of my colleagues and the well-rounded vocabulary of staff to come up with some more descriptive and earthy terms. I am tempted to say that DOE's behavior has been "inappropriate" but somehow that just does not capture the full range of emotions I feel my constituents feel and constituents of other Senators feel. Nor do some of the other terms I found listed in a copy of "Webster's Collegiate Thesaurus" which the Senate supplies to each office. There I found words like "lumpy," "raw," "rough," "unpolished," "primitive," "imperfect," "lacking in social refinement," "disrespectful," "uncouth," "ungracious," "brusque," "crusty," "surly," "boorish," and even "loutish." But they do not really do the job.

In fact, the word that came closest to being both printable and expressive is the word "vulgar." At least it is suggestive of what I feel.

But, Mr. President, this morning I do not want to focus on the nature of DOE's behavior and decision. Those are a matter of record and we will discuss those later in the debate with the measured comments of our Governor at the Western Governors' Conference and a number of other people.

Instead, I want to look at and talk about a decision that is still a matter of conjecture but is in this amendment—I hope it will just remain a matter of conjecture—and that is the decision in the pending amendment that requires the current administration to make a decision in the days just before it leaves office.

You know, Mr. President, when I suggested some modifications in the nuclear waste section of the pending amendment with the chairman—and I have had discussions with the chairman, staff have had discussions with the chairman's staff; we are not here discussing this matter because we have not tried to reconcile our differences—I was told that one point they could not yield on was a requirement that a site be selected on January 1, 1989. And that is what is in this amendment. In other words, this is going to be selected between the election in November 1988 and the taking of office of the administration, the new administration—and as I say, it has to be a new administration because Ronald Reagan cannot run again—in 1989.

I told the chairman and his staff that I found that date difficult, very difficult, for a number of reasons. One of those reasons, of course, involves my belief that we just could not get sufficient information to make a decision on a site by that date. I am talking about the decision of what to characterize and to move forward with characterization. But another concern involves the obvious political possibilities of allowing a lameduck administration to make this decision just weeks before it leaves office. Now, Mr. President, every Member of the U.S. Senate knows something about political pressure. We would not be here if we did not know about political pressure—getting here and then after you are here. And we all know that we make decisions in relatively complex ways about what to do about politics and political pressure.

There is kind of a calculus of decision that involves consideration of issues in terms of a whole variety of factors, including such variables, hopefully, anyway, as the substance of the issue, the personalities of those involved, and the general politics of what is happening. Because people in political life and in Government have to arrive at consensus; they have to govern, and politics is the art of governing.

I regret that too often people say that it is politics and put it in the context that it is nothing more than a series of campaigns and focus on that portion of it. But politics gets people into office, keeps people in office, and is the manner in which governmental decisions are made. We do not have a perfect world and we do not have a nonpolitical world.

It is a pretty complex calculus and the relative importance of the factors that each of us use shifts with the nature of the kind of decision we are supposed to make, and the possible consequences—both personal and national—of what the decision itself means.

I say all that as introduction simply to indicate that I do understand the reality of politics and of what we are doing and how it impacts on Government decision. I know that no decision—no matter who makes it or where or when it is done—will be "pure." And certainly the decision to select a repository site will not be pure, either. It can be made more or less pure, however, depending upon the sort of evidence required to be considered and the amount of time that you have got to make the decision.

I have already talked in my prior remarks about some of the kinds of evidence that I think ought to be required—and I will talk more about that soon—but I want to focus here on this timeframe for making a decision, this January 1, 1989 date, for the lameduck administration.

To ask the Secretary of Energy and the President of the United States to make a decision of this magnitude just weeks before they leave office is just an open invitation to magnify the importance of political and personal considerations and minimize the role of objective data or scientific data.

Mr. President, as a nominee and later as a Cabinet officer in an administration as Secretary of Transportation, I have been through a transition, not on a theoretical basis but on an operating basis of: "You have been nominated. We hope you are going to be confirmed. And if you are, we have got to put in motion how the system is going to work."

You have an incredibly short time period. You come into office the first week in November and you have got to redo a budget and present it, because you are not going to go with the budget of your predecessor. You have got to do all of that by the last part of January. And everybody always tries to come up and extend it into early February. You cannot go much beyond that because you have to start the wheels in motion of getting an administration in place. You have to select all of the people that you are going to put into various positions. You have got transition books that would cover all the desks next to me and in front of me and literally hundreds of people working on this.

Now, as you are doing this in a new administration, you have the old administration there. And they are just as frantically trying, particularly if they are not confident in the new administration, to make a lot of decisions in an early fashion. And there is a great churning that takes place.

So let us just look at the picture of the scene in late December 1988. Let us take the worst-case situation first. I realize this is highly improbable, but let us assume for a moment that somehow, some way, the current Vice President of the United States has been elected to serve as President.

Now, the Vice President is an honest and an honorable man and he is qualified to run for this office. One of the things that makes him qualified is that he has some connection with the great State of Texas—one of the three finalists for the nuclear repository. I assume he might have some advice for the outgoing administration as they make this decision under the amendment on January 1, 1989. In fact, he might have some advice even if he was not elected to be President of the United States.

At the same time, some Texas representatives during this month of December might seek to discuss this issue with the President. It is also entirely possible—entirely possible—that some of the President's friends from Nevada, including some very honorable and distinguished former Members of this body who are very close to the President, might seek a meeting with the President in December 1988. I am sure nothing improper would happen at such a meeting. But I also assume that another element would be added to the equation that I have talked about on making the decision.

Now I am not sure, to tell you the truth, what numbers the State of Washington can toss into the equation at that point. But I assume that somebody in the State in some way would be able to find someone or bring something into that discussion.

And that is only the scene at the end of December, Mr. President. I assume that other action might take place during September and October of next year when Presidential candidates are crossing the country and seeking support in Nevada or Texas or Washington. I do not know what statements may be made then.

But I am certain if they arrive in any of those States they are going to be asked some questions and they are going to make some statements. Who can even calculate what the consequences of those campaign statements might be on governmental decisions in January 1989?

Now, Mr. President, whoever makes the decision and whenever the decision is made there will be some nonsubstantive factors operating. I know that, all of us know that. But my goodness, if you let an administration which does not have to live with the consequences of a decision make the call, then you have created an environment in which the nonsubstantive factors are magnified. That is just a fact of life, Mr. President. I know it, the Presiding Officer knows it, we all know it.

And I think we all know that is the wrong way to make a decision.

That is why, Mr. President, lameduck administrations in the closing days of their term in office rarely make decisions of much consequences. The Senate has a tradition of not accepting Supreme Court nominees made by a lameduck President or accepting nominees for other courts or other agencies from a lameduck administration. We would rather wait and give the new President—of whatever political party—the right to make that choice. We sort of recognize, on a gut level, that a decision like that ought to be made by a new President.

Afterall, that President and those Cabinet officers are going to have to live with that. They are going to have to administer it. They are going to have to go through months and years of creating the structure, asking for the money, going through the whole process. They should have a part of that decisionmaking process.

I know that the distinguished Senator from Louisiana will say: Well, that will take more time. You know, when we are talking about time in this decision, we are talking about a timeframe of 10,000 years. That is the half-life of this waste we are going to bury.

We are talking about 1998 when the Federal Government would start accepting this waste. We are talking about some place in the 21st century as it is operational.

So I would rather decide right now than to decide wrong and repeat and repent at my leisure.

We would rather wait, and you have suggested this, the distinguished chairman of the subcommittee who is managing the bill, to give the new

President of whatever political party the right to make that choice.

We recognize on a basic level that a decision like this ought to be made by a new President.

As a result, even if we adopted this legislation and it became law, in terms of actually accomplishing anything, I suspect that the requirement that the out-going administration made the decision before it leaves office is just an open invitation for our next President to suspend the decision. I would hope that any new administration would like to have some input into a decision of this magnitude.

It is going to involve billions of dollars. It is going to involve whole new transport routes. It is going to involve a whole new set of building of either bridges or determining that rights-of-way are appropriate for moving all of this. It is a big project.

We have got over 100 reactors. We have got thousands of metric tons of this waste. We have got a lot of nervous people who want to know whether it is going to go through their town or around their town. We have got small towns saying: I do not know, what if we got a propane fire and this is burning out there? What do I do with it? Because they may well mix trainloads or put it in trucking.

I have always found, as the Secretary of Transportation, that Murphy's law does apply. In fact, I used to call Murphy an optimist, because, for some reason, the deputy sheriffs standing around the cooking propane tanks would light a cigarette at midnight and throw the match over his shoulder and blow up the town.

I do not know why he did that but I mean these are the kinds of things that just go on. Transportation is like the invisible services. It is like plumbing. Nobody ever worries about it or thinks about it until it breaks and then everybody calls and we can never get the plumber.

The problem that the new administration is going to face is how are we going to move this? What States?

As part of one of the hearings that I was in, Mr. President, the distinguished Senator from Missouri, Senator DANFORTH, was concerned about the fact that the Three Mile Island waste was going out to Idaho and to Washington and a lot of people did not know it was going through St. Louis or Kansas City. They were a little disturbed about this. Then somebody said, well, the best track is through the major city. You do not want to put it on bad track. He was not quite sure he wanted it on good track if it went right through this town.

One of the witnesses made the mistake of saying: Well, you know, these are not major cities. To which he replied: They are major cities to me. They are major cities in my State.

I would hope the new administration would be involved in this. I further suspect that they would like to have a new team at DOE and they would like to review the facts and reach their own conclusion.

So, the very fact that the decision is forced by this amendment suggests that any decision which is made will probably not be sustained. In that sense, this amendment may not advance the cause of creating certainty in the Nuclear Waste Program. And I do not believe it will do anything at all for increasing the credibility of the Department of Energy, the Nuclear Waste Program, or the Federal Government.

Now while we are talking about politics, Mr. President, let me raise another point. During the process of considering this legislation in the authorizing and appropriating committees, various members with various interests in the issue sought—with one degree of success—or another, the opportunity to insert amendments which they thought would serve the interests of their States.

I am not talking about the appropriations bill because we have at all times said the appropriation bill is the Appropriations Committee's business. What we are talking about is legislation that is put into the appropriations bill.

They inserted amendments that they thought would serve the interest of their State. I do not fault those efforts. I think that some of them have some success. Hurrah for them.

What I must add, however, is I believe whatever they got was a lot more symbolic than it was substantive. But whether they got a fig leaf or a tailored suit, they did get something they could point to. And just yesterday, Mr. President, a few more folks took a trip to the tailor, a few more amendments were included as modifications of the pending amendment and I assume that some Members believe that their cause was strengthened as a result. But, Mr. President, as the chairman himself said as he introduced the modifications, they in no way break new ground, they aren't Earth shaking, and they don't really do anything to improve the basic flaws in the bill.

I will have more to say about that in a moment or two.

I do not mind their trying to do this, but they cannot get over the hard rock of the basic points that we have raised that need to be corrected in the bill, and they are not going to be. I know the distinguished Senator from Louisiana, who is my good friend, would give me an amendment that is a fig leaf as well as he would give it to anyone else. But I know he will not change the basic bedrock of things like the date of decision, having the criteria before you select this site, or having someone other than DOE in on the decisionmaking process for the site.

In plain truth, Mr. President, each of the Members who has received an amendment—as I say, we can call it a fig leaf or a tailored suit—has competing interests. Each one has attempted to shift the decisionmaking criteria, to the extent that any criteria exist in this bill, so that their State is protected.

I wish I had the press release that I assume each Member has issued claiming that this provision or that word made their State safer. Again, that is their business, and I do not fault it. But its danger is the effect on the making of the decision which makes the process a completely politicized process which will become even more politicized if you hand it to the lame-duck administration to decide between November and January 1, 1989.

You know, Mr. President, the reason that this exercise I do not think is a very good one for all those involved is if every Member here succeeds, then every State is protected. That just cannot be true. That just cannot be the case. It may be even worse if you think you have selected one State and all of a sudden the scientific and substantive processes come into play and people say, "Well, it was nice that all of this happened, but all the promises fall if the Department of Defense or the testing people with new devices say that a particular State is not suitable."

At that point they could go to No. 2 State and it is not suitable. Then it goes to Texas and we have completed the circle because we have the Representatives from Texas saying, "Now wait a minute. We do not want you to automatically throw these other two out."

That is why I thought, Mr. President, we ought to discuss a little bit the reality of the administration, and we will say something about what happens in executive branch administrations as they come in, and the whole politics of we will each save ourselves rather than making a national decision that really is the correct one.

Mr. President, I fully recognize that the Nuclear Waste Policy Act which Congress produced in 1982 is also a political document. There are some elements in the original act which have political undertones. They may even be overtones. But, Mr. President, if that act had political undertones, this amendment has political overtones.

I believe there is a fine line between allowing politics to influence a decision and allowing politics to control a decision. There has to be a scientific basis. That is the only way a consensus will continue. I think in this case in this amendment we have crossed the line between allowing politics to influence a decision and allowing politics to control a decision.

There are other aspects of it that I have mentioned but the lameduck administration is the glaring example.

As I indicated yesterday, Mr. President, I might have been tempted to play the pure political game if I thought my State was protected in its health and safety. But, fortunately, I was not faced with that decision. My State is not protected under this amendment, nor is any other for that matter. If it was, to the extent that it was, then the scientific basis of the decision would be undermined. That would not be good for my State and it would not be good for the Nation. Our Governor, the Members of the House, myself, and most citizens of my State realize that.

So, Mr. President, I realize there are always political dimensions to a decision of this nature, but I think this bill magnifies those considerations and minimizes the role of science by requiring a lameduck administration to make the decision and by including language which seeks to create the impression, the figment, that various States are fully protected. That just is not so, Mr. President.

Mr. President, these overt political considerations might not be fatal if the bill contained criteria—this is a second factor we have asked for and not received, and in this basic bill—criteria on which you base a scientific decision before you make the final selection. If the criteria were carefully drawn, the decision would be scientific in nature.

But again, Mr. President, that just is not the case in this amendment.

Later today and during next week, I am going to speak about the flaws in the bill which result from the lack of a full environmental impact statement before making the site selection.

This was sort of glossed over the other day and a statement was made that they are going to make an environmental impact statement. There is not going to be one before they select the site.

They have some language about limited environmental impact statements, but there should be a requirement which would base the decision of which site to characterize based on a judgment that the site is suitable for a repository rather than just being suitable to characterize.

The point I want to make here is simply that the loose nature of the criteria and the lack of an environmental impact statement requirement again creates a set of conditions which maximizes the political considerations and minimizes the scientific. In other words, we have first the date and then you have no criteria that are fixed. So it is going to be, again, a political decision.

Mr. President, that is what blew the consensus apart in this Senate. That is why many of us are here today. It was that the selection of the first three out of the five was made politically, not scientifically, by the Department of Energy. Their own documents reveal this. As those documents began to reveal what has happened, everybody said, "I have been jobbed." If it had been scientific, people would say, "Well, it is in the national interest."

The people of my State have been very good about national interest. They have had the best waste for 40 years poured on the ground, dug into little trenches, leaked, and, unfortunately, we find out now as they release documents that go back a required number of years, gassed, with the words they put out, iodine clouds in the early years, and they have the feeling they are not sure what is happening today.

Everytime somebody asks it is sort of a secret. I think that is one of the problems of the industry, that they have made it so secret, and everybody in a democracy like we have is always suspicious of secrecy. So when they hear that you have driven a truck filled with, in effect, plutonium dust—I will not go into all the technical names but we can supply them if anyone wants to have them—or a liquid group of plutonium, then you reach what is called a critical factor.

"Criticality" is another what I call buzzword or hidden word. It runs from one to five. One does not mean much and five means you start a nuclear chain reaction. In other words, if you put too much plutonium within a certain defined area, you create a critical mass, and it starts a chain reaction. These were on the outside. They were not in the reactor. And somebody was taking a shortcut with a truck and they had been doing it for years and they drove by. The criticality reached four. If it would have reached five, it would have started the reaction. Now, we are told by the manager and other people there that, no, it really would not have happened; it would have just been a small one.

But we are all kind of nervous now about nuclear things since Chernobyl because it so happens that the Hanford reactor is a graphite reactor of the same type as Chernobyl. It may not run as hot as Chernobyl, and we can get into a lot of technical things as to why it is different, but it has two things that are like it that the public understands. First, it is a graphite core, and the second thing is it has no containment vessel over it. And so people are pretty nervous.

Then when they hear that there has been a lot of situations out there that have not been really very healthful and somebody says, "Well, there is criticality and we do not know whether four or five has been reached," they are plenty nervous about the fact that they are not managing it very well. And when the folks that have brought you this say, "Trust us, trust me, we'll take care of the site selection; we'll take care of the drilling; you can trust us to handle your aquifer; you can trust us to handle the construction of this; you can trust us that we'll transport it in the right way," our people just do not buy it. And this happens again and again throughout the country.

It is really kind of a tragic tale because it has placed the whole nuclear industry in a position that no matter how hard we try, they are awfully hard to defend, and when you start taking an amendment like we have here and saying we are going to move the date up and then we are going to put it into the Department of Energy, which has brought you these other gifts, we begin to get more than nervous. We say there is a national interest involved, and we are not very confident and we would like to have some scientific people helping to make the decision.

That was the third element we have never been able to get out of the committee. We just said we can agree to an awful lot of the bill. We will go with sequential siting to save money. We certainly will go with a moratorium on digging the shafts, which was probably the most expensive part of it. But we want to have some people in there who are not just an advisory committee or conducting oversight. What good does it do to have an advisory committee that is going to report to the Secretary after the Secretary has made a decision, or his people are telling him to make another decision? I lived with a lot of advisory committees as the Secretary of Transportation. It was nice to have them. But finally we simply eliminated about two-thirds of them because all they did was have meetings, file a report, it cost a lot of money, and the operating people would always come in and try to override them.

Now, what I am saying, and what we have tried to have as an amendment and what is being proposed by the other authorizing committees, is we better have a blue ribbon commission look at the decisionmaking process, and then we better have some other people in here making this site characterization because if we do not do that, what will happen is that they will select a site, and as they select this site they will proceed with it. And after they have finished proceeding with it, and it turns out to be wrong, who is going to unscramble the eggs? I do not know why they do not want to hand off this thistle to someone else. Why are they so insistent of drinking from this cup of hemlock rather than passing it on to a scientific group or having a scientific group reconstruct who will decide.

I do not know whether it is bureaucratic inertia or pride. I have seen a lot of that in my life, too. I can remember arguing with Federal highway administrators on environmental questions of whether or not you built the highway through the middle of the city or whether you built it elsewhere. We sure got a lot of advice on that. But they had a lot of pride because they put a lot of time into that. The problem is that all civil engineers think that building a highway is like the basic law of physics, the shortest way is a straight line between two points, even though it may go through, for example, as in the State of Pennsylvania, the campus of Swarthmore University.

(Mr. FOWLER assumed the chair.)

Mr. ADAMS. I hope it is not just bureaucratic inertia that is influencing the committee to say we will not let anybody else in on the decisionmaking process. There are two factors in that decisionmaking process that this Nation needs. The first is to have a scientific group that can begin to restore confidence and create a consensus in the decisionmaking process. And I do not think you can re-create that in DOE at this time and you certainly cannot do it by January 1989.

The second thing is to set up a set of criteria that are scientific in nature so people can look at them and say we have met those criteria and it will work.

The third thing is to have enough data so you can show that you have met the criteria. And by data, I mean some very simple things. They use big words like hydrology studies, and so on. Let us just take plain words. How does the water flow from underneath and around the darned thing? Is the water going to come into it or not? If you are going to use a salt-based repository, is it going to corrode what you put in it, because salt will corrode most things. If it is going to be rock, such as under Hanford, it has all kinds of fissures in it. How long does it take the water to run from where you have it to the Columbia River?

We were told originally that this would take 30 years. That was DOE's report. Then it kind of said, "well, maybe 17." Then we finally got the geodetic survey to look at it and they were very nervous about it because one agency does not like to look at another agency and they said, "Well, it could be 5 to 7 years."

You see, we have had quite a bit of experience with water flowing, but we have had very little information. We have a reactor out there and we have liquefied waste. I know it is going to be said, "Well, these are going to be in containers. The containers are all going to be fine."

Well, what you are trying to decide out of this also is earthquake data, and why do you want that? Because you put these things down there in hard rock and the place shakes, it cracks them. And since these things have a half life of 10,000 years, I know I am not going to see them. At least I do not think so, unless something very unusual happens.

My children may not see them. But some of my descendants will still be around and will see them. That is why we are worried that we do this the best way we can. I do not expect it to be perfect. But I sure do not want it done by January 1, 1989, with no environmental impact statement and with none of the studies having been done before you start the characterization. We just ought to do that. A penny spent now is thousands, millions, probably even billions of dollars in the next 100 years.

One other point on that before I comment on what our Governor has said. I want to return briefly to those modifications that were made yesterday morning. One of the modifications, and it is cleverly drawn, said "was to meet our objections," and we have moved this bill considerably during the last 3 or 4 days of the debate. I still think they are in the fig leaf category but they are clever and in their attempt to meet the objections that we are raising like on characterizing the site. Characterization just means you are looking at it, you are determining whether or not if you use that site it is going to work, and as I said before, whether you will have water overflow, whether you will have earthquake, whether or not you have a lot of people nearby, whether or not it is near a volcano, and this kind of thing.

The amendment does not look at the site before you select. It leaves it politically to DOE which says we will pick this one, and then after you pick the site, you go around and characterize the other two.

So if you have made a mistake, you can go back and look at one of the others. That is not a very good system. I want additional surface-based characterization work before they drill some big hole. It is a central element of the approach of the bill by the Environment and Public Works Committee. That committee has done an excellent job. That is why I am arguing to have them in this process, that it not be on an appropriation bill, but that it be with authorization bills so that the committees that authorize and spend a lot of time on this are in the process.

So they are not bypassed in a conference with the House and the appropriations area. The environment and Public Works Committee is for surface-based characterization before you make the decision. That gives you a better chance of handling where you should look for a repository.

The chairman's modifications, the distinguished Senator from Louisiana, have characterization only after the repository site is selected. We have enough information to select a site for full characterization—in other words, drilling the hole, and in effect saying this is where we are going to go.

If we have enough information to spend a billion dollars, maybe two, but at least a billion dollars according to what was stated by the chairman, the distinguished Senator from Louisiana, spend a billion dollars drilling this humongous sized, deep shaft and doing everything else involved, why in the world do we need to spend even more money continuing research to gain information which according to the pending amendment we already have?

We either have it or we do not have it. I think we ought to get it first. But I do not know how you are going to characterize it if you do not have it before you make the decision.

I know what is trying to be done, that is by saying we will save some money by going ahead with the site with whatever we have, and we will try to characterize the other later, and saving money. It comes in now as savings rather than later.

I want surfaced-based characterization. So we really can make a rational decision about the site to select for indepth characterization. The chairman's amendment makes a decision about indepth characterization first, then seeks more information about the sites not selected later. That may make some political sense, as I stated earlier, Mr. President. By putting this in a lameduck administration you made it political rather than scientific.

I agree that the decision is going to have politics in it. That is a bad place to put it. As I say, it may make some political sense to put the timing off, but it certainly does not make any sense in terms of creating a rational decisionmaking process.

The same argument, Mr. President, applies to another very cleverly drafted repromulgation of EPA water standards. I want those standards corrected because they do not have any. But my interest was to have them available before you make a decision about which site would be selected for the in-depth characterization. If you are going to have EPA standards and you are going to do it, do it beforehand. Do it in advance so you know which site to select. But the amendment while recognizing the need for standards delays their development until 1990 after the site for in-depth characterization has been selected.

Again, Mr. President, I do not mind politics. I live with politics like everybody else does. But you are only going to get a consensus in this country if you have a scientific basis. That makes to me political sense, to have a scientific basis before you rush out and do this. It does not make much sense to go with no data, select one and then consider your sins later. We all consider our sins later in life, Mr. President, or after we have made the decision. But I hope that all of us consider it before we make those decisions. That is what we are trying to have happen here.

Mr. President, we have a process which is deeply flawed. It creates a timetable. It emphasizes political considerations and does not emphasize or require scientific standards to a degree sufficient to protect us from decisions which have been overly emphasized by the political considerations.

Mr. President, I ask unanimous consent that I may yield the floor now to the Senator from Nevada without losing my right to the floor at a later time and that the remarks that I have been making not count as a speech under the two-speech rule.

The **PRESIDING OFFICER.** Hearing no objection, the Chair recognizes the Senator from Nevada, Senator HECHT.

Mr. HECHT. Mr. President, I thank the distinguished Senator from Washington for yielding time.

Mr. President, nuclear waste is a very emotional and disturbing issue, but it is an issue that we must consider in its proper context. That context is the need for overall national energy policy.

Our main problem is we have no national energy policy. We have a policy that reacts rather than acts. The legislation we are discussing today is just another reaction to a problem. What this country needs is an energy plan that puts us back on the track toward inexpensive power to keep us competitive in the world markets.

Our current path of deep geologic disposal of spent nuclear fuel means we are going to put vast amounts of highly radioactive and long-lived usable fuel deep in the ground, and then hope it stays put for 10,000 years. And we are going to do this after transporting this highly dangerous material all across the country. In short, we are planning to throw away potentially valuable fuel and we are hoping our method is safe.

Mr. President, there has to be a better way; and there is. The best way to handle spent nuclear fuel is to reprocess it, recycle it, stick it back into a nuclear reactor, and burn it as energy. Now, as far as I have been able to determine, there have been four main objections raised to the idea of reprocessing spent nuclear fuel. These objections are cost, nuclear proliferation, the idea that reprocessing commits us to a breeder reactor economy, and the charge that reprocessing creates more waste than it eliminates. Let me address each one of these concerns in turn, and put them to rest.

First, let's discuss the issue of cost. It is true that today it is cheaper to use uranium fuel once, and then throw it away, rather than reprocessing spent fuel. But there are several factors here that require a closer look.

Today's uranium prices are lower than they will be in the future. Energy prices of all types have been very volatile over the last 20 years, but who would deny that the overall trend is for higher energy prices. This means, over time, that the cost difference between reprocessing and a once-through-the-reactor approach will become smaller and smaller. How long will it take for reprocessing to become less expensive than mining and refining new uranium ore? No one can say for sure, but if we don't plan for our energy future, we will be forced to spend years trying to play catchup once the economics of reprocessing turns around. We can't play catchup in the world economy and remain competitive. The answer is to take the blinders off and start planning now.

Energy requires long term investment and long term planning. We need to make sure that our current system has the flexibility to adjust easily and inexpensively when reprocessing becomes the less expensive way to go, and, sooner or later, that is exactly what is going to happen. Unfortunately, deep geologic disposal is going to make it very inconvenient at best, and excessively costly at worst, for America to change course when reprocessing does become cost effective. Over the next 16 years we will spend $10 billion on the Repository Program, with perhaps another $30 billion later, so the overall price tag on this ill-advised project will approach $40 billion. When fuel prices go up, as they inevitably will, and we are finally forced by economics to begin reprocessing, all this money will have been spent on an empty shell, a repository that goes unused. What a waste of the American people's hard-earned money.

If we proceed with a repository, then we are going to be transporting spent fuel halfway across the country and then putting it hundreds or even thousands of feet in the ground. In other words, the current program has us going out of our way to put a potentially valuable energy resource some place where it is going to be very hard to get when we need to use it again.

The day when reprocessing becomes cost effective may come much sooner than many people expect. One of the main cost factors in reprocessing relates to the fact that the fresh spent fuel is so difficult to handle. It is, after all, highly radioactive. However, if we let it cool off for a number of years, if we let the most intensely radioactive material decay before we try to reprocess the fuel, then the economics might be quite different. Most reprocessing systems use spent fuel that has aged for less than 5 years. Why not store this spent fuel in a convenient location and then reprocess it once it has aged for 40 or 50 years? By the time the first high level nuclear waste repository is scheduled to open up in this country at the beginning of the next century, we will already have on hand spent fuel that has been stored for 40 years. My point is this: By the time we get ready to open a repository, it will probably already make a lot more sense to reprocess the spent fuel, rather than throwing it away down a repository that has not been proven safe. Another cost factor to consider is that the cost of the once-through-the-reactor approach is not accurately represented. Traditionally, the costs of the Repository Program have not been included in estimating the costs of the once-through process. When these repository costs have been taken into account, they usually have been greatly underestimated. Just a few years ago, it was estimated that the cost of characterizing one possible repository site would be a few tens of millions of dollars. Now the price tag exceeds $1 billion. The price tag for the entire Deep Geologic Disposal Program is now estimated at somewhere between $30 to 40 billion. Now, if we were to reprocess spent fuel, we would probably need some sort of repository for the waste left over after reprocessing, but that repository could be smaller, cheaper, and built several decades later than the schedule we are currently debating here today. And, if the scientific community does what I think it can, a deep geologic repository might not be necessary at all. That means a substantial savings for the American people.

Let's compare this $40 billion deep geologic disposal with the cost of a reprocessing facility. The Energy Department told me earlier this year that the capital cost for building a reprocessing facility would be about $1.5 to $2 billion. The Department also estimates that annual operating costs would be about $100 million. So, if we assume the plant operates for 30 years, we end up with $3 billion in total operating costs over that period. Together with the capital cost, we are talking less than $5 billion for the reprocessing option and, we will during that time provide a lot of electric power for America's consumers and businesses. That seems to be a far wiser investment for the American people.

These are pretty solid numbers, because there are already a number of reprocessing facilities operating around the world for us to use as benchmarks.

The reliability of these reprocessing cost numbers is in stark contrast with cost estimates for a repository, which is nothing more than a dream, or some would say a nightmare, on somebody's drawing board. We have already seen the cost estimates for that nightmare multiply many times in the last 5 years. I am willing to bet that if we do go ahead with a repository program, then we will end up wishing that it had only cost the ratepayers the $40 billion estimate that now seems so outrageous. Like everything else built today, it's just going to cost more.

So in terms of the economic argument against reprocessing, let me suggest that if we consider that the cost of a repository program is seriously underestimated and usually ignored as a cost of the once-through process, if we consider that reprocessing costs are likely to be lower if aged fuel were used, if we consider that the cost of new uranium fuel is likely to be much higher 20 or more years from now when a repository is ready to open up, if we consider all these things together, Mr. President, then it makes sense for us not to prematurely commit the Nation to a repository that may end up looking like a very expensive white elephant. In the end, reprocessing will be the economically more sensible and safer course of action.

The nuclear proliferation argument against reprocessing has serious implications, and needs to be carefully addressed. It was this concern that led President Carter to impose an outright ban on commercial reprocessing. It is true that plutonium is isolated in the chemistry of spent fuel reprocessing. Plutonium can be made into atomic weapons. The fear was that unstable or unfriendly nations would use reprocessing of commercial fuel as a way to develop a capability for atomic weapons, or that terrorists would somehow get their hands on plutonium, and make their own bomb. The argument was that if the United States did not go ahead with commercial reprocessing, then no other country would either.

These were the fears, Mr. President. Now let's look at the realities. First of all, other developed nations went ahead with reprocessing programs. Second, commercial nuclear power programs spread across the globe. No nation has used commercial reprocessing to build a nuclear weapons inventory that couldn't have developed this same capability just as easily in more conventional ways.

Today we see that France, England, Germany, and the Soviet Union operated commercial reprocessing facilities. Many other nations ship their spent fuel to one of these countries to be reprocessed. Altogether, 29 nations now operate 395 commercial nuclear powerplants, and another 9 nations have their first nuclear powerplants on the drawing board. Worldwide, there are nearly 700 commercial nuclear powerplants either in operation or on the drawing boards. Every inhabited continent except Australia already has nuclear powerplants. Clearly then, nuclear power is a fact of life throughout the world, and will remain so for generations to come. Mr. President, I ask unanimous consent that a table listing all the countries with operating and planned commercial nuclear powerplants be printed in the Record.

There being no objection, the table was ordered to be printed in the Record, as follows:

USE OF NUCLEAR ENERGY IN THE WORLD, OCT. 26, 1987

Country	Number of reactors	Generating capacity (megawatts)	Nuclear as percent of total electricity	Number of additional reactors planned.
Argentina	2	935	11.0	1
Austria	1	692	4.7	
Belgium	7	5,465	64.0	1
Brazil	1	626	1.0	4
Bulgaria	4	1,620	32.0	6
Canada	17	10,343	13.0	5
People's Republic of China				9
Cuba				2
Czechoslovakia	6	2,380	15.0	16
Egypt				2
Finland	4	2,310	38.0	
France	48	44,945	71.0	23
West Germany	19	16,544	31.0	11
East Germany	5	1,702	12.0	10
Hungary	3	1,188	24.0	7
India	7	1,265		8
Iraq				1
Israel				1
Italy	3	12,285	4.0	14
Japan	34	23,740	27.0	25
South Korea	6	4,289	22.0	7
Libya				2
Mexico				2
Netherlands	2	507	6.0	2
Norway	1	20	.1	
Pakistan	1	125		1
Philippines	1	620		
Poland				8
South Africa	2	1,844		
Spain	8	5,677	24.0	10
Sweden	12	9,605	28.5	
Switzerland	5	2,930	40.0	2
Taiwan	6	4,884	52.0	2
Turkey				3
United Kingdom	38	11,340	20.0	5
United States	100	80,979	16.0	27
U.S.S.R.	51	27,999	11.0	76
Yugoslavia	1	615	6.0	1
Total	395			294

Mr. HECHT. Mr. President, the point is that nuclear power proliferation has already occurred, nuclear fuel reprocessing has been underway for a number of years in several countries, and yet the threat of nuclear war or nuclear terrorism is no greater as a result.

The third argument against reprocessing is that it only makes sense in a breeder reactor economy. The United States clearly abandoned the breeder reactor as part of our near-term energy future a few years ago when the Congress terminated the Clinch River Breeder Reactor Program in Tennessee.

Mr. President, this argument is the easiest to address. Although at some point the Nation may want to reconsider its decision about breeder reactors, it is simply not true that reprocessing and breeder reactors need to be linked together. Other countries already use reprocessing to manufacture mixed oxide fuel, fuel that is a mixture of uranium and plutonium. This mixed oxide fuel is intended for use in conventional commercial light water fission reactors. At the appropriate time, the United States could do the same thing. Reprocessing does not require the use of breeder reactors. Reprocessing is entirely compatible with a conventional nuclear power program.

Mr. President, the fourth argument against reprocessing nuclear waste, and recycling the energy potential of that waste, is that reprocessing creates more waste than it eliminates. The Nuclear Energy Agency of the International Organization for Economic Cooperation and Development tells a different story. The story is somewhat complicated and a bit technical. So I ask my colleagues to please bear with me.

When spent fuel is reprocessed, the weight of the residual high level radioactive waste material that still needs to be permanently disposed of is only about 20 percent of the weight present before reprocessing. The volume of vitrified waste material that needs to be disposed of is about 37 percent of the volume of the original spent fuel. Were it not for the fact that reprocessing involves the addition of various chemicals to disolve the fuel cladding and separate out the uranium and plutonium from the waste, and later involves the mixing of the residual waste with a glass-type material, these volume and weight reductions would be even more dramatic. For instance, only 3 percent of the original weight of nuclear isotopes that are present in the spent fuel are left in the waste after reprocessing.

A lot is said about plutonium in discussions of nuclear waste. It may be interesting for my colleagues to know that reprocessing removes 99.8 percent of the plutonium from the waste. So, clearly, Mr. President, reprocessing cuts down on the volume, the weight, and the radioactivity of the material that needs to be permanently disposed of as high level radioactive waste.

Reprocessing does generate some solid waste, which could be disposed of in a normal commercial dump. It also generates a volume of low-level nuclear waste, which has been easily and safely handled for many years in this country and elsewhere. Finally, reprocessing generates some medium level wastes, which as their label implies, these waste are about halfway between high level and low level wastes in their radioactivity. The important thing to take away form these statistics is the fact that the most radioactive waste, the most dangerous waste, the same waste that would otherwise need to be put in a repository, is dramatically reduced in volume by reprocessing spent nuclear fuel.

Every day there seem to be new advances in the technology for reducing the amount of waste from reprocessing. Not too long ago, an article appeared in Logos, the journal of the Argonne National Laboratory, with the headline "New Radioactive-Waste Treatment Could Save Taxpayers Billions." The article discussed how wastes from reprocessing could be reduced 100 to 1,000 times in volume. In the most recent issue of Logos, another article discussed a technological improvement that could reduce the volume of waste from reprocessing to less than 2 percent of its original volume. Clearly, reprocessing could be a significant way to reduce the amount of high level nuclear waste that will need to be disposed of.

Mr. President, I ask unanimous consent that both these articles be printed in the RECORD immediately following my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HECHT. Mr. President, I hope I have convinced my colleagues that nuclear waste reprocessing is not necessarily more expensive than a once-through fuel cycle coupled with deep geologic disposal of spent fuel. I hope I have convinced my colleagues that reprocessing does not have to lead to the proliferation of nuclear weapons, and in fact, it has not led to such proliferation. I hope I have convinced my colleagues that reprocessing is not linked to a so-called breeder reactor economy, and I hope that I have clarified the fact that reprocessing does indeed reduce the volume and weight of the high level nuclear waste that will have to be disposed of.

We cannot separate nuclear waste policy from nuclear energy policy, and we must consider our nuclear energy policy within the broader context of a national energy policy and national energy security in a highly competitive world economy. The most competitive economy in the world today is that of Japan. And Japan, the most antinuclear nation in the world, nonetheless relies on nuclear energy for 25 percent of its electricity. Mr. President, this is the context within which I am urging my colleagues to consider the option of reprocessing spent fuel for use by future generations. I know that there are not enough votes today in this Senate to turn around our Nuclear Waste Program, to reverse the controversial and counterproductive stampede toward deep geologic disposal of spent fuel, and to redirect our program toward reprocessing.

I do hope that I have shed a little light on this subject, Mr. President. I do hope that I have been able to provide my colleagues with some useful information. I do hope the end result of this extended debate will be that the Congress, in pursuing its present course, does not structure the high level nuclear waste management program so that the reprocessing option is closed off. Instead, I hope that the program will be structured so as to leave the options open for the American people, so that when it becomes clearer that reprocessing is the way the Nation needs to go, we will not have invested so much money, and be so committed to the present course of action, that it will then be too expensive and politically difficult to do what needs to be done. When all is said and done, I am convinced that for reasons of energy security, economic efficiency, and public health and safety, our Nation will eventually decide to reprocess and recycle its nuclear fuel. And, as long as I am a Member of the U.S. Senate, I will fight for that reality. I hope my discussion today has laid the groundwork to make that transition easier for our country.

EXHIBIT I

CENTRIFUGAL DEVICE SIMPLIFIES CLEANUP OF NUCLEAR WASTE

(By Ralph A. Leonard and George F. Vandegrift)

(A new model 'centrifugal contractor' can help cut the costs of processing nuclear waste. This compact device is more flexible in handling liquid radioactive wastes and may also have applications in the pharmaceutical, biotechnological and metallurgical industries.)

The increasing stockpile of radioactive wastes from the nation's weapons program represents both an untapped resource and a challenge. The resource is the valuable amount of plutonium and other radioactive elements contained in the wastes. The challenge is how to safely dispose of those nuclear wastes, which included the long-lived transuranic elements (TRUs), manmade elements heavier then uranium.

The solution in both cases is the same: an efficient means of extracting the desired radioactive elements from the bulk of the waste. In many cases, the value of plutonium and other elements makes it economical to recover them for reuse. Removing long-lived radioactive elements from the waste also makes disposal simpler and less expensive.

Some transuranic elements take millions of years to decay to radioactivity levels lower than natural background radiation. Thus, current disposal plans involve burying them deep in geologic repositories. Millions of gallons of highly radioactive waste are currently in storage, and the volume continues to grow.

Chemists at Argonne National Laboratory and elsewhere have developed ways of recovering TRUs using solvent extraction chemistry. Until recently, however, the equipment to use these methods efficiently outside the laboratory had serious drawbacks.

To meet this need, Argonne chemical engineers have developed an improved "centrifugal contractor" that is compact and allows efficient extraction of transuranic elements from radioactive waste streams at the high flow rates desired in nuclear processing plants. This device rapidly mixes the water-based waste with an organic solvent that extracts the TRUs. The contractor then spins the mixture, and centrifugal force produces a clean separation of the TRU-containing solvent from the wastewater.

By repeatedly mixing and separating the two phases, the contractor helps the solvent to achieve a high degree of purification. The solvent is further processed to recover plutonium and other TRUs. The bulk of the waste, relieved of TRUs, can be disposed of as a lowlevel radioactive waste. The remaining TRU waste is less than 2 percent of its original volume, a reduction that could save billions of dollars in disposal costs.

The Argonne centrifugal contractor has several advantages over solvent-extraction equipment currently in use. It requires less solvent and allows quick and efficient extraction of TRUs. The contactor's streamlined design is easily modified to handle different types of liquid radioactive waste. It can be remotely operated and maintained. Its compact size means lower construction costs for the building surrounding the unit. Operating costs are also low, since the unit can be started up and shut down in a matter of minutes. Finally, the device can easily be retrofitted into present waste-processing plants.

Recent studies have shown that the Argonne centrifugal contactor can remove nearly all TRU contamination from nuclear waste streams when used with the TRUEX (for "transuranium extraction") solvent extraction process also developed at Argonne. The resulting TRU concentration in the waste is so low that it can be classified as a non-TRU waste.

In short, this centrifugal contactor—by helping to recover valuable nuclear fuel and to reduce high-level radioactive waste—could drastically cut production, processing and waste-disposal costs. These savings would increase substantially if the nation ever begins reprocessing fuel from nuclear power plants.

The Argonne centrifugal contactor also has potential applications in other manufacturing processes—for example, in the pharmaceutical, biotechnological and metallurgical industries. Pharmaceutical companies could use it to purify antibiotics such as penicillin. The petroleum industry might apply the centrifugal contactor in the purification of motor oils. The contactor could also be used in any situation where the recovery of dissolved metal ions is important.

In processing radioactive wastes, the efficiency of TRU extraction depends on the "contactor," so named because it brings two liquids—aqueous waste and organic solvent—into intimate contact. The earliest design was a packed column, soon replaced by the pulsed column that is widely used today. This is a vertical tube filled with material that breaks up the liquids as they flow past one another, the heavier solution flowing down from the top while the lighter one rises from the bottom.

But, even in columns with pulsed flow, the mixing is not vigorous and flow rate are low. As a result, the column must be quite tall to achieve a good separation. The overall cost can be quite high if a tall column—perhaps 30 to 50 feet high—has to be housed in a building or nuclear-fuel processing canyon with six-foot-thick concrete shielding walls.

An alternative to the pulsed column is the mixer-settler. A rotating paddle blends the two liquids in a mixing chamber. The liquids are then propelled to a horizontal settling tank, where gravity separates the wastewater from the organic solvent. The smaller height (6 to 8 feet) of the mixer-settler reduces the required height of the processing canyon. The chief drawback of this method is that it requires large volumes of liquid, making the process slow to start up and shut down.

To overcome both problems—the great height of the pulsed column and the large volume of the mixer-settler—the first centrifugal contactor was developed at the DOE's Savannah River Laboratory in the 1960s. In this contactor, the gravity settling tank of the mixer-settler was replaced with a small centrifugal chamber, called a rotor. The rotor was mounted just above the mixing paddle on the same shaft. After the liquids were mixed, they flowed into the centrifuge, where the rapid rotation quickly separated them into distinct layers.

Argonne entered the picture in 1969, when we tested a longer rotor for the Savannah River contactor. Argonne engineers soon discovered other ways to improve the design. Over the next decade, Argonne created the prototype for a new centrifugal contactor.

The major difference between Argonne's centrifugal contactor and the earlier design is the mixing zone. The paddle mixer below the rotor has been eliminated, and the gap between the rotor and its stationary housing are used as the mixing zone instead. This change allows easier removal of the motor/rotor assembly—an important consideration for units that must be remotely operated and maintained due to radiation hazards.

With the Argonne design, the rotor simultaneously acts as a mixer, centrifugal settler and pump for both liquid phases. Other design changes allow the use of off-the-shelf motors, further simplifying the design while improving equipment reliability.

The basic design of the Argonne centrifugal contactor is a bowl surrounding a cylindrical rotor. The radioactive waste and organic solvent enter the bowl from opposite sides. The high-speed rotor chruns the liquids in the narrow space between the outer shell and the rotor, allowing the TRUs to be rapidly transferred from the aqueous waste to the solvent. Vanes on the bottom of the bowl guide the liquids into the hollow rotor though a small hole in the bottom. Once inside, the two phases are separated by the strong centrifugal force (100 to 400 times normal gravity) generated by the rapidly spinning rotor. The liquids are then spun out of the top of the rotor into collecting rings, which lead to separate exit ports.

In each mixing of the solvent and aqueous waste, only a fraction of the TRUs are transferred from one phase to the other. The extraction process must therefore be repeated several times to obtain optimal separation of the TRUs from the waste. Thus, the contactors are arranged in a series of "stages." The aqueous waste passes through each stage in succession, flowing in the opposite direction of the solvent. Additional contactor stages scrub any undesireable contaminants from the TRU-containing solvent. Then the TRUs are stripped from the solvent into an aqueous phase, yeilding a solution that contains a greatly reduced volume of concentrated, purified TRU waste. Finally, the solvent is cleaned and recycled.

Each pass through a contactor stage takes only 5 to 15 seconds, which reduces solvent degradation by chemical or radiation effects. The entire operation can be started up or shut down in 10 to 20 minutes, saving on operating costs. In comparison, the same procedure can take several hours for a pulsed column.

An engineering model for contactor operation has been developed, so that the unit can be scaled up or down in size. Contactors ranging in size from 2 to 25 centimeters in rotor diameter have been built and successfully tested. The contactor's compact size also saves on capital costs. An eight-stage model with 10-centimeter rotors in 4 feet high and 6 feet long, and can be housed in a space only 6 feet high. In comparison, a pulsed column of equal capacity is at least 20 feet tall, and some are so tall they must be housed in five-story buildings.

In the Argonne model, all the contactor stages are in a single row, with easily accessible lines linking the stages. This gives our centrifugal contactor a flexibility not available in earlier solvent extraction equipment. Contactor stages can be allocated as needed for extraction, scrub and strip operations. This flexibility is important, since nuclear wastes vary widely in composition.

Additional design changes have reduced the evaporation loss of volatile solvents by more than a factor of 10 compared to losses in conventional equipment.

To date, Argonne has designed centrifugal contactors for Oak Ridge National Laboratory in Tennessee, Los Alamos National Laboratory in New Mexico and Rockwell Hanford Operations in Washington state. These contactors are being used to reprocess fuel and clean up nuclear waste. In addition, the Savannah River Laboraory is building a six-stage contactor based on the Argonne design.

We are collaborating with Hanford on the design, construction and testing of a 24-stage centrifugal contactor. The contactor will clean up nuclear waste using the TRUEX process at Hanford's Plutonium Finishing Plant in Richland, Wash. Following successful tests with laboratory-scale contactors, the first four stages have been built and are now being tested at Argonne.

During the laboratory testing, done in 1985, the contactor was fed a synthetic waste stream similar to that from the Plutonium Finishing Plant. The resulting TRU content of the solidified waste was less than 10 nanocuries per gram (nCi/g, a measure of radioactivity). This is one-tenth the level required for waste to be classified as non-transuranic and suitable for shallow burial.

We also designed and built a 16-stage centrifugal contactor for the scrap-recovery process at Los Alamos. Because the facility uses highly corrosive hydrochloric acid to recover plutonium from chloride salts, the contactor was made with a special corrosion-resistant alloy instead of the usual stainless steel. The contactor has been used quite successfully for a year. However, the stages are beginning to corrode, so we are studying alternative materials for making a new contactor.

Our research also includes development of a unit that could be used in a "shielded cell"—a facility with thick concrete walls and special windows that is used for handling highly radioactive material. Personnel would use manipulators to remotely operate and maintain the contactor. Although the centrifugal contactor is ideally designed for remote operation, we must ensure that every facet of its use and maintenance can be handled in this manner.

With its many advantages, the Argonne centrifugal contactor should continue to grow in popularity. The contactor has an easily modified, cost-effective design that offers distinct advantages when applying solvent extraction techniques to nuclear waste streams. Its use could help save billions of dollars through recovery of valuable materials and reduced waste-disposal costs. In addition, capital and operating expenses are much lower than with other extraction equipment. The Argonne centrifugal contactor has potential value in any manufacturing process that uses solvent extraction.

NEW RADIOACTIVE WASTE TREATMENT COULD SAVE TAXPAYERS BILLIONS

(By E. Philip Horwitz)

(A new chemical removes transuranic elements (TRUs), the most toxic and long-lived radioactive elements, from nuclear wastes. The resulting TRU wastes are reduced 100 to 1,000 times in volume. Most remaining non-TRU wastes may be safe enough to be stored above ground.)

One of the unwelcome byproducts of the nuclear age is radioactive waste. Current plans call for the disposal of the most toxic radioactive wastes—those bearing transuranic elements (TRUs), the man-made elements heavier than uranium—by converting them into glass and burying the product in deep geologic mines or repositories. Millions of gallons of TRU waste from weapons programs are awaiting this treatment. Total cost of burying these wastes is estimated at $2 billion to $3 billion.

At Argonne National Laboratory, we have developed a new solvent extraction process called TRUEX—for "transuranium extraction"—that could substantially reduce the burial costs of nuclear waste. By removing transuranic elements from liquid wastes, the TRUEX process reduces the volume of transuranic wastes that require vitrification (conversion to glass) and burial by at least a factor of 100, and perhaps by as large a factor as 1,000. This process could alleviate the impending national problem and save hundreds of millions of dollars in burial costs per year.

Nuclear waste is generated during a number of the processing and manufacturing operations in the nuclear defense industry. Additional amounts could be generated if the nation ever begins reprocessing fuel from nuclear power plants. The most toxic constituents in nuclear waste are the highly radioactive transuranic elements. Their long half-lives can keep nuclear wastes toxic for millions of years.

Nuclear waste comes in a variety of forms. Perhaps the most troublesome is liquid waste generated during the processing of nuclear material for the extraction and recovery of plutonium. In this recovery process, called PUREX, a considerable quantity of highly radioactive transuranic elements—mostly americium-241—remains dissolved in the nitric acid waste solution. Additional nitrate and chloride-salt waste solutions that contain transuranic elements are generated during the electrorefining of plutonium metal and the treatment of metallurgical scrap for the recovery of plutonium.

In the near future, the Department of Energy will require that all liquid waste containing more than 100 nanocuries per gram (nCi/g—a measure of radioactivity) must be converted to glass and buried in a geological repository. Our TRUEX process will reduce transuranic concentrations in acidic waste solutions to less than 100 nCi/g.

Once transuranic concentrations have been reduced below this level, waste solutions can be safely and cheaply converted to grout for surface storage. Only the recovered transuranic elements, which will be reduced in volume 100- to 1,000-fold, will require deep burial. The result will be savings of hundreds of millions of dollars in vitrification and burial costs—to say nothing of the value of recovered plutonium, which would otherwise be vitrified and buried.

During the last decade a number of new processes for the removal of transuranic elements from nitric acid waste streams have been reported. A few of these processes are based on the use of novel extractants. With the exception of TRUEX, however, all these new processes are inefficient, cumbersome, and not adaptable for waste processing in existing fuel-reprocessing facilities.

The transuranic element plutonium occurs primarily in the tetravalent oxidation state. This oxidation state results from the electronic configurations of the element and determines the way it reacts with other chemicals. The chemistry of tetravalent elements is well understood, and efficient procedures for extracting plutonium from acidic media have been known for a number of years.

The major problem in waste processing is the removal of trivalent transuranic elements, which are much more difficult to extract. This is an especially serious problem since the major source of alpha radiation in nuclear waste is the significant concentration of americium-241, a transuranic which occurs in waste solutions only in the trivalent oxidation state.

The ingredient that makes the TRUEX process work is the new chemical extractant "octyl(phenyl)-N,N-diisobutylcarbamoylmethylphosphine oxide"—abbreviated CMPO. This chemical is capable of selectively extracting the transuranic elements from most of the fission products and inert constituents present in nuclear waste. CMPO was designed, synthesized, and characterized at Argonne.

It contains a unique chemical structure that enables it to efficiently extract transuranics in the trivalent, tetravalent, and hexavalent oxidation states from both concentrated nitric and hydrochloric acids. CMPO is the only known extractant that has this capability. Since it also has good chemical stability in the acidic and radioactive environment encountered in waste processing, CMPO possesses all of the properties needed for an extractant in processing nuclear waste streams.

CMPO was a result of four years of basic research funded entirely by the Department of Energy's Office of Basic Energy Sciences. Studies at the Savannah River Laboratory, S.C., in the 1960s indicated that certain bifunctional extractants (extractants that have two atoms that can bond to metals) showed an unusual ability to extract trivalent transuraniums from high concentrations of nitric acid. This observation was significant because many liquid radioactive waste solutions contain high concentrations of nitric acid. After a few exploratory studies, the Savannah River work was discontinued.

In the early 1970s, studies on the application to waste processing of one of the bifunctional extractants created at the Savannah River Laboratory were carried out at Rockwell Hanford Operations, Richland, Wash.; the Idaho Chemical Processing Plant, Idaho Falls, Id.; and the Rockwell International Rocky Flats Plant, Golden, Colo. Although some preliminary success was achieved, these studies were discontinued because of chemical problems with the extractant and lack of adaptability to existing fuel-processing facilities.

We revived the work at Argonne in the late 1970s. Our efforts quickly led to major discoveries concerning the manner in which bifunctional extractants bond to trivalent trasuranic elements and the importance of various chemical subgroups that could be attached to bifunctional extrantants to modify their properties. These discoveries led to the formulation of CMPO, which was first synthesized and characterized in the fall of 1981. Although earlier studies indicated that CMPO possessed many favorable properties and was a superior extractant for trivalent transuraniums, we were not able to use it in solvents suitable for fuel reprocessing facilities until another discovery was made.

During the winter of 1982-83, we discovered that the properties of CMPO could be favorably modified by using it in the presence of a large concentration of a simple, inexpensive monofunctional extractant, such as tributyl phosphate (TBP). By combining it with TBP, CMPO can be dissolved in normal paraffinic hydrocarbons (NPH).

As it happens, TBP in NPH is the standard solvent used around the world in the PUREX process for isolating and separating uranium and plutonium from spent nuclear fuel. In other words, the extractant mixture used in the TRUEX process, is simply the extractant used in the PUREX process combined with a small concentration of CMPO. This means the TRUEX process can be used in existing nuclear processing facilities. Thus, considerable money can be used because no new facility will have to be built to use TRUEX.

Rockwell Hanford Operations in Washington and Los Alamos National Laboratory in New Mexico are sponsoring Argonne's development and testing of the TRUEX process. They are also testing the TRUEX process on waste streams from their own plants. These laboratories recognize TRUEX's promise for application in a number of their transuranic waste streams. In addition, the Department of Energy's Office of Defense Waste and Byproducts is funding further development of the process at Argonne's TRUEX Technology Development Center. TRUEX flowsheet development and testing at Argonne is a joint effort between members of the laboratory's chemistry and chemical technology divisions.

Tests so far have shown that transuranic concentrations can be reduced to less than 10 nCi/g—one-tenth the level required for waste to be classified as non-transuranic and suitable for above ground storage. Rockwell Hanford estimates that TRUEX can save more than $7 million a year in burial costs of waste generated during the processing of plutonium scrap. The nation could save more than $1 billion in total waste burial costs by processing all existing defense wastes with TRUEX—an estimate that does not include the value of the recovered plutonium.

CMPO is currently being made by M&T Chemicals, Inc., Rahway, N.J.; and Xymax, Inc., Deerfield Beach, Fla.; in small amounts for research and study. Work is under way to estimate full-scale production costs.

If the TRUEX process becomes scaled up to production levels, it will provide a major breakthrough in easing one of the major problems of the nuclear age. The problem of handling immense volumes of nuclear wastes could be greatly eased, and the nation could save billions of dollars in the process.

Mr. President, I now yield the floor back to the distinguished Senator from Washington and thank him for allowing me to speak.

Mr. ADAMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GRAHAM). Without objection, it is so ordered.

Mr. REID. Mr. President, I have a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state the inquiry.

Mr. REID. Is the pending amendment divisible?

The PRESIDING OFFICER. The pending amendment is divisible.

Mr. REID. That being the case, Mr. President, I request that the pending amendment be divided as follows:

Division I: Everything from the beginning of the amendment through page 31, line 22.

Division II: Everything from page 32, line 23.

Division III, Mr. President, would be the remainder of the amendment.

The PRESIDING OFFICER. Would the Senator restate the second component of the division, where it begins and to what point?

Mr. REID. Division II, Mr. President, everything from page 31, line 23, through page 32, line 23.

Then, of course, division III would be the remainder of the amendment.

Mr. BYRD. Mr. President, is this a request being made by the Senator? What is the request?

The PRESIDING OFFICER. The request is that the amendment be divided into three divisions.

Mr. BYRD. Mr. President, I do not want anything done on this bill while Senator JOHNSTON is not on the floor.

Mr. REID. We would be happy to withhold that. We have checked with his staff. We would be happy to do that, Mr. Leader.

Mr. BYRD. I do not want anything done while he is not on the floor.

Mr. REID. We would be happy to withhold that. We just wanted to make it, because Monday we understand we are not going to be in session and we wanted to do it sometime today. We have checked with his staff.

Mr. BYRD. I will not agree to any request as long as the managers are not on the floor. And I would say the same thing if the Senator were not on the floor.

Mr. REID. I would withhold that then until you have word from the Senator personally.

Mr. BYRD. I thank the Senator.

The PRESIDING OFFICER. The request has been withdrawn.

The Senator from Nevada has the floor.

Mr. REID. Thank you, Mr. President. We will bring that up at either the request of the leader or myself at some subsequent time.

Mr. President, what I wanted to discuss for a few minutes today is some more about nuclear waste. I wanted to do it in the context of nuclear waste itself. Sometimes we talk in the abstract.

I would, prior to doing that, like to make it very clear how much I appreciate and congratulate the Senator from Washington for the work that he has done on this legislation. I mentioned once before that the statements made by the Senator from Washington indicate his deep knowledge of this issue of nuclear waste, but also, I think it is important to point out, his knowledge of the rules of this body. And, again, I congratulate and applaud him for the work that he has done on this.

Mr. President, nuclear waste is discussed many times in the abstract. I had the opportunity last night to be on a television show that received telephone calls from around the country. And a person called in and said: I watched you on TV, you and Senator ADAMS. And you did not indicate—and I am paraphrasing now—you did not indicate anyone had ever been hurt with nuclear waste. It must not be dangerous.

Another person called in and said: I do not think you can give us one example of a nuclear waste accident where the material was being transported.

I responded: You are right. We have not hauled any high-level nuclear waste. We have not hauled it yet. That is why we have a problem. It is all hypothetical. But we know that nuclear waste kills. We know that this poison that we are talking about here is not theoretical, as to how it hurts people; but it is dangerous. It kills people. It injures people. It is one of the most deadly poisons known to man.

We do not have to go very far back in the history books to learn something about the dangers of nuclear waste. Quite to the contrary. We need only look at the newspapers during the past couple of weeks.

One example occurred in the country of Brazil, and I will read this into the RECORD, Mr. President. And I will elaborate on it, if necessary.

This is dated October 24, a news story far less than a month old.

> A 6-year-old girl and her aunt have died of radiation poisoning, the first fatalities in a nuclear accident last month that contaminated at least 243 people, officials said.
>
> Leide das Neves Ferreira and her 37-year-old aunt, Maria Gabriela Ferreira, died Friday of "septicemia and generalized infection" at the Marcilio Dias naval hospital here, Dr. Jose Maria Sampaio said by telephone.
>
> The poisoning resulted from a lead capsule containing radioactive cesium 137 that was left at an abandoned radiation treatment clinic in the central city of Goiania. The capsule found its way into the hands of Ferreira's husband, junk dealer Devair Alves Ferreira.
>
> Ferreira broke open the protective casing with a sledgehammer and took out the glowing powder. Relatives, friends and neighbors were fascinated by the powder. They passed it among friends and rubbed it on their bodies. Ferreira's niece, Leide, ate some of it.
>
> Dr. Gerald Hanson of the World Health Organization called it the worst radiation accident in the western world and the most serious after the Chernobyl disaster in the Soviet Union last year. WHO was helping Brazilian health authorities with the accident.

Mr. President, I think it is important that we talk about what in fact this radiation poisoning was. The World Health Organization said it was the worst radiation accident in the Western World. And what was it? A little capsule that came from an x-ray machine.

Compare that, Mr. President, to 70,000 tons that we are talking about transporting around this country; 70,000 tons of sludge and liquid that is now waiting to be taken someplace.

They are going to put it in capsules, they call them casks, but that is what they are going to put this sludge and this liquid in.

Another story from the Washington Post on this same subject, dated Rio de Janeiro, Brazil. In this one we have the Soviet Union involved:

> American and Soviet nuclear experts joined forces today in a virtually hopeless bid to save a 6-year-old girl who rubbed glowing radioactive powder on her body thinking it was glitter.

How many of us with our children have seen them take these little things that glow and you put them in your month and they pop and snap? How many young people are fascinated by lights, things that glow? That is why rattles have bright colors, so your baby can stare at them.

Well, this little 6-year-old girl was fascinated by this glowing powder. She rubbed it on her body.

The girl was one of 34 people. This just did not affect the aunt and the niece. It affected 34 people. It could have affected more, but we know that 34 people were hospitalized in Brazil's most serious radiation accident which occurred when a man broke open a hospital therapy machine containing this powder:

> Doctors said Ferreira and two adults had little hope of survival.
>
> Dr. Robert Ricks, director of the radiation emergency assistance unit at Oak Ridge National Laboratory in Tennessee, arrived today in response to a worldwide appeal by Brazil for specialist help.
>
> The Soviet Union, Argentina and West Germany also sent specialists.

Mr. President, we are talking about one x-ray machine, one capsule in an x-ray machine that caused the people to come to the country of Brazil from the Soviet Union, Argentina, West Germany, and the United States.

We in the United States sent some of the noteworthy experts that we have to try to look at this problem.

I mentioned that Dr. Robert Ricks was coming. We also sent another specialist in radiation and contamination from Oak Ridge, TN, a man by the name of Clarence Lushbaugh.

When Ricks arrived there he went straight to the Navy hospital in Rio where Ferreira and nine other patients lay in lead-shielded beds.

> The accident occurred in September in the city of Goiania, 600 miles from Rio. Ferreira's uncle, a scrap-metal dealer, broke open a hospital radiation thereapy machine with a sledgehammer and gave curious children and neighbors the attractive, glowing powder he found inside. It was Cesium 137, a radioactive isotope commonly used in cancer treatment, but potentially lethal in large doses.

This is not plutonium. This is not what we find in the sludge and the liquid at the cooling ponds around this country. What Cesium 137 is, it is not in the big leagues compared to the stuff in the cooling ponds.

> "Apparently the girl even ate a piece of bread while she had powder all over her hands," said Rex Nazareth, president of Brazil's National Nuclear Energy Commission.
>
> Many days passed before the victims began arriving at local hospitals complaining of vomiting, diarrhea and burning skin. The most seriously affected victims have lost their hair and show growing weakness, with sharply reduced production of red blood cells by their damaged bone marrow, officials said.
>
> Doctors said the girl may have absorbed six times the dose that is normally lethal to humans. At least two other victims may have received the equivalent of 33,000 chest X-rays, officials said.

Mr. President, I have talked about the dangers of nuclear waste. There are other examples other than this tragedy which occurred in Brazil, where 34 people were exposed, 34 that we know of, where people are still dying.

The problem with radioactive waste is that people do not normally die quickly. The young girl who rubbed this material all over her body and had some on her hands when she ate the bread died quickly, but it is not often that, in fact, people die quickly. Usually it is a slow, slow death.

Based on my experiences on television last night, where people called in and wanted examples of people having been hurt from this, I thought it was important to spread across the RECORD that we are making here that nuclear waste does, in fact, kill; does, in fact, injure people. That is one of the problems that we are having in explaining our position, Mr. President, that the Federal Government is not ready to start burying nuclear waste.

We explained to this body earlier what happened many years ago in the desert of Nevada when they set off atomic bombs in the atmosphere. The Federal Government at that time thought it was OK if people watched these explosions go off, if soldiers and other Government personnel were right at the test site and watched the bomb go off. They were asked most of the time to cover their eyes.

People suffered death and injury as a result of watching those tests go off. The Government said it was OK.

At Maxey Flats in Kentucky, the Government said we could go ahead and do this atomic energy project there and just dump the nuclear waste. Well, it has not worked. That area is a disaster area. Kentucky does not like nuclear waste and rightly they should not.

West Valley, NY, has nuclear waste there and they do not know what to do with it. The Savannah River project, a terrible mess. Thousands and thousands of gallons of high-level nuclear waste, stored there in leaking tanks that they do not know what to do with.

Billions of dollars to try to clean this up, and yet we are being asked, we are being forced in this instance, on an appropriations bill, where there has not been 5 minutes of testimony on nuclear waste, we are being asked to violate the rules of the Appropriations Committee itself and violate the rules of this Senate and legislate on an appropriations bill on a matter that the Appropriations Committee has not heard any testimony on.

I talked a little bit yesterday about transportation of nuclear waste, and I talked about some of the places that nuclear waste was going to be transported.

I spent a little bit of time in a very quick trip through the major byways and highways of this country. This map on the easel, Mr. President, is an illustration of the major rail and highway routes that would haul high-level nuclear waste. This was prepared by the National Academy of Sciences.

That nuclear waste is going to travel through the cities of this country. This problem is not a problem that relates to the State of Washington and the State of Nevada only, or to the State of Texas, perhaps, but it is a problem that relates to the whole country.

Take the city of St. Louis. The city of St. Louis I am sure today is not concerned about nuclear waste. The beautiful city of St. Louis, the city with the arch being the symbol of it being the gateway to the West, just as it is going to be the second-busiest in the amount of radioactive waste that is going to be shipped through it.

So not only will St. Louis still be the gateway to the West, but it will be the second-place winner of being the place that is going to haul more high-level nuclear waste through its streets and highways than any other city in the country.

Its location along Interstate 70 truly does make it the gateway to the West. What a corruption of that term, I guess, gateway to the West. People looked forward in pioneer times to getting to St. Louis because it was a place of promise, a place of promise because it had ways you could travel up and down the mighty Mississippi, and it was the direction that people went who had to go West, generally speaking. Now it will be the gateway through which nuclear waste is going to travel through highway 70 and also, of course, those great rail yards.

I can remember coming back here many years ago, Mr. President, to this city, the Nation's Capital, to go to law school. I had never been east of Nevada. I guess I had been across the river to the ridges of Arizona, but I had never traveled anyplace. I can still remember coming to St. Louis and seeing the rail yards, railroad track after railroad track.

Well, some of those railroads will be hauling nuclear waste.

I talked a little bit yesterday about Denver, CO.

I have a daughter who teaches school in Denver, CO. I have a son-in-law who is an attorney in Denver, CO. It is a beautiful city. They love it. It is a paradise in the minds of many people. They ski in the winter; all kinds of summer sports in the mountains around Denver; a beautiful city.

Who can ever forget watching the Denver Broncos play football in the snow. They would pan the area surrounding Denver and what a beautiful place it was with the great Rocky Mountains, deep snow and bitter cold.

Well, those same elements exist on the city's roads, Mr. President, those same conditions in which we watched the Denver Broncos and their mighty efforts, where the snow is blowing, the ice is freezing. When the players took their helmets off, those with mustaches, the sports announcers would point out the icicles. Those same roads in the city of Denver have ice on them. Those same roads that will be used to haul high-level nuclear waste are going to be icy in the winter, full of snow and trucks and cars. I can assure you, Mr. President, that nuclear waste will be shipped over these roads and I can assure you that there will be accidents which will occur.

We would hope that the accidents would not be serious in nature, but there will be accidents. And maybe they cannot reach an accident site. It may be, Mr. President, that the snow and the ice will prevent them from getting to an accident site.

And maybe we will have accidents like the situation in Brazil where the glowing stuff comes out of the package.

Flagstaff, AZ, Mr. President, I said that when I came East I had not been further than the other side of the Colorado River. I just remembered that is not true because I can remember, being a senior in high school, we went to play baseball in Flagstaff, AZ, in May. I played baseball in southern Nevada, warm; in May, summer is approaching, hot weather, temperature is in the 90's, probably in the 100's if I looked at the record books.

I can remember in May going to Flagstaff, AZ, to play baseball, we got snowed out. In May we could not play baseball because there was too much snow in Flagstaff.

Flagstaff is a beautiful city. Since the days that I went there to play baseball, the school there has grown tremendously. Many, many people from Nevada go there, especially teachers. They have a great teaching college there. Arizona State-Flagstaff it is called. It is a small college town and they specialize in education.

I called it by the wrong name. I called it Arizona State-Flagstaff. That is not the name. It is called Northern Arizona University.

It is a city of year-round recreation. The summer sports are on a much narrower timeframe than the winter sports because it is so cold, but it is a great, great place. And during the winter people travel from all over so that they can indulge and participate in the winter sports that are available there. In the summertime they come there for relief from the desert heat in the Phoenix-Tucson areas.

It is a beautiful place, Flagstaff, AZ. Also, Flagtaff is a little more than an hour from the Grand Canyon.

Well, you are right, Mr. President; Flagstaff, AZ, is on my map. Flagstaff is one of the places through which nuclear waste will travel in trucks.

Can you imagine what a nuclear waste accident would mean to the tourist-oriented economy of Flagstaff? We are not talking about an accident where people are hurt. Maybe it would only be an accident where, fortunately, the casks would hold together and the poison would not come out of these casks, but a nuclear accident would occur at or near Flagstaff, AZ. What would that do for the tourism in Flagstaff, AZ? Nothing favorable. Nothing favorable.

Remember, in some of my earlier statements, Mr. President, we talked about the fact that local governments had already tried to pass ordinances protecting them from shipments of nuclear waste, and these local ordinances were not in any way to prohibit the transport of nuclear waste through their cities. They were ordinances to say OK, we know hazardous waste is going to be carried on our streets and highways. We just want to make sure that our laws are followed and that we have some way of enforcing our local ordinances as they relate to nuclear waste, and that the carriers of nuclear waste are going to pay a very, very small fee so that we can finance this aspect of our Government.

The courts said you cannot do that. The Federal court said no, thanks. The Department of Transportation rules the show and local government has nothing to say about nuclear waste and why or how it is going to be shipped on the streets of St. Louis, Flagstaff, Denver.

Albuquerque, NM, of course, the largest city in New Mexico, a beautiful place, with great heritage and tradition. When I was a Lieutenant Governor, Mr. President, they had a Lieutenant Governors' conference in New Mexico. What is in New Mexico, I thought. Well, I am happy I went because I developed a respect for New Mexico because of that 4 or 5 days we spent there. Beautiful mountains. The city of Albuquerque has a great tradition, great heritage. I was able to develop a great respect for the people of Albuquerque and the State of New Mexico in general.

Well, the largest city of that great State is the city of Albuquerque. It is a city, as I have mentioned, of the past and of the future. It is steeped in Indian culture, great Spanish culture. It has roots going back hundreds and hundreds of years, roots that other places in the Western United States do not have. New Mexico has roots that we do not have in Nevada, Utah, and most parts of Arizona. It is a place where even though it has this great past, if also has a tremendous future by virtue of the fact that it has high technology at its best, high technology at Kirtland Air Force Base, and the laboratories that we in Nevada have a great amount of dealings with because of our test site.

Albuquerque is situated at the base of the Sandia Mountains, with one foot on the mighty Rio Grande River that we hear so much about. It is a progressive, forward-looking city of at least a half million people. I have a staff person working for me whose uncle is the mayor of Albuquerque. It is a great city and I have learned to appreciate it in many ways. Many, many people say it has the best Mexican food in the world. It would be a shame for a disaster to occur in this beautiful city, a disaster as a result of hauling nuclear waste on the highways and streets of Albuquerque, NM, shipments that some say could do great damage.

I do not think it takes much of a mind to realize, based on the information that I have shared with this body about a little capsule, a little container in Brazil, with some glowing materials in it, what damage is possible. You can imagine the potential damage of a truckload of this, not a capsule but a truckload. We have not one truckload to haul, Mr. President, but right now 70,000 metric tons waiting to be hauled on the highways of this country, on the railways of this country.

So that we understand that this is not a regional problem. This is not a problem that deals only with the West, not only with Las Vegas, Flagstaff, and Albuquerque, but I mentioned earlier that it deals with other parts of the country. I talked about St. Louis, and a lot of traffic is carried through there. St. Louis would be the second leading carrier for nuclear waste.

Kansas City is, some say, the hidden treasure of the Midwest. I have a valuable member of my staff who is from the State of Kansas. And we joke and kid with Melanie about being from Kansas. But the truth of the matter is Kansas is a great State, a beautiful State, a State that has contributed tremendously to this country. Kansas City is the cultural hub. It is the place where a lot happens. They have theaters, and they have symphonies. In addition it is the home of a professional baseball team, and a professional football team. I think they also have a hockey team, although I am not certain of that. They have won the pennant, the baseball team, on a number of occasions, and on one occasion they have been the world champions. I think it was 1985. They were the world champion Kansas City Royals. Kansas City, of course, was known more at an earlier time during the days of Matt Dillon and "Gunsmoke". Kansas City was a major cattle and agricultural producing area, and in fact it was one of the major agriculture and cattle-producing areas in the whole world. Stop for a second and think that nuclear waste is going to travel through Kansas City. It is going to travel by rail, and it is going to travel by truck because they have to move this stuff.

You know, one of the interesting proposals that we now have before us is that this nuclear waste is not going to travel for one tankload of fuel, buy many tankloads of fuel, because nuclear waste is going to be traveling clear across this country. For 3,000 miles it is going to travel.

Some places are not going to escape the danger of a nuclear waste shipment accident. Kansas City is not alone. Topeka, KS. The beautiful capital of the State of Kansas, Topeka, boasts the only city-run university left in the United States, which is Washburn University. In addition, it is only 30 minutes away from Lawrence, KS, home of the University of Kansas and their great basketball team known as the Jay Hawks. Well, this valley, which is known as Kaw Valley, would never be the same after a nuclear accident, and nuclear waste is going to travel through Kansas City.

Buffalo, New York, Erie, Cleveland, Akron, Gary, these are cities that are known for their industrial might, cities that have been so important to the American men and women of this country—all these cities that I have mentioned, Buffalo, New York, Erie, Cleveland, Akron, Gary are cold. The weather is bad. The weather in these cities is notoriously rough in the wintertime. But it is the northern route for spent fuel shipments. It is the northern route. It will be a northern route for high-level nuclear waste. Millions and millions of people live in these cities, the cities of Buffalo, New York, Erie, Cleveland, Akron, and Gary—millions of people live in these cities along the same route that high-level nuclear waste will travel.

Mr. President, also we have 70,000 metric tons that need to be transported someplace but there is more to come. That 70,000 metric tons is still building. Seventy thousand metric tons is not going to be the end of it. There will be more. There will be another 70,000 metric tons in the foreseeable future.

So would it not be a good idea that we did it right the first time? I would mention, Mr. President, that those of us who oppose what is being done here—that it, legislating on an appropriation bill—are not saying do away with the nuclear waste program. We are not saying do not do nuclear waste disposal. All we are saying is do it fairly. There is a middle ground. There is a middle ground that has been approved by a major committee of the Senate of the U.S. Environment and Public Works Committee chaired by **QUENTIN BURDICK**, of North Dakota, who has shown great leadership as has his subcommittee chairman, **JOHN BREAUX**. They know the proper jurisdiction on this issue is in the Environment and Public Works Committee and they took it upon themselves, Chairman **BURDICK** and Chairman **BREAUX**, to come up with a compromise, a fair approach to this issue. So those of us that are opposing this method are not saying we do not want nuclear waste disposal ever to occur. All we are saying is can we not do it fairly, can we not do it in a way that would be acceptable to the country so that things like transportation, so that things like the law would be followed?

We have two radical approaches on either side of the Environment and Public Works Committee proposal. We have the radical approach of the Johnston proposal, which is legislating on an appropriation bill, which has a major committee of this body, the Appropriations Committee, being asked violative of their own rules to legislate on an appropriation bill without hearing one word of testimony. Even if the Appropriations Committee heard the testimony, it would still be a violation of the rules but at least there would be some foundation for it. But what have we done?

The chairman has come on and said, well, I held some hearings in my committee. I am chairman of the Energy and Natural Resources Committee and we held some hearings there, and take my word for it, what we did there and what we heard there was great. Well, Mr. President, that is the radical approach on the left side.

On the right side we have another radical approach. That approach is the 1982 act which did not start out radical but became radical when the Department of Energy refused to follow the law. The Department of Energy refused to follow the law. They said that no matter what Congress and the President did, we are going to do what we think is best. We think we know more than they know about what the law should be. So we are going to have our own law even though it did not follow the bounds of the Constitution. There is no process for a governmental agency developing a law. But not only did they not follow the law, they did not follow their own regulations. They did not follow their own scientific studies.

So we have on both sides, Mr. President, two radical things that we are doing with nuclear waste. One is the Johnston proposal that is before this body, the other is the 1982 act, which even the author of that act, Chairman UDALL, of the other body, has said we had better start over. We had better go back to square one. What we have and what we are proposing and pushing is doing things the right way and following the Environment and Public Works Committee middle-ground approach.

So I think it is important to mention once again that the Senator from Washington and the Senator from Nevada and those of us that are opposing this legislation are not against nuclear waste disposal. There has to be something done with nuclear waste. All we are saying is let us do it fairly because if what happens here is allowed to take place, it sets a tremendously bad precedent for what can happen to other States.

Mr. President, we cannot think for a minute that what is going to take place on the highways of this country hauling this poison is going to be only in a few areas.

It is going to cover more than Flagstaff, Albuquerque, Denver, St. Louis, Kansas City, Topeka, Buffalo, Gary, Erie, and cities like that. It is also going to cover the southern part of the United States. The South is where a lot of nuclear waste is produced, and therefore a lot of nuclear waste will be shipped through the southern part of the United States.

I was speaking to a Congressman yesterday, JOHN LEWIS, from Atlanta, GA, and he asked me if I had ever been to Atlanta. I said, "Only to the airport." He was proud of Atlanta. He said; "When you come to Atlanta, let me show you around, because we have such a beautiful city, and I want to take you to a few places." I said I would like to do that.

The only place I have been to in Atlanta is the airport. They have a nice airport, one of the busiest in the world, and I have been stranded at it a number of times because of late planes and bad weather, for a number of reasons.

The airport is nice. I have nothing negative to say about the Atlanta Airport.

It is the home of the Braves baseball team. It is the home of Stone Mountain, which we heard Dr. Martin Luther King speak of in his famous speech—Stone Mountain in Georgia. Six Flags is at or near Atlanta, GA, I am told.

We all know it is the transportation hub of this rapidly growing southern Sun Belt area—the transportation hub is Atlanta, GA—through this great, rapidly growing community, a community that is unique in that it is there principally because of the transportation access it has to various parts of the United States.

It would be a shame if this beautiful city, for the sake of shipping casks of high level radioactive waste, generated around that part of the country, were to be part of a nuclear accident of any kind. That would be a shame.

We know that Savannah River, which is on the Georgia border, in South Carolina, is a place that is already laced with high-level nuclear waste. They have it there now in storage tanks—which, by the way, are leaking. But they will not escape the dangers of a transportation accident with nuclear waste.

We also must remind the people of Philadelphia, the City of Brotherly Love, the Liberty Bell, steak sandwiches, and street pretzels, of this. It is the place I went on July 16, representing the State of Nevada, on the 200th anniversary of the Great Compromise. It was the first time I had been there, a great occasion. I do not have plaques hanging in my office, but I do have something I prize greatly in my office, and that is a memento from that day signed by the representatives of the 50 States who were chosen to represent the Founding Fathers for that special occasion.

I will always remember that day. I will remember the speech that was given by our majority leader. I will remember the speech that was given by Representative CLAUDE PEPPER. It was a great occasion that day when we went into the hall where the Founding Fathers 200 years before that had arrived at the Great Compromise, where they had arrived at a point in this Nation's development that they would work something out, have a bicameral legislature, where they would work something out that one body would be represented by the population, the House of Representatives, a body that no one has served in without being elected. Then, of course, there is the body I am now privileged to serve in, in which there are two Members from every State.

So the city of Philadelphia, the City of Brotherly Love, will not escape being a travel route for high-level nuclear waste. It would be a shame if that city had to be constantly concerned about a nuclear accident on its highways in the hauling of this poison. It is a large city, a city of almost 1¾ million people—just in the city of Philadelphia alone.

So I would certainly hope that the people of Philadelphia realize that they will be a main route of travel. On my map, which has been supplied by the National Academy of Sciences, they will be a thoroughfare in the travel of nuclear waste. I hope the good people of Pennsylvania will feel it necessary to contact their Washington representatives and tell them that they would like more study to be done on this and that, in fact, it is wrong to legislate on an appropriations bill, and that they will tell their Senators that is the case.

Mr. President, we are here meeting in this beautiful Senate Chamber today, thinking perhaps that we will not be subject to or bothered by nuclear waste transportation. That is not true. Washington, DC—yes, the place where we spend most of our time as a result of our jobs—would also be on the roadways for traveling canisters of poison.

Anyone who has traveled the beltway knows how that is. They have tried to do some things on the beltway. I do not know whether trucks are supposed to be on the inside lane or the outside lane, but they are supposed to be on one or the other, because they have had so many accidents with trucks on certain areas of the beltway. If there is anything I can do to avoid the beltway at any time, I will do it.

I look back to the roadways in Nevada, where we do not have the congestion that is found on the beltway that circles the District of Columbia, but you cannot avoid the beltway. The beltway is here, and you have to travel on it lots of times. Traveling the beltway is dangerous. Even at best, it is dangerous. They are going to be hauling on the beltway trucks loaded with nuclear waste—casks in those trucks with nuclear waste.

We know how often sections of the beltway are closed because of accidents, trucks turning over, some of the trucks that have dangerous substances in them. They do not know what the dangerous substances are.

Let them try some of this stuff, some of this stuff that showed the young girl who rubbed on her body who is dead. There are 34 people in the hospital and some of those may be dead because I am, of course, Mr. President, reading to this body old news.

So the beltway has not seen anything yet. Wait until we drive alongside trucks with nuclear waste.

Baltimore, homeport for one of the richest fisheries in the world and a transportation route for high-level nuclear waste. I traveled to Baltimore a few times, and I still do not understand all the bridges. I just know there are lots of them coming to and from Baltimore. There are tunnels. You know trucks will be traveling these roadways, trucks loaded with nuclear waste. The city of Baltimore is not a small city, the city itself is three-quarters of a million people. Baltimore is the 11th largest city in the United States, 75th largest city in the world. It is a big city. And I will bet the city of Baltimore would be interested to know that they do not have any say over nuclear waste. It is all done by their sister city, Washington. The Department of Transportation will determine along with the Nuclear Regulatory Commission how this poison is going to travel through the bridges and roads and tunnels of Baltimore. They will not determine it. The city fathers have nothing to say about it, not one single word.

While we are talking about the eastern part of the United States, let us talk about Boston. This summer, after returning from Nevada with my family, I took two of my children to Boston where we spent 2 or 3 days. So I thought that while we are living in the eastern part of the United States my children should see this famous city, and I am sure glad we did.

We were able to take the historic walk on the Freedom Trail. We were able to go to those famous places that I read about as a young boy in Boston. They really exist.

It is a great city—pilgrims, birthplace of independence, Paul Revere, and the Red Sox, and all of these things we think about that evoke pleasant memories are certainly part of going to the great city of Boston.

However, there is another aspect that those of us in the West really do not appreciate about Boston and that is commercial banking, high-technology industry, insurance, retail trade centers. To some in the business world these evoke thoughts that are just as powerful as the thoughts the Freedom Trail evoked to me.

It is a city where they have really bad traffic jams. I had the good fortune to spend a little time with the director of the airport, Boston Municipal Airport. I do not really know what the airport is called but Boston's Municipal Airport. Pat proceeded to show me some of the interesting things about Boston and there were really many, many interesting things. But the one thing that he did show me that was interesting was traffic jams. The traffic jams in Boston are significant because it is an old city and you do not have the benefit of the wide open spaces of the West. So the travel and roadways through Boston kind of make do in many instances and they really have some traffic jams.

Well, those traffic jams even now take hours to untangle. You can imagine what would be caused if there were a nuclear accident, one of those trucks tipped over. Even the knowledge that spent fuel was coming through the area I think should cause some concern to the people of that beautiful city.

The city of Boston is to me, Mr. President, a great city, a city of the Boston Marathon. I can remember in my younger days going there to run in the Boston Marathon and what a great occasion that was going that 26-plus miles through all the universities. Every place we went for that 26 miles they had some kind of a university, school, and those people were cheering the thousands of people in that race.

So I would hope that the people of Boston recognize that what we are doing here could have some effect on them.

Boston is the 20th most populated city in the United States, the 91st in the world, a great city.

(Mr. DASCHLE assumed the Chair.)

Mr. REID. Mr. President, I have been talking for some time about the dangers of nuclear waste and it being transported through the highways and railways of the country. As time goes on, I will spend more time doing that, because there are lots of cities that I have not talked of and there are many, many cities that we will talk about that should be alerted and aware of the problems of nuclear waste.

For a while this afternoon, Mr. President, what I am going to do is talk a little more about some of the technicalities. When we got into this discussion earlier in this debate, there was some talk about what was going to happen to the nuclear waste; what happened in the past; what about spent fuel shipments? And, as we proceeded to talk about that, we learned a number of things about what the Federal Government had done in the past regarding projected shipments of fuel and we learned that there really had been no high-level nuclear waste shipped.

While 62,000 MTU will eventually be deposited in the first repository, the actual number of shipments to the repository, or MRS, will be a function of shipping cask capacity. The projected cask capacity of a rail cask is 14 and that of a truck is far, far less.

Whether a rail or truck cask is used depends upon the individual reactor site. Should a rail spur to the fuel storage pool and adequate rail cask handling facilities be available at the reactor site, shipments can be made by rail. Many times that does not exist, though.

A decision on the order and priority of shipping commercial spent fuel has not yet been made by DOE, but the Department is developing a set of operational priorities that may include factors such as reactors losing full core reserve, decommissioned reactors and an oldest-fuel-first program.

According to Pacific Northwest Laboratory spent fuel shipment data, an average 1,257 shipments could be made annually from the Nation's reactors to the repository. Approximately 69 percent of the shipments would be made by rail. Shipments of Eastern reactor spent fuel to an MRS could total 1,340 annually, with nearly 71 percent of the shipments made by rail. The MRS could receive greater numbers of shipments because of different repository and MRS opening and receipt rates.

The movement of consolidated spent fuel from the MRS would total an estimated 3,150 cask shipments, or 630 dedicated trains each containing 5 casks, an amount equal to 22 annual dedicated train shipments.

Using the MRS consolidation process, another estimated 1,500 cask shipments of consolidated assembly hardware or high activity waste and 159 rail cars of contact handled transuranic wastes also would need to be transported from the MRS to the repository. These waste products could add between two and five rail cars to each dedicated train.

The number of spent fuel shipments that originate in the South is expected to be large to either the repository or MRS. The South's 27 reactor sites are expected to make 502 annual shipments to a repository or 542 annual shipments to the MRS. This accounts for approximately 40 and 49 percent of the total shipments nationally to a repository and MRS, respectively.

While 19 of the South's 27 reactor sites would ship spent fuel by rail, approximately 82 percent of the South's average annual shipments to a repository or MRS would be made by truck. Because of its three reactor sites' dependence upon spent fuel truck transportation, Florida represents the Nation's largest number of annual shipments by a State to either a repository or MRS. The Browns Ferry reactor site is expected to be the country's single largest annual shipper via truck to a repository.

In addition to the above shipments originating from Southern reactors, if the MRS is constructed, all the reactor spent fuel produced in other Northeast and Midwest States to be transported by truck would be sent to the facility. This would likely result in an additional 415 truck shipments and 152 rail shipments each year. As noted earlier, shipments of Western reactor spent fuel would go directly to the repository.

Mr. President, at a date we really do not know—because every bill that is being considered has a different date, the Johnston proposal has one date, the Udall proposal has another date, and still the Environment and Public Works has another date—but in 1998, as an average, the first canisters of solidified high-level waste are scheduled to be transported from the Savannah River plant, and possibly the Hanford Reservation, to the geologic repository. Remember, there is much, much nuclear waste stored at both of these facilities. I have already spoken about the one at Savannah River where these tanks are leaking. They are now taking the material out of those tanks, putting them in smaller containers, and moving them to still another facility that we could call a monitored retrievable system.

Similar to the commercial spent fuel, high-level waste may be shipped by either truck or rail. Up to this point in the discussion, Mr. President, we have talked about spent fuel. That is different from high-level nuclear waste. And that is why we have had no high-level nuclear waste accident, because we have not shipped any.

The use of rail casks allows for five canisters per shipment, compared with only one canister if it goes by truck. In addition, it is generally easier to handle one rail cask than five truck casks containing the same number of canisters. So we have casks and within the cask we have canisters that contain the nuclear poison.

Two projections have been made on the number of high-level waste shipments to a geologic repository from the three Department of Energy high-level waste generation storage sites. In a low-flow case, it is assumed that the shipment will be to the high-level waste repository. From 1998 through 2010 there will be some 500-truck shipments or 100-rail shipments per year. That is from the Savannah River plant only.

In 2011, the final 200-truck or 40-rail shipments from the Savannah River project would be transported to the repository. Thus, under the low-flow case projection, during the 14-year high-level waste repository period, some 6,700 truck or 1,340 rail shipments would be made to the repository.

Now, I think it is important, even on these very low projections that we have here, that you note on the map that we had, Mr. President, that these thousands of truckloads and thousands of trainloads would be traveling through the major highways of this country.

Under the high-flow case, the Savannah River plant would send 500 trucks or 100 rail shipments annually over the lifetime of the repository. And right now the lifetime of the repository goes until the year approximately 2021.

Upon completion of this processing facility in the year 2007, Idaho Falls would initially make 300-truck or 60-rail shipments its first year and then 500-truck or 100-rail shipments annually to the year 2020.

So we are talking about a lot of nuclear waste that is generated only from one plant. The examples that I have given here, Mr. President, deal only with the Savannah River plant and the one in Idaho.

Like the Savannah River plant, Hanford, would begin a 120-truck or 24-rail shipments in 1998 and continue at the same yearly level until the year 2007. At least 40 jurisdictions in the South currently have some form of local restriction that might, and I say might, influence or affect shipment of spent fuel.

I spent some time yesterday discussing how this had been tried in the past and the Federal courts have knocked it out.

The locations where they have tried, they have some type of local restrictions in the Southern States, some 40 jurisdictions, I will cover to show that people are at least trying. Even though, ultimately, if any of these are tested in the courts it likely will not last. In Florida alone we have Melbourne, FL, which has a notification and escort ordinance; Tampa, some intercity routing restrictions; Putnam County, FL, where they are going to require permits; the Port of Miami, they have an administrative order which really may not be a local ordinance which bans certain vessel shipments in the port; The Port of Palm Beach, FL, they want to restrict the movement of hazardous materials; Port of Tampa, permits required for movement of high- and low-level radioactive materials through their city; Atlanta, GA, they prohibit transportation of enriched ores, nuclear fuels or spent fuels within the city.

It is interesting to note that there is an ordinance in the city of Orlando that says they are going to prohibit the transportation of these enriched ores, nuclear ores or enriched fuels within the city but understand there are none being transported now. So understand they have an ordinance but they are probably worthless. The Federal courts, as they did previously, would knock them out.

Garden City, GA. They prohibit nuclear waste transportation; notice is required for less radioactive substances.

Talmadge, which is a bridge in Florida, the Talmadge Bridge. They require permits.

Kentucky. Mr. President, no State knows as much about nuclear waste as Kentucky. That beautiful State, with the heritage that it has, has had some real, real problems; principally because of the Federal Government telling them: Do not worry.

There is a beautiful place in Kentucky called Maxey Flats, as I understand it, which is an area of ridges. There are places in Kentucky that are green, lush, but Maxey Flats is a place that is an environmental disaster.

It is an environmental disaster because they have nuclear wastes there that they do not know how to get rid of. They are trying to figure a way to get rid of nuclear waste in Kentucky.

Based on the concerns that they learned at Maxey Flats, Covington banned certain shipments; Boone County in Kentucky prohibits toxic or hazardous wastes for storage in the county; Louisiana, New Orleans prohibits it, through either the Chase Tunnel or the Canal Tunnel or the Houma Tunnel. But there may be, according to the Department of Transportation, nothing that they can do about it.

If it is decided by the Department of Transportation that they are going to use the Chase Tunnel, then they will use it because that, in fact, is the law. They will, in fact, use that if the Department of Transportation says that that is the way that the wastes should be handled.

In Maryland, Anne Arundel; Kent; Prince Georges; Port of Baltimore; Francis Scott Key Bridge; Baltimore Harbor Tunnel; William Preston Lane, Jr., Memorial Bridge; Nice Memorial Bridge; Susquehanna River Toll Bridge, John F. Kennedy Memorial Highway, Interstate Highway No. 95, Fort McHenry Tunnel.

I mentioned earlier when I was talking about Baltimore that they would like to do something about the transporting of nuclear waste. They have some ordinances and some permits required. Likely they are meaningless, worthless.

Mississippi, Missouri, South Carolina, Tennessee, Virginia, West Virginia, they all have prohibitions about transporting hazardous and nuclear waste.

The point I am making here, Mr. President, is no matter how they want there to be laws and regulations and ordinances on a local level to work with to stop the transport of, to supervise routing of nuclear waste, based on the court case they do not have any authority to do that.

So, it is here in this body that we should be aware of what is happening. We should be aware in this body, Mr. President, that what is taking place here is something that violates the rules of the Senate.

We are legislating on an appropriation bill and the reason that we are spending a lot of time on this is because they are trying to get through a nuclear waste proposal; they are trying to finalize the decision on nuclear wastes, on which there have been no congressional hearings held by the Appropriations Committee. Not 5 minutes' worth. Not 10 seconds' worth.

But, yet, a major piece of legislation that will cost this country, not thousands of dollars, not tens of thousands of dollars, not millions of dollars but billions and billions of dollars is being taken through this body without one continual hearing by the committee that has jurisdiction.

This legislation is tied to an appropriations bill. Yesterday, because of some remarks made by the Senator from Washington and myself, yesterday the chairman of the committee moved to amend his own amendment, to change it.

Why? Well, no hearings were held from the time we adjourned about 8:30 the night before until we convened the next morning at 8 o'clock or thereabouts; not one word of testimony was heard. But it was done because the chairman thought it might satisfy some other members.

Not one ounce of hearing was held but we pointed up some deficiencies, even in this proposal, as outlandish as it is, so the chairman attempted to change it again without going through the ordinary hearing process.

Mr. President, the Senator from Washington and I are going to talk about this often and frequently. We are going to talk about it because we want the Members of this body to know that we are not trying to say: Do away with nuclear waste repositories. We are not saying throw it in a garbage can; we will revisit it 10 years from now.

What we are saying is that there is a proposal by a committee with competent jurisdiction, the Committee on Environment and Public Works, that has the middle ground. It does not have a radical proposal. It has held hearings.

This is not the Senator from Washington and the Senator from Nevada saying, well, we think this is wrong; therefore, let us talk about it. We have the support of the Nuclear Regulatory Commission, National Science Foundation, committees of competent jurisdiction of this body and the other body, courts, the Ninth Circuit Court of Appeals. We have a middle ground. We have a fair approach to this.

In addition to that, let us also understand why this process is being used; that is, why they are trying to legislate on an appropriation bill.

I will tell you why. Because if they are able to accomplish this, this bill will shoot over to the House of Representatives and it will go to the Appropriations Committee.

It will not go to the Interior Committee that has held weeks and months of hearings on this issue in the past. It will not go to the Committee on Energy and Commerce, where there have been weeks of hearings on this issue. It will go to the Appropriations Committee.

We are hopeful that if the Senate does not live up to its own rules and by some chance this does work its way over to the other body, we are hopeful and we are confident that Chairman UDALL and Chairman DINGELL will maintain the jurisdictional prerogatives that they have and not let this go to the Appropriations Committee. We want their imprint on this.

My point is, Mr. President, that we are not being unreasonable; we are being fair. We are trying to follow the processes of this body and allow a committee of competent jurisdiction to handle it.

Mr. President, on November 3, each Senator received a letter. This letter was not signed by a single individual, but it was signed by some of the most outstanding Members of this body.

ROBERT STAFFORD, a man for whom I have gained tremendous respect; a man who calls the shots as he sees them; a man who even though he is not a member of my political party, there is nobody in this body for whom I have more respect. I am truly sorry that this body will lose the wisdom and knowledge of this man when the 100th Congress adjourns. He signed this letter, and he signed it in typical Robert Stafford fashion. He signed it because he thought it was the right thing to do.

QUENTIN BURDICK, the chairman of the committee, a man who believes that jurisdictional avenues that he has the authority to control have been cut off; that his committee, the Committee on Environment and Public Works, deserves to do this legislating. He has signed this letter, a man we all hold in great esteem and highest regard.

Here is a person who is on the Appropriations Committee, one of the ranking members of the Appropriations Committee, chairman of one of their subcommittees, the Subcommittee on Agriculture Appropriations. But he knows that this procedure is wrong, and in typical Burdick fashion he signed this letter.

ALAN SIMPSON, the tallest man in the U.S. Senate in many ways, but, physically, of course, he is the tallest man in the Senate. ALAN SIMPSON signed this letter as a ranking member of the Committee on Environment and Public Works. He previously was the ranking member when Senator STAFFORD was chairman. He is the assistant minority leader. Here is a man who is in the leadership of this body. He signed this letter.

It was signed also by JOHN BREAUX. Why did JOHN BREAUX, a freshman Member of this body, sign this letter? Because, based on his 14 years of experience in the House of Representatives, he came in way at the top of the Senate freshman class and had the good fortune of being able to chair a subcommittee of the Committee on Environment and Public Works. He is the chairman of the Subcommittee on Nuclear Regulation, a vitally important subcommittee in this Senate. This man, with a lot of courage, a lot of fortitude, signed this letter, recognizing that it was not the easiest thing to do. But JOHN BREAUX did this because it was the right thing to do.

Here is a man who you can say was not born yesterday. Even though he is a young man in years, he has a wealth of governmental experience.

The letter came to all of us, and maybe it was set aside or maybe our staffs did not get it to us, and reads as follows:

> Shortly, the Senate will begin debate on H.R. 2700, the Energy and Water Appropriations bill for fiscal year 1988. During the debate, a great deal of attention will be focused on those provisions of the Committee-reported bill that fund the nuclear waste activities of the Department of Energy. We would like to take this opportunity to share with you some of our thoughts on this debate, in view of the important impact that the Senate's decision will have on this critically important program.
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> When Congress enacted the Nuclear Waste Policy Act of 1982, most observers believed that it had fashioned a well thought out, environmentally sound, program that would facilitate this Nation's effort to address its emerging nuclear waste problem. The 1982 statute, which reflected the work of three Senate Committees and five House Committees, called for the Secretary of Energy to select a number of potential sites, located in different geologic media, for development as a permanent underground, geologic, repository for the disposal of high-level radioactive waste.
>
> After narrowing these potential sites to three preferred sites, the Secretary was directed to fully "characterize" those sites (that is, sink an exploratory shaft and conduct what is referred to as "at depth" testing) and then select one of the three sites for which a license application would be submitted to the Nuclear Regulatory Commission. At the time one site is selected, the existing law requires the Department of Energy to prepare an Environmental Impact Statement (EIS).
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> It was well understood at the time that the first repository site would most probably be located in the western part of the United States. And, in fact, the three candidate sites that are now the subject of the more extensive characterization efforts by the Department of Energy are located in

the States of Texas, Nevada, and Washington.

As a complement to this so-called "first repository program", the Congress also directed the Secretary to examine potential candidate sites for development of a second repository. This second repository program was to go forward on a parallel track, roughly four years behind the first repository program—focusing on granite sites in the eastern part of the United States. This second repository program was generally understood to provide a vital regional balance to the nuclear waste disposal program.

Finally, the Congress directed the Secretary of Energy to conduct a detailed study of the need for, and feasibility of, an engineered above ground storage facility, called a monitored retrievable storage facility, or MRS. Again, the Congress required the Secretary to ask an authorization from the Congress for any MRS facility that was determined to be necessary.

As is often the case with a program as technically complicated as the nuclear waste program, and given the obvious political sensitivity of locating a nuclear waste facility in any one state, the task of carrying out this program has not been easy. Indeed, many of the assumptions regarding the need for, and cost of, two repositories have proved to be incorrect.

It is now generally well accepted that this program is in need of "mid-course" corrections. In fact, three of the original authorizing Committees in the Senate and House have reported legislation intended to provide such corrections.

One Committee, the Senate Committee on Energy and Natural Resources, has reported legislation, S. 1668, that would, in essence:

(1) require the Secretary to select one of the three current first-round sites, by January 1, 1989, for full characterization. Work on the other two sites would be halted, unless the first site chosen by the Secretary proves unacceptable. This approach is often referred to as "sequential characterization". Significantly, the Energy Committee bill specifically exempts any decision by the Secretary to select the preferred site now for full characterization from the requirements of the National Environmental Policy Act (NEPA);

Mr. President, that is quite a change. What we are trying to do in this body and in the other body is make more things required, but under S. 1668, which is the amendment causing all this trouble, you can just forget about NEPA, forget about the National Environmental Policy Act.

(2) cancel all site-specific work on second round repository sites and require the Secretary of Energy, by the year 2010, to report to the Congress on the need for a second repository;

(3) authorize the secretary to construct an above ground MRS; and

(4) authorize the payment of "incentives" to those states that "host" either the MRS or the repository.

A second Committee, the House Interior and Insular Affairs Committee, has reported legislation that would impose a moratorium on the nuclear waste program and appoint a Commission to review what has gone wrong in the implementation of the program to date.

We believe that a middle ground exists between these two approaches. In fact, the Environment and Public Works Committee has recommended such an approach, in partial response to our Committee's Budget Reconciliation instructions. Under the legislation approved by the Environment and Public Works Committee, the process of sequential characterization would be followed; however, the Secretary of Energy would be required to complete a certain level of "surface-based testing" at all three of the current candidate sites before selecting one for full characterization.

We believe that such additional testing is crucial before the Department of Energy commits the enormous resources, roughly between $1.5 and $2.0 billion in a program to be conducted over five to seven years, required for full characterization of any one site. We also believe that a true comparison of all three sites, based upon roughly comparable data that can be gathered from a sound surface-based testing program, is the only means of determining which of the three existing sites is the most preferred site for development as a repository.

Our legislation also would impose licensing conditions on any MRS facility that is authorized by the Congress, to ensure that this facility does not become the *de facto* repository. Similar licensing conditions were recommended by local government groups that have favorably studied the MRS proposal in the past, and were suggested by the Department of Energy, itself, when it submitted its report to the Congress recommending construction of an MRS.

The Environment and Public Works Committee has been deeply involved in this Nation's nuclear waste program.

Rightfully so. Listen to the name, Environment and Public Works.

Our Committee had joint jurisdiction over the legislation that became the 1982 law, and has conducted a vigorous oversight role in the intervening years, including four separate hearings on various aspects of the program this year alone.

Because of the importance of this program to the future health and safety of all our citizens, and given the complicated nature of this debate, we do not believe that the Senate is well served by tackling this major issue outside of the normal authorizing process, where all of the Committees with expertise who played a central role in fashioning this delicate legislation have an opportunity to address these important issues.

We urge you to give these views careful consideration as this issue comes before the Senate for debate.

Signed by Robert Stafford, Quentin Burdick, Alan Simpson, and John Breaux, of course all Members of the Senate.

Mr. President, for those Members of the Senate who are concerned about their record as it deals with the environment, I think this is a key vote. I would bet, if Members of this body asked various organizations that are concerned about the environment if this is an important vote, they will find it is a very important vote and that when this body or the other body in any manner tries to do away with the NEPA law that has served this country so well, it will create some problems. I would suggest Members of this body check or have members of staff do research on the important vote that is going to be coming up next week regarding doing away with NEPA.

Mr. President, I thought it was important to talk about what the Senator from Washington and the Senator from Nevada are doing. We are not saying do away with the site selection process for nuclear waste dumps. What we are saying is approach it in a fair fashion. That is what we want. We do not want the radical approach of the 1982 act, which has been so jeopardized by the Department of Energy, and we certainly do not want S. 1668 which is here by virtue of not having one hearing in the Appropriations Committee. The Appropriations Committee is the one that voted this out. It is a shame to try to legislate in this manner.

I have spent this afternoon talking about transporting nuclear waste. I have talked about 40-odd jurisdictions in the South only that have developed legislation of some sort through the form of ordinance or other rules to prevent nuclear waste from traveling through these areas or, if not preventing it, at least asserting some restrictions. When I had my map and was going over the various cities, I talked about Baltimore and having difficulty keeping the bridges and tunnels clear in my mind. Well, after looking at this, rightfully so, because the city of Baltimore alone has special provisions for the Baltimore Tunnel as it relates to radioactive loads, the Francis Scott Key Bridge, Preston Lane, Jr. Memorial Bridge, the Harry Nice Bridge, the Susquehanna River Toll Bridge, and the McHenry Tunnel. So there is one reason why I confuse the bridges and tunnels as I go to Baltimore and through Baltimore. But this is one example of their trying to do something but the law probably will never allow them to do that. Probably they will never have the opportunity to enforce these laws. Why? Because the Federal courts have said the Department of Transportation is the one that tells you what to do here.

While it is likely that many of these restrictions that I have spoken of would be preempted by Federal laws, their existence concerns spent fuel shippers and carriers. Regardless of their legality, local restrictions, we hope—I hope this is not wishful thinking—local restrictions we hope could serve as an impediment to spent fuel and hopefully even more so high-level nuclear waste shipments, and we would hope that the Department of Transportation will take into consideration, will give some merit, give some substance to what these local entities have tried to do to prevent this stuff going through our major cities. The time and effort needed to clear halted shipments may prompt shippers and carriers to bypass these areas even though they may have the legal right to travel via locally restricted routes. No routes have been designated for use in shipping spent fuel and high-level nuclear waste to either a yet-to-be approved MRS facility or a yet-to-be approved repository. At the request of the Department of Energy, Oak Ridge National Laboratory has been asked to investigate likely potential routing networks that could be used to ship spent fuel from commerical reactors to an MRS facility and/or a first-round repository site.

Mr. President, what we have on this map does not take into consideration an MRS facility because what we are going to have here now under the latest DOE suggestion is two shipments. One will take it to the MRS where it will cool down, we hope. And another will take it from there to the permanent repository.

Some of the thought is that they will try to avoid if possible that MRS but the MRS there will be. And as we mentioned, Mr. President, the purpose of MRS is simply to cool down this very, very toxic poisonous substance.

Mr. President, we spread on the record earlier today what I thought was a graphic illustration of the dangers of high-level nuclear waste. It was a description of high-level nuclear waste even though it was not. It was a little capsule that was in an x-ray machine. Thirty-four people went to the hospital, at last count three people are dead. So we are talking about big-time stuff here, Mr. President. We are talking about stuff that is as poisonous as anything that has ever come to this Earth.

So at the request of the Department of Energy, Oak Ridge National Laboratory has been asked to investigate likely potential routing networks that would be used to ship spent fuel from commercial reactors to an MRS facility or first-round repository site. And again they are not talking about actual experience in developing this routing. They have computerized models. That is what they are using. In fact, they have two computerized transportation routing network models. And they have been developed to assist in predicting hypothetical highway and rail shipment routes respectively. The highway routing model was developed many years ago, 4 years or more ago. And it is basically a computerized road atlas that includes more than 19,000 highway segments, 13,000 intersections, and descriptions of over 240,000 miles of roadway in the continental United States.

Let us reflect upon that. The highway routing model—and we are using part of that in our descriptive materials here—includes 19,000 different segments, including 240,000 miles of roadway. Then we wonder why. We are saying St. Louis, Flagstaff, Albuquerque, Denver, Erie, Buffalo, Philadelphia, Boston, Atlanta, be aware. You are on this 240,000 miles of roadway. You are going to have this stuff shipped through your highways. Remember the proposal has only one location. Everything will be funneled into one location.

So we not only have 240,000 miles, but we have 13,000 different intersections that this model has for us. The data base includes a description of the interstate highway system, all U.S. highways, except those that are parallel to an interstate, most principal State highways and many county and local roads. The descriptive data on highway sections includes almost everything you can think of, highway designations, distance between end points, estimated driving speeds, highway toll charges, and whether the roadway is State approved for transporting spent fuel.

Mr. President, remember, not one load of high-level nuclear waste yet has been shipped on any of these roads. I have given you just in the South alone 40 different ordinances and rules that are now in effect. Can you imagine how many ordinances or rules would go into effect if in fact there was some notification that they were going to start shipping tomorrow high-level nuclear waste?

The descriptive data, as I said, includes just about anything that you can imagine. And with respect to the material that is going to be transported, they are not having to develop some different models which will be identified. The highway model will produce routes that are sensitive to distance, driving time, and other criteria. The shortest route between two points may be not always the shortest distance, but it may be the longest distance because we are talking about this poison.

Mr. President, I ask unanimous consent that I yield the floor with the provision that at such time as I regain the floor, it would not be considered a second speech.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Washington.

Mr. ADAMS. Thank you, Mr. President.

Mr. President, I indicated this morning in my comments which were on the date of selection, the fact that this would be placed, if the amendment were to be adopted, into a lame-duck Congress and a lame-duck administration. Hopefully, the Congress will not be in session after the next election, but it is a potential, and that was a very, very bad situation, and it is something that should not be done. I tried to get that changed by agreement with the chairman of the subcommittee, the distinguished Senator from Louisiana. I have been unable to do so.

Yesterday my colleague, the Senator from Nevada, discussed the problems that the State of Nevada had had in the consultation process. I think it is important this afternoon that I indicate some of the problems of the other States, and in technical focus on my home State, the State of Washington. And I am going to refer to the testimony of the Governor of the State because he has had to suffer through this process during the last 3 years as Governor of the State. And it is very important, Mr. President, because I have indicated earlier, and so have other Senators, that we would not be in this problem if there had been consultations and if there had not been a completely political rather than scientific decision made on which sites to select. That blew apart the consensus, and this amendment will not put it back together.

Mr. President, one of the worst failures of the Department of Energy to implement this act has been its failure to honor its responsibilities to cooperate with the affected States and Indian tribes. And on October 16 of this year, Gov. Booth Gardner, the Governor of the State of Washington, appeared before the House Committee on Energy and Commerce and made a statement about this bill. During the course of his statement he said this:

> I've attached as a postscript to my testimony to help the subcommittee understand why we in the State of Washington are so adamant on our position that the site selection process must be brought to a halt, the May 28th decisions must be retracted, and the process must be restructured before the program can go forward.

I indicate that statement, Mr. President, because this was done by the Governor in a postscript so as not to inflame the committee or to attempt to just complain and say how badly we have been put upon. He put it in so that the history would be in the record. But I think now since this amendment has been put up that we should reveal that history and not just simply say we do not want to whine or complain, but to give our legitimate concerns. The job of a U.S. Senator in this Senator's view is to protect the people of that Senator's State and the people of the Nation.

I say this because if this process is not corrected and made scientific, this will happen to other States. It will happen to them not only with the site but also with the transportation routes, with collection within their sites.

I say to those Senators from the eastern portion of the United States whose States have a concentration of reactors that they will have to have this put in the casks and they will have to transport it, they are going to have to load it, and they are going to want protections.

I do not say that, Mr. President, from a theoretical point of view, because I was Secretary of Transportation when the city of New York found that they were transporting nuclear wastes through the city of New York. They were doing this at night and they had not told anybody.

I can assure Senators that when the people of New York and the mayor of New York found that nuclear wastes were being hauled through the city of New York, all hell broke loose. It took us weeks and months to get that settled, and they had a Secretary of Transportation and people in the administration who were very sympathetic.

The people who were in charge of shipping the waste and the people like the Department of Energy who are interested in nuclear programs said: "What's all the trouble about? We put this in a truck and carry it through the city. Who should worry about it?"

That is not the way things go in the United States. They were not only worried about it; they wanted it to go around the city. The people around the city found out about it, and they did not want that.

This is part of what is going on, and it will involve consultation and negotiation. That is why I refer to what has happened to us, so that everybody, if this is adopted, can be ready. The Governors will all know, and Senators can write the Governors and say, "Be ready. These things are involved."

Here is what our Governor said, and I am going to quote this because he has set it forth in excellent and concise detail of what happened:

> Our state's perspective is that USDOE's implementation of the site selection process over the past four and one-half years makes a halt and renegotiation of the key issues essential. As one of the three states with a designated potentially suitable site, we have of course been very deeply involved in this process. As we have expressed our serious concerns, some interested parties have initially mistaken our concerns as simply evidence of the NIMBY syndrome. However, after they examined and understood the rationale upon which our concerns are based, most of these parties agree that our complaints are justified.

I will break into the quotation of the Governor. This is the statement he gave on October 16, 1987—this month, this year—before the House Subcommittee on Energy and Power of the House Committee on Energy and Commerce.

I will continue with the quotation:

> It has now been a year and a half since USDOE, in direct violation of the Nuclear Waste Policy Act, announced its unilateral and arbitrary decision to "indefinitely postpone" the second round site selection process. In the intervening months, USDOE has conceded that it did not have the authority to take this action. An old saying holds that "Time heals all wounds". The severe wounds resulting from USDOE's unlawful act must be treated before the process can be healed. As the members of this subcommittee know as well as anyone, the second repository was a significant element in the delicate regional balance which resulted in passage of the Nuclear Waste Policy Act. In fairness, this element cannot be discarded without exploring other avenues to equity among regions.
>
> Let me turn now to the first round site selection process. In selecting Hanford as one of the three sites to be characterized, USDOE ignored the results of its own ranking methodology, which was reviewed and approved by the National Academy of Sciences. (It is important to note that the National Academy did not review or approve the way in which USDOE utilized the results of the ranking methodolgy to select the three sites for characterization.) The results of the ranking methodology, based on USDOE's own studies and judgments, indicate that the Hanford site is the most costly and least site of the five sites under consideration. Hanford ranks dead last in both the pre-closure and the post-closure comparisons of the sites.
>
> USDOE says Hanford was selected to meet diversity of rock type requirements. However, in a draft of the USDOE ranking methodology report prepared just six weeks prior to the May 28th announcement, it was stated that the Yucca Mountain, Richton Dome, and Deaf Smith sites "offer maximum diversity in geohydrologic settings", and that their selection would "meet the minimum requirement for [rock type] diversity of the Nuclear Regulatory Commission".
>
> In a subsequent USDOE draft, it was stated as follows:
>
> "The clear implication from the composite analysis is that Yucca Mountain, Richton Dome, and Deaf Smith are the preferred set of sites for characterization. There are no realistic assumptions about either pre-closure or post-closure expected performance, or about the values to evaluate performance that can result in Hanford being anything but the last ranked site, and the significance of the performance differences between Hanford and all the other sites is substantial . . . Thus, it can be definitively stated that the results of the composite analysis strongly suggest characterization of the Yucca Mountain, Richton Dome, and Deaf Smith sites."

I will break in on reading from the Governor's report to state that I am giving this example not to say that those three sites are the best sites but to indicate the history of what has happened and why we cannot leave DOE as the sole selecting group. They had their own methodology. They had their own analysis. I am going to continue in a minute with the person who designed it, who said this site is not any good. There were a lot of reasons for that: The water situation, the rock characteristics where it is located, a long way from anyplace you can deliver anything from, a lot of things.

So, if they did not even pick their top three but went instead from five to three, how do we have any idea, under these amendments, which are supposed to say that you are protected, that DOE will select any particular site because of some fine tuning amendments?

I do not know where DOE will go, but I am going to now go back and quote from the Governor's testimony as to what their own people were saying before they went to the May 28 decision and completely disregarded not just what outside experts would say, not what people from the State of Washington were saying, but their own people were saying. It is absolutely incredible.

I just cannot believe it as a Cabinet Secretary that all of this would have happened and then just plain ignore it. I do not know what was going on, but it was very bad and, and under the present amendment these same people would be making the decision on January 1, 1989.

I go back to quoting the Governor and it is on his testimony and it is what the DOE expert said about how they went about selecting this.

> Professor Ralph Keeney was a co-author of the ranking methodology utilized by USDOE. Dr. Keeney was retained by USDOE because of his experience in utilizing the methodology for similar or related problems. Prior to the May 28th decision, Professor Keeney recommended to USDOE that the appropriate means to identify the best suite of three sites was to conduct a professional portfolio analysis. USDOE chose not to follow Professor Keeney's recommendation. Subsequent to the May 28th decision, Professor Keeney prepared and published such a portfolio analysis. This work was not funded by USDOE. Based on his portfolio analysis, Professor Keeney concluded that if three sites are to be characterized they should be Yucca Mountain, Richton Dome, and Deaf Smith.
>
> Professor Detlof von Winterfeldt was retained by the National Academy of Sciences to assist them in their review of the USDOE ranking methodology. Professor von Winterfeldt is nationally known and respected in the field of decision analysis. Subsequent to the May 28th decisions, Professor von Winterfeldt conveyed his individual comments to Mr. Rusche on the USDOE ranking methodology report and on the USDOE recommendation report, which presented USDOE's rationale for its selection of the three sites for further study. Professor von Winterfeldt said that, in his opinion, the analysis in the ranking methodology report is sound, thorough, and state-of-the-art. However, as to the recommendation report, he stated the following:
>
> "In brief, I believe that the conclusions drawn in the Recommendation Report are based on selective and misleading use of the analysis described in the Methodology Report. It is extremely hard to find in the Methodology Report any support for the selection of the specific set of three sites recommended for characterization. Instead, I find a convincing analysis that clearly rejects the Hanford site and, furthermore, supports the selection of Richton Dome site over the Deaf Smith site. The way the Methodology Report was interpreted in the Recommendation Report, in my opinion, comes very close to a misuse of an otherwise excellent analysis."
>
> In his conclusion, Professor von Winterfeldt stated as follows:
>
> ". . . The most important conclusion that I draw from the Recommendation Report's inclusion of the Hanford and Deaf Smith sites is that DOE is apparently willing to accept more health effects and an additional cost of $3.360 billion in return for several minor advantages of the two sites. As a decision analyst, I find these implications incon-

sistent with the Methodology Report. As a concerned member of the public and a taxpayer, I find them irresponsible."

This, Mr. President, is the person retained by the National Academy of Sciences commenting on what DOE had done.

Neither of these distinguished experts in the field of decision analysis had an ax to grind in the site selection process. They both had been involved in the decisionmaking process in different roles and when USDOE announced its decision on May 28th, they both felt compelled to go on the public record with their own analysis of the decision.

I hope this brief summary concerning USDOE's application of the ranking methodology helps you to understand part of the reason why the citizens of the state of Washington are extremely upset about the site selection process. This is by no means a comprehensive discussion of our concerns. We have serious technical concerns as well. Hanford is the only saturated site under consideration. There is serious disagreement among experts as to whether the Hanford site can satisfy NRC's one thousand year groundwater travel time test. An NRC consultant, after review of the USDOE data, concluded that there is a significant likelihood that the site will fail this test. It appears the cost of making shafts and underground workings safe in fractured basalt will be extremely high. These and other serious technical concerns are discussed in some detail in the materials which we provided to each member of the subcommittee.

In 1986, 83% of the state's voters directed state officials to continue to take all possible steps to halt USDOE's unlawful implementation of the site selection process. The state of Washington has filed five lawsuits in the Ninth Circuit Court of Appeals, challenging USDOE's actions. We believe our lawsuits have an excellent chance of succeeding. As with a recent decision by the First Circuit Court of Appeals, which struck down EPA's standards for a repository, thus calling into serious question the repository siting guidelines and the environmental assessments for all five candidate sites, these suits are likely to cause further delays.

We have an opportunity now to avoid the delays, save very large sums of money, and raise the likelihood of opening a high quality repository, by establishing a moratorium and solving the problems before they do even more damage.

Mr. President, these are the statements of the Governor of the State before the subcommittee. There is not any wonder why there has been such an uproar in the Pacific Northwest about the manner in which the Department of Energy has proceeded to make a site selection down to three. What we are talking about in this amendment now is giving DOE the sole power to make the decision as to one, then sequentially characterize two more and to it all before January 1, 1989, in a lameduck administration.

Now we are turning this lameduck loose on the Nation where its record as a duck is very, very bad. I do not want to do that to the Nation. I hope the other Senators do not want to do this to the Nation. I hope the House does not want to do this to the Nation. And I think it is time that we remove this duck from the playing field, whether it is lame or whether it is walking around.

That is why, Mr. President, I have tried unsuccessfully to have the chairman of the subcommittee, the distinguished Senator from Louisiana, agree to have a decisionmaking process that includes someone other than DOE. The House has recommended a blue ribbon commission to look at it. We have filed a bill, a number of us from the Pacific Northwest, saying there ought to be a commission that does this. We have recommended that the NRC be in on the selection process, not just review this after it is over and say, "You have made a fundamental mistake and it will not work," but to get somebody in there, whether it is a new group or whether it is a new administration, and there has to be a new administration because, as I stated this morning, Ronald Reagan cannot run for a third term, so regardless there is going to be a new administration. So putting it in a lameduck administration is the worst possible thing to do.

And I have given you examples of the State of Washington which can be and have been echoed by the Senator from the State of Nevada as to what has happened to us in this process.

You see, nobody was concerned about it until all of these facts began to surface. And that is why we want this amendment defeated. We want this to go into the authorizing committee, not be done in the appropriating committees, so that this information that is before the House, the information that is before the Environment and Public Works Committee, as well as what is before the Energy Committee, can produce a rational basis for proceeding.

You see, the 97th Congress really tried to balance off interests and to see that this kind of thing did not happen, so that the process would move forward and we would solve what to do with the missing part of the nuclear cycle.

(Mr. ROCKEFELLER assumed the chair.)

Mr. ADAMS. The missing part of the nuclear cycle is nobody, during all these years, ever thought what to do about the waste that was created. Then we had some thoughts about it; then we changed our mind. One of the reasons that we do not do reprocessing, which some people thought we would do, is that it produces nuclear waste which is capable of being converted into the material for nuclear bombs. So we only process it once. That decision, made in the seventies, meant that we are going to accumulate more waste.

I think it is a good decision. I do not want a lot of nuclear rods floating around the United States and then floating around the world and then being made into bombs. So none of us have said that we are against having a solution.

But the people we have got running this solution, as I indicated in my comments and from the testimony of the Governor of the State of Washington, is we have got the wrong people running this.

I cannot understand, and I have repeatedly tried to have this corrected in the last 6 months, why there is such an effort as represented by this amendment to rush a decision through to a lameduck administration on January 1, 1989, without a specific set of criteria, without an environmental impact report, and the decision to be made by the same people who got us into this mess in the first place.

I have always felt when I was a member of the executive branch, if you have got a section that is not functioning, you have a choice you have to make right away. And I had this problem with seven administrations under the Secretary of Transportation. And when we got into trouble, you either got to tell them you are going to do it a different way or you fire who is in charge and you start all over with a new process, because this country builds and works on consensus and on fairness.

And the people in the Pacific Northwest do not believe the Department of Energy operates in a fair fashion in these matters involving nuclear waste and nuclear reactors and we want somebody else in there. And that is why a lot of people have wondered, well, you have something that you can say to the Senate for a period of time. I have an awful lot to say to the Senate about what has happened with the Department of Energy, what they have done, what the process has been, how badly it has been misused. And I really want to be certain.

I am hopeful that Members of the Senate have listened to this debate—and it will go on—so that they understand that we have deep, substantive problems.

We are not trying—the Senator from Nevada, myself, and other Senators that have addressed the Senate—to say we have all the answers. But we certainly know that we want to have the committees of the Senate and the House that have spent their lives on this all working on the problem. We do not want to have it bypassed into the Appropriations Committee. We want a conference to take place that will have the House committee that is headed by Chairman UDALL, and the House committee headed by Chairman DINGELL, and the Senate committee headed by Senator BURDICK, and the Senate committee headed by Senator JOHNSTON all there. They all have bills in. They have bills in the reconciliation. They have freestanding bills. There is no need to put this in as an amendment on an appropriation bill.

It is, as we have said before, a very bad way to handle a problem. It is a bad way to handle an easy problem. It is a horrifying way to handle a complex problem and one that has gone off track and has to be put back on track. And it should be put back on track by the committees that have spent their lives making this happen, trying to fill in that gap in the nuclear cycle.

We know we have to do this in some fashion, but we cannot and should not say it will be done by the lameducks in a period of time when we have not characterized the sites, do not have an environmental impact statement and do not have a consultive process that really works, and particularly done by an agency that I have just described how they did not even use their own system.

It is a bad thing when you are running an executive department to have your own agency not follow its own systems or to make bad mistakes. Sometimes people say, "Well, you do not admit the bad mistakes." Well, Mr. President, this executive department could do that.

I can remember just arriving in the Department of Transportation and being told that I had received the famous Golden Fleece Award from the wonderful and distinguished Senator from Wisconsin, Senator PROXMIRE. This had caused great distress among other departments.

So I called, "Well, please tell me why we won it." And they said, "Well, you won this because you have a report down in the Department that was prepared before you got here, but it came up during the time that you were here," which had been all of about 2 months. "And, therefore, the report is to you and a lot of money has been spent on this. And, Mr. Secretary, that report that was ordered was, 'Tell us what will happen to the transportation system of the United States if, one, there is a return of the Ice Age; second, if a yuppie were elected President.' "

Only then, they said, "That was a misprint, Mr. Secretary. They were really saying if a 'Yippie' were elected President." In those days, Yippies were to the right. "Or we elected a dictator."

And the report concluded, I do not know after how many pages: "One, if the Ice Age returned, there would be a lot less transportation. It would be in the Southern part of the United States. Second, if a Yippie were elected, there would be a lot of anarchy out there on the highways, because everybody would refuse to obey the rules. Third, that if we elected a dictator like Mussolini, it might run better, but a lot of people would not have any."

So they said: "What are you going to say about this in the press conference?" And I said, "Call them in." And my comment was simply this: "Gentleman and ladies, I think that we won the Golden Fleece Award fair and square." And we did. It was a dumb report. It should have been rejected.

I called up to find out the people who has authorized it. I let them make their explanation and said: "If that ever happens again, I hope you will file in the Civil Service Registry, because it will be necessary to do so. You will have demonstrated your incompetence." They said, "Well, we do this all the time. We give reports on a lot of things."

I said to them that we are not going to do any more of those.

All I want the Department of Energy to do, and what I want the committee to do, is to admit their mistakes, to craft a new, really changed bill that has somebody else in there deciding. Because we cannot turn around that Department that fast.

Do it in a new administration, because they are going to review it anyway, regardless of whether it is a Democratic or Republican administration; it is going to be a new administration. They are going to do it anyway. Have them do it and find out what is on the sites, before you characterize, one; and to make certain that you have an environmental impact statement before you start.

This does not mean it is going to be out of the State of Washington or in the State of Washington. What it does mean is that we should have a scientific basis and as the Governor states so well, wherever this is going to happen, they are going to have to go to the people of the United States and say: We have done the best possible thing for the Nation.

I want to repeat again that our State has more nuclear waste in it than any State in the United States. We carried this a long time. You have not heard a lot of us in here saying every day that nothing like that should ever happen.

We would like to have it cleaned up. We have great hopes.

A parliamentary inquiry, Mr. President, I know that the Senator having the floor has the right to ask for a division of the question—the amendment, when it is in the form as in the present time.

I am concerned because I know we want to try to go to the continuing resolution. This has been cleared with both committee staffs but I want to be certain that the majority leader, and if the Senator from Louisiana wants to be here I want to be certain he is here, but I know that the majority leader is anxious, and others, to proceed with, potentially, other business. I want to be certain we have a division entered before we move to this other business, since there will be a very short period of time.

So, my parliamentary inquiry is: Is the pending amendment divisible?

The PRESIDING OFFICER. The Senator is correct. The pending amendment is divisible.

I would like to pose an inquiry to the majority leader, if I could, regarding the division. I would not formally request it, if there is any doubt about it. I believe it has been cleared by the committee on both sides and I simply want to be certain that it is entered today, before othe business intervenes, because there may be a very limited time on Tuesday.

Mr. BYRD. Would the Senator yield?

Mr. ADAMS. I would be happy to yield to the majority leader.

Mr. BYRD. I just wanted to make sure that Senator JOHNSTON was aware of what the Senator wishes to do and I just want to be sure that he knows about it.

Mr. ADAMS. It is my understanding that he does, but of course I have not been able to speak directly with the Senator because he has been involved in negotiations.

Mr. BYRD. Yes, he has.

Mr. ADAMS. I am hopeful there is a way I could continue on with the debate, but I was hopeful that in the next few minutes, before we started with the CR, that we might clear this and have it entered prior to the CR coming forward.

Mr. BYRD. I am hopeful we can. I have no problem with it. I just want to be sure Senator JOHNSTON is aware of it. If he wants to come to the floor, he can. If he does not—you know—then I feel I have done my duty by all sides.

Mr. ADAMS. I appreciate that from the majority leader and I share his concern. I want to be certain that Senator JOHNSTON knows of it. I am quite certain that he does. We informed his staff. We informed the staff on the other side of the aisle.

So far as we know it is cleared but I wanted the majority leader to know. I just have no had an opportunity to speak personally with him and I wanted to be certain.

Mr. President, I will withhold that division for a few minutes in order that if the Senator from Louisiana wishes to make any comment, he will have the opportunity. I will proceed on with what we were talking about in terms of consultation.

Mr. President, I indicated the problems that the Governor had had. I think it should also be understood that we have in the State of Washington, and, in fact, it exists throughout the entire West, a number of Indian tribes who have very substantial rights in terms of fishing rights, water rights, and other rights throughout this area.

For some Senators who do not have Indian tribes in their immediate area, the consultation provisions for Indian tribes may seem like something that is very arcane, very estoric. But in our State it is not. The Yakima Tribe occupies a large reservation. There is a very strong tribal council. The same is true of the Colville Tribe and the same is true of the Spokanes. These are ancient and honorable people. They are part of the United States, but in addition to being citizens of the United States, they are people who have treaty rights with the United States, honored now. Often in the past the more honored in the breach than in the observance. But we are trying to do this.

Mr. GRAMM. Will the distinguished Senator yield without losing his right to the floor?

Mr. ADAMS. Yes. For how long?

Mr. GRAMM. I would like to speak out of order for about 5 to 7 minutes. I know the Senator wants to speak for a long time. I hate to hold that up, but I hope he will do me the courtesy to have my little say. It will give him an opportunity to rest and perhaps will improve the proceedings.

Mr. ADAMS. Mr. President, I ask unanimous consent that I may yield 10 minutes to the Senator from Texas, that I will retain my right to the floor, and with the understanding that when I resume, it not be a second speech.

Mr. GRAMM. Mr. President, I ask unanimous consent that my remarks I am about to make appear in connection with the continuing resolution, House Joint Resolution 394.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. GRAMM appear in today's RECORD during the consideration of H.J. Res. 394, the continuing resolution.)

The PRESIDING OFFICER. Under the previous order, the Senator from Washington is recognized.

Mr. ADAMS. Mr. President, I have discussed at some length the consultation proceedings.

I know my colleague from Nevada has some further remarks he wishes to make, so I will yield the floor. I do want to indicate prior to yielding the floor that I do want to be certain that we have the question divided before we move to the CR. I know this is a matter of right, but I do want to discuss it with the manager, if it is possible to do so. I will yield the floor at this time.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, when I last spoke on this issue, we were discussing the model that they used for the transportation of spent fuel and nuclear waste. This model was developed about 4 years ago. The highway routing model is basically a computerized road atlas. It includes more than 19,000 highway segments, 13,000 intersections, and descriptions of over 240,000 miles of highways. This covers all of the continental United States and has on it almost all the U.S. highways except those that are parallel to the interstate. The descriptive data on this model includes highway designations, distance between end points, approved driving speed, estimated driving speed, possible toll charges, and whether the roadway is State approved for transportation, the model also includes commercial nuclear powerplant locations and proposed waste management sites as identified by the Department of Energy. The highway model will produce routes that are sensitive to distance, driving time, and other criteria.

The model incorporates a standard time and distance value and calculates routes similar to those chosen by common carriers. The number of drivers, which is one or two, may even be used to change shipment time based on assumed driving speed from the time that the drivers would probably stop.

Additional route criteria can also be factored into the model to include—

Mr. ADAMS. Will the Senator from Nevada yield to me, please, so that I might make a request for division?

Mr. REID. I am happy to yield to my friend from Washington under the condition I not be considered as violating the second speech rule when I resume.

Mr. ADAMS. I thank the Senator.

Mr. President, I previously inquired whether the pending amendment is divisible, and the Chair stated it is. I request the pending amendment be divided as follows: Division I. Everything from the beginning of the amendment through page 31, line 22.

Division II. Everything from page 31, line 23, through page 32, line 23.

Division III. The remainder of the amendment.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Before the Chair rules on that, I would like the RECORD to show that the distinguished Senator from Washington has discussed this with the distinguished Senator from Louisiana, Mr. JOHNSTON.

Mr. ADAMS. I have just talked with the distinguished Senator from Louisiana and he states that I have the right to do this and that I can proceed. I thank very much the majority leader for reminding me. I forgot to say that as part of my request.

Mr. BYRD. The Senator has a right to do that. I wanted Mr. JOHNSTON to know that this Senator has at least been on the floor when it was done and had asked that Mr. JOHNSTON be told about it so if he wanted to come to the floor and comment on it, he could, even though the Senator from Washington has a right to do that. I simply wanted the RECORD to show that Mr. JOHNSTON had been contracted, he knows about it, he does not need to feel that something was done in his absence that he otherwise might have at least wanted to comment on. I thank the Senator.

Mr. ADAMS. I thank the distinguished majority leader.

The PRESIDING OFFICER. The amendment is so divided.

Mr. ADAMS. I thank the Chair. I thank the Senator from Nevada.

Mr. REID. Mr. President, additional route criteria can also be factored into the model to include or exclude any geographic or populated area of more than 100,000 people, highway intersection or roadway segment. As mentioned earlier, in calculating routes we used preferred routes to the greatest extent possible. Finally, State and local legislative restrictions may be incorporated into the model in projecting alternate routes.

I state that, Mr. President, because I want to keep harping on that, hoping that at such time as nuclear waste will be transported, the Federal law as decided by the Federal appeals court will not stand in the way of the Department of Transportation giving some acceptability to the work that has been done by local government subdivisions.

As I mentioned earlier, in the Southern United States alone, even though we do not transport high-level nuclear waste now, 40 jurisdictions in the South currently have some form of local restrictions. I hope that the Department of Transportation will keep that in mind in the future. These restrictions are generally considered preemptive by the Hazardous Materials Transportation Act which we have discussed previously at some length.

We have talked about the model that was used for highways. There is also, Mr. President, a routing model that is used for railroads. It is contemplated in the modeling that they have done that they would like to haul as much of this nuclear waste by rail as they can. The reason, of course, is that you can haul more in a railroad car than you can in a truck. But some problems arise with that because some nuclear sites are not conveniently located to railroad spurs and sidings. Therefore, even though they would like to do that, they are not going to be able to do it as much as they want.

So the routing model for railroads is important. It was developed after the modeling for the highways. The current model that they have has potential rail route networks for transporting these radioactive materials and the current system includes some 17,000 links on nearly all rail lines and branch lines in the United States with the exception of spur lines. The Nation's rails system consists of many independent companies which makes judging potential routes far more complicated than selecting highway routes.

I would also state, Mr. President, since they have done this modeling many small railroads have gone out of business. Many small railroads have been purchased by larger railroads and then the services rendered by the small railroads no longer exists, so it does put a larger factor into the highway modeling that has not yet been done.

While some model capacity, again for the railroads, basically defines the shortest distance route, the system is designed to reflect the corporate and operational structure unique to the railroad industry. For example, railroads that usually attempt to maximize shipments and distance traveled on their system, particularly the first rail carrier to handle shipment. The model uses a standard multiplier to compensate for this advantage. The model also will minimize rail transfers from one company to another.

The one situation that is contemplated with transfer through the rail industry is that there will be a lot more switching around. If you load a truck at Savannah River in Georgia to go to Hanford or to Yucca Mountain, the same truck is going to go all the way. The same carrier will pull that payload. But with railroads, that same railroad car may be switched dozens of times before it will arrive in Hanford or Yucca Mountain or wherever it might go.

Interline, that is the name they have given this model here, incorporates a weighting factor to make use of the most heavily traveled main lines except in the event of the origin or destination where specific branch lines will be required. Like the highway model, the rail data base can restrict specific rail links should there be any State or local legislation prohibiting or impeding rail shipment through an area.

With some that we have talked about, Mr. President, the local restrictions, virtually all of them deal with highways. Not many deal with railways. That being the case, when it is talked about by the Department of Transportation that they are going to try to give some semblance of credibility to what they do on a local level regarding railroads, we must recognize that it is almost nothing anyway so that statement is without much merit.

The two models, the highway and the railway modeling, have generated a series of maps and cables for the shipment of spent fuel from commercial storage sites to repository sites located at Hanford, WA, Yucca Mountain, NV, or Deaf Smith, TX. So highway routes were based on the guidelines that we have talked about. The rail routes would simulate general movement of commerce.

The models basically identified the shortest distance between two points. If it has to go from Savannah River to Hanford, they would try to develop the shortest route because it is cheaper. That is something also that should give us some concern.

Before my illustration was taken down, I went through a number of different cities that high-level nuclear waste would travel. Remember, high-level nuclear waste is very toxic. And you would think the modeling would take into consideration ways to avoid transportation through heavily populated areas. But that is not the case. They still try to do the shortest distance between two points which is a straight line, even though it may go through the largest cities in the United States.

For each site, the estimated cumulative number of shipments through each State is calculated to include shipments that originate and pass through the State. There is a real problem trying to go from point A to point B in the shortest possible distance because as I mentioned before, you travel through some of the heavily populated areas of this country. But from a regional perspective, most highway and rail routes in Hanford, WA, from southern reactors would travel in what is known as a northwesterly direction almost entirely separated from routes used for the northwest and north central reactors.

Let me repeat that. From a regional perspective most highway and rail routes to Hanford, WA, from southern reactors would travel in a northwesterly direction almost entirely separated from routes used for northwest and north central reactors to a Yucca Mountain, NV, repository, and southern highway shipments would again be separated from northeast to north central highway routes using a direct westerly route.

Southern railroad routes, however, would to a large extent travel and merge with other eastern rail shipments to the Midwest, particularly Missouri, Nebraska, and Kansas, before moving on to Yucca Mountain.

Finally, shipments to Deaf Smith, TX, from southern reactors would also take routes similar to those going to Yucca Mountain.

The following represents a comparative State-by-State overview of annual rail and highway shipments routing from each Southern State to a repository. Alabama, for instance, shipments to all three repositories are essentially the same, 90 truck, 22 rail cars, except in the case that there would be some extra rail shipments for some unknown reason. Arkansas, significantly more shipments, over 300—now remember, Alabama we are talking about only 22, but Arkansas—passing through to Yucca Mountain and Deaf Smith, the largest number of rail shipments would pass through to Hanford. And that would be 31.

Florida, only truck shipments, no way to do it by rail, and Georgia, pass-through truck shipments would be the same, some 200 to each repository. The most rail shipments would be to Yucca Mountain and Deaf Smith.

So a lot depends, Mr. President, where you are going as to whether it will travel by rail or by truck.

Mr. BYRD. Mr. President, I ask unanimous consent that the distinguished Senator from Nevada may yield to me without losing his rights, that they be protected, that resumption of this speech not be counted as a second speech, and that no interruption in the RECORD show.

Mr. REID. Mr. President, could I ask the majority leader a brief question?

Mr. BYRD. Yes.

Mr. REID. Is he going to go to other legislation today?

Mr. BYRD. Yes, That was my plan, and then I was going to express the hope that when the distinguished Senator has finished his speech, then thereafter—and I will be perfectly content to stay here as long as he wishes to speak—as soon as he is finished speaking I think the Senate will go over until Tuesday.

Mr. REID. Does the Senator want me to finish speaking after he completes the next business?

Mr. BYRD. I did not want the Senator, if he had 2 or 3 sentences left, not to have that opportunity.

Mr. REID. I think I would exclude those 2 or 3 sentences if I had the opportunity.

Mr. BYRD. If I may proceed now, and I thank the distinguished Senator.

The PRESIDING OFFICER. The Senator yields. Without objection, the majority leader.

FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 1988

Mr. BYRD. Mr. President, I see both the distinguished chairman of the Appropriations Committee, Mr. STENNIS, and the distinguished ranking member of Appropriations, Mr. HATFIELD, on the floor. This request has been cleared with the Republican leader and all around.

I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 428, House Joint Resolution 394.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

> A joint resolution (H.J. Res. 394) making further continuing appropriations for the fiscal year 1988, and for other purposes.

There being no objection, the Senate proceed to consider the joint resolution.

Mr. STENNIS addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. STENNIS. Mr. President, I have here for consideration a joint resolution continuing the appropriations for the fiscal year 1988 and for other purposes.

This is really just for a few days, Mr. President. It extends the time from November 10, 1987, and inserts in lieu thereof December 16, 1987 which is just a little over 30 days.

This is just part of the housekeeping and bookkeeping, and keeping the record straight. It would be of great convenience and help to get this done today so we can continue other matters that depend on it.

Mr. President, House Joint Resolution 394 is the second continuing resolution for the fiscal year 1988. I hope it is the last. This resolution provides what we refer to as temporary stopgap funding for the Federal Government for the period November 10, 1987 until December 16, 1987, or until the enactment of the regular, annual appropriation bills, whichever comes first.

This is a simple, clean, noncontroversial continuing resolution which provides temporary, restrictive funding for the functions of Government at the fiscal year 1987 level of operation. It covers all programs, projects, and activities included under the regular 13 annual appropriation bills.

The House of Representatives has passed and has sent to the Senate 10 of the 13 annual appropriation bills for fiscal year 1988. The Senate has passed 9 of these appropriation bills and is currently debating the 10th one.

The Senate Committee on Appropriations has also proceeded with its own agriculture appropriation bill and has reported it to the Senate. The two remaining appropriation bills—defense and foreign operations—will soon be considered by the committee.

The proposed termination date in this continuing resolution is December 16, 1987. This should be sufficient time to enable the Senate to complete action on all 13 appropriation bills.

Mr. President, a brief explanation of this proposed continuing resolution includes the following principal points: First, the resolution provides interim funding at a rate of operations not in excess of the current rate of operations and under the current terms and conditions in effect during the fiscal year 1987 for the 13 regular, annual appropriation bills.

Second, for the foreign operations appropriation bill, the rate of operation shall not be in excess of the current rate or the rate provided for in the budget estimate, whichever is lower.

Third, the funding made available by this resolution continues to be available until December 16, 1987, or until the enactment of the regular appropriation acts.

Finally, new starts are prohibited during this interim time period. The resolution also carries the usual, necessary technical provisions relating to obligation or expenditures made during the duration of the continuing resolution.

I emphasize, again, that this is a clean, simple, traditional continuing resolution, without any controversy to my knowledge, and I urge the Senate to pass it without amendment. This will clear this matter for the President's approval as soon as possible.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, I join with the chairman of the Appropriations Committee in offering this continuing resolution at this time.

I would only make one or two further explanations. One is that this resolution maintains a current rate of expenditure for 12 of the bills and for the foreign operations bill. It compares the President's request to the current level and whichever of those counts as lower. It is the figure at that point which brings us out with about $11.5 billion in budget authority and $6.61 billion in outlays below—I emphasize "below"—the current budget resolution.

So, Mr. President, there is but an extension and hopefully before the expiration of this extension, we will have completed the appropriations process.

Mr. STENNIS. Mr. President, I urge passage of the resolution.

Mr. GRAMM. Mr. President, I had intended to offer an amendment to the continuing resolution which would have set a termination date of November 19, 1987. I have decided, after talking to people on both sides of the aisle and on both ends of Pennsylvania Avenue, not to do that. I thought, however, that I would like to at least explain for the public record why I thought it was a good idea, and why I think we are making a mistake to pass a temporary CR taking us to December 16.

I have concluded, however, in trying to set the termination date for the CR at November 19, that I am sort of like the Boy Scout trying to take the little old lady across the street, only to find out that the lady does not want to go across the street. Let me explain the basic problem.

On November 20, under the terms of the Balanced Budget and Emergency Deficit Control Reaffirmation Act, or the Gramm-Rudman-Hollings law as it is popularly known, we will have an automatic cut of $23 billion for those programs affected. There will be a 10.5 percent cut for the defense programs that are affected because some of the personnel accounts are protected, and there will be a 8.5 percent cut in other programs and which will go into effect unless some compromise on deficit reduction is reached and signed into law.

By passing a CR that extends through December 16 we eliminate any guarantee that we are going to have an opportunity in the U.S. Senate or in the House to vote on and have enacted legislation that would reduce the deficit prior to November 20.

Obviously, I am hopeful, as I am sure that all Members are, that we are going to work out a compromise, that the discussions that are underway will yield an agreement that will meet the $23 billion in deficit reduction required under the Gramm-Rudman-Hollings law and that we will have no across-the-board cut. In fact, I am hopeful we will go beyond that. I am hopeful we will save the $23 billion this year and I support a 2-year package that will assure that we also meet the target for next year. I am confident that if we can put such package together it can be adopted on a bipartisan basis and it will sooth the nerves on Wall Street and enable us to continue an economic recovery that has put 12.5 million people to work and brought jobs and opportunity to our people.

My concern, Mr. President, is that by passing a CR that runs until December 16, if there is no compromise, then we have no guarantee that we will have an opportunity to vote again on a proposal that could lower the deficit and, if signed into law, prevent the across-the-board cut from going into effect.

I think that is a very serious problem. I have talked to both the White House and the leadership of both parties represented in the Senate about the desirability of setting the CR to expire 1 day before the sequester order would go into effect. That would mean that any Member of the Senate would have an opportunity on that new CR to offer alternatives to the across-the-board cuts.

One of the alternatives that I have looked at is to simply freeze defense and discretionary nondefense spending at last year's level. That would achieve about half of the $23 billion in deficit reduction required under the sequester order.

If we only did that, we would cut the sequester order in half. I believe that on the 19th, the day before the sequester order went into effect, if there were no better alternative, that that freeze would be adopted. But we are not, because of the passage of this CR, going to have an opportunity to do that.

If there is no compromise, and obviously I am hopeful there will be one, we will, as a result of this action today, have no guarantee that there will be another vote which could help us avoid the sequester.

I think that is taking an unnecessary risk. I think it is very foolish policy. But I think it is clear that the Congress and the White House have decided that they do not want to address this issue now. I hope that they are correct; I hope that I am incorrect.

I fear that we are passing up one additional opportunity, which we may not need—it may be that we will work out a compromise. But by passing a CR taking us beyond the point where the sequester order will go into effect, we eliminate one potential outlet for action or for compromise, and I think that is a degree of freedom that we eliminate at our own peril.

I do recognize, however, Mr. President, that it is hard to save those who do not want to be saved. I have concluded that neither the Congress nor the White House want this additional degree of freedom. I hope we do not need it. If it turns out we do need it, we will certainly wish we had it. We will not have it as a result of this action today. I think it is a mistake, and I simply wanted to make that part of the public record.

I yield the floor.

The PRESIDING OFFICER. The joint resolution is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the joint resolution.

The joint resolution (H.J. Res. 394) was ordered to a third reading, was read the third time, and passed.

Mr. STENNIS. Mr. President, I thank the membership for passing the joint resolution. It is a matter of procedure. It will be quite helpful in carrying out our mission.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. STENNIS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I thank the two managers—the distinguished chairman and the ranking member of the Appropriations Committee—for their action today, enabling the Senate to take this action, so that the country and the Government will know that things are all well until midnight next Tuesday. This gives us additional time in which to develop our budget deficit reduction package, hopefully, to put it into the reconciliation measure.

I express my gratitude and my deep thanks to both.

Mr. STENNIS. I thank the majority leader.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there be a period for morning business, not to exceed 10 minutes, and that Senators may speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

FRAUD OF THE DAY—PART 12

Mr. HEINZ. Mr. President, I thank my colleague from Washington for yielding and I shall be brief.

Mr. President, as a number of my colleagues have probably noted, I have taken to the floor with some regularity in the past 3 weeks to bring to the attention of the Senate a series of serious, troubling, and sometimes downright outrageous Customs frauds.

Today is fraud of the day, part 12.

Mr. President, today's fraud is an exciting one. It features fast cars, attempted illegal border crossings, and large quantities of cash. It also boasts of a successful apprehension of the three principal bad guys. Although this might sound more like a television show or an adventure movie than a real criminal act, I can assure Senators that life sometimes does imitate what some consider art—this did actually happen. This was a real case of fraud with a very real impact on our country.

During 1985 and 1986, Julian Marcu, Albert Marcu, and Silvio Catano initiated the illegal importation of 14 vehicles into the United States. The scam here was the importation of luxury vehicles like Mercedes, that had been manufactured for the European market but which were not in compliance with either Environmental Protection Agency or Department of Transportation regulations. Customs agents arrested Julian Marcu and Silvio Catano in March 1987, as they were leaving their San Francisco home on the way to the airport to flee the United States in order to avoid prosecution. Agents seized $300,000 from them at the time of their arrests, along with six luxury wrist watches, four of them Rolexes—one and a half for each arm. Albert Marcu subsequently surrendered in April. Julian Marcu pled guilty to a violation of 18 U.S.C. 1001—making a false statement—and Albert Marcu and Silvio Catano pled guilty to violations of 18 U.S.C. 2, aiding and abetting the false statement, and 42 U.S.C. 7413(c)(2), making a false statement concerning national emissions standards for hazardous pollutants. Albert Marcu was sentenced to 3 years probation, 100 hours of community service, and a $10,000 fine. Silvio Catano was sentenced to 3 years probation, 100 hours of community service and a $5,000 fine. Julian Marcu, as part of a plea bargain arrangement, received 5 years suspended sentence, a $25,000 fine, 200 hours of community service, and was ordered to pay $60,000 in modification costs to bring the vehicles into compliance with EPA and DOT specifications.

I realize that this fraud seems like the perfect plot-line for an episode of "Miami Vice." It is not. It's just one of hundreds of frauds which occur yearly and which significantly injure our country and our economy. Something must be done to stop this from happening, and I believe that a private right of action is an appropriate measured response.

Mr. President, I recently received a letter from the Specialty Steel Industry of America which strongly supports the Senate private right of action provision. The letter makes the argument that such action would ensure, or at least make more likely, successful prosecution of customs fraud cases, since private initiative and resources would be brought to bear. The letter also stresses, as I have done frequently in the past, that a private right of action would have a high deterrent value as well as providing a needed opportunity for compensation for firms which are injured by such fraud. Mr. President, I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COLLIER, SHANNON, RILL & SCOTT,
ATTORNEYS AT LAW,
Washington, DC, September 25, 1987.

JUDITH BELLO, *Esquire,*
Deputy General Counsel, Office of the U.S. Trade Representative, Washington, DC

DEAR MS. BELLO: On behalf of the Specialty Steel Industry of the United States, we would like to express our support for the legislative provision in the Senate's Omnibus Trade and Competitiveness Act of 1987 (H.R. 3) which creates a private right of action to recover damages caused by customs fraud. The Specialty Steel Industry of the United States, a trade association of 14 domestic producers of specialty steels, has frequently utilized U.S. trade laws in the past 15 years. The industry has received import relief under the "escape clause" provisions in two separate cases, first in 1976 and again 1983. In addition, these American manufacturers have successfully filed numerous dumping and countervailing duty actions as well as cases under section 301 of the Trade Act of 1974, as amended.

However, our industry has learned that the successful prosecution of a trade case is only the first step in achieving fair trade. Stringent enforcement is clearly required to ensure that the trade laws are honored. However, the U.S. Customs Service has limited resources and cannot be expected to identify and prosecute every malfeasance. Section 939 of the Senate omnibus trade bill would allow U.S. companies or their trade associations to commence litigation into the U.S. Court of International Trade to obtain compensation for harm resulting from acts of fraud or gross negligence under U.S. Customs laws. With an army of private attorney generals, the enforcement capability of the U.S. government could be enhanced considerably. This statutory amendment would thus provide the mechanism to expand the prosecutorial reach of the U.S. Customs Service.

In addition, this proposal would have two other significant benefits. First, the mere passage of this legislation should provide much-needed deterrence to these unlawful actions. If importers and others are aware that they can no longer rely on Customs' strained resources to avoid prosecution, they might—on their own initiative—refrain from engaging in prohibited acts. Such deterrence would certainly be in the public interest.

Moreover, this private right of action would enable victims of fraudulent or grossly negligent practices to be compensated for their injury. Under current law, only the U.S. treasury obtains a recovery for the prosecution of parties guilty of these infractions. However, those U.S. companies that make a like or competing product and that suffer injury when congressional intent is thwarted receive no reimbursement for their economic harm. As in other areas of the law such as antitrust or securities, it is entirely appropriate that such victims be "made whole."

For these reasons, the Specialty Steel Industry of the United States therefore urges the Administration to support the enactment of section 939 of the Senate's Omnibus Trade and Competitiveness Act of 1987, a provision which creates a private right of action to recover damages caused by customs fraud.

Very truly yours,
David A. Hartquist,
Lauren R. Howard,
Counsel to the Specialty Steel Industry of the United States.

THE BRIGHTER HOPE FOR PEACE IN CENTRAL AMERICA

Mr. PELL. Mr. President, we celebrate today the brightest hope for peace in Central America that has existed since the bitter and violent turmoil began. The critically important 90-day milestone for compliance with the various provisions established in the Central American peace plan, signed by the Presidents of the five Central American nations, has been reached. Each of the nations has taken major steps to reach compliance. National Commissions of Reconciliation have been formed, amnesties have been declared, democratic reforms have been instituted, and dialogue with forces challenging the governments have either begun or are about to get underway.

President Ortega's announcement yesterday, that the Sandinista government has agreed to hold talks with the Contras, through a mediator, was an important factor in reaching this milestone. All of the Central American Presidents have made hard decisions in order to reach this point, and one of the most politically difficult was made yesterday by President Ortega. His announcement clearly underlines that the cause of peace has priority in Nicaragua. The Nicaraguan Government now joins the Duarte government in El Salvador and the Cerezo government in Guatemala in the effort to settle their differences with insurgent forces on the political level, rather than on the field of war. I know that all of my colleagues support my hope that the discussions in Nicaragua, perhaps aided by the Catholic Church, will yield the sweet fruits of peace.

Mr. President, a milestone has been reached in the process toward peace in Central America. For sure, there are many, many more obstacles to be overcome, but the road to peace has been reenforced by the steps taken toward compliance thus far. The mind-set for peace appears to have been established. The governments now realize that the peace, which seemed so distant when President Arias first suggested his plan last February, is now within reach. The governments have come a very long way in a very short time and now know that peace can be accomplished. All of the Presidents have shown tremendous courage and strength in these first 90 days of the peace process. They all deserve our congratulations and support as they continue to work toward full compliance with the plan to establish a just and lasting peace in Central America.

A PROUD SALUTE TO SENATOR LAUTENBERG

Mr. BRADLEY. Mr. President, the Star-Ledger, New Jersey's largest paper, recently took note of our colleague, Senator Lautenberg's long and notable record of humanitarian and philanthropic activities.

Those of us who work with Senator Lautenberg in the Senate are well aware of his leadership on such important issues as protecting the environment, ensuring adequate and safe train and airplane service, and as an articulate spokesman for the State of New Jersey. Some of my colleagues may be less familiar with Senator Lautenberg's long record of philanthropic activities. Therefore, I would like to share with all of you the article from the Star-Ledger of October 11, 1987.

There being no objection, the article was ordered to be printed in the Record, as follows:

A Proud Salute to Mr. Lautenberg

(By John Soloway)

The effort against human affliction and disease is never-ending . . . And, perhaps nowhere are the initiatives and the initiators more in evidence than in New Jersey.

Which is as it ought to be, for the Garden State is famed as the "Medicine Chest of the Nation"—the country's main arena where combatting the ills of men is an aim unlimited, uninterrupted and unending. And united.

In recent days, the Jersey business community has been alerted respecting a pair of upcoming major milestones worthy of note among segments of business beyond the health-care industry proper.

Next Sunday evening, the Jerseyan-originated/funded internationally recognized Lautenberg Center for Immunology will observe the 20th anniversary of its founding. It's a Jersey event.

On Friday evening, Nov. 6, the Emmanuel Cancer Foundation, which operates in the Essex County community of Bloomfield, will stage a gala, at which will be bestowed the organization's 1987 award for exceptional support of its activities to aid families with youngsters stricken with cancer.

At both events, to be held at the Parsippany Hilton Hotel, the honoree will be Frank R. Lautenberg, the Montclair corporate and community leader, humanitarian and philanthropist who has graced the United States Senate since leaving the Automatic Data Processing Inc. as chairman and chief executive officer of the Roseland-headquartered company he helped found.

The community response to both events has been inspiring, according to business leaders laboring in their behalf.

Each event is expected to attract more than 500 or more guests and a host of prominent public figures including, among others, Gov. Thomas Kean, State Senate President John F. Russo, Congressman Jim Courter, demonstrating that when campaigns are waged against mankind's maladies the partisanship of political convictions is cast aside.

Frank Lautenberg, poised for what appears to be another successful run for the U.S. Senate, has labored in the public's behalf long before his interest in national affairs prompted his political activity. Health welfare of the people, for instance, has been an abiding aim.

Currently, for example, as one of the Senate's most effective voices, he speaks out against the hazards of smoking and the contamination of New Jersey's coastline through waste dumping in the waters off the Garden State.

"This is an all-out attack on pollution of our ocean and beaches," Lautenberg declared in the introduction to his Shore Protection Act of 1987.

He took on an uphill battle against tobacco interests in a valiant effort to ban smoking on commercial airline flights. Protecting the health of nonsmokers, maintains Lautenberg, is a vital public cause.

A score of years ago, Lautenberg, then chief executive of Automatic Data Processing, provided the grant that launched the cancer research institute that bears his name.

Accorded status as Lautenberg Center for General and Tumor Immunology and located at the Hebrew University in Jerusalem, the facility is a major immunology research center which has devoted significant efforts to investigating the immune system as the key to finding the answer to cancer, AIDS and other auto-immune diseases.

Recognized internationally as a major seat of investigation and training, the center is described by Dr. James F. Holland, head of Oncology at the Mount Sinai Medical Center in New York, as being "at the pinnacle of research in immunology and cancer today."

More than 800 publications and books have originated from the center. Several early diagnostic tests for malignancies, including breast and colon, are being developed.

Moreover, more than 90 percent of all monies raised for the center goes for research, while less than the balance is spent on administrative needs, according to Paul Densen, the New Jersey industrialist who is chairman of the Endowment Committee of the center. Densen is chairman of the Eastern Packaging & Display Co. in Bloomfield.

Next Sunday's event, sponsored by American Friends of Hebrew University, will have as special guests Ambassador Max M. Kampelman, head of the U.S. Delegation in the nuclear and space arms negotiations, and Dr. David W. Weiss, the noted scientist and chairman of the center who holds the Merck Senior Postdoctoral Fellowship presented by the National Academy of Sciences among other distinctions.

As the 1987 recipient of the Emmanuel Cancer Foundation Award at the Nov. 6 affair, Frank Lautenberg will join another New Jerseyan of prominence in public affairs—Gov. Kean, an earlier honoree of the foundation. The Governor will address the gala, as will Sen. Russo, the event's honorary chairman and a likely gubernatorial aspirant.

The foundation, according to Joseph Vizzoni, the well-known land development and construction executive of Vizzoni Group of Kenilworth, was established to provide important support benefits to families whose children are stricken with cancer.

The foundation was founded by Joe Vizzoni and his wife Susan after they lost their son Emmanuel, then 7, to cancer. The Vizzonis provided the initial grant to establish the foundation.

In the past five years, some 200 families with cancer-stricken youngsters have been provided with support, and 109 families are currently receiving benefits through the foundation.

The tributes to Frank Lautenberg, recognized widely for his high status among the foremost leadership of the general and Jewish communities in the U.S. are certainly well deserved.

His identification with causes of charity, health care and culture "has become his hallmark and an example of human concern with the welfare of society," to quote an assessment voiced in a recent accolade to Lautenberg.

Born in Paterson, Lautenberg served in the U.S. Armed Forces during World War II, and then obtained his collegiate education at Columbia University in 1949. In the early 1950s he founded, together with Henry and Joseph Taub, Automatic Data Processing which under his direction has become one of the most prestigious companies in the field.

Lautenberg traces the origins of his care for humanity to the inspiration engendered in the course of his friendship with Shai Shacknai, an Israeli who took the post of Rabbi in Wayne, and who died in his late 30s.

Within a number of years, Lautenberg has taken into his hands the reins of numerous organizations and missions for the advancement of mankind, according to a historical account on the Lautenberg Center.

Among the many key offices Lautenberg has held are the presidency of the American Friends of the Hebrew University and the chairmanship and presidency of the United Jewish Appeal. He has been a key member of the executive committee of the Jewish Agency and on the board of governors of Hebrew University as well as the boards of major philanthropic and cultural bodies in the United States and Israel and of international business and banking enterprises.

The historical account continues.

"No less impressive than this plethora of public roles is the boundless energy which Sen. Lautenberg brings to every cause with which he associates himself, and the wisdom and tenacity of his advocacies."

Frank Lautenberg looks like a winner next year when he'll be up for re-election to the Senate.

BICENTENNIAL MINUTE

NOVEMBER 6, 1898: GAS EXPLOSION ROCKS CAPITOL

Mr. DOLE. Mr. President, in the early evening of November 6, 1898, 89 years ago today, a tremendous explosion rocked the Capitol. Moments earlier, a Capitol policeman had detected a strong smell of gas, but that was not uncommon in the building, which was honeycombed with gas pipes. This time, however, the odor was the harbinger of disaster: gas was pouring out of an old pipe that had recently been capped during the electrification of the building. Within minutes, there was a huge blast and tongues of flame shot out of the East front windows of the Senate wing. Black smoke billowed up against the darkened sky.

The explosion occurred almost directly under the first floor crypt area in the center of the building. The blast blew out windows and doors in both the Senate and House wings, but the fire that followed spread mainly through the Senate side, filling this Chamber and all the rooms around it with dense, dark smoke. Immediately in the conflagration's path on the first floor was a room used to store valuable old Supreme Court records, all of which were lost. Flames quickly engulfed that room; the floor buckled; stone pillars cracked; and elevator, only recently installed for the Justices, melted into a twisted mass. One floor above was the Supreme Court Chamber itself, now restored as the Old Senate Chamber. It too suffered serious damage.

By the orange glow of the flames, bystanders could see long ladders flung up along the East front and firemen climbing up toward the Supreme Court Chamber's windows to direct water onto the flames. After nearly 3 exhausting hours, the flames were doused. The last wisps of smoke puffed out and rivulets of water running down the Capitol's sides dried up. Guards were posted at all entrances to prevent souvenir hunters from entering the building, and everyone else went home, knowing the next day would bring the grim task of assessing the terrible damage.

MESSAGES FROM THE HOUSE

At 10:35 a.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the Speaker appoints Mr. WATKINS as a conferee in the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2713) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1988, and for other purposes, vice Mr. SABO, resigned.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1212. An act to prevent the denial of employment opportunities by prohibiting the use of lie detectors by employers involved in or affecting interstate commerce.

MEASURES PLACED ON THE CALENDAR

Pursuant to the order of the Senate of November 5, 1987, the following bill was read the first and second times and placed on the calendar:

H.R. 1212. An act to prevent the denial of employment opportunities by prohibiting the use of lie detectors by employers involved in or affecting interstate commerce.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, November 6, 1987, he had presented to the President of the United States the following enrolled bill.

S. 442. An act to amend chapter 9 of title 17, United States Code, regarding protection extended to semiconductor chip products of foreign entities.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2068. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the annual report on the Nation's agricultural research and education (extension and teaching) activities for 1986; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2069. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Financial Audit: Statement of Accountability for the Office of the Attending Physician for 1986"; to the Committee on Appropriations.

EC-2070. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Financial Audit: Panama Canal Commission's Financial Statements for 1986 and 1985"; to the Committee on Armed Services.

EC-2071. A communication from the Secretary of the Interior, transmitting, pursuant to law, additional material to accompany a previously submitted report on the Juan Bautista de Anza Trail in Arizona and California; to the Committee on Energy and Natural Resources.

EC-2072. A communication from the Administrator of General Services, transmitting, pursuant to law, an informational copy of a building project survey for Memphis, TN; to the Committee on Environment and Public Works.

EC-2073. A communication from the President of the World Wildlife Fund, the Conservation Foundation, transmitting, for the information of the Senate, a report entitled "State of the Environment: A View Toward the Nineties"; to the Committee on Environment and Public Works.

EC-2074. A communication from the Deputy Assistant Secretary of Defense (Administration), transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-2075. A communication from the special counsel, Merit Systems Protection Board, transmitting, pursuant to law, a report on findings and recommendations of the Secretary's investigation into allegations of violations of law and regulation, mismanagement, abuse of authority and creating a specific danger to the public health and safety at the Food and Drug Administration, Center for Veterinary Medicine; to the Committee on Governmental Affairs.

EC-2076. A communication from the chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 7-93 adopted by the council on October 13, 1987; to the Committee on Governmental Affairs.

EC-2077. A communication from the chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 7-92 adopted by the council on October 13, 1987; to the Committee on Governmental Affairs.

EC-2078. A communication from the chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 7-91 adopted by the council on October 13, 1987; to the Committee on Governmental Affairs.

EC-2079. A communication from the chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 7-90 adopted by the council on October 13, 1987; to the Committee on Governmental Affairs.

EC-2080. A communication from the chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 7-89 adopted by the council on October 13, 1987; to the Committee on Governmental Affairs.

EC-2081. A communication from the chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 7-94 adopted by the council on October 13, 1987; to the Committee on Governmental Affairs.

EC-2082. A communication from the Associate Attorney General, transmitting, pursuant to law, the decision of the Department of Justice not to defend the constitutionality of the provisions of 2 U.S.C. 205(e) and (f), which preclude the labeling and advertising of the alcohol content of beer; to the Committee on the Judiciary.

EC-2083. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations and final selection criteria for the student assistance general provisions; to the Committee on Labor and Human Resources.

EC-2084. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations for the Follow Through Program; to the Committee on Labor and Human Resources.

EC-2085. A communication from the Executive Secretary, Office of the Secretary of Defense, transmitting, pursuant to law, a report on Department of Defense procurement from small and other business firms for October 1986 through August 1987; to the Committee on Small Business.

EC-2086. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report on the President's sixth special impoundment message for fiscal year 1987; pursuant to the order of January 30, 1975, referred jointly to the Committee on Appropriations, the Committee on the Budget, the Committee on Agriculture, Nutrition, and Forestry, and the Committee on Finance.

EC-2087. A communication from the Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report on the Department of the Air Force's proposed letter of offer to Saudi Arabia for defense articles estimated to cost in excess of $50 million; to the Committee on Armed Services.

EC-2088. A communication from the Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report on the Department of the Army's proposed letter of offer to Saudi Arabia for defense articles estimated to cost in excess of $50 million; to the Committee on Armed Services.

EC-2089. A communication from the chairman and members of the Commission on Merchant Marine and Defense, transmitting, pursuant to law, a report entitled "First Report of the Commission on Merchant Marine and Defense: Findings of Fact and Conclusions," dated September 30, 1987; to the Committee on Armed Services.

EC-2090. A communication from the Acting Secretary of the Army, transmitting, pursuant to law, a report determination and findings for other than full and open competition for the acquisition of water, Fort Drum, NY; to the Committee on Armed Services.

EC-2091. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report on the intention of the Department of Commerce to expand existing foreign policy controls on 14 broad categories of products with potential military application, when destined to Iran; to the Committee on Banking, Housing, and Urban Affairs.

EC-2092. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, a report on the Interagency Council on the Homeless; to the Committee on Banking, Housing, and Urban Affairs.

EC-2093. A communication from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting, pursuant to law, a report regarding refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC-2094. A communication from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting, pursuant to law, a report regarding refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC-2095. A communication from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting, pursuant to law, a report regarding refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC-2096. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report regarding hazardous waste and issues surrounding insurance availability; to the Committee on Environment and Public Works.

EC-2097. A communication from the Acting Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report regarding water resource development projects for the Delaware coast, Cape Henlopen to Fenwick Island; to the Committee on Environment and Public Works.

EC-2098. A communication from the Deputy Secretary of Transportation, transmitting, pursuant to law, a report entitled "Idaho Primary Highway Truck Demonstration Project"; to the Committee on Environment and Public Works.

EC-2099. A communication from the District of Columbia auditor, transmitting, pursuant to law, a report entitled "Review of Northeast Community Development Corporation"; to the Committee on Governmental Affairs.

EC-2100. A communication from the Assistant Attorney General, transmitting, a draft of proposed legislation entitled "To Provide for the Recovery by the United States of the Costs of Hospital and Medical Care and Treatment Furnished by the United States in Certain Circumstances," and for other purposes; to the Committee on Judiciary.

EC-2101. A communication from the Director of the Administrative Office of the U.S. Courts, transmitting, pursuant to law, a report on appropriate recommendations concerning the transportation needs of the judicial branch and of courts established pursuant to article I of the Constitution; to the Committee on Judiciary.

EC-2102. A communication from the chairman, National Science Foundation Board, transmitting, pursuant to law, a report which explains and justifies any actions taken by the Board under section 5(e) to delegate its authority or impose conditions within the proceding two years; to the Committee on Labor and Human Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CRANSTON, from the Committee on Veterans Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 9. A bill to amend title 38, United States Code, to increase the rates of disability compensation and dependency and indemnity compensation for veterans and survivors; to provide additional eligibility for certain educational or rehabilitation assistance to veterans and other eligible individuals with drug or alcohol abuse disabilities; to increase the maximum amount of a home loan which is guaranteed by the Veterans' Administration; to improve housing, automobile, and burial assistance programs for service-disabled veterans; and to extend and establish certain exemptions from sequestration for certain veterans' benefits; and for other purposes (with additional and minority views) (Rept. No. 100-215).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SASSER (for himself and Mr. MELCHER):

S. 1857. A bill to maintain the system of hearing medicare appeals before administrative law judges, to require a study of alternative procedures for such appeals, and for other purposes; to the Committee on Finance.

By Mr. INOUYE (for himself, Mr. MITCHELL, Mr. COHEN, Mr. EVANS, and Mr. ADAMS):

S. 1858. A bill to provide financial assistance to the Warren G. Magnuson Foundation and the Margaret Chase Smith Foundation; to the Committee on Labor and Human Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ADAMS (for himself, Mr. CRANSTON, Mr. WILSON, Mr. KERRY, Mr. KENNEDY, and Mr. LAUTENBERG):

S. Res. 315. A resolution expressing the sense of the Senate concerning Brazilian trade and investment informatics policies; to the Committee on Finance.

By Mr. BYRD (for himself and Mr. DOLE):

S. Res. 316. A resolution to authorize the review of closed session transcript of the Committee on Foreign Relations; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SASSER (for himself and Mr. MELCHER):

S. 1857. A bill to maintain the system of hearing Medicare appeals before administrative law judges, to require a study of alternative procedures for such appeals, and for other purposes; referred to the Committee on Finance.

MEDICARE APPEALS RIGHTS PRESERVATION ACT

● Mr. SASSER. Mr. President, every year thousands of Americans are adversely affected by the denial or diminution of their claims for Federal benefits. Since passage of the Administrative Procedure Act in 1946, many of these citizens have been entitled to hearings in person, on the record, before Federal administrative law judges. These judges, who are attorneys, have been of incalculable service in preventing arbitrary agency decisions against individual claimants.

Until now, this in-person review procedure has been afforded to elderly Americans who were denied benefits under Medicare part A. That is the portion of the Medicare Program that covers the expenses of hospital stays and extended care. Last year, Congress specifically voted to extend this same type of hearing to many recipients of Medicare part B benefits, which cover physicians' services and other medical expenses.

However, it has recently come to light that the very Federal agency which is responsible for administering Medicare—the Health Care Financing Administration, or [HCFA]—is preparing to do precisely the opposite of what Congress intended. HCFA is considering a plan which not only would deny the relief we voted to give part B beneficiaries, but also would reduce the quality of the appeals process now enjoyed by part A beneficiaries. Whereas administrative law judges from the Social Security Administration are presently hearing Medicare appeals at over 130 locations around the country, HCFA's proposal would institute a separate administrative law judge corps, under the control of HCFA at a single facility in Baltimore, to hear all Medicare appeals. Up to three-fourths of these appeals would be conducted not before judges in person, but over the telephone.

This "dial-a-judge" plan would diminish the hearing process, and compromise the independence of administrative judges, on which our senior citizens have come to rely. From what we know of HCFA's proposal, in fact, it amounts to a flagrant disregard of the law.

So that there can be no doubt of Congress' intent in this matter, I am today sponsoring legislation which would impose a 6-month moratorium on implementation of any plan by HCFA to change the way in which Medicare appeals are handled before administrative law judges. My bill also calls upon the Comptroller General to conduct a study within that 6-month period, to examine fully the issues raised by the HCFA proposal. I am pleased to say that my distinguished colleague, Senator MELCHER, joins me as cosponsor of this legislation.

Let me briefly review the statutory history of the Medicare appeals process.

Under Medicare, the beneficiary can seek review of a decision by the insurer to deny all or part of a claim. Until last year, the statutory appeals process was completely different for part A and part B claims. A part A claim of $100 or more was guaranteed review "to the same extent as is provided in" title II of the Social Security Act. Now, the regulations implementing that title have long provided for an in-person hearing before an administrative law judge. Therefore, this is exactly the kind of hearing that Medicare part A recipients have been getting for over 20 years.

Part B claims of $100 or more were handled differently. The statute required only that the beneficiary get one additional "opportunity for a fair hearing" from the insurance carrier that had denied the claim to begin with. The hearing officers were appointed by the carrier, and unlike administrative law judges, they were seldom lawyers.

Experience with part B claims showed that hearing officers appointed by the carrier, no matter how conscientious, tended to be inclined toward the insurers' point of view. Their procedures were informal, if not perfunctory—even HCFA has admitted that the average carrier hearing is over with in 15 minutes. Yet, part B claims for doctors' fees, surgeons' fees and special equipment can be very substantial—often thousand of dollars, larger even than many part A claims.

Thus, section 9341 of last year's Omnibus Budget Reconciliation Act amended the statutory section which grants hearings in part A cases so that it would henceforth include part B claims of $500 or more. At the same time, Congress specifically amended the statute to remove the authorization which has previously existed for carrier hearings, in those part B cases which are over $500.

Yet HCFA has received dozens of requests for part B hearings before an ALJ—as called for by last year's amendment—and has yet to act on a single one. It's holding them up while it concocts a new appeals "plan." That plan doesn't implement congressional intent—it tries to thwart it. Part B claims over $500 are not getting the same treatment as part A claims. Instead, in clear violation of last year's amendments, HCFA is continuing to require that such cases be handled through the old carrier hearing process, before the right to an ALJ hearing can be exercised.

But the greatest affront to statutory intent, I submit, is this: No sooner do we vote to extend in-person ALJ hearings to Medicare part B claims, than HCFA contrives a scheme to do most of them over the phone. Not only that, but the agency, I'm told, has plans to expand this "dial-a-judge" program to part A claims by next April. HCFA's rational is the old shibboleth of "cost efficiency." Once again, this excuse doesn't wash. Once again, a serious injustice is visited upon elderly men and women in our society.

Last month our distinguished House colleague, Representative BARNEY FRANK, of Massachusetts, held a hearing on the HCFA proposal before the Subcommittee on Adminsitrative Law and Governmental Relations of the House Jucidiary Committee. One of the wintesses was Melford O. Cleveland, vice president of the Association of Administrative Law Judges. In his prepared statement, which I would ask be included in the RECORD, Judge Cleveland gave a highly informative description of the typical in-person, due process Medicare hearing over which he presides. I would like just to summarize it here.

As soon as he meets the claimant and other witnesses, Judge Cleveland begins to gauge their demeanor, in addition to the physical and mental condition of the claimant. Judge Cleveland explains the nature of the proceeding, the right to counsel if none is present, and the importance of the record which is being created. With due regard for the age and condition of the petitioners before him, most of whom are strangers to any courtroom setting, Judge Cleveland goes to great lengths to put them at ease. He gets them to relax and talk freely about themselves and their medical problems, all the while continuing to observe and form opinions of their demeanor and that of the medical advisor and any other witnesses. Sometimes in the middle of the hearing, the need for additional records or other evidence becomes apparent. The entire face-to-face process, says Judge Cleveland, takes from 45 minutes to 1 hour—hardly the 15-minute interview HCFA is projecting.

Once you've read Judge Cleveland's testimony, it strains credulity to imagine the same kind of careful, deliberate adjudication taking place over the telephone. If you factor in the problems faced by many of our elderly—hearing impairment, mental or physical disability, and emotional stress—you can understand why Judge Cleveland and his fellow Social Security judges, and other witnesses who testified at the House hearing, believe that telephone Medicare hearings deny full due process and violate the letter, not to mention the spirit of the law.

Dr. William Roper, the Administrator of HCFA, also testified at the House hearing in an effort to explain the plan and to assuage members about its impact. But many aspects of his statement leave me in doubt.

Dr. Roper testified that the idea of telephone appeals is being considered because of the large influx of part B administrative law judge hearings which would result from our amending the statute. Other witnesses, however, cited studies which show that the cost of such a hearing is virtually the same as the cost of one before a carrier-appointed officer. If HCFA would take the money it had been spending on carrier hearings in part B cases over $500, and put it toward the expense of hearings before administrative law judges as the Congress intended, I fail to see how the cost of administering Medicare would be adversely affected. Indeed, by continuing to require duplicative carrier hearings in such cases—contrary to the law—HCFA itself is incurring an uncalled-for expense.

I am puzzled as well by Dr. Roper's explanation of the need for an altogether separate Medicare ALJ corps. Dr. Roper suggested that a separate group of ALJ's would tend toward greater specialization and familiarity with Medicare issues. But if, as Dr. Roper suggested, the Medicare caseload is a burden on the Social Security System, why have its law judges—who now hear Medicare appeals—spoken out against HCFA's proposal?

I think it is because Social Security ALJ's have a long institutional memory, and perceive an ulterior motive in HCFA's call for "specialization."

They remember that only recently, the Social Security System itself was the subject of a concerted effort to compromise the independence of administrative law judges. One strategy was to "target" ALJ's whose rate of reversing the agency was considered too high. Under this "Belmon review" process, opinions of the targeted judges were subjected to scrutiny at the policy level by agency counsel.

The man responsible for the review process, Assistant Social Security Commissioner Louis B. Hays, noted a resulting falloff in benefit allowances and called this "good news." But as recognized by the Federal court, which upheld a challenge to the program by the Association of Administrative Law Judges, the "review" program was an undisguised effort to pressure those judges into disallowing benefits.

Now, this same Mr. Hays argued against face-to-face hearings in his 1982 testimony before the Senate Subcommittee on Oversight of Government Management. In Mr. Hays' words, personal contact diminishes an ALJ's objectivity precisely by "having the person before you, raising all the sympathies that we all feel, as compassionate human beings, for our fellow man." Cut off this direct contact, in order words, and you immunize the administrative process from such untidy influences as, "human sympathy."

Would it surprise any of my colleagues to hear that Mr. Hays is presently Associate Administrator of Operations for HCFA, or that he is a principal architect of its program to "reform" the Medicare hearing process?

That is why I for one am skeptical of HCFA's rationale for a specialized Medicare ALJ corps. Dr. Roper told the House subcommittee that locating Medicare ALJ's at HCFA's Baltimore facility, where they would be subordinate to, in daily contact with, and lunching at the elbows of policy-making colleagues like Mr. Hays, will help improve their understanding of the Medicare system. I suggest it would co-opt their judgment and subject them to undue pressure.

Moreover, HCFA has gone beyond the "planning" stage with its Medicare ALJ proposal. It has already proceeded to hire a number of such judges at the GS-14 level—lower than any other administrative law judges. This makes them even more reliant on HCFA's good will for promotion, and susceptible to agency influence. This is just the kind of influence which we meant to ameliorate by taking some part B appeals from carrier hearing judges.

As to the idea of doing most appeals over the telephone, Dr. Roper testified there is no cause for alarm because that process would be purely voluntary. The option for face-to-face hearings would be preserved by having the new Medicare administrative judges available to travel around the country as needed.

I seriously question how "voluntary" this telephone option would be, or how informed a choice the beneficiary would make in foregoing face-to-face hearings. I can easily envision elderly patients being told how much "easier" it would be to conclude matters over the telephone. I can imagine those who still insist on a person-to-person hearing, being told how long they'll have to wait until enough hearing requests accumulate to justify sending an administrative law judge all the way from Baltimore.

This is not idle speculation. I have received a copy of a letter sent by a New York Medicare insurer on September 24, 1987, in response to a request for a "fair hearing" under part B. This letter advises of the "many options to choose from" and lists them in the following order: A request for a ruling "on the record," which "will save you the time of a personal appearance"; A request to "have your hearing conducted by telephone"; and as a last resort, in the writer's words, "finally, you may appear in person before a Hearing Officer." This sequence is repeated on a form checklist attached to the letter, with the option of a "personal appearance" again placed dead last.

It doesn't take much imagination to see that the structure of "options" and the deemphasis of a face-to-face hearing scarcely put the elderly reader on notice of its importance. How often might claimants agree to the telephone "option" being urged upon them, without any awareness of the relative disadvantage to which they are put by such a choice?

In short, the ultimate effect of a similar presentation of "options," under HCFA's plan, would be to deny due process under the Medicare system, make Medicare appeals less easily accessible to our senior citizens, discourage them in the pursuit of their rights, and diminish the quality of the hearing process for those who do persevere. This is contrary to law and to the express will of Congress.

For that reason, Mr. President, the legislation I am proposing today will do three things. For a 6-month period following enactment, part A claimants, and part B claims over $500, must continue to be afforded the hearings presently provided before administrative law judges of the Social Security Administration. Second, during this period no one with a right to request the foregoing type of hearing can be compelled, as a precondition, to participate in the old part B carrier hearing process. This is to make clear, contrary to HCFA's interpretation, that Congress did not upgrade the type of hearing available in part B claims over $500, only to have HCFA continue to subject such claims to a two-tier review process.

Finally, the Comptroller General, in consultation with the Secretary of Health and Human Services, is to conduct a study and report to Congress within 6 months of the feasibility and advisability of alternatives to the traditional, in-person Medicare hearing. Our bill defines some of the issues we specifically want to have addressed by the GAO study—for example, the relative fairness or difficulties posed by telephone hearings; an update of the comparative costs of hearings before an administrative law judge, as opposed to the carrier hearings HCFA wants to continue; and whether the argument for a separate Medicare law judge corps is truly justified.

It may be that such a study will show that there are some types of proceedings that can be handled efficiently yet fairly over the telephone, or without the participation of an administrative law judge. We do not want to preclude such a possibility for example, in cases where the claimant is a physician or other health care provider.

But the type of blanket approach which HCFA is considering—and it would seem, quietly putting into effect even now—must not go forward without independent scrutiny by Congress. We cannot allow this Federal agency to illegally constrict the rights of Medicare beneficiaries under the specious pretext of "cost efficiency."

There being no objection, the statement by judge Cleveland was ordered to be printed in the Record, as follows:

STATEMENT OF JUDGE MELFORD O. CLEVELAND

Mr. Chairman and members of the Committee, Good Morning.

I am Melford Cleveland, Vice President, Association of Administrative Law Judges in the Department of Health and Human Services. I am appearing instead of Judge Leonard Baloun, President of our Association. Judge Baloun has asked me to express his profound regret that he could not be present today.

I have attached my complete resume to my written statement. Briefly, after clerking for Supreme Court Justice Hugo Black, I was employed in the Civil Division of the Department of Justice by then Assistant Attorney General Warren Burger. I remained as a trial attorney and a supervisory trial attorney, engaging in several areas of special litigation until 1970 when I transferred to the Department of H.E.W. to become a Social Security Administrative Law Judge.

I have been stationed in Birmingham, Alabama, in that capacity for the past seventeen years. During my tenure as an Administrative Law Judge, I was Administrative Law Judge in charge of the Birmingham office for three years. I have also served with various study groups concerning administrative law judges and administrative law. These have included the La Machia Committee which was a civil service government-wide study of administrative law judges and their functions; the Center for Administrative Justice Study which was a study mandated by Congress about the Judges in the Office of Hearings and Appeals, Social Security Administration; and the Sharon Committee Study by the Office of Personnel Management which was investigating the revision of the qualifications for all federal administrative law judges.

I have also lectured to new classes of administrative law judges, and have participated in various ways in, and contributed materials to, our program of continuing judicial education in the Office of Hearings and Appeals.

You have asked me to describe for you in general terms the way I hold a due process hearing. Since it is close to the matter which you are studying, I will use as an example a hypothetical medical case in which the issue is whether the claimant's stay in a medical facility involved skilled nursing care which would be paid by Medicare or whether it involved merely custodial care which would not be paid. We have heard a considerable number of such cases under Part A of Title XI. (The hearing has previously been carefully scheduled, and we have received a return card stating that the claimant will be present at the designated time and place.)

At the beginning, I walk into the hearing and speak to everyone, observing the claimant and any witnesses very carefully. Some of the things which I try to observe from the very beginning are the physical and mental condition at the claimant, and to a lesser extent, the witnesses, the likelihood that the claimant and the witnesses will testify accurately—this includes whether they will exaggerate, whether they will be reluctant to testify, whether they know what they are talking about, and other such matters. Any conclusions, which I may reach at the beginning of the hearing are very tentative, but I continue this very close observation, and coordinate what I see with what I hear throughout the hearing.

The claimant and the witnesses have previously come into an orderly hearing room where they observe the American flag standing by the Judge's chair on the podium.

I make a brief opening statement explaining the procedures and the issues, and explain that we are making a record which can serve as the basis for an appeal. I tell the claimant that this is the reason for the microphone and that he must speak into it. If there is a medical advisor present, I also explain his function in the case. I emphasize that this is an original hearing, that I am not bound by the decisions that have been previously made in the case, and that I will make a new and independent decision, based on the record we make at the hearing.

After that, if the claimant does not have an attorney, I explain that he or she has the right to have one, and if he or she evidences further interest in obtaining one, I discuss the availability of the various legal services, and if necessary, postpone the hearing so that the claimant can obtain legal counsel. (This is rarely necessary, but I have done it.) I then admit the exhibits into evidence.

After these preliminaries, I administer the oath and, if necessary, exclude the witnesses from the room. By the time the oath is administered, the claimant exhibits understanding of the seriousness of the occasion and what will transpire. Thereafter, I begin asking the claimant simple questions: How old are you? Are you married?

Most of what I have done up to this point is primarily for the purpose of putting the claimant and the witnesses at ease. Many of these people are illiterate or barely literate, many of them have never participated in any kind of hearing or court procedure, some of them are hard of hearing, and there are many other factors which make communication difficult.

After I have the claimants about as much at ease as I can get them, I ask them to tell me, in a Medicare case, the story of their illness—when they became sick or impaired, what was done for them by whom and when. Gradually I work on down to the period of time out of which the claim in the case arose. These preliminary "history" questions serve several purposes. First, they may put the claimant further at ease—nearly all of us like to talk about our ailments. They also tend to give me a fairly good idea of what the claimant has been through from his or her own point of view. I am also watching all the time as the testimony comes in. Thus, as I come to the critical time period in question in the case, I have the claimant relaxed, I hope, and I have a fairly good idea from his or her appearance and the prior testimony as to the kind of testimony I may get. That is, whether there is likely to be reticence, exaggeration, faulty memory, or other problems in getting at the truth.

After I am satisfied about these preliminary matters, I specifically identify the critical time period in question, and ask the claimant to tell me what happened during that period.

Having already obtained at least some preliminary impression of the claimant by observing and listening to him or her, this testimony is extremely important. Fairly often a claimant, if he or she is relaxed and communicating freely, will describe treatment received at this time which have not been recorded on this chart. Now I begin to observe the medical advisor also in order to ascertain whether or not claimant's testimony appears to be plausible. As the claimant proceeds, I continue to listen and observe carefully, and I sometimes learn many things about the case that could not be learned from the records alone.

After the claimant has finished telling what happened during the critical period at issue, and I have completed may inquiries about what he or she has said, I usually go on and ask for a description of the outcome of the illness. This gives me some further idea of the seriousness of it, and how the claimant feels about the whole experience. This latter may help me in forming a judgment concerning the claimant's credibility.

When the claimant has completed the testimony concerning the outcome of the illness, I turn him or her over to the claimant's attorney, if there is one. (If the claimant does not have an attorney, I spend more time carefully asking questions to bring out all aspects of the case, favorable and unfavorable to the claimant.)

Observation of the claimant during questioning by his or her attorney is very important. For example, if the claimant has been slow to answer the Judge's questions, but responds quickly and positively to the attorney's questions, the claimant (or the witness) may have been thoroughly coached, or questions of credibility may be raised.

I generally follow somewhat the same methods of observation and interrogation of the witnesses that I have used with the claimant. This interrogation may not be so simple. There are many ways in which communication can break down even in a face to face hearing. For example, I recently had a learned, young attorney ask his client if she had any gastrointestional problems. "Sir?", she said. "I said," he stated somewhat stuffily, "do you have any gastrointestinal problems?" She looked at him and at me quite puzzled. "Lady," I said, "does your stomach hurt?" "Oh, yes sir, Judge," she replied, "all the time."

After the attorney for the claimant and I have completed our observations and interrogation of the claimant and the witnesses, I question the medical advisor if one is present.

As I begin interrogation of the medical advisor, I observe him or her very closely. Many physicians do not wish to openly testify that a claimant is exaggerating or worse, but some of them will indicate this by manner, intonation, or gesture. On the other hand, a medical advisor may be very favorably impressed with a claimant or witness and will underscore his impressions, not just by the words of his testimony, but also by tone of voice, looks, and gestures.

Eventually I may ask the medical advisor if in his or her opinion the claimant's statements about his treatment are accurate—if claimant is exaggerating, or if claimant, according to the medical records, has established medical problems which are commensurate with his complaints, and the treatments that were administered. During this interrogation, I also observe the claimant closely for any facial expressions which may indicate that some of his testimony in this regard was accurate on inaccurate.

During the claimant's attorney's interrogation of the medical advisor, I observe the medical advisor and the claimant for any further clues about the case.

At the conclusion of the medical advisor's testimony, I ask counsel if there is anything further. Counsel then usually either makes a brief oral argument or may ask that the record be left open for additional medical records which will be furnished. This is an important part of the proceeding because fairly often during the course of the hearing, we will learn that there are medical records in existence which may be very important or may even be dispositive of the case, that are not in the record. If this is the situation, we leave the record open for a reasonable length of time so that these additional documents can be received into evidence and considered in the case. When these final statements and requests are completed, I close the hearing and close the record, if nothing else is to come in.

The entire procedure, which is fairly intense, usually takes about forty-five minutes to an hour. After it is completed, because I have had personal contact with the claimant and the witnesses, and because I am impartial, I believe that I can render a full and fair decision.

We are advised that following the amendment by Congress of Section 1869 of the Social Security Act to provide for hearings by the Secretary of claims under Part B of Title XI "to the same extent as is provided in Section 205 (b) and to judicial review of the Secretary's final decision after such hearing as is provided in Section 205 (g)," HCFA has proposed as compliance with this amendment, to set up G.S. 14 hearing officers in HCFA in Baltimore who will adjudicate these claims—mostly by telephone, and will later adjudicate Part A claims in the same manner.

Our Association of Administrative Law Judges is opposed to this plan on two major grounds. We believe that it cannot provide for hearings "to the same extent or as provided in Section 205 (b)" nor to judicial review as is provided in Section 205 (g) because

1. The G.S. 14 Judges stationed in HCFA, it seems to me in all likelihood, will not be as independent as our regular G.S. 15 Judges located in the field are.

We have had trouble enough ourselves with high reversal rate Bellmon review, see *Association of Administrative Law Judges* v. *Heckler,* 594 F.Supp. 1132, U.S.D.C. D.C. 1984, non-acquiescence, see *Stieberger* v. *Heckler,* 615 F.Supp. 1315, D.C.NY. 1985, and the rest of it—to the extent that we received an unprecedented resolution of Commendation from the American Bar Association for the period 1982-1984. Because of these experiences, we strongly support the Independent Corps Bills H.R. 2726 and S-950. These G.S. 14 judicial officers, it is rumored, will be promoted to G.S. 15 later, and may also become eligible to be regular SSA ALJ's. It seems clear to me that those who conform to theirs supervisor's wishes will be the ones promoted.

Moreover, most of our hearings are held relatively near the claimants' homes by local judges who understand the local people. This grass roots justice would be totally lost under the HCFA plan.

2. We are advised that a majority of these hearings will be conducted by telephone conversations. There are vast communication and due process problems that would be present in such a situation. A face to face hearing is the only way to eliminate these problems. A telephone conversation is no substitute for a due process hearing mandated by Congress.

Because of both these considerations, we think that this plan in no way conforms to the statutory requirements of a 205(b) hearing of the kind I have previously described to you.

Moreover, how would you ever appeal to federal court on the basis of such a telephone conversation?

We are also of the opinion that for the same reason, this procedure would not provide the claimant with due process of law. Thus, we are of the opinion that this plan would be in violation of the Amendment to Section 1869 and due process of law.

Other Associations of Administrative Law Judges have requested that I also express to you their opposition to HCFA's plan.●

● **Mr. MELCHER.** Mr. President, I am pleased to join Senator SASSER in introducing this legislation which will preserve the due process rights of Medicare beneficiaries to an inperson hearing before an administrative law judge upon appeal where the amounts in controversy are over $100 under Medicare part A and over $500 under part B.

In the Omnibus Budget Reconciliation Act of 1986 (Public Law 99-509), Congress provided for ALJ hearings for part B claimants with $500 or more in controversy. Prior to that, part B claimants were entitled to appeal only to a hearing officer hired by the insurance carrier. Congress retained the carrier hearings where the amounts in controversy were between $100 and $500. However, the Health Care Financing Administration [HCFA], in issuing instructions for implementing this provision, requires the part B claimants to complete a carrier hearing before they can request an ALJ hearing. This will cause increased rather than decreased hardships for Medicare beneficiaries in terms of delays and inconveniences. The legislation that Senator SASSER and I are introducing today will prohibit the Secretary from imposing such a requirement for 6 months.

In addition, HCFA earlier this year proposed to establish a centralized, separate ALJ corps within HCFA with telephonic hearings rather than face-to-face ALJ hearings for both part B and ultimately part A beneficiaries. This has serious implications for undermining the ability of the elderly and disabled Medicare beneficiaries to present their cases. I believe that the claimants would be at a disadvantage with telephone hearings.

While HCFA has since retreated somewhat and said that the telephone hearings will be optional and voluntary, I wonder if what most of us consider to be voluntary is interpreted in the same way by HCFA. I have also seen a copy of the letter Senator SASSER referred to which was sent to Medicare part B appellants by the Medicare carrier in New York. The description and placement of the options is disturbing. I am sure that many older people will opt for one of the two options that would save time or appear more convenient without realizing the hearing rights they are relinquishing.

I think we need to have more information before HCFA proceeds with its plans for a centralized ALJ corps and telephone hearings. The bill that Senator SASSER and I are offering today will require that the Comptroller General, in consultation with the Secretary of Health and Human Services, conduct a study to answer some questions that the HCFA proposal has raised here in Congress. After the report is submitted to Congress within 6 months of passage of this act, Congress may then want to take further action on HCFA's proposal.●

By Mr. INOUYE (for himself, Mr. MITCHELL, Mr. COHEN, Mr. EVANS, and Mr. ADAMS):

S. 1858. A bill to provide financial assistance to the Warren G. Magnuson Foundation and the Margaret Chase Smith Foundation; to the Committee on Labor and Human Resources.

WARREN G. MAGNUSON FOUNDATION AND MARGARET CHASE SMITH FOUNDATION ASSISTANCE ACT

● Mr. INOUYE. Mr. President, I am pleased to introduce today, on behalf of myself and Senators MITCHELL, COHEN, ADAMS, and EVANS, legislation creating endowments of $5 million each for foundations established in the names of former Senators Margaret Chase Smith and Warren G. Magnuson.

The endowments would not only honor and commemorate the contributions that Senators Smith and Magnuson made as members of the U.S. Senate. The funds would also further enrich our national life by sustaining the research and educational activities that our former colleagues supported as Senators.

The Margaret Chase Smith Foundation would use the proceeds from the proposed endowment to fund the development and activities of the Margaret Chase Smith Library Center in Skowhegan, ME. Senator Smith, who will attain the age of 90 next month, has devoted herself to the library since retiring from the Senate. The Margaret Chase Smith Library Center contains archives and a museum, and sponsors valuable programs for students, researchers, and the public.

An endowment for the Warren G. Magnuson Foundation would support its efforts to recognize and foster significant health research. The foundation would fund a chair and archives at the University of Washington, and would bestow awards on deserving researchers and students. It would also contribute to public education in health matters.

I have no doubt that we are united in our respect for Senators Smith and Magnuson. In paying tribute to their commitment and accomplishments, we would also be honoring the U.S. Senate and its traditions of public service. I invite you to join me in expressing our admiration and affection for Senators Smith and Magnuson in the form of the Margaret Chase Smith and Warren G. Magnuson endowments.●

● Mr. MITCHELL. Mr. President, the legislation we are introducing today authorizes $5 million for a permanent endowment for the Margaret Chase Smith Library Center, in Skowhegan, ME.

Margaret Chase Smith represented the State of Maine with integrity and distinction for 32 years, 8 in the House of Representatives and 24 in the Senate.

Senator Smith was the first woman elected to both Houses of Congress. She is the only woman ever to have been elected to 4 full terms in the Senate. She is also the first woman to have been placed in nomination for President at a national convention of a major political party. In the final ballot at the 1964 Republican National Convention, she received the second highest number of votes.

Senator Smith was the first woman to assume a Senate leadership post when she was unanimously elected chairman of the Conference of All Republican Senators on January 10, 1967.

Senator Smith's career demonstrated both her ability to speak with rare courage and to fulfill with perseverance one of the most fundamental and least appreciated of Senate duties—the duty to vote. In her Senate career, Senator Smith never missed a single rollcall vote on the Senate floor. A record rarely matched, she cast 2,941 consecutive rollcall votes.

It takes courage and a farsighted view of our Nation and its future to stand aside, to consider the implications of popular clamor, and to act against it when it is misguided.

Margaret Chase Smith exemplified that kind of courage and that kind of representation for the people of Maine and the entire country when she led the effort that ultimately returned civil political discourage to the Senate.

Many remember Senator Smith for her "Declaration of Conscience" speech delivered on the Senate floor in 1950. The speech was at a time when the late Senator Joseph McCarthy was making headlines with charges that the Government was being infiltrated by communists.

Today's controversies do not involve witch hunting and smear tactices such as those against which Margaret Chase Smith spoke out. But in her appeal to reason, to honor, and to respect for differing views, she spoke to a timeless set of standards for public debate.

Senator Smith's speech was the first step toward rejecting the perception that there is only one view that is right and only one ideology or perspective that is valid. Her declaration of conscience was instrumental in restoring the fundamentals of honesty, openness, and respect for individual's rights to our political discourse.

That action was not one that had the support of the public opinion polls. It took great courage to speak up against a member of her own political party, at the risk of being personally smeared as so many other victims of McCarthyism had been.

That in my judgment, was an example of the kind of representation that we should all strive to provide for those who elected us to serve.

It is kind of representation which does not avoid difficult and controversial issues, does not back away from confronting them, and dares to break with popular belief when a higher principle is at stake.

Senator Smith's career was marked by that kind of integrity, intellectual rigor, and courage.

During her years on the Senate Armed Services Committee, she consistently spoke for and voted for a stronger America without being blind to its changing security needs. Senator Smith cast the deciding vote in the historic 1969 ABM debate, which maintained the ABM system in production. But she did not hesitate, 3 years later, to cast her vote just as clearly for the SALT I Treaty, which limited ABM defenses for the purpose of curtailing the arms race.

On the international scene, Senator Smith make extensive trips throughout the world from 1944 through 1961. Very few people have conferred with as many leaders of nations throughout the world as she has.

The legislation we are introducing today would authorize funds to further the goals and ideals held by Senator Smith. The center would establish 20 week-long lectureships on important public issues of the day. Leaders from government, business, labor, and the nonprofit sector will be chosen by the Margaret Chase Smith Foundation to speak at colleges and universities in Maine and elsewhere. These leaders would share their knowledge and expertise with students, faculty, and the community in both formal and informal settings.

The center expects to interest many in Maine and those who visit the library in the world of international affairs by focussing on the role public officials play in world politics. The first publication in the center's planned series will be the journal kept by Senator Smith in her remarkable world tour in 1955 and 1956. At her own expense, she interviewed 16 world leaders such as Nehru of India, de Gaulle of France, Adenauer of West Germany, Franco of Spain, Churchill of Great Britain, U Nu of Burma, Magsaysay of the Philippines, Molotov of the Soviet Union and many others.

The foundation would establish a grant program for scholars to study and illuminate the history and operation of the Congress. Each year six "Maine meetings" would be held in a town meeting setting to bring together the public at large and scholars and specialists to exchange views on issues of public concern and importance.

Through seminars, scholarships, and research grants, the center would provide a living and vital memorial to one of the Nation's most pioneering of women—a woman whose dreams became reality and who truly represents the finest aspirations Americans hold for those they elect to represent them in government.●

● Mr. COHEN. Mr. President, I rise to add my voice in support of legislation authorizing funds for the Margaret Chase Smith Library Foundation. As a cosponsor of this legislation, I am heartened that these funds would provide the Margaret Chase Smith Library Center with a permanent endowment.

We are all familiar with Senator Smith's litany of accomplishments; she was the first woman elected to both Houses of Congress and the first woman to be placed in nomination for President by a major political party. Indeed, throughout her long and remarkable career as a legislator there were many such milestones. She served her State and the Nation with both dedication and energy and, although a loyal Republican, she did not hesitate to go against the party grain on matters of conscience. To this day, Senator Smith's career remains a testimony to the essential primacy of integrity in this Nation's public life.

Since her retirement from the Senate in 1973, Senator Smith has brought these same virtues to her career as an educator. As a visiting professor at dozens of American colleges and universities, she has offered her students the knowledge and insights borne of her long congressional experience. She has also sought to instill in her students an enlightened interest in the many vital public policy issues facing this Nation today. In this way, Senator Smith has continued to serve with distinction.

The Margaret Chase Smith Library Center represents the legacy of this lady's outstanding contributions, both public and private, to her State and the Nation. Located on the grounds of her home in Skowhegan, ME, the library center's goal is to unite researchers, students, and public officials in the process of public policy research and review.

Most importantly, the library center would help rejuvenate the study and understanding of a much neglected aspect of American political life—the way we legislate. This general theme reflects Senator Smith's lifelong interest in bringing together scholars and public officials to exchange views on this subject drawn from their respective experiences. In Senator Smith's view, this dialog can help revive and maintain an interest among the people in this most singular characteristic of our Government.

Mr. President, during the last several years, Senator Smith has devoted her life to the organization and development of the library center. Since she will celebrate her 90th birthday on December 14, 1987, I believe that there could be no more appropriate way to mark the occasion than helping her initiate the programs she envisions for the library center. Let me conclude by saying that Margaret Chase Smith has given a lifetime of exemplary service to our State and to this Nation; it would be most fitting to commemorate that service by funding this living memorial to her career.●

ADDITIONAL COSPONSORS

S. 320

At the request of Mr. Pell, the name of the Senator from New Mexico [Mr. Bingaman] was added as a cosponsor of S. 320, a bill to authorize the Secretary of Education to make grants to local educational agencies for dropout prevention and reentry demonstration projects.

S. 406

At the request of Mr. Pell, the name of the Senator from New Mexico [Mr. Bingaman] was added as a cosponsor of S. 406, a bill to provide additional Federal education programs designed to strengthen competitiveness of American industry, and for other purposes.

S. 762

At the request of Mr. Pell, the name of the Senator from North Dakota [Mr. Burdick] was added as a cosponsor of S. 762, a bill to provide for a Voluntary National Service and Education Demonstration Program, and for other purposes.

S. 1551

At the request of Mr. Roth, the name of the Senator from Maryland [Mr. Sarbanes] was added as a cosponsor of S. 1551, a bill to grant the consent of Congress to the Appalachian States Low-Level Radioactive Waste Compact.

S. 1620

At the request of Mr. Pell, the name of the Senator from Mississippi [Mr. Cochran] was added as a cosponsor of S. 1620, a bill to reauthorize and revise the act of September 30, 1950 (Public Law 874, 81st Congress) relating to Federal impact aid, and for other purposes.

S. 1786

At the request of Mr. Dixon, the name of the Senator from Louisiana [Mr. Breaux] was added as a cosponsor of S. 1786, a bill to establish a series of six Presidential primaries at which the public may express its preference for the nomination of an individual for election to the office of President of the United States.

S. 1787

At the request of Mr. Daschle, the names of the Senator from Montana [Mr. Melcher] and the Senator from North Dakota [Mr. Burdick] were added as cosponsors of S. 1787, a bill to amend title 38, United States Code, to prescribe certain presumptions in the case of veterans who performed active service during the Vietnam era.

S. 1814

At the request of Mr. Melcher, the name of the Senator from Louisiana [Mr. Johnston] was added as a cosponsor of S. 1814, a bill to provide clarification regarding the royalty payments owed under certain Federal onshore and Indian oil and gas leases, and for other purposes.

S. 1829

At the request of Mr. Pell, the name of the Senator from South Carolina [Mr. Hollings] was added as a cosponsor of S. 1829, a bill to provide that a special gold medal be presented to Mary Lasker for her humanitarian contributions in the area of medical research and education, urban beautification and fine arts, and for other purposes.

S. 1844

At the request of Mr. Karnes, the name of the Senator from Kansas [Mrs. Kassebaum] was added as a cosponsor of S. 1844, a bill to provide for the orderly implementation of Environmental Protection Agency programs established to comply with the Endangered Species Act of 1973.

SENATE JOINT RESOLUTION 196

At the request of Mr. Packwood, the names of the Senator from Hawaii [Mr. Matsunaga], the Senator from Arizona [Mr. McCain], the Senator from Nevada [Mr. Reid], and the Senator from Colorado [Mr. Wirth] were added as cosponsors of Senate Joint Resolution 196, a joint resolution to designate February 4, 1988, as National Women in Sports Day.

SENATE JOINT RESOLUTION 203

At the request of Mr. D'Amato, the names of the Senator from Maine [Mr. Mitchell], the Senator from Iowa [Mr. Grassley], and the Senator from Alaska [Mr. Murkowski] were added as cosponsors of Senate Joint Resolution 203, a joint resolution calling upon the Soviet Union immediately to grant permission to emigrate to all those who wish to join spouses in the United States.

SENATE RESOLUTION 315—SENSE OF THE SENATE CONCERNING BRAZILIAN TRADE AND INVESTMENT INFORMATICS POLICIES

Mr. ADAMS (for himself, Mr. Cranston, Mr. Wilson, Mr. Kerry, Mr. Kennedy, and Mr. Lautenberg): submitted the following resolution; which was referred to the Committee on Finance:

S. Res. 315

Whereas it is a primary objective of U.S. trade policy to promote the implementation of free, but fair trade;

Whereas in September 1985 President Reagan initiated a trade case under section 301 of the Trade Act of 1974 against Brazilian trade and investment restrictions on foreign participation in Brazil's informatics market;

Whereas pursuant to procedures under section 301 of the Trade Act of 1974, the President determined that Brazilian trade and investment policies in the informatics sector were unresonable and a burden and restriction on United States commerce;

Whereas the President suspended action against Brazil under the informatics section 301 trade case based on a bilateral commitment from Brazil not to expand their market reserve policies into the software industry;

Whereas Brazil has violated this bilateral commitment by effectively restricting the importation, manufacturing, and distribution of foreign software products in Brazil;

Whereas these restrictions ban United States access to the Brazilian software market, which is one of the largest and rapidly growing foreign software markets in the world;

Whereas these restrictions will increase end user piracy in Brazil, since legitimate market access is curtailed while demand for state of the art software will continue;

Resolved by the Senate, That it is the Sense of the Senate that the United States should reopen the section 301 informatics case against Brazil under the Trade Act of 1974 to take prompt action to address the violation by Brazil of their bilateral commitment and to insure that the Brazilian market is open to United States computer and software producers on fair and objective terms in the future.

Mr. ADAMS. Mr. President, today I am submitting a Senate resolution which expresses the sense of the Senate that the United States should reopen the section 301 trade case against Brazil dealing with informatics. I am pleased to be joined in this effort by Senators CRANSTON, WILSON, KERRY, KENNEDY, and LAUTENBERG.

This case was suspended earlier this year when Brazil entered into a bilateral understanding with the United States whereby they committed not to expand their market reserve policies into the software industry. However, I was disappointed to learn recently that in spite of that commitment the Brazilians have made a decision to exclude United States software producers from their market and to reserve that market for their own domestic producers.

Microsoft Corp., which is headquartered in my State, is the preeminent world class producer of computer software. Microsoft has been seeking to license its MS-DOS version 3.3 to six computer companies in Brazil which want the technology. Late last month, the license application by Microsoft was denied by the Brazilian Government. They denied it on the basis that their market should be reserved for a Brazilian software producer which they claim produces a software product similar to Microsoft's MS-DOS version 3.3.

Such a decision is a blatant violation of the bilateral agreement between Brazil and the United States which led to the suspension of the section 301 case. Brazil continues to implement unfair and unreasonable policies which will have the effect of denying United States software producers access to the Brazilian market.

Such a denial will cost the United States jobs and markets in this critical high technology sector. But it will even do more than this. Since demand for state-of-the-art computer software will continue in Brazil as companies strive to improve their own productivity so that they can be internationally competitive, user piracy of United States software will increase. We have already seen extensive piracy in the computer hardware end of the market because of the market reserve policies implemented on those products by the Brazilian Government.

Brazil is one of the world's fastest growing markets for computer products. We cannot tolerate such a gross disregard for our needs in the international trading system. If the United States is willing to continue to keep our doors open to the large volume of Brazilian exports of shoes, leather products, citrus, and other items, we must be afforded access to the Brazilian market in the higher value added sectors important to our economic future.

We are not asking for special treatment. United States software producers are willing to compete on an equal footing with software producers from Brazil or anywhere else in the world. All we are asking for is the opportunity to compete.

An interagency group has sent a unanimous recommendation to the Cabinet level Economic Policy Council to take action against Brazil for its violation of our bilateral understandings. The Economic Policy Council is expected to meet in the very near future to act on this matter. It is important for both the Brazilians and the Reagan administration to understand that we in the Congress are watching this situation and are concerned with the actions taken by Brazil in the MS-DOS case.

The irony in this whole situation is that it would be in the interest of Brazil to permit United States software producers access to their markets. Only through the use of the best software technology will Brazilian companies be able to boost their productivity and product quality to the maximum extent to enable them to compete effectively in the international marketplace.

I am hoping that the resolution we are submitting today will cause the Brazilians to pause and rethink their policy toward our computer software manufacturers. If they continue to insist on implementation of their market reserve policy in the computer software industry, then it seems to this Senator that we will have no choice but to pursue actions to enforce our rights to fair trading opportunities.

SENATE RESOLUTION 316—AUTHORIZING REVIEW OF CLASSIFIED TRANSCRIPTS BY THE COMMITTEE ON FOREIGN RELATIONS

Mr. BYRD (for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 316

Whereas, on July 15, 1987, the Subcommittee on Terrorism, Narcotics and International Operations of the Committee on Foreign Relations received closed session testimony from Jorge Morales, a defendant in the case of *United States* v. *Jorge Morales, et al.,* Cr. No. 86-6129, pending in the United States District Court for the Southern District of Florida;

Whereas, the United States district judge in that case has asked if the transcript of the closed subcommittee hearing will be made available to the Court for use in consideration of a motion for sentence reduction;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that documents, papers, and records under the control or in the possession of the Senate are needful in any court for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That the chairman and ranking minority member of the Committee on Foreign Relations, acting jointly, are authorized to make available to the United States District Court for the Southern District of Florida, for its review in camera, closed session testimony of Jorge Morales before the Subcommittee on Terrorism, Narcotics and International Operations.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON TAXATION AND DEBT MANAGEMENT

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Taxation and Debt Management of the Committee on Finance be authorized to meet during the session of the Senate on November 6, 1987, to hold a hearing on S. 639 and S. 1099, bills introduced to empower States to require out-of-State vendors to collect State sales and use taxes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Friday, November 6, 1987, to hold a hearing on ambassadorial nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

GUATEMALAN PEACE PLAN

● Mr. LEAHY. Mr. President, it has been 90 days since the five Central American Presidents signed the historic Guatemalan Peace Plan. Their signatures represent their commitment to a process that all of us hope will end decades of violence.

Many steps remain to be taken. The August 7 agreement lays out a vision for the future as well as a way to get there. During the past 3 months, each country has taken steps to comply with its terms. Many steps remain to be taken.

Those of us who are waiting expectantly for a cease-fire, an end to the state of emergency, and signs of enduring democratic reforms, should not forget that peace is an ongoing process, not an isolated moment in time. It is carefullly built and managed, not achieved overnight.

The Guatemala agreement applies equally to five countries. Each has different histories, different problems, and different interests. We should remember how many years it took two countries, the United States and Vietnam, to negotiate an end to that war. The five Central American countries deserve at least 6 months.

Nicaraguan President Ortega's announcement that his government will negotiate a cease-fire with the Contras is cause for hope. Every possible effort should be made to stop the killing. His promise to end the state of emergency and enact a nationwide amnesty once aid to the Contras ceases presents the United States and Honduras with a challenge and an opportunity that must not be lost.

All Central Americans have their hopes riding on these negotiations. They have had enough of seeing their children killed, their farms burned, their countries decimated by poverty and political violence. To those who are impatient with the progress of the negotiations, I suggest they look forward, not backward. By any objective standard, the Contra policy has failed. There is no better vision for building democracy and peace in Central America than the current peace plan. The United States should support the negotiations, not the Contras.●

INFORMED CONSENT: WYOMING

● Mr. HUMPHREY. Mr. President, with my presentation today of a letter from Wyoming, this body has now heard from residents in every State in support of my informed consent legislation. We have by no means heard from every woman who has been hurt by improperly counseled abortion, and I will continue to bring the letters I receive to your attention.

Informed consent should be standard practice for every medical procedure, including abortion. I urge my colleagues to support informed consent legislation, S. 272 and S. 273, which would bring the level of care in abortion up to parity with other procedures. Anything less is not enough.

I ask that the letter from Wyoming be entered into the RECORD.

The letter follows:

JUNE 13, 1986.

DEAR SENATOR HUMPHREY: I am writing in regard to the informed consent issue which is presently before the Senate. As a woman who has had an abortion, I would like to share my firsthand knowledge of this problem with you.

At age 19, when I suspected I was pregnant, few solutions came to my mind, except going to a home for unwed mothers in a nearby city. Even so, when the doctor confirmed my suspicions, I was shocked. Aware that I was upset, my doctor suggested abortion. He said my "troubles would be over." But his explanation of abortion and what it proved to be in reality were quite different.

I was told that abortion was a safe and simple procedure, and that it would take place in a hospital, with one day recovery. I was also told that in regard to my baby there was nothing to worry about because it was still an "embryo." I was not given any description of an embryo, but assumed it was only blood vessels, tissues, etc. Thus, I gave my consent for an abortion.

In reality, the abortion was neither safe nor simple, nor was it performed in a hospital. I had a suction abortion with no anesthesia. I was attended by a young man who said nothing but "shut up" when I screamed. The abortionist insisted I was further along in my pregnancy and tried to double his fee. When I refused to pay double, he tried to show me the "proof" of his claim which he said he was "holding in his hand." Of course, I did not look, but it became clear that the baby was composed of more than unrecognizable tissues.

In conclusion, as long as abortion remains legal, there must be laws requiring informed consent. Women have a right to be told the truth about the procedure, the health risks both immediate and future, and about the development of the unborn child. After all, it is her right to see all the available facts regarding the medical procedure she is considering.

Thank you for your interest in this issue. I pray that other senators can be made to understand all the ramifications of this grave problem, and find it in their hearts to help those women who are daily being deceived in this nation.

Sincerely,

CATHY S. BLAKEMAN,
Wyoming.●

CAMPAIGN FINANCE REFORM

● Mr. BOREN. Mr. President, several weeks ago, the Senate voted on a historic seventh cloture petition to limit debate and end the filibuster on a bill to bring about true campaign finance reform.

The debate had centered on some very basic questions. Should the financial influence of political action committees be brought into closer balance with grassroots involvement? Should Members of Congress spend increasing amounts of time raising millions of dollars for their campaigns? Should potential challengers be foreclosed from running for office because they do have or cannot raise $3 million to run an average campaign? Should overall campaign spending be limited by a voluntary means? And finally, is the national interest best-served when congressional campaigns are becoming more and more financed by special interests.

Mr. President, campaign finance reform is not an easy issue with simple answers. There is the ever present danger of partisan maneuvering for advantage. There is the danger of changing one area of the system which in turn will only open up loopholes and abuses somewhere else in the system. Finally, there is the danger of giving lengthy lip service to the concept of reform, demanding the perfect solution, and as a result, never acting to make substantial change.

In the process of the Senate's consideration of S. 2, the supporters have shown our willingness to compromise. We reduced the potential cost of the system by half in the first revision and cut all potential cost in the latest proposal by calling for no direct public financing. In other words, no funds would be utilized from the voluntary, tax check-off fund unless a candidate intentionally spends over the voluntary limit as set out in S. 2.

Mr. President, I find some comparisons between our current impasse on campaign finance reform and that of the budget negotiations which are now taking place between congressional leaders and the White House. In both cases, all those concerned have the goal of making substantial changes from the Nation's current course. Yet, in both cases, a stumbling block has occurred. In the budget situation, a precondition was set that took Social Security off the table. In the campaign reform situation, the opponents refuse to negotiate any bill that includes "campaign spending limits."

Mr. President, it was a most disappointing day in mid-June when the Republican caucus took a position of opposition to any bill which contained spending limits. If we are to be successful in writing a comprehensive reform package early next year when the majority leader, Senator BYRD, calls up S. 2 again, we must not have such pre-conditions. I can understand and honestly sympathize with the opposition to partial, public financing. That is why I and other supporters of S. 2 have worked exhaustively to find other ways to have a meaningful, practical spending limit provision, with the least, if any, use of the voluntary tax check-off funds.

Mr. President, some opponents of S. 2 have proposed an alternative which they refer to as substantial reform. The major provision of the bill would raise individual contribution limits by $500 and lower PAC contribution limits from $5,000 to $3,000. Some comments have referenced its comparison to last session's Boren-Goldwater PAC reform legislation. Any reference to even last year's bill must stop at that relatively minor comparison.

Mr. President, 60 of the 69 Senators who voted for the Boren-Goldwater bill in the 99th Congress, are Members of this 100th Congress. They should well know that the cornerstone of that proposal was the aggregate PAC limit provision which curtailed the total amount of contributions candidates for the House and Senate could receive from all PAC's. S. 2 retains that same aggregate limit. The alternative proposed does not.

I recall some of the opponents of last year's bill criticized it as allowing loopholes through which as much or more special interest money would leak into the system. Some of those same opponents now propose alternatives which would affect only a minute percentage of the $135 million of PAC contributions which went to congressional candidates in 1986. To simply lower the limit of each PAC's maximum contribution limit will do nothing to restore the balance our system desperately needs.

Further, these alternatives have no real means by which to discourage independent expenditures. One of the most frightening and dangerously distorting features of our current system, is the ability of so-called independent groups to wage million-dollar media campaigns late in the campaign season. There is currently no true check on the "independence" of the expenditure, no solid disclosure requirements of the expenditure, and no strong disincentive to keep campaigns debated between candidates and not among wealthy, single-issue lobby groups. The Boren-Byrd legislation addresses all of these concerns.

Mr. President, I applaud the sincerity of those who want to reform this system which is so central to the survival of our democracy. I call on them to realize that we will never legislate a remedy to the "money chase," as Senator BYRD as referred to it, unless we hang our partisan prejudices at the door to the room of compromise.

Mr. President, I simply want to reassure my colleagues that I will have no preconditions in reconsidering this legislation. The limits in S. 2 are not etched in stone and the bill can and should be improved with additional provisions. However, this legislation will be back on the Senate floor in several weeks when we return in January. It is my hope that we can all have an open attitude and will make a sincere and honest effort to write a bill that will truly reform this vitally important aspect of the election process.●

MESSAGE FROM AMERICAN FARM BUREAU FEDERATION

● **Mr. ARMSTRONG.** Mr. President, on October 28 I addressed this body on the critical importance of the Congress avoiding any action that could transform a major stock market adjustment into a serious recession. I cited the lessons of history which clearly indicate that raising taxes and imposing restrictive trade legislation at a time like this would be the wrong move at the wrong time.

The American Farm Bureau Federation, the Nation's largest farm organization, has just delivered a document to the leaders of the Congress and to the administration pursuasively arguing the same point. The Farm Bureau has also proposed a series of recommended actions, none of which involve higher taxes or restrictive trade legislation.

It is significant to note that the Farm Bureau speaks for a segment of our economy that is under severe financial stress, but a segment that has a vital stake in encouraging healthy foreign trade. Approximately 2 out of every 5 acres of agricultural production is exported. This agricultural export is vital to our trade balance and cannot withstand actions by Congress which would result in any form of trade war. Neither can agriculture withstand increases of taxes or interest rates. Farmers are major consumers of steel, rubber, chemical, and other U.S. industrial products. It is important to recognize that damage to this basic industry by ill-advised congressional tax or trade action at this critical moment could be one of the triggers of a chain of events resulting in major recession.

I ask that this message from the American Farm Bureau Federation be printed in the RECORD and that it be given careful consideration by every Member of Congress.

The message follows:

REMARKS OF DEAN KLECKNER, PRESIDENT, AMERICAN FARM BUREAU FEDERATION

Farmers and ranchers are very concerned about recent budget and economic policy discussions. We are primarily concerned that the recent downturn in the stock market could trigger inappropriate policy responses which would ensure a recession. This would reduce U.S. economic growth and world trade and, thus, U.S. income opportunity at home and abroad.

What all markets—including the stock markets—need now is policy certainty in favor of economic growth. Markets do not need to hear, like they did the week prior to the crash, a steady drumbeat of news that is anti-business, anti-economic growth, pro-tax increases and pro-trade protectionism.

We believe that as long as the basic forces in the economy are positive—inflation under control, employment up and trade increasing—we can deal effectively with the volatility in the stock market. We can, in turn, deal better with our debt problems with an economy that is growing, and not stagnant.

You must not be tempted for the "quick fix." Now is your opportunity for fundamental reform. Certainly if you only come up with $23 billion in deficit reduction, you will have strained mightily and produced little in the eyes of market participants around the world.

Now is not the time to look for policy solutions within the constraints of the status quo budget process. Obviously, the current process is a dismal failure. Since the Budget and Impoundment Control Act was passed in 1974, there has not been one year of budget surplus and cumulative deficits have totaled over $1.5 trillion.

Farm Bureau urges you to accept the responsibility for bringing federal spending under control and signal to all Americans and market participants around the world that the U.S. economy will not be sacrificed for political crisis reasons.

To accomplish this goal we recommend the following:

1. Enact an overall federal spending freeze and a freeze by departments at the FY 1987 levels. Spending will be frozen until program reforms are made which will get the budget under control.

2. Federal spending can never be reduced without serious review of all federal spending, including entitlement programs. We insist that all federal spending, including Social Security and other entitlement spending, also be "on the table."

3. Current beneficiaries of entitlement benefits would be subject to the immediate freeze. Current beneficiaries would not be "cut off" from any benefits. Reforms would be enacted immediately to reduce the cost of future entitlement programs.

4. Enact emergency legislation which requires that any increased federal spending—either to expand current programs or to introduce new spending programs—would be accompanied by a companion bill which states where cuts will be made in other spending programs.

5. Pass emergency legislation declaring the congressional budget process a failure and appoint a commission to advise on a new process that will reflect national spending priorities and limits on public sector resources. The spending freeze would remain in effect until a new budget process is put in place.

6. Since the fundamental problem is too much spending, not too little taxation, all proposals to increase taxes should be opposed.

7. Enact emergency legislation that provides authority for trade negotiations designed to expand mutually advantageous trade.

8. Declare a two-year moratorium on all federal regulatory initiatives that reduce the ability of U.S. farms and businesses to compete internationally.

Given the current crisis atmosphere, now is the time for Congress to act on fundamental reform of government spending and the budget process. We need action, not posturing.●

THE HUMAN RIGHTS RECORD OF THE SOVIET UNION

● **Mr. KARNES.** Mr. President, I rise today to speak on an issue that should be of moral and humanitarian concern to all Americans. The plight of Soviet Jews who suffer from official persecution is a matter that demands the ongoing attention of all those interested in protecting the rights basic to human beings. This statement is part of the coordinated Congressional Call to Conscience for Soviet Jews. First, I want to thank this year's cochairmen of the Call to Conscience for Soviet

Jews, Senator ALAN CRANSTON and Senator JOHN HEINZ, for facilitating my participation in this important undertaking. Simple humanity demands that we do not ignore the plight of those suffering under the yoke of oppression. The efforts of Senator CRANSTON and Senator HEINZ help to ensure that we in the Senate will not fail to be vigilant in our efforts to assist Jews who are being persecuted in the Soviet Union. Our two colleagues deserve our heart-felt thanks and appreciation for their efforts.

Mr. President, while I am going to describe the tribulations of a particular family that has been refused the right to emigrate from the Soviet Union, we should be aware that the case I am going to describe is by no means an isolated one. There are 2 million Jews who reside in the Soviet Union. In the first 6 months of this year 3,092 Jews were allowed to emigrate from the Soviet Union, which represents an annual rate of emigration of just over 6,000 persons. While this is an increase from last year's level, it is not even approaching the rate of emigration allowed in the peak year of 1979, which resulted in the emigration of over 51,000 Soviet Jews. It is estimated that some 400,000 Jews in the Soviet Union are currently seeking the right to emigrate. While I will focus on a particular case, as I must to portray the human dimension of the problem, it is important that we work to assist this group as a class. We cannot afford to rest in this endeavor until a general right to emigrate is established in the Soviet Union and the persecution of Jews in the Soviet Union stops.

Alexander Kholmyansky is 37 years old. He is a computer engineer and currently resides in Moscow. Alexander has been refused the right to emigrate for 9 years. During the time of his refusal he was charged with "hooliganism" and illegal possession of a gun. The gun was planted in his home by Soviet officials. He was sentenced to a year and a half at labor for these alleged crimes. During that time he went on a hunger strike to draw attention to the unjust nature of his situation. Soviet officials force-fed Alexander in response. He was released from the labor camp in poor health. After a period of convalescence, he married Anna Eruckhimovich in 1986. The couple had a daughter earlier this year.

Last February, the Soviet Government promised Alexander that he would receive exit visas for himself and his family. The only obstacle that remains is to obtain a statement from Alexander's father-in-law that he has no financial claims on his daughter, Alexander's wife. Though no such claim exists, an exit visa will not be granted absent a formal statement certifying this fact by Alexander's father-in-law. There is no legal way to compel Alexander's father-in-law to sign the required certification. This requirement allows Soviet authorities to deny its citizens the right to emigrate by stating that the problem is not caused by the government but by family dispute. While there is no evidence that Soviet officials have directly coerced Alexander's father-in-law, it is understood that the father-in-law could be subject to government-imposed reprisals if he signs the certification.

Make no mistake about it, Mr. President, the decision to deny the granting of exit visas to Alexander Kholmyansky and his family is causing considerable pain and suffering. Alexander's older brother, Michael, resides in Israel with his wife and daughter. Alexander's elderly parents refuse to leave Alexander in the Soviet Union even though they are free to travel to Israel to rejoin Michael. The result has been a separated family that yearns to be united in Israel. As an expression of their frustration, the Kholmyansky family demonstrated on September 14 of this year. Soviet officials responded to the demonstration by fining Alexander's 78-year-old father for "petty hooliganism" and publishing an article critical of the Kholmyansky family in Izvestiya. Alexander's wife, Anna, started an unlimited hunger strike on October 18, despite the fact that she is a nursing mother, as a further expression of frustration over this situation.

Mr. President, the columnist George Will made a useful distinction about descriptions of Soviet behavior when reflecting on the Soviet Air Force's shooting down of Korean Air Lines flight 007 in September 1983. He said, "It [the shooting down of the airliner] has been repeatedly referred to as a tragedy. No, when children die of leukemia, that is a tragedy. When they are blown to bits by an act of state, that is an atrocity, and one worthy of Hitler's former allies."

The Soviet Union's treatment of its Jewish citizens is an ongoing atrocity and a policy also worthy of Hitler's former allies. It was typical of the Nazi regime to persecute Jews and then blame them for their plight. The Kholmyansky family is suffering from a similar Soviet Government ploy of blaming the victims of its policy of persecution. We should not believe for a minute the Soviet excuse that it is a family dispute that is preventing Alexander Kholmyansky and his family from going to Israel. The plain fact is that Alexander and his family are still in the Soviet Union because the Soviet Government, for whatever reasons, does not want them to leave. The responsibility rests with the Soviet Government and no amount obfuscation on its part can change that fact.

As I stated earlier, it is important that we understand that the plight of the Kholmyansky family is not an isolated incident. The Soviet Government's action in preventing the emigration of the Kholmyansky family is part of a purposeful policy of denying Jewish citizens in the Soviet Union the right to emigrate. The ongoing nature of this policy of persecution requires a response that is equally purposeful in condemning the policy. We, in the Senate, have a duty to raise this issue again and again until the Soviet Union discontinues this inhumane policy.

Mr. President, I am proud to participate in the Congressional Call to Conscience for Soviet Jews. This is an issue that we cannot ignore, because to ignore it will only result in the continuance of atrocities such as that being committed against the Kholmyansky family. Once again, I thank my colleagues Senator CRANSTON and Senator HEINZ for allowing me to participate in this worthy undertaking.●

HIGH RISK NOTIFICATION LEGISLATION

● Mr. HUMPHREY. Mr. President, now that the House of Representatives has passed its version of S. 79 requiring Government notification of workers deemed at risk of exposure to workplace substances, the Senate needs to take a hard look at the excesses of this proposal. Both the New York Times and the Wall Street Journal recently discussed specific criticisms which, in my opinion, should guide the Senate as we prepare to debate the issue.

The Journal points out the most troublesome aspect of this proposal. The open ended liability permitted is, at the same time, both the principal flaw of this legislation and the real purpose of the bill. The bill is really a lawyers' relief act. Clearly plaintiffs' lawyers stand to benefit by creating a huge pool of fearful employees notified by the U.S. Government that at some time in the past they were exposed to some substance and therefore at some risk of disease. There will be an explosion of tort lawsuits and State workers' compensation claims.

The Times edioral points out another flaw in the legislation—the duplication of existing health efforts by a new "independent" Federal agency within the Department of Health and Human Services.

Mr. President, I ask that the two editorials be printed in the RECORD.

The editorials follow:

[From the New York Times, July 25, 1987]

THE ONLY DECENT THING TO DO

It seems little enough for a citizen to expect of the Government: to provide notice if officials find there has been on-the-job exposure to substances that could pose a health danger. Yet legislation embodying that principle is stirring controversy on Capitol Hill and talk of a possible veto from the White House. It would be sad for the country and its workers if the opposition were to kill the legislation, rather than improve it.

At issue are bills to establish an Occupational Health Risk Assessment Board in the Department of Health and Human Services. The board would notify workers whose records of exposure to dangerous workplace substances suggest they face risk of illness. The bills would also require employers to pay for medical monitoring of employees at risk and would let workers in companies with more than 10 employees request transfers to less hazardous jobs. Employers would have to either honor the request or abate the hazard.

Opposition centers on the legislation's potential costs, as well as alleged redundancy in a Government that already includes the Occupational Safety and Health Administration and the National Institute on Occupational Safety and Health. There's merit in both points.

Led by the National Association of Manufacturers, opponents worry that workers notification will lead to a deluge of lawsuits, based on nothing more than *fear* of illness. This has led to an amendment providing that notification alone cannot be the basis of a lawsuit.

Businesses also cite the costs of monitoring at-risk employees and accommodating those who seek transfers to less hazardous jobs. Large businesses can more easily shoulder such expenses than small ones. But in no case can the health of workers be sacrificed to profits.

The redundancy argument is telling. Responsibility the legislation proposes to vest in a new agency ought to belong to the Occupational Health and Safety Administration or the National Institute on Occupational Safety and Health. OSHA, for all its shortcomings, has lately demonstrated what it can do when it wants to, levying heavy fines on the Chrysler Corporation and IBP Inc., the nation's biggest meat packer.

It makes no sense to create a redundant bureaucracy. Let the sponsors rewrite their bills to lodge responsibility, and the wherewithal to meet it, in one of these existing agencies. And then let that agency enforce the new law fairly and aggressively.

[From the Wall Street Journal, Aug. 17, 1987]

RISKY PROPOSITION

Are the health and safety of American workers at greater risk today than they were 15 years ago? That's when the Occupational Safety and Health Administration came into being. A drumbeat of recent criticism has charged that workers' safety has been getting worse, though occupational-safety statistics of the past 15 years don't bear this out. The number of work-related injuries or illnesses has actually declined since 1972, to roughly 8 per 100 workers, from 10 per 100.

These numbers certainly don't suggest that work has become risk-free, but they hardly represent a regression. That's why it is difficult to see immediately why attacks on OSHA Administrator John Pendergrass and his agency have suddently begun to appear. The stream of criticism is all the more puzzling in light of recent OSHA enforcement actions one might have expected to please the agency's detractors. OSHA has slapped fines of $500,000 or more on such major corporations as General Dynamics, Chrysler and IBP Inc. (a meatpacker). These actions suggest that OSHA is getting tougher, not more lenient, on health and safety violations.

We suspect that the real reason for the heightened criticism of OSHA is to build support for a particularly wrong-headed piece of legislation requiring "high-risk occupational disease notification." The bill, sponsored by Howard Metzenbaum, was approved by the Senate Labor and Human Resources Committee shortly before the summer recess. A similar measure was approved by the House Education and Labor Committee in May. If sponsors of the bills find convenient vehicles to attach them to, one of them just might come up for a floor vote shortly after Congress returns from recess.

Both bills would create a federal program to identify and notify workers determined to be at risk of a job-induced disease. Even if a person was "at risk" as far back as 30 years ago, he or she would have to be notified. Moreover, the burden of notifying the targeted population would fall to employers, which would also be required to provide testing, evaluation and medical monitoring of past and present workers who are deemed at risk.

The House bill goes further. Health centers, devoted exclusively to occupational disease, would be established around the country and federally certified. Taxpayers would absorb this cost, as well as the cost of expanded federal research into occupational diseases, and the education and training of health professionals to recognize and treat job-induced ailments.

Bills such as this are of course one reason the Constitution contains a presidential veto. Still, it's hard sometimes to figure whether members of Congress push such loopy legislation as a sop to their campaign contributors or because they are genuinely oblivious of its implications.

Creating such a vast federal involvement would severely distort employer-employee relations. It would surely raise employers' labor costs considerably by necessitating extensive record keeping, by requiring substantial outlays for medical monitoring, and by ultimately forcing employers to pay more for health, disability and workers' compensation insurance. The answer to higher employee costs is often fewer employees. The program would also set off a tidal wave of employee-damage litigation, with lawyers trolling plant parking lots for customers.

There is already a plethora of laws and rules covering occupational health and safety. Those rules require that employers inform workers of potential job-hazards, including exposure to certain chemicals and substances. When employers clearly skirt health and safety laws, then they face stiff penalties from OSHA. In especially egregious cases employees may seek redress from the courts. The risk-notification bill would only add a superfluous, costly layer of bureaucracy to a system that has slowly but steadily improved over the past 15 years.●

TRAPPER CREEK JOB CORPS CENTER IN DARBY, MT

● Mr. BAUCUS. Last weekend I had the pleasure to see a Government program that is exemplary in its purpose, efficiency and execution. The Trapper Creek Job Corps Center in Darby, MT, is an outstanding example of a Government program that truly benefits those it was intended to help.

Trapper Creek is part of a nationwide job corps program designed to help disadvantaged youths. The center is operated under a joint agreement between the U.S. Department of Labor and the USDA-Forest Service. Trapper Creek offers educational and vocational training to young men and women between the ages of 16 and 21.

Corps members receive training that is tailored to their needs. Vocational courses include auto mechanics, carpentry, cement finishing, painting, welding, and culinary arts. Participants also can receive educational training that can lead to a high school diploma or a general equivalency diploma [GED].

The goals and purposes of the program are admirable, but that's not really what attracted my attention. I was struck by the attitudes of the corps members and their instructors. The people who are there want to learn. It is their willingness to try and to succeed that I found most encouraging. The instructors take pride in their work and set good examples with their dedication.

If the Trapper Creek Program is typical of other job corps programs across the country, then I know that our money has been well invested. I would like to commend the students and faculty at Trapper Creek and wish them continued success.●

IMMIGRATION REFORM AND CONTROL ACT

(By request of Mr. CRANSTON, the following statement was ordered to be printed in the RECORD.)

● Mr. SIMON. Mr. President, it has been 1 year since the 99th Congress passed and the President signed into law the Immigration Reform and Control Act. We all recognized then that the final bill represented a compromise and a balance between employer sanctions and a fair legalization program. Many thousands of previously undocumented immigrants have been helped or will be helped by this new law. But many are jeopardized by it as well. We in Congress intended that the legalization program be a generous one—bringing out from the shadows and into the protection of our laws and our society as many eligible individuals as possible. That has not yet happened.

From the west coast to the east coast, legalization offices are operating at less than one-half of their capacity. Some have been placed in areas inaccessible to the population they were set up to serve. Public education and publicity need improvement. But most of all, we need a strong and unequivocal statement from the Immigration and Naturalization Service that the integrity of the family unit will not be threatened. We should do what is possible to keep families together. It is not a question of a blanket policy or a special treatment; it is a question of the fair treatment of the spouse or the child of an individual who we already know meets the qualifications for temporary residence.

Over the past year, as a member of the Senate Judiciary Subcommittee on Immigration and Refugee Affairs, I have monitored the implementation of the act. Family unity is an issue I brought up at the subcommittee's first oversight hearing in March. I have asked repeatedly for a nationwide policy which makes sense, protects families, and follows the law. I have maintained that the INS has the power to take action now. But if Congress must lead the way, then I intend to take part in that effort.

There is no doubt that a strong family unity policy will bring reassurances to those who want to gain legal status in the United States. It will keep intact their support mechanisms at a time when perhaps they need them the most. In so doing, it will help make this entire program a success not only for those most intimately involved but for all of us as a nation.

In closing, let me express my admiration for the diligence employed by all of those involved from the private groups and religious institutions and foundations to the local, State, and Federal agencies who have shaped this program. Even while we focus our attention on the necessary steps to bring meaningful relief to families, the efforts of many around the Nation in and outside of the Government this year are making a lasting impact on communities nationwide.●

ANNIVERSARY OF ENACTMENT OF THE IMMIGRATION REFORM AND CONTROL ACT OF 1986

● Mr. CHAFEE. Mr. President, today marks the anniversary of enactment of the Immigration Reform and Control Act, one of the most carefully crafted compromises that the Senate has worked out. I have often been on record as a great supporter of this landmark legislation, and of all the hard work that was put into it by its sponsors. It was a hard-fought battle, and a job well done.

Nevertheless, on this important anniversary, which is also the midpoint of the Amnesty Program, I also feel it is appropriate to assess the success of legalization. I am pleased to join Senators CRANSTON and SIMON in taking stock of this program, and thank them for their vigilance on this matter. Of particular concern, even 1 year after enactment, is how the Immigration and Naturalization Service will treat families in which one spouse qualifies for amnesty while the other spouse and the children do not.

I am aware that many of my colleagues are convinced that this problem has been adequately addressed by Commissioner Nelson's recent announcement of a family fairness plan. Yet the evidence from my home State suggests to me that widespread fear and uncertainty among illegal aliens, especially families, is continuing to deter them from filing legalization applications.

It is still my hope that hearings will be held on my legislation, S. 1408, the Humanitarian Family Unity Act. I am not satisfied that the problem of family unity is at all solved, and I urge my colleagues not to drop the issue, not to ignore it, not to rest until immigrant families can be absolutely certain that they will not be separated under the new immigration law.

Mr. President, I ask that an article from the November 2, 1987, Providence Journal, which chronicles the disappointing turnout for legalization in Rhode Island, be printed in its entirety in the RECORD.

The article follows:

[From the Providence Journal, Nov. 2, 1987]

SO FAR ONLY 1,000 ILLEGAL ALIENS IN RHODE ISLAND HAVE SOUGHT AMNESTY

(By Helene Cooper)

Only 20 percent of the estimated 5,000 illegal aliens in Rohde Island eligible for amnesty under the new immigration law have filled out applications in the first six months of the year-long program.

When the amnesty program began on May 5, immigration officials expected Rhode Island's illegal aliens would rush to apply.

But Pamela Kane, legal-education coordinator with the International Institute, said last week that no more than 1,000 of those believed eligible in the state have taken advantage of the law. Immigration and Naturalization Service officials in Providence confirmed that number.

The International Institute, on Elmwood Avenue, is one of three local nonprofit social service organizations authorized by INS to process amnesty applications. The other two organizations are Catholic Social Services, also on Elmwood Avenue, and SER Jobs for Progress, on Washington Street in Central Falls.

Several factors are keeping illegal aliens from seeking amnesty, Kane and other community organizers said. They include the high application fee, ($185 a person), restrictions in the law which cause many illegal aliens to doubt that they will be granted amnesty, and most important, a long-held distrust of INS which many illegals have not overcome.

"The INS is traditionally an enforcement agency," Kane said. "For years . . . they've been the ones who have deported people. People are not going to walk into the INS office and say 'I want amnesty.'"

The landmark immigration law grants amnesty to those who have lived illegally in the United States continuously since Jan. 1, 1982. Applicants receive work authorization cards. In two to four months, if the application is approved, the person is upgraded to "temporary residency status," which allows application for permanent residency status.

Since the law was passed, INS has continued to give the impression of being primarily an enforcement agency, said Estella Carrera, a coordinator at Project Hope who has been helping illegals fill out applications. She said the immigration service has interpreted the law too strictly.

INS has interpreted the continuous residency requirement as disqualifying for amnesty an illegal who arrived in this country before Jan. 1, 1982 but later left the country for a period longer than 45 days. Also, INS says, an alien who came here legally before 1982 on a tourist or student visa that expired after 1982 would also fall to meet the continuous residency requirement.

INTERPRETATIONS RELAXED

William Granger, the officer in charge of the Providence INS office, said the immigration service has recently relaxed some of its restrictions to encourage more people to apply. For instance, people who can document that they left the country because of an emergency can have the "continuous" requirement waived, he said.

Granger said he hopes the new leniency will encourage more people to apply. But Carrera and Kane said those steps are not enough.

About 350 people have applied through the International Institute, Kane reported. She said that about 50 have applied at Catholic Social Services and 20 through SER Jobs for Progress. The rest of the applicants have hired personal lawyers or have gone to the region's special legalization office in Boston on their own.

FAMILIES FEAR EXPOSURE

The recent defeat in the U.S. Senate of a family unification bill introduced by Sen. John H. Chafee, R.-R.I., also has had a hand in keeping people from applying, said Patricia Martinez, program director of SER. The bill, defeated on the Senate floor Oct. 7, would have made all members of a family of illegal aliens eligible for amnesty if only one of them qualifiers under the law.

"We've gotten almost no families coming forward since," Kane said "Bad news gets passed around quickly."

"We're talking about a culture where the family is almost sacred," she said. "It attacks their stability, to know that their entire family is not provided for."

Carrera said that most of the people who have applied have been young, single individuals—between ages 25 and 35—with little to lose if they are rejected. They are people, she said, very capable of taking care of themselves or going underground if necessary.●

GOVAN MBEKI, 77, FREED AFTER 23 YEARS IN SOUTH AFRICA PRISON

● Mr. LEVIN. Mr. President, yesterday a glimmer of hope was sparked in the continuing tragedy of the imprisonment of Nelson Mendela, and the hopes for peaceful change in South Africa. That glimmer of hope is in the release of Govan Mbeki, a prominent figure in the black struggle for freedom, equality, and justice for all people of South Africa.

Mr. President, let us think about it. Mr. Mbeki, 77 years of age, has spent 22 valuable, prime years of his life in prison. What has happened during that time? During those 22 years, he has been an embodiment of a people's struggle to overcome oppression. His imprisonment has been symbolic of the imprisonment of the black majority under the system of apartheid. His determination to stand, unconditionally, by his principles upon release from prison mirrors the determination of the black majority to stand up to the minority government and to endure hardships now for the promise of a free South Africa, a more just South Africa in the future.

My message to the South African Government is that there may yet be a chance for peaceful negotiations; that it should follow up on the release on Mbeki with the release of Nelson Mendela and other political prisoners.

Mr. President. I ask to be printed in the record the November 5 memorandum sent to the Members of the House and Senate by Gay McDougall, director of the Southern Africa project of the Lawyers' Committee for Civil Rights Under Law regarding to the release of Govan Mbeki.

The memorandum follows:

MEMORANDUM

To: Members of the U.S. Senate and House of Representatives.

From: Southern Africa Project.

The Southern Africa Project of the Lawyers' Committee for Civil Rights Under Law learned today that the South African Government has released Mr. Govan Mbeki and 4 other prisoners formerly serving sentences relating to convictions under various South African security legislation. Mr. Mbeki is a former National Chairman of the African National Congress and is one of a group of eight persons convicted and sentenced in 1964 to life imprisonment on charges of sabotage (now known familiarly as the Rivonia trialists). Though relatively unknown outside South Africa, Mr. Mbeki is highly thought of by his countrymen, particularly in the ANC and is generally ranked along with Walter Sisulu and Nelson Mandela as one of the significant figures of that famous trial. Joining Mr. Mbeki in being released are J. Mkosi and M. Matsobane of the Pan-Africanist Congress of Azania (PAC), W.S. Tshikila and V.T. Masuku.

Clearly the most important member of the group released today because of his close affiliation with Mr. Mandela, Mr. Mbeki, as a result of his long incarceration has been seriously ill with rheumatism and is reportedly nearly blind as well, Now 77 years of age, he is the eldest of those convicted and sentenced with Mandela in the Rivonia trial. Numerous calls have been made previously for his release on humanitarian grounds.

Despite the unexpectedness of the release announcement today and the disclosure that it was to be Mr. Mbeki, the news does not come as a total surprise to anti-apartheid groups. It has been widely believed in such circles that the South African Government for several months now has been re-evaluating the political wisdom in keeping these long-standing symbols of the struggle to overthrow apartheid behind bars.

The revised Government strategy, it is thought, features the possibility of releasing well-known prisoners, especially those associated with Mr. Mandela (and perhaps including the release of Nelson Mandela himself as a final step) in a gradual process during the near future in an effort by Pretoria to contain the growing fervor of resistance to its policy of apartheid. It is a well-known fact that for much of the world, the Rivonia trialists, particularly in the person of Mr. Mandela, have come to symbolize in an extraordinary way the popular opposition to the injustice inherent in the policy of separate existence along racial and ethnic lines. By releasing Mandela and his companions the Botha regime hopes, in one fell swoop, to drastically reduce their moral authority and political stature, thereby defusing the spiritual force of the growing militant and increasingly internationalized movement to eradicate apartheid once and for all. However, since the South African authorities cannot accurately forecast what the masses of black South Africans who revere Mandela will do if he were to be released, the plan appears to be to release initially figures of a somewhat lesser stature, such as Govan Mbeki, in order to gauge popular reaction. This will allow the Government an opportunity to measure their ability—if any—to contain whatever effects ensue within South Africa. Their ability to successfully control popular reaction will, of course, be a key factor in determining whether and when Nelson Mandela will be set free.

These reasons, together with the Government's apparent fear of the potentially incalculable political damage it would sustain were any of these larger-than-life figures to die while still in jail, are seen as the real motive behind Mr. Mbeki's release today.

Govan Archibald Mvunyelina Mbeki was born in 1910 in the Nqamkwe district of the Transkei. As the son of a chief who was deposed by the Government, he joined the ANC in 1935 while still a student. Mr. Mbeki earned a B. Econ. in Social Studies in 1940 from the University of South Africa. His early career as a teacher was constantly disrupted by ever-increasing political activity, first in the Transkei and later in Natal and Port Elizabeth. In 1955, Mr. Mbeki moved to Port Elizabeth to become local editor of New Age, a newspaper critical of the social order in South Africa. Here he also became deeply involved in ANC activities, particularly cell organization and opposition in print to Bantu Authorities and Bantu Education. Because of his success in consolidating ANC support in the area, he quickly rose to prominence, became leader of the ANC in the Eastern Cape in 1955 and, only a year later, being elected National Chairman.

He was detained for 5 months during the 1960 Sharpeville emergency and arrested and charged under the Explosives Act in December 1961. After spending several months in solitary confinement before being brought to trial, he was subsequently acquitted on a technicality. Mbeki was at Liliesleaf Farm, Rivonia, the headquarters of Umkhonto we Sizwe in July 1963, when it was raided by South African security police. At the time he was Secretary of its High Command. He has served the majority of his life sentence at the infamous Robben Island jail, but was recently moved to Pollsmoor Prison on the mainland.

Mbeki is married and has one daughter and 3 sons (one deceased). One of his sons, Thabo Mbeki, serves in the National Executive Committee of the ANC's external mission as Director of Information and Publicity.

In 1970, while in prison, Mr. Mbeki completed his B.A. Hons. degree in Economics, and in 1977 was awarded an Honorary Doctorate in Social Sciences by the University of Amsterdam for his work *The Peasant's Revolt*, considered an authoritative record of that period in the history of the Transkei when resistance to the imposition of the bantustan system took the form of open rebellion (The Transkei, it should be remembered, was the first bantustan created by the apartheid regime). The book was first published in England in 1964, and is banned in South Africa.

Upon being released Mr. Mbeki, who was permitted to speak with his friend, Mr. Mandela, prior to his release, reportedly made it clear to the South African authorities that he would not be returning to the Transkei. This was apparently a reference to earlier Government demands that as one condition of his eventual release Mandela would have to confine himself to the Transkei region. In any event, Mr. Mbeki will be residing in Port Elizabeth.

Still, his release will not be unconditional. Mr. Mbeki has been "listed" under the Internal Security Act, which is the South African Government's new form of banning. This at least means that it will not be possible to quote him within South Africa.

While the release of Mr. Mbeki and the other 4 former detainees is clearly intended to further the interests of the South African regime in breaking resistance to apartheid and is not therefore any admission of culpability on their part, it is nonetheless an important victory for the antiapartheid movement. In recognition of this, the Southern Africa Project wants to recommend that expressions of congratulations and well-wishes be conveyed to Mr. Mbeki at the address below: c/o Priscilla Jana, P.O. Box 61875, Marshalltown, Johannesburg 2107 South Africa.●

ANNIVERSARY OF THE IMMIGRATION REFORM ACT OF 1986

● Mr. CRANSTON. Mr. President, today marks the 1 year anniversary of the day President Reagan signed the Immigration Reform and Control Act of 1986 into law, and the end of the first half of the 1-year application period for the act's legalization program. As some of my colleagues have already noted, the legislation that was enacted 1 year ago represents years of hard work, negotiation, and compromise among members of Congress crafting a law that would effectively resolve the problems associated with the existence of an undocumented subclass in our country and allowing INS to concentrate its resources on preventing new illegal entry and visa abuse.

Mr. President, some of my colleagues will recall that I was not quick to embrace this legislative proposal. From the beginning I was concerned that the amnesty program might not succeed if undocumented individuals would be afraid to reveal themselves to the Immigration and Naturalization Service [INS] and participate in the legalization program. I was also concerned that the employer sanctions provision would be unworkable, would be burdensome for employers, and could potentially result in discrimination against Hispanics and other "foreign-looking" individuals.

In spite of my concerns, Mr. President, I ultimately supported this legislation, because I believed it reflected a reasonable compromise, and, most importantly, I believed the legalization program represented a humanitarian means of offering millions of undocumented immigrants the opportunity to emerge from the dark shadows of an underground world to become legal residents. In this regard, Mr. President, I recognized that California—with an estimated 2 million undocumented immigrants who may meet the legalization criteria, and hundreds of thousands of farm workers who may qualify for the Special Agricultural Worker [SAW] Program by virtue of having worked in California agriculture for the required periods of time—stood to benefit greatly from the new law if the legalization programs were implemented in a compassionate fashion consistent with congressional intent.

Well, Mr. President, we are now in a position to evaluate whether the law is being implemented as we intended. While INS is to be commended for establishing in a relatively short time the necessary administrative procedures and facilities to receive and process legalization applications, and those offices have received approximately 900,000 regular legalization applications and 154,249 SAW applications, we must also acknowledge the troubling issues which have arisen in connection with the legalization program.

In an editorial recently published in the New York Times on November 3, 1987, entitled "Don't Let the Amnesty Door Slam," the point is made that if the current rates of legalization continue, the program will legalize far fewer aliens than anticipated. Specifically, the editorial notes that INS legalization offices are operating at 50 percent capacity in the West and only 20 percent in the East. The editorial further explains:

> It comes as no surprise that the Immigration Service is still ironing the wrinkles out of this massive effort. There have been computer problems. National and regional information campaigns take time to develop. Outreach and networking have been inadequate: it takes vast effort to penetrate thousands of alien enclaves. In addition, clarification is needed for regulations about length of continuous residence, proof of employment and policies regarding the protection of family members.

Mr. President, I ask that the full text of this editorial be printed in the RECORD at the conclusion of my remarks.

The information I have received regarding the implementation of the legalization program in California is consistent with the information presented in this New York Times editorial. I have heard from church organizations which are involved in processing legalization applications, State officials representing California's Health and Welfare Agency, immigrant service centers, unions, civil rights organizations, business leaders, and undocumented individuals, and, somewhat amazingly, they all agree on one thing. The legalization program is not being implemented in the compassionate fashion we intended.

The primary issue upon which this allegation rests is INS' failure to establish a policy that will adquately resolve the problem which arises when some members of a family unit qualify for legalization under the act and other family members do not. Mr. President, my colleagues may recall that I originally raised this issue in the Senate on May 19 of this year when I introduced Senate Joint Resolution 131, which urged the INS to utilize its authority to provide relief from deportation of ineligible family members, and work authorization where appropriate, to assure family unity. At that time I, along with California Congressmen ROYBAL, TORRES, and BERMAN, met with INS Commissioner Nelson to express our concerns regarding this issue. At the conclusion of the meeting, Commissioner Nelson indicated to us that he would develop policy guidelines on this matter and bring it to us at a follow-up meeting in a week's time.

Well, Mr. President, we waited over 5 months for INS to provide that policy statement, and when we finally received it, we found it fell far short of our expectations. I have joined with Senators CHAFFEE, PELL, STAFFORD, MIKULSKI, MOYNIHAN, MATSUNAGA, GORE, and ADAMS in stating our concerns regarding this policy in a letter to Commissioner Nelson dated October 27, 1987. Mr. President, I ask that the text of this letter be printed in the RECORD at the conclusion of my remarks. Mr. President, I also ask that an article entitled "Many Illegal Aliens Wary of Amnesty," which appeared in the Washington Post on October 21, 1987, be printed in the RECORD at the conclusion of my remarks. That article notes that "a survey done for INS in June by a Los Angeles public relations firm confirms the notion that some illegal immigrants have not applied for amnesty because they fear for their relatives."

Mr. President, in addition to the fact that eligible undocumented immigrants are holding back from applying for legalization due to the lack of a clear INS policy assuring family unity, I have heard from business leaders and agricultural growers who are concerned about the prospect of employer sanctions and the possibility of labor shortages. They would also like to see a more vigorous effort on the part of INS to assure the success of the legalization program, thereby also assuring the availability of a legal work force.

With regard to the implementation of the Special Agricultural Workers Program, many California growers contacted me last summer to complain about the rigid procedures which INS had established for SAW applicants. I was glad to see INS make changes regarding those procedures, and I hope that some of these difficulties can be avoided during next year's harvest season.

In sum, Mr. President, while we have made some progress toward realizing the goals we set when we passed the Immigration Reform Act, there is still much work to be done if we are to eliminate the existing undocumented subclass, now reluctant to report violations of labor and even criminal laws, and allow its members to participate openly in society. I intend to do everything I can to make sure that the program is implemented so that this is accomplished.

The documents follow:

[From the New York Times, Nov. 3, 1987]

DON'T LET THE AMNESTY DOOR SLAM

Congress passed the Immigration Reform and Control Act last year to make it harder for new illegal aliens to stay in this country—and easier for old ones. The act provided amnesty for aliens who had been here since at least 1982. But they were given only 12 months to apply, and even that time has been constricted. Fairness alone would impel Congress to keep the legislation door open an additional year, to May 4, 1989.

The first goal was to deter illegal immigrants by forbidding employers to hire them. Early evidence indcates that this goal is being met. The second goal was to bring out of the shadows hundreds of thousands of aliens who have lived in this country illegally, and furtively, for years. This goal has been less well met.

Many of the eligible aliens need more time to apply. The Immigration and Naturalization Service did not start taking applications until May 5. So far, across the nation, less than a million illegals have applied for legalized status; less than 50,000 are from the New York area. I.N.S. legalization offices are operating at 50 percent capacity in the West and only 20 percent in the East.

If these rates continue, the program will legalize far fewer aliens than anticipated. Also, the approval process has been painfully slow. Only 75,000 amnesty requests have been granted. The most effective way to spur applications is to decide cases and let beneficiaries spread the word.

It comes as no surprise that the Immigration Service is still ironing the wrinkles out of this massive effort. There have been computer problems. National and regional information campaigns take time to develop. Outreach and networking have been inadequate: it takes vast effort to penetrate thousands of alien enclaves. In addition, clarification is needed for regulations about length of continuous residence, proof of employment and policies regarding the protection of family members.

Aliens, some daunted by language, have hung back. Some don't understand the new law. Some fear, incorrectly, that even if one member of a family is eligible for amnesty, a spouse, parents or children could be deported based on information on the application form. There must be time for accurate information to be disseminated and digested, and for understanding and trust to develop. The Immigration Service is, after all, the agency that deports people.

The Service has worked hard to make the amnesty program work. By extending legalization to May 4, 1989, Congress would insure that it does.

U.S. Senate,
Washington, DC, October 27, 1987.

Hon. Alan C. Nelson,
Commissioner, Immigration and Naturalization Service, Washington, DC.

Dear Alan: We are writing to express our concerns regarding your recent announcement of a "Family Fairness" policy, which is meant to guide Immigration and Naturalization officials as they confront families in which not all members qualify for amnesty under the Immigration Reform and Control Act (IRCA).

First of all, this policy fails to address the humanitarian concerns arising from the possibility of family separation. Ineligible spouses will be granted voluntary departure status based on a demonstration of "compelling or humanitarian factors." In your testimony before the House Subcommittee on Immigration, Refugees and International Law on October 21, 1987, you clearly pointed out that "compelling or humanitarian factors" would include serious medical problems or the presence of a handicap, but would not encompass marriage or immediate family relationship.

As a result, a large number of potential legalization applicants will continue to find themselves in the unfortunate position of having to choose between staying with their families or pursuing the benefit of legalization. The premise on which your policy is based, that family relationships and hardships caused by separation do not alone constitute "compelling" reasons to grant voluntary departure status to ineligible family members, is ill-founded.

The new guidelines governing children cause us even greater concern. While they are ostensibly more generous than those applying to spouses, they could put families in even more cruel situations. For instance, those children whose parents do not both qualify for legalization may have to choose which parent they will live with. An ineligible parent may choose to divorce and return to his country of origin, so that the children will be legally able to remain in the U.S. with the eligible parent. We believe that the fear of family separation will be increased, rather than decreased, by allowing children to stay only if both parents qualify for legalization.

Since "Family Fairness" provides that most issues will still be left to the discretion of INS District Directors, and since the policy offers no guidance concerning the definition of "compelling or humanitarian factors," different applications of this policy are still likely to occur in different parts of the country. The fact that decisions rendered by local District Directors will be reviewed does not address our concerns about uneven enforcement, because the policy does not specify the criteria upon which the reviews will be made.

In addition, such a case-by-case approach is likely to add to the confusion that already exists in the workplace. Because "Family Fairness" does not clearly indicate the grounds on which INS will allow spouses to remain in the U.S., and because it does not provide for any expedited procedures for those individuals to obtain work authorization, both employers and employees remain uncertain about who is qualified for employment. It may be that employers will be vulnerable to sanctions for employing individuals they believed had "compelling" reasons to remain in the United States. Many employers, both agricultural and non-agricultural, are already confronted with the scarcity of legal workers to perform labor traditionally done by an undocumented workforce. INS's new policy creates even greater burdens.

Failure to set a uniform, national family unity policy threatens to undermine the purpose of the entire legalization program. If illegal aliens cannot be certain that their families will not be separated, they will refrain from applying for legalization. The numbers, as well as reports from Qualified Designated Entities, indicate that a large number of potential applicants are not coming forward. And so long as families hold back, we will continue to have an exploitable shadow population in our midst, that will continue to drain the enforcement resources of the INS. It is clearly to the advantage of all that we ensure the success of the legalization program.

Your announcement of a "Family Fairness" policy is encouraging to the extent that, in its treatment of children under this policy, the INS recognizes its authority under IRCA to keep families together. We urge you to exercise that authority to allow those families already in the U.S. to remain together, based on the "compelling, humanitarian factor" of family relationship. We are confident that the humanitarian purpose of your current policy can be greatly broadened while at the same time addressing your concerns about a "second amnesty," and the possibility that a more generous program will act as a "magnet for others to enter the United States in an illegal manner, marry a qualified legalization applicant, and attempt to gain benefits."

Many of us have expressed deep concern to you regarding the need for a clear policy supporting family unity in the legalization program. We do so again today, as "Family Fairness" falls far short of our expectations for such a policy. We urge you to reconsider, and develop a policy that is truly practical and, above all, humanitarian.

We look forward to your prompt response regarding this matter.

Sincerely,

Senators Alan Cranston, John H. Chafee, Claiborne Pell, Robert T. Stafford, Barbara A. Mikulski, Daniel P. Moynihan, Spark M. Matsunaga, Albert Gore, Jr., Brock Adams.

[From the Washington Post, Oct. 21, 1987]

MANY ILLEGAL ALIENS WARY OF AMNESTY—INELIGIBLE RELATIVES MAY BE DEPORTED

(By Zita Arocha)

In the mornings, as Julio drives Emilia to her housekeeping job in an affluent neighborhood in Bethesda, they usually chat about buying baby clothes and furniture for their soon-to-be born first child.

But sometimes their thoughts turn to the frightening possibility that Emilia, who is from Peru and in this country illegally, could be deported.

"Julio asks me what he would do without me," said Emilia, 38, who is eight months pregnant. "He asks me how he would care for our child if he were here alone."

Unlike Emilia, the 43-year-old Julio, an illegal immigrant from Colombia, qualifies for amnesty under the immigration law passed by Congress last year, and he cannot be deported. He did not want the couple's last name used.

The immigration law says that only those illegal immigrants who have lived in this country before Jan. 1, 1982, are eligible for the one-year amnesty program, and many illegal aliens such as Emilia who arrived after the cutoff date do not qualify.

The disquieting uncertainty that surrounds Emilia's future is typical of the predicament facing thousands of illegal immigrant families, in which some members qualify for amnesty but others do not, depending on when they entered the United States.

Ultimately, Emilia's fate and that of others like her will rest on the outcome of an intense, ongoing political debate about what the government should do with the ineligible family members of amnesty recipients.

On one side of the "family unity" issue are immigrant advocacy groups, immigration lawyers and some members of Congress, who believe the ineligible family members should receive special permission to live and work in this country, and who argue that the lack of a liberal family-unity policy unintentionally is undermining the amnesty program.

On the other side of the debate are other members of Congress, such as Sen. Alan K. Simpson (R-Wyo.), one of the key sponsors of the new immigration law, who say it would be unfair to give those illegal family members permission to remain here when more than 2 million foreign-born family members of legal U.S. residents have been waiting years for permission to immigrate here.

Proponents of this view say that an amnesty applicant can petition for a relative upon becoming a permanent resident, about two years after applying for amnesty.

Caught between those two points of view is the Immigration and Naturalization Service, which is expected to announce soon an official policy on how it will deal with the family members of amnesty applicants.

"This is a real loser of an issue for the INS if they continue to be intransigent," said Charles Kamasaki, a policy analyst for the National Council of La Raza, an immigrant rights organization. "Who in their right minds would support splitting up families?"

In a slight liberalization of regulations, INS Commissioner Alan C. Nelson announced several weeks ago that the agency would not deport minor children who do not qualify for amnesty if both parents qualify.

The INS, however, is unlikely to extend that same guarantee to ineligible spouses of immigrants who qualify for amnesty or to ineligible children if one spouse does not qualify, INS officials said.

Instead, the policy on "family fairness," which is expected to be announced today when Nelson addresses a House subcommittee, is expected to say that the agency will deal with ineligible spouses and children case by case and, if there is a "compellling, humanitarian reason," will not deport them, INS officials said.

Nelson has said previously that the INS is hamstrung by language in a report by the Senate Judiciary Committee on the new immigration law. The report says, "It is the intent of the committee that family members of legalized aliens will obtain no special petitioning rights by virtue of this legislation. They will be required to wait in line in the same manner as immediate family members of other new resident aliens."

Demetrios Papademetriou is a policy research consultant for the U.S. Catholic Conference, which so far has filed amnesty applications on behalf of 60,000 illegal immigrants.

"There will be substantial numbers of people for whom the threat of separation will be very real," Papademetriou said.

Some members of Congress want to erase that threat. There are bills pending in the House and Senate to grant a special status and permission to work to the close relatives of amnesty recipients.

"Every case to me is humanitarian in order to keep the family together," said Sen. John H. Chafee (R-R.I), who recently introduced an amendment to the State Department Authorization Bill.

The amendment, which was tabled after debate, would have allowed family members of amnesty recipients to live and work here.

Chafee and other supporters of this special treatment for family members argue that some immigrants are not applying for amnesty because they fear ineligible family members will be deported, even though the INS cannot use the information in an amnesty applicant's application to deport an ineligible family member.

To date about 800,000 people have applied for amnesty and 2 million are expected to apply before the program ends in May.

Several cases across the country, one of them in the Washington area, in which the INS raided businesses and detained family members of illegal immigrants who have applied for amnesty, are also spawning this fear or reprisals.

In Arlington recently, the INS detained about a dozen illegal aliens at a Quality Inn and fined the employer under the employer sanctions part of the immigration law.

One of those detained was a woman whose husband also worked at the hotel and qualified for amnesty. The INS has begun deportation proceedings against the woman, said her lawyer, Candace Kattar.

A survey done for the INS in June by a Los Angeles public relations firm confirms the notion that some illegal immigrants have not applied for amnesty because they fear for their relatives, said Hector J. Orci, president of La Agencia de Orci y Asociados, which did the survey.

Orci said the survey of 700 illegal immigrants nationwide showed that about half of them had not yet applied for amnesty.

Of those who had not applied, about 35 percent said "they were afraid that if their family members did not qualify, they would be deported," Orci said.

Three other common reasons given for not applying were that the immigrant was still saving money to pay for the application fee; was not sure how to go about applying, or didn't think he or she was eligible for the program, Orci said.

As a result of the survey, the public relations firm has changed its strategy for reaching illegal aliens and will do a follow-up survey in November, he said.

Meanwhile, Emilia, who lives in a one-bedroom apartment in Langley Park, said that after the new immigration law took effect her husband Julio was afraid to file for amnesty.

She said he became very anxious when his brother-in-law said he would not give Julio a notarized letter saying Julio had lived and worked in his home-based upholstery business.

To qualify for amnesty, immigrants must provide the INS with bank records, utility and rent receipts and other documentation to prove they have lived in this country before Jan. 1, 1982.

Finally, with the help of a social service agency in Takoma Park that helps immigrants file for amnesty, Julio obtained the letter he needed and applied for amnesty.

Several weeks ago, he received word that his application had been approved and he is now a temporary resident, the first step toward permanent residence and eventually citizenship.

The couple now looks to the day when Julio, who delivers pizzas in Bethesda, will become a permanent resident and can legally petition for Emilia.

But meanwhile the fear lingers. Sometimes, Emilia said, "I still worry about what will happen to me."●

IMPACT AID

● Mr. **BURDICK.** Mr. President, Public Law 81-874 is a time-tested reimbursement law—first passed in 1950—to assist in educating our 2 million federally connected youngsters.

These children come from military families, Indian families, and poverty families which—to one degree or another—are exempt from paying real estate taxes to fund the public schools.

Federal law has, on the one hand, made the properties on which these families live or work exempt from being taxed; yet on the other hand, have by court tested cases, required the local public schools to accept and fully serve these youngsters.

Since most of the families are from lower to moderate socioeconomic families which already depend heavily on public assistance, the result is that the taxpaying local residents are actually subsidizing the presence of these youngsters. Youngsters who are placed there by Federal activity, educated by Federal demand, exempted from taxes by Federal policy and who create an undisputable fiscal burden on the local school district's ability to generate revenue.

Impact Aid is the nearest thing that we have to block-grant assistance, moving revenue directly from the Federal Treasury into the local school district with no bureaucratic, staff, or State interference. This revenue is noncategorical aid to assist with the operation and maintenance of the public schools serving military, Indian, poverty, and handicapped youngsters all over the country.

This year this law—generically called Impact Aid—is authorized to receive $800 million. Even if that full amount were appropriated, according to one association, it would only provide about 50 percent of the needed entitlement.

This year the Senate has proposed a fiscal year 1988 appropriation of $677 million while the House has proposed $735 million.

I strongly urge the Labor, Health and Human Services and Education Subcommittee chairmen and my colleagues to consider the higher of the two proposals for Impact Aid funding when it is considered in conference. This is one of our most important Federal education laws whereby the Federal Government simply pays its school taxes for the children for whom it is responsible.

● Mr. **CHILES.** I thank my friend from North Dakota for bringing this matter to my attention and I can assure him that I will take his views into consideration as we go to conference on the Labor, Health and Human Services and Education appropriations bill.●

ROBERT M. SOLOW—NOBEL LAUREATE

● Mr. **KERRY.** Mr. President, it is with great pride that I rise to congratulate a distinguished citizen of Massachusetts—Robert M. Solow—on being awarded the Nobel Prize in Economic Science. Professor Solow was recognized by the awards committee for his seminal contributions to the theory of economic growth.

In his path-breaking work, undertaken more than 30 years ago, Solow studied the sources of economic growth and concluded that technological advances were a major source of economic growth and increases in output per employed worker. Solow's empirical work, based on an analysis of the 1909-49 period was extremely important in that it brought to the forefront the importance of technological change and innovation as a source of economic growth and development. To bring about an increase in living standards, it was not only important to have more equipment—capital—for each worker, but it was necessary to have higher quality inputs—a more educated labor force and more technologically advanced capital equipment. Thus, Solow's work underscored the significance of education and research.

Prof. Assar Lindbeck, of the University of Stockholm and a member of the selection committee, emphasized that when Solow's results came out in the 1950's "they had a very strong impact on people's thinking because many governments drew the conclusion that they should push higher education and technological research."

It is interesting, Mr. President, that as we have debated solutions to our trade deficit that many of us have returned to this theme and have suggested the need for greater funding for higher education and research through the National Science Foundation and other related entities.

Professor Solow joins two other colleagues at the Massachusetts Institute of Technology [MIT]—Professors Modigliani and Samuelson—who were awarded the Nobel Prize in Economic

Science in previous years. Of the 25 economists who have won or shared the prize since it was first awarded in 1969, 15 have been Americans. Mr. President, I am proud to observe that six of those prizes have gone to economists associated with universities in Massachusetts—the three already mentioned at MIT and three others at Harvard University.

Professor Solow has had a distinguished academic carreer and is widely respected for both his scholarly contributions to economic research and his brilliant teaching at MIT. He has been elected by his peers to serve as president of the American Economic Association.

He has also made important contributions to public policy. He served as a senior economist on the staff of the Council of Economic Advisers in 1961 during the administration of President Kennedy. Along with others, including Walter Heller, James Tobin, Arthur Okun and Gardner Ackley, he helped shape Keynesian economic policies in the Kennedy-Johnson administrations.

But always, Mr. President, with great integrity and perception he would analyze important economic issues of the day. In his Presidential address, delivered at the annual meetings of the American Economic Association, in December 1979, he discussed "the long-standing tension in economics between belief in the advantages of the market mechanism and awareness of its imperfections."

In his address, entitled "On Theories of Unemployment" he Observes that:

> The tension between market efficiency and market failure is especially pointed in discussion of the working of labor markets, for obvious reasons. The labor market connects quickly with everything eles in the economy and its performance matters more directly for most people than that of any other market. Moreover, the labor market's own special pathology, unemployment, is particularly visible, particularly unsettling, and particularly frustrating * * *.

After reviewing the evolution of economic ideas on unemployment and theories on why labor market will not necessarily be at full employment he concludes that:

> If the labor market is often not in equilibrium, if wages are often sticky, if they respond to nontraditional signals, then there is a role for macro policy and a good chance that it will be effective. Equilibrium theories that conclude the opposite may conceivably turn out to have the right answer, but they simply assume what they purport to prove. It is not my argument that standard textbook policy prescriptions are bound to be right. That has to be worked out case by case. All I do claim is that a reasonable theory of economic policy ought to be based on a reasonable theory of economic life.

Mr. President, I again commend Professor Solow on receipt of the Nobel Prize. And I commend to my colleagues his view that "a reasonable theory of economic policy ought to be based on a reasonable theory of economic life." I ask that Professor Solow's thoughtful American Economic Association Presidential Address be printed in the Record.

The material follows:

[Reprinted From The American Economic
Review, March 1980]

ON THEORIES OF UNEMPLOYMENT

(By Robert M. Solow[*])

There is a long-standing tension in economics between belief in the advantages of the market mechanism and awareness of its imperfections. Ever since Adam Smith, economists have been distinguished from lesser mortals by their understanding of and—I think one has to say—their admiration for the efficiency, anonymity, and subtlety of decentralized competitive markets as an instrument for the allocation of resources and the imputation of incomes. I think we all know this; for confirmation one can look at the results of a paper (James Kearl et al.) presented at the last annual meeting, reporting the responses of professional economists to a sort of survey of technical opinion. The propositions which generated the greatest degree of consensus were those asserting the advantages of free trade and flexible exchange rates, favoring cash transfers over those in kind, and noting the disadvantages of rent controls, interest rate ceilings, and minimum wage laws.

Views on these policy issues did not seem to represent mere conservative ideology: half of the respondents agreed and another 30 percent agreed "with provisions" that redistribution of income (presumably toward the poorest) is a legitimate function of government policy. The profession's reservations about rent control, interest rate ceilings, and minimum wage laws do not appear to reflect a rejection of the goals of those measures, but rather a feeling that nonprofessionals simply do not understand fully the consequences, often unexpected and undesired, of messing around with the market mechanism. Most of us are conscious of a conflict that arises in our minds and consciences because, while we think it is usually a mistake to fiddle the price system to achieve distributional goals, we realize that the public and the political process are perversely more willing to do that than to make the direct transfers we would prefer. If we oppose all distorting transfers, we end up opposing transfers altogether. Some of us seem to welcome the excuse, but most of us feel uncomfortable. I don't think there is any very good way to resolve that conflict in practice.

Simultaneously, however, there is an important current in economics that focuses on the flaws in the price system, the ways that real markets fail because they lack some of the characteristics that make idealized markets so attractive. I think that outsiders, who tend to see economists as simple-minded marketeers, would be astonished to learn how much of the history of modern economic analysis can be written in terms of the study of the sources of market failure. The catalog runs from natural and artificial monopoly, to monopolistic competition, to the importance of public goods and externalities of many other kinds, to—most recently—a variety of problems connected with the inadequate, imperfect, or asymmetric transmission of information and with the likelihood that there will simply be no markets for some of the relevant goods and services.

Even the vocabulary can be revealing. Market "imperfection" suggests a minor blemish of the sort that can make the purchase of "irregular" socks a bargain. Market "failure" sounds like something more serious. To take a more subtle example, I mentioned that one kind of flaw in the system can be the absence of certain markets. The common generic term for the reason why markets are missing is "transaction costs." That sounds rather minor, the sort of thing that might go away in due course as accounting and information processing gets cheaper. But some of the cases of missing markets really go much deeper. The fact that distant future generations can not participate directly in the markets for nonrenewable resources will not be remedied by improvements in communication. Nor are the residents of densely populated areas ever likely to be able to dicker effectively with the dozens or hundreds of sources of barely traceable pollutants whose health effects, if any, cumulate over many years.

There is a large element of Rohrschach test in the way each of us responds to this tension. Some of us see the Smithian virtues as a needle in a haystack, as an island of measure zero in a sea of imperfections. Others see all the potential sources of market failure as so many fleas on the thick hide of an ox, requiring only an occasional flick of the tail to be brushed away. A hopeless eclectic without any strength of character, like me, has a terrible time of it. If I may invoke the names of two of my most awesome predecessors as President of this Association, I need only listen to Milton Friedman talk for a minute and my mind floods with thoughts of increasing returns to scale, oligopolistic interdependence, consumer ignorance, environmental pollution, intergenerational inequity, and on and on. There is almost no cure for it, except to listen for a minute to John Kenneth Galbraith, in which case all I can think of are the discipline of competition, the large number of substitutes for any commodity, the stupidities of regulation, the Pareto optimality of Walrasian equilibrium, the importance of decentralizing decision making to where the knowledge is, and on and on. Sometimes I think it is only my weakness of character that keeps me from making obvious errors.

The critics of the mainstream tradition are mistaken when they attribute to it a built-in Panglossian attitude toward the capitalist economy. The tradition has provided both the foundations for a belief in the efficiency of market allocations and the tools for a powerful critique. Economic analysis by itself has no way of choosing between them; and the immediate prospects for an empirically based model of a whole economy, capable of measuring our actual "distance" from the contract curve, are mighty slim. The missing link has to be a matter of judgment—the Rohrschach test I spoke of a minute ago. For every Dr. Pangloss who makes the ink blot out to be of surpassing beauty, give or take a few minor deviations—the second-best of all possible worlds, you might say—there is a Candide to whom it looks a lot like an ink blot. Maybe there are more Panglosses than Candides. But that was true in Voltaire's time too—

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[*] Presidential address delivered at the ninety-second meeting of the American Economic Association, December 29, 1979, Atlanta, Georgia. Like most people, I get by with a little help from my friends, in this case especially Paul Samuelson, George Akerlof, Arnold Kling, and James Tobin.

just before the French Revolution, by the way—and has more to do with the state of society than with the nature of economics.

The tension between market efficiency and market failure is especially pointed in discussions of the working of the labor market, for obvious reasons. The labor market connects quickly with everything else in the economy and its performance matters more directly for most people than that of any other market. Moreover, the labor market's own special pathology, unemployment, is particularly visible, particularly unsettling, and particularly frustrating. The fuse leading from theory to policy in this field is short, and has been known to produce both heat and light throughout much of the history of economics.

Contemporary macro-economic theory, though apparently full of technical novelties, has revived many of the old questions in only slightly different form. One of the points I want to make is that underneath the theoretical innovations—some of which are interesting and important—the basic controversial issues that come to the surface are the same ones that occupied earlier literature. The most important among them is really the old tension between market efficiency and market failure. Should one think of the labor market as mostly clearing, or at worst in the process of quick return to market-clearing equilibrium? Or should one think of it as mostly in disequilibrium, with transactions habitually taking place at non-market-clearing wages? In that case presumably the wage structure is either not receiving any strong signals to make it change in the right direction or is not responding to the signals it receives. My own belief in this case lies with the market-failure side. That is to say, I believe that what looks like involuntary unemployment is involuntary unemployment.

Of course that conclusion only leads to another question. If the labor market often fails to clear, we had better figure out why. There is no shortage of candidate hypotheses. Here I think it is worthwhile to insist on a commonplace: although it is natural for academic people to seek a single weighty Answer to a weighty Question, if only because it is so satisfying to find one, it is quite likely that many of the candidate hypotheses are true, each contributing a little to the explanation of labor-market failure. Now the second general point I want to make is one that I am suprised to hear myself making. While I find several of the candidate hypotheses entirely believable, I am inclined to emphasize some that might be described as noneconomic. More precisely, I supsect that the labor market is a little different from other markets, in the sense that the objectives of the participants are not always the ones we normally impute to economic agents, and some of the constraints by which they feel themselves bound are not always the conventional constraints. In other words, I think that among the reasons why market-clearing wage rates do not establish themselves easily and adjust quickly to changing conditions are some that could be described as social conventions, or principles of appropriate behavior, whose source is not entirely individualistic.

I said that I am a little surprised at myself. That is because I am generally stodgy about assumptions, and like to stay as close to the mainstream framework as the problem at hand will allow. In any case, I think that the unconventional elements in what I have to say are only part of the story. And I assure you that I am not about to peddle amateur sociology to a captive audience. All I do mean to suggest is that we may predispose ourselves to misunderstand important aspects of unemployment if we insist on modeling the buying and selling of labor within a set of background assumptions whose main merit is that they are very well adapted to models of the buying and selling of cloth. Far from advocating that we all practice sociology, I am pleasantly impressed at how much mileage you can get from the methods of conventional economic analysis if only you are willing to broaden the assumptions a little.

It might be interesting to have a history of the evolution of economic ideas about unemployment, and their relation both to the internal logic of the subject and to the parallel evolution of the institutions of the labor market. I am not sufficiently well read to provide that kind of survey. To make my point about the persistence of the market-efficiency market-failure tension, I took a short cut. I went back to reread Pigou's *Lapses from Full Employment*, a little book I remember having been assigned to read as a student just after the war. And that in turn sent me back to its parent book, Pigou's *Theory of Unemployment.* The Preface to *The Theory of Unemployment* is dated April 1933, after a decade of poor performance and relatively high unemployment in Great Britain, well into the Great Depression, and before the publication of the *General Theory.* The Preface to *Lapses from Full Employment* (another example of a revealing vocabulary) is dated November 1944, after five years of the war that put an end to the depression, and well after the appearance of the *General Theory.* That seemed like an interesting approach to the historical question, because current controversies in macro-economic theory are often described as a debate between "Keynesians" and others—"monetarists," "Classicals," or "equilibrium theorists"—and because Pigou, besides being a great economist, was in particular the embodiment of the Marshallian tradition, the leading figure in the "classical economics" that the Keynesian revolution was explicitly intended to overthrow.

Lapses makes interesting rereading. It emphasizes the money wage, whereas its predecessor was written almost entirely in terms of the real wage. The general macro-theoretic framework, in which the discussion of the labor market is embedded, clearly has an eye on Keynes. The underlying model could be *IS-LM* without doing much violence to the argument. There are little anachronisms: Pigou tends to think of the interest rate as being determined in the goods market (by Savings=Investment) and nominal income as being determined by the demand for money. Today we take simultaneity seriously, but the *General Theory* more or less speaks as if real output is determined in the goods market and the interest rate by liquidity preference. After what is to me a confusing description of a Keynesian low-level liquidity-trap equilibrium, Pigou invokes the Pigou effect to explain why the low level might not be as low as all that and then, characteristically, remarks that none of it is very important in practice anyway. All this is relevant here only as background for the treatment of the labor market.

Pigou says the obvious thing first, and I agree that it is the first thing to say: if there is "thorough-going competition" among workers, then the only possible equilibrium position is at full employment. That is little more than a definition of equilibrium. He is aware that he is taking a lot of dynamics for granted. Expectations of falling wages could perversely reduce the demand for labor; and he discusss the possibility that under some conditions, with the interest rate at its practical floor, nominal wage rates and prices may chase each other down and thus prevent the real-wage adjustment needed for an increase in employment. (This is where the Pigou effect makes its appearance, of course.)

It is what comes next that interests me. It is obvious to Pigou, writing in 1944, that the labor market does not behave as if workers were engaged in thorough-going competition for jobs. With the common sense that seems somehow to have escaped his modern day successors, he wonders why it does not. And he discusses three or four of the institutional factors that a reasonable person would mention even now as obstacles to the classical functioning of the labor market.

First of all, he realizes that the labor market is segmented. Not everyone in it is in competition with everyone else. I am not refering here to the obvious fact that abilities, experience, and skills differ, so that unemployed laborers can not compete for the jobs held by craftsmen. That fact of life merely reminds us that "labor" is not a well-defined homogeneous factor of production. Even within skill categories or occupational groups, however, workers have ties to localities, to industries, to special job classifications, even to individual employers. These ties can be broken, but not easily. It is interesting to me that even the *Theory of Unemployment* of 1933 devotes a lot of space to the anlaysis of a labor market in which there are many "centers of employment"—to use the neutral term chosen by Pigou to describe segmentation of the labor market—between which mobility is absent or slow. Of course he observes that even in a completely segmented labor market, if there is thorough-going competition within segments, full employment will be the rule, although there may be wage differentials between centers of employment for otherwise identical workers. I think that the fact of segmentation is very important, not only because it limits the scope of competition but because its pervasiveness suggests—though it can not prove—that habit and custom play a large role in labor market behavior. From the prominence that he gives it, I gather that Pigou might have agreed.

A second factor, which has been more often discussed, is trade unionism. Pigou does not have very much to say about collective bargaining, but what he says makes sense.

"Of course, these agencies in their decisions have regard to the general state of the demand for labour; they will have no wish to set wage rates so high that half the people of the country are thrown out of work. Nevertheless, there is reason to believe that they do not have regard to demand conditions in such degree as would be necessary to secure, as thorough-going competition would do, the establishment of full employment." [1945, p. 26]

Later on in the book, Pigou makes an observation that is not explicitly connected with collective bargaining. He does connect it with "actual life" however, and it fits organized workers very well, and perhaps others besides:

"In periods of expansion employers might be willing to agree to substantial advances in wage rates if they were confident that, when prosperity ended, they would be able to cancel them. They know, however, that in fact this will not be easy, that elaborate processes will have to be gone through, and that their work-people will put up a strong rear-guard action. . . . In periods of depression wage-earners, for precisely similar reasons, hold out against wage reductions, which they might be ready to concede if it were not for the difficulty that they foresee in getting them cancelled when times improve. . . . A widespread desire for 'safety first' helps to make wage rates sticky." [1945, p. 48]

These casual remarks raise more questions than they answer about the determination of nominal wages by collective bargaining. The first excerpt can be taken as a redefinition of full employment when the labor market is not competitive; the second, however, advances an account of wage stickiness and its therefore on a different footing. It would help to explain the failure of the labor market to clear on any reasonable definition, and thus provide a connection between nominal demand and real output.

The third institutional factor mentioned by Pigou has also been the subject of much analysis, past and present: the provision of unemployment insurance. There are several channels by which the availability of unemployment compensation can add to the recorded amount of unemployment. The prolongation of search is only the most obvious. My own impression is that this is currently a significant factor. As an indication of the complexity of the issues, let me just mention here that some recent research by my colleagues Peter Diamond and Eric Maskin suggests the possibility that in some environments search activity conveys a positive externality. So the optimal search strategy for the individual might provide less than the socially optimal amount of search, and unemployment compensation could be regarded as a corrective subsidy. This is a neat twist on the theme of the counterpoint between market efficiency and market failure. In any case, it can hardly be doubted that the unemployment compensation system is an important determinant of behavior on both sides of the labor market, and complicates even the definition of full employment.

The last comment on Pigous's that I want to cite is especially intriguing because it is so unlike the sort of thing that his present day successors keep saying. Already in the 1933 *Theory of Unemployment he wrote:* ". . . public opinion in a modern civilized State builds for itself a rough estimate of what constitutes a reasonable living wage. This is derived half-consciously from a knowledge of the actual standards enjoyed by more or less 'average' workers . . . Public opinion then enforces its view, failing success through social pressure, by the machinery of . . . legislation." A similar remark appears in *Lapses.* Such feelings about equity and fairness are obviously relevant to the setting of statutory minimum wages, and Pigous uses them that way. I think they also come into play as a deterrent to wage cutting in a slack labor market. Unemployed workers rarely try to displace their employed counterparts by offering to work for less; and it is even more surprising, as I have had occasion to point out in the past, that employers so rarely try to elicit wage cutting on the part of their laid-off employees, even in a buyer's market for labor. Several forces can be at work, but I think Occam's razor and common observation both suggest that a code of good behavior enforced by social pressure is one of them. Wouldn't you be surprised if you learned that someone of roughly your status in the profession, but teaching in a less desirable department, had written to your department chairman offering to teach your courses for less money? The fact that nominal wage rates did fall sharply during the early stages of the depression of the 1930's, and the fact that the Chrysler Corporation has been able to negotiate concessions from the UAW certainly show that wage rates are not completely rigid. But those very instances seem to me only to confirm the importance of social convention in less extreme circumstances. After all, people have been known to try to claw their way into a lifeboat who would never dream of cheating on a lift-line.

I think I have made the case that the most eminent representative of orthodox economics in the 1940's was full aware of the many obstacles to "thorough-going competition" among workers, that is, of the many ways in which the labor market may "fail." In particular, one cannot, under those circumstances, expect the labor market always to clear. Pigous certainly drew that conclusion. H says, in the Preface to *Lapses:* "Professor Dennis Robertson . . . has warned me that the form of the book may suggest that I am in favour of attacking the problem of unemployment by manipulating wages rather than by manipulating demand. I wish, therefore, to say clearly that this is not so."

Pigou clearly felt the tension between market efficiency and market failure. Nevertheless, he did not come down on the side of market failure, even after the 1930's. The very title of *Lapses from Full Employment* tells us that much. Evidently he concluded that the tendency of the capitalist economy to seek (and find) its full-employment equilibrium was strong enough so that departures from full employment could be regarded as mere episodes. Is that surprising? Well, to begin with, there is no accounting for Rohrschach tests. One person's ink blot is another person's work of art. But I think there is also something more systematic to be said.

In the *Theory of Unemployment,* Pigou gives an elaborate analysis of the short-run elasticity of demand for labor. He is very careful: he allows for the elasticity of supply of complementary raw materials; he allows for the (presumably very high) price elasticity of demand for exports; he discusses the effects of discounting future returns to labor. It is a masterly attempt to get a grip on orders of magnitude. It is all based on the presumption that the only possible starting point is the elasticity of the marginal-product-of-labor curve. Let me remind you that in the old standby, two-factor Cobb-Douglas case, the elasticity of demand for labor with respect to the real wage is the reciprocal of the share of capital. Everybody's back-of-the-envelope puts the capital share at ¼ and the elasticity of demand for labor at 4. This is not exactly the way Pigou proceeds, but he reaches the same conclusion: the initial estimate of the elasticity is "certain to be (numerically) much larger than −1 and may well amount to −5 or more." There follow some modifications, but the conclusion remains that in times of depression, the aggregate elasticity of demand for labor with respect to the real wage "cannot, on the least favourable assumption here suggested, be numerically less than −3 and may well be larger than −4" except perhaps in the very shortest run.

For practical purposes, one would want to know the elasticity of demand with respect to the nominal wage, taking account of the likelihood that prices will follow wages down, at least partially. (Obviously if product prices fall equiproportionally with wage rates, as Keynes thought might happen in unlucky circumstances, the real wage doesn't move at all and employment will not improve.) [1] The details of Pigou's calculations do not concern us, but his conclusion does: ". . .we may . . . not unreasonably put the elasticity of the money demand for labour in times of deep depression at not less numerically than −1.5."

If I could believe that, I too could believe that the labor market generally clears. To reduce the unemployment rate by 6 percentage points is to increase employment by about 6 percent, if we ignore for this purpose the side effects that go to make up Okun's Law. If that could be accomplished by a real-wage reduction of 2 percent, or even less, that is, by foregoing one year's normal productivity increase, then I could imagine that the labor market might easily learn to adjust smoothly to fluctuations in aggregate demand. I could even imagine that workers might accept the necessary 4 percent reduction in nominal wages, in the expectation that half of it would be offset by lower prices. The trouble is that Pigou's demand elasticities are way too high. A recent econometric study by Kim Clark and Richard Freeman, based on quarterly data for U.S. manufacturing. 1950–76, puts the real-wage elasticity of demand for labor at about one-half, a whole order of magnitude smaller than Pigou's guess.[2] And the Clark-Freeman work is presented as revisionist, a counterweight to other estimates that are typically *lower,* averaging out at about 0.15 according to a survey by Daniel Hamermesh. To my mind, smooth wage adjustment seems intrinsically unlikely in a world with such a small demand elasticity and institutions like those sketched earlier. Nothing I read in the newspapers suggests to me that 6 percent of nonfrictional unemployment produces a threat adequate to set off a quick 12–15 percent fall in the real wage, or a drop in nominal wage rates twice as large. Sellers facing inelastic demands usually try to discourage price cutting; why should workers be different?

The modern classical school seems curiously remote from all this. When they try to explain how the equilibrium volume of employment can fluctuate as widely as actual employment does in business cycles, their only substitute for Pigou's high elasticity of demand is a high elasticity of supply (of labor) in the face of a perceived temporary opportunity for unusual gains, which in this case reflects wages that differ from average expected (discounted) future wages. In other words, People who give the vague impression of being unemployed are actually engaged in voluntary leisure. They are taking it now, planning to substitute extra work later, because they think, rightly or wrongly, that current real wages are unusually low compared with the present value of what the labor market will offer in the future. They may be responding to changes in real wages or to changes in the real interest rate.

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[1] Neither Pigou nor Keynes involked Kaldor's notion that prices can be expected to fall faster than wages in a recession with the resulting rise in real wages providing the force of recovery from the demand side, through a distributional shift toward wage incomes which generate more spending per dollar than other incomes do.

[2] The Clark-Freeman estimates are based on quarterly data for aggregate U.S. manufacturing. Their difference from other work appears to rest on allowing wage changes to operate with a lag different from other factor prices. According to their results the lag of employment behind wage changes is quite short; it is complete in about two quarters.

It is astonishing that believers have made essentially no effort to verify this central hypothesis. I know of no convincing evidence in its favor,[3] and I am not sure why it has any claim to be taken seriously. It is hardly plausible on its face. Even if the workers in question have misread the future, they are merely mistaken, not confused or mystified about their own motives. It is thus legitimate to wonder why the unemployed do not feel themselves to be engaged in voluntary intertemporal substitution, and why they queue up in such numbers when legitimate jobs of their usual kind are offered during a recession.[4]

When they face the market-clearing issue at all, Pigou's successors take a rather abstract line. They regard it as inherently incredible that unexploited opportunities for beneficial trade should be anything but ephemeral—which means merely that they ignore all those human and institutional facts of which Pigou was aware. Or else they argue that one cannot believe in the failure of markets to clear without having an acceptable theory to explain why that happens. That is a remarkable precept when you think about it. I remember reading once that it is still not understood how the giraffe manages to pump an adequate blood supply all the way up to its head; but it is hard to imagine that anyone would therefore conclude that giraffes do not have long necks. At least not anyone who had ever been to a zoo. Besides, I think perfectly acceptable theories can indeed by constructed, as soon as one gets away from foolishly restrictive and inappropriate assumptions.

II

That brings me to the second and last general point I had hoped to make. Suppose one chooses to accept the apparent evidence of one's senses and takes it for granted that the wage does not move flexibly to clear the labor market. By the way, my own inclination is to go further and claim that commodity prices are sticky too, at least downward. But it is the persistence of disequilibrium in the labor market that I want to emphasize. How can we account for it?

There is, as I mentioned at the beginning, a whole catalog of possible models of the labor market that will produce the right qualitative properties. Since I have surveyed this literature elsewhere, I will just list a half-dozen possibilities now, with the reminder that they are not mutually exclusive alternatives.

(1) There is Keynes's idea that case-by-case resistance to wage reductions is the only way that workers can defend traditional wage differentials in a decentralized labor market. The net result is to preserve the general wage level or its trend, but that is an unintended artifact.

(2) There is a complementary hypothesis about the behavior of employers that I have proposed myself: if employers know that aggressive wage cutting in a buyer's market may antagonize the remaining work force, hurt current productivity, and make it harder to recruit high-quality workers when the labor market tightens, they will be less inclined to push their short-run advantage.

(3) Pigou realized that widely held notions of fairness, enforced by social pressure or by legislation, might have to be part of any serious account of wage determination. George Akerlof has pursued this trail further, documented the prescription of codes of good behavior in manuals of personnel practice, and showed formally that such codes of behavior can be self-enforcing if people value their reputations in the community. Obviously there are no Emily Post manuals to consult as regards the behavior of laid-off workers, but you would certainly not be astonished to learn that self-esteem and the folkways discourage laid-off workers from undercutting the wages of their still-employed colleagues in an effort to displace them from jobs. Reservation wages presumably fall as the duration of unemployment lengthens; but my casual reading suggests that this pattern shows up more in a willingness to accept lower-paid sorts of jobs than in "thorough-going competition" for the standard job. The cost to the worker of this sort of behavior is diminished by the availability of unemployment insurance. It is worth remembering that the acceptance of lower-grade jobs is itself a form of unemployment.

(4) I need only touch on the Azariadis-Baily-Gordon implicit-contract theory, because it has been much discussed in the literature. Here wage stability is a vehicle by which less-risk-averse firms provide income insurance for more-risk-averse workers, presumably in exchange for a lower average wage.[5] It is now understood that the theory works well only when workers have some source of income other than wages, unemployment compensation for instance. This is not really a disadvantage in a world with well-developed, unemployment insurance systems. In any case such implicit contracts do not themselves account for unemployment. Their effect is to reduce the average amount of unemployment below the level that would occur in a simple spot market. The theory belongs in my list because I suspect it does help to account for the habit of wage inertia and therefore the vulnerability of employment to unexpected fluctuations in aggregate demand.

(5) Wherever there is collective bargaining in our economy, the standard pattern, with few exceptions, is that wage rates are specified in the contract, and the employer chooses the amount of employment. This is not exactly simple monopoly, because the union cannot set the wage schedule unilaterally. To the extent that it can, another source of wage stickiness can be identified. Under a reasonable assumption about what the union maximizes, it turns out that the only aspect of the demand for labor that has any effect on the monopoly wage is its elasticity. So if the demand curve for labor shifts down nearly isoelastically in a recession, the contractural wage will change little or not at all, and the full effect of the fall in demand will bear on employment. The amount of unemployment compensation available plays a role here too. (There is much more to be said along these lines, and Ian McDonald of the University of Melbourne and I hope to say it on another occasion.)

(6) As a last example, I recall Pigou's observation that wage changes may be seen by the parties as hard to reverse without a struggle whose duration and outcome cannot be foreseen. The resulting uncertainty causes employers to drag their feet when demand increases temporarily and workers to reciprocate when demand falls. The result is wage stickiness in the face of fluctuating employment.

Only what Veblen called trained incapacity could prevent anyone from seeing that some or all of these mechanisms do indeed capture real aspects of the modern capitalist economy. Assessing their combined significance quantitatively would be a very difficult task, and I do not pretend to be able to do that. We are all interpreting this ink blot together. Obviously I would not be giving this particular talk if I did not think that wage stickiness is a first-order factor in a reasonable theory of unemployment.

To make my position plausible, I want to try to summarize the sort of general characteristics that the labor market should have if the particular mechanisms that I have enumerated are to be important. By the way, I have no reason to believe that my list is anything like exhaustive; you may think of others. Simply to narrow the field, I have deliberately left out of account factors relating specifically to age, sex, race, and other characteristics that normally form the basis for discussions of structural unemployment as distinct from cyclical unemployment.

The sort of labor market I have in mind is segmented. It often makes sense to think of an employer or definable group of employers as facing its own labor pool. Some members of the labor pool may be unemployed, but still belong to it. Although transportation, information, and transaction costs are possible sources of segmentation, they need not be among the most important. The buildup of firm-specific or industry-specific human capital may be more fundamental, and equally a kind of mutual knowing-what-to-expect that gives both parties in the labor market a stake, a rent, in the durability of the relationship. This point is close to the distinction between auction markets and customer markets made by Arthur Okun in a different context. The labor market, at least the "primary" labor market, is a customer market; this may be one of the important facts that differentiates the primary from the secondary labor market.

A second general characteristic is the availability of some nontrivial source of nonemployment income. The obvious one is unemployment compensation, but I imagine that fringe activity ranging from hustling to home maintenance can function in much the same way. I suppose in some societies the possibility of returning temporarily to farming is now as important as it once was here. The presence of a second earner in the family can make an obvious difference. One consequence is that it becomes easier to maintain a labor pool in the presence of fluctuating employment. In addition, as I mentioned a few moments ago, several of the specific sticky-way mechanisms in my catalog depend for their operation on this characteristic.

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[3] Just after writing those words, I received a working paper by Robert Hall which (a) concludes that the elasticity of supply of labor required to make the intertemporal-substitution hypothesis work is actually in the ballpark suggested by other facts, but (b) rejects the whole theory on other empirical grounds. I have done some further experimentation on Hall's data (with the help of Mr. Sunil Sanghvi) with results that cast doubt on the reliability of even the first conclusion. On reflection, I stand by the words in the text.

[4] I have tried to phrase that carefully. For some direct evidence, see "Jobs and Want Ads: A Look Behind the Evidence," *Fortune*, Nov. 20, 1978.

[5] Unemployment generated by this mechanism is, in a sense, voluntary. Workers reveal a preference for steady wages over steady employment. But the aggregate welfare cost of the system can still be reduced by stabilization policies. This comment applies equally to the social customs described in the preceding paragraph of the text. One can ask why workers cling to such costly conventions. It is the job of sociology to answer that question. But it is the job of economics to point out that, whatever the reason, the narrowly economic cost of such conventions can be reduced by the stabilization of aggregate demand.

Third, the stability of the labor pool makes it possible for social conventions to assume some importance. There is a difference between a long-term relationship and a one-night stand, and acceptable behavior in one context may be unacceptable in the other. Presumably most conventions are adaptive, not arbitrary, but adaptiveness may have to be interpreted broadly, so as to include pecuniary advantage but not be limited by it. Critics who deride the notion of "economic man" have a point, but usually the wrong point. Economic man is a social, not a psychological, category. There are activities in our culture in which it is socially acceptable and expected that individual pecuniary self-interest will be the overriding decision criterion: choosing a portfolio of securities, for example.[6] There are others in which it is not: choosing a mate, for example.[7] The labor market is more complicated than either, of course, and contains elements of both. Perhaps in nineteenth-century Manchester labor was bought and sold by "thorough-going competition" but I think that is unlikely to be a good approximation to contemporary wage setting. In particular, as I have emphasized, there is nothing in the data or in common observation to make you believe that moderate excess supply will evoke aggressive wage cutting on either side of the labor market.

I draw two conclusions from this whole train of thought, one about economics and the other about the economy.

About economics: it need not follow that we old dogs have to learn a lot of new tricks. It still seems reasonable to presume that agents do the best they can, subject to whatever constraints they perceive. But in some contexts the traditional formulations of the objective function and constraints may be inappropriate. In the labor market, the participants are firms and groups of firms on one side, and individual workers, organized trade unions, and informally organized labor pools on the other. Grant me that all feel constrained, to some nontrivial degree, by social customs that have to do with the wage and wage-setting procedures. The result is that factor prices turn up in our equations in unfamiliar ways. Let me just mention a few examples from my earlier list of hypotheses. If Keynes was right about the conventional significance of relative wages, then ratios of wage rates appear in the objective functions on the labor side. If the current or future performance of workers depends on their feelings that wage levels are fair, then wage rates appear in the production functions constraining firms. If the individual worker's utility function depends quite conventionally on current income, then the collective objective function of a labor pool of identical workers might reasonably be a weighted average of the utility of the wage and the utility achievable when unemployed, with weights equal to the employment and unemployment fractions. This objective function contains both wage and volume of employment as arguments; and it has the interesting property that the marginal rate of substitution between wage rate and employment can depend very sensitively on the size of the unemployment insurance benefit. Constrained maximization and partial or complete reconciliation in the market can still be the bread and butter of the macro theorist. Spread with more palatable behavior assumptions, they may make a tastier sandwich, and stick to the ribs.

About the economy: if the labor market is often not in equilibrium, if wages are often sticky, if they respond to nontraditional signals, then there is a role for macro policy and a good chance that it will be effective. Equilibrium theories that conclude the opposite may conceivably turn out to have the right answer, but they simply assume what they purport to prove. It is not my argument that standard textbook policy prescriptions are bound to be right. That has to be worked out case by case. All I do claim is that a reasonable theory of economic policy ought to be based on a reasonable theory of economic life.

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POLITICAL PRISONERS OF SOUTH KOREA

(By request of Ms. Mikulski the following statement was ordered to be printed in the RECORD:)

● Mr. SIMON. Mr. President, I am joining my colleagues in appealing to the Government of South Korea for the release of political prisoners whose only crime is expressing or pursuing their own viewpoints through nonviolent means. I realize that in the last few months the South Korean Government has made progress by releasing many such prisoners, but many more still remain imprisoned.

I am particularly concerned for a man named Im Kyu-yong. Im Kyu-yong was convicted with three of his colleagues in 1979 for belonging to an organization called the Preparatory Committee of the South Korean National Liberation Front. The arrests came at a time of widespread dissatisfaction with the Korean economic situation and growing opposition to President Park Chung-Lee. The Government found this organization to be an "anti-state" group, planning to "establish a Communist regime through a violent, anti-government struggle."

However, information from a variety of sources show that these men were imprisoned for the nonviolent exercise of their rights to freedom of expression and association. Amnesty International has analyzed a number of legal documents relating to the trial of Im Kyu-yong and his colleagues, which indicate that the charges of advocacy of violence and participation in robberies were supported mainly by confessions made by prisoners and their codefendants in circumstances which place serious doubt as to their voluntary and genuine nature.

Furthermore, it is evident that these men were convicted after unfair trials. They were detained by police without warrant of arrest for up to a month—long beyond what is legally permitted. Also, their relatives were not informed of their whereabouts until their detention was authorized by a judge, whereupon they were held in isolation for 6 to 9 weeks. While in isolation, they were reportedly given no opportunity to speak with a lawyer of their choice until the day they were formally charged. Their families were allowed to see them for the first time on the day of trial, some 6 to 10 weeks after detention.

Im Kyu-yong and others testified at trial that they had been tortured by police interrogators so that they would confess to the charges; that their statements to the prosecutor were made under threat of further torture; and, that all statements were false. Accounts of beatings, electric shocks, and water torture, where a person is forcibly immersed in water or water is poured into a victim's nose, were given to the judge, but the judge's investigation into the claims of torture was apparently limited to a statement made in court on behalf of the prosecution that there had been no torture.

The circumstances of Im Kyu-yong and the other defendants' interrogations and subsequent trial, place serious doubt on the validity of their confessions. For these reasons, I call on President Chun of South Korea to release Im Kyu-yong and his colleagues, and reopen their trial under fair and equitable circumstances.●

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[6] The emotion aroused by the case of South Africa strikes me as one of those extreme exceptions that provides the rule.

[7] In Gray Becker's defense, I should point out that he does not assume cash income to be the decisive motive in courtship.

THE U.S. ECONOMIC OUTLOOK

● Mr. KASTEN. Mr. President, on November 3, the U.S. Senate Republican conference task force on economic growth and opportunity, of which I am chairman, held an inquiry on the current state of the U.S. economy.

I wanted to find the answers to several important economic questions: What are the causes of the stock market's difficulties? How is the economy doing in the wake of the stock market plunge? Is a recession—or worse yet, a depression—around the corner? What policy initiatives pose a danger to the economy? What policy initiatives should we pursue to reassure the financial markets and spur economic growth?

Testifying before the task force were Dr. Paul Craig Roberts, holder of the William E. Simon Chair in Political Economy, Center for Strategic and International Studies; Dr. Richard W. Rahn, vice president and chief economist of the U.S. Chamber of Commerce; Dr. William Dunkelberg, dean of the School of Business and Management of Temple University and chief economist of the National Federation of Independent Business; Dr. William Johnston, senior research fellow at the Hudson Institute; and Dr. Ravi Batra, professor of economics at Southern Methodist University and author of "The Great Depression of 1990."

I'd like to share with my colleagues some of the major findings of the task force inquiry.

First, the stock market crash was the result of a combination of economic factors. These factors include overly restrictive monetary policy, sluggish economic growth in Western Europe, uncertainty and lack of coordination on international exchange rates and the threat of antigrowth tax increases and protectionist legislation.

Large budget and trade deficits are only partially to blame for the market's recent instability. In fact, the budget deficit has declined over the past year. Dr. Roberts and Dr. Rahn pointed out that the Federal budget deficit declined over 30 percent from $221 billion in fiscal 1986 to $148 billion in fiscal 1987. When we include State and local government finances, the total governmental deficit as a percent of GNP is at a 6-year low—2.1 percent of GNP.

Conventional wisdom about the economic effects of the twin towers of deficits is essentially wrong. Supposedly, budget deficits raise interest rates, higher interest rates increase the trade deficit and the trade deficit weakens the economy. The actual facts tell a different story. From 1980 to 1986, interest rates declined despite the rise in the budget deficit. Conventional wisdom can't explain the fact that interest rates were lower last year, when the budget deficit was $221 billion than they are today with a $149 billion deficit. Simply put, the size of the budget deficit is not the major factor affecting interest rate levels.

The trade deficit has not significantly weakened the economy either. While the trade deficit has escalated throughout the 1980's, the economy has created over 13 million new jobs, the U.S. standard of living has been rising and the economy has expanded for 60 straight months.

One of the major reasons we have a trade deficit is because the U.S. dollar has become the world's chief international currency. This has two unintended consequences. First, because the dollar is an international reserve currency, there is an additional demand for U.S. dollars that creates a corresponding need for foreigners to finance this demand. Earnings from a current account surplus satisfy this demand. Second, since foreigners used these export earnings to finance the demand for U.S. dollars instead of boosting spending, investment and growth in their domestic economies, the markets for U.S. exports shrank. This problem can only be solved by finding an alternative to a reserve currency system for the world economy.

The twin deficits are a cause for concern. However, we must put them in perspective. Focusing solely on the twin deficits deflects attention from other, more important economic factors such as central bank monetary policy.

Dr. Roberts pointed out that U.S. money supply growth slowed and practically halted in 1987. Interest rates rise when the economy is growing and when the money supply is not growing. Roberts points out that the Federal Reserve mistakenly interpreted the rise in the general price level as a sign of increased inflationary expectations. The fact is that the higher price level was due to an exchange rate adjustment—not to a rise in monetary inflation.

The Fed's restrictive monetary policies, along with those of the central banks of West Germany and Japan, threatended to lead the world into a global recession. The world equity markets reacted accordingly.

Second, despite the stock market plunge, the economy is fundamentally healthy—and the chances for a deep recession in the near future are remote. Recent economic highlights point to a healthy underlying economy: GNP grew 3.8 percent in the third quarter spurred chiefly by new business investment, which rose at a 24 percent annual rate; the unemployment rate fell to 5.9 percent, the lowest level in 8 years; 55,000 manufacturing jobs were created in September, for a total of 165,000 new manufacturing jobs since June; inflation in the GNP accounts was falling back to 2.7 percent; and exports were rising at a 17 percent annual rate.

Dr. Dunkelberg provided the task force with a recent survey of the membership of the National Federation of Independent Business [NFIB], which compared the attitudes of small businessmen before and after the stock market crash. The NFIB survey found that confidence in the future of the economy among small businessmen around the country is essentially unchanged. Companies are going ahead with capital spending and expansion plans. A recent survey by the National Association of Manufacturers showed similar confidence at the corporate level.

Another encouraging sign of economic confidence is the rise in new car sales since the October 19 stock market crash. The Nation's Big Three automakers reported an 11.2 percent sales increase in domestically produced automobiles between October 21 and October 31. Economists interpret this increased auto buying as a sign that consumer confidence remains strong despite the markets difficulties. Deep reductions in domestic consumption are seen as unlikely.

If consumption and business investment should decline in the wake of the stock market crash, any economic downturn is likely to be shallow and brief. Dr. Johnston cites the shift to service industries in our economy as a reason for this. Employment and production in service industries is much more stable than in the goods economy. Because services generally cannot be stored, no inventory cycle triggers wide swings in production. As a consequence, the economy is more resilient to economic shocks.

Third, 1987 is not 1929. Contrary to the claims made by Dr. Ravi Batra, another "Great Depression" following the 1987 market crash is highly unlikely. Unlike in 1929, today the Federal Reserve has signaled that it will provide liquidity to prevent the economy from going into a tailspin. We have institutional safeguards such as the Federal Deposit Insurance Corporation and the Securities and Exchange Commission to ensure the stability of the banking system and the equity markets. Margin requirements are currently 50 percent. We have automatic stabilizers such as unemployment insurance, Social Security and welfare to soften economic downturns.

In addition to highlighting the fundamental differences between 1929 and 1987, the other economists pointed out a major flaw in Dr. Batra's analysis. Batra's dire predictions rest on the premise that wealth concentration is rising. According to Batra, extreme wealth concentration results in a sharp rise in speculation. This speculative bubble naturally bursts resulting in a depression. Richard Rahn argued that there is no empirical evidence that wealth concentration is rising. Rahn pointed to an 1984 Internal Revenue Service analysis on wealth concentration which found that there has been a longrun decline in the concentration of wealth since 1922. The IRS analysis explodes the entire premise of Batra's depression thesis.

Furthermore, his proposal to impose a sweeping "wealth tax" to prevent a depression borders on economic lunacy. He argues that the imposition of a 50-percent wealth tax on all investment income for anyone with a net worth of $2 million or more would cool speculative activity and raise $250 million for deficit reduction. In addition to the fact that such a tax will depress savings and investment, it cannot possibly raise the additional revenue he suggests. Richard Rahn noted that "the wealthy could clearly move elsewhere. Several European countries have tried a wealth tax. And it has been a disaster."

Finally, while the economy is fundamentally healthy, ill-advised policies could precipitate a recession. These policies include sweeping trade protectionism, tax increases aimed at businesses and investors, legislation designed to increase Government intervention in the labor market, and tight monetary policy. This might be described as "The Depression Agenda."

Mr. President, we are the masters of our own destiny. A recession is not fore-ordained. There are several policy initiatives that the U.S. Government and the other Western governments can take in order to reassure the financial markets and stimulate world economic growth:

First, the Fed must signal a permanent change from the tight monetary policy that is threatening the world economy. Roberts points out that leadership is required and can be provided by cutting the discount rate and standing ready to purchase long-term bonds in order to prevent a premature end to the rally in bond prices.

Second, Germany and Japan must pursue stimulative economic policies by cutting tax rates and reversing their high-interest rate monetary policies. Higher economic growth in these countries will reduce the U.S. trade deficit by providing expanded markets for U.S. exports, and ease downward pressure on the dollar as well. More important, it will reduce political pressure for protectionist legislation.

Third, finance ministers of the major industrialized economies must work together to reduce the volatility of exchange rates. Such volatility creates substantial uncertainty, which means there is an extra risk premium attached to international transactions. This risk premium reduces international trade and investment. One way to stabilize exchange rates is for industrialized nations to use a commodity basket index as a guide to their monetary policies.

Fourth, the United States must reduce the budget deficit by restraining the growth of Federal expenditures and avoiding tax increases. A multi-year plan to freeze Federal spending, combined with fiscal reforms such as the line-item veto and enhanced rescission authority would instill a much-needed dose of certainty in the equity markets. If revenues must be raised, Congress should look to economically constructive options such as user fees, asset sales, and a capital gains tax rate reduction.

Mr. President, it is going to take a combination of steps to strengthen the equity markets and spur economic growth. The steps I have outlined above must be taken now. The world markets are still jittery and demand decisive action by the United States, West Germany and Japan. The choice is ours. If we choose inaction, or adopt ill-advised policies such as sweeping trade protectionism and tax increases, then Ravi Batra and his band of economic Cassandras may prove to be right.

Mr. President, I ask that my opening statement for the task force inquiry, a factsheet on the current state of the economy, and the written testimony of the witnesses be printed in the RECORD.

The material follows:

OPENING STATEMENT OF U.S. SENATOR ROBERT W. KASTEN, JR.

Good morning, and welcome to the first inquiry of the Senate Republican Conference Task Force on Economic Growth and Opportunity. This task force has been created to investigate policies and initiatives to promote economic growth and job creation.

The questions we'll be trying to answer today are: How is the U.S. economy doing? And how can Congress and the Administration promote its health?

The economy is sending us conflicting signals. On the one hand, the American economy is fundamentally strong. The Gross National Product grew a strong 3.8 percent in the last quarter. Personal income and exports are rising. Employment is still chugging along at record levels, in the longest peacetime recovery in U.S. history.

On the other hand, the stock market has lost over 700 points since August. What's the explanation?

In my own view, the stock market plunge was the result of a combination of the following factors: Tight monetary policy over the preceding few months; the threat of protectionism; the threat of tax increases; Germany's reluctance to stimulate its economy; uncertainty and lack of coordination on exchange rates; and finally, the persistent U.S. budget deficit.

I believe that if we're going to preserve economic prosperity and stabilize our stock market, we'll have to do it through pro-growth economic policies. That means that the budget deficit must be brought down—but not through tax increases that would slow down the economy and stunt growth.

ECONOMIC HIGHLIGHTS

November is the 60th month of economic expansion, the longest peacetime recovery in nearly two centuries—since 1796.

During this expansion, we have had the highest average rate of growth for any consecutive five-year period—4.1 percent per year.

Third quarter GNP growth was rising at a 3.8 percent annual rate, mainly spurred by new business investment, rising at a 24 percent annual rate.

Unlike other periods of economic growth where escalating inflation was the norm, we have seen a marked decline in inflation. In 1980, prices were climbing at a 12.4 percent annual rate. By 1986, inflation had slowed to 1.1 percent, although it is currently running slightly over 3 percent per year.

The September civilian unemployment rate fell to 5.9 percent from 6.0 percent. With the exception of several months in 1979, the unemployment rate has not been this low since 1974.

55,000 new manufacturing jobs were created in September for a total of 165,000 new manufacturing jobs since June. This has brought the manufacturing unemployment rate to 5.7 percent—lower than the national average.

Since November 1982, the economy has created more than 13.5 million new jobs. During this time, there has been no rise in the share of new jobs with low earnings.

The federal budget deficit has declined 33 percent over the past fiscal year, down $73 billion from $221 billion in fiscal 1986 to $148 billion in fiscal 1989.

Manufacturing productivity has averaged 3.5 percent since 1979, more than double the Seventies rate. For the first time since economists have been keeping track, manufacturing productivity rose more in the U.S. than in either Japan or W. Germany.

TESTIMONY BEFORE THE SENATE TASK FORCE ON ECONOMIC GROWTH AND OPPORTUNITY

(By Paul Craig Roberts, William E. Simon Chair in Political Economy Center for Strategic and International Studies)

Mr. Chairman, members of the committee, the recent global collapse of equity markets make this an opportune time to consider the economic outlook. It is important that this be done in a professional manner. The dramatic event of a global stock market crash opens opportunities for economic crackpots and political axe grinders. With all the political jockeying taking place as individuals and groups attempt to hitch their agendas to the explanation of the crash, the controlling importance of monetary policy can go overlooked. Consequently, the policies of central banks can go unmonitored both by the public and by politicians, and an equity market contraction can develop into an economic contraction.

This morning I want to address monetary policy, the budget deficit, the trade deficit, and the burden imposed on us by the dollar being the reserve currency.

During 1987 money supply growth in the U.S. abruptly slowed and practically halted. The subsequent rise in interest rates was misinterpreted by some Federal Reserve officials as a sign of rising inflation expectations. In September the Fed raised the discount rate in the mistaken belief that this action would reassure the markets and stabilize, if not reduce, long-term interest rates.

Instead, long-term interest rates moved up sharply as markets interpreted the discount rate hike as continuing Fed tightening to support the dollar. The Fed apparently forgot a basic principle of monetary policy: interest rates go up when the economy is growing and the money supply is not.

Prior to the global stock market crash, U.S. long-term interest rates had risen more than 40 percent. The interest rate on German government bonds rose 36 percent (from about 5.5% in May to 7.5% by mid-October), and the interest rate on Japanese government bonds more than doubled (from 2.6% in May to over 6% in early October). Moreover, the West Germans continued the disastrous policy of raising interest rates even after the U.S. stock market had turned down.

Some have attempted to justify high U.S. interest rates in terms of inflation fears stemming from a declining dollar. But it is difficult to reconcile inflation fears with declining money growth. Moreover, a declining dollar cannot explain the high interest rate policy of countries with appreciating currencies and large trade surpluses. It is dangerous for central banks to act as if world inflation could result from an exchange rate adjustment.

The willingness to risk a recession over commodity prices is also hard to understand. A rise in commodity prices from extreme lows reflects a rebound of the economy. Recession level commodity prices must not be taken as the norm. Moreover, central banks must not interpret every price rise as inflationary, as prices play allocative roles and act as signals to expand output.

The Fed's response to the global stock market crash, which central bank high interest rate policy made inevitable, has been feeble. The provision of reserves on an overnight basis through repurchase agreements does not signal any but a temporary change from the tight monetary policy that is threatening the world economy.

Leadership is required and can be provided only by cutting the discount rate and standing ready to purchase long-term bonds in order to prevent a premature end to the rally in bond prices.

The Fed is targeting reserves, not interest rates, and the sharply increased spread of Fed funds over the 3-month T-bill rate suggests that the Fed is underestimating the demand for reserves. (On October 15, Fed funds were about 7⅝% and bills were about 7%; on October 29, Fed funds were close to 7% and bills were 5%.) This is worrisome in view of the tendency for stockmarket crashes to increase the demand for money, causing velocity to decline. If the Fed is not aggressive, declines in velocity can offset higher money growth.

The Fed should remember that a higher price level due to an exchange rate adjustment is not the same as monetary inflation—especially in a year during which there has been little money growth. The Fed should cease trying to stabilize the dollar by going on a mark standard and, instead, stabilize the economy by getting money growth up into the Fed's announced target ranges. Recession may already be baked into the cake as a result of the slow money growth this year, and action to minimize its severity is the appropriate concern for the Federal Reserve.

Mr. Chairman, as one who has long advocated a spending freeze in order to rebase the budget to the lower than expected nominal growth path of GNP, I am tempted to do as others have done and seize the opportunity to blame the budget deficit for the stock market crash. However, blaming the deficit deflects attention from central bank policy where it belongs.

Economists from every school of thought have made it clear that it is implausible to blame the budget deficit for the stock market crash. Stocks always fall when interest rates rise; shareholders become fearful of economic slowdown and falling profits, and they sell stocks. If central banks persist in raising rates, a declining market will crash.

People who try to blame the deficit for the crash cannot explain why interest rates were higher this year with a deficit of $148 billion than last year when the deficit was $221 billion. A one-third reduction in the deficit would reduce interest rates, not raise them. Moreover, the U.S. deficit cannot explain the market crash in Japan, Germany, England, and elsewhere.

The arguments that the U.S. deficit fueled excessive consumption and that the U.S. tax rate reduction increased inequality and fueled stock market speculation are simply absurd. The Japanese stock market rose more than the U.S. without the benefit of tax rate reduction or a consumer boom; indeed, Japan has large trade surpluses.

It is useful to get the facts about the U.S. budget deficit in the record. First of all, the appropriate measure of government dissaving is the general government budget deficit. When state and local surpluses are offset against federal deficits, the general government deficit in the United States is a lower percentage of nominal GNP than the average for the OECD countries. Table 1 shows that the U.S. deficit is half the size of Canada's and slightly lower than the U.K. and France—two countries that are calling for a lower U.S. deficit. Moreover, the figures for 1987 do not reflect the slowdown of the German economy, which gives them a larger deficit figure than shown. Note that only Japan has a notably lower ratio of deficit to GNP and that this has been true only since 1985. Prior to 1985 Japan had large budget deficits and large trade surpluses—which confounds the argument that budget deficits cause trade deficits.

Table 2 shows that growth of federal debt as a share of GNP for the U.S., Japan, and European countries. From 1973 to 1986, only two countries had a lower growth in the ratio of federal debt to GNP, the U.K. and Switzerland. In the U.S. the ratio rose about 41 percent, but in Germany and Japan—supposedly the successful countries whose fiscal policies we should copy—the ratio rose 121 percent and 194 percent!

In testimony earlier this year before the Senate Banking Committee on February 18 and the House Banking Committee on June 4, I demonstrated that the U.S. budget deficit has its origin in the unexpected collapse in inflation that caused the Administration and Congress to overbudget for inflation. When inflation fell relative to the budget forecast, it caused the government to spend more in real terms than it intended and to collect less tax revenues than it expected. The U.S. budget deficit, which has been widely and mistakenly viewed as a source of inflationary pressure throughout the 1980s, is actually a direct consequence of unanticipated disinflation. It is illogical to view such a deficit as a source of inflationary pressure.

It was never the intention of the Reagan administration or a majority of Congress for federal spending and tax revenues to grow at more than twice the rate of inflation during the decade of the 1980s. The Reagan fiscal plan was based on reducing both tax revenues and federal spending to 19.3% of GNP by 1984. For this plan to succeed, the planned spending cuts and the planned growth in nominal GNP had to materialize.

The unexpected collapse of inflation and the unexpected severe recession of 1981-82 caused nominal GNP growth to collapse relative to spending. Consequently, the ratio of spending of GNP jumped dramatically. In President Carter's last year the budget was 22.1% of GNP. In 1982 it was 24.3%, going to 25.1% in 1983, 23.7% in 1984 and 24.5% in 1985. These ratios are far above target, and the differences fully account for the budget deficits. For example, in 1984 spending was 4.4% more of GNP than intended, and the budget deficit was 4.5% of GNP.

The ratio of revenues as a share of GNP has not diverged significantly from the goal in Mr. Reagan's 1981 Program for Economic Recovery. Unless you can explain how cutting tax rates causes spending to rise as a share of GNP, you cannot blame the tax cuts for the budget deficit. Spending rose as a share of GNP because the Fed collapsed nominal GNP growth relative to forecast.

The same monetary policy that drove inflation down below forecast drove the dollar to extraordinary highs and kept it there until 1985. The Volcker Fed gave our competitors half a decade in which to entrench themselves in our markets. For the past five years our allies have piggybacked on the Reagan expansion, selling us the goods that they could not sell at home. If the U.S. trade deficit were to be corrected before the export-based economies of our allies take steps to invest in their own economies and expand their domestic consumption, it would be curtains for the world economy.

Our allies love to deprecate our twin deficits, but it is because they are envious of our five-year expansion that has created 13 million new jobs without reviving inflation. Mrs. Thatcher's achievements are marred by a 12 percent unemployment rate, and the Germans have not seen a new job for years. Uncle Sam may be a pitiful sight, but he continues to carry Germany and Japan on his back. Japan and Germany cannot simultaneously have export-based economies dependent on the American market and complain about financing our trade deficit.

Too much has been made of the U.S. being a debtor nation. We were a debtor nation for our first 300 years, and it did not destroy us. Japan was a debtor nation from 1945 to 1965, and it did not destroy the Japanese economy. Moreover, the "debtor nation" status of the U.S. is a product of comparing older book values of U.S. direct investments abroad with more recent market values of foreign owned U.S. assets. Last year U.S. income from our foreign assets exceeded the income we paid to foreigners by $22 billion, which suggests that if our assets abroad were priced at market value, we would still be a creditor nation.

Table 3 shows that whereas foreigners do hold a lot of our federal debt, they actually hold a smaller percentage of the debt than they held in the 1970s.

Mr. Chairman, the point of this is not to belittle budget and trade deficits, but to put them in perspective so that they do not draw our attention away from more fundamental issues such as monetary policy and the burden of being the reserve currency. Jacques Rueff and Robert Triffin have pointed out that the problem of a reserve currency system is that it dooms the country whose currency fills the role of international reserve to a balance-of-payments deficit. In a reserve currency system, countries can increase their monetary reserves only if the reserve currency country runs a balance-of-payments deficit. The reserve currency country must run a deficit either in its capital account by exporting capital or in its current account by importing goods. Money must leave the country one way or the other.

Formerly the U.S. supplied the world with reserves by exporting capital. More recently the collapse in inflation and the tax law changes that produced a higher after-tax rate of return on investment in the U.S. have kept the capital at home, thereby forcing the U.S. to provide reserves by running a trade deficit. As long as the dollar is the reserve currency, the U.S. will have a balance-of-payments deficit regardless of the state of its domestic budget or whether exchange rates are fixed, flexible or managed.

The basic problem with a reserve currency system is that it links world monetary assets to the liabilities of the reserve currency. This means in practice that world monetary reserves cannot grow unless the liabilities of the reserve currency country grow, and this growth in liabilities puts the reserve currency under pressure.

To sum up, the economic outlook depends in the short-run on a reversal of the high interest rate policy of the Federal Reserve and the central banks of Germany and Japan. In the intermediate-run it depends on Germany and Japan cutting their own tax rates so that they can attract their own investment capital and expand their domestic economies. In the long-run it depends on Latin America and the so-called lesser developed countries rejecting socialism at least as strongly as England and France have rejected it in the 1980s. Perhaps the LDCs would feel more comfortable taking their cue from the Soviet Union and China, two countries whose communist leadership has declared that planning does not work and that the absence of incentives leads to irrational production decisions. In the long-run the outlook also depends on finding an alternative to a reserve currency system for the international economy. Perhaps gold is not as old-fashioned as it sounds. Unlike a paper standard, gold is a monetary asset that is not simultaneously someone else's liability.

We should keep our eyes on the main issues and not become too distracted by budget deficits that are primarily the result of failing to adjust spending to the unexpectedly quick victory over inflation, or by a stock market crash due primarily to high interest rate policy at home and abroad. Monetary policy is the easiest and quickest to reverse, and it is past time for the Fed to give economic growth at least as much concern as it gives commodity prices, exchange rates, and rumors of inflation expectations.

TABLE 1.—GENERAL GOVERNMENT BUDGET DEFICITS

[As percentages of nominal GNP/GDP]

	1981	1982	1983	1984	1985	1986	1987 [1]	1988 [1]
United States	1.0	3.5	3.8	2.8	3.3	3.5	2.6	2.1
Japan	3.8	3.6	3.7	2.1	.8	.9	.9	.2
Germany	3.7	3.3	2.4	1.9	1.1	1.2	1.5	2.0
France	1.8	2.7	3.1	2.9	2.6	2.9	2.7	2.5
United Kingdom	2.8	2.3	3.6	3.9	2.7	2.9	2.7	2.7
Italy	11.9	12.6	11.7	13.0	14.0	12.6	12.6	12.2
Canada	1.5	5.7	6.6	6.6	6.6	5.4	4.9	4.6

[1] OECD forecasts, except for United States which reflect administration August 1987 forecast.

Source: OECD Economic Outlook, June 1987. Data are on a standardized System of National Accounts basis, except for United States and United Kingdom where national data are used.

TABLE 2.—FEDERAL DEBT AS SHARE OF GNP

[In percent]

	1973	1986	Change
Austria	10.8	55.9	417.6
Spain	13.8	49.0	255.1
Sweden	22.5	68.8	205.8
Japan	30.9	90.9	194.2
Belgium	54.0	123.2	128.1
Germany	18.6	41.1	121.0
Italy	52.7	88.9	68.7
Netherlands	43.2	72.2	67.1
Canada	45.6	68.8	50.9
France	25.4	36.9	45.3
United States	39.9	56.2	40.8
Switzerland	30.3	32.5	7.3
United Kingdom	71.8	57.7	−19.6
Weighted average	37.5	62.1	65.6

Source: Bank for International Settlements.

TABLE 3.—LEVELS AND PERCENT OF FOREIGN HOLDINGS OF GROSS FEDERAL DEBT AND FEDERAL DEBT HELD BY THE PUBLIC

[Dollars in billions]

Year	Special analysis E series			Domestic finance		Series
	Federal debt held by public [1]	Foreign international	Percent	Gross Federal debt [1]	Foreign international	Percent
1970	284.9	14.0	4.9	$382.6	$14.0	3.7
1971	304.3	31.8	10.5	409.5	31.8	7.8
1972	323.8	49.2	15.2	437.3	49.2	11.3
1973	343.0	59.4	17.3	468.4	59.4	12.7
1974	346.1	56.8	16.4	486.3	56.8	11.7
1975	396.9	66.0	16.6	544.1	66.0	12.1
1976	480.3	69.8	14.5	631.9	69.8	11.0
TO	498.3	74.6	15.0	646.4	74.6	11.5
1977	551.8	95.5	17.3	709.1	95.5	13.5
1978	610.9	121.0	19.8	780.4	121.0	15.5
1979 [2]	644.6	120.3	18.7	833.8	120.3	14.4
1980	715.1	121.7	17.0	914.3	121.7	13.3
1981	794.4	130.7	16.5	1,003.9	130.7	13.0
1982	929.4	140.6	15.1	1,147.0	140.6	12.3
1983	1,141.8	160.1	14.0	1,381.9	160.1	11.6
1984	1,312.6	175.5	13.4	1,576.7	175.5	11.1
1985	1,509.9	209.8	13.9	1,827.5	209.8	11.5
1986	1,714.0	256.3	15.0	2,112.0	256.3	12.1

[1] Federal debt held by the public equals gross Federal debt less holdings by Government agencies and trust funds.

[2] A benchmark revision as of December 1978 reduced the estimated foreign holdings of Federal debt. As a result, the data on foreign holdings for 1965–78 are not strictly comparable with the data for later years and the estimated "borrowing" from foreign residents in 1979 reflects the benchmark revision as well as transactions in Federal debt securities.

STATEMENT ON ECONOMIC GROWTH AND OPPORTUNITY BEFORE THE SENATE REPUBLICAN CONFERENCE TASK FORCE ON ECONOMIC GROWTH AND OPPORTUNITY FOR THE U.S. CHAMBER OF COMMERCE

(By Dr. Richard W. Rahn)

I am Richard Rahn, Vice-President and Chief Economist of the United States Chamber of Commerce. On behalf of our 180,000 member businesses, associations and state and local chambers of commerce, I welcome the opportunity to present our thoughts on the important task of developing public policies for economic growth and creation of job opportunities.

In the pursuit of these objectives, it is important for us to assess the role of public policy. We should be able to learn from our past experiences with fiscal, monetary and other public policies. These experiences will help us develop strategies for economic growth and help us understand the sources of the recent instability of financial markets. For example, we can learn a great deal from the successes and failures of differing economic policies as they have been applied in major industrial countries. We can also learn a great deal from the longest peacetime expansion that is now occurring in the U.S. economy.

These experiences demonstrate what kinds of fiscal and monetary policies lead to economic growth, job creation and financial market stability. For example, since 1982 we have been able to achieve sustained economic growth that has created over 13 million jobs in the U.S. However, economic stagnation characterizes much of the European economic scene. In our opinion, this is the result of differing economic policies. In essence, an important social experiment is taking place. In the U.S. we have undertaken policies to improve economic incentives through lower taxes and limiting government growth. On the other hand, most of Europe is straining under the burden of high taxes and a very large public sector.

ECONOMIC GROWTH AND JOB CREATION

There is no doubt that the recent performance of the U.S. economy provides us with a valuable lesson. It shows how vitally important it is to install policies that improve economic incentives. Policies such as the historic reduction of marginal tax rates, anti-inflationary monetary policy and deregulation have increased the reward to productive behavior which has given a spirited boost to economic activity. This is illustrated in Table I which shows that job creation, over the last five years, in the U.S. has been far greater than job creation in the other major industrial nations.

It is instructive, at this point, to document the remarkable gains made during the recent recovery. As of November 1987, this recovery will rank as the longest peacetime recovery since 1796. We have experienced 20 quarters of continuous economic growth over a 59 month period that began in November of 1982. During this period, real economic growth, on a yearly basis, has averaged 4.1%. Inflation has been reduced from the double digit rates of the early 1980's, falling from an annual basis of 10.4% in 1981 to 1.9% in 1986.

In human terms, the recovery has created a plethora of job opportunities. The unemployment rate has fallen from 10.8% in August of 1982 to 5.8% in September of 1987. During the last year, the unemployment rate has fallen by a full percentage point, indicating that job growth in the U.S. continues to outstrip even the most optimistic forecast.

Except for Japan, the U.S. unemployment rate is now lower than every major industrial country and since 1982 it has fallen faster than has occurred in every other major industrial country. Over this period, the record shows that most of these countries have experienced substantial increases in their unemployment rates, and the U.K. and France, in particular, are mired with unemployment rates that exceed 9.5%.

While the U.S. unemployment rate has fallen, the civilian labor force participation rate has risen to a historical high of 65.3%. The percentage of the adult population currently employed stands at a record 61.2%. These rising labor participation rates indicate that economic growth has created many job opportunities for those desiring gainful employment.

As the number of jobs has expanded the quality of jobs has increased, also. There has been much speculation that the current recovery has resulted in a high proportion of low paid, low skilled jobs. Yet, a look at the record proves this false. During the 1981 to 1985 period, 46.1% of the net new jobs were in the high wage category of $28,048 and over. At the same time, only 6% of the net jobs created were in the low wage category of $7,012. In striking contrast, during the 1977 to 1981 period 41.7% of the net new jobs created were in the low wage category.

While the share of high income jobs has increased, median real family income has also risen. During the period 1982 to 1986, median family income increased by 10.7% (in constant dollars), the best increase since the 1960's. This increase has reversed an actual reduction in real median family income of 5% which occurred during the 1977 to 1981 period. Finally, the real median income of blacks has increased by 12.7% from 1981 to 1986 which exceeds the 8.7% growth in median income for whites during the same period.

The main lesson to be learned is that economic growth is the necessary condition for economic opportunity and job creation. Without robust economic growth, it not only becomes difficult to create opportunities for the population, it also becomes more difficult to address the problems of the poor. For example, a 1986 Rand Corporation Study on black economic progress found that the ranks of the black poor were 25% larger in 1980 than they would have been had economic growth in the 1970's continued at the pace of the 1960's.

THE ECONOMIC FOUNDATION FOR ECONOMIC GROWTH AND JOB CREATION

There is no great secret as to the reasons for job creation and the current economic recovery. They go hand in hand with an environment that nourishes economic incentives or the rewards for productive behavior. This means that the return to hard work, ambition, risk, saving, and entrepreneurship must be reinforced. This implies installing policies of low taxation, limited government and monetary stability. Only in this way can individuals be assured of a decent return for their hard spent efforts.

For this reason, we believe that the recent economic recovery is no mere accident. It is a consequence of economic policies that were crafted to improve economic incentives. The historic reductions of marginal tax rates, that have reduced the top rate from 70% in 1981 to 28% in 1988, gives us the lowest income tax rate among major industrial countries. This has created an environment conducive to investment and job creation.

Income tax reduction has also increased the share of taxes paid by the wealthy, causing them to move out of tax shelters and into productive ventures. For example, the share of taxes paid by the upper 5% income group has increased from 35% in 1981 and 40% in 1985. As Table II indicates, the tax shares paid by the $50,000 to $75,000 income group and all income groups above that level have dramatically risen since 1981. Furthermore, the reduction of capital gains tax rates that began in 1978 and resulted in a top rate on individual long-term capital gains of 20% for the 1981 to 1986 period, provided an important boost to capital formation. Unfortunately, recent tax reform legislation has had the effect of raising the capital gains tax rate up to 28% and thereby hinders future capital formation and new ventures.

The economic recovery is also due to monetary policies that have dramatically lowered the double digit inflation rates of late 1970's and early 1980's. Policies of less government intervention have also contributed to economic growth. For example, according to the Council of Economic Advisor's 1986 Economic Report of The President, deregulation initiatives undertaken in the late 1970's such as airline deregulation and deregulation of interstate trucking have contributed to economic growth.

There is now a wealth of information that shows that economic growth and job creation are inversely related to the size of the public sector. For example, consider the case of the major industrial economies in OECD Europe. In the early and mid 1960's, public spending averaged 33% of GNP and real economic growth soared at an average 4.42% rate. Since that time public spending in the major OECD European countries has gone over 50% of GNP. The result? These countries are now mired in economic stagnation. Annual average economic growth rates have been on a severe downward trend since the 1960's. In the 1980's, economic growth among the major OECD European countries has barely averaged 1%, with job creation at a virtual standstill. This performance pales in comparison to the current U.S. experience.

The international experience indicates that it is the economic policies of moderate taxation, limited government and monetary stability that provide the basic macroeconomic foundation for economic growth and job creation. Those countries that create such an environment tend to prosper while those that promote excessive government spending and taxation suffer with economic stagnation.

JOB CREATION AND THE PUBLIC SECTOR

The relatively large size of European public sectors and the inability of such countries to create economic opportunity weaken the case that more government intervention into labor markets and more government spending can lead to more and better jobs. Let us explain, more fully, the reasons for this result.

First, it should be apparent that any increase in federal spending has to be financed from some source. Generally speaking, more federal spending can either be financed with higher taxes or greater federal deficits. In either case, resources are drawn from the private sector and state and local units of government to pay for more federal programs. The implication is that one must, in essence, "rob Peter to pay Paul." There is no net increase in output since what is gained in one area is lost in another. Therefore, more federal spending cannot lead to sustainable net job creation.

In fact, one could make the case that more federal spending can lead to smaller output and less job creation. This is because the resources taken from the private sector are often used less efficiently by the public sector and the increases in tax rates needed to finance such spending create disincentives for labor and capital. Research by economist Charles Stuart, published in the June 1984, American Economic Review, shows that the marginal cost of an additional dollar of public spending ranges between $1.17 and $1.57. This indicates that as one shifts resources to the public sector, the loss in private sector output can often be greater than the increase in public sector output. In addition, such effects are quite high when one considers government transfer payments. This is because the transfer payment discourages the work effort of recipients while the higher tax rates needed to finance the transfer discourages labor effort and investment.

Secondly, we must recognize the nature of net job creation. Net job creation does not simply occur by government mandate. Job opportunities have to be created by ultimately producing a product or service that satisfies the consumer. This takes a variety of productive factors such as risk, entrepreneurship, and capital formation. These factors must be combined with labor to produce a product and each factor has to be rewarded. Capital formation can hardly occur if the return to investment is highly taxed, people will not be motivated to create and take risks if the returns to these activities are low. Moreover, the supplies of these precious factors are very sensitive to the returns on such activities. For example, high taxes can send more resources into tax shelters, can lead to capital flight overseas and can lead to the deterioration of entrepreneurship.

The realization that labor must cooperate with other factors to create value makes it apparent that actions taken to increase the cost of hiring labor will reduce the return to the other factors of production. As a result, the demand for labor and job creation crumbles. As a consequence, it is important not to drive a cost "wedge" between employer and employee. For example, a large tax on labor will increase the cost of hiring labor. This translates into less profit and a smaller demand for labor. The result is lower wages and less job opportunities.

The labor wedge concept explains why labor market interventions, such as minimum wages, government mandated health benefits, government mandated family benefits, and plant closing legislation, are often self defeating: For example, government mandated benefits raise the cost of hiring a unit of labor and, therefore, reduce the net value of the worker's contribution. In effect, such policies are the equivalent of a tax on the hiring of labor. As a consequence, we would expect that less labor would be hired and the unemployment rate of society would rise.

This has, of course, been the experience of the major industrial European countries. They have carried labor market interventions to great levels. As a consequence, the "tax" associated with the hiring of labor is significantly greater than is the case with the U.S. economy. The result has been much higher unemployment rates and negligible increases in employment. For example, a recent study by the National Bureau of Economic Research concluded that the continuing rise of West German unemployment was primarily due to labor market impediments such as minimum wages and generous benefit packages.

FINANCIAL MARKET INSTABILITY AND THE DEFICIT PROBLEM

The recent instability of the stock market has led many to search for its causes. This has led some to espouse policy positions that will be dangerous to our economic health. As a consequence, it is important that we address these problems in a way that does not jeopardize economic growth and opportunity.

The recent collapse of the stock market has focused public attention on the federal deficit and the trade deficit. This has caused many to prescribe policy solutions aimed to reduce such deficits. While we agree that such deficits can contribute to partial understanding of stock market instability, we feel that such explanations are very incomplete. Most importantly, we believe that many who use the deficit argument often make faulty policy prescriptions such as tax increases and protectionism.

Let us begin with the federal deficit. The federal deficit problem has been with us for a long time but it is doubtful that much of our recent problems can be ascribed to this source. One reason is that the federal deficit is falling at a rapid pace. The statistics show that the federal deficit for FY 1987 fell to $148 billion. This is a $72 billion drop from the FY 1986 federal deficit. The federal deficit for FY 1987 will end up at 3.4% of our GNP, the lowest percent since 1981. Also, the total deficit which reflects the surplus of state and local governments has dropped to a six year low of 2.1% of GNP for FY 1987. Even the national debt, although it is rising, comprises a smaller percentage of GNP than it did during the eighteen years following World War II.

While the deficit has been falling, it does give us cause for concern. We believe that large deficits contribute to "crowding out" in financial markets. Large federal deficits utilize finanical resources that could otherwise be used for investment purposes. As a consequence, private investment is retarded and economic growth is hampered.

However, we believe that it would be a serious mistake to raise taxes in order to reduce the federal deficit. First, taxes reduce the level of economic activity. When a tax is imposed on any kind of transaction, either the buyer or seller, the borrower or lender, the worker or the employer or both will be worse off than he would have been in the absence of the tax. Thus, those transactions that were barely made before the imposition of the tax, those at the margin, will not be made after the imposition of the tax.

Taxes, therefore, by reducing economic activity lead to lower employment, less work, lower incomes, less savings, less investment, and lower economic growth. Consequently, increasing taxes creates strong disincentives. In the current climate of instability and uncertainty, higher taxes constitute a large step in the wrong direction.

Even those who often downplay the disincentive effects of taxation and concentrate on aggregate demand and taxes also have to be concerned. A tax increase means less purchasing power in the marketplace which is the last thing one would want to do if one is fearful of a reduction in consumer spending in the wake of falling equity values.

We should learn from our mistakes during the Great Depression. Tax rates were significantly raised after the stock market crash in 1929 with the top rate on income raised from 25% to 63% and it goes without saying that the economy did not improve.

Secondly, it is very doubtful that tax increases will reduce the federal budget deficit. One reason is that tax increases by slowing economic growth also slows tax revenue growth. There is also evidence which shows that more taxes are simply recycled into greater federal spending. For example, Professors Richard Vedder and Lowell Gallaway of Ohio University show that for each tax dollar collected, federal spending increases by $1.58. Moreover, the large business tax increase of 1982, the Tax Equity and Fiscal Responsibility Act of 1982, promised $3 of spending reduction for every dollar of tax increase. But the evidence shows that for every dollar of tax increase, spending went up by $1.26.

Thirdly, higher taxes especially higher marginal taxes on income actually increases the tax share paid by the poor. Most analyses of such tax proposals are made utterly independent of changes in behavior. However, it is important to incorporate these feedback effects. One important effect is that tax increases slow economic progress. Secondly, because taxpayers change their behavior in response to a new tax, taxes that are designed to raise additional revenues from upper income taxpayers often succeed in actually lowering the share of the total tax burden borne by upper income taxpayers.

Upper income groups have a good deal more economic flexibility than do middle or lower income taxpayers. It tax rates are raised on upper income groups, then those taxpayers will tend to substitute out of taxable activities. They will tend to consume their income rather than invest or save because the higher taxes will reduce the cost of consumption in terms of income foregone. To the extent they continue to save and invest, they will tend to substitute tax-exempt vehicles such as municipal bonds for taxable income.

There will also be a tendency for upper income groups to substitute leisure for work. When the federal tax rate in this country was 91 percent, the cost of not working was only nine cents for each dollar that could have been earned. Once tax reform is phased-in next year, the cost of not working will be as high as 72 cents on the dollar in terms of income foregone. We can expect, therefore, that the affluent and wealthy will put in a lot more taxable working hours and make more investments in 1980 than in 1988.

These effects are borne out by the distributional impact of the tax reduction. For example, when the top rate was reduced in the 1920's from 73% to 25%, the taxes paid by those taxpayers earnings over $500 thousand rose by 113% even though total revenues only increased by 2%. When the top rate was cut from 91% to 70% in 1964, tax receipts from those earning over $500 thousand rose 130% and the share of the total tax burden borne by the upper income taxpayers rose from 3.2% to 6.8%. ERTA cut the top rate from 70% to 50% for earned income after 1981. Even though the tax rate was cut, taxpayers earning over $500 thousand paid 20% more taxes in 1985 than in 1981. Their share of the overall tax burden increased over that time from 3.1% in 1981 to 8.2% in 1985 while the tax share of lower income and middle income groups fell.

In light of the documented negative effects of higher taxation, the real solution to our federal deficit problem lies in reducing the growth of federal spending. Only in this way can we truly lighten the heavy burden of government without diminishing economic incentives. For example, in order to generate deficit reduction for 1988 our lawmakers can choose a modified freeze of fedeal spending. And add to it a modest amount of non-tax revenue increases (user fees, asset sales and privatization) and capital gains tax rates reduction. Such an approach will generate $35 billion in deficit reduction which is far beyond the Gramm-Rudman-Hollings goal of $23 billion (see Table III).

TRADE DEFICITS

The fact that the U.S. has a large merchandise trade deficit has prompted many to argue that it greatly hampers our economy and has been a source of recent financial market instability. However, the trade deficit provides only a very incomplete explanation. More worrisome is the fact that fixation on the trade deficit usually carries along with it dangerous protectionist policy prescriptions, the very same kind that led to the Smoot-Hawley tariff of 1931 and the Great Depression.

Historically, trade deficits have not been a harbinger of economic collapse. Japan during the 1950's and 1960's, its period of most rapid economic growth, ran large trade deficits. The U.S. from the founding of the Republic through the Civil War and through the end of the nineteenth century consistently ran big trade deficits.

In today's economy, trade deficits are more symptomatic of the superior economic performance of the U.S. economy relative to the other major industrial economies. One reason for this is that our economy has grown at a significantly faster rate. In fact, since 1982 we have grown at a faster average annual rate than any major industrial economy, far surpassing the stagnant major European economies. One pleasant by-product of this is that we have experienced faster income growth. However, this means that our demand for foreign products has risen faster than the foreign demand for U.S. products. Simply put, as we have gotten relatively richer we have demanded more foreign products. The solution to the trade deficit under these circumstances is not make us poorer with a tax increase but to encourage our trading partners to undertake policies to stimulate their own economic growth.

A second reason for our trade deficit is due to a more favorable economic environment in the U.S. Our strong economic recovery has generated many investment opportunities which have served as a magnet to foreign capital. Since total public spending in the U.S. as a percent of GNP (36 percent) is much lower than the public sector share in OECD Europe (51 percent), our tax rates are much lower. The result is a more favorable after tax equity return in the U.S. which provides a lure to foreign investment. The result has been a 74 percent decline in the flow of American investment capital overseas during the 1982 to 1985 period. While during the same period, there was a 35 percent increase in the flow of foreign investment in the U.S.

In short, as foreign investors have increased their demand for U.S. investments they have a correspondent need to finance such investments. The manner in which they have accomplished this goal is to run a surplus in their merchandise trade account.

Thirdly, the U.S. dollar plays an important fiduciary role in the international financial market. As a consequence, the U.S. dollar serves as "Key" currency in international financial transactions. This is due to the factors discussed above that have made for a more favorable economic environment in the U.S. It also due to a more stable political environment found in the U.S. However, because the U.S. dollar functions as a key currency there is an additional foreign demand for U.S. dollars that creates a correspondent need for foreigners to finance this demand. A surplus in the foreign merchandise trade account satisfies this need.

The upshot is that the source of the U.S. merchandise trade deficit is the unique role played by the U.S. dollar in international financial markets and the more favorable economic circumstances found here. Although we could conceivably balance our merchandise trade account by crushing U.S. economic growth with higher tax rates or pursuing excessively tight monetary policies, this is the last thing Americans obviously desire.

A more positive approach is to encourage our trading partners to re-vitalize their economies. If they are able to reduce their tax rates, reduce the size of their onerous public sectors and increase their monetary growth rates, they will be able to stimulate the growth of their economies. As they grow, they will desire more of our commodities which will reduce the U.S. merchandise trade deficit.

In addition, we can increase volume of world trade to the benefit of all countries if we can reduce the volatility of exchange rates. Such volatility creates substantial uncertainty which means that there is an extra risk premium attached to international transactions. The risk premium reduces international trade and investment. One possible way to alleviate such uncertainty is to stabilize exchange rates by having the major industrial nations use a market basket of commodities, including gold, to guide their monetary policies. Great care must be taken to design such a policy and, hopefully, more empirical research will be devoted to this issue.

Finally, it is most important to realize that a resort to protectionist trade policy will not solve our problems and will make matters even worse. Higher tariffs and quotas by raising commodity prices in the U.S. will reduce the standard of living of our citizens. In addition, our trading partners will have less U.S. dollars to finance their imports of U.S. commodities. Worse yet, our protectionist policies will cause our trading partners to retaliate with protectionist measures of their own. This will depress world trade which will cause a world wide recession.

Let us remember the lessons of history. The Smoot-Hawley tariff was passed in 1930. This protectionist measure increased tariffs by as much as 50%, let to a massive protectionist retaliation by our major trading partners, and contributed greatly to the Great Depression. Let us not repeat the mistake.

BLUEPRINT FOR THE FUTURE

As we look to the future, it is most important that we pursue policies that contribute to economic growth. And we must realize that the cure for the recent instability of financial markets does not reside in the economics of stagnation. We will not be sending the correct signals, if we pursue policies of higher taxes, protectionism and tighter money.

Instead, the effective course of action resides in those policies that increase economic incentives and reduce economic uncertainty. In the fiscal policy area this will require a vigilance against tax increases. In fact, we can contribute to economic growth, raise tax revenues and help restore economic confidence in financial markets by reducing the capital gains tax rate from 28% to 20%. Estimates by economist Lawrence Lindsay of Harvard University suggest that $4 billion to $8 in new revenues could be generated by such a course of action.

It is also important to reduce the growth of federal spending. Federal expenditures have increased by 70% from 1980 to 1987. This is more than twice as fast as the rate of inflation which increased by 39% over the same period. The appropriate solution is to a have a modified freeze on federal spending and increase non-tax revenues through asset sales, privatization and user fees. Such an approach will generate $35 billion in deficit reduction in 1988 which is more than enough to meet the Gramm-Rudman goal of $23 billion in deficit reduction.

In the monetary policy area it is important to reverse the excessively tight monetary policies that have occurred since the beginning of 1987. As a consequence, we applaud the recent actions of the Federal Reserve System in supplying more liquidity in financial markets.

In the international policy area it is of utmost importance to refrain from protectionist trade policies. We must also encourage our major trading partners, especially the Europeans, to pursue policies that spur their economic growth. This means getting their fiscal policies under control by reducing their excessively large public sectors and reducing their high marginal tax rates on income.

SUMMARY

The recent economic recovery indicates that economic growth constitutes the foundation for economic opportunities. We have created more employment opportunities in the U.S. than has occurred in any major industrial nation. Consequently, it is very important that future economic policies not jeopardize the conditions for economic growth. This means maintaining the commitment to limited government and low taxation.

TABLE I.—EMPLOYMENT GROWTH IN THE MAJOR INDUSTRIAL ECONOMIES

[Millions of workers]

Year	United States	Canada	Japan	Germany	United Kingdom	Italy	France
1982	101.71	10.72	55.86	25.66	23.87	20.63	21.75
1983	103.03	10.81	56.79	25.29	23.76	20.67	21.67
1984	107.22	11.08	57.11	25.32	24.16	20.79	21.47
1985	109.38	11.39	57.50	25.49	24.46	20.89	21.38
1986	111.84	11.71	57.98	25.74	24.56	21.01	21.44
1987 [2]	114.42	11.9	58.38	25.90	(1)	21.11	(1)
Job growth 1982–87 (in percent)	12.5	11.8	4.5	.02	2.8	2.2	(.02)

[1] Not available.

[2] 1987 data is for the second quarter.

Source: Bureau of Labor Statistics.

TABLE II.—TAXES PAID UNDER ERTA 1981–85

[Revenues collected: net income: Dollar amounts in millions]

Group in thousands	1981	1982	1983	1984	1985	Percent change
$0 to 10	$7,975	$7,090	$6,148	$5,864	$5,475	−31.3
$10 to 20	39,511	34,567	31,463	31,283	30,352	−23.2
$20 to 30	55,657	51,966	46,321	44,778	43,344	−22.1
$30 to 50	86,592	84,995	82,629	87,280	91,835	6.1
$50 to 75	36,299	35,892	38,353	47,355	56,385	55.3
$75 to 100	14,715	14,595	15,393	18,759	21,683	47.4
$100 to 200	21,506	21,869	22,014	25,763	30,218	40.5
$200 to 500	12,750	14,032	15,613	18,775	22,423	75.9
$500 and above	8,988	12,592	16,122	21,648	27,005	200.5
Total	283,993	277,598	274,056	301,505	328,720	15.7

TAX SHARE UNDER ERTA 1981–85

[Percentage of total tax burden]

Net income group in thousands	1981	1982	1983	1984	1985
$0 to 10	2.8	2.6	2.2	1.9	1.7
$10 to 20	13.9	12.4	11.5	10.4	9.2
$20 to 30	19.6	18.7	16.9	14.9	13.2
$30 to 50	30.5	30.6	30.2	29.0	27.9
$50 to 75	12.8	12.9	14.0	15.7	17.2
$75 to 100	5.2	5.3	5.6	6.2	6.6
$100 to 200	7.6	7.9	8.0	8.5	9.2
$200 to 500	4.5	5.1	5.7	6.2	6.8
$500 and above	3.1	4.5	5.9	7.2	8.2
Total	100.0	100.0	100.0	100.0	100.0

TABLE III.—TOTAL DEFICITS AS A PERCENTAGE OF GNP [1]

	Federal	State and local	Total	Percent of GNP
1980	−61.3	+26.8	−34.7	1.3
1981	−63.8	+34.1	−29.7	.1
1982	−145.9	+35.1	−110.8	3.5
1983	−176.0	+47.5	−128.6	3.8
1984	−170.0	+68.5	−101.5	2.7
1985	−198.0	+61.7	−136.3	3.4
1986	−204.0	+60.8	−143.1	3.4
1987	−148.0	+60.0	−88.0	2.1
1988 [2] (current services estimates)	−173.0	+61.0	−112.0	2.3
1988 (with $23 billion deficit reduction)	−150.0	+61.0	−89.0	1.8
1988 [3] (freeze plus)	−138.0	+61.0	−77.0	1.6

[1] National Income and Products Accounts.

[2] 1988 estimates are based on OMB and CBO.

[3] Freeze plus includes freezing defense budget authority, nondefense discretionary spending and some entitlements except social security. And, also includes $4 billion capital gains tax rate reduction and $14.3 billion of nontax revenue increases.

TESTIMONY OF WILLIAM B. JOHNSTON

WORKFORCE 2000—THE OPPORTUNITIES FOR THE FUTURE

Mr. Chairman, it is a pleasure and an honor to appear before you and this task force this morning, to discuss the prospects for the U.S. economy in the years ahead.

Despite the alarms generated by last months stock market crash, this is an excellent time to focus on the long term growth opportunities for America. Regardless of any difficulties we may face in the immediate future, we should not lose sight of the great potential that this economy has to create wealth and opportunity for Americans and for the world. With sensible policy choices we can expect to enjoy more prosperity in the years between now and the end of this century.

Over the past 18 months the Hudson Institute has been working with the Department of Labor on a project entitled "Workforce 2000." This project is a long range look at the changes occurring in the U.S. labor force and the economy, and at the policy implications of these changes. The first volume summarizing the results of our research was published this summer. Many of the conclusions of the Workforce 2000 project have implications for the policy questions currently before the Congress.

I will submit a copy of the executive summary of our report for the record of this Task Force, and use my time this morning to address three central questions:

First, how has our economy been doing recently? Are the millions of jobs we have been creating in service industries mostly low wage, low productivity slots with little future? Have we permanently lost our international competitiveness in manufactured goods? Is a recession just ahead?

Second, how is our economy likely to perform over the long term? Should we expect another round of stagflation such as we saw in the 1970s, a new boom, a depression or something else?

Finally, what should we do to promote the strong economic growth we all hope for?

How is our economy doing?

By most objective measures, our economy has been performing very well in recent years. Over the past decade, for example, we have been creating new jobs at an annual rate of more than 2 million per year. Since our working age population has been growing proportionately slower, we now employ a higher percentage of our potential labor force than ever before. In 1986, for example, some 61 percent of all Americans of working age had jobs, up four percentage points in just ten years.

Some critics of this record have argued that most of the millions of new jobs are low-wage positions that provide little opportunity for advancement and pay too little to support a family. For example, one widely cited study suggested that most of the new jobs in recent years were at the low-wage end of the spectrum, and that high wage jobs had actually been declining.

This is not the case. When inflation is properly calculated, and the impacts of the business cycle and the growth of fringe benefits are taken into account, we are almost certainly creating as may "good" jobs as we always have. In fact, by at least one measure, the amount of skill required to perform jobs, our economy is rapidly improving the quality of work.

For example, in the Workforce 2000 study we document the difference between current jobs and the new jobs that will be created between now and the year 2000. The share of jobs that will require advanced language, math and reasoning skills is twice as high among the new jobs, as it is in today's workplace. By contrast, half as many low skilled jobs will be created between now and the year 2000 as exist today. Since high skilled jobs typically pay more than low-skilled ones, there is little doubt that our economy is gradually improving the quality of work.

As for our international competitiveness, two important facts deserve attention:

First, as a result of the declining dollar, relatively slow wage increases and rapid productivity gains, the competitive position of our manufacturing companies in the international marketplace has improved dramatically over the last several years. While this improvement has yet to be reflected in the monthly trade figures, due in part to the higher costs of imports, there is no doubt that the U.S. trade balance will improve in the years ahead. We have not only not lost our international competitiveness, we are likely to come charging back in world trade.

Second, the concern we have over our trade balance and the condition of our manufacturing industries should not obscure the inevitability of the transition we are making away from manufacturing as a source of employment and wealth generation in our country. During the course of preparing our long range economic forecasts, Hudson tested a number of scenarios of various levels of protectionism, manufacturing growth and productivity change. Under no realistic scenario does manufacturing employment increase between now and the year 2000. Regardless of what we do concerning trade, we cannot return to the "good old days" of industrial America. We are now, and will continue to be a service economy. While that may seem lamentable to some, it is not avoidable. Trade policies that seek to protect our industries in an effort to preserve industrial jobs not only cannot succeed, they almost surely will slow down our growth and cost us jobs, even without a full scale trade war.

Finally, what is the impact of the recent decline in stock prices? Are we headed for a recession or worse?

While there will undoubtedly be some decline in consumption and business investment as a result of the recent stock market crash, any recession is likely to be brief and shallow, rather than long and deep.

The reason for this prediction concerns the often noted shift to service industries in our economy. Employment and production in service industries are much more stable than in the goods economy. Because services generally cannot be stored, no inventory cycle triggers wide swings in production. Since 1956, service sector GNP has never declined, with real growth ranging from 0.7 to 5.7 percent. The goods economy, on the other hand, has been in recession in six of the thirty-one years, with growth swinging wildly from −4.8 percent to +10 percent.

In recent years service employment has actually grown during recessions rather than declining along with jobs in goods production. According to a study by Geoffrey H. Moore at Colombia University, jobs in private service industries grew by an average of 1 percent during the four recessions between 1969 and 1982, while those in government grew by 2 percent. Employment in goods production slipped by an average of 7.9% during these downturns.

Thus, though employment in goods production could indeed be cut if consumers pull back after the stock market debacle, the continued growth in service employment is likely to cushion the impact of these cuts. The balance wheel effect of the stable service sector and the demand for goods from the growing numbers of service workers should help to postpone the recession and to make it shorter and shallower than it might otherwise be. In 1981, for example, the huge decline in goods employment was enough to pull the entire economy down, but service employment and production never stopped growing, and ultimately service job growth powered the economy throughout the long recovery.

How will the economy perform over the long run?

Looking beyond the current economic picture, what is the prognosis for the long run? Workforce 2000 suggests four major issues will be important:

First, the baby bust will sharply reduce the numbers of young workers coming into our economy over the next decade, even allowing for continuing high levels of immigration. Though we project approximately 500,000 immigrants each year will enter the country, the number of young workers between ages 16 and 24 will decline by some 8 percent between now and 1993.

This dearth of young workers may cause employers to bid up the wages of qualified young people, and force them to make greater use of older workers or those who have not traditionally been part of the economic mainstream.

Second, the aging of the baby boom will have positive and negative impacts on the economy. On one hand, this "middle aging" of the workforce should help to raise the savings rate because families typically begin to save more as they reach middle age. Middle aged workers are also likely to be more responsible and productive than younger ones.

But middle aged workers are also less likely to move, to change occupations, or to undergo retraining than younger ones. Given the need for greater dynamism in our economy in response to changes in technology and trade conditions, this tendency of middle-aged workers to be more set in their geographic and occupational settings is a matter of concern. Our ability to respond to new opportunities and to maintain our world economic leadership will require a society that collectively and individually is willing to change in response to new conditions.

Third, the character of the workforce will change significantly over the next 13 years. In contrast to a current workforce that consists of a large degree of white, native men, the new entrants into the workforce are overwhelmingly female, minorities or immigrants. Some 47 percent of today's employees are native white men, but only 15 percent of the net additions to the workforce between now and the year 2000 will fall into that category. For employers and for the nation this represents an unprecedented challenge to more fully utilize workers who have traditionally not been part of the mainstream economy. And in the case of minorities and immigrants, the higher skills required by the year 2000 economy will require a massive investment in education and training if these new workers are to be matched to the new higher skilled jobs.

Finally, we should focus more attention on improving the productivity performance of our service industries. The coming improvement in our trade situation, though welcome, will not be enough to expand our income and wealth rapidly during the 1990s unless we also find ways to boost productivity in our service industries. In a sense by concerning ourselves so much with the competition with Japan in manufactured goods, we are focusing on the wrong country and the wrong industries. Services—health care, retailing and wholesaling, education, finance, government and others—now comprise some seven tenths of our employment. By the year 2000 they will make up three fourths of it.

These services industries have shown little or no productivity gains over the last 15 years. Unless we find ways to inject new competition and new productivity enhancing investment into these industries we will find our wages and national income growing slowly in the years ahead.

The policy challenges

In the Workforce 2000 study we enumerate six major policy challenges that deserve attention. I would like to focus attention today on just three:

First, the main goal of U.S. International economic policy should be to stimulate world economic growth. For more than a decade, American policy makers have been concerned with the U.S. balance of trade, the nation's deteriorating ability to compete with other nations, and the presumed unfairness of the trading policies of other countries. The issues, while important, are much less critical than the task of promoting rapid world economic growth. Just as it is easier for a company to prosper in a rapidly growing market than to capture market share in a shrinking one, so it will be easier for the United States to prosper in rapidly growing world markets than in static or shrinking ones.

In particular, it is important for the United States, along with other industrial countries, to find ways to restimulate growth in the developing world. These nations are still on the threshold of industrialization and have the greatest opportunities for rapid growth that can stimulate the world and U.S. economies.

Second, national economic policy should strive to promote productivity gains in the service industries. Manufacturing still controls the imagination, the statistics, and the policies of the nation, even though it now represents a small and shrinking fraction of national employment and output. The nation's mental image of progress continues to be one in which manufacturing plants produce more cars, computers and carpets per hour. But services are a far larger segment of the economy, and one in which productivity has actually declined in recent years. These industries—health, education, trade, finance, insurance, real estate, and government—must be the focus of government and private efforts to improve productivity.

To achieve this objective, new efforts must be made to tear down the barriers to competition in many of the service industries where competition does not now exist. At the same time, new investments must be made in research and development targeted toward improving service industry productivity.

In education, for example, competition is needed at the elementary and secondary school level, where the monopoly position of the public schools has stifled innovation. In order to provide a benchmark for measuring gains, national standards and nationally comparable tests are essential. At the same time, new investments are needed in educational technology, in particular to develop a large base of public domain software to teach math, reading, science, and more advanced courses.

In health care, the steps taken to inject competition into the system must be extended, while new investments are made in productivity-enhancing technologies such as automated diagnostics. Some share of the billions of dollars spent by the government each year to fight disease should be reallocated to try to improve the efficiency of the health care system.

Finally, federal policies should seek to increase the dynamism of our aging workforce. At the same time that the workforce is aging and becoming less willing to relocate, retrain, or change occupations, the economy is demanding more flexibility and dynamism. Despite general recognition of the importance of a flexible workforce, many national policies fail to promote this end.

For example, the nation's pension system is one in which most retirement benefits are tied to the job. In many cases, employees receive no benefits if they leave after a few years, and, by the time they reach mid-career, they would suffer major benefit losses if they switched employers. The current system tends to inhibit workers from changing jobs and to discourage companies from hiring older workers.

Similarly, the unemployment insurance system has been largely used to provide income support to workers who are laid off. Relatively little has been done to make the system one that promotes relocation, retraining, and job search.

Although worker retraining has become a catchphrase, and the federal government and private industry now spend billions of dollars for retraining, there is still no national consensus that all workers should expect to learn new skills over the course of their worklives. National policies that promote systematic efforts by all companies and workers to reinvest in themselves should be backed up by changes in the tax code to encourage lifelong education.

Finally, promoting dynamism requires reconsideration of national policies on immigration. The most careful studies have shown that legal immigrants help to stimulate economic growth and change. The need for more, better-educated immigrants to help staff a growing economy will increase as the growth of the population and labor force slows in the 1990s. Despite the social and political objections, the nation should begin a program to gradually increase its quotas of immigrants, opening its doors to more individuals who want to enter this country.

In conclusion:

Our economy is fundamentally healthy. We can continue to prosper and develop throughout the 1990s if we stick with the principles that have served us well: maximum competition in product, service and labor markets, a minimum of government intervention, and a willingness to accept and exploit change.

U.S. ECONOMIC OUTLOOK PREPARED FOR SENATE COMMITTEE ON APPROPRIATIONS

(By Ravi Batra)

There is an uneasy feeling in America today about the future course of the economy. With international debt mounting and the budget deficit booming, people realize that current prosperity cannot last for long; something has got to give.

My latest book, *"The Great Depression of 1990,"* tends to confirm this general sense of anxiety about the future. It argues that unless some reforms are immediately undertaken the 1990s will experience an economic disaster dwarfing the Great Depression of the 1930s. This is a conclusion not shared by conventional economists.

Conventional economic theory almost totally neglects the impact of wealth disparity on the health of the economy. Its focus is on the components of national income such as consumption, investment, government spending, taxes and the balance of trade. This neglect is unfortunate, because in any country national wealth is usually four to five times the level of national income, and even a small increase in the concentration of wealth can seriously hurt the economy. This neglect is perhaps the reason why conventional macromodels have generated faulty predictions again and again.

Despite their extensive theories and vast computer models, economists have lately had a dismal record of forecasting. The consensus view at the beginning of the 1980's was that high inflation and interest rates had become permanent features of the U.S. economy, so that bond and stock markets were going to repeat their stagnant performance of the 1970's. Another, albeit a minority, view belonged to the Supply-siders, who predicted a balanced budget by 1984 because of extraordinary economic growth to be generated by the tax cuts of 1981. By contrast, towards the end of 1983, Milton Friedman foresaw a serious recession in the first half of 1984 and a roaring inflation in the second half. Markets, however, have been very unkind to most economists, forecasters and their complex econometric and computer models. All the predictions mentioned above have turned out to be wrong.

However, forecasting can be a simple task if we rely on common sense and the lessons learned from history. At least, that is precisely how I made my forecasts published in various articles, newspapers and subsequently in the first edition of my book, "The Great Depression of 1990." Let me first give you an outline of what I wrote.

Between 1980 and 1983, I made the following predictions:

1. There will be seven years of prosperity in America between 1983 through 1989.
2. Inflation will gradually decline and then stabilize in the 1980's.
3. Interest rates will decline and then stabilize in the 1980's.
4. Stock markets will break records every year between 1983 and 1989.
5. Oil and farm prices will decline in the 1980's.
6. Concentration of wealth will rise every year until 1989.
7. Bond prices will first rise and then stabilize in the 1980's.
8. Merger mania will occur in the 1980's.
9. European countries such as Britain and France will experience a serious recession in 1986, facing post-war peaks of unemployment.
10. In 1989/1990 the stock markets will crash, leading to a seven year long global depression.

Many laughed at me when I first wrote my articles; many others ridiculed my theories. I even had to publish my own book, which was republished by Simon & Schuster in 1987. None of these forecasts, as you can see, has been wrong so far, and if the economic reforms mentioned in my book are not adopted, the depression will also arrive on schedule. The stock market carnage on Black Monday, October 19, 1987, when stock prices tumbled by over 22%, was just a mild foretaste of things to come.

Signs of the impending catastrophe are now everywhere. In 1985 the international-debt situation made a sudden and dramatic turnaround. For the first time in this century, the United States became a debtor nation and in this respect joined the ranks of many Third-World countries.

This development has occurred at such a breathtaking pace that few are aware of it, and even fewer recognize its ominous consequences. By the end of 1987 the U.S. foreign debt would be $400 billion, which exceeds the combined foreign debt of Mexico and Brazil. America now has the dubious distinction of being the largest debtor in the world. The situation is certainly ironical, especially because it has occurred at the time when the U.S. economy is in the fifth year of recovery from the steep recession of 1980-82.

All this portends bigger trouble ahead. If the present trend of the trade deficit continues or is modified only slightly, then by 1991 the U.S. international debt would cross the one trillion mark. America will have to set aside seventy to ninety billion dollars of its GNP just to pay interest to other nations.

While emergence of the foreign debt in the U.S. is a relatively new development, its domestic debt has been piling at an alarming rate for the past six years. It is expected that, in spite of the Gramm-Rudman Act, the annual budget deficit will continue to exceed $150 billion over the next several years. The amount of interest the government has to pay to service its debt already exceeds this figure.

Another ominous development is the largest number of American bank failures in 1985-1987 since the 1930s. In addition, thousands of savings and loan institutions are currently on the ailing list of the government.

Some historians including myself have noted striking similarities between the 1920s and the 1980s. However, global economic and social problems today are far worse than those that occurred six decades ago, when the American budget and trade were consistently in surplus, and the U.S. was fast emerging as the lender to the rest of the world.

What is the cause of all our troubles? Why do our problems seem to be so intractable?

Wealth disparity and depressions

Today our GNP, a $4.5 trillion, is the highest in history, so that there should be few economic troubles in America. Yet we face some of the worst economic dilemmas of our history. There can be only one cause, namely so much of our GNP and national wealth are enjoyed by an extremely small minority—just 1% of American families.

Currently, economists think that the U.S. government caused the great depression of the 1930's through its faulty monetary and tax policies. This is like blaming a doctor for his patient's sickness. The economy of the 1920's was already severely ill because of the extreme wealth disparity that led to a fragile banking system and a stock market euphoria out of sync with reality. It collapsed like a house of cards as soon as business declined a little in 1929. The government, of course, made matters worse by ignoring the true cause of the depression, namely wealth disparity. That is why it raised taxes on the poor and the middle class in the midst of a severe downturn in 1931.

In any case, in the pre-depression stage of the economy, economists have typically asserted that another depression is impossible.

Few people today have any idea of what a depression is like, because the last one occurred six decades ago. But a depression is not a trivial matter, something to be studied in textbooks and then summarily ignored. It is economic devastation on a massive scale, a specter as fearsome as a conventional world war. Millions of people then lose their jobs, wages sharply fall, and many are on the verge of starvation.

Let us see why a depression is a response of free markets to great imbalances caused by extreme concentration of wealth. Extreme inequality creates poverty, which in turn generates high debt, as the poor and the middle class try to maintain their living standard through borrowing. Consequently the financial system becomes fragile and bank failures rise, as banks now lend to people who are high credit risks.

Another effect of inequality is a sharp rise in speculation called speculative bubble, because only the rich can afford to gamble money on risky investments. Therefore, all stockmarket bubbles were initiated by extreme wealth disparities which, not surprisingly, have generated another bubble in the 1980's. But every bubble bursts in the end, culminating in a depression. And the wealth disparity is also high in England, France, West Germany and among the Japanese corporations. No wonder then, the speculative fever is now high all over the world. It is sad to note that as in 1929, 1% of Americans now own 36% of national wealth, so that the U.S. and the world are on the brink of another depression.,

The coming depression

History reveals that inflation and depressions in the U.S. have followed regular patterns. Going as far back as the 1750s, barring the aftermath of the Civil War, every third decade was the peak decade of inflation. For instance, inflation peaked in the 1970s, 1940, 1910s in this century, and then in the 1860s, 1830, 1800s, 1770s, and 1740s in preceding centuries (see Chart 1).

However, depressions do not reveal such a clear-cut pattern. According to the historical record, there has been at least one recession every decade, but only four major depressions. There was one in the 1780s, one in the 1840s, another in the 1870s, and finally one in the 1930s. Of these, the depressions of the 1840s and the 1930s were the worst in history. In other words, if a depression occurred at the interval of three decades, then it was not as bad as the previous disaster; but if it occurred at the sixth-decade interval, then it showed a cumulative effect and was worse than the previous worst.

Business activity thus seems to move in terms of three or six decade cycles. That is why the 1980s in America and Europe remind us so much of the 1920s.

The 1920s were marked by low money growth, low inflation and deregulation. In this respect, the 1980s, relative to the immediately preceding decade, have so far resembled the 1920s. The same holds true with the merger activity among businesses. Both the 80s and the 20s reveal a sharp rise in industrial marriages and concentration.

Banks earned mediocre incomes during the 20s. They have done much the same in the first half of the 1980s. Then, as now, the farm-sector was highly depressed because of the loss of foreign markets and the low prices received by American farmers. Then, as now, the coal industry was in the doldrums. So were textiles, shoes, shipping and the railroads, as they are now. Energy prices declined throughout the 20s. They have done the same so far in the 80s.

Similarly, the economic events in the 1970s are reminiscent of many in the 1910s. Both decades experienced high money growth, high regulation and high inflation. In both, the farm and energy sectors were very prosperous. Thus, a close look at history reveals, quite remarkably, the presence of a six-decade cycle of business activity. While the three-decade cycle also exists, the six-decade cycle is more pronounced (see Table 1 for a dramatic example of the six-decade cycle).

Looking ahead, the cycle means that the 1990s will be similar to the 1930s. In other words, the Great Depression will repeat itself in the coming decade. Current troubles in the U.S., despite a five-year long period of recovery since 1982/83, are simply harbingers of the new cataclysm, which is just about there on the horizon.

What can we do to avoid another depression?

Since depressions are caused by extreme concentration of wealth leading to a shaky financial system and a stock market bubble that always bursts in the end, the only way to stop a depression is to control wealth disparity and calm the speculative fever. The following measures are needed without delay.

(i) Wealth Tax in America: Since 1% of the families now own 36% of national wealth worth $5 trillion, assuming that they earn a meager 10% return (net of current taxes), the richest Americans now make $500 billion per year as investment income. If the government collects half of this through a wealth tax, that tax revenue will rise by as much as $250 billion, enough to wipe out the annual budget deficit and partly retire the federal debt. This tax will fall on 1% of the population, or on anyone with a net worth of $2 million or more. While the top wealth-owners will hardly miss the lost income, the economy will immediately move towards sanity.

As the budget deficit disappears, interest rates will sharply fall, triggering a boom in investment, housing and auto industries. Productivity will rise and American companies will become competitive in world markets. Tax receipts will rise even more, enabling the government to further retire the debt. Within 10-15 years, the entire federal debt will be gone. At that time the wealth tax could be repealed.

As the tax burden rises on the richest people, speculative fever will cool, and there will be no stock market bubble to burst and start a depression.

(ii) Re-regulation of the Financial Sector: Banks and brokerages that have been adding to the speculative mania and the corporate debt by financing business takeovers should be restrained from lending money for mergers.

(iii) Margin Requirements: Downpayment requirements in commodities and futures markets should be raised from the current 5% to 50%, the level currently prevailing in the U.S. stock market. This will also cool speculation.

(iv) Wealth Tax in Europe: Many European countries already have a wealth tax, but the rate is very low. It should be set at 2% to 6% of net worth, and the increased tax revenue, unlike the case in the U.S., should be used to sharply reduce the income tax rate for the middle class and the poor. This would spur demand in Europe, leading to a world wide recovery. The same policy should be adopted in Japan.

What are potential dangers of the proposed wealth tax?

None. Some people suggest the wealth tax will lower investment. Not true. The super-rich don't put their money into productive investments that buy new equipment and create jobs, but into speculative schemes involving business mergers and paper shuffling. A small return means nothing to a multi-millionaire. He wants to make a quick and high return from his money. Therefore he does not invest, but speculates.

What about savings? President Reagan cut taxes for the rich in 1981 to raise savings and investment. While the American investment has not risen, the savings rate has sharply fallen since then. This means the wealth tax will have no effect on savings and investment.

Is the wealth tax another scheme to redistribute wealth?

No. It is a tax to eliminate the budget deficit in America and to spur demand in Europe and Japan, not to raise welfare spending. In the United States, it will go mainly to defense spending, which in the past has always been financed by higher taxes. Note that in 1981 for the first time in history something absurd happened: taxes were lowered in America while defense spending increased sharply. The purpose of defense in the west is presumably to protect a person's life, liberty and wealth from the Russians. Since life and liberty are equally dear to everybody, the wealthy should pay at least a third of the defense spending in the form of a wealth tax in return for the protection of their wealth.

Summary

There have been four or five major depressions in America, each preceded by a sudden and sharp rise in wealth disparity. Normally, it takes sixty years for the wealth disparity to peak, mostly because of property transfer from one generation to another. That is why most depressions have occurred at the interval of six decades. Once in the United States, because of the Civil War, wealth disparity peaked at the interval of three decades, leading to a third-decade depression of the 1870s. The only way to avert the coming disaster is to control wealth disparity today and to cool down speculation. ●

THE ANTI-DRUG ABUSE ACT'S FIRST YEAR ANNIVERSARY

● Mr. D'AMATO. Mr. President, on Tuesday, October 27, we marked the first year anniversary of the Anti-Drug Abuse Act of 1986. Sadly, not many of us had much to celebrate last week.

The United States Conference of Mayors, for example, issued a report entitled, "The Anti-Drug Abuse Act of 1986: Its Impact in Cities One Year after Enactment." The message of this report was that the great promises of the Anti-Drug Abuse Act are not being met.

The same message is contained in an article in the New York Times by Peter Kerr, entitled, "U.S. 'Drug Crusade' Is Seen Undermining Itself", in a report by the New York State Division of Substance Abuse Services, and in report language of the Senate Appropriations Committee.

I ask that these materials be printed in the CONGRESSIONAL RECORD in their entirety immediately after my remarks.

REPORT BY THE MAYORS

At page 14 of their report, the mayors tell us:

> The city officials were asked to rate their state's administration of the block grant programs for education, treatment and enforcement in terms of its responsiveness to addressing the illegal drug problem in their city. . . .
>
> For education programs, 60 percent of the responding cities gave their states a poor rating. . . . For treatment programs, 40 percent of the responding cities gave their states a poor rating. . . . In the enforcement area, 46 percent of the cities gave their states a poor rating. . . .
>
> Officials in two-thirds of the responding cities indicated that the grant-in-aid system (primarily state block grants) established through the Anti-Drug Abuse Act of 1986 is not responsive to their cities' needs.

NEW YORK STATE REPORT

The block grant program is not the only area where we see the great promises of the Anti-Drug Abuse Act going unmet. The New York State Division of Substance Abuse Services' most recent "Updates" on heroin and cocaine tell the same story.

This report indicates that the drug abuse situation in New York, particularly with respect to cocaine, and the number of AIDS cases related to intravenous drug use, is deteriorating badly.

According to this report: "Every indication shows that cocaine activity throughout New York State is increasing and the consequences are growing in severity." Treatment admissions with cocaine as the primary drug of abuse increased an astronomical 75 percent statewide, from 6,996 in 1985, to 12,276 in 1986.

In New York City, the number of cocaine-related emergency room episodes increased 63 percent, from 1,962 to 3,206, between the first 9 months of 1985 and the comparable period in 1986. Deaths involving cocaine use in New York City also increased dramatically between 1985 and 1986, from 196 to 287.

The situation with regard to heroin continues to be plagued with inadequate treatment facilities and long waiting lists. In New York City, for example, heroin treatment centers, with a capacity of 31,804, were operating at 102 percent of capacity in June 1987. A waiting list of 575 names exists for methadone programs in the city. Utilization rates of methadone programs in other parts of the State are also operating above capacity. The percentages are as follows: Erie—106, Albany—115, Rockland—106, Ulster—112; and Long Island—106.

Reported cases of AIDS for intravenous drug users are also increasing. In New York City, the number increased from 579 in the first 6 months of 1986, to 629 in the first 6 months of this year. Of 10,402 AIDS cases in New York City, where reliable information is available, 35 percent—or 3,649 cases—involved known intravenous drug users.

FAILURE TO ENFORCE AID SANCTIONS IN ANTI-DRUG ABUSE ACT

Earlier this year, the Senate failed to exercise its authority, under section 2005 of the act, to disapprove the President's certification of Mexico. The Senate failed, by a vote of 49 to 38, to decertify Mexico for not fully cooperating with the United States in the war on drugs. The Senate chose to ignore these facts:

There have been no convictions for the murder of DEA Agent Enrique Camarena.

Last year, Mexico seized only about 200 pounds of heroin, but it produced between 2 and 4 tons of heroin.

The State Department's International Narcotics Control Strategy Report states:

"While existing laws are adequate, Mexican enforcement, conviction, and sentencing is less than adequate and, in many cases, non-existent," and, "little has been done to halt money laundering up to now."

FAILURE OF INS TO INVESTIGATE ALIEN DRUG TRAFFICKERS

As a final example of the failure to give the drug abuse epidemic the priority attention it demands, I would like to call my colleagues' attention to the failure of the Immigration and Naturalization Service to investigate major criminal alien drug trafficking organizations.

Out of frustration, the Senate Appropriations Committee has had to order INS to begin reporting quarterly on how it will correct the many deficiencies in the INS Criminal Alien Investigations Program.

In report language for the fiscal year 1988 Commerce, Justice, State appropriations bill, the Appropriations Committee has found, for example, that the assignment of 50 percent of criminal investigators to an employer education program is an inappropriate use of those resources, that the number of these investigators has decreased since 1981, and that the situation in New York, where there has been an unprecedented attrition of criminal investigators, is particularly alarming.

Mr. President, what has happened to the commitment that was so much in evidence before the November elections?

With respect to treatment and education, massive cuts have been proposed for this fiscal year. Emergency assistance money to reduce treatment center waiting lists has not been distributed, while the lists grow longer every day.

Most of the drug prevention and education money has also not yet reached the local levels where they are desperately needed.

How can the people in law enforcement, schools, and treatment centers plan ahead when they have to question whether the money needed to implement those plans will be there? How long will it be before even the most dedicated become cynical and disappointed?

There can be no partisan differences on this matter. Despite the drop-off in media and political attention, there is no decline in the epidemic itself. Drug abuse is not on the wane. It is out of control.

There is no mystery to what a real war on drugs requires.

We must develop drug education and prevention programs that are second to none. We can no longer tolerate the long waiting lists that prevent people seeking rehabilitation from getting the help they need.

In our foreign policy, any country refusing to cooperate in destroying the drug cartels and drug crops must pay the price. If cutting off their aid and bank loans is the only way we can persuade them to cooperate, then that is the action we must take.

It is time to make fuller use of the military to curtail the smuggling of illegal drugs into the country.

What we need is nothing less than a full mobilization of our will and our resources at the Federal, State, and local levels. We do not have that full mobilization today, but we can bring this great change about. There is only one way to do so. We must simply guarantee that our actions match our rhetoric.

The materials earlier referred to follow:

THE ANTI-DRUG ABUSE ACT OF 1986: ITS IMPACT IN CITIES ONE YEAR AFTER ENACTMENT

The United States Conference of Mayors: Mayor Richard L. Berkley, President, Mayor of Kansas City, Missouri; Mayor Edward I. Koch, Mayor of New York; and Mayor Maureen O'Connor, Mayor of San Diego, Co-Chairs, Task Force on Drug Control; J. Thomas Cochran, Executive Director.

This report was written by Laura DeKoven Waxman and Jim Gatz of the U.S. Conference of Mayors staff. Allen Hunt and Jason Pedersen assisted. Additional copies are available from Allen Hunt, U.S. Conference of Mayors, 1620 Eye Street, N.W., Washington, D.C., 20006, (202) 293-7330.

SUMMARY

The Anti-Drug Abuse Act of 1986 marked the first time that our national government approached the problems of illegal drug trafficking and abuse in a comprehensive manner. It strengthened federal interdiction efforts, stiffened federal drug laws and established new state and local assistance programs for enforcement, education and treatment. For the fiscal year just ended, Congress appropriated $225 million for enforcement programs, $200 million for education programs and $262 million for treatment.

To assess both the illegal drug problem in the cities and the implementation of the state and local assistance programs established by the Anti-Drug Abuse Act of 1986 one year after its enactment, the U.S. Conference of Mayors surveyed 42 cities whose mayors are members of its Executive Committee, Advisory Board or Task Force on Drug Control. The survey sought information on 1) arrests for drug violations; 2) the drugs most frequently involved in arrests; 3) the availability of drug treatment; 4) the funding status of city programs through the Anti-Drug Abuse Act of 1986; 5) city government involvement in the state planning process for the Act's programs; 6) state administration of the block grants established through the Act; and 7) the responsiveness of the Act's grant-in-aid system to city needs.

The Drug Problem in Cities

Arrests for drug violations by police departments in the survey cities accounted for an average of 14 percent of the total arrests made in these cities during 1986. Personnel in the cities' police department narcotics units made one-third of the total arrests for drug violations.

Narcotics units accounted for an average of three percent of the police departments' total budget in the survey cities. The cities estimate, however, that eight percent of their police departments' budgets are spent on the enforcement of drug violations.

Across the survey cities, cocaine was the illegal drug most frequently involved in drug-related arrests, followed by marijuana and heroin.

In more than three out of four of the responding cities there is a waiting list to get into drug treatment facilities; the average wait in these cities in seven weeks.

The Anti-Drug Abuse Act of 1986: The Funding Status of City Programs

Education Programs: Fourteen of the survey cities (45 percent of those responding to the question) were aware of funding commitments for local education programs that had been made under the Anti-Drug Abuse Act as of October 1, 1987. These commitments totaled $3.3 million. In five of these cities, funds totalling just over $1 million have actually been received.

Treatment Programs: Eleven cities (37 percent of those responding to the question) were aware of funding commitments for local drug treatment programs under the Act as of October 1. These commitments total $3 million. Six of these cities reported that they have actually received funds, totalling $400,000.

Enforcement Programs: Fourteen cities (40 percent of those responding) were aware of funding commitments made for drug enforcement grants under the Act by October 1. They total $9.6 million. Washington, D.C., the only city that performs both state and local functions in these programs, is also the only city to have actually received enforcement funds, totalling $800,000.

The Anti-Drug Abuse Act of 1986: Intergovernmental Relations

Eleven cities (38 percent of those responding to the question) reported that their city government has been involved in the state planning process for education programs; eight cities (28 percent of those responding) were involved in the state planning process for treatment programs; 18 cities (43 percent of the responding cities) participated in the state planning process for enforcement programs.

Rating state administration of the block grant programs established under the Act:

For education, one-fifth of the cities gave a good rating and 60 percent gave a poor rating;

For treatment, 28 percent of the cities gave a good rating and 40 percent a poor rating; and

For enforcement, 29 percent gave a good rating and 46 percent gave a poor rating.

Officials in two-thirds of the responding cities indicated that the grant-in-aid system (primarily state block grants) established through the Anti-Drug Abuse Act is not responsive to their cities' needs.

INTRODUCTION

On October 27, 1986 President Ronald Reagan signed into law the Anti-Drug Abuse Act of 1986. The legislation resulted, in great part, from a groundswell of national concern about drug abuse which developed during the summer of 1986. While the scourge of drug abuse had been a critical issue in cities for years, national attention had never before been so sharply focused on it.

The Anti-Drug Abuse Act of 1986 marks the first time that our national government has approached the problems of illegal drug trafficking and abuse in a comprehensive manner. It strengthens critical federal interdiction efforts, such as those of the Customs Service, the Coast Guard and the military, and it stiffens many federal criminal penalties for drug-related crimes. Of particular importance is the assistance it provides to state and local governments for drug education, treatment and enforcement programs. The Act attacks our drug problem from all sides; it is aimed at reducing both the supply and the demand. With this legislation the federal government became the cities' ally in the war on drugs.

When the Anti-Drug Abuse Act of 1986 was debated in the Congress it was in the context of getting help to the cities, to the trenches in the war on drugs. What actually passed the Congress was a bill which provides funds primarily to the states, with the requirement that a good portion be passed through to local jurisdictions.

The purpose of this report is to assess the status of the illegal drug problem in our cities and the implementation of the assistance programs established through the Act one year after its enactment. A questionnaire was sent to every member of the Conference of Mayors' Executive Committee, Advisory Board and Task Force on Drug Control—52 mayors in all. Responses were received from 42 of them, or 81 percent. The information which they provided is summarized on the following pages.

The reader should note that in no case do the percentages reported for a survey question include a city unable to respond to that question.

THE DRUG PROBLEM IN CITIES

Arrests for Drug Violations

There were 1.8 million arrests made in the survey cities in 1986. Arrests for drug violations by police departments in the survey cities totalled 243,000, an average of 14 percent of the total arrests in these cities that year. Drug violation arrests range from 36 percent of the total in Washington, D.C., 35 percent in Atlanta, 33 percent in Philadelphia, 27 percent in New York City and 23 percent in Los Angeles to less than three percent of the total arrests in Anchorage, Denver, Springfield, Jamestown, Seattle and Milwaukee.

Personnel in the police department narcotics units made 79,000 arrests for narcotics violations, one-third of the total arrests for drug violations in the survey cities. They account for 100 percent of the drug violation arrests in Springfield, 90 percent in York, and 88 percent in Toledo and Washington, D.C. In Oxnard, San Diego, Aurora, Chicago, Albuquerque, and Jamestown narcotics unit personnel make less than 15 percent of the arrests for drug violations.

The table on pages seven and eight contains data on drug arrests for the survey cities.

Narcotics units account for an average of three percent of the police departments' total budget in the survey cities. In Trenton 10 percent of the police department's budget goes to the narcotics unit, in Washington, D.C. eight percent, and in San Francisco, San Diego and York six percent. Among the cities were one percent or less of the budget goes to the narcotics unit are Phoenix, Aurora, Chicago, Gary, New Orleans, Kansas City, and Albuquerque.

The survey cities estimate, however, that an average of eight percent of their police departments' budgets are spent on the enforcement of drug violations. Expenditures range from 25 percent in Washington, D.C., 23 percent in Los Angeles, 20 pecent in Albuquerque and 15 percent in Oxnard to two percent or less in Aurora, Gary, Oak Park, Kansas City and Cincinnati.

The Drugs Most Frequently Involved in Arrests

Across the survey cities, cocaine was most frequently involved in drug-related arrests, followed by marijuana and heroin.

Twenty-seven cities listed cocaine (including crack) first as the illegal drug most frequently involved in drug-related arrests: Anchorage, Phoenix, Oxnard, Los Angeles, San Diego, San Francisco, Miami, Atlanta, Chicago, Springfield, Gary, New Orleans, Detroit, Oak Park, Kansas City, Plainfield, Trenton, Albuquerque, New York City, Cincinnati, Toledo, Philadelphia, Houston, El Paso, Seattle, Milwaukee and York. Another 12 cities listed cocaine second.

Eleven cities reported that marijuana was most frequently involved in drug-related arrests: Birmingham, Aurora, Denver, Dunedin, Macon, Savannah, Jamestown, Cleveland, Pittsburgh, Charleston, and Tacoma. Another 19 listed it as second among drug-related arrests, and nine listed it third. Seattle reported that it no longer makes felony arrests for the possession of small amounts of marijuana, leveling fines instead.

Heroin was the drug most frequently involved in drug-related arrests in one city, Boston. It came in second in nine cities and third in 11. PCP was the drug most frequently involved in drug-related arrests in Washington, D.C.; three cities—Los Angeles, Chicago and Plainfield—listed it third. Other drugs listed included amphetamines and methamphetamines, by four cities; prescription drugs, by three cities; and LSD, by three cities.

The table on page nine shows the three drugs most frequently involved in arrests in each of the survey cities.

The Availability of Drug Treatment

Officials in the survey cities were able to identify a total of 157,000 people who were receiving treatment for drug abuse in their cities. The number of people receiving treatment ranged from 38,800 in New York City and 14,000 in New Orleans to 35 in Jamestown and four in Dunedin. (Some cities had only county data available; others had only data for public facilities.)

In more than three our of four of the responding cities there was a waiting list to get into treatment facilities, and the average wait in these cities was seven weeks. The wait ranged from 26 weeks in New York City, 16 to 24 weeks in Los Angeles, eight to 13 weeks in Milwaukee, and four to 12 weeks in San Diego. It was four weeks or less in Oxnard, Washington, D.C., Atlanta, Boston, Detroit, Kansas City, Trenton, and York. In 23 percent of the responding cities there was no wait.

CITY DRUG ARRESTS

City	Population	Total arrests, 1986	Drug arrests, 1986	Percentage drug arrests of total arrests	Narcotics unit drug arrests, 1986	Percentage narcotics unit arrests of drug arrests
Birmingham, AL	283,239	NA	NA	NA	NA	NA
Anchorage, AK	194,675	19,816	346	NA	103	29.8
Phoenix, AZ	824,230	60,724	3,740	6.2	885	23.7
Los Angeles, CA	3,022,247	205,166	47,448	23.1	10,995	23.2
Oxnard, CA	115,657	13,131	1,902	14.5	138	7.3
San Diego, CA	915,956	100,324	15,100	15.1	1,819	12.0
San Francisco, CA	691,637	91,902	9,238	10.1	2,430	26.3
Aurora, CO	184,372	24,303	1,813	7.5	189	10.5
Denver, CO	505,563	69,258	1,052	1.5	468	44.5
Washington, DC	633,425	36,680	13,280	36.2	11,635	87.6
Dunedin, FL	30,203	2,194	100	4.6	40	40.0
Miami, FL	382,726	36,133	7,000	19.4	4,088	68.6
Atlanta, GA	428,153	11,760	4,111	35.0	1,997	48.6
Macon, GA	118,730	10,584	569	5.4	277	48.7
Savannah, GA	145,699	8,370	475	5.7	251	52.8
Chicago, IL	2,997,155	229,309	21,465	9.4	1,719	8.0
Springfield, IL	99,637	4,138	45	1.1	45	100.0
Gary, IN	147,537	2,998	208	6.9	100	48.1
New Orleans, LA	564,561	21,603	3,037	14.1	510	16.8
Boston, MA	560,847	28,251	4,863	17.2	1,524	31.3
Newton, MA	83,622	865	40	4.6	16	40.0
Detroit, MI	1,138,717	94,824	NA	NA	5,203	NA
Oak Park, MI	31,537	2,303	95	4.1	NA	NA
Kansas City, MO	445,222	15,808	1,370	8.7	NA	NA
Plainfield, NJ	45,555	5,493	760	13.8	196	25.8
Trenton, NJ	92,124	10,064	2,033	20.2	NA	NA
Albuquerque, NM	341,978	27,097	1,324	4.9	130	9.8
Jamestown, NY	35,775	2,155	24	1.1	3	12.5
New York City, NY	7,086,096	259,587	69,525	26.8	27,525	39.6
Cincinnati, OH	380,118	37,659	3,705	9.8	NA	NA
Cleveland, OH	558,869	30,418	1,788	5.9	1,100	61.5
Toledo, OH	350,565	16,110	800	5.0	706	88.3
Philadelphia, PA	1,665,382	26,276	8,721	33.2	NA	NA
Pittsburgh, PA	414,936	22,743	1,522	6.7	670	44.0
York, PA	44,619	3,658	117	3.2	105	90.0
San Juan, PR	522,700	NA	NA	NA	NA	NA
Charleston, SC	69,510	7,759	1,049	13.5	474	45.2
El Paso, TX	445,071	30,898	3,184	10.3	1,044	32.8
Houston, TX	1,725,617	94,658	6,946	7.3	2,544	36.6
Seattle, WA	490,077	54,641	1,527	2.8	350	22.9
Tacoma, WA	161,351	12,367	766	6.2	248	32.4
Milwaukee, WI	631,509	61,495	1,630	2.7	450	27.6

THREE DRUGS MOST FREQUENTLY INVOLVED IN ARRESTS

City	First	Second	Third
Birmingham, AL	Marijuana	Cocaine	Deloid.
Anchorage, AK	Cocaine	Marijuana	Heroin.
Phoenix, AZ	do	do	Do.
Los Angeles, CA	do	do	PCP.
Oxnard, CA	do	Heroin	Marijuana.
San Diego, CA	do	Marijuana	Heroin.
San Francisco, CA.	do	do	Do.
Aurora, CO	Marijuana	Cocaine	Amphetamine.
Denver, CO	do	Opiates	Stimulants.
Washington, DC	PCP	Cocaine	Opiates.
Dunedin, FL	Marijuana	do	Prescription drugs.
Miami, FL	Cocaine	Marijuana	Amphetamine.
Atlanta, GA	do	do	Heroin.
Macon, GA	Marijuana	Cocaine	Qualudes.
Savannah, GA	do	do	Crack.
Chicago, IL	Cocaine	Marijuana	PCP.
Springfield, IL	do	do	Prescription drugs.
Gary, IN	do	do	Heroin.
New Orleans, LA	do	Heroin	Marijuana.
Boston, MA	Heroin	Cocaine	Do.
Newton, MA	Alcohol	Marijuana	Cocaine.
Detroit, MI	Crack	Cocaine	Heroin.
Oak Park, MI	Cocaine	Marijuana	Do.
Kansas City, MO	do	do	Amphetamine.
Plainfield, NJ	do	do	PCP.
Trenton, NJ	do	Heroin	Marijuana.
Albuquerque, NM	do	do	Methamphetamine.
Jamestown, NY	Marijuana	Cocaine	LSD.
New York City, NY.	Cocaine	Marijuana	Heroin.
Cincinnati, OH	do	do	LSD.
Cleveland, OH	Marijuana	Cocaine	Prescription drugs.
Toledo, OH	Crack	Heroin	Marijuana.
Philadelphia, PA	Cocaine	do	Do.
Pittsburgh, PA	Marijuana	Cocaine	Synthetics/opiates.
York, PA	Cocaine	Heroin	Marijuana.
San Juan, PR	NA	NA	NA.
Charleston, SC	Marijuana	Cocaine	Heroin.
El Paso, TX	Cocaine	Heroin	Marijuana.
Houston, TX	do	Marijuana	Methamphetamine.
Seattle, WA	do	do	Heroin.
Tacoma, WA	Marijuana	Cocaine	Do.
Milwaukee, WI	Cocaine	Marijuana	Alcohol.

THE ANTI-DRUG ABUSE ACT OF 1986: THE FUNDING STATUS OF CITY PROGRAMS

The Anti-Drug Abuse Act of 1986 established new federal programs in three areas: enforcement, education, and treatment and rehabilitation. For Fiscal Year 1987, Congress appropriated $225 million for enforcement programs, $200 million for education programs and $262 million for treatment and rehabilitation. Most of the funds went to the states, with substantial portions to be passed through to local governments and agencies. For each program, however, a portion of the funds remained at the federal level—18 percent of the education funds, one-third of the treatment funds and 20 percent of the enforcement funds—to be distributed through a discretionary grant system.

EDUCATION PROGRAMS

Fourteen cities (45 percent of those responding to the question) were aware of funding commitments that had been made under the Act by October 1, 1987 for local anti-drug education programs: Anchorage, San Diego, Aurora, Washington, D.C., Macon, Springfield, New Orleans, Boston, Detroit, Kansas City, Toledo, Philadelphia, Houston and Tacoma. These commitments totalled $3,274,000. In five cities (17 percent of those responding) funds have actually been received: Anchorage, Washington, D.C., Springfield, New Orleans and Detroit. According to the city officials, these funds received as of October 1, totalled $1,020,000.

Seventeen cities (55 pecent of those responding to the question) reported that no education funding commitments had been made; 11 cities did not respond to the question. Four cities—San Diego, Chicago, Philadelphia and Houston—report that funding requests to the federal government for education programs have been denied. Two cities, Chicago and El Paso, have had applications to the state for education programs denied. Four cities—Birmingham, Philadelphia, El Paso and Houston—were aware of pending federal applications for anti-drug education programs. Eight—Birmingham, San Francisco, Boston, Cleveland, Philadelphia, York, Tacoma and Milwaukee—were aware of state applications pending.

TREATMENT PROGRAMS

Eleven cities (37 percent of those responding to the question) were aware of funding commitments made by October 1, 1987, under the Anti-Drug Abuse Act for local treatment programs. These cities were: Birmingham, Phoenix, San Francisco, Washington, D.C., Detroit, Kansas City, Toledo, Philadelphia, El Paso, Houston and Tacoma. The funding commitments to these cities totalled $3,007,000. In six of these cities—Birmingham, Washington, D.C., Detroit, El Paso, Houston and Tacoma—at least some funds have been received. The total actually received as of October 1, according to the city officials was $400,000.

Forty-five percent of the cities reported that no funding commitments for treatment programs have been made: 12 cities did not respond to the question. One city, Houston, reported that its application to the federal government for treatment funds had been denied. Two cities, San Diego and El Paso, have had applications to their state governments for treatment grants denied. Four cities—Birmingham, El Paso, Houston and Tacoma—were aware of federal applications for treatment grants which are pending. Eight cities were aware of state applications which are pending: Birmingham, New Orleans, Trenton, Toledo, York, El Paso, Tacoma, and Milwaukee.

ENFORCEMENT PROGRAMS

Fourteen cities (40 percent of the cities responding to the survey) were aware of funding commitments totalling $9,563,000 which were made for drug enforcement grants under the Act by October 1, 1987. Among them were: Birmingham, Los Angeles, Aurora, Denver, Chicago, New York City, Toledo, Philadelphia, Houston and Seattle. (Aurora and Denver were awarded a joint grant for a crack task force.) One city, Washington, D.C., had actually received funds, totalling $800,000, by October 1. Washington, of course, is the only city which performs the functions of both a state and a city in the block grant programs.

Twenty-one cities (60 percent of those responding) reported that no funding commitments have been received; seven cities did not answer the question. Five cities reported that the federal government had turned down their applications for enforcement grants: San Diego, Miami, New York City, Cincinnati and Cleveland. Detroit reported that its application to the state government for an enforcement grant had been denied. Four cities—Birmingham, Los Angeles, San Diego and El Paso—had enforcement grants pending with the federal government. Fifteen cities were aware of such grants pending with their state governments: Birmingham, Phoenix, Los Angeles, San Diego, San Francisco, Denver, Boston, Detroit, Cincinnati, Cleveland, Toledo, Philadelphia, York, El Paso and Houston.

In the Appendix are lists of all of the funded education, enforcement and treatment programs identified by the city officials.

THE ANTI-DRUG ABUSE ACT OF 1986: INTERGOVERNMENTAL RELATIONS

INVOLVEMENT IN THE STATE PLANNING PROCESS

Eleven cities (38 percent of those responding to the question) reported that their city government has been involved in the state planning process for education programs. They are: Aurora, Denver, Washington, D.C., Macon, Springfield, Boston, Newton, Oak Park, Kansas City, Albuquerque and El Paso. Eighteen cities (62 percent of those responding) were not involved in the state planning process for education programs; 13 cities did not respond to the question.

Eight cities (28 percent of those responding to the question) indicated that their city government was involved in the state planning process for treatment programs: San Francisco, Washington, DC., New Orleans, Oak Park, Trenton, Toledo, Philadelphia and El Paso. Seventy-two percent of the responding cities were not involved in the state planning process for treatment programs; 13 cities did not respond.

Forty-three percent (18) of the cities participated in the state planning process for enforcement programs. They were Phoenix, San Francisco, Aurora, Denver, Washington, D.C., Miami, Macon, Chicago, Boston, Newton, Detroit, Oak Park, Trenton, Cincinnati, Toledo, Philadelphia, Pittsburgh and El Paso. Four of these cities—Phoenix, Denver, Chicago, and Detroit—reported that local officials serve on the state planning board. Cities which provided testimony, suggestions or information include Phoenix, San Francisco, Aurora, Oak Park, Toledo and Philadelphia. Fifty-seven percent of the responding cities did not participate in the enforcement program planning process; three cities did not respond.

Following are some of the city officials' comments on city involvement in the state planning process.

Washington, D.C.: "The District of Columbia performs both city and state level functions for block grants. As such the District government has been involved in all aspects of the planning."

Los Angeles: "Local input into setting the statewide strategy only allows for perfunctory input. It is perfectly clear that staff has already determined their program priorities and the local planning and distribution process in advance of this ritual . . . . It appears evident that Los Angeles City will not fare well with the state in determining local priority planning tailored to meet our needs, or in receiving assurance of any funding." (From testimony given by the Director of the City of Los Angeles Criminal Justice Planning Office before the Select Committee on Narcotics Abuse and Control, U.S. House of Representatives, March 2, 1987.)

Pittsburgh: "All of our involvement took place at the county level, according to state guidelines. In Pennsylvania, counties must apply for funds. We worked with the Allegheny County Department of Planning on a concept paper and proposal. We served on a planning board, submitted suggestions and wrote sections dealing with our requests."

Toledo: We "submitted suggestions for the state plan based upon the results of a local survey (and) set up a special committee of the Criminal Justice Coordinating Council to provide input to the state and review local grant applications."

Boston: "The City of Boston worked closely with the Governor's Alliance on education proposals, with the Secretary of Human Services on treatment programs and with the Office of Public Safety on enforcement programs."

STATE ADMINISTRATION OF THE BLOCK GRANT PROGRAMS

The city officials were asked to rate their state's administration of the block grant programs for education, treatment and enforcement in terms of its responsiveness to addressing the illegal drug problem in their city. The rating was on a scale of one to five, with one being poor and five excellent. It should be noted again that the District of Columbia performs both city and state level functions in the administration of the block grant programs.

For education programs, 60 percent of the responding cities gave their states a poor rating (a rating of one or two on the scale). Twenty percent of the cities gave their state a rating of three. Five cities—Aurora, Washington, D.C., Boston, Charleston and Houston—rated their states' administration of the education block grant as good (giving them a rating of four or five).

For treatment programs, 40 percent of the responding cities gave their states a poor rating of one or two. Twenty-eight percent (six) of the cities rated their state's administration of the treatment block grant as good (a rating of a four or five): Washington, D.C., Boston, Toledo, Charleston, Houston and Milwaukee. Thirty-two percent of the cities gave their states a rating of three for their administration of the treatment block grant.

In the enforcement area, 46 percent of the cities gave their states a poor rating (of one or two) for block grant administration. One-fourth of the cities rated their states' administration of the enforcement block grant as a three. Seven cities—Anchorage, Aurora, Washington, D.C., Chicago, New Orleans, Toledo and Charleston—gave their states a good rating (four or five) indicating their administration of the enforcement block grant had been responsive to their needs.

THE GRANT-IN-AID SYSTEM—RESPONSIVE TO CITY NEEDS?

Officials in two-thirds of the responding cities indicated that the grant-in-aid system (primarily state block grants) established through the Anti-Drug Abuse Act of 1986 is not responsive to their cities' needs. Included among these cities are Birmingham, Anchorage, Los Angeles, San Diego, Savannah, Chicago, New Orleans, Oak Park, Plainfield, Trenton, Cleveland, Philadelphia, Pittsburgh, York, Charleston, Tacoma, Milwaukee and San Juan. One-third of the cities felt that the system was responsive. They include Oxnard, Aurora, Washington, D.C., Dunedin, Boston, Newton, Kansas City, Toledo, El Paso and Houston.

In responses to an open-ended question, twelve cities suggested that providing funds directly to cities rather than through the states would make the Anti-Drug Abuse Act more responsive to their needs. Among their comments:

Birmingham: "Don't send it to the state first. Have it be direct from the federal government to localities. States will spend much of the funds in other areas."

Anchorage: "There should be direct funding of local governments."

Los Angeles: "Provide a mini-block grant or pre-determined set-aside that would ensure we receive a proportionate allocation."

Chicago: "Funds should come directly to cities."

New Orleans: "Money should be sent directly to the program providing the service."

Boston: "It's hard to judge from the first year, given federal delays and start-up needs. However, entitlements for large cities might be preferable."

Tacoma: "The state seems to have too much control over how these monies are allocated and the purposes for which they are to be used. Perhaps we should look at the feasibility of providing these block grant monies directly to each city. Then, the cities could more easily formulate a comprehensive plan to allocate monies to be used in all facets (education, treatment and enforcement) of the war against drugs."

City officials made other suggestions regarding the administration and funding of the Anti-Drug Abuse Act that would make it more responsive to their needs:

Jamestown: There should be "more time between the RFP and application due dates. There is not enough time to respond to grant availability in many instances."

Toledo: There should be "greater lead time for the application of discretionary funds, and increased discretionary funding at the state level and less discretionary funding available at the federal level, which is too far removed from the local problems for an accurate assessment of need."

San Francisco: "The processing time has been extremely lengthy. School officials complain about the state formula used for allocations. Also funds for enforcement programs are based on a statewide competition. This process may be overly political."

Oak Park: There should be "additional funds to allow for individual city or agency projects and narcotics enforcement efforts. While the value of multi-jurisdictional units is apparent, funding levels and funding guidelines which exclude consideration of local programs must be changed to be responsive to local needs."

Trenton: There should be "full funding for treatment through the State Department of Health. . . . Inner city needs are overwhelming. There should be an awareness by the county and state agencies of the inner city crisis and an immediate response to our needs."

Milwaukee: "Milwaukee is one of the highest risk areas for misuse and abuse of drugs, yet it receives a disproportionately low amount of funds allocated by the state."

APPENDIX

THE DRUG FREE SCHOOLS AND COMMUNITIES PROGRAM FUNDS RECEIVED BY OR COMMITTED TO RESPONDING CITIES AS OF OCT. 1, 1987

City and program	Amount	Grantor
Anchorage: Public school drug prevention/education (K–12th grade).	$206,000	State.
San Diego: Public school drug prevention/education	[1] 205,000	Do.
Aurora: Public school needs assessment and drug education.	[1] 52,000	Do.
Washington, DC:		
Public school prevention/education	556,850	Federal.
Prevention/education for young residents of public housing.	[1] 119,325	Do.
Community drug education	[1] 119,325	Do.
Macon: Public and private school prevention/education (6th and 8th grade).	[1] 63,000	State.
Springfield: Public and private school prevention/intervention.	43,656	Federal.
New Orleans:		
Prevention/education for young people	25,000	State.
Prevention/education for young residents of public housing.	25,000	Do.
Do	25,000	Do.
Do	25,000	Do.
Support group for young people	40,000	Do.
Boston:		
Community drug education	35,000	Federal.
Public shool drug education (5th and 6th grade).	167,000	State.
Detroit: (no data provided.)		
Kansas City:		
Public and private school prevention/education program (K–12th grade).	[1] 106,455	Do.
Staff support for school substance abuse program.	[1] 35,000	Do.
Toledo: Public school prevention/education	[2] 153,000	Do.
Philadelphia:		
Public school prevention/education	[1] 148,000	Do.
Do	480,000	Do.
Houston:		
Substance abuse education for high risk youth	[2] 33,350	Do.
Interventive counseling for high risk youth	[1] 64,600	Do.
Community school based program for children of substance abusers.	[2] 58,785	Do.
Community school based program for children	[1] 70,000	Do.
Do	[1] 61,893	Do.
School based student assistance	[2] 48,751	Do.
Do	[1] 70,000	Do.
Primary prevention program	[2] 70,000	Do.
Do	[1] 69,851	Do.
Community drug education	[2] 44,958	Do.
Tacoma: School prevention/education	[1] 52,000	Do.
Amount committed directly by Federal Government	874,156	
Amount committed through State government	2,399,643	
Total amount committed	3,273,799	
Amount received directly from Federal Government	600,506	
Amount received through State government	419,573	
Total amount received	1,020,079	

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[1] Funds which have been committed but not received by Oct. 1, 1987.

[2] A portion, but not all, of these funds have been received as of Oct. 1, 1987.

ALCOHOL AND DRUG TREATMENT PROGRAMS FUNDS RECEIVED BY OR COMMITTED TO RESPONDING CITIES AS OF OCT. 1, 1987

City and program	Amount	Grantor
Birmingham: Outpatient treatment	$200,000	State.
Phoenix:		
Outpatient counseling	[1] 72,000	Do.
Prevention program for youth	[1] 30,000	Do.
Residential treatment for youth	[1] 30,000	Do.
Residential treatment	[1] 50,000	Do.
Residential treatment for minorities	[1] 50,000	Do.
Residential treatment for the hearing impaired	[1] 5,000	Do.
San Francisco: Various treatment programs	[1] 550,000	Federal.
Washington, DC:		
Alcoholism outreach and treatment	[1] 224,786	Do.
Vocational rehabilitation services	[1] 63,369	Do.
Family treatment	[1] 177,362	Do.
Medical care for drug abuser	91,289	Do.
Detroit (No data provided.)		
Kansas City: Extended stay residential care for substance abusers.	[1] 58,795	State.
Toledo:		
Detoxification center	[1] 112,840	Do.
Indigent care for juvenile drug abuse offenders	[1] 60,941	Do.
Philadelphia: Treatment of State parolees	[1] 160,000	Do.
El Paso: Treatment/education for youth	58,488	Do.
Houston:		
Outpatient treatment and support	[2] 94,000	Do.
Do.	[2] 64,838	Do.
Do.	[2] 64,600	Do.
Outpatient treatment	[2] 240,000	Do.
Residential treatment for adolescent inhalent abusers.	[1] 75,600	Do.
Tacoma:		
Adolescent treatment program	[1] 98,000	Do.
Early childhood substance abuse prevention	[2] 250,000	Federal.
Vocational opportunity training and education	125,000	State.
Total committed directly by Federal Government	1,356,806	
Total committed through State Government	1,650,102	
Total committed	3,006,908	
Total received directly from Federal Government	216,289	
Total received through State Government	183,488	
Total received	399,777	

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[1] Funds which have been committed but not received by Oct. 1, 1987.

[2] A portion, but not all, of these funds have been received as of Oct. 1, 1987.

STATE AND LOCAL ASSISTANCE FOR NARCOTICS CONTROL PROGRAM FUNDS RECEIVED BY OR COMMITTED TO RESPONDING CITIES AS OF OCT. 1, 1987

City and program	Amount	Grantor
Birmingham: Street sales enforcement	[1] $180,000	Federal.
Los Angeles: Focused substance enforcement unit	[1] 300,000	Do.
Aurora and Denver: Focused substance enforcement unit.	[1] 300,000	Do.
Washington, DC:		
Drug enforcement clearinghouse	50,000	Do.
Investigative unit	94,010	Do.
Automated management information system	105,990	Do.
Correctional facility treatment program	300,000	Do.
Parolee program	250,000	Do.
Chicago: Enforcement programs	[1] 1,080,000	State.
Detroit (no data provided.)		
New York: Enforcement programs	[1] 2,956,946	Do.
Toledo: Regional narcotics task force	[1] 138,968	Do.
Philadelphia: Coordinated drug effort including enforcement and criminal justice systems.	[1] 2,250,000	Do.
El Paso: Multicounty enforcement unit	[1] 900,465	Federal.
Houston: Focused substance enforcement unit	[1] 300,000	Do.
Seattle: Enforcement management effort	[1] 356,753	Do.
Total committed directly by federal government	3,137,218	
Total committed through State government	6,425,914	
Total amount committed	9,563,132	
Total received directly from Federal Government	800,000	
Total received through State government	0	
Total amount received	800,000	

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[1] Funds which have been committed but not received by Oct. 1, 1987.

U.S. CONFERENCE OF MAYORS,
Washington, DC.

IMPLEMENTATION OF THE ANTI-DRUG ABUSE ACT OF 1986 ONE YEAR AFTER ENACTMENT

I. The drug problem in your city:

1. What was the total number of arrests made by your police department during 1986? What was the total number of these arrests for drug violations made by your police department in 1986? What was the total number of these arrests made by personel in your police departments' narcotics unit during 1986? What percentage of your police department's budget was devoted to the narcotics unit in 1986? Please estimate the percentage of your police department's budget spent by all units on enforcement of drug violations?

2. How many people in your city are currently receiving treatment in either public or private facilities for drug abuse? Are there waiting lists for drug abuse treatment in your city? Yes —— No ——. If yes, how many people are on the list(s) —— and what is the average, estimated wait for an individual in weeks?

3. List in order the three illegal drugs most frequently involved in drug-related arrests in your city? (1) —— (2) —— (3) ——.

II. Funding received through programs established by the Anti-Drug Abuse Act of 1986:

4. Please check below the areas of the Anti-Drug Abuse Act of 1986 for which funding has been committed to or received by public or private agencies in your city as of October 1, 1987?

	Committed	Received
Education programs		
Treatment programs		
Enforcement programs		

Please complete the information requested on the attached sheet for each program funded.

5. Have public or private agencies in your city applied for funds under the Anti-Drug Abuse Act of 1986 which, as of October 1, 1987, are still pending or have been denied? Yes —— No ——. If so, please indicate

the type of funds pending or denied and whether the application was made to the federal government or the state by completing the chart on the next page.

APPLICATIONS NOT FUNDED AS OF OCT. 1, 1987

	Denied		Pending	
	Federal	State	Federal	State
Education programs				
Treatment programs				
Enforcement programs				

III. Involvement with state planning process:

6. Has your city government been involved in the development of your state's anti-drug abuse plans for education, treatment or enforcement? Please respond on the chart below.

	Yes	No
Education programs		
Treatment programs		
Enforcement programs		

If yes, please describe the type of involvement (i.e. served on planning board, submitted suggestions for state plan, etc.), and the specific local agency that was involved.

7. Please rate your state's administration of the block grant programs for education, treatment and enforcement established through the Anti-Drug Abuse Act of 1986 in terms of its responsiveness to addressing the illegal drug problem in your city.

Education programs	1 Poor	2	3	4	5 Excellent
Treatment programs	1 Poor	2	3	4	5 Excellent
Enforcement programs	1 Poor Poor	2	3	4	5 Excellent

8. Do you believe that the grant-in-aid system (primarily state block grants) established through the Anti-Drug Abuse Act of 1986 is responsive to your city's needs? Yes   No   . Please describe any legislative amendments that would make the Act more responsive to your needs?

Please describe any administrative changes that would make the Act more responsive to your needs?

Please provide the following information for each program in your city which has received funding or a commitment of funding through the Anti-Drug Abuse Act of 1986:

Name of program
Type of program (treatment, enforcement, education)
Amount of funding received as of October 1, 1987
Amount of funding committed as of October 1, 1987
Granting agency (specify Federal or State)
Date program began or will begin
Short description of program

Name of program
Type of program (treatment, enforcement, education)
Amount of funding received as of October 1, 1987
Amount of funding committed as of October 1, 1987
Granting agency (specify Federal or State)
Date program began or will begin
Short description of program

Name of program
Type of program (treatment, enforcement, education)
Amount of funding received as of October 1, 1987
Amount of funding committed as of October 1, 1987
Granting agency (specify Federal or State)
Date program began or will begin
Short description of program

[From the New York Times, Oct. 26, 1987]

U.S. DRUG "CRUSADE" IS SEEN AS UNDERMINING ITSELF

(By Peter Kerr)

WASHINGTON, Oct. 25.—One year after President Reagan declared a "national crusade" against illegal drugs, critics say the effort has been stymied by poor coordination and the failure of the Administration to follow through.

"There is no major drug crusade," said Senator Alfonse M. D'Amato, Republican of New York, who is one of several Congresional critics. "It is a sham."

Administration officials point to achievements, including a sharp increase in manpower at Federal law-enforcement agencies and increases in arrests and drug seizures. For example, the Customs Service seized more than 86,000 pounds of cocaine in the past year, up 60 percent from the year before.

And Administration spokesmen say the President and Mrs. Reagan have helped shift public attitudes through public appearances and by encouraging employers and schools to fight drug abuse.

But in recent interviews, former Administration officials, members of Congress, drug treatment and education specialist and academic experts pointed to examples of poor planning and coordination that they said undermined the anti-drug effort. Among them are these:

Less than three months after the President signed a bill authorizing $1.7 billion in new money for anti-drug programs in 1987, the White House proposed cutting back money for treatment, education and local law enforcement for 1988.

Although the campaign sent a new wave of offenders into the Federal prisons, no one had prepared for the resulting overcrowding, which threatens to interfere with enforcement activities. The Federal system, designed to hold 28,000 prisoners, is already at 160 percent of capacity and expects 72,000 prisoner by 1992. Only now is the Administration considering doubling prison capacity, which could take years.

A year after the President set a goal of increasing the spaces in drug treatment programs, experts say the programs still can only treat a small fraction of the half million intravenous drug users in the United States. In some cities addicts must wait up to a year to get into programs. Treatment providers say Federal cutbacks and regulations are hampering attempts to expand programs and contain the AIDS virus, which is being spread by addicts who share needles.

Experts in preventing drug use say not enough is being done to assure that $200 million allocated for drug education last year is being used to establish effective programs in primary and secondary schools. Research indicates that the wrong type of curriculum can be ineffective or even harmful.

The Justice Department never established 24 task forces to fight the use of crack, a highly addictive form of cocaine, after their creation was announced last fall by Attorney General Edwin Meese 3d. And the White House Conference on Drugs, a gathering of experts that had been scheduled to report on anti-drug stategies last spring is just beginning its work.

Congressional studies contend that the National Drug Policy Board, the body established to coordinate Federal drug efforts, has not been able to resolve interagency conflicts that have limited the effectiveness of some programs. The Coast Guard and the Customs Service, for example, were locked in a jurisdictional battle over smuggling for more than a year.

"It was an Administration without adult supervision," said Deborah Steelman, a former associate director of the Office of Management and Budget who left the White House earlier this year "Over all, the details were left to implement themselves."

BETTER COORDINATION NOW

Administration officials say that problems in coordinating national antidrug programs have troubled the Federal Government for a quarter of a century and that they have done more to improve anti-drug efforts than any of their predecessors.

"You have better coordination now you have more progress and you have more cooperative activity taking place now than you ever had in the history of the Government," Mr. Meese said in a recent interview.

The Anti-Drug Abuse Act of 1986 that President Reagan signed last Oct. 27 provided $1.7 billion in Federal funds in addition to the $2.2 billion already spent each year, to improve enforcement, treatment and education programs. It also toughened sentences for drug violators. Several weeks earlier the President ordered widespread drug testing of Federal employees.

According to former White House aides, the Reagan drug policy was forged in the heat of a highly political summer when crack was appearing in enormous quantities in city streets, and two major sports stars died of cocaine overdoses.

DRUGS AS POLITICAL ISSUE

Although no one doubted that the Reagans were genuinely troubled by drug abuse, it was also true that polls showed the drug issue had a particular resonance with voters. The Democratic leadership in Congress was calling for major new drug legislation and the President's political advisers felt the Administration should make drugs its premier issue as it faced the fall Congressional campaign.

"The Democratic Party had finally found its legs and was prepared to take some measures—we couldn't let them take the issue," said Mitchell E. Daniels Jr., the former political director of the White House.

But in the weeks after Mr. Reagan signed the anti-drug bill, some of the most important decisions about the drug crusade—how much money each program would receive in the following year—were left to mid-level fiscal experts in the Office of Management and Budget who were not specialists in drug issues.

Ms. Steelman, who was in charge of determining financing levels for drug education and treatment, said she received little guidance from superiors. Her main concern, she recalled, was to keep the budget in line.

CUTS TERMED 'AN AFFRONT'

"The people on my level, the program associate directors, were on our own," Ms. Steelman said. "When you have $460 billion to deal with, you can't really look closely at

$100 million. You can't spend enough time on everything you like to."

Ms. Steelman's recommendations for cuts in spending on drug programs for the 1988 fiscal year were approved by the President, but brought a torrent of criticism from Congress.

Representative Charles B. Rangel, a New York Democrat and chairman of the Select Committee on Narcotics Abuse and Control, called the cuts an affront and said they "seriously call into question the Administration commitment to an effective national drug abuse strategy."

In the weeks following the signing of the drug bill the White House became enmeshed in the Iran-contra scandal, and aides recall that discussion of the drug issue quickly waned. Many top aides, including Dr. Carlton Turner, the chief aide on drug policies, soon left.

Responsibility for putting dozens of new programs into effect fell to administrators in dozens of agencies, from the Central Intelligence Agency to the Bureau of Indian Affairs.

LEGAL EFFORTS AND PRISONS

Many programs experienced delays, including the plan to test Federal employees in "critical" jobs for drug use. With the exception of the Department of Transportation, Federal agencies are mostly still months away from beginning to test employees.

Nonetheless, the 1986 Drug Law resulted in the hiring of thousands of new Federal agents and a buttressing of efforts to stop drugs on the nation's borders. Drug arrests have risen significantly, officials say. Federal law-enforcement agencies have a far greater presence along the Mexican border, and those arrested face stiffer penalties.

"We are making some real progress," said Michael H. Lane, Deputy Commissioner of the Customs Service. "We are doing more now than we ever have before."

One result, however, is that a new wave of offenders is pouring into the Federal prisons, overwhelming facilities that were already crowded, according to a recent study by the United States Sentencing Commission, an independent Federal agency.

The Federal prison system, with a capacity of 28,000 prisoners, now has 44,000. The commission estimated that by 1992 the prisons will hold from 72,000 to 79,000 prisoners, and by 1997 the prison population could grow to 118,000.

Federal law-enforcement officials have expressed concern that their efforts will be jeopardized by a backup in the judicial system and a reluctance of judges to send convicts to prison.

The Justice Department estimates that at least half the convicts entering the system will be drug violators by the end of this decade. The bill allocated money to create only 2,400 new prison spaces, a process that will take at least three more years to complete.

THE DEMAND FOR TREATMENT

Despite the President's stated commitment to expanding drug-abuse treatment centers around the country, providers say publicly financed drug treatment is woefully inadequate to meet demand. The $231 million in additional funds allocated under the drug bill last year, they say, will have only a small effect on the extreme shortage of space in programs. And experts say some Federal rules and regulations have seriously limited the ability of programs to expand.

Last year, publicly financed programs were able to treat 100,000 of the estimated 500,000 to 1.2 million intravenous drug users in the nation, according to Diane Canova, a spokesman for the National Association of State Alcohol and Drug Abuse Directors.

Waiting lists for people seeking to enter drug treatment range up to one year in some cities, partly as a result of a reduction in Federal financing of drug treatment programs between 1981 and last year.

A lack of drug treatment spaces could turn out to be a major failure in efforts to contain the AIDS virus, health experts say. The virus is being spread at an alarming rate in poor neighborhoods by addicts who share needles and have sexual contact with non-addicts.

NO AID FOR CONSTRUCTION

The announcement that the Administration planned to cut back the additional financing in 1988 made many treatment centers reluctant to use last year's money to start new programs, Ms. Canova said, since operators were not sure how they would pay for them in the future.

Another problem was that the Federal aid could not be used to construct new buildings, Ms. Canova said. That is a critical limitation because residential programs must expand living quarters to bring in more patients.

In addition, Federal regulations require methadone programs, which give addicts a substitute for heroin, to offer counseling and other support services that are desirable but not essential. Operators of methadone programs say they could bring thousands of additional addicts into treatment if those regulations were changed.

Dr. Donald Ian McDonald, director of the White House Drug Abuse Policy Office, said the Administration has decided it will change the methodone regulations. But, critics charge, the Administration's slow response to the issue reflected a lack of attention to small but critical details.

"There has been a failure by this Administration," said Paul N. Samuels, executive vice president of the Legal Action Center, a public interest law firm that specializes in drug abuse issues, "to examine existing laws and regulations to determine ways in which treatment could be expanded without increasing appropriations."

PREVENTION AND EDUCATION

Academics who have studied drug prevention education programs voice another concern: that the Department of Education has not done enough to ensure that the money for drug education is financing effective programs.

Studies of drug prevention programs over the last 15 years show that many are ineffective and some that supply detailed information on drugs may stimulate use among curious teenagers.

"All too often what happens is that states or school districts follow what they think are good ideas but ones that aren't based on empirical research," said Dr. David M. Murray, associate professor of public health of the University of Minnesota. "And generally most things don't work. You can get a lot of activity and not a lot of results."

The Education Department issued a booklet last year that included suggestions for drug education, but Dr. Murray and other researchers urged that the department institute curriculum guidelines using Federal money.

John P. Walter, an assistant to the Secretary of Education, said the department shared the researchers' concern about curriculum and was planning to review the issue. But he said getting parents and communities to support the anti-drug lessons learned in schools was of paramount concern.

It is in changing public attitudes that Administration spokesmen say they may have had their greatest successes. They say the appearances by Nancy Reagan and the President, their support of parents' groups, their "Just Say No" programs and their encouragement of companies to adopt drug testing has helped make the use of illegal drugs less acceptable. It is a view shared by some experts outside the Government.

"The Administration has been remarkably successful in changing attitudes and norms," said Mark H. Moore, a professor of criminal justice policy at Harvard University's John F. Kennedy School of Government. "The President's public role has legitimized the drug issue."

QUESTIONS OF LEADERSHIP

Since the drug bill was signed, a main topic of debate between Administration officials and Congressional critics has been: Who is responsible for making Federal drug efforts work?

The job of coordinating the Federal agencies involved is assigned to the Federal Drug Policy Board, an interagency group headed by the Attorney General.

But recent reports by the General Accounting Office and by the House Committee on Government Operations have charged that responsibility for drug policy is diffuse and overlapping. The House study found that the board was unable to resolve jurisdictional disputes that delayed the implementation of studies and programs. The Congressional study also said the board did not regularly review budgets for drug programs, and did not assess which programs work and which do not.

In recent interviews, Dr. McDonald, Attorney General Meese, Associate Attorney General Stephen S. Trott and other Justice Department officials who work with the board could not give an example of one Federal program that they had found lacking in the past two years, or one for which they wished to reduce financing.

However, Mr. Meese and his assistants said the House report was unfairly critical. The board, they said, has greatly increased its effectiveness this year by including representatives of more agencies and designating "lead" agencies for various tasks.

The Attorney General said, however, that the Administration preferred to let administrators work out policy disputes rather than impose decisions from above.

"This is something that has to be done by the heads of executive departments—we are the people who know what is happening out there," Mr. Meese said. "Most of the things that happen in Government the White House doesn't get involved in. I think when the White House has gotten involved you have had some disasters Arms transfers to Iran come to mind."

COCAINE UPDATE FOR NEW YORK STATE

Every indication shows that cocaine activity throughout New York State is increasing and the consequences are growing in severity. The impact of Crack—a form of cocaine processed for smoking—is particularly profound. The following data, drawn from indirect indicators and street studies, highlight findings for New York City and the rest of the State.

New York City cocaine emergency room episodes (N.Y. SMSA) [1]

1984 episodes:	
1st quarter	658
2d quarter	630
3d quarter	606
4th quarter	578
1985 episodes:	
1st quarter	644
2d quarterquarter	625
3d quarter	693
4th quarter	767
1986 episodes:	
1st quarter	912
2d quarter	1,052
3d quarter	1,242

[1] Imputed data from Drug Abuse Warning Network (DAWN).

These cocaine-involved episodes represent experience reported by a panel of 42 hospitals located in the New York SMSA. Cocaine-involved emergency room reports for these hospitals showed little change between 1982 and 1984 (from 2,227 to 2,472). In 1985, the number of reports increased 10 percent compared to 1984 (from 2,472 to 2,729). By 1986, however, a dramatic upsurge in cocaine-involved emergency room episodes was taking place. Between the first nine months of 1985 and the comparable period in 1986, the number of these episodes increased 63 percent—form 1,962 to 3,206.

Although these data are reported by DAWN for hospitals that have been consistently reporting for the time period shown, sometimes particular hospitals are excluded or included for the whole time period for a variety of reasons. Thus, exact numbers of emergency room episodes may change from time to time over the period shown.

DEATHS DUE TO COCAINE ABUSE [1]

	1983	1984	1985	1986
Deaths	7	92	196	[2] 287

[1] New York City Department of Health.
[2] Estimate.

Similar to the trend emergency room episodes, deaths involving cocaine use are mounting. Between 1985 and 1986, the number increased 46 percent from 196 to an estimated 287. The number estimated for 1986 consists of 154 deaths due to cocaine alone and 133 due to heroin and other drugs—the vast majority of these deaths involving heroin and cocaine.

LIVE BIRTHS TO MOTHERS REPORTING USE OF COCAINE DURING PREGNANCY [1]

	1979	1980	1981	1982	1983	1984	1985
Births with cocaine reported	83	106	106	184	266	482	628
Percent of all births with drug use reported	11	13	15	23	30	44	51

[1] New York City Department of Health, Bureau of Vital Statistics.

The New York City Department of Health records births to mothers indicating drug use. Over time, there has been an increasing number of mothers indicating cocaine use during pregnancy. In 1979, 11 percent indicated cocaine use; by 1985 51 percent indicated cocaine use. Preliminary findings for 1986 and 1987 show even greater increases. Thus far, in 1987, more than 75 percent of these mothers indicated the use of cocaine—especially Crack—during pregnancy.

ARRESTS INVOLVING COCAINE [1]

	1983	1984	1985	1986
Cocaine arrests	5,496	5,651	7,364	14,987
Cocaine arrests as percent of all drug arrests	29	30	33	54

[1] Narcotics Division of New York Police Department.

The Narcotics Division of the New York Police Department makes a substantial proportion of the drug-involved arrests in the City. In the last few years, cocaine-involved arrests have become an increasing proportion of the Division's activity—from 5,496 cocaine-involved arrests or 29 percent of all drug arrests in 1983 to 14,987 cocaine-involved arrests or 54 percent of all drug arrests in 1986. Furthermore, Crack has become an increasing proportion of cocaine arrests. In 1986, 67 percent of cocaine arrests involved Crack. These trends continue into 1987. In the first three months of 1987, 55 percent of the Division's arrests involved cocaine and 71 percent of the cocaine arrests involved Crack.

Treatment admissions with cocaine as primary drug of abuse [1]

1984 admissions:	
1st quarter	705
2d quarter	875
3d quarter	778
4th quarter	801
1985 admissions:	
1st quarter	855
2d quarter	795
3d quarter	1,253
4th quarter	1,445
1986 admissions:	
1st quarter	1,705
2d quarter	1,910
3d quarter	2,426
4th quarter	2,099
1987 admissions: 1st quarter	2,169

[1] N.Y.S. Division of Substance Abuse Service, Bureau of Management Information Services.

The number of treatment admissions to state-funded treatment programs in New York City with cocaine as the primary drug of abuse has been increasing steadily. Between 1985 and 1986, however, the increase was most striking—an increase of 87 percent from 4,348 to 8,140 admissions to state-funded programs with cocaine as the primary drug of abuse. Contributing to the increase is the growing proportion of clients indicating smoking as the primary route of administration. In the fourth quarter of 1985, 43 percent indicated smoking; by the first quarter of 1987, 65 percent of cocaine admissions indicated smoking as the primary route.

The majority of these admissions reported at least one other drug of abuse in addition to cocaine—marijuana ranked first, followed by alcohol and heroin.

STREET STUDIES

Crack continues to be a very popular drug sold on the streets of New York City. The Street Research Unit of the Division of Substance Abuse Services conducted a study of the major Crack copping areas in December 1986, and found the drug sold throughout the City. The main findings of the study are the following:

In Manhattan, the sites judged to be the major Crack copping areas are generally the major copping areas for all drugs, such as Harlem and the Lower East Side. In the other boroughs, however, there are locations that are not normally among the major drug copping areas; in fact, some locations were never areas of any drug activity.

More and more inexperienced sellers are observed in the streets. Their methods of selling or approaching their potential buyers make their involvement in drug dealing very noticeable to the observer and to the police. At times, these neophytes may be victims of Crack wholesale bootleggers who may sell them ready-to-sell Crack vials which may contain low quality drug or fake substances. The experienced dealers either produce the Crack themselves or have good association with the wholesaler.

The price for Crack continues to be as low as $5 per vial, but the average buy is between $10 and $20. To promote sales, dealers use a variety of ways to develop a following. They attempt to identify their Crack vials by always using the same color vial top and by adding their own brand name. They often glue the tops of vials or seal sets of vials in heat-sealed plastic bags to prevent runners from "dipping out" of the vials. Also, customers are frequently given five cents for each empty returned. A kind of delivery service is offered by using young teenagers to pick up and deliver vials of Crack.

For some street level dealers, "money laundering" arrangements might be made with small store owners who apparently get commission for their roles. Given the numerous "buys" made by undercover police and the "marked" money used in transactions, dealers are eager to unload their cash to avoid prosecution. Consequently, small store owners are willing to exchange cash for a fee.

The seller on the street is usually an individual who by virtue of economic class and social status is restricted to the areas he or she knows best, mainly to avoid detection. These sellers may also operate base houses and Crack houses which have proliferated in many poor neighborhoods. These operations often exist in apartments that may be raided by police, and then closed down only to be reopened some other place.

Buyers who are poor almost always purchase their drugs locally because they find it difficult to gain admittance to base and crack houses in more affluent neighborhoods. Affluent buyers however have more flexibility and mobility and can purchase their drugs almost anywhere. It is not rare, for instance, to see middle class buyers purchase their Crack from dealers operating in poor neighborhoods. The purchases are usually made while on the street, in an automobile, in a hallway, in an apartment, or in a store. More heterogeneous areas such as Times Square, Greenwich Village, the East Village, and Washington Heights allow for exceptional mixing of the classes.

For more affluent buyers, the new forfeiture law—essentially a car-seizing program—may be causing some changes in their street dealing. The out-of-state buyers among them often park their cars a few blocks from the copping locations and take taxis to do their buying. Others stash drugs in outside parts of their cars where the police do not usually search. For instance, metal or rubber bumper guards are made hollow and conditioned for temporary storage of drugs.

THE REST OF THE STATE

Although few data sources exist for monitoring cocaine activity in the areas of the State outside New York City, those that do exist indicate the wide prevalence of cocaine use in the rest of the State.

Arrests involving opiates, cocaine and derivatives [1]

Arrests:	
1979	1,225

1980	1,928
1981	2,322
1982	3,379
1983	3,923
1984	4,692
1985	6,065
1986	8,531

[1] Source: Reports N.Y.S. Division of Criminal Justice Services (DCJS) Annual Reports.

Since 1979, arrests including cocaine and opiates made outside New York City have increased seven-fold (from 1,225 in 1979 to 8,531 in 1986). Between the two most recent years, 1985 and 1986, the number increased 41 percent, from 6,065 to 8,531.

Treatment admissions with cocaine as primary drug of abuse, outside NYC[1]

1984 admissions:	
1st quarter	452
2d quarter	436
3d quarter	547
4th quarter	568
1985 admissions:	
1st quarter	604
2d quarter	622
3d quarter	655
4th quarter	767
1986 admissions:	
1st quarter	854
2d quarter	924
3d quarter	1,166
4th quarter	1,192
1987 admissions: 1st quarter	1,288

[1] N.Y.S Division of Substance Abuse Services, Bureau of Management Information Systems.

Treatment admissions to programs located in areas outside New York City also illustrate the progression of the cocaine problem. Admissions with cocaine as the primary drug of abuse increased from 1,215 in 1983 to 2,003 in 1984 and 2,648 in 1985. In 1986, the number of cocaine admissions reached 4,136, an increase of 56 percent over 1985.

By the first three months of 1987, 31 percent of these cocaine admissions in the rest of the State reported smoking as the major route of administration, but 53 percent reported intranasal use and 14 percent reported intravenous use. Among cocaine admissions to DSAS-funded programs 46 percent in the Finger Lakes Region, and 34 percent in the Hudson Valley reported smoking as the major mode of use.

Cocaine admissions to DSAS-funded programs outside New York City have rapidly become a significant proportion of all admissions to treatment. The upward trend is similar to New York City programs. The following table shows the comparative growth in the past few years:

ADMISSIONS WITH COCAINE AS THE PRIMARY DRUG OF ABUSE AS A PERCENTAGE OF ALL ADMISSIONS

[In percent]

	DSAS-funded programs in New York City	DSAS-funded programs in the rest of the state
1981	6.0	3.9
1982	7.1	5.4
1983	9.1	8.7
1984	15.1	14.1
1985	19.6	18.3
1986	33.6	26.1
1987 (first quarter)	37.2	29.6

MINI-DAWN PILOT PROJECT

A drug-involved emergency room reporting effort is being piloted for one year in 10 hospitals in the Upstate New York counties of Cattaraugus, Onondaga and Rensselaer. In the first three months of 1987, cocaine was found as the second most frequently mentioned drug in these episodes, following tranquilizers and related substances. Of the 339 drug-involved emergency room episodes, 89 involved cocaine.

A second important finding concerns the route of administration indicated for cocaine-involved episodes. Of these 89 emergency room reports, 33 percent of the patients had injected the cocaine, 17 percent snorted, 15 percent smoked, and for 35 percent of the patients the route of administration was unknown. The large proportion of cocaine injectors is disturbing, especially because of the implications for the spread of AIDS.

CHARACTERISTICS OF IDENTIFIED COCAINE ABUSERS

Demographic characteristics of admissions to treatment programs with cocaine as the primary drug of abuse indicate how cocaine abuse has spread to a large cross-section of the population.

New York City

Although males dominate treatment admissions with cocaine as the primary drug, females were a growing proportion in 1986. In 1986, about 66 percent of cocaine admissions to New York City treatment programs were males and 34 percent were females. In the first three months of 1987, however, 68 percent were males and 32 percent were females.

Blacks continue to represent the majority of treatment admissions with cocaine as the primary drug of abuse, followed by Hispanics. By the first three months of 1987, blacks represented 63 percent of cocaine admissions, Hispanics were 19 percent, and whites 17 percent.

In recent months, a growing proportion of admissions have been younger in age. In 1985, for instance, 45 percent of these admissions were 25 years or younger; by the first three months of 1987, 53 percent were 25 years or younger.

Rest of the State

Cocaine admissions to programs outside New York City show a small increase in the proportion of females. In 1985 about 29 percent of cocaine admissions to treatment programs located outside New York City were females and 61 percent were males. By the first three months of 1987, 31 percent were females and 69 percent were males.

Whites constituted the largest proportion of admissions with cocaine as the primary drug of abuse followed by blacks and Hispanics. In the first three months of 1987, whites represented 64 percent of this admissions, blacks 30 percent, and Hispanics 4 percent.

In recent months, a growing proportion of these admissions have been older in age. In the first three months of 1987, 52 percent were 26 years and older.

Across the Nation

Cocaine continues to be the drug of choice throughout the country. Cocaine-involved emergency room episodes now exceed those involving heroin, but deaths due to a combination of cocaine and heroin are increasing.

Although Crack is not quite as popular in other cities as it is in New York City, "smoking" cocaine is certainly increasing. The process of converting cocaine HCL to freebase is well known, and many users prefer doing it themselves.

HEROIN UPDATE FOR NEW YORK STATE

Heroin activity in New York State had been showing exceedingly high levels in recent years. In 1986 and into 1987, heroin indicators have remained relatively stable. The following evidence drawn from regularly monitored data sources highlights the trends in New York City as well as the rest of the State, and underscores the impact the heroin problem continues to exert in the State.

New York City heroin/morphine emergency room episodes (N.Y. SMSA)[1]

1983 episodes: 4th quarter	1,183
1984 episodes:	
1st quarter	969
2d quarter	731
3d quarter	723
4th quarter	774
1985 episodes:	
1st quarter	801
2d quarter	719
3d quarter	819
4th quarter	869
1986 episodes:	
1st quarter	789
2d quarter	786
3d quarter	772

[1] Imputed data from Drug Abuse Warning Network (DAWN) consistent reporters.

Heroin-involved emergency room episodes—based on data from 42 consistently reporting DAWN hospitals in the New York City metropolitan area—show a leveling since 1984. As of 1986, heroin is no longer the leading drug mentioned in DAWN episodes for the New York City metropolitan area panel; cocaine-involved episodes now exceed the number of heroin episodes.

Although these data are reported by DAWN for hospitals that have been consistently reporting for the time period shown, sometimes particular hospitals are excluded or included for the whole time period due to reporting problems. Thus, exact numbers of emergency room episodes may change from time to time over the period shown.

Drug Dependent Mortality[1]

Deaths:	
1980	534
1981	510
1982	528
1983	582
1984	427
1985	512
1986	601

[1] N.Y.C. Department of Health.

Drug-dependent mortality (i.e., mainly deaths due to chronic/acute intravenous narcotism) is reported in the above table. These deaths have fluctuated over the past several years. A low point was reached in 1984 with 427 deaths. Since then the number has been increasing, to 512 in 1985 and 601 in 1986. The specific subcategory showing most increases involves deaths due to heroin and other drugs, mainly cocaine. In 1985, there were 59 such deaths, and in 1986 133 deaths due to heroin and other drugs, mainly cocaine.

Admissions to prison detoxification[1]

1985 admissions:	
1st quarter	3,704
2d quarter	3,682
3d quarter	4,326
4th quarter	3,706
1986 admissions:	
1st quarter	3,641
2d quarter	3,768
3d quarter	4,302
4th quarter	4,117
1987 admissions:	
1st quarter	4,581
2d quarter	4,738

[1] N.Y.C. Department of Correction.

Since the beginning of 1986, admissions of heroin addicts to the New York City Department of Correction's detoxification unit at the Riker's Island facility have been increasing almost steadily. Between the first half of 1986 and the comparable period in 1987, the number of admissions increased 26 percent—from 7,409 to 9,319. Despite the fact that the New York Police Department makes an inordinate number of arrests involving cocaine, a significant proportion of prison inmates are heroin addicts. New York City Correction Commissioner, Richard Koehler, reports that of the 100,000 inmates passing through the city jails, more than 25,000 are addicted to heroin.

Treatment admissions with heroin as primary drug of abuse [1]

1985 admissions:	
1st quarter	3,160
2d quarter	3,032
3d quarter	3,214
4th quarter	3,457
1986 admissions:	
1st quarter	3,123
2d quarter	2,796
3d quarter	2,670
4th quarter	2,634
1987 admissions:	
1st quarter	2,405
2d quarter	2,400
1985 heroin admissions as percent of total admissions:	
1st quarter	60
2d quarter	63
3d quarter	58
4th quarter	57
1986 heroin admissions as percent of total admissions:	
1st quarter	53
2d quarter	49
3d quarter	42
4th quarter	43
1987 heroin admissions as percent of total admissions:	
1st quarter	41
2d quarter	41

[1] N.Y.S. Division of Substance Abuse Services, Bureau of Management Information Systems.

The chart above shows the number of New York City heroin treatment admissions and the percentage of admissions that report heroin as the primary drug of abuse. Heroin admissions to State-funded treatment programs in New York City have been declining over the past few years. These declining admissions are probably related to the fact that most treatment programs, especially methadone programs, have been operating at capacity or above. State-funded programs of all modalities with a capacity of 31,804 in New York City were operating at 102 percent capacity in June 1987. These State-funded methadone programs were operating at a capacity of 105 percent with a census of 25,276 clients in June 1987. A waiting list of 575 names currently exists for methadone programs in the City.

With the dramatically increasing cocaine admissions to drug-free treatment programs in New York City, the proportion of herion admissions to drug-free programs have been declining and are consequently a declining proportion of all admissions to treatment programs. Nevertheless, heroin continues to remain the leading drug of abuse among admissions to treatment programs in New York City; in the first half of 1987, 41 percent of treatment admissions report heroin as the primary drug of abuse.

STREET STUDIES UPDATE

Street findings indicate that heroin is readily available and of very good quality. The Street Research Unit of the Division of Substance Abuse Services reports that white heroin is selling for $10 a bag in most places in the City. The Lower East Side continues as a major heroin copping area with some dealers starting business as early as 6:00 A.M.

A plethora of brands of heroin—with very colorful names—is currently available with differences from borough to borough and location to location. In Manhattan, especially on the Lower East Side, Cobra, Spiderman and Apache are popular brands. In Brooklyn, Rambo-2, Solid Gold and Airborne are some brands of note. In Queens, the names are Top Rank, Porsche and Night Shift.

There have been recent reports of very high purity heroin on the streets of New York. Street drug users are quick to praise the quality of the drug that is currently available. Also of concern are the reports from the Connecticut Department of Health of a rash of deaths of intravenous drug users—24 between May 31 and July 1. Tests reveal that heroin and cocaine were involved in at least 22 of the deaths. Samples of street heroin in Connecticut show purity levels as high as 51 percent in places where purities usually range between 5 percent and 10 percent. Consequently, the Connecticut agency is making announcements to alert drug abusers to the increase in purity of street heroin.

CHARACTERISTICS OF IDENTIFIED HEROIN USERS

The most notable characteristic of identified heroin abusers had been their increasing age. This trend, however, may have stabilized for admissions to treatment. The proportion of heroin admissions to treatment who are 30 years and older had been increasing for several years. In 1977, this group represented 31 percent of heroin admissions; in 1980, 46 percent; in 1983, 59 percent; in 1984, 61 percent; in 1985 and 1986 about 62 percent. In the first half of 1987, this age group represents about 61 percent of heroin admissions.

The sexual distribution continues to be predominantly male, but females have shown some increases in proportion among identified heroin abusers. In 1980, 22 percent of heroin admissions to treatment were female; in 1981, 25 percent were female; in 1983, 27 percent were female; in 1984 and in 1985, 29 percent were female; 1986, 31 percent. In the first half of 1987, however, 30 percent of heroin admissions were females. Among admissions to the Riker's Island detoxification program, women had also been a growing proportion of the total. In 1980, women inmates were 16 percent of program admissions; in 1982, 23 percent; in 1984, 28 percent; but in 1985, a decline to 25 percent of all admissions, in 1986 a further decline to 22 percent, and in the first half of 1987, 19 percent.

As for ethnic distribution, data exist for treatment admissions and for the prison detoxification program. Although blacks had been the modal group, they have been declining in proportion, while Hispanics have been increasing. Early in 1980, blacks represented 48 percent of heroin admissions; by the first half of 1987, blacks represented 30 percent of heroin admissions. In 1980, Hispanics represented 32 percent of treatment admissions with heroin as the primary drug of abuse; by the first half of 1987, Hispanics were 46 percent of these admissions—exceeding blacks as the modal group. Since 1980, the proportion of whites among heroin admissions has also increased, from 20 percent in 1980 to 23 percent in the first six months of 1987. Similarly, among admissions of adults to the prison detoxification unit at Riker's Island, blacks had been the modal group, and now Hispanics represent the leading group. In 1983, blacks were 48 percent of these admissions; by the first 10 months of 1986, blacks represented 40 percent. In 1983, Hispanics were 37 percent of admissions to the prison detoxification units; by 1986, they were 47 percent. During the past few years, whites declined from 15 percent to 13 percent among inmate admissions. As for adolescent admissions to the prison methadone detoxification unit, Hispanics continue to be the majority; in 1986, 59 percent of adolescent admissions were Hispanic, 26 percent were black and 15 percent were white.

Additional trends among admissions to treatment with heroin as the primary drug of abuse include an increasing proportion entering treatment for the first time; in 1986, 25 percent had received previous substance abuse treatment, and by the first half of 1987, 30 percent had received no prior treatment. Also, a declining proportion of heroin admissions are reporting intravenous use as the major route of heroin administration. In 1986, 81 percent reported intravenous use; by the first half of 1987, 74 percent reported this mode. Concomitantly, the proportion reporting intranasal use of heroin is increasing—from 15 percent in 1986 to 22 percent in the first six months of 1987. For the majority of heroin admissions, cocaine continues to be reported as the secondary drug of abuse.

Reported cases of AIDS for intravenous drug users [1]

1984 cases:	
1st quarter	101
2d quarter	120
3d quarter	126
4th quarter	175
1985 cases:	
1st quarter	157
2d quarter	224
3d quarter	206
4th quarter	255
1986 cases:	
1st quarter	279
2d quarter	299
3d quarter	332
4th quarter	343
1987 cases:	
1st quarter	301
2d quarter	328

[1] N.Y.C. Department of Health.

Intravenous drug use is a major risk factor in the spread of AIDS, especially when hypodermic needles are shared. Given the fact that the vast majority of herion addicts use intravenously—many of whom share needles—these drug abusers are at high risk for contracting the disease.

As of mid-June 1987, 36,003 cases of AIDS have been reported nationally, representing an increase of 9,721 reports in the past eight months or 1,215 cases per month. Of the national figure, 10,601 or 29 percent have been reported in New York City.

The number of reported cases of AIDS has been increasing steadily in New York City. In 1983, an average of 79 cases were reported monthly; in 1984 there was a monthly average of 123 cases; in 1985, the monthly average was 201 cases; in 1986, the monthly average was 216. Of the victims reported in New York City, 57 percent have succumbed.

Of 10,402 AIDS cases in New York City where information is available, 35 percent (3,649 cases) involved known intravenous drug users. Of these individuals, 489 are also homosexual or bisexual. Although females represent only 11 percent of AIDS victims, they represent 21 percent of the heterosexual intravenous drug users among the AIDS victims. Intravenous drug use is the predominant risk factor for females.

Cases of AIDS among children continue to be reported. As of June 1987, 199 pediatric AIDS cases have been reported in the City. At least 77 percent of these children had one or both parents who are intravenous drug users. In only 16 percent of the cases did parents actually have AIDS.

Looking more closely at the demographic characteristics of these AIDS victims in New York City, minority males continue to predominate among heterosexual intravenous drug users (68 percent) followed by minority females (18 percent) and white males (11 percent). Even among homosexual intravenous drug users who have AIDS, minority males outnumber white males in the ratio of 3 to 2. Among the minorities, blacks tend to exceed Hispanics in each identified risk group. Minority parents also predominate for the pediatric cases of AIDS in New York City, where intravenous drug use is a factor; blacks also exceed Hispanics among these parents.

Findings from studies of clients in methadone programs and detoxification programs indicate that 50 percent to 60 percent of their clients are seropositive. Thus, the incidence of AIDS in New York City is not likely to decline in the near future. Many efforts at risk reduction are underway in the City, including education in drug treatment programs and outreach education among drug users in the street.

Deaths due to AIDS among intravenous drug users have increased significantly over the past few years: 88 in 1983; 293 in 1984; and 488 in 1985. Provisional findings indicate that the number of deaths in 1986 is close to 1,000. If these deaths were added to those classified as due to narcotism discussed earlier, the number of deaths would probably reach an all-time peak for drug users in New York City.

THE REST OF THE STATE

Although heroin activity in the State is clearly centered in New York City evidence drawn from the criminal justice, health and treatment systems shows heroin activity in other parts of the State.

Arrests involving opiates, cocaine and derivatives [1]

Arrests:	
1979	1,225
1980	1,928
1981	2,322
1982	3,379
1983	3,923
1984	4,692
1985	6,065
1986	8,531

[1] Source: N.Y.S. Division of Criminal Justice Services (DCJS) Annual Reports.

Arrests in the rest of the State involving controlled substances, including opiates, cocaine and derivatives, have been rising steadily. Between 1979 and 1986, these arrests have increased sevenfold.

Reported Cases of Serum Hepatitis B [1]

Cases:	
1980	525
1981	719
1982	804
1983	829
1984	813
1985	914
1986	796

[1] Source: N.Y.S. Department of Health.

Cases of serum hepatitis B+ are often contracted by drug users in the first years of intravenous drug use. Since 1979 cases of serum hepatitis B+ among State residents outside New York City had been generally increasing with a particularly notable increase of 37 percent between 1980 and 1981 (from 525 to 719). In 1985 the number reached a peak of 914 cases, but dropped 13 percent in 1986 to 796 cases.

Treatment admissions with heroin as primary drug of abuse [1]

1984 admissions:	
1st quarter	907
2d quarter	832
3d quarter	894
4th quarter	889
1985 admissions:	
1st quarter	898
2d quarter	848
3d quarter	1,020
4th quarter	940
1986 admissions:	
1st quarter	933
2d quarter	832
3d quarter	899
4th quarter	982
1987 admissions:	
1st quarter	954
2d quarter	823
1984 heroin admissions as percent of total admissions:	
1st quarter	25
2d quarter	25
3d quarter	25
4th quarter	24
1985 heroin admissions as percent of total admissions:	
1st quarter	24
2d quarter	24
3d quarter	28
4th quarter	17
1986 heroin admissions as percent of total admissions:	
1st quarter	22
2d quarter	23
3d quarter	22
4th quarter	23
1987 heroin admissions as percent of total adminissions:	
1st quarter	22
2d quarter	18

[1] N.Y.S. Division of Substance Abuse Services, Bureau of Management Information Systems.

The preceding table presents admissions to treatment programs in New York State—excluding those in New York City—with heroin as the primary drug of abuse and the percentage of all admissions who indicate heroin as the primary drug of abuse. Over the last few years, the number of heroin admissions and their proportion of all treatment admissions have been declining. As of 1986, the number and proportion of cocaine admissions now exceed the number of heroin admissions to DSAS-funded treatment programs outside New York City. By the second quarter of 1987, there were 1,502 cocaine admissions (33 percent of all admissions to treatment) compared to 823 heroin admissions (18 percent) to programs outside New York City.

Most methadone programs outside of New York City continue to show utilization rates close to or exceeding 100 percent. For instance, utilization rates of methadone programs in Erie (106%), Albany (115%), Rockland (106%), Ulster, (112%) and Long Island (106%) are operating above capacity.

ACROSS THE NATION

In general, heroin activity appears to have leveled even though Mexican heroin had been showing increases in the Southwest.

Some exceptions to the pattern include cities where cocaine has been popular for a long time. In Miami, Los Angeles and Denver, for example, there are some increases in heroin activity.

CRIMINAL ALIEN INVESTIGATIONS IN NEW YORK AND NATIONWIDE

The Attorney General, acting through the Immigration and Naturalization Service, shall increase the Service's participation in the Organized Crime Drug Enforcement Task Force and Racketeering Strike Force Programs, and shall ensure that, in every district, a much greater priority is given to proactive investigations of emerging alien crime groups such as the Triads.

The Committee finds that the assignment of 50 percent of criminal investigators to an employer education program for 1 year is inappropriate. It is neither required nor suggested by section 505 of H.R. 1827, the supplemental appropriations bill for fiscal year 1987, nor by accompanying report language.

The Committee is disturbed by the alarming and unprecedented attrition of criminal investigators assigned to the New York District Office (the number of journeyman special agents has decreased by more than 50 percent between 1980 and 1987); the lack of criminal alien organization investigations (511.1 cases) and Organized Crime Drug Enforcement Task Force investigations (511.6 cases); and an extremely small number of narcotics seizures (only 8 of the 2,074 narcotics seizures by INS nationwide from October 1986 through February 1987 were made in New York).

The weakness of the New York District Office's Criminal Alien Investigations Program are documented in three GAO reports issued between March 1986 and March 1987 and the Service's response to questions submitted at the April 30, 1987, appropriations hearing.

The Committee is interested in learning the extent to which these problems are limited to the New York District and the extent to which they are representative of INS's Criminal Alien Investigations Program nationwide.

The Immigration and Naturalization Service shall report to the Committee on November 1, 1987, why the number of criminal investigators nationwide has been reduced since 1981.

On November 1, 1987, and on the first day of January, July, and September 1988, the Immigration and Naturalization Service shall report to the Committee on its efforts to correct the above-stated problems and deficiencies in its Criminal Alien Investigations Program, and to ensure that its Criminal Alien Investigations Program in New York and nationwide becomes a much more aggressive, energetic, and effective one, particularly by opening investigations of major alien criminals and bringing those cases to successful conclusions.

These reports shall include, but shall not be limited to, for each of the INS districts, the number of: heroin, cocaine, and other drug seizures, and the volume of such seizures; open 511.1 and 511.6 cases, and special agents actively investigating such cases; unfilled vacancies in each investigations unit; on-duty investigations special agents (supervisory and journeyman); INS special agents assigned to each of the organized crime drug enforcement task forces, and other Justice Department strike forces and task forces; investigations special agents assigned to noninvestigations activity such as employer sanctions education and detention duty at INS detention centers. The information provided in each report shall be for both the calendar year to date and for the period since the preceding report.●

EXECUTIVE CALENDAR

Mr. BYRD. Mr. President, I inquire of the distinguished acting Republican leader, Mr. HATFIELD, as to whether or not the nominations on the Executive Calendar appearing on page 3 have been cleared for action on that side? That would be Calendar Orders numbered 411 through 417, inclusive.

Mr. HATFIELD. Mr. President, I am happy to respond to the majority leader in the affirmative, that they have been cleared on this side.

Mr. BYRD. Mr. President, I thank the able Senator, Mr. HATFIELD.

EXECUTIVE SESSION

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nominations under the Judiciary and under the Department of Justice; precisely the Calendar Order numbers being 411 through 417; that they be considered en bloc, confirmed en bloc, that the motion to reconsider en bloc be laid on the table; the President be immediately notified of the confirmation of the nominees; that the nominations be spread severally upon the RECORD and that statements by Senators be appropriately placed in the RECORD as though read.

The PRESIDING OFFICER. Is there objection? Is there objection?

Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

THE JUDICIARY

Clarence A. Beam, of Nebraska, to be U.S. Circuit Judge for the Eighth Circuit.

Robert E. Cowen, of New Jersey, to be U.S. Circuit Judge for the Third Circuit.

George C. Smith, of Ohio, to be U.S. District Judge for the Southern District of Ohio.

Michael B. Mukasey, of New York, to be U.S. District Judge for the Southern District of New York.

Nicholas H. Politan, of New Jersey, to be U.S. District Judge for the District of New Jersey.

R. Kenton Musgrave, of California, to be a Judge of the U.S. Court of International Trade.

DEPARTMENT OF JUSTICE

William D. Breese, of Georgia, to be U.S. Marshal for the Middle District of Georgia for the term of 4 years.

STATEMENT ON THE CONFIRMATION OF ROBERT E. COWEN THIRD CIRCUIT COURT OF APPEALS

Mr. BRADLEY. I am pleased to recommend to my colleagues the confirmation of Judge Robert Cowen as a member of the Third Circuit Court of Appeals. Let me review for you Judge Cowen's outstanding credentials.

Prior to his appointment 2 years ago as a Federal district court judge for New Jersey, Judge Cowen served as U.S. magistrate for the district of New Jersey, a post he has held since 1978.

As both a district court judge and as a U.S. magistrate, he has consistently been praised by members of the bar and his colleagues on the district court for his diligence, dedication and legal knowledge. He has done a remarkable job of forging settlements among disputants and has done so in a way that has earned him the respect of all who know him.

Judge Cowen will bring to the Third Circuit Court of Appeals an invaluable breadth of experience. In addition to his trial court experience, he has served as a deputy state attorney general, an assistant county prosecutor, and as an attorney in private practice.

Judge Cowen's has demonstrated special sensitivity to the importance of maintaining the highest ethical standards. He set up and headed the Office of Ethics and Professional Responsibility for the New Jersey Supreme Court. His 5-year tenure as head of this office brought a new standard of excellence for the judiciary and lawyers subject to the Commission's jurisdiction.

Judge Cowen has served his State and the Federal judiciary with distinction and I am confident that he will bring that same level of excellent judicial service to the Third Circuit Court of Appeals.

STATEMENT ON THE CONFIRMATION OF NICHOLAS H. POLITAN FEDERAL DISTRICT COURT FOR NEW JERSEY

Mr. BRADLEY. Mr. President, I am pleased that the Senate will today confirm Nicholas H. Politan to fill a vacancy in the Federal District Court for New Jersey.

I have expressed many times on the Senate floor my concern about the backlog in the Federal courts and, particularly the Federal District Court for New Jersey. The current caseload is over 500 cases per judge and there are 6,400 cases pending before the district court. This is almost a 10-percent increase over last year. But even this doesn't tell the full story. Each year the cases are more complicated, with more defendants per case. This means longer trials. And the Federal District Court for New Jersey is contending with this backlog with two fewer judges than are authorized. This is simply unacceptable. No judge can give proper attention to his or her cases under those circumstances.

Therefore, I am particularly grateful to the Judiciary Committee and its chairman, Senator BIDEN, for having given the nomination of Mr. Politan such prompt attention. The chief judge of the Federal District Court, Judge Clarkson Fisher, has appealed for help in filling the outstanding vacancies and the committee has been extremely responsive.

The President has submitted the name of Nicholas Politan to fill one of the vacancies in New Jersey. Mr. Politan has been an attorney in private practice in New Jersey for 26 years. He is admitted to practice before the Supreme Court of New Jersey, the Federal District Court, U.S. Court of Appeals, U.S. Tax Court, and the U.S. Supreme Court. His practice has been diverse—both civil and criminal—as have his clients. He has represented corporate, labor, and individual clients.

Because I was not familiar with Mr. Politan prior to his nomination, I sought the opinions of the legal community in New Jersey. I am pleased to report that all whom I ask reported that Mr. Politan was a fine attorney and all believed that he would make a fine judge in the Federal District Court.

For that reason, I am pleased to commend Nicholas Politan to my colleagues and ask for his speedy confirmation.

JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, six nominations to the Federal courts were approved by the Judiciary Committee at its business meeting on November 5 and are now on the Executive Calendar. These nominees were examined at Judiciary Committee hearings on October 20, 22, and 26. For the information of my colleagues who will soon vote on these nominations, I offer the following brief summaries of the nominees' qualifications, and the testimony elicited at the hearing and in followup questions.

First. Robert E. Cowen has been nominated to the U.S. Court of Appeals for the Third Circuit. The nominee, who is 57 years old, has served since 1985 as U.S. district judge for the district of New Jersey. From 1978 through 1985, he was a U.S. magistrate in the same district. Previously, he served for 5 years as director of ethics and judicial administration for the New Jersey State courts; for 4 years as a county and State prosecutor in New Jersey; and for 10 years as a private practitioner in Newark, NJ. The nominee is a graduate of Drake University and Rutgers Law School. The American Bar Association Standing Committee on the Federal Judiciary rated him qualified for the position to which he has been nominated. He enjoys a good reputation among members of the bar and bench who are familiar with his activities.

At the hearing on October 20, Judge Cowen, after being introduced by Senators BRADLEY and LAUTENBERG, responded satisfactorily to questions posed by Senator METZENBAUM on his activities in the field of professional ethics and attorney discipline and to questions posed by Senator THURMOND on constitutional interpretation and judicial activism. In response to written questions, the nominee provided further information on his trial court experience and responded satisfactorily to questions concerning appellate review of sentencing.

The committee also examined Judge Cowen's conduct in initiating a sanctions proceeding under rule 11 of the Federal Rules of Civil Procedure against an attorney who the nominee apparently thought had misleadingly miscited legal precedent in a case before him. While a judge's use of sanctions power under rule 11 is a legitimate aspect of an inquiry into a nominee's judicial temperatment, it is not apparent that the rule was misused in this case, in which Judge Cowen ultimately decided not to impose sanctions against the attorney in question.

Second. C. Arlen Beam has been nominated to the U.S. Court of Appeals for the Eighth Circuit. The nominee has served since 1982 as a U.S. district judge for the district of Nebraska. For the preceding 17 years, he was a practicing attorney in Lincoln, NE, where he handled general civil litigation and other matters. The nominee also has experience in the farming business and achieved the rank of captain in the U.S. Army. He holds undergraduate and law degrees from the University of Nebraska. His ABA rating is well qualified.

At the hearing on October 26, the nominee was introduced by Senator KARNES and Congresswoman VIRGINIA SMITH and was examined by Senator HEFLIN concerning the following subjects: his record of reversals on the district court, his handling of a civil rights case involving two black police recruits, and his ruling on immunity for the members of the Nebraska Equal Opportunity Commission of which his wife had formerly been a member. The nominee also submitted answers to further written questions on his immunity ruling, his handling of civil rights cases, and his club memberships. Judge Beam gave responsive answers to each of these questions.

Third. Michael B. Mukasey has been nominated to the U.S. District Court for the Southern District of New York. Mr. Mukasey is a 46-year-old graduate of Columbia College and Yale Law School. He is a partner in the New York law firm where he has worked for the past 11 years, concentrating on civil litigation and criminal defense litigation. Previously, he spent 4 years as an assistant U.S. attorney in the southern district of New York and 5 years as an associate in private practice. The ABA committee rated Mr. Mukasey well qualified, and he enjoys a good reputation among the local bar.

At the hearing held on October 20 on his nomination, Mr. Mukasey was introduced by Senator D'AMATO. He was questioned by Senator METZENBAUM concerning the chronology of the nomination process, potential conflicts of interest stemming from his pesonal friendship with the U.S. Attorney for the southern district of New York, subpoenas to defense attorneys, and his representation of Roy Cohn.

Mr. Mukasey was also questioned concerning his statement in a 1985 New York Times article that "the presumption of innocence is a rule of evidence * * * which applies during a trial, not beforehand." In response to Senator METZENBAUM's question on this topic at the hearing, Mr. Mukasey asserted that his statement was consistent with the Supreme Court decision in United States versus Salerno, upholding the constitutionality of pretrial detention. In a further written response, the nominee explained that his statement was made in response to charges that prosecution practices such as including aliases in indictment threatened the presumption of innocence.

He stated his view that the presumption of innocence at trial is constitutionally mandated and that other constitutional and statutory principles protect the rights of defendants before trial. He also distinguished his comments from those of the attorney general on the Miranda decision. Additionally, the nominee responded satisfactorily to written questions from Senator METZENBAUM on the challenges facing him in moving from the role of advocate to that of judge and on the qualities of an effective trial judge, and to written questions from Senator THURMOND on managing complex cases and on the need to decide cases based on the intent of the framers of the constitutional or statutory provision at issue.

Fourth, George C. Smith has been nominated to the U.S. District Court for the Southern District of Ohio. The nominee has served since 1985 as a trial judge in an Ohio State court of general jurisdiction. During the previous 5 years, Judge Smith was a judge of the Franklin County (OH) Municipal Court. From 1970-80, the nominee served as the elected prosecuting attorney for Franklin County, following 5 years' service as chief counsel to that office. He has also served as assistant attorney general of Ohio, executive assistant to the mayor of Columbus, assistant city attorney for Columbus, and briefly conducted a private law practice. Judge Smith is 52 years old, and holds undergraduate and law degrees from Ohio State University. The ABA rated him well qualified, and his reputation among the bar and the general public of his local community is generally good, although some questions have been raised concerning his performance both as prosecuting attorney and as a State court judge.

At the hearing on October 20, Judge Smith was introduced by Senator METZENBAUM, who asked him about his participation in a lawsuit brought against the Columbus Civil Service Commission and about his membership in organizations with membership policies that may discriminate against women. In posthearing written submissions, Judge Smith elaborated on both these issues. In subsequent letters dated October 27—to the committee's special counsel—and October 29—to Senator METZENBAUM—the nominee expressed his intention to withdraw from several of these organizations and stated his belief that his continued membership in certain fraternal and ethnic organizations would not be inconsistent with the ethical requirements imposed on Federal judges. Judge Smith also responded satisfactorily to written questions from Senator THURMOND on judicial temperament and on restrictions of lower Federal courts.

Fifth. Nicholas H. Politan has been nominated to be U.S. District Judge for the District of New Jersey. The nominee conducts a private law practice in Lyndhurst, NJ, with an emphasis on general litigation and is also chairman of the executive committee of a bank there. Mr. Politan, who is 51 years old, holds undergraduate and law degrees from Rutgers University. A majority of the ABA committee rated him qualified, while a minority thought him not qualified. His professional reputation appears to be excellent.

At the hearing on October 26, the nominee was questioned by Senator HEFLIN concerning his ABA rating. He replied that he believed that a minority of the ABA committee considered him not qualified because of his less active personal role in litigation over the past few years, during which he has also been engaged in legal and administrative responsibilities on behalf of the bank of which he is a part owner. He emphasized that he continues to supervise litigation handled by his law firm and to try selected cases himself. He also responded satisfactorily to questions concerning the chronology of the nominations process, the qualities of a good trial judge, the transition from the role of an advocate to that of a judge, judicial activism, and judicial temperament.

Mr. Politan also responded to a written question concerning his membership in a dining club that restricts voting membership to men of Italian ancestry and stated his conclusion that this club does not practice invidious discrimination and that his continued membership would not be inconsistent with his ethical obligations as a judge.

Sixth. R. Kenton Musgrave has been nominated to be a judge of the Court of International Trade. The nominee is vice president of Santa Barbara Applied Research, a research company in Pacific Palisades, CA, that performs

U.S. Government contracts and handles international transactions for Far East interests. From 1979 to 1985, Mr. Musgrave was vice president and general counsel of Vivitar Corp., a distributor of photographic products. He has previously held legal staff positions with Lockheed Aircraft Corp. and Pacific Lighting Corp., and served as general counsel of Mattel, Inc., and for about 2 years conducted a private law practice in El Segundo, CA, specializing in customs and commercial law and international transactions.

Mr. Musgrave, who is 60 years old, graduated from the University of Washington and Emory University School of Law. A majority of the ABA committee found him qualified, while a minority rated him well qualified. His professional reputation, particularly in the field of customs and trade law, appears to be excellent, as evidenced by the endorsement of his nomination by the Customs and International Trade Bar Association.

At the hearing on his nomination on October 22, Mr. Musgrave was introduced by Senator WILSON. He then responded to questions from Senator LEAHY about conflicts of interest, about his "semiretirement" from active law practice since 1985, and about the transition from advocate to judge, and from Senator THURMOND about his customs law background and his view of precedent.

Mr. President, I would add one further comment about the Musgrave nomination. The Judiciary Committee relies on judicial nominees' responses to a detailed questionnaire as the basic factual starting point for investigation and consideration of nominees. When these responses are not prepared with care and attention to detail and accuracy, the committee's investigation is necessarily hampered. The responses prepared by Mr. Musgrave fall into this category. For example, in response to a question about conflicts of interest, Mr. Musgrave replied simply that "no conflicts are foreseen." That response made it necessary for the committee to explore on the record at the October 26 hearing whether the nominee recognized that his prior employment relationships and his extensive stock holdings might present obvious conflicts of interest that would require recusal from cases coming before the Court of International Trade.

Mr. Musgrave's testimony at the hearing reflected that recognition, and I am satisfied with his answers. But a more thoughtful response to the questionnaire, both on this topic and on another issue raised in the confidential portion of the questionnaire, would have spared the nominee some discomfort and would have expedited the committee's favorable action on his nomination.

Unfortunately, this is not the first time in this Congress that I have had to note on the floor of the Senate this problem of insufficient responses to the committee's questionnaire. I hope that the Justice Department will take these remarks to heart and will impress upon every nominee the importance of completeness, thoroughness, and scrupulous accuracy in the nominee's sworn responses to the committee questionnaire.

Mr. President, the Judiciary Committee continues to maintain an ambitious schedule of hearings on nominees to the Federal district and appellate courts. In the 16-day period from October 20 through November 5, five hearings have been held. More hearings are scheduled for next week. With the active participation of many Senators, the committee will continue to review nominations to the Federal courts thoroughly, intensively, and expeditiously.

NOMINATION OF NICHOLAS H. POLITAN

Mr. LAUTENBERG. Mr. President, I rise to support the nomination of Nicholas H. Politan, to serve on the U.S. District Court for the District of New Jersey.

Mr. President, the district court in New Jersey is caught in a flood of cases. Courts outside the State have been enlisted to take the spillover. The situation imposes burdens on the judiciary, the bar, and, most importantly, the litigants who seek from the Federal courts in New Jersey a reasonably expeditious resolution of their disputes. Unfortunately, when civil cases are involved, the prompt resolution of disputes is only a goal.

New Jersey has had two vacancies on the district court. With the confirmation today of Judge Cowen to the court of appeals, there will be another. Mr. Politan's confirmation will assist the court is addressing the backlog and enhancing the administration of justice in New Jersey.

Nicholas Politan merits the Senate's approval. He has been involved in the general practice of law for over 25 years. He achieved distinction as a law student, serving as a managing editor of the Rutgers Law Review. He was a law clerk for a judge on the U.S. Court of Appeals for the Third Circuit. Thereafter, he entered the private practice of law in New Jersey, for most of that time in partnership with James Cecchi. Mr. Politan was, until several years ago, an active litigator, trying cases in the State and Federal courts. Mr. Politan, as counsel to an association of textile firms in New Jersey, gained experience in the negotiation of collective bargaining agreements, the resolution of grievances, and the management of a pension fund.

However, the career path that has brought Mr. Politan to this point is not entirely a typical one. Mr. Politan has also been involved in business. In 1978, he acquired with Mr. Cecchi a controlling interest in a State chartered community bank. He dedicated a significant part of his time thereafter to the banking business. Still, Mr. Politan continued to manage his law firm, which had grown in size, and to directly manage a few cases a year. Mr. Politan's business experience would enable him to bring to the bench a practical knowledge and understanding of commercial matters that should prove useful.

I have met with Mr. Politan. He has expressed to me his love of the law and his most sincere commitment to serve the public as a member of the Federal judiciary. Those who know of him speak well of him. I support his confirmation.

NOMINATION OF ROBERT E. COWEN

Mr. LAUTENBERG. Mr. President, I rise to support the confirmation of Judge Robert E. Cowen to the U.S. Court of Appeals for the Third Circuit.

It was a little over 2 years ago that the Senate approved then-Magistrate Cowen's nomination to the district court. While Judge Cowen's latest promotion has come quickly, it is not undeserved.

Judge Cowen is a mature, experienced lawyer. His long record of service and achievement merits this nomination. While Judge Cowen has served only 2 years on the district court, he had served 7 years as a magistrate. Before that, he was chief of Ethics and Judicial Administration of the State's court system. He was a deputy attorney general, an assistant county prosecutor, and a long time ago, an attorney in private practice. Judge Cowen is a dedicated public servant, and an able jurist.

And he has continued to build a reputation as a fair, temperate, and thoughtful judge. He enjoys the respect of the bar in New Jersey and of those who have come before him. The comments that have been offered since his nomination have been consistent in their praise.

Mr. President, they do not say Judge Cowen is liberal or conservative, hard or soft. They say he is fair.

They say he runs an efficient courtroom. And, with delays marring the administration of justice, those management skills are much needed.

They say he listens. Not to some ideological imperative, but to the need to do justice in the case before him. And it is that—the desire to do justice—that he will bring to the circuit court.

I urge his confirmation.

NOMINATION OF JUDGE CLARENCE ARLEN BEAM, CHIEF U.S. DISTRICT COURT JUDGE OF OMAHA, NEBRASKA TO THE EIGHTH CIRCUIT COURT OF THE UNITED STATES

Mr. KARNES. Mr. President, I would like to express my strong support for President Reagan's nomination of Judge Clarence Arlen Beam to fill the vacancy on the eighth U.S. circuit court of appeals.

President Reagan chose a superb nominee for this position. Not only has the judge demonstrated his outstanding judicial skills while serving on the district court bench in Omaha, but he has also demonstrated, through years of hard work and dedication to the legal profession, that he is a man of exceptional talent and integrity, with a solid understanding of the law.

In addition, Judge Beam brings to this appointment an unusually diversified background. I would like to point out certain aspects of Judge Beam's background that attest to his high degree of practical experience, acknowledged professional integrity, and most important, his well-established judicial competence. Arlen was born in the rural Nebraska community of Stapleton, population 340. He attended the University of Nebraska School of Agriculture graduating with a degree in agricultural science. Upon graduation, he served as a captain in the U.S. Army in Korea during the Korean conflict, and continued thereafter for 11 years as an active member of the Army Reserve.

Following his tour of active duty in Korea, Judge Beam returned to Lincoln, NE to begin his legal education. Arlen entered law school at the University of Nebraska in 1953. One year into law school, he felt it necessary to return to full-time work in order to support his family, thereby postponing the last 2 years of his legal studies. For the next 9 years, he drew upon his considerable interest in agriculture, first as an agricultural journalist for the well-known publication, the Nebraska Farmer, then as a sales manager and advertising specialist for a large midwestern seed company, and then as founder of his own public relations firm, before returning to the university's law school to complete his final 2 years in 1965. For the next 18 years, he established himself in the private practice of law, becoming known during that time as one of Nebraska's outstanding trial attorneys.

In 1982, Arlen was appointed to the Federal bench for the district of Nebraska, where he has served with great distinction. Judge Beam's record of active participation in bar association, trial lawyer, and judicial conference events speaks clearly to his commitment to and understanding of the critically important rule of law in our ever-changing society. He is a man of humble beginnings, who through great dedication, superior scholarship and just plain hard work, has earned the respect of his peers in the bar and colleagues on the Federal bench.

I would like to point out to my colleagues the extent to which Judge Beam is regarded by his peers in the legal community. In the last two polls taken by the Nebraska Bar Association, Judge Beam has received among the highest retention ratings for any Nebraska district court judge. These high ratings by the members of the Nebraska bar are an excellent reflection of the esteem in which Judge Beam is held in his current judicial district.

The Nebraska district court on which Judge Beam serves has one of the busiest trial dockets in the United States. The court ranks fifth in the United States in terms of total filings of new cases per active judge, and 15th out of approximately 100 district courts in the United States in terms of weighted filings, or those filings which measure the difficulty of the cases considered. There are only three active judges on this court, including Judge Beam, which is a very low number, relative to other district courts. And yet, this court, on which Judge Beam is the chief judge, ranks first in the United States in terms of trials completed. Under Judge Beam, this Nebraska district court has only eight-tenths of 1 percent of cases that are 3 or more years old—ranking this court as having the third most current docket in the United States and this, Mr. President, has been accomplished despite the fact that this court was faced with 538 weighted filings per active judge. Four hundred such filings are sufficient grounds to appeal for a new judge to be added to the court. But only three judges continue to sit on Judge Beam's bench.

Mr. President, my purpose of detailing these aspects of the court that Judge Beam has served on for the past 5 years, the level of difficulty of the cases, the length of time taken to consider the cases, and the low number of judges sitting on this court, is to demonstrate Judge Beam's capability, experience and significant Federal judicial record. He is clearly well qualified to serve on the eighth circuit appellate bench. While he is not alone on this court in achieving these accomplishments, Judge Beam is the chief judge and retains primary responsibility, and is due much of the credit, for not only the high quality of work performed but also for the orderly, on-schedule disposition of caseload. Factors that are so important in the face of our already overburdened Federal appellate system. He is eminently qualified to handle the signficant responsibility of this new position.

I outlined these facts during Judge Beam's hearings before the Judiciary Committee to demonstrate the fine job Judge Beam has done while sitting on the district court. I would like to commend the committee and the majority leader for the expeditious consideration of this nominee. Thank you, Mr. President.

LEGISLATIVE SESSION

Mr. BYRD. Now, Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

ANOTHER HONOR FOR SENATOR THURMOND

Mr. BYRD. Mr. President, I always enjoy learning of new honors and recognitions that come to our colleagues, and I get a particular satisfaction in sharing such information with the Senate when that recognition is out of the ordinary.

In a communication from Chief Judge Loren A. Smith of the U.S. Claims Court, I was informed that yesterday afternoon, Senator STROM THURMOND of South Carolina was named by the Judges of the Claims Court to be "an honorary member of the court's bar." This recognition was bestowed on Senator THURMOND because of his long years of service to the Claims Court and his continuing friendship for the distinguished justices of that body. I note that Senator THURMOND was doubly honored on this occasion by having his admission to the honorary membership moved by the distinguished Attorney General of the United States, Mr. Edwin Meese.

I especially congratulate Senator THURMOND on this latest honor. On numerous occasions during our years of service, in the Senate, I have been the beneficiary of Senator THURMOND's friendship and guidance, and I count him among my warmest friends. I know that all of our colleagues join me in applauding this most recent distinction to come to Senator THURMOND, and in expressing our admiration to him for the contributions that he continues to make to our work and to our country.

AN ANNIVERSARY

Mr. BYRD. Mr. President, we would be remiss if we did not pause to note that yesterday marked the 40th anniversary of Senator JOHN STENNIS' being sworn into office as a U.S. Senator.

The Washington Post credits one of Senator STENNIS' staff people as saying, "Most people alive in Mississippi can't remember when Senator STENNIS wasn't in the Senate." That evaluation could well apply to a significant number of the American people, as well. For most of the lives of the majority of the other Senators, indeed, JOHN STENNIS has represented the State of Mississippi in the Senate, and has added his wisdom to making decisions that have helped to shape our modern world.

I know that all of our colleagues join me in extending the sincerest congratulations to Senator STENNIS on this anniversary in his career and his life, and in commending him again for the outstanding service that he continues to render as President pro tempore of this distinguished body.

Mr. President, he is now already into his 41st year. Yesterday marked the anniversary of his 40th year and the beginning of this 41st year.

I extend my own personal congratulations. Erma and I hold in the very highest respect and regard our friend from Mississippi, JOHN STENNIS. I know that I speak for Erma when I say that we congratulate you, we honor and respect you, and we wish you every blessing from God.

Mr. STENNIS. Mr. President, if the Senator will yield, I warmly thank him for his generous sentiments. I appreciate his remarks. I appreciate his friendship. And that is not all.

I appreciate what he has done for the country and for this institution in particular. He is my idea of a hardworking, effective, fair-minded leader who stands for the right things and nearly always gets what he goes after. I congratulate him and thank him.

Mr. BYRD. Mr. President, I thank our friend.

THE CALENDAR

Mr. BYRD. Mr. President, I inquire of the distinguished assistant Republican leader whether or not Calendar Order Nos. 427, 429, and 430 have been cleared on his side of the aisle.

Mr. SIMPSON. Mr. President, I state to the majority leader that those indeed have been cleared on our side of the aisle.

Mr. BYRD. Mr. President, I ask unanimous consent that those three measures—Calendar Order Nos. 427, 429, and 430—be considered en bloc; that they be adopted en bloc; and where statements by Senators are appropriate, that they be printed in the RECORD as though read; and that the motion to reconsider en bloc be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

DESIGNATION OF "THE STARS AND STRIPES FOREVER" AS THE NATIONAL MARCH OF THE UNITED STATES

The bill (S. 860) to designate "The Stars and Stripes Forever" as the national march of the United States of America, was considered.

Mr. BOREN. Mr. President, I am pleased by the favorable action taken today by the Senate on S. 860, a bill to designate "The Stars and Stripes Forever" the national march of the United States. As today is the anniversary of the birth of the composer of the march, John Philip Sousa, the timing of this action could not be more appropriate.

It is my hope the House will give speedy consideration to this bill, so that "The Stars and Stripes Forever" can receive the designation it so richly deserves. No other march evokes patriotic feelings more, or is called upon as often at ceremonies celebrating America, than "The Stars and Stripes Forever."

The bill (S. 860) was ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 860

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the composition consisting of the words and music known as "The Stars and Stripes Forever" hereby is designated the national march of the United States of America.

RELIEF OF NANCY L. BRADY

The bill (H.R. 3295) for the relief of Nancy L. Brady, was considered.

Mr. D'AMATO. Mr. President, I rise to ask my colleagues to allow a private bill recently passed by the House to be held at the desk and passed by unanimous consent.

This legislation, H.R. 3295, assists a cancer patient, Nancy Brady, who currently works at Griffiss Air Force Base in Rome, NY. Nancy was diagnosed as having cancer in March 1985, and has been courageously fighting this disease ever since.

She now faces what I believe to be a tragically unnecessary hurdle. Her leave time is exhausted. In one of the most moving gestures of compassion I have witnessed in some time, her fellow employees have generously offered their annual leave, so Nancy would not have to give up her job. Incredibly, Mr. President, current law prevents her coworkers from doing this.

Mr. President, clearly something has to be done to fix this problem. Although I would like to have legislation to change the law altogether, Nancy Brady doesn't have time for that. That is why it is vital that this legislation, permitting her to use her coworkers precious gift of time, is passed by the Senate today and sent immediately to the President for signature.

Nancy Brady has been working for Griffiss Air Force Base since 1963. Without this legislation, her nearly 24 years in service will end prematurely, and it will end just when she needs her job and benefits most.

I want to thank the distinguished Republican and Democratic leaders for their assistance and understanding on this matter. I also want to thank the chairman and ranking members of the committee of jurisdiction for waiving review of this bill.

Mr. President, I implore my colleagues to ratify this extraordinary act of compassion, and ask unanimous consent that H.R. 3295 be considered and passed.

The bill (H.R. 3295) was ordered to a third reading, read the third time, and passed.

SENSE OF THE CONGRESS WITH RESPECT TO DEMONSTRATIONS COMMEMORATING LATVIAN INDEPENDENCE

The concurrent resolution (S. Con. Res. 87) expressing the sense of the Congress with respect to demonstrations in Latvia commemorating Latvian Independence Day, was considered.

Mr. RIEGLE. Mr. President, I applaud the Senate's prompt action in agreeing to this important resolution. Yesterday, nearly one quarter of the Senate joined me in cosponsoring Senate Concurrent Resolution 87, expressing the Senate's support for the Latvian people's right to gather peacefully, and without fear, to mark Latvian Independence Day on November 18. And now, less than 24 hours after its submission, the entire Senate has joined in that endorsement.

Mr. President, over the past year, the actions of the citizens of the Baltic Republics of Latvia, Lithuania, and Estonia have won worldwide attention. On June 14, more than 5,000 citizens gathered at the Monument of Liberty in Riga, Latvia to honor the victims of the Stalinist deportations in the 1940's. A crowd twice that size went to the monument on August 23 to protest the signing of the 1939 Molotov-Ribbentrop Pact, which consigned the Baltic republics to Soviet control. Simultaneous demonstrations occurred on that date in Estonia and Lithuania as well.

November 18 will mark the 69th anniversary of the founding of the independent Republic of Latvia. Although the Latvian human rights group, Helsinki 86, which organized the previous two events, has not officially called for a November 18 demonstration, credible Western news reports and other sources inside Latvia report widespread sentiment among the people there to gather publicly to mark this important date.

Mr. President, unlike the two previous demonstrations which Soviet authorities reluctantly tolerated, indications are that efforts are being make to prevent any kind of public gathering to occur at all on November 18.

Warnings have come from Anatolijs Gorbunovs, Secretary of the Latvian Communist Party Central Committee that participation in a November 18 demonstration at the Monument to Liberty would be viewed as an anti-Soviet act, and the Latvian people have received warnings of reprisals if they participate. Rumors, perhaps intentionally spread by the government, are that the KGB is preparing provocateurs to disrupt the peaceful demonstration, in order to give authorities an excuse to suppress the demonstration by force.

And now, we hear reports from those who have recently been in Latvia of other steps being taken by authorities there to prevent citizens from turning out for the commemoration. High school and university students have been given notes for their parents, stating that their parents will be held responsible if their children participate in any demonstration. Plans are being made for grammar school children to be out of the city on the day of the demonstration—ostensibly on a field trip. At the workplace, it has been made known that workers risk losing their jobs if they miss work that day.

Finally, Mr. President, Soviet authorities have warned the remaining leaders of the Latvian human rights monitoring group, Helsinki 86, to leave Latvia by November 16. This is a particularly disturbing development. This approach has been used in the past. Rolands Silaraups, the Latvian human rights activist who led the June 14 Baltic Freedom Day demonstration, is now residing in the West.

Testifying recently before the Helsinki Commission in Washington, DC, Mr. Silaraups, believes that statements from the West in support of the Latvian people's right to enjoy basic human freedoms are critically important. Other activists have made clear their belief that Soviet authorities' reaction to participants in past demonstrations was greatly tempered by the congressional appeals made on their behalf.

Allowing the Latvian people to freely gather on November 18 to mark what is probably the most important date in their nation's history will be an important sign that the Soviet Government is willing to convert its good words into good deeds.

COSPONSOR OF CONCURRENT RESOLUTION

Mr. DOLE. Mr. President, I am very pleased to join Senator RIEGLE as the principal Republican cosponsor of this important concurrent resolution. And I certainly want to commend Senator RIEGLE for the leadership he has shown, both on the concurrent resolution, and more generally on the issue of freedom and human rights for the people of Latvia.

There is no greater cause than freedom. And there is no people who desire, and deserve, freedom more than the people of Latvia.

I think all of us in the Senate know the tragic history of Latvia during the past 40 years: The Soviet takeover in 1939, as a result of the infamous Molotov-Ribbentrop Pact; the repression and hardship suffered by the Latvian people in the years since.

I think we all share, as well, this fundamental hope: That freedom be restored in Latvia, and in the other Baltic republics, and that it be restored completely, and without delay.

GLASNOST IS NOT FREEDOM

Mr. President, this is supposed to be the age of glasnost. It sounds good. In some ways, in some places, for some people—it may even be making things better, more open, in the Soviet Union. I welcome that kind of progress, wherever and whenever it occurs.

But glasnost, whatever it is, is not freedom. Glasnost is a policy of the state; a conscious decision by those who hold power to open up a bit; to tolerate a bit more. Glasnost is given by the state—and, when the state chooses, glasnost can be taken away.

Freedom, though, is not a policy choice; it is a God-given right of all people. Freedom is not given to anyone, by anyone; it is something to which we have a right.

The people of Latvia may benefit, marginally, from glasnost. But the people of Latvia don't want glasnost. They want freedom. They want the real thing.

GLASNOST TESTED

Mr. President, the Latvian people are making their demand for freedom louder and clearer each day. On June 14, more than 5,000 Latvians gathered to honor the victims of Stalinist deportations during and after World War II. On August 23, more than 10,000 Latvians gathered to protest the signing of the Molotov-Ribbentrop Pact. On that day, simultaneous demonstrations also occurred in Lithuania and Estonia.

The Soviet reaction has been mixed. Some restraint was shown in June. But the August demonstration generated brutal arrests and attempts by government organized hooligans to disrupt the gathering.

The Latvian people tested glasnost, and got their answer.

NOVEMBER 18

And yet, they will try again. November 18 will mark the anniversary of the founding of the independent Republic of Latvia. Although no formal plans for a demonstration have been announced, the day spurs such pride and determination in the hearts of all Latvians that informed observers expect there will again be efforts to organize and demonstrate peacefully.

How will the Soviets react? I don't know.

But I do know this. The Senate ought to make clear its support for the right of the Latvian people to gather and demonstrate peacefully; to express their demand for freedom; for the restoration of their rights.

And we ought to make clear to the Soviet authorities that we will not tolerate a repetition of what happened in August; we will not tolerate state-sponsored violence; disruptions; unwarranted arrests.

We will be watching. The world will be watching. And we will all have this in mind: Glasnost is a nice word.

But action speaks much louder than words.

Mr. President, I hope all Senators will join in sending this message of support to the people of Latvia; and message of caution to the Kremlin authorities. Let us agree to this concurrent resolution unanimously.

The concurrent resolution (S. Con. Res. 87) was agreed to.

The preamble was agreed to.

The concurrent resolution, and the preamble, are as follows:

S. CON. RES. 87

Whereas the United States, since its inception, has been committed to the principle of self determination;

Whereas this essential moral principle is also affirmed in the Charter of the United Nations;

Whereas the Union of Soviet Socialist Republics is, according to its constitution, a voluntary federation of autonomous republics;

Whereas the Republic of Latvia did not become a member republic of the Union of Soviet Socialist Republics voluntarily, but rather was occupied militarily by the Soviet armed forces in the early days of World War II and subsequently incorporated by force into the Union of Soviet Socialist Republics, and has since been governed by a government approved by, and subservient to, the Government of the Union of Soviet Socialist Republics;

Whereas the United States has consistently refused to recognize the unlawful Soviet occupation of Latvia and continues to recognize the diplomatic representatives of the last independent government of the Republic of Latvia;

Whereas the United States Government has traditionally recognized November 18th as Latvian Independence Day, and the Congress has passed resolutions calling for special commemoration of that date;

Whereas November 18, 1987, also marks the 52nd anniversary of the dedication of the Latvian Monument of Freedom, completed in Riga, Latvia in 1935, to honor the Latvian people and their nation;

Whereas since the Soviet occupation of Latvia, the people of Latvia have been prevented from publicly commemorating this important day in their national history;

Whereas a peaceful noncommunist demonstration was allowed to occur on June 14, 1987, as 5000 Latvian people gathered in Riga to honor the victims of Soviet deportations which occurred between 1940 and 1949;

Whereas credible western news sources have indicated that Latvian citizens are planning to hold their third mass demonstration of the year on November 18 at the Latvian Monument of Freedom in downtown Riga;

Whereas Anatolijs Gorbunovs, Secretary of the Latvian Communist Party Central Committee, has stated that participation in such a demonstration in Riga on November

18 will be construed as an anti-Soviet act; and

Whereas A. Drizulis, Vice President of the Latvian Soviet Social Republic Academy of Sciences, echoing the new Soviet policies of glasnost, and perestroika, has stated that "it is necessary to cleanse history of various distortions and deformations, to return civic spirit, honesty and courage to it": Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That is is the sense of the Congress that—

(1) prior to November 18, 1987, the Secretary of State should inform the Government of the Soviet Union that the United States Government supports the right of the Latvian people to peaceably assemble to commemorate important dates in their history, and should urge the Soviet Government to—

(A) apply a policy of openness and democratization to the people of Latvia;

(B) allow the people of Latvia to publicly commemorate November 18 in whatever peaceful manner they may choose, without fear of arrest, harassment, or other reprisals;

(C) allow the Western media access to Riga, Latvia, on November 18, 1987, to observe and report on events of that day;

(D) halt immediately the harassment of the members of all Latvian human rights groups, including HELSINKI 86 and the Latvian Christian Movement for Rebirth and Renewal; and

(E) release, prior to November 18, 1987, all Latvian prisoners of conscience from internal exile, prison, and labor camps in the Soviet Union, including Latvian human rights activists Linards Grantins and Gunars Astra;

(2) the President should direct all appropriate United States Governent agencies to monitor closely the events of November 18, 1987, in Riga, Latvia, and should send an appropriate United States Government representative to Latvia on November 18, 1987, to observe personally the events of that day; and

(3) the President and the Secretary of State should raise the issues of human rights and self-determination in the Baltic states during the next United States-Soviet summit.

AUTHORIZING THE REVIEW OF CLOSED SESSION TRANSCRIPT OF THE COMMITTEE ON FOREIGN RELATIONS

Mr. BYRD. Mr. President, I send a Senate resolution to the desk on behalf of myself and Mr. DOLE and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 316) to authorize the review of closed session transcript of the Committee on Foreign Relations.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

There being no objection, the Senate proceeded to consider the resolution.

Mr. BYRD. Mr. President, last January Jorge Morales, a defendant in a narcotics case in the southern district of Florida, caused subpoenas to be issued for documents of the Committee on Foreign Relations and the Select Committee on Intelligence relating to allegations of the use of proceeds from the sale of narcotics for support of the Nicaraguan Contras. The district court granted the motion of the Senate Legal Counsel, filed pursuant to Senate Resolution 81, to quash the subpoenas.

Morales pled guilty to violation of the continuing criminal enterprise statute, tax evasion, and conspiracy, and, in April 1987, was sentenced to 16 years in prison. On July 15, 1987, Morales testified in open and closed session before the Foreign Relations Subcommittee on Terrorism, Narcotics, and International Operations.

Morales has moved for a reduction in sentence, citing his cooperation with Congress as a mitigation factor, and has submitted his open session testimony to the court. The judge, who will be evaluating the degree of the defendant's cooperation, has asked if the transcript of Morales' closed session testimony will also be made available to the court.

Chairman PELL and the ranking minority member of the committee, the Senator from North Carolina [Mr. HELMS], have no objection to providing Morales' closed session testimony to the court for review in camera. This resolution would authorize them, acting jointly, to make closed session testimony available to the court on this limited basis.

The PRESIDING OFFICER. Is there further debate on the resolution? If not, the question is on agreeing to the resolution.

The resolution (S. Res. 316) was agreed to.

The preamble was agreed to.

The resolution (S. Res. 316), with its preamble, reads as follows:

S. RES. 316

Whereas, on July 15, 1987, the Subcommittee on Terrorism, Narcotics and International Operations of the Committee on Foreign Relations received closed session testimony from Jorge Morales, a defendant in the case of *United States* v. *Jorge Morales, et al.*, Cr. No. 86-6129, pending in the United States District Court for the Southern District of Florida;

Whereas, the United States district judge in that case has asked if the transcript of the closed subcommittee hearing will be made available to the Court for use in consideration of a motion for sentence reduction;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that documents, papers, and records under the control or in the possession of the Senate are needful in any court for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That the Chairman and Ranking Minority Member of the Committee on Foreign Relations, acting jointly, are authorized to make available to the United States District Court for the Southern District of Florida, for its review in camera, closed session testimony of Jorge Morales before the Subcommittee on Terrorism, Narcotics and International Operations.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SCHEDULE FOR TUESDAY

Mr. BYRD. Mr. President, on Tuesday next, the Senate will meet. I want the vote on the cloture motion to occur at 9:30 a.m.

I am going to ask that the 1 hour under the rule be reduced to a half-hour. So I will put it in this form of a request.

I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9 o'clock a.m. on Tuesday next; that no resolutions or motions under the rule come over on that day; that the calendar under rule VIII be waived on that day; that following the prayer, the time of the two leaders be reduced to 5 minutes each and that upon the conclusion of the two leaders' time the remaining time be equally divided and controlled by Mr. JOHNSTON on one hand and Messrs. ADAMS and REID on the other; that the automatic quorum under rule XXII be vitiated, that the vote on the cloture motion begin at the hour of 9:30 a.m., that that vote be a 30-minute vote, and that the call for the regular order be automatic at the close of that 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS FROM 12:45 P.M. UNTIL 2 P.M. ON TUESDAY, NOVEMBER 10, 1987

Mr. BYRD. Mr. President, I ask unanimous consent that on Tuesday, at the hour of 12:45 p.m., the Senate stand in recess until the hour of 2 o'clock p.m. to accommodate the two-party conferences.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, if my distinguished friend, the assistant leader on the other side of the aisle, has no further statement or no further business to transact.

Mr. SIMPSON. I have nothing further in the way of business and appreciate the accommodation of the leader.

Mr. BYRD. Mr. President, I thank the Senator.

ADJOURNMENT UNTIL 9 A.M., TUESDAY, NOVEMBER 10, 1987

Mr. BYRD. Mr. President, there being no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in adjournment until the hour of 9 o'clock Tuesday morning next.

The motion was agreed to and, at 4:03 p.m., the Senate adjourned until Tuesday, November 10, 1987, at 9 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate November 6, 1987:

THE JUDICIARY

CLARENCE A. BEAM, OF NEBRASKA, TO BE U.S. CIRCUIT JUDGE FOR THE EIGHTH CIRCUIT.

ROBERT E. COWEN, OF NEW JERSEY, TO BE U.S. CIRCUIT JUDGE FOR THE THIRD CIRCUIT.

GEORGE C. SMITH, OF OHIO, TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF OHIO.

MICHAEL B. MUKASEY, OF NEW YORK, TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK.

NICHOLAS H. POLITAN, OF NEW JERSEY, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF NEW JERSEY.

R. KENTON MUSGRAVE, OF CALIFORNIA, TO BE A JUDGE OF THE U.S. COURT OF INTERNATIONAL TRADE.

DEPARTMENT OF JUSTICE

WILLIAM D. BREESE, OF GEORGIA, TO BE U.S. MARSHAL FOR THE MIDDLE DISTRICT OF GEORGIA FOR THE TERM OF 4 YEARS.

HOUSE OF REPRESENTATIVES—*Monday, November 9, 1987*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Strengthen our relationships, gracious God, with those about us, our families, friends, and colleagues.

May we realize more keenly that we are all born of Your creation, nurtured by Your spirit and we exist in one community. May we better understand how we relate to each other and how we can support and encourage each other in all the moments of life. And may Your love that binds us all together keep us always in Your grace. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a bill and a joint resolution of the House of the following titles:

H.R. 3295. An act for the relief of Nancy L. Brady; and

H.J. Res. 394. Joint resolution making further continuing appropriations for the fiscal year 1988, and for other purposes.

The message also announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1900. An act to amend the Child Abuse Prevention and Treatment Act, the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978, and the Family Violence Prevention and Services Act to extend through fiscal year 1991 the authorities established in such acts.

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 423) "An act for the relief of Kil Joon Yu Callahan."

The message also announced that the Senate agrees to the amendments of the House to the concurrent resolution (S. Con. Res. 38) "Concurrent resolution to recognize the International Association of Fire Fighters and the National Fallen Fire Fighter Memorial in Colorado Springs, Colorado."

The message also announced that the Senate had passed joint resolutions and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S.J. Res. 172. Joint resolution to designate the period commencing February 21, 1988, and ending February 27, 1988, as "National Visiting Nurse Associations Week";

S.J. Res. 200. Joint resolution to designate the period commencing on November 8, 1987, and ending on November 14, 1987, as "National Food Bank Week", and

S. Con. Res. 31. Concurrent resolution commending the Czechoslovak human rights organization Charter 77, on the occasion of the tenth anniversary of its establishment, for its courageous contributions to the achievement of the aims of the Helsinki Final Act.

WE HAD BETTER BRING BACK A SENSE OF BALANCE

(Mr. OBEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OBEY. Mr. Speaker, I have never used marijuana or any other drug in my life and I am happy that my kids have not. But I have to say that I am appalled by the piranha-like frenzy which has descended on this town in the case surrounding Judge Ginsburg.

It seems to me the important question about Judge Ginsburg was not whether he ever smoked pot in his life. It seems to me the most important question was: Did he have the qualifications? Did he have the concern for people? Did he have the humanity and expertise that we want to see in any person who serves on the Court of last resort?

What do we say about our sense of perspective? What is most damaging to society, a faculty lawyer smoking pot a few years ago in a private party or a corporate lawyer justifying a corporation's manufacture of faulty IUD's which sterilized 10,000 American women?

On our scale of justice and fairness, what is more damaging, a corporation executive's decision to smoke pot occasionally or a corporate executive's decision that puts 500 people out of work in order to improve the profit margin of a corporation by 5 percent?

It seems to me if we want government or business or society that really respond to human needs, we had better put those questions in perspective; we had better bring back a sense of balance.

IT IS IMPERATIVE THE SUMMIT REACH AGREEMENT ON SUBSTANTIAL DEFICIT REDUCTION

(Mr. REGULA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REGULA. Mr. Speaker, Business Week, November 9, points out that the current account deficit for August, if annualized, would increase from $147 billion to $164 billion. A large current account deficit will drive up our capital needs from overseas. This accelerates the buildup of a foreign debt. The United States in 1982 was a creditor nation with $135 billion; in 1987 we are a debtor nation with $400 billion, estimated to go to $700 billion by 1989.

We risk the fact that overseas investors will become uneasy and that they will cash their debt instruments.

What will this mean? It will drive up interest rates, destabilize our financial markets and make the funding of the debt dramatically rise in cost.

For all of these reasons I think it is imperative that the summit that is now working reach an agreement on deficit reduction, hopefully substantially more than the $23 billion.

It is vitally needed to restore confidence in this Nation's fiscal policies.

CATOOSA COUNTY, GA DOES ITS PART TOWARD DEFICIT REDUCTION

(Mr. DARDEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DARDEN. Mr. Speaker, I hold in my hand evidence of the American people's demand that the Federal budget be balanced. It is a check from the Catoosa County, GA, Commission on the Bicentennial of the U.S. Constitution—to be contributed to the Treasury for deficit reduction.

The amount is small—$17.87—in reality, the balance in the commission's accounts after this year's celebration of the Constitution's 200th anniversary. Symbolically, however, it represents much more—a demand by people in northwest Georgia that the Federal Government return to fiscal-responsibility.

I am forwarding this check to Treasury Secretary Baker. And I urge my colleagues to join me in a bipartisan pledge that this Government will follow the commonsense economic

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

policy which American families follow every day—recognizing that we cannot live beyond our means for very long without devastating financial results.

"CAP," WE SALUTE YOU

(Mr. LAGOMARSINO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAGOMARSINO. Mr. Speaker, if "lifetime achievement" awards were given to Cabinet members, Caspar Weinberger would be the first recipient. His announcement last week that he will resign from the post he has held since 1981—longer than any previous Secretary of Defense save one—inspires mixed feelings for this Member. I hate to see him leave, but I don't know how in good conscience we could ask him to do more.

"Cap" Weinberger has been a fixture in California and on the world scene longer than most of us have been adults. From his graduation, magna cum laude, from Harvard in 1938; to his service in the infantry in World War II during which time he rose from a private to captain; to his years of service in the California Legislature during which time he was named "most effective legislator" by a poll of newspaper correspondents; through his service as chairman of the "Little Hoover Commission;" as California's director of finance under Governor Reagan; Chairman of the Federal Trade Commission; Director of the Office of Management and Budget; Secretary of Health, Education, and Welfare; and finally, Secretary of Defense; he has given unstintingly of himself in service to his Nation. And in between those jobs, he had a distinguished career in private business.

Too big to fit on any one plaque, I'm afraid. But then Cap was always bigger than life—in intellect, in achievement, and in service to his country. His departure leaves a large void to fill, but I know that he and his wife, Jane, have earned the plaudits and gratitude of an entire Nation. Because of him, and his achievements, we are able today to negotiate from strength in the effort to insure the peace he helped maintain. I can't think of a finer legacy from a finer gentleman. Cap, we salute you.

LESSONS TO BE LEARNED FROM CALIFORNIA'S RECENT EARTHQUAKE

(Mr. BROWN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of California. Mr. Speaker, I rise to call to the attention of the Members some important facts about the earthquake in Los Angeles on October 1, properly called the Whittier Narrows earthquake, and to indicate some of the lessons learned. At 6.1 on the Richter scale, it killed seven people, injured hundreds of others, and caused over $200 million in damages. Twenty buildings were condemned and more than 2,000 homes were damaged. The earthquake struck at 7:42 a.m.—had it occurred a little later, when more people were up and about, the injuries could have been much greater. The event should be looked upon as a scaled-down preview of the so-called big one, expected to be a thousand times stronger than this recent event. With a 50-50 chance of occurring in the next 30 to 50 years, the big earthquake is predicted to kill up to 14,000 people, seriously injure another 50,000, and cause tens of billions of dollars in property damage.

Having come so far in learning to live with damaging Earth tremors, we still have a long way to go and much to learn. This earthquake provides an opportunity to learn some important lessons. At my request, the Subcommittee on Science, Research and Technology of the Science, Space and Technology Committee will be holding hearings tomorrow at 1 p.m. in 2318 Rayburn to explore lessons to be learned from this most recent earthquake.

The first lesson, and the easiest to swallow, is that our hazard mitigation strategies, such as stiffer building codes and improved emergency preparedness procedures, can be successful. These hazard mitigation efforts were well in place when the earthquake struck and are credited for saving over 10,000 lives and preventing a great deal of property damage.

The second lesson is that although better prepared than all other regions, California is not ready for a major quake, that is, one greater than 8 on the Richter scale. Thousands of buildings still need to be retrofitted, and preparedness and response activities need constant refinement. Los Angeles alone has more than 7,000 year-old masonry buildings, only 1,000 of which have been reinforceed under a 1981 ordinance that required that all be strengthened or demolished by 1992. There is much work to be done, many buildings to be retrofitted. In addition, we can build safer new structures, both public and private, and we have learned where not to place them. Building our cities to survive earthquakes with minimal damage and minimal loss of life is one of our best defenses against catastrophe.

A third lesson is frightening and should be taken very seriously. Despite all the exciting and invaluable advances in our understanding of how the Earth's crustal plates keep in constant motion, and the enormous amount of seismic research conducted in California, it is not clear to seismologists whether or not the earthquake fell on a known fault. In addition, of the two distinct tectonic systems reshaping the Los Angeles basin—the San Andreas and the Transverse Range systems—scientists are still not sure which fault system was related to the quake. The location of the earthquake suggests that the responsible fault belongs to the San Andreas system, but the nature of the faulting suggests the Transverse Range system is responsible. Seismologists at the USGS have stated that they would not have anticipated a quake at that particular location. We can all appreciate that knowing where the earthquake will strike is more important than knowing exactly when it will strike. Certainly, establishments located in high-risk areas will take more precautionary measures than those located far from an active fault system.

Clearly, more research is needed. Earthquake prediction, which saves lives and allows for improved emergency response, is still in its infancy. It may be that the best defense that the Los Angeles basin has is additional time and resources for a stepped up research program. In addition, research that has been primarily focused on the San Andreas system should be extended to other areas.

A fourth lesson involves a consideration of how a large earthquake is likely to affect not only the economy of California, but that of the United States. We need to take a serious look at the insurance situation as well as the possibility of a plan for major Government backing in any future seismic disaster.

Although all homeowner insurance companies in Los Angeles are required to offer earthquake insurance, only about 15 percent of California homeowners have such coverage. Among the policies that do exist, the premiums and deductible amounts are high, while the maximum coverage is low. The rates do not match individual situations, such as proximity to a major fault zone or the structural integrity of the insured building. Also, public information about risk reduction is severely lacking. Insurance policies should not make it attractive to build over active faults, or in areas of high likelihood of ground failure. Insurance can and should be an important incentive for hazard mitigation and an instrument of economic recovery.

Insurance industry officials, with the encouragement of Federal officials, are preparing a plan for financial assistance from the Federal Government in the event of a large earthquake. The need for such a plan rests in the possibility of a financial collapse from a catastrophic earthquake. Given the possibility of $70 billion in damage claims after a magnitude 8 quake, the insurance industry should have the promise of Federal assistance. Without a national earthquake or natural hazards insurance program, our ability to restore homes and businesses could be severely threatened.

The rewards for taking heed to these lessons and responding accordingly could be tremendous. The penalty for not doing so could be tremendously devastating.

SANDINISTAS ARE NOT COMPLYING WITH GUATEMALA ACCORDS

(Mr. KYL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KYL. Mr. Speaker, last evening four of my colleagues and I returned from a trip to Nicaragua where we had journeyed to monitor compliance with the Guatemala peace accords, and in the words of Chaplain Ford this morning, to provide support and encouragement to our friends who are seeking freedom and peace in Nicaragua.

We had hoped to be optimistic because Comandante Daniel Ortega had in his November 5 speech to the people of Nicaragua announced that the Communist Sandinista government there had complied 100 percent with the steps to be taken to comply with the peace accords and that now it was up to all of the others.

Mr. Speaker, after having been there and after having spoken with the people of Nicaragua and seeing for ourselves what the conditions are, I would say that it is closer to 3 percent than 100 percent in terms of compliance with the peace accords.

We traveled to the interior of the country, to the mountains where there has been great activity, to the Matagalpa, we visited with the campesinos, with the labor union leaders, with the mothers of political prisoners, with opposition leaders. Everywhere we went there was fear, there was repression, and there was very little hope that in fact freedom would reign in Nicaragua. All of them agreed with the statement given to us by Bishop Bismarck Carballo who said that without aid from the United States of America, the Sandinistas would have never come to the bargaining table and without continued United States support for the Contras, the democratic resistance, there will be no pressure on the Sandinista government to open up even a little bit the windows of opportunity and freedom to the oppressed people of Nicaragua.

Mr. Speaker, I urge my colleagues to continue to monitor the situation there and to provide their support and encouragement for freedom for the people of Nicaragua.

□ 1215

TRIBUTE TO THE LATE JACK ENGLISH

(Mr. DOWNEY of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOWNEY of New York. Mr. Speaker, it is a sad occasion which brings me to the well of the House today. Over the weekend, Jack English, the former chairman of the Nassau County Democratic Party died after a long battle with cancer.

Jack was a good friend and advisor to me throughout my career. He was always an active player in Democratic politics in New York and on the national stage.

He was a close friend of Jack and Bobby Kennedy and he was instrumental in persuading Bobby Kennedy to run for the U.S. Senate from New York in 1964.

Jack worked tirelessly for the party and served on the Democratic National Committee from 1968 to 1972. In 1980, he acted as the deputy national chairman of the Carter-Mondale 1980 campaign.

I am saddened by this loss and I want to take this opportunity to extend my sympathy to his wife, Regina, and their children. The Democratic Party and the Nation have suffered a great loss. His career was a model of commitment to the public good and he inspired countless others in the same way. It is impossible to measure fully his influence on a generation of young public officials.

SOCIAL SECURITY MAY BE INCLUDED IN DEFICIT REDUCTION PACKAGE

(Mr. CHANDLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHANDLER. Mr. Speaker, you can't get from here to there by taking things off the table.

That's the point our colleague, the gentleman from California [Mr. BEILENSON] was making in yesterday's Washington Post. It took courage for him to call on the budget deficit negotiators to include Social Security in the mix of cuts. I commend him and agree.

This past year, many of us have been calling for meaningful, bipartisan efforts to reduce the deficit. Members on both sides of the aisle have been willing to risk their political fortunes for the greater good of the country.

Social Security is easily the most sensitive political issue we face. Yet, without adjusting scheduled cost-of-living-increases it will be much more difficult to reduce the deficit permanently. And it will be impossible to claim that the solution is fair.

In 1982, Democrats exploited the Social Security issue and defeated a score of Republican incumbents. Clearly, if members of my party are to embrace a package of deficit reductions that includes Social Security adjustments, Democrats must make it clear that Republicans will not again be accused of attacking the elderly.

For our part, Republicans must depoliticize the tax issue. In 1984, Walter Mondale urged a tax increase and with that albatross around his neck he went down to a humilitating defeat.

Yes, Social Security must be on the table. But so must taxes. In a national crisis we must all sacrifice. If we are really to reduce the deficit we must be fair.

The level of trust between Democrats and Republicans—between Congress and the White House—is very low. Congressman BEILENSON has gone a long way toward rebuilding that trust. Let us all support his effort and get behind the leaders working to craft a bipartisan deficit-reduction package. I am convinced the votes are here in Congress to approve such a measure, and the American people will support us if we act decisively.

CHARITY BEGINS AT HOME

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, America's No. 1 export is jobs. We have lost 1.4 million manufacturing jobs in the last 7 years. They paid from $10 to $12 per hour, with full benefits. We have replaced some of them with jobs that average $3.50 to $5.59 an hour, with no benefits. The truth is that many of these jobs in this great "booming" economy have no benefits at all, they are part-time and it is awfully tough sometimes even to get them.

Wall Street is teetering and our taxpayers are still going to send more foreign aid overseas. We are still going to let them pay for the protection of the NATO countries.

Mr. Speaker, it is time that we let these foreign nations take care of themselves. How can Congress justify paying our neighbor's rent bill when our home may be foreclosed on? I think that is literally crazy.

Mr. Speaker, it is time that Congress started taking care of the interests of America and let these other countries start taking care of themselves.

A REACTION TO UNFAIR CANADIAN TRADE PRACTICES

(Mr. SCHULZE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHULZE. Mr. Speaker, I am deeply concerned about certain unfair Canadian trade practices which undermine the spirit of the recently initiated United States-Canada Free Trade Agreement. Verbally Canada supports reducing barriers to United States-Canada trade. In practice it excludes American companies from bidding on defense procurements when Canadian suppliers exist.

We, on the other hand, categorize Canadian companies as domestic producers on similar defense procurements.

In view of Canada's unfair treatment of our firms seeking Canadian defense contracts, I believe it may be time to change our policy. Perhaps we should emulate their discriminatory policies, and exclude their firms from bidding on U.S. defense contracts. Sadly, Canada's actions leave us with little choice.

CONFERENCE REPORT ON HOUSING AND COMMUNITY DEVELOPMENT ACT SEEN AS FAIR AND FISCALLY RESPONSIBLE

(Mr. KOLTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOLTER. Mr. Speaker, I rise today to express my strong support for the conference report on the Housing and Community Development Act, which this House will consider today.

In June of this year, this body passed its version of the bill, H.R. 4, with bipartisan support. The other body passed its version, S. 825, also with bipartisan support.

A compromise was formulated, and now is being considered, at a time when calls for austerity measures are very loud. In response to this great concern, the conference committee has reported legislation that is both fair and fiscally responsible. I commend the members of the conference committee for a job well done.

In achieving this goal, the conferees drew important provisions from both of the original bills and have reported this compromise worthy of continued bipartisan support.

I urge all of my colleagues to express their concern for the economically disadvantaged beneficiaries of this authorization by supporting this conference report.

PRESIDENT URGED TO HOLD FAST ON SPENDING CUTS AND TAX POLICY

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. President Ronald Reagan, they are about to do it to you again. These irresponsible, liberal, big spenders in this Congress are about to, according to newspaper articles, talk you into raising taxes with no guarantee that you are going to get any spending cuts at all.

In 1982, Mr. President, they did it to you then. They told you that if you would raise taxes $20 billion, they would cut spending $40 billion. Mr. President, you went along with them. You raised taxes $20 billion, and what do you think these liberal, big spending, irresponsible Congressmen did? They did not give you one nickel of spending cuts. The old saying, "What Congress gets, Congress spends" was never so true.

This time, Mr. President, make them give you the spending cuts in advance for 1 year. Then give them a tax increase the following year, with a 1-year limitation, and every successive year get the spending cuts 1 year in advance, then give them the tax increases, if necessary.

Mr. Speaker, I say to the President, "Don't be conned again, Mr. President. When it comes to spending money, you can't trust them."

FINAL REPORT ON THE PRESIDENT'S CHILD SAFETY PARTNERSHIP

(Mr. LEWIS of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Florida. Mr. Speaker, as the only House Member serving on the President's Child Safety Partnership, I was an active participant in last week's White House ceremony in which the partnership report was presented to President Reagan.

I'm proud to say the partnership's final report includes a recommendation to implement my proposal to establish statewide clearinghouses for missing and victimized children.

These centers would be modeled after the very successful one in Florida with the ultimate goals of improving cooperation and coordination between various agencies involved in the search for missing children and educating parents, individuals, and agencies in methods to protect children.

The partnership seeks involvement by private and public groups and individuals all over the country to implement its numerous proposals. These include recommendations for changes and worthwhile projects for the private sector, the child-serving community, parents and concerned citizens and government at all levels.

Mr. Speaker, we can all be encouraged by the renewed enthusiasm given to the plight of many troubled youth in this Nation.

There is no doubt that implementation of all of the partnership's recommendations would be a big step toward ensuring the safety and well-being of our children.

NEGOTIATIONS IN CENTRAL AMERICA HOLD OUT PROMISE

(Mr. SLATTERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SLATTERY. Mr. Speaker, the Reagan administration has talked a great deal about United States security concerns regarding Central America in the past. But the time for the United States to do something about it is now.

As one who has advocated bilateral talks between the United States and Nicaragua in the past, I applaud this administration's decision to begin multilateral talks with the five Central American countries. I hope the administration will still pursue direct talks with Nicaragua to address United States security concerns in the region.

I urge the administration to waste no time in dealing directly with Nicaragua and our allies in the region to ensure a Soviet-free Central America.

The Sandinistas have agreed to negotiate on the Soviet presence in Nicaragua and the size of their military in the past. We should now seek to guarantee the removal of Soviet military aid and advisers, reduce the level of sophisticated weaponry and the size of the Sandinista Army. Let's get the Soviets out of Nicaragua and avoid another Cuba on the Isthmus of Central America.

Today, we have an historic opportunity to contribute constructively to the peace process. The Sandinistas have shown a willingness to pursue peace by agreeing to a negotiated cease-fire and appointing Cardinal Obando Y Bravo as intermediary. The United States should, in the spirit of peace, seek to compliment the process by dealing directly with Nicaragua and our allies in the region.

The time to deal is now. Let's get on with it.

□ 1225

LEGISLATION TO EXCLUDE ILLEGAL ALIENS FROM CENSUS COUNT

(Mr. PETRI asked and was given permission to address the House for 1 minutes.)

Mr. PETRI. Mr. Speaker, after the 1980 census, California gained an extra congressional seat and New York retained a seat due to illegal immigrant populations. Those seats should have gone to Georgia and Indiana.

There is something repugnant about allocating House seats on the basis of the number of persons who would be deported if our laws were being enforced.

If current procedures remain in place for the next census in 1990, the States most likely to lose representation in Congress unjustly are Connecticut, Pennsylvania, Michigan, Alabama, North Carolina, and Missouri.

Tomorrow, I intend to introduce legislation to correct this ridiculous situation. My bill will direct the Census Bureau to exclude illegal aliens from the count used for reapportionment of the House.

This is not an antiimmigrant bill. This is simply a bill designed to provide fair and equal representation for the legal residents of this country.

I invite my colleagues to join me as original cosponsors.

WITHDRAWAL OF NAME AS A NOMINEE FOR SUPREME COURT JUSTICE

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, I am today notifying the President of the United States that I want my name withdrawn as a possibility for nomination to the Supreme Court.

I do so, because in the seventh grade one day with a colleague of mine, I played hooky for a full half a day. Later on I became increasingly guilty of overdue library books and have paid many fines in the local public library.

Moreover, traffic tickets have been part of my background, and I want the CONGRESSIONAL RECORD to reveal that in full.

I believe fully that these indiscretions of mine disqualify me from becoming a Supreme Court Justice, only because the Senate of the United States will be the final arbiter; but these indiscretions do not prevent me from running for President of the United States, because only the public, my constituents, will decide whether or not I can be successful on that venture.

FREE LABOR RALLY IN MANAGUA

(Mr. DORNAN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN of California. Mr. Speaker, at about this time yesterday I was addressing a free labor rally in the Communist capital of Managua, Nicaragua.

The Turbas Divinas, the undivine mobs, that beat up the mothers and sisters and young wives of the 10,000-plus political prisoners, the Turbas Divinas were hiding around the corners, backing off, because you do not generally attack and beat up people in a Communist capital when five attorneys general from the United States, Florida, Kansas, our former colleague, Jim Mattox, and others, and a former ambassador, are following the parade in a car, or when two Members from California, the gentleman from California [Mr. DREIER] and myself, and the gentleman from Missouri [Mr. BUECHNER], with a little child on his shoulders, the gentleman from Arizona [Mr. KYL], who led the delegation, and the gentleman from Virginia [Mr. BATEMAN], with all of us marching in the front row of the parade, you do not attack and beat up the people.

I believe that parade was rather a tragic failure, because Australian journalists and BBC journalists, they have all said look, it is democratic. Democratization is working here.

Well, it is not working. It is a lie, and the blood of every young Nicaraguan freedom fighter who has died 10 miles from the Honduras border down to the Rio San Juan River, they were the ones who wore with their blood the Arias peace plan.

Let us hope that Arias on December 7 calls this what it is, another locking in of another Communist colony right here on American soil.

DEMOCRATS DESERVE FULL CREDIT FOR CONGRESSIONAL PAY RAISE

(Mr. WELDON asked and was given permission to address the House for 1 minute.)

Mr. WELDON. Mr. Speaker, last week we heard a lot of rhetoric from the other side of the aisle attempting to distance Democratic Members from the negative portion of the Deficit Reduction Act which passed the House by 1 vote.

I find it somewhat amusing that the Democratic leadership is now telling us, all along they intended to have a separate vote on a congressional pay raise.

I was dismayed at an AP story carried Friday, November 6, nationally which included comments attributed to the majority whip that "the Republican version of the deficit reduction bill also included the raise."

This is absolutely incorrect. The Republican or Michel amendment to the bill was a perfecting amendment that dealt with specific portions of the Democratic bill; namely, taxes and spending.

The pay raise was contained in the original Democratic bill only. Members were informed during the debate by the gentleman from Pennsylvania [Mr. WALKER] that a vote for final passage of the Democratic bill with or without the Michel amendment would have been a vote for a congressional pay raise.

I am happy that all but one of my Republican colleagues and 41 Democratic Members joined me in opposing this hypocrisy.

Let us keep the record straight, and let the Democrats take full credit for voting for another back-door pay raise in a deficit reduction bill.

COMMUNIST SCHEDULING ADVICE FOR THE U.S. HOUSE

(Mr. GINGRICH asked and was given permission to address the House for 1 minute.)

Mr. GINGRICH. Mr. Speaker, a Thursday Associated Press story suggested that the Speaker has conferred with Nicaragua's Communist dictatorship while developing the continuing resolution legislative strategy.

The Associated Press story said:

> House Speaker Jim Wright said he had spoken today with Nicaragua's Ambassador to the United States, Carlos Tunnerman, who told him there would be no objection to a further aid appropriation.

This story, if true, strikes at the dignity and integrity of the House proceedings. The Speaker should report to the House how often he and his staff have been consulting with Nicaraguan Communists in person and by telephone.

Later today in a special order I will outline the dangers of this behavior for the dignity and integrity of the House proceedings. I look forward to a report from the Speaker on this dangerous and inexcusable behavior.

MEMBERS SHOULD VISIT NICARAGUA

(Mr. BUECHNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUECHNER. Mr. Speaker, I would like to issue a challenge to the Members on both sides of the aisle; and that is, to do what many of us have done.

I did it for my first time this weekend, and that is, to visit Nicaragua. I do not want the Members to sit down with the leaders of the Government or the Contra leaders, but take some time to go visit the people that live in the cities that are either the objects of the resistance themselves by means of the fact that their family is in prison.

Who put them in prison? The Sandinistas put them in prison. Why are they in prison? They are charged with acts against the state.

I would like you to meet with mothers, daughters, sisters, brothers, and the children and parents of those people who are in prison; and I would like the Members to talk to them about what is important to them.

What is important is freedom. What is important is amnesty.

March with them. Show them that you have the same concern for freedom in Nicaragua as in South Africa, as in Selma, AL, and the fact that we were not attacked did not mean that secret police were not in the corners, did not believe the dogs were not around the corners, did not believe that pictures were not being taken of the individuals for the files of the secret police.

If you know what a chilling effect is, it was there; but the most chilling effect we can do is not to understand that these people depend on our help. We should give it to them; join us.

U.S. SUGAR PROGRAM

(Mr. STANGELAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STANGELAND. Mr. Speaker, as some of our colleagues prepare to introduce legislation this week, which would virtually decimate the U.S. Sugar Program, I would like to point out that most of the data on which they are basing this legislation is extremely faulty.

One of the most blatant claims is that the current program guarantees U.S. sugar producers an excessive profit and inflates domestic sweetener prices. The facts are that the average cost of producing and processing raw sugar is approximately 20.55 cents per pound.

With the loan rate for sugar at 18 cents and the cost of producing it close to 21 cents, the U.S. producer would most certainly rely on the market place for a profit—not the sugar program. Furthermore, in 1981 the average retail price for sugar in the United States was a little more than 40 cents per pound. In contrast, for the first 6 months of 1987, the average was lower—at 35 cents per pound.

Legislation intended to disassemble the current sugar program will harm and severely impact entire agricultural communities. It will also deprive the American consumer of a program which assures a steady supply of sugar at reasonable prices.

CONGRATULATIONS, GLENN HOPKINS

(Mr. HUBBARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUBBARD. Mr. Speaker, the name Hopkins is prominent in western Kentucky.

Hopkinsville, KY, is the second largest city in the congressional district I represent.

Hopkins County, KY, is north of Hopkinsville and is where Madisonville, the county seat of government, is located.

I'm pleased to commend and congratulate a friend of mine named Glenn Hopkins of Clinton, KY. Glenn Hopkins, a 79-year-old retired mortician and businessman, was the No. 1 recipient of votes last Tuesday in the Clinton City Council race. He received 237 votes.

Some of my colleagues in Congress may wonder why all the praise from me today for Glenn Hopkins. Well, Glenn Hopkins is the father of Congressman LARRY HOPKINS, the gentleman from Kentucky's Sixth Congressional District.

Glenn Hopkins is a Democrat and that's true of all the Hopkins in western Kentucky, including LARRY HOPKINS' uncle Stanley Hopkins, a former sheriff and county judge/executive of Hickman County, KY.

Yes, Congressman LARRY HOPKINS is a Republican, though years ago growing up in western Kentucky—attending Wingo High School and Murray State University—he was a Democrat.

So, my colleagues, remember that the success of Republican LARRY HOPKINS comes from a daddy, a mother, and a big western Kentucky family who are all Democrats.

And all the Hopkins and a lot of other Democrats in western Kentucky would vote for LARRY HOPKINS if he ever decides to seek a statewide office in Kentucky.

CONGRESSIONAL PAY RAISE DEMOCRATS' RESPONSIBILITY

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, is this any way to run the Government? A few months ago you and your party took control of this body and the other body.

Since that time we have not had one appropriation bill passed, despite the fact that we are in the new fiscal year. The budget was passed late.

We have taken upon ourselves to break the law constantly with regard to the Budget Act. We have consistently been late in meeting deadlines around here, and now we are moving toward fantasy.

I understand the leadership has now claimed that last week when we considered the pay raise in this body, that the Republicans had the same pay raise in their bill that the Democrats had in theirs.

That is just plain falsehood. There was no such proposal made by the Republicans in this body. The whole thing was the Democrats who brought the pay raise to the floor as a part of a debt-reduction bill.

It is fantasy to believe, to begin with, that we ought to have a pay raise as a part of a debt-reduction bill; but to try to lay the blame off on our side of the aisle is pure fantasy.

It is high time at least you take responsibility of governing that you so gladly informed the voters of a few months ago that you really wanted.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ANDREWS). The chair desires to announce that pursuant to clause 4 of rule I, the Speaker signed the following enrolled bill on Thursday, November 5, 1987:

S. 442. An act to amend chapter 9 of title 17, United States Code, regarding protection extended to semiconductor chip products of foreign entities.

CONFERENCE REPORT ON H.R. 1451, OLDER AMERICANS ACT AMENDMENTS OF 1987

Mr. HAWKINS submitted the following conference report and statement on the bill (H.R. 1451) to amend the Older Americans Act of 1965 to authorize appropriations for the fiscal years 1988, 1989, 1990, and 1991; to amend the Native Americans Programs Act of 1974 to authorize appropriations for such fiscal years; and for other purposes:

CONFERENCE REPORT (H. REPT. 100-427)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1451) to amend the Older Americans Act of 1965 to authorize appropriations for the fiscal years 1988, 1989, 1990, and 1991; to amend the Native Americans Programs Act of 1974 to authorize appropriations for such fiscal years; and for other purposes; having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

This Act may be cited as the "Older Americans Act Amendments of 1987".

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TITLE I—AMENDMENTS TO THE OLDER AMERICANS ACT OF 1965

PART A—OBJECTIVES AND ADMINISTRATION

SEC. 101. OBJECTIVES.

Section 101 of the Older Americans Act of 1965 (42 U.S.C. 3001) is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking "United States and" and inserting "United States,", and

(B) by inserting ", and of Indian tribes" after "subdivisions",

(2) in paragraph (3) by striking "Suitable" and inserting "Obtaining and maintaining suitable",

(3) in paragraph (7) by striking "Pursuit of" and inserting "Participating in and contributing to", and

(4) in paragraph (10)—

(A) by striking "lives and" and inserting "lives,", and

(B) by inserting ", and protection against abuse, neglect, and exploitation" before the period at the end.

SEC. 102. ESTABLISHMENT OF ADMINISTRATION ON AGING.

Section 201(a) of the Older Americans Act of 1965 (42 U.S.C. 3011(a)) is amended in the third and fourth sentences by striking "the Office of".

SEC. 103. DATA COLLECTION; REPORTS.

(a) COLLECTION REQUIRED.—Section 202(a) of the Older Americans Act of 1965 (42 U.S.C. 3012(a)) is amended—

(1) in paragraph (17) by striking "and" at the end,

(2) in paragraph (18) by striking the period at the end and inserting "; and", and

(3) by adding at the end the following:

"(19) collect for each fiscal year, for fiscal years beginning after September 30, 1988, directly or by contract, statistical data regarding programs and activities carried out with funds provided under this Act, including—

"(A) with respect to each type of service provided with such funds—

"(i) the aggregate amount of such funds expended to provide such service;

"(ii) the number of individuals who received such service; and

"(iii) the number of units of such service provided;

"(B) the number of senior centers which received such funds; and

"(C) the extent to which each area agency on aging designated under section 305(a) satisfied the requirements of paragraphs (2) and (5)(A) of section 306(a).".

(b) REPORTS.—The last sentence of section 207(a) of the Older Americans Act of 1965 (42 U.S.C. 3018(a)) is amended to read as follows: "Such annual reports shall include—

"(1) statistical data reflecting services and activities provided to individuals during the preceding fiscal year;

"(2) statistical data collected under section 202(a)(19);

"(3) an analysis of the information received under section 306(b)(2)(D) by the Commissioner; and

"(4) statistical data and an analysis of information regarding the effectiveness of the State agency and area agencies on aging in targeting services to older individuals with the greatest economic or social needs, with particular attention to low-income minority individuals, low-income individuals, and frail individuals (including individuals with any physical or mental functional impairment).".

(c) REPORT TO CONGRESS ON OMBUDSMAN PROGRAM.—Section 207 of the Older Americans Act of 1965 (42 U.S.C. 3018) is amended by striking subsection (b) and inserting the following:

"(b)(1) Not later than January 15 of each year, the Commissioner shall compile a report—

"(A) summarizing and analyzing the data collected under section 307(a)(12)(C) for the then most recently concluded fiscal year;

"(B) identifying significant problems and issues revealed by such data (with special emphasis on problems relating to quality of care and residents' rights);

"(C) discussing current issues concerning the long-term care ombudsman programs of the States; and

"(D) making recommendations regarding legislation and administrative actions to resolve such problems.

"(2) The Commissioner shall submit the report required by paragraph (1) to—

"(A) the Select Committee on Aging of the House of Representatives;

"(B) the Special Committee on Aging of the Senate;

"(C) the Committee on Education and Labor of the House of Representatives; and

"(D) the Committee on Labor and Human Resources of the Senate.

"(3) The Commissioner shall provide the report required by paragraph (1), and make the State reports required by section 307(a)(12)(H)(i) available, to—

"(A) the Administrator of the Health Care Finance Administration;

"(B) the Office of the Inspector General of the Department of Health and Human Services;

"(C) the Office of Civil Rights of the Department of Health and Human Services;

"(D) the Administrator of the Veterans' Administration; and

"(E) the public agencies and private organizations designated under section 307(a)(12)(A).".

SEC. 104. VETERANS' PROGRAMS.

(a) Consultation.—Section 203(b) of the Older Americans Act of 1965 (42 U.S.C. 3013(b)) is amended—

(1) in paragraph (13) by striking "and" at the end,

(2) in paragraph (14) by striking the period at the end and inserting ", and", and

(3) by adding at the end the following:

"(15) parts II and III of title 38, United States Code.".

(b) Technical Assistance and Cooperation Under Title III.—Section 301(b)(2) of the Older Americans Act of 1965 (42 U.S.C. 3021(b)(2)) is amended by inserting ", the Veterans' Administration," after "Office of Community Services".

(c) Area Plans.—Section 306(a)(6)(F) of the Older Americans Act of 1965 (42 U.S.C. 3026(a)(6)(F)) is amended by inserting "providers of veterans' health care (if appropriate)," after "elected officials,".

(d) Technical Assistance and Cooperation Under Title IV.—Section 402(b) of the Older Americans Act of 1965 (42 U.S.C. 3030bb(b)) is amended by inserting "the Veterans' Administration," after "National Institutes of Health,".

SEC. 105. MENTAL HEALTH.

(a) Functions of Commissioner.—Section 202(a)(5) of the Older Americans Act of 1965 (42 U.S.C. 3012(a)(5)) is amended by inserting "(including mental health)" after "health".

(b) Federal Agency Consultation.—Section 203(b)(10) of the Older Americans Act of 1965 (42 U.S.C. 3013(b)(10)) is amended by inserting ", including block grants under title XIX of such Act" before the comma.

(c) Administration of Title III.—Section 301(b)(2) of the Older Americans Act of 1965 (42 U.S.C. 3021(b)(2)), as amended by section 104(b), is amended by inserting "the Alcohol, Drug Abuse, and Mental Health Administration," after "Veterans' Administration,".

(d) Administration of Title IV.—Section 402(b) of the Older Americans Act of 1965 (42 U.S.C. 3030bb(b)), as amended by section 104(d), is amended by inserting "Alcohol, Drug Abuse, and Mental Health Administration," after "Veterans' Administration,".

(e) Education and Training.—(1) Section 411(a)(1) of the Older Americans Act of 1965 (42 U.S.C. 3031(a)(1)) is amended by inserting "(including mental health)" after "health".

(2) The first sentence of section 412(a) of the Older Americans Act of 1965 (42 U.S.C. 3032(a)) is amended by inserting "(including mental health)" after "health".

(f) Special Projects in Comprehensive Long-Term Care.—The second sentence of section 423(a)(3) of the Older Americans Act of 1965 (42 U.S.C. 3035b(a)(3)) is amended by inserting "mental health services;" after "in-home services;".

SEC. 106. OLDER INDIVIDUALS WITH DISABILITIES.

(a) Planning.—Section 202(b)(1) of the Older Americans Act of 1965 (42 U.S.C. 3012(b)(1)) is amended—

(1) by striking "and" and inserting a comma, and

(2) by inserting after "Act" the following: ", with the Alcohol, Drug Abuse, and Mental Health Administration and the Administration on Developmental Disabilities".

(b) Agency Consultation.—Section 203(b) of the Older Americans Act of 1965 (42 U.S.C. 3013(b)), as amended by section 104(a), is amended—

(1) in paragraph (14) by striking "and" at the end,

(2) in paragraph (15) by striking the period at the end and inserting a comma, and

(3) by adding after paragraph (15) the following:

"(16) the Rehabilitation Act of 1973, and

"(17) the Developmental Disabilities and Bill of Rights Act.".

(c) Evaluation.—The second sentence of section 206(c) of the Older Americans Act of 1965 (42 U.S.C. 3017(c)) is amended by inserting "and older individuals with disabilities" before the period at the end.

SEC. 107. OLDER NATIVE AMERICANS.

(a) Improved Administration for Native American Programs.—Section 201 of the Older Americans Act of 1965 (42 U.S.C. 3011) is amended by adding at the end the following:

"(c)(1) There is established in the Administration on Aging an Office for American Indian, Alaskan Native, and Native Hawaiian Programs.

"(2) The Office shall be headed by an Associate Commissioner on American Indian, Alaskan Native, and Native Hawaiian Aging appointed by the Commissioner.

"(3) The Associate Commissioner on American Indian, Alaskan Native, and Native Hawaiian Aging shall—

"(A)(i) evaluate the adequacy of outreach under title III and title VI for older Native Americans and recommend to the Commissioner necessary action to improve service delivery, outreach, coordination between title III and title VI services, and particular problems faced by older Indians and Native Hawaiians; and

"(ii) include a description of the results of such evaluation and recommendations in the annual report required by section 207(a) to be submitted by the Commissioner;

"(B) serve as the effective and visible advocate in behalf of older Native Americans within the Department of Health and Human Services and with other departments and agencies of the Federal Government regarding all Federal policies affecting older Native Americans;

"(C) coordinate activities between other Federal departments and agencies to assure a continuum of improved services through memoranda of agreements or through other appropriate means of coordination;

"(D) administer and evaluate the grants provided under this Act to Indian tribes, public agencies and nonprofit private organizations serving Native Hawaiians;

"(E) recommend to the Commissioner policies and priorities with respect to the development and operation of programs and activities conducted under the Act relating to older Native Americans;

"(F) collect and disseminate information related to problems experienced by older Native Americans;

"(G) develop research plans, and conduct and arrange for research, in the field of American Native aging with a special emphasis on the gathering of statistics on the status of older Native Americans; and

"(H) develop and provide technical assistance and training programs to grantees under title VI.".

(b) Federal Council on Aging.—The third sentence of section 204(a)(1) of the Older Americans Act of 1965 (42 U.S.C. 3015(a)(1)) is amended by inserting "Indian tribes" after "minorities".

(c) Contracting Authority.—Section 212 of the Older Americans Act of 1965 (42 U.S.C. 3020c) is amended by inserting after "State agency" the following: "(or in the case of a grantee under title VI, subject to the recommendation of the Associate Commissioner on American Indian, Alaskan Native, and Native Hawaiian Aging and the approval of the Commissioner)".

SEC. 108. FEDERAL COUNCIL ON AGING.

(a) Membership.—The fourth sentence of section 204(a)(1) of the Older Americans Act of 1965 (42 U.S.C. 3015(a)(1)) is amended by striking "two" and inserting "three".

(b) Reauthorization.—Section 204(g) of the Older Americans Act of 1965 (42 U.S.C. 3015(g)) is amended to read as follows:

"(g) There are authorized to be appropriated to carry out the provisions of this section $210,000 for the fiscal year 1988, $221,000 for the fiscal year 1989, $232,000 for the fiscal year 1990, and $243,000 for the fiscal year 1991.".

SEC. 109. REGULATIONS.

Section 205(c) of the Older Americans Act of 1965 (42 U.S.C. 3016(c)) is amended by striking "1984" and inserting "1987".

SEC. 110. PUBLICATION OF GOALS.

Section 205 of the Older Americans Act of 1965 (42 U.S.C. 3016) is amended—

(1) by redesignating subsection (d) as subsection (e), and

(2) by inserting after subsection (c) the following:

"(d) Not later than September 1 of each fiscal year, the Commissioner shall make available to the public, for the purpose of facilitating informed public comment, a statement of proposed specific goals to be achieved by implementing this Act in the first fiscal year beginning after the date on which such statement is made available.".

SEC. 111. ASSESSMENT OF UNSATISFIED DEMAND FOR SUPPORTIVE SERVICES PROVIDED AT SENIOR CENTERS AND OTHER SITES.

(a) Report.—Not later than September 30, 1989, the Commissioner on Aging shall submit to the Congress a report—

(1) assessing the national unmet need for supportive services, nutrition services, and multipurpose senior centers by summmarizing in detail for each State the results of the most recent evaluation conducted by the State agency under the then current plan (including any revision thereof) submitted under section 307(a)(3)(A) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)(3)(A)), and

(2) containing the recommendations of the Secretary with respect to the need for administrative action and legislation relating to satisfying the demand for supportive services provided at senior centers established under such title and at other sites.

(b) Issuance of Regulations.—For purposes of obtaining adequate information to be included in the report required by subsection (a), the Commissioner on Aging shall issue, under the authority of section 307(a) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)), such regulations as may be necessary to ensure that the evaluations required to be summarized in such report include data that are objectively collected and statistically valid.

PART B—GRANTS FOR SUPPORTIVE SERVICES, NUTRITION, AND OTHER ACTIVITIES

SEC. 121. PURPOSE.

Section 301(a) of the Older Americans Act of 1965 (42 U.S.C. 3021(a)) is amended by inserting ", with Indian tribes, tribal organi-

zations, and Native Hawaiian organizations," after "agencies" the second place it appears.

SEC. 122. REAUTHORIZATION FOR STATE AND COMMUNITY PROGRAMS ON AGING.

(a) SUPPORTIVE SERVICES AND SENIOR CENTERS.—Section 303(a) of the Older Americans Act of 1965 (42 U.S.C. 3023(a)) is amended to read as follows:

"(a) There are authorized to be appropriated $379,575,000 for the fiscal year 1988, $398,554,000 for the fiscal year 1989, $418,481,000 for the fiscal year 1990, and $439,406,000 for the fiscal year 1991, for the purpose of making grants under part B of this title (relating to supportive services and senior centers).".

(b) NUTRITION SERVICES.—Section 303(b) of the Older Americans Act of 1965 (42 U.S.C. 3023(b)) is amended to read as follows:

"(b)(1) There are authorized to be appropriated $414,750,000 for the fiscal year 1988, $435,488,000 for the fiscal year 1989, $457,262,000 for the fiscal year 1990, and $480,125,000 for the fiscal year 1991, for the purpose of making grants under subpart 1 of part C of this title (relating to congregate nutrition services).

"(2) There are authorized to be appropriated $79,380,000 for the fiscal year 1988, $83,349,000 for the fiscal year 1989, $87,516,000 for the fiscal year 1990, and $91,892,000 for the fiscal year 1991, for the purpose of making grants under subpart 2 of part C of this title (relating to home delivered nutrition services).".

(c) SURPLUS COMMODITIES PROGRAM.—(1) Section 311(a)(4) of the Older Americans Act of 1965 (42 U.S.C. 3030a(a)(4)) is amended—

(A) by striking "fiscal year 1986 and during each fiscal year thereafter" and inserting "fiscal years 1986 through 1991", and

(B) by striking the second and third sentences.

(2) Subparagraph (A) of section 311(c)(1) of the Older Americans Act of 1965 (42 U.S.C. 3030a(c)(1)(A)) is amended to read as follows:

"(A) There are authorized to be appropriated $151,000,000 for the fiscal year 1988, $166,000,000 for the fiscal year 1989, $183,000,000 for the fiscal year 1990, and $201,000,000 for the fiscal year 1991, to carry out the provisions of this section (other than subsection (a)(1)).".

SEC. 123. ADMINISTRATIVE EXPENSES OF AREA AGENCIES ON AGING.

Section 304(d)(1)(A) of the Older Americans Act of 1965 (42 U.S.C. 3024(d)(1)(A)) is amended by striking "8.5" and inserting "10".

SEC. 124. AREA AGENCIES ON AGING AS SEPARATE UNITS.

Section 305(c) of the Older Americans Act of 1965 (42 U.S.C. 3025(c)) is amended—

(1) in paragraph (2) by inserting "to function only" after "designated",

(2) in paragraph (3) by inserting "only" after "act", and

(3) in paragraph (4)—

(A) by inserting ", or any separate organizational unit within such agency," after "area" the first place it appears, and

(B) by striking "engage" and inserting "and will engage only".

SEC. 125. AREA PLANS.

Section 306(a)(6)(A) of the Older Americans Act of 1965 (42 U.S.C. 3026(a)(6)(A)) is amended by inserting ", and public hearings on," after "evaluations of".

SEC. 126. DAYCARE AND RESPITE SERVICES PROVIDED BY VOLUNTEERS.

Section 306(a)(6)(E) of the Older Americans Act of 1965 (42 U.S.C. 3026(a)(6)(E)) is amended—

(1) by inserting "or adults, and respite for families," after "for children", and

(2) by inserting ", adults, and families" after "to children".

SEC. 127. COORDINATION OF CERTAIN PROGRAMS RELATING TO OLDER VICTIMS OF ALZHEIMER'S DISEASE.

Section 306(a)(6) of the Older Americans Act of 1965 (42 U.S.C. 3026(a)(6)) is amended—

(1) in subparagraph (J) by striking "and" at the end,

(2) in subparagraph (K) by striking the period at the end and inserting "; and", and

(3) by adding at the end the following:

"(L) coordinate the categories of services specified in paragraph (2) for which the area agency on aging is required to expend funds under part B, with activities of community-based organizations established for the benefit of victims of Alzheimer's disease and the families of such victims.".

SEC. 128. PUBLIC HEARINGS.

Section 307(a)(8) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)(8)) is amended by inserting ", and public hearings on," after "evaluations of".

SEC. 129. OMBUDSMAN OFFICE AND PROGRAM.

(a) TECHNICAL ASSISTANCE.—Section 301 of the Older Americans Act of 1965 (42 U.S.C. 3021) is amended by adding at the end the following:

"(c) The Commissioner shall provide technical assistance and training (by contract, grant, or otherwise) to State long-term care ombudsman programs established under section 307(a)(12), and to individuals designated under such section to be representatives of a long-term care ombudsman, in order to enable such ombudsmen and such representatives to carry out the ombudsman program effectively.".

(b) STUDY OF OMBUDSMAN PROGRAM.—(1) The Commissioner on Aging shall conduct a study concerning involvement in the ombudsman program established under section 307(a)(12) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)(12)) and its impact upon issues and problems affecting—

(A) residents of board and care facilities and other similar adult care homes who are older individuals (as defined in section 302(10) of such Act), including recommendations for expanding and improving ombudsman services in such facilities, and

(B) the effectiveness of recruiting, supervising, and retaining volunteer ombudsmen.

(2) The Commissioner shall prepare and submit a report to the Congress on the findings and recommendations of the study described in paragraph (1) not later than December 31, 1989.

(c) AUTHORIZATION OF APPROPRIATIONS.—(1) Section 303(a) of the Older Americans Act of 1965 (42 U.S.C. 3023(a)), as amended by section 122(a), is amended—

(A) by inserting "(1)" after "(a)", and

(B) by adding at the end the following:

"(2) Subject to subsection (h), there are authorized to be appropriated $20,000,000 for fiscal year 1988 and such sums as may be necessary for each of the fiscal years 1989, 1990, and 1991 to carry out section 307(a)(12).".

(2) Section 308(b)(5) of the Older Americans Act of 1965 (42 U.S.C. 3028(b)(5)) is amended—

(A) in subparagraph (A) by striking "subsection (a)" and inserting "subsection (a)(1)", and

(B) in subparagraph (B) by inserting "subsections (a)(1) and (b) of" after "under" the first place it appears.

(d) STATE PLANS.—Section 307(a)(12) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)(12)) is amended to read as follows:

"(12) The plan shall provide the following assurances, with respect to a long-term care ombudsman program:

"(A) The State agency will establish and operate, either directly or by contract or other arrangement with any public agency or other appropriate private nonprofit organization, other than an agency or organization which is responsible for licensing or certifying long-term care services in the State or which is an association (or an affiliate of such an association) of long-term care facilities (including any other residential facility for older individuals), an Office of the State Long-Term Care Ombudsman (in this paragraph referred to as the 'Office') and shall carry out through the Office a long-term care ombudsman program which provides an individual who will, on a full-time basis—

"(i) investigate and resolve complaints made by or on behalf of older individuals who are residents of long-term care facilities relating to action, inaction, or decisions of providers, or their representatives, of long-term care services, of public agencies, or of social service agencies, which may adversely affect the health, safety, welfare, or rights of such residents;

"(ii) provide for training staff and volunteers and promote the development of citizen organizations to participate in the ombudsman program; and

"(iii) carry out such other activities as the Commissioner deems appropriate.

"(B) The State agency will establish procedures for appropriate access by the ombudsman to long-term care facilities and patients' records, including procedures to protect the confidentiality of such records and ensure that the identity of any complainant or resident will not be disclosed without the written consent of such complainant or resident, or upon court order.

"(C) The State agency will establish a statewide uniform reporting system to collect and analyze data relating to complaints and conditions in long-term care facilities for the purpose of identifying and resolving significant problems, with provision for submission of such data to the agency of the State responsible for licensing or certifying long-term care facilities in the State and to the Commissioner on a regular basis.

"(D) The State agency will establish procedures to assure that any files maintained by the ombudsman program shall be disclosed only at the discretion of the ombudsman having authority over the disposition of such files, except that the identity of any complainant or resident of a long-term care facility shall not be disclosed by such ombudsman unless—

"(i) such complainant or resident, or the individual's legal representative, consents in writing to such disclosure; or

"(ii) such disclosure is required by court order.

"(E) In planning and operating the ombudsman program, the State agency will consider the views of area agencies on aging, older individuals, and provider agencies.

"(F) The State agency will—

"(i) ensure that no individual involved in the designation of the long-term care ombudsman (whether by appointment or otherwise) or the designation of the head of any subdivision of the Office is subject to a conflict of interest;

"(ii) ensure that no officer, employee, or other representative of the Office is subject to a conflict of interest; and

"(iii) ensure that mechanisms are in place to identify and remedy any such or other similar conflicts.

"(G) The State agency will—

"(i) ensure that adequate legal counsel is available to the Office for advice and consultation and that legal representation is provided to any representative of the Office against whom suit or other legal action is brought in connection with the performance of such representative's official duties; and

"(ii) ensure that the Office has the ability to pursue administrative, legal, and other appropriate remedies on behalf of residents of long-term care facilities.

"(H) The State agency will require the Office to—

"(i) prepare an annual report containing data and findings regarding the types of problems experienced and complaints received by or on behalf of individuals residing in long-term care facilities, and to provide policy, regulatory, and legislative recommendations to solve such problems, resolve such complaints, and improve the quality of care and life in long-term care facilities;

"(ii) analyze and monitor the development and implementation of Federal, State, and local laws, regulations, and policies with respect to long-term care facilities and services in that State, and recommend any changes in such laws, regulations, and policies deemed by the Office to be appropriate;

"(iii) provide information to public agencies, legislators, and others, as deemed necessary by the Office, regarding the problems and concerns, including recommendations related to such problems and concerns, of older individuals residing in long-term care facilities;

"(iv) provide for the training of the Office staff, including volunteers and other representatives of the Office, in—

"(I) Federal, State, and local laws, regulations, and policies with respect to long-term care facilities in the State;

"(II) investigative techniques; and

"(III) such other matters as the State deems appropriate;

"(v) coordinate ombudsman services with the protection and advocacy systems for individuals with developmental disabilities and mental illness established under part A of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001 et seq.) and under the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (Public Law 99-319); and

"(vi) include any area or local ombudsman entity designated by the State Long-Term Care Ombudsman as a subdivision of the Office. Any representative of an entity designated in accordance with the preceding sentence (whether an employee or an unpaid volunteer) shall be treated as a representative of the Office for purposes of this paragraph.

"(I) The State will ensure that no representative of the Office will be liable under State law for the good faith performance of official duties.

"(J) The State will—

"(i) ensure that willful interference with representatives of the Office in the performance of their official duties (as defined by the Commissioner) shall be unlawful;

"(ii) prohibit retaliation and reprisals by a long-term care facility or other entity with respect to any resident or employee for having filed a complaint with, or providing information to, the Office; and

"(iii) provide for appropriate sanctions with respect to such interference, retaliation, and reprisals; and

"(iv) ensure that representatives of the Office shall have—

"(I) access to long-term care facilities and their residents; and

"(II) with the permission of a resident or resident's legal guardian, have access to review the resident's medical and social records or, if a resident is unable to consent to such review and has no legal guardian, appropriate access to the resident's medical and social records.

"(K) The State agency will prohibit any officer, employee, or other representative of the Office to investigate any complaint filed with the Office unless the individual has received such training as may be required under subparagraph (G)(iv) and has been approved by the long-term care ombudsman as qualified to investigate such complaints.".

(e) MINIMUM EXPENDITURE FOR OMBUDSMAN SERVICES.—Section 307(a)(21) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)(21)) is amended to read as follows:

"(21) The State plan shall provide that the State agency, from funds allotted under section 304(a) for part B and for paragraph (12) (relating to the State long-term care ombudsman) shall expend to carry out paragraph (12), for each fiscal year in which the allotment for part B for the State is not less than the allotment for fiscal year 1987 for part B for such State, an amount which is not less than the amount expended from funds received under this Act by such State in fiscal year 1987 to carry out paragraph (12) as in effect before the effective date of the Older Americans Act Amendments of 1987. This paragraph shall not apply to American Samoa, Guam, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.".

SEC. 130. FLEXIBILITY OF SERVICES; LEGAL ASSISTANCE.

(a) AREA PLANS.—(1) Section 306(a)(2) of the Older Americans Act of 1965 (42 U.S.C. 3026(a)(2)) is amended by inserting ", as required under section 307(a)(22)," after "adequate proportion".

(2) Section 306(b)(2) of the Older Americans Act of 1965 (42 U.S.C. 3026(b)(2)) is amended by adding at the end the following:

"(C) Whenever the State agency proposes to grant a waiver to an area agency under this subsection, the State agency shall publish the intention to grant such a waiver together with the justification for the waiver at least 30 days prior to the effective date of the decision to grant the waiver. An individual or a service provider from the area with respect to which the proposed waiver applies is entitled to request a hearing before the State agency on the request to grant such waiver. If, within the 30-day period described in the first sentence of this subparagraph, an individual or service provider requests a hearing under this subparagraph, the State agency shall afford such individual or provider an opportunity for a hearing.

"(D) If the State agency waives the requirement described in clause (2) of subsection (a), the State agency shall provide to the Commissioner—

"(i) a report regarding such waiver that details the demonstration made by the area agency on aging to obtain such waiver;

"(ii) a copy of the record of the public hearing conducted pursuant to subparagraph (A); and

"(iii) a copy of the record of any public hearing conducted pursuant to subparagraph (C).".

(b) MINIMUM EXPENDITURE OF FUNDS.—Section 307(a) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)) is amended by adding at the end the following:

"(22) The plan shall specify a minimum percentage of the funds received by each area agency for part B that will be expended, in the absence of the waiver granted under section 306(b)(1), by such area agency to provide each of the categories of services specified in section 306(a)(2).".

SEC. 131. DOCUMENTATION REGARDING MINORITY PARTICIPATION.

(a) AREA PLANS.—Section 306(a)(5)(A) of the Older Americans Act of 1965 (42 U.S.C. 3026(a)(5)(A)) is amended—

(1) by inserting "(i)" after "(5)(A)", and

(2) in subparagraph (A)(i), as so redesignated—

(A) by striking "and" at the end, and

(B) by inserting after clause (i) the following:

"(ii) provide assurances that the area agency will include in each agreement made with a provider of any service under this title, a requirement that such provider will—

"(I) specify how the provider intends to satisfy the service needs of low-income minority individuals in the area served by the provider; and

"(II) attempt to provide services to low-income minority individuals in at least the same proportion as the population of low-income minority older individuals bears to the population of older individuals of the area served by such provider; and

"(iii) with respect to the fiscal year preceding the fiscal year for which such plan is prepared—

"(I) identify the number of low-income minority older individuals in the planning and service area; and

"(II) describe the methods used to satisfy the service needs of such minority older individuals; and".

(b) STATE PLAN.—Section 307(a) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)), as amended by section 130(c), is amended by adding at the end the following:

"(23) The plan shall, with respect to the fiscal year preceding the fiscal year for which such plan is prepared—

"(A) identify the number of low-income minority older individuals in the State; and

"(B) describe the methods used to satisfy the service needs of such minority older individuals.".

SEC. 132. TARGETING OF SERVICES.

(a) ORGANIZATION.—(1) Section 305(a)(1)(E) of the Older Americans Act of 1965 (42 U.S.C. 3025(a)(1)(E)) is amended—

(A) by striking "the distribution of older individuals who have low incomes residing in such areas", and

(B) by inserting after "legal services," the following: "the distribution of older individuals who have greatest economic need (with particular attention to low-income minority individuals) residing in such areas, the distribution of older individuals who have greatest social need (with particular attention to low-income minority individuals) residing in such areas,".

(2) Section 305(a)(2) of the Older Americans Act of 1965 (42 U.S.C. 3025(a)(2)) is amended—

(A) in subparagraph (D) by striking "and" at the end,

(B) in subparagraph (E) by striking the period at the end and inserting "; and", and

(C) by inserting after subparagraph (E) the following:

"(F) assure the use of outreach efforts that will identify individuals eligible for assistance under this Act, with special emphasis on older individuals with the greatest economic or social needs (with particular attention to low-income minority individuals) and inform such individuals of the availability of such assistance.".

(b) Area Plans.—Section 306(a) of the Older Americans Act of 1965 (42 U.S.C. 3026(a)) is amended—

(1) in paragraph (1) by inserting after "residing in such area" the following: ", the number of older individuals who have greatest economic need (with particular attention to low-income minority individuals) residing in such area, the number of older individuals who have greatest social need (with particular attention to low-income minority individuals) residing in such area,",

(2) in paragraph (5)(B) by inserting after "rural elderly," the following: "older individuals who have greatest economic need (with particular attention to low-income minority individuals), older individuals who have greatest social need (with particular attention to low-income minority individuals),", and

(3) in paragraph (6)(A) by inserting before the semicolon at the end the following: "and an annual evaluation of the effectiveness of outreach conducted under paragraph (5)(B)".

(c) State Plan.—Section 307(a) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)), as amended by sections 130(c) and 131(b), is amended—

(1) in paragraph (8) by inserting before the semicolon the following: ", including an evaluation of the effectiveness of the State agency in reaching older individuals with the greatest economic or social needs, with particular attention to low-income minority individuals", and

(2) by adding at the end the following:

"(24) The plan shall provide assurances that the State agency will require outreach efforts that will—

"(A) identify older individuals who are eligible for assistance under this title, with special emphasis on older individuals with greatest economic need (with particular attention to low-income minority individuals), older individuals with greatest social need (with particular attention to low-income minority individuals), and older individuals who reside in rural areas; and

"(B) inform such individuals of the availability of such assistance.".

SEC. 133. COORDINATION RELATING TO MENTAL HEALTH SERVICES.

Section 306(a)(6) of the Older Americans Act of 1965 (42 U.S.C. 3026(a)(6)), as amended by section 127, is amended—

(1) in subparagraph (K) by striking "and", and

(2) in subparagraph (L) by striking the period at the end and inserting "; and", and

(3) by adding at the end the following:

"(M) coordinate any mental health services provided with funds expended by the area agency on aging for part B with the mental health services provided by community health centers and by other public agencies and nonprofit private organizations.".

SEC. 134. SERVICES TO OLDER NATIVE AMERICANS.

(a) Organization.—(1) Section 305(a)(1)(E) of the Older Americans Act of 1965 (42 U.S.C. 3025(a)(1)(E)), as amended by section 132(a)(1), is amended by inserting "the distribution of older Indians residing in such areas," after "such areas," the second place it appears.

(2) Section 306(a)(1) of the Older Americans Act of 1965 (42 U.S.C. 3026(a)(1)), as amended by section 132(b)(1), is amended by inserting ", and the number of older Indians residing in such area," before "and" the last place it appears in the parenthetical.

(b) Area Plans.—Section 306(a)(6) of the Older Americans Act of 1965 (42 U.S.C. 3026(a)(6)), as amended by sections 127 and 133, is amended—

(1) by striking "and" at the end of subparagraph (L),

(2) by striking the period at the end of subparagraph (M) and inserting "; and", and

(3) by adding at the end the following:

"(N) if there is a significant population of older Indians in the planning and service area of the area agency, the area agency shall conduct outreach activities to identify older Indians in such area and shall inform such older Indians of the availability of assistance under this Act.".

(c) Education and Training.—(1) Section 402 of the Act (42 U.S.C. 3030bb) is amended by adding at the end the following:

"(c) The Commissioner shall ensure that grants and contracts under this title are equitably awarded to agencies, organizations, and institutions representing minorities.".

(2) Section 410(5) of the Older Americans Act of 1965 (42 U.S.C. 3030jj(5)) is amended by inserting "(including centers of gerontology to improve, enhance, and expand minority personnel and training programs)" after "gerontology".

(3) Section 411(a) of the Older Americans Act of 1965 (42 U.S.C. 3031(a)) is amended by adding at the end the following:

"(4) To provide in-service training opportunities and courses of instruction on aging to Indian tribes through public and nonprofit Indian aging organizations.".

(4) The matter in parentheses in the first sentence of section 412(a) of the Older Americans Act of 1965 (42 U.S.C. 3032(a)) is amended—

(A) by striking "and" and inserting a comma, and

(B) by inserting "and minority populations" after "services".

(5) Section 423(a) of the Older Americans Act of 1965 (42 U.S.C. 3035b(a)) is amended by adding at the end the following:

"(4) The Commissioner shall ensure that grants and contracts under this section are equitably awarded to agencies, organizations, and institutions representing minorities.".

(6) Section 425(a) of the Older Americans Act of 1965 (42 U.S.C. 3035d(a)) is amended—

(A) by striking "(1)" and "(2)" and inserting "(A)" and "(B)", respectively,

(B) by inserting "(1)" after "(a)", and

(C) by adding at the end the following:

"(2) The Commissioner shall carry out, directly or through grants or contracts, special training programs and technical assistance designed to improve services to minorities.".

(d) Task Force.—(1) The Commissioner on Aging shall establish a permanent interagency task force that is representative of departments and agencies of the Federal Government with an interest in older Indians and their welfare, and is designed to make recommendations with respect to facilitating the coordination of services and the improvement of services to older Indians.

(2) The task force shall be chaired by the Associate Commissioner on American Indian, Alaskan Native, and Native Hawaiian Aging and shall submit its findings and recommendations to the Commissioner at 6-month intervals beginning after the date of the enactment of this Act. Such findings and recommendations shall be included in the annual report required by section 207(a) of the Older Americans Act of 1965 to be submitted by the Commissioner.

(e) Special Report on Services for Older Indians.—(1) The Commissioner on Aging shall enter into a contract with a public agency or nonprofit private organization to conduct a thorough study of the availability and quality of services under the Older Americans Act of 1965 to older Indians. The study shall include—

(A) an analysis of how many Indians now participate in programs under titles III and VI of such Act as compared to how many older Indians are eligible to participate in such programs,

(B) a description of how grants under titles III and VI of such Act are made to Indian tribes and how services are made available to older Indians, and

(C) a determination of what services are currently provided through title VI of such Act to older Indians and how well the Administration on Aging assures that supportive services under title VI of such Act to Indians are commensurate with supportive services under title III of such Act with special consideration to information and referral services, legal services, transportation services, and the ombudsman services.

(2) Not later than December 31, 1988, the Commissioner on Aging shall prepare and submit to the Congress a report on the study required by this subsection, together with such recommendations, including recommendations for legislation, as the Commissioner considers to be appropriate.

SEC. 135. OUTREACH REGARDING TUITION-FREE POST-SECONDARY EDUCATION.

Section 306(a)(6) of the Older Americans Act of 1965 (42 U.S.C. 3026(a)(6)), as amended by sections 127, 133, and 134(b), is amended—

(1) in subparagraph (M) by striking "and" at the end,

(2) in subparagraph (N) by striking the period at the end and inserting "; and", and

(3) by adding at the end the following:

"(O)(i) compile available information on institutions of higher education in the planning and service area regarding—

"(I) the courses of study offered to older individuals by such institutions; and

"(II) the policies of such institutions with respect to the enrollment of older individuals with little or no payment of tuition, on a space available basis, or on another special basis;

and include in such compilation such related supplementary information as may be necessary; and

"(ii) based on the results of such compilation, make a summary of such information available to older individuals at multipurpose senior centers, congregate nutrition sites, and other appropriate places.".

SEC. 136. SERVICES TO INDIVIDUALS WITH DISABILITIES.

(a) Definitions.—(1) Section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002) is amended by adding at the end the following:

"(8) The term 'disability' means (except when such term is used in the phrase 'severe disability', 'developmental disabilities', 'physical or mental disability', 'physical and mental disabilities', or 'physical disabilities') a disability attributable to mental or physical impairment, or a combination of mental and physical impairments, that results in substantial functional limitations in 1 or more of the following areas of major life activity: (A) self-care, (B) receptive and expressive language, (C) learning, (D) mobility, (E) self-direction, (F) capacity for independent living, (G) economic self-sufficiency, (H) cognitive functioning, and (I) emotional adjustment.

"(9) The term 'severe disability' means a severe, chronic disability attributable to mental or physical impairment, or a combination of mental and physical impairments, that—

"(A) is likely to continue indefinitely; and

"(B) results in substantial functional limitation in 3 or more of the major life activities specified in subparagraphs (A) through (G) of paragraph (8).".

(2) Section 302(11) of the Older Americans Act of 1965 (42 U.S.C. 3022(11)) is amended by inserting "(including mental health)" after "health".

(b) Area Plans.—Section 306(a)(5)(B) of the Older Americans Act of 1965 (42 U.S.C. 3026(a)(5)(B)), as amended by section 132(b)(2), is amended by inserting "and older individuals with severe disabilities," after "individuals)," the second place it appears.

(c) State Plans.—(1) Section 307(a)(13)(I) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)(13)(I)) is amended by inserting before the semicolon at the end the following: ", and to individuals with disabilities who reside at home with and accompany older individuals who are eligible under this Act".

(2) Section 307(a) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)), as amended by sections 130(c), 131(b), and 132(c), is amended by adding at the end the following:

"(25) The plan shall provide, with respect to the needs of older individuals with severe disabilities, assurances that the State will coordinate planning, identification, assessment of needs, and service for older individuals with disabilities with particular attention to individuals with severe disabilities with the State agencies with primary responsibility for individuals with disabilities, including severe disabilities, and develop collaborative programs, where appropriate, to meet the needs of older individuals with disabilities.".

(d) Supportive Services.—(1) Section 321(a)(1) of the Older Americans Act of 1965 (42 U.S.C. 3030d(a)(1)) is amended by inserting after "health" the following: "(including mental health)".

(2) Section 321(a)(4)(B) of the Older Americans Act of 1965 (42 U.S.C. 3030d(a)(4)(B)) is amended by striking "suffering from physical disabilities" and inserting "who have physical disabilities".

SEC. 137. CONFIDENTIALITY OF INFORMATION RELATING TO LEGAL ASSISTANCE PROVIDED.

(a) Area Agency on Aging.—Section 306 of the Older Americans Act of 1965 (42 U.S.C. 3026) is amended by adding at the end the following:

"(d) An area agency on aging may not require any provider of legal assistance under this title to reveal any information that is protected by the attorney-client privilege.".

(b) State and State Agency.—Section 307 of the Older Americans Act of 1965 (42 U.S.C. 3027) is amended by adding at the end the following:

"(g) Neither a State, nor a State agency, may require any provider of legal assistance under this title to reveal any information that is protected by the attorney-client privilege.".

SEC. 138. COORDINATION OF COMMUNITY-BASED SERVICES

Section 307(a) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)), as amended by sections 130(c), 131(b), 132(c), and 136(c)(3), is amended by adding at the end the following:

"(26) The plan shall provide assurances that area agencies on aging will conduct efforts to facilitate the coordination of community-based, long-term care services, pursuant to section 306(a)(6)(I), for older individuals who—

"(A) reside at home and are at risk of institutionalization because of limitations on their ability to function independently;

"(B) are patients in hospitals and are at risk of prolonged institutionalization; or

"(C) are patients in long-term care facilities, but who can return to their homes if community-based services are provided to them.".

SEC. 139. PAYMENTS.

Section 309(c) of the Older Americans Act of 1965 (42 U.S.C. 3029(c)) is amended—

(1) by inserting "average annual" after "less than its", and

(2) by striking "preceding fiscal year" and inserting "period of 3 fiscal years preceding such year".

SEC. 140. IN-HOME SERVICES FOR FRAIL OLDER INDIVIDUALS.

(a) Authorization of Appropriations.—Section 303 of the Older Americans Act of 1965 (42 U.S.C. 3023) is amended by adding at the end the following:

"(d) There are authorized to be appropriated $25,000,000 for fiscal year 1988, $26,250,000 for fiscal year 1989, $27,563,000 for fiscal year 1990, and $28,941,000 for fiscal year 1991 for the purpose of making grants under part D of this title (relating to in-home services).".

(b) Area Plans.—Section 306(a) of the Older Americans Act of 1965 (42 U.S.C. 3026(a)) is amended—

(1) in paragraph (6) by striking the period at the end and inserting "; and", and

(2) by adding at the end the following:

"(7) provide assurances that any amount received under part D will be expended in accordance with such part.".

(c) State Plans.—(1) Section 307(a)(10) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)(10)) is amended by striking "including nutrition services," and inserting "nutrition services, or in-home services (as defined in section 342(1))".

(2) Section 307(a) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)), as amended by sections 130(c), 131(b), 132(c), 136(c)(3), and 138 is amended by adding at the end the following:

"(27) The plan shall provide assurances of consultation and coordination in planning and provision of in-home services under section 341 with State and local agencies and private nonprofit organizations which administer and provide services relating to health, social services, rehabilitation, and mental health services.".

(d) Program.—Title III of the Older Americans Act of 1965 (42 U.S.C. 3021 et seq.) is amended by adding at the end the following:

"PART D—IN-HOME SERVICES FOR FRAIL OLDER INDIVIDUALS

"PROGRAM AUTHORIZED

"Sec. 341. (a) The Commissioner shall carry out a program for making grants to States under State plans approved under section 307 to provide in-home services to frail older individuals, including in-home supportive services for older individuals who are victims of Alzheimer's disease and related disorders with neurological and organic brain dysfunction, and to the families of such victims.

"(b) In carrying out the provisions of this part, each area agency shall coordinate with other community agencies and voluntary organizations providing counseling and training for family caregivers and support service personnel in management of care, functional and needs assessment services, assistance with locating, arranging for, and coordinating services, case management, and counseling prior to admission to nursing home to prevent premature institutionalization.

"DEFINITIONS

"Sec. 342. For purposes of this part—

"(1) the term 'in-home services' includes—

"(A) homemaker and home health aides;

"(B) visiting and telephone reassurance;

"(C) chore maintenance;

"(D) in-home respite care for families, and adult day care as a respite service for families; and

"(E) minor modification of homes that is necessary to facilitate the ability of older individuals to remain at home and that is not available under other programs, except that not more than $150 per client may be expended under this part for such modification; and

"(2) the term 'frail' means having a physical or mental disability, including having Alzheimer's disease or a related disorder with neurological or organic brain dysfunction, that restricts the ability of an individual to perform normal daily tasks or which threatens the capacity of an individual to live independently.

"STATE CRITERIA

"Sec. 343. The State agency shall develop eligibility criteria for providing in-home services to frail older individuals which shall take into account—

"(1) age;

"(2) greatest economic need;

"(3) noneconomic factors contributing to the frail condition; and

"(4) noneconomic and nonhealth factors contributing to the need for such services.

"MAINTENANCE OF EFFORT

"Sec. 344. Funds made available under this part shall be in addition to, and may not be used to supplant, any funds that are or would otherwise be expended under any Federal, State, or local law by a State or unit of general purpose local government (including area agencies on aging which have in their planning and services areas existing services which primarily serve older individuals who are victims of Alzheimer's disease and related disorders with neurological and organic brain dysfunction, and the families of such victims).".

SEC. 141. ASSISTANCE FOR SPECIAL NEEDS.

(a) Authorization of Appropriations.—Section 303 of the Older Americans Act of 1965 (42 U.S.C. 3023), as amended by section 140(a), is amended by adding at the end the following:

"(e) Subject to subsection (h), there are authorized to be appropriated $25,000,000 for fiscal year 1988, $25,000,000 for fiscal year 1989, and such sums as may be necessary for each of the fiscal years 1990 and 1991 to carry out part E (relating to special needs).".

(b) Area Plans.—Section 306(a) of the Older Americans Act of 1965 (42 U.S.C. 3026(a)), as amended by section 140(b), is amended—

(1) in paragraph (6) by striking "and" at the end,

(2) in paragraph (7) by striking the period at the end and inserting "; and", and

(3) by inserting after paragraph (7) the following:

"(8) provide assurances that any amount received under part E will be expended in accordance with such part;".

(c) State Plans.—Section 307(a) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)), as amended by sections 130(c), 131(b), 132(c), 136(c)(3), 138, and 140(c)(2), is amended by adding at the end the following:

"(28) The plan shall provide assurances that if the State receives funds appropriated under section 303(e), the State agency and area agencies on aging will expend such funds to carry out part E.".

(d) Grants for Special Needs.—Title III of the Older Americans Act of 1965 (42 U.S.C. 3021-3030g), as amended by section 140(d), is amended by adding at the end the following:

"PART E—ADDITIONAL ASSISTANCE FOR SPECIAL NEEDS OF OLDER INDIVIDUALS

"PROGRAM AUTHORIZED

"SEC. 351. The Commissioner shall carry out a program for making grants to States under State plans approved under section 307 to provide services, consistent with the purpose of this title, designed to satisfy special needs of older individuals. Such services include—

"(1) transportation associated with services provided under this title;

"(2) outreach regarding such services;

"(3) targeting such services to older individuals with greatest economic need or greatest social need;

"(4) services under the ombudsman program established under section 307(a)(12); and

"(5) any other service under this title—

"(A) for which the State demonstrates to satisfaction of the Commissioner that there is unmet need; and

"(B) which is appropriate to improve the quality of life of older individuals, particularly those with greatest economic need and those with greatest social need.".

SEC. 142. STATE PLAN INFORMATION REGARDING SERVICES TO OLDER INDIVIDUALS RESIDING IN RURAL AREAS.

Section 307(a) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)), as amended by sections 130(c), 131(b), 132(c), 136(c)(3), 138, 140(c)(2), and 141(c), is amended by adding at the end the following:

"(29) The plan shall, with respect to the fiscal year preceding the fiscal year for which such plan is prepared, describe the methods used to satisfy the service needs of older individuals who reside in rural areas.".

SEC. 143. HEALTH EDUCATION AND PROMOTION FOR OLDER INDIVIDUALS.

(a) Authorization of Appropriations.—Section 303 of the Older Americans Act of 1965 (42 U.S.C. 3023), as amended by sections 140(a) and 141(a), is amended by adding at the end the following:

"(f) Subject to subsection (h), there are authorized to be appropriated $5,000,000 for fiscal year 1988 and such sums as may be necessary for each of the fiscal years 1989, 1990, and 1991 for the purpose of making grants under part F of this title (relating to periodic preventive health, health education, and promotion services).".

(b) Area Plans.—Section 306(a) of the Older Americans Act of 1965 (42 U.S.C. 3026(a)), as amended by sections 140(b) and 141(b), is amended—

(1) in paragraph (7) by striking "and" at the end,

(2) in paragraph (8) by striking the period at the end and inserting "; and", and

(3) by adding at the end the following:

"(9) provide assurances that any amount received under part F will be expended in accordance with such part.".

(c) Program.—Title III of the Older Americans Act of 1965 (42 U.S.C. 3021 et seq.), as amended by sections 140(d) and 141(d), is amended by adding at the end the following:

"PART F—PREVENTIVE HEALTH SERVICES

"PROGRAM AUTHORIZED

"SEC. 361. (a) The Commissioner shall carry out a program for making grants to States under State plans approved under section 307 for periodic preventive health services to be provided at senior centers or alternative sites as appropriate.

"(b) Preventive health services under this part may not include services eligible for reimbursement under Medicare.

"(c) The Commissioner shall, to the extent possible, assure that services provided by other community organizations and agencies are used to carry out the provisions of this part.

"DISTRIBUTION TO AREA AGENCIES

"SEC. 362. The State agency shall give priority, in carrying out this part, to areas of the State—

"(1) which are medically underserved; and

"(2) in which there are a large number of older individuals who have the greatest economic need for such services.

"DEFINITIONS

"SEC. 363. For the purpose of this part and section 307 the term 'preventive health services' means—

"(1) routine health screening, which may include hypertension, glaucoma, cholesterol, cancer, vision and hearing screening;

"(2) group exercise programs;

"(3) home injury control services, including screening of high-risk home environments and educational programs on injury protection in the home environment;

"(4) nutritional counseling and educational services;

"(5) screening for the prevention of depression, coordination of community mental health services, educational activities, and referral to psychiatric and psychological services;

"(6) educational programs on the benefits and limitations of Medicare and various supplemental insurance coverage, including individual policy screening and health insurance-needs counseling; and

"(7) counseling regarding followup health services based on any of the services provided for above.".

SEC. 144. PREVENTION OF ABUSE OF OLDER INDIVIDUALS.

(a) Definitions.—Section 302 of the Older Americans Act of 1965 (42 U.S.C. 3022), as amended by section 136(a), is amended by adding at the end the following:

"(15) The term 'abuse' means the willful—

"(A) infliction of injury, unreasonable confinement, intimidation, or cruel punishment with resulting physical harm or pain or mental anguish; or

"(B) deprivation by a caretaker of goods or services which are necessary to avoid physical harm, mental anguish, or mental illness.

"(16) The term 'elder abuse' means abuse of an older individual.

"(17) The term 'caretaker' means an individual who has the responsibility for the care of an older individual, either voluntarily, by contract, receipt of payment for care, as a result of family relationship, or by order of a court of competent jurisdiction.

"(18) The term 'exploitation' means the illegal or improper act or process of a caretaker using the resources of an older individual for monetary or personal benefit, profit, or gain.

"(19) The term 'neglect' means the failure to provide for oneself the goods or services which are necessary to avoid physical harm, mental anguish, or mental illness or the failure of a caretaker to provide such goods or services.

"(20) The term 'physical harm' means bodily pain, injury, impairment, or disease.".

(b) Authorization of Appropriations.—Section 303 of the Older Americans Act of 1965 (42 U.S.C. 3023), as amended by sections 140(a), 141(a), and 143(a), is amended by adding at the end the following:

"(g) Subject to subsection (h), there are authorized to be appropriated $5,000,000 for fiscal year 1988 and such sums as may be necessary for each of the fiscal years 1989, 1990, and 1991, to carry out part G (relating to abuse, neglect, and exploitation of older individuals).".

(c) Area Plans.—Section 306(a) of the Older Americans Act of 1965 (42 U.S.C. 3026(a)), as amended by sections 140(b), 141(b), and 143(b), is amended—

(1) in paragraph (8) by striking "and" at the end,

(2) in paragraph (9) by striking the period at the end and inserting "; and", and

(3) by adding at end the following:

"(10) provide assurances that any amount received under part G will be expended in accordance with such part.".

(d) State Plan.—(1) Section 307(a)(16) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)(16)) is amended by striking "provide" the second place it appears and inserting ", if funds are not appropriated under section 303(g) for a fiscal year, provide that for such fiscal year".

(2) Section 307(a) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)), as amended by sections 130(c), 131(b), 132(c), 136(c)(3), 138, 140(c)(2), 141(c), and 142, is amended by adding at the end the following:

"(30) The plan shall provide assurances that if the State receives funds appropriated under section 303(g), the State agency and area agencies on aging will expend such funds to carry out part G.".

(e) Abuse, Neglect, and Exploitation of Older Individuals.—Title III of the Older Americans Act of 1965 (42 U.S.C. 3021 et seq.), as amended by sections 140(d), 141(d), and 143(c), is amended by adding at the end the following:

"PART G—PREVENTION OF ABUSE, NEGLECT, AND EXPLOITATION OF OLDER INDIVIDUALS

"PROGRAM AUTHORIZED

"SEC. 371. The Commissioner shall carry out a program for making grants to States under State plans approved under section 307 to carry out a program with respect to the prevention of abuse, neglect, and exploitation of older individuals. The program shall—

"(1) be consistent with relevant State law and coordinated with State adult protective service activities and other State and local elder abuse prevention and protection;

"(2) provide for—

"(A) public education and outreach services to identify and prevent abuse, neglect, and exploitation of older individuals;

"(B) receipt of reports of such abuse, neglect, and exploitation;

"(C) active participation of older individuals participating in programs under this

Act through outreach, conferences, and referral of such individuals to other social service agencies or sources of assistance if appropriate and with the consent of the older individuals to be referred; and

"(D) the referral of complaints and other reports of abuse, neglect, or exploitation of older individuals to law enforcement agencies, public protective service agencies, licensing and certification agencies, ombudsman programs, or protection and advocacy system if appropriate;

"(3) not permit involuntary or coerced participation in such program by alleged victims, abusers, or their households; and

"(4) require that all information gathered in the course of receiving such a complaint or report, and making such a referral, shall remain confidential unless—

"(A) all parties to such complaint or report consent in writing to the release of such information; or

"(B) the release of such information is to a law enforcement agency, public protective service agency, licensing or certification agency, ombudsman program, or protection or advocacy system.".

SEC. 145. LIMITATION ON CERTAIN AUTHORITY TO MAKE APPROPRIATIONS.

Section 303 of the Older Americans Act of 1965 (42 U.S.C. 2023), as amended by sections 140(a), 141(a), 143(a), and 144(b), is amended by adding at the end the following:

"(h) No funds may be appropriated under subsection (a)(2), (a)(3), (e), (f), or (g) for a fiscal year unless the aggregate amount appropriated for such fiscal year to carry out this title (other than sections 306(a)(6)(P), 307(a)(12), and 311, and parts E, F, and G), title IV (other than sections 427 and 428), title V, and title VI exceeds 105 percent of the aggregate amount appropriated for the preceding fiscal year to carry out such titles.".

SEC. 146. ASSISTIVE TECHNOLOGY INFORMATION.

(a) Definitions.—Section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002) is amended by adding at the end the following:

"(8) The term 'assistive technology' means technology, engineering methodologies, or scientific principles appropriate to meet the needs of, and address the barriers confronted by, older individuals with functional limitations.

"(9) The term 'information and referral' includes information relating to assistive technology.".

(b) Client Assessment Through Case Management.—Section 321(a) of the Older Americans Act of 1965 (42 U.S.C. 3030d(a)) is amended by adding at the end the following: "For purposes of paragraph (5), the term 'client assessment through case management' includes providing information relating to assistive technology .".

(c) Multidisciplinary Centers of Gerontology.—Section 412(a) of the Older Americans Act of 1965 (42 U.S.C. 3032(a)) is amended—

(1) in paragraph (5) by striking "and" at the end,

(2) in paragraph (6) by striking the period at the end and inserting "; and", and

(3) by adding at the end the following:

"(7) if appropriate, provide information relating to assistive technology.".

PART C—DEMONSTRATION GRANTS

SEC. 151. DEMONSTRATION PROJECTS; PURPOSE.

Section 401(1) of the Older Americans Act of 1965 (42 U.S.C. 3030aa(1)) is amended by inserting before the semicolon the following: ", with special emphasis on minority individuals, low-income individuals, frail individuals, and individuals with disabilities".

SEC. 152. DEMONSTRATION PROJECTS.

Section 422 of the Older Americans Act of 1965 (42 U.S.C. 3035a) is amended—

(1) in subsection (a)—

(A) by inserting "(1)" after "(a)", and

(B) by adding at the end the following:

"(2) The Commissioner may, after consultation with the State agency in the State involved, make grants to or enter into contracts with public or private institutions of higher education having graduate programs with capability in public health, the medical sciences, psychology, pharmacology, nursing, social work, health education, nutrition, or gerontology, for the purpose of designing and developing prototype health education and promotion programs for the use of State and area agencies on aging in implementing preventive health service programs.", and

(2) in subsection (b) by striking "this section" and inserting "subsection (a)(1)".

SEC. 153. VOLUNTEER OPPORTUNITIES.

Section 422(b) of the Older Americans Act of 1965 (42 U.S.C. 3035a) is amended—

(1) in paragraph (7) by striking "and" at the end,

(2) in paragraph (8) by striking the period at the end and inserting "; and", and

(3) by adding at the end the following:

"(9) provide expanded, innovative volunteer opportunities to older individuals which are designed to fulfill unmet community needs, while at the same time avoiding duplication of existing volunteer programs, which may include—

"(A) projects furnishing intergenerational services by older individuals addressing the needs of children, such as—

"(i) tutorial services in elementary and special schools;

"(ii) after school programs for latch key children;

"(iii) voluntary services for day care center programs; and

"(B) volunteer service credit projects operated in conjunction with ACTION, permitting elderly volunteers to earn credits for services furnished, which may later be redeemed for similar volunteer services.".

SEC. 154. SPECIAL PROJECTS IN COMPREHENSIVE LONG-TERM CARE.

Section 423(a)(1) of the Older Americans Act of 1965 (42 U.S.C. 3035b(a)(1)), as amended by section 134(c)(5), is amended by striking "may" and inserting "shall".

SEC. 155. OUTREACH TO SSI, MEDICAID, AND FOOD STAMP RECIPIENTS.

(a) Outreach and Application Assistance Functions of Administration on Aging.—Section 202(a) of the Older Americans Act of 1965 (42 U.S.C. 3012(a)), as amended by section 103(a), is amended—

(1) in paragraph (18) by striking "and" at the end,

(2) in paragraph (19) by striking the period and inserting "; and", and

(3) by adding at the end the following:

"(20) obtain from—

"(A) the Department of Agriculture information explaining the requirements for eligibility to receive benefits under the Food Stamp Act of 1977; and

"(B) the Social Security Administration information explaining the requirements for eligibility to receive supplemental security income benefits under title XVI of the Social Security Act (or assistance under a State plan program under title XVI of that Act);

and distribute such information, in written form, to State agencies, for redistribution to area agencies on aging, to carry out outreach activities and application assistance under section 307(a)(31).".

(b) Authorization of Appropriations.—Section 303(a) of the Older Americans Act of 1965 (42 U.S.C. 3023(a)), as amended by sections 122(a) and 129(c), is amended—

(1) in paragraph (1) by inserting "for purposes other than outreach activities and application assistance under section 307(a)(31)" before the period at the end, and

(2) by adding at the end the following:

"(3) Subject to subsection (h), there are authorized to be appropriated $10,000,000 for fiscal year 1989, $10,000,000 for fiscal year 1990, and such sums as may be necessary for fiscal year 1991 to carry out section 306(a)(6)(P). Amounts appropriated under this subsection shall remain available until expended.".

(c) Allotment, State Miminum.—(1)(A) The first sentence of section 304(a)(1) of the Older Americans Act of 1965 (42 U.S.C. 3024(a)(1)) is amended by striking "paragraph (2)" and inserting "paragraphs (2) and (3)".

(B) The last sentence of section 304(a)(1) of the Older Americans Act of 1965 (42 U.S.C. 3024(a)(1)) is amended by striking "purpose of" and inserting "purposes of paragraph (3) and".

(2) Section 304(a) of the Older Americans Act of 1965 (42 U.S.C. 3024(a)) is amended—

(A) by redesignating paragraph (3) as paragraph (4), and

(B) by inserting after paragraph (2) the following:

"(3) No State shall be allotted, from the amount appropriated pursuant to section 303(a)(3), less than $50,000 for any fiscal year.".

(d) Administrative Expenses.—Subparagraphs (B) and (C) of section 304(d)(1) of the Older Americans Act of 1965 (42 U.S.C. 3024(d)(1)) are each amended by inserting "(excluding any amount attributable to funds appropriated under section 303(a)(3))" after "amount".

(e) Outreach and Application Assistance.—

(1) Area plans.—Section 306(a)(6) of the Older Americans Act of 1965 (42 U.S.C. 3026(a)(6)), as amended by sections 127, 133, 134(b), and 135, is amended—

(A) in subparagraph (N) by striking "and" at the end,

(B) in subparagraph (O) by striking the period at the end and inserting "; and", and

(C) by adding at the end the following:

"(P) with funds and information received under section 307(a)(31) from the State agency—

"(i) carry out activities to identify older individuals with greatest economic need who may be eligible to receive, but are not receiving, supplemental security income benefits under title XVI of the Social Security Act (or assistance under a State plan program under title XVI of that Act), medical assistance under title XIX of the Social Security Act, and benefits under the Food Stamp Act of 1977;

"(ii) conduct outreach activities to inform older individuals of the requirements for eligibility to receive such assistance and such benefits; and

"(iii) assist older individuals to apply for such assistance and such benefits;".

(2) State plans.—Section 307(a) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)), as amended by sections 130(c), 131(b), 132(c), 136(c)(3), 138, 140(c)(2), 141(c), 142, and 144(d), is amended—

(A) in paragraph (20)(A) by striking "section 306(a)(2)(A)" and inserting "sections 306(a)(2)(A) and 306(a)(6)(P)", and

(B) by adding at the end the following:

"(31) The plan shall provide that the State agency—

"(A) from funds allotted for fiscal year 1989 under section 304(a) for part B that are attributable to the amount appropriated under section 303(a)(3), will make funds available to eligible area agencies on aging to carry out section 306(a)(6)(P) and, in distributing such funds among eligible area agencies, will give priority to area agencies on aging based on—

"(i) the number of older individuals with greatest economic need (as defined in section 302(20)) residing in their respective planning and service areas; and

"(ii) the inadequacy in such areas of outreach activities and application assistance of the type specified in section 306(a)(6)(P);

"(B) will require, as a condition of eligibility to receive funds under this paragraph, an area agency on aging to submit an application that—

"(i) describes the activities for which such funds are sought;

"(ii) provides for an evaluation of such activities by the area agency; and

"(iii) includes assurances that the area agency will prepare and submit to the State agency a report of the activities conducted with funds provided under this paragraph and the evaluation of such activities;

"(C) will distribute to area agencies on aging—

"(i) the eligibility information received under section 202(a)(20) from the Administration; and

"(ii) information, in written form, explaining the requirements for eligibility to receive medical assistance under title XIX of the Social Security Act; and

"(D) will submit to the Commissioner a report on the evaluations required to be submitted under section 307(a)(31)(B).".

(f) REPORT.—Section 207 of the Older Americans Act of 1965 (42 U.S.C. 3018) is amended by adding at the end the following:

"(c) The Commissioner shall, as part of the annual report submitted under subsection (a), prepare and submit a report on the evaluations required to be submitted under section 307(a)(31)(D), together with such recommendations as the Commissioner deems appropriate. In carrying out this subsection, the Commissioner shall consider—

"(1) the number of older individuals reached through outreach activities supported under section 306(a)(6)(P);

"(2) the dollar amount of the assistance and benefits received by older individuals as a result of such activities;

"(3) the cost of such activities in terms of the number of individuals reached and the dollar amount described in paragraph (2); and

"(4) the effect of such activities on supportive services and nutrition services furnished under title III of this Act.".

(g) IMPLEMENTATION INFORMATION.—Not later than September 1, 1988, the Commissioner on Aging shall—

(1) analyze and compile information on successful and unsuccessful activities carried out to conduct outreach of the type described in section 306(a)(6)(P) of the Older Americans Act of 1965, as added by subsection (e), and

(2) distribute such information to the State agencies on aging for dissemination to interested area agencies on aging to assist such area agencies in designing outreach activities to be carried out under section 306(a)(6)(P) of such Act.

(h) EVALUTION GUIDELINES.—The Commissioner on Aging shall issue guidelines to be followed by State agencies on aging and area agencies on aging in conducting evaluations of outreach activities carried out under section 306(a)(6)(P), of the Older Americans Act of 1965, as added by subsection (e). Such guidelines shall be designed to ensure that such evaluations are based on uniform criteria that provide a basis for the valid comparison of such outreach activities conducted by the various area agencies.

SEC. 156. DEMONSTRATION GRANTS FOR INDIVIDUALS WITH DISABILITIES.

(a) TRAINING.—Section 411(c) of the Older Americans Act of 1965 (42 U.S.C. 3031(c)) is amended—

(1) by striking "custodial and skilled care for older individuals who suffer from" and inserting "services to individuals with disabilities and to individuals with", and

(2) by striking "other neurological and organic brain disorders of the Alzheimer's type" and inserting "and related disorders with neurological and organic brain dysfunction".

(b) MULTIDISCIPLINARY CENTERS.—Section 412(a) of the Older Americans Act of 1965 (42 U.S.C. 3032(a)) is amended by inserting "disabilities (including severe disabilities)," before "income maintenance".

(c) DEMONSTRATION GRANTS.—Section 422(b)(2) of the Older Americans Act of 1965 (42 U.S.C. 3035a(b)(2)) is amended—

(1) in subparagraph (C) by striking "and" at the end,

(2) in subparagraph (D) by inserting "and" at the end, and

(3) by adding at the end the following:

"(E) the identification and provision of services to older individuals with severe disabilities;".

(d) LONG-TERM CARE SPECIAL PROJECTS.—Section 423(a)(3) of the Older Americans Act of 1965 (42 U.S.C. 3035b(a)(3)) is amended by inserting after "geriatric health maintenance organizations;" the following: "services to older individuals with severe disabilities residing in nursing homes;".

(e) ADDITIONAL SPECIAL PROJECTS.—(1) Part B of title IV of the Older Americans Act of 1965 (42 U.S.C. 3034 et seq.) is amended by adding at the end the following:

"OMBUDSMAN AND ADVOCACY DEMONSTRATION PROJECTS

"SEC. 427. (a) The Commissioner is authorized to make grants to not less than three nor more than ten States to demonstrate and evaluate cooperative projects between the State long-term care ombudsman program and the State protection and advocacy systems for developmental disabilities and mental illness, established under part A of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001 et seq.) and under the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (Public Law 99-319).

"(b) The Commissioner on Aging shall prepare and submit to the Congress a report of the study and evaluation required by subsection (a). Such report shall contain such recommendations as the Commissioner on Aging deems appropriate.".

(2) Section 431(a) of the Older Americans Act of 1965 (42 U.S.C. 3037(a)) is amended—

(A) by inserting "(other than section 427)" after "title",

(B) by inserting "(1)" after "(a)", and

(C) by adding at the end the following:

"(2) Subject to subsection (b), there is authorized to be appropriated $1,000,000 for fiscal year 1989 to carry out the provisions of section 427. The funds appropriated pursuant to this paragraph shall remain available for expenditure for fiscal year 1990.".

SEC. 157. CONSUMER PROTECTION DEMONSTRATION PROJECTS FOR SERVICES PROVIDED IN THE HOME.

(a) DEMONSTRATION PROJECTS AUTHORIZED.—Part B of title IV of the Older Americans Act of 1965 (42 U.S.C. 3034 et seq.), as amended by section 156(e)(1), is amended by adding at the end the following:

"CONSUMER PROTECTION DEMONSTRATION PROJECTS FOR SERVICES PROVIDED IN THE HOME

"SEC. 428. (a)(1) The Commissioner is authorized to make grants to not fewer than 6 nor more than 10 States to demonstrate and evaluate the effectiveness of consumer protection projects for services (other than medical services) provided to older individuals in the home that are furnished or assisted with public funds.

"(2) Grants made under this section shall be used to test different approaches to protecting older individuals with regard to services in the home. Such projects may provide consumer protection through State and local ombudsmen, legal assistance agencies, and other community service agencies.

"(b) No grant may be made under this section unless an application is made to the Commissioner at such time, in such manner, and containing such information as the Commissioner may reasonably require. Each such application shall—

"(1) describe activities for which assistance is sought;

"(2) provide for an evaluation of the activities for which assistance is sought; and

"(3) provide assurances that the applicant will prepare and submit a report to the Commissioner on the activities conducted with assistance under this section and the evaluation of such activities.

"(c) In approving applications under this section, the Commissioner shall assure equitable geographic distribution of assistance.

"(d) The Commissioner shall, as part of the annual report submitted under section 207, prepare and submit a report on the evaluations submitted under this section, together with such recommendations as the Commissioner deems appropriate. In carrying out this section, the Commissioner shall include in the report—

"(1) a description of the demonstration projects assisted under this section;

"(2) an evaluation of the effectiveness of each such project; and

"(3) recommendations of the Commissioner with respect to the desirability and feasibility of carrying out on a nationwide basis a consumer protection program for services in the home.

"(e) Consumer protection projects carried out under this section—

"(1) may include, but are not limited to, consumer education, the use of consumer hotlines, receipt and resolution of consumer complaints, and advocacy; and

"(2) may not address medical services.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 431(a)(1) of the Older Americans Act of 1965 (42 U.S.C 3037(a)(1)), as amended by section 156(e)(2), is amended—

(1) by striking "section 427" in the parenthetical and inserting "sections 427 and 428", and

(2) by adding at the end the following:

"(3) Subject to subsection (b), there is authorized to be appropriated $2,000,000 for each of the fiscal years 1989 and 1990 to carry out the provisions of section 428.".

SEC. 158. AUTHORIZATION OF APPROPRIATIONS FOR TRAINING, RESEARCH, AND DISCRETIONARY PROJECTS AND PROGRAMS.

Paragraph (1) of section 431(a) of the Older Americans Act of 1965 (42 U.S.C.

3037(a)(1)), as amended by sections 156(e)(2) and 157(b), is amended to read as follows:

"(1) There are authorized to be appropriated to carry out the provisions of this title (other than sections 427 and 428) $32,970,000 for the fiscal year 1988, $34,619,000 for the fiscal year 1989, $36,349,000 for the fiscal year 1990, and $38,167,000 for the fiscal year 1991."

SEC. 159. LIMITATION ON CERTAIN AUTHORITY TO MAKE APPROPRIATIONS.

Section 431 of the Older Americans Act of 1965 (42 U.S.C. 3037) is amended—

(1) by redesignating subsection (b) as subsection (c), and

(2) by inserting after subsection (a) the following:

"(b) No funds may be appropriated under paragraph (2) or (3) of subsection (a) for a fiscal year unless the aggregate amount appropriated for such fiscal year to carry out this title (other than sections 427 and 428), title III (other than sections 306(a)(6)(P), 307(a)(12), and 311, and parts E, F, and G), title V, and title VI exceeds 105 percent of the aggregate amount appropriated for the preceding fiscal year to carry out such titles.".

PART D—COMMUNITY SERVICE EMPLOYMENT

SEC. 161. ADMINISTRATIVE COSTS OF EMPLOYMENT PROJECTS.

Section 502(c)(3) of the Older Americans Act of 1965 (42 U.S.C. 3056(c)(3)) is amended to read as follows:

"(3) Of the amount for any project to be paid by the Secretary under this subsection, not more than 13.5 percent for fiscal year 1987 and each fiscal year thereafter shall be available for paying the costs of administration for such project, except that—

"(A) whenever the Secretary determines that it is necessary to carry out the project assisted under this title, based on information submitted by the public or private nonprofit agency or organization with which the Secretary has an agreement under subsection (b), the Secretary may increase the amount available for paying the cost of administration to an amount not more than 15 percent of the cost of such project; and

"(B) whenever the public or private nonprofit agency or organization with which the Secretary has an agreement under subsection (b) demonstrates to the Secretary that—

"(i) major administrative cost increases are being incurred in necessary program components, including liability insurance, payments for workers' compensation, costs associated with achieving unsubsidized placement goals, and other operation requirements imposed by the Secretary;

"(ii) the number of employment positions in the project or the number of minority eligible individuals participating in the project will decline if the amount available for paying the cost of administration is not increased; or

"(iii) the size of the project is so small that the amount of administrative expenses incurred to carry out the project necessarily exceed 13.5 percent of the amount for such project;

the Secretary shall increase the amount available for the fiscal year for paying the cost of administration to an amount not more than 15 percent of the cost of such project.".

SEC. 162. COMMUNITY SERVICE EMPLOYMENT SPECIAL NEEDS ASSURANCE.

(a) Program Assurance.—Section 502(b)(1)(M) of the Older Americans Act of 1965 (42 U.S.C. 3056(b)(1)(M)) is amended to read as follows:

"(M) will assure, that to the extent feasible, such project will serve the needs of minority, limited English-speaking, and Indian eligible individuals in proportion to their numbers in the State and take into consideration their rates of poverty and unemployment;".

(b) Reservation of Funds.—Section 506(a)(1)(A) of the Older Americans Act of 1965 (42 U.S.C 3056d(a)(1)(A)) is amended by inserting after the first sentence the following: "Beginning with the first fiscal year in which the amount appropriated to carry out this title exceeds the amount appropriated for fiscal year 1987 to carry out this title, the Secretary shall next reserve such sums as may be necessary for national grants or contracts with public or nonprofit national Indian aging organizations with the ability to provide employment services to older Indians and with national public or nonprofit Pacific Island and Asian American aging organizations with the ability to provide employment services to older Pacific Island and Asian Americans.".

SEC. 163. INFORMATION ON AGE DISCRIMINATION PROHIBITIONS.

Section 503(b) of the Older Americans Act of 1965 (42 U.S.C. 3056a(b) is amended—

(1) by inserting "(1)" after "(b)", and

(2) by adding at the end the following:

"(2) The Secretary shall distribute to grantees under this title, for distribution to program enrollees, and at no cost to grantees or enrollees, informational materials developed and supplied by the Equal Employment Opportunity Commission and other appropriate Federal agencies which the Secretary determines are designed to help enrollees identify age discrimination and understand their rights under the Age Discrimination in Employment Act of 1967.".

SEC. 164. DEFINITIONS.

(a) Community Services.—Section 507(3) of the Older Americans Act of 1965 (42 U.S.C. 3056e(3)) is amended by inserting "(particularly literacy tutoring)" after "educational services".

(b) Pacific Island and Asian Americans.—Section 507 of the Older Americans Act of 1965 (42 U.S.C. 3056e) is amended—

(1) in paragraph (3) by striking "and" at the end,

(2) in paragraph (4) by striking the period at the end, and

(3) by adding at the end the following:

"(5) the term 'Pacific Island and Asian Americans' means Americans having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands.".

SEC. 165. AUTHORIZATION OF APPROPRIATIONS FOR COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS.

Section 508(a)(1) of the Older Americans Act of 1965 (42 U.S.C. 3056f(a)(1)) is amended to read as follows:

"(1) $386,715,000 for the fiscal year 1988, $406,051,000 for the fiscal year 1989, $426,353,000 for the fiscal year 1990, and $447,671,000 for the fiscal year 1991.".

SEC. 166. EMPLOYMENT ASSISTANCE AND OTHER PROGRAMS.

Title V of the Older Americans Act of 1965 (42 U.S.C. 3056–3056f) is amended by adding at the end the following:

"EMPLOYMENT ASSISTANCE AND FEDERAL HOUSING AND FOOD STAMP PROGRAMS

"Sec. 509. Funds received by eligible individuals from projects carried out under the program established in this title shall not be considered to be income of such individuals for purposes of determining the eligibility of such individuals, or of any other persons, to participate in any housing program for which Federal funds may be available or for any income determination under the Food Stamp Act of 1977.".

PART E—NATIVE AMERICAN PROGRAMS

SEC. 171. NATIVE AMERICAN PROGRAMS.

Title VI of the Older Americans Act of 1965 (42 U.S.C. 3057–3057g) is amended to read as follows:

"TITLE VI—GRANTS FOR NATIVE AMERICANS

"STATEMENT OF PURPOSE

"Sec. 601. It is the purpose of this title to promote the delivery of supportive services, including nutrition services to American Indians, Alaskan Natives, and Native Hawaiians that are comparable to services provided under title III.

"SENSE OF CONGRESS

"Sec. 602. It is the sense of the Congress that older Indians, older Alaskan Natives, and older Native Hawaiians are a vital resource entitled to all benefits and services available and that such services and benefits should be provided in a manner that preserves and restores their respective dignity, self-respect, and cultural identities.

"Part A—Indian Program

"FINDINGS

"Sec. 611. (a) The Congress finds that the older Indians of the United States—

"(1) are a rapidly increasing population;

"(2) suffer from high unemployment;

"(3) live in poverty at a rate estimated to be as high as 61 percent;

"(4) have a life expectancy between 3 and 4 years less than the general population;

"(5) lack sufficient nursing homes, other long-term care facilities, and other health care facilities;

"(6) lack sufficient Indian area agencies on aging;

"(7) frequently live in substandard and over-crowded housing;

"(8) receive less than adequate health care;

"(9) are served under this title at a rate of less than 19 percent of the total national Indian elderly population living on Indian reservations; and

"(10) are served under title III at a rate of less than 1 percent of the total participants under that title.

"ELIGIBILITY

"Sec. 612. (a) A tribal organization of an Indian tribe is eligible for assistance under this part only if—

"(1) the tribal organization represents at least 50 individuals who are 60 years of age or older; and

"(2) the tribal organization demonstrates the ability to deliver supportive services, including nutritional services.

"(b) For the purposes of this part the terms 'Indian tribe' and 'tribal organization' have the same meaning as in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

"GRANTS AUTHORIZED

"Sec. 613. The Commissioner may make grants to eligible tribal organizations to pay all of the costs for delivery of supportive services and nutrition services for older Indians.

"APPLICATIONS

"Sec. 614. (a) No grant may be made under this part unless the eligible tribal organization submits an application to the Commissioner which meets such criteria as *the Commissioner may by regulation prescribe. Each such application shall—*

"(1) provide that the eligible tribal organization will evaluate the need for supportive and nutrition services among older Indians to be represented by the tribal organization;

"(2) provide for the use of such methods of administration as are necessary for the proper and efficient administration of the program to be assisted;

"(3) provide that the tribal organization will make such reports in such form and containing such information, as the Commissioner may reasonably require, and comply with such requirements as the Commissioner may impose to assure the correctness of such reports;

"(4) provide for periodic evaluation of activities and projects carried out under the application;

"(5) establish objectives consistent with the purposes of this part toward which activities under the application will be directed, identify obstacles to the attainment of such objectives, and indicate the manner in which the tribal organization proposes to overcome such obstacles;

"(6) provide for establishing and maintaining information and referral services to assure that older Indians to be served by the assistance made available under this part will have reasonably convenient access to such services;

"(7) provide a preference for Indians aged 60 and older for full or part-time staff positions wherever feasible;

"(8) provide assurances that either directly or by way of grant or contract with appropriate entities nutrition services will be delivered to older Indians represented by the tribal organization substantially in compliance with the provisions of part C of title III, except that in any case in which the need for nutritional services for older Indians represented by the tribal organization is already met from other sources, the tribal organization may use the funds otherwise required to be expended under this clause for supportive services;

"(9) contain assurances that the provisions of sections 307(a)(14)(A) (i) and (iii), 307(a)(14)(B), and 307(a)(14)(C) will be complied with whenever the application contains provisions for the acquisition, alteration, or renovation of facilities to serve as multipurpose senior centers;

"(10) provide that any legal or ombudsman services made available to older Indians represented by the tribal organization will be substantially in compliance with the provisions of title III relating to the furnishing of similar services; and

"(11) provide satisfactory assurance that fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid under this part to the tribal organization, including any funds paid by the tribal organization to a recipient of a grant or contract.

"(b) For the purpose of any application submitted under this part, the tribal organization may develop its own population statistics, with certification from the Bureau of Indian Affairs, in order to establish eligibility.

"(c) The Commission shall approve any application which complies with the provisions of subsection (a).

"(d) Whenever the Commissioner determines not to approve an application submitted under subsection (a) the Commission shall—

"(1) state objections in writing to the tribal organization within 60 days after such decision;

"(2) provide to the extent practicable technical assistance to the tribal organization to overcome such stated objections; and

"(3) provide the tribal organization with a hearing, under such rules and regulations as the Commissioner may prescribe.

"(e) Whenever the Commissioner approves an application of a tribal organization under this part, funds shall be awarded for not less than 12 months.

"SURPLUS EDUCATIONAL FACILITIES

"SEC. 615. (a) Notwithstanding any other provision of law, the Secretary of the Interior through the Bureau of Indian Affairs shall make available surplus Indian educational facilities to tribal organizations, and nonprofit organizations with tribal approval, for use as multipurpose senior centers. Such centers may be altered so as to provide extended care facilities, community center facilities, nutrition services, child care services, and other supportive services.

"(b) Each eligible tribal organization desiring to take advantage of such surplus facilities shall submit an application to the Secretary of the Interior at such time and in such manner, and containing or accompanied by such information, as the Secretary of the Interior determines to be necessary to carry out the provisions of this section.

"PART B—NATIVE HAWAIIAN PROGRAM

"FINDINGS

"SEC. 621. The Congress finds the older Native Hawaiians—

"(1) have a life expectancy 10 years less than any other ethnic group in the State of Hawaii;

"(2) rank lowest on 9 of 11 standard health indicies for all ethnic groups in Hawaii;

"(3) are often unaware of social services and do not know how to go about seeking such assistance; and

"(4) live in poverty at a rate of 34 percent.

"ELIGIBILITY

"SEC. 622. A public or nonprofit private organization having the capacity to provide services under this part for Native Hawaiians is eligible for assistance under this part only if—

"(1) the organization will serve at least 50 individuals who have attained 60 years of age or older; and

"(2) the organization demonstrates the ability to deliver supportive services, including nutrition services.

"GRANTS AUTHORIZED

"SEC. 623. The Commissioner may make grants to public and nonprofit private organizations to pay all of the costs for the delivery of supportive services and nutrition services to older Native Hawaiians.

"APPLICATION

"SEC. 624. (a) No grant may be made under this part unless the public or nonprofit private organization submits an application to the Commissioner which meets such criteria as the Commissioner may by regulation prescribe. Each such application shall—

"(1) provide that the organization will evaluate the need for supportive and nutrition services among older Native Hawaiians to be represented by the organization;

"(2) provide for the use of such methods of administration as are necessary for the proper and efficient administration of the program to be assisted;

"(3) provide assurances that the organization will coordinate its activities with the State agency on aging;

"(4) provide that the organization will make such reports in such form and containing such information as the Commissioner may reasonably require, and comply with such requirements as the Commissioner may impose to ensure the correctness of such reports;

"(5) provide for periodic evaluation of activities and projects carried out under the application;

"(6) establish objectives, consistent with the purpose of this title, toward which activities described in the application will be directed, identify obstacles to the attainment of such objectives, and indicate the manner in which the organization proposes to overcome such obstacles;

"(7) provide for establishing and maintaining information and referral services to assure that older Native Hawaiians to be served by the assistance made available under this part will have reasonably convenient access to such services;

"(8) provide a preference for Native Hawaiians 60 years of age and older for full or part-time staff positions wherever feasible;

"(9) provide that any legal or ombudsman services made available to older Native Hawaiians represented by the nonprofit private organization will be substantially in compliance with the provisions of title III relating to the furnishing and similar services; and

"(10) provide satisfactory assurances that the fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid under this part to the nonprofit private organization, including any funds paid by the organization to a recipient of a grant or contract.

"(b) The Commissioner shall approve any application which complies with the provisions of subsection (a).

"(c) Whenever the Commissioner determines not to approve an application submitted under subsection (a) the Commissioner shall—

"(1) state objections in writing to the nonprofit private organization within 60 days after such decision;

"(2) provide to the extent practicable technical assistance to the nonprofit private organization to overcome such stated objections; and

"(3) provide the organization with a hearing under such rules and regulations as the Commissioner may prescribe.

"(d) Whenever the Commissioner approves an application of a nonprofit private or public organization under this part funds shall be awarded for not less than 12 months.

"DEFINITION

"SEC. 625. For the purpose of this part, the term 'Native Hawaiian' means any individual any of whose ancestors were natives of the area which consists of the Hawaiian Islands prior to 1778.

"PART C—GENERAL PROVISIONS

"ADMINISTRATION

"SEC. 631. In establishing regulations for the purpose of part A the Commissioner shall consult with the Secretary of the Interior.

"PAYMENTS

"SEC. 632. Payments may be made under this title (after necessary adjustments, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursement in such

installments and on such conditions, as the Commissioner may determine.

“AUTHORIZATION OF APPROPRIATIONS

“SEC. 633. (a) Subject to subsection (b), there are authorized to be appropriated to carry out this title (other than section 615)—

“(1) $13,400,000 for fiscal year 1988, of which $12,100,000 shall be available to carry out part A and $1,300,000 shall be available to carry out part B;

“(2) $16,265,000 for fiscal year 1989, of which $14,900,000 shall be available to carry out part A and $1,365,000 shall be available to carry out part B;

“(3) $19,133,000 for fiscal year 1990, of which $17,700,000 shall be available to carry out part A and $1,433,000 shall be available to carry out part B; and

“(4) $22,105,000 for fiscal year 1991, of which $20,600,000 shall be available to carry out part A and $1,505,000 shall be available to carry out part B.”.

“(b)(1) If the amount appropriated under subsection (a) for a fiscal year does not exceed the amount appropriated to carry out this title (as in effect before the effective date of the Older Americans Act Amendments of 1987) in fiscal year 1987, then the amount appropriated under subsection (a) for such fiscal year shall be available only to carry out part A.

“(2) If the amount appropriated under subsection (a) for a fiscal year exceeds the amount appropriated to carry out this title (as in effect before the effective date of the Older Americans Act Amendments of 1987) in fiscal year 1987, then—

“(A) $250,000 of such excess shall be made available to carry out part B; and

“(B) one-half of the remaining amount of such excess shall be made available to carry out part B;

except that the aggregate amount made available to carry out part B may not exceed the amount required (without regard to this paragraph) by subsection (a) to be made available to carry out part B.”.

PART F—MISCELLANEOUS AND TECHNICAL AMENDMENTS

SEC. 181. REPEAL OF OLDER AMERICANS PERSONAL HEALTH EDUCATION AND TRAINING PROGRAM.

Title VII of the Older Americans Act of 1965 (42 U.S.C. 3058-3058d) is repealed.

SEC. 182. TECHNICAL AMENDMENTS.

(a) Section 102(1) of the Older Americans Act of 1965 (42 U.S.C. 3002(1)) is amended by striking “other than for purposes of title V” and inserting “except that for purposes of title V such term means the Secretary of Labor”.

(b)(1) Section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002) is amended—

(A) in paragraph (3)—

(i) by striking “includes” and inserting “means any of the several States,”, and

(ii) by striking “Puerto Rico” and inserting “the Commonwealth of Puerto Rico”, and

(B) by adding at the end the following:

“(8) The term ‘Trust Territory of the Pacific Islands’ includes the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.”.

(2) Section 302 of the Older Americans Act of 1965 (42 U.S.C. 3022), as amended by sections 136(a) and 144(a), is amended—

(A) by striking paragraph (6), and

(B) by redesignating paragraphs (7) through (20) as paragraphs (6) through (19), respectively.

(3) Section 506(a)(4)(A) of the Older Americans Act of 1965 (42 U.S.C. 3056d(a)(4)(A)) is amended by striking “Puerto Rico” and inserting “the Commonwealth of Puerto Rico”.

(4) Section 507 of the Older Americans Act of 1965 (42 U.S.C. 3056e), as amended by section 164(b), is amended—

(A) by striking paragraph (1), and

(B) by redesignating paragraphs (2), (3), (4), and (5) as paragraphs (1), (2), (3), and (4), respectively.

(c) Section 201(a) of the Older Americans Act of 1965 (42 U.S.C. 3011(a)) is amended by striking “his functions” and inserting “the functions of the Commissioner”.

(d) Section 204(d)(3) of the Older Americans Act of 1965 (42 U.S.C. 3015(d)(3)) is amended by inserting “to” after “Secretary,”.

(e)(1) Section 302 of the Older Americans Act of 1965 (42 U.S.C. 3022), as amended by subsection (b)(2) and sections 136(a) and 144(a), is amended by adding at the end the following:

“(20) The term ‘greatest economic need’ means the need resulting from an income level at or below the poverty levels established by the Office of Management and Budget.

“(21) The term ‘greatest social need’ means the need caused by noneconomic factors which include physical and mental disabilities, language barriers, and cultural, social, or geographical isolation including that caused by racial or ethnic status which restricts an individual’s ability to perform normal daily tasks or which threatens such individual’s capacity to live independently.”.

(2) Section 305(d) of the Older Americans Act of 1965 (42 U.S.C. 3025(d)) is amended—

(A) by striking “(d)(1)” and inserting “(d)”, and

(B) by striking paragraph (2).

(3) Section 306(a) of the Older Americans Act of 1965 (42 U.S.C. 3026(a)) is amended by striking the last sentence.

(f) Section 304(d)(1) of the Older Americans Act of 1965 (42 U.S.C. 3024(d)(1)) is amended in the matter preceding subparagraph (A) by inserting a comma after “section 308(b)”.

(g) Section 305(a)(1)(E) of the Older Americans Act of 1965 (42 U.S.C. 3025(a)(1)(E)) is amended by striking “legal services” and inserting “legal assistance”.

(h) Section 305(a)(2)(C) of the Older Americans Act of 1965 (42 U.S.C. 3025(a)(2)(C)) is amended by inserting “in accordance with subsection (d)” before the semicolon at the end.

(i) Section 306(a)(6)(G) of the Act (42 U.S.C. 3026(a)(6)(G)), as amended by section 137(b), is amended by striking “and” at the end.

(j) Section 306(a)(2)(B) of the Older Americans Act of 1965 (42 U.S.C. 3026(a)(2)(B)) is amended by striking “other neurological and organic brain disorders of the Alzheimer’s type” and inserting “related disorders with neurological and organic brain dysfunction”.

(k) Section 307(a) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)) is amended—

(1) by striking “Each such plan shall—” and inserting “Each such plan shall comply with all of the following requirements:”,

(2) in paragraph (1)—

(A) by inserting “The plan shall” after “(1)”, and

(B) by striking the semicolon at the end and inserting a period,

(3) in paragraph (2)—

(A) by inserting “The plan shall” after “(2)”, and

(B) by striking the semicolon at the end and inserting a period,

(4) in paragraph (3)—

(A) in subparagraph (A) by inserting “The plan shall” after “(3)(A)”, and

(B) in subparagraph (B)—

(i) by inserting “The plan shall” after “(B)”, and

(ii) by striking the semicolon at the end and inserting a period,

(5) in paragraph (4)—

(A) by inserting “The plan shall” after “(4)”, and

(B) by striking the semicolon at the end and inserting a period,

(6) in paragraph (5)—

(A) by inserting “The plan shall” after “(5)”, and

(B) by striking the semicolon at the end and inserting a period,

(7) in paragraph (6)—

(A) by inserting “The plan shall” after “(6)”, and

(B) by striking the semicolon at the end and inserting a period,

(8) in paragraph (7)—

(A) by inserting “The plan shall” after “(7)”, and

(B) by striking the semicolon at the end and inserting a period,

(9) in paragraph (8)—

(A) by inserting “The plan shall” after “(8)”, and

(B) by striking the semicolon at the end and inserting a period,

(10) in paragraph (9)—

(A) by inserting “The plan shall” after “(9)”, and

(B) by striking the semicolon at the end and inserting a period,

(11) in paragraph (10)—

(A) by inserting “The plan shall” after “(10)”, and

(B) by striking the semicolon at the end and inserting a period,

(12) in paragraph (11)—

(A) by inserting “The plan shall” after “(11)”, and

(B) by striking the semicolon at the end and inserting a period,

(13) in paragraph (13)—

(A) by inserting “The plan shall” after “(13)”, and

(B) in subparagraph (I) by striking the semicolon at the end and inserting a period,

(14) in paragraph (14)—

(A) by inserting “The plan shall” after “(14)”, and

(B) in subparagraph (E) by striking the semicolon at the end and inserting a period,

(15) in paragraph (15)—

(A) by inserting “The plan shall” after “(15)”, and

(B) in subparagraph (D) by striking the semicolon and inserting a period,

(16) in paragraph (16)—

(A) by inserting “The plan shall” after “(16)”, and

(B) in subparagraph (C) by striking the semicolon at the end and inserting a period,

(17) in paragraph (17)—

(A) by inserting “The plan shall” after “(17)”, and

(B) by striking the semicolon at the end and inserting a period,

(18) in paragraph (18)—

(A) by inserting “The plan shall” after “(18)”, and

(B) by striking the semicolon at the end and inserting a period,

(19) in paragraph (19)—

(A) by inserting “The plan shall” after “(19)”, and

(B) by striking the semicolon at the end and inserting a period, and

(20) in paragraph (20)—

(A) by inserting "The plan shall" after "(20)", and

(B) in subparagraph (B)(ii) by striking "; and" at the end and inserting a period.

(l) Section 308(b) of the Older Americans Act of 1965 (42 U.S.C. 3028(b)) is amended—

(1) by striking "(b)(1)(A)" and inserting "(b)(1)",

(2) in paragraph (1)—

(A) by striking "(i)" and inserting "(A)", and

(B) by striking "(ii)" the second place it appears and inserting "(B)",

(3) in paragraph (2)—

(A) by striking "(2)(A)" and inserting "(2)",

(B) by striking "(i)" and inserting "(A)", and

(C) by striking "(ii)" the second place it appears and inserting "(B)",

(4) in paragraph (3)(C) by striking "he" and inserting "the Commissioner",

(5) in subparagraphs (A) and (B) of paragraph (5) by striking "appropriated" each place it appears and inserting "allotted", and

(6) in paragraph (5)(B) beginning with the dash strike out all through the period and insert: "not more than 30 percent of the funds allotted for any fiscal year.".

(m) Section 321(a)(10) of the Older Americans Act of 1965 (42 U.S.C. 3030d(a)(10)) is amended by inserting "for" after "advocate".

(n) Section 337 of the Older Americans Act of 1965 (42 U.S.C. 3030g) is amended by striking "Association of Area Agencies on Aging" and inserting "National Association of Area Agencies on Aging".

(o) Section 422(b)(1) of the Older Americans Act of 1965 (42 U.S.C. 3035a(b)(1)) is amended by striking "Alzheimers' disease and other organic and neurological brain disorders of the Alzheimers' type" and inserting "Alzheimer's disease and related disorders with neurological and organic brain dysfunction".

(p) Section 507(1) of the Older Americans Act of 1965 (42 U.S.C. 3056e(2)), as amended by subsection (b)(4), is amended by striking "the Bureau of Labor Statistics" and inserting "the Office of Management and Budget".

PART G—CONSUMER PRICE INDEX FOR OLDER AMERICANS

SEC. 191. INDEX AUTHORIZED.

The Secretary of Labor shall, through the Bureau of Labor Statistics, develop, from existing data sources, a reweighted index of consumer prices which reflects the expenditures for consumption by Americans 62 years of age and older. The Secretary shall furnish to the Congress the index within 180 days after the date of enactment of this Act. The Secretary shall include with the index furnished a report which explains the characteristics of the reweighted index, the research necessary to develop and measure accurately the rate of inflation affecting such Americans, and provides estimates of time and cost required for additional activities necessary to carry out the objectives of this section.

TITLE II—1991 WHITE HOUSE CONFERENCE ON AGING

SEC. 201. WHITE HOUSE CONFERENCE AUTHORIZED.

(a) FINDINGS.—The Congress finds that—

(1) the number of individuals 55 years of age or older was approximately 51,400,000 in 1986, and will, by the year 2040, be approximately 101,700,000,

(2) more than 1 of every 6 persons 55 years of age or older will be hospitalized during the next year,

(3) persons 55 years of age or older have a higher average out-of-pocket medical cost burden than younger persons; approximately 17 percent of individuals age 55 to 64 experience out-of-pocket costs in excess of 20 percent of their family income and the average per capita out-of-pocket cost of persons 65 years of age or older is expected to equal 18.5 percent of income by 1991,

(4) there is a great need to ensure access and the quality of affordable health care to all older individuals,

(5) the need for a comprehensive and responsive long-term care delivery system is great,

(6) the availability and cost of suitable housing, together with suitable services needed for independent or semi-independent living, still cause concern to older individuals,

(7) the ability to lead an independent or semi-independent life is contingent, in many cases, upon the availability of a comprehensive and effective social service system for older individuals,

(8) the availability and access to opportunities for continued productivity and employment is of great importance to middle-aged and older individuals who want or need to work,

(9) the fulfillment, dignity, and satisfaction of retirees still depend on the continuing development of a consistent national retirement policy,

(10) there is a continuing need to maintain and preserve the national policy with respect to increasing, coordinating, and expediting biomedical and other appropriate research directed at determining the causes and effects of the aging process,

(11) false stereotypes about aging and the process of aging continue to be prevalent throughout the United States and policies should be nurtured to overcome such stereotypes, and

(12) the talents and experience of older individuals represent a valuable community resource which should be developed and more widely shared within the local community.

(b) POLICY.—It is the policy of the Congress that—

(1) the Federal Government should work jointly with the States and their citizens to develop recommendations and plans for action to meet the challenges and needs of older individuals, consistent with the objectives of this section, and

(2) in developing programs for the aging pursuant to this section emphasis should be directed toward individual, private, and public initiatives and resources intended to enhance the economic security and self-sufficiency of elder Americans.

SEC. 202. AUTHORIZATION OF THE CONFERENCE.

(a) AUTHORITY TO CALL CONFERENCE.—The President may call a White House Conference on Aging in 1991 in order to develop recommendations for additional research and action in the field of aging which will further the policy set forth in subsection (b).

(b) PLANNING AND DIRECTION.—The Conference shall be planned and conducted under the direction of the Secretary in cooperation with the Commissioner on Aging and the Director of the National Institute on Aging, and the heads of such other Federal departments and agencies as are appropriate. Such assistance may include the assignment of personnel.

(c) PURPOSE OF THE CONFERENCE.—The purpose of the Conference shall be—

(1) to increase the public awareness of the essential contributions of older individuals to society,

(2) to identify the problems of the older individuals,

(3) to develop recommendations for the coordination of Federal policy with State and local needs and the implementation of such recommendations,

(4) to examine the well-being of older individuals,

(5) to develop such specific and comprehensive recommendations for executive and legislative action as may be appropriate for maintaining and improving the well-being of older individuals, and

(6) to review the status of recommendations adopted at previous White House Conferences on Aging.

(d) CONFERENCE PARTICIPANTS AND DELEGATES.—

(1) PARTICIPANTS.—In order to carry out the purposes of this section, the Conference shall bring together—

(A) representatives of Federal, State, and local governments,

(B) professional and lay people who are working in the field of aging, and

(C) representatives of the general public, particularly older individuals.

(2) SELECTION OF DELEGATES.—The delegates shall be selected without regard to political affiliation or past partisan activity and shall, to the best of the appointing authority's ability, be representative of the spectrum of thought in the field of aging.

SEC. 203. CONFERENCE ADMINISTRATION.

(a) ADMINISTRATION.—In administering this section, the Secretary shall—

(1) request the cooperation and assistance of the heads of such other Federal departments and agencies as may be appropriate in the carrying out of this section,

(2) furnish all reasonable assistance, including financial assistance, to State agencies on the aging and to area agencies on the aging, and to other appropriate organizations, to enable them to organize and conduct conferences in conjunction with the Conference,

(3) prepare and make available for public comment a proposed agenda for the Conference which will reflect to the greatest extent possible the major issues facing older individuals consistent with the provisions of subsection (a),

(4) prepare and make available background materials for the use of delegates to the Conference which the Secretary deems necessary, and

(5) engage such additional personnel as may be necessary to carry out the provisions of this section without regard to provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(b) DUTIES.—The Secretary shall, in carrying out the Secretary's responsibilities and functions under this section, assure that—

(1) the conferences under subsection (a)(2) will—

(A) include a conference on older Indians to identify conditions that adversely affect older Indians, to propose solutions to ameliorate such conditions, and to provide for the exchange of information relating to the delivery of services to older Indians, and

(B) be so conducted as to assure broad participation of older individuals, *(2) the proposed agenda for the Conference under subsection (a)(3) is published in the Federal Register not less than 180 days before the beginning of the Conference and the proposed agenda is open for public comment for a period of not less than 60 days,*

(3) the final agenda for the Conference under subsection (a)(3), taking into consideration the comments received under paragraph (2), is published in the Federal Register and transmitted to the chief executive officers of the States not later than 30 days after the close of the public comment period provided for under paragraph (2),

(4) the personnel engaged under subsection (a)(5) shall be fairly balanced in terms of points of views represented and shall be appointed without regard to political affiliation or previous partisan activities,

(5) the recommendations of the Conference are not inappropriately influenced by any appointing authority or by any special interest, but will instead be the result of the independent judgment of the Conference, and

(6) current and adequate statistical data, including decennial census data, and other information on the well-being of older individuals in the United States are readily available, in advance of the Conference, to the delegates of the Conference, together with such information as may be necessary to evaluate Federal programs and policies relating to aging. In carrying out this subparagraph, the Secretary is authorized to make grants to, and enter into cooperative agreements with, public agencies and nonprofit private organizations.

SEC. 204. CONFERENCE COMMITTEES.

(a) Advisory Committee.—The Secretary shall establish an advisory committee to the Conference which shall include representation from the Federal Council on Aging and other public agencies and private nonprofit organizations as appropriate.

(b) Other Committees.—The Secretary may establish such other committees, including technical committees, as may be necessary to assist in the planning, conducting, and reviewing the Conference.

(c) Composition of Committees.—Each such committee shall be composed of professionals and public members, and shall include individuals from low-income families and from minority groups. A majority of the public members of each such committee shall be 55 years of age or older.

(d) Compensation.—Appointed members of any such committee (other than any officers of employees or the Federal Government), while attending conferences or meetings of the committee or otherwise serving at the request of the Secretary, shall be entitled to receive compensation at a rate to be fixed by the Secretary, but not to exceed the daily prescribed rate for GS-18 under section 5332 of title 5, United States Code (including travel time). While away from their homes or regular places of business, such members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized under section 5703 of such title for persons employed intermittently in Federal Government service.

SEC. 205. REPORT OF THE CONFERENCE.

(a) Proposed Report.—A proposed report of the Conference, which shall include a statement of comprehensive coherent national policy on aging together with recommendations for the implementation of the policy, shall be published and submitted to the chief executive officers of the States not later than 60 days following the date on which the Conference is adjourned. The findings and recommendations included in the published proposed report shall be immediately available to the public.

(b) Response to Proposed Report.—The chief executive officers of the States, after reviewing and soliciting recommendations and comments on the report of the Conference, shall submit to the Secretary, not later than 180 days after receiving the report, their views and findings on the recommendations of the Conference.

(c) Final Report.—The Secretary shall, after reviewing the views and recommendations of the chief executive officers of the States, prepare a final report of the Conference, which shall include a compilation of the actions of the chief executive officers of the States and take into consideration the views and findings of such officers.

(d) Recommendations of Secretary.—The Secretary shall, within 90 days after submission of the views of the chief executive officers of the States, publish and transmit to the President and to the Congress recommendations for the administrative action and the legislation necessary to implement the recommendations contained within the report.

SEC. 206. DEFINITIONS.

For the purposes of this title—

(1) the term "area agency on aging" means the agency designated under section 305(a)(2)(A) of the Act,

(2) the term "State agency on aging" means the State agency designated under section 305(a)(1) of the Act,

(3) the term "Secretary" means the Secretary of Health and Human Services,

(4) the term "Conference" means the White House Conference on Aging authorized in subsection (b), and

(5) the term "State" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, or the Commonwealth of the Northern Mariana Islands.

SEC. 207. AUTHORIZATION OF APPROPRIATIONS.

(a) Authorization.—There are authorized to be appropriated such sums as may be necessary, for each of the fiscal years 1989, 1990, and 1991, to carry out this title. Sums appropriated under this paragraph shall remain available until the expiration of the 1-year period beginning on the date the Conference is adjourned. New spending authority or authority to enter into contracts as provided in this section shall be effective only to the extent and in such amounts as are provided in advance in appropriations Acts.

(b) Return of Unexpended Funds.—Any funds remaining upon the expiration of such 1-year period shall be returned to the Treasury of the United States and credited as miscellaneous receipts.

TITLE III—ALZHEIMER'S DISEASE RESEARCH

SEC. 301. REQUIREMENT FOR CLINICAL TRIALS.

(a) In General.—The Director of the National Institute on Aging shall provide for the conduct of clinical trials on the efficacy of the use of such promising therapeutic agents as have been or may be discovered and recommended for further scientific analysis by the National Institute on Aging and the Food and Drug Administration to treat individuals with Alzheimer's disease, to retard the progression of symptoms of Alzheimer's disease, or to improve the functioning of individuals with such disease.

(b) Rule of Construction.—Nothing in this title shall be construed to affect adversely any research being conducted as of the date of the enactment of this Act.

SEC. 302. AUTHORIZATION OF APPROPRIATIONS.

For the purpose of carrying out section 301, there is authorized to be appropriated $2,000,000 for fiscal year 1988.

TITLE IV—NATIONAL SCHOOL LUNCH ACT AMENDMENT

SEC. 401. PARTICIPATION OF OLDER PERSONS AND CHRONICALLY IMPAIRED DISABLED PERSONS IN CHILD CARE FOOD PROGRAM.

Section 17 of the National School Lunch Act (42 U.S.C. 1766) is amended by adding at the end the following:

"(p)(1) For purposes of this section, adult day care centers shall be considered eligible institutions for reimbursement for meals or supplements served to persons 60 years of age or older or to chronically impaired disabled persons, including victims of Alzheimer's disease and related disorders with neurological and organic brain dysfunction. Reimbursement provided to such institutions for such purposes shall improve the quality of meals or level of services provided or increase participation in the program.

"(2) For purposes of this subsection—

"(A) the term 'adult day care center' means any public agency or private nonprofit organization, or any proprietary title XIX or title XX center, which—

"(i) is licensed or approved by Federal, State, or local authorities to provide adult day care services to chronically impaired disabled adults or persons 60 years of age or older in a group setting outside their homes on a less than 24-hour basis; and

"(ii) provides for such care and services directly or under arrangements made by the agency or organization whereby the agency or organization maintains professional management responsibility for all such services; and

"(B) the term 'proprietary title XIX or title XX center' means any private, for-profit center providing adult day care services for which it receives compensation from amounts granted to the States under title XIX or XX of the Social Security Act and which title XIX or title XX beneficiaries were not less than 25 per cent of enrolled eligible participants in a calendar month preceding initial application or annual reapplication for program participation.

"(3)(A) The Secretary of Agriculture, in consultation with the Commissioner on Aging, may establish separate guidelines for reimbursement of institutions described in this subsection.

"(B) The guidelines shall contain provisions designed to assure that reimbursement under this subsection shall not duplicate reimbursement under part C of title III of the Older Americans Act of 1965, for the same meal served.".

TITLE V—NATIVE AMERICAN PROGRAMS

SEC. 501. SHORT TITLE.

This title may be cited as the "Native American Programs Act Amendments of 1987".

SEC. 502. REVIEW OF APPLICATIONS FOR ASSISTANCE.

The Native American Programs Act of 1974 (42 U.S.C. 2991-2992d) is amended—

(1) in the first sentence of section 803(a) by inserting ", on a single year or multiyear basis," after "financial assistance",

(2) by redesignating sections 813 and 814 as sections 815 and 816, respectively,

(3) by redesignating sections 806 through 812, as sections 807 through 813, respectively, and

(4) by inserting after section 805 the following:

"PANEL REVIEW OF APPLICATIONS FOR ASSISTANCE

"SEC. 806. (a)(1) The Secretary shall establish a formal panel review process for purposes of—

"(A) evaluating applications for financial assistance under sections 803 and 805; and

"(B) determining the relative merits of the projects for which such assistance is requested.

"(2) To implement the process established under paragraph (1), the Secretary shall appoint members of review panels from among individuals who are not officers or employees of the Administration for Native Americans. In making appointments to such panels, the Secretary shall give preference to American Indians, Native Hawaiians, and Alaskan Natives.

"(b) Each review panel appointed under subsection (a)(2) that reviews any application for financial assistance shall—

"(1) determine the merit of each project described in such application;

"(2) rank such application with respect to all other applications it reviews for the fiscal year involved, according to the relative merit of all of the projects that are described in such application and for which financial assistance is requested; and

"(3) submit to the Secretary a list that identifies all applications reviewed by such panel and arranges such applications according to rank determined under paragraph (2).

"(c) Upon the request of the chairman of the Select Committee on Indian Affairs of the Senate or of the chairman of the Committee on Education and Labor of the House of Representatives made with respect to any application for financial assistance under section 803 or 805, the Secretary shall transmit to the chairman written notice—

"(1) identifying such application;

"(2) containing a copy of the list submitted to the Secretary under subsection (b)(3) in which such application is ranked;

"(3) specifying which other applications ranked in such list have been approved by the Secretary under sections 803 and 805; and

"(4) if the Secretary has not approved each application superior in merit, as indicated on such list, to the application with respect to which such notice is transmitted, containing a statement of the reasons relied upon by the Secretary for—

"(A) approving the application with respect to which such notice is transmitted; and

"(B) failing to approve each pending application that is superior in merit, as indicated on such list, to the application described in subparagraph (A).".

SEC. 503. PROCEDURAL REQUIREMENTS.

(a) RULEMAKING.—The Native American Programs Act of 1974 (42 U.S.C. 2991–2992d) is amended by inserting after section 813, as so redesignated by section 502, the following:

"ADDITIONAL REQUIREMENTS APPLICABLE TO RULEMAKING

"SEC. 814. (a) Notwithstanding subsection (a) of section 553 of title 5, United States Code, and except as otherwise provided in this section, such section 553 shall apply with respect to the establishment and general operation of any program that provides loans, grants, benefits, or contracts authorized by this title.

"(b)(1) Subparagraph (A) of the last sentence of section 553(b) of title 5, United States Code, shall not apply with respect to any interpretative rule or general statement of policy—

"(A) proposed under this title; or

"(B) applicable exclusively to any program, project, or activity authorized by, or carried out under, this title.

"(2) Subparagraph (B) of the last sentence of section 553(b) of title 5, United States Code, shall not apply with respect to any rule (other than an interpretative rule or a general statement of policy)—

"(A) proposed under this title; or

"(B) applicable exclusively to any program, project, or activity authorized by, or carried out under, this title.

"(3) The first 2 sentences of section 553(b) of title 5, United States Code, shall apply with respect to any rule (other than an interpretative rule, a general statement of policy, or a rule of agency organization, procedure, or practice) that is—

"(A) proposed under this title; or

"(B) applicable exclusively to any program, project, or activity authorized by, or carried out under, this title;
unless the Secretary for good cause finds (and incorporates the finding and a brief statement of the reasons therefor in such rule) that notice and public procedure thereon are contrary to the public interest or would impair the effective administration of any program, project, or activity with respect to which such rule is issued.

"(c) Notwithstanding section 553(d) of title 5, United States Code, no rule (including an interpretative rule) or general statement of policy that—

"(1) is issued to carry out this title; or

"(2) applies exclusively to any program, project, or activity authorized by, or carried out under, this title;
may take effect until 30 days after the publication required under the first 2 sentences of section 553(b) of title 5, United States Code.

"(d) Each rule (including an interpretative rule) and each general statement of policy to which this section applies shall contain after each of its sections, paragraphs, or similar textual units a citation to the particular provision of statutory or other law that is the legal authority for such section, paragraph, or unit.

"(e) Except as provided in subsection (c), if as a result of the enactment of any law affecting the administration of this title it is necessary or appropriate for the Secretary to issue any rule (including any interpretative rule) or a general statement of policy, the Secretary shall issue such rule or such general statement of policy not later than 180 days after the date of the enactment of such law.

"(f) Whenever an agency publishes in the Federal Register a rule (including an interpretative rule) or a general statement of policy to which subsection (c) applies, such agency shall transmit a copy of such rule or such general statement of policy to the Speaker of the House of Representatives and the President pro tempore of the Senate.".

(b) DEFINITION OF RULE.—Section 815 of the Native American Programs Act of 1974 (42 U.S.C. 2992c), as so redesignated by section 502, is amended—

(1) in paragraph (3) by striking "and" at the end thereof,

(2) by redesignating paragraph (4) as paragraph (5), and

(3) by inserting after paragraph (3) the following:

"(4) the term 'rule' has the meaning given it in section 551(4) of title 5, United States Code, as amended from time to time; and".

SEC. 504. INCLUSION OF OTHER NATIVE AMERICAN PACIFIC ISLANDERS.

(a) FINANCIAL ASSISTANCE.—Section 803(a) of the Native American Programs Act of 1974 (42 U.S.C. 2991b(a)) is amended by inserting after the first sentence the following: "The Secretary is authorized, subject to the availability of funds appropriated under the authority of section 816(c), to provide financial assistance to public and nonprofit private agencies serving other Native American Pacific Islanders (including American Samoan Natives) for projects pertaining to the purposes of this Act.".

(b) CONFORMING AMENDMENTS.—(1) Section 802 of the Native American Programs Act of 1974 (42 U.S.C. 2991a) is amended by inserting ", other Native American Pacific Islanders (including American Samoan Natives)," after "Hawaiian Natives".

(2) Section 806(a)(2) of the Native American Programs Act, as added by section 502(4) of this Act, is amended by inserting "other Native American Pacific Islanders (including American Samoan Natives)," after "Hawaiian Natives,".

(3) Section 808 of the Native American Programs Act of 1974 (42 U.S.C. 2991f), as so redesignated by section 502, is amended by inserting "or Territory" after "State" each place it appears.

75/122-123 SEC. 505. AUTHORIZATION OF APPROPRIATIONS.

Section 816 of the Native American Programs Act of 1974 (42 U.S.C. 2992d), as so redesignated by section 502 of this Act, is amended—

(1) in subsection (a) by striking "1979 through 1986" and inserting "1988, 1989, 1990, and 1991", and

(2) by adding at the end the following:

"(c)(1) Except as provided in paragraph (2), there are authorized to be appropriated $500,000 for each of the fiscal years 1988, 1989, 1990, and 1991 for the purpose of providing financial assistance to other Native American Pacific Islanders (including American Samoan Natives) under section 803(a).

"(2) No funds may be appropriated under paragraph (1) for a fiscal year unless the amount appropriated under subsection (a) for such fiscal year exceeds 105 percent of the amount appropriated under subsection (a) for the preceding fiscal year.".

SEC. 506. REVOLVING LOAN FUND FOR NATIVE HAWAIIANS.

(a) ESTABLISHMENT OF FUND AND AUTHORITY FOR GRANTS.—The Native American Programs Act of 1974 (42 U.S.C. 2991 et seq.) is amended by inserting after section 803 the following:

"LOAN FUND; DEMONSTRATION PROJECT

"SEC. 803A. (a)(1) In order to provide funding that is not available from private sources, the Secretary shall award grants to one agency of the State of Hawaii, or to one community-based Native Hawaiian organization whose purpose is the economic and social self-sufficiency of Native Hawaiians, which shall use such grants to establish and carry out, in the State of Hawaii, a 5-year demonstration project involving the establishment of a revolving loan fund—

"(A) from which such agency or Native Hawaiian organization shall make loans to Native Hawaiian organizations and to individual Native Hawaiians for the purpose of promoting economic development in the State of Hawaii; and

"(B) into which all payments, interest, charges, and other amounts collected from loans made under subparagraph (A) shall be deposited notwithstanding any other provision of law.

"(2) The agreement under which a grant is awarded under paragraph (1) shall contain

provisions which set forth the administrative costs of the grantee that are to be paid out of the funds provided under the grant.

"(b)(1) The agency or organization to which a grant is awarded under subsection (a)(1) may make loans to a borrower under subsection (a)(1)(A) only if the agency or organization determines that—

"(A) the borrower is unable to obtain financing from other sources on reasonable terms and conditions; and

"(B) there is a reasonable prospect that the borrower will repay the loan.

"(2) Loans made under subsection (a)(1)(A) shall be—

"(A) for a term that does not exceed 5 years; and

"(B) at a rate of interest that is 2 percentage points below the average market yield on the most recent public offering of United States Treasury bills occurring before the date on which the loan is made.

"(3) The agency or organization to which a grant is awarded under subsection (a)(1) may require any borrower of a loan made under subsection (a)(1)(A) to provide such collateral as the agency or organization determines to be necessary to secure the loan.

"(4) Prior to making loans under subsection (a)(1)(A), the agency or organization to which a grant is awarded under subsection (a)(1) shall establish written procedures and definitions pertaining to defaults and collections of payments under the loans which shall be subject to the review and approval of the Secretary. Such agency or organization shall provide to each applicant for a loan under subsection (a)(1)(A), at the time application for the loan is made, a written copy of such procedures and definitions.

"(5) The agency or organization to which a grant is awarded under subsection (a)(1) may not lend to itself any of the funds awarded under the grant.

"(6) No loan may be made from the revolving fund that is required to be established under subsection (a) after the close of the 5-year period beginning on the date of enactment of the Native American Programs Act Amendments of 1987.

"(c)(1) The agency or organization to which a grant is awarded under subsection (a)(1) shall provide the Secretary at regular intervals written notice of each loan made under subsection (a)(1)(A) that is in default and the status of such loan.

"(2)(A) After making reasonable efforts to collect all amounts payable under a loan made under subsection (a)(1)(A) that is in default, the agency or organization to which a grant is awarded under subsection (a)(1) shall notify the Secretary that such loan is uncollectable or collectable only at an unreasonable cost. Such notice shall include recommendations for future action to be taken by the agency or organization.

"(B) Upon receiving such notice, the Secretary shall instruct the agency or organization—

"(i) to continue with its collection activities;

"(ii) to cancel, adjust, compromise, or reduce the amount of such loan; or

"(iii) to modify any term or condition of such loan, including any term or condition relating to the rate of interest or the time of payment of any installment of principal or interest, or portion thereof, that is payable under such loan.

"(C) The agency or organization shall carry out all instructions received under subparagraph (B) from the Secretary.

"(d)(1) The agency or organization to which a grant is awarded under subsection (a)(1) shall, out of funds available in the revolving loan fund established under such subsection—

"(A) pay expenses incurred by the agency or organization in administering the revolving loan fund; and

"(B) provide competent management and technical assistance to borrowers of loans made under subsection (a)(1)(A) to assist the borrowers to achieve the purposes of such loans.

"(2) The Secretary shall provide to the agency or organization to which a grant is made under subsection (a)(1) such management and technical assistance as the agency or organization may request in order to carry out the provisions of this section.

"(e) Not later than 120 days after the date of enactment of the Native American Programs Act Amendments of 1987, the Secretary, in consultation with appropriate agencies of the State of Hawaii and community-based Native Hawaiian organizations, shall prescribe regulations which set forth the procedures and criteria to be used—

"(1) in making loans under subsection (a)(1)(A); and

"(2) in canceling, adjusting, compromising, and reducing under subsection (c) the outstanding amounts of such loans.

The Secretary may prescribe such other regulations as may be necessary to carry out the purposes of this section, including regulations involving reporting and auditing.

"(f)(1) There is authorized to be appropriated for fiscal years 1988, 1989, and 1990 the aggregate amount $3,000,000 for all such fiscal years for the purpose of carrying out the provisions of this section. Any amount appropriated under this paragraph shall remain available for expenditure without fiscal year limitation.

"(2) The revolving loan fund that is required to be established under subsection (a)(1) shall be maintained as a separate account. Any portion of the revolving loan fund that is not required for expenditure shall be invested in obligations of the United States or in obligations guaranteed or insured by the United States.

"(3)(A) All monies that are in the revolving loan fund at the close of the 5-year period beginning on the date of enactment of the Native American Programs Act Amendments of 1987 and that are not otherwise needed (as determined by the Secretary) to carry out the provisions of this section shall be deposited in the Treasury of the United States as miscellaneous receipts.

"(B) All monies deposited in the revolving loan fund after the close of such period pursuant to subsection (a)(1)(B) shall be deposited into the Treasury of the United States as miscellaneous receipts.

"(g)(1) The Secretary, in consultation with the agency or organization to which a grant is awarded under subsection (a)(1), shall submit to the Congress—

"(A) an interim report not later than 2 years after the date of enactment of the Native American Programs Act Amendments of 1987; and

"(B) a final report not later than 4 years after the date of enactment of the Native American Programs Act Amendments of 1987;

regarding the administration of this section.

"(2) Each such report shall include the views and recommendations of the Secretary regarding—

"(A) the effectiveness of the demonstration project;

"(B) whether the demonstration project should be expanded to other groups eligible for assistance under this title; and

"(C) whether the duration of the demonstration project should be extended.

(b) CONFORMING AMENDMENTS.—Subsections (a) and (b) of section 816 of the Native American Programs Act of 1974 (42 U.S.C. 2992d), as so redesignated by section 502, are each amended by inserting "(other than section 803A)" after "title".

(c) TECHNICAL AMENDMENTS.—The Native American Programs Act of 1974 (42 U.S.C. 2991 et seq.) is amended—

(1) in section 802 by striking "Hawaiian Natives" and inserting "Native Hawaiians", and

(2) in the first sentence of section 803 by striking "Hawaiian Natives" and inserting "Native Hawaiians".

TITLE VI—HEALTH CARE SERVICES IN THE HOME

SEC. 601. SHORT TITLE.

This title may be cited as the "Health Care Services in the Home Act of 1987".

SEC. 602. ESTABLISHMENT OF GRANT PROGRAMS FOR DEMONSTRATION PROJECTS.

Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by adding at the end the following:

"PART K—HEALTH CARE SERVICES IN THE HOME

"Subpart I—Grants for Demonstration Projects

"SEC. 395. ESTABLISHMENT OF PROGRAM.

"(a) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall make not less than 3, and not more than 5, grants to States for the purpose of assisting grantees in carrying out demonstration projects—

"(1) to identify low-income individuals who can avoid institutionalization or prolonged hospitalization if skilled medical services or related health services (or both) are provided in the homes of the individuals;

"(2) to pay the costs of the provision of such services in the homes of such individuals; and

"(3) to coordinate the provision by public and private entities of such services, and other long-term care services, in the homes of such individuals.

"(b) REQUIREMENT WITH RESPECT TO AGE OF RECIPIENTS OF SERVICES.—The Secretary may not make a grant under subsection (a) to a State unless the State agrees to ensure that not less than 25 percent of individuals receiving services pursuant to subsection (a) are individuals who are not less than 65 years of age.

"(c) RELATIONSHIP TO ITEMS AND SERVICES UNDER OTHER PROGRAMS.—A State may not make payments from a grant under subsection (a) for any item or service to the extent that payment has been made, or can reasonably be expected to be made, with respect to such item or service—

"(1) under any State compensation program, under an insurance policy, or under any Federal or State health benefits program; or

"(2) by an entity that provides health services on a prepaid basis.

"SEC. 396. LIMITATION ON DURATION OF GRANT AND REQUIREMENT OF MATCHING FUNDS.

"(a) LIMITATION ON DURATION OF GRANT.—The period during which payments are made to a State from a grant under section 395(a) may not exceed 3 years. Such payments shall be subject to annual evaluation by the Secretary.

"(b) REQUIREMENT OF MATCHING FUNDS.—

"(1)(A) For the first year of payments to a State from a grant under section 395(a), the Secretary may not make such payments in an amount exceeding 75 percent of the costs of services to be provided by the State pursuant to such section.

"(B) For the second year of such payments to a State, the Secretary may not make such payments in an amount exceeding 65 percent of the costs of such services.

"(C) For the third year of such payments to a State, the Secretary may not make such payments in an amount exceeding 55 percent of the costs of such services.

"(2) The Secretary may not make a grant under section 395(a) to a State unless the State agrees to make available, directly or through donations from public or private entities, non-Federal contributions toward the costs of services to be provided pursuant to such section in an amount equal to—

"(A) for the first year of payments to the State from the grant, not less than $25 (in cash or in kind under subsection (c)) for each $75 of Federal funds provided in the grant;

"(B) for the second year of such payments to the State, not less than $35 (in cash or in kind under subsection (c)) for each $65 of such Federal funds; and

"(C) for the third year of such payments to the State, not less than $45 (in cash or in kind under subsection (c)) for each $55 of such Federal funds.

"(c) Determination of Amount of Non-Federal Contribution.—Non-Federal contributions required in subsection (b) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

"SEC. 397. GENERAL PROVISIONS.

"(a) Limitation on Administrative Expenses.—The Secretary may not make a grant under section 395(a) to a State unless the State agrees that not more than 10 percent of the grant will be expended for administrative expenses with respect to the grant.

"(b) Description of Intended Use of Grant.—The Secretary may not make a grant under section 395(a) to a State unless—

"(1) the State submits to the Secretary a description of the purposes for which the State intends to expend the grant; and

"(2) such description provides information relating to the programs and activities to be supported and services to be provided, including—

"(A) the number of individuals who will receive services pursuant to section 395(a) and the average costs of providing such services to each such individual; and

"(B) a description of the manner in which such programs and activities will be coordinated with any similar programs and activities of public and private entities.

"(c) Requirement of Application.—The Secretary may not make a grant under section 395(a) to a State unless the State has submitted to the Secretary an application for the grant. The application shall—

"(1) contain the description of intended expenditures required in subsection (b);

"(2) with respect to carrying out the purpose for which the grant is to be made, provide assurances of compliance satisfactory to the Secretary; and

"(3) otherwise be in such form, be made in such manner, and contain such information and agreements as the Secretary determines to be necessary to carry out this subpart.

"(d) Evaluations and Report by Secretary.—The Secretary shall—

"(1) provide for an evaluation of each demonstration project for which a grant is made under section 395(a); and

"(2) not later than 6 months after the completion of such evaluations, submit to the Congress a report describing the findings made as a result of the evaluations.

"(e) Authorizations of Appropriations.—For the purpose of carrying out this subpart, there is authorized to be appropriated $5,000,000 for each of the fiscal years 1988 through 1990.

"Subpart II—Grants for Demonstration Projects With Respect to Alzheimer's Disease

"SEC. 398. ESTABLISHMENT OF PROGRAM.

"(a) In General.—The Secretary shall make not less than 3, and not more than 5, grants to States for the purpose of assisting grantees in carrying out demonstration projects for planning, establishing, and operating programs—

"(1) to coordinate the development and operation by public and private organizations of diagnostic, treatment, care management, respite care, legal counseling, and education services provided within the State to individuals with Alzheimer's disease or related disorders and to the families and care providers of such individuals;

"(2) to provide home health care, personal care, day care, companion services, short-term care in health facilities, and other respite care to individuals with Alzheimer's disease or related disorders; and

"(3) to provide to health care providers, to individuals with Alzheimer's disease or related disorders, to the families of such individuals, to organizations established for such individuals and such families, and to the general public, information with respect to—

"(A) diagnostic services, treatment services, and related services available to such individuals and to the families of such individuals;

"(B) sources of assistance in obtaining such services, including assistance under entitlement programs; and

"(C) the legal rights of such individuals and such families.

"(b) Requirement With Respect to Certain Expenditures.—The Secretary may not make a grant under subsection (a) to a State unless the State agrees to expend not less than 50 percent of the grant for the provision of services described in subsection (a)(2).

"(c) Relationship to Items and Services Under Other Programs.—A State may not make payments from a grant under subsection (a) for any item or service to the extent that payment has been made, or can reasonably be expected to be made, with respect to such item or service—

"(1) under any State compensation program, under an insurance policy, or under any Federal or State health benefits program; or

"(2) by an entity that provides health services on a prepaid basis.

"SEC. 399. LIMITATION ON DURATION OF GRANT AND REQUIREMENT OF MATCHING FUNDS.

"(a) Limitation on Duration of Grant.—The period during which payments are made to a State from a grant under section 398(a) may not exceed 3 years. Such payments shall be subject to annual evaluation by the Secretary.

"(b) Requirement of Matching Funds.—

"(1)(A) For the first year of payments to a State from a grant under section 398(a), the Secretary may not make such payments in an amount exceeding 75 percent of the costs of services to be provided by the State pursuant to such section.

"(B) For the second year of such payments to a State, the Secretary may not make such payments in an amount exceeding 65 percent of the costs of such services.

"(C) For the third year of such payments to a State, the Secretary may not make such payments in an amount exceeding 55 percent of the costs of such services.

"(2) The Secretary may not make a grant under section 398(a) to a State unless the State agrees to make available, directly or through donations from public or private entities, non-Federal contributions toward the costs of services to be provided pursuant to such section in an amount equal to—

"(A) for the first year of payments to the State from the grant, not less than $25 (in cash or in kind under subsection (c)) for each $75 of Federal funds provided in the grant;

"(B) for the second year of such payments to the State, not less than $35 (in cash or in kind under subsection (c)) for each $65 of such Federal funds; and

"(C) for the third year of such payments to the State, not less than $45 (in cash or in kind under subsection (c)) for each $55 of such Federal funds.

"(c) Determination of Amount of Non-Federal Contribution.—Non-Federal contributions required in subsection (b) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

"SEC. 399A. GENERAL PROVISIONS.

"(a) Limitation on Administrative Expenses.—The Secretary may not make a grant under section 398(a) to a State unless the State agrees that not more than 10 percent of the grant will be expended for administrative expenses with respect to the grant.

"(b) Description of Intended Use of Grant.—The Secretary may not make a grant under section 398(a) to a State unless—

"(1) the State submits to the Secretary a description of the purposes for which the State intends to expend the grant; and

"(2) such description provides information relating to the programs and activities to be supported and services to be provided, including—

"(A) the number of individuals who will receive services pursuant to section 398(a) and the average costs of providing such services to each such individual; and

"(B) a description of the manner in which such programs and activities will be coordinated with any similar programs and activities of public and private entities.

"(c) Requirement of Application.—The Secretary may not make a grant under section 398(a) to a State unless the State has submitted to the Secretary an application for the grant. The application shall—

"(1) contain the description of intended expenditures required in subsection (b);

"(2) with respect to carrying out the purpose for which the grant is to be made, provide assurances of compliance satisfactory to the Secretary; and

"(3) otherwise be in such form, be made in such manner, and contain such information and agreements as the Secretary determines to be necessary to carry out this subpart.

"(d) EVALUATIONS AND REPORT BY SECRETARY.—The Secretary shall—

"(1) provide for an evaluation of each demonstration project for which a grant is made under section 398(a); and

"(2) not later than 6 months after the completion of such evaluations, submit to the Congress a report describing the findings made as a result of the evaluations.

"(e) AUTHORIZATIONS OF APPROPRIATIONS.—For the purpose of carrying out this subpart, there is authorized to be appropriated $5,000,000 for each of the fiscal years 1988 through 1990.".

TITLE VII—GENERAL PROVISIONS

SEC. 701. EFFECTIVE DATES; APPLICATION OF AMENDMENTS.

(a) GENERAL EFFECTIVE DATE.—Except as provided in subsections (b) and (c), this Act and the amendments made by this Act shall take effect on October 1, 1987.

(b) APPLICATION OF AMENDMENTS.—The amendments made by title I of this Act shall not apply with respect to—

(1) any area plan submitted under section 306(a) of the Older Americans Act of 1965, or

(2) any State plan submitted under section 307(a) of such Act,

and approved for any fiscal year beginning before the date of the enactment of this Act.

(c) EFFECTIVE DATE OF SECTION 506—The amendments made by section 506 of this Act shall take effect upon the expiration of the 90-day period beginning on the date of the enactment of this Act.

And the Senate agree to the same.

From the Committee on Education and Labor, for the consideration of the House Bill and Senate amendment (except Titles III and VI), and modification committed to conference:

AUGUSTUS F. HAWKINS,
DALE E. KILDEE,
WILIAM D. FORD,
TOM SAWYER,
STEPHEN J. SOLARZ,
PETER J. VISCLOSKY,
JAMES M. JEFFORDS,
THOMAS J. TAUKE,
TOM COLEMAN,
FRED GRANDY,

From the Committee on Energy and Commerce, for the consideration of Titles III and VI of the Senate amendment, and modifications committed to conference:

JOHN D. DINGELL,
HENRY A. WAXMAN,
JAMES H. SCHEUER,
NORMAN F. LENT,
ED MADIGAN,

Managers on the Part of the House.

For all but the Native American programs:

EDWARD M. KENNEDY,
SPARK M. MATSUNAGA,
CLAIBORNE PELL,
THAD COCHRAN,
ORRIN G. HATCH,

For the Native American programs:

DANIEL K. INOUYE,
JOHN MELCHER,
DENNIS DECONCINI,
QUENTIN BURDICK,
THOMAS DASCHLE,
DANIEL J. EVANS,
FRANK H. MURKOWSKI,
JOHN MCCAIN,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1451) to extend and improve the Older Americans Act of 1965 and for other purposes, submit the following joint statement to the House and Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The Senate amendment struck out all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

TITLE I—AMENDMENTS TO THE OLDER AMERICANS ACT OF 1965

PART A—OBJECTIVES AND ADMINISTRATION

OBJECTIVES

House bill.—The House bill does not have a comparable provision.

Senate amendment.—The Senate amendment adds "functional limitations" as a factor to be considered in meeting the objective of assisting older people to obtain and maintain suitable housing.

Conference agreement.—The Senate recedes. The Conferees note that the phrase "special needs," which is already in the Act, is intended to include those with functional limitations.

DATA COLLECTION; REPORTS

Collection Required

House bill.—The House does not specify a date by which new data collection requirements must be in place.

Senate amendment.—The Senate amendment requires that data must be collected under the new provisions of the Act for fiscal years beginning after September 30, 1988.

Conference agreement.—The House recedes. The Conferees expect that data will be collected from every area agency each year, rather than on a sample basis.

Reports

House bill.—The House bill requires the Commissioner's annual report to include data collected pursuant to section 202(a)(19) and, as a separate requirement, to include an analysis of the information received concerning legal services under section 307(a)(15)(E).

Senate amendment.—The Senate amendment includes the requirement that the Commissioner's annual report include information on legal services collected pursuant to section 202(a)(19) in two provisions.

Conference agreement.—The Senate recedes. The Conferees note this section requires that the Commissioner's annual report include statistical data collected under section 202(a)(19), and that data collected under section 202(a)(19) is intended to include legal services. The duplicate citation is unnecessary.

DEMONSTRATION GRANTS

Purpose

House bill.—The House bill includes a parenthetical explanation that frail individuals are intended to include those with physical or mental impairment.

Senate amendment.—The Senate amendment references older individuals with disabilities as a separate group to receive special emphasis, rather than as a parenthetical reference to be included within the frail elderly.

Conference agreement.—The House recedes.

OLDER INDIVIDUALS WITH DISABILITIES

Consultation Function

House bill.—The House bill does not have a comparable provision.

Senate amendment.—The Senate amendment requires the Commissioner to consult with national organizations representing the interests of individuals with severe disabilities for certain purposes.

Conference agreement.—The Senate recedes. The Conferees note that they anticipate that the Commissioner will consult with national organizations representing the interests of individuals with severe disabilities in order to provide improved technical assistance to State and area agencies in the provision of services to older individuals with disabilities.

Planning

House bill.—The House bill does not have a comparable provision.

Senate amendment.—The Senate amendment requires that the Commissioner develop planning linkages with the Alcohol, Drug Abuse, and Mental Health Administration and the Administration on Development Disabilities, in addition to the planning linkages already required under the Act.

Conference agreement.—The House recedes.

Agency Consultation

House bill.—House bill does not have a comparable provision.

Senate amendment.—The Senate amendment adds the Rehabilitation Act of 1973 and the Developmental Disabilities and Bill of Rights Act to the list of programs related to the Older Americans Act. Under this provision, the head of the agencies which administer these programs shall consult and cooperate with the Commissioner. The Senate amendment also requires that the Commissioner consult with the National Advisory Panel on Alzheimers' Disease.

Conference agreement.—The House recedes, with an amendment to delete the requirement regarding the Alzheimer's Advisory Panel. The Conferees note that they encourage the Commissioner to consult in the same manner with this panel, as with other groups and organizations in carrying out this section.

Evaluation

House bill.—The House bill does not have a comparable provision.

Senate amendment.—The Senate amendment adds a specific reference to organizations representing individuals with disabilities to the provision which requires the Secretary to consult with certain organizations, whenever possible, in carrying out evaluations under this section.

Conference agreement.—The House recedes.

FEDERAL COUNCIL ON AGING

Membership

House bill.—The House bill does not have a comparable provision.

Senate amendment.—The Senate amendment changes the number of members of Federal Council on Aging who must be elderly from a total of 6 to a clear majority of 9 out of 15.

Conference agreement.—The House recedes. The Conferees wish to specify that this change is not intended to be applied retroactively or to necessitate a change in the current members of the Council. This provision will apply only to new members appointed to the Council after the effective date of these amendments.

Reauthorization

House bill.—The House bill reauthorizes the Federal Council on Aging for fiscal years 1988, 1989, 1990 and 1991 at a level of such sums as may be necessary.

Senate amendment.—The Senate amendment reauthorizes the Federal Council on Aging at a level of $210,000 for 1988, $221,000 for 1989, $232,000 for 1990, $243,000 for 1991 and $255,000 for 1992.

Publication of Goals

House bill.—The House bill requires the Commissioner on Aging to publish yearly goals in the Federal Register for public comment.

Senate amendment.—The Senate amendment contains a similar provision.

Conference agreement.—The Conferees have modified the language in the bill to require that the Commissioner publish and disseminate goals to State and area agencies for comment, but eliminate the requirement that the publication vehicle be the Federal Register. The annual statement may be issued as an Information Memorandum or other appropriate communication vehicle, as determined by the Commissioner. The goals referenced in this section are intended to be relatively broad annual objectives of the Federal Administration on Aging which provide a statement of direction and priorities, rather than goals for each State or area agency or goals which would replace the statement of purpose of the Act.

ASSESSMENT OF UNSATISFIED DEMAND FOR SUPPORTIVE SERVICES PROVIDED AT SENIOR CENTERS AND OTHER SITES

House bill.—The House bill includes a requirement that the Commissioner assess the unsatisfied demand for Title III supportive services provided at senior centers.

Senate amendment.—The Senate amendment does not have a comparable provision.

Conference agreement.—The Senate recedes, with an amendment to require the Commissioner to report and make recommendations to Congress on the need for supportive services provided at senior centers based on State plan information and data required to be reported by State and area agencies. The amendment also provides authority to the Commissioner to issue regulations to ensure the availability of data for carrying out the assessment, should the existing State plan requirements produce insufficient information. The Conferees expect the assessment to (1) include, to the fullest extent possible, a geographical and statistical analysis of the unsatisfied demand for supportive services nationally, particularly at multi-purpose senior centers funded under the Act and similar sites supported by other funding sources, and (2) contain specific recommendations on ways in which this unmet need can be filled.

STUDY OF PROSPECTIVE PAYMENT SYSTEM

House bill.—The House bill includes a requirement that the Secretary of Health and Human Services, together with the Commissioner on Aging and other, undertake a study to determine the impact of Medicare's diagnostic related group prospective payment system on community-based programs such as the Older Americans Act and to determine the amount of savings incurred in the Medicare program and how these savings might be used to meet the community care needs of recently discharged Medicare patients.

Senate amendment.—The Senate amendment does not have a comparable provision.

Conference agreement.—The House recedes. The Conferees reaffirm their concern about the impact of the prospective payment system on the demand for services provided by the Older Americans Act and intend to pursue this issue.

PART B—GRANTS FOR SUPPORTIVE SERVICES, NUTRITION, AND OTHER ACTIVITIES

PURPOSE

House bill.—The House bill adds Indian tribes and tribal organizations to the list of agencies and organizations which are intended by the Act to work with State and area agencies to develop and implement comprehensive and coordinated service systems for older individuals.

Senate amendment.—The Senate amendment contains language similar to the House bill, but also includes Hawaiian Native organizations in the list.

Conference agreement.—The House recedes.

ADMINISTRATION OF STATE GRANTS; CONSULTATION

House bill.—The House bill does not include a comparable provision.

Senate amendment.—The Senate amendment adds a new provision which lists agencies within the Department of Health and Human Services, including the National Institute on Aging, the Health Care Financing Administration, and the Social Security Administration, from whom the Commissioner may request technical assistance.

Conference agreement.—The Senate recedes. The intent in deleting this reference is not to lessen the obligation of these agencies to provide technical assistance to the Administration on Aging; indeed, the Conferees believe it is incumbent upon each agency to be as responsive as possible to such requests.

REAUTHORIZATION FOR STATE AND COMMUNITY PROGRAMS ON AGING

Supportive Services and Senior Centers

House bill.—The House bill authorizes $379,575,000 for fiscal year 1988, $398,554,000 for fiscal year 1989, $418,481,000 for fiscal year 1990, and $439,406,000 for fiscal year 1991 to fund supportive services and senior centers.

Senate amendment.—The Senate amendment authorizes $379,575,000 for fiscal year 1988, $398,554,000 for fiscal year 1989, $418,481,000 for fiscal year 1990, $439,406,000 for fiscal year 1991, and $461,376,000 for fiscal year 1992 to fund supportive services and senior centers.

Conference agreement.—The Senate recedes.

Nutrition Services; Congregate Meals

House bill.—The House bill authorizes appropriations for congregate meal services through 1991.

Senate amendment.—The Senate amendment authorizes the same level of appropriations as the House bill through 1991, and, in addition, authorizes $504,131,000 for fiscal year 1992.

Conference agreement.—The Senate recedes.

Nutrition Services; Home-Delivered meals

House bill.—The House bill authorizes appropriations for home-delivered meals programs through 1991.

Senate amendment.—The Senate amendment authorizes the same level of appropriations as the House bill through 1991, and, in addition, authorizes the same level of appropriations as the House bill through 1991, and, in addition, authorizes $96,487,000 for fiscal year 1992.

Conference agreement.—The Senate recedes.

Nutrition Services; Surplus Commodities

House bill.—The House bill authorizes appropriations for surplus commodities programs through 1991.

Senate amendment.—The Senate amendment authorizes the same level of appropriations as the House bill through 1991, and, in addition, authorizes $221,100,000 for fiscal year 1992.

Conference agreement.—The Senate recedes.

Separate Units

House Bill.—The House bill requires that an area agency have as its only function to operate as such, and provides that an area agency located within an umbrella organization be identified as a separate organizational unit within the organization.

Senate amendment.—The Senate amendment contains a comparable provision.

Conference agreement.—The Conferees wish to indicate that local officials may continue to include the area agency within an umbrella agency, such as a city or county human services department, council of government, regional planning commission or regional planning district, as long as the area agency remains an identifiable unit. Further, the area agency unit that is housed in such a multi-purpose agency may absorb its equitable share of expenses incurred by the operation of the aging program as allowable under an indirect cost allocation plan, provided that the relevant federal agency has not explicitly rejected the indirect cost allocation plan.

TUITION-FREE POST-SECONDARY EDUCATION

House bill.—The House bill requires area agencies to conduct a survey and disseminate information regarding the availability of tuition-free post-secondary education in their area.

Senate amendment.—The Senate amendment does not include a comparable provision.

Conference agreement.—The Senate recedes, with an amendment to require area agencies to gather information from existing sources, supplement it where necessary, and make it available through senior centers, congregate nutrition sites, and other appropriate places.

OMBUDSMAN OFFICE AND PROGRAM

Study of Ombudsman Program

House bill.—The House bill requires the Commissioner to submit a report to Congress by December 31, 1988 on the findings and recommendations of a study on the long-term care ombudsman program, its impact on issues and problems affecting residents of board and care facilities and other similar adult care homes, and the effectiveness of recruiting, supervising and retaining volunteer ombudsmen.

Senate amendment.—The Senate contains the same substantive provisions as the House bill, but requires the report to be submitted by December 31, 1989.

Conference agreement.—The House recedes.

Authorization of Appropriations for the Ombudsman Program

House bill.—The House bill authorizes $20,000,000 for fiscal year 1988 and such sums as may be necessary for fiscal years 1989 through 1991. The House bill also requires that appropriations for provisions of the current Act and the certain new authorizations receive at least 105 percent of the amount appropriated for the previous fiscal year before appropriations for this authorization may be made.

Senate amendment.—The Senate amendment authorizes $20,000,000 for fiscal year 1988 and such sums as may be necessary for fiscal year 1989 through 1992. The Senate bill does not contain a comparable provision which triggers appropriations for this authorization.

Conference agreement.—The Senate recedes with an amendment to modify the provision regarding appropriations for other parts of the Act.

Description of Complaints

House bill.—The House bill does not include a comparable provision.

Senate amendment.—The Senate amendment modifies the description of the duties of the ombudsmen to resolve complaints by elaborating upon the nature of the complaints which are to be investigated to include complaints "relating to action, inaction, or decisions of providers, or their representatives, of long-term care services, of public agencies, or of social service agencies which may adversely affect the health, safety, welfare, or rights of such residents."

Conference agreement.—The House recedes.

Toll-Free Hotline

House bill.—The House bill does not include a comparable provision.

Senate amendment.—The Senate amendment requires each State agency to establish a toll-free hot line to facilitate the communication of complaints to the long-term care ombudsman.

Conference agreement.—The Senate recedes.

Ombudsman Liability

House bill.—The House bill requires the State agency to ensure that no representative of the Ombudsman office will be liable under State law for good faith performance of official duties.

Senate amendment.—The Senate amendment requires the State to ensure that no representative of the Ombudsman office will be liable under State law for good faith performance of official duties.

Conference agreement.—The House recedes.

Willful Interference and Retaliation Protection

House bill.—The House bill requires the State agency to ensure that willful interference with the performance of the duties of ombudsmen is unlawful, and that retaliation or reprisals against residents or employees who complain to or cooperate with ombudsmen are prohibited.

Senate amendment.—The Senate amendment requires the State to ensure that willful interference with the performance of the duties of ombudsmen is unlawful, and that retaliation or reprisals against residents or employees who complain to or cooperate with ombudsmen are prohibited.

Conference agreement.—The House recedes.

Ombudsman—Maintenance of Effort and Effective Dates

House bill.—The House bill requires, if a State's allotment for part III-B is at least equal to its allotment for fiscal year 1987, that the State expend at least the amount spent to carry out the ombudsman program in fiscal year 1987.

Senate amendment.—The Senate amendment requires, if the amount appropriated for part III-B is less than or equal to the amount appropriated in fiscal year 1987, that the provisions in section 307 relating to the ombudsman program as in effect prior to the enactment of these amendments shall be carried out; if the amount appropriated is greater than the amount in fiscal year 1987, then the new ombudsman provisions shall be carried out. The Senate amendment also requires that amounts appropriated and available under part B of this title for ombudsman services may not be used to supplant State or local funds.

Conference agreement.—The Senate recedes, with an amendment which requires (1) that States are required, at a minimum, to spend the same total amount as they spent on ombudsman services from Federal sources as they spent in fiscal year 1987, and that they may use funds from a new appropriation for these services or from part B to meet this minimum requirement, and (2) that all funds appropriated pursuant to the new authorization of funds for ombudsman programs must be expended for this purpose. The Conferees note that all of the substantive amendments shall go into effect regardless of the appropriations level.

FLEXIBILITY OF SERVICES; LEGAL ASSISTANCE

Adequate Proportion

House bill.—The House bill does not include a comparable provision.

Senate amendment.—The Senate amendment repeals the requirement that area agencies expend an adequate proportion of their title III-B funds on in-home services and access services. The Senate amendment requires that area agencies provide assurances that adequate services associated with access to services are provided in their planning and service delivery area.

Conference agreement.—The Senate recedes with an amendment that provides that each State shall set a minimum proportion of title III-B funds to be expended by each area agency for each type of service (access, in-home, and legal services). If an area agency expends at least the minimum percentage set by the State, the area agency will have fulfilled the requirement to spend an adequate proportion of funds on such services. The minimum percentage is intended to be a floor, not a ceiling. Area agencies on aging are encouraged to devote additional funds to each of these service areas to meet local needs. The Conferees make no changes in the current language in the Act regarding waivers in section 306(b)(1), but note that, with respect to legal services being furnished in the area, the Conferees expect State and area agencies to consider services being provided by the Legal Services Corporation, the private bar or groups within the private bar furnishing services to older individuals on a pro bono and established reduced fee basis in that planning and service area.

Legal Services

House bill.—The House bill (1) defines "adequate proportion" of title III-B funds to be expended for legal assistance as an amount that is sufficient to meet the relative need for legal assistance in relation to the need for other services under part B, is equal to at least some funds, and is not less than the agency expended for legal assistance for fiscal year 1986; (2) requires the State agency to establish a minimum percentage of part B funds which each area agency must spend on legal services; and (3) requires the State agency to afford individuals or providers of legal assistance a hearing if a waiver is granted and the request for a hearing is timely.

Senate amendment.—The Senate amendment (1) requires the State agency to establish a minimum percentage of part B funds which each area agency must spend on legal services; (2) requires each area agency to spend an adequate proportion of part B funds on legal services, defined as the minimum percentage established by the State agency; (3) provides for a waiver of the adequate proportion requirement if the area agency has demonstrated that the legal assistance services being furnished are sufficient to meet the need for such services, taking into account other legal services being provided in the community; and (4) requires the State agency, prior to granting such a waiver, to provide a 30 day notice period during which individuals or providers may request a hearing, and to offer the opportunity for a hearing to any individuals or providers who make such a request.

Conference agreement.—The House recedes, with an amendment to delete the separate waiver provision for legal services. The waiver provision of section 306(b)(1) of existing law will apply, as noted above. The Conferees also note that they do not intend to require the State agency to hold a separate hearing for each individual or provider who requests such a hearing, but that a single hearing at which each individual or provider may testify is sufficient to meet the intent of this section. Furthermore, the hearing may be conducted as part of other hearings being held by the State agency.

Documentation Regarding Minority Participation

House bill.—The House bill requires area agencies to help assure that providers serve low-income minority individuals in not less than the proportion of low-income minority older individuals in the population of the area.

Senate amendment.—The Senate amendment requires area agencies to attempt to provide services to low-income minority individuals at least in the same proportion as the population of low-income minority older individuals bears to the population of older individuals in the area.

Conference agreement.—The House recedes, with an amendment to delete the duplicate word "will" in paragraph II of this section.

SSI/Medicaid/Food Stamp Outreach

House bill.—The House bill authorizes a $25 million one-time outreach effort under Title III to locate low-income elderly individuals who are eligible but not receiving SSI, Medicaid or Food Stamps and to assist them in obtaining such benefits.

Senate amendment.—The Senate amendment provides $3 million in fiscal year 1988 and such sums thereafter under Title IV to fund demonstration programs to test whether the Older Americans Act system can effectively reach and assist eligible individuals who are not currently receiving SSI, Medicaid and Food Stamps to begin receiving such benefits.

Conference agreement.—The House recedes with an amendment to (1) require the

Commissioner to compile descriptions of successful outreach programs of this type during fiscal year 1988, (2) authorizes $10 million for each of fiscal years 1989 and 1990 for distribution to States, with a minimum of $50,000 for each State, (3) establishes a grant process from the State to area agencies for funding to target specific areas within a State, and (4) requires the Commissioner to report to the Congress on the success or failure of these grant programs by March 30, 1991. The Conferees wish to note their intention that funds do not have to be distributed to every area agency in a State. Further, the Conferees wish to note that the Commissioner and State and area agencies should notify the agencies who will be required to process new applicants of new outreach efforts that may affect their workload.

Advocacy/Appropriation Restriction

House bill.—The House amends sections 305(a)(1)(D), 306(a)(6)(D), and section 303 of the Act detailing specific activities which are and are not permissible activities within the scope of the advocacy function of the State and area agencies on aging.

Senate amendment.—The Senate amendment does not contain comparable provisions.

Conference agreement.—The House recedes. The Conferees believe that new statutory language is unnecessary, and wish to call attention to the fact that provisions of law cannot be superceded by rule or executive order.

State Plan Public Hearings

House bill.—The House bill requires periodic public hearings as part of the already required evaluations of activities carried out under State plans.

Senate amendment.—The Senate amendment does not include a comparable provision.

Conference agreement.—The Senate recedes.

OLDER NATIVE AMERICANS

Improved Administation for Native American Programs

House bill.—The House bill creates within the Administration on Aging an Office for Tribal Programs to be headed by an Associate Commissioner on Indian Aging, with responsibility for programs operated under title VI for Indians and for chairing the interagency task force related to older Indians.

Senate amendment.—The Senate amendment creates within the Administration on Aging an Office for Native American Programs to be headed by an Associate Commissioner on Native American Aging, with responsibility for programs operated under title VI for Native Americans, including Native Hawaiians, and for chairing the interagency task force related to older Indians.

Conference agreements.—The Conferees agree to an amendment which creates an Office for American Indian, Alaskan Native and Hawaiian Native Programs to be headed by an Associate Commissioner on American Indian, Alaskan Native and Hawaiian Native Aging, who will be responsible for programs operated under title VI and for chairing the interagency task force related to older Indians.

Contracting Authority

House bill.—The House bill gives authority to the Associate Commissioner on Indian Aging to approve agreements between a recipient of a grant or contract under title III and a profitmaking organization to carry out the provisions of the Act.

Senate amendment.—The Senate amendments gives the Commissioner, subject to the recommendation of the Associate Commissioner on Native American Aging, the authority to approve agreements between a recipient of a grant or contract under title VI and a profitmaking organization to carry out the provisions of the Act.

Conference agreements.—The House recedes, with a conforming amendment to modify the title of the Associate Commissioner.

Education and Training

House bill.—The House bill requires the Commissioner to enter into a grant or contract to provide in-service training opportunities and courses of instruction on aging to Indian tribes through non-profit Indian aging organizations.

Senate amendment.—The Senate amendment allows such grants or contracts to be made with public organizations as well as nonprofit organizations.

Conference agreements.—The House recedes.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER INDIANS

Reservation of Funds

House bill.—The House bill reserves funding for a national grant or contract with national Indian aging organizations with the ability to provide employment services to older Indians if the amount appropriated for title V exceeds $327,600,000.

Senate amendment.—The Senate amendment reserves funding for national grants or contracts with public or non-profit Indian aging organizations with the ability to provide employment services to older Indians and with national public or nonprofit Pacific Island and Asian American organizations, but only in a fiscal year in which the amount available under title V exceeds the amount appropriated for fiscal year 1987.

Conference agreement.—The House recedes, with an amendment to require that any Pacific Island and Asian American organization receiving such a grant or contract must be a Pacific Island and Asian American aging organization with the ability to provide employment services to older Pacific Island and Asian Americans, and to add a definition of Pacific Island and Asian American. Should new funding be available in one year and be cut back in subsequent years (even if the amount available drops below the fiscal year 1987 level), such cutbacks are to be taken on an equitable basis by all grantees and contractors, and not solely or principally by the new Indian or Pacific Island and Asian American grantees. The term Pacific Island and Asian American is intended to conform to the definition promulgated by the Office of Management and Budget.

Special Report on Services for Older Indians

House bill.—The House bill requires that the special report on services for older Indians be submitted within 180 days of enactment of this Act.

Senate amendment.—The Senate amendment requires the special report on services for older Indians to be submitted not later than December 31, 1988.

Conference agreement.—The House recedes.

SERVICES TO INDIVIDUALS WITH DISABILITIES

Definition of Disability and Severe Disability

House bill.—The House bill does not include a comparable provision.

Senate amendment.—The Senate amendment adds a definition of disability and severe disability to the Act.

Conference agreement.—The House recedes with an amendment to delete the references to specific medical conditions under the definition of disability, to delete paragraph C of the definition of severe disability, and to clarify that this definition is not intended to affect the meaning of certain other terms used in the Act.

Organization

House bill.—The House bill does not have a comparable provision.

Senate amendment.—The Senate amendment requires the State to provide assurances that the State agency will consult with State and area agencies with responsibility for individuals with disabilities.

Conference agreement.—The Senate recedes.

Area Plan Requirement

House bill.—The House bill does not have a comparable provision.

Senate amendment.—The Senate amendment includes a reference to elderly with severe disabilities in the list of groups which should be given special emphasis in outreach efforts.

Conference agreement.—The House recedes.

Mental Health

House bill.—The House bill does not have a comparable provision.

Senate amendment.—The Senate amendment adds a reference to mental health services to the requirement that the State agency evaluate the need for services in the State plan.

Conference agreement.—The Senate recedes.

Meals Programs—Disabled residing with Elderly Person

House bill.—The House bill does not include a comparable provision.

Senate amendment.—The Senate amendment allows individuals with disabilities who reside with and accompany older individuals who are eligible for nutrition services to also receive such services.

Conference agreement.—The House recedes, with an amendment to clarify that the disabled individual must be members of the same household as the eligible older individual. The Conferees do not intend that individuals living together in an institutional setting would be eligible under the terms of this provision.

State Plan Requirement

House bill.—The House bill does not include a comparable provision.

Senate amendment.—The Senate amendment requires the State plan to include assurances that the State will coordinate activities on behalf of older disabled individuals with State agencies with primary responsibility for individuals with disabilities, and to coordinate planning with the State developmental disabilities planning council.

Conference agreement.—The House recedes with an amendment which eliminates the reference to the coordination of activities with the State developmental disabilities planning council, as this is being dealt with on other legislation.

Supportive Services Mental Health Reference

House bill.—The House bill does not include a comparable provision.

Senate amendment.—The Senate amendment adds a reference to the inclusion of mental health under the term "health" in the list of supportive services which may be provided under title III.

Conference agreement.—The House recedes.

Reference to Disabled

House bill.—The House bill does not include a comparable provision.

Senate amendment.—The Senate amendment changes a reference to "individuals suffering from physical disabilities" so that it will read "individuals who have physical disabilities."

Conference agreement.—The House recedes.

Coordination

House bill.—The House bill does not include a comparable provision.

Senate amendment.—The Senate amendment requires the Commissioner to encourage area agencies to enter into agreements with other organizations furnishing mental health services to ensure a coordinated approach to meeting the needs of older individuals.

Conference agreement.—The Senate recedes.

IN-HOME SERVICES FOR FRAIL OLDER INDIVIDUALS

Authorization for In-Home Services for Frail Elderly

House bill.—The House bill authorizes appropriations for this part through 1991.

Senate amendment.—The Senate amendment authorizes appropriations for this part through 1992.

Conference agreement.—The Senate recedes.

In-Home Services to Frail Older Individuals

House bill—The House bill creates a new part D to Title III, authorizing funds for non-medical in-home services for frail older persons.

Senate amendment.—The Senate amendment contains a similar provision, with the following modification: (1) the inclusion of a provision in the State plan regarding consultation and coordination, (2) the inclusion of a reference to the individual's environment and function support needs in the description of the program authorized, (3) the addition of personal emergency response to the definition of "in-home service", (4) the addition of minor remodeling of homes to the definition of "in-home service," (5) the deletion of a reference to in-home supportive services related to Alzheimer's, and (6) modification of the reference to victims of Alzheimer's disease and related disorders in several places.

Conference agreement.—The House recedes with respect to the State plan provision, the deletion of a duplicate reference to in-home supportive services related to Alzheimer's within the definition of in-home services, and the modification of the references to Alzheimer's disease and related disorders. The Senate recedes with respect to the inclusion of personal emergency services. The House recedes with an amendment to the provision of minor remodeling of homes, so that the term "remodeling" is changed to "modifications" and a cap of $150 total per client is added.

ASSISTANCE FOR SPECIAL NEEDS

House bill.—The House bill authorizes $25 million for a new Part E in Title III to provide grants to States to assist them in meeting special needs of older individuals. The program is authorized through 1991, and cannot receive funding unless certain other programs under the Act receive appropriations of at least 105 percent of their previous year appropriation.

Senate amendment.—The Senate amendment does not include a comparable provision.

Conference agreement.—The Senate recedes on the differences, with an amendment to modify the trigger provision.

PREVENTION OF ABUSE OF OLDER INDIVIDUALS

1992 Authorization and Trigger

House bill.—The House bill includes an authorization for a program to prevent abuse of older individuals. The program is authorized through 1991, and cannot receive funding unless certain other programs under the Act receive appropriations of at least 105 percent of their previous year appropriation.

Senate amendment.—The Senate amendment includes the same substantive program authorization. It authorizes the program through 1992 and does not include any requirement that other programs under the Act receive appropriations before this program receives an appropriation.

Conference agreement.—The Senate recedes on the differences, with an amendment to modify the trigger provision. The Conferees recognize that the laws of some States give authority over elder abuse prevention and protection to agencies outside of the aging network. The Conferees intend that the requirements of this section be carried out strictly within the confines of pertinent State laws. Area agencies on aging are expected to use these funds to complement and supplement, not duplicate, existing elder abuse prevention and protection programs.

HEALTH EDUCATION AND PROMOTION FOR OLDER AMERICANS

House bill.—The House bill does not include a comparable provision.

Senate amendment.—The Senate amendment includes a new authorization for the provision of health promotion and education services to older individuals in, primarily, congregate settings.

Conference agreement.—The House recedes, with an amendment to delete the fiscal year 1992 authorization and apply the appropriations trigger to this part.

ASSISTIVE TECHNOLOGY SERVICES

Functions of the Commissioner

House bill.—The House bill does not have a comparable provision.

Senate amendment.—The Senate amendment adds a clarifying phrase which indicates that supportive services include assistive technology services.

Conference agreement.—The Senate recedes.

General Rule

House bill.—The House bill does not have a comparable provision.

Senate amendment.—The Senate amendment adds a definition of assistive technology services and indicates that the term "supportive services" includes assistive technology services.

Conference agreement.—The House recedes with an amendment to clarify the definition of assistive technology, to delete the Senate definition of supportive services as including assistive technology services, but to include within the permissible services of information and referral and client assessment through case management the provision of information on assistive technology.

PART C—DEMONSTRATION GRANTS

MULTIDISCIPLINARY CENTERS

House bill.—The House bill does not have a comparable provision.

Senate amendment.—The Senate amendment changes "may" to "shall," thus requiring the Commissioner to fund multidisciplinary centers on gerontology.

Conference agreement.—The Senate recedes.

DEMONSTRATION GRANTS FOR INDIVIDUALS WITH DISABILITIES

Training

House bill.—The House bill does not have a comparable provision.

Senate amendment.—The Senate amendment modifies a reference to "custodial and skilled care for older individuals who suffer from Alzheimer's disease" so that the Act will read "services to individuals with disabilities and to individuals with Alzheimer's disease". It further modifies the reference to disorders related to Alzheimer's disease to read "related disorders with neurological and organic brain dysfunction."

Conference agreement.—The House recedes.

Multidisciplinary Centers

House bill.—The House bill does not have a comparable provision.

Senate amendment.—The Senate amendment adds disabilities (including severe disabilities) to the areas of special emphasis for multidisciplinary centers which may be funded by the Commissioner. It also adds assistive technology services to the list of activities carried out, where appropriate, by multidisciplinary centers.

Conference agreement.—The House recedes.

Special Project

House bill.—The House bill does not have a comparable provision.

Senate amendment.—The Senate amendment authorizes the Commissioner to make grants to develop and provide training programs to service providers under title III of this Act and nursing home care providers to meet the special service needs of older individuals with disabilities.

Conference agreement.—The Senate recedes.

Demonstration Grants

House bill.—The House bill does not have a comparable provision.

Senate amendment.—The Senate amendment adds four provisions to the list of projects to which the Commissioner shall give special consideration when funding demonstration projects. These include: (1) the addition of those who have severe disabilities to a provision providing for the location of those who are in need of mental health services; (2) the identification and provision of services to elderly individuals with severe disabilities; (3) the provision of rehabilitation services, and communication aids and devices to assist older individuals with severe disabilities, and (4) the use of assistive technology to better address the needs of older individuals.

Conference agreement.—The Senate recedes on the addition of the reference to severe disabilities within the mental health project, on the project for the provision of rehabilitation services and communication aids and devices to assist older individuals with severe disabilities, and on the assistive technology project. The House recedes with respect to the project on the identification and provision of services to elderly individuals with severe disabilities.

Long-term Care Special Projects

House bill.—The House bill does not include a comparable provision.

Senate amendment.—The Senate amendment adds a reference to services to older individuals with severe disabilities residing in nursing homes to the list of services which may be provided under long-term care special project grants.

Conference agreement.—The House recedes.

VOLUNTEER OPPORTUNITIES

Intergenerational Volunteer Programs

House bill.—The House bill does not include a comparable provision.

Senate amendment.—The Senate amendment allows the Commissioner to fund projects furnishing intergenerational services by older individuals addressing the needs of children.

Conference agreement.—The House recedes.

Volunteer Service Credits

House bill.—The House bill establishes a grant program to not more than 5 States to operate a volunteer service credit demonstration program.

Senate amendment.—The Senate amendment adds to the list of projects to which Commissioner may fund volunteer service credit projects operated in conjunction with ACTION.

Conference agreement.—The House recedes. The Conferees note that the Senate intends to conduct a hearing with the objective of obtaining additional information to guide future deliberations on this matter.

STUDY OF TRANSPORTATION SERVICES

House bill.—The House bill requires the Commissioner to study the extent to which transportation services were funded under the Act in fiscal year 1988 and the relative importance of such services to the individuals who received them.

Senate amendment.—The Senate amendment does not include a comparable provision.

Conference agreement.—The House recedes. The Conferees note that the new data collection provisions of this bill will provide substantial additional information on the provision of transportation services. Further, the Conferees note that they expect the annual report of the Commissioner to analyze and compile information on transportation expenditures and services in such a way as to reflect regional variations.

OMBUDSMAN AND ADVOCACY DEMONSTRATION PROJECTS

House bill.—The House bill does not include a comparable provision.

Senate amendment.—The Senate amendment authorizes $2 million for demonstration projects which demonstrate and evaluate cooperative projects between State long-term care ombudsman programs and State protection and advocacy systems.

Conference agreement.—The House recedes with an amendment authorizing the demonstration for FY 1989 and reducing the authorized amount to $1 million. Examples of the types of joint projects which may be funded are structured evaluations of the need for additional mental health services, planned programming for nursing home residents to encourage them to take part in their habilitation plan, and the development of programs to prepare individuals to live in nursing homes.

HOME CARE DEMONSTRATION PROJECTS

House bill.—The House bill requires the Commissioner to conduct pilot projects in at least 6 States to determine the most effective methods to assist older individuals who are consumers of home care, and to conduct a study to determine the desirability and feasibility of providing similar assistance to older individuals with respect to obtaining medical and supportive services in hospitals, physicians offices, long term care facilities, and other facilities.

Senate bill.—The Senate authorizes the Commissioner to make grants to at least 6 States and not more than 10 States to demonstrate and evaluate the effectiveness of a home care quality assurance program for in-home care services furnished under this Act.

Conference agreement.—The House recedes with an amendment to permit demonstration projects to include any non-medical in-home services funded with public monies, and to clarify the activities and methods which may be tested. The House recedes with regard to the study on assistance in hospitals, physicians offices, long term care facilities and other facilities.

AUTHORIZATION OF APPROPRIATIONS FOR TRAINING, RESEARCH, AND DISCRETIONARY PROJECTS AND PROGRAMS

House bill.—The House bill authorizes $32,970,000 for fiscal year 1988; $34,619,000 for fiscal year 1989; $36,349,000 for fiscal year 1990; $38,167,000 for fiscal year 1991.

Senate amendment.—The Senate amendment contains the same authorizations as the House bill through fiscal year 1991, and additionally authorizes $40,075,000 for fiscal year 1992.

Conference agreement.—The Senate recedes.

PART D—COMMUNITY SERVICE EMPLOYMENT

INFORMATION ON AGE DISCRIMINATION PROHIBITIONS

House bill.—The House bill does not include a similar provision.

Senate amendment.—The Senate amendment includes a requirement that the Secretary of Labor distribute to Title V grantee for distribution to program enrollees, informational materials developed and supplied by the Equal Employment Opportunity Commission and other appropriate Federal agencies, information which is designed to help enrollees identify age discrimination and understand their rights under the Age Discrimination in Employment Act.

Conference agreement.—The House recedes.

AUTHORIZATION OF APPROPRIATIONS FOR COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

House bill.—The House bill authorizes for Title V of the Older Americans Act, $386,715,000 for fiscal year 1988; $406,051,000 for fiscal year 1989; $426,353,000 for fiscal year 1990; and $447,671,000 for fiscal year 1991.

Senate amendment.—The Senate amendment contains the same authorizations as the House bill for fiscal year 1988 through fiscal year 1991, and also includes an authorization of $470,005,000 for fiscal year 1992.

Conference agreement.—The Senate recedes.

EMPLOYMENT ASSISTANCE AND OTHER PROGRAMS

House bill.—The House bill includes a provision to disregard as income or resources any funds which are received by individuals under the Community Service Employment Program for the purpose of determining eligibility to participate in any housing program for which federal funds may be available.

Senate amendment.—The Senate amendment includes a provision to disregard as income any funds which are received by individuals under the Community Service Employment Program for the purpose of determining eligibility to participate in any housing program for which Federal funds may be available or for any income determination under the Food Stamp Act of 1977.

Conference agreement.—The House recedes. The conferees which to clarify that the term "determining eligibility" includes the determination of the level of subsidy for which an individual qualifies.

PART E—NATIVE AMERICAN PROGRAMS

GRANTS FOR NATIVE AMERICANS

House bill.—The House bill does not include comparable provisions with regard to referring Native Americans or including a separate part for programs for native Hawaiians. The House bill authorizes $12,100,000 for fiscal year 1988; $14,900,000 for fiscal year 1989; $17,700,000 for fiscal year 1990; and $20,600,000 for fiscal year 1991 for Title VI.

Senate amendment.—The Senate amendment modifies the title of Title VI of the Older Americans Act to reference Native Americans rather than Indians, includes Native Hawaiians in the purposes of the Title, and creates a new subpart under the Title to provide grants for programs to serve older Native Hawaiians. The Senate amendment authorizes $13,000,000 for fiscal year 1988; $15,600,000 for fiscal year 1989; $18,720,000 for fiscal year 1990; $22,464,000 for fiscal year 1991; and $26,956,800 for fiscal year 1992 for Title VI. Under the Senate bill, not more than 10 percent of the funding for this title may be used for grants to serve Native Hawaiians, and requires that the appropriation for any year must be at least 110 percent of the appropriation for 1987 before funding can be provided for the Native Hawaiian program.

Conference agreement.—The House recedes with an amendment (1) to delete the authorization for 1992, (2) to move the findings on each population to the relevant part, (3) to modify the authorization of appropriations and to specify a particular amount for each part, (4) to require that part B receive funding only if the appropriation for Title VI exceeds the fiscal year 1987 appropriation, and (5) to require that part B receive the first $250,000 of any appropriation exceeding the fiscal year 1987 appropriation and half of any increase above the first $250,000 up to the authorized amount for the part.

TITLE VII

PART F—MISCELLANEOUS AND TECHNICAL AMENDMENTS

House bill.—The House bill repeals Title VII.

Senate amendment.—The Senate amendment authorizes such sums as may be necessary for Title VII through 1992.

Conference agreement.—The Senate recedes with an amendment to Title IV which authorizes grants to design and develop prototype health prevention and education programs which may be utilized by State and area agencies on aging which offer preventive health services. The placement of this provision in section (a) is not intended to indicate priority over the items listed in section (b).

REMEDIES FOR STATES' FAILURE TO QUALIFY BASED ON PLANNING REQUIREMENTS

House bill.—The House bill does not include a comparable provision.

Senate amendment.—The Senate amendment modifies the language in the Act which applies the remedies of section 307(d) of the Act to a situation where a State fails to meet the State plan requirements set forth in section 307.

Conference agreement.—The Senate recedes.

TRANSFER AUTHORITY

House bill.—The House bill sets a maximum amount which may be transferred among subparts under title III of 25 percent in fiscal year 1988, 26 percent in fiscal year 1989, 27 percent in fiscal year 1990, and 28 percent in fiscal year 1991.

Senate amendment.—The Senate amendment sets a maximum amount which may be transferred among subparts under title III of 30 percent for any fiscal year.

Conference agreement.—The House recedes, with an amendment which limits the transfer authority to programs funds by title III-B and title III-C. The Conferees note the lack of informaiton detailing why transfers between title III-B, title III-C(1) and title III-C(2) are being made, and request that such information be included as part of the Commissioner's annual report under section 207.

TECHNICAL CHANGE

House bill.—The House bill does not include a comparable provision.

Senate amendment.—The Senate amendment adds the word "for" in section 321(a)(10) to correct grammer of the sentence.

Conference agreement.—The House recedes.

APPROPRIATIONS TRIGGER

House bill.—The House bill requires that each Older Americans Act program which received an appropriation in fiscal year 1987, each year receive at least 105 percent of their previous year's appropriation before new authorizations (except In-home Services for Frail Elderly) can receive an appropriation.

Senate amendment.—The Senate amendment does not include comparable provisions.

Conference agreement.—The Senate recedes with an amendment which requires that the total appropriation for programs funded in fiscal year 1987 increase by at least 5 percent over the previous year before new authorizations (except In-home Services for Frail Elderly) can receive an appropriation. This restriction would apply through fiscal year 1990.

ADDITIONAL CONCERNS

The Conferees are aware of the critical importance of Title V workers to nutrition programs carried out under Title III and the disruption that can occur should a title V worker move to another position. The Conferees are also aware of the efforts of title V sponsors to place participants in unsubsidized jobs. Coordination among the various programs established by the Older Americans Act has always been encouraged by the Congress. The Confereees urge the sponsors of both programs to work together to minimize any adverse impact to the maximum extent possible.

ESTABLISHMENT OF POVERTY GUIDELINES

House bill.—The House bill does not include a comparable provision.

Senate amendment.—The Senate amendment corrects a technical error which references the Bureau of Labor Statistics as the agency which establishes the proverty guidelines, so that the Office of Management and Budget is properly referenced.

Conference agreement.—The House recedes.

PART G—CONSUMER PRICE INDEX FOR OLDER AMERICANS

House bill.—The House bill does not include a comparable provision

Senate amendment.—The Senate amendment includes a requirement that the Secretary of Labor develop from existing data sources a reweighted index of consumer prices which reflects the expenditures for consumption by retired Americans aged 62 and over.

Conference agreement.—The House recedes. The Conferees note that this is a one-time report, not an on-going expectation, which is intended for use by Congress in considering the advisability of continuing such an index. The Conferees expect the Department's analysis to include a retrospective examination of how the index would have compared to other indices of consumer prices over the past 10 years

TITLE III—ALZHEIMER'S DISEASE RESEARCH

House bill.—The House bill does not include a comparable provision

Senate amendment.—The Senate amendment includes a $2 million authorization in fiscal years 1988, 1989, and 1990 for the National Institute on Aging to conduct clinical trials on therapeutic agents to treat Alzheimer's disease, to retard the progression of symptoms of the disease or to improve the functioning of individuals with the disease.

Conference agreement.—The House recedes with an amendment to authorize the program only for fiscal year 1988 and to delete the reference to tetrahydroaminoacridine in the bill. The Conferees wish to emphasize that they do not intend to override sound scientific judgment in the decision to conduct or continue clinical trials on drugs such as tetrahydroaminoacridine, but simply wish to ensure that funds are available for such trials if they are warranted. The Conferees also wish to note that they intend that this authorization continue in the normal reauthorization of the National Institutes of Health scheduled for next year.

TITLE IV—NATIONAL SCHOOL LUNCH ACT AMENDMENT

House bill.—The House bill includes a provision which permits adult day care centers to receive reimbursement for meals or supplements served to persons 60 years of age or older or to chronically imparied disabled persons or to persons with Alzheimer's disease or similar brain disorders.

Senate amendment.—The Senate amendment includes the same provision regarding adult day care centers as the House bill, but also requires the Secretary of Agriculture to issue guidelines which assure that reimbursement under this subsection does not duplicate reimbursement under part C of title III of the Older Americans Act of 1965 for the same meal served.

Conference agreement.—The House recedes. This amendment would extend eligibility for Child Care Food Program meal and commodity benefits to public or private nonprofit adult day care centers or proprietary Title XIX or Title XX centers, licensed or approved to provide adult day care. The Conferees note that, as defined by the National Council on Aging, in association with the National Institute on Adult Daycare, 'adult day care' is a community-based group program designed to meet the needs of functionally impaired adults through an individual plan of care. It is a structured, comprehensive program that provides a variety of health, social, and related support services in a protective setting during any part of a day, but less than 24 hour care. Individuals who participate in adult day care attend on a planned basis during specified hours. Adult day care assists its participants to remain in the community, enabling families and other care givers to continue caring for an imparied individual at home.

Adult day care centers determined to be eligible under this amendment may participate in the Child Care Food Program and receive cash or commodity assistance under the nutrition programs of the Older Americans Act. They could not, however, receive benefits or reimbursements from both programs for the same meal served.

TITLE V—NATIVE AMERICAN PROGRAMS ACT

TRANSMITTAL OF INFORMATION TO CONGRESS

House bill—The House bill provides that certain information related to the review of applications be made available to the Congress upon the request of the Speaker of the Hosue of Representatives and the President Pro Tempore of the Senate.

Senate amendment.—The Senate amendment provides that this information be made available to the Congress upon the request of the Chairman of the Select Committee on Indian Affairs and the Chairman of the Committee on Education and Labor.

Conference agreement.—The House recedes.

ADDITIONAL REQUIREMENTS FOR RULEMAKING

House bill.—The House bill contains an exception to the rulemaking requirements when good cause can be demonstrated.

Senate amendment.—The Senate amendment includes by reference the "good cause" exception contained in the Administrative Procedure Act.

Conference agreement.—The Senate recedes with a clarifying amendment that the rulemaking requirement applies exclusively to this title.

TRANSMITTAL OF FINAL RULES TO CONGRESS

House bill.—The House bill requires the Secretary to transmit to the Speaker of the House of Representatives and the President Pro Tempore of the Senate all final rules or general statements of policy published for public comment for the purpose of carrying out provisions of the Act.

Senate amendment.—The Senate amendment provides that such final rules or statements of general policy be transmitted to the Chairman of the Select Committee on Indian Affairs and the Chairman of the Committee on Education and Labor.

Conference agreement.—The House recedes.

INCLUSION OF NATIVE AMERICAN PACIFIC ISLANDERS

House bill.—The House bill does not contain a comparable provision.

Senate amendment.—The Senate amendment provides that Native American Pacific

Islanders (including American Samoan Natives) are eligible for services under the Act.

Conference agreement.—The House recedes with an amendment which requires that the total appropriation for programs funded in fiscal year 1987 increase by at least 5 percent over the previous year before new authorizations can receive an appropriation. Additionally, the amendment includes a definition of "Native American Pacific Islanders (including Samoan Natives)". The conferees want to emphasize that Native American Pacific Islanders (including Samoan Natives) includes trust territories and American possessions, but does not include the Hawaiian Islands.

LOAN FUND DEMONSTRATION PROJECT

House bill.—The House bill does not include a comparable provision.

Senate amendment.—The Senate amendment authorizes $3 million for a demonstration project establishing a revolving loan fund to assist Native Hawaiians for economic development purposes.

Conference agreement.—The House recedes with an amendment to make minor changes clarifying the operation of the loan fund including terms and conditions of loans.

AUTHORIZATION OF APPROPRIATIONS

House bill.—The House bill provides that the Act is authorized for fiscal year 1988 through fiscal year 1991 for "such sums as may be necessary."

Senate amendment.—The Senate amendment provides that the Act is authorized for fiscal year 1987 through fiscal year 1991 for "such sums as may be necessary."

Conference agreement.—The Senate recedes.

TITLE VI—HEALTH CARE SERVICES IN THE HOME

House bill.—The House bill does not include a comparable provision.

Senate amendment.—The Senate amendment amends the Public Health Service Act to authorize $100 million for each of fiscal years 1988, 1989, and 1990 for allotments to States for Home health services provided or managed by physicians, nurses and social workers. Persons eligible are those who reside at home and who may be at risk of institutionalization, or persons who are hospitalized or are in a skilled nursing home or intermediate care facility and who could return home with home health services.

Conference agreement.—The House recedes with an amendment to authorize a three-year matching, demonstration grant program under Title III of the Public Health Service Act. The program consists of two parts, each of which would authorize $5 million in each of the fiscal years 1988, 1989, and 1990.

In Part A, the Conferees seek ways to expand health care services in the home for individuals who might otherwise require lengthy hospital stays or institutionalization. Part A would fund grants for projects to identify the need for, to finance and to coordinate the provision of skilled medical services or related health services in the homes of individuals. The bill requires the use of skilled medical care and the conferees note that such care should be managed care with a team of health care professionals acting as gatekeepers in the delivery of appropriate care based on each individual's need. The Conferees emphasize that they do not intend grant funds to be used to pay for currently financed public or private health care services. The Conferees stress that demonstration projects should be designed to reach low-income individuals who lack adequate access to these services and should be based on their ability to pay.

In Part B, the Conferees seek ways to alleviate the devastating psychological, social and financial effects of Alzheimer's disease by authorizing grants to develop a range of innovative services to benefit people with the disease as well as their families and care givers. These services include the coordination of care of public and private organizations; home, personal and day care; and other supportive services.

The Conferees also recognize that grantees, in their application, shall estimate the number of people they expect to serve and the anticipated costs of such services. The Conferees recognize that such estimates may not reflect actual costs, however, they should be based on the best evidence available on the costs of providing such care.

From the Committee on Education and Labor, for the consideration of the House bill and Senate amendment (except Titles III and VI), and modifications committed to conference:

Augustus F. Hawkins,
Dale E. Kildee,
William D. Ford,
Tom Sawyer,
Stephen J. Solarz,
Peter J. Visclosky,
James M. Jeffords,
Thomas J. Tauke,
Tom Coleman,
Fred Grandy,

From the Committee on Energy and Commerce, for the consideration of Titles III and VI of the Senate amendment, and modifications committed to conference:

John D. Dingell,
Henry A. Waxman,
James H. Scheuer,
Norman F. Lent,
Ed Madigan,

Managers on the Part of the House.

For all but the Native American programs:

Edward M. Kennedy,
Spark M. Matsunaga,
Claiborne Pell,
Thad Cochran,
Orrin G. Hatch,

For the Native American programs:

Daniel K. Inouye,
John Melcher,
Dennis DeConcini,
Quentin Burdick,
Thomas Daschle,
Daniel J. Evans,
Frank H. Murkowski,
John McCain,

Managers on the Part of the Senate.

PERMISSION FOR COMMITTEE ON SMALL BUSINESS TO SIT TODAY DURING 5-MINUTE RULE

Mr. LaFALCE. Mr. Speaker, I ask unanimous consent that the Committee on Small Business be authorized to meet today during the 5-minute rule in order to consider H.R. 1807, the Small Business Act, to amend the Capital Ownership Development Program.

The request has been cleared with the ranking minority member, the gentleman from Pennsylvania [Mr. McDade].

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

POINT OF PERSONAL PRIVILEGE—RESULTS OF IRRESPONSIBLE JOURNALISM

Mr. DANNEMEYER. Mr. Speaker, I rise to a point of personal privilege.

The **SPEAKER** pro tempore. The Chair has examined the materials presented by the gentleman from California [Mr. Dannemeyer]; and pursuant to the gentleman's request, the Chair recognizes the gentleman from California for 1 hour.

Mr. DANNEMEYER. Mr. Speaker, I apologize to the Members for taking this time in the form of a point of personal privilege.

I have never done this before in my 9 years in the House, but I believe on this occasion, it is appropriate for me to take this time to explain to the Members what can happen to any of the Members as a result of irresponsible journalistic practices in this country.

□ 1240

The reason that I rise to the point of personal privilege is the result of a publication in the New York Times on Friday, November 6, on an AP wire story that appeared on November 5, 1987, and an article that appeared in the Santa Ana Register, a paper published in my home county in California, last Friday.

By way of contrast, a little later on during the course of this hour of personal privilege, I will read an article from the Washington Post last Friday which treats the issue in the way that I think fairness would indicate that it should be treated.

I do not choose to repeat the specific language that appeared in the article in the New York Times, but needless to say, it causes this Member to be held in disrepute. It holds me up to ridicule and I resent that, for obvious reasons, as any of us would who serve in this body.

By way of a little background, I think I can share with my colleagues how this whole matter developed, at least as I understand it at this time.

Mr. DORNAN of California. Mr. Speaker, will the gentleman yield for 1 second?

Mr. DANNEMEYER. I yield to my colleague, the gentleman from California [Mr. Dornan].

Mr. DORNAN of California. Mr. Speaker, I apologize for breaking the gentleman's rhythm, but the gentleman is so close in the prolog that I want to say something for my distinguished colleague from California.

This is a very rare process when someone takes a point of personal privilege, but I was shown the articles this morning that the gentleman is going to refer to and they are so vicious and so totally a distortion of the truth that I hope every one of our colleagues and anybody else who follows the electronic or written record in this Chamber will understand what the gentleman is doing.

I just want to say two things about my colleague. The gentleman has been a leader in this House on the major public health issue of our lifetime, certainly this century if you look at it. Within the next 2 years more people will die of AIDS than all of the combat deaths in Vietnam and World War II. It is a frightening issue. The gentleman has been courageously up front.

I watched the gentleman participate in a 4-hour "Nightline" ABC show with Ted Koppel and the gentleman's demeanor was excellent in the face of jeering and some cat calling from—I do not know, some segment of the live audience there. The gentleman handled it with courtesy and with decency.

But there is one thing that I want every one of my colleagues to hear again. I have said this on the House floor, but probably only 10 percent know it. The gentleman in the well, WILLIAM DANNEMEYER, alone and quietly purified the blood supply of the United States of America on September 9, 1985, when he got Health and Human Services for the first time to implement the stringent discipline under which our blood supply is disciplined at this moment. If this had been done earlier, 30,000 to 50,000 people in the San Francisco area would not be getting notices now to come in for a free blood test where hundreds of them after they go through the two testing processes, the Elisha test and then the confirming Western Block test, will find out that they are going to die, or to put it in the words of our fellow Californian, Paul Gann, "have been murdered." It is just going to take a few agonizing months or years before they lose their fragile hold on life. They will have been murdered by this negligent pollution of the blood supply.

The gentleman from California, BILL DANNEMEYER, did this for this Nation quietly, and I do not even know that it has ever been reported in the press, so the gentleman has every right to get up and defend his honor now and I am going to sit here and listen to everything the gentleman has to say, because Members should protect one another when the press is writing stories that are 180 degrees a distortion of the truth.

I am glad the gentleman is taking this point of personal privilege.

Mr. DANNEMEYER. Mr. Speaker, I thank my colleague for his comments.

The issue that I am talking about this afternoon relates to something that began in the State of California, representing roughly 10 percent of the country. It also involves us here in Washington, DC, as well.

Back in March 1985, the State legislature under the leadership of Assemblyman Art Agnos, a Democrat from San Francisco, got the State legislature to adopt a bill called "AB 403." AB 403 is one of the most ridiculous distortions that any State legislature could have adopted in developing a needed public health response to the problem called AIDS. This act of the State legislature in California, my home State, in effect insulated anyone with the virus for AIDS from any accountability to the public health care system at all. How it did this is quite simple. Because of that act, if a doctor in California finds a patient in his practice that has a curable communicable venereal disease, such as syphilis or gonorrhea, that doctor is required by law to report the existence of that patient to the public health authorities by name, address, and telephone number, and contact tracing takes place.

If on the other hand a doctor in California encounters a patient with a noncurable communicable venereal disease, such as the virus for AIDS, if that doctor would report that patient by name, address, and telephone number, to the public health authorities, the doctor would commit a crime. When people hear that, they cannot believe it. They ask, "How in the world could anyone in a State legislature ever do that?"

Well, that is the essence of what my comments are all about today, attempting to change that law.

A group of physicians in California, called California Physicians for Logical AIDS Response, organized itself earlier this year. Its reason for being in business is to do one simple thing, to get the State legislature in California to amend that law by abolishing it, and in so doing require that those with the virus for AIDS be reportable to public health authorities, no better no worse than any other person with a communicable disease.

The legislature in California this year, was asked to modify that law, AB 403, to accomplish the purpose of reportability. The State Senate, to its credit, on a bare minimum vote of 21 votes, approved that measure, but it is now lying in the State assembly where it is gathering dust at the bottom of the barrel.

The Democrats, I might add, control both Houses of the State legislature in Sacramento, CA.

An initiative may be pursued in California to change State law when the legislature does not act.

A meeting took place in Sacramento on September 8, 1987, just about 2 months ago. I was present at that meeting. There were eight other people present at that meeting. The purpose of the meeting was to discuss the language of the initiative that was filed last Monday in Sacramento, which will put this issue on the ballot in November 1988.

Now the story gets interesting, because someone at that meeting is alleged to have made some statement to someone about my conduct at that meeting that resulted in the publication in the New York Times that I have described earlier. In my judgment, what was described in the New York Times as to my conduct at that meeting was just out of whole cloth, totally false.

There is a newspaper published in northern California, on a weekly basis, in San Francisco, called the Bay Area Reporter. On October 8 last month this newspaper published an article written by a J. Newquist under the title "Making Hay From AIDS; Republicans Plan a Scare Campaign; Memo Reveals Strategy for 1988."

This article in the newspaper, that is, the Bay Area Reporter, made reference to a memorandum that allegedly came from a person working in San Francisco by the name of Charles Rund. Now, the problem with the article and the problem with the memorandum is basically this: After the publication of this article in the Bay Area Reporter, some other reporter called Mr. Rund who allegedly wrote it and Mr. Rund said he never wrote it. It is a totally false memorandum. He had nothing to do with it and no one in his staff had anything to do with it.

Mr. Rund did say that his office prepared a memorandum which was circulated to certain officials in the Republican Party in California that talked about targeting certain Members in the 1988 election, which is all part of the strategy of political campaigning, and the memorandum that Mr. Rund admittedly prepared had nothing whatsoever to do with the issue of AIDS at all. It did not mention my name in anyway at all.

So what has happened is this. Someone obtained this memorandum produced by this public relations person in San Francisco, Mr. Rund, who admittedly works the Republican side of the aisle in following political campaigns, and after receiving it from some unknown source they attached to it the memorandum dealing with the issue about AIDS, claiming that it was produced by Rund, and involving this Member from California. This was the essence of what appeared in the Bay Area Reporter on October 8, 1987.

Now, Mr. Rund denied that he ever wrote the memorandum that made reference to me or made reference to AIDS, but in the story that appeared in the Bay Area Reporter, this statement appears:

> The internal memos were provided by an aide on the State level, who is gay, but has not come out to his employer. He said he

could not tolerate the exploitation of people with AIDS for the sake of the ballot box.

This is the response that the publisher for the Bay Area Reporter responded when he, that publisher, was asked where he got this information.

So we have the situation at this time essentially as follows: Mr. Rund in San Francisco prepares a memorandum mentioning 53 Democrats—or 53 Members of Congress, ostensibly Democrats, but there were two Republicans on the list as well, and he suggested certain strategies that could be utilized to defeat them in the 1988 election. The memorandum that Mr. Rund prepared had nothing to do with the issue of AIDS and had nothing to do with this Member from southern California.

Someone received this memorandum from Mr. Rund, apparently this anonymous aide working in Sacramento, and added to it the reference to the issue of AIDS and mentioned my name, this Member from southern California, in a very derogatory manner, claiming it was produced by Rund.

Now, the memorandum itself stated—this is the memorandum that Mr. Rund did not write—but that memorandum said that something took place in a meeting in Sacramento 2 weeks before it was written. Now, the memo was dated September 17. Two weeks before would have been September 3. The problem with that date is that my family and I were on a 2-week vacation in San Diego during that period of time, so we could not very well have been in Sacramento for that meeting; but the writer of the memorandum could have been confused about his facts in another way, because I was in Sacramento on September 8 talking about this issue with the other eight people in the room, with Senator Doolittle of the State senate in California in Sacramento; so I can only assume that the writer of the memorandum that is anonymous made reference to that meeting.

I challenge any member of the news media to talk to any of the other eight people at that meeting, which took place on September 8, and ask them very simply if the conduct that I exhibited in that meeting comes anywhere close to what was published in the New York Times of last Friday. I think if they will bother to do that, they will find out there was nothing in that meeting that comes close to describing my conduct. I challenge them to do that.

So what we really are looking at here is this. An anonymous person in Sacramento, CA, writes a fictitious memo, attaches it to a memo that Mr. Rund wrote and together this was mailed to a Democratic Member of the House of Representatives.

Now, the gentleman from Michigan [Mr. WOLPE] sent out a "Dear Colleague" letter on November 5, 1987, to all the Members of the House of Representatives, who I assume were mentioned by name in this memorandum, some 53. It says, this is the gentleman from Michigan [Mr. WOLPE] writing on November 5:

> I wanted to share with you a very troubling memorandum that recently crossed my desk, a confidential note authored by Charles Rund, President Reagan's deputy campaign manager for polling in 1984. It lays out the elements of a Republican plan to attack a select group of Democratic congressional incumbents in 1988 as being soft on AIDS. A second memo, also written by Rund and sent to the same circulation list appears to suggest that you and I are likely targets of this incredulous attack.

The problem with that statement from the gentleman from Michigan [Mr. WOLPE] is that Mr. Rund never wrote the memorandum. It was by a fictitious source, a person who I will describe as a coward because that person chooses not to identify himself by name so as to be able to defend himself in the claims of certain statements that I made in that meeting in Sacramento on September 8, 1987.

□ 1255

But such is the way of cowards. They do not choose to identify themselves so that they will have the privilege of defending what they claim somebody else did. They bask behind the masquerade of a nonentity so as to spread their venom and yet have no accountability to anyone for what they have said.

At this point it gets a little interesting because the Democrat Member of Congress of the House of Representatives, I assume it is the gentleman from Michigan [Mr. WOLPE] but I am not certain about that point, when he made or mailed this dear colleague letter to the Members on that list, some 53 I assume, also released it to the press.

Now, how the press treated it varies. The New York Times published the libelous material about my conduct in toto. Now, get this. What survived the editorial scrutiny of that newspaper in New York City; an anonymous person in Sacramento, CA, creates out of thin air a fictitious document attacking this Member of Congress by libeling me concerning my conduct, of holding me up to ridicule, and that document finds its way through the editorial process of the New York Times and ends up in an article on Friday, November 6, 1987.

The Associated Press wire service also received this communication from a Democrat Member of Congress and published it across its wire service.

A reporter working for the Santa Ana Register in Santa Ana, CA, in my home county in southern California, also published this same erroneous matter in detail.

These articles by the way, AP, New York Times, and the Santa Ana Register, made reference to the fact that Mr. Rund claimed he never wrote the material relating to this Member, but notwithstanding the fact that Mr. Rund did not claim authorship of it, those three publications published the libelous material about me anyway.

I question the judgment of the editorial persons working on those three publications. They have in effect permitted an anonymous source in Sacramento, CA, to have achieved an amazing result of libelous material being printed in those publications relating to a Member of Congress.

By way of contrast, I want to share with my colleagues how the Washington Post treated this issue, because I think it puts it in perspective and fairly gives it the attention. it deserves. This was written by Eric Pianin in the paper last Friday, November 6, 1987:

> A House Democrat yesterday distributed copies of a memo allegedly written by a Republican consultant asserting that the GOP could exploit the AIDS issue in the 1988 congressional campaign, that the man alleged to be the memo's author said it was a fabrication.
>
> Representative HOWARD WOLPE, Democrat-Michigan, said he obtained the memo and an accompanying list of 53 targeted House Members. He circulated it among those allegedly targeted for defeat. The alleged memo concludes that if properly exploited, the issue of acquired immune deficiency syndrome could help us to gain ground in 1988 and also help us hang on where some of our people are in trouble.
>
> In a dear colleague letter, WOLPE said the memo had been written by Charles Rund, a San Fancisco based political consultant and deputy pollster for Reagan's 1984 reelection campaign. Rund, contacted last night, said the memo is all a fabrication, it is just not true. I just think it is reprehensible the Democrats would distribute the document, Rund said. That is not a memo written by me or associated with me.
>
> Rund acknowledged that he prepared the list of targeted House Members including House Majority Leader THOMAS S. FOLEY, Democrat-Washington, but he described it as an internal list of potentially hot races that he and his employees at Charleton Research Company will attempt to become involved in, but he said it had nothing to do with AIDS.

That to me is how a responsible journalist would treat this whole story. It is not responsible journalism to make reference to the fact that a fictitious document libels a Member of Congress and then go on to print the libelous material.

That is the reason I am taking this personal privilege today.

These people working in the media should be brought to the bar of justice in the court system for their irresponsible behavior. That will take place in due course. But I am taking this privileged time this afternoon for the purpose of laying out to my colleagues just what we are witnessing.

As my colleague from California, Mr. Dornan, mentioned at the beginning of this privileged special 1 hour, this Member from California is serving on the Subcommittee on Health and Environment, and has been a leader in the effort in this country to have our public health officials develop a public health response to the AIDS epidemic and not treat it as a civil rights issue, and for good cause. Let me share with my colleagues something that came to the subcommittee's attention by way of a hearing from Dr. Salzburg just about 3 weeks ago. He and his colleagues worked up a projection on what we Americans are likely to observe in terms of the spreading of the virus for AIDS in America unless we change the current course we are pursuing.

The persons who prepare this projection are Allen Salzburg, M.D., Ph.D., chief medical service, Miles City, MT; Richard H. Runser, M.D., Miles City, MT; Stanley L. Dolins, Ph.D., senior projects manager, NRC, Washington, DC; and what this computer printout says in summary is as follows: If we continue the current course which this Nation is following, nonreportability, not testing the people of this Nation for the virus for AIDS, that by 1995 we can expect 5 million sick and dying, 14 million carriers and a yearly cost of $50 billion.

If we continue that same course of not reporting those with the virus, not testing, not having a policy of intervention, by the year 2005 we will have 25 million sick and dying, 40 million carriers and a yearly cost of $120 billion.

If on the other hand we at this time adopt some rational policy options of reportability for those with the virus, of testing the people in America for those with the virus, and a policy of intervention which means if we encounter a person in our society with the virus who is deliberately engaging in conduct that results in transferring that virus to other humans, we as a people have the courage to say to that individual that you have forfeited the right to move about as a free citizen in our society. That is what is meant by intervention. If we follow this policy of reportability and testing and intervention and counseling, by the year 1995 we can cut those sick and dying from 5 million to 2.2 million; we can reduce the number of carriers from 14 million to 3.3 million, and we can reduce the yearly costs from $50 billion to $25 billion.

By the year 2005 if we adopt this policy of reportability, of testing, and counseling and intervention, we can reduce the sick and dying from 25 million to 4.4 million; the carriers from 40 million to 1.8 million; and the yearly costs from $120 billion to $20 billion.

Those are the choices that our public health officials should be urging that our State public health departments pursue, that the U.S. Public Health Service itself pursue, but frankly our public health leadership in this country, Dr. Koop, the Surgeon General of the United States, Dr. Bowen, head of the HHS, Dr. Wyndom, Assistant Secretary of Health in charge of the Public Health Service in HHS, and Dr. Mason at CDC in Atlanta, GA, these members of the public health establishment in America, have been tragically at fault in that they have not been urging that we pursue the policy options of reportability, of testing, and counseling and intervention.

□ 1305

That is why this has become a major political issue in America. When those to whom we have delegated the responsibility are deficient in what they should be doing; we politicians, we elected officials, we are the ones who have to bring them to task for their failure.

What happens in this country when any of us in this process urge that our public health officials pursue a policy of treating this issue as a public health issue rather than a civil rights issue? I have been pursuing this since August 1985. I have introduced a series of bills in this, the 100th Congress. H.R. 2272 and H.R. 2273 are the main bills in this Congress dealing with reportability and testing.

The tragedy of the matter is that you could say I must be doing something right because our opponents in this debate, those who want to treat this as a civil rights issue, must believe that somehow I am becoming modestly effective in the statements that I have been making around the country on this issue because in this instance, and this is the real reason for this point of personal privilege, this anonymous person in Sacramento, CA has set for their agenda to discredit my credibility.

Now that is an old game in politics; if you do not want to deal with the merits of the message, attack the messenger. We all know that in politics. To be honest, each of us engage in that ourselves once in awhile when we cannot argue on the merits of a clause; we have a tendency to attack and discourage the messenger.

I understand what is going on. They seek to discredit my credibility and that is part of the political dialog. But if this anonymous person in Sacramento, CA believes that he is going to get away with this conduct, he has another guess coming because fairness says that any time you attack somebody and accuse them of certain conduct, you should have at least the courage to come forward by identification and say who you are and where you got your information.

To my Democratic friends in the House, there is a certain measure of truth in what the memo said with respect to a Republican plan to attack a select group of congressional incumbents in 1988 as being soft on AIDS. And the reason I say that is not because of the fundamental philosophy that I am sure any Member of the House has, but at this juncture in the history, the fact of the matter is that the essential thrust, politically speaking, of those in this Chamber who want to continue to treat this as a civil rights issue, at this late date in the epidemic, comes from my friends on the Democratic side. And those who want to treat it as a public health issue comes from my friends on the Republican side.

Mr. ANTHONY. Mr. Speaker, will the gentleman yield?

Mr. DANNEMEYER. Not yet. I may yield if I have any time but not quite yet.

And the reason I say that is because on October 15, this Member from California offered an amendment to a bill, H.R. 162, the High Risk Occupational Disease Notification and Prevention Act, that would have directed the Department of Labor to adopt guidelines to protect health care workers in America when they take care of AIDS patients. And you might ask, "Well, who would be opposed to that? Why shouldn't that be a rational thing to do?" Well, a lot of Democrats serving the House did not think that it was a very good idea because the rollcall vote of 219 to 198 approving that amendment is as follows: there were 54 Democrats voting for it, 192 against it and 10 not voting; there were 165 Republicans voting for it, 6 voting against it for a total of 219 to 198.

When 192 Democrats serving this House out of a total of some 263 vote against the Department of Labor adopting guidelines to protect health care workers when they deal with AIDS patients, it is not unreasonable to conclude that just maybe that substantial majority of Democrats in the House are looking at this as a civil rights issue rather than a public health issue.

Again on another vote that took place some 5 days later, October 20, 1987, this Member from California offered a motion to instruct conferees as a part of H.R. 3058, Labor-HHS appropriations bill.

This motion to instruct conferees in effect said none of the funds to be used in this appropriation bill can directly or indirectly promote homosexuality or to produce pornographic literature.

Some of my colleagues may recall on that day when I had some of this trash pornographic material on the floor that was produced by the Gay Men's Health Crisis in New York City and that organization had received some $674,000 over the last 2 years from CDC, Federal money in Atlanta, GA. So there was good cause for that amendment.

The amendment carried, the motion to instruct conferees carried handsomely, 368 to 47. Among the 47 Members voting against it were 46 Democrats and 1 Republican.

I am sad to say that of those 46 Democrats voting against it, 16 of 46 were from my home State of California.

Forty-seven Members of the House of Representatives voted, in effect, to use taxpayers' money to promote homosexuality directly or indirectly or to permit taxpayers' money to be used for the production and dissemination of pornographic literature; 47, 46 Democrats and 1 Republican.

Another bill now pending in the House is H.R. 709. It will amend, if adopted, the Civil Rights Act of 1964 so as to require that sexual preference is an enforceable Federal civil right.

That bill has 66 coauthors, 63 Democrats and 3 Republicans.

Now to my friends on the Democratic side, let me say that today if the measure is brought up, and I think it will be, this Member from California will offer an amendment to a measure which will be offered to H.R. 1326, the Public Health Service Infant Mortality Amendments Act of 1987. This amendment will require that any female who visits a community and migrant health center would be offered the opportunity to be tested for the virus for AIDS.

And I would suggest that all of us in this House, Democrat or Republican, can demonstrate to the American public that we want to treat this as a public health issue, not as a civil rights issue. And any Member of the body, Democrat or Republican, by their vote today, can indicate how they stand with respect to that issue.

I have covered the points that I think need to be covered in this and I will be happy to yield to my friend from Arkansas, Mr. Beryl Anthony.

Mr. ANTHONY. I thank my friend from California for yielding.

Mr. Speaker, I would like to discuss some additional followup as a result of the contents of the memo.

I happen to represent the Democrats in our campaign committee as the gentleman well knows.

Mr. DANNEMEYER. Sure.

Mr. ANTHONY. At the same time I have deep respect for my colleague. We were elected, took the oath of office on the same day in 1979.

What disturbs me is that if we take such a volatile emotional issue and if we in fact do try to politicize it into 1988's elections, my fear is this, that we could distort the proper response.

I happen to be a very strong supporter and I have cosponsored many bills that have been introduced. I do not know how I voted personally one way or the other on the particular amendments that the gentleman had offered. But I can say this to my friend from California, even though I may have voted against one of his amendments I do not believe he could take the well and accuse me that I am soft on AIDS because that is not correct. It may say that we have a different approach to how we would solve the problem.

I happen to be a big supporter of as much research as possible so that we can find a cure for this terrible and dreaded disease.

I happen to serve on the Health Subcommittee.

Mr. DANNEMEYER. I will reclaim my time for a moment just to say to my colleague that he is recorded as having voted "no" among the 198 on October 15, 1987.

Mr. ANTHONY. Well, my response to the gentleman would be that he could not stand in the well and look me in the eye and say merely by the fact that I voted against one of his amendments that I am soft on AIDS because that is not correct. It could say that we have a different approach to it. No more have I at any time when I have briefed the Members that were targeted have I ever mentioned the gentleman's name nor have I even claimed that there was authenticity to that particular report.

At all times in talking to the Washington Post reporter, in talking to the New York Times reporter I was very clear to say we are not making an allegation that there is any truth and veracity to this memo. But we are saying if it is true, it is a blight on the political process. Therefore we have to be prepared for it.

How have we been prepared for it? I have briefed those 53 potentially targeted Members.

We have hired outside consultants. They have done focus groups. We have polling data.

We have told these Members that the best defense is a good offense.

So if it is politicized, then they will have to deal with it in their own way. I have dealt with it in my own way. I have sent out into my district educational mailings because I find that there has been a failure of leadership from this administration to adequately and properly educate the public.

But my point being this, and I say this in all deference to the gentleman because I consider him to be a friend albeit we do not vote alike. Our voting records are probably biased diametrically as diametrically as one can be, but the gentleman and I have been friends over the 9 years that we have been here; please do not take the position that if I vote against the gentleman later today or later this year that I care any less than the gentleman does about stopping this dreaded disease. And I ask the gentleman, let us keep it in the political health arena, let us not put it in the political arena and let us all work together to find a cure and a proper response and let us stamp out this dreaded plague that is out there. Young families, divorcees, young singles—I happen to have a 23-year-old daughter and a 20-year-old daughter—they are probably the greatest at-risk generation. I am less at risk because I have gone through those wild and wicked days of my youth. But do you think I do not think about it for my children? I think about it every single day I say to the Congressman Dannemeyer. I think about it every day. I want to work with the gentleman. What I am asking the gentleman to do and the reason I asked him to yield to me is this: Let us work together in a bipartisan way to solve the problem of AIDS and let us not stand in the well and recount people who voted against a particular amendment for him and try to make the allusion that therefore they do not care about this issue. That is just not the proper way to do it.

Mr. DANNEMEYER. The gentleman knows that I am not saying that. What I am saying is that we all serve in an elective body. This rollcall to which I have made reference was number 358 in the 100th Congress. More important than what any of us say in debate on the floor, in our home districts, is how we vote. It speaks louder than anything we say. And if any of us vote in such a way so as to protect or avoid protecting in this instance health care workers who should, in my judgment, be advised as to how they could protect themselves in dealing with AIDS patients, any of us who vote against that I think should be prepared to defend in their home district why they happened to vote that way, because let us not kid ourselves about what is going on in this country. As a part of the sexual revolution which has been about 20 years now, there has been tremendous strides made in terms of the leadership of the homosexual movement in America to change the basic culture of our society. Their goal, politically, is to achieve the sense of an amendment to H.R. 709, to amend the Civil Rights Act of 1964 to make sexual preference an enforceable Federal civil right. There is no secret in America today that this political movement has essentially brought itself into the Democratic tent nationally and certainly in my State of California and the Democrats have welcomed them with open arms.

□ 1320

You are assisting them in achieving their objective of changing the culture of our society so that we will accent and equate homosexuality on a par with the heterosexual lifestyle. That is their objective.

Let me make this observation. What two men or two women or a man and a woman do in the privacy of their domicile is none of my business and it is none of the Government's business, but when they come out of the privacy of that domicile and they come to we who are elected Members of the Congress of the United States and they talk to each of us, in this instance 66 of us, into becoming co-authors of legislation to change the basic fundamental rules of the Judeo-Christian civilization in terms of how we express human sexuality, they have got my attention, I say to the gentleman from Arkansas [Mr. ANTHONY], and they should have the attention of every single Member of Congress, because the issue for America today in this AIDS epidemic is hopefully to stop the ravaging of this epidemic, to find a cure or a vaccine to stop the loss of these lives. That is what we should be doing.

But let us not kid ourselves. Whenever any of us talk about proposed public health responses, we are immediately impacting on the group that contributes nationally over 73 percent of the AIDS cases, male homosexuals, and whether we like it or not, at that point we are talking about homosexuality.

Mr. ANTHONY. Mr. Speaker, will the gentleman yield for a comment?

Mr. DANNEMEYER. I am happy to yield to the gentleman from Arkansas.

Mr. ANTHONY. Mr. Speaker, again I think what disturbs me is to take one piece of legislation, one particular vote, and try to paint somebody in a corner and say, "That's the way you stand on it." If that is going to be your position, then when the Republicans in this body vote against the budget that will be presented later this year—and I have noticed consistently that they are voting uniformly against it—contained in that budget is money for research, vital research that the Federal Government will do. If that side of the aisle will let sequestration go into effect, then there will be a tremendous cut in vital funds for the public sector to do vital research. When that occurs, I want the gentleman to take the well and defend their actions, to say, "That's right, research should have been cut out because research is not a proper response to it. What we ought to do is have new intervention, and what we ought to do is tests. What we shouldn't do is research."

As we all know, research is probably the most vital part of solving this problem.

Mr. DANNEMEYER. I disagree with that.

Mr. ANTHONY. Mr. Speaker, I say to the gentleman that he should do a little soul-searching when we start voting on the amount of money that is going to be going into our approach from a Federal Government standpoint. I happen to believe that research is vital and necessary to find a cure, to find vaccines like those we have for so many of our other diseases.

That is the only point I am going to make. I want to thank the gentleman for his kindness in yielding on his own personal point of privilege. The gentleman did not have to yield, and I thank him for it.

Mr. Speaker, let me close by saying this: If the gentleman does politicize it, make sure it is a fair and across-the-board politicization of it. We will be there to make sure all sides are equally represented in the debate in 1988.

Mr. Speaker, I thank the gentleman for yielding.

Mr. DANNEMEYER. Mr. Speaker, I thank the gentleman for his comments, and let me make a response on two points. First, I would respond on the matter of spending for AIDS research.

Most Republicans in the House are going to vote against that continuing resolution which contains the matter the gentleman referred to, and it is not because we are opposed to any particular item in that bill. Our main reason for voting against the continuing resolution is because it is the only vehicle we have for expressing our disgust at the violation of the legislative process whereby, up or down in one vote, we are probably going to be asked to support or disavow a spending measure containing some $600 billion.

The way this process is supposed to work is that 13 individual appropriation bills will be considered by Congress and go separately to the President of the United States so that he can then veto or sign any of those individual appropriation bills. That is the way it is supposed to work. But if you want to deny to this President, who is of another persuasion then that of the leadership of the Democratic Party in the House, the ability to exercise a veto, how do you do it? You lump all these things into one continuing resolution, and then you say to this President, "Mr. President, do you have the courage to veto a continuing resolution which contains $600 billion and stop all these payments going out to people across America and take the responsibility and the heat for that?"

That is what you are saying to him. What we should do is to have the process work of having these 13 appropriation bills come through the Congress and be considered by the President separately.

The other point the gentleman from Arkansas raised in relation to this matter relates to the politicization of this issue. Let us not kid ourselves, we Americans have delegated a tremendous amount of authority to public health officials around this country for the sake of protecting all of us from communicable diseases. The power of county health officials across America to deal with communicable disease, and protect us from communicable diseases, is absolutely awesome. We have 58 diseases on the list of reportable diseases in California, and my State is no different, I suspect, than any other State in the Union. The technical language in the law gives to a county health officer the ability to quarantine any of us when we have one of those communicable diseases.

AIDS itself has been on that list of reportable diseases since March 1983, but the political debate in America is around the fact that those with the virus are not on the list of reportable diseases except in eight States of the Union, and those States have less than 10 percent of the cases. In other words, the failure of our public health authorities to adopt a policy of making those with the virus reportable to public health officials, like any other communicable disease, is the essence of the political debate in America today.

The issue is reportability. It is a routine step that historically has been used to control communicable disease, and the tragedy of it is that we are not pursuing reportability for those with the virus in America today. That is why we are discussing this issue in the well of the House today, very candidly, because people across America are asking the question: Why are our public health officials not pursuing a routine step to control this communicable disease?

Mr. DORNAN of California. Mr. Speaker, will the gentleman yield?

Mr. DANNEMEYER. I am happy to yield to my friend, the gentleman from California.

Mr. DORNAN of California. Mr. Speaker, let me ask the gentleman a direct question. Why are our public health officials not following regular procedure? What is the gentleman's analysis?

Mr. DANNEMEYER. It is an illustration of the political clout of the male homosexual community in America that in effect has intimidated our public health officials. They have, by virtue of their dominance in certain States of the Union such as New York and California, literally stood the public health care system of America on its head in order to prevent the utilization and the pursuit of normal practices that have historically been used to control communicable diseases.

Mr. DORNAN of California. Mr. Speaker, will the gentleman yield further for another question?

Mr. DANNEMEYER. I am happy to yield to the gentleman from California.

Mr. DORNAN of California. Mr. Speaker, I know the answer to this question. I will just ask it rhetorically.

There is no Haitian lobby, although they have removed that now because it was unfair to begin with. There is no Haitian lobby, there is no hemophiliac lobby, there is no lobby of people who have received the disease through contaminated blood transfusions, there is no lobby of heroin drug-IV, dirty needle users lying in alleys around America, there is no other lobby of any high risk group that has lobbied the public health officials or elected people in legislatures across the country or this body, are there? Is it only this one lobby, male homosexuals?

Mr. DANNEMEYER. One person remarked about a year ago in writing that if 73 percent of the AIDS cases in America were found in persons with gray eyes, as opposed to male homosexuals, our public health authorities would have quarantined the lot of those people 2 years ago.

Mr. DORNAN of California. I agree with that. Let me say something on this House floor so that I can agree with my good friend, the gentleman from Arkansas [Mr. ANTHONY], and everybody else on that side of the aisle or on this side who does not want this issue to be politicized.

The doctor that I respect the most on this issue in the world—and I am not going to identify him by name so that he has to waste hours of his precious time responding to charges or inquiries from the lobby the gentleman just mentioned or anybody else in the country or in the world—but the doctor I respect the most on this—and I have recently visited the National Institutes of Health and the Centers for Disease Control, so obviously it is going to be from one of those two places—said this in his excellent judgment—now, listen to this—that we are not going to find the cure that my good friend, the gentleman from Arkansas [Mr. ANTHONY], was suggesting we are all hoping for. His opinion is that we are not going to find a cure.

I was stunned, and I said to him, "What does that mean?"

He said, "What will happen is it will become like diabetes," that we will have drugs developed like AZT, only perfected more, that people who have the AIDS virus will take for the rest of their lives to keep the AIDS virus locked in themselves and keep it from exploding out and turning them into a dying person.

So we now have, he thinks, 1.5 to 2 million infected people, it will go up to 10 million, and every one of them may someday develop the disease, we do not know. Of those people that have already been tested for having the symptoms, they will all die. It is now 100 percent back to 1979, 1980, and 1981, and that is not even reflected in the documents they sent us. The 8-year-old warhorses that look like they are holding the line, they just ran an intensified investigation and found that about four of them are already 6 feet under the ground and have been there for years, and the other four have disappeared, meaning they are probably dead. So it is 100 percent fatal.

It also attacks directly the brain. It just is not a breakdown of the immune system. There may be 10 million people by 1991, and everyone of those 10 million may get it, we still do not know yet. Right now it looks like certainly 30 percent, so there is 3 million.

The only thing we are really medically thinking we can develop is some sort of medicine that will be taken regularly by injection or orally that will hold down the breakout potential, as diabetics must take medicines for the rest of their lives or epileptics have to take some medicine.

So we are facing a major public health problem, and it has already been politicized. that is the problem. It has been politicized by taking a sexual proclivity and trying to elevate it to the standard of women's rights, black rights, Hispanic rights, or any other minority rights.

Mr. Speaker, let me quote something that doctor Louis Pasteur said: "The germ is nothing. The environment is everything."

□ 1330

There are sorts of terrifying viruses around this world, including some in Atlanta that are borne in the air, as was Legionnaire's disease, the first breakthrough find in a new virus in over a quarter of a century.

If the germ is nothing, and there are other horrible viruses out there that have not been discovered yet, the French scientist, Louis Pasteur, said, "Then what is it that has spread AIDS in the United States, the virus itself marching all over?"

No, here is the rough sentence.

This virus has been incubated by sodomy, principally in this country. That is what has spread it; and as long as any Member in this Chamber or anywhere else treats this public health issue as a political subject to be lobbied on by certain groups in this country, then it is going to be politicized and tear us apart.

Let us work together with public health as our main focus giving no special privilege to any group, starting with the ridiculous abuse of the English language, taking an adjective which started 15 years ago as a public-relations ploy for male homosexuals to tell this country that their lifestyles, all the way down to the high schools, it is happier, more cheerful, more gay than any other lifestyle.

It is sadly right now what is happening to them, and let us start by banning that word from this House floor. It is not a gay movement, but a sad movement of homosexuals who are being crushed by a health plague that will have nothing to do with homosexuals.

It will be universal throughout the whole population of the United States, and is something we better approach with cold medical science and logic.

Mr. ANTHONY. Mr. Speaker, will the gentleman yield?

Mr. DANNEMEYER. Mr. Speaker, I yield to the gentleman from Arkansas [Mr. ANTHONY].

Mr. ANTHONY. Mr. Speaker, I thank the gentleman for yielding to me.

We should not let anybody in our office that wants to lobby us on this issue, so I have got to tell the public service sector that the gentleman from California [Mr. DANNEMEYER] that is trying to help with this bill that they cannot come into my office and give me their viewpoint, or let the AMA come into my office and give me their viewpoint. They have been in my office, and said, "Congressman, vote for research, give money to the medical profession. Let the scientists look in their little microscopes, find the cure, find the vaccines."

I hope you are telling me to let those people come in and work with us on it. That is what the Democrats stand for, to try to find a cure to it.

Mr. DORNAN of California. Mr. Speaker, will the gentleman yield?

Mr. DANNEMEYER. I yield to the gentleman from California.

Mr. DORNAN of California. I thank the gentleman for yielding.

The top doctor said we are not going to find a cure, only find medicine to hold it down. Of course, we want the medical people to come in and lobby us. Do not let male homosexual groups tell the Democratic Party at your convention in Atlanta that they should be given special treatment as far as testing, any other approach to this disease, that we will not extend to communizers, people who are carrying around syphilis, chlamydia, none of which is fatal. They have a VD, they lobby on it. Do not let it be associated with syphilis.

It is syphilis exactly only it is always fatal and that is why we are tearing ourselves apart, just starting to politically.

Let us be lobbied by even the homosexual groups but do not let them tell us to give them special privilege, call them gays and act like they are not crying at all their celebrations because this plague is cutting through them first, and all the rest of us, including our subteens as they grow into the biggest high-risk group in the country.

Mr. BURTON of Indiana. Mr. Speaker, will the gentleman yield?

Mr. DANNEMEYER. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. I thank the gentleman for yielding.

I would like to point out to the gentleman from Arkansas, the possibility of finding a vaccine or cure for AIDS between now and the year 2000 is very remote. Surgeon General Koop has alluded to that; Dr. Bowen has stated that very clearly many times, that the possibility of a cure or vaccine between now and the year 2000 is virtually not in the cards.

Second, if we are going to deal with this pandemic, as the gentleman in the well said so eloquently earlier today, we are going to have to get on with a massive testing program. Dr. Salzburg, to whom he alluded a moment ago, has projected through his computer model that 5 million people are going to be dead or dying by the year 1995 and 14 million people are going to be carrying this dread disease by 1995 if we do not get on with a testing program, and that is testing almost everybody in this country from age 6 to 65, and if we do not do it, we are going to have these figures staring us in the face in a short period of time, and the cost economically is going to be astronomical.

We have deficit problems now, but nothing compared to what we will face if we do not deal with this pandemic, so I say to the gentleman from Arkansas, waiting on a vaccine, some kind of a cure is something we do not have the luxury of time to do.

We have to get on with the testing, and I congratulate the gentleman from California for taking this precious time to come down and explain this to the American people.

This is vital. If we do not start testing by 1990, we will face the problems like last night on the "60 Minutes" show. In Uganda an entire generation will be wiped out by the turn of the century, because they have no way to deal with it.

Mr. DANNEMEYER. The gentleman from Arkansas [Mr. Anthony] could exhibit good faith on behalf of the Democratic Congressional Campaign Committee if the gentleman would correct something in the letter of the gentleman from Michigan [Mr. Wolpe] to the 53 Members of the House, mentioned in the memorandum, which made reference to the alleged author, Charles Rund, as being the source of this intelligence about this Member from California.

I think the fair thing, if the gentleman wants to exhibit good faith, is to send out another letter and say that Mr. Rund denies having written this memorandum in which I am mentioned.

We do not know who wrote it, but we should advise you that if you want to make any additional use of it, you should be aware of the fact that an anonymous source prepared it, and is seeking to create the impression that Rund wrote it and is accountable for it, and that is not the case.

I wanted to straighten that out.

Mr. ANTHONY. Mr. Speaker, will the gentleman yield?

Mr. DANNEMEYER. I yield to the gentleman from Arkansas.

Mr. ANTHONY. Mr. Speaker, I thank the gentleman for yielding.

Let the record be very clear that the Congressional Campaign Committee on the Democratic side at no time has alleged that he in truth in fact was the author of this report, and no letters went out over my signature stating that, or no interviews that I conducted.

Mr. DANNEMEYER. Mr. Speaker, reclaiming my time, there is a letter dated November 5, 1987, in which the gentleman from Michigan [Mr. Wolpe] says:

> I wanted to share with you a very troubling memorandum that recently crossed my desk. A "confidential note," authored by Charles Rund, President Reagan's deputy campaign manager for polling in 1984, lays out the elements of a Republican plan to attack * * *.

Mr. ANTHONY. Mr. Speaker, I have no control over that Member, just like I have no control over that man.

I hope the gentleman from Michigan [Mr. Wolpe] is watching.

I am telling the gentleman from California [Mr. Dannemeyer] that as chairman of the Democratic Congressional Campaign Committee, I did not do that. The gentleman cannot find one letter that I have written or one interview that I have given where I did not explicitly say I do not know if it is true, but I always said if it is true, then it should not be politicized.

When it comes to testing, I am willing to sit down and talk about testing and am in support of a bipartisan effort.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken today at the conclusion of legislative business.

ENCOURAGING USE OF PROGRAM CROP ACREAGE TO CREATE GAME AND WILDLIFE HABITAT

Mr. de la GARZA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2752) to encourage the use of program crop acreage for the purpose of creating game and wildlife habitats, feeding areas, and sanctuaries by protecting farm program crop base acreage and program payment yields, as amended.

The Clerk read as follows:

H.R. 2752

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That effective for the 1988, 1989, and 1990 crops of wheat, feed grains, upland cotton, and rice, the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.) is amended by adding at the end of title V the following new section:

"Sec. 510. (a) Notwithstanding any other provision of this Act, the Secretary shall establish a program, as provided in this section, to encourage the use of program crop acreage for the purpose of creating game and wildlife habitat, game and wildlife feeding or forage areas, or wildlife sanctuaries.

"(b)(1) On written notice given the Secretary, the owner or operator of a farm for which a program crop acreage base has been established for a crop year shall be allowed to use a portion or all of such program crop acreage base to create game or wildlife habitat, game and wildlife feeding or forage areas, or wildlife sanctuaries.

"(2) Acreage within the base so used shall—

"(A) be counted toward satisfaction of any acreage reduction requirement under an acreage limitation program (and be considered to be devoted to conservation uses under such program) in effect for any crop year for any program crop for which a crop acreage base has been established for the farm;

"(B) to the extent acreage so used exceeds any requirement for the farm under one or more acreage limitation programs in effect for any crop year, be considered to be devoted to conservation uses under any paid diversion program in effect for that crop year under the program applicable to the program crop that was most recently planted on such acreage prior to its use under this section; and

"(c) to the extent acreage so used exceeds any requirement for the farm under one or more acreage limitation programs in effect for any crop year, plus the number of acres on the farm eligible for a paid diversion program for that year as described in paragraph (2), be considered as having been planted to the program crop that was most recently planted on such acreage prior to its use under this section, for the purpose of preserving the farm acreage base and the program crop base acreage of the farm.

"(c) The owner or operator of a farm who has used acreage within a program crop acreage base for the farm as provided in this section shall be allowed to resume program crop production on such acreage in accordance with any applicable commodity program requirements following written notice of such intention by the owner or operator to the Secretary at least one hundred and twenty days in advance.

"(d) The Secretary, by regulation, shall ensure, insofar as practicable, that (1) the program under this section does not result in any increased production of commercial agricultural commodities for harvest on any farm on which the owner or operator thereof has used acreage within a program crop acreage base for the farm as provided in this section, and (2) such use does not in any respect increase the total amount of commodity program loans or payments to producers on a farm above the level to which the producers would otherwise be entitled.".

The **SPEAKER** pro tempore. Is a second demanded?

Mr. **MARLENEE**. Mr. Speaker, I demand a second.

The **SPEAKER** pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The **SPEAKER** pro tempore. The gentleman from Texas [Mr. de la Garza] will be recognized for 20 minutes and the gentleman from Montana [Mr. Marlenee] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. de la Garza].

Mr. de la **GARZA**. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I move to suspend the rules and pass H.R. 2752, as amended, a bill to encourage farm owners and operators to use their program crop acreage for the purpose of creating game and wildlife habitat, feeding areas, and sanctuaries.

H.R. 2752 was introduced by our colleague, Mr. Marlenee, on June 23, 1987. The bill directs the Secretary of Agriculture to establish a program to encourage producers of wheat, feed grains, upland cotton, and rice to devote some or all of their cropland to wildlife purposes. Under this program, a farm owner or operator would provide written notice to the Secretary that he or she desires to convert a portion of their program crop acreage to game or wildlife habitat, feeding areas, or sanctuaries. Lands so converted would first be counted toward satisfaction of any acreage reduction program in effect that year for the particular crop affected. If the acreage set-aside for wildlife exceeds the acreage reduction requirements, then it can also be counted toward any paid diversion program in effect. Finally, once the amount of cropland idled to satisfy these acreage limitation programs has been satisfied, H.R. 2752 would permit additional acres idled for wildlife to be considered as having been planted to the appropriate program crop. In this way, H.R. 2752 would not penalize farmers for converting added acres to wildlife habitat by preserving the farm's program crop base acreage. It is the base acreage which is used to determine how many acres of cropland on the farm will be eligible for program benefits in succeeding crop years.

H.R. 2752 would also permit farm owners or operators to resume program crop production on lands previously converted to wildlife use, by simply providing the Secretary with written notice at least 120 days in advance.

In 1987, nearly 53 million acres of program crop acreage has been idled by acreage programs and paid diversion. Although these lands must be devoted to conservation purposes as a part of these acreage limitation programs, their benefit to wildlife has been limited in the past. In fact, in instances where these lands are set-aside and then mowed or otherwise disturbed annually, damage to wildlife can occur. H.R. 2752 would permit farmers to use their ilded cropland for a broader range of conservation purposes than they can at present.

Under provisions of the Food Security Act of 1985, the Secretary of Agriculture already has the authority to devote lands that are taken out of crop production to wildlife food plots or wildlife habitat in accordance with standards set in consultation with wildlife agencies. However, this authority has not been utilized. H.R. 2752 would direct the Secretary to establish such a program. In addition, H.R. 2752 would permit farm owners and operators the added alternative of converting program crop acreage to wildlife purposes, without penalty, even if this land would not have to be idled according to program requirements.

In developing the program authorized by H.R. 2752, the Secretary is encouraged to exercise broad flexibility in identifying the types of forage or feed crops that may be established on these lands. However, the Secretary shall ensure that such crops are not harvested for commercial use or grazed by domestic farm animals. In drafting regulations to implement this program, the Secretary has been directed to consult with officials of appropriate State and Federal fish and wildlife agencies. Similar consultation with State wildlife agency officials is to occur at the local level to ensure that farmers have the benefit of professional wildlife advice in implementing the program.

In addition, the Secretary is strongly encouraged to promote the use of multiyear set-aside contracts for program acreage devoted to wildlife habitat, feeding areas, or sanctuaries under H.R. 2752. Authority for multiyear set-asides was given to the Secretary in accordance with section 1010 of the Food Security Act of 1985. Under this provision of the law, such areas are to be devoted to vegetative cover capable of maintaining itself through the contract period. Multiyear set-asides which provide vegetative cover for several years afford considerably more benefit to wildlife than areas that are annually mowed or otherwise disturbed.

The program authorized by H.R. 2752 is intended to allow program crop acreage that might otherwise be idled or planted to program crops to be converted to use for the benefit of wildlife. It is not intended to increase farm program costs nor the total amount of farm program payments to which the owner or operator of a farm would otherwise be entitled.

Mr. Speaker, I join my colleague, Mr. Marlenee, and the other cosponsors of H.R. 2752 to urge its immediate passage by the House.

Mr. Speaker, I reserve the balance of my time.

Mr. **MARLENEE**. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill under consideration, H.R. 2752, was introduced in June by Mr. Lindsay Thomas, of Georgia, and myself, along with 10 other cosponsors. The legislation will simply provide farmers some added flexibility in planning their long-term operations, and at the same time will encourage better conservation practices and stimulate and enhance wildlife populations. This legislation will not result in any cost to the Government, and may in fact result in some small savings over the next several years. America's farm and ranch operators have established a record of good stewardship of our natural resources. But in some instances, our own government farm programs work at cross purposes by requiring that a farmer must plant a given percentage of his acreage to a given commodity each year, or else lose part or all of his eligibility to participate in price support activities. Obviously, a farm with established program eligibility has a much higher value per acre than one which does not have already established eligibility. Thus, present law would penalize a farmer who does not plant the proper program crop on all of the allowable acreage on his farm in any given year.

This legislation simply removes that potential penalty in an effort to encourage farm operators to devote a portion of their operation to wildlife habitat and feeding areas on at least a semipermanent basis.

Mr. Speaker, I think this bill makes an important contribution to our efforts to make wise use of our many natural resources. It is a sensible, timely effort, and I urge my colleagues to give this measure their full support. As I indicated earlier, there is no cost associated with the passage and implementation of this provision, and there is language in the bill which expressly prohibits any increased expenditures due to an election by the producer to convert acreage for wildlife habitat and feeding.

Mr. THOMAS of Georgia. Mr. Speaker, it is with great pleasure that I join my colleague from Montana in support of a bill he conceived, which will encourage farmers to place crop acreage into noncrop use. This bill will allow farmers to put cropland into approved wildlife usage, such as feeding or forage areas. They would not lose their crop base, which is used to determine Government benefits.

Such a plan will enable farmers to idle land, but leaves the door open should the farmer decide to return the acreage to production in subsequent years. By doing so, we will enhance wildlife habitat, while at the same time remove land from production at no expense to the Government.

Last year, the 1985 farm bill cost the Government nearly $26 billion. Of that figure, $13.1 billion went to farmers in payments for diversion, deficiency, disaster, and marketing loans. As of March 31, 1987, the Government was holding surplus commodities worth $14.7 billion.

Clearly there is a need for incentives to farmers to reduce the country's enormous production which has resulted in these Government outlays. The legislation proposed today will result in the diversion into noncorp use of land that previously had contributed to the huge stocks of surplus currently being held by the Government.

By no means will this incentive for crop reduction be a panacea for our farm crisis. It is but one step. But is does reflect the kind of innovative thinking that can, in time, revitalize our farm programs and give the American farmer a chance to revitalize American agriculture.

I am hopeful that the House will carefully review this proposal and join Mr. MARLENEE and myself in support of this cost-saving measure.

Mr. SCHULZE. Mr. Speaker, I rise in support of this bill, which allows farmers to convert a portion of their cropland for the purpose of planting shrubs, trees, and other cover to provide a habitat for game animals and wildlife. Such wildlife areas will count toward acreage-reduction or crop set-aside requirements. Furthermore, base acreage for the particular crop on the farm would not be reduced for failure to replant on the area converted to feeding or habitat.

Additionally, this measure builds on the notion that, by limiting production or removing excess supplies from the market, the Government can hold down the cost of price-support and direct-payment programs.

H.R. 2752 is to be lauded as a creative and imaginative approach toward addressing the problems of underutilized acreage. I strongly urge passage of this bill.

Mr. DE LA GARZA. Mr. Speaker, I yield back the balance of my time.

Mr. MARLENEE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. DE LA GARZA] that the House suspend the rules and pass the bill, H.R. 2752, as amended.

The question was taken.

Mr. SOLOMON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

Mr. SOLOMON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

□ 1345

PARLIAMENTARY INQUIRIES

Mr. SOLOMON. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. SOLOMON. Mr. Speaker, according to the colloquy with the leadership on both sides last Thursday, if we were to request the yeas and nays then the votes would be postponed until the end of the day. Is that what is happening?

The SPEAKER pro tempore. That is correct.

Mr. SOLOMON. Mr. Speaker, My parliamentary inquiry was that I first asked for the yeas and nays, and according to the agreement between the majority and the minority the Speaker was supposed to then put the vote over until the end of the day.

The SPEAKER pro tempore. When the gentleman put the request, the Chair asked if a sufficient number had risen to order the yeas and nays. A sufficient number did not rise.

Then the gentleman objected to the vote for lack of a quorum and the Chair has ruled that at the close of business today when the Chair puts the question de novo if the gentleman desires he might again object to the vote on this bill at the appropriate time in today's proceedings. At this time the vote will be postponed on this matter until later today, pursuant to the announcement made earlier today by the Chair.

Mr. SOLOMON. Mr. Speaker, A further parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. SOLOMON. How many Members are required to stand for a recorded vote?

The SPEAKER pro tempore. One-fifth of those present, for the yeas and nays, and the Chair did not count a sufficient number standing.

Mr. WALKER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. WALKER. Mr. Speaker, how many Members were in the Chamber at that point?

The SPEAKER pro tempore. The Chair observed only two Members who stood at that time.

Mr. WALKER. Well, Mr. Speaker, a further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WALKER. Mr. Speaker, there were three of us standing. I stood, the gentleman from Minnesota [Mr. FRENZEL] and the gentleman from New York [Mr. SOLOMON] were standing. That means there would have to have been 15 Members in the Chamber at that time. This gentleman could count only 12. Did the Chair have a larger count than that?

The SPEAKER pro tempore. Well, the Chair has ruled that a sufficient number did not rise at the moment the gentleman requested the yeas and nays.

Mr. WALKER. Well, Mr. Speaker, a further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WALKER. Mr. Speaker, if there are 3 Members standing and only 12 Members in the Chamber, is that not a sufficient number to get the yeas and nays?

The SPEAKER pro tempore. It is the prerogative of the Chair to make the count, not a Member.

The gentleman's rights have been preserved. There will be a vote de novo on this matter.

GENERAL LEAVE

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2752, the bill previously considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

PARLIAMENTARY INQUIRY

Mr. MARLENEE. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The Chair will take the parliamentary inquiry.

Mr. MARLENEE. Mr. Speaker, we have two Members who wish to speak on the bill and we need a unanimous-consent request that their remarks appear in the RECORD at the close of the debate. At what point do we request that unanimous consent?

The SPEAKER pro tempore. The gentleman from Texas [Mr. DE LA GARZA] has made that request. Those remarks can be put in the RECORD, without objection.

DESIGNATING THE KERN RIVER AS A NATIONAL WILD AND SCENIC RIVER

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 247) to designate the Kern River as a national wild and scenic river.

The Clerk read as follows:

S. 247

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding the following new paragraphs at the end:

"( ) (A) NORTH FORK KERN RIVER, CALIFORNIA. The segment of the main stem from the Tulare-Kern County line to its headwaters in Sequoia National Park, as generally depicted on a map entitled 'Kern River Wild and Scenic River—Proposed' and dated June 1987; to be administered by the Secretary of Agriculture; except that portion of the river within the boundaries of the Sequoia National Park shall be administered by the Secretary of the Interior. With respect to the portion of the river segment designated by this paragraph which is within the boundaries of Sequoia National Park, the requirements of subsection (b) of this section shall be fulfilled by the Secretary of the Interior through appropriate revisions to the general management plan for the park, and the boundaries, classification, and development plans for such portion need not be published in the Federal Register. Such revision to the general management plan for the park shall assure that no developments or use of park lands shall be undertaken that is inconsistent with the designation of such river segment.

"(B) SOUTH FORK KERN RIVER, CALIFORNIA.—The segment from its headwaters in the Inyo National Forest to the southern boundary of the Domelands Wilderness is in the Sequoia National Forest, as generally depicted on a map entitled 'Kern River Wild and Scenic River—Proposed' and dated June 1987; to be administered by the Secretary of Agriculture.

"(C) Nothing in this Act shall affect the continued operation and maintenance of the existing diversion project, owned by Southern California Edison on the North Fork of the Kern River, including reconstruction or replacement of facilities to the same extent as existed on the date of enactment of this paragraph.

"(D) For the purposes of the segments designated by this paragraph, there are authorized to be appropriated such sums as may be necessary, but not to exceed $100,000, to the Secretary of Agriculture for development and land acquisition.".

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes and the gentleman from California [Mr. LAGOMARSINO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on S. 247, the Senate bill now being considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota.

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 247 contains language to designate segments of both the north fork and south fork of the Kern River in California as components of the National Wild and Scenic River System. This language is nearly identical to language proposed by our colleague, CHIP PASHAYAN, in the bill H.R. 4350 which passed the House last Congress. The Senate, with the support of both California Senators, passed S. 247 on October 1, 1987.

The North Fork Kern River contains the longest stretch of free-flowing river mileage in the Sierra Nevada Mountains. The North Fork Kern was recommended for inclusion in the Wild and Scenic River System by the Forest Service after it was determined to possess outstandingly remarkable visual, geological, cultural, historical, vegetation, wildlife, recreation, and fisheries value.

The North Fork Kern River flows almost due south and has a 10,000-foot drop in elevation from the headwaters on the slopes of Mount Whitney to Isabella Reservoir, 83 river miles away. The changes in altitude are accompanied by a wide diversity of vegetation zones ideal for a wide range of wildlife.

The North Fork Kern River is a glaciated canyon and may be the longest such valley in the Nation. The upper river is free-flowing for over 61 miles, and has numerous waterfalls and natural lakes. The Big and Little Kern Lakes, formed by natural landslides, have been used by scientists to study the natural stages in the life of a lake. The upper 47 miles of the North Fork Kern lie within Sequoia National Park and the Golden Trout Wilderness Area, and are currently managed as a wilderness resource. The lower river, from Johnsondale Bridge downstream to the Tulare-Kern County line, is about 17 miles and is heavily used at the present time as a recreational river. This portion of the river has easy access and is only about 3½ hours by auto from the populous Los Angeles Basin. The area has almost 250,000 visitors annually.

The South Fork Kern River is totally free-flowing and descends through steep gorges with large granite outcroppings and domes interspersed with open meadows. Numerous waterfalls and rapids are located in the gorges. The river alternately passes through from perpendicular-walled gorges to flat pinyon-juniper-sagebrush meadows. The area has dramatic diversity in vegetation and riparian habitat. Several rare species and a premium trout fishery exist in the upper reaches of the river. Also, numerous historic and prehistoric sites are within the corridor. Thirteen miles of the Pacific Crest Trail parallel the South Fork Kern River.

Mr. Speaker, this bill would designate two outstanding rivers to be wild and scenic and I urge my colleagues to join me in support of this legislation.

Mr. LAGOMARSINO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of S. 247, to designate segments of the north and south forks of the Kern River in California as components of the National Wild and Scenic Rivers System.

Under the provisions of S. 247, approximately 78.5 miles of the north fork of the Kern River from its headwaters in the Sequoia National Park to the Tulare-Kern County line would be designated as wild and scenic. The bill would also designate as wild and scenic about 72.5 miles of the south fork of the Kern form its headwaters in the Inyo National Forest to the southern boundary of the Dome Land Wilderness in the Sequoia National Forest.

The National Park Service would manage the portion of the river within the Sequoia National Park and the Forest Service would be responsible for management of the remainder of the river which flows almost entirely through National Forest land, including the Golden Trout and South Sierra Wilderness Areas. The bill also clarifies that the designation can in a way affect the continued operation and maintenance of the existing Southern California Edison diversion project on the lower north fork of the river.

Mr. Speaker, there is no question that these river segments meet the criteria of the Wild and Scenic Rivers Act for designation as wild and scenic. The Kern River is known for containing the longest stretch of free-flowing river mileage in the Sierra Nevada Mountains. It has also been determined by the Forest Service to possess outstandingly remarkable scenic, geologic, cultural, historic, vegetative, wildlife, fish, and recreation values. After extensive studies by the Sequoia National Forest, the Forest Service has recommended wild and scenic designation for nearly the entire north and south forks of the Kern River.

The segments of the Kern River to be designated under S. 247 are known for their outstanding beauty due in part to the wide diversity of vegetation, numerous waterfalls and natural lakes, steep gorges, and open meadows. The river corridor provides important habitat for the bald eagle, peregrine falcon, wolverine, and golden trout. Several historic and prehistoric sites are located along the south fork of the river which is also paralleled for 13 miles by the Pacific Crest Trail.

The lower stretch of the north fork is heavily used as a recreational resource due to its easy access and close proximity to the populous Los Angeles Basin. In fact, many of my constituents have participated in recreational activities on the river including rafting, camping, hiking, and fishing.

Since there is extensive development of this segment of the river and several private inholdings, some concern was expressed regarding its proposed designation as wild and scenic. However, I believe it is important to note that current uses of the land in the river corridor would be allowed to continue, including grazing, tourist activity, and so forth. With regard to the mining claims in the area, provisions in the Wild and Scenic Rivers Act provide conditions for mining development in river corridors. Furthermore, the Forest Service has indicated that wild and scenic designation of this river segment would not significantly affect current management other than the possible acquisition of scenic easements. Provisions in the Wild and Scenic Rivers Act provide that no fee title acquisition of private lands by condemnation would be allowed along this segment since over 50 percent of the land in the river corridor is already federally owned.

Mr. Speaker, I want to commend my colleagues from California, Mr. Pashayan in whose district the proposed wild and scenic river lies, and Mr. Thomas, who represents several landowners along the river, for working with other interested Members and the subcommittee chairman to resolve the conflicts concerning designation of the lower stretch of the north fork. I certainly appreciate their efforts as well as those of the subcommittee chairman, Mr. Vento, to address the Member's concerns through appropriate report language and floor debate. Should problems arise in the future on this stretch of the river following its designation as wild and scenic, I would certainly be willing to work with Representative Thomas again to resolve any conflicts.

Mr. Speaker, the Kern River deserves the permanent protection which S. 247 will provide. Designation of the Kern through congressional passage of this legislation will provide southern California with its first wild and scenic river. Therefore, I urge all of my colleagues to approve S. 247.

Mr. VENTO. Mr. Speaker, I do want to commend the gentleman from California [Mr. Lagomarsino] for his work on this national wild and scenic river and the other measures that our subcommittee has passed this year. We really have done a remarkable job in terms of trying to come together, in terms of the Merced River and the Kings River and now, the Kern River, the north and south fork of the Kern. The Kern is certainly a spectacular river. This is a very, very significant action; it represents an important step and addition to the Wild and Scenic River System.

I certainly concur in the remarks made by the gentleman concerning the limitation of the law regarding these measures, with regard to ownership and with regard to utilization. It obviously is a magnificent resource and one I hope we can move forward with and see this measure enacted into law.

Mr. LAGOMARSINO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. Vento] that the House suspend the rules and pass the Senate bill, S. 247.

The question was taken.

Mr. SOLOMON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

RAILROAD UNEMPLOYMENT INSURANCE AND RETIREMENT IMPROVEMENT ACT OF 1987

Mr. THOMAS A. LUKEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2167) to amend the Railroad Unemployment Insurance Act to assure sufficient resources to pay benefits under that act, to increase the maximum daily benefit provided under that act, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2167

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Railroad Unemployment Insurance and Retirement Improvement Act of 1987".

SEC. 2. REFERENCES TO RAILROAD UNEMPLOYMENT INSURANCE ACT.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or provision, the reference shall be considered to be made to a section or other provision of the Railroad Unemployment Insurance Act.

SEC. 3. TABLE OF CONTENTS.

Sec. 1. Short title.
Sec. 2. References to Railroad Unemployment Insurance Act.
Sec. 3. Table of contents.

TITLE I—FINANCING PROVISIONS

Sec. 101. Amendments relating to definition of "compensation".
Sec. 102. Contribution adjustments.
Sec. 103. Administrative expenses.
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TITLE II—BENEFIT AND OTHER ADJUSTMENTS

Sec. 201. Waiting period for benefits and benefit increases.
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Sec. 203. Increase in maximum permitted subsidiary remuneration.

TITLE III—RETIREMENT ACT AMENDMENTS

Sec. 301. Additional lump sum payment in certain cases.
Sec. 302. Deletion of last person service as a disqualification.
Sec. 303. Earnings of disability annuitants.
Sec. 304. Allowance of credit for military service.

TITLE I—FINANCING PROVISIONS

SEC. 101. AMENDMENTS RELATING TO DEFINITION OF "COMPENSATION".

(a) In General.—Section 1(i) is amended—

(1) by inserting "(1) In General.—" after "(i)";

(2) by striking out ": *Provided, however,* That in computing" and all that follows through "1983, shall be recognized." and inserting in lieu thereof ", except that in computing the compensation paid to any employee, no part of any month's compensation in excess of the monthly compensation base (as defined in subdivision (2)) for any month shall be recognized."; and

(3) by adding at the end thereof the following new subdivision:

"(2) Monthly Compensation Base.—

"(A) In general.—For purposes of subdivision (1), the term 'monthly compensation base' means the amount—

"(i) of $400 for calendar months before January 1, 1984;

"(ii) of $600 for calendar months after December 31, 1983 and before January 1, 1988; and

"(iii) computed under subparagraph (B) for months after December 31, 1987.

"(B) Computation.—

"(i) In general.—The amount of the monthly compensation base for each calendar year beginning after December 31, 1987, is the greater of—

"(I) $600; or

"(II) the amount, as rounded under clause (iii) if applicable, computed under the formula:

$$B=600\left(1+\frac{A-37{,}800}{56{,}700}\right)$$

"(ii) Meaning of symbols.—For the purposes of the formula in clause (i)—

"(I) 'B' is the dollar amount of the monthly compensation base; and

"(II) 'A' is the amount of the applicable base with respect to tier 1 taxes, for the calendar year for which the monthly compensation base is being computed, as determined under section 3231(e)(2) of the Internal Revenue Code of 1986.

"(iii) Rounding rule.—If the monthly compensation base computed under this formula is not a multiple of $5, it shall be rounded to the nearest multiple of $5, with such rounding being upward in the event the amount computed is equidistant between two multiples of $5.".

(b) Conforming Amendment With Respect to Subsidiary Remuneration Rule.—Section 1(k) is amended by striking out "$1,500" and inserting in lieu thereof "an amount that is equal to 5 times the monthly compensation base for months in such base year as computed under section 1(i) of this Act".

(c) Conforming Amendment With Respect to Limitation on Taking Account of Money Remuneration.—Section 2(c) is amended by striking out "not in excess of $775 in any month shall be taken into account:" and inserting in lieu thereof "shall be taken into account that is not in excess of $775 in any month before 1988 and, in any month in a base year after 1987, is not in excess of an amount that bears the same ratio to $775 as the monthly compensation base for that year as computed under section 1(i) of this Act bears to $600:".

(d) Conforming Amendments With Respect To Required Compensation Amount.—Section 4(a-2)(i)(A) is amended—

(1) by striking out "$1,500" and inserting in lieu thereof "$3,000"; and

(2) by striking out the semicolon at the end and inserting in lieu thereof "and before 1988 or, if any part of such compensation is paid in a calendar year after 1987, not less than an amount that is equal to 5 times the monthly compensation base for months in such calendar year, as computed under section 1(i) of this Act;".

(e) Duty of Board To Make Certain Computations.—Section 12 is amended by adding at the end the following new subsection:

"(r) Duty of Board To Make Certain Computations.—

"(1) Compensation base.—On or before December 1, 1987, and on or before December 1 of each year thereafter, the Board shall compute—

"(A) in accordance with section 1(i), the monthly compensation base which shall be applicable with respect to months in the next succeeding calendar year; and

"(B) the amounts described in section 1(k), section 2(c), section 3, and section 4(a-2)(i)(A) that are related to changes in the monthly compensation base.

"(2) Maximum daily benefit rate.—On or before June 1, 1988, and on or before June 1 of each year thereafter, the Board shall compute in accordance with section 2(a)(3) the maximum daily benefit rate which shall be applicable with respect to days of unemployment and days of sickness in registration periods beginning after June 30 of that year.

"(3) Notice in federal register and to employers.—Not later than 10 days after each computation made under this paragraph, the Board shall publish notice in the Federal Register and shall notify each employer and employee representative of the amount so computed.".

(f) Effective Date.—The amendments made by this section shall take effect upon the date of the enactment of this Act.

SEC. 102. CONTRIBUTION ADJUSTMENTS.

(a)(1) Employer Contributions and Experience Rating.—Section 8 is amended by striking out "(a) Every employer" and all that follows through the end of subsection (a) and inserting in lieu thereof the following:

"(a) Employer Contribution.—

"(1) In general.—

"(A) General rule.—

"(i) Contribution rate generally.—Every employer shall pay a contribution, with respect to having employees in his service, equal to the percentage determined under subparagraph (B), (C), or (D), whichever is applicable, of so much of the compensation paid in any calendar month by such employer to any employee as is not in excess of the monthly compensation base for that month as computed under section 1(i).

"(ii) Multiple employer limitation.— If compensation is paid to an employee by more than one employer in any calendar month—

"(I) the contributions required by this subsection shall not apply to any amount of the aggregate compensation paid to such employee by all such employers in such calendar month which is in excess of such monthly compensation base; and

"(II) each employer (other than a subordinate unit of a national-railway-labor-organization employer) shall be liable for that portion of the contribution with respect to such compensation paid by all such employers which the compensation paid by him to such employee bears to the total compensation paid in such month by all such employers to such employee.

In the event that the compensation paid by such employers to the employee in such month is less than such monthly compensation base, each subordinate unit of a national-railway-labor-organization employer shall be liable for such portion of any additional contribution as the compensation paid by such employer to such employee in such month bears to the total compensation paid by all such employers to such employee in such month.

"(B) Transitional rule.—

"(i) 1st and 2d calendar years.—Except as provided in clause (vi), with respect to compensation paid in calendar years 1988 and 1989, the contribution rate shall be 8 percent.

"(ii) 3d calendar year.—With respect to compensation paid in calendar year 1990, the contribution rate shall be the smaller of—

"(I) the maximum contribution limit computed under paragraph (20); or

"(II) the percentage computed pursuant to the following formula:

$$R= \frac{2A+B.}{3}$$

"(iii) 4th calendar year.—With respect to compensation paid in calendar year 1991, the contribution rate shall be the smaller of—

"(I) the maximum contribution limit computed under paragraph (20); or

"(II) the percentage computed pursuant to the following formula:

$$R= \frac{2A+2C.}{3}$$

"(iv) Meaning of symbols.—For purposes of the formulas in clauses (ii) and (iii)—

"(I) 'R' is the applicable contribution rate expressed as a percentage for months in the calendar year;

"(II) 'A' is the contribution rate determined under clause (i);

"(III) 'B' is the percentage rate for the employer, as determined under subparagraph (C), for calendar year 1990; and

"(IV) 'C' is the percentage rate for the employer, as determined under subparagraph (C), for calendar year 1991.

"(v) Special rule for certain computations.—For purposes of computing B and C in such formulas—

"(I) the percentage rate computed under subparagraph (C), if more than the maximum contribution limit computed under paragraph (20) shall not be reduced to that limit; and

"(II) any computations which under subparagraph (C) are to be made on the basis of a 4-quarter or a 12-quarter period ending on a given June 30 shall be made on the basis of a period beginning on January 1, 1989, and ending on that June 30, and the amount so computed shall be increased to an amount that bears the same ratio to the amount so computed as 4 or 12, as appropriate, bears to the number of calendar quarters in the period on which the computation was based.

(vi) Special transition rule for public commuter railroads.—With respect to each of calendar years 1988 and 1989, the contribution of an employer which on the date of the enactment of the Railroad Unemployment Insurance and Retirement Improvement Act of 1987 is a publicly funded and publicly operated carrier providing rail commuter service shall be equal to the amount of benefits attributable such carrier, plus an amount equal to 0.65 percent of the total compensation paid by that employer in that year on which that employer's contribution would be based under clause (i) if such employer's contribution were determined under that clause.

"(C) Experience-rated contributions.—With respect to compensation paid in a calendar year that begins after December 31, 1991, the contribution rate for each employer shall be determined as follows:

"(i) Step 1.—Compute the employer's benefit ratio as of the preceding June 30 to 4 decimal points in accordance with paragraph (2).

"(ii) Step 2.—Subtract the employer's reserve ratio as of the preceding June 30 as computed to 4 decimal points in accordance with paragraph (4).

"(iii) Step 3.—Subtract the pooled credit ratio for the calendar year, if any, as computed to 4 decimal points in accordance with paragraph (12).

"(iv) Step 4.—Multiply by 100 the total arrived at under the steps set forth in clauses (i) through (iii) so as to obtain a percentage rate, which shall be rounded to the nearest 100th of 1 percent. If the total arrived at under such steps is 0 or less than 0, the percentage rate as so computed shall be 0.

"(v) Step 5.—Add 0.65 to the percentage rate arrived at under clause (iv), representing the portion of the employer's contribution which is to be deposited to the credit of the fund under subsection (i).

"(vi) Step 6.—Add the surcharge rate for the calendar year, if any, as computed under paragraph (14).

"(vii) Step 7.—Add the pooled charge ratio for the calendar year, if any, as computed to 4 decimal points under paragraph (13) and multiplied by 100.

"(viii) Step 8.—Reduce the percentage rate computed in accordance with the preceding steps to the maximum contribution limit computed under paragraph (20), if such rate is higher than such limit. The rate computed in accordance with the preceding steps, after any reduction under this clause, is the contribution rate.

"(D) New-employer contribution rates.—Notwithstanding subparagraphs (B) and (C), the contribution rate applicable to a new employer who does not become subject to this Act until after December 31, 1988, shall be determined as follows:

"(i) 1st calendar year.—With respect to compensation paid in calendar months before the end of the first full calendar year in which the employer is subject to this Act, the contribution rate shall be the average contribution rate paid by all employers during the 3 calendar years preceding the calendar year before the calendar year in which the compensation is paid. The average contribution rate shall be determined—

"(I) by dividing the aggregate contributions paid by all employers under this subsection in those 3 calendar years by the aggregate compensation with respect to which such contributions were paid; and

"(II) by multiplying the resulting ratio as computed to 4 decimal points by 100.

"(ii) 2d calendar year.—With respect to compensation paid in calendar months in the next calendar year, the contribution rate shall be the smaller of—

"(I) the maximum contribution limit computed under paragraph (20); or

"(II) the percentage rate computed pursuant to the following formula:

$$R=\frac{2(A2)+B.}{3}$$

"(iii) 3d calendar year.—With respect to compensation paid in calendar months in the third full calendar year in which the employer is subject to the coverage of this Act, the contribution rate shall be the smaller of—

"(I) the maximum contribution limit computed under paragraph (20); or

"(II) the percentage rate computed pursuant to the following formula:

$$R=\frac{A3+2C}{3}$$

"(iv) Subsequent calendar years.—With respect to all calendar months in calendar years subsequent to that calendar year, the contribution rate shall be determined under subparagraph (C).

"(v) Meaning of symbols.—For purposes of the formulas in clauses (ii) and (iii)—

"(I) 'R' is the applicable contribution rate expressed as a percentage for months in the calendar year;

"(II) 'A1' is the contribution rate determined under clause (i) for such employer's first full calendar year;

"(III) 'A2' is the contribution rate which would have been determined under clause (i) if the employer's second calendar year had been its first full calendar year;

"(IV) 'A3' is the contribution rate which would have been determined under clause (i) if the employer's third calendar year had been such employer's first full calendar year;

"(V) 'B' is the contribution rate for the employer as determined under subparagraph (C) for the employer's second full calendar year; and

"(VI) 'C' is the contribution rate for the employer as determined under subparagraph (C) for the employer's third full calendar year.

"(vi) Special rule for certain computations.—For purposes of computing B and C in such formulas—

"(I) the percentage rate computed under subparagraph (C), shall not be reduced under clause (viii) of that subparagraph; and

"(II) any computations which under subparagraph (C) are to be made on the basis of a 4-quarter or 12-quarter period ending on a given June 30 shall be made on the basis of a period commencing with the first day of the first calendar quarter that begins after the date on which the employer first commenced paying compensation subject to this Act and ending on that June 30, and the amount so computed shall be increased to an amount that bears the same ratio to the amount so computed as 4 or 12, as appropriate, bears to the number of calendar quarters in the period on which the computation was based.

"(2) Benefit ratio.—An employer's benefit ratio as of any given June 30 shall be determined by dividing all benefits charged to the employer under paragraph (15) during the 12 calendar quarters ending on such June 30 by the employer's 3-year compensation base as of such June 30 as computed under paragraph (3).

"(3) 3-year compensation base.—An employer's 3-year compensation base as of any given June 30 is the aggregate compensation with respect to which contributions were paid by the employer under this subsection in the 12 calendar quarters ending on such June 30.

"(4) Reserve ratio.—An employer's reserve ratio as of any given June 30 shall be computed by dividing the employer's reserve balance as of such June 30, as computed under paragraph (6), by that employer's 1-year compensation base as of such June 30, as computed under paragraph (5). The employer's reserve ratio may be either a positive or a negative figure, depending upon whether the employer's reserve balance is a positive or negative figure.

"(5) 1-year compensation base.—An employer's 1-year compensation base as of any given June 30 is the aggregate compensation with respect to which contributions were paid by the employer under this subsection in the 4 calendar quarters ending on such June 30.

"(6) Reserve balance.—An employer's reserve balance as of any given June 30 shall be determined by subtracting the employer's cumulative benefit balance as of such June 30, computed under paragraph (7), from the employer's net cumulative contribution balance as of such June 30, computed under paragraph (8). An employer's reserve balance may be either positive or negative, depending upon whether or not that employer's net cumulative contribution balance exceeds the employer's cumulative benefit balance.

"(7) Cumulative benefit balance.—An employer's cumulative benefit balance as of any given June 30 shall be determined by adding—

"(A) the net amount of the benefits charged to the employer under paragraph (15) on or after January 1, 1989; and

"(B) the cumulative amount of the employer's unallocated charges for the same period, if any, as computed under paragraph (9).

"(8) Net cumulative contribution balance.—An employer's net cumulative contribution balance as of any given June 30 shall be determined as follows:

"(A) Step 1.—Compute the sum of

"(i) all contributions paid by the employer pursuant to this subsection;

"(ii) that portion of the tax imposed under section 3321(a) of the Internal Revenue Code of 1986 that is attributable to the surtax rate under section 106(b) of the Railroad Unemployment Insurance and Retirement Improvement Act of 1987; and

"(iii) any taxes paid by the employer pursuant to section 3321(a) of the Internal Revenue Code of 1986 (after the outstanding balance of loans made under section 10(d) before October 1, 1985, plus interest, have been paid);

on or after January 1, 1989.

"(B) Step 2.—Subtract an amount equal to the amount of such contributions deposited to the credit of the fund under subsection (i).

"(C) Step 3.—Add an amount equal to the aggregate amount by which such contributions were reduced in prior calendar years as a result of pooled credits, if any, under paragraph (1)(C)(iii).

"(9) Unallocated charge.—An employer's unallocated charge as of any given June 30 is the amount that as of such June 30 bears the same ratio to the system unallocated charge balance, computed under paragraph (10), as the employer's 1-year compensation base, computed under paragraph (5), bears to the system compensation base computed under paragraph (11).

"(10) System unallocated charge balance.—The system unallocated charge balance as of any given June 30 shall be determined as follows:

"(A) Step 1.—Compute the aggregate amount of all interest paid by the account on loans from the Railroad Retirement Account after September 30, 1985, pursuant to section 10(d), during the 4 calendar quarters ending on that June 30.

"(B) Step 2.—Add the aggregate amount of any additions to the system unallocated charge balance specified in paragraphs (15) and (16), during that period.

"(C) Step 3.—Add the aggregate amount of any other expenditures by the account during that period not chargeable to any individual employer under paragraph (15) or to the fund under section 11.

"(D) Step 4.—Subtract the aggregate amount of all income to the account, under section 10(a)(iv) or section 10(a)(vii), during that period.

"(E) Step 5.—Subtract the aggregate amount of all transfers to the account, pursuant to section 11(d), during that period.

"(F) Step 6.—Subtract the aggregate amount of all other income and receipts of the account, during that period, which are not assigned to individual employer balances.

"(G) Step 7.—Subtract the net cumulative contribution balance of each employer whose balance has been cancelled pursuant to paragraph (16), during that period, calculated as of the date of such cancellation.

"(11) System compensation base.—The system compensation base as of any given June 30 shall be determined by adding together the amounts of the 1-year compensation bases of all employers and employee representatives subject to this Act, computed in accordance with paragraph (5), as of such June 30.

"(12) Pooled credit ratio.—The pooled credit ratio, if any, for a calendar year shall be determined as follows:

"(A) Step 1.—Compute the balance to the credit of the account as of the close of business on the preceding June 30, including any amounts in the account attributable to loans made under section 10(d) before October 1, 1985, but disregarding the obligation to repay such loans and interest thereon. There will be a pooled credit ratio for the calendar year only if that balance is in excess of the greater of $250,000,000 or of the amount that bears the same ratio to $250,000,000 as the system compensation base as of that June 30 bears to the system compensation base as of June 30, 1990, as computed in accordance with paragraph (11).

"(B) Step 2.—If there is such an excess amount, divide that excess amount by the system compensation base as of the June 30 preceding the calendar year. The result is the pooled credit ratio for the calendar year.

"(13) Pooled charge ratio.—The pooled charge ratio, if any, for a calendar year shall be determined as follows:

"(A) Step 1.—With respect to each employer whose contribution rate for that calendar year as computed through step 6 under paragraph (1)(C) was greater than the maximum contribution limit computed under paragraph (20), multiply the employer's 1-year compensation base as of the preceding June 30, as computed in accordance with paragraph (5), by the difference between—

"(i) the percentage rate determined under subparagraph (B), (C), or (D) of paragraph (1) before the reduction to the maximum contribution limit; and

"(ii) the maximum contribution limit.

"(B) STEP 2.—Add the amounts arrived at under step 1 so as to obtain an aggregate amount for all such employers.

"(C) STEP 3.—For each employer whose contribution rate as computed through step 3 under paragraph (1)(C) was less than 0, the percentage rate by which such employer's rate was raised in order to bring that rate to 0 shall be multiplied by that employer's 1-year compensation base as of the preceding June 30. Subtract the total of the amounts computed under the preceding sentence for all employers from the amount arrived at in step 2.

"(D) STEP 4.—Divide the aggregate amount arrived at under step 3 by the system compensation base as of the preceding June 30 as computed under paragraph (11) minus the one-year compensation base of those employers whose rates computed through step 6 of paragraph (1)(C) exceeded the maximum contribution rate computed under paragraph (20). The result is the pooled charge ratio for the calendar year.

"(14) SURCHARGE RATE.—The surcharge rate for a calendar year, if any, shall be determined as follows:

"(A) STEP 1.—Compute the balance to the credit of the account as of the close of business on the preceding June 30, including any amounts in the account attributable to loans made under section 10(d) before October 1, 1985, but disregarding the obligation to repay such loans and interest thereon. There will be a surcharge rate for the calendar year only if that balance is less than the greater of $100,000,000 or of the amount that bears the same ratio to $100,000,000 as the system compensation base as of that June 30 bears to the system compensation base as of June 30, 1990, as computed in accordance with paragraph (11).

"(B) STEP 2.—(i) If the balance to the credit of the account is less than the greater of the amounts referred to in the 2nd sentence of step 1 but is equal to or more than the greater of $50,000,000 or of the amount that bears the same ratio to $50,000,000 as the system compensation base as of that June 30 bears to the system compensation base as of June 30, 1990, then the surcharge rate for the calendar year shall be 1.5 percent.

"(ii) If the balance to the credit of the account is less than the greater of the amounts referred to in the clause (i), but greater than or equal to zero, then the surcharge rate for the calendar year shall be 2.5 percent.

"(iii) If the balance to the credit of the account is less than zero, the surcharge rate for the calendar year shall be 3.5 percent.

"(15) CHARGEABLE BENEFITS.—

"(A) IN GENERAL.—Beginning January 1, 1989, all benefits paid to an employee for days of unemployment or days of sickness shall be charged to that employee's base year employer by adding amounts equal to the amounts of such benefits to the employer's cumulative benefit balance except that benefits paid by reason of strikes or work stoppages growing out of labor disputes shall not be added to the employer's cumulative benefit balance but instead shall be added to the system unallocated charge balance.

"(B) ADJUSTMENTS.—A sum equal to each amount realized in recovery for overpayment, erroneous payment, or reimbursement of benefits and credited to the account pursuant to section 10(a)(v) or 10(a)(viii) shall be subtracted from the cumulative benefit balances of the employers of the employees to whom such an amount was paid as a benefit in the proportion to the amount by which each such employer's cumulative benefit balance was increased as a result of the payment of the benefit.

"(C) MULTIPLE EMPLOYERS.—

"(i) IN GENERAL.—All benefits paid to an employee who had more than 1 base-year employer shall be charged to the cumulative benefit balances of the employee's base year employers—

"(I) in reverse chronological order of the employee's employment with each such employer in the base year if the employer at the time of the claim was the last base year employer, and the amount charged to each employer shall not exceed the compensation paid by that employer to the employee in the base year; and

"(II) in all other cases, in the same ratio as the compensation paid to such employee by the employer bears to the total of such compensation paid to such employee by all such employers in the base year.

"(ii) SPECIAL RULE FOR EMPLOYER WITH CANCELLED BALANCES.—All benefits chargeable under this subparagraph to an employer for which the Board has cancelled balances under paragraph (16) shall be added to the system unallocated charge balance.

"(16) DEFUNCT EMPLOYER.—Whenever the Board determines, pursuant to such regulations as the Board may prescribe, that an employer has permanently ceased to pay compensation with respect to which contributions are payable pursuant to this subsection, the Board shall, effective on the date of the Board's determination, transfer the employer's net cumulative contribution balance as a subtraction from, and cumulative benefit balance as an addition to, the system unallocated charge balance and cancel all other accumulations of the employer.

"(17) INDIVIDUAL EMPLOYER RECORD.—

"(A) IN GENERAL.—As of January 1, 1989, the Board shall commence maintaining an individual employer record with respect to each employer, and the records necessary to determine pooled charges, pooled credits and unallocated charge balances for the system. Whenever a new employer begins paying compensation with respect to which contributions are payable pursuant to this subsection, the Board shall establish and maintain an individual employer record for such employer.

"(B) DEFINITION.—As used in this paragraph, the term 'individual employer record' means a record of an individual employer's benefit ratio, reserve ratio, 1-year compensation base, 3-year compensation base, unallocated charge, reserve balance, net cumulative contribution balance, and cumulative benefit balance.

"(18) JOINT EMPLOYER RECORDS.—Pursuant to regulations prescribed by the Board, the Board may allow 2 or more employers, upon application, to establish and maintain, or to discontinue, a joint individual employer record for such employers as though such joint record constituted a single employer's individual employer record.

"(19) MERGERS, CONSOLIDATIONS, OR OTHER CHANGES IN EMPLOYER IDENTITY.—

"(A) WITH OTHER EMPLOYERS.—In the event of a merger, consolidation, unification, or reorganization in which an employer combines with another employer and the combination entails no partitioning of the property of the employer, the individual employer records of the 2 employers shall be combined into a joint individual employer record if the parties request such joint treatment pursuant to paragraph (18) or if the Board otherwise determines, pursuant to regulations prescribed by the Board, that such joint treatment is desirable.

"(B) WITH NONEMPLOYERS.—In the event of a merger, consolidation, unification, or reorganization in which an employer combines with another entity that is not an employer, the employer's individual employer record shall attach to the combined entity.

"(C) SALE OF ASSETS.—In the event property of an employer is sold or transferred to another employer or other entity, or is partitioned among 2 or more employers or entities, the cumulative benefit balance, net cumulative contribution balance, 1-year compensation base, and 3-year compensation base of the employer shall be prorated among the employers which receive the property, including any entities which become employers by virtue of such transfer or partition, in such equitable manner as the Board by regulation shall prescribe.

"(D) REINCORPORATION.—The cumulative benefit balance, net cumulative contribution balance, 1-year compensation base, and 3-year compensation base of an employer that reincorporates or otherwise alters its corporate identity in a transaction not involving a merger, consolidation, or unification shall attach to the reincorporated or altered entity.

"(E) ABANDONMENT.—If an employer abandons property or discontinues service but continues to operate as an employer, the employer's individual employer record shall continue to be calculated as provided in this subsection without retroactive adjustment.

"(20) MAXIMUM CONTRIBUTION LIMIT.—The maximum contribution limit with respect to a calendar year is 12 percent, unless a 3.5 percent surcharge under paragraph (14) is in effect with respect to that calendar year. If such a surcharge is in effect the maximum contribution limit with respect to that calendar year is 12.5 percent.

"(21) SPECIAL RULES FOR CERTAIN COMPUTATIONS UNDER PARAGRAPH (1)(C).—(A) Any computation that is to be made under paragraph (1)(C) on the basis of a 12-quarter period ending on a given June 30 shall be made on the basis of a period—

"(i) beginning on the later of—

"(I) January 1, 1989;

"(II) the first day of the first calendar quarter that begins after the date on which the employer first began to pay compensation subject to this Act; or

"(III) July 1 of the third calendar year preceding that June 30; and

"(ii) ending on that June 30.

"(B) The amount computed under subparagraph (A) shall be increased to an amount that bears the same ratio to the amount so computed as 12 bears to the number of calendar quarters on which the computation is based.".

(b) EMPLOYEE REPRESENTATIVE CONTRIBUTION.—Subsection (b) of section 8 is amended to read as follows:

"(b) EMPLOYEE REPRESENTATIVE CONTRIBUTION.—Each employee representative shall pay a contribution with respect to so much of the compensation paid to him for services performed as an employee representative as is not in excess of the monthly compensation base computed in accordance with section 1(i), at a rate which shall be determined under subsection (a) in the same manner and with the same effect as if the employee organization by which such employee representative is employed were an employer as defined in this Act.".

(c) Extension of Remedies.—Section 8(h) is amended by adding at the end the following: "The remedies available under the first sentence of this subsection for an employer or employee representative who contests the amount of contributions payable by him shall also apply with respect to a contention that the contribution rate determined by the Board under subsection (a) or (b) to be applicable to such employer or employee representative is inaccurate or otherwise improper.".

(d) Board Proclamation of Balance.—Section 8 is amended—

(1) by redesignating subsections (c) through (h) as subsections (f) through (k), respectively; and

(2) by inserting after subsection (b) the following new subsections:

"(c) Board Proclamation of Balance.—

"(1) In general.—Not later than October 15, 1989, and October 15 of each year thereafter the Board shall proclaim—

"(A) the balance to the credit of the account as of the preceding June 30 for purposes of paragraphs (12) and (14) of subsection (a);

"(B) the balance of any advances to the account under section 10(d) after September 30, 1985, that has not been repaid with interest as provided in such section as of September 30 of that year;

"(C) the system compensation base as of that June 30 as computed in accordance with paragraph (11) of that subsection;

"(D) the system unallocated charge balance as of that June 30, as computed in accordance with paragraph (10) of that subsection; and

"(E) the pooled credit ratio, the pooled charge ratio, and the surcharge rate, if any, as determined under paragraph (12), (13), or (14) of that subsection and applicable in the following calendar year.

"(2) Publication of notice.—As soon as is practicable after such proclamation, the Board shall publish notice in the Federal Register of the amounts so determined and proclaimed.

"(d) Notifications by Board.—(1) Not later than the last day of any calendar quarter that begins after March 31, 1989, the Board shall notify each employer and employee representative of its net cumulative contribution balance and cumulative benefit balance as of the end of the preceding calendar quarter, as computed in accordance with paragraphs (7) and (8) of subsection (a) as of the last day of such preceding calendar quarter rather than as of a given June 30 if such last day is not a June 30.

"(2) Not later than October 15, 1989, and October 15 of each year thereafter, the Board shall notify each employer and employee representative of its benefit ratio, reserve ratio, 1-year compensation base, 3-year compensation base, unallocated charge, and reserve balance as of the preceding June 30 as computed in accordance with paragraphs (2), (3), (4), (5), (6), and (9) of subsection (a), and of the contribution rate applicable to the employer or employee representative in the following calendar year as computed under paragraphs (1) (B), (C), or (D) of that subsection.

"(e) Information To Verify Accuracy To Be Made Available.—Notwithstanding any other provision of law, upon request by an employer or employee representative, the Board shall make available to such employer or employee representative any information available to the Board which may be necessary to verify the accuracy of a contribution rate determined by the Board to be applicable to such employer or employee representative, or of any component of that contribution rate including the accuracy of the employer's individual employer record, upon payment by such employer or employee representative to the Board of the cost incurred by the Board in making such information available. The amounts so paid to the Board shall be credited to and deposited in the fund.".

(e) Effective Date.—The amendments made by this section shall take effect upon the date of the enactment of this Act.

SEC. 103. ADMINISTRATIVE EXPENSES.

(a) Change in Percentage To Be Deposited in Fund.—Section 8(i), as so redesignated by section 102(d), is amended by striking out "0.5" and inserting in lieu thereof "0.65".

(b) Conforming Amendments.—(1) Section 10(a) is amended by striking out "0.5" and inserting in lieu thereof "0.65".

(2) Section 11(a) is amended by striking out "0.5" and inserting in lieu thereof "0.65".

(c) Effective Date.—The amendments made by this section shall apply with respect to compensation paid in months beginning after September 30, 1987.

SEC. 104. NOTIFICATION TO EMPLOYER.

(a) In Connection With Claim.—Section 5(b) is amended by adding at the end thereof the following: "When a claim for benefits is filed with the Board, the Board shall provide notice of such claim to the claimant's base-year employer or employers and afford such employer or employers an opportunity to submit information relevant to the claim before making an initial determination on the claim. When the Board initially determines to pay benefits to a claimant under this Act, the Board shall provide notice of such determination to the claimant's base-year employer or employers.".

(b) In Connection With Administrative Review.—Section 5(c) is amended—

(1) by inserting "(1)" after "(c)";

(2) by inserting at the end of the first paragraph the following: "In any such case the Board or the person or reviewing body so established or assigned shall, by publication or otherwise, notify all parties properly interested of their right to participate in the hearing and of the time and place of the hearing.";

(3) by inserting "(2)" at the beginning of the second paragraph;

(4) by inserting after the second paragraph the following:

"(3) Any base-year employer of a claimant whose claim for benefits has been granted in whole or in part, either in an initial determination with respect thereto or in a determination after a hearing pursuant to paragraph (1), and who contends that the determination is erroneous for a reason or reasons other than a reason that is reviewable under paragraph (4), may appeal to the Board for review of such determination. Despite such an appeal, the benefits awarded shall be paid to such claimant, subject to recovery by the Board if and to the extent found on the appeal to have been erroneously awarded. The Board shall take such action as is appropriate to recover the amount of such benefits including if feasible adjustment in subsequent payments pursuant to the first two paragraphs of section 2(d) of this Act. Upon an appeal, the Board shall review the determination appealed from and for such review may designate one of its officers or employees to receive evidence and report to the Board thereof together with recommendations. In any such case the Board or the person so designated shall, by publication or otherwise, notify all parties properly interested of their right to participate in the proceeding and, if a hearing is to be held, of the time and place of the hearing. At the request of any party properly interested the Board shall provide for a hearing, and may provide for a hearing on its own motion. The Board shall prescribe regulations governing the appeals provided for in this paragraph and for decisions upon such appeal.";

(5) by inserting "(4)" at the beginning of the third paragraph;

(6) by inserting "(5)" at the beginning of the fourth paragraph;

(7) by striking out "two" in the first sentence of the fourth paragraph and inserting in lieu thereof "three";

(8) by inserting before the final paragraph the following:

"(6) For purposes of this subsection and subsections (d) and (f), any base-year employer of the claimant is a properly interested party."; and

(9) by inserting "(7)" at the beginning of the final paragraph.

(c) In Connection With Judicial Review.—Section 5(f) is amended—

(1) by inserting after "member," in the first sentence "or any base-year employer of the claimant,"; and

(2) by inserting after the second sentence the following: "A copy of such petition also shall forthwith be served upon any other properly interested party, and such party shall be a party to the review proceeding.".

(d) Conforming Amendments With Respect to Limitation on Administrative Disclosure.—Section 12(d) is amended—

(1) by striking out "and" where it appears before "(iii)"; and

(2) by striking out the period at the end of the first sentence and inserting in lieu thereof the following: "; and (iv) the Board shall disclose to any base-year employer of a claimant for benefits any information, including information as to the claimant's identity, that is necessary or appropriate to notify such employer of the claim for benefits or to full and fair participation by such employer in an appeal, hearing, or other proceeding relative to the claim pursuant to section 5 of this Act.".

(e) Conforming Amendment With Respect to Court Proceedings Limitation.—Section 12(n) is amended by striking out "court" in the proviso to the second paragraph.

(f) Effective Date.—The amendments made by this section shall take effect on January 1, 1989.

SEC. 105. ANNUAL REPORT.

On or before July 1 of 1988, and of each calendar year thereafter, the Railroad Retirement Board shall submit to the Congress a report on the financial status of the railroad unemployment insurance system under various economic and employment assumptions. Such report shall include any recommendation for financing changes which might be advisable, including any adjustment the Railroad Retirement Board recommends regarding the rates of employer contributions.

SEC. 106. AMENDMENTS RELATING TO RAILROAD UNEMPLOYMENT REPAYMENT TAX.

(a) In General.—Chapter 23A of the Internal Revenue Code of 1986 (relating to railroad unemployment repayment tax) is amended to read as follows:

"CHAPTER 23A. RAILROAD UNEMPLOYMENT REPAYMENT TAX

"Sec. 3321. Imposition of tax.

"Sec. 3322. Definitions.

"SEC. 3321. IMPOSITION OF TAX.

"(a) General Rule.—There is hereby imposed on every rail employer for each calendar month an excise tax, with respect to having individuals in his employ, equal to 4 percent of the total rail wages paid by him during such month.

"(b) Tax on Employee Representatives.—

"(1) In general.—There is hereby imposed on the income of each employee representative a tax equal to 4 percent of the rail wages paid to him during the calendar month.

"(2) Determination of wages.—The rail wages of an employee representative for purposes of paragraph (1) shall be determined in the same manner and with the same effect as if the employee organization by which such employee representative is employed were a rail employer.

"(c) Termination if Loans to Railroad Unemployment Fund Repaid.—The tax imposed by this section shall not apply to rail wages paid on or after the 1st day of any calendar month if, as of such 1st day, there is—

"(1) no balance of transfers made before October 1, 1985, to the railroad unemployment insurance account under section 10(d) of the Railroad Unemployment Insurance Act, and

"(2) no unpaid interest on such transfers.

"SEC. 3322. DEFINITIONS.

"(a) Rail Employer.—For purposes of this chapter, the term 'rail employer' means any person who is an employer as defined in section 1 of the Railroad Unemployment Insurance Act.

"(b) Rail Wages.—For purposes of this chapter, the term 'rail wages' means, with respect to any calendar month, so much of the remuneration paid during such month which is subject to contributions under section 8(a) of the Railroad Unemployment Insurance Act.

"(c) Employee Representative.—For purposes of this chapter, the term 'employee representative' has the meaning given such term by section 1 of the Railroad Unemployment Insurance Act.

"(d) Certain Rules Made Applicable.—For purposes of this chapter, rules similar to the rules of section 3307 and 3308 shall apply."

"(b) Continuation of Surtax Rate Through 1989.—

"(1) In general.—In the case of any calendar month beginning before January 1, 1990—

(A) there shall be substituted for "4 percent" in subsections (a) and (b) of section 3321 of the Internal Revenue Code of 1986 the percentage equal to the sum of—

(i) 4 percent, plus

(ii) the surtax rate (if any) for such calendar month, and

(B) subsection (c) of such section shall not apply to so much of the tax imposed by such section as is attributable to the surtax rate.

(2) Surtax rate.—For purposes of paragraph (1), the surtax rate shall be—

(A) 3.5 percent for each month during a calendar year if, as of September 30, of the preceding calendar year, there was a balance of transfers (or unpaid interest thereon) made after September 30, 1985, the railroad unemployment insurance account under section 10(d) of the Railroad Unemployment Insurance Act, and

(B) zero for any other calendar month.

(c) Technical and Conforming Amendments.—

(1) Subsection (d) of section 6157 of such Code (relating to quarterly payment of railroad unemployment repayment tax) is hereby repealed.

(2) Paragraph (2) of section 6201(b) of such Code (relating to amount not to be assessed) is amended by striking out "or tax imposed by section 3321".

(3) Section 6317 of such Code (relating to payments of Federal unemployment tax for calendar quarter) is amended—

(A) by striking out "or tax imposed by section 3321", and

(B) by striking out "and 23A, as the case may be,".

(4) Subsection (e) of section 6513 of such Code (relating to payments of Federal unemployment tax) is amended by striking out the last sentence.

(5) Subsection (i) of section 6601 of such Code (relating to exception as to Federal unemployment tax) is amended by striking out "or 3321".

(6) Subparagraph (A) of section 232(a)(2) of the Railroad Retirement Revenue Act of 1983 is amended by striking out "is attributable to the basic rate under section 3321(c)(1)(A) of the Internal Revenue Code of 1954" and inserting in lieu thereof "is not attributable to the surtax rate under section 106(b) of the Railroad Unemployment Insurance and Retirement Improvement Act of 1987".

(7) Subparagraph (B) of section 232(a)(2) of such Act is amended by striking out "section 3321(c)(1)(B) of such Code" and inserting in lieu thereof "section 106(b) of such Act".

(d) Effective Date.—The amendments made by this section, and the provisions of subsection (b), shall apply to remuneration paid after December 31, 1988.

SEC. 107. GAO STUDY OF FRAUD AND PAYMENT ERRORS.

The Comptroller General shall study the frequency of fraud and payment errors in the railroad unemployment compensation program. Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall report to Congress the results of such study. Such report shall include—

(1) estimates of rates and amounts of annual losses due to fraud and overpayment;

(2) comparisons of such rates with the rates of losses in other Federal programs which experience such losses;

(3) recommendations for legislative measures that could be taken to reduce the losses in the railroad unemployment compensation program arising from fraud and payment errors; and

(4) such other matters relating to such fraud and payment errors as the Comptroller General determines are appropriate.

TITLE II—BENEFIT AND OTHER ADJUSTMENTS

SEC. 201. WAITING PERIOD FOR BENEFITS AND BENEFIT INCREASES.

(a) In General.—Section 2(a) is amended—

(1) by inserting "(1)" after "(a)";

(2) by striking out "four during any registration period:" in the first sentence and inserting in lieu thereof "nine during the first registration period within a benefit year in which the employee has more than four days of unemployment and for each day of unemployment in excess of four during any other registration period in the same benefit year:";

(3) in the second sentence, by striking out "excluding four days of sickness in any registration period" and inserting in lieu thereof "excluding nine days of sickness in the first registration period during a benefit year and four days of sickness in any other registration period in the same benefit year";

(4) by inserting "(2)" at the beginning of the second paragraph;

(5) by striking out "and" after "shall not exceed $24 per day of such unemployment or sickness" in the second paragraph and inserting in lieu thereof a comma;

(6) by inserting "but before July 1, 1987," after "June 30, 1976," in the second paragraph;

(7) by striking out the period at the end of the first sentence of the second paragraph and inserting in lieu thereof ", that for registration periods beginning after June 30, 1987, but before July 1, 1988, such amount shall not exceed $30 per day of unemployment or sickness, and that for registration periods beginning after June 30, 1988, such amount shall not exceed the maximum daily benefit rate provided in paragraph (3) of this subsection.";

(8) by inserting after the second paragraph the following new paragraph:

"(3)(A) The maximum daily benefit rate which the Board is required to compute under section 12(r)(2) shall be the amount computed pursuant to the following formula, but shall be not less than $30:

$$BR = 25\left(1 + \frac{A - 600}{900}\right)$$

"(B) For purposes of such formula—

"(i) 'BR' represents the maximum daily benefit rate; and

"(ii) 'A' represents the amount obtained by dividing the amount of the 'applicable base' with respect to tier 1 taxes as determined under section 3231(e)(2) of the Internal Revenue Code of 1986 for the calendar year in which the benefit year begins by 60, with this quotient being rounded down to the nearest multiple of $100.

"(C) If the maximum daily benefit rate computed under such formula is not a multiple of $1, it shall be rounded to the nearest multiple of $1, with such rounding being upward in the event the amount computed is equidistant between two multiples of $1."; and

(9) by inserting "(4)" at the beginning of the last paragraph.

(b) Effective Dates.—(1) Except as provided in paragraph (2), the amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

(2) The amendments made by paragraphs (2) and (3) of subsection (a) shall apply with respect to registration periods beginning after June 30, 1987.

SEC. 202. QUALIFYING CONDITION.

(a) In General.—Section 3 is amended to read as follows:

"QUALIFYING CONDITION

"SEC. 3. An employee is a qualified employee for the purposes of this Act if the Board finds that—

"(1) such employee will have had compensation with respect to each of not less than 6 months in the base year; and

"(2) such employee's compensation (excluding earnings in any month in excess of the monthly compensation base provided in section 1(i)) in the base year will not have been less than an amount equal to 5 times the monthly compensation base as provided in section 1(i) with respect to the base year.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to base years after 1985, except that an employee who as of the date of the enactment of this Act had received benefits on the basis of compensation and service in base year 1986 shall not be affected by this amendment until the end of the benefit year based on such compensation and service.

SEC. 203. INCREASE IN MAXIMUM PERMITTED SUBSIDIARY REMUNERATION.

(a) IN GENERAL.—The second paragraph of section 1(k) is amended by striking out "$10" and inserting "$15" in lieu thereof.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on July 1, 1987.

TITLE III—RETIREMENT ACT AMENDMENTS

SEC. 301. ADDITIONAL LUMP SUM PAYMENT IN CERTAIN CASES.

Section 6 of the Railroad Retirement Act of 1974 is amended by adding at the end thereof the following new subsection:

"(e)(1) Every individual who will have completed ten years of service at the time of his retirement or death, who will have received compensation in the nature of separation or severance pay on or after January 1, 1985, and who would have been credited with additional months of service pursuant to section 3(i)(4) of this Act except for the fact that such individual was not in an employment relation to one or more employers nor an employee representative in such months, shall, at the time his annuity under section 2(a)(1) of this Act begins to accrue, be entitled to a lump sum in the amount provided under subdivision (2) of this subsection. If the full amount of a lump sum under this subsection cannot be determined at the time an individual's annuity under section 2(a)(1) begins to accrue, such lump sum shall be payable at such time thereafter as such amount can be determined. If an individual otherwise eligible for a lump sum under this section dies before he becomes entitled to an annuity under section 2(a)(1), or before he receives payment of such lump sum, such lump sum shall be payable to the person, if any, who is determined by the Board to be such individual's widow or widower and who will not have died before receiving payment of such lump sum. If there be no such widow or widower, such lump sum shall be payable to the children, grandchildren, parents, brothers and sisters, or the estate of the deceased individual in the same manner as if such lump sum were a lump sum payable under subsection (c)(1) of this section.

"(2) The lump sum provided under subdivision (1) of this subsection shall be in an amount equal to the product of (A) the compensation attributable to the additional months of service which would have been credited to the individual due to the receipt of payments in the nature of separation or severance pay pursuant to section 3(i)(4) of this Act if such individual had remained in an employment relation to one or more employers or had continued to be an employee representative and (B) the rate of tax, or rates of tax, imposed on the compensation described in clause (A) of this subdivision by section 3201(b) of the Internal Revenue Code of 1986.".

SEC. 302. DELETION OF LAST PERSON SERVICE AS A DISQUALIFICATION.

(a) IN GENERAL.—Section 2(e) of the Railroad Retirement Act of 1974 is amended—

(1)(A) in subdivision (1), by striking out "any person, whether or not"; and

(B) by striking out "(but with the" and all that follows through "political subdivision of a State";

(2) in subdivision (2), by striking out "and of the person, or persons, by whom he was last employed"; and

(3) in subdivision (3), by striking out "or to the last person, or persons, by whom he was employed prior to the date on which the annuity under subsection (a)(1) began to accrue".

(b) DEDUCTION FOR WORK.—Section 2(f) of such Act is amended by adding at the end thereof the following new subdivision:

"(6)(A) Except as provided in subparagraph (B)—

"(i) that portion of the annuity for any month of an individual as is computed under section 3(b) and as adjusted under section 3(g), plus any supplemental amount for such month under section 3(e), and that portion of the annuity for any month of a spouse as is computed under section 4(b) and as adjusted under section 4(d), shall each be subject to a deduction of $1 for each $2 of compensation received by such individual from compensated service rendered in such month to the last person, or persons, by whom such individual was employed before the date on which the annuity of such individual under subsection (a)(1) began to accrue; and

"(ii) that portion of the annuity for any month of a spouse as is computed under section 4(b) and as adjusted under section 4(d) shall be subject to a deduction of $1 for each $2 of compensation received by such spouse from compensated service rendered in such month to the last person, or persons, by whom such spouse was employed before the date on which the annuity of such spouse under subsection (c)(1) began to accrue.

"(B) Any deductions imposed by this subdivision for any month shall not exceed 50 percent of the annuity amount for such month to which such deductions apply.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to annuities payable under the Railroad Retirement Act of 1974 for months beginning after the date of enactment of this Act.

SEC. 303. EARNINGS OF DISABILITY ANNUITANTS.

(a) IN GENERAL.—Section 2(e)(4) of the Railroad Retirement Act of 1974 is amended—

(1) by striking out "$200 in earnings" and inserting in lieu thereof "$400 in earnings (after deduction of disability related work expenses)";

(2) by striking out "$2,400" each place it appears and inserting in lieu thereof "$4,800 (after deduction of disability related work expenses)";

(3) by striking out "$200" each place it appears and inserting in lieu thereof "$400"; and

(4) by striking out "$100" and inserting in lieu thereof "$200".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to months in calendar years beginning after December 31, 1986.

SEC. 304. ALLOWANCE OF CREDIT FOR MILITARY SERVICE.

(a) IN GENERAL.—Section 1(g)(2) of the Railroad Retirement Act of 1974 is amended by adding at the end thereof the following: "For purposes of section 3(i)(2) of this Act, the period beginning on June 15, 1948, and ending on December 15, 1950, shall be deemed to be a war service period with respect to any individual who without intervening employment not covered by this Act rendered service as an employee to an employer under this Act in the year such individual was released from active military service or in the year immediately following such year.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to annuities accruing in months after the date of enactment of this Act.

The SPEAKER pro tempore. Is a second demanded?

Mr. LENT. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be concluded as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. THOMAS A. LUKEN] will be recognized for 20 minutes and the gentleman from New York [Mr. LENT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. THOMAS A. LUKEN].

Mr. THOMAS A. LUKEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the House is now considering H.R. 2167. This bill is consensus legislation. It is the product of an agreement negotiated between rail labor and rail management. It also has bipartisan support. It was reported out of our subcommittee and our full committee unanimously. These unanimous votes reflect the broad support which this bill enjoys.

At this time I would like to thank my colleagues, Mr. SLATTERY, Mr. FLORIO, and Mr. COATS, for their hard work in bringing this legislation to the House. I would also like to thank Mr. ROSTENKOWSKI, chairman of the Committee on Ways and Means, for the prompt action his committee took on this important bill.

Mr. Speaker, there are serious problems with the current Railroad Unemployment Insurance System that necessitate this legislation. The Railroad Unemployment Insurance System borrows from the railroad retirement account when it does not have sufficient funds to pay benefits. Because of the serious recession and resulting high rail unemployment that occurred in the early 1980's, large amounts were borrowed from the retirement account. The RUI fund is now in debt to the retirement fund for more than

$600 million. With the loss of more than 20 percent of all railroad jobs just in the recession of 1981 to 1983, the contribution base for both of those funds has shrunk significantly. At the same time, unemployment and sickness benefits haven't been raised in more than a decade.

This consensus legislation, however, addresses these problems. The bill is based on an agreement between rail labor and rail management, as reflected in the recommendation of the Railroad Unemployment Compensation Committee in 1984, and subsequent modifications agreed to in August 1986. Both labor and management realize that the problems with the Railroad Unemployment Insurance System are enormous and must be addressed.

This legislation addresses those problems. First, this bill will, for the first time, make each rail carrier directly accountable to the Railroad Unemployment Insurance System. It imposes an "experience rating" contribution system for rail employers under which an employer's tax rates would be proportional to layoffs. Thus rail carriers will contribute to the system based on their individual employment histories. The result will be that those who lean most heavily on the system will contribute more of their fair share to support it.

Second, the bill also improves certain benefit provisions of the current RUI System. For example, the bill will provide unemployed rail workers with a more reasonably daily benefit. Benefits will be raised from $25 to $30 per day. Moreover, the daily benefit rate will be indexed to reflect two-thirds of the growth in average national wages. At the same time, the bill provides more stringent eligibility requirements, such as a 9-day waiting period for benefits during the initial registration period and more stringent earning and work requirements during the base year.

Finally, the bill includes several amendments to the Railroad Retirement Act, including the elimination of the archaic "last person service" rule.

Mr. Speaker, I urge the House to pass this important legislation.

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Mr. LENT. Mr. Speaker, I yield myself such time as I may consume.

(Mr. LENT asked and was given permission to revise and extend his remarks.)

Mr. LENT. Mr. Speaker, for many years the Railroad Unemployment Insurance System has been faced with severe financial problems. Today the House is considering legislation which will make a substantial contribution toward placing the unemployment system in a solid financial condition.

Mr. Speaker, I would like to commend my esteemed colleagues on both the Committee on Energy and Commerce, particularly the gentleman from Ohio [Mr. THOMAS A. LUKEN], the chairman of the Subcommittee on Transportation; the gentleman from Michigan [Mr. DINGELL], the chairman of the full Committee on Energy and Commerce; the gentleman from Kansas [Mr. SLATTERY], and others for their work on this legislation, and to those on the Committee on Ways and Means, the gentleman from Illinois [Mr. ROSTENKOWSKI], the gentleman from New York [Mr. DOWNEY], and the gentleman from Colorado [Mr. BROWN] for their work. Particularly I would like to comment on the efforts and persistence of my colleague from Indiana [Mr. COATS].

Early during the 99th Congress, he recognized the severity of the problems that the unemployment system faced. He has worked long and hard to ensure that those problems will be adequately addressed.

One of the pressing issues that Congressman COATS has brought to our attention is that rail unemployment benefits are shamefully low. RUI daily benefits are lower than those paid in many States. H.R. 2167 includes a Coats amendment that will increase rail unemployment benefits.

H.R. 2167 will not only benefit unemployed railroad workers but will also benefit railroad retirees. The RUI System has a long history of borrowing from the railroad retirement account in order to pay RUI benefits. In fact, the RUI System presently owes the retirement account over $700 million.

H.R. 2167 will benefit railroad retirees by providing the account greater stability by:

First, requiring full repayment plus interest of the RUI account debt to the retirement account, and

Second, placing the RUI account on sound financial footing so that it is less likely to incur new debts.

Although H.R. 2167 retains an independent Rail Unemployment System—it is a step in the direction toward establishing a financially sound Railroad Unemployment and Retirement Systems.

I support this legislation, and I urge my colleagues to do likewise.

Mr. THOMAS A. LUKEN. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from New York [Mr. DOWNEY], a member of the Committee on Ways and Means and the chairman of the Subcommittee on Public Assistance and Unemployment Compensation.

Mr. DOWNEY of New York. Mr. Speaker, the need for reform of the Railroad Unemployment Compensation Program is clear: The benefits are out-of-date; the tax structure is deficient; and the program owes the railroad retirement program $750 million. H.R. 2167 solves each of these problems.

On the tax side, it makes a number of improvements. First, it would set the basic Railroad Unemployment Insurance tax rate at 8 percent in 1988 and 1989. In 1990, a 3-year phase-in of an experience-rating tax system would begin. This would make each employer's tax rate proportional to the amount its laid-off employees receive in benefits. By 1992, each employer would pay an experience-rated tax plus an administrative tax. Each of these taxes would apply to a $600 per month taxable wage base, which would increase each year by two-thirds of the increase in national average wages.

In addition to the experience rates, a new surcharge rate would be created. The surcharges would be inversely proportional to net assets in the railroad unemployment insurance account. If net assets fall below $100 million, but are above $50 million, the surcharge would be 1.5 percent. If net assets are negative, the surcharge would be 3.5 percent. This mechanism would help to avoid future borrowing from the Railroad Retirement Program.

One of the most important provisions of this bill is the proposal to retire the debt owed to the pension fund. To do that, the current debt repayment tax would be changed to a constant 4.0 percent beginning in 1989 and would remain in effect until the $750 million debt is repaid. Under current projections, the debt plus interest owed to the Railroad Retirement Program will be repaid in 1996.

The repayment of the $750 million debt is long overdue, but some have argued we should wait still longer. They ask us to wait for next year's railroad industry collective bargaining process to tell us what to do; or to wait for a commission on railroad retirement to tell us what to do. We know what to do already. We are not going to learn anything new about this debt in the next 2 years. It is time to repay it.

The bill also would allow public commuter railroads to participate in the Railroad Unemployment Compensation Program on a "reimburseable basis" in 1988 and 1989. This means that public commuter railroads would reimburse the Railroad Retirement Board for the benefits paid to their laid off employees. In 1990, they would phase into experience rating with the other railroads.

In the recent past, public commuter railroads have paid railroad unemployment taxes that were about four times the amount of benefits paid to their laid-off workers. Public commuter railroads receive large taxpayer subsidies. When a public commuter railroad pays excess unemployment taxes, taxpayers end up subsidizing private railroads. The bill would correct this problem in 1988 and 1989 until experience rating phases in beginning in 1990. After 1989, the tax rates applied in public commuter railroads will be more in proportion to the benefits paid to their laid-off workers.

This bill is a common sense reform of Railroad Unemployment Compensation. Congress should pass it now and the President should sign it as soon as it reaches his desk.

Mr. LENT. Mr. Speaker, I yield 4 minutes to the gentleman from Indiana [Mr. COATS] a member of the Committee on Energy and Commerce.

Mr. COATS. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I believe H.R. 2167, the Railroad Unemployment and Retirement Improvement Act of 1987, is a step in the right direction toward addressing the financial problems of the railroad unemployment system. I therefore, commend my colleagues on the Energy and Commerce Committee, Messrs. LENT, LUKEN, SLATTERY, and WHITTAKER, as well as my colleagues on the Ways and Means Committee, Messrs. ROSTENKOWSKI, DOWNEY, BROWN, and GRADISON for their hard work which has resulted in this thoughtful legislation.

The financial problems of the railroad unemployment insurance system are nothing new. The future of the system is crucial to the approximately 30,000 unemployed rail workers who are currently receiving benefits. The railroad unemployment system has borrowed from the railroad retirement system in 20 of the last 25 years in order to pay unemployment benefits. Therefore, the financial health of the RUI system has a direct impact on the financial security of rail retirees.

A number of us have worked throughout the last Congress, as well as this Congress, to ensure that the problems of the RUI system would be addressed in a manner that is fair to unemployed rail workers, railroad retirees, rail carriers, and the American taxpayer. Congress cannot afford to delay addressing those problems any longer. Nor can it allow RUI benefits to remain lower than those paid by many of the State unemployment systems.

Although H.R. 2167 retains the independent nature of the RUI system, it makes important changes to that system.

First, it requires rail carriers to pay unemployment taxes based on their unemployment experience, instead of the flat tax they currently pay. This will encourage rail carriers to attempt to keep their unemployment rates low.

Second, the bill provides for a surcharge which will be triggered when funds in the unemployment account fall below designated levels. Providing a mechanism to raise additional funds should end the practice of borrowing from the railroad retirement fund, thereby contributing to the solvency of the retirement fund, as well as the unemployment system.

Finally, the bill includes an amendment that I offered last Congress, during consideration of similar legislation. That amendment was adopted and will increase the maximum daily benefit afforded unemployed rail workers from its current unrealistically low level of $25 to $30.

H.R. 2167 will help address the financial problems of the RUI account and unemployed rail workers. I urge my colleagues to vote "yes" on H.R. 2167.

□ 1410

Mr. THOMAS A. LUKEN. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from New Jersey [Mr. FLORIO], the author of the legislation and principal toiler in the field of railroad legislation.

Mr. FLORIO. Mr. Speaker, I thank the gentleman for his comments as well as for the time, and I offer my congratulations to him and the gentleman from New York [Mr. LENT], the gentleman from Kansas [Mr. WHITTAKER], and all those members responsible for helping to produce this excellent piece of legislation.

Mr. Speaker, this bill, which is based on a labor-management agreement, would provide a long needed increase in unemployment insurance benefits for unemployed railroad workers. Under the legislation, benefits would increase from $25 a day to $30 a day. The bill also provides for future automatic increases in the benefit rate based on an indexing formula.

This legislation would help ensure the solvency of the railroad unemployment insurance system. As amended by the Ways and Means Committee, it also helps improve the solvency of the railroad retirement system by maintaining the repayment tax paid by railroads until the existing debt of the unemployment insurance system to the retirement system is paid off. It will also help reduce the unemployment insurance costs of those employers with stable employment, such as commuter railroads, by replacing the current flat rate contribution system with experience rating.

Indeed, as a result of an amendment by the Ways and Means Committee, the legislation expedites the transition of commuter railroads into the fairer experience rating system by providing authority for commuter railroads to cover their unemployment and sickness costs on a cost reimbursable basis for 1988 and 1989. In 1990, commuter railroads would participate fully in the experience rating system. The transition provision is fair to both commuter and other railroads and will result in a savings of several million dollars to commuter railroads, such as New Jersey Transit.

The bill before the House is based on an agreement reached last year by railroad labor and management raising benefits to $30 a day. This additional increase, from the $27 originally agreed on, was prompted by the strong and vigorous concern of Congressman COATS, which I shared, that benefits should be raised to provide unemployed rail workers with additional assistance. This bill reflects that understanding and I urge support for the bill.

Mr. LENT. Mr. Speaker, I yield 4 minutes to the gentleman from Minnesota [Mr. FRENZEL].

Mr. FRENZEL. Mr. Speaker, I rise to rain on this picnic. All of the speakers so far have indicated that this is a great consensus and a wonderful thing for America. I believe it is tokenism.

In my judgement, it provides insufficient progress on a problem that Congress has known about for many years. Certainly when I first joined the Ways and Means Committee there were attempts to try to rationalize railroad unemployment by putting it into the standard national unemployment program. Committees of both Houses have wrestled with this problem ever since. None have been equal to the task.

I do not think there is anyone who looks at this problem from outside who does not say, yes, we should have one national unemployment compensation program and railroad employees and other kinds of employees should be in that program. A railroad employee is just as unemployed as a person who works for any other kind of employer. The table of benefits within each State ought not to distinguish between railroad and other employees.

In addition to making insufficient progress towards rationalizing a railroad unemployment program, this bill provides for a number of expensive new provisions which give us a negative effect on the budget in the first 2 years.

In fiscal 1988 it provides $14 million of new, additional spending, and in fiscal 1989, $15 million of new, additional spending. Not until the third year of the triennium is a plus achieved. In fiscal year 1990, the bill will deliver, according to CBO, $34 million positively. This bill creates unbudgeted expense.

At this time, when we are searching so assiduously, for amounts that we can reduce from the budget baseline, we should not simply give away $14 million or $15 million.

I do not criticize the committee for having done it. Even after the increases in this bill, the benefits are not generous. Nevertheless, this is not the right time for more expenses, unless, of course, Congress wants to integrate railroad unemployment into the national program.

This House is being asked to act on the basis of recommendations of a commission created in 1976 which did not get around to reporting until 1984. We are now acting on those recommendations. This is, of course, what happens when we have two committees, Ways and Means and Energy and Commerce, who are each responsible for a different corner of the problem. The committees should have gotten together a long time ago and created a single unemployment compensation program, and railroads should have been a part of that overall program.

Because the committee labored mightily, I do not encourage others to cast their votes against this bill. As I said, H.R. 2167 is an improvement. Because it is an insufficient improvement to a problem that has been known and acknowledged for more than a decade, I cannot vote for it.

The committees could have done more. And they should have done more. My vote against this bill means I do not give them a passing grade.

Mr. THOMAS A. LUKEN. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Kansas [Mr. Slattery].

Mr. SLATTERY. Mr. Speaker, I rise in support of H.R. 2167, the Railroad Unemployment Insurance and Retirement Improvement Act.

This bill is based upon an agreement between rail labor and rail management, as reflected in the consensus recommendation of the rail unemployment compensation committee in 1984, and subsequent modifications agreed to in August 1986. I will not review all of the provisions of the bill, but I would like to point out that this bill will make several major improvements in the R.U.I. system: the daily unemployment and sickness benefit rate will be increased from $25 to $30, contributions by employers will be based upon a new experience rating system. And the bill provides a surcharge which will be triggered when the funds in the R.U.I. account are not sufficient to pay unemployment benefits. Presently, when the funds in the R.U.I. account are not sufficient to pay unemployment benefits, the R.U.I. system borrows from the rail retirement system. The R.U.I. does not have a good track record of repaying those loans, and the R.U.I. currently is in debt to the rail retirement fund for over $800 million. This new mechanism will contribute to the future financial solvency of both funds.

In addition, Mr. Speaker, I am particularly pleased that this legislation includes a provision which I developed after hearing from several railroad retirees in northeast Kansas. These retirees left railroad service and received severance payments upon which they paid railroad retirement taxes, but they did not receive any retirement credit for those tax payments because they were no longer employed by the railroads.

This problem arose as a result of the Solvency Act of 1983, which annualized the tax base used for railroad retirement purposes. The act also allowed deeming of months of service for benefit purposes to conform to the annualized wage bases. However, months of service could not be deemed for benefit purposes for any months in which the individual was neither in an employment relation to an employer nor an employee representative. As a result, individuals receiving severance payments could be subject to significant retirement tax liabilities while receiving credit for only 1 month of service.

Because of the recent change in the law and the large number of recent severance payments in the railroad industry, many employees accepting severance have been forced to make as much as a full year's contribution to the retirement fund, while receiving as little as 1 month's credit for service. Section 301 of this legislation would correct this inequity by providing for a lump sum benefit equal to the employee's contribution to the retirement fund made from compensation for which the employee did not receive service credit. This provision would apply only to employees with at least 10 years of service and who are retiring. No additional months of service would be credited to such employees.

Mr. Speaker, this is needed legislation and I urge my colleagues to support it.

Mr. Speaker, I appreciate the work of the gentleman from Ohio [Mr. Thomas A. Luken] and all of the others who have played a role in bringing this legislation to this point.

Mr. LENT. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania [Mr. Goodling].

Mr. GOODLING. Mr. Speaker, after many long years of work, I am pleased to see that H.R. 2167, the Railroad Unemployment Insurance and Retirement Improvement Act, includes language amending the current "last person service" provisions contained in the law governing railroad retirement.

In 1983 I was contacted by Terry Bluett, director of personnel at York Hospital, concerning one of their employees, Marlyn Dellinger. Mr. Dellinger had been laid off by the railroad after 22 years of service, couldn't find a job within the railroad industry, and took a low-paying job as a housekeeper at York Hospital. When Mr. Dellinger became eligible for his railroad retirement pension, he was informed he would have to quit his job at York Hospital in order to begin receiving benefits. He could work for any other employer, earn up to $410 a month in benefits and still receive his pension, but he could not work for York Hospital.

York Hospital considered him a valuable employee and wanted to help him stay at the hospital, even though he was 60 years of age. Mr. Dellinger was loyal to York Hospital, which had treated his invalid wife about 26 times, and wanted to stay. Unfortunately, Mr. Dellinger had to quit his position.

At that time, I began working with my colleague from Maryland, the Honorable Beverly Byron, to address this issue. She also had constituents who were adversely affected by this provision in the law. We introduced legislation and were successful in attaching language to an appropriations bill calling for a study of the so-called last person service provision. When the study was finally completed, we amended our bill to reflect the findings of the study. It is good to note that the bill reported by the committee contains a provision that is almost identical to our final legislative effort addressing this issue.

Mr. Speaker, it would be hard to find a rule comparable to the current last person service provision in any other retirement program. Certainly it is fair to rule that an individual must stop working at his current job or within an industry, such as the railroad industry, in order to begin drawing a pension. It is unduly harsh to force him to quit a job unrelated to the job from which he will be drawing a pension. It is also illogical when the same individual can go out and find a job similar to the one he was forced to quit and still draw benefits. Unfortunately, many of the individuals who must quit low-paying, sometimes part-time jobs in order to receive a pension are unable to find another job because of their age—and many of them need additional income in order to survive.

Mr. Speaker, a lot of years have passed since Congresswoman Byron and I took up the battle to amend the last person service rule. However, York Hospital, to this day, intends to welcome Mr. Dellinger back with open arms if this legislation is enacted. For the sake of Mr. Dellinger and others like him throughout the country, I hope we can finally eliminate this unfair provision in the law.

Mr. THOMAS A. LUKEN. Mr. Speaker, I am pleased to yield 3 minutes to the gentlewoman from Maryland [Mrs. Bryon].

Mrs. BYRON. Mr. Speaker, I thank the gentleman for yielding time to me. Let me say I would like to speak in favor of the provisions of H.R. 2167 which would delete the last person service rule from the Railroad Retirement Act.

Under current law, a railroad worker and his or her spouse, must cease working for his or her present employer in order to receive railroad retirement benefits. The gentleman from Pennsylvania [Mr. GOODLING] talked about a constituent of his from York, PA. I would like to talk about an elderly lady from western Maryland who worked for the railroad on a full-time basis and for a dress shop on a part-time basis. She became eligible for her railroad annuity but was required to leave her job at the dress shop in order to receive the annuity. She was informed that once she retired, she could find employment with some other dress shop, but not for the same dress shop she worked for immediately preceding retirement.

Obviously, this provision has outlived any useful purpose for which it was originally intended. At present, it only serves to create an unnecessary hardship for those railroad retirees who wish to continue working at jobs that they have held over the years.

I, along with my colleagues Mr. GOODLING, Mr. DAUB, and Mr. RAHALL, introduced H.R. 1148 earlier this session. As a matter of fact, Mr. GOODLING and I have been working on this problem for a number of years now. H.R. 1148, based on legislation we introduced during the 99th Congress, would have amended the Railroad Retirement Act by deleting the last person service rule.

I was very happy to learn that a provision similar to our legislation was incorporated into this bill, H.R. 2167, now under consideration.

Under this bill, those rail retirees and their spouses wishing to retain nonrailroad jobs that they have held over the years could still receive railroad benefits. His or her benefits, however, would be reduced $1 for each $2 of compensation received in last person service. These work deductions could not serve to reduce the monthly tier 2 and supplemental annuity of the retired rail employee or the spouse below 50 percent of the amount they would have received if they had not worked in last person service.

I would like to thank both committees, especially the gentleman from Ohio, for their work on this legislation, and for their concern regarding the inequities of the last person service rule.

□ 1425

Mr. LENT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. THOMAS A. LUKEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. ANDREWS] for a colloquy.

Mr. ANDREWS. Mr. Speaker, I would like to engage in a colloquy with the distinguished gentleman from Ohio [Mr. THOMAS A. LUKEN], the chairman of the Subcommittee on Transportation.

Mr. Speaker, as you know, I have introduced H.R. 3495, the Railroad Retirement Divorce Spouses Equity Act, because currently, unlike Social Security and military retirement, the divorced spouses of railroad workers cannot collect a retirement benefit unless the ex-husband is retired. Thus, there exists the situation where a divorced woman of retirement age cannot receive any retirement benefits because her ex-husband refuses to retire, or he is younger than his ex-wife and has not yet retired.

This situation contrasts sharply with the "pension equity" provisions of the Social Security and military retirement reforms of 1984, which sealed these types of retirement gaps for divorced spouses. Congress intended to put an end to such inequities, and the only reason that railroad retirement was not likewise amended in 1984 was simple oversight. Thus, there now exists a group of women, although admittedly few in number, who are being penalized simply because their ex-husbands are railroad workers.

H.R. 3495 would solve this problem by clarifying that the divorced spouses of railroad workers would be eligible for retirement benefits beginning at age 62, regardless of whether or not the ex-husband is retired, this bringing railroad retirement into line with Social Security and military retirement in this respect.

The CBO has estimated that this correction would cost around one-half million dollars, a truly small price to pay to correct such an obvious injustice.

Mr. Speaker, the Budget Reconciliation Act recently passed by the House included, in section 9033, the establishment of a Commission on Railroad Retirement Reform. Furthermore, Mr. Speaker, it has been agreed upon that during the House-Senate conference on H.R. 2167 an effort will be made to include, in the final report, a recommendation that the Commission specifically study this problem of divorced spouses of railroad workers.

Mr. THOMAS A. LUKEN. Mr. Speaker, if the gentleman will yield, I thank the gentleman for an excellent statement, and should we be appointed conferees we will make every effort to include such language in the conference report on the reconciliation bill.

Mr. ROSTENKOWSKI. Mr. Speaker, today, the House will vote on a major reform of the Railroad Unemployment Compensation Program. The bill contains not only a reformed railroad unemployment tax structure, but also a debt repayment tax that would repay the current debt plus interest owed by the program to the railroad retirement account. The bill also provides modest benefit improvements, which are fully financed by the tax changes. In fact, over the next 5 years the bill would reduce the budget deficit by $110 million.

During the early 1980's, the Railroad Unemployment Compensation Program borrowed substantial sums from the Railroad Retirement Program. Today, this debt stands at $750 million. Congress responded to this problem by creating the Railroad Unemployment Compensation Committee under the Railroad Retirement Solvency Act of 1983. The committee was to recommend changes to the program in 1984.

The bill before the House today would make many of the changes recommended by the Railroad Unemployment Compensation Committee in 1984. These include modest benefit improvements, a new experience-rated tax system, and a debt repayment tax.

The estimated cost of this bill for fiscal year 1988 through 1990 is $60 million. However, over the same time period the bill would collect $65 million in additional revenue. In other words, it would reduce the deficit over this 3-year period by $5 million. Over a 5-year period, the bill would reduce the deficit by $110 million.

This is a fiscally responsible bill. It not only pays for itself, but it begins to repay a debt that is long overdue.

I will ask the acting chairman of the Subcommittee on Public Assistance and Unemployment Compensation, Mr. DOWNEY of New York, to explain the legislation in more detail.

Mr. Speaker, this bill is a landmark reform of the Railroad Unemployment Compensation Program. The bill should be enthusiastically passed by the Congress and signed by the President.

Mr. THOMAS A. LUKEN. Mr. Speaker, I have no further requests for time and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BRUCE). The question is on the motion offered by the gentleman from Ohio [Mr. THOMAS A. LUKEN] that the House suspend the rules and pass the bill H.R. 2167, as amended.

The question was taken.

Mr. FRENZEL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. THOMAS A. LUKEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter therein on the bill, H.R. 2167

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

SWAN FALLS WATER RIGHTS AGREEMENT

Mr. SHARP. Mr. Speaker, I move to suspend the rules and pass the bill

(H.R. 519) to direct the Federal Energy Regulatory Commission to issue an order with respect to Docket No. EL-85-38-000, as amended.

The Clerk read as follows:

H.R. 519

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FERC ORDER.

(a) ISSUANCE OF ORDER.—Notwithstanding the petition filed by the Idaho Power Company on November 26, 1984, with the Federal Energy Regulatory Commission for a declaratory order concerning an Agreement dated October 25, 1984 (Exhibit A, Petition of Idaho Power Company for Declaratory Order, FERC Docket No. EL-85-38-000), relative to the projects of such company specifically referenced in the petition, the Federal Energy regulatory Commission is authorized and directed, in lieu of the petition request, to issue an order under the Federal Power Act providing that such Agreement shall not be considered by the Commission, in any subsequent proceeding before the Commission during the remaining term of the licenses applicable to such projects, to be either—

(1) inconsistent with the terms and conditions of such licenses concerning the retention of project property; or

(2) imprudent for purposes of section 205 of the Federal Power Act.

The order, subject to the requirements of section 3(a)(2), shall be issued within 90 calendar days after enactment of this Act and shall take effect on the date provided in section 3.

(b) CONSIDERATION OF OTHER MATTERS.—Notwithstanding the issuance of an order pursuant to this section, except for the specific terms and conditions referred to in subsection (a)(1) and the specific provisions of the Federal Power Act referred to in subsection (a)(2), the Commission may, at any time, consider, in accordance with existing and applicable law, whether the settlement agreement and the licensee are in full compliance with—

(1) any terms and conditions of the license (including those relating to the protection, mitigation, and enhancement of fish and wildlife), and

(2) any other applicable provision of Federal environmental law (including section 10 of the Federal Power Act).

(c) OFFERS OF SETTLEMENT.—In issuing an order pursuant to this section, the Commission shall accept and adopt as part of the order the Offers of Settlement pending before the Commission on enactment of this Act between the licensee, the State of Idaho, the Secretary of the Interior, the National Marine Fisheries Service and others.

SEC. 2. SAVINGS PROVISION.

(a) FISH AND WILDLIFE AGREEMENTS AND STIPULATIONS.—Nothing in section 1 or in any order issued by the Commission pursuant to section 1 shall be construed as affecting any stipulation or other agreement entered into by the State of Idaho or the Idaho Power Company prior to the date of enactment of this Act relating to any fish and wildlife matters affected by any such project.

(b) FERC AUTHORITY.— Nothing in section 1 shall be construed to modify, change, expand, or limit the authority of the Federal Energy Regulatory Commission under the Federal Power Act or other applicable law relating to fish and wildlife.

(c) WATER.—Nothing in this Act shall be construed as (1) affecting the rights or jurisdiction of the United States, the States, Indian tribes, or other entities over waters of any river or stream or over any ground water resource; (2) altering or establishing the respective rights of States, the United States, Indian tribes or any person with respect to any water or water-related right; or (3) altering, amending, repealing, interpreting, modifying, or be in conflict with, the Treaty rights or other rights of any Indian tribe.

SEC. 3. STUDY.

(a) JOINT AGREEMENT TO CONDUCT STUDY.—

(1) The Federal and licensee parties to the Offers of Settlement and the settlement agreement referred to in section 1 shall immediately after enactment of this Act enter into good faith negotiations for a joint agreement to conduct and adequately finance detailed evaluations and studies (and issue a report thereon) concerning the timeing, quantity, and quality of instream flows and related matters to protect, enhance, and mitigate fish and wildlife resources, including an anadromous fish and related habitat of the Snake River and the Deer Flat National Wildlife Refuge. Such agreement shall be filed with the Federal Energy Regulatory Commission and shall be considered thereafter as part of the order issued pursuant to section 1. Such negotiations shall be completed and a joint agreement entered into by all such parties and filed with the Commission not later than 60 calendar days after the order is issued under section 1.

(2) If a joint agreement is not entered and filed within the 60-day period referred to in paragraph (1), the Commission shall within 60 calendar days after the expiration of such period issue an order under this paragraph requiring that the evaluations and studies referred to in paragraph (1) be undertaken and the duties and responsibilities of such parties to conduct and finance them. The Commission may for good cause extend the time for issuance of the order under this paragraph an additional period of not more than 45 calendar days. The Commission in issuing an order under this subsection, may take into consideration such information as the parties may stipulate and file with the Commission resulting from such negotiations. The Commission is not required, notwithstanding any provision of law, to afford the parties any other opportunity to make oral or written presentations to the Commission regarding such order. In any judicial review of the order issued under section 1, the order (or the adequacy thereof) issued under this paragraph shall not be a basis for that review or for a stay of the effective date of the order issued under section 1.

(3) The order referred to in section 1 shall be effective and final when the joint agreement referred to in paragraph (1) is filed by all the parties with the Commission, or not later than 60 calendar days after such order is issued under section 1, whichever comes first. The order referred to in paragraph (2) shall be effective and final when issued. When effective, each order issued and joint agreement adopted shall be enforced by the Commission under the Federal Power Act and the licensee shall pay its assigned share at the times and in the manner directed by the Commission.

(4) The evaluations and studies and the report thereof required by this subsection shall be made available by the Federal parties to the public and the Commission and shall be considered by the Commission in accordance with existing and applicable law.

(5) Any final order issued pursuant to this Act shall be subject to judicial review in the same manner as final orders under the Federal Power Act are subject to judicial review under that Act.

(b) PARTICIPATION BY GOVERNOR.—At any time prior to the effective date of the order issued under section 1(a) of this Act, the Governor of the State of Idaho shall have the option to participate in good faith in the negotiations required by section 3 of this act. In exercising such option, the Governor shall agree to carry out the State's responsibilities under the agreement or any order issued by the Commission under subsection (a).

(c) FUNDING FOR FEDERAL SHARE OF STUDIES.—The Secretary of the Interior and the National Oceanic and Atmospheric Administration shall, subject to applicable appropriation Acts, utilize such funds as may be available for carrying out the evaluations and studies required by this Act to be conducted by the parties referred to in subsection (a) and such agencies are authorized and directed to seek further appropriations as may be necessary. All such funds shall be available until expended. The Federal share of the costs of carrying out the evaluations and studies shall be determined pursuant to the joint agreement under subsection (a) (or the Commission order under subsection (a)(2), if applicable). The Federal agencies shall provide for consultation with the affected Indian tribes and other interested public or private persons during the conduct of any study conducted pursuant to this act.

SEC. 4. PROVIDING INFORMATION TO CONGRESS.

The Federal Energy Regulatory Commission, the Secretary of the Interior, and the Administrator of the National Oceanic and Atmospheric Administration shall keep the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate fully and currently informed of the status of all actions taken or required by this Act and of any delays (and the reasons therefor) in implementing all such actions.

The SPEAKER pro tempore. Is a second demanded?

Mr. LENT. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Indiana [Mr. SHARP] will be recognized for 20 minutes and the gentleman from New York [Mr. LENT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Indiana [Mr. SHARP].

Mr. SHARP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is the Swan Falls bill. It is a bipartisan, noncontroversial measure that lets the State of Idaho proceed with a statewide settlement of water rights in the Snake River. It does this by specifying that when the Idaho Power Co. joins in this settlement it will not let it be found imprudent or in violation of its hydro license on the Swan Falls Dam.

I want to especially commend the gentleman from Idaho [Mr. STALLINGS], who has been vigorous in his effort to move the Committee on Energy and Commerce and the House of Representatives to take up this matter. It has been a top priority with him.

We also appreciate the efforts of the gentleman from Idaho [Mr. CRAIG], another member of the Idaho delegation, and also the fact that we have had bipartisan cooperation on this at every stage.

Passage of this measure is critical to the farmers in the State of Idaho and all the others who depend on the Snake River resources. The committee amended this bill to give solid environmental protection to the fish and wildlife in the Snake River habitat. The bill in its present form is now supported by the Audubon Society, the Friends of the Earth, the Indian tribes with water interests there, the Federal Fish and Wildlife Agencies, the Governor of Idaho, and the Idaho Power Co.

Mr. Speaker, I finally want to commend the chairman of our committee, the gentleman from Michigan [Mr. DINGELL], who has worked hard to gain the environmental protections in the bill and the wide support it now enjoys.

Mr. LENT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 519, legislation concerning certain hydroelectric projects licensed to the Idaho Power Co.

This bill was approved by unanimous voice vote of both the Subcommittee on Energy and Power and the full Committee on Energy and Commerce. It is similar to legislation passed by the Congress last year, but which was not signed by the President because it was attached to appliance standards legislation the administration then objected to.

The purposes of the legislation are narrow and affect only certain hydroelectric facilities on the Snake River in Idaho. Under H.R. 519 the Federal Energy Regulatory Commission would be required to issue an order, pursuant to the Federal Power Act, providing that a water rights settlement entered into in 1984 by the State of Idaho and the Idaho Power Co. shall not be considered to be inconsistent with the terms and conditions of the licenses relating to the retention of project properties.

H.R. 519 would also direct the licensee and interested agencies to negotiate an agreement to protect fish and wildlife resources located in and around the Snake River. Of particular concern is maintaining adequate river flows for the Deer Flat National Wildlife Refuge.

I am not aware of any opposition to this bill, and I urge its speedy enactment by this House.

Mr. SHARP. Mr. Speaker, I yield 5 minutes to the gentleman from Idaho [Mr. STALLINGS] who, along with his colleague, the gentleman from Idaho [Mr. CRAIG], is the chief sponsor of the bill.

Mr. STALLINGS. I thank the gentleman for yielding time to me.

Mr. Speaker, it is with great pride that I rise to speak in strong support of H.R. 519, the Swan Falls Water Rights Agreement, a bill which I introduced earlier this year.

After many months of negotiations and hard work, a compromise has been reached on legislation to approve this important agreement. This bill represents a landmark day for citizens of Idaho and may finally resolve one of the State's most important natural resource management issues.

The legislation before the House today directs the Federal Energy Regulatory Commission to issue an order approving the Swan Falls Agreement. This is an important bill which only affects the State of Idaho. The legislation resolves a long-standing dispute concerning existing and future uses of the Snake River.

Before I discuss the bill and its importance to the people of Idaho, I want to emphasize to my colleagues the broad, bipartisan support this legislation enjoys. This bill has the support of the State congressional delegation, the Governor of Idaho, and Idaho Power Co.

A look back will illustrate the importance of this vital issue. After many years of heated controversy and public debate, the Swan Falls Agreement between the State of Idaho and Idaho Power Co. was reached on October 25, 1984.

The intent of the agreement was to legally settle the water rights issue in the Snake River Basin and to define the utility's water rights for hydropower production.

The agreement already has been ratified by the Idaho State Legislature. Several State agencies also have taken the necessary steps to implement it. However, the final step requires Federal approval.

Until the Federal Government takes action, thousands of water rights permits and applications pending before the Idaho Water Resources Department are still tied up.

A petition to settle the issue has been pending at FERC since 1984. The Commission's failure to take action on the agreement has left Idaho waterusers in a state of uncertainty and has forced the State to continue its moratorium on processing water rights applications.

It is important to also point out that this legislation does not disturb any existing legal protections for fish and wildlife, and has several provisions which should enhance such protection.

The Swan Falls Agreement and legislation are the result of a dedicated effort from many Idahoans. Special recognition and thanks to Idaho Gov. Cecil Andrus, former Gov. John Evans, Attorney General Jim Jones, Idaho Power Co. officials, and many others who have played an important role in this process.

I would like to express my personal appreciation and thanks to the distinguished chairman of the House Energy and Commerce Committee, Mr. DINGELL. Without the chairman's strong support and personal commitment to work out an acceptable compromise, it would have been difficult to produce a legislative solution.

I also want to take this opportunity to express my special thanks to two of my colleagues, Congressman SHARP, the subcommittee chairman, and Congressman WYDEN, for their help and support. It has been a pleasure working with them on this bill.

As a cosponsor of the bill, Congressman CRAIG also played an important role in this matter, and his efforts are appreciated.

Several congressional and State staff members devoted a great deal of time and effort working with us to resolve this issue. They provided needed guidance and direction during our discussions, and deserve special thanks.

This important agreement is in the public interest and will serve as a sound management plan for the Snake River, which is truly the lifeblood of Idaho's economy and quality of life.

Irrigation, energy production, fish and wildlife, recreation, and other uses all benefit from effective stewardship of Idaho's Snake River.

The Swan Falls Agreement also will help shape the future of our resource-based economy and provide an important roadmap to preserving our unique way of life.

House approval today will complete the final chapter of a long and difficult struggle that has confronted Idaho for many years. I can think of no issue of greater importance to Idaho citizens than the future management of our water resources. I urge my colleagues to support passage of this important legislation.

Mr. Speaker, I include the letter from the Governor of Idaho to me, as follows:

OFFICE OF THE GOVERNOR,
Boise, ID, November 9, 1987.

Hon. RICHARD STALLINGS,
House of Representatives, Washington, DC.

DEAR REPRESENTATIVE STALLINGS: I fully support your effort to push ahead with legislation to implement the Swan Falls agreement in Idaho.

I have great confidence in the judgment of you and your colleagues. The resolution of this issue has been devoid of partisan political concerns and the best interests of Idaho have always been placed ahead of any other consideration. Knowing that, I am confident that if there are deemed to be deficiencies in the committee report of the legislation, those concerns can be addressed when the legislation receives Senate consideration.

This issue has been widely debated and the ramifications broadly aired. Now the time has come to act, and act favorably.

Your leadership on this issue, which is of tremendous importance to Idaho, is very much appreciated.

With best regards.

Sincerely,

Cecil D. Andrus,
Governor.

Mr. LENT. Mr. Speaker, I yield 5 minutes to the gentleman from Idaho [Mr. Craig].

Mr. CRAIG. I thank my colleague, the ranking minority member on the subcommittee, the gentleman from New York [Mr. Lent] for yielding time to me.

I would also like to thank Chairman Sharp and certainly my colleague, the gentleman from Idaho [Mr. Stallings].

Mr. Speaker, I rise today to voice my support for H.R. 519, a bill known as the Swan Falls Water Rights Agreement. Enactment of this bill will resolve major issues concerning existing and future uses of resources on the Snake River. This bill will also result in the dismissal of pending litigation between the Idaho Power Co. and thousands of individual defendants. At the same time, Mr. Speaker, I wish to voice my concern that the committee report has not been printed and thus, fully reviewed. As you know, the report will be the principal interpretive tool when courts or administrative agencies are called on to understand the intent of the bill. Without the committee report, you can understand my concern that there may be discrepancies between the report and the bill.

My main concern is whether the report is consistent with negotiations that led to amendment of the original bill. These negotiations, between the State of Idaho, private interests, environmental groups, and Federal agencies, assisted is amending the bill in a manner satisfactory to everyone. It was the understanding of all parties involved that the amended bill would remain neutral regarding FERC's jurisdiction over water rights issues. The agreement was that no one was to obtain an advantage through this legislation regarding FERC jurisdiction.

Mr. Speaker, the State of Idaho greatly needs this legislation. We have come a long ways with the bill, and now is not the time to stall that effort. This issue has been of considerable importance in southern Idaho for quite some time and it is necessary that we proceed with the bill.

While passage of H.R. 519 is important to Idaho and all the parties involved, it is also important to understand that this legislature effort does not result in an implied or specificity legislated Federal Reserve water right. The adjudication of water in the Snake River must remain a right of the State of Idaho and not the Federal Government.

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Mr. SHARP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on behalf of the distinguished chairman of the Committee on Energy and Commerce, the gentleman from Michigan [Mr. Dingell] I include for the Record several letters addressed to the chairman as follows:

National Audubon Society,
Washington, DC, March 6, 1987.

Hon. John D. Dingell,
Chairman, House Energy and Commerce Committee, U.S. House of Representatives, Washington, DC.

Dear Chairman Dingell: On behalf of the National Audubon Society, I am writing to thank you for your continuing interest in the implementation of the Electric Consumers Protection Act of 1986 (ECPA). We were pleased to be associated with and supportive of your tremendously successful efforts last year to amend the Federal Power Act in such a way as to provide much strengthened protection for fish, wildlife and other nondevelopmental uses of waterways.

I would also like to thank you for the concern you have shown with regard to the proposed Swan Falls agreement and the legislation currently pending in Congress with regard to that agreement.

On one level, we are troubled that any legislation along these lines should be enacted by the Congress. The precedent of Congress dictating the specifics of a Federal Energy Regulatory Commission (FERC) order is troubling. In this case, it appears that various representatives from Idaho are truly upset with the long delays they have experienced at FERC; congressional action would certainly expedite FERC action. But the Idaho situation is not the only case where there have been long delays at FERC and we are concerned that congressional intervention in this case will invite others to seek similar remedies.

On another level, we are concerned that the proposed agreement relating to Swan Falls will result in a minimum flow which would have serious impacts on the Deer Flat National Wildlife Refuge. Earlier, we provided information concerning the possible impacts of the agreement on the refuge to your staff. It is critically important that provision must be made to ensure that fish and wildlife resources will not be adversely harmed by the agreement or by any action of Congress embracing the agreement. Your letter of February 9, 1987 to FERC Chairman Hesse is most welcome and the response you receive should provide at least some of the information needed to determine how best to protect fish and wildlife resources on the river.

We recently participated in a meeting with other conservation groups and representatives from the state of Idaho and Idaho Power Company. It was a productive exchange of ideas and information. While the meeting itself did not result in a resolution to the problem, representatives from the state and the company did agree to carefully consider our concerns and, if possible, suggest a solution that may be acceptable from the conservation standpoint. We are waiting to hear their recommendation and we are hopeful that the response will be acceptable.

We strongly encourage you to continue your probe for additional information from FERC. We see no compelling reason to force this legislation through the Congress in a hasty manner. The possible impacts of the bill, as we still understand them, are too great to proceed without more knowledge and a better understanding of the capability of the federal agencies (FWS and NMFS) to protect the natural resources entrusted to them. Your action is both timely and welcome.

Sincerely,

Charlene Dougherty,
Director of Legislation.

Idaho Power Co.
Boise, ID, July 16, 1987.

Re Swan Falls Legislation, H.R. 519 and S. 214.

Hon. John D. Dingell,
Chairman, Committee on Energy and Commerce, Washington, DC.

Dear Chairman Dingell: Your letter of June 29, 1987, to Under Secretary Calio and Director Dunkle invited comments from Idaho Power Company, among others, on the matters discussed in your letter. On behalf of Idaho Power Company, I submit the following comments:

1. THE OFFERS OF SETTLEMENT

One of the actions required of the State of Idaho by the Swan Falls Settlement Agreement was a complete adjudication of the Snake River. Legislation was enacted to require this adjudication, and the adjudication was commenced by the State of Idaho on June 17, 1987. A copy of the Petition is enclosed for your information. The adjudication will include the Deer Flat National Wildlife Refuge.

The Offers of Settlement referred to in your letter were entered into on the basis that the Idaho Power Company's request for a declaratory order from FERC was not the proper vehicle, and FERC was not the proper forum, for resolution of minimum flow rights issues associated with the refuge or with other federal reservations and programs. The adjudication was recognized as the proper place for resolution of those issues. The Officers of Settlement reflected the desire of the parties to make it clear that the FERC declaratory order would not adversely affect the ability of the parties to protect their interests in proper forums and proceedings. The Offers of Settlement were not intended to affect, much less resolve, any fish and wildlife issues.

2. NATIONAL MARINE FISHERIES SERVICES RESPONSE OF JUNE 17, 1987

The NMFS response postulates a depletion of the Snake River greater than that estimated by the State of Idaho and Idaho Power Company. The response demonstrates a lack of understanding of the basis of the Settlement Agreement and the potential depletions of the Snake River.

The Settlement Agreement establishes a minimum average daily flow of 3900 cfs during the summer and 5600 cfs in the winter at the Murphy U.S.G.S. gaging station. The NMFS response is based on an average monthly flow analysis, and compares monthly average flows with the daily average flow stated in the Settlement Agreement. Average monthly flows are higher than minimum average daily flows, and the minimum average daily flow was selected for the minimum flow control mechanism because it is more restrictive than average monthly flows, and thus more protective of instream values, including power production. The minimum flows are intended to be the worst case that can happen. Therefore, in all but the critical period, the flow conditions will be better than minimum.

Further, irrigation depletions are planned by farmers to occur on an on-going basis. The investment in land, equipment and time necessary to carry on a successful farming operation do not permit farming only in some years and not in others.

The NMFS response assumes greater depletions in good water year than in critical water years. This has not happened to date in irrigated farming in Idaho, or elsewhere in the west, and simply cannot happen, for the reason noted above. Agricultural development would not expand in the better years, with the risk that it would have to contract in the poorer years. Therefore, if agricultural development does occur, the depletions resulting from that development will be approximately the same every year.

Additionally, most agricultural expansion which would deplete flows at the Murphy gage will come by pumping from the Snake River Plain Aquifer. Stopping pumping in a dry year will not immediately result in increased river flows, due to the effect of the aquifer. Therefore, the State of Idaho has no choice but to restrict further agricultural development to that amount which would potentially reduce flows to the minimums in a critical year. Therefore, the "substantially greater flow depletions" suggested by NMFS simply have no factual or realistic basis.

In 1987, 170,000 acres of irrigated land served by Idaho Power Company have gone out of production, presumably under the federal set-aside programs. This exceeds Company and State of Idaho estimates of total new agricultural production which might occur if the entire 450 cfs were to be developed. Policies outside the Settlement Agreement have the potential for impacts on the Snake River which far exceed the effects of the Settlement Agreement.

3. IMPACTS ON ANADROMOUS FISH RESOURCES

The NMFS response suggests that the State of Idaho is incorrect in contending that the Settlement Agreement will not significantly impact fish habitat or flow releases under the Columbia River Basin Fish and Wildlife Program. NMFS asserts that "IPC reservoirs will lose 434,000 acre feet under the Swan Falls Agreement," (Page 4) and that those reservoirs are important to the Water Budget.

NMFS uses the State total potential agricultural depletion figure which was apparently arrived at by multiplying the daily loss of 1192 acre feet resulting from a 600 cfs depletion by 365 days. The NMFS analysis is inaccurate in two respects.

As pointed out in Idaho Power Company's responses to the FERC questions, 150 cfs of existing flow at the Murphy gage was reserved for domestic, commercial, municipal and industrial uses. Depletion of this reserved water will not take place for many years. A realistic analysis of potential depletion is limited to the 450 cfs which might be taken by new agricultural uses. [The Company's analysis indicates that it will be at least 30 years before even that amount is depleted.] 894 acre feet per day X 365 days results in a maximum potential depletion of 326,000 acre feet, spread over the entire twelve months.

However, the basic flaw in the NMFS approach is a confusion of "depletion" with "storage". The only storage on the Idaho Power Company system which is subject to Company control within the terms of its licenses is 1,000,000 acre feet at Brownlee Reservoir. [American Falls Reservoir is controlled by the United States Bureau of Reclamation. The Company power plant at American Falls Dam generates using USBR releases.]

Brownlee Reservoir is partially evacuated every year for flood control purposes as required by the U.S. Army Corps of Engineers. It is then refilled and remains full until drawn down if required for summer generation. Obviously, while the reservoir is drawn down for flood control or generation requirements, and when the reservoir is full, no "storage" is taking place.

The Water Budget requests usually occur in May and June. The impact on Company operations is realized in June. Therefore, the total potential new depletion for that month would only be 27,000 acre feet annually at the end of 30 years or more. Comparing potential annual depletion under the Settlement Agreement with the 450,000 acre feet in the 1987 Water Budget is an equation of apples and oranges. Water Budget needs relate to river flows and storage water availability during the spring and early summer. Potential depletion of river flows in other months is not material to Water Budget discussions, and certainly cannot be equated to "storage" as NMFS has done.

Reductions of river flows to levels permitted by the Settlement Agreement will have little or no impact on Water Budget operations.

INTERPRETATION OF SECTION 1 OF H.R. 519 AND S. 214

Your statements in your letter concerning the intent of section 1 of the bill, found at page 3 and carrying over to the top of page 4, are accurate. The language in the bill relates to utilization or retention of project property, including water rights. Possible FERC concerns over fish and wildlife and other environmental matters are not premised on the property retention articles of the various licenses and would not be affected by the bill. The disclaimer in Section 2 was intended to make that clear.

INTERPRETATION OF SECTION 2

The Offers of Settlement were to be preserved by the bill as drafted, in order to prevent any arguments that the FERC order entered pursuant to the bill foreclosed consideration of fish and wildlife issues in other proceedings, or affected other existing agreements on those matters. If FERC does not agree with that interpretation, then the bill should indeed be amended.

Thank you for giving Idaho Power Company the opportunity to make these comments. If you need any further information, please let us know.

Sincerely,

LOGAN E. LANHAM,
Senior Vice President.

OFFICE OF THE GOVERNOR,
Boise, July 24, 1987.

Re H.R. 519 (Swan Falls Legislation): Idaho's Comments on Issues Raised by FERC and NMFS.

Hon. JOHN D. DINGELL,
Chair, House Committee on Energy and Commerce, Washington, DC.

DEAR REPRESENTATIVE DINGELL: This letter contains Idaho's requested comments on issues in the above-referenced matter that were raised recently by the National Marine Fisheries Service ("NMFS") and by the Federal Energy Regulatory Commission ("FERC"), and that were referenced and discussed in your June 29, 1987 letter to the U.S. Fish and Wildlife Service and the National Oceanic and Atmospheric Administration. I welcome the opportunity to help clarify Idaho's understanding of H.R. 519 and the Swan Falls Settlement Agreement (the "Agreement") and Offers of Settlement pending before FERC in Docket No. EL-85-38-000 (Idaho Power Company Petition for Declaratory Order Amending Licenses). The bill and petition are of paramount importance to Idaho, and we urge prompt and favorable consideration by Congress and FERC respectively.

As I understand your letter of June 29, a document filed in the FERC proceeding by NMFS on June 17, 1987 and correspondence to you from FERC dated June 15, 1987 have raised certain concerns about the potential effect of H.R. 519 and the FERC Order on fish and wildlife. Upon review of these documents, it is my conclusion that any confusion arises principally from NMFS's fundamental misunderstanding of the facts underlying the Agreement.

In its June 17 filing with FERC, NMFS makes two primary assertions that demonstrate its misunderstanding, specifically that:

(i) depletions of Snake River flow will exceed legal minimums at Murphy Gauge, producing adverse consequences for anadromous and resident fish; and

(ii) depletions permitted under the Agreement will preclude Idaho from contributing to the Water Budget under the Columbia River Basin Fish and Wildlife Program, which is designed to help flush anadromous fish to the ocean during May and June downstream migration.

NMFS's arguments are based on faulty analysis. Following a description of the Agreement, I will discuss NMFS's claims individually and conclude my comments with brief remarks about H.R. 519 and possible amendments.

I. THE AGREEMENT

The Agreement contains three principal components that together provide for judicious management of the Snake River system:

(i) The legal minimum flow at Murphy Gauge is increased from 3,300 c.f.s. (daily average) to 3,900 c.f.s. during the high demand months of April 1 to October 31, and to 5,600 c.f.s. during the remaining low demand months. The Idaho Water Resource Board has included this provision in the State Water Plan, which the Idaho Legislature has ratified.

(ii) New water rights above Swan Falls may be approved only if in the public interest. Idaho Code Section 42-203B, C and D; Water Resources Rules and Regulations, Rule 5.3 (codification of Agreement provision).

(iii) Water rights down to and including the Salmon River Drainage, including tributaries, federal reserved rights, and ground water, will be adjudicated in an action recently filed in Twin Falls County District Court ("Snake River Adjudication"). Idaho Code Section 42-1406A (codification of Agreement provision).

The minimum flow provisions and the public interest review of new water uses are the cornerstones of the Agreement and ensure reasonable protection for fish and wildlife. A clear understanding of their history, operation and effect is crucial for responsible Congressional action.

1. Brief History of Swan Falls Controversy.—The Swan Falls controversy has deep

roots. Upstream farmers first moved to protect their water rights against downstream hydropower uses in 1928 when they successfully offered an amendment to the Idaho Constitution empowering the state to regulate and control the latter's water rights. Thereafter, many, but not all, hydropower licenses were subordinated to future consumptive uses upstream.

There was plenty of water for all, and peace reigned until the 1950's when Idaho Power Company ("IPCo") applied for licenses on its proposed project at Hell's Canyon, a site simultaneously sought for development by the federal government. Fearing that federal ownership could preempt future upstream use, the state agreed to grant IPCo a license if IPCo would subordinate its water right to upstream uses. The deal was struck, with the accompanying "understanding" that other IPCo properties were also subordinated. Although Idaho and IPCo conducted business in accord with this "understanding," there was no written agreement.

Through 1973, summer peak demand to IPCo's electricity increased ninefold with development of irrigated farmland by electrical pumping directly from the Snake River and its underlying acquifer. IPCo's dilemma was obvious: demand for power was up but water for hydrogeneration was in shorter supply. Not surprisingly, a ratepayer a few years later complained to the Idaho Utilities Commission that IPCo had overstated its ratebase because if had failed to protect its water rights against consumptive agricultural uses. The Swan Falls case was born in 1978 when IPCo sued the state to clarify the subordination question at Swan Falls Dam.

The Idaho Supreme Court's ruling on a pretrial motion for summary judgment in the Swan Falls case placed nearly all upstream water rights in doubt. The Court found that Swan Falls had a pre-1928 water right, and that neither the state water license nor the federal power license contained a subordination clause. Furthermore, the Court ruled that the Hell's Canyon subordination agreement in the court that the Hell's Canyon subordination agreement in the 1950's did not subordinate Swan Falls by implication. Thus, it appeared many upstream water rights might not be worth the paper on which they were written.

Not wishing to press forward toward what promised to be a long and expensive trial, the parties moved their dispute into the political arena. A solution was not forthcoming, however. During legislative sessions in 1983 and 1984, upstreamers battled for superiority of water rights, and IPCo for just compensation if subordination was imposed. At loggerheads in the legislature and still wishing to avoid a trial, the parties embarked on negotiations that produced the Agreement in October, 1984.

2. The Minimum Flow Compromise.—During negotiations, IPCo expressed willingness to subordinate its rights to all existing uses. Hence, the remaining questions were how much water was available for future use and whether upstream uses or IPCo had superior rights. Employing a "worst case" analysis utilizing available historical flow data, the parties agreed that in a critical water year, assuming demand as projected for 1985, the lowest actual daily minimum flow expected at Murphy Gauge would still exceed the legal minimum (then 3,300 c.f.s.) by 1,200 c.f.s. Thus, if IPCo won the Swan Falls lawsuit, it could only hope to win an unsubordinated right that would produce about 4,500 c.f.s. during low flow periods. If Idaho won, however, the minimum flow of 3,300 c.f.s. is all IPCo could expect.

In settlement, the parties split the difference of 1,200 c.f.s. and agreed to increase the average minimum flow by 600 c.f.s. to 3,900 c.f.s., to which IPCo would have an unsubordinate right. The remaining 600 c.f.s. was reserved for future use. This new 3,900 c.f.s. daily minimum flow would apply during the peak demand season of April through October. Concomitant with the minimum flow agreement, Idaho promised to establish the statutory framework necessary to enable it to deliver the 3,900 c.f.s.

3. Minimum Flow in Relation to Fish and Future Depletion.—As already explained, 600 c.f.s. is available for future development under the Agreement. One hundred fifty of the 600 c.f.s. are dedicated to domestic, commercial, municipal and industrial ("DCMI") uses, leaving 450 c.f.s. for future upstream consumptive uses. It is highly unlikely that either category will be fully utilized within the next 20 years.

a. DCMI uses.—Parties to the Agreement recognized that DCMI uses were critical to development of the economy and protection of the health and welfare of Idaho citizens. Each c.f.s. used for such purposes delivers primary and secondary benefits, and much, if not most, of DCMI water is returned to the system. Even though 150 c.f.s. seems like a modest block of water, it is more than all DCMI uses above Swan Falls to date. Population growth will be insufficient to consume 150 c.f.s. anytime soon.

b. Other consumptive demands.—As with DCMI uses, growth in agricultural demand for water above Swan Falls over the next 20 years is expected to be limited. Studies available to us suggest development of only about 147,000 acres of farmland during that time. This estimate is difficult to make because development will depend in large part on factors outside of Idaho's control, such as energy (power, oil) prices, trade policies and farm commodity prices. Moreover, the Agreement provides that future water rights will be approved only in the public interest. Thus, no approval will occur unless prospects for positive returns are evident. Nevertheless, assuming arguendo full development of the 147,000 acres, which would occur primarily by pumping from the underlying aquifer, our flow models suggest demand would draw down daily summer flows at Murphy Gauge by only about 100-150 c.f.s. This still leaves a "development reserve" of 300-350 c.f.s. over the next 20 years and beyond.

In summary, the Agreement provides for an average daily minimum flow at Murphy Gauge during peak demand summer months of 3,900 c.f.s., which is 600 c.f.s. higher than the current legal minimum. The lowest actual minimum flow is expected at 4,500 c.f.s. If demand absorbed the full 600 c.f.s. available for development and reduced flows to the 3,900 c.f.s. minimum, the stage change in Snake River at Murphy Gauge would fall less than three inches. A similar fall could be expeced in the vicinity of the Deer Flat National Wildlife Refuge. Also please note that the 3,900 c.f.s. average daily minimum flow under the Agreement would produce a minumum stage three inches higher than the current minimum of 3,300 c.f.s. As I have pointed out, however, demand sufficient to absorb the 150 c.f.s. available for DCMI uses and the 450 c.f.s. available for agriculture and other uses is not expected to occur in the foreseeable future.

From the description above, you can see why Idaho is satisfied that the Agreement would help preserve rather than compromise fish and wildlife habitats. Based on this explanation and background, I will address individually each of NMFS's assertions.

II. NMFS'S ASSERTIONS

1. Depletions Will Exceed Idaho's Productions.—NMFS asserts at page two of its June 17 filing with FERC that depletions will be six to twenty times greater than Idaho predicts. This claim is based on a faulty analysis of the facts. NMFS's arithmetic is inaccurate because it compares average daily minimum flows with average monthly flows. NMFS cites a survey of flows from 1976-85 that is expressed in monthly averages. NMFS then compares these averages to the Agreement's average daily minimum of 3,900 c.f.s. to derive estimated depletions of about 3,500-12,700 c.f.s. These depletions, NMFS argues, are six to twenty times greater than the 600 c.f.s. maximum depletions contemplated by the Agreement. NMFS's arithmetic is faculty because comparisons between monthly averages and daily average minimums are meaningless. Monthly averages represent the average flow for the month. Average daily flows may range significantly above or below the monthly average. At Murphy Gauge, monthly averages are much higher than the lowest average daily flows for that month. The Agreement utilizes average daily flows rather than monthly averages because they more accurately describe stream flows during critical water years. NMFS's conclusions are simply invalid.

2. Depletions Will Adversely Impact Anadromous Fish.—At pages three through five of its June 17 filing with FERC, NMFS argues that minimum flows under the Agreement will adversely impact downstream anadromous fish migrations. It claims the Agreement will limit Idaho's capacity to contribute to the Columbia River Basin Fish and Wildlife Water Budget, which was established by the Northwest Power Planning Council to, among other things, provide for sufficient flows for downstream migration of anadromous fish during April through June. As a matter of policy, NMFS's argument injects an irrelevant consideration into the Swan Falls debate. The Agreement is designed to begin settlement of all Snake River water rights down to and including the Salmon River Drainage. Only after these rights are determined can Idaho begin to manage the Snake River System with consideration of the Water Budget and other demands. It is simply improper and counterproductive for NMFS to expect FERC or Congress to treat Water Budget considerations as functional equivalents of water rights to be settled by the Agreement. The Agreement simply does not contemplate such treatment.

As a factual matter, NMFS's assertion ignores the practicalities of management of water storage in the Snake River System. Storage management is divided between IPCo, the Corps of Engineers, Bonneville Power Administration ("BPA") and the U.S. Bureau of Reclamation, each having its own purposes in mind. Thus, Idaho's capacity to allocate water to the Water Budget is less dependent on availability of water than on coordination of management. If management was coordinated, water could be available. Contrast Idaho's situation with the mid-Columbia River where Water Budget allocations are accomplished with less pain because one entity (BPA) controls the dams. The consequence of Idaho's tangle of management is that Water Budget allocations of necessity depend significantly on streamflows. On that score, the Agreement improves flows for downstream migration because it increases the daily minimum flow to 3,900 c.f.s. from 3,300 c.f.s., which was the minimum when the Water Budget was established. Moreover, the lowest minimum flows in the Snake River occur after the Water Budget demands in April through June because irrigation demands are heavier during summer months.

NMFS further confuses the Water Budget issue by assuming agricultural depletions will vary correspondingly with the availability of water in any given year and concludes that depletions would exceed projections ". . . severalfold in average and above average water years." This assumption ignores the practicalities of agricultural economics that preclude such wide fluctuations in water demand. Because of arrangements with financial institutions, farmers must plan development years in advance. They do not enjoy the flexibility to expand in a good water year and contract when it is dry. Indeed, such ad hoc expansion and contraction has never happened in Idaho nor, to my knowledge, in any other western state on a significant scale. Furthermore, future upstream water rights will be approved under the Agreement only if in the public interest, which would likely preclude issuance of such high risk water rights.

Allow me to also point out that Idaho's State Water Plan addresses the need to increase our Water Budget contributions, and we are considering new reservoir projects and management techniques as well as water conservation programs to make more water available for downstream migration of anadromous fish.

III. H.R. 519 AND AMENDMENTS

In closing, I want to emphasize that Idaho will support amendments that will (i) clarify Section 1 of H.R. 519 to be consistent with your intent, and (ii) satisfy FERC that the Offers of Settlement are to be included in its Order. The Offers of Settlement are intended to preserve the rights of the parties to protect their interests in fish and wildlife in other forums, including the Snake River Adjudication. The Offers are not intended to resolve such issues.

Thank you for requesting Idaho's comments. We urge your speedy and favorable action on H.R. 519 with amendments in order that our great state may get about the business of managing the Snake River to the benefit of all.

With appreciation for your thoughtful consideration and cooperation, I am,

Sincerely,

CECIL D. ANDRUS,
Governor.

GENERAL LEAVE

Mr. SHARP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 519, the bill presently under consideration.

The SPEAKER pro tempore (Mr. BRUCE). Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. WYDEN. Mr. Speaker, H.R. 519 will help resolve a longstanding controversy over water rights on the Snake River in Idaho.

The bill is the fruit of many hours of negotiation by Mr. STALLINGS with the Idaho Power Co., Idaho State officials, the affected Indian tribes, Federal agencies, and environmentalists. We owe a great debt to Mr. STALLINGS for diligence, his persistence, and his ability to bring all these interests together to arrive at a workable compromise.

The bill will speed ratification of an agreement reached between the power company and the State. It will allow more water to be put to use in the farms and cities of Idaho, while protecting the fish and wildlife that depend on the Snake River.

The bill will also allow Idaho, the Indian tribes, downstream State like Oregon and Washington, and interested agencies like the Northwest Power planning Council to have input into a study that will help make water allocations on the river.

Through the attentions of Mr. STALLINGS, the bill will help promote economic growth in his State while ensuring that fish and wildlife in the Northwest will not get shortchanged. The bill does not reduce present obligations of Federal agencies toward fish and wildlife.

Mr. Speaker, I commend the gentleman from Idaho for his efforts on this legislation and urge my colleagues to support it.

Mr. DAUB. Mr. Speaker, I rise in support of H.R. 519. This bill will help to resolve a longstanding dispute over water rights on the Snake River in Idaho. I applaud the patient and tireless efforts of Mr. STALLINGS in bringing all of the parties concerned with this legislation to an equitable settlement.

This bill affects only certain hydroelectric facilities on the Snake River in Idaho subject to FERC jurisdiction.

In Nebraska, we are keenly aware of the duties of the Federal Energy Regulatory Commission [FERC]. I have observed the progress of this bill with approval because it directs FERC to take action when all parties involved have agreed to a settlement.

Mr. Speaker, I commend the Idaho delegation for their efforts on this legislation and urge my colleagues to support it.

Mr. STALLINGS. Mr. Speaker, as the sponsor of H.R. 519, I would like to address several matters about the bill to ensure that the legislative record is complete and that no misunderstandings arise about what the bill does and does not do.

The final form of the bill was developed in several negotiating sessions involving Energy and Commerce Committee staff, interested environmental groups and Indian tribes, Idaho's Governor and attorney general, and Idaho Power Co. As in any piece of legislation, there were compromises struck among the various interests, so that no party to the negotiations got everything they wanted. In the end, however, the bill was acceptable to all.

The accompanying committee report states this history and the narrow purpose of the bill and is generally consistent with the negotiations. I say generally because it may be possible, by taking statements out of context, to argue an inconsistency. However, remembering that the committee report is not law, and reading the bill in conjunction with the committee report, it is clear that the bill does what it was intended to do, and no more.

The bill directs the Federal Energy Regulatory Commission [FERC] to issue a specific order concerning the Swan Falls settlement agreement. It also directs certain parties to negotiate the scope and financing of studies of the Snake River. In the absence of agreement on the studies, FERC is authorized to decide the scope and financing of the studies and to enforce its order.

As introduced, H.R. 519 did not propose any studies. During negotiations, however, it became clear that some provision for study was necessary to move the bill forward. Concerns were expressed early about the ability of Federal agencies to prepare adequately claims of reserved water rights in the anticipated state court adjudication. This concern was considered to be reason enough to include the studies in the bill. Interested water users in the Snake River Basin should not be surprised, since the possible existence of Federal reserved water rights was a principal reason for desiring an adjudication of the Snake River.

Notwithstanding the provision calling for studies, the bill does not create or imply the existence of any Federal reserved right. Studies of physical attributes of the Snake River, as contemplated in the bill, do not create water rights nor imply the existence of water rights.

H.R. 519 does not give FERC new jurisdiction to enforce the studies. Instead, FERC is given jurisdiction only to enforce its order concerning the scope and financing of the studies. Whatever the results, FERC is given no new authority in this bill to enforce those results. The bill provides that the studies and the report issued thereon shall be considered by FERC in accordance with "existing and applicable law."

In other words, if FERC is to base any order on the studies, it has to use existing law as the basis for that order. FERC has no authority to set minimum flows in derogation of existing rights under current law. This bill simply does not expand existing FERC authority. The savings provision of section 2(c) removes any possibility of doubt that this is the case:

> Nothing in this Act shall be construed as (1) affecting the rights or jurisdiction of the United States, the states, Indian tribes, or other entities over waters of any river or stream or over any ground water resource; (2) altering or establishing the respective rights of states, the United States, Indian tribes, or any person with respect to any water or water-related rights. . . .

It could not be made clearer that this bill is deliberately and specifically neutral on water rights and jurisdiction issues.

Finally, H.R. 519 does not permit later changes in the Swan Falls settlement agreement. Adoption of the order by FERC is the last act necessary to full implementation of the Swan Falls agreement. The FERC order becomes effective no later than 60 days after its issuance and must be issued within 90 days after enactment of this bill. Thus, no more than 150 days after the enactment of this bill, the Swan Falls agreement will be fully and completely implemented. The studies themselves may take several years to complete. Therefore, the river flows included in the Swan Falls agreement are not subject to modification by reason of enactment of H.R. 519. In fact, H.R. 519 will permit full implementation of the Swan Falls settlement agreement and a lasting resolution of the dispute it involved.

In sum, a careful reading of the bill indicates that FERC is directed to issue a certain order concerning the Swan Falls settlement agreement, and empowered to decide questions related to the scope and financing of joint studies of the Snake River. It is not empowered to enforce those studies, set minimum flows regimes on the Snake River or otherwise manage the waters of the Snake River in a way other than that provided in existing law.

Mr. LENT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SHARP. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlemen from Indiana [Mr. Sharp] that the House suspend the rules and pass the bill, H.R. 519, as amended.

The question was taken.

Mr. SOLOMON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

SENSE OF CONGRESS THAT U.N. GENERAL ASSEMBLY RESOLUTION 3379 SHOULD BE OVERTURNED

Mr. LANTOS. Mr. Speaker, I move to suspend the rules and pass the senate joint resolution (S.J. Res. 205) expressing the sense of the Congress that United Nations General Assembly Resolution 3379 (XXX) should be overturned, and for other purposes.

The Clerk read as follows:

S.J. Res. 205

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress hereby—

(1) declares that United Nations General Assembly Resolution 3379 (XXX), which equates Zionism with racism—

(a) has been unhelpful in the context of the search for a settlement in the Middle East:

(B) is inconsistent with the Charter of the United Nations:

(C) remains unacceptable as a misrepresentation of Zionism; and

(2) recommends that the United States Government should lend support to efforts to overturn Resolution 3379 (XXX) in the United Nations.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from California [Mr. Lantos] will be recognized for 20 minutes and the gentleman from New York [Mr. Gilman] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. Lantos].

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, tomorrow the distinguished President of the State of Israel will be addressing a joint session of Congress, and it is singularly appropriate that prior to this historic event, which will mark the first appearance by a President of the State of Israel before the Congress of the United States, we act on this most important joint resolution.

Allow me, Mr. Speaker, to give the Members a bit of the background. During the darkest, most ignominious days of the United Nations, when the organization was bent on self-destruction, a similarly outrageous resolution was passed with the support of undemocratic, dictatorial, totalitarian powers. That day was a day of infamy for democratic nations in the United Nations such as the United States. The resolution declared the national aspirations of the Jewish people, Zionism, to be the equivalent of racism. Our distinguished Ambassador to the United Nations at the time, now Senator Moynihan, violently fought this preposterous attempt to undermine one of the few democratic nations within the United Nations. He failed, and it is only appropriate that he should be the prime mover in the Senate of this resolution calling on our State Department to do its utmost to see that this infamous U.N. resolution be reversed.

November 10 is a particularly significant date as it relates to this resolution. It was November 10, the famous Crystal Night, which began in Nazi Germany the systematic and violent persecution of its people. It is ironic and historic that the President of the State of Israel will address a joint session of this body also on November 10.

It is our hope, Mr. Speaker, that just as the Australian Parliament approved a parallel resolution a year ago, so, after our action today, democratic governments throughout this globe and democratic legislatures throughout this globe will take similar action and the United Nations will see the error of its ways and will move to reconsider and abandon this infamous resolution.

Here in our own House, my two distinguished colleagues, the gentleman from New York [Mr. Fish] and the gentleman from New York [Mr. Gilman], have been the prime sponsors of this legislation. I want to pay tribute to their work on behalf of this very important move and urge all my colleagues to support the undoing of one of the most preposterous United Nations moves in the entire history of that body.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from New York [Mr. Fish], the initial sponsor of this joint resolution.

Mr. FISH. Mr. Speaker, Senate Joint Resolution 205 expresses the sense of Congress that the U.N. resolution equating Zionism with racism should be overturned.

United Nations General Assembly Resolution 3379 (XXX), which "determines that Zionism is a form of racism and racial discrimination," is a gross distortion of the truth. It is also part of an attempt to challenge Israel's credentials and exclude it from the workings of the General Assembly.

Senate Joint Resolution 205 and the companion legislation in the House, House Joint Resolution 385, express the sense of Congress that the U.N. resolution misrepresents Zionism and has served to escalate religious animosity and incite anti-Semitism. These resolutions recommend that the U.S. Government lend support to efforts to overturn the U.N. resolution. House Joint Resolution 385, which I introduced for myself and my colleagues Mr. Gilman, Mr. Boehlert, Mr. Green and Mr. Shays, is identical to Senate Joint Resolution 205, which the Senate has passed. Currently, 51 of our House colleagues have joined me as cosponsors.

Overturning the U.N. resolution would be a major step in establishing the legitimacy of Israel. Our action in Congress is especially timely, because the President of Israel, Chaim Herzog, will visit the United States beginning November 9. This will be the first official state visit to our country by an Israeli President.

Mr. Speaker, many of us feel that this action by the Congress is long overdue. By coincidence, the U.N. resolution was adopted November 10, 1975. It is doubly fitting that as we approach the anniversary of that date, as well as the visit of President Herzog, we in Congress express our sense to the United Nations, to Israel and the Middle East and to all the world that we emphatically reject the notion that Zionism is in any way racist.

Mr. LANTOS. Mr. Speaker, it gives me a great deal of pleasure to yield such time as he may consume to the distinguished gentleman from Illinois [Mr. Yates].

Mr. YATES. Mr. Speaker, I thank the distinguished gentleman for yielding this time to me, and I rise in support of this joint resolution.

Just as my good friend, the gentleman from California, referred to the history of the resolution, I, too, would like to cite history. In August 1975, I received a telephone call from our then U.N. Ambassador and now Senator, Pat Moynihan, who advised me that there was pending for a vote before the U.N. General Assembly a resolution equating Zionism with racism.

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He asked me whether it would be possible to obtain a statement of congressional opposition to the resolution.

I told him of my violent opposition to the resolution. Of course I would try to mobilize congressional opposition to it as well.

I drafted a resolution expressing the sentiment of the Congress against the proposed U.N. resolution and requested the then Majority Leader Thomas O'Neill and Minority Leader ROBERT MICHEL whether they would act as original cosponsors of the bill.

They agreed immediately to do so. I then sought cosponsors among my colleagues, and within 2 days all the Members of the House but one signed on the resolution as cosponsors—all but one, Mr. Speaker, it truly showed the depth of feeling in the House.

We had, I believe, 434 cosponsors of the resolution calling for opposition to the U.N. resolution.

I called Ambassador MOYNIHAN and told him of the House support for the position he had taken in opposition to the resolution, and he used it; but unfortunately it did not stop the later passage of that false and malicious resolution.

At that time in an eloquent speech, Ambassador MOYNIHAN said in part, "We shall not acknowledge, we shall not abide by, we shall never acquiesce in this infamous act."

On November 11, 1975, Mr. Speaker, Majority Leader O'Neill with the cosponsorship of Minority Leader MICHEL offered a resolution in the House which passed by a vote of 384 to 0. That resolution, which I should like to cite at this time, reading the resolving part:

Resolved, the House of Representatives sharply condemns the resolution adopted by the General Assembly on November 10, 1975 in that said resolution encourages anti-Semitism by wrongfully associating and equating Zionism with racism and racial discrimination, thereby contradicting the fundamental purpose of the United Nations, and be it further resolved the House strongly opposes any form of participation by the U.S. Government in the Decade for Action to Combat Racism and Racial Discrimination so long as that decade and program remain distorted and compromised by the aforementioned resolution naming Zionism as one of the targets of that struggle, and be it further resolved that the House calls for an energetic effort by all those concerned with the adherence of the United Nations to the purposes stated in its charter to obtain reconsideration of the aforementioned resolution with a view to removing the subject of Zionism which is a national, but in some way, a racist philosophy from the context of any programs and discussions focusing on racism or racial discrimination.

Mr. Speaker, time has long passed for reconsideration of this resolution, this U.N. resolution.

We ought to bend every effort to achieve that decision, and I hope the bill that we pass today will achieve that purpose.

Mr. Speaker, I include in the RECORD the speech made by the distinguished ambassador at that time, Ambassador PAT MOYNIHAN, to the U.N. General Assembly.

A copy of the above-referenced speech follows:

STATEMENT BY AMBASSADOR DANIEL P. MOYNIHAN, U.S. REPRESENTATIVE TO THE UNITED NATIONS, IN PLENARY, IN EXPLANATION OF VOTE ON THE RESOLUTION EQUATING ZIONISM WITH RACISM AND RACIAL DISCRIMINATION, NOVEMBER 10, 1975

The United States rises to declare before the General Assembly of the United Nations and before the world, that it does not acknowledge, it will not abide by, it will never acquiesce in this infamous act.

Not three weeks ago, the United States Representative in the Social, Humanitarian, and Cultural Committee pleaded in measured and fully considered terms for the United Nations not to do this thing. It was, he said, "obscene." It is something more today, for the furtiveness with which this obscenity first appeared among us has been replaced by a shameless openness.

There will be time enough to contemplate the harm this act will have done the United Nations. Historians will do that for us, and it is sufficient for the moment only to note one foreboding act. A great evil has been loosed upon the world. The abomination of anti-semitism—as this year's Nobel Peace Laureate Andrei Sakharov observed in Moscow just a few days ago—the abomination of anti-semitism has been given the appearance of international sanction. The General Assembly today grants symbolic amnesty—and more—to the murderers of the six million European Jews. Evil enough in itself, but more ominous by far is the realization that now presses upon us—the realization of that if there were no General Assembly, this could never have happened.

As this day will live in infamy, it behooves those who sought to avert it to declare their thoughts so that historians will know that we fought here, that we were not small in number—not this time—and that while we lost, we fought with full knowledge of what indeed would be lost.

Nor should any historian of the event, nor yet any who have participated in it, suppose that we have fought only as governments, as chancelleries, and on an issue well removed from the concerns of our respective peoples. Others will speak for their nations: I will speak for mine.

In all our postwar history there has not been another issue which has brought forth such unanimity of American opinion. The President of the United States has from the first been explicit: This must not happen. The Congress of the United States, in a measure unanimously adopted in the Senate and sponsored by 436 of 437 Representatives in the House, declared its utter opposition. Following only American Jews themselves, the American trade union movement was first to the fore in denouncing this infamous undertaking. Next, one after another, the great private institutions of American life pronounced anathema on this evil thing—and most particularly, the Christian churches have done so. Reminded that the United Nations was born in the struggle against just such abominations as we are committing today—the wartime alliance of the United Nations dates from 1942—the United Nations Association of the United States has for the first time in its history appealed directly to each of the 141 other delegations in New York not to do this unspeakable thing.

The proposition to be sanctioned by a resolution of the General Assembly of the United Nations is that "Zionism is a form of racism and racial discrimination." Now this is a lie. But as it is a lie which the United Nations has now declared to be a truth, the actual truth must be restated.

The very first point to be made is that the United Nations has declared Zionism to be racism—without ever having defined racism. "Sentence first—verdict afterwards," as the Queen of Hearts said. But this is not wonderland, but a real world, where there are real consequences to folly and to venality. Just on Friday, the President of the General Assembly warned not only of the trouble which would follow from the adoption of this resolution but of its essential irresponsibility—for, he noted, members have wholly different ideas as to what they are condemning. "It seems to me," he said, and to his lasting honor he said it when there was still time, "It seems to me that before a body like this takes a decision they should agree very clearly on what they are approving or condemning, and it takes more time."

Lest I be unclear, the United Nations has in fact on several occasions defined "racial discrimination." The definitions have been loose, but recognizable. It is "racism"—incomparably the more serious charge—which has never been defined. Indeed, the term has only recently appeared in United Nations General Assembly documents. The one occasion on which we know its meaning to have been discussed was the 1644th meeting of the Third Committee on December 16, 1968, in connection with the report of the Secretary-General on the status of the international convention on the elimination of all forms of racial discrimination. On that occasion—to give some feeling for the intellectual precision with which the matter was being treated—the question arose, as to what should be the relative positioning of the terms "racism" and "Nazism" in a number of the preambular paragraphs. The distinguished delegate from Tunisia argued that "racism" should go first because "Nazism was merely a form of racism. . . ." Not so, said the no less distinguished delegate from the Union of Soviet Socialist Republics. For, he explained, "Nazism contained the main elements of racism within its ambit and should be mentioned first." This is to say that racism was merely a form of Nazism.

The discussion wound to its weary and inconclusive end, and we are left with nothing to guide us, for even this one discussion of "racism" confined itself to word orders in preambular paragraphs, and did not at all touch on the meaning of the words as such. Still, one cannot but ponder the situation we have made for ourselves in the context of the Soviet statement on that not so distant occasion. If, as the distinguished delegate declared, racism is a form of Nazism—and if, as this resolution declares, Zionism is a form of racism—then we have step by step taken ourselves to the point of proclaiming—the United Nations is solemnly proclaiming—that Zionism is a form of Nazism.

What we have here is a lie—a political lie of a variety well known to the twentieth century, and scarcely exceeded in all that annal of untruth and outrage. The lie is that Zionism is a form of racism. The overwhelmingly clear truth is that it is not.

The word "racism" is a creation of the English language, and relatively new to it. It is not, for instance, to be found in the Oxford English Dictionary. The term derives from relatively new doctrines—all of them discredited—concerning the human population of the world, to the effect that there are significant biological differences among clearly identifiable groups, and that these differences establish, in effect, different levels of humanity. Racism, as defined by Webster's Third New International Dictionary, is "The assumption that . . . traits and capacities are determined by biological race and that races differ decisively from one another." It further involves "a belief in the inherent superiority of a particular race and its right to domination over others."

This meaning is clear. It is equally clear that this assumption, this belief, has always been altogether alien to the political and religious movement known as Zionism. As a strictly political movement, Zionism was established only in 1897, although there is a clearly legitimate sense in which its origins are indeed ancient. For example many branches of Christianity have always held that from the standpoint of the biblical prophets, Israel would be reborn one day. But the modern Zionist movement arose in Europe in the context of a general upsurge of national consciousness and aspiration that overtook most other people of Central and Eastern Europe after 1848, and that in time spread to all of Africa and Asia. It was, to those persons of the Jewish religion, a Jewish form of what today is called a national liberation movement. Probably a majority of those persons who became active Zionists and sought to emigrate to Palestine were born within the confines of Czarist Russia, and it was only natural for Soviet Foreign Minister Andrei Gromyko to deplore, as he did in 1948, in the 299th meeting of the Security Council, the act by Israel's neighbors of "sending their troops into Palestine and carrying out military operations aimed"—in Mr. Gromyko's words—"at the suppression of the National Liberation Movement in Palestine."

Now it was the singular nature—if I am not mistaken, it was the unique nature—of this National Liberation Movement that in contrast with the movements that preceded it, those of that time and those that have come since, it defined its members in terms not of birth, but of belief. That is to say, it was not a movement of the Irish to free Ireland, or of the Polish to free Poland, not a movement of Algerians to free Algeria, nor of Indians to free India. It was not a movement of persons connected by historic membership in a genetic pool of the kind that enables us to speak loosely but not meaninglessly, say, of the Chinese people, nor yet of diverse groups occupying the same territory which enables us to speak of the American people with no greater indignity to truth. To the contrary, Zionists defined themselves merely as Jews, and declared to be Jewish anyone born of a Jewish mother or—and this is the absolutely crucial fact—anyone who converted to Judaism. Which is to say, in the terms of the International Convention on the elimination of all forms of racial discrimination, adopted by the 20th General Assembly, anyone—regardless of "race, colour, descent, or national or ethnic origin. . . ."

The State of Israel, which in time was the creation of the Zionist Movement, has been extraordinary in nothing so much as the range of "racial stocks" from which it has drawn its citizenry. There are black Jews, brown Jews, white Jews, Jews from the Orient and Jews from the West. Most such persons could be said to have been "born" Jews, just as most Presbyterians and most Hindus are "born" to their faith, but there are many Jews who are converts. With a consistency in the matter which surely attests to the importance of this issue to that religious and political culture, Israeli courts have held that a Jew who converts to another religion is no longer a Jew. In the meantime the population of Israel also includes large numbers of non-Jews, among them Arabs of both the Muslim and Christian religions and Christians of other national origins. Many of these persons are citizens of Israel, and those who are not can become citizens by legal procedures very much like those which obtain in a typical nation of Western Europe.

Now I should with to be understood that I am here making one point, and one point only, which is that whatever else Zionism may be, it is not and cannot be "a form of racism." In logic, the State of Israel could be, or could become, many things, theoretically including many things undesirable, but it could not be and could not become racist unless it ceased to be Zionist.

Indeed, the idea that Jews are a "race" was invented not by Jews but by those who hated Jews. The idea of Jews as a race was invented by nineteenth century anti-semites such as Houston Steward Chamberlain and Edouard Drumont, who saw that in an increasingly secular age, which is to say an age which made for fewer distinctions between people, the old religious grounds for anti-semitism were losing force. New justifications were needed for excluding and persecuting Jews, and so the new idea of Jews as a race—rather than as a religion—was born. It was a contemptible idea at the beginning, and no civilized person would be associated with it. To think that it is an idea now endorsed by the United Nations is to reflect on what civilization has come to.

It is precisely a concern for civilization, for civilized values that are or should be precious to all mankind, that arouses us at this moment to such special passion. What we have at stake here is not merely the honor and the legitimacy of the State of Israel—although a challenge to the legitimacy of any member nation ought always to arouse the vigilance of all members of the United Nations. For a yet more important matter is at issue, which is the integrity of that whole body of moral and legal precepts which we know as human rights.

The terrible lie that has been told here today will have terrible consequences. Not only will people begin to say, indeed they have already begun to say, that the United Nations is a place where lies are told. Far more serious, grave, and perhaps irreparable harm will be done to the cause of human rights. The harm will arise first because it will strip from racism the precise and abhorrent meaning that it still precariously holds today. How will the peoples of the world feel about racism, and about the need to struggle against it, when they are told that it is an idea so broad as to include the Jewish National Liberation Movement?

As this lie spreads, it will do harm in a second way. Many of the members of the United Nations owe their independence in no small part to the notion of human rights, as it has spread from the domestic sphere to the international sphere and exercised its influence over the old colonial powers. We are now coming into a time when that independence is likely to be threatened again. There will be new forces, some of them arising now, new prophets and new despots, who will justify their actions with the help of just such distortions of words as we have sanctioned here today. Today we have drained the word "racism" of its meaning. Tomorrow, terms like "national self-determination" and "national honor" will be perverted in the same way to serve the purposes of conquest and exploration. And when these claims begin to be made—as they already have begun to be made—it is the small nations of the world whose integrity will suffer. And how will the small nations of the world defend themselves, on what grounds will others be moved to defend and protect them, when the language of human rights, the only language by which the small can be defended, is no longer believed and no longer has a power of its own?

There is this danger, and then a final danger that is the most serious of all. Which is that the damage we now do to the idea of human rights and the language of human rights could well be irreversible. The idea of human rights as we know it today is not an idea which has always existed in human affairs. It is an idea which appeared at a specific time in the world, and under very special circumstances. It appeared when European philosophers of the seventeenth century began to argue that man was a being whose existence was independent from that of the State, that he need join a political community only if he did not lose by that association more than he gained. From this very specific political philosophy stemmed the idea of political rights, of claims that the individual could justly make against the State; it was because the individual was seen as so separate from the State that he could make legitimate demands upon it.

That was the philosophy from which the idea of domestic and international rights sprang. But most of the world does not hold with that philosophy now. Most of the world believes in newer modes of political thought, in philosophies that do not accept the individual as distinct from and prior to the State, in philosophies that therefore do not provide any justification for the idea of human rights and philosophies that have no words by which to explain their value. If we destroy the words that were given to us by past centuries, we will not have words to replace them, for philosophy today has no such words.

But there are those of us who have not forsaken these older words, still so new to much of the world. Not forsaken them now, not here, not anywhere, not ever.

Mr. Speaker, I also submit a rollcall of how the United Nations voted on the Zionism issue, as follows:

How Nations Voted on Zionism Issue

United Nations, November 11.—Here is the roll call on the anti-Zionism resolution adopted Monday night by the U.N. General Assembly.

For, 72: Afghanistan, Albania, Algeria, Bahrain, Bangladesh, Brazil, Bulgaria, Burundi, Byelorussia, Cambodia, Cameroon, Cape Verde, Chad, China, Congo, Cuba, Cyprus, Czechoslovakia, Dahomey, Egypt, Equatorial Guinea, Gambia, East Germany, Grenada, Guinea, Guinea-Bissau, Guyana, Hungary, India, Indonesia, Iran, Iraq, Jordan, Kuwait, Laos, Lebanon, Libya, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Niger, Nigeria, Oman, Pakistan, Poland, Portugal, Qatar, Rwanda, Sao Tome-Principe, Saudi Arabia, Senegal, Somalia, Sri Lanka, Sudan, Syria, Tunisia, Turkey, Uganda, Ukraine, Soviet Union, United Arab Emirates, Tanzania, North Yemen, South Yemen, Yugoslavia.

Against, 35: Australia, Austria, Bahamas, Barbados, Belgium, Canada, Central African Republic, Costa Rica, Denmark, Dominican Republic, El Salvador, Fiji, Finland, France, West Germany, Haiti, Honduras, Iceland, Ireland, Israel, Italy, Ivory Coast, Liberia, Luxembourg, Malawi, Netherlands, New Zealand, Nicaragua, Norway, Panama, Swaziland, Sweden, Britain, United States, Uruguay.

Abstain, 32: Argentina, Bhutan, Bolivia, Botswana, Burma, Chile, Colombia, Ecuador, Ethiopia, Gabon, Ghana, Greece, Guatemala, Jamaica, Japan, Kenya, Lesotho, Mauritius, Nepal, Papua New Guinea, Paraguay, Peru, Philippines, Sierra Leone, Singapore, Thailand, Togo, Trinidad and Tobago, Upper Volta, Venezuela, Zaire, Zambia.

Absent, 3: Romania, South Africa, Spain.

Mr. GILMAN. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Speaker, I thank the gentleman for yielding me this time.

The gentleman from New York [Mr. GILMAN] is the second-ranking Republican on the full Committee on Foreign Affairs; and at that time when I was a delegate to the United Nations, the gentleman was a great help to me in keeping me advised and helping me on every appropriate occasion calling attention to this disgusting resolution that appears on the record of the United Nations.

When Resolution 3379, equating Zionism with racism, was adopted by the U.N. General Assembly in 1975, our then-Ambassador, PAT MOYNIHAN, predicted that the whole thing would boomerang. And, indeed, that is exactly what has happened. Rather than serving to discredit Israel, Resolution 3379 has served to discredit the United Nations.

When you examine the long list of abuses that has prompted Congress to cut back significantly on American financial support for the United Nations, Resolution 3379 stands as exhibit A.

But an even deeper issue is at stake, Mr. Speaker. We live in an age in which the purveyors of propaganda believe that if the same lie is told loud enough and often enough, it will eventually assume the force of truth. By passing this resolution today, we are telling the world that nobody in America has been fooled. U.N. Resolution 3379 was a lie in 1975, and it is a lie in 1987.

And so I strongly support the resolution now before us. Certainly there is no single thing the United Nations could do that would be more impressive to the American people than to take the step that moral and intellectual integrity demand. The repeal of Resolution 3379. As long as that odious, even vicious, resolution remains on the books, the United Nations can forget about commanding any real support among the American people.

Mr. LANTOS. Mr. Speaker, I yield 4 minutes to the gentleman from New York [Mr. SOLARZ].

Mr. SOLARZ. Mr. Speaker, I thank the gentleman for yielding me this time.

I want to pay tribute to the gentleman from California [Mr. LANTOS] for the gentleman's leadership in bringing this resolution before the House, and to congratulate the gentleman from New York [Mr. FISH] for the gentleman's initiative in introducing the resolution which we have before the House today.

I also want to pay a very special tribute to the very distinguished senior Senator from New York, Mr. MOYNIHAN, who has taken the leadership in bringing this entire question before the Congress.

Senator MOYNIHAN was, of course, our Permanent Representative at the United Nations on that day 12 years ago when the Zionism Is Racism resolution was adopted by the General Assembly.

It is only fitting that we take up today this resolution calling for the repeal of the Zionism Is Racism resolution.

That resolution, the Zionism Is Racism resolution, was a wretched resolution. It was a rotten resolution. It was an infamous resolution. It was a total and absolute distortion of the truth.

There have been many national liberation movements in the history of the world. But I think it can fairly be said that, more so than any other national liberation movement ever known to man, Zionism—the national liberation movement of the Jewish people—was itself a response to and a repudiation of racism. If not for anti-Semitism, Zionism would not have developed. And it was the ultimate manifestation of anti-Semitism, the Holocaust, which was clearly a major factor in bringing about the establishment of a Jewish State in Israel. So to label Zionism a form of racism, when it was in fact, a response to racism and when it was the response of the Jewish people to the systematic discrimination imposed upon them in country after country around the world, is a monstrous defamation of the truth.

It is an insult to the millions of martyrs who lost their lives for no other reason than because they were Jewish, and because they believed that the Jewish people—like so many other people—were entitled to a State of their own.

Mr. Speaker, 12 years ago when the Zionism Is Racism resolution was adopted, votes were cast in the United Nations for and against it. For 12 years I have carried in my wallet a little pamphlet that says, "Keep this scorecard with you. It will remind you who your friends are." It lists the 72 countries that disgraced themselves by voting for this resolution, and it has the names of the 35 countries that honored themselves by voting against the resolution. It has the names of the 32 countries that took a walk, that did not have the courage to stand up and be counted and who abstained on the resolution.

Finally, it has the names of the three countries that did not even have the courage to abstain. They were absent, nowhere to be found when this momentous question was before the United Nations.

Mr. Speaker, I submit for the RECORD at this point this rollcall on the Zionism Is Racism resolution, so that the Members of Congress and the American people can remind themselves which countries in the world had the courage of their convictions and the decency to stand up for truth and justice, and which countries of the world, in the most cowardly fashion imaginable, chose to align themselves with those who would desecrate and defame one of the greatest liberation movements in the history of the world.

A copy of the rollcall follows:

THE ROLLCALL OF THE GENERAL ASSEMBLY VOTE APPROVING A RESOLUTION EQUATING ZIONISM WITH RACISM

For (72): Afghanistan, Albania, Algeria, Bahrain, Bangladesh, Brazil, Bulgaria, Burundi, Byelorussia, Cambodia, Cape Verde, Chad, China, Congo, Cuba, Cyprus, Czechoslovakia, Dahomey, Democratic (Southern) Yemen, Egypt, Equatorial Guinea, Gambia, East Germany, Grenada, Guinea, Guinea Bissau, Guyana, Hungary, India, Indonesia, Iran, Iraq, Jordan, Kuwait, Laos, Lebanon, Libya, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Niger, Nigeria, Oman, Pakistan, Poland, Portugal, Qatar, Rwanda, Sao Tome and Principe, Saudi Arabia, Senegal, Somalia, Sri Lanka, Sudan, Syria, Tunisia, Turkey, Uganda, Ukraine, Soviet Union, United Arab Emirates, Cameroon, Tanzania, Yemen and Yugoslavia.

Against (35): Australia, Austria, Bahamas, Barbados, Belgium, Canada, Central African Republic, Costa Rica, Denmark, Dominican Republic, El Salvador, Fiji, Finland, West Germany, Haiti, Honduras, Iceland, Ireland, Israel, Italy, Ivory Coast, Liberia, Luxembourg, Malawi, Netherlands, New Zealand, Nicaragua, Norway, Panama, Swaziland, Sweden, United Kingdom, United States and Uruguay.

Abstaining (32): Argentina, Bhutan, Bolivia, Botswana, Burma, Chile, Colombia, Ecuador, Ethiopia, Gabon, Ghana, Greece, Guatemala, Jamaica, Japan, Kenya, Lesotho, Mauritius, Nepal, Papua New Guinea, Paraguay, Peru, Philippines, Sierra Leone, Singapore, Thailand, Togo, Trinidad and

Tobago, Upper Volta, Venezuela, Zaire and Zambia.

Absent (3): Romania, South Africa and Spain.

Mr. Speaker, in the name of decency, truth, and justice, and in the name of the millions of martyrs who were the victims of anti-Semitism, I call upon my colleagues to support this resolution which calls for the repeal of the Zionism Is Racism resolution adopted by the United Nations 12 years ago today.

Mr. GILMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Washington [Mr. Miller], another member of the Committee on Foreign Affairs.

Mr. MILLER of Washington. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I applaud the efforts of the gentleman from New York [Mr. Gilman] and the gentleman from New York [Mr. Fish] in bringing this important bill to the floor.

Mr. Speaker, over the past few years there has been much discussion regarding the United Nation—its usefullness and integrity. This bill points out one step the United Nations can take to show it means to become an honest supporter of world peace and freedom. It can end its slur against the Nation of Israel. To accuse a movement, which only seeks to maintain its hardened fight for a homeland, of being racist, as U.N. General Assembly Resolution 3379 does, is itself dangerously close to being racist.

I do not think anything the United Nations has done over the last several decades has puzzled, disturbed, and offended the American people more than this U.N. resolution.

Too often, Mr. Speaker, the United Nations has been used as a soapbox for hypocritical political posturing, and too often the free and democratic country of Israel has faced baseless accusations at the United Nations by those who do not even acknowledge her existence.

The problems in the Middle East are complicated, and the United Nations can play a constructive role in finding solutions to these problems; but it cannot do so as long as it continues to smear nations that stand for freedom and democracy such as Israel.

I urge unanimous approval of this resolution.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I many consume.

Mr. Speaker, Members on both sides of the aisle have spoken forcefully and eloquently.

This outrageous resolution represented a low point in this history of the United Nations. As we would like to see that organization gradually rebuild respect for its actions and itself, it has to move expeditiously to overturn this infamy.

□ 1505

Mr. GILMAN. Mr. Speaker, I yield 2 minutes to my colleague, the gentleman from California [Mr. Lagomarsino].

Mr. LAGOMARSINO. Mr. Speaker, I commend my colleagues for bringing this resolution to the floor, and I rise in support of Senate Joint Resolution 205, the resolution which expresses the sense of Congress that U.N. General Assembly Resolution 3379 should be overturned. As you know, this U.N. resolution equates Zionism with racism. I am one of the cosponsors of House Joint Resolution 385, the House resolution identical to the one we are considering today.

This faulty, wrong-headed, infamous U.N. resolution is clearly inconsistent with the U.N. charter. Zionism is a theory, plan, and movement for setting up a Jewish national state in Palestine. Racism, though according to Webster's dictionary, is a belief that race is the primary determinant of human traits and capacities and that racial differences produce an inherent superiority of a particular race. Obviously, Zionism, a religious and nationalist based movement, is not racism.

I also agree with Senate Joint Resolution 205 that this flawed U.N. resolution is unhelpful to Middle East peace efforts. It only inflames anti-Semitism and increases religious animosity. The Middle East is already explosive enough and the United Nations should be working to bring about peace, not adding fuel to the fire.

Tomorrow we will be addressed in these Chambers by Israel's President, Chaim Herzog. President Herzog was the Israeli Representative to the United Nations when this negative anti-Israeli resolution passed the United Nations—on the anniversary of the Nazi "Kristallnach." I believe it is very appropriate and timely for the United States to speak up against anti-Semitism by passing this measure calling for the overturning of the "Zionism Is Racism" U.N. resolution.

Again, I fully support Senate Joint Resolution 205.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Illinois [Mr. Porter], who also serves as chairman of the Human Rights Caucus in the House.

Mr. PORTER. Mr. Speaker, I rise today in support of Senate Joint Resolution 205, expressing the sense of Congress that the U.N. General Assembly Resolution 3379, which "determines that zionism is a form of racism and racial discrimination," should be overturned. Senate Joint Resolution 205 is similar to House Joint Resolution 385, introduced by my distinguished colleague and a member of the congressional human rights caucus, Hamilton Fish, Jr. I cosponsored House Joint Resolution 285 and rise to express my continued support for the resolution before us today.

Mr. Speaker, zionism is the movement that culminated in the establishment of the state of Israel 40 years ago. Senate Joint Resolution 205 expresses strong indignation at the U.N. resolution, which equates the historic accomplishment of a Jewish homeland with racism. The U.N. resolution is an outrage to the Jewish people and an affront to all thinking people on Earth. It is adverse to the search for a settlement of the Middle East conflict; inconsistent with the Charter of the United Nations; remains an unacceptable misrepresentation of zionism; and has served to escalate religious animosity and incite anit-Semitism.

Passage of Senate Joint Resolution 205 today is especially timely, as Israeli President Chaim Herzog will address Congress tomorrow during his state visit. This is the first visit ever by an Israeli head of State.

Chaim Herzog was Israel's permanent representative to the United Nations 12 years ago when U.N. Resolution 3379 was adopted. On that day, he stood and denounced the resolution, calling attention to the fact that it took place on the anniversary of the "Kristallnach" in Nazi Germany, an occasion marked by the first outbreak of government-sanctioned anti-Semitic public violence.

Mr. Speaker, I would also like to call to my colleagues' attention the fine work of a group of concerned citizens and community organizations in Chicago who are working to overturn U.N. Resolution 3379. Under the leadership of the American Jewish Congress, the Chicago Committee for Project CASAZ [combat anti-Semitism and anti-Zionism] will hold a public rally at the Holocaust Memorial in Skokie this Sunday. The goal of Project CASAZ is to exert nationwide pressure to repeal U.N. Resolution 3379. I commend Project CASAZ co-chairman Sol Brandzel and Rabbi Herman Schaalman for their leadership in organizing this important event.

Mr. Speaker, when President Herzog visited Australia last year, the Australian House and Senate unanimously adopted a resolution condemning U.N. Resolution 3379 and calling for its repeal. I urge the House to follow Australia's lead and pass Senate Joint Resolution 205. This joint resolution will help rally world opinion and encourage adoption of similar resolutions in other representative bodies throughout the world. Support from other U.N. members will expedite the reversal of this pernicious resolution and its frightening historic connotations.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of Senate Joint Resolution 205 which would express the sense of Congress that the United States should work to overturn the abominable U.N. 1975 resolution which equates zionism with racism. I am an original cosponsor of the House counterpart to this straightforward, sensible measure, House Joint Resolution 385, which was introduced by my friend and colleague, the gentleman from New York [Mr. FISH] in the House. Senate Joint Resolution 205 was introduced in the other body by the distinguished senior Senator from New York, who also served as our ambassador to the United Nations at the time this infamous resolution was adopted.

Mr. Speaker, I think we should also commend the gentleman from Pennsylvania [Mr. YATRON] the chairman of the Subcommittee on Human Rights and International Organizations, for his earlier work on this same issue in our full committee and also to thank the gentleman from California [Mr. LANTOS] for his eloquent words and his efforts on the floor today.

Mr. Speaker, Zionism is not racism. Zionism is the expression of the desire of the Jewish people to have a homeland. The desire by a people to have their own country in which they may live and worship freely is a desire for which the American people have a profound understanding and appreciation. Our Nation was founded by and is populated by those who were forced to flee from oppression and suffering. It is in our nature as a people to reach out a helping hand to all those around the world who seek freedom to be themselves. For this reason we have maintained strong ties and friendship with the State of Israel since its inception and for this reason we must do all that we can to see that U.N. General Assembly Resolution 3379 (XXX) is overturned.

It is my hope that by passing this bill, the United States can join Australia, which also passed legislation along these lines, in encouraging other nations to similarly express themselves. I commend the gentleman from New York, Congressman FISH and Senator MOYNIHAN, for their efforts to reverse the U.N. resolution whose continued existence hampers efforts to promote freedom and justice around the world.

Mr. Speaker, I am immensely gratified that the House is acting on this legislation in an expeditious fashion. I thank the Chair of our House Foreign Affairs Committee, Mr. FASCELL, the ranking minority member, Mr. BROOMFIELD and the others whose efforts have permitted this measure to advance at a rapid pace.

Because we are enacting this legislation before the impending visit of the President of Israel, I believe it would be altogether fitting and proper that President Reagan sign the bill in Mr. Herzog's presence during his state visit.

Mr. Speaker, I yield 2 minutes to the gentleman from Indiana [Mr. BURTON], another member of our Foreign Affairs Committee.

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman for yielding and want to add my support to this very important resolution. I want to commend all those who are sponsoring it for their hard work in getting it to the floor and getting it passed today, as I am sure it will be.

There is one thing that I would like to point out, however, and that is that the PLO, the Palestinian Liberation Organization, has as its sole objective to destroy the State of Israel. Their purpose is to implement the Zionist as racism resolution by destroying the state and toward that end last week, or week before last, I introduced a motion to the State Department authorization bill which would require the State Department to remove the PLO from its mission headquarters not only in Washington, DC, but in New York as well. They are there at the discretion of the United States of America. It is not a requirement of the U.N.

I would just like to say that one of the best signals we could send to repudiate this resolution that was passed in 1975 by the U.N. would be to remove the U.N. mission for the PLO from New York and from Washington, DC. Toward that end, I would just like to urge the conferees on the State Department authorization bill to stick to their guns, to stick with the mandate of this House and get the PLO out of the United States of America.

Mr. LANTOS. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. ANDERSON].

Mr. ANDERSON. Mr. Speaker, I thank the gentleman from California for yielding. This is a matter of great importance, and of great consequence, and I commend the gentleman from California for bringing it forward. Today, I stand to reaffirm my strong support for the ideals of Senate Joint Resolution 205, which seek to eliminate United Nations General Assembly Resolution 3379 declaring Zionism to be a form of racism and racial discrimination. This measure equated the Zionist with the Nazis and the racial doctrine of the Nazis.

On November 10, 1975, the U.N. did in fact endorse this most unfortunate measure. That day marked a void in man's humanity to man, a convoluted distortion of the events which occurred during WWII. The U.N., once considered a leader in peaceful negotiation and a communication network for world relations, cast a dark shadow on its reputation, and severely damaging its unique greatness. The United Nations chose to pass judgment on a period in history.

General Secretary of the United Nations, Perez de Cuellar, would very much like to have this action deleted from its history. We the leaders of the United States now have the opportunity, ability, and responsibility to denounce this injustice. We, as a world leader, also have the responsibility to other nations throughout the world to pave the way in eliminating U.N. General Assembly Resolution 3379. I speak of multilateral diplomacy in initiating and encouraging the confidence of nations represented in the United Nations. By setting a standard of accuracy, we may isolate this inaccurate resolution, and hopefully readjust world perspective for the future.

Passage of Senate Joint Resolution 205 would denounce an event that occurred 12 years ago. Rarely do we have the opportunity to right a wrong. It is with great anticipation that I encourage its passage.

Mr. WEISS. Mr. Speaker, I rise today to support the passage of Senate Joint Resolution 205. I am a cosponsor of the House version of the resolution. Each of the resolutions calls upon the administration to support all efforts to overturn U.N. Resolution 3379, passed by the General Assembly on November 10, 1975, which "determines that Zionism is a form of racism and racial discrimination." It is an outrage that this resolution, a blatant outrageous lie, has yet to be overturned by the United Nations.

Tomorrow marks the 12th anniversary of the passage of Resolution 3379 by the General Assembly. Tomorrow is also the first time the President of the State of Israel, Chaim Herzog, will pay an official visit to the United States.

Twelve years ago, Chaim Herzog, as the Permanent Representative of Israel to the United Nations, rose to denounce the passage of Resolution 3379. He reminded all who listened that the day was also the anniversary of "Kristallnacht" in Nazi Germany, when synagogues and Jewish-owned stores were destroyed in a wave of public anti-Semitism which was but a foreshadowing of the horror that was soon to follow in the Holocaust. President Herzog declared that the passage of the resolution only encouraged those who wished to "complete the work of the final solution by destroying the Jewish people and the Jewish State."

I am proud to say that the United States did not vote with the majority on November 10, 1975. In fact, the U.S. Permanent Representative to the U.N. at the time, who sponsored the original Senate resolution we will vote on today, Senator MOYNIHAN, spoke out strongly against it, declaring that "The terrible lie that has been told here will have terrible consequences."

Despite the warnings of Senator MOYNIHAN and President Herzog, the resolution has not only remained intact, but has reappeared a number of times in other U.N. resolutions dealing with the Middle East. The lie has been ignored, perhaps in the hope that forgetting it would somehow remove the terrible mistake made by the United Nations on that day.

The same technique is used by those who wish to extinguish the Holocaust from the memory of mankind. But we cannot let such events be forgotten, for then we run the greater danger of repeating them.

It is time for this lie to be removed from the record of the United Nations. I ask my colleagues to join me in voting in favor of the resolution today to demonstrate to President Herzog, and the world, that we have not forgotten what the truth is. Those who seek to destroy the Jewish people and the Jewish state must not be allowed any semblance of victory.

Mr. BROOMFIELD. Mr. Speaker, more than a decade ago, the United Nations General Assembly adopted Resolution 3379, and brought disgrace upon the United Nations while increasing feelings of religious animosity and anti-Semitism.

That resolution equated Zionism with "racism and racial discrimination." But in reality it is a slanderous attack on the state of Israel and attempts to exclude that sovereign from the General Assembly.

Last year Australia went on record to expose General Assembly Resolution 3379 for what it is.

Today, the resolution before us, will allow the United States to add its voice in protesting the "Big Lie" perpetrated by the U.N. General Assembly's resolution. It will not erase the tragedy the U.N. general assembly's action of 12 years ago, but it will help in correcting that mistake.

I urge support for the Senate resolution.

Mr. YATRON. Mr. Speaker, I wholeheartedly support Senate Joint Resolution 205 legislation asking the United States to assist in overturning United Nations Resolution 3379 which equates Zionism with racism. Senate Joint Resolution 205, passed the other body on October 23. The contentious United Nations initiative in question, adopted on November 10, 1975, not only violently accosts the Government of Israel; it also undermines the credibility of the U.N. The measure we are considering today points out how detrimental the U.N. resolution is in resolving Middle East conflicts, how inconsistent it is with the U.N. Charter, and how it has served to heighten religious animosity. For these reasons, Senate Joint Resolution 205 recommends overturning Resolution 3379.

On November 10, the President of the State of Israel will be visiting Washington. What better welcome could be given President Herzog by the Congress than indicating our strong and unified disapproval of this U.N. initiative. But revoking this resolution should not be regarded as a symbolic gesture; it should be viewed as a necessary, important act. If the U.N. is to be a formidable force in the international community, then major defects, such as this defamatory resolution must be corrected.

I commend the gentlemen from New York, [Mr. FISH and Mr. GILMAN] for this resolution, along with all of the other Members who are cosponsors. I urge my colleagues to support Senate Joint Resolution 205.

Mr. BIAGGI. Mr. Speaker, I rise to lend my support to Senate Joint Resolution 205 which calls upon the Reagan administration to support all efforts to overturn United Nations Resolution 3379 which equates Zionism with racism. Passage of this resolution is vital if we are to begin the long overdue process of restoring the harm that this resolution has caused to the state and people of Israel since its adoption by the U.N. more than 12 years ago.

U.N. Resolution 3379 is inconsistent and even inimical to the United Nations Charter. It serves as a document of distortion, a vehicle which has claimed many innocent victims in its wake. It has promoted polarization and anti-Semitism and has contributed to the ongoing stalemate in the Middle East.

We should have taken this step years ago. The fact of it is that the administration should be more supportive of this effort. It is totally inconsistent for any person who supports the state of Israel to remain silent in the face of the continued existence of a document which challenges the very legitimacy of Israel as a state.

Later in the week we will have a historic visit by the President of Israel, Chaim Herzog. Let us do something meaningful to coincide with this important event which represents the first ever visit to our Nation of an Israeli President.

In the spirit of Camp David—and the other initiatives which have helped to foster peace in the Middle East—let us support this resolution today. Israel need not enter its fifth decade with the same challenges to its existence that have prevailed up to now. Abolition of U.N. Resolution 3379 would be an important step in the right direction for Israel and for peace in the Middle East.

Mr. WOLPE. Mr. Speaker, 11 years ago, in an act of supreme cynicism and political viciousness, the United Nations General Assembly disgraced itself before the entire world. In declaring Zionism a forum of racism, the international body that held the hopes of humanity at its birth chose to abdicate its principles and its charter in a futile exercise of appeasement to radical and terrorist forces.

This infamous resolution, General Assembly Resolution 3379 (XXX)—raised fundamental questions about the United Nations in the minds of its most steadfast supporters. It stands as a black mark on the institution's hard earned reputation for the promotion of world peace and justice.

We cannot forget, after all, that it was the United Nations, that in 1948 voted the partition of Palestine and recognized Israel's independence and right to exist as a state. It was U.N. peacekeeping forces that had—notwithstanding the unforgivable surrender to Nasser's belligerence in May 1967—played a constructive role in maintaining truces following armed conflict. And it was at the United Nations that the pivotal resolutions, 242 and 338 of the Security Council, on which negotiations for Mideast peace must be premised, were forged.

But this generally admirable record—in which the United States and Israel could place its hopes along with other nations—was scarred by the resolution equating Zionism with racism in 1976.

At that time, the world was still reeling from the OPEC oil embargo of 1973, and was intimidated by the unchecked reign of terrorism throughout Europe, the Middle East, and Africa—terror directed against Israel and those who had the temerity to stand with Israel. Appeasement never loses its ugliness. Yet that is what the General Assembly chose to commit when this resolution was adopted.

We should still recall the cowardice of the confidential assurances of so many nations who allowed themselves to capitulate to the blackmail behind this resolution. Our U.N. delegation, headed by DANIEL PATRICK MOYNIHAN, who stood so courageously against this outrage, received the message from many: "We don't want to vote for this, but we have to."

The fact remains that words do have meaning and can cause harm. And when words are deemed to express the public, collective wisdom of the moment, their meaning must be fully appreciated—at the peril of acquiescing in the pollution of the meaning of language itself. This particular twisting of words was a slander of monstrous proportions—against Israel and against the Jewish people, who have been committed to their homeland in Israel for millenia. Zionism was fulfilled in the ashes of the greatest crime of racism the world had witnessed. For the preeminent victims of racism to be equated by the preeminent world body with racism itself was an abomination that cannot be redeemed—until the United Nation itself repents its malicious action.

We therefore have the responsibility to repudiate the big lie. House Joint Resolution 385 is a declaration of Congress that the U.S. Government should support efforts to overturn U.N. General Assembly Resolution 3379. There is no statute of limitations that protects such crimes. It is never too late for the United States to lead the call to conscience, and to bring the scales of truth and justice into balance.

I urge the adoption of House Joint Resolution 385.

Mr. DAUB. Mr. Speaker, I want to commend the House on its consideration of Senate Joint Resolution 205 condemning U.N. Resolution 3379. That U.N. resolution equated Zionism and racism and is one of the most famous, and, at the same time most contemptible, actions taken by that institution.

The U.N. resolution is an assault on logic. It is one of the major reasons the American people no longer respect or even want to see the United Nations continue its deliberations on American soil.

It is an extraordinary inversion of logic that attempts to align Zionism with racism. Racism is the assumption that human abilities, indeed human worth, are determined by biological race. It is the notion that one group of people, due to a common genetic pool, is superior to others.

Zionism is a political movement which arose in Europe of the 19th century out of a general desire of many Jews to settle in Palestine. Zionism exists among those of a particular belief, not by reason of birth or race. Zionism isn't determined or confined to those of a certain, coherent genetic pool. Israeli courts have held that Jews who convert to another religion are no longer Jews. The Jewish faith admits converts regardless of their ethnic characteristics.

Zionism in origin and practice is thus the antithesis of racism. It stretches both logic and imagination that the United Nations would attempt to twist the meaning of racism around Zionism in order to satisfy the unnatural hatred of a majority of delegates to that hapless institution.

In a cruel bit of juxtaposing, the 1975 resolution was adopted on November 10. That is the anniversary of the infamous "kristallnacht," or crystal night, which began the brutality of Nazi Germany against Jews.

It is also important to note, as the U.S. Ambassador to the United Nations DANIEL P. MOYNIHAN, did during the debate on the resolution that the only previous time the United Nations attempted to define the term racism was when it said racism was a form of nazism. With adoption of U.N. Resolution 3379 linking racism and Zionism, Zionism has been equated with nazism.

In the twisted world of U.N. thinking, the tormented is grouped with his tormentors. This is unforgiveable. It is also unforgettable and that's why 12 years after the adoption of U.N. Resolution 3379, the House brings forward an instruction to the State Department to secure the repeal of this stain on common decency.

Mr. GILMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LANTOS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. LANTOS] that the House suspend the rules and pass the Senate joint resolution, Senate Joint Resolution 205.

The question was taken.

Mr. SOLOMON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. LANTOS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on Senate Joint Resolution 205, the Senate joint resolution just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

SENSE OF CONGRESS WITH RESPECT TO DEMONSTRATIONS IN LATVIA COMMEMORATING LATVIAN INDEPENDENCE DAY

Mr. LANTOS. Mr. Speaker, I move to suspend the rules and agree to the concurent resolution (H. Con. Res. 209) expressing the sense of the Congress with respect to demonstrations in Latvia commemorating Latvian Independence Day.

The Clerk read as follows:

H. CON. RES. 209

Whereas the United States, since its inception, has been committed to the principle of self determination;

Whereas this essential moral principle is also affirmed in the Charter of the United Nations;

Whereas the Union of Soviet Socialist Republics is, according to its constitution, a voluntary federation of autonomous republics;

Whereas the Republic of Latvia did not become a member republic of the Union of Soviet Socialist Republics voluntarily, but rather was occupied militarily by the Soviet armed forces in the early days of World War II and subsequently incorporated by force into the Union of Soviet Socialist Republics, and has since been governed by a government approved by, and subservient to, the Government of the Union of Soviet Socialist Republics;

Whereas the United States has consistently refused to recognize the unlawful Soviet occupation of Latvia and continues to recognize the diplomatic representatives of the last independent government of the Republic of Latvia;

Whereas November 18, 1987, marks the 69th anniversary of the founding of the independent Republic of Latvia;

Whereas the United States Government has traditionally recognized November 18th as Latvian Independence Day, and the Congress has passed resolutions calling for special commemoration of that date;

Whereas November 18, 1987, also marks the 52nd anniversary of the dedication of the Latvian Monument of Freedom, completed in Riga, Latvia in 1935, to honor the Latvian people and their nation;

Whereas since the Soviet occupation of Latvia, the people of Latvia have been prevented from publicly commemorating this important day in their national history.

Whereas a peaceful noncommunist demonstration was allowed to occur on June 14, 1987, as 5000 Latvian people gathered in Riga to honor the victims of Soviet deportations which occurred between 1940 and 1949;

Whereas credible western news sources have indicated that Latvian nationalists are planning to hold their third mass demonstration of the year on November 18 at the Latvian Monument of Freedom in downtown Riga;

Whereas Anatolijs Gorbunovs, Secretary of the Latvian Communist Party Central Committee, has stated that participation in such a demonstration in Riga on November 18 will be construed as an anti-Soviet act; and

Whereas A. Drizulis, Vice President of the Latvian Soviet Socialist Republic Academy of Sciences, echoing the new Soviet policies of openness, democratization, and restructuring, has stated that "it is necessary to cleanse history of various distortions and deformations, to return civic spirit, honesty and courage to it": Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) prior to November 18, 1987, the Secretary of State should inform the Government of the Soviet Union that the United States Government supports the right of the Latvian people to peaceably assemble to commemorate important dates in this history, and should urge the Soviet Government to—

(A) apply its new policy of openness and democratization to the people of Latvia;

(B) allow the people of Latvia to publicly commemorate November 18 in whatever peaceful manner they may choose, without fear of arrest, harassment, or other reprisals;

(C) allow the Western media access to Riga, Latvia, on November 18, 1987, to observe and report on events of that day;

(D) halt immediately the harassment of the members of all Latvian human rights groups, including HELSINKI 86 and the Latvian Christian Movement for Rebirth and Renewal; and

(E) release, prior to November 18, 1987, all Latvian prisoners of conscience from internal exile, prison, and labor camps in the Soviet Union, including Latvian human rights activists Linards Grantins and Gunars Astra;

(2) the President should direct all appropriate United States Government agencies to monitor closely the events of November 18, 1987, in Riga, Latvia, and should send an appropriate United States Government representative to Latvia on November 18, 1987, to observe personally the events of that day; and

(3) the President and the Secretary of State should raise the issue of human rights and self-determination in the Baltic states during the next United States-Soviet summit.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from California [Mr. LANTOS] will be recognized for 20 minutes and the gentleman from New York [Mr. SOLOMON] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. LANTOS].

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. LANTOS. At the outset, Mr. Speaker, allow me to express my appreciation and respect for my friend and colleague, Congressman BEREUTER, for having led us on this critical issue, and allow me to give a bit of historical background.

Mr. Speaker, November 18, 1987, marks the anniversary of the founding of the Independent Republic of Latvia. Latvia, Mr. Speaker, did not remain independent for long because the Soviet Union occupied and subjugated Latvia, along with Lithuania and Estonia, in the early days of the Second World War. Throughout the long period since that time, the people of Latvia have been deprived of their independence and of their fundamental liberties.

The U.S. Government never accepted the fact that Latvia, Lithuania, or Estonia, are parts of the Soviet Union. The overwhelming bulk of the American people continue to look at these three important Baltic countries as proud and independent entities.

On June 14, 1987, Mr. Speaker, 5,000 Latvian people gathered in Riga, the capital of Latvia, to honor the victims of Soviet deportations which occurred between 1940 and 1949. We now have good evidence that November 18, just 10 days away, when the Latvian monument of freedom in downtown Riga will again be witnessing a gathering of thousands of Latvians who peacefully want to demonstrate and honor their historic memory as a nation, that this demonstration will not be allowed to take place by the Soviet authorities.

Now, at a time when we are about to receive Mr. Gorbachev, the head of the Soviet Union, when the operative word in the international dialog is "glasnost," openness, relaxation, it is important for the Congress of the United States to speak out and to demand that the people of Latvia be allowed peacefully to assemble and to demonstrate on their national holiday.

□ 1520

What are we asking, Mr. Speaker?

We are asking that our Secretary of State, George Shultz, inform the Government of the Soviet Union that the American people and the Congress of the United States support the right of the Latvian people to peaceably assemble to commemorate important dates in their history. We are asking that Western media have access to the planned events in Riga, Latvia, on November 18, 1987.

We are asking that the harassment of Latvian human rights groups cease.

We are asking that prior to November 18, 1987, all Latvian prisoners of conscience should be released from internal exile, prison, and labor camps in the Soviet Union, specifically including two human rights activitists, Linards Grantins and Gunars Astra.

We are further asking, Mr. Speaker, that the President direct all appropriate Government agencies of the United States to monitor closely the events that will unfold 10 days from today on the shores of the Baltic in Riga, Latvia, and that we send a U.S. Government Representative to that place to personally observe the events of that day.

This is an issue, Mr. Speaker, that all of us in the Congress feel deeply about. Lativia, Lithuania, and Estonia are proud and independent entities. Their people represent the finest in Western civilization and in a spirit of glasnost they ought to be allowed to express themselves through peaceful assembly and demonstrations.

Mr. Speaker, I reserve the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield such time as he might consume to the gentleman from Nebraska [Mr. BEREUTER], the sponsor of the resolution and a member of the Committee on Foreign Affairs who has been very, very active in this issue.

Mr. BEREUTER. Mr. Speaker, I wish to express my appreciation to the gentleman from California [Mr. LANTOS] for his supportive and forceful remarks on this issue. I also want to express my appreciation for the expeditious manner in which this legislation was handled by the gentleman from Florida [Mr. FASCELL], the gentleman from Michigan [Mr. BROOMFIELD], the gentleman from Pennsylvania [Mr. YATRON], the gentleman from New York [Mr. SOLOMON], the gentleman from Indiana [Mr. HAMILTON], and the gentleman from New York [Mr. GILMAN]. It is appropriate that we hear this legislation at this time.

Mr. Speaker, House Concurrent Resolution 209, introduced by this Member, with the cosponsorship of the Cochairmen of the Ad Hoc Committee on the Baltic States and the Ukraine, the gentleman from Michigan [Mr. HERTEL] and the gentleman from Pennsylvania [Mr. RITTER], urges the President to express to Soviet officials the Congress' concern that the people of Latvia be allowed to publicly commemorate their independence holiday on November 18 in whatever peaceful manner they may choose, without fear of arrest, harassment, or other reprisals.

I would like to inform my colleagues, from what I consider to be reliable reports, that in the last few days the Soviets have launched a major campaign to prevent independence day demonstrations in Riga, Latvia.

Latvian high school and university students and their parents have been forced to sign documents promising that they will not participate in any November 18 demonstrations.

Parents are being told they will be held responsible for any acts of so-called hooliganism their children may undertake on that date.

Latvian grammar schools have organized special field trips to locations outside of Riga for young students on November 18 and participation is mandatory.

Latvian workers have received warning at their places of employment that those absent from work on that day will be punished.

Loyal Communists, mostly non-Latvian residents of Riga, have been recruited at their workplaces to form special citizens security groups whose purpose is to patrol the streets of Riga on November 18 and prevent, what the Soviets call, disorders.

There are also highly reliable reports that the KGB has brought in people from outside Latvia, including recently amnestied common criminals, Afghan war veterans, and other reliable individuals and is training them in small-scale terrorist techniques. Their purpose is to create confusion, confrontation, and possibly violence at any mass demonstration on the 18th.

No doubt openly discernible Soviet preparations to disrupt any peaceful proceeding are designed to deter Latvian citizens from venturing into the streets. If, and only if, the Kremlin has its way, November 18 will be the non-event of the year in Latvia.

On at least two occasions during the past 6 months, the citizens of the Baltic republics have participated in mass demonstrations to publicly commemorate important dates in their nations' history.

Soviet authorities reluctantly tolerated the June 14 demonstrations where 5,000 gathered to honor the victims of the Stalinist deportations in the 1940's.

Official response to an August 23 event was relatively harsh, however, when a crowd of nearly 10,000 gathered to protest the signing of the 1939 Nazi-Soviet pact which ultimately led to the invasion of Latvia and its incorporation into the Soviet Union by force.

Many participants were arrested, while human rights leaders were beaten, fired from their jobs, and threatened with further reprisals.

To ensure no repeat occurrences, the Soviet Government has arrested several of the known leaders of the Latvian human rights group Helsinki 86, which organized the successful June 14 and August 23 demonstrations, and ordered the rest of the organizers to leave Latvia and the Soviet Union by November 16.

Due to their personal inability to participate on November 18, and rumors of potential violence against demonstrators, Helsinki 86 members have been reluctant to officially call for a demonstration on that day. Popular feeling to make some kind of patriotic gesture on independence day is nevertheless running high, especially among Latvian youth.

Mr. Speaker, some have suggested that we raise the issue of Baltic independence in vain. They observe, probably correctly, that no Russian Government whether Soviet, democratic, or monarchist would likely relinquish possession of a peripheral territory, except under the extraordinary circumstances in which Lenin and his Bolshevik cohorts agreed to respect the Latvian people's right to self-determination at the close of World War I.

Indeed Russia did not become the largest nation in the world by giving up territory belonging to other nationalities. Nevertheless, if we do not hold the Soviets to territorial and moral obligations, which they themselves freely signed and which have been discarded in the case of the Baltic States, it is an acceptance that the Soviets can expand anywhere their inclinations and use of force sends them.

Moreover, as the true champion of freedom and self-determination of all peoples, this country cannot succumb to indifference concerning the freedom of those deep behind the Iron

Curtain, for in the day we do grow weary of upholding the beacon of freedom, is likely to be the day we begin to lose our own freedom.

This resolution is an expression of the concern that Americans have for freedom everywhere. It asks the Soviet Government to apply its new policy of glasnost to the people of Latvia by allowing them to publicly commemorate November 18 in whatever peaceful manner they may choose, without fear of arrest, harassment, or other reprisals.

It calls upon the Soviets to allow the Western media access to Riga on November 18 to observe and report on events of that day.

It urges the Soviets to halt the harassment of the members of all Latvian human rights groups, including Helsinki 86 and the Latvian Christian movement for rebirth and renewal.

Furthermore, we call upon the Soviet Union to release, prior to November 18, 1987, all Latvian prisoners of conscience from internal exile, prison, and labor camps in the Soviet Union, including Latvian human rights activists Linards Grantins—grant inch—and Gunars Astra.

Finally, the resolution asks the President to monitor the events of that day in Riga by sending U.S. government representatives to observe any demonstrations; and

It asks the President and Secretary of State to raise the issue of human rights and self-determination in the Baltic States during the next United States-Soviet summit.

I urge my colleagues to support this timely and important resolution as a measure of their support for freedom everywhere.

□ 1530

Mr. LANTOS. Mr. Speaker, it gives me a great deal of pleasure to yield 5 minutes to the gentleman from Maryland [Mr. HOYER], chairman of our Helsinki Commission and an indefatigable and effective fighter for human rights.

Mr. HOYER. Mr. Speaker, I thank the gentleman from California for yielding me this time. As cochairman of the Human Rights Caucus and himself one of the principal leaders in this country and indeed on the entire national scene on behalf of human rights everywhere, I am proud to be associated with him and with others who support this resolution.

Mr. Speaker, on November 7 of this year, the Government of the Soviet Union celebrated the 70th anniversary of the Bolshevik revolution. The attention of the world media was focused, and justly so, on that event, and particularly on the November 2 statement by General-Secretary Gorbachev concerning issues facing the Soviet Government and its people.

In this connection, I would like to mention another anniversary that will be commemorated shortly by the people of Latvia, whose land is currently occupied by Soviet forces. November 8, 1987, will mark the 69th anniversary of the declaration of Latvian independence.

Beginning in 1918, the Latvian people enjoyed 22 years of independence. Having successfully rejected foreign occupiers from East and West to establish a stable, prosperous nation on the Baltic Sea. Then, in 1939, came the deal between Stalin and Hitler—a deal which brought death, destruction, and the tragic status of "Captive Nations" to the formerly free Baltic States of Estonia, Latvia, and Lithuania. The citizens of Latvia and of their two fellow Baltic States were robbed of their independence.

Obviously, this November anniversary will not be officially celebrated by the Soviet Government, which continues to claim, despite all evidence to the contrary, that the Latvian people voluntarily entered the Soviet Union and enjoy their current status as a Soviet Republic.

Latvian national and civil rights activists who dare to challenge this version of Soviet history have been imprisoned or forced into exile. In order to help eradicate the Latvian culture and national identity, the Soviet Government encourages non-Latvian immigrants to move to Latvia. As a result, the Latvian language has been relegated to second-class status compared to Russian. The Latvian Lutheran Church, which was the national church during the years of independence, has been reduced to a state of virtual spiritual impotence, its own hierarchy suborned to the will of an alien power, both in the spiritual and political sense.

But the Latvian people have not forgotten their past, nor have they surrendered their future. On June 14 of this year, approximately 5,000 persons gathered at the Freedom Monument in Latvia's capital city, Riga, to honor the memory of Latvians deported to Siberia in 1941 by Stalin. On August 23, the 48th anniversary of the signing of the Molotov-Ribbentrop treaty, nearly 10,000 Latvians attended a peaceful demonstration at the same site to demand that Moscow renounce that death warrant for their unfortunate nation.

We understand that Latvian citizens plan once more to meet at the Monument of Freedom on November 18 and peacefully commemorate their nation's lost independence. We are also informed that local authorities are threatening criminal charges against anyone who appears in the area of the Monument of Freedom. There are also reports that local factory directors are recruiting party thugs to act as outraged workers and provoke violence at the planned gathering. As the Soviet Constitution does provide Soviet citizens with the right to peaceful assembly, and as the Soviet Government does insist that the people of Latvia are indeed Soviet citizens. We hope that these reports of illegal measures being considered by the authorities are incorrect.

I have also been informed that another group of Latvians plan to peacefully demonstrate in front of the old Embassy of independent Latvia in Moscow on the same day as their fellow citizens in Riga. The participants have stated that they intend to observe Latvian independence, protest the continued Soviet occupation, and publicize the Latvian-Soviet treaty of August 11, 1920, in which the Soviet Union pledged to respect Latvian independence in perpetuity.

Mr. Speaker, in July 1986, members of the Latvian human rights group Helsinki 86 wrote to General-Secretary Gorbachev the following:

> Permit us, ourselves, to eat our own bread, and that which is left over, to sell to others; and not the other way around, to have only the leftover bones, claws and udders. Permit us to freely meet with all of the peoples of the world; we have done no evil to any nation, and we have not deserved to be locked up and taught with whom to be friends and with whom not to be * * *.
>
> Do you really need, in addition, 1.5 million Latvians and an insignificant piece of land by the Baltic Sea? Come to us as friends, and in return you will receive friendship. Respect other peoples and you will be respected. If you do not respect other nations, then you will be inflicting an irreversible evil on your own people * * *.

It is perhaps an encouraging development that in the October 7, 1987, issue of Literaturnaya Gazeta, Mr. August Voss, Chairman of the Supreme Soviet of Nationalities and himself a Latvian, admitted that mistakes have been made in Soviet nationality policy. Part of the problem, he said, was caused by Government insensitivity toward the native peoples of the individual republics. Among other things, Mr. Voss stated that "there is nothing more alien to Communist ideology than to try and artificially force the historical process or to try to interfere with it."

Let us hope that Mr. Voss' message is not lost on the Kremlin. The true historical process in the Baltics was tragically and savagely trampled under Soviet tanks in the spring of 1940. As chairman of the Helsinki Commission, I call upon the Soviet Government to uphold Principle VII of the Helsinki accords guaranteeing equal rights of peoples and national self-determination, and to allow the people of Latvia to determine their own destiny.

I also commend my colleagues Mr. BEREUTER, Mr. HERTEL, and Mr. RITTER—who is also a member of the Helsinki Commission—for introducing this resolution in support of the lawful aspirations of the Latvian people, and I urge my colleagues to support it.

Mr. SOLOMON. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN], the second ranking Republican on the full Foreign Affairs Committee and a real leader on this issue.

Mr. GILMAN. Mr. Speaker, I rise in strong support of House Concurrent Resolution 209 and I commend its sponsor, the gentleman from Nebraska [Mr. BEREUTER] and the distinguished chairman of our Human Rights Subcommittee, the gentleman from Pennsylvania [Mr. YATRON] and its ranking minority member, the gentleman from New York [Mr. SOLOMON].

In our Nation we are used to political demonstrations of all sorts. Our greatest strength as a nation is our embrace of the right of people to speak their mind freely and to act on their conscience. This is a strength which unfortunately is not found in the Soviet bloc.

Nearly 50 years ago the Soviet Union seized control of Latvia against the will of its people. The Latvian people continue to protest this cruel injustice on their traditional Independence Day, November 18. Credible Western news sources have indicated that Latvian nationalists are planning to hold their third mass demonstration of the year on their Independence Day at the Latvian Monument of Freedom in downtown Riga. Latvian Communist Party officials have stated that participation in such a demonstration will be construed as an anti-Soviet Act.

House Concurrent Resolution 209 would declare that it is the sense of the Congress that Secretary Shultz should inform the Soviet Union that the United States Government supports the right of the Latvian people to peaceably commemorate their Independence Day without fear of arrest, harassment, or other reprisals. Furthermore, this resolution urges that the Western media have access to Riga, Latvia, on November 18, 1987, to observe and report on the events of that day. The world will be watching the presentation of glasnost in Latvia on Latvian Independence Day.

Mr. Speaker, the Soviet Government should recognize that if it truly desires improved relations with our Nation it must permit those that live under its oppressive hand to once again breathe the fresh air of freedom. I commend the gentleman from Nebraska [Mr. BEREUTER] for his fine work on this resolution and I urge my colleagues to fully support it.

Mr. SOLOMON. Mr. Speaker, I yield such time as he might consume to the gentleman from Illinois [Mr. HYDE], a member of the Foreign Affairs Committee who has always stood up against Soviet brutality.

Mr. HYDE. Mr. Speaker, I am very pleased that the gentleman from Nebraska [Mr. BEREUTER] has been thoughtful enough to commemorate this event and bring it to our attention. The problem is we have become so used to Soviet oppression and suffocation of freedom wherever the Soviet Union dominates that we no longer are outraged or shocked or dismayed even by incidents where simple human dignity is affronted and assaulted.

I do not know somebody else's definition of empire. But it would seem to me the Union of Soviet Socialist Republics taking over Latvia, Lithuania, Estonia, and all of the Balkan States, Hungary, Romania, Czechoslovakia, and the rest, it would seem to me that is the definition of an empire.

Then I see their naval base in Camranh Bay, in Nicaragua, in Cuba, in Ethiopia, in South Yemen. I see 115,000 of their troops shooting at the Mujahedin of Afghanistan, and that is my definition of evil. I know a very prominent politician once referred to the Soviet Union as an evil empire, for which offense he is still ridiculed by certain liberal commentators, but these occurrences such as the one mentioned in House Concurrent Resolution 209, where the people of Latvia are going to be criminalized for simply commemorating an important day in their history, it seems to me is an abuse of any definition of human dignity, and it is sad that all we can do is pass a resolution, a piece of paper, and then tomorrow move on to the next event of the day.

This is a festering, lingering sore and we ought to remember it and concentrate on it, and all similar abuses throughout the world wherever the Soviet Union is a dominant force. Political prisoners languish in jail, whether it is in Vietnam or whether it is in Nicaragua, or whether it is in the Balkan States because they dared stand erect on their feet and oppose tyranny.

So I say let us continue to bring attention to these atrocities of the human spirit.

I thank the gentleman from Nebraska [Mr. BEREUTER] for having the foresight to bring this up, and let us as leaders of the free world try to support people who are struggling to be free wherever they are, because that is our high moral obligation.

Mr. LANTOS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the continuing, and illegal, occupation of Latvia and the other Baltic States is a crime for which we must hold the Soviet Union accountable. And even more than that, we must continue to show solidarity with the people who feel the full weight of Soviet occupation and brutality.

There is no more compelling testimony to the failure of communism than the continued resistance of the Baltic peoples—and the Ukrainians, too, I might add—to the heavy fist, and booted foot of the Soviet Union. More than four decades of systematic persecution and so-called russification have not extinguished the lamp of freedom that burns in the hearts and minds of these people. More than four decades of forced relocations and cultural genocide have not diminished the pride these people have in their own national identity and traditions. So-called scientific socialism is notably unsuccessful, when confronted with the more noble aspirations of human nature.

I am glad that this resolution now before us makes Latvian independence day a test of Soviet sincerity on glasnost. The whole world will be watching Latvia on November 18. As the people of that nation desire to celebrate their independence—however brief it may have been—we will be watching to see how the Soviets respond. If the Latvian people are again denied their right to peacefully assemble and celebrate their culture and traditions, what then can be said about glasnost? Not much.

I strongly support this resolution and urge its adoption.

Mr. Speaker, in closing, we have praised the gentleman from Nebraska, the sponsor of the resolution, Ambassador BEREUTER, and my good friend, the gentleman from California [Mr. LANTOS], and the gentleman from New York [Mr. GILMAN]. But I also want to pay special commendation to the gentleman from Pennsylvania [Mr. YATRON], the chairman of my Subcommittee on Human Rights, who could not be here today and who has done such an outstanding job on these issues.

Mr. Speaker, I yield such time as he may consume to the gentleman from Washington [Mr. MILLER].

Mr. MILLER of Washington. Mr. Speaker, I just want to add my commendation to my colleague, the gentleman from Nebraska, Congressman and Ambassador BEREUTER, as well as the gentleman from New York, Mr. SOLOMON, the gentleman from California, Mr. LANTOS, and others who have cosponsored and fought for this resolution. It is important that we in the United States Congress and the United States remember what goes on in Latvia today. What we do on this floor I know, and we all know from our contacts and experiences, can have a beneficial effect.

□ 1545

It can give hope to those people in Latvia that are struggling and it can let those in the Soviet Union know that we have not forgotten.

Mr. YATRON. Mr. Speaker, as chairman of the Subcommittee on Human Rights and International Organizations, I strongly support House Concurrent Resolution 209, which seeks to promote human rights in Latvia and commemorates Latvian independence. I want to commend the bill's sponsor, Congressman BEREUTER, for his initiative and outstanding leadership on this issue.

The bill is most timely and relevant and deserves our expeditious consideration. November 18, 1987 marks the 69th anniversary of the founding of the Republic of Latvia. Indications are that Latvians are also planning to hold their third mass demonstration on that date.

By passing this resolution, we will be sending a strong message to the Soviet authorities. We will be reaffirming United States policy of nonrecognition of the unlawful Soviet occupation of Latvia. We will also be reminding the Soviets of their human rights obligations under several international covenants.

House Concurrent Resolution 209 calls on Soviet authorities to apply its new policy of openness to Latvia; to allow Latvians to peacefully assemble to commemorate their nation's anniversary; to allow Western media access to this important event; to halt human rights abuses and release all Latvian political prisoners.

Clearly, there have been some positive human rights developments in the Soviet Union recently. November 18 will present the Soviets with an opportunity to show the world how serious they are in implementing human rights reforms.

I urge my colleagues to support the resolution.

Mr. BROOMFIELD. Mr. Speaker, I support House Concurrent Resolution 209. The resolution urges the leaders of the Soviet Union to allow demonstrations marking Latvian Independence Day to proceed peacefully and without punishment to the participants.

It also urges the Soviet Government to allow Western media access to Riga, Latvia, on November 18, 1987, to observe and report on events of that day, as well as asking the President to direct appropriate Government agencies also to observe the events on that day in Latvia.

Within the last 6 months, in a response to the Soviets' glasnost policy, two successful mass, public demonstrations were held at the Monument of Liberty in Riga, Latvia, to commemorate important dates in Latvian history.

With the success of these two demonstrations, there is justified growing concern that Soviet leaders will try to disrupt further demonstrations—and particularly any marking Latvia's 69th independence day on November 18—in order to maintain Soviet domination over Latvia and the other captive nations.

Mr. Speaker, if glasnost is to be more than a public relations gimmick, Soviet action must accompany their words. They must allow the people of Latvia to peacefully assemble and commemorate the important events of Latvia and their heritage.

Further, when the President meets with General Secretary Gorbachev next month, I urge him to make it clear to the General Secretary that the people of the United States hold human rights to be of the utmost importance. Mr. Gorbachev must understand that the United States will not rest until basic rights of people are finally respected in the Soviet Union with that nation abiding by the Helsinki accords.

I urge my colleagues to approve this resolution and send its important message of human rights to the leaders of the Soviet Union.

Mr. ANNUNZIO. Mr. Speaker, during the last 6 months, Helsinki 86, the Latvian human rights group has organized two large demonstrations at the Monument of Liberty in Riga, Latvia, to protest the human rights violations of the Communists as well as to protest the incorporation of Latvia, Lithuania, and Estonia into the Soviet Union, and to honor the memory of the victims of Stalin's deportations in the 1940's.

Another demonstration is planned for November 18, and the Latvian Communist Party has already issued stern warnings that such a demonstration at the Monument of Liberty would be considered an anti-Soviet act, and the Communist leaders have threatened reprisals against any Latvians who may gather at the monument.

Mr. Speaker, House Concurrent Resolution 209, which I have cosponsored, urges the President to express to the Soviet officials the concern of Congress that any demonstration which occurs in Latvia to mark Latvian Independence Day should be allowed to proceed peacefully and that there should be no reprisals for this participation.

I strongly feel that this legislation sends an important message to the Soviets that we in Congress will not tolerate the oppressive and human rights violations perpetrated against the Latvian people. Therefore, I urge my colleagues in the House of Representatives to vote for this legislation and thereby demonstrate our support for the Latvian people in their struggle to achieve self-determination and freedom.

Mr. BIAGGI. Mr. Speaker, I rise proudly to strongly endorse House Concurrent Resolution 209, which expresses congressional support for peaceful public demonstrations by the freedom-loving people of Latvia on November 18 in commemoration of Latvian Independence Day.

As the leaders of the free world, we are a nation dedicated to obtaining and preserving basic human rights for all people throughout the world. That is why we cannot remain silent when word comes that the Soviet Union is mounting a major campaign to prevent any public demonstrations in Latvia on November 18 to celebrate Latvian Independence Day. This news is particularly disturbing during an era the Soviet Union has called glasnost, a time of openness, and heightened expectations of improved human rights policy by the Soviet Union.

Reports we have received indicate there is no new Soviet human rights policy in Latvia, a nation that has been illegally occupied by the Soviets since 1940. We are informed that it will be considered an anti-Soviet act and a criminal offense for any Latvian to publically celebrate Latvian Independence Day. Simply put, this is a policy that cannot be tolerated and demands our strong protest.

House Concurrent Resolution 209 is consistent with that belief. It requests that the Secretary of State should inform the Soviet Union that the United States Government "supports the right of the Latvian people to peaceably assemble to commemorate important dates in their history." Further, the resolution urges the Soviet Union to extend glasnost to the people of Latvia; calls for the release of all Latvian prisoners of conscience prior to November 18; and calls on the President and Secretary of State to raise the issue of human rights and self-determination in the Baltic States during the next United States-Soviet summit.

Mr. Speaker, there are no freedom fighters more determined and courageous than the Latvian people. They are looking to us for support. They deserve that support and House Concurrent Resolution 209 provides a very strong statement of that support. I urge its approval.

Mr. RITTER. Mr. Speaker, on November 18, 1987, Latvians will mark the 69th anniversary of the founding of the independent Republic of Latvia. During her 22 years of freedom and independence from 1918 to 1940, Latvia was an internationally recognized member of the League of Nations. Tragically, Latvia's freedom was short lived. In 1940 the Nazi/Soviet engineered destruction of Latvia and its neighboring Baltic States of Estonia and Lithuania paved the way for the Soviet Army to invade and begin its illegal occupation which continues to this day. Mass deportations have been replaced by systematic repopulation and russification. The extermination of individuals has been superseded by the extermination of cultures, languages and traditions. What Hitler and Stalin wrought, Gorbachev continues.

Yet, despite the tragic past, and the Soviet Government's continued efforts to erase all traces of Latvian heritage, the Latvian people have never abandoned their hope for the return of an independent Latvian nation. The hope of freedom is a strong incentive and it has kept persons of Latvian descent in the United States and elsewhere throughout the world working constantly over the years toward this goal.

Recent demonstrations on June 14, Baltic Freedom Day, and the August 23 mass gathering of nearly 10,000 people commemorating the 48th anniversary of the Hitler-Stalin Pact certainly indicate that the people of Latvia—especially the young—are responding to the threat of national extinction by reaffirming their national identity and rejecting russification. The spirit of the nation is growing stronger.

According to reports from the Russian occupied Latvia, the Latvian people—who held mass demonstrations on June 14 and August 23—plan to hold another peaceful rally on November 18 in Riga, in the occupied Latvia.

Anatolijs Gorbunovs, a high Latvian Communist Party official, has publicly warned potential November 18 demonstrators that participation in any public gathering on that day would be viewed as an "anti-Soviet act".

In this era of glasnost, the Latvian people should be allowed to publicly commemorate November 18 peacefully, in whatever manner they may choose, without fear of arrest, harassment or other reprisals.

"Western media presence in Riga on November 18 is a must," stated Rolands Silaraups, a recently emigrated Latvian human rights activist and organizer of the June 14 rally in Riga. "The world must be fully informed about whatever actions the Soviets take against the Latvian people." Silaraups, Western representative of the Latvian human rights group HELSINKI 86, is presently touring the United States.

Members of HELSINKI 86 also said that they feared the Soviet authorities were recruiting provocateurs and paroled criminals in order to stage riots on November 13, Latvia's Independence Day. In a transcript of a telephone conversation, a HELSINKI 86 member, Mr. Juris Ziemelis, says: "Rumors are being spread among the people that there will be a torchlight parade. At workplaces, in strictest secrecy, loyal Communists are being recruited to be 'the angry public'. We have information that paroled criminals are being recuited to play nationalist demonstrators who start breaking shop windows and so on."

Americans can help by holding strong to the policy of nonrecognition of the illegal occupation of the three Baltic States by the Soviets after the Second World War. By speaking out against the violation of human and national rights in all the countries of the Soviet Union, Americans lend support to those struggling for freedom.

Through my years in the Congress and as cochairman of the Ad Hoc Committee on the Baltic States and Ukraine, I have become familiar with the struggle of the Latvian people and their Baltic neighbors, Estonia and Lithuania. Their continued determination to fight for their freedom is a testament to the unquenchable thirst of the human soul for the fundamental right of self-determination.

Mr. SOLOMON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. Gray of Illinois). The question is on the motion offered by the gentleman from California [Mr. Lantos] that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 209.

The question was taken.

Mr. BEREUTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. LANTOS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the concurrent resolution just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

FREEDOM FROM VERTICAL PRICE FIXING ACT OF 1987

Mr. RODINO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 585) to establish evidentiary standards for Federal civil antitrust claims based on resale price fixing, as amended.

The Clerk read as follows:

H.R. 585

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Freedom From Vertical Price Fixing Act of 1987".

SEC. 2. EVIDENTIARY STANDARDS IN FEDERAL CIVIL ANTITRUST ACTIONS RELATING TO PRICE FIXING.

(a) In a civil action based on a claim arising under section 1 or 3 of the Sherman Act (15 U.S.C. 1, 3) and alleging a contract, combination, or conspiracy to set, change, or maintain prices, including a minimum or maximum price, evidence that a person who sells a good or service to the claimant for resale—

(1) received from a competitor of the claimant a communication regarding price competition by the claimant in the resale of such good or service, and

(2) in response to such communication terminated the claimant as a buyer of such good or service for resale, or refused to supply to the claimant some or all of such goods or services requested by the claimant,

shall be sufficient to raise the inference that such person and such competitor engaged in concerted action to set, change, or maintain prices, including a minimum or maximum price, for such good or service in violation of such section. For purposes of this subsection, a termination or a refusal to supply is in response to a communication if such communication is a substantial contributing cause of such termination or refusal to supply. Nothing herein shall preclude the court from entering judgment in favor of the defendant, at trial or prior thereto, if the court determines on the basis of all the evidence and pleadings submitted by the parties, in accordance with the Federal Rules of Civil Procedure and the requirements of this subsection, that no such inference of concerted action can reasonably be drawn by a trier of fact.

(b) In a civil action based on a claim arising under section 1 or 3 of the Sherman Act (15 U.S.C. 1, 3) and alleging a contract, combination, or conspiracy to set, change, or maintain prices, the fact that the seller of a good or service and the purchaser of such good or service entered into an agreement to establish the resale price of such good or service shall be sufficient to establish that such seller and such purchaser engaged in concerted action to set, change, or maintain the prices of such good or service in violation of such section.

SEC. 3. APPLICABILITY.

Section 2(a) of this Act shall not apply to suits commenced under the antitrust laws before the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from New Jersey [Mr. Rodino] will be recognized for 20 minutes and the gentleman from New York [Mr. Fish] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. Rodino].

Mr. RODINO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as an original cosponsor, together with Congressman Hyde—I am pleased that this body will now be able to vote on a very important piece of legislation reaffirming our commitment to an open and free moving American economy based on competition. The Freedom from Vertical Price Fixing Act is a bill aimed at ensuring two basic principles that underly our antitrust laws—the belief in a free-enterprise system where all have the chance to compete without being subject to unfair price fixing conspiracies; and the right of consumers to benefit from such unfettered commerce by having a wider selection of goods and services at the lowest possible prices.

We in the House have fought repeatedly for these twin principles over the last decade; and have done so with a near-unanimous, bipartisan voice. In 1975, with the leadership of President Ford, Congress repealed the so-called fair trade laws which had permitted resale price maintenance to exist within the State borders. Beginning in 1983, as the prohibition against vertical price fixing appeared to be in danger of extinction by enforcement inaction, we passed funding restrictions in 4 of the last 5 years to ensure that the ban against price fixing would not be undercut.

Last Congress, the ranking minority member of the Judiciary Committee, Mr. Fish, led another successful drive for a House resolution, eventually signed into law, which condemned a set of guidelines put out by the enforcement agencies that seemed to minimize the importance of striking hard at all forms of vertical price fixing. Our actions in this area make it very clear that we intend to express the will of Congress when the central pillars of our antitrust policy stand in jeopardy of misconstruction or erosion.

H.R. 585 is a bill that ensures that congressional policy is absolutely clear in its support for both public and private antitrust enforcement against resale price maintenance. Following a 1984 Supreme Court decision in the Monsanto versus Spary-Rite case, great confusion was spawned in the lower courts about certain language in the decision that seemed to set up an almost impossible evidentiary standard for plaintiffs in reaching a trial on the merits in a dealer termination case. Our primary concern in moving H.R. 585 is to clarify this evidentiary standard so that plaintiffs who make a legally sufficient showing at summary judgment will not be turned away from the jury's door.

H.R. 585 contains two major provisions. First it establishes the burden of proof that is sufficient but not necessary to reach a jury trial in dealer termination situation. To raise an inference of "concerted action" in this type of RPM case, a plaintiff may demonstrate substantial causation by showing: First, that a price-related communication was received by a supplier from a dealer; and second, that "in response to" such communication, a competitor of the dealer was terminated. Such a showing is sufficient in itself to raise the evidentiary inference; there is no additional "something more" factor required, despite the Monsanto Court's suggestion to the contrary. Moreover, under H.R. 585, the plaintiff does not have the additional burden of also offering evidence that "tends to exclude the possibility that the manufacturer and nonterminated dealers were acting independently." (See 465 U.S. at 764). This "double barrel" evidentiary burden does not exist for plaintiffs in other areas of antitrust, and will no longer do so in RPM cases.

If the elements of substantial causation set out in section 2(a) are shown by the plaintiff, an inference of illegal "concerted action" is raised; and a jury will always decide whether the antitrust laws are violated. Where the plaintiff fails to raise the inference, he is not precluded from moving to trial, but his chances of reaching the jury may be diminished if the defendant introduces evidence that could lead a court to find that an illegal conspiracy had not occurred. Finally, if the plaintiff falls short of raising the inference but offers some evidence of concerted action, and the defendant is ineffective in offering support for a claim of independent action, then the plaintiff may still be able to reach the jury. In all these scenarios, however the defendant is never precluded from offering evidence that, under rule 56 of the Federal Rules of Civil Procedure and under the requirements of H.R. 585, would be deemed legally sufficient to warrant a judgment. Moreover, this subsection does not affect decisions to grant summary judgment in antitrust cases not involving vertical price fixing.

Second, section 2(b) of H.R. 585 States plainly and unequivocally that resale price maintenance in all its various forms are illegal per se under the antitrust law. The bill makes clear that recent efforts to qualify or limit the breadth of the RPM prohibition are disapproved as a matter of legislative policy.

In economic practice, RPM occurs in a number of contexts. Congress views them all without distinction in pursuing its absolute ban on vertical price fixing. Thus a RPM violation will equally lie: First, where a conspiracy exists between a supplier and distributor to eliminate or restrict the distributor's full latitude to determine the pricing policies that he will follow; second, where a conspiracy exists between a supplier and a distributor to eliminate or restrict the freedom of a second distributor to determine his own pricing policies; and third, where a conspiracy exists between a supplier and distributor to terminate or cutoff supply to a second distributor because of the second distributor's pricing policies.

Section 2(b) of H.R. 585 reaffirms the long-accepted principle, first declared in the Supreme Court's 1911 Dr. Miles case, that concerted action to set, change, or maintain prices is per se unlawful. This provision establishes an area within which such conduct will be considered per se unlawful. It is not intended to freeze the development of the law or to approve or disapprove particular precedents. Outside this area, it is also not intended to categorize price fixing conduct that has long been considered outside the reach of Dr. Miles. For example, without more, the mere adherence to suggested retail prices does not constitute vertical price fixing. This section is also not intended to bring within the scope of the per se rule promotional practices that have long been considered not to constitute price fixing. What is condemned by H.R. 585, however, is all illegal arrangements intended to stabilize, exclude or minimize price competition, even if they do not include a commitment to a particular price or to some level of pricing.

Unrestrained price competition is one of the central pillars of our antitrust laws. H.R. 585 is a bill that will preserve this tenet of our distinctive and vital American system of competition. I ask that you join us in supporting the bill and moving it swiftly to enactment.

Mr. FISH. Mr. Speaker, I yield such time as he may consume to the principal minority sponsor of this legislation, the gentleman from Illinois [Mr. Hyde].

Mr. HYDE. Mr. Speaker, I want to thank the chief sponsor, the gentleman from New Jersey [Mr. Rodino], who is also the chairman of the Committee on the Judiciary and particularly the gentleman from New York [Mr. Fish], the ranking minority member who was very faithful in working out language that is acceptable to people who, at the beginning, had some very polarized views on this legislation. It is the essence of good legislation to achieve workable compromise that does not involve eroding principle. That is a great achievement that Mr. Fish and Mr. Rodino, with others of us, were able to work out.

So I salute all of you because I think this is very useful legislation.

This legislation recognizes the value of the discount retail outlets, the billions of dollars that are saved by consumers by being able to purchase merchandise at discount prices and it recognizes the precarious state of discount outlets who may lose access to their merchandise should somebody complain that the price is too low.

The antitrust laws are designed to protect opportunities and competition and in my judgment this legislation furthers that spirit that underlies our antitrust laws.

So everybody benefits from this legislation.

I am very proud to have had a very small part in its introduction and in seeing it through the committee and I hope that my colleagues will support it and it ultimately becomes law.

Mr. RODINO. Mr. Speaker, I yield 3 minutes to the gentleman from Texas, [Mr. Brooks], a member of this committee and the distinguished chairman of the Committee on Government Operations.

Mr. BROOKS. Mr. Speaker, I rise in support of H.R. 585—the Freedom From Vertical Price Fixing Act of 1987. This is an important antitrust and proconsumer measure that I hope we can get enacted into law.

The bill has two provisions, both of which conform to and reinforce critical antitrust principles. The bill codifies the existing law that vertical price fixing schemes and conspiracies are illegal per se. We need to put that doctrine on the statute books because the Justice Department has relentlessly sought to undermine it before the courts.

The second provision of the bill would restore to such cases the prevailing evidentiary standard that had been used for years prior to the Monsanto ruling in 1983. The issue is not over the substantive antitrust law, but rather whether a plaintiff can get to the jury to decide the factual issues. The pre-Monsanto standard allowed the plaintiff to reach the jury when he had made the case that his competitor and supplier had communicated on the issue of pricing and that in response his business had been terminated.

H.R. 585 is a modest proposal. It merely codifies and restores time-honored antitrust doctrine—doctrine that has been under assault from those who believe that no antitrust enforcement is the best policy for the Nation. The American people do not want to abandon antitrust rules, and Congress cannot tolerate that approach. H.R. 585 is a proconsumer measure that will help to eliminate resale price maintenance schemes that result in uncompetitive pricing. We need to pass H.R. 585 to restore vigor in this important antitrust area.

Mr. FISH. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. LUNGREN].

Mr. LUNGREN. Mr. Speaker, I would like to take this opportunity to commend the chairman of the committee and the ranking member for their willingness to work together to produce a legislative product which clarifies some of the legislative language in the U.S. Supreme Court's decision in Monsanto Co. versus Spray-Rite Service Co., that arguably may have been misconstrued by some of the lower courts.

The bill reported out of our full Judiciary Committee ensures that if given all the evidence submitted by both sides, an inference of an illegal resale price maintenance agreement can reasonably be drawn, the fact-finder will be permitted to decide the issue.

At the same time I think that it is important to state what this bill does not do. It does not in any way alter the fundamental principle of law delineated by the U.S. Supreme Court in United States versus Colgate Co. That a firm may unilaterally decide who it will do businesss with. It is long established doctrine that unilateral action is not prohibited under the law unless it constitutes monopolization or an attempt to monopolize. This legislation does nothing to change that.

I would also point out that nothing in this legislation casts any doubt about the applicability of the rule of reason in nonprice vertical restraint cases as the U.S. Supreme Court outlined in Continental T.V. Inc. versus GTE Sylvania Inc.

This legislation does nothing to affect the requirement in section I of the Sherman Act that there be an Agreement. The bill permits an inference of an agreement only when termination of a dealer is demonstrably "in response to" a price competition communication from a competitor. Furthermore, the communication must be a "substantial contributing cause" of the termination. In other words, it cannot be merely a coincidental occurrence. Other evidence, both positive and negative, on whether the termination was the product of an agreement, as opposed to a manufacturer's unilateral decision will continue to play a role in determining the existence of any alleged agreement.

Amendments made in our committee to clarify that established evidentiary principles regarding proof of an agreement and the standard rules of civil procedure by which courts manage antitrust and other litigation will continue to govern judicial consideration of resale price maintenance agreements.

The standards of the Federal Rules of Civil Procedure will continue to apply with their full force. If the pleadings contain an insufficient allegation of illegal concerted action and cannot properly be amended to be made adequate, judgment on the pleadings under rule 12(c) will be appropriate. Summary judgment under rule 56 may be granted in appropriate cases where an expensive antitrust trial is simply not warranted by the evidence.

My colleague, the gentleman from Ohio [Mr. FEIGHAN] and the gentleman from New York [Mr. FISH] offered a salutory amendment which was incorporated into the bill. It clarifies that nothing in the bill "shall preclude the court from entering a judgment in favor of the defendant, at trial or prior thereto, if the court determines on the basis of the evidence and pleadings submitted by the parties, in accordance with the Federal Rules of Civil Procedure and the requirements of (the bill) that no such inference of concerted action can reasonably be drawn by a trier of fact."

At a time, Mr. Speaker, when our constituents are increasingly concerned about the litigation explosion facing our country, this language provides an important safeguard. It makes clear that the bill does not require the submission of a case to the jury when the evidence is of a mere speculative nature. Where the evidence taken as a whole would not support an inference of illegal concerted action, the court can enter summary judgment, a directed verdict or judgment N.O.V.

H.R. 585 is an attempt to craft an evidentiary balance by ensuring plaintiffs their day in court if—but only if—sufficient evidence is proffered, while at the same time ensuring defendants that they will not be exposed to prolonged and costly litigation when the evidence is found wanting.

Once again, Mr. Speaker, I commend all those who worked out the compromise that we could all support, and I urge my colleagues not to oppose the bill on the suspension calendar.

□ 1600

Mr. RODINO. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey [Mr. HUGHES].

Mr. HUGHES. Mr. Speaker, I rise in strong support of H.R. 585, the Freedom From Vertical Price-Fixing Act of 1987. I want to congratulate Chairman RODINO, the ranking Republican member Congressman FISH, Congressmen HYDE and FEIGHAN and other colleagues on the Committee on the Judiciary for their time and effort in fashioning this bipartisan legislation which rededicates the Federal Government to its longstanding opposition to "resale price maintenance."

Resale price maintenance in its unvarnished form, is nothing more than price fixing and comes about when a manufacturer requires its distributors to agree to charge certain prices for goods or services and thereby eliminates price competition to the ultimate consumer.

As early as 1911, the Supreme Court struck down such a scheme as illegal "per se" in Dr. Miles Medical Company versus John Park and Sons. Justice Charles Evans Hughes in that seminal holding concluded:

> The complainant having sold its products at prices satisfactory to itself, the public is entitled to whatever advantage may be derived from competition in the subsequent traffic.

This simple and effective rule has served us well for over three-quarters of a century and today we are merely reaffirming it.

The bill before us codifies this rule and clarifies some evidentiary ambiguities that have arisen since a recent interpretation by the Supreme Court in the Monsanto decision. In relation to this latter clarification, I should note that initially there were a number of problems raised by the business community in regard to language in the bill as originally drafted. After lengthy discussions, both at the subcommittee and full committee levels, we were able to develop the present bill before the House, and I am pleased to say that the business community no longer opposes the bill. I not only salute this particular result in what I consider a proconsumer and a probusiness bill, but I also congratulate the various parties for their ability to sit down, in good faith, and negotiate their differences. The end result of this process will not only mean lower prices for the consumers of this country, but also will encourage a healthy and vigorous competition at our retail level.

I urge my colleagues to join me in supporting H.R. 585, a truly bipartisan bill.

Mr. GOODLING. Mr. Speaker, I rise in support of H.R. 585, legislation to counteract vertical price fixing, reported by the Committee on the Judiciary. Vertical price fixing takes many forms. Perhaps the most destructive form occurs when a full price retailer exercises its economic muscle through a common supplier to force a discount competitor to raise its prices, or worse, to terminate the discounter's supplies altogether.

When this happens, the discounter loses the ability to compete on price—and may lose his or her business altogether. The buying public loses the lower prices that come from price competition. This type of secondary pressure is economically harmful and completely contrary to the entire spirit of the free enterprise system upon which our economy is based.

In Monsanto Co. versus Spray-Rite Service Corp., the Supreme Court said that a terminated discounter could not make its case by showing that it had been terminated "in response to" price complaints. Even though the plaintiff won in that case, ambiguous language in that opinion has been interpreted by some lower courts so as to impose impossible, formalistic burdens on plaintiffs seeking to get their cases to a jury. Considering the post-Monsanto confusion of the past several years, H.R. 585 contains a fair statement of what the law should be. I hope this bill can be passed as soon as possible so we can end the chaos in the courts.

I urge my colleagues to join me in support of H.R. 585.

Mr. FISH. Mr. Speaker, I am happy to yield 2 minutes to the gentleman from Pennsylvania [Mr. Goodling].

Mr. RODINO. Mr. Speaker, I yield 3 minutes to the gentleman from West Virginia [Mr. Staggers].

Mr. STAGGERS. Mr. Speaker, let me thank the chairman, Mr. Rodino, Mr. Brooks, Mr. Fish, and Mr. Hyde for bringing this legislation forward. This is a difficult, yet critically important piece of antitrust legislation. The Judiciary Committee, under the fine leadership of our chairman, Mr. Rodino, has held numerous hearings during the last three sessions of Congress. This bill reaffirms that the Congress of the United States has not waivered in its firm support of the fight to end resale price maintenance [RPM] commonly called vertical price fixing.

The consumers of this generation and the next have much hope to glean from this bill. Business will have an ability to breathe a fresh breath of confidence in our free market system as a result of the passage of H.R. 585. Both business and consumers will know that the American system of buying and selling will remain unobstructed by the chains of price fixing.

There has been much said about the need to allow business to compete in fair and open marketplace, that is exactly what this legislation does. It reaffirms the basic, fundamental role between business and government. Government's role should prevent policies that hurt industry and the consumer.

This legislation will renew our commitment and will codify the 75 year old per se rule, a rule that allows us to be sure that violations of the Sherman Act can be prosecuted in the courts of our country if not by appropriate government agencies, then by individuals.

Nearly 100 years ago, Congress established the principle that resale price fixing was not in the best interest of American business and consumers. Today we reaffirm that decision made by the Congress of 1890 when the Sherman Act was adopted, as well as by a number of Congresses since the Sherman Act was enacted American business and consumers will look at this day as a shopper's special allowing the American free enterprise system to work to the best advantage of consumers, retailers, and manufacturers.

Let me again thank our chairman, Mr. Rodino, for his persistent leadership. Millions of Americans will benefit from his leadership.

Mr. FISH. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. Porter].

Mr. PORTER. Mr. Speaker, I commend the chairman and the ranking minority member of the committee for their leadership in bringing this legislation to the floor.

Mr. Speaker, one of the most important bulwarks upon which our country is founded is free enterprise. In 1773, colonists enraged by British attempts to control trade took the matter into their own hands and held the Boston Tea Party.

Today we face a similar problem. Confusion over current law and several court rulings has caused it to become very difficult to prosecute distributors for instigating resale price maintenance, the practice of manufacturers dictating the price at which their products will be sold by retailers.

Most cases of resale price maintenance arise when a retailer complains that his contract with a manufacturer is terminated due to refusal to participate in price fixing. Current law, however, makes it very difficult for retailers to prove vertical price fixing by distributors. As a result, public enforcement is no longer a deterrent against resale price maintenance.

H.R. 585 makes prosecution of distributors suspected of vertical price fixing easier. Under this bill, the traditional freedom of business people to deal with whomever they wish and make contracts under terms that were freely arrived at will be restored.

Mr. Speaker, I have long been concerned with this issue. During my service on the Appropriations subcommittee funding for the Department of Justice during 1983 and 1984, I repeatedly questioned the Assistant Attorney General for the Antitrust Division concerning his failure to enforce the antiresale price maintenance laws and twice put language in the report urging their proper enforcement.

I want to commend my distinguished and able colleague, Henry Hyde, for leading the charge on this important legislation, and I strongly urge the adoption of this bill.

I, also, commend the people of Sportmart, Burlington Coat Factory, and the National Mass Retailing Institute for originally bringing this issue to my attention.

□ 1610

Mr. RODINO. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas [Mr. Glickman].

Mr. GLICKMAN. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of H.R. 585. This is a bill about resale price maintenance. It is also a bill for consumers, for competition at all levels of our economy—especially the retail level—and against higher prices.

When the House approves H.R. 585, it will be one of the first times since 1980 that we will have enacted legislation to strengthen our antitrust laws. As a cosponsor of H.R. 585, I am proud of what we have accomplished. The bill before us today will allow a retailer who is terminated by his supplier because of his effective price competition to vindicate his rights under the antitrust laws. It eliminates interpretations by some courts that have placed an unfair evidentiary burden on such a plaintiff, and it does so in a fair way to defendants.

While this bill rectifies a problem that antitrust plaintiffs have had, it does so in a manner that is fair to defendants. Both the subcommittee and the full committee added amendments to make sure that a defendant can still obtain favorable summary judgment in cases in which a retailer was terminated for legitimate reasons having no connection with price competition. I am pleased to have been a part of these successful efforts to ensure that this bill protects the rights of those who may be the targets of resale price maintenance suits.

This bill is very important to the consumers of this country, particularly to those customers who shop at discount stores, stores such as Burlington Coat Factory, K-Mart, Wal-Mart, Sims, Loehmanns, and other discount stores.

What this bill says is that shoppers at those discount stores will know that the merchandise that is carried at those stores at lower than retail prices cannot be arbitrarily pulled out of those stores, or those stores be cut out of selling that merchandise at lower prices, because other retailers who are selling at a retail rate, not a wholesale rate, demand the manufacturers of those products to pull them out.

If this bill were not in effect, and if the antitrust laws are not enforced according to that bill, then shoppers at discount stores will not be able to get goods at as low a price as they can get right now, so for all those millions of Americans who shop at these discount stores, Burlington Coat Factory and all the rest, this is a very important bill for you, and a very important bill for fighting inflation in this country.

I want to congratulate the chairman and the gentleman from Illinois [Mr. Hyde] for their leadership on this issue. Other members of the subcommittee, including our ranking minority member, the gentleman from New

Jersey [Mr. HUGHES], and the gentleman from Ohio [Mr. FEIGHAN] have also made substantial contributions to this bill.

I urge my colleagues to join me in supporting this bill.

Mr. FISH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to thank the gentleman from New Jersey [Mr. RODINO] for the gentleman's kind remarks, and for the gentleman's kindness throughout the consideration of this legislation in the committee.

Mr. Speaker, I rise in support of the "Freedom From Vertical Price Fixing Act of 1987"—H.R. 585, as amended.

In 1984, the Supreme Court ruled that evidence of complaints to a manufacturer by certain retail outlets concerning the pricing practices of another competing retailer were not enough to prove that the discounting retailer's termination was the result of a vertical price-fixing conspiracy (that is not enough to prove collusion between a manufacturer and the "complaining" dealers), *Monsanto Company* v. *Spray-Rite Service Corp.*, 465 U.S. 752 (1984). Dealer complaint letters are admissible as evidence, but not persuasive in and of themselves that "the manufacturer and others had a conscious commitment to a common scheme designed to achieve an unlawful objective." 465 U.S. at 764; *Edward J. Sweeney & Sons, Inc.* v. *Texaco, Inc.*, 637 F.2d 105, 111 (C.A. 3d 1980), cert. denied, 451 U.S. 911 (1981). The essential holding in the Monsanto case is still good law and is not overturned by the legislation we consider today.

H.R. 585, however, is aimed at specific problematical language contained in the Monsanto decision, which stated that a plaintiff must come forward with evidence which "tends to exclude the possibility" that: First, the manufacturer and the nonterminated dealer were acting independently; and second, the manufacturer was motivated by nonprice concerns. 465 U.S. at 764. Because of this dicta in the Monsanto opinion, some plaintiffs have encountered difficulty in getting past motions for summary judgment. In some instances, plaintiffs have not only been required to: First, prove a conspiracy (that which has traditionally been required in price-fixing cases)—but also to: second, disprove that the defendant had any legitimate, nonprice motive and disprove that the defendant was acting independently.

H.R. 585 is designed to insure that a plaintiff who has a potentially meritorious resale price maintenance claim under the Sherman Act is not precluded from reaching trial simply because he is unable to prove the negative—to produce evidence that "tends to exclude the possibility" that the supplier and another dealer acted independently. The Judiciary Committee believes that the above phrase has been taken out of context and misapplied in some lower court decisions. Those same decisions have taken an insufficient account of the overall rationale and holding of Monsanto—a rationale and holding, again, which is not overruled by the terms of H.R. 585.

This legislation essentially accomplishes two things. First, section 2(a) is intended to clarify the evidentiary standards applicable in the early stages of litigation involving a dealer termination or refusal to supply, when the asserted motive for the termination or refusal to supply was resale price maintenance. Second, section 2(b) of the bill is intended to codify the existing per se rule in resale price maintenance cases.

As the Members of this House know, I have been a consistent and staunch advocate of the rule of per se illegality in resale price maintenance cases. For example, I was the author and principal sponsor of H. Res. 303 in the 99th Congress—which expressed the sense of the House of Representatives that the "Vertical Restraints Guidelines" issued in 1985 by the Department of Justice did not universally reflect existing law. That legislation was passed by the House of Representatives on December 9, 1985, with no opposition. I have also been involved in numerous legislative efforts aimed at enhancing both public and private enforcement of the prohibition against resale price maintenance. I believe that conspiratorial activities by manufacturers or suppliers, at any level in the distribution chain, specifically aimed at setting prices are, and should remain, per se violations of the Federal antitrust laws.

But, having said that, I admit that I had some initial misgivings about the exact meaning and intent of the language contained in section 2(a) of the original version of H.R. 585. Retailers who are terminated because of their pricing policies should have their full day in court to prove a vertical price fixing case. Unfortunately, since the Supreme Court decision in Monsanto, there has been some lower court confusion regarding what exactly constitutes the scope of the burden of proof in these cases.

At the same time, manufacturers have a legitimate right to be concerned about the effect that retail outlets can have on the reputation and goodwill of their products. There can be valid, nonprice reasons why a manufacturer may choose not to continue a business relationship with a particular retail dealer. This would include, for example, failure to adequately advertise the product as agreed upon, failure to provide adequate repair or warranty service, failure to hire trained sales or service personnel, poor service to customers, failure to properly display the products of the manufacturer, and so forth.

A number of the members of our committee, including myself, wanted to make sure that H.R. 585 did not mean that a manufacturer could be put at an unfair disadvantage in instances where its actions had nothing to do with the resale price of the product or products in question. I am now satisfied that the amended version of H.R. 585 does not change substantive law in RPM cases and that this bill merely clarifies the proper evidentiary standards applicable in the early stages of this type of litigation.

Section 2(a) of H.R. 585 contains the language establishing an evidentiary standard in certain resale price maintenance cases; that is, dealer termination or refusal to supply an existing dealer. It provides that the presence of two factors shall be sufficient to raise the inference that a manufacturer and a competitor dealer engaged in concerted action; that is, a conspiracy to maintain a particular price level. First, the manufacturer has to receive a communication from a competitor of the claimant regarding price competition. Second, in response to that communication, the dealer either terminated the claimant as a buyer or refused to supply * * * some or all of such goods or services requested by the claimant. Now, to raise the inference, a plaintiff must show that the complaint letters were a substantial contributing cause.

Mr. Speaker, dealer complaints about competitors and their competitors' pricing policies are a normal and everyday business occurrence. Price complaints are frequently sent to manufacturers wholly unsolicited—they frequently occur without any prompting by a manufacturer. So, the first part of the required test in section 2(a) of H.R. 585 arguably could be met simply by the existence of one complaint letter found in a manufacturer's file (through discovery)—a situation over which the manufacturer has virtually no control. Again, a manufacturer may have valid nonprice reasons for terminating a dealer, quite apart from the price complaints that a manufacturer may have received from other dealers.

Prior to the amendments adopted in the Monopolies Subcommittee and the full Judiciary Committee, concern was expressed that H.R. 585 held open the possibility that two actually unrelated events could occur in sequence—a complaint letter and a subsequent dealer termination—and a manufacturer or supplier could face potential treble damage liability when, in fact, no price-fixing collusion really occurred. The mere fact that a dealer termination follows a complaint letter or series of complaint letters in time, does not prove that a price-fixing conspiracy happened. A plaintiff should have to show more than proof of complaint letters to demonstrate substantial causation and raise the inference.

H.R. 585 now requires that the dealer complaint be a substantial contributing cause of the termination (or refusal to supply). So, the inference would be raised only if the plaintiff can demonstrate a direct and substantial causal link between the defendant's receipt of price-related complaints from other dealers and the defendant's ultimate decision to terminate the plaintiff or refusal to supply the plaintiff "in response to" those complaints.

The complaint or compliants need not be the sole contributing factor in the termination or refusal to supply. They need not even be the primary contributing factor. But the complaint or complaints must be an essential ingredient in the defendant's ultimate decision to terminate or to refuse supply requests from the plaintiff. They are a necessary and fundamental prerequisite to the termination or the refusal to supply. That is, the termination or refusal to supply would not have occurred unless the complaining communications were made, understood, and acted upon by the defendant.

It needs to be made very clear in the legislative history that we are talking about collusion in these fact circumstances, because conspiracy is a necessary element in the proof of a vertical—as well as horizontal—price-fixing violation under the Sherman Act. There must be some common design between the manufacturer and the complaining dealers. Under H.R. 585, the plaintiff will ultimately still have to prove that the manufacturer and others had the previously mentioned conscious commitment to a common scheme designed to achieve an unlawful objective.

It is also important to stress that H.R. 585 as amended in the full Judiciary Committee reaffirms that all opportunities currently available to defendants to dispose of a case prior to its submission to the jury are preserved. The options available to defendants pursuant to the Federal Rules of Civil Procedure remain in place. Quite obviously, any inference raised by a plaintiff in an RPM case can be rebutted by sufficient evidence from the defendant. As section 2(a) states, if the court determines, on the basis of all the evidence and pleadings submitted by the parties, that no inference of concerted action can reasonably be drawn, judgment can be entered by the court in favor of the defendant. Section 2(a) only governs the consideration of motions for summary judgment; it does not create any evidentiary presumption or affect the burden of proof at trial.

Mr. Speaker, the Feighan-Fish amendment adopted in the full Judiciary Committee clarifies two important notions upon which there is bipartisan and widespread agreement. H.R. 585 does not change substantive antitrust law, nor does it deprive defendants of their rights to have a case dismissed prior to going to the jury.

Section 2(b) of H.R. 585 reaffirms the principle, first declared in the Supreme Court's 1911 Dr. Miles case, that concerted action to set resale price is per se illegal. It is not intended to freeze the development of the law, to approve or disapprove of particular precedents, or to categorize as price fixing conduct that has been considered outside the scope of the per se rule.

In particular, there are differences between the application of the per se rules in horizontal and vertical price fixing cases, and section 2(b) is not intended to eliminate those differences. It is legal for a supplier to circulate suggested resale prices, and there is no offense if dealers voluntarily adhere to those prices. In contrast, it may not be legal under some circumstances for a trade association to circulate suggested prices to its members.

Assignments of exclusive marketing areas or areas of primary responsibility for dealers are currently judged under the rule of reason. Supplier-sponsored promotional practices that have incidental effects of price are also evaluated under the rule of reason. Section 2(b) is not intended to bring these practices within the scope of the per se rule.

The purpose of section 2(b) is to rebuff efforts to qualify, trivialize or dilute the per se rule. It preserves the long standing per se rule, but without altering the current glosses on that rule or to limiting the courts' development of the law, consistent with the general per se rule codified by section 2(b).

Again, Mr. Speaker, unilateral action by a manufacturer to terminate a retail dealer for nonprice reasons does not violate the antitrust laws. H.R. 585, as amended, presumes that a showing of a conspiracy—some concerted action—is a necessary predicate for proving a section 1 Sherman Act violation in a vertical case.

In Monsanto, the Supreme Court addressed the standard of proof required to find a vertical price-fixing conspiracy. The Court held that competing dealers' complaints are insufficient by themselves to establish the necessary concert of action. Only if there is additional evidence of another type which tends to show a meeting of the minds between manufacturer and complaining dealers such that they may be deemed to be acting together—may a section 1 violation ultimately be found.

The Supreme Court decision in Monsanto did not alter the per se rule in resale price maintenance [RPM] cases. In fact, the Supreme Court refused to adopt arguments made by the Department of Justice in an amicus brief urging that RPM cases be analyzed under the rule of reason standard rather than the per se standard. The Court specifically declined to adopt the position urged in the Justice Department's amicus brief and instead favorably referred to the per se rule as established law. Dr. Miles Medical Co. against John D. Parke and Sons Co., supra.

It is also notable that the Monsanto decision does not preclude the use of circumstantial evidence to prove a resale price maintenance conspiracy. The Court's decision specifically states: "the antitrust plaintiff should present direct *or circumstantial* (emphasis added) evidence that reasonably tends to prove that the manufacturer and others 'had a conscious commitment to a common scheme designed to achieve an unlawful objective' "; that is, price fixing. 465 U.S. at 764.

Again, the Court held that evidence of price complaints from other dealers (in the same product or product line) does not, by itself, prove that a termination was prompted by a vertical price-fixing conspiracy. Evidence of dealer complaints is admissible and probative under Monsanto, but the plaintiff must also come forward with additional evidence (which may be circumstantial in nature) to support a conspiracy finding.

It is also equally important to stress that H.R. 585 is not intended to overrule such fundamental precedents as *U.S.* v. *Colgate*, 250 U.S. 300 (1919) and *Continental TV, Inc.* v. *GTE Sylvania, Inc.*, 433 U.S. 36 (1977). Subsection 2(a) does not address or affect the fundamental legal standards applied by the Court and the trier of fact in deciding the merits of resale price maintenance claims under sections 1 and 3 of the Sherman Act. Colgate, for example, stands for the proposition that unilateral action by a manufacturer to suggest it distributes prices in advance and to refuse to deal with those who fail to comply is outside the scope of the prohibitions contained in the Sherman Act. Neither Colgate nor GTE Sylvania is discarded or modified by our action with respect to H.R. 585. They remain as authority to the same extent as would be the case if H.R. 585 were not enacted.

To summarize, H.R. 585 is a clarification and refinement of the Supreme Court's decision in the Monsanto case. It is not, and should not be, characterized as anything more. It eliminates ambiguity that has, in some instances, prevented plaintiffs from getting potentially valid claims before a jury.

But it does not alter the fundamental, traditional burden of proof that must be carried by plaintiffs in vertical price-fixing cases.

Mr. FEIGHAN. Mr. Speaker, I would like to voice my strong support for H.R. 585, the Freedom From Vertical Price Fixing Act of 1987. In contrast to the recent attempts by Federal agencies to weaken antitrust enforcement, this bill strengthens it. It codifies, once and for all, the long-standing principle that vertical price-fixing is per se illegal. I commend Chairman RODINO for his vigorous support of this important legislation over the past several years.

Mr. Speaker, during the committee's consideration of H.R. 585, Mr. FISH and I successfully offered an amendment to section 2(a) of the bill that ensures that summary judgment is available where appropriate in the kinds of resale price maintenance cases addressed in that section. Our amendment provides as follows:

> Nothing herein shall preclude the court from entering judgment in favor of defendant, at trial or prior thereto, if the court determines on the basis of all the evidence and pleading submitted by the parties, in accordance with the Federal Rules of Civil Procedure and the requirements of this subsection, that no such inference of concerted action can reasonably be drawn by a trier of fact.

The key to this amendment is its intent to preserve the workings of rule 56 of the Federal Rules of Civil Procedure in cases in which section 2(a) is applied. Under rule 56, a defendant may obtain summary judgment if there is no genuine issue of material fact. Section 2(a) is not intended to abrogate the rights of defendants in resale price maintenance cases to obtain summary judgment when such a result is legally appropriate under this standard.

Section 2(a) clarifies the evidentiary burden for the plaintiff in dealer termination cases and provides for an inference of concerted action in cases where the burden is met. To raise the inference, the plaintiff must show that price-related communications from competing dealers were a "substantial contributing cause" of termination. It is insufficient if the plaintiff shows merely that the termination was simply subsequent in time to a price complaint—more evidence of substantial causation is clearly required.

The court must determine whether section 2(a) applies in considering a summary judgment motion. Applying rule 56, the court must decide whether there are genuine issues of material fact with regard to the predicate facts under section 2(a); that is, could a reasonable trier of fact find that price communications were a substantial cause of claimant's termination from the body of evidence presented by both claimant and defendant. Where claimant relies on inferences to establish predicate facts such as substantial causation, the court, under the existing law of summary judgment, must credit those inferences if they are reasonable. If a trier of fact could reasonably find that the requirements of section 2(a) are met, then the court will send the case to the jury. A court could grant summary judgment for the defendants in any case where the trier of fact could not reasonably conclude that the termination was caused by the price complaint.

As noted in the committee report, in setting out the requirements for establishing an inference under section 2(a), the bill does not preclude a defendant from introducing evidence showing the requirements for raising the inference are not met. The overall record of evidence submitted by both plaintiff and defendant will be the basis on which the court will decide whether a trier of fact could reasonably find substantial causation.

The bill does not change the standards for summary judgment prescribed by rule 56 and the case law holding that reasonable inferences are to be credited. Section 2(a) of the bill merely responds to language in post-Monsanto cases which set inappropriately strict guidelines for the types of evidence from which inferences of concerted action could be drawn.

Once the plaintiff has met his burden under section 2(a), the court must recognize that an inference is raised to converted action and permit the jury to consider the issue. The bill does not create any presumption or affect the burden of proof at trial. Of course, if the claimant fails to raise the inference provided in this bill, nothing in this bill will affect in any way the standards for summary judgment in vertical price fixing cases or any other antitrust cases.

Mr. Speaker, H.R. 585 represents an unequivocally positive step toward preserving the original intent of our antitrust law. I am hopeful that under the leadership of Chairman RODINO and yourself, we will quickly see this legislation enacted.

Mr. WISE. Mr. Speaker, the longstanding policy of Congress toward price fixing is one which forbids resale price activities which result in an increase in prices and a decrease in the selection of goods available to consumers.

Recent court decisions, and in particular the statements made by the Supreme Court in the Mosanto versus Spray Rite case, have narrowed the breadth of the prohibition of this policy. H.R. 585, the Freedom from Vertical Price Fixing Act, will ensure that this trend does not continue.

In the past 6 years, the Department of Justice has failed to bring foward a single case concerned with vertical pricing fixing. I believe this has only served to encourage further violations by other manufacturers and suppliers.

The evidence of case law over the past 75 years shows that resale price maintenance is most likely to be anticompetitive. Indeed, the anticompetitive effects of resale-price fixing have been described in the Judiciary Committee report on H.R. 585 as "a triumph of ideology over practicality, of theory over common sense."

I regard it as our responsibility to ensure that consumers are offered the broadest range of products at the lowest of prices. Without the passage of this legislation, a number of these "discount stores" which presently offer such a broad selection at low prices will not be able to operate on the same basis.

A retailer who offers discounts to his customer should not be prevented from doing so by the present conspiratorial practices. H.R. 585, therefore, will protect both the customer and the low-price retailer. I cosponsored this legislation, and I firmly believe that its passage will preserve free competition for both small and large businesses alike. I urge my colleagues to vote "aye" when the "Freedom from Vertical Price Fixing Act" is voted on tomorrow.

Mr. RODINO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

□ 1625

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey [Mr. RODINO] that the House suspend the rules and pass the bill, H.R. 585, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. RODINO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 585, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

ORGANOTIN ANTIFOULING PAINT CONTROL ACT OF 1987

Mr. STUDDS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2210) to prohibit the use of certain organotin based antifoulant paints and the use of organotin compounds, purchased at retail, used to make such paints, as amended.

The Clerk read as follows:

H.R. 2210

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Organotin Antifouling Paint Control Act of 1987".

SEC. 2. DEFINITIONS.

In this Act:

(1) The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) The term "antifouling paint" means a coating, paint, or treatment that is applied to a vessel to control fresh water or marine fouling organisms.

(3) The term "estuary" means a body of water having an unimpaired connection with open sea, where the sea water is measurably diluted with fresh water derived from land drainage, and such term includes estuary-type areas of the Great Lakes.

(4) The term "organotin" means any compound of tin used as a biocide in an antifouling paint.

(5) The term "person" means any individual, and partnership, association, corporation, or organized group of persons whether

incorporated or not, or any government entity.

(6) The term "qualified antifouling paint containing organotin" means an antifouling paint containing organotin that—

(A) is allowed to be used under the terms of the final decision referred to in section 10(c); or

(B) until such final decision takes effect, is certified by the Administrator under section 6 as having a release rate of not more than than 5.0 micrograms per square centimeter per day.

(7) The term "release rate" means the rate at which organotin is released from an antifouling paint over the long term, as determined by the Administrator, using—

(A) the American Society for Testing Materials (ASTM) standard test method which the Environmental Protection Agency required in its July 29, 1986, data call-in notice on tributyltin compounds used in antifouling paints; or

(B) any similar test method specified by the Administrator.

(8) The term "retail" means the transfer of title to tangible personal property other than for resale, after manufacturing or processing.

(9) The term "State" means a State of the United States, the District of Columbia the Commonwealth of Puerto Rico, the Commonwealth of the Northern Marianas Islands, or any territory or possession of the United States.

(10) The term "vessel" includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water.

SEC. 3. FINDINGS; PURPOSE.

(a) Findings.—The Congress finds the following:

(1) Antifouling paints containing organotin biocides are used to prevent the build-up of barnacles and other encrusting organisms on vessels.

(2) Laboratory and field studies show that organotin is very toxic to marine and freshwater organisms at very low levels.

(3) Vessels that are less than 65 feet in length and are coated with organotin antifouling paint account for a large amount of the organotin released into the aquatic environment.

(4) The Environmental Protection Agency has determined that concentrations of organotin currently in the waters of the United States may pose unreasonable risks to oysters, clams, fish, and other aquatic life.

(b) Purpose.—The purpose of this Act is to protect the aquatic environment by reducing immediately the quantities of organotin entering the waters of the United States.

SEC. 4. PROHIBITION ON THE APPLICATION OF ORGANOTIN ANTIFOULING PAINTS ON CERTAIN VESSELS.

(a) Prohibition.—Subject to section 10(d), and except as provided in subsection (b), no person in any State may apply to a vessel that is less than 65 feet in length an antifouling paint containing organotin.

(b) Exceptions.—Subsection (a) shall not prohibit the application of a qualified antifouling paint containing organotin on—

(1) the aluminum hull of a vessel that is less than 65 feet in length; or

(2) the outboard motor or lower drive unit of a vessel that is less than 65 feet in length.

SEC. 5. INTERIM PROHIBITION OF CERTAIN ORGANOTIN ANTIFOULING PAINTS AND ORGANOTIN ADDITIVES USED TO MAKE SUCH PAINTS.

(a) Prohibition of Certain Organotin Antifouling Paints.—Subject to section 10(d), no person in any State may—

(1) sell or deliver to, or purchase or receive from, another person an antifouling paint containing organotin; or

(2) apply to a vessel an antifouling paint containing organotin;

unless the antifouling paint is certified by the Administrator under section 6 as having a release rate of not more than 5.0 micrograms per square centimeter per day.

(b) Prohibition of Certain Organotin Additives.—Subject to section 10(d), no person in any State may knowingly sell or deliver to, or purchase or receive from, another person at retail any substance containing organotin for the purpose of adding such substance to paint to create an antifouling paint.

SEC. 6. CERTIFICATION.

(a) Initial Certification.—Not later than 90 days after the date of the enactment of this Act, the Administrator shall certify each antifouling paint containing organotin that the Administrator determines has a release rate of not more than 5.0 micrograms per square centimeter per day on the basis of the information submitted to the Environmental Protection Agency before the date of the enactment of this Act in response to its July 29, 1986, data call-in notice on tributyltin or any other data call-in notice.

(b) Subsequent Certification.—After the initial period of certification required by subsection (a), and not later than 90 days after the receipt of information with regard to an antifouling paint containing organotin submitted—

(1) in response to a data call-in referred to in subsection (a); or

(2) under any provision of law;

the Administrator shall certify such paint if, on the basis of such information, the Administrator determines that such paint has a release rate of not more than 5.0 micrograms per square centimeter per day.

SEC. 7. MONITORING.

The Administrator, in consultation with the Under Secretary of Commerce for Oceans and Atmosphere, shall monitor the concentrations of organotin in the water column, sediments, and aquatic organisms of representative estuaries in the United States. This monitoring program shall remain in effect until 7 years after the date of the enactment of this Act. The Administrator shall submit annually to the Speaker of the House of Representatives and to the President pro tempore of the Senate a report detailing the results of this monitoring program for the preceding year.

SEC. 8. PENALTIES.

(a) Civil Penalties.—(1) Any person violating section 4 or 5(a) shall be assessed a civil penalty of not more than $5,000 for each offense.

(2) After notice and an opportunity for a hearing, a person found by the Administrator to have violated section 4 or 5(a) is liable to the United States Government for the civil penalty assessed under paragraph (1). The amount of the civil penalty shall be assessed by the Administrator by written notice. In determining the amount of the penalty, the Administrator shall consider the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and other matters that justice requires.

(3) The Administrator may compromise, modify, or remit, with or without consideration, a civil penalty assessed under this section until the assessment is referred to the Attorney General.

(4) If a person fails to pay an assessment of a civil penalty after it has become final, the Administrator may refer the matter to the Attorney General for collection in the appropriate United States district court.

(b) Criminal Penalties.—Any person knowingly violating section 4 or 5(a) or violating section 5(b) shall be fined not more than $25,000, or imprisoned for not more than one year, or both.

SEC. 9. STATE LAWS.

Nothing in this Act shall preclude or deny any State or political subdivision thereof the right to adopt or enforce any requirement regarding antifouling paint or any other substance containing organotin. Compliance with the requirements of any State or political subdivision thereof respecting antifouling paint or any other substance containing organotin shall not relieve any person of the obligation to comply with the provisions of this Act.

SEC. 10. EFFECTIVE DATES; USE OF EXISTING STOCKS.

(a) In General.—Except as provided in subsection (b), this Act shall take effect on the date of the enactment of this Act.

(b) Effective Date of Prohibition and Penalties.—Sections 4, 5, and 8 shall take effect 90 days after the date of the enactment of this Act.

(c) Termination of Interim Prohibition.—Section 5 shall remain in effect until a final decision regarding the release of organotin into the aquatic environment by antifouling paints, pursuant to the process initiated by the Administrator's Position Document 1 dated January 8, 1986—

(1) is issued by the Administrator; and

(2) takes effect.

(d) Use of Existing Stocks.—Notwithstanding the prohibitions contained in sections 4 and 5, the Administrator shall, not later than 90 days after the date of the enactment of this Act, provide a reasonable time, not to exceed one year after the date of the enactment of this Act, for the continued sale, delivery, purchase, receipt, and application of stocks of organotin antifouling paint and organotin additives that exist before the date of the enactment of this Act.

The SPEAKER pro tempore. Is a second demanded?

Mr. YOUNG of Alaska. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. Studds] will be recognized for 20 minutes and the gentleman from Alaska [Mr. Young] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. Studds].

Mr. STUDDS. Mr. Speaker, I yield myself such time as I many consume.

Mr. Speaker, H.R. 2210 is a bill to control the use of highly toxic organotin chemicals in boat paints.

This legislation grew out of hearings held by the Merchant Marine Committee in both the 99th and 100th Congresses which led our committee to believe that action should be taken to protect our coastal waters from tributyltin, more commonly referred to as TBT, and similar chemicals.

Antifouling paints are used to keep barnacles, algae, and other organisms from attaching themselves to boat bottoms. TBT began to be used for this purpose in the early 1970's. Unfortunately, it may do its job too well. TBT has been shown to kill fish and shellfish at almost infinitesimal doses. Recent studies have shown that in many coastal areas of the United States, TBT is present at concentrations which have been shown in the laboratory to be toxic to a variety of marine life.

The primary action taken by this bill is banning the use of any organotin paints on vessels less than 65 feet in length. Smaller boats tend to spend most of their time in shallow bays and estuaries, and much of that time at their moorings. If they are painted with TBT paints, the TBT is leaching into these waters. And those shallow, protected waters are the areas most susceptible to harm from it.

Banning the use of these paints on smaller vessels duplicates the approach taken by a number of States, including Virginia, Maryland, and Maine.

As a boat owner, I would note that practical, readily available substitutes for organotin paints are available, namely the traditional copper-based boat paints. Where copper-based paints do not constitute an immediately acceptable and practical alternative—on aluminum hulls and on larger vessels—the bill provides an exception. Those vessels would be allowed to use only those which meet a strict standard governing how much organotin they release into the water. Paints not meeting that standard would be banned. The bill sets an interim standard of 5 micrograms per square centimeter per day, and provides for a final standard to be promulgated by the Environmental Protection Agency.

The bill was reported from the Merchant Marine and Fisheries Committee by unanimous vote. The one substantive change from the reported bill is an amendment which changes the maximum length of vessel for which organotin paints will be totally banned from 25 meters—82 feet—to 65 feet.

Since the bill was reported from the committee the EPA has issued a proposed rule governing the use of TBT, in which it bans its use on vesels under 65 feet. The data provided to the committee by EPA supports this change as more accurately reflecting the point where a complete ban is justified. The committee has therefore incorporated the new 65-foot limitation into the bill we bring before the House today. The bill, as amended, is supported by both the majority and minority of the committee.

Mr. Speaker, I wish to gratefully acknowledge the support and leadership of numerous members of our committee on this issue, including our chairman, Mr. JONES. In summary, I ask my colleagues to support the bill, as amended, as an important step in protecting our bays and estuaries from a particularly virulent pollutant.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 2210, a bill to control the use of TBT-based paints in the marine environment. As an original cosponsor of this bill, I view this legislation as a key interim measure which will help to regulate the input of TBT and other toxics into our coastal waters. This legislation will act as a temporary remedy until the EPA has completed its review of the effects of TBT-based paints on the marine environment. Once this review is completed, EPA will then develop its final regulation concerning the use or nonuse of such paints.

Mr. Speaker, I would like to point out that several States—including my State of Alaska—have already adopted legislation to control the input of TBT into our coastal waters. In the case of Alaska, the State has recently banned the use of TBT-based paints on all vessels under 4,000 gross tons and it has imposed a maximum TBT release rate on all other vessels.

Mr. Speaker, we have a committee amendment before us today which would prohibit the application of any TBT-based paint to vessels less than 65 feet in length. This amendment will target recreational vessels which have been shown to be the primary cause of TBT leaching problems. This is an important move which will help to eliminate a large portion of the TBT which enters our waters.

Mr. Speaker, I urge my distinguished colleagues to join with me today in passing this bill to conserve our marine environment.

Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Speaker, I thank the gentleman from Alaska for yielding this time.

Mr. Speaker, I would just like to take this opportunity to commend our chairman and the chairman of the Fish and Wildlife Committee, the gentleman from Massachusetts [Mr. STUDDS] as well, for their fine work in bringing this bill to the floor.

I am not going to take the time to repeat what has been said in terms of the definition of the bill and in terms of its many merits, but I would like to say this, that as many of our colleagues in the House know, our oceans have been the subject of a great deal of discussion, debate, and action, in this House in 1987. This is one of the problems that I feel is very, very important, and a solution as proposed by this bill is of even greater importance. As I think about the ocean and the many problems that we have, we have dealt this year with things that have to do with issues of sludge dumping in the ocean, with garbage dumping in the ocean, with sewage effluent, and the upgrading of sewer treatment plants that do not adequately operate to the degree that we would like, with plastic pollution, with chemical dumping, with dredge spoil disposal, and with medical wastes and many other types of problems that our oceans have experienced.

This is a small but very important step in helping to come to grips with these many problems.

Just this year, and I think it is appropriate to point out, that there is good news for the condition of the ocean if you look at what the House has done this year. This is another step in that direction and I commend the members of the Merchant Marine and Fisheries Committee and the Members of the House for supporting bills such as this that are so important to the marine environment.

Mr. STUDDS. Mr. Speaker, I yield 3 minutes to the distinguished chairman of the full committee, the gentleman from North Carolina [Mr. JONES].

Mr. JONES of North Carolina. Mr. Speaker, today the House will consider H.R. 2210, the Organotin Antifouling Paint Control Act of 1987.

I'm sure many Members are wondering what organotin antifouling paints are and why they need to be controlled. Organotins are a group of tin-based biocides which are widely used in marine paints to prevent the buildup of barnacles and other growth on ship hulls.

I introduced H.R. 2210 in April of this year because I was concerned that organotin originating from painted boat hulls was harming marine life. My concern was based on testimony presented at two hearings held by subcommittees of the Merchant Marine and Fisheries Committee which indicated that TBT—the most common type of organotin—has caused damage to shellfish stocks in Europe, England, and the United States. Moreover, it was reported that the waters of many U.S. estuaries have levels of TBT which have the potential, according to laboratory experiments, to cause toxic effects in many other aquatic organisms.

The Environmental Protection Agency [EPA] is reviewing the toxic effects of TBT-based paints' under the authority of the Federal Insecticide, Fungicide, and Rodenticide Act [FIFRA]. On October 7, the EPA released preliminary regulations governing the sale and use of TBT-based antifouling paints, and hopes to have final regulations ready by July 1988. However, even if these final regulations are released in July, they will be subject to an appeal process which takes an average of 2 years to complete, during which time the EPA's regulations will not be in effect. Based on the uncertainty of the FIFRA regulatory process and the imminent threat to our aquatic environment posed by TBT antifouling paints, I believe that Congress should impose restrictions on its sale and use now.

FIFRA, and the sale and use of pesticides generally, is under the jurisdiction of the Committee on Agriculture. However, the chairman of that committee has graciously allowed the Merchant Marine and Fisheries Committee to move this legislation, which is designed to reduce coastal pollution, without seeking a sequential referral. At this time, Mr. Speaker, I would like to insert in the RECORD a letter from Chairman DE LA GARZA regarding the jurisdictional implications of this bill.

H.R. 2210, as amended, would permanently prohibit the application of organotin paints on nonaluminum hulled small vessels—less than 65 feet in length. These vessels are used primarily in shallow waters, which are inhabited by the organisms most sensitive to TBT. The bill also restricts the sale of paints which release organotin at excessively high rates. By prohibiting the sale of these environmentally damaging high-release-rate paints, those who make their living on the water—the merchant marine and fishing industries—will still be able to enjoy the economic benefits of TBT use and the environment will be afforded a large degree of protection.

The bill also: first, allows for the continued sale and application of existing stocks of organotin paints for up to 1 year; second, directs the EPA to monitor the concentrations of organotin in the waters, sediments, and organisms of representative U.S. estuaries for 7 years after the date of enactment; and third, will not affect a State's ability to adopt more stringent regulations governing organotin-based paints.

As I stated before, the EPA has proposed regulations regarding the sale and use of TBT antifouling paints. It is my opinion that H.R. 2210 and the EPA's proposed regulations complement rather than interfere with each other. First, the majority of the provisions contained in this bill are interim in nature, since they will remain in effect only until the EPA's regulations take effect. The portion of the bill which is permanent, the size limitation on application, has been changed so that it is identical to the cutoff used by the EPA. Second, passage of this legislation will, I believe, insulate the EPA from administrative and judicial challenges to its regulations because this Federal law will remain in effect until all challenges are resolved.

In conclusion, this bill is the culmination of more than 1½ years of work by the Committee on Merchant Marine and Fisheries. It strikes a balance between the environmental and economic consequences of continued use of these types of paints and I urge all Members to consider it favorably.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
Washington, DC, October 5, 1987.

Hon. WALTER B. JONES,
Chairman, Committee on Merchant Marine and Fisheries, Longworth Building, Washington, DC.

DEAR MR. CHAIRMAN: I am writing you regarding H.R. 2210, the "Organotin-Based Antifoulant Paint Control Act of 1987."

I believe that the subject matter of this bill falls within the jurisdiction of the Committee on Agriculture, as defined by Rule X of the House Rules. However, in order to expedite the bill's consideration by the House, the Committee on Agriculture will not seek sequential referral of H.R. 2210. This action is taken without endorsing the subject matter of H.R. 2210 and without in any respect waiving jurisdiction with regard to the substantive issues addressed in this bill or in similar bills.

If the provisions in the bill relating to matters within the jurisdiction of the Committee on Agriculture should become an issue with the Senate, I intend to request that this Committee be represented in any conference that may be held.

Thank you for your attention to this matter. With best personal regards,

Sincerely,

E (KIKA) DE LA GARZA,
Chairman.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
Washington, DC, October 27, 1987.

Hon. KIKA DE LA GARZA,
Chairman, Committee on Agriculture, Longworth House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter of October 5 regarding H.R. 2210, the "Organotin-Based Antifouling Paint Control Act of 1987."

I appreciate your assistance in moving this legislation by not asking for a sequential referral. Obviously, matters involving the Federal Insecticide, Fungicide, and Rodenticide Act fall within the Agriculture Committee's jurisdiction; antifouling paints frequently contain substances regulated under FIFRA.

I look forward to cooperating with you on H.R. 2210. Our correspondence will be placed in the Congressional Record during House debate on the bill.

With kind regards, I am

Sincerely,

WALTER B. JONES,
Chairman.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia [Mr. BATEMAN].

Mr. BATEMAN. Mr. Speaker, I thank the distinguished gentleman from Alaska for yielding this time.

Mr. Speaker, I rise to join those who would praise the chairman of the full committee and the distinguished chairman as well of the subcommittee for bringing this bill to the floor. In order to abbreviate my remarks and to limit the time of the House in considering this important measure, let me simply say that I believe I was the first of those in the Congress to call upon the Environmental Protection Agency to conduct a special review of organotin paints and certainly I believe perhaps my bill affecting the use of those paints may have been the first introduced. Whoever's bill, and I applaud the distinguished gentleman from North Carolina [Mr. JONES], the chairman of the committee, for his bill we act upon today.

This is a subject which did indeed need congressional action.

Mr. Speaker, since tributyltin-based marine paints [TBT] were first introduced in the 1960's their use has grown dramatically, and the potential effects of this have become a source of serious concern among those who wish to protect the marine environment.

When added to marine paint, tributyltin [TBT] is an effective antifouling agent, keeping marine organisms from building up on the hull of a vessel. The cleaner hulls keep down fuel costs by decreasing friction and reduce the frequency of repainting. Unfortunately, tributyltin compounds pose great risks for organisms in the marine environment other than those which foul boats.

As the use of TBT has increased, questions about its effects on the marine environment have also increased. The First District of Virginia, which I am proud to represent, includes Newport News Shipbuilding and some of the most productive shellfish beds in the world. Therefore, my concern about TBT is twofold. I am concerned both about the possible health effects of TBT on the shipyard workers if, in the future, they are forced to use the pesticide, and the effects which TBT has on marine organisms, particularly those in the Chesapeake Bay.

Prompted by the introduction of my bill, the Tributyltin-Based Antifouling Paint Control Act of 1987, a congressional hearing was held in July by the House Merchant Marine and Fisheries Committee.

The purpose of the hearing was to determine what progress the Environmental Protection Agency [EPA] was making in its special review of tributyltin product registrations; to provide an update on the research being done on the environmental effects of TBT and research on what level TBT that marine organisms can tolerate; to hear what alternatives were available to TBT-based paints; and finally to determine whether uniform national regulation is necessary. As a result of that hearing the Merchant Marine Committee prepared the legislation which we are considering today. This bill closely follows legislation already in place in Virginia, Maryland, California, and Alaska.

The Environmental Protection Agency, under urging of Members of Congress, has undertaken a special review of the use of tributyltin pesticides. Unfortunately such reviews are extremely time consuming. Even though the Agency has recently announced a preliminary determination of what action should be taken, it may be some time before final action is taken. EPA's proposed actions are more restrictive than those in H.R. 2210, and those actions would override the provisions of this bill when made final.

H.R. 2210 would:

Prohibit the sale of marine paints that release TBT into the environment at a rapid rate;

Prohibit the use of organotin paints on vessels that are less than 65 feet in length;

Allow a year for the use of existing stocks of paints;

Provide for 7 years of monitoring by the EPA to guarantee that the problems the bill addresses are being solved; and

Encourage the use of new and improved copper-based paints.

I am proud to have helped shape this legislation, and it is my hope that that the House will approve this bill. I would also like to commend Chairmen Jones and Studds for their action on this issue.

Mr. STUDDS. Mr. Speaker, I yield myself 30 seconds. I just want to round out the commendations here. All the Members on both sides who have spoken on this bill reflect once again the quietly constructive nonpartisan approach of this committee on this legislation. I commend them all.

Mr. DAVIS of Michigan. Mr. Speaker, I rise in support of H.R. 2210, a bill to control the use of TBT-based paints in our coastal waters. As an original cosponsor of the bill, I strongly believe that there is an immediate need to regulate the input of toxic chemicals into our marine environment. The EPA is now engaged in a special review of TBT-based paints. Given that such a process might well prove to be a long and tedious one, I believe that H.R. 2210 will provide the necessary interim measure to control the input of TBT and other toxics into the marine environment until the EPA final regulations are promulgated.

Mr. Speaker, the problems of TBT-based paints are not limited solely to saltwater marinas and harbors. The Great Lakes have experienced a growing problem with TBT generated primarily from recreational boats. Given this, my home State of Michigan has announced a summary suspension of registration on TBT-based paints effective June 1, 1987.

Mr. Speaker, we have a committee amendment before us today which would prohibit the application of TBT-based paints to vessels less than 65 feet in length. This amendment specifically targets recreational vessels which have been shown to be a leading contributor to the TBT leaching problem. I believe that this important amendment will go a long way in eliminating that portion of the TBT problem caused by recreational boats.

Mr. Speaker, I strongly urge my colleagues to join with me in supporting this important bill and look forward to further actions which will protect and enhance our marine environment.

Miss SCHNEIDER. Mr. Speaker, I rise today in support of H.R. 2210, a bill to restrict the use of certain antifouling paints containing organotin. The use of organotins in paints has resulted in a very effective antifouling product for boat hulls. These potent biocides have turned out to be so effective, however, that they are now posing an insidious threat to marine life. This bill, of which I am a cosponsor, is merely an interim measure until EPA completes its review of the effects of organotin-based paints on the marine environment. EPA will then promulgate final regulations concerning the use or nonuse of such paints.

Recognition of the potential danger to marine life posed by organotin-based paints is not new. In 1981, in response to a nearly 100-percent incidence of shell deformities and a decline in the stocks of Pacific oysters, France banned the use of organotin-based paints on vessels less than 25 meters (82 feet). Soon after the ban, the incidence of shell deformities declined dramatically, and the stocks of oysters increased. In the United States, nine States have, to date, enacted laws restricting the use of organotin-based paints.

It would be foolish to ignore the preponderance of evidence on the adverse effect of organotins on the marine environment. Although this bill may inconvenience some boat owners, it is a small price to pay for what may be a serious environment and human health problem. After EPA completes their review, we will be better able to determine the extent of the problem, and the best means to resolve it. Until that time, however, the interim measures spelled out in this bill provide the most prudent path to follow. I strongly urge all of my colleagues to support this important bill.

Mr. YOUNG of Alaska. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. STUDDS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts [Mr. Studds] that the House suspend the rules and pass the bill, H.R. 2210, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to prohibit the use of certain antifouling paints containing organotin and the use of organotin compounds, purchased at retail, used to make such paints."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. STUDDS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2210, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mrs. Emery, one of his secretaries.

SAN FRANCISCO BAY NATIONAL WILDLIFE REFUGE AUTHORIZATION

Mr. STUDDS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2583) to authorize additional appropriations for the San Francisco Bay National Wildlife Refuge, as amended.

The Clerk read as follows:

H.R. 2583

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF APPROPRIATIONS.

Section 5 of the Act entitled "An Act to provide for the establishment of the San Francisco Bay National Wildlife Refuge", approved June 30 1972 (86 Stat. 399), is amended to read as follows:

"Sec. 5. There is authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.".

SEC. 2. EFFECTIVE DATE.

The Amendment made by section 1 shall take effect on October 1, 1987.

SEC. 3. QUILLAYUTE NEEDLES AND FLATTERY ROCKS NATIONAL WILDLIFE REFUGES.

(a) Notwithstanding any other provision of Public Law 99-635, land and waters in the Quillayute Needles National Wildlife Refuge and Flattery Rocks National Wildlife Refuge established as preserves for native birds and animals by Executive Orders dated October 23, 1907, as amended, which are within the boundaries of Olympic National Park, shall be administered by the United States Fish and Wildlife Service for refuge purposes under laws and regulations applicable to the national wildlife refuge system, including administration in accordance with the provisions of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd-668ee). Nothing in this Act shall affect, amend or modify the application of the provisions of the Wilderness Act (16 U.S.C. 1131-1139) to the Quillayute Needles National Wildlife Refuge or Flattery Rocks National Wildlife Refuge.

(b) Within 90 days of the enactment of this Act, the United States Fish and Wildlife Service shall, by memorandum of understanding or other means, seek law enforcement assistance from the National Park Service for purposes of enhancing the protection of the ecological resources of the Quillayute Needles and Flattery Rocks National Wildlife Refuges."

SEC. 4. COOPERATIVE LAW ENFORCEMENT AGREEMENTS.

Subsection 4(f) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(f)), is amended by adding after the last sentence of that subsection the following: "The Director of the United States Fish and Wildlife Service is authorized to utilize by agreement, with or without reimbursement, the personnel and services of any other Federal or State agency for purposes of enhancing the enforcement of this Act."

The SPEAKER pro tempore. Is a second demanded?

Mr. YOUNG of Alaska. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. STUDDS] will be recognized for 20 minutes and the gentleman from Alaska [Mr. YOUNG] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. STUDDS].

Mr. STUDDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2583 raises the authorization of appropriations for the San Francisco Bay National Wildlife Refuge to such sums as may be necessary to complete the land acquisition there. The author of the bill is Mr. EDWARDS of California, in whose district the refuge lies.

The San Francisco Bay Refuge was established by Congress in 1972. The authorization level provided by Congress in the establishing legislation has not, as it has turned out, been sufficient to achieve the acquisition of the 21,000 acres originally designated as part of the refuge.

The purpose of this bill is to authorize the appropriation of the additional funds needed to complete acquisition. Four thousand acres remain to be acquired, at an estimated cost of $2 million.

This particular acquisition is one of the highest on the administration's priority list for wildlife refuge acquisitions. The refuge protects a small part of the wetland areas that have escaped development around San Francisco Bay. It is used by hundreds of thousands of shorebirds and waterfowl every year, is home to at least three endangered species, and is a center for environmental education activities and wildlife viewing in the bay area.

This bill was unanimously approved and reported by our committee.

ON THE AMENDMENT TO H.R. 2583

The committee also proposes an amendment to H.R. 2583 as reported. The purpose of this amendment is to clarify the legal status of two wildlife refuges in the State of Washington.

Legislation enacted in the 99th Congress to extend the boundary of Olympic National Park was unclear as to how it affected these refuges.

The amendment, which is supported by the Washington delegation, clarifies that the refuges will continue as inholdings within the park, much as the Chincoteague National Wildlife Refuge exists within the Assateague Island National Seashore.

The amendment also provides for cooperation between the Fish and Wildlife Service and the National Park Service in protecting the resources of the refuges.

We would like to express our thanks to the leadership of the House Interior Committee for their cooperation in clarifying the status of the refuges. We have acknowledged their jurisdictional interest in matters affecting Olympic National Park, and wish to include in the RECORD letters on this matter between Chairman JONES of our committee and Chairman UDALL of the Interior Committee.

In summary, Mr. Speaker, I urge my colleagues to support the bill as amended, and I would ask unanimous consent to insert into the RECORD a more detailed statement on this measure.

Mr. Speaker, the purpose of this amendment is to clarify the status of the Quillayute Needles and Flattery Rocks National Wildlife Refuges in the State of Washington. Legislation enacted in the 99th Congress extended the boundaries of Olympic National Park to include these two national wildlife refuges.

Unfortunately, there is a measure of confusion over whether expanding the boundaries of the park resulted in removing these areas from the National Wildlife Refuge System, or whether they remain wildlife refuges within the boundaries of the park, as is the case with the Chincoteague National Wildlife Refuge [NWR]. Chincoteague NWR lies entirely within the boundaries of the Assateague National Seashore, a unit of the National Park System, and is administered by the U.S. Fish and Wildlife Service for refuge purposes under the laws and regulations applicable to the National Wildlife Refuge System.

These refuges consist of isolated sea stacks or island cliffs, immediately offshore of Olympic National Park. Historically, the U.S. Fish and Wildlife Service had not maintained a permanent presence on either of these two island refuges, relying instead upon periodic visits to the areas to enforce refuge laws. Despite the immediate presence of Olympic National Park rangers, the National Wildlife Refuge System Administration Act does not presently contain an express authorization for the U.S. Fish and Wildlife Service to seek the cooperative assistance of such rangers for law enforcement purposes. Under these unique and limited circumstances, utilizing the enforcement presence of park personnel makes good sense.

At the same time, there are good arguments for keeping these areas within the National Wildlife Refuge System. These include the historic significance of these areas as part of our National Wildlife Refuge System. They were set aside for wildlife protection in October of 1907 by President Teddy Roosevelt. Then as now, the key resource of these areas is, in fact, their wildlife. That wildlife includes nesting colonies of migratory seabirds protected by international treaty, for which the Fish and Wildlife Service has primary management responsibility. The authors of the legislation in the 99th Congress stated that it was not their intent to extinguish the historic status of these two refuges. Moreover, the Committee on Merchant Marine and Fisheries has long maintained that the U.S. Fish and Wildlife Service be the primary management agency for units of the National Wildlife Refuge System. This amendment should not be interpreted as changing this historical policy, but rather be viewed as exceptionally narrow and limited in scope due to the particular unique circumstances surrounding these two wildlife refuges.

Fortunately, we can have it both ways. H.R. 2583, as amended, clarifies the authority of the U.S. Fish and Wildlife Service to seek the cooperative assistance of the National Park Service for law enforcement purposes while refining the historic status of these two island refuge areas as units of the National Wildlife Refuge System. Nothing in this section shall alter the boundaries of Olympic National Park, as revised by Public Law 99-635, nor affect the wilderness status of these two wildlife refuges. Thus, commercial activities of all types will continue to be prohibited within these refuge areas, including oil and gas leasing. Because of the continued status of these areas as wilderness, the Fish and Wildlife Service would not have any active land management program which would be in conflict with the surrounding Olympic National Park. It is also our intent that these areas remain closed to sport hunting as is the case in the adjacent areas within the Olympic National Park. The Washington delegation, on both sides of the aisle, supports this action to clarify that these refuges continue to exist as legal entities under the authority of the U.S. Fish and Wildlife

Service while remaining within the boundaries of Olympic National Park.

In addition to authorizing a specific law enforcement cooperative agreement for these two island wildlife refuge areas, H.R. 2583 also clarifies the U.S. Fish and Wildlife Service's general authority to enter into similar law enforcement agreements for other wildlife refuges where deemed appropriate by the Service.

The Committee on Merchant Marine and Fisheries wishes to express its gratitude to the leadership of the Committee on Interior and Insular Affairs, and in particular Subcommittee Chairman Bruce Vento, for the cooperative assistance it has provided in clarifying the status of these two island wildlife refuge areas. The Interior and Insular Affairs Committee has jurisdiction over matters affecting Olympic National Park and thus has a jurisdictional interest in the subject matter of our amendment. We have acknowledged this jurisdictional interest in an exchange of letters between Chairman Jones and Chairman Udall and wish to include these letters in the Congressional Record as part of this floor statement.

Committee on Interior and Insular Affairs, U.S. House of Representatives,
Washington, DC, November 5, 1987.

Hon. Walter B. Jones,
Chairman, Committee on Merchant Marine & Fisheries, U.S. House of Representatives, Washington, DC.

Dear Mr. Chairman: It is my understanding that the Committee on Merchant Marine and Fisheries intends to offer as an amendment to H.R. 2583 provisions relating to the areas known as Flattery Rocks and Quillayute Needles which are presently within the Olympic National Park as a result of the enactment of P.L. 99-635.

Our staff on the Subcommittee on National Parks and Public Lands is familiar with this matter and we believe that your proposal satisfactorily resolves the problem. Accordingly, with the understanding that our legitimate jurisdictional interest is recognized, we have no objection to your request to consider this legislation under suspension of the rules.

Your cooperation and consideration are appreciated.

Sincerely,

Morris K. Udall,
Chairman.

U.S. House of Representatives,
Committee on Merchant Marine and Fisheries,
Washington, DC, November 5, 1987.

Hon. Morris K. Udall,
Chairman on Interior and Insular Affairs, Longworth House Office Building, Washington, DC.

Dear Mr. Chairman: During the last Congress, Public Law 99-635 was enacted which expanded the boundaries of Olympic National Park. One of the unintended consequences of the passage of this Act was the inadvertent extinguishment of two of the oldest national wildlife refuges in the country, the Quillayute Needles and Flattery Rocks National Wildlife Refuges. These two wildlife refuges were established in 1907 and were part of the historic wildlife conservation legacy left by President Teddy Roosevelt. I would add in passing that the chief sponsors of Public Law 99-635 in the House and the Senate have both disclaimed any intent to have that legislation affect the status of these two wildlife refuges.

After extensive discussions with the State of Washington delegation, I believe that an acceptable solution to this problem has been developed. Language has been drafted which would reaffirm the continued status of these two historic refuges as units of the National Wildlife Refuge System while leaving intact and unaffected the expanded outer boundary of Olympic National Park established by Public Law 99-635. While the two wildlife refuges would continue to be managed exclusively by the U.S. Fish and Wildlife Service (FWS), the FWS would be required to negotiate a law enforcement Memorandum of Understanding with the National Park Service within 90 days, in order to provide enhanced enforcement protection for the ecological resources of these isolated island areas. Moreover, our language would reaffirm the continued status of these two wildlife refuges as wilderness areas, subject to all of the provisions and protection of the Wilderness Act, 16 U.S.C. 1131-1139. Thus, commercial activities of all sorts such as oil and gas leasing would continue to be prohibited within the boundaries of these refuge areas.

We have developed this language in consultation with all of the offices of members of the Washington delegation in the House. They have all indicated that the proposed language is a very reasonable solution to this problem and adequately protects the interests of both the National Park Service and the U.S. Fish and Wildlife Service. Since our proposed language involves matters affecting the status of areas now within (albeit unintentionally) Olympic National Park, this legislative proposal falls within the jurisdiction of the Committee on Interior and Insular Affairs. For that reason, our staff has also worked closely with the staff of the Subcommittee and we understand that the proposed language is acceptable.

Because remaining legislative time is rapidly running out for this session of Congress, I have concluded that our best approach is to offer our language on the floor of the House next Monday as an amendment to a bill to be brought up on the Suspension Calendar, H.R. 2583, a bill reauthorizing the San Francisco Bay National Wildlife Refuge. If you find this approach agreeable, I would propose that this letter acknowledging your jurisdiction over this matter, along with your response, be included in the *Congressional Record* as part of the floor debate on H.R. 2583, as amended. In this manner, your jurisdictional interests will be acknowledged and preserved and the matter will be finally resolved in the House to everyone's satisfaction. I would like to thank you in advance for any cooperation or assistance that you could provide regarding this matter.

With warmest personal regards, I am

Sincerely,

Walter B. Jones,
Chairman.

Mr. EDWARDS of California. Mr. Speaker, I'm delighted to rise in strong support of H.R. 2583, legislation which will authorize the funds needed to complete the San Francisco Bay National Wildlife Refuge. I would like to thank the distinguished chairman of the Subcommittee on Fisheries and Wildlife Conservation and the Environment, Mr. Studds, as well as the members of the subcommittee and the full committee for their work on this bill.

In 1972, Congress authorized 23,000 acres of wetlands in the south San Francisco Bay to create the San Francisco Bay National Wildlife Refuge. Presently, the refuge consists of 17,500 acres. I introduced H.R. 2583 to authorize the funding needed to purchase the remaining 5,500 authorized acres.

I am dedicated to preserving the threatened wetlands of the south San Francisco Bay. Overdevelopment has polluted and destroyed much of this environmentally sensitive region. Nearly one-third of the San Francisco Bay has been filled in or diked off from tidal action. We must reverse this destructive trend, and preserve the valuable wildlife and habitat which still surround the bay.

The San Francisco Bay National Wildlife Refuge serves many diverse environmental purposes, and is a haven for several species of wildlife. It is a prime nesting and feeding area for migratory shorebirds wintering on the Pacific coast. It also preserves a hauling ground for a large colony of harbor seals. There is much-needed habitat for several endangered and threatened species, including the California clapper rail, the salt marsh harvest mouse, the California least tern, and the peregrine falcon. In addition, the refuge offers flood control and water purification benefits for surrounding cities.

Not only does the San Francisco Bay Wildlife Refuge provide important wildlife preservation, it also offers a wide variety of public uses. One of the primary public benefits of the refuge is its effective environmental education programs. The refuge's education system is designed to educate teachers and parents to enable them to lead environmentally oriented classes themselves. Each hour that is used to educate teachers about environmental issues eventually reaches 900 students in the California school system. This program has been highly beneficial, and faculty from a great number of California schools have donated their time to participate in the educational seminars.

The refuge is widely used for wildlife observation. The refuge offers 18,000 hours of sightseeing and birdwatching each year. A well-developed system of trails, informational signs, and guided nature walks enable even novices to fully enjoy wildlife and plantlife. This use of the refuge draw over 100,000 visitors each year.

But perhaps the most important asset of the San Francisco Bay Wildlife Refuge is that it offers wide open space in the heart of a highly urban area. This makes it easily accessible to the local population—some 5 million people live within an hour's drive of the refuge.

Yet, because the refuge is located within the heart of the Silicon Valley, development in adjacent areas presents a continuing threat. The San Francisco Bay once contained almost 200,000 acres of wetlands which were abundant with wildlife. Of those original 200,000 acres of wetlands, only 37,000 remain today. Presently, nearly every wetland parcel in the south bay is targeted for development.

If this trend continues, I am afraid that all of the remaining wetlands of the south bay will disappear. This is why it is so vitally important that we preserve these wetlands under the shelter of the San Francisco Bay National Wildlife Refuge, and bring the acreage of the refuge up to the authorized level of 23,000 acres.

When we established the refuge in 1972, we had a great amount of local support. Today, that support is greater than ever. Local conservation groups, city governments around the bay, and individuals concerned with the environment are working with me in efforts to expand the refuge. I look forward to developing legislation to save the diminishing wetlands by increasing the refuge even further in the months ahead. I hope that my colleagues will join in supporting that effort as well.

Congress must do its part to preserve what we can of these spectacular wetlands. By acting now we can save an additional 5,500 acres of threatened wildlife habitat and scenic wetlands in the center of a metropolitan region. In these days of overdevelopment, let's stop the trend of destruction and pollution and protect the environmentally sensitive regions of our Nation. By passing H.R. 2583 today, we can take one big step toward this goal.

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Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2583. The National Wildlife Refuge System provides, manages, and safeguards a network of lands and waters sufficient in size and diversity to ensure the protection of wildlife of all types. In keeping with this, the San Francisco Bay National Wildlife Refuge was established by Congress in 1972 to protect the rapidly disappearing wildlife habitat of marshes, mud flats, and other open water of the San Francisco Bay. The refuge is a major nesting and feeding area for the waterfowl and shorebirds of the Pacific flyway and provides habitat for several endangered species. The San Francisco Bay refuge is unique in that it is located in the middle of a major metropolitan area and provides extensive opportunity for wildlife-oriented recreation.

The purpose of H.R. 2583 is to increase the authorization level to meet unanticipated increases in the cost of acquiring the outstanding tracts of land for the refuge. It is my understanding that an estimated $2 million is required to complete the acquisition of acreage that was identified in the enacting legislation in 1972. The Fish and Wildlife Service has identified the San Francisco Bay National Wildlife Refuge as one of its high land acquisition priorities.

Mr. Speaker, the amendment that my colleague, Congressman STUDDS, has described addressing the return of two wildlife refuges in the State of Washington back into the National Wildlife Refuge System has been cleared with this side of the aisle and is supported by the Washington delegation.

Mr. Speaker, I ask my colleagues to join with me in adopting this legislation.

Mr. STUDDS. Mr. Speaker, I yield 2 minutes to the gentleman from Washington [Mr. BONKER].

Mr. BONKER. Mr. Speaker, I rise in support of an amendment to H.R. 2583 that would clarify management authority and objectives for two national wildlife refuges, the Quillayute Needles and Flattery Rocks National Wildlife Refuges, on the northern coast of Washington State. As the Member who represented this area until 1981, and as a member of the Merchant Marine and Fisheries, I have a special interest in this matter.

Last year, Congress approved a measure—Public Law 99-635—that extended the boundaries of the Olympic National Park in Washington State. One of the lesser known changes was the inclusion of the offshore rocks and islands which comprise the Quillayute Needles and Flattery Rocks National Wildlife Refuges. Although the intent of the inclusion was to provide additional protection for the offshore rocks and sea stacks, the result was to create confusion with respect to the status and management of the refuges. This amendment provides needed clarification and advances to goal of further protecting these wilderness rocks and islands.

As the chairman, Mr. STUDDS, notes, the amendment makes it clear that the refuges continue to exist as units of the National Wildlife Refuge System under the management authority of the U.S. Fish and Wildlife Service [FWS], even though they are within the Olympic National Park boundary. The amendment also authorizes the Director of the Fish and Wildlife Service to enter into agreements with other Federal and State agencies to enhance enforcement of refuge laws and regulations. Furthermore, it specifically directs the FWS and National Park Service to enter into a memorandum of understanding for purposes of enhancing the protection of the ecological resources of the refuges.

The amendment also makes it clear that the refuges will continue to be designated as wilderness. In keeping with this wilderness status and the presence of the refuges within the park, such activities as hunting, oil and gas development, and intrusive development of any sort would obviously be inappropriate. While the refuges would continue to be administered by the Director of the FWS under the provisions of the National Wildlife Refuge System Administration Act, the continued application of the Wilderness Act will ensure that any land use activities within the refuges would be consistent with the amendment objectives of the park.

The scrutiny recently given to this issue has focused attention on a related concern not addressed by this legislation. Only those portions of the offshore rocks and islands above the mean hightide line are under Federal protection—the intertidal zones and the submerged lands and waters surrounding them are not accorded any special protection. I believe the Washington State Congressional Delegation, the committee, the State of Washington, and interested parties should work together on a strategy to protect these sensitive areas.

Mr. Speaker, in conclusion, I would like to thank the full commmittee chairman, Mr. JONES, the subcommittee chairman, Mr. STUDDS and their capable staffs for their patient and helpful efforts to clarify the status and management of the Quillayute Needles and Flattery Rock National Wildlife Refuges. This amendment will provide enhanced protection for the refuges, and, hopefully, we can address the problem of the surrounding areas in the near future.

Mr. STUDDS. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Speaker, I greatly appreciate the gentleman's kind statements. It has been rewarding to work with the Committee on Merchant Marine and Fisheries on a resolution of this issue.

The legislation as passed in the 99th Congress extended the boundary of the "Olympic National Park" to include the islands known as "Quillayute Needles and Flattery Rocks. I understood the purpose of this action from members of the Washington delegation, to be necessary because of a lack of law enforcement by the Fish and Wildlife Service. Placing the islands within the boundary of the park would allow local park service personnel to protect the wildlife on the islands. Unfortunately, that language created confusion between the two agencies as to who had primary authority to manage the resources.

I am very pleased that this problem has been worked out and support the language proposed by the Committee on Merchant Marine and Fisheries which clarifies this resource management responsibility.

It is a pleasure to work with members and staff who are dedicated to finding the best solutions for protection of our dwindling natural resource base and I commend the gentleman from Massachusetts for his efforts.

Mr. YOUNG of Alaska. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. STUDDS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. PELOSI. Mr. Speaker, I join my colleague from San Jose, Mr. EDWARDS, in supporting H.R. 2583, the San Francisco Bay National Wildlife Refuge authorization legislation.

California's wetlands are vanishing at an astonishing rate, an overall reduction of 92 percent, and the effects on San Francisco Bay alone are cause for alarm. The San Francisco Bay Delta is one of the unique estuarine systems of the world and the largest on the West Coast of North America.

This legislation would add protection to the existing San Francisco Bay National Wildlife Refuge by providing additional acreage for seasonal waterfowl which depend on these wetlands for nesting and survival. There are over 200 species of fish and over 600,000 aquatic birds which use the bay habitat at any one time. The refuge is a resource that must be protected to insure the continued health of the entire bay.

Thank you, Mr. EDWARDS, for your efforts to achieve this goal for the bay's wetland areas.

Mr. STARK. Mr. Speaker, I am pleased the House is considering legislation today that is very important to my district and the entire San Francisco Bay Area. I strongly support the San Francisco Bay National Wildlife Refuge authorization introduced by my friend, Congressman EDWARDS.

There is considerable pressure on the few remaining wetlands that remain in the San Francisco area. The true importance of wetlands to the ecological system is only beginning to be fully realized. Seeing wetlands as a nursery and cleaning system for the bay itself has only been happening in the last decade or so.

The San Francisco Bay National Wildlife Refuge was designed to help protect some of the last of these essential ecosystems. However, the amount of money authorized for the refuge has proven insufficient for the land to be acquired. U.S. Fish and Wildlife wants to spend the money to acquire the land. The legislation provides that authorization.

Mr. Speaker, this bill would allow for the completion of the San Francisco Bay National Wildlife Refuge. This is something that cannot be done too soon.

Mr. MILLER of California. Mr. Speaker, H.R. 2583 will authorize such sums as may be needed to complete land acquisition at the San Francisco Bay National Wildlife Refuge.

This is a critical piece of legislation for San Francisco Bay. This refuge, which will eventually comprise 21,000 acres of salt marsh, open water, and other habitats, is one of the few areas of the bay which have escaped the tremendous pressures of development. The refuge is home to thousands of migratory and resident birds, several endangered species, and serves as an invaluable educational resource. Only 4,000 acres remain to be acquired to round out the refuge.

For many years, the wetlands and marshes ringing the bay were thought to be little more than annoying wastelands, ripe for developing into real estate. Until recently, few people understood the critical role these marshlands play in providing food and purifying the water and the air. Since 1972, the Fish and Wildlife Service has been assembling isolated parcels of valuable marsh into what is now one of the showcases of the National Wildlife Refuge System.

Although our understanding of the importance of places such as this refuge has increased dramatically in recent years, the threats to a healthy bay have not diminished. Diversions of fresh water, leaky toxic waste disposal sites, wastes from farms, cities, and industries, dredging, and continued filling of wetlands continually endanger the bay. H.R. 2483 affords us with a very real opportunity to extend protection to a resource we cannot afford to lose or further degrade.

The SPEAKER pro tempore (Mr. GRAY of Illinois). The question is on the motion offered by the gentleman from Massachusetts [Mr. STUDDS] that the House suspend the rules and pass the bill, H.R. 2583, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. STUDDS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

COMMERCIAL FISHING INDUSTRY VESSEL ANTI-REFLAGGING ACT OF 1987

Mr. STUDDS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2598) entitled the "Commercial Fishing Industry Vessel Anti-Reflagging Act of 1987," as amended.

The Clerk read as follows:

H.R. 2598

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Commercial Fishing Industry Vessel Anti-Reflagging Act of 1987".

SEC. 2. VESSELS OF THE UNITED STATES.

Section 3(27) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1802(27)) is amended to read as follows:

"(27) The term 'vessel of the United States' means—

"(A) any vessel documented under chapter 121 of title 46, United States Code;

"(B) any vessel numbered in accordance with chapter 123 of title 46, United States Code and measuring less than 5 net tons;

"(C) any vessel numbered in accordance with chapter 123 of title 46, United States Code and used exclusively for pleasure; or

"(D) any vessel not equipped with propulsion machinery of any kind and used exclusively for pleasure.".

SEC. 3. RECONSTRUCTION REQUIREMENTS.

Title 46, United States Code, is amended as follows:

(1) Item 12101 of the analysis of chapter 121 is amended to read as follows:

"12101. Definitions and related terms in other laws.".

(2) The caption of section 12101 is amended to read as follows:

"§ 12101. Definitions and related terms in other laws".

(3) Section 12101 is amended by—

(A) designating the existing text as subsection (b);

(B) striking paragraph (6); and

(C) inserting a new subsection (a) before subsection (b) (as designated by this section) as follows:

"(a) In this chapter—

"(1) 'fisheries' includes processing, storing, transporting (except in foreign commerce), planting, cultivating, catching, taking, or harvesting fish, shellfish, marine animals, pearls, shells, or marine vegetation in the navigable waters of the United States or in the exclusive economic zone.

"(2) 'rebuilt' has the same meaning as in the Second Proviso of section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883).".

(4) Section 12108(a) is amended by—

(A) at the end of paragraph (2)(B), strike "and";

(B) redesignating paragraph (3) as (4); and

(C) inserting after paragraph (2) a new paragraph (3) that reads as follows:

"(3) if rebuilt, was rebuilt in the United States; and".

(5) Section 12108(c)(2) is amended by striking "built in the United States" and substituting "built or rebuilt in the United States".

SEC. 4. SAVINGS CLAUSE.

(a) Notwithstanding the requirements of section 12108(a)(2) and (3) of title 46, United States Code, a fishery license may be issued to a vessel that before July 28, 1987—

(1)(A) was documented under chapter 121 of that title; and

(B) was operated as a fish processing or fish tender vessel in the navigable waters of the United States or the exclusive economic zone;

(2) was a fish tender or fish processing vessel contracted to be purchased by a citizen of the United States, if the purchase is shown by contract or similarly reliable evidence acceptable to the Secretary to have been made for the purpose of using the

vessel as a fish tender or fish processing vessel in the fisheries;

(3) was documented under chapter 121 of that title and

(A) was rebuilt in a foreign country; or

(B) is subsequently rebuilt in the United States for use as a fish processing vessel; or

(4) was built in the United States; and

(A) is rebuilt in a foreign country under a contract entered into before 6 months after the date of enactment of this Act, and was purchased or contracted to be purchased before July 28, 1987 with the intent that the vessel be used in the fisheries, if that intent is evidenced by——

(i) the contract itself; or

(ii) a ruling letter by the Coast Guard before July 29, 1987 under 46 C.F.R. § 67.21-1 or § 67.27-3 pursuant to a ruling request evidencing that intent; or

(B) is purchased for use as a fish processing vessel under a contract entered into after July 27, 1987, if—

(i) a contract to rebuild the vessel for use as a fish processing vessel was entered into before September 1, 1987; and

(ii) that vessel is part of a specific business plan involving the conversion in foreign shipyards of a series of 3 vessels and rebuilding work on at least one of the vessels had begun before July 28, 1987.

(b) A vessel rebuilt under subsection (a)(3)(B) or (4) of this section must be redelivered to the owner before July 28, 1990. However, the Secretary may, on proof of circumstances beyond the control of the owner of a vessel affected by this section, extend the period for rebuilding in a foreign country permitted by this section.

(c)(1) Any fishery license or registry issued to a vessel described in subsection (a)(2) of this section must be documented under an application for documentation acceptable to the Secretary filed before July 28, 1987.

SEC. 5. MANNING REQUIREMENTS.

(a) Section 8103 of title 46, United States Code, is amended as follows:

(1) In subsection (a), after "chief engineer,", insert "radio officer,".

(2) Strike subsection (b) and add the following:

"(b)(1) On each departure of a documented vessel, all unlicensed seamen must be citizens of the United States, except on—

"(A) a yacht;

"(B) a fishing vessel fishing exclusively for high migratory species as defined in section 3 of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1802);

"(C) a fishing vessel fishing outside the Exclusive Economic Zone; and

"(D) a fishing, fish processing, or fish tender vessel that is engaged in the fisheries in the navigable waters of the United States or the Exclusive Economic Zone in which case 75 percent of the unlicensed seamen must be citizens of the United States or aliens lawfully admitted to the United States for permanent residence.

"(2) The Secretary may not waive the citizen of the United States requirement for a master but may reduce the citizen of the United States requirement of the remaining complement (including licensed officers)—

"(A) when an offshore supply vessel operates from a foreign port;

"(B) when a mobile offshore drilling unit operates beyond the waters above the outer Continental Shelf, as defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a)); and

"(C) for any other vessel, when the Secretary determines, after an investigation, that qualified citizens of the United States seamen, licensed and unlicensed, are not available.".

(3) In subsections (c) and (d)(1), strike "from the United States."

(4) In subsection (e), after "the master", insert "and the radio officer" and strike "until the vessel's first return to the United States port at which" and substitute "until the vessel's return to a port at which in the most expeditious manner".

(b) Section 8702(b) is amended by striking "depart from a port of the United States" and substituting "operate".

SEC. 6. CONFORMING PROVISIONS.

(a) Title 46, United States Code, is amended as follows:

(1) Section 2101 is amended by adding after paragraph 10 the following new paragraph:

"(10a) 'Exclusive Economic Zone' means the zone established by Presidential Proclamation Numbered 5030, dated March 10, 1983.".

(2) Section 12106(b) is amended to read as follows:

"(b) Subject to the laws of the United States regulating the coastwise trade, only a vessel for which a coastwise license or an appropriately endorsed registry is issued may be employed in the coastwise trade.".

(3) Section 12106 is amended by inserting a new subsection (d) after subsection (c) as follows:

"(d) On application of the owner of a vessel that qualifies for a Great Lakes license under section 12107 or a fishery license under section 12108 of this title, the Secretary may issue an endorsement authorizing the vessel to be employed in the Great Lakes trade or fisheries, as the case may be.".

(4) Section 12107(b) is amended—

(A) after the semicolon at the end of paragraph (1) by inserting "and";

(B) in paragraph (2) by striking "Canada; and" and substituting "Canada."; and

(C) by striking paragraph (3).

(5) Section 12107 is amended by inserting a new subsection (c) after subsection (b) as follows:

"(c) On application of the owner of a vessel that qualifies for a coastwise license under section 12106 or a fishery license under section 12108 of this title, the Secretary may issue an endorsement authorizing the vessel to be employed in the coastwise trade or the fisheries, as the case may be.".

(6) Section 12108 is amended by adding a new subsection (d) after subsection (c) as follows:

"(d) On application of the owner of a vessel that qualifies for a coastwise license under section 12106 or a Great Lakes license under section 12107 of this title, the Secretary may issue an endorsement authorizing the vessel to be employed in the coastwise trade or the Great Lakes trade, as the case may be.".

(b) Notwithstanding the requirements of chapter 121 of title 46, United States Code, a vessel for which a coastwise, Great Lakes, or fishery license, or an appropriately endorsed registry, was issued before July 28, 1987, may continue to be employed in the specified trades for which it was qualified at the time the license or registry was issued for one year from date of enactment or until the certificate of documentation is renewed, whichever comes later. On renewal, the owner or master of a documented vessel shall make the vessel's certificate of documentation available as the law or Secretary may require for replacement with an appropriately endorsed certificate.

(c)(1) Section 27 of the Merchant Marine Act, 1920, (46 App. U.S.C. 883), is amended after "vessel" in the Second Proviso by striking "of more than five hundred gross tons".

(2) Paragraph (1) of this subsection does not apply to a vessel under contract to be purchased or rebuilt entered into before July 28, 1987, if that vessel is rebuilt before July 28, 1990.

(3) The Secretary, on proof of circumstances beyond the control of the owner of a vessel affected by this section, may extend the period for rebuilding in a foreign country permitted by this section.

(d) The terms in this Act have the same meaning as in subtitle II of title 46, United States Code (as amended by this Act).

SEC. 7. AMERICAN CONTROL OF VESSELS.

(a) Section 12102 of title 46, United States Code, is amended as follows:

(1) by inserting "(a)" before "A vessel";

(2) by adding at the end the following:

"(b)(1) A vessel owned by a corporation is not eligible for a fishery license under section 12108 of this title unless the controlling interest (as measured by a majority of voting shares in that corporation) is owned by individuals who are citizens of the United States. However, if the corporation is owned in whole or in part by other United States corporations, the controlling interest in those corporations, in the aggregate, must be owned by individuals who are citizens of the United States.

"(2) The Secretary shall apply the restrictions on controlling interest in section 2(b) of the Shipping Act, 1916 (46 App. U.S.C. 802(b)) when applying this subsection.".

(b) Section 12102(b) of title 46, United States Code (as enacted by subsection (a) of this section) applies to vessels issued a fishery license after July 28, 1987. However, that section does not apply if before that date the vessel—

(1) was documented under chapter 121 of title 46 and operating as a fishing, fish processing, or fish tender vessel in the navigable waters of the United States or the Exclusive Economic Zone; or

(2) was contracted for purchase for use as a fishing, fish tender, or fish processing vessel in the navigable waters of the United States or the Exclusive Economic Zone, if the purchase is shown by the contract or similarly reliable evidence acceptable to the Secretary to have been made for the purpose of using the vessel in the fisheries.

The SPEAKER pro tempore. Is a second demanded?

Mr. YOUNG of Alaska. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. Studds] will be recognized for 20 minutes and the gentleman from Alaska [Mr. Young] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. Studds].

Mr. STUDDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to bring before you today H.R. 2598, the Commercial Fishing Industry Vessel Antireflagging Act of 1987. This bill has the support of the fishing industry, the shipbuilders and the Committee on Merchant Marine and Fisheries and I urge its passage.

Mr. Speaker, this past August I urged my colleagues to support S. 1591, a bill that temporarily restricted the ability to document foreign-built fish processing vessels under the laws of the United States. That bill imposed an immediate moratorium on the reflagging of fish processing vessels and was intended to provide Congress with sufficient time to devise a permanent solution. The moratorium was subsequently extended until November 15 of this year. I hope that with our action today and with quick action from the other body, H.R. 2598 will be signed into law before the moratorium expires.

The major issue addressed by H.R. 2598 is whether and to what extent foreign built processing vessels should be allowed to reflag and operate in the U.S. fishery with all the privileges of U.S.-built vessels. Currently, all other classes of fishing industry vessels must be U.S. built, but the question of foreign-built processors was intentionally left open primarily because our fishing industry had not yet expanded into this area of operations. With the passage of the 200-mile limit some 10 years ago and the development of a vast groundfish fishery in the Pacific Northwest, the fishing industry has now asked Congress to prevent foreign-built processing ships from entering the industry. Were this question to go unresolved, we would see foreign fishing interests moving to gain control of the American fishing industry through the use of foreign-built processing vessels.

The primary purpose of H.R. 2598 is to permanently prohibit the reflagging of foreign-built fish processing vessels as U.S. vessels, thus completing the requirement that all types of fishing industry vessels operating in the U.S. fishery be built in the United States. The bill also requires that U.S. vesselowners build and rebuild their vessels in U.S. shipyards, that fishing industry vessels be owned by a majority of individuals who are citizens of the United States as a condition of new Coast Guard documentation, and that fishing industry vessels and U.S. merchant vessels be manned by U.S. crewmen.

Finally, Mr. Speaker, the committee has attempted to craft a bill that protects those who relied on current law in making commitments in the purchasing or rebuilding of vessels. Specifically, the committee chose a committee markup date of July 28 as the cutoff date for reflagging applications. In fairness to those who acted according to current law prior to that date, they will be allowed to complete their reflagging. Applications for reflagging foreign-built vessels filed with the Coast Guard before that date will be processed, but no application received after that date will be honored. Similarly, in fairness to those who have made commitments to rebuild fishing industry vessels overseas and relied on current law, the committee has preserved their right to continue with their plans. The bill which we bring before the House today contains a modification to the bill reported from the committee which further clarifies and refines these grandfather clauses.

Mr. Speaker, the chairman of the Merchant Marine and Fisheries Committee, Mr. JONES, deserves high marks for his efforts in crafting this bill. By striking a very sensible balance in this bill among all interested parties, he has received the support of the fishing industry, our shipbuilders and the committee, and I urge members to support the bill.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to thank the gentleman from Massachusetts [Mr. STUDDS], the chairman of the Subcommittee on Fisheries and Wildlife Conservation and the Environment, for his patience in working on this legislation, and of course to thank the gentleman from Washington [Mr. LOWRY] for his patience, as well as the gentleman from Washington [Mr. BONKER], and the gentleman from Washington [Mr. MILLER] and particularly the gentleman from North Carolina [Mr. JONES], the chairman of the Committee on Merchant Marine and Fisheries.

Mr. Speaker, I rise in strong support of the legislation before us today and urge its adoption by the House.

Mr. Speaker, this bill is a carefully crafted compromise between diverse interests in the fishing and maritime industries. It is designed to advance the development of the U.S. fishing industry and in addition correct certain inconsistencies in maritime law which have allowed foreign interests to deprive American shipyard workers and American crewmen of jobs.

H.R. 2598 was introduced by four members from the Pacific Northwest in response to concerns expressed by our constituents. As reported by the committee, the bill does a number of things: it bans the redocumentation of foreign-built fish processing vessels after July 28, 1987; it requires U.S. vesselowners to build and rebuild their vessels in U.S. shipyards; it requires as a condition of new documentation that fishing industry vessels be owned in the majority by individuals who are citizens of the United States; and it requires that fishing industry vessels and U.S. merchant vessels be manned by U.S. crewmen.

While most of this bill is fairly straightforward, I do want to emphasize two particular sections. The first deals with manning of U.S. vessels. The manning requirements in this bill are identical to those in H.R. 2342, the Coast Guard Authorization Act, which was passed by the House on July 8, 1987. The manning requirements were adopted on the floor by the full House in a voice vote. Unfortunately, the other body has sought to strike this language from the Coast Guard Authorization Act and we understand may attempt to do the same with this bill. I believe that we need to go on record as to the importance of this issue to the House.

The other section of concern involves an ownership amendment which I offered at full committee markup. This amendment was adopted by the committee by a vote of 36 to 1. Again, there are indications that the other body is unwilling to accept this language. I want to make clear that this provision has the strong support of the Merchant Marine and Fisheries Committee and by passage of this bill today of the entire House of Representatives.

We are also aware that the other body is considering an earlier date as a cutoff for banning redocumentation of foreign-built fish processing vessels. The Committee on Merchant Marine and Fisheries chose the date of July 28, 1987, as a cutoff in order to avoid any semblance of a taking of a vessel-owner's privileges under law. While this and other issues are obviously open for discussion with the other body in conference, the committee at this time does not see a reason to change.

Again, Mr. Speaker, this bill has been carefully put together after extensive discussion within the committee and has involved participation by nearly every member of the committee. I especially wish to thank the three gentlemen from Washington who are sponsors along with me of this legislation, Mr. LOWRY, Mr. MILLER of Washington, Mr. BONKER, the chairman of the subcommittee, Mr. STUDDS, and the chairman of the full committee, Mr. JONES, for their help and cooperation in dealing fairly with a highly contentious issue.

Mr. Speaker, this bill is widely supported in the United States and I believe it should be adopted by the House.

Mr. Speaker, I yield 5 minutes to the gentleman from Washington [Mr. MILLER].

□ 1650

Mr. MILLER of Washington. Mr. Speaker, I rise in support of H.R. 2598, the Antireflagging Act of 1987. This bill is another step in fulfilling the dream of a fully Americanized U.S. fishery zone.

I have been working on fishery reflagging legislation for over a year. Congressman LOWRY and I introduced two bills to end reflagging—one at the end of last session and the other at the beginning of this session. I cosponsored H.R. 2598 along with my colleagues Congressmen LOWRY, BONKER, and YOUNG.

This past weekend, Congressman DON BONKER and I held a very interesting hearing before the Subcommittee on International Economic Policy and Trade on improving the export of fish from the United States. Currently, we have a huge trade deficit and one small component of this deficit is found in fish products. There is a reason for this.

When the Magnuson Act was passed, foreign fishermen and processors took most of the fish in our 200-mile fishing zone. One of the richest fisheries we have is the bottom fish fishery in the North Pacific. Today, our fishermen harvest 80 percent of those fish. According to the National Marine Fisheries Service, last year we processed only 11 percent of those fish. This fishery is booming, but we haven't seen the boom spread to the processing sector of this vital fishery yet. That is what this bill is about.

Under the Magnuson Act, the key to access to our fisheries is the hierarchy of allocations. Domestically caught and processed fish are entitled to first access. Joint ventures are second in line. Last, are foreign nations. However, under current law, a foreign processing vessel can be reflagged and become entitled to a domestic standing.

The key change we make in this bill is to ban possible reflagging of processing vessels. This legislation will require that they be U.S.-flag vessels based on traditional maritime standards. This bill also ends the practice of sending U.S. fishing and fish processing vessels to foreign shipyards for conversion. And, Mr. Speaker, this bill sets U.S. citizen crew requirements.

Finally, Mr. Speaker, this bill does something I think is shortsighted, and something I hope the Senate will correct. We establish an ownership provision for at-sea processing vessels. Mr. Speaker, one reason for our trade deficit is that we hamstring the development of potential industries. Here, we have a perfect example of this practice, the modern factory trawlers cost between $12 million and $35 million. They are floating factories. This provision prevents our fishing industry from seeking the capital they need in the international market.

Most of our fishing industry supports most of this bill. They do not like the provision of foreign investment. I do not like the provision of foreign investment. However, Mr. Speaker, I do not want to slow ths bill down. Overall, it is needed and we should pass H.R. 2598.

Mr. STUDDS. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina [Mr. JONES], the distinguished chairman of the full Committee on Merchant Marine and Fisheries.

Mr. JONES of North Carolina. Mr. Speaker, I rise today to urge my colleagues to support H.R. 2598, a bill to prohibit the reflagging of foreign-built fish processing and tender vessels as "vessels of the United States." The Committee on Merchant Marine and Fisheries has worked for almost 2 years to develop and report this piece of legislation. The hearings and lengthy discussions that have provided the background for this legislation, as well as our 10-year oversight of the Fisheries Conservation and Management Act [FCMA], have made very clear the importance of Americanizing our fisheries to the maximum extent possible.

Since the passage of the FCMA in 1976, Congress has addressed several problems facing the operators of fishing industry vessels through the enactment of three important pieces of legislation. The first is the Vessel Documentation Act of 1980 which significantly streamlined and brought into the 20th century the documentation procedures for vessels. The second is the revision of title 46 of the United States Code. This title contains most of the shipping laws affecting the operation of merchant vessels and was entirely rewritten in 1983 in a manner which clarified the application of these laws for all vessel operators, including the fishing industry. Finally, and most importantly, in 1984, Congress passed the Commercial Fishing Industry Vessel Act which for the first time made sense out of the various maritime and shipping laws as they affect the operation of fishing vessels.

Since the development of at-sea processing by foreign processors in the U.S. exclusive economic zone [EEZ], the annual U.S. deficit in edible and nonedible fishery products has risen to $7.6 billion in 1986. The number of U.S. fishing enterprises has increased in recent years as the fishing industry seeks ways to reduce costs, improve quality, and gain an increased share of both the fish resources and the market that is now shared with foreign competitors. The purpose of this bill is to reduce that annual $7.6 billion foreign trade deficit and to make our fishing industry competitive in the world fishery marketplace.

H.R. 2598 prohibits the documentation of foreign-built processing vessels as U.S. vessels, and as a condition of new documentation requires majority ownership of fishing industry vessels by individuals who are citizens of the United States. In effect, this legislation will work to displace foreign-built fishing industry vessels by domestically-built vessels in the U.S. fisheries. Furthermore, in an effort to revive our struggling shipyards, this bill also requires U.S. vessel owners to build and rebuild their vessels in U.S. shipyards, giving our depressed shipyards much needed work. This bill also requires that fishing industry vessels and U.S. merchant vessels be manned by U.S. crews, thus putting American fishermen back to work.

Today we are offering H.R. 2598 with a further clarifying amendment in response to a request by 13 members of the committee to make more restrictive a portion of the bill regarding the overseas rebuilding of fishing industry vessels. This amendment expresses the committee's concern that those parties who were contemplated by the committee as being "grandfathered" are, indeed, accommodated, but that the bill does not provide a loophole that would unintentionally allow unanticipated or last minute speculative projects to be grandfathered. These legislative measures will produce the climate of certainty that is needed for the fishing industry to make the investment decisions necessary to fully Americanize our fisheries resources.

Mr. Speaker, H.R. 2598 is a carefully crafted and balanced bill which enjoys bipartisan support. In this regard, I would like to acknowledge the thoughtful contributions of Mr. LOWRY, chairman of the Oceanography Subcommittee, Mr. BONKER, Mr. MILLER, and Mr. YOUNG for working together to develop and report this legislation, which is so vitally important to our fishing and shipping industries and of course, the honorable chairman of the Subcommittee on Fisheries and Wildlife Conservation and the Environment, Mr. GERRY STUDDS, who has provided his thoughtful assistance and insight throughout the process.

Mr. STUDDS. Mr. Speaker, I yield 3 minutes to the gentleman from Washington [Mr. BONKER].

Mr. BONKER. Mr. Speaker, on July 28, 1987, members of the House Merchant Marine and Fisheries Committee reported H.R. 2598, the Fishing Vessel Anti-Reflagging Act of 1987. This bill, introduced by Mr. LOWRY, Mr. MILLER, Mr. YOUNG, and myself, will provide benefits to the American fisherman and fish processor by insuring domestic priority access to the fishery resources within the United States exclusive economic zone.

I would like to thank the chairman, Mr. JONES, and the committee for their patience and assistance. I would also like to commend the work of my Northwest colleagues, Mr. LOWRY, Mr. MILLER, and Mr. YOUNG, for all of their work and cooperation in advancing this bill. Earlier this year, the four of us conducted two all-day seminars on North Pacific fishing issues in Anchorage and Seattle, and this legislation is evidence of the spirit of cooperation which grew out of those conferences.

For anyone who has not followed this issue closely, let me stress that this legislation has nothing to do with the reflagging of Kuwaiti oil tankers or the Persian Gulf conflict. This legislation is designed to address a pressing regional fishing issue, and has nothing to do with broader foreign policy or security considerations. And while the emotions within the fishing industry do run high from time to time, Mr. Speaker, I do not anticipate the need for U.S. Navy escorts or minesweeping helicopters in the North Pacific.

Under the current law, it is possible for a foreign-owned, U.S. corporation to redocument a foreign-built processing vessel under a U.S. flag and operate with a 100-percent foreign crew. Since the Magnuson Act was passed in 1976, the issue, the Magnuson Act intended to claim fishing resource, but 10 to 12 foreign-built vessels have been reflagged as fish processing vessels according to the Coast Guard. With increasing interest fueled by better markets for the fishery resources of the Gulf of Alaska and the Bering Sea, the time has now come to lock-in domestic priority access to those resources as provided in part by the Magnuson Act.

Accordingly, several bills have been introduced to accomplish this objective. Earlier this year, hearings were held on initial bill proposals and testimony was received from representatives of the harvesting, processing and shipbuilding sectors as well as the administration and the Coast Guard. The vast majority testified in favor of prohibiting the reflagging of foreign processing vessels. The administration presented testimony supporting the U.S.-built provisions and the U.S.-crew provisions, but they strongly opposed a U.S.-ownership requirement. In addition, the administration testimony was clear in proposing a retrospective date for the reflagging prohibition in order to insure that the intent of the legislation was not undermined during Congress' deliberation of this legislation.

The bill reported by the committee is not a perfect bill, but I believe it will greatly benefit those Americans who have ambitiously developed the seafood industry, particularly in the North Pacific. Unless we act quickly to close the reflagging loophole and enact this legislation, it is likely that the foreign processors currently in joint ventures will reflag United States and dominate the fish processing in this region.

The benefits of greater domestic participation in the harvesting, processing, and marketing of our fisheries resources is well-documented. A Department of Commerce study found that full domestic utilization of the fish resources within our EEZ would increase U.S. GNP by $1.5 billion, cut our Nation's trade deficit by $1 billion and create up to 41,000 new jobs.

Mr. Speaker, I urge my colleagues to support passage of H.R. 2598 and I am hopeful that my colleagues in the other body will consider this legislation without delay.

Mr. LOWRY of Washington. Mr. Speaker, I rise in support of H.R. 2598, the Commercial Fishing Industry Vessel Anti-Reflagging Act of 1987. The bill has been subject to extensive debate within the Committee on Merchant Marine and Fisheries, and the bill has broad support within the U.S. fishing and maritime industries.

At the outset, I would like to thank the chairman of the Subcommittee on Fisheries and Wildlife Conservation and the Environment, Mr. STUDDS, for his efforts to move this legislation. I would like to especially thank the ranking minority member of the subcommittee, my colleague from Alaska, Mr. YOUNG, who is also a cosponsor of the bill, and who has spent an enormous amount of time in attempting to resolve differences on this legislation.

In addition, Mr. Speaker, I would like to thank the chairman of the full committee, Mr. JONES, for his efforts to move this legislation, as well as the ranking minority member, Mr. DAVIS, who played a key role in helping to fashion the so-called grandfather provision of this legislation. And, finally, Mr. Speaker, I would like to compliment my colleagues from the State of Washington, Mr. BONKER and Mr. MILLER, for their efforts on this legislation.

Mr. Speaker, the primary purpose of this legislation is to ensure the continued growth and orderly development of our Nation's living marine resources within our 200-mile Exclusive Economic Zone [EEZ].

With the enactment of the Magnuson Fishery Conservation and Management Act (the Magnuson Act), which became effective on March 1, 1977, the United States assumed greater control and responsibilities of management of the fisheries within the U.S. EEZ. With the responsibility for managing these fisheries resources also came the opportunity for the development of the U.S. fishing industry, both harvesting and processing, by penetrating markets for fish products which had formerly been served by distant-water fishing nations.

In order to facilitate the orderly development of these newly claimed resources, the Magnuson Act established the so-called full utilization principle. This principle allowed for continued foreign fishing within the U.S. EEZ, but conferred the first priority of access on U.S. fishermen and processors. The remainder of the harvestable resource under the full utilization principle would be available to foreign fishermen and processors as long as they met certain enforcement-related conditions.

As joint-venture fisheries developed, consisting of U.S.-harvested fish being delivered to foreign processing vessels, Congress further amended the Magnuson Act to establish a three-tier allocation system. First priority was given to U.S. harvesters and U.S. processors. Second priority of access was given to U.S. harvesters participating in joint-venture operations, and third priority was given foreign harvesters and processors. For a variety of reasons, primarily related to market access and economic conditions, the U.S. harvesting sector grew at a substantial rate in the form of catcher vessels as part of joint-venture arrangements, and were therefore eligible, for the second-tier allocations.

In addition, in 1979, Congress expressly prohibited the reflagging of foreign-built fishing vessels, which had the effect of stabilizing the investment regime for U.S.-built fishing vessels. At that time, Congress deliberately chose not to prohibit the reflagging of foreign-built processing vessels on the basis that some limited degree of reflagging could accelerate the development of the U.S. processing sector under U.S. control, but Members of Congress also committed to revisit the issue at a later time. Currently, however, with conditions for market access for growth improving, and with some degree of market penetration by U.S. processors already occuring, there is considerable interest on the part of U.S. processors to further invest in developing U.S. processing capacity. Under the three-tier system, U.S. processing capacity will eventually displace foreign-flagged vessel capacity. With this gradual, but inevitable displacement process now underway and accelerating, it is likely that some foreign-flagged processing vessels are likely to become surplus.

The confluence of these conditions has lead to considerable speculation that foreign interests, either independently or in collaboration with domestic partners may seek to reflag these surplus foreign-built vessels in the United States in order to ensure continued access to U.S. fishery resources. If the reflagging of these foreign-built processing vessels were to occur on a significant scale, it is argued that this would: first vitiate the intent of the Magnuson Act by making these vessels foreign-controlled vessels eligible for a first priority allocation under the allocation system; second, undermine the value of existing investments in U.S. processing capacity, therefore destablizing the regime; third, lead to rapid over capitalization by foreign-controlled processors rather than steady, orderly growth of the U.S. industry; and fourth, maintain the market control of nations and dampen the competitiveness of the U.S. fishing industry.

In the North Pacific alone, the National Marine Fisheries Service estimates an annual total allowable catch of over 2 million metric tons of groundfish. Currently U.S. processors have the capacity to utilize only about 15 percent of this total resource. Given recent market conditions, including white fish demands, favorable interest rates and currency exchange rates, considerable investments are being undertaken in the industry to build large catcher/processor vessels.

At the same time, however, questions have been raised about the possibility that many of the large, foreign-flagged processing vessels which are currently engaged in the joint venture operations could be "reflagged", and therefore become eligible for the first-tier allocations under the Magnuson Act. Under existing law, fishing vessels may not be reflagged, fish processing may be reflagged, If these large foreign processing vessels were reflagged, or if it remains uncertain as to whether they will be reflagged, the investment regime for new U.S. fish processing capacity remains very unstable, and the continued, orderly development of the U.S. industry and the resources of the EEZ becomes less certain.

Mr. Speaker, given that this legislation is fairly complicated, and that it dovetails with both the Magnuson Act and title 46 of the United States Code, I believe that this background information is useful in explaining this legislation today. What this bill would do primarily is to prohibit the reflagging of foreign fish processing vessels as "vessels of the United States" for operation for domestic fisheries under the Magnuson Act. By prohibiting the reflagging of foreign-built processing vessels, this legislation would clarify and stabilize the investment regime for potential investors in the processing sector, diminishing the foreign market control, and increasing the ability of U.S. fishermen and processors to participate in the international groundfish market. In addition, H.R. 2598 would clarify the manning requirements for fishing, fish processing, and fish tender vessels engaged in United States whether or not the vessel departed from a U.S. port, by specifying that 75 percent of the unlicensed seamen must be citizens of the United States or aliens lawfully admitted to the United States for permanent residence.

The legislation also specifies transition rules for U.S.-built vessels that are currently being rebuilt and converted in foreign shipyards and, with certain exceptions prohibits the eligibility for fishery license of any vessel rebuilding or converting abroad not meeting those transition requirements.

Finally, H.R. 2598 imposes majority citizen ownership provisions on fishing vessels by incorporating a "controlling interest" test similar to that imposed in the Shipping Act of 1916.

Mr. Speaker, I believe that this legislation is extremely important to the continued orderly development of our Nation's fisheries resources. And, as we continue to develop these resources and penetrate existing markets for seafood and growing markets, both in our country and abroad, this legislation will ultimately strengthen our balance of payments, and strengthen our trade positions vis-a-vis other nations.

Mr. Speaker, I strongly support this legislation and I urge its passage.

Mr. ANDERSON. Mr. Speaker, I rise in support of H.R. 2598, the fishing vessel anti-reflagging bill.

The Subcommittee on Merchant Marine, which I Chair, considered this important legislation in conjunction with the two other subcommittees of jurisdiction. I was pleased to work with the two chairmen, GERRY STUDDS and EARL HUTTO, to develop what I believe is good legislation.

The U.S. fishing and fish processing industries have developed rapidly over the past few years. The authors of the Magnuson Act visualized a fully Americanized seafood industry, and that goal is close to fruition. However, despite this progress, a large part of the fishing industry remains in foreign hands. H.R. 2598 should complete the Americanization process.

This bill harmonizes fisheries and maritime law by imposing similar requirements for documentation, ownership, manning, and construction of fishing, fish tender, and fish processing vessels as are imposed on coastwise-qualified vessels.

With regard to ownership, the bill requires majority U.S. citizen ownership of fishing vessels. The "controlling interest" test—similar to section 2(b) of the Shipping Act of 1916—would be applied.

With regard to manning, 75 percent of the unlicensed seamen must be citizens of the United States or aliens lawfully admitted to the United States for permanent residence—regardless of whether the vessel departs from a port in the United States. The committee recognized the practice of employing aliens on fishing vessels used for harvesting highly migratory species of fish, such as tuna, and fishing vessels operating beyond our exclusive economic zone. Therefore, no U.S. citizen manning requirement is imposed on these vessels.

With regard to construction, the bill sets out transition requirements for U.S.-built vessels that are currently being rebuilt in foreign yards. With certain exceptions, vessels not meeting those transition requirements would be ineligible for a fishery license.

H.R. 2598 should remove the uncertainty and ambiguity prevalent in current U.S. fishing laws. This certainty—prompted by uniformity in the application of fisheries and maritime laws to all U.S.-fishing, fish tender, and fish processing vessels—should promote domestic investment for the construction of these types of vessels in U.S. shipyards. The bill should also assist in the orderly substitution of U.S. fish processing capacity in the 200-mile exclusive economic zone. In short, I believe the entire fishing as well as shipbuilding industry will benefit.

I am proud to have contributed to the development of this legislation, and I urge my colleagues to support it.

Mr. DAVIS of Michigan. Mr. Speaker, I rise in support of H.R. 2598, The Commercial Fishing Industry Vessel Anti-Reflagging Act of 1987. This bill has been thoroughly considered by the Committee on Merchant Marine and Fisheries and I believe that the bill as reported by the committee with the committee amendment is a considered and balanced approach to achieving the intent of the proposed legislation.

H.R. 2598 completes the goals of the Magnuson Act. This act was designed to encourage domestic exploitation of the abundant fisheries resources in the U.S.-controlled exclusive economic zone. At the time of the Magnuson Act's enactment, the Congress intentionally limited the scope of the U.S.-built requirement to fish catcher and fish tender vessels. Fish processing vessels were omitted because of the perception that there were insufficient domestic financial resources to provide for a domestic processing capability. Combined with certain anomalies in the documentation laws, this allowed foreign-built fish processor vessels to participate in the priority scheme set up in the Magnuson Act. In the years since the passage of the Magnuson Act, the goals of the legislation have been achieved by the creation of a strong domestic fishing fleet. It is now time to complete the work of the Magnuson Act and fully Americanize the domestic fishing industry. H.R. 2598 achieves this end by closing off the exception by which foreign-built fish processing vessels can be documented as U.S.-flag vessels.

As reported by the committee, H.R. 2598 incorporates an amendment which I offered at the full committee markup of the bill. Under current law, most U.S.-flag vessels are required to perform major repairs, rebuilding, and conversion work in domestic shipyards in order to retain their domestic trading privileges. Historically, fishing vessels have not been subject to the same requirement. H.R. 2598, as reported, would change the status quo to require that all major repair, rebuilding, and conversion work on U.S.-flag fishing, fish tender, and fish processing vessels be performed in U.S. shipyards. This provision recognizes that the fishing industry is part of a larger maritime industry and that full Americanization of the fishing industry and the goals of the Magnuson Act cannot be achieved unless fishing vessels are required to be rebuilt, as well as built, in U.S. shipyards.

The U.S.-rebuild-and-repair requirement recognizes, however, that this is a change in the current law and seeks to protect those who have relied on the current law. It is the intent of the committee that those who have planned and undertaken significant financial commitments based on present law not be adversely affected by these changes. Exactly how to craft a grandfather clause to achieve this end was the subject of much debate by the committee. Today's committee amendment to H.R. 2598, as reported, addresses the grandfather provisions of the bill and I believe represents a compromise the interested parties can accept.

Mr. Speaker, it is time for Congress to complete the goals of the Magnuson Act. H.R. 2598 finishes the task we started with that act and I urge my colleagues to support passage of the bill.

Miss SCHNEIDER. Mr. Speaker, I rise in strong support of H.R. 2598, the Commercial Fishing Industry Vessel Anti-Reflagging Act of 1987. This is important legislation which will continue the orderly expansion and development of the American fishing industry. This industry has grown tremendously since the passage of the Magnuson Fishery Conservation and Management Act [FCMA], and U.S. harvesters and processors have been slowly replacing foreign fishermen who once dominated this resource. Both the industry and the U.S. economy have benefited from this growth.

Under current law, only foreign-built fish processing vessels can be reflagged as U.S. documented vessels and participate in the fishery. This exception was based on the premise that limited reflagging could accelerate the development of the U.S. processing sector. In recent years, however, the development of both at-sea and shoreside processing capabilities has brought to light the need to reexamine this policy: Is this option still consistent with the goals of the FCMA or is it a legislative loophole enabling foreign interests to maintain access to the U.S. fisheries resources? More and more, Mr. Speaker, it is becoming clear that this provision is no longer consistent with the intent of the FCMA, and it does indeed present foreign interests with an opportunity to continue participating directly in the utilization of the fisheries resources of the United States. The time has now come to close this loophole, thereby coming one step closer to the full Americanization of our U.S. fisheries resources.

H.R. 2598 will prohibit the reflagging of foreign-built fish processing vessels, and in doing so will preclude their participation in this growing sector of the U.S. fishing industry. This bill will ensure that U.S. fishermen continue to receive the first priority of access to the fishery resources of our exclusive economic zone, an important aspect of the FCMA. The investment regime will be stabilized and clarified for potential investors in the processing sector, resulting in the sector's continued orderly growth. In light of the 1986 fisheries products trade deficit of $6.2 billion, American fishermen should not be undercut in the expansion of their own industry.

While the issue of reflagging foreign-built processing vessels has centered in the Pacific Northwest in the groundfish fishery, it must be stressed that this is not only a west coast issue. Commercial fishermen in my State of Rhode Island have been investing extensively in factory trawlers and shoreside facilities to process squid, butterfish, and other species which have traditionally been completely utilized by foreign fishermen. Through hard work and investment, these foreign interests have been almost completely replaced by American harvesters and processors. The result is an internationally recognized quality product of tremendous export potential. This trend is occurring along the entire east coast. The possibility that foreign interests can reflag their vessels and continue their access to this resource is of great concern to east coast fishermen who have invested so much for its Americanization as well as casting a shadow on the prospect of future investment.

In conclusion, H.R. 2598 is a good bill, and I strongly support this legislation as an appropriate and necessary means to achieve an orderly development of the U.S. fishing industry. I urge all of my colleagues to favorably consider this bill as one through which the United States can wisely develop, utilize, and manage our fisheries resources—with both the U.S. industry and economy receiving the benefits.

Mr. STUDDS. Mr. Speaker, no one is more relieved than I that this bill is on the floor.

Mr. Speaker, I have no further requests for time and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GRAY of Illinois). The question is on the motion offered by the gentleman from Massachusetts [Mr. STUDDS] that the House suspend the rules and pass the bill, H.R. 2598, as amended.

The question was taken.

Mr. WALKER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. STUDDS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

PUBLIC HEALTH SERVICE INFANT MORTALITY AMENDMENTS ACT OF 1987

Mr. GORDON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 305 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 305

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1326) to amend the Public Health Service Act to provide for additional funds to Community and Migrant Health Centers for the purpose of reducing the incidence of infant mortality and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and which shall not exceed one hour to be equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill as an original bill for the purpose of amendment under the five-minute rule and each section shall be considered as having been read. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1705

The SPEAKER pro tempore (Mr. GRAY of Illinois). The gentleman from Tennessee [Mr. GORDON] is recognized for 1 hour.

Mr. GORDON. Mr. Speaker, I yield the customary 30 minutes for the purposes of debate only to the gentleman from Missouri [Mr. TAYLOR] and pending that I yield myself such time as I may consume.

Mr. Speaker, House Resolution 305 is an open rule providing for consideration of H.R. 1326, the Public Health Service Infant Mortality Amendments Act of 1987. The rule provides 1 hour of general debate, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce. The rule makes in order the Energy and Commerce Committee amendment in the nature of a substitute as original text for purposes of amendment under the 5-minute rule.

The committee substitute shall also be considered by section and each section shall be considered as having been read.

Finally, Mr. Speaker, the rule provides one motion to recommit with or without instructions.

Mr. Speaker, H.R. 1326 authorizes a one-time increase in the appropriations for the Community and Migrant Health Center for fiscal year 1988. This increase is necessary to tackle the growing problem of infant mortality in the United States.

In 1950, the United States ranked 6th among 20 industrial nations with respect to infant mortality. The distressing fact today is that the United States now ranks last. Our infant mortality rate is nearly 11 infant deaths per 1,000 births. This figure masks an even more serious disparity among races and between States. The infant mortality rate among blacks is nearly twice that of the national average.

Mr. Speaker, we must act to protect our Nation's greatest resource, our children.

Two-thirds of all infant mortality involve infants with low birth weight. This problem can be largely prevented at a relatively low cost. The Institute of medicine has estimated that for every dollar spent on prenatal care, over $3 would be saved in the total cost of caring for low birth-weight infants.

Mr. Speaker, it is not surprising that infant mortality and inadequate prenatal care occur most frequently among infants and pregnant women who are poor and without health insurance. For this reason, it is essential that Federal programs which serve low-income families, such as the community and migrant health center programs, increase their efforts.

In conclusion, Mr. Speaker, I want to commend the distinguished chairman of the subcommittee, Mr. WAXMAN, for his efforts to address the tragedy of infant mortality in our Nation.

Mr. Speaker, it is essential that we enact this excellent legislation. I urge my colleagues to adopt this rule and H.R. 1326.

Mr. TAYLOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 305 is an open rule under which the House will consider increasing the 1988 authorization levels for community health centers and migrant health centers.

The rule makes in order the Energy and Commerce Committee amendment to H.R. 1326 as original text for amendments under the 5-minute rule. The committee amendment is to be considered by sections, with each section considered as read.

The rule does provide one motion to recommit, with or without instructions.

Mr. Speaker, the Energy and Commerce Committee bill increases the 1988 authorization level for these two programs by a total of $30 million, despite the fact that both the House and Senate have already approved fiscal 1988 appropriations.

As reported from the Energy and Commerce Committee, the bill increases the 1988 authorization for community health centers by $27 million and increases the 1988 authorization for migrant health centers by $3 million.

In addition, the bill directs that any funds appropriated above the current 1988 authorization levels be used for services to reduce infant mortality.

Mr. Speaker, the Congressional Budget Office estimates that these additional authorizations will result in $17 million worth of new outlays in 1988.

Mr. Speaker, I support this rule because it is an open rule and the rights of the minority to offer amendments are protected. The bill itself, however, is controversial.

Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania, [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I thank the gentleman from Missouri for yielding.

Mr. Speaker, I, too, rise in favor of the rule. The rule is an open rule. It allows for full consideration. It is one of the few rules we have seen come out of the Rules Committee this year that is in fact an open rule with no waivers in it. So it is a rather remarkable piece of legislation we have on the floor today. But it occurred to me when I read the committee report that maybe some questions ought to have been asked about the bill being brought to the Rules Committee. This appears to be a major end run around the reauthorization process because in fact the money is being put into a bill that does not stand for reauthorization until 1989 and it also occurs to me that the money that we are appropriating would more properly be put under the Maternal and Child Health Block Grant Program. I wonder why, given the fact that this was brought before the committee, why we would not have had some concern about that. And also particularly why there is not some concern about the fact that a piece of legislation was brought before this House through this rule that has had no hearings on it whatsoever. We do not have any idea through a hearings process what is contained in H.R. 1326 because this bill has been subjected to no hearings.

Were those questions raised at all at the Rules Committee?

Mr. GORDON. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I would be glad to yield to the gentleman from Tennessee [Mr. GORDON].

Mr. GORDON. I thank the gentleman for yielding.

Not as far as I am concerned, Mr. Speaker. But Mr. WAXMAN is here today to answer all of the questions of the gentleman in the well. I am sure he will have abundant opportunity to do that tomorrow.

Mr. WALKER. But during the process of bringing the bill to the floor through the rules, no one raised the question about whether or not there ought to have been some hearings on a bill that is committing us to $17 million more in spending since the last hearings that were held, even, on the subject go back 2 years and nobody was concerned enough about the fact that we are doing an end run around the reauthorization process since the bill that we are amending here does not come up for reauthorization for another 2 years? No one even bothered to raise those questions in the Committee on Rules.

Mr. GORDON. No. That is why we have an open rule so that the gentleman in the well will have an abundant opportunity to do that today and tomorrow if he would like.

Mr. WALKER. I thank the gentleman. We do have an open rule. But I would suggest that we ought not have the bill on the floor today at all.

Mr. TAYLOR. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GORDON. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 305 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1326.

□ 1715

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1326) to amend the Public Health Service Act to provide the additional funds to community and migrant health centers for the purpose of reducing the incidence of infant mortality, with Mr. VENTO in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from California [Mr. WAXMAN] will be recognized for 30 minutes and the gentleman from Illinois [Mr. MADIGAN] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 1326, the Public Health Service Infant Mortality Amendments Act of 1987.

In spite of all the progress made in medical care in this country, the distressing fact is that the United States has progressed far less than other industrialized nations in reducing rates of infant mortality. In 1950, the United States ranked sixth among 20 industrialized nations with respect to infant mortality. By 1985, the United States had fallen to last place.

In 1984, 3.7 million children were born in the United States; 40,000 of them died before their first birthday. While this rate of 10.8 infant deaths per 1,000 live births is too high, it masks an even more serious disparity among the races and between certain areas of the country. The infant mortality rate for whites was 9.4 while the rate for blacks was 18.4. In comparison to the Nation's infant mortality rate, the rate in the District of Columbia was 21 and in other major cities it was similarly high.

At the present rate of decline in infant mortality, the Nation will not meet even the modest infant mortality goals for 1990 established by the Surgeon General.

It is estimated that two-thirds of all infant mortality can be attributed to the births of infants with low birth weight. The tragedy is that low birth weight is largely preventable—and at relatively low cost. Early prenatal care can reduce the number of infants born at low birth weight by two-thirds. The Institute of Medicine has estimated that for every dollar spent for prenatal care, $3.38 would be saved in the total cost of caring for low birth weight infants.

There is now clear consensus that access to prenatal care is the most effective way to prevent low birth weight, and is essential to our efforts to reduce infant mortality. Nevertheless, millions of women receive little or no prenatal care. National health statistics compiled by the Federal Government indicate that, in 1983, nearly one-quarter of all pregnant women in the United States did not begin prenatal care in the first trimester of pregnancy.

It is not surprising that inadequate prenatal care occurs most frequently with women who are poor or without health insurance. The facts are startling. In 1983, nearly one-half of pregnant black women and pregnant teenagers did not receive prenatal care in the first trimester. Poor women of all races and ages were twice as likely to receive no or late prenatal care.

If the United States is to address our serious infant mortality problem, we must provide better access to prenatal care for women and primary health care for women and children who have low income or who live in areas without an adequate supply of health professionals. Community and migrant health centers were established to meet the health care needs of people who are poor, without insurance, and living in underserved areas. This bill provides a one-time increase in funding for community and migrant health centers to improve their ability to care for additional children and women in those areas.

This bill contains language to assure that any additional funds go toward providing health services to reduce infant mortality.

This bill addresses the basic health care needs of women and children, and can make an important difference in our fight against infant mortality. It deserves the support of all Members.

Mr. WAXMAN. Mr. Chairman, I reserve the balance of my time.

Mr. MADIGAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the incidence of infant mortality in certain areas of the United States is at a level that is totally unacceptable. However, many of us do not believe that H.R. 1326 will achieve the desired end to reduce its incidence.

As introduced, H.R. 1326 increased the authorization levels for community and migrant health centers in fiscal year 1988 by $30 million, but in no way directed how, or for whom, this new money should be spent. At the subcommittee markup, an amendment was offered and accepted which required that any funds appropriated in excess of the current authorization levels be used for health care services for children and pregnant women.

I would like to point out that the President signed into law the authority for these two programs for fiscal years 1987 and 1988 in April 1986. No hearing about infant mortality has been held by the Subcommittee on Health and the Environment since that date that would justify increasing funding levels in midcycle.

If the purpose of passing this legislation is to increase appropriation levels for the community and migrant health center programs, this exercise will be for naught. The House and Senate have already each passed the appropriations bills for fiscal year 1988, which include funding for the community and migrant health programs. Only through a supplemental appropriation bill will any centers receive additional funds. I should also note that more than $500 million in Federal funds are directed toward the prevention of infant mortality through the maternal and child health block grant. Additionally, the Congress has acted to expand the Medicaid Program for infants and mothers during each of the past 5 years.

In sum, this is unnecessary legislation that mocks the authorization process by inserting higher funding levels outside of the normal reauthorization cycle. Reauthorization of the community and migrant health centers is not needed until fiscal year 1989. There is also no evidence that passage of H.R. 1326 will reduce infant mortality.

I urge my colleagues to oppose this bill.

□ 1720

Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. WAXMAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Oklahoma [Mr. SYNAR].

Mr. SYNAR. Mr. Chairman, I thank the gentleman from California for yielding this time to me, and I will be very brief.

Mr. Chairman, I rise today in strong support of this legislation and urge my colleagues to support it.

I can think of few greater responsibilities that Congress has than to extend to every child born in this country the opportunity to grow up healthy with access to health care. The United States ranks 16th among developed nations in infant death rates. Each year this country loses 11 newborns out of every 1,000 children born. In my State of Oklahoma, that figure is 10.8.

Oklahoma ranks third in the Nation in the category of babies born to women receiving no prenatal care or none until the last 3 months of pregnancy. According to the Oklahoma Institute for Child Advocacy, accessibility to prenatal care is one of the largest unmet needs in my State.

H.R. 1326 authorized funds to community health centers to be used for health care initiatives to pregnant women and their children who are poor or have inadequate health insurance.

Mr. Chairman, this legislation simply is an investment in our Nation's future. Healthy babies will one day become healthy, productive workers and contributing members of our society. Babies born to young mothers who do not receive health care early on will never get that chance.

Mr. Chairman, I hope that all my colleagues will see fit to support this very important piece of legislation.

Mr. WAXMAN. Mr. Chairman, I yield 3 minutes to the gentleman from Utah [Mr. NIELSON].

Mr. NIELSON of Utah. Mr. Chairman, today I rise in support of H.R. 1326, the Public Health Service Infant Mortality Amendments Act of 1987. As you may be aware, recent studies have found that the United States has progressed far less than other industrialized nations in reducing rates of infant mortality. During the years 1950-55, the U.S. rate of infant mortality ranked sixth among 20 industrialized nations. This ranking progressively declined during the years 1980-85 until it ranked very last.

In 1980, the Surgeon General of the Public Health Service established the 1990 health objectives for the Nation with respect to prenatal care and rates of infant mortality. It now appears that the United States will fail to meet these health objectives with respect to the provision of prenatal care early in pregnancy and with respect to reducing the incidence of low birth weight births and of infant mortality. There is clear and convincing evidence that this inadequate care occurs most frequently among individuals who are poor and without health insurance.

H.R. 1326 enables community and migrant health centers to provide health care to additional children, and women of childbearing age, who are poor or have inadequate health insurance, and to enhance the role of such programs in efforts to meet the 1990 health objectives.

Included in this bill is the "frontier amendment," which I sponsored, that requires the Secretary of the Department of Health and Human Services to "give special consideration to the unique needs of frontier areas" in the funding of community health centers.

As you know, frontier areas include those areas having a population density of six or less persons per square mile. Frontier areas are located primarily in Western States, with 394 counties and 45 percent of the U.S. land area being frontier. Many States have high percentages of frontier areas. For example, based upon square miles in each county, frontier areas include 96 percent of Alaska, 84 percent of Nevada, 83 percent of Utah, 62 percent of Idaho, 81 percent of Montana, 52 of New Mexico, 50 percent of Oregon, 47 percent of Nebraska, 61 percent of North Dakota, 65 percent of South Dakota, 20 percent of Washington, 29 percent of Kansas, and 83 percent of Wyoming.

Health care service in frontier areas is sparse. In many instances home health aides and volunteer emergency medical technicians are the primary care providers. Often, even these do not exist. The hospitals in frontier areas are small, usually with less than 25 beds. Consequently they are very vulnerable to economic cycles and staff shortages. Nationally about 220 hospitals are frontier hospitals. Frontier hospitals are frequently the only source of health care for an area.

Reimbursement policies often have unintended negative consequences upon these facilities. Due to distance and remoteness, the costs for utilities, supplies, food, and labor are often higher than average costs. A large portion of the patients in the frontier areas are neither Medicaid nor Medicare eligible. Federal reimbursement does not cover the costs of providing the care. The facilities cannot recover the revenue lost in serving patients whose care is paid for by the Federal Government because there are not enough private-pay patients, and many of the private-pay patients have no insurance and have household incomes near the poverty level.

Mortality data indicates that the frontier areas have a higher rate of working years of life lost than do the rural or urban areas for the following leading cases of death: Motor-vehicle accidents, diseases of early infancy, non-motor-vehicle accidents, heart disease, and stroke. In the last 2 years the rate for suicides in frontier areas has increased significantly.

A number of professional organizations have acknowledged frontier areas. Others, including the Rural Health Care Association, the American Public Health Association, the National Association of Counties, and the American Academy of Family Physicians have adopted resolutions showing their support for the concept. Like us, they are also working to find solutions to delivery, reimbursement, health status, and manpower shortages in these areas.

For these reasons, I strongly support H.R. 1326. I urge all my colleagues to vote in favor of this legislation which is so vital to our Nation.

Mr. DURBIN. Mr. Chairman, I rise today in strong support of the Public Health Service Infant Mortality Amendments Act. This legislation, which increases the authorization levels for community and migrant health centers, is designed to help reduce our outrageously high infant mortality rate by targeting the health improvement of high-risk pregnant women and children.

Community and migrant health centers provide basic health services in some of our country's neediest communities. Of the families served by the health centers: 60 percent have incomes below the poverty level; 48 percent lack health insurance of any kind; 44 percent live in isolated rural areas; and 60 percent are high-risk women and children. There is clearly a valuable role that these centers can play in improving access to care among the medically underserved.

In my downstate, Illinois district, the Community Health Improvement Center, which serves the people of the city of Decatur and Macon County, is a shining example of the values of this important source of cost-effective, primary care. Last year this health center served over 6,000 low-income individuals and Medicaid recipients. Without community and migrant health centers, many families would be without even basic medical care.

Increasing the funding for community and migrant health centers for the purposes of infant mortality reduction is in keeping with the children's initiative in the budget resolution and with the Surgeon General's 1990 infant health objectives.

The adoption of this legislation is a vital component to the continuing fight against infants born at low birthweight and infant mortality in this country. Progress in reducing the infant mortality rate in the United States has come to a virtual standstill. America's infant mortality ranking among 20 industrialized nations has made a dramatic decline from sixth to a tie for last place. As our medical technology advances, our success rate in keeping babies alive is deteriorating at a shameful pace.

The National Academy of Sciences has estimated that low-birthweight infants are 40 times more likely to die in the first year than other infants, and face a much greater risk of developing serious health problems and disabilities. Few dispute that the key to insuring the birth of a healthy baby is prenatal care. Pregnant women who receive no prenatal care are three times more likely to deliver a low-birthweight baby than women who see a doctor early and regularly during their pregnancy. Low birthweight births could be reduced by up to 15 percent, and an even higher percentage of birth defects could be prevented through good prenatal care.

While amazing advances in technology have allowed us to keep low birthweight infants alive, it is likely that many will be faced with long-term disabilities and may require special educational and social services throughout their lifetimes. Each child in a neonatal intensive care unit costs an average of $1,000 a day and the average stay is 22 days. More than $2.5 billion is spent annually on neonatal intensive care services in the United States.

These are shocking figures in light of the estimates that every dollar spent on prenatal care can save over $3 in the cost of caring for a low-birthweight infant.

It is time that this country makes a real commitment to identifying and serving low-income and uninsured women and children. This important, cost-effective legislation is a necessary step toward reducing our Nation's unacceptably high infant mortality rate. I urge you to support the Public Health Service Infant Mortality Amendments Act.

Ms. PELOSI. Mr. Chairman, I rise today in support of H.R. 1326, the Public Health Service Infant Mortality Amendments Act. This important bill increases the authorizations for community health centers and migrant health centers. Among 20 industrialized countries, the United States has declined from a rank of sixth in 1950 to last place. This situation is deplorable. Two-thirds of all infant mortality can be attributed to low birthweight, a condition which is preventable through sound prenatal care.

Infant mortality is used as an international index of a nation's health. The United States, a country which is the leader of civilized nations, should be proud of its Nation's health. Unfortunately, we find ourselves lagging behind other countries. In some areas of the United States, the infant mortality rate equals that of developing nations.

The United States is based on equality and justice for all. Why is it then that minority groups have a significantly higher infant mortality rate than any other group in the United States? Underserved populations in rural and inner city areas are at the greatest risk.

We must do everything possible to ensure the health of our next generation and hence the health of our Nation. Improving access to quality prenatal services is one of the most important steps we can take. I urge my colleagues to support this bill. Thank you.

Mrs. COLLINS of Illinois. Mr. Chairman, I rise in support of H.R. 1326. I also wish to thank Congressman WAXMAN for his support in offering language on my behalf in the Health and Environment Subcommittee that targets funding to communities with high infant mortality rates.

The statistics clearly demonstrate the critical need for improved health care in medically underserved areas. In 1979, the U.S. Surgeon General established a nationwide goal for 1990 of no more than 9 deaths per 1,000 live births, and a rate not exceeding 12 deaths for any specific racial group. A goal was also set that, by 1990, 90 percent of all pregnant women should begin prenatal care in the first 3 months of pregnancy.

Sadly, however, the Department of Health and Human Services found last year, and I quote, that "achievement of these objectives is questionable"; 22 States will not meet the infant mortality objective for the general total or for black infants. These include my home State of Illinois—12 deaths per 1,000 live births total, and, among blacks, 22 deaths per 1,000 live births, Virginia—12/1,000 total, and 19.6/1,000 for blacks, South Carolina—14.7/1,000 total, and 20.7/1,000 for blacks, the

District of Columbia—21/1,000 total, 24.3/1,000 for blacks, Michigan—11.7/1,000 total, 23.5/1,000 for blacks, and Pennsylvania—10.4/1,000 total, 21.3/1,000 for blacks.

If additional Federal resources are not targeted to areas with the most acute need, then we will continue to see an increase, instead of a decrease, in the number of infant deaths. In my own congressional district, many communities are facing an average infant mortality rate of 24.3 deaths per 1,000 live births. Indeed, the city of Chicago now ranks first in the Nation in infant mortality among blacks, at 23 deaths per 1,000 live births. Proper attention to those communities suffering from high rates of infant mortality will save lives and money.

The Southern Regional Task Force on Infant Mortality states that infant mortality is a measure of the overall health of a community, reflecting issues of distribution and equity, as well as the adequacy of our health care system. The adoption of H.R. 1326, including the special targeting language, will insure a swift response to those communities suffering from a high incidence of infant mortality.

I commend my colleagues in the Health and Environment Subcommittee for their adoption of this language, and I urge my colleagues to vote for H.R. 1326.

Mr. ROBERT F. SMITH. Mr. Chairman, I rise in support of H.R. 1326, the Public Health Service Infant Mortality Amendments Act of 1987. The United States ranks 16th among developed nations in infant death rates. Our Nation has a rate of nearly 11 infant deaths per 1,000 live births. In my State of Oregon, the average figure is 10.2. However, several counties in my congressional district have infant mortality rates above the national average reaching to 15 deaths per 1,000 live births.

It is estimated that two-thirds of all infant mortality can be attributed to the births of infants with low birth weight, a condition which is preventable. The progress made in Oregon in the area of case management is the brightest hope in Oregon's fight against infant deaths. The advances of service in case management is finally allowing the health care community in Oregon to address the causes of infant mortality rather than treating the incidences. This legislation can only benefit those advances.

H.R. 1326 enables community and migrant health centers to provide health care to children, and women of childbearing age, who are poor or have inadequate health insurance. In addition, this legislation requires the Secretary of the Department of Health and Human Services to give special consideration to the unique needs of frontier areas in the allocation of funding of community health centers. Frontier areas have a population density of 6 or less persons per square miles. Based upon square miles by county, 50 percent of Oregon, all of which is in my congressional district, is considered frontier area. This legislation is an important step in our fight against infant mortality. I urge my colleagues to support it.

Mr. WAXMAN. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. Pursuant to the rule, the committee amendment in the nature of a substitute now printed in the reported bill shall be considered as an original bill for the purpose of amendment, and each section shall be considered as having been read.

The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Public Health Service Infant Mortality Amendments Act of 1987".

The CHAIRMAN. Are there any amendments to section 1?

If not, the Clerk will designate section 2.

Mr. WAXMAN. Mr. Chairman, I ask unanimous consent that the remainder of the committee amendment in the nature of a substitute be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The text of the remainder of the committee amendment in the nature of a substitute is as follows:

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the United States has progressed far less than other industrial nations in reducing rates of infant mortality, and as a result, the rate of infant mortality in the United States has declined from a rank of 6th among 20 industrialized nations for the 1950-1955 period to last place for the 1980—1985 period;

(2) in 1980, the Surgeon General of the Public Health Service established the 1990 Health Objectives for the Nation with respect to prenatal care and rates of infant mortality;

(3) no progress has been made in the United States since 1980 with respect to increasing the percentage of infants born to women who receive prenatal care early in pregnancy;

(4) the incidence of low birth-weight births, which is the leading cause of infant mortality and one of the leading causes of handicapping conditions (such as retardation, cerebral palsy, epilepsy and autism) in infants, has been reduced only marginally since 1980;

(5) insufficient progress has been made since 1980 in reducing the overall infant mortality rate;

(6) despite a declining rate of infant mortality among black infants, the probability of black infants dying during their first year is twice that of white infants;

(7) it now appears that the United States will fail to meet the 1990 Health Objectives with respect to the provision of prenatal care early in pregnancy and with respect to reducing the incidence of low birth-weight births and of infant mortality;

(8) there is broad consensus in the medical field that timely and appropriate prenatal care and primary care for infants can reduce the incidence of infant mortality and improve infant health and are essential if the United States is to meet or exceed the 1990 Health Objectives;

(9) there is clear and convincing evidence that inadequate prenatal care, and infant motality and disability, occur most frequently among individuals who are poor and without health insurance;

(10) recent studies indicate that one of every three poor children, and one of every three women of childbearing age, are without health insurance;

(11) Community and Migrant Health Centers were established to provide primary health care in medically underserved areas and receive Federal funds to provide care to individuals who are poor and without health insurance; and

(12) of individuals served by such centers, 60 percent are poor, 48 percent lack any form of health insurance, over 30 percent are children under 14, and over 25 percent are women of childbearing age.

(b) PURPOSES.—The purposes of this Act are—

(1) to enable Community and Migrant Health Centers to provide health care to additional children, and women of childbearing age, who are poor or have inadequate health insurance; and

(2) to enhance the role of such programs in the efforts of the United States to meet the 1990 Health Objectives.

SEC. 3. CERTAIN ADDITIONAL HEALTH-CARE AUTHORIZATIONS FOR FISCAL YEAR 1988 AND REQUIRED USES OF CERTAIN APPROPRIATIONS.

(a) MIGRANT HEALTH CENTERS.—Section 329(h)(1) of the Public Health Service Act (42 U.S.C. 254b(h)(1)) is amended by striking "$45,400,000" after "1987 and" and inserting "$48,400,000".

(b) COMMUNITY HEALTH CENTERS.—Section 330(g)(1) of the Public Health Service Act (42 U.S.C. 254c(g)(1)) is amended by striking "$400,000,000" after "1987 and" and inserting "$427,000,000".

(c) REQUIRED USES OF ADDITIONAL FUNDS.—

(1) Section 329(h) of the Public Health Service Act (42 U.S.C. 254b(h)) is amended by adding at the end the following new paragraph:

"(3)(A) In any case in which the amounts appropriated under paragraph (1) for fiscal year 1988 exceed $45,400,000, the Secretary shall make the total amount of such excess available for grants to migrant health centers for—

"(i) the provision of services for the reduction of the incidence of infant mortality; and

"(ii) the development and coordination of referral arrangements between migrant health centers and entities for the medical management of infants and pregnant women.

"(B) In making grants described in subparagraph (A) from amounts made available pursuant to such subparagraph, the Secretary shall give priority to migrant health centers providing services in any catchment area in which there is a substantial incidence of infant mortality or in which there is a significant increase in the incidence of infant mortality.".

(2) Section 330(g) of the Public Health Service Act (42 U.S.C. 254c(g)) is amended by adding at the end the following new paragraph:

"(4)(A) In any case in which the amounts appropriated under paragraph (1) for fiscal year 1988 exceed $400,000,000, the Secretary shall make the total amount of such excess available for grants to community health centers for—

"(i) the provision of services for the reduction of the incidence of infant mortality; and "(ii) the development and coordination of referral arrangements between community health centers and entities for the medical management of infants and pregnant women.

"(B) In making grants described in subparagraph (A) from amounts made available pursuant to such subparagraph, the Secretary shall give priority to community health centers providing services to any medically underserved population among which there is a substantial incidence of infant mortality or among which there is a significant increase in the incidence of infant mortality.".

SEC. 4. REQUIREMENT WITH RESPECT TO FRONTIER AREAS.

Section 330 of the Public Health Service Act (42 U.S.C. 254c) is amended by adding at the end the following new subsection:

"(j) In making grants under this section, the Secretary shall give special consideration to the unique needs of frontier areas.".

AMENDMENT OFFERED BY MR. DANNEMEYER

Mr. DANNEMEYER. Mr. Chairman, I offer an amendment.

Mr. WAXMAN. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. DANNEMEYER: Page 5, line 11, strike "mortality;" and insert the following: "mortality (including counseling and routine testing for women of childbearing age with respect to infection with the etiologic agent for acquired immune deficiency syndrome);".

Page 6, line 7, strike "mortality;" and insert the following: "mortality (including counseling and routine testing of women of childbearing age with respect to infection with the etiologic agent for acquired immune deficiency syndrome);".

Mr. DANNEMEYER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The gentleman from California [Mr. WAXMAN] has reserved a point of order on the amendment and the gentleman from California [Mr. DANNEMEYER] is recognized for 5 minutes in support of his amendment.

Mr. DANNEMEYER. Mr. Chairman, I would like to apologize to the Members of the House for presenting this issue which would require that any operator of a community migrant health center which accepts funds under this bill offer a test for the virus AIDS to any female who comes to their facility for medical services during the applicable period of the authorization.

□ 1730

I apologize because I would prefer to bring a bill to the floor, my H.R. 2273, which would require that we test broad sections of our population, hospital admittees, persons who visit sexually transmitted disease clinics, persons convicted of drug abuse, persons convicted of prostitution, persons entering the prison population. These are a few of the groups that our society should be testing today to determine whether or not they have the virus for AIDS.

I do not know whether under the way this House functions this Member from California will ever have an opportunity to bring the substance of H.R. 2273 to the floor. It is now pending in the Health and Environment Subcommittee. It has never been designated for a markup. The chairman, the gentleman from California [Mr. WAXMAN], has at least on four other occasions indicated he would mark up his bill, H.R. 3071. Perhaps that day will come. I do not know; but considering the fact that I may never have the opportunity of offering that bill, H.R. 2273, on the floor of the House, I must pursue what alternatives come through the process.

There is an old saying, "If there is a train going through the legislative process and you have a caboose or a car that is appropriate, tie it on." That is what this amendment would seek to do.

We have roughly 500 community health centers in America. We have about 120 migrant health centers. Annually about 6 million people across this country visit these community and migrant health centers for medical services. This amendment would require that the 4 million of those approximately who visit them each year be offered the virus test to determine whether or not they are positive for the AIDS virus.

There was ample recommendation that we pursue and adopt testing these groups of people. For example, the CDC recommends that all women of childbearing age with identifiable risks for HIV infection should be routinely counseled and tested for the HIV antibody regardless of the health-care setting. CDC identifies women at risk to include women who are living in communities or born in counties where there is a known or suspected high prevalence of infection among women. The CDC has stated that educating and testing these women before they become pregnant allows them to avoid pregnancy and subsequent intrauterine infection of their infants.

In addition, a June 1987 CDC report on the growth rate of heterosexual transmission reveals a growing trend in heterosexual transmission of the disease and increasing difficulty in identifying women who are at risk. For this reason, routine testing of minority populations is particularly important to slowing the growth of the AIDS epidemic.

The AMA has also recommended that the AIDS test should be readily available and routinely subsidized for those unable to pay.

In a 1987 issue of the Morbidity and Mortality Weekly Report, the CDC recommends that premarital testing in an area where the prevalence of HIV infection is as low as one-tenth of 1 percent may be justified if reaching an infected person through testing can prevent subsequent transmission to the spouse or prevent pregnancy in a woman who is infected.

Surgeon General Koop endorsed testing for any woman who wants to have a baby before she becomes pregnant.

At a National Press Club gathering in March 1987, Koop said:

> I can't understand why it is so controversial. I would think anybody who is getting married today would want to be tested and would want to know whether the intended spouse was infected with the AIDS virus.

According to the August 14 issue of the CDC Morbidity and Mortality Weekly Report, the sensitivity of the currently licensed enzyme immunoassay test is 99 percent or greater when performed under optimal laboratory conditions. Under ideal circumstances, the probability that the testing sequence will be falsely positive or negative in a population with a low rate of infection is 1 in 100,000.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. DANNEMEYER. According to a model developed by California physician Larrimore Cummins, based on CDC's assumptions and Public Health Service data, found that infant mortality would be substantially reduced by testing women of childbearing age in community and migrant health centers. The model assumes 3.6 million women of childbearing age visit community and migrant health centers over a 1-year period. Women in this age group give birth to approximately two infants, the national average, during their childbearing years, but that the clinic is only available to intervene in one of those two births.

The prevalence rate of HIV infection among this population is 0.3 percent, or 1 in 500.

A study of Alameda County, CA, of women applying for marriage licenses found a prevalence rate of one-half percent, or 1 in 200.

What this model suggests is that by offering these tests to women coming to these centers, if they are found to be positive, they can then make a determined judgment as to whether or not they want to bring a child into the world through a pregnancy and the data indicates that about 50 percent of those women who are positive for the virus, the offspring of that mother, herself or himself, will be positive for the virus as well.

The model indicates that if this amendment is adopted, we would then avoid 3,528 children per year being born with the virus for AIDS, and presently there is no cure for it. This number of children would not be born into the world consequently would not die. The loss of life is bad enough, but we citizens in America are paying about $20,000 per infant case to care for that tragic victim of this disease, for which we have no cure at the present time.

Finally, we should be aware that if we continue on this current policy in America of not testing the people of our society, we are heading for an absolute disaster. Dr. Salzburg of a Federal facility in Montana, Chief Medical Service, Miles City, MT, produced a recent survey computer study which indicated that if we continue on the current course of not testing our population, that by 1995 we are going to have 5 million sick and dead, 14 million carriers, at an annual cost of $50 billion.

If on the other hand we begin testing the entire population in America by testing and counseling, intervention and reportability, we can reduce that level by 1995 from 5 million sick and dying to 2.2 million carriers and from 14 million to 3.3. million at a yearly cost of $25 billion.

I ask for your support for this amendment. It provides for routine testing. If the testee does not want to take the test, they can opt out. It does not violate any civil rights.

The CHAIRMAN. Does the gentleman from California [Mr. WAXMAN] wish to pursue his point of order?

Mr. WAXMAN. I withdraw my point of order, Mr. Chairman.

The CHAIRMAN. The point of order is withdrawn.

Mr. WAXMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to give a status report on AIDS legislation that has been referred to by the gentleman from California [Mr. DANNEMEYER] as the reason why he is offering the amendment to this bill.

This bill, by the way, is for the very specific purpose of trying to deal with the infant mortality problem in this country, and the way to deal with that problem is to make sure that no woman goes without prenatal care so that her baby will have a chance to be born healthy. That is very important. That is what we are trying to accomplish.

Now, the gentleman from California [Mr. DANNEMEYER] maintains that he has been trying to get AIDS testing legislation passed. I must tell you, so have I. Our committee has held many hearings on the whole question of AIDS testing. In fact, we have taken every witness that every member of our subcommittee has asked for, including and especially the gentleman from California [Mr. DANNEMEYER], because we wanted to accommodate him.

We have legislation before us. We have the bills that the gentleman from California [Mr. DANNEMEYER] has introduced. We have the bill that we have introduced with a number of other Members of Congress, which was the recommendation of the Center for Disease Control and the recommendation of the Health people within the Reagan administration. Their recommendations are not in disagreement about testing. We all believe there ought to be more testing. If we are going to try to contain the spread of this epidemic, we must identify those people who have the virus. For what purpose? For only one purpose, and that is to counsel those people, to urge them to change their behavior so they do not spread the virus further.

We have no vaccine. We must rely on public education. We must rely on 1-on-1 education through testing and counseling, and testing without counseling does not make sense; but if we are going to have testing in this country, we cannot expect people to come forward for testing if that information is not going to be kept confidential and if that information is going to be used to discriminate against those individuals. That was the centerpiece of what the Reagan administration health people told us we needed for a successful testing program in this country to succeed.

When Secretary Bowen testified before us last, his point to us was that all these ingredients are needed, but it was the administration's position that the States ought to adopt nondiscrimination and other provisions.

I asked him if we did not have protections against discrimination, would people in the high-risk groups come forward to be tested? He said he did not think so.

Well, it would be absurd, I tell you, to have people come in for testing who are at low risk for this disease and people are at high risk stay away, because if we want to contain the spread of this disease we need to reach those people who have the virus.

I tell you all of this for the very simple purpose that we are trying to get legislation to the floor which will provide more testing. We have now before us a central specific bill to deal with infant mortality. People who come into the community health centers, the migrant health centers, are generally low-income poor people. Some have Medicaid, but many do not. Some have private insurance, but almost all do not, very few in fact have third-party coverage of any sort. Should they be advised to take an AIDS test? Should they be given the options of an AIDS test to be accompanied by counseling? Absolutely.

I have no disagreement with this amendment if it will provide that the test be available, to be given routinely at the option and at the choice of the patient; but I want to point out, it is an interesting question that we have before us, because this testing issue is being raised in a very unique population group, pregnant women. If a pregnant woman comes in for testing and she takes this test at her choice and she is informed that her test is positive, that she has the AIDS antibody, she will presumably have counseling to live with the fact that she may die from AIDS, but also to try to decide whether she is going to terminate that pregnancy. That is still an option in this country under the Constitution, according to the U.S. Supreme Court.

I have no problem with that, but I just want my colleagues to understand that what we are doing here is providing a test and counseling that will probably lead to more abortions. I think that is up to the woman and her physician to decide, but let us understand exactly what we are now bringing about.

Mr. GREEN. Mr. Chairman, will the gentleman yield?

Mr. WAXMAN. I yield to the gentleman from New York.

Mr. GREEN. Mr. Chairman, I thank the gentleman for yielding.

I, like the gentleman, have certainly no quarrel with the idea that clinics ought to make testing available to those clients who request such testing, and if that is all this amendment does, I suppose there would be no problem at all. I guess what I am wondering is whether this amendment——

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. GREEN. Mr. Chairman, will the gentleman yield further?

Mr. WAXMAN. I yield to the gentleman from New York.

Mr. GREEN. I guess what troubles me, Mr. Chairman, is whether this amendment is purporting to create some general obligation of clinics in every case to proceed to the test, unless the patient specifically requests that it not be done. That would be troubling, first of all from the point of view of what it does to the patient-doctor relationship, but also because of the fact that this is not a costly procedure. It is a procedure which involves some cost, and there are many parts of the country where it probably would be silly at this time for the patient to have that test performed on her, given the very low degree of incidence of the AIDS virus in many parts of the country.

One wonders whether it makes sense, given the fact that these are finite funds, even with this bill spread over a very large population, whether it makes sense to divert those funds into routine testing for AIDS in parts of the country where there is very little or no AIDS.

Mr. WAXMAN. Well, if I could reclaim my time, Mr. Chairman, I understand the question the gentleman is raising about diverting funds from giving prenatal care and treating infants or taking care of other indigent population groups that may come into these clinics, but I think that any clinic, just as any doctor or any medical facility, ought to have available this AIDS test with counseling. If this amendment is clarified so that we know that the patient may choose to take the test or not, then I really have no problem with it, because that is what we will do in our AIDS bill in a broader context when we get it to the House.

Mr. GREEN. Mr. Chairman, if the gentleman will yield further, I have no quarrel with the idea that every clinic in the country ought to be able to perform this test and have this available and that these clinics and their clients are no different than any others.

What I am concerned about is the possibility that this could be conceived as some sort of instruction to the clinics that they must, as a matter of sound practice, administer this test to every woman who walks in the door, unless she specifically asks otherwise, and that I would find reprehensible.

□ 1745

Mr. WAXMAN. Reclaiming my time, I certainly think the patient ought to have the choice in the matter. There ought to be informed consent by the patient and then I think if that is the case, it ought to be available with counseling.

Mr. ROWLAND of Georgia. Mr. Chairman, will the gentleman yield?

Mr. WAXMAN. Mr. Chairman, I yield to the gentleman from Georgia.

Mr. ROWLAND of Georgia. Mr. Chairman, I think we all want the same thing. I think we are talking around it. My good friend from California [Mr. DANNEMEYER] I believe earlier in his statement indicated that he wanted counseling and to offer testing for those women that were coming in.

I think that is exactly right. I think that test should be offered to those women in the high-risk group because we need to find out whether or not these people do in fact test HIV positive. There is no need here to discuss the potential for AIDS itself and what it will cost because we are very much aware of that.

Mr. Chairman, I have an amendment to the gentleman's amendment which I think will do exactly what he has said, and the gentleman from California [Mr. DANNEMEYER] has already seen that amendment. What it would simply do is state, "including counseling and testing routinely offered to the women."

By that language, when the women come in, they would be counseled about AIDS, they would be told about AIDS, told what it is, and then they would be offered the test.

My fear is that if we say "routine" without clarifying exactly what is being said, it may be that many of these women might not get that test.

Mr. WAXMAN. Mr. Chairman, if I could reclaim my time, I think that would be a very constructive clarification. As I understood the gentleman from California's [Mr. DANNEMEYER] statement on the floor, he seems to be saying the same thing, and if the gentleman from Georgia [Mr. ROWLAND] and the gentleman from California [Mr. DANNEMEYER] are saying the same thing, I think we have an amendment that all of us can support.

Mr. Chairman, I am going to yield the balance of my time, and I hope the amendment is offered by the gentleman from Georgia and we can go forward with the business before us.

AMENDMENT OFFERED BY MR. ROWLAND OF GEORGIA TO THE AMENDMENT OFFERED BY MR. DANNEMEYER

Mr. ROWLAND of Georgia. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. ROWLAND of Georgia to the amendment offered by Mr. DANNEMEYER: In the matter proposed to be inserted on page 5, line 11, of the bill, strike "routine testing of" and insert the following: "testing routinely offered to".

In the matter proposed to be inserted on page 6, line 7, of the bill, strike "routine testing of" and insert the following: "testing routinely offered to".

The CHAIRMAN. The gentleman from Georgia [Mr. ROWLAND] is recognized for 5 minutes.

Mr. ROWLAND of Georgia. Mr. Chairman, it is my feeling that this amendment will do exactly what the gentleman from Califorina [Mr. DANNEMEYER] wanted to do and that is to routinely offer this test to every woman that comes in of childbearing age so that she can be counseled about it, and if she is pregnant, she will be able to get the test done routinely.

If she does not want to have that test done, then she in no way will be precluded from getting the prenatal care that she needs.

Mr. DANNEMEYER. Mr. Chairman, will the gentleman yield?

Mr. ROWLAND of Georgia. Mr. Chairman, I yield to the gentleman from California.

Mr. DANNEMEYER. Mr. Chairman, I would be happy to accept the amendment offered by the gentleman from Georgia and thank him for the constructive suggestion. What your amendment to my amendment seeks to do is precisely the intent of the amendment that I am offering; namely, that the center would be required to offer the test and then the patients would have the option of determining whether or not they wanted to take the test or not. That is what I intended to do.

Mr. ROWLAND of Georgia. It would be routinely offered to the patient with the patient making the decision about whether or not to have it done.

Mr. DANNEMEYER. That is my intent, yes.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia [Mr. ROWLAND] to the amendment offered by the gentleman from California [Mr. DANNEMEYER].

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. DANNEMEYER], as amended.

The amendment, as amended, was agreed to.

Mr. CARPER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like first of all to commend the gentleman from California [Mr. WAXMAN] and those responsible for bringing this bill to the floor. I think it is a shame, a tragedy in this country, that we have found ourselves dropping from the Nation with the 6th lowest incidence of infant mortality deaths to a position of 20th today. I am sad to report that the State of Delaware, which I represent, had the highest infant mortality rate of any of the 50 States in 1985. Past Federal funds for infant mortality have often been targeted in States with large pockets of need within their population rather than to the States with the overall high infant mortality rates. That policy has largely excluded a State like mine from fully participating in federally funded programs.

I am going to ask a question of the gentleman from California [Mr. WAXMAN] if I could. The question I would like to direct to the gentleman is that, despite the fact that Delaware was the highest of the 50 States for infant mortality in 1985, we have not qualified for special funds for prenatal care. Although we have a small State and do not have comparatively large pockets of need within our State, we do have an abnormally high level of infant mortality. Would the gentleman give me guidance as to how this bill, if at all, will help a State such as ours?

Mr. WAXMAN. Mr. Chairman, will the gentleman yield?

Mr. CARPER. Mr. Chairman, I yield to the gentleman.

Mr. WAXMAN. Mr. Chairman, the purpose of this bill is to target the funds to those areas where we need to be sure that we get the prenatal care for low-income women.

I would expect that any area that is an area with a high incidence of infant mortality, and I am shocked to hear that the State of Delaware is as high as it is, but I am shocked to hear that the United States has as high an infant mortality rate such as it does, but I would assume that that is the area we would target funds.

Mr. CARPER. As I understand, and I am encouraged by what the gentleman from California [Mr. Waxman] says the bill before us today is designed to target funds to States like my own with high infant mortality as well as those States with high incidence and large pockets of need.

In closing, I feel that this bill is of particular value not only to my State but to all of our States.

I commend again all of those who have been working on this legislation. Thank you for bringing it to our attention, and I certainly encourage my colleagues to adopt this bill.

The CHAIRMAN. If there are no further amendments, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. Durbin), having assumed the chair, Mr. Vento, Chairman of the Committee of the Whole House on the State of Union, reported that that Committee, having had under consideration the bill (H.R. 1326) to amend the Public Health Service Act to provide for additional funds to Community and Migrant Health Centers for the purpose of reducing the incidence of infant mortality, pursuant to House Resolution 305, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore (Mr. Durbin). Under the rule, the previous question is ordered.

Is a separate vote demanded on the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent that the Committee on Energy and Commerce be discharged from further consideration of the Senate bill (S. 1441) to amend the Public Health Service Act to provide for additional funds to community and migrant health centers for the purpose of reducing the incidence of infant mortality, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

□ 1755

The SPEAKER pro tempore (Mr. Durbin). Is there objection to the request of the gentleman from California?

Mr. MADIGAN. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

GENERAL LEAVE

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 1326, the bill just considered and passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

REQUEST FOR CONSIDERATION OF S. CON. RES. 85, CORRECTING ENROLLMENT OF S. 1158, PUBLIC HEALTH SERVICE AMENDMENTS OF 1987

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate concurrent resolution (S. Con. Res. 85) correcting the enrollment of the Senate bill (S. 1158), Public Health Service Amendments of 1987, and ask for its immediate consideration.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. MADIGAN. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

CONFERENCE REPORT ON S. 825, HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1987

Mr. ST GERMAIN. Mr. Speaker, pursuant to the order of the House of Thursday, November 5, 1987, I call up the conference report on the Senate bill (S. 825) to amend and extend certain laws relating to housing, and for other purposes.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Pursuant to the order of the House of Thursday, November 5, 1987, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of November 6, 1987.)

The SPEAKER pro tempore. The gentleman from Rhode Island [Mr. St Germain] will be recognized for 30 minutes and the gentleman from Ohio [Mr. Wylie] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Rhode Island [Mr. St Germain].

Mr. ST GERMAIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to call up the conference report to accompany S. 825, the Housing and Community Development Act of 1987. This conference report is the first major free-standing housing bill to pass the Congress since 1980. We have had housing legislation in the interim passed as part of the Budget Reconciliation Acts and as part of Appropriations Acts, but not since 1980 as a free-standing piece of legislation.

Mr. Speaker, this legislation would not be before us today without the persistent efforts and dogged determination of the distinguished chairman of the Housing and Community Development Subcommittee, my colleague from Texas, Henry Gonzalez. He kept housing and community development issues consistently before us on the Banking Committee and monitored disastrous efforts of budget cuts that resulted in 70 percent reduction in the assisted housing programs, 40 percent reduction in the Community Development Block Grant Program, and 60 percent in the Urban Development Action Grant Program. This bill is a testament to his determined effort to address the low- and moderate-income housing and the community development needs of the Nation.

I wish also to commend and highlight the most important role the ranking minority member of the Banking Committee, Mr. Wylie of Ohio, played in getting this legislation to where we are today. Mr. Speaker, this is a bipartisan bill endorsed by all of the House Republican members of the conference committee. Without their contributions and efforts, we would not be in the enviable position of seeing this legislation to its successful conclusion.

I would also commend the tremendous contributions from all of the members of the Housing Subcommittee, in particular, my colleagues, Bruce Vento, Charles Schumer, Barney Frank, Richard Lehman, Bruce Morrison, Walter Fauntroy, Mary Rose Oakar, Marcy Kaptur, and Ben Erdreich, all of whom participated in the development of this legislation as effective participants in the lengthy conference proceedings.

On the other side of the aisle, I wish to commend the new ranking minority member, the distinguished gentlelady from New Jersey, Marge Roukema, who has taken over the role formerly filled by our late colleague Stewart McKinney, and also George Wortley, Doug Bereuter, John Hiler, Tom Ridge, and Steve Bartlett.

Mr. Speaker, I would be remiss in not commending the cooperation of the Senate under the new leadership of the distinguished Senator from

California, ALAN CRANSTON, who now chairs the Senate Housing Subcommittee and who chaired this conference. He was gracious, understanding, and worked very closely with us in achieving the necessary compromises for the conferees to agree. In particular, I wish to commend him for one of the most important provisions in this legislation, title II, the HUD prepayment title. These provisions, for the first time, attempt to address the troublesome issue of HUD-assisted rental housing being lost from the stock of low-income housing. The far-reaching efforts authored by the Senator from California were adopted by the conference. We look forward, Mr. Speaker, to working closely with Senator CRANSTON over the next 2 years as we begin to craft Federal housing and community development policy for the 1990's.

And last but very importantly, Mr. Speaker, I wish to commend the staffs of the House and Senate, majority and minority; they worked long hours to put our agreements and wishes in proper form.

Mr. Speaker, this conference report makes permanent the FHA insuring authorities so that in the future we will not be faced with termination of important FHA home mortgage insurance that in recent years has lapsed on numerous occasions because of the inability of the Congress and the administration to agree on how to address the housing needs of our country.

The conference report reauthorizes our HUD and FmHA assisted housing programs, as well as the CDBG and UDAG programs for the next 2 fiscal years. In addition to reauthorizing these programs, S. 825 makes numerous statutory changes to ensure that the intent of Congress in administering the HUD and FmHA assisted housing programs is carried out by the administration.

Mr. Speaker, this conference report would enact a new Home Ownership Program for moderate income families authored by our distinguished colleague from New York [Mr. SCHUMER]. Modeled after the successful Nehemiah Program in New York, this program combines the efforts of churches, nonprofit groups, city, State, and the Federal Government to increase the availability of housing to moderate-income families.

The conference report also reauthorizes the Crime Insurance Program for an additional 2 fiscal years and provides assistance under the Flood Insurance Program for properties damaged by high water and subsidence.

Finally, Mr. Speaker, this conference report would authorize $15 billion in fiscal year 1988 and provides an adjustment for inflation in fiscal year 1989. While the Democratic conferees believe that the crises in housing and community development in the country warrants a greater Federal commitment, we recognized that this level would provide widespread bipartisan support for the conference report.

Mr. Speaker, I urge my colleagues to support this conference report.

Mr. Speaker, I reserve the balance of my time.

Mr. WYLIE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the conference report now before us. It gives me a great pleasure to say this conference report represents a willingness on the part of the conferees from the Committee on Banking, Finance and Urban Affairs to do our part in reducing the Federal budget deficit.

When H.R. 4 left the House, the funding level was at $15.9 billion, the Senate was at $15.6 billion. The freeze level is $15.36 billion, and our conference report figure is $15 billion.

The conference report provides a 2-year authorization, the first free-standing authorization bill since 1980, and the first housing bill since 1983.

Mr. Speaker, I want to publicly commend our distinguished chairman of the Committee on Banking, Finance and Urban Affairs, the gentleman from Rhode Island [Mr. ST GERMAIN], for his willingness to negotiate and be cooperative and approach the issue as wanting a housing bill. As the gentleman just said, it is truly a bipartisan bill. The gentleman from Texas, Chairman GONZALEZ, was tremendous. His original H.R. 4 called for $24 billion. That was his wish list. The administration countered with $11.2 billion. That was OMB's wish list. Neither was a realistic figure. But Chairman GONZALEZ was good to work with during markup, and there were several amendments offered by myself and other Republicans which I think improve the legislation which we accepted.

The gentlewoman from New Jersey [Mrs. ROUKEMA] became the ranking Republican on the Housing Subcommittee during the heaviest part of our negotiations, and she has been a real big help indeed in her new leadership role, and I thank her.

I compliment all of our Members of the conference, as the chairman did, and personally thank my Republican colleagues for sticking together.

Mr. Speaker, I believe the aggregate funding levels contained in the conference report represent a positive effort to reduce Federal spending and to tell the American taxpayer we are serious about the budget deficit vis-a-vis Federal housing programs. At the same time, we need a housing program and the funding level is generous in the context of the need to reduce Federal spending.

This bill should send a signal which should help stabilize interest rates, which are so important to the growth of the housing industry. I am pleased to emphasize that this conference report contains permanent insuring authorization for FHA. This has been a great problem, and the off again on again treatment it has received, given by this House, has not been fair.

Mr. Speaker, I would mention the gentleman from Oregon [Mr. LES AUCOIN]. He and I cosponsored legislation in the 99th Congress to make FHA permanent. We had over 250 cosponsors. We introduced H.R. 1228 this year and we have over 218 cosponsors. We thank all of our colleagues for helping make this provision a reality.

Other important FHA provisions are a prohibition on user fees fixing the mortgage insurance rate at 3.8 percent, which is what it is right now, and which is making money.

This report increases the maximum mortgage limits in the high cost areas from $90,100 to $101,250 for FHA single family mortgage insurance programs.

We worked with the home builders, the realtors and the mortgage bankers on these provisions, and they are very pleased, as they should be, and perspective first-time homebuyers are pleased also, and they should be made to feel good by this bill, and we should be to show that we really do care about first time homebuyers.

Another aspect of the conference which warrants special emphasis is our treatment of section 8 and public housing assistance. These funding levels are somewhat reduced because of greater emphasis on modernization and rehabilitation of existing uninhabitable but fixable housing units rather than on new construction. We increase the number of existing units that can be supported through the use of section 8 vouchers and certificates.

This report emphasizes the preservation of our public housing inventory. It will enhance self-sufficiency for public housing tenants through resident management, home ownership and work incentives. In the areas of public housing I believe these provisions are fitting on this 50th anniversary year of the original U.S. Housing Act passed in 1937.

I know Members are especially concerned about the elderly and handicapped, the 202 program. I am happy to report no reduction was made in this most worthwhile, highly successful program. We reauthorized $10 million for congregate housing services for the elderly and handicapped.

In the area of rural housing, the gentleman from Mississippi [Mr. LOTT] and the conference report essentially provides funding at fiscal year 1987 levels. In addition, the conference report protects against losing a home through forgetting to pay taxes or insurance by requiring escrowing of sufficient funds to pay taxes and insurance.

The successful and popular HUD rental rehabilitation program is made available for the first time in rural areas as a demonstration pilot program.

The community development block grant and UDAG programs are funded at fiscal year 1987 levels.

One of the real hair shirts for this Member was finding a balanced and workable way to maintain private contract rights of prepayment on HUD and Farmers Home sponsored rental units while avoiding the hardship of displacement for low-income tenants. Many of us questioned the effectiveness, workability and even legality of the provisions in the conference report, but it sunsets in 2 years, so we can review the prepayment provision after 2 years. And yes, there is a new Nehemiah Housing Program, a continuation of HODAG, UDAG, and crime insurance, which frankly I opposed.

But the conference report authorizes the HUD Secretary to designate 100 enterprise zones with a minimum of one-third in rural areas, a new program which I do like.

So I think all conferees on both sides of the aisle have worked in a spirit of compromise to get a housing bill. The same can be said generally of the Senate conferees.

I think we have developed a balanced, well-rounded conference agreement while staying within the bounds of reality dictated by our budget deficit. I support passage of the conference report wholeheartedly and urge any aye vote by all House Members.

Mr. Speaker, I reserve the balance of my time.

Mr. ST GERMAIN. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Texas [Mr. GONZALEZ], chairman of the Subcommittee on Housing and Community Development.

Mr. GONZALEZ. Mr. Speaker, I thank the gentleman for his kind and gracious words during the time he spoke and for yielding me this time.

Mr. Speaker, I wish to say that of course this is most gratifying. I think it is also historical because after a sort of a blighted period in which we were reneging on national commitments to housing, which had been in place for 44 years, this is a reaffirmation of this national commitment. At this time when we see this sad, tragic development of Americans refugees in their own homeland, the homeless, it was my idea to entitle this bill not only the housing and community development bill but the Homeless Prevention Act, because such it is.

□ 1810

I think that the main features that this conference contains are very significant in themselves. For one, we will stop this roller skating experience with extending the FHA mortgage insurance programs and the authority of the Secretary to issue insurance.

We make it a permanent feature in this bill.

We provide some long needed replenishment and extension of the community development programs which are so sorely needed by communities throughout our country, as the League of Cities, Conference of Mayors have repeatedly pointed out to us, including the Governors' Association.

So all in all I want to thank the distinguished chairman because of his great experience, his background of experience, his sagacity, his ability to consult and negotiate with the Senate were tremendous factors in bringing the realization of this conference bill now.

I want to certainly compliment all of the Members on both sides, majority and minority. I think that the minority did yeoman work in bringing about an agreement with respect to the funding levels, which was one of the big issues that we finally boiled the conference discussions down to.

I believe in short that this is a great day and that we will see a diminution, as we progress, in these programs that once again reaffirm our commitment to housing and community development. The infrastructure of this country is crumbling around our ears. Every community in the land, rural and urban is in dire distress from its infrastructure needs.

Mr. Speaker, I rise this afternoon to urge your support for the passage of the conference report on S. 825, the Housing and Community Development Act of 1987. Other than the passage of a minor technical corrections bill in 1983, this is the first time since 1980 that a conference report affecting our housing and community development program has been brought back to this House alone, standing on its own merits, for final passage. I believe all of the Members of this body, both Democrats and Republicans, can be proud of the bipartisan effort that resulted in this significant achievement.

Mr. Speaker, I wish to commend all of my colleagues on the conference committee, particularly Chairman ST GERMAIN and the ranking minority member, Mr. WYLIE, who cooperated with me in a superb effort at concluding an agreement on very complicated issues. In particular I wish to commend my colleague from Massachusetts, Mr. FRANK, and Mr. LEHMAN of California and Mr. MORRISON of Connecticut, for their major contributions to this legislation. Senator CRANSTON, the chairman of the Senate Housing Subcommittee, worked together with us in an outstanding demonstration of Senate/House partnership that bodes well for the future.

What are the principle improvements in housing and community development policy that will be achieved by passage of S. 825? First, the FHA's home mortgage insuring programs will become permanent. No more fits and starts, no more short-term expirations. Nothing could be a more fitting celebration of the role the Federal Government has played in making this a nation of homeowners than making the FHA programs permanent.

Second, this conference report authorizes almost $1 billion less than the total authorized by the House when H.R. 4 was passed last June. Those of you who know me well understand how painful that concession was for me. I feel very strongly that the housing and community development programs covered by this bill are critical to the well being of this Nation. These programs are used to house the homeless, to provide decent housing for the handicapped and elderly, to help the poor and working poor families find affordable housing and to help urban and rural areas address their community development needs, particularly for their lower income residents. I continue to believe these programs should not be cut but increased. However, in a serious effort to reach bipartisan support for this conference report, I agreed to a significant reduction from almost $16 to $15 billion.

Third, this conference report contains a number of significant policy improvements. It is no secret that the increasing number of homeless families living in the streets and public shelters of our country are there because over the past 7 years the assisted housing production programs have been decimated and affordable rental housing units have been converted to market rate rentals or condominiums. In this conference report we maintain a modest public housing acquisition and production program, extend the section 8 moderate rehabilitation program and authorize the production of 12,000 units for the elderly and handicapped. A number of provisions are designed to preserve and extend this useful life of housing that is presently subsidized for lower income households. $1.7 billion is authorized for the rehabilitation of public housing units and strict standards are established to assure that only if public housing units are obsolete and rehabilitation is infeasible could that valuable housing resource be sold or demolished. In the majority of cases that lost housing would have to be replaced with newly constructed or project-based assisted housing only in very limited circumstances could 15-year section 8 certificates be allocated to substitute for lost units.

It is also clear from a number of creative efforts undertaken around the country that where public housing tenants assume responsibility for managing their projects, where local governments work cooperatively with independent public housing agencies to provide funds or improved services where well-managed public housing agencies are given greater discretion to operating their housing projects in a professional manner and where the Federal Government provides sufficient operating funds to cover increased costs such as insurance costs and to recognize changed circumstances over time, public housing can provide a viable and affordable housing resource.

The conference report provides $2.34 billion for rental assistance through the section 8 program. The conference report does not specify how much of those funds should be used for 15-year section 8 certificates or for 5-

year section 8 vouchers. Given the preliminary research on the effectiveness of vouchers, Congress should be extremely cautious about expanding that program. In contrast to the section 8 certificate program where low-income families must pay 30 percent of their income for housing, under the voucher program almost half of the families assisted pay more than 30 percent of their income for rent, a substantial percentage pay an unbearable 40 to 50 percent of their income and because of the lack of a rent reasonableness test in the voucher program, the amount of subsidy actually paid by the Federal Government under the voucher program is higher than the amount under the section 8 certificate program. For the same amount of money over the same period of time, we could house more families paying 30 percent of their income for rent under the section 8 certificate program than under the voucher program.

Over 1½ years ago the housing and Community Development Subcommittee began the first congressional investigation of the potential loss of over 1 million units, presently available and affordable to low and moderate income tenants, as sections 236 and 221(d)(3) federally insured and subsidized rental housing projects reach their 20 year anniversary and owners consider repaying the mortgages and terminating rent and occupancy requirements. Faced with the spectre of this loss, which is even more devastating because of the failure over the past 7 years to maintain a healthy assisted housing production program, this conference report contains an interim solution. The owners of housing insured under the National Housing Act can neither prepay their mortages or in any way change the status or the terms of the regulatory agreement without the Secretary of HUD approving a plan of action which must be designed to preserve as much low and moderate income housing as possible.

This conference report is also a tribute to the survival of the rural housing programs of the Farmers Home Administration. Congress has rejected the administration's attempt to eliminate this key source of homeowner loans for lower income families in rural areas, and has created a modest loan guarantee program for families whose income does not exceed 115 percent of rural median incomes whose access to financing is extremely limited, particularly in the case of first-time home buyers. The conference report also addresses the critical problem of the loss of affordable section 515 rental housing units for low income families. Through a program of incentives and refinancing, owners of these projects are encouraged to keep these projects in the rural low income inventory for another 20 years or to turn them over to local nonprofit or public agencies without penalty.

The conference report extends the CBDG Program for 2 more years and sharpens the focus of that program. The amount of funds that must principally benefit low and moderate income families is increased from 50 to 60 percent, while this change affects the total expenditure in a State or entitlement community up to a 3-year period, it has not changed the low- and moderate-income threshold that individual projects must meet. The conference report also strengthens citizen participation requirements and assures that low- and moderate-income families that are displaced from their homes as a result of CDBG or UDAG funded activities will be compensated fairly.

Finally, the conference report establishes a program of Nehemiah homeownership grants designed to assist nonprofit organizations to help families whose incomes generally are no higher than the area median to purchase homes that are concentrated in lower income neighborhoods. This neighborhood revitalization effort is modeled after a very successful program initiated in Brooklyn, NY, and was the subject of hearings held by the Housing Subcommittee in 1984.

Given the reasonableness of the authorization levels, the inclusion of a number of reforms urged by our Republican colleagues to the Public Housing Program, the Rural Homeownership Loan Guarantee Program, the section 202 Handicapped Program, the Enterprise Zone Program, and the permanent authority provided for the FHA insuring programs, I urge my colleagues' support for the passage of this conference report.

Mr. Speaker, the text of the statement of managers contains an error on page 201 which I intend to clarify. As the conference report provides, under section 241, the 120-day period for which an offer to sell to a nonprofit organization and public agency is required can only occur if funding is available for purposes of carrying out a transfer under section 502(c)(5)(a) as amended.

Mr. Speaker, I want to clarify that a provision contained in section 503(b) of title V, subtitle A, Community and Neighborhood Development and Preservation, pertaining to the classification of urban counties (page 116 of House Report 100–426), is incorrect. The correct language should be:

(i) has a combined population in excess of 175,000, has more than 50 percent of the housing units of the area unsewered, and has an aquifer that was designated before March 1, 1987, a sole source aquifer by the Environmental Protection Agency;

Rather than what was inadvertently printed on page 116. I will state that the committee will make this change in the next legislative vehicle going through the Banking, Finance and Urban Affairs Committee.

HUD AND FmHA's AUTHORIZATION LEVELS

[Budget authority in millions of dollars]

	Fiscal year 1988 (budget authority)		S. 825 conference report (budget authority)	
	H.R. 4	S. 825	FY 1988	FY 1989
Subsidized housing	7,813	7,510	7,091	7,436
Operating subsidies	1,600	1,600	1,500	1,563
Sec. 202 Loans	622	595	622	651
Subtotal	10,035	9,705	9,213	9,650
Other programs:				
Nehemiah	100	(1)	(1)	150
FHIP	5	5	5	5
P.H. child care	5		[2] (5)	[2] (5)
HODAG	100	100	75	78
Multifamily capital improvements	(50)		[3] (50)	[3] (50)
Rental rehabilitation	175	220	200	200
HUD research	17	17	17	18
Congregate services	13	7	10	10
Housing counseling	4		4	4
Emergency homeownership counseling	30		(1)	(1)
Flood insurance studies/surveys	38	37	37	(1)
Urban homesteading	12	12	12	13
Solar Bank	(1)	(1)	(1)	(1)
Retention of disposable proceeds	7	0	7	0
Miscellaneous provision	1	0	1	1
Neighborhood Reinvestment Corp	19	19	18	18
Neighborhood development demo	2	2	[2] (2)	[2] (2)
HHS/HUD demo	5		0	0
Enterprise zone	1		1	1
Subtotal	534	419	387	498
CDBG	3,000	3,000	3,000	3,000
UDAG	225	225	225	225
Sec. 108 Loan guarantee limit	(150)	(150)	(150)	(150)
Sec. 312 Rehabilitation loans	(80)	(80)	(80)	(80)
FHA credit limit	[4] (100)	[4] (104)	[4] (100)	[4] (104)
GNMA–MBS guarantee limit	[4] (150)		[4] (150)	[4] (156)
Grant total HUD	13,794	13,349	12,825	13,373
FmHA rural housing: New rural housing authorization	2,120	2,193	2,051	2,147
FmHA loans:				
Sec. 502 Homeownership	(1,110)	(1,340)	(1,104)	(1,157)
Sec. 504 Repair	(11)	(11)	(11)	(12)
Sec. 514 Farm labor	(11)	(11)	(11)	(12)
Sec. 515 Rural rental	(826)	(670)	(647)	(678)
Sec. 523(g) Mutual/self help	(1)	0	(1)	(1)
Sec. 524 Site loans	(1)	(1)	(1)	(1)
Subtotal	(1,960)	(2,033)	(1,775)	(1,861)
Rural rental displacement prevention	72	0	72	76
Rural housing support programs:				
Sec. 504 Repair grants	13	12	13	13
Sec. 509 Construct defects	1	1	1	1
Sec. 516 Farm labor grants	10	10	10	10
Sec. 523 Self-help grants	8	8	8	8
Sec. 521 RAP (5 yrs)	(160)	(160)	(275)	(287)
Sec. 533 Preservation grants	20	19	20	21
Subtotal FmHA support	52	50	52	54
Total FmHA	2,244	2,243	2,175	2,278
Grand total HUD and FmHA	16,038	15,592	15,000	[5] 15,653

[1] Such sums.

[2] Public Housing Child Care and Neighborhood Development Demonstration Programs to be funded from CDBG amount.

[3] Funded from section 236 excess payments (Flexible Subsidy Program).

[4] Billions.

[5] Actual totals may differ due to rounding.

S. 825 CONFERENCE REPORT: FISCAL YEARS 1988 AND 1989 AUTHORIZATION FOR SUBSIDIZED HOUSING ACCOUNT

[In millions of dollars]

	Budgetary authority	
	FY 1988	FY 1989
Public Housing:		
New construction (40 yrs)	337	352
Indian (40 yrs)	145	152
Modernization	1,700	1,775
Subtotal	2,182	2,279
Section 8:		
202 (20 yrs)	1,681	1,761
Mod. Rehab. (15 yrs)	400	419
Cert./Voucher (15/5 yrs)	2,340	2,444
Prop. Disp. (15 yrs)	302	329
Loan Mgmt (5 yrs)	186	204
Subtotal	4,909	5,157
Total	7,091	7,436

Finally, Mr. Speaker, I wish to clarify section 516. It is the intent of the conferees that 516(b) does not apply to section 119(h)(5) of the Housing and Community Development Act of 1974. The applicability provisions of subparagraph (c) control the applicability of 119(h)(5). Indeed the reason the conferees amended section 119(h) was to rectify a situation resulting from a grant awarded several years ago. It is not consistent with the intent of the entire section to permit section 119(h)(5) to projects which have not received preleminary approval prior to the date of enactment.

Mr. WYLIE. Mr. Speaker, I yield 5 minutes to the ranking minority member of the Subcommittee on Housing and Community Development, the very distinguished gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Speaker, I thank the gentleman for yielding time to me, and I rise in support of the conference report.

Mr. Speaker, as the ranking minority member of the Subcommittee on Housing and Community Development, I am most pleased that we are able to bring this conference report before the House. This is a bill which should be passed with strong support of the House and one which the President would be well advised to sign. Much credit and praise are due to the diligence of the distinguished chairman, Mr. ST GERMAIN, the ranking minority member, Mr. WYLIE, and the distinguished chairman of the subcommittee, Mr. GONZALEZ.

I did not vote for H.R. 4 when it passed the House in June of this year. In fact, the gentleman from Ohio [Mr. WYLIE] and I offered an unsuccessful substitute on the floor, and then voted against final passage of the bill.

Since then, the conferees have worked hard to fashion a reasonable compromise, and I am pleased to inform the House that the conference report is a greatly improved document and one worthy of our support.

It has been apparent for some years that our Federal housing programs were in great need of reform. For example, the per unit subsidy cost of the section 8 new construction program had reached a staggering $200,000 over the term of the contract. There is no question but that new approaches to affordable and public housing must be developed.

While since 1981 we have reined in spending which was spiraling out of control, we have not enacted a freestanding housing authorization in the last 7 years.

We need a bill. There is a serious need for housing assistance. In almost every section of the country there are waiting lists for public housing and section 8 assistance.

The passage of this bill represents progress, although it does not bring some of the innovations that we might have sought. That is a project and challenge for our next authorization. This conference report is a good basis for a new beginning in Federal national housing policy.

OUTLINE OF PROVISIONS

This conference report is not everything I had hoped it would be. Naturally, it is the product of compromise, and, thus, is not perfect from this Member's point of view. There are several items I do not like. However, on balance it is a reasonable package, and I would like to outline some of its more important contents.

AGGREGATE FUNDING

The fiscal year 1987 appropriation for the programs authorized by this conference report was about $15.3 billion, which is a freeze. This is approximately the figure now being worked on in the conference on the HUD-Independent Agencies appropriations bill.

However, our authorization figure is even less than that. We have brought our bill in at exactly $15 billion. This is a reasonable figure, and is a testament to the sincere efforts of Members on both sides of the aisle who want to see a bill enacted. I would remind the membership that the House-passed figure was $15.9 billion and the Senate-passed figure was $15.6 billion. I hope it is not lost on the Members that the conference report comes in significantly less than either the House or Senate versions.

SECTION 8 CERTIFICATES VERSUS VOUCHERS

For several years now, many of us on the Banking Committee have proposed housing vouchers as an alternative to section 8 certificates. I have contended that in many areas vouchers are just as useful as certificates and allow the recipient the added advantage of deciding exactly what level of housing is most suitable for him. Vouchers provide a shopping incentive to the holder, allowing him to rent more housing than he could get with a certificate, if that were his choice, or allowing him to choose less housing and retaining a portion of the rent differential.

A proper mix of certificates and vouchers makes sense. H.R. 4, when it passed the House, authorized no vouchers. In contrast, this conference report authorizes a total of $2.34 billion for certificates and vouchers. This leaves the precise composition to the appropriations process, where, I might add, vouchers have done very well in recent years.

PUBLIC HOUSING

We have learned a great deal over the years about what makes for good public housing and what does not. The recent demolition of a high-rise project in Newark was a dramatic example of past mistakes. But those mistakes have taught us some valuable lessons.

Unfortunately, one of the lessons we have not yet learned well is how to maintain public housing units properly. Even though we are no longer building high-rise monsters, we still need to maintain the low-density projects which do make sense.

This bill authorizes $337 million for public housing new construction. The good news is that we are authorizing substantially more than that for public housing modernization. However, I still think it makes little sense to spend hundreds of millions of dollars to construct new projects when we cannot even afford to maintain the units we already have.

PUBLIC HOUSING CHILD CARE

The House approved a demonstration program wherein HUD could provide grants to PHA's to provide child care. I opposed this provision because the last people who should become involved in child care are HUD bureaucrats. The intention here is laudable. Clearly, it is more likely that people in public housing will be able to find jobs and eventually move out of public housing if child care is provided. I have no quarrel with that. However, HUD is not the proper agency to provide the funds and to oversee such a demonstration.

The House bill authorized $30 million for the demonstration. I am pleased to report that the conference report authorizes only $5 million for it and stipulates that this amount must come out of CDBG funds. Obviously, this is an improvement, but I am still very concerned over HUD involvement in a serivce it knows nothing about.

HOUSING FOR THE ELDERLY AND HANDICAPPED

This conference report authorizes $622 million in section 202 loan authority, which ought to maintain construction of such units at 12,000.

This is a most important program to serve this Nation's elderly and handicapped, and I am pleased that we have been able to maintain this figure. This is one area where we should have been able to do more. It is my intention as a leader in housing to set a high priority and top level creative thinking to new approaches to housing for our elderly population. Those 75 years and older are the fastest growing segment of our population. We must anticipate a burgeoning need for housing for this age group who frequently cannot maintain their own home or afford rentals.

NEHEMIAH HOUSING

The House bill contained authorization for the new Nehemiah housing program. This program has already operated with some success in New York and may hold some promise elsewhere.

My objection, however, is that now is not the time for a new program. We are having difficulty enough maintaining funding for existing programs. It just does not make sense to me that we should embark on a new program at this time. I strongly endorse an approach that would have made this housing an eligible activity under Community Development Action

Grants. The program, as drawn in this compromise, is far more carefully targeted to the eligible population.

The good news in this regard is that while the House bill would have authorized $100 million for Nehemiah, this conference agreement which we bring to you today authorizes such sums, thus leaving the funding up to the Appropriations Committee, which I presume will be realistic in its consideration of the program.

PREPAYMENT

One of the biggest problems we face in housing over the next several years is that of prepayment of existing mortgages of low-income housing. Over the coming years we may lose as many as 950,000 low-income housing units because of mortgage prepayments and the expiration of section 8 rental assistance contracts. This is a major problem and one with which we will be grappling for some time to come.

It is essential to maintain as many of these units for low income use as possible. There are many incentives which could be offered to make it attractive to keep these as low income units. Such incentives include an increase in the rate of return on equity, the provision of insurance for a second mortgage to take out equity, the provision of additional section 8 assistance or an increase in the rents under existing contracts, and others.

Our emphasis should be on such incentives.

Unfortunately, the conference report goes well beyond this approach. In a complicated fashion, it requires any owner who wants to prepay to develop a plan of action, submit that plan to HUD, and obtain HUD's permission to prepay.

There are complex issues involving the possible abrogation of contracts which come into play, and it will be remarkable if we escape serious law suits challenging this approach.

While I am not totally satisfied with all of the details relating to prepayment in this conference report, I do want to emphasize to the House the seriousness of the problem we face over the coming years, and it is certainly an issue which will be revisited with a sense of urgency.

LEAD-BASED PAINT

Finally, Mr. Speaker, I want to discuss another problem which is pervasive and which will be expensive but worth the costs in protecting children's health. A substantial amount of the Federal housing stock is contaminated with lead-based paint. Tragically, some children have already been poisoned by ingesting either the chips or dust from this paint.

At present, HUD has regulations to address the problem, but, in some instances, HUD would not require action until after a child had already reached a certain level of lead poisoning. Clearly, this is just not acceptable.

This conference report overturns those regulations and requires that HUD measurement criteria be based on the condition of the housing rather than on the health of the residents. The Secretary of HUD would be required to carry out an 18-month abatement demonstration program on HUD-owned single and multifamily housing. This demonstration is to be used to develop the most practical and cost-efficient methods and procedures for testing and abatement.

This is a difficult issue, involving complicated technical equipment and finite measurements. And, as I said, it will also involve substantial cost in the years to come. This is a cost, however, which we cannot avoid. We have an obligation to protect the health of the residents of contaminated units, and we will have to meet that obligation. This is a matter on which I hope the subcommittee chairman will convene hearings next year.

CONCLUSION

In conclusion, I would like to emphasize to my colleagues that, while I do not agree with every detail of this conference report, it is a reasonable set of compromises and is worthy of your support. We have brought the aggregate funding level down well below that contained in either the House- or Senate-passed bills. We maintain the important CDBG and 202 programs. We provide permanent authorization for the FHA insurance programs, so that we will not again have the kind of lapse in authority which we saw again just last week.

This is a responsible conference report, and I urge its adoption.

Mr. ST GERMAIN. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Minnesota [Mr. VENTO], a member of the committee.

Mr. VENTO. Mr. Speaker, I rise in strong support of the conference agreement on the Housing and Community Development Act. This act is the culmination of almost 7 years of hard work by Chairman ST GERMAIN, subcommittee Chairman GONZALEZ, and the members of the Banking Committee. I want to commend Housing Subcommittee Chairman GONZALEZ and his staff for their diligence in negotiating a realistic and pragmatic housing bill that has achieved such broad bipartisan support. They have had an extremely difficult task as the need for housing assistance far exceeds the authorization levels they were forced to work within.

Housing programs have been cut more than any other programs during the Reagan years. The programs have been cut by more than 70 percent since 1981, while the number of people living below the poverty level and in need of housing assistance has grown dramatically during that same period. During conference, we all had to make difficult compromises and accept funding cuts and freezes in hopes of getting the President to sign the bill. The result is an authorization level representing a reduction of $360 million below the fiscal year 1987 level and far below the actual House and Senate passed measures. But importantly provides growth for the 1989 year authorization removing the aura of uncertainty that has existed these past 6 years. The conferees in both the House and the Senate put politics aside and reached agreements on an overwhelming number of issues. This bill is a fair and balanced agreement which deserves strong bipartisan support and a signature from the President.

As housing dollars have become scarce, housing policy has increased in importance. New policies in this bill help ensure that such scarce dollars are put to the best use possible. This act includes many significant improvements in housing and economic development policy.

I especially appreciated the strong bipartisan support I received from my housing colleagues on my initiative to help prevent the misuse of Urban Development Action Grant funds. The provision strengthens the antipirating prohibitions on UDAG's and helps rectify a situation which occurred in my district of St. Paul where UDAG funds were used to relocate a corporation and displace over 700 workers. This provision is the result of a 4-year long struggle to achieve a fair solution to this problem. The struggle included my continued personal intercession, a GAO investigation, congressional oversight hearings, a threatened lawsuit by workers, and numerous attempts to deal with recalcitrant Federal agencies. The Justice Department and HUD finally came around and ordered the $2.8 million be repaid. This decision would never have been reached without the consistent support for my efforts from Chairman GONZALEZ and Chairman ST GERMAIN and my Housing Subcommittee colleagues. I deeply appreciate their support and assistance and that of my personal staff Steve Judge, now serving as staff on the full Banking Committee and the dedicated help of Frank De Stefano from the Housing Subcommittee staff.

Yet another important aspect of this Housing and Community Development reauthorization is that as a 2-year authorization which will provide continuity and stability to all the housing and CD programs which have had to exist in an atmosphere of uncertainty over the past few years. The act also includes permanent authorizations for two important programs that have experienced numerous difficulties as a result of their temporary status. The programs I am speaking of are the

FHA program and the Congregate Housing Services Program [CHSP]. The permanent authorization of FHA—a proven program—will help keep the American dream of homeownership alive. The permanent authorization of the CHSP program—a recent initiative—importantly will help the frail elderly maintain their independence and prevent premature institutionalization. These are surely examples of outstanding programs which deserve permanent status in housing law.

In addition, this act contains desperately needed authorizations for assisted housing and community development programs. This act, also known as the Homeless Prevention Act, builds upon the specific homeless protection legislation enacted earlier this year. This measure represents a significant step forward in renewing our commitment to providing decent and affordable housing opportunities for all Americans. I strongly urge my colleagues to support this conference agreement and join me in calling on the President to sign it into law.

Mr. WYLIE. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. Upton].

[Mr. UPTON addressed the House. His remarks will appear hereafter in the Extensions of Remarks.

Mr. WYLIE. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. Wortley].

Mr. WORTLEY. Mr. Speaker, I rise in support of this conference report on the Housing and Community Development Act. Mr. Speaker, I commend the principal architects of this measure, the distinguished chairman of the Committee on Banking, Financing and Urban Affairs, the gentleman from Rhode Island, Mr. St Germain, the ranking member of the committee, Mr. Wylie of Ohio, as well as the eminently interested subcommittee chairman and ranking member, the gentleman from Texas [Mr. Gonzalez] and the gentlewoman from New Jersey [Mrs. Roukema].

Mr. Speaker, when H.R. 4 was brought before the House of Representatives in June, I voted against the measure because I believed it was an unnecessarily expensive bill filled with unwise provisions that repeated past failures in housing policy. As much as we needed a housing bill, that version was not the answer. It was also a sure bet to be vetoed by the President, a veto that would have been upheld by Congress.

During the conference, of which I was a member, many constructive modifications were made to the legislation and I believe it is a bill that now warrants the support of my colleagues.

If a housing bill is not enacted this year, the failure to enact freestanding housing legislation will extend over 6 years. This lack of continuity is bad for those dependent on housing programs, those finding themselves homeless or in dangerous and deteriorating buildings, and it adversely affects the housing industry which is an engine driving our economy.

I cannot predict the administration's action on this issue, but I will be urging the President to sign this compromise agreement into law.

Contrary to the House-passed bill in June, the conference report before us is not a budget buster. At $15 billion for 1988 it represents a slight decline from current spending levels although 1989 would see an increase. This does not mean that less people will be served. In actuality, more people could be served because the bill makes better use of the available funds than in the past, such as concentrating more on rehabilitating existing housing assets rather then new construction.

In addition, the mortgage insurance and secondary market programs, which have helped many households of average means become owners rather than renters, are continued and improved. The FHA mortgage program is authorized permanently to avoid the multiple shutdowns which have plagued borrowers and lenders in recent times.

Mr. Speaker, I would also like to address a small, but important, provision in the legislation which I sponsored requiring the Farmer's Home Administration to provide rural borrowers with escrow accounts for the purpose of taxes, insurance, and other necessary expenses. Municipalities would be better able to collect their tax payments, the Federal Government would be able to protect its loan, and rural borrowers would be able to budget and pay small monthly tax bills rather than a large lump sum at the end of the year.

I would also like to bring to the attention of my colleagues another initiative I sponsored which is included in the conference report. This proposal would establish a demonstration program under the Federal Housing Administration for home equality conversions designed to benefit elderly homeowners. Home equity conversion is one way older who own their own homes can obtain additional disposable income while remaining in their residences.

This final, negotiated legislation deserves to be enacted.

□ 1825

Mr. ST GERMAIN. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York [Mr. Schumer], a member of the conference committee.

Mr. SCHUMER. Mr. Speaker, I would like, if possible, to engage in a colloquy with the chairman of the committee.

Mr. Speaker, I understand that the public housing economic rent, established by section 102(a) of the bill, is available not only to families who are presently income eligible for public housing and whose income in future years increases to more than 80 percent of area median, but is also available to families now in public housing whose income was below 80 percent of area median upon admission but is now more than 80 percent of area median.

Mr. ST GERMAIN. Mr. Speaker, will the gentleman yield?

Mr. SCHUMER. I yield to the chairman of the committee.

Mr. ST GERMAIN. Mr. Speaker, as the gentleman knows, we have been working with him on this problem for a number of years, and I think there should be no question whatsoever but that the outline just presented by the gentleman is absolutely and entirely accurate and supersedes anything else that might have been written by non-Members relative to this point. So I say to the gentleman that he is absolutely correct.

Mr. SCHUMER. Mr. Speaker, I thank the chairman of the committee.

Concerning the bill, Mr. Speaker, let me say to my colleagues that I think this is a very proud day in the House of Representatives, because we are finally getting a bipartisan housing bill that contains many things that the people need. For sure, this is not the bill I would have written, because there is not enough money in it and there is not an attempt, in my opinion, to deal with all the problems we have. But it is a start.

In 1981 there were over 300,000 units of assisted housing being built. Now we only have approximately 80,000.

Is it no wonder that we have homeless people? Is it no wonder that we have a huge housing crisis that affects the poor and the middle income alike? Is it no wonder that the average boy-meets-girl, boy-marries-girl, and they buy-a-home becoming a more and more remote dream? It is no wonder, because we have cut back so on housing.

This bill represents a new start, a bipartisan start, which says, first, that we must remember some of the mistakes of the past. We have tried to do that, and I have tried to do that in the Nehemiah Program. But at the same time we cannot abandon the housing field altogether because there is such a dire need.

Let me repeat that in this bill there is the Nehemiah Program. I believe that it represents a new path, a path for home ownership, a path of hope, a path of cost-efficient housing where we can deal with inner city housing problems cheaply, effectively and in a way that can make us proud.

So, Mr. Speaker, I am proud that Nehemiah will become law, hopefully, when this bill is signed into law or when a veto is overriden. I hope that Nehemiah will become the pattern for the future for many different housing programs to come, programs that realize some of the mistakes of the past but present a bright new hope for the future.

Mr. WYLIE. Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Speaker, I rise in strong support of the conference report on the Housing and Community Development Act, and I urge my colleagues to support it also.

This housing bill represents the culmination of several months of work by the Housing Subcommittee and I commend the subcommittee chairman, Mr. GONZALEZ, the ranking minority member of the subcommittee, the gentlewoman from New Jersey, Mrs. ROUKEMA, the chairman of the Banking Committee, Mr. ST GERMAIN, and the ranking minority member, Mr. WYLIE, for their ability and sincere dedication to steering this bill through the House and the conference with the Senate.

This bill addresses some of the most pressing problems which now confront the housing industry and includes important initiatives. This legislation will provide, among other things, a permanent authority for the FHA mortgage insurance programs. This change eliminates once and for all the uncertainty which arises among prospective homeowners and lenders whenever it comes time for Congress to renew or extend FHA insurance programs.

Senate Resolution 825 provides for a demonstration project which will enable elderly people to convert a portion of the accumulated equity in their homes to liquid assets for health care, housing and other living expenses. It is a concept that this Member has supported for some time. For many elderly citizens, the equity which they have accrued in their homes is often their largest single asset. This legislation will allow them either to draw monthly payments which will not diminish as long as the borrower owns the home as a principal residence, or to acquire a line of credit in which interest on each disbursement accrues at a fixed rate for the life of the mortgage.

This Member is also especially pleased that the conferees agreed to retain an amendment which I successfully offered in the Housing Subcommittee that will allow states to utilize up to 10 percent of their FmHA section 502 funds for unsubsidized guaranteed home loans for moderate income families.

This earmark to an existing FmHA Program will enable people who live in any community too small to be covered by Federal Housing Administration programs and who have incomes between 80 percent to 115 percent of the median income for the area to be eligible for the FmHA Guaranteed Loan Program.

In representing a predominantly rural or nonmetropolitan congressional district, I would point out to my colleages that it is frequently very difficult for moderate and low-moderate income people living in smaller communities to obtain home mortgages. Many times, when a family in a smaller community begins to look for a commercial or government guaranteed home mortgage, the only advice they receive is to move to a larger community. My amendment helps to correct this inequitable situation so that interested people can build or purchase homes in smaller rural communities when that is the location of their choice.

Finally, I would point out that the authorization level of $15 billion for fiscal year 1988 is significantly lower that the amount actually spent for fiscal year 1987, and it is below what was authorized in both the House- and Senate-passed versions of the bill. In light of the budgetary problems which we now face, I believe that the House-Senate conferees have not only been responsive to the housing and community development needs of this country, we have also been fiscally responsible.

Again, I commend my fellow conferees for their work on this legislation and I urge everyone of my colleagues to support the adoption of the conference report.

Mr. ST GERMAIN. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Massachusetts [Mr. FRANK], whose district adjoins the First Congressional District of Rhode Island.

Mr. FRANK. Mr. Speaker, I thank the gentleman for yielding this time to me, and let me say that is how we always think of ourselves.

Mr. Speaker, I am delighted to be here, and I do not think I have ever been happier to speak about a bill that I think is inadequate. It is inadequate because we are in a fiscal crisis and there is not enough money in here to meet our housing needs. But given the combination of political and fiscal restraints we face, this is as good a piece of legislation as I have seen.

I am delighted with the work of all those who participated. This was a great example of partisanship and bipartisanship combined. We differed on some issues, we followed the regular process to decide them, and we also were able to cooperate and conciliate to get a bill out.

So I want to repeat that I think this is far too little for the housing crisis we face, but it is, given the circumstances we confront, an excellent piece of legislation.

I want to talk specifically about one part of the bill. With the strong support of my colleagues on both sides, for which I am grateful specifically and personally, an amendment which I sponsored was adopted which for the first time recognizes the problem of poor tenants who are displaced because governments take action to make general economic advances. We worked out a very good piece of legislation that reasonably deals with their needs.

In the final conference meeting, I was a little careless in the course of a colloquy and I apparently agreed to a diminution of 5 years of protection in one area that I had not intended to. But because this is a delicately balanced bill, when that was pointed out to me, I receded.

I want to say now that I feel badly about that because I think, as a result of my carelessness in this one instance, 5 years less protection goes to people who may have been directly displaced. But that will not come into play until 6 years from now because the effective date is 1 year from today or the date of enactment, and we have a 5-year period that they are guaranteed. That means that 6 years from now there will be a question of whether or not people can be kicked out and since it was my carelessness that led to the 5 years being rescinded, I want to serve notice on everyone now that I want those 5 years back, and a major legislative goal for me for these next few years will be to get back for the poor people the 5 years that the municipalities unfairly took away from them.

Mr. WYLIE. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana [Mr. HILER].

Mr. HILER. Mr. Speaker, I rise today in support of the conference report that accompanies the Housing and Community Development Act of 1987. While not a perfect bill, it is a good compromise, and the chairmen and vice chairmen of the Housing Subcommittee and the full Banking Committee deserve our thanks for bringing the conference to a happy conclusion.

I want to emphasize that the report is a compromise, which by definition means that nobody is completely satisfied, but that everyone is satisfied to one degree or another. I signed the conference report because of the 85 percent or so of the provisions that I agree with and a general belief that the time has long passed for Congress to agree on a freestanding housing bill. Providing housing opportunities to those who need our help and community development programs for towns and cities that want to improve the standard of living for their citizens are important and worthy goals that deserve our time, effort, and support.

Our effort to produce an acceptable compromise at a reasonable cost succeeded. The $15 billion authorization level for fiscal year 1988 is commendable, given the forces at work. The conferees on the other side of the aisle deserve our thanks for agreeing to a funding level that can get the job done without ignoring our deficit problems.

I also take this opportunity to thank the conferees who supported the Hiler/Lehman compromise on manufactured housing energy standards. The conference report directs the department of housing and urban development to establish preemptive, cost-effective energy standards. I hope HUD clearly understands the intent of the conferees and creates standards that consider the overall cost of homeownership, not utility costs alone.

I am also pleased to have been part of Mr. RICK LEHMAN's efforts to forge a workable compromise on the farmers' home 515 prepayment issue. Once again, the outcome was not perfect, but acceptable in the final analysis.

Unfortunately, there are provisions in the report I cannot find acceptable. Among the more unfortunate sections are those affecting the Community Development Block Grant Program.

The State of Indiana runs one of the finest small cities CDBG programs in the country and they are understandably concerned that their ability to do their job well is in jeopardy. While targeting the benefits of CDBG and UDAG funds is commendable, the ability of small cities to meet this higher percentage is difficult, especially with the 3-year average computation. It would be very unfortunate if our Nation's smaller cities are cut off from this important development tool because of this new law.

The CDBG displacement provision is also of concern. Again, while we all want to avoid the wholesale displacement of low and moderate income families and individuals, I have to join with the Indiana Association of Cities and Towns, the National League of Cities, the National Association of Housing Redevelopment Organizations, and the U.S. Conference of Mayors in opposing the approach.

First, there is no evidence that a major problem exists or, if it does, what the dimensions are. Also, the Uniform Relocation Act, which provides for the fair and uniform treatment of displaced residents, ought to be equal to any isolated cases of displacement. The provision is fertile soil for litigation, and cities and developers will no doubt hesitate to pursue revitalization projects for fear of being sued.

I do not agree with these provisions, and there are others that harm this compromise. But when balanced against the good the compromise will accomplish for Indiana's Third Congressional District and for the Nation as a whole, I think we must come down on the side of support. If you look at the good the Rental Rehabilitation Program will do by putting our existing housing stock back to work so efficiently and effectively; when you look at the good a permanent FHA authorization will do by adding stability to the housing market; when you look at the good that community development programs can do for our inner cities, and I hope, for our smaller cities still, the scale tips in favor of support.

A compromise so large in scope, so looming in importance, and so grand in scale cannot be perfect for everyone. About all we can ask for is a compromise that does its best to meet the goals, hopes, and aspirations of the people who wrote it and the people who will be affected by it. That's a tall order for any piece of legislation, and the conference report comes as close to meeting that order as it can. I recommend your support.

Mr. Speaker, I wonder if the chairman of the committee would engage with me in a brief colloquy.

Mr. ST GERMAIN. Mr. Speaker, if the gentleman will yield, I would be delighted to engage in a colloquy with the gentleman.

Mr. HILER. Mr. Speaker, as the gentleman from Rhode Island [Mr. ST GERMAIN] knows, the language in section 569 of the conference report directs HUD to establish preemptive energy standards for manufactured homes that are cost effective for consumers. The conference rejected the idea of applying HUD's minimum property standards for site-built homes to all manufactured homes and accepted, instead, language offered by Mr. RICK LEHMAN and I that takes into consideration all the costs of homeownership. The purpose of the language accepted by the conference was to consider not only monthly utility bills, but the overall affordability of the homes. That means the standards should promote affordable downpayment costs and monthly loan costs as well. That's why the language directs HUD to establish standards that achieve the lowest total of construction and operating costs.

Is it your understanding that the statement of managers language reflects these goals accurately?

Mr. ST GERMAIN. Mr. Speaker, will the gentleman yield?

Mr. HILER. I yield to the chairman of the committee.

Mr. ST GERMAIN. Mr. Speaker, the intent of the statement of managers is that the Department of Housing and Urban Development is directed to develop an energy standard that provides the lowest total costs for manufactured home owners.

The conference report reflects the fact that the conferees accepted the language you and the gentleman from California [Mr. LEHMAN] offered in this area and I fully expect HUD to abide by the instructions we provide in our report.

Mr. HILER. Mr. Speaker, I thank the chairman of the committee for his statement, and I urge my colleagues to support this conference report.

□ 1835

Mr. ST GERMAIN. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California [Mr. LEHMAN].

Mr. LEHMAN of California. Mr. Speaker, I rise today in strong support of S. 825, the Housing and Community Development Act of 1987. Chairman ST GERMAIN and Housing Subcommittee chairman, Mr. GONZALEZ, along with their staffs, have done a superb job in meeting the concerns of all parties involved, including the administration, to bring to the floor a bill that deserves the support of all Members.

Mr. Speaker, I would like to stress two points with regard to this important, and much needed legislation.

First, this bill is not a budget buster. On June 11, when the House approved its version of this bill, by a vote of 285 to 120, there was much concern about the price tag which was $15.9 billion. At that time, I ardently defended the funding levels, as they were below the House-passed budget resolution and they represented funding levels of 70 percent below that which was provided in 1981. This $15.9 billion level has since been cut substantially.

Not to $15.6 which was the level approved in the Senate-passed Housing bill, and also within the limits set under the budget resolution,

Not to $15.3 billion which would represent a freeze level from the fiscal year 1986 level,

The funding levels were reduced to $15 billion which is a $300 million cut from last year's levels. Cuts like this are significant considering that our Nation's housing programs have already shouldered a disproportionate share of budget cuts.

So, let no one tell you that this bill is a budget buster. Clearly, the Banking Committee has done its work in bringing to the House floor a bill that is so reasonably priced that it deserves the support of even the most frugal.

The second point I would like to make Mr. Speaker, is that this bill goes a long way in meeting the various housing needs of our population. The permanent authorization of the FHA Program will instill a sense of stability and certainty to a vital homeownership program that has been subject to several shutdowns as a result of congressional inaction. S. 825 keeps down the cost of homeownership by prohibiting increases in user fees for our mortgage credit programs. Other provisions in S. 825 will serve to increase the number of potential homeowners who can take advantage of the FHA Program by increasing the mortgage insurance amounts in high cost areas.

Further, this bill begins to address what I consider to be one of the most critical housing issues to confront us—the shrinking of the national supply of low-income and subsidized housing. A reduction in our Nation's supply of low-income housing is caused through the expiration of subsidy contracts and the prepayment of loans with various urban and rural housing programs. This results in the displacement of residents and the loss of valuable low income rental units. A prepayment occurred in my district, displacing 70 tenants from a Farmers Home project, and I have experienced first hand the turmoil caused by such an event. Last August, I introduced legislation which called for a moratorium on the prepayment of Farmers Home multifamily projects. At that time, I emphasized that this moratorium was to be an interim measure until Congress could assess this prepayment problem and enact a permanent solution. I am pleased to report that S. 825 enacts what I consider to be a very equitable solution, one that well maintain our low income housing and protect the needs of the tenants, while at the same time recognizing the rights of the developers and owners of the projects. I commend the Subcommittee staff for all of their hard work and perseverance on this very difficult issue.

Mr. Speaker, S. 825 is a good bill. We need to reverse the trend of the last several years and reestablish our longstanding commitment to housing as a national priority. I urge my colleagues to vote for the conference report.

Mr. WYLIE. Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina [Mr. McMillan].

Mr. McMILLAN of North Carolina. Mr. Speaker, I rise in strong support of the conference report.

Mr. WYLIE. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. Ridge].

Mr. RIDGE. Mr. Speaker, I am pleased to rise in support of the housing and community development conference report. I do so without hesitation.

For more than 6 years, we have been unable to authorize permanently these programs. After voting and working against the House-passed bill, H.R. 4, last summer, I had my doubts as to whether this year would be any different. But, as a member of the House-Senate conference, I can honestly say that the conference report before the House this evening is a vast improvement over the original House-approved bill. My colleagues, I ask that you take a close look at this conference report; I think you will like what you see and I encourage you to support it.

The authorization, $15 billion, is reduced from $15.9 billion in the House-passed version and $15.6 billion in the Senate version. This reduction of several hundred million dollars was not reached easily and without very difficult reductions. Skeptics should note that the total housing authorization was around $26 billion in 1980. We have reduced Federal spending on housing and community development by $11 billion in 7 years. I don't know of any other area of Federal spending that has been reduced so drastically.

Many of the cumbersome legislative provisions have either been dropped or significantly improved. The bill improves the efficiency and flexibility of the Public Housing Comprehensive Improvement Program, improves the workability of section 8 Certificate and Voucher Programs, expands the section 202 Program for handicapped individuals and makes many other positive contributions to existing housing law.

For my Republican colleagues, you should be aware that the conference report does not preclude vouchers as done in the House bill and now adequately supports some of the innovative public-private leverage programs. For example, the Rental Rehabilitation Program, which leverages $3 for every $1 dollar for rehabilitating units in depressed neighborhoods was funded at last year's level of $200 million. Additionally, the Enterprise Zone Program with 100 zones to be designated, one-third in rural areas was reauthorized.

The conference report is a balanced approach to housing and community development. It supports essential community development with programs such as the Community Development Block Grant Program at last year's level and the Urban Development Action Grant Program. The Housing Assistance Program emphasizes modernization and improving our Nation's stock of housing over the more costly new construction program. It takes initial steps to address the forthcoming crisis resulting from the loss of privately owned federally assisted low-income housing. For Americans in rural areas, it reauthorizes the Rural Housing Assistance Programs at last year's level and refines the program to make it more efficient for low- and very-low-income individuals. For high-cost urban areas, it increases the maximum mortgage amount for FHA insurance from $90,000 to $101,250 while taking steps to ensure against discrimination by lenders seeking to avoid lower cost, and therefore less profitable, FHA mortgage lending.

I am sure that many Members are reviewing this conference report very closely in light of the events of October 19 and the budget negotiations underway. They certainly should. But, what my colleagues will find is a conference report that authorizes spending at $360 million below last year's level and $360 million below the 1988 appropriation approved by this House in August. The fiscal responsibility shown in this conference report should be encouraged. I urge my colleagues to support this important conference report.

Mr. ST GERMAIN. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. Garcia], a distinguished member of the conference.

Mr. GARCIA. Mr. Speaker, I rise in support of the housing conference report we are considering today. This report reflects nearly 2 years of work and compromise that deserves the respect and support of every Member of this body. It also reflects the Congress' continuing support for and awareness of the increasing need for housing that is decent and affordable.

I won't reiterate all the things you have heard before about the growing number of homeless individuals and families and about the projections of the need for housing reaching crisis proportions. I will say that this report, although not a complete answer to the problem, represents the first important step. This will be the first freestanding housing bill since 1981. That in itself is a sign of the strong bipartisan effort that was made in crafting the underlying legislation.

The housing bill, which provides for a 2-year authorization, sends a signal to those who live and work for public housing that the Congress is serious about addressing the lack and potential loss of low-income housing units.

I want to congratulate my colleagues on the housing subcommittee, and thank the staff on a terrific job. I urge your support of this most worthwhile effort.

Mr. WYLIE. Mr. Speaker, I yield 5 minutes to the gentleman from Texas [Mr. Bartlett].

Mr. BARTLETT. Mr. Speaker, I rise in strong support of the passage of the conference report on the Housing and Community Development Act of 1987. I urge a "yes" vote on this conference report for every Member of the House, and particularly those Members from my own side of the aisle.

I will likewise urge the President to sign this piece of legislation.

Mr. Speaker, this legislation is much-improved legislation since it was marked up in committee and it is much-improved legislation since it passed the House floor as H.R. 4. As the Members recall, both times I joined with my colleague, the gentleman from Ohio [Mr. Wylie], and others in opposing the legislation at that time. I would have been prepared to oppose it today, except that the legislation has been substantially changed, altered and improved, and deserves the support of every Member of this House. Most particularly, it deserves the support of those conservative Members of this House.

Mr. Speaker, this legislation is much-improved legislation over the status quo of current housing. We need to keep in mind that this legislation represents new authorization language to replace current law, and this legislation is a substantial improvement over current law. If this legislation were to be defeated, we would then be stuck with the status quo and with current law. I think particularly those on my side of the aisle should remember that and we should vote for this conference report for that reason.

Mr. Speaker, I want to be specific and speak directly to those who share the philosophy that many of us on our side of the aisle articulate and particularly my Republican colleagues who previously voted no to other legislation before it was changed.

This is a bill founded and funded in conservative principles. It emphasizes the conservative principles of a reduction of Federal spending to so lower the Federal deficit. It emphasizes homeownership opportunities, local control for housing and community development, and a commitment to the FHA as a self-insurance homeownership program.

Let me give several specifics. No. 1, money. It is astonishing to note, and every Member of the House needs to understand, that today if we pass this legislation and it is signed into law, we will spend fewer dollars than if the legislation were to be defeated. Specifically, $300 million of a reduction of total Federal spending would be accomplished by a positive action on this legislation; so if you are interested in the deficit, and we all are, and if you are interested in a deficit reduction, this legislation spends $300 million less than if we had no legislation at all.

No. 2, the legislation increases local control. It increases the efficiency and the flexibility through the Public Housing Comprehensive Improvement Program by providing the first step in a long-sought reform by HUD that began some 3 years ago by increasing local control over repair and modernization.

It further allows for the replacement of dilapidated public housing where adequate alternatives exist.

No. 3, this legislation extends in a large way tenant management and tenant ownership opportunities. It creates tenant management corporations. It permits the Secretary of HUD to waive existing HUD regulations for tenant management corporations. It is a major step down the road toward providing for homeownership opportunities for public housing tenants.

No. 4, the legislation improves dramatically the operation of the FHA in the secondary markets. It makes permanent the FHA insurance authority. It creates the maximum mortgage amount in high-cost areas, increases those amounts from $90,000 to $101,250.

It provides for permanent authority for Fannie Mae and Freddie Mac to purchase second mortgages.

Now, I emphasize the permanent nature of the FHA in this bill. It is a major step forward in and of itself because it has been the annual extensions of the FHA that oftentime has brought us bad legislation.

No. 5, it establishes for the first time in Federal law up to 100 enterprise zones to attract business to distressed areas.

No. 6, it makes several major reforms in the operation of public housing, including emphasis on rehabilitation rather than construction of new public housing and emphasis on freedom of choice and certificates and vouchers and a provision for the first time in Federal law of the portability of section 8 certificates and vouchers within a metropolitan area.

Mr. Speaker, this bill makes a major step forward in the area of sensible housing opportunities, home ownership housing opportunities, of a reduction in the Federal deficit, of a total reduction in the amount we spend on housing programs, and yet at the same time improving those programs. It is a bill that Members in this House of all philosophies and in both parties can be proud of. I urge a "yes" vote and will urge the President to sign it.

Mr. ST GERMAIN. Mr. Chairman, I yield 2 minutes to the gentleman from Connecticut [Mr. MORRISON], a member of the conference committee.

Mr. MORRISON of Connecticut. Mr. Speaker, I thank the chairman for yielding. I want to commend the chairman and the chairman of the Housing Subcommittee, along with the ranking members on the Republican side.

I urge my colleagues to unanimously support this legislation and to send a message to 1600 Pensylvania Avenue that this Congress expects housing policy to be a major agenda item of this Government.

This legislation is far from perfect. It does not solve all the problems that we have and it does not have all the resources we would like to see to combat the lack of housing opportunity in our communities; but it lays an important basis for continued growth in the future.

This is reform legislation. This is improvement legislation. This does promote home ownership for low-income people through the Section 235 Program and the initiation of the Nehemiah Housing Program, good initiatives that allow low- and moderate-income people a chance at owning their own homes.

This legislation is concerned about the preservation of the housing stock. It has provisions to prevent the prepayment of mortgages on guaranteed housing opportunities for low- and moderate-income people and it is a step in the right direction.

It provides for the replacement of low-income public housing that may be destroyed or sold, guaranteeing that there will be realistic housing opportunities in place of those that are not able to be maintained because of inadequate or obsolete units. It extends antidiscrimination provisions in the section 8 programs so that section 8 certificates will no longer just be the opportunity to look, but the right to rent housing that is available.

It sets in motion a process which I hope will result in a short period of time in the ending of inadequate utility allowances for many in public housing.

Mr. Speaker, this is good, strong reform legislation. By passing it now we lay a baseline for future growth in adequate funding for housing for low- and moderate-income people.

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Mr. ST GERMAIN. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland [Mr. MFUME], a member of the Committee on Banking, Finance and Urban Affairs.

Mr. MFUME. Mr. Speaker, I rise in support of the conference report and I rise also to extend my thanks to the gentleman from Texas [Mr. GONZALEZ], the chairman of the Subcommittee on Housing and Community Development, and the gentlewoman from New Jersey [Mrs. ROUKEMA], the ranking minority member for their leadership on this, as well as the chairman and ranking minority member of the full committee.

Just yesterday Baltimore United and Leadership Development, one of probably a hundred such organizations nationwide, came together to celebrate 10 years of existence and to celebrate also how they have worked so very hard towards passage of this legislation. I would expect that as we approach passage tonight, that that celebration is even more heightened.

The conference report, as we all know, does some good things. It expands the 202 Program, FHA is made permanent, and we have an extension of the Urban Development Action Grant Program, all so very necessary for cities. We have also the extension of the Community Development Block Grant Program, and we have something new in the establishment of the Nehemiah Program and the lead paint demonstration projects that are a part of this important legislation.

This is national housing policy. It sets the Nation on the right course. I urge Members of this body to pass this bill unanimously to adopt the conference report, and I certainly urge that the President sign this significant piece of legislation into law.

Mr. ST GERMAIN. Mr. Speaker, I yield 1 minute to the gentleman from Delaware [Mr. CARPER], a member of the Committee on Banking, Finance and Urban Affairs.

Mr. CARPER. Mr. Speaker, I rise in strong support of this conference report, and I commend not only the chairman of the full committee, but the chairman of the subcommittee and the members on both sides of the aisle for working out this compromise.

Mr. Speaker, if all other Federal programs had been cut as deeply as housing has been cut over the last 6 or 7 years, we would have no need for a budget summit. The reason is that not only would we have balanced budget, but we would have a surplus almost as large as the deficit that we face today.

This conference report says "enough is enough." I certainly believe that is true. Housing has been cut enough. This conference report addresses three issues that are particularly near and dear to my heart. I want to thank the gentleman from Texas [Mr. GONZALEZ] and those Members who stood by our committee's position on eradicating lead-based paint from public housing.

I want to thank the conference members for their work in ensuring that small States will have an FHA office.

Finally, I want to congratulate the conference members for making sure that we take some small steps toward ensuring that scarce housing resources are better targeted for truly needy families in this country.

Mr. WYLIE. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia [Mr. PARRIS].

Mr. PARRIS. Mr. Speaker, I rise in support of the conference report as one who previously has not supported it.

Mr. WYLIE. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. ST GERMAIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to conclude by stating that the road to this evening has been a very rocky one. It has been many years. I would state that the last significant housing bill was enacted in 1983 when it was tied to the IMF legislation.

How was this accomplished this evening? A lot of work by a lot of people, has led to this evening. However, I think that throughout, one of the more important factors involved was the fact that people kept their word. In the legislative process so much can be accomplished if Members can rely upon each other to keep their word.

Long ago in my introduction to the legislative process when I was first a member of the State legislature in Rhode Island, the long-time speaker of the house called me aside and said, "Remember, you are a young fellow. You have been elected at a very young age of 22. As you go through the process, if you can remember that your word is your bond, you will accomplish a great deal in the years ahead."

During this conference I found that with all my fellow conferees, both House and Senate, their word was their bond and that is why we are here this evening.

I urge adoption, and I hope that we have a unanimous vote on this conference report.

Mr. Speaker, I yield back the balance of my time.

Mr. WYLIE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just conclude by saying that the chairman has made an excellent point as far as the Members working together on this, and I think all of my colleagues would agree that after hearing the debate today, that there has been a lot of give and take that has gone into the making of this conference report.

The conferees eliminated most, if not all, of the controversial micromanagement provisions. We worked very well together indeed. I think all the conferees should be commended.

Like the chairman of the full committee, I urge all of the Members to vote for this bill and give approval to a job well done by the conferees.

I, too, would urge the President to sign the bill after it is passed by this body.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BONKER. Mr. Speaker, I rise in support of the conference report for S. 825, the Housing and Community Development Act of 1987. I commend Mr. GONZALEZ, chairman of the Housing Subcommittee, for his efforts in developing this legislation. I also would like to commend Senator CRANSTON, chairman of the Subcommittee on Housing and Urban Affairs, for his efforts on behalf of housing programs.

As chairman of the Aging Committee's Subcommittee on Housing and Consumer Interests, I have been extremely disturbed by the Reagan administration's retreat from the Nation's commitment to decent and affordable housing for every American. Housing budget authorizations have been cut by more than 70 percent from levels funded in the late 1970's. These cuts have run deeper than those for any other segment of the budget. They have come at a time when we face critical shortages in low-income housing, increases in our older population, and increased homelessness in many areas throughout our Nation.

As though past cuts were not enough, earlier this year the administration proposed cutting the remaining housing budget by another 28 percent. The President's proposed budget would have eliminated funding for new units of housing for the elderly, public housing, and rural housing as well as funds for important programs such as the Congregate Housing Services Program [CHSP].

Even its most ardent supporters acknowledge that the conference report that we pass today will fall far short of the goal of providing decent housing for all who need it. It is nonetheless imperative that the Congress pass a regular housing reauthorization for the first time since 1980.

I am pleased that S. 825 authorized $621,701,000 for fiscal year 1988 and $651,334,000 for fiscal year 1989 to provide for loans to build 12,000 section 202 units each of these years. The section 202 program is the primary Federal financing mechanism for constructing subsidized rental housing for older Americans. Through direct loans to private, nonprofit sponsors for use in developing section 8 housing, we provide much-needed housing designed specifically for the low-income elderly and the handicapped.

Some 150,000 units have been built since 1959, and I am pleased that S. 825 provides for additional units. Although 12,000 units does not meet the yearly need by any stretch of the imagination, it is essential that we continue to fund section 202 loans at whatever level our budget constraints will allow. I am also pleased to note that the conference report contains a substitute provision to permit the Secretary, on a project-by-project basis, to reduce the rent contribution to not less than 25 percent of adjusted income for each elderly family living in an efficiency unit in a public housing project if the Secretary determines that the reductions are likely to result in lower costs to the Federal Government as a result of minimizing vacancies.

I would also like to mention several changes in S. 825 of particular importance to our Nation's older citizens that deserve the support of this Congress. Among the most significant is a provision to permanently authorize the Congregate Housing Services Program [CHSP], at an increased level of $10 million for fiscal year 1988 and $10 million for fiscal year 1989. These funds would allow for the addition of the first new CHSP sites since 1983. The CHSP has been operating as a demonstration project since it was first authorized in 1978. S. 825 would also authorize an independent study to identify those elderly at risk of institutionalization as well as State programs and funding resources for congregate services at all levels of government. This study would make legislative recommendations on the future of the CHSP based on this data.

In July, I released a report that documents the success of the CHSP both in preventing premature institutionalizations and in making it possible for nursing home residents to return to more independent settings in their communities. By providing nonmedical, in-home services for frail, elderly, and handicapped residents of federally subsidized housing, the CHSP has often meant the difference between independence and institutionalization for the people it has served.

Perhaps the most innovative new initiative in S. 825 for older Americans is a demonstration program that will insure home equity conversion mortgages for up to 2,500 older homeowners. Older Americans are estimated to have over 600 billion dollars worth of equity tied up in homeownership. With declining income in late life, many older people find themselves to be house rich but cash poor. The Federal Home Equity Conversion Demonstration Program will limit the risks both to the lender through loan guarantees and to the older homeowner through consumer safeguards against displacement. I commend the efforts of a distinguished member of our subcommittee, Mr. WORTLEY, who offered this legislation in committee, and Senator HEINZ who has worked to include this program in the housing reauthorization legislation since we considered H.R. 1. A great deal of the credit must also go to Jo Reed of the American Association of Retired Persons, and Ken Scholen of the National Center for Home Equity Conversion for their commitment to this important concept for older adults.

This bill also takes a modest first step toward addressing a serious problem that, without remedial action, may precipitate a major crisis for low-income renters of all ages. Hundreds of thousands of units of federally assisted housing may be lost in the near future due to contract expiration and mortgage prepayment. The General Accounting Office [GAO] reports that over 1 million units funded under the section 8 voucher programs could be lost in the next 20 years if contracts are not renewed. Both GAO and the Congressional Budget Office [CBO] have issued reports warning that several hundred thousand mortgages subsidized under the section 221(d)(3) and section 236 programs could be prepayed with a resulting loss of subsidized units. S. 825 requires notification of HUD and State and local agencies. These provisions will allow HUD to offer incentives to maintain existing units by finding alternative owners. Unfortunately, it does not require prior notification of tenants by owners of low-income housing who want to prepay subsidized mortgages. It is my sense that we in Congress have just begun to address this important problem and that further efforts will be necessary to ensure that low-income and elderly residents ar not at risk of losing their homes.

Mr. Speaker, we can be proud of the fact that millions of Americans of all ages have received housing assistance through Federal action. However, our Nation's 50-year commitment to decent and affordable housing for every American remains unfulfilled. Two million eligible elderly households are receiving no Federal assistance. Waiting lists stretch into years at many housing facilities for older adults, and growing numbers of families desperately need shelter and services. Despite the current climate of fiscal restraint, it is essential that we maintain our commitment to assisted housing for low-income and elderly citizens. S. 825 goes a long way toward meeting this commitment considering the fiscal restraints under which we currently operate. I strongly urge my colleagues to support this important legislation.

Mr. ACKERMAN. Mr. Speaker, today the House will consider passage of the first freestanding housing authorization bill to come to the floor in 6 years. The measure contains desperately needed funding for Federal housing programs that have been slashed by more than 70 percent since President Reagan took office.

While housing programs have shouldered a disproportionate burden of budget cuts, homelessness has increased dramatically, and the number of families waiting for assisted housing has soared.

I am particularly pleased that the proposal addresses the increasing problem being faced by low-income families of finding themselves homeless due to the conversion of low-income housing to more expensive residential units or commercial property.

Under the conference agreement, low- and moderate-income housing that is demolished must be replaced by decent affordable housing. Replacement housing would have to be sufficient to house the same number of people as the demolished housing.

In addition, the measure authorizes $552 million over the next 2 years for the development and rehabilitation of rental housing, and establishes a new program and revolving fund to minimize the loss of low-income rental housing.

I urge my colleagues to demonstrate their support for reestablishing sound national housing policies by voting for passage of the bill.

Mr. JONES of North Carolina. Mr. Speaker, I rise in strong support of this conference report. I want to thank my colleagues who serve on the Committee on Banking, Finance and Urban Affairs for bringing this conference report before the House. In particular, I want to thank Mr. GONZALEZ and his subcommittee staff for their fine work on this legislation.

I want to confine my remarks today to the provisions which are contained in section 544 of the conference report. These provisions are similar to those contained in section 444 of the House-passed bill. Those provisions were orginally proposed by the Honorable FRED UPTON, and I offered a floor amendment on June 11. This amendment was graciously accepted by Mr. GONZALEZ, Mr. UPTON, and by the House. The members of the conference have adopted this provision with several amendments which make further improvements. I will describe these specific changes later in this statement.

As one of the sponsors of this provision, I would like to explain generally how these provisions will be implemented and how they will affect the operation of the National Flood Insurance Program [NFIP]. Then I will describe, in greater detail, some of the technical and procedural issues which will need to be addressed through the rulemaking process.

All Members who represent coastal districts are familiar with the burgeoning problem of erosion. This is particularly true for our colleagues from the Great Lakes region, where rising water levels have exacerbated erosion which, in turn places coastal structures in a position of increasing risk of damage from storms and flooding. The direct relationship between erosion and flood risk is illustrated by the following quote from an article by Mr. Spencer M. Rogers, a coastal engineer at North Carolina State University.

> While the threat to the building is greatly heightened by [erosion], the actual damage invariably occurs during a small storm event. One year or five year storms can result in total losses and high flood insurance claims which have routinely been paid in the past.

Clearly, erosion is the root-cause of many flood-related claims. Since the Federal Government, through the flood insurance program, is the principal insurer of high hazard coastal structures, shoreline erosion is insidiously increasing the financial exposure of the taxpayer. This provision can reverse that trend, and thereby avoid costly damages to coastal property.

Not only does the provision make good financial sense, it makes good common sense. Under the existing NFIP, property owners across the Nation are often put in a very difficult position. As erosion brings the water even closer to their home or business, they are faced with a catch-22 situation. Even though the structure is doomed to collapse, they cannot receive any payment until the damage actually occurs. They must sit helplessly by and await the inevitable. They could, of course, relocate the structure, but they would have to pay out of their own pocket. It doesn't take a mathematics scholar to figure out what the vast majority will do. They will let the structure fall and collect insurance for a total loss.

To demonstrate the calamity of the current situation, I would like to submit the following letter:

1250 S. WASHINGTON STREET
Alexandria, VA, August 3, 1987.

Congressman HENRY B. GONZALEZ,
Chairman Subcommittee on Housing and Community Development, 2129 Rayburn Building HOB, Washington, DC

DEAR SIR: This letter is to ask you to do everything in your power to see that the Congress will pass the amendment to the Housing Bill to included the provision to allow the Federal Flood Insurance to pay for moving homes in danger of being washed away because of erosion. This legislation was included in HR-4. I understand it is now being considered by the conference committee working on Senate Housing Bill S-825.

I own Property on the ocean at Nags Head, N.C. The home immediately next to me was condemned because the beach erosion left no place for their septic field. The house is fine . . . just a bit shaky on its foundation pilings. It is covered by the National Flood Insurance Program and so the owner will just wait for another storm to push it over. At that time the government will pay about $100,000 as a total loss to the owner. That is all it can do under current regulations. How much better if it were able to pay to move the house now. What a savings that would be. Multiply that savings by the number of homes in this position and you can see immediately the financial advantage to the government of passing this amendment.

My home, also insured by the National Flood Insurance is in imminent danger of being washed into the ocean. This home gives me a good income. I would much prefer to move it if I could get the financial help . . . if not, I'll just let it sit there and soon I will lose it and National Flood will reimburse me for a total loss. What a shame that will be. It's a good home; it should be saved; it could be if you will do what is right.

I urge you to do what you can to assure passage of this Amendment.

Very truly yours,

MRS. R.C. MUTCHLER.

The situation described by Mrs. Mutchler is created, in part, because the existing NFIP does not acknowledge that erosion is a fact of life regarding coastal development. As erosion occurs gradually over the life of a structure, risk grows because exposure to wind and wave increases; at some definable point, collapse of the structure becomes imminent. It is at this point that implementation of the flood insurance program should be flexible enough to allow for an advance payment.

As proposed in section 544, an advance payment will allow the structure to be moved in an orderly and timely fashion. The homeowner will not be required to wait helplessly for the structure to collapse. The home will not be a health or safety hazard. The beaches will not be littered with debris. Local governments will not be burdened with the costs of cleanup.

In return for advance coverage, the owner will be required to meet minimal requirements for redevelopment or relocation. These requirements, referred to as "erosion setbacks," are designed to provide a margin of safety and will help prevent repetitive damages. Because relocation is cheaper than total loss, and because repetitive damages will be avoided through implementation or erosion setbacks, NFIP costs should be reduced over the long term.

The discussion above has generally outlined the manner in which this provision will work, and how it will change administration of the flood insurance program. Next I would like to cover the procedural and technical issues which will be involved in implementation.

The provisions of this amendment can only be triggered when the Director of the Federal Emergency Management Agency [FEMA] makes a final determination that a structure is subject to imminent collapse or subsidence. Therefore, FEMA will be responsible for developing regulations outlining uniform standards and procedures for making such determinations; these regulations will need to incorporate considerations of regional geology, expected erosion rates, sea-level rise, and storm periodicity and severity, among others. The intent will be to establish a process which results in the timely and accurate identification of structures which, with a high degree of certainty, are likely to collapse within the near future. The ultimate goal is to avoid structural collapse, and therefore total losses, where possible.

The process of identifying threatened structures begins at the State or local level. Using the FEMA regulations for guidance, State or local land use agencies will be able to make a preliminary identification of structures which are subject to imminent collapse. That agency will then submit a certification which will initiate consideration by FEMA. This role for State and local land use agencies is designed to speed the identification process and to provide the Director with information needed in making a final determination.

As a footnote, I would add that the amendment provides that the structural collapse must be the result of "waves or currents of water exceeding anticipated cyclical levels." This phrase was added because it parallels existing FEMA flood insurance regulations and because it has been helpful in applications in the Great Lakes region; for application to that region, any lake level in excess of the levels recorded in 1973 has been considered as exceeding anticipated cyclical levels. However, for areas of the ocean coast such distinctions will be less evident.

Most shorelines have consistent seasonal changes in wind speed and direction each year so the fluctuations appear as an annual cycle. For instance, in North Carolina the annual fluctuation is typically 75 to 100 feet with a wide summer beach and a narrow fall or winter beach. This "type" of erosion is generally not a problem for development because the sand that is removed offshore during winter storm periods returns with the relatively quiet summer season. These seasonal fluctuations can be anticipated. More problematic are gradual, long-term erosion and short-term erosion occurring rapidly during a brief but severe storm. These latter cases cannot usually be anticipated.

Once the Director has made a final determination concurring with the State or local certification, the appropriate insurance payment is authorized. The owner of the structure then bears responsibility to demolish or relocate the structure in compliance with these provisions, and with any relevant State or local regulations. The owner is required to take reasonable and prudent action to relocate or demolish the structure before it collapses. Failure to take such action will result in a limitation of benefits under the NFIP.

The amendment refers to "proper" demolition or relocation. This implies that the owner has the responsibility to comply with relevant statutory and regulatory requirements. In particular, any sewage or septic works must be completely removed.

Since physical relocation of a structure is less costly than demolition and replacement, the schedule of payment is different. For demolition, the owner will receive a maximum of 110 percent of the structure's value. The increment above 100 percent is provided to offset the cost of demolition, but in no case can this amount exceed 10 percent of the value of the structure.

A maximum of 40 percent of the structure's value is available for proper relocation. Eligible expenses would include: the severance and reconnection of utilities such as sewerage, gas, electric, and phone service; and the costs associated with the physical relocation of the structure, such as contractor, architectural, or engineering services. The costs of acquiring additional property would not be eligible, since the insurance policy covers the structure and not the property.

A major feature of my amendment to H.R. 4, on June 11, was the requirement for responsible redevelopment. This will be achieved by requiring, as a condition of eligibility for subsequent flood insurance or disaster aid, that the owner comply with minimal setback requirements.

One of the most effective approaches for managing coastal erosion hazards is the requirement that new buildings be placed at a specified distance from the shoreline—usually defined as the seaward line of stable dune vegetation—based on the annual rate of erosion. Such requirements are commonly known as "erosion setbacks". The general rule is that safety of a structure is increased as it is located farther away from the water. Erosion setbacks are presently enforced by a number of coastal States, including North Carolina. These States should provide FEMA with an important source of expertise in implementing the setback requirements under this section.

To implement the setback requirements FEMA will be required to develop nationwide data on erosion rates. These rates can be obtained by the comparison of vertical aerial photography or of shoreline maps. Shoreline comparisons are reduced to average, annual erosion rates—for example, feet per year—in order to calculate the applicable setback. These erosion rates can be published in tabular form. In many areas, such as North Carolina, reliable erosion rate information is already available.

The erosion setbacks are a crucial feature of this provision. A final determination by the Director of FEMA is an acknowledgment that the subject parcel of land is subject to high rates of erosion. Therefore, it is reasonable to place certain restrictions on redevelopment of that parcel, such as the minimum setbacks required under paragraph (5). These setbacks are based on the size of the structure to be built or relocated. A structure of four dwelling units or less must be placed landward of the 30-year erosion setback, while any other structure—including any commercial structure—must be placed landward of the 60-year erosion setback. These minimum setbacks are expected to help channel redevelopment into areas which are reasonably safe from damage over the expected life of the structure.

It should be emphasized that these setbacks are the minimum requirements for redevelopment. No flood insurance or disaster aid—except in life threatening situations—is available for any redevelopment which does not comply with the provisions of paragraph (5). However, this does not constrain FEMA from taking additional steps to further reduce the hazards related to erosion. To the contrary, the provisions of this section should be viewed as an important first step in dealing with the problem of erosion, and FEMA should be encouraged to take additional actions to fully utilize its existing authorities to address this problem on a broader scale.

For example, FEMA should work with State and local land use agencies—such as State coastal zone management offices—to develop adequate land use and erosion management practices. Efforts to identify erosion hazard areas and to assist State and local governments in avoiding inappropriate development of these areas would be desirable. Existing FEMA regulations provide for this type of planning process, and the erosion rate data gained through implementation of these amendments will provide the data base necessary to support effective implementation.

This same erosion rate data can substantially improve administration of the insurance program. While the 30- and 60-year erosion setbacks have been established as minimum requirements, beyond which no flood insurance coverage may be obtained, insurance rates landward of the setback can be set to reflect the actuarial risk based on the rate of erosion over the life of the structure. Therefore, new flood insurance policies will more accurately reflect the long-term threat posed by erosion and owners may voluntarily decide to build even farther landward than required under these provisions in order to reduce their insurance premiums.

In the final portion of this statement, I would like to briefly describe the amendments proposed by the conference committee. First, there have been a number of relatively minor adjustments which are intended to clarify that FEMA is responsible for developing all regulations to implement these provisions and for making the final determination regarding the eligibility of any structure.

Second, the setback requirement was extended to 60 years for large structures—more than four dwelling units. This was due to a general recognition that large residential structures—condominiums—and commercial structures—hotels and restaurants—have a longer life expectancy and are more difficult to relocate.

Third, in order to increase the incentive for compliance with the setback requirements, the availability of disaster aid would also be restricted. Thus, a structure would be ineligible for low interest loans or other post-disaster assistance for repair or redevelopment. This restriction would not apply to assistance needed to protect lives and ensure safety.

The members of the conference committee are to be commended for making these constructive changes. The provision has been improved through their consideration.

Mr. Speaker, as I said earlier, this provision makes good sense. It is an important first step in coming to grips with its difficult national problem. It will make the flood insurance program more responsive, and it will provide the data needed to make further improvements. I ask my colleagues to support it by supporting passage of this conference report. I ask unanimous consent to revise and extend these remarks.

Mr. RAHALL. Mr. Speaker, after 6 long years without a freestanding housing authorization bill, I rise in very strong support of the conference report on the Housing and Community Development Act which authorizes $30.6 billion for fiscal year 1988 and fiscal year 1989 for most housing and community development programs administered by the Department of Housing and Urban Development and the Farmer's Home Administration. I am especially pleased that we are acting on this conference report because of the extreme importance of many of these programs to my home State of West Virginia.

Included in the conference agreement is authorization for $18.9 billion for assisted housing programs, which include section 8 low-income assistance, elderly and handicapped housing, new public housing, and grants for public housing comprehensive improvement assistance programs. These programs are heavily depended upon by many in West Virginia who face unfortunate circumstances beyond their control. These programs are of vital importance to the State as West Virginia continues to fight against one of the highest levels of unemployment in the country.

I am extremely pleased to note that, yet again, the Congress, contrary to the Reagan administration, has seen fit to reauthorize both the Urban Development Action Grants Program and the Community Development Block Grants Program. This measure authorizes $3 billion in both fiscal year 1988 and fiscal year 1989 for the CDBG Program and $225 million in each of these years for the UDAG Program.

The UDAG Program is uniquely able to target economic development assistance to distressed areas with special needs and has proven effective as a tool for the revitalization of depressed areas by leveraging substantial amounts of private investment. The value of this program to many areas in West Virginia cannot be stressed enough.

The city of Huntington, WV, which is in my congressional district, is seeking UDAG funding for its premier development site, dubbed the "super block." The super block would consist of shopping areas, gallery space, office and apartment complexes, and hotel space. The development of the super block is crucial to the revitalization of Huntington, the largest city in West Virginia, and would not be feasible without UDAG funding.

Again, I would like to reiterate my strong support for this long-overdue, much-needed authorization measure and I urge my colleagues' support as well.

Mr. DAVIS of Michigan. Mr. Speaker, I would like to add my support to section 544 of this report, which amends the National Flood Insurance Program. This section, which is based largely on a House floor amendment authored by Congressmen UPTON and JONES, grants homeowners the option of moving structurally sound structures which are threatened by coastal erosion and flooding away from the hazard area. As an incentive to restricting inappropriate placement of these homes, smaller structures must be placed landward of a 30-year erosion setback line and larger structures must be sited behind a 60-year erosion line to be eligible for future flood insurance.

This provision is critical to those who live along the Great Lakes, as demonstrated by a partial roster of those endorsing the bill—the State of Wisconsin, the Center for Great Lakes, Great Lakes United, the State of Michigan, and the Northeast-Midwest Coalition. The Great Lakes homeowners have been particularly hard hit, with over $300 million in damage having occurred along our fourth coast, mostly due to high water levels and winter storms.

My home State of Michigan has already imposed a setback requirement for new development along its Great Lakes shoreline. It is through this foresight that I hope that the devastation the Great Lakes States have experienced will not be repeated. I urge my colleagues from the Great Lakes States to support this opportunity for assistance and this opportunity to prevent costly future damage to our shoreline.

Mr. MOLINARI. Mr. Speaker, I rise in strong and enthusiastic support of the conference report on S. 825, the Housing and Community Development Act of 1987. The conference report contains the ceiling rent provision that I first introduced in the House in 1984. This measure allows public housing authorities to establish rents below the 30-percent income level for certain tenants based on operating expenses and debt service for apartments.

The experiences of public housing residents in my congressional district led me to get involved in the issue of ceiling rents. Over the past several years, many public housing officials and residents have told me that the current open-ended, rent-to-income policy for public housing tenants places a serious financial burden on working families. This shortsighted policy forces the most stable, working tenants out of public housing, thereby eroding the social and financial future of many projects and surrounding neighborhoods.

In response to this situation, I introduced legislation in the 98th, 99th, and 100th Congresses that would allow public housing authorities, at their discretion, to establish maximum rents based on operating expenses and debt service for units, as well as other relevant factors. A modified version of my legislation passed the House as part of H.R. 4 and has been included in the conference report that we have before us today.

A rent ceiling is necessary for the long-term future of this Nation's housing program. In order to maintain an economic mix—a cross-section of low, lower, and lowest income families—and prevent the isolation of the very poor, public housing authorities must have this flexibility. I believe enough evidence has been produced to illustrate that social change and economic mobility are enhanced by encouraging housing in which families of different incomes and age groups can live together.

The positive effect of the presence of working tenants in public housing cannot be denied. The New York City Housing Authority, which runs one of the most successful housing programs in the country, states that the integration of various income groups is one of the main reasons for its success over the past 50 years.

Apart from promoting an economic mix, there is another very important reason for allowing housing authorities to establish a rent ceiling. If the lower income working tenants are driven out of public housing due to the inability to pay a higher rent, there will be a drastic loss in rental income to the authority because the incoming tenants will have significantly reduced incomes and rent levels. The result of this would be increased operating subsidies by the Federal Government and the American taxpayer. In these times of great concern over Federal deficits, this does not seem to be the course of action we would want to follow.

I urge my colleagues in the House and Senate to support this conference report and hope the President will sign it. The ceiling rent provision contained it the measure will enhance the quality of life in our public housing developments.

Mr. GALLO. Mr. Speaker, I rise to support the Housing Conference Report on H.R. 4, the

Housing and Community Development Act of 1987, that provides $30.6 billion over the next 2 years for Federal housing and comnmunity development programs.

The bill would generally hold spending for most Federal housing programs at current levels. It would provide $3 billion for community development action grants and $225 million for urban development action grants.

I am particularly pleased that, under the bill, the Federal Housing Administration's home mortgage insurance program would be permanently reauthorized, and a $100 billion limit would be set on mortgages the FHA can insure next year.

The repeated interruptions in FHA lending authority over the past several years have disrupted the reliability of the mortgage lending process. With this permanent extension, the Congress has acted to avert future shutdowns of the FHA insurance program.

The conference agreement also authorizes $9.2 billion in fiscal 1988 and $9.7 billion in 1989 for federally assisted housing programs including low-income assistance, elderly and handicapped housing, new public housing and grants for public housing improvement assistance programs.

Mr. Speaker, I am, however, disappointed that this legislation does not fully address the fact that more than 950,000 units in privately owned buildings are in danger of being lost from the low-income housing stock over the next decade as regulatory restraints, that ensure their use as low- and moderate-income housing, expire.

Although there are provisions in the bill that try to address the problem that will result from building owners prepaying their HUD mortgages, I question whether they are either workable or constitutional. For this reason, I urge the Congress to revisit the problem of displaced tenants as quickly as possible.

The agreement also includes several new initiatives, including the President's fair housing initiative program to combat housing discrimination, the Nehemiah inner-city housing opportunity grant program, enterprise zones for distressed areas, and public housing child care and counseling programs.

Mr. Speaker, I urge my colleagues to recognize the strong bipartisan support that exists around the country for the reauthorization of our Nation's housing programs. I would further urge my colleagues to support the final adoption of this housing legislation on which so many of our citizens depend.

Mr. BUNNING. Mr. Speaker, I rise today in support of the conference report on S. 825, the HUD authorization for fiscal years 1988 and 1989.

As this body well knows I did not vote for the House version, H.R. 4, previously in committee or on the floor. However, like many other Members of Congress, this did not mean that I did not support the primary legislative provisions of the bill. I made my reasoning pretty clear. The funding was just too high.

In both the committee and on the floor, I supported a substitute offered by the ranking member of the House Banking Committee, Mr. WYLIE of Ohio. This substitute contained most of the same legislative provisions that were in H.R. 4. However, the Wylie substitutes were funded at lower levels—responsible levels.

I support this conference report for three major reasons. First, and foremost, the conference was able to bring the spending in the bill under control. The funding level of S. 825 of $15 billion in fiscal year 1988 and $15.6 billion in fiscal year 1989 is in the ballpark of the Wylie substitute. More importantly, it is $300 million less than the appropriation for fiscal year 1988 previously passed during the 100th Congress by this body. Therefore, the conference report actually saves money.

Second, the bill contains many legislative provisions that are important to the future of housing in America. One prime example of this is the permanent extension of the Federal Housing Administration insurance programs. I was cosponsor of H.R. 1228, a freestanding bill to permanently extend FHA. This provision is very important to me. It will insure to millions of Americans that their dream of homeownership is not forgotten in the Halls of Congress.

Finally, and quite frankly, it is time for a freestanding housing bill. It has been 7 years since a freestanding housing bill has been signed into law. One can make all kinds of arguments as to why a bill has not been enacted. Now, with this conference report, the finger pointing is behind us and we will have a bill before the President that has the support of the Congress.

Mr. Speaker, this is a historic day for housing in this Congress. We rise to consider a conference report that contains good legislative provisions and is properly funded. I urge support of the report.

Mrs. COLLINS of Illinois. Mr. Chairman, I rise in support of H.R. 1326. I also wish to thank Congressman WAXMAN for his support in offering language on my behalf in the Health and Environment Subcommittee that targets funding to communities with high infant mortality rates.

The statistics clearly demonstrate the critical need for improved health care in medically underserved areas. In 1979, the U.S. Surgeon General established a nationwide goal for 1990 of no more than 9 deaths per 1,000 live births, and a rate not exceeding 12 deaths for any specific racial group. A goal was also set that, by 1990, 90 percent of all pregnant women should begin prenatal care in the first 3 months of pregnancy.

Sadly, however, the Department of Health and Human Services found last year, and I quote, that "achievement of these objectives is questionable"; 22 States will not meet the infant mortality objective for the general total or for black infants. These include my home State of Illinois—12 deaths per 1,000 live births total, and, among blacks, 22 deaths per 1,000 live births, Virginia—12/1,000 total, and 19.6/1,000 for blacks, South Carolina—14.7/1,000 total, and 20.7/1,000 for blacks, the District of Columbia—21/1,000 total, 24.3/1,000 for blacks, Michigan—11.7/1,000 total, 23.5/1,000 for blacks, and Pennsylvania—10.4/1,000 total, 21.3/1,000 for blacks.

If additional Federal resources are not targeted to areas with the most acute need, then we will continue to see an increase, instead of a decrease, in the number of infant deaths. In my own congressional district, many communities are facing an average infant mortality rate of 24.3 deaths per 1,000 live births. Indeed, the city of Chicago now ranks first in the Nation in infant mortality among blacks, at 23 deaths per 1,000 live births. Proper attention to those communities suffering from high rates of infant mortality will save lives and money.

The Southern Regional Task Force on Infant Mortality states that infant mortality is a measure of the overall health of a community, reflecting issues of distribution and equity, as well as the adequacy of our health care system. The adoption of H.R. 1326, including the special targeting language, will insure a swift response to those communities suffering from a high incidence of infant mortality.

I commend my colleagues in the Health and Environment Subcommittee for their adoption of this language, and I urge my colleagues to vote for H.R. 1326.

Mr. DAUB. Mr. Speaker, I support the conference agreement on S. 825, the Housing and Community Development Act of 1987. This legislation represents a bipartisan effort to address and correct problems facing the housing industry.

Perhaps the most important provision in S. 825 is the establishment of a permanent authority for the FHA mortgage insurance programs. A permanent FHA mortgage insurance authority will eliminate confusion and will assist lenders and homeowners.

This housing authorization bill will also allow the elderly to utilize part of the equity in their homes as liquid assets for health care and housing. This provision is both fair and farsighted.

Finally, S. 825 reflects the spirit of fiscal responsibility. The authorization level of $15 billion for fiscal year 1988 is lower than the amount spent in 1987. The House-Senate conferees walked a tightrope and balanced the needs of the housing industry with the need for fiscal constraint.

Mr. UPTON. Mr. Speaker, I rise in support of the conference report on S. 825, the Housing and Community Development Act of 1987. I commend the members of the conference, on both sides of the aisle, for their willingness to craft a bill that helps meet the housing needs of our Nation and improves existing Federal housing programs.

The conference report is a major improvement over the housing bill considered earlier by the House. I did not support passage of H.R. 4 earlier in this session because I felt that given today's budgetary constraints, our Nation could not afford a $15.9 billion housing package. The reduced funding authorized by this conference report greatly improves the chances that freestanding housing legislation will be passed for the first time in 6 years.

The conference report contains provisions to improve the National Flood Insurance Program which are very similar to those I introduced as H.R. 2500. H.R. 2500 was introduced to accomplish three objectives: To reduce pollution of our Nation's waterways caused by household debris, to provide much needed assistance to owners of shoreline homes damaged by floods or erosion, and to prevent abusive or excessive claims. For those Members not familiar with this provision, I would like to explain the intent of the provisions incorporated as section 544 of conference report 100-426.

During consideration of H.R. 4 by the full House, Congressman WATER JONES of North Carolina offered an amendment to the National Flood Insurance Program. The amendment, which I supported, was approved by voice vote. His amendment improved section 444 of H.R. 4 by designating that payments are to begin at the time a structure is certified to be in "imminent danger." His amendment provided a partial benefit to owners of certified structures to relocate them prior to collapse. In addition, the Jones amendment granted the Director of the Federal Emergency Management Agency authority to promulgate regulations defining the conditions in which a structure is "subject to imminent collapse."

Effective implementation of this provision will depend on the accurate and timely identification of structures which are subject to imminent collapse. FEMA will be responsible for developing regulations that outline uniform standards and procedures for making such determinations. Section 544 directs FEMA to promulgate regulations which define "subject to imminent collapse" in such a manner to allow owners of structures reasonable time to relocate or demolish them prior to actual collapse.

Section 544 is not intended to expand the cost of the National Flood Insurance Program. Section 544 only applies to those structures covered by the National Flood Insurance Program and those structures, with a high degree of certainty, are likely to collapse in the near future. I hope that FEMA will promulgate these regulations in compliance with congressional intent in the swiftest possible manner.

In conclusion, I wish to thank Mr. GONZALEZ, Mr. WYLIE, and Mrs. ROUKEMA for their hard work and perseverance on this issue. I urge my colleagues to support this conference report.

The SPEAKER pro tempore. All time has expired.

Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MORRISON of Connecticut. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 391, nays 1, not voting 41, as follows:

[Roll No. 417]

YEAS—391

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Armey
Atkins
AuCoin
Badham
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bates
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Boucher
Boulter
Brennan
Brooks
Broomfield
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Burton
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Chappell
Cheney
Clarke
Clay
Clinger
Coats
Coble
Coleman (MO)
Coleman (TX)
Collins
Combest
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
Craig
Daniel
Dannemeyer
Darden
Daub
Davis (IL)
Davis (MI)
de la Garza
DeLay
Dellums
Derrick
DeWine
Dickinson
Dicks
DioGuardi
Donnelly
Dorgan (ND)
Dornan (CA)
Downey
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Frank
Frenzel
Gallegly
Gallo
Garcia
Gaydos
Gejdenson
Gekas
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grandy
Grant
Gray (IL)
Gray (PA)
Green
Gregg
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hastert
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kolbe
Kolter
Konnyu
Kostmayer
Kyl
LaFalce
Lagomarsino
Lantos
Latta
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Lott
Lowry (WA)
Lujan
Luken, Thomas
Lukens, Donald
Lungren
MacKay
Manton
Markey
Marlenee
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McDade
McGrath
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Nelson
Nichols
Nielson
Nowak
Oakar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Panetta
Parris
Pashayan
Patterson
Pease
Pelosi
Penny
Perkins
Petri
Pickett
Pickle
Porter
Price (IL)
Pursell
Quillen
Rahall
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Robinson
Rodino
Roe
Rogers
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Russo
Sabo
Saiki
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schneider
Schroeder
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shumway
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spence
St Germain
Staggers
Stallings
Stangeland
Stark
Stenholm
Stokes
Stratton
Studds
Stump
Sundquist
Sweeney
Swift
Swindall
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walker
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whittaker
Whitten
Wilson
Wise
Wolf
Wolpe
Wortley
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)

NAYS—1

Crane

NOT VOTING—41

Aspin
Biaggi
Bosco
Boxer
Brown (CA)
Bustamante
Coelho
Crockett
DeFazio
Dingell
Dixon
Dowdy
Dreier
Ford (TN)
Frost
Gephardt
Hansen
Kemp
Kleczka
Lancaster
Leland
Levine (CA)
Lowery (CA)
Mack
Madigan
McCurdy
McEwen
Moody
Neal
Oberstar
Pepper
Price (NC)
Rangel
Roberts
Roemer
Rose
Roybal
Schuette
Spratt
Walgren
Williams

□ 1915

Mr. STUMP and Mr. RUSSO changed their votes from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. DREIER of California. Mr. Speaker, I was unavoidably detained and was not able to vote on the conference report on the Senate bill, S. 825, Housing and Community Development Act of 1987.

Mr. Speaker, had I been present I would have supported the bill and I would have voted "yea."

GENERAL LEAVE

Mr. ST GERMAIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous and tabular material, on the conference report just agreed to.

The SPEAKER pro tempore (Mr. DURBIN). Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 5, rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed in the order in which that motion was entertained.

Votes will be taken in the following order: H.R. 2752 do novo; S. 247, by the yeas and nays; H.R. 2167, by the yeas and nays; H.R. 519, by the yeas and nays; S.J. Res. 205, by the yeas and nays; H. Con. Res. 209, by the yeas and nays; and H.R. 2598, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic votes after the first such vote in this series.

ENCOURAGING USE OF PROGRAM CROP ACREAGE TO CREATE GAME AND WILDLIFE HABITAT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 2752, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. DE LA GARZA] that the House suspend the rules and pass the bill, H.R. 2752, as amended.

The question was taken.

RECORDED VOTE

Mr. SOLOMON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 362, noes 29, not voting 42, as follows:

[Roll No. 418]

AYES—362

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Atkins
AuCoin
Baker
Barnard
Barton
Bateman
Bates
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bliley
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Boucher
Boulter
Brennan
Brooks
Broomfield
Bruce
Bryant
Buechner
Bunning
Burton
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Clarke
Clay
Clinger
Coats
Coble
Coleman (MO)
Coleman (TX)
Collins
Combest
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
Craig
Daniel
Darden
Daub
Davis (IL)
Davis (MI)
de la Garza
Dellums
Derrick
DeWine
Dickinson
Dicks
DioGuardi
Donnelly
Dorgan (ND)
Dornan (CA)
Downey
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fields
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Frank
Frenzel
Gallegly
Gallo
Garcia
Gaydos
Gejdenson
Gekas
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grandy
Grant
Gray (IL)
Gray (PA)
Green
Gregg
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hastert
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Hochbrueckner
Holloway
Horton
Houghton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Hyde
Ireland
Jacobs
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kolbe
Kolter
Konnyu
Kostmayer
LaFalce
Lagomarsino
Lantos
Latta
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Lott
Lowry (WA)
Lujan
Luken, Thomas
Lukens, Donald
MacKay
Manton
Markey
Marlenee
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McDade
McGrath
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Nelson
Nichols
Nowak
Oakar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Panetta
Parris
Pashayan
Patterson
Pease
Pelosi
Penny
Perkins
Petri
Pickett
Pickle
Porter
Price (IL)
Pursell
Quillen
Rahall
Ravenel
Ray
Regula
Richardson
Ridge
Rinaldo
Ritter
Robinson
Rodino
Roe
Rogers
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Russo
Sabo
Saiki
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schneider
Schroeder
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spence
St Germain
Staggers
Stallings
Stangeland
Stark
Stenholm
Stokes
Stratton
Studds
Sundquist
Sweeney
Swift
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whittaker
Whitten
Wilson
Wise
Wolf
Wolpe
Wortley
Wyden
Wylie
Yates
Yatron
Young (AK)

NOES—29

Archer
Armey
Badham
Ballenger
Bartlett
Bilirakis
Brown (CO)
Cheney
Crane
Dannemeyer
DeLay
Fawell
Hopkins
Hunter
Inhofe
Kyl
Lungren
McCandless
McCollum
Nielson
Packard
Rhodes
Shumway
Smith, Robert (NH)
Stump
Swindall
Upton
Walker
Young (FL)

NOT VOTING—42

Aspin
Biaggi
Bosco
Boxer
Brown (CA)
Bustamante
Chappell
Coelho
Crockett
DeFazio
Dingell
Dixon
Dowdy
Dreier
Ford (TN)
Frost
Gephardt
Hansen
Kemp
Kleczka
Lancaster
Leland
Levine (CA)
Lowery (CA)
Mack
Madigan
McCurdy
McEwen
Moody
Neal
Oberstar
Pepper
Price (NC)
Rangel
Roberts
Roemer
Rose
Roybal
Schuette
Spratt
Walgren
Williams

☐ 1930

The Clerk announced the following pairs:

On this vote:

Mr. DeFazio and Mr. Dixon for, with Mr. Lowery of California against.

Mr. Leland and Mr. Moody for, with Mr. Mack against.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to encourage the use of program crop acreage for the purpose of creating game and wildlife habitats, feeding areas, and sanctuaries by protecting farm program crop acreage bases."

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. DURBIN). The Chair wishes to announce that votes will now be taken in the following order:

S. 247, H.R. 2167, H.R. 519, S.J. Res. 205, H. Con. Res. 209, and H.R. 2598, all by the yeas and nays.

Pursuant to the provisions of clause 5, rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on all of the additional motions to suspend the rules on which the Chair has postponed further proceedings.

DESIGNATING THE KERN RIVER AS A NATIONAL WILD AND SCENIC RIVER

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 247.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the Senate bill, S. 247 on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 363, nays 26, not voting 44, as follows:

[Roll No. 419]

YEAS—363

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Atkins
AuCoin
Baker
Ballenger
Barnard
Bartlett
Bateman
Bates
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Boucher
Boulter
Brennan
Brooks
Broomfield
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Chappell
Clarke
Clay
Clinger
Coats
Coble
Coleman (MO)
Coleman (TX)
Collins
Combest
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
Craig
Daniel
Darden
Daub
Davis (IL)
Davis (MI)
de la Garza
Dellums
Derrick
DeWine
Dicks
DioGuardi
Donnelly
Dorgan (ND)
Downey
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Frank
Frenzel
Gallegly
Gallo
Garcia
Gaydos
Gejdenson
Gekas
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grandy
Grant
Gray (IL)
Gray (PA)
Green
Gregg
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Harris
Hastert
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Hertel
Hiler
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Hyde
Inhofe
Ireland
Jacobs
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kolbe
Kolter
Konnyu
Kostmayer
LaFalce
Lagomarsino
Lantos
Latta
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Lott
Lowry (WA)
Lujan
Luken, Thomas
Lukens, Donald
MacKay
Manton
Markey
Marlenee
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCollum
McDade
McGrath
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Nelson
Nichols
Nielson
Nowak
Oakar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Panetta
Parris
Pashayan
Patterson
Pease
Pelosi
Penny
Perkins
Petri
Pickett
Pickle
Porter
Price (IL)
Pursell
Quillen
Rahall
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Robinson
Rodino
Roe
Rogers
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Russo
Sabo
Saiki
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schneider
Schroeder
Schulze
Schumer
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Spence
St Germain
Staggers
Stallings
Stark
Stenholm
Stokes
Stratton
Studds
Sundquist
Swindall
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walker
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whittaker
Whitten
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)

NAYS—26

Armey
Badham
Barton
Burton
Cheney
Crane
Dannemeyer
DeLay
Dickinson
Dornan (CA)
Hammerschmidt
Herger
Hunter
Kyl
Lungren
McCandless
Oxley
Packard
Sensenbrenner
Shumway
Smith, Denny (OR)
Solomon
Stangeland
Stump
Thomas (CA)
Wortley

NOT VOTING—44

Aspin
Biaggi
Bosco
Boxer
Brown (CA)
Bustamante
Coelho
Crockett
DeFazio
Dingell
Dixon
Dowdy
Dreier
Ford (TN)
Frost
Gephardt
Hansen
Kemp
Kleczka
Lancaster
Leland
Levine (CA)
Lewis (CA)
Lowery (CA)
Mack
Madigan
McCurdy
McEwen
Moody
Neal
Oberstar
Pepper
Price (NC)
Rangel
Roberts
Roemer
Rose
Roybal
Schuette
Spratt
Sweeney
Swift
Walgren
Williams

□ 1940

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RAILROAD UNEMPLOYMENT INSURANCE AND RETIREMENT IMPROVEMENT ACT OF 1987

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 2167, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio [Mr. THOMAS A. LUKEN] that the House suspend the rules and pass the bill, H.R. 2167, as amended, on which the yeas and nays are ordered.

This is a 5-minute rollcall vote.

The vote was taken by electronic device, and there were—yeas 366, nays 24, not voting 43, as follows:

[Roll No. 420]

YEAS—366

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Atkins
AuCoin
Baker
Ballenger
Barnard
Barton
Bateman
Bates
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Boucher
Boulter
Brennan
Brooks
Broomfield
Bruce
Bryant
Buechner
Bunning
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Chappell
Clarke
Clay
Clinger
Coats
Coble
Coleman (MO)
Coleman (TX)
Collins
Combest
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
Craig
Daniel
Darden
Daub
Davis (IL)
Davis (MI)
de la Garza
Dellums
Derrick
DeWine
Dickinson
Dicks
DioGuardi
Donnelly
Dorgan (ND)
Dornan (CA)
Downey
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Frank
Frenzel
Gallegly
Gallo
Garcia
Gaydos
Gejdenson
Gekas
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grandy
Grant
Gray (IL)
Gray (PA)
Green
Gregg
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hastert
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Hertel
Hiler
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Hyde
Inhofe
Jacobs
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kolter
Konnyu
Kostmayer
LaFalce
Lagomarsino
Lantos
Latta
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Lowry (WA)
Lujan
Luken, Thomas
Lukens, Donald
MacKay
Manton
Markey
Marlenee
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McDade
McGrath
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Mica
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha

Myers
Nagle
Natcher
Nelson
Nichols
Nielson
Nowak
Oakar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Panetta
Parris
Pashayan
Patterson
Pease
Pelosi
Penny
Perkins
Petri
Pickett
Pickle
Porter
Price (IL)
Pursell
Quillen
Rahall
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Robinson
Rodino
Roe
Rogers
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Russo
Sabo
Saiki
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schneider
Schroeder
Schulze
Schumer
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spence
St Germain
Staggers
Stallings
Stangeland
Stark
Stenholm
Stokes
Stratton
Studds
Stump
Sundquist
Sweeney
Swift
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whittaker
Whitten
Wilson
Wise
Wolf
Wolpe
Wortley
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)

NAYS—24

Archer
Armey
Badham
Bartlett
Brown (CO)
Burton
Cheney
Crane
Dannemeyer
DeLay
Herger
Hunter
Ireland
Kolbe
Kyl
Lungren
Packard
Sensenbrenner
Shumway
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Swindall
Walker

NOT VOTING—43

Aspin
Biaggi
Bosco
Boxer
Brown (CA)
Bustamante
Coelho
Crockett
DeFazio
Dingell
Dixon
Dowdy
Dreier
Ford (TN)
Frost
Gephardt
Hansen
Kemp
Kleczka
Lancaster
Leland
Levine (CA)
Lott
Lowery (CA)
Mack
Madigan
McCurdy
McEwen
Michel
Moody
Neal
Oberstar
Pepper
Price (NC)
Rangel
Roberts
Roemer
Rose
Roybal
Schuette
Spratt
Walgren
Williams

The Clerk announced the following pairs:

On this vote:

Mr. DeFazio and Mr. Mack for, with Mr. Lowery of California against.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. FRENZEL. Mr. Speaker, on rollcall No. 420 on the bill, H.R. 2167, I voted "yea."

I would like the Record to show that I voted in error and intended to vote "nay."

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2167, RAILROAD UNEMPLOYMENT INSURANCE AND RETIREMENT IMPROVEMENT ACT OF 1987

Mr. THOMAS A. LUKEN. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 2167, the Clerk be authorized to correct section numbers, punctuation, and cross references and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in passing this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

SWAN FALLS WATER RIGHTS AGREEMENT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 519, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana [Mr. Sharp] that the House suspend the rules and pass the bill, H.R. 519, as amended, on which the yeas and nays are ordered.

This is a 5-minute rollcall vote.

The vote was taken by electronic device, and there were—yeas 393, nays 0, not voting 40, as follows:

[Roll No. 421]

YEAS—393

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Armey
Atkins
AuCoin
Badham
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bates
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Boucher
Boulter
Brennan
Brooks
Broomfield
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Burton
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Chappell
Cheney
Clarke
Clay
Clinger
Coats
Coble
Coleman (MO)
Coleman (TX)
Collins
Combest
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
Craig
Crane
Daniel
Dannemeyer
Darden
Daub
Davis (IL)
Davis (MI)
de la Garza
DeLay
Dellums
Derrick
DeWine
Dickinson
DioGuardi
Donnelly
Dorgan (ND)
Dornan (CA)
Downey
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Frank
Frenzel
Gallegly
Gallo
Garcia
Gaydos
Gejdenson
Gekas
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grandy
Grant
Gray (IL)
Gray (PA)
Green
Gregg
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hastert
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kolbe
Kolter
Konnyu
Kostmayer
Kyl
LaFalce
Lagomarsino
Lantos
Latta
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Lott
Lowry (WA)
Lujan
Luken, Thomas
Lukens, Donald
Lungren
MacKay
Manton
Markey
Marlenee
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCurdy
McDade
McGrath
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Nelson
Nichols
Nielson
Nowak
Oakar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Panetta
Parris
Pashayan
Patterson
Pease
Pelosi
Penny
Perkins
Petri
Pickett
Pickle
Porter
Price (IL)
Price (NC)
Pursell
Quillen
Rahall
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Robinson
Rodino
Roe
Rogers
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Russo
Sabo
Saiki
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schneider
Schroeder
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shumway
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spence
St Germain
Staggers
Stallings
Stangeland
Stark
Stenholm
Stokes
Stratton
Studds
Stump
Sundquist
Sweeney
Swift
Swindall
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer

Vucanovich
Walker
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whittaker
Whitten
Wilson
Wise
Wolf
Wolpe
Wortley
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)

NOT VOTING—40

Aspin
Biaggi
Bosco
Boxer
Brown (CA)
Bustamante
Coelho
Crockett
DeFazio
Dicks
Dingell
Dixon
Dowdy
Dreier
Ford (TN)
Frost
Gephardt
Hansen
Kemp
Kleczka
Lancaster
Leland
Levine (CA)
Lowery (CA)
Mack
Madigan
McEwen
Moody
Neal
Oberstar
Pepper
Rangel
Roberts
Roemer
Rose
Roybal
Schuette
Spratt
Walgren
Williams

□ 1955

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SENSE OF CONGRESS THAT U.N. GENERAL ASSEMBLY RESOLUTION 3379 SHOULD BE OVERTURNED

The SPEAKER pro tempore (Mr. Durbin). The pending business is the question of suspending the rules and agreeing to the Senate joint resolution, S.J. Res. 205.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. Lantos] that the House suspend the rules and agree to the Senate joint resolution, S.J. Res. 205, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 394, nays 0, not voting 39, as follows:

[Roll No. 422]

YEAS—394

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Armey
Atkins
AuCoin
Badham
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bates
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Boucher
Boulter
Brennan
Brooks
Broomfield
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Burton
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Chappell
Cheney
Clarke
Clay
Clinger
Coats
Coble
Coleman (MO)
Coleman (TX)
Collins
Combest
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
Craig
Crane
Daniel
Dannemeyer
Darden
Daub
Davis (IL)
Davis (MI)
de la Garza
DeLay
Dellums
Derrick
DeWine
Dickinson
Dicks
DioGuardi
Donnelly
Dorgan (ND)
Dornan (CA)
Downey
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Frank
Frenzel
Gallegly
Gallo
Garcia
Gaydos
Gejdenson
Gekas
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grandy
Grant
Gray (IL)
Gray (PA)
Green
Gregg
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hastert
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kolbe
Kolter
Konnyu
Kostmayer
Kyl
LaFalce
Lagomarsino
Lantos
Latta
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Lott
Lowry (WA)
Lujan
Luken, Thomas
Lukens, Donald
Lungren
MacKay
Manton
Markey
Marlenee
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCurdy
McDade
McGrath
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Nelson
Nichols
Nielson
Nowak
Oakar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Panetta
Parris
Pashayan
Patterson
Pease
Pelosi
Penny
Perkins
Petri
Pickett
Pickle
Porter
Price (IL)
Price (NC)
Pursell
Quillen
Rahall
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Robinson
Rodino
Roe
Rogers
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Russo
Sabo
Saiki
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schneider
Schroeder
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shumway
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spence
St Germain
Staggers
Stallings
Stangeland
Stark
Stenholm
Stokes
Stratton
Studds
Stump
Sundquist
Sweeney
Swift
Swindall
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walker
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whittaker
Whitten
Wilson
Wise
Wolf
Wolpe
Wortley
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)

NOT VOTING—39

Aspin
Biaggi
Bosco
Boxer
Brown (CA)
Bustamante
Coelho
Crockett
DeFazio
Dingell
Dixon
Dowdy
Dreier
Ford (TN)
Frost
Gephardt
Hansen
Kemp
Kleczka
Lancaster
Leland
Levine (CA)
Lowery (CA)
Mack
Madigan
McEwen
Moody
Neal
Oberstar
Pepper
Rangel
Roberts
Roemer
Rose
Roybal
Schuette
Spratt
Walgren
Williams

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SENSE OF CONGRESS WITH RESPECT TO DEMONSTRATIONS IN LATVIA COMMEMORATING LATVIAN INDEPENDENCE DAY

The SPEAKER pro tempore (Mr. Durbin). The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 209.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. Lantos] that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 209, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 389, nays 0, not voting 44, as follows:

[Roll No. 423]

YEAS—389

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Armey
Atkins
AuCoin
Badham
Baker
Ballenger
Bartlett
Barton
Bateman
Bates
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Boucher
Boulter
Brennan
Brooks
Broomfield
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Burton
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Chappell
Cheney
Clarke
Clay
Clinger
Coats
Coble
Coleman (MO)
Coleman (TX)
Collins
Combest
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
Craig
Crane
Daniel
Dannemeyer
Darden
Daub
Davis (IL)
Davis (MI)
de la Garza
DeLay
Dellums
Derrick
DeWine
Dickinson
Dicks
DioGuardi
Donnelly

Dorgan (ND)
Dornan (CA)
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Frank
Frenzel
Gallegly
Gallo
Garcia
Gaydos
Gejdenson
Gekas
Gibbons
Gilman
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grandy
Grant
Gray (IL)
Gray (PA)
Green
Gregg
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hastert
Hatcher
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Holloway
Hopkins
Horton
Houghton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kolbe
Kolter
Konnyu
Kostmayer
Kyl
LaFalce
Lagomarsino
Lantos
Latta
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Lott
Lowry (WA)
Lujan
Luken, Thomas
Lukens, Donald
Lungren
MacKay
Manton
Markey
Marlenee
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCurdy
McDade
McGrath
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Nelson
Nichols
Nielson
Nowak
Oakar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Panetta
Parris
Patterson
Pease
Pelosi
Penny
Perkins
Petri
Pickett
Pickle
Porter
Price (IL)
Price (NC)
Pursell
Quillen
Rahall
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Robinson
Rodino
Roe
Rogers
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Russo
Sabo
Saiki
Savage
Sawyer
Saxton
Schaefer
Schneider
Schroeder
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shumway
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spence
St Germain
Staggers
Stallings
Stangeland
Stark
Stenholm
Stokes
Stratton
Studds
Stump
Sundquist
Sweeney
Swift
Swindall
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walker
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whittaker
Whitten
Wilson
Wise
Wolf
Wolpe
Wortley
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)

NOT VOTING—44

Aspin
Barnard
Biaggi
Bosco
Boxer
Brown (CA)
Bustamante
Coelho
Crockett
DeFazio
Dingell
Dixon
Dowdy
Ford (TN)
Frost
Gephardt
Gingrich
Hansen
Hawkins
Hochbrueckner
Kemp
Kleczka
Lancaster
Leland
Levine (CA)
Lowery (CA)
Mack
Madigan
McEwen
Moody
Neal
Oberstar
Pashayan
Pepper
Rangel
Roberts
Roemer
Rose
Roybal
Scheuer
Schuette
Spratt
Walgren
Williams

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 2005

COMMERCIAL FISHING INDUSTRY VESSEL ANTI-REFLAGGING ACT OF 1987

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 2598, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts [Mr. Studds] that the House suspend the rules and pass the bill, H.R. 2598, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 351, nays 40, not voting 42, as follows:

[Roll No. 424]

YEAS—351

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Atkins
AuCoin
Ballenger
Bateman
Bates
Beilenson
Bennett
Bentley
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Boucher
Brennan
Brooks
Broomfield
Bruce
Bryant
Buechner
Bunning
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Chappell
Clarke
Clay
Clinger
Coats
Coble
Coleman (MO)
Coleman (TX)
Collins
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
Daniel
Darden
Davis (MI)
de la Garza
Dellums
Derrick
DeWine
Dickinson
Dicks
DioGuardi
Donnelly
Dorgan (ND)
Dornan (CA)
Downey
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Frank
Gallegly
Gallo
Garcia
Gaydos
Gejdenson
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grandy
Grant
Gray (IL)
Gray (PA)
Gregg
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hastert
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Henry
Hertel
Hiler
Holloway
Horton
Houghton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Hyde
Inhofe
Jacobs
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kolbe
Kolter
Konnyu
Kostmayer
LaFalce
Lagomarsino
Lantos
Latta
Leath (TX)
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lipinski
Livingston
Lloyd
Lott
Lowry (WA)
Lujan
Luken, Thomas
Lukens, Donald
Lungren
MacKay
Manton
Markey
Marlenee
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCurdy
McDade
McGrath
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Nelson
Nichols
Nowak
Oakar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Panetta
Parris
Pashayan
Patterson
Pease
Pelosi
Penny
Perkins
Petri
Pickett
Porter
Price (IL)
Price (NC)
Pursell
Quillen
Rahall
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Robinson
Rodino
Roe
Rogers
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Russo
Sabo
Saiki
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schneider
Schroeder
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Spence
St Germain
Staggers
Stallings
Stangeland
Stark
Stenholm
Stokes
Stratton
Studds
Sundquist
Sweeney
Swift
Swindall
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Watkins
Waxman
Weiss
Weldon
Wheat
Whittaker
Whitten
Wilson
Wise
Wolf
Wolpe
Wortley
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)

NAYS—40

Armey
Badham
Baker
Bartlett
Barton
Bereuter
Boulter
Brown (CO)
Burton
Cheney
Combest
Craig
Crane
Dannemeyer
Daub
Davis (IL)
DeLay
Dreier

Fawell
Fields
Frenzel
Gekas
Green
Hefley
Herger
Hopkins
Ireland
Kyl
Leach (IA)
Lightfoot
Morella
Nielson
Packard
Pickle
Shumway
Smith (NE)
Solomon
Stump
Walker
Weber

NOT VOTING—42

Aspin
Barnard
Biaggi
Bosco
Boxer
Brown (CA)
Bustamante
Coelho
Crockett
DeFazio
Dingell
Dixon
Dowdy
Ford (TN)
Frost
Gephardt
Hansen
Hawkins
Hochbrueckner
Hunter
Kemp
Kleczka
Lancaster
Leland
Levine (CA)
Lowery (CA)
Mack
Madigan
McEwen
Moody
Neal
Oberstar
Pepper
Rangel
Roberts
Roemer
Rose
Roybal
Schuette
Spratt
Walgren
Williams

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROPOSED AGREEMENT FOR COOPERATION BETWEEN GOVERNMENT OF UNITED STATES OF AMERICA AND GOVERNMENT OF JAPAN CONCERNING PEACEFUL USES OF NUCLEAR ENERGY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

I am pleased to transmit to the Congress, pursuant to sections 123 b. and 123 d. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2153(b), (d)), the text of a proposed Agreement for Cooperation Between the Government of the United States of America and the Government of Japan Concerning Peaceful Uses of Nuclear Energy, including an implementing agreement pursuant to Article 11 of the proposed agreement. I am also pleased to transmit my written approval, authorization, and determination concerning the agreement, and the Nuclear Proliferation Assessment Statement by the Director of the United States Arms Control and Disarmament Agency concerning the agreement. The joint memorandum submitted to me by the Departments of State and Energy, which includes a summary of the provisions of the agreement, the views of the Director of the United States Arms Control and Disarmament Agency, and an analysis of the approvals and consents contained in the agreement, including the implementing agreement, and associated subsequent arrangements are also enclosed.

I also enclose for your information the texts of a proposed subsequent arrangement under the United States-Norway Revised Agreement for Cooperation Concerning Peaceful Uses of Nuclear Energy and a proposed subsequent arrangement under the United States-EURATOM Additional Agreement for Cooperation Concerning Peaceful Uses of Atomic Energy. These subsequent arrangements are designed to give effect to certain provisions of the United States-Japan implementing agreement and will enter into force only after the agreement enters into force. They are being processed by the Department of Energy in accordance with the applicable provisions of the Atomic Energy Act of 1954, as amended.

The proposed agreement with Japan, including the implementing agreement, has been negotiated in accordance with the Nuclear Non-Proliferation Act of 1978 (NNPA). In my judgment it meets all statutory requirements. It will supersede our 1968 agreement with Japan and, given the magnitude of our long-standing cooperation with Japan in the peaceful uses of nuclear energy, will represent the most significant achievement to date in our program initiated pursuant to section 404(a) of the NNPA to update all existing agreements for peaceful nuclear cooperation to include the more stringent standards established by that Act.

I believe that the new agreement will strengthen the basis for continued close cooperation between the United States and Japan in the peaceful nuclear area and that it will further the non-proliferation and other foreign policy interests of the United States. The implementing agreement provides Japan advance, long-term consent for reprocessing, transfers, alteration, and storage of nuclear material subject to the agreement, provided that the reprocessing and subsequent use of the recovered plutonium meet and continue to meet the criteria set out in U.S. law, including criteria relating to safeguards and physical protection. These arrangements should enable Japan to plan for its long-term energy needs on a more assured, predictable basis, while at the same time embodying the most advanced concepts of physical security and safeguards of any agreement. This step forward in our cooperative relations with Japan will be consistent with the NNPA's injunction to take such actions as are required to confirm the reliability of the United States as a nuclear supplier consistent with non-proliferation goals.

Japan is not only a close ally of the United States but is also a party to the Treaty on the Non-Proliferation of Nuclear Weapons and has long been one of the strongest supporters of the international non-proliferation regime. Moreover, the United States and Japan have a substantial identity of views and intentions with regard to preventing nuclear proliferation and are prepared to work together on measures that will contribute to the prevention of proliferation consistent with the peaceful uses of nuclear energy. An exchange of letters between the United States and Japan, the text of which is included in the agreement package, sets forth in detail our shared views on non-proliferation.

I have considered the views and recommendations of the interested agencies in reviewing the proposed agreement and have determined that its performance will promote, and will not constitute an unreasonable risk to, the common defense and security. Accordingly, I have approved the agreement and authorized its execution and urge that the Congress give it favorable consideration.

I have also found that this agreement meets all applicable requirements of the Atomic Energy Act, as amended, for agreements for peaceful nuclear cooperation, and therefore, I am transmitting it to the Congress without exempting it from any requirement contained in section 123 a. of that Act. This transmission shall constitute a submittal for purposes of both sections 123 b. and 123 d. of the Atomic Energy Act. The Administration is prepared to begin immediately the consultations with the Senate Foreign Relations and House Foreign Affairs Committees as provided in section 123 b. Upon completion of the 30-day continuous session period provided in section 123 b., the 60-day continuous session period provided for in section 123 d. shall commence.

RONALD REAGAN.

THE WHITE HOUSE, *November 9, 1987.*

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AMERICAN STRATEGY: A WORTHY PAST, AN UNCERTAIN FUTURE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri [Mr. SKELTON] is recognized for 5 minutes.

Mr. SKELTON. Mr. Speaker, I rise today to deliver the fourth of my five speeches on military strategy and military education. I want to focus these remarks on the lessons of history. As a wise man once said, "Those who are ignorant of history are condemned to repeat it." I believe all of us, including our military leaders, have much to learn from America's history.

In days gone by, Mr. Speaker, America produced military leaders of great strategic vision. We never lost a war until Vietnam, and that was partly because until Vietnam we always produced strategies equal to their task. Time and again, in America's hour of need, we produced able leaders and brilliant strategists who led our troops to victory.

George Washington was the first and one of the greatest of these strategists. His strategy was simple. It was one of attrition: to block the British advance into the interior, to hold the fledging American Army together, and to avoid its destruction at all costs. As long as the Continental Army existed, the revolution was alive. And as long as the Army had as a commander a man of strategic vision, it was a threat to our enemy.

In the end, the strategy paid off. When the British General Cornwallis retreated to the Yorktown peninsula, Washington got the French fleet to blockade his Army from the sea, while he himself marched most of the American Army to attack the British by land. The result was the great American victory at Yorktown, which decided the war in favor of the young United States.

Of course, George Washington did not win the war alone. Besides his strategic vision and unflagging valor, he needed the dedication and patriotism of his troops, and the aid of some outstanding subordinate generals. Washington's contribution was in the field of strategy, the planning of the whole war. The job of his top subordinates, like Gen. Nathanael Greene, was in the planning of single campaigns. General Green's campaign in the South in 1781 was a brilliantly conceived plan of attrition. His strategy was to lure the British General Cornwallis far from its outposts in the Carolinas and Georgia, and then isolate and destroy the outpost. He won hardly any major battles, but he won the campaign: at the end of it, he had destroyed British power in most of the South, and the stage was set for Washington's victory at Yorktown.

America's war against Mexico produced another great American strategist, Gen. Winfield Scott. General Scott understood, even better than did President James K. Polk, that the only way to win a decisive victory was to strike at the enemy's center of gravity. For Mexico, the center of gravity was the government in Mexico City. General Scott's strategy was to land an army at Vera Cruz on the Mexican coast—in the first major amphibious landing in American military history—and then to strike directly at Mexico City. At first, General Scott had trouble convincing the President that such a landing was necessary, but in the end General Scott was proved right: it was his march on Mexico City which finally won the war.

In the war between the States, the outstanding strategist was Lt. Gen. Ulysses S. Grant. It was Grant who, after his appointment as General in Chief in 1864, devised the strategy which finally brought that tragic war to a close. He proposed to bring to bear the decisive superiority of economic resources and manpower to defeat the Confederacy. He would stop Gen. Robert E. Lee from using his interior lines by severing his rail and road links with other parts of the Confederacy. With this end in mind, during the last year of the war, Grant gave strategic direction to field five armies.

As with the victories of Washington and Scott, the key to General Grant's success was his ability to pick an objective and stick with it. Grant's predecessors had all given up on their plans after suffering setbacks in battles against the gallant and tactically brilliant Robert E. Lee. It was U.S. Grant's determination which allowed him to press on and succeed, and end the war, where others had failed.

I believe that the most brilliant display of American strategic planning came in the Second World War. Of the great American soldiers and sailors of that war, the greatest strategist was undoubtedly Gen. George C. Marshall, the Chief of Staff of the United States Army. General Marshall deserves most of the credit for pushing through the strategic plan most responsible for bringing the war in Europe to a successful conclusion: the D-Day invasion of Normandy on June 6, 1944. This strategy was much like Winfield Scott's: to land on the enemy-held coast—in this case in France—and attack and occupy the enemy's heartland—Germany. Marshall's most important contribution, as was General Scott's, was to convince the President that the other strategies he was considering would not work as well.

In the Pacific War, Marshall was aided by field commanders who were themselves great strategists: Gen. Douglas MacArthur and Adm. Chester Nimitz. The collaboration of these three great American commanders resulted in a masterful innovation: the strategy of island hopping. Using this strategy, the American forces attacked only a few of the hundreds of islands occupied by the Japanese—only the ones needed as bases to prepare for an attack on Japan itself. The rest of the occupied islands were bypassed and isolated by our Navy, so we did not have to attack them and they posed little threat. This strategy followed the same principle as our strategy in Europe—striking toward the enemy's center of gravity. And the result, as in Europe, was a quicker end to the war.

What all of these great American strategists had in common was an ability to see the main goal, and to devise a way to achieve it. Then they had the courage to warn political leaders insistently against strategies that they knew would not work. Washington endured, and triumphed; Scott attacked, and won; Marshall planned, and conquered.

In Vietnam, as in those earlier wars, we has a clear objective: pacification is what we called it. It meant making sure that that the people of South Vietnam could go about their lives in peace, free from the fear of Communist attack. It meant, simply, securing the countryside and the cities. But we could not do this directly. We could help the South Vietnamese do it for themselves, but we could not do it for them.

As it turned out, we became confused in our strategy, neither making an all-out effort to pacify the country ourselves nor helping the South Vietnamese to do it. We just tried to kill enemy soldiers, which is not at all the same thing. We had search-and-destroy missions, bombing missions, and attacks with helicopters and artillery. And we fought Communist offensives. Some of this was unavoidable. But we lost sight of the main goal because we did not have a clear strategy reminding us of what that goal was. We did not pacify the countryside or the cities. We did not organize them so they could successfully defend themselves. So when we swept an area, the enemy would simply leave, and come back after our troops left. Our troops would patrol villages during the day, and theirs would collect taxes from the same villages at night.

As the deputy American commander in Vietnam, Gen. Bruce Palmer, later wrote, "We demonstrated that our troops could defeat the best that the Viet Cong and the North Vietnamese Army had to offer, but this was not our basic objectives." The situation was exactly the reverse of General Greene's campaign in the American Revolution. General Greene lost most of the battles but won the campaign, and in the end we won the war. In Vietnam, we never lost a battle, but we lost the war.

We failed because our stategy failed. The irony is that the ideas for a winning strategy were written down, long ago, but no one seems to have thought to consult them. The French Marshall Gallieni, who helped save Paris from German capture in World War I, had pacified parts of North Vietnam in the 1890's. He and some of his students published a series of brilliant studies of how to win counterinsurgency wars. The ideas in those books were the result of the personal experiences of Marshall Gallieni and others in winning those kinds of wars all over Africa and Southeast Asia. But our leaders hardly studied what those Frenchmen wrote, and used few of their methods. So we lost.

Now I do not mean to imply that our Nation's military leaders were solely or even mostly to blame for our defeat in Vietnam. It was mostly a failing of our political leadership. Our political leaders did not really understand who the enemy was, so they developed a political strategy that aimed at the wrong enemy. They thought that by impressing the Soviets with our determination, we could stop the North Vietnamese offensive. President Johnson did not want to fight a war; he backed into it trying to avoid a defeat. Because he did not fully realize we were fighting a war against the Vietnamese Communists, he did not set out to win it.

And because the President did not want to pay the political price of admitting we were really in a war, he imposed on the military restrictions which made it almost impossible to achieve victory. he did not organize the command structure on a wartime footing, so command in Vietnam was not unified—no one was in charge. He refused to mobilize the Reserves, depriving the generals of the men they needed to win, and at the same time insisted that they defend everything. In trying to keep the war limited, he insisted on respecting the dubious neutrality of both Cambodia and Laos, and so ensured that Communist supply lines remained open.

The Vietnam tragedy happened because all our leaders failed. The White House focused on the wrong enemy, failed to unify command in the field, and saddled our generals with political constraints both great and petty, sometimes wisely but often not. And it did not give the generals enough to win. While the military effort was aimed at the right enemy—the Vietnamese Communists—it fought with one hand tied behind its back. Because the President was unwilling to pay the price of victory, he ensured we would have to suffer the costs of defeat.

Our generals' great failure was that they did not point out that simple fact. As General Palmer wrote, "The JCS seemed to be unable to articulate an effective military strategy that they could persuade the Commander in Chief and the Secretary of Defense to adopt. Not once during the war did the JCS advise the Commander in Chief or the Secretary of Defense that the strategy being pursued most probably would fail."

My concern, Mr. Speaker, is that we are now making those same mistakes over again in the Persian Gulf. As in Vietnam, our goals and interests are clear. There are lists and lists of them: keeping the oil flowing from the Persian Gulf; containing Soviet expansion; containing Iranian power; bolstering American prestige; supporting moderate Gulf states; ending the war. But as in Vietnam, how our policy can finally achieve those goals and interests is far from clear.

The greatest danger, ironically, is that for now the policy seems to be working. The oil is flowing, Soviet and Iranian power is checked, and our prestige in the region is rising. But the dangers that deviled us in Vietnam are also threatening, while the administration appears to be too complacent to see it. The Iranians take advantage of our self-imposed restrictions by attacking targets, such as Kuwaiti oil facilities, which we cannot protect or avenge. And should the Iranians choose to escalate their attacks, drawing us deeper into the conflict, the Soviets may be irresistably tempted to supply them. All they have to do is keep the Iranians supplied with such weapons as mines, speedboats, and missiles to replenish Iranian stocks when they run out of silkworms. At that point, winning will become nearly impossible, fighting excessively painful, and withdrawal unacceptably costly.

What we need, and what we do not seem to have, is a coherent combined political can military plan of action. The only way we can ensure that all our interests are protected is to end the war. Until the war ends the oil supply will always be in danger, and Iranian power continually a threat. So the real goal of our efforts must be to end the war, not as something that would be a nice outcome, which is the way the administration seems to be treating it, but as an indispensable requirement for our national security. So all of our efforts must be bent in that direction. The reflagging operation can only be a temporary measure until peace is achieved.

Since we are obviously not going to intervene in the Iran-Iraq war in order to force the Iranians to accept peace, this means that our main tool must be diplomacy—backed by military power, not spearheaded by it. We must get the international community to act to force the Iranians to accept, as a first step, a cease-fire. And we must put enough pressure on the Iranians so they will and need one.

The adminstration does not want to do this because it would be too painful. We might have to ask the Soviets for diplomatic support, since we certainly cannot succeed against their opposition. We might have to apply firm pressure against friends and allies, including Israel and China, to stop arming the Iranians. We might even have to take the United Nations seriously and work to get it to act. Some of this has been done, but nowhere nearly enough.

What I have outlined here is not the only possible approach to protecting our interests. But having a strategy—a political strategy and a military strategy—is the only way to protect those interests. We need for our political leadership to formulate a plan to solve the problems we face, and not merely act to stave off catastrophe. They need to specify what the military role in that plan will be. And then our military leaders need to formulate a military strategy to achieve the goals the political leadership assigns to them. That strategy has to include provisions for dealing with all of the likely responses, end runs, and covert actions the Iranians might respond with. And the strategists need to be clear about what they cannot do, about what won't work. All of that planning is necessary if we are going to achieve our goals. But as far as I can tell, we do not have much of it done now.

Mr. Speaker, when in the past our political and military leaders devised strategies for achieving goals, and when our military leaders firmly opposed bad strategies, our goals were achieved. When leaders did not think carefully about strategy, we have all too often failed. Mr. Speaker, this is one of the lessons of history we need to learn. We cannot afford to continue to fail. The stakes are too high; the price of success must be paid, if we are to avoid the costs of failure. Part of that price is that the people in the White House and the Pentagon must think clearly about strategy, and they must be able to explain that strategy clearly to the American people. I do not think that should be too much to expect.

RESCUE DEMOCRACY IN HAITI

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 5 minutes.

Mr. OWENS of New York. Mr. Speaker, Haiti's November 29 elections for President and Congress are now only 21 days away and the leader of the military junta, General Namphy, last Friday proclaimed himself or promoted himself to the position of Commander in Chief. He was just a general before; now he is Commander-in-Chief.

We can see the handwriting on the wall. I suppose his next step will be to proclaim himself Commander in Chief for life following the pattern of Francois Duvalier who proclaimed himself president for life and then when he died proclaimed his son as his heir for life.

We are on the road to more of the same in Haiti unless the U.S. Government intervenes.

General Namphy and his junta are creations of the U.S. State Department. They do not have any legal basis at all. The only body in Haiti that does have some legal basis that was created by the new Haitian constitution is the provisional electoral council. The provisional electoral council is under direct attack by General Namphy's military thugs.

Last Friday the New York Times in an editorial entitled "Rescue Democracy in Haiti" called for the U.S. State Department to organize an inter-American effort to save the Haitian electoral process, in the wake of the recent violence in Haiti. The New York Times editorial says in part, "The divisions are now inescapably clear. On one side stand the Haitian people, the National Electoral Council and the democratic cause; on the other side, the Namphy junta and Duvalierist thugs. What possible reason is there for the United States to stay on the wrong side?"

Mr. Speaker, I ask unanimous consent to have this editorial reprinted in full in the CONGRESSIONAL RECORD.

The editorial referred to and a report are as follows:

[From the New York Times, Nov. 6, 1987]

RESCUE DEMOCRACY IN HAITI

At the voting urns and in the streets, Haiti's people have declared themselves emphatically in favor of a free presidential election later this month. But Gen. Henri Namphy's ruling junta is not impressed. This week it showed itself, at best, barely willing to lift a finger to safeguard the democratic process. Once again, the democrats have the people but not the guns.

The Reagan Administration once plausibly claimed that backing the junta assured prompt elections. Now it needs to defend democracy more forcefully. Just imagine what it would say about an election conducted under these conditions in, say, Nicaragua. It's urgent now for the State Department to organize an inter-American effort to rescue the Haitian election process.

Though desperately poor, Haitians care passionately about their democratic rights. They voted in surprising numbers for a new democratic Constitution. And when the Namphy junta tried to usurp the constitutional role of the independent National Electoral Council, they angrily took to the streets, compelling the junta to back down.

But even that did not secure an unimpeded electoral process. In recent months, the junta has permitted a climate of fear reminiscent of the Duvalier era. Nights bring murder and mayhem from thugs who always manage to escape justice. Days bring deadly violence from troops and police.

The targets have not just been random. One political leader was hacked to death by a rural mob. Another was gunned down while speaking outside police headquarters. This week, shots were fired into the offices of a presidential candidate. the Electoral Council's headquarters was set ablaze. A ballot-printing plant was burned.

The divisions are now inescapably clear. On one side stand the Haitian people, the National Electoral Council, the democratic cause; on the other, the Namphy junta and Duvalierist thugs. What possible reason is there for the United States to stay on the wrong side?

REPORT ON VISIT TO HAITI, OCTOBER 22–23, 1987, HON. JIMMY CARTER AND HON. GEORGE PRICE

First, as members of the Council of Freely-Elected Heads of Government, we were invited to observe Haiti's electoral process by the Haitian Provisional Electorial Council (CEP) and the International Institute of Haiti for Research and Development (IHRED), which has been assisting the electoral process. Due to the recent murders of two Haitian Presidential candidates, we were advised by Haitian leaders and specialists of Haiti that an immediate trip as the voter registration process got underway would be helpful.

Second, the purpose of our visit was not to endorse a candidate or a party, but rather to lend our support to the democratic process. We observed the registration process and met with the leaders of the government (C.N.G.), the members of the Electoral Council, Catholic and Protestant Church leaders, union and business leaders, and many of the Presidential candidates. We also had an opportunity to meet and speak with people on the streets of Port-au-Prince.

Third, as a result of these meetings, we reached the following conclusions:

The Haitian people are expecting to improve their lives through the democratic process and are committed to participating in free elections.

The CEP (Electoral Council) has achieved an independent and credible standing among the Haitian people, and its courageous members are determined to organize and supervise free elections despite frequent and numerous threats. Municipal elections are planned for November 15, and elections for the President and Legislative Assembly are to occur on November 29.

The CEP is currently evaluating the applications of 35 Presidential candidates. The Constitution, approved by referendum in March 1987, requires that the CEP exclude those candidates who were associated with the Duvalier governments, and the CEP indicated that they will uphold this provision, despite its very controversial nature. (The members implied that if they do not exclude Duvalierist candidates, they would lose the support of the people, but that excluding these candidates could lead to a violent reaction that might enjoy the support of some in the armed forces.) The CNG (the government Junta) said that they would uphold the Constitution and maintain order for the elections.

The CNG has offered to cooperate with the CEP to make the elections peaceful and successful, but as of yet, there are few, if any, signs of cooperation. The CEP has insisted on its independence, but has requested help from the government to use schools for registration and government transportation for voters. The CPE has not yet received a response from the government.

The Churches are well-informed and have lent their facilities for voter registration. The Bishops of the Catholic Church have also made several effective public statements indicating their unequivocal support for the elections and explaining to the people how to register and vote.

The recent violence has introduced a degree of uncertainty, and the CNG has unfortunately not done anything to dispel this uncertainty. It has not, for example, pursued a credible investigation of the murders of the Presidential candidates or of any of the other political crimes.

We met with about sixteen candidates for the Presidency and found them an impressive group of individuals. Some are determined to campaign widely, including in the rural areas, despite the violence and the continuing threats. Few of the candidates, however, have tried to organize broadly-based political parties, and the philosophical differences between the candidates is not clear.

We heard charges of systematic human rights violations. As we were unable to verify such charges, we intend to recommend that the Inter-American Commission on Human Rights and other human rights organizations investigate.

Fourth, to succeed, the elections will need to overcome formidable logistical, educational, and political-military obstacles. Everyone committed to free elections in Haiti expressed gratitude for our visit and said that they believed that continued international attention to the electoral process in Haiti is of the greatest importance in assisting the electoral process. Haitians requested sustained interest and moral and political support from the Council of Freely-Elected Heads of Government and from the entire international democratic community. Haiti will also need considerable economic assistance if a new democracy will be able to survive and prosper.

Hon. JIMMY CARTER,
Hon. GEORGE PRICE,
Dr. ROBERT PASTOR,
Secretary to the Council of Freely-Elected Heads of Government.

Mr. OWENS of New York. Last Friday, gunmen fired several times at the headquarters of centrist presidential candidates Marc Bazin and Leslie Manigat. These people have not been brave enough to venture outside of their headquarters to campaign. The Namphy thugs and the remnants of the Ton-Ton Macoutes have now sought them out in their headquarters.

Another centrist candidate, Eugene Gregoire also was fired upon. These three candidates had publicly endorsed the electoral council's position which had disqualified the old Duvaliers as candidates for election.

The Haitian people are determined to carry out their free elections despite all the violence of last week. In an Associated Press interview last Saturday elections official Jean-Robert Sabalat said that lack of certain technical equipment has made the elections process difficult. He said that they could use some helicopters to move around, they need phones, radios, a lot of minor kinds of things that could be supplied by the U.S. Government or the governments of the Organization of American States or the United Nations. It is surprising that these very small technical kinds of assistance are not already available to the electoral council in Haiti.

The report on last month's fact-finding trip to Haiti by former President Jimmy Carter has been released by the Carter Presidential Center in Atlanta, and it bears out all of the statements that I have made over the past few days concerning the elections in Haiti. Immediate intervention is needed, peaceful intervention but immediate intervention is needed according to the report by President Jimmy Carter. If elections are to prevail, if we are to have free elections, then the time to act is now. The only body, again I repeat, the only body that has legality in Haiti, the only body that is a creation of the Haitian people is the provisional electoral council. The time has come. I joined with a group of Haitian Americans who met over the weekend and called for the military junta under General Namphy to step down since it is an illegal body or a nonlegal body; it has no status. They are calling for it to step down. And between now and the consummation of the elections, they should allow the provisional electoral council to govern the country. The provisional electoral council has more status, more legality and is as qualified to run the government as the military junta which was created overnight by our State Department.

We urge that action be taken here in Washington to encourage, to encourage the military junta to step down.

Barring that, steps should be taken to mobilize the power and the influence of the Organization of American States, the United States, the United Nations to move to prevent what is about to happen, another situation where a handful of people who have guns and who control the weapons for violence dominating the majority. The democratic majority of Haiti is being dominated by a handful of thugs all because they have guns.

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This has happened all over the world in numerous Third World countries. It has happened in this hemisphere. We cannot stand by any longer and allow a handful of people to prevent the democratic process that the majority has willed should go forward.

We have insisted that Nicaragua have democratic elections. We have insisted on it, and we have also appropriated quite a number of millions of dollars, more than $100 million, in an effort to drive Nicaragua into democracy.

Here is a situation where a majority of the people of a country which is just 90 miles from our shore has already made it clear they want democracy. They have established a constitution. They deserve our help, and that help should come very soon.

Mr. Speaker, we should take action, as the New York Times says, and come down on the right side, the side of the majority of the Haitian people.

NANCY COSTELLO—WOMAN OF THE YEAR

The **SPEAKER** pro tempore (Mr. DARDIN). Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

Mr. PANETTA of California. Mr. Speaker, it is a pleasure for me to be able to bring to the attention of my colleagues the fact that a very deserving woman is to receive this year's Woman-of-the-Year Award from the Quota Club of the Monterey Peninsula.

Nancy Costello, a woman who has worked selflessly to improve the lives of migrant workers and other needy individuals in the Monterey Peninsula and Salinas areas, is to be the Quota Club's 1987 honoree, and I am looking forward to attending the dinner on November 14 at which she will receive the award.

When we talk about voluntarism and about the need for private individuals to assist in caring for the needy in this country, we are talking about people like Nancy Costello. But there are not many individuals who commit the kind of time and energy that Nancy Costello does to make this commitment real. Indeed, I think she defines the word "commitment," and she inspires by her example.

Mr. Speaker, I would like to include in the RECORD at this point two articles which have appeared in the Monterey Peninsula Herald over the past 2 years about Nancy Costello. I think they offer some insight into the work that Nancy Costello has accomplished and the impact she has had on people's lives in my area of the country. I hope my colleagues, and all readers of this RECORD, will take a moment to read about this great woman. They will see that the Quota Club has made an outstanding choice for its Woman of the Year.

TAKING FOOD AND FRIENDSHIP TO FARMWORKER CAMPS

Farmworker families know her name: "La Nancy." Members of churches and organizations which collect food, clothing, toys and many other items for her know it, too: Nancy Costello. She'd just as soon remain anonymous.

She'd rather that people knew the names of all the Teresas, Rosas, Marias and Juanitas and about their generosity to each other. And that people knew about poverty and substandard housing as she encounters it every day.

She didn't know until that hot summer day about 17 years ago when she saw it for herself. She had responded to an article in The Herald about a Salinas Valley grower installing an above-ground swimming pool for the enjoyment of his farm workers and their families but that none of the children owned bathing suits which were required of users. Gathering castoffs from her own brood of six, by then mostly grown, and collecting more suits from family and friends, she drove to Salinas and met poverty face to face.

Going back with food for a few families, she heard that another needed shoes and someone else needed blankets—and that they all needed food. She made a few more trips. This kind of direct service continues as it began, a gesture of friendship.

"I had to learn Spanish so I could find out what they needed," she said, but the camp conversations include more than "I want" lists. There is talk about family happenings and even space for laughter as the unhurried exchange leads up to such emergencies as a broken stove and no heat, the need to move with no money for it, the need for medicine for a sick child.

Mrs. Costello doesn't make promises but she'll try to find a new stove, a new house—she'll pick up the medicine.

Her sources of help for these families have evolved through the years into an impressive network. First word went out at the Naval Postgraduate school, spurred by a close friend, Mary Haltiner. Navy families began donating outgrown children's clothes, unwanted household goods and canned food. Friends and strangers drop off next-to-new clothes and furniture in Mrs. Costello's driveway. Schools have provided unclaimed lost-and-found items, rummage sales some of the leftovers. Motels undergoing refurbishing have given mattresses and supermarkets give unsellable food.

And Mrs. Costello's strong arms load up her truck which travels more than 40,000 miles a year taking all this to where it is needed.

"These people struggle to make ends meet and want nothing more than to work and earn their own way," she said about the majority of families she meets in the camps. "I heard someone say proudly that her family had never had to accept welfare and I knew that I had been bringing them food and clothing for years. But the difference is that it's done as a friend and they accept it as such. They give me things, too."

And they help each other. Years ago, one family told her about a couple with 24 children in Hollister who needed beds, and when Mrs. Costello rounded up some beds they delivered them to Hollister. One of those 24, now grown, is continuing that concern for others. "I passed her a blanket one day and she immediately gave it to someone else," said Mrs. Costello. "And you never know when you give food how many people you are helping out."

During the three weeks before Christmas others join her on the road, helping to deliver food boxes and gifts to some 2,000 families. Their help, like hers, is quiet and noninstitutionalized.

"I was in one camp trying to make lists of the families and what they needed when a woman offered to help," said Mrs. Costello. "She caught on right away and gave me every family in the camp with the names and ages of the children. But even better she added little things about how badly someone needed something."

Descendent of a pioneer Monterey County family, Mrs. Costello probably knows the backroads of the county more than any of her ancestors. And she knows as much about rural poverty as any body. She knows about hunger.

The people that cater the Conference Center called her on a recent Sunday afternoon saying they had a hundred dinners left over from an event that had been underattended: did she want them? In a short time she was on the road, taking the meals to Castroville and Pajaro where she could pass them out quickly. As a friend.

FROM CASTROVILLE TO KING CITY—MONTEREYAN BRINGS CHRISTMAS TO MANY FAMILIES

(By Pat Griffith)

This is a Christmas story about Nancy, who won't like it.

You may know Nancy. At one time or another you've probably glimpsed her.

Maybe at a supermarket in the early morning hours. She was the sturdy, motherly figure hefting crates of past-dated milk or day-old bread onto the back of a yellow Toyota pickup truck.

Maybe driving down a highway somewhere in Monterey County. She was the pleasant round face behind the wheel of a mud-spattered truck adorned with a green tarp, its bungie cords straining to contain a crazy-quilt load of mattresses and chairs and boxes stuffed with who-knew-what.

Maybe after a big rummage sale. She was the one who came last, smiling and a bit breathless, to carry away some children's shoes and schoolboy jackets and a boxful of pots and pans.

Nancy. The woman who gathers food and clothing, bedding and toys, furniture and dishes and books—the overflow of an affluent society—and gets them to those who live on the flip side of prosperity in the migrant labor camps and subsidized housing units of the Salinas Valley.

HUNDREDS OF FAMILIES

The woman who—with the help of her friends and hundreds of people she's never seen or met—is bringing Christmas this year to 800, 900, perhaps 1,000 or more families from Pajaro to King City.

"Who best exemplifies the Christmas Spirit?" John Boit Morse of Carmel wrote The Herald earlier this month.

"Nancy Costello, of course, and by a county mile. But I suppose nothing can breach her passion for anonymity."

Many have called The Herald through the years to ask in bewilderment why no story has ever appeared on Nancy. The response has been simply this: She didn't want one.

She has been adamant and unyielding on that score, refusing to cooperate in any endeavor that could, by any stretch of the imagination, be construed as attention seeking. She did not know about this story until she picked up today's Herald. She will not be pleased.

And as the widow of former Herald city editor and Weekend magazine editor Jimmy Costello, she will be doubly chagrined at this blatant violation of the axiom that not only does a true newspaperman not make the news, his family doesn't either.

But the story is already out. More readers mentioned Nancy, in response to our question, "Who in the area best exemplifies the Christmas spirit?" than anyone else.

Hers is a story worth telling.

It began during a hot summer about 16 years ago. The Herald reported that a Salinas Valley grower had installed an above-ground swimming pool for the enjoyment of his farm workers and their families. The posted rules stipulated that bathing suits must be worn—perfectly reasonable, except that virtually none of the children owned a bathing suit or had any prospect of acquiring one.

One look at a photograph of sad-faced youngsters outside the enticing pool was all it took to get Nancy moving. She rounded up the castoffs from her own brood of six, by then mostly grown, and collected more from neighbors and friends.

And off she went to a farm outside Salinas, a drive of perhaps 25 miles or so. It was really nothing at all, she thought at the time, just a simple, spontaneous gesture in response to an obvious need.

Then she met families living out of cars along the side of the road. Their need was for food. A journey of several hundred thousand miles had begun.

Returning initially with food for a few, Nancy learned of others equally destitute. Finding them, she heard of still more.

Why yes, of course, she'd see what she could do. Yes, she'd try to find school shoes for the youngsters scampering barefoot across the sun-baked dirt of a farm labor camp. Yes, if she happened upon a spare chair or a warm blanket or a bed, she'd bring them along, too. Yes, she'd stop by a cousin's cabin near Greenfield with some "extras" because the father was out of work with a bad back and the mother and children were in need.

Yes, she'd try. No promises of success. But yes, she'd do what she could.

COMMITMENT

Summer slid into fall, fall faded to winter. Imperceptibly, compassion evolved into commitment.

There was no inspired vision of a grand design then, and there is none now. All that has happened has simply evolved.

Word went out at the Naval Postgraduate School, spurred by her close friend Mary Haltiner (who, in her own right, has been named by a Herald reader as an exemplar of the Christmas spirit). Navy families began donating outgrown children's clothes, unwanted household goods and canned food to the school's chapels for Nancy to pick up. They have been a mainstay of support ever since.

Through the years countless others have joined in. Zander Klawans of Monterey, now retired, was one of the first merchants to give new clothing from his store to be distributed through Nancy. Motels undergoing refurbishing have given mattresses, supermarkets unsellable food.

Friends and strangers routinely drop off next-to-new clothes and furniture in her driveway. Schools have provided unclaimed lost-and-found items, rummage sales some of the leftovers.

Every weekday and most Saturdays and Sundays, Nancy and the yellow pickup jauntily proceed to Castroville or Gonzales, Soledad or Greenfield, King City or Pajaro. The odometer ticks off 30,000-plus miles a year shuttling west to east, north to south.

UNFAMILIAR NAMES

It stops at places unknown to most Peninsulans. Camp 21, Kent's Court, La Orcha, Villa Camphora and Jiminez Camp. A house in an artichoke field. A shack below the railroad tracks. A cluster of cabins behind a barn.

"I will never forget one summer day when my wife and I went with Nancy Costello to visit the migrant camps," the Rev. James Brock, rector of St. Dunstan's Episcopal Church in Carmel Valley, wrote The Herald in a Holiday Spirit letter.

"What a memorable sight it was to behold as she drove her overloaded yellow Toyota truck into the camp near Soledad prison. It seemed as if hundreds of children 'came out of the woodwork' to greet her with shouts of 'Nancy!' 'Nancy!' Each child knew that Nancy would have something for him or her to wear or to eat."

To travel with Nancy is to partake of joy and struggle, heartbreak and triumph. Everywhere she goes she is welcomed, not just as a bringer of things, but as someone who shares family confidences and provides a helpful link with a world beyond the furrows of the Salinas Valley.

Some years ago, aware that her fractured Spanish was not adequate for more than perfunctory exchanges, she carved a few hours out of her self-imposed 12-hour workday to take some classes in conversational Spanish.

Now, as she speaks of the families she knows well and of newcomers in their midst, it is her English that sometimes fragments into descriptive Spanish words and phrases.

OPEN, RELAXED

Her manner is open, relaxed, involved. No Lady Bountiful here. Each stop is a warm, sometimes extended, exchange of news. How is Maria's new baby? Has she been to the clinic? What word is there from Manuel at San Jose State? And what about the men, have they had much work this week?

The questions and responses come slowly, softly. Sometimes there's an urgency, a suggestion of quiet desperation. There's no medicine for a sick child. The disability check for the father disabled in an automobile accident has not come. The stove has stopped working, and there is no meat. A family must vacate a condemned building and there is no place to go, no money for higher rent.

Nancy responds to these emergencies, too. She will call the doctor and pick up the medicine at the pharmacy. She will provide more food until the disability check comes. She will look for a stove. She will ask about a possible new home for the family as she makes her rounds, and somehow, the money will be found.

From time to time Nancy is queried about the people who make up her world. Aren't they mostly illegal aliens? Isn't she just encouraging more to come by helping to subsidize their existence?

Her blue eyes grow wide with wonder at the questions, even as a snap comes to her normally gentle voice.

"Sure, some are. Most aren't. But what does that have to do with anything? What does it matter when a kid is cold or hungry whether or not there's a green card? They're here. They need."

Inevitably, one thinks of Christmas.

Her Christmas outreach has also evolved—exponentially. In the early years it was relatively self-contained. The Costello home was headquarters, where toys and gifts of every size and description were wrapped and tagged with individual names and put in family boxes for delivery Christmas week.

The mounds of boxes would fill the family room, then splash across the kitchen to the dining room, and around the corner until they swallowed up the living room, grand piano and all, and marched out the door to the back patio, forcing hasty installation of evermore fiberglass covering to try to protect the wrapped parcels from December rains.

Meanwhile boxes of food multiplied at the Post-graduate School and in Mary Haltiner's garage, to be distributed in tandem with the presents.

From the beginning, it was overwhelming, chaotic, impossible, and accomplished.

It still is.

One is tempted to say that a loaves-and-fishes principle has been operating. There is never enough for all the people Nancy would help. But as the giving expands and the word spreads, the more that gifts and money for food and people to help show up.

It is always a struggle. There is no possible way all the names on Nancy's multiplying lists can be aided. But they are.

Nancy's Christmas has long since outgrown its original base of operations. St. Dunstan's Episcopal Church, which serves as the coordinating point and message center for Nancy year-round, is a whirlwind of sorting, wrapping and boxing from midsummer on.

Many other churches in Carmel, Monterey, Pacific Grove, Salinas and King City join in a great ecumenical outpouring of toys, food and money—all to be funneled through Nancy.

Several schools, public and private, collect and give through her. Scores of individuals, some who know only her reputation, add much more. In Monterey, six women have teamed for the past four years to host a "giving party," inviting some 200 friends to a luncheon. Each guest brings a gift, wrapped and tagged to tell its contents and age of child it is for. All these go into Nancy's Christmas collection.

Food money at Christmastime is used to buy chickens and hams and turkeys by the caseload—more than $1,000-worth in one day alone last week. Nancy will have already bought mounds of 100-pound sacks of rice and beans, all of which are rebagged into family-sized portions and put into food boxes with canned goods under Mary Haltiner's supervision.

For the last three weeks, a parade of vehicles—commercial vans, pickups, station wagons, cars with big trunks—has followed the yellow Toyota on its holiday rounds. The drivers, too, are volunteers from every community and walk of life who have heard, through the grapevine, that Nancy needs help.

Their commitment can also be impressive. One man, who first made an all-day-into-the-night circuit with Nancy as a teen-ager living in Carmel Valley, took unpaid leave from his job in Berkeley to spend Tuesday, Christmas Eve, as he has so many others—driving a van for Nancy.

This web of support, grown broader and stonger though the years, has also remained largely anonymous. Like Nancy.

Only a few years ago, Nancy was astounding family and friends by reaching 50 or 100 or 200 families who would otherwise be forgotten at Christmas. Last year more than 3,000 gifts and over 700 boxes of food went out.

This year is bigger yet. It will be a few days before she finds time to tote it all up.

Today is Chirstmas. If custom holds, and it surely will, Nancy will be on the road while most families are just opening their stockings, because she will have thought of a family here and a family there that somehow was bypassed in all the scramble of recent days.

Tomorrow the world at large moves on from Christmas. Nancy will be back on the road simply because for her no other reponse is possible. Hunger and cold and despair are real. People need.

Loaves and fishes. The spirit of Christmas.

POLISH INDEPENDENCE DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, 69 years ago, on November 11, 1918, the Polish people proudly proclaimed their independence, and were able to regain the right to self-determination and freedom after more than a century political darkness and intellectual repression at the hand of foreign tyrants.

Although one of the first democratic constitutions known to the world was the Polish Constitution written in the 18th century, shortly after the creation of this document, the Polish people saw their beloved homeland invaded by three of the country's more powerful hostile neighboring nations. These nations exploited and brutalized Poland until 1918, and responded with repressive measures whenever the heroic Polish people attempted to achieve self-government or preserve their precious cultural heritage.

After the end of World War I and the signing of the Treaty of Versailles, the major European powers recognized the national sovereignty of Poland, and the Polish people were able to reassert their national destiny and develop their national, religious, and cultural institutions without the fear of persecution or reprisal.

This glorious revival of freedom lasted for only one generation, and then, in 1939, Poland became a victim of Nazi aggression and the people of Poland were subjected once again to the most extreme forms of persecution imaginable. Although the end of World War II in 1945 brought an end to Nazi persecution, the Polish people were forced to submit to a new form of tyranny imposed by the Communist Soviet Union.

Mr. Speaker, although the years of renewed liberation and self-government were short-lived for the Polish people, today their courageous struggle to be free and develop a free economy and preserve their cultural heritage continues. I am privileged to join with Polish Americans in the 11th Congressional District of Illinois, which I am honored to represent, and Americans of Polish descent across this nation, as they commemorate Polish Independence Day and pray that one day Poland shall overcome its communist oppressors.

ELDERLY CITIZENS WOULD BE IMPACTED BY TAPPING SOCIAL SECURITY COLAS

(Mr. LOWRY of Washington asked and was given permission to address the House for 1 minute.)

Mr. LOWRY of Washington. Mr. Speaker, in recent days some of my colleagues have suggested that Social Security COLA's be limited or capped to help us achieve the $23 billion savings mandated by Gramm-Rudman. While both sides of the aisle will need to make concessions in order to put together such a package, capping the COLA will have a devastating impact on hundreds of thousands of elderly in this Nation who live below or near the poverty line.

In the last few decades the percentage of poor older Americans has shrunk substantially. The payment of automatic COLA's, instituted in 1975, has played a role. It remains a sad fact, however, that poverty among the elderly is more widespread than among any other adult age group.

According to the Census Bureau some 3.5 million elderly Americans were poor in 1985. These individuals had incomes that year below the "poverty line" of $5,156—or $6,503 for a couple. In real-life terms that means to have had a weekly income below $99—or $125 for a couple.

Poverty among certain segments of the elderly population is particularly pronounced and deep rooted—for minorities, women and the very old. In 1985, 31.5 percent of elderly blacks were poor, nearly three times the percentage of older whites. While women constitute almost 59 percent of the Nation's elderly, they account for 72.4 percent of the elderly poor and elderly women have a poverty rate nearly double that of elderly men. Finally, the "oldest old," those over the age of 85, have a poverty rate of 18.7 percent, about the same as the poverty rate among children under the age of 18.

In 1985, when the Congress last gave serious consideration to withholding the Social Security COLA, the Congressional Budget Office estimated that eliminating the COLA would push 420,000–470,000 individuals into poverty. The plight of those already in poverty would be even greater as they are pushed even deeper into that position, from which they have little hope of ever recovering.

A decision to eliminate or cap the Social Security COLA in 1988 will have much the same impact as when proposed in 1985. The American Association of Retired Persons [AARP] has just released its own analysis of the impact of eliminating the COLA. They estimate that some, an additional 272,500 individuals age 62 or older would fall below the poverty line if the COLA is withheld. Of this figure, some 165,000 would be elderly women.

Social Security is progressive in its nature, paying a higher benefit relative to earnings for the low-income wage earner as opposed to the higher wage earner. Social Security benefits constitute a much greater percentage of the income of the low-income elderly than more affluent older people. On average, Social Security accounted for 80 percent of the income for those elderly individuals and couples with less than $5,000 in annual incomes in 1982. These individuals depend on Social Security for their very survival and to deny them the COLA or limit its size leaves them with little hope of maintaining their already minimal standard of living.

THE CENTRAL AMERICAN PEACE PLAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. BONIOR] is recognized for 60 minutes.

Mr. BONIOR of Michigan. Mr. Speaker, it is not with a great deal of joy that I rise this evening to speak out against the McCarthyite tactics by some of my colleagues on the other side of the aisle. Objections have been raised today on the floor of the House to discussions that Speaker JIM WRIGHT has had with the Nicaraguan Government with regard to the Central American peace plan. This, I might pointedly say to those of my colleagues who are listening, is patently absurd.

I suppose some in this body would say that the United States should never at any time under any circumstances establish a dialog with a government with which we disagree which is alleged to be Communist. But these Members should listen to their own President on these matters. Today during his speech before the Organization of American States, President Reagan himself, the President of the United States, announced that he was willing to enter into multilateral negotiations with the five governments of Central America, including Nicaragua. And on December 7, the President plans to hold his third summit with Secretary Gorbachev. These are steps to promote peace, and I applaud them.

If we were to draw up a list of all the Members of this body on both sides of the aisle, Democrats and Republicans, who have been to Central America and to Nicaragua specifically, it would be a very long list indeed. And just this past August 2 Presidential candidates from the opposing party traveled to Central America. Senator DOLE engaged in discussions with President Ortega, and this past weekend a delegation of five Members of the House from the opposing side of the aisle traveled to Nicaragua—Communist Nicaragua, as they like to say. The official observer groups from the Senate with bipartisan representation have just returned as well.

The fact is that many Members from both sides of the aisle, from all points of view, have met on numerous occasions with leaders of the Nicaraguan Government and with the internal opposition, and they have met with Contras and with Sandinista soldiers. In every forum they have offered their observations and advice on how to achieve peace in Central America and I applaud these activities.

It is my hope that all Members will have an opportunity to talk to the key players in the region. The increased understanding that will result on both sides represents, I think, the best in our democratic traditions.

The Speaker has shown a tremendous amount of leadership in promoting the peace plan in Central America. It offers the hope of peace in a region that has been racked by violence. It offers a way to turn this nation from the disastrous road to war. The fact of the matter is that the peace plan is working, but there are some, unfortunately, in this body and in the administration who are infuriated and who are upset by the process of peace breaking out. Some do not believe in negotiations, and they would have us pursue military tactics only in response to every conflict, and I say this is surely a sorry state of affairs.

But the tactics of those who would oppose the peace plan will ultimately fail. Peace is indeed having its day. Just this past weekend, the International Verification Commission met for the first time and issued a 14-point report that describes the progress that is being made. The Commission stated that the reconciliation commissions in these five countries have been formed and that the dialog with the internal political opposition has begun in El Salvador and in Nicaragua. The Verification Commission also applauded El Salvador and Guatemala for declaring amnesty and Nicaragua for pardoning political prisoners and declaring a unilateral cease-fire.

I think clearly the Guatemala Peace Plan has set us on the path toward peace from which there can be no veering, and the announcement by President Daniel Ortega last week that he is willing to negotiate with the contras through the Cardinal is perhaps the most significant breakthrough yet in peace and in reconciliation. His release of almost 1,000 prisoners and his commitment in the near future to lift the state of emergency and to grant a more general amnesty are all important steps toward the compliance with the Guatemala accords.

I think that now, more than ever before, the United States must stand four square behind this peace plan. We must end the Contra aid and do everything in our power to see that the five nations in Central America have an opportunity to turn their swords into plowshares. All sides in the Contra debate must lower their rhetoric in the hope of success, including both the Nicaraguan Government and the Contras themselves, and Contra opponents as well as supporters in this country.

Now is again the time for diplomacy in word as well as in conduct. President Arias of Costa Rica has shown the way to a lasting peace in Central America, and for his efforts he has received, as everyone knows the Nobel Peace Prize. The world is indebted to his leadership.

Here in this body Speaker WRIGHT has shown us the way as well. At every step of the way the Speaker has sought to work in a bipartisan fashion. The Wright-Reagan initiated our support for a bipartisan solution. In numerous meetings since, Speaker WRIGHT has sought to find common ground with my colleagues on the other side of the aisle. This includes his first meeting with Nicaraguan Ambassador, at which the distinguished minority leader was present. If peace is achieved in the region, it will be in part due to the courage and the leadership of the Speaker, who has not been afraid to reach out to all the parties and bind the wounds of war. I think to take the good name of the Speaker and his office with "McCarthylike tactics" is an immature and a radical approach to some very delicate and difficult problems that we suffer in this hemisphere. I would remind those who try to take the name and the image of the leadership on this side of the aisle that by doing so they open up criticism of their own leadership in this body and literally dozens, if not perhaps hundreds of Members of Congress who have engaged in dialog with the opposition in other countries as well as the opposition here.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. BONIOR of Michigan. I yield now to my friend, the gentleman from Wisconsin, for any remarks he may want to make.

Mr. OBEY. Mr. Speaker, I thank the gentleman for yielding.

There is one difference between the gentleman in the well and myself. He may find it easy to take seriously the implied and direct criticism of the Speaker made by certain Member of the House. I am a little different. I frankly find it very difficult to take that criticism seriously.

I would begin my observations by simply pointing out that the Speaker involved himself in this process to begin with at the invitation of the White House and at the invitation of the leadership on the other side of the aisle who sought the Speaker's help in trying to work out a bipartisan position that could be presented by this country to our Central American friends as our adversaries.

□ 2045

I would simply say that I for one am proud to serve under a Speaker who has guts enough to try to see to it that the wealthy pay a sufficient share of taxes in this country, as well as a Speaker who has guts enough to try to take some risks for peace.

I find some of the objections to the Speaker's activities remind me very much of a character invented in the twenties by a man named Don Marquis, Archie the cockroach. Archie was a poet who had died and come back to life in the body of a cockroach who lived in a newspaperman's office. He would crawl out of the woodwork every night. He would type little messages by diving headfirst onto the keyboard of the typewriter and it would appear in the newspaper the next day. Some of what Archie had to say reminds me from time to time of some Members of this body.

I notice, for instance, that Archie observed on one occasion: "Man cannot even make war with the efficiency and generalship of an army of warrior ants and he has done little else but make war for centuries, make war and wonder how he is going to pay for it. Man is a queer looking gink who uses what brains he has to get himself into trouble with and then blames it on the fates."

That description reminds me of a number of my colleagues from time to time as they eagerly seek to pursue policies which would use a military option first, rather than last.

I am also reminded when some of our Members get excited about the activities of the Speaker that they ought to keep a sense of proportion. Archie said something else once. He said, "The trouble with most people is that they lose their sense of proportion. Of what use is it for a queen bee to fall in love with a bull?"

I would again commend Archie's comments to some of the membership in this House who have criticized the Speaker from time to time.

I would also say that I frankly think that sometimes it must be very tempting for an individual Member who would like to gain attention to criticize the Speaker because what easier way is there to gain attention than to criticize the leadership of the House; but again I would say that in doing so they remind me of another character in Archie's book, "A Toad Called Warty Bliggens," and with permission of the gentleman, I would like to read a portion of that poem.

Mr. BONIOR of Michigan. What was that toad's name?

Mr. OBEY. Warty Bliggens. This is what Archie said:

WARTY BLIGGENS, THE TOAD

[i met a toad
the other day by the name
of warty bliggens
he was sitting under
a toadstool
feeling contented
he explained that when the cosmos
was created
that toadstool was especially
planned for his personal
shelter from sun and rain
thought out and prepared
for him
do not tell me
said warty bliggens
that there is not a purpose
in the universe
the thought is blasphemy
a little more
conversation revealed
that warty bliggens
considers himself to be
the center of the said
universe
the earth exists
to grow toadstools for him
to sit under
the sun to give him light
by day and the moon
and wheeling constellations
to make beautiful
the night for the sake of
warty bliggens
to what act of yours
do you impute
this interest on the part
of the creator
of the universe
i asked him
why is it that you
are so greatly favored
ask rather
said warty bliggens
what the universe
has done to deserve me
if i were a
human being i would
not laugh
too complacently
at poor warty bliggens
for similar
absurdities
have only too often
lodged in the crinkles
of the human cerebrum

I would suggest that I sense that same search for self-importance on occasion when some Members of this House try to attack the Speaker.

I am reminded of one last thing that Archie the Cockroach observed, because it reminds me of many of my colleagues. Archie observed once, he said, "Did you ever notice when a politician does get an idea, he gets it all wrong?"

I would suggest that you do have it all wrong if you think there is something wrong with the Speaker of the House trying to use his influence as the leading politician in this body to try to seek peace, rather than trying to seek the option of war.

The gentleman in the well knows, as he has said, a number of us have been to Central America talking with a good many practicing politicians down there, talking with people in the church, talking with people in working people's movements all throughout Central America, talking to people in various governments. We hear a lot of things, but I tell you, when I returned from my trip to Central America in April, what I heard from about 90 percent of the people with whom I met was simply this. They said, "Look, the important thing for the United States is not whether it supports the Contras or whether it doesn't support the Contras. The important thing for us to know is that the United States is going to have a Central American policy which can be one of continuity, one which we can count on to remain the same over a 10- or 15-year period."

So they said, "Look, if supporting the Contras will give you that policy and continuity, support it. If opposing the Contras will give you that sense of continuity by bringing your parties together in a bipartisan support for your policy, then forget support for the Contras. Do whatever has to be done in order to try to establish a bipartisan consensus in your own country that can be sustained through a series of administrations."

I submit that is what the Speaker has been trying to do.

I would urge all Members of the House, and I would urge the administration not to miss this opportunity that is presented by the Arias plan. We have already missed one opportunity in Nicaragua. It is my conviction and it has been the conviction of a good many very conservative anti-Sandinista Nicaraguan officials and Nicaraguan citizens that if we had pulled the plug on United States support for Somoza a year earlier than we did that we would not have in Nicaragua today a Sandinista government, a pro-Marxist government. We would in fact have a government composed largely of pro-American businessmen, but what happened is that when for a variety of reasons, some of which had to do with obstruction in this Chamber, when the administration at that time was prevented from taking the advice of people like Adolfo Calero, who wanted us to pull the plug on Somoza even earlier when they were prevented from taking that advice, then we were left with a situation in which the middle class left, the business leadership left and there was no competition left in Nicaragua that after the revolution could compete with the Sandinistas for control of the government and control of the society. That was a tragic mistake. We do not want to repeat that by having us miss the opportunity to get behind the Arias peace plan, which is the best shot we have for stability and peace in that region.

I, for one, am not overly optimistic about the Arias plan. I hope it succeeds. I think it has as much chance for failure as it has for success, but I would say that 5 years from now or 10 years from now if it has failed, one of the parties that would have to bear a major responsibility for that failure would be the collection of political groups from this country that have tried to prevent this country from getting behind that plan with the full might of its moral suasion as well as the full might of our ability to provide economic aid to the region. If we miss that opportunity to get behind this plan, we will in a sense be engaging in a self-fulfilling prophecy.

So I applaud the Speaker. I have to chuckle somewhat at the Lilliputian objections that are sometimes raised to his efforts to really strike for peace, but I think people with a sense of balance will recognize where the criticism comes from and applaud the Speaker for his willingness to go the last mile to try to help this country achieve its mission of bringing peace to Central America.

Mr. BONIOR of Michigan. Mr. Speaker, I thank my colleague.

I yield to my colleague, the gentleman from California [Mr. EDWARDS].

Mr. EDWARDS of California. Mr. Speaker, I thank the gentleman from Michigan. I applaud the remarks that he made and also the remarks of the gentleman from Wisconsin [Mr. OBEY].

I have been to Central America, and like other Members of Congress, both Democratic and Republican, have gone as a man of peace, as a representative of the United States, most interested in seeking democracy and peace, peace for all the people of that troubled region.

It is very hard for me to imagine, Mr. Speaker, that any of us should be critical of the other, Democrat or Republican, if when any of us seek to implement, to help the implementation of the Arias plan. I predict that the history books will record that not only President Arias received the Nobel Prize, but that a partner, a quiet partner in receiving that prize was our Speaker, JIM WRIGHT, because his impetus, his courage, his contribution, and I might say worked out with the White House, nothing that Mr. WRIGHT proposed did not have White

House participation, I suggest that the history books will record that he was a partner in the receipt of the Nobel Prize by Mr. Arias.

I agree with the gentleman from Wisconsin [Mr. OBEY] that the path is difficult; however, it is the best shot we have had. We should all, all Americans, should work together and work with each other regardless of party, regardless of differences that we might have in political beliefs, to make certain that this marvelous plan for stopping the killing, for peace, permanent peace in this region, has a chance.

Mr. Speaker, I thank the gentleman for yielding. I applaud him for the remarks that he has made. I think they should be very well received.

Mr. BONIOR of Michigan. Mr. Speaker, I thank my friend for his comments. I agree with him in regard to the Peace Prize and its sharing, not only with the Speaker, but also, of course, the other Presidents of the Central American countries who have given really so very much and have taken a tremendous courageous step to end the conflict that has taken over 100,000 lives in the region.

Mr. Speaker, I yield to my friend, the gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Speaker, I thank the gentleman for the time.

It is interesting that at the moment when the administration has finally taken its first supportive action in support of the peace process by the President at least indicating a willingness to speak with the Sandinistas about this crisis in the region, a government, by the way, that we still maintain full diplomatic relations with and that we have this diversion, as assault on the Speaker for his continuing efforts in the peace process.

In the theater, a diversion is often used to get people's attention from one part of the stage over to another. Maybe what this is all about is an attempt to prevent people from recognizing that the President has been forced to shift the ground, that the President who first spoke of a solution, found it in Central America by the Central American governments, when confronted with that solution, when the Arias peace plan found the Central American governments as a group supporting the peace process and the White House opposing it and the American people supporting that peace process, that when it came time for the President of the United States to shift the positions, that we have this diversion of assaulting the Speaker of the House for his tremendous efforts on behalf of peace.

I frankly was not one of those who was supportive of the President's efforts with the White House. We have had 7 years in this Congress of watching the White House send representatives to Capitol Hill, including Secretary Abrams and others, who did not tell the Congress the truth, people who came up here, and maybe they did not call them lies, but clearly as they came before the Congress they did not honestly deal with another branch of government.

We had people from the State Department and elsewhere coming and telling us things that simply were not so.

Frankly, when I heard that the Speaker had reached out to the White House and taken great political risks to join with the President in the peace plan, I was fearful that he was being used and that this Speaker may have taken too great a risk.

I now see that I was wrong, and that while the White House was not supportive of the Wright-Reagan peace plan, that the Speaker's courage has paid off. This Speaker that took a political risk joining with the President of the opposite party and working with them and the governments of the region proposed a peace plan that moved the other Presidents in Central America.

We are not here to apologize for the Speaker. We ought to be here to apologize today for failed covert and overt military actions, covert and overt military actions in the region that have failed to attain their stated goals by their proponents, that have had American tax dollars being used toward the deaths of innocent civilians and citizens.

□ 2100

What we should be having is a special order from the other side demanding that organizations that use American tax dollars pay attention to human rights and civil liberties, that organizations that we support ought not be attacking school buses with children and women in them. We should be here in a bipartisan vein supporting the Speaker of the House in his courageous efforts.

In Central America today we pay not simply for the failed covert military actions of this administration, but the failure over decades, the toppling of a freely elected government in Guatemala and in the mid-1950's that simply wanted to give some land to its own people. We paid that price for the next three decades as Guatemalan citizens were murdered by the tens of thousands as a result of the turmoil that we brought upon that country.

In Nicaragua and Haiti and Venezuela and throughout the region, American military might has not been a help but a hindrance to democracy. As one talks to the democratic governments and people in the region, the one thing that we find for those who are fearful of the Sandinista government, for those who oppose the Sandinista government, for all the democratic governments of the region, the one thing they do not want to see is American military action in the region. They want to see the United States be a supporter of the peace process and when one looks at the courage of the Presidents in Central America; President Arias and his great effort; President Duarte caught between a left that wants to keep fighting and a right that would like to bring the death squads back; in Honduras a government that has just barely become a democracy, all the governments of the region are to be commended for their efforts.

In this House, we ought to be singing the praises of the Speaker of the House, the praises of a Speaker of the House that has courage to allow no boundary to his efforts on behalf of peace, and to say that somehow an elected Representative of the Congress, the Speaker of the House, does not have the right to engage in conversations with representatives of governments that we have full diplomatic relations with, is simply unacceptable, or that somehow Members of Congress and the Speaker included should be restricted more so than the average American is, is an absolutely ridiculous assumption.

The Speaker of the House of Representatives and every American, every Member of this Congress, has a right and indeed as Members of Congress we have an obligation to seek out the heads of other governments, to see that all the voices of America are heard abroad, and that every effort for peace is pushed forward.

The gentleman in the well has taken what I think is a great step to see that on this evening, as the President of the United States is finally taking some action for the peace process, that here in the U.S. House of Representatives there is a clear statement about what the American people want. In the streets of America they want their politicians from President Reagan down to Congressmen to be supportive of the peace process and not supportive of the Contras, to have American policy stand for the kind of righteous ideals that we have here in this Nation.

My parents in 1946 fled the Soviet Union. They came to this country not simply for economic opportunity, they came to this country because it stood for something better. I believe with the help of Speaker WRIGHT our policies in Central America will stand for something better.

Mr. Speaker, I commend the gentleman in the well, and I thank him for yielding me this time.

Mr. BONIOR of Michigan. Mr. Speaker, I thank the gentleman for his eloquent statement.

Before I yield to the gentleman from Wisconsin [Mr. OBEY], I would just point out that a statement was made by a Member of this body that the Speaker should report to the House how often he and his staff have been talking with the Nicaraguans in person or by telephone.

That is just patently absurd to require that the leadership of this House have to do that. It assumes, first, that the leadership of this body should not be talking with other foreign governments. It assumes that we should be keeping a record, and it seems to me that that is not in keeping with the best democratic ideals of this institution.

Second, assuming that we were to take this a little further and allow the fact that Members of this body should not only have the right but the responsibility as my colleague from Connecticut [Mr. GEJDENSON] and my colleague from Wisconsin [Mr. OBEY] who sit on the appropriation and authorizing committees, they have the responsibility to meet with these people, then to assume that by meeting with them if these other officials say something that is not in keeping with perhaps what we might think that we are indeed then responsible because the gentleman that I am referring to was outraged by the fact that the Speaker met with the Ambassador from Nicaragua who, by the way, the minority leader has met with on a number of occasions, and suggested that the comments made by the Ambassador from Nicaragua as to his feelings about further aid appropriations was being taken by the Speaker as mandating we do X and not do Y.

That is patently absurd because the Speaker, the majority leader, nobody in this leadership takes orders from any foreign government, or any ambassador. We make decisions on behalf of the people of this country, and to assume because we meet with these people that we are indeed taking their orders is, I think, just very much an absurdity.

One would have to question whether or not the gentleman who made these assertions thinks it is permissible to discuss foreign policy with the Greeks or the Israelis or our Arab friends or the Turks or the Germans or our friends and other NATO allies. Of course it is. That is our responsibility and our job.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. BONIOR of Michigan. Mr. Speaker, I yield to my friend from Wisconsin.

Mr. OBEY. Mr. Speaker, I would suggest that probably the comments of some Members of this House who might be concerned about the Speaker's actions are perhaps related to the fact that the Constitution clearly gives only the President the right to negotiate with a foreign power.

Everybody recognizes that.

I would simply like to quote from a letter which the gentleman from New York [Mr. MCHUGH] and I sent to Mr. Ortega in 1984 in which we said:

> Obviously Nicaragua has only one foreign policy at a time and that is the policy you and your leadership enunciate. The United States obviously also has one policy at a time and that is the policy enunciated by the President and his official representatives. Our letter to you in no way represents any effort in negotiations because we are in no position to negotiate for our country. That is up to the President. But we do have the right as human beings to communicate with other human beings in the world in the interest of trying to encourage rational conduct which could help end bloodshed and establish more civil relations.

I think that is clearly what the Speaker has been doing. I hope he does a whole lot more of it and I hope that we do not take too seriously the objections from gnats about the efforts of the Speaker and others to try to bring peace to the region.

Mr. BONIOR of Michigan. Mr. Speaker, it is important not to take too seriously these allegations and these McCarthy-like tactics, but it is important to challenge them when they are made. I think it is important that we let people know in this country that we are not going to stand and be intimidated by that type of rhetoric and that type of action.

Mr. OBEY. If the gentleman would continue to yield, let me assure him that coming from the State that produced the original Joe McCarthy, I have not seen very many good imitations. I have seen many people who tried to imitate him, but I have seen very few who fall in his class. So I agree that if people act like it, they ought to be called on it, but I would not worry about their being very effective.

Mr. GEJDENSON. Mr. Speaker, will the gentleman yield?

Mr. BONIOR of Michigan. Mr. Speaker, I yield to the gentleman from Connecticut.

Mr. GEJDENSON. There are several other practical problems with this approach. First of all, the record is out there and clearly some of my colleagues on the other side of the aisle during a previous, and Democratic, administration made comments to foreign governments on a number of issues. But I would take issue where I would think there was broad support in the House in a bipartisan manner that all of us in this Chamber have taken actions through either direct communications, letters or petitions to the heads of foreign governments regarding human rights situations in a number of countries around the world. I think regularly our offices are involved in efforts to free Soviet Jewish refuseniks, and presently my office is involved in a Greek Cypriot who disappeared during the Turkish invasion of the island.

We are constantly involved in human rights cases around the world. Oftentimes these take the form of direct communications with ambassadors or other representatives of countries.

I remember when Mr. Dobrynin was here in Washington at a meeting on arms control that bipartisan Republicans and Democrats joined together in, and I passed the names of several refuseniks who had been trying to leave the Soviet Union, and I asked that he might pay some attention to these individuals.

□ 2110

I would daresay that there ought not be a Member of the House or in the country who would try and curtail the ability of an individual Member, the Speaker or anybody else, from trying for these humanitarian kinds of actions. And clearly a cessation to the hostilities in Central America, and into the war would relieve us of much of this work. If the Speaker of the House and the effort that he began is successful, there will be fewer people who will be missing, fewer that will be interned, and it will be one grand gesture where most of us as individual Members of the House are best able to help on one individual locked in a gulag, one individual whose family is seeking someone lost from a conflict.

Presently I am involved in an effort trying to find the remains or whereabouts of prisoners of war that occurred in the Korean conflict. With the State Department's full knowledge, we have been meeting with representatives of the North Korean Government. We may at some point travel to North Korea. Yes, but we are working with the Government and we are reaching out trying to help American citizens.

Mr. BONIOR of Michigan. In that regard, through the Speaker's efforts and the efforts of those of us who supported the Arias peace plan, we have allowed literally 5,000 El Salvadorans to cross the Honduran border and to go home. We have been able to through our importations and requests, and the Nicaraguan Government I think played some role in helping to release a thousand prisoners from jail just the other day in Managua.

I think talking has been very helpful, and talking in a constructive manner particularly to the Nicaraguan Government has been helpful in ending what we see as a terrible bloodshed in that region of the world.

Mr. LOWRY of Washington. Mr. Speaker, will the gentleman yield?

Mr. BONIOR of Michigan. I yield to my friend, the gentleman from Washington.

Mr. LOWRY of Washington. Mr. Speaker, I thank the gentleman from

Michigan for yielding and thank him for taking out this special order. I agree that it is unfortunate that it was necessary that the gentleman had to take out this special order. I will only talk just briefly in agreement with the comments that have been made before by our colleagues.

I was stunned to find that accusations would be made against Speaker Jim Wright for what he has been doing, which I think is one of the most courageous and one of the most important political acts that I have had the opportunity to witness in my 9 years in Congress. I was one of those who when I woke up one morning and read the Washington Post and it talked about the Reagan-Wright peace plan, who was extremely worried. I am a member of the Speaker's caucus, a member of the Speaker's constituency, the caucus constituency that is overwhelmingly opposed to the Contra war and is overwhelmingly very suspicious based on the record of the actions of this administration. So when I read, as did most of my close colleagues in our caucus, read that the Speaker had gone with the representatives of the President and met with the representatives of the President up here, and the President actually talked about a Reagan-Wright peace plan in Central America, I like many was extremely concerned and irritated.

The point I want to make may not be real easy for a lot of people to understand. But the Speaker had the courage to lead at a point when many of his important supporters within the caucus said, hey, Mr. Speaker, we do not think you should be doing this. We are very, very concerned about what you are doing because of the record of this administration.

He knew that, and yet he still stepped forward to give that courageous leadership. As a result of that, today we have the grandest opportunity for peace and stability in that area where there have been 100,000 deaths that we have ever had. The Speaker was right; I was wrong. The Speaker had the courage to lead us forward and I am glad he had that courage.

Mr. BONIOR of Michigan. That courage not only opened up those prisons for a thousand people that I just talked about, and not only did it do that, and not only did it allow about 5,000 people to go home in Salvador, but it helped open up the press in Nicaragua, it helped the radio station open up, it helped La Prensa to be printed again. It helped for the first time in a long time, and most people do not focus on Guatemala, but there has been a war raging in Guatemala for decades, literally a whole Indian population has almost been decimated to genocide in the hemisphere. He has finally addressed that very important problem.

It has done a number of things in Salvador. It has brought the reconciliation of the countries, it has pulled together where they are talking for the first time. When I had lunch with Mrs. Arias, Oscar Arias' wife, she was telling me how the Central American presidents' spouses never talked, never met, never discussed things, and now they are talking and discussing issues, and they are talking to their husbands about the issues.

A wonderful thing has happened, and peace has probably been promoted further these last 90 days, in such a grand style and scale, I might add. We are not talking about a one-on-one situation, for instance, like Iran and Iraq. We are talking about 5 countries here and various factions, and we have made tremendous progress, and that is due to a large extent to the actions of the Speaker of the House, and certainly the President.

Mr. LOWRY of Washington. The gentleman is absolutely right, that is what it is due to.

Mr. GEJDENSON. If the gentleman will yield further, as I stand here another thing comes to mind. This Speaker has not just started under the Reagan administration to be involved with the situation in Nicaragua. During the Carter administration my recollection is that Speaker Wright, then majority leader of the House, took great efforts concerning our interests in Central America. And if we think that we are overstating the potential here and how this progress started, I would have Members of the House think back to what one trip by an Egyptian leader named Sadat did as he entered Jerusalem for what seemed to be impossible, the two most powerful nations in the Middle East, Egypt and Israel, at war since 1948, with no hope for an end to war in sight, suddenly through Begin and Sadat's efforts, through great courage on their parts and leadership from President Carter we saw peace brought at least to those two nations. They have a long way to go there, but they made an incredible start. I think the same thing needs to be recognized here.

The battles in Central America come from poverty and hunger, from a lot of misplaced values in a lot of corners, and from actions taken by our country when maybe instead of military assistance we should have provided nutritional assistance and educational assistance. But for whatever reason we see the turmoil there, whether it is Soviet agents behind every bush, or hunger and poverty, or a combination of both, it seems to me that what we have all wished for, what we have all spoken of we now have an opportunity to see happen. For the first time, the governments in the region are speaking to one another, they are involved in a peace process. There is no debate that Speaker Wright played a major role in that process, and he ought to get the credit for it. To find an attempt on the other side for some kind of diversion, as even the President recognizes the need for a dialog in Central America, saddens me because what we ought to be doing is working to move this process down the road to peace and not trying to disrupt it by attacking the courageous Speaker of the House.

Mr. BURTON of Indiana. Mr. Speaker, will the gentleman yield?

Mr. BONIOR of Michigan. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. I thank the gentleman for yielding. I will not take much of his time. I plan to try to refute some of these statements in my special order following this.

But what I wanted to point out is that although they have committed to releasing a 1,000 prisoners, political prisoners in Nicaragua, it is estimated that they have between 5,000 and 6,000 political prisoners.

Leño Hernandez, who is a human rights activist, and President Azcona believe that there are many, and they have just released a 1,000. So there are another 5,000 or so still in the prisons down there suffering from torture and imprisonment.

Mr. BONIOR of Michigan. We are going to do all we can to make sure those people, the ones who I think should be released are released, and I agree there are thousands more that perhaps should be released, to see that in fact that they are released.

Mr. BURTON of Indiana. That is part of the peace agreement.

Mr. BONIOR of Michigan. The president has indicated he is willing to release and allow others to go free. But he would like some reciprocation from this country. He would like this country to stop aiding the Contras. And that position, by the way, I might add, was just upheld this weekend by the verification commission which is made up of 5 Central American countries, the 8 Contadora countries, the offices of the U.N. and the OAS when they issued a statement, a 14-point statement that basically said that the Nicaraguans have released a thousand people, now really the ball is in the court of the United States before there is further amnesty. And before there is a complete lifting of the stage of seige there has to be an end to the aiding of the Contras, who are the perpetrators of the war in the first place.

Mr. GEJDENSON. Is the gentleman unhappy that a thousand prisoners have been released?

Mr. BURTON of Indiana. Of course not. Let me finish. I will answer the gentleman if he will let me finish. We are not in front of a jury, and if the gentleman wants me to answer I will answer it.

Mr. GEJDENSON. Is the gentleman unhappy that Cardinal Obando y Bravo has been chosen as mediator between the Sandinistas and the Contras? Is the gentleman uncomfortable with that?

Mr. BURTON of Indiana. I am happy to answer if you will give me a little time. First of all, I think Cardinal Obando y Bravo is a fine choice.

Second, I think that releasing a thousand political prisoners is a step in the right direction, but the Communist Sandinistas have promised to release all political prisoners, and President Azcona has said without exception unless they comply with all facets of the peace agreement he does not consider it worth the paper it is written on. So one thousand, although it is a step in the right direction, certainly does not absolve them of the rest of the responsibilities they have to release those other 5,000 political prisoners suffering down there.

Mr. GEJDENSON. Does the gentleman not feel though that a process that has for the first time instead of increasing the number of political prisoners begun to decrease the political prisoners, a process that has taken one of the harshest and most powerful critics of the Sandinista government, Cardinal Obando y Bravo and made him a central player in the negotiations, is that not some indication that we ought to try to move this process further and get more of those prisoners released and stop more of the fighting rather than trying to put obstacles into the road of the peace plan?

Mr. BURTON of Indiana. I would like to respond to that as well. I think we all would love to have peace down there. But many people, myself included, believe that what Daniel Ortega and the Communist Sandinistas are doing is creating a facade so that they can buy time, and during this time hope that the Contras will dissipate, fall apart, no longer be a viable force. And if that is the case, then they can further their goals of revolution throughout Central America and into Mexico.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. BONIOR of Michigan. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, I would like to suggest that when you play chess and you are trying to get the other person in a mated position, or a check mated position, that it is a lot easier to do that if you are using all of your players at the same time. It is pretty tough to get somebody in a check mate position when you are only dealing with one mover. And it seems to me if you want to get the Sandinistas in a corner and in a box so that they have the least possible room to wiggle out of their obligation to release political prisoners and meet some of the other obligations under the Arias plan that what you need to do is have all of the major players in the region, plus the United States, working together. So if we want to put them in a squeeze, the best thing for us to do is for us to cooperate to the letter with the Arias peace plan so that it is obvious that there is only one party which stands in the way of getting a settlement, and it is not the United States.

I do not want there to be a scintilla of doubt that the United States has gone the last mile in order to bring peace to the region. I think that is the most effective way that you can make the Sandinista government, whether they like to or not, live up to their obligations under the Arias plan.

Mr. BURTON of Indiana. Will the gentleman yield again?

Mr. BONIOR of Michigan. Yes, I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. I would like to just suggest that we do all want peace. I would like to ask the gentleman a question. First of all, I would like to see the Contras at least be a viable force until the peace process ends. Now if the Contras are still a viable force when the peace process ends, and we all hope that they will, at least I do, then let me ask you this question: If the Sandinistas do not comply, and if they continue to export revolution down there, will you support aid to the Contras if they do not live up to the peace agreement?

Mr. OBEY. There is plenty of time, if the gentleman will yield, there is plenty of time to talk about what we will do if the process fails after it fails. Until that happens, I would just as soon see us talking about what we are going to do to make it succeed. We have had too much foot dragging trying to help the process fail.

Mr. GEJDENSON. Let me take a look at what the gentleman would like to have us do. He would like us to continue on a policy that after 7 years of legal and illegal funding has done nothing for the United States but cause embarrassment and failure.

We ought to go back and take the press releases out of the administration where the Contras were 5,000 and 20,000 and growing, and the projections were continuously that this force of 5,000, growing to 20,000, would soon have hundreds of thousands of Nicaraguans in an army marching on Managua.

□ 2125

There were deadlines given for when territory would be held.

Mr. BURTON of Indiana. Whose fault was that?

Mr. GEJDENSON. The administration told us that we were shortly to see territory held in Nicaragua.

The Contras had all kinds of grand plans. What we need to recognize is that no matter what happens in the peace process, the continued funding of the Contras is a disaster for the United States. It is another land-based Bay of Pigs, an embarrassment for American policy, and to continue that kind of policy will give us more problems for a longer period of time in Central America. What we ought to do is find a policy that makes the United States look good and that achieves American goals. I will submit to my friend in the House today that 7 years of financing the Contras—and I would grant them that the Contras only received hundreds of millions of dollars, tens of millions of dollars, not billions of dollars to overthrow a country with 3 million people—and I would submit——

Mr. BURTON of Indiana. Let us tell the whole story.

Mr. GEJDENSON. Had we not spent tens of millions of dollars trying to overthrow the Sandinista government, we would find that there would be political pressure within Nicaragua. But the present policy has delegitimatized the legitimate opposition, it has taken out the kind of leaders that could have won elections in Nicaragua and it will continue to fail as a military policy. And that is something my friends on the other side of the aisle need to recognize.

Mr. BONIOR of Michigan. Not only has it failed as a military policy, but this whole idea of appropriating—and I am glad the administration is finally moving away from this proposal for $270 million for the Contras—is another absurdity. I mean, here we are 6 years, almost 7 years into this war and they want to spend another $270 million on 10,000 soldiers.

Now if you do the math on that, that comes out to about $27,000 per Contra. Now that is more than the average man and woman makes in the district of the gentleman from Indiana [Mr. BURTON] $27,000 a year. You know, if there was something to show for that, but there has not been; there is no land held, there is limited support.

I yield to my friend from California.

Mr. DORNAN of California. I thank the gentleman from Michigan for yielding.

There are two propositions here that I do not understand because there seems to be a similarity. My colleagues on the other side of the aisle, and I include everybody who is here tonight, who are fair, say SDI was wrong from its inception but we must admit, they say begrudingly, it did get Gorbachev to the table. But now is the moment to give it up.

But I do not hear them say, although everyone says this in Nicaragua, that Contra funding was wrong but we must admit it did get Ortega up to Guatemala City to sign Esquipulas II. That happens to be the fact.

Cardinal Obando y Bravo said that, Monsignor Bismarck Carballo says that, the little girl who was beaten up on October 22 whose name I cannot use because they will rearrest her, all the mothers and wives of the prisoners, the sisters that I spoke to yesterday in Nicaragua, the people on the march that we marched in, five of our colleagues yesterday, they all said—particularly the clergy—without the Contra funding, whether it was right or wrong, made Ortega sign this document.

Mr. BONIOR of Michigan. I would say to my friend it depends what clergy you talk to. I know a lot of clergy in Nicaragua that will maintain that the funding of the Contras has been the problem, has been the reason that you have had some restrictions on civil liberties and indeed it has not been—that has not been the reason they have gone to the table. They have been willing to go to the table now for 6 years. They were at the table in 1984 and the day before the elections in this country when we pulled the rug out from under this peace process by yanking out the support of the Hondurans and the Salvadorans.

They have been asking to continue to meet since the talks of the United States broke off with Nicaragua since 1984. They have always been willing to go to the table. It is only since the pressure of Arias who, by the way, takes the same position that I do and opposes your position with respect to the Contras as being the reasons they are at the table; he takes the position that the Contra policy has been a failure and that the Sandinistas are willing to come to the table on a reasonable proposal, a reasonable proposal like that which was made in 1984 when we had the Contadora proposal on the table. So with all due respect, it depends who you talk to. I would disagree with the gentleman.

Mr. DORNAN of California. Have you talked to Cerezo about this? Azconas, Cerezo, Duarte have all told me to my face without the Contra funding, without commenting on whether it is right or wrong, this is what brought Ortega to Esquipulas I on the Honduran border and Esquipulas II up in Guatemala City. I think this House, probably on December 16, will vote for more humanitarian aid. We are not going to go home to our baked Virginia hams and stuffed turkeys and watch the Contras straggle out of Nicaragua like the Bataan Death March. They will get that humanitarian aid. The big fight is going to be in this House in January. As I said down there in Managua yesterday, the man of the hour is the man whose Nobel prize was won for him by the blood of young Nicaraguans and some of them boys and girls about 10 miles deep in Honduras across the Rio Coco all the way down to the San Juan. Those Contras have given their lives for freedom in their country. They are all peasants now. You know, when you go down there the first thing you can see, and you can tell them from skin color, is that the fighting force is not Somocista, it is all peasants. In the prisons, the politicial prisoners they are not fair-skinned middle-class kids from Managua, they are the peasant kids, the mothers and wives and sisters I meet with, all peasants. It is peasants against middle-class kids acting out their adolescent Marxist theorizing which is the junta. This is a junta. I do not care whether it is left or right. Pinochet is a junta, the comandantes are a junta.

Mr. BONIOR of Michigan. I will yield to my colleague from Connecticut, but before I do I want my friend from California to know that this special order started over the idea that for some reason it was not proper or right for Members of this body, particularly the Speaker, to be talking with the Nicaraguan Communists. I just want to note for the RECORD that my friend here was at a table discussion with Daniel Ortega. I think it was probably a very helpful discussion in terms of where he saw certain segments of our society coming from and frankly where the gentleman saw him coming from.

I yield to my friend from Connecticut.

Mr. GEJDENSON. I want to point out several things here. Our friend from California is someone who knows his facts. Even if I feel sometimes he draws the wrong conclusions, I would also say that he is someone who probably has met with Ortega more times than the Speaker and more times than most Members and he does so because he takes his job seriously.

But I say to him whether we debate the issues of Contra funding—and I thank the gentleman from Michigan for bringing us back to the point of this special order—and I would be happy to debate with my friend both star wars and Contra funding on another evening; the focus here this evening is the Speaker's role and all our roles frankly in the peace process. And that now that we are at this point, for whatever reason you may argue or we may argue, we are at this point, that we all ought to be supporting the peace process with every bit of our energy because unless we do so——

Mr. DORNAN of California. The gentleman knows that I endorse Wright-Reagan or Wright-Reagan-Tunnerman.

Mr. GEJDENSON. I commend the gentleman for that. The blood of all Central Americans will be on our hands. We do have this opportunity, a window in time, to use a favorite phrase of the President, where we can push the peace process forward. There are no guarantees in the effort toward peace, only that it will be less costly than if we had not taken the effort for peace.

Mr. BONIOR of Michigan. I yield to my friend from Wisconsin.

Mr. OBEY. I thank my friend.

I simply would like to say that I do not frankly find it very interesting or very helpful to continue to debate the past for the 500th time on this floor. The question, we are not going to change many minds about the utility of aid to the Contras in the past. The question, it seems to me simply, what is their utility now? What ought to be our policy now? I think it is clear that right now with the Arias plan on the table the best option for all of us, all Members of Congress as well as the administration, is to support wholeheartedly the Arias plan and not try to find debating-point reasons for screwing it up.

Mr. BONIOR of Michigan. I thank my colleagues for participating in this special order.

Mr. Speaker, I yield back the balance of my time.

UPDATE ON THE CENTRAL AMERICAN ARIAS PEACE PLAN

The SPEAKER pro tempore (Mr. DARDEN). Under a previous order of the House, the gentleman from Indiana [Mr. BURTON] is recognized for 60 minutes.

Mr. BURTON of Indiana. Mr. Speaker, I came down tonight to talk about some articles that we had written in a book recently but unfortunately or fortunately I had the opportunity to hear the special order of the gentleman who preceded me and I would like to point out a few parts of the picture that were left a little blank in the discussion.

First of all, the gentleman from Michigan indicated that these people in Nicaragua are alleged to be Communists. The fact of the matter is they are Marxist-Leninists, they are Marxist-Leninists by their actions and by their words as well as by their deeds.

There is just no question about that.

When we were in Managua about 6 or 7 weeks ago, and the gentleman from California, Congressman DORNAN, and I went over there to see Lino Hernandez who is a human rights activist who was jailed because he appeared at a demonstration; he did not participate, he just appeared at a demonstration and they threw him in jail without benefit of any kind of a trial.

We went over to see him and while we were waiting in the police chief's office, Congressman DORNAN pointed out to me over my left shoulder a large picture of Lenin and over my right shoulder was a large picture of Karl Marx. Those were not hanging there just for aesthetic reasons. They were there because that police chief as well as all those in leadership down there are avowed Marxist-Leninists. Daniel Ortega just got back from Moscow where he participated in celebrating the 70th anniversary of the Bolshevik Revolution with Gorbachev, with Fidel Castro and others. There is no question they are a Communist organization, they are a Communist government. There is no question that they plan to export revolution into the surrounding countries and that they have been doing that. In El Salvador I was in Chalatenango Province. I saw captured Communist weapons, I talked to captured Communist guerrillas who told me they were trained in Nicaragua, that their weapons came through Nicaragua. No question about that.

In addition to that, during the attack by the M-1 guerrillas in Colombia last year when they killed members of the Supreme Court down there, there were found among the dead members of the Sandinista military participating with the M-1 guerrillas and trying to undermine the government in Columbia. No question it is a Communist regime.

Now what happens if the peace process fails and the Contras dry up and blow away because we do not give them funding? We all want peace to work in Central America. We all want to give peace a chance.

But if it does not work, there should be a viable alternative to the Communist Sandinista government.

Now my friends on the other side of the aisle would have it that the Contras would no longer get funding, they would become members of the United States of America, flee to the United States or stay and go to Honduras and live in refugee camps or go back and under the state of amnesty become part of the Sandinista government or part of the Sandinista citizenry. Many of them no doubt will be taken to task, imprisoned or killed down the road.

But the fact of the matter is that they would have it that there would be no viable opposition to the Sandinistas if the peace process fails because they do not want any further Contra aid.

My feeling is that the peace process, although it should be given a chance, is likely to fail. If you talk to the other Central American leaders they are filled with apprehension as well.

Congressman DORNAN and I met with President Azcona in his Presidential residence and he told us that he had told Senator CHRIS DODD that if the peace process failed—and he had great apprehension about it—that he was going to request 50,000 American troops be stationed in his country. He was also going to request up to $250 million in military assistance. So he has apprehension about it.

President Duarte of El Salvador is very apprehensive about it. When we talked to them privately about whether or not Contras should be funded so that they could remain a viable force in case the peace process fails, they say, yes; they should at the very least get humanitarian aid so that they will be able to survive and there will be some alternative to the Sandinistas if the peace process does not work.

My friends on the other side of the aisle would have it that the Contras no longer be a viable force and if the peace process fails there would be no way to do anything about the Communists Sandinistas and their expansionist policies throughout Central America. They have been exporting revolution in the past; as Congressman DORNAN of California said a while ago the thing that got them back to the conference table, Esquipulas II, was the gains that had been made by the freedom fighters, the Contras, on the field of battle this year. The pressure had been increased on them and Tomas Borge and others have said privately that they are a threat to the Sandinista government and therefore they went to the conference table.

Now after having gone to the conference table and signing it, they are trying to buy time. They are not complying with all facets of the peace agreement, there is no question about that. They released 1,000 political prisoners or promised to release them. There are 5,000 to 6,000 political prisoners in those jails down there. Congressman DORNAN and I talked to mothers and wives and daughters of these political prisoners and with tears flowing down their cheeks they talked about the torture and the repression that their husbands and sons and brothers were feeling in those prisons, real torture.

□ 2140

And there are over 5,000 of them. So they are going to release 1,000 and say they are complying with the peace agreement? Not on your life.

In addition to that, they said they were going to allow La Prensa to print. Well, that was a step in the right direction and we all applauded that. They said they were going to let Radio Catolica broadcast again. Radio Catolica did not have the power that was necessary and one Member of our body here went down there with radio equipment and helped fix that radio station so it could broadcast not only in Managua but all the way down to Costa Rica and all the way up to Guatemala. The signal is now very strong. Lino Hernandez went on that radio station to give a news report on the human rights violations that were taking place at the hand of the Sandinistas, and they immediately once again imposed censorship on news broadcasts on Radio Catolica. They cannot broadcast news today. So once again they are not complying with the peace agreement.

As I said before, I think President Ortega in Nicaragua is trying to buy time.

And what are they doing with the young people down there? I did not bring all of my information over tonight because I did not intend to get into this lengthy discussion on this subject, but they are teaching young children to add and subtract using military equipment instead of apples and oranges. So two AK-47's plus two machineguns plus two machineguns are six machineguns; and three hand grenades plus three hand grenades are six hand grenades. And as the children get older, the indoctrination gets more severe, so that they will have a solid corps of young people to throw into the field of battle at some point in the future.

They are building their army toward a 250,000-man active army and militia. They have reached their goal of 139,000 right now, which is far greater than any of the other Central American countries, in fact probably greater than all those countries combined. And yet they continue to build. Because they felt pressure on the battlefield, they have decided to sign the peace agreement to buy time.

We all hope it works, but if it does not work, there should be a viable alternative to the Communist Sandinistas and their objectives down in Central America.

My colleagues on the other side of the aisle said that Oscar Arias received the Nobel Peace Prize, and that JIM WRIGHT should be a co-recipient because of his participation in the peace proposal. Well, if the peace proposal does not work, I hope Mr. WRIGHT, our Speaker, is equally willing to accept the responsibility for the failed plan. Of course, we hope it works, but if it does not, if you accept the accolades and there is failure, you should go with the blame as well.

Mr. OBEY. Mr. Speaker, will the gentleman yield on that point?

Mr. BURTON of Indiana. Certainly, I am happy to yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, I would just like to make this observation. I have heard that suggestion made before, and it seems to me that what you have with that line of argument is a setup, because if you are going to hold someone fairly accountable for whether or not the Arias plan succeeds, then before you do that, it seems to me one ought to have a record of being four square for the Arias plan and doing everything possible to support it and make it work. In my judgment, as I said earlier, I am skeptical that the plan will work because I think many forces operate against its success. But the only chance it has for success is if the United States gets behind it 100 percent rather than, as it has often done in the past, leaving the impression that we are really foot-dragging and trying to find some historical accident which will unravel it or trying to find some other factor that will unravel it.

So if people want to assign blame for the failure of the Arias plan if it indeed does not work, I think it would be a whole lot better position if they had a track record of working for a couple of years to see to it that it does work.

Mr. DORNAN of California. Mr. Speaker, will the gentleman yield?

Mr. BURTON of Indiana. I am happy to yield to the gentleman from California.

Mr. DORNAN of California. Mr. Speaker, I hope that the gentleman from Wisconsin [Mr. OBEY] will stay there so that we can have a colloquy on this, because I did support what I have now come to call the Wright-Tunnerman plan, with Reagan signing off on it, or, rather, if you want, the Tunnerman-Reagan plan. I did support it, and I told the President in his office on August 7 at the very moment the five Presidents down in Central America were signing that I would support it through September 30, which was our Speaker's date, the 49th anniversary of Munich. I said I would support it sincerely and vigorously, and the gentleman in the well and I disagreed about it. But I think it showed, from what I saw in Managua yesterday, and the day before yesterday, that the gentleman's wisdom was superior to mine.

But I wanted to go that extra last mile, and the gentleman quoted that. I think it was fair to characterize it as that. That is what three conservative Congressmen and myself described it as, the typical Reagan last mile, on the lawn of the White House on August 7. Then it was swallowed 3 or 4 days later by the Arias plan. Two of those Presidents down there have told me they did not have much choice. After the Wright-Reagan plan or the Wright-Tunnerman plan, how could they not sign in Guatemala City?

So then they extended the date until November 7. Some people chose November 5, including Ortega, the exact 90 days. So now that whole period is gone, and now we are in the extension of the Arias plan which swallowed the Wright-Tunnerman-Reagan plan. Now we have a new date—I thought it was January 7, but now I am told it is January 16—where Arias will give a report on whether or not Ortega has lived up to the plan.

The gentleman from Michigan [Mr. BONIOR] correctly bragged on President Duarte, that he had lived up to it, and that a 1,000 prisoners are freed, including the people that killed Bobby Dixon and Gregory Weber and the other 2 marines and 9 other people that got the coup de grace right in the face. Those people are free. That is what reconciliation means.

But I am not trying to set anybody up. I say to my good friend, the gentleman from Wisconsin [Mr. OBEY], that I am now strung along. I am supporting it until January 7. I am not throwing any blocks in its way. I do not want any lethal or military aid to go to the Contras.

We can honestly disagree, I think, as to whether or not we want them to straggle out there like they did on the Bataan Death March. I think the gentleman knows he is going to lose that vote next month. But how does he see this as a setup? I want it to work.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. BURTON of Indiana. I am happy to yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, I suggest that I have not referred to anything said by the gentleman from California. I was simply responding to the line of argument made by the gentleman from Indiana which I described as a rhetorical setup, and I believe it is a rhetorical setup.

Mr. DORNAN of California. I see what the gentleman means.

Mr. BURTON of Indiana. Mr. Speaker, the gentleman may call it what he wants, but when he and his colleagues on the other side of the aisle say he is deserving of the accolades that Arias received in the form of the Nobel Peace Prize, I will not take issue with that, but I will say that if he is entitled to the accolades, he is also entitled to the blame if the thing does not work.

I think that the Arias peace plan is fatally flawed. I think it is flawed from the standpoint that while we are supposed to cut off aid to the Contras and while there is supposed to be no support for the revolutionary forces opposing the Government down there, the Soviet Union continues to pour large shipments of military assistance into Nicaragua. Two years ago they sent 18,000 tons of war materials in, last year they sent 23,000 tons of war materials in, and this year they are going to send in 36,000 tons of war material. They have every kind of Communist fellow traveler down there aiding the Communist Sandinista government, and the Contras are no longer supposed to get any support from outside sources.

It seems to me that if you are the author or coauthor of a plan that leads to cutting off aid to an indigenous freedom-fighting force while the Communist regime, under an expansionist policy that has not changed since the Bolshevik revolution continues to get aid, then you bear some of the responsibility for the failure if the plan does not in fact succeed.

Mr. DORNAN of California. Mr. Speaker, will the gentleman yield?

Mr. BURTON of Indiana. I am happy to yield to the gentleman from California.

Mr. DORNAN of California. Mr. Speaker, I think maybe the gentleman's choice of the word, "blame," is unfair to our Speaker, and I am not going to blame Arias. What I said today in the press conference reporting on my trip to Managua, was this. And that was my 7th trip, by the way, and I think that is more than any other Member of this body, the 13th in the area, and that passes the gentleman in the other body who serves on the same committee I do, the sister Committee on the Western Hemisphere. I have been down there more than anybody, and I do not want to blame Arias, and I do not want to blame our Speaker, JIM WRIGHT.

What I want them to do, instead of accept blame, is to shoulder the responsibility or the obligation, as Mr. Kissinger did over his Nobel Peace Prize, and say that it was premature, that they tried but that Ortega has betrayed his signature on that document in Guatemala, and now we must move forward, the gentle path of diplomacy having failed, and we will fund the freedom fighters as we funded the Yankee squadrons in Great Britain or the Flying Tigers in China, that we have to now turn to force.

Would the gentleman be willing to say they shouldered the responsibility or say they tried but failed, rather than putting it in the context of using the word, "blame"?

Mr. BURTON of Indiana. Mr. Speaker, I would be happy to say, if I were going to put it in that context, that they should shoulder the responsibility, not unlike Lord Chamberlain had to shoulder the responsibility for the agreement that was signed at Munich in August 1938 when he came back waving that piece of paper saying, "Peace in our time." His public relations people thought it was a great coup. His Gallup poll rating probably would have gone to 99 percent, but yet he had just sowed the seeds of World War II. So from that standpoint, if you want to say, "Shoulder the responsibility," all right, I will say he should shoulder the responsibility.

Mr. DORNAN of California. Well, but Chamberlain resigned.

□ 2150

Mr. OBEY. Mr. Speaker, will the gentleman yield on that point?

Mr. BURTON of Indiana. I am happy to yield to the gentleman from Wisconsin.

Mr. OBEY. I would like to suggest that I note that the gentleman in the well has indicated that he believes that the Arias plan is fatally flawed. It very well may be, but I suggest that the true art of leadership lies in trying to take plans which may be flawed and turn them into winners, the way Bobby Kennedy did during the Cuban missile crisis. What Kennedy did was to recognize the fact that we had two messages from Khrushchev, one earlier, which was more conciliatory, and the second message, which was less cociliatory.

Bobby Kennedy suggested that the way out was simply to ignore the second message, which was more belligerent, seize upon the earlier message and act as though that was the position that the Soviet Union was going to take. By doing so he broke through the barrier and brought a successful end to that crisis.

I would suggest that if the Arias plan does have weaknesses, the thing to do if you really care about peace is not to debate the weaknesses but to try to push on, or put your full pressure and support behind the plan and make it work and if you think it is defective, change it so it can work, rather than an artificial deadline saying, "Sorry, you missed the calendar by 6 hours and 8 minutes, so now we've got to go to war." That is not a very smart policy.

Mr. BURTON of Indiana. Well, all I can say is that the Cuban missile crisis to which the gentleman alludes certainly did not get nuclear-tipped missiles out of the Cuban area. They were removed for a short period of time.

Mr. OBEY. But it did avert war, did it not?

Mr. BURTON of Indiana. Well, you know, you avoid war and you end up with a bigger problem down the road.

Mr. OBEY. Is the gentleman suggesting we should have gone to war?

Mr. BURTON of Indiana. I did not give the gentleman any time, I do not think.

Mr. OBEY. Is the gentleman suggesting we should have gone to war?

Mr. BURTON of Indiana. I did not yield any time, did I? I do not think I yielded any time.

Mr. OBEY. All right, the gentleman does not want to discuss the point. I will be happy to stop.

Mr. BURTON of Indiana. I do not mind discussing it if the gentleman will wait until I finish my thought and not interrupt.

The point is that the result of the Cuban missile crisis was not in achieving the goals of the Kennedy administration in getting the Soviet brigades out of there or getting the missiles out of there, because the Soviet subs with missiles are being tendered off the coast of Cuba right now. There are Soviet brigades there right now. There are Soviet Mig 23's and 24's there right now, so the Cuban problem was never resolved by the actions taken by the Kennedy administration.

As a matter of fact, the reason that we have the cancer in Central America today and the exportation of revolution to Angola and the South American countries as well as other countries in Central America is because we did not do something about the Cuban crisis 25 or so years ago.

Now, those who want to appease and say, "Hey, my gosh, no war at any price," sometimes have to reap the whirlwind. What we are reaping right now in our hemisphere because we did not take positive action in Cuba 25 years ago is a Communist expansionist policy in our hemisphere that threatens the very security of not only the Central American fledgling democracies, but the United States of America ultimately as well.

Mr. OBEY. Mr. Speaker, will the gentleman yield on that point?

Mr. BURTON of Indiana. Just a minute. We have a 2,000-mile border between us and Mexico. We cannot even keep illegal aliens out. The Soviet Union knows that and the Soviet Union is not pouring all its war material into Nicaragua, that little country, for its health. It is doing it because it wants to put us in an untenable situation on our southern flank, the soft underbelly of America, because they know full well that it we have to use our resources to take care of 10 million or so refugees fleeing into this country and we have to defend that 2,000-mile border, we will have to withdraw support from NATO, the Middle East, and other parts of the world that are vital to our security, and it will give them a freer hand in dealing with the United States and the free world. So the Soviet Union is not doing it for their health.

Because we vascillate right now we give the Soviets a stronger hand in Central America and the ability, as the gentleman used awhile ago the analogy of playing chess, we give them another rook. We give them another bishop. We give them another pawn and we sit here idly by while they continue to expand in this hemisphere.

Mr. DORNAN of California. Mr. Speaker, will the gentleman yield for a three-way colloquy?

Mr. BURTON of Indiana. Yes, that is fine. I yield to the gentleman from California.

Mr. DORNAN of California. Let me go first, and then I will yield immediately to my good friend, the gentleman from Wisconsin [Mr. OBEY].

The gentleman from Wisconsin has notice from the prior special order and this one that the rules seem to be, "You get to go for 1 minute as a foil and then we beat up on you for 10."

Let us get a colloquy going, because I accept the gentleman's characterization of that tiny part of the so-called Cuban missile crisis where Bobby Kennedy played to the positive and ignored the negative and got over that 1-day hump.

Mr. OBEY. That is not what I said.

Mr. DORNAN of California. Well, no, he said, "Ignore the negative hostile message from Khrushchev, go with the positive one and see if we can't go to a positive conclusion."

The problem is, and this is not revisionist history, this is opening up under Freedom of Information the documents and listening to the living Dean Rusk and the living Ted Sorensen to tell us what really happened.

The problem is that the gentleman from Indiana [Mr. BURTON] is correct, and the gentleman from Wisconsin [Mr. OBEY] knows this, that what we were left with was a Cuba sanitized, protected. They shut down the freedom fighter movement called Alpha 66 and about four others, CIA handlers turned suddenly into keepers, locking over 400 boats in a bayou down there in Louisiana over which I have flown and telling them they cannot fight for freedom in their country and giving Castro the wherewithal to prevail through seven Presidents, probably bring about Kennedy's assassination later, since Oswald said he was doing it in Cuba's name and went to the Russian Embassy in Mexico City, and now we have 19 countries suffering, young Cuban soldiers, baptized Christians in secret, sent off as the Russian empire's mercenaries to Yemen on the Saudi Arabian peninsula, thousands of them in Angola dying, bringing home AIDS to Cuba, and we have got a megalomaniac Castro who has done precisely what the gentleman from Indiana has said, prompt revolution all over three different continents.

If you listen to what Sorenson says, he said—now get this, I say to the gentleman from Wisconsin [Mr. OBEY]—that they were willing to tolerate 40 IRBM's in Cuba. I never knew that until 3 weeks ago on the 25th anniversary. I never knew that, that they would have blinked if the Soviet Union had not blinked first. I heard Sorenson say that in a debate in Atlanta.

What this is turning out to be is one of the biggest foreign policy failures of this century, that a 45-year-old President, to die at 46, in less than 2 years and a few months of an administration—well, less than 2 years, a few weeks shy of 2 years—came up with the biggest policy failure in our struggle against communism. I think that is the way history is going to record it from now on, as tragic as that is.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. BURTON of Indiana. I will be happy to yield in just a minute.

My concern is that we do not make a second tragic mistake like that made in Cuba.

I yield to the gentleman from Wisconsin.

Mr. OBEY. I thank the gentleman for yielding.

I must confess that I have minimum high regard for the historical analysis of both these gentlemen. I am sure they have minimum high regard for mine.

Mr. DORNAN of California. But high regard, nevertheless.

Mr. OBEY. Let me simply say that if you want to debate the history of the Cuban missile crisis, I am perfectly happy to accept what I think is the orthodox judgment of history that the United States came out of that pretty well in comparison to what we were facing.

Mr. DORNAN of California. In comparison to Castro?

Mr. OBEY. I wonder if I could finish.

Mr. DORNAN of California. Sure.

Mr. OBEY. The goal of the Kennedy administration was to seek to have those missiles withdrawn. They succeeded in that.

The secondary goal was to avoid war. They succeeded in that.

I would suggest that the alternative at the time to—well, let me put it this way. The goal of the Kennedy administration was not at that point to "remove Castro." The goal was to remove missiles. He succeeded in that and I would suggest that the inconvenience of having someone like Castro around today is far less than the inconvenience we would have experienced if several hundred million people had gone up in a nuclear blast.

Mr. DORNAN of California. The gentleman does not believe the assassination theories that are laid at the feet of the Castro regime?

Mr. OBEY. I would like to complete my statement, if I could.

The SPEAKER pro tempore. The Chair reminds the assembly that the gentleman from Indiana has the time.

Mr. BURTON of Indiana. I yield to the gentleman from Wisconsin.

Mr. OBEY. In closing, I would simply make this point, that you can debate the past about the Cuban missile crisis just as you can debate the past utility of the Contras.

The fact is that we have one peace plan before us today. That is the Arias plan. So long as the Central American Presidents are saying that it has a chance, I think we ought to give it a chance. That does not mean pulling the plug on it at 1 minute after midnight because somebody has a fast watch.

Mr. DORNAN of California. Mr. Speaker, will the gentleman yield?

Mr. BURTON of Indiana. I am happy to yield to the gentleman from California.

Mr. DORNAN of California. Well, I do not want to pull the plug on him and I am not going to quibble about 6 hours or 6 days, but I am going to object strenuously to 6 months. If somebody comes up with the idea, if Mr. Arias or anybody else, that we extend it 6 months from January 7, or now it has slipped another 9 days to January 9.

Let me join in the colloquy here. I have a list in front of me of the Nobel Prize winners since 1970. Let us go back just briefly to 1921. Frank Kellogg of the Kellogg-Briand Pact. That was 1929. He won the Nobel Prize for ending war, for stopping all wars. Well, 9 years later Mr. Chamberlain was standing there on the tarmac at Munich referring to Herr Hitler as a decent man who has signed this great diplomatic coup with him. Hitler was just a few years away from the Hitler-Stalin pact where they cut Poland in half and signed away the lives of all the people who had 19 years of freedom in Estonia, Latvia, and Lithuania. So much for old Frank Kellogg getting the Nobel Prize.

Now, I am looking at this series of documents. There are some people on here you have to admire. There is Mother Teresa, 1979; Anwar Sadat paid for it with his life. He got a good coup de grace with a machinegun right over the edge of the reviewing stand in Cairo.

Then there are two ladies, people forget about these two nice people, Betty Williams and Molred Corrigan in Northern Ireland. Did they bring peace there? There were 11 people blown to bits in a bar in Northern Ireland. I have not had a chance on the news to find out which side it was, probably the IRA.

What they should do is say that the Nobel Prize is for people who try to bring peace. After all, Mother Teresa was not dealing with nations. She was dealing with the very scum of the gutters of Calcutta, people dying of everything from leprosy and every disease you can name, except AIDS, and now that has hit there too, or will soon. Mother Teresa was trying to bring peace to individual people.

I do not begrudge Arias the peace plan. I was one of the 18—I do not know how the gentleman in the well voted—not to commend him for it, not because of him personally, but because of the tawdry way the Scandinavians handled this. The cutoff date was February 2. That means that someone already selected for that Peace Prize who probably did something of accomplishment or something that had more fruition to it, they were cut out and only the people on that secret committee know what two women or two men, or one man or one woman, lost the Peace Prize this year, so that on the February 2 cutoff date they throw it out the window and rush in to influence the political process in Central America. If they felt it was going to save lives, fine. It does not diminish the fighting in the field. The Contras are not fooled by Ortega's lies. They are going to continue fighting and if we cut them off totally, many of them say they will go on fighting, even if it turns out to be a band of only a thousand guerrillas, which is all that is left of the Communist guerrillas in Guatemala.

Now, let me ask my colleague about the severest line I have ever read about our colleagues, because I like them all and I am not here like Marc Antony to damn them with faint praise, but someone who is a friend of mine who I like a lot, Patrick Buchanan, one of the better writers of all the columnists, certainly provocative, makes people think, and was our President's communication director for a couple of years, almost a couple of years. He said, and these are harsh words, they are not mine, I want anybody who follows the discourse in this Chamber to know. He said, "The liberal Democrat leadership of the Congress of the United States have become the indispensable arm of Communist expansion around the world." Those are rough words.

Mr. BURTON of Indiana. They sure are.

Mr. DORNAN of California. They got a lot of people angry on the other side. Some of them came up to me and said, "BOB, call off your pit bull, Pat Buchanan. Them is rough words." They tend not to say they are fighting words, because they do not like to think about fighting ever on anything.

I do not want to add insult to injury, but sometimes I feel that there are some Members in this Chamber, maybe on both sides of the aisle, who if their wife was being raped in front of them, they would never use just violent force to stop it. They would just yell a lot and say, "Don't do that. Can't we talk?"

There are times in history, it is not only World War II, where people of conscience take up arms. Most people in this Chamber admire the gentleman from Illinois, HENRY HYDE, who said he needs the ultimate theological and philosophical document on the difference between violence and legitimate moral force.

We have been in those camps together. You know what I mean when I say those are dark-skinned peasants, not middle-class lighter skinned kids from Managua. These are kids off the fincas. These are campesinos from the farms of Nicaragua who are tired of being dragooned into military service and having their rights to a little simple basic free-market economics to deal with their crops and they are fighting for freedom.

Mr. BURTON of Indiana. That is a very good point. I just wish all my colleagues who were here a while ago could have gone into those camps and talked to those particular people. When we went in, you remember they were hollering, "Viva Reagan. Freedom for Nicaragua." There was no question that those people wanted to go back and be free.

Mr. DORNAN of California. Well, I know the gentleman admires St. Francis of Assisi, that type of person, who falls to his knees—this is what Joan Baez did in Vietnam, and I have come to sort of like Joan Baez. She says, "Stop fighting, both of you. Talk. A pox on both your houses. Diplomacy. Don't fight."

We say that to our kids, "Be nice, don't fight." I had five all under 7 years of age once. "Be nice, don't fight." We admire that type of person, but sooner or later there comes what I call the samurai point, to borrow that word from an oriental culture, where somebody has to unsheath his sword and say to the cripples, the ill—Bowie was on his back on a bed in the Alamo, he was too sick to fight with pneumonia, but he still died fighting. Those that are ill, crippled, the women—some women choose to fight, Molly Pitcher, right down to the eight women's names on the Vietnam Memorial wall, but most women chose not to fight, to protect their children.

□ 2205

To the clergy, to the conscientious objectors, to the 4-F's, and we have a lot of them in this Chamber. My heart goes out to them. I used to get down on my knees, because my father was a decorated World War I veteran, and I would pray, "Don't let me be 4-F. Let me be 1-A, not 4-F."

The samurai said everybody back inside the fortress, and close the gate. I will stand outside the gate and you reverend, or you, monk, or you, rabbi, stand up on the wall or get down on your knees and pray for me that we succeed. If I fail in guarding the gates of this small city, our women are going to be raped and murdered and carried off into bondage, and our children are going to be galley slaves or whatever they want them to be. I will die along with every able-bodied man, some will die slowly through torture, and by the way, the men were tortured at the Alamo. Somebody has to do that, somebody has to stand up and fight, and that is what those humble campesinos are doing out in the field, those we call the Contras.

I am not being insincere, it is not a Marc Antony trick here, but is there some leadership in this Congress that is the indispensable arm helping the Communist Government of Mozambique along with my hero President's State Department to block the freedom fighters called Renamo?

I say to the gentleman that he worked that issue harder than anyone in the House.

Mr. BURTON of Indiana. No question about it.

Mr. DORNAN of California. Are there some people that have inadvertently or by willful judgment become the indispensable arm helping the Communist Government in Angola hold off Jonas Savimbe, and what I think are the forces of freedom in that country? They hold territory. They hold more than a third of the country.

Mr. BURTON of Indiana. That is right.

Mr. DORNAN of California. Is somebody joining with the Russians and fighting through diplomacy in this House that fight for the Angola Government that would not last 10 minutes if he were not for the Russian and Cuban troops?

Mr. BURTON of Indiana. I do not think there is any question.

Mr. DORNAN of California. Has there been a policy in this House, and it is not any of the gentlemen who spoke in the well or on the floor today, I might say. But has there been a group of Members in this House, some in our party and about twice as many in the other party, about 50 people, who were the group that Ollie North was really talking about when he said at the Iran-Contra-gate hearings over in the Russell Building—Senator Russell of Georgia, who told the Vietnamese, "If you torture one of our prisoners, we'll bomb you into the Stone Age." He has a building named after him. That stopped the torture when the Senator from Georgia, one of the leaders on the Senate Foreign Affairs Committee got that tough. Maybe it was the Armed Services Committee. But Ollie North said the Congress of the United States must take the blame and I think I have even memorized the words in proper order, "Because of a vacillating, fickle, unpredictable, on again off again Congress. We are betraying these freedom fighters down there.

He was not talking about the gentleman from Indiana [Mr. BURTON]. He was not talking about me. He was not talking about the gentleman from Wisconsin [Mr. OBEY] or the gentleman from Michigan [Mr. BONIOR] or the gentleman from Connecticut [Mr. GEJDENSON]. He was not talking about the liberals over there or the conservatives. He was not even talking about the people that Pat Buchanan wrote of that has inadvertently done this. He was talking about 50 people who have a wet finger in the air and they run this way and that way, and I just want to ask the gentleman from Indiana [Mr. BURTON] a question, because I do not know the answer.

Why does the gentleman think that fickle, vacillating, unpredictable, on again off again group, 15 in our party and 35 over there roughly, why do they run back and forth? Why can they not make up their minds? What are they worried about? Is it some judgment of history?

Mr. BURTON of Indiana. Political pressure probably.

Mr. DORNAN of California. Oh, let us talk about that because no two Members have seen that political pressure in the raw incubating, being nurtured in Managua more than the gentleman and I have. Let us discuss what we saw with that Witness for Peace group back in the first week of September. What did we witness when we walked in that room?

Mr. BURTON of Indiana. Hostility.

Mr. DORNAN of California. And they did not know who we were. They saw two U.S. Congressmen, their teeth flashed, their bodies recoiled 2 or 3 inches physically. They looked at us like we were the scum of the Earth, that we were funding terrorists to bayonet pregnant women.

Sixty thousand of those people had been recycled back into this country, and I say to the gentleman I bumped into a bus full of them Saturday up in Matagalpa. Of course we know who they started quoting, Norm Chomsky. Norm Chomsky, this apologist for the horror and slaughter in Cambodia and for the death of over half a million to 600,000 boat people. I do not want to hear from that old Vietnam retread radical procommunist that used to get flowers at the airport in Hanoi. I do not want to hear from him any more than I want to hear from Jane Fonda or Tom Hayden about this struggle against communists in Central America.

Mr. BURTON of Indiana. These people, these 60,000 have been going down there for the past 5 or 6 years. They go on a predetermined course through villages.

Mr. DORNAN of California. And they sign a contract.

Mr. BURTON of Indiana. They sign a contract. When they get through with a 12-day tour, they have heard nothing but horror stories about the atrocies perpetrated on the people of Nicaragua by the Contras and much of it, if not all of it, is disinformation and they come back to this country and they put pressure on the vacillating 50 or 60 Congressmen alluded to earlier, and that is why we have had an on again off again policy in Central America.

Mr. DORNAN of California. And if the gentleman will continue to yield, he has only answered half of the question. The half of the question that was answered was why they run to the left, that is because they are under political pressure from the 60,000 plus people that were brainwashed by groups like Witness for the Church in the Name of Jesus Christ, which is what drives me up the wall, but what makes them come back to the side of anticommunism, of drawing a line in the dirt on the resistance.

Mr. BURTON of Indiana. I think the answer there is that the President has been successful a number of times in bringing to the attention of the American people the necessity for defending our soft underbelly, the Mexican-American border, and helping those democratic governments hold off the influence of communism.

Mr. DORNAN of California. Could it be that, or can we attribute that to too much decency to people who are fickle and vacillating, could it be they are sincerely worried about the judgment of history? Does the gentleman think it really puts them off to see Ortega run off to bootleg people on top of Lenin's tomb in Moscow? Does the gentleman think it does worry them when Ortega invaded Honduras? I did not criticize that, because I said Ortega is throwing down the gauntlet, sock him in the face, Contras; and they did. They had a battalion surrounding the Sandinistas that they had to let go.

One thing the Democrat liberals cannot stand on the other side of the aisle is they cannot give public relations orders to Ortega. He is all so predictable, not unpredictable. He is predictable as all young Communists are. They are impatient, they want to get the job done, they have their eye on Lenin, and they do not care what liberal Democrats with guilty consciences do up here, and he is a frustrated man.

Mr. BURTON of Indiana. Mr. Speaker, if I might reclaim my time, Ortega is probably watching this, or he is having one of his aides watch it. Let me just say that we underestimate the dear commandante because he has been doing things to try to stem off the tide of additional aid to the Contras by signing the agreements in Esquipulas.

Mr. DORNAN of California. I would ask the gentleman if he heard what Ortega did Thursday night?

Mr. BURTON of Indiana. In addition to that, he has released a few hundred of the 6,000 or 5,000 political prisoners, he has let La Prensa print a few papers, he has let Radio Catolica broadcast a little bit even though he did ban the broadcast of newscasts.

Mr. DORNAN of California. That is right, only mass and music can be broadcast. But let me tell the gentleman, I, like the gentleman from Michigan [Mr. Bonior] have a share in an overriding important issue here, pro-life, and he is always a gentleman. But I wish he were here to respond to this.

Thursday night, with the mayor of New York sitting in front of the audience, with D'Escoto trying to encourage him to come up on the dais, the mayor did not. He is no fool. He served too many years in this body.

He always said that the only thing we did here was that we passed a lot of crap here that he is paying the price for now as mayor of New York.

But he would not get up on the dais because they wanted to talk about the release of the prisoners. The mayor said you talk about the release of prisoners, then I will get up on the dais. Then, he said, you will sing that cockamamie song about we are the pigs and killers of the world. They sang the song, and insulted the mayor's country to his face.

Mr. BURTON of Indiana. Mr. Speaker, I would ask the gentleman to say what they say in that national anthem. It does bear repeating.

Mr. DORNAN of California. They say in the song that the blood of the war is on our hands.

Mr. BURTON of Indiana. And, kill the Americans.

Mr. DORNAN of California. Yes, kill the imperialist Americans. And he goes beyond that, he gets it into a chant, and my Spanish is not so good but this is the way it goes, and we can see this on the tape. I am going to put his transcript in the Congressional Record tomorrow.

He says, aqui, which means "now." And I mean he yells like Adolph Hitler, or Mussolini. He used to be a lousy speaker not 3 years ago, but he is as good as any fascist now. He yells aqui, and the audience is all trained to yell back, and it rhymes better in Spanish, Aqui, Alla el yanqui morira, and they yell back, Aqui, Alla el yanqui morira, Aqui, Alla el yanqui morira, and that means here and there are the Yankee dead, here and there the Yankee dead. He does it about five times right in the mayor of New York's face.

I know that they do not like that, I mean my good friend the gentleman from California [Mr. Miller] and the gentleman from Michigan [Mr. Bonior] who ran down there one time and said, "Mr. President, what are you going to Moscow for? Why do you do these dumb public relations things?"

Ortega probably laughs at them when they leave, saying these weak liberals.

What did they do in North Vietnam? The first thing they did was drive the VC out of the country and take over.

□ 2215

The first thing the Communists do is go to the liberals because the liberals are sometimes idealistic and they try to talk democracy and they try to reason with people, and they are the first persons that are driven out of the government, and they put them up against the wall. Castro executed all of these liberals, even his best friends, one of whom came up to him and said, Fidel, I may be socialist and liberal but I am not Communist and I just want out of here, and leave me alone and let me go to the United States, and Castro said, you are not leaving me. He said you are writing a book. He said, no, I am not. He threw him in prison, in the nude, for 15 years in solitary confinement, and it is a miracle he is alive. I have talked to him, Armando Vayodaros. You have talked with Ambassador Vargas in Equador from the Embassy in Cuba, and Castro said Ambassador, come out, you have been a distinguished diplomat, we are not going to hurt you, you are a distinguished diplomat, we are not going to hurt you. If you want to leave the country, fine. He said, OK, I trust you and he comes out and gets 23 years in prison.

We passed out there to the mothers Armando Vayodaros' book in Spanish, and these mothers gobbled it up. And I said, if you cannot read, get somebody to read this to you because this story will give you hope, it will reinforce that great courage you already have. I just wish the gentleman from Michigan [Mr. Bonior] and I could go down sometime on my itinerary, and then we will go on his itinerary. I caught some people in the street yesterday. I did not tell the gentleman this, but when we went to Victor Hugo Tinnoco, and I said to him that butterball ex-priest, he does not run this place. I said you are the ones who runs the foreign ministry, and he smiled and took it as a compliment. You know, the guy sitting immediately to your left, kind of medium sized guy with kind of an open little Wally Cox, Mr. Peepers face, big glasses, he is moving around yesterday afternoon with the secret police, and I walked up to him and I said I know you, you were in the foreign ministry with Mr. Burton and myself. What are you doing out here with five Congressmen. If we were not here, what would you be doing, beating these people up if we were not here. If we were not at that parade yesterday they would have beaten this little 22-year-old girl, the Sandinista woman would smack her in the face. I would love for Mr. Bonior to see and talk to this young lady. They smacked her in the face, knocked her down a whole flight of stairs where the mothers were from the church, and four men kicked her in the head, in the chest, and that is why she passed out from a heat stroke yesterday.

Mr. BURTON of Indiana. There is no question that they have a different agenda, the more liberal Members of this body. When they go down there they talk to the Revolutionary Church.

Mr. DORNAN of California. The people's church.

Mr. BURTON of Indiana. About 80 or 90 Catholic priests and nuns who believe in the revolutionary doctrine that they espouse.

Mr. DORNAN of California. More like 60 out of 900.

Mr. BURTON of Indiana. I thought there were about 950 that are in the regular Catholic Church which is headed by Cardinal Obando y Bravo, and they never talk to him, and when they do they have a biased point of view going in.

I think the gentleman's point is very well taken. They ought to go down and look at both sides of it. We have seen both sides. You and I met with the mothers and the wives of the political prisoners and heard their horror stories about how their husbands and sons are tortured and brutalized in those prisons.

I asked Members of Congress when they were down there to go and talk to them and they would not. We asked the Witnesses for Peace at the meeting, we said one thing we would like for you to do before you leave Managua is to go and talk to the mothers of the political prisoners, and they would not do it. Remember?

Mr. DORNAN of California. The mothers asked one of the leaders from the other body, the Senate, they said how come you have never met with us in your trips down here. And he said, at least that eliminates a few women in the other body, he said I have just never had the time. I do not know how any Member can say that. Mr. SCHEUER met with the suffering mothers, the daughters, the young wives, and if they are wives of members of the Guardia their men have been in prison for 8½ years. I asked my colleagues on the other side of the aisle to ask Mr. SCHEUER, and Mrs. BOGGS, our colleague from Louisiana, ask the Clerk of the House, Donnald K. Anderson, and he is as good a Clerk as this House has ever had in two centuries, ask him what his impressions were in January when he first met with that group and they were just then forming.

I do not know what is going to happen in January, but anybody who follows the discourse on the floor of this Chamber should be aware now that the knock-down, drag-out fight is going to happen in January. They must have noticed that my colleagues who have a different opinion on this Central American crisis down there, that they did not again say what I was saying, that the next continuing resolution, the one that will take us through our Christmas holidays, that it will have in it humanitarian aid, which means helping the war effort, because if you give people food and boots and clothing for the supply troops, and if they have bullets, then that puts the whole package together for them.

I am old enough to remember the Bundles for Britain. When I was a kid in New York in 1941 and 1942 we had those Bundles for Britain which helped the British war effort hold off Hitler while England was all alone, and the rest of Europe was under the Nazi jackboot. We are going to pass that aid, as I said, and I will say it for the third time. We are not going to go home to our Virginia baked hams, stuffed turkeys and feed our faces and watch these Contras struggle out like the Bataan death march. That continuing resolution will pass, because after all, we are putting it on a bill that means the Government is going to continue running or not running whether we vote that up or down in this Chamber.

What we have now is the rest of this month. After all, it is only the ninth day. So we have 22 days, 31 in December, and Lord knows how much in January, somewhere between the 7th or the 16th, or we will probably get around in the 20's of January, one year out from a new President being inaugurated. Then we are going to have that knock-down drag-out debate.

I do not know about you, but I plan to go down at least two more times and I plan to take more freshmen down. I think you and I may plan to go down another time, and we have it down to a science now. We do not even go to our quarters. We get on the bus at the airport and get right out in the countryside and talk to the people. There is only one other Congressman who has been way out in the countryside, and that is STEVE SOLARZ, my good friend from New York. And the Embassy people tell me, and I wish he was here to say whether it was true or not, he finally said to them you are setting me up with handpicked people to talk to me and tell me how bad the Sandinistas are. And they said, Congressman, we swear we are not. There is a bus stop, pick anybody. So he goes up to the bus stop and there are about eight people in a row, and he picks a young lady. And she says, well, we have just gotten out of prison, that they have arrested her because she had 2 dresses. They were my dresses, I just bought the other one, but they said that I was smuggling. So I have spent several months in jail. After he talked to her at length through a translator STEVE turns and says, OK, you win, I am convinced. This is a horrible government down here. And I have not heard him speak much on the floor.

Mr. BURTON of Indiana. But the question is after coming to see that revelation did he change his vote on Contra aid?

Mr. DORNAN of California. No. No, you see, this is the mystery. They are not for the Sandinistas, they will not speak at their rallies the way I spoke at an internal democratic resistance rally. But they will do work for them, I guess inadvertently here in the House to block any real positive moves from turning them. And now I find they will not even admit that the Contra funding helped get them to the table. Mr. BONIOR said he was coming to the table anyway. Well, coming to the table on his own terms.

You and I are going to the White House with the four Members that we went down with some time next week, and I want the world to hear it. Mr. President, we are coming down, are we not, DANNY BURTON, me, and the four other Members who were down over the weekend, and we will be in the Oval Office next week giving a report, I can promise.

Mr. BURTON of Indiana. Let me just divert my attention for a minute here to something that I wanted to get in the RECORD tonight that parallels or points out the position that you and I have taken regarding supporting the Castros.

Dr. Haing S. Ngor, the Cambodian refugee who won an Oscar for his performance in "The Killing Fields," you remember——

Mr. DORNAN of California. I have met him many, many times.

Mr. BURTON of Indiana. He told demonstrators protesting the Soviet Union's 70th anniversary that communism must be fought, and this is what he said:

> In my country, the killing fields are not over yet. They won't end until millions of dollars go to support the fight against communism and the Soviet Union.

Our former Ambassador to the United Nations, Jeane Kirkpatrick, commenting on the Arias peace plan made this statement regarding the resistance, and this was in the paper this morning:

> But if the resistance is dismantled and the Nicaraguan military regime is left intact, there will be no peace, no stability, no development and finally no freedom in Central America—not in El Salvador, nor in Guatemala, nor in Costa Rica.

This is a lady who has some expertise, being our Ambassador to the United Nations. She has worked on the Central American issue for years now, and she said even though there is a peace plan that is in vogue right now, the fact of the matter is that if there is no military resistance to the Sandinistas freedom will not prevail in Central America in any of these fledgling democracies down there.

Mr. DORNAN of California. There is something that I want Mr. OBEY to read in the RECORD tomorrow, and he may not agree with this either. But I know of what I speak when I say this. John F. Kennedy's personality and his whole method of operation is closer to mine and yours than it is to Mr. OBEY's. This is an Irish Catholic from an upper east coast family that had a feeling of noblesse oblige like his older brother, and at least Bobby, who knew that they were privileged and had to serve and asked for combat. I understand that. I am an Irish Catholic, only there he was first generation or second generation wealth. My dad was a pauper who made it on his own.

But I understand that noblesse oblige, and if John F. Kennedy, and here is the statement I make that Mr. OBEY would not know the first thing about if he disagrees, if you could have taken John F. Kennedy in that Oval Office with Bobby Kennedy at his side and shown him a crystal ball and said watch this, Mr. Forty-Five-Year-Old President, we are going to show you what it is going to be like 25 years from now, here is Castro still in power, here are 19 countries with Cuban mercenary troops in them. Here is Nicaragua, which you used as a support base for the Bay of Pigs. You signed off on it, here they are crushed, more political prisoners than any nation in the world prorated to population. Here is what has happened in Argentina and/or Chile over the intervening years. Maybe we could go 10 years in the future that you and I don't know yet. What do you want to do now?

Do you know what Mr. President Kennedy would have done? Air strikes to take out the missiles, and you know what, there would not have been a World War III. We would have called their bluff. We had them 10 to 1 in strategic nuclear power. They would have turned their ships around and gone back, and I believe he would have taken military action, and there is one thing he certainly would have done that did not even mean sure military action. Khrushchev told him you have our Soviet permission to inspect the sites in Cuba, and Castro, this pipsqueak, a tiny little army, not nearly the strength he has now said, I countermand Mr. Khrushchev and you do not touch my island or we fight. And President Kennedy, with Soviet acquiesence, backed off on on-site inspection. He would not have done that if he could have seen the future.

Mr. BURTON of Indiana. That is the problem we face in Nicaragua today. We have seen appeasement and what it leads to in World War II, and prior to World War II it led to World War II. We have seen appeasement and what it led to in Cuba, and now the cancer of Cuba has spread to the African Continent, it has spread to Central America and South America, and we still sit by feeling that we can deal with the Communists, the Soviet Union and her surrogates from a position of weakness and from a position of appeasement and negotiation. You cannot do it. The only thing they understand is strength.

I would like to just use a couple of quotes from Winston Churchill in World War II.

He said:

> Two years ago it was safe (to stand up to dictators), 3 years ago it was easy, and 4 years ago a mere dispatch might have rectified the position. But where shall we be a year hence? Where shall we be in 1940?

He said that in 1938. And then at the conclusion of World War II Churchill was asked by Franklin Roosevelt what we should call World War II. And he said, "the unnecessary war."

He went on to say:

> There could hardly have been a war more easy to prevent than this second Armageddon. I have always been ready to use force to defy tyranny or ward off ruin. But had our British, American, and Allied affairs been conducted with the ordinary consistency and common sense usual in decent households there was no need for Force to march unaccompanied by Law; and Strength, moreover, could have been used in righteous causes with little risk of bloodshed. In loss of purpose, in their abandonment even of the themes they most sincerely espoused, Britain, France, and most of all, because of their immense power and impartiality, the United States, allowed the condition to be built up which led to the very climax they dreaded the most. They have only to repeat the same well meaning, short-sighted behavior towards new problems which in a singular resemblance confront us today to bring about a third convulsion from which none may live to tell the tale.

He was very prophetic. We have a situation in Nicaragua right now that parallels what happened in Munich in 1938.

Mr. DORNAN of California. Do you know what, in the British Parliament in larger numbers than we have here is a group of vacillating, unpredictable, on-again-off-again MP's who ran back and forth, mostly toward the side of appeasement until some of their sons ended up dying in everywhere from the jungles of Burma to a sword in Juno Beach at Normandy.

Mr. BURTON of Indiana. Let me tell you a story. Winston Churchill came in like the legitimate kind of England who kind of wanted him to be Prime Minister, but the party did not want him to, but they could not coalesce around any candidate.

□ 2230

So Winston Churchill came into power as Prime Minister like an illegitimate child. When he went to his first Cabinet meeting, because of the division within the Parliament, he kept the same Cabinet that Lord Chamberlain had. When he went to his first Cabinet meeting, and he walked through the door they had elected a spokesman and the spokesman said to Winston Churchill:

> Mr. Churchill, Mr. Prime Minister, we have concluded that we must sign an agreement on Herr Hitler's terms or else our island nation is going to be destroyed.

And Churchill in his bulldog fashion, pulled the cigar out of his mouth, looked them all in the eye and said:

> Gentlemen, I have concluded that I cannot and will not deal with that man. If this beloved island nation of ours is to die let every Englishman die choking in his own blood.

And he jammed the cigar back in his mouth, did a pirouette and walked out.

Mr. DORNAN of California. You know, that is a fascinating story. To show you how he was bluffing Hitler, I heard a story——

Mr. BURTON of Indiana. I do not think he was bluffing. I think he was standing up to him.

Mr. DORNAN of California. No, no, he was standing up to him but he also was bluffing partially, not himself, his own will power, but knowing he did not have the wherewithal to prevail, that is why he kept talking to Roosevelt secretly, to President Roosevelt but was cutting deals with him around the backs of 435 secretaries of state. Even then they had that problem. I heard on a television interview once, one of the founding members of the BBC, who is now dead, say that he was in the room when Churchill made the stirring broadcast which was a direct answer to Hitler that if they attacked the island he says:

> We will fight them in the streets, we will fight them on the farms, we will fight them in the chicken coops and they will not think that they have landed in a chicken coop; they will think rather they have landed in the lion's den.

And he went off the air and said:

> But I don't know what we will fight them with.

He was talking to the BBC executive. But he was putting up the best front he could. He held the line alone. Churchill and about 1,400 upper-class kids like John F. Kennedy who were those fighter pilots in the Hurricanes and the Spitfire squadrons who Churchill called, "Never in the course of human history have so many owed so much to so few." Well we have a few kids fighting down there in the jungles of Nicaragua and we call them Contras. What they are are Contra-tyrants. They are Contra-Communists. They are fighting for freedom. And if we are going to shut them down we are going to rue the day because none of us in this body, not a single person on our side of the aisle and certainly no one over there wants to see the 82d Airborne bailing out over Central America.

Mr. BURTON of Indiana. One thing that the gentleman and I have heard President Azcona say in Honduras and in Tegucigalpa that if the peace process fails and if the Contras are no longer a viable force to oppose the Communist Sandinistas, he was going to request 50,000 American troops be stationed in his country and would ask for $350 million in military support. Now that was just Honduras. That does not mention what will help in El Salvador or Costa Rica. Arias does not even have an army down there.

Mr. DORNAN of California. Quickly, has the gentleman gotten a briefing from Maj. Roger Miranda, this top executive from their little Pentagon down in Managua? Has the gentleman gotten a secret briefing yet?

Mr. BURTON of Indiana. No, I have not.

Mr. DORNAN of California. Nor have I. But does the gentleman know what he is going to tell us? Well, Ortega spilled the beans Thursday night. Ortega said, all right, we have had a traitor defect to the United States. So he is going to tell them we have plans for an army of 600,000 people. Let them find out. We are going to have an army of 600,000 people and then he starts another chant, "Aqui, no surrender here, no surrender here."

Mr. BURTON of Indiana. Six hundred thousand?

Mr. DORNAN of California. Six hundred thousand is what Miranda is probably telling the CIA.

Mr. BURTON of Indiana. The last figure we heard was a quarter of a million. Now he is going to build a 600,000-man army in Central America?

Mr. DORNAN of California. That is what Miranda is going to tell the CIA, he knows that and what he is going to tell us in 227.

Mr. BURTON of Indiana. Well, if our colleagues on this side of the aisle do not pay attention to that speech, there is something wrong. A 600,000-man army in Central America, that is against the United States, the imperialist Yankees, is a threat.

Mr. DORNAN of California. We saw that in the film, "Red Dawn," that is how psycho that is.

Mr. BURTON of Indiana. Well, there is no question we had better pay attention.

Mr. DORNAN of California. Well, after we get our briefing from Miranda let us bring the new Secretary of Defense-designate Carlucci in and see if he will do what my friend "Cap" Weinberger did not do and that is, and I say it for the umpteenth time in 12 years around this Hill, declassify 80 percent of the top secret briefings so that we can build some political pressure and let our free American people in on the judgment because a lot of people around this House will not get those briefings.

Mr. BURTON of Indiana. We are about at the end.

Mr. DORNAN of California. Let him get the last word.

Mr. BURTON of Indiana. That is one thing I would like to get across to the American people, the American people need to know the facts and they will inherently make the right decision. They always have.

At this point in the RECORD, I include the chapter by DAN BURTON:

CHAPTER VIII—THE HOUSE AND FOREIGN AFFAIRS: MAKING THE WORLD SAFE FOR TYRANNY?

(By Dan Burton)

> . . . this House views with grave concern the tendency among the nations of the world to resume the competitive race of armaments which has always proved a precursor to war; it will not approve any expansion of our armaments unless it is clear that the Disarmament Conference has failed . . .

From the Motion of Censure by the Liberal Party in the British Parliament, following the government's increase in defense spending in response to the illegal buildup of the German Air Force, 1934.

> Two years ago it was safe [to stand up to the dictators], three years ago it was easy and four years ago a mere dispatch might have rectified the position. But where shall we be a year hence? Where shall we be in 1940? Winston Churchill, British Commons, March 24, 1938.

Today, the free world is facing an even greater challenge to global peace and stability than faced the allies, primarily Britain and France, in the 1930's. The stakes are higher, and the burden more concentrated on the shoulders of one country, the United States. Not only our own freedom, but the fate of millions of people all over the world, rides on American foreign policy. It is on this world stage that the House of Representatives has thrust itself.

While I agree with those who decry Congressional foreign policy activism as overstepping constitutional bounds, I see no signs of the clock turning back on this account. To me, the central question is whether the Congress, particularly the House, can or will share the responsibility with the Executive Branch of safeguarding American values and interests in an increasingly dangerous world. As this chapter indicates, I do not believe that the House has been contributing positively to the conduct of our foreign policy and the maintenance of our national security.

The French author Jean-Francois Revel has noted that democracies have a tendency to combine great success at home with indifference to threats from abroad.

> Democracy is by its very nature turned inward. Its vocation is the patient and realistic improvement of life in a community. Communism, on the other hand, necessarily looks outward because it is a failed society and is incapable of engendering a viable one. . . . Democracy tends to ignore, even deny, threats to its existence because it loathes doing what is needed to counter them. It awakens only when danger becomes deadly, imminent, evident. By then, either there is too little time for it to save itself, or the price of survival has become crushingly high. (Jean-Francois Revel, How Democracies Perish, 1983, p. 3.)

In the 1930's the democracies particularly their legislatures, attempted to explain away or ignore Hitler step-by-step pursuit of his nightmarish agenda. Today the Soviet Union pursues the greatest peacetime buildup in history and backs new communist regimes in Afghanistan, Vietnam, Laos, Cambodia, Angola, Mozambique, Ethiopia, Nicaragua, and the Seychelles. Meanwhile, in the past decade the Soviets built over three times as many nuclear missiles as the U.S., over eight times as many surface to air missiles, over three times as many tanks, twice as many submarines, and ten times the number of artillery pieces.

The response by the majority in the House is alarm, not at the Soviet buildup and relentless aggression, but at the President's moderate attempts to respond.

THE BUILDUP

In just one day, May 6, 1987, the House voted against increasing the defense budget, for forcing the U.S. to abide by an unratified arms control agreement that the Soviets are already violating, and against increasing the President's flexibility to respond to Soviet treaty violations of two different treaties. One Congressman, Newt Gingrich, described the day's events this way.

> Today I would suggest to you that in four consecutive votes, the base in the Democratic Party—91 percent, 89 percent, 89 percent, 93 percent—voted to weaken America, to unilaterally make it harder to survive, to weaken freedom and adopt a position which has to make the Soviet Union happier.

One might ask, must we continue trying to match this incredible Soviet buildup? Must we continue in an insane "arms race"? I would answer that it is hard to imagine how allowing the Soviet Union to attain military superiority will increase the safety of the free world, or reduce the likelihood of war. History, and common sense, indicates the opposite—that nations are not usually attacked for being too strong, but rather when they are relatively weak.

There is an alternative, however, to joining the Soviets in a race to see who can be in a better position to destroy the other. The alternative is to deter war, not by threatening to kill millions of Russians, but by defending the United States against nuclear attack.

Many Americans would be surprised to find out that with all the technological know-how we have, and all the billions spent on defense, that there is almost nothing the United States can do against a nuclear attack except kill millions of Russians. One Congressman who toured Cheyenne Mountain—site of U.S. nuclear missile command headquarters—and watched a simulation of a Soviet nuclear attack described it thus:

> A rocket took off from the Soviet Union, and they knew within seconds what it was, where it was coming from and where it was going, and what its explosive power was. . . . I was amazed at how much we knew and how quickly we knew it. But I was also amazed that we could not do one single thing about it. If those rockets take off, they land on American soil and they kill American people. . . . Our only response is to push a button and kill Russian people.

There is a better way, and that is to build strategic defenses which can shoot down incoming missiles, either when they are over the Soviet Union, in space, or over the United States. This is what President Reagan called the Strategic Defense Initiative, or SDI. The Soviets have been developing such defenses for over twenty years. In the last decade, the Soviets have spent about equal amounts on offensive and defensive systems—about $20 billion per year for each program.

Understandably, if hypocritically, the Soviets strongly oppose the United States developing its own strategic defenses. What is harder to understand is the scathing opposition to SDI in Congress. In May, 1987, over 100 Congressmen (including two Republicans) voted to abolish the SDI office in the Pentagon and prohibit all funding "to develop, test, or deploy an anti-ballistic system or component which is air-based, sea-based, or space-based, or mobile-land based."

Why would Congressmen want to prevent the United States from developing the ability to defend herself, instead of relying solely on massive nuclear retaliation against the Soviet Union? The reasons given are that it will cost too much, that it will start an "arms race in space," that it won't work, or that if the defenses are not perfect they should not be built at all.

Most Americans, I believe, would be willing to spend the fraction of the defense budget necessary to build SDI, if it were shown that this spending would help prevent a nuclear war. Most of those who argue against SDI because of cost wouldn't want SDI even if were free—because they believe it would provoke the Soviets. The Soviets did not need to be "provoked"—they started developing their SDI years before President Reagan launched his initiative.

Whether SDI can work or not depends on the actual goal. When President Reagan said that he wanted to make nuclear weapons "impotent and obsolete," his goal was not necessarily a 100 percent leak proof defense. Even a 90 or 80 or 40 percent effective defense would substantially increase our deterrence against an attack by the Soviet Union. This is because the Soviets would be that much more unsure that a "first-strike"—that is, an attempt to overwhelm our forces and prevent retaliation—would be successful. Thus, even an imperfect defense would drastically reduce the likelihood of a nuclear war, and save millions of lives if, despite all efforts, a nuclear war occurred.

Given the current rapid development of SDI technology, including breakthroughs in computers, lasers, and superconductors, it is ridiculous to assert that no significant level of defense can be achieved. Those who have asserted that different things "could not work" have almost invariably been proven wrong. In 1987 a dollar buys 4 million times the computing power it did in 1962—an advance no one would have predicted then. Consider the remark of President Truman's science advisor, Vannevar Bush, who confidently predicted, "People . . . have been talking about a 3,000 mile rocket going from one continent to another carrying an atomic bomb. . . . I think we can leave that out of our thinking."

The Soviets are trying as hard as they can to prevent the United States from defending herself with a strategic defense system. It is hard to see why they would be so concerned, and why they would spend so much on developing such defenses themselves, if they did not believe that SDI could work.

SOVIET AGGRESSION

The deployment of strategic defenses is one of the basic and necessary steps that must be taken towards preventing nuclear war, and should be pursued despite the opposition of the Soviet Union and much of Congress. But SDI is just the beginning of what must be done to contain the Soviet threat, and to prevent a repetition of the cycle of totalitarian aggression that led to World War II.

The greatest assault on and struggle for human rights and freedom today is occurring in seven recent additions to the Soviet empire: Afghanistan, Nicaragua, Angola, Mozambique, Cambodia, Laos, and Vietnam. These nations are among the most repressive and despised regimes in the world, judging by the number of people who have left them. Never in history has one nation sponsored so many regimes, across cultures and time zones, that have produced so many refugees and so much misery. And never have so many people fought back.

About 350,000 freedom fighters struggle against communism in these seven nations. The resistance movements in these countries have different ideologies, different levels of popular support, different forms of leadership, and different military abilities. All are facing armies that, while having low morale, are generally much larger than the resistance forces, and heavily equipped with Soviet weaponry.

Most of these movements, having experienced communism, greatly admire the United States and claim to seek the establishment of a democratic system. We do not know how many will be successful in building democracy. From a human rights prospective, however, victory for the freedom fighters clearly would be preferable to prolonging the war, or to victory by the communist government.

Four of these movements have received Congressional support for varying enthusiasm—the Afghan mujahadeen, Jonas Savimbi's UNITA, the "contras" in Nicaragua, and non-communist Cambodian resistance—of which the most controversial has been the support for the democratic Nicaraguan resistance, or Contras.

Why has the Congress enthusiastically supported the mujahadeen in Afghanistan—who are on the Soviet border, may not be as democratic as the contras, and may not have as good a chance of winning—and been so indecisive about supporting the Contras, who are fighting communism only one thousand miles from Texas?

Intelligence has shown us that the same Soviet Mi-24 Hind helicopters attack civilians in villages in Afghanistan and Nicaragua. Why would it be moral to help Afghans fight tyranny imposed by Soviet helicopters, but immoral to help Nicaraguans fight the same helicopters?

We must help Nicaraguans fight for their freedom because they are, along with Afghans, Cambodians, Angolans, Mozambicans and others, fighting for our freedom as well. The Soviet Union and its clients are not involved in Nicaragua because they are interested in helping the Nicaraguan people; they are there as part of their not-so-cold war against the United States.

It was twenty years between the establishment of communist governments in Cuba and Nicaragua. If the Nicaraguan democratic resistance is defeated, it will not be twenty years before the fragile democracies in Costa Rica, El Salvador, Honduras, and Guatemala are under siege. Then the communist Sandinistas' revolution without borders" would, with Cuban help, work to destabilize Mexico.

Like England and France in the 1930's, the United States is not being asked to send troops anywhere, or declare war on any nation. All we need to do today to prevent a widening war is to help people who are fighting for their own freedom, people who would deserve our help even if our own security were not at stake.

CONCLUSION

The Congress could play a constructive role by restoring the bipartisan consensus on foreign policy that existed not so long ago. The effect of such a consensus alone, even without any action, would be a tremendous signal to the world that the United States will not stand by as people around the world are slaughtered with Soviet weaponry, as part of the Soviet's war against the United States and the free world.

If the United States, with the support of the Congress, effectively aided anti-communist resistance movements and built a strategic defense system to protect the American people, we might achieve the most stable period in U.S.-Soviet relations since World War II. The longer we wait, the more people will die fighting Soviet client regimes, and the more the Soviet's ability to employ nuclear blackmail will increase.

The cost of taking these basic steps to safeguard our national security is not high. There is no reason to spend a higher portion of our Gross National Product on defense than was spent during peacetime in the 1960's. But unless the Congress becomes a willing partner in providing for our defense, this will not be possible.

Winston Churchill was asked by Franklin Roosevelt what we should call World War II. He replied, "the Unnecessary War." In his history of the era Churchill said,

There could hardly have been a war more easy to prevent than this second Armageddon. I have always been ready to use force to defy tyranny or ward off ruin. But had our British, American, and Allied affairs been conducted with the ordinary consistency and common sense usual in decent households there was no need for Force to march unaccompanied by Law; and Strength, moreover, could have been used in righteous causes with little risk of bloodshed. In loss of purpose, in their abandonment even of the themes they most sincerely espoused, Britain, France, and most of all, because of their immense power and impartiality, the United States, allowed the condition to be built up which led to the very climax they dreaded the most. They have only to repeat the same well meaning, short-sighted behavior towards new problems which in a singular resemblance confront us today to bring about a third convulsion from which none may live to tell the tale. (The Gathering Storm, 1948)

By allowing the Soviet Union to unilaterally build defenses while leaving the United States open to nuclear attack, and by allowing freedom fighters in Soviet client states to languish with meager support, the Congress has turned the dream of "making the world safe for democracy" on its head.

It would be tragic if the Congress would, in its sincere desire for peace, invite war and in its desire for freedom, invite tyranny. We need, now more than ever, Congress to display" the ordinary consistency . . . usual in decend households." Congress can plan a constructive role in foreign policy, but only if it once again lets "politics end at the water's edge" and provides for the defense of this nation.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Bosco (at the request of Mr. FOLEY), for November 9 and 10, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. FRANK, at the request of Mr. BURTON of Indiana, for 60 minutes, on November 10.

Mr. DORNAN of California, at his own request, for 5 minutes, on November 10.

(The following Members (at the request of Mr. McMILLAN of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. SMITH of New Hampshire, for 60 minutes, today.

Mr. BURTON of Indiana, for 60 minutes, today.

Mr. GINGRICH, for 60 minutes, today.

Mr. GINGRICH, for 60 minutes, on November 10.

Mr. PARRIS, for 5 minutes, today.

Mr. PARRIS, for 5 minutes, on November 10.

(The following Members (at the request of Mr. GONZALEZ) to revise and extend their remarks and include extraneous material:)

Mr. SKELTON, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. OWENS of New York, for 5 minutes, today.

Mr. OWENS of New York, for 5 minutes, on November 10.

Mr. PANETTA, for 5 minutes, today.

Mr. BONIOR of Michigan, for 60 minutes, today.

Mr. VISCLOSKY, for 60 minutes, on November 10.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. EDWARDS of California following Mr. STUDDS on H.R. 2583.

(The following Members (at the request of Mr. McMILLIAN of North Carolina) and to include extraneous matter:)

Mr. SHUETTE.

Mr. SOLOMON in two instances.

Mr. CONTE.

Mr. LAGOMARSINO.

Mr. PORTER.

Mr. HEFLEY in two instances.

Mr. DUNCAN in two instances.

Mr. WORTLEY in two instances.

Mr. PARRIS.

Mr. HYDE.

Mr. McGRATH.

Mr. DORNAN of California.

Mr. GILMAN in two instances.

Mr. FIELDS.

Mr. DANNEMEYER.

Mr. SHAW.

Mr. HENRY.

Mr. GREEN.

Mr. DioGUARDI.

Mr. RITTER.

Mr. BADHAM in two instances.

Mr. MOLINARI.

Mr. McCANDLESS.

(The following Members (at the request of Mr. GONZALEZ) and to include extraneous matter:)

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. JONES of Tennessee in 10 instances.

Mr. FRANK.

Mr. LAFALCE.

Mr. DE LA GARZA in 10 instances.

Mr. TORRICELLI.

Mrs. COLLINS.

Mr. LANTOS in four instances.

Mr. DORGAN of North Dakota.

Mr. MORRISON of Connecticut.

Mr. MANTON.

Mr. GORDON.

Mr. LIPINSKI in two instances.

Mr. ST GERMAIN.

Mr. BRYANT.

Mr. MARKEY in two instances.

Mr. TORRES.

Mr. TALLON in two instances.

Mr. FEIGHAN.

Mr. RODINO.

Mr. ROE in four instances.

Mr. MARTINEZ.

Mr. CLAY.

Mr. YATRON.

Mr. WISE in three instances.

Mr. SOLARZ.

Mr. LELAND.

Mr. KANJORSKI.

Mr. BROOKS.

Mr. STARK.

Mr. BONKER.

Mr. PANETTA.

Mr. STUDDS.

SENATE JOINT AND CONCURRENT RESOLUTIONS REFERRED

Joint and concurrent resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 172. Joint resolution to designate the period commencing February 21, 1988, and ending February 27, 1988, as "National Visiting Nurse Associations Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 200. Joint resolution to designate the period commencing on November 8, 1987, and ending November 14, 1987, as "National Food Bank Week"; to the Committee on Post Office and Civil Service.

S. Con. Res. 31. Concurrent resolution commending the Czechoslovak human rights organization Charter 77, on the occasion of the 10th anniversary of its establishment, for its courageous contributions to the achievement of the aims of the Helsinki Final Act; to the Committee on Foreign Affairs.

ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3428. An act to provide for the distribution within the United States of the film entitled "America The Way I See It";

H.J. Res. 368. Joint resolution designating the week of November 8 through November 14, 1987, as "National Food Bank Week"; and

H.J. Res. 394. Joint resolution making further continuing appropriations for the fiscal year 1968, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 442. An act to amend chapter 9 of title 17, United States Code, regarding protection extended to semiconductor chip products of foreign entities; and

S. 423. An act for the relief of Kil Joon Yu Callahan.

ADJOURNMENT

Mr. BURTON of Indiana. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 35 minutes p.m.) under its previous order, the House adjourned until Tuesday, November 10, 1987, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2356. A letter from the Assistant Secretary of the Army (Installations and Logistics), transmitting notification of the plan to study the conversion to contractor performance of a commercial activity being performed by Department of Defense employees at the range maintenance and operations function at Fort Hood, TX, pursuant to 10 U.S.C. 2304 nt.; to the Committee on Armed Services.

2357. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 7-95, "Interpreters for Hearing-Impaired and Non-English Speaking Persons Act of 1987", and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

2358. A letter from the Secretary of Education, transmitting a study of the special problems and needs of American Indians with handicaps both on and off the reservation, pursuant to 29 U.S.C. 752; to the Committee on Education and Labor.

2359. A letter from the Assistant Secretary of State, Legislative Affairs, transmitting notification of a proposed license for the export to Switzerland of DVS-87 radar warning systems, spares, and related support and test equipment (Transmittal No. MC-7-88), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

2360. A letter from the Assistant Secretary of State, Legislative Affairs, transmitting notification of a proposed license for the export to Peru of an air defense and air traffic control system (Transmittal No. MC-44-87), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

2361. A letter from the Assistant Secretary of State, Legislative Affairs, transmitting notification of the proposed approval of a manufacturing license agreement for the manufacture of model H-76 military helicopters in the Republic of Korea (Transmittal No. MC-5-88), pursuant to 22 U.S.C. 2776(d); to the Committee on Foreign Affairs.

2362. A letter from the Assistant Secretary of State, Legislative and Intergovernmental Affairs, transmitting copies of the report of political contributions by April Catherine Glaspie, of California, Ambassador Extraordinary and Plenipotentiary-designate to the Republic of Iraq, and members of her family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

2363. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

2364. A letter from the Administrator, General Services Administration, transmitting a draft of proposed legislation to remove the requirement that long-distance telephone bills be certified by agency heads; to the Committee on Government Operations.

2365. A letter from the Chairman, National Labor Relations Board, transmitting a report of the Board's compliance with the Government in the Sunshine Act during calendar year 1986, pursuant to 5 U.S.C. 552b(i); to the Committee on Government Operations.

2366. A letter from the Chairman, Consumer Product Safety Commission, transmitting the Commission's annual report on the Government in the Sunshine Act for calendar year 1986, pursuant to 5 U.S.C. 552b(i); to the Committee on Government Operations.

2367. A letter from the Administrator, Environmental Protection Agency, transmitting a report concerning its adoption of the rules and regulations to implement the provisions of the Program Fraud Civil Remedies Act, pursuant to 31 U.S.C. 3810; to the Committee on Government Operations.

2368. A letter from the Secretary of Agriculture, transmitting notice of two proposed new Federal records systems, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

2369. A letter from the Deputy Associate Director for Collection and Disbursements, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2370. A letter from the Deputy Associate Director for Collection and Disbursements, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Insular Affairs.

2371. A letter from the Acting General Counsel of the Treasury, transmitting a draft of proposed legislation to amend section 709 of title 18, United States Code, to protect the name of the U.S. Secret Service from commercial exploitation; to the Committee on the Judiciary.

2372. A letter from the Assistant Secretary of State, Legislative and Intergovernmental Affairs, transmitting a draft of proposed legislation to implement the Inter-American Convention on International Commercial Arbitration; to the Committee on the Judiciary.

2373. A letter from the Adjutant General, Military Order of the Purple Heart, transmitting the financial audit of the Order's combined statements as of June 30, 1987 and 1986, pursuant to 36 U.S.C. 1101(31), 1103; to the Committee on the Judiciary.

2374. A letter from the Secretary of Commerce, transmitting the annual report on the administration of the Marine Mammal Protection Act of 1972, pursuant to 16 U.S.C. 1373(f); to the Committee on Merchant Marine and Fisheries.

2375. A letter from the Fiscal Assistant Secretary, Department of the Treasury, transmitting a report on amounts actually deposited in the Panama Canal Commission Fund during fiscal year 1987, pursuant to 22 U.S.C. 3712(c)(2); to the Committee on Merchant Marine and Fisheries.

2376. A letter from the Administrator, General Services Administration, transmitting informational copies of three lease prospectuses and an amended prospectus for the purchase of the Thousand Island Bridge U.S. Border Station complex pursuant to 40 U.S.C. 606(a); to the Committee on Public Works and Transportation.

2377. A letter from the Acting General Counsel, Department of the Treasury, transmitting a draft of proposed legislation to amend the Tariff Act of 1930, and for other purposes; to the Committee on Ways and Means.

2378. A letter from the Secretary of Health and Human Services, transmitting the report of the Advisory Committee on Adoption and Foster Care Information on its study regarding an adoption and foster care data collection system, pursuant to 42 U.S.C. 679; to the Committee on Ways and Means.

2379. A letter from the Comptroller General of the United States, transmitting the first annual report which describes the initial efforts to implement and enforce the employer sanctions provisions of the Immigration Reform and Control Act, pursuant to 8 U.S.C. 1324a; jointly, to the Committees on Government Operations and the Judiciary.

2380. A letter from the Secretary of Energy, transmitting notification of his determination that it is in the public interest to conduct a competitive procurement of crude oil for the strategic petroleum reserve that is limited to domestically produced crude oil; jointly, to the Committees on Government Operations and Energy and Commerce.

2381. A letter from the Assistant Secretary of Treasury, transmitting a report concerning the operations and status of the civil service retirement and disability fund during the debt issuance suspension periods of July, August, and September 1987, pursuant to 5 U.S.C. 8348l(i); jointly, to the Committees on Ways and Means and Post Office and Civil Service.

2382. A letter from the Secretary of Energy, transmitting the sixth report on a project negotiated under the Department of Energy's [DOE] Clean Coal Technology Demonstration Program entitled "UCG/Clean Fuels Proof-of-Concept Project", pursuant to Public Law 99-190; jointly, to the Committee on Appropriations, Science, Space and Technology, and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Omitted from the Record of Nov. 5, 1987]

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 2967. A bill to establish a Nuclear Waste Policy Review Commission, an Office of the Nuclear Waste Negotiator, and for other purposes; with an amendment (Rept. 100-425.) Pt. 1. Ordered to be printed.

[Pursuant to the order of the House on Nov. 5, 1987, the following report was filed on Nov. 6, 1987]

Mr. ST GERMAIN: Committee of conference. Conference report on S. 825 (Rept. 100-426). Ordered to be printed.

[Submitted Nov. 9, 1987]

Mr. HAWKINS: Committee of conference. Conference report on H.R. 1451 (Rept. 100-427). Ordered to be printed.

Mr. DE LA GARZA: Committee on Agriculture. H.R. 2752. A bill to encourage the use of program crop acreage for the purpose of creating game and wildlife habitats, feeding areas, and sanctuaries by protecting farm program crop base acreage and program payment yields, with amendments (Rept. 100-428). Referred to the Committee of the Whole House on the State of the Union.

SUBSEQUENT ACTIONS ON A REPORTED BILL SEQUENTIALLY REFERRED

[This action occurred on Nov. 6, 1987]

Under clause 5 of Rule X the following actions were taken by the Speaker:

H.R. 2851. Referral to the Committee on the Judiciary extended for a period ending not later than November 20, 1987. Referred to the Committee on Agriculture for a period ending not later than November 20, 1987, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(a), rule X.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DORNAN of California:

H.R. 3618. A bill to repeal the Williams Act amendments to the Securities Exchange Act of 1934; to the Committee on Energy and Commerce.

By Mr. GALLO:

H.R. 3619. A bill to require that enlarged print voting aids and ballots be made available to visually impaired voters with respect to elections for Federal office, and for other purposes; to the Committee on House Administration.

By Mr. HUNTER:

H.R. 3620. A bill to amend chapter 73 of title 10, United States Code, to provide a minimum monthly annuity under such chapter; to the Committee on Armed Services.

By Mr. HUNTER (for himself, Mr. PACKARD, and Mr. McCANDLESS):

H.R. 3621. A bill to declare that certain lands located in California and held by the Secretary of the Interior are lands held in trust for the benefit of certain bands of Indians and to declare such lands to be part of the reservation with which they are contiguous; to the Committee on Interior and Insular Affairs.

By Mr. PICKETT (for himself, Mr. Davis of Illinois, Mr. McCloskey, Mr. Bustamante, Mr. Sisisky, Mrs. Schroeder, and Mr. Spratt):

H.R. 3622. A bill to direct the Secretary of Defense to provide commissary and exchange benefits to certain former spouses of members of the uniformed services; to the Committee on Armed Services.

By Mrs. SAIKI:

H.R. 3623. A bill to amend the Internal Revenue Code of 1986 to exclude certain cost-of-living allowances from gross income; to the Committee on Ways and Means.

By Mr. ST GERMAIN:

H.R. 3624. A bill to establish a task force to promulgate guidelines for the use of local franchising authorities in prescribing consumer protection standards for service and maintenance of residential cable television systems, and for other purposes; to the Committte on Energy and Commerce.

By Mr. FIELDS (for himself and Mr. Davis of Michigan):

H. Con. Res. 214. Concurrent resolution expressing the sense of the Congress that any freeze or reduction in budget levels which may be imposed by or pursuant to law should not apply to the Panama Canal Commission; to the Committee on Merchant Marine and Fisheries.

By Mr. BONKER:

H. Res. 306. Resolution expressing the sense of the House of Representatives concerning Brazilian trade and investment informatics policies; to the Committee on Ways and Means.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

240. By the SPEAKER: Memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to requiring the U.S. Armed Forces to purchase all steel products from American steel mills; to the Committee on Armed Services.

241. Also, a memorial of the Legislature of the State of Utah, relative to congressional compensation; to the Committee on the Judiciary.

242. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to medical assistance for long-term care of an individual's spouse; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. WORTLEY introduced a bill (H.R. 3625) for the relief of Joanne Salyards; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of the rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 81: Mr. Ackerman, Mr. Espy, Mr. Towns, Mr. Crockett, and Mr. Dymally.

H.R. 190: Mr. Yates, Mr. Fuster, and Mr. Morrison of Connecticut.

H.R. 275: Mr. Evans and Mr. DeFazio.

H.R. 382: Mr. Harris, Mr. Ravenel, and Mr. Atkins.

H.R. 387: Ms. Slaughter of New York.

H.R. 388: Mr. Brennan.

H.R. 592: Mr. Martin of New York, Mr. Frost, Mr. Fazio, Mr. Gilman, and Mr. Sikorski.

H.R. 594: Mr. Ridge and Mr. Atkins.

H.R. 637: Mrs. Patterson and Mr. Wortley.

H.R. 639: Mr. Perkins, Mr. Sensenbrenner, Mr. Gejdenson, and Mr. Bereuter.

H.R. 640: Mr. Neal.

H.R. 659: Mr. Moody.

H.R. 671: Ms. Kaptur.

H.R. 680: Ms. Kaptur.

H.R. 759: Mr. Packard.

H.R. 792: Mr. Bilirakis.

H.R. 813: Mr. Clay.

H.R. 817: Mr. Kyl, Mr. Neal, Mr. Ballenger, and Mr. Schuette.

H.R. 901: Mr. Gejdenson.

H.R. 1016: Mr. Boehlert, Mr. Borski, Mr. Derrick, Mr. Marlenee, Mr. Ortiz, Mrs. Saiki, and Mr. Sawyer.

H.R. 1076: Mr. Lott, Mr. Montgomery, Mrs. Morella, Mr. Pepper, Mr. Rinaldo, Mr. Rose, Mr. Solarz, and Mr. Wortley.

H.R. 1213: Mrs. Roukema.

H.R. 1228: Mr. Mineta, Mr. Glickman, Mr. Foglietta, Mr. Ridge, Mr. McCandless, Mrs. Saiki, Mr. Garcia, Mr. Vento, Mrs. Patterson, Mr. Roemer, Mr. Walker, Mr. Myers of Indiana, Mr. Slaugher of Virginia, Mr. Davis of Illinois, Mr. Schulze, Mr. Miller of Washington, Mr. Young of Alaska, Mr. Taylor, Mr. Boehlert, Mr. Lowry of Washington, Mr. Dreier of California, and Mr. Leach of Iowa.

H.R. 1240: Mr. Fish.

H.R. 1259: Mr. Studds.

H.R. 1330: Mr. Hiler.

H.R. 1413: Mr. Ridge.

H.R. 1417: Mr. Pease, Mr. Porter, Mr. Sikorski, Mr. McHugh, Mr. Mrazek, Mr. Feighan, Mr. Owens of Utah, Mr. Kostmayer, Mr. Jeffords, Ms. Slaughter of New York, Mr. Evans, Mr. Kildee, Mr. Foglietta, Mr. Rose, Mr. Gunderson, Mr. Staggers, Mr. Walgren, Mr. Schumer, Mr. Fazio, Mr. Nowak, Mr. Bonior of Michigan, Mr. Coleman of Texas, and Mr. Beilenson.

H.R. 1428: Mr. Herger.

H.R. 1437: Mr. Schuette.

H.R. 1438: Mr. Schuette.

H.R. 1481: Mr. Ray and Mr. Boucher.

H.R. 1583: Mr. Weiss, Mr. Jacobs, and Mr. Skaggs.

H.R. 1683: Mr. McGrath and Mr. Manton.

H.R. 1734: Mr. Gaydos and Mr. Hayes of Illinois.

H.R. 1742: Mr. Bereuter and Mr. Howard.

H.R. 1782: Mr. Manton, Mr. Burton of Indiana, Mr. Tallon, Mr. Bartlett, Mr. Fish, Mr. Wortley, Mr. Eckart, and Mr. Jenkins.

H.R. 1832: Mr. Feighan, Mr. Boucher, Mr. Shumway, Mr. Hastert, Mrs. Collins, Mr. Eckart, and Mr. Fish.

H.R. 1924: Mr. Towns, and Mr. Bilirakis.

H.R. 1957: Mr. Conte, Mr. Vander Jagt, Mr. Volkmer, Mr. Dymally, and Mr. Packard.

H.R. 2048: Mr. Garcia.

H.R. 2248: Mr. Alexander.

H.R. 2389: Mr. Donnelly.

H.R. 2433: Mr. Shumway.

H.R. 2482: Miss Schneider.

H.R. 2605: Mr. DeLay, Mrs. Meyers of Kansas, Mr. Packard, and Mr. Henry.

H.R. 2634: Mr. Davis of Illinois.

H.R. 2745: Mrs. Meyers, of Kansas, Mr. Martinez and Mr. Brown of California.

H.R. 2746: Mr. Martinez, Mr. Feighan and Mr. Towns.

H.R. 2747: Ms. Kaptur, Mrs. Collins and Mr. Martinez.

H.R. 2793: Mr. Eckart and Mr. Stump.

H.R. 2870: Mr. de Lugo.

H.R. 2934: Mr. Akaka and Mr. Dornan of California.

H.R. 2953: Mr. Sensenbrenner, Mr. Roth, Mr. Wilson and Mr. Borski.

H.R. 3005: Mr. Atkins and Mr. Fish.

H.R. 3067: Mr. Hiler.

H.R. 3070: Mr. DeFazio, Mr. Bates, Mr. Spratt, Mr. Owens of Utah, Mr. Eckart, Mr. Mavroules and Mr. Ackerman.

H.R. 3142: Mr. Hughes and Mr. Wolpe.

H.R. 3144: Mr. Robinson, Mr. Andrews, Mr. Hayes of Louisiana, Mr. Huckaby, Mr. Wilson, Mr. Holloway, Mr. Ortiz, Mr. Lott, Mr. Montgomery, Mr. Archer and Mr. Roemer.

H.R. 3160: Mr. Gordon.

H.R. 3171: Mr. Williams, Mrs. Morella, Mr. Hughes, Mr. Brennan, Mr. Armey and Mr. Weiss.

H.R. 3193: Mr. Wyden, Ms. Oakar, Mr. Udall, Mr. Towns, Mr. Markey, Mr. Weiss, Mr. Bates, Mr. DeFazio, Mr. Gunderson, Mr. Evans and Mr. Mineta.

H.R. 3233: Mr. Manton, Mr. Martinez, Mr. Mavroules, and Mr. Rodino.

H.R. 3250: Mr. Dwyer of New Jersey, and Mr. Brown of Colorado.

H.R. 3332: Mr. Morrison of Connecticut, Mr. Bonior of Michigan, Mr. Roe, Mr. Borski, Mr. Dwyer of New Jersey, Mr. Feighan, and Mr. Dorgan of North Dakota.

H.R. 3343: Mr. Beilenson and Mr. Dwyer of New Jersey.

H.R. 3377: Mr. DeFazio and Mr. de Lugo.

H.R. 3397: Mr. Lagomarsino.

H.R. 3403: Mrs. Bentley, Mr. Dicks, Mr. Hochbrueckner, Mr. Weiss, Mr. Vento, Mr. Wolf, Mr. Lowry, of Washington, Mr. Konnyu, and Mr. Anderson.

H.R. 3433: Mr. Weiss and Mr. Dwyer of New Jersey.

H.R. 3440: Mr. Rangel and Mr. Atkins.

H.R. 3448: Mr. Carper, Mr. DeFazio, and Mr. Howard.

H.R. 3471: Mr. Davis of Illinois, Mr. Howard, Mr. Chapman, Mr. Studds, Mr. Roe, Mr. Lehman of California, Mr. Fascell, Mr. Neal, Mr. Mollohan, Mr. Lent, Mrs. Smith of Nebraska, Mr. Martinez, Mr. Applegate, Mr. Mrazek, Mr. Lagomarsino, Mr. Bennett, Mr. DeLay, Mr. Fazio, Mr. Madigan, Mr. Hertel, Mr. Brown of California, Mr. Levine of California, Mr. Boulter, Ms. Slaughter of New York, Mr. Pursell, Mr. Coelho, Mr. Thomas A. Luken, Mr. Smith of New Jersey, Mrs. Martin of Illinois, Mr. Dyson, Mr. Tallon, Mr. Stump, Mr. Ridge, Mr. Gray of Illinois, Mr. Florio, Mr. Smith of New Hampshire, Mr. Wise, Mr. Hammerschmidt, Mr. Leath of Texas, Mr. McEwen, Mr. Jontz, Mr. Schuette, Mr. Boehlert, Mr. Rahall Mr. Quillen, Mr. Wortley, Mr. Kastenmeier, Mr. Coleman of Texas, Mr. Hughes, Mr. English, Mr. Rowland of Connecticut, Mr. Annunzio, Mr. Penny, Mr. Pickett, Mr. Badham, Mr. Holloway, Mr. Crockett, Mr. Davis of Michigan, Mr. Saxton, Mr. Hutto, Mr. Rowland of Georgia, Mr. Hayes of Illinois, Mr. Stangeland, Mr. Hochbrueckner, Mr. Nichols, Mr. Kanjorski, Mr. Cooper, Mr. Hawkins, Mr. Kolter, Mr. Flippo, Mr. Callahan, Mr. Martin of New York, Mr. Bustamante, Mr. Torres, Mr. Fauntroy, Mr. Borski, Mr. Sundquist, Mr. Blaz, Mr. Frank, Mr. Chappell, Mr. Yatron, Mr. St Germain, Mr. McDade, Mr. Rangel, Mr. Ford of Michigan, Mr. Roemer, Mr. Young of Florida, Mr. Thomas of Georgia, Mr. Wylie, Mr. Solarz, Mr. Stratton, Ms. Kaptur, Mr. Morrison of Washington, Mr. Bevill, Mr. Daub, Mr. Robinson, Mr. Sisisky, Mr. Bliley, Mr.

Gunderson, Mr. Wolpe, Mr. Swindall, Mr. Whittaker, Mr. Owens of New York, Mr. Marlenee, Mr. Slattery, Mr. de Lugo, Mr. Clinger, Mr. Gephardt, Mr. Wolf, Mr. Bilbray, Mr. Mavroules, Mr. Torricelli, Mr. Bruce, Mr. Eckart, Mr. Upton, Mr. Dwyer of New Jersey, Mr. Mica, Mr. Rinaldo, Mr. Dowdy of Mississippi, Mr. Oberstar, Mr. Harris, Mr. Shaw, Mr. Stenholm, Ms. Snowe, Mr. Rodino, Mr. Evans, Mr. Kleczka, Mrs. Byron, Mr. Schaefer, Mr. Jeffords, Mr. Donald E. Lukens, Mr. Weiss, Mr. Lantos, Mr. Shays, Mr. Skaggs, Mr. DioGuardi, Mr. DeFazio, Mr. Baker, Mr. Derrick, Mr. Lightfoot, Mr. Lewis of Florida, Mr. Ortiz, Mr. Emerson, Mr. Craig, Mr. Bryant, Mr. Biaggi, and Ms. Pelosi.

H.R. 3478: Mrs. Roukema.

H.R. 3485: Mr. Buechner, Mr. Wolf, Mr. Kolter, Mr. Fazio, Mr. Fish, and Mr. Oberstar.

H.R. 3503: Mr. Rangel.

H.R. 3506: Mr. Lagomarsino.

H.R. 3509: Mr. Solarz, Mr. Berman, Mr. LaFalce, Ms. Oakar, Mr. Fauntroy, Mr. Lewis of Georgia, Mr. Mrazek, Mr. Hayes of Illinois, Mr. Lipinski, Mr. Owens of New York, Ms. Kaptur, Mr. Hawkins, Mr. Goodling, Mr. Morrison of Connecticut, Mr. Neal, Mr. Fazio, Mr. Clay, Mr. Atkins, Mr. Gilman, Mr. Hoyer, Mr. de Lugo, Mrs. Collins, Mr. Crockett, and Mr. Gejdenson.

H.R. 3510: Mr. Solarz, Mr. Berman, Mr. LaFalce, Ms. Oakar, Mr. Fauntroy, Mr. Lewis of Georgia, Mr. Mrazek, Mr. Hayes of Illinois, Mr. Lipinski, Mr. Owens of New York, Ms. Kaptur, Mr. Hawkins, Mr. Goodling, Mr. Morrison of Connecticut, Mr. Neal, Mr. Fazio, Mr. Clay, Mr. Atkins, Mr. Gilman, Mr. Hoyer, Mr. de Lugo, Mrs. Collins, Mr. Crockett, and Mr. Gejdenson.

H.R. 3523: Mrs. Vucanovich, Mr. Badham, and Mr. Skeen.

H.R. 3553: Mr. Bates, Mr. Hunter, and Mr. Green.

H.R. 3561: Mrs. Bentley, Mr. Oberstar, Mr. Ridge, Mr. Weber, and Mr. Whittaker.

H.R. 3565: Mr. Frank, Mr. Wortley, Mr. Dornan of California, Mr. McCurdy, Mr. Petri, Mr. Bates, Mr. Vander Jagt, and Mr. Synar.

H.R. 3573: Mr. Levin of Michigan, Mr. Moody, Mr. Coyne, Mr. Russo, and Mrs. Kennelly.

H.R. 3589: Mr. Applegate.

H.R. 3595: Mr. Guarini.

H.R. 3598: Mr. Roberts, Mr. Emerson, Mr. Buechner, Mr. Coleman of Missouri, Mr. Taylor, Mr. Glickman, and Mr. Miller of Washington.

H.R. 3603: Mr. Carr, Mr. Fazio, Mr. Weiss, Mr. Sawyer, and Mr. Frank.

H.J. Res. 8: Mr. Huckaby and Mr. Brennan.

H.J. Res. 148: Mr. Harris and Mr. Lehman of California.

H.J. Res. 227: Mr. Emerson and Mr. Kildee.

H.J. Res. 300: Mr. Fish, Mr. Levin of Michigan, Mr. Martinez, and Mr. Sawyer.

H.J. Res. 329: Mr. Ackerman, Mr. Campbell, Mr. Berman, Mr. Carper, Mr. Dellums, Mr. Clay, Mr. Coelho, Mr. Flake, and Mr. Anderson.

H.J. Res. 371: Mr. Carper, Mr. Dyson, Mr. Fazio, Mr. Frost, Mr. Leland, Mr. Owens of Utah, Mr. Panetta, and Mr. Towns.

H.J. Res. 372: Mr. Weiss, Mr. Fish, Mr. McMillen of Maryland, Mr. Roybal, Mrs. Vucanovich, Mr. Murphy, Mr. Hayes of Illinois, and Mr. Leland.

H.J. Res. 373: Mr. Bates, Mr. Cardin, Mr. Hughes, Mr. Wyden, Mr. Kolter, Mr. Dwyer of New Jersey, and Mr. Rangel.

H.J. Res. 374: Mr. Atkins, Mr. Frost, Mr. Towns, Mrs. Patterson, Mr. de Lugo, and Mr. Fish.

H.J. Res. 383: Mr. Hamilton, Mr. Dornan of California, Mr. DeWine, Mr. Panetta, Mr. de la Garza, Mr. Fish, Mr. Young of Florida, and Mr. Dymally.

H.J. Res. 384: Mr. Skeen, Mr. DeWine, Mr. Traxler, Mr. Pickett, Mr. Nichols, and Mr. Shumway.

H.J. Res. 385: Mr. Bilbray, Mr. Schumer, and Mr. Dwyer of New Jersey.

H.J. Res. 386: Mr. de Lugo, Mr. Green, Mr. Hayes of Illinois, Mrs. Kennelly, Mr. Lehman of California, and Mr. Markey.

H. Con. Res. 14: Mr. Waxman, Mr. Hughes, Mr. Hyde, Mr. McGrath, Mr. Torricelli, Mr. Espy, Mr. DeLay, and Mr. Moorhead.

H. Con. Res. 96: Mr. Lipinski.

H. Con. Res. 162: Mr. Lipinski.

H. Con. Res. 209: Mr. Inhofe, Mr. Bilbray, Mrs. Martin of Illinois, Mr. Weldon, Mr. Badham, Mr. Porter, Mrs. Meyers of Kansas, Mr. Ackerman, and Mr. Hoyer.

H. Res. 188: Mr. Courter, Mr. Smith of New Hampshire, Mr. Owens of Utah, Mr. Dreier of California, Mr. Lagomarsino, and Mr. Lungren.

H. Res. 225: Mr. Dannemeyer and Mr. Herger.

H. Res. 242: Mr. Lipinski and Mr. Fish.

PETITIONS, ETC.

Under clause 1 of rule XXII:

96. The SPEAKER presented a petition of the Senate of Australia, Parliament House, Canberra, Australia, relative to the 200th anniversary of the United States; which was referred to the Committee on Foreign Affairs.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 435

By Mr. McCOLLUM:

(Amendment in the nature of a substitute.)

—Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. REPORTING TIME FOR RESULTS OF PRESIDENTIAL GENERAL ELECTIONS IN THE CONTINENTAL UNITED STATES.

Chapter 1 of title 3, United States Code, is amended by—

(1) redesignating section 21 as section 22; and

(2) inserting after section 20 the following new section:

"§ 21 Reporting time for results in continental United States

"(a) No election official shall make any public disclosure of results with respect to a Presidential general election in the continental United States before 9:00 o'clock post meridiem, eastern standard time, on the date of the election.

"(b) As used in this section, the term—

"(1) 'continental United States' means the States of the United States (other than Alaska and Hawaii) and the District of Columbia; and

"(2) 'Presidential general election' means the election for electors of President and Vice President.".

SEC. 2. EXTENDED DAYLIGHT SAVING TIME IN PACIFIC TIME ZONE IN PRESIDENTIAL ELECTION YEARS.

Section 3 of the Uniform Time Act of 1966 (15 U.S.C. 260a) is amended by adding at the end the following new subsection:

"(d)(1) Notwithstanding subsection (a) of this section, in each year in which a Presidential general election takes place, the period of time during which the standard time shall be advanced with respect to the Pacific time zone shall end at 2:00 o'clock ante meridiem on the first Sunday after the date of that election.

"(2) As used in this subsection, the term 'Presidential general election' means the election for electors of President and Vice President.".

SEC. 3. TECHNICAL AMENDMENTS.

(a) Amendments to Title 3, United States Code.—The table of sections for chapter 1 of title 3, United States Code, is amended—

(1) by striking out the item relating to section 21 and inserting in lieu thereof the following: "22. Definitions."; and

(2) by inserting after the item relating to section 20 the following new item:

"21. Reporting time for results in continental United States.".

(b) Amendments to Uniform Time Act of 1966.—Section 3(a) of the Uniform Time Act of 1966 (15 U.S.C. 260a(a)) is amended by striking out "2 o'clock antemeridian" each place it appears and inserting in lieu thereof "2:00 o'clock ante meridiem".

H.R. 3100

By Mr. BEREUTER:

—Page 247, after line 16, insert the following:

SEC. 1116. COORDINATION OF CONGRESSIONAL POLICY TOWARD ASSESSED CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS.

(A) It is the sense of the Congress that—

(1) at least six Members of the Congress designated as provided for in subsection (B), should meet on an ad-hoc basis for the purpose of developing a coordinated Congressional policy toward assessed contributions to international organizations; and

(2) the Secretary of State should provide such cooperation as may be required by such Members.

(B) The Members described in subsection (a)(1) should be designated as follows:

(1) The Speaker of the House of Representatives, upon the recommendation of the Majority Leader and the Minority Leader, should designate at least three Members of the House as follows:

(a) one Member of the Committee on Foreign Affairs;

(b) one Member of the Committee on Appropriations, from the subcommittee handling activities of the Department of State; and

(c) one Member of the Committee on the Budget.

(2) The President pro tempore of the Senate, upon the recommendation of the Majority Leader and the Minority Leader, should designate at least three Members of the Senate as follows:

(a) one Member of the Committee on Foreign Relations;

(b) one Member of the Committee on Appropriations, from the subcommittee handling activities of the Department of State; and

(c) one Member of the Committee on the Budget.

(C) Not later than March 1, 1988, the Members of the Congress designated under this section shall prepare and transmit to the committees of Congress referred to in subsection (b) a report on the findings and conclusions of the Members made pursuant to this section, together with any recommendations for appropriate action by such committees.

By Mrs. BOXER:

—Page 115, after line 8, insert the following:

(c) Assassination of Human Rights Commission President.—

(1) Expression of concern.—The Congress expresses its deepest concern at the assassination of Herbert Anaya Sanabria, President of the nongovernmental Human Rights Commission of El Salvador (CDHES). This violent act is in direct contrast to the spirit of reconciliation embodied in the Central American peace agreement signed in Guatemala on August 7, 1987.

(2) United states assistance for investigation.—The Congress calls on the President to formally offer to the Government of El Salvador such investigative services by agencies of the United States Government as are permitted by law to assist in identifying and bringing to trial those responsible for the murder of Herbert Anaya Sanabria.

(3) Withholding of funds pending report to congress.—The President shall withhold from obligation 10 percent of the funds allocated for assistance for El Salvador for fiscal year 1988 under chapter 2 of part II of the Foreign Assistance Act of 1961 (relating to the grant military assistance program), and 10 percent of the funds allocated for assistance of El Salvador for fiscal year 1988 under chapter 4 of that Act (relating to the economic support fund), until at least 15 days after the President submits to the Congress a report detailing—

(A) the evidence that all reasonable, good faith efforts have been made by the Government of El Salvador to identify and bring to trial those persons responsible for the murder of Herbert Anaya Sanabria, and

(B) the investigative services provided by agencies of the United States Government to support those efforts.

That report and the release of the funds withheld pursuant to this paragraph, shall be considered in accordance with the procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961.

—Page 115, after line 8, insert the following:

(c) Assassination of Human Rights Commission President.—

(1) Expression of concern.—The Congress expresses its deepest concern at the assassination of Herbert Anaya Sanabria, President of the nongovernmental Human Rights Commission of El Salvador (CDHES). This violent act is in direct contrast to the spirit of reconciliation embodied in the Central American peace agreement signed in Guatemala on August 7, 1987.

(2) United states assistance for investigation.—The Congress calls on the President to formally offer to the Government of El Salvador such investigative services by agencies of the United States Government as are permitted by law to assist in identifying and bringing to trial those responsible for the murder of Herbert Anaya Sanabria.

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(A) the efforts made by the Government of El Salvador to identify and bring to trial those persons responsible for the murder of Herbert Anaya Sanabria, and

(B) the investigative services provided by agencies of the United States Government to support those efforts.

That notification, and the release of the funds withheld pursuant to this paragraph, shall be considered in accordance with the procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961.

By Mrs. BYRON:

—Page 121, add the following after line 25:

SEC. 713. CENTRAL AMERICAN PEACE AGREEMENT.

(a) Findings.—The Congress finds that—

(1) the Presidents of Guatemala, El Salvador, Honduras, Nicaragua, and Costa Rica signed the "Esquipulas II Accord" on August 7, 1987, to establish democracy, end civil strife, and promote economic stability in Central America;

(2) the establishment of democracy, the termination of civil strife, and the promotion of economic stability in Central America is in the national interest of the United States;

(3) the Esquipulas II Accord calls for the signatories "to make dialogue prevail over violence and reason over rancor";

(4) a lasting peace in Central America can only come about through dialogue;

(5) the Governments of El Salvador, Guatemala, and Honduras have entered into direct negotiations with the representatives of both internal opposition organizations and antigovernment insurgent forces to bring about a mutual and verifiable cease fire within those countries and the region as a whole;

(6) the President of Costa Rica and Nobel Laureate Oscar Arias has called for direct negotiations between the Government of Nicaragua and the Nicaraguan Resistance for a mutual and verifiable cease fire;

(7) President Arias stated that a negotiated cease fire between the Government of Nicaragua and the Nicaraguan Resistance is "indespensable if we are to achieve a lasting peace in Central America";

(8) the Presidents of El Salvador, Guatemala, and Honduras have also called upon the Government of Nicaragua to negotiate directly with the Nicaraguan Resistance; and

(9) the President of Nicaragua announced on November 5, 1987, that the Nicaraguan Government would negotiate a cease fire with the Directorate of the Nicaraguan Resistance through an intermediary.

(b) Statement of Congress.—The Congress urges the Government of Nicaragua to enter into direct negotiations immediately with the Directorate of the Nicaraguan Resistance in order to bring about a mutual and verifiable cease fire and to reach a political settlement with the Nicaraguan Resistance, so that the spirit of the Esquipulas II Accord may be fulfilled and democracy, peace, and economic stability will become reality for Central America.

By Mr. DeWINE:

—Page 121, after line 25, insert the following:

SEC. 713. JANUARY 22 MOVEMENT OF MOTHERS OF POLITICAL PRISONERS AND HUMAN RIGHTS IN NICARAGUA.

(a) Findings.—The Congress finds that—

(1) the January 22 Movement of Mothers of Political Prisoners in Nicaragua has joined forces to draw attention to the plight of relatives incarcerated for supposed violations of security laws;

(2) over 1,500 mothers of political prisoners in Nicaragua, through their strength and resolve, utilize peaceful means to dramatize human rights violations in Nicaragua, describe the Sandinista prison system as "cruel and unjust", and have sponsored assemblies which have drawn hundreds of people despite government efforts to stop the demonstrations;

(3) the participants in the January 22 Movement of Mothers of Political Prisoners risk reprisals against their families and themselves and have suffered cruel and harsh punishment for their activities, including threats, torture, detainment, and further arrest of their family members to coerce an end to their activism for justice;

(4) the January 22 Movement of Mothers of Political Prisoners demand the abolition of the highly political Anti-Somocista Tribunals (TPAs) which operate outside of the existing legal system, enjoy absolute discretion concerning the admissibility of evidence, and fail to recognize basic rights of due process;

(5) the Nicaraguan Constitution, which purports to guarantee basic individual, civil, and political rights, was suspended hours after it was promulgated and a state of emergency, which suspends basic civil rights, was implemented and is still in place; and

(6) the regional peace agreement signed by Nicaraguan President Daniel Ortega in Guatemala on August 7, 1987, which requires the Sandinista government to undertake immediate reforms to democratize Nicaraguan society and end the state of emergency, is consistent with the demands of the January 22 Movement of Mothers of Political Prisoners.

(b) Sense of Congress.—It is the sense of the Congress that—

(1) the January 22 Movement of Mothers of Political Prisoners should be commended for calling attention to the Sandinistas deplorable human rights record and for demonstrating inspiring courage in working peacefully for the improvement of human rights in Nicaragua;

(2) the January 22 Movement of Mothers of Political Prisoners demonstrates the need for respect for internationally recognized human rights, including respect for freedom of speech, freedom of the press, freedom of assembly, due process of law, the restoration of individual, political, and civil rights, and the lifting of the suspension of constitutional guarantees in Nicaragua, which are required by the Guatemala regional peace agreement;

(3) the Sandinista government should comply with the demands of the January 22 Movement of Mothers of Political Prisoners and issue a decree of amnesty to all political prisoners and undertake efforts to bring about a general improvement in what has been a contemptible record in their treatment of Nicaraguan citizens;

(4) the Sandinista government should issue a total political amnesty, conduct negotiations directly with the resistance, guarantee the freedom and safety of all Nicaraguans from harassment and persecution, and grant full freedom of the press and other internationally recognized rights, which heretofore have been held in disdain by Sandinista authorities; and

(5) the Sandinista government should, in general, undertake all efforts to meet the requirements of the Guatemala regional peace agreement faithfully and completely.

—Page 121, add the following after line 25:

SEC. 713. NON-LETHAL ASSISTANCE FOR NICARAGUAN DEMOCRATIC RESISTANCE.

(a) ASSISTANCE TO BE PROVIDED.—The Secretary of State (or his designee) shall use funds appropriated pursuant to subsection (c) to provide non-lethal assistance to the Nicaraguan democratic resistance.

(b) NON-LETHAL ASSISTANCE.—As used in this section, the term "non-lethal assistance" means the provision of food, clothing, medicine, and other humanitarian assistance, and does not include the provision of weapons, weapons systems, ammunition, or other equipment, vehicles, or material which can be used to inflict serious bodily harm or death.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000 for fiscal year 1988.

By Mr. DORNAN of California:

—Page 228, after line 10, insert the following:

SEC. 1004. PROHIBITION ON PEACE CORPS FUNDING OF ABORTIONS.

Section 3 of the Peace Corps Act is amended by adding at the end the following new subsection:

"(i) None of the funds authorized to be appropriated to carry out the provisions of this Act shall be used to pay for abortions.".

—Page 247, after line 16, insert the following new section:

SEC. 1116. PROHIBITION ON ASSISTANCE TO COUNTRIES RECEIVING SUPERSONIC FIGHTER AIRCRAFT FROM THE SOVIET UNION.

(a) PROHIBITION.—For fiscal years 1988 and 1989, foreign assistance may not be provided to any country which has an agreement with the Soviet Union pursuant to which that country will obtain supersonic fighter aircraft from the Soviet Union.

(b) DEFINITIONS.—As used in this section—

(1) the term "agreement" includes a coproduction agreement; and

(2) the term "foreign assistance" means any assistance under the Arms Export Control Act, the Foreign Assistance Act of 1961 (excluding assistance under chapter 9 of part I, relating to disaster assistance), or the Agricultural Trade Development and Assistance Act of 1954 (excluding emergency food assistance under title II).

By Mr. FASCELL:

—Page 134, line 14, strike out "$16,000,000 for fiscal year 1989" and insert in lieu thereof "$20,000,000 for fiscal year 1989".

By Mr. HYDE:

—Page 247, after line 16, insert the following:

SEC. 1116. EFFECTIVENESS OF UNITED STATES ECONOMIC ASSISTANCE.

(a) REPORTS.—Not later than December 31, 1988, and December 31 of each third year thereafter, the President shall submit to the Congress a report which analyzes, on a country-by-country basis, the impact and effectiveness of the United States economic assistance provided during the preceding 3 fiscal years. Each such report shall include the following for each recipient country:

(1) An analysis of the impact of United States economic assistance during the preceding 3 fiscal years on economic development in that country, with a discussion of the United States interests that were served by the assistance. This analysis shall be done on a sector-by-sector basis to the extent possible and shall identify any economic policy reforms which were promoted by the assistance. This analysis shall—

(A) include a description, quantified to the extent practicable, of the specific objectives the United States sought to achieve in providing economic assistance for that country, and

(B) specify the extent to which those objectives were not achieved, with an explanation of why they were not achieved.

(2) A description of the amount and nature of economic assistance provided by other donors during the preceding 3 fiscal years, set forth by development sector to the extent possible.

(3) A discussion of the commitment of the host government to addressing the country's needs in each development sector, including a description of the resources devoted by that government to each development sector during the preceding 3 fiscal years.

(4) A description of the trends, both favorable and unfavorable, in each development sector.

(5) Statistical and other information necessary to evaluate the impact and effectiveness of United States economic assistance on development in the country.

(6) A comparison of the analysis provided in the report with relevant analyses by international financial institutions, other international organizations, other donor countries, or nongovernmental organizations.

(b) LISTING OF MOST AND LEAST SUCCESSFUL ASSISTANCE PROGRAMS.—Each report required by this section shall identify—

(1) those countries in which the United States economic assistance has been most successful, and

(2) those countries in which United States economic assistance has been least successful.

For each country listed pursuant to paragraph (2), the report shall explain why the assistance was not more successful and shall specify what the United States has done as a result.

(c) REPORT TO BE A SEPARATE DOCUMENT.—Each report required by this section shall be submitted to the Congress as a separate document.

(d) DEFINITION.—As used in this section, the term "United States economic assistance" means assistance under chapter 1 of part I of Foreign Assistance Act of 1961 (relating to development assistance), chapter 7 of part I of that Act (relating to Africa famine recovery and development), or chapter 4 of part II of that Act (relating to the economic support fund).

By Mr. KOSTMAYER:

—Page 121, line 12, before the period insert "or under chapter 5 of part II of that Act (relating to international military education and training)".

—Page 229, line 3, strike out "which are consistent with the objectives of" and insert in lieu thereof "for which funds authorized to be appropriated to carry out"; and line 5, after "472," insert "would be available".

By Mr. OBEY:

—On page 15 strike lines 22 through 25 and on page 16 strike lines 1 through 7 and insert the following:

The authority contained in the third sentence of section 24(c) of the Arms Export Control Act shall be exercised to the extent necessary in order for the Defense Security Assistance Agency and the Department of Defense to honor their loan guarantee contracts and to make all payments to the Federal Financing Bank required by those contracts according to their original payment schedules.

By Mr. SHAW:

—Page 86, after line 11, insert the following:

SEC. 514. ELIMINATION OF NATIONAL INTEREST WAIVER FOR ASSISTANCE TO MAJOR DRUG PRODUCING AND TRANSITION COUNTRIES.

Section 481(h)(2) of the Foreign Assistance Act of 1961 is amended—

(1) by striking out "(2)(A)" and inserting in lieu thereof "(2)";

(2) by striking out "that—" through "(i)" and inserting in lieu thereof "that";

(3) by striking out "; or" at the end of clause (i) and inserting in lieu thereof a period;

(4) by striking out clause (ii) of subparagraph (A); and

(5) by striking out subparagraph (B).

—Page 86, after line 11, insert the following:

SEC. 514. REPORTS ON ASSISTANCE DENIED.

Section 481(e) of the Foreign Assistance Act of 1961 is amended by adding at the end the following:

"(7) Each report pursuant to this subsection shall describe the United States assistance for the preceding fiscal year which was denied, pursuant to subsection (h), to each major illicit drug producing country and each major drug-transit country.".

—Page 86, after line 11, insert the following:

SEC. 514. INFORMATION FROM OTHER AGENCIES IN ANNUAL NARCOTICS CONTROL REPORTS.

Section 481(e)(3) of the Foreign Assistance Act of 1961 is amended by adding after subparagraph (D) the following:

"(E) A section prepared by the Drug Enforcement Administration, a section prepared by the Customs Service, and a section prepared by the Coast Guard, which describes in detail—

"(i) the assistance provided or to be provided (as the case may be) to such country by that agency, and

"(ii) the assistance provided or to be provided (as the case may be) to that agency by such country,

with respect to narcotic control efforts during the preceding fiscal year, the current fiscal year, and the next fiscal year.".

—Page 86, after line 11, insert the following:

SEC. 514. WITHOLDING OF UNITED STATES ASSISTANCE TO MAJOR DRUG PRODUCING AND TRANSITING COUNTRIES.

(a) REQUIREMENT TO WITHHOLD ALL ASSISTANCE PENDING CERTIFICATION.—Section 481(h)(1)(A) of the Foreign Assistance Act of 1961 is amended by striking out "50 percent of" and inserting in lieu thereof "all".

(b) CERTIFICATIONS.—

(1) TIME FOR SUBMISSION.—Section 481(h)(2)(A) of that Act is amended by striking out ", at the time of the submission of the report required by subsection (e),".

(2) PERIOD COVERED.—Section 481(h)(2)(A)(i) of that Act is amended by striking out "previous year" and inserting in lieu thereof "the 12 months preceding the certification,".

(c) Effective Date.—The amendments made by this section shall take effect on October 1, 1988.

—Page 86, after line 11, insert the following:

SEC. 514. IMPORTANCE OF SUPPRESSING INTERNATIONAL NARCOTICS TRAFFICKING.

Section 481(a)(1) of the Foreign Assistance Act of 1961 is amended—

(1) by redesignating subparagraphs (B) through (D) as subparagraphs (C) through (E), respectively; and

(2) by inserting after subparagraph (A) the following:

"(B) suppression of international narcotics trafficking is among the most important foreign policy objectives of the United States;".

By Mr. SOLARZ:

—Page 217, strike out lines 20 and 21 and insert in lieu thereof the following:

(1) by striking out "the date of enactment of this section and ending on September 30, 1987" and inserting in lieu thereof "January 15, 1988, and ending on September 30, 1993";

Page 218, strike out line 20 and all that follows through line 4 on page 219 and insert in lieu thereof the following:

(d) Reports on Pakistan's Enrichment Levels.—The President shall submit to the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives, and the Committee on Foreign Relations and the Committee on Appropriations of the Senate, periodic reports containing a factual description of the uranium enrichment levels which Pakistan has reached as of the time of the report. These reports shall be submitted—

(1) at the time the waiver authority in section 620E(d)(1) of the Foreign Assistance Act of 1961 (as amended by subsection (b)(1) of this section) is exercised by the President;

(2) not later than July 15, 1988; and

(3) at 6-month intervals after the report is submitted pursuant to paragraph (2), through the end of fiscal year 1993.

These reports shall be unclassified. Supplemental classified reports may be submitted, if necessary.

(e) Withholding of Assistance.—Not more than two-thirds of aggregate amount of the funds authorized to be appropriated by this Act for fiscal year 1988 which are allocated for assistance for Pakistan may be obligated before July 15, 1988.

(f) Report on Illegal Nuclear Exports.—Not later than January 1, 1988, the President shall submit to Congress a report detailing—

(1) the degree to which the Government of Pakistan has cooperated in the investigation of the Arshad Pervez case;

(2) what legal action Pakistan has taken against any Pakistanis who are shown to have been involved in this case;

(3) what action Pakistan has taken, and what laws, regulations, or other measures Pakistan has implemented to ensure that no such incident, whether or not undertaken with the support or active assistance of Pakistan Government officials, occurs again; and

(4) the nature of any assurances which the Government of Pakistan has provided against any future procurement which would contribute significantly to the ability of Pakistan to manufacture a nuclear explosive device.

(g) Determination To Be Included in Report.—The report required by subsection (f) shall also include either—

(1) a determination by the President for purposes of section 670(a)(1) of the Foreign Assistance Act of 1961 that, after the date of enactment of the International Security and Development Cooperation Act of 1985, Pakistan exported illegally (or attempted to export illegally) from the United States material, equipment, or technology which would contribute significantly to the ability of Pakistan to manufacture a nuclear explosive device and that that material, equipment, or technology was to be used by Pakistan in the manufacture of a nuclear explosive device; or

(2) a determination by the President that, based on all available evidence, the determination described in paragraph (1) is not justified, with an explanation of the reasons for making that determination rather than the determination described in paragraph (1).

SEC. 925. EFFECTIVENESS OF CERTAIN NUCLEAR-PROLIFERATION WAIVERS CONTINGENT ON DETERMINATION THAT WEAPONS-GRADE NUCLEAR MATERIAL NOT BEING PRODUCED

(a) Suspension of Waiver.—During the period beginning 6 months after the date of enactment of this Act and ending September 30, 1993, a waiver by the President of any of the prohibitions contained in section 669 or section 670 of the Foreign Assistance Act of 1961 with respect to a country which is a non-nuclear-weapon state (as defined in section 670(c) of that Act) shall be effective and assistance described in those sections may be provided to that country pursuant to that waiver only if, during the preceding 6 months, the President has determined (on the basis of the best available information) and reported to the Congress that that country is not producing uranium enriched to greater than 5 percent in the isotope 235, uranium 233, or separated plutonium in facilities which are not under the safeguards system of the International Atomic Energy Agency or comparable safeguards.

(b) Restoration of Waiver.—If a waiver of any of the prohibitions contained in section 669 or section 670 of the Foreign Assistance Act of 1961 is suspended pursuant to subsection (a), that waiver shall become effective thereafter pursuant to that subsection only if the President makes and reports to the Congress the determination specified in that subsection and the Congress enacts a joint resolution approving that determination.

Redesignate existing sections 925 through 929 as sections 926 through 930, respectively.

By Mr. TALLON:

—Page 121, after line 25, add the following:

SEC. 713. PEACE, PLURALISM, AND DEMOCRACY IN NICARAGUA.

(a) Findings.—The Congress finds that—

(1) in signing the Central American peace accord on August 7, 1987, entitled "Procedure for the Establishment of a Strong and Lasting Peace in Central America", the Nicaraguan Government pledged "to promote an authentic democratic, pluralist and participatory process that includes the promotion of social justice [and] respect for human rights"; and

(2) under that accord, Nicaragua is specifically required to establish "complete freedom of press, television and radio" "for all ideological groups" "without prior censorship"; to grant political groupings "broad access to communications media" and full exercise of the rights of association, free speech, and movement; to decree an amnesty guaranteeing "freedom in all its forms"; and to terminate state of emergency laws while reestablishing "the full exercise of all constitutional guarantees".

(b) Actions Which Should Be Undertaken by Nicaragua.—It is the sense of the Congress that Nicaragua should undertake the following reforms in order to bring about lasting peace, pluralism, and democracy in Nicaragua:

(1) In general.—

(A) Ensure freedoms of expression, association, assembly and movement, religion, and education.

(B) Restore rights to security of person and home and freedom from unjustified arrest.

(C) Stop coercive pressure to join Sandinista party groups.

(D) Stop discriminatory and punitive application of military conscription.

(E) Allow all citizens, including refugees and exiles, to return to Nicaragua.

(F) Reinstate due process and fair trials and release those imprisoned without charge, trial, or due process, including campesinos, Creoles, and Indians.

(G) Abolish extraordinary tribunals and the powers of police forces to conduct trials, decide appeals, and sentence individuals to prison terms.

(H) Permit independent human rights observers, including the International Committee of the Red Cross, to meet and travel freely and to visit prisoners, prisons, and tribunals.

(I) End all forms of torture and conditions of confinement which constitute torture and end the practice of holding prisoners incommunicado.

(2) Political process reforms.—

(A) Allow political parties and the democratic opposition to meet and march publicly, publicize meetings, and meet with and utilize the media.

(B) End jailing of opposition party activists and the drafting of opposition party activists and their children in reprisal for nonviolent political activity.

(C) Abolish the role of the Committees for the Defense of Sandinismo's (CDS) and other party organizations in dispensing rationing cards and government services.

(D) Conduct free and open presidential, legislative, and municipal elections by December 31, 1990, as specified by current Nicaraguan law.

(E) Repeal the suspension provisions of the Nicaraguan constitution.

(F) Separate the armed forces from any political party.

(3) Press and media rights.—

(A) Allow an uncensored, free press.

(B) End newsprint restrictions and allow private newsprint sales.

(C) Allow the full spectrum of private television and radio broadcasting.

(4) Labor rights.—

(A) Ensure the right to strike and to publish by independent unions.

(B) Release those imprisoned because of non-violent union activities.

(5) Religious freedoms.—

(A) Allow the Catholic church to reopen its social welfare, human rights, and publication offices.

(B) Allow Cardinal Obando Y Bravo to resume his televised Sunday mass.

(C) Allow the return of all expelled Catholic priests.

(D) Allow religion courses to be taught in private schools.

(E) Allow Protestant evangelicals to preach and conduct meetings.

(6) Campesino rights.—

(A) End preventive detention and forcible resettlement of campesinos and allow those who have been displaced to return.

(B) Cease aerial bombing attacks against civilians and their properties.

(C) Cease the destruction of peasant farmlands.

(D) End pressure to join Sandinista farming cooperatives.

(7) INDIAN AND CREOLE RIGHTS.—

(A) Permit Indian and Creole residents to freely travel, assemble, speak, publish, broadcast, and maintain cultural beliefs and practices.

(B) End forcible detention and relocation of Indian and Creole residents and allow them to return to their home communities.

(C) Cease aerial bombings and attacks on Atlantic Coast civilians and their properties.

(D) Allow Indians and Creoles to engage in traditional farming, fishing, hunting, and necessary subsistence activity.

(c) ACHIEVEMENT OF DEMOCRATIC PRINCIPLES AND PROCESSES IN CENTRAL AMERICA.—It is the sense of the Congress that all countries in Central America should continue to work toward achieving the democratic principles and processes specified in the Central American peace accord of August 7, 1987, entitled "Procedure for the Establishment of a Strong and Lasting Peace in Central America".

By Mr. TORRICELLI:

—Page 20, strike out line 17 and all that follows through line 5 on page 23 and insert in lieu thereof the following:

SEC. 206. PURCHASE OF UNITED STATES GOODS AND SERVICES WITH ESF ASSISTANCE.

Chapter 4 of part II of the Foreign Assistance Act of 1961 (as amended by sections 204 and 205) is further amended by adding at the end of the following:

"SEC. 538. PURCHASE OF UNITED STATES GOODS AND SERVICES.

"(a) GENERAL POLICY REGARDING FORMS OF ASSISTANCE.—Assistance under this chapter should be provided principally through commodity import progams, project assistance, sector programs, or the provision of United States goods and services

(b) USE OF CASH TRANSFERS FOR UNITED STATES GOODS AND SERVICES.—Assistance may be provided to a country under this chapter as a cash transfer only pursuant to an agreement requiring that the country spend an amount equal to the amount of the cash transfer to purchase United States goods and services. Nothing in this section, however, shall prevent a country from purchasing, with United States cash transfer assistance, goods and services produced in that country. United States goods purchased pursuant to such an agreement shall be deemed to have been furnished in connection with funds advanced by the United States. The President shall ensure that purchases of United States Goods pursuant to such agreements, and the ports of departure for those goods, are distributed equitably throughout the United States. The United States goods purchased pursuant to such agreements shall be United States goods which are available in the United States at fair prices for such goods.

"(c) GAO AUDITS.—Each agreement pursuant to which cash transfer assistance is provided under this chapter shall include provisions to ensure that representatives of the Comptroller General have the access to records and personnel necessary to carry out such monitoring and auditing as the Comptroller General deems appropriate.

"(d) EXEMPTIONS.—This section shall not apply to any country—

"(1) which receives cash transfer assistance under this chapter of less than $10,000,000 for a fiscal year;

"(2) which, as of April 1, 1987, was receiving cash transfer assistance under this chapter and has an agreement with the United States under which the country agrees—

"(A) to spend an amount equal to the amount of the cash transfer on the purchase of the United States goods and services, and

"(B) to carry 50 percent of all bulk shipments of United States grain on 'privately-owned United States-flag commercial vessels', to the extent such vessels are available at fair and reasonable rates for such vessels,

except that a country shall be exempted pursuant to this paragraph only so long as the country continues to agree to those conditions; or

"(3) which, as of the effective date of this section, has an agreement with the United States requiring that the country spend an amount equal to the amount of any cash transfer assistance under this chapter to purchase United States goods and services, except that a country shall be exempted pursuant to this paragraph only so long as that country continues to agree to that condition.

United States goods purchased pursuant to an agreement described in paragraph (3) shall be deemed to have been furnished in connection with funds advanced by the United States, and the last sentence of subsection (b) shall apply with respect to such goods.

"(e) WAIVER.—The President may waive the provisions of this section with respect to a country to the extent the President determines that it is important to the national interest to do so. Any such waiver shall be reported to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

"(f) DEFINITION OF UNITED STATES GOODS.—For purposes of this section, the term 'United States goods' means goods (including components) and commodities (including agricultural commodities) grown, processed, produced, or manufactured in the United States.".

By Mr. TRAFICANT:

—Page 7, line 11, strike out "$1,033,716,000" both places it appears and insert in lieu thereof "$826,972,800".

—Page 16, line 14, strike out "$3,380,812,000" and insert in lieu thereof "$2,704,649,600"; and line 14, strike out "$3,415,812,000" and insert in lieu thereof "$2,732,649,600".

H.J. RES. 395

By Mr. GRANT:

—Page 25, after line 7, add the following new section:

SEC. 133. (a) None of the funds appropriated by this Act may be used to pay a Member of Congress at a rate of basic pay in excess of the rate which was payable for service as such a Member as of September 30, 1987.

(b) For purposes of this section, the term "Member of Congress" means an individual holding an office or position referred to in section 601(a)(1) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31(1)).

EXTENSIONS OF REMARKS

COMMUNICATING WITH DOLPHINS

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 9, 1987

Mr. DORNAN of California. Mr. Speaker, I rise today to bring to the attention of my colleagues a fascinating project which is occurring in our 50th State, Hawaii. On the island of Oahu, in the Kewalo Basin Marine Mammal Laboratory, every effort is being made to explore the intellectual capacity of marine mammals, like dolphins and whales. Dr. Louis M. Herman who runs the lab, has made considerable progress in developing an artificial language which combines acoustic and gestural instructions. His research has contributed greatly to the scientific community's knowledge about marine mammal behavior, communication and migratory habits.

I think that it is important for my colleagues to know that even as we speak, dolphins are working for our national security in the Persian Gulf. Several Navy dolphins have been trained to hunt for underwater mines and to search for enemy frogmen. These dolphins are also being used as underwater sentries in an effort to protect U.S. Navy barges which support our mine-sweeping operations.

Tragically, one of the dolphins died "in the line of duty." Apparently, bacterial infections claimed the life of one and others are having troubles adjusting to the gulf environment. I am confident however, that our Navy trainers will be able to overcome this problem, enabling the dolphins to stay in the gulf over the long-term.

Mr. Speaker, it is with great pleasure that I submit to the CONGRESSIONAL RECORD an article written by Dr. Herman which more fully explains the practical applications of his research:

KEWALO BASIN MARINE MAMMAL LABORATORY

The *Kewalo Basin Marine Mammal Laboratory* (KBMML) was founded in 1970; it is dedicated to the laboratory and field study of the behaviors of dolphins and whales. The University of Hawaii is unique among universities in having its own facility for the study of these intriguing animals. The studies of dolphins and whales play an important role in furthering our appreciation of these animals, and in developing measures to protect them and to promote their recovery. Additionally, we stand to learn a great deal about how to survive in the underwater world.

Research at KBMML is supported by grants from the National Science Foundation, the National Park Service, the Office of Naval Research, the Center for Field Research, and by private contributions. In this period of limited Federal support for many types of research, private contributions play an increasingly vital role in helping to further research at KBMML.

STAFF

KBMML is directed by Dr. Louis M. Herman, who is also a professor in the Department of Psychology, an affiliate of the Social Science Research Institute, and a cooperating faculty in the Department of Oceanography. The staff includes several postdoctoral researchers, a dozen or so graduate students pursuing thesis research, and administrative personnel. Numerous undergraduate students apprentice in research at the Laboratory each semester, gaining a unique experience in working with marine mammals.

DOLPHIN AND WHALE RESEARCH PROJECTS

At KBMML's tanks, studies are underway examining the cognitive abilities of bottlenosed dolphins. We are currently examining the ability of the dolphins to understand sentences given to them within artificial acoustic and gestural languages. The research breaks new ground into animal linguistic abilities and bears on the enduring question of the uniqueness of human language ability and of the continuity of cognition throughout the animal kingdom.

Each winter KBMML carries out studies of the humpback whales that visit Hawaiian waters for breeding and calving. Humpback whales are an endangered species and are designated as the official State of Hawaii marine mammal. The research in Hawaii is directed toward an understanding of how the whales are organized socially for carrying out their reproductive and calf-rearing functions, and how they communicate with one another. We also attempt to trace the movements of individual whales through our waters to understand migration patterns. In the summer, KBMML personnel travel to Alaskan waters to follow the humpback whales to their seasonal feeding grounds.

SCIENTIFIC CONTRIBUTIONS

Through its publications in professional journals, and presentations at scientific meetings, KBMML research has contributed to basic knowledge about dolphin hearing, vision, learning, memory, communication, and cognition. Our research with the whales has made important contributions to the understanding of whale behavior, communication, and migration. The major developments of the past decade in scientific knowledge of dolphin and whale behavior have been summarized and synthesized in the book edited by Dr. Herman: "Cetacean Behavior: Mechanisms and Functions" (New York: Wiley Interscience, 1980).

EDUCATIONAL AND PUBLIC CONTRIBUTIONS

In addition to the training in research on marine mammals provided to graduate and undergraduate students of the University of Hawaii, lectures and demonstrations are provided to elementary and secondary schools and the general public. Additionally, a few selected undergraduate students from mainland universities apprentice in research each semester at KBMML.

The expertise of laboratory personnel in marine mammal science results in many requests from Federal agencies for consultation and support in their programs of marine mammal conservation and management.

The research programs at KBMML have been of interest to local and national magazines and newspapers and to television programs. Articles about KBMML research have appeared in National Geographic, Smithsonian, National Wildlife, Science News, in the science sections of Newsweek and the New York Times, in several foreign natural history magazines (e.g., Anima and Newton in Japan, Horzu in West Germany, and Science Et Vie in France), and in various other local and mainland newspapers and magazines. Segments illustrating the work of KBMML have been shown on television, including NBC Today, PM magazine, PBS's Nova, NBC Nightly News, National Geographic Explorer, and as part of a special series aired in Japan. The media coverage not only draws attention to KBMML as a unique facility, but also creates favorable national and international publicity for the University of Hawaii as a center for marine sciences.

CAN DOLPHINS UNDERSTAND SENTENCES?

(By Louis M. Herman, Douglas G. Richards, and James P. Wolz)

Notes from the field: Tursiops truncatus teaches us about language acquisition.

The sentence is the cornerstone of human language. Both the particular words used in a sentence (the semantic feature) and how they are arranged or ordered (the syntactic feature) determine the meaning. Human knowledge of the semantic and syntactic features of our language allows us, in theory, to generate an infinite number of sentences and to understand those sentences generated by others. This gives us a richness of communication that many think has no parallel or even precursor among nonhuman animals.

But is language ability fully reserved for humans, or might there be some language-like competencies among other animals? If animals do not exhibit such capability in their natural world, might it still be the case that we can tutor animals in languages to reveal at least some latent capability for language learning? If so, it would help us to understand better the nature of language, its evolution, and what cognitive or intellectual abilities may be necessary for language.

At the University of Hawaii's Kewalo Basin Marine Mammal Laboratory, two female bottlenosed dolphins (*Tursiops truncatus*) named Phoenix and Akeakamai have been subjects since 1979 of a study to determine whether they can learn to understand sentences expressed in artificial languages.

Sentence-processing ability has been claimed, in several studies, for apes tutored in languages. But challengers have pointed to flaws in experimental design, poor data reporting and analysis, and overly rich interpretations of results, greatly weakening the claims. What we need, therefore, are different, more systematic, better-controlled approaches to studying the sentence-processing abilities of animals. At Kewalo Basin, we use an innovative approach that exam-

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

ines comprehension to study the sentence-processing abilities of bottlenosed dolphins.

Phoenix and Akeakamai were collected from the wild on the same day in June 1978, in the shallow coastal waters near Gulfport, Mississippi, and were brought to Kewalo Basin a month later. The dolphins were captured within about 2 kilometers of each other, so they probably were members of the same seasonally resident school. At the time of their caputure, they were juveniles, about 2 to 3 years old.

For the first 30 days after capture, Phoenix and Akeakamai were acclimated to tank living and to eating freshly thawed fish from the hand of a trainer. For the next 7 months, in Hawaii, we prepared the dolphins for language comprehension training by familiarizing them with a variety of different sounds and gestures. The staff swam daily with the pair, hand feeding them, stroking them, and playing games, such as tag (attempting to touch the dolphins with a short length of plastic pipe, while they dodged furiously—always returning for more) and "retrieve" (throwing objects into the tank for the dolphins to return).

We began simple two-choice sound-discrimination training during those first 7 months, to acquaint the dolphins with some of the types of sounds that the language study might use. The reward for a correct response was a freshly thawed silver smelt, to a limit of about 8.5 kilograms daily, a full ration for most bottlenosed dolphins.

Our goal in these initial tasks was to develop a "learning set," a positive attitude toward learning that not only would encourage the dolphins to attempt to solve the problems at hand but would also teach them the more general concept that problems could be solved. We also began some gestural training during this period, intended to acquaint the dolphins with the kinds of responses that might later be required as part of an acoustic instruction. We had not intended to develop a gestural language format, but that format worked so well and so easily that we decided to specialize one dolphin, Akeakamai, in a gestural language, while the other, Phoenix, went on to the acoustic format we had planned.

In the acoustic format, we use mainly whistlelike sounds because whistles are one of the natural sounds produced by bottlenosed dolphins and are relatively easy to generate electronically. In general, we avoid using sounds that resemble too closely the animals' natural whistles because those sounds might have prior significance to the dolphins. We did, however, make two exceptions: Each dolphin has an individually characteristic "signature" whistle that it uses frequently and that, presumably, identifies it to other dolphins. It seemed reasonable to use approximations of these signature whistles, generated by a computer system, for the dolphins' names.

All the sounds in the acoustic language format are produced by a mini-computer. The computer maintains the library of sounds in the acoustical language and sets the parameters for producing any sound selected. We assign words to specific keys of a keyboard located at tankside. To construct a sentence, we key the appropriate words in, along with the desired spacing between them. The computer stores the sentence and then, at a command, projects it underwater.

In the gestural language, the trainer stands at the tank wall and constructs words ("signs") through moderate- to large-scale arm and hand movements. We choose signs that can be easily identified by observers and are substantially different from one another. Some gestures, such as those for *person* and *speaker*, are modified versions of signs from American Sign Language (ASL), but most of the gestures are not related to ASL. All signs denoting actions are made with one arm, while signs denoting objects or object modifiers are made with symmetrical or alternating movements of both arms. Figure 1 shows the current vocabulary of the dolphins.

In the sentence structure we have used so far, the dolphins are always the agents; each sentence, acoustic or gestural, begins with a dolphin's acoustic name. In response to hearing her name, Phoenix listens further to the underwater speaker for her instruction. Akeakamai looks toward her trainer, head out of water, and watches the gestures being given. Note in Figure 1 that dolphin names appear as objects as well as agents. Thus the acoustic sentence "Phoenix Akeakamai over" instructs Phoenix to swim to Akeakamai and leap over her. Note also that *fish* is both the name of a reward and the name of an object to which an action (other than eating it) may be performed.

Yes and *no* are acoustic words we use with both dolphins. *Yes* appears in the acoustic strings "Yes Phoenix fish" and "Yes Akeakamai fish." A string follows a correct response to an instruction and indicates which dolphin will receive a fish reward. Only the dolphin whose name appears in the string responds. No is used to interrupt a behavior of either dolphin. We use it rarely, however, because the dolphins respond to it with emotional behavior such as jaw snapping or flinging an object.

Erase takes the place of any action word and is used to cancel a sentence. For example, the sentence "Ball erase" or "Right ball erase" cancels a sentence the trainer has already begun. The proper response is for the dolphin to remain at her instruction station or to return to it promptly.

Figure 2 gives the syntactic rules for construction of two-, three-, four-, and five-word sentences in each language. Object words always precede action words, and modifiers always precede the word modified. Thus, the instruction "Window tailtouch" means "Go to any of the underwater windows in the tank and touch it with your tail flukes." "Hoop under" means "Go to the hoop and swim under it." "Surface pipe spit" instructs Phoenix to "Go to the pipe floating at the surface (and not the one lying at the bottom), and spit at it."

In the early part of their training, we worked with the dolphins twice daily, 5 to 6 days per week. Each training session lasted 2 to 3 hours. During each session one dolphin was tested in "formal" blocks of trials, while the second was simultaneously given "local" trials. We alternated formal and local blocks of trials between dolphins within a session. During formal training, we gave the dolphins multiple sentences to practice old words or concepts, to train them in new words or concepts, or to test them for comprehension.

Local trials, conducted by the tankside trainer, consisted of activities such as playing catch with the dolphin using a ball or giving simple action commands that were not part of the formal language, such as gestures for leaping or slapping the tail flukes on the water. Local trials were always characterized by a great deal of social interaction between trainer and dolphin

As the training progressed, we moved to successively longer sentences and new syntactic forms. We introduced new vocabulary items and new semantic entities, such as the modifier, as necessary to accomplish the progression. We directed later efforts toward expanding the semantic and syntactic categories and toward increasing the complexity of the syntactic structure. This allowed us to create new types of sentences and longer and more complex sentences. For example, by adding modifiers we could construct a four-word sentence for Akeakamai, such as "Right water ball fetch," meaning "Go get a ball and carry it to the stream of water that was to your right when you received the instruction."

Another example, for Phoenix, is the sentence "Bottom Frisbee fetch surface hoop," meaning "Go get the Frisbee lying on the bottom and carry it to the hoop that is floating."

Perhaps the most important facet of our training procedures was the expansion of existing words or sentences beyond the restricted context in which they were first taught. We intended to teach the dolphins that a concept has meaning in a wide variety of situations and can be applied in completely novel situations.

At various stages of the dolphins' language training, we measured or estimated Phoenix and Akeakamia's comprehension of the entire group of sentences in their respective languages, using procedures called calibration tests. Calibration involves generating the set of all possible sentences or a representative sample of them, arranging them in a predetermined order, then testing the dolphins' responses to the set.

We gave the first calibration test in the period from August to September 1979, when the total set consisted of 31 two-word object plus action sentences. The overall performance results were 80.8 percent correct responses for Phoenix and 81.6 percent correct responses for Akeakamai. The second calibration was from October to December 1980, when the total was 204 sentences for Phoenix and 170 sentences for Akeakamai. Phoenix responded correctly to 78.9 percent of her sentences, with each sentence tested at least twice. Akeakamai responded correctly to 87.3 percent of her sentences.

The third calibration testing was in April 1982. At that time, Phoenix's vocabulary had grown to 368 sentences, and Akeakamai's had increased dramatically to 464. For both dolphins, the testing included both familiar and novel sentences. Phoenix tested correctly on 89.6 percent of the familiar sentences and 71.1 percent of the novel sentences, averaging 85.1 percent correct responses. Akeakamai was correct on 89 percent of the familiar sentences and 58.1 percent of the novel, averaging 82.8 percent correct.

The performance of both dolphins on sentences declined slightly with increasing sentence complexity, reflecting the increased opportunity for error when more semantic elements are present. However, the dolphins' performances on given sentence elements remained stable regardless of sentence length or type. For example, Akeakamai was as accurate with the modifiers right and left when they appeared in four-word sentences as when they appeared in three-word sentences.

The results also suggested some practice effect: Within each syntactic category the dolphins' performance on familiar sentences was consistently higher than it was on novel sentences. However, the totals are biased because the various sentence types were not equally represented in the groups of familiar and novel sentences. For some sentence types we could not generate equal numbers of new and familiar sentences.

An important issue in assessing the linguistic competency of apes has been whether the symbols used in the language that is taught take on referential qualities. Do the symbols apes learn to use come to represent objects or events in the real world, or are they merely nonlinguistic devices that allow the apes to obtain reward? In our testing, we provided examples and data that bear on whether the symbols we use take on referential qualities for the dolphins.

For example, we identified two forms of semantic generalization in this study: the extension of object words and the extension of action words. We first taught the word hoop with respect to a particular large, octagonal hoop of plastic pipe. This hoop proved easy for the dolphins to demolish, so we substituted a large, square hoop, with no decrease in the dolphins' performance. We also used small hoops, large hoops of much thicker pipe, hoops of dark-colored pipe as well as white pipe, and hoops that sank to the bottom of the tank instead of floating. In all cases, the dolphins responded to the hoops immediately when a sentence containing the word hoop was given, even though there were always additional named items in the tank. Every object we used underwent some change, either because of wear and tear or because a new program goal required some modification (such as the addition of objects that sank to the bottom). Yet the dolphins had no trouble generalizing concepts.

Another interesting example of the generalization of meaning across a class of objects occurred when we taught Akeakamai the word window, a reference to any of four underwater windows spaced evenly about the bank. To teach window, the trainer chose one particular station near that window. Aleakamai learned window in a single session. Two sessions later, the trainer moved Akeakamai to another station that was distant from the first training window and halfway between two other windows. In response to the first window sentence given from this station, Akeakamai immediately swam to the window to her left. Later in the session she was given a second window sentence and this time chose the window to her right. When her station was moved once again, she immediately went to the most convenient window of the four. Hence, although we taught window in reference to a particular window, Akeakamai immediately generalized the word to all other windows in the tank.

The dolphins extended their responses to action words almost always immediately, too. Phoenix learned through using the object hoop and the sentence "Hoop through." Later, when the novel sentence "Gate through" was given, Phoenix immediately swam through the open gate in her tank. Subsequently, when the trainer gave the sentence "Gate through" with the gate closed, Phoenix swam to the gate, hesitated, then pushed it open and swam through.

After we taught the modifiers surface and bottom using a variety of objects, we presented the novel sentence "Bottom hoop through." A weighted hoop was lying flat on the bottom of the tank, and a buoyant hoop was suspended vertically near the surface. Phoenix swam to the bottom hoop, probed under it with her rostrum (snout) until one side was lifted off the tank floor and the hoop was nearly vertical, then swam through.

When we experimented with some unusual syntactical arrangements, we noted more spontaneous action generalization. We presented Phoenix the sentences "Frisbee fetch through hoop" and "Frisbee fetch under hoop." In each case, Phoenix swam to the Frisbee and carried it on her rostrum to the hoop. In the first case, she swam with it through the hoop, and in the second case she took it under the hoop. Also, in the initial presentation of "Frisbee fetch through gate," Phoenix took the Frisbee through the gate rather than touching the Frisbee to the gate, as in her typical response to the sentence "Frisbee fetch gate." Akeakamai was also proficient at extending old responses to new situations.

In English and many other languages, word order is an important determinant of meaning. The same words arranged in different orders can mean very different things, as in the sentences "The dog bit the boy" versus "The boy bit the dog." The last sentence is unusual but understandable and grammatically correct. In our work we tested the ability of the dolphins to understand these types of semantically reversed words *fetch* and *in*. These words describe relations between two objects. For example, the sentence "Hoop fetch Frisbee" in Phoenix's language instructs her to get a hoop (the direct object) and take it to a Frisbee (the indirect object), while "Frisbee fetch hoop" has the reverse meaning.

Phoenix was able to interpret these types of sentences correctly in the majority of cases, showing that she took account of both the semantic features of the sentences (the references of the words) and the syntactic feature (how word order determined meaning). Akeakamai was similarly able to correctly interpret semantically reversed sentences, although at a somewhat less proficient level than Phoenix.

However, the grammar used in Akeakamai's language was more difficult than that used in Phoenix's in that the indirect object was stated first, then the direct object, and finally the relational term. To tell Akeakamai to fetch a hoop to a Frisbee, the appropriate sentence would be "Frisbee hoop fetch." Unlike Phoenix, who can begin to respond to the words as they occur, Akeakamai must receive the whole instruction (and remember it) before she can begin to interpret it correctly. Nevertheless, the ability of the dolphins to operate on the two types of grammars greatly extends the generality of the findings about their abilities and is in keeping with the fact that there are many different grammars in human languages.

The key issue we have addressed in our study is sentence-processing ability. We stress dolphins' understanding of sentences rather than their ability to produce them. The work in teaching language to apes has focused mainly on production and has not resolved the issue of the ability of these animals to process sentences. Indeed, there are strong claims that apes have not demonstrated the linguistic essential of sentence processing, in either "producing" or "comprehending" language. In contrast, our study shows that dolphins are able to understand sentences expressed in the grammar of the artificial acoustic or gestural language taught them. Whether a dolphin can also "create a sentence" is an issue that can be resolved only with further direct work on language production.

Our results, which demonstrate that bottlenosed dolphins understand sentences, invite the scientific community to reconsider animal linguistic competency and to continue its study by these techniques. We need more expanded research to explore the boundaries of dolphin competency, including the ability to produce language.

REMEMBRANCE OF THE HUNGARIAN REVOLUTION

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 9, 1987

Mr. LIPINSKI. Mr. Speaker, October 23 marked the 31st anniversary of the Hungarian uprising which saw thousands of young people, factory workers, and even soldiers in uniform protesting the Soviet occupation which had robbed them of their freedom.

The events of October 1956 still burn in the minds of Hungarians who yearn for a free land. The attempted capture of the Radio Building to express opposition to 11 years of Communist control. The courageous actions of Imre Nagy, Hungarian Premier, who by popular demand sought to renounce the Warsaw Pact and hold free and fair elections. The thousands of children who took to the streets to fight Soviet tanks and troops. Perhaps most importantly, the thousands who lost their lives. These images cannot be forgotten. We must do all we can to keep them fresh in our mind, particularly when we deal with the Soviet Union.

The impetus of these events has been traced to Soviet Premier Khrushchev's handing down of an increasing number of economic and societal changes resulting from his de-Stalinization plan. This loosening up of official Soviet policy provided a catalyst for students, intellectuals, and workers to express their views. They called for democratization of governing institutions, the withdrawal of Soviet troops from Hungary, and the return of former Prime Minister Imre Nagy, who had been expelled from the Hungarian Communist Party.

As these calls became louder and more adamant, the Soviet occupiers and their satellite government found themselves unable to quell the reform movement by persuasion and chose instead to use violence. The Hungarian police, and later Soviet troops, fired into the crowds, igniting a revolution that spread throughout the country within days.

In an attempt to halt the revolution, the party decided to restore Nagy to the office of Prime Minister. However, this act did not meet with its intended result. After Nagy successfully negotiated the retreat of Soviet troops, he proceeded to announce sweeping reforms of the Government including abolishment of the one party system and the promise of free elections. These calls were met, almost immediately, with the reentry of Soviet forces into the Hungarian capital. The Soviets claimed that they had been invited in at the request of the Hungarian Government to restore order in the city. This falsehood was similarly repeated after the Soviets invaded Afghanistan in 1979.

While the Soviets were supposedly responding to the Hungarian Government's call for help, Nagy, the Hungarian Prime Minister, sent an urgent cable to the United Nations asking for assistance and support and proclaiming Hungary's neutrality. Unfortunately, this call went without a response. The Soviets easily put down the insurgency, announced the formation of a new Hungarian revolutionary workers' and peasants' government, and installed Janos Kadar as the new Prime Minister.

Although this fight for freedom did not meet with success, it was a great triumph. It served as a demonstration to the world that humanity is not forever bound and gagged by repressive Communist suppression, but that there is hope. Thus the Hungarian freedom fighters, supported by thousands of their native kin and freedom-loving people from all around the globe revived the yearning and relit the flame of freedom for future generations. Their hunger for freedom was paid for in blood for all the world to see and remember.

I would like to take this opportunity to extend my greetings to those in the Fifth District of Illinois of Hungarian desent, and all who share the same passion for freedom which was shown in Hungary 31 years ago.

REMEMBER THE VICTIMS

HON. GEORGE C. WORTLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 9, 1987

Mr. WORTLEY. Mr. Speaker, in sorrowful recognition, I introduced legislation this year which would have proclaimed November 7, 1987, the 70th infamous anniversary of the Bolsheviks, to be the Memorial Day for victims of communism. This legislation is part of an ongoing process we must undertake to keep the true nature of communism fresh in the minds of the American people and the world. By doing so, I and the 44 of my colleagues who cosponsored the measure also hope to remind those who are now denied liberty that they are not forgotten.

Unfortunately, the Sun never sets on the Soviet Empire, and its client states are still using Soviet arms to extend misery to others. In Afghanistan and Angola, those who want to be free are fighting for their very lives. And Soviet interference in this hemisphere is attempting to transform Central America into an arsenal for further communism.

It has been accurately observed that more people have died under communism than from wars with communism. As many as 40 to 60 million have died under the Soviets alone. Cambodia is a devastated country because of genocide of unsurpassed proportions committed by the Communist Khmer Rouge. Currently, the people of Ethiopia are reaping the devastating results of failed Communist economic policies and forced political relocations. Time and time again, the people of these countries have been treated with a total lack of human dignity while the Marxist ruling classes live in material luxury.

The Berlin Wall stands as testimony that, contrary to the Helsinki accords, those individuals unfortunate enough to live under Soviet domination are systematically denied the most basic human rights. Some have argued that General Secretary Gorbachev has recently undertaken small steps toward meaningful reform and change, and has sought to demonstrate a spirit of openness by denouncing the atrocities of others. We cannot be satisfied, however, with anything less than true liberty and openness, which allows citizens the freedom to say what they think about their present leaders.

STOCK MARKET DECLINES: 1981 VERSUS 1987

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, November 9, 1987

Mr. DUNCAN. Mr. Speaker, "Plunge in stock prices shows Wall Street doubts Reagan economic program * * * Reagan, meeting with Cabinet, expresses concern over behavior of financial markets * * * Reagan forced to make significant changes to calm securities market * * *."

Mr. Speaker, I am sure every Member has read or heard similar news reports in the past 2 weeks as stock markets have fallen and become highly volatile. But the quotes above were reported by the New York Times in 1981 after the Dow Jones industrial average fell from 1,020.35 on April 25 to 967.76 on May 15. The stock market continued to decline to close at 824.01 on Friday, September 26. On the following Monday the New York Times reported:

> In a day of frantic trading, world stock markets were swept with a wall of near panic selling yesterday until the falling prices were finally checked with a strong rally on the New York Stock Exchange. Analysts and stock traders attributed the steep worldwide decline to an unusual degree of uncertainty among investors about the world economic outlook, especially the problems of high interest rates and budget deficits in the United States. Heartened by Wall Street's advance most overseas stock exchanges rebounded. One Japanese broker cited in the Wall Street Journal, said of the turnaround in Tokyo that investors "realized they had overreacted the previous day, forgetting that Japan's fundamental economic factors have been improving and that there's really little to be afraid of."

Over the past 2 weeks we have heard about a message that Wall Street and the world's financial markets have been sending to Washington. The message is said to have been sent by way of a 508 point record day drop in the Dow Jones industrial average to close at 1,738 on October 19. We have heard comparisons to the 1929 stock market crash, and predictions of a world economic collapse. The factors for the fall have been cited as expectation of rising inflation and interest rates, trade, and budget deficits, protectionist trade legislation, the United States strike against an Iranian military platform, the falling dollar, defeat of Judge Bork, general lack of leadership in Washington, and computer trading of large blocks of stocks.

The Congress and the administration have work to do. We must work to cut spending to reduce our budget deficit. We must work to cut our trade deficit without producing protectionist legislation that would only make matters worse. We must face all problems and responsibilities and work toward solutions. But in facing our responsibilities we must be cautious and not allow our actions to become overreactions. Tax increases and protectionist trade legislation to improve budget and trade deficits may look like good speedy action to address these problems. But such actions would have negative long-term effects on our economy despite the positive intentions to send the message to Wall Street that action on our deficits can be taken by Congress and the administration.

When important decisions are made that affect our economy we must determine how those actions will affect the long-term stability of our economy. We cannot allow short-term swings in financial markets to dictate shortsighted quick fixes resulting in long-term problems for the economy. No one on Wall Street or in Congress knows where the stock market is headed tomorrow and in the future. We only know what the market did yesterday and in the past. If we make decisions based on what we expect the market to do, we are gambling in the market with our economic future.

Reflecting back to the stock market in 1981-82 we saw the same nervousness and heard the same rhetoric we are hearing today. But as we now know the markets did indeed turn around to make the greatest advance in history with the Dow setting a record closing at 2,700 in August 1987. Despite the market decline, the Dow Jones industrial average is above the market's close of October 1986. Despite the decline the market is up over 1,000 points since Reagan took office. With the stock market up so strongly, despite recent declines, the message from Wall Street must be for lower taxes and less spending.

HONORING THE DEDICATION OF CORONADO ELEMENTARY SCHOOL

HON. JOEL HEFLEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 9, 1987

Mr. HEFLEY. Mr. Speaker, I am proud to announce the dedication on Sunday, November 15, 1987, of Coronado Elementary School which opened its doors in September to over 600 students from Colorado's Fifth Congressional District.

In 1984, the citizens of south Jefferson County worked hard to ensure passage of a bond issue which allowed their school district to build the schools necessary to help alleviate overcrowding in this high growth area. This Sunday, they will gather to celebrate the fruits of their labors and should be congratulated for the success of their efforts.

Jefferson County has long been nationally recognized for its preeminence in education. Sunday's ceremony marks yet another achievement toward educational excellence for this school district, and I want to recognize the faculty, parents and concerned citizens who dedicated untold hours to making Coronado a reality. Their hard work and diligence will lead this school to many years of continued success and future prosperity.

In the years to come, hundreds of children will pass through the doors of Coronado Elementary School. All will be touched, changed and molded by the distinguished faculty and staff; all will accumulate a tremendous portion of their childhood memories within the halls and classrooms; and all will set the course they will follow for the rest of their lives while studying, playing, and learning at Coronado. The effect this school will have on our community simply cannot be overstated.

Our elementary school years are of profound importance to each and every one of us, and it is because of this that I ask each of you to share with me the pride I feel in celebrating the dedication of Coronado Elementary School.

TRIBUTE TO THE WORLD ORGANIZATION OF JEWS FROM ARAB COUNTRIES

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 9, 1987

Mr. LANTOS. Mr. Speaker, we in the United States have heard a great deal about the persecution and denial of human rights to various groups around the world. One group, which has suffered some of the greatest abuse, torture, and discrimination—yet a group that has received far less international attention—are the Jews from Arab countries.

These are Jews who have lived in Arab lands for centuries, and in some cases for millennia. They have been subject to discrimination through the centuries, but in our generation this has been intensified as conflict between the Arab States and Israel has resulted in increased anti-Semitism in Arab countries.

In recent years, literally millions of Jews from Arab countries have been forced to flee their homes, abandon their businesses, and their wealth has been confiscated. Many of them have been subject to physical abuse, torture, and rape.

Many of these Jews from Arab countries have found new homes in Israel, which has expended considerable effort and resources to find homes and employment for these persecuted people. Despite the illegality and tragic circumstances under which these people were expelled from their native lands, they have been settled and integrated into Israeli society.

Mr. Speaker, in 1975 the World Organization of Jews from Arab Countries, or WOJAC, was founded to represent the interests of these more than 2 million Jews now living throughout the world.

WOJAC came into being because of the prevailing belief of Jews from Arab lands that the time had come to raise the issue of their long-neglected rights and claims against their countries of origin. WOJAC held its third international convention in Washington from October 26 to October 28.

Mr. Speaker, WOJAC is an important organization for monitoring the welfare of Jews who live in Arab countries, not so much by choice as by historical accident of birth. While in many cases in the past, these Jews were forceably expelled, many today are not allowed to leave, though many wish to.

I want to commend WOJAC for keeping a spotlight on this most serious violation of human rights. At the WOJAC conference, a resolution was approved that reveals much about the plight of Jews who live under Arab rule. I ask that it be placed in the RECORD for the benefit of my colleagues in the Congress.

RESOLUTION ADOPTED BY THE WORLD ORGANIZATION OF JEWS FROM ARAB COUNTRIES, WASHINGTON, DC, OCTOBER 28, 1987

Whereas, by their invasion of Palestine in 1948 the Arab States assumed responsibility for the exchange of populations between Palestinian Arabs, numbering 590,000, and Jews of the Middle East, constituting 850,000 people, of whom 600,000 came to the state of Israel, thereby creating the current problem of refugees; and

Whereas, United Nations Security Council Resolution 242, paragraph 2, "affirms further the necessity * * * for achieving a just settlement of the refugee problem" as an essential element in the establishment of a just and lasting peace in the Middle East; and

Whereas, Israel, a country with limited resources and a population that tripled in its first decade, absorbed both Arab and Jewish refugees, providing housing and employment in a new land; and

Whereas, these Jewish refugees from Arab countries were forced to flee their homes, leaving behind real property and a lifetime of possessions, cultural and religious treasures amassed over many generations, yet they have never been compensated for this property;

Now therefore, be it resolved, that those Arab States which limit human rights of Jews who reside in their countries, contrary to the International Charter of Human Rights, should permit these people to emigrate freely; and

Be it further resolved, that all Arab States which have not yet granted citizenship and normal social and economic rights to Palestinian Arabs to do so for these people in their midst; and

Be it further resolved, that the United States should continue to support all efforts, whether Israeli or Arab, to help solve the longstanding problem of the refugees of the Middle East and to integrate them fully into the societies in which they live.

CONGRESSIONAL SALUTE TO JUDGE VINCENT A. PERNETTI, OF NORTH HALEDON, NJ, FIDELIANS "MAN OF THE YEAR"

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, November 9, 1987

Mr. ROE. Mr. Speaker, I rise today to salute an extremely prominent attorney and former judge in my Eighth Congressional District of New Jersey who has not only been an outstanding and deeply committed public servant throughout the years, but who has also been a vital force in working to assure that disadvantaged children in the Passaic County area have the opportunity to go to summer camp.

I speak of Judge Vincent A. Pernetti, who is being honored this Saturday, November 14, 1987, by the Fidelians of America as their "Man of the Year" at a dinner at the Cotillion in Garfield, NJ.

Mr. Speaker, I can think of no one more deserving of this honor. Judge Vincent A. Pernetti, for nearly a half century, has been a dedicated public servant in Passaic County. He attended Fordham University and Seton Hall Law School, and was admitted to the bar in New Jersey and to practice before the U.S. Supreme Court in 1940. During the following 47 years he has held a number of important positions in the public interest in the Passaic County area—Passaic County Freeholder, mayor of North Haledon, and the post of municipal judge in the boroughs of North Haledon, Prospect Park and Haledon.

Along with his professional pursuits, Judge Pernetti also has been vigorously involved in a number of civic pursuits. He founded and served as first commander of the American Legion of North Haledon and first president of Unico National, North Haledon. He also served for 5 years as president of the Board of Governors of Family Life Diocese of Paterson, and he is a 4th degree member of the Knights of Columbus.

Mr. Speaker, among the pursuits nearest to Judge Pernetti's heart has been his work with the Fidelians, who operate their own camp, the Fidelians Camp, for disadvantaged youngsters, located in North Haledon. I would like to note here that the Fidelians, a group of professionals and businessmen, is a highly active charitable organization founded in 1940. It began as a service club in Paterson, giving milk to needy people. During World War II the Fidelians aided their Nation by selling war bonds.

Among their primary civic projects today is the operation of the Fidelians' Camp, for which money is raised through an annual dinner dance and raffle. Judge Pernetti has been an integral part of the Fidelians' efforts for the past quarter century, serving a term as president of the fine organization. It was during Judge Pernetti's presidency that the facilities of the camp were greatly expanded and enlarged so that many more disadvantaged youngsters from the Passaic-Bergen area could be accommodated. Needless to say, without the efforts of people like the Fidelians, and in particular, the work of Judge Vincent A. Pernetti, many of these children would be deprived of the opportunity to experience camp.

It is quite clear that, down through the years, Judge Pernetti has been instrumental in improving the quality of life for countless numbers of youngsters from northern New Jersey, and for this he can be justifiably proud, as can all of us. For it is when outstanding citizens such as Judge Vincent A. Pernetti reach out and help others that the world becomes a better place for everyone. I would like to take this opportunity to invite you, Mr. Speaker, and our colleagues to join me in saluting Judge Vincent A. Pernetti for work that has not only benefited his community, but his State and Nation, and the world, as well.

WHO MAY LEAVE

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 9, 1987

Mr. MARKEY. Mr. Speaker, the National Conference on Soviet Jewry recently issued a report which analyzes the Soviet practice of restricting emigration on the grounds of knowledge of "state secrets." The report entitled, "Who May Leave: A Review Of Soviet Practice Of Restricting Emigration On Grounds Of Knowledge Of 'State Secrets' In Comparison With Standards Of International Law And The Policies Of Other States," is a very important document. Soviet policy on "state secrets" is at sharp variance with the rule of international law and the accepted norms of behavior in the international community. In light of all the attention being paid to reforms enacted in the Soviet Union under the leadership of Mikhail Gorbachev, this report is most timely. The denial of permission to emigrate on the basis of knowledge of "state secrets" continues unabated despite Soviet insistence that its policy on the matter has been liberalized. I urge my colleagues to read this report and to keep pressure on the Soviet Government to stop denying its citizens the right to emigrate under the false pretext of knowledge of "state secrets." The text of the report follows:

SUMMARY

This report analyzes the law and practices of the Union of Soviet Socialist Republics with respect to the emigration of its citizens generally and, in particular, those persons deemed to possess "state secrets." It is the claim of the Soviet Union that its policy is in substantial accord with standards of international law and the practices of other major nations. We have found otherwise.

Our basic conclusion is that international law and the law and practices of other major developed states recognize the right of a citizen to emigrate, and that the Soviet Union stands alone among such nations in denying this general right to its citizens. To the extent Soviet law permits emigration, the ability to leave is expressly limited by law to exclude those in possession of "state secrets." In practice, this exclusion appears to be so broadly interpreted as to bar ordinary persons in routine walks of life from leaving. The Soviet Union appears to preclude the emigration of its citizens on grounds of "national security" or possession of state secrets in circumstances that neither international law nor the law of any other major developed state would regard as sufficient cause to restrict emigration.

STANDARDS OF INTERNATIONAL LAW

In examining the historical development and status of the right to emigrate under international law, we have paid particular attention to the various international agreements entered into since World War II, and have reviewed the drafting history, provisions and interpretation of the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the 1975 Helsinki Accords. The Soviet Union is a signatory to the Covenant and the Helsinki Accords, and, in a recent Izvestiya interview, First Deputy Minister of Justice I.S. Samoschenko stated that the Soviet Union regards its policies as in accord with the emigration provisions of these two agreements.

We find that there is a general consensus under international law recognizing the fundamental right to leave one's country. By the early twentieth century, based on the laws and practices of most nations, the right to emigrate was considered by leading scholars as a right recognized under international law. Since World War II, the right to emigrate has been codified in numerous international agreements. For example, Article 13 of the Universal Declaration of Human Rights provides that "[e]veryone has the right to leave any country, including his own. . . ."

The most widely recognized and adopted statement of the right to emigrate is Article 12 of the International Covenant on Civil and Political Rights. To date, more than 85 nations, including the Soviet Union, are signatories to the Covenant. Article 12(2) provides in relevant part: "Everyone shall be free to leave any country, including his own." In addition to the Covenant, other United Nations sponsored agreements and various regional accords covering the Western Hemisphere, Europe and Africa recognize the right to emigrate or facilitate freedom of movement.

The 1975 Helsinki Accords Final Act, signed by 35 nations including the United States and the Soviet Union, incorporates by reference previous human rights documents recognizing the right to emigrate. The Soviet Union thereby agreed to "act in conformity with" the Universal Declaration and to fullfill its commitments under the Covenant. Specifically in the area of emigration, the signatories agreed to policies designed to facilitate family reunification, and to apply these policies in a "positive and humanitarian spirit."

Restrictions on the right to emigrate under international law are of a limited and exceptional nature. Article 12(3) of the Covenant provides that the right to emigrate is limited only by certain specific restrictions, including "those which are provided by law [and] are necessary to protect national security. . . ." This "national security" restriction is the proferred justification for precluding emigration of persons deemed to possess state secrets.

The "national security" restriction on the right to emigrate must be read in light of the purposes of the Covenant and its signatories. The object and purpose of the Covenant are to protect fundamental rights and freedoms. The travaux preparatoires (drafting history) of the Covenant establishes that Article 12 was deliberately crafted so as to emphasize the general right to emigrate and to deemphasize the scope of any restriction of this right. The restrictions of Article 12(3) are, under accepted standards of construction, of an exceptional nature.

The consensus of contemporary jurisprudents is that to be "provided by law," limitations on emigration must have a basis in domestic law, cannot be exclusively a matter of administrative or executive action, and, most importantly, must be accompanied by procedures limiting the discretion of government authorities and safeguarding the individual's right, including the right to appeal adverse decisions. For a limitation to be "necessary," it must respond to a pressing or immediate public need, pursue a legitimate aim and be proportionate to that aim.

The "national security" exception is thus narrowly construed and limited to extraordinary circumstances. International legal conferences attended by leading jurists from third-world, socialist and western countries have concluded that an emigration restriction based on "national security" can only be involved where an individual's emigration poses a clear, imminent and serious danger to the state, or where restricting emigration would protect the state from force or the threat of force.

THE MUNICIPAL LAW OF OTHER NATIONS: THE UNITED STATES, UNITED KINGDOM, FRANCE, SWITZERLAND, FEDERAL REPUBLIC OF GERMANY AND ISRAEL

We have also examined the municipal law and practice of other nations, including the United States, the United Kingdom, France, Switzerland, the Federal Republic of Germany and Israel, concerning the right to emigrate and permissible limitations on that right. The United States, the United Kingdom, France and the Federal Republic of Germany are, of course, leading western powers and, therefore, to the extent that the Soviet Union claims that its practice is in accord with that of its adversaries, the law and practice of these states is of direct importance. Further, the United States and the United Kingdom were chosen as representing the common law, and France, Switzerland and the Federal Republic of Germany as representing the Latin and Teutonic branches of the civil law. Although municipal idiosyncrasies exist, virtually all civilized countries have adopted some variant of one of these seminal systems of law. The municipal law of the major states and of the most juridically significant states, is further a source of international law, particularly when, as here, there emerges a common ground that sets forth the accepted legal judgment of the community of nations. Finally, Israel was chosen because of its obvious interest in the question of Soviet emigration and because, as a nation in a state of war since its independence, its practices were thought useful to review.

The right to emigrate is guaranteed by the fundamental public law of France, Switzerland and the Federal Republic of Germany. In the United States, recent decisions of the Supreme Court have enunciated a constitutionally protected right to travel and have limited the circumstances under which the government may limit a citizen's ability to leave the country. In the United Kingdom, the right to leave the country is a right guaranteed by common law. Similarly, the Supreme Court of Israel has found the freedom to leave the country to be a "natural right" of its citizens. While obviously there are differences in approach among these countries, based on their different legal systems, each recognizes that an individual citizen is free to leave, and that this is a right, not a privilege. Thus, the law of each of these states is in accord on the fundamental issues.

The practice in each of these countries protects the legal right to emigrate. Only under rare circumstances is a citizen prevented from leaving the country. Substantial procedural safeguards protecting freedom of movement exist. Governmental actions regarded as arbitrary can most often be challenged before an independent judiciary. There are few known cases of a citizen being denied the right to leave his country on grounds of national security. The sole case found involving a restriction on travel based upon knowledge of state secrets involved a person on active duty in the armed forces.

THE LAW AND PRACTICES OF THE SOVIET UNION

We have further examined Soviet law and practice regarding the right to emigrate, and the restriction of emigration practices based on an individual's asserted knowledge of or access to "state secrets."

Both in theory and in practice the Soviet position stands in direct contrast to the consensus among international lawyers and the law of the other countries studied. Soviet law does not provide for the right of a citizen to leave the country, and in practice, requests to emigrate are routinely denied.

Freedom of movement is not guaranteed by the Constitution of the Soviet Union, and emigration and foreign travel have historically been regarded under Soviet law as state granted privileges. Until 1986 the sole Soviet decree concerning the issuance of exit visas and foreign passports contained no criteria for their grant or denial. The action to be taken on applications was entirely in the discretion of Soviet administrative organs, the Ministry of Foreign Affairs and the Ministry of the Interior.

Effective January 1, 1987 a new Chapter added to that decree, "The Consideration of Requests to Enter or Leave the Soviet Union on Private Business," became the first Soviet law setting forth the circumstances under which Soviet citizens may be permitted to leave on "private business." The new statute does not provide a right to emigrate. The sole basis in the decree upon which a request to emigrate could be based appears to be family reunification, although there is an undefined general provision for "other worthy reasons."

The law proceeds, however, to list various circumstances under which leaving the Soviet Union is expressly prohibited, including where the citizen is privy to "state secrets" or for other reasons of state security. The new law does not define or set forth any criteria as to the restrictions based upon possession of state secrets or questions of national security. It is apparent, however, that in practice the Soviet Union applies the "national security" or possession of "state secrets" restrictions, not under exceptional circumstances, but broadly.

There is a total absence of published official Soviet decisions of courts or administrative organs dealing with emigration. Accordingly, to determine Soviet practice we have had to examine the case histories of particular individuals refused permission to leave the Soviet Union on the grounds of access to or knowledge of "state secrets" as contained in files collected by various western organizations. While the available information is sketchy and anecdotal, it is, in the absence of official reports, all that is available.

The case histories show persons prevented from leaving the Soviet Union who on the known facts would not be so restricted by any other major developed nation. The Soviet Union is alone among major developed states in routinely concluding that ordinary citizens possess "state secrets" so as to justify preventing their leaving the country. Most of those denied emigration on state secrets grounds have not had access to the "secret" information upon which their denial was premised for more than 10 years. Others have been denied the right to leave on the grounds of a relative's alleged access to secrets, and still others are denied visas even though employers or colleagues attest to the absence of access to or knowledge of secret or classified information.

In practice, the standards by which Soviet administrative organs make decisions with respect to particular individuals appear vague, undetermined and applied on an essentially ad hoc and arbitrary basis. Emigration applicants rarely receive written responses to their applications. Verbal responses are the rule, and detailed explanations, beyond the fact of alleged access to or possession of state secrets, are usually not given.

At the margins, the legal judgments of different states will differ. The emigration law and practices of the Soviet Union, however, are outside what may be safely regarded as the common core on which civilized nations agree and the common ground that has emerged under international law.

Dated: October 6, 1987.

Jeffrey Barist,
Owen C. Pell,
Eugenia Oshman,
Matthew E. Hamel.

CHARLES REEB, VA HOSPITAL VOLUNTEER AT 95

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 9, 1987

Mr. BRYANT. Mr. Speaker, Charles Lawrence Reeb, a Dallas native and veteran, has put in 22,052 hours of volunteer time at the Dallas VA Medical Center over the past 35 years.

"It keeps me busy. I like to work," says Charlie Reeb.

When asked by the VA Administrator why he was working so hard as a volunteer at his age, he answered, "I'm helping the old guys."

"That's real spirit and dedication. That's the kind of person who helps the VA carry out its mission," the Administrator said.

There are a lot of us half Charlie Reeb's age who wish we had his energy. I take pride in paying tribute to this unselfish citizen's decades of compassion and devotion to cheering the lives of his less healthy fellow veterans, by presenting him with the Dallas County Congressional Citizenship Award.

Year in and year out, Charlie Reeb, proudly sporting his American Legion cap and a snappy bow tie, takes a bus at least twice a week from his home in Garland to the VA Medical Center, carrying with him his joke of the day. Over the years, he has put smiles on innumerable faces as he has gone about his volunteer chores, escorting and helping discharge patients, delivering paperwork, and perfoming clerical work.

When he's not volunteering, Charles Reeb can generally be found tending to his irises and making domino sets. He retired about 30 years ago from Motor Mart after a lifetime of work in the automobile repair business, but it is clear that there is more than a little bit of humor in his business cards, which read: "Charles Reeb, retired. No business. No age. No address. No money."

As one of his granddaughters pointed out, it would probably take the General Accounting Office to calculate how much tax revenue has been paid over the years by his 13 children, 41 grandchildren, and 36 great-grandchildren, many of whom will be in Garland this weekend to celebrate his 95th birthday.

Charles Reeb clearly deserves the recognition he has received from the Veterans' Administration, as well as being the first veteran ever to be named "Man of the Year" by the Dallas Council of Veterans.

Charlie Reeb is an inspiration not only to patients and staff and his 800 fellow volunteers at the Dallas VA Medical Center, but also to his community and his nation. Charlie Reeb is helping America keep its promise to the men and women who have so unselfishly served their country in the military.

A TRIBUTE TO AURELIO ROY SALAS

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 9, 1987

Mr. TORRES. Mr. Speaker, I rise today to bring the distinguished career of Mr. Aurelio "Roy" Salas to the attention of my colleagues in the House of Representatives.

Later this month, Mr. Salas will be completing his term as a trustee for the Whittier Union High School District Board. Roy was first elected as a trustee in 1979 and has held this position since then, serving as the president of the board on two occasions.

As a trustee for the Whittier Union High School District Board, Roy was involved in the hiring of two superintendents and is known for his advocacy for improving salaries and training for all school employees.

Prior to his term at the Whittier Union High School District, Roy served on the board of education of the Los Nietos School District. He served as a board member from 1970 to 1974 and from 1977 to 1979. He acted as president to the board for one term.

In his capacity as a board member for the Los Nietos School District, Roy was instrumental in the building of the Los Nietos School Administrative Building which saved the district $12,000 a year in rental charges. He was involved in several bond elections which were successful in providing funds for improving our schools.

In addition to his service on the boards of education, Roy also volunteered his time to serve in Little League, Parent Teacher Associations and is a Free and Accepted Mason. Roy is also a Shriner. Currently, he serves his community as a volunteer interpreter for the Orthopedic Hospital.

A recipient of the Purple Heart and Bronze Star for bravery from the U.S. Army, Roy Salas served his country in Korea. He was in the Army from 1948 to 1952.

Roy is married to Teresa Carrasco Salas, they have six children and five grandchildren.

Mr. Speaker, it is my distinct pleasure to acknowledge the dedication and commitment of my friend, Roy Salas, for his work in helping our public schools provide quality education for our children. His friends, colleagues, and the students of Whittier Union High School District will not forget his leadership. I ask that my colleagues join with me in commending Roy and extending to him best wishes and continued success.

HONORING DR. ELIAS F. GHANEM

HON. JAMES H. BILBRAY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 9, 1987

Mr. BILBRAY. Mr. Speaker, I rise today to pay tribute to an outstanding family physician and exemplary community leader of southern Nevada, Dr. Elias F. Ghanem. On Saturday, November 14, 1987, Dr. Ghanem will be honored with the prestigious National Jewish Humanitarian Award at a benefit dinner held at the Las Vegas Hilton.

Dr. Ghanem is truly deserving of this award. Founder of the Las Vegas Medical Centers in 1976, Dr. Ghanem started Nevada's first paramedic program in 1972. He has been honored for his noteworthy medical career on numerous occasions by his colleagues in the healing profession. Included in these recognitions is a charter membership to the American College of Emergency Physicians in 1972.

Mr. Speaker, it is entirely appropriate and fitting that Dr. Ghanem is using the occasion of his recognition to lend support for fundraising efforts of the National Jewish Center for Immunology and Respiratory Medicine, a specialized treatment and research facility dedicated to the study and treatment of respiratory, allergic and immunological diseases. Not one to rest on the laurels of his well-deserved honors, Dr. Ghanem shares the spotlight of the evening with the thousands aided by the National Jewish Center. Such is the nature of this distinguished gentleman.

Because of his outstanding character and for giving tirelessly of himself to the betterment of our community, Mr. Speaker, I ask that my colleagues join me today in rising in tribute to Dr. Ghanem. By even the most exacting of standards, his is a record of community, civic and professional contributions that is truly admirable.

THE OUTSTANDING ACHIEVEMENTS OF DETECTIVE JAMES BOSCO, OF THE GARDEN CITY POLICE

HON. RAYMOND J. McGRATH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 9, 1987

Mr. McGRATH. Mr. Speaker, it is my pleasure to bring to the attention of this body the outstanding contributions of Detective James Bosco and Commissioner Ernest Cipullo of the Garden City Policy Department and the Nassau Police Conference to the cause of educating our young people on the importance of traffic safety and the harmful effects of driving while intoxicated.

Detective Bosco, with the support of Commissioner Cippulo and the Nassau Police Conference recognized that the best way to encourage our young people to avoid the dangers of driving while intoxicated is to educate them at a very young age. This premise led to the development of a highly successful and critically acclaimed program known as Safetyrama. Safetyrama is a participatory program in which children in kindergarten through grade 2 become aware of the importance of "buckling up" with seat belts, are educated on the importance of obeying traffic rules and regulations. Most importantly, students are informed of the hazards of driving while intoxicated and the life threatening situations created by drunk drivers.

At the present time, over 6,000 children have participated in the Safetyrama program, all finding it interesting, informative, and highly enjoyable. The results of the program have been most encouraging. Many children have expressed a keen interest in ensuring that their parents follow the safe driving guidelines outlines by Safetyrama and have become vocal in expressing their feelings to their parents and their older brothers and sisters.

Detective Bosco has been honored for his outstanding achievements by the Houston International Film Festival which awarded him a Silver Award for an Educational Presentation. Detective Bosco was also awarded the J. Stannard Baker Award for significant and/or outstanding achievements in highway safety by the International Association of Chiefs of Police.

It is with great pride that I bring Detective Bosco's outstanding achievements and accomplishments to the attention of my colleagues in the U.S. Congress. Detective Bosco has clearly demonstrated his concern and dedication to the young people of his community. As a result of the hard work and dedication of Detective James Bosco and all those individuals who helped make Safetyrama a reality, countless young lives may be saved throughout Long Island and the entire Nation.

LIBERALS NEED HISTORY LESSON

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 9, 1987

Mr. SOLOMON. Mr. Speaker, how many countries once friendly to the United States have to fall before congressional liberals wise up? Time after time our mini-Secretaries of State have called for the ouster of a foreign leader not to their liking, only to see him replaced by a bloodthirsty tyrant who greatly increases the misery of his own people. Yet, they not only ignore their past mistakes, they rush to commit new ones

Now, it appears that to win the nomination of the majority party, it is necessary to target South Africa as the next country to fall. Three of that party's Presidential candidates have actually suggested arming the so-called liberators to expedite the overthrow of the legitimate government.

I could continue, but I couldn't express it any better than the editorial writers of the Times Record of Troy, NY, one of the fine dailies in my district. It is my pleasure to enter the editorial in the RECORD, as proof that the country is getting wise.

[From the Troy (NY) Times Record, Oct. 30, 1987]

LIBERALS NEED HISTORY LESSON

At least three of the Democratic presidential candidates say they would consider supporting opposition forces in South Africa with arms, which would probably lead to a Marxist takeover in that country, if the past be prologue.

The three are Rep. Richard Gephardt of Missouri, Governor Michael Dukakis of Massachusetts and Rev. Jesse Jackson. Rev. Jackson calls the possibility a last resort, but the other two seem more amenable to the prospect. Sen. Albert Gore of Tennessee opposes such a move. (The short item in National Review doesn't say how the other candidates feel.)

Let's review the recent history of liberal Democrats' supporting the overthrow of governments friendly to the United States.

In the late 1950s, the target was Fulgencio Batista, and Fidel Castro become the darling of our liberals. Castro eventually took over Cuba, established a Marxist beachhead 90 miles from the United States and began exporting Marxism to Central and South America. This continues today.

Nicaragua was one of the targets of the Castro campaign, and in 1979, Gen. Anastasio Somoza was driven out by the Sandinistas. When President Reagan pointed out that this bastion of Marxism is only a day's drive from Texas, the liberals scoffed, when they weren't denouncing his pleas for aid to the contras, Nicaragua's freedom fighters.

Another target of the liberals also bit the dust in 1979, and while Iran did not fall to Marxist forces when the shah was ousted, the regime of Ayatollah Khomeini has done great harm to the United States and its allies.

In Cuba, Nicaragua and Iran, the repression under the former leaders has been far exceeded by the tyranny that replaced them. (We are not trying to defend the ousted leaders, nor do we condone the evil of apartheid.)

It's about time somebody made America's liberals understand the terrible results of their misguided ways. If nothing else, before they decide a nation's leader has got to go, they should make sure his replacement will not be much, much worse.

A VOTE AGAINST S. 465 IS A VOTE FOR SAFETY

HON. ROBIN TALLON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 9, 1987

Mr. TALLON. Mr. Speaker, there has been much to do over the administration's decision to withdraw its support for S. 465, legislation banning the manufacture of plastic guns.

The general perception seems to be that the Attorney General has caved in to pressure from the National Rifle Association at the expense of public safety. Actually, the reverse is true. Regardless of the hidden agenda of the NRA or its relations with Mr. Meese, a vote against S. 465 is a vote for safety. Banning the domestic manufacture does nothing to protect Americans from plastic weapons for three reasons.

First, prohibiting the domestic manufacture of plastic handguns does little to actually protect us from a plastic wielding terrorist. Right now our airports are vulnerable to attack with almost any sort of weapon, plastic or otherwise. The General Accounting Office recently evaluated the FAA airport security tests and many airports failed. The worst airport was only able to detect weapons 33 percent of the time—despite the fact that the tests were completely unrealistic. FAA inspectors were not able to conceal the weapons by disassembling them or having other objects in the suitcase. Only this summer the Washington Post reported the failure of the security services at National Airport to locate approximately 20 percent of the weapons smuggled onboard aircraft by undercover Federal Aviation Administration investigators.

Second, are we really so naive as to think that because we enact legislation to think that because we outlaw plastic guns here, a foreign national is going to be deterred from its use? Nor does this legislation prevent the manufacture of plastic weapons abroad, where plastic explosives, golf ball size hand grenades, and remotely detonated bombs are presently developed, transported, and used. In a perfect world, a law banning plastic handguns would be sufficient to end their use worldwide. But this is not a perfect world and we cannot just wish this problem away.

Finally, there are no commercially available plastic guns; they simply don't exist. Only one U.S. company has developed the technology to manufacture an all-polymer weapon. And, this company, Red Eye Arms, is committed to manufacturing plastic weaponry for military use only. Moreover, Red Eye Arms will insert in all its weapons a detectable chip.

The goal of ending the threat of plastic weapons as an instrument for international terrorism is one that we should all share. I fly home to South Carolina almost every weekend and I certainly don't want to compound the present hazards of air travel with an angry terrorist armed with a plastic handgun.

But the only successful approach to the interdiction of plastic explosives is a better security system at our Nation's airports. It's the more expensive route, but it's the sure one.

I have joined Representative DEFAZIO in introducing legislation that directs us toward improved detection—a reality that even terrorists must acknowledge. H.R. 2862 requires the FAA to conduct a wide-ranging study and assessment of existing and new security screening systems. I believe it is a long overdue first step toward genuinely safeguarding our airports and skyways.

Let's concentrate on the here and now. Terrorists don't deal in projections, they deal in deadly realities. We cannot afford to continue to bury our heads in the sand at the expense of national security and technological advancement. As the ability to assault our national security becomes more sophisticated so should our very definition of national security. Our definition must extend beyond a nuclear arsenal or huge conventional forces—a few plastic explosives in the hands of a terrorist group can render these useless. Technology is the key. We should pursue the development of improved detection devices while at the same time allowing the domestic development of plastic firearms systems that would give us a distinct military advantage.

It is only by focusing on tomorrow that we can create a sophisticated, effective defense system for today. Red Eye Arms has the computerized formula, related calculations, and firepower tests for an all-plastic firearm that may be the biggest technological breakthrough since the development of the cartridge. Their design is for an all-plastic gun, superior in durability, weight, and performance to any present weapon. They now possess the capability to develop a MK19 40 mm grenade launcher that is recoilless and under 20 pounds.

Red Eye Arms intends for its system to be incorporated into lightweight, maintenance-free military weaponry. Already, Picatinny Arsenal has commissioned a study on Red Eye's system. As well, Red Eye Arms is working with each of the Armed Forces in developing an all-polymer weapon to meet their conventional needs. Our Armed Forces are beginning to recognize that Red Eye's revolutionary product will give U.S. conventional military forces unquestionable superiority. When Red Eye Arms technology becomes a reality, the impact on present and future weapons projects will be staggering and the military planner must be made aware of this new technology. I urge my colleagues to join me in reaching out to the future of a stronger, safer America.

PERSONAL EXPLANATION

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 9, 1987

Mrs. COLLINS. Mr. Speaker, although I have requested and received an official leave of absence, had I been present, I would have voted the following on legislation (rollcall votes) considered by the House on November 2, 3, and October 20, 1987.

NOVEMBER 3

Approval of the Journal (roll No. 401), "yes."

Senate Joint Resolution 209, housing program extension (roll No. 402), "yes."

House Resolution 299, rule for consideration of H.R. 3479, gas royalty payments (roll No. 403), "yes."

Senate amendment to House amendment to S. 1158, Health Service Corps (roll No. 404), "yes."

H.R. 1517, Aircraft Collision Avoidance Act (roll No. 405), "yes."

NOVEMBER 2

Motion to adjourn (roll No. 396), "yes."

Arrest absent Members (roll No. 397), "no."

Motion to adjourn (roll No. 398), "yes."

Attendance of absent Members (roll No. 399), "no."

Adjournment (roll No. 400), "yes."

OCTOBER 20

House Concurrent Resolution 199, Soviet missile firings near Hawaii (roll No. 360), "yes."

House Concurrent Resolution 200, commending President Arias for receiving the 1987 Nobel Peace Prize (roll No. 361), "yes."

Dickinson motion to Senate amendments to H.R. 1748, Defense authorization (roll No. 362), "no."

Aspin motion to Senate amendments to H.R. 1748 (roll No. 363), "yes."

Dannemeyer motion to Senate amendments to H.R. 2763, appropriations for Departments of Commerce, Justice, and State (roll No. 364), "no."

Afghanistan human rights abuses, House Resolution 277 (roll No. 365), "yes."

New Zealand military preference suspension, H.R. 85 (roll No. 366), "no."

Release of South African children, House Resolution 141 (roll No. 367), "yes."

Thank you for your cooperation in this matter.

DIVIDED SPOUSES

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 9, 1987

Mr. LIPINSKI. Mr. Speaker, I rise today to register my strong support for the resolution of divided spouse cases. As cochairman of the Congressional Coalition To Reunite Divided Spouses, I have knowledge of many of these cases and can testify to the feeling of hopelessness that surrounds the individuals concerned.

A year and a half ago, Representative BARBARA BOXER and I formed the coalition in order to bring the issue of divided spouses to the attention of the Congress. There were 20 outstanding cases at that time and many Members become active participants in the struggle to help reunite these people. While many of these cases have been resolved, including the case of one of my constituents, others have unfortunately developed that have brought the number to well over the original 20.

The happy reunion of Keith and Svetlana Braun last week is testimony to what can be accomplished when the Congress focuses its energy on an issue. Yet, Mr. Speaker, while we are all pleased to see the Brauns reunited, we cannot afford to become complacent and self-satisfied. Indeed, Keith and Svetlana have taken this advice to heart by postponing some greatly deserved time together to help in the effort to resolve the cases that remain—I salute them.

When Secretary Gorbachev comes to Washington in the beginning of December, I sincerely hope our negotiators will raise this issue when the appropriate time presents itself. By signing the Helsinki accords, with its emphasis on provisions dealing with family reunification, the Soviet Union has given its word to deal with these people in a humanitarian and expeditious manner. Let's hold them to their word.

TAXING CAPITAL GAINS

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, November 9, 1987

Mr. DUNCAN. Mr. Speaker, the following editorial, which appeared in the Scripps-Howard newspapers on October 20, concisely details why the capital gains tax rate should be reduced.

TAXING CAPITAL GAINS

Vice President George Bush, who sometimes is criticized for a lack of decisiveness, deserves credit for not only being forthright but right on the advisability of reducing the capital gains tax rate.

Bush proposed that the rate, which was increased from 20 to 28 percent in the tax reform act of 1986, be lowered to 15 percent for individuals.

Lowering the rate, said Bush, "would not cost the government a dime" but rather would produce more revenue by boosting the economy.

The capital gains tax rate has gone through a series of ups and downs over the years. Studies have shown that when the rate is high, people who own real state, stocks and other capital assets tend to keep their holdings rather than sell them and have a high tax bill imposed on the gain; conversely, when the tax is low, more holdings are sold, more net profit is realized and the money turned to new investments, and more tax revenues are collected by the government.

Increasing the capital gains tax in 1986 was a mistake. The argument for doing it was that it would eliminate a tax break for the rich.

While it's true that the rich do profit from low capital gains taxes, it's also true that they usually put such profits into new ventures. Speaking to a business group in Atlanta, Bush said that dropping the rate to 15 percent "will create more jobs than you can imagine; it will create more prosperity."

Moreover, capital gain is not solely a rich man's game. Plenty of middle-income people make investments in real estate, stocks, bonds and other assets that can produce capital gains.

Even relatively poor people often own property that has appreciated greatly over a period of years. They don't deserve to be socked with a big tax bill if they decide to sell a piece of real estate to make things financially easier for themselves.

The United States has a higher capital-gains tax rate than almost any other industrialized nation. Several major countries have no such tax.

Harvard economist Lawrence Lindsay has estimated that the government will lose tax revenues of between $11 billion and $42 billion in the next two years because of the increase in the capital-gains rate imposed last year.

Returning to the old 20 percent rate or lowering it to the 15 percent suggested by Bush could produce tax revenues that would help substantially in reducing the federal budget deficit. The Democratic-controlled Congress ought to be going this route instead of searching for new ways to load more taxes on Americans.

HONORING THE DEDICATION OF UTE MEADOWS ELEMENTARY SCHOOL

HON. JOEL HEFLEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 9, 1987

Mr. HEFLEY. Mr. Speaker, I am proud to announce the dedication on Sunday, November 15, 1987, of Ute Meadows Elementary School which opened its doors in September to over 700 students from Colorado's Fifth Congressional District.

In 1984, the citizens of South Jefferson County worked hard to ensure passage of a bond issue which allowing their school district to build the schools necessary to help alleviate overcrowding in this high growth area. This Sunday, they will gather to celebrate the fruits of their labor and should be congratulated for the success of their efforts.

Jefferson County has long been nationally recognized for its preeminence in education. Sunday's ceremony marks yet another achievement toward educational excellence for this school district, and I want to recognize the faculty, parents and concerned citizens who dedicated untold hours to making Ute Meadows a reality. Their hard work and diligence will lead this school to many years of continued success and future prosperity.

In the years to come, hundreds of children will pass through the doors of Ute Meadows Elementary School. All will be touched, changed and molded by the distinguished faculty and staff; all will accumulate a tremendous portion of their childhood memories within the halls and classrooms; and all will set the course they will follow for the rest of their lives while studying, playing and learning at Ute Meadows. The effect this school will have on our community simply cannot be overstated.

Our elementary school years are of profound importance to each and every one of us, and it is because of this that I ask each of you to share with me the pride I feel in celebrating the dedication of Ute Meadows Elementary School.

TRIBUTE TO ITALIAN-AMERICANS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 9, 1987

Mr. LANTOS. Mr. Speaker, the American writer, Ralph Ellison, once said, "America is woven of many strands; I would recognize them and let it so remain.* * * Our fate is to become one, and yet many." Indeed the diversity of our people and their backgrounds is one of the greatest strengths of our Nation.

Recently, I joined a great many of my friends and neighbors in San Mateo County to pay tribute to one of those many strands that make up our great Nation—the Italian-Americans. At the Columbus Day dinner we honored John S. Rosselli, of Redwood City, a prominent Italian-American who has made important contributions to the benefit of all of us who live on the San Francisco peninsula.

In a broader sense, however, we were honoring the vital contribution of all Italian-Americans to our Nation. Their gifts to all of us are a tapestry rich in what has made America great.

On this occasion the Italian-American Federation circulated copies of a statement that I would like to place in the RECORD. It reflects how much all Americans owe to Italian-Americans.

I AM AN ITALIAN AMERICAN

I am an Italian American. My roots are deep in an ancient soil drenched by Mediterranean sun, and watered by pure streams from snow capped mountains.

I am enriched by thousands of years of culture.

My hands are those of the mason, the artist, the man of the soil. My thoughts have been recorded in the annals of Rome, the poetry of Virgil, the creations of Dante, and the philosophy of Benedetto Croce. I am an Italian American and

From my ancient world, I first spanned the seas to the New World. I am Cristoforo Columbo.

I am Giovanni Caboto known in American history as John Cabot, discoverer of the mainland of North America.

I am Amerigo Vespucci, who gave my name to the New World, America.

First to sail on the Great Lakes in 1659, founder of the territory that became the State of Illinois, colonizer of Louisiana and Arkansas. I am Enrico Tonti.

I am Filippo Mazzei, friend of Thomas Jefferson, and my thesis on the equality of man was written into the Bill of Rights.

I am William Paca, signer of the Declaration of Independence.

I am an Italian American. I financed the Northwest Expedition of George Rogers Clark and accompanied him through the lands that would become Ohio, Indiana, Illinois, Wisconsin and Michigan. I am Colonel Francesco Vigo.

I mapped the Pacific from Mexico to Alaska and to the Philippines. I am Alessandro Malaspina.

I am Giacomo Beltrami, discoverer of the source of the Mississippi River in 1823.

I created the Dome of the United States Capitol. They called me the Michelangelo of America. I am Constantino Brumidi.

In 1904, I founded in San Francisco, the Bank of Italy now known as the Bank of America, the largest financial institution in the world. I am A.T. Giannini.

I am Enrico Fermi, father of nuclear science in America.

First enlisted man to win the Medal of Honor in World War II, I am John Basilone of New Jersey.

I am an Italian American. I am the million strong who served in America's armies and the tens of thousands whose names are enshrined in military cemeteries from Guadalcanal to the Rhine.

I am the steel maker in Pittsburgh, the grower in the Imperial Valley of California, the textile designer in Manhattan, the movie maker in Hollywood, the homemaker and the breadwinner in 10,000 communities.

I am an American without stint or reservation, loving this land as only one who understands history, its agonies and its triumphs can love it and serve it.

I will not be told that my contribution is any less nor my role not as worthy as that of any other American.

I will stand in support of this nation's freedom and promise against all foes.

My heritage has dedicated me to this nation.

I am proud of my full heritage, and I shall remain worthy of it.

I am an Italian American.

TRIBUTE TO SISTER JANE FRANCES BRADY, RECIPIENT OF THE 1987 HUMANITARIAN AWARD FROM THE PATERSON COMMUNITY SUPPORT FUND

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, November 9, 1987

Mr. ROE. Mr. Speaker, for nearly a decade now, the Paterson Community Support Fund, Inc., has been a vital link in the chain through which social services are delivered to those who are most in need of them in the Paterson, NJ area of my Eighth Congressional District. This vital, nonprofit corporation established in 1979 helps to provide supplemental support for Paterson based agencies that service low to moderate income residents in the areas of health, recreation and social and cultural enrichment.

This Saturday, November 14, the Paterson Community Support Fund will hold a special dinner in Fairfield, NJ, to present its 1987 Humanitarian Award. Mr. Speaker, it is only fitting that that award this year be given to Sister Jane Frances Brady, president and chief executive officer of St. Joseph's Medical Center in Paterson. I can think of no person more deserving of this great honor.

For more than two decades now, Sister Jane Frances Brady has been a prominent force in the health care delivery system in Paterson, and at St. Joseph's Medical Center in particular. Her combination of an impressive academic background and her deep compassion for those in need of health care make her eminently qualified for this most noteworthy award. I am certain the Support Fund's dinner will be a great success, for the dinner cochairs, Rose Girgenti and Donna Brightman, have been lending their vigorous efforts to this endeavor, as have many others including the fund's executive board, president Pearl Murray, first vice president Manuel Lagos, second vice president James Allen, secretary Mary Otten and treasurer Ruth Hirshberg.

Mr. Speaker, Sister Jane Frances' background is so vast and her accomplishments so many, I would like, for the benefit of you and my colleagues, to quote her official biography:

Sister Jane Frances was born in White Plains, New York, and graduated from the White Plains public schools. She graduated summa cum laude from the College of St. Elizabeth, Convent Station, New Jersey, with a B.S. in Business Administration. After working for the American Telephone and Telegraph Co., she entered the New Jersey Sisters of Charity in 1958.

From 1958 to 1966, Sister was assigned to the office of the Secretary General at the Motherhouse in Convent Station, New Jersey. During this period, she studied evenings at Seton Hall University in South Orange, where she was awarded an M.B.A. degree in Business Management in 1965. In 1966, she was assigned to St. Joseph's Hospital and Medical Center, Paterson, New Jersey, as an Administrative Assistant. From 1967 to 1969. Sister was a full-time student at the Columbia University School of Public Health and Administrative Medicine. Sister served a nine-month residency at the Brooklyn-Cumberland Medical Center in the Bedford-Stuyesant section of Brooklyn, N.Y. In June 1969, she received her M.S. degree in Hospital Administration from Columbia.

In July 1969. Sister was appointed Assistant Administrator of Clinical Services at St. Joseph's Hospital and Medical Center, Paterson.

On November 1, 1972, she was appointed Chief Executive Officer of St. Joseph's. As such, she is responsible for the operation of the Medical Center including the 550-bed hospital which serves as both a community general hospital for the City of Paterson and a regional Medical Center for physicians and hospitals in the towns who refer patients to St. Joseph's for certain highly specialized services. Other divisions of the Medical Center include St. Vincent's Nursing Home, Montclair, St. Joseph's Family Health Center in Paterson, and Clifton Family Practice Associate in Clifton. St. Joseph's is a major teaching affiliate of the University of Medicine and Dentistry of New Jersey, New Jersey Medical School in Newark. The Hospital also maintains affiliations with another dozen or so colleges and universities.

In 1970, Sister Jane helped establish and served on the Board of Directors of the Health Economics and Advancement League [HEAL] Evening Pediatric Center to care for sick infants and small children in Paterson who had no physician.

St. Joseph's Hospital and Medical Center was the sponsor of the Metropolitan Community Mental Health Center and Sister Jane served on its Board of Directors. From 1969 through 1972, she also served on the Board of the North Jersey Community Blood Bank, and has served on the Council on Professional Practice of the New Jersey Hospital Association and on the Management Committee of the New Jersey Hospital Service Corporation.

Sister Jane served on the Board of Trustees of the Bergen-Passaic Health Systems Agency; the Board of Trustees of the Center for Health Affairs, Princeton, N.J.; the Board of Trustees of the American Association for Hospital Planning; and the Catholic Health Association of the United States and was a member of its Task Force on Health Care for the Poor, the Board of Trustees of the Catholic Family and Community Services of the Diocese of Paterson, and the Diocesan Secretariat for Social Ministry, and is a past president of the New Jersey Conference of Catholic Health Facilities. She is also a Trustee and Treasurer of the Board of Trustees of St. Joseph's Hospital and Medical Center, a trustee of the New Jersey Hospital Association, the Health Care Insurance Exchange, and a member of the Bergen-Passaic County Hospital Administrators' Council. Sister also was a member of the Governor's Commission on Capital Expenditure for Health Care Facilities, and presently serves on the new Governor's Commission on Legal and Ethical Problems in the Delivery of Health Care. She has written several articles in her field and has been active as a speaker on health care issues.

In her religious community, Sister Jane has served as delegate to the Provincial Assembly and to the General Assembly of the Sisters of Charity of St. Elizabeth.

Sister Jane is a member of Kappa Gamma Pi, a national honorary society for Catholic college women. She is also a Fellow of the American College of Hospital Administrators and a licensed Nursing Home Administrator in New Jersey.

Mr. Speaker, I am extremely proud to have the opportunity of being numbered amongst the many, many friends of Sister Jane Frances Brady, and of the enormous contribution she has made to the well-being of the people of the Paterson area. It is with this great sense of pride that I ask you and our colleagues to join me in saluting Sister Jane Frances Brady on receiving this outstanding honor, and for all she has done. Truly, her community, her State of New Jersey and, indeed, our Nation are better off for all of her efforts.

H.R. 3602

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 9, 1987

Mr. MARKEY. Mr. Speaker, I am pleased to join Representative OWENS in cosponsoring H.R. 3602, the Technology to Educate Children with Handicaps Act. This legislation will help to make the lives of the handicapped fuller and happier through the establishment of assistive resource centers. The easier access to the latest and most innovative technology which these centers will provide will break down many of the barriers to learning faced by handicapped students.

The types of technologies which have recently been developed, from special computer boards for wheel chairs and mobility systems to advanced reading and writing systems, hold the potential for transforming the lives of students who are faced with what once seemed insurmountable difficulties in the classroom. The assistive resource centers established by this act will make these technologies available to those who need them the most. The assistive centers will train and help specialists to evaluate handicapped students' potential to benefit from the use of assistive devices; instruct teachers, therapists, parents and other professionals in the appropriate use of assistive devices; and provide followup services from individuals who have received services by the center.

The resource centers are at the heart of this legislation. For more often than not the problem is that access to and information about technological assistance is unavailable, not that advanced technology for the classroom does not exist. It does. This legislation will make that technology and information about it available. A nation which has a strong commitment to education must do whatever it can to see that an equal educational opportunity is provided to all. This legislation helps provide that equal opportunity to the handicapped.

And while this legislation is designed to help the handicapped directly, it will help the lives of those who are touched by the handicapped as well. Parents of handicapped students who work so hard to ensure that their children are receiving the best education possible will find their task easier. The schools that are responsible for meeting these students' educational needs will find their burdensome task lessened. And the businesses which produce these under-used technological will benefit as well. The "tech" bill uses the resources of the Federal Government in a most efficient manner—by bringing together those groups and helping them to help each other.

I commend my colleague from Massachusetts, Senator JOHN KERRY, who first introduced this legislation in the Senate and my colleagues in the House who have taken the initiative in this area. The technologies revolution of the 1980's holds promise for all, but especially for those whose lives will be enriched the most. I urge all my colleagues to support the Technology to Educate Children With Handicaps Act.

ST. LEO'S CHURCH CELEBRATES CENTENNIAL

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 9, 1987

Mr. KANJORSKI. Mr. Speaker, it is my pleasure to bring to your attention the 100th anniversary of St. Leo's Church of Ashley, PA. I am proud to join in the celebration of this important milestone, and I am glad to have the opportunity to share this event with my colleagues in the House of Representatives.

In 1887, Ashley Borough had a growing population of mostly Irish immigrants who were drawn to the area by the anthrocite coal mining of the region. Scranton's first bishop, the Most Reverend William O'Hara, authorized the formation of a new parish for this important railroad point and mining town. The Reverend Michael J. Hoban, a pastor from Troy, PA, who later became one of the best known bishops of Scranton, was assigned to the new parish which was named for St. Leo the Great, one of the great theologians of the early Catholic Church and pope from 440 to 461. On December 4, 1887, the first Mass in St. Leo's Parish was celebrated at an improvised altar in the hall of the Ashley schoolhouse. Father Hoban then moved to Ashley, and Mass was offered in one of the rooms of his house until February 2, 1888, when the wooden frame building which was to act as the temporary church was opened. On March 7, 1887, the first Mass was held in the new church of St. Leo's. Three months later, on June 6, the church was dedicated and its altar consecrated. In 1904 a new school was completed.

More important than the dates and details of the building construction is the spirit behind the formation of this new church. St. Leo's first pastor, the Reverend Michael J. Hoban, expressed the essence of the church in the following statement which is worth repeating:

> This parish was begun in simplicity and poverty; it was laid in a foundation of hope. We had the lot on which Father O'Hara had paid $15.00. But we had more. We had the people, and a nobler stronger-hearted congregation of men and women did not exist in the United States.

Religious faith has played an integral role in the development of our Nation, and the 100-year-old history of St. Leo's Church is testament to the continuing importance religion has in the lives of Americans. Mr. Speaker, I am honored to commemorate the history of St. Leo's Church of Ashley, PA, before my colleagues in the House of Representatives.

A TRIBUTE TO OUR VETERANS

HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, November 9, 1987

Mr. MORRISON of Connecticut. Mr. Speaker, Wednesday, November 11, is Veterans Day. This is the day that we, as a nation, have set aside to honor the sacrifices that millions of brave men and women have made for our country both in times of war and of peace.

All of our veterans have given precious years of their lives in the service of the United States. Many have sacrificed their lives.

So it is fitting that we take this time to pause and reflect on the courage and devotion of those who have served in the past and those who serve today to keep this proud Nation free.

The United States has a tradition of honoring and compensating its veterans. We know that a handshake or a pat on the back does not adequately recognize the contributions that our veterans have made.

In that regard, I am pleased to note that the Congress has agreed on a $28-billion budget for the Veterans' Administration for the current fiscal year. This budget funds all current veterans programs and provides a full COLA for veterans who receive cash benefits.

In addition, over the last 10 months, the House of Representatives has passed no fewer than 10 different pieces of legislation to extend, create, or revise important veterans programs.

Among the proposals passed by the House are bills to:

Extend the Veterans' Job Training Act for 3 years and authorize an additional $210 million for this program, which helps private employers to hire and train long-term unemployed Korean conflict and Vietnam-era veterans. The program has already put more than 50,000 jobless veterans back to work.

Provide compensation to veterans for certain ailments presumed to be the result of exposure to radiation.

Restore the VA beneficiary travel allowance for many who were unfairly denied it.

Make changes in the Home Loan Guaranty Program to improve veterans' chances of buying their own homes.

Authorize the VA to offer incentive pay to registered nurses to relieve the situation at VA hospitals and clinic with critical nurse shortages.

Make improvements in the national cemetery system.

Increase the rates paid by the VA to State-run veterans' nursing homes, domiciliaries, and hospitals.

Put tight restrictions on the Government's ability to close or relocate Vietnam veterans readjustment counseling centers.

I am pleased to have supported these important initiatives, which reflect our continuing commitment toward helping to meet the needs of veterans in the areas of housing, health care, education, disability, and retirement.

Veterans Day is the day of the year on which we parade and salute our veterans. But we must continue that spirit throughout the year. We must honor and compensate those who served without thought of compensation. We must above all treat all our veterans with the respect and honor that their dedication deserves.

THE TAX GAP

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 9, 1987

Mr. DORGAN of North Dakota. Mr. Speaker, in recent weeks some controversy has arisen about a task force report that I put together on how to narrow the tax gap that exists in this country. The task force, comprised of bipartisan experts in the tax field, analyzed how we can collect some of the over $100 billion in revenue that the IRS says is now unreported and uncollected each year. That $100 billion is referred to as the "tax gap".

I'd like to make certain people understand what this report is and what it isn't.

First, the tax gap is real, and we can, by making the right investments, improve taxpayer enforcement and assistance, and narrow that tax gap significantly. If we make the investments now, we project in our task force report that we would collect $7 billion of new revenue in the first year, $14 billion in the second year, $21 billion in the third year, $28 billion in the fourth year and $35 billion each year thereafter.

To accomplish this would require investments over the 5 years of $3.5 billion in strengthened enforcement and taxpayer assistance by the Internal Revenue Service. It would, we project, increase the compliance rate from 81 percent to nearly 86 percent and therefore, narrow the tax gap by nearly one-third, collecting $35 billion per year each year after the fifth year.

That is what the task force is and what it can do.

It is not a blueprint on how to collect all of the $100 billion a year because we don't feel that is attainable. It is not a plan that will yield $35 billion in revenue during its first year and in my judgment, it will not replace the need for some additional revenue sources in the short term to deal with our fiscal policy crisis.

But, let me emphasize the tax gap is real, the new revenues that are attainable from better management are significant and we have a responsibility to do something about a tax gap that is growing. That's the reason for all of the work by the bipartisan task force that I formed. We have provided a blueprint for progress on this matter and it's what I and others continue to work for in Congress.

COMMENTS ON THE SENATE FINANCE COMMITTEE PROPOSAL ON SECTION 1706

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 9, 1987

Mr. LAFALCE. Mr. Speaker, over the course of the past several months, my office has received a number of letters on section 1706 of the Tax Reform Act of 1986, dealing with the tax treatment of technical services personnel. Many of these letters were from supporters while others were from opponents of this provision.

I know that the House Ways and Means Committee considered and rejected a repeal or moratorium on section 1706 in the budget reconciliation bill, partly because the revenue impact was estimated at $500 million over 5 years. I was therefore quite surprised to discover that the Senate Finance Committee included a repeal of section 1706 in its reconciliation bill.

I have studied the Senate Finance Committee's proposal and with all due deference to the distinguished members of that committee, I think there are a number of problems with this proposed solution.

First, the proposal doesn't just repeal section 1706, it sets up a new set of rules for technical service workers who claim to be independent contractors. It would transform these workers into a new hybrid class—neither employees nor true independent contractors. It appears that this amendment would impose a FICA withholding requirement on these workers just like that required of employees. I assume that SECA, the Social Security tax ordinarily paid by independent contractors would no longer apply. Next, unlike either employees or independent contractors in other professions, the proposal would require 10 percent income tax withholding for these technical service workers. Employees have income tax withheld every pay period based on income levels and anticipated exemptions. Independent contractors pay estimated income taxes on a quarterly basis, again calculated with income levels and exemptions in mind. The Senate Finance Committee would have us create a new group somewhere in the middle.

One of the arguments raised in the debate about section 1706 is an alleged concern by both technical service workers and principals that no one knows how to classify these people. Although I believe that appropriate classification is indeed possible, I am very much afraid that the Finance Committee's proposal will confuse the matter and create an administrative burden for workers and employers alike, as well as the IRS.

I, myself, am confused by this proposed change in section 1706, and believe we should not rush to dismantle section 1706. This is particularly true since I see that the Finance Committee proposal will result in a revenue loss of more than $98 million over 3 years. Of course this number is less than the House estimate of the effect of the repeal or delay of section 1706. The House estimate was $500 million over 5 years. Regardless of which revenue figure is involved, however, you can't ignore the fact that changing section 1706 will mean a major expenditure of money for relief that is not needed, at a time we need to raise money. Section 1706 should be left alone.

Administrative clarification can solve any problem of uncertainty. If there really is uncertainty, let us clear it up at the IRS with section 1706 in place rather than repeal the provision and create a whole new set of rules on withholding. New rules will only add to the confusion and not help the technical services workers.

TORTURE IN SYRIA

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 9, 1987

Mr. LANTOS. Mr. Speaker, Amnesty International issued a startling report this week on torture in Syria. The report describes widespread and systematic abuse of political prisoners by Syrian security forces. Syrian authorities have jailed hundreds of citizens, including doctors, lawyers, engineers, and anyone else who is remotely suspected of opposing the regime of President Assad.

Among the victims are Palestinians from refugee camps in Lebanon, as well as others seized in Syrian controlled areas of Lebanon.

Amnesty International also says that at least five powerful security units have for years arrested people in Syria at will, often without explanation, then tortured them during periods of detention that have sometimes lasted several years.

The report lists 38 methods of torture, including suspending victims from ceiling fans and beating them as they rotate, total isolation in small dark cells, and electrical shocks to the body.

Virtually no medical attention is given to the victims. In Tadmur Military Prisons, official medical care is said to be almost nonexistent. Wounds sustained during the prisoners' "receptions" become inflamed and fester. If treatment does come, it comes brutally in the form of vinegar from fermented apples or grapes.

Amnesty International believes that torture is used systematically in interrogration, both to extract "confessions" and as punishment. The pattern is to arrest victims suddenly and without warning, then hold them incommunicado, out of reach of friends and family.

It is at this point that torture usually begins. Here is one account in the report, from a Palestinian held in Damascus:

> They took me to a room in the main building. They began by beating me into confessing. They beat me for about two and a half hours continuously with sticks and whips. Then the interrogation itself began, and it lasted for four or five hours.
>
> I was blindfolded and my hands were tied behind my back. With every question I received a blow to my chest and other parts of my body. After some time I was given a pen and a blank piece of paper and ordered to write down everything about myself. Next day, I was followed. After three days I was summoned again. I was whipped and humiliated.
>
> I was interrogated daily for about two hours on each occasion, sometimes for about four or five hours. They always asked me the same questions and then beat me. After about 16 days the interrogation stopped.

Amnesty International believes these flagrant violations of human rights have been going on in Syria at least since March 8, 1963—a quarter of a century—when a "State of Emergency" was declared in Syria. The Government has used this as an excuse to torture its own citizens, in clear violation of the United Nations Declaration Against Torture and the Covenant Against Torture.

Mr. Speaker, in 1984 the Congress passed and the President signed Public Law 98-447, which mandates that U.S. officials actively oppose torture. I call upon the Department of State actively and aggressively to raise these flagrant abuses of human rights with the Syrian Government. I also urge my colleagues in the Congress to express concern about these appalling and outrageous violations.

Mr. Speaker, I commend Amnesty International for this excellent report.

TRIBUTE TO HON. VINCENT O. PELLECCHIA ON HIS RETIREMENT FROM THE NEW JERSEY ASSEMBLY

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, November 9, 1987

Mr. ROE. Mr. Speaker, it is with the greatest sense of pride and admiration that I rise today to honor one of the great leaders in my 8th Congressional District of New Jersey who, for nearly a half century has distinguished himself as an outstanding labor leader and as a prominent member of the New Jersey State Legislature.

I speak of Hon. Assemblyman Vincent O. [Ozzie] Pellecchia who, after eight terms has retired from the New Jersey Assembly to spend more time with his lovely wife, Mae, his two daughters, five grandchildren, and two great-grandchildren. The friends of "Ozzie" Pellecchia will honor his outstanding career and his many contributions to the people of New Jersey with a dinner this Sunday, November 15, 1987, at the Wayne Manor in Wayne, NJ. I am certain there will be a great outpouring at this event, for Vincent O. Pellecchia's career in the State assembly, where he has represented New Jersey's 35th legislative district since 1971, has been a highly successful one, punctuated by numerous achievements in the care of our senior citizens, the protection of our children, and in economic development.

Mr. Speaker, "Ozzie" Pellecchia was born in Paterson on February 14, 1916 and graduated from Paterson Eastside High School in 1935. He studied labor relations at Rutgers University and eventually went on to spend more than four decades as an official of the United Automobile Workers from 1940 until his retirement in 1984. Assemblyman Pellecchia, who served in the Navy during World War II, has always been deeply involved in the affairs of Passaic County. He served as director of the county's industrial development board and area redevelopment board. He was also chairman of the Manpower Advisory Committee, the Small Businessman's Development Corp., and the Paterson Task Force. "Ozzie" also served as Federal liaison officer for the Passaic County Board of Freeholders, as grantsman for Passaic County, as a first service officer for the Riverside Veterans of Paterson. He is also a Knight of the Blessed Sacrament at Blessed Sacrament Church, Paterson.

Mr. Speaker, Vincent O. Pellecchia was first elected to the New Jersey State Assembly in 1971, and was returned to office by the voters in his district on seven successive occasions during the following 16 years. If one looks at his record, it is not difficult to understand his popularity among the people he represented.

During his first term, he was the architect of the New Jersey Economic Development Authority which, over the years, has assisted thousands of businesses to either relocate to New Jersey or expand operations, and which has helped create hundreds of thousands of jobs for New Jersey residents. Assemblyman Pellecchia also sponsored the New Jersey Lifeline Program, which has provided many benefits, including pharmaceutical assistance, for senior citizens. He was also the original sponsor of the State's casino gambling legislation which required that a portion of revenues from that endeavor go into a special fund which has provided numerous assistance programs for New Jersey senior citizens.

During his long tenure in the assembly, "Ozzie" Pellecchia was a vital force in many other legislative initiatives. He sponsored the State's uniform construction code, providing standardization of regulations in the construction of buildings, as well as legislation aimed at preventing child abuse. That bill provided for a voluntary checkoff on State income tax forms with the money going toward the New Jersey Children's Trust Fund. Last year, taxpayers donated $550,000 to the fund, which will be distributed in the form of grants aimed at divising new programs to help prevent child abuse.

During his outstanding service in the State legislature, Assemblyman Pellecchia served 8 years as chairman of the municipal government committee and as a member of the assembly leadership, and of the legislative service committee for various study and oversight commissions. He also was a member of the Law Review Commission, the Pension Study Commission, and he served as the majority whip and assistant majority leader in the New Jersey Assembly.

Mr. Speaker, I invite you and our colleagues to join me in saluting Hon. Assemblyman Vincent "Ozzie" Pellecchia for his many years of outstanding service to his community, his constitutents, and the people of New Jersey. It is the kind of service which transcends local and State boundaries and, in the end, benefits all people. In this regard, Hon. Vincent O. Pellechia, has truly established himself as a great American in the truest sense of the word.

OUR MERCHANT MARINE RESOURCE

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 9, 1987

Mr. SOLOMON. Mr. Speaker, In 1984, Congress had the oversight to authorize a commission to study our merchant marine resources and the role they play in our Nation's defense.

That commission, under the able leadership of Senator Jeremiah Denton, has not released the first of four comprehensive reports on our merchant marine.

I know that Vice-Admiral T.J. Hughes, the Deputy Chief of Naval Operations for Logistics, former Marine Corps Commandant P.X. Kelly, and all of those in our armed forces who are concerned with our merchant marine resources join me in thanking Senator Denton, his fellow commissioners, and the commission staff for this report, which is a step in the right direction to save our merchant marine fleet. The report is straightforward and comprehensive and refuses to gloss over or turn away from the very real problems our merchant marine now faces, not just in supporting our Nation's armed forces, but in simply surviving today's fierce and often unfair competition in the world's sea lanes of commerce.

I strongly recommend that all of us here read this report and consider what it has to say. The Commission's findings will not be easy to act upon, but they must be acted upon before it is too late.

Our merchant marine ships, crews, and industrial base must survive as part of our conventional deterrent, or the chances of a future world war will grow. A perception by our adversaries that we cannot back up our alliances abroad will tempt them to impose their will by military force. Our merchant marine is weakening as each day goes by, and that perception of American weakness will depend upon what we do to reverse that decline.

Let's listen to what this commission will have to say in the next year and a half. Then let's do our level best to save our merchant marine in the interest of peace and freedom.

IN MEMORY OF ROBERT R. COKER

HON. ROBIN TALLON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 9, 1987

Mr. TALLON. Mr. Speaker, I rise today to respectfully pay tribute to the memory of Robert Richardson Coker, an outstanding agriculturalist and businessman. His hometown of Hartsville as well as South Carolina has lost a fine citizen, but we will all continue to benefit from his contributions. As I review some of the numerous achievements he made during his lifetime, I can clearly see the lasting mark he has left on his profession, State, and community. We will always be thankful for the gifts of Robert Coker.

It is indeed rare that an individual accomplished so much in a lifetime. As I have served on the House Agriculture Committee, I have witnessed the successful results of many programs which Robert Coker helped to create or make contributions to. And, as I have represented his hometown in Congress, I have clearly seen the important economic benefits made by the many businesses which he helped to direct. The amount and quality of his endeavors deserves grateful recognition, and I would like to expound on his contributions by inserting in the CONGRESSIONAL RECORD at this time a portion of the obituary of Robert Coker that appeared in the Florence Morning News on September 29, 1987:

> Robert Coker was a 1928 graduate of the University of South Carolina and held an honorary doctor of law degree from U.S.C. and a doctor of science degree from Clemson University. After graduation from U.S.C., he returned to Hartsville as a business associate in Coker's Pedigreed Seed Co., founded by his father in 1902. In 1951, he was named president and director of the company. In that capacity, he became one of the country's most respected and influential agricultural leaders.
>
> As president of the Coker Pedigreed Seed Co., he headed a staff of scientists who achieved signal success in breeding pedigreed seed varieties for the South's major field crops. For many years, the highest percentage of cotton acres in the Southeast were planted in varieties bred by Coker scientists.
>
> Mr. Coker's special interest in cotton caused him to play a major role in lessening losses sustained by cotton farmers in boll weevil infestation. In the late 1950's and early 1960's, he led an effort which resulted in the establishment of a federal boll weevil research laboratory at Mississippi Sate University in 1962.
>
> In 1969, he was appointed chairman of the Cotton Industries Special Committee on Boll Weevil Eradication and was instrumental in organizing a pilot boll weevil eradication experiment which was concluded successfully in 1973. In December of that year, he personally presented a plan for weevil eradication developed under his leadership. The plan was presented to the Secretary of Agriculture, Earl L. Butz, in ceremonies on Capitol Hill attended by congressional leaders and Cotton Council officials.
>
> The National Cotton Council subsequently established a beltwide Action Committee on Boll Weevil Eradication to work with the U.S. Department of Agriculture in implementing the eradication plan. Coker was named chairman of that committee.
>
> Long active in the National Cotton Council, Mr. Coker was its vice president from 1940-45 and was elected president in 1963 and chairman of the board in 1964. He had continued as advisor to the council's board of directors since that time.
>
> During 1967 and 1968 he was a member of a 20-man cotton board for administrating the Cotton Research and Promotion Program under the National Cotton Coucil.
>
> In 1944, he initiated the organization of the S.C. Farm Bureau, served as its first president, and was a life member of its board of directors. He helped organize and served as first president in 1959-60 of the National Council of Commercial Plant Breeders, the organization largely responsible for the introduction and passage of the Plant Variety Protection Act in 1970.

From 1962-68, he was a director of the Federal Reserve Bank in Richmond, Va. Other directorships include board memberships for the Hartsville Oil Mill, the Hartsville Cotton Mill, Palmetto Oil Co., Sonoco Products Co., all of Hartsville, and the Textile Paper Tube Co. Ltd. of Romiley, England.

He was former chairman and member of the board of directors of The Bank of Hartsville and director of Gulf Insurance Co. of Jacksonville, Fla.

Mr. Coker was a life member of the board of trustees of Clemson University, a former member of the S.C. Higher Education Commission, a member of Gamma Sigma Delta, an agricultural honor society, and of the Alpha Tau Omega fraternity. Since 1974, he has been a trustee for Brookgreen Gardens.

Mr. Coker received the following awards and honors: S.C. Farm Bureau Certificate of Distinguished Service, 1959; Progressive Farmer Man of the Year in Service to S.C. Agriculture, 1964; Georgia Crop Improvement Association, Superior Service Award, 1971; S.C. Farmer Cooperative Council Distinguished Award, 1974; S.C. Association of County Agricultural Agents, Distinguished Service Award, 1977; honorary Agronomy Club President, Clemson Agronomy Club, 1980.

The Sixth Congressional District of South Carolina is fortunate to have known the talents, outstanding character, and leadership of Robert Richardson Coker. His lifetime will be an inspiration to those who follow. He will be remembered and he will be missed.

LEGISLATION TO EXEMPT THE PANAMA CANAL COMMISSION FROM ANY BUDGET "FREEZE" EFFORT

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 9, 1987

Mr. FIELDS. Mr. Speaker, I am today introducing, along with the ranking minority member of the House Merchant Marine and Fisheries Committee, Congressman BOB DAVIS, legislation to exempt the Panama Canal Commission from any effort to freeze their level of Federal spending.

While I have supported a spending freeze for other government agencies, in the case of the Panama Canal Commission such a freeze would have no positive impact on our goal of reducing our Federal deficit. In fact, by freezing their appropriation level, you will simply ensure that there will be a huge profit payment to the Republic of Panama.

The Panama Canal Commission is a unique self-sufficient U.S. Federal agency which is required by law to operate on a breakeven annual basis without the benefit of U.S. taxpayer money. In addition, the Commission may not borrow any funds in excess of those appropriated by the Congress and may not generate a profit for any fiscal year. In fact, if a profit is generated, then this money must be paid to the Republic of Panama as required by article XIII of the Panama Canal Treaty of 1977.

Mr. Speaker, the key point is that we are not talking about U.S. taxpayer money. The $467 million, which the House overwhelmingly authorized on Tuesday, October 27, is money that will be collected by the PCC through tolls and other revenue charges paid for by the users of the Panama Canal.

And, while the Commission can not control the number of vessels which transit the canal, they have done an outstanding job since 1979 of estimating how much money they will need to efficiently run the canal in each fiscal year. In short, by freezing their spending levels, you will not only guarantee a profit payment to Panama but you will severely restrict their ability to carry out their critical operations and necessary maintenance of the Panama Canal system.

Finally, Mr. Speaker, it would be totally inconsistent for us to provide Panama with such a huge financial payment at a time when both the administration and Congress have overwhelmingly supported efforts to suspend all assistance to that government until democracy and human rights are restored to the Panamanian people.

I would much prefer to have the Commission use these self-generated funds to operate the canal smoothly and efficiently in the days ahead, than to have them end up in the coffers of Gen. Manuel Antonio Noriega.

Mr. Speaker, while the purpose of this resolution, is to send a signal to those involved in the ongoing budget negotiations, it is my sincere hope that the Panama Canal Commission will be exempted from any and all attempts to freeze the level of Federal spending.

Thank you, Mr. Speaker.

PRAISE FOR ISRAEL'S AGRICULTURAL RESEARCH CENTER

HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 9, 1987

Mr. DE LA GARZA. Mr. Speaker, I rise today to call attention to one of the world's great research institutions, the Volcani Center, Israel's scientific center for agricultural research.

For over 65 years, the Volcani Center has been Israel's major developer of agricultural technology. Since 1921, its scientists have laid the foundation of Israel's most remarkable achievement: "Making the desert bloom."

Moreover, Volcani's research and development is now a major resource of knowledge and expertise for a world in need of agricultural solutions. It has acted as one of Israel's foremost good will ambassadors, employing and sharing scientific data from soil conservation to innovative irrigation; from the front line of genetic research to the astonishing sight of watermelons and medicinal plants growing on desert sand dunes.

Israeli agriculture is no miracle, but the result of scientific commitment at the Volcani Center to establish proper agricultural priorities, and train the future custodians of agricultural know-how.

The Volcani Center has now established a lifetime achievement award and I had the great honor to be the first recipient of that award at ceremonies on October 28, 1987, in the Cannon Caucus Room. I cannot tell you what pride I felt as Israel's Ambassador to the United States, Moshe Arad, presented the award to me as my friends and colleagues, including Senate Agriculture Committee Chairman Senator PATRICK LEAHY and United States Secretary of Agriculture Richard Lyng, looked on.

I was equally proud as a New York State farmer, Wayne Stoker, received Volcani's first scholarship award which for this year will be known as the Kika de la Garza Scholarship Award.

Continuing support for Volcani will come from the Volcani Center International Scholarship and Research Fund which will be headed by Howard Marguleas, president of Sunworld International, the largest growers, packers, and marketers of California and Western Hemisphere products.

Also announced during the program was a new venture under which the University of Georgia, the Nation's oldest State university and the Volcani Center will work on joint research projects. Also, there will be seminar programs set up, one with farmers in South Dakota and another with the southern Illinois agricultural community.

Mr. Speaker, I believe this event marks the beginning of a long and fruitful relationship with the Volcani Center which will pay dividends for both Israel and the United States.

IN SUPPORT OF H.R. 3613

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 9, 1987

Mr. LELAND. Mr. Speaker, I rise today in support of H.R. 3613, legislation I introduced to name the U.S. Post Office located at 8525 South Broadway in Los Angeles, CA, in honor of our distinguished colleague, the Honorable AUGUSTUS F. (GUS) HAWKINS. It is not every day that we seek to honor one of our own, but then, GUS HAWKINS is no ordinary man.

A senior Member of the House and a founding father of the Congressional Black Caucus, GUS HAWKINS began his career as a public servant in 1935 when he defeated a 16-year incumbent to be elected to the California State Assembly. He served there for 28 years until 1963. In 1962, the people of the 29th Congressional District of California elected him to the U.S. House of Representatives where he has served them continually, faithfully, and exemplarily ever since.

In his more than 50 years of public service, GUS HAWKINS has amassed a record of accomplishments and longevity that we all can admire and aspire to. He has earned the mantle of leadership and the respect of those who work both with him and for him. Throughout his long career GUS HAWKINS has taken as his constituency those who otherwise are underrepresented or have no voice at all, particularly minorities, the elderly, children, and the unemployed. He has quietly moved through the State assembly and Congress but the landmark legislation he is responsible for, such as the Full Employment and Balanced Growth Act, also known as the Humphrey-Hawkins Act, and the School Improvement

Act of 1987, has left an indelible mark on the State of California and the entire Nation.

GUS HAWKINS' service and achievement have been recognized by many who have bestowed upon him numerous honors and awards, including five honorary degrees and the Congressional Black Caucus Chairman's Award. This legislation coincides with a gala celebration planned for December 2, 1987, in Los Angeles to salute him and note his more than 50 years in public office and 25 years in the House. It would be a fitting tribute from his colleagues that we designate this post office in his district to be named in his honor.

THE ENNISKILLEN MASSACRE DEPLORED

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 9, 1987

Mr. BIAGGI. Mr. Speaker, for more than 10 years I have served with great pride as the chairman of the Ad Hoc Congressional Committee for Irish Affairs. Our objective on a bipartisan and nonpartisan basis is to work for peace, justice, reconciliation, and freedom for all the people of Ireland. Our objective has been to work to have the U.S. Government play a more constructive role in the search for this peace.

Throughout our existence and each and every time it rears its ugly head, the committee again on a bipartisan and nonpartisan basis stands united in its condemnation of violence—all violence in Northern Ireland. As we have done when there have been acts of civilian violence and acts of official violence—the reaction is the same—it is wrong and counterproductive to the cause of peace in Ireland.

The horrific bombing which took place yesterday in Enniskillen, Northern Ireland, must be condemned for its savagery, and its indiscriminate nature in terms of its casualties. All too often when there are acts of violence in Northern Ireland, whether by paramilitary organizations or through more official channels, there is one common result—innocent people are often the victims. Among the more shocking elements of this bombing were the fact that 5 of the 11 fatalities were women and among the casualties were 13 children aged 2 months to 15 years. So, too, do we find that the British Government's indiscriminate use of plastic bullets over the years have claimed innocent victims, many of whom have been children.

Despite this tragedy and the emotions that it produces there must be vigorous effort on the part of all segments of political thought in Northern Ireland and Ireland to press forward to pursue the course of peace and justice. There must be renewed efforts to bring about an end to the obvious discrimination which exists in Northern Ireland, relegating the Catholic minority to a status of being second-class citizens under policies sanctioned by the British Government.

The Enniskillen massacre has received a great deal of coverage on our major newspapers today because it was so brutal and resulted in a significant loss of life. Yet I was distressed to note that in many of the media's coverage of this tragedy, a chronology of violence over the past 15 to 20 years was included. Yet with few if any exceptions, the only acts of violence that were listed were those perpetrated by other than official violence. No acts of official violence, not even the murder of Sean Downes in August 1985 were included. This helps to perpetuate the myth that violence in Northern Ireland is one sided. It is not. This is not to condone any of the violence which has affected the people of Northern Ireland over these years. It is wrong and there must be a total commitment to its abolition.

This is not a time for silence for those who care about peace and justice in Northern Ireland. It is a time to speak out in condemnation of another mindless act of violence. Another bloody Sunday has occurred in Northern Ireland. We must work to avert any others.

TRIBUTE TO PATERSON COUNCIL NO. 240, KNIGHTS OF COLUMBUS ON ITS 90TH ANNIVERSARY

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, November 9, 1987

Mr. ROE. Mr. Speaker, it is with great pride that I rise today to honor an organization in my Eighth Congressional District of New Jersey which, for nearly a century now, has been a vital force in serving its community, State, and Nation. I speak of Paterson Council No. 240, Knights of Columbus, which this year is celebrating the 90th anniversary of its founding.

Paterson Council No. 240 will celebrate its many outstanding years of service and brotherhood with a dinner on Sunday, November 15, 1987, at the Brownstone House in Paterson. I am certain that this celebration, under the direction of Howard Grims, P.G.K., general chairman of the 90th Anniversary Committee, and Grand Knight Anthony DiCerbo, will be a great success.

Mr. Speaker, it would be impossible to list all of the vital community endeavors that this fine organization has been involved in for the past 90 years. I would like to note, however, that this list includes giving aid to needy senior citizens, helping to provide jobs for the disadvantaged and working for the protection of the unborn. Paterson Council No. 240 is one of nearly 9,000 such councils worldwide, including Canada and the Phillipines. Most certainly, it is organizations such as this one and its brother councils that are the heart and soul of so many communities.

Paterson Council No. 240, Knights of Columbus, had its beginnings on July 11, 1897, when it was issued its charter. The council's 35 members at that time elected as their first grand knight, John F. Lee. The first chaplains were Rev. Joseph McCormick and Rev. Fred C. O'Neill.

Mr. Speaker, this was the first council in the Passaic, Morris, Sussex, and Bergan County area. The membership increased to more than 2,300 in the 1920's, and, as new councils were chartered, former members became the charter members of these new councils. Now known as the mother council, No. 240 has approximately 300 members, many holding the title of "Honorary" or "Honorary Life," due to the many years of membership. There have been more than 55 grand knights who led and directed programs carried out by the members. John C. Wegner served as a State deputy from 1938–40, as well as being a highly distinguished official in the city of Paterson.

Paterson Council No. 240 was also extremely active during the First and Second World Wars, and during the Korean conflict, operating a servicemen's canteen in Paterson. The council also was actively involved in sending packages to our troops in the heat of battle overseas.

Among other activities, the council established an annual orphans' day at Palisades Amusement Park for many years. It also was in the forefront of the drive to put the Christopher Columbus statue in East Side Park. In 1935, the organization became the first council in the State of New Jersey to operate bingo for the purpose of raising funds for charitable purposes. For the past 12 years, a special fund drive, aided by the Columbiettes, the council's sister organization, has been conducted to help the retarded. In 1980, Council No. 240 established a program to honor the altar boys who assist the priests in conducting mass and, with the help of other councils, was able to gather 867 boys from the Diocese of Paterson at a ceremony at St. Philips Church, Clifton, where the boys were greeted by Bishop Frank J. Rodimer and given a certificate of appreciation.

Mr. Speaker, for almost a century now, Paterson Council No. 240, Knights of Columbus, has been a vital force in its community, providing aid and hope to countless numbers of citizens. On its 90th anniversary, I invite you and our colleagues to join me in saluting Paterson Council No. 240 for having made its community, State, and Nation a better place to live.

WELCOME TO OUR NEWLY NATURALIZED CITIZENS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 9, 1987

Mr. GILMAN. Mr. Speaker, it is with sincere pleasure that I congratulate the residents of New York's 22d Congressional District who have chosen to become citizens of the United States with all the privileges, freedoms, and responsibilities that American citizenship entails.

Our beautiful Hudson Valley region in New York State is proud of its newest citizens, and I invite my colleagues to join me in welcoming the following newly naturalized Americans and extending to them our best wishes for a happy and prosperous life in their new homeland:

Rafael Antonio Abreu, Raymonde Agnant, Gregoria Valdez Andres, Esther Apter, Frank Caesar Babb, Surjit Singh Bakhshi, Jose Gabriel Aquino Baun, Borgella Jean Bazile, Sinia Delvalle Beal, Bertin Cham Beauboeuf, Margareth Geralde Beauharnais, Gina Bellerive, Maria Alicia Caballes, Milagros Bahez Cacho, Brigid Josephine Carolan, Ramona Isabel Lopez Ceballos, Teresita Rosal Cerbolles, Pelegrina Ceron, Georges Loubert Chancy, Nicholas Charles, Jr., Prophete Charles, Ronald Charles, Wing Kui Cheung, Sophia Ping-An Pong Chu, Victor Kenneth Chung, Dilia Climes, Loucia Costea-Barton, Carlito Ramos Crespo, Helen Madge D'Colyse, Bay Dang, Tam Dang, Gaethana DiMuccio, Joseph Dorcean, Jeanine Dorcean, Imelda Lucero Dumlaeo, Marie Carmelle Duplan, Huntley Augustus Dwyer, Hei Ja Dwyer, Emilia Tan Dy.

Nelson Eng, Joseph Luma Fils, Michael Eliezer Fleischer, Margot Christa Fontayne, Leslie Lloyd Francis, Helen Frieder, Caferina Ramona Galeano, Luz Elena Giraldo, Rafael Antonio Gomez, Martha Gonzalez, William Gonzalez, George Albert Granada, Louis Grand-Pierre, Gabriel Giovanni Guerra, Vladimir Semenovich Gurevich, Dieudonne Augustin Hilaire, Anatoli Michael Hilkin, Raisa Alex Hilkin, Mordechai Horowitz, John Cheng-Zhe Hsu, Liu Chen Hsu, Ta-Yung Hsu, Wagdi Fadl-Allah Ibrahim, George Isaac, Patel Mukesh Jashbhai, Marie Lourdes Jean-Baptiste, Claudie Liliana Jimenez, Maria Esther Jondee, Dordy Joseph, Rose Vilianne Jupiter, Panagiotis Michael Kakoullis, Marie Kavanagh, Gerard Kernisan, Nadine Evelyne Kernisan, Hong Khuu, Ann Kish, Michael Kish, Israel Ozer Klein, Ioannis Korologos, Katie Kou, Dila Krasniqi, Ann Chiau-Yung Kuo, Rachel Kuruvilla.

Hortense Victorin LaGuerre, Pablo Laboriel, San Tat Lam, Rochelle Mona Lapin, James Kam-Leung Law, Fraj Lazreg, Aki Hsiang-Shu Lee, Michael Lee, Maximilien Theophile Leon, Melecio Cacalalad Lontoc, Wilson Louis-Paul, Maxima Ramos Ludan, Maria Magdalena Luna-Tineo, Connie Luong, Marian Lutomski, Michael Mai, Uri Man, Francisco Antonio Martinez-Polanco, Maria Martone, Anne Mathews, Bridget McCarthy, Colliston Arrington McGowan, Fanelise Jean Mehu, Yechiel Meiteles, Eustacy Cloter Mena, Szlomo Mersel, Pierre-Marie Mews-Bailey, Tran Minh, Bridget Bernadette Moffat, Kubraa Ashraf Moghal, Edwin Roberto Muzo, Rize Neiman, Reizel Esther Neiman, Murto Nicholas, Thomas George Pal, Andre Francois Paul, Robert Pierre-Paul, Allendry Pulmones Pineda, Ramon Oscar Pons, Marilyn Sonalan Ponsades, Zev Porat, Claudel Prevot, Vasantkumar Keshavchandra Purohit.

Anite Racine, Vasanti Baboo Rajvaidya, Henri Joel Rameau, Denise Kathryn Rapp, Rosaria Rega, Alica Revesz, Alicia Marcerou Rodirgo, Carlos Maria Rodriquez, Gertrudis Altagracia Rojas, Myrlene Amalathas Romain, Golda Frieda Rosenberger, Chaya Roise Roth, Yehoshua Roth, Rivka Rubin, Pierre Yacoub Sabbagh, Salomon Sainvil, Mohamed Hamdy Sakallah, Nabila Farag Salama, Adam Schleicher, Rigmor Elizabeth Schneider, Apostolos Siantos, Elka Silber, Esther Silver, Martin Silver, Kuljit Singh, Upinder Kour Singh, Efraim Stern, Gitty Stern, Anna Maria Stillo, Renato Pimentel Sumallo, Hoa Ta, Rose Taubenfeld, Akram Yacoub Tawil, John Akram Tawil, Martin Akram Tawil, Nawal Akram Tawil, Maria Theodoropoulos, Parthena Theofanides, Linh Tram, Thanh Tram, Hoa Cam Truong, Hung Luong Truong, Devon Tugman, Andre Van Halen, Eloy Amado Vargas, Jose Juan Vasquez, Antonio Vega, Marie Francoise Veillaro, Claude Victor, Thomas Victorin, Benjamin Torres Viloria, Jr., Rodrigue Aurisma Volcy, Larisa Volsky, Yakov Volsky, Jeffrey Howard Fabian Walker, Li-Yen Wang, Sheng Wang, Tung Dien-Pai Wang, Bernadette Woods, Francis Joseph Woods, Alexander Zarovsky, Anita Shonberg Zedayko, Chiu-Hwa Zee.

CABLE TELEVISION CONSUMER PROTECTION ACT OF 1987

HON. FERNAND J. ST GERMAIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, November 9, 1987

Mr. ST GERMAIN. Mr. Speaker, today I am introducing the Cable Television Consumer Protection Act of 1987 to set up a task force to issue national guidelines for use by local franchising authorities in prescribing consumer protection standards for the service and maintenance of residential cable television systems. While Federal standards for the awarding of franchises have been determined by the Cable Communications Act, no national standard exists for service or maintenance requirements for a household's cable system. This legislation is designed to facilitate the issuing of consumer protection standards. Guidelines for these standards can then be used by franchising authorities during negotiations with cable operators.

The task force will examine, among other things, levels of service personnel and maintenance and billing practices that are required to ensure that customers of cable systems receive adequate responses to complaints regarding defects or deficiencies in their cable service. While many franchising authorities have issued strong consumer protection standards with regard to cable maintenance and repair, others have standards which lack this strength and clarity. The task force can look to those areas with high standards in place as models for developing guidelines. Once developed, these guidelines will be published to be used as minimum standards by franchising authorities in conducting negotiations with cable operators on responses to customer complaints regarding any defects or deficiencies in service.

EESC CLIMATE STUDY GROUP

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 9, 1987

Mr. GREEN. Mr. Speaker, I rise today to announce the formation of a Congressional Study Group on Global Climate Issues. This study group, consisting of 36 members of the Environmental and Energy Study Conference, will serve as a clearinghouse for information on such critical issues as depletion of the Earth's stratospheric ozone layer and global warming. In addition, the climate study group will provide invaluable guidance on the types of activities that would most benefit the entire conference.

The formation of the study group is prompted by the strong belief that of the many issues facing the Congress, global climate change is one of the most challenging, complex and deserving of our attention.

Recently, an expedition to study the seasonal thinning of ozone over the Antarctic returned from Punta Arenas, Chile, with evidence supporting the theory that the "ozone hole" is the result of high atmospheric chlorine levels and climatic conditions peculiar to the region. Furthermore, it is believed that chlorofluorocarbons [CFCs], widely-used man-made chemicals, are the primary source of chlorine present in the Antarctic environment. While the global implications of the ozone hole are not yet fully understood, there is a growing concern among scientists that CFCs also could contribute to a worldwide depletion of stratospheric ozone, resulting in increased incidences of skin cancer, suppression of the human immune system and damages to crops and aquatic life. In response to these concerns, a historic international agreement was signed by 24 countries in Montreal in September calling for a freeze and gradual reduction in world CFC consumption.

Possibly even more dramatic and challenging, however, is the predicted global warming. Scientists theorize that human activities are putting carbon dioxide into the atmosphere at such a rate that we may see a 1.5°–4.5°C (3–5°F) increase in global temperatures in the next 75–100 years. In addition, other gases such as methane, nitrous oxide, hydrocarbons and chlorofluorocarbons could cause an additional temperature increase of 50 to 100 percent. The possible consequences of this "greenhouse" warming include shifts in the world's grain belts, increased mortality due to heat, coastal flooding due to rising sea levels, and decreased fish production due to changes in oceanic circulation.

The climate study group will organize activities on climate change in keeping with the study conference's role within Congress: to keep our colleagues informed and to serve as a forum for discussions of the ongoing study and scientific research in these areas. To help achieve this goal, we have formed a steering committee to plan and coordinate a series of briefings on global climate issues. Currently, the study group is planning briefings on ozone depletion, including a discussion of the recent findings of the Antarctic expedition to Punta Arenas, Chile, and a panel presentation on the state of consensus and debate on the "greenhouse" theory.

In closing, I should like to commend my colleagues in both the House and Senate who, as members of the climate study group, have indicated their concern over, and commitment to confronting, these crucial issues. I also encourage other interested Members to join us in our endeavors. The concern of the scientific community challenges us to evaluate carefully its findings and craft an effective, responsible policy response. I am certain that this new study group will prove an invaluable resource throughout our efforts to do so.

A TRIBUTE TO MR. RONAL DOUGLAS COX

HON. JOSEPH J. DioGUARDI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 9, 1987

Mr. DIOGUARDI. Mr. Speaker, I rise today to recognize the outstanding career of Mr. Ronal Douglas Cox. Mr. Cox has just recently retired from the Washington, DC, Metropolitan Police Department after 24 years and 5 months of dedicated service.

A graduate of the American University in Washington, DC, Mr. Cox earned a B.S. degree in law enforcement and the administration of justice. The honors and commendations Mr. Cox received during his college career are numerous: He received a 1-year scholarship for scholastic excellence during recruit training, a 1-year sabbatical leave from his training to complete his degree requirement and he was selected into Phi Kappa Phi National Honor Society for superior scholarship and character.

Mr. Cox was first appointed to the Metropolitan Police Department as a recruit officer assigned to the Police Academy and Training Division on April 1, 1963. Through the following several years, he continued his training, became an officer and instructor, was promoted to the rank of sergeant, served as an instructor-supervisor—all while earning his degree at the American University.

On August 4, 1971, Mr. Cox was promoted to the rank of lieutenant and transferred from the Training Division to the Field Operations Bureau as administrative commander/platoon commander. Less than 3 years later, he was promoted to the rank of captain and then served as assistant director of the Planning and Development Division. On March 12, 1978, he earned the rank of inspector and became director of planning and development.

With such dedication and diverse experience, Mr. Cox was promoted to the rank of deputy chief of police on March 1, 1981, and was assigned to the Field Operations Bureau as commanding officer of the First Police District. The final appointment of this outstanding career occurred on April 15, 1984, when Mr. Cox was promoted to the rank of assistant chief of police and assigned to the Inspectional Services Bureau as the inspectional services officer. This position he held until his recent retirement on October 2 of this year.

Ronal Douglas Cox deserves recognition for his public service that spanned almost a quarter of a century. During his career, Mr. Cox received 74 commendations from citizens, police, and public officials. Most significant, he was awarded the Metropolitan Police Department's Quarterly Crime Reduction Award six times, which is given to one of the seven patrol districts that accomplishes the greatest reduction in crime for the current quarter; his First District received five consecutive awards. Also of distinction was the award of the Metropolitan Police Department's Annual Crime Reduction Award, which Mr. Cox received for 1982 and 1983, for reductions or 12.3 percent and 16.7 percent for those respective years.

Before I conclude this statement, I believe that we should all recognize the vital role that police forces play in our society. Reflect, for a moment, on the confidence you feel when you leave your homes or automobiles unattended, when you allow your children to play outside, when you participate in everyday life. If it were not for the men and women of our police forces, then we could not enjoy the freedoms and liberties which we so often take for granted.

I commend the dedication and leadership with which Ronal Douglas Cox has served the city of Washington, DC. Mr. Cox retired on October 2, 1987; I applaud his extraordinary career.

PERSONAL EXPLANATION

HON. ROBERT E. WISE, JR.

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 9, 1987

Mr. WISE. Mr. Speaker, on Friday, October 30, and Monday, November 2, I was not in attendance in the House, and missed seven recorded votes. My absence was due to the fact that the House leadership informed all Members that there would be no votes on these 2 days, and some minority Members forced unforeseen votes.

Had I been present and voting on Friday, October 30, I would have voted "aye" on rollcall No. 394 to approve the Journal of the 2d legislative day of October 29, 1987; and "aye" on rollcall No. 395, to adjourn. Had I been present and voting on Monday, November 2, I would have voted "aye" on rollcall No. 396, to adjourn; "nay" on rollcall No. 397, to arrest absent Members; "aye" on rollcall No. 398, to adjourn; "nay" on rollcall No. 399, to compel attendance of Members in the House; and "aye" on rollcall No. 400, to adjourn.

On Wednesday, November 4, I missed rollcall No. 406, to approve the Journal of the proceedings of Tuesday, November 3. I was meeting with Mr. John Snow, president of CSX Corp., in my office on the subject of the status of discontinuing rail service to some parts of my congressional district.

IN APPRECIATION OF MAYOR SAM RIDLEY

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, November 9, 1987

Mr. GORDON. Mr. Speaker, today I want to ask my colleagues in the House of Representatives to recognize the great achievements of Sam Ridley, mayor of Smyrna, TN, for four decades. I would like to speak about this honorable man and the contributions he made to his city and his country.

Sam Ridley not only led Smyrna, TN, into its postwar prosperity, he also served his country in World War II with the greatest distinction, rising in rank from private to major.

Sam Ridley served under Gen. George Patton in five European campaigns. He was wounded in the Battle of the Bulge and was awarded the Purple Heart. He was awarded seven medals for valor, including a Silver Star and two Bronze Stars.

Mayor Ridley brought his medals home to Tennessee in 1946. He decided to continue his public service, only this time in less dangerous fashion.

In 1947, the people of Smyrna elected him mayor. He held that post until May of this year, continuing to accumulate awards, including Tennessee Municipal League Outstanding Mayor of the Year in 1963. Mayor Ridley was featured on the cover of Time magazine in 1972 in recognition of the success of his automobile dealership.

But serving as mayor and operating a successful business was not enough. Sam Ridley also served in many other roles, including a term in the Tennessee Legislature, as president of Smyrna Hospital, as a trustee of Middle Tennessee State University and of Belmont College, as president of the Tennessee Municipal League, and as president of the Tennessee Automotive Association.

He and his wife Dorothy raised three children, a boy, John Sam Ridley Jr., and two girls, Mary McClelland and Sarah Crockett. All have embarked on successful careers.

As mayor, Mr. Ridley achieved something every public official should envy. He got his city a new water system, sewer system, library, city hall, hospital, playgrounds, and streets. He convinced Nissan Corp. to open a huge automotive plant in Smyrna, one of the two or three largest Japanese manufacturing investments in the United States.

He did all this without an increase in the city tax rate.

It is no wonder he was reelected term after term. In his last election, after having served 38 years as mayor, Sam Ridley rolled up the largest margin of victory in the history of Smyrna.

There could have been no clearer tribute.

Mr. Speaker, I ask my colleagues in the House to join me in giving a warm word of thanks to my friend, Sam Ridley.

TRIBUTE TO THE 29TH PROMENADE IN THE PARK

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 9, 1987

Mr. SHAW. Mr. Speaker, I would like to take this opportunity to recognize and honor the 29th year of the Promenade in the Park, which will take place from November 13 through 15 in Fort Lauderdale. These 3 days of fun and culture for the entire family are for the benefit of the Fort Lauderdale Museum of Art. This outstanding museum opened in 1986, enabling all of the people of Broward County to enjoy the experience of fine art. The museum not only exhibits excellent collections of art work, but is an architectural sculpture in itself. The museum stands as a monument to the dedication and commitment of this community.

A special group of volunteer women need to be recognized for their dedication in making this entire Promenade possible. This group, known as Beaux Arts, has been a major source of funding for the museum and is responsible for organizing the Promenade. Beaux Arts was formed in 1959 on invitation from the Fort Lauderdale Art Center Board and the Junior League of Fort Lauderdale. Fifty active and culturally involved women comprised that charter membership. Beaux Arts now has 80 active members and 110 associate members. I would like to salute all the dedicated past and present members of Beaux Arts, who have built the Promenade into the largest annual cultural event in Broward County. The Promenade has become such a mainstay that World Book encyclopedia recognizes it in the visitors guide to Florida.

Last year, the Promenade in the Park raised over $300,000 to pay for the operating expenses at the Museum of Art. This year more than 200,000 people are expected to turn out and join the members of Beaux Arts as well as the nearly 4,000 volunteers who help make this event a success. This year the Promenade will feature arts and crafts, commercial exhibits, international foods, civic events, children's activities, a family circus, as well as a country jamboree. I wish to again congratulate Beaux Arts on their 29th Promenade in the Park. This year's event is a shining example of community cooperation, involvement, and pride all coming together to raise funds for the operation and enhancement of the Fort Lauderdale Museum of Art.

ANNOUNCEMENT OF A HEARING ON PROPOSED CONSTITUTIONAL AMENDMENTS TO REQUIRE A BALANCED FEDERAL BUDGET

HON. PETER W. RODINO JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, November 9, 1987

Mr. RODINO. Mr. Speaker, I wish to announce that the Subcommittee on Monopolies and Commercial Law of the Committee on the Judiciary will hold a public hearing on Tuesday, November 17, to consider proposed constitutional amendments to require a balanced Federal budget.

The hearings will be held in room 2141 of the Rayburn House Office Building and will commence at 9:30 a.m.

Written testimony on these proposals will be received from Members of Congress who wish to submit a written statement. Oral testimony, limited to 5 minutes for each Member, will also be heard. Those Members interested in providing written testimony, or providing both written and oral testimony, should contact the subcommittee by the close of business on Friday, November 13.

INCREASING AIR TRAFFIC CONTROLLERS AT THE FAA

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 9, 1987

Mr. MANTON. Mr. Speaker, the Congress has been engaged in a lengthy debate about the future of our Nation's airways. I believe an integral part of any solution for these congested airways must include significant funds to hire and train more air traffic controllers at the Federal Aviation Administration. In that regard, I would like to call my colleagues' attention to an editorial which appeared in a recent issue of Flying magazine which expresses the deep concern the general aviation community has with the Department of Transportation's current plans in this area.

Mr. Speaker, i ask unanimous consent to have the editorial reprinted in the RECORD at this point.

SLOW ROLE—RESCUE THE FAA FROM THE DOT

(By Richard L. Collins)

Many think of summertime as the "flying season," even though most airplanes are used on an equal basis, year-round. For the airline passenger, though, summer has become the sitting season. Air traffic delays are at a peak at major airports, and on a hazy day with thunderstorms in a few terminal areas, the chances of getting from here to there on any reasonable schedule are slim indeed.

These delays are but one symptom of a malaise that affects all of aviation, a malaise that we, the users of the airport and airways system, can address by putting heat on our elected representatives.

The problems exist because aviation has become increasingly politicized over the years. Back in the good old days of the FAA, when it was an independent agency, the Administrator was also independent. Then, on April Fool's Day, 1967, the FAA was put under the thumb of the Department of Transportation. The independence of the Administrator was compromised. Ever since then, there has always been a higher authority. This has reached a critical point with the current management at the DOT. The present style seems to stonewall everything, probably on the premise that if you do nothing you can blame the foul ups on your predecessors.

It's the DOT, not the FAA, that stonewalls the hiring of badly needed air traffic controllers, even though billions of dollars lie fallow in the trust fund, paid there in good faith by airline passengers and general aviation pilots. The DOT sits on it and the FAA takes the heat.

When Lynn Helms was Administrator, he started updating the system and making rules that would benefit aviation and the general public. Panels were formed, meetings were held, recommendations were made. There was a consensus that some restrictions, such as the one that prohibits single engine IFR air taxi, should be lifted. The FAA conducted a study that supported this. Wide support was given to a plan to have a restricted, recreational pilot certificate and to upgrade the present private pilot certificate. The last time these proposals were debated, Administrator Admiral Donald Engen (who is leaving the post soon) made a remark about the "hits" he was taking because of inaction on these and many other proposals. Well, the inaction isn't his or the FAA's fault. The DOT simply sits on everything. It is a clear example of how a technical activity such as aviation suffers greatly when subjected to the management style of political hacks. The situation is made worse because the hacks have the luxury of blaming their lethargy on the FAA's dedicated professionals.

The Transportation Secretary, Elizabeth Dole, says that delays and problems are caused by the airlines bunching flights at peak times. This is true, but the fact is that the DOT provides a system that is inadequate to handle peak hour traffic because the current administation has refused to spend the money in the trust fund. Airline schedules reflect a realization that people should be flown where they want to go, when they want to go. That is the responsibility of a good transportation system, but it is probably too much responsibility for short-sighted politicans.

The holding (no pun) action of the DOT—running the system at bottom dollar—bodes ill for the future of air transportation in the U.S. There is no ongoing program to provide more runways in busy areas, where they are sorely needed. The wimpy plan to add only 225 controllers in 1988 is an outright scandal. All you have to do is listen to controllers handling two sectors at once to realize how many new controllers we need. There is a bill in the Senate to add 500 controllers. This bill also doubles the amount of money to be spent on airport expansion and improvement. For the long run it would be prudent to spend even more, but that is going to be difficult with a DOT that looks only at the bottom line for its tenure and appears to care nothing at all about the future.

Those of us who are interested primarily in general aviation seem to get a perverse pleasure out of the discomfort of the airline passenger. We tend to relish the horror stories of gate-holds, long lines and canceled flights. But what applies to the airline passenger applies equally to those of us who prefer to use personal and business airplanes. When the airline passenger hurts, we hurt because it is his need that drives the system; and when his need is not met, our part of the system suffers equally. A good example of this is found in the New York and Los Angeles areas, where airports that were predominantly general aviation are now also used by major airlines because of hopeless congestion at the primary airline airports. Someday those airports might become devoted primarily to airline operation, squeezing out the little guy.

If the system is constipated with airline traffic because DOT failed in its responsibility to equip and staff the system to meet demand, then we are directly affected. And when there are collisions we get restrictions even if the fault lies with an inadequate system.

There is some recognition that the FAA needs to be taken from under the repressive influence of the DOT. Every effort along these lines, and every effort to make the current system meet its responsibility, deserves the support of everyone in aviation. Take pen in hand and write your representatives in Washington.

IN RECOGNITION OF MR. DAVID T. CLELAND OF CADILLAC, MI, FOR RECEIVING THE USDA SUPERIOR SERVICE AWARD

HON. BILL SCHUETTE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, November 9, 1987

Mr. SCHUETTE. Mr. Speaker, today it gives me great pleasure to recognize an outstanding constituent of mine, Mr. David T. Cleland of Cadillac, MI. David has received the Superior Service Award of the U.S. Department of Agriculture, one of the Department's highest awards.

This award was presented to David for his development and implementation of a unique ecological classification system designed especially for the U.S. Forest Service. This unique classification system is the culmination of countless hours of work and determination. His determination has resulted in a system that provides not only a potential cost savings of $1 per acre over previously used soil survey systems, but also accounts for 90 percent of the variation in productivity and tree regeneration found between ecological classification types where only 50 percent had become the accepted norm.

The Huron-Manistee Forest now has the most cost effective and accurate ecological classification system in the Nation. Its usefulness is reflected in the early adaptation of Mr. Cleland's developments by the Michigan Department of Agriculture, the Michigan Soil Conservation Service, the Michigan Department of Natural Resources and the Hiawatha National Forest. The use of more accurate site potential classifications results in better management decisions, yielding greater production potential of our natural resources.

Michigan is most fortunate to be home to David T. Cleland, his work serves as inspiration to many in his field and it is most proper that he be recognized by the U.S. House of Representatives this ninth day of November, 1987.

THE NEED FOR AFFORDABLE HOUSING

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 9, 1987

Mr. FRANK. Mr. Speaker, the terrible housing crisis that afflicts this country is particularly a problem in the northeastern part of the country, where the housing stock is old, land is scarce, and housing prices have gone up considerably.

The Sun Chronicle, published in Attleboro, MA, has been very diligent in documenting the extent of the housing problems in the Greater Attleboro Area which it serves. On October 30, 1987, the Sun Chronicle ran an editorial which highlights the housing problem. As the Sun Chronicle points out, the extreme shortage of housing, and the consequent high price which people have to pay for it, not only causes problems for low- and moderate-income people; it also causes strains for our economy, because it exacerbates greatly the difficulty of finding sufficient workers.

Mr. Speaker, I think, the Sun Chronicle editorial is one more example of why it is important that we pass as soon as possible the housing bill pending now in conference, and why we should be moving before that as soon as the condition of our deficit allows to increase significantly our housing efforts at the Federal level.

I ask that the Sun Chronicle editorial be printed here:

THE NEED FOR AFFORDABLE HOUSING

There is a clear link between the help-wanted ads and the real-estate ads, a new study says.

If the study is correct, rising housing costs may hurt the long-term economic well-being of the Attleboro area. It also brings further evidence for local government and business to work together to bring affordable housing to the area.

The study by the Massachusetts Institute of Technology says the Boston area has the widest ratio between home prices and annual wages of any of 29 metropolitan areas surveyed.

This gap is scaring away workers and prompting some companies to consider expanding or moving elsewhere, the study says.

There has been plenty of evidence of that already in the Attleboro area.

Many young couples who were born and brought up in the area have been forced to move to Rhode Island or elsewhere by the prospect of four-figure mortgage payments.

A large number of these people could have been working in local industry and business which are desperately seeking help.

"We've always seen the housing shortage as a people problem," says a spokesman for the study. "This report suggest that the housing problem is also a business problem.

North Attleboro developer Fred Bottomley said the higher-priced single-family homes and condominiums which have been constructed are serving to tip the balance of the local economy because people with lower-paying jobs can no longer afford to live here.

In an area largely dependent on manufacturing, this could be a dangerous trend.

The economy may be partly correcting the situation. The latest reports from the Attleboro Area Board of Realtors indicates that housing prices are on their way down or at the very least have stabilized.

More is needed, however, from local government, developers and the public.

Local government and builders should work together to bring affordable housing to the area through state programs in place. This should be done without burdening a neighborhood where the housing is built.

The public should also think twice before pushing for single-family homes rather than apartments. A small apartment complex, well-built and well-maintained, will cause no greater burden on a community than a subdivision.

Closing the housing-to-wage gap should be done before a sizzling economy cools off or the area could face some serious problems in the future.

A TRIBUTE TO MR. HOWARD T. OLSON

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 9, 1987

Mr. HYDE. Mr. Speaker, it is an honor for me to pay tribute today to a constituent of my Illinois district who has distinguished himself through his service to the Nation and his neighbors.

Howard T. Olson, a former U.S. Marine, recently was elected commandant of the DuPage County detachment of the Marine Corps League.

A charter member of the league, Mr. Olson has played an instrumental role in the league's sponsorship of social events for veterans at Hines Veterans' Administration Hospital in Maywood, IL, in addition to similar projects at convalescent homes in Wheaton, IL. In a program Olson helped initiate, members of the league gathered more than 25,000 toys last year for needy children at Christmas.

Mr. Olson has authored a number of books on the Marine Corps League and on veterans affairs which have brought him State and national awards.

As a marine, Mr. Olson was stationed in Iwo Jima with the 5th Marine Division. In 1949 he became a charter member of the 5th Marine Division Association, and has since served as its president, photographer and historian. Since the association's inception, he has made award presentations to six U.S. Presidents and numerous Congressmen.

Howard Olson is a great patriot and a splendid example of good citizenship for us all.

VISUALLY IMPAIRED VOTERS ASSISTANCE ACT OF 1987

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, November 9, 1987

Mr. GALLO. Mr. Speaker, I rise today to introduce the Visually Impaired Voters Assistance Act of 1987.

One year from now, Americans will vote to elect the next President of the United States. I believe that we, in Congress, should do all that we can to ensure that all citizens are given the chance to vote in this important election.

As a result of the strong, positive response in New Jersey to Morris County's pioneering effort to give the visually impaired the opportunity to be full participants in the election process, I am offering this legislation to provide equal voting rights to people across the country.

There are over 11 million people in the United States who suffer from some degree of visual impairment that cannot be corrected with eyeglasses or contact lenses.

This means that 1 person in 19 is visually impaired. Among persons age 65-74, that number rises to 1 person in 7.

With the general aging of the population between now and the year 2000, I am concerned that the lack of enlarged ballots may discourage larger and larger percentages of the population from voting.

My bill will require States to make enlarged print voting aids and ballots available in Federal elections to visually impaired voters and will require the chief election officer in each State to ensure that public notice of this service reaches visually impaired voters.

In addition, the bill requires a comprehensive study by the Federal Election Commission of steps currently being taken by the States to provide access to blind voters, either through braille or audio aids. The FEC will report its findings within 1 year.

Leaders of health and medical organizations who represent the visually impaired, including the National Association for the Visually Handicapped and the American Council of the Blind, are extremely enthusiastic about this bill.

I wish to extend a very special thank you to the Honorable Joseph Bell, the clerk of Morris County, NJ, for originating this idea and for field testing it at the county level in last year's elections. Since then, Joe has worked tirelessly to see this legislation become a reality in order to benefit thousands of visually impaired persons in America.

There are many others, both at the State and national level, who have contributed their valuable time and input to the development of this legislation: Norma Krajczar, executive director of the New Jersey Commission for the Blind and Visually Impaired; Norman Van Houten, executive director of the Morris County Department on Aging; Michael Laciopa, president of the New Jersey Association for the Blind; Donna Costello, municipal clerk of the township of Denville; Lawrence Campbell, director of Helen Keller International Inc.; Oral Miller, national representative for the American Council of the Blind; and Lorraine Marchi, executive director of the National Association for Visually Handicapped.

I am grateful that these individuals and organizations, who are directly involved in efforts to assist blind and visually impaired persons, have contributed their ideas to this legislation. One thing is clear from their comments—this legislation is long overdue.

With this thought in mind, I ask my colleagues to join me in support of this legislation and to work for its passage so that all visually impaired persons, including thousands of senior citizens, can fully participate in the election of our next President and those to follow.

THE PALM-AIRE HOTEL AND SPA

HON. DAN MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 9, 1987

Mr. MICA. Mr. Speaker, I would like to take this opportunity to bring to your attention an honor accorded a business which serves south Florida. Robin Leach of "Lifestyles of the Rich and Famous" has proclaimed the Palm-Aire Hotel and Spa one of the "World's Greatest Spas."

Set amid 1,500 acres of prime south Florida land, Palm-Aire is a world of gentle palms, quiet pools, lush vegetation, and an idyllic southern climate. Scandinavian saunas, outdoor Jacuzzi, near-Olympic size swimming pool, Turkish steam baths, plunge pools, fitness equipment, exercise pools, solarium and sun decks, racquetball court, and a half-mile jogging par course with exercise stations are spread across the Palm-Aire.

The Palm-Aire sports 5 golf courses and 37 tennis courts, of which 31 feature har-tru surfaces, and 6 all-weather lighted surfaces for evening play.

The spa at Palm-Aire is known worldwide for its extensive array of health, fitness, and beauty services. Their dedicated staff is totally at the guests' service.

Mr. Speaker, in closing, I would once again offer my congratulations to the Palm-Aire Hotel and Spa on the occasion of their award as one of "The World's Best Spas."

AMENDMENT TO H.R. 1326, THE INFANT MORTALITY AMENDMENTS

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 9, 1987

Mr. DANNEMEYER. Mr. Speaker, I rise today to offer an amendment to H.R. 1326, the Infant Mortality Amendments of 1987. My amendment will require that all community and migrant health centers which receive funding under this bill routinely test and counsel women of childbearing age for infection with the etiologic agent for AIDS. The stated purpose of this bill is to reduce rates of infant mortality and to enable community and migrant health centers to provide health care to children and women of childbearing age. What better means of improving infant mortality than preventing it by preventing or lowering the incidence of HIV-infected infants at birth or identifying them at the earliest possible opportunity in order to maximize effective health care.

This bill is a particularly appropriate vehicle in light of the fact that low income individuals and minorities are considered populations at higher risk for HIV infection than the average individual. Community and migrant health centers serve a disproportionate share of the minority communities who, in turn, represent a disproportionate share of the AIDS cases nationwide. In addition, a June 1987 CDC report on the growth rate of heterosexual transmission reveals a "growing trend in heterosexual transmission of the disease and increasing difficulty in identifying women who are at risk." For this reason, routine testing in minority populations is particularly important to slowing the growth of the AIDS epidemic.

Figures released by the Centers for Disease Control reveal that a disproportionately high number of AIDS cases reported in the United States since 1981 have occurred in blacks and Hispanics. While these groups represent just 18 percent of the overall population, they represent 39 percent of AIDS cases. When only AIDS cases among children are considered, the figures indicate that 80 percent of children with AIDS are nonwhite. A few statistics reveal the magnitude of the problem for minorities:

AIDS cases occur nearly three times more frequently among black and Hispanic men than among white men.

For black women, the rate is 14 times that of white women;

Eighty-nine percent of the children who have acquired AIDS by perinatal transmission are black (64 percent) or Hispanic (25 percent);

In military recruit applicants and blood donors, the infection rate was 4 to 7 times higher in blacks than whites.

Blacks and Hispanics usually die within 3 to 7 months after diagnosis while whites live for an average of 2 years;

CDC issued guidelines in the August 14, 1987 issue of Morbidity and Mortality Weekly Report which recommend that "all women of childbearing age with identifiable risks for HIV infection should be routinely counseled and tested for HIV antibody regardless of the health care setting. Each encounter between a health care provider and a woman at risk and/or her sexual partners is an opportunity to reach them with information and education about AIDS and prevention of HIV infection." CDC identifies women at risk to include "women who are living in communities or were born in countries where there is a known or suspected high prevalence of infection among women."

The importance of testing women of childbearing years cannot be overstated. "Educating and testing these women before they become pregnant allows them to avoid pregnancy and subsequent intrauterine perinatal infection of their infants. Current studies show that 30 to 50 percent of the infants born to HIV-infected women will be infected. There are also benefits to detecting infection with the AIDS virus once a woman is pregnant. According to CDC it is important to ensuring appropriate medical care for these women, for planning medical care for their infants and for providing counseling on family planning, future pregnancies and the risk of sexual transmission of HIV to others.

A study recently completed by the Centers for Disease Control ("National Trends in Perinatally Acquired AIDS in the U.S.", Margaret J. Oxtoby, M. Rogers, P. Thomas, S. Manoff, K. Winter, R. Byers, CDC, June 4, 1987) found that perinatally acquired cases of AIDS account for 338—or 80 percent—of the cases of children under 13 years of age. In addition, the study found that the proportion of cases outside the high-risk areas of New York, New Jersey, and Florida have increased from 21 percent in 1984 to 37 percent in 1985-86. This trend is consistent with the trend among women with AIDS which shows an increase from 23 percent to 32 percent in cases reported outside these high-risk areas. The risk factors of children with perinatal AIDS has also changed. The proportion of mothers infected through heterosexual contact has increased from 34 percent of cases diagnosed through 1984 to 44 percent of cases diagnosed in 1985-86. In addition, 89 percent of perinatal AIDS cases are found in the minority population with 64 percent of the cases attributed to blacks and 25 percent of the cases attributed to Hispanics. The cumulative incidences in these respective populations are 29 and 16 times the rate among whites.

In another study completed by CDC in June of 16 infants of 15 seropositive mothers and 30 infants of 29 seronegative infants, ("Perinatal Transmission of HIV in IV Drug Abusers", Peter Selwyn, E.E. Schoenbaum, A.R. Feingold, M. Mayers, K. Davenny, M. Rogers et al., CDC, June 4, 1987 (TH. 7.2)), 14/15 (93 percent) of seropositive infants were nonwhite vs. 18/29—62 percent—of seronegatives were nonwhite.

Surgeon General Koop has endorsed testing for any woman who wants to have a baby before she becomes pregnant. At a National Press Club gathering in March 1987, Koop said "I can't understand why it is so controversial, I would think anybody who is getting married today would want to be tested and would want to know whether the intended spouse was infected with the AIDS virus."

The AMA has also recommended that the AIDS test should be readily available and routinely subsidized for those unable to pay.

In a 1987 issue of Morbidity and Mortality Weekly Report, CDC recommends that premarital testing in an area with a prevalence of HIV infection as low as 0.1 percent may be justified if reaching an infected person through testing can prevent subsequent transmission to the spouse or prevent pregnancy in a woman who is infected.

In the past weeks there has been some discussion about the accuracy of AIDS testing. While there is some truth that certain private testing laboratories have been negligent in performing and reading the tests, it is possible to administer tests which are at least 99.8 percent accurate. According to the August 14 issue of CDC's Morbidity and Mortality Weekly Report, the sensitivity of the currently licensed enzyme immunoassay tests is 99 percent or greater when performed under optimal laboratory conditions. In addition, Dr. Donald Burke of the U.S. Army testified before the Small Business Committee that the Army estimated that its testing was at least 99.9 percent accurate. He estimated the false positive rate in applicant screening to be less than .001 percent or 1 in 135,000. Under ideal circumstances, the probability that a testing sequence will be falsely positive or negative in a population with a low rate of infection is 1 in 100,000.

Most importantly, this amendment could reduce the human suffering associated with the birth of an HIV-infected infant. According to a model developed by California physician Larimore Cummins, based on CDC assumptions and PHS data, infant mortality could be substantially reduced by testing women of childbearing age in community and migrant health centers. The model assumes:

Three million six hundred thousand women of childbearing age visit community and migrant health centers over a 1-year period.

Women in this age group give birth to approximately 2 infants (the national average) during their childbearing years but that the clinic is only able to intervene in 1 of those two births;

A prevalence rate of HIV infection among this population of 0.2 percent, or 1 of 500. (A study in Alameda County, CA of women applying for marriage licenses found a prevalence rate of 0.5 percent or 1 in 200.)

Using this model, HIV testing of women of childbearing age in community and migrant health centers will yield the following results:

Cost of testing—$21,956,400 per year.
Cases detected—7,057 per year.
Number false + —36 per year.
Births prevented—3,528 per year.
Savings—$48,610,800 per year.

Savings—saving in medical costs assuming a low expenditure of $20,000 per infant case—this is $60,000 to $100,000 less than CDC figures on the cost of treatment.

Using the same assumptions except assuming a lower prevalence rate of 0.1 percent (1 in 1,000) in this population, HIV testing will have the following results:

Cost—$21,778,200 per year.
Cases detected—3,528 per year.
Number of false +—36.
Births prevented—1.746 per year.
Savings—$13.5 million per year.

CDC recommends that all populations begin screening when the prevalence rate in the population reaches 0.1 percent.

If we assume that only 1 million women of childbearing age visit community and migrant health centers and that the prevalence rate in this population is 0.2 percent, HIV testing will yield the following results:

Cost—$6,250,000 per year.
Cases detected—1,960 per year.
Number of false +—10.
Births prevented—980 per year.
Savings—$13.5 million per year.

This model does not even take into account the number of horizontal transmission (to spouse or sexual partner) which may be prevented. In my judgment testing this population will significantly reduce the risks of bearing an HIV infected child as well as preventing further horizontal spread. In terms of both human suffering and economic impact we cannot afford not to test.

WOMAN HONORED BY BOY SCOUTS

HON. ALFRED A. (AL) McCANDLESS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 9, 1987

Mr. McCANDLESS. Mr. Speaker, it recently came to my attention that the Agua Caliente District of the California Inland Empire Council of the Boy Scouts of America will be honoring a person from the Coachella Valley for her outstanding contributions to Scouting, young people, and her community over a span of 35 years. She was active in Girl Scouting during the early growth years in Indio, and later became a Cub Scout leader, after her three sons were born. While her sons were growing up, she worked as a substitute teacher for the Desert Sands Unified School District, and also earned her private pilot's license. After she was widowed in 1967, she assumed unfamiliar duties as the president of the Richard A. Glass Co., an established produce business. Undaunted, and with intelligence and determination, she expanded what was a successful concern into a major enterprise. Along the way, she was invited to join the board of the Indio Chamber of Commerce, and then served as its vice president. She went on to become a board member of the United Way of the Desert, and was also named to the County Advisory Committee on Women. Ignoring the fact that there are only 24 hours in each day, she was elected to serve on the board of the Boys Club, and then served two terms as president. A member of California Women in Agriculture, she is listed in Who's Who in California.

If I had not already met the 1987 recipient of the Boy Scouts award, I would be proud to make acquaintance. However, the woman in question graced my life with her presence 5 years ago this month when she became my wife and No. 1 constituent. To Gail Glass McCandless I say: "Congratulations for many jobs well done."

U.S. SPACE LEADERSHIP

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 9, 1987

Mr. BROOKS. Mr. Speaker, America's Civil Space Program has strengthened immeasurably our Nation's technological competitiveness and position of world leadership. We must build on this impressive record of outstanding achievement. An increasing number of countries are challenging the United States by committing the financial and human resources necessary to explore space and develop its commercial potential. It is time to take stock and to chart a course for the Nation that will revitalize our Civil Space Program based upon the twin principles of excellence and leadership.

I want to bring to the attention of my colleagues some comments made earlier this year by Mr. Donald R. Beall, president and chief operating officer of Rockwell International. Mr. Beall's speech was delivered in Clear Lake, TX, in my congressional district. Clear Lake is the home of the Johnson Space Center, which has made and continues to make tremendous contributions to the U.S. Manned Space Program.

Mr. Beall correctly emphasized the importance of the space station to the Nation's space efforts. Once deployed in the mid-1990's, a permanently manned space station will advance U.S. interests in the areas of space science, planetary exploration, and commercial development.

As a result of the Space Program, the Nation has already derived many spinoff benefits, such as advances in communication systems and medical technology. We must now look to the future to attain international cooperation and common benefit to mankind, which we seek to promote through our space ventures. Notwithstanding those goals, however, the Space Program contributes directly to our Nation's technological and trade competitiveness.

Funding for space is a prudent and necessary investment in America's future leadership and competitive position. We cannot expect to commit fewer resources, in terms of real buying power, and derive greater benefits. I was, therefore, pleased to support the recent House action approving nearly full funding for NASA in the fiscal year 1988 HUD/independent agencies appropriations bill.

I am proud of the heritage of the Johnson Space Center and the work that is done by the men and women who work there. I believe we must continue to tap and promote the ingenuity of our private aerospace sector. I am hopeful that the Federal Government—both the Executive and the Congress—will recognize the importance of supporting our Nation's space initiatives that have won us such acclaim and hold such enormous potential for the future.

Mr. Speaker, the excerpts of Mr. Beall's remarks follow:

VISION FOR THE FUTURE: CONTINUED LEADERSHIP IN SPACE

The real key to the long-term leadership of our space program is the Space Station. The station is the next human step into space, and already in just the past few years we have seen that there is no substitute for that human presence. With Solar Max, with Palapa-B2 and Westar 6, and with the Soviet reactivation of Salyut 7, we had three vivid demonstrations of the value of human hands and brains to augment machines in space. Just a few days ago the Soviets did it again, when two cosmonauts left the space station Mir to assist in docking a research module. There is another, very down-to-earth, reason for moving ahead with the Space Station. There will be very direct and tangible benefits for the majority of us who will never make that high journey. Many of the benefits will occur here at JSC as the NASA/Industry team will overcome many technical challenges as station design and manufacture move ahead.

It must be an open-ended system built for growth, so that means designing today to accommodate the technologies of tomorrow. It must be designed to be assembled and checked out in space, building on experience gained in the shuttle program. It is a major scientific facility, design of which must be driven by user requirements as well as launch and operational needs. For example, as we have progressed in developing the concept and specifications for the Space Station it has become clear that a high level of automation and expert systems will be needed. And such systems will pave the way for major strides forward in industrial automation on Earth. Indeed it may be said a few years hence that our factories of the future were born in space.

Most importantly, the Space Station will—from both a technical and operational perspective—solidly demonstrate that this country has not lost its leadership in space. And studies show that the American people want to be leaders in space. Opinion polls show that national support for the space program is at an all-time high, even higher than during the years America was putting men on the Moon. One recent poll showed that 9 out of every 10 Americans think we should resume flying the Shuttle, even at some risk, and 8 out of 10 support the Space Station.

But not only do Americans support national space programs, they also perceive the threat to our leadership. They see clearly that if we don't stay in front, others will pass us. That same opinion poll I just cited revealed that 7 out of 10 Americans believe it is important to stay ahead of the Soviet Union in space technology, and 6 out of 10 are even willing for our government to spend whatever it takes to keep our leadership position.

Further, the investment in a space program leadership is affordable, perhaps one percent of the federal budget. That level of expenditure is not going to significantly impact either the deficit or social spending. While space is probably more important to our national future today than it was in the days of Apollo, we seem to lack the sense of national urgency we had then. For years, it has been our vision of the future that has driven us to greater and greater achievement in space. Now we must extend that vision to the nation as a whole, assuring that future generations are not deprived of the continued benefits of space leadership.

It is an important task, and one to which we can all contribute. To start we need to work together—contractors, NASA, communities like Houston—to build on the national consensus. We must do a much better job of articulating the space strategy—where we are going, how, why, what each step contributes to the nation—and how each step serves as a basis for the next one. And we need to do that in a clear and compelling way that the public and Congress can embrace.

Integral to understanding why we must move forward in space is also understanding why that requires a budgetary commitment. A nation committed to space leadership deserves a consistent level of funding from Congress in amounts adequate to continue that leadership. But such a commitment of taxpayers funds brings with it great responsibility. In recent years both NASA and the Department of Defense have demonstrated that operating on the leading edge of technology does not necessarily involve having to have a blank check. Working with contractors the Government/Industry team has developed ways to improve producibility, reliability and maintainability so that the value to the nation is significantly increased.

It's very hard when you are making something no one else has ever made before. But even on the Shuttle, probably one of the all-time record holders for high-value, low-production-run products, we saw excellent learning curve gains over the span of the production of Columbia, Challenger, Discovery and Atlantis. We need to continue demonstrating that we are spending effectively to achieve the national goals. As we move forward with the entire space program, Shuttle, Space Station, Mars and beyond, the team here at JSC will continue to play a central role.

A CONGRESSIONAL SALUTE TO THE WILSON FEDERATION OF TEACHERS

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 9, 1987

Mr. YATRON. Mr. Speaker, I rise today to pay tribute to the teachers at Wilson High School in West Lawn, PA. The Wilson Federation of Teachers recently agreed to become affiliated with the Pennsylvania Federation of Teachers, AFT, AFL-CIO, and have established local No. 4540.

On November 18, 1987, the teachers will celebrate this important event with a party and formal presentation of their charter. Mr. Albert Fondy, president of the Pennsylvania Federation of Teachers, will formally present the charter to the Wilson Federation and its president, Ms. Joan Reider Moyer.

Wilson's teachers have long been known for their dedication and commitment to academic excellence. With their new affiliation and able leadership, I am certain that this tradition of excellence will continue. I know that all of my colleagues will join me in congratulating the members of the Wilson Federation of Teachers and in wishing all of them continued success and good fortune in the years to come.

A TRIBUTE TO DR. ERNEST JONES

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, November 9, 1987

Mr. CLAY. Mr. Speaker, Dr. Ernest Jones, superintendent of Gary Indiana public schools and a long time resident and former deputy school superintendent of the St. Louis public schools, recently announced his intention to complete his contractual commitment to the Gary school system. Dr. Jones will complete 8 years as superintendent of the Gary schools on December 31, 1987 having assumed his superintendency on January 1, 1980. He went to Gary from St. Louis after 29 years of distinguished service in the St. Louis community.

In the opinion of many citizens of the Gary community, Dr. Jones continued his outstanding professional career while in Gary. As Dr. Della Burt, board President, reported in a public statement before the community and the board of school trustees on February 24, 1987:

> It is my opinion that first, Superintendent Ernest Jones has been a competent, progressive administrator. He caused the articulation and coordination of Gifted and Talented programs, implemented computer education programs, reorganized middle school reading and mathematics programs, increased staff development activities, and contributed to the general improvement in performance of students of National Achievement tests. He has also made a concerted effort to keep our school district. Dr. Jones has been instrumental in correcting erroneous and negative perceptions of the school corporation and this city . . . at regional, state, and national levels. Our programs and staff members finally began to achieve the respect and recognition which they have long deserved.

To mention just a few of Dr. Jones' accomplishments during his tenure as superintendent, he has either directly or indirectly:

Contributed to the improvement in student performance on national standardized achievement tests.

Worked with staff to improve student performance on statewide achievement tests. Gary students were recognized as making the most improvement of any students throughout the State.

Encouraged the participation of Gary students in national competitions. There has been an increase in the number of students receiving National and State recognition based on competitive academic performance.

Developed and implemented the Emerson Visual and Peforming Arts Center. Teachers participated in study and planning of the program.

Expanded the staff development opportunities for all classifications of school district employees by organizing a citywide staff development center.

Initiated scholastic aptitude test [SAT] preparatory seminars to improve their performance on colleage entrance examinations.

Developed and implemented a professional performance evaluation model for all administrators with the assistance of a member of the faculty at the John F. Kennedy School of Government, Harvard University.

Brought the school district to a point of financial independence and eliminated its former classification as a state-controlled school district.

Brought statewide recognition to the Gary School District by serving as cochairman of the State Scholarship Committee for the Indiana Black Expo.

Brought national recognition to the school district by being appointed by the National Urban League to the Superintendents' Task Force for the Urban League's Educational Initiative.

Aggressively implemented the board's affirmative action policy to increase minority business participation in school district contract awards for construction, goods, materials, and services. Result: Two recognition awards for the school board and the school district's administration from minority business organizations.

In conclusion, I wish to state for the CONGRESSIONAL RECORD that Dr. Ernest Jones is a dedicated, able, and effective educator whose leadership has motivated teachers, students, and parents to excel in an era when public education has come under scrutiny from many sources including some from these great Halls. I would like to express my best wishes to Dr. Jones for continued success in his future endeavors. I might add that the citizens of St. Louis felt a great loss when Dr. Jones accepted the appointment which took him away from our city. St. Louis, I am proud to say benefited from his enlightened leadership for many years. A blessing, for which, we are most grateful.

THE BASES ARE THE KEY

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 9, 1987

Mr. PORTER. Mr. Speaker, the history of United States-Greek relations are at a turning point. Today the United States and Greece open negotiations on the survival of U.S.-NATO bases in Greece.

As a staunch friend of both Greece and Cyprus, let me say that the base issue is the key to all other issues in the Aegean and Eastern Mediterranean.

This Spring, I spent 90 minutes in a private meeting with Prime Minister Papandreaou. We talked about Greece, Turkey, Cyprus, and the American role in the region. I made it clear then, and I will make it clear now, that our bases are the foundation of continued aid, the 7:10 ratio, security in the Aegean, and the American role in resolving the Cyprus question.

I know that many in the Greek-American community agree that our two countries are tied together by democracy, history, family, and economy. I strongly support the efforts of our negotiating team to make clear that those ties, and the common threat we face from the Warsaw Pact, should lead us to the survival of our vital bases in Greece.

VIRGINIANS WILL SHINE ON "WOMEN IN SPORTS DAY"

HON. STAN PARRIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 9, 1987

Mr. PARRIS. Mr. Speaker, in cosponsoring House Joint Resolution 399, a resolution to declare February 4, 1988, as "National Women in Sports Day," I take this opportunity to point with pride to the outstanding record of Virginia women in sports generally, and most recently, and importantly, in soccer from my congressional district. I read in the October 19 issue of the NCAA News that 1,836,356 girls participated in high school athletics last year. According to Claudia Dotson of the Virginia State High School Athletic Association, 1985-86 is the last year for which statistics are available, 31,942 Virginia girls participated on 1,565 teams in various sports and undoubtedly these figures have increased.

It is interestng to note in the aforementioned NCAA News article, "soccer registered the largest increase in participants among girls' sports with 7,861 additional students." In Virginia, for 1985-86, 57 schools had soccer teams with 1,527 girls participating. These figures are most significant because girls' soccer will be an exhibition sport at the 1988 Olympic games, and if tradition follows, it will be an official Olympic sport at the 1992 games. I fully expect Virginia girls, particularly those now seniors in high school to be in the forefront in providing talent for the U.S. Olympic team.

Mr. Speaker, the Washington Area Girls Soccer [WAGS] Association was host to the 1987 Rael Vodicka Tourney—the largest women's soccer tournament in the world. As the October 29 issue of Soccer America put it:

> It was women's college soccer at its emotional best, at least for supporters of William & Mary. In the showcase collegiate final of the Rael Vodicka Tournament October 12, the Tribe knocked the top-ranked University of North Carolina from the unblemished ranks with a 0-0 tie, then captured the tournament trophy with a dramatic penalty-kick win that extended to eight kickers.

John Daly, first-year head coach at William and Mary said:

> It (the WAGS tournament) is a reunion every year for us. More than 50 percent of our players are from the northern Virginia area and most of our recruits have played in the WAGS tournament.

Soccer America goes on to say:

> Besides William & Mary fans, there were a lot of other happy Virginians at the end of this 13th annual WAGS Tournament. It was an all-Virginia U-19 final between the Braddock Road Cyclones and Braddock Road Shooting Stars.

Mr. Speaker, incredible as it may sound, both of those teams are from my congressional district.

> The older, more experienced Cyclones prevailed 3-1, but Coach Rick Rice doesn't want to stop with the WAGS title.
>
> "It is difficult to get out-of-State competition in Virginia," Rice said. "But we feel we have a team that is capable of going a long way in the playoffs for the national title."

I extend my heartiest congratulations to these outstanding Virginia coaches and teams and call attention to the fact that except for three junior players, all the other players on the Cyclones are seniors. Mr. Speaker, perhaps on the U.S. women's Olympic team in 1992, we will see some of the following names from this current Cyclone team: Tracy Arwood, Anne Brennan, Erin Cavanaugh, Amanda Cromwell, Tracy DiMillio, Sonya McCarthy, Anne Marie McCorry, Jode Osborn, Kathy Reid, Emily Rice, Maureen Ross, Nancy Stengel, Leila Tabatabai, Laura Teter, Rebecca Wakefield, Jennifer Warren, and Malissa White.

Mr. Speaker, on Saturday, November 8 at Occoquan Regional Park in Fairfax County, the Cyclones downed the Springfield Express 3-0 to win the Virginia State Cup. The above girls—along with Cindy Kunihiro, a freshman at the University of Virginia who is on the Cyclone roster—will represent the State of Virginia in the playoffs for the national championship next summer. Good luck to the Cyclones!

THE FORMER CONGRESSMAN FROM WESTERN MASSACHUSETTS

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 9, 1987

Mr. CONTE. Mr. Speaker, when Ezekiel Bacon traveled to Washington to take his seat in the House of Representatives in 1807, he carried with him one of the clearest electoral mandates in the history of the U.S. Congress—he received every vote from the district seat, Pittsfield, and almost every vote in what was then known as the 13th District. Yet, this honeymoon came to an end when Mr. Bacon returned to Berkshire County 5 years later to announce his decision not to support the declaration of the war against Great Britain, the War of 1812. Mr. Ezekiel Bacon, like his father John Bacon, is one of the former Members of Congress from western Massachusetts that I am profiling in this, the first year of the historic 100th Congress.

Ezekiel Bacon was born on September 1, 1776 and only 14 years later attended Yale, graduating in 1794. He then continued on to study law at the Litchfield Law School. His political career began in 1806 when he was elected to the State senate at the age of 30. Upon the resignation of Barnabas Bidwell 1 year later, Mr. Bacon won that landmark election to the 10th Congress.

The abrasive relationship between the United States and Great Britain and France during the early 1800's filled the national agenda throughout Mr. Bacon's 5 years in Congress. As chairman of the House Ways and Means Committee, Mr. Bacon had the difficult task of balancing the economic gains that resulted from free trade with these two European powers and the threat to national sovereignty posed by their attacks on our merchant vessels.

In the early years of our Nation, the strength of our economy depended almost entirely on the vitality of our international commerce. Thus, as historians William Barlow and David Powell assert, Mr. Bacon supported the embargo of 1807 only because the "unquestionable rights of this nation have been assailed." However, he was accutely aware of the economic damage caused by the embargo on U.S. ships and voted in favor of the Non-Intercourse Act which repealed the embargo and reopened trade with all countries respecting American neutral rights on the seas.

Ultimately, though, President Madison decided that neither diplomacy nor economic coercion would successfully terminate the aggression against U.S. merchant ships. In 1812 he declared war on Great Britain.

While the people of western Massachusetts were not directly involved in commerce with Great Britain, Mr. Bacon's constituents were outraged by the British attacks against our national integrity and the threat posed to their compatriots engaged in commerce in the eastern part of the State. Congressman Bacon's constituents vehemently supported the call to war, yet Mr. Bacon was unable to support it.

The importance of this split with his constituency is reflected in Mr. Bacon's decision not to run for reelection in 1813. Although he did run for Congress again in 1824, it was an unsuccessful attempt as a Representative from Utica, NY.

While this was certainly a watershed vote in Mr. Bacon's political career, he was still reknowned for his adept fiscal management and was appointed the Comptroller of the U.S. Treasury in 1814. After leaving Washington for New York, he began a law practice and published both a book of poetry and a brief reflection on the ideas of his time.

He also kept up many of the friendships he cultivated during his stay in Washington. One of those was his good friend, former Congressman and Supreme Court Justice Joseph Story. He also maintained correspondence with President Madison, Albert Gallatin and many other prominent public officials of the day.

Ezekiel Bacon's tenure as a politician only lasted for 6 years. Yet, while serving he upheld the same commitment to excellence and integrity that he carried with him throughout his entire life.

NATURAL GAS TRANSPORTATION BYPASS

HON. PAUL B. HENRY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, November 9, 1987

Mr. HENRY. Mr. Speaker, recently three leading Michigan newspapers—the Grand Rapids Press, the Detroit News, and the Detroit Free Press—published editorials which I would like to bring to the attention of the House. Each criticizes a Federal policy which encourages large industrial natural gas consumers to bypass local distribution systems. As noted in the following, such actions only harm the local residential consumer and consequently disregard the authority of the State regulatory system.

The editorials refer to a dispute in my State involving Michigan Consolidated Gas Co., Panhandle Eastern Pipeline Co., and Great Lakes Steel Co. However, similar incidents have, and are taking place in other States as well. The editorials correctly suggest that the question of bypass should be an issue reserved for evaluation by individual States.

The editorials follow:

[From the Grand Rapids Press, Nov. 8, 1987]

MICHCON'S UNINVITED GUEST

One semi-natural law is that, unless you have a secret weapon, you do not set up house in the big bear's cave. A big bear in the natural gas business is Michigan Consolidated Gas Co. and it has caught wind of an interloper.

The uninvited guest is Panhandle Eastern, a pipeline company, working in concert with Great Lakes Steel Co., with the acquiescence at least of the Federal Energy Regulatory Commission. What happened is that natural-gas customer Great Lakes decided to bypass the normal distribution network—Michcon's bread-and-butter—and take its gas directly from the pipeline company, whose pipes happen to run beneath the steel company's property. The financially troubled manufacturer figures it can save a bundle by cutting out one of the links in the gas delivery chain.

Michcon is howling, and while it is seldom easy to sympathize with the travails of a *de facto* monoply, the company in this instance has a point. Not only have Pandhandle and Great Lakes bypassed the usual distribution system, they more importantly have bypassed the state regulatory system. By obtaining a permit from FERC but not from the state Public Service Commission, these mavericks have challenged the state's authority to govern its utilities. That authority should be upheld.

If the Panhandle-Great Lakes deal is allowed, a lot of other companies, seeing an immediate cost benefit, may take the same step. But such advantages are often short-lived: The pipeline companies might well raise their prices, or decide they no longer want to provide service. The first benefit of a well-regulated industry dominated by one or two companies is consistency of service and control of price. Those are endangered by rogue operations which are sanctioned from outside the state, by an agency ill-equipped to monitor performance.

How does this touch the little guy? Through his bank account, as usual. If Michigan loses these industrial customers, it will have to make up what it loses by charging residential customers more. Though estimates are highly speculative, a figure of $50 million to be recouped through higher home rates has been bandied about.

It would be different if the ordinary customer had the same access to the pipeline bypass as Great Lakes and other companies along the pipeline routes. If that were true, we could shop around for other gas distributors, too. But the vast majority of gas customers do not have that option—Mich Con remains the sole source and if it raises prices, most of us will have to pay or do without.

What Panhandle and Great Lakes are proposing is a revolution in the natural-gas distribution system. Sometimes revolutions are needed, especially if free enterprise is their motivating force. But the public that relies so much on natural gas must be more than a spectator. The apparatus created to watch over the public's interest, the PSC, cannot be ignored by companies consumed by self-interest.

The matter of Panhandle and Great Lakes will likely be decided in federal court. Beyond that case, however, is the whole issue of distributor bypass, which is the subject of a bill now before the U.S. House of Representatives. That bill would prohibit bypasses if the existing distributor is willing to do the business at the price set by the state regulating agency.

Before that bill becomes a law, the courts should settle the Panhandle case by turning the matter over to the PSC for consideration and resolution. If prohibitions are to be made on bypasses or related matters, the proper forum is the state regulatory body, not Capitol Hill.

[From the Detroit News, Nov. 5, 1987]

GAS RATES UNDER FIRE

Michigan Consolidated Gas Co. and Panhandle Eastern Pipeline Co. are locked in a legal dispute over gas diversion that is bound to have a far-reaching effect on the rates more than one million Michigan householders and businessmen pay for natural gas for years to come. The final judgment of these complex issues must deliver the maximum benefit in both jobs and energy costs to Michigan people.

The issue was joined on Sept. 23, 1985, when Panhandle Eastern signed a contract to deliver gas to Great Lakes Steel Co., a division of National Steel Co. in Ecorse and River Rouge, without using Mich Con's pipelines or facilities. Officials say the case will set a national precedent because the right of a company like National to purchase gas directly from the producer in another state (Oklahoma), and have it transported straight to the buyer's premises by an interstate pipeline company, has never been tested.

National Steel is Mich Con's largest customer. The diversion would take away Mich Con revenues of between $8 million and $9 million a year. In addition, other downriver companies that are also close to the Panhandle line are thinking about making separate out-of-state contracts for cheaper gas, threatening Mich Con with the loss of as much as $50 million in annual revenues.

Because a gas distribution company like Mich Con has huge fixed costs invested in its pipelines, pumping stations and storage fields to serve hundreds of thousands of homes and businesses, it is limited in the ways it can cut back on its operating costs and still remain profitable. Industrial customers pay more for their gas than the actual cost of service—therefore subsidizing residential customers to some extent. If that stops, it's hard to see how rates for residential customers can keep from going up.

Also, National's contract for gas is on an "if available" basis. Should either gas production or its transportation be interrupted, National would turn back to Mich Con for emergency supply. It isn't fair for National Steel to expect Mich Con and its remaining customers to pay for maintaining the infrastructure required to do that on a standby basis.

The Federal Energy Regulatory Commission licensed the diversion last Sept. 10. Mich Con is demanding that FERC reopen the case. It also has sued in the Michigan courts for a declaration that FERC had no right to bypass the Michigan Public Service Commission in issuing the license. In support of that, a FERC law judge suggested the MPSC might have concurrent jurisdiction.

National Steel, in its court pleadings, says the MPSC has no business dealing with the case because Panhandle isn't selling the gas, merely transporting it, and therefore isn't a Michigan public utility. Michigan, however, defines a utility as any company that produces, generates, transports or delivers gas or electricity.

The lawsuit brought in the state courts has ended up—where else?—in federal court. Specifically, to U.S. Federal Judge Robert Holmes Bell in Grand Rapids, where it is awaiting trial. In the meantime, a temporary injunction is preventing any gas diversion.

At the least, the power of the MPSC to deal with this case should be reaffirmed by the courts. Once that jurisdiction has been reaffirmed, the MPSC has a duty to convene exhaustive hearings, to assess the facts and reach a judgment that does the most economic good for Michigan and its people.

[From the Detroit Free Press, Nov. 4, 1987]

GAS LINES: THE PSC SHOULD BE THE AGENCY TO CONSIDER BYPASS ARRANGEMENTS

The question of whether large industries should be able to purchase natural gas directly from pipeline companies—thus bypassing local distributors who have state-granted, single-area franchises for gas sales—is being fought out in U.S. District Court between Michigan Consolidated Gas Co. and Great Lakes Steel. If there were several competitive gas distributors from which both businesses and residential users in a given area could choose, bypassing such distributors might make good public policy.

But because the infrastructure of a gas distribution system is so costly to build and maintain, it makes no sense for there to be more than one in a given area. That is why—since the 1880s in Michigan—gas distributors have been given exclusive franchises. In return for what amounts to a monopoly, the distributor must provide gas to any customer in the franchise area who will pay for it. The Public Service Commission regulates rates.

The Federal Energy Regulatory Commission recently permitted Panhandle, an interstate pipeline system, to sell gas directly to Great Lakes Steel, bypassing Michigan Consolidated, the local distributor. Mich Con objects and has taken the matter to court. Mich Con argues that it is bound by law to maintain a distribution system for all real and potential customers. For the federal agency to allow a big buyer to opt out of the distribution system for a direct connection to the pipeline would be to raise the cost of distributing gas to the remaining customers, most of them residential users.

The problem with the federal decision to permit the Panhandle-Great Lakes Steel bypass arrangement is the precedent it could set for other industries anxious to save money on energy costs. If most industrial customers in southeastern Michigan were to cut a deal with Panhandle or American Natural Resources, thus leaving the Mich Con system, residential rate would have to increase about $50 million a year. The PSC would have little choice but to grant Mich Con rate relief if Mich Con were required to maintain the distribution system currently in place.

It seems to us that the state Public Service Commission is the jurisdiction in which this issue ought to be sorted out. We're dealing here with important, even crucial, local economic issues. This is not to say that the PSC would or should rule out all bypass arrangements; it is to say that Michigan's utility regulators are in a much better position to understand the local ramifications of any precedent-setting bypass arrangement—and those ramifications are many and serious.

BILL TO RESTORE COMMISSARY AND EXCHANGE PRIVILEGES TO CERTAIN FORMER MILITARY SPOUSES

HON. OWEN B. PICKETT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 9, 1987

Mr. PICKETT. Mr. Speaker, today I am introducing legislation to extend commissary and exchange privileges to certain former military spouses. Joining me as original sponsors of the bill are Mr. BUSTAMANTE, Mr. JACK DAVIS, Mr. MCCLOSKEY, Mr. SISISKY, Mrs. SCHROEDER, and Mr. SPRATT.

The purpose of the measure, Mr. Speaker, is to correct a major inconsistency and unfairness existing in provisions of the Former Spouses Protection Act of 1982.

Under the Former Spouses Protection Act, 20-20-15 spouses are eligible for medical and dental benefits. Commissary and exchange privileges, however, are denied to these former military wives. To qualify for shopping privileges under existing law, former spouses must have been married under existing law, former spouses must have been married a minimum of 20 years to a service member who served at least 20 years in the military, 20 years of which marriage must coincide with the years of military service. These former military wives are known as 20-20-20 spouses.

My bill would remove this inconsistency in the law by applying the same 20-20-15 formula used in determining former spouse eligibility for medical benefits to determine their eligibility for shopping privileges at military commissary and exchange facilities as well. The date of divorce would not be a factor.

The bill is necessary for reasons of fairness and equity. The demands of military life imposed upon military families have significant implications for spouses. The frequent moves required of our military personnel over the course of their careers severely restricts employment and career opportunities available to their spouses. The very nature of changes in assignment, which many times require families to relocate overseas, places a unique and burdensome stress on military spouses as they work to fulfill their family responsibilities. Under such circumstances military spouses oftentimes must sacrifice their career ambitions together with their ability to accrue pension and retirement benefits apart from their husband's military pension.

The bill is offered in recognition of the fact that most military personnel do not get married until after the start of their 20-year career. It takes into consideration the fact that the 20-20-20 provision in the present law disqualifies the vast majority of former military wives from shopping privileges. There is no compelling reason to deny these privileges.

Ex-Partners of Servicemen for Equality (EX-P.O.S.E.) estimates that the 20-20-20 formula denies shopping privileges to 59 percent of former wives of enlisted men and 36 percent of former wives of officers. Denial of shopping privileges to these former military spouses in primarily self-sustaining military facilities makes it very difficult for many of them, particularly former wives of enlisted personnel, to live on the modest fixed incomes that most of them must look to for survival. These former spouses need the savings provided by the military shopping facilities.

EX-P.O.S.E. further estimates that under the proposed 20-20-15 eligibility formula 94 percent of former wives of officers and 93 percent of former wives of enlisted men would qualify for shopping privileges.

When a former spouse shares the major portion of her husband's career, fairness demands that she be entitled to some of the benefits that she would have received had the marriage not ended. This bill is a simple and effective means of advancing that goal.

Mr. Speaker, I commend this proposal to the attention of my colleagues and would urge their cosponsorship of the bill.

PROTECTIONISM IS STILL ALIVE

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 9, 1987

Mr. LAGOMARSINO. Mr. Speaker, I would like to bring to the attention of my colleagues and the American people a recent editorial in the New York Times entitled "The Great Textile Robbery." With the financial markets in New York, Tokyo and London experiencing turmoil, Congress should think twice before enacting protectionist special interest trade legislation. It is interesting to note that the New York Times is located just around the corner from the New York Stock Exchange.

Mr. Speaker, I encourage my colleagues to review this fine editorial and resist protectionist trade legislation.

THE GREAT TEXTILE ROBBERY

It's already an outrage: Quotas and tariffs raise clothing and textile prices in America by a whopping $20 billion a year. That means the public currently pays $86,000 for every job protected.

Now Congress wants to make it worse. Last month, the House voted to allow imports to rise by only a small fraction of the expected growth in demand, and the Senate is expected to go along. According to estimates by William Cline, a researcher at the Institute for International Economics, the added restrictions would double the current consumer cost by the year 2000. The only consolation is that the bill is certain to be vetoed by President Reagan.

The protectionists' case is simple. Apparel and cloth manufacturers employ 1.8 million and generate some $100 billion in income. "If imports aren't tightly checked," the industry says, "American producers will be unable to compete with foreign companies that pay pennies a day for workers." Even the best-run domestic manufacturers will fail, devastating families and communities."

It's a simple argument but it's disingenuous. In spite of their labor cost disadvantage, highly automated U.S. textile mills have remained competitive in world markets. The mills are currently operating close to capacity, and imports account for only 10 percent of domestic consumption.

Apparel manufacturers, who have invested very little in mechanization, have been pressed by imports. But foreign clothing still has only 30 percent of the American market. And thanks to rapid growth in total demand, domestic sales and profits have never been higher.

The House measure, restricting import growth to 1 percent annually, would check the slow decline in industry employment—but only at an incredible price to consumers. According to Mr. Cline, each of the 179,000 jobs saved would 10 years later add even more to Americans' clothing bills. And seen simply as a make-work program, it's far from clear that these jobs would be worth preserving at any price.

Apparel and textile wages average less than $7 an hour, $2 less than the average private sector wage. Moreover, with unemployment now below 6 percent and labor shortages forecast for the next decade, there is every reason to believe that workers laid off by the industry will be able to find jobs at comparable pay.

A plausible argument can be made for preventing high-tech industries from being overwhelmed by imports. Reasonable people can debate the merits of creating an effective safety net for workers and communities affected if any large employer collapses. But there is no basis for asking Americans to pay tens of billions more to save a relatively small number of poorly paid jobs in highly profitable industries.

Congressional eagerness to pander to the textile and apparel makers is sad evidence of the power of well-organized, big-money lobbying. It's hard to remember when legislation so richly deserved a veto.

THE CONGRESSIONAL MEDAL OF HONOR

HON. ROBERT E. BADHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 9, 1987

Mr. BADHAM. Mr. Speaker, I am proud to tell my colleagues about an event taking place in southern California this weekend that is a tribute to our heritage as a free nation: The 15th Biennial Convention of the Congressional Medal of Honor Society.

This event is noteworthy for several reasons, the most important being that these men who are gathering together have been recognized by this body with the highest distinction that can be awarded to a member of the Armed Forces. I will have the privilege of speaking to some of these heroes this week to convey our appreciation for their great sacrifice.

But these heroes have not stopped serving their country. Many of them are planning to meet with students from Orange County to discuss the meaning of their deeds. Our younger generation is fortunate because it is too young to remember the carnage of Vietnam. I hope they will discuss with these heroes the best way to avoid future wars.

In 1983, President Reagan said some very important things to the Congressional Medal of Honor Society. Perhaps his words best express why these men are heroes and why we owe them so much. The President said:

> An America that is militarily and economically strong is not enough. The world must see an America that is morally strong with a creed and a vision. We are such people. This is what has led us to dare and to achieve.

I'm sure my colleagues join me in thanking the Congressional Medal of Honor recipients for helping us so greatly to dare and to achieve.

CONGRATULATIONS MAJORIE BEENDERS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, November 9, 1987

Mr. SKELTON. Mr. Speaker, I take this opportunity to commend Majorie Beenders, the director of the Missouri Division of Tourism. Ms. Beenders is the 1987 recipient of the State Travel Director of the Year Award.

The State Travel Director of the Year Award is regarded as one of the most prestigious tourism industry achievements for public sector officials; it is awarded on the basis of nominations and votes cast by peers: members of the Travel Industry Association of America's [TIA] National Council of Travel Directors. It is based primarily on obvious and measurable improvement of a State's travel and tourism profile while under the current director's leadership.

This award brings attention to the outstanding job Ms. Beenders has done as director of tourism for Missouri since she took over in 1983. She has taken a number of innovative steps that have generated substantial consumer awareness of, and more importantly, response to, the State tourism program. Ms. Beenders has been the impetus of an increase in Missouri's tourism advertising budget to $4 million—a 566-percent increase between 1983 and 1987; the passage of America's first post-Labor Day school opening law in 1983, the start of the Missouri tourism team, a volunteer tourism development program comprising a bank or more than 200 volunteers with different areas of tourism expertise; and the development of cooperative advertising programs aimed at assisting and promoting private sector efforts at minimal cost.

As chairman of the Small Business Subcommittee on Exports, Tourism, and Special Problems our subcommittee has spent a great deal of time investigating what needs to be done to promote tourism and assist small businesses which make up 98 percent of the tourism industry to promote tourism. Ms. Beenders is an outstanding example of someone who has coordinated well the cooperative efforts of government and travel industry sectors to maximize the benefits of promoting tourism. Her efforts will not only benefit Missouri but may well serve as an example for other States and the Federal Government.

I take this opportunity to congratulate and commend her for her unending efforts on behalf of our great State.

GOLD STAR PARENTS REMEMBER

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 9, 1987

Mr. STUDDS. Mr. Speaker, this past Columbus Day weekend, a group of Gold Star families and Vietnam veterans from the greater New Bedford area of Massachusetts, which I am privileged to represent in the House, came to Washington to visit the Vietnam Veterans Memorial. For some, it was the first chance to see this powerful memorial. For all the Gold Star veterans and families, the trip served as a vivid and important tribute to the men and women of southeastern Massachusetts who served our Nation with such distinction and valor.

In this light, I am proud to share with my colleagues a recent article from the New Bedford Standard Times which sensitively recounts the recent visit of our Gold Star parents.

[From the Standard-Times, New Bedford, MA, Oct. 25, 1987]

GOLD STAR PARENTS REMEMBER: GROUP VISITS VIETNAM MEMORIAL

(By Jack Stewardson)

There's a haunting grace about the wall, the 247-foot-long V-shaped black granite memorial on the mall at Washington, D.C., the name of 58,022 Americans carved into its everlasting memory.

Across the way on another part of the mall, between the Washington and Lincoln memorials, there stands a seven-foot statue of three GIs in combat gear. The GIs look back and appear to be searching the wall for names of lost comrades.

"It's something that just gets to you," said James G. Condon of Wareham, one of several members of Gold Star families who lost sons in the Vietnam war, who made a pilgrimage to Washington recently as guests of the local Coalition of Vietnam Veterans.

The Gold Star parents were part of a group of about 35, including several area Vietnam veterans and families, who traveled to Washington on Columbus Day weekend to visit the memorial. The group also toured Arlington National Cemetery, the Iwo Jima Monument, the National Cathedral, the

Kennedy Center and the Air and Space Museum at the Smithsonian Institution.

Several of the parents had journeyed to Washington five years before when the Vietnam Veterans Memorial was dedicated. Others saw the wall for the first time.

"At first it was very sad," said Mrs. Pina, who was making her first pilgrimage to the wall. "It's a very sad thing to see."

"Bobby will be gone 20 years next month," said Mrs. Gonneville of her eldest son, who enlisted in the Marines two weeks after high school graduation and was killed near Quang Tri in November, 1967.

"I was glad to go and I was glad to come back," she said. "It has a very, very deep impact upon you. . . . That was the purpose of the girl who designed it."

She and her husband visited the Vietnam Memorial at its original dedication in 1982. She recalled standing on the mall during the ceremonies, and said they were making another trip to pay respect to their son's memory.

The Gold Star Mothers left a wreath at the wall, as did the Tuttle VFW Post of Acushnet.

The memory of Vietnam still lives among Vietnam veterans, according to Jack Oliver, president of the coalition. In many respects, he said, Gold Star parents have dealt with their feelings more successfully than the veterans themselves.

"I was impressed with how many of them have dealt with the experience," Mr. Oliver said of the parents. "They seem to have more peace of mind. They've dealt with it better than many of the veterans."

There is a bond between Gold Star parents and their sons' comrades who returned. "To me they're our adopted children," said Mrs. Pina.

The Gonnevilles refer to the Coalition of Vietnam Veterans as "the boys."

The coalition first began planning for the trip after Gerard Gonneville brought up the idea last November, when Veterans Day ceremonies included raising a POW-MIA flag at City Hall.

The coalition held a raffle to help raise money to pay the expenses of the Gold Star parents. They were assisted by Joseph Winterhalter, Ruth Knowles, Shuster Corporation and state Sen. William Q. MacLean Jr., D-Fairhaven.

Mr. Oliver said the coalition traced as many of the Gold Star families as they could locate, although several parents had died or moved away, or were no longer healthy enough to make the trip.

"It's unlike any other memorial in Washington," said Diane Poole of Dartmouth, who visited the monument with her boyfriend, George Nelson, a Vietnam Veteran. "It has a personal touch with all the names."

"That's what makes it so heartrending."

Gold Star families taking part in the Washington trip were:

Louise Pina of New Bedford, mother of Marine Cpl. Luiz Pina Jr.; Mr. and Mrs. Gerard Gonneville, parents of Marine Cpl. Robert R. Gonneville; Edwina Daley of New Bedford, mother of Army Pfc. Richard J. Daley; Mr. and Mrs. James Condon of Wareham, parents of Army Spec. 5 James G. Condon III; Phyllis Olejarz of New Bedford, mother of Marine Pfc. Michael L. St. Pierre; Arthur Gaudreau of New Bedford, father of Army Pfc. Charles Gaudreau; and Mary Francis of Acushnet, mother of Marine Pfc. Leonard Picanso Jr.

INTRODUCTION OF BRAZILIAN INFORMATICS RESOLUTION

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, November 9, 1987

Mr. BONKER. Mr. Speaker, today I am introducing a resolution of critical importance to our Nation's microcomputer industry. This legislation expresses the sense of Congress that the administration should reopen the informatics case against the Brazilian Government under section 301 of our trade laws. A companion bill was introduced in the other body by Senators ADAMS, CRANSTON, WILSON, KERRY, KENNEDY, and LAUTENBERG.

Mr. Speaker, many American companies are victims of the Brazilian Government's informatics policy. Our firms are being squeezed out of a market which industry leaders forecast will be worth in the hundreds of millions of dollars over the next 5 years. In September 1985, our Government initiated a section 301 case as a result of the many obstacles faced by American companies trying to do business in Brazil.

In June 1987, however, the investigation was suspended when Brazil agreed to liberalize high-technology trade and address the concerns of United States computer firms. A bill pending before the Brazilian Legislature, however, would exclude foreign software from the Brazilian market so long as there is a comparable Brazilian-manufactured product.

The specific problem wiht the Brazilian legislation is the provision which would carve out a "market reserve" for domestic Brazilian software which is "functionally equivalent" to any foreign product. This is not fair and open competition, by any interpretation. The subjective standard of "functional equivalency" clearly constitutes "an unjustifiable, unreasonable and discriminatory action which burdens U.S. commerce" within the meaning of section 301 of U.S. trade law.

Mr. Speaker, unless the Brazilian Government is willing to rethink its informatics policy and these most recent changes, the United States must take action under section 301. The resolution I am introducing today, and the companion measure in the Senate, call on the administration to reopen this investigation. We must take this step to ensure that the Brazilian market is open to United States software products on fair and objective terms in the future.

I ask that the full text of this resolution be printed in the RECORD at this point.

H. RES.—

Whereas it is a primary objective of United States trade policy to promote the implementation of open, but fair trade;

Whereas in September 1985, President, Reagan determined, under section 301 of the Trade Act of 1974, that Brazilian trade and investment policies in the informatics sector were unreasonable and a burden and restriction on United States commerce;

Wheres the President suspended action against Brazil pursuant to his determination on the basis of bilateral commitments by Brazil, which included a commitment not to expand Brazil's market reserve policies into the software industry and a commitment to implement a standard of functional equivalency based on objective market and technological criteria;

Whereas Brazil has violated these bilateral commitments in rejecting the application by Microsoft, Inc., to license MS DOS 3.3 to six computer companies in Brazil;

Whereas Brazil is proposing to institutionalize the subjective standard of functional equivalency which was applied in the MS DOS 3.3 case through enactment of legislation by the Brazilian legislature; and

Whereas future implementation of such a standard will unreasonably restrict United States access to the Brazilian computer software market, which is the fastest growing computer market in the world, and will encourage end-user piracy of United States software products: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that the United States should reopen the informatics case against Brazil under section 301 of the Trade Act of 1974 in order to take prompt action to address the violation by Brazil of its bilateral commitments with respect to the informatics sector and in order to ensure that the Brazilian maket is open to United States software producers on fair and objective terms in the future.

POW/MIA—YOU ARE NOT FORGOTTEN

HON. ROBERT E. BADHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 9, 1987

Mr. BADHAM. Mr. Speaker, a lot of Americans still remember the brave men and women we sent overseas to serve in Vietnam. One of southern California's conscientious citizens, Bonnie French, is doing something to make sure more people remember our American MIA's and POW's, and I believe my colleagues should know about their efforts.

Bonnie hopes that on December 13, the POW/MIA flag will be flown across the Nation. This flag is very simple. It says "POW/MIA—you are not forgotten." it displays a silhouette of a soldier, a guard tower, and a strand of barbed wire.

According to the Orange County Register, she picked December 13 because she wears an MIA bracelet bearing the name of Maj. Morgan Donlan, and on that date in 1968, Major Donlan was seen bailing out of his plane.

Mr. Speaker, the historical disagreements over Vietnam will survive forever, but one thing we can all agree on is that we should do everything in our power to find out what happened to America's missing soldiers. I hope my colleagues will help spread the word about this project and that they will continue to be concerned with this important cause.

AQUINO MAKES CLEAR WHO'S IN CHARGE IN THE PHILIPPINES

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 9, 1987

Mr. SOLARZ. Mr. Speaker, following the August 28 coup attempt in the Philippines, there was a great deal of criticism of President Aquino's leadership in both the Philippine and American media. According to these critics, President Aquino was both indecisive and ineffective, and her government was supposedly floundering because of her lack of leadership.

Having followed closely developments in the Philippines for a number of years, I strongly disagree with this negative assessment. President Aquino has an impressive record of achievements in a relatively brief year and a half in office. Under her leadership, a new constitution has been adopted. The fairest elections in Filipino history resulted in the election of a new, genuinely democratic Philippine Congress. Freedom of the press was restored. Political prisoners from the Marcos regime were released. The integrity of the judicial system was restored. The monopolies were broken up, and after several years of negative growth, the economy grew at about a 5.5 percent rate in the first half of 1987.

This record of achievements alone should be a sufficient response to the many naysayers about the Aquino government. But President Aquino, not content to rest on her record, has forcefully reasserted her leadership of the Philippines in a masterful speech before a group of Filipino businessmen in the Manila Hotel on October 20. This speech, the text of which I am inserting for the RECORD so that all of my colleagues can read it, received a rousing reception from both the businessmen present and the country at large. It has gone a long way to end any misplaced doubts about President Aquino's resolve or her capacity for leadership.

For a better understanding of the current situation in the Philippines, I urge my colleagues to read this speech:

You invited me here because you say you are concerned about the Presidency, about the way things are going—or not going—in the economy, in the labor front, in politics, in the war against the Communists. Above all, I am told, you are concerned about me, and my leadership.

But first: The formalities. Let me say that it is a pleasure to meet with businessmen, "the engines of economic growth," as you are referred to in all our economic plans. In the next twenty months, I hope to see many more of you, together with those who work with you, on the shop floor and in the fields of your businesses. Because it is there, where Filipinos put their shoulders to the wheel of our national economy, that our future is made.

I have to say that at the beginning because there has been more talk than work in our country today. That is a pity. Because recovery and progress won't come through talking. At this time, when all the talk is about coups and strikes, it is worth remembering that it is work, by all of us, that is going to lift us to better times.

When politics gets in the way of work, we have a problem and there's been too much politics.

Let me get down to the issues that made you invite me here.

Issue Number One: Government lacks a program of economy and politics.

First, the economy. It is said that government lacks a coherent plan of economy. Wrong. We have a detailed medium term plan. We are following that plan to the letter, making adjustments here and there as need arises. A lot of spirited and intelligent debate went into the making of that plan. Some people said that the over-spirited debate proved a flaw in the government. To the contrary, I thought the debates assured a better plan. The plan sets the direction this government would like the country to take. It is not set in concrete, because we do not pretend that the plan foresees every contingency. But there is a direction. If you don't like the direction, let us know. We can reopen the debate. This is a democracy.

The state of the economy was clearly and accurately described by me in my State of the Nation message. I recounted the disappointments we had met in our effort to revive the economy with external assistance, but I also pointed out the healthy signs in the economy. Recession bottomed out in late 1986. We posted a modest 1.5 percent GNP growth, whereas the two previous years had been negative. The reforms we had implemented improved the situation further. First quarter GNP, 1987, posted a growth of 5.5 percent. Unemployment dropped from 12 percent to 11.2. The exchange rate remained stable, but I made no promise that it was locked there with any degree of permanence. We had 2.4 billion in reserves. For the first time in three years, investments started to grow.

These were the effects of the structural reforms we had implemented. All monopolies, from sugar to sardines are gone; more than 2,000 items are freed from licensing, with a further 260 items to go. Price controls, whose inefficiencies and distortions always meant they hit the poor hardest, are gone. From power costs to rural credit, we have moved to reform and clean up, so that we can put the country back to work. We shall do more to deregulate all economic activities, so that the businessman is not hostage to the bureaucrat and the politician. With due regard to public health and safety, we shall move to eliminate licenses and permits to the extent possible.

I pointed out certain weaknesses in our economy—those weaknesses have been aggravated by the public reaction to the August 28 coup attempt. The reaction, let me emphasize, not the coup attempt. The coup was defeated by a timely decision to use maximum force. But our victory was quickly undone by reactions to the coup. That reaction took the form of rumors of another coup; of talk about fatal weakness of the government, which had roundly defeated the coup; of divisions between military and civilians although the coup was defeated by the solidarity of the two sectors. What happened?

I am not surprised that instead of back slapping congratulations, there was a hand wringing instead. For we Filipinos did it again. Coups, successful or unsuccessful, are usually bloodless affairs. But the last attempt was one of the bloodiest anywhere in the world. Another Filipino first. But it doesn't erase the fact that the coup was roundly defeated, the perpetrators are swaying in LST's awaiting trial, and their leaders are in hiding.

But better than defeating coups, is deterring them, and removing, or at least reducing, the reasons they get some support. The soldiers have legitimate needs that have not been met, but they have never been ignored by my government. We continue to scrape the barrel of our resources to give them better conditions and better equipment for the all important task of keeping the peace and destroying our enemies. I will go back to this later.

It is said that government has had no blueprint of political development. I had a blueprint that you helped me formulate when I challenged Marcos for the possession of state power. The blueprint called for a restoration of democracy, respect for its processes, adoption of a democratic constitution, the establishment of its necessary institutions such as an independent and honorable judiciary, an accountable executive, and a representative legislature. I came to power with a democratic blueprint that did not sit well with those who had other ideas about how power should be shared and exercised in this country, such as by a junta. I rejected those ideas and stuck to my blueprint, and I carried it out to the letter and in record time, despite numerous attempts to sidetrack me by coups and threats, all of which I defeated.

We now have a Supreme Court and a revamped judiciary that no one can take exception to, that everyone lauds for its new honesty, competence and independence.

We gave the nation a Constitution that stripped me of the vast, supreme powers I held in my single hand, and got it ratified by a sweeping majority such as this nation had never experienced in its entire history. It is truly a people's constitution and the manner of its ratification did honor once more to the great people we are so fortunate to be part of.

Pursuant to that Constitution, I called for legislative elections. There were efforts to derail those elections. The people came through again, voting in record numbers, to give us a genuinely elected and truly representative Congress.

Early next year, we shall have local elections.

Part of the blueprint called for a reorganization of the government, to make it more efficient and responsive. And I gave you, by and large, men and women of the highest integrity and competence to administer that new government.

So did I have a blueprint? You know I did. And you helped me implement it, in record time to the astonishment of a skeptical world. More than a blueprint, it is now an accomplished and, if I can help it, a permanent fact.

Issue number two: Relations with the military. In a sound democracy, civilian government and its military arm have each others respective roles. One makes policy, including military policy, the other enforces it. But, obviously, we have been undergoing a period of adjustment, as all our institutions, the military included, come to terms with the new democracy. Still, the facts speak for themselves. With the military, we have crushed every challenge to the supremacy of civilians authority. There was turmoil. Naturally, because neither side would give up without a fight. They fought me, I fought back. Surrender would have been neater, but it is not in me to ever yield. I want peace as much as the next person, but not at any price. Reality is never neat or nice.

The August 28 coup attempt reveals a fissure in the military. That is true. But more importantly, the determined and forceful putting down of the attempt by the military shows the triumph of professionalism. As I said, there are groups still resisting their personal and permanent loss of power and prestige, but the military as a whole demonstrated that it is firmly with, not against, the new democracy. I retain full confidence in the professional leadership of the armed forces.

The period since the coup offers an even more interesting lesson. For all the threats of a further coup attempt, we have actually seen a retreat from military to political action. I suspect the coup bubble is burst. Threatened coups are used to leverage the political pressure. Somebody forgot to tell them that the place for politics is not the parade ground anymore but the halls of Congress. I have every confidence that their fellow officers will finally get this message through to the dwindling band of coup makers.

Yet I know there will always be ambition. And you should know that I will always be there to stop it from getting out of hand. Those who are desperate to retrieve their lost privileges will do what they can: I will do what I must to stop them.

The third issue is the insurgency. There is talk again about new talks with the NDF. Let me clarify that. The truce ended last February when I ordered the AFP to resume operations against the Communist insurgents. Talk hadn't worked, so it was time to fight. And it is still fighting time. Therefore any talk of resuming talks with the NDF is unauthorized. The insurgents are daily killing our soldiers and civilians. They are destroying bridges and power lines, burning public buildings.

They blow up bridges, we rebuild them. They take down our power lines, we put them up again. All this takes a heavy toll on our economy and meager resources, but it has not and will not in any measure reduce our resolve to fight back and defeat them. The army has orders to hunt them down and pursue the war against the insurgents with absolute vigor.

Poor as our people are, and difficult enough as it is to recover from the ravages of dictatorship, the insurgents are determined to make life worse for everyone. By a twisted logic, they hope that the people will invite them to power so they will stop harassing them. They forget that Marcos tried the same approach with the Filipino people and is now in Hawaii regretting it. The extreme right is using the same strategy. They think that their coups, bombings and assassinations will break the people's resistance to their brand of government and make them accept peace and quiet at any price. I invite them especially to look at their mentor in Hawaii and contemplate his fate.

The war against the Communists must be waged by civilians as well as by the military, by OIC's and by officers. I hold both responsible for the results I'm still waiting for.

Of course, military initiative are not enough. Economic improvement and expanded social services rate the long term and final solutions. But we need military victories to buy us the time to make our programs work: To buy us the conditions in which our services can reach the people and change their lives for the better.

One month before the August 28 coup attempt, I devoted a third of my State of the Nation message to the requirements of a better fighting force, and the Congress is now acting on my specific requests.

My counterinsurgency policy has always been clear. First talk, in keeping with my pledge to negotiate a peace that respects law and democracy. And then fight, should it fail. I have said clearly all that needs to be said. Am I also expected to take up an M16 myself and do it, just like I went to the Fiscal's Office myself to vindicate my honor?

The fourth issue you want a straight answer to is labor. I know you believe the strike situation has become bad, nor are you willing to accept anymore the answer that is the exuberance of democracy. And I don't blame you because there is something premeditated and carefully planned about this exuberance.

I opened my remarks by saying that the future of our nation will be decided on the shop floors and fields of the economy. We have to get our labor relations right. That means labor must accept the same values that drive our democracy: Tolerance, fairness, respect for the law, and a shared commitment to bring progress not chaos to our nation.

The right of collective bargaining is enshrined in the Constitution but so is the duty to preserve order and respect for the law. I believe we must establish a decent daily wage for all. Our working people and, beyond that, we must have a flexible age bargaining system that reflects productivity. But I will not tolerate the abuse of any rights. I will not allow an unruly minority to use the rights of labor to improve the conditions of labor to achieve a Communist victory instead. The way to power is the ballot, not the strike.

I therefore order the police and other peacekeeping authorities to give full assistance to the Labor Department to remove all illegal blockades at the factory gates.

A special peacekeeping force has been organized and is now being trained to enforce return to work orders and injunctions issued by the Department, so that a response to resistance will be calibrated and reasonable in the application of force.

The Department of National Defense and the Department of Labor will finalize and sign within this week "the guidelines for the conduct of the IMP/AFP personnel during strikes and lockouts."

The Labor Department has issued the guidelines to clarify the conduct of strikes and lockouts, to clarify the rights and obligations of the parties to labor disputes.

But for all that, I ask you, the businesses do your share. Business operates for profits, and it is hard indeed for all of us to make a go of things while the economy is still struggling to recover. Our laboring class is very poor, and their lives are truly difficult. It amazes me how they survive. I ask you to search your minds and hearts, and probe your pockets, to share with your brothers and sisters in the labor sector the gains you make. Business and labor are indispensable partners in the growth of a free economy. They should act towards each other in that light. Labor has it's right as much as you have yours. But in the end, what will work is not the mutual enforcement of rights so much as a mutual commitment to grow together in prosperity. That commitment has been demonstrated by the Filipino small businessman and by the Filipino/Chinese entrepreneur who appear to have no problem; about this Government's alleged lack of vision, because they have a 20/20 vision for the opportunities that democracy and honest government have opened up.

They know my vision of this nation. A nation immersed in work, and not lost in idle talk. A nation free and at peace with itself and it's neighbors: A nation respected in the councils of the world. A nation strong because its people are strong, healthy, well fed, well housed, well educated and firm in their commitment to the rights and freedoms that are the foundation of their dignity. It is a vision we can achieve as surely as we achieve the first: The restoration of democracy which we now enjoy.

The fifth issue I want to raise is foreign debt. That debt is growing even without fresh borrowing. Servicing the debt alone takes up over 40 percent of the budget and over 45 percent of our export earnings. In the next six years we shall have to pay 20 billion dollars more than we will be getting.

Our policy has been very clear from the start: Growth must take priority, for the plain and simple reason that if we have no money to pay, we can't, and if we starve the nation of essential services, there may be no one around willing to honor the debt.

Meanwhile, I have instructed our representatives to consolidate the rescheduling agreement by November 15th. That should end speculation and remove at least one excuse for hoarding dollars.

The sixth issue is what really brought you here. The question you all really want to ask is: Can she hack it? Isn't she weak? These are the questions that were asked by all those who have openly challenged my power, authority, and resolve, and who have suffered for it. I speak of the shamefaced officers who have abandoned their followers to await trial in LST's, and the failed politicians who made the last places in the last election and are now trying to find a back door to power.

Well, they can forget it. Although I am a woman and physically small, I have blocked all doors to power except election in 1992.

You invited me here on the issue of Presidential leadership. The honeymoon is over, isn't it? It didn't last very long. By mid-1986, my cabinet was getting it. By August, the attacks were hitting closer to the Presidency. And now, it is out openly against me. The Cory who could do no wrong in those early invigorating months after February, 1986, is seen as having done nothing at all. Nothing, in spite of a Constitution, a Congress, and a well thought out body of legislation that sets the direction of this nation to progress if you have the courage to follow.

Still you ask, is she weak? Again, I say, let my scattered enemies answer that.

Still, you have reason to ask. For the style of government, by consultation, which I hoped would get your understanding and support, has disappointed you, has given you a sense of grief. It is time again to simplify.

Henceforth, I shall rule directly as President. To the ad hoc committees and commissions created to inform me on their special areas, I now add one more: Me.

A President is supposed to be above details, but it seems I must do nearly everything myself.

For a modest start, metro Manila Governor Jejomar Binay will now turn over the responsibility and authority for collecting the garbage in Manila to OIC Mayor Mel Lopez and the other mayors of metro Manila. I give Mel Lopez one week to clean up the mess that's been neglected. The public should cooperate. Let's respect ourselves by not making a garbage can of our surroundings.

The Department of Public Works is directed to cover all potholes in the first district of Manila within one week and is given one week periods to fix up all the other districts in succession.

The National Power Corporation was poised to increase its rates due to the increase in power rates this year. Instead, I have directed all concerned agencies to submit immediately the necessary measures to prevent this increase, which measures I will implement this week.

The PLDT must attend to all complaints within 24 to 48 hours, or at least apprise the subscriber that the fault is in the cable and how long it will take to fix it.

I urge the PLDT management to come up with a comprehensive program for improving service and upgrading facilities. The Central Bank, the Department of Transportation and Communications, the NTC, and the NEDA are directed to give them the fullest assistance.

I have ordered an investigation of Meralco on the frequent brownouts, scheduled and unscheduled, that destroy industrial machinery and cut the incomes of our workers.

There is grave doubt about the seriousness of our privatization policy. There is always an excuse for government not to sell. Fine. Therefore let me make this clear:

I want government to get out of business. I want it to cash in on all the investment it should never have made.

Nonperforming assets listed to be sold, will be sold in open bid to the highest bidder. First preference goes to the bidder with most cash up front, using, and let me emphasize this, only fresh money. Buyers who want to use the target company's own funds are obviously going to run it to the ground. The preferred procedure is open bidding. Filipinos and foreigners will compete on the same terms, subject of course to constitutional limitations. In general, ability to pay the highest price will decide conclusively. That is how PCI bank and associated bank will be sold. Combank is a negotiated deal because there is only one serious bidder. I will not tie up hundreds of millions of pesos just to keep some people in their jobs.

All our hotels are up for sale. Including Manila Hotel. Foreigners are invited to bid for the allowable equity. The sale of Philippine Airlines is under serious consideration. We can't have it landing on the south super highway. There's enough traffic there.

The policy, in brief, is: No funny deals. No clever schemes. No fears, no favors.

If anyone says that I have made an exception for him or her, report it to the press and to me. I got a copy of an application filed with the Central Bank for the importation of 8 million cases of apples. It is signed "Corazon Aquino, President of the Philippines," as if the signer wasn't sure if the Central Bank knew I was President. Now that's a crook who isn't going to get far. More likely, that's a piece of black propaganda that isn't going to fly. 8 million cases mean more apples than there are Filipinos.

Cannot issue a directive to all the banks on this matter, but let it be known that an application of anything, apples, castanas, oranges and guns, alleged to be signed, endorsed, supported or whatever by me or any of my kin should be reported to me and to the NBI.

I have heard the talk of the coffee shops. I am addressing your concern about graft and corruption in government. I have directed the special prosecutor's office and the NBI to give first priority to the investigation and prosecution of graft and corruption cases against senior government officials, including the members of my cabinet.

I am not sorry the honeymoon is over. The sooner we get over the fantasy of the honeymoon and face the hard work of marriage—the marriage of President and nation—the better.

I recently read a formulation of Presidential leadership by Hedley Donovan: "The honesty of Abraham Lincoln, the intelligence of Henry Kissinger and the soothing TV personality of Marcus Welby/Robert Young." He goes on to quote approvingly a former U.S. Congressman who said: "The President should like his fellow man, and he should have read Machiavelli." Transposed to this country, you might say the ideal President would have the courage of Abad Santos, the intelligence of Diokno, the charisma of Magsaysay, and the love of country of the men and women and children who converge on EDSA in February '86.

That's quite a tall order, and it is no surprise that the ideal President has never lived and is defined by the traits of different leaders facing different challenges in different times.

I do just fine on the honesty and liking my fellow man, although recently there have been exceptions. But there is no regret on my part if there is not much of * * *.

They lack the one quality I alone have: Election to the Presidency and a mandate for my principles and policies that has been tested in a massive voter's registration, a plebiscite, a sweeping electoral victory for the Congress; and in five coups that were handily beaten by me and my forces. They lack the one thing the people will never give them: Trust.

I do not have all the qualities of the ideal President who ever existed. But I have the qualities for the leadership of our nation in these times. After years of stealing, degradation and abuse from our leaders, the Filipino people made a clear choice. They wanted a leader whose honesty and commitment to them would never be in doubt; who would not clamp down but rather open up the country so that all could be heard; and who would bind our wounds so that we could, as one nation, work together to overcome our common crisis of economic decline.

I expect sniping from yesterday's men, passed over as they are, by the march of history. To all other Filipinos, though, I say the tide is with us. Together our future can be as bright as we choose to make it. So judge my leadership as the sum of all our strengths. What sets me apart is that I bring us together where others would divide us as a nation. Those who challenge me, challenge us.

The last time I spoke here before you, I left you with a slogan that carried us to victory. I leave you with this: Enough of communism, enough of rightist coups, build democracy.

A BILL FOR THE RELIEF OF JOANNE M. SALYARDS

HON. GEORGE C. WORTLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 9, 1987

Mr. WORTLEY. Mr. Speaker, today I am introducing legislation for the relief of Joanne M. Salyards, a constituent of mine. It would be impossible to overemphasize the importance of this legislation.

Joanne Salyards, who is 47 years old, is a claims representative for the Social Security Administration in Syracuse, NY. She has held this position for 16½ years.

For the past 2 years, she has had various health problems that kept her out of work for days at a time. During exploratory surgery this spring, doctors discovered she has a large cancerous tumor in her stomach cavity which is affecting her liver, spleen, stomach, intestines and colon. She has since begun daily oral and monthly chemotherapy.

Joanne Salyards has exhausted all of her own sick leave, 240 hours of advance sick leave, and she is through her annual leave.

At this time, Joanne is the sole provider for her family of five.

Lawrence B. Kane, Joanne's operations supervisor, describes Joanne as "an outstanding employee who always takes extra steps to assist SS beneficiaries and SSI recipients. She presents an extremely positive image of the SS Administration as well as Federal employees in general * * * I believe she is pushing herself to return to work, even half time, too quickly because of her financial problems." Lawrence Kane and other employees who have also contacted me regarding Joanne Salyards indicate that her fellow employees would be very willing to donate part of their annual leave for her benefit.

Mr. Speaker, my legislation would permit the coworkers of Joanne Salyards to transfer part of their annual leave to her account so that Joanne would be able to continue receiving a steady amount of income and benefits despite the time that she is absent due to being treated or just not being physically able to work. Under current Federal law, such transfers are not permitted even though they would not cost the Federal Government any extra money and they are a common feature in many private companies. Any donated annual leave would become sick leave for Joanne.

I believe there is broad support in Congress and the administration for allowing sharing of annual leave involving cases of extreme illness. Comprehensive legislation to achieve this, H.R. 2487, was introduced by my colleague FRANK WOLF, and I am pleased to be a cosponsor of it. However, enacting legislation of this scope can be a timely process and Joanne Salyards is in need of an emergency measure for her particular situation.

I am hopeful that the Judiciary Committee will act in a timely manner on this bill for the benefit of Joanne Salyards. I am thankful for the support and assistance from Congressman BARNEY FRANK, chairman of the Subcommittee on Administrative Law and Governmental Relations, in this matter.

Last of all, I am touched by the show of friendship, compassion and commitments being shown by Joanne Salyards' fellow Federal employees. It was they who first brought my attention to this urgent matter. Joanne Salyards is fortunate to have the air and comfort offered by her coworkers. In turn, Joanne's courage and strength in dealing with this illness are admired and inspirational.

The text of my legislation follows:

H.R. ——

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TRANSFER OF ANNUAL LEAVE.

(a) TRANSFER AUTHORIZED.—Notwithstanding any provision of chapter 63 of title 5, United States Code, and with the approval of the district manager of the office of the Social Security Administration located in the James M. Hanley Federal Building in Syracuse, New York, an employee of the Social Security Administration whose official station is such office may transfer accumulated annual leave accrued under section 6303 of such title to the account of Joanne Salyards, an employee of the Social Security Administration whose official station is such office.

(b) EFFECT OF TRANSFER.—For purposes of chapter 63 of title 5, United States Code, annual leave transferred under subsection (a) shall—

(1) be treated as sick leave accrued by Joanne Salyards; and

(2) accumulate as provided in section 6307(b) of such title.

(c) REDUCTION OF LEAVE ACCOUNT.—The transfer of annual leave under subsection (a) by an employee reduces the account of such employee by the amount of the leave so transferred.

SEC. 2. RESTORATION OF TRANSFERRED LEAVE.

With the approval of the district manager of the office of the Social Security Administration located in the James M. Hanley Federal Building in Syracuse, New York, Joanne Salyards may, by transfer, restore unused leave, which was transferred under section 1, to the annual leave account of an employee from whom leave was received under such section, except that the amount of leave so restored may not exceed the amount of leave received by Joanne Salyards from such employee.

SEC. 3. EXPIRATION OF AUTHORITY.

The authority to transfer leave under section 1(a) and the authority to restore unused leave under section 2 shall terminate 180 days after the disease of Joanne Salyards no longer exists.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, November 10, 1987, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

NOVEMBER 12

9:00 a.m.

Commerce, Science, and Transportation
Communications Subcommittee
To hold oversight hearings on the public broadcast system.
SR-253

9:30 a.m.

Commerce, Science, and Transportation
Consumer Subcommittee
To hold hearings on S. 1518, to prescribe guidelines for dual fuel and ethanol or methanol-powered passenger automobiles.
SD—562

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

10:00 a.m.

Agriculture, Nutrition, and Forestry
Business meeting, to mark up S. 1516, the Federal Insecticide, Fungicide, and Rodenticide Act Reform of 1987.
SR-332

Foreign Relations
International Economic Policy, Trade, Oceans and Environment Subcommittee
To hold hearings on S. Con. Res. 63, to encourage and assist certain Central American countries in the formulation and implementation of a regional economic development and recovery program.
SD-419

Select on Indian Affairs
To hold hearings on S. 1039, to review and determine the impact of Indian tribal taxation on Indian reservations and residents.
SR-485

11:00 a.m.

Environment and Public Works
Nuclear Regulation Subcommittee
Business meeting, to consider proposed legislation to reorganize the functions of the Nuclear Regulatory Commission.
SD-406

1:00 p.m.

Rules and Administration
To hold joint hearings with the Select Committee on Indian Affairs on S. 1722, to establish the National Museum of the American Indian, Heye Foundation within the Smithsonian Institution, and to establish a memorial to the American Indian, and S. 1723, to establish certain regional exhibition facilities as part of the National Museum of the American Indian.
SR-301

Select on Indian Affairs
To hold joint hearings with the Committee on Rules and Administration on S. 1722, to establish the National Museum of the American Indian, Heye Foundation within the Smithsonian Institution, and to establish a memorial to the American Indian, and S. 1723, to establish certain regional exhibition facilities as part of the National Museum of the American Indian.
SR-301

2:00 p.m.

Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on H.R. 2416, to establish the Jimmy Carter National Historic Site and Preservation District in the State of Georgia, and H.R. 2325, to authorize the acceptance of a donation of land for addition to Big Bend National Park, in the State of Texas.
SD-366

Labor and Human Resources
Aging Subcommittee
To hold hearings on S. 1189, Volunteer Service Promotion Act of 1987.
SD-430

2:30 p.m.

Select on Intelligence
To hold closed hearings on intelligence matters.
SH-219

7:00 p.m.

Labor and Human Resources
Business meeting, to consider S. 1366, to revise and extend the programs of assistance under title X of the Public Health Service Act, Population Research and Voluntary Family Planning Program, and the nomination of Linus D. Wright, of Texas, to be Under Secretary of Education.
SD-430

NOVEMBER 13

8:30 a.m.

Judiciary
To hold hearings on pending nominations.
SD-226

9:30 a.m.

Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings to review the activities of transportation property brokers.
SR-253

Energy and Natural Resources
To hold hearings on the nominations of Earl E. Gjelde, of Virginia, to be Under Secretary of the Interior, and Henry M. Ventura, of California, to be an Assistant Secretary of the Interior for Policy, Budget and Administration.
SD-366

Finance
Taxation and Debt Management Subcommittee
To hold hearings on S. 983, to provide tax incentives for businesses in enterprise zones designated in economically depressed rural areas, S. 788, to provide tax incentives for businesses in enterprise zones established on Indian lands, and S. 1781, to permit donors of debt of developing nations to charitable organizations to obtain a charitable deduction equal to their basis in the debt.
SD-215

10:00 a.m.

Select on Intelligence
To hold hearings on intelligence matters.
Room to be announced

NOVEMBER 16

10:00 a.m.

Agriculture, Nutrition, and Forestry

Agricultural Production and Stabilization of Prices Subcommittee

To hold hearings to review the potential effects of the drawback extension of the sugar program.

SR-332

Energy and Natural Resources

Mineral Resources Development and Production Subcommittee

To hold hearings on proposed rules issued by the Department of the Interior relating to the valuation of coal production from Federal and Indian leases for royalty purposes.

SD-366

2:00 p.m.

Agriculture, Nutrition, and Forestry

To hold hearings on the nomination of Roland R. Vautour, of Vermont, to be Under Secretary of Agriculture for Small Community and Rural Development, and to be a Member of the Board of Directors of the Commodity Credit Corporation.

SR-332

NOVEMBER 17

9:00 a.m.

Rules and Administration

Business meeting, to consider pending legislative and administrative business.

SR-301

10:00 a.m.

Banking, Housing, and Urban Affairs

Business meeting, to consider S. 1519 and S. 1829, bills to authorize the President of the United States to award gold medals to certain individuals for their humanitarian contributions, H.R. 2631, to authorize funds for fiscal year 1988 and 1989 for the United States Mint, proposed legislation to provide for more detailed and uniform disclosure by credit card issuers with respect to information on interest rates and other fees, and the nominations of Alfred A. Dellibovi, of New York, to be Urban Mass Transportation Administrator, and Cynthia J. Grassby Baker, of Colorado, to be Superintendent of the Mint of the United States at Denver.

SD-538

Commerce, Science, and Transportation

To hold hearings on the nomination of James H. Burnley IV, of North Carolina, to be Secretary of Transportation, to be followed by hearings on the nomination of Mary Ann W. Dawson, of the District of Columbia, to be Deputy Secretary of Transportation.

SR-253

Energy and Natural Resources

Mineral Resources Development and Production Subcommittee

To hold hearings on S. 1120, to improve the administration of the Federal coal leasing program.

SD-366

Conferees

On H.R. 1777, to authorize funds for fiscal year 1988 for the Department of State, United States Information Agency, Voice of America, and the Board of International Broadcasting.

S-116, Capitol

2:00 p.m.

Energy and Natural Resources

Public Lands, National Parks and Forests Subcommittee

To hold hearings on S. 1544, to provide for cooperation with State and local governments for the improved management of certain Federal lands.

SD-366

NOVEMBER 18

10:00 a.m.

Agriculture, Nutrition, and Forestry

To resume mark up of S. 1516, the Federal Insecticide, Fungicide, and Rodenticide Act Reform of 1987.

SR-332

Banking, Housing, and Urban Affairs

Consumer Affairs Subcommittee

To hold oversight hearings on home equity loans.

SD-538

Commerce, Science, and Transportation

To resume hearings on safety and re-regulation of the airline industry.

SR-253

2:00 p.m.

Energy and Natural Resources

To hold hearings on S. 1567 and H.R. 2858, bills to provide for refunds pursuant to rate decreases under the Federal Power Act.

SD-366

Rules and Administration

To resume joint hearings with the Select Committee on Indian Affairs on S. 1722, to establish the National Museum of the American Indian, Heye Foundation within the Smithsonian Institution, and to establish a memorial to the American Indian, and S. 1723, to establish certain regional exhibition facilities as part of the National Museum of the American Indian.

SR-301

Select on Indian Affairs

To resume joint hearings with the Committee on Rules and Administration on S. 1722, to establish the National Museum of the American Indian, Heye Foundation within the Smithsonian Institution, and to establish a memorial to the American Indian, and S. 1723, to establish certain regional exhibition facilities as part of the National Museum of the American Indian.

SR-301

NOVEMBER 19

9:30 a.m.

Commerce, Science, and Transportation

Business meeting, to consider pending calendar business.

SR-253

2:00 p.m.

Select on Indian Affairs

To hold oversight hearings to review Federal agency actions related to the implementation of the Department of the Interior's Garrison Unit Joint Tribal Advisory Committee final report recommendations, and on proposed legislation to implement the report recommendations.

SR-485

DECEMBER 2

9:00 a.m.

Select on Indian Affairs

To hold hearings on S. Concurrent Resolution 76, to acknowledge the contribution of the Iroquois Confederacy of Nations to the development of the United States Constitution and to re-affirm the continuing government-to-government relationship between Indian tribes and the United States established in the Constitution.

SR-485

9:30 a.m.

Small Business

Innovation, Technology and Productivity Subcommittee

To hold hearings to review problems confronting small manufacturing firms in automating their facilities.

SR-428A

DECEMBER 3

9:00 a.m.

Select on Indian Affairs

To hold hearings on S. 1236, authorizing funds for certain programs of the Navajo-Hopi Relocation program.

SR-485

9:30 a.m.

Commerce, Science, and Transportation

Aviation Subcommittee

To resume hearings on S. 1600, to create an independent Federal Aviation Administration.

SR-253

DECEMBER 8

9:30 a.m.

Commerce, Science, and Transportation

Aviation Subcommittee

To resume hearings on S. 1600, to create an independent Federal Aviation Administration.

SR-253

CANCELLATIONS

NOVEMBER 10

9:30 a.m.

Commerce, Science, and Transportation

Aviation Subcommittee

To resume hearings on S. 1600, to create an independent Federal Aviation Administration.

SR-253

10:00 a.m.

Agriculture, Nutrition, and Forestry

To resume joint hearings with the Committee on Judiciary's Subcommittee on Technology and the Law on the use and regulation of biotechnology in agriculture.

SR-332

NOVEMBER 12

9:30 a.m.

Commerce, Science, and Transportation

Aviation Subcommittee

To resume hearings on S. 1600, to create an independent Federal Aviation Administration.

SR-253

SENATE—*Tuesday, November 10, 1987*

The Senate met at 9 a.m., and was called to order by the Honorable Bob Graham, a Senator from the State of Florida.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

*Blessed are they which do hunger and thirst after righteousness: for they shall be filled * * *. Blessed are the pure in heart; for they shall see God.* Matthew 5:6 and 8.

Mighty God, perfect in holiness, purity of heart has gone out of style in our culture. Having forsaken the absolute moral law which You gave Moses and engraved on the human conscience, we now have become arbiters of morality and ethics. Each decides what is moral and in the process we transpose values, making evil good and good evil. We have become a society of moral and ethical anarchy. How long O Lord—how long will You withhold Judgment?

Gracious loving Father, we seem to have lost our way. Help us to return to You—to a hunger and thirst for righteousness that will heal our land and restore our strength as a people. Humbly we ask this in the name of the Righteous One, Jesus. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. Stennis].

The legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, DC, November 10, 1987.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable Bob Graham, a Senator from the State of Florida, to perform the duties of the Chair.

John C. Stennis,
President pro tempore.

Mr. GRAHAM thereupon assumed the chair as Acting President pro tempore.

THE JOURNAL

Mr. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I yield my 5 minutes to the distinguished Senator from Wisconsin [Mr. Proxmire].

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin.

THE AMERICAN PEOPLE WANT A NUCLEAR TEST BAN TREATY—THEY'RE RIGHT

Mr. PROXMIRE. Mr. President, recently I spoke on the floor of the Senate about the relationship between the crucial decisions we make as Members of the Congress and the public opinion that should play a major, if not always a decisive role in this great democracy. When any of us disagree with our ultimate bosses, the public, we should, in the judgment of this Senator, follow our conscience not the latest public opinion poll. On the other hand as Senators elected to represent our constituents, we should pay very close attention to the opinion of the people we represent. We should never forget that we act as representatives of those who elect us to office. If we disagree with the views of the people who elect us, who pay our salaries, with their taxes and in whose interest we serve, we should be very sure that we are right in our opinion and they are wrong in theirs.

With this in mind, consider the response of the public to a poll conducted by the respected professional polling organization Cambridge Reports. This was a poll conducted between last February 11 and February 23. Cambridge Reports asked the following question of 1,500 persons scientifically selected nationwide to provide an accurate representation of the Nation's opinion. Here was the question:

"Do you favor the United States stopping nuclear weapons testing as long as the Soviet Union also stops, or not?"

The results: Yes—78 percent; no—18 percent; not sure—4 percent.

Mr. President, it would be hard to find any controversial issue on which we would find such an overwhelming, emphatic agreement. This is particularly true when we recognize that the answer to this question flatly contradicts the present policy of our country and of a President who has been elected twice by landslide margins. President Reagan and his administration have made it emphatically clear that they intend to continue nuclear weapon testing. It is crystal clear that the President has no intention of even considering negotiations with the Soviet Union on the subject. This is true although the President of the United States, President Kennedy, in 1963 signed the Limited Test Ban Treaty that promised that this country would negotiate a comprehensive agreement to ban all nuclear weapons testing with the Soviet Union. This body, the U.S. Senate, overwhelmingly ratified that treaty. In doing so, it ratified our promise to negotiate a comprehensive end to nuclear testing. Our country has refused to stop testing in spite of the fact that the Soviet Union has repeatedly asserted its willingness to negotiate such a treaty.

We have refused to consider negotiations although our ablest scientists overwhelmingly tell us that we can adopt monitoring techniques that would assure our ability to verify the compliance of the Soviet Union with the agreement. We have refused to consider such an agreement although the Soviets have indicated their willingness to permit the location of monitoring stations within the Soviet Union that could detect any explosions sufficiently large to have military significance. We have refused to negotiate although it is clear that the one and only way to stop the technological nuclear arms race is to stop testing. It will avail the cause of peace little to reduce or eliminate intermediate nuclear weapons in Europe as we will do in the INF Treaty that the superpower leaders will sign on December 7, if the technology of nuclear destruction races ahead with the development of ever newer and more destructive weapons. It will avail the cause of peace little if both superpowers agree to destroy half their strategic nuclear arsenal if they can come on with even more devastating, more accurate weapons that will emerge from the continued testing of nuclear weapons. The technological nuclear weapons race will make meaningless any treaty reducing the number of nuclear weapons or eliminating certain classes of nuclear weapons.

Think of it. Over the past 27 years both the Soviet Union and the United States have reduced the megatonnage of their nuclear arsenals by up to 75 percent. And yet we all know that the Soviet and the United States nuclear arsenals are more powerful than ever. Why? Because the steady testing of nuclear weapons has enabled both countries to build more devastating nuclear weapons with far smaller megatonnage. It is the technological progress in nuclear weapons that can and will undermine any arms control progress we may make in reducing the nuclear weapon numbers.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

The fact is, Mr. President, that this emphatic 78 to 18 percent public support for a superpower agreement to stop nuclear weapons testing is a clear mandate for action by the Federal Government. Only this time the scientific experts join the overwhelming majority of our constituents. We should do what is right in conscience as well as right in public opinion. That means we should negotiate the treaty to stop all nuclear weapons testing. Our country solemnly promised to negotiate such an agreement in 1963, when our President signed and this U.S. Senate ratified that treaty.

Mr. President, I thank, once again, the majority leader, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin has yielded the floor.

RESERVATION OF TIME OF REPUBLICAN LEADER

Mr. BYRD. Mr. President, I ask that the Republican leader's time be reserved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1988

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 9:30 will be equally divided and controlled by the Senator from Louisiana, Senator JOHNSTON, and the Senators from Washington and Nevada, Senators ADAMS and REID.

The Senate resumed consideration of H.R. 2700, a bill making appropriations for energy and water development for the fiscal year ending September 30, 1988, and for other purposes.

Pending:

JOHNSTON modified amendment No. 1125 (to the first committee amendment), of a perfecting nature.

Who yields time?

Mr. BYRD. Mr. President, I ask unanimous consent that I may speak for not to exceed 5 minutes, without the time being charged.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TRADE AND THE FUTURE

Mr. BYRD. Mr. President, month after month we have had bad news on the trade front. Some of our best economists have taken a look at the future and see years of trade trouble ahead.

Last week the Joint Economic Committee took testimony on our trade future. What they heard is not reassuring. Mr. Roger Bird of Wharton Econometrics foresees only limited improvement in the trade deficit over the next 5 years. Stephen Roach of Morgan Stanley & Co. predicted that it would take 6 to 9 years to bring our trade deficit back into balance.

Mr. Roach may have been optimistic. The Acting Director of the Congressional Budget Office, Mr. Ed Gramlich, also put some hard numbers to the trade challenge we face over the next few years. CBO looked at the potential impact of faster growth abroad, a recession at home, and sharp dollar depreciation. By themselves, none of the factors promised future trade balance. Only in combination did they eliminate the trade deficit—and even then it will take until the end of this decade.

Mr. President, I have talked to some specialists who expect a recession to eliminate our trade problem. I don't like that approach myself—it is a little like losing your job so you can cut spending. CBO found that the short-term impact of a recession is lost when the economy recovers. In effect, the diet doesn't work unless you change your habits.

I am not going through these dour predictions to cast a shadow over our work today, Mr. President. But it is long past time we came to grips with the challenges that threaten our economic future.

Mr. President, last week I spoke about the need to move forward on trade just as we work hard at bringing down the fiscal deficit. Reaching agreement on the budget will show the markets that the Democrats and the Republicans, the President and the Congress, can work together for the national interest.

But effective Government is not a one-time response to a stock market crash. Nothing, Mr. President, nothing, could send a more positive signal to the markets than the Congress and the President working together to craft a trade bill. The numbers coming from the Joint Economic Committee are a reminder that we had better start solving the trade problem now—we have a long way to go.

Mr. President, I yield the floor.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1988

(The Senate continued with consideration of the bill.)

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. REID addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. Mr. President, I yield myself 5 minutes. Mr. President, a cloture motion is pending. I intend to vote for it.

I will cast that vote not from any sudden conversion to support for the addition of S. 1668 to the energy and water appropriations bill. Rather, because those of us who oppose that addition have now had some opportunity to marshal our facts and discuss the arguments, I think the time has come to move to a new stage of opposition.

We have explained our rationale at length; you have heard why the addition of this act is unacceptable as a matter of procedure and substance. The time allowed by cloture was used to make that case, and we see no need to extend the argument further on the Johnston amendment.

Rather, after cloture, we will take a reasonable time to sum up the facts we have presented, the facts and precedents which we believe mandate the defeat of this act, and certainly prohibit its passage in this manner.

For now, I want to abandon the cold logic of science, of probabilities, of cost versus risk analysis. Instead, let me speak to you from the heart.

There is more to the question of nuclear waste than pure science, although science mandated the act's defeat. Rather, I want to ask you to stop and think for a moment about what you are being asked to do.

This bill should be called the Nuclear Waste Terror Act of 1987, because that is what it really does. It mandates fear and legislates fright.

I am speaking now for the ordinary citizen. The family which bought its farm by the railroad in Illinois, the small businessman off the highway in Ohio, the mother who sends her children to school by bus down the interstate in Colorado, and yes, the men, and women and children who live, and work and play in my own State.

Without sufficient knowledge, against sound and educated advice of experts in and out of government you are being asked to choose a dump site and send the beast of plutonium stalking down the Nation's rails and roads.

You can expect only one result if this body passes the Johnston amendment. The people of this Nation will be subjected to a pervasive fear, whose very existence represents reality, and a terror as real as any fear of war or famine or disease.

I ask you to pause and reflect. Think for a moment, if you will, my friends, about a very real nuclear accident.

Two months ago scavengers in Goiana, Brazil, broke open a radiotherapy machine. Several ounces of cesium-137 were released. Four persons have died, and hundreds others are at risk. Their tragedy is real, but it is only part of the drama.

All over Brazil today buyers are shunning goods from the state where Goiana is located. Sales of cattle, crops, and manufactured products are down almost 50 percent. Residents cannot obtain hotel rooms in other parts of the country; trade fair exhibits from the state have been rejected.

My learned friends would tell you that fear is irrational. It may well be. Irrational though it is perhaps, it is nonetheless very real.

People line up to be screened by monitors so they can receive a certificate of nonradioactivity. Let me quote from the Post:

> As the nozzle of the sensor passes slowly over chests, backs, arms and legs, quiet fright registers in many eyes. Breaths go short, in the tense hope that the machine's sensitive needle will show movement.

My friends, each of us owes a duty to the people of this Nation to assure them that the safest possible procedures are being followed. To do less is to invite terror into the homes and hearths of each of our constituents.

We will discuss the facts again, before we vote, but for now, let me ask of you again that you stop and think of the very real fear that passage of this bill in this way will generate in America's heart. Stop and imagined the farmer from Iowa whose products will not sell because of nuclear terror; think about the businessman whose shops fails in Kansas because of nuclear terror; remember the young mother whose children are shunned because of nuclear terror.

Pause for a moment to empathize with the people of this Nation and I am convinced that when the time comes, the Johnston amendment will not be passed as a part of this bill.

I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Nevada yields back the remainder of his time. Who yields time?

Mr. ADAMS addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Mr. ADAMS. Mr. President, I want to make a few points about the pending amendment of Senator JOHNSTON. They are points that Senator REID and I have made over the last few days, but I think it is very important as this cloture vote and potentially other votes on this bill appear that our colleagues know precisely not only what the vote situation will be but what it is that this Senator and other Senators are attempting to accomplish with this debate.

First, this Senator is not opposed to attempts to fix the nuclear waste program. Quite the contrary, this Senator has an impelling interest in seeing that that program gets back on track. Washington State already stores more nuclear waste than any other area of the country.

Second, I do not honestly believe the approach contained in this amendment. I want to stress, Mr. President, that this morning the cloture vote occurs on an amendment, not on the bill. After this vote takes place, no matter which way it goes, the bill will continue to be debated unless we can remove from this bill the nuclear waste program. This is an appropriations bill. We have at all times not objected to the portions of the bill dealing with appropriations, but to the nuclear waste portions. In fact, and I want to stress, Mr. President, this amendment has now been divided into three parts. The three parts are the amendments that the committee has made prior to the nuclear waste amendments as division I; the nuclear waste bill, S. 1668 as division II; and the remaining amendments to this bill that were made by the committee as division III.

Division II is the one that we want a no vote on at such time as that may come before the Senate.

The basic problem with this bill, as I have indicated before, is that we have tried very hard to obtain the changes necessary to make the bill acceptable, to bring the nuclear waste program back on track.

But now we are preparing for a cloture vote, and, Mr. President, on this cloture vote we have three points on which, if they could be solved, we might be able to avoid a continuing filibuster during this week and during next week. Those three points were not to have a lameduck administration decide this January 1, 1989; second, to look at all three sites with a surface characterization to be sure we have the correct one and; third, to be certain that DOE alone does not make the decisions on the characterization since they have lost the confidence of the American people.

We can keep many of the other things in the bill—the sequential characterization and many other points that have been brought forth. But, Mr. President, it was a political decision that was made in the selection of the three. We are concerned about a political selection being made in the characterization of one of the three.

The unilateral authority of DOE is something we do not want. In short, Mr. President—and there is a very deep purpose for the continued talk and examination we have had of this—this approach in this amendment is flawed.

There are four authorizing committees with jurisdiction over nuclear waste. Three have finished producing legislation and the fourth is in the process. The Senate Energy Committee, the Senate Environment and Public Works Committee, and the House Interior Committee have reported. The fourth committee, the House Energy Committee, is expected to act very soon. Two of the three committees have adopted approaches which differ significantly with the amendment that is attempted to be put on this appropriation bill. Two of the three have reported reforms which I can support, with which my State can live. Two of the three agree with the criticisms I have made, which leads me to the third and final point on cloture. The point involves a procedural concern I have attempted to raise over the past 3 or 4 days.

I certainly do not relish fighting the Appropriations Committee. None of us ever do. But in this situation, Mr. President, it is not a case of individual Senators opposing the Appropriations Committee. It is a case where the authorizing committees are opposing an appropriations fait accompli. They are willing to oppose this bill in an effort to preserve their jurisdiction, in an effort to protect their right and, yes, their duty, to be involved in the final resolution of this issue. All that we are asking is that the Senate consider this issue on a vehicle and in a forum that will involve the authorizing committees.

The ACTING PRESIDENT pro tempore. The time of the Senator from Washington has expired.

Mr. ADAMS. Mr. President, I intend this morning to vote for cloture in order to give my colleagues a clean vote on division II of the pending amendment. Therefore, I will take no more time and I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Washington has yielded the floor. Who yields time?

Mr. JOHNSTON addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, it is a bit amusing to me that those who are conducting the filibuster have now decided to vote for cloture. After all these hours of filibuster, now they join in the desire to terminate the filibuster, and I am glad for that.

What it means, Mr. President, is that we have the votes. The Senate is awakening from its slumber on the question of nuclear waste, coming to its senses in trying to resolve the problem.

Mr. President, I just came from a room off the majority leader's office, where Senators are meeting to try to resolve the question of the deficit—the economic summit they call it. We are going through a lot of painful gyrations, Mr. President, in trying to figure out how to cut money from the budget of the United States, to cut the deficit. We are trying, for example, on domestic spending to cut between $2 and $3 billion, something in that order of magnitude, and it is very, very difficult—programs being examined one by one, a feeding program here, a medical program there—to cut that budget.

What is involved today, Mr. President, would save more money than all of the domestic cuts that we can make in an entire year. We would save $3.9

billion by going from three characterizations to one characterization. That is what is involved. I said the other day, Mr. President, that the waste involved in the nuclear program is scandalous—$485 million spent last year on paper studies, and so what are we asked to do? We are asked to have more studies, more paper, more hundreds of millions of dollars down the rathole of the nuclear waste program and let it go on year after year after year. The fact is, Mr. President, the purpose of the opponents is very clear.

In this morning's paper, you read this:

> Groups Urge Phasing Out Nuclear Power. Nearly 50 consumer groups called yesterday for a rapid phaseout of nuclear power * * *

saying that we ought to go back and utilize the oil-burning, electric generating utilities.

Mr. President, I ask unanimous consent that this article from the Washington Post of today, November 10, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GROUPS URGE PHASING OUT NUCLEAR POWER

Nearly 50 consumer groups called yesterday for a rapid phaseout of nuclear power, saying the industry has vastly understated costs that amount to a "ball and chain" on the economy.

Public Citizen, the self-styled consumer group founded by Ralph Nader, and related organizations in 30 states said in a report that it costs $15 billion to $21 billion per year to keep the nation's 108 nuclear power plants operating, compared to the industry's estimate of $8 billion.

The report, title "Too Costly to Continue," concluded that the nation's energy needs could be met far less expensively through alternative fuels and improved conservation.

It said that last year, there was enough surplus generating capacity available to close 85 percent of nuclear capacity while still maintaining a 20 percent electrical reserve in every region.

Don Winston, a spokesman for the U.S. Council for Energy Awareness, an industry group, said that more than 90 percent of the surplus capacity cited by the consumer groups was in the form of retired, oil-burning plants. "What we have here is a recipe for once again making ourselves terribly dependent on foreign oil," he said. "It's totally unrealistic."

Mr. JOHNSTON. Mr. President, it is very plain that some of these groups want to get rid of nuclear power. They want to go back to the old oil-burning facilities. They do not care about the public. They do not care about the cost. They do not care about the ratepayer. They want to get rid of nuclear power and go back to the good old sulfurous oil-burning, expensive, Middle East-dependent oil-burning utilities.

Now, that is plainly what this involves. It is not about whether these studies are sufficient. The National Academy of Sciences has certified that what they have done is proper. The NRC has said, "We are ready to characterize."

We do not need further paper studies at $480 million a year. We need to get on with this, Mr. President; we need to save the taxpayers of this country $3.9 billion. That is a lot of money even when you say it fast, and it is a heck of a lot of money to waste. That is what we would do if we delayed this program further.

I am pleased, Mr. President, that those who are conducting this filibuster are ready to join us now that they have recognized the votes are not there. I hope we can get the votes to resolve the question today. I am told that they need more time, they need at least until Thursday to let the question come up. Well, if they think there has not been enough debate on this matter yet, let the filibuster continue.

I think the Senators will recognize that you have to do one of two things. Either you offer an amendment and seriously try to get the Senate to vote with you or you filibuster. The filibuster is the substitute for reason, for logic, for argument, for support for a position. You cannot have it both ways.

So if my friends wish to continue the filibuster, then they are going to be stuck with the same result that they have today, an overwhelming Senate mandate against their position.

I hope that the Senate will be united in approving the cloture motion.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana has yielded the floor?

Mr. JOHNSTON. Yes. Mr. President, I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator yields back the remainder of his time. The time of the Senators from Washington and Nevada has expired. The Senator from Louisiana has yielded back the remainder of his time.

CLOTURE MOTION

Mr. BYRD. I ask unanimous consent that the vote begin on cloture.

The ACTING PRESIDENT pro tempore. Without objection, by unanimous consent, under the previous order, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the modified Johnston amendment No. 1125 to the first committee amendment to H.R. 2700, an act making appropriations for energy and water development for the fiscal year ending September 30, 1988, and for other purposes.

Senators J. Bennett Johnston, Dale Bumpers, James A. McClure, John Heinz, Mark O. Hatfield, J.J. Exon, Bill Armstrong, Howell Heflin, Jeff Bingaman, Alan J. Dixon, Steven Symms, Robert C. Byrd, Jake Garn, Robert Dole, John Glenn, Warren B. Rudman, Lowell Weicker, Sam Nunn, Daniel J. Evans, and Nancy L. Kassebaum.

VOTE

The ACTING PRESIDENT pro tempore. By unanimous consent, the quorum call has been waived. The question is, Is it the sense of the Senate debate on the modified Johnston amendment No. 1125 to the first committee amendment to H.R. 2700, an act making appropriations for energy and water development for the fiscal year ending September 30, 1988, and for other purposes, shall be brought to a close? The yeas and nays are ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Oklahoma [Mr. BOREN], the Senator from South Dakota [Mr. DASCHLE], the Senator from Tennessee [Mr. GORE], the Senator from Ohio [Mr. METZENBAUM], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Tennessee [Mr. SASSER], and the Senator from Illinois [Mr. SIMON] are necessarily absent.

I further announce that, if present and voting, the Senator from West Virginia [Mr. ROCKEFELLER] would vote "yea."

Mr. SIMPSON. I announce that the Senator from Mississippi [Mr. COCHRAN], the Senator from Kansas [Mr. DOLE], the Senator from New Mexico [Mr. DOMENICI], the Senator from Nebraska [Mr. KARNES], the Senator from Kentucky [Mr. MCCONNELL], and the Senator from New Hampshire [Mr. RUDMAN] are necessarily absent.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 87, nays 0, as follows:

[Rollcall Vote No. 372 Leg.]

YEAS—87

Adams
Armstrong
Baucus
Bentsen
Biden
Bingaman
Bond
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Chiles
Cohen
Conrad
Cranston
D'Amato
Danforth
DeConcini
Dixon
Dodd
Durenberger
Evans
Exon
Ford
Fowler
Garn
Glenn
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Hecht
Heflin
Heinz
Helms
Hollings
Humphrey
Inouye
Johnston
Kassebaum
Kasten
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lugar
Matsunaga
McCain
McClure
Melcher
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Proxmire
Pryor
Quayle
Reid
Riegle
Roth
Sanford

Sarbanes
Shelby
Simpson
Specter
Stafford
Stennis
Stevens
Symms
Thurmond
Trible
Wallop
Warner
Weicker
Wilson
Wirth

NAYS—0

NOT VOTING—13

Boren
Cochran
Daschle
Dole
Domenici
Gore
Karnes
McConnell
Metzenbaum
Rockefeller
Rudman
Sasser
Simon

So the motion was agreed to.

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 87, the nays are zero, three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1988

Mr. BYRD. Mr. President, I wonder if we could now hear from the managers of the bill and the Senators who are opposing the matter as to how they see the program for the next several hours.

(Mr. SHELBY assumed the chair.)

Mr. ADAMS. Mr. President, we would be happy to hear from the managers of the bill. I can say to those who wish to have discussion during the 30 hours that this Senator and a number of others intend to speak on the amendment and to continue to speak on the amendment during the 30-hour period unless there is some offer from the managers or the majority leader wishes to make any kind of a request on time for a vote on the amendment, which is divided into three parts—division I, division II, division III. The yeas and nays have been ordered on all three divisions.

I do not know what the intention of the manager is as to votes. We will request and insist upon a vote on division II, which is the nuclear waste amendment of the committee. It is the Nuclear Waste Policy Act that we have been objecting to. That is the second part of the amendment. So on that we would be insisting upon a vote.

I am perfectly willing to vote on the other three divisions, depending upon what the manager indicates. We do expect a number of Senators to speak during the 30 hours and a great portion of it will be used. We could shorten those if we could obtain a potential agreement as to a time for the vote which would accommodate Senators because tomorrow is the Veterans Day holiday.

So, in fact, if there is a wish on the part of the manager or of the majority leader to set a time for a vote on this amendment, that is fine. If they would rather we talk, that is fine, and then this would go over until Thursday. Then I assume there will be a cloture motion on the bill or on the amendment; that I would leave to the manager to comment on because, of course, I have no knowledge about that. And then we are prepared to hear what the leadership wishes to consider in terms of votes on the first-degree amendment and on the bill itself.

But it is our intention to continue using the 30 hours today and on into Thursday and then have an amendment. We will ask for a vote only on the second division of the amendment of the distinguished Senator from Louisiana, but we are prepared to vote on all three if he wishes to do so.

I thank the majority leader.

Mr. JOHNSTON. Mr. President, I have heard a very encouraging comment that is presently only a rumor but I hope it rises to the dignity of fact, and that is that perhaps we can get a time agreement on the whole bill, allowing for robust debate on this amendment or such amendment as the Senator would like, and then we could get on with the business. And I would urge my colleagues to do that.

This question is vitally important to the Senator from Washington, I know that, and vitally important to the Senator from Nevada. But the issue will not go away. It is simply not going to go away and a filibuster simply cannot be successful. I mean if it is successful on this bill, it will come up on the CR and it is in December and everybody wants to get home. But we cannot submit; we cannot give up. If the Senate wishes to vote it down, that is the will of the Senate. But it is just too important, I think, for the country.

So what I hope we could do is have whatever kind of robust debate that the Senators desire. Any amendment will be in order that they wish, if we can do it by agreement; in fact, any will be anyway on the bill itself.

But I hope we can avoid having these late night sessions, coming into session tomorrow and all of that. I mean, you know, it is painful and we are going to end up in the same place, which is finally having to vote, because we have got to. We cannot afford to sweep this thing under the rug year after year. So I hope my dear friends and colleagues will say; "Let's have a debate. Lets debate the question of whether the DOE was wrong or, if they were wrong, what we should do about it," all of those myriad questions, vital questions, and let us debate them and decide, because we have got to decide this year. It is just not going to go away.

So I hope that that rumor is a correct one and that we can get some kind of a time agreement.

Mr. ADAMS. Mr. President, will the majority leader yield?

Mr. BYRD. I do not have the floor.

The PRESIDING OFFICER. The Senator from Louisiana has the floor.

Mr. JOHNSTON. I yield the floor.

Mr. ADAMS. I might say to the Senator from Louisiana that this Senator and, I think, my other colleagues would certainly be willing to discuss with the manager a vote on this amendment at a time certain on Thursday. We will discuss and would be happy to get back to you and discuss with you a potential time for a vote on the entire bill.

But I might state that it does not have to come up on the CR. We are not trying to sweep this under the table. We would like to have the authorizing committees in the reconciliation bill, which the distinguished Senator from Louisiana has this bill in the reconciliation bill; so that the distinguished Environment and Public Works Committee has it in there and, on the House side, both of those committees have it. We want it in that forum and not in the appropriation forum. That is what we have been tryng to accomplish. So the purpose has been very clear: not to stop the matter from being decided, but to stop it from being decided, but to stop it from being decided in this forum and in this type of bill.

So if the Senator wishes to discuss a time to vote with the majority leader and us on Thursday, I think we can accommodate that. And then we can discuss the amendments that we may have to the bill after this amendment is disposed of and potentially agree to a time to vote next week, depending upon the schedule of the majority leader.

We know that the distinguished Senator from Louisiana is deeply involved in the negotiations at the economic summit. So we simply try to accommodate a time next week when we might be able to do that.

Does that answer the Senator's inquiry? We would be pleased to try to get an agreement on the amendment time now, vote on Thursday, and then would discuss with you potentially a vote on the entire bill next week.

Mr. REID. Will the Senator from Louisiana yield?

Mr. JOHNSTON. Yes.

Mr. REID. I confirm the statements of my friend from Washington. I would state to the Senator from Louisiana we, those of us that oppose S. 1668, are not trying to sweep it under the rug. I think the discussion during these past few days has been meaningful. We, in good faith, would like to try to work something out so that there can be an ultimate vote to get rid of this matter.

As the Senator from Louisiana knows, the vote on S. 1668 is very important to both the proponents and opponents of this. However, we, in good faith, would like to be able to, when that is disposed of one way or the other, work toward finalizing the bill. So the Senator has our good faith and we will try to work something out with you and your staff and the majority leader to working on a time for this sometime next week. We just want to make sure that there is enough time to complete the discussion, and I am sure that the Senator understands that.

Mr. JOHNSTON. Mr. President, I appreciate the cooperative attitude of my colleagues and let me say that, as far as the authorizing committees in the House are concerned, that it was always my intention to work with them. I have already met with Tom Bevill—Congressman Tom Bevill, who is chairman of the Energy and Water Subcommittee in the House and we have already gotten an arrangement where we will have Congressman Mo Udall, chairman of the Interior Committee, conduct—perhaps not as a formally named conferee but it will amount to the same thing—a negotiation which will be suitable to him. After all, Mo Udall is the chairman of the authorizing committee in the House.

Now, with respect to the input of Energy and Environment and Public Works in the Senate, we can certainly allow for full debate. That is allowed for now on any amendments which they would like to consider.

We could not agree to take this bill and put it back in the Environment and Public Works Committee. I mean time is wasting. We need to get on with this matter. This bill has been up for 6 weeks. We did not know about the Environment and Public Works amendments until the eve of their passage. So we cannot now send it back to that committee.

In the first place, the jurisdiction lies with the Energy Committee in the first instance and with the Energy and Water Appropriations Subcommittee in the second instance. That does not mean that we are not anxious to work it out, to have the debate, to consider the amendments, to do whatever is necessary. But if you are asking us to say give up your jurisdiction, send it back to another committee that does not have jurisdiction, we cannot do that. We just do not have time to do it. But as far as working out an accommodation to vote next week, of course we can. Of course we can. And I would welcome that.

There is no problem with it, if the Senator will tell me that the filibuster will not proceed and then it is just a question of when it is convenient with the Senators.

Mr. ADAMS. If the Senator will yield, we can, I think, discuss and agree on a time on Thursday, as the Senator says, to vote on this amendment. We need to have a discussion with the distinguished Senator from Louisiana with regard to a time of vote, if there were to be one next week. We have not had a chance to talk with all the people that are involved in this with regard to that.

But I might state to the Senator from Louisiana we were not suggesting that the bill be sent back to the Environment and Public Works Committee. They have a bill; the Energy and Water Committee has a bill; the Appropriations Subcommittee has a bill.

We wish to have those placed in the reconciliation, as I have indicated during the debate, so the subcommittees were there as full participants, as they had been.

I have also talked with Congressman Bevill. He is the Appropriations Subcommittee chairman. I would like to state to the majority leader, and to the manager of the bill, that if at the time—if we should lose this, and I do not think we will, but if we should then at the time conferees were appointed we would be moving to have conferees added; not just to be consulted but added.

I am very fond of the Senator from Louisiana and certainly Congressman Bevill from the House; they are both very old friends of mine going back 25 years. But they are the Appropriations Committee and we feel that full participation should be in the other committees that happen to divide jurisdiction.

I am not saying that Energy and Water does not have jurisdiction in this area; so does Environment and Public Works. We wish to place them in one forum. We stated before we would agree to a time agreement and there is already a statutory time agreement in reconciliation and all bills would be there.

I might state to the Senator from Louisiana I think his activities have pressed the other committees to come forth with their proposals and I think that that is a positive step. We now have these proposals all in hand, and, therefore, the purpose of our discussing this at length has been with a definite goal in mind. Not to just say that we would talk from now until New Years to see that there was no waste program at all, but to have one put on the proper track and in the proper forum. Therefore, we would be happy to discuss with the chairman a time of vote on the amendment on Thursday and then, after that, a discussion of a vote next week where perhaps the majority leader or some others may wish to call us together so we could see if we could agree as to a time, as to length of time we would spend on amendments that we would offer in addition to the amendment that the distinguished Senator from Louisiana has offered and what time would be necessary in order to debate those amendments before final passage of the bill.

Mr. JOHNSTON. Mr. President, this is a very constructive conversation and I would hope we could accommodate Senators by agreeing to a time certain for the vote for all of these votes.

I think, perhaps, an off-the-floor discussion at this time would be fruitful, if the Senator thinks so, and with the majority leader. He will have to set the schedule. So, Mr. President, I think that that might be very helpful.

The PRESIDING OFFICER. The Senator from Maine.

Mr. COHEN. Mr. President, I ask unanimous consent that I may be permitted to speak out of turn.

The PRESIDING OFFICER. Without objection, the Senator from Maine is recognized.

IN DEFENSE OF HOWARD BAKER

Mr. COHEN. Mr. President, we have slipped through a tunnel and tumbled into a land of distortion and fantasy.

Howard Baker is now the target of conservative discontent. His brand of mischievous moderation, his dreadful inclination to seek areas of agreement, consensus, and compromise have caused President Reagan to take a pratfall in full view of the world. Judge Douglas Ginsburg is but the latest example of his alleged ineptitude.

I can only say, what a difference a year makes. A year ago, the administration was reeling from shock waves generated by disclosures that the President had yielded to the importunings of William Casey, Colonel North, Attorney General Meese, Admiral Poindexter, Bud McFarlane—conservatives all—and agreed to sell weapons to the Iranians to help get the release of hostages being held in Lebanon.

The ship of state was in danger of being swamped. Official documents had been altered, shredded, and smuggled. False chronologies had been constructed. Lies had been told. The President was reduced to asking Congress to tell him what the NSC staff had done in his name. Active military officers who had served in the White House were invoking the fifth amendment to protect their rights against self-incrimination.

Amid the turmoil, Howard Baker was asked to lay aside his intentions to pursue a campaign for the Presidency in order to preserve that of Ronald Reagan. He did so with characteristic grace and generosity. He was selected not because of his administrative skills, but because he was held in high regard—for his intelligence, and insight into the congressional process. And most importantly, because he possessed credibility—something the White House was in desperate need of at that time.

He fulfilled his mission. The waters calmed. The ship of state stabilized.

Changes in personnel were made. Confrontation yielded to cooperation.

It should be recalled that at that time, the foreign policy fiasco was being blamed upon Secretary of State George Shultz and Secretary of Defense Weinberger. They, it is argued, had not been vigorous enough in overriding what the President clearly wanted to do. It was argued that these Secretaries should have submitted their resignations to shake the President from this folly.

But the tide turns quickly on the Potomac. The focus for the President's recent fall from grace has now shifted to the very man who rescued him from disaster—Howard Baker.

In a classic display of "what-have-you-done-for-me-lately" gratitude, the negativists whose voices are louder than their influence, have charged that Howard Baker and George Shultz have somehow conspired in a Presidential mind-bending plot to trick him into signing a treaty with the Soviets.

Moreover, Howard Baker is now being blamed for failing to ring the alarm bells to rally the activists early enough to save Robert Bork's nomination to the Supreme Court while the President vacationed on his ranch in California. He undermined Judge Bork when he and his aides suggested that Judge Bork moderate ever so slightly what was seen as a refusal to look at the new moon out of loyalty to the old.

And now, the most reprehensible thing of all, he failed to lock Attorney General Meese in the basement of the Justice Department so Mr. Meese could not foist a law and order judge upon a law and order President at the last moment.

The truth is that Howard Baker was shoved overboard by the ideologically pure because he was recommending a "confirmable conservative." That phrase suggested compromise or, worse, appeasement. "Never," cried the stalwarts. "We've got a man who will make the Bork haters beg for a chance to recant."

In the wake of Judge Ginsburg's withdrawal of his nomination, Howard Baker is being blamed for letting Reagan be Reagan in the first instance, and then not pulling the President over the edge of the cliff in Judge Ginsburg's defense in the second.

Now, Howard Baker is being charged with cutting a profile in cowardice, that he should have been willing to fight to the last heartbeat of every Republican on behalf of Judge Ginsburg.

First, I am compelled to point out that when BOB DOLE announced Judge Ginsburg's statement concerning his prior drug use to the Senate last Thursday evening, it was a group of conservatives who gathered on the floor and came to the conclusion that Ginsburg had to go, not any liberals or moderates.

Second, if Howard Baker had urged the President to fight for Ginsburg's nomination to the very end and then the vote was lost sometime in late December or early next year, his critics would have then blamed him for not advising the President to cut his losses quickly.

Mr. President, these attacks only confirm the fact that you can get mugged more easily on the back stairs of the White House than you can on the streets of any urban ghetto.

There are those who are determined to scuttle the proposed INF Treaty even before it is signed and to sabotage any responsible attempt to strike a compromise with Congress in reducing the deficit. Letting the Gramm-Rudman-Hollings guillotine fall is preferable in their eyes because there can be no new taxes. While this will cut $11.5 billion from our defense needs, the President need only send up a supplemental request for defense and then challenge the Congress with Churchillian fire to refuse to fund it.

This strategy is similar to a plan proposed once within the NSC staff. It had been suggested that the heavily outnumbered Contras seize territory inside Nicaragua and dare the Sandinistas to take it back militarily. Then with a stand reminiscent of the Alamo, the Contras would rally the American people to their cause so that we would turn on the Sandinistas and perhaps even send in the Marines to the rescue. Fortunately, the plan was rejected as being creative but crazy.

Mr. President, I recognize it is essential for party activists and Presidential candidates to draw their visions for the future as simply and boldly as possible. But simplistic sloaganeering cannot long succeed in governing a nation as diverse and complicated as our own. Children of scorn are always more eager to find fault than to seek constructive solutions. But the vast majority of the American people realize that the goal of Government is the resolution of conflict and dispute rather than the thriving on it.

It will fall to the Howard Bakers of this Nation to hold up the governmental firmament while bearing the blame for not catching all of the falling stars. Right now, that is Howard Baker's fate. And, right now, it is also Ronald Reagan's and our good fortune.

ENERGY AND WATER DEVELOPMENT APPROPRIATION ACT, 1988

The Senate continued with the consideration of the bill (H.R. 2700).

Mr. BREAUX addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENTS TO THE NUCLEAR WASTE POLICY ACT

Mr. JOHNSTON. Mr. President, this morning my colleagues from the Environment and Public Works Committee talked about the major differences between their proposed amendments to the Nuclear Waste Policy Act and the pending legislation. My colleague from Louisiana, Mr. BREAUX, described the two proposals as not being that far apart. He talked further about the so-called safeguards included in the Environment and Public Works Committee proposals that will ensure that the Department of Energy has sufficient information to make the selection of a preferred site for detailed characterization. My colleague also talked about the Nuclear Regulatory Commission's views of the pending legislation.

Let me now say a few words about what I believe are the major differences between the two proposals. On their face, perhaps these differences seem minor, and I am sure that the intent of my colleagues on the Environment and Public Works Committee is simply to improve the process of sequential site characterization that is laid out in the pending amendment. But, make no mistake, these differences are significant. They are subtle, but they are significant. The proposals put forth by my colleagues, Mr. BREAUX and Mr. SIMPSON, would be what I would call "killer amendments" to the pending legislation.

Let me explain why I believe these so-called minor differences are really "killer amendments" to the pending legislation.

First, the Breaux-Simpson proposal would delay selection of a preferred site for characterization until 1991 or beyond. Between now and that selection date, the Breaux-Simpson proposal would require surface-based testing at all three of the candidate sites—in Washington, Nevada, and Texas. In addition to delaying the selection unnecessarily, it would also minimize substantially the benefits to be gained from selecting a preferred site and concentrating technical expertise on that one site. According to the Department of Energy, such a surface-based testing program could take as long as 3 years and would be in addition to the 5- to 7-year test program already envisioned that would involve the drilling of an exploratory shaft for at-depth characterization. The Breaux-Simpson proposal would virtually eliminate the estimated $3.9 billion savings from the pending legislation.

Second, the Breaux-Simpson proposal would require the Department of Energy to prepare a full-scale environmental impact statement at the point of selection of the preferred site. The Breaux-Simpson provision states simply that the requirements of the National Environmental Policy Act will apply, leaving it up to the Department of Energy—and ultimately the courts—to determine whether this decision point is a major Federal action requiring preparation of an EIS. An EIS at this point will simply cause delay and new opportunities for extended litigation.

I do not believe that an EIS should be required at the time of selection of a preferred site. The NEPA "roadmap" contained in the Nuclear Waste Policy Act of 1982 required preparation of environmental assessments at the time that candidate sites were selected for characterization. These environmental assessments were completed in May 1986. Under existing provisions of the 1982 act, and the NEPA "roadmap" incorporated in it, preparation of an EIS is required after site characterization is successfully completed at the time a license application is submitted to NRC. It is at that point that the major decision is made, when a site is found suitable by DOE and it is then subjected to the NRC's rigorous licensing process.

An EIS at the time of selection of a preferred site would be premature. Let me emphasize that all three of the candidate sites—in Washington, in Nevada, and in Texas—have already been selected for site characterization. We can already go ahead with detailed testing at all three sites. That testing—without the pending amendments—will lead to the drilling of exploratory shafts at all three sites. That activity is already contemplated and anticipated under the provisions of current law. The provisions of S. 1668 would simply direct the Secretary to select only one of the three candidate sites at which this work would be conducted.

The application of NEPA proposed by the Breaux-Simpson approach would essentially duplicate the environmental assessment process completed in 1986, at the time the candidate sites were selected for characterization. There is nothing new contemplated by the selection of a preferred site for characterization that would require preparation of an EIS at this decision point.

The Breaux-Simpson approach, however, establishes an artificial distinction between "surface-based testing" and at-depth testing, with the implication that surface-based testing must always precede at-depth characterization. This simply has no basis in fact. Site characterization, by definition, involves surface-based testing, drilling of near-surface boreholes, laboratory testing, and testing in an exploratory shaft facility at the proposed depth of the repository. There is simply no basis for the assertion that one part of this testing must precede the other part. Some data can be obtained strictly through surface-based testing, but essential information on the suitability of a site for development as a repository must be collected below the surface. All parts of this testing program must be allowed to proceed in parallel.

Let me now elaborate for a minute on this artificial distinction between surface-based testing and testing in an exploratory shaft facility at the proposed depth of a repository. In the last several weeks, the term "surface-based testing" seems to have taken on a life of its own. Just a few weeks ago, surface-based testing was simply one part of the detailed testing to be carried out during site characterization. Some of that surface-based testing would be conducted prior to sinking of an exploratory shaft and some of that surface-based testing would necessarily be conducted in parallel with at-depth testing in an exploratory shaft facility.

I think it would be helpful to clear up some confusion over the genesis of this new term, "surface-based testing." In June, following a hearing before the Committee on Energy and Natural Resources, I asked the Nuclear Regulatory Commission to give me an opinion on what types of information about site suitability could be gathered from above-ground, surface-based, testing. In response to that request, I learned from NRC that while some information could be gathered through surface-based testing, at-depth testing would be required to resolve all of the major issues related to site suitability.

Since the time of my June request to the Commission, there has been increased attention paid to this notion of conducting surface-based testing prior to the sinking of an exploratory shaft. Unfortunately, there has also been a great deal of misinterpretation of this information provided to me by the Commission.

Contrary to what my colleagues stated this morning, the NRC Commissioners have not stated that surface-based testing should be conducted prior to the point at which a preferred site is selected on January 1, 1989. Furthermore, the NRC Commissioners have not stated that the Department of Energy will not have sufficient data available to make an informed decision on a preferred site by January 1, 1989. What the NRC Commissioners have stated is that some surface-based testing would be required—and should be carried out—prior to the time that an exploratory shaft is drilled.

There is a subtle, but important, distinction that must be made. The NRC Commissioners have said that some surface-based testing should be conducted prior to the sinking of an exploratory shaft, but that surface-based testing is not required prior to the selection of a preferred site on January 1, 1989.

I have asked the Nuclear Regulatory Commission this question myself. Let me quote from an October 2 letter from NRC Chairman Lando Zech:

> The Commission does not oppose legislation that would require that only one site undergo at-depth characterization. The Commission does not believe that simultaneous characterization of three sites is necessary to ensure the public health and safety. * * * The staff has not identified any technical reason to preclude sequential site characterization.

While the NRC staff suggested in August that a period of surface-based testing should be conducted prior to the selection of a preferred site, the NRC Commissioners specifically rejected this suggestion in their position as stated in this October 2 letter.

I am aware that the NRC Commissioners were asked about this issue at an October 29 hearing before the Committee on Environment and Public Works. I have read the transcript from that hearing. Unfortunately, I believe that the NRC Commissioners' statements before the Committee on Environment and Public Works have been misunderstood. The statements attributed to the Commissioners this morning were not consistent with what I read in the transcript.

The Commissioners' position has not changed—it is the same as that so stated in Chairman Zech's October 2 letter to me. First, the NRC Commissioners do not oppose sequential site characterization. Second, the NRC Commissioners do not have a position on whether the selection of a preferred site can or should be made by January 1, 1989. And third, while the NRC Commissioners believe that some surface-based testing should be conducted prior to the drilling of an exploratory shaft, they do not believe this testing should be required prior to the selection of a preferred site.

Let me state again what I said at the outset. There are more than just slight differences between the pending legislation and the Breaux-Simpson approach. The provisions included in the Breaux-Simpson proposal—delay in selection of a preferred site until 1991, required surface-based testing prior to that selection, and required preparation of an EIS at the time of selection of a preferred site—are killer amendments. Instead of streamlining the process along a course of sequential characterization, the provisions of the Breaux-Simpson proposal would impose new burdens and create additional delays that are unnecessary.

I ask unanimous consent that the text of the following correspondence related to the pending legislation be included in the RECORD: A September 14 letter from NRC Chairman Lando Zech to Senator JOHN BREAUX, my September 30 letter to Chairman Zech and the October 2 response, and an October 28 letter from Secretary of Energy John Herrington to Senator QUENTIN BURDICK.

There being no objection, the material was ordered to be printed in the Record, as follows:

The Secretary of Energy,
Washington, DC, October 28, 1987.
Hon. Quentin N. Burdick,
Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC.

Dear Mr. Chairman: I have been following the actions of the Senate Environment Committee regarding the nuclear waste issue and wanted to discuss with you some particular concerns that have arisen in response to the Committee's proposal.

The various House and Senate committees have invested substantial time to address key issues in the nuclear waste area and the Department continues to stand ready to assist these efforts in any way possible. We remain convinced that an established program for the safe and effective disposal of nuclear waste is essential not only for the public interest but also for the future viability of the nuclear industry in this country. It is crucial that we move forward with the program and do so with a minimum amount of delay.

The proposal drafted recently by the Senate Environment Committee as part of its reconciliation package addresses several critical aspects of the program. I am concerned, however, that the approach set forth in the proposal may impose new burdens and create additional delays in the management of the waste program which are not necessary to ensure that the program is conducted in a safe and effective manner.

Specifically, we are concerned that the proposal would require a minimum two-year delay in the program prior to selection of a preferred site and create other scheduling requirements which could further push back the date when waste could be accepted at a repository site. Under this proposal, the Department would be unable to accept spent fuel by 1998, leaving unfulfilled the Department's established commitment to begin accepting waste by that date.

In addition, we believe the Environment Committee's proposal would fundamentally change the program in a way that would entail substantially greater costs and burdens for the program's operation. By requiring intermediate findings as part of the site characterization process, the proposal would inject into the program an entirely new source of uncertainty with respect to overall program costs and scheduling. This requirement, including a mandate for surface-based testing of three sites, would impose new costs and delays in an effort to obtain information and data which can be acquired more accurately and efficiently through full characterization.

Further, we are concerned that the proposal may refashion the program in a manner requiring the consideration of potential repository sites in 23 states. By incorporating into the proposal the National Environmental Policy Act and its requirement of reasonable alternatives, the proposal could effectively repeal current numerical limits on such alternative sites. We are concerned that this requirement, along with several other provisions, such as the imposition of surface-based testing and the preservation of pending Court challenges to the program, may constitute, in the aggregate, rejection by the Congress of the bases for major decisions previously made in this program. Such retrenchment, embodying new ground rules for analyzing potential sites, inevitably risks the consequence of the Department being required to examine anew all locations whose geology, based upon our knowledge to date, renders them potential candidates for a repository. For your review, I have enclosed a list of the potentially affected states.

Finally, I believe it is important to express the Department's concern not only with respect to what the Environment Committee proposal would require, but also what the proposal would not require. Specifically, it would leave out incentives for the host state and would fail to authorize a Monitored Retrievable Storage facility. In our view, provisions in these areas would contribute significantly to the fulfillment of the program's objectives and enable them to be accomplished on a more efficient and reliable schedule. As you know, we have supported efforts to establish these provisions and have specifically voiced our support for S. 1668, sponsored by Senators Johnston and McClure, which contains them. It is our hope that the Senate will fashion a legislative package that will incorporate such features and place the program on a track that will minimize delays. In our view, the continued implementation of the current Act would be preferable to legislation that falls short of these objectives.

Again, I appreciate the work of the Environment Committee with respect to the waste issue, and look forward to continued cooperation with the Congress toward the development of a final legislative package.

Yours truly,

John S. Herrington.

Potentially Affected States

Washington, Nevada, Texas, Utah, Mississippi, Louisiana, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina, Georgia, Michigan, Wisconsin, and Minnesota.

Nuclear Regulatory Commission,
Washington, DC, October 2, 1987.
Hon. J. Bennett Johnston,
Chairman, Committee on Energy and Natural Resources, Senate, U.S. Senate, Washington, DC.

Dear Mr. Chairman: I am writing in response to your letter dated September 30, 1987 in which you requested clarification of the Commission's position on S. 1668, the Nuclear Waste Policy Act Amendments Act of 1987. The agency's position is set forth in the enclosure to the letter of September 14th to Senator John B. Breaux. The Commission does not oppose legislation which would require that only one site undergo at-depth characterization. The Commission does not believe that simultaneous characterization of three sites is necessary to ensure the public health and safety. The Commission expressed the concern, however, that sequential site characterization could considerably delay the schedule for opening a repository if the preferred site is found to be unlicensable.

Mr. Hugh Thompson, Director of the NRC Office of Nuclear Material Safety and Safeguards, reflected our specific concerns regarding a potential for delay in testimony before the Committee on April 28, 1987. We would refer you to page 6 of his statement in which he said:

"One of our principal concerns is that, considering the first-of-a-kind nature of this effort, selection of only one site for detailed site characterization runs a risk of resulting in a site which may ultimately prove to be unlicensable. If, after suspending characterization of other sites, DOE were to find its initially-chosen site inadequate, or if it could not provide assurance in a licensing proceeding that the site met NRC technical requirements, there could be considerable delay while characterization was completed on another site or slate of sites, with a consequent loss of momentum. The impacts of such a delay on NRC's stated belief that there is reasonable assurance that methods of safe permanent disposal of high level waste would be available when they are needed, would have to be carefully evaluated."

The staff has not identified any technical reason to preclude sequential site characterization. Thus, like the Commission, the staff does not identify any regulatory health and safety requirement for characterizing three sites in parallel.

The Commission believes that, under the Nuclear Waste Policy Act, the site selection process is the responsibility of the U.S. Department of Energy. The adequacy of the site will ultimately be determined by the NRC in a licensing proceeding. Although the NRC will be mindful of scheduling considerations, we will only license a site which satisfies our licensing requirements.

I hope that this letter clarifies the Commission's position on S. 1668. Please contact me if we can be of further assistance.

Sincerely,

Lando W. Zech, Jr.

Committee on Energy and
Natural Resources,
Washington, DC, September 30, 1987.
Hon. Lando W. Zech, Jr.,
Chairman, U.S. Nuclear Regulatory Commission, Washington, DC.

Dear Mr. Chairman: I am writing in the hope that you can clarify some apparent misunderstanding over the Commission's position on S. 1668, the Nuclear Waste Policy Act Amendments Act of 1987. This legislation was reported to the Senate by the Committee on Energy and Natural Resources on September 1.

On September 14, the Commission provided written comments on S. 1668 to the Senate Committee on Environment and Public Works. I am particularly concerned about the interpretation of the Commission's comments related to the selection of single candidate site for characterization for a repository.

I read your comments to say that the Commission generally supports legislation to characterize candidate repository sites sequentially and, thus, to select a single site for characterization by January 1, 1989. As I understand it, the Commission's main concern with S. 1668 is the potential for considerable delay in the schedule for opening of a repository if the selected site is not ultimately found to be licensable by NRC. It is my understanding, however, that while the Commission may have concerns about the potential for schedule delays, the Commission does not believe there is any public health and safety reason to characterize three candidate sites in parallel.

As I recall, Mr. Hugh Thompson, of the NRC staff, testified before our Committee in April that the Commission's main concern about sequential site characterization was that this would somehow force NRC to license a site that it did not feel was licensable in order for the Department of Energy to meet the 1998 contractual obligation to take spent fuel from utilities. Mr. Thompson testified further, in response to questioning, that the Commission's concerns about sequential site characterization would be mitigated so long as there were assurances that the opening of a repository would be driven by its licensability and not by schedule considerations.

It would be helpful if you could clarify the Commission's position on sequential characterization of candidate repository sites as contemplated in S. 1668. Thank you for your assistance in this matter.

Sincerely,

J. BENNETT JOHNSTON,
Chairman.

NUCLEAR REGULATORY COMMISSION,
Washington, DC, September 14, 1987.

Hon. JOHN B. BREAUX,
Chairman, Subcommittee on Nuclear Regulation, Committee on Environment and Public Works, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: In the June 18, 1987 hearing on the U.S. Department of Energy's proposal for authorization of a monitored retrievable storage facility (MRS) for spent nuclear fuel, you requested the U.S. Nuclear Regulatory Commission to supplement our testimony with comments on portions of three pending bills, S. 839, S. 1141 and S. 1266. Subsequently, your staff has requested the Commission to provide comments on S. 1668. The Nuclear Waste Policy Act Amendments Act of 1987, in lieu of the above three bills. The enclosed comments are in response to that request.

I trust this information is responsive to your needs. If my office can be of further help, please do not hesitate to contact me.

Sincerely,

LANDO W. ZECH, Jr.

NRC COMMENTS ON "NUCLEAR WASTE POLICY ACT AMENDMENTS ACT OF 1987"

SECTION 402: FIRST REPOSITORY SITE CHARACTERIZATION

Under section 402(a)(1), the Department of Energy ("DOE") must select a preferred site for the first repository on or before January 1, 1989. That will be the only site that undergoes at-depth site characterization, assuming the site is ultimately licensed. During the period before DOE selects its preferred site, there would be no requirement that it conduct surface-based testing at the three current candidate sites. This would be left to DOE's discretions. The Commission believes that DOE should be required to conduct additional surface-based testing at the three current candidate sites during this period in order to obtain further information as a basis for the selection of the preferred site for at depth characterization as a repository. As the NRC staff testified in hearings on April 28, 1987 and June 28, 1987 before the Senate Committee on Energy and Natural Resources, the existing data base for the three current candidate sites is limited.

The Commission does not oppose legislation which would require that only one site undergo at-depth characterization. However, it must be recognized that under such an approach there may be a greater potential for delay of ultimate operation of a repository than there is under the current regime where three sites will undergo at-depth characterization before a site is selected. If DOE were to find its chosen site to be inadequate, or if it could not demonstrate in a licensing proceeding that the site satisfied NRC regulatory requirements, there could be a considerable delay while characterization is started and carried out at another site. Also substantial delays in repository licensing would require the Commission to reevaluate its Waste Confidence Decision of 1984.[1]

The Commission believes that because of this uncertainty, it may be prudent and in the national interest to require DOE to continue surface-based testing both at the preferred site and at other candidate sites after selection of a preferred site. Such testing could provide additional information useful to DOE in evaluating the suitability of the remaining sites should the first site prove inadequate for licensing. This testing would likely provide sufficient geologic, hydrologic, and engineering data to evaluate potential disqualifying factors and develop a basic understanding of each site's characteristics so that more informed judgments could be made on the selection of a site for shaft sinking. DOE's surface characterization plans for all sites should be made available to the NRC and other interested parties.

The approach we are proposing should provide sufficient information about the two sites not selected for characterization, so that if the initial site selected turns out to be unsuitable for licensing, there would be less delay in selecting a second site. Minimization of potential delays is important, particularly if the licensing of construction of the repository and operation of the monitored retrievable storage facility ("MRS") are linked, as DOE has proposed to Congress. (The NRC staff testified before your Subcommittee on June 18, 1987, that the Commission opposes such linkage.)

To provide greater assurance that the chosen site would eventually be licensable, we also recommend that the legislation require that NRC and other concerned persons be given an opportunity to review and comment on the site which DOE choses for characterization before sinking of an exploratory shaft, and on the DOE plan for at-depth site characterization.

Our last comment with respect to this section relates to Section 402(f)(3). That section requires that DOE preserve all documents relating to selection of a preferred site and completion of the environmental evaluation for two years after the selection of the preferred site. The NCR is concerned that it could be inferred that these records may be destroyed after the required period of retention. Some of this material may be relevant during the licensing process and its absence could complicate our licensing proceeding. DOE and NRC are currently working on an information management system, known as the licensing support system to manage and provide ready access to all relevant licensing information and to be used as the sole information base during the discovery stage of the licensing proceeding. Any records related to the selection of the preferred site should be a part of the licensing support system and should be available throughout the licensing process. We would therefore recommend that the 2-year limit in this provision be deleted.

SECTION 403: SITING OF MONITORED RETRIEVABLE STORAGE FACILITIES

The Commission takes no position regarding whether there is a need for an MRS. As the NRC staff testified in hearings before your Subcommittee on June 18, 1987, the matter of need is regarded as primarily a business decision within the overall waste management system. Notwithstanding this view, the Commission understands that there may be operational regulatory benefits to be gained by providing an MRS as part of an integrated high level waste disposal system.

We note that under Section 141(b)(3) of the Nuclear Waste Policy Act, the Commission was afforded an opportunity to comment on DOE's initial proposal for an MRS facility. In this proposed legislation, there is no provision for the NRC to comment on the DOE MRS proposal. We believe that the legislation should provide for such comment because it would ensure early identification of potential MRS licensing issues and provide some assurance that the site selected by DOE can meet NRC licensing requirements.

Section 403(f)(1) requires DOE to conduct a study of the need for and feasibility of multiple MRS facilities. From a regulatory perspective we see no basis for more than a single MRS facility, however, we have no objection to such a study.

Section 403(j)(1) requires DOE to submit to Congress a report evaluating the benefits of storing spent nuclear fuel for at least 50 years before it is placed in a repository. The Commission believes that while there may be some benefit to repository design resulting from lower heat generation rates in spent fuel after long term storage, the technical basis for requiring spent fuel storage for 50 years has not been established.

We believe that spent fuel storage should not be relied upon indefinitely as a substitute for eventual disposal. We have a concern that a requirement for 50-year storage period may be interpreted as suggesting a lack of national resolve to develop a geologic repository for waste disposal.

SECTION 404: BENEFITS AGREEMENTS

The Commission takes no position on the issues raised by this section, as the presence or absence of financial incentives is not directly related to NRC's health, safety, and environmental responsibilities or to our repository or MRS licensing process.

SECTION 406: REVIEW PANEL

This section establishes an advisory panel to review DOE's activities relating to the waste repository and the MRS. Because it would not be subject to the Federal Advisory Committee Act, its meetings would not have to be open to the public. The Commission is concerned that this arrangement could lead to instances where the Review Panel raises significant issues relating to the licensability of the repository or the MRS, but the NRC does not learn of these concerns in a timely fashion. We believe this provision should be revised to ensure that pertinent concerns of the Review Board are promptly transmitted to the NRC.

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[1] Over the years in licensing the operation of commercial power reactors, the Commission has been confident that from a public health and safety and environmental protection perspective, safe waste storage and disposal would be available when needed. In its Waste Confidence Decision, the Commission addressed this issue at great length. The Commission concluded that, if necessary, spent fuel could be safely stored either at the reactor where it was generated or in an independent spent fuel storage installation for at least 30 years beyond the expiration of a facility's operating license. The Commission also found that it had reasonable assurance that one or more mined geologic repositories for high-level radioactive waste and spent fuel would be available by the years 2007-2009. Based on these findings the Commisison concluded that it had reasonable assurance that a disposal facility would be available when needed.

SECTION 410: AUTHORIZATION OF APPROPRIATIONS

This section would, among other things, add a section 126 to the NPWA relating to the transportation of spent nuclear fuel and high-level radioactive waste. The Commission has no objection to section 126(a), which would require that all spent nuclear fuel and high-level radioactive waste be transported in packages certified by the Commission. DOE has long been committed to such an approach.

We have concerns, however, with Section 126(d) which provides that the Commission shall require actual tests on a sample full-scale package as part of the certification process. The NRC staff considers actual full-scale package tests to be unnecessary from a technical perspective. It believes that DOE could demonstrate that its transportation packages meet NRC requirements using computer simulations and/or scale model tests. We further note that the section as currently drafted is ambiguous. It is unclear whether the NRC is to require an actual full-scale test for each package design or whether such a test would be required only for a sample cask of a single representative design. Also, if Congress requires actual full-scale testing, the extent of this testing should be clarified.

Finally, we note that Section 126(e) requires the NRC to conduct a survey of packages for transportation or disposal of spent nuclear fuel or high-level radioactive waste used or intended to be used by other nations and report its findings to Congress. In its report the NRC would be required to comment on whether the designs evaluated meet or exceeded applicable Commission regulations for such transportation, storage, or disposal.

The Commission requests that Section 126(e) be deleted. The NRC does not have the authority or a mechanism to require the owners of foreign designs to provide the extensive technical information that would be needed. However, such an NRC evaluation could adversely impact U.S. relations with affected countries. Any finding by the NRC that a specific design that had been approved by a foreign government did not meet NRC safety requirements, could be regarded as questioning the effectiveness of foreign regulatory authority. We further note that such an evaluation would require extensive funding and technical resources and the end result would seem to be of limited regulatory value. Finally, we note that if Congress desires to retain this provision in some form, the responsibility for conducting the survey and performing the evaluation should be assigned to DOE rather than to the NRC. DOE is the agency responsibile for repository technology development.

Nuclear Regulatory Commission,
Washington, DC, November 10, 1987.

Hon. J. Bennett Johnston,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

Dear Mr. Chairman: This responds to your letter of November 9, 1987, in which you requested the Nuclear Regulatory Commission's views on legislation that would require the Secretary of Energy to select by January 1, 1989, a single preferred site for characterization as a repository from among the three current candidate sites.

The Commission's views continue to be those that we expressed in an October 2, 1987 letter to you. Simply put, the Commission does not oppose legislation that would require the Secretary of Energy to select one site for at-depth characterization. Simultaneous characterization of three sites is not necessary to protect the public health and safety. The Commission takes no position concerning the date for selecting a preferred site for characterization. However, it should be recognized that sequential site characterization could delay the schedule for opening a repository if the preferred site is subsequently found to be unlicensable. To mitigate this concern we have suggested that surface-based testing continue at the two sites not selected for at-depth characterization. This is the approach reflected in your amendment to S. 1668. Please contact me if we can be of further assistance.

Sincerely,

Lando W. Zech, Jr.

AMENDMENTS TO THE NUCLEAR WASTE POLICY ACT—MONITORED RETRIEVABLE STORAGE

Mr. JOHNSTON. Mr. President, last week there was extensive debate on the nuclear waste legislation incorporated in H.R. 2700, the energy and water development appropriation bill for fiscal year 1988. One of the issues debated was the authorization for a monitored retrievable storage facility, or interim storage, that is included in the nuclear waste legislation. Some of my colleagues stated last week their belief that the MRS is not needed, or worse, that it is not wanted by the utilities.

Mr. President, I believe that the MRS is an essential part of an integrated waste management system. The MRS is a facility that can serve both as a packaging and handling facility during repository operation and as a interim, or backup, storage facility prior to the operation of a repository.

The MRS is not an alternative to at-reactor storage, and it is not a substitute for a repository. Utilities are required to take care of their own storage needs until 1998, but the Federal Government has a contractual commitment to take title to spent fuel beginning in 1998. An MRS will better ensure that the Department is able to meet this contractual commitment to accept spent fuel beginning in 1998. The MRS will allow greater efficiency in the packaging and handling of spent fuel prior to permanent disposal in a geologic repository. It will allow for greater flexibility and efficiency in operation of the overall system.

All in all, MRS is proven technology, it is something we know how to do, and it is something that we should get on with. It is a far superior approach to continued onsite storage at the 68 reactor sites in 31 States around the country.

There has been a great deal of debate about the need for the MRS. Critics have charged that the Department of Energy has not demonstrated the need for the facility. Critics have charged that the utilities do not support the MRS. But I do not believe this is the case. The record of hearings held by the Committee on Energy and Natural Resources has indicated that the facility is needed and that the utilities do support it. I have also received recent correspondence from the Edison Electric Institute to this effect.

At this time, I ask unanimous consent that the text of a November 9 letter to me from Thomas Kuhn, executive vice president of the Edison Electric Institute, be printed in the Record. I also ask unanimous consent that the executive summary of a recently completed report by the Department of Energy on the need for the MRS be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Edison Electric Institute,
Washington, DC, November 9, 1987.

Re Edison Electric Institute support for the Monitored Retrievable Storage (MRS) facility.

Hon. J. Bennett Johnston,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

Dear Mr. Chairman: During the on-going Senate floor debate on the FY 1988 Energy and Water Development Appropriations Bill, questions are being raised regarding the electric utility industry's position on the MRS. I want to make it clear that the Edison Electric Institute supports the MRS, as well as the rest of the Johnston/McClure language contained in the Appropriations bill. EEI's support for the MRS was originally decided by its Board of Directors on March 12, 1986 and was reconfirmed on March 13, 1987.

Of specific interest is Senator Sanford's inclusion of internal Tennessee Valley Authority memoranda in the November 5 Congressional Record (at 15869ff). These memoranda indicate internal TVA discussions over the need for the MRS and were prepared, in part, in response to inquiries from EEI regarding S. 1481. While these discussions are interesting, they are only that—discussions. When TVA Chairman Dean responded to our request, he stated that TVA's position remained neutral on the MRS. This was reiterated by Chairman Dean in his statement quoted in *The Knoxville Journal* of October 26, 1987 (copy enclosed).

We have reviewed Mr. White's memorandum, as printed in the Record. It is unfortunate that his review of the MRS focuses only on the additional storage aspect of the MRS and not on its overall functions as an integral part of the waste disposal program. He indicates that TVA is planning upon life-to-plant storage at its reactors, concluding that the MRS is not necessary for TVA. There are several points worth making with regard to the internal TVA memoranda. First, at-reactor spent fuel storage may or may not be less costly than centralized storage at the MRS, but performing the MRS function of preparing high integrity waste disposal packages at the seventy-plus reactor sites does not appear practical. Enclosed is a brief discussion of comparative storage economics. Second, given the current status of TVA's licensed reactors, its needs may be significantly different than the rest of the electric utility industry. Third, and most important, is that Mr. White does not include in his discussion the strategic value the MRS holds for the nuclear waste program.

After many years of experience in designing, constructing, licensing and operating over 100 nuclear generating stations, electric utilities have concluded that there are distinct advantages to separating difficult tasks into more manageable projects as opposed to one large project. This is precisely the concept that, in response to DOE's first draft *Mission Plan,* lead to our recommendation that DOE seek parallel paths for the large repository-only project. This would lead to separate, more manageable components, and a high-level radioactive waste disposal system where successes would be achieved at a date earlier than would be possible with a repository-only system. Earlier successes would provide learning opportunities for all concerned and would benefit the repository activities that follow the MRS activities. Furthermore, once the MRS is included in the high-level waste disposal system, the overall system could be designed and operated on a more flexible and efficient basis. Enclosed is a copy of a paper presented this past January by a member of the EEI staff discussing the strategic value of the MRS in greater detail.

Lastly, the issue of transportation has been discussed during the current debate. Our view is that transportation will be made more efficient by including an MRS in the system, but that overall transportation impacts on the general public will be largely uneffected by the MRS. The important point, however, is that the effects on the general public due to nuclear materials transportation are very small, with or without the MRS, and the MRS issue should turn on other matters, such as those discussed above. Enclosed are two fact sheets on nuclear transportation that discuss the subject in greater detail.

I hope you find this information useful as the Senate debate on the Appropriations bill continues. We greatly appreciate your efforts and hard work toward getting the nuclear waste program back on track. Please do not hesitate to let us know if we can be of further assistance.

Sincerely,

Thomas R. Kuhn,
Executive Vice President.

Executive Summary

On March 31, 1987, the Department of Energy (DOE) submitted to the Congress, in response to Section 141 of the Nuclear Waste Policy Act of 1982 (the Act), a proposal for the construction of a facility for monitored retrievable storage (MRS). The proposed MRS facility would be fully integrated into the overall waste-management system to serve as a centralized facility for receiving spent fuel from commercial reactors, for preparing spent fuel for permanent disposal in a geologic repository, and for temporarily storing a limited amount of the prepared waste pending shipment to the repository.

The integrated MRS facility offers important advantages that would benefit both development and operation of the overall waste management system. The MRS facility would *improve system development* by providing a stepwise approach to moving from the current state of experience to full-scale operation of a disposal system including a repository. It would allow DOE to proceed immediately to plan for, and implement a major part of, the waste-management system independent of the remaining issues to be resolved about the repository. The siting and construction of an MRS facility would also yield *major institutional benefits* by making a significant step forward that would give added momentum for implementing the entire system and provide experience at interactions with a host State and local community that would benefit later relations with the repository host.

The MRS facility would enhance the operation of the waste-management system in several important ways. it would *accelerate waste acceptance,* thus reducing the need for new temporary storage facilities at reactors and the attendant spent-fuel-handling operations, licensing efforts, and costs. The buffer-storage capacity of the MRS facility would provide *improved system reliability and flexibility* by allowing the functions of spent-fuel acceptance from reactors and spent-fuel emplacement in the repository to proceed independently, so that interruptions in one would not affect the other. It would *simplify facilities and operations at the repository* by shifting a major part of waste-package preparation to another site. Finally, it would *improve transportation* by allowing the longest leg of the journey from the reactor to the repository to take place in very large casks on dedicated trains moving on a single transportation corridor, thereby reducing the costs and impacts of waste transportation.

These benefits can be obtained at a reasonable cost. Recent estimates show that the overall cost for the development and operation of a waste-management system that includes an MRS facility would be approximately $1.5 to $1.6 billion higher than that for a system without an MRS facility. This difference is less than 5 percent of the total-system life-cycle costs for the current reference system without an MRS facility.

Since the DOE developed the MRS proposal for the Congress, a number of questions have been raised by the General Accounting Office (GAO), the State of Tennessee, and others concerning the need for the MRS facility and the feasibility of achieving comparable performance for the overall waste-management system without an MRS facility. This report was prepared to provide additional information to address these questions.

This report reviews potential modifications to the currently authorized system (the "reference no-MRs system"); describes and compares alternative no-MRS systems that incorporate these potential modifications to varying degrees; and provides a summary comparison of a modified no-MRS system with a similar system that includes an MRS facility. Also included are a summary of the views of some U.S. utilities on the need for the MRS facility and preliminary estimates of institutional costs identified but not quantified in the DOE's proposal to the Congress.

Nothing in this analysis indicates the need for any substantive changes in the conclusions reached in the DOE's proposal about the system benefits and costs of an integrated MRS facility. The research and development programs described in the DOE's proposal to the Congress may yield technological advances that can improve the waste-management system with or without an integrated MRS facility. However, none of these advances appears likely to significantly alter the net relative advantages offered by the MRS facility or the relative costs of adding that facility to the system.

In particular, the system-development and institutional benefits of the MRS facility can best be obtained by the construction and operation of a large-scale centralized waste-management facility—the MRS facility—several years before the first geologic repository. Without an MRS facility, many of the first-of-a-kind technical and institutional challenges of waste management and disposal will be faced at the first repository. With the MRS facility in the system, many of the pertinent issues, except for the issue of long-term disposal, will have been addressed before the final development efforts for the first repository.

Of the operational benefits identified for the MRS facility, it would appear that only the transportation improvements can be obtained by modifications to the no-MRS system, and then only to a lesser degree that would be possible if the same modifications are applied to the system that includes an MRS facility.

The views of the utility industry—as represented by testimony before the Congress and determined in a limited DOE study of several utilities—indicate strong support for an MRS facility and similarly strong opposition to performing at reactor sites several waste-preparation operations that would be performed at the MRS facility.

The discussions that follow briefly describe the evaluations performed in this study and summarize the results.

ACHIEVING COMPARABLE PERFORMANCE WITHOUT THE MRS FACILITY

The GAO and others have contended that the MRS proposal to the Congress does not compare an improved waste-management system without an MRS facility with a system that includes an MRS facility. According to these commenters, such a comparison is needed to determine the true value of an MRS facility to the system.

Assessment of alternative no-MRS cases. This report presents the benefits and costs associated with five alternative modifications to the reference no-MRS system that incorporate various combinations of technologies. The technological options considered include large-capacity transportation casks; dual-purpose storage-and-transportation casks for the at-reactor storage of spent fuel; at-reactor preparation of spent-fuel canisters that are compatible with the rest of the waste-management system; and at-reactor spent-fuel consolidation. The alternatives evaluated represent increasing degrees of transfer of waste-management activities from the Federal waste-management system to reactor sites. They range from an alternative system that involves only modifications to the Federal waste-management system to one in which the preparation of repository-ready disposal canister—a key function planned for the MRS facility—is performed at reactor sites instead.

The evaluation of the five no-MRS alternatives identified one option that has significant advantages over the current reference no-MRS system and all of the other options. This option—alternative 1—involves the use of large-capacity transportation casks and DOE guidance and advice to encourage utilities who chose to consolidate fuel to use a canister that is compatible with the rest of the waste-management system. These modifications can be implemented in the Federal waste-management system with little intrusion into utility activities. They would reduce overall system costs by $400-$500 million and also reduce the occupational and public risk of radiation exposure, primarily as a result of the transportation improvements resulting from the use of large-capacity casks.

The comparison indicates that involvement by the utilities in waste-preparation activities beyond those they would voluntarily undertake to deal with their own storage problems would lead to cost impacts that range from only minor cost reductions to substantial cost increases compared with performing those activities at the repository. For example, the analysis indicates that DOE action to encourage or require the consolidation of spent fuel at reactors (a function now planned for the MRS facility or for a repository if an MRS facility is not authorized) would have at most a marginal cost benefit. Furthermore, once the large-capacity transportation casks are employed, at-reactor consolidation yields only minimum additional reductions in transportation costs. In sum, the small net cost benefits resulting from the promotion of at-reactor consolidation would not offset the negative impacts associated with the increased Federal intrusion into utility operations and the associated risks of interference with reactor operations.

The evaluation of cases involving differing degrees of preparation of disposal-ready waste packages at the reactors showed the same results for each case: overall system costs would increase; significant institutional and utility opposition to widespread utility involvement in spent-fuel preparation would be expected; and substantial technical feasibility issues would need to be resolved. In fact, the alternatives involving the performance of most or all MRS functions at reactor sites have costs that are comparable to, or higher than, the costs of the system with an MRS facility and provide none of the substantial system-development benefits of the MRS facility.

Comparison of no-MRS and MRS cases. The no-MRS case that was identified as having advantages compared to the current reference no-MRS system was compared with an updated MRS case that incorporates the same improvements made in the no-MRS case. The comparison showed that the only significant change from the analysis presented in the MRS proposal is the large reduction in transportation costs and impacts resulting from the use of large-capacity transportation casks for shipments from the reactors to the MRS facility or the repository. While the large-capacity transportation casks do improve transportation substantially in the MRS case, the benefit is greater in the no-MRS case because in the latter case the benefits accrue over the entire distance from the reactors to the repository.

The larger reduction in transportation costs for the no-MRS case compared with the MRS case increases the calculated cost difference between the two cases to $1.6-$1.9 billion (about 13 percent higher than previous estimates), although the absolute cost of both cases is reduced. However, the updated MRS case still shows net improvements in transportation compared with all of the no-MRS cases simply because the 150-ton casks that will be used to ship from the reaction to the repository—the longest portion of the journey from the MRS facility to the repository—have a substantially larger capacity than the largest rail cask that can be used at a reactor. Furthermore, the MRS case will reduce the number of separate jurisdictions affected by transportation by restricting shipments to a single cross-country route rather than the several that would be involved in the no-MRS case.

In summary, a qualitative examination of various modifications to the no-MRS system shows that no realistic combination of technological modifications and varying degrees of shift of waste-preparation functions from the DOE to the utilities will result in equivalent advantages or in any substantive way alter the advantages that would accrue to the waste-management system as a result of the MRS facility. Many of the major advantages of the MRS facility can be obtained only by the construction and operation of a central waste-management facility before the repository—so that no conceivable improvements to a no-MRS option, in which activities are performed instead at separate reactor sites, can provide comparable benefits.

VIEWS OF THE UTILITY INDUSTRY ON THE NEED FOR THE MRS FACILITY

The benefits of an MRS facility are considered to be sufficient to warrant the small percentage increase in the overall system cost. This conclusion has been endorsed by the utility industry. From the testimony of utility representatives before the Congress, the GAO findings, and the results of a limited DOE study, the following conclusions about the views of the utility industry can be made:

The nuclear utility industry supports the addition of an MRS facility to the waste-management system.

The utility industry can and will implement technological solutions to the problem of spent-fuel management until the fuel is transferred under the Act to the Federal Government. The solutions are, however, likely to vary among the utilities in the absence of significant Federal intervention.

The utilities are not inclined to commit to substantially greater waste-preparation operations at reactor sites than those required to sustain the safe operation of the nuclear power plant. This attitude stems mainly from concerns about institutional, liability, and licensing issues rather than simply technical concerns.

Any waste-management option that requires extensive at-reactor consolidation or other at-reactor operations that are beyond those otherwise needed to safely and efficiently store fuel pending acceptance by the DOE would require facility modification and operations that encroach on the primary function of reactors—the generation of electricity.

COSTS UNQUANTIFIED IN THE MRS PROPOSAL

The DOE has been asked to provide estimates for certain costs that were identified but not quantified in the MRS proposal. These costs fall into the general categories of impact mitigation, consultation-and-cooperation (C&C) agreements, payments equivalent to taxes, and licensing and permit fees.

These costs were not quantified in the MRS proposal because the DOE felt that including them in the proposal was not appropriate. As explained in the DOE's comments on the GAO report, such costs were not specified in the proposal "to allow the DOE flexibility in the consultation-and-cooperation process that will be initiated if Congress approves the MRS proposal." An estimate of State and local taxes (or payments in lieu thereof) was nonetheless included in the proposal documents. The DOE's comments also pointed out that some of these costs should be determined by the Congress "as a matter of national policy and of the value of the MRS to the waste-management system, as opposed to a DOE estimate." *The authority for these expenditures would come from the legislation authorizing the MRS facility.* Only funds for impact mitigation have already been approved by the Congress, as they are included in the Act. Other payments to the affected State and local jurisdictions, although proposed by the DOE, are yet to be approved by the Congress. Consequently, the costs for these items may be as low as zero.

Mr. BREAUX. Mr. President, I rise to speak on the pending amendment as the chairman of the Nuclear Regulation Subcommittee of the Environment and Public Works Committee.

I start by making the point for those Members who do not sit on any of the authorizing committees that I have been deeply involved in this legislation. I am certain that many of them are very confused about what all the debate has been about; why are we engaged in a filibuster on this legislation; why some are filibustering and stopping other legislation that needs to come to the floor of this body and to be concluded with the other body, matter of tremendous importance.

I say there is not a great deal of difference in the approach of the Energy Committee and the Environment and Public Works Committee on this subject. I, as one Senator from the State of Louisiana, believe in nuclear power. I support it. I think there are a lot of things that we can continue to benefit from. I think there are major steps that need to be taken to improve the delivery of nuclear power. But my bottom line is that I support nuclear power. I think it is good for this country. It is also the policy of this country. We have established that.

I also support, as anyone who supports nuclear power supports, the establishment of a safe method of disposing nuclear waste. You cannot have one without the other. You cannot have a nuclear power industry in this country without having a means of disposing of nuclear waste.

Some perhaps will argue that there are those in the Senate who want to do something about nuclear waste and there are others who do not and, therefore, those who do not want to approve this legislation are, in reality, opposed to nuclear power.

It is not true. I support finding a site to dispose of nuclear waste because I support nuclear power. Until we solve the waste problem, there is no way that we are going to continue to be able to produce and use nuclear power produced by the industry in this country of ours.

Therefore, the difference boils down not to those who support finding a nuclear waste site versus those who refuse to do anything about it. That is not the question. The real question that we find ourselves addressing is how we go about picking those sites. Therein lies the difference between the procedure of the Environment and Public Works Committee and the Energy Committee. That difference is really very simple. The difference in the approaches is really not that complicated. The difference in the approach as I see it deals with how we select the site and do the final work to determine whether that site is a responsible one to put nuclear waste in. The difference in the two committees' approach is not that significant, not that hard to understand. In fact, it is quite simple.

Our committee's approach says that there are three sites that have been picked as potential sites. Our committee says that before you select one of those sites for full characterization, before you select one of those sites to drill a major shaft down into the ground, before you spend the billions of dollars that are going to be needed to, in fact, sink that shaft, let us have on hand information about all three sites. We simply must be able to justify that the one site that is finally selected for this major endeavor is suitable; that it has been selected with information and with evidence and with some surface-based testing. The record is very clear that surface-based testing is critically important to determine whether one site is more preferable than the others.

That is our committee's approach.

My interpretation and understanding of the Energy Committee's approach is that they have modified their bill since they have come to the floor. They have accepted some of these ingredients I have just described with regard to surface-based testing. But there is a major difference and the major difference is that they want to do the surface-based testing after someone has already made the decision to do the shaft construction, to expend the millions and perhaps billions of dollars to determine what one site looks like underground.

My question is, if it is important enough to do surface-based testing and find out about the three sites, is it not important enough to have that information before we pick the one final site? I think the obvious answer is that of course it is.

Why go out and make a commitment on one site and agree to sink a shaft at that site without having the information about the other two sites on hand?

That really is the crux of the difference as to where we are at this point in time.

I have some information that I think is important for the record and that should be placed in the RECORD so that Senators who will try to come up with an honest evaluation can look at the evidence on both sides and come to the proper conclusion.

This decision, which seemingly we are being rushed into making, is a decision that is going to be with us and the rest of the world for thousands of years—for thousands of years, not months or days. It is a decision that the world will look to a thousand years from now and say, "Did the U.S. Senate rush to judgment? Why was there such a mad dash toward selecting a site that 24 months was compromised and they made the wrong decision?"

I say that does not make a great deal of sense. Surely, a decision on something as significant as what we as a nation are going to do with nuclear waste, a decision that is going to affect this country for generations and thousands of years, should be made with the same degree of intensive search and scrutiny as we make when deciding where to dump garbage from our homes, where to drill an oil well, or where to dig a canal. Those decisions are made after carefully looking at all the alternatives.

The Energy Committee says we should pick a site and go ahead and do the final testing work on it before we have done the minimum amount of work on the other alternatives.

That is what I think we have heard for the last several days from the Senator from Washington and the Senator from Nevada, who are uniquely concerned because their States have been selected for one of the possible sites. I do not hear them arguing against that. I just hear them making a plea that all of the sites be given proper evaluation before the final selection is made. Is that too much to ask? Is that too much to ask in order to make a decision which is going to be with us for thousands of years? I would suggest they are asking the very minimum and that we as Members of the Senate owe that to the country and the rest of the world.

I think the point needs to be made that there is not a great deal of difference between the approach of the Energy Committee and the approach of the Environment and Public Works Committee. I hope, before we get to a final decision, we can sit down and come to an agreement because the only difference of major substance is that our committee is recommending the three candidate sites have surface work done so that we know about the geology, and after we know the geology of all three sites then and only then do we pick the final site to drill the shaft and make that final commitment.

The Energy Committee says make the final commitment first and then while you are doing the work based on that final commitment, go out and study the other two. That is putting the cart before the horse. It is more important to get the information and use that information, then make your decision. Why study the problem if you are not going to use the information gained from the study to make the decision? I suggest to those who argue that our approach is too slow, I merely repeat, a 24-month delay to gain additional information on a decision that is going to be around for thousands of years, thousands of years, is not something that we can afford not to take, that we cannot afford to sweep 24 months under the table for something that is going to be with us for thousands of years.

When the Congress first enacted the Nuclear Waste Policy Act back in 1982, most observers believed that we had fashioned a well thought out and environmentally sound program that would facilitate our effort to address the nuclear waste disposal issue. The 1982 statute, which reflected the work of three Senate committees and seven House committees, called for the Secretary of Energy to select a number of potential sites located in different geological media for development as a permanent underground geologic repository for the disposal of high-level radioactive nuclear waste. After narrowing these potential sites to three preferred sites, the Secretary was directed to fully characterize those sites and then select one for which a license application would be submitted to the Nuclear Regulatory Commission.

At the time that one site is selected, the existing law requires the Department of Energy to prepare an environmental impact statement. It is not a big chore. We have prepared environmental impact statements to dredge canals. Certainly we should do one to select the site for disposal of nuclear waste. It was well understood at the time the current law was passed that the first repository site would most probably be located in the Western part of the United States, and in fact the three candidate sites that are now the subject of more extensive characterization efforts by the Department of Energy are located in the States of Texas, Nevada, and Washington.

As a complement to the so-called first repository program, the Congress also directed the Secretary of Energy to examine potential candidate sites for the development of a second repository, and this second repository program was to go forward on a parallel track, although roughly 4 years behind the first repository program.

It was understood at the time that this effort would focus on granite sites in the Eastern part of the United States, providing what was then considered a vital regional balance between the West and the East to the Nuclear Waste Disposal Program.

Finally, the Congress directed the Secretary of Energy to conduct a detailed study of the need for and the feasibility of an engineered aboveground facility called a monitored retrievable storage facility, or the MRS. Significantly, while the original act authorized the Secretary to proceed with a license application for the first repository, the construction of the second repository as well as the MRS were subject to further congressional action. As is often the case when a program is as technically complicated as the Nuclear Waste Program and given the obvious political sensitivity of locating a nuclear waste facility in any one State, the task of carrying out this program has obviously not been very easy. Indeed, many of the assumptions regarding the need for the cost of two repositories have proven to be incorrect.

Mr. President, it is now generally well accepted that this program is in need of midterm corrections, and that is really why we are here today, because most people—the Energy Committee, the Environment and Public Works Committee, committees in the House—agree that some changes, some midterm corrections in the program need to be made.

During the debate that has taken place on the Senate floor over the last 4 days, I have not heard anyone disagree with the fact that we need to make some changes in the nuclear waste program.

Let me repeat that, Mr. President. Not one of the statements that have been made on the Senate floor has challenged to notion that we need to make some corrections, and we need to make some changes in the 1982 act. What the Members have heard have been a number of very eloquent statements by Members of this body who have deep founded, well intentioned, and some very honest disagreements about the shape of the necessary corrections and how we go about reaching the new statement policy that we can agree upon.

On the one hand, Members have heard the distinguished managers of the bill defend their position incorporated by the Appropriations Committee in their amendments, and incorporated in the second-degree amendment on which we will shortly be voting. In essence, their position would amend the Nuclear Waste Policy Act of 1982 to first require that the Secretary of Energy select one of the three current first-round sites by January 1, 1989, for full characterization including the sinking of the exploratory shaft and full at depth testing. Under their original approach, all work of the other two sites would be halted unless the first site chosen proved unacceptable. Last week, this approach was modified on the floor by my senior colleague, the Senator from Louisiana. Under the pending amendment that we now have, additional surface-based testing would continue at the two sites not immediately selected in order to enhance the state of readiness at these two sites if the first proved unlicensable.

I interpret that to mean that the Department is to come in now and pick one of the three sites, and do all of the full characterization work, sink the massive shaft down into the ground, and do this underground testing that that shaft would allow. While you are doing that, do some surface-based testing on the other two sites. That is where I think their approach is defective.

The second thing that their amendment does is to cancel all site specific work on the second repository. I mentioned that the 1982 act said we will have a site somewhere in the West, and a site somewhere in the East for a second repository. The Energy Committee's approach today says we will cancel all site specific work on this second round repository and require the Secretary of Energy by the year 2010 to report to the Congress on the need for a second repository.

Again, modifications were proposed to this provision last week, which would entail a phaseout of the non-site-specific research activities that are ongoing and that are studying in the broadest sense the acceptability of crystalline rock as a so-called host media.

The third thing that their approach does is to authorize the Secretary to construct an above ground monitored retrievable storage facility, an MRS. It would authorize it. Again, modifications adopted last week would require an independent review panel to assess the need for such a facility, although even a negative finding by such a group would not lead to a deauthorization of the facility. Those modifications require setting up an independent review panel to assess again the need for such a facility. Certainly it seems they are approaching that decision with a great deal of care by saying they need more information with regard to whether an MRS facility is needed or not; but, I question whether they just trampled on that approach when it comes to studying, with greater information, the three potential sites for a permanent storage program.

The fourth thing that their bill does is to authorize the payments of incentives for those States that host either the MRS or the repository. Incentives are big bucks that their bill talks about giving to a State which is going to have a nuclear waste facility located in that State. I think it is $100 million to a State that has a permanent repository program per year and $50 million to a State that might end up with a monitored retrievable storage or temporary storage facility in their State per year. Again, I do not really have any qualms with that.

In justification of their position the managers of the bill have made a number of statements that I will get into in more detail concerning the testimony of these so-called experts before their committee concerning the overall state of readiness of the Department of Energy to proceed with selection; second, statements concerning the degree of competence that exist that any one of these three sites will prove to be licensable; third, statements about the tremendous drain on engineering, scientific and other technical talent that results from a dilution of effort that accompanies the complete characterization of the three sites; and, fourth, statements about the tremendous amount of money that is wasted by characterizing more than one site.

On the other hand, Mr. President, we have heard statements by Senators REID, ADAMS, and HECHT wherein they have put before this body a number of technical concerns that have been raised in their respective States about the work that has been done, and in some cases work that has not been done, by the Department of Energy in their early efforts to prove that one of the three current candidates is going to be licensable by the Nuclear Regulatory Commission.

Mr. President, I think some have attempted to characterize the efforts of these Senators as taking the position that not in my backyard do we under any condition want a nuclear waste facility. And these Members represent States that are being considered so the natural argument would be, well, dismiss the arguments of Senator REID, Senator ADAMS, and Senator HECHT because, after all, they just represent their constituents and their constituents do not want these facilities. So, of course, they are going to make these unfounded and unsupported arguments. I would suggest that their arguments are much more detailed than the "We do not want it in our backyard" argument. We also are reminded that they are also cosponsors along with our colleagues, Senators SASSER, MITCHELL, GORE, HATFIELD, PACKWOOD, ROCKEFELLER, PROXMIRE, SANFORD, and COHEN, among others, of legislation that would impose a moratorium on the entire program and require the appointment of a blue-ribbon commission to review the status of the entire program from the word go.

Mr. President, I am neither a cosponsor of the so-called moratorium legislation nor a Senator whose State is being closely examined as a potential repository State. I have, however, spent the last 10 months chairing the Subcommittee on Nuclear Regulation of our Environment and Public Works Committee. In that capacity, I presided over five hearings wherein we have examined various aspects of the Department's effort to implement the Nuclear Waste Policy Act of 1982. Witnesses who have testified before our subcommittee have included Secretary Herrington, Mr. Ben Rusche, until recently the head of the Department of Energy's Nuclear Waste Program, the Commissioners and the staff of the Nuclear Regulatory Commission, representatives from first- and second-round States, representatives from so-called transportation corridor States, representatives from States being examined for the location of an MRS, and representatives of the environmental community and the nuclear power industry, among others.

In short, our witness list has included many of the same experts that have testified before our colleagues on the Energy Committee. And now we are in the business of trying to interpret what we heard from our panel of experts versus what they have heard from their panel of experts. The truth of the matter is the experts have been by and large the same people testifying before their committee who have presented information before our committee. Why is it then that we have reached two seemingly different conclusions about what type of corrections are needed?

First, I would suggest that none of our hearings really focused on any specific piece of legislation. All of our hearings were in the truest sense of the word oversight hearings to look at the broad-based questions, to ask our witnesses to come in and not comment on some preconceived notion of what the legislation should do but rather we call the witnesses to come in and say, tell us about the program. Tell us about the progress. Tell us about the difficulties that you are experiencing so that we can then sit back and try to come up with some of the answers for these midterm corrections.

Second, I would say, and I said this in my earlier comments, that the two approaches are far more similar then they are different.

The approach of the Energy Committee and the approach of the Environment and Public Works Committee on this issue are far more similar to what we are both trying to recommend for midterm correction than they are different. That is why I said that it seemed to me, in the spirit of compromise, that we could work out an agreement which would be acceptable.

The House Interior Committee has taken one of those approaches where they have said stop all this work on the selection of a nuclear waste site. I think that is wrong. The House approach is to put on a moratorium and let us study it, about whether we need a nuclear waste repository or not. So the House Interior Committee says stop all work, put on a moratorium. I think that is the wrong approach, an extreme approach.

The Energy Committee, on the other hand, says let us go forward as quickly as possible. Let us pick a site right now and sink a shaft.

I think there is a middle ground, and I suggest that our approach is that middle ground, which says let us look at all three sites and do surface work on all three; and after you have the information, after you have the evidence, pick the site on which you want to do the final work. Before you make a decision, let us have the evidence; that is all we are saying.

I hope that the two committees which have similar approaches except for this difference will get together and work out the difference.

The legislation of the Environment and Public Works Committee does not quarrel with many of the Energy Committee's major changes in policy that they are advocating. It supports some of the changes they have made in their bill.

I think that bears repeating. The Environment and Public Works Committee does not quarrel or take issue with the four fundamental basic changes advocated by the Energy Committee. We have accepted, for example, the concept of sequential characterization and the cancellation of the second repository program. We have not taken issue with the decision to authorize either the MRS or the payment of incentives to host States. We have no quarrel with four major policy changes they are recommending.

In fact, this Senator has said, on the issue of payments to the potential host State, that I support that concept if that is the only way we could get them to host a permanent repository.

I have no problem with the decision to authorize the MRS. I want to make sure it does not become a permanent site, but I have no problem with authorizing the retrievable storage facility.

What we have taken issue with is the method advocated by the managers of this bill, by which the one preferred site will be selected and the lack of constraints placed upon the MRS. Those are the only two differences. That is the reason why we have a filibuster—that is it. It is a very simple difference between the two approaches.

Before I more fully explain why we have taken issue with this, I will take a few minutes to outline what is in our bill, the Environment and Public Works Committee bill.

Effective upon the date of enactment, our legislation would require the Department of Energy to identify the major technical issues at each of the three current candidate sites that relate to the suitability of such sites for development as a repository. These issues would be identified by the Department, in consultation with affected States and Indian tribes, the National Academy of Sciences, and the Nuclear Regulatory Commission.

After they have been identified, the issues would then have to be addressed through a surface-based testing plan, if existing data did not provide the answers; and the Department of Energy would be required to conduct such surface testing at all three of the sites where such testing either:

One, could reveal significant information about site suitability important to know before major resources are committed for "at depth" characterization; or

Two, is necessary to permit DOE to evaluate the suitability of the site for development as a repository.

I ask the Members to think about that standard. Is that an unreasonable thing to request? Is that an unreasonable requirement to have to meet before we go about selecting a facility that is going to store nuclear radioactive waste for thousands of years? Is that too much to ask, that the candidate sites be looked at and that we do some preliminary testing to get information on which to base a decision to do the final testing to select that site?

I would think that everyone would agree that before that decision is made, information about all the sites is needed and should be on hand, in order to make that final jump, before we make that final cut and spend the billions of dollars to assess the viability of that site.

Upon completion of the testing, the surface-based testing, testing that could be done without having to sink a major shaft—after that surface-based testing is completed, but, in any event, no later than January 1, 1991, which is only about 24 months later than the Energy Committee's proposal, our bill directs the Secretary of Energy to select one of these sites as the preferred site for development as a repository.

That means the full characterization, including the sinking of the shaft. Notably, our legislation requires the Secretary to make the selection based upon the relevant guidelines in existing law and applies the requirements of the National Environmental Policy Act to that decision. The National Environmental Policy Act is the law of the land. It requires an environmental impact statement to be done before Federal action which has a significant effect on the environment is taken. That is the existing law. It is a wise decision. When critical decisions are to be made that could potentially affect the environment, not just for the next month or the next year or the next several thousand years, why should the National Environmental Policy Act be waived?

Our bill recognizes that the process for selecting a site has an effect on the environment. Certainly it has a potential effect on the environment. All we are saying is that it should be applied to the methodology around which we select the site that is going to be the preferred site for the sinking of a shaft.

Who can argue that a decision of that magnitude, which is going to be a permanent decision for perhaps the rest of the history of our Nation, which can affect Americans in every State, is not a decision that will have a potential effect on the environment? Of course it has a potential effect. It has a direct effect. That cannot be denied. So the application of the National Environmental Policy Act should not be denied.

Our legislation says that that decision should be subject to the National Environmental Policy Act. Our position is that the selection of the preferred site should be based on the technical criteria of the Nuclear Waste Policy Act and that we should consider the National Environmental Policy Act requirements as being applicable to that decision process.

In what other areas does our approach differ from that which is currently pending before Senate? First, we give the potentially-aggrieved parties 120 days rather than 30 days to file the appeals of any Secretarial decisions before the Temporary Emergency Court of Appeals.

(Mr. CONRAD assumed the chair.)

Mr. BREAUX. Is it unreasonable, given the enormous record that will be compiled in this program, encompassing literally thousands of pages of highly technical and detailed information, to give potential litigants who are going to be affected forever by this decision an extra 90 days to file briefs?

Ninety days—is that too long on a decision that ultimately will be with us for thousands and thousands of years perhaps?

Second, we propose certain safeguards on the licensing of any monitored retrievable storage facility, or MRS, that might be authorized by the Congress, in an effort to ensure that it does not become the de facto repository and hence the problem of future generations. The distinguished Senator from South Carolina [Mr. HOLLINGS] has already given a most eloquent statement on the problems associated with the MRS provisions of the pending amendment that I will not repeat here. I will, however, point out that the so-called safeguards included in our legislation have either already been adopted by the Department of Energy in its earlier proposal to the Congress, or by local government groups that have studied the MRS concept and support it with these conditions.

The question again arises, Mr. President. Why, given this apparent agreement between the Energy Committee and the Environment and Public Works Committee on many of the major policy initiatives sought by the Energy Committee, do we find ourselves in this situation on this bill? Frankly, I am very, very puzzled myself and have always felt that differences should and could be eliminated.

I suspect, however, that the answer is really the inability on the part of the managers, myself and my senior Senator from Louisiana, and the other parties and other managers of the bill to compromise on the issue of the dates. That is, we have been told that virtually anything in the proposal that has come out of the Energy Committee is negotiable, except the date of January 1, 1989 for the selection of a preferred site.

I can only presume, therefore, that our committees have a vastly different understanding of the record on the key issue of whether the DOE will be able, on that date, to select a preferred site from the current candidate list of three. Let us explore for a moment, what that record reveals.

As I earlier stated, the proponents of the amendment before us at this moment have argued that all of the experts that have testified before them have indicated that the only roadblock in their way to the selection of this one site and full speed ahead on this one site, including the sinking of this exploratory shaft, is the objections of the potential host States. The States that might be selected are objecting. The testimony and the positions of the Nuclear Regulatory Commission has been generously used in connection with this argument.

But, as this Member reviews the position of the NRC, starting with something known as SECY-87-137, that is just not the case. SECY-87-137 is the name of a document that encompasses the NRC's "first quarterly status report on the prelicensing phase of DOE's Civilian High-Level Radioactive Waste Management Program" This report was prepared by the Commission's technical staff to provide the Commissioners with an update about the DOE's waste program implementation efforts and to flag for the Commissioners the NRC staff's concerns about such efforts.

Six action items from the Commission's staff are detailed in this document and some of them are most instructive to this debate, in particular, the staff discussion concerning the implementation by the DOE of scheduled and systematic consultations. In this part of the report, the NRC notes that the primary method of prelicensing consultation between the NRC and DOE, established under the Nuclear Waste Policy Act, is the NRC's review and comment on the DOE's site characterization plans [SCP's] and semiannual progress reports.

According to the NRC:

> [T]o facilitate this formal process, a Procedural Agreement between NRC and DOE was established in 1983 * * * which outlined procedures for consultation and exchange of information during investigation and characterization of sites for a geologic repository. These prelicensing consultations are intended to assure that NRC receives adequate information on the DOE Program in a timely manner to facilitate early identification and resolution of important licensing issues.

After documenting the past failures of the Department of Energy to timely meet in these prelicensing consultations, and the attendant risks that such failures held for the license application, the staff noted that:

> [W]e will be proposing to DOE, in the upcoming management meetings that near-term technical meetings should address specific concerns related to surface-based testing strategies. In our comments on the Draft Mission Plan Amendment we indicated that some surface-based testing may be needed prior to construction of the shafts because (a) shaft construction may render some testing impossible or useless; and (b) such testing may reveal information about site suitability important to know before major resources are committed for shaft construction. Significant progress toward resolution can be made for some areas of technical concern at each site through surface-based testing before sinking exploratory shafts.

Mr. President, a third enclosure to this document sets forth, in chart form, an issues hierarchy that identified for each of the three candidate sites the major licensing issues and the predominant research approach, that is, surface based and/or laboratory testing or underground testing and/or shaft sinking, that could be followed in the attempt to resolve them. Most interestingly, this chart reveals that:

First, of the five major licensing issues at the Hanford, WA site, four can approach resolution through means other than the sinking of an exploratory shaft;

Second, of the five major licensing issues at Yucca Mountain, NV, two can approach resolution through surface-based testing alone, two others require a combination of surface and underground tests, and only one requires underground tests alone; and

Third, of the four major licensing issues at the Deaf Smith, TX site, one can approach resolution solely through the use of surface-based testing, two others require a combination of surface and underground tests, and one requires the sinking of an exploratory shaft.

Mr. President, I ask unanimous consent that the relevant portions of the NRC's document, SECY-87-137, that I have just referred to be entered into the record and printed at this point in the debate.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PORTIONS OF DOCUMENT SECY-87-137

JUNE 8, 1987.

For: The Commissioners.

From: Victor Stello, Jr., Executive Director for Operations.

Subject: First quarterly progress report on the prelicensing phase of DOE's civilian high-level radioactive waste management program.

Purpose: To provide the Commission with the first quarterly progress report on the pre-licensing phase of DOE's Civilian High-Level Radioactive Waste Management Program.

Summary: The NRC staff has completed the first quarterly progress report on the pre-licensing phase of DOE's Civilian High-Level Radioactive Waste Management Program. This progress report was requested by the Commission and referenced in the Chairman's April 7, 1987 letter to DOE transmitting the NRC staff's comments on the Draft Mission Plan Amendment, issued in January 1987. The focus of this report is on the current status of seven action items which cover the key aspects of the NRC/DOE pre-licensing consultation program. Focusing on these items should provide the Commission with the overall NRC staff perspective on the progress of the repository program. Also, this report will provide information to the Commission on NRC/DOE interactions prior to meeting with the Director of DOE's Office of Civilian Radioactive Waste Management on June 11, 1987.

BACKGROUND

In the Draft Mission Plan Amendment of Janaury 1987, the DOE committed to six activities to make maximum use of the near-term schedule extension and to increase confidence that the Commission's review of the license application could be completed within the three year period required by the Nuclear Waste Policy Act (NWPA) of 1982.

The six activities listed in the DOE Draft Mission Plan Amendment are:

1. Interactions with the Nuclear Regulatory Commission on technical issues, using available options (e.g., rulemaking) to resolve issues.
2. The development and operation of a licensing support system that will provide storage and retrieval for specified licensing information.
3. The implementation of, and interactions with the Nuclear Regulatory Commission on, a quality-assurance program that will fully satisfy the Commission's requirements for the acquisition of data used in the licensing process.
4. The implementation of the issue-resolution strategy, which is based on the performance-allocation process requested by the Nuclear Regulatory Commission.
5. Provisions for greater involvement by the States and affected Indian Tribes in the technical program.
6. The implementation of a program of licensing topical reports, which will allow the NRC staff to consider various issues before the submittal of the license application and should greatly reduce the volume of material to be included in the application.

Five of the six activities directly correlate with the six action items identified in NRC comments on the draft Project Decision Schedule (PDS) dated October 24, 1985, as needing to be completed by DOE in a timely fashion during the pre-licensing phase of DOE's high-level waste repository program, if there is to be any real possibility that NRC can review the license application within the three year period required by the NWPA.

The six action items from NRC staff comments on the draft PDS are:

1. Implementation by DOE of Scheduled and Systematic Consultations.
2. Development of an Information Retrieval System.
3. Early Implementation of a Quality Assurance Program.
4. Early Establishment of Repository Design Parameters.
5. Early Resolution of Major State and Indian Tribe Concerns.
6. Adoption of Conservatism.

The one action item that DOE does not address is adoption of conservatism and a new item which DOE listed as an activity in the Draft Mission Plan Amendment is the implementation of a program of licensing topical reports to work towards resolution of issues before the submittal of the license application. This is an activity which NRC staff did not specifically identify as an action item to be tracked in the draft PDS comments but considers important to the success of the pre-licensing program and will include in the quarterly progress reports to the Commission as identified below.

7. Early Resolution of Issues through a Program of Licensing Topical Reports and Other Mechanisms.

In summary, for purposes of keeping the Commission informed of the status and progress made on the six DOE identified activities and the six NRC action items identified in our PDS comments, the staff will track the six NRC identified action items and the topical report activity identified by DOE as listed above. The NRC staff would appreciate any suggestions the Commission might have to make the Quarterly Progress Reports more effective.

In addition to a discussion of the status of these seven items, enclosed is information on the current status of NRC's activities required by the NWPA (Enclosure 1).

DISCUSSION

The current status of seven NRC action items is given below. (The original wording of the action item from the NRC staff comments on the draft PDS is given following the title and then followed by the status.)

1. Implementation by DOE of Scheduled and Systematic Consultations: DOE would meet with NRC staff to lay out current planned activities and milestones for site characterization (including preparations for characterization) to provide a detailed and systematic basis for determining the appropriate points for consultation. Timely consultation will become increasingly important given the long lead times for the development of plans and procedures, and for the timely procurement of essential services and equipment.

The primary method of pre-licensing consultation between NRC and DOE, established under the NWPA, is NRC's review and comment on DOE's Site Characterization Plans (SCPs) and semiannual progress reports. To facilitate this formal process, a Procedural Agreement between NRC and DOE was established in 1983 (Enclosure 2) which outlined procedures for consultation and exchange of information during investigation and characterization of sites for a geological repository. These pre-licensing consultations are intended to assure that NRC receives adequate information on the DOE program in a timely manner to facilitate early identification and resolution of potential licensing issues. To be most effective these consultations should be scheduled sufficiently early so that NRC comments can be resolved by DOE with enough lead time so as not to delay DOE activities or the NRC licensing process. They should also contribute to the DOE's development of adequate SCP's and a License Application (LA) as well as increase the confidence that NRC can review the DOE's LA within the three year period required by the NWPA. Under the Procedural Agreement the pre-licensing consultation interactions consist of technical meetings, data and document reviews, and prompt information exchange by an NRC On-site Licensing Representative (OR) at each DOE project office. (At present there are ORs stationed at the DOE Hanford and Nevada project sites. An OR will be selected for the Texas project site once DOE moves its salt staff to Texas). In addition, these interactions have been supplemented by periodically sending NRC headquarters staff to the DOE project offices to work with the NRC ORs.

While DOE revised their general milestones and schedules in the Draft Mission Plan Amendment of January 1987, they have not yet provided to NRC project-specific milestones and schedules. The SCPs which DOE is currrently preparing will lay out detailed milestones and schedules for each project. Project-specific milestones and schedules are needed to enable NRC and DOE to schedule appropriate consultations as the project work proceeds.

The current status of NRC/DOE consultations is as follows:

For the period from August 1985 (when it began to appear that DOE was having difficulty scheduling agreed to technical meetings) through March 1987, the following interactions occurred. There were no formal technical meetings between the NRC staff and the DOE's Nevada Nuclear Waste Storage Investigations (NNWSI) Project. For the DOE's Hanford Basalt Waste Isolation Project (BWIP), two technical meetings were held in December 1985, and for the DOE's Texas Salt Repository Project SRPO), two technical meetings were held in November 1985 and January 1986. In addition, there were also nine NRC/DOE technical meetings on generic topics (as opposed to site-specific). There were only two data reviews: one at BWIP and one at SRPO. However, during the same period the NRC ORs and NRC headquarters staff assigned to the ORs offices were much more successful in working with and obtaining information from DOE. Such staff interactions have been frequent and successful for NNWSI and SRPO while at BWIP they have been less frequent and access to information limited. Hence while the NRC staff has been able to keep generally current with the NNWSI and SRPO activities and to a lesser extent with the BWIP activities, there is a need for more site specific technical interactions and better access for the OR at the BWIP site. Despite the difficulties identified, the pre-licensing consultation has been generally adequate to permit NRC to perform its review of DOE programmatic documents issued to date in a timely manner. However, the main effect of the lack of interactions is that the SCPs prepared by DOE will not reflect the NRC comments and feedback that would have been generated in these interactions. This will probably result in the identification of more concerns and issues in the NRC's review of the SCPs, that will have to be resolved by DOE prior to the start of major site characterization activities and excavation of the exploratory shaft.

The need to increase the frequency and effectiveness of NRC/DOE site-specific technical interactions has been a focus of DOE and NRC management attention for all three DOE projects. Since DOE has been almost continuously occupied with writing the Environmental Assessments (EAs) and SCPs over the past three years—documents which then consume NRC's time and resources during the comprehensive review required—it has been difficult fo find mutually acceptable times to hold as many technical interactions as would have been desirable. However, both NRC and DOE management have committed to improving the extent and effectiveness of technical interactions, particularly formal technical meetings.

DOE and NRC agreed in December 1986 to have seven technical meetings during the first half of 1987. Four of these meetings (i.e. Hanford Hydrologic Testing, Texas Exploratory Shaft Design, Nevada Exploratory Shaft, and Issues Hierarchy and Performance Allocation) were held. The NRC staff considers that these meetings succeeded in making progress toward resolving technical issues previously identified by NRC staff. The dates tentatively scheduled for the remaining meetings have slipped. NRC and DOE management are scheduled to meet in early June 1987 to agree on a revised schedule for future NRC/DOE meetings for 1987.

Due to uncertainties in DOE's schedules, particularly regarding when exploratory shafts will be sunk, NRC staff considers that future technical interactions with DOE, States and Tribes should be focused on near-term information needs. We will be proposing to DOE, in the upcoming management meetings that near-term technical meetings should address specific concerns related to surface-based testing strategies. In our comments on the Draft Mission Plan Amendment we indicated that some surface-based testing may be needed prior to construction of the shafts because (a) shaft construction may render some testing impossible or useless; and (b) such testing may reveal information about site suitability important to know before major resources are committed for shaft construction. Significant progress toward resolution can be made for some areas of technical concern at each site through surface-based testing before sinking exploratory shafts (see Enclosure 3).

Conducting meetings to discuss surface-based testing strategies will also allow the staff the opportunity to determine how DOE is incorporating many of the concerns identified in our final EA comments into the SCPs. This will, in turn, provide valuable insight on DOE's current approach to implementing conservatism in their program, by seeing how uncertainties and alternative interpretations are being identified and factored into test plans.

ENCLOSURE 3

MAJOR ISSUES AND RESOLUTION APPROACH

Issue	Predominant approach	
	Surface-based and/or laboratory testing	Underground testing and/or shaft sinking
HANFORD SITE		
Characterization of groundwater flow system	X	
Tectonic stability	X	
Radionuclide retardation	X	
Container lifetime	X	
Repository constructability/high in situ stress		X
YUCCA MOUNTAIN SITE		
Presence of potentially active faults in the vicinity of Yucca Mountain	X	X
Potential for hydrothermal activity in the vicinity of Yucca Mountain	X	
Groundwater flow		X
Effectiveness of the potential radionuclide retardation mechanisms available at Yucca Mountain	X	
Potential for volcanism in the vicinity of Yucca Mountain	X	
DEAF SMITH SITE		
Potential for localized salt dissolution along faults acting as groundwater flow paths	X	
Effects of heterogeneities in the salt units on repository constructability and retrievability	X	X
Potential for shaft seal failures resulting in ground water inflow		X
Potential for localized corrosion of waste package in a brine environment—Brine migration/chemistry		X
Localized corrosion	X	

Mr. BREAUX. Mr. President, the managers of the bill will probably say that this early June position of the NRC has been overtaken by subsequent events and statements of the Commission. Let us examine some of the other relevant Commission documents on this issue.

On April 27, 1987, Commissioner Carr of the NRC sent a memorandum to the Commission's Executive Director for Operations and General Counsel wherein it is stated:

> My review of staff testimony on high level waste issues for submission to the Senate Committee on Energy and Natural Resources identified several agency policy issues that should be decided at the Commission level. Please prepare an in-depth analaysis of S. 839 [the fore-runner of S. 1668 and the pending amendment] which identifies these issues and provides options for Commission consideration and/or action.

As a result of this request, the Commission staff prepared another document, known as SECY-87-175. This document, sent to the Commissioners on July 17, 1987, indicates that the technical and policy staff of the NRC advocated a position of support for Congressional proposals for sequential site characterization:

> Provided that DOE is required to conduct a program of surface-based testing and a comparative analysis of at least three sites before selecting a qualified site for the excavation of an exploratory shaft and at-depth testing. On proposed amendments concerning the National Environmental Policy Act (NEPA), the staff recommends that NWPA requirements concerning NEPA be amended to permit the implementation of the process described above.

Let me repeat, Mr. President, by quoting from a more in-depth analysis of the summary recommendation quoted above. The technical and policy staff of the Commission recommended that the NRC.

> Agree with the concept of single at-depth site characterization provided that it take effect after DOE has completed a program of surface-based site characterization activities and a comparative evaluation of at least three sites . . . the recommended two-tiered site characterization option would enable NRC and DOE to concentrate their respective resources during the most resource-intensive phase of the program, which would permit higher technical quality of work at the site selected. Like the current NWPA program, the recommended option would retain the concept of conducting a rigorous comparative evaluation of at least three sites before making a major commitment to a single site. The advantage of two-tiered site characterization over the current program . . . is that the recommended approach would enhance the degree of assurance that the site selected for the most resource-intensive characterization activities will meet NRC licensing requirements.

Mr. President, this is the NRC's technical and policy staff recommendations. These are the people in charge of making sure that everything we deal with, with nuclear power and the disposal of nuclear waste, is done safely. And that is the real heart and crux of the difference between the Energy Committee's approach and the approach of the Environment and Public Works Committee.

I agree that it is not in the best interest of the program to do full characterization at all three sites at the same time. I agree that it is unbelievably expensive and in all likelihood unnecessary. But I feel very strongly that before we pick that final site, before we make that irrevocable decision to sink the shaft and go forward with selecting that one site, that we ought to have a minimum amount of information from all three sites. And not after the fact, but before the fact.

That is the only difference between the approach. Our approach says, "Before you make that final commitment, do the surface-based testing, get the information on hand, have somebody read it, study it, take a look at it and then go forward with the final decision to sink the shaft in the site that is most likely to be the permanent site for the next several thousand years."

The Energy Committee's approach is saying, "Go ahead and make the decision; go ahead and right now pick the site and sink the shaft. And, oh, by the way, while you are doing that, it is all right to go off and study the other two." The point is that the information to be gleaned from the studying of the two should be available before the decision is made. That is why I think that their product is deficient with regard to putting the cart before the horse, making a decision before the evidence is in. Let us get the evidence and then proceed to the actions that are required based on that evidence.

Mr. President, I ask unanimous consent that Commissioner Carr's memorandum and relevant portions of

SECY 87-175 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NUCLEAR REGULATORY COMMISSION,
Washington, D.C., April 27, 1987.

Memorandum for: Victor Stello, Jr., Executive Director for Operations, William C. Parler, General Counsel.

From: Kenneth M. Carr, Commissioner.

Subject: High level waste issues.

My review of staff testimony on high level waste issues for submission to the Senate Committee on Energy and Natural Resources identified several agency policy issues that should be decided at the Commission level. Please prepare an in-depth analysis of S. 839 which identifies these issues and provides options for Commission consideration and/or action. Staff should also consider how this legislation may affect the NRC Waste Confidence Decision.

KENNETH M. CARR,
Commissioner.

POLICY ISSUE

[July 17, 1987 Notation Vote, SECY-87-175]

For: The Commissioners.

From: Victor Stello, Jr., Executive Director for Operations.

Subject: Senate Bill 839, "Nuclear Waste Policy Act Amendments of 1987".

Purpose: To respond to the Commission's request to provide an in-depth analysis of Senate Bill 839; to identify major policy issues in the bill; and to provide options for Commission positions on these issues.

Category: This paper covers a major policy question. Resource estimates are Category I.

Issue: What positions the Commission should take, if any, concerning S. 839 and other proposed amendments to the Nuclear Waste Policy Act of 1982 (NWPA).

Summary: The staff does not believe there is a sufficient mission-related basis for NRC to initiate efforts for Congress to reopen the NWPA at this time. Congress is currently considering numerous bills which would restructure the national high-level waste program. The proposed bills cover a wide range of issues affecting the waste program, and represent diverse regional interests in Congress. The staff believes that a comprehensive basis for arriving at Commission positions on these issues needs to be established. The staff is preparing an Information Paper setting forth policy principles which staff intends to apply in recommending positions for Commission consideration. In the interim, the staff suggests that NRC proceed with caution in commenting on S. 839 and other bills to revise the nuclear waste program until the Commission has established the broad policy basis for developing positions on the issues.

In the present paper, the staff is providing an analysis of major policy issues in Senate Bill 839 and a discussion of options on these issues in response to a Commission request. In summary, if Congress chooses to pursue S. 839, staff would make the following recommendations: Concerning proposed amendments to require the Department of Energy (DOE) to characterize only one site at a time, the staff recommends that the Commission consider supporting the concept provided that DOE is required to conduct a program of surface-based testing and a comparative analysis of at least three sites before selecting a qualified site for the excavation of an exploratory shaft and at-depth testing. On proposed amendments concerning the National Environmental Policy Act (NEPA), the staff recommends that NWPA requirements concerning NEPA be amended to permit the implementation of the process described above. The staff recommends that the Commission request deletion of the proposed requirement that in any proceeding involving a civilian reactor, the Commission not consider any changes resulting from S. 839 in the schedule for opening a repository or monitored retrievable storage (MRS) facility. The staff also recommends that the Commission take no position on the proposed financial incentives in S. 839 for state and tribal participation in the development of an MRS and repository or on the proposed amendments to suspend existing NWPA requirements concerning the development of a second repository while an incentive agreement for an MRS is in effect.

Background: On March 25, the "Nuclear Waste Policy Act Amendments of 1987" (S. 839) was introduced in the Senate. The bill would add a new Title IV to the NWPA to: (1) authorize DOE to enter into financial incentive agreements with states or Indian tribes for development of a repository or monitored retrievable storage (MRS) facility; (2) require that DOE suspend characterization activities at other sites while a financial incentive agreement for a specific repository site is in effect; (3) require DOE to construct and operate an MRS facility; (4) remove NWPA requirements with respect to a second repository while an incentive agreement on an MRS is in effect; (5) exempt activities under Title IV from NEPA; and (6) provide that the Commission "not consider any changes in the schedule for opening a repository or monitored retrievable storage facility resulting from the implementation of this title in any proceeding involving a civilian nuclear power reactor."

S. 839 is one of a number of bills currently circulating in Congress to amend the national high-level waste program. Selected features of other bills include: (1) a requirement that no spent fuel be transported to a repository until it has been stored (at-reactor or at an MRS) for at least fifty years following removal from the reactor core (S. 1141); (2) suspension of site characterization and siting activities for a repository until January 1998 and development of four regional MRS facilities in proximity to the sources and beneficiaries of nuclear power (S. 1266); (3) establishment of a "Nuclear Waste Review [or Policy] Commission" to review and make recommendations to Congress concerning the nuclear waste disposal program (S. 748 and H.R. 2888); and (4) provision that NRC promulgate a rule requiring licensees to develop a contingency plan for safe storage of spent fuel and high-level waste in the event that no MRS or repository is available by January 1, 1998, and that upon implementation of the contingency plan DOE will take title to the spent fuel and high-level waste and reimburse licensees for costs of implementing such a plan (S. 748 and H.R. 2888). A list of legislation pending on the high-level waste program can be found in Enclosure 1.

The Commission currently does not have a specific policy basis for taking positions on these issues as they arise in individual legislative proposals. The staff believes that a consistent set of policy principles would be useful in developing positions on proposed legislation on a case-by-case basis. The staff intends to prepare in the near future an Information Paper setting forth policy principles to be applied to a broad spectrum of high-level waste management issues for Commission consideration.

On April 28, NRC staff appeared before the Senate Committee on Energy and Natural Resources to testify on the high-level waste program and provide preliminary comments on S. 839 (Enclosure 2). Following the hearing, the staff received a request from the Commission (Enclosure 3) to prepare an analysis of S. 839 identifying agency policy issues which should be decided at the Commission level, and options for Commission consideration and/or action. Appendix A presents a detailed discussion of the issues, including options for addressing them.

Discussion: A section-by-section analysis of S. 839 is provided in Enclosure 4. Four major policy issues which would have a direct impact on the NRC program emerge from the detailed analysis of the bill: (1) single and if necessary sequential site characterization instead of simultaneous characterization of multiple sites; (2) the integration of MRS facility into high-level waste disposal system; (3) the effect of S. 839 on NRC's NEPA responsibilities; and (4) the requirement that NRC not consider changes in the schedule for a repository or MRS resulting from Title IV in and proceeding involving a civilian nuclear power reactor, a provision which may affect NRC's Waste Confidence Rulemaking. The requirement for an MRS will not be included in this discussion because the staff believes that the Commission decided this issue when it took a neutral position on the need for an MRS in an April 27, 1987 letter from Chairman Zech to Senators Gore and Sasser (Enclosure 5).

Two additional policy issues which may affect the NRC program also emerge from S. 839: (1) financial incentives; and (2) the elimination of the second repository program. These issues will be treated separately from the four major policy issues in the bill because they fall outside the scope of NRC's traditional role of protecting public health and safety.

Abstracted from Appendix A, a summary of the salient policy issues in S. 839, options for dealing with them, and the staff's recommendations are presented in Parts I and II below for the Commission's consideration and/or action. These issues raise the large question of whether the Commission should act on its own initiative, apart from any request for its views, to seek amendments to the NWPA at this time. This issue is discussed under Part III.

I. MAJOR POLICY ISSUES

Issue I(A)—Single Site Characterization: Under Section 404(A) of S. 839, DOE may characterize only the site for which there is a valid incentive agreement, and only one incentive for a respoitory may be in effect at any one time. Existing law and NRC regulations require characterization of no fewer than three sites before selection of a site for repository development.

Option I(A)(1)—Agree with the approach of single site characterization on the grounds that it may improve the technical quality of the program by focusing NRC and DOE resources on a single site.

Option I(A)(2)—Disagree with approach of single site characterization.

Option I(A)(3)—Agree with the concept of single at-depth site characterization provided that it take effect after DOE has completed a program of surface-based site characterization activities and a comparative evaluation of at least three sites, leading to selection of a qualified site for at-depth testing. NRC and other concerned parties should be given an opportunity to comment on DOE plans for the surface-based site characterization program before it is implemented. NRC and other concerned parties should also have an opportunity to review and comment on the site which DOE chooses before sinking of an exploratory shaft.

Staff Recommendation: Option I(A)(3). Staff believes that this option captures the principal advantages of both the proposed and the current NWPA programs. Like S. 839, the recommended two-tiered site characterization option would enable NRC and DOE to concentrate their respective resources during the most resource-intensive phase of the program, which would permit higher technical quality of work at the site selected by DOE for at-depth testing. Like the current NWPA program, the recommended option would retain the concept of conducting a rigorous comparative evaluation of at least three sites before making a major commitment to a single site. The advantage of two-tiered site characterization over the current program, however, is that the recommended approach would enhance the degree of assurance that the site selected for the most resource-intensive characterization activities will meet NRC licensing requirements.

Issue I(B)—Effective of S.839 on NRC's NEPA Responsibilities: Section 407(C) provides that, "In implementing the authorities contained in this Title, the National Environmental Policy Act of 1969 shall not apply." NRC is required by the NWPA to adopt DOE's environmental impact statement "to the extent practicable." If DOE is not required to prepare an EIS, it is not clear how NRC would fulfill this requirement, or whether NRC would have a continuing responsibility to conduct what could by default become the only major NEPA review in the repository program.

Option I(B)(1)—Express no view.

Option I(B)(2)—Indicate to Congress that S. 839 does not adequately define NRC and DOE NEPA obligations under Title I, and request a clarification of Congressional intent.

Option I(B)(3)—Propose to Congress specific statutory language or legislative history to resolve the ambiguity, and conform NRC's and DOE's NEPA responsibilities to recommended Option I(A)(3), which provides for a comparative evaluation of at least three partially-characterized sites prior to at-depth testing at a single site.

Option I(B)(4)—Recommend that Congress delete Section 407(C).

Staff Recommendation: Option I(B)(3). The staff believes that this option would most effectively enable the Commission to help shape the outcome of the legislative process at a more formative stage.

Issue I(C)—Effect of S. 839 on Waste Confidence Rulemaking: Section 407(D) provides that "The Commission shall not consider any changes in the schedule for opening a repository or monitored retrievable storage facility resulting from the implementation of this title in any proceeding involving a civilian nuclear power reactor." This provision may preclude the Commission from considering, as it now does, the health and safety implications for reactors of delays in the availability of safe spent fuel storage and disposal.

Option I(C)(1)—Accede to 407(D) of S. 839 in its present form, and withdraw any Commission prerogative to address affected waste confidence questions in "any proceeding," be it generic or specific to an individual reactor.

Option I(C)(2)—Inform Congress that if Section 407(D) is enacted in its present form, the Commission would construe it as intended only to prevent the adjudication in an individual reactor licensing proceeding of issues arising from changes in the schedule for opening a repository or MRS. The Commission could then declare itself free to carry out periodic reviews of such Waste Confidence issues in a rulemaking or other generic proceeding, and to apply any resulting rule in subsequent individual reactor licensing adjudications.

Option I(C)(3)—Recommend to Congress that it delete Section 407(D).

Staff Recommendation: Option I(C)(3). If in the commission's judgment the changes in schedule resulting from S. 839 were to have significant adverse environmental or safety consequences, the staff believes that the Commission would surely be justified in wanting to reflect these consequences in its licensing decisions.

II. ADDITIONAL POLICY ISSUES

Issue II(A)—Financial Incentives:

S. 839 provides for substantial incentive payments for the state or tribe willing to host a repository or MRS facility. The state or tribe must, in return, agree to expedite site characterization and facility construction, and to forfeit its rights to judicial review and to disapprove a DOE recommendation of a site within its borders.

Option II(A)(1)—Agree with the approach of offering a financial incentive on the grounds that, on balance, it would be more likely than not to expedite development of a repository and thus contribute to the Commission's confidence that a repository will be available in the 2007-2009 time frame.

Option II(A)(2)—Disagree with the incentive approach on the grounds that: (1) it would not contribute to the technical adequacy of a site; (2) incentive payments would probably take precedence over other DOE high-level waste program expenditures in any competition for appropriated funds, possibly impairing DOE's ability to attain repository operation within the 2007-2009 time frame in the Commission's current Waste Confidence Decision; and (3) the incentive approach in S. 839 could impair the Commission's ability to reach timely closure in licensing issues by discouraging active participation of states and tribes in NRC efforts to identify and resolve these issues before their adjudication in the construction authorization hearing.

Option II(A)(3)—Take no position on the question of the proposed incentives, provided that they incorporate the recommended concepts of two-tiered site characterization and comparative review of sites at which surface-based testing has been conducted, prior to the conclusion of any incentive agreement for a repository. Indicate that with these stipulations fulfilled, NRC would proceed to focus on its health, safety, environmental, and licensing responsibilities in the high-level waste program with or without an incentive program.

Staff Recommendation: Option II(A)(3). The staff's principal concern with any incentive program would be the possibility that the specific incentives proposed might enhance the likelihood that a site pursued for development would not meet NRC licensing requirements. If Congress chooses to adopt a two-tiered site characterization process with a comparative evaluation of alternatives prior to selecting a site for at-depth testing and an incentive agreement, the staff believes that the incentives proposed in this bill would be less likely to result in the selection of an unlicensable site. If Congress chooses to pursue an incentive approach like that currently in S. 839 without these concepts, however, the staff would recommend that the Commission reconsider its neutrality.

Issue II(B)—Elimination of Second Repository Program: Section 405(C) provides that while an incentive agreement is in effect for an MRS, the DOE shall not be subject to Title I requirements for development of a second repository. This subsection would also relieve the Commission of the requirement in Section 114(d) of current law which prohibits, in approving the first repository application, the emplacement of more than 70,000 metric tons of heavy metal, or a quantity of HLW resulting from the reprocessing of such an amount of heavy metal, in the repository until a second repository is in operation.

Option II(B)(1)—Agree with the proposed provision on the grounds that there is no technical basis for the requirement for a second repository, and that its elimination would result in more cost-effective use of limited NRC staff resources.

Option II(B)(2)—Disagree with the proposed provision on the grounds that if the first repository and/or the MRS undergo extended delays, or if the first repository begins to experience problems requiring retrieval of wastes after an extended period of operation, a second repository would provide a "safety net" for timely re-disposal.

Option II(B)(3)—Take no position. As long as NRC has assurance that safe storage will be available until the termination of repository operations, or for the period during which the option of waste retrieval must be preserved under 10 CFR 60.111, whichever is longer, the staff sees no reason for maintaining the NWPA requirement for the second repository program. The Commission can provide itself such assurance by appropriate conditions on the repository license.

Staff Recommendation—Option II(B)(3). The staff believes that the regulatory controls available to the Commission for repository licensing would enable the Commission to assure the availability of sufficient standby safe storage to avert any public health and safety risks that would otherwise require the development of a second repository.

III. NEED FOR COMMISSION ACTION ON NWPA AMENDMENTS

Apart from the specific amendments proposed in this bill, there remains the strategic issue of whether the Commission should recommend to Congress that the NWPA be reviewed for an overall mid-course correction. As desirable as certain adjustments in the national program might be for reasons other than protection of public health and safety or the environment, the staff does not consider that there is currently a sufficient mission-related basis for the Commission to initiate legislation to obtain such changes. In particular, the Commission has not found in the course of its review of DOE's Mission Plan Amendment that the resulting DOE program would be unlikely to assure that a safe repository will be available within the 2007-2009 timeframe of the Commission's current Waste Confidence Decision.

If Congress were to request the Commission's views on NWPA program revisions similar to those in the current version of S. 339, however, the staff believes that the Commission could usefully suggest amendments to the bill along the lines recommended above. In any case, if Congress enacted amendments to the current NWPA program that would foreseeably affect the schedule for availability of a repository or storage facility in the 2007-2009 time frame, the Commission may find a review of its Waste Confidence findings warranted before the first periodic review currently scheduled for August, 1989.

Recommendations: That the Commission:

Include as appropriate the options recommended above by the staff in formulating any future position on S. 839 as requested by Congress.

Note that the staff is preparing an Information Paper, which will be provided to the Commission in September, setting forth policy principles which staff intends to apply in recommending positions on a broad spectrum of high-level waste management issues for Commission consideration.

Note that the Office of the General Counsel has reviewed this paper and appended material, and has no legal objections.

VICTOR STELLO, Jr.,
Executive Director for Operations.

Commissioners' comments or consent should be provided directly to the Office of the Secretary by c.o.b. Tuesday, August 4, 1987.

Commission Staff Office comments, if any, should be submitted to the Commissioners NLT Tuesday, July 28, 1987, with an information copy to the Office of the Secretary. If the paper is of such a nature that it requires additional time for analytical review and comment, the Commissioners and the Secretariat should be apprised of when comments may be expected.

Mr. **BREAUX**. Mr. President, these comments, and dozens of others from the staff of the NRC have been made available to the Subcommittee on Nuclear Regulation. In one such other document, an August 20, 1987, memorandum to the Commission's Office of General Counsel, the staff states that:

> [W]e believe that three sites should be characterized through a technically sound program of surface-based testing to provide a basis for comparison of the sites and the selection of one site for characterization at depth . . . [and] . . . [W]e recommend that the selection deadline allow at least two years for completion of this surface-based testing program . . .

Two years; twenty-four months. Is that such a big deal when we are talking about something that is going to be with us for literally thousands of years; 24 months extra to do a little surface-based testing before we move to the next step? In light of the fact that we are preparing to do something that is going to be around forever, I suggest that 24 months to do some additional testing is not too much to ask.

In another such document, a September 2, 1987, memorandum for the Commissioners, the staff comments:

> . . . if Congress determines that DOE should complete characterization of one preferred site at a time instead of three simultaneously . . . at least three sites should undergo a technically sound program of surface-based testing to provide a basis for comparison of the sites and selection of one . . . [and] . . . the proposed site selection deadline should be set back to allow at least two years for completion of this surface-based testing program plus one year for data analysis and reporting . . . .

And that, I think, is the real crux of the argument. Here are the people who are experts. I am not an expert, but I can read the information and the evidence that experts have given us. This country has a nuclear program that says the safety questions are going to be solved and decided by the Nuclear Regulatory Commissioners. They are in charge of the safety program. And what they are telling us in this September memorandum is quite simple: If you think it is necessary to only do one site before characterization, they have no problems with that. But they do say that before you do the one site, please give us the information on all three.

And that is why they say that should DOE decide to do one site, go ahead and do it, but at least the three sites that are now out there ought to undergo a technically sound program of surface-based testing to provide a basis for comparison of the sites at the selection of one.

The Energy Committee's approach is to say, "Select one. And then, after that decision has been made, it is all right to go off and do the study on the other two."

Well, the point is that the site has already been selected. Would it not be better policy to say: "Let us look at all three and then, based on that information, select one for the final testing."

Mr. President, I think that this record is pretty clear about the position of the Nuclear Regulatory Commission's technical and policy staff concerning their thoughts on the manner in which we should narrow down the current list of three candidate sites to one for full characterization and at-depth testing.

What about the Commissioners themselves? Some would argue: "Well, that is just the staff. What do they know?" I think they know a lot. They are the experts. They are the professionals. They are the people who, at a great financial sacrifice, have been involved in coming up with information that we can make policy decisions based upon. Their recommendation is clear.

What about the Commissioners? Do the Commissioners agree with the staff, the technical staff? The answer is, yes, they do. I think the record is pretty clear.

A couple of weeks ago, on October 29, 1987, the NRC Commissioners testified before our Subcommittee on Nuclear Regulation. At that time, I read to the Commissioners a number of the staff's comments, similar to those I have just outlined for the benefit of colleagues in the Senate. I also quoted from the enclosures to the August 20, 1987, memorandum I have previously discussed, wherein it is noted:

> [T]he existing data base for the three sites selected for characterization is limited, and at this stage of the site investigation and screening process, there is inherent uncertainty in site information that can lead to alternative interpretations of data.

I read that to the Commissioners and then I asked the question:

> Do you agree generally with the statement that in light of the amount of information currently available, what your staff refers to as "limited information", that a program of surface-based testing would be prudent and give you a higher degree of information in order to have confidence that the site selected would, in fact, be licensable?

Well, Mr. President, the Commissioners all agreed.

So I asked the question of the Commissioners whether they agreed with their technical and expert staff that said this additional information would be most helpful. And, indeed, after a lengthy back and forth period of questions and answers, Commissioner Carr, I think summed up the position of the Commissioners by saying:

> . . . it is the staff position, certainly, it is my position, that it is reasonable to go with surface characterization all you can before you get ready to put all the money into the new shaft. So . . . go ahead and attempt to rule out, if we can, for the surface, anything before you start digging deep holes.

That is pretty clear. I then asked the other four Commissioners, individually, if they agreed with Commissioner Carr and the staff's position that has now been fully laid out in this record, and all four of the other members of the Commission concurred.

Mr. President, why has the NRC taken this position? Why, after some 4½ years under this program do we have the NRC stating that:

> . . . approximately three years [from this past summer] will be needed at each site to conduct surface-based testing, analyze the data, and report on the results. (This three year estimate does not include time needed to have an adequate program in place before testing begins, time needed for obtaining land access, or time for testing which can be conducted prior to submitting formal site characterization plans.) Preliminary results could be available in about two years. Such testing would likely provide sufficient geologic, hydrologic, and engineering data to evaluate potential flaws and develop a basic understanding of each site's characteristics so that more informed judgments could be made on the selection of a site for shaft sinking.

Mr. President, the NRC in this statement is talking about the need for basic understanding. How many endeavors would be halted without a basic understanding before we proceed to final conclusion? Would we proceed to launch a shuttle without a basic understanding of this being the right one, or the right way to do it? Would we develop a new weapons program without a basic understanding of whether this is the right approach, given other alternatives? So why would we say we should go forward with the disposal of nuclear waste that is going to be here for thousands of years without a basic understanding—not a complete understanding, just the basics the NRC says we do not have, in order to select that one site for full characterization, for building a deep shaft?

How can we say that nuclear waste is less important, from an environmental standpoint, that all the other environmental actions we take as a nation? That other alternatives are adequately looked at before the final decision is made.

Is nuclear waste disposal less important than all of these other activities for the safey and health of the human health in the environment? I would suggest that it certainly is not.

Mr. President, I don't know if all my colleagues heard that last quote from the NRC. A 2-year surface-based testing program is being advocated to help acquire "a basic understanding" of some of the aspects of these three sites.

Mr. President, let me take a stab at answering my own question. The simple fact of the matter is that this program is far more complicated than anyone at the Department of Energy ever, in their wildest dreams, imagined.

The Department has never before had to acquire a license from the NRC for any of its facilities. I do not say this in any effort or attempt to "slam" the Department. I have, Mr. President, been impressed by the sincerity with which these good people have attempted to carry out their technical missions.

However, the simple fact remains that this program has been driven by overoptimism at almost every turn. This overoptimism existed within the Department long before the Nuclear Waste Policy Act was signed into law, evidenced by the fact that the Department had started drilling an exploratory shaft at the Hanford, WA, site in 1982, prior to the act's signing. And, unfortunately, some of that optimism crept into that statute as regards initial schedules. Mr. President, not one of the original milestones in the Nuclear Waste Policy Act has ever been met.

I submit to my colleagues that despite all the tough lessons that have been learned, or that should have been learned by this Department and the Congress from the efforts to date in implementing this act, that the same overoptimism, perhaps fatal optimism, still exists at the DOE and is reflected in the amendment currently pending before us.

Mr. President, I will note that there exists a glimmer of hope that some of the lessons that should have been learned as a result of past mistakes are being taken into account by the Department of Energy. On October 30, 1987, Charles E. Kay, the Deputy Director of the DOE's Office of Civilian Radioactive Waste Management wrote to Chairman Zech of the Nuclear Regulatory Commission. In his letter, Mr. Kay responded to some of the NRC's concerns about the status of the Department's surface-based testing program.

Mr. Kay notes that:

> . . . DOE, in exercising its programmatic responsibility to consider program schedule and the associated overall program costs, is re-studying the use of surface-based testing to facilitate some important early site evaluations . . . The basic question raised by SECY 87-137 is the time sequencing of surface-based vs. underground testing. The NRC staff appears to suggest that specific surface-based testing should be completed at all sites before starting exploratory shaft construction and underground testing. Two reasons are cited, related to (a) the effects of shaft construction on other testing, and (b) the effects of shaft construction on other testing, and (b) obtaining information needed to evaluate site suitability using less-costly surface-based testing . . . DOE agrees that reason (a) can ba a valid technical reason to defer exploratory shaft construction . . . [and] . . . [R]eason (b) could also be a valid programmatic reason to defer shaft construction . . .

After discussing the status of DOE's investigative efforts at the three candidate sites to date, Mr. Kay concludes by noting that:

> DOE's current plans for the relative timing of surface-based testing versus exploratory shaft construction are site-specific. For the Hanford site and the Deaf Smith County site, a number of surface-based testing activities are planned to be conducted before exploratory shaft construction * * * The details of these tests will be discussed in the consultative draft Site Characterization Plans which are scheduled for issuance in January 1988.

So, I would suggest, Mr. Chairman, that the approach of the two committees is not that different but, if we are going to make these decisions, which I strongly support, let us have at least a basic understanding of the evidence before the final shaft sinking decision is made.

Other than that, the Energy Committee bill is one that has the four principles that I clearly support. There is only one minor difference that I think is left and that is why we are having a filibuster.

I would think if we have to make even a small error, let it be on the side of a safe environment.

The **PRESIDING OFFICER.** The Senator from Nevada.

Mr. **REID.** Mr. President, I would ask unanimous consent that I be allowed to enter a brief colloquy with the Senator from Louisiana; that it not be charged as my second speech; and that it is not going to be charged against the 30 hours. And I said it will be brief colloquy.

The **PRESIDING OFFICER.** Is there objection? Without objection, it is so ordered.

Mr. **REID.** Would the Senator from Louisiana indicate to me if you are in any way designing an effort to phase out nuclear power?

Mr. **BREAUX.** I would say to the Senator from Nevada. No, I support nuclear power and my record reflects, that. I am an advocate of it. I am a strong advocate of nuclear power. I am a strong advocate of a nuclear waste disposal program because you cannot have nuclear power without a waste program to dispose of the waste.

Mr. **REID.** I would further ask the chairman of the subcommittee, does this bill in fact save $3.9 billion?

Mr. **BREAUX.** I would say to the distinguished Senator from Nevada that when you add the incentives that are offered in the pending amendment to the cost of characterizing one site, the answer is no; this bill costs more than characterizing three sites, without incentives.

Mr. **REID.** I have listened with interest to the outline given by the chairman of the Subcommittee on Nuclear Regulation of the Nuclear Regulatory Commission's position on the advisability of additional surface-based testing. The chairman of the subcommittee has placed into the RECORD documents stating the various policy positions taken by the Commission staff. I would like to ask the distinguished chairman of the subcommittee whether there also are documents stating the Commission staff's specific technical concerns regarding the first repository program?

Mr. **BREAUX.** I thank the distinguished Senator from Nevada for his question because it really is important.

We are talking about who has the technical expertise. If it is the NRC, their information is important, it is valuable, it is critical. It is the only real evidence that we can use to judge whether we are making the right decision.

So the documents the Senator from Nevada refers to, we do have. There is a package received by our subcommittee last week regarding the technical concerns of the NRC technical staff.

In this package are the following materials:

First. Documents relating to the NRC's position that DOE conduct additional surface-based testing, prior to sinking an exploratory shaft, to better understand the hydrology of the Hanford site, and DOE's acceptance of that position.

Second. Documents relating to the geochemistry data review of the Hanford site, in order to understand the ability of the Hanford basalt to trap the radionuclides.

Third. Documents relating to the NRC's audit of the DOE quality assurance program regarding the Yucca Mountain site indentifying deficiencies in the QA program that the NRC stated could preclude the use of the underlying technical information in licensing.

Fourth. Documents relating to the NRC's review of the DOE quality assurance program at Hanford. The NRC staff states, for example, the NRC's staff concerns that "some of the types of concerns identified may be indicative of an ineffective QA program and inadequate program control."

Fifth. A technical survey, prepared by an NRC consultant and published by the NRC, of the geophysical techniques used in site characterization in basalt, salt, and tuff. The technical abstract of the study states that "the seismic reflection method, which is generally considered to be the most incisive of the geophysical techniques, has to date provided only marginal information on structure at the depth of the proposed repository at the Hanford, WA, site, and no useful results at all at the Yucca Mountain, NV, site. * * * It appears that to adequately characterize a site using geophysics, modifications will have to be made to standard techniques to emphasize structural details at the depths of interest."

These documents indicate just some of the technical concerns underlying the NRC staff's position. I hope that this has been responsive to the Senator's question.

Mr. REID. It has. I yield the floor.

Mr. STAFFORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. STAFFORD. Mr. President, the pending amendment to H.R. 2700, the Energy and Water Appropriations Act, contains provisions to redirect Federal efforts under the Nuclear Waste Policy Act of 1982. These provisions are far-reaching, modifying policies that were developed after long—and at times agonizing—deliberations by three committees in the Senate and, perhaps, twice that number in the House, over two Congresses.

And the Senate is being now asked to act on these important policy issues as part of the appropriations process.

Mr. President, I, and others on the Environment and Public Works Committee are not opposed to the major objectives of provisions contained both in S. 1668, a bill reported by the Energy and Natural Resources Committee, and in the pending amendment which incorporates the bill.

But I find myself having to oppose the process by which the provisions are being presented to the Senate, a process that, most disturbing to me, has not allowed adequate consideration of how the National Environmental Policy Act [NEPA] should apply to the selection of a site for disposal of high-level nuclear waste.

Under the existing Nuclear Waste Policy Act, Congress laid out what has come to be called by some a roadmap, directing just how NEPA is to apply to the nuclear waste site selection process.

That roadmap was central to the nuclear waste bill reported by the Environment and Public Works Committee in the 97th Congress and is a major element in the law that was enacted.

It involved careful consideration of the points in the process where environmental assessments and environmental impact statements were needed and the issues that should be addressed in these statements and assessments.

The sponsors of the pending amendments say that they have left the roadmap largely in place. This is true, but the old roadmap does not have much relevance to the new route the amendment lays out.

One of the most important decisions to be made, it seems to the Senator from Vermont, is the selection by the Department of Energy of what the Johnston amendment calls the preferred site, that is, the one site that will be characterized under the amendment.

And yet the report accompanying S. 1668, on which the Johnston amendment is based, explicitly states that "the selection of a preferred site should not be considered a major Federal action requiring preparation of an environmental assessment."

If the selection of one site for characterization as this Nation's only repository for high-level nuclear waste is not a major Federal action, this Senator is hard-pressed to know what is.

The pending amendment also would exempt the selection of a site for a monitored retrievable storage facility—or MRS—from NEPA requirements.

The amendment would apply NEPA to a repository and MRS only after the sites have been selected and if a benefits agreement has been entered into with a State or Indian tribe. But at that point, the NEPA process would be almost meaningless, as there would be no alternatives to the single site for a decisionmaker to consider.

Mr. President, in this Senator's judgment there are no irreconcilable differences between the provisions of the pending amendment and the views of Members who wish to see an expedited but thorough assessment and consideration of environmental factors in establishing nuclear waste disposal facilities in this country.

The Environment and Public Works Committee has already worked on a package of amendments that we believe are consistent with the primary objectives of the Johnston amendment and S. 1668. The Environment and Public Works Committee clearly shares jurisdiction over the Nuclear Waste Program with the Energy and Natural Resources Committee, and believes that the most appropriate process for Senate consideration of these issues is one whereby both committees have had the opportunity to reconcile differences, and if that fails, to present our differing views to the Senate in a normal legislative context.

The issue is too important to rush through in such an unorthodox fashion.

I would hope the Senate would defer action on the nuclear waste proposals before us and consider them, as is appropriate, as the separate legislative measures they are.

Mr. President, I yield the floor.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I commend the distinguished Senator from Vermont, who has done such a wonderful job in his previous capacity as chairman of the Committee on Environment and Public Works, following Senator Randolph.

I would also like to thank Senator BREAUX who has also done a fine job, to my mind, as chairman of the Subcommittee on Nuclear Regulation, a subcommittee I chaired for 6 years when the Republicans were in the majority and now I find it a privilege to serve with him as ranking member of the subcommittee. I commend him for his mastery of the subject. He was born into it and has done some very productive work as chairman. It is a great privilege to serve with him and his fine staff.

Mr. President, I have just a few remarks, within these postcloture rules, on the issue that has been before the Senate for the past week or so—the issue of nuclear waste disposal. This is a tough, tough issue.

We have just finished voting to invoke cloture on the Johnston second-degree amendment to the first committee amendment. For the benefit of my colleagues who may not have been following this quite as intently, they may be a little perplexed by the parliamentary maneuvering during the past week pertaining to the committee amendments, including those amendments approved in the Appropriations Committee regarding the Department of Energy program.

It might be difficult in some measure to determine "who is on first" here as we go through the parliamentary aspects of this, or who is filling the tree, and who is doing what. But that is the way we do this particular business, and it is a rather interesting way of getting to things.

We have a parliamentary procedure for this.

This legislation includes a number of nuclear waste-related provisions together with those modifications which were offered late last week by the Senator from Louisiana. The pending second-degree amendment has in turn been divided into three parts—like old Gaul, if I remember correctly—and it is now the second division which is before the Senate.

This amendment contains what I view to be fundamental changes in the Nuclear Waste Program, changes which are deserving of the careful attention of Members and which I will discuss in more detail in a bit.

I want to say that Senator JOHNSTON has done a remarkable job as chairman of the Energy and Natural Resources Committee. I went with the Senator to Sweden and to France to study and visit high-level waste disposal facilities—repositories—retrievable storage facilities for handling nuclear waste, and reprocessing facilities. It was a rather remarkable trip in many ways.

I watched and saw the intent of the Senator, being an advocate of nuclear power, as Senator BREAUX has well stated, as have all of us who have been following this issue.

The issue here really is quite simple. There are 108 commercial reactors in the United States, and all of them crank out high-level nuclear waste. It is not low-level waste. It is not transuranic waste. It is high level. It is the big stuff.

As we dabbled around with this issue over the years, and we have—we agreed to a very good approach to this in 1982 when we put together the high-level waste program—to address the problem of 15,000 metric tons of nuclear waste sitting in pools out beside the reactors.

I do not hear everybody trying to help us figure out how we are going to deal with that problem. Maybe the people of America can. And they are in many ways often smarter than we are on many subjects because they are not torn with the political pressures that we get here, and there are no greater political pressures that take place but right here—nuclear high-level waste and the transportation thereof. And so 15,000 metric tons are sitting in pools of water out beside all of these 108 reactors, and we do nothing with it. At least we are all aware of the problem.

But I do not think that is going to be acceptable much longer to the people of the United States, and we are going to then have to have the permanent geological repository and monitored retrievable storage, which is not the permanent repository. That is one of the things that is very important. All of us, or at least most of us, agree that you cannot have monitored retrievable storage, which is just a temporary thing, and then let that become the permanent repository. That is not fair, it is not right, it will not work, and it is not a confidence builder. So you have to have the permanent geological repository. And then, of course, the transportation of it to that repository will be a whole different debate in this body. That ought to be a spirited debate indeed—how do you transport the material?

So a brief word about these procedures. The parliamentary situation may appear a bit confusing to those of our colleagues who have not been as involved in this debate. The matter, as I say, is a simple one: Do we want to adopt major changes in the Nuclear Waste Program that are proposed in this amendment on this piece of appropriations legislation? That is the issue. That is the central issue in my mind.

For reasons that I will discuss, I have as I say the greatest respect for my colleagues from Idaho and Louisiana, Senators MCCLURE and JOHNSTON, who have worked so hard on this and do it beautifully, and they have been loyalists in the cause in most situations that we have dealt with in the past, but I have reached the conclusion after carefully examining the proposed approach that we would be well advised to reflect more carefully on this issue and to address it in a manner and on a legislative vehicle that takes full advantage of the expertise of the authorizing committees in both the House and the Senate and to respond to some of the technical concerns that have been raised about the approach that is now before the Senate as an amendment.

Let me just give you a little résumé of how we got here. I was one of the players back in 1982. After 4 years of effort—and we really did work at this—with the involvement of three Senate authorizing committees and at least six House authorizing committees—add one, you have the Rules Committee over there, so that is seven—we crafted the Nuclear Waste Policy Act in 1982. It was referred to as a "delicately balanced political and technical compromise." The act reflected the work of scores of Members and the strength of the committee process. I was chairman of the Subcommittee on Nuclear Regulation. My friend from Colorado, Gary Hart, was the ranking member and was of immeasurable assistance to us as we grappled with this issue. We were there. Senator MCCLURE was chairman of the Energy Committee and Senator BENNETT JOHNSTON was the ranking member. One bright day we got together and said, "Let's quit fighting over turf; let's quit scrapping among the staff as to who should be handling high-level nuclear waste: Should it be Energy? Should it be Environment?"

The issue was as long as you scrap about that kind of stuff around here, you never get anything done at all. It is tougher in the House where you have six subcommittees all punching each other's lights out on nuclear, some who are absolutely antinuclear, period. They do not believe we should have any commercial nuclear power. At least they are honest about that and they say that. And others say, "Yes, we must continue and we must ignore some of the legitimate concerns."

So that is where we have been. Finally, we got all those committees together. I remember so well, when we moved forward. It was a testament, I think, to the ability to reach a consensus and move forward on a controversial and highly emotional issue with the support of Members from all regions of the country and both parties.

In short, the act provided a direction and a focus to a DOE program that was simply drifting at sea, with no clear mandate from the Congress. And so we got together, Member to Member, which works still, thank Heaven, around here. That was the only way, Mr. President, with the firm foundation and the solid backing here in the Congress that we felt we would succeed in addressing this vexatious issue of nuclear waste disposal. The approach was a simple one, and my dear friend from Arizona, whom I have served with on conference committees and in other capacities, that man of great, good wisdom and great, good humor, Mo UDALL, I think described it once—he said, "It really wasn't too difficult. You could write it on the back of an envelope."

That is what we did in 1982. We wrote it on the back of an envelope. I remember distinctly one time we were all huddled together in a room and the Members all made their pact. They said, "Here we are; we are ready to do this." And there were several staffers there who gasped as they thought we had sold the farm. It was not quite pure enough for some of them or quite impure enough for others. And I remember, I think it was Mo UDALL who turned—and I remember him sharing that—and said, "If any staff person has any further thing to say about this, say it now, because anyone who leaves this room and goes out and says that one of the Members has lost their marbles, has given away something they shouldn't have given away, we want to know who that is right now." And there was a great deal of coughing and light mumbling and that type of thing, and the staff members finally realized that the Members could actually do their work.

I know that is an unheard of thing in this place. I do not say that about my right-hand man and none of us do about the people who serve us so beautifully on the staff. I could never have been even in any way knowledgeable in this area without the support and assistance of Jim Curtiss, who sits to my right at this present moment. He is the right hemisphere of my brain on nuclear regulatory matters. When I came to the Senate, I had been here 6 weeks and suddenly I was on a helicopter headed for Three Mile Island. I did not know zirconium cladding from a Zippo lighter. But I learned. I learned fast. I had to. Gary Hart was chairman. I thought he did a superb job in his work with regard to the report on Three Mile Island, and I was pleased to sign on. I think it is still one of the best reports that came from Three Mile Island, including the final work of the Rogovin Commission and others.

But in any event, we did something. It was simple enough to put on the back of an envelope. First, we directed the Department of Energy to move forward with a program to construct permanent geological repositories for the long-term isolation of nuclear waste from civilian nuclear powerplants and from our defense-related atomic energy programs, focusing on the nine sites that DOE was examining in various geological media, primarily in the West.

Second, in an effort to strike a crucial geographical balance in the program—you had to have that—we also directed DOE to begin work on a second repository program focusing on the granite formations in the East.

Third, we provided that both repositories would be licensed by the Nuclear Regulatory Commission.

Fourth, we provided for detailed involvement by the affected States and Indian tribes.

Fifth, we directed DOE to study the need for a temporary storage facility, referred to as an MRS, monitored retrievable storage facility, and to report back to the Congress with a recommendation.

That is it. It fit on the back of an envelope. We did that with all of those great hopes that we had in 1982, and put that thing on the books thinking we were on our way to resolving the issue of how to handle nuclear waste disposal. We knew that the program would be controversial. Boy, did we know that. And we knew that the DOE had its work cut out for it. We knew that. But we were very confident that the act itself established a framework for identifying a suitable site for deep geological disposal of nuclear waste in a manner that assured that the technical concerns would be addressed both by the DOE and through the NRC licensing procedure, and that the affected States and Indian tribes would have a direct participatory role in the process.

Well, unfortunately, things did not quite work out that way. The program was, I think, dealt a near fatal blow when on May 28, 1986, the Department of Energy, in a clear violation of the requirements of the act, announced that it was "indefinitely postponing" the second repository program, a decision which was widely viewed by any as one motivated by political and not technical considerations.

I have the highest regard and respect for John Herrington, the Secretary of Energy. He, I think, has done an extraordinary job in an extraordinarily tough situation, without question over there. But the motivation of that from the lower staff level, and wherever else it came from—it was a tough, tough, not just a shot across the bow, but one that hit below the waterline and came in with a heavy, heavy stroke.

The Department, I think, then compounded the problem when it subsequently sought to ratify that decision through the submission to Congress of amendments to the "programmatic mission plan"—do not ask me what that is; that is some kind of bureaucratic reference; I think—arguing that if the Congress did not reject the proposed changes, then the Department would construe this lack of action as an endorsement of the Department's second repository plan. That is a rather unheard of approach, an approach and procedure which was clearly not contemplated in the law in any sense.

So as I say, both of those DOE actions were clear violations of the 1982 act.

Many of the Members hear on the floor so advised the Department of that fact. Letters were sent to this effect, copies of which I ask unanimous consent to be inclued in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE, COMMITTEE ON
ENERGY AND NATURAL RESOURCES,
Washington, DC, February 26, 1987.

Hon. JOHN S. HERRINGTON,
Secretary, U.S. Department of Energy, Washington, DC.

DEAR MR. SECRETARY: We are writing to reiterate our belief that the Department's decision to "postpone indefintely" site-specific work related to a second geologic repository is in violation of the requirements of the Nuclear Waste Policy Act of 1982. Furthermore, it is our belief that the Department cannot make that decision legal by anything it says in its "amendments" to the mission plan for the program under section 301 of the Act. The requirements of the Act remain intact—including the requirement to recommend three sites for characterization for a second repository by July 1, 1989—until they are amended or otherwise supplanted by new legislation, as your own General Counsel, J. Michael Farrell, pointed out in a memorandum dated September 5, 1986.

Recent appearances by you before Committees of Congress have left misunderstandings by the public of the role of the mission plan and of the Department's proposed amendments to the plan in the nuclear waste program. The purpose of the plan is to inform Congress and the public of the Department's intention in implementing the waste program. But the plan has no legal status. The Act itself is the only legal basis for the nuclear waste program.

Congress is under no obligation to respond to the mission plan or amendments to it by some particular time limit. Furthermore, Congress' action or inaction in reviewing the mission plan has no effect on the legality of the actions by the Department under the program. If, therefore, DOE takes an action that is contrary to the Act, it is risking litigation. In our view, the Department has been taking such a risk since May 28, 1986, when site-specific work on a second repository was postponed indefinitely. We also understand that litigation has resulted from your May 28 decision.

Recent testimony by you and by Mr. Ben Rusche, Director of the Office of Civilian Radioactive Waste Management, indicates that the Department would interpret an appropriation of $725 million for the waste program for Fiscal Year 1988 as approval of your proposed amendments to the Mission Plan. We do not agree with this interpretation. Action taken by the Congress in appropriations acts approving one or another level of appropriations does not supersede statutory mandates of the Nuclear Waste Policy Act of 1982. You are obligated to carry out the requirements of the Act using whatever level of appropriations Congress provides.

We urge you to explain in writing your plans to proceed with the nuclear waste program at the earliest possible time, including a clarification of what you expect to do and when you would do it assuming Congress does not amend the Nuclear Waste Policy Act. Your explanation should include a discussion, prepared in consultation with the General Counsel of the Department, of the relationship of the program currently in place to the requirements of the Act and your plans to bring that program into compliance with the Act.

We would appreciate your prompt attention to this request.

Sincerely,

James A. McClure, Ranking Minority Member; J. Bennett Johnston, Chairman; Pete V. Domenici; Daniel Evans; Chic Hecht; Jeff Bingaman; John Melcher; Dale Bumpers; Frank Murkowski; Malcolm Wallop; Don Nickles; Timothy E. Wirth; Kent Conrad.

U.S. SENATE, COMMITTEE ON
ENERGY AND NATURAL RESOURCES,
Washington, DC, June 11, 1986.

Hon. JOHN S. HERRINGTON,
Secretary, U.S. Department of Energy, Washington, DC.

DEAR MR. SECRETARY: We are writing to express our concern over the Department's recently announced decision to indefinitely postpone site-specific work on a second geologic repository under the Nuclear Waste Policy Act of 1982 (NWPA). We have questions about this decision as a matter of policy. In addition, and perhaps more importantly, the decision violates the clear statutory mandate of the NWPA that the Department proceed with a program for the siting of two geologic repositories, in accordance with a statutorily prescribed time schedule.

The Nuclear Waste Policy Act was enacted in 1982 after years of Congressional effort to achieve an equitable and workable balance of a great diversity of interests. As you may recall, numerous efforts were made in the course of the legislative debate to exclude individual sites, individual states, specific geologic media, or entire regions from consideration. The Congress voted overwhelmingly to reject such parochial efforts.

The bill ultimately enacted by Congress—including provisions for the siting of a second repository—strikes a delicate and carefully considered balance, in a manner designed to ensure the success of this most challenging undertaking. Your decision to postpone indefinitely the Department's site-specific work on the second repository program could destroy that delicate balance and might ultimately lead to an erosion of the technical balance and political compromise that was so essential to enactment of this Act in the first place.

The requirement to proceed with a program for the siting of a second repository is firmly established throughout the Act. Section 112(b)(1)(C) of the Act requires the Secretary to recommend to the President, not later than July 1, 1989, three sites that the Secretary determines are suitable for site characterization for selection of the second repository. Section 114(a)(2)(A) of the Act requires the President, not later than March 31, 1990, to recommend to the Congress one of the three sites characterized that the President considers qualified for a construction authorization for a second repository.

The decision on whether to proceed with a second repository is a matter that the Congress, not the Department, must ultimately decide. The Act has been carefully structured to ensure that the Congress will have the necessary information available to it—including the extensive information that will be developed through the second repository program—at the time that it must decide whether or not to authorize construction of a second repository. The schedules established in the Act are an integral part of this framework. The statutory framework does not, by design, give the Department the flexibility to tailor the repository program in the manner that your decision contemplates, based upon your judgment as to what is economically prudent, what the discharge rate of spent fuel is, or by the progress that you are making in siting the first repository.

The course that you have elected to take—including your disregard of the statutory schedules and requirements for a second repository—raises the real potential that Congress will not have the information before it to decide which of these two alternatives to pursue. If the Department disagrees with the carefully structured statutory framework of the Nuclear Waste Policy Act, we urge you to make your views known to Congress and to recommend whatever amendments are necessary, together with a detailed justification for such changes.

Accordingly, we ask that you provide us with a detailed memorandum of law setting forth the basis for the Department's decision, as well as a full explanation of the technical and financial implications of this course of action.

In addition, we ask that you promptly submit proposed legislation to modify the Nuclear Waste Policy Act in a manner that will reflect the conclusions that you have now reached about the need for and timing of a second repository. Alternatively, please submit a detailed programmatic and technical explanation of the steps that the Department intends to take to comply with the Act, including but not limited to the requirement that you recommend to the President, not later than July 1, 1989, three sites that are suitable for site characterization for selection of the second repository.

We trust that a timely resolution of these concerns can be achieved, and we look forward to a resumption of the good faith cooperation between Congress and the Department that has so greatly contributed to the success of the Nuclear Waste Policy Act to date.

Sincerely yours,

Morris K. Udall, James A. McClure, Alan K. Simpson, J. Bennett Johnston, Pete V. Domenici, Lloyd Bentsen, Steven D. Symms, Paul Laxalt, Daniel J. Evans, Chic Hecht, Phil Gramm, Slade Gorton, Sid Morrison.

Mr. SIMPSON. Those letters advise the Department that the actions were not consistent with the act. And, unfortunately, the program has been in a free-fall tailspin ever since, with the confidence and credibility of the Department and of this program severely impaired and with our 1982 program now in desperate need of what is referred to as midcourse corrections and redirection.

I wanted to review that, Mr. President, because I think it is important to understand how we got to where we are today and, based upon that background, what changes we should make.

We are not here—and I think this is critically important—because the procedures or the programs laid out in the 1982 act were "unworkable or unwise." They were not. They were darned good things to have on the books.

Nor are we here because protracted litigation has derailed this program. We are not here because the concerns of the affected States and Indian tribes as well as the NRC have impeded progress, which was the concern that some had expressed—that the 1982 act was "overly procedural."

We are at this unfortunate juncture, Mr. President, for the reasons I have laid out—that is, the 1982 act was not implemented in the manner that we envisioned. It was distorted and overturned—not implemented in accordance with the law that we put on the books.

At the same time, Mr. President, the question for the Senate now is, "How do we get this program back on the track?" In that regard, I am ready to move forward promptly and will do so with Senator BREAUX as subcommittee chairman to address the problems of this program and to make some midcourse corrections that need to be made in the statute in order that we can get on with the task of resolving the nuclear waste disposal issue.

Both authorizing committees in the Senate, the Energy Committee and the Environment Committee, have reported legislation in response to their respective reconciliation directives providing each committee's views of the necessary midcourse corrections that need to be made. And we are going to be in a position shortly where we can take this issue up when we move to the reconciliation bill where the committees will have a role in fashioning the 1982 legislation, and all sit down at the table and put the program back together again. That should not take too long. We knew what we wanted to do then, and we know what we want to do now.

Here in the Senate, both committees agree in large measure on the changes that should be made. I think it is very important to know that we concur. We both agree that we should proceed with the process of sequential, rather than parallel, characterization. We both agree that the MRS should be built. We both agree that the second repository program should be canceled. And we both agree that financial incentives are an appropriate part of this program.

I have some grave reservations though, Mr. President, about addressing a subject as controversial as this where it will require a solid consensus—we will not succeed without a solid consensus—if the program is to succeed, on an appropriations bill where the language is incorporated by reference and where amendments on major issues only surfaced late last week, where the entire authorizing process is bypassed by both the Senate and the House side. And for those reasons alone, Mr. President, I intend to certainly urge my colleagues at the appropriate time in the debate not to approve division II of this amendment as an amendment to the appropriations bill.

My concern is not simply with the procedure of the vehicle, Mr. President. There are two aspects of the approach now contained in this amendment that I have concerns about, and that the Environment Committee in the legislation recently submitted to the Budget Committee has addressed.

First, we just do not have the sufficient technical information on the three candidate sites—we do not have it. Why kid ourselves—the Hanford site in Washington, the Yucca Mountain site in Nevada, the Deaf Smith site in Texas, nor will we have that information by January 1, 1989 to make what will, under this legislation, now become the most significant decision in the nuclear waste disposal program, which is selecting a single site for characterization.

Just an example: the Department of Energy is planning to undertake a surface-based hydrology test program at the Hanford site that in the Department's words "is necessary to provide sufficient data to detemine whether the site is qualified for licensing and to provide an early indication of whether disqualifying conditions are present before proceeding with construction of the exploratory shaft."

This test then, which has not yet begun and which will take 22 months, will collect necessary information to determine whether this site is worth pursuing, yet the date for selecting the single site under the pending amendment, January 1, 1989, would result in a selection of a site prior to the completion of the tests to determine whether Hanford is qualified for licensing, and to determine whether disqualifying conditions are present tests involving information that in the DOE's words "may be significantly changed or rendered unobtainable after shaft construction." And at the Texas site in the Panhandle of Texas, the Department of Energy is not yet even able to gain access to the land. It cannot get on that on private land yet in order to conduct the necessary surface-based tests and does not expect, at least at the earliest, to get on the site until March 1989.

So how can we say that we have sufficient information? How bizarre. And that we are ready to pick a single site for characterization? Absurd. We do not even have access to one of the three sites yet.

According to an October 30, 1987, letter to Chairman Zech from Ed Kay, DOE is right in the middle of "restudying the use of surface-based testing to facilitate some important early site evaluations"—a reevaluation that is currently underway and not scheduled to be completed until the end of this year. I ask consent that this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF ENERGY,
Washington, DC, October 30, 1987.

Mr. LANDO W. ZECH, Jr.,
Chairman, U.S. Nuclear Regulatory Commission, Washington, DC.

DEAR MR. CHAIRMAN: At the June 11, 1987, meeting of the Nuclear Regulatory Commission (NRC) with the Director of the Department of Energy's (DOE) Office of Civilian Radioactive Waste Management, DOE agreed to review NRC staff suggestions concerning the determination of site parameters by surface-based testing and to consider the scheduling of such testing to enable early evaluation of site disqualifying factors.

Our current plans relative to surface-based during testing are summarized in the enclosed discussion.

Although a separate review of results from surface-based site characterization testing prior to underground testing is not a part of the Nuclear Waste Policy Act siting process or of the 10 CFR Part 60 licensing procedure, DOE, in exercising its programmatic responsibility to consider program schedule and the associated overall program costs, is restudying the use of surface-based testing to facilitate some important early site evaluations. Specifically, we are reviewing currently planned tests to see how they might be rescheduled to facilitate certain early evaluations and are looking at technical procedures for these evaluations. This study is scheduled to be completed before the end of this calendar year. It will provide necessary information for the programmatic decisions on site characterization test scheduling. We will keep the NRC informed of our deliberations on these matters.

As you know, DOE plans to issue consultative drafts of the Site Characterization Plans in early January 1988. These will discuss the testing in detail. Through workshops with States, Indian Tribes, and NRC staff, we plan to review the testing and will be in a position to take appropriate action on all comments received.

If you would like any additional information, please do not hesitate to contact me.

Sincerely,

CHARLES B. KAY,
Deputy Director, Office of Civilian Radioactive Waste Management.

Mr. SIMPSON. In view of that, how can we go forward with a program that requires a decision by January 1, 1989—when DOE is right now looking at how to approach the surface-based testing issue?

If this amendment is approved—with the January 1, 1989, deadline for selecting a site—DOE, under its own schedule, will not have the information at the Hanford site, may not have access to the Texas site, and certainly will not have much time to conduct useful surface-based tests before we commit major resources to a single site. I think that is an unwise course of action.

When you add to that the fact that DOE will now be selecting a site before the final EPA standards are in place—now scheduled for January 1, 1990, under this amendment—I think we are rushing in an extraordinarily headlong fashion into a decision that we will come to regret.

My second concern with the amendment has to do with the language on the monitored, retrievable storage facility—the MRS. I am not opposed to the construction of an MRS. I think it makes a great deal more sense to have this fuel stored at a single, federally operated facility, rather than at the 110 reactors where the fuel is currently backing up. The groups who fight it do not care about that. I think they should begin to care.

At the same time, I am troubled by the fact that the language contains absolutely no restrictions on the capacity of this facility, the length of time for storage of fuel, or the relationship of this facility to the repository program—provisions that would ensure that this facility would not become a de facto repository, should our repository program falter. It does not even include the two restrictions that DOE recommended to address this very concern—a 15,000 metric ton limit and a requirement that the facility not start operating until a construction authorization for the repository has been issued.

I think those are prudent restrictions, and I would like to see them included if we are going to build an MRS.

Those two concerns—related to the timing and amount of technical information for selecting the preferred site and the MRS restrictions—constitute my major reservations about this approach on this legislation.

Mr. President, I do not think our House colleagues are going to be very impressed by this procedure as we deal with this measure in this way, and we have to remember how vital they are; because there are six committees, in the House that will dabble with this, and they really do get into it with gusto, and we had better pay attention that this is not the way to go here.

I am not opposed to addressing this issue this year. I think the authorizing committees are well poised to do that. But it is with great reluctance—both because of the procedural approach and because of the two basic concerns I have with the policy in this amendment—that I intend to join my chairman, my leader, Senator BREAUX, on this one, and urge my colleagues to vote against including this amendment on the energy and water bill. It is inappropriate, and it will be most difficult to pass with our House colleagues.

The PRESIDING OFFICER (Mr. SANFORD). Who yields time?

Mr. ADAMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ALLOCATION OF TIME

Mr. BYRD. Mr. President, I ask unanimous consent that the time for the two party conferences, namely from 12:45 to 2 p.m. today, come out of the overall 30 hours.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I believe Senator HUMPHREY is going to be seeking recognition shortly.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VISITING PARLIAMENTARIANS FROM THE PAKISTAN PARLIAMENT

Mr. HUMPHREY. Mr. President, my colleagues, we are honored to have on the floor of the Senate today, five visiting Members of the Parliament of Pakistan.

Last September, five Members of the Pakistan National Assembly visited the Senate. Today, both the Senate and the National Assembly of Pakistan are represented.

This is an historic visit, as these elected parliamentarians are testament to the important strides that Pakistan is taking to restore democracy and elected government.

Mr. President, 1985 was an important year for the people of Pakistan. In January of 1985, Pakistan's President Zia Ul-Haq announced that parliamentary and provincial elections would be held the following month. In those elections, more than 1,200 candidates contested for the more than 200 seats in the National Assembly. Although the elections were formally boycotted by some, an article by Prof. William Richter that appeared in the February 1986 edition of "Asian Survey" states: "The February elections were widely regarded as relatively clean and fair."

In connection with fairness, it is signifcant to note that voters in those elections defeated several of President Zia's own Cabinet officers.

Following the elections, the provincial assemblies moved quickly to elect Members of the Upper House—the National Senate. President Zia designated Mr. Muhammed Khan Junejo as Prime Minister, and by April of 1985, a 13-member Cabinet was announced. In keeping with the Prime Minister's promises, on December 30, 1985, martial law was formally abolished and civilian government was once again restored.

Mr. President, these are very significant developments. We are all encouraged by the progress that Pakistan continues to make. During a visit to Washington in 1986, Prime Minister Junejo discussed with President Reagan Pakistan's progress toward the restoration of democracy. A joint statement released at the conclusion of that visit states:

> The President lauded the return of representative democracy to Pakistan, praising Prime Minister Junejo and President Zia for the steps taken to end martial law and restore to the Pakistan people the full liberties granted by the 1973 constitution.

Earlier this year, the State Department formally reported to Congress that "democracy and respect for human rights advanced significantly in 1986."

Mr. President, my introduction would be incomplete without paying tribute also to Pakistan's courage and principle in standing as a bulwark against Soviet imperialism and for her compassion toward the more than 3 million refugees in Pakistan who have fled the Soviet war in Afghanistan. It is a simple fact, that were it not for Pakistan's courage, by now Afghanistan would have been dragged bleeding into the Soviet Empire and the security of all of South Central Asia imperiled. For her stand Pakistan suffered numerous cross border attacks and KGB-inspired terrorism. She is bearing a heavy burden today and richly deserves American commitment to her security and economic wellbeing.

Mr. President, while the Senate conducts its business, I hope that Members will take a moment to come to the edge of the Chamber here where our friends, our fellow Parliamentarians, our fellow Senators, democratically elected representatives of the people of Pakistan are here to chat with us.

They are Senator Mian, Senator Shah, Senator Khan, Senator Iqbal, Senator Soomro, and Secretary Quereshi. You are welcome.

(Applause.)

Mr. President, I thank the Chair and thank the leadership for accommodating this delegation today.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I ask unanimous consent to proceed for 10 minutes out of order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROTECTION OF U.S. SHIPPING IN THE GULF

Mr. McCONNELL. Mr. President, over the past several months, I have strongly supported this administration's objectives in the Persian Gulf. In recent testimony before the Senate Foreign Relations Committee, Former Secretary Weinberger identified those interests clearly. He said, and I quote, "We are in the gulf to maintain freedom of navigation for U.S. flagged vessels; we are preserving free world access to the oil resources of the region; we are promoting the stability and security of moderate Arab regimes in the face of Iranian intimidation and we are preventing the spread of Iranian radicalism; and (finally) we are limiting the expansion of Soviet influence in the region." I believe each one of these goals is realistic, sensible, and in our national interests. More importantly, I think they are achievable.

However, Mr. President, last Friday, an incident occurred which has caused me to question the degree of our commitment to these objectives. Thirty miles off the coast of Dubai, the *Grand Wisdom*, a U.S.-operated tanker, was struck by five rocket propelled grenades presumably fired by Iranians. According to the AP story, sources within the shipping industry indicated that the *Grand Wisdom* is U.S. effective controlled, that is to say American owned as well as American operated.

Let me first say that I do not think that this incident reflected any significant change in the situation. I think it is consistent with the unpredicatable history of Iranian terrorist hit and run attacks.

But, when I heard about this attack, I asked whether the *Grand Wisdom* had been protected by United States or allied ships. The answer apparently is no. Mr. President, while this attack has not created undue disturbance within the shipping industry of the gulf, it raises a question that we must resolve.

I believe that U.S. owned and operated ships should be accorded some assurance of protection from Iranian terrorists. I strongly believe that these American owned and operated ships clearly fall within the domain of U.S. national interests.

I would like to draw my colleagues' attention to a few facts that should bear on any decision to offer protection to these ships.

There are currently roughly 60 U.S. effective controlled ships without U.S. flags that regularly transport oil through the gulf. On an average day there are less than five U.S. effective controlled ships actually operating in the Gulf. These vessels meet stringent international standards for safety. Given the fact that tankers run $30 million to $40 million a piece, it doesn't surprise me that the owners of these ships have safety as a priority, these vessels primarily fly the flags of Panama, Liberia, and the Bahamas, but they are owned by American companies and they pay American income taxes. In addition, the law clearly states that in time of national emergency, these vessels can be requisitioned by the U.S. Government for official use. [46 USC Sec. 12429 (a)]

These ships are available to serve American national security interests, pay American income taxes and are managed by American corporations. I believe they warrant American protection.

American effective controlled tankers may only need to tag along with a convoy or to seek assistance if they believe they are going to be attacked. Many of the companies may not, in fact, ask for full escort protection particularly given the fact that they would have to operate on the Navy's schedule.

Mr. President, the Defense Department has indicated that naval protection will automatically follow any ships that fly the U.S. flag. The question is why don't some of the ships fly the American flag? The answer is a question of dollars and cents. To fly the American flag, they must hire American crews. This can run as high as $4.5 million a year. Compare this with the $700,000 to $1 million that qualified foreign crews cost and it becomes clear that U.S. shipping can't compete against the British, Norwegians, Japanese, or any other nationality if they must hire American. We've priced ourselves out of the market.

With oil prices as depressed as they are, I can't make the argument that the American owners should absorb an annual difference in operating costs $3 million per ship—particularly when you know the constituent at the gas pump will ultimately pay the price.

So where does this leave us? The United States brings in 400,000 barrels a day from the gulf on these American ships. Economic practicalities keep American companies from flagging American, which, in turn, bars these ships from U.S. protection. Today, it is obviously still worth the risk to these companies to continue to ply the gulf. Oil prices, insurance fees and the threat from Iran are all within reason. Tomorrow, the question will be whether or not it continues to be worth the risk and for how long? We must ask ourselves if drawing a selective zone of protection to exclude American controlled tankers is sensible in the long run? Will this eventually mean that instead of an Arab oil embargo, we will face an American oil company embargo—tankers just won't go in to the gulf?

We must also ask ourselves whether we are currently drawing an arbitrary line of defense that simply invites Iran to attack America's interests? While I recognize the current constraints on the United States and allied naval presence I would argue that American ships deserve to know their government's on their side, and that, they can reliably turn to their government for information and protection.

I would like to return to Secretary Weinberger's testimony before the Foreign Relations Committee and add to his goals. I believe it is in United States national interests to preserve and defend freedom of navigation of the high seas but not just for a select few U.S. reflagged vessels. I believe it is vital that we protect all American effective controlled ships. If they are not declared within the sphere of our support and protection today, we face enormous losses tomorrow. I do not think the American people will draw the distinction between U.S.-controlled versus U.S.-flagged vessels. Nor should they. It is the principle of American interests that is at stake, not the flag on the vessel.

The PRESIDING OFFICER. Who yields time?

The majority leader.

JOINT MEETING OF THE TWO HOUSES—ADDRESS BY HIS EXCELLENCY CHAIM HERZOG, PRESIDENT OF ISRAEL

Mr. BYRD. Mr. President, I ask unanimous consent that it be in order to appoint a committee on the part of the Senate to join with a like committee on the part of the House of Representatives to escort His Excellency Chaim Herzog, President of Israel, into the House Chamber for the joint meeting today, November 10, 1987.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 2 P.M. TODAY

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed now to stand in recess for the conferences which will continue until 2 p.m., and that the entire time be taken out of the overall 30 hours.

The PRESIDING OFFICER. Without objection, it is so ordered.

Thereupon, at 12:37 p.m., the Senate recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. Dodd).

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that I may speak out of order for 7 or 8 minutes at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. I thank the Chair.

(The remarks of Mr. Murkowski appear in today's Record under Statements on Introduced Bills and Joint Resolutions.)

The PRESIDING OFFICER. The Senator from Florida.

Mr. CHILES. Mr. President, I ask unanimous consent that I might speak notwithstanding the cloture motion.

The PRESIDING OFFICER. Without objection, it is so ordered.

KROME NORTH DETENTION CENTER

Mr. CHILES. Mr. President, on Sunday night 30 inmates escaped from the Krome North Detention Center in South Dade County, FL. Krome is a center of the Immigration and Naturalization Service [INS] used for processing and detaining illegal aliens.

Most of the 30 men who escaped were felons—convicted of crimes in the United States and in the midst of their deportation proceedings. Fortunately, 12 were recaptured and returned to Krome. The remainder are being hunted down throughout South Dade County which borders on the Everglades.

Mr. President, Krome North has been compared to a chicken coop—it is far from a maximum security facility where felons are traditionally held in this country. Krome was intended to hold aliens awaiting a determination of their immigration status in this country. In the past, the only crime these aliens might have committed was walking across the border without documentation.

Today, the story is different—dangerously different. Most of the aliens being held in Krome according to the district director of INS, are felons—known, convicted felons.

According to the district director almost 90 percent of the current residents at Krome are felons.

Mr. President, Krome is now a direct and dangerous threat to the people of south Florida. To hold hardened criminals in a facility with a simple barbed wire fence as the only deterrent to escape is more than a menace to the community. The continuing instances of Krome escapes are instilling fear in the people who live around the center. And, the growing manhunts are a burden to Dade County police, Florida highway troopers, and other law enforcement officials.

Mr. President, today I am calling on Attorney General Meese to close down Krome North and to immediately delegate special border patrol "REACT" teams to the facility until the felons can be removed.

Such action is necessary to protect the people of south Florida. Their security is my chief concern. This week's escape is one of several which have taken place during the past few years. The Justice Department has reacted to previous escapes by limited actions—such as removing some of the felon gang leaders to more secure facilities. But, when conditions calm down and the public eye is removed from the facility, they continue to place additional felons in Krome. We cannot tolerate such neglect any longer.

Mr. President, I ask unanimous consent to have printed in the Record my letter to Attorney General Meese, together with some material I have on this matter.

There being no objection, the material was ordered to be printed in the Record, as follows:

U.S. SENATE,
November 10, 1987.

Hon. EDWIN W. MEESE,
Attorney General, Department of Justice, Washington, DC.

DEAR GENERAL MEESE: It is with grave urgency that I ask you to close-down the Krome North Detention Center in South Florida and immediately delegate appropriate border patrol teams to the facility to guard the inmates until they can be removed to more secure facilities.

Last Sunday evening, 30 inmates escaped from Krome and most were felons. As you're aware, this is not an isolated incident, such escapes of felons have occurred repeatedly during the past few years. Such escapes are a direct threat to the people of Dade County. The community around Krome, local law enforcement contingents, and I cannot tolerate such disregard for their safety and well-being.

Krome North is at best a minimum security facility intended to detain aliens awaiting immigration processing. As you're aware, I have been concerned about the presence of felons in a minimum secure facility for years and do not see any progress towards reversal of this action. In fact, the placement of felons today in Krome appears to be at a record high number.

I am keenly sympathetic to the lack of prison space in this country and have been working with the Justice Department to remedy this critical situation. But, I cannot stand idly by and watch hardened criminals placed in a facility like Krome. Such felons should be incarcerated in far more secure institutions until we can deport them from our lands.

If there is any way I can assist in removing felons from Krome, I stand ready to do so. Meanwhile, I would appreciate immediate action on the part of the Department of Justice to correct this threatening situation and would like to be advised of any action taken in this regard.

With personal regards, I am
Sincerely,
LAWTON CHILES.

[From the Miami Herald, Nov. 10, 1987]

POLICE SEEK 6 KROME ESCAPEES

(By Tina Montalvo)

Six Krome Avenue detention center inmates remained at large Monday from the group of 26 who escaped Sunday night by breaking through an iron grating on a barracks window and scaling two 12-foot fences.

One of the last inmates captured, a Haitian who had discarded his orange camp uniform, was found in his "skivvies" near a Kendall Lakes school at about 7 a.m., said Immigration and Naturalization Service District Director Perry Rivkind. A Highway Patrol trooper spotted another inmate Monday evening as the man was making a phone call near the detention center entrance.

Seven special INS agents—a fraction of the team that searched the swampy terrain surrounding the camp until daylight—scattered throughout Dade and Broward counties to find the remaining escapees.

At Krome, a minimum-security facility, officials assigned five INS special agents and two detention officers to patrol the chain-link fence surrounding the camp "until things calm down," Rivkind said. A 15-member team of Border Patrol agents and INS officers from Texas will be in Miami Tuesday to relieve local agents.

When the escape occurred at about 10:15 p.m. Sunday, two armed guards were patrolling the fence, one on each side of the camp.

"Even if you had 10 perimeter guards, the only thing they could have done was grab some of the men," Rivkind said, explaining that guards may shoot only to defend themselves, their partners or innocent bystanders.

"We don't have the staff or the funds to maintain a maximum-security place. People get out of maximum-security facilities, too—Sing-Sing, Alcatraz, Elmira, Atlanta."

The escapees, mostly Jamaicans and Haitians, were awaiting deportation after serving sentences in state and federal prisons for "drug peddling and larceny," Rivkind said. They had apparently chipped away for days at the concrete that held the grating in a 3-by-5 foot window in their second-floor sleeping quarters.

After working the grating loose, 30 men jumped about 12 feet to the camp yard and ran to the two fences, about a dozen feet apart and each topped with coiled, heavily barbed wire. Four of the men, identified as Mariel felons, did not get beyond the second fence.

About 35 other inmates rushed a gate but were forced back.

Fifty immigration agents and 15 Metro-Dade police, with dogs and in helicopters, searched the muck-laden area surrounding the camp. Florida Highway Patrol troopers set up roadblocks nearby and peered into cars for signs of the escapees.

Two were found kneeling in a clump of melaleuca by Metro-Dade K-9 officer Jim Reddy and his dog, Shooter, near Krome's main entrance. Reddy, 5-foot-10, emerged from the swamp with muck up to his thighs.

The search continued until daylight. The captured escapees were put in isolation at Krome.

Ninety percent of the detainees currently at the camp are ex-felons. "Picking up criminal aliens is a priority," Rivkind said. The average stay at Krome is 22 days, but delays often occur because of red tape involved in deportation cases.

When the escape occurred, 431 men were in detention. The camp's capacity is about 350.

Richard Smith, INS deputy district director, said additional guards probably won't deter escapes, but more barbed wire could. An effective solution, he said, would be to lay three rolls of wire—measuring nine feet deep—on the ground along the inside of the inner fence, with more rolls piled on top like a pyramid.

"The idea is to keep them away from the fence so they can't even start climbing it," Smith said.

[From the Miami Herald, Nov. 9, 1987]

26 ESCAPE FROM KROME; 12 RECAPTURED—JAMAICANS, HAITIANS WERE FACING DEPORTATION

(By Carlos Harrison and Jill Singer)

Twenty-six Krome Detention Center inmates broke through the iron grating on a barracks window and scaled two 12-foot fences topped with razorsharp wire Sunday night, escaping into the snake-in-fested West Dade swampland.

Fourteen of the escapees were still at large by 12:30 a.m. today, Twelve were captured in the swamp; four others tried to get out but never made it outside the second fence.

Some of the men shed their orange prison garb just outside the compound, fleeing into the night in their underwear, T-shirts and bare feet, said U.S. Immigration and Naturalization Service district director Perry Rivkind.

"I believe they'll bring them all in during the night," Rivkind said. "These people will have to come out of the Glades. The mosquitoes will eat them alive."

The escapees apparently had chipped for days at the concrete that held the grating on the 3-by-5-foot barracks window. Sunday night, the men pushed the grating away, clambered into the inner camp yard, then ran toward the fence.

The escape was discovered around 10:15 p.m., when guards saw men streaming toward the fence. As three INS guards scrambled to control the break, about 35 other detainees rushed a grate in a fenced area in the compound, twisting the metal before they were forced back.

"Another 30 to 40 would have gotten out if they could have," Rivkind said. "I would not call this a major riot. I would call this a major escape."

The escaped men were primarily Jamaicans and Haitians facing deportation, Rivkind said. Most of the Jamaicans had felony criminal records and were at Krome after their release from state or federal prisons, he said.

Rivkind wasn't sure how the men managed to pry the grate loose. "The ingenuity involved defies imagination sometimes," he said.

He said 431 men were being held at the camp, which has a capacity of 354. They were being guarded by three men when the escape occurred.

"The whole camp wasn't trying to escape," Rivkind said.

After the escape, an INS and U.S. Border Patrol team of 40 men in riot gear and armed with tear gas and shotguns poured into the camp.

Early today, Metro canine officers searched for escapees hiding in the sawgrass and melaleuca trees under a drizzle, as a helicopter circled overhead with its powerful spotlight on. Metro squad cars, their lights flashing, blocked off sections of the Tamiami Trail and Krome Avenue.

PRESIDENTIAL SUPPORT FOR A CABINET LEVEL VETERANS' ADMINISTRATION

Mr. MURKOWSKI. Mr. President, President Ronald Reagan announced today that he will support legislation to elevate the Veterans' Administration to Cabinet-level status. I am pleased that the President has joined with Members of Congress in both parties in supporting Cabinet-level status for the Veterans' Administration. Veterans, through their service, have earned the recognition a Cabinet-level VA will provide.

In addition to recognition for veterans, and the agency that serves them, a Cabinet level VA makes good sense for America. Almost 78 million Americans, veterans, their dependents and survivors, are potentially eligible for veterans' benefits.

The VA has more employees than any agency except the Defense Department and Postal Service.

It has a budget of almost $28 billion.

It operates the largest health care system in the country and the largest single life insurance program in the country.

The VA Home Loan Guaranty Program is critical to both the homebuying veteran and the homebuilding and mortgage finance industry.

VA education benefit policies affect every post secondary educational institution in the country.

Clearly it is appropriate for the VA to sit at the Cabinet table with other executive departments. That is why I am proud to have joined with Senator Thurmond in cosponsoring this much-deserved and long-delayed legislation. I understand the House Committee on Government Operation sent the bill to the House on Tuesday and that the House may act as soon as next week. I encourage the Senate to join me in seeking an early opportunity to vote on this important legislation. Enactment of this bill will make this Veterans' day a day veterans can remember as the day they achieved yet another victory for America—a Cabinet-level Veterans' Administration.

ENTITLEMENT PROGRAMS IN BUDGET NEGOTIATIONS

Mr. SIMPSON. Mr. President, I want to add to my remarks earlier in the week regarding the wisdom of including cost-of-living adjustments for Federal entitlement programs in the budget negotiations.

I said—and I was speaking, certainly, only for myself—that we are not going to get this job done unless we limit or freeze the cost-of-living allowance on every program in the United States.

I was particularly gratified to receive a letter of support from an unexpected quarter, and that is an organization with which I have sometimes disagreed. The letter is from the National Commander of the Disabled American Veterans, Gene A. Murphy.

Mr. President, Commander Murphy writes to say that the 1.1 million members of the DAV would be willing to accept "a delay, reduction, or cancellation of the cost-of-living adjustments now being considered for a VA service-connected disability compensation and nonservice-connected pension benefits, so long as such an action would be uniformly applied to all Federal entitlement programs, including those administered by the Social Security Administration."

The veterans' compensation and pension programs were made exempt from the automatic reduction mechanism of Gramm-Rudman-Hollings, as was Social Security.

The Senate Veterans' Affairs Committee has favorable reported legislation that would raise the compensation and pension benefits by an amount equal to the cost of living adjustment for Social Security, currently estimated at 4.2 percent for this year.

The HUD-Independent agencies appropriation measure recently passed by the Senate includes funding for the cost of living adjustments for these veterans' programs. The cost of living adjustment for service-connected compensation for this year is over $350 million and for pension is $97 million. Eliminating this COLA for 1 year would reduce the deficit about $450 million.

That this organization of disabled American veterans should express its willingness to put the cost of living adjustments for these benefit programs on the budget negotiations table speaks volumes, Mr. President.

It says to me that more Americans than we will ever know are coming to realize that deficit reduction is crucial to this Nation. It says to me that veterans who have been called upon to serve and defend their country in times of war and peace have shown that they are willing to sacrifice when it affects them personally, by accepting reduced cost-of-living adjustments for a limited time. It speaks volumes about how crucial it is that all entitlement programs be given the same treatment.

It speaks volumes about the solid leadership of the Disabled American Veterans and their Washington staff. They are a very spirited group. We have had some good, old slugfests in the past, and I have great admiration and regard for them. I commend them.

I cannot agree more with Commander Murphy that all social programs must be included. I applaud him and the 1.1 million members of the Disabled American Veterans for taking this reasonable and responsible stand.

I ask unanimous consent that the letter be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Disabled American Veterans, National Service and Legislative Headquarters,
Washington, DC, November 5, 1987.

Hon. Alan K. Simpson,
U.S. Senate,
Washington, DC.

Dear Senator Simpson: In response to the current crisis that has rocked our nation's financial community and seriously impaired confidence—both home and abroad—in the American economy, key members of the Congress and the Executive Branch are involved in discussions aimed at achieving agreement upon a meaningful "deficit reduction package" for the coming fiscal year.

Certainly all Americans—including those who have served in our nation's Armed Forces—wish them Godspeed and success in this most difficult task.

As these deliberations most assuredly will include scrutiny of federal entitlement programs as one area in which to achieve reduced expenditures, I wish to inform you that the 1.1 million members of the Disabled American Veterans are willing to accept a delay, reduction or cancellation of the cost of living adjustments now being considered for VA service-connected disability compensation and nonservice-connected pension benefits, so long as such an action would be uniformly applied to all federal entitlement programs, including those administered by the Social Security Administration.

As you are most aware, the President has indicated his willingness to put all entitlement programs "on the table" with the exception of Social Security benefits. The Congress, however, in dealing with this same vexing problem under the sequestration provisions of Gramm/Rudman/Hollings, has previously decided that if some exceptions to across the board cuts are to be made, veterans' programs, such as disability compensation and pension benefits, must be included.

The members of the Disabled American Veterans are certainly no strangers to sacrifice and, as indicated above, we are once again willing to place the welfare of our country above self-interest. We simply insist that all others be required to share in shouldering this burden.

If the FY '88 deficit reduction proposal should include a freeze in federal entitlements that is applied equally across the board, so be it. However, if exceptions are to be made, I urge your support for a proposal that does not forget, or impact upon, the benefits of those veterans and survivors of veterans who have incurred disabilities or death in defense of America.

Sincerely,

Gene A. Murphy,
National Commander.

VISIT TO THE CAPITOL BY "HAPPY" CHANDLER

Mr. SIMPSON. Mr. President, I want to acknowledge the presence in the Chamber of the former Governor of Kentucky, Happy Chandler, who was a Governor when my father was involved in gubernatorial affairs for the State of Wyoming.

Happy Chandler is a unique individual, one of the most marvelous men I have come to know. He approaches his 90th birthday this week, and he is visiting with all of us in the Chamber. My father will celebrate his 90th birthday on November 12. The two of them cut quite a figure. Would that my father had the physical prowess that this gentleman displays to us.

I send Happy Chandler, former Governor and former baseball commissioner, the respect and love of my parents, who thoroughly enjoy that man.

Mr. BYRD. Mr. President, I wish to add my comments to those of the distinguished assistant Republican leader.

The distinguished senior Senator from Kentucky [Mr. Ford] brought to the Democratic caucus today this very distinguished former U.S. Senator and former Governor of Kentucky, Happy Chandler. We were proud to have him as our guest. We are proud that he is visiting in the Chamber today as our guest, and we hope that he will grace us with many future visits.

It is remarkable that this man is about to reach his 90th birthday and still is so alert, so active, and wants to come back to the old haunts and be around the Senate Chamber, where he spent some of his earlier years in the service of his great State of Kentucky and in the service of the Nation. We are very delighted to have him as our guest today.

I thank all Senators.

Mr. President, I suggest the absence of a quorum.

THE PRESIDING OFFICER (Mr. Ford). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Dodd). Without objection, it is so ordered.

Mr. BYRD. Mr. President, a number of discussions have been going on between the managers of the bill, Mr. Johnston and Mr. McClure, and Senators who have been discussing at some length the subject matter of the bill and certain amendments therein and thereto.

The following time agreement is, I think, agreed to on the part of all participants. It would be in lieu of cloture. It would be as follows:

UNANIMOUS-CONSENT AGREEMENT—H.R. 2700

Mr. BYRD. Mr. President, I ask unanimous consent that the modified Johnston amendment No. 1125 to the first committee amendment be withdrawn.

That the committee amendments to H.R. 2700 be considered as agreed to en bloc as original text for the purpose of further amendment, with the exception of the committee amendments on nuclear waste disposal on page 39, line 25 through line 23, page 40.

That a rollcall vote on the excepted committee amendments, listed above, en bloc, occur at 12 noon on Thursday, November 12, with the time between 10 a.m. and 12 noon equally divided and controlled between Senator Johnston and Senators Adams and Reid; and that the amendments, if adopted en bloc, be considered as original text for the purpose of further amendments and that no amendments to those amendments be in order prior to the vote at 12 noon on Thursday.

That Senator Reid be recognized to offer two amendments on nuclear waste with a time limitation of 1½ hours equally divided on each.

That Senator Adams be recognized to offer three amendments on nuclear waste with a time limitation of 1½ hours equally divided on each.

That any second-degree amendments to the five amendments listed above must be germane to the amendment to which it is offered and time for debate be limited to 20 minutes equally divided in the ususal form.

That Senator Breaux be recognized to make a motion to recommit the bill with instructions relating to the nuclear waste issue, that no point of order under rule XVI be in order with respect to the instructions, that any amendments to the instructions must be germane and limited to 20 minutes equally divided in the usual form, and that debate on the motion be limited to 2 hours equally divided and controlled by Senators Breaux and Johnston.

Last, that final passage not to occur before Wednesday, November 18.

And that the agreement be in the usual form.

Mr. President, I have two questions before I ask the Chair to put the request.

What about the time on debatable motions, appeals, or points of order if such are submitted to the Senate?

Concerning no point of order under rule XVI, does this give Senators any problem?

Mr. McCLURE. Mr. President, will the distinguished majority leader yield?

Mr. BYRD. Yes.

Mr. McCLURE. Mr. President, I have no objection to the inclusion on the appeals and points of order with respect to the amendments listed. My understanding of the unanimous-consent agreement as presented to us is that there is no limitation on the right of other Members to offer amendments in the usual form, in the usual manner. Points of order with respect to them or appeals with respect to them would be in the usual course of business. I believe I am correct in that, am I not?

Mr. REID. If the majority leader will yield, that is our understanding also.

Mr. McCLURE. Will the distinguished Democratic leader yield further for a question?

Mr. BYRD. Yes.

Mr. McClure. My understanding of what we are doing of attempting to do by this unanimous-consent agreement is to bring to an end the course of events that has brought us to this point with respect to the discussions that the distinguished Senator from Washington and the Senator from Nevada have been conducting in the main and put us back on the bill, reserving the one issue which would be voted upon and acted upon separately, approving all the rest of the committee amendments but then leaving the bill open to the usual course otherwise. It is also, I believe, the understanding with the gentlemen that have been conducting the extensive discussion that it is now their intention to bring this matter to a head and to a vote and that there would not be further extended discussion.

Mr. ADAMS. If the majority leader will yield——

Mr. BYRD. Yes, I yield.

Mr. ADAMS. Yes, that is our understanding, that we have no desire for extended discussion on the portions of the bill that are not involved in the nuclear waste amendment that was passed from the committee and placed in the bill. The other sections would be handled in the usual form and it would be to the text of H.R. 2700, as amended by the Energy and Water Appropriations Subcommittee. We have excised out the particular section on nuclear waste.

Mr. McCLURE. If the distinguished leader will yield for one more question.

Mr. BYRD. Yes, I yield.

Mr. McCLURE. Senator Hecht I believe has five amendments dealing generally with the subject of nuclear waste and I would understand that those would not be precluded by this agreement.

Mr. REID. If the majority leader will yield——

Mr. BYRD. I yield.

Mr. REID. I certainly have no objection to his offering amendments but that is not part of the unanimous-consent request at this time.

Mr. McCLURE. Yes, I understand that. If the Senator will yield further, I simply did not wish to have anyone read this and understand that, because they deal with the question of nuclear waste, they would be preempted by this agreement. I do not understand this agreement to have that effect. He would be free to offer those in the ordinary course of business. With that understanding of this discussion, certainly on behalf of those on this side of the aisle we have no objection to the unanimous-consent request.

Mr. ADAMS. I might say, Mr. Leader, with respect to Senator Reid and I, with that understanding, we have no objection to the unanimous-consent request.

Mr. BYRD. Mr. President, I add one provision; namely, that a point of order under rule XV against the excepted amendment be waived.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, reserving the right to object.

Mr. REID. Will the leader yield for a question?

Mr. BYRD. Yes.

Mr. REID. Would rule XV also apply to the motion to recommit, the waiver of rule XV? It would seem that would be the case. We did not talk about that earlier. We would agree to do so.

The PRESIDING OFFICER. Rule XV would only apply to committee amendments.

Mr. BYRD. Mr. President, the amendment to be proposed in the paragraph on recommittal with instructions would be subject to rule XV and rule XV should be waived. I, therefore, include that in my request, that it be waived, that a point of order be waived.

Mr. ADAMS. We have no objection to that, Mr. Leader.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the majority leader?

Without objection, it is so ordered.

Mr. BYRD. Mr. President, I thank all Senators.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Madam President, I think it is the spirit of the agreement that the various provisions thereof dealing with amendments, et cetera, will occur in sequence in the order stated. But with the exception that in regard to the motion to recommit with instructions that will not necessarily follow in sequence. Senator BREAUX can make that motion at any time prior to the passage of the bill. I think that is the understanding, and I would make that request if all are agreed.

Mr. McCLURE. Will the distinguished majority leader yield?

Mr. BYRD. Yes.

Mr. McCLURE. I think it is the sense of the unanimous consent that is entered into that regarding the committee amendments dealing with nuclear waste the rollcall occur on that, we then follow with the two other sets of amendments that may be offered, that any other perfecting amendments that might deal with nuclear waste could be offered during that period of time or following that period of time, or they could be offered following the motion to recommit. They can come either before or after, but that the Breaux amendment not necessarily follow immediately after the other amendments to the exclusion of other actions. If that is the sense of what the Senator is suggesting, I certainly have no objection to that understanding.

Mr. BYRD. Yes. It is.

Mr. ADAMS. If the majority leader will yield, yes, it is our understanding that after the vote there would be an opportunity in sequential order as mentioned by the majority leader going through the amendments of Senators ADAMS and REID, and then to the committee modification amendments if they wish to offer them, and then Senator HECHT's amendments if he wishes to offer them. Then there would be a period of time for the offering of amendments to the original text, and that at the end of that period of time, Senator BREAUX would have any time before the final passage of the bill to offer his motion to recommit. But the other amendments other Senators might have on other subjects would be coming in in regular fashion as mentioned by the majority leader.

Mr. BYRD. Madam President, that is the general understanding. May I ask the Chair if there is any problem that the Chair would note with that agreement?

The PRESIDING OFFICER. The Chair would like to comment that under the agreement being proposed the Senator from Louisiana may offer the motion to recommit at any time.

Mr. BYRD. Yes, that is correct. So having the provisions that precede the reference to that motion to recommit occur in sequence as stated in the order, it presents no problem as far as the Chair can ascertain?

The PRESIDING OFFICER. The majority leader is right. The Chair does not observe any problems in the request.

Mr. BYRD. I thank the Chair. I make that request, Madam President.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request by the majority leader on the framework for offering the amendment? Observing none, the unanimous-consent request is agreed to.

The Chair would like to note that it is difficult to hear the majority leader. Will Senators in the rear just be a little quieter in their discussions?

Mr. BYRD. I thank the Chair.

Madam President, I suggest the absence of a quorum.

Mr. ADAMS. Will the majority leader withhold?

Mr. BYRD. Yes, I withhold.

Mr. ADAMS. I want to express my appreciation to the majority leader for his assistance.

Mr. McCLURE. Madam President, the Senate is not in order.

The PRESIDING OFFICER. The ranking minority manager on this bill is absolutely right. The majority leader has the floor. The majority leader had the floor and suggested the absence of a quorum.

The Senator from Washington State was attempting to get the majority leader's attention.

Mr. BYRD. Yes. I beg the Senator's pardon.

Mr. ADAMS. I want to express my appreciation to the majority leader on behalf of myself and the other Members for his assistance in drafting of the unanimous-consent request. It was most kind of him. We appreciate it.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Madam President, I did not mean to walk away from the distinguished Senator. I thank the able Senator from Washington, [Mr. ADAMS] and those other Senators who have been associated with him in the effort. They have been most cooperative with the leadership—Senator REID, Senator BREAUX—and most understanding. And I could not ask for any finer accommodations as far as the leadership is concerned than have been given by these Senators. They have demonstrated great facility with the rules, and I must compliment them. It has been a good effort, I would say.

I am happy with the agreement that has resulted from the discussions. I want to compliment all Senators on all sides for having worked out the agreement. I want to thank all Senators because I think this will help to expedite the action of the Senate on this bill and also the actions of the Senate on other legislation.

Mr. SASSER. Madam President, for some time, I have taken every available opportunity to bring to my colleagues' attention shortcomings in a key component of the Nuclear Waste Policy Act—the monitored retrievable storage facility, or the MRS. My objections to the MRS have been simple enough. I have never thought the MRS concept was fully developed by the Department of Energy. I do not believe the Department of Energy has told us enough about the MRS to allow us to make an informed decision on whether to proceed with this facility.

Indeed, the MRS proposal has been plagued by uncertainty since its inception. At times, this uncertainty has focused on the need for this type of facility. We see further uncertainty over exactly what role an MRS should play in a national nuclear waste management system. We see uncertainty surrounding the analysis of the MRS by the Department of Energy.

I have also been troubled by the way DOE has handled the MRS proposal. This administration has pursued an MRS policy designed to try to isolate and minimize political opposition to the facility. Unfortunately, that meant giving political considerations greater weight than scientific rigor and thoughtful consideration of just what the MRS is all about.

Only political expedience can explain why the three sites DOE proposed for the MRS are in one State. Political expedience is the only rationale one can come up with for the proposal to locate the MRS in Oak Ridge, TN—a heavily-populated community in its own right which is a mere stone's throw away from Knoxville, TN—Tennessee's third largest metropolitan area with more than 500,000 inhabitants. The site selected by DOE is less than 1 hour away from the great Smoky Mountains National Park, this Nation's most visited national park with nearly 10 million visitors last year.

In short, DOE's development of the MRS proposal and its suggestions for where to put the facility simply did not add up. It was clear that rational development of an MRS proposal had given way to finding the path of political expediency. Despite what I believe are serious flaws in the MRS proposal, the administration insisted on moving forward.

Many of my fears about the shortcomings in the MRS proposal were borne out in a study of the MRS done by the General Accounting Office this year. The GAO took a close look at the MRS proposal and found it lacking. Now, I will get into some of the specific recommendations of the GAO report in a moment. Right now I want to emphasize the general thrust of the report. The GAO report concludes that DOE has simply not provided the Congress enough information on the MRS to warrant authorizing such a facility. Congress should not move forward on the question of authorization until more detailed, complete analysis of the MRS is done.

Where are some of the shortcomings in the MRS proposal? First, the GAO notes that the Department of Energy's analysis of alternatives to the MRS is limited. Options including designs and improvements to the waste management system were not developed to the same extent as the MRS option. Alternatives to the MRS identified by the Department of Energy were analyzed on the basis of how each option individually could improve the waste management system. Yet, no effort was made to determine the effect of combining these various options.

So what we saw was DOE looking at a variety of onsite storage options for a waste management system. But, each was considered separately and weighed against the MRS. DOE has not made the case that the combination of any number of these onsite options results in a system inferior to one with an MRS. Indeed, the GAO notes that the Department of Energy has not firmly concluded that alternatives to the MRS are infeasible or that costs and disadvantages outweigh advantages.

It seems obvious to me, Mr. President, that options other than the MRS were given short shirft by the Department of Energy. The GAO report suggests that alternatives to the MRS were given little more than cursory treatment. As a result, we do not have an accurate picture of a waste management system with and without an MRS.

Now, DOE would attempt to make the case that utilities would shy away from onsite storage options and opt for an MRS. Yet, GAO correctly points out that there is no factual basis for this claim. This type of information has simply not been gathered from the utilities. We would be making a dangerous mistake to simply assume all utilities prefer an MRS to onsite storage.

My native State of Tennessee provides a classic case of the shortcomings of such thinking. The Tennessee Valley Authority has a number of nuclear powerplants within its system. When operational, these plants produce the type of nuclear waste we are talking about in this debate.

Over the past few months, an internal debate has gone on at TVA about the wisdom of the MRS compared with onsite storage. TVA's nuclear staff wrestled with the question of what was better for their operations as a utility. Internal memos indicate that TVA would be just as satisfied with a nucler waste management system with an MRS. They don't need the MRS to safely store spent nuclear fuel before shipment to a final repository. TVA finds onsite storage to be the preferred course.

Thus, a major utility in a multi-state region has arrived at the conclusion that the assumptions in favor of the MRS are misplaced. This utility does not see the MRS as essential to safely storing spent nuclear fuel. Why then does the Department of Energy persist in assuming the MRS fills a critical need?

A second major shortcoming the GAO found in the MRS proposal centers on the question of cost. DOE's MRS proposal estimates that such a facility would cost about $2.3 billion. However, there are a number of additional costs that are not included in this estimate. According to DOE's own independent cost estimating staff, these additional costs could be substantial. It is the further opinion of the cost estimating office that these additional costs could increase operating costs for an MRS by as much as 10 to 15 percent.

Rather than go on at great length, let me try to summarize some of GAO's findings, Madam President. As I've indicated, we don't know enough about the cost of the MRS. We don't now enough about the need for an MRS. We don't know what will happen to the waste management system with an MRS. We don't know if we can achieve the benefits attributed to an MRS through other means.

As this list of shortcomings is looked at, one can only share the simple conclusion reached by the GAO. The Congress does not have sufficient information on the MRS to authorize this facility. Let me quote from the GAO report:

> Regardless of the purpose of the MRS as proposed by the DOE, we do not believe that DOE's proposal is sufficiently comprehensive for the Congress to make an informed decision on the cost of, need for, or consequences of integrating an MRS into the waste management system, or whether the benefits attributed to the MRS can be better achieved by other means.
>
> Before the Congress decides whether the MRS is needed or would be beneficial, and therefore, should be approved, more detailed information should be available regarding MRS' costs and the consequences for the Waste Program of not having an MRS. We believe that DOE should provide greater detail on how the authorized waste management system can be improved to provide benefits similar to an MRS * * *. We also believe that too many uncertainties regarding the costs and benefits of an MRS and potential alternatives currently exist to make a firm decision regarding the need for and relative value of an MRS. DOE should do more work to better define these factors to permit a more informed congressional decision on whether to include an MRS * * * in the Nuclear Waste Disposal Program.

Clearly, Madam President, there is much we need to know before we move forward on the MRS. The amendment before us seeks to provide answers to many of these questions about the MRS. First, the amendment recognizes that we should gather more information about the MRS.

The amendment establishes a MRS Review Commission, appointed by the leadership of the House and Senate. This three-person panel is directed to go back and prepare a report on the need for the MRS as a part of a national nuclear waste management system. In preparing this report, the Commission is further directed to go back and review DOE's handling of the MRS proposal. The report will also include the comments and views of those who would be affected by such a facility. Finally, this report will contain a recommendation to Congress on whether or not an MRS should be included in a waste management system.

To help ensure that this Commission addresses many of the shortcomings I have outlined, we direct the Commission to compare the MRS to onsite storage alternatives. In making this comparison, the amendment sets forth a series of factors which would be affected by a system with an MRS and without an MRS. These factors include repository design, waste package design, waste preparation, waste transportation among other items.

In general, Madam President, this amendment would gather the critical information on the MRS which is lacking right now. The amendment recognizes that it does not make sense to move forward with authorizing the MRS given this information shortfall.

The question of authorizing the MRS is deferred until the MRS Commission reports back to Congress in early 1989.

At that time, several options are available. First, if the MRS Commission comes out with a report that the MRS is a bad idea, and moreover an idea which has been handled poorly by the Department of Energy, the Secretary may elect to drop the MRS proposal. No further action would be taken on the MRS.

In the case where the MRS Commission reports that the proposal is fatally flawed, but DOE is determined to press forward, Congress can disapprove authorization of the MRS. In this case, a resolution disapproving the MRS would be considered in both the Senate and House under expedited procedures.

Finally, there is the possibility that the MRS Commission will report back that the MRS is a worthy concept which would add much to a national nuclear waste management system. Given the track record of the MRS proposal, I have great doubts about such a finding. However, it is a possibility. In that event, the Department of Energy would be permitted to move forward with an MRS.

In effect, what we are doing with this amendment is delaying the authorization of the MRS. It may develop that Congress is again asked to speak on the question of authorizing the MRS. But we would be doing so with more complete information on the facility. We would have the judgment of an objective panel on the questions many of us have raised throughout the MRS debate.

I emphasize that it would be foolhardy to move forward without that information. As the General Accounting Office found earlier this year, Congress needs more detailed information on the MRS. A wide array of questions about the MRS should be answered before we move ahead on this type of facility. This amendment would provide answers to many of those questions. It will help ensure that thoughtful analysis lies behind any decisions on a storage of spent nuclear fuel. It will help put us back on the path of scientific rigor. I urge my colleagues to support this amendment.

Madam President, I should like to discuss some of the elements of this amendment with the distinguished chairman of the Energy Committee. I would think that the chairman would agree with me that the membership of the MRS Review Commission should be such that, to the greatest extent, it ensures an objective analysis of a very difficult problem. While the selection of members for the Review Commission will be left for the leadership, would the chairman agree that the credibility of the Commission's report would be open to question if Commission members are strongly associated with either side of this issue?

Mr. JOHNSTON. I agree that the credibility of the MRS Commission is very important. Because of this, persons with strong views for or against the use of an MRS in our nuclear waste management system should not be Commission members.

Mr. SASSER. I would further like to underscore what I see as a very critical aspect of the Review Commission's task. As I've noted in the past, a credible study of alternatives to the MRS should not only analyze how each individual alternative could affect the waste management system, but should also look at the effect of combining various alternatives. Now, the amendment before us directs the MRS Review Commission to compare the MRS with at-reactor storage of spent nuclear fuel prior to its disposal in a permanent repository. As the chairman knows, the question of at-reactor storage involves a number of potential alternatives to a waste management system with an MRS.

It is my understanding that the MRS Review Commission established in this amendment will address one shortcoming the General Accounting Office found in DOE's previous analysis of the MRS—that is that alternatives to the MRS be studied to determine the viability of individual options and to what extent combinations of some or all of these options might improve the nuclear waste management system, and at what cost. Does the chairman share my reading of this provision?

Mr. JOHNSTON. The Commission is charged to recommend to Congress whether an MRS facility as defined in the act should be included in the national nuclear waste management system to achieve the purposes of the Nuclear Waste Policy Act, as we are amending it here, including meeting needs for packaging and handling, improving flexibility in the repository development schedule, and providing temporary storage of spent fuel accepted for disposal.

In making this recommendation, the Commission would compare the MRS to the alternative of at-reactor storage of spent fuel prior to disposal in a repository.

The Commission is free to look at options for at-reactor storage in making this comparison, just as it is free to look at options for the MRS system.

Mr. SASSER. Mr. President, I would like to address a few questions to the chairman about the procedures under section 115 of the Nuclear Waste Policy Act which we establish in this amendment.

The amendment speaks of a situation where Congress could act on a resolution disapproving the deployment of a MRS. The consideration of such a resolution is bound by the procedures set forth in section 115.

Under those provisions, who could introduce the type of resolution this amendment calls for?

Mr. JOHNSTON. Any Senator and any Member of the House of Representatives can introduce the resolution contemplated under this amendment.

Mr. SASSER. As I read section 115, it seems clear that the chairman of the appropriate committee must introduce such a resolution should the situation develop. Does the chairman agree with my reading of section 115?

Mr. JOHNSTON. The amendment references section 115 of the Nuclear Waste Policy Act. The procedures of section 115 are triggered only if the MRS Commission recommends that an MRS should not be included in the national nuclear waste management system, and the Secretary of Energy still determines to go ahead and include an MRS in the system.

In that instance, and only in that instance, there is an opportunity under the amendment for Congress to override the Secretary's decision to go ahead with an MRS in the face of the Commission's negative recommendation. Any Senator and any Member of the House may introduce a joint resolution to accomplish this override.

In the Senate, the chairman of the committee to which the recommendation of the Commission is referred is directed by section 115 to introduce a resolution to override the Secretary. However, nothing obligates the chairman of this committee to support the resolution he introduces.

Mr. SASSER. Finally, Madam President, my colleagues will recall that the Nuclear Waste Policy Act already contains language allowing States selected to host either the MRS or a permanent repository a notice of disapproval. How, as the chairman knows, there is quite a bit of uncertainty surrounding just how the procedures for such a notice of disapproval would work. It is not my intention of step into that quagmire at this time.

However, I do want to state that I don't believe the provisions in this amendment in any way affect a State's ability to file a notice of disapproval under the Nuclear Waste Policy Act. Nothing we are doing there today would impair a State's filing such a notice of disapproval under the act. Does the chairman concur in this position?

Mr. JOHNSTON. As the Senator knows, section 402(e) of S. 1668 explicitly provides for a disapproval of the siting of an MRS facility. This procedure is entirely separate from the procedure in the Senator's amendment and is unaffected by the Senator's amendment.

Mr. BYRD. Madam President, I understand that there are several Senators who wish to speak on the subject matter before the Senate, and I would suggest that they come to the floor or let the cloakrooms know that they wish to speak on this matter. There will be time this afternoon for them to do so. Their time will be very much constricted come Thursday morning; and if they have any idea of wanting to speak prior to the vote which will occur on Thursday, this afternoon would be about their only opportunity.

Mr. McCLURE. Madam President, will the distinguished majority leader yield for a brief comment?

Mr. BYRD. I yield.

Mr. McCLURE. I appreciate the comment made by the majority leader, because I, too, want to urge that those who wish to speak with respect to the committee amendment, which includes nuclear waste, come to the floor and do so.

The unanimous consent agreement which has now been entered into and under which we operate—while there will be amendments offered later on, the vote on the committee amendment dealing with this subject will occur no later than 12 o'clock noon on Thursday, and there will be 2 hours of debate, equally divided, on Thursday morning.

If that is not going to be enough time to consider or to give opportunity to all Members to speak, they should be advised to come and speak at this time, rather than take their chances in the constrained time period on Thursday morning.

Mr. BYRD. Yes.

In the meantime, I hope that our staffs can help us to clear other legislation for action possibly this afternoon; and if a rollcall vote is ordered thereon, we will try to start off Thursday with such a vote. I do know that staffs on both sides are presently working on a possible bill that can be called up, hopefully, and debated and acted upon.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—CONFERENCE REPORT ON H.R. 1451, THE OLDER AMERICANS ACT

Mr. BYRD. Madam President, this has just been cleared with the distinguished Senator from Mississippi, Mr. COCHRAN, and the acting Republican leader, who is here on the floor. I will present it to the Senate.

I ask unanimous consent that when the Senate turns to the consideration of conference report on H.R. 1451, the Older Americans Act, time for debate on the conference report be limited to 30 minutes, equally divided and controlled between Senators MATSUNAGA and COCHRAN; that there be 20 minutes on any debatable motion, appeal, or point of order if submitted by the Chair for debate.

The PRESIDING OFFICER. Is there objection to the request?

Hearing none, it is so ordered.

Mr. BYRD. Madam President, on the vote on the adoption of the conference report, I ask unanimous consent that that vote occur on Thursday morning at the hour of 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Madam President, I ask unanimous consent that it be in order at this time to order the yeas and nays on the motion to adopt the conference report.

The PRESIDING OFFICER. Is there objection? Without objection, it is in order.

Mr. BYRD. Madam President, I ask for the yeas and nays on the adoption of the conference report on the Older Americans Act.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. Madam President, I ask unanimous consent that that rollcall vote on Thursday morning be a 30-minute rollcall vote and that the call for regular order be automatic at the close of the 30 minutes; to wit, 10 o'clock a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Madam President, I thank all Senators. I thank Mr. McCLURE, Mr. COCHRAN, and Mr. MATSUNAGA.

Senators will be speaking later this afternoon, beginning now, on the energy and water appropriation bill. And when Senator MATSUNAGA and Senator COCHRAN feel that they wish to address remarks to the subject of the conference report on the Older Americans Act under the agreement they may do so at any time this afternoon.

I yield the floor.

Mr. ADAMS addressed the Chair.

Mr. BYRD. Madam President, will the distinguished Senator yield?

Mr. ADAMS. Yes.

Mr. BYRD. I beg his pardon for the interruption. I just yielded the floor, and I am sorry to interrupt him.

Madam President, there will be no more rollcall votes today.

Mr. ADAMS. Before the majority leader leaves the floor, it is my understanding that Senator CRANSTON and potentially one other Senator will be here to present the conference report this afternoon.

Mr. BYRD. Senator MATSUNAGA and Senator COCHRAN will be managing that conference report. Senator MATSUNAGA may be on his way shortly and Senator COCHRAN will speak later in the afternoon.

Mr. ADAMS. I thank the majority leader.

ENERGY AND WATER DEVELOPMENT APPROPRIATION ACT, 1988

The Senate continued with the consideration of the bill (H.R. 2700).

Mr. ADAMS. Madam President, we have had several days of debate on the nuclear waste issue, as previously stated, and we have how arrived at a situation with regard to the bill where we will have a straight up or down vote on the nuclear waste addition to the bill H.R. 2700 which is an appropriation bill. Senator REID and myself and others have taken the time of the Senate in order to discuss the problem of trying to change the entire nuclear waste program on an appropriations bill and why we did not feel that was correct.

I want to state that I was very pleased this morning to listen to the remarks of Senator ALAN SIMPSON of Wyoming who was chairman of the Subcommittee on Environment and Public Works handling nuclear regulatory matters during the time when the 1982 act was passed. I think his remarks were very much to the point of why it is that we have done everything possible—and I believe we have accomplished our purpose—to see to it that the parties that spent so many days, weeks, and months drafting the Nuclear Waste Policy Act of 1982 would be included in this major modification of the act.

Madam President, this is not just a simple amendment to an appropriation bill. It is a major piece of authorizing legislation being placed on an appropriation bill and, as pointed out by Senator SIMPSON so very well this morning, there were three Senate committees and six House authorizing committees plus the Rules Committee involved in consideration of this bill in 1982.

We think it is essential, therefore, that this not be included in this appropriation bill, and we are therefore going to have a vote on that on Thursday under the unanimous-consent request, which will give the Senators an opportunity to remove that from the bill. I think it should be removed from the bill. I think it will be removed from the bill. But if it is not, we now have members of the Environment and Public Works Committee prepared to offer appropriate motions under the unanimous-consent request to be certain that the Environment and Public Works Committee is involved.

And I want to state, Madam President, that if for any reason we are not successful—and I think we will be, and I think we should be—we will ask that conferees be appointed—it will not be an automatic thing—we will ask that conferees be appointed that recognize the authorizing committees of the Senate. We do not want them there as consultants or advisers or advocates. We want them as full participating members. They deserve to be. They should be. We are going to do everything we can to see that they will be. But that is for a later day.

I do not think that will be necessary. I think that we will manage to move this out of the appropriation bill, then this bill will go before the Senate, be debated as an appropriation bill and all of us hope promptly passed.

I wish we had not had to go through this exercise of the last 2 weeks. We would not have gone through this exercise if it had not been that this bill was going to drastically affect the entire Nation.

Yes, the State of Washington, would be affected. But, Madam President, it is affected as a potential site. A lot of people are saying it is not going to be the site. Madam President, we already have 66 million gallons of highly radioactive waste sitting in our State. We would like to have it cleaned up. We have lived with it. We will have to continue to live with it. We are trying to clean it up. So it was not a not-in-my-backyard thing. It dealt with the Nation making the proper decision on where and how nuclear waste being pumped out of 108 reactors would be handled.

We have heard now a very good discussion, not just from Senators who are opposing this, but now the Senators have begun to move in that were involved in the 1982 act, saying, "Wait a minute, we should not have this bill placed in the appropriation bill and it by itself is flawed."

They mentioned this morning and discussed at length, and so I will not have to again, the fact that the characterization of the sites—as Senator Breaux so very well put it, who is now the chairman of the subcommittee in Environment and Public Works dealing with this matter—is putting the cart before the horse. In other words, you let DOE, in whom confidence has been lost by the entire Nation, go out and select a site and then after they have selected the site, you go and characterize other sites in case they made a mistake in the first one. And that is a terrible way to proceed. It is a terrible way to proceed because if you have made a mistake and are going to need the characterization, you could have avoided it by having all three characterized at the same time and known before you started drilling shafts.

It goes to costs, which the Senator from Louisiana has said is one of the advantages of his bill. I am going to talk about costs today, because that is the subject we have not discussed. But I think it is very important that where we are now, where we are trying to reduce the deficit, to understand that the bill that came out of the Subcommittee on Energy of the Appropriations Committee is a bill that will not save any money. Even worse, it shifts money from one year to another and increases the burden at a later time.

It has provisions in it that many people in the Senate may want to support. I may want to support the provisions of paying some benefits to the State that eventually gets this. I do not know. I have not made up my mind on that. But it is in the bill that they passed out and if that provision goes into effect, the program that comes out will cost this Nation over the next 20 years a minimum of $6 billion more than if we left the original act in place.

We have all agreed, of those who have spoken on this matter, and I think it is a consensus if not an absolute majority of everyone in the Senate and in the House, that DOE has not implemented the 1982 act.

The 1982 act was one the Nation was willing to live with and DOE just plain politicized it. They did terrible things like declaring, as the Senator from Wyoming said this morning, declaring on May 26 of this year they were going to wipe out part of the States that were under the original act. That was bad enough and started everybody into a great flurry. But they followed on after that with the ultimate insult from an executive department, Madam President. I know about what executive departments can and cannot do, and I will tell you this; I never would have done that as a Secretary because all of my colleagues up here and everybody I relied on for authorization or appropriation would have taken it out of my hide.

They came up before the committee that had jurisdiction, the Energy and Water Committee, and said: We are going to change this plan that we had. We are going to call it a modification. If you do not pass a bill that says we cannot do it, we are going to go ahead and do it. Even though it was not the original act. I think maybe that explosion finally moved the committee to say: Well, we had better make a midcourse correction. And I agree with the committee. And we certainly should. We have got to stop DOE from simply saying: we are going to change the law by what is called a program modification.

Now, that is why we have stressed the three things. The thing that was taken up this morning by the Senators from the Environment and Public Works Committee, which said: For goodness sakes characterize the three sites before you start so we do not dig a big hole in the ground, find it is the wrong place and then go back to two other sites. That is going to multiply our costs enormously. If you are going to do this sequential site selection, and that may be a good way to proceed, do all three, look at them on the surface enough so you know you have got the right site.

The second part that this Senator is going to be offering an amendment on is, for goodness sake, get somebody else besides DOE making that decision to take it out to the public and to bring it up here to Capitol Hill.

I do not care whether you use the Nuclear Regulatory Commission or whether you want to have a separate blue ribbon commission, but somebody other than DOE better bring it up here because I will tell you, if they do not, we are going to have the same problem that we have had before.

I have been in committees, being invited by the committee chairman, such as Governmental Affairs here. The DOE's testimony was a disaster. I attended the committee hearings of the Energy and Water Committee. Their testimony was a disaster. In front of the Appropriations Committee I gave up; I finally did not go there, but I hear it was a disaster. I have talked to my colleagues on the House side. They say that every time they come up there, there is a new dragon that jumps up. Somebody else should get in there, and I am going to offer that amendment if we do not knock this thing out of this bill, and it needs to be in there.

Again, I discussed this with the Senator from Louisiana. We have just a difference of opinion, Senator Johnston and I. He wants to have the lame duck administration decide it on January 1, 1989. I think that is the worst politics imaginable. You would have the same people doing it that have been a problem in the past. Not only that, but they would be doing it on their way out of office and they would be doing it when there is going to be a new administration. Because regardless of whether there is a Democratic or Republican President in 1988, it is not going to be Ronald Reagan. He cannot run again. It is not going to be his Cabinet officers. They are going to leave. So you leave it right to a group who is leaving office to have them decide this issue, and then the next administration is going to live with it.

No administration that I know of is ever going to take a decision like that and accept it. So you are just building in delay, you are building in lawsuits. I will offer an amendment on that.

I am just hopeful that I can get off this floor and not have to do any more with these, in amendments and in trying to prevent this because I think that we would like to have a nice, simply energy and water bill without nuclear waste in it; do that bill, go on with it and all the rest of us can then see the committees that have been involved with this for years and years go back to drawing a bill. I think they can draw a very good bill.

The distinguished Senator from Idaho has been involved in this for years and years. My former distinguished colleague, Senator Jackson, the chairman of that committee before, was ranking member when the 1982 act was put together. We miss him very much.

There are others now on the committee that I believe can carry that burden forward. I do not believe we ought to play around the edges on this. We ought to take it on four square. The nuclear waste is there. It has continued to build up. Every day 108 reactors have pumped out some more. But let us get the right people doing it and let us not worry about whether it takes 24 months or 18 months or 6 months. We are talking about 10,000 years. We are talking about beyond the year 2000 before this thing really begins to move and to work.

Therefore, I should think we should do it right the first time. Let us not do it wrong and regret at our leisure. Let us do it right and be pleased with the result.

I think it is important in these last remarks that I am making today, before we get into the amending process and the vote on this nuclear waste provision—because that is what I have concentrated on—that I talk directly about costs. That is what this committee is supposed to be involved in. Everybody is worried about the allocation of their costs and how much money all of this is going to place in this budget; place in the next budget. Indeed, these nuclear waste policy amendments appear in this Appropriation Committee as part of the Senate Energy Committee's reconciliation package. They want to get savings in excess of $100 million. I do not blame them. Everybody wants savings. But the mechanism they used was to abandon the Nuclear Waste Policy Act and require DOE to characterize three sites and to select sites for a second repository.

Let us be blunt, Madam President. This legislation is not going to save very much money if it saves any money at all. In fact, it will probably cost money, more money than any of the other proposals that have been put forward, such as the one from the Senate Environment Committee in its reconciliation package.

Madam President, we think that these packages should both be in front of the reconciliation bill at the same time so that they can be balanced one against the other and the proper one be selected.

Why is this? Madam President, the savings that are supposed to come from cutbacks in the Department of Energy site characterization activities at the two sites, they think they will save that money by conducting them at one site instead of three. But those savings are dubious at best, and in a moment, Madam President, I am going to discuss how much DOE has put in as program management costs rather than actual work on the ground—whether it be drilling or site characterization.

The original bill terminated all site activities on the two runner-up sites. The modified amendment, which was placed in the bill but which we will now move into a separate section of the bill, started site work on the two sites January 1, 1989.

So, instead of having savings in fiscal years 1989, 1990, and 1991, and the cutoff of all characterization activities, the modifications they are saying, they are going to put in as amendments would now require expenditures starting January 1, 1991. These are likely to run into hundreds of millions of dollars.

The proposed savings are just short term; the next 3 or 4 fiscal years. What bothers me about long term—because as a former Budget chairman, I can tell you—the outyears creep up on you in much heavier fashion than your year immediately before you. You start building these programs and they get bigger and bigger and bigger.

What happens if they modify it this way is that they go to the first site and if they have not characterized all three before they have started and they have just guessed on the site and guessed wrong, they have not only spent the money on the first site, they have spent the money characterizing the two sites in the meantime and then they have to go back and go below the surface on the second site. So you are building up an enormously expensive set of characterization, recharacterization, and rebuilding again.

The proposed savings in the committee are offset, the benefits, and in the States with a site and an MRS, these packages can cost billions over the lifetime of repository and the monitored retrievable storage facility.

Fourth, the proposed legislation would authorize construction of a monitored retrievable storage facility that has never been authorized.

I want to state that very clearly and carefully. That is what is going to be voted on when we take this up in the vote on Thursday noon. The bill that came out of the committee authorized an MRS. There will be a proposed modification, I guess—if we do not vote this down, and I do not know whether it will pass or not—that say that it would not be authorized, that they would study it. I think this is a very nice gesture, a very kind gesture, which the Senator from Louisiana, Senator JOHNSTON, has offered to the Senators from Tennessee. But it sort of rode in there at the end, and I guess it is supposed to kind of coalesce support for this package.

I would just state to my very good friends from Tennessee, North and South Carolina, and Georgia, to be very careful about this. The amendment that they will be voting on still leaves an MRS and still leaves it authorized in Tennessee. So I urge them to vote against that amendment. If we defeat it, they do not have anything to worry about. If the amendment is agreed to, they have to worry that an amendment for certain comes in to help them. If we do not defeat the first amendment and it passed, then they are hanging out there as to whether or not some amendment will be offered. They are hanging on good faith and hanging on an amendment that hopefully is going to be offered in a form that will be acceptable.

So the safe way is just to vote down that amendment and do it on Thursday. Then you do not have to worry about modifications coming in there.

Madam President, I am not opposed to mitigating economic damages from a place that is hosting a nuclear waste repository, for that matter, an MRS. I am not opposed to doing surface investigations before we choose a final site. Neither is the Environment Committee of the Senate. But let us not pretend that this legislation is a moneysaver because if you start paying each State with a repository $100 million a year and each State with an MRS $50 million a year, you can see that you do not have a moneysaver.

Let us just face this straight up and down. If we want to go with the benefits package, then we do not have a savings in this bill.

I suggested to the distinguished Senator from Louisiana and the other members of the committee that if they needed and wanted to save money this year, there is a very simple way to do it. I may offer that as an amendment. I will let them consider that as a potential. It is to just cut the DOE nuclear waste budget to $275 million for fiscal year 1988. We urged them to have DOE go ahead and not take up highly questionable sites, but take time to get the program on track. In other words, get a moratorium, cut it for the next couple of years, do what the House has suggested, have a blue ribbon commission, and get the thing in order and then bring it up here with some people we believe and proceed with it. Do not jury rig. Do it straightaway.

I know the modifications are being placed in this, but it does not do anything about the $150 million to be spent each year on an MRS and on a repository.

Now, Madam President, I want to get to the point of what they are doing. I want to discuss that, but I will hold it for now because I know some other Senators, I think Senator Boschwitz and maybe Senator Conrad, would like to spend some time on this, and certainly we have had an opportunity to discuss it. I wanted to just refer to the fact that the cost estimates which are involved for Hanford alone are cost estimates which build up because of the management fees being placed in this by the Department of Energy. Just this point: Let us take Hanford, WA, because I know something about that. At Hanford, the cost of an exploratory site is $286.6 million out of the characterization cost of $1.6 billion, roughly 18 percent.

We are not being robbed blind by the site characterization program, the actual activities. It is estimated to cost these billions. But what is it for? Of the $1.6 billion cost of characterization at Hanford, $114.5 million or 7 percent is attributed to project management. I call that overhead. A lot of other people call it a lot of other things; $114.5 million. It is almost the cost of the shaft, the program cost management. That is a lot of management of program; $163.7 million or 10 percent is attributed to regulatory and institutional activities. I am not sure what kind of an institution they are going to build with those activities and I do not know how many regulations they are going to issue. But if you take the two together they cost more than the shaft; $147.9 million or 9.2 percent is for developing a waste package for the Hanford site if it were to be selected. And so on.

In other words, when you start looking at the characterization cost of this, I would like to have somebody else look at it and I would be hopeful that the Appropriations Committee next year would come in with some very hard data on where the money is being spent.

Madam President, I ask unanimous consent at this time that I may yield the floor—does the Senator from Minnesota wish to discuss this matter or the Senator from North Dakota—retaining my right to the floor with the understanding that my remarks will not count as a second speech.

Mr. McCLURE. Madam President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. ADAMS. I yield the floor.

Mr. McCLURE. Madam President, I ask unanimous consent that it be in order for Mr. Conrad and Mr. Boschwitz to submit a resolution and speak in reference thereto for not to exceed 15 minutes.

The PRESIDING OFFICER. Is there objection? Hearing no objection, the unanimous-consent request is agreed to.

(The remarks of Mr. Conrad and Mr. Boschwitz relating to the submission of a resolution appear in today's Record under Submission of Resolutions.)

ENERGY AND WATER DEVELOPMENT APPROPRIATION ACT, 1988

The Senate continued with the consideration of the bill (H.R. 2700).

Mr. McCLURE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. McCLURE. Mr. President, I want to speak for a few minutes with respect to one aspect of the debate about spent nuclear waste and the storage and transportation. I have not before spoken at length on this subject on this floor during the current debate, but as we approach the time when the Senate will vote on the action taken by the subcommittee, the action which embraces within it a proposal that has cleared the Energy and Natual Resources Committee, I think it is important that we have a few of the facts on the table.

Mr. President, some of the inflammatory statements that have been made over the last several days concerning transportation of nuclear materials deserve an extensive rebuttal. I cannot, in good conscience, let the people of this country be misled into thinking doomsday thoughts about the ability of this country to transport nuclear wastes.

Not only have the statements of some of my colleagues been misleading, they were in most cases totally unfounded.

The experience of the last 40 years in the transportation of nuclear materials worldwide is irrefutable evidence of the excellent safety record of this well-regulated industry. Thousands of shipments of spent nuclear fuel and nuclear waste have been made in the United States and throughout the world without causing any adverse consequences to the public, and no amount of hype can counter these facts.

Over 7,000 packages of nuclear materials are shipped daily in the United States alone, along our Nation's highways and railways. These shipments are carefully regulated by a coordinated regulatory system involving the Department of Transportation [DOT], the Nuclear Regulatory Commission [NRC], the Department of Energy [DOE], and State and local governments.

The DOT is responsible for regulating the transportation routing and carriers. The NRC is responsible for nuclear safeguards and the certification of the transport containers. For shipments relating to the Nuclear Waste Policy Act of 1982, the Department of Energy will be the shipper of record and is responsible for development of a nuclear waste and spent fuel transportation system consistent with DOT and NRC regulations, and in consultation with the affected States and local communities.

DEPARTMENT OF TRANSPORTATION

Highway transportation regulations of the Department of Transportation are found in the Hazardous Materials Regulations (49 CFR Parts 170-179), which were finalized in 1981, and are commonly referred to by the docket number, HM-164. The principal purpose of HM-164 is to have in force nationally applicable standards for the safe highway routing of radioactive materials. The docket states that, on the basis of extensive public comment, documented risk studies and past experience in radioactive materials transport, the public risks in transporting these materials by highway are too low to justify the unilateral imposition by local governments of bans or other severe restrictions on highway transport. However, contrary to what some people have said, State and local input into transport route decisions are not precluded by the regulations. Only those requirements of a State or local government that are inconsistent with the DOT regulations are preempted; but this preemption may be waived if the State or local requirements offer equal or greater safety and do not unreasonably burden commerce. The inclusion of this waiver provision reflects the congressional recognition that there could be valid safety reasons for permitting certain inconsistent State or local rules to coexist with their Federal counterparts. DOT further acknowledges that the task of identifying preferable alternative local routes can best be performed by the States, and accordingly, has developed a mechanism for State designation of alternate routes. The responsibility for the selection of alternative routes is assigned to the State routing authority, with input from local authorities, rather than directly to local authorities, because DOT recognizes both the practical and safety problems associated with placing ultimate routing authority in the tens of thousands of local jurisdictions throughout the country. Furthermore, a State authority has a much broader perspective than local governments because it is responsible for the safety and welfare of all its communities. States do, however, have the capability, through their normal administrative and lawmaking avenues, to incorporate local input directly into their routing decisions. DOT further ensures that localities will have a say, by incorporating in its regulations a general requirement that States consult with their local jurisdictions. DOT even includes a set of guidelines to assist the States in assessing the safety of any proposed alternate routes.

Driver training requirements are also carefully laid out in the DOT regulations. Drivers must be trained and certified in the radioactive materials requirements in the regulations, in the properties and hazards of the radioactive materials being transported, and in the procedures to follow in any emergency. A physical security plan is required either by these regulations, or similar Nuclear Regulatory Commission rules.

To date, there is absolutely no evidence to rebut the Department of Transportation's conclusion that nuclear fuel and waste can be transported safely over any interstate highway or comparable route.

NUCLEAR REGULATORY COMMISSION

The Nuclear Regulatory Commission [NRC] is responsible for all safeguards aspects of transportation operations, and also for the regulation of packaging and shipping casks used to transport spent nuclear fuel.

I have before me a model of a typical transport cask that is similar in design to those that will be used by the Department of Energy in the shipment of spent fuel from reactor sites to the geologic disposal facility.

This particular model happens to be one that is for rail shipment, not for highway transport. It is therefore larger and heavier but similar in construction.

You will note by looking at this model that it has aluminum fins on the outside for the dispersal of the heat that is contained in the radioactive rods inside—radioactivity, incidentally, that does not come to the surface. The heat does.

It is followed by a buffer material inside that has a stainless steel cask inside that, with a rod inside that, and an aluminum bedding material in which the spent fuel assemblies are placed with uranium and hydrogenous material to capture the radioactive particles that are still being emitted by the rods which stop short of the surface. The only thing that comes to the surface of the cask is heat.

What kind of test does this kind of cask go through to determine whether or not it is safe for transportation? In order to be certified by the NRC, the casks must be designed to withstand certain hypothetical accident conditions. Accordingly, testing is carried out to demonstrate a cask design's ability to survive the following sequence of events:

Drop test: a 9-m (30-ft) drop onto a flat, essentially unyielding, horizontal surface, striking the surface in a position for which maximum damage is expected.

Puncture test: a 1-m (40-in.) drop onto the upper end of a 15-cm (6-in.)-dia solid, vertical, cylindrical, mild steel bar mounted on an essentially unyielding, horizontal surface. The top of the bar must be horizontal and its edge rounded to a radius of not more than 6 mm (0.75 in.).

Thermal test: a 30-min-duration fire at 800 degrees C (1475 degrees F).

Water-Immersion test—fissile material: submersion under a head of water for at least 0.9 m (3 ft) for not less than 8 hours and in the attitude for which maximum leakage is expected. This test is for fissile material in cases where water in-leakage has not been assumed for criticality analysis.

Water-Immersion test—all packages: submersion under a head of water of at least 15 m (50 ft) for not less than 8 hours.

At Sandia National Laboratory, extensive experiments have been performed that have subjected prototype casks to much more severe accident conditions, for example:

Accelerating a cask-bearing truck to 80 mph, then crashing it into a 700-ton concrete wall backed by 1700 tons of earth;

Broadsiding a cask-bearing truck by a 120-ton locomotive travelling at 80 mph;

Dropping a cask from a height of 2000 feet onto hard ground at a fall of 235 mph;

Subjecting a cask to fire in a pool of aviation fuel six times worse than the regulations require.

In each of these severe tests, the cask survived without failure. Incidentally, in the first two tests I mentioned above, the vehicles were totally destroyed, yet the intergrity of the casks was undamaged.

I have a series of pictures here, Mr. President, and I invite Members to look at the pictures. I have seen the movies from which these still photographs were taken, and they are even more impressive than the still photographs.

This picture shows a cask, a smaller one, designed for highway transport, on the bed of a flatbed trailer. It is a 22-wheeler, not a 16-wheeler. The locomotive is just about to crash into that at 80 miles an hour.

The next picture shows what happens as the locomotive hits that cask. The truck begins to disintegrate, buckles in the middle. This is a fraction of a second farther into the crash, as the truck is beginning to fly to pieces, and the cask is beginning to leave the bed of the truck.

The next picture is a little farther into that crash, and it shows what happens to the truck.

In the next one, it looks like the truck has exploded, but in the midst of all that debris that is flying around, you can see the end of the cask as it starts to leave, somewhat as a projectile.

The next picture shows what remains of the truck and the locomotive. The cask is no longer in the picture. It left the scene.

This is a picture of the front end of the locomotive, which shows how far back into the locomotive the cask went as a result of the impact. You can still see the form of the cask imbedded in the front of that locomotive.

Here is a picture of the cask. You will notice that there are a couple of small indentations in one end, actually slightly punctured the outer containment on one end of the cask, after it had flown several hundred feet through the air. That is a more severe test than any of these casks is likely to undergo in any kind of normal accident that you might see anywhere in transportation, and there was no breach of the integrity of the cask and there was no possible leakage of any radioactive material from that cask in that test.

But even if, somehow, the casks could be destroyed, there really is not any imaginable scenario that would be of much threat to anyone's health or well-being. The material inside simply cannot explode. It is not a liquid nor a gas, but a solid ceramic—so it won't drift away or leak out. Short of the localized cleanup immediately in the vicinity of the cask, no one would be endangered.

And what of theft, sabotage, or terrorist activities that some have postulated? To begin with, the NRC imposes strict physical security requirements on carriers, so as to protect against such incidents. These requirements include armed escorts, advance notification of States, onboard communications, immobilization capabilities, and coordination of shipments with local enforcement agencies. But even if these safeguards somehow failed, what is a terrorist supposed to do with a 40,000-pound shipping cask? It would not exactly be easy to steal one, let alone escape with it and be able to hide it. Getting inside the cask is no easy task—the limiters and closure plugs alone weigh several tons. Assuming a terrorist could remove these plugs, he would immediately be exposed to a lethal dose of radiation before he could figure out what to do with the contents. It is the radioactive nature of the spent fuel that, in fact, is the ultimate deterrent and the final layer of safeguard, that makes all of this speculation merely a mental exercise in how ludicrous one can be. I would be much more concerned about what a terrorist could accomplish with a pound of cyanide than with a 40,000-pound canister of spent fuel.

DEPARTMENT OF ENERGY

The Department of Energy already has extensive experience in the shipment of nuclear materials, largely from its work in the area of defense related nuclear materials. They have also gained great experience from their research in the area of spent fuel transportation and cask design, and through their responsibilities for removal of the damaged fuel from Three Mile Island-2 reactor, and shipment of that fuel in specially designed casks across the country to the Idaho National Engineering Laboratory in my home State, where it is now being stored.

Under the Nuclear Waste Policy Act, the DOE Office of Civilian Radioactive Waste Management is responsible for developing a comprehensive transportation plan and system for transporting this Nation's spent fuel from commercial reactors to a monitored retrievable storage facility or to the permanent repository. The details of this program can be found in their document entitled "Transportation Institutional Plan" (DOE/RE-0094). This plan will evolve into a very sophisticated program over time, but even in this early stage, it is quite impressive. First and foremost, the Nuclear Waste Policy Act Transportation Program will meet all safety and security requirements of DOT and NRC, recognize and conform to all applicable safety requirements of State and local governments, establish and implement a process of addressing all transportation issues, and foster broad-based participation in this process.

Depending on the type of shipping cask used, DOE estimates that approximately 250 rail and 725 truck shipments will be required annually to move spent fuel from reactor sites to their final destination. This number of shipments should be put in perspective: Shipments of spent fuel represent only a small fraction of the total shipments of nuclear materials in this country. Most of the nuclear material shipments—about two-thirds of the total—are for medical purposes and industrial and research activities. Furthermore, shipments of all categories of radioactive materials—medical, research, fresh fuel, low-level waste, spent fuel, and so forth, represent only 3 percent of the Nation's total shipments of hazardous materials. So we are worrying here about a very, very small fraction of the total shipments of hazardous materials that travel our Nation's highways and railways every day.

In a report prepared by the Office of Technology Assessment in July 1986, on the "Transportation of Hazardous Materials," the OTA found that the level of public protection with respect to spent fuel shipments is "much greater than that afforded in any other current hazardous materials shipping activity," and that "the probability of an accident severe enough to cause extensive damage to public health and the environment caused by a radiological release * * * is extremely remote."

Mr. President, those are not my words. Those are the words of the Office of Technology Assessment.

Data collected by DOT also indicate that the safety of nuclear materials transportation far exceeds the safety record for transporting other energy related hazardous materials. For instance, in the period from 1977 to 1983, DOT recorded over 22,000 incidents related to transportation of petroleum fuel products and natural gas. These incidents resulted in 290 deaths, 2,598 injuries, and over $35 million in damages. The same time period shows a total of 460 incidents related to shipments of all types of radioactive materials—of which spent fuel is, as I have already said, a very small fraction, resulting in no deaths, no injuries, and less that $400,000 of damages.

Now let me ask my colleagues what all this fuss is about? Is it that the hazards of shipping spent fuel are so unacceptable? The figures and the experts say no. Perhaps it is just the same old problem that unfairly plagues the nuclear industry—that is, if it is nuclear, we do not want to accept any risks, despite the benefits that nuclear power brings to this country.

Well, alright, let us assume that that is what people want—that is, no shipments of spent fuel. The logic that follows from this simply astounds me. The assertion being made by some in this Chamber is that "we don't want the Johnston/McClure nuclear waste bill because we don't want shipments of nuclear waste." But these same people are espousing alternatives for carrying out work at all three candidate sites—or perhaps even going back and looking at more than three sites—to eventually, and according to them, more soundly, be able to choose a final site. That still does not make transportation go away. And neither does the option of reprocessing. We would still have to ship the fuel, at some time, to some place; unless, of course, my colleagues who are speaking against shipping nuclear waste actually desire to repeal the Nuclear Waste Policy Act entirely, and simply leave the spent fuel in temporary storage facilities at the 60-odd reactor sites scattered across this Nation.

Mr. President, I ask you, is that a responsible, let alone practical, solution to our Nation's nuclear waste disposal problem? Leave the spent fuel in storage pools, for thousands of years while it decays, open to the environment and the elements and man's intrusion, long after the reactors have shut down and the operators and maintenance personnel have departed? Leave it sitting there in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Idaho, Illinois, Iowa, Kansas, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Vermont, Virginia, Washington, and Wisconsin? That sure is a great way to share the burden and solve the problem, is it not?

If that is what my colleagues are driving at, then I would suggest that the nuclear utilities of this Nation should file suit immediately for a total refund of the almost $3 billion they have paid into the Nuclear Waste Fund, on the basis of a breach of contract. And I would suggest that each of the States that now have nuclear facilities get ready to bite the bullet, for you will be leaving your children for many generations to come one heck of a legacy.

If I now have your attention, let me offer you an alternative: Let us all do something now that will get this Nuclear Waste Program back on track. Let us remove the program from future political maneuverings of future administrations and future Congresses. Let us not go back and reinvent the wheel, but rather, let us take the work that has been accomplished to date and do something productive with it!

Mr. President, none of the other proposals before Congress, and none of the proposals now under consideration by any committee in the House or the Senate do anything but stall the process, further mire it with delay tactics, and further ensure that some future Congress will have to return to patch it back together again. We may as well do nothing at all.

I would hope that this Senate and Congress had better sense than that. I would hope that the Congress will see the merit of a program that allows decisions to be made in a timely manner, allows work to proceed in a logical and cost-effective manner, and allows us all to get off our soap boxes on this issue and move on to more pressing matters.

Mr. President, I yield the floor.

The **PRESIDING OFFICER**. The Senator from Nevada.

NEW REPROCESSING TECHNOLOGIES

Mr. **HECHT**. Mr. President, one argument that has been made against reprocessing spent nuclear fuel has been that reprocessing creates more waste than was initially present. I believe I have shown that there is less high level radioactive waste left over after reprocessing, but there is clearly some left-over high level waste that needs to be dealt with in some way.

Many people have told me they wish the whole nuclear waste issue would just go away. Well, the waste is not going to go away by ignoring it, or by putting it in a repository, or even by Congress passing a law saying that it must go away. However, there may be a way to make high level waste go away by pursuing research on reprocessing and recycling. Let me explain what I mean.

It has been known for quite a while that high level wastes can be burned up in a breeder reactor, but no technology has so far been proven effective that would allow these wastes to be burned up in a more conventional light water reactor.

Well, it turns out that we may be a lot closer to burning up high level wastes in a conventional light water reactor than many have previously believed. We owe this interesting information, indirectly anyway, to no less an authority than the New York Times. In early October that newspaper editorialized that Nevada should be generous and do the other 49 States a favor by volunteering to take all of the country's high level nuclear garbage without asking for any compensation whatsoever. In a letter to the editor published in the October 16 edition of the New York Times, Dr. Meyer Steinberg of Brookhaven National Laboratories, makes some very interesting points in response to that editorial.

Dr. Steinberg points out that the Japanese are in the process of developing a nuclear reactor that burns up the long-lived isotopes that pose the greatest challenge to any nuclear waste management program. These are the very same long-lived isotopes that the Energy Department is trying to figure out how to isolate for 10,000 years. These are the same chemicals that are in fact going to remain dangerous for up to 250,000 years.

I hope my colleagues understand the significance of the fact that we are once again about to allow the Japanese to jump out ahead of us in technology development. The Japanese cannot afford to waste energy, so they don't waste energy. Instead, they try to develop a way to produce energy from nuclear waste that even the advanced European countries have not done. And once again, because of politics and tunnelvision, the United States is going to risk abdicating technological superiority in yet another area to our Japanese competitors. We are planning to put our waste in the ground where we can't easily get at it, while the Japanese are going to be burning theirs to make more cars, more televison sets, and more steel to sell in America.

In the long run, Mr. President, the lack of reprocessing, the lack of nuclear energy, are going to be translated into lost jobs, higher unemployment, a larger balance of payments deficit, a weaker dollar. This is not what I want for our country, and I am sure this is not what anyone in this body wants to see take place.

The good news, Mr. President, is that we don't have to surrender this technological opportunity to the Japanese. After reading his letter to the editor, I contacted Dr. Steinberg, and had a lengthy discussion with him about reprocessing and nuclear waste. He sent me some very interesting material that suggests that we now have the technological ability in this country to burn up the long-lived wastes in conventional pressurized water reactors.

Dr. Steinberg sent me a report done by the advanced energy systems division of Westinghouse Electric Corp. The report is dated August 25, 1987. In the cover letter to the report, Dr. J.E. Schmidt, manager of Nuclear Systems Engineering says:

> To my knowledge, this is the first time work has been done to optimize a light water reactor to function as a waste burner. The effectiveness of the pressurized water reactor system comes surprisingly close to the liquid metal fast breeder reactor as a waster burner.

Mr. President, this is just one indication that good, old-fashioned Yankee ingenuity may yet solve this waste problem for us, if we just have the good sense to try. The easiest, and, at the same time the most reckless course for us to take is to turn our back on an exciting opportunity, just because it is unfamiliar and doesn't fit in with our prior view of the world, our preconceptions about what is technologically feasible.

One argument that has been used against long term above-ground storage of spent nuclear fuel is that this somehow leaves the problem for a later generation to solve. But isn't this exactly what we are doing when we put waste down into a repository, where it will remain an ever present threat, not just for the next generation, but for hundreds of generations to come? Wouldn't we be more considerate of those to follow us if we were to take waste that would otherwise sit in a repository for 10,000 years, and instead burn it up in a reactor, so that it will be harmless in just a few decades? I ask my colleagues, which is the more responsible approach? Which is the more cost-efficient approach? Which is the safer approach?

Mr. President, this latest development, which suggests that reprocessing and recycling can virtually eliminate the high level nuclear waste problem, is just the most recent of several promising lines of research on this subject. Reprocessing can solve the waste problem for us, safely and cost efficiently. Let's pursue the necessary research and development. Let's not surrender these opportunities to other countries. Let's not lay a long-lived and unnecessary environmental burden on the backs of future generations of Americans. Let's think before we make the Nation leap into a deep geologic repository.

Mr. President, I ask unanimous consent that Dr. Steinberg's letter to the editor of the New York Times, an article by Dr. Steinberg and others published in the periodical Nuclear Technology, and an excerpt from another paper written by Dr. Steinberg from Brookhaven National Laboratory, all be printed in the RECORD at this point in my statement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LET THE NUCLEAR INDUSTRY EAT ITS OWN WASTE

TO THE EDITOR: Further on "Big Spending for a Spent Fuel Bribe," your editorial (Oct. 4) on the bill introduced by Senator Bennett Johnston of Louisiana that would pay Nevada $100 million a year for 50 years to accept an underground site for spent fuel from nuclear reactors:

The only way to prevent bribery in connection with the nuclear-waste problem is to investigate an alternative to long-term burial. The viable alternative is to return the long-lived nuclear waste to nuclear reactors to be transmuted and burned up. This is possible within the immutable laws of physics and nature.

There are basically two types of waste: (1) very long-lived transuranics, such as plutonium, americium and curium, which require hundreds of thousands of years of storage, and (2) long-lived fission products, such as cesium and strontium, which need only hundreds of years of storage.

By reprocessing spent fuel coming from nuclear power reactors, the transuranics can be extracted and returned in the fresh fuel to the reactors. Even the waste fission products can be returned if only for storage in the reactors for eventual decay if it is not possible to transmute them to short-lived waste. The Japanese are already designing a reactor that burns transuranic nuclear waste. So why are we not doing this?

The official answer is that the Waste Management Act of 1982 does not include recycling nuclear waste. Therefore, the Department of Energy is not required to investigate it even if it does have the potential of solving the problem. Another answer appears to be that it is uneconomical to reprocess spent fuel from reactors. That may be true for recovering uranium and plutonium as fuel; however, reprocessing for waste management is eminently economical for two reasons: (1) to avoid a $5 billion bribe for geological age storage and (2) to avoid shutting down 100 operating reactors, as well as removing the obstacle to starting up new reactors whose nuclear waste no one wants in his backyard.

There is a crying need now to investigate the long-overdue alternative of having the nuclear industry eat its own waste.—MEYER STEINBERG.

APEX NUCLEAR FUEL CYCLE FOR PRODUCTION OF LIGHT WATER REACTOR FUEL AND ELIMINATION OF RADIOACTIVE WASTE

(By Meyer Steinberg, James R. Powell, and Hiroshi Takahashi)

(Equations and graphs not reproducible for the RECORD.)

The development of a nuclear fission fuel cycle is proposed that eliminates all the radioactive fission product (FP) waste effluent and the need for geological age high-level waste storage and provides a long-term supply of fissile fuel for a light water reactor (LWR) economy. The fuel cycle consists of reprocessing LWR spent fuel (1 to 2 yr old) to remove the stable nonradioactive FPs (NRFPs) (e.g., lanthanides, etc.) and short-lived FPs (SLFP) (e.g., half-lives of <1

to 2 yr) and returning, in dilute form, the long-lived FPs (LLFPs) (e.g., 30-yr half-life cesium and strontium, 10-yr krypton, and 16×10^{6}-yr iodine) and the transuranics (TUs) (e.g., plutonium, americium, curium, and neptunium) to be refabricated into fresh fuel elements. Makeup fertile and fissile fuel (FF) are to be supplied through the use of the spallator (linear accelerator spallation-target fuel producer). The reprocessing of LWR fuel elements is to be performed by means of the chelox process, which consists of chopping and leaching with an organic chelating reagent (β-diketonate) and distillation of the organometallic compounds formed for purposes of separating and partitioning the FPs. The stable NRFPs and SLFPs are allowed to decay to background in 10 to 20 yr for final disposal to the environment. The fertile material (FM) (e.g., ^{238}U) and TUs are returned to be reincorporated into LWR fuel elements. The even mass-numbered TUs are efficiently converted to odd mass-numbered FF in the reactor, which then fissions to produce thermal energy and FPs in the LWR. The TUs have high thermal neutron cross sections and are therefore efficiently converted in the thermal LWR. The LLFPs (e.g., cesium, strontium, krypton, and iodine) are recycled in the fuel cycle to decay and become transmuted both in the spallator and the LWR to SLFP and stable NRFP products. Decay is the major mode of transmutation of the LLFPs because of their small thermal neutron cross sections. Some neutron transmutation does occur and shortens the storage times for the LLFPs. In this manner, long-term geological age storage of FP waste is avoided and the need for a new fast breeder reactor economy is no longer a necessity by the utility power industry. The APEX fuel cycle can be beneficially applied to the Th/^{233}U cycle as well as the described U/^{239}Pu cycle. A number of development efforts will be required to bring this system into production: however, no new basic scientific or technical proof-of-principle is needed.

INTRODUCTION

It is well known that Purex nuclear fuel reprocessing for the civilian power program was primarily derived from the need to produce weapons-grade plutonium. Thus ^{239}Pu is solvent-extracted with tributyl phosphate (TBP) from an aqueous nitrate solution of spent fission fuel, and the ^{239}Pu is then recovered and concentrated for mixing with fresh uranium oxide to make up the fuel in a thermal nuclear power reactor.[1] Actually no fuel reprocessing has been performed for the civilian power economy since deferment of reprocessing was instituted by the Non-Proliferation Act of 1976. Thus, most of the reprocessing that has occurred was for the weapons program. The effluent high-level waste (HLW) from these production plants contains up to ~2% of the ^{239}Pu originally present in the spent fuel from the convertor reactor together with the fission products (FPs). The HLW from the fuel reprocessing plants has been stored to date on-site in large engineered storage tanks. Much work is now being conducted to solidify this HLW for placement in underground excavations for geological age storage in so-called "waste isolation" facilities. Because of the ^{239}Pu content, which has a 26,000-yr half-life, this waste requires storage for a quarter of a million years (~10 half-lives) to decay to a biologically acceptable background level, along with other long-lived transuranics (TUs), such as plutonium, americium, curium, neptunium, etc. The longest lived and biologically most hazardous FPs, $^{137}C_s$ and ^{90}Sr, both of which have half-lives of ~30 yr, require at least 300 yr to decay to background. Actually the bulk of the present waste consists of 80 million gal stored at the weapons materials production plants. The main radioactive products in this aged waste consist of plutonium, and cesium and strontium FPs. The civilian fuel, as mentioned above, is not being reprocessed at this time, but is being stored in pools at the power reactor sites. Eventually these elements will either have to be reprocessed or disposed of.

Weapons materials require high concentrations (>20%) of high grade, high purity fissile material (^{239}Pu, ^{235}U, or ^{233}U). For the thermal fission nuclear burner power reactors, for example, the light water reactors (LWRs), one does not need to concentrate fissile ^{235}U (natural) or ^{239}Pu (made from ^{238}U) or even ^{233}U (made from thorium) to these higher levels for use in the power reactor fuel elements. The fissile fuel concentration in the fuel elements need only be on the order of 2 to 4% to be able to function in an LWR.

We are proposing an alternate new fuel cycle that eliminates the radioactive FP waste effluent and thus avoids long-lived geological age radioactive waste storage [2,3] and supplies fissile fuel for the LWR. For all intents and purposes, this fuel cycle does not have any radioactive waste effluent. Only nonradioactive stable waste, which does not have to be stored in a waste isolation facility and can be disposed of in a normal fashion to the environment, is produced by the system.

APEX FUEL CYCLE

The fuel cycle consists of chemically reprocessing LWR spent fuel that has been aged for 1 to 2 yr. The reprocessing removes the stable non radioactive FPs (NRFPs) (e.g., the lanthanides, etc.) and short-lived FPs (SLFPs) with half-lives of <1 to 2 yr and returns, in dilute form, the long-lived TUs (e.g., plutonium, americium, curium, neptunium, etc.) and long-lived FPs (LLFPs) (e.g., mainly the 30-yr half-life cesium and strontium, 10-yr krypton, 16×10^{6}-yr iodine, etc.) to be refabricated into fresh LWR fuel elements. The fissile TUs (the odd mass-numbered) will fission and the fertile TUs (the even mass-numbered) will be converted to fissile TUs in the thermal nuclear power reactor. The TUs have large thermal neutron cross sections and can either be readily fissioned or converted from fertile material (FM) to fissile fuel (FF) in the LWRs. Equilibrium concentrations of these materials are achieved in the fuel cycle within a relatively short period of time. Recycling the TUs, which actually act as fuel, adds to the power capacity of the LWRs and does not detract from the neutron economy of the reactor. Because of their much lower cross sections, the LLFPs (mainly ^{137}Cs and ^{90}Sr) are not readily transmuted in the LWRs. For these waste products, we would be relying mainly on the decay process by storage within the fuel cycle. Some transmutation will occur in the spallator and the LWRs, which will shorten the recycle storage times for decay of the LLFPs to stable NRFPs. It is interesting to note that the main LLFPs formed in the fission process are the 30-yr half-life ^{137}Cs and ^{90}Sr isotopes so that no other hazardous long-lived nuclides are expected to be formed on recycling. Over the longer period of time, the total inventory of cesium and strontium thus reaches asymptotic equilibrium values.

To implement the above fuel cycle, it may be possible to use conventional Purex reprocessing; however, we are proposing to improve and design the processing chemistry to accomplish the goal set forth. A fundamental consideration is that the initial purpose of Purex was to produce pure plutonium for weapons. Purex was therefore operated to allow plutonium to spill over into the waste to prevent contamination of the plutonium metal with FPs. In the concept proposed herein, the reverse is allowed for the civilian reactor fuel. The FPs are allowed to contaminate the fissile plutonium, but plutonium is not allowed to contaminate the waste. The purpose of this new reprocessing system is to extract the stable NRFPs and SLFPs with < 2 yr half-life and to allow the TUs and LLFPs to remain in the fuel. Furthermore, to produce makeup FF for fabricating fresh fuel elements for use in the thermal burner LWR power reactors, it is proposed to use the spallator (linear accelerator spallation-neutron target rector) to produce fissile material.[2] Isotopic enrichment of ^{235}U from natural uranium is not needed and the cycle functions in the same sense as a breeder.

CHELOX REPROCESSING

The new reprocessing chemistry, which we call "chelox," involves the use of a chelating agent to extract and separate the stable alkali and rare earth FPs from the higher valent uranium and TU oxides.[4]

This is accomplished mechanically by mechanically chopping the LWR fuel elements and leaching the exposed spent UO_2 with the chelating agent. The chop-leach operation has been highly developed in the Purex process.[4] The advantage of chop-leach is that contamination due to escape of dry particulates and volatiles is minimized.

The β-diketonate chelating chemistry has been tried out in the laboratory for complexing and separating TUs but has never been developed into a fuel processing scheme.[5] The basic physical chemistry of the process is available in the literature and has been extensively used as an analytical procedure.[4] At present, it is visualized that the UO_2 from the spent fuel elements will be contacted with the organic β-diketonate chelating agent at temperatures on the order of 100 to 200 °C to extract most of the FPs and some TUs, leaving the bulk of the uranium and plutonium undissolved. The metal complexing chelating agents have been successfully used in extraction of metallic ore bodies and analyzed by gas phase chromatography.[4] It is proposed that this basic analytical procedure be developed into a process that can extract and partition the TUs and FPs. The type of diketonate and the reaction conditions will be one of the major objectives of the proposed research and development (R&D) task. This R&D will determine the feasibility and the process conditions necessary to obtain the optimum desired separation and partitioning of the stable NRFPs and SLFPs from the long-lived TUs and LLFPs. Once the organometallic compounds of the stable and SLFPs are formed, these compounds will be separated and refined by distillation. Distillation is possible because of the widely differing vapor pressures and volatilities between the TUs and FP chelates.[4]

One of the possible chelating agents has the following structure,

$(CH_3)3C\text{-}CO/\text{-}CO/\text{-}C\text{-}CF_2\text{-}CF_2\text{-}CF_3$,

and is organically 6,6,7,7,8,8,8-heptafluoro-2,2-dimethyl-3,5-octanedione (briefly referred to as fod). Thus, the chelating reaction of spent UO_2 fuel can be represented as

$$UO_2+FPs+TUs+fod=UO_2+TU(fod)+FP(fod).$$

The fod is a stable organic liquid that can be readily handled in the atmosphere. For process purposes, closed reaction vessels are preferred since elevated temperatures will be necessary. By extraction of the UO_2 and distillation of the organometallic chelate, a separation and partitioning will be obtained, whereby stable NRFPs, SLFPs, and LLFPs will be distilled out from the TUs. The vapor pressures of the lanthanide chelates have values of over 10 mm mercury at 200°C, while that of the uranium and plutonium chelates as low as 10^{-3} mm mercury,[5] thus the relative volatility is large ($\sim 10^4$) and a very large separation factor becomes possible. The fod reagent may be recovered by either extraction with another solvent or by hydrogen reduction. If these are not efficient, the chelated organometallic compound can be roasted back to oxide and the fluorine gas will be recovered for remaking the fod chelating agent. The detailed process chemistry has yet to be worked out in an R&D program. Because we are handling small quantities of FPs, the cost per unit of power produced in the total fuel cycle is negligible. The fod is made from relatively cheap organic materials, e.g., acetone, propionic acid, and fluorine, so that makeup of fod losses should not be costly.

It is important to note that the organic chelating agent is stable in the presence of air and water to temperatures >100°C. However, the radiation stability of the chelating agent must also be determined. Some decomposition can be tolerated because of the relative low cost of the reagent in the total fuel cycle cost. It should be noted that fluorine substitution in the organic structure of the chelating agent increases the chemical and radiation stability of the compound. It should also be pointed out that fod is only one of a number of reagents of the β-diketonate class that can be used, so that there can be a large degree of flexibility in process design with this class of compounds.

The recovered uranium, plutonium, TUs, and LLFPs (cesium and strontium) are mixed together and fabricated back into a fuel pellet. In this fabrication procedure, makeup fertile and, if desired, FF is added to the mixed oxide and then made into an LWR Zircaloy-clad fuel element. If ^{235}U from an enrichment plant is available, this can be used to makeup FF. However, this would eventually deplete all the natural ^{235}U and the nuclear industry would then come to a halt unless a breeder reactor becomes available. It is preferred to have a spallator make up the fissile material inventory for assuring long-term fuel supply for an LWR power reactor economy. The chelox process can also be applied to the breeder cycle, however, because of the advantageous LWR economics, present deployment, and acceptability, a spallator supplying fuel to a number of LWRs is preferred.

THE SPALLATOR FOR FF PRODUCTION

The spallator employs a linear accelerator (Linac) to generate a high energy proton (1 to 2 GeV), which impinges on a UO_2 target and produces spallation neutrons that can be absorbed in FM to produce fissile ^{239}Pu (Refs. 2 and 6). The neutron yield is sufficient so that one 600-MW(electric) beam spallator can supply nine 1000-MW(electric) LWRs with fuel throughout the life span of LWR power reactors. High energy and fast fission produce heat in the target that can be converted to steam to generate the electrical energy necessary to drive the accelerator. The spallator is a self-reliant machine with internal circulation of power. In contrast to the breeder, it is not a net producer of power; nor is it a net consumer of power. It only produces FF for burner power reactors. The breeder is a dual-purpose machine since it produces fuel in addition to power, whereas the spallator is a single-purpose machine producing only fuel and is thus decoupled from the utility power grid.

The spallator consists of two major parts: Linac and a spallation target. Over the past 50 yr, the Linac has been developed into a highly reliable and efficient research tool. Figure 1 shows the main features of the accelerator. There is much confidence that a high current (300 mA at 2-GeV proton) continuous wave (cw) production accelerator can be constructed at a reasonable cost.[6] The target is essentially a subcritical assembly resembling a power reactor without control rods. Figure 2 shows the target reactor design for the spallator. Water-cooled pressurized zirconium tubes house UO_2 target assemblies. The proton beam is magnetically spread into a fan shape, which scans the target tubes by means of a magnet drive. The pie shape of the target is to produce a "hohlraum" to minimize leakage of reflected neutrons.

Table I indicates the design characteristics and the production capacity of the spallator. The basic neutron yield for a UO_2 target from spallation, high energy, and fast fission has been calculated to be equivalent to a net production of 94 fissile atom/GeV porton and is backed up by experiment and neutronic model caluclations.[7,8] The fuel-to-moderator volume ratio in the target is 2.37. There is a power-producing region in the spallator that is behind the under-moderated production section and has a fuel-to-moderate volume ratio of 0.5. The peaking power density is not any higher than in an LWR. The yield indicated is for reenriching the spent UO_2 from the LWRs, which would have a fissile concentration of ~2.5%. The target reactor is designed to provide just enough heat to power the accelerator. A conservative accelerator efficiency of 50% (line energy to beam energy) and a target power cycle efficiency of 33% were assumed. At a 75% power factor, the production rate of the machine is 3300 kg/yr of plutonium, which is enough to provide fuel on an equilibrium basis for nine 1000-MW(electric) LWRs. Although the spallator target is subject to decay heat, it is a subcritical assembly that shuts down when the beam is turned off. In this respect it is safer than an LWR.

TABLE 1.—*The Spallator—Accelerator Spallation Reactor—Production Capacity and Design Characteristics*

Proton energy	2 GeV.
Net fissile atom yield for UO_2/Zr clad-H_2O cooled.	94 fissile atom/GeV proton.
Current cw	300 mA.
Beam power	600 MW.
Accelerator efficiency	50%.
Power to accelerator	1,200 MW(electric).
Power generated in target.	3,600 MW(thermal) (self-sufficient).
Plant factor	75%.
^{239}Pu FF production rate.	3,300 kg/yr.
FF needed for 1 to 1,000 MW(electric) LWR 75% power factor and 0.6 C.R.	360 kg/yr.
Number of 1,000-MW(electric) LWRs supported.	Nine.

Table II gives an estimate of the spallator cost and Table III shows a comparative cost analysis for (a) a spallator providing fuel for nine LWRs, (b) a conventional LWR economy without plutonium recycle, (c) an LWR economy with plutonium recycle, and (d) six breeders providing fuel for three supported LWRs to provide a total equalized power generation of 9000 MW(electric). The breeder has a doubling time of ~20 yr. The spallator/LWR economy indicates a 15% lower total lifetime capital investment than the breeder/LWR economy mainly because each breeder costs 70% more than each LWR (Ref. 9) and the inventory of fissile material for the breeder is higher than for the LWR. It also appears that, under present cost assumptions, the spallator is competitive with the present ^{235}U-fueled LWRs even with reprocessing. Besides being more economical, the spallator allows the utilities to continue using LWR technology, which has become commercialized, and is safe and licensable. The fast breeder reactor has not yet reached this position.

TABLE II.—*The Spallator—Accelerator Spallation Reactor—Capital Investment* [*]

Linear accelerator = \$1000/kW(electric)[a] × 600 MW = ×	600 × 10⁶
Target = 1200 MW(electric) × \$1,000/kW(electric)[b] =	1,200 × 10⁶
Total cost	1,800 × 10⁶

[*] In 1980 dollars.

[a] Based on Refs. 2 and 6, the earlier estimates indicated a unit cost for the accelerator of \$560/kW(electric) of beam power. For this comparative estimate, we practically doubled the cost to \$1000/kW(electric) to account for escalation and contingencies.

[b] Target cost is assumed to be equal to an LWR power reactor in terms of unit power generation.

A flow sheet of the entire APEX process concept is given in Fig 3. The chelox fuel reprocessing scheme is shown in Fig. 4.

A possible disadvantage that might be cited against the APEX system is that radioactively hot elements would have to be handled for loading into the reactor. However, this should not be difficult since radioactive elements are handled when they are taken out of a reactor, so why can they not be handled when they are put into a reactor? Moreover, this would be an advantage from a proliferation point of view, because it would make diversion of hot elements much more difficult. It should also be noted that the NRFPs and SLFPs with <1- to 2-year half-life are stored in tanks for periods on the order of 20 yr to decay these isotopes to background before disposing of them in the environment or placing them back into the uranium mines as stable NRFPs. These may also be used for new stable isotope sources that are not available in nature.

Figures 5 and 6 show calculations for recycling the TUs and the cesium and strontium in accordance with the flow sheet shown in Fig 3. As can be seen, the TUs quickly reach equilibrium on recycling and also add FF in the normal way that a thermal reactor converts fertile fuel to FF, which then fissions and produces power. With internal fuel cycle storage of the cesium and strontium, these are decayed and reach near-asymoptotic values in the fuel cycle as given by the data shown in Fig. 5. The neutron economy penalty in the LWR is small because of the small thermal neutron cross sections and limiting the concentration through decay in intermediate process storage vessels. Most of the conversion of the cesium and strontium is by means of the decay mechanism and a smaller portion is by transmutation through neutron absorption in the spallator and LWRs. Any transmutation will hasten the approach to an equilibrium concentration value for the LLFPs.

TABLE III.—NUCLEAR ENERGY ALTERNATIVE SYSTEMS COMPARISON*

	Spallator one spallator/nine LWR's	LWR with no recycle	LWR with recycle	Breeder (LMFBR) six breeder/three LWR
Number of reactors [1,000 MW(electric)]	Nine	Nine	Nine	Nine
Capital cost [$1,000/kW(electric)]:				
LWRs	$9.0 × 10^9	$9.0 × 10^9	$9.0 × 10^9	$3.0 × 10^9
Breeders				$10.2 × 10^9 [a]
Capital cost of spallator	$1.8 × 10^9			
Natural uranium feed (30 yr)	Negligible	54,000 tonnes	18,000 tonnes	Negligible
Enriched ^{235}U fuel		243 tonnes (3.0%)	81 tonnes (33%)	
Total cost of natural uranium feed at $40/lb		$4.3 × 10^9	$1.4 × 10^9	
Cost of enrichment, $100/SWU		$2.9 × 10^9	$1.6 × 10^9	
Fissile material inventory [b]	61 tonnes	47 tonnes	47 tonnes	59 tonnes
Fissile inventory cost at $40/g	$2.4 × 10^9	$1.9 × 10^9	1.9 × 10^9	$2.3 × 10^9
Cost of reprocessing plant [c]	$0.3 × 10^9		$0.3 × 10^9	$0.3 × 10^9
Cost of fuel fabrication plant [c]	$0.3 × 10^9	Negligible	Negligible	$0.3 × 10^9
Cost of waste storage	Negligible	$1.4 × 10^9	Negligible	Negligible
Total cost	$13.8 × 10^9	$19.5 × 10^9	$14.2 × 10^9	$16.1 × 10^9

* Lifetime capital investment in 1980 dollars.

[a] There is a projected 70 percent cost differential between a 1,000–MW(electric) LWR ($1 × 10^9) and a 1,000–MW(electric) LMFBR ($1.7 × 10^9).

[b] Fissile material inventory for one spallator/nine LWRs = 50 tonnes (23.4 in-core and 23.4 out-of-core); for six breeder/three LWRs 59 tonnes (29.4 out-of-core) – (one LWR core contains 2.6 tonnes; one LMFBR core contains 3.6 tonnes).

[c] Estimated total cost of reprocessing plant is $1.5 × 10^9 for reprocessing fuel from 60 LWRs. Hot fuel fabrication estimated to be equal to reprocessing.

The above process concept can also be applied very advantageously to a Th/^{233}U fuel cycle. The spallator would produce the ^{233}U inventory from natural thorium. Furthermore, since the conversion ratio in the ^{233}U LWR cycle is higher than in the U/^{239}Pu LWR cycle, more LWRs can be supplied from each spallator. There is also an advantage of the Th/^{233}U fuel cycle in that no long-lived TUs such as ^{239}Pu are formed.

The advantages of the APEX fuel cycle with chelox reprocessing are several-fold, as follows.

1. A nonaqueous fuel reprocessing system is proposed in contrast to that of the aqueous Purex process with all its difficulties of handling highly corrosive reagents.

2. We can afford to leave a small amount of stable FPs in the low concentration FF recycled so that high decontamination factors required of the discard stable waste product are more easily obtained. This is in contrast to the conventional Purex waste, which has to be sharply separated from the plutonium in order to maintain high plutonium purity (a holdover from weapons production). As a result, residual plutonium remains in the effluent waste. Additional decontamination of the waste by going through a second TBP extraction cycle is possible with Purex, but evidently has not been found worthwhile for the weapons program or even for further cleanup of the waste for the civilian power program.

3. The temperature of the chelox process is not very high, reaching a maximum on the order of 250°C in the chelate process. A chop-leach operation with the chelating agent is preferred because of less particulate contamination and lower temperature reprocessing.

4. The handling of radioactively hot recycled fuel elements can be a deterrent to FF diversion for weapons. Additionally, remote handling of nonaqueous concentrated fissile material may be less hazardous than remotely handling corrosive liquids and gases.

5. The entire process scheme supports a long-term LWR economy so that the electrical utilities do not have to learn a new technology and install new and more expensive reactors, e.g., the liquid metal fast breeder reactor (LMFBR).

6. The process system concept can be equally applied to uranium or thorium in an LWR fuel cycle economy through the production of either ^{239}Pu from uranium or ^{233}U from thorium in the spallator. A long-term supply of fuel is available without the necessity of developing the LMFBR.

7. The objective of the concept is that only stable FPs are discarded as a waste so the public does not have to be concerned about long-term terrestrial geological age storage of long-lived radioactive waste.

Table IV and V list additional advantages of the APEX fuel cycle with spallator fuel production and chelox reprocessing. The system solves the problem of fuel supply and waste management for a long-term LWR power reactor economy. It is recommended that an R&D program be initiated to (a) develop the reprocessing chemistry of the organic chelating process (b) develop in detail the entire APEX fuel cycle flow sheet design, and (c) make a realistic economic assessment.

It is realized that we are recommending a new approach for the nuclear industry that may take a good deal of development funds and a number of years to reach commercialization, however, it should take much less than the ~40 yr it took the United States to get to the present position, with the same unsolved problems of fuel and waste still facing us. Unless the nuclear industry takes a new approach and solves the problems of concern to the public, we may not have a nuclear industry to be concerned about. There is still some opportunity for country and industry to attempt to take a path divergent from the well-known path. We may find it to be a shortcut to establishing a firmer nuclear industry. The APEX system with spallator and chelox appears potentially technically sound and economically viable.

TABLE IV.—*Advantages of APEX Nuclear Fuel Cycle*

Producers long-term supply of nuclear fuel for the LWR power reactor economy

Produces initial reactor inventory for fuel cycle; either fissile ^{239}Pu from natural ^{238}U or fissile ^{233}U from natural ^{232}Th

Eliminates need for a long-term geological age storage of radioactive FP and TU waste

Eliminates need for enrichment plant

Potentially more economical than a fast breeder reactor power and fuel cycle

Utilities need no new power reactor technology

The conventional LWR power reactor technology is sustained. The utilities need essentially no new licensing and safety procedures

Relatively low temperature, nonaqueous, noncorrosive, nonmechanical, reprocessing (chelox) of fuel is employed

The APEX fuel cycle uses near-term technology. No need to demonstrate a scientific principle (e.g., fusion)

TABLE V.—*APEX Is a Safer, Economical, and More Proliferation Resistant Fuel Cycle*

All fissile material is maintained in dilute form (<4%).

Inventory is the lowest of any fuel cycle (less than breeder)

Thermal reactors are a known technology with an excelled safety record

Spallator target is a subcritical reactor

Spallator produces fuel only on demand—it is a single purpose machine. An LMFBR, which is a dual-purpose machine, produces power as well as fuel

The spallator is an independent machine—decoupled from any power grid except for startup; unlike LMFBR and enrichment plant, which depend on the power grid

The FP contamination of fissile materials is allowable in civilian fuel cycle. Plutonium for weapons requires high purity; contamination of plutonium is not allowable, resulting in plutonium contamination of FP waste

Fuel elements in and out of reactor are radioactive, making them more difficult to divert for producing weapons material; also plutonium is isotopically contaminated making it a poor weapons-grade material.

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On the Subject of the Development and Relationship of Nuclear Power and Nuclear Weapons—Evolving an Acceptable Nuclear Power Fuel Cycle

(By Meyer Steinberg)

NUCLEAR WASTE MANAGEMENT

In any discussion with the public on nuclear power, questions arise concerning the disposal of radioactive waste from nuclear power plants and the nuclear fuel cycle. It should be noted that there are several kinds of waste from the nuclear fuel cycle. There is low-level waste usually incidental to operations of the nuclear power plant itself. Then there is high-level waste from the fuel reprocessing plants which originates from the fission fragments after fuel elements are burned in the reactor to make power. Now, here is where a grave mistake is being made by the nuclear energy establishment. As mentioned above, the civilian nuclear power fuel cycle has been adopted from the nuclear weapons program. As a result, the only method proposed is the solidification and encapsulation of the long-lived waste emanating from the fuel element reprocessing plants and ultimate storage in geologic-age formations for hundreds of thousands of years. A site, therefore, must be chosen for this purpose. A finite risk exists in any geologic-age storage system that something will go wrong that will cause contamination in the region. For this reason local and regional authorities are strongly opposed to having these waste repositories located in their neighborhoods. Is there an alternative? Yes, if one takes a fresh, objective, and unbiased view of the civilian nuclear fuel cycle. What is the difference between the civilian cycle and the military weapons fuel cycle? First, the civilian power fuel cycle needs only slightly enriched uranium or plutonium fissile fuel concentrations, as opposed to highly enriched fissile uranium or plutonium material needed by the military. Secondly, the military is not concerned with losses of fissile material into the waste streams from reprocessing plants, especially in times of crisis such as World War II, when thought about ultimate disposal was given to the waste stream from weapons materials production plants beyond storage for 20 years or more in engineered waste storage tanks, which is essentially what has been done.

The civilian program, however, is concerned with ultimate safe waste disposal. It is interesting to note that the military waste is not considered, under the Nuclear Waste Management Act of 1982, to be part of the civilian waste only because the military cannot be held responsible for ultimate waste disposal. Without military waste, the present waste management problem would hardly exist since civilian waste makes up less than 1% of the total high-level waste, mainly because reprocesssing of civilian reactor fuel has been severely limited and is currently not being done. The last statement, however, refers only to reprocessing plant wastes. In actual fact, we are building up a very large inventory of power reactor spent-fuel elements in storage awaiting disposal. These spent-fuel elements contain a concentration of a little over 1% fissile plutonium, which if not retrieved by reprocessing would have to be contained for a quarter of a million years to decay safely to acceptable background levels. The retrieved waste isolation facilities are being designed for 10,000-year storage which is assumed to be acceptable. However, who can really guarantee man-made safety for this long a period. The present Purex plant reprocessing high-level waste stream contains about 0.04% plutonium concentration which represents a loss of at least 1.0% of the plutonium in the fuel element. Reprocessing recovers a large portion of usable fuel in the form of fissionable plutonium and uranium and, thus, represents a considerable benefit in terms of the economics and fuel conservation. If the fuel elements are buried permanently without the possibility of retrieval some time in the future, the quantity of plutonium to be disposed of would amount to about 200 times that currently planned for storage of high-level radioactive reprocessed waste. If solidified and encapsulated high-level waste is not now acceptable for long-term storage, then unreprocessed fuel elements, which contain much higher concentration of Pu, should be even less acceptable. I believe that most responsible scientists and engineers are convinced that reprocessing will eventually be necessary for removal of plutonium and uranium from spent-fuel elements. The present plans for storage away from on-site power reactor water pools are being considered as intermediate repository sites for short-term safety. Further repositories of spent-fuel elements are being planned so that the spent-fuel elements can be retrieved eventually for reprocessing.

So we are still left with the problem of long-term geological-age storage of fuel reprocessing plant waste. The alternative I have been leading up to is a reprocessing plant design to produce only slightly enriched (low-concentration) fissile fuel material suitable for LWR civilian power reactor fuel which will result in a waste stream containing no plutonium or uranium. I am suggesting three principal departures from the existing military plutonium production reprocessing plants. One is to reduce the plutonium (and transuranics) content in the waste processing stream to zero, (defined as the equivalent of uranium mine tailings) thus eliminating the need for long-term geological-age storage which is currently unacceptable. The second principal departure is to control the separation of plutonium so that the resulting concentration is limited to no more than 3 or 4% in the recovered fuel. This concentration is sufficient for the operation of LWR power plants and would represent an additional safeguard against proliferation of weapons material in that nowhere in the fuel cycle would we have highly concentrated or pure plutonium. The question arises as to whether such a reprocessing plant with such specifications can be designed and made to function. There is no technical reason why such a plant cannot be achieved. It took many millions of dollars to develop the solvent extraction Purex process to produce an ultrapure weapons plutonium with a 1.0% waste stream loss. It may take additional millions to design a plant to produce an impure plutonium fuel material at a low concentration level with a waste stream that does not contain any plutonium, although I am not certain, even after all costs are included, that such a plant would cost more than a conventional Purex plant. But if it did, as the advertisements say, "it sure would be worth it." So far, I have been mainly considering the possibility that the present Purex plants could be designed to meet these specifications. However, even if another type of process is required, which would probably be costly to develop and put into operation, it would still be worthwhile. The avoidance of geological-age storage could make the difference between final acceptance or rejection of nuclear power.

The third principal departure is to recycle the plutonium transuranics and long-lived fission products back into the fuel elements and extract only short half-life (less than 2 years) and stable fission product.

To thoroughly understand the implications of my proposals, a further explanation of radioactive waste management is needed. There are several categories of fission product waste. The high-level radioactive waste consists of three categories (1) the long-lived plutonium and transuranics elements waste having half-lives on the order of tens of thousands of years, (2) the intermediate half-life wastes which are mainly the fission products cesium and strontium waste with half-lives on the order of tens of years (30 years for Cs and Sr), and (3) short half-life waste containing fission products with half-lives no greater than about 2 years. There is also a non-radioactive (stable) fission product waste which must also be disposed of.

Taking the radioactive waste categories in reverse order, and keeping in mind the rule of thumb that it takes about 20 half-lives to reduce the waste to background level, the short half-lived ($<$2-yr) waste can be stored for 20 years in ground-level tanks to decay to background much as is now being done. The intermediate ($\sim$30-yr) waste must be stored for 300 years, which is certainly more acceptable than the 240,000 years necessary for the plutonium and the transuranics.

However, even here an alternative exists and that is to recycle the intermediate waste into the fuel elements. This would be similar to recycling the plutonium and transuranics into the fuel elements so that there would be no release to the environment of both intermediate and long-lived waste. Thus, what would come out of a waste reprocessing site would be essentially only the nonradioactive, stable, fission product waste.

The concept of fuel reprocessing and waste management is, therefore, to decay out the short-lived waste, recycle the intermediate and long-lived waste, and extract only the nonradioactive stable waste. The questions to be asked are, what does this fission product recycling do to the light-water reactor fuel cycle and the operation of the civilian LWR power reactor? First, after reprocessing and fabrication of fresh fuel elements for insertion into the reactor, hot radioactive fuel elements would have to be loaded into the reactor. At present, essentially cold non-active fuel elements are inserted into the LWRs. Fabrication must be done remotely, which is feasible, and handling hot fuel elements as they go into the reactor is not bad at all, since this recycled fuel would be much less radioactive than the hot spent elements that are not taken out of the reactor. All the short-lived highly radioactive elements will have decayed and been removed. If highly radioactive fuel can be removed safely from the present reactors, then much lower level radioactive elements can be inserted into the reactor. Furthermore, there is some advantage to providing a fresh radioactive fuel element to be inserted into the reactor since it would be less prone to theft or vandalism, much as the present spent-fuel elements are thought to be better safeguarded because of their inherent radioactivity. The present nonradioactive fresh fuel elements are a concern for unscheduled removal and vandalism.

The second question is what happens to fission products with long and intermediate half-lives, and how do they affect reactor operations? The neutron physics of the fission products is such that the plutonium and transuranics have high thermal neutron absorption cross sections so that the even mass-numbered transuranics, which are not fissionable, absorb a neutron and become odd-mass-numbered transuranics, which are fissionable, and these in effect add to the reactivity and fuel value in the reactor. The uranium-plutonium transmutation chain is just such a typical example of this process. Uranium-238 (even) absorbs a neutron and becomes ^{239}U (odd) which fissions and creates the desired nuclear energy in the power reactor. The intermediate fission products mainly consisting of ^{137}Cs and ^{90}Sr have very low thermal neutron cross sections and as a result build up in concentration. However, these decay on a 30-year half-life basis to nonradioactive material which can be chemically separated as part of the stable waste in the reprocessing plants. Some amount of transmutation would take place in recycling through the power reactors; however, the Cs and Sr isotopes would mainly decay radioactivity and would be allowed to build up to a considerable concentration (possibly as high as 10%) in the reactor which should not affect the reactivity and the power level of the reactor by more than a few percent. The reason for this is that because the Cs and Sr have very low neutron cross sections they, in effect, act only as diluents in the fuel. If they did not act as diluents, they would never have survived in the reactor in the first place. The transmutation of the Cs and Sr will eventually take place through radioactive decay aided by some small amount of neutronic transmutation and reach an equilibrium concentration value over an extended period of time. It is also recognized that there are other amounts of radioactive elements that are difficult to handle as ^{85}Kr and ^{129}I; however, these can also be handled by recycling the fuel elements into the LWRs when we put our minds to it.

So what am I in effect advocating? I am advocating that the fuel cycle consist of recycling the high-level plutonium, transuranics, and intermediate-life Cs and Sr, storing the short-lived waste for 20 years in engineered ground-level storage tanks, and extracting only decayed stable nonradioactive waste. Some of the stable waste would actually be useful isotopes now scarce in nature such as Xe, Pd, and Rh. Reprocessing should be geared primarily to producing a clean waste rather than clean weapons material. In effect, all the radioactivity would be held in the well-shielded reactor core as it now exists during reactor operation and in the waste reprocessing plant and ancillary storage equipment as it is currently treated. At the end of a reactor's lifetime when it is decommissioned, the reactor core would be transferred to a new reactor power plant so that the nuclear power plant would, in addition to producing power, serve as aboveground monitored storage facilities for long-lived fission product fuel and waste. Radioactivity would be limited to in-reactor nuclear power plant sites and a few fuel reprocessing sites.

However, disposal of low-level waste will always be necessary. The low-level waste comes from small amounts of radioactivity from water cleanup and housekeeping systems at reactor power plants, from various chemical cleanup streams in the fuel reprocessing plants, and from the commercial and medical use (radiation tracer and radiopharmaceuticals) of radioisotopes. These must be given serious consideration, although they are of less concern to the public by orders of magnitude than the high-level fission product waste. Low-level wastes are usually very low in concentration and consist primarily of intermediate or short half-life material. Processes exist for concentrating their wastes to very small volumes which are acceptable.

THE CONCERN OF NUCLEAR WEAPONS

The initial manifestation of nuclear energy, as noted above, was from atomic bombs. It is no wonder that the public associates nuclear weapons with nuclear power. Certainly the same material that produces nuclear power also is used in making nuclear bombs. From the point of view of reactor safety, I believe the public has accepted the idea that nuclear reactors cannot blow up. The public, however, tends to believe that reactors can melt down and can leak, but they have to be reassured that this threat can be mitigated by safe practices in reactor design and operation. However, there is no way to mitigate the effect of atomic bombs. Atom bombs were originally produced to protect our society by destroying the enemy's military capability. That was fine until our perceived enemy achieved a nuclear stockpile of his own and thus we now live under the fear of mutual assured destruction (MAD), which is viewed by many as the principle that has kept peace. The present administration is attempting to alter this principle by proposing a "star wars" strategic defense initiative. This is very controversial and a long way from reality. There is even a further recently dramatized threat of a "nuclear winter" created by nuclear explosions, which would virtually jeopardize and destroy large portions of the world's population and cultural areas. With each of the superpowers possessing 30,000 nuclear weapons and still building more, is it any wonder that movements demanding a nuclear freeze and organizations for a sane nuclear policy have grown up around the world? A movement is currently underway to restart the nuclear arms agreement talks between the U.S. and U.S.S.R. An interesting proposal is being promoted by such well-known individuals as Dr. Glenn T. Seaborg, the discoverer of plutonium, and retired Rear Admiral Gene R. Laroque (USN), who are working to obtain a Comprehensive Test Ban (CTB) by the 40th anniversary of the bombing of Hiroshima and Nagasaki which took place in August 1945. A number of retired military men are also working to achieve a CTB as an important first step toward nuclear disarmament. Under the present political climate, it would be a miracle if CTB could be achieved by August 1985, although miracles of this type do happen from time to time.

Some day in the not too distant future, it is conceivable that both sides will agree on a reduction in the nuclear weapons stockpiles. Let us examine this possibility from a technical point of view. Each bomb contains about 20 pounds of plutonium so that the total stock pile consists of about 600 tons of plutonium in the world. We have about 300 tons and they have about 300 tons. How do we reduce this inventory? It is recognized that tritium is also a component of thermonuclear weapons, but this isotope is not of great concern because it cannot be made to explode alone, and because it decays relatively rapidly with a half-life of 13 years so that in about 100 years it is completely gone. The plutonium and transuranics are the primary causes of concern.

There are several suggested methods of dealing with the plutonium excessed from the disarmed weapons: (1) disposal into outer space, (2) burial in geological-age storage, (3) destruction by exploding underground or in outer space, (4) just leaving the warheads stored as they are now, and (5) using the plutonium for fuel elements in light-water reactors. The last method is the only disposal method that all would agree on. The risk of an abort in launching plutonium into outer space and the risk of contamination of outer space precludes outer space disposal. Underground explosion leaves residual radioactivity both of plutonium and fission product material. Building geological disposal sites is equally unacceptable, since this in effect produces a plutonium mine for future use as in the case for burial of fuel elements mentioned above. Burning plutonium in civilian power reactors is the only alternative. In effect, burning plutonium in power reactors transmutes the plutonium to short-life, less dangerous radioactive fission product elements. If we took our 300 tons of plutonium and burned it in our 80 reactors in the U.S. today we would have enough fuel to power these reactors for as long as 20 years. The bonus would be that we would generate much more energy from the plutonium than the large amount of energy we expended in producing the plutonium in the first place. Of course, the most important major step necessary to implement this procedure would be to obtain an agreement to carry out this arms reduction with our perceived enemy in a verifiable manner. This can be achieved by each side actually supplying weapons plutonium to certain power reactors on a mutually agreed upon basis. The International Atomic Energy Association could early monitor this activity. The main point, I am making here is that unless the world has operating civilian power reactors, the world will not have the capability of reducing and permanently disposing of the huge stockpile of weapons plutonium and thus we will never be able to resolve our nuclear weapons dilemma. The antinuclear establishment should well recognize that if we are to find a way out of the nuclear age, we must first eliminate our nuclear weapons. If we do not have civilian power reactors to burn up these weapon materials, then the alternative is either a nuclear holocaust or the fear of one for the next quarter of a million years.

It is interesting to note that those that are concerned about proliferation fear that the civilian nuclear power reactors are a source of plutonium which can be fashioned into bombs. Although this is certainly a possibility, I believe the reverse is more than equally true. Civilian nuclear power reactors are a means of getting rid of bomb material. Leadership and education and a desire to settle our differences other than by force will certainly prove this to be the case.

At present, a controversy is raging concerning the need for nuclear power and that new nuclear reactors are costly. This has come about through a combination of factors including mismanagement on the part of utility plant constructors and operators and increasing conservation. Certainly many other countries have experienced these problems and are pursuing development of nuclear energy at a rapid rate. Most agree that in the next 50 years or so our fossil fuels will become exhausted and nuclear power supplemented by solar power will be needed and will become economical once more. However, even if there is no other reason to operate and build reactors today, there remains one compelling reason, and that is to continue to operate nuclear reactors to maintain the capability of burning up the nuclear weapons stockpile. The alternative is to live in fear of a nuclear disaster forever.

The bottom line is that the public should be strongly against nuclear weapons, which it is, and very much for nuclear power, which at present it is not. While we have the time, because of the present availability of nonnuclear energy resources, we should make civilian power reactors safer, we should revamp our nuclear fuel cycle to make it more acceptable, we should recycle our radioactive waste, we should operate a fuel reprocessing system to produce clean waste, we should produce fissionable plutonium and uranium only on demand by a non-reactor fuel production technique, and—most important—we should reduce the world's nuclear bomb stockpile by burning the plutonium weapons material in civilian power reactors.

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LONG-TERM STORAGE

Mr. HECHT. Mr. President, this past spring, I joined several of my colleagues in making an inspection trip to Europe, which involved visits to nuclear waste facilities in France and Sweden. I met with the top nuclear energy officials of these Nations and learned a lot about how the American nuclear waste program can be improved. The single most important lesson I learned, Mr. President, is that this Nation can take one very simple and inexpensive step which has huge payoffs in terms of improved safety and reduced costs.

In those countries that have successful nuclear waste programs, high level nuclear waste is first stored for 30 to 50 years, so it can cool down and become less radioactive before permanent disposal takes place. We should apply this safety lesson to our own nuclear waste program. However, the current plans of the Energy Department are to put nuclear waste into a repository after only 5 to 10 years of cooling. The European scientists told me that they would not dream of putting waste into a repository after only 10 years. They said it was unsafe, and I am convinced they are right.

Mr. President, I have made it very clear that I am opposed to deep geological disposal of spent fuel. I don't think it has been proven safe. I know it will be terribly expensive, and I don't see how the Congress can be so eager to rush off and spend about $40 billion of the American people's money when the stock market is undergoing a very difficult period, when the American people are waiting to see if the Federal Government can finally get its act together and do something about this disgraceful deficit. Do we really want to go full speed ahead on a program of unproven safety and huge costs, when we know that there is a safe and proven alternative readily available? What sort of message are we going to be sending to the American people here as we debate this bill?

High level nuclear waste should not be shipped to a repository until it has been aged for at least 40 years. At that age, spent fuel is much cooler, much less radioactive, and therefore less dangerous to the public health and safety and the environment. It will also make the waste safer, easier, and less expensive to handle and to transport.

Long-term storage deserves the support of not only those Senators from a State where a repository may eventually be located, but also those who represent the 35 or more States through which the waste would be transported on its way to any repository, whether it might be in Washington, Nevada, or Texas.

I understand that some of my colleagues think that a repository program is really the right way to go. Others may feel that while it may not really be the best policy for America. It's part of a compromise deal they agreed to back in 1982, and they now feel honor bound to follow through on that deal, no matter how sour it has turned out to be, no matter how bad a bargain it seems in hindsight. And so let me point out that one can be in favor of a repository program, even one similar to the latest schedule of the Energy Department, and still support long term storage. Long term storage of spent fuel will not kill the repository program, even though I am convinced that program is a serious mistake, and ought to be put out of its misery now.

Some have complained that they don't want to have spent nuclear fuel lying around their States for 40 years before it goes to a repository. They claim that is far too long a period of time. Yet they have no problem with forcing Nevadans to keep this waste in our State for 10,000 years! How can one justify putting this waste in an unproven facility in my State, not just for 10,000 years, but for all time, and at the same time object to keeping it a few short years where or near it is generated, in facilities that have already been licensed by the Nuclear Regulatory Commission, that are already in use here and abroad, that have already been proven safe?

Long term storage is practical. Sweden and France do it at MRS-type facilities, and American electric utilities are now capable of similar technology at the reactor site. Modular dry cask storage is already being used at the Surry Nuclear Powerplant in Virginia, and similar technology has been licensed in the Carolinas. Very recently, the Nuclear Regulatory Commission licensed the first American-made modular dry cask. Clearly, we have this technology here and now, ready to be used whenever it is required.

There are many excellent reasons to support long term storage of spent fuel:

First. Other countries, which have successful waste programs, have adopted long term storage as part of their plans. This is therefore an approach that is working elsewhere. We know it can work here, too. We should not try to reinvent the wheel with the American people's money.

Second. Transportation of older spent fuel will involve far fewer risks because it will be thermally and radioactively cooler. In contrast, under the current program, the Energy Department would ship 3,000 metric tons of highly radioactive spent fuel, posing serious safety risks, through most of our States beginning about the year 2003. It only makes sense to start slow, and to start safe.

Third. After long term storage, there is less danger involved at the repository site, because the material being disposed of has already lost most of its radioactivity.

Fourth. The reprocessing option is realistic as long as the spent fuel is still accessible above ground. As a practical matter, if the fuel is in the ground, it's not going to come out again. Why not keep our options open? Reprocessing may not be economically attractive right now, but think how much energy prices have changed in this country over the last 40 years. Imagine how much higher they are likely to be 40 years from now, even 20 years from now! Sooner or later we are going to want, going to need, to recycle that spent fuel and make fuller use of its energy potential. Let's not rush off now and put this energy resource somewhere that is going to be awfully difficult to get to when we need to retrieve it.

Fifth. It may turn out that another disposal method, such as subseabed disposal, eventually is proven superior to deep geologic disposal in the continental United States. Long term storage allows the research on alternatives to be finished long before the waste actually needs to be disposed of, so our final decision will be a fully informed decision.

Mr. President, long term storage of spent fuel before shipment to a repository, or a reprocessing facility, is technology that is available now. It is being used successfully in other countries, and it is being used in America today.

Thank you Mr. President, I yield the floor.

Mr. REID addressed the Chair.

The PRESIDING OFFICER (Mr. CONRAD). The Senator from Nevada.

Mr. REID. Mr. President, I am prepared to discuss some additional matters which have been raised.

First, Mr. President, I compliment my senior Senator on his remarks. I also think it is important to comment on some of the statements made by the Senator from Idaho regarding transportation of nuclear waste.

Mr. President, the people of this country know that there are certain things that we must be aware of.

First of all, when someone tells us that the Federal Government will take care of you, our eyes should immediately become wide awake.

We know that the law in the area is that, of course, States can give comment to the Department of Transportation and the Nuclear Regulatory Commission as to how the transportation of nuclear waste should be. But we also know that a circuit court of appeals said when those are in conflict, basically whatever the Department of Transportation wants as relates to high-level nuclear waste prevails.

So the local entities can give any input they want, but if the Department of Transportation wants to disregard it, which they have done most of the time, then it has no bearing whatsoever.

It is clear to me that the words of Jefferson are more important now than ever when he said that the government closest to the people is the best.

This has been totally disregarded.

I would also state that in test, by test, by test, as to what they have done to protect these casks, or cannisters, we must recognize that the fire test, as I recall, is for 30 minutes. After 35 minutes, though, the test showed that the cannister would not hold. It caught fire and did, in effect, blow up.

So I think we are evading the point, the point being that all we have talked about here is transportation. Of course transportation is a concern because we spent several minutes in the week gone by talking about the concern people throughout this country should have, in St. Louis, in Buffalo, in Denver, in Salt Lake. All over this country people are concerned about transporting 40,000 pound casks through their streets and cities, understanding that in those casks is only a little bit of high-level nuclear waste, just a little bit. The 40,000 pounds, most of it, is the lead to protect the very small amount of nuclear waste in one of those casks.

We have right now, today, 70,000 metric tons of high-level nuclear waste that must be taken someplace according to some people.

I think also we have not talked about, Mr. President, what the DOE has done to ruin the 1982 act. Let us hear some talk about that. This bill, S. 1668, gives a blank check to the DOE for what they have done in the past. All the experts recognize how they have not followed the law passed by Congress, how they have not followed their own regulations, how they have not followed scientific findings. We should hear something about that.

It may be OK to the Department of Transportation and the Department of Energy, but it certainly is not OK to the American people.

Mr. President, I think to only elaborate and to further emphasize, the DOE is now telling us that they like S. 1668. Today, every Senator in this Chamber has a letter from the Department of Energy saying S. 1668 is a great piece of work, that they like it. So says the Secretary because it saves money. It has improved cost effectiveness.

We have heard a lot about saving money. That is not what we should be about in this Chamber. When we are dealing with nuclear waste and the Federal Government as it relates to nuclear waste, it is a very, very bad record, Mr. President.

We do not have to look at what happened in the last 2 weeks. Let us go back and look very briefly at what has transpired with the Federal Government as it has dealt with things nuclear over the past 60 years.

Today, the Secretary of Energy is telling us that anything nuclear is OK, that we need not worry. Mr. President, during the period from 1915 through the 1920's, there were salesmen that hawked patent medicine that had in it nuclear products—nuclear products, I think, Mr. President, that are quite interesting. They sold these products for all kinds of different things. they sold them for baldness. They sold them as things that would cure indigestion, bowel trouble, tuberculosis, diabetes, hemorrhoids, and even lagging sexual powers.

These people were not without the protection of the Federal Government. These salesmen who sold this stuff sold things called "lebarium," "caparium," which was a restorative for hair. Many physicians endorsed restoratives, as they were called.

I think it is interesting that the United States Bureau of Standards in March of 1976 was asked, "I wish to inquire whether your office certified all the ingredients in radium as to its activity." They replied that the material was found to be OK. The Bureau had never heard of any harmful effects due to drinking water which had been made radioactive.

Where this finding came to show that the Federal Government was not really protecting things as they dealt with things nuclear was from a man by the name of Byers, a fairly well-to-do steel manufacturer, even a national champion amateur golfer in the United States. He has decided 2 years prior to his death to start drinking a thing called "radathor," a radioactive substance that would do a whole lot of good things, said the salesman. Within a year Byers started to lose weight, complained of severe headaches, pain in his jaw, and his teeth dropped out. The substance literally destroyed this man. Other people had had the same thing happen. Because of his prominence, his death touched off Federal investigations and the Federal investigations really were not too substantive.

There were people who said that it really was not too bad, what was happening. In the midst of all this they started painting, Mr. President, luminous dials on watches. They did it because they glowed in the dark. They were very exciting. One woman by the name of Hazel Kooser had a job where she painted these luminous dials on watches, and started doing this when she was 15 years old. To make the very fine painting she had to do, she would stick the brush in her mouth and paint away.

Well, this woman did not last long. She died, Mr. President, before she was 25 years of age, but only after 3 years she went to the doctor and they extracted her teeth. Her dentist noticed her jawbone rapidly decaying.

He said she had a radium jaw. He linked it to her work. She died as I indicated very soon thereafter. Industry rushed to support this company called United States Radium. They even said, regarding the golfer and this lady that painted the lunimous dials, that Madam Curie, who had been involved in this in her laboratory work for over two decades, was OK and they need not worry about her. Well, she died just a few years later, of course, with leukemia as a result of the work she did with radium.

Now, these were not high-level nuclear waste products. Certainly they were not. But, Mr. President, it did not stop the Federal Government from saying they would take care of everybody, that their standards were OK.

For the sake of making a little more progress, I am not going to go through the numerous cases such as the example of the golfer that I told this body about, about the woman who painted the luminous dials. There are numerous cases like that where the Federal Government said, "Don't worry," but we can come to even more modern times. We know in retrospect that these radium products, these nuclear products did not do anything for helping gout, rheumatism, chronic arthritis, et cetera.

In fact, Mr. President, we now know in hindsight how ridiculous it was that the Federal Government put its stamp of approval over something like this, saying, "Don't worry; it is not harmful." But in modern times we need not look at human beings; we can look at sheep. We know that in the fifties and sixties, atmospheric tests were taking place. We know at that time the Federal Government said, "Don't worry, you can watch them; if you a soldier, in the vicinity, the fallout won't hurt you." But what really brought the public's attention to this was in the State of Utah, about 150 miles from where the bomb was set off, where a sheep herder goes out to look at his sheep one morning, 4,000 of them, and they are all dead. Ranchers were concerned, and of course they realized it had to be something that dealt with the atomic tests because it is not certainly an ordinary thing that you go out one morning and all your sheep are dead.

Well, these people tried to get from the Federal Government what information it had relating to why these sheep died.

Mr. President, there was a coverup. The Federal Government said, "No, we have checked and these sheep could not have been killed from this little amount of radioactivity that took place." There was a lawsuit filed, and the ranchers lost the litigation. But what we know is that they really should not have lost because later a Federal judge ruled that the Federal Government had perpetrated a fraud upon the court by covering up things that related to the death of these 4,000 sheep. These sheep died as a result of poisoning from the atmospheric tests.

Again, Mr. President, without belaboring the point, we cannot always look to the Federal Government to protect us. We know that in the history of nuclear products, including nuclear waste, the Federal Government has really not protected the American public, and they are not going to do it in transportation. This is a hasty thing we are doing with this legislation. S. 1668 rewards the incompetence of the Department of Energy. It takes the pressure off the Department of Energy to do their job right.

It is my understanding, Mr. President, that the majority leader wishes that I withhold at this time.

Mr. BYRD. I thank the Senator.

ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES

Mr. BYRD. Mr. President, I ask that the Senate proceed to the consideration of House Concurrent Resolution 215.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 215) providing for an adjournment of the House from November 10 to November 16, 1987.

The PRESIDING OFFICER. Are there amendments to the concurrent resolution? If not, the question is on agreeing to the concurrent resolution.

The resolution (H. Con. Res. 215) was agreed to.

OLDER AMERICANS ACT AMENDMENTS OF 1987—CONFERENCE REPORT

Mr. BYRD. Mr. President, I ask that the conference report on H.R. 1451, the Older Americans Act, be laid before the Senate.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1451) to amend the Older Americans Act of 1965 to authorize appropriations for the fiscal years 1988, 1989, 1990, and 1991; to amend the Native Americans Programs Act of 1974 to authorize appropriations for such fiscal years; and for other purposes having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of November 9, 1987.)

Mr MATSUNAGA. Mr. President, I rise to urge my colleagues to approve the conference report on H.R. 1451, the Older Americans Act Amendments of 1987.

Mr. President, this legislation, which will reauthorize programs under the Older Americans Act for 4 years, through 1991, was passed by the House on May 28, 1987, by a vote of 379 to 8. On August 6, 1987, the Senate bill, S. 887, which I was privileged to introduce, was passed by a vote of 98 to 0. Because of their earlier declared support for the measure, had the two absentees been present and voted, the vote would have been 100 to 0.

In many important respects, the House bill and the Senate bill were quite similar. Both bills, for example, included the following provisions, with only minor differences:

First, a new authorization for funds to provide nonmedical in-home services to the frail elderly;

Second, a number of modifications to the current title VI program of grants to Indian tribal organizations which will correct an unintended effect of current law and ensure that older American Indians can receive services under title III or title IV;

Third, a series of amendments which will strengthen the operation of the Long-Term Care Ombudsman Program, which has been a part of the law since 1978;

Fourth, a new separate authorization of appropriations with which to enable States to carry out programs for the prevention of abuse, neglect and exploitation of the elderly.

Fifth, several changes which will strengthen the administration of the act at both the Federal and local levels; and

Sixth, an authorization for the President to call a White House Conference on Aging in 1991.

The two bills did have some key differences, however. First, the House bill contained several new provisions for studies, including studies of national transportation needs, potential sources of revenue from cost savings due to the implementation of the prospective payment system, and unmet social service needs which could be provided through senior centers. The conferees agreed to drop the requirement for a transportation study, as it would duplicate several recent studies conducted by the Administration on

Aging and probably would provide little information for local authorities trying to solve their community transportation problems. The conferees also agreed to delete the required study of potential cost savings from the implementation of the prospective payment system, as this type of study is more appropriately undertaken and is being conducted by the Health Care Financing Administration. While the conferees agreed that an assessment of unmet social service needs of the elderly is warranted, they agreed to attempt to use information already required in each area agency's plan in order to evaluate the present situation. Should the documentation prove inadequate, the conference agreement requires the Commissioner to issue appropriate regulations with which to systematically collect such information.

The second major difference was a deemphasis in the House bill of health promotion and education activities. The House bill repealed the current title VII, which established a grant program to fund health promotion and education program development. The Senate bill, on the other hand, not only preserved title VII, but added a new subpart to title III in order to provide new funds for health promotion and education activities through area agencies, senior centers and other congregate settings, and amended the Public Health Service Act to provide a new in-home health care program. The conferees agreed to repeal title VII, but to preserve its intent by adding a provision to the current research and demonstration programs authorized under title IV. In addition, they agreed to include the new authorization for service delivery under title III, as contained in the original Senate bill, and to authorize demonstration programs under the Public Health Service Act in order to test new in-home health care delivery systems for the elderly and victims of Alzheimer's disease.

The third major area of disagreement was with regard to outreach programs for identifying and assisting individuals who are not currently taking advantage of Federal programs to which they may be entitled. The House bill contained a one-time $25 million authorization to conduct such an outreach effort. The Senate bill would have created a multiyear demonstration program to test the ability of the Older Americans Act system in reaching these individuals. With higher authorization levels, the conference agreement adopts the Senate view that this outreach program should not be a one-time effort and that it should include an evaluation of the program's success or failure.

Mr. President, the final issue which I wish to call to the attention of my colleagues is the resolution of differences between the two bills with respect to outreach and service delivery to special groups of the elderly, including minorities, the disabled, and those who have debilitating diseases, such as Alzheimers. The conference agreement adopts several new provisions of the Senate bill which will increase the awareness of problems of the elderly with disabilities and improve outreach to these individuals, provide a new program of service to all native Americans, including native Hawaiians, and authorize the delivery of employment services to the elderly through both a new Pacific-Asian and a new American Indian national program sponsor under title V.

Mr. President, since 1965, the Older Americans Act has provided the bedrock for constructing a vast network of supportive services for our Nation's senior citizens. This reauthorization continues and expands that solid foundation. I am proud to have been involved in the development of the original act, and am prouder still to have taken the lead in reauthorizing this important legislation in 1987 in the Senate.

Mr. President, before concluding, I would particularly like to commend and thank several people who have played key roles in the reauthorization process this year. they include:

The Senator from Mississippi, Mr. COCHRAN, ranking minority member of the Subcommittee on Aging, and his staff, Jackie Knox and Anne Cherry; They were extremely helpful in arriving at the conference agreement. Also, Congressman DALE KILDEE of Michigan, who led the House effort as chairman of the Subcommittee on Human Resources, and his staff, Susan Wilhelm and Tom Kelly; The senior Senator from Ohio, Mr. METZENBAUM, and the senior Senator from Rhode Island, Mr. PELL, both of whom, as members of the Subcommittee on Aging, took a keen interest in the development of this bill; The chairman of the Committee on Labor and Human Resources, Mr. KENNEDY, and the ranking minority member of the committee, Mr. HATCH, who played important roles in shaping the legislation, deserve heartfelt thanks; and the legislative counsel in the Senate, Blair Crownover, and the counsel in the house, Jean Harmann, both of whom worked diligently to ensure that the compromise bill was carefully and properly drafted and presented to the conferees. To them I also extend my gratitude.

Mr. President, it has been said by sages of the past that the greatness of any society can be accurately measured by the degree to which it cares for its elderly. I believe the legislation before us today greatly enhances existing programs for the elderly under the act, and authorizes additional programs which are essential in order to respond to the needs of our growing elderly population.

Mr. President, I urge my colleagues to join me in support of this important legislation and ask for approval of the conference report for H.R. 1451, the Older Americans Act Amendments of 1987.

Mr. COCHRAN. Mr. President, I thank the distinguished Senator from Hawaii [Mr. MATSUNAGA], who is the chairman of our Subcommittee on Aging. He has done an excellent job, in my opinion, in scheduling hearings during the early part of this session of Congress which were very helpful to our committee in understanding some of the changes that could be made to improve the administration of this important act.

We heard from administrators at the local level, from administration officials, from the population to be served by the programs authorized in this act. I think that because we did take time to listen to suggestions from others, we have improved the Older Americans Act considerably.

We have written into the law a new flexibility on the part of local managers and administrators. They can now identify in their local areas with a greater degree of freedom the programs and kinds of services that are most needed by the elderly population who are eligible.

We have also ensured that those who are served by the programs will actually have a place at the table where decisions about those programs are made.

We have provided in this bill, for example, that a majority of the Federal Council on Aging be made up of persons who are eligible for the programs authorized by this act. That is a new provision, and I think it is important.

As a matter of fact, this provision was suggested at a hearing by a constituent from Mississippi who was invited here to testify about how this program was working in our State. He observed that we needed more older Americans involved in the day-to-day administration and decisionmaking of these programs and services. So we have made that change at his recommendation, and it has been accepted and included in the conference report.

Senator HATCH, who is the senior Republican on the full Committee on Labor and Human Resources, was the one who pushed hard for the in-home health services. We have included in the conference report, I am glad to say, a new program of testing and evaluation, of new ways to provide in-home health services to the frail elderly. That is an important move in the right direction.

There are some other changes. The chairman of the subcommittee has described them, and I will not go into a repetition of the things he has already said. But my impression of this process and the final legislative result is that we have a better program now for our older Americans under this reauthorization than we have had before.

There are goals we share with the elderly: to avoid unnecessary institutionalization; to make sure that those who cannot adequately provide for their own nutrition needs get help in their own communities, in their own homes; that there are opportunities for recreation; that there are opportunities for an exchange of expertise in local communities as volunteers, as part-time workers, in programs that are important to the community. These are all programs that are either authorized or encouraged in this legislation.

So I am very happy that this year I was given the opportunity to serve as the ranking Republican member of the Subcommittee on Aging.

As my friend, SPARK MATSUNAGA, I came to the Senate from the House of Representatives; and one of the most enjoyable aspects of my service as a House Member was on the Special Committee on Aging. I recall that with a great deal of pleasure.

I recall working on the legislation that did away with mandatory and arbitrary retirement dates for many of our older citizens in many occupations. We worked on a lot of issues together in the House that have changed the lives and opportunities of many older citizens today.

I think we have today brought to the Senate a piece of legislation that carries this one step further. It refines, improves, and modifies in a way that I think makes the legislation more sensitive to the real needs that many older citizens have in our modern society.

This bill does not solve all the problems, but we do recognize that there are new roles and responsibilities for the Federal Government in research in Alzheimer's disease, in ways to be innovative and imaginative in the use of our limited resources, in trying to deal with problems that our senior citizens have.

Under the unanimous-consent agreement that the majority leader announced earlier, it is my understanding that at the conclusion of our discussion here today, action on this measure will be postponed until Thursday morning and at that time we will have a vote on it. I hope it is unanimous. I do not know of any reason why any Senator cannot enthusiastically support the reauthorization of the Older Americans Act, under the legislation and the conference report we have worked out with the House of Representatives.

Again, Mr. President, I thank the distinguished Senator from Hawaii and the staff members who have worked so hard this year on this legislation. Jackie Knox and Anne Cherry, on my staff, have been really superb in the way they have tackled these problems and have tried to sort out the different viewpoints and come up with recommendations that have been included in this legislative package.

The staff of the majority side have been very cooperative with us, very helpful, very courteous, and for that I am very grateful.

(By request of Mr. MATSUNAGA, the following statement was ordered to be printed in the RECORD:)

● Mr. SIMON. Mr. President, I wish to congratulate the conference members and staff for their fine work on this important legislation. I am pleased that today we see the passage of the Older Americans Act. The Older Americans Act is crucial because it provides essential services, as well as serving as a reminder of our moral obligation to our Nation's seniors.

I believe this legislation will provide for a better coordination and expansion of services to our Nation's elderly in many vital areas. Let me mention a few of these noteworthy additions.

Alzheimer's disease and related dementias are a growing burden on our society. This disease imposes incredible physical and emotional hardships on the family, the primary caretaker of afflicted individuals. This legislation will offer relief in many forms both in the home and through Federal programs.

Appropriately, the needs of frail, older individuals have been recognized. This program provides for preventive health screening, health education, and promotion services. Another important group whose needs have been recognized is the disabled elderly.

I am pleased to say that the Pepper/Simon amendment on "assistance for the prevention of abuse of older individuals" was included. The problem is well documented; the statistics are shameful. Some 1.1 million elderly Americans are victims of financial, emotional, and physical abuse. This means that about 4 percent or 1 out of 25 of our Nation's elderly are victimized. Unfortunately, this number will increase unless something is done.

This bill is a first step toward providing help which is long overdue. This legislation would require that there be established in each State a competent program to prevent elder abuse and provide some assistance.

These programs would have to be strictly within the confines of pertinent State laws and be designed so as to complement and not duplicate any existing State or local elder abuse prevention and protection programs. Some States have shown great leadership in establishing meaningful elder abuse programs. My amendment would assure that these programs continued and were strengthened.

The aging of our population is a great success story, a result of economic growth, medical research, education, and public health policies. Now, we as a nation are challenged to improve the quality of those additional years of life. I believe the Older Americans Act is an essential part of meeting that challenge and something of which we can be proud.

Let me conclude by again congratulating my colleague and friend Senator MATSUNAGA and other members of the conference and their staff for their fine work.●

Mr. MELCHER. Mr. President, today the Senate is considering the conference report for the 1987 Older Americans Act Amendment, H.R. 1451, thereby reauthorizing one of the most significant pieces of legislation to address the needs of our country's older people. The Older Americans Act [OAA] was enacted in a period remembered for a great awareness of the needs of the poor and the elderly. In 1965, not only did the Older Americans Act come into being but Congress also passed titles XVIII and XIX of the Social Security Act which established the Medicare and Medicaid programs, respectively.

The overall objective of the Older Americans Act is to enhance the physical, mental, and social well-being of older Americans, and foster maximum independence, through the provision of a wide array of services. This act established the means for the organization and coordination of community based services for older persons. Congress has reaffirmed its support for the programs through subsequent reauthorizations. Since the act's enactment, it has grown from a program of small grants and projects to an aging network of 57 State units on aging and over 660 area agencies on aging. The programs under the act now provide a wide range of services: social, legal, nutritional, and various supportive services; educational opportunities; and employment. The act also supports research and training in the aging field.

Three of my amendments are included. The first amendment requires the Department of Labor to develop a separate Consumer Price Index for the elderly and to submit a report to Congress within 180 days after the act becomes law. I offered this amendment because I strongly believe, as do many of my older constituents, that last year's 1.3 percent cost-of-living adjustment for retirees did not reflect the inflation they faced. I think we need a more accurate index for inflation as it applies to the elderly.

Another of my amendments changes title V, the Senior Community Service Employment Program, to require that the Department of Labor provide national contractors under title V and their program enrollees with written information that will explain employees' rights under the Age Discrimination in Employment Act [ADEA]. In amending the ADEA last year to eliminate mandatory retirement for all but a few designated professions, Congress recognized that older Americans are among this country's most valuable resources. While many industries are also beginning to recognize the value of the older worker, many are not. More must be done to educate people about age discrimination and their rights.

My third amendment to the Older Americans Act amends the School Lunch Act and provides for an expansion of the Child Care Food Program to adult day care. This provides supplemental assistance for two meals and a snack per day on a means-tested basis to individuals in adult day care. The intent of this amendment is to provide more meals for those who need them most.

Mr. President, I urge my colleagues to pass the bill reported out of conference and send a message to all older Americans, that we in Congress recognize our responsibility to insure that individuals at every age have the opportunity for full enjoyment of life.

Mr. MATSUNAGA. Mr. President, I thank the Senator from Mississippi and commend him on his excellent statement. He brought back fond memories when he talked about our working together in the House on the Committee on Aging.

As a matter of fact, when I was first elected to the House, we had no Committee on Aging. I take great pride in the fact that, Representative CLAUDE PEPPER and I lobbied the Speaker very vigorously for creating such a committee.

It was at our urging that the Speaker agreed to it. It was a real pleasure to have the Senator from Mississippi [Mr. COCHRAN] serve on that committee with me.

Mr. President, I wish to include in my commendation the members of my own staff. Lois Fu, the director of the Subcommittee on Aging, has done an excellent job. She was ably assisted by Sarah Craven. My legislative director, David Fenig, has been very helpful in directing the legislative process in connection with this bill.

So to them I say mahalo nui loa, in Hawaiian meaning thank you, very, very much.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MATSUNAGA). Without objection, it is so ordered.

The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, I ask unanimous consent that I be allowed to speak for not more than 5 minutes and that my remarks appear in conjunction with my earlier remarks on the budget resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

BUDGET

Mr. CONRAD. Mr. President, I have spoken about spending restraint and how we might accomplish that by an across-the-board cut on the numbers provided in the budget resolution, understanding that is not a cut from last year's spending, that that is less of an increase than we will otherwise experience.

Mr. President, there is another part of the package that involves revenue because revenue must be a component in an overall package to bring down the level of the budget deficit.

I do not think we should shrink from telling the American people the truth. I think they recognize when we are being straight with them, and I think they understand that in the circumstances we find ourselves in currently, we must not only have spending restraint, but we must have a revenue component to the package.

Mr. President, those are short-term measures.

In addition, we must make progress over the longer-term, and there are two major areas of opportunity I want to bring to the attention of my colleagues before we finish the discussion of the resolution that we have offered today.

The first opportunity is in the area of revenue without a tax increase. There is an enormous opportunity to recover additional revenue for this country in the area that we call the tax gap, the difference between what is owed and what is being paid. That tax gap is variously estimated at over $100 billion a year. The California Institute of Technology recently completed a study that indicated if we had the same level of audit, Mr. President, in 1985, that we had in 1977, we would have recovered $47 billion more in revenue in that year alone, $47 billion more in revenue without a tax increase.

Mr. President, there is one other point for the longer term opportunities that exist to close in on the budget deficit. That is what I call burden sharing. We are currently spending over $100 billion a year to provide the defense umbrella for Western Europe and Japan. That made sense after World War II when Japan lay in ruins and Europe was flattened but now that they are economically resurgent perhaps it is time, perhaps it is reasonable now to ask them to take on a greater part of that burden.

Mr. President, that expenditure of over $100 billion a year is one that our allies are starting to recognize they ought to be more fairly contributing to.

Our allies in Western Europe have been talking for some time about the need for them to take on a greater share of this burden.

One French defense official said this summer we cannot forever continue to expect 240 million Americans to protect 320 million Europeans from 280 million Soviets. That sums it up.

So, Mr. President, I think there are four steps that we have discussed that are part of this budget resolution in the sense of solutions that can lead us toward a balanced budget.

One, spending restraint; two, a revenue component; three, a fair share program to try to vigorously attack the tax gap; and, four, an approach to deal with the more even and more fair distribution of the defense burden among the allies.

I yield the floor.

The PRESIDING OFFICER. The distinguished majority leader is recognized.

Mr. BYRD. Mr. President, I thank the Chair.

REPRESENTATION BY SENATE LEGAL COUNSEL

Mr. BYRD. Mr. President, on behalf of myself and the distinguished Republican leader, Mr. DOLE, I send to the desk a resolution on representation by the Senate legal counsel and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 318) to direct Senate legal counsel representation in the case of United States v. Bardoff

The PRESIDING OFFICER. Is there objecton to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. BYRD. On July 9, 1987, several demonstrators were arrested in the Senate Caucus Room for disrupting a joint hearing of the Senate Select Committee on Secret Military Assistance to Iran and the Nicaraguan Opposition and the House Select Committee to Investigate Covert Arms Transactions with Iran. Yesterday, November 9, 1987, counsel for the defendant in a prosecution in the Superior Court of the District of Columbia arising from those arrests obtained subpoenas which call for the testimony of Senator INOUYE, Senator SARBANES, and Senator KERRY at the trial which is scheduled for November 12, 1987.

Senator INOUYE is chairman and Senator SARBANES is a member of the Select Committee. Senator KERRY is not on that committee, but is chairman of the Subcommittee on Terrorism, Narcotics and International Operations of the Committee on Foreign Relations, which has been investigating allegations that proceeds from the sale of narcotics have been used to purchase military supplies for the Nicaraguan Contras. The demonstrators apparently were of the view that the select committee should also be investigating those allegations.

Since Capitol Police officers will be made available to testify about the demonstration, no testimony by Senators themselves is necessary to establish the events surrounding the arrests and the speech or debate clause precludes any judicial examination into how the Senate apportions investigatory authority among its committees. Accordingly, this resolution directs the Senate legal counsel to represent Senators INOUYE, SARBANES, and KERRY in this matter, without authorizing, pursuant to Senate Standing Rule VI(2), their absence from the Senate to appear as witnesses.

If there be no further debate, the question is on agreeing to the resolution.

The resolution (S. Res. 318) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 318

Whereas, in the case of *United States* v. *Bardoff*, Crim. No. M-8237-87, pending in the Superior Court of the District of Columbia, the defendant has obtained subpoenas for the trial testimony of Senator Daniel K. Inouye, Senator Paul S. Sarbanes, and Senator John F. Kerry;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(a) and 288c(a)(2)(1982), the Senate may direct its counsel to represent Members of the Senate with respect to subpoenas issued to them in their official capacities: Now, therefore be it

Resolved, That the Senate Legal Counsel is directed to represent Senator Inouye, Senator Sarbanes, and Senator Kerry in the case of *United States* v. *Bardoff*.

WHERE THERE'S SMOKE—THERE'S ACID RAIN

Mr. KERRY. Mr. President, while firefighters have been battling ferocious forest fires sweeping across the Southeast, here in Washington the Senate Environment and Public Works Committee is preparing to bring to the floor a comprehensive Clean Air Act reauthorization. One might ask what does one have anything to do with the other? The answer is that a very strong correlation exists. In fact the smoke from the raging fires of the South has made its way northward in a pattern which meteorologists and scientists claim parallels very closely the transport of air pollution. While the scientific evidence has been clear on this for years, the smoke from the forest fires and how it has traveled has made the phenomenon of transboundary pollution clear for all to actually see.

The thick haze which lingered over the city of Boston for the past several days is a dramatic indication of how air pollution travels hundreds of miles bringing its damaging results with it. The fog has been directly linked to the smoke from Kentucky, West Virginia, Virginia, and other Southern States whose forests were ablaze. Smoke from these tragic fires represents, Mr. President, what I and several of my colleagues, as well as scientists, environmentalists, and experts have been arguing for some time. Acid rain originating in the Southeast and Midwest is traveling through the air to Northeastern parts of the United States and Canada. But more importantly Mr. President, we in the Northeast are suffering the devastating environmental and economic woes associated with acid deposition. Whether it is a single cause or a cumulative effect, acid rain has led to and continues to result in the death of our lakes, the killing of our streams, metals in our drinking water, high levels of mercury in our fish and fowl and the possible extinction of some of our forests. According to a recent report by the Northeast-Midwest Coalition, electric utilities and industries that burn fossil fuels emitted more than 26 million tons of sulfur [SO_x] in the air in 1980. The report stated:

> These emissions are transformed in the atmosphere into acidic compounds known as acid rain. Prevailing winds, blowing generally in the northeasterly direction, deposit acid rain long distances downwind, where it damages lakes and building materials and possibly forests and human health.

Furthermore, Mr. President, last month I chaired a hearing in the Foreign Relations Committee on the implications of acid rain on our relationship with Canada. The Canadian Government views acid rain eminating from the United States as a real threat. I quote Prime Minister Brian Mulroney,

> We know the cause of acid rain, we know the consequences and we know the cure. The Government of Canada is firmly determined to end the blight of acid rain—and expects the same genuine resolve from the United States of America.

The facts are before us, Mr. President, and so, I am pleased to note, are the solutions. At the beginning of the session I introduced S. 95, the Acid Rain Control Act of 1987. My legislation would amend the Clean Air Act to reduce annual sulfur dioxide emissions by 12 million tons and nitrogen oxides by 3 million tons nationwide by 1995. It does this by first requiring utilities and other industries to reduce emissions through such methods as coal washing or flue gas desulfurization, as well as the utilization of the whole new generation of clean coal technologies. I am pleased that the Senate Environment and Public Works Committee has adopted some of these key provisions from my legislation in their comprehensive Clean Air Act package.

There is one major difference between my legislation and the committee's acid rain provision which merits discussion. My bill focuses on the responsibility that we as a nation share to address the very devastating acid rain problem. In that respect my bill sets up a trust fund in which all utilities across the country contribute in order to defray capital costs incurred by facilities in meeting their reduction requirements. The trust fund is designed to provide equity while recognizing that in order to develop a feasible plan, the cost of emissions reduction must be shared. My trust fund payment proposal would also avoid coal miner job displacement and will encourage the use of newer and less costly clean technologies. So, Mr. President, the answers to acid rain are very real and are before the Senate. We have the opportunity and the responsibility to finally address the issue and I hope that we can address this issue as soon as possible.

In closing, Mr. President, I just want to say that for those individuals who in the past believed that there was insufficient scientific evidence to prove that acid precipitation is traveling from the Southeast and Midwest to the Northeast, that they merely take a good hard look at the facts. The smoke from the Southeastern region has drifted to the Northeast in an alarming fashion which is a clear model of how acid rain travels daily into the Northeast. Mr. President, I ask unanimous consent that the text of an article in today's Boston Globe on this very issue be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Boston Globe, Nov. 10, 1987]

CLUE TO ACID RAIN'S PATH SEEN IN HAZE

(By Larry Tye)

While smoke that hovered over New England this week should be gone by today, it left behind an enlivened debate over what causes acid rains that threaten the region's lakes and forests.

Meterologists say acid emissions blow into New England from the Southeast the same way that smoke blew in last weekend from forest fires raging in Kentucky and West Virginia. And environmentalists insist the only way to eliminate acid rain is to impose tough pollution controls on coal plants in Kentucky and neighboring states, which the Reagan administration has resisted.

"The average guy could go out and see the moon was orange and the sky was smoky and it all was coming from the Southeast," said Douglas Foy, director of the Conservation Law Foundation. "In simple and quite elegant fashion it clearly demonstrated what happens with acid rain."

But President Reagan has insisted that no one knows where acid rain comes from, and yesterday Thomas Duncan, president of the Kentucky Coal Association, accused environmentalists of misreading recent smoke signals.

"I don't think you can say whether 2 percent or 10 percent of the acid rain comes from Kentucky," Duncan said. "And you can't say whether a 2 percent reduction in emissions here will have a 2 percent effect in reducing acid rain anywhere."

There is no debate over where the smoke came from, however. Fires continued burning yesterday in Kentucky, West Virginia and several other southeastern states.

In Kentucky, more than 1,400 fires scorched about 130,000 acres of forest, mainly in the heavily-wooded eastern part of the state, said Townley Bergmann of the Division of Forestry. Rain helped more than 1,500 firefighters battle the blazes yesterday.

Meanwhile in West Virginia, there have been 556 fires in the last 10 days—destroying more than 150,000 acres, said Ralph Glover of the state Division of Forestry. "We've got them basically knocked down thanks to the rain, and now we are trying to make sure they stay under control and actually are put out," he said.

As the smoke rose, burning particles entered the air and were swept away on winds moving toward New England, said Randall Dole, a professor of meterology at the Massachusetts Institute of Technology. "That's the same mechanism that carries pollutants into this area. The air moves and carries with it whatever it traps," he said.

Daniel Golomb, a researcher at MIT's Energy Laboratory, said pollution from cars, power plants and industries starts in a gaseous forms as sulfur dioxide and nitrogen oxides, whereas most smoke is made up of tiny particles of pollution. But as the sulfur and nitrogen pollution moves through the atmosphere. It is chemically transformed into particles of nitrate and sulfate and falls to the ground as acid rain or snow.

The last several days of smoke pollution are "a natural experiment" for how acidic pollutants travel from the Southeast to New England, Golomb said.

Charles Foley, a meterologist at the National Weather Service in Boston, said the smoke problem is the worst he has seen here in recent years—even topping the haze near Boston after the volcano on Mount St. Helens erupted in 1980.

"It just demonstrates that pollution travels great distances," Foley said.

Richard Burkhart, a scientist at the US Environmental Protection Agency office in Boston, said the smoke should eliminate any remaining doubt about how acid emissions reach New England. But he added that more studies are needed to pinpoint precisely where the pollution comes from and how it can be eliminated.

"How much of the pollutants that make it to Massachusetts originate in New York City and how much in the Midwest?" he asked. "And will reducing emissions affect the acidity of rain fall?"

A SCOUTMASTER'S PRAYER

Mr. HELMS. Mr. President, I strongly suspect that few, if any, members of the Senate have not had their lives touched in a significant and meaningful way by the Boy Scouts of America. Certainly mine was, dating back to my boyhood in my little hometown of Monroe in what was then a largely rural section of North Carolina. I remember Reverend Fred Drane as our kind, patient and compassionate Scoutmaster. He taught us many things that we otherwise may never have learned.

Like the sons of many other Senators, my son Charles rose to Eagle Scout and today, nearly two decades later, spends much of his time working with youngsters in Scouting.

Mr. President, I mention all of this because there's a fine 87-year-old former Scoutmaster in Charlotte, NC, whose interest in Scouting is just as strong today as it ever was. His name is Martin Hullender. Fifty-two years ago, Mr. Hullender wrote a prayer which eloquently describes the devotion and service of Scoutmasters everywhere.

Mr. President, I ask unanimous consent that the text of that prayer be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

A SCOUTMASTER'S PRAYER

I don't have much to offer as I go along,
Just a cheerful word, a happy song.
I do not possess riches untold,
Nor do I own golden treasures of old.

If I can reach out and lend a hand,
To help some lad to go straight, to be a man,
That he might the virtues of the knights retain,
I will feel that my efforts are not in vain.

O Great Scoutmaster in Heaven above,
Look down on us in merry and love.
Guide and direct us, show us the way,
The True Trail that we should travel today.

THEO H. PITT, JR. ASSUMES CHAIRMANSHIP OF U.S. LEAGUE OF SAVINGS INSTITUTIONS

Mr. SANFORD. Mr. President, in New Orleans, LA, tomorrow, Theo H. Pitt, Jr. will be accorded the well-deserved recognition of his peers in the savings and loan business. Mr. Pitt will be installed to serve a 1-year term as chairman of the U.S. League of Savings Institutions, the business' principal trade association.

Theo, a native of Rocky Mount, NC, is chairman of the board, and president and chief executive officer of Pioneer Savings Bank, Inc., an institution with assets of $380 million, 20 offices and headquartered in Rocky Mount.

It was 26 years ago that Theo joined Pioneer Savings Bank, Inc.—then known as Home Savings and Loan Association—as a loan officer.

In the intervening years, he has made significant contributions to his community and his profession.

He has been active in the North Carolina League of Savings Institutions, serving as a director and chairman of several committees. He is the past chairman of the board of directors, and is a former chairman of the Savings and Loan Academy's board of trustees. He also has served as chairman of the board of directors of Capital Discount Brokerage, a wholly owned subsidiary of the North Carolina League.

On the national level, for the past year Mr. Pitt has served as vice chairman of the U.S. League of Savings Institutions. he has been an active member of the U.S. League's Legislative Committee and Legislative Policy Committee. He is the current chairman of the U.S. League's Committee on Economic Affairs. He has served on the Special Committee on Deregulation Policy, and as vice chairman of the Task Force on Home Ownership.

Theo is very active in civic affairs. He is a former president of the Rocky Mount Jaycees, and former vice president and national director of the North Carolina Jaycees. He has served as president of the Rocky Mount Kiwanis Club, Rocky Mount Family YMCA, and Rocky Mount Chamber of Commerce. He has also been chairman of the Board of Advisors for the Salvation Army, and served on the executive committee of the United Way.

Theo was instrumental in the formation of the Rocky Mount Central City Development Corp., and served as its first and only chairman. The corporation was formed to direct the revitalization of the central city of Rocky Mount. He now serves as a director of Downtown Renaissance, Inc., a private corporation involved in city revitalization.

Among his other activities, he is a member of the board of trustees, Meredith College; Board of Distinguished Visitors, North Carolina Weleyan College; board of trustees, Law Enforcement Officers Benefit and Retirement Fund; board of trustees of the Teachers' and State Employees' Retirement System; board of directors, Savers Live Insurance Company of Winston-Salem; and board of directors, Investors Title Insurance Co. of Chapel Hill.

Mr. Pitt is a charter member of the Lakeside Baptist Church, and has served as chairman of the Board of Deacons, and president of the Baptist Men. He currently is a member of the Board of Deacons and chairman of the Board of Finance.

He is a 1958 graduate of the University of North Carolina at Chapel Hill, and is a keyholder of the Indian University's Graduate School of Savings and Loan.

I know my colleagues join me in congratulating Theo F. Pitt, Jr., and wishing him, his wife, Molly, his daughter, Beth, and son, David, a successful tenure as first family of this Nation's savings institutions business.

VETERAN'S DAY TRIBUTE

Mr. SANFORD. Mr. President, I rise to give tribute to our Nation's veterans. Tomorrow our Nation will honor those who have given so much in her defense.

Many were called into the service. Many volunteered. All were prepared to make the ultimate sacrifice. So grateful are we for their service that a national holiday has been set-aside to recognize their valiant and selfless efforts.

My home State of North Carolina is home to some 680,000 veterans. They, as have all our veterans, have brought much honor to the people of North Carolina

I would also like to point out that North Carolina is home to many of the surviving members of our merchant marine fleet that so gallantly served during World War II. Little is known of the enormous contribution of the merchant seamen who helped supply American and Allied forces during World War II. Like their counterparts in the other services, they suffered very high losses of life and the ravages of prisoner of war camps. We should remember them, as we do all our veterans, and accord to them the same rights and privileges of veterans in the other services.

In closing, I ask that we remember those of the armed services that served our Nation in conflict but are listed as missing in action. There are still 2,416 Americans listed as missing or unaccounted for in Indochina. Of those, there are 61 from North Carolina.

Mr. President, I ask unanimous consent that the names, branch of service, rank, and home towns of these individuals be entered into the Record following these remarks.

Mr. President, the administration has stated that the return of our MIA's is one of the Nation's highest priorities, and I strongly support any effort being made on their behalves.

As a combat veteran of World War II, I sometimes reflect on my duties in the European theater and remember how thankful I was to have the folks back home supporting the war effort. I remember how appreciative our Nation was upon my return home. It is important to our active duty servicemembers to know of the support that the United States gives its veterans. They are the veterans of tomorrow and need to be assured that we, as a nation, will always be grateful for their service.

There being no objection, the material was ordered to be printed in the Record, as follows:

U.S. CASUALTIES IN SOUTH EAST ASIA—NORTH CAROLINA

[Alphabetic listing]

Military service	Country of casualty	Name	Loss rank	Date of incident	Date of birth	Home of record city
Marine Corps	VN	Avery, Robert Douglas	02	May 03, 1968	Dec. 16, 1941	Morganton.
Navy	VN	Belknap, Harry John	01	June 23, 1966	Oct. 06, 1939	Jonas Ridge.
Air Force	VN	Borden, Murray Lyman	02	Oct. 13, 1966	Jan. 02, 1941	Goldsboro.
Navy	VN	Brice, Eric Parker	03	June 04, 1968	Apr. 06, 1943	Rocky Mount.
Air Force	LA	Brown, Earl Carlyle	03	Nov. 24, 1969	Jan. 10, 1943	Stanley.
Navy	VS	Brown, Edward Dean, Jr	02	July 29, 1965	Mar. 21, 1930	Charlotte.
Air Force	VS	Brown, Wilbur Ronald	03	Feb. 03, 1966	July 22, 1936	Wilmington.
Army	VS	Butler, James Edward	W1	Mar. 30, 1970	June 13, 1936	Buies Creek.
Navy	VS	Cahup, Franklin Harlee, Jr	E5	Jan. 14, 1967	June 02, 1928	Concord.
Air Force	LA	Clarke, Fred Lee	E6	Dec. 13, 1968	Jan. 28, 1932	Troutman.
Marine Corps	VS	Clay, William Clifton, III	03	IkApr. 12, 1967	Sept. 29, 1941	Henderson.
Air Force	VS	Cook, Glenn Richard	02	Oct. 21, 1969	Sept. 10, 1945	Charlotte.
Army	VS	Craven, Andrew Johnson	E3	May 12, 1968	Apr. 13, 1947	Wilmington.
Air Force	VN	Crews, John Hunter, III	02	May 22, 1968	Dec. 31, 1941	Ashville.
Army	LA	Cristman, Frederick Lewis	W1	Mar. 19, 1971	Nov. 26, 1949	Salisbury.
Army	VS	Curlee, Robert Lee, Jr	E6	June 10, 1965	Sept. 26, 1930	Monroe.
Navy	VN	Davis, Donald Vance	04	July 25, 1967	Oct. 08, 1934	Saltsbury.
Air Force	LA	Davis, Edgar Felton	03	Sept. 17, 1968	Dec. 15, 1935	Goldsboro.
Navy	VN	Doughtie, Carl Louis	02	June 10, 1965	Nov. 18, 1940	Tarboro.
Navy	VN	Elkins, Frank Callihan	03	Oct., 12, 1968	May 25, 1939	Bladenboro.
Marine Corps	LA	Gardner, John G	02	June 03, 1967	July 28, 1940	Hot Springs.
Air Force	VS	Gatwood, Robin F. Jr	02	Apr. 02, 1972	Dec. 05 1946	Hickory.
Navy	VN	Gore, Paul Edwin	E6	Oct. 02, 1969	Nov. 11, 1939	Faison.
Air Force	VS	Gravitte, Connie Mack	03	June 17, 1966	July 27, 1932	Ca-Vel.
Air Force	VS	Hall, Fredrick M	02	Apr. 12, 1969	June 06, 1943	Waynesville.
Air Force	VN	Hall, James F	E5	July 29, 1966	Oct. 05, 1935	Greensboro.
Marine Corps	CB	Hargrove, Joseph N	E3	May 15, 1975	May 15, 1951	Mount Olive.
Army	VS	Harris, Harold Lee	E3	Oct. 22, 1966	Oct. 29, 1946	Durham.
Army	CB	Harrison, Larry Gene	E6	Feb. 26, 1971	Jan. 03, 1948	Williamston.
Army	LA	Hatley, Joel Clinton	E4	Mar. 05, 1971	Oct. 24, 1948	Aldemarle.
Army	VS	Howard, Luther Harris	E4	June 30, 1967	Sept. 25, 1947	Hamlet.
Air Force	LA	Howell, Carter A	02	Mar.07, 1972	Apr. 08, 1947	Fayetteville.
Navy	VS	Huie, Litchfield Patterson	03	Feb. 27, 1967	Oct. 31, 1939	Warsaw.
Air Force	VN	Huneycutt, Charles J., Jr	02	Nov. 10, 1967	June 20, 1943	Charlotte.
Army	VS	Jamerson, Larry C	E4	Apr. 21, 1968	Feb. 11, 1943	Rosman.
Army	VS	Johnson, William D	E3	Jan. 19, 1968	Dec. 24, 1946	Rocky Mount.
Army	VS	Lewis, Charlie Gray	E7	May 17, 1967	Oct. 20, 1936	Fayetteville.
Navy	VS	Lewis, Larry Gene	02	Feb. 27, 1971	Sept. 22, 1945	Asheville.
Army	VS	Luttrell, James M	E6	May 10, 1971	Dec. 14, 1935	Fayetteville.
Air Force	VS	McDaniel, John Lewis	04	Apr. 26, 1968	July 08, 1933	Gibsonville.
Air Force	VN	Meadows, Eugene Thomas	02	Oct. 13, 1966	Mar. 04, 1940	Hiddenite.
Army	VS	Millard, Charles Worth	W3	Apr. 19, 1968	June 08, 1933	Wilson.
Army	VS	Moore, Jerry L	E3	Feb. 16, 1969	Feb. 08, 1950	Cleveland.
Air Force	VS	Morgan, Edwin E	E6	Mar. 13, 1966	Sept. 04, 1927	Salisbury.
Army	VS	Morrow, Larry K	E4	May 29, 1972	June 13, 1951	Lowell.
Army	VS	Omelia, Dennis William	W1	Jan. 03, 1971	May 06, 1941	Smithfield.
Air Force	VN	Palmgren, Edwin D	05	Apr. 22, 1968	Jan. 05, 1927	Winston-Salem.
Army	CB	Price, Bunyan Durant	E4	May 02, 1970	Feb. 09, 1950	Belmont.
Army	VS	Reno, Ralph Joseph	E8	July 03, 1966	Nov. 03, 1929	Fayetteville.
Army	LA	Shue, Donald Monroe	E4	Nov. 03, 1969	Aug. 29, 1949	Kannapolis.
Army	VS	Staton, Robert Milton Jr	E4	Nov. 11, 1967	Nov. 26, 1947	Jamesville.
Air Force	VN	Studderfield, Robert A	03	May 06, 1965	Nov. 30, 1929	Richmond.
Air Force	VN	Sutton, William Carl	E7	Jan. 28, 1970	May 05, 1935	Goldsboro.
Army	VS	Walton, Wilbert	E2	Jan. 03, 1970	Mar. 15, 1947	Fayetteville.
Army	VS	Watson, Jimmy L	W2	Mar. 13, 1968	July 28, 1946	Lucama.
Army	VS	Weaks, Melvin Lee	E3	Aug. 18, 1971	Apr. 22, 1950	Concord.
Air Force	VS	Wellons, Phillip Rogerson	04	Aug. 17, 1970	Feb. 19, 1932	Raleigh.
Navy	VN	Wilkins, George Henry	04	July 11, 1966	July 14, 1931	Goldsboro.
Air Force	VN	Williams, James R	E4	Dec. 29, 1967	Mar. 28, 1945	Charlotte.
Marine Corps	VS	Wilson, Wayne V	E5	July 02, 1967	Oct. 04, 1945	Thomasville.
Navy	VN	Wood, Walter Sutton	04	May 02, 1966	Feb. 08, 1952	Fort Bragg.

Total personnel: 61.

ARTHUR H. VANDENBERG

Mr. RIEGLE. Mr. President, this Saturday, November 14, it will be my honor to join with State and local officials from across Michigan in paying tribute to Michigan's eminent former U.S. Senator, Arthur H. Vandenberg. As many of my colleagues may know, Senator Vandenberg served Michigan in this distinguished body for 23 years until his death in 1951, longer than any other Senator from my State.

On this occasion, I would like to briefly comment on Senator Vandenberg's outstanding career.

Arthur Vandenberg lived the American dream. He was the son of a harnessmaker who lost all his savings in the panic of 1893. Because of his family's financial struggles, Vandenberg worked from the age of 9 selling vegetables, delivering newspapers, operating a lemonade stand and running a stamp trading business.

His interest in politics surfaced at an early age. In his latter years, he was proud to retell the story of how he was fired from his job as a billing clerk because he took an afternoon off to hear Teddy Roosevelt speak. He aspired to practice law, but was forced to drop out of the University of Michigan Law School after 1 year because of financial difficulties. Eventually, his friend and mentor, former U.S. Senator William Alden Smith, hired him as the editor of the Grand Rapids Press. He served in this capacity from 1906 until 1928.

On March 31, 1928, Vandenberg was appointed to the U.S. Senate by Gov. Fred Green following the death of Senator Woodbridge Ferris. Later that same year, he was elected to complete the short, unexpired term and the full 6-year term by the largest majority every previously received in a Michigan Senate race. He was reelected in 1934, 1940, and 1946.

From 1929 until his death, he served on the Foreign Relations Committee. In his early years, the situation in Europe moved him toward isolationism; he was convinced that our participation in World War I had been a mistake. He supported the isolationist Neutrality Acts of the 1930's and supported efforts to prevent any action by the President that might cause the United States to be drawn into war.

During World War II, Vandenberg's position on foreign policy changed dramatically. He gradually abandoned his isolationism and became a noted architect of a bipartisan foreign policy. His greatest dream was to advance the causes of peace and freedom throughout the world. In a famous 1945 Senate speech, he called for candor and cooperation between the administration and the Senate in establishing the United Nations. Subsequently President Roosevelt appointed Vandenberg to serve as a delegate to the United Nations Conference on International Organization which drafted the U.N. Charter. He later helped win Senate ratification of the U.N. Charter.

From 1945 until his death, Arthur Vandenberg was the chief Republican spokesman on foreign policy. He worked closely with Democrats as well as Republicans, since he firmly believed that an aggressive, united foreign policy was the best weapon against Soviet communism. In 1947, in the Republican controlled Senate, Vandenberg became chairman of the Foreign Relations Committee. During his tenure, he secured unanimous committee approval of 48 bills and treaties; guided the Marshall plan through the Senate and authored the Vandenberg resolution which became the basis for the North Atlantic Treaty Organization. He was also instrumental in implementing the Truman doctrine.

Undoubtedly one of the greatest statesmen of this century, Arthur Vandenberg also cared deeply about domestic matters. He authored the Federal Deposit Insurance Corporation, which to this day forms the backbone of our commercial banking system. He steered through the Senate a bill requiring automatic redistricting of the House of Representatives following each national census. This important law increased Michigan's representation in the House of Representatives.

Initially, a vocal supporter of President Herbert Hoover, he became discouraged with the administration's handling of the Great Depression. Following Franklin D. Rossevelt's election in 1932, Vandenberg supported a majority of the New Deal programs, including Social Security.

His peers recognized his leadership qualities. In 1935, he was elected minority leader, in 1936, he refused to permit his party to nominate him for the Vice Presidency and in 1947 he was elevated to President pro tempore of the Senate.

Arthur Vandenberg dedicated his life to public service. His recognition by the people of Michigan is a fitting tribute to his monumental contributions to this great Nation.

A LITTLE VERMONT INGENUITY

Mr. LEAHY. Mr. President, today I rise to pay tribute to a Vermonter who has shown what a little Vermont ingenuity can do.

A year ago, Sgt. John Ledoux of the Vermont National Guard was watching engineers from the Lockheed Aircraft Corp. test infrared lights they had installed on helicopters at the National Guard base in Burlington. To do this, they had to stand on the helicopters, often in precarious positions, while wearing special goggles that cost $4,500 a pair.

After seeing how difficult it was to check the helicopter lights, Sergent Ledoux spent about $9 in electronics parts at a local hardware store and constructed his own hand-held testing device. The Army says the unit not only performs as well as the $4,500 goggles, but it also reduces the time needed to test the lights. The savings in parts and manhours to the Army is expected to save an average of $6.3 million per year.

I join other Vermonters in congratulating Sergeant Ledoux for his ingenuity and the savings he has brought to the Army. So all Senators and their staffs can read about Sergeant Ledoux, I ask unanimous consent that an article from the Rutland Herald about his invention be printed in the RECORD.

There being no objection, the article was ordered to be printed in the Record, as follows:

VERMONTERS' SIMPLE INVENTION WILL SAVE THE ARMY $6 Million

(By Jill Arabas)

MONTPELIER.—A civilian who works at a National Guard base has concocted a device that could save the Army more than $6 million a year.

John Ledoux, a military technician and sergeant with the Vermont Army National Guard, has built a hand-held device that detects whether the infrared lights on a helicopter work.

His invention, which costs $8.70, replaces a $4,500 pair of special goggles. But the Army says the real savings will come from the far fewer hours needed to use Ledoux's device.

"I went down to Radio Shack and bought the parts," said Ledoux, an Alburg resident. "It was just a few bucks. It was no big deal."

To him. To the Army, it could mean an annual taxpayer savings of $6.3 million.

Ledoux came up with his invention a year ago when engineers with the Lockheed Aircraft Corp. were installing infrared lights on helicopters at the National Guard base in Burlington.

Ledoux said he watched an engineer stand on one of the helicopters, often in precarious positions, trying to check the lights using the goggles.

"Had he fallen off head first, he would have been killed for sure. At the very least, he would have smashed $5,000 in equipment right there."

So Ledoux went to the local electronics store and came out with a phototransistor, a lightemitting diode, a switch and a nine-volt battery.

"I puttered around on this for a couple of days. It wasn't like I had a brilliant idea right off," he said.

He finally got it right, and his base started using the device immediately.

But it took more than a telephone call to convince the Army.

"I sent them a schematic, like an engineer's drawing, and I guess they didn't really think it would fly."

Then he sent the gizmo.

"They called back. They were all excited. They said, 'Boy, that's great.'"

The Army estimates the device will save 987,000 hours of labor a year, for a total of $6.86 million. Subtract the costs of materials and implementation, and the net savings should be as average $6.3 million a year.

For his efforts, Maj. Gen. Donald Edwards, the adjutant general of Vermont, presented Ledoux with a $10,000 incentive award. In addition, he has been recommended for another $25,000 prize, the largest sum given out through the military's incentive program.

The Army has approved the device's use and is incorporating the design into its technical manuals.

Ledoux, who works full-time at the Burlington base, said he was pleased, especially after congressional reports that the Pentagon had spent $9,609 for a wrench and $748 for a pair of pliers.

VETERANS DAY 1987

Mr. CRANSTON. Mr. President, on this eve of Veterans Day, brave young Americans are putting their lives on the line in the Persian Gulf and throughout the world. We all should pause in the rush of our day-to-day business to reflect on those who, often at great personal sacrifice, have stood—and continue to stand—in defense of our Nation. Whether they faced the terrible horror of combat or stood ready to do so if called, the men and women who have served in our Armed Forces deserve our heartfelt thanks and appreciation.

This year's Veterans Day national theme is "Veterans, You Are America." It is a most appropriate theme. As Americans gather together around the Nation as free citizens, we need to remember the sacrifices of those valiant men and women who have served our Nation so well in its hours of need. Each of us privately remembers. All of us together as a grateful Nation remember. We remember the millions who answered the call to defend American ideals.

Too often, as we debate expenditures of billions for this program or that, we lose sight of the individuals these programs are designed to serve. This special day, Veterans Day, helps refocus our thoughts and rediscover important elements in our national makeup and gives us the opportunity to rededicate ourselves to important causes.

America has a tradition of honoring its veterans, but too often the initial fervor and support for those who served in our defense fades as we move further from a period of war. Perhaps no one has captured that tendency better than Kipling in his famous poem "Tommy" where he wrote:

> For it's Tommy this, an' Tommy that
> an' "Chuck him out, the brute!"
> But it's "Savior of 'is Country",
> When the guns begin to shoot. . . .

On this Veterans Day, let us pledge to keep America's support for our veterans strong, both through expressions of support and through tangible programs of benefits and services. These benefits and services to veterans are truly "earned opportunities"—bought and paid for by America's veterans through honorable service to our country.

I recognize that a current overriding concern of this body—as it must be given our current fiscal, monetary, and economic problems—involves ongoing efforts to reduce Federal expenditures so as to curb the enormous Federal deficits that are choking our economy. Thus, in urging rededication to the support of programs of benefits and services for veterans, I want to be clear that I am not suggesting that those programs must not be considered as we seek ways to reduce Federal spending. Indeed, veterans' programs have borne their share of cuts in this effort in recent years and continue to do so.

What I am urging is that, as we make the many hard choices that lie ahead, veterans not be dismissed as just one more special interest group pleading their case. Veterans are not a special interest group—veterans are America. In a very real sense, our Nation's veterans have made it possible for the future of all other programs and concerns to be debated. Without the dedication and commitment of our veterans—their very real sacrifices, including the ultimate sacrifice for many—over the years, when our Nation's national security was in peril, we Americans would not enjoy the great freedoms that we so often take for granted.

The vast majority of our veterans returned from their service unmarked by long-term injury or illness. For them, assistance in readjusting to civilian life and a sincere act of recognition and thanks is generally all that is needed to let them know, in appropriate ways, that their sacrifices are appreciated.

For those who returned from their service with disabilities—both tangible and hidden—and for the survivors of those who gave their lives, much more is needed. Ernest Hemingway once wrote that "life often breaks us and, afterwards we are strong at the broken places." The extraordinary resolve, particularly of catastrophically disabled veterans and of survivors, makes so many of them, truly "strong at the broken places." I deeply admire them. We must reverify and reaffirm the historic commitment, expressed so eloquently by President Lincoln in his second inaugural address, "to care for him who shall have born the battle, and for his widow and his orphan."

This commitment—which is the motto of the Veterans' Administration—is a moral commitment of the highest order. It must be maintained.

I believe it is fair to say that there is general agreement in the Congress that national defense is a legitimate, high priority of the Federal Government—indeed, or collective defense can only be met on a national level.

America has remained strong—the strongest nation in the world, yes stronger than the Soviet Union, whose Secretary General soon will visit our President—because in addition to our enormous military strength we have the strength of our economic and social system and the strength of the allies of the free world, the mightiest aggregate of nations ever assembled.

What is not understood by some, however, is that the great costs of providing for our defense do not end when the guns cease firing.

Providing benefits and services to meet the needs of veterans and their survivors is a continuing cost of war—a continuing obligation of waging war—and must be recognized as such.

Health care must be provided to heal the wounds of war.

Adequate compensation must be provided for those with disabilities incurred during their service.

Programs of educational support, counseling, and employment and training assistance are needed to help veterans readjust to civilian life.

Programs to assist the survivors of those who gave their lives are vital to help replace their great loss in the limited ways we can.

The fatal casualities recently suffered by 37 heroic American sailors serving on the U.S.S. *Stark* in the Persian Gulf serve as a grim reminder of the vital importance of our veterans' programs and of the Veterans' Administration. Working closely with the Navy casualty affairs program, dedicated VA veterans benefits counselors throughout the country immediately contacted family members of the casualties to expedite processing of claims for Death Indemnity Compensation, Dependents' Educational Assistance, and Servicemembers' Group Life Insurance [SGLI]. Within 48 hours, life insurance benefits were paid to the survivors of the lost sailors.

Mr. President, one final matter. Today I visited the White House where I, along with a number of our colleagues and representatives of veterans service organizations, met with the President. During this meeting, the President expressed his support for making the VA a Cabinet-level agency.

I am delighted with this result and I have long advocated this approach. President Carter started the ball rolling in this direction by inviting the Administrator to all Cabinet meetings, but this was not a full participatory status. When the present administration began, I urged President Reagan to continue or extend further the Carter policy. That was not done. Hence in 1983, Congress enacted, as section 501 of Public Law 98-160, a provision I authorized to express the sense of the Congress that the Administrator of Veterans' Affairs should be designated "as a member of, and a full participant in all activities of, the Cabinet."

In light of the President's announced position, I urge him to issue an Executive order as soon as possible to make the Administrator a full-fledged member of the Cabinet. Such an action can be accomplished in very short order without the need for further action by the Congress.

Finally, I congratulate my colleagues on the Veterans' Affairs Committee, Senator THURMOND and Senator MURKOWSKI, and the chairman and ranking minority member of our counterpart committee in the House, Representatives "SONNY" MONTGOMERY and GERRY SOLOMON, for the success of their efforts in this Congress to move forward with legislation to bring about the elevation of the head of the VA.

Mr. President, as this eve of the 11th day of the 11th month draws near, as chairman of the Committee on Veterans' Affairs in the Senate, I ask all my colleagues and all Americans to join with me in renewing our commitments to our Nation's veterans and their survivors. Let us renew our commitments to repaying the debts we owe our veterans because "Veterans, You Are America."

MESSAGES FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of February 3, 1987, the Secretary of the Senate, on November 9, 1987, during the adjournment of the Senate, received a message from the President of the United States, transmitting sundry nominations, which were referred to the appropriate committees.

(The nominations received on November 9, 1987, are printed in today's RECORD at the end of the Senate proceedings.)

PROPOSED AGREEMENT BETWEEN THE UNITED STATES AND JAPAN CONCERNING PEACEFUL USES OF NUCLEAR ENERGY—MESSAGE FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT—PM 84

Under the authority of the order of the Senate of February 3, 1987, the Secretary of the Senate, on November 9, 1987, during the adjournment of the Senate, received the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

I am pleased to transmit to the Congress, pursuant to sections 123 b. and 123 d. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2153(b), (d)), the text of a proposed Agreement for Cooperation Between the Government of the United States of America and the Government of Japan Concerning Peaceful Uses of Nuclear Energy, including an implementing agreement pursuant to Article 11 of the proposed agreement. I am also pleased to transmit my written approval, authorization and determination concerning the agreement, and the Nuclear Proliferation Assessment Statement by the Director of the United States Arms Control and Disarmament Agency concerning the agreement. The joint memorandum submitted to me by the Departments of State and Energy, which includes a summary of the provisions of the agreement, the views of the Director of the United States Arms Control and Disarmament Agency, and an analysis of the approvals and consents contained in the agreement, including the implementing agreement, and associated subsequent arrangements are also enclosed.

I also enclose for your information the texts of a proposed subsequent arrangement under the United States-Norway Revised Agreement for Cooperation Concerning Peaceful Uses of Nuclear Energy and a proposed subsequent arrangement under the United States-EURATOM Additional Agreement for Cooperation Concerning Peaceful Uses of Atomic Energy. These subsequent arrangements are designed to give effect to certain provisions of the United States-Japan implementing agreement and will enter into force only after the agreement enters into force. They are being processed by the Department of Energy in accordance with the applicable provisions of the Atomic Energy Act of 1954, as amended.

The proposed agreement with Japan, including the implementing agreement, has been negotiated in accordance with the Nuclear Non-Proliferation Act of 1978 (NNPA). In my judgment it meets all statutory requirements. It will supersede our 1968 agreement with Japan and, given the magnitude of our long-standing cooperation with Japan in the peaceful uses of nuclear energy, will represent the most significant achievement to date in our program initiated pursuant to section 404(a) of the NNPA to update all existing agreements for peaceful nuclear cooperation to include the more stringent standards established by that Act.

I believe that the new agreement will strengthen the basis for continued close cooperation between the United States and Japan in the peaceful nuclear area and that it will further the non-proliferation and other foreign policy interests of the United States. The implementing agreement provides Japan advance, long-term consent for reprocessing, transfers, alteration, and storage of nuclear material subject to the agreement, provided that the reprocessing and subsequent use of the recovered plutonium meet and continue to meet the criteria set out in U.S. law, including criteria relating to safeguards and physical protection. These arrangements should enable Japan to plan for its long-term energy needs on a more assured, predictable basis, while at the same time embodying the most advanced concepts of physical security and safeguards of any agreement. This step forward in our cooperative relations with Japan will be consistent with the NNPA's injunction to take such actions as are required to confirm the reliability of the United States as a nuclear supplier consistent with non-proliferation goals.

Japan is not only a close ally of the United States but is also a party to the Treaty on the Non-Proliferation of Nuclear Weapons and has long been one of the strongest supporters of the international non-proliferation regime. Moreover, the United States and Japan have a substantial identity of views and intentions with regard to preventing nuclear proliferation and are prepared to work together on measures that will contribute to the prevention of proliferation consistent with the peaceful uses of nuclear energy. An exchange of letters between the United States and Japan, the text of which is included in the agreement package, sets forth in detail our shared views on non-proliferation.

I have considered the views and recommendations of the interested agencies in reviewing the proposed agreement and have determined that its performance will promote, and will not constitute an unreasonable risk to, the common defense and security. Accordingly, I have approved the agreement and authorized its execution and urge that the Congress give it favorable consideration.

I have also found that this agreement meets all applicable requirements of the Atomic Energy Act, as amended, for agreements for peaceful nuclear cooperation, and therefore, I am transmitting it to the Congress without exempting it from any requirement contained in section 123 a. of that Act. This transmission shall constitute a submittal for purposes of both sections 123 b. and 123 d. of the Atomic Energy Act. The Administration is prepared to begin immediately the consultations with the Senate Foreign Relations and House Foreign Affairs Committees as provided in section 123 b. Upon completion of the 30-day continuous session period provided in section 123 b., the 60-day continuous session period provided for in section 123 d. shall commence.

RONALD REAGAN.

THE WHITE HOUSE, *November 9, 1987.*

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Emery, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

CHILD PROTECTION AND OBSCENITY ENFORCEMENT ACT—MESSAGE FROM THE PRESIDENT—PM 85

The **PRESIDING OFFICER** laid before the Senate the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on the Judiciary:

To the Congress of the United States:

I am pleased to transmit today for your immediate consideration and enactment the "Child Protection and Obscenity Enforcement Act of 1987." This bill is a direct outgrowth of a deep concern this Administration has had about the effects of obscenity and child pornography in our Nation. In 1984 I signed legislation isolating child pornography as a uniquely tragic and distinct criminal offense. The bill I now present expands on these concerns, addressing both child pornography and adult obscenity. The goals of this proposed legislation are twofold: first, to update the law to take into account technologies newly utilized by the pornography industry; and second, to remove the loopholes and weaknesses in existing Federal law, which have given criminals in this area the upper hand for far too long.

A little over 3 years ago, I announced the creation of a national commission to study the scope and nature of pornography in the United States. After 14 long months of careful and objective study, including the taking of hundreds of hours of testimony from citizens on all sides of the issue, the Attorney General's Commission on Pornography released its Final Report in July 1986. In that report were numerous recommendations for changes in Federal law, many of which are reflected in the bill I am proposing today. This bill represents one point of a seven-point plan created by Attorney General Edwin Meese to crack down heavily on the producers, distributors, and retailers of obscene material.

In the last several years, distributors of obscenity and child pornography have expanded into new areas. They are employing new technologies and reaching new audiences. This is how any business grows and develops, except that this business is illegal. Neither our Constitution, our courts, our people, nor our respect for common decency and human suffering should allow the trafficking in obscene material—which exploits women, children, and men alike—to continue. With this bill, and the implementation of the Attorney General's seven-point plan—in which the creation of the National Obscenity Enforcement Unit is the centerpiece—this Administration is putting the purveyors of illegal obscenity and child pornography on notice: your industry's days are numbered.

The "Child Protection and Obscenity Enforcement Act of 1987" proposes changes in 11 basic areas. A brief overview of these proposals will demonstrate the loopholes and weaknesses in existing law that this bill so admirably addresses.

SEXUAL EXPLOITATION OF CHILDREN THROUGH CHILD PORNOGRAPHY

Use of computers in child pornography. Child molesters, pedophiles, and collectors of child pornography have developed a complex, computerized, nationwide network to traffic in child pornography. This bill would clarify the existing sexual exploitation of children statutes to prohibit the use of computers for such deviant purposes.

Buying or selling of children to produce child pornography. Sadly, current Federal law does not forbid a parent or other adult with custody of a minor from selling that child for use in the production of pornography. When this bill is passed, a grievous situation will have thus been corrected.

Record-keeping requirements. Many of the individuals addicted to pornography are attracted to obscene depictions of children. To meet this demand, pornographers have often used minors to produce sexually explicit materials. This violates Federal laws that protect all persons under 18 years of age from exploitation. But because pornographers have not been required to keep appropriate records, proof of age has often been impossible. This bill will mandate the keeping of verifiable records as to the actual age and identity of each performer. If a producer fails to keep such records, or if a distributor sells the material without it containing a statement as to where such records may be found, the burden in any subsequent criminal prosecution will be on him or her to prove the performer was not a minor.

Child pornography and organized crime. There is a growing commercial market for child pornography in this country. Much of it is produced and distributed by networks of pedophiles and child molesters who are well organized. It is therefore appropriate for this bill to amend the RICO statute to include child pornography offenses. The RICO (Racketeer Influenced and Corrupt Organizations) statute, which was amended in 1985 to include obscenity, is a tool long needed by prosecutors of the highly organized, multibillion dollar pornography industry. It provides strong criminal penalties and fines and brings forfeiture provisions into play, allowing the seizure and sale of all assets used in or obtained through organized criminal activity.

OBSCENITY

Receipt or possession of obscene matter for sale or distribution. Another loophole that has long needed closing is the fact that, while it is currently illegal under Federal law to transport obscene material over State lines, it is not illegal to receive or possess that same material with intent to sell it or transfer it, or to offer to do so. This bill will close that loophole tight.

"Syndicate buster" amendments. Organized crime controls the majority of the obscenity market. According to law enforcement estimates, organized crime's revenues in these areas exceed seven to ten billion dollars per year. A set of three "Syndicate Buster" amendments will block these illicit enterprises from taking advantage of additional inconsistencies in existing Federal law. When passed, the first of these amendments will prohibit the use of Federal roads, interstate railroads, motor vehicles, boats, airplanes, or other methods for obscenity trafficking across State lines. The second will inject a little common sense into the law by allowing a jury to presume, without the prosecutors having to prove it, that obsenity produced in one State and now located in another State has, in fact, travelled in interstate commerce. This will apply in similar fashion to material produced in a foreign country. The third of these amendments will make illegal *in and of itself* any interstate or international activity or communication regarding the furtherance of acts that are illegal under State or Federal obscenity and child pornography laws. This means, for example, that an interstate phone call from a retailer to a distributor regarding an interstate shipment of obscenity would itself be a criminal offense, as would be the use of the mails to pay for such a shipment.

Obscenity forfeitures. Civil and criminal forfeiture provisions for Federal obscenity violations are also provided for in the bill. It has been proven time and again that the best way to dismantle any organized criminal operation is to confiscate its ill-gotten gains. Prosecution of national and international drug cartels has underscored this point on numerous occasions. Forfeiture also provides much-needed funds and equipment to the Federal efforts and, as in drug forfeiture, allows for sharing of forfeited assets with State and local law enforcement organizations involved in joint investigations.

Possession and sale of obscene material and child pornography on Federal properties. Today, there are seven States that have no obscenity laws whatsoever (Alaska, Maine, New Mexico, Oregon, South Dakota, Vermont, and Wisconsin). Of these, several contain major military bases or other large tracts of Federal land. Obscenity and child pornography are all too common on Federal lands in general. This bill will make the sale of such material on any Federal lands a felony; and the mere possession of child pornography or obscene visual depictions on these lands will itself become a misdemeanor.

Adding obscenity to the wiretap statute. When it comes to court orders for such things as wiretaps, the government can get them in cases involving drug trafficking, extortion, and many other crimes, but it cannot do so for felony obscenity offenses. This bill will rectify that needless deficiency.

CHILD PROTECTION AMENDMENTS

Cable porn. In the interest of protecting those most vulnerable and impressionable members of our society, our children, this bill will prohibit transmission of obscenity over cable or subscription television.

Dial-a-porn. Finally, this bill will give prosecutors a powerful new weapon to attack "Dial-A-Porn" businesses that profit from obscenity. I have read statistics that just one company in just one city has received up to 800,000 calls per day—180 million calls in a single year. Moreover, law enforcement officials have estimated that a great number of these calls are made by children. A child who calls one of these numbers hears an explicit sexual message. The bill would make it a felony for these companies to transmit obscene messages.

CONCLUSION

At a dark hour in British history, Winston Churchill said, "Give us the tools and we will finish the job." Federal prosecutors and law enforcement officials are saying the same thing today. The Commission has recommended it. The public is demanding it. Yet, as I have described to you, under current Federal law some very basic tools are being withheld. The legislation I propose today will give these men and women the tools they need to get the job done efficiently, fairly, and thoroughly. The producers and distributors of this material—the heartless victimizers of women and children—have had a huge legal advantage, and they have used it to the fullest. They have also employed the latest technologies, while Federal law has failed to keep pace. It is high time these inequities are corrected.

When the "Child Protection and Obscenity Enforcement Act of 1987" is passed we will all be able to go about the business of cleaning up some of the filth that floods our Nation. Right now, in the Department of Justice, this task is already well under way. The newly created National Obscenity Enforcement Unit is coordinating and spearheading nationwide prosecutions of a scope never before attempted in our Nation's history. They have my full support, but they need more. They need strong, loophole-free Federal laws, and they need the assistance of the American people. The industry they seek to shut down is very large, very powerful, and very harmful. The Federal Government alone just does not have the resources to do the whole job. We will need all the help we can get from decent-minded citizens across the country who know when it is time to stand up and be counted. And I am confident we will get that help. I look also to State and local law enforcement authorities to join with us in a total effort to rid our communities of this criminal element among us.

But the first step in this critical task is the legislation I set before you today. I look forward to you, the elected representatives of the American people, assisting me in this effort to help protect all Americans from the corruption, the disease, the violence, degradation, and victimization that flows from this despicable industry.

RONALD REAGAN.

THE WHITE HOUSE, *November 10, 1987.*

REPORT ON NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT—PM 86

The **PRESIDING OFFICER** laid before the Senate the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the attached notice, stating that the Iran emergency is to continue in effect beyond November 14, 1987, to the *Federal Register* for publication. Similar notices were sent to the Congress and the *Federal Register* on November 12, 1980, November 12, 1981, November 8, 1982, November 4, 1983, November 7, 1984, November 1, 1985, and November 12, 1986.

The crisis between the United States and Iran that began in 1979 has not been fully resolved. Although the international tribunal established to adjudicate claims of U.S. nationals against Iran and of Iranian nationals against the United States continues to function, normalization of commercial and diplomatic relations between the United States and Iran has not been achieved. In these circumstances, I have determined that it is necessary to maintain in force the broad authorities that may be needed in the process of implementing the January 1981 agreements with Iran and in the eventual normalization of relations with that country.

RONALD REAGAN.

THE WHITE HOUSE, *November 10, 1987.*

PRESIDENTIAL APPROVALS

A message from the President of the United States announced that he had approved and signed the following bills and joint resolutions:

On September 24, 1987:

S.J. Res. 22. Joint resolution to designate the period commencing September 21, 1987, and ending on September 27, 1987, as "National Historically Black Colleges Week".

On September 28, 1987:

S. 1596. An act to extend the period for waivers of State eligibility requirements to enable certain States to qualify for child abuse and neglect assistance.

S.J. Res. 135. Joint resolution to designate October 1987 as "Polish American Heritage Month".

On September 30, 1987:

S.J. Res. 191. Joint resolution to provide for the extension of certain programs relating to housing and community development, and for other purposes.

On October 5, 1987:

S. 1532. An act relating to the payment for telecommunications equipment and certain services furnished by the Sergeant at Arms and Doorkeeper of the Senate.

S.J. Res. 84. Joint resolution to designate October 1987 as "National Down Syndrome Month".

On October 8, 1987:

S.J. Res. 142. Joint resolution to designate the day of October 1, 1987, as "National Medical Research Day".

On October 14, 1987:

S.J. Res. 72. Joint resolution to designate the week of October 11, 1987, through October 17, 1987, as "National Job Skills Week".

S.J. Res. 110. Joint resolution to designate October 16, 1987, as "World Food Day".

On October 16, 1987:

S. 1691. An act to provide interim extensions of collection of the Veterans' Administration housing loan fee and of the formula for determining whether, upon foreclosure, the Veterans' Administration shall acquire the property securing a guaranteed loan, and for other purposes.

On October 21, 1987:

S. 1574. An act to combine the Senators' Clerk Hire Allowance Account and the Senators' Official Office Expense Account into a combined single account to be known as the "Senators' Official Personnel and Office Expense Account", and for other purposes.

On October 26, 1987:

S. 1666. An act to amend title 5, United States Code, to provide for the extension of physicians comparability allowances and to amend title 37, United States Code, to provide for special pay for psychologists in the commissioned corps of the Public Health Service.

On October 28, 1987:

S.J. Res. 163. Joint Resolution to designate the month of November 1987, as "National Family Bread Baking Month".

S.J. Res. 168. Joint resolution designating the week beginning October 25, 1987, as "National Adult Immunization Awareness Week".

S.J. Res. 198. Joint resolution to designate the week beginning on November 2, 1987, and ending on November 8, 1987, as "National Tourette Syndrome Awareness Week".

On October 29, 1987:

S. 1417. An act to amend the Developmental Disabilities Assistance and Bill of Rights Act to extend the programs established in such act, and for other purposes.

On October 30, 1987:

S. 1628. An act to extend the Aviation Insurance Program for five years.

On November 5, 1987:

S.J. Res. 209. Joint resolution to provide for the extension of certain programs relating to housing and community development, and for other purposes.

On November 6, 1987:

S.J. Res. 171. Joint resolution designating the week beginning November 8, 1987, as "National Women Veterans Recognition Week".

On November 9, 1987:

S. 442. An act to amend chapter 9 of title 17, United States Code, regarding protection extended to semiconductor chip products of foreign entities.

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Under the authority of the order of the Senate of February 3, 1987, the Secretary of the Senate, on November 9, 1987, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills and joint resolutions:

S. 423. An act for the relief of Kil Joon Yu Callahan;

H.R. 3428. An act to provide for the distribution within the United States of the film entitled "America The Way I See It";

H.J. Res. 368. Joint resolution designating the week of November 8 through November 14, 1987, as "National Food Bank Week"; and

H.J. Res. 394. Joint resolution making further continuing appropriations for the fiscal year 1988, and for other purposes.

Under the authority of the order of the Senate of February 3, 1987, the enrolled bills and joint resolutions were signed on November 9, 1987, during the adjournment of the Senate, by the President pro tempore [Mr. STENNIS].

MESSAGES FROM THE HOUSE

At 9:10 a.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 825) to amend and extend certain laws relating to housing.

The message also announced that the House has passed the following bill and joint resolution, without amendment:

S. 247. An act to designate the Kern River as a national wild and scenic river; and

S.J. Res. 205. Joint resolution expressing the sense of the Congress that United Nations General Assembly Resolution 3379 (XXX) should be overturned, and for other purposes.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

At 12:19 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the Speaker has signed the following enrolled bills and joint resolution:

H.R. 3295. An act for the relief of Nancy L. Brady;

H.R. 3457. An act to amend the Packers and Stockyards Act, 1921, to provide financial protection to poultry growers and sellers, and to clarify Federal jurisdiction under such act; and

S.J. Res. 205. Joint resolution expressing the sense of the Congress that United Nations General Assembly Resolution 3379 (XXX) should be overturned, and for other purposes.

The enrolled bills and joint resolution were subsequently signed by the President pro tempore [Mr. STENNIS].

At 2:18 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to the bill (H.R. 2939) to amend title 28, United States Code, with respect to the appointment of independent counsel; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. RODINO, Mr. FRANK, Mr. GLICKMAN, Mr. SHAW, and Mr. SWINDALL as managers of the conference on the part of the House.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 519. An act to direct the Federal Energy Regulatory Commission to issue an order with respect to Docket No. EL-85-38-000;

H.R. 585. An act to establish evidentiary standards for Federal civil antitrust claims based on resale price fixing;

H.R. 2210. An act to prohibit the use of certain organotin-based antifoulant paints and the use of organotin compounds, purchased at retail, used to make such paints;

H.R. 2583. An act to authorize additional appropriations for the San Francisco Bay National Wildlife Refuge; and

H.R. 2752. An Act to encourage the use of program crop acreage for the purpose of creating game and wildlife habitats, feeding areas, and sanctuaries by protecting farm program crop base acreage and program payment yields.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 209. A concurrent resolution expressing the sense of the Congress with respect to demonstrations in Latvia commemorating Latvian Independence Day.

At 5:06 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 215. A concurrent resolution providing for an adjournment of the House from November 10 to November 16, 1987.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 585. An act to establish evidentiary standards for Federal civil antitrust claims based on resale price fixing; to the Committee on the Judiciary.

H.R. 2210. An act to prohibit the use of certain organotin-based antifoulant paints and the use of organotin compounds, purchased at retail, used to make such paints; to the Committee on Environment and Public Works.

H.R. 2583. An act to authorize additional appropriations for the San Francisco Bay National Wildlife Refuge; to the Committee on Environment and Public Works.

H.R. 2752. An act to encourage the use of program crop acreage for the purpose of creating game and wildlife habitats, feeding areas, and sanctuaries by protecting farm program crop base acreage and program payment yields; to the Committee on Agriculture, Nutrition, and Forestry.

MEASURES PLACED ON THE CALENDAR

The following concurrent resolution was read, and placed on the calendar:

H. Con. Res. 209. A concurrent resolution expressing the sense of the Congress with respect to demonstrations in Latvia commemorating Latvian Independence Day.

ENROLLED BILL AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, November 10, 1987, he had presented to the President of the United States the following enrolled bill and joint resolution:

S. 423. An act for the relief of Kil Joon Yu Callahan; and

S. J. Res. 205. Joint resolution expressing the sense of the Congress that United Nations General Assembly Resolution 3379 (XXX) should be overturned, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2103. A communication from the Assistant Secretary of Defense (Comptroller), transmitting, pursuant to law, a report on the transfer of certain funds within the Department of Defense; to the Committee on Appropriations.

EC-2104. A communication from the Deputy Secretary of Defense and the Secretary of Education, transmitting jointly, pursuant to law, a report on the study of the construction and repair needs of military dependent educational facilities on military installations in the United States; to the Committee on Armed Services.

EC-2105. A communication from the Director of the Office of Management and Budget, Executive Office of the President and the Chairman of the Export-Import Bank of the United States, transmitting jointly, pursuant to law, a report on U.S. Government involvement in export credit insurance; to the Committee on Banking, Housing, and Urban Affairs.

EC-2106. A communication from the Chairman and Members of the Interagency Committee on Cigarette and Little Cigar Fire Safety, transmitting, pursuant to law, the final technical report of the Committee; to the Committee on Commerce, Science, and Transportation.

EC-2107. A communication from the Secretary of Commerce, transmitting, pursuant to law, the annual report regarding the administration of the Marine Mammal Protection Act for the period April 1, 1986 through March 31, 1987; to the Committee on Commerce, Science, and Transportation.

EC-2108. A communication from the Secretary of Energy, transmitting, pursuant to law, a comprehensive report on a project under the Clean Coal Technology Demonstration Program entitled "Prototype Commercial Coal/Oil Co-processing Plant"; to the Committee on Energy and Natural Resources.

EC-2109. A communication from the Secretary of Energy, transmitting, pursuant to law, an update to the Comprehensive Ocean Thermal Technology Application and Market Development Plan; to the Committee on Energy and Natural Resources.

EC-2110. A communication from the Administrator of General Services, transmitting, pursuant to law, informational copies of an amended prospectus for the purchase of the Thousand Island Bridge U.S. Border Station complex; to the Committee on Environment and Public Works. .

EC-2111. A communication from the Chairman of the U.S. Merit Systems Protection Board, transmitting, pursuant to law, a report entitled "Reduction in Force: The Evolving Ground Rules"; to the Committee on Governmental Affairs.

EC-2112. A communication from the Chairman of the U.S. Merit Systems Protection Board, transmitting, pursuant to law, a report entitled "In Search of Merit: Hiring Entry-Level Federal Employees"; to the Committee on Governmental Affairs.

EC-2113. A communication from the Chairman of the U.S. Merit Systems Protection Board, transmitting, pursuant to law, the seventh annual report of the Board's appeals decision; to the Committee on Governmental Affairs.

EC-2114. A communication from the Chairman of the U.S. Merit Systems Protection Board, transmitting, pursuant to law, a report entitled "The Office of Special Counsel: Judicial Views on Prosecution of Prohibited Personnel Practices"; to the Committee on Governmental Affairs.

EC-2115. A communication from the Independent Counsel, Office of Independent Counsel, transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-2116. A communication from the Chairman of the Consumer Product Safety Commission, transmitting, pursuant to law, the annual report of the Commission under the Government in the Sunshine Act for calendar year 1986; to the Committee on Governmental Affairs.

EC-2117. A communication from the Chief Immigration Judge, Executive Office for Immigration Review, Department of Justice, transmitting, pursuant to law, a report on the suspension of deportation of certain aliens under sections 244(a)(1) and 244(a)(2) of the Immigration and Nationality Act; to the Committee on the Judiciary.

EC-2118. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Immigration Reform: Status of Implementing Employer Sanctions After One Year"; to the Committee on the Judiciary.

EC-2119. A communication from the Adjutant General, Military Order of the Purple Heart, transmitting, pursuant to law, the report of the financial audit of the Order dated June 30, 1987; to the Committee on the Judiciary.

EC-2120. A communication from the Chief Counsel for Advocacy, U.S. Small Business Administration, transmitting, pursuant to law, a report entitled "The State of Small Business; A Report of the President, 1987"; to the Committee on Small Business.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-355. A resolution adopted by the Alpena County Board of Commissioners, Alpena, Michigan, urging the adoption of legislation to correct the "Notch" effect in the Social Security Act; to the Committee on Finance.

POM-356. A resolution adopted by the House of Representatives of the State of Illinois; to the Committee on Finance.

"HOUSE RESOLUTION NO. 868

"Whereas, Canada is a close ally of the United States in the defense of North America, and, through membership in NATO, of the Western Democracies; and

"Whereas, There are substantial historical, culture, and economic links between the State of Illinois and Canada; and

"Whereas, Canada is the United States' and the State of Illinois' major trading partner; in 1986, Illinois imported from, and exported to, Canada more than $3 billion in merchandise; and

"Whereas, More than 200 companies headquartered in Illinois have invested in Canada, and that many Canadian companies have invested in the State, and others are contemplating such investment; and

"Whereas, Illinois is advantaged in trading with Canada by reason of proximity, as well as by the existence of excellent transportation, communication, and financial service links with that country; and

"Whereas, Tariff and non-tariff carriers continue to impede trade and distort investment location between the United States and Canada, to the detriment of both countries and the State of Illinois; and

"Whereas, An agreement in principle was reached between the United States and Canada on October 4, 1987, to establish a free trade area; and

"Whereas, This Free Trade Agreement, when enacted, would remove, on a phased basis, all tariff barriers between Canada and the United States; would reduce the trade-distorting effects of non-tariff barriers,; would establish new international rules for services; would remove all limitations on cross-border trade in energy products; and would lead to a more secure and fair North American investment climate; and

"Whereas, Implementation by both the United States and Canada of the measures set out in the October 4, 1987, accord would be advantageous to the State of Illinois in terms of job creation by promoting rationality, improved productivity, and greater competitiveness; therefore be it

"Resolved, by the House of Representatives of the Eighty-fifth General Assembly of the State of Illinois, that the President is urged to enter into a Free Trade Agreement with Canada; and be it further

"Resolved, That the members of the United States Congress are urged to give favorable consideration to the Free Trade Agreement with Canada when it is referred to the Senate and House of Representatives for adoption; and be it further

"Resolved, That copies of this resolution be delivered to the President, Speaker of the United States House of Representatives, the President of the United States Senate, and all members of the Illinois Congressional Delegation."

POM-357. A resolution adopted by the General Assembly of the Christian Church (Disciples of Christ) concerning procedures to establish a firm and lasting peace in Central America; to the Committee on Foreign Relations.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MURKOWSKI:

S. 1859. A bill to eliminate cost-of-living increases for Federal programs in fiscal year 1988; to the Committee on Governmental Affairs.

By Mr. MURKOWSKI:

S. 1860. A bill to establish a Commission on National Debt Reduction and to examine the importance of savings to economic growth and stability, and for other purposes; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have 30 days of continuous session to report or be discharged.

By Mr. DECONCINI (for himself, Mr. D'Amato, Mr. Wilson, Mr. Nunn, Mr. Heinz, Mr. Cranston, Mr. McCain, Mr. Dixon, and Mr. Graham):

S. 1861. A bill to amend the Controlled Substances Act to suppress the diversion and trafficking of precursor chemicals and essential chemicals utilized in the illicit manufacture of controlled substances; to the Committee on the Judiciary.

By Mr. DURENBERGER (for himself, Ms. Mikulski, Mr. Lugar, Mr. Kennedy, Mrs. Kassebaum, Mr. Burdick, Mr. Boschwitz, Mr. Metzenbaum, and Mr. Pressler):

S.J. Res. 215. Joint resolution to authorize the Vietnam Women's Memorial Project, Inc., to establish a memorial to women of the Armed Forces of the United States who served in the Vietnam war; to the Committee on Energy and Natural Resources.

By Mr. JOHNSTON (by request):

S.J. Res. 216. Joint resolution approving the location of the Black Revolutionary War Patriots Memorial; to the Committee on Energy and Natural Resources.

By Mr. ADAMS:

S.J. Res. 217. Joint resolution providing specific authorization under the War Powers Resolution for the continued use of U.S. Armed Forces in the Persian Gulf, consistent with the foreign policy objectives and national security interest of the United States; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BOSCHWITZ (for himself, Mr. Conrad, Mr. Heflin, Mr. Bond, Mr. Levin, Mrs. Kassebaum, Mr. Specter, Mr. Rockefeller, Mr. Pell, and Mr. Shelby):

S. Res. 317. Resolution to express the sense of the Senate with respect to the current budget reduction negotiations between the Congress and the President; to the Committee on Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee has 30 days of continuous session to report or be discharged.

By Mr. BYRD (for himself and Mr. Dole):

S. Res. 318. Resolution to direct the Senate Legal Counsel representative in the case of United States versus Bardoff; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MURKOWSKI:

S. 1859. A bill to eliminate cost-of-living increases for Federal programs in fiscal year 1988; to the Committee on Governmental Affairs.

S. 1860. A bill to establish a Commission on National Debt Reduction and to examine the importance of savings to economic growth and stability, and for other purposes; pursuant to the order of August 4, 1977, referred jointly to the Committee on the Budget and the Committee on Governmental Affairs.

LONG-TERM SOLUTION TO THE NATIONAL DEBT

Mr. MURKOWSKI. Mr. President, I am today introducing two legislative measures:

The first would apply a 1-year, across-the-board freeze on cost-of-living adjustments for salaries and benefits paid by the Federal Government for the balance of this fiscal year.

The second creates a 12-month Presidential Commission to provide the Congress with a blueprint to correct our Nation's long-term fiscal economic policies, including savings enhancement measures and deficit and debt reduction initiatives.

This legislation takes us from just "talking about" the deficit to "taking action" to reduce the deficit.

In my view, the American people are tired:

They are tired of Congress' philosophy of "borrow-borrow-borrow-spend-spend-spend."

They are tired of the games we politicians play when it comes to cutting spending—delaying benefit checks 1 day so that cost will be shifted to the next fiscal year and thereby allowing us to say, "we achieved deficit reduction in the current year." It's a sham! And we are all guilty.

The American people are tired of our criticizing each other's party without ever coming up with a true deficit reduction plan.

They are tired of our saying that some programs are on the table and others are off the table because we fear the political consequences.

Our political fears, our exercises with smoke and mirrors, have led us to:

An accumulated $2.3 trillion debt;

Huge and rising deficits;

A receding GNP;

Dwindling savings for capital growth;

Burdensome interest rates; and

A very, very nervous stock market.

The $23 billion in deficit savings that is being discussed in administration/White House budget summit negotiations is simply not enough: Even if we achieve it—we will still be spending more than ever.

Mr. President, I have said in front of this body many times that when I came to the Senate the accumulated debt of this Nation was about $757 billion. The reason I remember that, Mr. President, is I had the occasion to buy a padlock. In Alaska we ordinarily do not have keys, so I bought a tumbler lock with a combination. I had been to a budget meeting and I recalled the accumulated debt of this country in about March of 1981 was $757 billion. Well, today at $2.3 trillion I obviously cannot find a padlock with that many tumblers, but every time I use that lock I realize how far we have come in the wrong direction.

We will still have no real deficit reduction—and still have uncontrollable debt.

Each of us, when we ran for office, knew we would have to make hard decisions as U.S. Senators. This is the time to make one of those hard decisions.

That is why I am introducing a bill that I believe can enable us to begin to deal with the problem—directly and without playing games.

This legislation will have an immediate impact. Savings from a 1-year COLA freeze will yield $12 billion in savings this year and $40 billion over 3 years. While it is only part of the solution, it is an important first step in slowing growth in the deficit.

This legislation is broad based. No one is exempted—the COLA freeze would apply to everyone—Social Security recipients, veterans, Federal employees, military personnel and Federal retirees, and, most importantly, Members of Congress. Everyone is treated equally—fairly. Everyone makes do with what they currently receive. So, Mr. President, it is important to point out that no one is cut.

Yes, there is a sacrifice we must be willing to make if we are serious about reducing the deficit and the debt in any meaningful way. However, with an across-the-board freeze in COLA's the sacrifice is kept to a minimum because the burden is spread evenly over a large population.

To illustrate in actual dollar figures what the sacrifice would be to the average COLA recipient, let me cite four examples, keeping in mind again that these are not cuts but rather freezes at current levels:

Social Security retired workers would forego $21 a month or an average of 70 cents per day.

Disabled Veterans would forego in benefits $15 a month or an average of 50 cents per day.

Military retirees would forego $25 a month or an average of 84 cents per day.

Civil service retirees would forego $45 a month or an average of $1.50 per day.

The sacrifice is small but generates real and considerable savings in the process; $12 billion in fiscal year 1988 and $40 billion over the next 3 years by just freezing—not cutting benefits at current levels for the remaining 10 months of this year alone.

I hear it said that a freeze on Social Security benefits should not be even discussed—and yet, no Federal program is more worthy of a COLA than veterans benefits. And yet, who were the first to step forward and volunteer to share in the burden of deficit reduction—our Nation's veterans. The leadership of the American Legion, VFW, DAV, AMVET's, and PVA have told me of their willingness to sacrifice again to save our financial system—but only if it is fair and equlitable—equal across-the-board.

Survival of our system is at stake and those in greatest danger are our senior citizens. Need I remind my colleagues that pension funds provide the financial security for Americans of all ages, especially those recipients of pensions who are dependent on a prosperous economy and a sound financial market. A short-term sacrifice in a COLA for everyone—which would yield substantial deficit reduction—would be more than offset by the long-term security of a prosperous economy for the young and old of this Nation.

I submit, Mr. President, if we are truly concerned about the well-being of our senior citizens—and not just the political consequences—we will make the tough decisions to protect their life savings, their pension funds, their investments, that are being eroded by the uncontrolled debt of this Nation.

I think we only have to reflect on "Black Monday" when approximately $210 billion in pension funds were lost on Wall Street.

Mr. President, this past week I have emphasized seveal points in addressing my colleagues.

Real reform will require sacrifice, but sacrifice will only be acceptable if it: is universally applied, and produces real and significant reductions in the deficit for fiscal year 1988, and most importantly, takes steps to address the causes for our $2.3 trillion debt.

Prompt action is required. Current volatility and trends in world financial markets are clear evidence of that fact. Neither talk nor good intentions will be effective in restoring confidence in Congress' ability to make the tough budgetary decisions regarding spending and revenues.

Failure to act will have drastic consequences for our country and our society—now and in the future:

A subsequent collapse of public confidence will ripple far beyond the stock market.

If we fail to act, those upon whom we depend to finance our debt will enentually lose confidence in our ability to repay—and turn off the tap.

Those Americans—both present and future generations—who have entrusted the Congress with their destiny, will hold the Congress responsible and justifiably so.

All Americans, not just those who earn stocks and bonds, have a stake in the economy—whether measured in terms of their pension funds or the purchasing power of their dollar.

It is futile to provide a COLA if it is diminished by a collapsing economy.

There is $2.5 trillion in pension funds on Wall Street—22 percent of Wall Street's value.

For millions of Americans, recipients of union and employer plans—current and future retirees—their financial security is tied to those funds.

And, we have just learned what can happen in a single day—$210 billion in losses to pension plans.

Mr. President, short-term action to balance our budget will be difficult, and long-term solutions to the debt will be even more difficult. That is why I am proposing a two-pronged attack, aimed at immediate short-term reduction in the deficit and a broad-based, bipartisan Presidential Commission to look at solutions including long-term savings enhancement as a way to control the national debt.

My second bill looks to the long term. The Presidential Commission, created under this bill, would analyze our fiscal policies as part of a long-term strategy to deal with the $2.3 trillion debt. A debt that is due to grow to nearly $3 trillion by the spring of 1989 under current spending and revenue policies. A debt that hampers our growth and cuts into our ability to fund needed budget programs.

This Commission will be broad-based—including economic, financial, tax, legal, business and labor leaders. The Commission's success will depend upon the support of the American people and their voices must be reflected in the Commission's deliberations.

This Commission will be working to develop solutions prior to the end of this fiscal year—so that we can adopt long term measures in a timely manner.

This Commission will be given a critical assignment to analyze and recommend to the Congress ways to bring about a much needed long-term correction in U.S. fiscal policy. The Commission must address the importance of savings to this country.

Savings stimulate growth, stabilize debt, makes us less reliant on foreign capital, and can help firm up Wall Street, and cut the deficit.

Savings in this country are at its lowest point in 40 years.

Savings as a percent of disposable income has steadily shrunk from 6.8 percent in 1982 to 3 percent; this last quarter of 1987.

SAVINGS IS CRITICAL FOR LONG-TERM HEALTHY ECONOMY

Savings drive interest rates down by making capital affordable. This opens the door to opportunity, lower debt costs, jobs, and growth for business and reinvestment, an increased tax revenues and lower borrowing costs for government to help stabilize debt and pay for deficit.

Savings avoid the need for artificial Federal Reserve stimulants to keep interest rates down—actions that risk inflation—or even recession given our excessive over-dependence on borrowed foreign capital.

Mr. President, the way to get interest rates down is through savings. Low-interest rates built this country—from railroads, to farms, to homes, to roads, to universities.

Our current system encourages spending . . . debt not saving. We tax interest on savings and deduct interest on debt. That is backwards.

Incentives to save, not spend, are needed.

This bill requires a fundamental rethinking of this country's fiscal economic policies.

Mr. President, the legislation I introduce today creates the means to begin the process of reducing the deficit and, in addition, devise and implement the long-term strategy we must have to succeed. A COLA and pay freeze alone will not achieve the level of savings necessary to reduce the deficit to an acceptable level this year, but it is a start and when coupled with other initiatives and the implementation of a long-term strategy, meaningful deficit reduction will take place. There may be those who argue that the legislation goes too far or that it does not go far enough. That may be, except in comparison with the alternative—which is to do nothing—what we have done to date.

I seek action—I see a cure for the cancerous debt that is eating away our economy. A demand for a perfect cure is a demand for inaction. And inaction is the prescription for failure.

This legislation is broad based and long term.

It will have both an immediate effect and long-term impact by freezing COLA's now for the balance of our current fiscal year and second to use that time constructively for a Presidential Commission to present Congress with long-term solutions emphasizing savings enhancement.

The legislation I propose is truly a commitment to effective action to ensure we attain fiscal discipline and save our financial system.

Mr. President, we are constantly talking in this body about putting everything on the table. If we do not talk about freezing COLA's we are shying away from the hard issues. Our political advisers would tell us to head for the exits when faced with the prospect of COLA freezes. I would hope that my colleagues would ignore all that and step forward and support these measures which go a long way toward taking a meaningful first step to save our system.

If there is a collapse of the system we will not escape the consequences and we in Government will appropriately be held responsible.

Mr. President, yesterday, we called upon America's veterans to save our liberties. Today those veterans stand ready again to sacrifice to save our Nation's financial system from ruinous debt. And it is crucial that the rest of America stand tall with them.

Lest we be considered to be a voice shouting in the wilderness.

I ask unanimous consent to include in the RECORD an editorial from the Washington Post and an ad from the New York Times.

I ask unanimous consent that copies of my two bills be printed in the RECORD at this point.

I thank the Chair.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1859

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. COST-OF-LIVING INCREASES.

(a) Notwithstanding any other provision of law, no increase shall be made in payments or benefit amounts under any provision of law which would otherwise require such increase or change to become effective during fiscal year 1988 as a result of changes in—

(1) the Consumer Price Index (or any component thereof); or

(2) any other index which measures costs, prices, or wages.

(b) No person shall be entitled to any increase in payments or benefit amounts under any provision of law if payment thereof is denied by reason of this section.

(c) Notwithstanding any other provision of law, any change in—

(1) the Consumer Price Index (or any component thereof); or

(2) any other index which measures costs, prices, or wages,

which would have resulted in any increase in payments or benefit amounts during fiscal year 1988 but for the provisions of subsection (a), shall not be taken into account for purposes of determining any increase in payments or benefit amounts during fiscal year 1989 or any fiscal year thereafter.

S. 1860

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ESTABLISHMENT OF COMMISSION.

(a) There is hereby established a commission to be known as the Commission on National Debt Reduction, Savings, and Economic Reform (hereafter referred to as the "Commission").

(b)(1) The Commission shall consist of—

(A) five members to be appointed by the President, in consultation with the Majority and Minority Leaders of the Senate and the House of Representatives, one of whom shall, at the time of appointment, be designated as Chairman of the Commission;

(B) two members to be appointed by the Speaker of the House of Representatives, in consultation with the Minority Leader; and

(C) two members to be appointed by the Majority Leader of the Senate, in consultation with the Minority Leader.

(2) At no time shall more than three of the members appointed by the President, one of the members appointed by the Speaker of the House of Representatives, or one of the members appointed by the President pro tempore of the Senate be members of the same political party.

(3) The membership of the Commission shall consist of individuals who are of recognized standing and distinction and who possess the demonstrated capacity to discharge the duties imposed on the Commission, and shall include economists and other academics, tax experts, and investment and finance experts from diverse areas of the economy. No individual who is otherwise an officer or full-time employee of the United States shall serve as a member of the Commission.

(4) The Chairman of the Commission shall designate a member of the Commission to act as Vice Chairman of the Commission.

(5) A majority of the members of the Commission shall constitute a quorum, but a lesser number may conduct hearings.

(6) Members of the Commission shall be appointed for a term which shall end 12 months after the date all members are first appointed to the Commission.

(7) A vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as that herein provided for the appointment of the member first appointed to the vacant position.

(c) Members of the Commission shall receive $138 per diem while engaged in the actual performance of the duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of such duties.

(d) The Commission shall meet at the call of the Chairman, or at the call of a majority of the Commission; but meetings of the Commission shall be held not less frequently than once each calendar month.

SEC. 2. DUTIES OF THE COMMISSION.

(a) It shall be the duty and function of the Commission to conduct a study and review of, and to make recommendations regarding, the causes and elimination of the national debt and budget deficit.

(b) The study and review required by this section shall include—

(1) an analysis of the causes of the national debt and budget deficit;

(2) an evaluation of alternative solutions to reduction of the national debt and budget deficit, including the encouragement of savings and capital formation;

(3) fiscal, economic, and tax policy recommendations that will encourage savings and capital formation, promote economic growth and debt stability, achieve deficit reduction, and reduce the national debt; and

(4) propose specific methods for implementing such recommendations.

(c) In order to provide an effective opportunity for the general public to participate fully in the study, investigation, and review under this section, the Commission, in conducting such study, investigation, and review, shall solicit and receive the views and recommendations from as many public, private, and academic sectors of the country as possible.

SEC. 3. REPORT.

No later than 12 months after the date all of the members of the Commission have been first appointed, the Commission shall submit to the President and the Congress a final report of the Commission on the study, investigation, and review required by this Act, and shall include its final recommendations. The Commission shall cease to exist 12 months after the date all members of the Commission have been first appointed.

SEC. 4. EXECUTIVE DIRECTOR AND STAFF.

(a) The Commission shall appoint an Executive Director of the Commission who shall be compensated at a rate fixed by the Commission, but which shall not exceed the rate established for level V of the Executive Schedule by title 5.

(b) In addition to the Executive Director, the Commission shall have the power to appoint and fix the compensation of such personnel as it deems advisable, in accordance with the provisions of title 5 governing appointments to the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

SEC. 5. POWERS OF COMMISSION.

In carrying out its duties under this section, the Commission, or any duly authorized committee thereof, is authorized to hold such hearings, sit and act at such times and places, and take such testimony, with respect to matters with respect to which it has a responsibility under this section, as the Commission or such committee may deem advisable. The Chairman of the Commission or any member authorized by him may administer oaths or affirmations to witnesses appearing before the Commission or before any committee thereof.

SEC. 6. ASSISTANCE FROM FEDERAL AGENCIES AND DEPARTMENTS.

The Commission may secure directly from any department or agency of the United States such data and information as may be necessary to enable it to carry out its duties under this Act. Upon request of the Chairman of the Commission, any such department or agency shall furnish any such data or information to the Commission.

SEC. 7. SUPPORT SERVICES.

The General Services Administration shall provide to the Commission, on a reimbursable basis such administrative support services as the Commission may request.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are hereby authorized to be appropriated such sums as may be necessary to carry out this Act.

[From the Washington Post, Nov. 9, 1987]

CUTTING SOCIAL SECURITY

Social Security is a fifth of the federal budget. To wall it off from the deficit-reduction talks as the president did when he finally consented to those negotiations two weeks ago was wrong. Exempting Social Security only adds to the burdens that must be borne by other programs, many equally worthy.

The very size of the program is, strangely, what protects it. A seventh of the population now lives off Social Security in whole or in part. A politician who proposes to tamper with this Mississippi of income for even the best of reasons is thought to run enormous risks. Democrats and Republicans are both poised to demagogue on the issue; the president has been burned before.

But the elderly are not all needy. Fairness does not require that they be exempt. On the contrary, their poverty rate is now lower than that of the population as a whole. In many recent years, thanks precisely to Social Security, they have done better than the work force that has supported them. Benefits have kept up with inflation while wages have fallen behind. Social Security could also be the key to lucrative cuts in the other major retirement programs. It would hardly be fair to cut such items as civil service and military retirement but not Social Security; the one opens the way to the others.

The fairest way to wring more money out of Social Security would be to subject a greater share of benefits to the income tax. Currently, half are subject to tax if total income is over certain thresholds. At a minimum the thresholds should be abolished. There are thresholds enough in the income tax to protect the poor.

The method some brave, albeit mostly anonymous souls in Congress have discussed is limiting the annual cost-of-living increase—instead of raising benefits the full amount of inflation, perhaps raising them 2 percentage points less. The virtue of this is that it is simple and applicable to the other indexed benefit programs. The defect is that it would affect poor and rich alike; more elderly people would drop back below the poverty line.

Congress should acquiesce in such a second-best alternative only if 1) the cost-of-living limitations are clearly temporary, 2) the SSI, or Supplemental Security Income program, is firmed up to protect the neediest elderly and 3) the cost-of-living limitations can be parlayed into serious deficit reduction—a plan that also includes a meaningful tax increase and defense and other domestic spending restraint. Deficit reduction is essential to economic health. The elderly have as much to gain from that as they will lose in benefit cuts. The politicians should summon the courage to tell them that.

[From the New York Times, Nov. 9, 1987]

TO THE CONGRESS, THE ADMINISTRATION, AND THE AMERICAN PEOPLE: TIME FOR DECISIVE ACTION: A BIPARTISAN BUDGET PLAN

We have joined together to urge our fellow Americans and this Nation's leaders to rise above politics as usual, to set aside differences—of party, region, ideology, and even immediate self-interest—in order to resolve our worsening economic problems before it is too late. Though Presidents and Congresses going back many years must share in the blame, we have no interest in finger-pointing; our mutual interest now lies in contributing to the solution.

The recent upheavals on Wall Street dramatize our unbalanced and increasingly risky economy. Although we believe in the underlying strength of the economy, we have for too long consumed more than we have produced, forcing a dangerous dependence on massive foreign borrowing. Our budget and trade deficits raise the risks of a huge interest rate increase and rising inflation, an economic slowdown with growing unemployment, a resurgence of the Third World debt crisis, a global trade pullback, or even a deep worldwide recession. Our concern is not just where the stock market is today, but where our economy, our standard of living, and our world standing will be tomorrow.

Together—we, the American people, and our leaders—can set in motion basic changes to cure this condition. That is the way to prevent a stock market collapse from spreading to the broader economy. Fiscal reform is the indispensable key to solving our immediate problem, to reducing both long- and short-term interest rates, and to laying the foundations for healthy and sustainable economic growth. Congress and the Administration must:

1. Cut federal budget deficits so that the markets believe the long term problem is really being solved.

The deficit reductions must be significant, at least $30-40 billion in the first year.

The cuts must be credible, multi-year and increasing so that the budget can move toward balance by 1992.

One-shot measures must be avoided; cuts must be permanent and grow over time.

The plan must be based on extremely prudent economic projections.

2. Put everything on the table—except programs for the poor.

Spending cuts of all kinds should be top priority.

Defense spending must be restrained to levels consistent with our essential national security needs.

Cuts must be made in non-defense programs, especially all the other entitlement, transfer, and subsidy programs that are not means-tested. In particular, reductions should come from the benefits received by upper income groups in excess of their accumulated contributions. COLA modifications should also be part of any long-term budget reform.

Only when larger spending cuts are assured should revenue increases be considered, and any such revenues should be raised in ways that discourage consumption and encourage savings and investment.

The burdens of deficit reduction should be shared fairly among all of us who can afford them.

3. Rapidly adopt a credible deficit reduction plan to give the President a stronger hand in negotiations for more global economic cooperation.

Get our economic allies to stimulate domestic demand and boost their imports.

Work out coordinated interest rate reductions with Europe and Japan.

Renew our collective commitment to fight protectionism.

Stimulate a flow of capital to Third World countries to help them grow and to service their debts by exporting to more open markets in the developed world; in turn, this will permit Third World countries to become significant export markets for goods and services from developed countries.

Work toward increased military and economic burden-sharing by our allies.

We recognize that the bold political action now needed is impossible unless the people allow it—indeed, unless they demand it. For us, for our children, and for our grandchildren, we must work together, as Americans, to rescue our economy . . . and our country.

We pledge a national, bipartisan effort to help persuade the American people to let their leaders know that they are ready to support the immediate adoption of a program like that outlined above.

SUPPORTERS OF THE BIPARTISAN BUDGET PLAN

FOUNDING MEMBERS OF THE BIPARTISAN BUDGET APPEAL

The Hon. W. Michael Blumenthal, Secretary of the Treasury, 1977-79.

The Hon. John B. Connally, Secretary of the Treasury, 1971-72.

The Hon. C. Douglas Dillon, Secretary of the Treasury, 1961-65.

The Hon. Henry H. Fowler, Secretary of the Treasury, 1965-68.

The Hon. Peter G. Peterson, Secretary of Commerce, 1972-73.

The Hon. William E. Simon, Secretary of the Treasury, 1974-76.

FORMER PUBLIC OFFICIALS

The Hon. Joseph W. Barr, Secretary of the Treasury, 1968-69.

The Hon. Harold Brown, Secretary of Defense, 1977-81.

The Hon. Zbigniew Brzezinski, Assistant to the President for National Security Affairs, 1977-81.

The Hon. William T. Coleman, Jr., Secretary of Transportation, 1975-77.

The Hon. Lloyd N. Cutler, General Counsel to President Carter, 1979-80.

The Hon. Martin Feldstein, Chairman, Council of Economic Advisors, 1982-84.

The Hon. Sol M. Linowitz, Ambassador, 1977-80.

General David C. Jones, Chairman, Joint Chiefs of Staff.

The Hon. David M. Kennedy, Secretary of the Treasury, 1968-71.

The Hon. Charles Mac Mathias, United States Senator, Maryland.

The Hon. Robert S. McNamara, Secretary of Defense, 1961-68.

The Hon. Edmund S. Muskie, Secretary of State, 1980-81.

The Hon. David Packard, Deputy Secretary of State, 1969-71.

The Hon. Charles H. Percy, United States Senator, Illinois.

The Hon. Robert V. Roosa, Under Secretary of the Treasury for Monetary Affairs, 1961-64.

The Hon. Robert S. Strauss, Special Representative for Trade Negotiations, 1977-79.

The Hon. David Stockman, Director, Office of Management and Budget.

The Hon. Cyrus R. Vance, Secretary of State, 1977-80.

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Mortimer Zuckerman, Editor-in-Chief, US News & World Report.

By Mr. DeCONCINI (for himself, Mr. D'Amato, Mr. Wilson, Mr. Nunn, Mr. Heinz, Mr. Cranston, Mr. McCain, Mr. Dixon, and Mr. Graham):

S. 1861. A bill to amend the Controlled Substances Act to suppress the diversion and trafficking of percursor chemicals and essential chemicals utilized in the illicit manufacture of controlled substances; to the Committee on the Judiciary.

CHEMICAL DIVERSION AND TRAFFICKING ACT

● Mr. DeCONCINI. Mr. President, on June 11 I introduced, along with my distinguished colleagues Senators D'Amato and Wilson, the Chemical Diversion and Trafficking Act of 1987. That piece of legislation, crafted by the Drug Enforcement Administration, would amend the Controlled Substances Act to suppress the diversion and trafficking of precursor chemicals and essential chemicals utilized in the illict manufacture of controlled substances. Our law enforcement agencies need tougher laws to enable them to track down the criminal operators of illegal drug labs. In fiscal year 1987, law enforcement agencies in the United States seized over 650 clandestine drug labs. In 1982, fewer than 200 were found.

During the past few months, my staff, along with representatives from Senator D'Amato's office, DEA, and the chemical industry have met several times to insure that the ability of the U.S. chemical industry to compete with foreign competition is not hindered. I feel that we have attempted to address the Congress of all parties involved without seriously damaging the original intent of this legislation. Mr. President, today I introduce the revised version of the Chemical Diversion and Trafficking Act of 1987. Cosponsors of the bill include Senators D'Amato, Wilson, Nunn, Heinz, McCain, Cranston, Dixon, and Graham. I ask unanimous consent that the full text of the bill be printed in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1861

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Chemical Diversion and Trafficking Act of 1987".

SEC. 2. PRECURSOR CHEMICALS AND ESSENTIAL CHEMICALS.

Section 310 of the Controlled Substances Act (21 U.S.C. 830) is amended to read as follows:

"PRECURSOR CHEMICALS AND ESSENTIAL CHEMICALS

"Sec. 310. (a)(1)(A) Except as provided under paragraph (3), any person who manufactures, distributes, imports or exports a substance listed under subsection (d) shall maintain records and make reports as the Attorney General may by regulation require concerning the distribution, receipt, sale, importation or exportation of the listed substances.

"(B) Records required by this paragraph—

"(i) shall be in a form that is readily retrievable from ordinary business records; and

"(ii) shall be kept and made available for inspection and copying by officers or employees of the United States authorized by the Attorney General, with regard to substances listed in subsection (d)(2), for 2 years and, with regard to substances listed in subsection (d)(1), for no less than 2 years and no more than 5 years as determined by regulation of the Attorney General.

"(C) In establishing regulations concerning required records and reports under this paragraph, the Attorney General may establish a threshold quantity for recordkeeping and reporting requirements for each listed chemical. Reports required by the Attorney General shall be limited to those necessary for the effective implementation of this title, such as reports of suspicious purchases.

"(D) The Attorney General may include in the information required to be maintained or reported under this paragraph the following:

"(i) The quantity, form, and manner in which, and date on which, the substance was distributed, imported or exported.

"(ii)(I) In the case of the distribution or exportation to an individual, the name, address, and age of the individual and the type of identification presented to establish the identity of the individual.

"(II) In the case of the distribution or exportation to an entity other than an individual, the name and address of the entity and the name, address, and title of the individual ordering or receiving the substance and the type of identification presented to establish the identity of the individual and of the entity.

"(2)(A) Except as provided under paragraph (3), no person may distribute a substance listed under subsection (d) unless the recipient or purchaser presents to the distributor a certification of lawful use and identification in order to establish the identity of the recipient or purchaser (and any entity which the recipient or purchaser represents).

"(B) The certification of lawful use and identification shall be of such a type as the Attorney General establishes by regulation.

"(3) Under such conditions and to such extent as the Attorney General establishes, paragraphs (1) and (2) shall not apply to—

"(A) the distribution of listed substances between agents or employees within a single facility (as defined by the Attorney General), if such agents or employees are acting in the lawful and usual course of their business or employment;

"(B) the delivery of listed substances to or by a common or contract carrier for carriage in the lawful and usual course of its business, or to or by a warehouseman for storage in the lawful and usual course of its business; but where such carriage or storage is in connection with the distribution, importation, or exportation of substances to a third person, this subparagraph shall not relieve the distributor, importer, or exporter from compliance with paragraph (1) or (2);

"(C) any distribution, importation, or exportation with respect to which the Attorney General determines that the reports or records required by paragraph (1) or the presentation of identification or certification required by paragraph (2) is not necessary for the enforcement of this subchapter; or

"(D) any distribution, importation, or exportation of any drug product which contains a listed substance and which can be lawfully marketed or distributed in the United States under the provisions of the Food, Drug, and Cosmetic Act.

"(b) It shall be unlawful for any person knowingly or intentionally—

"(1) to import into the customs territory of the United States from any place outside thereof (but within the United States), or to import into the United States from any place outside thereof, any substance listed under subsection (d) unless the substance is imported for commercial, scientific, or other legitimate uses, and is imported pursuant to such notification or declaration requirements as the Attorney General may by regulation prescribe; and

"(2) to export from the United States to any other country a substance listed under subsection (d) unless there is furnished (before export) to the Attorney General documentary proof that exportation is not contrary to the laws or regulations of the country of destination for consumption for medical, commercial, scientific, or other legitimate purposes, and is exported pursuant to such notification or declaration requirements as the Attorney General may by regulation prescribe.

"(c) The Attorney General may by rule—

"(1) add substances to the list in subsection (d) if the Attorney General finds that—

"(A) such substance is a precursor or essential chemical which can be used to manufacture a controlled substance; and

"(B) such substance is being used in the manufacture of controlled substances in violation of this title; or

"(2) delete a substance listed in subsection (d) or added to the list by rule if the Attorney General finds that its listing no longer meets the criteria set forth in paragraph (1).

"(d) The provisions of this title shall apply to the following:

"(1) Precursor chemicals:

"(A) N-Acetylanthranilic acid.

"(B) Anthranilic acid.

"(C) Ergotamine tartrate.

"(D) Ergonovine maleate.

"(E) Phenylacetic acid.

"(F) Ephedrine.

"(G) Pseudoephedrine.

"(H) Benzyl cyanide.

"(I) Benzyl chloride.

"(J) Piperidine.

"(2) Essential chemicals:

"(A) Potassium permaganate.

"(B) Acetic anhydride.

"(C) Acetone.

"(D) Ethyl ether.

"(e) Any information which is reported to or otherwise obtained by the Attorney General under this section and which is exempt from disclosure pursuant to subsection (a) of section 552 of title 5, United States Code, by reason of subsection (b)(4) thereof shall be considered confidential and shall not be disclosed, except that such information may be disclosed to officers or employees of the United States concerned with carrying out this title or title III or when relevant in any proceeding for the enforcement of this title or title III or when necessary to meet United States treaty obligations.

"(f) For purposes of this title:

"(1) The term 'import' has the meaning given such term in section 1001 of title III (21 U.S.C. 951(a)(1)).

"(2) The term 'customs territory of the United States' has the meaning assigned to such term by section 1001 of title III (21 U.S.C. 951(a)(2)).

"(g)(1) No person may distribute, sell, import, export, or otherwise transfer to another person any commercial tableting machine or encapsulating machine unless the purchaser, recipient, transferee, or his agent presents to the distributor or supplier a certification of lawful use and identification to establish the identity of the recipient or purchaser (and any entity which the recipient or purchaser represents) of such a type as the Attorney General by regulation may establish.

"(2) Any person who distributes, sells, imports, exports, or otherwise transfers to another person any commercial tableting machine or encapsulating machine shall report the transfer to the Attorney General in such a form as the Attorney General may by regulation require. The Attorney General may require such information as the date of sale or transfer, name and address of transferee, purpose for which the machine is intended, and the serial numbers and make and model of the machine.

"(h) An interested person (by petition) or the Attorney General may initiate action to add or delete chemicals pursuant to subsection (c).".

SEC. 3. CRIMINAL PENALTIES.

(a) Section 401(d)(1) (21 U.S.C. 841(d)(1)) of the Controlled Substances Act is amended by—

(1) striking out "piperidine" and inserting in lieu thereof "precursor chemical or essential chemical listed under section 310(d)"; and

(2) striking out "phencyclidine" and inserting in lieu thereof "any controlled substance".

(b) Section 401(d)(2) (21 U.S.C. 841(d)(2)) of the Controlled Substances Act is amended by—

(1) inserting "or distributes" after "possesses";

(2) striking out "piperidine" the first place it appears and inserting in lieu thereof "precursor chemical or essential chemical listed under section 310(d)";

(3) striking out "piperidine" the second place it appears and inserting in lieu thereof "precursor chemical or essential chemical"; and

(4) striking out "phencyclidine" and inserting in lieu thereof "any controlled substance".

(c) Section 401(d) (21 U.S.C. 841(d)) of the Controlled Substances Act is amended by—

(1) striking out "or" after the comma in paragraph (1); and

(2) adding new paragraphs (3), (4), and (5) as follows:

"(3) manufactures, distributes, imports, or exports a precursor chemical or essential chemical listed under section 310(d) except as provided for by this title,

"(4) possesses any precursor chemical or essential chemical listed under section 310(d), with knowledge that the recordkeeping or reporting requirements of section 310(a) or regulations issued pursuant to section 310(a) have not been complied with, or

"(5) with the intent of causing the evasion of the recordkeeping or reporting requirements of section 310(a) of the regulations issued thereunder, receives or distributes a reportable amount of any chemical listed under section 310(d) in units small enough so that the making of records or filing of reports under section 310(a) is not required,".

(d) Section 402(a)(9) (21 U.S.C. 842(a)(9)) of the Controlled Substances Act is amended by—

(1) striking out "or sell piperidine" and replacing it with "a precursor chemical or essential chemical listed under section 310(d)"; and

(2) adding "or certification" after "identification".

(e) Section 402(c)(2) (21 U.S.C. 842(c)(2)) of the Controlled Substances Act is amended by striking out subparagraph (C).

(f) Section 403(a) (21 U.S.C. 843(a)) of the Controlled Substances Act is amended—

(1) in paragraph (4)(B) by striking out "piperidine" and inserting in lieu thereof "a precursor chemical or essential chemical listed under section 310(d)";

(2) in paragraph (4)(B) by adding "or certificate" after "identification" where it appears;

(3) in paragraph (4) by striking out "or" after the semicolon;

(4) in paragraph (5) by striking out the period and inserting in lieu thereof "; or"; and

(5) by adding the following paragraphs at the end thereof:

"(6) to possess any drug manufacturing equipment, tableting or encapsulating machines, or gelatin capsules with intent to manufacture a controlled substance except as authorized by this title; or

"(7) to manufacture, distribute, or import any drug manufacturing equipment, tableting or encapsulating machines, or gelatin capsules knowing, or having reasonable cause to believe, that they will be used to manufacture a controlled substance except as authorized by this title.".

(g) Section 403(c) (21 U.S.C. 843(c)) of the Controlled Substances Act is amended by adding at the end of the paragraph the following: "In addition, any person convicted of a violation of this section or section 401 relating to the receipt, distribution, importation, or exportation of substances listed in section 310(d) may be enjoined from conducting business activities with such substances for a minimum of 10 years.".

SEC. 4. FORFEITURES.

Section 511(a) of the Controlled Substances Act (21 U.S.C. 881) is amended by adding a new paragraph (9) as follows:

"(9) All chemicals listed under section 310(d), all drug manufacturing equipment, all tableting or encapsulating machines, and all gelatin capsules, which have been imported, exported, manufactured, possessed, distributed, or intended to be distributed, in violation of this title, as well as all conveyances and equipment, including aircraft, vehicles, or vessels, which are used, or are intended for use, to transport, or in any way facilitate the transportation, distribution, receipt, possession, or concealment of precursor chemicals and essential chemicals, drug manufacturing equipment, tableting or encapsulating machines, or gelatin capsules, in violation of this title, except as provided for under subparagraphs (A) and (B) of paragraph (4).".

SEC. 5. DEFINITIONS.

Section 102 (21 U.S.C. 802) of the Controlled Substances Act is amended—

(1) in paragraph (11), by inserting after "a controlled substance" both places it appears the following: "or a precursor chemical or essential chemical listed under section 310(d)";

(2) in paragraph (8), by inserting "or a precursor chemical or essential chemical" after "a controlled substance"; and

(3) by adding at the end thereof the following new paragraphs:

"(33) The term 'precursor chemical' means a substance that may be used in the chemical process of manufacturing controlled substances and which is incorporated into the final product and is therefore critical to its manufacture.

"(34) The term 'essential chemical' means a substance that may be used in the chemical process of manufacturing controlled substances as a solvent, reagent, or catalyst.".

SEC. 6. TECHNICAL AMENDMENTS.

(a) Section 506(a) (21 U.S.C. 876(a)) of the Controlled Substances Act is amended by adding "or precursor chemicals or essential chemicals" after "with respect to controlled substances".

(b) The table of sections for part C of the Controlled Substances Act is amended by deleting the item relating to section 310 and inserting the following in lieu thereof:

"310. Precursor chemicals and essential chemicals.".

SEC. 7. ACTIVE DOJ CONTROL PROGRAM.

The Attorney General shall maintain an active program, both domestic and international, to curtail the diversion of precursor chemicals and essential chemicals used in the illicit manufacture of controlled substances. This program shall include appropriate controls on the purchase, sale, import, and export of these chemicals and development of cooperative efforts with foreign drug control authorities.

SEC. 8. EFFECTIVE DATE.

This Act shall take effect 120 days after the date of enactment of this Act.●

By Mr. DURENBERGER (for himself, Ms. MIKULSKI, Mr. LUGAR, Mr. KENNEDY, Mrs.

KASSEBAUM, Mr. BURDICK, Mr. BOSCHWITZ, Mr. METZENBAUM, and Mr. PRESSLER):

S.J. Res. 215. Joint resolution to authorize the Vietnam Women's Memorial Project, Inc., to establish a memorial to women of the Armed Forces of the United States who served in the Vietnam war; to the Committee on Energy and Natural Resources.

CONSTRUCTION OF MEMORIAL TO WOMEN VETERANS OF THE VIETNAM WAR

● Mr. DURENBERGER. Mr. President, I rise today to introduce legislation that would authorize the construction of a statue honoring the women who served our Nation in the Armed Forces in the Vietnam war.

As many of my colleagues are aware, the Vietnam Women's Memorial project was founded in 1984 by Donna Marie Boulay, a Minneapolis attorney, nurse, and Vietnam veteran. The purpose of the project is to educate the public about the service of women during the Vietnam war and to build a memorial honoring their service.

Though 10,000 women served in the Vietnam conflict—both in the military and as civilians—their unique contributions have not been acknowledged by our Nation. The Vietnam Women's Memorial project has made tremendous advances in educating Americans and showing that women do serve, do participate, do sacrifice and do deserve recognition for their efforts on behalf of their fellow citizens and to their country in war and in peace.

The proposed statue was designed by Rodger Brodin, also of Minneapolis, MN, and is compatible in size and detail with the statue of the three infantrymen which has been placed on the grounds of the Nation's Vietnam Veterans Memorial next to Maya Ying Lin's "the Wall."

The Vietnam Women's Memorial project is in the process of raising funds for educational purposes and to cover the costs of constructing the monument. They received a major donation today from the Stuart Corp. The project has gained the support of many organizations including the American Legion, the Veterans of Foreign Wars, Vietnam Veterans of America, the American Nurses Association, the Disabled American Veterans, the Jewish War Veterans, the Association of Critical Care Nurses, the Reserve Officer Association, the Vietnam Veterans' Memorial Fund, the Association of Operating Room Nurses, and the Military Order of the Purple Heart.

The Vietnam Women's Memorial project also has many supporters in Congress. I sponsored an opportunity for my colleagues to see a scale model of the proposed statue earlier this year. Numerous Senators and Congressmen have expressed their support for this project. A major milestone was in the approval process was achieved last month when Secretary of the Interior model, after consultation with National Park Service chief William Mott, recommended to the Commission of Fine Arts that the Vietnam Veterans' Memorial be completed with a statue honoring the contribution of women who served.

After receiving the support of the Interior Department, the project moved to the Commission of Fine Arts. In spite of Secretary Hodel's endorsement, the support of all the major national veterans groups, and a tremendous outpouring of grassroots support, the Commission of Fine Arts voted against the proposal on October 22, 1987. I testified at that meeting and was shocked and disappointed by the action of the Commission. I said at the time that when the history of the Vietnam Women's Memorial is written, the October 22d decision will be a mere footnote.

I felt that the Reagan administration appointees on the Commission missed a tremendous opportunity to honor the women who served in Vietnam. And I felt that the Commission missed the point—which was to honor women in the same way as men are honored, not to open the door to "the Scout Dogs Association" as the Commission Chairman alluded to at the hearing. As I heard one Vietnam veteran say this morning, "Would men feel recognized if the existing statues were of three women?"

The Commission of Fine Arts, along with the National Capital Planning Commission and the Secretary of the Interior, is named in Public Law 96-297 as having responsibility for approving the plans for the Nation's Vietnam Veterans' Memorial. Secretary Hodel correctly interpreted Public Law 96-297 as containing adequate authorization for the addition of a statue of a woman Vietnam veteran. But a small minority seem to view the statue as an afterthought that would prove to be disappointing.

In making their decision, the Commission barely commented on the merits of the design and location of the statue. Instead, they expressed a view that women are just another "special interest group" that cannot be appeased for fear of starting an avalanche of new statuary on the mall. In an opinion piece published in the Washington Post on November 8, the Commission's Chairman, J. Carter Brown, makes it very clear that he will never support the addition of a statue honoring the women who served in Vietnam. I ask unanimous consent that this article be inserted in the RECORD at the close of my remarks along with the article by Secretary Hodel endorsing the statue.

Because the Commission of Fine Arts seems determined to ignore the desires of all major veterans groups and the broad, bipartisan support from Members of Congress, I am today introducing legislation which would specifically authorize and direct the Secretary of the Interior to establish a statue of a woman Vietnam Veteran in the Vietnam veterans' Memorial site. While the Secretary is directed to consult with the Commission of Fine Arts he is not required to seek their final approval. The National Capital Planning Commission remains in the formal approval process. Through this legislation, the Commission of Fine Arts is given adequate opportunity to make comments within their mandate as to placement, design, and other relevant factors. But because of the steadfast position of the Commission of Fine Arts, I have drafted this legislation to specifically deny the CFA "veto power" over this long overdue memorial.

Since the rejection of the proposed statue by the Commission of Fine Arts, I have been deluged with letters and phone calls from around the country. I have received moving and eloquent testimony from a handful of the Americans who support this project. One Vietnam veteran said:

> I would not be here if it was not for the caring and skill of those brave women.

Another wrote to say:

> That wall would contain many more than 58,000 names were it not for them.

It is sentiments like these that led to my efforts to honor the unsung heroines of the Vietnam war.

Mr. President, I was deeply moved by the statue when I first saw it and its power reinforced my commitment to do what I can to make sure that the women who served so bravely in Vietnam get the recognition they so richly deserve. I urge my colleagues to join with me and the original cosponsors of Senate Joint Resolution 215—Senators MIKULSKI, LUGAR, KENNEDY, KASSEBAUM, BURDICK, BOSCHWITZ, METZENBAUM, and PRESSLER—in providing the recognition for women Vietnam veterans that is so long overdue. I believe that making the proposed statue a reality will not only honor the women who served in Vietnam but will also, in the words of the Vietnam Women's Memorial project, contribute to a "legacy of healing and hope."

There being no objection, the articles mentioned earlier were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Nov. 8, 1987]

A VIETNAM MEMORIAL FOR WOMEN?—A MOST APPROPRIATE WAY TO REMEMBER

We approach Veterans Day 1987 with a significant, unresolved question regarding this nation's willingness to honor all its veterans: whether to expand the existing Vietnam Veterans Memorial in Washington to include a statue of a woman to represent the many thousands of women who served so nobly in that conflict.

My support for this proposal, and my positive recommendation to the Commission of Fine Arts, is based on my belief that American women made outstanding contributions during the Vietnam War and that this statue is a most appropriate way to remember and to honor their participation.

This proposal has widespread support across America, including many veterans' organizations. Under the regulations that pertain to the modification of existing national memorials, the expansion—which would be in the form of a statue of a woman placed to the east of the statue of the three soldiers—must be approved by the Commission of Fine Arts, the Nationl Capital Planning Commission and the Secretary of the Interior. The Commission of Fine Arts recently voted against it. Unfortunately, there is no indication that the commission is interested in reviewing or reconsidering its action in the immediate future.

I was the Under Secretary of the Interior at the time of the lengthy debate on the original Vietnam Memorial and am well aware that, when it comes to public monuments commemorating major events, there always are contentious and competing points of view. The debate preceding the negative vote by the Commission of Fine Arts is a case in point.

I am not an expert in the design or aesthetics of outdoor monuments; I therefore consulted those who are before making my final decision. William Penn Mott, Jr., director of the National Park Service, provided me with advice that was both clear and unequivocal: the statue of a woman could be added to the Vietnam Memorial without impairing the integrity of the memorial. In fact, it would provide an overall balance. That conclusion was reached after extensive consultation with veterans and other interested groups, whose support for the concept of a statue representing women's contributions is overwhelming.

The proposal to balance the memorial with a commemoration of the effort of the women who served in Vietnam is sponsored by the Vietnam Women's Memorial Project, Inc., a volunteer group that has worked for several years to build support for this idea. The project also would lead the private, national fund-raising campaign which would fund the statue and the costs of placing it in the memorial. Financial support for the implementation of this noble idea should come not from the U.S. Treasury, but from individual citizens supporting an idea that has stirred the hearts of so many of us.

My recommendation is only one of three that affect this issue. The negative vote of the Commission of Fine Arts has brought the decision-making process to a halt, at least for the time being. Despite that decision, I shall continue to support the addition of the statue of a woman to the Vietnam memorial, one representing all of the brave women who served in that conflict and whose contributions and sacrifices made them an integral part of that heroic effort.—Donald Hodel.

WE SHALL NEVER BE ABLE TO SATISFY EVERYONE'S SPECIAL INTEREST

Of course this nation should be grateful to the women who gallantly served in the Vietnam War. That is why Congress has enacted a bill authorizing the establishment of a memorial on federal land for just this purpose, to honor these and all womem who have served in the Armed Forces. Its scope would transcend the existing Vietnam memorial, "to commemorate devoted service to country and humanity by Army, Navy and Air Force Nurses," not far away in Arlington Cemetery.

The recent proposal to add on to the Vietnam Veterans Memorial in Constitution Gardens carried with it all the earmarks of an afterthought. By its remote placement on a path leading away from the memorial, it would have ended up slighting the very constituency it was attempting to please.

When the existing sculpture of the three soldiers was conceived, the thought was that the infantrymen, who bore the brunt of the battle, would stand for all those who served. A great deal of thought and study went into its placement, and to the resulting delicate balance it sets up with Maya Lin's brilliantly conceived wall. We cannot fail to recognize that there are many other categories of veterans, all of whom performed valiant service, too many to be literally depicted. Once the principle of the part standing for the whole is abandoned, how can one ever justify denying any of these worthy groups their own effigies in bronze on that site?

The existing memorial does not picture any member of the Air Force, for example, or the Navy, or the Marines, not to mention other categories of people who have already protested, such as Native Americans. Are we to understand that all these gallant people are therefore excluded? If a lone statue of a white Army nurse, then why no others recognizing Navy nurses, or all the women who served who were not nurses? How about black women?

The existing memorial is, in fact, unusually inclusive. It lists names of every one of the fallen. Of the 58,156, the names of the eight women who died are duly inscribed. In addition, on the memorial are the words for all to see: "In honor of the men and women of the Armed Forces of the United States who served in the Vietnam War."

The memorial is extraordinarily successful as it stands—one of the most moving and artistically powerful memorials ever built. Let's preserve it. Let's not start tinkering; we shall never be able to satisfy everyone's special interest. Art is not legislation, subject to endless amendments by others after the fact.

We have our chance now, from the start, to build a memorial to the women who have served this country in war. All of us who care deeply about the sacrifices women have made for our country should put our effort toward this. A thing worth doing is worth doing right.—J. Carter Brown.●

● Ms. MIKULSKI Mr. President, I rise as a cosponsor of the legislation offered by the Senator from Minnesota. This legislation would authorize construction of a statue commemorating the service of women in the Vietnam war.

Approximately 10,000 women served with valor and distinction in Vietnam. Eight of those military women died there while on active duty.

Too few Americans remember that throughout this Nation's history, and especially during the Vietnam conflict, women served in the military with bravery, professionalism, and effectiveness. They should be honored with the same appreciation we give to all veterans.

I have seen the proposed statue. I believe it is appropriate and it commemorates the valor and sacrifice of women veterans who served in Vietnam. Its construction would be financed completely with donations, so this legislation would not cost the taxpayers a single dollar.

Patriotism and service know no gender boundaries. I believe this legislation will advance the cause of equity and honor in the military. I urge my colleagues to support it.●

By Mr. JOHNSTON (by request):

S.J. Res. 216. Joint resolution approving the location of the Black Revolutionary War Patriots Memorial; to the Committee on Energy and Natural Resources.

APPROVING THE LOCATION OF THE BLACK REVOLUTIONARY WAR PATRIOTS MEMORIAL

● Mr. JOHNSTON. Mr. President, at the request of the Department of the Interior, I send to the desk a joint resolution approving the location of the Black Revolutionary War Patriots Memorial.

Mr. President, this draft legislation was submitted and recommended by the Department of the Interior, and I ask unanimous consent that the joint resolution, and the communication which accompanied the proposal from the Secretary be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S.J. RES. 216

Whereas section 6(a) of the Act entitled "To provide standards for placement of commemorative works on certain Federal lands in the District of Columbia and its environs, and for other purposes," approved November 14, 1986 (100 Stat. 3650, 3651), provides that the location of a commemorative work in the area described therein as Area I shall be deemed disapproved unless, not later than 150 days after the Secretary of the Interior or the Administrator of General Services notifies the Congress of his determination that the commemorative work should be located in Area, I, the location is approved by law;

Whereas the Joint Resolution approved October 27, 1986 (100 Stat. 3144), authorizes the Black Revolutionary War Patriots Foundation to establish a memorial on Federal land in the District of Columbia and its environs to honor the estimated five thousand courageous slaves and free black persons who served as soldiers and sailors or provided civilian assistance during the American Revolution and to honor the countless black men, women, and children who ran away from slavery or filed petitions with courts and legislatures seeking their freedom; and

Whereas the Secretary of the Interior has notified the Congress of his determination that the memorial authorized by the said Joint Resolution approved October 27, 1986, should be located in Area I: Now, therefore,

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the location of a commemorative work to honor the slaves and free black persons who served as soldiers and sailors or provided civilian assistance during the American Revolution and to honor the black men, women, and children who ran away from slavery or filed petitions with courts and legislatures seeking their freedom, authorized by the Joint Resolution approved October 27, 1986 (100 Stat. 3144), in the area described in the Act approved November 14, 1986 (100 Stat. 3650), as Area I, is hereby approved.

THE SECRETARY OF THE INTERIOR,
Washington, November 9, 1987.

Hon. GEORGE BUSH,
President of the Senate, Washington, DC.

DEAR MR. PRESIDENT: The joint resolution approved October 27, 1986 (100 Stat. 3144), authorizes the Black Revolutionary War Patriots Foundation to establish a memorial on Federal land in the District of Columbia and its environs to honor the slaves and free black persons who served as soldiers and sailors or provided civilian assistance during the American Revolution and to honor the black men, women, and children who ran away from slavery or filed petitions with courts and legislatures seeking their freedom.

The Black Revolutionary War Patriots Foundation has proposed that the memorial be located in area I, the area comprising the central monumental core of the District of Columbia and its environs, which is defined by the act approved November 14, 1986 (100 Stat. 3650). Section 6(a) of that act provides that the Secretary of the Interior may approve the location of a commemorative work in area I only if he finds that the subject to the work is of preeminent historical and lasting significance to the Nation. That section further provides that the Secretary, after consultation with the National Capital Memorial Commission, shall notify the Congress of his determination that a commemorative work should be located in area I; and the location in area I shall be deemed disapproved unless within 150 days of the notification it is approved by law.

At its fourth meeting on June 16, 1987, the National Capital Memorial Commission recommended to me that the Black Revolutionary War Patriots Foundation memorial be located in area I. Because this proposed memorial represents a significant part of the fundamental military struggle that gave birth to the United States as a separate and free Nation, I find the subject to be of preeminent historical and lasting significance to the Nation, and I have determined that the Black Revolutionary War Patriots Foundation memorial, authorized by the Joint Resolution approved October 27, 1986, should be located in area I.

In accordance with section 6(a) of the act November 14, 1986 (100 Stat. 3650, 3651), notice is hereby given that I have approved the location of this proposed memorial in area I, that through my designee I have consulted with the National Capital Memorial Commission, and that I have determined that the memorial should be located in area I. Under section 6(a) of that act, the location is approved by law deemed disapproved unless the location is approved by law not later than 150 days after this notification.

Enclosed is a draft of a joint resolution which, if enacted within 150 days, would have the effect of approving the location of this memorial in area I. We recommend that it be introduced and referred to the appropriate committee for consideration, and we recommend its timely enactment.

The Office of Management and Budget has advised that there is no objection to the enactment of the enclosed draft joint resolution from the standpoint of the administration's program.

Sincerely,

DONALD PAUL HODEL.

By Mr. ADAMS:

S.J. Res. 217. Joint resolution providing specific authorization under the War Powers Resolution for the continued use of U.S. Armed Forces in the Persian Gulf, consistent with the foreign policy objectives and national security interests of the United States; to the Committee on Foreign Relations.

AUTHORIZATION UNDER THE WAR POWERS RESOLUTION FOR CONTINUED USE OF U.S. ARMED FORCES IN THE PERSIAN GULF

● Mr. ADAMS. Mr. President, on November 6 I introduced Senate Joint Resolution 213, pursuant to the terms of Public Law 93-148, the War Powers Resolution. Senate Joint Resolution 213 is designed to constitute the constitutionally required congressional response to the situation in the Persian Gulf. As I indicated in my statement accompanying the introduction of that resolution, it reflects my present sentiments and that of those who cosponsored it regarding what our policy in the Persian Gulf should be.

It is my understanding that because of some of the provisions included in the bill as introduced, some might raise a debatable procedural point relative to whether or not that particular resolution should be afforded the expedited procedures intended by the War Powers Resolution. Clearly I believe that Senate Joint Resolution 213 is entitled to be considered under the expedited procedures and would be more than willing to argue the point. But I also believe that the Senate has spent too much time debating procedures surrounding the War Powers Resolution and too little time debating what our policy ought to be in the Persian Gulf. This Senator has no desire to create another unclear situation with respect to Senate procedure under the War Powers Resolution. Rather, I am and have always been interested in a timely debate on what our policy should be toward the present circumstances in the Persian Gulf.

Accordingly, in order to eliminate any doubt that such a policy resolution should be accorded expedited procedures under the law, I am today introducing this simplified resolution. It is my understanding that, given the precedents established during the consideration of Senate Joint Resolution 159 which was introduced in 1983 to deal with the multinational peacekeeping force in Lebanon, this resolution is clearly protected by the expedited procedures established in Public Law 93-148.

Introduction of this resolution today should remove any doubt about whether or not a resolution addressing the conditions under which Congress is willing to authorize or terminate U.S. involvement in the Persian Gulf is subject to expedited procedures contained in Public Law 93-148. I am hopeful that we can now move forward both in the Senate Foreign Relations Committee and on the Senate floor to debate what our policy should be in the Persian Gulf.

Mr. President, I ask unanimous consent that the text of this joint resolution, as well as the joint resolution I introduced last week, appear in the RECORD.

There being no objection, the joint resolutions were ordered to be printed in the RECORD, as follows:

S.J. RES. 217

Whereas keeping the Persian Gulf sea lanes open to international commerce is critical to the national security of the United States;

Whereas beginning in July 1987 the United States Armed Forces began the convoying or escorting in the Persian Gulf of vessels formerly owned by Kuwait or Kuwaiti nationals which had been reregistered under the flag of the United States;

Whereas on October 19, 1987, United States Armed Forces fired upon and destroyed an armed Iranian platform in the Persian Gulf in retaliation for an Iranian missile attack on October 15, 1987, against a United States-flag tanker and this clearly indicates a situation of hostilities or imminent involvement in hostilities by United States forces, as contemplated by section 4(a)(1) of Public Law 93-148;

Whereas section 4(a)(1) of Public Law 93-148 requires that United States Armed Forces may not be introduced into hostilities or into situations in which imminent involvement in hostilities is clearly indicated by the circumstances for longer than the 60-day period described in section 5(b) of such resolution without the specific authorization of Congress, a declaration of war, or other extenuating circumstances: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This joint resolution may be cited as the "Persian Gulf Navigation Protection Act of 1987".

SEC. 2. For the purpose of this authorization, the 60-day period specified in section 5(b) of Public Law 93-148 is determined to have begun on October 19, 1987.

SEC. 3. The President is specifically authorized, for purposes of section 5(b) of Public Law 93-148 to continue to deploy United States Armed Forces in the Persian Gulf, except that the use of United States Armed Forces to convoy or escort vessels owned by any government or national of a country bordering the Persian Gulf as of June 1, 1987, may continue only until the date which is 6 months from the expiration of the 60-day period specified in section 5(b) of Public Law 93-148.

S.J. RES. 213

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This joint resolution may be cited as the "Persian Gulf Navigation Protection Act of 1987".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) keeping the Persian Gulf sea lanes open to international commerce is critical to the national security of the United States;

(2) beginning in July 1987 the United States Armed Forces began the convoying or escorting in the Persian Gulf of vessels formerly owned by Kuwait or Kuwaiti nationals which had been reregistered under the flag of the United States;

(3) on October 19, 1987, United States Armed Forces fired upon and destroyed an armed Iranian platform in the Persian Gulf in retaliation for an Iranian missile attack on October 15, 1987, against a United States-flag tanker;

(4) the War Powers Resolution requires that United States Armed Forces may not be introduced into hostilities or into situations in which imminent involvement in hostilities is clearly indicated by the circumstances for longer than the 60-day period described in section 5(b) of such Resolution without the specific authorization of Congress, a declaration of war, or other extenuating circumstances; and

(5) the United States must continue to maintain a military presence in the Persian Gulf to protect United States national security interests.

(b) DECLARATION.—The Congress declares that the requirements of section 4(a)(1) of the War Powers Resolution became operative on October 19, 1987.

(c) PURPOSES.—The purposes of this joint resolution are—

(1) to provide specific authorization under section 5(b) of the War Powers Resolution for the continued deployment of United States Armed Forces in the Persian Gulf to achieve United States foreign policy objectives and to protect United States security interests; and

(2) to clarify United States goals and policy toward the continued deployment of United States armed forces in the Persian Gulf.

SEC. 3. STATEMENT OF POLICY IN THE PERSIAN GULF.

It shall be the United States policy in the Persian Gulf—

(1) to keep the sea lanes open to international commerce;

(2) to remain neutral in the war between Iran and Iraq and to seek a just end to that conflict;

(3) to preserve the integrity of other nonbelligerent countries bordering the Persian Gulf;

(4) to prevent a strategic gain by the Soviet Union in the region;

(5) to urge United States allies, whether within or outside the Persian Gulf region, to participate more fully in sharing the burden of achieving and preserving peace in the Persian Gulf region;

(6) to defend United States Armed Forces against aggression by any country bordering the Persian Gulf which threatens the peaceful United States presence in the Gulf and the policy set forth in this section; and

(7) to pursue efforts through the United Nations to implement a cease-fire in the war between Iraq and Iran and other actions which will contribute to a lessening of hostilities in the Persian Gulf.

SEC. 4. SPECIFIC AUTHORIZATION FOR CONTINUED DEPLOYMENT OF UNITED STATES ARMED FORCES IN THE PERSIAN GULF.

The President is specifically authorized, for purposes of section 5(b) of the War Powers Resolution, to continue to deploy United States Armed Forces in the Persian Gulf, subject to the restrictions of section 5 of this joint resolution.

SEC. 5. RESTRICTIONS ON PRESIDENTIAL AUTHORITY.

The restrictions referred to in section 4 are as follows:

(1) Notwithstanding any other provision of law, on or after the date of enactment of this joint resolution no vessel owned by a government or national of a country bordering the Persian Gulf may be reregistered under the flag of the United States, except that any such vessel first so reregistered before such date may continue to be so reregistered.

(2)(A) On and after the date of enactment of this joint resolution, the use of United States Armed Forces to convoy or escort vessels owned by any government or national of a country bordering the Persian Gulf as of June 1, 1987, may continue—

(i) only if the government of such country agrees to reimburse the United States for the costs incurred in such use of the United States Armed Forces; and

(ii) only until the date which is 6 months after the date of enactment of this joint resolution, except that such date may be extended by additional periods of 6 months if for each such period the Congress enacts, in accordance with subparagraph (B), a joint resolution authorizing the use of United States Armed Forces for such period of time for the purposes authorized by this joint resolution.

(B) A joint resolution described in subparagraph (A)(ii) shall be considered in the House of Representatives and in the Senate in accordance with the procedures applicable to joint resolutions under paragraphs (3) through (7) of section 8066(c) of the Department of Defense Appropriations Act, 1985 (as contained in Public Law 98-473), except that references in such paragraphs to the Committee on Appropriations shall be deemed to be references in the House of Representatives to the Committee on Foreign Affairs and in the Senate to the Committee on Foreign Relations.

(3) The President shall consult with the Congress before using United States Armed Forces in hostilities under this joint resolution (other than actions necessary to repel attacks against United States Armed Forces or United States-flag vessels).

SEC. 6. REPORTING REQUIREMENT.

In addition to the reports required by section 4(c) of the War Powers Resolution, beginning 30 days after the date of enactment of this Act, and every 30 days thereafter, the President shall prepare and transmit to the Speaker of the House of Representatives and the President pro tempore of the Senate a report on the progress made in implementing the policy set forth in this joint resolution.

SEC. 7. INTERPRETATION OF THIS JOINT RESOLUTION.

(a) APPLICATION OF PRESIDENTIAL AUTHORITY.—(1) Nothing in this joint resolution shall preclude the President from withdrawing United States Armed Forces from the Persian Gulf if circumstances warrant their withdrawal.

(2) Nothing in this joint resolution requires the President totally to withdraw United States Armed Forces from the Persian Gulf if such Forces are not used in connection with the escorting or convoying of vessels reregistered under the United States flag.

(b) APPLICATION OF THE WAR POWERS RESOLUTION.—Nothing in this joint resolution shall have the effect of modifying, limiting, or superseding any provision of the War Powers Resolution.●

ADDITIONAL COSPONSORS

S. 9

At the request of Mr. CRANSTON, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 9, a bill to amend title 38, United States Code, to increase the rates of disability compensation and dependency and indemnity compensation for veterans and survivors; to provide additional eligibility for certain educational or rehabilitation assistance to veterans and other eligible individuals with drug or alcohol abuse disabilities; to increase the maximum amount of a home loan which is guaranteed by the Veterans' Administration; to improve housing, automobile, and burial assistance programs for service-disabled veterans; and to extend and establish certain exemptions from sequestration for certain veterans' benefits; and for other purposes.

S. 39

At the request of Mr. MOYNIHAN, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 39, a bill to amend the Internal Revenue Code of 1986 to make the exclusion from gross income of amounts paid for employee educational assistance permanent.

S. 143

At the request of Mr. INOUYE, the name of the Senator from Idaho [Mr. SYMMS] was added as a cosponsor of S. 143, a bill to establish a temporary program under which parenteral diacetylmorphine will be made available through qualified pharmacies for the relief of intractable pain due to cancer.

S. 464

At the request of Mr. CRANSTON, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 464, a bill to prohibit discrimination on the basis of affectional or sexual orientation, and for other purposes.

At the request of Mr. CRANSTON, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 556, a bill to prohibit investments in, and certain other activities with respect to, South Africa, and for other purposes.

S. 708

At the request of Mr. PROXMIRE, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 708, a bill to require annual appropriations of funds to support timber management and resource conservation on the Tongass National Forest.

S. 1382

At the request of Mr. METZENBAUM, the name of the Senator from Pennsylvania [Mr. HEINZ] was added as a cosponsor of S. 1382, a bill to amend the National Energy Conservation Policy Act to improve the Federal Energy Management Program, and for other purposes.

S. 1489

At the request of Mr. MOYNIHAN, the names of the Senator from New Mexico [Mr. BINGAMAN], the Senator from Idaho [Mr. MCCLURE], the Senator from North Dakota [Mr. BURDICK], and the Senator from Wisconsin [Mr. KASTEN] were added as cosponsors of S. 1489, a bill to amend section 67 of the Internal Revenue Code of 1986 to exempt certain publicly offered regulated investment companies from the disallowance of indirect deductions through pass-thru entities.

S. 1630

At the request of Mr. HEFLIN, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as a cosponsor of S. 1630, a bill to provide for retirement and survivors' annuities for bankruptcy judges and magistrates, and for other purposes.

S. 1678

At the request of Mr. HATCH, the names of the Senator from Mississippi [Mr. COCHRAN], and the Senator from Minnesota [Mr. BOSCHWITZ] were added as cosponsors of S. 1678, a bill to establish a block grant program for child care services, and for other purposes.

S. 1711

At the request of Mr. BENTSEN, the names of the Senator from New Mexico [Mr. BINGAMAN], the Senator from Missouri [Mr. BOND], the Senator from Vermont [Mr. LEAHY], and the Senator from Connecticut [Mr. WEICKER] were added as cosponsors of S. 1711, a bill to amend the Social Security Act to establish a National Commission on Children.

S. 1752

At the request of Mr. BAUCUS, the names of the Senator from Vermont [Mr. STAFFORD], the Senator from Illinois [Mr. SIMON], the Senator from Tennessee [Mr. SASSER], the Senator from North Dakota [Mr. BURDICK], the Senator from Arizona [Mr. DECONCINI], the Senator from Maine [Mr. MITCHELL], the Senator from Oklahoma [Mr. BOREN], the Senator from Arkansas [Mr. PRYOR], the Senator from Colorado [Mr. WIRTH], the Senator from South Dakota [Mr. DASCHLE], the Senator from Iowa [Mr. GRASSLEY], the Senator from Nevada [Mr. REID], the Senator from Washington [Mr. ADAMS], and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of S. 1752, a bill to establish a Commission to study the effects of deregulation of the airline industry.

S. 1788

At the request of Mr. TRIBLE, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 1788, a bill to protect the aquatic environment from certain chemicals used in antifoulant paints, and for other purposes.

S. 1794

At the request of Mr. MOYNIHAN, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 1794, a bill to establish, within the Department of Transportation, the High-Speed Ground Transportation Office; to develop the technology for a magnetically levitated superconducting transportation system; and for other purposes.

SENATE JOINT RESOLUTION 141

At the request of Mr. NICKLES, the name of the Senator from Minnesota [Mr. BOSCHWITZ] was added as a cosponsor of Senate Joint Resolution 141, a joint resolution designating August 29, 1988, as "National China-Burma-India Veterans Appreciation Day".

SENATE JOINT RESOLUTION 169

At the request of Mr. MOYNIHAN, the names of the Senator from Missouri, [Mr. BOND], the Senator from Oklahoma [Mr. BOREN], the Senator from New Jersey [Mr. BRADLEY], the Senator from Arkansas [Mr. BUMPERS], the Senator from North Dakota [Mr. BURDICK], the Senator from California [Mr. CRANSTON], the Senator from New York [Mr. D'AMATO], the Senator from Arizona [Mr. DECONCINI], the Senator from Illinois [Mr. DIXON], the Senator from New Mexico [Mr. DOMENICI], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Ohio [Mr. GLENN], the Senator from Tennessee [Mr. GORE], the Senator from Utah, [Mr. HATCH], the Senator from Oregon [Mr. HATFIELD], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Massachusetts [Mr. KERRY], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Michigan [Mr. LEVIN], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Ohio [Mr. METZENBAUM], the Senator from Maryland [Ms. MIKULSKI], the Senator from Maine [Mr. MITCHELL], the Senator from Oklahoma [Mr. NICKLES], the Senator from Georgia [Mr. NUNN], the Senator from Rhode Island [Mr. PELL], the Senator from Michigan [Mr. RIEGLE], the Senator from Maryland [Mr. SARBANES], the Senator from Vermont [Mr. STAFFORD], the Senator from Illinois [Mr. SIMON], the Senator from Pennsylvania [Mr. SPECTER], and the Senator from Idaho [Mr. SYMMS] were added as cosponsors of Senate Joint Resolution 169, a joint resolution designating October 2, 1988, as a national day of recognition for Mohandas K. Gandhi.

SENATE JOINT RESOLUTION 172

At the request of Mr. BRADLEY, the name of the Senator from California [Mr. CRANSTON] was added as a cosponsor of Senate Joint Resolution 172, a joint resolution to designate the period commencing February 21, 1988, and ending February 27, 1988, as "National Visiting Nurse Association Week".

SENATE JOINT RESOLUTION 181

At the request of Mr. WILSON, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of Senate Joint Resolution 181, a joint resolution designating the week beginning February 1, 1988, as "National VITA Week."

SENATE JOINT RESOLUTION 206

At the request of Mr. DOMENICI, the names of the Senator from Alaska [Mr. STEVENS], the Senator from Illinois [Mr. SIMON], and the Senator from Oklahoma [Mr. BOREN] were added as cosponsors of Senate Joint Resolution 206, a joint resolution to declare Dennis Chavez Day.

SENATE CONCURRENT RESOLUTION 23

At the request of Mr. CRANSTON, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of Senate Concurrent Resolution 23, a concurrent resolution designating jazz as an American national treasure.

At the request of Mr. D'AMATO, his name was added as a cosponsor of Senate Concurrent Resolution 23, supra.

SENATE CONCURRENT RESOLUTION 87

At the request of Mr. RIEGLE, the names of the Senator from Maine [Mr. MITCHELL], the Senator from Nevada [Mr. REID], and the Senator from Nebraska [Mr. KARNES] were added as cosponsors of Senate Concurrent Resolution 87, a concurrent resolution expressing the sense of the Congress with respect to demonstrations in Latvia commemorating Latvian Independence Day.

SENATE RESOLUTION 315

At the request of Mr. ADAMS, the name of the Senator from Utah [Mr. GARN] was added as a cosponsor of Senate Resolution 315, a resolution expressing the sense of the Senate concerning Brazilian trade and investment informatics policies.

SENATE RESOLUTION 317—SENSE OF THE SENATE WITH RESPECT TO CURRENT BUDGET REDUCTION NEGOTIATIONS

Mr. BOSCHWITZ (for himself, Mr. CONRAD, Mr. HEFLIN, Mr. BOND, Mr. LEVIN, Mrs. KASSEBAUM, Mr. SPECTER, Mr. ROCKEFELLER, Mr. PELL, and Mr. SHELBY) submitted the following resolution; which, pursuant to the order of August 4, 1977, was referred jointly to the Committee on the Budget and the Committee on Governmental Affairs:

S. RES. 317

Whereas the Congress and the President of the United States, acting in a spirit of bipartisan cooperation, have a unique opportunity to make meaningful, long-term reductions in the deficit;

Whereas the leadership and involvement of the President of the United States, the Senate, and the House of Representatives are crucial to developing and enacting a meaningful deficit reduction package;

Whereas the economic long-term well-being of our country and conditions under which our children and grandchildren will live is tied directly to our decisions on budgetary matters;

Whereas in the aftermath of the stock market's turbulence, it is imperative to send a strong signal to the American public, the financial community, and the rest of the world that the United States will make substantial progress to reduce its budget deficit; and

Whereas the strongest signal we could send would be to enact a balanced multi-year package for steady reductions in the Federal deficit, on a year-to-year basis: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) as part of a long-term plan for reducing the deficit, Senate leadership should seek a budget resolution plan that contains savings in fiscal year 1988 in excess of $23,000,000,000 and the plan should extend for at least two years; and

(2) the House should consider adopting a similar approach and that the President should become personally involved in the negotiations with leaders of Congress to ensure that a meaningful deficit reduction package will be enacted.

YEAR-TO-YEAR BUDGET DEFICIT REDUCTION

Mr. CONRAD. Madam President, I send a resolution to the desk for the purpose of introduction on behalf of Senator BOSCHWITZ and myself. I want to indicate that Senator BOSCHWITZ is the one who has taken the lead on this matter and that the resolution so reflects.

Madam President, this resolution is a very simple resolution that calls on our colleagues who are negotiating on behalf of the Senate, the House, and the Presidency to reduce the Federal budget deficit. In this resolution, Madam President, we are asking those who are negotiating on behalf of the House, the Senate, and the President to go beyond $23 billion of deficit reduction in fiscal 1988, to develop a multiyear plan that will assure us of year-to-year deficit reduction.

The first question that presents itself, Madam President, is, Why are we asking for more than $23 billion of deficit reduction in fiscal 1988?

The reason for that, Madam President, is very, very simple. The reason is $23 billion is not enough, and it is not enough because $23 billion of deficit reduction, contrary to many reports that have been seen in the media, will not provide year-to-year deficit reduction or, more precisely, the assurance of real year-to-year deficit reduction.

I think when many people in this country read in the paper day after day that there is going to be $23 billion of deficit reduction, they believe that $23 billion is a reduction from the deficit accumulated last year. Not so. In fact, the $23 billion that has been talked about over and over and over in the press is a $23 billion reduction from a projection of next year's deficit. It is not a reduction from last year's deficit.

The facts are just this. In fiscal 1987, we had a budget deficit of $148 billion. In 1988, CBO says we will have a budget deficit of $179 billion absent congressional action. If you take $23 billion from $179 billion, you come up with a budget deficit of $156 billion for fiscal 1988. That is an increase in the deficit, not a reduction. And that is precisely why we have introduced this resolution. The Federal Reserve Board must be accommodative in monetary policy if we are going to avoid slipping into a recession when we are reducing the fiscal stimulus in this economy, and certainly when we reduce the budget deficit we are reducing stimulus, we are pushing us more toward recession. The only way to avoid that is to do two things: To convince the Federal Reserve Board to be even more expansionary in terms of monetary policy, and to convince our allies of Western Europe and Japan that they, too, must be more expansionary in terms of their policy.

In my judgment there is absolutely no way to convince our own Federal Reserve Board or to convince West Germany and Japan to be more expansionary unless we show that we can get our own fiscal house in order, and that is why we are introducing this resolution, a resolution based on a bipartisan basis in an attempt to encourage those who are negotiating—the House, the Senate, and the President—to come out of their trenches, come out of their fixed positions and do what must be done to put this country back on a track that makes some sense.

I now yield the floor so that my distinguished colleague from Minnesota can more formally introduce the resolution.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 10 minutes.

Mr. BOSCHWITZ. Madam President, for purposes of introduction I send a resolution to the desk. I do so for myself and Mr. CONRAD, and also Senators HEFLIN, BOND, LEVIN, KASSEBAUM, SPECTER, ROCKEFELLER, PELL, and SHELBY. I believe that more cosponsors will be forthcoming as time passes.

The Senator from North Dakota really has put the whole matter very well. The Senator from North Dakota has noted that the budget rises and that the deficit is rising and that the reductions that are being talked about really are reductions from a new figure.

Madam President, I have a chart here that shows the outlays of the Federal Government each year from 1985 to 1988. The outlay in 1985 was $950 billion, in 1986 it was $988 billion, $1,002 billion in 1987, and now in 1988, $1,080 billion. And it is from this figure that we make cuts.

The average American would think that if you are cutting the budget, you are going to spend less than last year. Not so when it comes to the Federal Government. First you have to take inflation increases, civilian and military pay raises, the cost of new programs that have been passed, and it all comes to $1,080 billion. And then you start making reductions. So even if you were to make $23 billion in reductions, you still would be spending $55 billion more than last year, and yet on the terminology of the Federal budget those things are called cuts.

The American people would resoundingly say that a cut means a reduction from what you spent last year. Many people have gone through that in their lives—certainly I have—a situation where your income goes down from a year before and where you have to make adjustments and where you have to go without. Not so with the Federal Government. We are going to spend probably $70 billion more than last year and still say that we cut the budget by $10 billion. In a way if the American people properly understood the figures and how they are composed, they would be outraged, and properly so.

The resolution calls for several things, as the distingushed Senator from North Dakota has mentioned. First, it calls for reductions in excess of $23 billion, whether they be reductions in spending or, indeed, some increases in revenues, but we do need to get beyond the $23 billion mark. The $23 billion mark is really just a reflection of the Gramm-Rudman requirements.

Second, the resolution calls for a multiyear reduction, not just a single year reduction. That, too, makes good sense because in the outyears the reductions become larger. Furthermore, it is important that we treat the budget not as a 1-year endeavor but, rather, as a longer term endeavor because the deficit is not going to go away in 1 year.

Here on this chart where it shows that spending went up very modestly from 1986 to 1987—spending went up only $14 billion—in 1987 to 1988, spending is going to go up $78 billion. But because of that small rise from 1986 to 1987, 1½ percent, we made remarkable progress in reducing the budget deficit in 1987. The budget deficit went down by $73 billion. What we hope to do is to have a repeat performance in 1988—it is improbable, but we would like to have at least a better performance than $23 billion, and then carry that forward into the succeeding years.

Then our resolution also calls for the personal involvement of the President. Indeed, the President has been personally involved but not with all of the negotiations. It is our judgment, speaking for the Senator from North Dakota and myself, that the President ought to get negotiators from both sides in a limited number and put together an agreement hopefully that affects all elements of the budget, not just a narrow range of budget functions but every function of the budget.

If every function of the budget is included in the package of spending restraint, no one function will be hurt very badly. Every participant in Government programs may not get as much as they expected, but they will get more than last year. And that, indeed, should and hopefully will be acceptable. Not everybody will accept it, but the mass of the American people surely will.

The fairness of the approach of including absolutely everybody, not excluding anybody—and that is not in our resolution and perhaps at that point I speak for myself, Mr. President, but the idea of including the entire length and breadth of the budget in the adjustments is an important element of my approach at least to the budget.

I hope the President does get intimately involved with the leaders of both parties because I think if he does, we will very quickly proceed to a resolution of the budget crisis.

It is clear that we should have quickly proceeded to a resolution of what truly is a crisis in our society. The budget that seems to be so difficult to cope with really is not difficult to cope with if these figures proceed up slowly. If the spending figures proceed slowly, we can indeed do to the budget and do to the deficit what must be done.

In talking to Senators from both sides of the aisle, I find virtual unanimity, Mr. President, among Senators that they are willing to vote for a package and make votes that they may not have made at other times in their career here in the Senate, that they are willing to make votes particularly if they have some leadership from all of the leadership of both sides and the President because there is a certain reluctance to be out front. There is a certain reluctance to say people who have pensions or Social Security should be included in such spending constraints.

So that in the event our leadership says to us march forward in unison to a very broad budget restraint, it is my feeling—and I know the Senator from North Dakota shares the feeling—that Senators on our side and on his side are going to march forward with the leadership making votes as they thought they never would before.

Madam President, there is a letter that I have before me from the Disabled American Veterans. It is my understanding that other veterans groups share the same attitude. It says in the letter that so long as such an action would be uniformly applied to all Federal entitlement programs, they would take whatever is uniformly applied.

Madam President, I ask unanimous consent that the letter be put into the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL SERVICE AND
LEGISLATIVE HEADQUARTERS,
Washington, DC, November 5, 1987.

HON. RUDY E. BOSCHWITZ,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR BOSCHWITZ: In response to the current crisis that has rocked our nation's financial community and seriously impaired confidence—both home and abroad—in the American economy, key members of the Congress and the Executive Branch are involved in discussions aimed at achieving agreement upon a meaningful "deficit reduction package" for the coming fiscal year.

Certainly all Americans—including those who have served in our nation's Armed Forces—wish them Godspeed and success in this most difficult task.

As these deliberations most assuredly will include scrutiny of federal entitlement programs as one area in which to achieve reduced expenditures, I wish to inform you that the 1.1 million members of the Disabled American Veterans are willing to accept a delay, reduction or cancellation of the cost of living adjustments now being considered for VA service-connected disability compensation and nonservice-connected pension benefits, so long as such an action would be uniformly applied to all federal entitlement programs, including those administered by the Social Security Administration.

As you are most aware, the President has indicated his willingness to put all entitlement programs "on the table" with the exception of Social Security benefits. The Congress, however, in dealing with this same vexing problem under the sequestration provisions of Gramm/Rudman/Hollings, has previously decided that if some exceptions to across the board cuts are to be made, veterans' programs, such as disability compensation and pension benefits, must be included.

The members of the Disabled American Veterans are certainly no strangers to sacrifice and, as indicated above, we are once again willing to place the welfare of our country above self-interest. We simply insist that all others be required to share in shouldering this burden.

If the FY 1988 deficit reduction proposal should include a freeze in federal entitlements that is applied equally across the board, so be it. However, if exceptions are to be made, I urge your support for a proposal that does not forget, or impact upon, the benefits of those veterans and survivors of veterans who have incurred disabilities or death in defense of America.

Sincerely,

GENE A. MURPHY,
National Commander.

Mr. BOSCHWITZ. Madam President, perhaps the Senator from North Dakota has some remarks. I reserve the remainder of my time.

Mr. CONRAD. Madam President, will the Chair advise as to the amount of time remaining?

The PRESIDING OFFICER. A minute and a half.

Mr. CONRAD. Madam President, let me briefly sum up by saying that now is the time for bold leadership on the part of the President, bold leadership on the part of the Senate and House leadership from both sides of the aisle. This is the time. History will judge us very harshly if in this hour we do not make maximum use of the opportunity that is before us to present an incredible program of deficit reduction in 1988, and a multiyear plan to bring us to a balanced budget to convince the Federal Reserve Board that they can be more accommodating with our monetary policy and to convince our allies in Western Germany and Japan that they can be expansionary to pick up the slack in the world economy that will be left by our retrenchment.

Madam President, let me conclude by saying earlier this year the Senator from Minnesota and I proposed an across-the-board cut, left out Social Security—an across-the-board cut that would have saved $11 billion. That same kind of across-the-board cut was only 2 percent. It could save $11 billion. With 3 percent we could save $17 billion. And that was leaving off Social Security.

We have been through the debate on dividing up the pie. We spent 9 or 10 months on that in the Senate. Now is the time to go back and shrink the pie across-the-board dealing with all of those programs and the important point I think, a fact I would leave with people, is this does not mean a cut from last year's spending. It is a reduction in the growth rate.

With that we could reduce the deficit and get us back on a sound track fiscally.

Thank you, Madam President.

The PRESIDING OFFICER. All time has expired.

Mr. McCLURE. Madam President, I ask unanimous consent that the Senator from Minnesota be permitted an additional 30 seconds on the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOSCHWITZ. Madam President, I concur with my colleague from North Dakota that this indeed is the time for bold action, that this is a time for the leadership, that this is a time that the budget needs to be constrained, that if we are ever going to do it now is the time as we feel the pulse of the Senate and as we feel the pulse of the Congress. Indeed they are ready. If the leadership is divided—and we urge the leadership to move forward—indeed we will cast votes that are necessary.

SENATE RESOLUTION 318—AUTHORIZING REPRESENTATION BY THE SENATE LEGAL COUNSEL

Mr. BYRD (for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 318

Whereas, in the case of *United States* v. *Bardoff,* Crim. No. M-8237-87, pending in the Superior Court of the District of Columbia, the defendant has obtained subpoenas for the trial testimony of Senator Daniel K. Inouye, Senator Paul S. Sarbanes, and Senator John F. Kerry;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(a) and 288c(a)(2) (1982), the Senate may direct its counsel to represent Members of the Senate with respect to subpoenas issued to them in their official capacities: Now, therefore be it

Resolved, That the Senate Legal Counsel is directed to represent Senator Inouye, Senator Sarbanes, and Senator Kerry in the case of *United States* v. *Bardoff.*

AMENDMENTS SUBMITTED

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS, FISCAL YEAR 1988

DOMENICI (AND OTHERS) AMENDMENT NO. 1142

(Ordered to lie on the table.)

Mr. DOMENICI (for himself, Mr. DECONCINI, and Mr. BINGAMAN) submitted an amendment intended to be proposed by them to the bill (H.R. 2700) making appropriations for energy and water development for the fiscal year ending September 30, 1988, and for other purposes; as follows:

On page 37, line 5, strike "$2,056,207,000, to remain available until expended;" and insert in lieu thereof "$2,062,007,000, to remain available until expended; of which $5,800,000 is available for collaborative efforts of the national laboratories, with private industry and universities, to advance the processing of semiconductors in an ultra clean environment: Provided, that the amount appropriated for departmental administration activities of the Department of Energy shall not exceed $419,395,000;"

DOMENICI AMENDMENT NO. 1143

(Ordered to lie on the table.)

Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 2700, supra; as follows:

On page 19, line 9, after "$16,945,000" add the following: ", of which $200,000 shall be made available for the Alamogordo Municipal and Industrial Water Supply Study, Alamogordo, New Mexico, and $250,000 for the Ute Lake Pipeline Study, New Mexico"

HIGH RISK OCCUPATIONAL DISEASE NOTIFICATION AND PREVENTION ACT

QUAYLE AMENDMENT NOS. 1144 THROUGH 1156

(Ordered to lie on the table.)

Mr. QUAYLE submitted thirteen amendments intended to be proposed by him to the bill (S. 79) to notify workers who are at risk of occupational disease in order to establish a system for identifying and preventing illness and death of such workers, and for other purposes; as follows:

AMENDMENT No. 1144

On page 35, between lines 8 and 9 insert the following:

(5) SMALL EMPLOYER.—The term "small employer" means, with respect to a calendar year, an employer which employs an average number of employees of less than 100.

On page 35, line 9, strike out "(5)" and insert in lieu thereof "(6)".

On page 35, line 14, strike out "(6)" and insert in lieu thereof "(7)".

On page 35, line 17, strike out "(7)" and insert in lieu thereof "(8)".

On page 35, line 21, strike out "(8)" and insert in lieu thereof "(9)".

On page 36, line 13, strike out "(9)" and insert in lieu thereof "(10)".

On page 36, line 17, strike out "(10)" and insert in lieu thereof "(11)".

On page 37, line 4, strike out "(11)" and insert in lieu thereof "(12)".

On page 68, between lines 22 and 23, insert the following:

(e) The provisions of this section shall not apply to small employers.

On page 64, line 2, strike "(1)".

On page 64, strike lines 18 through page 65, line 2.

On page 68, strike lines 3 through 12.

AMENDMENT No. 1145

On page 36, strike out lines 1 through 12 and insert in lieu thereof the following: "workplace, for which there is a reasonable probability from clinical or epidemiologic evidence (conducted, analyzed, and interpreted in accordance with established scientific principles) that chronic health effects have occurred in individuals exposed to such agent or process and that the health effects are casually associated with such exposures.".

AMENDMENT No. 1146

On page 36, strike out lines 20 through 24, and insert in lieu thereof the following:

(A) exposed to an occupational health hazard under working conditions in which the exposure is comparable to the exposure of the exposed individuals in whom chronic health effects have occurred as referred to in paragraph (9);

On page 41, line 19, strike out "may be" and insert in lieu thereof "are".

ON page 41, line 22, beginning with the parenthetical, strike out through line 24 and insert in lieu thereof the following: "in which the exposure is comparable to the exposure of exposed individuals in whom chronic health effects pursuant to paragraph (9) of section 3, have occurred;".

On page 42, line 3, strike out "may be" and insert in lieu thereof "are".

On page 42, beginning with line 10, strike out through the word "be" in line 11 and insert in lieu thereof the following: "in which the exposure is comparable to the exposure of exposed individuals in whom chronic health effects pursuant to paragraph (9) of section 3, have occurred that are".

AMENDMENT No. 1147

On page 37, line 11, strike out "7" and insert in lieu thereof "8".

On page 37, line 16, strike out "Four" and insert in lieu thereof "Three".

On page 37, line 18, strike out "Three" and insert in lieu thereof "Five".

On page 37, line 22, strike out "an epidemiologist" and insert in lieu thereof "2 epidemiologists".

On page 37, line 24, after the period insert the following: "Members of the Board appointed pursuant to the preceding sentence must have State Board certification or similar qualifications."

On page 38, line 12, strike out the number "1" and insert "2".

On page 39, line 6, strike out "through the Director of the institute".

AMENDMENT No. 1148

On page 37, line 2, strike out "Board" and insert in lieu thereof "Secretary".

On page 39, line 6, strike out "through the Director of the Institute".

On page 44, line 13, beginning with the hyphen, strike out through line 19 and insert in lieu thereof the following: "transmit to the Secretary a notice of proposed determination together with all the materials supporting such determination.".

On page 44, line 1, beginning with "Board" strike out through the comma in line 2 and insert in lieu thereof "the Secretary".

On page 44, line 23, strike out "Board" and insert in lieu thereof "Secretary".

On page 45, line 14, strike out "Board" and insert in lieu thereof "Secretary".

On page 45, line 15, strike out "Board" and insert in lieu thereof "Secretary".

On page 45, line 20, strike out "Board" and insert in lieu thereof "Secretary".

On page 46, line 14, strike out "issue" and insert in lieu thereof "prepare".

On page 46, line 15, before the period insert "to be tramsmitted to the Secretary".

On page 49, line 6, strike out "Institute" and insert in lieu thereof "Secretary".

On page 49, line 12, strike out "Institute" and insert in lieu thereof "Secretary".

On page 49, lines 16-17, beginning with "the" strike out through "consider" and insert in lieu thereof "the Secretary considers".

On page 51, line 3, strike out "Board" and insert in lieu thereof "Secretary".

On page 51, line 20, strike out "Board" and insert in lieu thereof "Secretary".

On page 51, line 24, strike out "Board" and insert in lieu thereof "Secretary".

On page 52, line 2, strike out "Board" and insert in lieu thereof "Secretary".

On page 63, line 12, strike out "Board" and insert in lieu thereof "Secretary".

On page 64, line 7, strike out "Board" and insert in lieu thereof "Secretary".

On page 68, beginning with "require" in line 24, strike out through "or" in line 25 and insert in lieu thereof the following: "maintain records and shall require recordkeeping".

On page 70, line 25, strike out "Board" and insert in lieu thereof "Secretary".

Amendment No. 1149

On page 43, line 5, beginning with "consider" strike through 10 and insert in lieu thereof the following: "only designate populations which may derive health benefits from receipt of notification.".

Amendment No. 1150

On page 45, line 16, beginning with "60" through "after" and insert in lieu thereof "120 days after completion of".

On page 46, line 1, strike out "150" and insert in lieu thereof "365".

On page 46, strike out lines 3 through 7.

Amendment No. 1151

On page 47, strike out lines 9 through 15 and insert in lieu thereof:

(a) Notification of a Population at Risk.—

(1) General.—Pursuant to the issuance of a final determination by the Secretary that a given class or category of employees is a population at risk of disease to be notified pursuant to this Act, the Secretary shall—

(A) publish a notice identifying either individually or by reasonably specific class the employees of the employers whom the Secretary intends to notify.

(B) make every reasonable effort to ensure that each individual within the population at risk is notified of the risk.

The Secretary shall direct the notification required by this section.

(2) Hearings.—Any employer of employees described in subsection (a) may petition the Secretary within 30 days of the receipt of such intended notification for a hearing to challenge such intended notification for either individual employees or groups of employees on the basis that the working conditions of such employees did not result in exposures to such employees comparable to the exposure of the exposed individuals in whom chronic health effects have occurred pursuant to section 3.

(3) Considerations for decision.—In deciding such a petition, the Secretary shall consider—

(A) whether the employee or group of employees have been exposed to the occupational health hazard under fundamentally different conditions of exposure than that relied upon by the Secretary in determining a population to be at risk; and

(B) whether there are substantial mitigating factors for such employees such as work practices, protective equipment, and health and safety programs that significantly lessen the risk of developing the diseases associated with the notice.

(4) Judical review.—Such employers have a right to judicial review of the decision of the Secretary under this subsection within 30 days of the Secretary's decision.

On page 55, strike lines 10 through page 57, line 12.

Amendment No. 1152

On page 50, line 17, beginning with the hyphen, strike out through line 25, and insert in lieu thereof the following: "any employer or government action pursuant to section 6, for any act or omission that is knowing or reckless violation of a provision of this Act.".

Amendment No. 1153

On page 58, strike out line 21.

On page 58, line 22, strike out "(1)" and insert in lieu thereof "(a)".

On page 59, line 4, strike out "(A)" and insert in lieu thereof "(1)".

On page 59, line 7, strike out "(B)" and insert in lieu thereof "(2)".

On page 59, line 10, strike out "(C)" and insert in lieu thereof "(3)".

On page 59, line 16, strike out "(D)" and insert in lieu thereof "(4)".

On page 59, line 20, strike out "(E)" and insert in lieu thereof "(5)".

On page 59, line 23, strike out "(2)" and insert in lieu thereof "(b)".

On page 60, beginning with line 3, strike out through line 6 on page 63.

On page 78, line 17, strike out "(a) In General.—".

On page 78, insert "." after "Act" on line 23 and strike "and section 788A of the Public Health Service Act."

On page 79, strike lines 1 through 3.

Amendment No. 1154

On page 63, line 10, beginning with "is" the first time it appears, strike out through "Board" on line 12 and insert in lieu thereof the following: "has been individually notified under section 5 or 6 that the employee is a member of a population that is determined by the Secretary".

On page 64, line 15, after "maintains" insert "for a 12-month period".

On page 65, line 12, strike out "10" and insert in lieu thereof "15".

On page 65, line 20, after "job" insert "for a period of 12 months".

On page 66, line 5, strike out "14" and insert in lieu thereof "20".

On page 66, line 9, strike out "21" and insert in lieu thereof "35".

On page 67, line 22, before the period insert "and on the active search of the employee for nonexposed employment".

On page 66, line 12, strike out "14" and insert in lieu thereof "20".

On page 66, line 17, strike out "21" and insert in lieu thereof "35".

Amendment No. 1155

On page 63, line 23 strike "or has reason to know"

On page 67, lines 3-4, strike "or has reason to know"

Amendment No. 1156

On page 74, beginning with line 14, strike out through line 5 on page 76 and insert in lieu thereof the following:

(g) Effect on Other Laws: Prohibition on the Use of Board Determinations Under the Act.—

(1) General Rule.—Whenever there is—

(A) a finding or determination by the Board that an employee or an employee population is or is not a member of or is or is not a population at risk of disease as determined under this Act;

(B) evidence that an employee or employee population is or is not to receive (or has or has not received) notification under this Act; or

(C) evidence that medical evaluation or monitoring is or is not to be initiated (or has or has not been initiated) under this Act,

the finding, determination, or evidence (including, but not limited to, any records of proceedings or reports of the Board pursuant to section 4 and the contents or description of any notice issued pursuant to section 5 and the content or description of any reports or proceedings in connection with such notice) may not serve as a legal basis for or be used as the basis of expert testimony or be used as evidence in connection with any claim for compensation, loss, or damage brought under State or Federal law, other than a claim brought pursuant to section 5(g) or 10 (b), (c), or (d) of this Act.

(2) Construction rule.—

(A) Nothing in this Act shall preclude the admission into evidence of—

(i) the results of any medical evaluation or monitoring:

(ii) any medical and other scientific studies and reports concerning the incidence of disease associated with exposure to occupational health hazards; or

(iii) any data related to exposure to occupational health hazards for individual employees, in connection with any claim for compensation, loss, or damage brought under State or Federal law. Notification pursuant to this Act shall not be relevant on determining whether such a claim is timely under any applicable statute of limitations.

(B) An employer (including its employees and agents) carrying out its responsibilities under section 6 or 9 of this Act, and acting in essential compliance with the applicable section, shall not be liable, in connection with the execution of those responsibilities, for special, general, or punitive damages under Federal or State law, including, but not limited to, claims based on intentional injury, aggravated or enhanced injury, or failure to warn.

(c) Mental Distress.—No person may bring any tort or workers' compensation claim based on emotional harm, fear of disease or stress based directly or indirectly on any report, finding, notice, medical evaluation, or monitoring decision or any act or omission required by this Act. This prohibition applies whether the party bringing the claim has been directly subject to the report, finding, notice, or medical evaluation or is a party learning about such report, finding, notice, medical evaluation, or monitoring decision that affected another person.

Mr. QUAYLE. Mr. President, it is my understanding that the distinguished majority leader is interested in bringing up S. 79, the "High Risk Occupational Disease Notification and Prevention Act." When this bill was reported out of the Senate Labor and Human Resources Committee, I filed dissenting views to the committee report outlining those modifications to the bill that I believe are necessary to ensure a responsible risk notification policy.

Today, I am submitting a series of amendments that would address a number of the problems I noted in my dissenting views. I will be publishing additional amendments to further resolve some of the very significant substantive and technical difficulties in the committee reported version of the bill.

NOTICES OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BUMPERS. Mr. President, I would like to announce for the public that the hearing on S. 1544, the National Trails System Improvement Act which was scheduled before the Subcommittee on Public Lands, National Parks and Forests on November 17, 1987, has been postponed. When the hearing has been rescheduled, the date will be announced in the CONGRESSIONAL RECORD.

SUBCOMMITTEE ON RURAL ECONOMY AND FAMILY FARMING

Mr. BUMPERS. Mr. President, I would like to announce that the Senate Small Business Committee's Subcommittee on Rural Economy and Family Farming will hold a hearing on Tuesday, November 17, 1987, on the impact of land diversion programs on agricultural support industries. The hearing will be held in room 428A of the Russell Senate Office Building and will commence at 9:30 a.m. For futher information, please call Chuck Culver of the committee staff at 224-3188 or Tamara McCann of Senator BAUCUS' office at 224-2651.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Select Committee on Indian Affairs will be holding the following:

On Thursday, November 12, 1987, beginning at 10 a.m. in Senate Russell 485, a hearing on S. 1039, a bill to review and determine the impact of Indian tribal taxation on Indian reservations and residents;

On Thursday, November 12, 1987, beginning at 1 p.m. in Senate Russell 301, a hearing on S. 1722 and S. 1723, bills to establish a National American Indian Museum;

On Monday, November 18, 1987, beginning at 2 p.m. in Senate Russell 301, a hearing on S. 1722 and S. 1723, bills to establish a National American Indian Museum; and

On Thursday, November 19, 1987, beginning at 2 p.m. in Senate Russell 485, an oversight hearing on Federal agency actions related to the implementation of the Department of the Interior's Garrison Unit Joint Tribal Advisory Committee Final Report recommendations and draft legislation to implement report recommendations.

Those wishing additional information should contact the committee at 224-2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations jointly with the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Tuesday, November 10, 1987, to hold a hearing on the institute of peace.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. BYRD. Mr. President, I ask unanimous consent that the Select Committee on Indian Affairs, be authorized to meet during the session of the Senate on Tuesday, November 10, 1987, to hold an oversight hearing on the Implementation of the Indian Child Welfare Act, and to be continued.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, November 10, 1987, to continuation of oversight hearings to receive testimony concerning the greenhouse effect and global climate change.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BYRD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, November 10, 1987, to hold a meeting on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered. 19-060, Folios: 28/W4,28/W5,28/W6,28/W7S, File No. A10NO6.267

SUBCOMMITTEE ON PATENTS, TRADEMARKS, AND COPYRIGHTS

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Patents, Trademarks, and Copyrights of the Committee on the Judiciary be authorized to meet during the session of the Senate on November 10, 1987, to consider S. 698, source licensing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold a hearing during the session of the Senate on November 10, 1987, on Racketeering Influence and Corruption Organization Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTE ON AGRICULTURAL PRODUCTION AND STABILIZATION OF PRICES

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Agricultural Production and Stabilization of Prices of the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Tuesday, November 10, 1987, to hold a joint hearing with the House Subcommittee on Wheat, Soybeans, and Feed Grains on the impact of Federal inspection service protein measurement on wheat prices.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BYRD. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, November 10, beginning to mark up and report S. 675, amending the Endangered Species Act; S. 1788, TBT legislation; S. 1389, S. 1143, S. 1193, various wildlife bills; committee working paper to reduce plastic pollution; Soil Conservation Service project resolutions; and other pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

A COLUMN ON THE NEED TO REDUCE STRATOSPHERIC OZONE DEPLETION

● Mr. WIRTH. Mr. President, I would like to share with my colleagues a column written by a fellow Coloradan, Walter Orr Roberts.

Mr. Roberts is a distinguished professor at the University of Colorado and president emeritus of the University Corporation for Atmospheric Research. During his career, Mr. Roberts has worked hard with other scientists to address environmental issues facing our Nation and the world—including the problems of stratospheric ozone depletion and global warming.

I believe this column is an incisive commentary on the agreement recently signed by the United States, 23 other nations and the European Economic Community in Montreal. This agreement promises to significantly reduce the production and use of ozone-depleting chlorofluorocarbons. As I have stated, this agreement represents a positive first step in the effort to address the problem of ozone depletion, and we can be proud of the United States' strong leadership in developing this accord.

Mr. President, I ask that the text of Mr. Roberts' column be inserted in the RECORD:

[From the Boulder (Co) Daily Camera, Oct. 22, 1987]

COUNTRIES TAKE STEPS TO PROTECT OZONE LAYER

(By Walter Orr Roberts)

It took 10 years of concerted international effort by the United Nations Environment Programme to define the "ozone problem" in a way that could lead to political action. After a further year of detailed negotiation, UNEP achieved the endorsement, a few weeks ago, of a plan to protect the high-altitude ozone layer from further erosion by fluorine-based gases manufactured for human usage.

The culprit gases in ozone destruction are called "CFCs" (chlorofluorocarbons), many of which go by the trade name of "Freon." These gases are widely and effectively used in refrigerators, air conditioners, plastic foam making, and other industrial uses.

In much of the world, but not in the United States where they have already been discontinued. CFCs are used in spray cans as a propellant for hair preparations, paints, insecticides, etc. Cans of Freon for recharging automobile air conditioners can be purchased in auto stores everywhere, and ultimately most of this leaks out to the atmosphere.

The damage to the ozone layer is done when the CFCs diffuse up into the stratosphere where they react chemically with sunlight to produce chlorine, which destroys ozone. The chemistry of these reactions is an intricate maze, and there are still some big uncertainties.

Our own NCAR laboratories, and many other research centers, are doing intensive experiments and theoretical work to discover the probable pathways to the stratospheric ozone damage. About 20 years ago I wrote a scientific article saying that the CFCs were harmless to the atmosphere. How rapidly new knowledge has shown my error!

Stratospheric ozone, strongest at 12 to 15 miles above our heads, is a shield that protects us from the sun's ultraviolet radiation. The hazards from its reduction include increased skin cancers, suppression of the human immune system, and damage to vegetation in crops, forests and ornamental plants. Dangers also include additional climate warming and increased air pollution. It is difficult to measure the hazards precisely, but estimates suggest that for each 1 percent drop in the ozone shield, there is a 2 percent worldwide increase in skin cancer.

Representatives of 23 governments met in Montreal in mid-September and agreed on a treaty that calls for a 50 percent reduction of the use of CFCs by 1999. The treaty takes effect in January 1989, if adopted by 11 or more nations that represent a minimum of 67 percent of world production. By 1990 the signators must freeze CFC production and use near their 1986 level. This is in marked contrast to much higher present usage plans.

UNEP is the international agency responsible for the agreement. It, in turn, came about as the result of the famous United Nations Conference on Problems of the Human Environment held in Stockholm over a decade ago. The late environmentalists Rene Dubos and Barbara Ward the prime movers. Maurice Strong, now a Colorado resident, was chairman and a great intellectual leader in the Stockholm Conference, and later became first director-general of UNEP. He remains highly influential in world environmental matters.

Through a conference held by the Aspen Institute, I had the reward of working with all three of these leaders in the planning for UNEP and in focusing attention on the greenhouse warming and destruction of the ozone layer.

CFCs are believed to be the cause of the much-publicized "ozone hole" in Antarctica, which forms in the southern hemisphere winter when the sun does not shine on the upper air.

In recent weeks scientists, many of whom were from NOAA and NCAR laboratories in Boulder, have verified that a 50 percent loss of ozone has now resulted, compared with values in 1960. Ozone losses show up prominently in Antarctica because the winter wind patterns there do not promote mixing of air into the polar night from regions where new ozone can be formed by sunlight.

Thus, this location is especially sensitive to ozone destruction by CFCs. What happens in this region may be, in coming years, the best natural indicator of whether the treaty is working.

Our country produces 30 percent of the world's CFC supply, and the business of manufacture, sale and use of these products in this country amounts to $28 billion per year. Fortunately there are substitutes for CFCs. DuPont, the largest maker of CFCs under its "Freon" trade name, believes it can produce safe and effective substitutes within five to 10 years.

McDonald's has already announced that it will use foam food containers made without use of CFCs. American industry has taken a lead in promoting a transition of safer gases. The rest of the world, I hope, will also move rapidly and firmly in the same direction.

The ozone treaty, if ratified and put into effect, will be a truly major landmark in international cooperation to protect "spaceship Earth," the sole habitat of all known life of the universe.●

ACCURACY OF MEDICAL LABORATORY TEST RESULTS

● Mr. COHEN. Mr. President, millions of Americans routinely undergo laboratory tests to determine the source of their medical symptoms or to provide early detection of cancer or other life-threatening diseases. Most health care patients never doubt the accuracy of their lab test results and may believe that such tests are infallible. Yet, a faulty test result can mean weeks of unnecessary treatment, and the costs and anxiety of that treatment, or, even worse, can mean that an illness goes undetected for too long, or even until the death of the patient.

For the past few months, the Subcommittee on Oversight of Government Management of the Governmental Affairs Committee has been investigating the current state of clinical laboratory testing in the United States. The subcommittee's examination has been prompted by an increasing number of concerns raised that inaccurate or unreliable testing has become a serious health hazard, despite the fact that the Congress addressed this issue 20 years ago by passing the Clinical Laboratories Improvement Act of 1967. Tremendous changes have occurred in the past 20 years, however, in the number and types of tests that are conducted, as well as in the way we pay for them.

Serious charges have been raised by experts, as well as in the press and by patients who have themselves been harmed by faulty tests, about the procedures that are followed in clinical laboratories. Many question whether the Federal or State governments should do more to oversee and inspect the quality of lab testing and the performance of clinical laboratories in such areas as proficiency testing, personnel guidelines, quality control procedures, and performance measurements. And, as mandatory drug abuse and AIDS testing become more prevalent, the accuracy of these procedures take on even more far-reaching implications for our society. The subcommittee plans to hold comprehensive oversight hearings on this important issue early in the next session of this Congress.

At this time, I wish to bring to the attention of my colleagues a series of articles on the issue of faulty laboratory testing which has appeared in the Wall Street Journal over the past few months. The stories in these articles, as well as those which have come to my attention during the subcommittee's investigation, are poignant and personal ones, and demonstrate that faulty laboratory tests is truly a life-or-death issue that deserves much closer scrutiny by the Congress.

I ask that a series of articles by Walt Bogdanich of the Wall Street Journal appear in the Record.

The articles follow:

[From the Wall Street Journal, Nov. 2, 1987]

THE PAP TEST MISSES MUCH CERVICAL CANCER THROUGH LABS' ERRORS

(By Walt Bogdanich)

The Pap smear. Over the past three decades, it has sharply reduced deaths from cervical cancer. Women and physicians trust it, so much so that the Pap smear has become one of the most common laboratory tests in America.

It is also one of the most inaccurate. No one knows how many women die because a lab botches the analysis or a doctor takes an inadequate specimen. The test, as it is being done today, fails to detect roughly one in every four cases of cancer or precursor cell abnormalities.

Linda MacNeil was one victim. A Florida store manager, Mrs. MacNeil suspected cervical cancer after experiencing bleeding, but a Pap-test report reassured her. Four months later, another test found cancer, Mrs. MacNeil died at age 36.

Cindy Gray's Pap smear wasn't analyzed in a laboratory at all but in the home of a lab employee, in violation of a federal regulation. There was no supervision and no pathologist to consult. Although the test reported no malignancy, the North Carolina mother of three was found soon after to have cervical cancer. She died at 34.

Barbara Arbuckle, of Seattle, was luckier: She is still alive. The 25-year-old woman received negative Pap-test reports, from two different labs, in the months before finding out she had invasive cervical cancer.

INCENTIVES TO HURRY

To find out why the Pap test falls so short of its promise, this newspaper visited labs, inspected records and interviewed doctors, lab workers and government officials. What emerges is a picture of a Pap-screening industry kept afloat by overworked, undersupervised, poorly paid technicians. It is an industry that often ignores what few laws exist to protect women from slipshod testing.

Across the nation, high-volume, cut-rate laboratories, sometimes called Pap factories or Pap mills, allow technicians to analyze up to four times as many specimens per year as medical experts recommend for accuracy. Many of them pay screeners on a piecework basis that encourages them to rush the analysis.

Some technicians work two or more jobs, earning as little as 45 cents to do the key analysis on a test that may cost the patient $35. In some cases, they say they are penalized if they resist the pressure to screen more slides in a day.

WORK AT HOME

"I think women would be horrified to learn what's happening out there," says Dwight Golann, former chief of consumer protection for the Massachusetts attorney general's office.

Women and their doctors might be surprised to learn that labs often let employees take slides home to screen. "That borders on fraud," says Myron R. Melamed, a physician at Memorial Sloan-Kettering Cancer Center in New York.

Pap mills prosper by underbidding competing labs, charging as little as $1.50 per test. They are sought out by some gynecologists, who profit by marking up lab fees on patient bills.

COST PRESSURE

But their bargain rates also appeal to budget-conscious administrators of group health plans and government-funded clinics. Thus, at a time when pressures are great to restrain medical expenses, problems with Pap-testing accuracy exemplify the possible trade-off in quality of care.

The consequences of faulty testing pose disturbing questions for the medical establishment. An estimated 60,000 women this year are expected to develop cancer of the cervix. If caught early, the disease is nearly always curable. Yet it kills about 7,000 American women a year.

"It is time for the medical community to acknowledge the failures of cervical cancer screening in the U.S.," says Robert Hasselbrack, a pathologist who runs a clinical laboratory in Seattle. Another physician, San Francisco pathologist Eileen King, complains: "Women have been told for many years that a Pap smear will tell them when they have cancer and when they don't. That is a big falsity."

Heightening the urgency is the fact that some doctors now believe cervical cancer develops faster than previously believed. Also, they see it turning up in more young women.

Citing an "alarming number" of cervical-cancer cases in women with recent negative Pap smears, the American College of Obstetricians and Gynecologists has criticized the American Cancer Society for advising women that they need a Pap test only every three years after two consecutive negative annual tests.

"Nothing merits total faith, but nobody can doubt its [the Pap test's] value," says Robert Hutter, a physician who is a past president of the society. Still, the society is considering recommending that women take the test more frequently.

Leading cancer specialists say about half the Pap-test failures result because physicians take inadequate cell samples. But efforts to better educate doctors in taking specimens have been "spectacularly unsuccessful," says the obstetrician and gynecologist association.

Labs could help by rejecting inadequate slides sent to them. But "even good labs" are reluctant to do so, for fear of losing business, says Dr. S.B. Gusberg, another past president of the American Cancer Society.

WALLPAPER CHALLENGE

The Pap test is named for George Papanicolaou, who developed it in the 1920s. To prepare a specimen for the test, a doctor smears cells from the female genital tract onto a glass slide, in some cases two slides. Most aren't analyzed by a doctor but by a cytotechnologist, who ordinarily is a college graduate with a year of special training. Unlike some kinds of medical tests, Pap smears aren't checked by chemical or mechanical means but depend on human visual examination of the specimen.

A slide may contain hundreds of individual cells, each of which should be studied under a microscope. It is tedious work and, if done properly, time-consuming. Louise Newton, an Albany, N.Y., "cytotech," likens the job to examining wall after wall of flowered wallpaper.

"Imagine trying to look at every flower and see how buggy you get," she says. "Tired eyes make mistakes."

Accordingly, the American Society of Cytology recommends that no full-time cytotech examine slides from more than 12,000 patients a year. A 1980 conference of cancer specialists convened by the National Cancer Institute also supported this limit. But it is flagrantly ignored.

WORKLOAD CONTROVERSY

An analysis by this newspaper of government data found that more than half of the Pap smears sent to New York state regulated labs are screened in places where technicians exceed the recommended workload. Kyto Diagnostics Inc. of New City, N.Y., a large private lab run by a prominent cytopathologist, Ralph Richart, reported average workloads of 35,000 cases per screener last year—nearly three times what the cytology society thinks is safe. Most of his screeners aren't even full-timers.

Dr. Richart and other critics of workload limits say some cytotechs can accurately screen more than others. They argue that those who make excessive errors will be caught if a lab randomly rescreens at least 10% of negative slides.

Other medical experts disagree. Because only a small percentage of slides are likely to be positive, they say, and because everyone makes some errors, finding a problem employee might take years using a random 10% rescreen. "It's a seriously flawed, quality-control technique," concludes Robert R. Richert, vice chairman of lab accreditation for the College of American Pathologists.

Even as Pap-smear volume is rising, the number of qualified screeners is shrinking. Fewer people are choosing the field, and many are leaving it for better pay. Nearly half the schools that train cytotechs have closed in recent years; hospitals no longer find them economic to run.

"It is approaching a crisis," says San Francisco's Dr. King, who is studying the problem on behalf of California pathologists. Nearly 50% of advertised positions for cytotechs in California remain unfilled, she has found. Paul Krieger, director of anatomic pathology for MetPath Inc., a laboratory unit of Corning Glass Works, says that if the American Cancer Society decides to recommend more frequent Pap testing, "I don't know how we or anyone else is going to handle it."

To cope with the labor squeeze and to lower their costs, labs are turning increasingly to piecework, promising cytotechs that the more slides they screen, the more they will earn. Nowhere else in laboratory medicine is this method of payment so prevalent. "It's very bad practice. It makes quality control difficult," says Dr. Melamed of Sloan-Kettering.

Some big commercial labs pay almost exclusively by piecework, avoiding many employee costs. Even labs with salaried cytotechs, such as MetPath, usually let them do extras on a piecework basis.

Karen Sanford, a cytotech in Stockton, Calif., left a high-pressure piecework lab in the Los Angeles area after learning from a patient's doctor that she had failed to catch some abnormalities. "It really freaks you out," she says. "What do you say? It happened to me twice. That's when I decided to get out of there."

Not everyone is so conscientious. A particularly dangerous, yet very common, practice among cytotechs is to piggyback Pap-smear screening jobs, doing the maximum allowed at one lab, then meeting another lab's quota later in the day.

MIDNIGHT OIL

"Over 50% of the people I know have two jobs. Some have three or four," says Jason Betterton, a cytotech in Sylmar, Calif. Ms. Sanford tells of a technician who screens at three labs, working from 1 a.m. until late the next afternoon.

Labs frequently let workers leave for the day as soon as they reach their quotas—another incentive to screen slides as rapidly as possible. Lon Barr, a cytotech in Poway, Calif., says that when he joined a San Diego pap lab he was "astonished" to see workers screen 100 slides in 3½ hours, then leave. "It was inconceivable that someone could screen that fast," he says.

Dr. Hasselbrack, the Seattle lab owner, says that in Pap mills, screeners lose sight of the fact that "you are looking at somebody's life, and if you make a mistake, it may be all over."

Piecework pay scales also encourage overwork. At 50 cents a slide, one who stuck to the cytology society's workload limit would earn only $6,000 a year.

LITTLE REGULATION.

Only one state, California, even attempts to prevent workload abuses. Its law states that "no cytotechnologist shall be required to examine more than 75 one-slide gynecologic cases, or 50 two-slide gynecologic cases per day."

But labs often violate or skirt this law. Start with the biggest Pap lab in the country, Cancer Screening Services, of North Hollywood. Almost a million Pap cases were processed last year by this unit of American Cytogenetics Inc. (which a West Coast business magazine in 1985 dubbed California's hottest stock).

Cancer Screening's full-time employees are required to do 100 slides a day, says Shahla B. Sadeghi, medical director. It has mostly one-slide cases. Reminded of the state's legal limit, Dr. Sadeghi says: "It's not really a law—they just suggest it. . . . They know it's not possible." She adds, "Every year we have passed the [state] inspection."

At Central Diagnostic Laboratory in Tarzana, Calif., says former employee Betty Jo Thompson, "there was no such thing as you couldn't do your 100 cases." Moreover, screeners were expected to do extras at $1 a slide, she says. California law lets workers analyze an unlimited number of Pap smears a day if they "volunteer," but Mrs. Thompson says that when she resisted doing extras, the lab cut her salary.

Cyrus Milani, a Central Diagnostic medical director, says workers are sometimes required to do 100 cases daily. He declines to be interviewed further, except to state that the lab does quality work. Another company official denies that the lab violates any laws.

At Yosemite Pathology in Modesto, "100 slides is what we consider the minimum," says spokesman Robert Colletti. He doesn't feel he is violating the law because "everybody interprets it differently."

FEW PROFICIENCY TESTS

Stephanie Harner, past president of the California Association of Cytotechnologists, says she has complained repeatedly to state health officials about pressures on cytotechs to exceed quotas, but "got mostly a non-response." Kenneth Kizer, director of California's health department, denies that his office has received complaints from cytotechs. He promises to investigate.

The federal government doesn't care about workload or piecework issues. It does prohibit labs under its jurisdiction from letting "kitchen cytologists" analyze Pap tests at home, but many do so anyhow. At the home, pathologists aren't available for consultation and no one checks how carefully slides are examined. "Cytology is done in so many nooks and crannies—places we don't even know of," says Susan Yokota, a cytotech.

Cancer Screening Service, for example, is federally certified as an interstate lab, yet it concedes that workers in the past took slides home. The company says that happened only a few times and is no longer permitted. A Tulsa, Okla., laboratory permitted home screening of smears from government-financed clinics until a Journal reporter began inquiring about the practice.

The only equipment needed for Pap screening is a microscope. But as one lab worker points out, "It's not something to do after a day's work in between washing dishes, with kids screaming for attention."

Patients believe the government is watching over Pap testing, says Lawrence Bergner, a physician at the National Cancer Institute, "but it ain't so." The government sets some standards for interstate and Medicare-certified labs, but the Pap test is the only common lab procedure for which federally licensed labs needn't undergo periodic proficiency tests.

As for the states, only one, New York, requires screeners to pass such tests.

Doctors seeking quality work often turn to professional groups that evaluate and accredit labs. However, the largest group overseeing commercial labs, the College of American Pathologists, doesn't set any overall workload limit. The American Society of Cytology, which does, has certified only about 40 of the more than 1,000 labs analyzing Pap smears nationwide. Many of the largest labs have never sought accreditation.

With weak laws and scant professional oversight, there is little to protect women from the kinds of misfortunes suffered by Mrs. MacNeil, Mrs. Gray and Ms. Arbuckle. In all three instances, their Pap slides were misread, according to testimony in lawsuits filed in their state courts. Ms. Arbuckle's suit is pending; survivors of the other two women received large monetary settlements.

ELUSIVE SLIDES

It often is impossible, however, to determine what went wrong—whether the specimen was misread by the lab or whether, perhaps, it was poorly taken by the doctor. Pap slides are often kept only as long as the law requires. In states without laboratory laws—which is nearly half of them—a lab needn't keep slides at all unless it operates in interstate commerce or is Medicare-certified. In that case, it must keep them two years.

Patricia Ashton, a cytotech and consultant to a major national laboratory, says that her lab's lawyers instruct workers to "get rid of slides as soon as possible" to limit liability. "I don't think its medically ethical," she says.

Even if a suspect slide exists, retrieving it can be a problem. A now-defunct Boston laboratory called Elm Medical Lab, after having failed to detect a woman's cervical cancer, covered up the error by substituting a negative Pap slide for a positive one in her file, according to evidence presented by the Massachusetts attorney general in a state court. A jury last year found the lab had violated state consumer-protection laws; the case is on appeal.

Mr. Golann, who handled the State's case, also presented evidence that slides were improperly prepared at the lab; that one screener spent just seconds on each specimen; that slides were examined at home; and that the lab had failed to find the abnormal cells on 10 of the first 12 positive slides checked by investigators in a rescreening.

The dimensions of some abuses have been stunning. A Mansfield, Ohio, lab in the late 1970s was discovered to have sent out nearly 6,000 erroneous Pap-test reports. A worldwide alert located many, but not all, of the women affected. And this past September, health authorities in Britain issued an international alert for 911 women who had Pap smears misdiagnosed by a leading pathologist there.

PLANNED PARENTHOOD

Bad lab work is currently a paramount concern for Planned Parenthood Federation of America, which last year took 1.4 million Pap smears through affiliated offices and clinics. Early this year, Planned Parenthood warned affiliates of "a rapid rise in the number and cost of claims" due to laboratory errors, specifically Pap smears.

A few years ago, it tried to catch a lab it suspected of misreading Pap slides. Twice it sent the lab, which it won't name, slides from women known to have cervical cancer or its precursors, and twice the lab failed to report abnormalities. When Planned Parenthood tried to retrieve the specimens, one set was said to be lost and the other came back smashed. It was as if "they beat them up with a hammer," recalls Louise Tyrer, a physician who is vice president for medical affairs.

With complaints about lab work pouring in, Planned Parenthood has begun trying to identify problem Pap labs. One lab that has come to its attention is International Cancer Screening Laboratories in San Antonio, Texas. Among the largest in the nation, ICSL processes about a half-million slides annually from 49 states. In 1985, it was banned from operating in New York after failing the state's proficiency test in cancer screening.

ICSL, operating out of a modern building on the outskirts of San Antonio, employs 42 screeners full or part time. It pays the part-timers 50 cents a slide and gives salaried employees 45 cents for each slide they screen after meeting the daily quota.

BIG PRODUCER

One screener is recorded as having analyzed 4,710 slides in June. That is a rate more than four times what the American Society of Cytology considers the maximum safe workload. Even if he worked all 30 days in June, the screener would have to have done 157 slides a day.

At such rates, "I wouldn't expect a cytotech to screen effectively or reliably," says George H. Anderson, a physician at the Cancer Control Agency of Vancouver, British Columbia, which has a highly regarded Pap screening program. Says Dr. Hutter of the American Cancer Society: "If such things are happening, then I would say that's terrible."

ICSL's president, Robert Boughton Jr., says that his lab's work "is the best humanly possible," and that he spends more money than other labs do on quality control. He also says the especially prolific screener's error rate is well within acceptable ranges.

But in a business where one mistake can have tragic consequences, the technician, who declined to be interviewed, last year made at least 93 errors—41 of them "major," lab records show. And those are just the ones uncovered in a routine rescreening of 18% to 20% of his negative slides. No one knows his actual error total.

Mr. Boughton attacks workload limits as the creation of physicians who "sit up in their ivory tower with a bottle of wine" and issue pronouncements. Lending authority to his attacks on workload limits is a Ph.D. degree he says he earned in biology from the University of Mexico in Monterrey "in 1981 or 1982." He is identified in state and federal regulatory records as having a doctorate.

The University of Mexico, however, doesn't have a branch in Monterrey. And no record of Mr. Boughton's Ph.D. could be found at two other universities in that city. Mr. Boughton declines to provide a copy of the diploma, saying, "I am telling you that I have it, and that is all I have to say."

Present and past screeners, who ask not to be identified, say that despite ICSL's huge volume, its medical director works only part time. They also say that 10% or more of the slides sent to the lab are broken in transit. "You could easily miss an abnormality on the broken spot," says one ICSL cytotechnician.

Mr. Boughton says the breakage rate is "5% to 7% at the most." He says that while his medical director holds another job with a state mental hospital, she puts in nearly full-time hours at ICSL. He also makes no secret of the fact that he continues to operate in New York state, even though it banned his lab in 1985 after it failed the cancer-screening proficiency test. "Who's going to stop me?" he asks.

A spokesman for the state, Mary Anne Gardineer, says, "If we can verify that [ICSL] is accepting samples from New York state, we will stop them."

Amid growing criticism of laboratory work, the American Society for Cytotechnologists is pressing for tough government workload limits—even though they would reduce many screeners' pay. "Just as the public needs protection from fatigued truck drivers," the society says, "it needs protection against life-threatening mistakes in the laboratory by overburdened personnel."

Meanwhile, the society has begun a campaign to urge women to ask their doctors where their Pap smears are analyzed. At the very least, women should be told that their Pap test may fail to detect abnormalities, many health experts say. This way, women may be less likely to skip their next gynecologic exam.

FAILURE RATE

The American College of Obstetricians and Gynecologists, citing studies of hundreds of women, puts the Pap test's "false-negative" rate—the failure to reveal or report abnormalities—at 20% to 40%.

The Pap test's reliability compares unfavorably with that of other lab tests. Drug tests, for example, have been criticized as being inaccurate. But labs measured in a nationwide proficiency test last year had a much lower false-negative rate of about 5%. Even under the best of circumstances, says Dr. Anderson of Vancouver, a Pap test will have a false-negative rate of at least 10%.

To bring error rates down, San Francisco's Dr. King argues for better pay and working conditions for cytotechs. "The field has become unattractive to intelligent, dedicated people of the kind we have always had," she says.

Above all, people in the field don't want Pap testing to remain laboratory medicine's errant stepchild. They prefer to think of it as a test so important that a commemorative stamp was issued in its name in 1978. At the White House ceremony marking the event, Postmaster General William Bolger said of Dr. Papanicolaou: "He wanted to eradicate those awful words so many doctors have quietly voiced: 'If only we had known sooner.'"

Mrs. Gray, the North Carolina woman who got a negative Pap-test report before finding she had cervical cancer, felt the tragic sting of that lament. After the cancer had spread through her body, she underwent several operations, chemotherapy and radiation. As part of a lawsuit, Mrs. Gray gave a videotaped deposition from her sickbed, describing in detail the agony of her struggle for life. The deposition ended with her vow: "I made some plans to beat this thing."

Two months later, Cindy Gray died.

WOMEN MAY WANT TO ASK WHO'LL SCREEN A PAP TEST

Women concerned about Pap-test accuracy might consider asking their doctors questions such as these:

What is the name of the lab, and is it accredited by a professional group? (Accreditation offers no guarantee, but at least it means someone is looking over the lab's shoulder.)

What are workload levels at the lab? Are screeners salaried or paid on a piecework basis?

Can I get a copy of the lab report? (Don't assume that if you don't hear from the doctor the test must have been negative. There are such things as mixups, oversights and lost reports.)

Is the lab nearby? (If a doctor sends the specimen to a lab far away, he should have a good reason.)

[From the Wall Street Journal, Nov. 2, 1987]

IN OKLAHOMA, A DIFFERENT LAB TO SCREEN PAP TESTS MEANS VERY DIFFERENT RESULTS

(By Walt Bogdanich)

OKLAHOMA CITY, Okla.—Legislators can attest that women in this state take cancer screening seriously. When lawmakers in the late 1970s voted not to finance a free Pap smear program, women protested at the state capital with such vigor that the legislators backpedaled.

The women's victory, it turns out, may have been hollow. Intent on reducing the program's cost, the state health department in mid-1986 stopped sending Pap smears to be analyzed by its longtime contractor and began awarding one-year contracts to the lowest bidder.

Now, Adeline Yerkes, a state health official, says it is possible that hundreds of Oklahoma women are walking around with undiagnosed precancerous conditions because of misreported Pap-test results. The low-bid lab reported far fewer "abnormals" than did its predecessor, Oklahoma Teaching Hosptials.

For years, "abnormals" consistently came in at 7% to 9% of the total Pap smears analyzed each year, including a 9% rate in the year ended in June 1986. In the following 12 months, the new contractor, Northwest Laboratories Inc. in Oklahoma City, reported only about 3.5% abnormal, says Mrs. Yerkes, the head of the state program.

The figures suggest that Oklahoma officials "have something to worry about," says Lawrence Bergner, a physician at the National Cancer Institute. "They should really examine it."

But whether the results are misdiagnoses or statistical glitches won't be known for some time, if ever. Four months after the contract ended, the state still hadn't rescreened any significant number of slides to determine their accuracy. Mrs. Yerkes says it can afford to rescreen only 250 of the nearly 100,000 Pap smears. And it is still searching for someone to rescreen just these 250.

She hasn't alerted women to the possible misdiagnoses. Any missed abnormalities, she explains, will be caught when the women show up for their next exam. Mrs. Yerkes says there is no need for panic, because cervical cancer develops slowly.

The state concedes, however, that women may move and be unreachable, or may neglect their next appointment. In addition, there is evidence that cervical cancer in some women develops much faster than previously believed.

"I think it's disgusting," says Dana Dye, who teaches cytotechnology—the screening of cell specimens—at the University of Oklahoma Health Sciences Center. "If she has any doubt, she should let somebody go over those slides."

Northwest Laboratories, which declined to be interviewed, won the contract for the 12 months in question with a bid of $1.50 a slide. The bid from Oklahoma Teaching Hospitals, the old contractor, was more than twice that.

But the state didn't follow up on who actually did the screening. Northwest, it turns out, was so understaffed that it farmed out some of the work. It loaded hundreds of Pap-smear slides into a car and drove them to a cut-rate laboratory in Texas.

Mrs. Yerkes says Northwest's staffing problems became apparent early in the contract, with some screeners carrying excessive workloads. That was soon corrected, she says. But the contract lab was late delivering results, and seemed to have high screener turnover. "The quality of the reading wasn't up to our standards," she says.

The state has contracted with a different lab for 12 months that began July 1 and has written staffing safeguards into the contract, Mrs. Yerkes says. But when a reporter examined the contract on the file in the state capital, the safeguards weren't there. "I don't know what happened," Mrs. Yerkes says.

She says she inspected the lab that holds the new contract, Jerry L. Puls M.D. Inc. in Tulsa. "I know they have an adequate staff," she says. "All Paps are being screened in Tulsa in his own lab."

However, this newspaper learned that many slides the state sent to the new contractor weren't being screened in a laboratory at all but rather were taken home by unsupervised technicians, in violation of federal regulations for Medicare-certified labs. Dr. Puls was told of the discovery and now says he has stopped the practice.

Jack Painter, the manager of the anatomic pathology laboratory at Oklahoma Teaching Hospitals, says that previous screening programs cut the number of deaths from cervical cancer and that now he fears death rates may go back up, But, says Betty McClellan, a pathologist in his laboratory: "Unfortunately, I think it will take years before the mistakes, if any, become apparent."

[From the Wall Street Journal]

MEDICAL LABS, TRUSTED AS LARGELY ERROR-FREE, ARE FAR FROM INFALLIBLE

(By Walt Bogdanich)

It was 4:30 a.m. when cancer finally choked the last breath of life from Janice Johnson. She was 34 and a mother of two, and she died never knowing why her disease had been so unforgiving. An autopsy report called her abrupt decline "quite unusual."

Late, an important clue would be discovered: A hospital laboratory in Arlington, Va., had erroneously reported two successive Pap tests as noncancerous. Undetected, the cancer spread rapidly through Mrs. Johnson's body.

"The lab was never shut down or criticized," fumes Daniel Schultz, a Johnson-family lawyer who in 1984 settled a wrongful-death claim against the hospital and several doctors for $600,000. He asks: "how many other Janice Johnsons are there?"

No one knows. For in many states, including Virginia, the clinical laboratories that test body fluids and tissues aren't licensed—and thus enjoy a freedom from regulatory scrutiny not accorded even to hairdressers. Some 20 years after Congress declared war on incompetent clinical labs, many researchers say that inaccurate and unreliable testing remains a serious health hazard, as well as a waste of millions of dollars.

HARD DATA

In recent years, dazzling advances in computerized diagnostic testing have lent a comforting air of precision to the healing arts. Whether concerned about blood cholesterol, cancer, genetic flaws or diabetes, Americans spend an estimated $20 billion a year on clinical laboratory tests, often receiving impressively detailed printouts on the state of their health.

For the most part, such testing is a great boon to diagnosis and treatment. But along the way, patients have come to regard lab work as infallible—a dangerous assumption, critics say. "Every lab is producing some errors," warns Paul Fischer, an Augusta, Ga., physician and authority in the field. "Human error is inherent in this process. . . . I don't think the public realizes that."

The problem affects not only fringe laboratories in inner cities but also prestigious hospitals, publicly traded laboratory companies and labs in doctors offices, according to an analysis of thousands of pages of government reports. Court records and previously unreleased test data. The recent surge of testing in doctors offices is particularly troubling critics say, because these small facilities are often entirely free of regulatory oversight.

FALSE STARTS

While sloppy to work isn't as obviously dangerous as incompetent surgery—errors are often caught by a patient's physician—it can do great harm. An Ohio baby developed mental retardation after a lab failed to detect a genetic condition that required a special diet. An Arizona man died after a biopsy slide of his malignant thyroid tumor was misread by two different labs. A California couple's marriage broke up after one spouse was mistakenly diagnosed as having syphilis.

Nor is health the only issue: A urinalysis that falsely tags someone as a drug abuser can sabotage the person's career.

Studies repeatedly have turned up substantial rates of laboratory error, as well as overworked or ill-trained technicians. But abuses are hard to prove, and accountability is scant. By the time an illness has progressed far enough to suggest earlier test error, the slide or specimen often has been discarded.

LITTLE REGULATION

Government hasn't come to grips with the problem. Regulation is so weak and uneven that labs barred from one state can simply do business in another. In some cases, a federal agency has no choice but to reimburse certain labs for tests that it has found them incompetent to perform.

Concern over such problems prompted Congress to pass the Clinical Laboratories Improvement Act in 1967. Although the law covers only a fraction of the nation's labs—those conducting interstate business, legislators hoped it would be a model for state regulation.

However, only about half of the states have enacted laboratory regulation, and most of it is feeble. In 1979 the Senate Labor and Human Resources Committee concluded that the public "cannot have confidence in clinical laboratory testing, despite its critical relationship to good health."

Faulty tests can occur for many reasons: A machine loses its calibration: testing chemicals lose potency or get used improperly: human specimens are inadvertently switched. Even if a test is performed properly. It may be misinterpreted.

Over the years, the medical profession has developed standards to minimize such mishaps. Conscientious laboratories test chemicals and machine calibrations daily. They frequently test "master" specimens of known value to detect any glitches in equipment or procedures. But without oversight, adherence to these standards is left to the whim of the individual lab.

If, for example, Mrs. Johnson's Pap smears had been analyzed at a hospital in New York, where government standards are among the toughest, they would have been screened by workers who had faced proficiency tests and had to have 10% of their work checked by supervisors.

Such safeguards didn't exist at Northern Virginia Doctors Hospital, whose lab supervisor conceded, in a deposition filed in Virginia state court, that Mrs. Johnson's two Pap tests were reported incorrectly one year apart by the same lab worker. The supervisor also said quality-control reviews weren't routine. The hospital declines to comment on Mrs. Johnson's death or her family's suit.

Some researchers worry that Pap-test "sweat shops" impair accuracy by overworking technicians. "I can't deny they are out there," says Thomas Bonfiglio, the president of the American Society of Cytology. "I think you'd have to be crazy not to be concerned."

The society recommends that, in the case of Pap tests, a full-time screener review no more than 10,000 to 12,000 slides a year. But about one-third of labs responding to a survey some years ago exceeded that workload, and records show that screeners at a lab just outside New York City currently have workloads three times greater. The Johnson family lawyer asserted that the worker who called Mrs. Johnson's Pap tests benign had an excessive workload.

Technicians must scan dozens of cells on each slide for abnormalities. "It's a very meticulous job," Dr. Bonfiglio says. "The error rate goes up as people get fatigued."

SINK TESTING

Boston researchers studied 10 women with cervical cancer who had had negative Pap tests in the preceding two years. A reexamination of their slides found that five had been misinterpreted and two slides were too poorly done to read: only three were clearly negative. Researchers at Harvard Medical School and the Boston Hospital for Women did the study.

An even worse situation occurred in the late 1970s at a lab that had won a contract to screen Pap smears for the Air Force. An Air Force pathologist charged that screeners at the lab, Automated Medical Services of Ohio Inc., were overworked. When government doctors reexamined slides it had processed, they found 5,949 "discrepancies" or "mistakes," says Patti Turner, a spokeswoman for the Air Force surgeon general. A search for women who had gotten false reports found most of them, though not all. The lab has closed, and its former officials couldn't be reached for comment.

Now and then labs have even reported on specimens without checking them at all "sink testing," it is called. A Hempstead, N.Y., lab is alleged to have reported phony results for more than a year on blood tests for rheumatism, tuberculosis and various chronic infections. In September a state grand jury indicted the company. Reiss Health Laboratories Inc., on fraud-related charges. The lab, which has pleaded innocent, declines to comment.

Fraud, however, is much less pervasive than error. Nearly one in six labs tested recently by the Centers for Disease Control didn't properly identity several common strains of bacteria. One in seven failed to identify various fungal growths properly. "So many things can go wrong, even in the best labs," says Josephine Bartola, the director of Pennsylvania's laboratory improvement division.

DOCTOR'S-OFFICE LABS

Nearly half of outpatient lab tests now are done in physicians' offices, because of cheaper test equipment and changes in hospital economics. There are estimated to be between 40,000 and 100,000 such small labs, compared with 13,000 hospital and independent labs. The trend alarms many experts, because only 13 states even attempt to regulate labs in doctors' offices.

As a result, in all but a handful of states, their personnel needn't meet any training standards. Dr. Fischer, the authority on office laboratories, says that in as many as two-thirds of small doctor's-office labs, work is done by employees lacking formal lab training, including medical secretaries and receptionists.

When Idaho officials tested unregulated doctor's-office labs in the 1970s, fully half of them submitted erroneous or unacceptable results on a simple pregnancy test. "You'd get the same results throwing a coin in the air," Dr. Fischer remarks. (Their performances improved after they were instructed in the need for quality control and proficiency testing.)

Physicians with labs in their offices generally contend the new equipment is accurate and makes for faster diagnosis and better treatment. But David Yates, a pathologist in the Nashville, Tenn., area, says that "doctors don't realize how difficult it is to consistently generate accurate test data. People think it's a computerized situation where you always get a 100% accurate result; that's simply not true."

TWO STUDIES

Michael Kenney, a health-policy analyst, studied California clinical labs for the CDC in 1985 and found "a systematic pattern" of poorer accuracy by unregulated labs than by government-regulated ones. Another study, by Robert Grayson in 1984, reached a similar conclusion.

Even where office labs are regulated, the monitoring is usually superficial. California requires doctor's-office labs to submit proficiency-test scores—but doesn't review them. "We aren't advertising that," confides Ronald Harkey, of the state lab division. He says his office lacks the computers needed for the task.

Pennsylvania, which does review proficiency tests, recently found that nearly half of the doctors sampled had erred in analyzing a test for bacteria. The state has some of the nation's toughest rules for doctor's office labs, but its officials say they have never disciplined a doctor for faulty testing.

Ms. Bartola, the director of the state's laboratory improvement division, says her office will order a lab to stop offering a procedure if it fails four consecutive proficiency tests. She says this has never occurred, so no stop orders have ever been issued. However, state records show multiple instances of doctor's office labs failing four or more straight tests. For example, the lab of a doctor in Johnstown, Pa., Dinesh Mathur, failed 24 of 40 individual proficiency tests in 1984–85, including six in a row for blood glucose, yet the state didn't restrict his testing.

Asked about these records, Ms. Bartola says some failures may have escaped her attention because of a staff shortage. Besides, she adds, "We don't police them; we work with them until they come up to snuff." Ms. Bartola also says that many doctor's office labs aren't licensed, as required by state law, and that she hasn't the staff to do much about it.

Dr. Mathur, who recently did pass a glucose proficiency test, says that his is a small lab doing few tests and that the state has never told him to stop. He also says he uses the best available equipment.

NEW YORK'S PROGRAM

The federal government is even more lenient. To get Medicare reimbursements, commercial or hospital labs must submit to proficiency testing and inspections. Not so doctors, if they confine their testing to their own patients.

New York state, employing about 170 medical doctors and Ph.D.s, runs probably the nation's most stringent program of laboratory proficiency testing. Yet it doesn't oversee those in doctors' offices.

As for the labs New York does oversee—independent ones and those in hospitals—when the state last February tested their ability to measure 18 parts of a standard blood-chemistry analysis, 11% of the results were either unacceptable or only marginally acceptable.

New York has issued more than 150 orders since July 1984 barring labs from testing in areas where they have failed to show proficiency. Many prominent labs, some with international reputations, have felt its regulatory sting, including the cytogenetics laboratory at Thomas Jefferson University Hospital in Philadelphia. That major referral center twice failed to pass New York's cytogenetics proficiency test in 1985, commiting "major errors," according to Ann Willey, a scientist who heads New York's Laboratory of Human Genetics. Although barred from testing New York residents, it can continue to process specimens from other states.

Laird Jackson, the director of Thomas Jefferson's lab, says New York's proficiency tests were flawed. Besides, he adds, cytogenetics testing is subjective, akin to "judging ice skaters." Dr. Jackson says his lab has passed a proficiency test conducted by a major testing service outside New York.

A COMMERCIAL LAB

Another lab that has sometimes failed New York tests is the nation's largest publicly traded company exclusively engaged in testing human specimens. International Clinical Laboratories Inc. The Nashville-based company's clients include 40 hospitals with 8,700 beds. In a recent two-year period, ICL's major referral lab failed New York state's proficiency tests for toxicology, which detects drugs subject to abuse, and mycology, which identifies molds sometimes associated with severe infections. Paul Ottaviano, an executive of ICL, says it passed proficiency tests administered by others, as well as government inspections, and has since passed New York's tests.

What are the consequences of laboratory error for patients? A cytogenetics test (for genetic abnormalities) may lead a woman to terminate a pregnancy. "If that diagnosis was wrong, it's a wrongful death," Ms. Willey asserts.

Laboratory mistakes needn't be unusual to be devastating. Caroline Keklak, of Columbus, Ohio, says she suffered through two unnecessary operations because she was erroneously reported to be pregnant. According to a suit she filed in Ohio state court, the following occurred: Ohio State University Hospitals in Columbus admitted Mrs. Keklak with abdominal pain in January 1985 and a blood test determined that she was pregnant. When an ultrasound exam detected a pelvic mass, doctors, thinking she had a tubal pregnancy, performed emergency abdominal surgery. But instead of an embryo surgeons found a cyst, and they removed her right ovary.

Mrs. Keklak's suit says that as a result of the surgery, she later developed an abscess on a Fallopian tube and required a second operation to remove it. Except for the erroneous pregnancy test, the suit asserts, the cyst would have been treated with medicine and "no surgery would never have been performed."

The suit attributes the faulty pregnancy test to a mix-up of specimens. A spokesman for the hospital declines to comment.

MEDICARE LOOPHOLE

The federal government tries to reduce errors by inspecting labs. But it is hampered by a surreal tangle of contradictory regulations.

Sharon Harris, of the federal Health Care Financing Administration (HCFA), says that if "people's lives are in danger," her agency can revoke a lab's Medicare certification. But the effect is merely to halt reimbursements for tests on Medicare patients; the lab can continue testing other patients.

St. Clair Medical Laboratory in Belleville, Ill, for instance, remains open seven months after federal regulators called it a health hazard and revoked its Medicare certification. (An attorney for the lab says it has never been a health hazard and notes that it has remained licensed by the state.)

Another inconsistency: In 1984, after St. Ansgar Hospital Laboratory in Moorhead, Minn., failed proficiency tests, the HCFA barred it from doing a kidney-function test on specimens sent across state lines. Ms. Harris says such a stop-test order indicates patient safety is at stake. But because failing to demonstrate competence on a single procedure isn't deemed serious enough under Medicare rules to warrant regulatory action, the HCFA can't stop St. Ansgar from performing that test on Medicare patients, nor can it stop reimbursing for the test.

St. Ansgar says the lab has passed Minnesota proficiency tests. It won't comment specifically on the federal agency's action.

Since January 1985, the HCFA has issued more than 90 orders prohibiting labs from doing certain tests on interstate specimens, according to records obtained under the federal Freedom of Information Act. Most of these labs participate in the Medicare programs, so many of them continue to get federal reimbursement for the prohibited tests.

"It does seem very inconsistent," says the federal agency's Ms. Harris. "I'll admit it's a problem."

TRADE GROUPS

The government has also drawn fire for ceding regulatory oversight to private medical groups that, critics say, are lax in policing laboratories. For example, it essentially exempts from Medicare regulation labs in more than 5,000 hospitals accredited by the Joint Commission on Accreditation of Hospitals, a trade group. California's chief of laboratory field services, Roderick Hamblin, says the commission "doesn't always adequately identify deficiencies in performance or . . . get them corrected." A Joint Commission official calls that notion "ridiculous."

Many states accept Joint Commission inspections in lieu of their own, but not New York. When a commission team inspected the Moses Ludington Hospital in Ticonderoga, N.Y., on Aug. 30, 1985, it reported nine laboratory deficiencies; New York state inspectors who checked the lab a few months later found 38. The Joint Commission won't comment on the case but says different inspections may emphasize different aspects of labs. Margaret Warden, the hospital's administrator, says hers is a small rural facility that is "doing the very best we can."

Under current rules, if the Joint Commission wants to decertify a lab, it must revoke the accreditation of the entire hospital. The commission hasn't revoked any accreditation soley because of lab performance in recent years. "We . . . don't see ourselves at all in a policeman's role," says Jack Coale, a Joint Commission spokesman.

This view is shared by the College of American Pathologists, which runs its own accreditation and proficiency test program for labs. It has revoked the accreditation of just one of 3,800 labs since January 1985. "The whole basis of our program is education and laboratory improvement," says John Duckworth, a doctor who heads its accreditation commission. "Ours is not a regulatory program."

Since Congress passed its laboratory legislation 20 years ago, it has tried five times to strengthen the law. Each effort, opposed by organized medicine, failed. The HCFA would like to see states take a bigger role, but organized medicine makes its presence felt in state capitols, too. Its influence, along with the issue of costs (New York spends $2.2 million a year to oversee labs) has helped keep state laws limp.

OFFICE MACHINES

Many doctors argue that technological advances make regulation less important. They note, for example, that new glucose-monitoring machines are so simple to operate that diabetics use them at home.

But the machines don't inspire universal confidence. In the past two years, the Food and Drug Administration has received about 1,200 reports of problems associated with glucose monitors. In one such report, a hospital complained that its machine wasn't working right; when the manufacturer checked, it found employees had apparently been using the device even though it was broken, dirty and held together with a rubber band. In dozens of other cases, technicians were found to be using the machines improperly. An FDA task force is investigating.

Growing evidence of testing abuses, along with fear of malpractice litigation, has begun to stir concern in some quarters of the medical establishment. Since late 1985, the Journal of the American Medical Association has been running a series of articles on office testing. Physicians, the authors have written, "are unfamiliar with . . . the subtleties of testing, the idiosyncratic personalities of 'foolproof' electronic equipment, or even the basic concepts of quality control."

Observes Walter Johnson, the director of the cytogenetics lab at Case Western Reserve University in Cleveland: "Most of us would prefer that regulation be on a voluntary basis. But frankly, voluntary systems don't work worth a damn in the long run."●

NATIONAL WOMEN VETERANS RECOGNITION WEEK, 1987

● **Mr. CRANSTON.** Mr. President, as chairman of the Committee on Veterans' Affairs, I would like to draw my colleagues attention to the fact that Sunday, November 8, was the beginning of "National Women Veterans Recognition Week."

As the Senate author of the legislation establishing this commemorative week, Senate Joint Resolution 171, which was signed by the President last Friday, I am proud that this is the fourth year in which we are honoring the women veterans of this country in this manner. Because of the success of activities carried out in the past 3 years to recognize women veterans, I believe the designation of such a week again this year is important to continue this momentum.

Mr. President, I note with pleasure the strides made during the past few years on behalf of women veterans. A number of concerns have been raised by different studies—a 1982 General Accounting Office report, a 1984 Veterans' Administration report, and a "Survey of Female Veterans," published in August 1985 by Louis Harris & Associates—regarding women veterans. The VA Advisory Committee on Women Veterans has also raised several concerns regarding women veterans.

In its initial report, issued in July 1984, the advisory committee made the following points:

> Two fundamental problems cut across the issues discussed by the Committee. First: Many women veterans are not aware of their entitlement to the benefits administered by the VA and other women who may be aware of their entitlements are reluctant to initiate claims for their benefits. Second: VA information materials, brochures, and outreach programs designed to inform veterans of their rights and benefits have been aimed at a male constituency. In part, this is merely a reflection of a traditional societal mindset that a veteran is, almost by definition, male.

More recently, in its July 1986 report, the advisory committee lists as its top priorities increasing understanding of, and addressing, concerns such as the special needs of aging women veterans, the gender-specific health conditions of women veterans, the employment needs and problems of women upon separation from the armed services, the notification of provision of benefits to WAAC's and WASP's, and the development and distribution of material to inform women veterans more adequately of the wide range of VA benefits and services for which they are eligible.

Mr. President, I am pleased to note that the Veterans' Administration has worked and is continuing to work in conjunction with the VA Advisory Committee on Women Veterans to resolve these problems. One constructive step the VA took was the establishment of a women veteran coordinator position in each VA medical center in order to make VA health-care facilities more accessible and sensitive to the needs of women veterans. At its semiannual meeting last month, the advisory committee noted other VA accomplishments in improving the care provided to female veterans. Among those improvements are steps to ensure women more privacy during examinations and hospital canteens stocking cosmetics, practical pajamas for women, and other such products.

Mr. President, the advisory committee also noted that the VA has taken another important step to improve the quality and accessibility of VA health-care for women veterans in response to legislation I authored in 1983 in section 302 of Public Law 98-160. In compliance with this provision requiring the VA "to provide appropriate care, in the timely fashion, for any gender-specific disability * * * of a woman veteran eligible for care * * *," the VA in 1986 established a policy requiring that ambulatory care for gender-related conditions be available to women veterans on a par with the care male veterans receive for their gender-related ailments, and requiring that complete physical examinations for women include gynecological examinations.

The VA is also examining another health issue of special concern to women Vietnam veterans. The Consolidated Omnibus Reconciliation Act of 1985—Public Law 99-272—included a provision based on legislation I authored in the Senate requiring the VA to conduct a female Vietnam veterans health experience study. It will focus on potential long-term adverse health effects resulting from service in Vietnam, where servicemembers may have been exposed to a variety of health hazards, including agent orange and other phenoxy herbicides. The Office of Technology Assessment reviewed the protocol for this study in September and raised several serious concerns. The health study contractors are now revising the protocol in light of OTA's recommendations. A due date for the study has not been established.

Mr. President, with regret I note that the Fine Arts Commission rejected the Vietnam Women's Memorial Project's [VWMP] effort to place a statue of a servicewoman near the Vietnam Veterans Memorial. As a member of the VWMP Congressional Advisory Council, I have been honored to be a part of this national effort to express our continuing commitment as a nation to all of those who served in Vietnam, both men and women, and am disappointed that the Fine Arts Commission failed to acknowledge the merits of this project. The contributions and sacrifices of women veterans who served in the Vietnam conflict deserve greater public recognition and appreciation. I believe that the VWMP proposal to erect a permanent memorial to these women at the Vietnam Veterans Memorial site would be a most fitting addition to the existing memorial and would appropriately acknowledge the important contributions these women have made to our national security.

Mr. President, I plan to continue my work on behalf of this worthwhile project in pursuit of the VWMP's goal of erecting a statue of a servicewoman at the Vietnam Veterans Memorial.

Mr. President, although much has been accomplished in the past several years, women veterans are still less than half as likely to use major veteran's benefits such as VA health care and home loan guaranties than are their male counterparts. Much has yet to be done to recognize fully the rich contributions of women in our Armed Forces and to address the unique problems and concerns of women veterans. Our designation of a National Women Veterans Recognition Week in 1987 is one way for us to signify our continued support for the women of this country who have made such a great contribution to our national security.●

HERBERT HOOVER, ATHLETIC INNOVATOR

● **Mr. HATFIELD.** Mr. President, this country has been blessed with a large number of athletes who entered the political arena after their playing days were over. Two of our last three Presidents played college football; Senator BRADLEY was a star basketball player, Congressman JACK KEMP had an outstanding career in the American Football League and several other current and former athletes say they are considering a career in politics. The road from athlete to politician is indeed a well-worn path.

My remarks today, Mr. President, bring to the Senate's attention the accomplishments of an extraordinary politician who also was an athletic innovator. This particular man served our Nation with distinction over four decades. He was known as an outstanding administrator who served the Nation in the wake of two world wars and during an economic collapse. Unfortunately, historians initially did not treat him kindly, and it has been only recently that more responsible writers have come to judge him in a favorable manner. I am, of course, speaking of President Herbert Hoover.

One of the last places one would expect to find an article about President Hoover is in a sports magazine. And yet, the latest edition of Sports Illustrated carries a story about a game President Hoover as instrumental in inventing—Hoover Rules Medicine Ball. As the article points out, it takes great strength and stamina to play this forgotten game, and the physical rewards are endless. I must agree with the author that had Mr. Hoover's administration been more popular, perhaps the game itself might have endured. If revisionist historians can resurrect the image of President Hoover as a man of action in a time when the nation faced its greatest economic crisis, maybe sports revisionists can rediscover a forgotten, yet invigorating game.

Mr. President, I ask that the article, "Rediscovering the Joys of (oof!) Medicine Ball," be printed in the RECORD.

The article follows:

REDISCOVERING THE JOYS OF (OOF!) MEDICINE BALL

(By John Garrity)

Talk about a power serve. Steve Hinman aced me with a heave that cleared the net by at least 15 feet, causing me to lose the ball for a moment in the ceiling lights, and it crashed at my feet like a sack of concrete mix. The floor shivered. I thought, "The only way to practice for this guy is to have someone drop watermelons to me from a freeway overpass."

A minute later, at deuce, a strong volley by Hinman caught one of my teammates off-balance and sent him reeling off the court. But it was quickly back to deuce when a topspin return, aimed right at me, hit the net and threatened to snap off the aluminum standards at the floor.

Joe Hovorka grinned. "You know something? I think we've rediscovered a great game."

For the record, the first semisanctioned Hoover Rules medicine ball match since the Depression was played at The Athletic Club of Overland Park (Kans.) on the morning of May 12, 1987. Hinman, the club's director, captained a three-man house team. I, by virtue of having what may be the only copy of the game's rules outside the Herbert Hoover Presidential Library-Museum in West Branch, Iowa, led the challengers.

The Rosetta stone of medicine ball (or "mediball," as we call it) is a 56-year-old magazine article entitled The President Watches His Waistline, by one Will Irwin, who is identified as a "celebrated author and intimate friend of President Hoover," In his article, Irwin succinctly states the rules for mediball. The game is played on a court 66'×30' and scored exactly like lawn tennis, with these exceptions: 1) There are no rackets; 2) A six- or eight-pound medicine ball replaces the tennis ball; 3) The game is played over an eight-foot volleyball net; 4) The ball must be caught on the fly and instantly thrown back over the net.

"Nets, outs and muffs count points for the other side; clean placements for your own side," Irwin wrote. "A ball returned from within your own service line must be returned beyond your opponent's service line [much more about this humdinger later]. As played on the White House grounds, it is always 'doubles' or 'triples'—never a 'singles' game."

Irwin's account also includes this "word of caution": "The men who play medicine ball at the White House are all vigorous and sound. . . . This is no game for middle-aged men with organic flaws. . . ."

It took but a few warm-up tosses with our eight-pound ball to prove the veracity of that statement. "Holy mackerel, those guys must have been *animals!*" said Hovorka, straining to reach the opposite service line with a two-handed chest shot. Because he was one of three players on the court who could benchpress more than 300 pounds, those of us with gray hair and incipient "organic flaws"; began to wonder if the game was even playable. Fortunately, Hovorka discovered that the ball could be launched 40 or so feet with a two-handed hammer-throw-spin technique, and we all adopted that shot as the equivalent of the forehand drive.

As we began to play, it soon became obvious that medicine ball is not so much about throwing as it is about catching. Hand catches were difficult on all but the softest tosses. We had to develop ways to break the momentum of the ball, either by catching it sideways and using the arms to give with the leathery weight or by moving square up to the ball's flight path and boxing it against the body with the arms.

"It's strength and quickness and concentration," says Larry Schwartz, the club's athletic director. "You concentrate so hard on simply catching the ball you can't think about where you want to throw it."

With Hovorka serving, my team won the first game; but in the second game Hinman's side also held service as Steve Brownback and Joe Gorenc, a former wide receiver in college, made impressive baseline catches. Muscles began to protest when the third game locked at deuce, but Schwartz held service of us, recklessly hitting the floor twice to make saves.

At this point—gasping, and clinging to a one-game lead—I asked whether either the players or the equipment were up to an hour-long battle without benefit of Parris Island training. It was agreed that the match should be a best-of-five-games affair—giving us the edge.

But it was Hinman's turn, and he immediately made a place for himself in modern chronicles of medicine ball by introducing the two-handed underhand serve, the previously mentioned bomb that damn near checkered the varnish on the floor when it thudded onto the hardwood. It was the only service ace of the game, but it was enough to demoralize our side. The score was soon knotted at two games apiece.

The final and deciding game came down to this: *My* serve.

Never was there a physique less suited for mediball: 6'6", 200 pounds, a cattail leaning in the wind. "Get it high," Hovorka pleaded. "We can take 'em," Schwartz cried, clapping his hands.

I took my stance behind the service line, gripped the ball tightly, bent my knees for a Hinman serve (See? Already he had revolutionized the game!) and with a manly grunt launched the ball high over the net. . . .

But I'm getting ahead of myself. What, you may reasonably ask if you're not of a certain age, is a medicine ball?

Good question. Turn-of-the-century physicians prescribed exercise with a weighted leather ball as "good medicine" for patients lacking strength and stamina—"vigor," as it was called in those days.

The medicine ball was actually patented in the 1890s. According to Dr. Donald A. Chu, professor of biomechanics and sports medicine at Cal State-Hayward, the ball was a favorite with women in the first decades of this century. "Eventually," Chu says, "they discovered it was a lot more fun to play basketball and volleyball than to gently toss around a medicine ball, and it was retired to the back of the equipment room."

The ball's flirtation with glamour and power came with Hoover's election in 1928, when he was 54. A committed outdoorsman and fisherman in his years as a mining engineer, Hoover had puffed up to 200 pounds, a victim of Washington dinner parties. His personal physician, Navy Commander Joel T. Boone, invented the new game to reduce the presidential girth, and four days after the inauguration the Medicine Ball Cabinet was born.

For the next four years, the rich and powerful—cabinet members, U.S. Supreme Court justices, friends and aides—showed up at the White House in old clothes and sweaters to play medi-ball with the President, who was said to have a forehand drive powerful enough to bowl opponents over. The games began at seven o'clock each morning, Sundays excepted, and continued without a break until a factory whistle down by the Potomac signaled the end of play at 7:30. "By this time," says Irwin's article, "the players are usually in a reeking perspiration." You bet.

Hoover's recollection, in his Memoirs, differs only slightly from Irwin's. Where Irwin reports a six-pound ball, Hoover remembers it as weighing eight. Irwin places the net at 8 feet, Hoover at 10. But both accounts credit the game with keeping the presidential bulk under 185 pounds, and being fun at the same time. "It required less skill than tennis, was faster and more vigorous, and therefore gave more exercise in a short time," Hoover wrote.

Had the Hoover presidency been more popular, medicine ball might not have been consigned to history's ash heap. Alas, the game did not survive the Great Depression, and the medicine ball resumed its role as a seldom-used sports bystander. Even through the '70s and '80s, with running, aerobics and weight-resistance training all having their moments in the limelight, the medicine ball sat mildewing in YMCA gymnasiums throughout the nation.

Nevertheless, Everlast Sporting Goods continues to manufacture medicine balls at its Bronx, N.Y., factory. They are still made in the classic manner, by hand-stitching a leather cover around a sandbag core and a wrapping of cotton batting. Medicine balls come in five weights, the four-to-five-pound ball being the lightest, the 14-15 pounder the heaviest. Our "eight-pounder" actually weighs nine pounds. "It's not an exact science," concedes an Everlast spokesman. Most balls are slightly out of round and will flatten further on impact, giving an eccentric wobble to throws.

Everlast manufactures about 5,000 balls a year, which sell for $30 to $60. That leads to the question: Who buys them? "The primary users today are boxing-oriented gymnasiums," says John Toms, Everlast's vice-president of sales, "places like Joe Frazier's Gym in Philadelphia and Gleason's Gym in New York. Some boxers even buy their own personal medicine balls." If he had to single out one figure as the medicine-ball guru, Toms would choose Frazier. "He does a routine with a 15-pound ball that is really something to see."

Catching that routine requires a visit to Frazier's Gym, a windowless warehouse in the shadow of a freeway overpass. There the former world heavyweight champion preaches the gospel of the medicine ball to anyone who cares to listen. "I'm 43 now, and I still weigh only 236 [seven pounds more than when he last fought, in 1981]," Smokin' Joe says. "I owe that to the medicine ball."

Frazier has two medicine balls, actually—a 15-pounder and a special-order, two-foot-diameter leather boulder that weighs 25 pounds. The balls are used in lifting and stretching exercises, two-man sit-up-and-catch routines and the classic drill in which a trainer repeatedly drops the ball several inches onto a boxer's tensed abdominal muscles.

But that's just a warmup. Frazier most enjoys a game of point-blank catch with the 25-pounder, in which each player takes the full impact of the ball in the midsection, allowing it to drop before catching it with the hands. Twenty or 25 such blows to the solar plexus develops more than strength, Frazier says. "It keeps me alert."

The medicine balls at Frazier's Gym reek of sweat and leather, but there is a new generation of weighted balls that smell of high-tech chemicals and come in designer colors. Of course, along with the new look comes a new name: plyoballs, from plyometric, having to do with the rapid stretching and contracting of muscles to develop power. Uniform in density and perfectly round, these balls have a pliable polyurethane skin that is easy to grip.

Triangle Health and Fitness Systems of Morrisville, N.C., calls its updated medicine balls Bodyballs and recently introduced three-and four-pounders in red and blue, respectively. Another company, Athletic Training Consultants of Bowie, Md., offers Versaballs in 2-, 4-, 6-, 9-, 12- and 15-pound weights. "The idea behind the Versaball is that it can be used as a regular medicine ball, but it can also be used for upper-body plyometric exercises," says University of Maryland strength and conditioning coach Frank Costello, a partner in the Versaball division.

Costello, the 1966 NCAA high jump champion (and more recently a member of the U.S. Olympic Developmental Committee, which holds clinics for potential Olympians and analyzes their performances), says he learned the value of medicine-ball training 20 years ago in international competition. "The Eastern Europeans were big on medicine balls, but in this country people just thought of them as something boxers bounced off each other's stomachs."

That perception may be changing. The Washington Capitals hockey team has started training with Versaballs, and Costello expects other professional and college teams to follow. "You're going to see a big upswing in medicine balls," he says. "They're an important part of an athlete's training."

The humble medicine ball may even come to be perceived as—gasp!—sexy. *Shape* magazine recently put curvy television actress Connie Sellecca on its cover, cradling a Bodyball against an admirably slim thigh.

My first serve of the deciding game was in the air, but I won't bore you with a shot-by-shot recounting of the epic denouement of the resurrection of mediball. Actually, I don't remember much of the final game, except that I scored a crucial point by nimbly avoiding contact with a heavy shot that was out by inches. Which, I must add, should not be mistaken for ducking.

My side won.

More to the point, Hoover Rules mediball was judged a success. "I tell you," said Hinman, "you wouldn't even *have* a waistline if you played this every day." "It's neat," echoed Schwartz. "A bit of Americana rediscovered." The Athletic Club of Overland Park plans to add medicine ball to its regular activities schedule.

But Will Irwin's note of caution will be observed. Beginners must start out with the six-pound medicine ball or a four-pound plyoball. The game will go faster, with less risk of injury. Heed the words of the game's inventor, Commander Boone: "Exhilaration, not depression, should follow. Otherwise, it's dangerous."●

OUR LONG-TERM STRUCTURAL PROBLEMS

● **Mr. BINGAMAN.** Mr. President, over the past few weeks, our attention has been focused on America's short-term economic problems. Since the stock market crash of "Black Monday," the eyes of both Wall Street and Main Street have been on the budget negotiations here in Washington. While these negotiations are extremely important, and I hope will be successfully concluded in the near future, they should not divert our attention from this Nation's long-range economic problems. Reducing the budget deficit will calm the jittery stock market. But it will not, by itself, correct the underlying structural problems of our economy. It will not cause our trade deficit to go away, nor will it make our huge foreign debt magically disappear.

In a recent article in the New York Times, economist Charles McMillion points out the problem of relying on quick fixes. While the title "Not Higher Taxes, Faster Growth" is misleading, his analysis is right on target. The long-range solution to our debt and deficit problem is improved economic competitiveness. Reducing the budget deficit is important, but correcting the structural factors which gave rise to our problems is more important. I urge my colleagues not to be diverted from this task.

I ask that this article be printed in the RECORD.

The article follows:

[From The New York Times, Nov. 1, 1987]

NOT HIGHER TAXES, FASTER GROWTH

(By Charles W. McMillion)

The stock market collapse has awakened the nation and the world from a long dream of economic unreality. We have now been challenged more forcefully and more visibly than at any time since the Sputnik era of a generation ago.

Unfortunately, many still cling to the security blanket of quick fixes. Only the strategies have changed in the now largely misdirected battles to reduce the budget and trade deficits. Long declining economic growth and living standards are at the heart of the current crisis. Neither of these is likely to benefit—indeed, both could well suffer—if taxes are significantly raised, Government spending indiscriminately slashed or the dollar further enfeebled on foreign markets.

Our economic growth averaged 4 percent a year during the 1950's and 1960's, before slowing to less than 3 percent in the 1970's. So far, in the 1980's, real annual growth has slowed to barely 2 percent. Had growth remained at 4 percent during the 1970's and 1980's, we would not have a Federal budget deficit, but a substantial surplus.

We are now in our 59th consecutive month of slow economic growth. During this period our national economy and Federal budget deficit have each grown by about $1.2 trillion. Arguably, our nation has borrowed its entire economic growth over the past five years.

Although reducing the budget deficit by raising taxes or cutting spending or both may send some positive signal to investors, it is likely to send negative signals and create recessionary fears among consumers as we approach the Christmas buying season.

We have had slow economic growth because the economy has changed. Competition for markets, jobs and tax revenues is no longer local, or even national. Today competition is global, and we are losing out.

By increasing debt we have been creating jobs, but not middle-class jobs. Real wages are now below 1963 levels, and 80 percent of the jobs created in the 1980's are in retail sales and miscellaneous services where average wages, adjusted for inflation, are below the national average wage for 1949.

The only way Americans could sustain their standard of living in the 1970's was to have at least two income earners in the household. In the 1970's wives went to work—whether they wanted to or not. While in the 1980's, living standards have been supported by accumulating debt.

The trade deficit and a weakening dollar are only the most obvious indicators of our economic decline. The 1986 trade deficit of $160 billion was larger than the G.N.P. of 170 of the 179 countries with which we trade. To pay for all these foreign goods, our foreign borrowing now exceeds $150 billion a year—more than Brazil or Mexico have accumulated over their entire histories.

With this massive borrowing, we are now consuming far more than we are producing. At some point, just to service this enormous debt, the United States will have to competitively produce—and sell in tough global markets—far more than we now consume. This will require a wrenching change in world patterns of consumption and production. To do this, we must competitively produce $200 billion a year more, or we will be forced to consume $200 billion a year less in foreign produced goods.

Changing the exchange rate is an obvious "quick fix" for our trade imbalance. Certainly at some lower exchange rate the trade accounts could be balanced. But we should remember the lessons of the weak dollar in the late 1970's. At that time inflation soared to double digits, wages suffered their steepest decline since the Great Depression and other nations' per capita income surpassed our own. At the time, this seemed an extraordinary price to pay for a positive trade balance.

At current exchange rates, Japan now has the highest per capita income in the world, surpassing second place West Germany and a full 12 percent ahead of ours. This is extraordinary considering that in 1972, we earned twice what the average Japanese did.

The sad truth is that there are no easy answers, in Washington or elsewhere, to the profound dilemmas developed in the generation since the Sputnik challenge.

President Reagan, and the President who will succeed him, simply must acknowledge the pervasiveness of this crisis and provide coherent, forceful leadership. We have the resources and the mobilization capabilities to productively work our way out of this dilemma. It will involve major changes in all areas of our society. Old antagonisms between labor and management, public and private sectors, must be put aside in recognition of our interests.

The nation's attention must be turned to education and training, capital formation, development of commercial technologies and to opening and developing foreign markets for our goods. American firms and workers must make dramatically better products, emphasizing innovation, quality and productivity. The Government must be made capable of becoming a productive partner.

Everyone would like quick and dramatic action in the face of our current crisis. We must not now however compound the costs of our past budget and trade inaction by significantly raising taxes or slashing spending as we face a possible recession.●

CHUCK COLSON AND THE STATE

● **Mr. HATFIELD.** Mr. President, my friend Chuck Colson recently wrote a column in Christianity Today magazine which provides a good bit of guidance to those of us charged with the responsibility of drafting our Nation's laws.

Very often efforts to uphold the first amendment's provisions regarding the separation of church and State produce results openly hostile to religion. But even more dangerous is the trend to construe the first amendment to demand that the laws passed by the Nation's legislatures cannot reflect the personal judgments of the elected representatives that might somehow be guided by religious conviction and conscience. So it is considered constitutional, for example, to legislate against murder provided that the value motivating this law is a generalized sense of the value of human life and not the biblical prescription against murder that stems from the sacredness of life and society. The fact is that the values of America emanate largely from a Judeo-Christian ethic that has been forged over thousands of years, and that each law enacted necessarily reflects a value judgment. As Chuck Colson points out, attempts to somehow sanitize the legislative process from such moral influence are sometimes ludicrous and at all times shortsighted. One does not advocate repeal of the first amendment when he or she casts a vote that reflects, in Chuck Colson's words, "religiously motivated political activism." To believe that elected officials must disavow religious influence when exercising judgment is to misunderstand the Constitution and to mandate for many of us a misrepresentation of the constituencies responsible for our election. I ask that Mr. Colson's editorial be printed in the Record, and encourage all of my colleagues to read it carefully.

The editorial follows:

Spying on Henry Hyde at Mass

(By Charles Colson)

Religion, a friend of mine joked, is being treated today the same way homosexuality once was: As long as it is practiced only among consenting adults behind closed doors, it is tolerated.

I thought of this irreverent quip while watching NBC's news coverage of the Supreme Court decision striking down Louisiana's "creation science" law. The counsel who represented Louisiana argued that the legislature was merely seeking to assure equal discussion of equally valid theories regarding the origins of man; academic freedom demanded no less. Anchor Tom Brokaw appeared frustrated. Finally he growled, "But weren't many sponsors of this bill *religious* people—doing this for *religious* reasons?"

For Brokaw, apparently a person with religious motivations has no business injecting those into public debate; it seems religious convictions might contaminate public policy.

This shocking attitude is held not just by the American Civil Liberties Union and People for the American Way, but by a lot of otherwise sensible people who have been conditioned into believing that public debate should be free of any religious influence.

The U.S. Supreme Court has encouraged this mindset. In 1971's *Lemon* v. *Curtzman*, the Court applied a threefold test of constitutionality: first, a law's primary effect must neither advance nor inhibit religion; second, it must not result in excessive entanglement of government with religion. Fair enough so far. But the third tenet holds that a law must be adopted with a "secular intent"—and that is where difficulties arise.

It was on this third point, in fact, that the Louisiana law was struck down. The law's drafters expressly stated a secular purpose—balanced academic teaching—but that expressed purpose was held by the Court to be a "sham." Justice Brennan argued bluntly in a majority decision that the sponsor's motivation was religious—hence the law itself was unconstitutional.

My concern here is not to argue the merits of the Louisiana law. It may not have been wisely drafted or advanced true academic freedom. But the grounds on which it was struck down establishes a chilling precedent. If the effect of the Court's decision is to hold that any motivation for passing a law—be it conservatism, liberalism, Marxism, or whatever—is valid *except* religion, then we will have perverted religious freedom into a monstrous form of religious repression.

Congressman Henry Hyde offers a firsthand account of what it means to run afoul of this bigotry. In 1976 Congress passed the Hyde Amendment, which barred federal funding of abortion in the Medicaid program. Planned Parenthood, the ACLU, and other groups challenged the amendment's constitutionality, claiming it imposed "a peculiarly religious view of when a human life begins." To prove their theory, the plaintiffs' lawyers asked to review Hyde's mail for expressions of religious sentiment—such as the suspicious use of "God bless you" at the end of a letter. Their private investigator followed Hyde to a mass for the unborn, covertly making notes as the congressman read Scripture, took Communion, and prayed.

The plaintiffs testified that these observations evidenced a simmering religious conspiracy, claiming that Hyde, a devout Catholic, could not separate his religion from his politics and that the Hyde Amendment was thus unconstitutional.

Planned Parenthood and the ACLU ultimately lost their case. But Hyde later wrote, "Some powerful members of the cultural elites in our country . . . go to Gestapo lengths to inhibit [religious] expression."

The authors of a New York law outlawing the use of children in pornography certainly went to lengths to avoid a legal battle like Hyde's or Louisiana's. In its preamble, the statute specifically states that the law is *not* based on any moral or religious considerations. Only by making such a specific disclaimer did the bill's drafters believe they could avoid a court challenge.

That this bias against religious motivations exists is disturbing enough. But do we really understand where this growing intolerance can lead us—what kind of society we would have if the public square were sanitized of religious values?

The abolition campaign, the reform of inhumane prison and working conditions, child labor laws, education reform, and the civil rights movement: all these sprang from religiously informed motives. What would the history of social justice be like without the likes of William Wilberforce, John Wesley, Lord Shaftesbury, William Jennings Bryan, Martin Luther King? Such leaders were from both the political Left and Right, theological liberals and conservatives alike.

Even such a generally irreligious observer as John Dewey once commented, "The church-going classes, those who have come under the influence of . . . Christianity . . . form the backbone of philanthropic and social interests, of social reform through political action, of pacifism, or popular education. They embody and express the spirit of kindly good will towards [those] in economic disadvantage."

Religiously motivated political activism brings a transcendent moral perspective to the turmoil of contemporary political affairs. While the separation of the institutions of church and state is a vital constitutional safeguard, no one ever intended the religious and political realms to be separated. To do so is to sterilize our body politic and leave it morally impoverished.

For me, Tom Brokaw's question was hauntingly reminiscent of the celebrated remark of Lord Melbourne in Parliament 200 years ago. Rising in indignation to oppose the abolition campaign led by an outspoken Christian, William Wilberforce, Melbourne thundered, "Things have come to a pretty pass when religion is allowed to invade public life." Had Melbourne prevailed and Wilberforce been disqualified because he spoke his Christian conscience, the abominable slave trade might not have ended.

Two centuries ago the answer to Melbourne's challenge was yes: in the name of humanity and justice, religion must invade public life. The answer to Tom Brokaw's question today should be no less. ●

SALUTING BILL DAVIDSON

● Mr. LEVIN. Mr. President, tonight, in Southfield, MI, congregation Shaarey Zedek is paying tribute to a very special man. William Davidson will receive Israel's Peace Medal at a dinner to benefit State of Israel bonds.

Let me read from the invitation to this event:

> It is singularly fitting that, on the eve of the 40th anniversary of the remarkable nation, the Detroit Jewish Community and Congregation Shaarey Zedek salute a remarkable man.

Bill Davidson is dedicated and determined. He has served as president of his beloved Congregation Shaarey Zedek. His deep commitment to Jewish education can be seen in his building of the wing at the Hillel Day School of Metropolitan Detroit.

He has remembered his own alma mater by establishing a visiting professorship in business administration at the University of Michigan. And he has endowed a chair in industrial and managerial engineering at the Technion-Israel Institute of Technology.

He has a profound interest in the quality of life of his community and has participated with great generosity in philanthropic efforts to satisfy education, social, and cultural needs both in this country and abroad.

As involved as Bill is in the business world and community life, he still finds time to avidly follow the Detroit Pistons, of which he is a principal owner. Not surprisingly, Bill is more than just a fan. He has a terrific relationship with the players and truly loves the game. Bill had special reasons to be proud of the Pistons this past year when they went all the way to the semifinals in the NBA and took the powerful Boston Celtics to a hard-fought seven game series.

Let me conclude with another quotation from the invitation to tonight's dinner:

> It is with justifiable pride that Congregation Shaarey Zedel pays tribute to a vigorous international industrialist who is also a distinguished leader in congregational and communal life.

As we congratulate a good friend and great community leader, Bill Davidson, we also want to commend his congregation and community for recognizing his many contributions. Tonight will be an evening of celebration.●

TURKEY

● Mr. LUGAR. Mr. President, today I would like to insert into the RECORD an article by James A. Phillips of the Heritage Foundation entitled "Turkey: An Increasingly Key Strategic Asset for the U.S." I believe it addresses several key issues in our relations with Turkey. Turkey is a key NATO ally that is strategically located at the nexus of our NATO, southwest Asia, and Middle East policies. Our continued and steady support for Turkey in upcoming years will help them to maintain their position as a strong force for stability in the region.

The article follows:

TURKEY: AN INCREASINGLY KEY STRATEGIC ASSET FOR THE U.S.

(By James A. Phillips)

INTRODUCTION

At a time when war and chaos in the Persian Gulf remind policymakers how difficult it is to deal with Middle Eastern states, Turkey remains a rock of stability and reliability in the eastern Mediterranean. Yet the U.S. Congress is contemplating actions that will strain relations with this key ally. Not only is Congress imprudently considering a reduction in the Administration's request for $785 million in military aid to Turkey, but it is considering attaching onerous conditions to that aid.

Turkey is of great importance to the United States for geostrategic, political, and economic reasons. In strategic terms, Turkey poses a formidable barrier to Soviet expansion in the eastern Mediterranean and Middle Eastern regions. Its pivotal location and large army make it the eastern linchpin of the North Atlantic Treaty Organization's (NATO) security perimeter. The Iranian revolution and Soviet invasion of Afghanistan emphasizes its importance in Persian Gulf contingencies. The Greek government's threats to terminate U.S. base rights in Greece enhance Turkey's importance in NATO's eastern Mediterranean defense plans.

Muslim Bridge. In political terms, Turkey's position as NATO's only Muslim member makes it a bridge between the Western and Muslim worlds and enables it to play a stabilizing role in the volatile Middle East. Turkey's commitment to secularism, instituted in 1923 by the far-seeing founder of modern Turkey, Kemal Ataturk, makes it an ideological adversary to the Islamic fundamentalist groups, which threaten the stability of much of the Middle East. Aside from Israel, Turkey is the only Middle Eastern state with a longstanding commitment to parliamentary democracy.

Turkey thus offers the Third World a model for secularism and democracy. It also is a proved model for economic development. Turkish Prime Minister Turgut Ozal has ignited an impressive economic boom by instituting free market economic reforms. The Wall Street Journal praises him as "the developing world's closest approximation to Ronald Reagan.

The U.S. clearly has strong reasons to maintain the closest possible working relationship with Turkey. Yet cracks are appearing in the Turkish-American relationship. In early May Turkish President Kenan Evren canceled a scheduled visit to the U.S. to signal growing Turkish doubt about American sincerity and reliability because of anti-Turkish actions taken by the U.S. Congress. Despite Turkey's crucial contributions to the Western alliance, Congress has reduced the Reagan Administration's aid request for Turkey each year since 1981. Congress attaches counterproductive conditions on that aid and arbitrarily links Greek aid levels to Turkish aid levels in an inflexible 7 to 10 ratio.

Because of these congressional actions, Turks increasingly believe that they are taken for granted by Washington; they are particularly galled when they contrast their stalwart security cooperation with the U.S. with the shrill anti-American harangues of Greece's socialist Prime Minister, Andreas Papandreou.

To restore the health of Turkish-American relations and enhance American interests, the U.S. should:

(1) Give Turkey $785 million in military aid, which the Administration requested, to modernize the Turkish armed forces and enable Turkey to meet its NATO defense responsibilities.

(2) Set aid levels to Turkey according to its contributions to Western security against Soviet threats.

(3) Refuse to make U.S. aid to Turkey dependent on Turkish behavior in such regional issues as the Cyprus dispute.

(4) Press U.S. allies to increase economic aid for Turkey and to facilitate Turkish entry into the European Economic Community.

(5) Encourage rapprochement between Greece and Turkey through a high-level dialogue and such confidence-building measures as a nonaggression pact.

TURKEY'S STRATEGIC IMPORTANCE

Turkey anchors NATO's eastern flank, guards one-third of NATO's 3,600-mile front with the Warsaw Pact and is the only NATO member sharing an extensive border with the Soviet Union. Turkey controls the Bosporus and the Dardanelles, the key straits that constrain Soviet naval access to the Mediterranean Sea. In the event of conflict, Turkey is to close the straits to the 69-ship Soviet Black Sea fleet, nearly one-third of Soviet major surface warships. By doing so, Turkey would prevent Moscow from surging against NATO's soft underbelly in the Mediterranean and from cutting sea lines of communication to Greece, Turkey, Israel, Egypt, and the Persian Gulf. Turkey's 654,000-man armed forces are the second largest in NATO, only after the 2,143,000-man U.S. armed forces, and larger than France's 557,000 and West Germany's 485,000. The tough disciplined Turkish forces would tie down 20 to 30 Soviet divisions in the event of war, some of which otherwise could be deployed on NATO's central front.

The long border with the Soviets

Turkey has long experience in dealing with Russia, having confronted Russia in thirteen wars over the last four centuries. Faced with post-World War II Soviet demands for bases on the straits and territorial concessions, Turkey turned to the U.S. for support. Under the 1947 Truman Doctrine, Turkey along with Greece became a successful test case for the strategy of containing an expansionist Soviet Union through U.S. economic aid, military assistance, and diplomatic support. Turkey fought alongside the U.S. in the Korean War, joined NATO in 1952, and later became a member of the pro-Western Baghdad Pact and its successor, the Central Treaty Organization (CENTO). Greek-Turkish disagreements over Cyprus have been the main irritant in U.S.-Turkish relations.[1] The importance of maintaining close strategic ties was underscored by the 1979 Soviet invasion of Afghanistan, which dramatically demonstrated Moscow's expansionist designs for pushing closer to the Persian Gulf.[2]

Hard Intelligence. The U.S. today enjoys access to six major and 21 smaller facilities in Turkey that are dedicated to NATO military and intelligence functions. The air base at Incirlik in southern Turkey offers a staging area for U.S. fighter bombers; facilities at Sinop on the Black Sea and Diyarbakir in eastern Turkey provide intelligence on Soviet military activities; Belbasi near Ankara contains a seismic station for monitoring Soviet nuclear tests; Pirinclik is the site of radar warning and space monitoring stations; and storage facilities at Yumurtalik and Iskenderun house fuel and military supplies. These facilities provide 25 percent of NATO'S hard intelligence on Soviet strategic nuclear activities, weapons development, military readiness, and force movements.[3] U.S. Air Force units from as far away as Spain and Great Britain use Turkish bombing ranges on training missions.

As important as Turkish defense installations have been to the U.S., they are likely to become even more important in the future. Greece's Papandreou repeatedly has threatened to dismantle U.S. bases in Greece when the current agreement governing their operation expires in December 1988. Turkey is the logical choice to help fill the gap that could be left by the loss of the four major and several minor U.S. installations in Greece.

Turkish role in Persian Gulf

The 1980 Defense and Economic Cooperation Agreement (DECA) between the U.S. and Turkey limits American use of Turkish facilities to NATO defense purposes. This condition was imposed by Turkey to avoid being drawn into regional conflict without

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[1] After Greek-Turkish tensions flared on Cyprus in 1964, President Lyndon Johnson sent a letter to Ankara hinting that NATO would not back Turkey if a Turkish intervention precipitated a Soviet reaction. Following the 1974 Turkish military intervention in Cyprus, the U.S. Congress imposed an arms embargo on Turkey that was not lifted until 1978.

[2] See: James A. Phillips, "A Mounting Soviet Threat to the Northern Tier," Heritage Foundation Backgrounder No. 274, July 1, 1983.

[3] Bruce Kuniholm, "Turkey in the World," in George Harris, ed., The Middle East in Turkish-American Relations (Washington, D.C.: The Heritage Foundation, 1985), p. 9.

NATO backing. Yet Turkey still could play a role in deterring a Soviet move to the Persian Gulf. In 1982 the United States began to modernize ten Turkish air bases, several of them in eastern Turkey, on the flank of possible Soviet invasion routes through Iran. These air bases could enable U.S. warplanes to interdict the supply lines and slow the momentum of a Soviet invasion force attacking Iran.

Turkey is reluctant to become involved in Middle Eastern conflicts because of a desire to avoid stirring up memories of Ottoman imperialism. It seeks to preserve its neutrality in the Iran-Iraq war to preclude Iraqi or Iranian support of Kurdish terrorists inside Turkey. Turkey also enjoys lucrative trade with both belligerents in the Gulf war. Although the Turks permit U.S. intelligence-gathering activities related to Persian Gulf events, they have refrained from committing themselves in advance to granting U.S. access to their bases in the event of a Persian Gulf flareup. Turkish involvement in Perisan Gulf affairs is unlikely unless Soviet forces are involved and Turkish efforts are subsumed under a NATO umbrella. Nevertheless, no Soviet military planner can afford to ignore Turkey when contemplating aggression in the Gulf.

ISSUES IN U.S.-TURKISH RELATIONS

Turkey's defense needs

In addition to the Soviet Union, Turkey is surrounded by some of the world's most ruthless regimes: the pro-Soviet states of Bulgaria, Syria, and Iraq as well as revolutionary Iran. Greece, Turkey's only western neighbor is led by the volatile Papandreou regime, which persistently conjures up a Turkish bogeyman to distract its increasingly disenchanted citizens from the economic havoc wrought by its myopic socialist policies. Since Turkey cannot count on being reinforced rapidly by its NATO allies in the event of Soviet attack, it must maintain a large military establishment. Ankara devotes 4.5 percent of Turkey's Gross National Product (GNP) to national defense, one of the highest commitments in NATO. Yet Turkey's economic base is not broad enough to finance the acquisition of enough modern defense systems to enable Turkey to fulfill its NATO responsibilities.

Turkey's obsolescent tanks, aircraft, and ships are often far older than the crews that man them. In fact, Turkish military equipment has been described as a "museum of World War II." The Turks have initiated an extensive program to upgrade their aging M–48 tanks, and they hope to replace Korean War vintage warplanes with F–16 fighter-bombers produced under a coproduction agreement with the U.S.

In 1983 the Pentagon estimated that bringing Turkish forces up to minimum NATO standards would cost $18 billion over thirteen years.[4] Although the 1980 DECA did not establish an explicit quantitative link between U.S. aid and access to Turkish bases, Washington pledged its "best efforts" to underwrite Turkey's NATO defense commitments. Ankara estimated that this would require in excess of $1 billion in American aid each year. But Congress has pared back the Administration's aid request each year. Although Turkey is the third largest recipient of U.S. aid in recent years after Israel and Egypt, American military aid has fallen from a peak of $718 million in Fiscal Year 1984 to $615 million in FY 1986 and $490 million in FY 1987.

Lobbying Congress. When the 1980 DECA expired in December 1985, the Turks sought to extract firmer U.S. aid level guarantees. After more than a year of hard bargaining, the Turks last March accepted letters between Secretary of State George Shultz and Foreign Minister Vahit Haldfogu that contained the unusual clause that the Reagan Administration would lobby Congress with "vigor and determination" to help Turkey meet its NATO responsibilities.

To their credit, the Turks did not threaten to terminate American access to their bases, as has Greece's Papandreou. The Ozal government subsequently was criticized by its political opposition for agreeing to renew the DECA without binding U.S. commitments. Although Ankara signed the new agreement in March 1987, Prime Minister Ozal announced in April that it would not be ratified by the Turkish Parliament because the U.S. Congress slashed the Administration's requested aid package by 36 percent from $913 million to $569 million. President Evren's subsequent cancellation of his planned U.S. visit further underscored growing Turkish exasperation with its American ally.

The Cyprus dispute

Ankara justifiable bridles at some of the congressional strings attached to U.S. aid, particularly the linkage to progress in resolving the long-running Cyprus issue. The 1974 Turkish intervention on behalf of Turkish Cypriots prompted the U.S. to impose an arms embargo on Turkey from 1975 to 1978. The result: the Turks hardened their position. It also weakened NATO defenses and harmed U.S. interests by depriving the U.S. during that period of access to Turkish intelligence-gathering installations. The deterioration of Turkish-American relations also led the Turks to seek improved relations with Moscow. One result was Turkey's acceptance of a broad interpretation of the 1936 Montreux convention, which governs usage of the Bosporus and Dardanelles. This new interpretation permitted the Soviet aircraft carrier *Kiev* to transit the straits in July 1976 under the pretense that it was an "anti-submarine cruiser."

Although the U.S. arms embargo was lifted in 1978 when it became clear that it did not produce the intended results, it has left scars in the Turkish-American relationship. Yet Congress continues to link aid to Turkey to Cyprus negotiations in a manner that the Turks find biased toward Greece. This April, for example, the Senate Foreign Relations Committee passed a resolution to prohibit the use of U.S. provided weapons by Turkish forces on Cyprus and called for a reduction in numbers of the roughly 20,000 Turkish troops stationed on that island.

The 7 to 10 aid ratio

Another case of congressional micro-management that impairs American interests is the 7 to 10 aid ratio that Congress has been using as a rule of thumb in setting Greek and Turkish aid levels. For every ten dollars that Turkey receives, Greece receives seven dollars. This arbitrary ratio, never agreed to by the U.S. executive branch, supposedly maintains the regional "balance" of power between Greece and Turkey, although the nature of this "balance" has never been made explicit. Turkey's population is five time larger than Greece's and its armed forces are three times larger. Turkey requires far more military aid than does Greece because, with its long common border, it faces a much more direct Soviet threat.

Doling out security assistance according to criteria set by the "Greek lobby" in the U.S. skews the distribution of scarce funds and weakens Western defenses. In practice, the ratio does not help Greece, and it hurts Turkey. While Greece amassed up to $1 billion in unspent U.S. military credits at one point,[5] Turkey has been forced to delay the long-overdue modernization of its armed forces. The inflexible application of the ratio reduced U.S. influence with both aid recipients and allows Greece's Papandreou to continue to thumb his nose at Washington because he can count on Greek aid automatically being set at 70 percent of Turkey's aid. The *de facto* 7 to 10 aid ratio, moreover, contradicts official U.S. policy by implicitly endorsing Greek claims that Turkey, not the Soviet Union, is the chief threat to Greek security.

Turkish-Greek Relations

The Greeks once were a Christian minority group living with the Turkish-ruled Ottoman Empire. Since regaining independence in 1832 with British, French, and Russian support, the Greeks zealously have guarded their sovereign rights against a return of Turkish domination. Greece historically has sought foreign help to offset its neighbor's greater size. In 1921, Greece took advantage of Ottoman weakness to invade Anatolia in an unsuccessful attempt to incorporate Greeks on the eastern coast of the Aegean Sea into an expanded Greece.

As with other international conflicts involving claims of rival nations to disputed territories, the Aegean conflict has created extreme bitterness and distrust on both sides. After World War II, Soviet meddling in the Greek civil war and territorial demands on Turkey gave both a common enemy and earned both a common friend in the U.S. In recent years, however, the declining perceptions of the Soviet threat, rising tensions over Cyprus, and disputes about sovereignty over Aegean air space, coastal waters, and the seabed have plagued Turkish-Greek relations.

Greece claims sovereignty of the waters within six nautical miles of the coasts of its Aegean islands but reserves the right to extend its claim to twelve miles. Turkey considers such an extension a belligerent act because it would close most of the Aegean to the Turkish Navy. Turkey would like to settle the issue in bilateral negotiations, but Greece has rejected such an approach, preferring to bring the dispute before the International Court of Justice at The Hague. The World Court, however, has become a highly politicized tribunal, which probably would not give Turkey a fair hearing.

Refusing to Talk. The possible existence of offshore oil deposits has raised the stakes and suspicions of both sides. This March, a naval confrontation over oil exploration in disputed waters narrowly was averted. A similar dispute in 1976 led the two states to agree to avoid provocative acts and negotiate a solution. These talks, along with other bilateral contacts, were broken off by Papandreou when he took office in 1981. As a result, minor Turkish-Greek issues have become politicized to such an extent that they become contentious tests of national wills that all too easily escalate into saber-rattling crises.

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[4] Burce Kuniholm, "Turkey and NATO: Past Present and Future," *Orbis*, Summer 1983, p. 441.

[5] *The Wall Street Journal*, September 10, 1986.

Although Turkey's pragmatic Ozal seeks to open a dialogue and has offered to meet Papandreou "anytime, anwhere," the Greek leader has ruled out such a dialogue as long as Turkish troops remain on Cyprus. This puts the cart before the horse. No progress can be expected on the Cyprus issue without a broad willingness to compromise on both sides. By refusing to talk or listen to his Turkish counterpart, Papandreou perpetuates distrust and diplomatic paralysis. This may benefit him politically by allowing him to pose as the uncomprising defender of Greek sovereignty, but it increases the risks of blow-up in the Aegean that could harm Greek, Turkish, American, and NATO interests.

TURKEY'S EXPERIMENT WITH FREE ENTERPRISE

Prime Minister Ozal, trained as an engineer in the U.S., is dedicated to free market economic reforms. He has been praised by Ronald Reagan as "a real Reaganite in economic terms" because of his determined efforts to prod Turkey toward free enterprise. Since 1980, Ozal has rationalized the price system by abolishing subsidies and lifting price controls, overhauled the tax system, and slashed income taxes by 20 percent for most workers. He has opened up the economy by liberalizing currency exchange rules and expanding access by Turks to foreign imports, credit, and investment. By encouraging Turkish industry to shift toward exports rather than import substitution. Ozal hopes to harness fully Turkey's comparative advantages, especially its large, skilled workforce and its geographic proximity to both Europe and the Middle East.

Under Ozal's stewardship, first as head of the State Planning Organization and since 1983 as Prime Minister, Turkey has made dramatic economic gains. Today it boasts the strongest growth rate of any of the twenty-four countries that belong to the Organization for Economic Cooperation and Development—7.9 percent real growth in Gross National Product in 1986. Inflation plummeted from over 100 percent in 1980 to 26 percent in 1987. Exports surged from $2.9 billion in 1980 to $7.5 billion in 1986, and foreign investment increased fivefold in the same period.

Despite Ozal's success in stimulating economic growth, his centrist Motherland Party is losing ground politically because of its austerity program and a persistent unemployment rate of 20 percent. Moreover, Ozal's efforts to protect Turkey's credit rating by assiduously meeting its foreign debt commitments ($4 billion in principal and interest was paid on Turkey's $25 billion foreign debt in 1986) have left him open to opposition charges that he serves Turkey's foreign creditors better than his own people.

Private Sector Enthusiasm. To reduce the budget deficit, Ankara is moving slowly to privatize some of the State Economic Enterprises that collectively account for approximately 40 percent of Turkey's industrial production. Privatizing such state enterprises as mining, textiles, cement, and aviation are under consideration. Sales of shares in the toll revenues of a bridge across the Bosporus already have provided money for a second bridge. Encouraged by interest rates that exceed the rate of inflation, the continued political stability, the private sector now may have the enthusiasm and financial strength to support the rapid growth of privatization.

The chief Turkish-American bilateral economic issue concerns Turkish textiles. Textile exports are the centerpiece of Ozal's export-oriented economic strategy, making up the single largest source of Turkey's export earnings. Turkish textile exports in the U.S. rose to about $140 million in 1986, up from roughly $80 million in 1985. But the growth rate of Turkish textile imports to the U.S. is inhibited by import barriers. The Turks complain that, as a late entrant to the Multifiber Arrangement that sets quotas for U.S. textile imports, they lose out to such Far Eastern textile producers as South Korea, the Republic of China and Taiwan, and Hong Kong. U.S. officials urge that granting Turkey a larger textile quota would prevent the U.S. from fulfilling its commitments to other textile exporters. This is a lame answer. The U.S. is now in a position to reduce significantly its barriers to textile imports.[6]

TURKEY'S DOMESTIC POLITICAL REFORMS

In addition to rationalizing its economy, Turkey is reforming its political system. The army, which mounted a bloodless 1980 coup to avert impending civil war, returned power to civilians just three years later and held elections. Although military rule sparked harsh Western criticism, the army garnered little Western praise for restoring democracy and preserving Ataturk's secular reforms against growing (but still marginal) Muslim fundamentalist extremism. The participation of twelve political parties in Turkey's September 1986 by-elections and the referendum last month that lifted a ban on several politicians attest to the steady evolution of Turkey's "guided democracy" into a thriving, stable democratic system.

Turkey also has been making strides in correcting the human rights abuses that accompanied the crackdown on warring leftist and rightist terrorists in 1980. It has established a commission to investigate Turkish prison conditions and permitted Council of Europe officials to visit prisons. The U.S. State Department's most recent Human Rights report for Turkey concluded that: "In general, the positive trend in the observance of human rights continued in 1986. The Government made considerable progress in reducing human rights abuses, although significant shortcomings are still evident."

Perhaps the most emotional issue in Turkish-American relations is the thorny question of past Turkish treatment of its Armenian minority. Each year a measure is introduced in Congress to designate a day of remembrance in the official U.S. calendar for hundreds of thousands of Armenians who perished in the final tumultuous years of the Ottoman Empire. Although the resolution has never been passed by both Houses, the Turks see it as providing a fig leaf of respectability to Armenian terrorists who have waged a war of terrorism against Turkey since the mid-1970s. Over fifty Turkish citizens, most of them diplomats, have been murdered, including four in the U.S.[7] Seared by a terrorist bloodbath that claimed an average of 25 lives a day in 1980, the Turks have taken a hard line against terrorism of any stripe. The Turkish public interprets support in the U.S. for the Armenian resolution to be support for anti-Turkish terrorism, an equation that could harm bilateral relations if the resolution were passed.

POLICY RECOMMENDATIONS

Turkey is a steadfast ally and should not be taken for granted. The Ozal government's strong commitment to NATO, modernization, free enterprise, and free trade make it one of the most pro-American Turkish governments ever to hold power. Ozal's opposition derides him as "Amerikanci" and criticizes him for not securing firmer U.S. aid commitments in the DECA signed earlier this year. Washington should help Ozal demonstrate the benefits of a close U.S. connection. It should avoid giving Ozal's critics on the left and the right issues that can be used to discredit him and the rising generation of U.S.-educated technocrats.

Long-term U.S. goals should be to facilitate Turkey's transition to a stable democracy, to a free market economy, and to full integration into Western Europe's economy as well as its defense alliance. To accomplish these goals:

(1) Washington must meet its DECA obligations to help modernize Turkey's armed forces and enable the Turks to fulfill their NATO responsibilities. The U.S. is committed to make its best efforts to help Turkey upgrade its military strength. The Administration's request for $785 million in military aid for Turkey is an absolutely necessary investment in Western security. Congress undermines NATO security to the extent that it arbitrarily cuts this aid. Military aid to Turkey is one of the most cost-effective means of deterring Soviet aggression in the eastern Mediterranean as well as southwest Asia. While it costs the U.S. $60,000 to outfit and station one American soldier in Turkey, the cost for one Turkish soldier is roughly $9,000.[8]

(2) Congress should stop linking Turkish aid levels to diplomatic progress on the Cyprus question. Cyprus is a complex problem that cannot be resolved by solutions imposed by outside powers.[9] Only direct talks between Greece and Turkey will lay the groundwork for a settlement. If the U.S. pressures Turkey to make concessions, the Greeks may lose incentives to make reciprocal concessions and be tempted to negotiate with Washington rather than Ankara. Moreover, the U.S. arms embargo proved to be a blunt instrument that hardened Turkey's position instead of encouraging compromise.

Washington should offer its good offices to explore possible solutions but should not cajole either side into a settlement that could later unravel, leaving the U.S. as a scapegoat. Nor should Washington recognize the Turkish Republic of Northern Cyprus established in 1983 or any other unilateral approaches.

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[6] See Edward Hudgins, "Robust U.S. Textile Industry Needs No More Protection," Heritage Foundation *Backgrounder Update* No. 54, September 29, 1987, and Katsuro Sakoh and Edward Hudgins, "The Multifiber Arrangement: U.S. Gains From Relaxing Its Restrictions," Heritage Foundation *Backgrounder Update* No. 13, June 6, 1986.

[7] The Armenian Secret Army For the Liberation of Armenia (ASALA) which is responsible for many of these outrages is supported by the Soviet Union, Syria, and Palestinian terrorist groups. For an excellent analysis of the Armenian terrorism see: Michael Gunter, Pursuing the Just Cause of Their People: A Study of Contemporary Armenian Terrorism (New York: Greenwood Press, 1986).

[8] Testimony of Ambassador Parker Hart, cited in Bruce Kuniholm, "Rhetoric and Reality in the Aegean: U.S. Policy Options Toward Greece and Turkey," SAIS Review, Winter/Spring 1986, p. 153.

[9] For an excellent analysis of U.S. policy toward Greece, Turkey, and Cyprus see: Paul Henze, "Out of Kilter: Greeks, Turks and U.S. Policy," The National Interest, Summer 1987.

(3) The arbitary 7 to 10 Greece: Turkey aid ratio should be scapped. Scarce funds for security assistance should be disbursed to maximize Western defenses against Soviet threats, not to offset the real or imagined threats posed by one NATO member against another. If Greek Prime Minister Papandreou genuinely believes that Turkey is more of a threat to Greece than is the Soviet Union, then he should withdraw from NATO. Since he does not, it is clear that the real enemy of Greece is the Soviet Union. An inflexible U.S. formula for doling out aid undermines the rationality of NATO defense planning, constrains the President's ability to conduct foreign policy, and limits U.S. influence in both capitals.

(4) The Reagan Administration should invoke the 1986 amendment to the Defense authorization act that allows the Administration to transfer surplus military equipment to Turkey, Greece, and Portugal. Secretary of Defense Caspar Weinberger has given the Turks a list of surplus equipment including 40 Phantom F-4 fighter-bombers, that they may be eligible to receive. The Administration should use such surplus equipment transfers as much as possible to help offset expected congressional cuts in military aid. Increased contributions from U.S. military construction, the NATO Infrastructure program, and the Defense Industrial Cooperation program also can help to make up the difference.

(5) Washington should press its allies to increase foreign aid to Turkey and to consider favorably Turkey's application for full membership in the European Economic Community. Japan, which claims to be looking for ways to strengthen the Western alliance on which it depends, should be encouraged to buttress Turkey with economic aid.

(6) The U.S. should open its markets to Turkish textile exports as much as possible under the Multifiber Arrangement. Better yet, the Multifiber Arrangement should be phased out to liberalize the textile trade and reduce clothing and other fabric prices for U.S. consumers.

(7) The U.S. should encourage Ankara to open the Ottoman archives to allow a full, open review of the Turks' treatment of Armenians. While the Armenians unquestionably suffered grievous wrongs, there is no incontrovertible proof of a systematic genocide campaign by the Turks against them. Moreover, the acts in question were committed by the defunct Ottoman government, not the Turkish Republic. A full-scale investigation of the matter, using the old Ottoman archives, could clear up the issue. Congressional resolutions on the Ottoman Armenians would only reopen old wounds and disrupt Turkish-American relations without resolving anything.

(8) Washington should encourage a rapprochement between Greece and Turkey by offering itself as a conduit for private communication, by calling on both sides to tone down their rhetoric, by exploring the possibilities of a mutual nonaggression pact and other confidence-building measures. A dialogue between Athens and Ankara must be established before any progress can be made on sovereignty disputes in the Aegean. Such disputes are essentially a matter of national pride. They will not be resolved until there is a political will on both sides to accept compromise.

CONCLUSION

The U.S. cannot afford to take Turkey for granted. Turkey anchors NATO defenses in the eastern Mediterranean and contributes to the deterrence of Soviet expansion toward the Persian Gulf. Turkish facilities provide 25 percent of NATO's hard intelligence on Soviet military activities.

Turkey also is important as a stabilizing force in the Middle East and as a bridge between the Moslem world and the West. Its secular system provides a workable alternative to the rising tide of Moslem fundamentalism that plagues the Middle East. Moreover, Prime Minister Ozal's free market economic reforms provide a valuable model for economic development for scores of other countries.

The U.S. must live up to its commitment to make its best possible effort to help Turkey fulfill its NATO obligations. By trimming the Administration's aid proposals for Turkey and attaching counterproductive aid conditions, the U.S. Congress undermines Western security and strains bilateral relations with a valuable ally.

Given the steady drift of Papandreou's Greece away from the Western alliance, the U.S. must strengthen its ties to Turkey, not weaken them. For if Prime Minister Papandreou chooses to oust U.S. bases from Greece, Turkey is the obvious candidate to provide substitute facilities.●

UNITED STATES-SOVIET ECONOMIC RELATIONS

● **Mr. MOYNIHAN.** Mr. President, I ask that the following article by Mr. Donald Blinken of Warburg, Pincus & Co., and which appeared in the Minneapolis Star Tribune on October 21 of this year be inserted in the CONGRESSIONAL RECORD.

The article follows:

A CHANCE TO IMPROVE ECONOMIC RELATIONS WITH THE SOVIETS

(By John P. Hardt and Donald M. Blinken)

The upcoming Reagan-Gorbachev summit may offer an important opportunity not only to reduce the arms competition with the Soviet Union but also to put U.S.-Soviet economic relations on a sounder basis.

The key to such a development is a general improvement of the political environment. Were we to enter into a period of substantial, predictable improvement in all areas of our relations—arms control, regional issues, human rights—then economic interdependence could follow.

A bipartisan task force of prominent Americans, sponsored by the Institute for East-West Security Studies, sees a prospect of significant change and diversity in the Soviet "new thinking" that provides the West with important challenges and unusual opportunities. This prospect includes joint ventures, scientific and technological exchanges, and greater integration of the Soviet Union in the international economic community. Without careful consideration and preparation, however, these opportunities for mutual benefit may not provide an economic payoff and may, in fact, erode our security.

We should assume that Mikhail Gorbachev is serious about making his economy efficient, modern and competitive. But to do this without accepting the managerial methods and technological development of the economically advanced countries is the hard way for Gorbachev to go. His domestic-reform proposals, if implemented, could fundamentally change the way the Soviet system works. But without openings to Western methods, time may run out on him. Gorbachev's reform strategy, and the Soviet Union generally, need critically important inputs:

Joint ventures that bring Western management and technology to key economic sectors linking science and applied technology.

Modernization of manufacturing output so that the quality of goods approaches the world market level; the test would be Soviet ability to sell autos, machinery and other manufactured goods to world markets.

Government agreements for exchange of scientific and technological information vital to modernization.

Participation in the international financial community, important both for allowing broader economic interchanges and for the prestige associated with being a participant on the global economic scene.

There may be commercial advantages if joint ventures provide substantial returns on investments made in alternative markets. We should not assume, however, that such agreements will come easily. The degree of control over production, quality and information that the Soviets would be required to turn over to Western businessmen in joint ventures would be unprecedented. The new Soviet joint-venture law is vague on these points and imposes restrictions on Western equity holding and profit repatriation.

Moreover, these benefits would have to offset the risks of providing technology and market access to Soviet enterprises for the sale of manufactured goods in the West. Increasing exports to the West is a primary Soviet objective in Western joint ventures since, as long as they continue to rely principally on energy sales at current OPEC oil process for foreign exchange, their supply of hard currency will remain tight.

The Soviets would also benefit from the opportunity to join and participate in the global economic institutions. With appropriate conditions, these benefits could be mutual. Provision of accurate and adequate economic data by the Soviet Union and a credible prospect of movement toward currency convertibility might be the minimum conditions. Beyond these reforms, the assurance of a constructive Soviet role in facilitating growth and stability in the world economy would also be vital to the interests of the current members of institutions like the World Bank.

We need to review our own and our allies' interests and proceed to develop a realistic strategy for testing and possibly joining the Soviet Union in shared relationships. For as promising as prospects of expanding markets, higher returns on investments and increased job creation may be, we must first review realistically the necessary preconditions.

A more predictable contractual environment that our present laws and practices permit is an important precondition for successful U.S.-Soviet joint ventures. Stable and focused export controls and embargo-proof contracts are essential for sound long-term agreements in production of manufactured goods. Without such stability the Soviets will prefer to look at European and Japanese allies as trading partners. The approval of exchange of scientific and technological information would also be beneficial.

An effective Western control policy must be both multilateral and narrowly targeted as indicated both by the recent study of the National Academy of Sciencies and the Reagan administration's policy on competitiveness. Efforts to curb nonstrategic technology transfer could alienate our allies, whose cooperation is required for a workable controlled system. In particular we need:

Sharply focused export controls honored by all Western industrial countries and related to specific weapons-system enhancement.

Within this agreed, protocol, increased discipline, intelligence exchanges and indigenous penalty procedures, to assure that incidents such as the Toshiba-Kongsberg sale of propellor-machinery equipment do not erode our defenses.

Other aspects of normalized commercial relations such as import and credit restrictions would also need to meet the test of security.

Most important, Gorbachev's economic reforms are ultimately a domestic issue in the Soviet Union. Where economic interdependence can serve the interests of the West, we should proceed.

Some success in his efforts to modernize and raise efficiency in the short run may assure Gorbachev's tenure in office. Failure may mean that the Soviet Union enters the next century as a relatively backward, but increasingly truculent, second-class economic power. That would not be in the best interest of the West.●

FORMAL NOTIFICATION

PROPOSED ARMS SALE

● Mr. PELL. Mr. President, section 36(b)(1) of the Arms Export Control Act requires that Congress receive formal notification of proposed arms sales under the act in excess of $50 million, or, in the case of major defense equipment as defined in the act, those in excess of $14 million. Upon receipt of such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Foreign Relations Committee.

In keeping with my intention to see that such information is available to the full Senate, I ask to have printed in the RECORD the notification I have received.

The notification follows:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, DC., November 4, 1987.

In reply refer to: I-15619/87ct.

Hon. CLAIBORNE PELL,
Chairman, Committee on Foreign Relations, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of section 36(b)(1) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 88-04, concerning the Department of the Army's proposed Letter(s) of Offer to Austria for defense articles and services estimated to cost $18 million. Shortly after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

GLENN A. RUDD,
Acting Director.

[Transmittal No. 88-04]

NOTICE OF PROPOSED ISSUANCE OF LETTER OF OFFER PURSUANT TO SECTION 36(b)(1) OF THE ARMS EXPORT CONTROL ACT

(i) Prospective Purchaser: Austria

(ii) Total Estimated Value:

	Millions
Major defense equipment[1]	$17
Other	1
Total	18

[1] As defined in section 47(6) of the Arms Export Control Act.

(iii) Description of Articles or Services Offered: Eighteen M109 155mm self-propelled howitzers with machine guns, tool and shop sets, small arms, support equipment, spare parts and a quality assurance team.

(iv) Military department: Army (UXG).

(v) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be paid: None.

(vi) Sensitivity of Technology Contained in the Defense Articles or Defense Services Proposed to be Sold: None.

(vii) Section 28 report: Included in report for quarter ending 30 Jun 87.

(viii) Date Report Delivered to Congress: November 4, 1987

POLICY JUSTIFICATION

AUSTRIA—M109 155MM SELF-PROPELLED HOWITZERS

The Government of Austria has requested the purchase of 18 M109 155mm self-propelled howitzers with machine guns, tool and shop sets, small arms, support equipment, spare parts and a quality assurance team. The estimated cost is $18 million.

This sale will contribute to the foreign policy and national security of the United States by helping to improve the security of a friendly country which has been and continues to be an important force for economic progress in Europe.

The Government of Austria needs these howitzers to improve the range and mobility of its artillery and to augment its defensive firepower. Austria will have no difficulty absorbing these howitzers into its armed forces because it already has similar weapons in its inventory.

The sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor will be Bowen McLaughlin York of York, Pennsylvania.

Implementation of this sale will require assignment to Austria of two additional U.S. Government personnel and three contractor representatives for three weeks.

There will be no adverse impact on U.S. defense readiness as a result of this sale.●

INFORMED CONSENT

● Mr. HUMPHREY. Mr. President, today I begin a new series of letters received in my office in support of informed consent. Already, this body has heard testimonies from women in every State who have suffered traumatic effects from abortion—effects they were never warned might occur. Sadly, the number of such cases continues to rise due to the fact that abortion clinics are not required to fully inform patients about the risks, effects, and alternatives to abortion. It is an injustice that should not be allowed to continue.

Mr. President, my informed consent legislation, S. 272 and S. 273, would go a long way toward ending this injustice toward women by requiring medical personnel to provide all the appropriate information. I urge my colleagues to support the bills.

I also ask that two letters from women in Alabama be entered into the RECORD. Both letters clearly demonstrate the need for informed consent.

The letters follow:

DEAR SENATOR HUMPHREY: My husband left me when I got pregnant. I had been on a mild tranquilizer before conceiving and my doctor convinced me that the baby would be born with severe birth defects. At this point, I was so confused that I couldn't think clearly so I went along with everyone else's advice. They were just as misinformed as I was and they thought they were doing what was best for me at the time. I fully expected the clinic to tell me a little about what was happening during and after the abortion. All they did was take my $225.00, give me 5mg. valium and asked me please not to cry and appear so upset. I could not help it, I didn't want to be there. I have wished so many times I could have left there with my precious baby.

The part I've relived the most was the actual abortion procedure. I remember going into a room, laying on a table, and looking around. The "doctor" came in and said "I'll begin now." He turned on the machine and began suctioning. The pain was awful. It felt like my stomach was being drawn through a very strong vacuum. I remember looking in a jar or bottle of some sort and it whirled around and it was full of blood and pieces of white tissue. After they were through, I began to cramp very badly. My emotions went haywire.

After the abortion, I grew more and more depressed and two weeks later, I couldn't take it anymore and tried to commit suicide by cutting my wrists. I was rushed to the hospital and they explained I had suffered a nervous breakdown of unknown origin. In the back of my mind I knew why, but to talk about it hurt too much. I was sent to Searcy, our state mental institution—I was kept locked in a ward for 5 weeks. By the time I got out I had built such a wall around myself that no one would hurt me again and I wouldn't have to think about the abortion. The female problems continued. Pelvic infections, low grade fever, continuous bleeding, they never ended. At this time I began to have nightmares, I'd wake up in a cold sweat because I'd hear my baby crying for me but I couldn't find him, or I'd hear that suction machine over and over again. I also began to engage in casual sex with multiple partners, some I didn't even know.

David, my present husband and I had just begun dating, and after a couple of months I was pregnant. David was very upset and blamed me for getting pregnant because he thought I was on the pill. Dave said he was not ready to begin a family and he would pay for an abortion. All I kept thinking was I barely made it through the last abortion I can't go through that again. "I won't have any more children if I have it done again, I told them. "Oh, sure you will," they told me." I knew better.

My second abortion was performed on July 23, 1977 at the same clinic where my first abortion was performed just nine months before. This time the pain was worse because the doctor said I had a cyst the size of a grapefruit on my ovary and a yeast infection. He said it would be better if we waited, but since I was from out of town we would go ahead.

I had to go into the hospital 4 days after my 2nd abortion for acute Pelvic Inflammatory Disease (P.I.D.), a painful infection in my fallopian tubes. One tube and ovary, about to rupture, had to be removed. In February, 1978, at 19 years of age, my doctor performed a complete hysterectomy, taking all reproductive organs. Because I was put into instant "post-menopause" I was prescribed injectable hormones that I must stay on for the 30 some years to come until my normal "change of life".

The psychological problems were numerous. David and I couldn't even talk about the abortion without physically abusing each other. We then adopted a daughter and I was so proud of her. I loved this child with every ounce of my being, but she was a constant reminder of the two precious babies that would be playing with her but were not. I hated myself for what I had allowed to happen. I became anorexic, slowly starving myself to death.

My health had steadily gotten worse. My weight continued to drop from a once 160 lbs. to 90 then 85 and I was successfully starving myself to death. I was going to avenge my kids with my death. Then the pain would be gone and the price would be paid. Then they took my daughter away from me and said I couldn't have her back until I was well enough. I withdrew into my home. I barricaded myself in with my husband and daughter gone. If someone came around I got a loaded gun and held it on them. I couldn't take anymore! My whole being was threatened.

My feelings were awakened through an organization who's counselors listened to women like me and did not judge. They simply cared and loved unconditionally. I've found healing in Christ Jesus. I asked for His forgiveness and He freely gave it to me, all I had to do was reach out and take it.

I feel these tragedies in my life can be used to help someone else because I understand the depth of the pain and grief that goes with losing a child through abortion. My purpose now is to see that other women have a chance to know that someone cares and is willing to love them through this healing process.

JANET WILLIS, *Alabama.*

DEAR SENATOR HUMPHREY, Abortion, that is a very haunting word for me. October, that is a very painful month for me. Yes, October 30, 1981 I had an abortion. The day before Halloween, I was 16 years old and very scared. My boyfriend left me to face it all alone. And I mean all alone. I couldn't tell my mother, I had just lost my father in death the June before. The only person that knew was my stepsister. She took me to Mobile, AL on that awful day. I went in and paid that lady $280.00 to take the life of my first child. I wonder was that baby a boy or girl. She didn't tell me much, just that it wouldn't hurt, that it was totally painless. But boy she was wrong! They took me to the back to run several tests (told me it was to check for venereal diseases). They gave me 2 pills to take and I had to wait 30 minutes. Then it was my turn. That table was so cold. That doctor's eyes were so cold. I begged him to be easy with me but he was so rough and hateful. All he wanted was my baby. That machine, I'll never forget that awful machine, the noise it made still makes me shiver. The pain I felt—all I could do was ask myself why? Why had I let them take my baby.

Well, they put me on pills and said come back in 2 weeks. I never went back. I went home and 2 days later took a bottle of 50 Tylenol. All that did was make me sick. All this happened nearly 6 years ago. Momma still doesn't know it. But I can't forget it. I've learned to cope with it but the pain will never leave me. It interfered with my first marriage a lot. It's very painful at times for me to have sex. Was the abortion the cause of it? I have no idea. I have a beautiful 2 year old baby now. She's the most precious thing in my life. I had a fear for a long time that because of that abortion I would never have a baby. But I prayed for a long time for my little girl and I finally got her. My life is finally falling into place and I'm so happy. I just had to get this off my mind. I had no one else to tell and since you don't know me, I thought I could tell you.

Abortion is one thing I would never recommend to anyone. Especially a 16 year old girl. It really messes up your life. I have just gotten the Lord into my life and He is really helping me. I have met a wonderful person and I'm really happy for the first time in my life.

ANONYMOUS●

"JUSTICE FOR ALL" DAY—NOVEMBER 17, 1987

● **Mr. METZENBAUM.** Mr. President, one of our Nation's founding principles is "justice for all." On November 17, 1987, in every part of the Nation, more than 50 national organizations and hundreds of local groups will reaffirm that principle.

The Justice for All Day is sponsored by a coalition of organizations, including leaders of various religious faiths, the business community and labor.

The objective of this day is to provide opportunities for forums, hearings, teach-ins, town meetings, and discussions about the facts and issues, the myths and realities of poverty. The hope is to raise the consciousness of the American people to the plight of the poor.

Currently, 32 million of our citizens live in poverty; two-thirds of them are working poor—the fastest growing group of poor. One of every five children under age 5 is poor. Poverty afflicts two-parent as well as single-parent families of every race and ethnic background. It exists in rural and urban communities, in every part of our Nation. It afflicts farmers, women and children, veterans, the old and the disabled, the employed as well as the unemployed.

My State of Ohio is participating actively in this day of justice for all. To raise awareness of poverty, major events are scheduled, including forums, speakers, hearings, teach-ins and numerous other community events at universities, religious centers, community centers, women's shelters.

As the day of our national thanksgiving draws near, I commend the organizations and individuals participating in Justice for All Day. Senator KENNEDY and I sponsored a resolution for that purpose, which was passed by the Senate. I urge all Americans to recognize November 17 as a day of awareness, a day to reflect on the realities of poverty, the successes, and the continuing struggle to find solutions. It is a day to demonstrate the generosity of the American heart.●

THE NAMING OF O'DEAN P. JUDD AS CHIEF SCIENTIST FOR THE STRATEGIC DEFENSE INITIATIVE ORGANIZATION

● **Mr. DOMENICI.** Mr. President, I wish to congratulate Dr. O'Dean P. Judd on being named chief scientist for the Strategic Defense Initiative Organization [SDIO]. Dr. Judd will serve as the primary science adviser to the Director of SDIO, Lt. Gen. James Abrahamson.

I take special pride in recognizing this appointment since Dr. Judd is a resident of New Mexico. During the last 15 years, Dr. Judd has worked at Los Alamos National Laboratories as a technical manager and scientific researcher in the areas of laser fusion, laser-induced chemistry and isotope separation, and in the development of high-power gas lasers.

Since 1981, Dr. Judd has been Los Alamos' chief scientist for defense and research applications. During this time he was also involved in many government committees related to strategic defense and as a technical adviser to SDIO. He has also served as an adjunct professor of physics at the University of New Mexico. Dr. Judd holds several patents on lasers and has published extensively in many scientific and defense-related areas of research and development. He is a senior member of the Institute of Electronic and Electrical Engineers, and a member of the American Physical Society and the American Association for the Advancement of Science.

Dr. Judd's experience and expertise make him uniquely qualified for such an important position within SDIO. He has doctoral and master's degrees in physics from UCLA. His primary responsibilities at Los Alamos included technical evaluation of progress involving high-power lasers, particle beams, kinetic-energy projectiles, and nuclear-directed energy. It is precisely these technologies on which our country may someday rely for its defense against nuclear weapons.

Los Alamos has been at the forefront of SDI research and development, particularly in the areas of neutral particle beams and free electron lasers. Dr. Judd has been one of the pioneers in the development of these promising technologies. He is a fine addition to General Abrahamson's staff—one who will help ensure the success of the SDI Program.●

FRAUD OF THE DAY—PART 13

● Mr. HEINZ. Mr. President, today I am not going to address a specific fraud as I have been doing in the past, but instead I am going to discuss fraud in an entire industry: textiles and apparel. I do this, I hasten to add, not because I have run out of material—there is plenty left—but because the fraud problem in this sector is so pervasive and so serious.

This is an industry which has been sorely tested over the past few years. Unemployment is up; sales are down; imports are increasing; and the general outlook for the industry is definitely not good. Add to that the general depression in the industry over the large amount of customs fraud which involves textiles and apparel, and you have a very serious problem indeed.

In 1986, Customs Service agents seized 510 shipments worth $28.5 million. In 1987, both the number and worth of the seizures increased significantly. Agents seized 1784 shipments worth $113 million. Some of this increase is attributable to a new Customs Service policy of using portable scales to weigh textile and apparel imports on the pier. The majority of shipments seized had papers which underdeclared the weight of the shipments, a tactic which permits importers to evade quota limits based on weight equivalents.

Agents also made many seizures of textiles manufactured in the People's Republic of China. These textiles were imported using fraudulent visas which allowed shipments to this country far in excess of the amounts permitted by quota. The other scam which resulted in significant seizures involved the violation of trademark and copyright laws.

Much of the increase in seizures can be attributed to increased diligence on the part of the Customs Service, in part enhanced by the increased use of more sophisticated equipment such as portable scales. Yet it is also clear that the dramatic increase in seizures was not solely a result of increased enforcement efforts. Some of it occurred simply because of an increase in the overall incidence of customs fraud.

As customs fraud grows in seriousness and magnitude, we need to develop more creative means of tackling it. One such solution is a private right of action in customs fraud cases as provided in the amendment adopted by the Senate last July 15.

When considering such a proposal, Senators need to keep in mind that this is fundamentally not a trade policy issue but rather an integrity and credibility issue. Attacking customs fraud does not mean passing more laws to restrict imports. It does not mean "tilting" the playing field to help American parties win unfair trade practice cases. It does not mean limiting the President's discretion to resolve trade policy disputes bilaterally.

What it does mean, very simply, is providing additional tools to combat violations of existing law. It is not a matter of protectionism or of trade policy. It is a matter of combating criminal activity. People who commit customs fraud are breaking our law. Period. And in doing so, they are injuring innocent domestic parties. Anything we can do to increase the risks and costs of engaging in such criminal activity and make the apprehension and subsequent prosecution of such people more likely is not only desirable but imperative.

Mr. President, earlier in this series I discussed customs fraud in the photo album manufacturing industry. Recently, I received a letter from a domestic producer of albums strongly supportive of my amendment. The principle argument of the letter centered on the strong deterrent value a private right of action would have against customs fraud. The latter also stresses the fact that such an amendment would help the chances of successful prosecution in such cases. This letter clearly shows the need for the Senate amendment. Mr. President, I ask that this letter be printed in the RECORD.

SPM MANUFACTURING CORP.,
September 18, 1987.

DEAR SENATOR: I am writing to express strong support for Senator Heinz's amendment providing for a private right of action in the United States Court of International Trade for those who have been victimized by customs fraud. This amendment and all other provisions which seek to deter unfair trade practices are vital and must be passed.

My family-owned company manufactures photo albums. Since 1984, we and the other firms in our small industry have been targeted by photo album companies in Korea. These Asian companies have been engaged in massive circumvention of an antidumping order since December 1985, when the Commerce Department imposed an antidumping duty of 64.8 percent on photo albums and photo album pages imported from Korea.

This circumvention is clearly demonstrated by the incredible shift in exports from Korea to nontraditional export markets.

A comparison of photo album exports from Korea in the ten months before and after the Commerce Department's final antidumping determination reveals a 121,065 percent increase in exports to Singapore and a 904 percent increase in exports to Hong Kong.

The ultimate destination of the photo albums exported from Korea is confirmed when one examines surging U.S. imports from these same countries. Imports from Taiwan, Singapore and Hong Kong in the first five months of 1986 following the antidumping order against Korea experienced increases of 1,300, 860, and 95 percent respectively, over the same five months period in 1985. This overall trend has continued, and the number of Asian countries being used as circumvention routes has increased.

In fact, in a Letter to the Editor (attached) published in the International Herald Tribune on September 4, 1987, Ambassador Koh from Singapore admits that about $1 million of South Korean photo albums were transshipped through Singapore in 1986, and an unspecified additional quantity of albums with Korean filler pages were also shipped to the United States marked with Singapore as the country of origin during that same war. Statistics demonstrate that Ambassador Koh may not yet have the full facts.

A recent article in the Korean Herald reported an increase of 60 percent in photo album exports in the first five months of 1987, in the face of the imposition of a dumping duty by the U.S., by far the largest photo album market in the world.

The domestic photo album industry has been working with the Customs Department since early 1986 in an effort to stem the massive circumvention of the antidumping order. But the methods which Customs must use make this a cumbersome and ineffective means of battling such pervasive fraud. So far the illegal flood continues, unabated.

Everyone is aware of the alleged scarcity of resources available to combat commercial fraud. But an increase in available funds and manpower alone is not an adequate solution to the widespread customs fraud United States industries are facing.

The Customs Department must gather evidence for each case against each importer individually. When several companies are engaged in fraud, and when the fraudulent goods are being transshipped through numerous countries and imported through many different ports, this is a very time consuming and exceedingly difficult process. The procedure for gathering evidence is complicated by the extremely limited jurisdiction the United States Customs Department has in foreign countries. There is no way to require foreign companies to permit our agents in their facilities, nor to open their records and premises to the type of scrutiny which is necessary to detect fraud. A United States customs agent must rely on either his ability to bluff or the willingness of the company being investigated to cooperate. The latter seems most unlikely in situations where the companies are most guilty. Further, there is no provision permitting the drawing of negative inferences in legal proceedings when a foreign company refuses to cooperate.

Meanwhile, dumping continues. Circumvention continues. Domestic sales slump. Jobs are lost.

A private right of action will permit the company harmed by fraud to take action to receive compensation for business lost to fraudulently imported merchandise.

The Heinz amendment would add a badly needed weapon to the very limited arsenal available to the hundreds of domestic industries which are suffering severely because criminal competitors engage in undetected and/or undeterred customs fraud. Only when foreign companies and domestic importers believe that they are truly at risk when they engage in fraud will there be any hope of bringing this problem under control.

We need this weapon. It is not the solution, but it is a significant aid. If you have any questions about this need, or about the problem of pervasive illegal circumvention, or the need for any and all other provisions of the trade bill which combat unfair trade, please ask your staff to contact me.

Sincerely,

FRANCES SHAINE,
Chairman.●

BUDGET BLAME RESTS WITH CONGRESS

● Mr. GARN. Mr. President, as my colleagues know, I've been involved with the Senate Banking Committee for the entire 13 years I've been in the Senate, serving as chairman for 6 years. I've had the opportunity to spend considerable time dealing with the financial markets. We have a responsibility in the committee to oversee the proper operation of the security industry, as well as savings and loans, banks, credit unions, et cetera. I've also had the opportunity over these years to be exposed to some of the world's greatest economists, testifying before the Senate Banking Committee, on the state of the economy. The one characteristic that has been consistent about all of them is how wrong they have been. It's funny to watch them come before the committee in January or February of each year, make their economic projections for the following calendar year, and then come back the next year and explain why they were wrong when they gave their projections in the previous year.

Obviously, we've had great turmoil in the stock market in the last couple of weeks. A 508 drop in 1 day is certainly not only dramatic, but very drastic. It's easy for one to want to start trying to analyze why this occurred. I believe the first and most obvious reason is that the market was overvalued. There is no doubt that when one considers the market has gone from a Dow of 1,000 to over 2,700 in such a relatively short period of time, and that earnings ratios are at historic high, that the market was overvalued. This still doesn't explain why it came back down so dramatically in 1 day.

There are people who are saying that it was obviously the domestic deficit. Well, that explanation is somewhat misguided because if the market drop was only a result of the domestic deficit, then the result doesn't reflect the recent drop in the deficit, as bad as it still is, but which is now better than it has been. The deficit came down quite sharply last year as a result of Gramm-Rudman-Hollings, and I expect it will come down automatically whether or not a compromise of $23 billion is achieved between the administration and the Congress. Imposing automatic sequesters may not be the nicest way to do it, but the fact remains that the deficit will come down by that amount.

One can say, "Well, it's the trade deficit." This also doesn't make complete sense since the trade deficit, as bad as it is, has softened a little over the last 2 or 3 months. One can say, "Well it's the value of the dollar." This response is also not entirely true since the dollar has been fluctuating between $1.43 and $1.44 per yen. I was in Japan in April when it got down to $1.38. And only recently it dipped to around $1.33.

What this scenario portrays is that one can start looking at all the individual pieces, and conclude that it doesn't make any sense for any one item to cause the problem. And that is right. But what we have to do, in my opinion, is look at all of these issues together. One will see a trade deficit that has been running at $15 billion a month and a national debt that, while it has improved slightly over the last year, continues to be in excess of $2 trillion.

Since the budget deficit is now receiving considerable discussion in Congress, in the media, and in our home States, I want to restate my previous words before this body to put this issue in perspective for my colleagues. When I was first elected to the Senate 13 years ago, Gerald Ford was President. I can remember sitting on the floor of the House when he gave his State of the Union Message and then receiving his budget recommendations in which he requested $295 billion. Congress passed a budget of $318 billion. Isn't it amazing that today we are pleased to say that we have reduced the deficit down to $170 or $175 billion, and 13 years ago, we were running the whole Government for $300 billion?

Twenty-five years ago, when John Kennedy was President, he was the first President to preside over spending $100 billion in 1 year. Think of it. It took 174 years for this country to spend $100 billion in 1 year, 9 years for the second $100 billion, and 4 years for the third $100 billion. And then I consider that in my Senate career, I have been here to see 300, 400, 500, 600, 700, 800, 900 and $1 trillion spent in 1 year, and all this is just slightly over two terms in the Senate. It is simply mindboggling.

And then consider revenues. I disagree with those, based on this history I just related, who say the problem or reason that we're in this situation is because we don't tax the American people enough; it's revenues that is the problem. I recently submitted an article from the latest issue of Readers' Digest into the RECORD which documents that over the last 40 years of tax increases, for every dollar of new taxes Congress has taken from the American people, it has spent $1.47. And in 1982, I was so concerned about the deficit at that time that I voted for TEFRA, the Tax Equity and Fiscal Responsibility Act of 1982. I voted for the tax bill of 1982 because I was promised that for every dollar of tax increase, there would be a dollar of expenditure reduction, and this plan would reduce the deficit by $196 billion over 3 years. So we in Congress increased taxes in 1982, and for every dollar that we taxed our constituents, we spent $1.06. These examples should hopefully unravel the glue that holds the revenue argument together, since all the rhetoric being stated on Capitol Hill and from the news media is that the only solution to the deficit is a tax increase.

And this solution is being proclaimed from all corners. Recently, I was home in Utah and good, conservative businessmen came up to me and said, "Jake, I don't like a tax increase, but we've got to have one. That's the only solution to the problem." Boy, the psychology that is rampant in this country, particularly since the stock market drop on October 19, that a tax increase is the solution to the problem.

Mr. President, I just get so terribly frustrated on this issue. I'm glad I don't have hair because I'd be pulling it out if I did. The lack of revenue is not the problem—it is too much spending. It shouldn't matter whether one is a Democrat or Republican or liberal or conservative; the issue is clear. Maybe we need to get some old-fashioned accountants up here, with their green eyeshades and black armbands, to strip away all the rhetoric on this matter and just look at the facts as the budget progresses. If we did that, my colleagues could come to only one conclusion—that we simply have been totally and completely fiscally irresponsible on the spending side. This is the nature of the budget problem, because we are still being taxed at historically high rates in this country.

And yet Congress wants to find some scapegoat. They want to blame the Fed, saying that it is obviously the M's—how or what the M1 or M2 money supplies are this weekend.

And of course, we blame Ronald Reagan. We say it is his fault. Well, everyone is entitled to their own opinions, but they are not entitled to their own facts. And the fact of the matter is that no President of the United States has ever spent a dime not appropriated by Congress. A President can recommend a budget, he can yell, scream, plead, shout, veto, but ultimately, he does not spend any money not appropriated by Congress. Not George Washington, not Abraham Lincoln, not Harry Truman, and not Ronald Reagan. It is rather immaterial what a President sends up in a budget because if Congress doesn't like it, we have the constitutional power to change it. Every single dime of the $2 trillion deficit and above has been appropriated by the Congress of the United States—no one else, not the Supreme Court, not a President, not Paul Volcker—Congress.

All Members of Congress are proclaiming themselves as fiscal conservatives now, particularly within the last week and a half, although many don't vote as such. It is ironic that in the middle of this entire problem and the current economic summit to decide a compromise and the mix of spending cuts and also tax increases, the Senate has been debating the issue of catastrophic health insurance. It doesn't make any sense to me that in the middle of this budet crisis—and despite how great the need for some form of catastrophic health insurance—we are talking about creating a huge, new, bottomless pit, entitlement program. If anyone thinks this limited measure now before the Senate is the end of catastrophic health insurance, then they believe in the tooth fairy. This program will simply start out rather modestly, and 5 or 10 years from now, when somebody looks back and asks, "What happened to catastrophic health insurance?", no one will recognize that modest program. I challenge my colleagues to show me a program whose original estimates when we started the program in Congress have any comparison to their ultimate cost.

Mr. President, I don't care what kind of compromise the budget negotiators develop; I don't believe it is going to attack the basic fundamental problem of a Congress that has been out of control for several decades, and continues to fund more and more additional programs over which we have no control. As I have indicated on this floor before, and to ensure that my colleagues are aware of this information, I repeat the fact that less than one-third, or about 30 percent, of the Federal budget is subject to the appropriations process. This means about 70 percent of the budget, in round numbers, consists of entitlement programs. They are funded year after year in ever increasing amounts without any constraints or limitations on their funds.

I want to give a specific example. I served for 6 years as chairman of the HUD-Independent Agencies Appropriations Subcommittee, and I am now the ranking Republican on the subcommittee. This subcommittee appropriates funding for housing and HUD, and such independent agencies as EPA, the Veterans' Administration, NASA, the National Science Foundation, and several others. The subcommittee's budget totals $60 billion, just in this one little subcommittee. As my colleagues know, the budget committee establishes the framework and provides a subcommittee with a 302(b) allocation, which doesn't designate we spend each dollar within that particular subcommittee, but states the total funding level, such as $59.2 billion, that we are allowed to appropriate. How we or any subcommittee does this as appropriations is our business.

In my subcommittee, over 60 percent of that $59 or $60 billion is entitlements programs, and we can't touch them. When you make a cut and have to cut x number of dollars, it comes out of the 30 or 40 percent. So where does it come from? It comes out of NASA, it comes out of the National Science Foundation, it comes out of housing, it comes out of EPA, it comes out of Superfund, but the entitlements programs just roll on, getting their ever-increasing amounts due to indexation and depending on the number of people who are eligible to apply. They are untouchable. Congress doesn't have the courage to touch entitlements.

It seems to me that when we are dealing with a crisis, a budget crisis like we are, that everything should be on the table—every part of the Federal budget, whether it is on-budget or off-budget items. The financial markets are smart enough to know that the deficit is much larger than it appears for many reasons. My colleagues may not be aware that the Federal Reserve System produces a profit in excess of $15 billion a year, which is over and above their operating expenses. Why is that? It is because this money isn't taxpayers' money, but money paid by member banks and institutions for the service that are rendered by the Fed. These banks totally operate on their own and produce that much money for the Treasury. Social Security has its own trust fund, which isn't direct tax dollars. The airport development fund consists of money that is collected on every airline ticket for the improvement of airports. But do we spend it on the improvement of airports and updating the Federal Aviation Administration system? No, because if we did, that trust fund would make the deficit look bigger.

We're playing games in Congress with on-budget and off-budget items, and I would suggest that nothing should be out of consideration for budget cuts, including Social Security, including veterans' pensions, Federal Civil Service and military retirements, and other entitlement programs. I have no trouble making this suggestion because I have been advocating it for years. This doesn't mean I support making cuts in Social Security. I'm just saying that we can't solve this budget problem in excess of $2 trillion, which we are adding to at the rate of a couple of hundred billion dollars a year, unless we are willing to look at the entire Federal budget, on- and off-budget, and make some tough decisions. We can't do it with one-third of the on-budget items and let the other trust funds roll on.

Again, I'm not advocating a cut in Social Security, but 3 years ago if the House had followed the Senate's lead, this crisis would not have been nearly as severe. I'm referring to the Senate vote of 49 to 49, with the Vice President breaking the tie, that would have imposed a freeze across-the-board in the 1986 budget resolution. We voted at that time to freeze military expenditures for 1 year; we voted to freeze Social Security, and veterans' pensions, and Federal Civil Service and military pensions, and all the other programs for 1 year. This type of plan involves an enormous amount of money if it is successful. We were not talking about cutting anyone in 1985. Certainly we were not talking about cutting Social Security. The Senate simply asked everybody to stand still for a year and go without an increase. Amazing. We wouldn't even need to cut any program if we just say, "Would everybody stand still for 12 months and get along with what you had the year before?" But we're not willing to do that, and if this past week is any indication, it appears those from the House and the Senate now meeting meet with the Presidential staff, lack the coverage to deal with the entitlements programs. I'm convinced the economic summit will only be making some additional cuts in the 30 percent, which has, in many cases, already been cut too much, and talking about tax increases, since we're going to exclude 70 percent of the budget from even being considered for any changes whatsoever.

If I sound angry, I am. Congress is not being honest with the American people. We are playing games with the American people. We are buying votes with the taxpayers' dollars, and we don't even have the courage to talk about 70 percent of the Federal budget. So what do we do? We pass Gramm-Rudman-Hollings. This legislation is a monument to our institutional irresponsibility. It's very existence simply means that we haven't got the courage to deal with what we are elected to do. We don't even pass separate appropriations bills anymore. Last year the budget process broke down so badly that we passed one giant continuing resolution, with all 13 appropriations bills molded into one large bill, for the entire year. A continuing resolution is suppose to be used when Congress reaches the end of a fiscal year and hasn't been able to agree on all the budget appropriations bills. A one-liner that says, "We continue appropriations for this department of the Federal Government for 5 days at last year's levels." I don't think taxpayers can imagine electing A Congress—535 people—for the sole purpose of running the Government, which use to finish the fiscal year by June 30 but nowadays has not been able to and therefore has extended the fiscal year to October 1? That is not a solution to the problem; it's a poor excuse. Instead of working harder earlier in the year, we now have 3 months longer each year in which to not do our work.

And so here we are on the 10th of November, still operating on a continuing resolution, with a national crisis of a trade deficit and a stock market that doesn't know where it's going. It's the 10th of November and we still haven't approved a single appropriations bill for 1988. We're having these crisis talks to come up with a bipartisan solution which probably will not include 70 percent of the budget. Yes, I am angry. I am sick of it. I have had a belly full of elected, public officials who have a greater desire to get themselves reelected than to cast some votes that might solve the crisis. It makes no sense to me at all; it didn't 3 or 4 years ago, and it makes even less sense now.

I'm encouraging my constituents not to believe any politician. It is unfortunate we have reached this point but they shouldn't believe what we are saying to them. Instead, it's time they carefully examine our voting records, both Senators and Congressmen, before the 1988 election, and see if we are voting the way we talk. I do that at home. I have no problem going home to my constituents in Utah and saying, "Check up on my voting record. It will match what I say." Unfortunately, there are too many of us who don't do this.

I think all Americans should determine which of their representatives are cosponsors of a balanced budget amendment. Again, another gimmick around here. It is easy to say that we are for a balanced budgt amendment, and then vote for every appropriations bill that comes along. Supporting a balanced budget amendment does not count; it counts how we vote on the actual spending measures that appropriate dollars for the running of this Government. One appropriations bill that is really interesting to me and the biggest, most wasteful bills we consider, in my opinion, is the legislative appropriations bill. Maybe we should again call up our accountants who could calculate for us the growth of senatorial and congressional staff over the years—the cost of running your Congress. It is startling. If one were to go back 10 years and look at the difference between today and 10 years ago, I'm sure it would amaze all of us. And then we have the audacity to say that we are for a balanced budget amendment, but we won't even discipline ourselves on the running of Congress. Forget the programs that have political impact at home that make constituents feel good. The legislative appropriations bill doesn't do that. It doesn't provide health care for anyone. It doesn't provide pensions. It doesn't do anything for the general public of this country. There is a large number who are cosponsors of a balanced budget amendment who won't vote for a 2-percent across-the-board cut in the legislative appropriations bill. Our constituents should check up on us and take some time to examine our records. They should ask us to supply them with our voting record on money bills, and see if it matches our rhetoric. If it doesn't, they should get someone else to represent them. They should elect someone who will vote in Washington the way they talk when they are in the home State.

The reason I get so worked up about this issue and the economic summit that is playing with only 30 percent and not the entire Federal budget, is because I've got seven children and four grandchildren as of October 15, and I am getting to an age where what happens in this country is not going to have a major affect on my life one way or another. But I really wonder what Congress is going to do for my little kids, my 5-year-old daughter and these little grandchildren. I wonder what kind of things we are planning today that will affect the kind of budget deficit existing in years 2010, 2015, when my children will be at the marrying age. That is very disturbing—very, very disturbing to me, especially considering when I came here 12 years ago, we had a budget totaling $300 billion. If anybody had told me at that time that I would be in the Senate long enough to see a $2.4 trillion deficit and interest on the national debt in excess of $140 billion per year, which was half of what we were running the entire country when I was first elected, I would not have believed it.

Getting back to my opening statement, individually each of these things are not the cause of the economic problems in this country. But collectively, they are, and the only body that can do something about it is the Congress of the United States. No matter how much we want to blame someone else, we cannot. I remind my colleagues of the fact that only Congress can appropriate money; only Congress has the ability to fund programs. The President does not, the Chairman of the Fed does not, and I think it is time Congress started being responsible.

If I could have one constitutional amendment that I think would do more good than any other single thing, one that could happen with the snap of my fingers, it would be an amendment limiting a President to one 6-year term, Senators to two 6-year terms and Congressman to three 4-year terms. Maybe if we didn't have the incentive to be here for 35, 40, or 50 years because we believe we are so valuable to our constituents, then we might start seeing some courage and some statesmanship around here. I don't think the Founding Fathers ever intended that we have a professional legislative body that stays in session from January until December, year after year after year, and which even in a full year cannot finish its work by the end of the fiscal year. This doesn't occur once in a while, but occurs year after year after year.

It serves no useful purpose to blame Republicans or Democrats for our situation. Oh, we could play that game. I could give a partisan speech about how much more responsible Republicans are, backed by the voting records to prove it. But who really cares at this point? The country has a very serious problem, and I would suggest Congress ought to start being Americans first, rather than Republicans or Democrats, and start showing a little political courage to make some tough decisions rather than always trying to cast them on the basis of how will I look by November 1988.

Mr. President, I appreciate the indulgence of my colleagues while I express these heartfelt concerns about our country and the road it is traveling. This is an important issue, now and for the future. There is no other body in the world who has the responsibility and the opportunity to solve this crisis than the U.S. Congress. I hope we don't stand idly by and allow the economy and the country to falter, all in the name of partisan politics. If we do, then we are not worthy of the sacred responsibility to govern.●

NATIONAL WOMEN VETERANS RECOGNITION WEEK

● Mr. DOMENICI. Mr. President, I rise today to pay tribute to our Nation's women veterans. While we honor all veterans across the country on November 11 in Veterans Day ceremonies, let us also remember the great contributions women have made in our Armed Forces.

Through their sacrifices on behalf of all Americans, women in the Armed Forces have a record of achievement of which they can be justly proud. Their courage, dedication to duty, and unwavering support for our Nation's ideals deserve our sincere gratitude.

Women comprise 1.2 million of our Nation's 28 million veterans. This is a small, but growing, 4.2 percent of our veteran population. While the total veteran population of this country is expected to decline gradually in the years ahead, the number of women veterans will continue to increase because the number of women on active duty in the armed services continues to rise.

The growing number of women veterans is one reason why recognition of women veterans is so important. For this reason, the Veterans' Administration has developed formal plans for the care of women veterans at all VA medical facilities and expanded outreach efforts to inform eligible women veterans that they are entitled to the same benefits as male veterans.

Recent studies show that women veterans are less than half as likely as their male veteran counterparts to use major VA benefits such as health care and the home loan guarantee program. This is another reason why many Veterans Day activities planned throughout the Nation will include events dedicated to women veterans. Through this dedication, it is hoped that women veterans will not only gain the recognition they deserve, but that women veterans will become increasingly aware of the many benefits available to them.

I wholeheartedly support this week's goal of gaining well-deserved recognition for women veterans' outstanding service to this Nation. And I'd like to add to this goal my hope that word will be spread far and wide that women veterans have the right and privilege of Federal assistance in maintaining their good health, improving their homes, and achieving their life's goal. That is why I am proud to stand before my Senate colleagues now and send a heartfelt "Thank you" to the women veterans of America.●

VETERANS DAY

● Mr. DOMENICI. Mr. President, I rise today with great pride to pay tribute to the nearly 28 million American men and women who are this Nation's veterans. No single group of people is more responsible for securing "the Blessings of Liberty" in the United States.

President Reagan has proclaimed this year's Veterans Day theme as "Veterans, You are America." Given the sacrifices, the hardships, the tireless vigilance, and the untold pain suffered by many of our veterans in the defense of freedom, no theme could be more appropriate. You are America. You have struggled to achieve so much for your country and for the free world, through both World Wars, and the Korean and Vietnam conflicts. Each of these struggles tested the will of our Armed Forces and the very fabric that holds this Nation together.

This year, as it has done for so many years in the past, our Nation will honor the 11th hour of the 11th day of the 11th month with a Presidential wreath laying ceremony at Arlington National Cemetery's Tomb of the Unknown Soldier. This solemn ceremony honors more than the moment of armistice concluding World War I. It acknowledges the thousands of brave soldiers whose identities remain lost.

On this day each year, Federal, State, and local groups join together to commemorate Veterans Day. Veterans organizations, military officials, and communities plan parades, ceremonies, and other observances. We must all take this opportunity to acknowledge the debt of gratitude we owe to this Nation's veterans.

It is with a sense of great pride that I join my Senate colleagues and the people of America in honoring Veterans' Day. My appreciation can best be expressed by reiterating: "Veterans, You are America."●

BENJAMIN CHARNY

● Mr. WILSON. Mr. President, for some time now I have been active in support of the International Cancer Patients Solidarity Committee, a small but brave group of individuals working to free refuseniks with cancer.

Of late, I have been particularly involved in the case of Benjamin Charny, a mathematician who has been denied permission to leave the Soviet Union to seek treatment for his cancer.

Today, the New York Times published a guest editorial from Benjamin Charny. It explains in detail how Mr. Charny's work in mathematics performed over 16 years ago cannot possibly pose any threat to the Soviet Union today. While the Soviets have denied Mr. Charny's visa in order to protect "state security," I can only conclude that there is another reason he is not allowed to leave, and that reason is anti-Semitism. Mr. Charny, like all refusniks, is Jewish.

The denial of basic human rights by the Soviet Government to Soviet Jewry is a matter that must be on the agenda in the December 7 summit. As our distinguished Republican leader, Mr. DOLE, stated on this floor last week, "glasnost is not freedom." Let's do everything we can as individuals and as the people who are supposed to be leading this Nation to see to it that Benjamin Charny is freed.

Mr. President, I ask that Dr. Charny's article from the New York Times be printed in the RECORD.

The article follows:

MUST DEATH BE A SOVIET PASSPORT?

(By Benjamin Charny)

MOSCOW.—On Sept. 20, Faina Kogan died in Moscow of bone marrow cancer. For many years, she had been refused permission to leave the Soviet Union for the West, where she sought treatment for her illness and reunification with her son.

The reason given by Soviet authorities for the denial concerned the "secret work" her husband, Naum Kogan, had done some 16 years ago. At the time she made her request, her husband's "secret work" was in fact not secret at all. Rather, it became the excuse for keeping a sick woman from receiving medical treatment.

Mrs. Kogan is but one victim of the stamp of false secrecy; she was sacrificed to the state for so-called security interests. Other victims refused on the grounds of state secrecy—refuseniks who have also died in the last year—include Rimma Bravve, Yuri Speizman and Inna Meiman.

For each of these people, years of exhausting struggle to obtain exit visas ended with the granting of permission to leave, but only after it was too late. Each died before having had a chance to receive sufficient care. In each case, "state secrecy" was the reason given by authorities for their refusal.

If the possession of obsolete and arbitrarily classified state secrets remains a legitimate reason for refusing those in need of medical treatment, many other seriously ill refuseniks will share the fates of Mrs. Kogan and the others.

I also have been diagnosed as having cancer. Yet because I am a mathematician and worked on various scientific projects more than 16 years ago, I too have been refused permission to seek medical treatment outside the Soviet Union. Although my theoretical and practical findings were published in unclassified scientific journals, which were translated into English and distributed in the West, I have repeatedly been denied an exit visa. In May 1987, I was officially told that my work during this period is still considered "secret."

As I said, the work was done more than 16 years ago. It is hardly possible to talk seriously about scientific secrecy in any work done so long ago, especially considering the great technological advances made during recent years in the fields of computers and automation.

The only applied problem I worked on between the years 1966 and 1971 was the design of an atmosphere reentry guidance algorithm for a space vehicle returning to Earth from the Moon or another planet. In other words, it concerned the design of software for the on-board computer that controls a vehicle's reentry flight.

This work consisted of two parts, theoretical and practical. The theoretical part, concerning the derivation of mathematical formulas that define the algorithm, has never been secret. Similar formulas were widely published by many authors in the Soviet Union and the United States.

The practical part of my work consisted of adjusting any theoretical algorithm, solving the guidance problem in principle, to specific on-board computers. The capacity of vehicle-borne computers at that time was extremely limited because of computer dimensions and weight requirements.

To "squeeze" a theoretical algorithm in the computer, one had to invent a special mathematical technique, which I did. It was that practical part of my work that was considered secret at that time. Is it possible that this work could still be considered secret today?

Of course not, for the vehicle-borne computer of that period have become hopelessly obsolete. Microprocessors used in today's personal computers are infinitely smaller in dimension and, in every respect—from memory to bit capacity—more powerful. Known theoretical algorithms have since solved the problem in principle by using microprocessors without any tricks.

Utilizing a mathematical technique devised in the 1960's with today's more advanced computational tools is like extracting cubic roots on an abacus instead of doing so by means of a pocket calculator. Thus, the part of my work that was considered secret some 16 years ago has long ago ceased to be secret. That work ceased to be secret the day the first microprocessor appeared.

Seven years ago, authorities acknowledged that much. At that time, they gave my assistant, A. A. Goltsin, permission to leave the Soviet Union. He had carried out computations for me and was educated enough (he was a graduate of Moscow University in mechanics and mathematics) to have understood all the details of my work. It seems obvious, therefore, that the status of all my work ceased to be secret with Mr. Goltsin's departure.

The Soviet visa office has stated that decisions concerning "work secrecy" are made by a chain of authorities from the plant, the ministry and, finally, the visa office. At each link of the chain, a decision is made by people who are not competent to evaluate specialized work—three people openly confessed that much to me.

I. A. Karaculco, deputy chief of the visa office; N. A. Gavrilenco, deputy chief of the General Machinery Building Ministry, and V. I. Lomonosov, deputy director of the Institute of Automation and Instrument Making, all conceded that they are unable to discuss the general tenets of my work from the 1960's. Mr. Lomonosov has refused to draw on competent experts to discuss and re-evaluate the matter of my so-called secret work.

In October, the Forum on Space was hosted in Moscow. The wonderful words "Together to Mars" were the forum's motto. Let it be so, but Soviet officials seem to suggest that we return to Earth quite separately, for they persist in branding my work on vehicle re-entry of some 16 years ago as "secret." My work is no longer secret, and it is obsolete.

Although my life is in danger, I still have hope. I have many hopes. Let us go to Mars together, but let us not go if, in so doing, we trample over the corpses and time-marked lives of the refuseniks, victims of the stamp of false secrecy.●

MEDICARE PRESCRIPTION DRUGS

● Mr. HEINZ. Mr. President, during the debate on October 27 on whether to add an outpatient prescription drug benefit to Medicare, some Members expressed concern regarding a provision in the amendment which permits the HHS Secretary to reduce reimbursement below specified limits for "high volume pharmacies." The language for this provision, which the Senate adopted in an 88 to 9 rollcall vote Tuesday evening, states:

> [f]or calendar years after 1990, the Secretary may by regulation reduce either (or both) of the payment limits established [for single or multiple source drugs] dispensed by a high volume pharmacy (as defined by the Secretary) based on differences between high volume pharmacies and other pharmacies with respect to operating costs, quantity discounts, and other economies. The Secretary shall consult with high volume pharmacies, elderly groups, and private insurers in making such adjustments and (notwithstanding any other provision of this title) shall allow not less than 90 days for public comment on proposed regulations.

Mr. President, some of my colleagues are concerned that we may have inadvertently authorized the HHS Secretary to penalize high volume pharmacies—potentially discouraging the most efficient providers of pharmacy services from participating in the Medicare outpatient prescription drug program.

I wish to point out clearly for the record that such was and is not my intent, nor, I am certain, the intent of any of the cosponsors of the Heinz-Mitchell prescription drug amendment. In fact, Mr. President, the purpose of this provision is to encourage beneficiaries to shop at high volume pharmacies, thereby achieving for themselves and the Medicare Program significant savings. I would like to take this opportunity to explain to my colleagues how this provision is meant to work.

Under the legislation adopted earlier this week by the Senate, after meeting a deductible of $600 in 1990, part B enrollees remain responsible for a 20 percent copayment on every prescription. The amount of their copayment depends on the reimbursement to the pharmacy for the drug. For example, if Medicare calculates that $20 is the appropriate reimbursement for a given drug, including an allowance for the pharmacist's services, the beneficiary pays the pharmacist 20 percent of that amount, or $4, and Medicare directly pays the pharmacist the other 80 percent, or $16. The purpose of this copayment is to provide an incentive for beneficiaries to shop carefully for less expensive drugs and pharmacy services.

Mr. President, our intention is to ensure that older Americans—who will soon be insured for the first time by Medicare for a significant portion of their drug costs—will continue to have a financial incentive to shop at the lowest cost pharmacies. If they were to pay the same price for drugs at a high volume pharmacy as they do at their corner drug store, they would have no incentive to shop at high volume pharmacies. Under this provision of the Senate catastrophic health care costs legislation, beneficiaries who shop at these pharmacies will find their copayments are reduced by several percent.

It is not intended that the Secretary be authorized to arbitrarily or prejudicially reduce reimbursement to any level he wishes for those providers he defines as "high volume" pharmacies. In addition to the divestive language and legislative history, the Secretary will have a powerful incentive to be careful and reasonable in establishing the size of any such discounts and the number of pharamacists included in the definition of "high volume" pharmacies. If the Secretary goes too far, the most efficient pharmacies will refuse to participate in Medicare, and any potential savings will be lost.

Mr. President, according to experts in the field of reimbursement for pharmaceuticals, this approach is practical and fair to pharmacists. It is modeled on successful State programs that gradually discount reimbursement rates for incrementally higher volume pharmacies. I believe that Medicare reimbursement to pharmacies will be ample, and will continue to provide an incentive to pharmacists to seek our ways to economize and cut costs, even after Medicare passes on to benficiaries the economies of high volume pharmacies. Medicare reimbursement for single source—brand name—drugs will be the published average wholesale price or AWP A 1984 report by the inspector general of the Department of Health and Human Services indicates that 99.6 percent of pharmacy drug purchases were made at prices averaging 16 percent below the AWP. This report was based on review of economies realized by average pharmacies. High volume pharmacies may be expected to achieve even greater economies due to bulk purchasing. I would hope that the Secretary will be guided by the fact that maximum reimbursement discounts under similar State programs are less than 10 percent.

Mr. President, I hope this will help reassure my colleagues of our intent in crafting this cost-saving measure, and of the safeguards inherent in it. The cost of Medicare's part B Program must be constrained if we are to keep premiums within an affordable range. Encouraging beneficiaries to use high volume pharmacies will help us to meet this goal.●

JESS JOHNSON

● Mr. JOHNSTON. Mr. President, for 20 years I have been pleased to count Jess Johnson, Jr., as a friend. I first knew Jess back in Baton Rouge, when I was in the Louisiana Senate and he was handling government relations, for Shell Oil. He beat me to Washington by 6 months. He and Peg moved here in 1972, and he has managed Shell's Washington office for the last 15 years.

During that time he has served his company admirably, both as manager and Washington Representative, but his real contribution to the Nation's Capitol has been the improvements he has made to our quality of life.

He is, for instance, a notable gourmet. A founding member of the local board of the American Food and Wine Institute, he has been known to share his expertise with his friends. In the winter of 1980, Jess and Peg took my family in after our house was badly damaged in a fire. Normally, the stress of such a traumatic event causes weight loss, but not if you are eating Jess's cooking every night for a week. His Cajun Cuisine added several inches to my waistline.

A good Louisianian, he stays close to his roots. He has been active in the Mardi Gras Krewe of Louisianians since its founding, but his hospitable instances extend beyond the borders of his native State. For a long time he has been active in the affairs of Meridian House International, a nonprofit educational and cultural institution which provides services to international visitors and resident diplomats. He has served on its board of trustees and as chairman of the 1987 business committee. It is a civic enterprise which utilizes Jess's great talent for warmth and friendship, as well as his capacity for hard work and attention to detail.

Jess is famous for his jokes about Uncle Noon and Aunt Mess, which makes it appropriate to say that today I have some good news and some bad news. The bad news is that on December 1, Jess is retiring as vice president of Shell Oil Co. The good news is that he and Peg will continue to live in Washington for at least part of the year so we will continue to have the very great pleasure of his company.●

CAN SDI BE LEGALLY TESTED AND DEVELOPED?

● Mr. JOHNSTON. The strategic defense initiative [SDI] is clearly a central issue in the upcoming arms reduction talks. The administration is intent on having the option not only to conduct research on SDI, but also to test and develop SDI. However, the ABM Treaty prohibits the testing and development of space-based antimissile weapons systems or components. Or that's what we thought for 13 years after we agreed to the treaty. The administration, though, cites its so-called broad interpretation of the ABM Treaty. That reinterpretation of the treaty permits testing and development of exotic antimissile systems and components, those based on "other physical principles."

There is reason to question whether the administration has in fact thought through their position on SDI and how it relates to the upcoming arms reductions negotiations. I say this because the administration has yet to decide whether the space-based kinetic kill vehicle [SBKKV] can be legally tested or developed even under their own broad interpretation of the ABM Treaty. This is not a minor detail. I emphasize that the SBKKV, also known as the space-based interceptor [SBI], is the only space-based antimissile weapon approved by the Secretary of Defense in his Milestone I decision as a candidate for phase I of SDI's early deployment.

If testing and development of the space-based interceptor is banned even under the administration's interpretation of the treaty, then SDI would have no antimissile weapons to deploy in space in an early deployment. There are only two logical exceptions. The first is if the U.S. renounced the ABM Treaty. The second is, ironically enough, if the Soviets agreed to amend the treaty to loosen its restrictions on SDI to permit testing and development of the space based interceptor.

Frankly, I don't see how the United States can develop a rational negotiating strategy until it decides what the current treaty means and what it implies for SDI. You can't decide what you want at the bargaining table until you see what you've already got.

The issue of whether the space-based interceptor can be legally tested or developed is an important one not only for the upcoming arms negotiations. It is also important for congressional funding decisions on SDI. SDI's estimates that implementing SDI's phase I early deployment would cost $70 to $100 billion or more. Before we move to far down that road it would be nice to know if even the administration agrees that testing and developing the space-based weapons in phase I would be illegal.

I have sent to each of my colleagues a copy of a staff study by Thomas K. Longstreth of the Federation of American Scientists entitled "Space-Based Interceptors for Star Wars: Untestable Under Any Interpretation of the ABM Treaty." Reviewing the history of ABM research, the negotiating record of the ABM Treaty, the ABM Treaty text and protocols, and the subsequent practices of the United States and Soviet Union, Mr. Longstreth concludes that SBI will use technology not based "on other physical principles."

On October 21, I provided the Secretary of Defense and the Secretary of State a copy of the Longstreth report and requested their comments on the report and particularly on its conclusion. I would have expected a detailed rebuttal, if not on the report itself, then on the fundamental conclusion that the space-based interceptor cannot be legally tested or developed. Instead, the State Department said the issue is still being studied and the Defense Department also did not have a ready answer. Although the Department of Defense is still attempting to respond in writing, my staff contacted the Department of Defense and learned that at present they, as does State, have no official position on the issue.

It should be noted that the administration explicitly recognized they had no official position on this issue when they submitted their report to Congress on the ABM Treaty nearly 6 months ago. I would hope that the administration will make some determination on this pivotal issue before the Congress concludes its fiscal year 1988 appropriations process and certainly before the upcoming arms talks.

I ask that the executive summary of the Longstreth report be printed in the RECORD at this point as well as the reply of the State Department dated October 29, 1987.

The document follows:

SPACE-BASED INTERCEPTORS FOR STAR WARS: UNTESTABLE UNDER ANY INTERPRETATION OF THE ABM TREATY

(By Thomas K. Longstreth)

EXECUTIVE SUMMARY

A number of recent reports reviewing the Reagan Administration's "broad" interpretation of the ABM Treaty's limits on the development, testing and deployment of ABM systems based on "other physical principles" (OPP) have concluded that the broad interpretation is fatally flawed as it applies to lasers and other "exotic" or directed energy systems with potential ABM applications assumed at the time of the negotiation of the ABM Treaty to be based on OPP.

However, none of these reports—or the overall debate over the broad interpretation—have focused on the more pertinent issue of whether ABM weapons that use kinetic energy (hit-to-kill weapons) should be considered ABM systems based on OPP. The space-based interceptor (SBI) is one such kinetic kill weapon now being developed within the Star Wars program that is the leading candidate for any near-term, space-based ABM system.

A review of the history of ABM research, the negotiating record of the ABM Treaty, the ABM Treaty text and protocols, and the subsequent practices of the United States and Soviet Union demonstrates that the SBI will use technology not based "on other physical principles." Consequently, the SBI cannot be developed or tested legally in space under either the traditional or broad interpretation of the ABM Treaty.

This report also finds that:

Much of the technology to be utilized by the SBI was well understood in 1972 and pursued vigorously by the Defense Department in multi-billion dollar programs during the 1950s and 1960s. Various efforts within the 1960s' Project DEFENDER—including the BAMBI program which was quite similar to the current SBI—proceeded beyond paper studies, contrary to assertions by senior Reagan Administration defense officials.

In asserting that the Exoatmospheric Reentry vehicle Interception System (ERIS) is based on "traditional" ABM technology, while SBI is a "future" system, the Administration has tried to argue that differences in the two weapons' means of guidance account for this distinction. No such fundamental difference in the technologies of ERIS and SBI exists, nor can any basis for such an assertion be found in the ABM Treaty text or negotiating record.

There is not a single direct reference to kinetic kill weapons like the SBI cited as examples of future ABM systems based on OPP by either Soviet or American negotiators in those parts of the ABM Treaty negotiating record that have been made public.

Under both the broad and traditional interpretations, the SBI is either an ABM interceptor missile subject to the Treaty's limits on "traditional" ABM systems and components contained in Articles II, III, and V, or a non-ABM interceptor missile subject to the limits of Article VI. Either way, any development, testing and deployment of the SBI in other than a fixed, land-based mode are banned.

U.S. DEPARTMENT OF STATE,
Washington, DC, October 29, 1987.
Hon. J. BENNETT JOHNSTON,
U.S. Senate.

DEAR SENATOR JOHNSTON: You requested the views of the Department of State on the staff study written by Thomas K. Longstreth of the Federation of American Scientists, entitled: "Space-Based Interceptors for Star Wars: Untestable Under Any Interpretation of the ABM Treaty."

Appropriate agencies of the Executive Branch are currently assessing the issue of whether the United States would be able to test and develop space-based interceptors under the terms of the Anti-Ballistic Missile Treaty. Independent studies, such as those written by Dr Longstreth, are read with great interest and provide additional thoughts and material for consideration. Thank you for sharing the staff study with us.

With best wishes,
Sincerely,
J. EDWARD FOX,
Assistant Secretary,
Legislative Affairs.●

PASCAL DILDAY

● Mr. WILSON. Mr. President, California has recently lost a dear friend, a man who during his lifetime gave so freely of himself to enrich his San Diego community, and whose countless good works reached beyond city boundaries to be felt throughout the entire State.

Pascal Dilday was a consummate San Diegan, passionate about his community and compassionate when that community called upon him to lend his good name, his leadership, his foresight to so many worthy causes. It is not every man who can generate the admiration, respect, and sheer affection of an entire city, but it was certainly Pascal Dilday who did.

His legacy lies in his positive spirit which enveloped us all * * * and in the breadth of his friendship which he bestowed generously and willingly. Pascal's legacy rests with the University of Southern California and its Trojans, for he was the school's quintessential booster (and its star quarterback in 1932), and with the innovative automobile dealership which enriched San Diego's business sector for so many years.

We will never forget how Pascal loved California and how California loved him in return. I take great pride in honoring his memory in his Chamber of the U.S. Senate on behalf of all Californians.●

ORDER OF BUSINESS

Mr. BYRD. Mr. President, parliamentary inquiry. Have the yeas and nays been ordered on the adoption of the conference report in the Older Americans Act?

The PRESIDING OFFICER (Mr. CONRAD). They have been.

Mr. BYRD. I thank the Chair.

ORDER THAT COMMITTEE BE DISCHARGED FROM CONSIDERATION OF NOMINATION OF JUNE BROWN

Mr. BYRD. Mr. President, as in executive session, I ask unanimous consent that the Committee on Governmental Affairs be discharged from consideration of the nomination of June Brown to be Inspector General of the Department of Defense, the nomination having been unanimously approved by the members of the Committee on Governmental Affairs.

Mr. COCHRAN. Mr. President, there is no objection to the unanimous-consent request on this side of the aisle.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE QUARTER-CENTURY MARK OBSERVED

Mr. BYRD. Mr. President, November 1962 saw the election to the U.S. Senate of Senator EDWARD KENNEDY from Massachusetts. That was 25 years ago this month.

To mark that quarter-century anniversary, last Friday evening, Senator KENNEDY's sons and daughter organized a gala celebration at Boston's Westin Hotel.

According to reports, the evening was a rousing success, with countless of Senator KENNEDY's friends, admirers, and associates in attendance.

I believe that recognizing Senator KENNEDY's 25th anniversary is appropriate here in the Senate, as well. I congratulate Senator KENNEDY on reaching this important milestone in his career, and in our national history. I also commend Senator KENNEDY for the thorough, farsighted, and dedicated fashion in which he is fulfilling his stewardship for the people of Massachusetts, and for the contributions that he has made and continues to make to our work here in the Senate.

Also, I want to commend Senator KENNEDY's daughter Kara, and his two sons Edward, Jr., and Patrick, for the fine efforts that they invested in organizing and managing last Friday evening's activities in Boston. I know that Senator KENNEDY was touched by that demonstration of affection toward him, and proud of the abilities that his children evidenced in bringing off such a big event.

And I know that all of our colleagues join me in congratulating Senator KENNEDY on the occasion of the 25th anniversary of an outstanding Senate career.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there be a period for morning business and that Senators may speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, does the distinguished Senator from Mississippi have anything he would wish to bring to the attention of the Senate?

Mr. COCHRAN. Mr. President, if the distinguished leader would yield, as Senators know, the Republican leader of the Senate has this year been placing in the RECORD statements that he refers to as "Bicentennial Minutes." I ask unanimous consent, Mr. President, that a copy of the statement of Senator DOLE, entitled "November 10, 1953: See-Saw in Senate Majority," be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

BICENTENNIAL MINUTE

NOVEMBER 10, 1953: SEE-SAW IN SENATE MAJORITY

● Mr. DOLE. Mr. President, 34 years ago today, on November 10, 1953, Thomas Burke, Democratic mayor of Cleveland, was sworn in as U.S. Senator from Ohio. Since the Senate had adjourned for the year and would not reconvene until the following January, Burke's appointment to the Senate had no immediate effect. But symbolically, it meant that the Senate majority had shifted in mid-Congress from the Republicans to the Democrats.

Ironically, the vacancy that Burke filled had been caused by the death of Senate Republican Majority Leader Robert Taft, Sr. At the time of Taft's death, the Senate was split between 48 Republicans, 47 Democrats, and 1 independent, Wayne Morse. When Ohio's Governor, Frank Lausche, appointed Burke to Taft's unexpired term, he gave the Democrats a 48-to-47 edge. Would this mean that the Senate would be reorganized and committee chairs shifted between parties? No, because Senator Morse announced that he would vote with the Republicans on organizational matters. This would divide the parties evenly, allowing Vice President Richard Nixon to cast the tie-breaking vote.

During the course of the 83d Congress, other deaths caused the majority to shift this way and that, but Republicans retained the majority status, on paper if not in reality. This led to a famous exchange between Republican Leader William Knowland, who complained about the difficulties in being a majority leader without a majority, and Democratic Leader Lyndon Johnson, who observed: "If anyone has more problems than a majority leader with a minority, it is a minority leader with a majority."

As for Senator Burke, in 1954 he was defeated for election to the remaining 2 years of the term by Republican George H. Bender. But in 1956, Senator Bender lost his bid for reelection to a full term to Frank Lausche, the man who, as Governor, had started it all.●

Mr. COCHRAN. We have no further business on this side of the aisle, Mr. President and no requests for statements.

Mr. BYRD. Mr. President, has the order been entered to the effect that at 9:30 a.m. on Thursday next the Senate will proceed to vote by rollcall on the adoption of the conference report on the Older Americans Act?

The PRESIDING OFFICER. The order has been entered.

Mr. BYRD. I thank the Chair.

ORDERS FOR THURSDAY

ORDER FOR ADJOURNMENT UNTIL 9 A.M. ON THURSDAY NEXT

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 9 a.m. on Thursday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that on Thursday next, after the two leaders have been recognized under the standing order, there be a period for the transaction of morning business not to extend beyond the hour of 9:30 a.m. and that Senators may speak during that period for morning business for not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

NO MOTIONS OR RESOLUTIONS OVER UNDER THE RULE TO COME OVER ON THURSDAY NEXT

Mr. BYRD. Mr. President, I ask unanimous consent that no motions or resolutions over under the rule will come over on Thursday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

CALENDAR CALL UNDER RULE VIII WAIVED ON THURSDAY NEXT

Mr. BYRD. Mr. President, I ask unanimous consent that the call of the calendar under rule VIII be waived on Thursday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD. Mr. President, on Thursday next, the Senate will come in at the hour of 9 a.m. After the two leaders have been recognized under the standing order, there will be a period for morning business not to extend beyond the hour of 9:30 a.m., and during that period for morning business, Senators may speak for not to exceed 5 minutes each. At the hour of 9:30 a.m., the Senate will vote by rollcall on the adoption of the conference report on the Older Americans Act. That will be a 30-minute rollcall vote with the call for the regular order to occur at 10 o'clock; in other words, at the expiration of the 30 minutes.

So Senators need not wait for 1 minute thereafter, feeling that the leaders will hold the vote because the 30-minute rollcall vote, every Senator ought to be there. They are receiving adequate notice in advance.

Then, upon the disposition of that conference report, Mr. President, the Senate would proceed to debate the amendments en bloc on nuclear waste. They are the committee amendments en bloc. There will be 2 hours of debate on those amendments en bloc and at 12 noon, a vote will occur. There will be rollcall votes throughout the day on Thursday and I would suggest that Senators be prepared for votes also on Friday.

If the distinguished acting minority leader, Mr. COCHRAN, has anything further to say to the Senate or any further business to transact, I will withhold the motion to adjourn until such time as he has been able to.

Mr. COCHRAN. Mr. President, I thank the majority leader for his gracious yielding. I do wish you a happy Veterans Day. Tomorrow is an important day for all of us as we celebrate that, pay tribute to those who made such great sacrifices to our country and express our appreciation for that. I wish you a good Veterans Day, Mr. Leader.

Mr. BYRD. Mr. President, I thank the distinguished Senator. Tomorrow and this evening are very special events in my own memory. My mother died in the influenza epidemic of 1918, and I am told by my older brother that she died on the night before the armistice was signed. So I have no recollection of her, of course. I was just a little under 1 year old on that date. My birthday was on November 20. So I will soon, the Lord willing, see another birthday.

But Armistice Day, the old Armistice Day, the day of course had an impact on my life. I did not know it then but I have learned it since.

ADJOURNMENT UNTIL 9 A.M., THURSDAY, NOVEMBER 12, 1987

Mr. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in adjournment until the hour of 9 a.m. on Thursday next.

The motion was agreed to, and at 5:49 p.m., the Senate adjourned until Thursday, November 12, 1987, at 9 a.m.

NOMINATIONS

Executive nominations received by the Secretary of the Senate November 9, 1987, under authority of the order of the Senate of February 3, 1987:

DEPARTMENT OF STATE

HENRY ANATOLE GRUNWALD, OF NEW YORK, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF AUSTRIA.

THE JUDICIARY

FRANK ERNEST SCHWELB, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE DISTRICT OF COLUMBIA COURT OF APPEALS FOR THE TERM OF 15 YEARS, VICE FRANK Q. NEBEKER, RETIRED.

CHERYL M. LONG, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF 15 YEARS, VICE DONALD S. SMITH, RETIRED.

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE U.S. OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 593 AND 8379, TITLE 10 OF THE UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8379 AND CONFIRMED BY THE SENATE UNDER SECTION 593 SHALL BEAR AN EFFECTIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTION 8374, TITLE 10 OF THE UNITED STATES CODE. (EFFECTIVE DATES IN PARENTHESES).

LINE OF THE AIR FORCE

To be lieutenant colonel

MAJ. JOHN F. AMMERALL, [redacted] 8/1/87.
MAJ. FRANK G. ANDERSON, [redacted] 8/13/87.
MAJ. BARRY W. BEARD, [redacted] 7/28/87.
MAJ. SUSAN L. BICKELMANN, [redacted] 7/12/87.
MAJ. PETER W. BORGOS, [redacted] 5/30/87.
MAJ. ROBERT J. CLEARY, [redacted] 7/14/87.
MAJ. WILLIAM J. CRUMM II, [redacted] 6/7/87.
MAJ. WILLIAM R. DITTMER, [redacted] 7/1/87.
MAJ. JOHN W. DRONENBURG, [redacted] 5/30/87.
MAJ. ROBERT R. FUS, [redacted], 7/31/87.
MAJ. KENCIL J. HEATON, [redacted] 8/14/87.
MAJ. PALMER O. HOLLIS, [redacted] 8/8/87.
MAJ. DAVID H. HUGHLEY, [redacted] 7/16/87.
MAJ. CHARLES F. JOHNS, [redacted], 7/18/87.
MAJ. ERIC S. KANJA [redacted], 7/19/87.
MAJ. DUANE E. KNAPP, [redacted] 7/19/87.
MAJ. ROGER W. LARSEN, [redacted] 7/1/87.
MAJ. THOMAS K. LEEPER, [redacted], 7/28/87.
MAJ. PHIL P. LEVENTIS, [redacted] 8/8/87.
MAJ. ROBERT M. MARSHALL, 287.-40-6490, 6/27/87.
MAJ. WILLIAM T. MCGLATHERY III, [redacted] 8/1/87.
MAJ. JOHN D. MOORE, [redacted] 8/2/87.
MAJ. RUSSELL K. N. MUN, [redacted] 5/28/87.
MAJ. LOUIS J. NIGRO, [redacted], 8/4/87.
MAJ. WALTER G. POWELL III, [redacted] 8/14/87.
MAJ. WILLIAM R. REILLY, [redacted] 5/11/87.
MAJ. LYNN V. RITCHIE, [redacted] 6/28/87.
MAJ. GEORGE P. SCHULER, [redacted] 2/23/87.
MAJ. CHARLES A. SCRIVNER, JR., [redacted] 7/16/87.
MAJ. JAMES E. SHEPPARD, [redacted] 7/28/87.
MAJ. DOMENIC S. VACCA, [redacted] 7/11/87.

CHAPLAIN CORPS

To be lieutenant colonel

MAJ. RAYMOND R. BROWN, [redacted] 7/26/87.

MEDICAL SERVICE CORPS

To be lieutenant colonel

MAJ. EDWARD H. MEILINGER, [redacted] 6/23/87.

BIOMEDICAL SCIENCE CORPS

To be lieutenant colonel

MAJ. LEROY C. FEUSNER, [redacted] 8/2/87.
MAJ. WILLIAM M. GLASSBRENNER, [redacted] 8/2/87.

MEDICAL CORPS

To be lieutenant colonel

MAJ. ROBERT M. GALLAGHER, [redacted] 7/11/87.
MAJ. PETER K. O. HOCHLA, [redacted] 8/8/87.
MAJ. SIDNEY J. MORGAN JR., [redacted] 7/12/87.
MAJ. WILLIAM H. RICHTER, [redacted] 7/25/87.
MAJ. GILDO S. SORIANO, [redacted] 7/19/87.
MAJ. JOHN H. WARD, [redacted] 7/11/87.

NURSE CORPS

To be lieutenant colonel

MAJ. MARGARET A. HOLMES, [redacted] 5/2/87.

Executive nominations received by the Senate November 10, 1987:

DEPARTMENT OF STATE

RICHARD HUNTINGTON MELTON, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF NICARAGUA.

AFRICAN DEVELOPMENT FOUNDATION

DAVID C. MILLER, JR., OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR A TERM EXPIRING SEPTEMBER 22, 1993, VICE PATSY BAKER BLACKSHEAR, TERM EXPIRED.

ENVIRONMENTAL PROTECTION AGENCY

LINDA J. FISHER, OF OHIO, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE MILTON RUSSELL, RESIGNED.

FEDERAL COMMUNICATIONS COMMISSION

BRADLEY P. HOLMES, OF NEW YORK, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR THE TERM EXPIRING JUNE 30, 1990, VICE MARK S. FOWLER, RESIGNED.

HOUSE OF REPRESENTATIVES—*Tuesday, November 10, 1987*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O God, you have called us to be in the world but not of the world. We pray that our feet may be set on the real concerns of the day so we live with life as it is truly lived, and may our eyes be set on the vision that You have given of a world at peace where people deal fairly with each other and respect each other. So being honest about the problems at hand, may we face toward the light and walk toward the light encouraged by Your vision of justice and of peace. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a concurrent resolution of the House of the following title:

H. Con. Res. 195. Concurrent resolution providing for filing and printing of the reports of the House and Senate select committees on Iran as a joint report.

A message also announced that the Senate had passed a bill, a joint resolution, and concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 860. An act to designate "The Stars and Stripes Forever" as the national march of the United States of America.

S.J. Res. 174. Joint resolution designating the week beginning November 15, 1987, as "African American Education Week"; and

S. Con. Res. 87. Expressing the sense of the Congress with respect to demonstrations in Latvia commemorating Latvian Independence Day.

LET US ERECT A STATUE TO RECOGNIZE THE UNIQUE CONTRIBUTION OF OUR WOMEN IN SERVICE

(Mr. GEJDENSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEJDENSON. Mr. Speaker, today I will be introducing legislation to recognize the unique contribution of 10,000 women who served in the Vietnam war. Their efforts have not yet been recognized. As the Congress and the Nation stop tomorrow to recognize America's veterans, we must remember this unique contribution.

There has been some controversy about the proposal to erect a statue recognizing the efforts of women but I believe Secretary Hodel has taken the right step in pushing for a statue to recognize their efforts in the Vietnam war.

The addition of this one statue I believe would complete what is necessary to recognize the efforts of all Americans during that period of time.

So I would ask my colleagues to join with me, Veterans of Foreign Wars groups, the American Nurses Association, and others who will be supporting this legislation as I introduce it this afternoon.

THE REPUBLICAN DEFICIT REDUCTION PACKAGE

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, the Republicans, under Bob Michel's able leadership, have laid on the negotiating table an honest, fair, and balanced plan for reducing the deficit by $30 billion this year and $45 billion next.

The Republican plan proposes significant new revenues and holds the line on defense spending.

In offering this plan, our party has recognized that the time for claiming to be for deficit reduction by cutting the other guy's priorities is over.

What both parties must do is to stop asking what someone else is going to give to reduce the deficit and start saying what they're willing to contribute.

We've done so, Mr. Speaker. We've done so in a responsible and equitable way.

The ball's in your court, Mr. Speaker. What are you going to contribute from democratic priorities to solve the deficit problems?

GIVE FARMERS AN ALTERNATIVE AND TAXPAYERS A BREAK; SUPPORT THE SUGAR PROGRAM

(Mrs. SMITH of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SMITH of Nebraska. Mr. Speaker, this year, when it is more important than ever to cut the Federal budget deficit, it might be wise to recognize a farm program which does not increase the deficit. In fact, careful examination of the sugar program shows that it actively helps reduce the Federal deficit.

The fact that, by law, the sugar program operates at no cost to the Federal Government is just the start. Consider what would happen to commodity prices if the nearly 2 million acres planted in sugarcane or sugar beets were instead planted to corn, soybeans, or other crops already in surplus.

Taller piles of the commodities mean lower prices. We would then face larger price supports on more bushels and, as surpluses mount, more pressure for set-asides, further threatening rural economies.

A vigorous sugar beet industry directly and indirectly employs 100,000 people nationwide. Sugar refiners last year paid raw sugar beet producers $870 million for their products. Sugar adds $1.76 billion to the American gross national product each year.

In my State alone, over 60,000 acres are devoted each year to the production of sugar beets worth $35 million.

We must not destroy the sugar industry when trade deficits are at an all-time high. In the long run, it is not in the interest of the American consumer to undermine our own sugar industry by rewarding unfair competition from other nations who would dump sugar on our shores at less than production prices.

The sugar program gives farmers an alternative and taxpayers a break. I urge my colleagues to support this successful program.

SUPPORT INSTRUCTING CONFEREES TO RECEDE ON GEPHARDT AMENDMENT

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, I have been a little bit distressed at comments the Speaker has made recently with respect to the urgency of finalizing a trade bill. It is my understanding the distinguished majority leader in the other body has also made some comments.

Knowing of all the things that are on the platter for us to do between

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☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

now and the time we adjourn, it may be a little bit overambitious to think we could get this mammoth trade bill all brought together to be acceptable within the limited timeframe. Because of that concern that I have, feeling that the market itself has been somewhat unstabilized, by those calls of rush to judgment when frankly taking a little bit more time might be conducive, I am prepared later after consideration of the rule on the next bill to offer a motion to instruct, those conferees on the trade bill to recede from their insistence on the Gephardt amendment which would mandate mandatory and unilaterally imposed trade retaliation by the United States.

The conference has been in session better than the 20 days required under our rules for an opportunity to offer such a motion to reinstruct or readvise those conferees on what they ought to do and that will be my intention.

I understand the leadership would program or at least acknowledge the minority leader for that purpose after consideration of the rule on the bill that has been scheduled for a few moments from now.

AUTO INDUSTRY NEEDS SOME PROTECTIONIST MEASURES TO SAVE IT

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, today's Wall Street Journal reports that U.S. auto makers are planning production cuts of about 10 percent in next year's first quarter. In addition, production for the fourth quarter is down 6.5 percent from last year. Is this starting to sound familiar? Did this Nation learn anything about the problem with the steel industry?

Ladies and gentlemen, we have an auto industry that is a future dinosaur unless this Nation takes some protectionist measures to save it. Yes, I say protectionist; because if you are not you are just going to continue to protect the interests of those countries overseas.

In October 1985, 31 percent of all new cars sold in America were made overseas; in November 1985, 35 percent of all new cars sold in America were made overseas. This year Korea will ship 1 million cars to America. When we send a car there, they want a 35-percent tariff. When they send it here, we just open the door.

I think it is time we tell Korea that if they are going to have a 35-percent tariff on our cars we are going to put a 35-percent tariff on their cars and let us straighten this trade mess out.

Think about it.

LET US NOT RETURN TO THE DAYS OF SMOOT-HAWLEY IN THE GUISE OF THE GEPHARDT AMENDMENT

(Mr. GRADISON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GRADISON. Mr. Speaker and my colleagues, I want to stress my strong support for the initiative of the Republican leader, the gentleman from Illinois [Mr. MICHEL], in planning to offer new instructions later this morning to the trade conferees. We have quite properly put great emphasis in recent weeks on efforts to come up with meaningful reductions in the budget deficit. I am hopeful that these will bring prompt and effective results and also help to calm the very uncertain credit markets and securities markets here and around the world.

But there is one other step which I think is vital if we are going to be successful in sending a proper signal to these market places which have been so shakey in recent weeks. That is that we are not going to return to the days of Smoot-Hawley in the guise of the Gephardt amendment.

Today we will have a chance to indicate not only to the conference but also to the Nation and to the world, which is watching, that we are not going to repeat the errors of the 1930's.

THE DOLLAR DROPS AND FOREIGN INVESTORS BUY HERE AT FIRE SALE PRICES

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, the Washington Post today records the story that the dollar "hits record lows against the yen and the mark," the dollar descending to the lowest levels since these records were kept, since the close of World War II. Now some people in the administration think that to solve the financial mess that our country is in, the answer is just to let the dollar keep falling. In fact, that has been this administration's policy to date.

If we continue to pursue that path, not only will the standard of living of this country continue to drop more than ever in our history, but America will begin, as it already has, being sold off to foreign investors at fire sale prices.

Those are the pressures that we are setting up in this economy as that dollar drops. Is this really what we want for our children and grandchildren in the next century? It would be far better to encourage the citizens of America to make America self-reliant again.

Today I am introducing a bill on U.S. savings bonds that will designate 1988 as "Invest in the U.S.A. Year."

For all those citizens watching this on television throughout the country, I say if you want to purchase holiday gifts this year the best thing you can do for America is to buy your relatives, your family, your friends U.S. savings bonds for holiday gifts this year. That is one practical step that you can take to help America become self-reliant again.

U.S. SUGAR PROGRAM OPERATES AT NO COST TO U.S. TREASURY

(Mr. STANGELAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STANGELAND. Mr. Speaker, I would like to take some time to explain why the U.S. Sugar Program is good public policy.

First of all, the U.S. Sugar Program operates at no cost to the U.S. Treasury. Also, throughout the world, in countries where sugar is produced, the prices are strictly regulated—there is no free trade. In fact, in several sugar producing regions in the world, unfair subsidies have driven the world price far below the global cost of production. The United States, on the other hand, has a program which is sound and fair.

When the U.S. Sugar Act expired in 1974, prices fluctuated wildly, from 10 to 65 cents on a raw basis. These erractic sugar prices hurt consumers when the price was too high and when it suddenly declined many sugar producers went out of business. Congress in 1981 developed a sugar program to counter this volatility and to assure the American consumer a steady, affordable sugar supply. This program is very similar to the one we have today.

Today's program has stabilized prices, and supported an efficient and competitive domestic sugar industry. Furthermore, it has contributed jobs and other economic benefits to many areas of our Nation. The current U.S. Sugar Program is working, it is good policy, and should stay in place.

A TRIBUTE TO LIGONIER, PA

(Mr. KOLTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOLTER. Mr. Speaker, I rise to pay tribute to Ligonier, PA, in my Fourth Congressional District of Pennsylvania, which played a vital role in the founding of this Nation.

It was at Fort Ligonier, the frontier stockade from which the town draws its name, that then-Col. George Washington and his regiment joined Gen.

John Forbes to launch an attack on French-held Fort Duquesne at Pittsburgh in 1758.

The victorious Forbes named Pittsburgh after then-Secretary of State William Pitt, and named Fort Ligonier after Sir John Ligonier, commander in chief of the British Army.

Fort Ligonier was never taken by the enemy despite attacks in 1758 and 1763, when the fort was besieged by Indians during Pontiac's uprising.

Fort Ligonier was retired from active military service in 1766 and was reconstructed following a community and chamber of commerce effort that began in 1946. The museum project was completed in 1969.

Today, the nonprofit educational organization—the Fort Ligonier Association—is responsible for the preservation of this historic site. Every year, the town holds Fort Ligonier Days, one of the most successful tourism and promotion efforts in western Pennsylvania.

I commend this community, Mayor J. Clifford Naugle and other local elected officials, and the private contributors for their dedicated and constructive efforts to celebrate local history and aid the local economy. Fort Ligonier is a splendid example for all historic towns to emulate, and that is why I honor Ligonier before the U.S. House of Representatives.

□ 1015

THE ORTEGA BLUEPRINT FOR NICARAGUA

(Mr. DORNAN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN of California. Mr. Speaker, you know that I supported the Wright-Tunnerman Plan when the President signed onboard. I waited patiently for 2 months to see some real developments of peace in Central America. I do not see as much progress down there as you do.

I was down there over the weekend for the seventh time. That was my 13th trip to Central America.

What Mr. Ortega wants out of this Congress and out of the President of the United States and what he hopes to get out of a bilateral meeting that he has dearly lusted for a number of years is this: He wants to cut, simply, Mr. Speaker, the same deal with the United States that John F. Kennedy gave to Fidel Castro. He wants to be isolated, sanitized, and given a guarantee that this great Nation of ours will never interfere with his process of locking Nicaragua into a Communist colony in association with Cuba and Moscow.

Then he will go ahead and do what Fidel Castro did, break his word, lie, and continue to pump Communist revolution throughout Central America. And if he is the megalomaniac Fidel Castro is, a man who feels he is bigger than the small nation and the small population that he rules as a tyrant, then he will begin to pump revolution down into South America. And who knows, we may see Nicaraguan boys baptized in secret by their mothers, and like Cubans fighting in Africa or maybe in some quarter in the nation of South Yemen or the Saudi Arabian peninsula.

Please, Mr. Speaker, do not give Daniel Ortega and his brother, Umberto, the same deal John F. Kennedy gave Castro and his brother Raoul.

PROPOSED DEAUTHORIZATION OF DAM AND RESERVOIR IN INDIANA

(Mr. JONTZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JONTZ. Mr. Speaker, today I am introducing legislation which would deauthorize the proposed Lafayette Dam and Reservior in Tippecanoe, Clinton, and Carroll Counties in Indiana.

This project was authorized under the Flood Control Act of 1965, but it has not been built because of opposition from area residents, conservationists, and local officials. In 1977, local sponsorship for the project was withdrawn when the Indiana General Assembly acted to repeal State authorization.

Concerns about the destruction of beautiful Wildcat Creek, the loss of other environmental values, the taking of private homes and farms, excessive costs, and questionable benefits are the reasons this project is unpopular and has not been built.

Mr. Speaker, the Congress would be doing a favor for the people of the affected area in west-central Indiana if we were to act to deauthorize Lafayette Lake and give people in that area the peace of mind that would come from knowing that this project is no longer on the books.

THE U.S. SUGAR PROGRAM

(Mr. HOLLOWAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOLLOWAY. Mr. Speaker, a group of our colleagues are attacking the sugar program in an attempt to stop poverty and political unrest in such sugar exporting regions as Central and Latin American, the Caribbean, and in the Philippines. They believe that by lowering the loan rate to domestic producers by about a third, poverty will abate and political stability will prevail in those less developed sugar exporting nations.

Mr. Speaker, historically, the price of sugar has fluctuated greatly, but poverty and political unrest in sugar-producing countries has been relatively unaffected. For example, back in the 1970's sugar ranged from over 65 cents per pound to below 9 cents. During this time there was a lot of poverty and political unrest among the peasants in these countries despite both highs and lows in the sugar market.

Since 1981, when we adopted a loan program for domestically produced sugarcane and sugar beets, the price of sugar here has stabilized at around 21 to 22 cents per pound. And I hope my colleagues will take note: The situation as regards poverty and political unrest in many sugar exporting nations has not changed.

I'm not sure I understand how lowering the loan rate will help. I know the 14,000 sugar producers in this country, plus the 100,000 people employed directly and indirectly by the domestic sugar-producing industry don't understand.

Sugar should not be singled out to make the total economic sacrifice for a U.S. foreign aid program.

Let's leave the U.S. Sugar Program alone.

SUGARCANE IN HAWAII—A WAY OF LIFE

(Mr. AKAKA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AKAKA. Mr. Speaker, for anyone who has ever lived in Hawaii or visited our aloha State, it is hard to imagine the Hawaiian Islands without the lush green acres of waiving sugarcane that have been cultivated for over 150 years.

As a youth, my friends and I would often take a break from our play to chew on sweet cane cuttings from nearby fields. As anyone in Hawaii will tell you, sugarcane is part of the Hawaiian culture and plays a vital role in our State's economy. Over 25,000 jobs are generated through this vital farm activity.

The 185,000 acres of sugarcane grown in Hawaii occupy three-fourths of the State's crop land. Simply put, there are no economically viable substitute crops for much of this land, should our sugar industry fall.

That is why those who suggest cutting the support level for sugar by one-third are sending a bitter chill through our tropical islands. The change they promote would certainly increase their already fat profits, but would also destroy the economy of my State and mark the end of our most important industry. If the big corporate sugar users have their way, a long and proud tradition will come to an end and the workers for whom sugar has been a way of life will be relegated to the unemployment lines and welfare roles.

Mr. Speaker, I won't let this happen because I wasn't elected to idly stand by and watch as Hawaii's sugar workers get pushed around by some of the largest and most profitable conglomerates in America. My colleagues, the domestic sugar program is working to generate American jobs, and I intend to see that it stays that way.

THE IMPORTANCE OF SUGAR TO THE STATE OF FLORIDA

(Mr. LEWIS of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Florida. Mr. Speaker, a bill will be introduced later this month which will effectively destroy the U.S. domestic sugar program. This action would not only cause severe economic loss for thousands of people in the State of Florida and in my district but would also adversely affect the economies of our friendly Caribbean countries.

As part of the 1985 farm bill, the sugar program enables Caribbean suppliers to export their sugar and earn the foreign exchange which is the lifeblood of their economies. Eliminating the sugar program would force these countries to sell their sugar in a dump market below the cost of production.

This legislation would also damage many communities in the United States. For the communities on the south shores of Lake Okeechobee in my district, sugar is a way of life. Sugar has created economic growth and jobs throughout these communities and generates $1.5 billion in economic activity per year for Florida and accounts for approximately 43,000 jobs.

Mr. Speaker, I urge my colleagues to continue to support the U.S. sugar program, as passed in the 1985 farm bill. The farm bill is working and should not be opened to the benefit of a few special interests.

Mr. Speaker, the farm bill is the linchpin for the survival of the American farmer. We have go to keep it as it is and not tinker with it.

□ 1025

PEACE IS AT HAND IN CENTRAL AMERICA

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALEXANDER. Mr. Speaker, I take this time to congratulate President Reagan for supporting the peace initiative in Central America.

It was announced yesterday by the Secretary of State that the United States will talk in one form or another with the Sandinistas in order to join the peace process that is taking place in Central America. There is movement.

There is even momentum in the direction of peace, and I am proud that the United States has joined that effort and that initiative.

The Nicaraguan Government recently indicated willingness to negotiate with the Contras on a cease-fire, with the Catholic primate of Nicaragua, Cardinal Miguel Obando y Bravo, acting as intermediary. Moreover, the Secretary of State has said that if the Sandinistas take steps toward democratization, negotiations could begin this week, when the Nicaraguan President will address the Organization of American States.

Peace is possible in Central America, and for those who have felt that the military is a solution, that is always an option, but peace is at hand.

There has never been a good war or a bad peace, and I think the United States can make progress toward achieving the goal of peace.

OPPOSITION TO GEPHARDT AMENDMENT TO TRADE BILL

(Mr. FRENZEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRENZEL. Mr. Speaker, it is my understanding that at an appropriate time, to arrive soon, the distinguished minority leader, the gentleman from Illinois [Mr. MICHEL], will offer a motion to instruct the House conferees to the trade bill, requesting that they remove their support from the amendment which we have come to know as the Gephardt amendment.

There is no part of the House trade bill that is more closely identified with protectionism, and that causes more consternation in international equity, financial, and commodity markets than the Gephardt amendment.

We have a chance, probably our first real chance, to instill some certainty, and some settling down in those markets if we vote for the motion of the gentleman from Illinois.

I think it is well past time to discard, abolish, repeal, and otherwise generally trash the Gephardt amendment. That is what it deserves.

THE WRONG DIRECTION

(Mr. LUNGREN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUNGREN. Mr. Speaker, a moment ago one of the Members commended the administration for what it is doing in efforts toward peace in Central America. All of us should try and be bipartisan on that.

One of the key factors, of course, is the administration has felt it is very important that the Sandinistas recognize that they must deal with the Contras, with the resistance movement. That is one of the reasons that the administration has resisted being involved in negotiations with the Sandinistas until they have acknowledged that.

The other thing I would say is this. Easy statements sometimes can lead us into wrong decisions. Of course, no one would suggest there was ever a good war. However, there was at least in my recent memory a good side of a war.

I am proud of the fact that my father served in World War II. It seems to me that it was the right thing to do for us to be involved in that. But as far as the gentleman's suggestion that there has never been a bad peace, I would just remind the gentleman, that it was Neville Chamberlain, who promised us peace in our time; that to me was not a good peace.

That was a phony peace that probably allowed, if not accelerated, the onslaught of World War II. That type of thinking did not get us in the right direction.

It took us in the wrong direction.

DEFEAT MOTION TO INSTRUCT CONFEREES ON TRADE BILL

(Mr. LEVIN of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVIN of Michigan. Mr. Speaker, we have just received word on very short notice that there is going to be an effort here to instruct the conferees on a trade issue, in particular the amendment that was passed here some months ago authored by the gentleman from Missouri [Mr. GEPHARDT].

I hope the word has gone forth about this motion. There is going to be an attempt here to debate in 1 hour an issue that deserves much more than that, without any notice whatsoever.

I think that is reason enough to defeat this motion. It also should be defeated on its substance.

The trade barriers that this amendment tries to tear down have become worse, not better. The report of the USTR shows thicker pages describing trade barriers, not fewer.

The purpose of that amendment was to say to others, treat us like you are treated by us. Give us the treatment that you receive from us.

I would hope, therefore, both on procedural and substantive grounds, we would defeat this motion.

It deserves more than an hour's debate with a few minutes' notice.

APPOINTMENT OF CONFEREES ON H.R. 2939, INDEPENDENT COUNSEL AMENDMENTS ACT OF 1987

Mr. CARDIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2939) to amend title 28, United States Code, with respect to the appointment of independent counsel with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Maryland? The Chair hears none, and appoints the following conferees: Messrs. RODINO, FRANK, GLICKMAN, SHAW, and SWINDALL.

PROVIDING FOR CONSIDERATION OF H.R. 435, UNIFORM POLL CLOSING ACT

Mr. BEILENSON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 303 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 303

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 435) to amend title 3, United States Code, and the Uniform Time Act of 1966 to establish a single poll closing time in the continental United States for Presidential general elections, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and which shall not exceed sixty mintues, with forty minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on House Administration, and with twenty minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce, the bill shall be considered for amendment under the five-minute rule and each section shall be considered as having been read. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from California [Mr. BEILENSON] is recognized for 1 hour.

Mr. BEILENSON. Mr. Speaker, I yield the customary 30 minutes, for purposes of debate only, to the gentleman from Missouri [Mr. TAYLOR], and pending that I yield myself such time as I may consume.

Mr. Speaker, House Resolution 303 is the rule providing for consideration of H.R. 435, to establish a uniform poll closing time in the continental United States for Presidential general elections. This is an open rule, providing for 1 hour of general debate.

Forty minutes of debate are to be equally divided and controlled by the chairman and ranking minority member of the Committee on House Administration, and 20 minutes are to be equally divided and controlled by the chairman and the ranking minority member of the Committee on Energy and Commerce.

The rule also provides for one motion to recommit.

H.R. 435, the bill for which the Committee on Rules has recommended this rule, addresses the problem of having Presidential general election results announced before people in all parts of the country have had an opportunity to vote. It is the legislative companion to the voluntary agreement by television networks not to project election results within a State until the polls in that State have closed. By establishing a simultaneous poll closing time across the United States, this bill seeks to ensure that networks will not announce the results of a Presidential election until citizens from coast to coast have finished voting.

Mr. Speaker, House Resolution 303 is a simple, straightforward, open rule which divides debate time as requested by the two committees with jurisdiction over the bill. I urge its adoption so that we can proceed to consideration of this bill.

Mr. TAYLOR. Mr. Speaker, I yield myself such time as I may consume.

The purpose of the bill made in order by this rule is to establish a time at which polls in the continental United States will close simultaneously on the day of the Presidential elections.

The closing time will be 9 p.m. eastern standard time. The bill applies only to the Presidential elections, and will not apply to Alaska and Hawaii.

Changing the closing time for polls still does not eliminate the problems caused by projecting winners based on exit polls.

The major television broadcasters have agreed that they will not use data from their exit polls to project election results within a State until the polls are closed.

Mr. Speaker, in my opinion this legislation is a bad idea. However, I do not think we have any objection to the rule, but I will say that if this bill is enacted, it is going to cause a great deal of trauma, confusion, and extra expense in the conduct of our elections throughout this Nation.

Most of the local election officials throughout the Nation, secretaries in the States, county clerks, and other election officials are opposed to this legislation because of the extra expense involved, 39 States would be required to alter their voting hours in some way, and 29 will incur extra costs due to the extra hours it would take to conduct the elections.

For example, if you are closing the polls at 9 p.m. on the east coast, it means in order to accommodate the early voters who traditionally vote early, those polls are going to have to be open for longer periods of time, and that probably will mean that there will have to be two shifts of poll workers in order to keep the polls open the hours that are mandated by this legislation.

I am not opposed to the rule. I am opposed to the bill.

Mr. Speaker, I yield 1 minute to the gentleman from Minnesota [Mr. FRENZEL], a member of the committee.

Mr. FRENZEL. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I have no objection to the rule. I think it should be promptly passed. The rule is not the problem here. The problem is the bill.

Some Members may think H.R. 435 is merely amusing, and yet when we have a chance to debate it, the Members will find that it is more than amusing. It is mischievous, and even pernicious.

I hope we will have plenty of time to discuss that. The rule should be passed now, or even celebrated. This may be the only open rule we see this year. Three cheers for the rule.

Mr. Speaker, I yield back the balance of my time.

Mr. BEILENSON. Mr. Speaker, for purposes of debate only, I yield 5 minutes to the gentleman from Washington [Mr. SWIFT], the distinguished chairman of the subcommittee.

Mr. SWIFT. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, H.R. 435 is a bill to establish a single poll closing time in the continental United States for Presidential general elections. It was reported from the Committees on House Administration and Energy and Commerce with bipartisan support.

H.R. 435 is an important bill that will solve a serious problem in our Presidential elections. The problem is that the outcome of an election can be determined and announced before all voters in this country have had an opportunity to cast their ballots.

The process that takes place on election day, the voting process, is a cornerstone of our democracy. We go to great lengths to preserve its integrity, to ensure that it is fair, accurate, open and honest, and that voters are able to exercise their rights and privileges without hindrance.

But over the last two decades the integrity of election day has gradually been eroded in one crucial respect. With advances in election technology it is now possible to predict with extreme accuracy the outcome of an election before all polls for that election are closed. Thousands of voters are told, in effect, that the election has been held without them, and that their votes do not count.

The developing problem came to a head most recently in 1980 when the result of the Presidential race was announced on network television at 5:15 p.m. Pacific time. At that moment, polls were still open in approximately half the States, in every time zone: several in the eastern time zone; about a third in the central time zone; and all in the mountain, Pacific, Alaskan, and Hawaiian time zones.

In the second largest State in the Union—New York—there was nearly an hour remaining before polls would be closed. And in the largest State, the one with more voters than any other—California—there were nearly 3 hours remaining.

What ensued was accurately described by columnist David Broder as an uproar. Millions of voters felt that their franchise was undermined. There were assertions that the projections had affected the outcomes of some elections, particularly State and local ones that have relatively small numbers of voters.

□ 1040

Mr. TAYLOR. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BEILENSON. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. HEFNER). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BEILENSON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 404, nays 0, not voting 29, as follows:

[Roll No. 425]

YEAS—404

Ackerman
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Badham
Baker
Ballenger
Bartlett
Barton
Bateman
Bates
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Boucher
Boulter
Brennan
Brooks
Broomfield
Brown (CA)
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Burton
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Chappell
Cheney
Clarke
Clay
Clinger
Coats
Coble
Coleman (MO)
Coleman (TX)
Collins
Combest
Conte
Cooper
Coughlin
Coyne
Craig
Crane
Crockett
Daniel
Dannemeyer
Darden
Daub
Davis (IL)
Davis (MI)
de la Garza
DeLay
Dellums
Derrick
DeWine
Dickinson
Dicks
DioGuardi
Donnelly
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frenzel
Gallegly
Gallo
Gejdenson
Gekas
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grandy
Grant
Gray (IL)
Gray (PA)
Green
Gregg
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hastert
Hatcher
Hawkins
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Holloway
Hopkins
Horton
Houghton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jacobs
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kolbe
Kolter
Konnyu
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken, Thomas
Lukens, Donald
Lungren
Mack
MacKay
Madigan
Manton
Markey
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCurdy
McDade
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Panetta
Parris
Pashayan
Patterson
Pease
Pelosi
Penny
Perkins
Petri
Pickett
Pickle
Porter
Price (IL)
Price (NC)
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Rogers
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schneider
Schroeder
Schuette
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shumway
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spence
Spratt
St Germain
Staggers
Stallings
Stangeland
Stark
Stenholm
Stokes
Stratton
Studds
Stump
Sundquist
Sweeney
Swift
Swindall
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Walker
Watkins
Weber
Weiss
Weldon
Wheat
Whittaker
Whitten
Williams
Wilson
Wise
Wolpe
Wortley
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)

NAYS—0

NOT VOTING—29

Akaka
Barnard
Biaggi
Bosco
Boxer
Bustamante
Coelho
Conyers
Courter
DeFazio
Dingell
Dixon
Dowdy
Frost
Garcia
Gaydos
Gephardt
Hayes (IL)
Hochbrueckner
Inhofe
Kemp
Kleczka
Latta
Marlenee
Pepper
Roemer
Rose
Waxman
Wolf

□ 1055

Mr. TORRES changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION TO INSTRUCT CONFEREES TO RECEDE FROM THEIR INSISTENCE ON THE GEPHARDT AMENDMENT, TO H.R. 3, TRADE AND INTERNATIONAL ECONOMIC POLICY REFORM ACT OF 1987

Mr. MICHEL. Mr. Speaker, I offer a privileged motion.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

Mr. MICHEL moves that the Managers on the part of the House at the conference on the disagreeing votes between the two Houses on the bill, H.R. 3, are hereby instructed to recede from their insistence on the "Gephardt amendment" which would mandate mandatory and unilaterally imposed trade retaliation by the United States.

The SPEAKER. The gentleman from Illinois [Mr. MICHEL] is recognized for 1 hour.

Mr. MICHEL. Mr. Speaker, before I make my comments I feel it appropriate at this particular juncture to make it clear that if the gentleman from Florida [Mr. GIBBONS] is on his feet to ask for half of the time, I would be more than pleased to do that since he represents the Committee on Ways and Means, which would be the flagship committee.

Mr. GIBBONS. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Florida.

Mr. GIBBONS. Mr. Speaker, the gentleman from Illinois [Mr. MICHEL] is going to yield to us half of the time?

Mr. MICHEL. Yes, that is right, and obviously, for the purposes of debate only.

The SPEAKER. The gentleman from Illinois [Mr. MICHEL] will be recognized for 30 minutes and the gentleman from Florida [Mr. GIBBONS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. Mr. Speaker, I yield myself such time as I may consume.

□ 1105

Mr. Speaker, today we have that precious and most rare of legislative opportunities: a second chance.

We have this chance because of the stock market crash and the subsequent wild fluctuations in the global economy have caught our attention, gotten us to concentrate on economic essentials.

As a wise man once put it:

> Depend upon it, sir—when a man knows he is to be hanged in a fortnight, it concentrates his mind wonderfully.

The market crash has put an economic noose around the neck of the House. But the Gephardt protectionist legislation erected the scaffold.

Whatever political goal the Gephardt amendment was originally proposed to gain is now a bizarre fantasy, a faded dream possible to imagine only in the placid, predictable economic world of "BC"—before the crash.

How did we get in this predicament of proposing protectionist legislation precisely at the wrong historic moment?

If I may paraphrase from a famous television advertisement when the Speaker of the House speaks Wall Street listens.

And when the Speaker of the House told the world that we have to have a trade bill before this Congress adjourns and when he said the Gephardt amendment legislation is not protectionist, Wall Street listened.

And what they heard on the street was the sinister, relentless, frightening sounds of protectionism on the march.

When Wall Street heard what the Speaker said and what the House did in passing the Gephardt protectionist bill, it followed as night does the day that a panic ensued.

The Speaker in my view, would have served the House and the country better had he listened to our good friend, the distinguished chairman of the Ways and Means Committee.

Mr. ROSTENKOWSKI is an admirer of Mr. GEPHARDT and supports his bid for the Presidency as I understand.

But Mr. ROSTENKOWSKI didn't include Mr. GEPHARDT's protectionist legislation in the bill that came out of Ways and Means Committee.

It was added to the bill by a narrow four-vote margin on the floor of this House before it went to the other body and eventually to conference.

Chairman ROSTENKOWSKI is from Illinois, as I am.

He knows Illinois has total manufacturing exports of $12 billion and agricultural exports of $2.3 billion.

We know protectionist legislation is job-destroying legislation. And the Gephardt proposal is protectionist legislation.

That is why I am offering this motion to instruct at this time.

I have moved that the managers on the part of the House at conference on the disagreeing votes between the two Houses on the bill, H.R. 3, are hereby instructed to recede from their insistence on the Gephardt amendment which would mandate mandatory and unilaterally imposed trade retaliation by the United States.

It is rarely given to human beings or institutions the chance to undo a wrong that has been done.

It is equally rare for us to get such a clear, unambiguous message from the stock market, and from those whose views and decisions so affect that market.

The market heard what the Speaker said about the Gephardt legislation. And believe me the market reacted.

And if this is what only a threat of protectionism can do, what would the reality of such protectionism do? I shudder to think of it.

Remember the words of the old poem we learned in school? Of all sad words of tongue or pen, the saddest are these—it might have been."

Let's not put ourselves in the position of someday looking back at today and signing: "It might have been."

We have the second chance. Let's take it and save our country and the world from a dangerous and ill-conceived economic proposal coming at precisely the wrong historic moment.

Mr. Speaker, I would urge my colleagues to support my motion today and send a real beneficial message out there to all those who would be involved.

Mr. GIBBONS. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois [Mr. ROSTENKOWSKI].

Mr. ROSTENKOWSKI. Mr. Speaker, I rise in opposition to the Michel motion. The Gephardt amendment was adopted by the House after a prolonged debate. Members may recall that I opposed the amendment at that time in favor of more flexible language which had been reported by the Committee on Ways and Means. However, I now believe that the best place to address this question is in conference, and I do not think it is appropriate or advisable to tie the hands of conferees with motions of this sort. The other body has adopted different language, and we are now engaged in very sensitive negotiations to resolve our differences in a manner acceptable to all conferees. It would be imprudent in my opinion to pull the rug out from under our House conferees when they are trying to craft a responsible compromise.

I believe that we can work our will in the conference and then, if the gentleman from Illinois does not like the result there will be an opportunity to express opposition at that time.

I might also add, Mr. Speaker, that we have had negotiations with respect to our subconference on an ongoing basis even though we are, as the minority leader recognizes, in another conference with respect to the budget.

I think my colleagues in the minority know that we have sent an offer on one part of the trade legislation to the Senate and we are awaiting a response. Once that response is negotiated, we will continue our negotiations at least in the subconference that the chairman of the Committee on Ways and Means is chairing.

Mr. GIBBONS. Mr. Speaker, I reserve the balance of my time.

Mr. MICHEL. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota [Mr. FRENZEL].

Mr. FRENZEL. Mr. Speaker, we have been hearing a lot from Wall Street and people who purport to know what the difficulties in our securities markets around the world are. I suppose other than the admonition to get our fiscal house in order, the second most important request from the financial markets is for the United States not to pass protectionist legislation.

Now most people have their own definition of protectionism. It is a pejorative phrase, it is a good one to avoid if we can.

But if it is being used out there in the world there is not any way that we can avoid it.

Now, if there is one single item in H.R. 3, the House's trade bill, which has caused general consternation throughout our economy, it is the Gephardt amendment. You will recall that the Gephardt amendment mandates a 10-percent cut in the trade deficit that we incur with certain nations, if we determine they are doing anything unfair and if we do not negotiate away 100 percent of the alleged unfairness.

You will also recall that nothing is said about our unfairness, nor is there anything said about the rules of the international trading organization to which rules we are signatory.

Clearly the Gephardt amendment is a violation of our international agreements. Clearly it is a matter that is looked upon as protectionist by every nation in the world, including a majority of economists and statesmen in this country.

It seems to me there is nothing that we could do at this time, apparently snarled as we are in our budget and fiscal policy debate, that would be as salutary toward easing the concerns of our securities markets as letting the world know that we are not going forward with the Gephardt amendment at this point.

That is the reason I think that the minority leader has brought this proposal to the floor. I realize that the conferees never like to be bound by the constraints of instructions from the House. However, in this case the proposition is a little bit different. There are 199 of us in there, two-thirds of us Members of the House. Probably it is not a bad idea under those circumstances to find out what the other handful of people in the House think about the Gephardt amendment.

I know there are going to be many Members who say, "Let us not instruct, I am not against the Gephardt amendment." I do, however, challenge each of you to think what a positive vote would do for our unsettled securities markets.

Now there is nothing we can do so quickly and in such a timely way that would send a favorable message.

I urge a vote in favor of the Michel motion.

Mr. GIBBONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this puts me in a difficult position because I am against the Gephardt amendment. But I do not want us to come in here today and instruct the conferees. I think it lacks all of the evidences of fairness.

Now I certainly do not want that to be any reflection on my good friend, Mr. MICHEL. He is very fair, is known to be very fair.

But Mr. GEPHARDT is not here today. I did not receive any notice of this until I walked on the floor and a Member from our side told me that this was coming up.

I think the Gephardt amendment is bad and I do not want it, however the vote goes today, to be either an endorsement for Gephardt's amendment or a condemnation of Gephardt's amendment.

I just think it is ill-timed, it is ill-conceived and ill-considered at this time and is something that should be taken up by the conferees.

Now I think I know how the conferees are going to vote on this matter and that makes me all the more confident why I think we should not take it up at this time, being opposed to it.

But it is just the wrong time.

Now I opposed the Gephardt amendment in committee, in subcommittee, on the floor here; but believe me, this is not the time nor the place to take it up.

Now I perhaps have entertained as many of the people from Wall Street as anybody has around here in the last few days and not a one of them has told me that the Gephardt amendment was unquieting to Wall Street. I do not really know what is unquieting to Wall Street. I think anybody that would bid 40 times earnings for a stock probably needs to see a psychiatrist, not come down here to Congress and plead rationality.

But so be it, as it may, in that regard.

But this is not the time, nor the place nor the way to dispose of the Gephardt amendment.

We have not discussed it in conference. It is something that should be left to the conferees. In my opinion it is not destabilizing to the stock market. If it is, we need to examine the stock market, not the Gephardt amendment. And we need to take this thing up in a judicious, rational manner, not come up with a surprise amendment or surprise motion at this time to strike a provision when the principal advocate of the provision is not even in town, as far as I know, and has received no notice that his pride, his pet amendment is going to be stricken.

I just do not see anything that is that drastic in what is going on in the United States or in the world about this to take this kind of precipitous action at this time.

Mr. MICHEL. Mr. Speaker, will the gentleman yield?

Mr. GIBBONS. I will be happy to yield to the minority leader, the gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. I thank the gentleman for yielding.

Mr. Speaker, I can fully appreciate some of the arguments he makes on the other side about our having brought it up at this time. But when the gentleman says, as he so aptly said, we ought to be considering this in a very judicious, very deliberative manner, I certainly have no quarrel with that.

□ 1120

That has been my point all along, that we did not want to rush to judgment, that because of all these complicated differences that had to be resolved, it may very well have to be over in the next session before it is resolved, but when I hear both the Speaker and the majority leader of the other body saying that we have got to get it done before we get out of town, and when that kind of signal is sent to people on a complicated issue, the first thing they say is, "Those buggers down there are going to do something wrong."

That is why I want to get some kind of message across that we are going to be deliberative and judicious in what kind of ultimate decision we arrive at. The gentleman from Florida knows that I have great respect for him, particularly in this field where he is such a specialist.

Mr. GIBBONS. Mr. Speaker, I appreciate the kind words the minority leader has had to say about me, and I take them as being very sincere because I know him so well. But I do not believe we can finish this conference as rapidly as our leaders would like us to. It is a very complicated question.

We are only beginning to strike at the Toshiba amendment today for the first time as a serious matter. That is a serious problem and it is going to take a long time to work it out. There are a lot of reasons why we should get this bill passed this year, but I do not frankly think it is possible. I am planning to be here right up to Christmastime. I hate to say that, but I am planning that because I think it is realistic. But I do not think that even by Christmastime we can get this complicated question out of the way.

I do not want to disappoint any of my leaders because I respect them very highly, but would just say to my friend, the gentleman from Illinois [Mr. MICHEL], let us not hurry this particular matter. I think it lacks the appearance of being fair to Mr. GEPHARDT. I want to be fair to Mr. GEPHARDT before we defeat his amendment, and I think we will be fair to him before we defeat his amendment. But I think it is the wrong time for this, and I would ask all my colleagues to please vote against the Michel amendment.

Mr. PICKLE. Mr. Speaker, will the gentleman yield?

Mr. GIBBONS. I am glad to yield to my friend, the gentleman from Texas.

Mr. PICKLE. Mr. Speaker, I want to associate myself with the gentleman's remarks. My vote parallels his. I did not support the Gephardt amendment and I think it approaches a pattern in the area of tariffs and quotas that we probably ought to avoid. But it was the choice of this body, and under the normal legislative procedure we would go to conference.

The other body had already passed a version of their measure, and it is different from what ours was. Even if this Michel amendment were to pass and we would recede, the other body is going to go to conference with their language, not our language. I do not see that we would gain anything except make it an issue. Under normal parliamentary procedure, we would go to conference and try to work on our language.

I understand our conferees want to do that, and if we try to instruct the conferees, we gain nothing except maybe to bring some personalities into it, and that may be part of the motives of the motion itself.

The fact of the matter is that we have one version, the other body has its version, and we ought to go to conference. I am told that the reason we have not reached agreement is not the Gephardt amendment per se, but the fact that we have this deficit matter looming over us so that we cannot move. So it is more because of that matter than the fact of the trade bill.

So it would be premature and untimely, and although I did not support that amendment, it seems to me that nothing would be gained and we ought not support the gentleman's amendment.

Mr. GIBBONS. Mr. Speaker, I thank the gentleman from Texas [Mr. PICKLE], and I reserve the balance of my time.

Mr. MICHEL. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California [Mr. THOMAS].

Mr. THOMAS of California. Mr. Speaker, very seldom in this House do we have an opportunity to clearly separate policy and politics, and this is an opportunity to do that. Some of my colleagues on this side of the aisle who said they oppose the Gephardt amendment now say it is kind of unseemly if we do not disinstruct the conferees. After all, it was couched as a motion to instruct. What we are asking them to do is disinstruct, don't push the Gephardt amendment. So let us find out with this amendment whether it is policy or politics that motivated the original instructions to conferees.

For example, yesterday in the Los Angeles Times, the Presidential candidates were asked this question on trade: If you were President, would you sign or veto a bill containing the Gephardt amendment?

Let us see where they stand on politics or policy. Vice President BUSH, veto. Senator DOLE, veto. Gov. Pete DuPont, veto. General Haig, veto. Congressman JACK KEMP, veto. Former Arizona Governor Babbitt, veto. Tennessee Senator ALBERT GORE, veto.

Rev. Jesse Jackson did not answer directly, but he says, "Protectionist legislation will ultimately erode our national economy."

Massachusetts Governor Dukakis said, "The Gephardt amendment is effectively dead because the Senate won't accept it." So he kind of sidesteps the request to choose to either sign or veto.

Senator PAUL SIMON says he agrees with the goals of the Gephardt amendment but says that trade policy must go beyond retaliation.

Guess who agreed that if he was President, he would sign the Gephardt amendment? The gentleman from Missouri [Mr. GEPHARDT]. He is hanging in there on the question of politics rather than policy.

This House has the opportunity to take a clear position. Is it politics or policy when we are dealing with international trade? Are domestic politics more important than the need to send a clear message that we are through with politics and we want to deal with policy?

Mr. Speaker, the answer is, vote aye on the Michel amendment if we are for policy, and vote no and we are back to the same old game of politics.

Mr. GIBBONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to use some of my time to say that I resent what the gentleman said about politics here. I do not think anybody has opposed the Gephardt amendment any more vigorously than I have, but I think there is politics right here on the floor right now. I did not know about that question out in Los Angeles yesterday, and I resent that we are playing politics over something as serious as this.

I want to say to the Members that I am not playing politics. I am against the Gephardt amendment, but I think this procedure is wrong. It is obviously being brought up as a political matter.

Mr. GIBBONS. Mr. Speaker, I yield 2 minutes to the gentleman from Arkansas [Mr. ANTHONY].

Mr. ANTHONY. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I think it is pretty obvious why the other candidates would not be adopting the Gephardt amendment, because they are sick that they did not realize that this is a jobs issue and it is a vote-getting issue, and had they been forthright and thoughtful enough to be out front on it, they would be proud of that fact. But now that they have an opponent who is out front on it, certainly they are not going to be bragging about it.

When we go back and take a look at the trade deficit numbers since this administration has come into office, then we know why we are working on a trade bill and why we are trying to do something. Those who say that Gephardt is protectionist have not read the bill. The bill sets up a game plan for America, and it says, if our allies are protecting their markets and refusing to let our products into their country and yet we are allowing their products into our country and we have this huge trade deficit on our hands, our negotiators should go over there and say, "Open up your market."

What does it say then if they fail to open up their market? It says we have to do something about it. But then there is a hook at the end. It gives the President of the United States an opportunity to weigh any imposition of any punishment against the country that has these onerous trade barriers if it would be against our national security or economic interests.

So the President in the final analysis has the ability to shield us from that if he so chooses.

What bothers me is the fact that the business community walks into my office and says, "Why don't you run the Government like a business?"

I turn to them and I say, "Do you have a 5-year business plant to gain markets and make profits?"

They say, "We sure do."

I say, "Do you think we ought to have a game plan to regain lost markets because they have been bought away from us, regain jobs and runaway plants?"

And they say, "Sure."

I say, "Then you ought to be for the Gephardt amendment."

We are running the Government like a business. We are laying out an economic game plan, and we should not tie the hands of our negotiators and throw one of the best provisions in the trade bill away.

Mr. MICHEL. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee [Mr. SUNDQUIST], who heads up our party's Task Force on Trade.

Mr. SUNDQUIST. Mr. Speaker, I thank our leader for yielding time to me. I commend him on his motion, I strongly support his motion and I urge my colleagues to support it also.

The House passed a trade bill that was partisan. It contained the Gephardt amendment. That was politics. Then came the stock market problems on Black Monday, and it became an economic problem for all of us. It is no longer a partisan political issue. It is an economic problem, and we need to send a message to the world that we are going to deal with trade and we are going to deal with the deficit, and by acting today we can talk about trade and send that message.

The American people do not understand the intracies of this House. They do not understand that the conference is going on. They do not understand this, but what they do understand is that we are not active, and now we have a chance today to send that message to the American people and to the markets and the financial world that we are addressing the Gephardt amendment.

If I were Mr. GEPHARDT, I think I would want it taken out. I do not think I would want to run for President with the chance of Smoot-Hawley being there and ruining the economy of this country, because I would not want to take the blame for that.

The question is, will the stock market melt while Gephardt campaigns? No. The question is that this House ought to act, and we cannot act. It does not have to be politics. I would say to my colleagues that it is no longer possible for us to say we are against it, but that we are going to vote against Michel.

□ 1130

We can act, and it does not have to be politics, and I would say to the Members, it is no longer possible for the Members to say, I am against it, but I am going to vote against Michel.

If you are against Gephardt, vote against Gephardt and vote for the Michel amendment.

Mr. GIBBONS. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. BONIOR].

Mr. BONIOR of Michigan. Mr. Speaker, I thank the gentleman for yielding me this time.

I want to rise in strong opposition to this motion to instruct conferees to recede from the Gephardt amendment.

I am deeply concerned about our trade deficit in this country. A recent Harris poll that will be released very shortly will show by a margin of 3 to 1, 73 percent to 22 percent of American people believe that this administration is doing a poor job on the trade policy.

This is not the time to take off the table one of the more important features of the House bill. We all now in fact that is not going to become law, that there will be some changes, some modifications.

There are very sensitive negotiations going on with regard to the Gephardt amendment. Now is not the time to take it off the table.

I would like to comment with regard to fairness. I had to watch now for the last 2 months the Members on this side of the aisle get up and suggest that we are not fair, that we do not give proper notice on scheduling; but here we are, without notice, rising to instruct conferees.

The gentleman from Missouri is not here, and the gentleman has been accused of playing politics, and that strikes at unfairness.

It seems to me in the spirit of fairness, we should follow the gentleman from Florida [Mr. GIBBONS] and the gentleman from Illinois [Mr. ROSTENKOWSKI], both of whom have opposed the Gephardt amendment, and say no to this motion, so we can get on with the important business of getting decent trade legislation for this country.

Mr. MICHEL. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. MACK].

Mr. MACK. Mr. Speaker, I thank the gentleman for yielding me this time.

The clearest signal that we could send to the world trade markets and to the stock market would be to support the Michel motion.

The reason that we have seen the stock market in such disarray is because of the concerns that they see in what this Congress is doing with respect to trade. Protectionist legislation will reduce trade; it will reduce production.

It will cost jobs, not increase jobs, and it will ruin business. The result of that has already taken place.

We have seen an interest rate increase by the Federal Reserve several weeks ago. The reason that happened is because the markets already anticipated reduced trade and reduced production. Therefore, there was a lessening of demand for the U.S. dollar. With a lessening demand for the U.S. dollar, the dollar fell.

The Federal Reserve stepped back in and said, we need to raise interest rates to protect the value of the dollar. As a result of that increase in interest rates, we have seen the stock market tumble; and as a result of additional legislation, the taxes that we are talking about, the business community and the world markets are nervous, so the clearest signal that we could send today to the stock market and to the world trade centers is to stop this concept of protectionist legislation.

I would urge the Members on both sides of the aisle to support the Michel position.

Mr. GIBBONS. Mr. Speaker, I yield 2 minutes to the gentleman from North Dakota [Mr. DORGAN].

Mr. DORGAN of North Dakota. Mr. Speaker, I thank the gentleman for yielding to me at this time.

I rise in opposition to the motion today. We have a trade deficit that is staggering. We are choking on red ink in this country in the trade area. The trade deficit is about $170 billion annually. The trade deficit is getting worse, not better. The monthly news is not better; it is worse.

The question is simple, are we going to do something, or are we going to do nothing about it. Some Members talk about the reasons why the financial markets are shaky. They are nervous and shaky because this Government seems unable to do anything about the deficits.

You describe the Gephardt amendment as protectionist, and thereby miscast it and the debate. The Gephardt amendment is not protectionist. The Gephardt amendment is designed to open markets, not close them.

Earlier this year when debating the trade reform bill I held up a 300-page booklet on the floor of this House put out by the U.S. Trade Representative. It is 300 pages of barriers and unfair trade practices that American producers meet when they try to ship goods overseas.

I emphasize that these are unfair trade practices that exist against our producers, and one of the reasons that we have this deficit. Are we going to do something, or are we going to do nothing about that?

A lot of the Members around here want to shuffle around with their hands in their pockets while importing automobiles and electronic products, and exporting cowhides and wood chips. They think things will be just fine tomorrow. That is nonsense.

We took a position on the Gephardt amendment in this House that is responsible. It is a position which tells those who close their markets to our producers to open them. We want free trade and are willing to lead in that direction, but we expect you to follow.

That is our message to other producers around this world, to our trading partners, and one they must understand. That is what the Gephardt amendment is about.

This motion is a bad motion. Let us turn this motion aside, debate this in conference, and come out with a unified trade bill that all of the Members can be proud of, and one the President will sign. Lets' begin to move down the road to solving our trade problems in this country.

We cannot afford to do nothing any longer. We have done nothing for far too many years.

Mr. MICHEL. Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska [Mr. DAUB].

Mr. DAUB. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, it could have been the misinterpreted remarks of Secretary of the Treasury Baker who said the German central bank was not carrying its load under G5 or 7 or some concern by the markets for our difficulties in the Persian Gulf, or it could have been those two greedy banks that the Friday before "black Monday" raised their interest rates, and the markets worried about that over the weekend.

I suggest it was two other very important factors that over a period of months, Wall Street watched this Congress about ready to go back to its old habits again, tax and spend and protectionism, all on the curve of what was perceived to be a very healthy environment in the economy and that these things could be afforded.

The GNP for the third quarter was 3.8, and we had that increase in our GNP because of the addback of an improvement in our foreign trade balance.

Even the gentleman from Missouri [Mr. GEPHARDT] said in the Committee on Ways and Means markup that the gentleman believed that 80 percent of the trade deficit was caused by our fiscal deficits, which creates the currency misalignments, and 20 percent, to be sure, is created by cheating, dumping, and unfair competition.

None of the Members want to turn our cheeks to that. We want to get tough on our trading partners in that regard, and tell them that they are going to break their treasuries or bad trading habits, and they can take their pick; but the Gephardt amendment is not the way to do it, because it sends the old Smoot-Hawley signals that in 1930 and 1931 with an agricultural protectionist attitude in the Congress, the markets went from 260, or 70 to 41 over 6 months, and the Great Depression ensued.

I say to the Members, prove your willingness to get a trade bill passed in conference, and one that the President will sign, prove that you have a concern for the economic difficulties that have transpired since the Gephardt amendment. Prove that this is not a political strategy to weaken the economy in 1988, and I say to the Members from the Midwest particularly, remember what this kind of legislation is doing to our friends who are in production agriculture.

Gephardt is not the bill that the Members want to support, and now is your chance to instruct the conferees. Financial conditions have been impaired. We must be decisive. Support the Michel motion.

Mr. MICHEL. Mr. Speaker, I yield 1 minute to the gentleman from New Hampshire [Mr. Gregg].

Mr. GREGG. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, the proposal which we are discussing here today has been variously described as one which Members on the other side of the aisle either do not support or feel will be amended in the conference.

It seems to me that we can end that sort of tentativeness by taking action right now and directing our conferees, as the Michel amendment does, not to pursue any longer the Gephardt amendment.

This is an amendment which will back us in over the abyss, into a chaos of international trade which we have not seen since the 1930's.

As has been pointed out by prior speakers, what this amendment will do is force a significant contraction in international trade which is not a job-creating event, but rather a job-losing event.

We have created 14 million jobs in the last 8 years in this country, and this act would fly in the face of that record and would create a situation where we would start losing jobs.

Mr. MICHEL. Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. Pursell].

Mr. PURSELL. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I think it is appropriate today and very critical that we adopt the instructions in the motion by the gentleman from Illinois [Mr. Michel].

It is critical to realize that we are on a collision course here. If we are going to be a deliberative body, probably by the first of the year we will be looking at a free-trade agreement with Canada at the same time we are looking at Gephardt and protectionist legislation in this trade conference report.

I think it is appropriate now that we take the time to dispose of the Gephardt proposal, clean up our act, and go forward with a fair-trade policy.

The United States-Canadian pact could be a model for the Nation and for the world. It needs fine tuning but long-term goals would set an example for our trading partners. While I was in Canada—Canadians asked me how could we be working toward a free trade policy at the same time the U.S. Congress is working on a protectionist policy?

We should be working on a bipartisan trade policy that eliminates barriers to world markets. This vote today is a step in the right direction.

Mr. GIBBONS. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. Matsui].

Mr. MATSUI. Mr. Speaker, I thank the gentleman for yielding me this time.

I find it somewhat ironic, I walked onto the floor of the House about 11 o'clock for the first vote, and I found out that we have the so-called Gephardt amendment back up on the floor.

The gentleman from Missouri [Mr. Gephardt] is not available, mainly because the gentleman had not been given notice. There are basically two reasons why we should vote against this motion to instruct.

First, there are a lot of provisions in that trade bill. One hundred ninety-nine conferees are involved in that legislation, and there are a lot of provisions that many of the businesses and financial individuals have problems with. Why focus just on the Gephardt amendment? There are the Scowcroft provisions in there that Senator Hollings put in. It is political that we should raise only the Gephardt amendment, which is a small part of this legislation.

The financial market have discounted already the Gephardt amendment. Most of them believe the Gephardt amendment is not going to be in the final bill anyway; and as a result of that, this action is really meaningless. If the maker of the amendment is very serious about trying to bring up confidence in the financial markets, he ought to talk to the President about supporting a reconciliation bill, and actually cutting the budget deficit, instead of talking about the Gephardt amendment.

It is a matter of misplacing the emphasis, not knowing exactly how to deal with the financial markets. I urge a no vote.

Mr. SWIFT. Mr. Speaker, will the gentleman yield?

Mr. MATSUI. I yield to the gentleman from Washington.

Mr. SWIFT. Mr. Speaker, I thank the gentleman for yielding.

I want to associate myself with the remarks of the gentleman from California, and the earlier remarks of the gentleman from Florida [Mr. Gibbons].

I do not support the Gephardt amendment, but this is not the way to approach it.

Mr. ECKART. Mr. Speaker, will the gentleman yield?

Mr. MATSUI. I yield to the gentleman from Ohio.

Mr. ECKART. Mr. Speaker, I thank the gentleman for yielding.

The Michel position is unilateral disarmament in the conference in which there are a whole panoply of issues to be negotiated, and unilateral disarmament in the issue of the trade war.

I think the gentleman from California made a very good point.

Mr. TRAFICANT. Mr. Speaker, will the gentleman yield?

Mr. MATSUI. I yield to the gentleman from Ohio.

Mr. TRAFICANT. Mr. Speaker, I thank the gentleman for yielding.

The question I have about this so-called free-trade agreement and Canada is, How come they enjoy a 25-percent advantage in the currency-exchange factor, and they are selling more steel to America than they ever were?

Mr. MICHEL. Mr. Speaker, I yield 2 minutes to the gentleman from Washington [Mr. Chandler].

Mr. CHANDLER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I stand here to support the Michel motion this morning. I think that we need a trade bill.

For example, I was in Japan in April when our United States trade representative, Mr. Yeutter, was conducting negotiations with the Japanese. He was told in no uncertain terms, no, you cannot sell American rice in Japan.

The Gephardt amendment is not going to help that situation. H.R. 3, without it, would.

□ 1145

We cannot negotiate something like that with the Japanese. What we can do is take the provisions of H.R. 3 that came out of the Ways and Means Committee, with the leadership of the gentleman from Florida and that of the gentleman from Illinois. We can work that problem out with the provisions in H.R. 3 that include more authority for the U.S. trade representative; in fact, responsibility to deal decisively with situations like that.

This bill strengthens the Foreign Commercial Service of the United States to deal with the competition, especially from Japan which has a foreign commercial service which puts ours to shame. The bill levels the playing field in the Foreign Corrupt Practices Act. It liberalizes the export control procedures with which we have absolutely tied our own hands. It is a "get out of our own way" provision.

The point here I am trying to make is that with the Gephardt amendment as part of this trade bill, we do not have a trade bill. The President will veto it. He should veto it. You know as well as I do that a veto will be upheld.

Please support the Michel amendment. Send the right message to the conferees to get the politics out of this. Let us pass the trade bill that is needed and attack the part of the trade deficit that we can legitimately deal with. Then on our side of the Atlantic and the Pacific in our own market, then we can start to compete.

Mr. GIBBONS. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. LEVIN].

Mr. LEVIN of Michigan. Mr. Speaker, I rise in opposition to the motion.

You know, the trade figures are worse, considerably worse than when we passed the Gephardt amendment. It is not protectionism. It is too bad that we have been debating such a serious issue with labels, trying to raise up the specter of Smoot-Hawley 50 years ago. The trade debt is a deep, deep problem and it needs and it deserves better than we are giving it this morning; but whether you are for or against the Gephardt amendment, I urge you to oppose this.

Deficit reduction deserves better than politicization as is going on this morning. People are coming up here and saying the Gephardt amendment caused the stock market crash. Who believes that? That is not the way to try to get a monkey off one's back.

This is a misguided motion. If this prevails, anytime anybody wants to bring up an objection to the trade bill all they have to do is file a privileged motion. Is that how we are going to handle this? It deserves better than cheap shots and that is what this is. I say it with due respect to the gentleman from Illinois whom I very much respect. Let us not handle a serious matter in this kind of a frivolous way.

Mr. MICHEL. Mr. Speaker, I yield 2 minutes to the gentleman from Washington [Mr. MILLER].

Mr. MILLER of Washington. Mr. Speaker, let us just go over five reasons why the Gephardt amendment was bad several months ago and why it is bad today.

First, it unfairly targets certain countries that have trade surpluses with us, while ignoring others.

Second, it makes an assumption that unfair trade balances are due to unfair trade practices. Just in the Foreign Affairs Committee and the Trade Subcommittee, we have been looking at an Academy of Sciences report that shows there is a lot of evidence that our own export controls if we could shake them up, we would get a lot more advantages and better breaks in our trade balance than if we follow this Gephardt amendment.

Third, it is law breaking. It puts us in violation and at variance with our international trade agreements.

Four, it is going to lead to retaliation by foreign countries and hurt our exporting industries.

Fifth, it removes flexibility from the President.

But most important of all, we have got a choice in this House of what message we are going to send. The Gephardt amendment sends a defeatist protectionist message. That is not a message that Wall Street wants to hear. We should be sending a positive optimistic message, a message that says that we do not have to roll up our piers and docks and throw up tariffs. We do not have to follow the son of Smoot-Hawley. We can compete in this world. We want to compete. We want more trade, not less.

Now, we have been hearing all sorts of reasons why we should not vote on this this morning. Several months ago we considered that Gephardt amendment. Several months have passed. It was a very close vote. The minority leader has offered us a chance to consider this crucial issue again and to vote on the merits again.

If the Gephardt amendment was bad then or if you believe that the Gephardt amendment is bad now, then let us face up to the issue and let us vote for the motion made by the gentleman from Illinois [Mr. MICHEL].

Mr. GIBBONS. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia [Mr. JENKINS].

Mr. JENKINS. Mr. Speaker, I rise in opposition to the motion of the gentleman from Illinois.

While I really think that it would probably be wise to delay any action on a trade bill, not because I do not favor the trade bill, because I do, but because for the past 6 years this administration has totally ignored the trade problem. It has accumulated year after year, even though many in this House on both sides of the aisle attempted early to try to take some action to prevent us from coming to the very point that we are today; but if we believe for a moment that the so-called Gephardt amendment has anything to do with the market, we are just fooling ourselves and fooling the American people.

What is happening to the market is that the market recognizes that you cannot survive with $170 to $180 billion trade deficits and fiscal deficits even greater.

It has finally dawned upon the investors that this thing is not getting any better; but for us at this time to bring up a motion like this is not going to help the markets. It may do the exact opposite, because if it is defeated, which I think it will be, than in that event it does not help, but it would not help if we passed it.

We are dealing with fiscal deficits and trade deficits that have been ignored by this administration, and it is still with us.

If we are to be responsible, then we ought to continue with the negotiations on the trade bill on into next year to see if we can come up with a responsible trade bill that will not exacerbate the present situation.

The Gephardt amendment mandates nothing. It is the only thing on the table. All my friends on this side of the aisle say, "We want to do something to force open the marketplaces of the rest of the world."

There is nothing else in the trade bill that will do a single thing to assist. You ought to at least leave it on the table so that we can have the opportunity, the conferees, to make a decision whether to modify it or rescind it, and that is up to the conference.

Mr. Speaker, I urge a vote against this amendment.

Mr. MICHEL. Mr. Speaker, I just want to make a comment, that this issue would never have been brought before the House today had it not been for the untimely remarks of the Speaker of the House and the majority leader on the other side of the aisle.

When it comes to deficit reduction, I think this Member's position has been well known within the last couple weeks and what he has been able to do in that whole negotiating process.

I never wanted to give any kind of impression that only the Gephardt amendment was the thing that brought the stock market collapse, only a part of what this whole business is around here of failing to come to grips with what we really have got to do.

Mr. Speaker, I am happy to yield 2 minutes to the gentleman from California [Mr. LEWIS].

Mr. LEWIS of California. Mr. Speaker, I thank my leader for yielding this time.

Frankly, I would like to spend my 2 minutes communicating with my colleague from Florida [Mr. GIBBONS].

During our last debate, may I say to the gentleman from Florida [Mr. GIBBONS], regarding the Gephardt amendment, the gentleman was most persuasive. He suggested that we needed a tough trade bill that gave tools that were necessary to our negotiators. The gentleman spoke against the Gephardt amendment because it unnecessarily tied the hands of our people in conference and unnecessarily tied the hands of our negotiators. That persuasive discussion still holds today, but the environment is so different, the markets are very dicey out there.

The one message we do not need to send is that we are in any way supportive of elements that would lead toward a trade war.

Gephardt fundamentally violates our obligations under the GATT. Gephardt unnecessarily sends a straitjacket to our negotiators where they really attempt to do battle, where it means something relative to our trade deficit problem. It sends, most importantly, a message to the world markets that there are legislators who would vote for undermining the world free trading system at the very time that that is the worst message that can be sent.

Vote for Michel in an effort to disinstruct our conferees, not to tie their hands.

Mr. LENT. Mr. Speaker, will the gentleman yield?

Mr. LEWIS of California. I am happy to yield to the gentleman from New York.

Mr. LENT. Mr. Speaker, I rise in support of the motion offered by Mr. MICHEL to instruct the conferees on the trade bill to oppose the Gephardt provision the House unwisely approved last April.

Many have argued that the Gephardt amendment only addresses unfair trade practices. This is not correct. Although the trade legislation requires a determination of an "excessive and unwarranted trade surplus" before action is taken, once this determination is made, the remedies are not linked to the unfair trade practices. The goal is simply to reduce a country's trade surplus with the United States. Therefore, goods which are traded both fairly and unfairly will be affected.

In both the long and short term, the Gephardt provision will be detrimental to the United States it is likely to result in mirror legislation or retaliation by our trading partners. In the few countries where the United States currently maintains a trade surplus, such as Australia, United States products could easily have tariffs and quotas placed on them. Unfortunately as we all know, the United States does not always have clean hands. If mirror legislation is adopted in foreign nations, both those United States products traded fairly and unfairly would be affected.

Additionally, our highest goal, the one that U.S. industries are trying to achieve, is access to foreign markets. That is what a major portion of the pending trade bill is about. For example, the purpose of title II concerning telecommunications is to obtain access to foreign markets. But if the United States assumes that trade surpluses are bad, why shoudn't our trading partners? Why should they give U.S. industries access to their markets and, thereby, give the United States the opportunity to obtain a trade surplus?

Mr. Speaker, in closing, a bipartisan compromise on the issue of trade surpluses was carefully negotiated and is included in the trade bill. I have repeatedly stated that for a well-balanced, strong and effective trade bill to be enacted. This year, the Congress would have to work in a bipartisan manner. To date, we have not always worked in such a manner. I urge my colleagues to support passage of this motion to instruct and get the trade conference moving forward.

Mr. LEWIS of California. Mr. Speaker, I urge the Members to support the Michel message to disinstruct regarding Gephardt.

Mr. GIBBONS. Mr. Speaker, I yield 1 minute to the gentleman from Alabama [Mr. FLIPPO].

Mr. FLIPPO. Mr. Speaker, I rise in opposition to the Michel amendment and would like to encourage our colleagues not to adopt the Michel amendment.

I think it is very clear that the administration's approach to trade over the last several years has been to leave it to the unseen hand of the market and what we have seen is a continuing deterioration of the trade position of the United States, and trade is interpreted as American jobs somewhere else.

Now, the American people are willing to compete anywhere, but we do not have a trade policy that is fair to the American people. There are those who would like for us not to take any stand, but to continue to engage in trade talks without taking any trade action, and that is what we have experienced over the last several years. It is time now to have some trade action. We cannot be the only nation who is willing to unilaterally disarm in a trade war. Our colleagues would not suggest that we unilaterally disarm in the military sense and we ought not to unilaterally disarm in the trade sense.

Mr. Speaker, I urge defeat of the Michel amendment.

Mr. GIBBONS. Mr. Speaker, I yield, 1 minute to the gentleman from Ohio [Mr. PEASE].

Mr. PEASE. Mr. Speaker, I rise in opposition to the Michel amendment. I think it is ill advised.

I supported the Gephardt amendment when it came up. I think it speaks to a genuine problem that this Nation has when countries like Japan have run excessive surpluses in their trade with our country which deliberately keep American products out of their markets.

Now, there has been a lot of concern about the Gephardt amendment being protectionist. In one small degree it could be, three-fourths of it—four-fifths is not.

In conference, if we choose to, we can alter the Gephardt amendment so that it is not a violation of GATT and yet so it does respond to the legitimate problem that we have with countries like Japan that run a deliberate surplus with the United States.

We would be tying out hands in a very unfortunate fashion, it seems to me, if we were to tell the conferees to forget about the Gephardt amendment, not to mention the fact that that would put us into a bad situation in negotiating with Senate.

Mr. MICHEL. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. LUNGREN].

Mr. LUNGREN. Mr. Speaker, some have commented on the fact that the gentleman from Missouri [Mr. GEPHARDT] is not here. That is true, but we will match you on that. The gentleman from New York [Mr. KEMP] is not here. I suspect they are both not here for the same reason. They have polar positions on this and they will be paired, so let us not worry about that. Now let us get down to what we are talking about, the Michel motion to instruct.

We should recall how the Gephardt amendment came before us the last time. The Ways and Means Committee rejected it. The Rules Committee decided to put it back here. It was defeated when the regular time period was over. The voting time was left open. There were some vote changes made at the last minute and it managed to pass by a small margin. That was certainly not our shining moment in terms of dealing with the serious policy of trade.

But what about the substance of it? The New York Times in April had this to say about it, and I think they lamented it. They were not proud of the fact that they had to say this:

> The party that launched a half century of world trade expansion now threatens to take America back to tit-for-tat protectionism. That is what the Gephardt amendment to the foreign trade will do and it spells trouble.

We are not against a tough trade policy. We are against tit for tat protectionism, because what does it do? Instead of expanding markets, it contracts markets.

One of the problems I am concerned about here is that this Congress appears to have a European prospective. We view trade with the European prospective and we forget that in fact we as a nation are very much involved in trade with the Pacific Rim.

Those of us in California recognize that if you have the Gephardt amendment enshrined in law, we will suffer first, but the whole Nation will ultimately suffer.

□ 1200

We will contract the economy, not expand it. That means less jobs, not more jobs.

Although my colleagues may not like the procedure under which we are operating here, it is a message that has to be sent to our markets, yes, but to the world economy and to our workers. We will protect their jobs not by jeopardizing them through partisan politics, but by recognizing that we need to expand markets, not contract them.

Please support the Michel motion to instruct. Let us make it loud and clear that we do not support a protectionist move in the trade bill.

Mr. GIBBONS. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. LaFalce].

Mr. LaFALCE. Mr. Speaker, I think most every Member of this body realizes that the Gephardt amendment is dead. The chairman of the Committee on Ways and Means opposes it, the chairman of the Subcommittee on Trade opposes it, but what we have now is really not so much a debate on the Gephardt amendment as it is a debate on the process of the House. That is why I think the amendment offered by the gentleman from Illinois [Mr. Michel] is most mischievous. I opposed the proposed textile bill. I opposed the reconciliation bill of a week and a half ago because I thought that was mischievous. But this is more mischievous.

I would hope the gentleman from Illinois [Mr. Michel] will either withdraw it or would not call for a recorded vote because it is my concern that we will have today the exact opposite result of what the gentleman intended. I think that there will be a vote to defeat the amendment to instruct the conferees by a larger margin, far larger margin than the Gephardt amendment passed, and yet at a time when virtually everyone in this House knows that the Gephardt amendment is dead in conference.

So I really hope somehow that the gentleman from Illinois can find a way either not to have a recorded vote or to withdraw the motion.

Mr. GIBBONS. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin [Mr. Moody].

Mr. MOODY. Mr. Speaker, I hope we defeat this motion. The Gephardt amendment is not in fact the draconian sledgehammer that it has been described as being. It only triggers if there is a systematic and sustained pattern of unfair trade practices. An imbalance of trade is not enough to trigger the Gephardt amendment. The determination that that is a systematic pattern would have to be made by people appointed by the President who are not anxious to tie the President's hands unnecessarily. The President in fact would have an 18-month period of time to negotiate steps and could ask for a waiver which could only be overriden by a two-thirds vote of both houses of the Congress.

So it is not the straitjacket that it has been described as. It is not the mindless sledgehammer. It does have teeth, yes, but because it has those teeth it is something which hopefully we will avoid ever having to use. But if it has no teeth, it is useless. So teeth it has, yes, but mindless sledgehammer and straitjacket it is not.

Mr. Speaker, I would hope we defeat the motion.

Mr. GIBBONS. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey [Mr. Torricelli].

Mr. TORRICELLI. Mr. Speaker, I say to the gentleman from Illinois [Mr. Michel] that I would like to be able to join him today. I would like to because, like him, I believe in free trade. There is only one difference: Your amendment and the policy of this administration has been to hope for free trade, to wish that it were so, to hope for a different day.

The gentleman from Missouri [Mr. Gephardt] offers a strategy. Some of my colleagues call it protectionism. What does it protect? Autos? Steel? Can my colleagues find a quota? Can my colleagues find a tariff?

My colleagues quote Smoot-Hawley. Smoot-Hawley was a series of tariffs and quotas. I say to my colleagues they will find none of that protection here.

What this is is an incentive. It says to nations that engage in patterns of trade that are unfair, that maintain gross imbalances, that threaten the stability of the world economy, that they must buy as they sell.

My colleagues will get no apologies for that here. On one thing, however, we agree. The floor of this House, and this Congress, is no place to be writing trade policy. But at this late date what choice do we have? What trade policies has the administration offered?

I suggest this: it is time for this Congress to act and for those who will not be part of it to get out of the way.

Mr. GIBBONS. Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. Hertel].

Mr. HERTEL. Mr. Speaker, every week our majority leader, the gentleman from Washington [Mr. Foley] from this very spot answers all the questions of the minority regarding the schedule. It is not a perfect process, it is not an easy process, but I think in fairness he makes that attempt as best as is humanly possible to allow all the Members to know when there will be votes and what the votes will be with as much notice as possible.

Today we hear people from both sides of the aisle telling us how very important the Gephardt amendment is. We have one Member from the minority talking about Presidential candidates and their stand on it. We have other people talking about how very important it is to the economy as to the outcome of the Gephardt amendment.

Yet there has been no notice about this. That is why I am proud to see so many Members from my party who even voted against Gephardt saying that they will vote against the Michel motion on the basis of procedure. We cannot change the procedure of the House. Yes, it is allowed under the rules to give no future notice of such a motion that is privileged to instruct the conferees, but if we start to follow this type of policy on important issues and not give the Members a chance to debate fully with adequate notice, it will be very unfair to this country.

Mr. MICHEL. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. Weldon].

Mr. WELDON. Mr. Speaker, I rise today in support of responsible, bipartisan trade legislation. I think it is absolutely imperative that this body and this Congress take decisive action to show the world that we are going to respond to the trade deficits that we have.

No one can deny the need for America to get tough with its trading partners. It would be unfair to the American worker to let a country off the hook when it dumps goods into our markets and closes its doors to American products. We all know that these violations exist and that they must be dealt with effectively.

I believe the trade bill without the Gephardt amendment is tough, yet responsible. Earlier this year, Chairman Rostenkowski and other members of the Ways and Means Committee carefully crafted an alternative to the Gephardt amendment which would mandate retaliation against countries that break our trade agreements.

The Rostenkowski alternative was, and still is, a much more responsible approach to dealing with our trade partners. We must not forget that, as the leader of the Free World, America sets the example for the world economy. This economy is closely intertwined as the plunge in the stock market illustrated 2 weeks ago. Now more than ever, it is imperative that America act responsibly in resolving its trade deficit rather than react through primitive measures.

To send a strong message to the rest of the world, Congress must first have a bill signed into law. If we attach the Gephardt amendment to the trade bill, the President will veto it and there will not be enough votes in either Chamber to override it. Going into the GATT talks in Uruguay empty handed would be the weakest message we could send to our trading partners. Therefore, I urge my colleagues to support responsible measures by voting for this resolution before us today.

Mr. MICHEL. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. Houghton].

Mr. HOUGHTON. Mr. Speaker, there are many positive things about the Gephardt amendment. First of all, Japan finds it difficult to deal with its trade problems comprehensively. They piecemeal the process. They also find it difficult to put into perspective our particular deficits. Whether one believes in Mr. Kissinger's or Mr. Peterson's ideas, it is a fact that Japan has never been able to have an "import vision." This is a consensus-making society. Its negotiators are not empowered to increase imports such as we would like to see.

On the other side, we have at the moment a very nervous stock market. Also to pass the Gephardt amendment would be viewed by the world as a negative. In addition, the way the amendment is written makes seven countries subject to the disciplines of the amendment: Japan, Taiwan, West Germany, Italy, Hong Kong, Korea, and Brazil. It is not a good idea to attack Brazil in the midst of its debt problems. It is not a good idea to attack Korea during its political crisis.

So it seems to me the provision is too sweeping and the timing is bad. If the Gephardt amendment be dead, maybe we should help bury it here today.

☐ 1210

Mr. GIBBONS. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. DOWNEY].

Mr. DOWNEY of New York. Mr. Speaker, I think the Gephardt proposal is bad law. I thought it was bad law when it was before this body and voted against it, and I hope as a Member of the conference committee that I can do away with it. I recognize that the last signal this Nation wants to send to the world is one of protectism. But the other last signal that the Congress of the United States should send to the world is precipitous action, and that is what the Michel amendment is. It is a desire to mollify some who are nervous without giving careful consideration to all of the substance and the debate that surrounded the Gephardt amendment.

The Michel motion to instruct is a bad idea and the Gephardt amendment is a bad idea. Leave it for the conferees to see what will work, and then my colleagues will have an opportunity to work their will once again.

Please, if you voted against the Gephardt amendment, as I did and other members of this committee did, vote against the Michel motion as well.

Mr. GIBBONS. Mr. Speaker, I yield such time as he may consume to the gentleman from California, Mr. LEVINE.

Mr. LEVINE of California. Mr. Speaker, I rise in opposition to the Michel motion to instruct. However, in doing so I want to make it clear that I have not changed my position on the Gephardt amendment. I opposed it when it came before us on the House floor, and I oppose it today. It is bad policy—a trade "weapon" that can only backfire.

I oppose this motion for a number of reasons. First, the author of the amendment this motion attempts to remove from the trade bill is not here to defend his provision. No notice was given to Members that this motion would be made today. The chairmen of the Ways and Means Committee and the Trade Subcommittee have both spoken quite eloquently to the fact that, having been snuck up on in this manner, they feel they must oppose this motion to remove a provision that they in fact oppose.

Second, as one of my colleagues who also opposes the Gephardt amendment pointed out a moment ago, a recorded vote on this motion may inadvertently aid supporters of the amendment. The Gephardt provisions are essentially dead in conference. But, because this motion will probably be defeated by a much wider margin than the Gephardt amendment was approved by, it could send the wrong message—an inaccurate message that congressional support for the Gephardt language is stronger than it actually is. I hope my colleagues on the other side of the aisle realize that they may be helping those whom they mean to defeat with this motion.

I urge all of my colleagues, both those who support the Gephardt amendment, and those who, like me, oppose the Gephardt amendment, to oppose this motion on both procedural and substantive grounds.

Mr. GIBBONS. Mr. Speaker, in closing, as has been said before, I think the Gephardt amendment is bad, but I think the Michel instruction does mischief to the procedures of the House. I say that with the greatest respect for the gentleman from Illinois [Mr. MICHEL].

Let us dispose of the Gephardt amendment in an orderly manner. I think if my colleagues examine the makeup of the conferees on the House side on this subject they will be confident that we will be able to dispose of it, and I ask all of my colleagues on both sides of the aisle to please vote no.

Mr. BONKER. Mr. Speaker, this resolution places many Members in a difficult position. Many of us voted against the Gephardt amendment and hope it will be removed from the conference bill, but we cannot support the Michel motion to instruct conferees.

Mr. Speaker, the issue here is more procedural than substantive. I have confidence in Chairman ROSTENKOWSKI and the House Members who will be presiding over the trade bill and I cannot support efforts to force their hand on a particular issue. The pending trade bill covers a broad range of issues that need to be negotiated with the Senate side. Tying the hands of our House conferees on this or any other item places them at a real disadvantage as they confront the other body on literally hundreds of trade and competitiveness issues.

I want the record to show, however, that my position on the Gephardt amendment remains intact—I oppose it. Furthermore, I intend to work with my colleagues on the conference to find creative alternatives to achieve the goal of the Gephardt amendment—improved market access for U.S. products and elimination of market barriers overseas.

Mr. COLEMAN of Texas. Mr. Speaker, I rise in opposition to the privileged motion by the minority leader to reinstruct conferees on the trade bill. The debate this morning is not about trade, not about trade deficits, not about exchange rates, imports or exports. It is a debate about partisanship, 1 hour's worth of politics.

Editorial boards across the country have been admonishing Congress for the past 3 weeks to refrain from partisanship, and to get down to business. The conferees appointed to consider the provisions of H.R. 3, all 199 of them from the House, are getting down to business. I am confident that they will proceed carefully and responsibly in their deliberations.

This House has voted once on the Gephardt amendment. Upon the filing of the conference report, next month or next year, the House will vote again on the Gephardt amendment. I do not find the provisions offered by the gentleman from Missouri so egregious or exceptionable that they warrant a privileged motion at this time. But if some of my colleagues are sincerely troubled by the prospect of this House going on record as attempting to take steps to reduce bilateral trade deficits with partners who maintain a surplus in excess of $3 billion, then they will have ample opportunity to make their views known.

Since Black Monday, we have routinely invoked the uneasiness in financial markets as the justification for wildly different legislative proposals. Sadly, we have also pointed to Wall Street as the rationale for undisguised partisanship. Remarks to the effect that the Speaker's expression of hope that trade legislation will move ahead with all due consideration have precipitated a drop in the Dow Jones industrials are misguided. Conferees do not operate in a vacuum. They are aware of the repercussions of their negotiations. In our earnestness to reform trade policy and to respond to the alarm expressed by both our allies and our domestic markets, let us not abandon process for the sake of mud-slinging. I urge defeat of the present motion.

Mr. DICKS. Mr. Speaker, I voted against the Gephardt amendment when it came to the floor, and I continue to oppose this measure. The Gephardt amendment is bad policy; it sends the wrong message to our trading partners. Rather than closing our doors to other nations, we must work to increase our opportunities for American companies to sell abroad.

Nonetheless, I must vote today against the Michel amendment to instruct the conferees. We must give our House conferees an opportunity to do their work in an orderly and free manner. We must not tie their hands. A conference involves difficult negotiations and compromises. Thoughtful, sound policy is never written in haste. It is my belief that the conferees must be given the opportunity to continue to do their work and resolve their differences. We must withhold our final judgment on this issue until Members have the opportunity to vote on the conference report.

GENERAL LEAVE

Mr. MICHEL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on this subject.

The SPEAKER pro tempore (Mr. Coleman of Texas). It there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. MICHEL. Just a quick observation, Mr. Speaker. Regardless of the outcome on this particular motion, I think it has been well served by the rather illuminating remarks that have been made by Members on both sides of the aisle with respect to the Gephardt amendment.

Mr. Speaker, I yield the balance of my time to the distinguished gentleman from Wisconsin [Mr. Gunderson].

Mr. GUNDERSON. Mr. Speaker, listen to the message of your debate today. Half of you have stood up and said I support the Gephardt amendment. The other half has stood up and said I am opposed to the Gephardt amendment, but I am not going to vote to eliminate it.

Is there any wonder that the markets in this country and the world are ajitters today? Do not hide now behind some procedural vote. The reality is that today we do send a signal to the world, and let us understand that world in which we live.

We have a 15-percent overproduction capacity in autos, 20 to 30 percent in petrochemicals, 23 percent in microchips, 21 percent in steel. We cannot isolate ourselves from the reality of the world competition in which we exist.

In agriculture alone in 1981 the United States had some 19 percent of the world market, and by 1986 we were down to 12.5 percent.

We must ask America a question today. Are we going to compete with the world or are we going to retreat under Government protection? Are we going to compete in the production and marketing of agriculture, are we going to compete in the defense of freedom, are we going to compete in the concept of trade, or are we going to yield that world market to our trading competitors?

If the Gephardt amendment passes there will be no incentive in America for R&D, no incentives in American industry for productivity, but rather a commitment to Government protection and a resulting lower standard of living. All it will bring us from abroad is retaliation, agricultural retaliation and on foreign policy cooperation. The result will be a decline of our dollar, and I can tell my colleagues what has happened because it has happened in my own district. If they cannot sell their products in the United States they are going to take their overvalued currency, come into the United States and they are going to be buying up American industry.

What we are talking about here today is not jobs. It is jobs plus economics, it is jobs plus economics plus national security.

The final question then is, Mr. Speaker, not a procedural vote question, but rather what will tomorrow's headlines be, that the House votes to reassure the world markets or the House votes to terrorize the world markets?

Support the Michel motion. Put policy, put national security, put economics at the forefront of your vote.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Illinois [Mr. Michel].

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. LEWIS of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 175, nays 239, not voting 19, as follows:

[Roll No. 426]

YEAS—175

Anderson
Archer
Armey
AuCoin
Badham
Baker
Bartlett
Barton
Bateman
Bates
Bereuter
Bilirakis
Bliley
Boulter
Broomfield
Buechner
Bunning
Burton
Callahan
Chandler
Cheney
Clinger
Coats
Coble
Coleman (MO)
Combest
Cooper
Coughlin
Courter
Craig
Crane
Dannemeyer
Daub
DeLay
DeWine
Dickinson
DioGuardi
Dornan (CA)
Dreier
Edwards (OK)
Emerson
English
Fawell
Fields
Fish
Frenzel
Gallegly
Gallo
Gekas
Gingrich
Glickman
Goodling
Gradison
Grandy
Green
Gregg
Gunderson
Hammerschmidt
Hansen
Hastert
Hefley
Herger
Hiler
Holloway
Hopkins
Houghton
Hunter
Hutto
Hyde
Inhofe
Ireland
Jeffords
Johnson (CT)
Kasich
Kennedy
Kolbe
Konnyu
Kyl
Lagomarsino
Latta
Leach (IA)
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lott
Lowery (CA)
Lujan
Lukens, Donald
Lungren
Mack
Madigan
Marlenee
Martin (IL)
Martin (NY)
McCandless
McCollum
McCurdy
McEwen
McGrath
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Montgomery
Moorhead
Morella
Morrison (WA)
Mrazek
Myers
Neal
Nielson
Oxley
Packard
Parris
Pashayan
Penny
Petri
Porter
Pursell
Quillen
Ravenel
Ray
Rhodes
Roberts
Rogers
Roth
Roukema
Rowland (CT)
Saiki
Saxton
Schaefer
Schneider
Schroeder
Schuette
Schulze
Schumer
Sensenbrenner
Shaw
Shays
Shumway
Skeen
Slaughter (VA)
Smith (NE)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Solomon
Spence
Stangeland
Stenholm
Stump
Sundquist
Sweeney
Swindall
Tauke
Taylor
Thomas (CA)
Upton
Vander Jagt
Vucanovich
Walker
Weber
Weldon
Whittaker
Wolf
Wortley
Wyden
Wylie
Young (AK)
Young (FL)

NAYS—239

Ackerman
Akaka
Alexander
Andrews
Annunzio
Anthony
Applegate
Aspin
Atkins
Ballenger
Beilenson
Bennett
Bentley
Berman
Bevill
Bilbray
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Boucher
Brennan
Brooks
Brown (CA)
Brown (CO)
Bruce
Bryant
Byron
Campbell
Cardin
Carper
Carr
Chapman
Chappell
Clarke
Clay
Coelho
Coleman (TX)
Collins
Conte
Conyers
Coyne
Crockett
Daniel
Darden
Davis (IL)
Davis (MI)
de la Garza
Dellums
Derrick
Dicks
Donnelly
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Gaydos
Gejdenson
Gibbons
Gilman
Gonzalez
Gordon
Grant
Gray (IL)
Gray (PA)
Guarini
Hall (OH)
Hall (TX)
Hamilton
Harris
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefner
Henry
Hertel
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Jacobs
Jenkins
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Lloyd
Lowry (WA)
Luken, Thomas
MacKay
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McDade
McHugh
McMillen (MD)
Mfume
Mica
Miller (CA)
Mineta
Moakley
Mollohan
Moody
Morrison (CT)
Murphy
Murtha
Nagle
Natcher
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Owens (NY)
Owens (UT)
Panetta
Patterson
Pease
Pelosi
Pepper
Perkins
Pickett
Pickle
Price (IL)
Price (NC)
Rahall
Rangel
Regula
Richardson
Ridge
Rinaldo
Ritter
Robinson
Rodino
Roe
Rose
Rostenkowski
Rowland (GA)
Roybal
Russo
Sabo
Savage
Sawyer
Scheuer
Sharp
Shuster
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NJ)
Snowe
Solarz
Spratt
St Germain
Staggers
Stallings
Stark
Stokes
Stratton
Studds
Swift
Synar
Tallon
Tauzin
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Valentine
Vento
Visclosky
Volkmer
Walgren
Watkins
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Yatron

NOT VOTING—19

Barnard
Biaggi
Bosco
Boxer
Bustamante
DeFazio
Dingell
Dixon
Dowdy
Duncan
Frost
Garcia
Gephardt
Hochbrueckner
Kemp
Ortiz
Roemer
Waxman
Yates

☐ 1225

The Clerk announced the following pairs:

On this vote:

Mr. Kemp for, with Mr. Gephardt against.

Mr. Barnard for, with Mr. Dingell against.

Mr. Duncan for, with Mrs. Boxer against.

Mr. ENGLISH, Mr. BATES, and Miss SCHNEIDER changed their votes from "nay" to "yea."

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR FILING AND PRINTING OF REPORTS OF THE HOUSE AND SENATE SELECT COMMITTEES ON IRAN AS A JOINT REPORT

Mr. JONES of Tennessee. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the concurrent resolution (H. Con. Res. 195) providing for filing and printing of the reports of the House and Senate Select Committees on Iran as a joint report, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the concurrent resolution.

The Clerk read the Senate amendment, as follows:

Senate Amendment:

Page 2, strike out lines 4 to 18, and insert:

(b) The first volume of the joint report shall contain a summary of facts, descriptive matter, findings, conclusions, and recommendations, including supplemental, minority, and additional views. In addition to the usual number, nine thousand copies of such volume shall be printed for the use of the House select committee and nine thousand copies of such volume shall be printed for the use of the Senate select committee.

Mr. FRENZEL (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the Record.

The SPEAKER pro tempore (Mr. Coleman of Texas). Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Tennessee?

Mr. FRENZEL. Mr. Speaker, reserving the right to object, I yield to the distinguished chairman of the Subcommittee on Procurement and Printing of the Committee on House Administration to explain this request.

Mr. JONES of Tennessee. I thank the gentleman for yielding.

Mr. Speaker, this resolution authorizes the House and Senate Select Committees on the Iran Arms Sales to file and print their reports as a joint report. The Senate amendment to this resolution simply reduces the report itself to one volume and reduces the number of copies for the Senate.

Mr. FRENZEL. Mr. Speaker, further reserving the right to object, I would state that this is a necessary resolution. The Senate, in an act of comity, has agreed to reduce its request to the same number of copies that the House agreed to.

The House is indebted to Chairman Hamilton and Vice Chairman Cheney for having accepted the reduced number of copies. The resolution should be promptly passed.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Tennessee?

There was no objection.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON GOVERNMENT OPERATIONS TO HAVE UNTIL 6 P.M. FRIDAY, NOVEMBER 13, 1987, TO FILE REPORT ON H.R. 3471, DEPARTMENT OF VETERANS' AFFAIRS ACT

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that the Committee on Government Operations have until 6 p.m., Friday, November 13, 1987, to file its report on H.R. 3471, the Department of Veterans Affairs Act.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. WHITTAKER. Mr. Speaker, reserving the right to object, I would inquire, has this been cleared by the minority?

Mr. BROOKS. Mr. Speaker, if the gentleman will yield, the ranking minority member of the Committee on Government Operations is the gentleman from New York [Mr. Horton] and he has approved it. He may not have gotten word to the gentleman.

It is also my understanding that very likely now the President, after meeting with the veterans groups this morning, will very likely this afternoon announce his own endorsement of this same measure.

Mr. WHITTAKER. I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

UNIFORM POLL CLOSING ACT

The SPEAKER pro tempore. Pursuant to House Resolution 303 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 435.

☐ 1239

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 435), to amend title III, United States Code, and the Uniform Time Act of 1966 to establish a single poll closing time in the continental United States for Presidential general elections, with Mr. Howard in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from Washington [Mr. Swift] will be recognized for 20 minutes; the gentleman from California [Mr. Thomas] will be recognized for 20 minutes; the gentleman from Ohio [Mr. Thomas A. Luken] will be recognized for 10 minutes, and the gentleman from Kansas [Mr. Whittaker] will be recognized for 10 minutes.

The Chair recognizes the gentleman from Washington [Mr. Swift].

☐ 1240

Mr. SWIFT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in response to the tremendous public outcry, in 1980 this House became actively involved in ensuring that every voter has the opportunity to cast a ballot before the results of an election are announced. Seeking a way to do that, the Committee on House Administration and the Committee on Energy and Commerce held numerous hearings around the country over the last several years.

What we found was the the problem of early projections of election returns had two parts, and therefore that any solution would also have to be a two part solution.

The first part of the problem was new in 1980. That was the network use of "exit polls" to make their election projections. Exit polls are interviews with voters as they leave the voting booth. They have been around for several election cycles, and have been used to provide accurate postelection information on voting patterns. What was new in 1980 was the use of that data to predict the outcome of the election while voting was still going on.

Eliminating that part of the problem turned out to be difficult. Any attempt to legislate restrictions on the television networks immediately becomes tangled in arguments over the first amendments rights of the press. So we moved instead to exert public pressure on the networks to voluntarily refrain from announcing election results before polls are closed. Pressure came from many quarters, including a congressional resolution that was passed overwhelmingly in 1984, calling on the networks to exercise voluntary restraint.

Parenthetically, it is interesting to note, the pressure also came from within the news business, even from some within the newsrooms themselves, who seriously questioned the journalistic propriety of "making news" by predicting events before they occur.

Early in 1985, that effort paid off. We achieved a major breakthrough when the three television networks joined with Westinghouse Broadcasting and with Turner Broadcasting and agreed that they will not use their exit polling data to make election projections until the polls in a State are closed.

That agreement solved half the problem—but not all of it. The second part of the problem we found is simply that this is a large country, spanning several time zones, made up of States with widely varying poll closing times. Therefore, polls in some parts of the country are closed hours before polls in other parts of the country. Furthermore, we have a winner-take-all electoral college system. In short, it is quite possible for actual vote totals from places where polls are closed to reveal the outcome of an election while polls elsewhere are still open.

Only a nationwide uniform poll closing time can prevent that from happening.

The Senate first recognized this situation in the mid-1970's. They passed uniform poll closing proposals on several different occasions. Unfortunately, at that time the House did not act. And when the problem was compounded in 1980 with the advent of projections based on exit polls, we had to go back and solve the exit polling part of the problem first.

Having done that, we are once again to the point where a uniform poll closing time will finally and completely eliminate having the outcome of an election determined and announced before people in all parts of the country have had an opportunity to vote.

Two years ago we set to work on this second part of our solution: a uniform poll closing time. The bills before us included Sunday voting, 24-hour voting, directing the Federal Election Commission to select a poll closing time, closing the polls at 11 p.m. e.s.t., and closing the polls at 10:30 p.m. e.s.t.

We talked to secretaries of state, local election officials, political party people, representatives of citizens' groups and unions, Members of the House and local broadcasters.

By the conclusion of the hearings, a general consensus had developed with respect to several potential aspects of a uniform poll closing proposal.

First, election day should remain on Tuesday. Second, there was widespread agreement that any bill should apply exclusively to the Presidential general election day, not to other Federal elections. Third, any bill should address poll closing times only, not poll openings. States should be free to keep or alter their opening times as they see fit.

Finally, with respect to the actual poll closing time, the hearings suggested that, while a closing later than 9 p.m. could be difficult for election officials to administer, a 9 closing in the East—which already exists in several States—would be reasonable.

For the Pacific time zone, however, the comparable poll closing of 6 p.m. is too early. The poll closing time there cannot realistically be earlier than 7 p.m. local time.

What we had then was that in the East—where we were pleased that we found widespread willingness to contribute to a solution—election officials felt they could administer a 9 p.m. closing, but they made cogent arguments about the difficulties of a later time. People in the West were willing to close their polls an hour earlier, at 7 p.m. local time, but felt that an earlier closing would have a detrimental effect on voter turnout.

Since there is a difference of only 2 hours between 7 p.m. in the West and 9 p.m. in the East, while the actual time difference between East and West is 3 hours, we needed a way to eliminate an hour of time difference.

After weighing all the information, data, suggestions, and ideas from our hearings, the committee adopted a proposal put forward by the secretary of state of Massachusetts and the secretary of state of California. It is exactly the proposal currently included in H.R. 435.

I should note that this proposal does not include Alaska and Hawaii, since the only way to integrate them would be to have a much later closing in the Eastern time zone. We talked to people from both those States, and they graciously agreed to remain outside a nationwide closing time. That means the problem of early projections in those States will not be solved—but it will be mitigated substantially.

Under the plan now in H.R. 435, two things will happen:

First, polls will close at 9 p.m. eastern standard time—which is 8 p.m. c.s.t., and 7 p.m. m.s.t.;

Second, in the Pacific time zone, in Presidential election years only, in order to achieve a 7 p.m. poll closing, daylight saving time will be extended for 2 weeks in four and one-half States in the Pacific time zone.

Since 7 p.m. Pacific daylight time is the same as 9 p.m. eastern standard time, uniformity is achieved.

This proposal commended itself to the committee for a number of reasons. Among them are:

It achieves uniformity, so all polls will close simultaneously on Presidential election day.

It does so while keeping poll closing times within the limits—9 p.m. in the East and 7 p.m. in the West—that election officials are confident they can administer effectively.

No State will be required to close its polls either later—9 p.m. local time—or earlier—7 p.m. local time—than many States now do.

Similarly, no State will be required to have a voting day either longer—15 hours—or shorter—11 hours—than some States now do.

More than one-fourth of the States will not have to change their poll closing hours at all.

States that will be required to extend their closing hours will be extending them by less than under any other proposal. And, if they choose to adjust their opening times, as they have complete authority to do, the amount of change can be further reduced, or eliminated altogether.

This is the proposal, Mr. Chairman, that passed the House last year, with the addition of an amendment that will allow earlier closing times in a handful of precincts in one or two States when every eligible voter has voted.

Unfortunately, the bill was not acted on in the Senate. It died there at the end of last session. We hope for a better result this time around.

To summarize, Mr. Chairman, since 1980 this committee has been assembling the pieces of a plan that will once again ensure at least a minimum degree of protection for election day. The final step necessary to complete the plan is to have the voting process finish simultaneously across the country.

This bill, H.R. 435, is that final step—the one piece necessary to complete the solution.

This particular proposal has merit because, of all those examined by the committee, it is the least intrusive—the one that is least disruptive of the fragile process of administering elections in the tens of thousands of jurisdictions across the country responsible for the difficult, expensive, crucial, remarkable work of conducting our elections year after year.

Our country is so large, and there is so much variety among the States in how they conduct elections that, going into the hearings, few members of the committee believed a solution could be found in which fully three-fourths of the States would change by a maximum of 1 hour, and in which no State will be required to do anything that is not already being done in other States.

And yet, while this proposal makes modest changes in most States, it is a complete solution: One that will achieve uniformity: one that will solve the problem.

I commend H.R. 435 to the House, and urge all my colleagues to support it.

Mr. Chairman, I am happy to yield such time as he may consume to the chairman of the Committee on House Administration, the gentleman from Illinois [Mr. Annunzio].

Mr. ANNUNZIO. Mr. Chairman, I rise in support of H.R. 435.

Mr. Chairman, I would like to compliment the gentleman from Washington, Honorable Al Swift, who as chairman of House Administration's Subcommittee on Elections, has dedicated endless hours, presided over extensive hearings, studiously considered every bill on the subject, pondered each of their provisions, and considered every alternative, before bringing H.R. 435, the uniform poll closing bill, to this floor for our consideration.

The gentleman from California, Honorable Bill Thomas, as the ranking minority member of the Subcommittee on Elections, and one of the most active members of the Committee on House Administration, has staunchly supported and diligently participated in all of the investigations and studies which brings this matter to our attention.

These two gentlemen, whose energies and efforts are most responsible for the legislation we have before us today, have been extremely sensitive to the conflicting concerns of all those involved—the voters, the election administration officials, the networks, and the candidates themselves—and they have brought to the floor a bill which I feel effectively meets all of those concerns.

The distinguished gentlemen from Michigan, who presides as chairman of the Committee on Energy and Commerce, together with the other members of that prestigious committee, has thoroughly considered and approved this legislation which is designed to protect the election process in conformance with the traditions of our unique and great democracy.

The process of casting ballots to select our political leaders is fundamental to citizenship in the United States of America. In developing this legislation, it was the objective of the Committee on House Administration to maintain the integrity of the electoral process while at the same time protecting the freedom of the press.

Vote yes and pass this bill. Vote yes and send a message to all of the voters in our Nation that their votes count whenever the polls in the U.S.A. are open.

I support passage of this bill and urge you to do likewise.

Mr. SWIFT. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The Chair wishes to state, since there are two committees involved in general debate on this legislation, the Committee on House Administration as the lead committee has the right to close debate. So Members may consider that should they wish to reserve a portion of their time.

The Chair recognizes the gentleman from California [Mr. Thomas].

Mr. THOMAS of California. Mr. Chairman, this is a bill that is identical to the bill that we considered in the last Congress and passed. I think the important thing for most Members to realize is that this is not a conclusion that was drawn hastily. We had a number of hearings, 16 to be exact, over a 4-year period. Seven of those hearings were outside Washington, DC, listening to people who participated or did not participate in elections.

I only wish that more of my colleagues from the committee or subcommittee had been able to attend any of those hearings outside of Washington, DC, so that they could hear it firsthand. Watching people in terms of the way in which they present their argument is sometimes far more valuable than just reading a transcript to fully appreciate the kind of trauma that many of these people were going through as they began to explain what occurred in their particular constituencies.

□ 1250

As we looked at proposed legislative solutions from the Members, we realized as we held hearings that many of them, although at initial examination seemed to be somewhat of a reasonable proposal, the more one examined them, the more one realized that there were more downsides than upsides; and what we have in H.R. 435 is best described as a minimalist solution to the problem.

If you believe, as many of the Members do, that it is very desirable to have the polls close at the same time, so that technology does not overrun our ability to exercise the right to vote in this country for the selection of the President who represents all of us, then H.R. 435 is the acceptable solution, I think.

The description by the able chairman of the subcommittee is just, as the gentleman explained it, all it does is set a 9 p.m eastern standard time and a 7 p.m. west coast time, made possible by a 2-week extension of daylight savings.

It is a minimalist solution to what is now a problem which will be a growing problem and one that we have to face.

The window of opportunity is available to us, with the agreement from the networks. The House of Representatives supported us the last time, and we think it is appropriate that we move it over to the other body with more time this time.

Mr. Chairman, I yield 10 minutes to the gentleman from Minnesota [Mr. Frenzel], the ranking member of the committee.

Mr. FRENZEL. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, we have heard the chairman and the vice-chairman of the Elections Subcommittee describe the bill, and at least hint at the problem. I would like to go over the whole bill with the Members, so the Members can have some idea of the mischief that this bill would wreak upon our system.

First of all, the bill is attacking a windmill, a problem that is a nonproblem. There is no recognized study that is credible, or accredited by statisticians or political scientists, which indicates there is a real problem with voters on the west coast not voting because they knew what happened on the east coast.

The information that we have is anecdotal.

"I was standing in line, and I heard Jimmy Carter conceded, so I got out of line, and I didn't vote." Very interesting, and maybe it was true. The only study, a University of Michigan effort, has been discredited on a number of grounds. I do not know that.

In the 1980 election, the networks were forecasting the vote on the President both on the basis of closed polls, and on the basis of early election predictions based on exit interviewing.

The gentleman from Washington and the gentleman from California have done good work and gotten the networks to agree that they would not begin to make announcements until the polls had closed in any given State.

That is a great step forward. However, it is difficult to prove on the evidence of any surveys or studies that we know about now that people have been disenfranchised. And there is no consensus that there is this problem.

The gentleman from Washington and the gentleman from California dutifully held hearings in the areas that were allegedly affected, and in Washington, DC.

They considered all of the possible solutions to this terrible problem. That is, they considered all of them, except that the machinery was not broken, and therefore, there was no need to fix it. That is the only proper solution.

The gentleman rejected having Sunday, or weekend, voting or other solutions as being too radical. The gentleman drew a conclusion, as one of the Members said, not considered hastily.

What was the program they devised? The gentleman from Washington laid it out; but even hearing it again, I can hardly believe it.

We are going to close the polls at a uniform time. That means everybody in the eastern time zone will close their polls at 9 o'clock. We do not care if that is what State law says, or if it makes them stay open until 1, 2, or 3 hours longer than they want to. They are closed at 9 o'clock. Forget it.

What does that do? States like Kentucky and Indiana have to extend their voting hours by 2 or 3 hours, depending on the district within that State, and States affected by this law in the eastern time zones will have to make 1-, 2-, and 3-hour changes.

In the central time zone everybody has to close at 8. That is not too bad, not major wreckage there.

We get over into the mountain time zone where they are obliged to close at 7, so that may not be a major problem, either. To achieve this wonderful uniformity, however, a number of States on mountain time must close their polls earlier.

Remember now, we are closing them earlier so more people can vote. Is that not a neat idea? Taking an hour's voting time away at the end of the day is supposed to encourage participation. Who is kidding who?

All those who used to vote for Federal candidates between 7 and 8 will now be able to vote only until 7. The exception is State elections which can do as a State wishes.

You get to the Pacific coast, and there the sponsors do not want to close the polls at 6, cheating the voters out of 2 hours, and probably stopping 10 percent of them from voting. So instead the sponsors did that and called it something else. They extended daylight saving time for 2 extra weeks once every 4 years for the general election. Here is another brilliant idea that will surely wreak lots more havoc.

Can you imagine going in for one election in every 4 years, suddenly finding you are on the wrong time, and you have 1 hour less to vote than you thought? You are on special daylight saving time unless you are not, and if not, at the next election you may be. It gets curiouser and curiouser.

The only thing that is clear is that there will be a massive disenfranchisement under this Rube Goldberg device.

After all this mess, there are still two States left. The two are Hawaii and Alaska.

We have no way to move Alaska and Hawaii into a close time zone, so, despite all the people in Hawaii and Alaska who may have been discouraged by Jimmy Carter's resignation, or a network projection, we are not going to change their State laws at all.

If they hear how the rest of the world votes, that's OK. Somehow Washington and California are corrupted by having this news, but Alaska and Hawaii are not.

It means the voters rights are very different in one part of our country than another. I do not happen to think this should be true. I think every State should be able to decide its own voting rules, Mr. Chairman.

I hate to sound facetious, Mr. Chairman, but the plan does not make very much sense when one looks at the differences across the scope of the United States.

What are the advantages? The advantages are uniformity. Remembering the famous Wright open voting board here where some Democrats had longer to vote than Republicans, one wonders how we can establish uniformity by law around here when we do not believe in our own rules.

Remember what I told you, uniformity except for Alaska and Hawaii. Their citizens are not good enough to be uniform.

Uniformity, except for Dixville Notch, NH, which likes to close its polls shortly after midnight and is permitted to do it.

Uniformity, except for primary elections, except for local elections, and in many States, uniformity means closing the polls at one time for a primary and at another time for a general election, perhaps within months of each other.

That's not uniformity. That is utter confusion. Disenfranchisement will surely occur.

What about States rights? The Federal Government has the right to do what this bill says it is going to do. But is there some compelling reason to tell the States they have to change their rules to satisfy the whimsy of some Members of Congress who think it would be nice if the voting stopped at the same time throughout the country except for the exceptions? There are no compelling reasons.

A majority of State election officials over the years have opposed this kind of legislation. Six States do not have legislative sessions in 1988, will not be able to change their laws to accommodate this law. This bill is effective for the general election of 1988, which represents another kind of absurdity. Some States cannot adapt, and of course there is no penalty.

How about the local costs for those election officials? Why do they not like the bill? CBO says it will cost them at least $2 million. I think it will cost them a good deal more.

I asked my election officials, "Can you get people to be election judges very easily?" They say, "Heck no," they cannot. Most of the secretaries of state or the election officials who write to me say that if they closed the polls later in our coast States, it means we will have to ask our judges to stay later. It will be harder to get judges. We will have to pay them more; and in addition, they are going to be tired after a long day, and make more errors.

Having lived through the difficulty of the Indiana Eighth District, I think this House should be very sensitive to error-making. It is very hard enough to get local elections personnel.

I want also to talk about the confusion that might be added to the airline business. All of the Members have struggled very hard with airline scheduling and with safety practices. The airlines are beginning to meet their schedules again, and think what will happen if we force them to set a whole new set of schedules to coincide with the extra 2 weeks of daylight savings time in one time zone. The airlines and their representatives think that is going to be chaos, so if you like the way the airlines are meeting their schedules now, you can vote for this bill and louse it up a heck of a lot worse.

The same goes for trains and buses. And think about the securities market. Maybe it is a good thing that California should get 1 hour less to trade once every 4 years.

Maybe they are the guys who loused up the markets to begin with. The extra 2 weeks is the gimmick which breaks the back of the elections and transportation systems.

Please remember that the purpose of the bill is to let more people vote and participate in the process. What a joke. We are knocking off 1 hour of voting time in the Pacific time zone, and almost that in the mountain time zone. In California the Secretary of State's office told us that 5 to 10 percent of the people vote after 7 o'clock at night. Not many people are going to miss their chance to vote. It will be worse when they were allowed to vote until 8:00 in the primary, and then walk back a few months later and not be able to vote because the polls are closed.

This causes voter confusion and conflict with the Voting Rights Act, and I will have more to say about that later. It is a pernicious piece of legislation and is more than simply mischievous. It is bad.

Mr. Chairman, my poll of State election officials on the uniform polling hours bill, H.R. 345, was taken over 2 years. Where more than one statement was furnished, only the most recent was counted.

Statements by the officials follow as well as a table of support opposition and changes to be made in voting hours by State.

1986/1987 SECRETARIES OF STATE POLL FOR UNIFORM POLL CLOSING BILL

1987 (9)

Nebraska—no change in current law.
California—reduced by one hour.
Minnesota—no change in current law.
Wisconsin—no change in current law.

New York—no change in current law.
Massachusetts—increased by 1 hour.
Indiana—increase by 2-3 hours.
Alaska—exempted from coverage under the bill.
Washington—reduced by 1 hour.

1986 (9)

Tennessee—increase by one hour.
Idaho—no change in portion of state in MST; reduced 1 hour-portion of state in PST
New Mexico—no change in current law.
Nevada—no change in current law.
Oregon—reduced by one hour.
Rhode Island—no change in current law.
Wyoming—no change in current law.
Hawaii—exempted from coverage under the bill.
Louisiana—no change in current law.

AGAINST UNIFORM POLL CLOSING BILL

1987 (14 plus D.C.)

Vermont—increase by 2 hours.
Colorado—no change in current law.
North Dakota—increase by 1 hour.
Kansas—increase by 1 hour.
Iowa—reduced by 1 hour.
Virginia—increase by 2 hours.
New Jersey—increase by 1 hour.
Florida—increase by 2 hours.
North Carolina—increase by ½ to 1½ hours.
West Virginia—increase by 1½ hours.
Ohio—increase by 1½ hours.
Missouri—increase by 1 hour.
Texas—increase by 1 hour.
Kentucky—increase by 2 to 3 hours.
District of Columbia—increase by 1 hour.

1986 (12)

Illinois—increase by 1 hour.
Michigan—increase by 1 hour.
Utah—reduced by 1 hour.
Maine—increase by 1 hour.
Mississippi—increase by 2 hours.
South Carolina—increase by 2 hours.
Oklahoma—increase by 1 hour.
New Hampshire—increase by 3 hours.
Delaware—increase by 1 hour.
Pennsylvania—increase by 1 hour.
Montana—reduced by 1 hour.
Georgia—increase by 2 hours.

NO POSITION OR POSITION UNKNOWN

Maryland—increase by 1 hour.
Connecticut—increase by 1 hour.
South Dakota—increase by 1 hour in CST.

STATE OF ALASKA,
Juneau, AK, August 13, 1987.

Hon. BILL FRENZEL,
U.S. Congressman, Longworth Building, Washington, DC.

DEAR CONGRESSMAN FRENZEL: I am in receipt of your letter concerning H.R. 435, the Uniform Poll Closing Bill. The proposed bill will not have any impact on Alaska. I previously testified in favor of the bill and will continue to support a Uniform Poll Closing.

Thank you for allowing my input on this important piece of legislation. If I may be of assistance to you in the future, please do not hesitate to contact me.

Warmest regards,

STEPHEN MCALPINE,
Lieutenant Governor.

OFFICE OF THE SECRETARY OF STATE,
Sacramento, CA, July 13, 1987.

Hon. BILL FRENZEL,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN FRENZEL: Thank you for your letter of July 1, 1987, regarding H.R. 435, the Uniform Poll Closing Bill.

I appreciate your interest and concern for how this bill might affect election procedures in California. With respect to the administration of elections, there may be some advantages to the earlier poll closing. Poll workers in this state are difficult to recruit as many are elderly and cannot work the long hours required. A shorter day might mean a greater interest in serving on the precinct board, an earlier vote tally, and possibly a more accurate semi-official canvass. On the other hand, some voters may be inconvenienced by the earlier closing which, initially could engender some complaints for elections officials to handle.

Costs to the state in implementing this bill would be incurred primarily to educate voters about the new law, especially because it applies only to presidential general elections. Savings to local government might occur in the form of cost avoidance: if the work day is shorter, an increase in the amount paid to poll workers might therefore be avoided or postponed.

Finally, you inquired about the potential need to change state law. If H.R. 435 becomes law, California statutes would have to be amended to conform to the federal mandate.

I hope this information is helpful. If I can be of further assistance, please do call on me.

Sincerely,

DEBORAH SEILER,
Assistant to the Secretary of State, Elections and Political Reform.

DEPARTMENT OF STATE,
Denver, CO, July 10, 1987.

Hon. BILL FRENZEL,
Washington Office, Longworth Building, Washington, DC.

DEAR CONGRESSMAN FRENZEL: Your letter of July 1, 1987 requested information on the effect of House Bill 435, the Uniform Poll Closing Bill on Colorado election procedure.

Our current legislation provides that the polls will open at 7:00 a.m. and close at 7:00 p.m. To the degree that the contents of the bill remain as proposed, the federal legislation will have no effect on Colorado procedures.

1. A closing time of 9:00 p.m. Eastern Time coincides with current closing times of our polls.

2. Extending Daylight Savings Time in the Pacific Time Zone would not affect us.

3. Mandating a closing time in the Pacific Time Zone would not affect us.

If the times become any other than those noted above, our legislation would need to be changed to have poll closures conform with the Federal legislation. That would increase costs to the state and the counties for expenses for poll judges and other personnel and procedures would need to be revised. Also, to the degree that the closing time is later than that currently in effect, the posting of results of elections would be delayed.

It appears that Colorado voters are not particularly influenced by the difference in poll closing times across the nation in that they continue to vote in usual numbers even when results from other states begin trickling in.

Additionally, philosophically this office is generally opposed to Federal intrusion into state affairs. If an individual state believes a problem exists as to voter turnout due to the Eastern states poll closing times, that state is able to change its own procedures to deal with the situation.

If I can be of further assistance, please do not hesitate to call.

Sincerely,

NATALIE MEYER,
Colorado Secretary of State.

SECRETARY OF THE STATE,
Hartford, CT, July 14, 1987.

Congressman BILL FRENZEL,
Longworth Building,
Washington, DC.

DEAR CONGRESSMAN FRENZEL: Our Director, Albert Lenge, has asked that I respond to your letter dated July 1, 1987, soliciting comment regarding H.R. 435, the Uniform Poll Closing Bill.

Connecticut polling stations, for a presidential and state election, are required by statute to be open for voting between the hours of 6:00 a.m. and 8:00 p.m. A Federal mandate to extend the voting hours to 9:00 p.m. would likely compel the Connecticut General Assembly to amend the voting laws and extend voting hours to 9:00 p.m. in all elections to maintain consistency. Thereafter, reprinting of various election related materials and forms would also be necessary. Additionally, our absentee ballot counting statutes would also need to be amended.

It is difficult to say whether additional poll workers would be needed. Presently, while polling stations are generally permitted to utilize split shifts of personnel, as a practical matter, either due to dedication or inability to attract additional poll workers, most polling station personnel work the entire 14 hour voting day. Since the 6:00 a.m. start of voting is designed to facilitate voters for those who need to vote early in the day for whatever reason, it is not likely that the opening time would be delayed to 7:00 a.m. or 8:00 a.m. to make up for the additional evening hour. Consequently, the legislation would add an additional hour of work to the poll workers' day. This would require an additional pay for the poll workers. While it may or may not result in the need for additional poll workers, and the attendant expense, it will certainly contribute to the fatigue factor and the potential for error by poll workers.

We hope that these comments are of assistance in your deliberation. If we can be of further assistance, do not hesitate to contact us at 566-3106, toll-free 1-800-842-2220, or TDD 566-1730.

Sincerely yours,

JULIA H. TASHJIAN,
Secretary of the State.
ALBERT P. LENGE,
Director/Elections Attorney.
GARY G. WILLIAMS,
Assistant Elections Attorney.

PLEASE COMPLETE AND RETURN TO: HON. BILL FRENZEL AND HON. BILL THOMAS, COMMITTEE ON HOUSE ADMINISTRATION, H-326 THE CAPITOL, WASHINGTON, DC. 20515

1. Please list the number of officials required by state law to work in each precinct on election day. What is the amount of compensation for each official?

5 to 13 poll workers are at any polling place contingent on the number of voters in a particular district.

2. Would any of the bill require additional poll workers in your state? If yes, approximately how many more. Would there be a problem to recruit the additional poll workers?

The polls in Delaware open at 7:00 a.m. and close at 8:00 p.m. eastern standard time.

With these hours established, I project that both questions would be an affirmative answer.

3. Would any of the proposals require different locations for precinct polling places?

Yes, H.R. 639 and H.R. 640.

4. Based on your own local circumstances, would you recommend that Congress pass any of the following bills?

A. Twenty-four hour voting: Yes ☐; no X.

B. Sunday voting: Yes ☐; no X.

C. Opening and closing times set by Federal Election Commission: Yes ☐; no X.

D. Uniform closing times: Yes ☐; no X.

1. What hour would be best for you? p.m.

Name: Virginia M. Dennis, Commissioner of Elections.

State: Delaware.

THE DISTRICT OF COLUMBIA,
BOARD OF ELECTIONS AND ETHICS,
Washington, DC, September 28, 1987.

Hon. BILL FRENZEL,
U.S. Congress, House of Representatives, Washington, D.C.

DEAR CONGRESSMAN FRENZEL: My apologies for the delay in this response to your inquiry of August 5, 1987, regarding the Uniform Poll Closing Bill, which arrived while I was on vacation.

The main impact of this legislation on election administration in the District of Columbia would be to marginally increase election costs and staff requirements in the conduct of the November 1988 Presidential Election, by requiring our polling places to remain open until 9:00 p.m., rather than 8:00 p.m., Eastern Standard Time.

We estimate the fiscal impact at approximately $12,000 to $18,000 in this election, for additional poll workers and duty hours of counting center staff, in addition to increased overtime pay for other D.C. agency personnel, custodians at polling places, and related fees. We are also considering ways to avert potential hazards to pollworkers in late night transportation home, as well as the possible increased risk of human error that may result from the extended hour of duty.

While the cost impact and staffing requirements imposed by the bill do not present insurmountable obstacles to an orderly and effective election next November, they do add a certain amount of strain to the administration of the overall system, one already taxed in a Presidential Election with maximum levels of demand. A relatively small additional burden on a system already functioning under peak load is thus a significant operational factor—one which election administrators must take pains to consider in planning for any Presidential Election affected by this bill.

Thank you for the opportunity to provide comment in your consideration of this legislation.

Sincerely,

EMMETT H. FREMAUX, JR.,
Executive Director.

FLORIDA DEPARTMENT OF STATE,
July 21, 1987.

Hon. BILL FRENZEL,
U.S. Congress, Washington, DC.

DEAR CONGRESSMAN FRENZEL: Your recent letter has been received regarding House Resolution 435—the Uniform Poll Closing Bill—which if passed would establish a uniform time for poll closing in Presidential General Elections.

If this bill passes, the Supervisors of Elections in Florida would be required to hire additional poll clerks and might cause some of them to lose their polling places because of the additional hours. This bill would also require change in the state law.

We hope you will find our comments helpful. If we may assist further, please let us know.

Sincerely,

DOROTHY W. JOYCE,
Division Director.

SECRETARY OF STATE,
ELECTIONS DIVISION,
Atlanta, GA, September 6, 1985.

Re your letter of July 16, 1985.

Hon. BILL FRENZEL,
Hon. BILL THOMAS,
Committee on House Administration, Washington, DC.

GENTLEMEN: The enclosed summary sheet is submitted for your information. I hope it is responsive to your needs.

Please feel free to contact my office if you desire additional information.

Most sincerely,

MAX CLELAND,
Secretary of State.

PLEASE COMPLETE AND RETURN TO: HON. BILL FRENZEL AND HON., BILL THOMAS, COMMITTEE ON HOUSE ADMINISTRATION, H-326 THE CAPITOL, WASHINGTON, D.C. 20515

1. Please list the number of officials required by state law to work in each precinct on election day. What is the amount of compensation for each official?

The minimum number of officials required to work in each precinct on election day is three: A chief manager and two assistant managers. The compensation of managers and clerks shall be fixed and paid by the Superintendent of Elections in each county. The law permits hiring additional clerks as needed (See attached for cont.)

2. Would any of the bill require additional poll workers in your state? If yes, approximately how many more. Would there be a problem to recruit the additional poll workers?

It very well could be if twenty-four voting periods were established. It would be difficult to predict the number of workers in this case. Longer hours would mandate alternative plans for supplementing or replacing staff. There could be problems in recruiting experienced workers.

3. Would any of the proposals require different locations for precinct polling places?

Yes, some churches are used for polling places (or on their grounds). This could cause additional traffic problems if voting occurred during Sunday services. (Day or evening).

4. Based on your own local circumstances, would you recommend that Congress pass any of the following bills?

A. twenty-four hour voting: Yes ; no X.

B. Sunday voting: Yes ; no X.

C. Opening and closing times set by Federal Election Commission: Yes ; no X.

D. Uniform closing times: Yes ; no X.

1. What hour would be best for you? p.m.

I would, instead, recommend a controlled release time for announcement of all returns in every time zone.

Name:

State: Georgia.

NO. 1 ATTACHMENT

In counties with a population of 200,000 or more, the minimum compensation for election officials are as follows:

Chief manager—$60.00 per diem.

Assistant Manager—$50.00 per diem.

Clerk—$42.00 per diem.

STATE OF ILLINOIS,
OFFICE OF THE SECRETARY OF STATE,
Springfield IL, January 17, 1986.

Hon. BILL FRENZEL,
Member of Congress, Washington, D.C.

DEAR CONGRESSMAN FRENZEL: Thank you for your letter of December 19 regarding the pending Uniform Poll Closing Bill. I fully agree with the general thrust of your remarks that the Congress should stay out of the business of running elections, which always has been, and should remain, the responsibility of the states. The logic is particularly peculiar in this legislative development. The proponents of H.R. 3525 are saying, in effect, that because the television networks broadcast their election coverage in a manner objectionable to the Congress, the federal government should take over the conduct of elections in presidential election years.

Please understand that these are my personal opinions, and not those of an elections administrator. Since 1974, the conduct of elections in Illinois has been under this jurisdiction of the State Board of Elections, 1020 South Spring Street, Springfield, Illinois 62708. If you are seeking a more expert, point of view, I recommend that you consult the Board. However, I thank you for this opportunity to present my views.

Sincerely,

JIM EDGAR,
Secretary of State.

STATE OF INDIANA,
Indianapolis, IN, August 13, 1987.

Hon. BILL FRENZEL,
Longworth Building, Washington, DC.

DEAR CONGRESSMAN FRENZEL: I appreciate your contacting me concerning HR 435, the Uniform Poll Closing Bill.

Throughout my campaign for Secretary of State and as Secretary of State, I have fought to make it as easy as possible for qualified voters to vote. To this end, I have had legislation introduced the last two sessions of the General Assembly to extend the poll hours in Indiana. I support HR 435 and would again introduce legislation to amend state law to conform to federal law if HR 435 were passed. In answer to your question, I would anticipate no need to hire additional poll clerks nor any other major difficulties with implementing HR 435.

Thank you for your letter.

Personal regards,

EVAN BAYH,
Secretary of State.

STATE OF IOWA,
Des Moines, IA, July 9, 1987.

Hon. BILL FRENZEL,
Longworth Building, Washington, DC.

DEAR REPRESENTATIVE FRENZEL: Thank you for soliciting my comments about the Uniform Poll Closing Bill. I object to it because this bill would shorten voting hours for Presidential elections. Iowa's polls are open for all state primary and general elections from 7 a.m. until 9 p.m. Under the provisions of H.R. 435, Iowa's polls would close at 8 p.m.—one hour earlier. This would require a change in state laws governing polling place hours. It would not require additional poll clerks, or increase costs.

I cannot support a decrease in the number of hours available for voting in the election in which participation is highest and the need for the long voting day is most important. Ten years ago Iowa felt the need to increase the voting hours for primary and general elections; no circumstances have changed to make the fourteen-hour voting day less desirable. Although I have been unable to locate any empirical data to support my contention, I do not believe that compensating for closing the polls an hour earlier by opening the polls an hour earlier will serve the voters of Iowa as well as the existing polling place hours.

I believe that uniform poll closing may be a necessary compromise to make in order to encourage voters to participate in Presidential elections. However, I would prefer to see this accomplished without shortening Iowa's voting day.

Please don't hesitate to contact me if I can be of any further assistance.

Sincerely,

ELAINE BAXTER,
Secretary of State.

STATE OF KANSAS,
Topeka, KS, July 7, 1987.

Hon. BILL FRENZEL,
House of Representatives, Washington, DC.

DEAR REPRESENTATIVE FRENZEL: I share your opinion that a uniform time for poll closing in presidential general elections represents an intrusion into state-run activity.

I also believe that a uniform poll closing does not resolve the real problem, which is the television networks' practice of projecting election outcomes before polls have closed.

This irresponsible practice by the television networks has an adverse effect on voter turnout in midwestern and western states. And it is this issue that should receive the full attention of Congress.

To return to the subject of your letter, a uniform poll closing will create problems, not solve them. Such legislation would increase the cost of administering elections in Kansas and make it extremely difficult to attract poll workers.

I would give my wholehearted support to any legislation that would increase voter participation and strengthen the electoral process. A uniform poll closing will not achieve these goals. Thank you.

Sincerely,

BILL GRAVES,
Secretary of State.

COMMONWEALTH OF KENTUCKY,
Frankfort, KY, August 10, 1987.

Hon. BILL FRENZEL,
Congress of the United States, House of Representatives, Washington, DC.

DEAR CONGRESSMAN FRENZEL: I am in receipt of your letter of August 5, 1987, in which you request my comments on H.R. 435, the Uniform Closing Bill.

H.R. 435, if enacted, would cause severe problems for the Commonwealth of Kentucky. Presently, polls open at 6:00 a.m. and close at 6:00 p.m. Kentucky is divided into two time zones, so some of our polls actually close one hour before the polls in the other half of the state. In reality this has caused no problems.

We have great difficulty in finding poll workers in Kentucky. Many are senior citizens. To require them to work fifteen hour days would not be feasible. This would, then, require two shifts of workers. We now have about 13,000 poll workers, the second shift would require a total of 26,000 poll workers. Where would we find them? Opening the polls at a later hour would not be advisable, as many persons are accustomed to voting early in the morning on their way to work.

The cost of paying 13,000 new poll workers would be a significant drain on the budgets of our county governments. If there are any extra funds they should go to upgrading the workers pay to a respectable level which would encourage more qualified individuals to serve on election day.

As you can see, I have very serious misgivings regarding this legislation. If I can be of further assistance, please let me know.

Sincerely,

DREXEL R. DAVIS,
Secretary of State.

STATE OF MAINE,
Augusta, ME, January 24, 1986.

Hon. BILL FRENZEL,
Longworth Building, Washington, DC

DEAR REPRESENTATIVE FRENZEL: Good luck in your attempt to derail H.R. 3525.

Uniform poll closing times, in my opinion, are a bad idea and are responding to an elitist view of what is "good for the people". In addition, it would impose a hardship in terms of our poling hours, especially if indeed we would have to remain open until late in the evening.

Our current law requires polls to be closed at 8 p.m. A delay in this time by one hour will have several unfortunate consequences. First, it will create different closing times for federal and nonfederal elections. Essentially this will mean that local elections and state referendum elections will have closing times of 8 p.m. rather than 9 p.m. This will undoubtedly cause confusion among voters and may result in some people not voting since they erroneously think the polls will stay open later.

In addition, the later closing time will require election workers to work later into the evening to compile the results. Since many of the same people work throughout election day, increased fatigue, especially in heavy turnout presidential elections, will result in more counting errors. These errors are likely to produce an increased number of election recounts which will be an unfortunate burden and cost to the candidates and administrators. Of course, the cost of election day itself will increase by many thousands of dollars to pay election personnel and those indirectly involved such as custodial and law enforcement staff. Finally, the people of Maine will have to wait until the wee hours of the night to receive election results through news media reporting while those in the west should have their results by late evening. Confusion, error, cost and inconvenience would be the fruits of such a federal mandated policy.

A few more comments on the motivation behind this effort. While I agree that the impact of news concerning voting behavior in the East affects the decision of many voters in the West about whether to vote, I do not believe that this information should be restricted. Advocates of such restrictions apparently believe that the western voters will not make the "right" decision about whether to vote, go fishing or read a good book. I personally resent the government, or a "voluntary" effort by the great communication companies, withholding information on any matters except on a true national security basis.

There is a "foot-in-the-door" aspect of this that also appears dangerous to me. The highly scientific and accurate national public opinion polls are probably a better source about the outcome of an election than are the disjointed "projections" of the National television networks. Will these polls also be blacked out days or weeks before an election?

Even more outrageous, these reports, projections or polling results are only educated opnions about the results of an election. Are we going to restrict not only information but opinion as well?

In summary, this attempt to manage public information is misguided, unnecessary, an infringement on the citizens right to know and an undue burden on election administration in the East.

Sincerely,

JAMES S. HENDERSON,
Deputy Secretay of State.

MARYLAND STATE ADMINISTRATIVE
BOARD OF ELECTION LAWS,
Annapolis, MD, July 15, 1987.

Hon. BILL FRENZEL,
Congress of the United States, House of Representatives, Washington, DC.

DEAR CONGRESSMAN FRENZEL: Your letter of July 1, 1987, to Marie Garber, former State Administrator of Election Laws, has been referred to me for reply.

This agency takes no position on H.R. 435, the Uniform Poll Closing Bill. If the bill is signed into law, we will do what is necessary to see that its provisions are carried out.

The passage of such a bill would require an amendment to Maryland's Election Code since our polls, by law, now must close at 8 p.m. Eastern Time. While I don't foresee the need for additional poll workers, I imagine that the compensation now given to poll workers would have to be increased slightly in order to compensate them for their additional time. This would be up to each of our local jurisdictions.

Please be in touch if you have further questions.

Sincerely,

CAROL S. EVANS,
Deputy Administrator.

THE COMMONWEALTH OF
MASSACHUSETTS,
Boston, MA, July 27, 1987.

Hon. WILLIAM FRENZEL,
Congress of the United States, House of Representatives, Washington, DC.

DEAR REPRESENTATIVE FRENZEL: Thank you for your letter of July 1, 1987, regarding H.R. 435, the Uniform Poll Closing Bill. I have long supported this important election legislation, as I believe that it encourages voter participation and advances a truly national presidential election. In recent presidential elections, announcement of election results in the eastern states along with exit poll results disclosed on network television, have often occurred before many western states closed their polls. Considerable evidence indicates that this discourages participation in those states, potentially affecting not only the presidential race, but Congressional and other contests as well.

Massachusetts state law now provides an 8:00 p.m. poll closing time. Although this law would need to be amended, I believe the benefits derived from a uniform poll closing bill far outweigh this minimum inconvenience for the Commonwealth of Massachusetts.

I hope this information is helpful to you.

Sincerely,

MICHAEL J. CONNOLLY,
Secretary of State.

MICHIGAN DEPARTMENT OF STATE,
Lansing, MI, October 10, 1987.
Hon. BILL FRENZEL,
Hon. BILL THOMAS,
Congress of the United States, House of Representatives, Washington, DC.

DEAR CONGRESSMEN FRENZEL AND THOMAS: Secretary of State Richard Austin is concerned with the effect of the early release and projection of presidential election returns and believes that this significant problem rightfully deserves the attention of the Congress. Mr. Austin has asked me to convey to you his concerns on this issue and on the legislative proposals now being considered.

I have three concerns with the proposed uniform poll closing changes that would result in Michigan from the legislation enclosed with your letter. (Currently, Michigan's polls open at 7:00 a.m. and close at 8:00 p.m. E.S.T.) First, the extension of Michigan's polling period by even two hours would mean that Michigan communities would have to pay election day workers approximately $250,000.00 in additional wages. This additional cost burden could not be justified unless it could be demonstrated that the two or three hour polling period extension would result in an increase in voter turnout levels. Secondly, by shifting the opening of Michigan's polls to 8:00 a.m., one of the busiest voting hours in the state would be lost (7:00 a.m. to 8:00 a.m.). Finally, an 11:00 p.m. poll closing would mean that the majority of Michigan's precinct workers would not complete their end-of-day duties until 1:00 a.m. and in some cases, 2:00 a.m. I view this as an extremely late hour for precinct workers who have reported for duty at 6:30 a.m. During the final hours of the day, when highly detailed precinct reports must be completed, fatigue would be great—increasing the chance for inaccuracies in the reports. Clearly a second shift of precinct workers would have to be brought in to cover the latter half of an 18 to 19 hour day. I question whether many of our local clerks are prepared to cope with a sudden doubling of their precinct staffing needs, a significant increase in costs and training and a more difficult recruiting task.

A further concern is that the proposed legislation does not compel the media to withhold election projections until the polls are closed. While I understand that most of the networks have agreed to withhold projections as long as all of the networks adhere to the agreement, the recent and continuing proliferation of new networks (CNN, Metro Media) reduces the likelihood that an agreement of this sort would work in actual practice. With the competition between television networks as keen as it is—and exit polling techniques becoming increasingly more sophisticated—it is probable that the contest to see who can call the election first would continue even with uniform national polling hours and a non binding agreement between the networks in place. At a minimum, the legislation should reference the agreements with the networks and automatically release all states from uniform hours if and when the networks violate the agreement.

In summary, while I am anxious to help work toward a solution to the problem presented by the early projection of presidential election results, I feel that alternative solutions to the problem should be explored. Two possible solutions that would not be disruptive to polling hours currently in place across the country would be a federal prohibition enforced by the Federal Communications Commission against the broadcast of election returns before 10:00 or 11:00 p.m. or a requirement that television networks blackout projections in a time zone until the polls close in the region.

I thank you for giving me the opportunity to offer my comments on this issue.

Sincerely,

CHRISTOPHER M. THOMAS,
Director of Elections.

STATE OF MINNESOTA,
St. Paul, MN, July 8, 1987.
Representative BILL FRENZEL,
Longworth Building, Washington, DC.

DEAR BILL: You asked about the effect that H.R. 435, the Uniform Poll Closing Bill, would have on Minnesota election procedures. The bill, in the form discussed in Report 100-117, Part 1, does not appear to require any changes in Minnesota.

H.R. 435 would impose a poll closing time of 9:00 p.m. EST which corresponds to our current closing time of 8:00 p.m. CST. The bill does not affect opening times which can vary under our current statute. If the proposed language in section 21 allows people who are standing in line at 8:00 p.m. to vote, polling place procedures in Minnesota will not be affected at all by this bill.

M.S. § 204C.05, subd. 2 requires that voters in line at 8:00 p.m. be allowed to vote:

"Voting shall not be allowed after the time when it is scheduled to end, unless individuals are waiting in the polling place or waiting in line at the door to register or to vote. The voting shall continue until these individuals have been allowed to vote. No individual who comes to the polling place or to a line outside the polling place after the time when voting is scheduled to end shall be allowed to vote."

I believe it is very important to retain this provision since polling place delays or congestion caused by high voter turnout should not disenfranchise any eligible voter who arrives at the polling place before the scheduled closing time.

Please let me know if I can provide any additional information. Thank you for your concern about the effects of federal legislation on Minnesota election procedures.

Sincerely,

JOAN ANDERSON GROWE,
Secretary of State.

STATE OF MISSISSIPPI,
Jackson, MS, January 8, 1987.
Hon. BILL FRENZEL,
Longworth Building, Washington, DC.

DEAR CONGRESSMAN FRENZEL: I read with interest your letter concerning H.R. 3525, the Uniform Poll Closing Bill. I wish to state that while I agree with the theory of uniform closing so as not to discourage voting, some provisions of this Bill would pose problems for Mississippi.

In June of 1984, Dick Molpus, the Secretary of State, appointed a twenty-five member Task Force to study and evaluate the present election laws. As a result, an election bill will be introduced during the 1986 Legislative session calling for a comprehensive revision of these statutes. One of the recommendations of the Task Force was the extension of polling hours. At the present time, the polls open at 7:00 a.m. and close at 6:00 p.m. After considerable study, the Task Force recommended an extension of one hour to the closing time or 7:00 p.m.

To be more specific, Mississippi has approximately 49 counties utilizing paper ballots. After the polls close in these counties, poll workers must hand tally the votes. They are paid $40 per day for their services. The consensus of the Task Force was not to recommend that the polls remain open longer than twelve hours. Certainly, an increase in polling hours would necessitate a salary increase.

Also for your information, Mississippi is governed by the provisions of the Voting Rights Act. The United States Justice Department will have to approve any change to amend our present election statutes.

In conclusion, thank you for giving me the chance to respond to this matter. I am hopeful that my letter will give you insight into the voting procedures of this State. I will follow with interest the progress of this Bill.

Sincerely,

NANCY SULSER,
Special Projects Officer.

STATE OF MISSOURI,
OFFICE OF SECRETARY OF STATE,
Jefferson City, MO, August 11, 1987.
Hon. BILL FRENZEL,
Third District, Minnesota,
Longworth Building, Washington, DC.

DEAR CONGRESSMAN FRENZEL: Thank you for your correspondence regarding H.R. 435. After conferring with a member of your staff, I learned that the Subcommittee on Transportation, Tourism and Hazardous Materials was hearing testimony on the bill on August 5th. Because of prior commitments, I was unable to testify in person on the bill, but submitted the enclosed letter as testimony.

At this time, please let me offer my assistance to you when the uniform poll closing bill comes before the House. If there will be further hearings or opportunities to discuss this bill with the House, I would appreciate your notifying me. I would make every effort at that time to attend any other hearings or discussions at which my input could be helpful.

Again, I am opposed to H.R. 435 for several reasons:

First, I do not believe it should be the role of the federal government to set a uniform closing time for elections that involve state and local, as well as federal candidates. Currently, states have varied polling hours in places to serve the needs of their voters. For instance, in Missouri there are seven possible election dates each year on which state or local elections may be held. The polls open at 6:00 a.m. and close at 7:00 p.m. for each of those election dates. In my opinion, adjusting those election times to accommodate presidential general elections only would be a needless and confusing intrusion into the process of voting.

As you know, a large percentage of the public has not been voting. In Missouri, election authorities have launched various efforts to reduce voter apathy and encourage the electorate to vote. With uniform poll closing, we would be forced to make a decision: would we change polling times on all elections to create a uniform system or would we simply have "federal election voting times" for those elections held in November of Presidential years and "state and local election voting times" for the majority of elections? Either way, I think we would confuse voters and possibly discourage some voters we have worked hard to involve because polling hours could be inconsistent.

Secondly, I feel uniform poll closing would be a costly proposition. Each additional hour we add to the voting day adds thousands of dollars to local election costs. These costs are, of course, borne by local jurisdictions, many of which are ill-equipped to shoulder any more financial burden. The recruitment of local "election judges" is already difficult in Missouri. Even that one additional hour at the polling place (until 8 p.m. Central Time) would almost certainly make a difficult situation worse. You must remember that the additional hour would add time to the entire process of tabulating ballots. This would make for a very long day for the election judges and would, I believe, significantly enhance the likelihood of error during the hand tabulation process which many of our local jurisdictions still rely on.

Another provision of H.R. 435 designed to "unify" this process is the extension of Daylight Savings Time until the Sunday after the Presidential election day every four years in those states in the Pacific Time Zone. This would be, at the very least, confusing and inconvenient to everyone. But, it would cause severe problems for our transportation industry. Airline, bus and freight schedules would be thrown into a state of total chaos in an attempt to gain results that I don't think would be realized.

Finally, I am not enthusiastic about restructuring the local election hours in response to new techniques used by the national news media. The election process is, after all, public business. Certainly, we recognize the important functions of the news media, and I agree that they must have proper access for coverage. But, I do not believe a national uniform poll closing is an appropriate solution to the problems brought on by early projections and the broadcasting of polling results.

I believe that changing our national system of elections in response to pledges of the current managing executives of the national news networks causes more problems than it solves. Two one-sided Presidential elections combined with the advent of "exit" polling and sampling have made the problem of early projections appear to be greater than it probably will turn out to be. Information technology changes, projections based on demographic data become more refined, policy makers for the national networks change in ways that require us to make decisions based on circumstances that will probably change by the next election.

I think the idea of federally mandated uniform poll closing is an intrusion that creates more problems than it solves and in all probability will not solve the problem that occurred in 1980 and 1984.

Sincere regards,

ROY D. BLUNT,
Secretary of State.

DEPARTMENT OF STATE,
Lincoln, Nebraska July 17, 1987.

Hon. BILL FRENZEL,
Member of Congress, Longworth House Office Building, Washington, DC.

DEAR CONGRESSMAN FRENZEL: I thank you for your correspondence of July 1, 1987, regarding House Resolution 435, the Uniform Poll Closing Bill. I welcome the opportunity to comment on this recent House proposal, and do indeed have a few general observations to share with you.

Let me say at the outset that your position on state's rights is very highly commendable. By and large, the election process with various guidelines granted by the Federal Constitution is basically a product of and by each individual state. With the exception of the day of the Presidential general election, each state conducts its own elections without any federal intervention whatever.

It is my considered opinion that H.R. 435 would not encroach on state election jurisdiction and authority mentioned above, but would only complement the constitutional provision regarding the Presidential general election every four years. Rather than an intrusion of state's rights as some have indicated, the legislation could actually enhance voter participation by not allowing network television the clear opportunity of "calling" an election before citizens on the west coast and elsewhere are able to vote.

As a longstanding member of the National Association of Secretaries of State (NASS), I have documented evidence and reviewed many instances of voters on the west coast relinquishing their place in line to vote due to early network projections. Regardless of what the actual number of people is who decide not to vote because of such early projections, even one voter is simply too many. Although the House measure could conceivably result in some additional expenses for a few states and quite possibly require some revision of existing state statutes or state constitutions, H.R. 435 would generally be beneficial to the American people. In addition to providing a uniform time for poll closing across the nation, the bill would also serve as an instrument of control over the influencing of voters on election day.

I hope that my comments will be useful and constructive to you and your colleagues in Congress, and I thank you for providing me this chance to comment.

Respectfully submitted,

ALLEN J. BEERMAN,
Secretary of State.

STATE OF NEW JERSEY,
DEPARTMENT OF STATE,
Trenton, NJ., July 17, 1987.

Hon. BILL FRENZEL,
Congressman, Third District—Minnesota, Longworth Building, Washington, DC.

DEAR CONGRESSMAN FRENZEL: Thank you for your letter regarding New Jersey's reaction to a uniform time for a nationwide (Presidential) poll closing.

While the State of New Jersey is fundamentally supportive of any legislation promoting and/or enhancing voter turnout, a later poll closing time for Presidential Elections would cause problems.

There have been persistent complaints in the State of New Jersey by concerned election board workers regarding the low pay and long hours on election day. If H.R. 435 is to be enacted, New Jersey would have to implement the necessary legislation to extend the voting hours and address the problem of increased pay and/or trying to get additional poll workers. Getting these poll workers is an ever-increasing problem. It's safe to assume that adding an hour to an already long day would exacerbate the situation.

I hope I have been of assistance to you in regard to this matter. If you should have any further inquiries, please feel free to contact me at any time.

Sincerely,

CHRISTINE D. ST. JOHN,
Director, Election Division.

STATE OF NEW YORK,
STATE BOARD OF ELECTIONS,
Albany, NY, July 22, 1987.

BILL FRENZEL,
1026 Longworth Building,
Washington, DC.

DEAR MR. FRENZEL: On behalf of Thomas W. Wallace, Executive Director of the New York State Board of Elections, I am acknowledging your letter of July 1, 1987 in which you ask for the Board's opinion on how H.R. 435 will affect election law administration in New York State. The bill will have no effect on New York Election Law because under the current provisions of the Election Law, section 8-100 of such law already requires polling places to be open from 6:00 A.M. to 9:00 P.M. for all general elections.

If this office can be of any further assistance to you, please feel free to call upon us.

Very truly yours,

THOMAS P. ZOLEZZI,
Special Counsel.

HOUSE OF REPRESENTATIVES,
Washington, DC, August 5, 1987.

Mr. ALEX K. BROCK,
Executive Secretary/Director, State Board of Elections, Raleigh, NC.

DEAR MR. BROCK: The House of Representatives will be considering H.R. 435, the Uniform Poll Closing Bill after the August recess. As you may recall, the House passed an identical bill in the 99th Congress but the Senate did not take any action.

As passed by the Committee on House Administration, the bill would: 1) establish a uniform time for poll closing in presidential general elections only of 9:00 p.m. Eastern Time; 2) extend daylight savings time until the Sunday after election every four years in those states in the Pacific time zone; and 3) polls in the Pacific time zone would close at 7:00 p.m. daylight time.

State and local governments are responsible for managing elections and paying for their costs. The federal government can set standards. It should never interfere in local management of elections unless there is a compelling evidence of a need to do so. In my judgment, the Committee has presented no such evidence in this instance.

I would appreciate your comments on how this bill might affect your current state election procedures particularly whether it will require additional poll clerks, a change in state law, or any other additional costs or difficulties in implementing this proposal.

As always, I value your comments and input into our deliberations.

Best regards,

BILL FRENZEL,
Member of Congress.

STATE OF NORTH DAKOTA,
DEPARTMENT OF STATE,
Bismarck, ND, July 9, 1987.

Hon. BILL FRENZEL,
Member of Congress, Longworth House Office Building, Washington, DC.

DEAR MR. FRENZEL: I am in receipt of your letter dated July 1, 1987, concerning the Uniform Poll Closing Bill.

Most of North Dakota is on central time with the southwestern one fourth part of the state on mountain time. At this time I don't think we have any negative voter turnout in our state based on preliminary results being broadcast on national television networks.

I feel most of our voters would still go to the polls to vote on national, congressional, state, legislative, and local races. Local city and county authorities now have authority to establish polling hours. Our law allows polls to open as early as 7:00 a.m. and must open at 9:00 a.m. Further, they may close at 7:00 p.m. and must close by 9:00 p.m. We have five persons at the polls now to handle the voters.

Let me stress that I feel most of our voters would go to the polls to vote for all positions on the ballot. The polling hours must be left to the discretion of local authorities.

Sincerely,

Ben Meier,
Secretary of State.
Robert Schaible,
Deputy.

Secretary of State,
Columbus, OH, August 25, 1987.
Hon. Bill Frenzel,
House of Representatives, Longworth Office Building, Washington, DC.

Dear Congressman Frenzel: Thank you for contacting Secretary of State Brown about H.R. 435, the uniform poll closing legislation.

Unfortunately, Mr. Brown could not appear at the subcommittee hearing on August 5, 1987; however, a written statement was submitted indicating his opposition to this measure. I have enclosed a copy of the statement.

As the statement indicates, our office is opposed to uniform poll closing for a variety of reasons. In addition to all the obvious reasons one could cite concerning the networks, increased hours would make it extremely difficult to recruit a sufficient number of pollworkers, a problem that counties throughout Ohio already face. Longer hours would also increase the probability of human error by tired workers. Should H.R. 435 become a reality, Ohio would be forced to go to a system of two shifts of pollworkers. A shift system would increase the difficulty in tracking any inaccuracies that might occur.

I hope this letter, and Secretary Brown's statement, have addressed the questions in your letter. Please feel free to contact me if I can be of additional assistance on this matter.

Sincerely,

Nadine L. Pastolove,
Legislative Counsel.

Statement of Hon. Sherrod Brown, Ohio Secretary of State

Uniform poll closing has been proposed in numerous pieces of legislation as a solution to the television media's early release of exit polls and victory projections. Election after election, we see network news anchors announcing the outcomes of races long before the final vote is in the ballot box.

Citizens from Ohio and across the nation are increasingly frustrated and angry over the network practice of declaring the winners and losers before everyone has had the opportunity to vote.

I share that frustration and anger.

As Ohio's Secretary of State, I am opposed to any form of uniform poll closing, whether it be 24 hour voting, Sunday elections, or late closing in the East to coincide with poll closing in the West because it fails to address the underlying cause of the problem—the television networks. Networks insist on disrupting our electoral system so that they can increase their ratings with exit polls and victory predictions. Clearly, this is a case of television creating news rather than reporting it. This rush for ratings damages our electoral system. It discourages many voters from going to the polls since, according to the networks, the election has already been decided. It promotes a feeling of ineffectiveness and alienation for many voters.

Indeed some studies indicate voter turnout is adversely affected by the reporting of exit polls and early calls of victory before the polls have closed. Even if voter turnout is depressed only slightly, results in state and local races could be altered.

Elections systems usually are charged with encouraging and increasing voter participation. H.R. 435 would have the opposite effect. Shortening and changing hours in most states will serve only to confuse the voters and thus run the risk of depressing turnout.

Federal, state and local government officials throughout the United States face a mounting challenge to hold down spending and to make the public tax dollar stretch farther and farther. Yet the Congressional Budget Office estimates that H.R. 435 would impose an additional $2 million burden on already-strapped state and local election systems.

Implementation of H.R. 435 would require more outlays for pollworker training and wages. It would necessitate either split shifts for Ohio's 13,254 precincts or longer hours that would make it harder to recruit enough pollworkers for Election Day. Furthermore, adding more pollworkers could increase the difficulty in tracking any inaccuracies in vote totals.

These methods of uniform poll closing would also create safety problems, especially in major Ohio cities where pollworkers would not want to be working late at night.

The measure would affect not only the state and local election systems, but private industry as well. The Air Transport Association of America has noted the financial burden of adjusting flight schedules to accommodate additional Daylight Savings Time changes.

Uniform poll closing would cause considerable confusion in the minds of voters by having one set of longer hours for presidential elections and another set of shorter hours for years with local and state elections. In non-presidential years, voters would be coming to the polls late—only to find them closed.

I strongly urge the networks to take a more responsible stance on exit polls, although voluntary restraint has not worked to date.

Networks have a duty to act responsibly and to refrain from any action that might inhibit citizens anywhere in the nation from exercising their right to vote. Oliver Wendell Holmes reasoned that while we have the right of free speech, we have a correlative duty not to yell "Fire!" in a crowded theater.

Likewise, networks have the right to conduct exit polls and to announce results, but they have a duty to use those freedoms in a manner that is not detrimental to the most fundamental freedom we enjoy: the untrammeled right to choose, without coercion, our elected representatives.

I urge the members of this committee to consider the problems created by the networks as well as the problems that would be created by uniform poll closing legislation.

Uniform poll closing is not the solution. Responsible networks news reporting is the answer.

Oklahoma State Election Board,
Oklahoma City, OK, December 26, 1985.
Representative Bill Frenzel,
Longworth Building, Washington, DC.

Dear Representative Frenzel: Thank you for requesting my input concerning the ramifications of H.R. 3525 on Oklahoma election administration.

Oklahoma law now requires that polling places be open from 7 a.m. to 7 p.m. If H.R. 3525 were to become law, I presume that the Legislature would change the closing time to 8 p.m. for Presidential elections, so that voters who arrived at the polls between 7 p.m. and 8 p.m. would receive not just federal ballots—as would be required by H.R. 3525—but state and county ballots as well. I do not anticipate significant changes in terms of increased personnel or costs. As I am sure you are aware, it is becoming increasingly difficult to retain the services of qualified poll workers. H.R. 3525 would act to exacerbate that problem by adding additional time to an already-long day for these election officials.

If I may be of further service to you, please let me know.

Sincerely,

Lee Slater,
Secretary, State Election Board.

Please Complete and Return to: Hon. Bill Frenzel and Hon. Bill Thomas, Committee on House Administration

1. Please list the number of officials required by state law to work in each precinct on election day. What is the amount of compensation for each official?

Elected Officials: 1 Judge of Elections, 1 Majority Inspector, 1 Minority Inspector

Appt. Officials: Clerks (the number of clerks depends on the voting method used in precinct (see attached 25 P.S. § 2674).

Machine Inspectors are appointed in election precincts using voting machines where more than one voting machine is utilized.

2. Would any of the bill require additional poll workers in your state? If yes, approximately how may more. Would there be a problem to recruit the additional poll workers?

(a) Current Pennsylvania laws require all election officials listed in No. 1 to remain at polls continuously during the casting and counting of votes. Any extension of voting hours may require additional officials so that rest breaks could be scheduled.

(b) Unknown.

3. Would any of the proposals require different locations for precinct polling places?

Yes. Churches are widely used as polling places and would be eliminated by Sunday voting.

4. Based on your own local circumstances, would you recommend that Congress pass any of the following bills?

A. Twenty-four hour voting, yes [☐]; no, [X].

B. Sunday voting, yes [☐]; no, [X].

C. Opening and closing times set by Federal Election Commission, yes [☐]; no, [X].

D. Uniform closing times: 1. What hour would be best for you? [☐] p.m. yes [☐]; no, [X].

State of South Carolina,
Election Commission,
Columbia, SC, October 25, 1985.
Hon. Bill Frenzel,
Hon. Bill Thomas,
Committee on House Administration, Washington, DC.

Dear Representatives Frenzel and Thomas: Thank you for the opportunity to comment on election proposals currently being considered by the Subcommittee on Elections of the House Administration Committee. I am sorry for the delay in answering your inquiry; however, I have been in the hospital and only recently returned to my office.

Enclosed is the completed questionnaire which you requested comments concerning.

In addition, based upon my experience in elections as director of the State Election Commission for the past 20 years, I should like to make a suggestion to your committee for a solution to the problem we are experiencing in the times the polls close on the east coast in presidential and vice presidential elections. It would cause a great deal of disruption, additional work and expenses to the states on the east coast to require them to work additional hours on election day or to change the voting hours to open later and close later in the election day although the actual working hours are not increased. It would seem to me that a more workable solution to this problem would be a federal statute that would prohibit any election official, federal, state or local, from disclosing or making publicly known the results of the vote for president and vice president until the polls close in the western portion of the United States. This would permit election officials in the east to maintain the same voting hours; to go ahead and begin counting the ballots for president and vice president; but, it would prevent them, by law, from publicly dislosing these results to anyone, including the media, until such time as the polls close in all other states.

If you or your committee would like to discuss this matter with me further, I would be happy to meet with you.

Yours very truly,
James B. Ellisor,
Executive Director.

Please Complete and Return to: Hon. Bill Frenzel and Hon. Bill Thomas, Committee on House Administration

1. Please list the number of officials required by state law to work in each precinct on election day. What is the amount of compensation for each official?

Three officials for each 500 registered voters or portion thereof in each precinct. For example, if there are 650 registered voters in a precinct, the law requires six officials. Each official receives a minimum of $50.00 for the election.

2. Would any of the bill require additional poll workers in your state? If yes, approximately how many more? Would there be a problem to recruit the additional poll workers?

Longer hours would require additional poll workers and it would be difficult in some areas to recruit additional poll workers.

3. Would any of the proposals require different locations for precinct polling places?

Possibly so, but not to any great extent with the exception of Sunday voting. We use many churches in South Carolina as voting places and they would be unavailable on Sundays.

4. Based on your own local circumstances, would you recommend that Congress pass any of the following bills?

A. Twenty-four hour voting, yes, [☐]; no, [X].

B. Sunday voting, yes, [☐]; no, [X].

C. Opening and closing times set by Federal Election Commission, yes, [☐]; no, [X].

D. Uniform closing times: 1. What hour would be best for you? [☐] p.m. yes, [☐]; no, [X].

Secretary of State,
State of South Dakota,
July 8, 1987.

Hon. Bill Frenzel,
House of Representatives,
Washington, DC.

Dear Representative Frenzel: Thank you for your letter of July 1 regarding H.R. 435, the Uniform Poll Closing Bill.

South Dakota resolved its problem with two time zones several years ago when the state statute was changed to provide that voters in the central time zone during a general election would be able to vote from 8:00 a.m. to 8:00 p.m. while voters in the mountain time zone voted from 7:00 a.m. to 7:00 p.m. Thus our polls opened and closed simultaneously in both time zones.

Since that timetable meshes with the proposals in H.R. 435, passage of this legislation would have no effect on our general elections. At this time I do not wish to support or oppose the bill. I believe it should be an issue for the states which would be affected.

I do appreciate being asked to comment.

Sincerely,
Joyce Hazeltine,
Secretary of State.

State of Tennessee,
Department of State,
Nashville, TN, August 10, 1987.

Hon. Bill Frenzel,
House of Representatives,
Washington, DC.

Dear Representative Frenzel: I am in receipt of your letter to David A. Collins dated August 5, 1987. I took over as Coordinator of Elections for Tennessee for Mr. Collins in March of this year.

Tennessee currently has an in-state uniform poll closing law, in that portions of Tennessee are in both the Eastern and Central time zones. The Tennessee election laws currently specify that, in state-wide elections, polls in the Eastern time zone must remain open until 8 o'clock p.m., while polls in the Central time zone must remain open until 7 o'clock p.m.

At the recent National Association of Secretaries of State's Conference in Boston, Massachusetts, Tennessee Secretary of State Gentry Crowell outlined Tennessee's current situation during a discussion of the uniform poll closing bill, and expressed his opinion that the bill would probably have minimal effect on Tennessee if enacted.

Thank you very much for your interest in our comments and input into your deliberations. I will be happy to provide you with any information on Tennessee's experience with uniform poll closing if you feel that it would be useful.

Sincerely,
David Haines, Jr.,
Coordinator of Elections.

State of Texas,
Office of the Secretary of State,
Austin, TX, 78711 August 20, 1987.

Hon. Bill Frenzel,
House of Representatives,
Washington, DC.

Dear Congressman Frenzel: Recently, my office received a letter from you to Myra McDaniel regarding H. R. 435 (the uniform poll-closing bill). Ms. McDaniel resigned as Secretary of State on January 26, 1987, and I was appointed on that date by Governor William P. Clements, Jr. to fill the office of Secretary of State of Texas.

In your letter to Ms. McDaniel, you asked that this office provide you with comments on how H. R. 435 might affect Texas' current state election procedures. Upon discussing H. R. 435 with my professional elections staff, it is my opinion that H. R. 435 would cause significant administrative difficulties for the conduct of elections in Texas.

First, Texas law provides that polls open at 7:00 a.m. and close at 7:00 p.m. on each election date. Even with a 7:00 p.m. poll-closing time, it is difficult for election judges and clerks to tabulate the poll results, transfer them to the respective county courthouses for county-wide and district-wide tabulation, and notify this office of these election results within a reasonable time after the polls close. Because this office is charged under Texas law with the responsibility of gathering and reporting election returns on election night, any further delay in the poll closing time across the state mandated by Federal law under H. R. 435 would cause a further unwarranted delay in the tabulation and reporting of these election returns. Also, because of the delay, there would be an increase in the administrative costs not only within this office, but across the 254 counties in Texas.

Further, my professional elections staff has discussed the rationale of H.R. 435 with me, and has led me to the conclusion that arguments in favor of the bill are of questionable merit. There is no appreciable downturn in voter turnout in the west coast states allegedly affected by early disclosure of election returns from the east and central portions of the country. Therefore, I have very serious questions about whether H.R. 435 is a necessary addition to our federal statutes.

Moreover, the significant costs to Texas (and I suppose other similarly situated states) in time and administration which would be incurred if H.R. 435 was passed lead me to believe that in the absence of a compelling reason for the passage of H.R. 435 (the existence of which I am unaware), it would be an imprudent and unnecessary addition to federal election law.

Thank you for contacting this office regarding H.R. 435. If you have further questions, please feel free to contact me.

Very truly yours,
Jack M. Rains.

Office of the Secretary of State,
October 29, 1987.

Hon. Bill Frenzel,
House of Representatives,
Washington, DC.

Dear Congressman Frenzel: Thank you for your letter of July 1, 1987, in which you inquired as to the effect the Uniform Poll Closing Bill (H.R. 435) might have on current Texas election procedures.

The single poll closing time proposal would require Texas polls to be open from 7:00 a.m. to 8:00 p.m. on a presidential general election day. Currently, Texas polls are open from 7:00 a.m. to 7:00 p.m.

The proposed one-hour extension of polling hours will postpone the reporting of election returns, and thereby slow the Secretary of State's Election Night Return process. In addition, there will be a fiscal impact at both the state and county levels. In 1984, there were 6583 election precincts utilized in the presidential general election. With an average of five clerks per precinct, the cost to the counties under this bill, assuming that the same number of precincts are used in 1988, will increase $164,575. The bill will also make it more difficult to hire election judges and clerks, who already work thirteen to fourteen hours or more on election day.

The bill will certainly require a change in the Texas Election Code. This opens the question of whether, if changed, the proposed 7:00 a.m.-8:00 p.m. hours should be extended to encompass non-presidential general, primary, and special elections as well.

If the extended polling hours are extended to primary elections in either presidential or non-presidential general election years, or both, the cost to the State of Texas will be even higher. The State of Texas is required to pay the expenses of the primary, including the expenses of paying election officers for an additional hour's work at nearly 12,000 polling places. In addition, the Elections Division of this office will have to pay increased overtime/compensatory remuneration to its permanent and temporary employees on election night.

Texas voters are used to their polling hours, and a complete or partial change in the Election Code to meet the bill's requirements would also result in voter confusion and uncertainty.

In sum, I most certainly agree with you and Congressmen Dickinson, Badham, and Roberts that the Uniform Poll Closing Bill represents "an unwise, unwarranted, and unnecessary intrusion into an area that has traditionally been left to the legislatures" of the several states to regulate.

If this office can be of further assistance to you in this matter, please do not hesitate to contact me at (512) 463-5723 or the Elections Division at (512) 463-5650.

Sincerely,

RANDALL H. ERBEN,
Assistant Secretary of State.

STATE OF UTAH,
LIEUTENANT GOVERNOR,
Salt Lake City, UT, December 27, 1985.

Hon. BILL FRENZEL,
U.S. House of Representatives,
Washington, DC.

DEAR CONGRESSMAN FRENZEL: Thank you for your letter of December 19, 1985, regarding H.R. 3525, the Uniform Poll Closing Bill.

I agree with your evaluation of the bill and the lack of effect it will have on increased voter participation. Utah's polls are presently open from 7:00 a.m. until 8:00 p.m. on election day. H.R. 3525 would close our polls one hour earlier, which would have a greater negative impact on voter participation than would any media information regarding vote trends from the east.

Election procedure has traditionally been a state responsibility. Utah has a history of being one of the leaders in voter participation. Our elections have also been fair and lacking in fraud. We feel that H.R. 3525 would be an unnecessary infringement on our right and responsibility to conduct elections in a way that provides the greatest benefit to our people.

We hope that when this bill is brought up for discussion it will be soundly defeated.

Sincerely,

DAVE HANSEN,
Deputy Lieutenant Governor.

STATE OF VERMONT,
OFFICE OF THE SECRETARY OF STATE,
Montpelier, VT, July 13, 1987.

Hon. BILL FRENZEL,
U.S. Representative, House of Representatives, Washington, DC.

DEAR MR. FRENZEL: Thank you for your letter of July 1 and the opportunity to comment on H.R. 435, the Uniform Poll Closing Bill.

I believe this is a most undesirable piece of legislation, and I'll try to briefly outline my reasons why. First, however, let me point out an error in the report from the Subcommittee dated June 2nd. In three different places, on pages 15, 25 and 27, the report indicates that the shortest number of hours during which the polls are open in our country now is ten hours. In Vermont, a majority of towns are open for only nine hours. Our polls uniformly close at 7:00 p.m., and the opening hour is a local option between 6:00 and 10:00 a.m. Most towns opt for the shortest period, which is a total of nine hours. This is not central to the issue at hand, but I thought I should set the record straight.

At the outset, I believe that Congress must consider the real scope of the problem. I'm convinced, although you may not be, that in 1980 the early projections by the television networks, coupled with President Carter's premature concession, caused some voters in the Pacific Time Zone to evade their constitutional duty and fail to vote.

Significant numbers of voters are discouraged, in my judgment, only in a Presidential election year with circumstances similar to those in 1980. We had a hotly contested race which appeared to be close right up until the end. Then, on election night, it became quite clear that one candidate was running away with it. The news that the election was over was a deterrent to participation.

In other election years, however, the problem does not arise. In 1972 and 1984, for example, everyone knew that the incumbent President was going to win by a landslide. In 1968 and 1976, the election campaigns were exceedingly close, and we didn't know the victor until long after the polls had closed.

It's only in a situation like 1980 when the election appears to be close and then becomes a runaway that the early projections cause a serious problem. I don't mean to exonerate the networks; they really ought to behave more responsibly in this matter. Unfortunately, even with a uniform poll closing hours, the technology of data processing would permit networks to make projections at midday if they so desire. I know they have promised not to do so, but we can't be sure how long that commitment will last.

Vermont elections are conducted principally by volunteers. These devoted citizens usually work from fifteen to twenty hours on election day, checking voters in, explaining the voting process and counting votes from paper ballots by hand until the small hours of the morning. Some seventy percent of Vermont voters still use paper ballots. Only a dozen or so cities and towns have voting machines where the tabulating can be done quickly. All polls now close in Vermont at 7:00 p.m., but most election officials seldom finish before midnight, given the need for ensuring an accurate tallying of checklists, count of votes and completion of returns. Our experience shows that the longer the time needed for winding up the election, the more likely we will find errors and mistakes in the final outcome. This is not intended to be a negative reflection on Vermont poll workers, but rather a realistic assessment of the limits of human stamina. Election officials do an incredible job with very few problems, but if you saddle them with two or three more hours of work before the polls close, you are asking the impossible from them.

Consider also the fiscal impact on municipalities. At a time when the property tax has been stretched to the limit to pay for necessary local services such as education, longer hours of voting will force cities and towns to pay for more poll workers, thus straining local resources even further. Article 1, Section 4 of the Constitution of the United States guarantees the right of the states to prescribe the times, places and manner of holding elections for senators and representatives. While that section reserves a residual right of Congress to make or alter such regulations, it seems clear that the purpose of this residual right was to reserve to the federal government "a right to interpose, whenever extraordinary circumstances might render that interposition necessary to its safety." Hamilton, Federalist 59.

Here is no national emergency caused by the states, but a problem caused by the media. Here is a bitter medicine being forced down the throats of the states when the disease is manifest in the behavior of television reporters. The medicine is worse than bitter: it may well cause as great harm to existing election systems as the ill it seeks to cure.

One final point—Vermonters are very independent and often contrary, and I would predict that if this legislation is enacted, many towns in the state will simply refuse to comply. I encountered this several years ago when the state required that the polls stay open until 7:00 p.m. for all Australian ballot elections, and I was surprised to find some towns, in the case of our last two Presidential Primaries (which incidentally many people oppose), simply shut down when they felt like it. Imagine the resulting challenges and litigation when Presidential candidates find out that the polls did not stay open until the required hour in some locations.

I appreciate your leadership in endeavoring to convince your colleagues to reject this kind of legislation. I hope that the Congress will make no precipitous decisions until all the alternatives have been explored and all the consequences of your actions have been considered. Elections are delicate mechanisms, easily damaged by slight changes in routine. The members who support this bill ought to remember that before making the lives of dedicated election officials more difficult by a Uniform Poll Closing Bill.

Good luck and best wishes.

Sincerely,

JAMES H. DOUGLAS,
Secretary of State.

COMMONWEALTH OF VIRGINIA,
STATE BOARD OF ELECTIONS,
Richmond, VA, July 8, 1987.

Hon. BILL FRENZEL,
House of Representatives,
Washington, DC.

DEAR MR. FRENZEL: Thank you for your letter of July 1, 1987 concerning H.R. 435, Uniform Poll Closing Bill. I, too, share your concern that this bill is an intrusion into a state run activity. My other concern is that Congress has failed to realize the problems such a law would create in the proper execution of the election process.

Currently Virginia's Officers of Election must be at the polls at 5:15 a.m. in order that the polls open precisely at 6:00 a.m. The polls close at 7:00 p.m., but then the detail work begins. Under Virginia law each precinct must compile the results before any Officer may leave. In a presidential election year it is not uncommon for this task to take three hours. If the polls did not close until 9:00 p.m., these officers would be working an eighteen hour, forty-five minute day.

Accuracy is the most important component in compiling election results. How can a person who has served fifteen and ¾ hours be expected to think clearly? Everyone seems to answer this question by stating the simple solution of having two shifts of Officers.

There are many problems involved in shift schedules.

(1) Officers of Election are not compensated at a high rates of pay, usualy $50 per day. However, this cost would double with a dual shift.

(2) It is already difficult to find enough Officers of Election and the number needed would double with dual shifts.

(3) Officers must take an oath that their work is true and accurate. How could the second shift take such an oath if they had not overseen the first shift's work?

(4) Does the poll close while the first shift compiles its work and the second shift comes on board?

(5) Virginia law would require major revisions to enable shift schedules.

Another answer would be to open the polls two hours later in the morning. However, one of the highest voter turnout periods is form 6:00 a.m. to 8:00 a.m. Should these voters be inconvenienced?

The major concern I have with H.R. 435 besides the costs, the personnel restraints, the inaccuracy of results and the intrusion into state's rights is that I don't think the Bill accomplishes anything. The news media (networks in particular) have stated they will not release results. But how are we to know that really will happen? The press has a right to report news in any format or time frame under the U.S. Constitution. Unless H.R. 435 mandates these restraints on the media (which I understand is unconstitutional) there is no guarantee that the expense, stress, possibility of inaccurate results and intrusion into states' rights will have any effect.

I support you in your attempt to defeat H.R. 435. Please let me know if I can be of further assistance.

Sincerely,

SUSAN H. FITZ-HUGH,
Secretary.

OLYMPIA, WA, *July 23, 1987.*

Hon. BILL FRENZEL,
Member of Congress,
Washington, DC.

DEAR CONGRESSMAN FRENZEL: You recently wrote to me soliciting my opinion on H.R. 435, which would establish uniform poll closing times for federal elections. The bill would, of necessity, require a modification in existing polling hours in some states.

I must tell you that I strongly support this legislation and intend to do everything I can to assist in its passage. We in the West are frankly, tired of having our votes for President rendered meangingless by the national news media hours before many of our voters have had the opportunity to cast their ballots. I realize that, being from Minnesota, you have yet to experience these feelings of frustration and anger that our voters have felt during the last two Presidential elections and undoubtedly will continue to experience with all future Presidential elections until Congress rectifies the situation. I can assure you, however, that those feelings are very real and very deep, and to dismiss them, as you appear to do, as being merely anecdotal, displays an insensitivity that I find very disappointing.

There are many things I could say about the need for this legislation, and about the flaws I see in your position in opposition to it, but I will restrict myself to just two. You state that there is no "credible research" to support the contention that Western voters were affected by the 1980 and 1984 Eastern results and that all such evidence has been anecdotal—and presumably, therefore, worthless.

This is simply not the case. The Unviersity of Michigan did a study—funded, in part, by the American Broadcasting Company—which reached exactly the opposite conclusion. I'm sure the fine staff of the Committee on House Administration could obtain a copy of this study for you if you have not yet seen it. Aside from that, however, it seems to me that one hardly needs to be a college professor to realize that, as about twenty-five percent of the registered voters in all states vote *only* in Presidential elections, a percentage of those voters are simply not going to bother if the race has been decided and announced before they even have the opportunity to participate. Those of us supporting legislation in this area believe that these voters ought to have the same right to cast a ballot for the most important elected office in the world as do the voters in Alabama, Kansas, or Minnesota.

The second comment I want to make regarding your dissenting view on HR 435 concerns the objections raised by the Air Transport Association of America in their letter to you of November 4, 1985. In it they express their concern over the ". . . confusion, disruption, and expense caused by a proposal to extend Daylight Savings time for two weeks every four years . . .". It would seem to me that this organization might well consider devoting its time, energy, and resources to eliminating the "confusion, disruption, and expense" that would continue to exist the other 206 weeks before they concern themselves too much about the two weeks before the Presidential elections.

I sincerely hope that you will reconsider your position on this legislation.

Sincerely,

RALPH MUNRO,
Secretary of State.

STATE OF WEST VIRGINIA,
SECRETARY OF STATE,
Charleston, WV, July 7, 1987.

Hon. BILL FRENZEL,
Member of Congress, House of Representatives, Washington, DC.

DEAR BILL: Thank you for writing about H.R. 435, the Uniform Poll Closing Bill. Although I respect the intent of the Congress in seeking maximum participation by votes, this bill will hurt West Virginia both financially and in a more subtle way—the quality of election administration.

These are the points I want to make about the effect on West Virginia election procedures:

1. The state law will have to be changed to require the different hours for presidential elections;

2. Poll clerks will have to be paid more than they currently receive to assure their services for such a long period, which will also require a change in state law;

3. Election officials will not be able to work efficiently from 5:30 a.m. until well after 9 p.m. Our state law does not currently provide for the substitution of poll clerks at a given point during the day. With the long hours, such a change might be necessary.

4. Obtaining trained poll clerks and commissioners is currently very difficult, and with such long hours may become much more difficult. In the smaller precincts of paper ballot counties, counting will not begin until 9:00 under H.R. 435. Such a delay will mean results will not be available to voters until well after midnight, which may have in itself a discouraging impact on voting. In counties conducting elections with punch-card ballots, tabulating will not begin until 9:30 or 10:00 thus delaying the reporting significantly.

In summary, I would look for this bill to have a very negative impact on West Virginia elections.

We are facing a time when counties are reducing staff and cutting budgets, the Secretary of State's office budget has been cut by 20%, and other decreases are in store. I am deeply worried about the consequences of this bill.

I hope this information helps.

Sincerely,

KEN HECHLER,
Secretary of State.

P.S.—I recall with warm feelings our service together in the upper House!

STATE OF WISCONSIN,
ELECTIONS BOARD,
Madison, WI, July 8, 1987.

Hon. BILL FRENZEL,
1026 Longworth Building, Washington, DC.

DEAR REPRESENTATIVE FRENZEL: Thank you for your letter of July 1, 1987, requesting my comments on H.R. 435, the Uniform Poll Closing Bill. You ask how this bill might affect Wisconsin state election procedures. In particular, whether it will require additional poll workers, changes in state law or any other additional costs or difficulties in implementing the proposal.

Wisconsin polls close uniformly at 8:00 P.M. central time for all elections held in the state. The Uniform Poll Closing Bill, H.R. 435, would have no impact on Wisconsin election procedures. There would be no need for additional poll clerks or a change in state law. The proposal would not impose any additional costs or difficulties for election administration in Wisconsin.

While it appears that a large amount of the evidence in support of this bill has been anecdotal, the evidence should still be given considerable weight. The perception of the integrity of the electoral process is essential to voter participation and public acceptance of the legitimacy of the election results. You undoubtedly know from your experience in Minnesota that our two states share a unique heritage in which any hint of election impropriety galvanizes the electorate to demand integrity in the election process. The perception of the electoral process in other jurisdictions is much more jaded compared to Minnesota and Wisconsin.

In my opinion, this proposal restores a significant degree of credibility to the Presidential selection process. The bill appears to balance the state traditions relating to polling hours with the concern of citizens about the integrity of the process.

Thank you for requesting my comments. If you have any additional questions, please feel free to contact me.

Sincerely,

STATE ELECTIONS BOARD,
KEVIN J. KENNEDY,
Executive Director.

SECRETARY OF STATE,
Wyoming, July 17, 1987.

Hon. BILL FRENZEL,
U.S. Representative, Washington, DC.

DEAR CONGRESSMAN FRENZEL: In answer to your recent inquiry, Wyoming would not be affected by the passage of H.R. 435, the Uniform Poll Closing Bill. Polling hours are presently 7 a.m. to 7 p.m., so current state election procedures would not be affected by the passage of the federal legislation.

Thank you for the opportunity to comment on the uniform Poll Closing bill.

Yours,

KATHY KARPAN,
Secretary of State.

PETITION IN OPPOSITION TO PASSAGE OF THE UNIFORM POLL CLOSING BILL TO THE HONORABLE MEMBERS, U.S. HOUSE OF REPRESENTATIVES, JANUARY 27, 1986

It is with the utmost concern that we voice our opposition to passage of the Uniform Poll Closing Bill, H.R. 3525 which was approved by the House Committee on Administration.

That bill would: 1) establish a uniform time for poll closing in presidential general elections only of 9:00 p.m. Eastern Time; 2) extend Daylight Savings Time until the Sunday after election day every four years in those states in the Pacific time zone; and 3) require polls in the Pacific time zone to close at 7:00 p.m. Daylight Time.

As chief election officials in the various states, we appreciate the interest the federal government has taken in the problems created by the networks' practice of projecting early election returns. We are all in agreement that a situation wherein any voter is discouraged from casting his ballot because the television networks have, for all intents and purposes, announced the results of the election before the polls even close is intolerable.

But consider for a moment the effect this legislation would have if passed. Without getting into the specifics, passage would mean dramatically altering the election laws of 39 states for one election held every four years. Such changes do not come without considerable cost to the states and to local communities already facing financial difficulties. Also, the number of hours polls would be open in some states would have to be changed or cut back, further distorting the voting process.

Moreover, the function of conducting elections is one that rightly belongs to the several states. The fact that federal officials are elected in conjunction with state officials is in the nature of a courtesy and is not an opportunity for federal control.

The most serious consequence of passage is, however, the message it sends to the major television networks in this country. We are telling them, in essence, that while they are responsible for detering large numbers of voters from participating in the election process, they hold such power over us as citizens and as elected officials that we are not able to hold them accountable for their actions. Rather, we have chosen to sidestep the real issue and settle for a "band aid" solution with potentially-serious consequences of its own.

That is not responsible government, and we cannot support such a measure as that sponsored by Representative Swift. We ask that you vote no on H.R. 3525 when it comes before this distinguished body for consideration.

Thank you for your attention.

Jim Waltermire, Secretary of State, Montana; Sherrod Brown, Secretary of State, Ohio; David Hansen, Office of the Lt. Governor Utah; James H. Henderson, Deputy Secretary of State Maine; Lee Slater; Secretary, State Election Bd. Oklahoma; James B. Ellisor, Executive Director, Election Commission, South Carolina.

James H. Douglas, Secretary of State, Vermont; Alex K. Brock, State Director of Elections, North Carolina; Natalie Meyer, Secretary of State, Colorado; Ken Hechler, Secretary of State, West Virginia; Nancy Sulser, Elections Coordinator, Office of the Secretary of State, Mississippi.

Mr. THOMAS A. LUKEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am urging the committee to report H.R. 435, a bill to set uniform poll closing times for Presidential general elections. This legislation is sponsored by our colleague, the gentleman from Washington.

The legislation was referred jointly to the Committee on House Administration's Subcommittee on Elections and to the Energy and Commerce Subcommittee on Transportation, Tourism and Hazardous Materials.

The bill would set a uniform closing time for polls across the Nation for 9 p.m. eastern standard time. The bill would further extend daylight saving time for States in the Pacific time zone through the day of the election—an additional 2 weeks—so that polls on the west coast could close at 7 p.m. rather than at 6 p.m.

The purpose of this bill is to prevent, during Presidential general elections, early broadcasts of exit poll results from Eastern States which discourages voters from voting in Western States, where polls would not yet be closed under the current system.

Recent technological advances have given the media the power to determine and broadcast election outcomes to Western States where polls are still open, based upon interviews with voters in Eastern States as they leave the voting booth. These early, yet nearly accurate predictions of election winners do not give voters in Western States any incentive to vote. The result is disenfranchised, discouraged voters.

Once a voter has been discouraged from voting in the Presidential election, it is unlikely that he or she will show up to vote for the State and local candidates whose races occur on the same day.

In these races, often decided by a few hundred votes, discouragement of voters at the national level can have a destructive, irreparable effect—which, in turn, damages the integrity of the democratic voting process.

Nonpassage of this bill during this Congress will send the message that voters in one part of the country are more important than voters in another.

The presidents of the three major television networks agreed in 1985 not to broadcast exit poll results in a State until all polls in that State have closed. They held true to their agreements in the 1986 elections. However, the problem remains unsolved unless polls in every State close at the same time. As legislators we must guarantee full and equal voting opportunity for all U.S. citizens. I fully support this legislation and urge that it be passed by this Congress.

□ 1305

Mr. WHITTAKER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to H.R. 435, the single poll closing time bill. The authority and responsibility of managing elections traditionally has been left to the States. State election officials hold the expertise to know the hours their polls need to be open and where they should be located in order to attract the greatest number of voters. They must also take into consideration how State taxpayers' money can best be used to finance the costs of elections and how poll workers' time can best be utilized. I believe there is only one legitimate rationale on which Congress should invade the States' authority in this area. That would be to increase voter participation. However, the effect of the legislation we are considering today would be to invade the States' voting responsibilities without increasing voter participation.

H.R. 435 attempts to address the concern that voters in Western States are adversely impacted by television broadcasts of Presidential returns from the East. Those broadcasts, unfortunately, are made before voting polls in the West have closed. The bill attempts to address this concern by:

First, requiring all polls to close simultaneously;

Second, extending daylight saving time in four and one-half States; and

Third, relying on the present commitment of the three major television networks not to use exit polling data to indicate the winner of an election in a State until the polls in that State have closed.

The effect of this legislation would be to shorten voting time in eight States. In other States voting hours would be lengthened requiring extended hours for poll officials. These are decisions that State election officials should be making; not Congress.

Specifically, the Energy and Commerce Committee has jurisdiction over the change the bill would make in daylight saving time. When Congress enacted the Uniform Time Act in 1966 it had important policy reasons for doing so. At that time there was more than one starting and ending date for daylight saving time. This caused confusion and expense for interstate and foreign commerce. By enacting H.R. 435 that would extend daylight savings time once every 4 years, for 2 weeks in four States and part of a fifth State, Congress will be reinstating the confusion it resolved in 1966.

The Energy and Commerce Committee also investigated the effect the bill would have on the transportation industry. During hearings, the Department of Transportation expressed concern that the legislation would be disruptive to the transportation industry. Particularly, the Department noted that some Canadian jurisdictions recently adjusted the dates their daylight saving time began and ended to conform to the United States in order to make foreign trade easier. Canada, however, would have little, if any, incentive to change its daylight savings time every 4 years because of a United States Presidential election.

Finally, the Department of Transportation testified that H.R. 435 could also cause safety problems and possible life loss for children by increasing the number of days they walk to school in the dark. Congress should be aware of this as it considers H.R. 435.

H.R. 435 is not likely to increase voter participation. Instead it will create confusion and havoc within interstate and foreign commerce by extending daylight saving time sporadically.

Mr. Chairman, the responsibility of managing voting hours should lie with the States, who also shoulder the responsibilities of running election polls. We should not disrupt that delicate balance of authority and responsibility. I urge my colleagues to vote "no" on H.R. 435.

Mr. SWIFT. Mr. Chairman, I yield 2 minutes to the gentleman from Washington [Mr. CHANDLER].

Mr. CHANDLER. Mr. Chairman, I would like to express my strong support for the uniform poll closing time and commend my colleague, the gentleman from Washington [Mr. SWIFT], for his leadership and excellent work addressing this issue.

This is an issue that deserves action from Congress before our next national election. Improvements in poll monitoring technologies have made it possible for networks to accurately forecast the outcome of most races just moments after the polls close.

Without a uniform poll-closing time, many Americans are effectively disenfranchised from the electoral process when results are announced before everyone has had an opportunity to vote.

The direct link between the elimination of early election projections and increased voter turnout is clear.

One study, conducted by the University of Michigan, concluded that the early projection in 1980 resulted in a 6- to 11-percent decline in overall voter turnout.

H.R. 435 resolves this problem without tampering with the constitutional rights of broadcasters. The uniform poll closing time, in effect, tells people on the west coast that their votes do count, and that they carry the same impact as votes from other time zones.

In addition, the uniform poll-closing time will avoid the possibility that the outcomes of State and local races are affected because people lose some of the incentive to vote once they learn the Presidential results.

The bill before us today is an innovative and workable way to address a problem that is a source of concern for voters everywhere.

This proposal accomplishes an important national objective with a minimum of disruption and confusion for voters in all regions of the country and I urge my colleagues to support it.

Mr. THOMAS of California. Mr. Chairman I yield 5½ minutes to my colleague, the gentleman from California [Mr. BADHAM], a member of the committee.

Mr. BADHAM. Mr. Chairman, H.R. 435, however nobly motivated, or however conceptually appealing, should be characterized as "reform without reason." There should only be one legitimate rationale on which to base Federal invasion of an area traditionally left to each State, and that rationale should be an increase in voter participation.

This bill will not achieve that purpose. In fact, it may accomplish exactly the opposite. Shortening voter hours in a number of States and changing voting hours in most of the States for Presidential general elections only confuse voters.

THE PERCEIVED PROBLEM

Following the 1980 and 1984 landslide Presidential elections, there have been scattered complaints about the impact of early projections of winners by the television networks, and their perceived impact on west coast voters. An early concession by the defeated Presidential candidate was a particular irritant. During each set of hearings conducted by the Task Force on Elections after the 1980 election and the Subcommittee on Elections after the 1984 election, little statistical evidence was brought forward to verify the impact on the west coast.

During both sets of hearings, we heard from west coast election officials who were virtually unable to present any more than folksy stories about people leaving the polls or that their projected number of voters were less than the actual number of voters which they felt suggested that early projections caused folks to stay home.

Additionally, some proponents cited the University of Michigan study conducted after the 1980 election that suggested turnout dropped 6 to 11 percent because of projections. However, a critique of that study published in a public opinion magazine using the same data indicated that only 0.2 percent of all eligible respondents reported that they did not vote because of election night coverage.

The point of all this is to suggest that we are indeed considering a "reform" without "reason." This bill will change the election hours in 39 States once every 4 years for no justifiable reason except that there is a perceived problem in 4½ States.

THE NETWORKS COMMITMENT

After the 1984 election the networks officials agreed that they would no longer "use exit poll data to suggest, through interpretation of that data, the probable winner in any State until polls in that State have closed."

Testimony before the subcommittee indicated some very real concern, which I share, with the scope of that pledge particularly in light of previous pledges made and broken by the networks.

But yet, we are offering to change the election laws of 39 States based upon a nonbinding agreement between the current corporate management of the networks and the leadership of the Subcommittee on Elections.

POLL HOUR CHANGES

H.R. 435 will require the majority of States to change their polling hours. Eight States: Iowa, portions of South Dakota, Montana, Utah, Idaho, California, Oregon, and Washington will be required to reduce the time polls will be open in their States. One of the more interesting comments from one of the election officials testifying before the subcommittee came from the Secretary of State of California who indicated in her written testimony that between 5 and 10 percent of the electorate vote between 7 and 8 p.m. However, that wouldn't be a problem because of their liberal absentee voting laws. She was unable to quantify the impact of early projections. I would suggest that anytime there is a change—particularly a reduction in voting hours only every 4 years—it will result in reduced participation and voter confusion.

Polling hours in eleven States will remain the same: New York, Rhode Island, Louisiana, Minnesota, Wisconsin, Nebraska, Arizona, Colorado, New Mexico, Wyoming, and Nevada.

In the balance of the States and the District of Columbia, 31 States will be required to alter their voting hours from a minimum of one-half hour in Arkansas to 2 to 3 hours in Indiana and Kentucky.

CONCLUSION

In the 1980 and 1984 Presidential elections, Ronald Reagan was elected and reelected by a landslide electoral college vote. It was possible on both occasions that candidate Reagan had won enough electoral college votes to be declared the winner before polls had closed in all parts of the Nation. If one had watched the evening news the night before the election, they knew the election was not going to be a cliff hanger.

Even though it may be years before that phenomena occurs again, this bill is going to require 39 States to alter their voting hours based on a nonbinding pledge made by three corporate entities in the hope that this will solve some sort of a perceived problem.

State and local governments are responsible for managing elections and paying for their costs. The Congressional Budget Office has indicated this could be at least $2 million. The Federal Government can set standards. It should never interfere in local management of elections unless there is compelling evidence of a need to do so. The committee has presented no such evidence.

This bill represents nothing more than social tinkering with a precious American right. Those who believe that States still have rights should vote against it. Those who are concerned voter participation will be reduced should vote against it.

□ 1320

Mr. WHITTAKER. Mr. Chairman, I yield 2 minutes to the gentlewoman from Hawaii [Mrs. Saiki].

Mrs. SAIKI. Mr. Chairman, I would like to express my support for H.R. 435, the Uniform Poll Closing Act and I ask unanimous consent to revise and extend my remarks.

I believe H.R. 435 is a reasonable approach to remedy the impact of different time zones on Presidential elections. The legislation will address the problems experienced by western voters, who often feel that their votes have no impact on the outcome of Presidential elections. I recognize, however, that this legislation is only a part of the solution. In order to truly remedy the problems encountered by western voters, I feel that television networks must indeed be sensitive about making projections and displaying the results of their exit polls.

I endorse the bill's exclusion of Hawaii and Alaska for if we were included in this measure, Hawaii would be forced to close its polls at 4 p.m. Hawaii time. With due respect to my colleague from Minnesota, be assured we will not feel disenfranchised to be left out of this bill.

Today, given time differences, Hawaii learns at 2 p.m. how the east coast voted. This bill offers Hawaii a larger window of participation—and additional 2 hours—before Eastern results are known in the 50th State.

That extra time will ensure that Hawaii voters are brought closer to the national electoral process. It will also help our State and local races, which sometime suffer when voters stay away from the polls because they "know the results" of a Presidential race.

H.R. 435 will benefit voters in Hawaii and the West By providing a measure of equity that does not now exist.

I urge my colleagues to support this measure.

Mr. SWIFT. Mr. Chairman, I yield 2 minutes to the gentleman from Connecticut [Mr. Gejdenson].

Mr. GEJDENSON. Mr. Chairman, I thank the gentleman from Washington [Mr. Swift] for his efforts on this piece of legislation. I say to the gentleman from California [Mr. Thomas] that I enjoy the opportunity to be on the same side of an issue in this instance with him.

I think what we have here is a bill that not only helps those on the west coast but helps all of us from east coast to west coast. It provides a framework for the Presidential elections that has a broad impact clearly across the Nation to minimize the kind of prereporting of results that ought not occur in the Presidential electoral process.

I frankly think that the committee, in particular the gentleman from Washington [Mr. Swift] and the gentleman from California [Mr. Thomas] deserve a great deal of applause for crafting a piece of legislation that disrupts the existing schedules as little as this does. It is, I think, to their credit that they have been able to craft this piece of legislation that will reduce the kinds of problems we have seen in the past and at the same time having States make as little change as possible, so it is a privilege for me to join my friends on the floor to support this legislation, legislation that has support from the east coast to the west coast. We are one Nation, and we are only dealing with the issue of Presidential elections. I would again commend the gentleman from Washington [Mr. Swift] and the gentleman from California [Mr. Thomas] for their efforts on this bill.

Mr. THOMAS A. LUKEN. Mr. Chairman, I reserve the balance of my time.

Mr. WHITTAKER. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana [Mr. Coats].

Mr. COATS. Mr. Chairman, I had not planned on speaking during the general debate although I did want to participate in the amendments on this bill. However, one of the statements of a previous speaker indicates that we ought to look more deeply at this problem. The previous gentleman who spoke said that this bill has minimal impact on the States. Let me detail what impact it has on the State I represent, the State of Indiana.

Currently our polls open at 6 a.m. and close at 6 p.m.—for a 12-hour voting period. That is traditionally the way we in Indiana decided that we can maximize voter turnout. It allows persons to vote on the way to work in the morning if they choose, or it allows them to vote on the way home from work if they choose, but it does not require the polls to stay open until the later evening hours when darkness comes, which it does early in November, and when we run into adverse weather conditions. Most importantly, it means we do not have to extend the time at which poll watchers, judges, and all those who work in the process have to be at the polls. Already those people now have to show up at the polls about an hour ahead of time to make sure they are open and all the equipment is there and everything is in working order. That means a 5 a.m. start. If this bill is passed the poll workers and poll watchers in Indiana will have to be at the polls at 5 a.m. in the morning and then they will have to stay there until at least an hour afterward the newly imposed 8 p.m. closing time to do the cleanup and the tallying and so forth that has to take place. That is an official 14-hour time period, plus an additional hour on each end to come and open up and to shut down and do all the things that are necessary, and thus we are talking about a 16-hour day.

Currently we handle the election process with our poll workers on a one-shift basis. Those that show up in the morning stay through the whole day. We can handle it with one shift.

If we go to a 16-hour day for an election process, we will have to hire two shifts of workers, because we cannot reasonably expect people to work from 5 in the morning until 9 at night on one shift.

Second, it is going to considerably increase the costs we are facing.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. THOMAS A. LUKEN. Mr. Chairman, I yield 2 additional minutes to the gentleman from Indiana [Mr. Coats].

Mr. Chairman, will the gentleman yield?

Mr. COATS. Mr. Chairman, I yield to the gentleman from Ohio.

Mr. THOMAS A. LUKEN. Mr. Chairman, the gentleman is making an eloquent statement on behalf of poll workers and I think all should be concerned about that. But as the gentleman knows, my district is immediately adjacent to Indiana so I am familiar with the time zone and the weather conditions and the darkness and the like, but I think the gentleman underestimates the interest that we should have in the voters even though it is in Indiana. I say that meaning that I do not want to invade the province of those public officials in Indiana, but I think as fellow Americans we ought to have some sensitivity, and those in Indiana might even enjoy the opportunity, to vote beyond the time of 6 p.m.

In Ohio recently we became an enlightened State and extended voting hours to 7:30 p.m., and I have no objection to extending it further to 9 p.m. to allow voting, and it is a case of extending in this case the enfranchisement.

I say to my colleague from Indiana, Mr. COATS, even though we must recognize the State's officals responsibility and their interest and soon, that it would not be the worst thing in the world if the voters from Indiana got to vote after 6 p.m. especially those Democrats or Republicans who might have to work beyond 6 p.m.

Mr. COATS. Mr. Chairman, reclaiming my time, I do not want to presume to speak for the gentleman's constituents in Ohio, but those of us in Indiana would like to be able to make that decision on our own as to what our election process should be, what the hours should be, and how we run our elections. We happen to think that the times we have selected and the procedures we use are the ones best calculated to give us maximum voter participation. It has worked very well in Indiana and we do not particularly enjoy people from Ohio or the Federal Government telling us how to run our elections. We would like to make that decision on our own.

Mr. THOMAS A. LUKEN. Mr. Chairman, we all vote for the President, he is our President.

Mr. COATS. People from Ohio may feel that your solution is an enlightened process, but we in Indiana do not necessarily feel that way.

Mr. THOMAS A. LUKEN. We like to feel that the President is elected by all of us, even those who come after 6 p.m.

Mr. SWIFT. Mr. Chairman, I reserve the balance of my time.

☐ 1330

Mr. WHITTAKER. Mr. Chairman, I yield 1 minute to the gentleman from Iowa [Mr. GRANDY].

Mr. GRANDY. Mr. Chairman, I thank the gentleman for yielding me this time and rise only to associate myself with the remarks of the gentleman from Minnesota who very eloquently dismantled this legislation and spoke generally about its ramifications. I want to speak locally about its ramifications for Iowa.

I have here a letter from our secretary of state. Ten years ago we extended our voter participation time from 7 in the morning until 9 at night. It has worked very well. If H.R. 435 becomes law, we lose an hour. That to me equals reduced participation.

Mr. Chairman, I would only say that it is somewhat incongruous in a State which is the crucible of American political thought right now, with the caucuses coming up in February, and with all of the Presidential candidates appearing on a regular basis that our reward for sitting through all of those debates, going to all of these stump speeches, and wearing all of those buttons will be one hour less of a chance to vote for them. So I am going to make a very personal statement here to colleagues from Iowa and to colleagues from the Midwest and to people who see this bill for what it is to vote no.

I would just quote our Democratic secretary of state who says finally, "However, I would prefer to see this accomplished without shortening Iowa's voting day."

Mr. Chairman, quite simply, so would I.

Mr. THOMAS A. LUKEN. Mr. Chairman, I yield back the balance of my time.

Mr. THOMAS of California. Mr. Chairman, while we have seen when I suggested initially that this was the minimalest solution, that as a matter of fact H.R. 435, if enacted, will bring about death, disorder, and perhaps even chaos in terms of the way in which Americans participate in the poll, and we are going to do this just because it is a Presidential election. If you believe that technology has outstripped our abilities today, then you have to look toward a technological solution.

Obviously if you believe all of the strawmen that my colleague from Minnesota has erected, including the States rights argument which we heard, and if you listened very carefully to the gentleman from Minnesota he did have to grudgingly admit that there seems to be a constitutional basis for what we are doing, and that is exactly why we are doing it.

What we have in H.R. 435 is not death, disorder, or chaos. It is a minimalest response to what many people perceive as a real problem and will be a growing problem. We have a window of opportunity between the media and we have seen that there are a large number of election officials all across the United States. If you listened carefully to my colleague from Iowa, what was said was that they would like to be able to hang onto the hour. The rest of what was unsaid was we are willing to give it up if we can get some uniformity. California loses an hour. We are willing to give it up if we get some uniformity.

I ask my colleagues to support H.R. 435. It provides that uniformity in a minimalized way.

Mr. SWIFT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we have heard in the task on this bill more sarcasm than you can find in a Marx brothers movie, and I have been enormously pleased today that we have had a minimum of that.

What we have had, however, today are the three same old tired arguments that we have heard so many times. It is all about Federal tinkering, it is all about there being no problem in the first place, it is all about how the States should handle this.

Let me assure my colleagues there is a problem. Millions of Americans all across this land know there is a problem. The three great networks in this country did not change their policies because there was no problem.

Second, the States cannot deal with this. They do not have the tools that are necessary to deal with this particular problem. My State, the State of Washington, tried, and it had its head handed to it by the Federal courts.

We are the ones that have the tools to be able to deal with this problem.

Finally, I would love to be able to join some of my colleagues back in the olden days when we could sit around the kitchen table and listen to H.V. Kaltenborn on the radio as he slowly unwound the results as paper ballots were counted in the East and that vote slowly began to roll out over the plains, and finally to the west coast. But it is no use. It is technology that will not let that happen any more.

If we who have the tools at hand to be able to deal with this problem are unwilling to take simple steps to preserve what is basic in our society, such as the right to vote before we are told that it is all over simply because we want to preserve some nostalgia out of the 19th century, then we fail. We fail in our ability to recognize the problem when it slaps us right in the face, and we fail in our ability to devise a means of preserving basic mechanisms of democracy in the face of technological advance. And we fail in our ability to distinguish between a deep but empty yearning for simpler times on the one hand and what we must do to preserve, in this case, the essence of democracy, which is our citizens' right to vote.

I yield back the balance of my time.

Mr. BIAGGI. Mr. Chairman, I rise in full support of this bill, H.R. 435, to establish a uniform poll closing time for Presidential general elections.

Let's be honest. Our current election process is failing our country miserably. Here we are, the greatest democracy on Earth, and we barely get a 50-percent voter turnout in Presidential elections. That's a disgrace and we must take steps to correct our Nation's very serious voter turnout problem. Same-time voting, as proposed by H.R. 435, is an important first step.

In fact, since before the 1980 Presidential election I have been pushing for same-time voting, along with a variety of other election reforms aimed at stimulating voter participation. Quite simply, I am convinced that there is a direct link between the elimination of early election projections and increased voter turnout. One study, conducted by the University of Michigan, concluded that the early election projection in 1980 resulted in a 6- to 11-percent decline in overall voter turnout.

Another study showed that 10 percent of registered nonvoting Californians surveyed did not vote in 1980 because they heard the winner projected before they went to the polls.

Thanks to the tireless and effective work of the distinguished elections subcommittee chairman, Mr. SWIFT, and the ranking minority member, Mr. THOMAS, we now have a sensible and workable solution to what the New York Times has called "infection by projection."

But, let's not fool ourselves. Same-time voting is only a partial cure to a very widespread illness. We need to do much more in the area of election reforms. For example, since 1980 I have been calling for Sunday elections and 24-hour voting. Those Western democracies that have Sunday and/or 24-hour voting have turnout rates in the 80- to 90-percent range. Plain and simple, 24-hour/Sunday voting makes good sense. Under our current election system 80 percent of the normal 13-hour voting period falls during the time our Nation's work force is either at their jobs or commuting to and from their jobs. A 24-hour voting period, beginning on a nonwork day, would solve that inconvenience problem.

Further, I firmly believe we need to allow same-day voter registration. Statistics show that approximately three-fourths of all registered voters actually vote. The problem is many Americans simply do not register, either because of complicated and inconvenient State registration laws, or because voter interest is peaked only during the final days before an election, after registration is closed to most voters. Same-day registration, which was first proposed by President Carter in 1977, would remove the registration obstacle to voting. Significantly, the three States that have election day registration—Minnesota, Maine, and Wisconsin—ranked first, second, and fourth, respectively, in voter turnout during the 1984 election. It is estimated that election day registration would increase turnout in a Presidential election by more than 6 percent nationwide.

Mr. Chairman, we have a responsibility to ensure that every eligible American's vote is as valuable as the next. Further, we must do everything possible to ease voter obstacles. H.R. 435 helps to achieve both of these worthy goals. I strongly urge its approval and I am hopeful this will be the beginning of responsible and much-needed election reform in our country.

The **CHAIRMAN**. All time has expired.

Pursuant to the rule, each section of the bill is considered as having been read for amendment under the 5-minute rule.

The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SINGLE POLL CLOSING TIME FOR PRESIDENTIAL GENERAL ELECTIONS IN THE CONTINENTAL UNITED STATES.

Chapter 1 of title 3, United States Code, is amended by—

(1) redesignating section 21 as section 22; and

(2) inserting after section 20 the following new section:

"§ 21. Single poll closing time in continental United States

"(a) Each polling place in the continental United States shall close, with respect to a Presidential general election, at 9:00 o'clock post meridiem, eastern standard time. Any person who, as determined under the law of the State involved, arrives at a polling place after that time shall not be permitted to vote in the Presidential general election.

"(b) Notwithstanding subsection (a), a polling place shall close, with respect to a Presidential general election, as provided by the law of the State involved, in the case of a polling place at which each person who is eligible to vote has voted.

"(c) As used in this section, the term—

"(1) 'continental United States' means the States of the United States (other than Alaska and Hawaii) and the District of Columbia;

"(2) 'Presidential general election' means the election for electors of President and Vice President; and

"(3) 'State' means a State of the United States and the District of Columbia.".

AMENDMENT OFFERED BY MR. FRENZEL

Mr. **FRENZEL**. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FRENZEL: Page 2 strike out lines 23 and 24 and insert in lieu thereof "of California and Washington;".

PARLIAMENTARY INQUIRY

Mr. Chairman, as I understand the order of the day, it will be necessary to clear the House by 2:30 this afternoon.

The **CHAIRMAN**. The Chair will inform the gentleman that it is 2 p.m.

Mr. **FRENZEL**. If that is the case, Mr. Chairman, we are not going to finish the bill.

Mr. **SWIFT**. Mr. Chairman, if the gentleman will yield, I would like a clarification. I had been told by the leadership 2:30 at least. If we are given to understand something other than that, I would like to be informed.

The **CHAIRMAN**. The Chair had been informed earlier that it would be 2 p.m. He now hears that it may be 2:30 p.m., so it will be either 2 p.m. or 2:30 p.m., pending a motion by a member from the floor for the Committee to rise.

Mr. **SWIFT**. Mr. Chairman, I have just been informed by a little bird again that it was 2:30.

Mr. **FRENZEL**. Mr. Chairman, if I may proceed, I have a number of amendments at the desk. I hope to raise all of them. I do not expect to ask for votes on any of them, but there may be other Members who would.

It is my intention to close at 2:30 so that we may have a vote and be done with this and the House will not have to meet after the speech of our foreign dignitary. However, if we leave at 2 o'clock I do not think we are going to be able to complete the bill.

As to the amendment at hand, Mr. Chairman, when the distinguished gentlewoman from Hawaii said do not put us into that briar patch, she softened my heart. The amendment I intended to offer at this time was to remove the exclusion for Hawaii and Alaska on the theory that if Californians needed to be protected from the insidious news of what happened on the east coast somewhere, certainly that important protection was due the citizens of Hawaii and Alaska as well.

The gentlewoman from Hawaii has convinced me that we are absolutely wrong and the only people who need protection are the citizens of California and Washington. So my present amendment simply describes the United States for the purposes of this bill to be California and Washington and they are directed or would be directed under this bill to close their polls at the time directed by the two sponsors of the bill.

The reason I offer this amendment is not because I expect a vote on it or because I expect people to take it seriously. I make it to show up the vital and foolish flaws of this bill that cause some of us to be equal and some of us not to be equal. Is this such a terrible problem we have to louse up the election system of nearly every State in the Union to protect the citizens of California and Washington, but we do not have to give any kind of protection to the citizens of Alaska and Hawaii. Is it because they are smaller States? Are they insignificant? I do not think so. I think all of our States ought to be treated the same.

The gentlewoman from Hawaii, however, has convinced me that probably just the two States represented by the sponsors need special treatment. They can have it as far as I am concerned. They would have it under my amendment.

Referring to previous discussions, Mr. Chairman, we have been told that the bill is being dismissed as Federal tinkering, that the Congress really has the authority and should use it. I think Congress has lots of authority that it does not use with very good sense.

I do not remember seeing any resolutions from any Governors' conferences, any secretaries of state meetings, any national association of State legislators. Nobody has asked for this bill other than people who have written to the committee as a result of an article in TV Guide or who have come to the hearings when they have been notified that they have been scheduled.

The Federal Government has absolute authority as to these hours. But listen to what can possibly happen.

In addition to having gone to one election, the primary, a few months before, you could actually go to the election, find the Federal polls closing per this bill and find the polls staying open, so you could vote for the State legislators, Governor, dogcatcher, school board member, clerk of the court or whatever else. That is absolutely the ultimate of confusion.

This bill is pernicious.

Mr. Chairman, I yield back the balance of my time.

Mr. THOMAS A. LUKEN. Mr. Chairman, I rise to oppose the amendment.

Mr. Chaiman, the gentleman from Minnesota has stated that he does not seek his amendment to be supported nor will he call for a vote, which is another way of saying that the amendment in substance is frivolous. The gentleman has indicated he wishes to make a statement about this amendment, however, and I would like to respond briefly not to the amendment, which is frivolous, but to the statement the gentleman has made.

The gentlewoman from Hawaii supported the bill and she supported it for the effect it would have on the residents of Hawaii. So I think her statement stands in full support of this bill.

Mr. FRENZEL. Mr. Chairman, will the gentleman yield?

Mr. THOMAS A. LUKEN. I yield to the gentleman from Minnesota.

Mr. FRENZEL. Mr. Chairman, she supports it because it has no effect on Hawaii. Her State is allowed to do whatever it wants.

Mr. THOMAS A. LUKEN. But she also stated, reclaiming my time, that it has a favorable effect upon the residents of Hawaii since the results would come in later in Hawaii. So it is in the same vein; that is, beneficial in Hawaii.

But, as with many other aspects of this bill, it is not perfect. We have not reached the millennium with this legislation. But it is a considerable improvement, and the gentlewoman from Hawaii did testify that it would be beneficial to the people from Hawaii.

□ 1345

I would like to also say while I am on my feet in this regard that with reference to a statement previously made with regard to the television networks, the television networks have taken action. As I understand it, that was part of a package. And even though we do not have a signed contract on it, I think it is up to the Congress now to do our part. The television networks have done what they could. They have shown their good faith. I think this bill is the other shoe. This bill is taking them up on the informal offer and I am not sure we can expect them to continue in the vein of self-sacrifice in order to help in the enfranchisement—and that is what this bill is. And as I addressed the gentleman from Indiana when he spoke, surely the public officials, the State officials should be respected with regard to election procedures in Indiana, but as we have noted in many constitutional areas, the enfranchisement of Americans is a matter we are all concerned about. So we are all concerned about that.

For that reason I oppose the gentleman's amendment.

Mr. OXLEY. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I do so not only to support the amendment but also to speak against the legislation. I would like to point out that we probably would not be here discussing this issue today if it were not for the arrogance of the networks. We have had hearings, as the gentleman knows, in our committee, where we have had spokesmen from the networks come in and tell us basically that they have no plans whatsoever to be responsible in this matter. As a result the gentleman from Washington has had to offer this legislation in response to the irresponsible actions of the major networks. I think that is a shame. If there is a villain in this whole piece it is not the gentleman from Washington, certainly, not my colleague from Ohio, but it is indeed the major networks who have flaunted their first amendment rights, under the guise of "the public has the right to know," and they continue to beat on us with that argument.

Mr. Chairman, the secretary of state of Ohio, a Democrat, and a former colleague of mine in the Ohio Legislature, has written a very strong statement against this Legislation. I would like to quote from his statement if I may because I think it does pretty well set out my opinion on this issue as well.

He says:

> Citizens from Ohio and across the nation are increasingly frustrated and angry over the network practice of declaring the winners and losers before everyone has had the opportunity to vote.
>
> I share that frustration and anger.
>
> As Ohio's Secretary of State, I am opposed to any form of uniform poll closing, whether it be 24 hour voting, Sunday elections, or late closing in the East to coincide with poll closing in the West because it fails to address the underlying cause of the problem—the television networks. Networks insist on disrupting our electoral system so that they can increase their ratings with exit polls and victory predictions. Clearly, this is a case of television creating news rather than reporting it.

This is something that they are clearly very good at, I might add.

He goes on, "This rush for ratings damages our electoral system."

Mr. Chairman, I think the secretary of state from Ohio is absolutely correct in his analysis of this legislation. It is unfortunate that the legislation even had to be introduced. It is even more unfortunate it seems to me for those citizens of Ohio, particularly those who try to run the elections process as efficiently as possible, to find now that we will be mandated, that we will be staying another hour and a half which will include apparently double shifts of election workers. In some counties it is very difficult to find election workers for the 6:30 a.m. to 7:30 p.m. time that we have now in Ohio. To add another hour and a half to that seems to me would be a rather unwholesome burden to place upon those election officials.

Many, many secretaries of state have opposed this legislation. They are the ones who have to try to make this process work. I would suggest that we listen to their entreaties, we listen to their arguments and we reject this legislation forthrightly.

Mr. SWIFT. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

First of all, in direct answer to the gentleman from Ohio who just spoke, you will note that one of the cornerstones of this legislation is an agreement that we have with the commitment of the corporate honor behind it that the networks have changed their policies with regard to using any material to predict an election. That raises a different problem. What do you do with information that is in the public domain, information which is available to the public in general? You cannot realistically, in our system, ask the news media not to report that. That is the reason this legislation is necessary.

With regard to the specifics of this amendment, it is frivolous. The gentleman from Minnesota indicates that he raises it to make a point. The point is he does not like this bill. I understand the point. He has made it many times before. But I do not think we should take this amendment seriously and I think my colleagues should vote it down promptly.

Mr. COATS. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, as I understand this amendment, the gentleman from Minnesota is simply saying, "OK, I am not exactly sure a problem exists but I will take your word for it that it does. It appears that two States, California and Washington, have a problem with their electorate being influenced by projections of winners that are given over the airwaves before their polls have closed. You are asking all the rest of us to adopt the solution that is offered here in this bill. All the other States must change their election procedures to make them conform to what California and Washington want to do. "The amendment of the gentleman from Minnesota simply says, "Instead of forcing all the other States to conform to the problems that two States have, why don't we ask those two States to change their procedures."

Now the original amendment included the States of Alaska and Hawaii. The thinking was if California and Washington, if their constituents and citizens are adversely affected by the network news of projected winners, surely States further west must be even more affected. Yet the gentlewoman from Hawaii came in and said, "No, it is really not a problem for our citizens."

We have not heard from anyone from Alaska. I assume it is not a problem for their citizens. They are not here speaking on behalf of the bill.

So therefore we are presented with this kind of confusing picture, that is some of the States think it is a problem, some of the States in the West do not think it is a problem but because some of the States in the West think it is a problem, "Let us make all the rest of the States in the country change their State-determined election laws, their procedures as to how they think they can best get their citizens to vote so that those people in California and Washington don't have to be influenced by the projected results."

I think the amendment of the gentleman from Minnesota makes a great deal of sense and I really do not understand why the other side would not accept it.

At this point I would be happy to let them explain why.

Mr. SWIFT. Mr. Chairman, will the gentleman yield?

Mr. COATS. I yield to the gentleman from Washington [Mr. SWIFT].

Mr. SWIFT. I thank the gentleman for yielding.

Because it makes a great deal of nonsense, and the gentleman knows that.

First of all, he is simply flat wrong when he suggests this makes the States of Washington, Oregon, and California make no change. Our provision does require changes there. There are 25 percent of the States in which no change is made. One of them is the State of the gentleman from Minnesota. None is a Western State, none is a Western State.

We have here a proposal that was made by the secretary of State of Massachusetts on the east coast.

So with all due deference, I resent the implication that the gentleman from California and I, charged with our ministerial responsibilities in this committee, have tried to craft legislation to do something parochial for our own States when we have tried to craft something that will benefit the entire Nation.

When the networks, at 5:15 Pacific time, in 1980 declared Ronald Reagan the victor, fully one-half of the States still had their polls open and they existed in every time zone in this country, including the State of New York. What we are doing here is not something for the benefit of the west coast, as the gentleman from Connecticut who spoke during debate indicated, but something for the Nation.

I can understand the frivolous nature of this amendment. But I must tell the gentleman from Indiana some of the implications of the remarks he just made I think are grossly unfair.

Mr. COATS. Well, I can understand the lingering frustration over the results of the 1980 election and the fact that President Reagan was projected the winner before the polls closed. But I would suggest that projection was known by most Americans probably several months before the actual election was held.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. FRENZEL].

The amendment was rejected.

AMENDMENT OFFERED BY MR. FRENZEL

Mr. FRENZEL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FRENZEL: Page 2, after line 20, insert the following new subsection (and redesignate the following subsection accordingly):

(c) Notwithstanding subsection (a), a polling place shall close, with respect to a Presidential general election, as provided by the law of the State involved, in the case of any State covered by the Voting Rights Act of 1965.

Mr. FRENZEL. Mr. Chairman, I have a list of 12 amendments. This is the second that I have offered.

Because I am informed that there are others in the room who wish to raise amendments and to have them voted on—and I shall make no such request—this will be the last one that I will make.

I want to tell the Members, however, some of the amendments that I had in mind.

One was to include primary elections. Obviously, that would be an attempt to reduce confusion although my guess is that it might even increase confusion. Nevertheless, it is an attempt to bring the uniformity that this bill claims it has. I shall not offer that.

I had an amendment to permit the Governor of any State who wanted to close the polls of that State under current law to be able to do so upon notifying the publisher of the TV Guide, since that publication seemed to have spawned all of the hearings and all of the wonderful ideas that we have before us in this bill.

I also had an amendment to give all the States 2 weeks of extra daylight saving time so we might all play tennis and golf like the States of the gentlemen from Washington and California.

I had an amendment to delay the effective date until after the 1988 election.

The reason for that is that six States do not meet next year and will not be able to qualify even if this bill should be enacted. I also had an amendment to sunset the act after the next election to save us the trouble of repealing it when we found out it did not work.

I am going to let all of those go, but I do want to talk about the voting rights act because that is serious business.

Insofar as I am aware, there was no testimony about this bill with respect to the voting rights act. The Justice Department was not heard. It is I think known to all of us that no State which is covered by the voting rights act can change its election laws without the approval of the Justice Department.

There are nine States that are wholly covered by the Voting Rights Act and 13 that are partially covered. One of them, the State of Texas, happens to be a State whose legislature does not convene next year. Almost all of the other States have some substantial change required by this bill in their voting laws. Some have to add hours, some have to take some away. And I cannot envision now how the Justice Department would relate to those changes. One would guess the extra hours would get a positive reaction but reduced hours may not. But I do not think, having talked to the Justice Department on that matter, on the voting rights act in connection with other election laws, I do not think we can assume that is what is going to happen.

I think the Justice Department looks at these things with a very steely gaze and often takes months to make their decision.

Therefore I believe if you believe in the voting rights act and if you believe in the sections that require Justice Department signoff, then you really have to exempt those States that are covered by that law in the provisions of this bill. I therefore, Mr. Chairman, urge adoption of my amendment, particularly since the subcommittee apparently took no testimony or at least there is none on the record for me to scan.

□ 1400

Mr. SWIFT. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, my response is very simple. These are federally mandated election law changes. This will not trigger the provisions of the Civil Rights Act the gentleman is talking about, and, therefore, there is no problem that grows out of the bill we are offering in this regard.

Mr. Chairman, I urge the Members to oppose the amendment.

The **CHAIRMAN** pro tempore (Mr. CLARKE). The question is on the amendment offered by the gentleman from Minnesota [Mr. FRENZEL].

The question was taken; and on a division (demanded by Mr. FRENZEL) there were—ayes 5, noes 7.

So the amendment was rejected.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. MC COLLUM

Mr. McCOLLUM. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. MCCOLLUM: Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. REPORTING TIME FOR RESULTS OF PRESIDENTIAL GENERAL ELECTIONS IN THE CONTINENTAL UNITED STATES.

Chapter 1 of title 3, United States Code, is amended by—

(1) redesignating section 21 as section 22; and

(2) inserting after section 20 the following new section:

"§ 21 Reporting time for results in continental United States

"(a) No election official shall make any public disclosure of results with respect to a Presidential general election in the continental United States before 10:00 o'clock post meridiem, eastern standard time, on the date of the election.

"(b) As used in this section, the term—

"(1) 'continental United States' means the States of the United States (other than Alaska and Hawaii) and the District of Columbia; and

"(2) 'Presidential general election' means the election for electors of President and Vice President.".

SEC. 2. TECHNICAL AMENDMENTS.

(a) AMENDMENTS TO TITLE 3, UNITED STATES CODE.—The table of sections for chapter 1 of title 3, United States Code, is amended—

(1) by striking out the item relating to section 21 and inserting in lieu thereof the following: "22. Definitions."; and

(2) by inserting after the item relating to section 20 the following new item:

"21. Reporting time for results in continental United States.".

(b) AMENDMENTS TO UNIFORM TIME ACT OF 1966.—Section 3(a) of the Uniform Time Act of 1966 (15 U.S.C. 260a(a)) is amended by striking out "2 o'clock antemeridian" each place it appears and inserting in lieu thereof "2:00 o'clock ante meridiem".

Mr. McCOLLUM (during the reading). Mr. Chairman, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The **CHAIRMAN** pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. McCOLLUM. Mr. Chairman, I am very serious about this amendment. It is a substitute for the bill, and it is, I hope, a compromise so that some of us who do recognize there is a problem, and has been one, on the west coast with the reporting of the results of the Presidential elections can have their problems remedied, while at the same time, those of us in the East and in the Midwest who are very concerned about the longer hours that would be imposed on us in our election polling places and our election headquarters would be given some relief from what this bill would otherwise provide.

What my substitute does is fairly simple. First of all, it eliminates from the bill the uniform closing time requirement itself. There would no longer be a requirement that all polls in this country close at the same time, as is currently provided under this bill. At the same time it eliminates the provision in the bill which changes daylight saving time on the west coast, and what it would substitute in its place would be a very simple prohibition on any election official in this country during the time of a Presidential election from disclosing the results of a Presidential election in that district or that precinct or that State until 10 p.m. eastern standard time the night of the election.

What that does effectively is simply to say that we will not announce the results. We cannot control the media, but apparently some arrangements have been made and some understandings and compromises have been made about the exit polls, and certainly we have a right to impose this restriction on the elections officials. But by doing that, if that is all we do and we change the rest of this bill so we do not have the uniform closing time, so we do not have the change in daylight saving time, what we do is allow the elections in the East and in the Midwest to proceed as they normally do.

We allow for the polls to be closed at the time that the States would normally close them, at the times they chose, whether that is 7 p.m. in Florida or 6:30 p.m. in some State in the Midwest. It would allow for the tabulation of those votes that normally would go on during these reasonable hours. It would allow for the supervisors of elections in the various States and counties and districts to announce the results of the local and State and even the other Federal elections, except for the Presidential election, at the normal time they would normally do that, well in advance of the kind of hours that would be imposed by this election.

It would also mean there would not be that staying up all hours of the night to find out the election results, because the tabulations would be going on.

If we have to pass this bill as it is now and it were to become law, in many parts of the country, particularly in the East and parts of the Midwest, it would be 11 or 12 at night for even the most moderate of reporting districts to be able to report even the local election results, because they would not have closed the polls, they would not have gone to the machines that tabulate those things, and we would be really unmerciful to those who have to work those long hours.

In addition to that, it has been pointed out by a number of Members today, certainly including the gentleman from Minnesota, that the costs that are in the bill presently can be enormous. Nobody knows how much, but we are going to have the polls stay open in the East at least another 2 hours. We may have them at least that long in parts of the Midwest. There is going to be an additional cost for the paying of the people who are at the polls, an additional cost for the people who are going to have to tabulate these votes at election central, additional costs for the supervisors of election, and additional costs in many other ways. It is very difficult to get a figure on it, but it is going to run into enormous sums if the bill passes as it is now.

So I suggest that my amendment gets at the heart of the problem. It is not the answer in every respect. Certainly there can be arguments made against it, but the fact is that when you seek a compromise so we do not unduly disrupt those in the East and in the Midwest in order to get some benefit in the West, you have to come up with something that is more responsible than this current bill. I would suggest that the solution I have offered here, simply prohibiting election officials from announcing results of Presidential elections to the public until 10 p.m. eastern standard time and doing away with all the rest of what is in this bill, is the appropriate compromise.

Mr. Chairman, I urge my colleagues to vote for this substitute so that we might have some relief in the West and at the same time not have the disruption that this legislation would cause in the East.

Mr. THOMAS A. LUKEN. Mr. Chairman, will the gentleman yield?

Mr. McCOLLUM. I am glad to yield to the gentleman from Ohio.

Mr. THOMAS A. LUKEN. Mr. Chairman, the gentleman is suggesting what amounts to censorship. These are not Federal officials he is referring to. This is what the networks would call hard news. These are factual reports of results. It cannot be analogized with the exit polls. The exit polls, as has been suggested before, are concoctions. They are manufactured bits of news. They are something which has been assembled, and through various processes deductions have been made.

The **CHAIRMAN** pro tempore. The time of the gentleman from Florida [Mr. MCCOLLUM] has expired.

On request of Mr. Thomas A. Luken, and by unanimous consent, Mr. McCollum was allowed to proceed for 2 additional minutes.

Mr. THOMAS A. LUKEN. Mr. Chairman, will the gentleman yield further?

Mr. McCOLLUM. Certainly, I am glad to yield to the gentleman from Ohio.

Mr. THOMAS A. LUKEN. So, Mr. Chairman, this is hard news. These are facts, and what I think the gentleman is suggesting would amount to censorship and would be so recognized. In all this discussion and investigation up to this point, nothing of that sort has occurred. There is nothing in this legislation that effect which would censor anything. The question of whether Congress may legislate a prohibition on public officials, I think, would amount to that.

Mr. McCOLLUM. Mr. Chairman, if I may reclaim my time in order to respond, the only part of this that is restrictive on local elected officials who are conducting these elections deals with the release of Presidential election results. It seems to this Member that is indeed a Federal role and a responsibility that we have. They are carrying out as our emissaries a Federal election. The rest of the elections are not affected. The poll closing times and everything else remain the same under my substitute.

It seems to me this is eminently a more reasonable response than what is in this legislation in terms of the costs, in terms of the delay and inconvenience, and in any other respect. There are no criminal penalties imposed in this bill on an election official who does not comply, but the Federal courts could grant injunctions, and we certainly would find, I think, most elections officials abiding by the Federal law.

Mr. THOMAS A. LUKEN. Mr. Chairman, will the gentleman yield further?

Mr. McCOLLUM. I am glad to yield to the gentleman from Ohio.

Mr. THOMAS A. LUKEN. The gentleman, I am sure, certainly is not saying that a little bit of censorship is all right. I say that because simply this is the only point. But also I might add that this is the central fact. The Presidential result is the central fact and the reason this legislation has been worked around. It is the publication of the results of the Presidential election.

If it were not for that publication, if it were not for those facts, if it were not for the election results on the Presidential election, this bill would have no reason for being whatsoever.

I want to add one other thing. I do not want to protract this forever, but I think it is clearly censorship.

The CHAIRMAN pro tempore. The time of the gentleman from Florida [Mr. McCollum] has again expired.

(On request of Mr. Thomas A. Luken, and by unanimous consent, Mr. McCollum was allowed to proceed for 1 additional minute.)

Mr. THOMAS A. LUKEN. Mr. Chairman, will the gentleman yield further?

Mr. McCOLLUM. I yield to the gentleman from Ohio.

□ 1410

Mr. THOMAS A. LUKEN. Mr. Chairman, I thank the gentleman for yielding.

It would create fraud problems and obviously be unworkable.

Mr. McCOLLUM. Reclaiming my time, this is not censorship.

What this is doing is restricting the manner in which elections are conducted. The local supervisor of elections can now choose when and how he is going to release this information in an orderly time.

My substitute makes some common sense out of this bill by providing a uniform time before which no results can be released instead of imposing the requirement that we extend the time and keep the polls open and run up the costs and have the inconvenience of changing daylight saving time for travelers, and all of the other things that are being done in the name of protecting voters on the West.

Do what my substitute does; and that is, to allow for the release of this election result at a uniform time and no sooner than 10 p.m.

Mr. FRENZEL. Mr. Chairman, will the gentleman yield?

Mr. McCOLLUM. I yield to the gentleman from Minnesota.

Mr. FRENZEL. Mr. Chairman, I thank the gentleman for yielding.

I thought I heard the gentleman from Ohio say "unworkable."

I smirked a little bit when I thought of the gimmicky bill before the House. The sponsors of the bill have wanted to protect the press.

All the gentleman is doing is asking people to stage the time of the revelation. I do not seek any suppression at all. The gentleman has a good amendment.

Mr. THOMAS of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, frankly I am pleased that the gentleman from Florida introduced this substitute amendment. It gives the Members a chance to taste a little bit of the flavor of the kind of solutions that we looked at and out of hand rejected.

This one is much milder than many of the others that had been suggested, like 24-hour voting, switching to Sunday, or making Tuesday a holiday.

Just this one amendment, if the Members focus on it, means, for example, the people in Indiana, as our colleague who was so concerned about, now would be sitting on hard election data for 4 hours.

In the State of Florida it would be 3 hours sitting on hard election data. It is not exit-poll information that we are asking to be withheld, as many Members have suggested, from the networks. It is not the polling results by States, as the problem that we have addressed.

This is public officials sitting on hard official election data for up to 4 hours; that is very uncomfortable. Not only is it uncomfortable, it is probably impossible to do.

If they are able to do it, you run into the problem of those who decide not to do it, that they believe that information once it is hard data and compiled, and the polls are closed, ought to be released.

Where is the punishment for those folks? Once you get into these kinds of alternative solutions and look at all of the straw men that have been erected for those that tiptoe through the meadows of election law, this is an elephant run rampant over the States, requiring State officials, unless they be punished by some form that we do not know yet, to sit on hard election data for up to 4 hours before the people and their constituents get to find out who voted for whom.

This is an example of the alternatives we will see. Therefore, when you examine the merits of H.R. 435, the Members will find we really did an awful lot of work and eliminated a lot of silly alternatives.

This is one of those, and it ought to be dispensed with.

Mr. McCOLLUM. Mr. Chairman, will the gentleman yield?

Mr. THOMAS of California. I yield to the gentleman from Florida.

Mr. McCOLLUM. Mr. Chairman, I thank the gentleman for yielding.

I understand the gentleman's problem with every alternative to what the bill is out here now.

No alternative is perfect, including the bill; but my opinion, and why I offered this substitute, is very simple.

The cost in this bill, both in dollars and in time and in the inconvenience to the public, and at least half of the United States and the East and Midwest, is so great under H.R. 435; the substitute sponsored by this gentleman, this alternative has some relief potentially which is far superior to the bill that is now out.

There would be problems with my substitute, but none as grave as are in this bill, and there is some modicum of relief, and the potential of law-abiding supervising elections officials, as most of them are, make this highly workable.

Mr. THOMAS of California. Mr. Chairman, if dollars were our most important concern, I would consider that; but requiring election officials to withhold hard data after the polls close creates far more pernicious mischief and the opportunity for pernicious mischief than is contained in H.R. 435.

We have all had hard choices to make. The committee has eliminated those, and we are looking at once again the minimalist solution. This substitute is just one small example of the kinds of problems that are created when we go another way.

It seems to me asking people to change slightly in a time zone for 2 weeks is far better than requiring people, for example, in Indiana to sit on information for 4 hours, and for people in New Hampshire, and the gentleman from Minnesota had so much feeling for them, to sit on election results for as much as 18 hours.

Now that would hatch an egg.

Mr. BUECHNER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I certainly have listened to the discussion about this amendment with great interest. I have a letter before me that my secretary of state sent to me about H.R. 435, and I know when he constructed it, he did not take into consideration the possible suggestions that the gentleman's amendment or substitute brings forth.

However, I know that the purview of the letter addresses what I think is the main issue here; and it strikes not only to the substitute but to H.R. 435 in toto; and that is, is this the proper role for us to impose upon the States.

In that letter that the secretary of state, Roy Blunt, sent to me, he indicated that our State has launched numerous initiatives to try to decrease voter apathy, to encourage people to vote; and I know many States, if not all the States, have tried to emulate that program.

The problem is, we here can do nothing that will truly encourage voters to vote, absent putting forth the right candidates and the right issues before them; but that does nothing about the State and local elections, and the problems that this substitute, I might add, imposes are that we are arbitrarily going to do something to the system that maybe what we have done here in the well has contributed to part of that.

People are apathetic, and now we are going to respond not really to the apathy, but to the media and say, let's lay on these voters, and the cure is as bad as the illness.

H.R. 435 is another cure that is as bad as the illness, and I would say that it is a plague on both these Houses. The problem we are going to initiate at least in my State is, we are going to make election workers work longer hours; and that is a tremendous burden upon the local entities who actually pay for those.

The Federal Government does not pay for those. The State or the local boards of election commissioners pay for those, and that is not right.

To add to this possible potpourri of government overstepping from a Federal level, we are going to say, let's lay on these ballot boxes.

In my State we have had ballot boxes being driven to the homes of the county sheriffs for safekeeping. Unfortunately, sometimes they are not kept so safely; and what we are going to do up here is, we are going to take the high road, the satellite waves, and has any Member ever had his election projected wrongly?

I have in 1984. The media said that I had won. I did not. They were 2 years early, that is good; but it made me look silly as I am walking into a rally, and someone says, "You have won."

They based it on an ABC and a CBS report, not on reality.

Mr. McCOLLUM. Mr. Chairman, will the gentleman yield?

Mr. BUECHNER. I yield to the gentleman from Florida.

Mr. McCOLLUM. Mr. Chairman, I thank the gentleman for yielding.

The bill is bad. It would be best to defeat the whole thing.

In the last Congress we passed this bill, and I thought my substitute was a better option than what we might otherwise pass here today.

I understand the gentleman's reluctance to support either one, but I hope the gentleman could support the substitute. Barring that, we can all vote for defeat of the bill.

Mr. BUECHNER. We get a heat rash from wearing clothes, and we are taking off our clothes and standing naked. That is one way of solving it, but it does not seem to me, and I know what the gentleman is saying, that this Congress has previously exhibited a serious inability to respond to a local problem when in fact we are responding to the media.

It is hard for me to get enthusiastic about the substitute, because I dislike the original bill so badly, and I may vote for the gentleman's, and I hope my card spits out of the machine.

All I am saying, Mr. Chairman, is that I really am upset that we are doing this. My secretary of state is upset. The local election officials are upset, and there is a time when we have to realize that although we have the power to do it, it does not justify it, and although we have the power to cost more in terms of hours and in terms of dollars to our local entities, we should not do it.

It is one thing to talk about revenue sharing, and it is another thing to talk about revenue burdens; and that is what we are going to do to them, and I am not enthusiastic about restructuring it.

Mr. SWIFT. Mr. Chairman, I move to strike the requisite number of words.

There are a couple of ways to do what this amendment proposes. One is to completely embargo the election results and count the ballots in secret.

Most States require there to be observers, sometimes even the press. I noticed the amendment the gentleman offers only requires that election officials be constrained from passing out the information.

The other observers would be perfectly capable of walking out of the room and telling the press or anybody else what was unfolding where the counting was going on.

The other way to do it is not to permit anybody to see those ballots at all until the appointed time.

I will tell the Members, the one thing we found in our hearings that election officials were universally opposed to was having ballots sequestered, even for the shortest amount of time. We carefully considered this option.

It clearly on the surface has some very attractive parts to it. That caused us to examine it with great care.

Whatever inconvenience our bill may cause, this attacks the basic fundamental integrity of the counting of the ballots. I really urge the Members strongly to oppose this bill.

Mr. THOMAS A. LUKEN. Mr. Chairman, will the gentleman yield?

Mr. SWIFT. I yield to the gentleman from Ohio.

Mr. THOMAS A. LUKEN. Mr. Chairman, I thank the gentleman for yielding.

With reference to the unworkability of this amendment, it would provide a prohibition which sounds like a criminal prohibition, but no penalty, as the gentleman stated; and therefore, somebody would have to run into Federal court and get an injunction against the anticipated release.

It is ridiculous kind of an exercise, and is unworkable.

Mr. McCOLLUM. Mr. Chairman, will the gentleman yield?

Mr. SWIFT. I yield to the gentleman from Florida.

Mr. McCOLLUM. Mr. Chairman, I thank the gentleman for yielding.

As I said to the gentleman from California, I recognize that there are weaknesses in this approach. It seems to me that this is far the lesser of two evils, and we are trying to sacrifice the cause of all of the voters in the East and the Midwest in the name of correcting a problem with voter turnout in the West.

This one at least is a milder version of that, with all of its deficiencies; and I urge the Members to support the substitute.

Mr. TRAFICANT. Mr. Chairman, I move to strike the requisite number of words.

I believe every Member's point is valid. We pass a piece of legislation today, and we incur a cost on the State and local governments, and that is what we do around here many times; and the State governments, the local governments say, "What are you doing? We might even agree with the principle, but we have no say. You passed it, and it gives us a cost factor."

CBO estimates it would cost $2 million that would be incurred on State and local governments. I believe it would be prudent that this House would also vote with this bill and appropriate an amount of money not to exceed the projection of CBO which would be $2 million distributed on a per-cost factor, so we do not open that ceiling up. That makes some sense.

I in fact have an amendment drafted. I know that my side of the aisle does not want it.

I could sense that over here, you would not actually take that, so we will pass another piece of legislation, and we are scrambling around for some ways to try and mitigate the problems that are going to be passed on to our State and local governments.

I agree basically with what the gentleman is trying to do, not the way the gentleman is doing it.

Today we put a cost on State and local governments. Congress should have enough courage that they can pass legislation that puts the bill on the back of the other government entities, and we should at least provide the funds to offset that loss.

Mr. FRENZEL. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Minnesota.

Mr. FRENZEL. Mr. Chairman, I thank the gentleman for yielding.

I am delighted to find the gentleman and myself in sync. I support the amendment, and I urge the gentleman to offer it.

Mr. SWIFT. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Washington.

Mr. SWIFT. Mr. Chairman, I thank the gentleman for yielding to me.

If we use the figures that have been given by the Budget Office, if we were to reimburse them, it would amount to $464 per precinct.

Mr. TRAFICANT. Before we do that, CBO estimated that there is a cost, not a great cost; but if we were going to do that, we should not be trying to place upon the secretary of State and the election officials the job of reducing the hours made available for voting.

If certain people are used to voting early in the morning, we do not want to take that early-morning hour away, and we should in fact consider compensating for the costs that we will incur to State and local governments.

Mr. COATS. Mr. Chairman, I move to strike the requisite number of words.

Time is moving on, and I will be very brief. I appreciate the attempt of the gentleman from Florida to find an acceptable substitute to the bill before the Members.

The arguments that have been made here indicate that problems with H.R. 435 and the bill that we are facing.

The amendment of the gentleman from Florida has some problems. I want to support it. I think I will support it as a substitute.

I urge, however, that it creates some problems for us in terms of censorship or potentially putting a lid on our ability to get the news of results out.

☐ 1425

I understand there are communities in New Hampshire that vote very early in the morning, the entire number of registered voters will vote and they are going to have to wait 18 hours. It is almost impossible to enact that kind of prohibition where you would not have somebody leaking the results and someone putting it on the air waves; but I think that points up part of the problem. The information is going to be out there. Having a uniform poll closing is not necessarily going to keep people from Washington or California or other parts of the country from finding out what a small town in New Hampshire or a small borough or precinct has done that perhaps projected the winner every year for every Presidential election. That information is going to be out there.

Ultimately we have to rely on people's discernment, their civic responsibility to go to the polls and vote, regardless of what somebody in New Hampshire has said or what some network has said.

While I have some problems with the gentleman's amendment and think that it might be workable, because we have got a bill here that creates even greater problems we are searching for some type of solution or some type of substitute, rather than just having an up and down vote on H.R. 435.

Mr. McCOLLUM. Mr. Chairman, will the gentleman yield?

Mr. COATS. I am happy to yield to the gentleman from Florida.

Mr. McCOLLUM. Mr. Chairman, the gentleman reminds me of one important point and that is that one of the critics has said that my substitute has no penalties in it, that is, except for the injunction and all. The main bill does not have any penalties in it.

If a State or a local government chooses not to abide by the uniform poll closing time, there is no penalty in this bill for that.

I think that the point of the matter is that just proves the difficulty of this whole unmanageable scheme of things, but at least, as the gentleman said, the substitute offers some modicum of reason to it. It is a little bit better for the vast majority of us in the East and the Midwest who have real problems with the bill.

I thank the gentleman for yielding this time.

Mr. COATS. Just in closing, Mr. Chairman, briefly let me state to Members who are watching and listening to this debate, the bill that is before us presents serious problems for a number of States, a number of local jurisdictions, who have set up their polling hours to accommodate a certain basis for which they want to conduct their elections. This adds extra and a considerable amount of extra cost. We do not know how much it is going to run into. In my State of Indiana we are talking about 2 additional hours, extra workers, extra costs.

It changes daylight saving. We just went through a hassle on daylight saving, changed it to try to make everything uniform. Now we have a bill that comes along and says one time, every 4 years, four States plus the Panhandle of Idaho are going to have to extend daylight saving, so airlines and commerce and transportation and everyone else has to adjust to those schedules. It was confusing enough before. We finally made that uniform and now we are bringing a bill up just months after that passed which is going to change all that around.

There are a number of reasons to be opposed to this bill. I would hope that Members would support the substitute and maybe in the intervening time we can come up with something a little better.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Florida [Mr. McCollum].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. McCOLLUM. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 99, noes 305, not voting 29, as follows:

[Roll No. 427]

AYES—99

Applegate
Archer
Armey
AuCoin
Ballenger
Bateman
Bevill
Bilirakis
Bliley
Borski
Boulter
Brown (CO)
Burton
Clinger
Coats
Coble
Coleman (MO)
Combest
Coughlin
Courter
Craig
Crane
Daniel
Dannemeyer
Darden
Davis (IL)
Davis (MI)
DeLay
DeWine
DioGuardi
Edwards (OK)
Emerson
Erdreich
Fawell
Fields
Flippo
Frenzel
Gallo
Gekas
Goodling
Gunderson
Hansen
Harris
Hefley
Henry

Herger
Hiler
Hopkins
Hunter
Ireland
Jeffords
Johnson (CT)
Kasich
Lent
Lewis (FL)
Lott
Lujan
Mack
Marlenee
McCandless
McCollum
McDade
McEwen
McMillan (NC)
Meyers
Michel
Miller (OH)
Molinari
Myers
Oxley
Parris
Petri
Porter
Quillen
Rahall
Ridge
Rinaldo
Roberts
Rogers
Roth
Rowland (CT)
Rowland (GA)
Schneider
Schuette
Schulze
Shaw
Skeen
Smith, Denny (OR)
Spence
Stump
Sweeney
Swindall
Taylor
Vander Jagt
Walker
Whittaker
Wolf
Wortley
Young (FL)

NOES—305

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Aspin
Atkins
Badham
Baker
Bartlett
Barton
Bates
Bennett
Bentley
Bereuter
Berman
Bilbray
Boehlert
Boggs
Boland
Bonior
Bonker
Boucher
Brennan
Brooks
Broomfield
Brown (CA)
Bruce
Bryant
Buechner
Bunning
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Chappell
Cheney
Clarke
Clay
Coelho
Coleman (TX)
Collins
Conte
Conyers
Cooper
Coyne
Crockett
Daub
de la Garza
Dellums
Derrick
Dickinson
Dicks
Donnelly
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
English
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frost
Gallegly
Gaydos
Gejdenson
Gibbons
Gingrich
Glickman
Gonzalez
Gordon
Gradison
Grandy
Grant
Gray (IL)
Gray (PA)
Green
Gregg
Guarini
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hastert
Hawkins
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Holloway
Horton
Houghton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Hyde
Inhofe
Jacobs
Jenkins
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Konnyu
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Latta
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Lowery (CA)
Lowry (WA)
Luken, Thomas
Lukens, Donald
Lungren
MacKay
Madigan
Manton
Markey
Martin (IL)
Martin (NY)
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McGrath
McHugh
McMillen (MD)
Mfume
Mica
Miller (CA)
Miller (WA)
Mineta
Moakley
Mollohan
Moody
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal
Nelson
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Owens (NY)
Owens (UT)
Packard
Panetta
Pashayan
Patterson
Pease
Pelosi
Penny
Pepper
Perkins
Pickett
Pickle
Price (IL)
Price (NC)
Pursell
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Ritter
Robinson
Rodino
Roe
Rose
Rostenkowski
Roukema
Roybal
Russo
Sabo
Saiki
Savage
Sawyer
Saxton
Schaefer
Schroeder
Schumer
Sensenbrenner
Sharp
Shays
Shumway
Shuster
Sikorski
Sisisky
Skaggs
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spratt
St Germain
Staggers
Stallings
Stangeland
Stenholm
Stokes
Stratton
Studds
Sundquist
Swift
Synar
Tallon
Tauke
Tauzin
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Udall
Upton
Valentine
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Watkins
Weber
Weiss
Weldon
Wheat
Whitten
Williams
Wise
Wolpe
Wyden
Wylie
Yatron
Young (AK)

NOT VOTING—29

Barnard
Beilenson
Biaggi
Bosco
Boxer
Bustamante
DeFazio
Dingell
Dixon
Dowdy
Garcia
Gephardt
Gilman
Hatcher
Hochbrueckner
Kemp
Kolter
Mavroules
Montgomery
Nichols
Ortiz
Roemer
Scheuer
Skelton
Stark
Traxler
Waxman
Wilson
Yates

□ 1440

Messrs. DORGAN of North Dakota, LIGHTFOOT, BOLAND, HASTERT, CARR, and CHANDLER changed their votes from "ayes" to "no."

Mr. PARRIS changed his vote from "no" to "aye."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

Mr. SWIFT. Mr. Chairman, I ask unanimous consent that the remainder of the bill be printed in the Record and open to amendment at any point.

The CHAIRMAN pro tempore (Mr. Clarke). Is there objection to the request of the gentleman from Washington?

There was no objection.

The text of the remainder of the bill is as follows:

SEC. 2. EXTENDED DAYLIGHT SAVING TIME IN PACIFIC TIME ZONE IN PRESIDENTIAL ELECTION YEARS.

Section 3 of the Uniform Time Act of 1966 (15 U.S.C. 260a) is amended by adding at the end the following new subsection:

"(d)(1) Notwithstanding subsection (a) of this section, in each year in which a Presidential general election takes place, the period of time during which the standard time shall be advanced with respect to the Pacific time zone shall end at 2:00 o'clock ante meridiem on the first Sunday after the date of that election.

"(2) As used in this subsection, the term 'Presidential general election' means the election for electors of President and Vice President.".

SEC. 3. TECHNICAL AMENDMENTS.

(a) Amendments to Title 3, United States Code.—The table of sections for chapter 1 of title 3, United States Code, is amended—

(1) by striking out the item relating to section 21 and inserting in lieu thereof the following:

"22. Definitions."; and

(2) by inserting after the item relating to section 20 the following new item:

"21. Single poll closing time in continental United States.".

(b) Amendments to Uniform Time Act of 1966.—Section 3(a) of the Uniform Time Act of 1966 (15 U.S.C. 260a(a)) is amended by striking out "2 o'clock antemeridian" each place it appears and inserting in lieu thereof "2:00 o'clock ante meridiem".

The CHAIRMAN pro tempore. Are there further amendments to the bill?

If not, under the rule the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. Coelho], having assumed the chair, Mr. Clarke, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 435) to amend title 3, United States Code, and the Uniform Time Act of 1966 to establish a single poll closing time in the continental United States for Presidential general elections, pursuant to House Resolution 303, he reported the bill back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. FRENZEL. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 208, noes 189, not voting 36, as follows:

[Roll No. 428]

AYES—208

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Aspin
Atkins
Bates
Beilenson
Bennett
Bentley
Bereuter
Bilbray
Boggs
Boland
Bonior
Bonker
Brooks
Brown (CA)
Bryant
Byron
Cardin
Carr
Chandler
Chapman
Chappell
Clay
Coelho
Coleman (TX)
Collins
Conyers
Cooper
Coyne
Crockett
Daniel
Dannemeyer
de la Garza
Dellums
Dicks
Donnelly
Dorgan (ND)
Downey
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
English
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Florio
Foglietta

Foley
Ford (MI)
Ford (TN)
Frost
Gaydos
Gejdenson
Gibbons
Gonzalez
Gordon
Gray (IL)
Gray (PA)
Guarini
Hall (TX)
Hamilton
Hawkins
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Holloway
Hopkins
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Jacobs
Johnson (SD)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Konnyu
Kostmayer
LaFalce
Lantos
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Lewis (GA)
Lipinski
Lloyd
Lowery (CA)
Lowry (WA)
Luken, Thomas
Lungren
MacKay
Manton
Martinez
Matsui
McCandless
McCloskey
McCurdy
McHugh
McMillen (MD)
Mfume
Mica
Miller (CA)
Miller (WA)
Mineta
Moakley
Moody
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Nelson
Nowak
Oakar
Oberstar
Owens (NY)
Owens (UT)
Packard
Panetta
Pease
Pelosi
Penny
Pepper
Pickle
Price (IL)
Rangel
Rhodes
Richardson
Robinson
Rodino
Roe
Rose
Rostenkowski
Roybal
Russo
Sabo
Saiki
Savage
Sawyer
Schumer
Sharp
Shays
Sikorski
Skaggs
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NE)
Solarz
Spratt
St Germain
Staggers
Stallings
Stenholm
Stokes
Studds
Sundquist
Swift
Synar
Tallon
Tauzin
Thomas (CA)
Torres
Torricelli
Towns
Traficant
Udall
Vento
Visclosky
Vucanovich
Walgren
Watkins
Weiss
Wheat
Williams
Wilson
Wolpe
Wyden
Yatron
Young (AK)

NOES—189

Applegate
Archer
Armey
Badham
Baker
Ballenger
Bartlett
Barton
Bateman
Berman
Bevill
Bilirakis
Bliley
Boehlert
Borski
Boucher
Boulter
Brennan
Broomfield
Brown (CO)
Bruce
Buechner
Bunning
Burton
Callahan
Campbell
Cheney
Clarke
Clinger
Coats
Coble
Coleman (MO)
Combest
Conte
Coughlin
Courter
Craig
Crane
Darden
Daub
Davis (IL)
Davis (MI)
DeLay
Derrick
DeWine
Dickinson
DioGuardi
Dornan (CA)
Dreier
Duncan
Durbin
Edwards (OK)
Emerson
Erdreich
Fawell
Fields
Flippo
Frenzel
Gallegly
Gallo
Gekas
Gingrich
Glickman
Goodling
Gradison
Grandy
Green
Gregg
Gunderson
Hall (OH)
Hammerschmidt
Hansen
Harris
Hastert
Hefley
Henry
Herger
Hiler
Houghton
Hyde
Inhofe
Ireland
Jeffords
Jenkins
Johnson (CT)
Jones (NC)
Kasich
Kolbe
Kyl
Lagomarsino
Lancaster
Latta
Leach (IA)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lott
Lujan
Lukens, Donald
Mack
Madigan
Martin (IL)
Martin (NY)
Mazzoli
McCollum
McDade
McEwen
McGrath
McMillan (NC)
Meyers
Michel
Miller (OH)
Molinari
Mollohan
Moorhead
Myers
Nagle
Natcher
Neal
Nielson
Obey
Olin
Oxley
Parris
Pashayan
Patterson
Perkins
Petri
Pickett
Porter
Price (NC)
Pursell
Quillen
Rahall
Ravenel
Ray
Regula
Ridge
Rinaldo
Ritter
Roberts
Rogers
Roth
Roukema
Rowland (CT)
Saxton
Schaefer
Schneider
Schroeder
Schuette
Schulze
Sensenbrenner
Shaw
Shumway
Shuster
Sisisky
Skeen
Slattery
Slaughter (VA)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Snowe
Solomon
Spence
Stangeland
Stratton
Sweeney
Swindall
Tauke
Taylor
Thomas (GA)
Upton
Valentine
Vander Jagt
Volkmer
Walker
Weber
Weldon
Whittaker
Whitten
Wise
Wolf
Wortley
Wylie
Young (FL)

NOT VOTING—36

AuCoin
Barnard
Biaggi
Bosco
Boxer
Bustamante
Carper
DeFazio
Dingell
Dixon
Dowdy
Frank
Garcia
Gephardt
Gilman
Grant
Hatcher
Hochbrueckner
Kemp
Kolter
Markey
Marlenee
Mavroules
Montgomery
Nichols
Ortiz
Roemer
Rowland (GA)
Scheuer
Skelton
Smith, Robert (OR)
Stark
Stump
Traxler
Waxman
Yates

□ 1505

The Clerk announced the following pairs:

On this vote:

Mr. Barnard for, with Mr. Nichols against.

Mrs. Boxer for, with Mr. DeFazio against.

Mr. TAYLOR changed his vote from "aye" to "no."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SWIFT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on H.R. 435, the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 2112, INTELLIGENCE AUTHORIZATION ACT, 1988

Mr. STOKES. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight to file a conference report on the bill, H.R. 2112, the Intelligence Authorization Act for fiscal year 1988.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

REPORT ON RESOLUTION WAIVING CERTAIN POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 1451, OLDER AMERICANS ACT AMENDMENTS OF 1987

Mr. PEPPER, from the Committee on Rules, submitted a privileged report (Rept. No. 100-430) on the resolution (H. Res. 308) waiving certain points of order against the conference report on the bill (H.R. 1451) to amend the Older Americans Act of 1965 to authorize appropriations for the fiscal years 1988, 1989, 1990, and 1991; to amend the Native Americans Programs Act of 1974 to authorize appropriations for such fiscal years; and for other purposes, and against the consideration of such conference report, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF S. 1667, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION ATMOSPHERIC AND SATELLITE PROGRAM AUTHORIZATION ACT OF 1987

Mr. PEPPER, from the Committee on Rules, submitted a privileged report (Rept. No. 100-429) on the resolution (H. Res. 307) providing for the consideration of the Senate bill (S. 1667) to authorize atmospheric and satellite programs and functions of the National Oceanic and Atmospheric Administration, and for other purposes, which was referred to the House Calendar and ordered to be printed.

APPOINTMENT AS MEMBERS OF DELEGATION TO ATTEND INTERPARLIAMENTARY CONFERENCE ON DRUG ABUSE AND ILLICIT TRAFFICKING IN THE WESTERN HEMISPHERE IN CARACAS, VENEZUELA

The SPEAKER. Pursuant to the provisions of 22 U.S.C. 276a-1, the Chair appoints as members of the delegation to attend the Interparliamentary Conference on Drug Abuse and Illicit Trafficking in the Western Hemisphere in Caracas, Venezuela, the following Members on the part of the House:

Mr. Scheuer of New York; and

Mr. Gilman of New York.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to make an announcement.

The Chair announces that during the joint meeting to receive the President of Israel, only the doors immediately opposite the Speaker and those on his left and right will be open.

RECESS

The SPEAKER. Pursuant to the order of the House of November 5, 1987, the House will stand in recess subject to the call of the Chair, until approximately 3:30 p.m.

Accordingly (at 3 o'clock and 10 minutes p.m.), the House stood in recess subject to the call of the Chair.

JOINT MEETING OF THE HOUSE HELD PURSUANT TO THE ORDER OF THE HOUSE OF NOVEMBER 5, 1987, TO HEAR AN ADDRESS BY THE PRESIDENT OF ISRAEL

The SPEAKER of the House presided.

The Doorkeeper, Hon. James P. Molloy, announced the Members of the U.S. Senate who entered the Hall of the House of Representatives, the senior Senator from Wisconsin, Senator PROXMIRE, taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to conduct the President of Israel into the Chamber:

The gentleman from Washington [Mr. FOLEY];

The gentleman from California [Mr. COELHO];

The gentleman from Florida [Mr. FASCELL];

The gentleman from Michigan [Mr. BONIOR];

The gentlewoman from Ohio [Ms. OAKAR];

The gentleman from Texas [Mr. FROST];

The gentleman from Florida [Mr. SMITH];

The gentleman from Illinois [Mr. MICHEL];

The gentleman from Mississippi [Mr. LOTT];

The gentlewoman from Illinois [Mrs. MARTIN];

The gentleman from California [Mr. LEWIS]; and

The gentleman from Michigan [Mr. BROOMFIELD].

Senator PROXMIRE. Pursuant to the order previously entered, the following Senators are appointed as members of the committee on the part of the Senate to escort the President of Israel into the Chamber:

The Senator from California [Mr. CRANSTON];

The Senator from Rhode Island [Mr. PELL];

The Senator from Massachusetts [Mr. KENNEDY];

The Senator from New York [Mr. MOYNIHAN];

The Senator from Michigan [Mr. LEVIN];

The Senator from Maryland [Mr. SARBANES];

The Senator from Rhode Island [Mr. CHAFEE];

The Senator from Mississippi [Mr. COCHRAN];

The Senator from Pennsylvania [Mr. HEINZ];

The Senator from Pennsylvania [Mr. SPECTER]; and

The Senator from Nevada [Mr. HECHT].

The Doorkeeper announced the ambassadors, ministers, and charges d'affaires of foreign governments.

The ambassadors, ministers, and charges d'affaires of foreign governments entered the Hall of the House of Representatives and took the seats reserved for them.

The Doorkeeper announced the Cabinet of the President of the United States.

The members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 3 o'clock and 42 minutes p.m. the Doorkeeper announced the President of Israel.

The President of Israel, escorted by the Committee of Senators and Representatives, entered the Hall of the House of Representatives, and stood at the Clerk's desk.

[Applause, the Members rising.]

The SPEAKER. Members of the Congress, it is a great privilege and I count it a high honor to present to you his Excellency, Chaim Herzog, President of Israel.

[Applause, the Members rising.]

ADDRESS BY HIS EXCELLENCY, CHAIM HERZOG, PRESIDENT OF ISRAEL BEFORE THE JOINT MEETING OF THE UNITED STATES CONGRESS

President HERZOG. Mr. Speaker, Mr. President, how pregnant with significance is this occasion, as I the head of the State of an old people, and yet a young democracy, which was reborn following centuries of prayer and struggle, have the privilege to address this august assembly, an assembly representing the leadership of the free world. This Congress is after all a shining beacon of hope to the hundreds of millions in a dark world who suffer bondage, inhumanity, poverty, are deprived of freedom of speech, of expression of movement, who live in societies in which hundreds of millions have never known and do not experience the gifts of human freedom.

I stand here proudly before this great assembly and think back to the years of struggle and sacrifice which have led to this occasion which will be a milestone in the age-old history of our people—that of a first State visit of the President of Israel to its closest ally and friend—the United States of America, and that of the honor accorded my people by these two Houses with all that they signify in terms of human hope and dreams.

I come to you in the year of the 40th anniversary of Israel's independence. When I recall the enormous sacrifice that we made for our independence—when I recall how the flower of our youth gave its life so that we should live—when I recall how as we struggled for our existence we opened our gates and absorbed five times our original population including those refugees who had emerged from the ashes of the holocaust, I can but feel satisfaction and pride at the enormous advances that we have made in creating a free society with all its inherent strength and despite the numerous challenges it faces.

We have achieved peace with the largest Arab State, namely, Egypt, and are advancing slowly but inexorably along the road of the ultimate goal of comprehensive peace in the Middle East. We have become in our area a major center of technology, agricultural, scientific and medical advance. Like you, so did we make very painful sacrifices in order to achieve the celebration of our 40th birthday with all the accomplishments of which we are so proud and with all the problems which we have to face. This appearance of mine here today bears eloquent testimony to the historic significance of my visit to Washington.

Indeed, my visit here at this time recalls milestones in our history which occurred in this 1 month—November:

Seventy years ago this month, world Jewry was electrified by the Balfour Declaration in which the British Government acknowledged the Jewish people's right to a homeland in Palestine. This was at a vital stage in World War I. The content of the letter sent by Lord Balfour to Lord Rothschild was incidentally approved by President Wilson. This document gave rise to the mandate which was granted to the British Government by the League of Nations to implement the purpose of the Balfour Declaration.

Forty-nine years ago today, as I pointed out on the White House lawn on my arrival, Nazi Germany's major onslaught against Jews and Jewish culture, assumed its most brutal expression in the terrifying Kristalnacht—the Night of the Crystals, when Jewish synagogues, homes and schools, were set ablaze throughout Germany, and our Hebrew Bible and our holy books were burnt in bonfires across the land.

Forty years ago this month, the United Nations with the support of the United States Government and the Soviet Union, voted for a resolution which determined, inter alia, the establishment of a Jewish State in Palestine. We were thereupon attacked by seven Arab armies bent on our destruction. We fought literally for our lives, sacrificing 1 percent of our population in bloody battle, and achieved our independence.

Twelve years ago today I had the privilege of defending Israel and the Jewish people against the scurrilous attack on Zionism launched at the United Nations General Assembly by a sordid assortment of totalitarian dictatorships. In that memorable struggle which split the United Nations and in which, as I pointed out in the debate, the world had divided itself into good and bad, decent and vile, human and debased, the United States and other Western governments stood by us staunchly. We shall never forget the proud and impressive stand taken at our side on that memorable occasion by the U.S. delegation led by a distinguished Member of this Senate—Senator DANIEL PATRICK MOYNIHAN, senior Senator of New York. He represented in his remarks and in his proud stand the greatness of this country, its courage in standing up to an alliance of dictatorships and its unequivocal stand by our side in what was one of the memorable and historic debates in the United Nations. Senator MOYNIHAN's words on that dramatic occasion will long be remembered by our people.

I thank both these Houses for having adopted the so-called Australian resolution, which was passed unanimously by both Houses of the Australian Parliament on the eve of my State visit there last year, rejecting the infamous U.N. Resolution 3379. I trust that other democratic parliaments will follow suit.

Again in November 10 years ago, President Sadat made his historic trip to Jerusalem and addressed the Knesset. This visit marked an historic watershed in our region which was to lead to the first peace treaty between Israel and an Arab State—indeed, the leading Arab State. That peace treaty was signed here in Washington on the White House lawn by the late President Sadat, by Mr. Menachem Begin, the former Prime Minister of Israel and was witnessed by President Jimmy Carter. This peace would never have been achieved but for the intense involvement of the President and the administration of the United States of America in the entire process leading up to it.

I stand here representing a democracy aged 40 years, in the heart of the greatest democracy in the world, celebrating the 200th anniversary of its Constitution. I represent an ancient people and a young state, but what binds us is not our age but our values. Israel represents the belief in man and in his right to the basic freedoms and to peace. We believe that the democratic system of government is the only one valid for mankind. In the great trials of our times of struggles between totalitarianism and democracy, democracy has invariably emerged triumphant. We believe that man must help his fellow man. We believe that prosperity comes only to those who share it with other fellow men. We are a society that has made enormous strides and advances in agriculture, in industry, in science, and as such see ourselves as a bridge between the developed world and the developing world. Our great ally, the United States, unselfishly supports other nations in the world. So do we, as a matter of national policy, aid, support and share our experience and our progress with developing countries who require it.

We live in a world in which a minority of the members of the United Nations are democracies. We live in a world in which hundreds of millions of people wake up every morning hungry. We live in a world in which the scope of ignorance exceeds that of education, in which helplessness exceeds ability. We live in a world in which insensitivity is greater than enlightenment. We live in a world a great part of which believes in violence and the solution of problems by force. We live in a world of holy wars, racism, and prejudice, a world which experienced two world wars and has been incapable of putting an end to war. A world which believed in the League of Nations and has been frustrated and disillusioned by the United Nations. It is a world which is in dire need of hope and of aid and which instinctively turns to this country, the powerful keeper of the seal of democracy in the world, a fortress that no upheaval, political or economic, can move from the basis which was created by its Constitution 200 years ago.

I represent a country which is proud of the fact that despite five wars, despite the defence and economic burden which it has borne since its inception, has never hesitated on the issue of its basic values. Like you, we have never known 1 minute without democracy. Our democracy faces the most involved challenges—a constant state of readiness, long military and reserve service, and the complex problems arising out of the refusal of our neighbors to enter into negotiations for peace with us.

We absorbed several times our own population, many of the immigrants coming from countries that have never known democracy. We have overcome the desert and the wilderness, we have created new forms of society. We have constructed a most sophisticated agricultural system, and an industry based on high technology and have created important centers of scientific research. Truly, we are entitled to look back with no small measure of pride and to say that we have created something that perhaps those who dreamt of the future never believed would come to pass.

Mr. Speaker, Mr. President, as I stand here there flash upon my inward eye the images of great leaders of the world who stood here in times of challenge and tragedy to the world and expressed their gratitude to the American people and its leaders for its generosity and support. Never in the history of man has there been such an unselfish approach to the less fortunate countries of the world than that of this great nation. For in the spirit of the prophet Isaiah, "Each one helps his neighbor and every one said to his brother be of good courage."

We note that the aid provided to Israel is extended as a function of the vital interests of the United States. Today in the Near East the longest war in this century is being waged—a brutal bloody war motivated by fanatic religious fundamentalism on the one hand, and the ambitions of a megalomaniac dictatorship on the other hand. An unconventional weapon, poison gas, has been introduced, and the world has stood by in mute helplessness. The figure of those killed has gone well beyond the million mark. A war which threatens one of the vital arteries of the Western World, with all that this implies for the freedom of the world, a lifeline which you are so valiantly defending today.

How blind were the so-called experts in analysing the developments in our area. The obsessive fixation with every stone-throwing incident in the West Bank led to a situation whereby the real ominous developments in the Middle East were overlooked by most observers. Thus again and again the Western World was taken by surprise when the real focus of danger erupted. How can we forget how the free world was taken by surprise by the Soviet invasion of Afghanistan, by the Khomeini revolution in Iran, by the outbreak of the Iran-Iraq war?

Let me emphasise to the distinguished members of these two Houses that the world has in many ways been misled into viewing the Israel Arab conflict as being the main issue in the Middle East. Today you know as well as I do that if the Israel-Arab conflict were to be resolved and to disappear, as I certainly hope and pray that it will, all the centers of bloodshed, war, instability and fundamentalistic religious fanaticism from the Atlantic Ocean to the Persian Gulf, would persist. It is against this background that we must view the sole bastion of democracy in our region—Israel. A glance at the map of the Middle East must surely emphasise the vital significance for the security of the United States and the free world of this solid island of stability, loyalty, and friendship to the United States. We are proud of our alliance and of the joint mutual base of common values and traditions on which it stands.

A few weeks ago we welcomed to Israel a number of prominent Jews from the Soviet Union. It was not coincidental that the first people to speak on the phone with Ida Nudel, after she arrived to freedom, were the President of the United States and the Secretary of State. The act reflected the gratitude of an entire nation and of countless numbers of our brethren and sisters in the Soviet Union who pray for freedom and who know of the great efforts of the leadership of this country and the members of these Houses to bring them to freedom. The winds of change may be blowing in the Soviet Union, but for us there is one litmus test—that is the granting of full rights for Jews in the Soviet Union to learn their language, to adhere to their traditions and to be free to practice their religion as they wish. This, together with their exercise of their intrinsic right to be free to move and to rejoin their people in Israel, if they so wish. For us, this is the crucial test and we will judge the behavior of the Soviet Union by its attitude toward its Jewish population.

In expressing our gratitude to the Members of Congress, we would urge you to maintain your deep interest in favor of the reunion of Soviet Jewry with their brothers and sisters in Israel.

I would urge you, too, to help us in our efforts to reunite with us the Jews from other repressive countries, such as Syria.

We see as our major challenge the achievement of peace between us and our Arab neighbors, including the Palestinian people. In our Declaration of Independence we held out our hand in peace to our neighbors. After the Six Day War in 1967, a week after the sounds of battle receded, the Government of Israel—at that time a National Unity Government, called on the Arab States to open negotiations for peace. The reply given us by the Arab world at that time was the three "No's" of the Khartoum Conference—no peace, no recognition, no negotiations.

A great man arose in the Middle East—President Anwar Sadat. His dramatic offer was matched by the no less dramatic response of Prime Minister Menachem Begin and the warm and enthusiastic welcome accorded him by the Knesset of Israel and by the people of Israel. The President came, spoke, and negotiated, and thanks to the active involvement of the President of the United States at that time and the U.S. administration, we achieved a peace treaty.

We have never achieved any advance without negotiations. We have never negotiated with our Arab neighbors without achieving an advance. This is our message, and hence the unanimous desire of our people for negotiations. There may be differences of opinion as to procedures and modalities, but not as to the vital necessity of achieving peace through direct negotiations. On this our people are united.

Since President Sadat's visit to Jerusalem, not a single Israeli or Egyptian soldier has fallen along our border. What greater recompense can both of our countries ask for? A bus departs from Jerusalem and Tel-Aviv every morning for Cairo—and vice versa. We pray for the day when similar buses will depart daily from Israel to all the other capitals of our neighboring Arab countries.

We are irrevocably committed to the inexorable process moving toward peace in the Middle East. I am convinced that we will achieve it. For I only have to look back to 10 years ago today when most of Israel's borders were hermetically sealed and there was no passage of people or trade across them. Who would have dreamt then 10 years ago today that today the Israeli flag would fly over an Israeli Embassy in Cairo and an Egyptian flag over an Egyptian Embassy in Israel? Who would have dreamt that over a million people would be crossing annually over the bridges of the River Jordan in both directions, and that daily hundreds of trucks would be carrying produce and exports in both directions? And who would have dreamt that thousands of Israeli Moslems would be making their way to and fro in performance of the holy pilgrimage to Mecca? Who would have dreamt that a Jordanian Bank would be operating in Nablus and reporting to both the Bank of Israel and the Jordanian Treasury? Who would have dreamt that tens of thousands of Israeli tourists would be thronging Egyptian resorts and tourist sites, that joint Israel-Egypt agricultural projects would be taking place in the Nile Delta, that Israeli stands would be exhibiting along side stands of the Arab countries at industrial fairs in Cairo? That an Arab book fair displaying books and literature from all over the Middle East would be opened by the President of Israel in Haifa.

Yes, my friends, we are moving inexorably toward peace and that is the major goal of our people reflecting as it does the prayers of millions who cannot express themselves freely in our area, torn by fundamentalistic religious fanaticism. That peace will be achieved because we want it and because the people of the Middle East want it and because we know that we will be supported in this endeavor by the President, the administration and the Congress of the United States.

Mr. Speaker, Mr. President, since World War II you have borne the burden of Western civilization and guaranteed the forces of democracy. You have experienced a difficult period and may be facing further trying problems. This nation produced the greatest and most powerful economy on earth. Your achievements in science and technology, your advances in arts and culture have opened up new vistas for mankind and for the world. You are a strong, great and dynamic people which has given the world a constitutional system which has weathered the storms of 200 years and has maintained your freedom as a nation. It is particularly at times such as these when clouds hover in the skies that the ordinary individual, wherever he may be, realizes in his heart what the United States means to the world.

You know that, as you face challenges, countless myriads in the teeming masses of the world depend on you. They look to you and draw courage and inspiration from your moral fabric. It is at times such as these that the little man, wherever he may be, in freedom or in bondage realizes what the United States and the American dream means to the world.

Thanks to your aid my small country is capable of defending all that you stand for in terms of human freedom and dignity in an area buffeted by the winds of extremism and fanaticism. It is proper and just that on this occasion we utter a reminder of what free people owe to this great nation and of what hopes this mighty country keeps alive in the hearts of people in bondage wherever they may be.

Never in history has a nation given to mankind in so unselfish a manner what the American people have made available to the world. Mindful of the unique roll that Providence has bestowed upon you, I stand before this great assembly today, in the year of our 40th anniversary, and extend to you the greetings of a grateful nation and a staunch ally. God bless America.

JOINT MEETING DISSOLVED

The SPEAKER. The purpose of the joint meeting having been completed, the Chair declares the joint meeting of the two Houses now dissolved.

The House will continue in recess until approximately 4:20 p.m.

Accordingly, at 4 o'clock and 8 minutes the joint meeting of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

[Applause, the Members rising.]

At 4 o'clock and 8 minutes p.m., the President of Israel, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Doorkeeper escorted the invited guests from the Chamber in the following order:

The members of the President's Cabinet.

The ambassadors, ministers, and Charges d'Affaires of foreign governments.

□ 1620

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Ms. SLAUGHTER], of New York, at 4 o'clock and 24 minutes p.m.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. FOLEY. Madam Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule shall be dispensed with on Wednesday next, tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

□ 1625

ADJOURNMENT OF THE HOUSE FROM TUESDAY, NOVEMBER 10, 1987, TO MONDAY, NOVEMBER 16, 1987

Mr. FOLEY. Madam Speaker, I offer a privileged concurrent resolution (H. Con. Res. 215) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 215

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Tuesday, November 10, 1987, it stand adjourned until 12 o'clock meridian on Monday, November 16, 1987.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mrs. Emery, one of his secretaries.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, NOVEMBER 18, 1987

Mr. FOLEY. Madam Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, November 18, 1987, next week.

The SPEAKER pro tempore (Ms. SLAUGHTER of New York). Is there objection to the request of the gentleman from Washington?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Madam Speaker, I do so for the purpose of inquiring of the distinguished majority leader the program for the balance of the day and next week, hopefully.

Mr. FOLEY. I thank the distinguished Republican leader for yielding.

Madam Speaker, this concludes the business for today and the House will stand adjourned until Monday, November 16. We will meet at noon on Monday and consider the Consent Calendar and three bills under suspension of the rules,

House Joint Resolution 376, calling upon the Soviet Union to grant permission to immigrate to all those who wish to join spouses in the United States;

House Congressional Resolution 186, regarding the Berlin Wall; and

H.R. 3471, to establish the Veterans' Administration as an executive department.

On Tuesday, November 17, the House will meet at noon, consider the Private Calendar and any recorded votes ordered on suspensions debated on Monday, November 16.

I should advise Members that while there are no legislative votes scheduled for Monday, the 16th, the possibility exists that procedural votes—we hope those do not occur—but we should make Members aware that they are possible.

Also on Tuesday, November 17 the conference report on H.R. 1451, Older Americans Act Amendments, subject to a rule and H.R. 3100, International Security and Development Assistance Act, modified open rule, 1 hour of debate. The rule has already been adopted.

Wednesday and the balance of the week, November 18, 19, and 20, the House will meet at 10 a.m., consider House Joint Resolution 385, continuing resolution for fiscal year 1988 subject to a rule; H.R. 1720, the Family Welfare Reform Act of 1987 subject to a rule and S. 1667, National Oceanic and Atmospheric Administration Act, open rule with 1 hour of debate. The announcements are made subject, of course, to the usual reservation that conference reports may be brought up at any time.

I would like to, however, emphasize for the Members that next Friday, November 20, is the date for the beginning of sequestration, in the absence of other actions. So the House will be in session on Friday, November 20 and there will be votes.

I want to advise Members in advance that we will not be able to give absolute assurance on the usual Friday 3 p.m. adjournment rule. So Members should be advised on the 20th of November there will be a session with votes and unless an announcement is made subsequent to this time, we will in fact not be able to guarantee the 3 o'clock hour.

Mr. MICHEL. Might I inquire of the distinguished majority leader whether those votes on suspensions rolled over from Monday would occur at the beginning of the session on Tuesday, or would those be at the end of the day?

Mr. FOLEY. They would be postponed until the end of the day.

Mr. MICHEL. And as the gentleman indicated, Members should certainly expect rollcall votes on all the 4 days, Tuesday, Wednesday, Thursday, and Friday of next week.

Mr. FOLEY. That is correct.

Mr. LUNGREN. Madam Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from California [Mr. LUNGREN].

Mr. LUNGREN. I thank the Republican leader for yielding.

May I inquire of the distinguished majority leader: I note that the Family Welfare Reform Act of 1987 is scheduled for Wednesday and the balance of the week. I would like to know, I would like to make inquiry as to whether or not we have an idea of the type of rule we might have on that.

Mr. FOLEY. That is subject to a rule. I cannot advise the gentleman as to the rule at this time. I am not able to give him even a precise date for the consideration of that bill. Sometime next week from Wednesday through Friday.

Mr. LUNGREN. If the minority leader would further yield on that, I guess the question I should have asked is do we expect to complete action on the welfare bill next week in light of the other piece of legislation we have?

Mr. FOLEY. The answer is "yes," if it is taken up we assume that we will finish it.

Mr. MICHEL. I think it would be fair to state that our side would prefer as open a rule as we can possibly get. I know at one time we were talking about a substitute but I do know there are Members who have individual amendments which would do a great deal toward the whole constructive process of developing as good a piece of legislation as is possible.

As I indicated earlier on, some long time ago we thought the welfare reform legislation ought to be considered on its own, not be a part of reconciliation. Of course, that flow of events has now gotten us to that point where we will take it up individually. I think we would do this House proud if we do provide Members an opportunity to work some measure of will on what they feel is best for the welfare reform. We hope that will be the case.

AUTHORIZING THE SPEAKER TO ACCEPT RESIGNATIONS AND APPOINT COMMISSIONS, BOARDS, AND COMMITTEES AUTHORIZED BY LAW OR BY THE HOUSE, NOTWITHSTANDING ADJOURNMENT OF THE HOUSE

Mr. FOLEY. Madam Speaker, I ask unanimous consent that, notwithstanding any adjournment of the House until Monday, November 16, 1987, the Speaker be authorized to accept resignations, and to appoint commissions, boards, and committees authorized by law or by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

PERSONAL EXPLANATION

(Mr. CRANE asked and was given permission to revise and extend his remarks.)

Mr. CRANE. Madam Speaker, on November 4, 1987, I was in Illinois delivering a eulogy and serving as pallbearer at the funeral of a very close friend of mine. Due to the fact that I missed a series of votes, I would like to submit a statement on how I would have voted if I had been present.

I would have voted against final passage of H.R. 1212 to prevent the denial of employment opportunities by prohibiting the use of lie detectors by employers involved in or affecting interstate commerce. This bill passed the House of Representatives by a 254 to 158 vote.

I would also have voted in favor of the following seven recorded amendments—the first two of which were passed.

First. The Roukema amendment that sought to permit lie detector tests by employers in the business of providing security services.

Second. The Richardson amendment, as amended by the Hughes amendment, that permits use of lie detector tests by any employer authorized to manufacture, distrubute, or dispense a controlled substance if the test is administered to a current employee who had access to a person or property connected with an ongoing criminal investigation.

Third. The Young of Florida amendment that sought to permit use of lie detector tests by employers at nursing home facilities.

Fourth. The Roukema amendment that sought to permit use of lie detector tests on employees or prospective employees in the banking and securities industry.

Fifth. The Gunderson amendment that sought to permit use of lie detector tests if the test was administered in connection with any ongoing criminal investigation or misconduct, the employee had access to the subject of the investigation, and the employer had a reasonable suspicion that the employee was involved.

Sixth. The DeLay amendment that sought to permit use of lie detector tests by employers who operate firms providing services in private residences and whose employees obtain access to such residences.

Seventh. The Young of Florida amendment in the nature of a substitute that sought to provide strict guidelines for use of voluntary lie detector tests, provide specific rights for polygraph examinees, and set minimum standards for text examiners.

NATIONAL ADOPTION WEEK

Mr. DYMALLY. Madam Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 97) to designate the week beginning November 22, 1987, as "National Adoption Week," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mrs. MORELLA. Madam Speaker, reserving the right to object, the minority has no objection to this legislation.

Madam Speaker, under my reservation, I yield to the gentleman from California [Mr. Dymally].

Mr. DYMALLY. Madam Speaker, as a legislator in Sacramento, CA, I had the privilege of offering an adoption bill which was subsequently tombstoned as the "Dymally Adoption Bill." Specifically, the bill provided benefit payments to parents, young parents who would then adopt children permitting the mother to stay home with the child. We subsequently amended the bill to provide health care services. It provided an opportunity to a number of young parents to adopt children with benefit payments which would have normally gone to foster homes or other shelter homes.

The bill has been very successful. It was a very unique model for adopting children and helping young parents.

So I am pleased that we have seen fit to recognize adoption of children across the country and I thank the gentlewoman for yielding.

Mrs. MORELLA. Madam Speaker, I commend the gentleman from California for presenting this resolution for National Adoption Week.

Madam Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. Res. 97

Whereas Thanksgiving week has been commemorated as "National Adoption Week" for the past ten years;

Whereas we in Congress recognize the essential value of belonging to a secure, loving, permanent family as every child's basic right;

Whereas approximately fifty thousand children who have special needs—school age children, children within sibling groups, children who are members of minorities, or children with physical, mental, or emotional handicaps—are now in foster care of institutions financed at public expense and are legally free for adoption;

Whereas the adoption by capable parents of these institutionalized or foster care children into permanent, adoptive homes would insure the opportunity for their continued happiness and long-range well-being;

Whereas public and private barriers inhibiting the placement of these special needs children must be reviewed and removed where possible to assure these children's adoption;

Whereas the public and prospective parents must be informed of the availability of adoptive children;

Whereas a variety of media, agencies, adoptive parent and advocacy groups, civic and church groups, businesses, and industries will feature publicity and information to heighten community awareness of the crucial needs of waiting children; and

Whereas the recognition of Thanksgiving week as "National Adoption Week" is in the best interest of adoptable children and the public in general: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of November 22, 1987, through November 28, 1987, is designated "National Adoption Week," and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMERICAN INDIAN WEEK

Mr. DYMALLY. Madam Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 53) to designate the period commencing November 22, 1987, and ending November 28, 1987, as "American Indian Week," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mrs. MORELLA. Madam Speaker, reserving the right to object, I yield to the gentleman from Colorado, Mr. Campbell, who is the chief sponsor of House Joint Resolution 372 to designate the period commencing November 22 through 28, 1987, as "American Indian Week."

Mr. CAMPBELL. I thank the gentlewoman for yielding to me.

Madam Speaker, I am happy to be here today as the sponsor of House Joint Resolution 372, honoring the first Americans whose ancestors were here to greet European adventurers who sailed across the ocean to discover the New World where to their surprise, they found it had already been discovered. This resolution designates Thanksgiving Week, November 22, 1987, through November 28, 1987, as "American Indian Week." House Joint Resolution 372 has bipartisan support and is similar to legislation which was enacted unanimously by both the House and Senate in 1986.

I believe that this resolution is especially appropriate in 1987, a time during which the United States is observing its second centennial celebration of its own Constitution. American Indian people have made important contributions to our concept of Government, especially the principles enunciated in the Constitution. Many history books do not reveal that among those contributions are fundamental democratic principles, the union of independent States, checks and balances and freedom of speech. In addition, the Iroquois confederacy was a source of the revolutionary political concept called the great law, which was incorporated in the Declaration of Independence, and enunciated that one purpose of Government was to ensure to all individuals the right to pursue happiness.

American Indians have made enormous contributions to every aspect of our lives and continue to do so today. Many of our foods and medicines are traceable to the food and medicinal herbs used by the Indians for centuries. In time of both war and peace, American Indians have served in our Armed Forces with great distinction and valor. Indeed one of the men who raised the flag at Iwo Jima was Ira Hayes, a Pima Indian. Our fine arts continue to be enriched by the great tradition of Indian art. Many Indian people, such as Jim Thorpe and Billy Mills have carried our country to fame in the field of international athletics.

It is appropriate that Thanksgiving Week be set aside to acknowledge the contributions of American Indians to our society, culture, and Government. This great American holiday reflects the tradition of giving and sharing which is the cornerstone of all native cultures. Indeed, it was this tradition which led to the first Thanksgiving and the assistance offered by American Indians to the first colonists. That assistance allowed the colonists to survive their first years in what seemed to them a harsh land.

I hope that you will join me and the other Members who sponsored this resolution to recognize the significant contributions Indian individuals and tribes have made to this great country.

I want to especially thank the distinguished members of the Interior Committee, Chairman UDALL, DON YOUNG, and JOHN RHODES for all their support. Also I would like to thank two members who remain committed to Indian issues, Chairman SID YATES and Chairman DALE KILDEE. I yield back the balance of my time.

Mrs. MORELLA. Madam Speaker, further reserving the right to object, I commend the gentleman from Colorado for a very timely and appropriate resolution.

Madam Speaker, I yield to the gentleman from California [Mr. DYMALLY].

Mr. DYMALLY. I thank the gentlewoman for yielding.

Madam Speaker, I rise to express my support of Senate Joint Resolution 53, and its House counterpart, House Joint Resolution 372, which designate the period of November 22 through the 28th as "American Indian Week."

These measures are fitting tributes to and reminders of the assistance and contributions of native Americans to our country.

History informs us that had it not been for the native inhabitants of this land, our Founding Fathers would not have survived their first winter in America.

History also tells us that an important principle of our form of government was derived from the American Indian's concept of government; namely, the right to pursue happiness.

Thanksgiving, especially during the bicentennial year of our Constitution, is the most appropriate period for us to commemorate and thank all native Americans for their contributions to shaping these United States.

As we celebrate this spirit of giving and sharing which mark the origins of Thanksgiving, I hope that we also consider improving our assistance to the American Indians.

Whether it is health, education, housing, or any other Federal program, I believe it is only just that this Government continues to uphold its commitments to these Americans, and that this Government preserves the spirit which guided the origins of this Nation.

Madam Speaker, I commend the authors of these measures and urge all my colleagues to join me in supporting passage of these resolutions.

Mr. RHODES. Mr. Speaker, as an original cosponsor of House Joint Resolution 372, a resolution to designate the week of November 22 as "American Indian Week," I rise in support of this recognition of the first Americans.

Major contributions have been made to American society by Indian peoples ranging from providing a model for the development of our constitutional form of government, to influencing our diet.

Our continuing political and cultural relationship has survived some of our country's darkest periods; including the Trail of Tears forced relocation of tribes, and the unfortunate Indian wars late in the 19th century. Thanksgiving Week is a fitting time for all Americans to reflect upon the contributions made by our native peoples, and the continuing need to work with tribes for the betterment of all Americans.

□ 1640

Mrs. MORELLA. Madam Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Ms. SLAUGHTER of New York). Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate joint resolution as follows:

S.J. RES. 53

Whereas American Indians were the original inhabitants of the lands that now constitute the United States;

Whereas American Indians have made a unique and essential contribution to the United States;

Whereas the people of the United States should be reminded of the assistance American Indians provided to the Founding Fathers of our Nation;

Whereas the people of the United States should consider the present relationship between American Indians and the United States: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the period commencing November 22, 1987, and ending November 28, 1987, is designated as "American Indian Week", and the President is authorized and requested to issue a proclamation calling upon Federal, State, and local governments, interested groups and organizations, and the people of the United States to observe such week with appropriate programs, ceremonies, and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AFRICAN AMERICAN EDUCATION WEEK

Mr. DYMALLY. Madam Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 174) designating the week beginning November 15, 1987, as "African American Education Week," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mrs. MORELLA. Madam Speaker, reserving the right to object, I yield to the gentleman from California [Mr. DYMALLY], the chairman of the subcommittee, who is the chief sponsor of House Joint Resolution 329, designating the week beginning November 15, 1987, as "African American Education Week."

Mr. DYMALLY. Madam Speaker, I thank my friend, the gentlewoman from Maryland, for yielding to me.

Mr. DYMALLY. Madam Speaker, today it is my pleasure to bring to your attention House Joint Resolution 329, a bill to designate the week of November 15, 1987, as "African-American Education Week." My colleagues who have cosponsored this bill agree that the future of a productive America rests on the strength of our educational system.

Why should there be such a week set aside to focus our attention on African-American education?

The answer is simple. Such a week would allow us to focus on the problems encountered by African-Americans in their search for an equal and quality education. Also, it would allow us to celebrate the accomplishments achieved in this area.

Since Brown versus Board of Education, from Topeka, KS we have seen the number of African-American high school graduates approach the proportions in the white population. We saw a gradual rise in the number of African-Americans attending colleges.

However, in the late 1970's and 1980's we have seen a tremendous decline. Demographic changes do not quite explain this decline.

In order to curtail this decline in African-American enrollment at colleges and universities, we must renew our commitment to the education of African-Americans.

Madam Speaker, as we renew our commitment to full and equal postsecondary educational opportunities for all people, let me take this opportunity to focus on a proposal of the administration which would undercut many of our efforts in this regard.

The administration's proposal, articulated by Secretary Bennett of the Department of Education, to deny eligibility under the Guaranteed Student Loan Program to institutions of higher education which have high rates of loan default will severely hurt historically black colleges and many other institutions, such as community and junior colleges, which provide unparalleled access to minority students to a college education.

This is not the time to pull the rug out from under colleges and universities which continue to open their doors to many students who would otherwise be denied a higher education. If the administration wants to reduce the Federal budget, let it work toward the goal of full training and education for every person in this country, so that our citizenry can be productive and self-supporting.

"African-American Education Week" can become an organizing tool in the community and in government. This is the time to promote literacy for all African-Americans and the time for us to enforce the rights of all persons to pursue a higher education.

Madam Speaker, let me say a word about the term, "African-American." Academicians and some Africanists now believe the accurate and more descriptive term for Americans of African heritage should be "African-American," rather than "Afro-American" or "black American." Thus the reason for the term, "African-American."

Madame Speaker, I urge House passage of "African-American Education Week," both to celebrate what has been accomplished and to renew the effort to educate all Americans.

Mrs. MORELLA. Madam Speaker, I withdraw my reservation of objection.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. Res. 174

Whereas the enrollment of African American students in urban public school districts is expected to increase significantly by 1990, but the number of African American educators available to teach these students is expected to decline;

Whereas a critical shortage of African American educators already exists in the teaching force, and the percentage of African Americans pursuing careers in education has declined significantly in recent years;

Whereas the National Alliance of Black School Educators promotes academic excellence as the cornerstone of achievement and upward mobility for African American students and promotes teaching as a viable career option for African Americans;

Whereas the commitment of the National Alliance of Black School Educators to African American education is consistent with the current movement in the United States to reform education in the public schools; and

Whereas the National Alliance of Black School Educators has initiated and will coordinate a celebration of African American education that will occur during the week of November 15, 1987: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning November 15, 1987, is designated as "African American Education Week", and the President is authorized and requested to issue a proclamation calling upon—

(1) the Department of Education, and State and local governments, to support appropriate ceremonies and activities carried out to observe such week;

(2) schools and communities in which African Americans are represented to demonstrate their commitment to the education of African Americans; and

(3) community organizations that share an interest in the education of African Americans to intensify their efforts to support the achievement of academic excellence by African Americans.

The Senate joint resolution was ordered to be read a third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DYMALLY. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of the Senate joint resolutions just passed.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

PRINTING OF PROCEEDINGS HAD DURING THE RECESS

Mr. DYMALLY. Madam Speaker, I ask unanimous consent that the proceedings during the recess be printed in the Record.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

NOTICE SETTING FORTH THE CONTINUANCE OF THE IRAN EMERGENCY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 100-130)

The **SPEAKER** pro tempore, laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

(For message, see proceedings of the Senate of today, Tuesday, November 10, 1987.)

CHILD PROTECTION AND OBSCENITY ENFORCEMENT ACT OF 1987—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 100-129)

The **SPEAKER** pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection referred to the Committee on the Judiciary, the Committee on Ways and Means, and the Committee on Energy and Commerce and ordered to be printed:

(For message, see proceedings of the Senate of today, Tuesday, November 10, 1987.)

□ 1650

CAPITAL GAINS LEGISLATION

(Mr. MORRISON of Washington asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORRISON of Washington. Madam Speaker, today I introduced legislation that would restore the incentive for taxpayers to invest in our

Nation's economic future through the creation of special capital gains treatment for individuals. I am pleased to be joined by my good friend from Oregon, Congressman LES AUCOIN.

Generally, this legislation would set corporate capital gains at the pretax reform rate of 28 percent. More importantly, it would establish a three-tiered capital gains rate differential for individuals. Specifically, taxpayers could take a 100-percent exclusion of net capital gain for assets held for 5 years or longer, a 60-percent exclusion for assets held for a minimum of 3 years, and a 40-percent exclusion for assets held for a minimum of 1 year.

Let me start by letting you know, Madam Speaker, that I supported the Tax Reform Act of 1986 because of the tax relief it provided to America's working consumers. Widening the tax base together with substantial increases in the standard deduction, personal exemption, and earned-income tax credit have removed a significant number of low-income families and senior citizens from the tax rolls. And new lower rates have also lessened the tax burden of most middle-income families. However, while we focused our attention on closing existing loopholes and helping the individual taxpayer, we lost sight of one of the most significant success stories in recent years.

In 1978, we reduced the maximum individual capital gains tax from 50 to 28 percent. And in 1981, we further reduced the top capital gains tax rate to 20 percent. These reductions in the individual capital gains tax improved the investment climate, facilitated a record number of new stock offerings, and bolstered corporate equity values and employment gains across the entire economic spectrum. In short, capital gains tax cuts proved to be an economic success story.

Deliberations on tax reform came to the conclusion, however, that if the top rate could be held to 28 percent, no special treatment for capital gains would be needed. And I should point out that the capital gain of upper middle-income taxpayers will be subject to a maximum marginal rate of 33 percent beginning next year. Like many of my colleagues, I expressed concern about raising the capital gains tax rate and eliminating a crucial element of economic progress: risk taking.

Most of us know too little of history to appreciate the pioneering and venturing into the unknown, the effort and the risking of funds, that have contributed to our way of life. What we now take for granted was once just an idea in need of financial backing. Folks who were successful in risky ventures—those who invested in ideas and effort and those who put up the funds—could expect some protection from the top rates of income taxation.

Our international competitors recognize the contribution a capital gains tax differential can make to new risk capital, entrepreneurship, and new job creation. According to an Arthur Andersen & Co. study comparing tax rates on portfolio stock investment among 11 major industrialized nations and six Pacific basin countries, U.S. capital gains taxes are higher than almost all surveyed countries. Japan, West Germany, Taiwan, Hong Kong, and South Korea impose no tax on long-term capital gains. It appears to me that we will be in great need of venture capital if America is going to compete effectively in the increasingly competitive world market place.

In July of this year, I attended the National Academy of Sciences Conference on Science, Technology, and Competitiveness in Massachusetts, where a number of experts convincingly described the many obstacles confronting our research and development efforts and suppressing our ability to compete in the international market place. While a number of revisions to our Tax Code were identified as changes that could enhance our competitive edge, providing individual taxpayers with a strong incentive to invest in capital enjoyed near unanimous support. Among the experts, the concept of a three-tiered individual capital gains rate differential was by far the first choice.

Madam Speaker, the bill I have introduced encompasses this three-tiered capital gains approach. This legislation will help us rebuild a greater tax incentive for those who invest in ventures with risk, provide for a stronger capital foundation and a more stable economy, and keep America at the front of the pack in innovation and ingenuity.

INTRODUCTION OF MARINE SANCTUARIES RESTORATION ACT OF 1987

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. STUDDS] is recognized for 5 minutes.

Mr. STUDDS. Madam Speaker. I am today introducing a bill to restore the resources of national marine sanctuaries that are periodically damaged by a wide variety of activities, including vessel groundings and anchoring, oil spills, and theft.

The bill that I am introducing today will ensure that people who damage our marine sanctuaries are held responsible for it, and that financial payments to meet that responsibility go where they should go—to repair the damage done in the first place. Through an existing legal loophole, our national marine sanctuary system may well lose a significant infusion of cash—over $6 million—to the Treasury, when, in fact, it should be spent on that for which it was collected.

Several events demonstrate the need for the legislation. On the night of April 4, 1984, the M.V. *Wellwood* wandered off course and ploughed a path through the priceless coral reefs of Key Largo National Marine Sanctuary before running aground. The United States sued the vessel, and settled the litigation when the owner promised to pay over $6 million to the Government. Unfortunately, it may be money that does the Key Largo Sanctuary little good indeed, for under current law it will not make its way back to finance repairs on the sanctuary, but will disappear into the general fund instead.

More recently, two vessels collided off Point Barrow, CA, just outside the Channel Islands Marine Sanctuary on September 21 of this year, causing one of the vessels—the PAC *Barroness*—to sink with a cargo of copper ore and 386,000 gallons of diesel fuel. Diesel fuel surfaced at approximately 100 gallons a day, threatening the pristine marine mammal and marine bird populations and habitats of the Channel Island National Marine Sanctuary.

The bill that I am introducing today amends title III of the Marine Protection, Research and Sanctuaries Act to impose liability on those who cause damage to the resources of a national marine sanctuary and clarifies the authority of the National Oceanic and Atmospheric Administration [NOAA] to recover for those damages. It further provides that the recovered funds shall be deposited into a special account and devoted to restoring the marine sanctuary that suffered the harm in the first place.

The establishment of these special funds and the spending from them is to occur in the same manner as provided for similar funds under section 107(f) of the Comprehensive Environmental Response, Compensation and Liability Act, or Superfund. Where the restoration of the sanctuary resources is not technically possible or the costs of it are grossly disproportionate to the importance of the resource, the bill also sets out alternative funding priorities within the sanctuary system.

Madam Speaker, I believe that rapid enactment of this legislation will provide a needed financial boost for the National Marine Sanctuary System. It will direct a very significant sum of money that will be flowing to the United States into that system. It will guarantee that those who damage our valuable marine areas pay for it, and that the money they pay does what it should do—repair the damage done. I urge its swift consideration and passage.

SCOWCROFT CALLS THE ADMINISTRATION'S ABM TREATY INTERPRETATION "UNBEFITTING" AND WARNKE UNDERSCORES THE NEED FOR SALT LIMITS AFTER AN INF TREATY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. FASCELL] is recognized for 5 minutes.

Mr. FASCELL. Madam Speaker, last October 27, the Subcommittee on Arms Control, International Security and Science, conducted a hearing on U.S. arms control policy. This was an especially timely hearing given the just concluded meeting in Moscow between Secretary of State Shultz and Soviet Foreign Minister Shevardnadze.

ABM AND SDI

At the hearing, Lt. Gen. Brent Scowcroft, former National Security Advisory under President Ford, reaffirmed the traditional interpretation of the ABM Treaty. He stated that:

> * * * regardless of the merits of the broad or narrow interpretation, it [the ABM Treaty] was presented to the Congress in the narrow interpretation. We have behaved for most of its existence on the narrow interpretation. To me it is unbefitting the United States to try to maneuver in that sense.
>
> If we decide that the ABM Treaty is fundamentally constricting to our national interests, then we ought to denounce it according to its provisions, not change from a narrow to broad interpretation.

General Scowcroft was instrumental in directing the report of the President's Commission on Strategic Forces in 1983. In that report, General Scowcroft and his colleagues affirmed the importance of the ABM Treaty and General Scowcroft later cautioned against taking steps which would violate the treaty without being clear on what the treaty would be replaced with.

Since the administration first announced its reinterpretation of the ABM Treaty in 1985, the Congress has been influential in checking the administration's attempt to implement the broad interpretation of the ABM Treaty. The House Foreign Affairs Committee, as well as other House and Senate committees have conducted numerous hearings on the matter and the Congress has passed legislation affirming the traditional interpretation of the ABM Treaty as the law of the land.

When General Scowcroft was asked if he thought is was possible to maintain a viable SDI system under the traditional interpretation of the ABM Treaty, he responded affirmatively:

> I think we can do a fairly vigorous research program with a lot of testing. All testing is not prohibited [by the ABM Treaty]. Just certain kinds of testing.
>
> I think that for perhaps as much as a decade, maybe somewhat less, that with some inconvenience, we could do a good part of what it is we need to do.

SALT II AND INF

Believing that some controls on Soviet strategic systems are better than none, the Congress has consistently supported preservation of the SALT II sublimits. During the hearing, the Honorable Paul Warnke, former Chief of the SALT II Delegation and former Director of the Arms Control and Disarmament Agency under President Carter, provided another reason to adhere to the SALT II sublimits. He linked the viability of the INF Treaty—that is, after mutual elimination of theater nuclear weapons in Europe—to continued adherence to the SALT sublimits:

> * * * if all you do is eliminate the 1500 or so warheads on the Soviet INF forces, they can readily replace them inasmuch as the SALT II limits have been repudiated.
>
> They can replace them with warheads on the ten warhead SS-24. They can strike every target that you can presently strike with SS-20s. In addition to that, of course, without the SALT limits, they can exponentially increase the warheads on their existing ICBMs which is exactly the opposite to that which we want.

SDI AND STRATEGIC REDUCTIONS

While the United States and the Soviet Union have made such progress toward an INF agreement, not as much progress has been made toward strategic reductions and very little progress has been made toward resolution of strategic defense issues. In this regard, there has been discussion in recent months of possible avenues toward breaking the deadlock in these two areas. One such avenue would be for the United States and the Soviet Union to agree to mutual, significant and verifiable reductions in their strategic arms as part of an agreement for limitations on the President's Strategic Defense Initiative [SDI], consistent with the traditional interpretation of the ABM Treaty. Mr. Warnke offered his explanation as to why the Soviets so strongly SDI and his suggestions for a possible compromise:

> * * * if we insist on a free hand on strategic defense, including testing of space-based components, testing of killer systems in space, then I think the Soviet Union will find it extraordinarily difficult, if not impossible, to accept the idea of significant cuts in their offensive force. What they will be afraid of is that if they cut the offensive force, a defense that otherwise might be totally inadequate might be enough to make us feel we could mop up the ragged retaliatory strike that we would then be capable of mounting.
>
> I would suggest we explore the possibility of limits, agreed-upon limits, in the kinds of things that we test in space. As long as the limits are such that the Soviet Union does not have to be afraid of a sudden break-out, then it seems to me they can be comfortable in going ahead, signing an offensive arms agreement, and making significant cuts in their MIRVed ICBMs.
>
> It seems to me that they [the Soviets] are not going to trust us as a substitute for their own assured retaliatory deterrent, and, therefore, they will insist on the kinds of modifications in our SDI program that prevent us from posing them with the risk of a break-out that would leave them shorn of their retaliatory deterrent.

General Scowcroft offered his thoughts on this same point: "Why would the Soviets agree to sharp cuts when they have this unknown [the SDI] hanging over their head." He went on to express his support for greater U.S. flexibility in resolving the SDI/strategic reductions deadlock:

> * * * some kind of additional restriction or reduction of Soviet SS-18s, which to me is one of the fundamental problems we face and one of the reasons why we ought to be looking at SDI, not for the astrodome, but for practical reasons.
>
> If the Soviets say, okay, we understand the SS-18 problem, we are willing to restrict, if you will slow down on SDI, that is something you ought to be prepared to look at.

The cost of the SDI program has also long been a matter of concern for Members of Congress. During the hearing, General Scowcroft pointed out that our list of SDI priorities should include consideration of its cost and development of an SDI strategic concept and not about deployment of an SDI system. He noted that:

> In * * * a relatively fixed budget, if SDI, strategic defense, is going to be an increasing wedge of expenditures, from what are we going to take that money? And I don't think we have developed yet a strategic concept which allows us to set priorities on where there budget allocations should go. I think that is a first priority before we talk about unilaterally deploying an SDI.

SOVIET SLBM PROPOSAL

The Soviets recently proposed a sublimit of 1,800 to 2,000 warheads on SLBM's at the Geneva talks. Under the U.S. proposal, no more than 3,600 warheads could be on SLBM's. General Scowcroft warned about the potential adverse impact of the Soviet proposal on U.S. stability by stating: "I think the Soviet numbers * * * are probably below those which we really ought to go. I think it raises real questions about stability."

In an effort to ensure that stability and mutuality are reflected in proposals tabled at the Geneva talks, the committee will continue to monitor and evaluate progress made at the talks and the merits of United States and Soviet proposals.

TRIDENT II (D-5) MISSILE

The administration—most specifically represented by former Secretary of Defense Weinberger—has been giving serious consideration to testing the D-5 missile with 12 warheads instead of the 8 it has been tested with. There is a concern that under established counting rules, if we test the D-5 missile with 12 warheads, for purposes of any treaty with the Soviet Union, every D-5 missile would be counted as carrying 12 warheads even if that specific missile does not. We could then face a situation whereby we would have submarines carrying fewer missiles than we strategically required. When asked what he thought of Secretary Weinberger's proposal, General Scowcroft warned of the adverse arms control and national security implications of the proposal, characterizing it as "a serious mistake." He explained:

> I think it is a serious mistake. I think the Soviets are going to hold us up to our own counting rules, which we originated basically for the SS-18, because we didn't know, some of them were single warhead and some were MIRVed. I think we would be walking into a very serious problem.

On this point, I applaud the administration for delaying the test of the D-5 missile with 12 warheads (scheduled for last week), thereby avoiding a potential impediment to achieving a strategic reductions agreement with the Soviet Union.

COMPLIANCE AND VERIFICATION

During the Reagan administration, as well as in past administrations, the Soviet Union has been charged with violating or potentially or ambiguously violating arms control treaties.

At the subcommittee hearing, General Scowcroft explained his view of the significance of Soviet "noncompliance" with arms control treaties by noting that such activities have not had an adverse strategic or military impact. I might add that I share his view. General Scowcroft noted that:

> * * * while the Soviets have violated some treaties and have come ambiguously close to violating on other points * * * it is not clear to me that the things the Soviets have done make a strategic difference. That is the military requirement for verification.
>
> There is a political one too. That is really what we are talking about now. The military requirement for verification, it seems to me, has been adequately observed.

CONGRESSIONAL ROLE IN FOREIGN POLICYMAKING

I would like to conclude my statement by again underscoring the important and vital role of Congress in foreign policymaking and implementation. As I always like to say, the Congress is here to stay. It will not go away. The Congress and the executive branch have the unique opportunity and responsibility to engage in a meaningful partnership to establish and implement an arms control policy that is reflective of the concerns and priorities of the American people. That is not something that should be taken lightly.

General Scowcroft reaffirmed this point during his testimony before the subcommittee when he said:

> It seems to me that Congress can play a very useful role in trying to draw out what we as a nation are seeking, both in our relationship with the Soviet Union and in arms control in general.

INTRODUCTION OF OIL IMPORT FEE LEGISLATION

The **SPEAKER** pro tempore (Ms. Slaughter of New York). Under a previous order of the House, the gentleman from Texas [Mr. Barton] is recognized for 5 minutes.

Mr. **BARTON** of Texas. Madam Speaker, there is currently a budget summit going on between the President, leaders of this body, and leaders of the other body.

One of the items being floated in this budget summit is the possibility of tax increases, and one of the tax increases that is being considered, at least as a trial balloon, is the possibility of an excise tax on gasoline, an increase in the Federal pump price per gallon of gasoline.

Those that are proponents of that particular tax indicate that there will be a net positive benefit to the Treasury in terms of revenue raised. There will be a dampening of domestic consumption of gasoline which will encourage conservation.

I am opposed to a gasoline tax. I think, as an alternative, it would have the same positive advantages, and the negative would be an oil import fee. It is not a tax, but actually a user fee on the petroleum companies that import foreign crude oil and refined products into this country.

An oil import fee based on current rates of imports of approximately 6 million barrels per day would generate under my bill between $9 to $12 billion per year.

This one import fee alone would alleviate or prevent the necessity of passing any type of additional tax increase if we were to adopt it.

There are several advantages of an oil import fee as it relates to a gasoline excise tax. No. 1, if you have an oil import fee, you have domestic job creations in the oil and gas exploration and production industry.

The gasoline tax, you do not get that benefit.

No. 2, you would actually provide some incentive for domestic oil and gas production, estimates ranging from a half-million barrels per day to a million-and-a-half barrels per day of oil produced in this country, if we had an import fee that is not being produced now.

You would also have a foreign policy tool, and none of us wants to be dependent on foreign imported crude oil, especially from such unstable countries as Iran, perhaps Iraq, and others in the Middle East.

We would minimize this dependency of foreign imports if we had an import fee bill, and lastly, an oil import fee would help our balance of trade, and the single largest item in our trade imbalance today is imported petroleum, both crude and refined products.

I have a bill, H.R. 2200, which is a variable oil import fee bill setting a target price of crude oil of $25 per barrel, for refined products $28 per barrel, and the fee is the difference between the target price and the market price.

Today's market price for crude oil is approximately $19 per barrel. The fee is $6 per barrel today.

The funds generated by this fee would be somewhere between $9 and $12 billion, based on current market prices and consumption rates.

Three-fourths of those, or approximately $9 billion, would be used for deficit reduction. One-fourth would be used to purchase stripper well oil and put it in the Strategic Petroleum Reserve.

Mr. William Safire, noted national columnist, has an excellent editorial in the New York Times, Wednesday, October 28, which I will submit for the Record, as follows:

[From the New York Times, Oct. 28, 1987]

One Fell Swoop

(By William Safire)

Washington.—Here is a bold action that the President and Congress could take to end financial handwringing and lay the basis for sustained growth throughout the world: Impose a $10 a barrel fee on all oil imported into the U.S.

Our rate of importation is rising alarmingly. It now stands at six million barrels a day, 43 percent of the oil we use. A $10 import fee would slash the budget deficit by $23 billion a year, which just happens to be the amount required for cutting this year by Gramm-Rudman. Couple the revenue increase obtained from our OPEC friends with 2-for-1 spending cuts, and you would have serious deficit reduction.

With our import fee raising the price of imported oil to $28 here, we would be conserving energy, using less oil from overseas, reducing our new source of revenue. Some of those lost fees would be made up through a windfall tax on domestic producers, who will take advantage of the $10 differential. But we would pull our own oil industry out of the doldrums; half its rigs are now idle, and the Southwest is in recession.

The window of profit opened by the fee would stimulate new exploration by American companies, who now replace only half of current production, helping us approach a national security goal of "energy independence."

The end of our Middle Eastern oil dependency would reduce America's trade imbalance by fully one third. That's how much imported oil now contributes to our red ink and weakens our dollar.

Are the twin benefits of reducing our Federal deficit and trade deficit not persuasive enough? Then consider the world impact: An oil import fee, stimulating exploration and production here, increases supply while reducing demand; that means downward pressure on the price of oil worldwide. Third world nations could breath easier; prices everywhere would rise more slowly.

A final argument: The oil import fee would be a severe blow to Iran, far more effective than the military takeout of their Silkworm sites or refineries. By pushing down the world price of oil, we make it much harder for the Ayatollah to support aggression in the gulf and his dream of Shiite dominance.

Thus, although oil sheiks are too hidebound to see it, an import fee here, with subsequent drops in prices worldwide, would help the Saudis and Kuwaitis and Iraqis defeat the Persian threat. The Arab oil states would lose their economic dominance but insure their national existence. Indeed, we could label our new policy the "Free-Navigation Charge"—a user fee paid by the oil-producing nations in the gulf for the cost of long-term American protection.

Who is against this? Mr. Reagan's Department of Energy, headed by his former political patronage chief, opined that such a tariff would be inflationary. But oil cost $28 in 1985, a non-inflationary year, and increased oil production in the future means less inflation. A recent study, "Energy Security Revisited" (Harvard-based and industry-sponsored but even so, perceptive), makes hash out of the D.O.E.'s complacent parochialism.

Wouldn't this be a tariff, and aren't all good Republicans against protectionism? Answer: Tariff barriers to free trade are bad, but tariffs that break international cartels and strengthen world market pricing are good and necessary.

In 1929, the Hoover Administration responded to the crash with a plan to raise taxes and balance the budget. Incredibly, that is what many of today's Democrats seem to be demanding. At the President's long-delayed news conference, the tone of the questioning was "Nyah-nyah, you're gonna hafta break your promise and raise taxes," as if the only policy that would show seriousness was self-flagellation into recession.

The President is right to press for budget cuts without new taxes. Now would be the worst time to take away from wage-earners and consumers their incentives to earn and buy; a consumer's gasoline tax, for example, would dampen the economy while generating no new gasoline production.

The oil import fee, or Free-Navigation Charge, is different from your usual we're-not-serious-unless-we-suffer tax. Yes, it would jack up the domestic price of oil once, before lowering it over a long period. But the fee attacks the budget deficit without reducing consumer demand, and attacks the trade deficit without inviting a trade war.

And lowering the world price of oil would put a real crimp in Iran's ability to terrorize its neighbors. Let's do it.

Madam Speaker, that article highlights some of the advantages of an oil import fee.

We have an opportunity, Madam Speaker, to to something to reduce our deficit. If we are going to have revenues as part of that deficit reduction, I commend to the Members a review of H.R. 2200, my bipartisan oil-import-fee bill, and urge that we consider it seriously during the budget summit.

GENERAL LEAVE

Mr. VISCLOSKY. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order tonight.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

COMMITTEE ON EDUCATION AND LABOR OCTOBER 29, 1987, FIELD HEARING IN NASHVILLE, TN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. Visclosky] is recognized for 60 minutes.

Mr. VISCLOSKY. Madam Speaker, on October 29, I traveled with Representatives Charles Hayes and Robert Wise to Nashville, TN, for a field hearing on labor law. Held by the Education and Labor Committee, the hearing was an opportunity for my colleagues and I to listen as workers related their personal experiences of working in an atmosphere and an era hostile to organized labor.

An obvious pattern emerged in listening to the testimony in Nashville. In every instance, working men and women were impeded from acting effectively as a collective unit in their relationship with management. Those who have managed to establish unions are increasingly subjected to coercion and intimidation by management.

□ 1705

Madam Speaker, at this point in time because the gentleman from Illinois [Mr. Hayes] is the senior colleague, as well as chairman of the hearings that were held on October 29, I yield to the gentleman from Illinois [Mr. Hayes].

Mr. HAYES of Illinois. Madam Speaker, I rise today with my distinguished colleague Peter J. Visclosky to share with all the Members of the House of Representatives a short summary of the Committee on Education and Labor's Friday, October 30, 1987, "Jobs With Justice" hearing in Nashville, TN.

There are some basic and fundamental issues of governmental responsibility and economic management that are not being addressed by the Reagan administration. It is a shame that we have to have an economic catastrophe like the crash of the stock market in mid-October 1987, to stimulate discussion of this country's economic situation. Unfortunately, that has been the evidence of history in this country. We don't pay attention to the fundamental issues that touch and affect our daily lives until we have an extremely deep recession.

I feel somewhat frustrated because sometimes it appears that I can't really do anything to reverse the negative economic environment that fuels unemployment and engulfs too many people in misery, disappointment, and depression. Sometimes, it seems that sensitivity to these issues by those in authority, is lacking. A compassionate reaching out for equitable solutions, has yet to become a high priority among many of our colleagues. We must keep the issue alive. We must expand the debate. We must find ways to provide jobs for people who want to earn a living. We must be diligent in protecting the rights of working people.

On November 6, 1987, the Bureau of Labor Statistics reported that the unemployment rate for October rose to 6 percent, which means that 7.17 million people are out of work. Black men experience a 12-percent rate of unemployment. The unemployment rate for black youth is still a staggering 35.8 percent.

The Industrial Union Department of the AFL-CIO coordinated the "Jobs With Justice" campaign with the active participation of eight major affiliates. Their campaign is aimed at exposing and correcting growing corporate abuse of American labor law which has had very serious consequences for millions of American working people. The hearing explored and documented corporate threats to the employment security and existing living standards of working people. Some of the testimony focused on corporate America's offensive on the right of working people to organize to protect these fundamental rights.

The Nashville hearing also focused on the impact of deregulation on working people, labor-movement relations, and the community. Many prominent union leaders and economists gave testimony on the impact of deregulation on their members, followed by individuals who shared their personal experiences and suffering as a result of deregulation in their industry and the lack of speedy processing of violations of labor laws. The witnesses reflected the discontent of union leaders, farmers, tenants, and workers who were frustrated in their attempts to form unions. Among other things, the witnesses stated that:

The National Labor Relations Board under President Reagan has been too slow to decide cases involving workers' back pay and jobs.

Many individuals with pending charges at the National Labor Relations Board [NLRB] take years to settle an unfair labor practices charge.

Companies have been violating the National Labor Relations Act [NLRA], said workers in the Nashville area, when they tried to organize employees of companies in the area.

Some companies insist they must have all of their negotiating agenda accepted by labor, even when the company is making millions in profits or no work for members.

Some companies in the area may have the idea that it is cheaper to violate the law rather than obey it.

In one case, a final decision on $10 million in back pay for 105 workers at Jonesboro-based Tennessee Nuclear Fuel Services took 7 years.

Members of the Committee on Education and Labor and other Members of Congress have become increasingly aware of the recent negative impact of corporate mergers, acquisitions, buyouts, and sell-outs, that have resulted in an increasing hostile environment for the working people in America.

Many of these who advocated deregulation of particular industries argue that deregulation would produce economic opportunities for more companies to participate in rewards and profits of American business. It was suggested that this greater corporate participation would increase the number of new jobs created and raise wages of working people.

I believe that it is a very important part of our oversight responsibility to be sure that the laws enacted by the Congress are being implemented in the manner intended by the Congress. It was not our intent to create a business environment where the rights of working people to negotiate and bargain collectively with an employer would be eroded. These field hearings provided a focal point for the growing concerns and need of American working people.

The "Jobs With Justice" campaign asks for three simple opportunities:

The right to organize on the job;

The right to job security for all American workers, both union and unorganized; and

The right to an adequate and fair standard of living.

In order to be able to respond to these kind of needs in terms of shifting economic realities, I think we need require a full attention to them. I mean we really need to focus our energy and resources on fundamental economic rights relating it to full employment. There is nothing more positive that the Congress of the United States can do than to help put people back to work.

I would like, for representatives of business interests to understand that you can't answer people who want to earn a living by having a decent job, when unemployment is increasing and decent jobs are as scarce as they are today, by saying to people who are unemployed, underemployed, hungry, and hurting; that we've had economic growth over the past 10 years, or 5 years, or 54 months or whenever. For they are in a depression already and we should address their needs with the vigor and dedication to resolve the problem.

America is wealthy and powerful. There is enough opportunity for business and working people to prosper in this positive environment. But I am concerned by the increase of these negative incidents in the American business world. I want my colleagues and the American people to know that concerned Members of Congress are becoming increasingly aware of the plight of working people and we stand firm in our resolve to protect rights.

Mr. VISCLOSKY. Madam Speaker, I really want to thank the gentleman from Illinois. As the gentleman pointed out in his remarks, this was not the only field hearing he has participated in with us on this issue. It is the third one, including previous hearings in Miami and the State of Iowa and it shows his longstanding commitment to those who work in this country.

The achievements of organized labor are under siege and President Reagan's National Labor Relations Board [NLRB] is an active participant in the assault. In recent years, the NLRB has given clear indication of its antiunion bias through its reinterpretation of labor law and its failure to expeditiously adjudicate claims against management. Emboldened by obvious prejudices of the NLRB, corporate America has become increasingly sophisticated in its ability to ignore and circumvent the National Labor Relations Act.

Organizing workers has proven to be a daunting task in the 1980's. Several witnesses at the Nashville hearing had firsthand experience in such efforts. James Hendricks, a member of local 3288 of the Oil Chemical and Atomic Workers Union, has worked on many organizing campaigns in nonunion shops. Mr. Hendricks noted that charges against management are filed with the NLRB in 95 percent of the organizing campaigns in which he has worked. Yet, he sadly stated that appeals to the NLRB fall largely upon deaf ears, especially during unionization drives. At his own Martin Marietta plant, Mr. Hendricks noted that one charge has been pending for 5 years.

During times of organization, the failure of the NLRB to enforce labor law has a particularly detrimental effect on the willingness of employees to unionize. As Mr. Hendricks so eloquently stated in Nashville, "You should see workers after you tell them it might be years before they get their jobs back after being fired for union activity * * * many times during organizing, a company knows it's cheaper and easier to violate the NLRB laws than to let its employees unionize."

Even after a collective bargaining relationship has been approved by employees, companies continue to avoid the obligations established under labor law. In 1984, it was estimated that collective bargaining agreements result in only 60 percent of the cases in which a work force has voted for unionization. Ray Mullins, a representative of the National Association of Broadcast Employees and Technicians, told of a company's refusal to bargain in good faith after employees had approved the union as their voice in collective bargaining.

Mr. Mullins, who is employed by WKRN Television in Nashville, has worked with the union since June 1985 to negotiate a contract with Knight-Ridder Broadcasting, the owner of the studio. In a convoluted story of "bargaining in bad faith," Knight-Ridder has demonstrated that it never intended to seriously negotiate with the union. Union members fear they will be fired if a strike is declared. Such a situation would possibly take years for the negligent NLRB to correct. So, the power of the union is ultimately eroded by the failure of the NLRB to enforce American labor law.

A lockout is the most brazen form of coercion which management can employ in an effort to break a union. This unilateral "alternative" to collective bargaining is being used with alarming frequency. Larry Funk, president of local 2650 of the United Paper Workers International Union, spoke about a lockout which he is currently experiencing.

On March 21 of this year, the International Paper Co. locked out 1,200 union workers because they failed to ratify a contract supported by the management. According to Mr. Funk, the company insists that its employees make concessions on premium Sunday pay and Christmas vacation time. After making numerous concessions in past years, the employees have been unwilling to accept these conditions although the union has reiterated its desire to negotiate. Mr. Funk said, "naturally, it is hard to convince our people more sacrifices are necessary when our company made a $305 million profit last year."

In the past 7 months, International Paper has gone to great lengths to permanently cripple the power of the union. The company managed to prevent union members from receiving unemployment compensation for 6 months following the lockout. Recently, the company contracted 280 jobs to a nonunion firm and they plan to do more of the same. As Mr. Funk stated, "* * * we feel this bad faith bargaining, to say the least. Permanent replacement of workers during a lockout is unlawful, Yet I.P. [International Paper] is saying they can do exactly that. It has been 6 months since the lockout and there is no end in sight * * * no economic justification, no real need, just corporate greed."

Madam Speaker, I have cited just three situations which illustrate an increasing hostility toward the rights of workers to organize and bargain collectively. At the Nashville hearing, we heard numerous other examples of a phenomenon which is all too familiar to me. Representing the first district of Indiana, a region with a significant number of organized women and men, I have witnessed first-hand the obstacles placed before the workers who want to organize. It is unfortunate, for I believe that as our Nation undergoes a time of economic transition, organized labor is more important than ever as the guardian of workers' rights.

At the Nashville hearing, Dr. John Goventa, a professor at the University of Tennessee, stated that between 1979 and 1984, 11.5 million workers lost jobs as plants shut down or relocated. Dr. Goventa mentioned one town, Gary WV, which recently saw its last mine closed by the United States Steel Corp., leaving unemployment over 90 percent.

Gary, IN, the largest city in my district, has also seen hard times not unlike its sister community in West Virginia. Also reliant upon the United States Steel Co., Gary, IN, has acutely experienced the pain of unemployment resulting from a transition in the steel industry.

I believe Congress must act to mitigate this pain and ensure adequate labor standards in the workplace. We must enact plant closing legislation which will require companies to give advance notification of an imminent closure. We must continue our fight to protect employees who are exposed to unsafe working conditions.

Finally, I believe the Nashville hearing articulated a need for us to reexamine our national labor law in respect to collective bargaining. Statutes regarding labor standards are urgently needed, and I fundamentally believe we must stand behind our national policy of recognizing collective bargaining as a means toward greater industrial democracy. Working men and women can and must be allowed to exert a collective force in which they will have an influence in determining their own wages and working conditions. Collective bargaining provides stability and fairness to both employees and employers. Yet, the laws which were designed to foster this process have been so distorted by the NLRB that our confidence in this system has been shaken.

Madam Speaker, unlike the current administration, I believe that the protection of workers' rights is a sound national policy. The distrust and open hostility which have developed in labor-management relations can do nothing but harm our Nation's ability to compete in international markets. Congress must reaffirm our commitment to collective bargaining. We must fulfill the promises of American labor law.

A FLAG AT THE APEX OF THE VIETNAM MEMORIAL

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 60 minutes.

Mr. **DORNAN** of California. Madam Speaker, I come before my colleagues and all those who follow the proceedings of this historic Chamber very proudly to announce that I now have on a bill, H.R. 1600, every single Republican Member of this body, except 1. I have 176 Republicans and 64 Members of the other party, the majority in this House, and that is only because I did not work their side of the aisle long enough. I am sure I could add 200 Members or so from their side. That is a grand total of 240 cosponsors on a House resolution where I will now begin to work the Senate side with the assistance of a former Member of this Chamber, JOHN MCCAIN of Arizona, who as some of us know has now left us after 6 fine years. He is a highly decorated Vietnam veteran and a 6½-year POW who has won the Navy Cross and the Silver Star.

I will not drag out the suspense. What is H.R. 1600? It is an effort to put the American flag, Old Glory, at the apex of the Vietnam Memorial where you folks know it should have been all the time anyway.

Now, how is it that there is not a flag at the apex? Because with this amount of cosponsors, there is no turning back now.

Well, the young architect decided that the Vietnam Memorial should be, to use her own words, "a black gash" in the earth, a symbol of sadness and tragedy. Well, it has since become a symbol of honor also. Some 58,139 Americans, including 8 women, gave their lives in what President Reagan called a noble cause to try to keep freedom at least in half of Indochina.

Not every noble cause succeeds though. Some fail. History is replete with glorious causes that failed and glorious causes that succeeded.

The United States of America is a young republic at 211 years with its legislative bodies and its White House and its Supreme Court only now entering the bicentennial period. It will not be until the end of this Congress that this great legislative House is 200 years old and our Supreme Court is 200 years old or that the Office of the President is 200 years old.

The Nation last July celebrated its 211th birthday, and yet in spite of those two centuries plus we are the oldest, although a very young republic, on the face of the Earth.

Fifteen great empires and civilizations have come and gone and quite literally only God knows what will happen to this one.

Now, that noble cause, as the President described it, to keep people free in Indochina ended for us as the first flight came out on Lincoln's birthday in 1973 with our heroic POW's, men who had sustained more prolonged abuse than anyone in history still in captivity. Just think, the marines captured at Wake Island were held a horrible 3 years and 8½ months. Anybody captured in Europe right after Pearl Harbor would only have been in prison 3 years and 5 months. British fighter pilots captured at the Battle of Britain were held under 6 years.

□ 1720

Some of our POW's were in for 7 or 8 years. One man was 1 week shy of 9 years.

So there is much pathos and agony associated with that Vietnam Memorial. But not in the sense that the designer tried to give it to us, as a black gash in the earth symbolizing only agony and defeat. She did not want that beautiful statue of three American fighting men, one black, one Hispanic, one Caucasian, coming through the woods approaching the memorial, their eyes raised, to be looking at that flag on the apex of the memorial. The flag was moved around and put into the woods with the men. I think it is fitting that they have a flag at their side but that flag they were supposed to be looking at over the memorial should also be there.

The architect fought that fact. She fought the idea of an inscription at the beginning and the end of the memorial and did not even want the years "1959 to 1975." Even though I said we left in 1973, there were men killed over there the next 2 years. For example Captain Richard Rees, who was machine gunned unarmed with his hands in the air while wearing the orange symbol of the reconciliation unit that was supposed to designate him as one looking for missing in action men. He was machine gunned on December 15, 1973.

Later two marines were killed at the airport at Thon Son Nhut while trying to help facilitate the departure of some people who were so closely aligned with us that we knew they would be executed. And, in fact, 68,000 were executed, and thousands more put into concentration camps, euphemistically called "reeducation centers." Finally we saw the tragedy of the boat people, with 600,000 drowned on the high seas, another one-half of a million going to countries as far away as Norway and Australia, the overwhelming majority of them trying to reach the United States.

Compared to all congressional districts, I have the largest majority of Vietnamese, second in the country in Laotians, second in the country in Cambodians, all in my great 38th District in California. All of that agony we saw is all wrapped up in that memorial. But today, the memorial is more than a black gash in the earth. To tell you the truth, I loathed it. I could not stand the whole fight over the design, but the moment one of these names was chiseled into that memorial, I fell in love with it. It has the names of 12 men who died at the prime of their youth who I flew with and laughed with and with whom I went to the enlisted men's club. They are 12 men that I knew personally. There are men on that wall that I rediscovered. I had lost their names over the years: men that I flew with, men that I was not as close to, enlisted men that I went out in the field with as a journalist who died soon after I left. Some of their names are on there. They are people that I had drinks with and shared stories with and wrote down their stories as a journalist and then they were killed a few days later. I never knew that until seeing their names on the wall. So I do not know how many people are on that wall that were acquaintances of mine or even friends of mine except for the 12 that I have identified including my best friend, Dave Hrdlicka, who was a known prisoner in Laos for 5 years.

I now love that memorial as much as anything in this entire city including the White House, including this great Capitol, the Supreme Court, or any other symbol of justice or any other memorial including the glorious Iwo Jima Memorial from World War II.

My favorite location in the whole city is now the Vietnam Memorial. That is why I want to see Old Glory at the top of that apex.

Some of our combat veterans, for example the gentleman from California, Mr. HUNTER, on our side; former Member from Pennsylvania, DON BAILEY, on this side; JOHN MCCAIN, who has gone to the other body; and the gentleman from Illinois, Mr. HYDE, got together and worked out with Members on the other side the final arrangement of what the memorial would look like. The men in the woods, were to be looking at the flag at the apex of the memorial. One man was to be helping the other along. It was all worked out.

The gentleman from California [Mr. HUNTER] himself took the flag on a miniature into one of the conference rooms in this building and put it at the apex of the memorial where all agreed the flag was supposed to be. At that time they all agreed that the flag would be there. They even voted on it. The votes went overwhelmingly in favor of that placement of Old Glory. Yet, when it was implemented somebody in the parks department, I am now told he was either fired or retired for some other reason, said that the flag was a long stringy item that broke up the line of the memorial and did not deserve to be placed at the apex.

No, no, the horizontal line of the memorial is complemented by the vertical line of a flagstaff flying Old Glory, just as Old Glory is flown beautifully at the Iwo Jima Memorial. Old Glory is not a long stringy rag, as it was described. It is something that is more than a piece of cloth and even means more than the colors, the blue for fidelity, the white for purity, the red for the blood of all the people in peace and in war who have given their lives in the service of this country. That flag is a symbol of everybody who ever suffered in peace or war to build this great young Republic of ours.

I think that we have finally reached the point where the veterans in this country are saying, "Give us the memorial we want. Not the memorial that some 21-year-old architect who knew nothing about the struggle in Indochina wanted as some sort of a symbolic gash of sorrow and shame in the earth between the glorious Washington Monument and the great monument of Abraham Lincoln."

So I announce today that H.R. 1600 is over the top, way past the midway point of half the Members of this Chamber. It is open for any other cosponsors during the remainder of this year and next year. I look forward to maybe having every single Member of this Chamber and the other Chamber eventually signed on as cosponsors. I want them to understand why the American Legion wants it this way, as do the Veterans of Foreign Wars, most of the Vietnam Veterans of America, the Reserve Officers Association, all the various enlisted and sergeants associations, and the AMVETS, only to mention a few. Everybody wants this done and today is the day we turn the corner. There is no looking back.

I have something else that is my pleasure to announce today. We were unable to get Congressional Medal of Honor Day approved in the Senate, not that they did not want to do so, but they just had so much backlog and problems with confirmations on Supreme Court Justices that they were not able to keep up with the pace of the House.

I introduced House Joint Resolution 384 with nearly 140 cosponsors to designate this November 14 as Congressional Medal of Honor Day. It will not make it. There are only some 230 living recipients of the Medal of Honor out of a total of 3,393 members. Those members are meeting in my district this February 14 and I wanted to have that day designated as Congressional Medal of Honor Day. We missed by a whisker. But here is the good news. The gentleman from Michigan [Mr. FORD], the chairman of the committee that has responsibility for this, and the gentleman from California [Mr. DYMALLY], a good friend of mine from California, the gentlewoman from Maryland [Mrs. MORELLA], the ranking Republican on the subcommittee that has jurisdiction over this, have all agreed to designate Medal of Honor Day on February 12. That is not only the birthday of the gentlewoman from Maryland [Mrs. MORELLA], it is also Abraham Lincoln's birthday and it was Abraham Lincoln himself who signed the law establishing the Medal of Honor. He signed it on his birthday in 1862, barely less than a year into that horrible war between the States.

I would like to read part of this and say that we will have time now to get the Senate on board and have this declared February 12, on Lincoln's birthday, as "Medal of Honor Day" so that people can celebrate that great day on the day of the best President this country has ever produced who signed it into law.

Whereas, on December 9, 1861, Senator James W. Grimes of Iowa, Chairman of the Committee on Naval Affairs, proposed that "medals of honor" be prepared to commemorate acts of military bravery performed above and beyond the call of duty;

Whereas, President Abraham Lincoln signed the public resolution into law on February 12, 1862;

Whereas, there is no greater military award of valor for actions of personal bravery, clearly above and beyond the call of duty;

Whereas, there have been three thousand three hundred ninety-three men and woman who have been honored with the Congressional Medal of Honor;

Whereas, there are approximately two hundred-thirty living recipients of the Congressional Medal of Honor from World War I, World War II, the Korean War, and the Vietnam War.

By way of explanation, that 230 living Congressional Medal of Honor recipients is not a precise 230 because there are some that may be alive who have kept this medal only to themselves. There are some who as in the great line of Cyrano de Bergerac, feel, "I wear my adornments on my soul" who have kept this great award known only to themselves and their family. When the family members die off, it may be that we have some great veteran lying in a hospital somewhere breathing his last breath who holds this greatest honor that his countrymen can bestow upon him, but it is unknown to us.

□ 1730

So we say to approximately 230 living recipients.

Whereas, the Congressional Medal of Honor Society will be gathering for their biennial conference from November 12-15, 1987 in Orange County, California: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That February 12, 1988 is designated as "Congressional Medal of Honor Day", and the President is requested to issue a proclamation calling upon the people of the United States and foreign nations to observe such day with appropriate ceremonies and activities.

Madam Speaker, I remind my colleagues that one of the Presidents that my Democratic colleagues brag about now, fighting Harry Truman, that it was that great American President who said that he would rather have the Medal of Honor than to be the President of the United States. I think most American men and women, young Americans, agree with that sentiment.

So I close here, Madam Speaker, by saying again I am proud of my colleagues and that we are finally putting that flag at the apex of the Vietnam Memorial. We are going to add a woman's statue, not only to symbolize the eight women who gave their lives for their country whose names are inscribed on the black marble, but the thousands of young nurses and other women in all sorts of military occupational specialties who served in Vietnam. Some day maybe we will find a way to honor the men that flew in the air and those who served on the seas, and on the rivers or off the coast of Vietnam.

After that we will pick up another fight that I am sponsoring that addresses a great oversight—and that is the lack of any memorial honoring 33,629 people who died in trying to bring freedom to a part of Korea. Unlike Vietnam half of that war was a success. Half of Korea is still free. How we skipped over the Korean war, to honor the veterans of the Vietnam war, as much as they deserve it, is a peculiar lapse in the history of this great Congress and in the history of our country. So we look forward to finding that place before President Reagan leaves office for a Vietnam Memorial, adding that woman's statue and maybe some way to symbolize the airmen and the seamen who gave their lives fighting in Indochina.

I look forward also to seeing the Senate join us in proclaiming Lincoln's Birthday, Connie Morrella's birthday, February 12 of next year, "Congressional Medal of Honor Day." I look forward to memorializing all of those who gave their lives in the service of this country tomorrow, on Veterans' Day, what we used to call Armistice Day. My father was a young man in the trenches of Europe at the 11th hour of the 11th day on November 18 when that war ended. He earned three Purple Hearts, what were then called Wound Chevrons. It was only in the 1930's when they brought back the description of that as a Purple Heart. And for my dad, who died in his 84th year, who was the most inspirational American male I have ever known in my life, and to all of the other veterans, to all of my colleagues who will be going to all of our cemeteries across this country tomorrow, I say to all of them, Godspeed. See you back here next week, and aren't we lucky as Americans that we have all of these people who will offer their lives for our freedom and all of the great exercise of that freedom that we use in this great deliberative body, in this Capital City, and across our fantastic 50 States and territories.

Madam Speaker, I yield back the balance of my time.

ACID RAIN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. Kemp] is recognized for 60 minutes.

Mr. KEMP. Madam Speaker, today I am introducing legislation to control the problem of acid rain by reducing emissions of sulfur dioxide and nitrogen oxide. In advancing the goals of clean air and clean water, I believe my proposal takes a realistic, achievable approach, which deserves the support of all Americans who are concerned about this threat to our environment.

Acid rain is one of the most serious environmental problems facing Americans today, and it is a growing, ominous threat to the future of our lakes, forests, infrastructure, and the quality of the air we breathe and the water we drink. The time to act to preserve our natural resources and our quality of life is now.

Evidence is mounting that acid rain, along with other air pollutants, contributes to the deterioration of our environment. The damaging effects are noticeable from lakes in New York's Adirondack Mountains to Minnesota's 10,000 lakes, to the Blue Ridge Mountains in North Carolina to the Rockies in the West.

The effects of acid rain on our lakes and streams is well documented. As the water becomes more acidified, it kills off fish and other aquatic life. In the Adirondack Mountains in New York, one of the regions hardest hit by acid rain, more than 200 of the lakes have become totally fishless. Acid precipitation also leaches toxic metals from the ground, dangerously concentrating them in lakes and streams, and in the fish that are present in those lakes.

Acid rain deprives forests, plants, and crops of nutrients needed to thrive and reproduce. Red spruce, which normally can live for 300 years or more in the Northeastern mountains, are dying at an alarming rate, leaving little more than stands of gray skeletons. In the last several decades, roughly half the red spruce at upper elevations in Vermont's Green Mountains and the Adirondack Mountains have died. The sugar maple industry in Vermont also is being threatened. A combination of air pollutants, including acid rain, has contributed to the death of virgin balsam fir and spruce on North Carolina's Mount Mitchell, the highest peak in the State.

Acid rain can even threaten our own health by leaching lead and copper from plumbing systems that supply drinking water, causing the water to fail safe drinking standards.

Acid rain is not just a Northeastern problem, nor is it a problem that any one State can solve on its own. Most of the sources of acid rain that falls in any State in the eastern half of our country originate outside that State. Rain which is 5 to 10 times more acidic than normal is falling with increasing frequency in the Southeast and even in Western States. Acid rain is obviously a national problem which demands a national solution.

My bill establishes an effective two-phase national response to acid rain that will result in an annual emissions reduction of approximately 10 million tons of sulfur dioxide and roughly 3 millions tons of nitrogen oxide.

By January 1, 1994, the annual statewide average rate of emissions of sulfur dioxide from coal-fired steam generating plants cannot exceed 2 pounds per million Btu's of heat input. By January 1, 1999, the annual statewide average rate of emissions for sulfur dioxide cannot exceed 1.2 pounds per million Btu's of heat input. In addition, by 1999, coal-fired units must meet strict emission reduction standards for nitrogen oxide based on the plant's type of boilers.

While setting stringent emission standards, my proposal gives States the flexibility to achieve those reductions in the most cost-effective manner to help prevent sharp price increases for consumers and utilities. The bill allows States to choose the emissions reduction control technology used to meet the standards. States can revise their plans in the future in order to take advantage of the lower cost, more efficient clean coal technologies being developed.

The legislation also permits emission trading between utilities within a State and on a regional basis as long as the reduction goals are met. This allows States to concentrate cleanup efforts where they can maximize the benefits while minimizing the costs.

My bill also encourages States to incorporate energy conservation into their control programs by establishing an alternative emissions ceiling that credits conservation efforts.

Meeting these standards will pose a challenge to utilities and industry to develop clean coal technology which can be retrofitted to existing plants. I am confident it is a challenge we can meet by working together.

The bill's phased approach of realistic deadlines, combined with maximum flexibility in meeting the standards, are designed to give utilities and industry time to develop promising new technologies so they can be used commercially.

I am concerned that the early compliance dates included in other acid rain control bills would preclude the development of retrofittable clean coal technologies, forcing utilities to install expensive scrubbers. This would be a no-win situation for all: Consumers would see their electricity rates jump dramatically, utilities would have to dispose of the enormous amounts of solid waste generated, and nitrogen oxide emissions would be untouched since scrubbers do not reduce this type of emission.

To help bring new technologies on line as quickly as possible, my bill directs the Department of Energy to refocus its existing clean coal technology reserve program toward developing retrofittable technologies that can be used by the largest number of existing plants. I believe there are several other public policy options we should explore, including providing tax incentives to the utility industry to develop commercially viable clean coal technology.

My bill follows the environmentally sound polluter-pays principle, imposing no new taxes on ratepayers. I strongly oppose efforts to tax all utility customers in order to subsidize some. Ratepayers in states like New York, New Hampshire, Minnesota, Michigan, and Wisconsin are already paying higher utility bills because of their States' programs to control acid rain. Their utility bills should not have to jump even higher to subsidize cleanup costs in other States.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 215. Concurrent resolution providing for an adjournment of the House from November 10 to November 16, 1987.

CONFERENCE REPORT ON H.R. 2112

Mr. STOKES submitted the following conference report and statement on the bill (H.R. 2112) to authorize appropriations for fiscal year 1988 for intelligence and intelligence-related activities of the United States Government, for the Intelligence Community Staff, for the Central Intelligence Agency Retirement and Disability System, and for other purposes:

CONFERENCE REPORT (H. REPT. 100-432)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2112) to authorize appropriations for fiscal year 1988 for intelligence and intelligence-related activities of the United States Government, for the Intelligence Community Staff, for the Central Intelligence Agency Retirement and Disability System, and for other purposes, having met, after full and free conference, having agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That this Act may be cited as the "Intelligence Authorization Act, Fiscal Year 1988."

TITLE I—INTELLIGENCE ACTIVITIES

AUTHORIZATION OF APPROPRIATIONS

SEC. 101. Funds are hereby authorized to be appropriated for fiscal yaer 1988 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Central Intelligence Agency.

(2) The Department of Defense.

(3) The Defense Intelligence Agency.

(4) The National Security Agency.

(5) The Department of the Army, the Department of the Navy, and the Department of the Air Force.

(6) The Department of State.

(7) The Department of the Treasury.

(8) The Department of Energy.

(9) The Federal Bureau of Investigation.

(10) The Drug Enforcement Administration.

CLASSIFIED SCHEDULE OF AUTHORIZATIONS

SEC. 102. (a)(1) This Act authorizes funds for intelligence and intelligence-related activities of the United States Government for fiscal year 1988 based upon two alternative levels of new budget authority provided for national defense functions (budget function 050) through congressional budget procedures. In section 3(b)(1) of the concurrent resolution on the budget for fiscal year 1988 (House Concurrent Resolution 93 of the One Hundredth Congress), Congress determined and declared that the appropriate level of new budget authority for national defense for fiscal year 1988 is $296,000,000,000. This Act authorizes funds based upon that determination and declaration and the assumption that that level of budget authority is available to be appropriated.

(2) Section 5(a)(1) of the concurrent resolution reserved $7,000,000,000 of that amount from availability for appropriation pending enactment of certain deficit reduction legislation, leaving a level of $289,000,000,000 immediately available for appropriation. This Act authorizes alternative levels of funds based upon that budget authority amount.

(b) The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 1988, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the column entitled "Conference Agreement" of the classified Schedule of Authorizations prepared by the committee of conference to accompany H.R. 2112 of the One Hundredth Congress except that, if as of the date of the enactment of this Act there has not been enacted legislation that results in the availability for appropriation of a level of new budget authority for national defense functions of the Government (budget function 050) for fiscal year 1988 in an amount greater than $289,000,000,000 then until such legislation is enacted such amounts and ceilings are those specified in the column entitled "Contingent Level" of such classified Schedule of Authorizations; Provided, That notwithstanding the requirements of section 502(a)(1) of the National Security Act of 1947, funds for the activities listed in that part of such Schedule entitled "Unauthorized Appropriations" may be obligated and expended only to the extent to which funds are appropriated therefore in fiscal year 1988.

(c) The Schedule of Authorizations described in subsection (b) shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the Executive Branch.

(d)(1) It is the sense of Congress that, in allocating reductions of non-headquarters personnel of Defense Agencies pursuant to subsection (b)(2)(A) and subsection (d) of Section 601 of Public Law 99-433 (100 Stat. 1065), the Secretary of Defense should avoid allocating personnel reductions to the Defense Intelligence Agency or the Defense Mapping Agency.

(2) For purposes of paragraph (1), the term "nonheadquarters personnel" means members of the Armed Forces and Civilian employees assigned or detailed to permanent duty in the Defense Agencies and Department of Defense Field Activities, other than members and employees assigned or detailed to duty in management headquarters activities or management headquarters support activities.

PERSONNEL CEILING ADJUSTMENTS

SEC. 103. The Director of Central Intelligence may authorize employment of civilian personnel in excess of the numbers authorized for fiscal year 1988 under sections 102 and 202 of this Act when he determines that such action is necessary to the performance of important intelligence functions, except that such number may not, for any element of the Intelligence Community, exceed 2 per centum of the number of civilian personnel authorized under such sections for such element. The Director of Central Intelligence shall promptly notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate whenever he exercises the authority granted by this section.

RESTRICTION ON SUPPORT FOR MILITARY OR PARAMILITARY OPERATIONS IN NICARAGUA

SEC. 104. Funds available to the Central Intelligence Agency, the Department of Defense, or any other agency or entity of the United States involved in intelligence activities may be obligated and expended during fiscal year 1988 to provide funds, materiel, or other assistance to the Nicaraguan democratic resistance to support military or paramilitary operations in Nicaragua only as authorized in section 101 and as specified in the classified Schedule of Authorizations referred to in section 102, or pursuant to section 502 of the National Security Act of 1947, or pursuant to Section 101(a)(1) of the Act making continuing appropriations for the fiscal year 1988 (P.L. 100-120), or pursuant to any provision of law specifically providing such funds, materiel, or assistance.

TITLE II—INTELLIGENCE COMMUNITY STAFF

AUTHORIZATION OF APPROPRIATIONS

SEC. 201. There is authorized to be appropriated for the Intelligence Community Staff for fiscal year 1988 the sum of $23,614,000.

AUTHORIZATION OF PERSONNEL END STRENGTH

SEC. 202. (a) The Intelligence Community Staff is authorized 237 full-time personnel as of September 30, 1988. Such personnel of the Intelligence Community Staff may be permanent employees of the Intelligence Community Staff or personnel detailed from other elements of the United States Government.

(b) During Fiscal Year 1988, personnel of the Intelligence Community Staff shall be selected so as to provide appropriate representation from elements of the United States Government engaged in intelligence and intelligence-related activities.

(c) During Fiscal Year 1988, any officer or employee of the United States or a member of the Armed Forces who is detailed to the Intelligence Community Staff from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intelligence.

INTELLIGENCE COMMUNITY STAFF ADMINISTERED IN SAME MANNER AS CENTRAL INTELLIGENCE AGENCY

SEC. 203. During Fiscal Year 1988, activities and personnel of the Intelligence Community Staff shall be subject to the provisions of the National Security Act of 1947 (50 U.S.C. 401 et seq.) and the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) in the same manner as activities and personnel of the Central Intelligence Agency.

TITLE III—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

AUTHORIZATION OF APPROPRIATIONS

SEC. 301. There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for Fiscal Year 1988 the sum of $134,700,000.

TITLE IV—RETIREMENT AND DEATH IN SERVICE BENEFITS

RETIREMENT BENEFITS

SEC. 401. (a) Part C of title II of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees is amended by adding at the end the following section:

"RETIREMENT BENEFITS FOR CERTAIN FORMER SPOUSES

"SEC. 225. (a) Any individual who was a former spouse of a participant or a former participant on November 15, 1982, shall be entitled, to the extent of available appropriations, and except to the extent such former spouse is disqualified under subsection (b), to benefits—

"(1) if married to the participant throughout the creditable service of the participant, equal to 50 percent of the benefits of the participant; or

"(2) if not married to the participant throughout such creditable service, equal to that former spouse's pro rata share of 50 percent of such benefits.

"(b) A former spouse shall not be entitled to benefits under this section if—

"(1) the former spouse remarries before age 55; or

"(2) the former spouse is less than 50 years of age.

"(c)(1) The entitlement of a former spouse to benefits under this section—

"(A) shall commence on the latter of—

"(i) the day the participant upon whose service benefits are based becomes entitled to benefits under this title;

"(ii) the first day of the month in which the divorce or annulment involved becomes final; or

"(iii) such former spouse's 50th birthday; and

"(B) shall terminate on the earlier of—

"(i) the last day of the month before the former spouse dies or remarries before 55 years of age; or

"(ii) the date the benefits of the participant terminate.

"(2) Notwithstanding paragraph (1), in the case of any former spouse of a disability annuitant—

"(A) the benefits of the former spouse shall commence on the date the participant would qualify on the basis of his or her creditable service for benefits under this title (other than disability annuity) or the date the disability annuity begins, whichever is later, and

"(B) the amount of benefits of the former spouse shall be calculated on the basis of benefits for which the participant would otherwise so qualify.

"(3) Benefits under this section shall be treated the same as an annuity under section 222(a)(6) for purposes of section 221(g)(2) or any comparable provision of law.

"(4)(A) Benefits under this section shall not be payable unless appropriate written application is provided to the Director, complete with any supporting documentation which the Director may by regulation require, within 30 months after the effective date of this section. The Director may waive the 30-month application requirement under this subparagraph in any case in which the Director determines that the circumstances so warrant.

"(B) Upon approval of an application as provided under subparagraph (A), the appropriate benefits shall be payable to the former spouse with respect to all periods before such approval during which the former spouse was entitled to such benefits under this section, but in no event shall benefits be payable under this section with respect to any period before the effective date of this section.

"(d) The Director shall—

"(1) as soon as possible, but not later than 60 days after the effective date of this section, issue such regulations as may be necessary to carry out this section; and

"(2) to the maximum extent practicable, and as soon as possible, inform each individual who was a former spouse of a participant or a former participant on November 15, 1982, of any rights which such individual may have under this section.

"(e) Nothing in this section shall be construed to impair, reduce, or otherwise affect the annuity or the entitlement to any annuity of a participant or former participant under this title.".

(b) Section 14(a) of the Central Intelligence Agency Act of 1949 is amended by inserting "225," after "223, 224,".

DEATH IN SERVICE BENEFITS

SEC. 402. (a) Section 232(b) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 40(b) note) is amended—

(1) by inserting "(1)" before "If a participant";

(2) by striking all that follows "as defined in section 204," and inserting in lieu thereof "or by a former spouse qualifying for a survivor annuity under section 222(b), such widow or widower shall be entitled, to the extent of available appropriations, to an annuity equal to 55 percent of the annuity computed in accordance with paragraphs (2) and (3) of this subsection and section 221(a), and any such surviving former spouse shall be entitled, to the extent of available appropriations, to an annuity computed in accordance with section 222(b) and paragraph (2) of this subsection as if the participant died after being entitled to an annuity under this Act. The annuity of such widow, widower, or former spouse shall commence on the date following death of the participant and shall terminate upon death or remarriage prior to attaining age sixty of the widow, widower, or former spouse (subject to the payment and restoration provisions of sections 221(g) and 222(b)(3))."; and

(3) by adding at the end the following new paragraphs:

"(2) The annuity payable under paragraph (1) shall be computed in accordance with section 221(a), except that the computation of the annuity of the participant under such section shall be at least the smaller of (A) 40 percent of the participant's average basic salary, or (B) the sum obtained under such section after increasing the participant's service of the type last performed by the difference between the participant's age at the time of death and age sixty.

"(3) Notwithstanding paragraph (1), if the participant had a former spouse qualifying for an annuity under section 222(b), the annuity of a widow or widower under this section shall be subject to the limitation of section 221(b)(3)(B), and the annuity of a former spouse under this section shall be subject to the limitation of section 222(b)(4)(B).".

(b)(1) Section 221(o)(2) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees is amended by inserting "232(b)," after "222, 223,".

(2) Section 304 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees is amended—

(A) in subsection (b) by inserting "and (3)" after "subsection (c)(2)"; and

(B) in subsection (c)—

(i) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(ii) by inserting after paragraph (2) a new paragraph as follows:

"(3) Section 232(b).".

(3) Section 14(a) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403n(a)) is amended by inserting "232(b)," before "234(c), 234(d),".

(c)(1) Except as provided in paragraph (2), the amendments made by this section shall take effect on November 15, 1982, the effective date of the Central Intelligence Agency Spouses' Retirement Equity Act of 1982.

(2) The amendments made by subsection (b)(2) shall take effect on January 1, 1987, the effective date of the Federal Employees' Retirement System Act of 1986.

(d) Nothing in this section or any amendment made by this section shall be construed to require the forfeiture by any individual of benefits received before the date of the enactment of this Act.

(e) Nothing in this section or any amendment made by this section shall be construed to require a reduction in the level of benefits received by any individual who was receiving benefits under section 232 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees before the date of enactment of this Act.

TITLE V—ENHANCED COUNTERINTELLIGENCE AND SECURITY CAPABILITIES

REPORT ON ADMISSION OF CERTAIN ALIENS

SEC. 501. The Attorney General shall report annually to the House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence regarding the circumstances of any admission to the United States over the objections of the Federal Bureau of Investigation, of any Soviet national employed by or assigned to a foreign mission or international organization in the United States.

FBI NEW YORK FIELD DIVISION EMPLOYMENT PLAN

SEC. 502. (a) The Director of the Federal Bureau of Investigation and the Director of the Office of Personnel Management shall conduct a study to ascertain the effect on recruitment, retention and operations of employees of the New York Field Division of the Federal Bureau of Investigation caused by the usual living expenses associated with such employment.

(b) No later than 60 days after the enactment of this Act, the Director of the Federal Bureau of Investigation and the Director of the Office of Personnel Management shall submit to the Congress a report setting forth the results of the study described in subsection (a) and a plan for remedying problems identified by the study, including, as appropriate, additional compensation or other means of defraying the costs of employment in the New York Field Division.

TITLE VI—DEFENSE INTELLIGENCE PERSONNEL IMPROVEMENTS

DIA CIVILIAN UNIFORM ALLOWANCE

SEC. 601. (a) COMPARABILITY WITH STATE DEPARTMENT EMPLOYEES.—Chapter 83 of title 10, United States Code, is amended by inserting at the end thereof the following new section:

"§ 1606. Uniform allowance: civilian employees

"(a) The Secretary of Defense may pay an allowance under this section to any civilian employee of the Defense Intelligence Agency who—

"(1) is assigned to a Defense Attaché Office outside the United States; and

"(2) is required by regulation to wear a prescribed uniform in performance of official duties.

"(b) Notwithstanding section 5901(a) of title 5, the amount of any such allowance shall be the greater of the following:

"(1) The amount provided for employees of the Department of State assigned to positions outside the United States and required by regulation to wear a prescribed uniform in performance of official duties.

"(2) $360 per year.

"(c) An allowance paid under this section shall be treated in the same manner as is provided in subsection (c) of section 5901 of title 5 for an allowance paid under that section.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"1606. Uniform allowance: civilian employees.".

EXTENSION OF SPECIAL TERMINATION AUTHORITY FOR CERTAIN DOD INTELLIGENCE EMPLOYEES

SEC. 602. (a) DEFENSE INTELLIGENCE AGENCY.—Section 1604(e)(1) of title 10, United States Code, is amended by striking out "during fiscal years 1986 and 1987" and inserting in lieu thereof "during fiscal years 1988 and 1989".

(b) MILITARY DEPARTMENTS.—Section 1590(e)(1) of such title is amended by striking out "during fiscal year 1987" and inserting in lieu thereof "during fiscal years 1988 and 1989".

REQUIREMENTS TO DISCLOSE ORGANIZATIONAL AND PERSONAL DATA: DIA EXEMPTION

SEC. 603. (a) Chapter 83 of title 10, United States Code, is amended by inserting the following new section:

"§ 1607. Exemption from disclosing organizational and personal data

"Notwithstanding the provisions of any other law, and except as provided herein and as required by section 552 or section 552a of title 5, United States Code, the Defense Intelligence Agency shall not be required to disclose the organization or any function of the Defense Intelligence Agency or the names, official titles, occupational series, grades, salaries or numbers of personnel employed by such Agency. This section shall not apply to information provided the Congress."

TITLE VII—STUDY OF INTELLIGENCE PERSONNEL SYSTEMS

SEC. 701. (a) The Director of Central Intelligence shall undertake to contract with the National Academy of Public Administration (hereinafter referred to as the Academy) for an objective study which shall be classified and which shall consist of a comprehensive review and comparative analysis of all personnel management and compensation systems affecting civilian personnel of agencies and entities of the intelligence community.

(b) In conducting the study described in subsection (a), the Academy shall determine the adequacy of existing personnel systems to further the ability of intelligence agencies or entities to perform their missions, and make such recommendations for legislative, regulative or other changes as the Academy determines advisable.

(c) The study described in subsection (a) shall be completed in final form no later than January 20, 1989 and such study, and any interim report of such study, shall be transmitted upon receipt by the Director of Central Intelligence to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

(d) Of the amount available to the Intelligence Community Staff for fiscal year 1988 under Section 201, not more than $500,000 shall be available for the study described in subsection (a).

(e) The Director of Central Intelligence, the Director of the Intelligence Community Staff, and the heads of the elements of the intelligence community shall provide such support and appropriate access to necessary information as the Academy may require to complete the study described in subsection (a).

TITLE VIII—GENERAL PROVISIONS

RESTRICTION OF CONDUCT OF INTELLIGENCE ACTIVITIES

SEC. 801. The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or laws of the United States.

INCREASES IN EMPLOYEE BENEFITS AUTHORIZED BY LAW

SEC. 802. Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such benefits authorized by law.

TITLE IV—MOUNT ALTO EMBASSY SITE

ASSESSMENT OF SOVIET ELECTRONIC ESPIONAGE CAPABILITY

SEC. 901. (a) REVIEW AND ASSESSMENT.—The Secretary of Defense shall review and assess the present and potential capabilities of the Government of the Soviet Union to intercept United States communications involving diplomatic, military, and intelligence matters from facilities on Mount Alto in the District of Columbia. The Secretary shall submit to Congress a report on such review and assessment not later than 90 days after the date of the enactment of this Act.

(b) DETERMINATION OF CONSISTENCY WITH NATIONAL SECURITY.—The report required by subsection (a) shall include a determination by the Secretary of Defense as to whether or not the present and proposed occupation of facilities on Mount Alto by the Government of the Soviet Union is consistent with the national security of the United States.

(c) CLASSIFICATION OF REPORT.—The report required by subsection (a) shall be submitted in both classified and unclassified form, and the determination required by subsection (b) shall be submitted in an unclassified form.

(d) LIMITATION OF DELEGATION.—The Secretary of Defense may not delegate the duty to make the determination required by subsection (b).

And the Senate agree to the same.

LOUIS STOKES,
DAVE MCCURDY,
ANTHONY C. BEILENSON,
ROBERT W. KASTENMEIER,
DAN DANIEL,
ROBERT A. ROE,
GEORGE E. BROWN, JR.,
MATTHEW F. MCHUGH,
BERNARD J. DWYER,
CHARLES WILSON,
BARBARA B. KENNELLY,
HENRY J. HYDE,
DICK CHENEY,
BOB LIVINGSTON,
BOB MCEWEN,
DAN LUNGREN,
BUD SHUSTER
(For matters within the jurisdiction of the Committee on Armed Services under clause 1(c) of House Rule X),
LES ASPIN,
SAMUEL S. STRATTON,
Managers on the Part of the House.

DAVID L. BOREN,
BILL COHEN,
LLOYD BENTSEN,
SAM NUNN,
ERNEST F. HOLLINGS,
BILL BRADLEY,
ALAN CRANSTON,
DENNIS DECONCINI,
HOWARD M. METZENBAUM,
ORRIN HATCH,
FRANK H. MURKOWSKI,
CHIC HECHT,
JOHN W. WARNER
(For matters within the jurisdiction of the Committee on Armed Services),
J. J. EXON,
STROM THURMOND,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2112) to authorize appropriations for fiscal year 1988 for intelligence and intelligence-related activities of the United States Government, for the Intelligence Community Staff, for the Central Intelligence Agency Retirement and Disability System, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck out all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

TITLE I—INTELLIGENCE ACTIVITIES

Due to the classified nature of intelligence and intelligence-related activities, a classified annex to this joint explanatory statement serves as a guide to the classified Schedule of Authorizations by providing a detailed description of program and budget authority contained therein as reported by the Committee of Conference.

The actions of the conferees on all matters at difference between the two Houses are shown below or in the classified annex to this joint statement.

A special conference group resolved differences between the House and Senate regarding DOD Intelligence Related Activities, referred to as Tactical Intelligence and Related Activities (TIARA). This special conference group was necessitated by the differing committee jurisdictions of the intelligence committees of the House and the Senate. The special conference group consisted of members of the House and Senate Committees on Armed Services and the House Permanent Select Committee on Intelligence.

The amounts listed for TIARA programs represent the funding levels jointly agreed to by the TIARA conferees and the House and Senate conferees for the National Defense Authorization Act, 1988. In addition, the TIARA conferees have agreed on the authorization level, as listed in the classified Schedule of Authorizations, the joint statement, and its classified annex, for TIARA programs which fall into the appropriation categories of Military Pay and Military Construction.

TITLE I—INTELLIGENCE ACTIVITIES

SECTIONS 101 AND 102

Sections 101 and 102 of the conference report authorize appropriations for the intelligence and intelligence-related activities of the United States Government for fiscal year 1988 and establish personnel ceilings applicable to such activities.

Section 101 is identical to Section 101 of the House bill, which authorized appropriations only for Fiscal Year 1988. Section 101 of the Senate amendment authorized appropriations for Fiscal Years 1988 and 1989.

Section 102(a) of the House bill applied only to Fiscal Year 1988. Section 102 of the Senate amendment applied to both Fiscal Years 1988 and 1989.

Sections 102 (a) and (b) of the conference report authorize appropriations and manpower for Fiscal Year 1988 at a level consistent with the budget allocations for the defense functions set by H. Con. Res. 93, the Concurrent Resolution on the Budget for Fiscal Year 1988. H. Con. Res. 93 provides an overall authorization for the national defense function (Function 050) at $296 billion for Fiscal Year 1988, but would reduce that level to $289 billion if reconciliation legislation increasing revenues is not enacted. Section 102(b) authorizes appropriations for intelligence and intelligence-related activities at a level proportionate to the $296 billion level, the "Conference Agreement" level, but provides that a lower level of authorizations, the "Contingent Level," will apply in the absence of legislation permitting Fiscal Year 1988 appropriations for national defense in excess of $289 billion. Section 102(b) also waives the authorization requirements of Section 502(a)(1) of the National Security Act with respect to certain unauthorized appropriations listed in the Schedule of Authorizations.

Section 102(c) provides for the distribution of the classified Schedule of Authorizations.

Section 102(d) of the House bill required the Secretary of Defense to exclude the Defense Intelligence Agency (DIA) and the Defense Mapping Agency (DMA) from reductions in non-headquarters personnel of Defense Agencies he must make as of September 30, 1988 under the provisions of the Department of Defense Reorganization Act. The Senate amendment contained no comparable provision.

Section 102(d) of the conference report expresses the sense of Congress that the Secretary should not make personnel cuts at DIA and DMA to comply with the provisions of the Act requiring cuts in non-headquarters personnel. The conferees agreed to this compromise because they believe that these two agencies have important intelligence or intelligence-related missions which would be severely impaired by personnel reductions. In fact, the Congress has consistently increased manpower of these two agencies in order to meet the requirements of new responsibilities, some of which the Congress has explicitly urged upon them. The conferees also recognize, however, that if the personnel reduction provisions of the Department of Defense Reorganization Act are to have efficacy, they must be given a chance. Since no reductions are mandated until Fiscal Year 1988, the conferees agreed to drop the House exemption for DIA and DMA. However, the conferees fully expect the Secretary of Defense to heed the Department's own studies showing the need for existing manpower levels at DIA and DMA to conduct essential intelligence and intelligence-related tasks and to refrain from making personnel reductions at those Defense agencies.

SECTION 103

Section 103 of the conference report authorizes the Director of Central Intelligence to make adjustments in personnel ceilings in certain circumstances. Section 103 of the conference report is identical to Section 103 of the House bill and Section 103 of the Senate amendment.

The conferees emphasize that the authority conveyed by Section 103 is not intended to permit the wholesale raising of personnel strength in each or any intelligence component. Rather, the section provides the Director of Central Intelligence with flexibility to adjust personnel levels temporarily for contingencies and for overages caused by an imbalance between hiring of new employees and attrition of current employees from retirement, resignation, and so forth. The conferees do not expect the Director of Central Intelligence to allow heads of intelligence components to plan to exceed personnel levels set in the Schedule of Authorizations except for the satisfaction of clearly identified hiring needs which are consistent with the authorization of personnel strengths in this bill. In no case is this authority to be used to provide for positions denied by this Act.

SECTION 104

Section 104 of the House bill provided that funds available to the Central Intelligence Agency, the Department of Defense, or any other agency or entity of the United States involved in intelligence activities may be obligated and expended during fiscal year 1988 to provide funds, materiel, or other assistance to the Nicaraguan Democratic Resistance to support military or paramilitary operations in Nicaragua only as authorized by the bill or specifically authorized by separate legislation approved by Congress. Section 104 prohibited the use of funds from the CIA's Reserve for Contingencies to support the military or paramilitary activities of the Nicaraguan Democratic Resistance. The section also provided that any unauthorized transfer of funds to support such military or paramilitary operations would require Congressional approval. Finally, Section 104 permitted the provision of intelligence information and advice to the Nicaraguan Democratic Resistance under terms and conditions specified by the Joint Explanatory Statement of Managers to accompany the conference report on H.R. 2419 of the 99th Congress (H. Rept. 99-373, pages 14 and 17). the House bill authorized funds sufficient to provide such intelligence information and advice.

The Senate amendment contained no comparable provision but authorized funds for the provision of intelligence information and advice.

Section 104 of the conference agreement is identical to the House bill except that the conference provision also authorizes the funds and authorities provided by FY 1988 continuing resolutions (H.J. Res. 362, 100th Congress, 1st Session, P.L. 100-120; and H.J. Res. 394, 100th Congress, 1st Session), subject to the understandings set forth in the classified annex to this statement of managers. These understandings are contained in representations of September 29, October 7 and November 6, 1987, made by intelligence officials to the two intelligence committees, and included in the classified annex to this Statement of Managers.

The conferees note that the adoption by the Central American nations in Guatemala on August 7, 1987 of a peace plan for the region has affected dramatically the context in which assistance to the Nicaraguan resistance is viewed by the Congress. Accordingly, the conferees assume that any authorities provided by the conference report which relate to assistance to the Nicaraguan resistance shall be reviewed, modified or terminated consistent with compliance with the Central American peace plan, which among other things, calls for an end to foreign assistance to Central American insurgencies.

TITLE II—INTELLIGENCE COMMUNITY STAFF

SECTIONS 201, 202, AND 203

Title II of the conference report authorizes appropriations and personnel end-strengths for FY 1988 for the Intelligence Community Staff and provides for administration of the Staff during FY 1988 in the same manner as the Central Intelligence Agency. The House bill authorized $24,272,000 and 237 personnel. The Senate amendment authorized $21,900,000 and 237 personnel. The conference report authorizes $23,614,000 and 237 personnel.

TITLE III—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND RELATED MATTERS

SECTION 301

Section 301 of the conference report authorizes appropriation for FY 1988 of $134,700,000 for the CIA Retirement and Disability Fund. Both Section 301 of the House bill and Section 301 of the Senate amendment authorized $134,700,000 for the Fund.

TITLE IV—RETIREMENT AND DEATH-IN-SERVICE BENEFITS

Section 401 of the conference report provides retirement benefits for former spouses of CIA employees who were divorced prior to, or whose spouse retired from the CIA prior to, November 15, 1982, the effective date of the Central Intelligence Agency Spouses' Retirement Equity Act of 1982.

Section 402 of the conference report provides a death-in-service benefit to qualifying CIA former spouses, retroactive to November 15, 1982.

Section 401 of the conference report is identical to Section 401 of the House bill.

Section 402 of the conference report is identical to Section 402 of the House bill, with an amendment that makes clear that a widow or widower of a CIA employee who has received a death-in-service benefit prior to enactment of the Intelligence Authorization Act for Fiscal Year 1988 shall not have such benefits reduced after enactment if a former spouse of the CIA employee becomes eligible for a death-in-service benefit. The Senate amendment contained no comparable provisions.

TITLE V—ENHANCED COUNTERINTELLIGENCE AND SECURITY CAPABILITIES

SECTION 501

Section 501 of the conference report requires the Attorney General to report annually to the two intelligence committees any cases where Soviet nationals have been admitted to the United States, over the objections of the Director of the Federal Bureau of Investigation, for employment by, or assignment to, a diplomatic establishment or international organization in the United States.

Section 501 of the conference report is identical to Section 401 of the Senate amendment. The House bill contained no comparable provision.

SECTION 502

Section 502 of the conference report directs the Director of the Federal Bureau of Investigation and the Director of the Office of Personnel Management to conduct a study to ascertain the effect on recruitment, retention and operations of employees in the New York Field Division of the Federal Bureau of Investigation caused by the high cost of living in the New York area. The section further provides that 60 days after enactment, the two Directors must submit to Congress a report setting forth the results of the study and a plan for remedying problems identified by the study, including, as appropriate, additional compensation or other means of defraying the costs of employment with the FBI in the New York Field Division.

Section 402 of the Senate amendment provided permanent authority to the Director of the Federal Bureau of Investigation to pay additional compensation to the employees of the FBI's New York Field Division in order to defray unusual living expenses associated with such employment. The House bill contained no comparable provision.

The Intelligence Committees have been advised for some time by the FBI that due to the high costs of living in the New York area, the FBI has a difficult time recruiting agents for such assignments, which impose a considerable financial burden on agents and their families under the current pay structure. Agents who are assigned to the New York office routinely attempt to leave at the earliest opportunity.

From the standpoint of the effectiveness of the FBI's Foreign Counterintelligence Program, the New York Field Division is critically important. To have employees assigned to this division against their wishes, at a considerable financial sacrifice, and to have them take the first opportunity to leave for the same reason, inevitably undermines the effectiveness of the New York office in terms of its counterintelligence responsibilities.

What distinguishes the circumstances of FBI employees in the New York area is that many FBI employees are transferred in and out of the New York area as a routine matter. The great majority are not recruited in New York and undergo significant hardship in terms of housing, commuting and overall living expenses by transferring into the New York metropolitan area. Most other Federal employees in the New York area are not required as a condition of employment to move to the New York area because they were already living in the area when they joined the Federal service. Further, the conferees wish to emphasize that the FBI, especially in its counterintelligence activities, possesses personnel requirements which differ from other Federal agencies and which impose burdens in excess of those imposed by other Federal employment in the New York area.

The conferees are conscious of the fact that legislating a special compensation supplement for FBI employees in the New York area would cause dissatisfaction and invite comparison with other Federal employment. Although the conferees are convinced that circumstances of FBI recruitment, assignment and operations are generally more onerous than those of other Federal employees in the New York area, the conferees were mindful of the Administration's concern to minimize inequities in the treatment of all Federal employees in the New York area. The conferees, however, are of the strong belief that some appropriate measures can and should be taken to relieve the high cost of living for Federal employees in the New York area but most particularly for those of the FBI.

The conferees had considered a short-term demonstration project in order to study the effect that an additional cost-of-living allowance would have on the situation of FBI employees in the New York Field Division. The intent of the allowance would have been to equalize the financial burden of living in the New York area with those which may occur in other areas of the country. The Administration opposed this approach and represented to the conferees that the Director of the Office of Personnel Management had sufficient legislative authority to make adjustments for the employees of the New York Field Division. The conferees were further told that the Administration was willing to undertake a study to consider ways in which to employ such authority and that there was a recognition within the Administration of the unique and significant burden imposed on many New York Field Division employees of the FBI. Accordingly, the conferees agreed to require such a study with appropriate recommendations. It is the expectation of the conferees that the results of the study will bear out the conferees' conclusions about the uniqueness of the FBI working conditions in New York and the appropriateness of providing some recompense for these conditions of employment.

The conferees believe that Administration officials have promised a good faith effort to come up with a solution to the New York Field Division problem within the context of existing authorities and as a result of cooperation between OPM, FBI and the Office of Management and Budget. The conferees put the Administration on notice that a failure to address the problems identified by the intelligence committees will lead to further legislative action by the Congress.

The conferees expect that any FY 88 FBI funds used to implement any findings or recommendations of the study will be the subject of a reprogramming request submitted to the appropriate committees of the Congress.

TITLE VI—DEFENSE INTELLIGENCE PERSONNEL

SECTION 601

Section 601 of the conference report would authorize the Secretary of Defense to pay a civilian uniform allowance to DIA civilian personnel overseas employed by the Defense Attache Offices who are required to wear uniforms during the course of their employment.

Section 601 of the conference report is identical to Section 501 of the House bill and substantially the same as Section 501 of the Senate amendment.

SECTION 602

Section 602 of the conference report would extend for two fiscal years the extraordinary authority of the Secretary of Defense to terminate a Defense Intelligence Agency civilian employee without regard to normal Federal personnel termination procedures.

Section 602 is identical to Section 502 of the Senate amendment. Section 502 of the House bill would have extended this authority only for fiscal year 1988.

The conferees have agreed to consider permanent extension of DIA termination authority based on the findings and recommendations of the study on intelligence personnel systems to be performed by the National Academy of Public Administration pursuant to Section 701 of the conference report.

SECTION 603

Section 603 of the conference report would exempt the Defense Intelligence Agency from any requirement to disclose information on its organization, functions, or personnel, except as required by the Freedom of Information Act or the Privacy Act.

Section 603 of the conference report is identical to Section 505 of the Senate amendment except that the exemption from disclosure would not apply to the requirements for record searches and disclosure of the Freedom of Information Act and the Privacy Act. The House bill contained no comparable provision.

The purpose of Section 603 is to permit DIA to avoid various executive branch personnel reporting requirements to which CIA and NSA are not required to respond. It will permit the DIA to protect classified personnel data from inappropriate dissemination throughout the executive branch. At present, the DIA is required to submit personnel data which is classified but which receiving executive branch offices cannot securely handle or use. The conferees determined that it was appropriate to remove the requirement for classified submissions by DIA in connection with such internal executive branch reports, but unnecessary to exempt DIA from either the Freedom of Information Act or the Privacy Act, since compliance with those statutes has not been a problem for DIA and because both statutes provide adequate protection for classified information.

TITLE VII—STUDY OF INTELLIGENCE PERSONNEL SYSTEMS

SECTION 701

Section 701 of the conference report requires the Director of Central Intelligence to contract with the National Academy of Public Administration to perform an objective classified study of personnel management and compensation systems affecting civilian personnel of the United States intelligence community.

Section 601 of the House bill would have created a Commission on Intelligence Personnel Systems to review personnel recruitment, retention, management and compensation programs of the U.S. intelligence community. The commission would have been made up of three members, one appointed by the President, another by the Speaker of the House, and a third by the Majority Leader of the Senate. The House felt the Commission was necessary to provide a comprehensive review of current programs; assess the need for changes, especially those required by the unique circumstances of intelligence activities; and to present recommendations to the Congress for necessary changes after considering the potential inequities the proposed changes would create either among intelligence agencies or between the intelligence community and the Federal Civil Service. The

Senate amendment had no comparable provision.

The conference agreement provides for the conduct of the study that would have been required by the House bill except that under the conference agreement, the study shall be conducted by the National Academy of Public Administration (NAPA), an independent Federally-chartered institution with significant expertise in government management issues and an excellent reputation for objective, thorough study. The study will assess the ability of intelligence community activities to perform their current and future missions with existing or proposed personnel and compensation systems.

The conference agreement directs the Director of Central Intelligence to contract with NAPA to conduct the study of intelligence personnel systems but it is the expectation of the conferees that the Director will consult with the intelligence committees in his negotiations to select a NAPA team to conduct the study and in the development of essential parameters of that study. The language of the conference agreement also provides that the Director of Central Intelligence, the Director of the Intelligence Community Staff, and all elements of the intelligence community must provide necessary support, including personnel, to the NAPA panel as well as access to all information relating to intelligence personnel and management issues. The conferees further urge the Director of Central Intelligence to ensure that members and staff of the NAPA panel are given every measure of cooperation and that security investigations and review necessary to provide clearances for them are given priority attention.

The NAPA study panel should be tasked with producing interim analytical reports before the required completion of the final report by January 20, 1989. The conferees believe that such interim reports, which should be provided on May 1 and August 1, 1988, could be useful to the intelligence committees and to the intelligence community. The conferees urge the Director to ensure that such interim reports particularly address an analysis of existing or proposed changes to personnel management and compensation systems aimed at recruiting or retaining individuals with skills critical to the various missions of the agencies and entities of the intelligence community. Among the skills of critical importance to a number of such intelligence entities are mathematics, computer science, engineering, and foreign languages.

The conferees are aware that some intelligence agencies may seek to institute changes in their personnel management and compensation programs during the period in which NAPA is conducting the intelligence personnel study. The conferees do not wish to discourage personnel management and compensation improvements implemented within the framework of current programs. However, the purpose of the study is to provide a baseline for a comprehensive review by the intelligence committees of all personnel needs of the intelligence agencies presented in a coherent and coordinated fashion. The conferees believe that significant, non-urgent changes in personnel management or compensation programs should be reviewed very carefully before they are implemented.

The conferees consider the authorized programs for fiscal year 1988 to include only those personnel management and compensation programs in effect at the time the budget was submitted and justified. Significant changes to those programs would be of special Congressional interest and would require submission to the intelligence committees for consideration under established reprogramming or transfer procedures. By "significant," the conferees mean departures from current personnel management or compensation structures. While the conferees do not intend to discourage needed change, they emphasize that any contemplated significant program change should be submitted well in advance of the date anticipated for implementation. Unless submitted as part of the annual fiscal year 1989 budget request, such proposals should be submitted at least 30 days prior to proposed implementation.

TITLE VIII—GENERAL PROVISIONS

SECTION 801

Section 801 of the conference report provides that the authorization of appropriations by the conference report shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or laws of the United States. Section 801 of the conference report is identical to Section 701 of the House bill and of the Senate amendment.

SECTION 802

Section 802 of the conference report provides that appropriations authorized by the conference report for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law. Section 802 of the conference report is identical to Section 702 of the House bill and of the Senate amendment.

TITLE IX—MOUNT ALTO EMBASSY SITE

SECTION 901

Section 901 of the conference report would require a report to Congress from the Secretary of Defense assessing the present and potential capabilities of the government of the Soviet Union to intercept United States communications involving diplomatic, military and intelligence matters from Soviet diplomatic facilities on Mount Alto in the District of Columbia and a determination by the Secretary as to whether or not present or proposed Soviet occupation of facilities on Mount Alto is consistent with the national security of the United States.

Section 901 is identical to Section 801 of the House bill. The Senate amendment contained no comparable provision.

PROVISIONS NOT INCLUDED IN THE CONFERENCE REPORT

The House bill contained a provision, Section 105, which reinstated the application of Section 502 of the National Security Act of 1947 as it applied to funds appropriated by the Department of Defense Appropriations Act, 1987, authorized the expenditure of all appropriations in that Act not previously authorized with the exception of two programs, and—with respect to those programs—required that funds appropriated for them be reprogrammed. The Senate amendment contained no comparable provision.

The conferees agreed that inclusion of Section 105 was unnecessary in light of the fact that a similar previously enacted provision (Section 11 of the Supplemental Appropriations Act, 1987, P.L. 100-71) had the effect of reinstating Section 502 and authorizing all previously unauthorized intelligence programs. Further, since the enactment of Section 11 of the Supplemental Appropriations Act, 1987, one of the programs, which Section 105 would have directed be reprogrammed, has since been reprogrammed. Further discussions between the branches concerning the remaining program have determined how the funds in question will be applied and managed.

Section 506 of the Senate amendment amended Section 16 of the National Security Act of 1959 to expand NSA's undergraduate critical skills training program to cover graduate-level employees and applicants. The purpose of the new training program was to recruit and retain talented specialists in mathematics, engineering, computer science and foreign languages who might otherwise have found better financial and educational opportunities in private industry, where such graduate-level training is frequently offered.

The conferees agreed to defer consideration of this new training initiative pending the findings and recommendations of the NAPA study on intelligence personnel systems. It was felt that training programs were among the incentives that should be reviewed and evaluated by NAPA in light of the need to retain skilled intelligence professionals. The conferees agreed that legislative deliberation on all non-urgent intelligence personnel management proposals should wait until NAPA has had a chance to study personnel management systems within the intelligence community and the larger federal sector, and made comprehensive recommendations for intelligence community personnel systems. The conferees expect that, in its study and recommendations, NAPA will deal with the issue of intelligence training programs across the board as incentives to retention and recruitment.

The conferees also considered proposed changes in review procedures under the Export Administration Act which will affect the way in which the views of intelligence agencies are considered in determining potential adverse effects of exports upon the missions of these agencies. Neither of the committees addressed this matter because of the simultaneous consideration in both Houses of trade bills, but the conferees are concerned that the trade bills passed by both Houses could have the unintended side effect of adversely effecting national intelligence capabilities by permitting the export of certain sensitive goods and technology. For these reasons, the conferees request that the Director of Central Intelligence provide the intelligence committees with an intelligence community report which identifies the potential impact to the community of significant changes to the Act or regulations issued pursuant to the Act. The report should also include an assessment of trade related events that have had an impact on the intelligence community. The conferees request that the DCI periodically update this report as appropriate, but no less frequently than annually. The conferees request that the Director of Central Intelligence supplement the matters required to be provided under the report with any additional trade problems or issues affecting intelligence activities that stem from legislative or executive branch action.

In its report (S. Report 100-117) on the Intelligence Authorization Bill, the Senate Committee on Armed Services requested that the Secretary of Defense and the Director of Central Intelligence develop a plan for the conduct of net assessments which allow for independent judgments. The House had no similar language.

The conferees concur with the concerns expressed by the Senate and endorse the Senate request. The conferees also agree that the Intelligence Community should improve its analysis of the net assessment or "correlation of forces" as viewed by the Soviets. In addition to the increased involvement of the Intelligence Community in the net assessment process, the conferees believe intelligence officials in the Office of the Secretary of Defense should have an enhanced role in coordinating the development of intelligence estimates and preparation of net assessments.

Louis Stokes,
Dave McCurdy,
Anthony C. Beilenson,
Robert W. Kastenmeier,
Dan Daniel,
Robert A. Roe,
George E. Brown, Jr.,
Matthew F. McHugh,
Bernard J. Dwyer,
Charles Wilson,
Barbara B. Kennelly,
Henry J. Hyde,
Dick Cheney,
Bob Livingston,
Bob McEwen,
Dan Lungren,
Bud Shuster

(For matters within the jurisdiction of the Committee on Armed Services under clause 1(c) of House Rule X),

Les Aspin,
Samuel S. Stratton,
Managers on the Part of the House.

David L. Boren,
Bill Cohen,
Lloyd Bentsen,
Sam Nunn,
Ernest F. Hollings,
Bill Bradley,
Alan Cranston,
Dennis DeConcini,
Howard M. Metzenbaum,
Orrin Hatch,
Frank H. Murkowski,
Chic Hecht,
John W. Warner

(For matters within the jurisdiction of the Committee on Armed Services),

J.J. Exon,
Strom Thurmond,
Managers on the Part of the Senate.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Barton of Texas) to revise and extend their remarks and include extraneous material:)

Mr. Kemp, for 60 minutes, today.

Mr. Barton of Texas, for 5 minutes each day, on November 10, 16, 17, and 18.

(The following Members (at the request of Mr. Visclosky) to revise and extend their remarks and include extraneous material:)

Mr. Annunzio, for 5 minutes, today.

Mr. Studds, for 5 minutes, today.

Mr. Fascell, for 5 minutes, today.

Mr. Gonzalez, for 60 minutes, on November 16.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. Barton of Texas) and to include extraneous matter:)

Mr. Ritter.
Mr. Dannemeyer.
Mr. Broomfield.
Mr. Shumway.
Mrs. Roukema.
Mr. Gallo in two instances.
Mr. Clinger.
Mr. Fish.
Mr. Crane.
Mr. Moorhead.
Mr. Bunning.
Mr. Gilman in two instances.
Mr. Barton of Texas.
Mr. Emerson.
Mr. Ireland.
Mr. Miller of Washington in two instances.
Mr. McCandless in two instances.
Mr. Dreier of California.
Mr. Lowery of California.

(The following Members (at the request of Mr. Visclosky) and to include extraneous matter:)

Mr. Kildee.
Mr. Rowland of Georgia.
Mr. Pease.
Mr. Gaydos.
Mr. Levine of California.
Mr. Fascell in two instances.
Mr. Traxler.
Mr. Wise.
Mr. Lantos in two instances.
Mr. Robinson.
Mr. Rodino.
Mr. Schumer.
Mr. Towns.
Mr. Kostmayer.
Mr. Manton.
Mr. Wyden.
Mr. Garcia.
Mr. AuCoin.
Mr. Hubbard.
Mr. Markey.
Mr. Miller of California.
Mr. Mavroules.
Mr. Clay.
Mr. Florio.
Mr. Crockett.
Mr. Jones of Tennessee.

SENATE BILL AND JOINT RESOLUTION REFERRED

A bill and a joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 860. An act to designate "The Stars and Stripes Forever" as the national march of the United States of America; to the Committee on Post Office and Civil Service.

S.J. Res. 174. Joint resolution designating the week beginning November 15, 1987, as "African American Education Week"; to the Committee on Post Office and Civil Service.

ENROLLED BILLS SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that the committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3295. An act for the relief of Nancy L. Brady; and

H.R. 3457. An act to amend the Packers and Stockyards Act, 1921, to provide financial protection to poultry growers and sellers, and to clarify Federal jurisdiction under such act.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 205. Joint Resolution expressing the sense of the Congress that U.N. General Assembly Resolution 3379 (XXX) should be overturned, and for other purposes.

ADJOURNMENT TO MONDAY, NOVEMBER 16, 1987

Mr. DORNAN of California. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Pursuant to the provisions of House Concurrent Resolution 215, of the 100th Congress, the House stands adjourned until 12 noon Monday, November 16, 1987.

Thereupon (at 5 o'clock and 35 minutes p.m.), pursuant to House Concurrent Resolution 215, the House adjourned until Monday, November 16, 1987, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2383. A letter from the Assistant Secretary of State for Legislative and Intergovernment Affairs, transmitting notification of a proposed license for the export of major defense equipment sold commercially under a contract in the amount of $14 million to the Government of Korea (Transmittal No. MC-2-88), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

2384. A letter from the Director, Office of Workers' Compensation Programs, U.S. Department of Labor, transmitting notice of proposed computer match of certain individuals receiving benefits under the Black Lung Benefits Act with West Virginia Medicaid beneficiaries, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

2385. A letter from the Deputy Associate Director for Collections and Disbursements, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2386. A letter from the Deputy Associate Director for Collection and Disbursements, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2387. A letter from the Deputy Associate Director for Collection and Disbursements, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2388. A letter from the Deputy Associate Director for Collection and Disbursements, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2389. A letter from the Deputy Associate Director for Collection and Disbursements, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2390. A letter from the Secretary of the Interior, transmitting a draft of proposed legislation approving the location of the Black Revolutionary War Patriots Memorial; to the Committee on Interior and Insular Affairs.

2391. A letter from the Administrator, Environmental Protection Agency, transmitting the national water quality inventory report for 1986, pursuant to 33 U.S.C. 1315(b)(2); to the Committee on Public Works and Transportation.

2392. A letter from the Comptroller General of the United States, transmitting a report on the Federal financing bank's financial statements for the years ended September 30, 1985 and 1984, and reports on the bank's system of internal accounting controls and on its compliance with laws and regulations (GAO/AFMD-87-31); jointly, to the Committees on Government Operations; Banking, Finance and Urban Affairs; and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MOAKLEY: Committee on Rules. House Resolution 307. Resolution providing for the consideration of S. 1667, an act to authorize certain atmospheric and satellite programs and functions of the National Oceanic and Atmospheric Administration, and for other purposes (Rept. 100-429). Referred to the House Calendar.

Mr. PEPPER: Committee on Rules. House Resolution 308. Resolution waiving certain points of order against the conference report on H.R. 1451 and against the consideration of such conference report (Rept. 100-430). Referred to the House Calendar.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 2628. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 respecting the importation of motor vehicles in anticipation of compliance with safety standards under such act; with an amendment (Rept. 100-431). Referred to the Committee of the Whole House on the State of the Union.

Mr. STOKES: Committee of conference. Conference Report on H.R. 2112 (Rept. 100-432). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BILBRAY (for himself and Mrs. Vucanovich):

H.R. 3626. A bill to provide duty-free treatment for three-dimensional cameras; to the Committee on Ways and Means.

By Mr. CRANE (for himself, Mr. Wilson, Mr. Inhofe, Mr. Hunter, Mr. Lipinski, Mr. Ackerman, Mr. Burton of Indiana, Mr. Parris, Mr. Frank, Mr. Leath of Texas, Mr. Livingston, Mr. Bliley, Mr. Lantos, Mr. Davis of Illinois, Mrs. Bentley, Mr. Badham, Mr. Robinson, Mr. Porter, Mr. Emerson, Mr. Denny Smith, Mr. Shumway, Mr. Courter, and Mr. Hiler):

H.R. 3627. A bill to authorize prohibitions of imports from and exports to the Democratic Republic of Afghanistan sponsored by the Union of Soviet Socialist Republics or any political party, faction, or regime in Afghanistan sponsored by the Union of Soviet Socialist Republics; jointly, to the Committees on Ways and Means and Foreign Affairs.

By Mr. GEJDENSON:

H.R. 3628. A bill to authorize the Vietnam Women's Memorial Project, Inc., to establish a commemorative statue to recognize and honor the women of the Armed Forces of the United States who served in the Vietnam war; to the Committee on House Administration.

By Mr. GRANT:

H.R. 3629. A bill to authorize the expansion of the National Air and Space Museum at Washington Dulles International Airport; jointly, to the Committees on House Administration and Public Works and Transportation.

By Mr. HERGER (for himself, Mr. Marlenee, Mr. Holloway, Mr. Schuette, Mr. Shumway, and Mr. Robert F. Smith):

H.R. 3630. A bill to provide for the establishment of the National Commission on the 1987 Natural Resources Disaster; jointly, to the Committees on Agriculture, Interior and Insular Affairs, and Merchant Marine and Fisheries.

By Mr. JONTZ:

H.R. 3631. A bill to deauthorize the flood control project for Lafayette Dam and Reservoir, Wabash River, IN; to the Committee on Public Works and Transportation.

By Mr. KEMP (for himself and Mr. Smith of New Hampshire):

H.R. 3632. A bill to amend the Clean Air Act to reduce acid deposition, and for other purposes; to the Committee on Energy and Commerce.

By Mr. McHUGH:

H.R. 3633. A bill to require that any U.S. Government support for military or paramilitary operations in Angola be openly acknowledged and publicly debated; jointly, to the Committee on Foreign Affairs and the Permanent Select Committee on Intelligence.

By Mrs. MARTIN of Illinois:

H.R. 3634. A bill to provide for the intrastate wheeling of electric power, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MORRISON of Washington (for himself and Mr. AuCoin):

H.R. 3635. A bill to amend the Internal Revenue Code of 1986 to retain a capital gains tax differential, and for other purposes; to the Committee on Ways and Means.

By Mr. MRAZEK:

H.R. 3636. A bill relating to the determination of the country of origin of articles for purposes of the standardization of practice by United States and foreign producers and manufacturers offering articles for sale or consumption within the United States; to the Committee on Ways and Means.

By Mr. PEASE:

H.R. 3637. A bill to suspend temporarily the duty on certain imported fluorspar; to the Committee on Ways and Means.

By Mr. PENNY (for himself and Mr. Stangeland):

H.R. 3638. A bill to amend title II of the Social Security Act to provide for cost-of-living increases based solely on the percentage increase in the Consumer Price Index and for the establishment of a single annual cost-of-living increase in primary insurance amounts at a uniform flat rate; jointly, to the Committees on Ways and Means, Energy and Commerce, and Veterans' Affairs.

By Mr. PETRI (for himself, Mr. Goodling, Mr. McDade, Mr. Denny Smith, Mr. Whittaker, Mr. Shuster, Mr. Yatron, Mr. Staggers, Mr. Hyde, Mr. Oxley, Mr. Ravenel, Mr. Clinger, Mr. Montgomery, Mr. Hammerschmidt, Mr. Fawell, Mr. Schulze, Mr. Valentine, Mr. Swindall, Mr. Craig, Mr. Ridge, Mr. Murtha, Mr. Walker, Mr. Broomfield, Mr. Gekas, Mr. Callahan, Mr. Barnard, and Mr. Derrick):

H.R. 3639. A bill to prevent distortions in the reapportionment of the House of Representatives caused by the use of census population figures which include illegal aliens; jointly, to the Committees on the Judiciary and Post Office and Civil Service.

By Mr. STUDDS (for himself, Mr. Jones of North Carolina, Mr. Hutto, Mr. Fascell, Mr. Hughes, and Mr. Bennett):

H.R. 3640. A bill to authorize the Secretary of Commerce to recover damages for the injury to or destruction of national marine sanctuary resources; to the Committee on Merchant Marine and Fisheries.

By Ms. KAPTUR:

H.J. Res. 401. Joint resolution to designate 1988 as "Invest in the U.S.A. Year", and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. FOLEY:

H. Con. Res. 215. Concurrent resolution providing for the adjournment of the House on November 10, 1987, until November 16, 1987; considered and agreed to.

By Mr. DYMALLY:

H. Con. Res. 216. Concurrent resolution expressing the sense of the Congress that the President of the United States urge the Government of Syria to comply with the request of the Federal Republic of Germany for the extradition of Alois Brunner, twice convicted Nazi war criminal, so that he may stand trial for the mass transport of Jews to death camps during World War II; to the Committee on Foreign Affairs.

By Mr. SHUMWAY (for himself, Mr. Armey, Mr. Badham, Mr. Bateman, Mrs. Bentley, Mr. Bilirakis, Mr.

Bliley, Mr. Boulter, Mr. Broomfield, Mr. Buechner, Mr. Burton of Indiana, Mr. Bustamante, Mr. Clinger, Mr. Courter, Mr. Crane, Mr. Dannemeyer, Mr. DeWine, Mr. DioGuardi, Mr. Dornan of California, Mr. Eckart, Mr. Fawell, Mr. Fazio, Mr. Frank, Mr. Fuster, Mr. Gilman, Mr. Gingrich, Mr. Green, Mr. Gunderson, Mr. Hansen, Mr. Hiler, Mr. Hughes, Mr. Hunter, Mr. Hyde, Mr. Inhofe, Mr. Kemp, Mr. Konnyu, Mr. Kostmayer, Mr. Lagomarsino, Mr. Lantos, Mr. Lewis of California, Mr. Lewis of Florida, Mr. Lipinski, Mr. Livingston, Mr. Lowery of California, Mr. Donald E. Lukens, Mr. Mack, Mr. MacKay, Mr. Martinez, Mr. McCollum, Mr. McEwen, Mr. Mica, Mr. Miller of Washington, Mr. Owens of Utah, Mr. Parris, Mr. Pashayan, Mr. Pepper, Mr. Petri, Mr. Porter, Mr. Rhodes, Mr. Richardson, Mr. Rinaldo, Mr. Ritter, Mrs. Schroeder, Mr. Sikorski, Mr. Smith of New Jersey, Mr. Denny Smith, Mr. Smith of Florida, Mr. Smith of New Hampshire, Mr. Solomon, Mr. Sunia, Mr. Sundquist, Mr. Sweeney, Mr. Swindall, Mr. Traficant, Mr. Volkmer, Mr. Weldon, Mr. Wolf, and Mr. Wortley):

H. Con. Res. 217. Concurrent resolution expressing the sense of Congress regarding the continuing disregard and systematic abuse of basic human rights and freedoms by the Government of Cuba and the failure of the United Nations Human Rights Commission to address the human rights situation in Cuba; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. McGRATH:

H.R. 3641. A bill for the relief of Jocelyne Carayannis and Marie Carayannis; to the Committee on the Judiciary.

By Mr. MILLER of Washington:

H.R. 3642. A bill to clear certain impediments to the licensing of a vessel for employment in the coastwise trade and fisheries of the United States; to the Committee on Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 80: Mr. Shumway.

H.R. 303: Mr. Baker, Mr. Sensenbrenner, Mr. Coats, Mr. Coleman of Texas, Mr. Fauntroy, Mr. Lent, Mr. Conyers, Mr. Mineta, Mr. Whitten, Mr. Lott, Mr. Inhofe, and Mr. Davis of Illinois.

H.R. 639: Mr. St Germain, and Mr. Jeffords.

H.R. 1038: Mr. Smith of New Hampshire.

H.R. 1467: Mr. Hughes.

H.R. 1647: Mr. Dornan of California.

H.R. 1721: Mr. Moorhead.

H.R. 1782: Mr. Anthony, Mr. Lewis of Georgia, Mr. Florio, Mr. Ford of Michigan, Mr. Berman, Mr. Bruce, Mr. Bryant, Mr. Feighan, Mr. Hughes, Mr. Lipinski, Mrs. Collins, Mrs. Schroeder, Mr. Slattery, Mr. Torres, Mr. Perkins, Mr. Annunzio, Mr. Ackerman, Mr. Aspin, Mr. Boucher, Mr. Clay, Mr. Coelho, Mr. Dorgan of North Dakota, Mr. Dreier of California, Mr. Espy, Mr. Ford of Tennessee, Mr. Hubbard, Mr. Kennedy, Mr. McCandless, Mr. Ray, Mr. Williams, Mr. Wylie, Mr. Kyl, Mr. Levine of California, Mr. Robinson, and Mr. Sikorski.

H.R. 1891: Mr. Valentine, Mr. Hall of Texas, Mr. Clay, and Mr. Smith of New Jersey.

H.R. 1897: Mr. Konnyu.

H.R. 2173: Mr. Dellums, Mrs. Collins, Mr. Towns, Mr. Ford of Tennessee, Mr. Conyers, and Mr. Martinez.

H.R. 2223: Mr. Dorgan of North Dakota.

H.R. 2532: Mr. Hansen and Mr. Torricelli.

H.R. 2611: Mr. McCurdy, Mr. Lewis of Florida, Mr. Lightfoot, Mr. Pepper, and Mr. Edwards of Oklahoma.

H.R. 2717: Mr. Clarke, Mr. Torres, Mr. Kennedy, Mr. Bosco, Mr. Moody, Mr. Cardin, Mr. Dwyer of New Jersey, Mr. Borski, Mr. Dorgan of North Dakota, and Mr. Wheat.

H.R. 2920: Mr. Staggers, Mr. Ridge, and Mr. Oberstar.

H.R. 2955: Mr. Henry, Mr. Mrazek, Mrs. Bentley, Mr. Swindall, Mr. Badham, Mr. Evans, Mr. Lewis of Georgia, and Mr. Martinez.

H.R. 3011: Mr. Bilbray, Mr. Oberstar, Mr. Mavroules, and Mr. McMillan of North Carolina.

H.R. 3047: Mr. Kolter, Mr. Courter, Mr. Herger, and Mr. Smith of New Hampshire.

H.R. 3054: Mr. Lowry of Washington.

H.R. 3187: Mr. Frost and Mr. Moody.

H.R. 3332: Mr. Mollohan, Mr. Rinaldo, Mr. Wise, Mr. Nowak, Mr. Lantos, and Mr. Evans.

H.R. 3338: Mr. Hughes, Mr. Lewis of Florida, Mr. Bonior of Michigan, Mr. Bliley, Mr. Waxman, Mr. Edwards of Oklahoma, Mr. Kolter, Mr. Ritter, and Mr. Scheuer.

H.R. 3343: Mr. Crockett and Mr. Fauntroy.

H.R. 3383: Mr. Combest and Mr. Weber.

H.R. 3410: Ms. Slaughter of New York.

H.R. 3454: Mr. Applegate, Mr. Bates, Mr. Dorgan of North Dakota, Mr. Gejdenson, Mr. Glickman, Mr. Guarini, Mr. Hansen, Mr. Hutto, Mr. Johnson of South Dakota, Mr. Jontz, Mr. Thomas A. Luken, Mr. McMillan of North Carolina, Mr. Moody, Mrs. Morella, Mr. Ortiz, Mr. Owens of Utah, Mr. Schuette, Mr. Stenholm, Mr. Torricelli, Mr. Upton, Mr. Vento, Mr. Visclosky, Mr. Walgren, Mr. Wortley.

H.R. 3471: Mr. Smith of Florida, Mr. Gilman, Mrs. Collins, Mr. Pickle, Mr. Sawyer, Mr. Molinari, Mr. Hastert, Mr. Inhofe, Mrs. Morella, Miss Schneider, Mr. Donnelly, Mr. Moakley, Mr. Fuster, Mr. Bilirakis, Mr. Richardson, Mr. McGrath, Mr. Garcia, Mr. Towns, Mr. Hefner, Mr. Dornan of California, Mr. Regula, Mr. Alexander, Mr. Duncan, Mr. Broomfield, Mr. Taylor, Mr. Lipinski, Mr. Staggers, Mr. Perkins, Mr. Sunia, Mr. Denny Smith, Mr. Fields, Mr. Daniel, Ms. Oakar, Mr. Gallegly, Mr. Young of Alaska, Mr. Myers of Indiana, Mr. Grandy, Mr. Traficant, Mr. Swift, Mr. Gejdenson, Mr. Hall of Texas, Mr. Dellums, Mr. Burton of Indiana, Mr. Rhodes, Mr. DeWine, Mr. Bateman, Mr. Savage, Mr. Ackerman, Mr. Murphy, Mr. Matsui, Mrs. Lloyd, Mr. McCloskey, Mr. Hall of Ohio, Mr. Pashayan, Mr. Rose, Mr. Owens of Utah, Mr. Kildee, Mr. Akaka, Mr. Udall, Mr. Coats, Mr. Markey, Mr. Weldon, Mrs. Boxer, Mr. Conte, Mr. Panetta, Mr. McCandless, and Mr. Slaughter of Virginia.

H.R. 3478: Mr. Bennett.

H.R. 3485: Mr. Konnyu and Mr. Gejdenson.

H.R. 3486: Mr. Kolbe, Mr. Ackerman, Mr. St Germain, Mr. Fauntroy, Mr. LeLand, and Mr. Smith of Florida.

H.R. 3489: Mr. Alexander, Mr. Duncan, Mr. Olin, Mr. Daub, Mr. Lagomarsino, Mr. Gunderson, and Mr. Morrison of Washington.

H.R. 3505: Mr. Pursell, Mr. Ackerman, Mr. Olin, Mr. Fuster, Mr. Hamilton, Mr. Green, Mr. Cooper, Mr. Wortley, Mr. Smith of New Jersey, Mr. Bilbray, Mr. Frank, Mr. Frenzel, Mr. Frost, Mr. Roe, Mr. Towns, Mr. Smith of Florida, Mr. Akaka, Mr. Boland, Mr. Wilson, Mr. Boehlert, Mr. Chandler, Mr. Morrison of Washington, Mr. Boucher, Mr. Price of Illinois, Mr. Howard, Mr. Daub, Mr. Lewis of Georgia, Mr. DeFazio, and Mr. Biaggi.

H.R. 3518: Mr. Boehlert.

H.R. 3552: Mr. Donald E. Lukens, Mr. Swindall, Mr. Petri, Mr. Daub, Mr. Livingston, Mr. Fish, and Mr. Packard.

H.R. 3584: Mr. Hughes.

H.R. 3599: Mr. Ray.

H.J. Res. 92: Mrs. Collins, Mr. Fish, Mrs. Patterson, Mr. Price of North Carolina, Mr. Volkmer, and Mrs. Vucanovich.

H.J. Res. 148: Mr. Hansen.

H.J. Res. 242: Mr. Young of Florida.

H.J. Res. 257: Mr. Archer, Mr. Lehman of California, Mr. Slattery, Mr. Lott, Mr. DeFazio, Mr. Whitten, Mr. Boulter, Mr. Traxler, Mr. Coughlin, Mr. Montgomery, Mr. Ritter, Mr. Blaz, Mr. Matsui, Mr. Skelton, Mr. Miller of California, Mr. Kanjorski, Mr. Leach of Iowa, Mr. Nielson of Utah, Mr. Schumer, Mr. Schuette, Mr. Daniel, Mr. Florio, Mr. Shumway, Mr. Tallon, Mr. Espy, Mr. Fauntroy, Mr. Gunderson, Mr. Lightfoot, Mr. Sisisky, Mr. Davis of Illinois, Mr. Whittaker, Mr. Jontz, Mr. Yates, Mr. Hammerschmidt, Mr. Hayes of Illinois, Mr. Green, Mr. Bryant, Mr. Wortley, Mrs. Johnson of Connecticut, Mr. Denny Smith, Mr. Conyers, Mrs. Roukema, Mr. McGrath, Mr. Henry, Ms. Oakar, Mr. Pashayan, Mr. Perkins, Mr. Murphy, Mr. Moody, Mr. Mineta, Mr. Kemp, Mr. Jones of North Carolina, Mr. Quillen, Mr. Guarini, Mr. Hunter, Mr. Lewis of California, Mrs. Lloyd, Mr. McHugh, Mr. DioGuardi, Mr. de Lugo, Mr. Price of North Carolina, Mr. Evans, Mr. Dowdy of Mississippi, Mr. Dymally, Mr. Jacobs, Mr. Porter, Mr. Stump, Mr. Udall, Mr. Coelho, Mr. Buechner, Mr. Stokes, Mr. Feighan, Mr. Kostmayer, Mr. Morrison of Connecticut, Mr. Courter, Mr. Clarke, Mr. Traficant, Mr. Gregg, Mr. Annunzio, Mr. Emerson.

H.J. Res. 287: Mr. Bliley and Mr. Skeen.

H.J. Res. 293: Mr. Tauke, Mr. Schumer, Mr. Leach of Iowa, Mr. Synar, Mr. Nowak, Mr. Nichols, Mr. Kleczka, Mr. Ridge, and Mr. Lagomarsino.

H.J. Res. 337: Mr. Thomas of Georgia, Mr. Evans, Mr. Harris, Mr. Guarini, Mr. Hatcher, Mr. Young of Alaska, Mr. Lehman of Florida, Mr. Moorhead, Mr. Ritter, Mrs. Morella, Mr. Russo, Mr. Ackerman, Mr. Cooper, Mr. Rodino, Mr. Ravenel, Mr. Alexander, Mr. Synar, Mr. Florio, Mr. Traficant, Mr. Cheney, Mr. Marlenee, Mr. Anthony, Mr. Feighan, Mr. Hall of Texas, and Mr. Henry.

H.J. Res. 372: Mr. Slattery and Mr. Schaefer.

H.J. Res. 377: Mr. Bates, Mr. de la Garza, Mr. Evans, Mrs. Kennelly, Mr. Price of Illinois, Mr. Rodino, Mr. Sawyer, Mr. Schumer, Mr. Spence, Mr. Traficant, Mr. Traxler, Mr. Walgren, and Mr. Weiss.

H.J. Res. 384: Mr. HOCHBRUECKNER, Mr. MATSUI, and Mr. FISH.

H. Con. Res. 83: Mr. YOUNG of Florida, Mr. EDWARDS of Oklahoma, Mr. PICKETT, Mr. DREIER of California, Mr. FEIGHAN, Mr. WALGREN, Mr. LUNGREN, Mr. BAKER, and Mr. STANGELAND.

H. Con. Res. 138: Mr. MAVROULES and Mr. MARTINEZ.

H. Con. Res. 192: Mr. LAGOMARSINO, Mr. EDWARDS of California, Mr. ATKINS, and Mr. VOLKMER.

H. Con. Res. 201: Mr. WEBER and Mr. ARMEY.

H. Con. Res. 205: Mr. DIXON and Mr. TORRICELLI.

H. Res. 131: Ms. PELOSI.

H. Res. 168: Mr. PACKARD.

PETITIONS, ETC.

Under clause 1 of rule XXII,

97. The SPEAKER Presented a petition of the city council, city and county of Honolulu, HI, relative to commending Roberto Arias for being awarded the Nobel Peace Prize; which was referred to the Committee on Foreign Affairs.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3100

By Mr. ATKINS:

—Page 28, line 9, insert "(1)" before "Section".

Page 28, insert the following after line 21:

(2) Section 104(b) of that Act is amended by adding at the end the following: "Restrictions may be placed on family planning information and services that may be provided with assistance furnished under this part only to the extent that the same restrictions apply to family planning information and services that may be provided under grants and contracts made under title X of the Public Health Service Act (42 U.S.C. 300 and following).

By Mr. BEREUTER:

—On page 152, line 22, strike out all through page 155, line 22 and insert in lieu thereof the following:

"(d) PRIVATE AND VOLUNTARY ORGANIZATIONS.—

"(1) CONSULTATION TO ENSURE LOCAL PERSPECTIVES.—The agency primarily responsible for administering this part shall take into account local-level perspectives in sub-Saharan Africa during the initial planning and final review stages of the Country Development Strategy Statement, Mission Action Plan, and any similar annual country planning documents for project and program assistance under this section. In order to gain that perspective, the agency shall consult closely with African, United States, and other private and voluntary organizations which have demonstrated effectiveness in or commitment to the promotion of local, grass-roots activities on behalf of long-term development in sub-Saharan Africa. The agency shall establish, in each country which receives assistance under this section, specific and regular mechanisms for such consultation. Views and information emanating from such consultations shall be generally represented in annual assistance plans and significantly factored into decisions on project and program assistance under this section.

"(2) FUNDING FOR EXPANSION AND STRENGTHENING OF DEVELOPMENT EFFORTS.—In carrying out this section, the agency primarily responsible for administering this part shall make available funds for a strengthening of development efforts by African, United States, and other private and voluntary organizations which have demonstrated effectiveness in or a commitment to the promotion of local grass-roots activities on behalf of long-term development in sub-Saharan Africa Assistance shall also be made available to support the efforts of such private and voluntary organizations to improve their planning, management, evaluation, and coordination mechanisms in order to enhance their effectiveness in promoting local, grass-roots development and to encourage a broadening of the national and regional impact of local activities.

"(3) SIMPLIFIED PROCEDURES.—The agency primarily responsible for administering this part is encouraged to review procedures for the development, approval, management, and evaluation of projects and programs to be carried out by private and voluntary organizations under this section and to simplify such procedures wherever appropriate. Such procedures should include incorporation of elements which would encourage a long-term perspective, a period of effective joint planning, and a collaborative assistance mode in approaching relationships and new project development.

"(4) IDENTIFICATION OF RELEVANT PVOS.—In order to identify relevant private and voluntary organizations for purposes of this subsection, the agency primarily responsible for administering this part shall consult with organizations such as Inter-ACTION (American Council for Voluntary International Action), PACT (Private Agencies Collaborating Together), the African Development Foundation, Churches Development Action in Africa, the Office of Technology Assessment, the International Fund for Agricultural Development, the International Labor Organization, the United Nations Children's Fund, and the United Nations Research Institute for Social Development.

"(5) DEFINITION OF PRIVATE AND VOLUNTARY ORGANIZATION.—For purposes of this section, the term 'private and voluntary organization' includes (in addition to entities traditionally considered to be private and voluntary organizations) cooperatives, credit unions, trade unions, women's groups, higher education institutions, nonprofit development research institutions, other intermediaries, and indigenous local organizations, which are private and nonprofit.

By Mr. BONKER:

—Page 217, strike out lines 18 through 23 and insert in lieu thereof the following:

(b) EXTENSION OF WAIVER.—Section 620E(d) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(d)(1) The President may waive the prohibitions of section 669 of this Act at any time during the period beginning on the date determined under paragraph (2) of this subsection and ending on September 30, 1989, if he determines that to do so is in the national interest of the United States. Any such waiver shall cease to be effective on September 30, 1989.

"(2) The date referred to in paragraph (1) is—

"(A) the date on which the President reports to the Congress that, for purposes of section 670(a)(1) of this Act, he has determined that, after the date of enactment of the International Security and Development Cooperation Act of 1985, Pakistan exported illegally (or attempted to export illegally) from the United States material, equipment, or technology which would contribute significantly to the ability of Pakistan to manufacture a nuclear explosive device and that that material, equipment, or technology was to be used by Pakistan in the manufacture of a nuclear explosive device; or

"(B) the date which is 15 days after the date on which the President reports to the Congress that he has determined that, based on all available evidence, the determination described in subparagraph (A) is not justified, with an explanation of the reasons why the President made that determination rather than the determination described in subparagraph (A).

Page 217, line 24, strike out "(2)" and insert in lieu thereof "(3)".

By Mr. BROOMFIELD:

—Page 16, strike out line 8 and all that follows through line 2 on page 25 (title II) and insert in lieu thereof the following:

TITLE II—ECONOMIC SUPPORT FUND

SEC. 201. AUTHORIZATIONS OF APPROPRIATIONS.

Section 532(a) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(a) There are authorized to be appropriated to the President to carry out the purposes of this chapter $3,380,812,000 for fiscal year 1988 and $3,535,365,000 for fiscal year 1989, in addition to amounts otherwise authorized to be appropriated for those purposes.".

SEC. 202. AUTHORITY TO USE FUNDS FOR EMERGENCY ASSISTANCE.

Section 533(a) of the Foreign Assistance Act of 1961 is amended by striking out "1986" and "1987" and inserting in lieu thereof "1988" and "1989", respectively.

SEC. 203. RESTRICTION ON USE OF FUNDS FOR NUCLEAR FACILITIES.

Funds authorized to be appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 for fiscal year 1988 or fiscal year 1989 may not be used to finance the construction of, the operation or maintenance of, or the supplying of fuel for, any nuclear facility in a foreign country unless the President certifies to the Congress that such country is a party to the Treaty on the Non-Proliferation of Nuclear Weapons or the Treaty for the Prohibition of Nuclear Weapons in Latin America (the "Treaty of Tlatelolco"), cooperates fully with the International Atomic Energy Agency, and pursues nonproliferation policies consistent with those of the United States.

By Mr. BROOMFIELD:

—Page 17, strike out line 8 and all that follows through line 2 on page 20 (section 204); page 20, line 3, strike out "205" and insert in lieu thereof "204"; line 7, strike out "(as amended by section 204) is further" and insert in lieu thereof "is"; line 9, strike out "537" and insert in lieu thereof "536"; line 17, strike out "206" and insert in lieu thereof "205"; line 20, strike out "sections 204 and 205" and insert in lieu thereof "section 204"; line 22, strike out "538" and insert in lieu thereof "537"; page 23, line 6, strike out "207" and insert in lieu thereof "206"; and page 24, line 13, strike out "208" and insert in lieu thereof "207".

—Page 231, strike out lines 7 through 15; and line 16, strike out "(10)" and insert thereof "(9)".

—Page 22, after line 25, insert the following:

"(f) RELATION TO MERCHANT MARINE REQUIREMENTS.—United States financing pursuant to this section of the purchase of United States agricultural commodities (or products derived from such commodities) shall be considered as a cash grant made available to a foreign purchaser for the purpose of developing, maintaining, or expanding export markets for United States agricultural commodities or the products thereof at prevailing world market prices for purposes of section 901a of the Merchant Marine Act, 1936, except that no requirement of section 901b of that Act shall be construed to apply.

—Page 23, line 1, strike out "(f)" and insert in lieu thereof "(g)".

—Page 25, strike out line 3 and all that follows through line 7 on page 62 (title III) and insert in lieu thereof the following:

TITLE III—DEVELOPMENT ASSISTANCE

SEC. 301. AGRICULTURE, RURAL DEVELOPMENT, AND NUTRITION.

The first sentence of section 103(a)(2) of the Foreign Assistance Act of 1961 is amended to read as follows: "There are authorized to be appropriated to the President for purposes of this section, in addition to funds otherwise available for such purposes, $471,612,000 for fiscal year 1988 and $488,118,000 for fiscal year 1989.".

SEC. 302. CHILD SURVIVAL FUND.

(a) Authorization.—Section 104(c)(2)(B) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(B)(i) Not less than $80,000,000 for fiscal year 1988 and not less than $90,000,000 for fiscal year 1989 shall be used for activities described in subparagraph (A) which are carried out with funds made available under this subsection and chapter 7 of this part.

"(ii) There are authorized to be appropriated to the President $66,000,000 for fiscal year 1988 and $76,000,000 for fiscal year 1989 for use in carrying out subparagraph (A), which are in addition to amounts otherwise available for that purpose and which are authorized to remain available until expended.".

(b) Conforming Amendment.—Section 104(c)(2)(C) of that Act is amended by striking out "Appropriations" and inserting in lieu thereof "Funds made available".

(c) Use of Funds To Reimburse Medical Personnel Detailed to AID.—Section 104(c)(2)(A) of that Act is amended by adding at the end the following: "Funds authorized to be appropriated to carry out the purposes of this subsection may be used to reimburse United States Government agencies, State government agencies, and institutions of higher education for the full cost of personnel detailed or assigned to the agency primarily responsible for administering this part for the purpose of carrying out activities authorized by this paragraph. Personnel so detailed or assigned shall not, during the period of detail or assignment, be counted toward any personnel ceiling applicable to any United States Government agency.".

(d) Restrictions on Assistance Not Applicable.—Section 104(c)(2) of that Act is amended by adding at the end the following:

"(D) Except as provided in this section, assistance provided under this paragraph may be made available notwithstanding any other provision of this Act (other than subsections (a), (f), and (t) of section 620 and section 620A) or any other Act.".

(e) Effective Date.—The amendments made by subsections (c) and (d) do not apply with respect to funds appropriated prior to the date of enactment of this Act.

SEC. 303. POPULATION AND HEALTH.

(a) Authorizations of Appropriations.—Section 104(g)(1) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(1) There are authorized to be appropriated to the President, in addition to funds otherwise available for such purposes—

"(A) $223,724,000 for fiscal year 1988 and $231,554,000 for fiscal year 1989 to carry out subsection (b) of this section (relating to assistance for population planning); and

"(B) $143,161,000 for fiscal year 1988 and $148,172,000 for fiscal year 1989 to carry out subsection (c) of this section (relating to assistance for health and disease prevention).".

(b) Family Planning Projects.—Section 104(c) of that Act is amended by adding at the end the following:

"(4) In order to reduce reliance on abortion in developing countries, funds shall be available under this part only to voluntary family planning projects which offer, either directly or through referral to or information about access to, a broad range of family planning methods and services. In awarding grants for natural family planning under this part, no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the first sentence of this paragraph.".

SEC. 304. EDUCATION AND HUMAN RESOURCES DEVELOPMENT.

(a) Authorizations of Appropriations.—Section 105(a) of the Foreign Assistance Act of 1961 is amended by striking out the second sentence and inserting in lieu thereof the following: "There are authorized to be appropriated to the President for the purposes of this section, in addition to funds otherwise available for such purposes, $122,699,000 for fiscal year 1988 and $126,993,000 for fiscal year 1989. Funds appropriated under this subsection are authorized to remain available until expended.".

(b) Global Basic Education Enhancement.—The Congress makes the following findings:

(1) Basic education, which includes primary education for children and literacy training for adults, is necessary to promote the social and economic development of people and nations, developing the necessary knowledge, skills, and productive capacities of the workforce.

(2) Basic education increases the effectiveness of investments in other development sectors. The poorer the country, the higher the payoff for teaching its citizens to read, write, and perform basic arithmetic skills.

(3) Improvements in educational levels, particularly of women, are strongly associated with increasing agricultural productivity, improving nutritional status, declining infant and child mortality, and slowing population growth.

(4) Literacy rates in many countries which receive assistance from the Agency for International Development are very low.

(5) The Congress authorizes the appropriation of funds to the Agency for International Development under section 105 of the Foreign Assistance Act of 1961 in order "to reduce illiteracy, to extend basic education, and to increase manpower training in skills related to development".

(6) As a percentage of development assistance funding for education, funding for basic education enhancement has been declining in recent years.

(7) The Agency for International Development could have a substantial role in improving the efficiency and cost-effectiveness of educational systems in developing countries if more resources were directed toward enhancing basic education.

SEC. 305. COOPERATIVE DEVELOPMENT PROGRAM.

Section 106(f) of the Foreign Assistance Act of 1961 is amended by striking out "1986" and "1987" and inserting in lieu thereof "1988" and "1989", respectively.

SEC. 306. ENERGY, PRIVATE AND VOLUNTARY ORGANIZATIONS, AND SELECTED DEVELOPMENT ACTIVITIES.

Section 106(e)(1) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(e)(1) There are authorized to be appropriated to the President for purposes of this section, in addition to funds otherwise available for such purposes, $146,699,000 for fiscal year 1988 and $151,833,000 for fiscal year 1989.".

SEC. 307. PRIVATE SECTOR REVOLVING FUND.

The first sentence of section 108(b) of the Foreign Assistance Act of 1961 is amended by striking out "in each of the fiscal years 1986 and 1987, up to $18,000,000" and inserting in lieu thereof ", up to $12,000,000 in fiscal year 1988 and up to $12,000,000 in fiscal year 1989".

SEC. 308. PROTECTING BIOLOGICAL DIVERSITY.

Section 119(c) of the Foreign Assistance Act of 1961 is amended by striking out "fiscal year 1987" and inserting in lieu thereof "each of the fiscal years 1988 and 1989".

SEC. 309. PRIVATE SECTOR ASSISTANCE.

(a) Repayment.—Section 122 of the Foreign Assistance Act of 1961 is amended by adding at the end the following:

"(f) Section 620(r) of this Act shall not apply in the case of loans made at or near market rates of interest to private borrowers pursuant to the authority contained in this chapter, chapter 7 of this part, or chapter 4 of part II if the President determines that by not applying such provisions repayment to the United States is likely to be greater than if such provisions were applicable.".

(b) Effective Date.—The amendment made by subsection (a) does not apply with respect to funds appropriated prior to the date of enactment of this Act.

SEC. 310. USE OF FOREIGN ASSISTANCE LOAN REPAYMENTS FOR DEVELOPMENT ASSISTANCE ACTIVITIES.

(a) Authority To Use.—Chapter 1 of part I of the Foreign Assistance Act of 1961 is amended by adding at the end the following:

"SEC. 129. USE OF FOREIGN ASSISTANCE LOAN REPAYMENTS FOR DEVELOPMENT ASSISTANCE ACTIVITIES.

"(a) Authority.—Subject to subsection (e), in the case of any developing country which faces severe difficulties in repaying its external debt obligations, the President may (on a case-by-case basis) permit that country to place amounts, which would otherwise be paid to the United States as payments on principal or interest on liability incurred by that country under this part, into local currency accounts (in equivalent amounts of local currency as determined by the official exchange rate for that country) for use by that country, with the concurrence of the Administrator of the agency primarily responsible for administering this part, for development activities which are consistent with section 102. Such activities may include development activities carried out by United States and indigenous private and voluntary organizations.

"(b) Notification to Congress.—The President shall notify the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate, in accordance with the procedures applicable to reprogramming notifications under section 634A, at least 15 day before each exercise of the authority contained in subsection (a).

"(c) Other Provisions.—The authority contained in subsection (a) may be exercised notwithstanding section 620(r) of this Act and section 321 of the International Development and Food Assistance Act of 1975.

"(d) Acting in Concert With Other Creditors.—In exercising the authority of this section, the President should act in concert with other creditor countries.

"(e) Requirement for Appropriations Action.—The authority of subsection (a) may be exercised only to such extent or in such amount as is provided in advance in appropriation Acts.".

(b) Conforming Amendment.—Subsection (c) of section 124 of that Act is repealed, and subsection (d) is redesignated as subsection (c).

(c) Effective Date.—The amendment made by subsection (a) applies with respect to liability incurred under part I of that Act at any time before or after the enactment of this Act.

SEC. 311. PROVIDING CREDIT FOR THE POOR IN DEVELOPING COUNTRIES.

(a) Findings.—The Congress makes the following findings:

(1) Hunger and hunger-related disease take the lives of 13,000,000 to 18,000,000 people annually. Three-quarters of these deaths are children under the age of 5.

(2) A primary cause of this suffering is the inability of the poor majority living in developing countries to earn incomes which would enable them to provide the nutritional and health benefits that their families need.

(3) The rural and urban poor comprise the developing world's greatest untapped resource, and the health of national economies and democratic institutions is vastly improved when opportunities for the poor to participate in the economies of their countries are actively promoted and expanded.

(4) The inability of the rural and urban poor to obtain credit to finance their economic activities (and related nonfinancial assistance) has long been an obstacle to their achievement of economic progress and well-being.

(5) This inability to obtain credit and other critical productive inputs has been a significant factor inhibiting the growth of micro and small enterprises. Even so, such enterprises still represent an important source of private sector commercial activity in developing countries, provide significant benefits for the poor majority in those countries (particularly women, tribal peoples, and other minorities), and serve to integrate them into the economic life of their countries.

(6) Formal financial institutions in developing countries have not recognized that, although the poor majority may lack collateral for loans and may not be able to comply with all the traditional loan formalities, the productive activities of micro and small enterprises can nevertheless be financially viable if access to sources of credit is expanded.

(7) Experience with making productive credit available to the poor, including to micro-enterprises and to groups of poor people, has demonstrated their ability to repay loans and to achieve significant improvements in their living standards and to make significant contributions to the local economy.

(8) Economic policies, particularly those which are neutral as to enterprise size, are important to the encouragement and operation of micro and small enterprises.

(b) Credit Programs and Other Assistance.—The Administrator shall make assistance available, in accordance with this section, to financial intermediaries in developing countries to enable them to provide loans and other assistance for micro and small enterprises of the poor majority. In carrying out this section, primary emphasis shall be placed on making loans and other assistance available to those individuals living in absolute poverty. Funds described in subsection (f)(2) may be made available to financial intermediaries pursuant to this section for use by them—

(1) in extending credit for micro and small enterprises in order to provide such enterprises with financial resources for working capital, the acquisition of equipment and other supplies, and payment of other expenses of the enterprise;

(2) in extending credit for such purposes as the procurement of farm implements and commodities, the acquisition of livestock, the construction of storage facilities, water and soil conservation activities, and the enhancement of marketing facilities;

(3) for the startup costs incurred by a nongovernmental organization in becoming a financial intermediary, and for other institutional development expenses (including audit and evaluation costs) of the intermediary which are related to the establishment and initial operation of the credit and other business support activities assisted pursuant to this section;

(4) for expenses incurred by the financial intermediary in providing training and technical assistance for micro and small enterprises, in order to enable them to obtain and utilize credit and other nonfinancial assistance under this section; and

(5) to provide other assistance necessary to the successful functioning of micro and small enterprises.

(c) Guidelines for Program.—The Administrator shall issue guidelines for financial intermediaries providing assistance pursuant to this section. These guidelines shall seek to ensure that financial intermediaries—

(1) consult with potential recipients of credit and other assistance under this section, and include their views to the greatest extent possible, in the designing of credit projects to ensure that the projects are responsive to the credit and other productive input needs of the recipients;

(2) establish credit terms at rates of interest which reflect the prevailing market rate of interest and the real cost of providing credit to the targeted beneficiaries;

(3) utilize the assistance made available pursuant to this section to provide credit and related assistance to the poorest people, with special attention being given to the provision of credit and other assistance to women, tribal peoples, and other minorities; and

(4) minimize or remove obstacles to credit provided under this section, such as collateral and literacy requirements.

(d) Primary Emphasis.—In carrying out this section, the Administrator shall place primary emphasis on the development of the capacity of indigenous nongovernmental organizations (especially those representing women, tribal peoples, and other minorities) which will assist the development of micro and small enterprises, but the Administrator may also support other entities as appropriate. Attention shall also be directed to savings and capital formation as part of the systems support for micro and small enterprises.

(e) Advisory Committee.—The Administrator shall appoint an advisory committee to advise the Administrator with regard to the implementation of this section. This advisory committee shall be composed of individuals from nongovernmental organizations who are knowledgeable about the needs of micro and small enterprises in developing countries for credit and other assistance. Among other responsibilities, the advisory committee shall—

(1) assist the Administrator in developing the report required by subsection (m); and

(2) shall review and comment on the initial guidelines issued by the Administrator pursuant to subsection (c) before those guidelines are issued.

(f) Sources of Funds and Funding Levels.—

(1) Assistance for fiscal years 1988 and 1989.—The total amount of assistance provided pursuant to this section shall be at least $50,000,000 during fiscal year 1988 and at least $75,000,000 during fiscal year 1989.

(2) Sources of funds.—Assistance pursuant to this section shall be provided with the following funds:

(A) Funds made available to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 (relating to development assistance), chapter 7 of part I of that Act (relating to Africa famine recovery and development), and chapter 4 of part II of that Act (relating to the economic support fund).

(B) Foreign currencies acquired as payments of loans made under those chapters pursuant to the authority contained in subsection (h).

(C) Foreign currencies accruing from assistance provided under those chapters.

(D) Foreign currencies accruing or acquired under title I of the Agricultural Trade Development and Assistance Act of 1954, including foreign currencies made available to carry out section 108 and foreign currencies available for use pursuant to title III.

(E) Amounts paid to the United States on loans made to financial intermediaries pursuant to this section.

(3) Allocations of assistance.—Funds allocated under this section shall, to the maximum extent feasible, be made available in support of micro enterprises. The size of individual loans made under this section to micro and small enterprises shall take into consideration such factors as the size of the borrowing enterprise, the nature of the activity being undertaken by the enterprise, and the financial requirements of the enterprise.

(g) Applicable Authorities.—Except as provided in this section, assistance provided pursuant to this section shall be provided in accordance with the relevant authorities contained in the Foreign Assistance Act of 1961 or the Agricultural Trade Development and Assistance Act of 1954.

(h) Authority To Generate Foreign Currencies.—In order to generate foreign currencies which can be made available to financial intermediaries pursuant to this section, the Administrator is authorized to use funds made available to carry out chapter 1 of part I, chapter 7 of part I, and chapter 4 of part II of the Foreign Assistance Act of 1961 to provide assistance to the governments of developing countries on a loan basis repayable in foreign currencies, at a rate of exchange to be negotiated by the Administrator and the foreign government. Such loans shall have a rate of interest and a repayment period determined by the Administrator.

(i) Foreign Assistance Act Assistance to Intermediaries.—

(1) Terms.—Loans and grants made to financial intermediaries for the purposes of this section with funds described in subsections (f)(2)(A), (B), and (C), or with amounts made available pursuant to paragraph (2) of this subsection, shall be on such terms and conditions as are determined by the Administrator and the intermediary.

(2) Use of loan proceeds.—Amounts paid to the United States on loans under this section with funds described in subsections (f)(2)(A), (B), and (C) or with amounts used pursuant to this paragraph shall, as determined by the Administrator, be available for use for assistance pursuant to this section.

(j) Application of Certain Laws.—Section 122 of the Foreign Assistance Act of 1961 shall not apply with respect to loans pursuant to subsections (h) or (i). Funds described in subsection (f)(2)(B) and (C) or subsection (i)(2) which are received by the United States pursuant to this section shall not be subject to the requirements of section 1306 of title 31, United States Code, or other laws governing the use of foreign currencies accruing to the United States. New budget authority provided by this section may be exercised only to such extent or in such amounts as are provided in advance in appropriation Acts.

(k) Terms of Foreign Currency Assistance Under Public Law 480.—Funds described in subsection (f)(2)(D), or in the second sentence of this subsection, which are made available to financial intermediaries pursuant to this section may be provided on a grant or loan basis, notwithstanding any provision of the Agricultural Trade Development and Assistance Act of 1954. Any foreign currencies under that Act which are repaid by financial intermediaries under this section shall be available to and used by the Administrator to make available assistance for the purposes of this section. Section 108(d) of that Act shall not apply to the use of such currencies. Section 103(m) of that Act shall not apply to agreements entered into under section 108 of that Act for purposes of this section.

(l) Notice to Congress.—Funds made available under this section shall be provided in accordance with the procedures applicable to reprogrammings under section 634A of the Foreign Assistance Act of 1961.

(m) Initial Report.—Not later than January 1, 1988, the Administrator shall submit to the Congress a report setting forth the manner in which this section will be implemented.

(n) Annual Reports.—Not later than February 1, 1989, and each year thereafter, the Administrator shall submit a report to the Congress describing the implementation of this section. The report shall include—

(1) a description of the activities funded under this section during the previous fiscal year and the amount of funds described in each subparagraph of subsection (f)(2) which were provided for such activities; and

(2) recommendations for procedural or statutory changes which would facilitate the implementation of this section.

(o) Economic Policies.—In policy dialogues concerning economic policies with, and efforts to reform economic policies of, countries receiving assistance under part I of the Foreign Assistance Act of 1961, the Administrator shall encourage economic policies which promote micro and small enterprises.

(p) Definitions.—For purposes of this section—

(1) the term "Administrator" means the administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961;

(2) the term "micro enterprises" means enterprises which are—

(A) single or family proprietorships, small-group enterprises, or other for-profit business entities, which have approximately 7 or fewer workers, which are wholly owned by the poor majority in the developing country, and which often lack access to credit at reasonable cost, and

(B) cooperatives consisting primarily of such individuals or entities:

(3) the term "small enterprises" means enterprises which are—

(A) single or family proprietorships, small-group enterprises, or other for-profit business entities, which have approximately 8 to 15 workers, which are wholly owned by the poor majority in the developing country, and which often lack access to credit at reasonable cost, and

(B) cooperatives consisting primarily of such individuals or entities;

(4) the term "financial intermediary" has the same meaning as is given that term in section 108(i)(2) of the Agricultural Trade Development and Assistance Act of 1954; and

(5) the term "absolute poverty" refers to those people who lack access to assets sufficient to permit them to provide for their basic human needs.

SEC. 312. ASSISTANCE FOR THE PREVENTION AND CONTROL OF AIDS IN DEVELOPING COUNTRIES.

Of the aggregate amounts made available to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 (relating to development assistance) and chapter 7 of part I of that Act (relating to Africa famine recovery and development), not less than $20,000,000 for each of the fiscal years 1988 and 1989 shall be available only for activities relating to research on and the treatment and control of acquired immune deficiency syndrome (AIDS) in developing countries.

SEC. 313. MINORITY SET-ASIDE.

Except to the extent that the Administrator of the Agency for International Development determines otherwise, not less than 10 percent of the aggregate of the funds made available for each of the fiscal years 1988 and 1989 to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 (relating to development assistance) and chapter 7 of part I of that Act (relating to Africa famine recovery and development) shall be made available only for activities of economically and socially disadvantaged enterprises (within the meaning of section 133(c)(5) of the International Development and Food Assistance Act of 1977), historically black colleges and universities, and private and voluntary organizations which are controlled by individuals who are black Americans, Hispanic Americans, or Native Americans, or who are socially and economically disadvantaged (within the meaning of section 133(c)(5) of the International Development and Food Assistance Act of 1977). For purposes of this section, socially and economically disadvantaged individuals shall be deemed to include women.

SEC. 314. ENHANCING THE PRIVATE-PUBLIC PARTNERSHIP FOR FOREIGN ASSISTANCE.

(a) Additional Policies and Requirements Concerning PVOs and Cooperatives.—Section 123 of the Foreign Assistance Act of 1961 is amended—

(1) by redesignating subsections (b) through (h) as subsections (e) through (k), respectively; and

(2) by inserting after subsection (a) the following:

"(b) The Congress encourages the fuller utilization of private indigenous organizations and cooperatives, especially those representing woman, tribal peoples, and other minorities, in the implementation and planning of activities authorized by this part. Public and private technical and financial assistance from United States private and voluntary organizations and cooperatives can accelerate the strengthening of these organizations and their ability to assist the poor.

"(c) The Congress encourages the Administrator of the agency primarily responsible for administering this part to use, in addition to funding for other activities of private and voluntary organizations, up to $20,000,000 in each of fiscal years 1988 and 1989 for private and voluntary organizations and cooperatives under this chapter, chapter 7 of this part, and chapter 4 of part II to design, initiate, expand, and enhance food assistance programs that reach the poor in conjunction with food made available under title II of the Agricultural Trade Development and Assistance Act of 1954 and section 416(b) of the Agricultural Act of 1949.

"(d) The Congress finds that one of the most effective and least costly ways to maintain and restore the natural resource base in developing countries is through small-scale, affordable, participatory projects using methods suited to the local environment. Assistance under this part may support private and voluntary organizations in carrying out resource conserving development projects, training, and education programs that promote sustainable agricultural development practices. Particular emphasis should be placed on agricultural and rural development projects which include environmentally sound land and water management technologies, including agroforestry, water harvesting, soil conservation, reforestation, range and pasture management, small-scale irrigation systems, family gardens, park management, renewable and decentralized energy techniques, and the training of local staff on more effective community-based extension techniques that promise greater choice, improved communications, and the more active involvement of farmers in projects utilizing these technologies.".

(b) Funding Levels.—Subsection (i) of that section (as so redesignated by subsection (a) of this section) is amended to read as follows:

"(i) For each of the fiscal years 1988 and 1989, funds in an amount not less than 15 percent of the aggregate amount appropriated to carry out sections 103, 104(b), 104(c)(1), 104(c)(2), 105, 106, 471, and 491 of this Act shall be made available for the activities of private and voluntary organizations and cooperatives; and the President shall seek to channel funds in an amount not less than 18 percent of such aggregate amount for the activities of private and voluntary organizations and cooperatives. Funds made available under chapter 4 of part II of this Act for the activities of private and voluntary organizations and cooperatives may be considered in determining compliance with the requirements of this subsection.".

(c) Non-Federal Funding Requirement.—Subsection (j) of that section (as so redesignated by subsection (a) of this section) is amended to read as follows:

"(j) Funds made available to carry out this part may not be made available to any United States private and voluntary organization (other than a cooperative development organization) which obtains less than 20 percent of its total annual funding for international activities from sources other than the United States Government. In calculating the amount of Government support received by an organization, there shall be excluded the value of commodities (and related transportation) made available for overseas distribution and the value of contracts for services, grants, and other activities initiated primarily by the agency primarily responsible for administering this part.".

—Page 62, strike out line 8 and all that follows through line 17 on page 73 (title IV) and insert in lieu thereof the following:

TITLE IV—OTHER ASSISTANCE PROGRAMS AND AUTHORIZATIONS

Part A—Foreign Assistance Act Programs

SEC. 401. AMERICAN SCHOOLS AND HOSPITALS.

Section 214(c)(1) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(c)(1) To carry out the purposes of this section, there are authorized to be appropriated to the President $35,000,000 for fiscal year 1988 and $36,225,000 for fiscal year 1989.".

SEC. 402. HOUSING GUARANTY PROGRAM.

(a) Increasing Authorized HIG Program Level.—Section 222(a) of the Foreign Assistance Act of 1961 is amended by striking out "$2,158,000,000" in the second sentence and inserting in lieu thereof "$2,308,000,000".

(b) Extending HIG Program Authority.—Such section is further amended by striking out "1988" in the third sentence and inserting in lieu thereof "1990".

(c) Borrowing Authority.—Section 223(e)(2)(A)(ii) of that Act is amended by striking out "$40,000,000" and inserting in lieu thereof "$100,000,000".

(d) Budget Act.—The authority provided by the amendment made by subsections (a) and (b) may be exercised only to such extent or in such amounts as are provided in advance in appropriation Acts.

SEC. 403. AGRICULTURAL AND PRODUCTIVE CREDIT AND SELF-HELP COMMUNITY DEVELOPMENT PROGRAMS.

(a) Extending Program Authority.—Section 222A(h) of the Foreign Assistance Act of 1961 is amended by striking out "1988" and inserting in lieu thereof "1990".

(b) Budget Act.—The authority provided by the amendments made by subsection (a) may be exercised only to such extent or in such amounts as are provided in advance in appropriation Acts.

SEC. 404. TRADE CREDIT INSURANCE PROGRAM.

Section 224(e) of the Foreign Assistance Act of 1961 is amended by striking out "the aggregate amount of outstanding commitments under subsection (a) may not exceed $300,000,000 of contingent liability for loan principal during fiscal year 1986 and may not exceed $400,000,000 of contingent liability for loan principal during fiscal year 1987" and inserting in lieu thereof "commitments entered into during fiscal year 1988 to guarantee loans under subsection (a) may not exceed $200,000,000 of contingent liability for loan principal and commitments entered into during fiscal year 1989 to guarantee loans under subsection (a) may not exceed $200,000,000 of contingent liability for loan principal".

SEC. 405. VOLUNTARY CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS AND PROGRAMS.

(a) Authorizations.—Section 302(a)(1) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(a)(1) There are authorized to be appropriated to the President $92,264,000 for fiscal year 1988 and $95,493,000 for fiscal year 1989 for grants to carry out the purposes of this chapter, in addition to funds available under other Acts for such purposes.".

(b) International Fund for Agricultural Development.—Paragraph (2) of section 103(g) of that Act is amended to read as follows:

"(2) In addition to any funds made available under chapter 3 of this part (relating to international organizations and programs) which are used for such purpose, other funds made available to carry out this part may be used for United States contributions to the international Fund for Agricultural Development.".

(c) Condition on Contributions to the International Atomic Energy Agency.—Section 302(a) of that Act is amended by adding at the end the following:

"(3) Funds authorized to be appropriated by paragraph (1) may be contributed to the International Atomic Energy Agency only if the Secretary of State determines (and so reports to the Congress) that Israel is not being denied its right to participate in the activities of that Agency.".

SEC. 406. INTERNATIONAL DISASTER ASSISTANCE.

The first sentence of section 492(a) is amended to read as follows: "There are authorized to be appropriated to the President to carry out section 491, $25,000,000 for fiscal year 1988 and $25,875,000 for fiscal year 1989.".

SEC. 407. ANTITERRORISM ASSISTANCE PROGRAM.

Section 575(a) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(a) There are authorized to be appropriated to the President to carry out this chapter, $9,840,000 for fiscal year 1988 and $10,184,000 for fiscal year 1989.".

SEC. 408. TRADE AND DEVELOPMENT PROGRAM.

Section 661(b) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(b) There are authorized to be appropriated to the President for purposes of this section, $20,000,000 for fiscal year 1988 and $20,700,000 for fiscal year 1989. Amounts appropriated under this subsection are authorized to remain available until expended.".

SEC. 409. OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT.

(a) Authorizations of Appropriations.—Paragraph (1) of section 667(a) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(1) $340,600,000 for fiscal year 1988 and $352,521,000 for fiscal year 1989 for necessary operating expenses of the agency primarily responsible for administering part I of this Act; and".

(b) Use of Program Funds for Operating Expenses.—Section 667 of that Act is amended by adding at the end the following:

"(c)(1) Amounts authorized to be appropriated to carry out the purposes of chapter 1 and chapter 7 of part I and chapter 4 of part II of this Act for fiscal years 1988 and 1989 may be made available to carry out the purposes of this section and section 668.

"(2) For fiscal years 1988 and 1989, the Administrator of the agency primarily responsible for administering part I of this Act shall make available to the Inspector General of the Agency for International Development, from funds made available pursuant to subsection (a) or paragraph (1) of this subsection, such amount for payment of expenses described in section 668(a)(1) as the Inspector General may request. The Inspector General may not request funds under this paragraph for a fiscal year in an amount—

"(A) which is greater than 10 percent of the amount authorized to be appropriated for that fiscal year by section 668(a)(1), or

"(B) which would cause the limitation in paragraph (3) to be exceeded.

"(3) The authorities of this subsection may not be used to increase the amount available for a fiscal year to carry out this section or section 668 to an amount greater than the amount made available for the previous fiscal year to carry out the purposes described in such section, except that the amount used to cover the costs of converting to the mandatory Federal Employee Retirement System shall be excluded in applying this limitation for fiscal year 1988.".

(c) Operating Expenses of the Office of the Inspector General.—Chapter 3 of part III of that Act is amended by inserting the following after section 667:

"SEC. 668. OPERATING EXPENSES OF THE OFFICE OF THE INSPECTOR GENERAL.

(a) Authorizations of Appropriations.—There are authorized to be appropriated to the President, in addition to funds otherwise available for such purposes—

"(1) $21,000,000 for fiscal year 1988 and $21,735,000 for fiscal year 1989 for necessary operating expenses of the Office of the Inspector General of the Agency for International Development; and

"(2) such amounts as may be necessary for increases in salary, pay, retirement, and other employee benefits authorized by law, and for other nondiscretionary costs of such office.

"(b) Authority for Extended Availability.—Amounts appropriated under this section are authorized to remain available until expended.".

Part B—Public Law 480 and Section 416 Programs

SEC. 421. PROMOTING BIOLOGICAL DIVERSITY.

(a) Self-Help Measures by Developing Countries.—Section 109(a) of the Agricultural Trade Development and Assistance Act of 1954 is amended—

(1) by striking out "and" at the end of paragraph (10);

(2) by striking out the period at the end of paragraph (11) and inserting in lieu thereof "; and"; and

(3) by adding after paragraph (11) the following:

"(12) promoting the conservation and study of biological diversity.".

(b) Use of Local Currencies Proceeds Under Title I Programs.—Section 106(b)(2) of that Act is amended—

(1) by inserting "to carry out activities promoting the conservation and study of biological diversity," after "population planning,"; and

(2) by inserting "promote biological diversity," after "distribution of commodities,".

(c) Use of Local Currencies Proceeds Under Title II Programs.—Section 206 of that Act is amended in the first sentence by striking out "or (C)" and inserting in lieu thereof "(C) programs and projects to promote the conservation and study of biological diversity, or (D)".

(d) Use of Local Currencies Under the Title III Food for Development Programs.—Section 301(b) of that Act is amended in the second sentence—

(1) by inserting "programs to promote the conservation and study of biological diversity," after "population planning,"; and

(2) by inserting "promote biological diversity," after "distribution of commodities,".

SEC. 422. FARMER-TO-FARMER PROGRAM UNDER PUBLIC LAW 480.

Notwithstanding any other provision of law, not less than one-tenth of 1 percent of the funds available for each of the fiscal years 1988 and 1989 to carry out the Agricultural Trade Development and Assistance Act of 1954 shall be used to carry out paragraphs (1) and (2) of section 406(a) of that Act. Any such funds used to carry out paragraph (2) of that section shall not constitute more than one-fourth of the funds used pursuant to the first sentence of this section, shall be used for activities in direct support of the farmer-to-farmer program under paragraph (1) of section 406(a), and shall be administered whenever possible in conjunction with programs under sections 296 through 300 of the Foreign Assistance Act of 1961.

SEC. 423. MULTIYEAR AGREEMENTS UNDER SECTION 416(b).

Section 416(b)(4) of the Agricultural Act of 1949 is amended by adding at the end the following: "In agreements with recipients of eligible commodities under this subsection (including nonprofit agencies or cooperatives), the Secretary is encouraged to approve multiyear agreements to make agricultural commodities available for distribution or sale by the recipients if the agreements otherwise meet the requirements of this subsection. Such agreements shall be subject to the availability each fiscal year of the necessary agricultural commodities.".

SEC. 424. MINIMUM LEVEL OF FOOD ASSISTANCE.

(a) Annual Minimum.—It is the sense of the Congress that—

(1) the United States should maintain its historic proportion of food assistance constituting one-third of all United States foreign economic assistance; and

(2) accordingly, not less than one-third of the funds available each fiscal year of foreign economic assistance programs should be used to make United States food assistance available to foreign countries pursuant to the Agricultural Trade Development and Assistance Act of 1954 and section 416(b) of the Agricultural Act of 1949.

(b) Definition.—For purposes of this section, the term "foreign economic assistance" includes—

(1) assistance under chapter 1 or chapter 7 of part I of the Foreign Assistance Act of 1961, the Agricultural Trade Development and Assistance Act of 1954, or section 416(b) of the Agricultural Act of 1949; and

(2) United States contributions to the International Bank for Reconstruction and Development, the International Development Association, the Inter-American Development Bank, the Asian Development Bank, the African Development Bank, or any other multilateral development bank.

—Page 64, line 11, strike out "and Earmarkings"; line 15, strike out "$222,264,000" and insert in lieu thereof "$194,000,000"; line 16, strike out "$222,264,000" and insert in lieu thereof "$194,000,000"; and beginning in line 18, strike out "Of" and that follows through "program." in line 25.

—Page 73, strike out line 18 and all that follows through line 11 on page 86 (title V) and insert in lieu thereof the following:

TITLE V—INTERNATIONAL NARCOTICS CONTROL

SEC. 501. AUTHORIZATIONS OF APPROPRIATIONS.

Section 482(a) of the Foreign Assistance Act of 1961 is amended by striking out paragraphs (1) and (3) and by inserting the following new paragraph (1) after "(a)": "(1) To carry out the purposes of section 481, there are authorized to be appropriated to the President $105,000,000 for fiscal year 1988 and $108,675,000 for fiscal year 1989.".

SEC. 502. ASSISTANCE FOR BOLIVIA.

(a) Conditions on Fiscal Year 1988 Assistance.—

(1) Security assistance.—For fiscal year 1988, assistance may be provided for Bolivia under chapter 2 (relating to grant military assistance), chapter 4 (relating to the economic support fund), and chapter 5 (relating to international military education and training) of part II of the Foreign Assistance Act of 1961 and under chapter 2 of the Arms Export Control Act (relating to foreign military sales financing) only if the President certifies to the Congress that the Government of Bolivia has enacted legislation that will—

(A) establish its legal coca requirements,

(B) provide for the licensing of the number of hectares necessary to produce the legal requirement,

(C) make unlicensed coca production illegal, and

(D) make possession and distribution of coca leaf illegal (other than for licit purposes).

(2) Additional requirement for ESF.—In addition, funds may be obligated for assistance for Bolivia for fiscal year 1988 under chapter 4 of part II of the Foreign Assistance Act of 1961 only if the Secretary of State has submitted to the Congress a plan for conditioning the expenditure of those funds on the Government of Bolivia meeting specific coca eradication targets.

(3) Section 481 certification.—For fiscal year 1988, the President may make a certification with respect to Bolivia under clause (i) of section 481(h)(2)(A) of the Foreign Assistance Act of 1961 only if the Government of Bolivia has entered into the narcotics cooperation agreement with the United States specified in section 611(2)(B) of the International Security and Development Cooperation Act of 1985.

(4) Relation to other requirements.—The requirements of this subsection are in addition to the requirements contained in section 481(h) of the Foreign Assistance Act of 1961 and other applicable provisions of law.

(b) Conditions on Fiscal Year 1989 Assistance.—

(1) Section 481 certification.—For fiscal year 1989, the President may make a certification with respect to Bolivia under clause (i) or (ii) of section 481(h)(2)(A) of the Foreign Assistance Act of 1961 only if the Government of Bolivia—

(A) has entered into the narcotics cooperation agreement with the United States specified in section 611(2)(B) of the International Security and Development Cooperation Act of 1985;

(B) has fully achieved the eradication targets contained in that agreement; and

(C) has begun a program of forced eradication of illicit coca cultivation.

(2) Nonwaivability.—The authorities contained in section 614 of the Foreign Assistance Act of 1961 may not be used to waive the requirements of this subsection, and may not be used to waive the requirements of section 481(h) of that Act for fiscal year 1989 with respect to Bolivia.

(c) Development Assistance.—For fiscal years 1988 and 1989, the project agreement document for any project carried out in Bolivia pursuant to chapter I of part I of the Foreign Assistance Act of 1961 (relating to development assistance) shall contain a clause requiring that project activities be suspended if the Government of Bolivia fails to keep project areas free of illicit coca cultivation.

SEC. 503. ASSISTANCE FOR PERU.

(a) Determinations Regarding Narcotics Control Cooperation.—In making determinations with respect to Peru pursuant to section 481(h)(2)(A)(i) of the Foreign Assistance Act of 1961 for each of the fiscal years 1988 and 1989, the President shall give foremost consideration to whether the Government of Peru made substantial progress in meeting its coca eradication targets during the previous year.

(b) Upper Huallaga Valley Project.—Funds authorized to be appropriated for fiscal years 1988 and 1988 to carry out chapter 1 of part I of that Act (relating to development assistance) may be made available for the project of the Agency for International Development in the Upper Huallaga Valley of Peru only if, before obligating funds for that fiscal year, the Administrator of that Agency determines, and reports to the Congress, that such project continues to be effective in reducing and eradicating coca leaf production, distribution, and marketing in the Upper Huallaga Valley.

SEC. 504. ASSISTANCE FOR MEXICO.

Of the funds allocated for assistance for Mexico for each of those fiscal years under that chapter, $1,000,000 shall be withheld from expenditure until the President reports to the Congress that the Government of Mexico—

(1) has fully investigated the 1985 murders of Drug Enforcement Administration agent Enrique Camarena Salazar and his pilot Alfredo Zavala Avelar;

(2) has fully investigated the 1986 detention and torture of Drug Enforcement Administration agent Victor Cortez, Junior; and

(3) is effectively prosecuting those responsible for those murders and those responsible for that detention and torture.

SEC. 505. COOPERATIVE NONMAJOR DRUG-TRANSIT COUNTRIES.

The Congress urges the Assistant Secretary of State for International Narcotics Matters to give greater attention, and provide more narcotics control assistance, to those countries which are drug-transit countries but are not major drug-transit countries (as defined in section 481(i)(5) of the Foreign Assistance Act of 1961) and which are cooperating with the United States in its international narcotics control efforts.

SEC. 506. WAIVER OF RESTRICTIONS ON ASSISTANCE FOR NATO AND MAJOR NON-NATO ALLIES.

(a) Waiver.—Section 481(h) of the Foreign Assistance Act of 1961 is amended by adding at the end the following:

"(6) Paragraph (1) does not apply with respect to any country which is a member of the North Atlantic Treaty Organization or which is designated as a major non-NATO ally for purposes of section 1105 of the National Defense Authorization Act for Fiscal Year 1987.".

(b) Effective Date.—The amendment made by subsection (a) does not apply with respect to funds appropriated before the date of enactment of this Act.

—Page 99, strike out 8 and all that follows through line 22 on page 101 (section 611) and insert in lieu thereof the following:

SEC. 611. TURKISH OCCUPATION TROOPS ON CYPRUS.

(a) Prohibition of Use on Cyprus of Military Equipment Provided by the United States.—Section 620C of the Foreign Assistance Act of 1961 is amended by adding at the end the following:

"(e)(1) Except as provided in paragraph (2), defense articles of United States origin may not be transferred to or used on Cyprus by Turkey. This subsection applies with respect to all defense articles of United States origin which are made available to Turkey after the date of enactment of this subsection.

"(2) Paragraph (1) shall not apply to the extent that the President certifies to the Congress—

"(A) that there has been an armed attack against one or more parties to North Atlantic Treaty, or there are circumstances clearly indicating that such an armed attack is imminent; and

"(B) that the President has approved the transfer to and use on Cyprus by Turkey of defense articles of United States origin upon his determination that such approval is necessary to enable that country to carry out its obligation to respond to that attack pursuant to Article 5 of the North Atlantic Treaty.

"(3) As used in this subsection—

"(A) the term 'defense article of United States origin' means any article on the United States Munitions List (established pursuant to section 38 of the Arms Export Control Act) made available pursuant to this Act, the Arms Export Control Act, or chapter 138 (relating to NATO mutual support) or section 7307 (relating to disposal of naval vessels) of title 10 of the United States Code; and includes articles made available under those laws by grant, sale, lease or loan, licensed export, 3rd-country transfer, licensed production, or other means; and

"(B) the term 'transferred to or used on Cyprus' includes use in providing transportation to or from Cyprus and includes stationing or other deployment on Cyprus."

(b) Periodic Reports Regarding Activities on Cyprus of Turkish Armed Forces.—Section 620C(c) of that Act is amended by adding at the end the following: "Such transmissions shall also—

"(1) specify the number of members of the armed forces of the Government of Turkey who were on Cyprus during the preceding 120 days;

"(2) specifying the number of members of the armed forces of the Government of Turkey who were on Cyprus during the preceding 120 days with the permission of the Government of the Republic of Cyprus; and

"(3) describe any defense articles of United States origin (as defined in subsection (e)(3)(A)), which have been made available to Turkey, which were on Cyprus at any time during the preceding 120 days, specifying (to the extent such information can be obtained) when those articles were transferred to Cyprus and when those articles were made available by the United States to Turkey.".

—Page 99, line 19, before the period insert ", as well as all defense articles of United States origin for which a defense service of United States origin is provided after such date".

Page 100, line 19, strike out "and"; line 20, strike out "(B)" and insert in lieu thereof "(C)"; and after line 19, insert the following:

"(B) the term 'defense service of United States origin' means any defense service (including maintenance, training, or installation or improvement of equipment) made available pursuant to this Act, the Arms Export Control Act, or chapter 138 (relating to NATO mutual support) or section 7307 (relating to disposal of naval vessels) of title 10 of the United States Code; and includes services made available under those laws by grant, sale, lease or loan, licensed export, 3rd-country transfer, licensed production, or other means; and

Page 100, line 22, after "stationing" insert "on, transit to,".

—Page 99, beginning in line 8, strike out "**AND GREEK MILITARY FORCES**"; line 16, strike out "or Greece"; line 18, strike out "or Greece"; page 100, beginning in line 2, strike out "or Greece (as the case may be); line 25, strike out "Foreign" and insert in lieu "Turkish"; page 101, beginning in line 4, strike out ", and the number of members of the armed forces of the Government of Greece,"; beginning in line 9, strike out ", and the number of members of the armed forces of the Government of Greece,"; line 16, strike out "or Greece"; and beginning in line 21, strike out "or Greece (as the case may be)".

—Page 109, strike out line 9 and all that follows through line 18 on page 145 (title VII) and insert in lieu thereof the following:

TITLE VII—WESTERN HEMISPHERE

SEC. 701. COSTA RICA'S PEACE INITIATIVE.

The Congress applauds the efforts of Costa Rican President Oscar Arias Sanchez to establish a firm and durable peace in Central America. The Congress strongly supports and encourages such attempts to end the regional military conflict and strengthen democracy through diplomatic initiatives.

SEC. 702. SUSPENSION OF ASSISTANCE IF A MILITARY COUP OCCURS.

For fiscal years 1988 and 1989, all assistance allocated for any country in Central America under the Foreign Assistance Act of 1961 and the Arms Export Control Act shall be suspended if the elected president of that country is deposed by military coup or decree, unless the President determines that—

(1) resumption of assistance will promote a return to democracy, or

(2) an elected civilian government has taken office.

SEC. 703. ASSISTANCE FOR EL SALVADOR.

(a) Objectives.—The Congress expects that—

(1) the Government of El Salvador, and the armed opposition forces and their political representatives, will be willing to pursue a dialogue for the purposes of achieving an equitable political settlement of the conflict, including the opportunity for participation in free and fair elections by all Salvadorans;

(2) the elected civilian government will maintain control of the Salvadoran military and security forces, and those forces will comply with applicable rules of international law and with Presidential directives pertaining to the protection of civilians during combat operations, including Presidential directive C-111-03-984 (relating to aerial fire support);

(3) the Government of El Salvador will make demonstrated progress, during the period covered by each report pursuant to subsection (b), in ending political violence;

(4) the Government of El Salvador will make demonstrated progress, during the period covered by each report pursuant to subsection (b), in improving the effectiveness of the judicial system; and

(5) the Government of El Salvador will make demonstrated progress, during the period covered by each report pursuant to subsection (b), in implementing the land reform program.

(b) Reports.—Not later than 30 days after the date of enactment of this Act and on April 1, 1988, October 1, 1988, and April 1, 1989, the President shall report to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate on the extent to which the objectives described in subsection (a) are being met. With respect to the objective described in paragraph (4) of that subsection, each report shall specify the status of all cases presented to the Salvadoran courts involving human rights violations against civilians occurring on or after January 1, 1987, allegedly committed by members of the Salvadoran security forces, including military officers and other military personnel and civil patrolmen.

SEC. 704. ANNUAL REPORT ON SOVIET MILITARY ASSISTANCE TO CUBA.

Section 25 of the Arms Export Control Act, as amended by section 904 of this Act, is amended by adding at the end of subsection (d) the following: "The information required by subsection (a)(9) shall be transmitted to the Congress no later than May 1 of each year.".

SEC. 705. RESTRICTIONS ON TRAINING ASSISTANCE FOR ARGENTINA AND BRAZIL.

Section 638 of the Foreign Assistance Act of 1961 is amended—

(1) by inserting "(a)" before "No"; and

(2) by adding at the end the following:

"(b) No provision of this Act or any other provision of law shall be construed to prohibit assistance for any training activity which is funded under this Act for Brazil or Argentina as long as such country continues to have a democratically elected government and the assistance is otherwise consistent with sections 116, 502B, 620(f), 620A, and 660 of this Act.".

SEC. 706. INTER-AMERICAN FOUNDATION.

The first sentence of section 401(s)(2) of the Foreign Assistance Act of 1969 is amended to read as follows: "There are authorized to be appropriated $11,800,000 for fiscal year 1988 and $20,000,000 for fiscal year 1989 to carry out the purposes of this section.".

SEC. 707. ADMINISTRATION OF JUSTICE PROGRAM.

Section 534 of the Foreign Assistance Act of 1961 is amended to read as follows:

"SEC. 534. ADMINISTRATION OF JUSTICE.

"(a) General Authority.—Subject to the provisions of this section, the President is authorized to furnish assistance to countries and organizations, including national and regional institutions, in order to strengthen the administration of justice in countries in Latin America and the Caribbean. To the fullest extent practicable, such assistance should be provided through multilateral or regional institutions. Such assistance shall be designed to encourage and support efforts in the region to—

"(1) promote respect for the rule of law and internationally recognized human rights by all elements of society;

"(2) improve the professionalism and effectiveness of judicial systems and increase the accessibility of those systems and their capabilities to operate fairly and efficiently; and

"(3) promote the development of civilian democratic institutions, including an effective legal profession; an independent judiciary; modern and humane professional law enforcement agencies; and effective application of the principle of equal justice under law.

"(b) Types of Assistance Authorized.—Assistance under this section may only include the following:

"(1) Programs to support specialized professional training, scholarships, and exchanges for continuing legal education.

"(2) Programs to enhance prosecutorial and judicial capabilities and protection for participants in judicial cases.

"(3)(A) Programs to enhance investigative and forensic capabilities, conducted under judicial or prosecutorial control.

"(B) For fiscal years 1988 and 1989, programs to assist in the development of academic instruction and curricula for training law enforcement personnel.

"(C) For fiscal years 1988 and 1989, programs to improve the administrative and management capabilities of law enforcement agencies, especially their capabilities relating to career development, personnel performance evaluation, and internal discipline procedures.

"(D) Programs, conducted through multilateral or regional institutions, to improve penal institutions and the rehabilitation of offenders.

"(4) Programs to strengthen professional organizations in order to promote services to members and the role of the bar in judicial selection, enforcement of ethical standards, and legal reform.

"(5) Programs to increase the availability of legal materials and publications.

"(6) Programs to provide seminars, conferences, and training and educational programs to improve the administration of justice and to strengthen respect for the rule of law and internationally recognized human rights.

"(7) Programs to revise and modernize legal codes and procedures.

"(c) Prohibition on United States Military Involvement in Program.—Personnel of the Department of Defense and members of the United States Armed Forces may not participate in the provision of training under this section.

"(d) Equipment.—In carrying out this section, primary emphasis shall be placed on the provision of training and other services, rather than the provision of equipment. Funds made available to carry out this section may not be used to provide any lethal equipment, except equipment used exclusively for training purposes.

"(e) Consultation With Assistant Secretary for Human Rights.—The Assistant Secretary of State for Human Rights and Humanitarian Affairs shall be consulted in the development and implementation of programs under this section, including determinations of the countries that will receive assistance and determinations of the nature of the assistance to be provided.

"(f) Advance Notice to Congress.—

"(1) In general.—Funds may not be obligated for assistance under this section unless the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate are notified in writing in accordance with the procedures applicable to reprogrammings pursuant to section 634A of this Act. Such notification shall specify the country which will receive the assistance and the amount, purpose, and nature of the assistance, including a detailed description of the assistance. Except as provided in paragraph (2), such notification shall be provided at least 15 days before the funds are obligated.

"(2) Special requirements.—In the case of assistance under subsection (b)(3), such notifications shall be given at least 30 days in advance and shall specify where the assistance is to be provided and the recipient of the assistance.

"(g) Annual Report.—As part of the annual presentation materials on foreign assistance, the President shall include a description of the assistance provided to each country under this section during the preceding fiscal year, planned for the current fiscal year, and proposed for the coming fiscal year.

"(h) Funding.—

"(1) In general.—For each of fiscal years 1988 and 1989, not more than $28,000,000 of the funds made available to carry out this chapter shall be available to carry out this section, in addition to amounts otherwise available for such purpose. Not more than $7,000,000 of the funds made available for each such fiscal year to carry out this section shall be used for the programs described in subsection (b)(3).

"(2) Additional funds.—For each of the fiscal years 1988 and 1989, not to exceed $6,000,000 of the funds made available to carry out chapter 2 of this part may be transferred to and commingled with funds made available to carry out this section, without regard to the limitations contained in paragraph (1). Not more than $2,000,000 of the funds so transferred in any fiscal year shall be available for bilateral assistance to any one country. Each such transfer shall be subject to the advance notice requirements of subsection (f).

"(i) Waiver of Certain Laws.—Assistance under this section may be provided without regard to section 660 of this Act. Notwithstanding any other provision of law which restricts assistance to foreign countries, assistance may be provided under this section for fiscal years 1988 and 1989 for programs for Peru and for programs for Argentina, Brazil, and Guyana which only involve their participation in regional and multilateral projects and activities.".

SEC. 708. LEVELS OF NONMILITARY ASSISTANCE FOR CENTRAL AMERICA.

Section 465 of the Foreign Assistance Act of 1961 is amended to read as follows:

"Sec. 465. Nonmilitary Assistance for Central America.—The Congress continues to support the recommendations made by the National Bipartisan Commission on Central America with respect to the provision of nonmilitary assistance for Central American countries. However, the Congress believes that it would be inconsistent under current budgetary constraints to provide increased levels of assistance during fiscal years 1988 and 1989 and that it is possible to furnish the needed nonmilitary assistance over a longer period of time than originally recommended by the Commission without negatively affecting the goals and objectives the Commission had in mind.".

SEC. 709. ASSISTANCE FOR HAITI.

(a) Economic Support Fund.—Of the amounts made available to carry out chapter 4 of part II of the Foreign Assistance Act of 1961, up to $41,300,000 for each of the fiscal years 1988 and 1989 shall be available for Haiti.

(b) Development Assistance.—Of the amounts made available to carry out chapter 1 of part I of that Act, up to $40,000,000 for each of the fiscal years 1988 and 1989 shall be available for Haiti. These funds shall be used to support a transition to and to strengthen democracy in Haiti, emphasizing job creation, rural development, health care and sanitation, small scale irrigation, reforestation, watershed conservation, swine repopulation, and literacy education. Such assistance should reflect the need to distribute development assistance resources more equitably among the various regions in Haiti in order to support sustainable development in all of Haiti.

SEC. 710. NICARAGUA.

In order to make current law applicable to assistance under this Act, section 722(d) of the International Security and Development Cooperation Act of 1985 is amended by amending the second sentence to read as follows: "The United States shall not enter into any arrangement conditioning, expressly or impliedly, the provision of assistance under this Act or the International Security and Development Cooperation Act of 1987 or the purchase of defense articles and services under the Arms Export Control Act upon the provision of assistance by a recipient to persons or groups engaging in an insurgency or other act of rebellion against the Government of Nicaragua.".

SEC. 711. CRITERIA FOR DEMOCRATIZATION IN NICARAGUA.

(a) Findings.—The Congress finds that—

(1) in signing the Central American peace accord on August 7, 1987, entitled "Procedure for the Establishment of a Strong and Lasting Peace in Central America", the Nicaraguan Government pledged "to promote an authentic democratic, pluralist and participatory process that includes the promotion of social justice" and "respect for human rights"; and

(2) under that accord, Nicaragua is specifically required to establish "complete freedom of press, television and radio" "for all ideological groups" "without prior censorship"; to grant political groupings "broad access to communications media" and full exercise of the rights of association, free speech, and movement; to decree an amnesty guaranteeing "freedom in all its forms"; and to terminate state of emergency laws while reestablishing "the full exercise of all constitutional guarantees".

(b) Actions Which Should be Undertaken by Nicaragua.—Nicaragua should undertake the reforms described in subsection (c) in order to bring about lasting peace, pluralism, and democracy in Nicaragua.

(c) Reforms.—The reforms referred to in subsection (b) to be undertaken by the Government of Nicaragua are as follows:

(1) In general.—

(A) Ensure freedoms of expression, association, assembly and movement, religion, and education.

(B) Restore rights to security of person and home and freedom from unjustified arrest.

(C) Stop coercive pressure to join Sandinista party groups.

(D) Stop discriminatory and punitive application of military conscription.

(E) Allow all citizens, including refugees and exiles, to return to Nicaragua.

(F) Reinstate due process and fair trials and release those imprisoned without charge, trial, or due process, including campesinos, Creoles, and Indians.

(G) Abolish extraordinary tribunals and the powers of police forces to conduct trials, decide appeals, and sentence individuals to prison terms.

(H) Permit independent human rights observers, including the International Committee of the Red Cross, to meet and travel freely and to visit prisoners, prisons, and tribunals.

(I) End all forms of torture and conditions of confinement which constitute torture and end the practice of holding prisoners incommunicado.

(2) Political process reforms.—

(A) Allow political parties and the democratic opposition to meet and march publicly, publicize meetings, and meet with and utilize the media.

(B) End jailing of opposition party activists and the drafting of opposition party activists and their children in reprisal for nonviolent political activity.

(C) Abolish the role of the Committees for the Defense of Sandinismo's (CDS) and other party organizations in dispensing rationing cards and government services.

(D) Conduct free and open presidential, legislative, and municipal elections by December 31, 1990, as specified by current Nicaraguan law.

(E) Repeal the suspension provisions of the Nicaraguan constitution.

(F) Separate the armed forces from any political party.

(3) Press and media rights.—

(A) Allow an uncensored, free press.

(B) End newsprint restrictions and allow private newsprint sales.

(C) Allow the full spectrum of private television and radio broadcasting.

(4) Labor rights.—

(A) Ensure the right to strike and to publish by independent unions.

(B) Release those imprisoned because of non-violent union activities.

(5) Religious freedoms.—

(A) Allow the Catholic church to reopen its social welfare, human rights, and publication offices.

(B) Allow Cardinal Obando Y Bravo to resume his televised Sunday mass.

(C) Allow the return of all expelled Catholic priests.

(D) Allow religion courses to be taught in private schools.

(E) Allow Protestant evangelicals to preach and conduct meetings.

(6) Campesino rights.—

(A) End preventive detention and forcible resettlement of campesinos and allow those who have been displaced to return.

(B) Cease aerial bombing attacks against civilians and their properties.

(C) Cease the destruction of peasant farmlands.

(D) End pressure to join Sandinista farming cooperatives.

(7) Indian and creole rights.—

(A) Permit Indian and Creole residents to freely travel, assemble, speak, publish, broadcast, and maintain cultural beliefs and practices.

(B) End forcible detention and relocation of Indian and Creole residents and allow them to return to their home communities.

(C) Cease aerial bombings and attacks on Atlantic Coast civilians and their properties.

(D) Allow Indians and Creoles to engage in traditional farming, fishing, hunting, and necessary subsistence activity.

(d) Achievement of Democratic Principles and Processes in Central America.—It is the sense of the Congress that all countries in Central America should continue to work toward achieving the democratic principles and processes specified in the Central American peace accord of August 7, 1987, entitled "Procedure for the Establishment of a Strong and Lasting Peace in Central America".

SEC. 712. CENTRAL AMERICAN PEACE AGREEMENT.

(a) Findings.—The Congress finds that—

(1) the Presidents of Guatemala, El Salvador, Honduras, Nicaragua, and Costa Rica signed the Central American peace accord in Guatemala City on August 7, 1987, to establish democracy, end civil strife, and promote economic, stability in Central America;

(2) the establishment of democracy, the termination of civil strife, and the promotion of economic stability in Central America is in the national interest of the United States;

(3) the peace accord calls for the signatories "to make dialogue prevail over violence and reason over rancor";

(4) a lasting peace in Central America can only come about through dialogue;

(5) the Governments of El Salvador, Guatemala, and Honduras have entered into direct negotiations with the representatives of both internal opposition organizations and antigovernment insurgent forces to bring about a mutual and verifiable cease fire within those countries and the region as a whole;

(6) the President of Costa Rica and Nobel Laureate Oscar Arias has called for direct negotiations between the Government of Nicaragua and the Nicaraguan Resistance for a mutual and verifiable cease fire;

(7) President Arias stated that a negotiated cease fire between the Government of Nicaragua and the Nicaraguan Resistance is "indespensable if we are to achieve a lasting peace in Central America";

(8) the Presidents of El Salvador, Guatemala, and Honduras have also called upon the Government of Nicaragua to negotiate directly with the Nicaraguan Resistance; and

(9) the President of Nicaragua announced on November 5, 1987, that the Nicaraguan Government would negotiate a cease fire with the Directorate of the Nicaraguan Resistance through an intermediary.

(b) Statement of Congress.—The Congress urges the Government of Nicaragua to enter into direct negotiations with the Directorate of the Nicaraguan Resistance in order to bring about a mutual and verifiable cease fire and to reach a political settlement with the Nicaraguan Resistance, so that the spirit of the Central Amercian peace accord signed on August 7, 1987, may be fulfilled and democracy, peace, and economic stability will become reality for Central America.

SEC. 713. ASSISTANCE TO OPPOSITION CIVILIAN DEMOCRATIC FORCES IN NICARAGUA.

(a) Assistance to be Provided.—The Secretary of State shall use the funds appropriated pursuant to subsection (e) to make assistance available for opposition civilian democratic forces in Nicaragua in order to support a full range of humanitarian and peaceful political activities by those forces.

(b) Opposition Civilian Democratic Forces.—As used in this section, the term "opposition civilian democratic forces" means those civilian forces in Nicaragua (such as political parties, labor unions, and private sector organizations) which are committed to democratic values and to the democratization of Nicaragua.

(c) Uses of Assistance.—Funds provided to opposition civilian democratic forces pursuant to this section may be used only to support a full range of humanitarian and peaceful political activities and may not be used to support military or paramilitary activities. The Secretary of State shall establish appropriate procedures to ensure that those funds are used consistent with these limitations.

(d) Reports.—Not later than 90 days after the date of the enactment of this Act and every 90 days thereafter until all the funds provided to opposition civilian democratic forces in Nicaragua pursuant to this section have been used, the Secretary of State shall provide to the Congress a detailed accounting of how those funds were used and a description of the steps taken to ensure that they were used in accordance with the limitations specified in subsection (c).

(e) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $10,000,000 for fiscal year 1988 and $12,000,000 for fiscal year 1989.

—Page 120, strike out line 21 and all that follows through line 6 on page 121 and insert in lieu thereof the following:

SEC. 711. NICARAGUA.

In order to make current law applicable to assistance under this Act, section 722(d) of the International Security and Development Cooperation Act of 1985 is amended by amending the second sentence to read as follows: "The United States shall not enter into any arrangement conditioning, expressly or impliedly, the provision of assistance under this Act or the International Security and Development Corporation Act of 1987 or the purchase of defense articles and services under the Arms Export Control Act upon the provision of assistance by a recipient to persons or groups engaging in an insurgency or other act of rebellion against the Government of Nicaragua.".

—Page 145, strike out line 19 and all that follows through line 6 on page 203 (title VIII) and insert in lieu thereof the following:

TITLE VIII—AFRICA

SEC. 801. AFRICA FAMINE RECOVERY AND DEVELOPMENT.

Part I of the Foreign Assistance Act of 1961 is amended by adding after chapter 6 the following new chapter:

"CHAPTER 7—AFRICA FAMINE RECOVERY AND DEVELOPMENT

"SEC. 471. LONG-TERM DEVELOPMENT ASSISTANCE.

"(a) Authority to Provide Assistance.—The President is authorized to provide project and program assistance, on such terms and conditions as he may determine, for long-term development in sub-Saharan Africa.

"(b) Application of Development Assistance Policies and General Authorities.—

"(1) Policies.—Assistance under this section shall be provided in accordance with the policies contained in section 102.

"(2) General authorities.—Reference in any law to chapter 1 of this part (including references to sections 103 through 106, inclusive) shall be deemed to include reference to this section.

"(c) Critical Sectoral Priorities.—Assistance under this section shall be provided only with respect to the following critical sectoral priorities for long-term development:

"(1) Agricultural production and natural resources.—

"(A) Agricultural production.—Increasing agricultural production in ways which protect and restore the natural resource base, especially food production, through agricultural policy changes at the macroeconomic and sector levels, agricultural research (including participatory research, in which small farmers are directly involved in the definition of research agendas and the formulation of problems in order to capitalize on local knowledge and experience and enhance support for research efforts; and also including linkages between indigenous efforts and United States universities and between indigenous efforts and International Agricultural Research Centers) and extension, development, and promotion of agriculture marketing activities, credit facilities, and appropriate production packages, and the construction and improvement of needed production-related infrastructure such as farm-to-market roads, small-scale irrigation, and rural electrification. Emphasis shall be given to promoting increased equity in rural income distribution, recognizing the role of small farmers (the majority of whom are women) and the farm family. In view of the central role of women in sub-Saharan African food systems, gender roles shall be analyzed and taken into account in order to ensure the integration of women into development activities.

"(B) Natural resource base.—Maintaining and restoring the renewable natural resource base in ways which increase agricultural production, through the following:

"(i) Primary emphasis on small-scale, affordable, resource-conserving, low-risk local projects, using appropriate technologies (including traditional agricultural methods) suited to local environmental, resource, and climatic conditions, and featuring close consultation with and involvement of local people at all stages of project design and implementation. Emphasis shall be given to grants for African local government organizations, international or African nongovernmental organizations, and United States private and voluntary organizations. Appropriate activities include agroforestry, small-scale farms and gardens, and other innovative agricultural methods (including energy and resource-conserving techniques and use of organic or regenerative methods where feasible); check dams and terraces and other projects to prevent erosion or protect watersheds; tree planting for windbreaks, soil stabilization, or firewood; energy conservation and small-scale energy production to reduce consumption of firewood and animal wastes otherwise usable as fertilizer; sustained production from indigenous plants and animals, especially to conserve rangelands; and local education and training efforts.

"(ii) Significant support for efforts at national and regional levels to provide technical and other support for projects of the kinds described in clause (i) and to strengthen the capacities of African countries to provide effective extension and other services in support of environmentally sustainable increases in food production. Appropriate activities include strengthening institutions such as environmental authorities, soil conservation and forestry services, and nongovernmental organizations; providing seeds, seedlings, energy-efficient and resource-conserving devices, and other needed materials; and creating financial mechanisms to furnish credit to small farmers.

"(iii) Significant support for special training and education efforts to improve the capacity of countries in sub-Saharan Africa to manage their own environments and natural resources. Appropriate activities include support for African training and educational institutions; development of curricula; training and education components of projects of the kinds described in clauses (i) and (ii); training and education programs through national and local government extension services, nongovernmental organizations, and other appropriate indigenous institutions; establishment of cooperative arrangements between United States and African academic institutions; support for natural resource managers to participate in conferences, courses, seminars, and the like; and training of trainers.

"(2) Health.—Improving health conditions in order to improve the quality of life of the people and their ability to contribute to economic growth, with special emphasis on meeting the health needs of mothers and children through the establishment of self-sustaining primary health care systems that give priority to preventive health.

"(3) Voluntary family planning services.—Providing increased access to voluntary family planning services, including encouragement of private, community, and local government initiatives, in order to allow couples to space the births of their children as they desire, thus contributing to improved health for mothers and children and reduced pressure on natural resources.

"(4) Education.—Improving the relevance to production and the efficiency of education, with substantial attention given to improving basic literacy and numeracy, especially to those outside the formal educational system, and improving primary education.

"(5) Income-generating opportunities.—Developing income-generating opportunities for the unemployed and underemployed in urban and rural areas. Off-farm employment opportunities in micro- and small-scale labor-intensive enterprises shall be emphasized (especially those which relate to processing increased agricultural production and adding to the value of that production and to production of consumer goods in rural areas).

"(d) Minimum Levels of Assistance for Certain Critical Sectors.—Not less than an aggregate of 30 percent of the amount authorized to be appropriated for each of the fiscal years 1988 and 1989 by section 472 shall be used for activities described in paragraphs (1)(B), (2), and (3) of subsection (b).

"SEC. 472. AUTHORIZATIONS OF APPROPRIATIONS.

"There are authorized to be appropriated to the President $450,000,000 for fiscal year 1988 and $465,750,000 for fiscal year 1989 to carry out this chapter. Funds appropriated under this section are authorized to remain available until expended.

"SEC. 473. AFRICAN AGRICULTURAL UNIVERSITY DEVELOPMENT.

"Given the critical role in African growth and development that indigenous institutions of higher education can play in developing agriculture and human resources, the Administrator of the agency primarily responsible for administering this part is directed to provide support for strengthening and developing selected African higher education institutions in order to address the problems of food production and distribution. In order to create continuing support for applied agricultural research and education, this support should, to the maximum extent possible, promote linkages (1) between agricultural research and extension activities in sub-Saharan Africa through the involvement of institutions of higher education, and (2) between African institutions of higher education and indigenous farmers' associations. This support should be provided on a long-term basis in recognition of the complexity of institution-building efforts and should utilize, in a collaborative manner, the capabilities and expertise of United States universities participating in programs under title XII of chapter 2 of this part. The Administrator shall consult with the Board for International Food and Agricultural Development on effective means of implementing this section.".

SEC. 802. CONFORMING AMENDMENTS.

(a) Foreign Assistance Act.—The Foreign Assistance Act of 1961 is amended as follows:

(1) Private sector revolving fund.—In section 108(b), by inserting "and chapter 7 of this part" after "this chapter".

(2) Integrating women into national economies.—In section 113(b)(1), by inserting "and chapter 7 of this part" after "this chapter".

(3) Human rights activities.—In section 116(e)(1)—

(A) by inserting ", chapter 7 of this part," after "available under this chapter"; and

(B) by inserting before the period at the end of the first sentence "or under chapter 7 of this part, except that funds made available under chapter 7 of this part may only be used under this subsection with respect to countries in sub-Saharan Africa".

(4) Environment and natural resources.—In section 117(c)(1), by inserting "and chapter 7 of this part" after "this chapter".

(5) Sahel development program.—By repealing sections 120 and 121.

(6) General authorities.—In section 122, by inserting "and chapter 7 of this part" after "this chapter".

(7) PVOs.—In subsection (e) of section 123, as so redesignated by section 314 of this Act, by inserting "and chapter 7 of this part" after "this chapter".

(8) Development and illicit narcotics production.—In section 126(b)(1), by inserting ", and chapter 7 of this part," after "this chapter".

(9) Targeted assistance.—In subsections (a) and (b) of section 128, by inserting "and chapter 7 of this part" after "this chapter".

(10) ESF.—In section 531(a), by inserting "or, in the case of countries in sub-Saharan Africa, chapter 7 of part I" after "chapter 1 of part I".

(b) Public Law 480.—The Agricultural Trade Development and Assistance Act of 1954 is amended—

(1) in section 106(b)(2), by inserting "or, in the case of sub-Saharan Africa, paragraphs (1) through (3) of section 471(c) of that Act," after "sections 103 and 104 of the Foreign Assistance Act of 1961";

(2) in clause (3)(A) of section 206, by inserting "(or in the case of sub-Saharan Africa, paragraph (1) of section 471(c) of that Act)" after "section 103 of the Foreign Assistance Act of 1961";

(3) in section 301(b), by inserting "or, in the case of sub-Saharan Africa, paragraphs (1) through (3) of section 471(c) of that Act," after "sections 103 and 104 of the Foreign Assistance Act of 1961"; and

(4) in section 303(b), by inserting "(or in the case of sub-Saharan Africa, paragraph (1) of section 471(c) of that Act)" after "section 103 of the Foreign Assistance Act of 1961".

SEC. 803. AFRICAN DEVELOPMENT FOUNDATION.

Section 510 of the African Development Foundation Act is amended by striking out all of the first sentence that follows "purpose," and inserting in lieu thereof "$6,500,000 for fiscal year 1988 and $6,728,000 for fiscal year 1989.".

—Page 203, strike out line 7 and all that follows through line 10 on page 226 (title IX) and insert in lieu thereof the following:

TITLE IX—ASIA AND THE PACIFIC

Part A—East Asia and the Pacific

SEC. 901. SUPPORT FOR THE RIGHT OF SELF-DETERMINATION FOR THE CAMBODIAN PEOPLE.

(a) Findings.—The Congress finds that—

(1) the Socialist Republic of Vietnam, in violation of its obligations under international law, including the United Nations Charter, invaded Cambodia in December 1978;

(2) in January 1979, Vietnam installed a puppet government in Phnom Penh, Cambodia, headed by Heng Samrin;

(3) eight years later Vietnam continues, with Soviet backing, to occupy Cambodia with over 140,000 troops;

(4) Vietnam has attempted to submerge Cambodian culture and heritage through the settlement of large numbers of Vietnamese in Cambodia;

(5) human rights observers have noted a pattern of torture, political detention, inhumane treatment, and other abuses of human rights by officials of the Vietnamese-backed puppet Cambodian regime;

(6) the Vietnamese occupation of Cambodia has compounded the hardship and suffering of a people which had previously suffered barbaric crimes of genocide under Pol Pot's Khmer Rouge;

(7) in recognition of the illegal occupation of Cambodia by the Vietnamese, the United Nations has refused to recognize the credentials of the Heng Samrin regime and has instead continued to recognize the credentials of the Coalition Government of Democratic Kampuchea under the leadership of Prince Norodom Sihanouk;

(8) the member states of the United Nations for the eighth time, and by a record vote of 115-21, approved a resolution at the forty-first session of the General Assembly calling for the withdrawal of foreign troops from Cambodia;

(9) the 1981 United Nations-sponsored International Conference on Kampuchea called for the early withdrawal of foreign troops and the holding of free elections under United Nations supervision;

(10) the United States has supported the leadership role of the Association of Southeast Asian Nations (ASEAN) in the quest for a negotiated political settlement to the Cambodian problem;

(11) the President has indicated the United States is prepared to play a constructive role in such a settlement; and

(12) in the absence of such a settlement, the non-Communist Cambodian forces continue to wage a war of resistance against Vietnamese occupation forces.

(b) Statement of Policy.—The Congress—

(1) deplores the continued violation of the sovereignty and territorial independence of Cambodia by the Socialist Republic of Vietnam;

(2) calls upon Vietnam to negotiate decisively to restore self-determination in Cambodia;

(3) calls upon Vietnam to withdraw completely its troops from Cambodia;

(4) believes that such negotiations and withdrawal by Vietnam, together with a satisfactory accounting of Americans still missing in action, would constitute positive steps that would help facilitate the prospect of normalization of relations between the United States and Vietnam;

(5) supports the efforts of the member nations of the Association of Southeast Asian Nations (ASEAN), the United Nations Secretary General, and the non-Communist Cambodian people to achieve a political settlement which would include such elements as internationally supervised free and fair elections, as well as assurances that there will be no return to the genocidal policies of the Pol Pot regime;

(6) supports efforts to establish an international tribunal to bring to justice those Khmer Rouge leaders during the reign of Pol Pot, and any others, responsible for crimes of genocide against the Cambodian people; and

(7) calls upon the international community to observe a special day of remembrance—

(A) in recognition of the suffering of the Cambodian people under Pol Pot,

(B) in protest of the efforts of Vietnam to suppress basic human rights and exterminate the culture and way of life of the Cambodian people, and

(C) in protest of the illegal occupation of Cambodia by Vietnamese troops.

SEC. 902. ASSISTANCE FOR THE CAMBODIAN PEOPLE.

Section 905 of the International Security and Development Cooperation Act of 1985 is amended by striking out "1986" and "1987" and inserting in lieu thereof "1988" and "1989", respectively.

SEC. 903. JAPAN AND THE ARAB ECONOMIC BOYCOTT OF ISRAEL.

It is the sense of the Congress that the United States should encourage the Government of Japan in its efforts to expand trade relations with Israel and to end compliance by Japanese commercial enterprises with the Arab economic boycott of Israel.

SEC. 904. ANNUAL REPORT REGARDING KOREA.

Section 25(a) of the Arms Export Control Act is amended—

(1) by repealing paragraph (9); and

(2) by redesignating paragraphs (10) through (12) as paragraph (9) through (11), respectively.

SEC. 905. SECURITY ASSISTANCE AND ARMS EXPORT CONTROL PREFERENCES FOR NEW ZEALAND.

(a) Findings.—The Congress finds that—

(1) the people of the United States enjoy a long-standing friendship and close association with the people of New Zealand, and not only share common democratic values, heritage, and national interests but have fought side-by-side in the two World Wars of this century as well as the Korean conflict and the Vietnam conflict, and have participated jointly in numerous multilateral peacekeeping efforts under United Nations and similar auspices;

(2) visits to New Zealand ports by United States naval vessels are a part of this historical, overall framework of military cooperation and coordination which includes many other functions of benefit to all parties to the ANZUS Treaty;

(3) the recent codification of New Zealand Government policy to deny port access to United States ships which might be nuclear powered or nuclear armed is incompatible with the "neither confirm nor deny policy" of the United States, has raised serious operational difficulties for United States naval forces in defending the national security interests of the United States and its allies, and impairs the objective of maximum military cooperation between the United States and New Zealand under the ANZUS Treaty;

(4) the President has taken appropriate action in response to New Zealand's diminished defense cooperation with the United States by suspending United States obligations to New Zealand under the ANZUS Treaty, as announced in August 1986; and

(5) important aims of United States policy, in reaction to the port policies and law of New Zealand, must be to maintain the ANZUS Treaty alliance structure during the absence of New Zealand, to look forward to New Zealand's early return to a normal trilateral defense relationship, and to deny the Soviet Union any potential benefit it might otherwise derive from this temporary discord in the ANZUS Treaty alliance.

(b) New Zealand Should Reconsider Its Policy.—The United States urges the Government of New Zealand—

(1) to reconsider its decision and law denying port access to certain United States ships, and

(2) to resume its fulfillment of its obligations under the ANZUS Treaty.

(c) Suspension of Preferences.—Section 515(a)(6) of the Foreign Assistance Act of 1961 and sections 3(d)(2)(B), 21(e)(2), 21(g), 36(b)(1), 36(b)(2), 36(c)(2)(B), and 63(a)(2) of the Arms Export Control Act shall apply with respect to New Zealand only if the President determines, and reports to the Congress, that New Zealand is complying fully with its obligations under the ANZUS Treaty.

(d) ANZUS Treaty.—As used in this section, the term "ANZUS Treaty" means the Security Treaty Between Australia, New Zealand, and the United States.

(e) Assignment of United States Military Personnel To Manage Defense Cooperation Measures.—Section 515(a)(6) of the Foreign Assistance Act of 1961 is amended by inserting "(if the President has made the determination described in section 905(c) of the International Security and Development Cooperation Act of 1987)" after "New Zealand".

(f) Charges for Certain Arms Sales Costs.—Section 21(e)(2) of the Arms Export Control Act is amended by inserting "(if the President has made the determination described in section 905(c) of the International Security and Development Cooperation Act of 1987)" after "New Zealand".

(g) Cooperative Military Training Agreements.—Section 21(g) of the Arms Export Control Act is amended by inserting "(if the President has made the determination described in section 905(c) of the International Security and Development Cooperation Act of 1987)" after "New Zealand".

(h) Congressional Review of Arms Transfers.—The Arms Export Control Act is amended—

(1) in section 3(d)(2)(B), by inserting "(if the President has made the determination described in section 905(c) of the International Security and Development Cooperation Act of 1987)" after "New Zealand";

(2) in section 36(b)(1), by inserting "(if the President has made the determination described in section 905(c) of the International Security and Development Cooperation Act of 1987)" after "New Zealand" in the second sentence following subparagraph (P);

(3) in section 36(b)(2), by inserting "(if the President has made the determination described in section 905(c) of the International Security and Development Cooperation Act of 1987)" after "New Zealand";

(4) in section 36(c)(2)(B), by inserting "(if the President has made the determination described in section 905(c) of the International Security and Development Cooperation Act of 1987)" after "New Zealand"; and

(5) in section 63(a)(2), by inserting "(if the President has made the determination described in section 905(c) of the International Security and Development Cooperation Act of 1987)" after "New Zealand".

SEC. 906. ASSISTANCE FOR THE PHILIPPINES.

(a) Assistance Pursuant to Base Agreement.—

(1) Fiscal year 1988.—For fiscal year 1988, there shall be available only for the Philippines—

(A) not less than $110,000,000 of the funds made available to carry out chapter 2 of part II of the Foreign Assistance Act of 1961 (relating to grant military assistance), and

(B) not less than $124,000,000 of the funds made available to carry out chapter 4 of part II of that Act (relating to the economic support fund).

(2) Fiscal year 1989.—For fiscal year 1989, there shall be available only for assistance for Philippines—

(A) of the funds made available to carry out chapter 2 of part II of that Act, and

(B) of the funds made available to carry out chapter 4 of part II of that Act,

not less than the amount necessary to provide the remaining amount of military and economic assistance specified in the 1983 amendment to the agreement between the United States and the Philippines concerning military bases.

(b) Suspension of Assistance if a Military Coup Occurs.—For fiscal years 1988 and 1989, all assistance allocated for the Philippines under the Foreign Assistance Act of 1961 and the Arms Export Control Act shall be suspended if the elected president of that country is deposed by military coup or decree, unless the President determines that—

(1) resumption of assistance will promote a return to democracy, or

(2) an elected civilian government has taken office.

(c) Agrarian Reform.—Funds made available to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 for fiscal years 1988 and 1989 may be used to assist in the implementation of agrarian reform in the Philippines if the Government of the Philippines initiates an effective agrarian reform program and requests United States assistance for that program and if a substantial majority of the resources for the implementation of that program each year will be provided by the Government of the Philippines or other non-United States donors, or both.

(d) Uncommitted FMS Credits.—Uncommitted balances of loans made to the Philippines pursuant to section 23 of the Arms Export Control Act since October 1, 1984, may be disbursed without requirement for repayment of principal or interest, except that the new budget authority provided by this subsection may be exercised only to such extent or in such amounts as are provided in advance in appropriation Acts.

SEC. 907. AUTHORITY TO STOCKPILE DEFENSE ARTICLES IN THAILAND AND KOREA.

(a) Stockpiling in Thailand.—Section 514(c) of the Foreign Assistance Act of 1961 is amended by inserting ", Thailand," after "Korea".

(b) Authorized Level of Additions to Stockpiles.—Section 514(b)(2) of that Act is amended to read as follows:

"(2) The value of such additions to stockpiles in foreign countries shall not exceed $116,000,000 for fiscal year 1988 and shall not exceed $77,000,000 for fiscal year 1989.".

SEC. 908. REFUGEES FROM SOUTHEAST ASIA.

(a) Findings.—The Congress finds that—

(1) the United States remains firmly committed to the security of Thailand and to improving relations between our two nations;

(2) the United States refugee resettlement and humanitarian assistance programs constitute an important factor in bilateral relations between the United States and Thailand;

(3) the preservation of first asylum for those fleeing persecution is one of the primary objectives of the United States refugee program;

(4) the actions of another government in labeling refugee populations as "displaced persons" or closing its borders to new arrivals shall not constitute a barrier to the United States considering those individuals or groups to be refugees;

(5) it is in the national interest to facilitate the reunification of separated families of United States citizens and permanent residents, and the Congress will look with disfavor on any nation which seriously hinders emigration for such reunifications;

(6) the persecution of the Cambodian people under the Khmer Rouge rule from 1975-1979, which caused the deaths of up to two million people and in which the bulk of the Khmer people were subjected to life in an Asian Auschwitz, constituted one of the clearest examples of genocide in recent history;

(7) the invasion of Cambodia by Vietnam and the subsequent occupation of that country by 140,000 Vietnamese troops backing up the Heng Samrin regime, which itself continues to seriously violate the human rights of Cambodians, and the presence of 40,000 heavily armed troops under the control of the same Khmer Rouge leaders, overwhelmingly demonstrate that the life or freedom of any Cambodian not allied with the Khmer Rouge or supporting Heng Samrin would be seriously endangered if such individual were forced by a country of first asylum to return to his or her homeland.

(b) Statement of Policy.—It is the sense of the Congress that—

(1) any Cambodians who are, or had been, at Khao I Dang camp should be considered and interviewed for eligibility for the United States refugee program, irrespective of the date they entered Thailand or that refugee camp;

(2) any Cambodian rejected for admission to the United States who can demonstrate new or additional evidence relating to his claim should have his or her case reviewed;

(3) the United States should work with the United Nations High Commissioner for Refugees, the International Committee of the Red Cross, and the Government of Thailand to improve the security of all refugee facilities in Thailand and to prevent the forced repatriation of Cambodian refugees;

(4) the United States should treat with utmost seriousness the continued reports of forced repatriations to Laos of would-be asylum seekers, and should lodge strong and continuous protests with the Thai Government to bring about an end to these repatriations, which endanger the life and safety of those involuntarily returned to Laos;

(5) the United States will try to facilitate on a high priority basis the resumption of the Orderly Departure Program from Vietnam and the processing of Amerasians from Vietnam; and

(6) within the Orderly Departure Program the United States will give high priority consideration to determining the eligibility of serious health cases and cases involving children separated from both parents.

SEC. 909. COOPERATION ON POW/MIA ISSUE.

It is the sense of the Congress that the President should use available authority and appropriations to provide up to $200,000 in the fiscal year 1988 and up to $200,000 in the fiscal year 1989 for support of humanitarian projects in Laos directly associated with joint United States-Laotian cooperative efforts to resolve questions concerning Vietnam era prisoners of war or those missing in action.

Part B—South Asia

SEC. 921. ASSISTANCE FOR THE AFGHAN PEOPLE.

(a) Funds Available for Assistance.—Section 904 of the International Security and Development Cooperation Act of 1985 is amended—

(1) in subsection (a), by striking out "chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund)" and inserting in lieu thereof "chapter 1 of part I (relating to development assistance) and chapter 4 of part II (relating to the economic support fund) of the Foreign Assistance Act of 1961";

(2) by striking out "(a) Authorization.—"; and

(3) by repealing subsections (b) and (c).

(b) Effective Date.—The amendment made by subsection (a)(1) does not apply with respect to funds appropriated prior to the date of enactment of this Act.

SEC. 922. DEMOCRACY IN BANGLADESH.

(a) Primary Purpose of United States Assistance.—The primary purpose of United States economic assistance for Bangladesh is to foster economic development and political pluralism. Accordingly, in determining whether to provide economic assistance to Bangladesh and in determining how much assistance to provide, the President shall take into account whether—

(1) there is a credible electoral process, in which by-elections and eventual general elections accurately reflect the popular will;

(2) there is an effective parliament, in which both the majority and minority are able to make constructive contributions;

(3) the press is allowed to operate freely, and all points of view can be expressed in the press;

(4) there is effective elected government at the local and regional levels; and

(5) there is an independent judiciary.

(b) Requests for Assistance.—Whenever requesting economic assistance for Bangladesh, the President shall report to the Congress with respect to each of the issues described in paragraph (1) through (5) of subsection (a).

SEC. 923. ISRAEL-INDIA RELATIONS.

(a) Findings.—The Congress finds that—

(1) the Government of India has blocked participation by Israelis in international academic gatherings and sporting events held in India; and

(2) India and Israel are sister democracies that share an interest in international cooperation and development.

(b) Statement of Policy.—It is the sense of the Congress that the growth of contacts between Indians and Israelis would benefit both countries and that the Government of India should facilitate such contacts in the future.

SEC. 924. WAIVER FOR PAKISTAN OF SECTION 669 PROHIBITION ON ASSISTANCE.

(a) FINDINGS.—The Congress finds that—

(1) the United States considers the spread of nuclear weapons to South Asia to be potentially catastrophic for the countries of the region and, therefore, has made nuclear nonproliferation a vital element of United States policy toward the region;

(2) United States assistance is intended to induce Pakistan to forgo the development of nuclear weapons and, therefore, any effort by Pakistan to develop a nuclear weapons capability could have serious adverse consequences for the United States assistance relationship with Pakistan; and

(3) the most viable, long-term solution to the dangers posed by the threat of nuclear proliferation in South Asia is an agreement involving all countries of the region and, therefore, it is in the interest of the United States to encourage all countries to seek such an agreement.

(b) EXTENSION OF WAIVER.—Section 620E(d) of the Foreign Assistance Act of 1961 is amended—

(1) by striking out "1987" and inserting in lieu thereof "1989";

(2) by inserting "(1)" after "(d)"; and

(3) by adding at the end the following:

"(2)(A) Any waiver for Pakistan under this subsection shall cease to be effective if the President certifies to the Congress that India has formally accepted the application of appropriate, verifiable, and reliable safeguards to all its nuclear materials.

"(B) If such a certification is made with respect to India and the President certifies to the Congress (at the same time or subsequently) that Pakistan has also formally accepted the application of appropriate, verifiable, and reliable safeguards to all its nuclear materials, such acceptance shall be deemed to constitute reliable assurances, for purposes of section 669(b)(1)(B) of this Act, that Pakistan will not acquire or develop nuclear weapons or assist other nations in doing so.".

(c) ADDITIONAL CERTIFICATION REQUIREMENT.—Section 620E(e) of that Act is amended—

(1) by striking out "device and" and inserting in lieu thereof "device,"; and

(2) by inserting before the period at the end ", and that Pakistan is taking responsible steps to reduce nuclear tensions on the Asian Subcontinent".

(d) REPORT ON ILLEGAL NUCLEAR EXPORTS.—Not later than January 1, 1988, the President shall submit to Congress a report detailing—

(1) the degree to which the Government of Pakistan has cooperated in the investigation of the Arshad Pervez case;

(2) what legal action Pakistan has taken against any Pakistanis who are shown to have been involved in this case;

(3) what action Pakistan has taken, and what laws, regulations, or other measures Pakistan has implemented to ensure that no such incident, whether or not undertaken with the support or active assistance of Pakistani Government officials, occurs again; and

(4) the nature of any assurances which the Government of Pakistan has provided against any future procurement which would contribute significantly to the ability of Pakistan to manufacture a nuclear explosive device.

(e) INFORMATION ON PAKISTAN'S ENRICHMENT ACTIVITIES.—The President shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report containing a factual description of the uranium enrichment levels which Pakistan has reached as of the time of the report. This report may be classified if necessary and shall be submitted when the extension (which is provided for in subsection (a)(1) of this section) of the waiver contained in section 620E(d) of the Foreign Assistance Act of 1961 takes effect.

SEC. 925. DEMOCRACY AND HUMAN RIGHTS IN PAKISTAN.

(a) FINDINGS.—The Congress finds that—

(1) the United States has a great interest in Pakistan's political stability;

(2) the completion of the process of democratization is essential for the establishment and maintenance of political stability in Pakistan;

(3) the lifting of martial law and the state of emergency in December 1985 was a positive step in the direction of political democracy; and

(4) the holding of parliamentary elections and the lifting of censorship are additional welcome indications of Pakistan's intent to move toward a system of democracy.

(b) UNITED STATES ASSISTANCE.—Section 620E of the Foreign Assistance Act of 1961 is amended by adding at the end the following:

"(f) United States assistance for Pakistan is intended to assist Pakistan's self defense and to promote democratic and representative government and respect for internationally recognized human rights in Pakistan. Therefore, in considering future requests for assistance for Pakistan under the Foreign Assistance Act of 1961, the Arms Export Control Act, and the Agricultural Trade Development and Assistance Act of 1954, the Congress will be significantly influenced by such factors as whether the Government of Pakistan—

"(1) intends to hold (or has held), in accordance with the current stipulations of the Pakistani constitution, free and fair elections open to the full participation of all eligible voters (as currently specified in that constitution);

"(2) has made significant and demonstrated progress in eliminating human rights violations, in particular the practice of torture, armed attacks against civilian noncombatants, prolonged arbitrary detention, and imprisonment on political grounds;

"(3) has made significant and demonstrated progress in promoting respect for freedom of expression, freedom of the press, freedom of association, freedom of peaceful assembly, and the right of all citizens to participate in political life; and

"(4) has demonstrated progress in promoting religious tolerance and the right of all citizens to worship according to their beliefs.

Information on these factors shall be included in the annual human rights reports pursuant to sections 116 and 502B of this Act.".

SEC. 926. LIMITATION ON DEVELOPMENT ASSISTANCE FOR INDIA.

For each of fiscal years 1988 and 1989, not more than $35,000,000 of the funds made available to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 may be made available for assistance for India.

—Page 209, strike out line 15 and all that follows through line 3 on page 10 and insert in lieu thereof the following:

(b) AGRARIAN REFORM.—Funds made available to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 for fiscal years 1988 and 1989 may be used to assist in the implementation of agrarian reform in the Philippines if the Government of the Philippines initiates an effective agrarian reform program and requests United States assistance for that program and if a substantial majority of the resources for the implementation of that program each year will be provided by the Government of the Philippines or other non-United States donors, or both.

—Page 214, after line 18, insert the following:

SEC. 911. SECURITY ASSISTANCE AND ARMS EXPORT CONTROL PREFERENCES FOR NEW ZEALAND.

(a) FINDINGS.—The Congress finds that—

(1) the people of the United States enjoy a longstanding friendship and close association with the people of New Zealand, and not only share common democratic values, heritage, and national interests but have fought side-by-side in the two World Wars of this century as well as the Korean conflict and the Vietnam conflict, and have participated jointly in numerous multilateral peacekeeping efforts under United Nations and similar auspices;

(2) visits to New Zealand ports by United States naval vessels are a part of this historical, overall framework of military cooperation and coordination which includes many other functions of benefit to all parties to the ANZUS Treaty;

(3) the recent codification of New Zealand Government policy to deny port access to United States ships which might be nuclear powered or nuclear armed is incompatible with the "neither confirm nor deny policy" of the United States, has raised serious operational difficulties for United States naval forces in defending the national security interests of the United States and its allies, and impairs the objective of maximum military cooperation between the United States and New Zealand under the ANZUS Treaty;

(4) the President has taken appropriate action in response to New Zealand's diminished defense cooperation with the United States by suspending United States obligations to New Zealand under the ANZUS Treaty, as announced in August 1986; and

(5) important aims of United States policy, in reaction to the port policies and law of New Zealand, must be to maintain the ANZUS Treaty alliance structure during the absence of New Zealand, to look forward to New Zealand's early return to a normal trilateral defense relationship, and to deny the Soviet Union any potential benefit it might otherwise derive from this temporary discord in the ANZUS Treaty alliance.

(b) NEW ZEALAND SHOULD RECONSIDER ITS POLICY.—The United States urges the Government of New Zealand—

(1) to reconsider its decision and law denying port access to certain United States ships, and

(2) to resume it fulfillment of its obligations under the ANZUS Treaty.

(c) SUSPENSION OF PREFERENCES.—Section 515(a)(6) of the Foreign Assistance Act of 1961 and sections 3(d)(20(B), 21(e)(2), 21(g), 36(b)(1), 36(b)(2), 36(c)(2)(B), and 63(a)(2) of the Arms Export Control Act shall apply with respect to New Zealand only if the President determines, and reports to the Congress, that New Zealand is complying fully with its obligations under the ANZUS Treaty.

(d) ANZUS TREATY.—As used in this section, the term "ANZUS Treaty" means the Security Treaty Between Australia, New Zealand, and the United States.

(e) Assignment of United States Military Personel To Manage Defense Cooperation Measures.—Section 515(a)(6) of the Foreign Assistance Act of 1961 is amended by inserting "(if the President has made the determination described in section 911(c) of the International Security and Development Cooperation Act of 1987)" after "New Zealand";.

(f) Charges for Certain Arms Sales Costs.—Section 21(e)(2) of the Arms Export Control Act is amended by inserting "(if the President has made the determination described in section 911(c) of the International Security and Development Cooperation Act of 1987)" after "New Zealand";.

(g) Cooperative Military Training Agreements.—Section 21(g) of the Arms Export Control Act is amended by inserting "(if the President has made the determination described in section 911(c) of the International Security and Development Cooperation Act of 1987)" after "New Zealand";.

(h) Congressional Review of Arms Transfers.—The Arms Export Control Act is amended—

(1) in section 3(d)(2)(B), by inserting "(if the President has made the determination described in section 911(c) of the International Security and Development Cooperation Act of 1987)" after "New Zealand";

(2) in section 36(b)(1), by inserting "(if the President has made the determination described in section 911(c) of the International Security and Development Cooperation Act of 1987)" after "New Zealand"; in the second sentence following subparagraph (P);

(3) in section 36(b)(2), by inserting "(if the President has made the determination described in section 911(c) of the International Security and Development Cooperation Act of 1987)" after "New Zealand";

(4) in section 36(c)(2)(B), by inserting "(if the President has made the determination described in section 911(c) of the International Security and Development Cooperation Act of 1987)" after "New Zealand"; and

(5) in section 63(a)(2), by inserting "(if the President has made the determination described in section 911(c) of the International Security and Development Cooperation Act of 1987)" after "New Zealand".

Page 228, strike out line 11 and all that follows through line 16 on page 247 (title XI) and insert in lieu thereof the following:

TITLE XI—MISCELLANEOUS PROVISIONS

SEC. 1101. USES OF FOREIGN CURRENCIES.

(a) Special Accounts; Use for Development Purposes.—Section 609(a) of the Foreign Assistance Act of 1961 is amended—

(1) by striking out "any commodity" and all that follows through "sale thereof," and inserting in lieu thereof "assistance is furnished to a foreign country under part I under arrangements which will result in the accrual to that country of local currencies,";

(2) in paragraph (1) by striking out "proceeds" and inserting in lieu thereof "accrued local currencies"; and

(3) by amending paragraph (3) to read as follows:

"(3) utilize the remainder of the Special Account for purposes which are consistent with the objectives of sections 103 through 106 or, in the case of sub-Saharan Africa, section 472, and which are agreed to by the agency primarily responsible for administering part I.".

(b) Conforming Amendments.—Section 531(d) of that Act is amended—

(1) by striking out ", not less than 50 percent" and all that follows through "part I of this Act"; and

(2) by adding at the end the following: "All local currencies that accrue as the result of assistance under this chapter shall be deposited in a special account and used in accordance with section 609 of this Act.".

SEC. 1102. COMPREHENSIVE ANNUAL REPORTS ON FOREIGN ASSISTANCE.

Section 634 of the Foreign Assistance Act of 1961 is amended by adding at the end the following:

"(c) As part of the annual congressional presentation materials on foreign assistance programs, the President shall provide to the Congress a full, complete, and detailed accounting of all assistance provided during the preceding fiscal year under the Foreign Assistance Act of 1961 and the Arms Export Control Act. This accounting shall include for each fiscal year, among other things, the following with respect to each authorization account:

"(1) The specific projects and other activities carried out in each country.

"(2) The number of persons from each country who were provided with training, and the types of training provided.

"(3) The defense articles and defense services provided for each country.

"(4) The types of goods and commodities provided to each country for economic stabilization purposes under chapter 4 of part II (relating to the economic support fund).

"(5) The amounts of local currency generated by United States assistance to each country, the uses of those currencies, and the total amount of those currency still available for use as of the time of the report.

"(6) A report on any transfers or reprogrammings of funds, and a description of how transferred or reprogrammed funds modified the amounts requested for each account.

"(7) A report on the funds which have been obligated but remain unexpended for each country in each account.

"(8) An analysis of the amount of funds and programs provided through nongovernmental as contrasted to governmental channels.

"(9) For each country which received cash transfer assistance under chapter 4 of part II during the previous fiscal year, a detailed description of how the country used the funds that were made available, with a discussion of the United States interests that were served by the assistance (including, as appropriate, a description of any economic policy reforms that were promoted by the cash transfer assistance).

"(d) The annual congressional presentation materials on foreign assistance programs shall also include, for each country for which cash transfer assistance is proposed under chapter 4 of part II for the coming fiscal year, a discussion of the United States interests that will be served by the assistance, including, as appropriate, a description of the economic policy and development situation in the country which may affect the implementation of United States economic assistance programs and long-term economic development.".

SEC. 1103. FOREIGN ASSISTANCE ALLOCATION REPORTS.

(a) Applicability to Continuing Resolutions.—Section 653(b) of the Foreign Assistance Act of 1961 is amended by inserting after "law making continuing appropriations" the following: "for a period of less than 60 days,".

(b) Applicability to International Narcotics Control Assistance.—Section 653(a) of that Act is amended by striking out "other than" in the parenthetical clause and inserting in lieu thereof "including section 481 but excluding".

SEC. 1104. FOREIGN DEBT REPAYMENT.

(a) Policy on New Economic Assistance Loans to Countries Unable To Service Existing Debts.—It is the sense of the Congress that the Agency for International Development should generally not provide assistance on a loan basis to a country which is unable to service its debt obligations arising from loans provided by the Agency in prior fiscal years, unless it can be demonstrated clearly that the country's inability to service its existing debt is temporary and nonrecurring.

(b) Reports to Congress on Debt Rescheduling.—Section 603(a)(2) of the International Development and Food Assistance Act of 1978 is amended by inserting after the first sentence the following: "This justification shall explain why the proposed debt relief is necessary, how much debt has previously been rescheduled for that government by the United States, why previous debt relief agreements have failed, and what the current prospects are for collecting the rescheduled receivables.".

(c) Accelerated Loan Repayments.—Paragraph (3) of section 634(a) of the Foreign Assistance Act of 1961 is amended—

(1) by inserting "(A)" after "(3)";

(2) by inserting "and" after the semicolon; and

(3) by inserting the following at the end of the paragraph:

"(B) a description of the efforts made pursuant to section 127 by the Administrator of the agency primarily responsible for administering part I to negotiate accelerated loan repayments by countries with the financial resources to make accelerated loan repayments, in particular European countries that were recipients of concessional loans by predecessor agencies;".

SEC. 1105. ANNUAL FOREIGN ASSISTANCE REPORT.

Section 634(a) of the Foreign Assistance Act of 1961 is amended—

(1) in paragraph (1)(A), by striking out "oceans,"; and

(2) by repealing paragraph (8) and redesignating paragraphs (9) through (12) as paragraphs (8) through (11), respectively.

SEC. 1106. TECHNICAL CORRECTIONS.

(a) Correction of Cross-References to International Traffic in Arms Regulations.—

(1) Section 505(e) of the Foreign Assistance Act of 1961 is amended in the second sentence—

(A) by striking out "significant defense articles" and inserting in lieu thereof "significant military equipment"; and

(B) by striking "such defense articles" both places it appears and inserting in lieu thereof "such significant military equipment".

(2) Section 3(a) of the Arms Export Control Act is amended in the second sentence following paragraph (4)—

(A) by striking out "significant defense articles" and inserting in lieu thereof "significant military equipment"; and

(B) by striking "such defense articles" both places it appears and inserting in lieu "such significant military equipment".

(3) Section 36(d) of that Act is amended by striking out "combat" and inserting in lieu thereof "military".

(b) Clerical Errors in 1985 Authorization Act.—

(1) Subsection (d) of section 25 of the Arms Export Control Act, as added by section 112(b) of the International Security and Development Cooperation Act of 1985, is amended—

(A) by redesignating that subsection as subsection (e); and

(B) by striking out the semicolon at the end and inserting in lieu thereof a period.

(2) Subparagraph (B) of section 25(a)(5) of the Arms Export Control Act is amended by striking out "subsection (d)" and inserting in lieu thereof "subsection (e)".

(3)(A) Section 124(c) of the Foreign Assistance Act of 1961, as so redesignated by section 310 of this Act, is amended by striking out "110(a)" and inserting in lieu thereof "110".

(B) Section 124(e) of that Act is repealed.

(C) Section 110 of that Act is amended by striking out "AND FUNDING LIMITS".

(c) Clerical Errors in Anti-Drug Abuse Act of 1986.—

(1) Section 481 of the Foreign Assistance Act of 1961 (as amended by section 2005 of the Anti-Drug Abuse Act of 1986) is amended—

(A) in subsection (h)(2)(A), by striking out ", or" at the end of clause (ii) and inserting in lieu thereof a period;

(B) in subsection (h)(4)(A), by inserting "a" before "joint resolution"; and

(C) in subsection (i)(4)(vi), by striking out "section 1049(c)(2)" and inserting in lieu thereof "section 104(c)(2)".

(2) Section 2015(b)((1) of the Anti-Drug Abuse Act of 1986 is amended by striking out "effects" and inserting in lieu thereof "efforts".

(3) Section 2030(b) of the Anti-Drug Abuse Act of 1986 is amended by striking out "subsection (A)(4)" and inserting in lieu thereof "subsection (a)(4)".

(d) Public Laws 99-440 and 99-529.—Chapter 1 of part I of the Foreign Assistance Act of 1961 is amended by redesignating section 117 (as enacted by section 201(b) of Public Law 99-440) as section 115 and by inserting that section before section 116.

SEC. 1107. COUNTRIES WHICH IMPORT SUGAR FROM CUBA.

(a) Reduction of Assistance by Value of Sugar Imports From Cuba.—Beginning in fiscal year 1989, the President shall have the authority to withhold from the amount of assistance under chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund) which is allocated to a country for a fiscal year the amount equal to the value of confirmed sales of sugar which is the product of Cuba and which is imported by that country in the preceding fiscal year.

(b) Reductions To Be Made Notwithstanding Earmarkings.—The withholding of amounts under subsection (a) may be made notwithstanding any provision of law specifying the amount of assistance to be provided to a particular country.

(c) Sense of Congress With Respect to Other Countries.—It is the sense of the Congress that the President should urge countries that import sugar which is the product of Cuba and do not receive economic support funds or other forms of foreign assistance from the United States to import sugar from other Central American or Caribbean countries with democratically elected governments.

SEC. 1108. EARLY WARNING SYSTEM REGARDING MULTILATERAL DEVELOPMENT BANK LOANS.

(a) Analysis.—The President shall instruct missions of the Agency for International Development and United States diplomatic missions in the relevant foreign countries to analyze the impacts of proposed loans by multilateral development banks well in advance of such loan's approval by the bank. Such analyses shall address the economic viability of the project, adverse impacts on the environment, natural resources, public health, and indigenous peoples, and recommendations as to measures (including alternatives) that could eliminate or mitigate adverse impacts. If not classified under the national security system of classification, the information obtained in carrying out this subsection shall be made available to the public.

(b) Investigations.—The President shall further instruct those missions that, if the analysis of a proposed loan pursuant to subsection (a) fails to identify adverse impacts on the environment, natural resources, public health, or indigenous peoples, but there is nonetheless reason to believe that such a loan may have such impacts, they shall undertake an affirmative investigation of such impacts in consultation with relevant Federal agencies.

(c) Furnishing Information to Secretary of the Treasury.—If an analysis pursuant to subsection (a) or an investigation pursuant to subsection (b) identifies adverse impacts of a proposed multilateral development bank loan on the environment, natural resources, public health, or indigenous peoples, the Administrator of the Agency for International Development or the Secretary of State (as appropriate) shall provide the relevant information to the Secretary of the Treasury for his consideration in determining whether to instruct the United States Executive Director of the relevant multilateral development bank to seek changes in the loans necessary to eliminate or mitigate such impacts.

(d) Cooperation With Other Countries.—The Administrator of the Agency for International Development or the Secretary of State (as appropriate) shall make the information collected pursuant to subsections (a) and (b), other than classified information, available to foreign governments and shall actively cooperate with such governments to facilitate exchanges of such information.

(e) Semiannual Lists.—Six months after the date of enactment of this Act and semiannually thereafter, the Administrator of the Agency for International Development shall publish a list of proposed multilateral development bank loans that may have adverse impacts on the environment, natural resources, public health, or indigenous peoples. The list shall be developed in consultation with interested members of the public and shall contain—

(1) the name of the lending institution;

(2) the name of the borrowing country;

(3) the name of the project or loan;

(4) a brief description of the project or loan;

(5) the total anticipated cost and anticipated contribution from development banks;

(6) a summary of adverse effects on the environment, natural resources, public health, or indigenous peoples;

(7) identification of alternatives which may eliminate or mitigate such effects, including the possibility of terminating further action on the potential loan; and

(8) identification of actions taken or underway by the Administrator or other Federal agencies to secure necessary changes in the project.

SEC. 1109. COUNTRIES LISTED AS COMMUNIST COUNTRIES.

Section 620(f)(1) of the Foreign Assistance Act of 1961 is amended as follows:

(1) After "Democratic People's Republic of Korea." insert the following:

"Democratic Republic of Afghanistan."

(2) After "Mongolian People's Republic." insert the following:

"People's Democratic Republic of Ethiopia.

"People's Democratic Republic of Yemen.".

(3) After "People's Republic of Albania." insert the following:

"People's Republic of Angola.".

(4) After "People's Republic of China." insert the following:

"People's Republic of Kampuchea.".

SEC. 1110. REQUIREMENT TO SPECIFY DURATION FOR PERIOD OF WAIVER OF COMMUNIST COUNTRY PROHIBITION.

Section 620(f)(2) of the Foreign Assistance Act of 1961 is amended by inserting "specified" before "period as the President determines".

SEC. 1111. EFFECTIVENESS OF UNITED STATES ECONOMIC ASSISTANCE.

(a) Reports.—Not later than December 31, 1988, and December 31 of each third year thereafter, the President shall submit to the Congress a report which analyzes, on a country-by-country basis, the impact and effectiveness of the United States economic assistance provided during the preceding 3 fiscal years. Each such report shall include the following for each recipient country:

(1) An analysis of the impact of United States economic assistance during the preceding 3 fiscal years on economic development in that country, with a discussion of the United States interests that were served by the assistance. This analysis shall be done on a sector-by-sector basis to the extent possible and shall identify any economic policy reforms which were promoted by the assistance. This analysis shall—

(A) include a description, quantified to the extent practicable, of the specific objectives the United States sought to achieve in providing economic assistance for that country, and

(B) specify the extent to which those objectives were not achieved, with an explanation of why they were not achieved.

(2) A description of the amount and nature of economic assistance provided by other donors during the preceding 3 fiscal years, set forth by development sector to the extent possible.

(3) A discussion of the commitment of the host government to addressing the country's needs in each development sector, including a description of the resources devoted by that government to each development sector during the preceding 3 fiscal years.

(4) A description of the trends, both favorable and unfavorable, in each development sector.

(5) Statistical and other information necessary to evaluate the impact and effectiveness of United States economic assistance on development in the country.

(6) A comparison of the analysis provided in the report with relevant analyses by international financial institutions, other international organizations, other donor countries, or nongovernmental organizations.

(b) LISTING OF MOST AND LEAST SUCCESSFUL ASSISTANCE PROGRAMS.—Each report required by this section shall identify—

(1) those countries in which United States economic assistance has been most successful, and

(2) those countries in which United States economic assistance has been least successful.

For each country listed pursuant to paragraph (2), the report shall explain why the assistance was not more successful and shall specify what the United States has done as a result.

(c) REPORT TO BE A SEPARATE DOCUMENT.—Each report required by this section shall be submitted to the Congress as a separate document.

(d) DEFINITION.—As used in this section, the term "United States economic assistance" means assistance under chapter 1 of part I of the Foreign Assistance Act of 1961 (relating to development assistance), chapter 7 of part I of that Act (relating to Africa famine recovery and development), or chapter 4 of part II of that Act (relating to the economic support fund).

SEC. 1112. INTERNATIONAL SCHOLARSHIP PARTNERSHIP PROGRAM

(a) ESTABLISHMENT OF SCHOLARSHIP PROGRAM.—The Administrator of the Agency for International Development shall establish and administer a program of scholarship assistance, in cooperation with State governments, universities, community colleges, and businesses, to provide scholarships in the form of loans to enable students from eligible countries to study in the United States.

(b) PROGRAM OBJECTIVES.—The program authorized by subsection (a) of this section shall be designed and administered to provide educational opportunities for talented students of limited financial means from eligible countries in order to foster democracy and development in those countries and their regions and to strengthen the relationships between the United States and such countries and regions.

(c) ELIGIBLE COUNTRIES.—For purposes of this section, the term "eligible country" means any country which is a recipient of United States assistance pursuant to chapter 1 of part I of the Foreign Assistance Act of 1961 (relating to development assistance), chapter 7 of part I of that Act (relating to Africa famine recovery and development), chapter 4 of part II of that Act (relating to the economic support fund), or the Agricultural Trade Development and Assistance Act of 1954.

(d) FUNDING.—

(1) LATIN AMERICA AND THE CARIBBEAN.—For each of the fiscal years 1988 and 1989, up to $2,000,000 of the funds allocated for the Latin American and the Caribbean regional program under chapter 4 of part II of the Foreign Assistance Act of 1961 shall be available only to provide scholarships for qualified students from eligible countries in Central America and the Caribbean pursuant to this section.

(2) SOUTH PACIFIC.—For each of the fiscal years 1988 and 1989, not less than $2,000,000 of the funds allocated for South Pacific regional programs under chapter 1 of part I of that Act shall be available only to provide scholarship assistance to qualified students from eligible countries in the South Pacific for study at post-secondary institutions of education in the United States pursuant to this section. Not more than 10 percent of funds made available under this paragraph may be used for scholarships for graduate study.

(3) OTHER REGIONS.—Funds made available to carry out chapter 1 of part I, chapter 7 of part I, and chapter 4 of part II of that Act may be used to provide scholarships pursuant to this section to qualified students from eligible countries in regions other than those specified in paragraphs (1) and (2) of this subsection.

(4) PERIOD OF AVAILABILITY.—Funds allocated to carry out this subsection shall remain available until expended, notwithstanding any other provision of law.

(e) COOPERATION WITH STATES AND THE PRIVATE SECTOR.—

(1) CONSULTATION WITH STATES.—The Administrator shall consult with the participating States with regard to the educational opportunities available within each State and on the assignment of scholarship recipients.

(2) GRANTS TO STATES.—In furtherance of the objectives of this section, the Administrator may make grants to States to provide scholarship assistance to students participating in the program conducted pursuant to this section to attend undergraduate degree programs or training programs of one year or longer in study areas related to the critical development needs of the students' countries.

(3) FEDERAL SHARE.—The Federal share for each year for which a State receives payments under this subsection shall be not less than 50 percent.

(4) NON-FEDERAL SHARE.—The non-Federal share of payments under this subsection may be in cash, including the waiver of tuition or the offering of in-State tuition or housing waivers or subsidies, or in-kind fairly evaluated, including the provision of books and supplies.

(5) PRIVATE SECTOR—To the maximum extent practicable, each participating State shall enlist the assistance of the private sector to enable the State to meet the non-Federal share of payments under this section.

(f) IMPLEMENTING REGULATIONS.—The Administrator shall issue such regulations as may be necessary to carry out this section. Such regulations shall include provisions for—

(1) forgiveness of repayment of a student's loan upon the student's prompt return to the student's country of origin for a period which is at least one year longer than the period the student spent studying in the United States; and

(2) forgiveness of half the repayment of the loan if the student is granted asylum or refugee status in the United States under the Immigration and Neutrality Act.

SEC. 1113. ASSISTANCE FOR POLICE OF DEMOCRATIC GOVERNMENTS.

(a) WAIVER.—Subsections (c) and (d) of section 660 of the Foreign Assistance Act of 1961 are amended to read as follows:

"(c) Subsection (a) shall not apply with respect to a country which has an elected government seeking to strengthen democratic institutions, including the criminal justice system, and to improve observance of civil and political rights, and which is not engaged in a consistent pattern of gross violations of internationally recognized human rights.

"(d) Assistance shall not be provided pursuant to subsection (c) unless the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate are notified of the amount and nature of the proposed assistance at least fifteen days in advance of obligation.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) does not apply with respect to funds appropriated before the date of enactment of this Act.

Amendment in the nature of a substitute.

—Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "International Security and Development Cooperation Act of 1987".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title and table of contents.

TITLE I—MILITARY ASSISTANCE AND SALES AND RELATED PROGRAMS

Sec. 101. Foreign military sales credits.
Sec. 102. Military assistance program.
Sec. 103. International military education and training.
Sec. 104. Peacekeeping operations.
Sec. 105. Cooperative training agreements with major non-NATO allies.
Sec. 106. Sales from stocks.
Sec. 107. Financing for commercial leasing arrangements.
Sec. 108. Terms of foreign military sales credits.
Sec. 109. Waiver of penalty interest on FMS arrearages.
Sec. 110. Enforcement and processing of arms export licensing requirements.
Sec. 111. Biennial review of the International Traffic in Arms Regulations.
Sec. 112. Reciprocal leasing.
Sec. 113. Sales of antitank shells containing a depleted uranium penetrator component.
Sec. 114. Exclusion of salaries from prices of certain FMS sales.
Sec. 115. FMS Guaranty Reserve Fund.

TITLE II—ECONOMIC SUPPORT FUND

Sec. 201. Authorizations of appropriations.
Sec. 202. Authority to use funds for emergency assistance.
Sec. 203. Restriction on use of funds for nuclear facilities.

TITLE III—DEVELOPMENT ASSISTANCE

Sec. 301. Agriculture, rural development, and nutrition.
Sec. 302. Child survival fund.
Sec. 303. Population and health.
Sec. 304. Education and human resources development.
Sec. 305. Cooperative development program.
Sec. 306. Energy, private and voluntary organizations, and private sector and selected development activities.
Sec. 307. Private sector revolving fund.
Sec. 308. Protecting biological diversity.
Sec. 309. Private sector assistance.
Sec. 310. Use of foreign assistance loan repayments for development assistance activities.
Sec. 311. Providing credit for the poor in developing countries.
Sec. 312. Assistance for the prevention and control of AIDS in developing countries.
Sec. 313. Minority set-aside.
Sec. 314. Enhancing the private-public partnership for foreign assistance.

TITLE IV—OTHER ASSISTANCE PROGRAMS AND ACTIVITIES

PART A—FOREIGN ASSISTANCE ACT PROGRAMS

Sec. 401. American schools and hospitals.
Sec. 402. Housing guaranty program.
Sec. 403. Agricultural and productive credit and self-help community development programs.
Sec. 404. Trade credit insurance program.
Sec. 405. Voluntary contributions to international organizations and programs.
Sec. 406. International disaster assistance.
Sec. 407. Antiterrorism assistance program.
Sec. 408. Trade and development program.
Sec. 409. Operating expenses of the Agency for International Development.

PART B—PUBLIC LAW 480 AND SECTION 416 PROGRAMS

Sec. 421. Promoting biological diversity.
Sec. 422. Farmer-to-farmer program under Public Law 480.
Sec. 423. Multiyear agreements under section 416(b).
Sec. 424. Minimum level of food assistance.

TITLE V—INTERNATIONAL NARCOTICS CONTROL

Sec. 501. Authorizations of appropriations.
Sec. 502. Assistance for Bolivia.
Sec. 503. Assistance for Peru.
Sec. 504. Assistance for Mexico.
Sec. 505. Cooperative nonmajor drug-transit countries.
Sec. 506. Waiver of restrictions on assistance for NATO and major non-NATO allies.

TITLE VI—EUROPE AND THE MIDDLE EAST

Sec. 601. Assistance for Israel.
Sec. 602. Assistance for Egypt.
Sec. 603. Cooperative scientific and technological projects.
Sec. 604. Use of certain deobligated funds for projects in the Middle East and for additional assistance for American hospitals abroad.
Sec. 605. West Bank and Gaza development initiative.
Sec. 606. Use of chemical weapons in the Near East.
Sec. 607. Assistance for Greece.
Sec. 608. Assistance for Turkey.
Sec. 609. Cyprus.
Sec. 610. Turkish occupation troops and Greek military forces on Cyprus.
Sec. 611. Excess defense articles for NATO southern flank countries and major non-NATO allies on the southern and southeastern flank of NATO.
Sec. 612. Assistance for Poland.
Sec. 613. United States contributions to the Anglo-Irish International Fund.
Sec. 614. Annual reports on economic conditions in Egypt, Israel, Turkey, and Portugal.
Sec. 615. Reporting requirements.
Sec. 616. Foreign military sales for Jordan.

TITLE VII—WESTERN HEMISPHERE

Sec. 701. Costa Rica's peace initiative.
Sec. 702. Suspension of assistance if a military coup occurs.
Sec. 703. Assistance for El Salvador.
Sec. 704. Annual report on Soviet military assistance to Cuba.
Sec. 705. Restriction on training assistance for Argentina and Brazil.
Sec. 706. Inter-American Foundation.
Sec. 707. Administration of justice program.
Sec. 708. Levels of nonmilitary assistance for Central America.
Sec. 709. Assistance for Haiti.
Sec. 710. Nicaragua.
Sec. 711. Criteria for democratization of Nicaragua.
Sec. 712. Central American peace agreement.
Sec. 713. Assistance to opposition civilian democratic forces in Nicaragua.
Sec. 714. Relations with the private sector in El Salvador.

TITLE VIII—AFRICA

Sec. 801. Africa famine recovery and development.
Sec. 802. Conforming amendments.
Sec. 803. African Development Foundation.

TITLE IX—ASIA AND THE PACIFIC

PART A—EAST ASIA AND THE PACIFIC

Sec. 901. Support for the right of self-determination for the Cambodian people.
Sec. 902. Assistance for the Cambodian people.
Sec. 903. Japan and the Arab economic boycott of Israel.
Sec. 904. Annual report regarding Korea.
Sec. 905. Security Assistance and Arms Export Control Preferences for New Zealand.
Sec. 906. Assistance for the Philippines.
Sec. 907. Authority to stockpile defense articles in Thailand and Korea.
Sec. 908. Refugees from Southeast Asia.
Sec. 909. Cooperation on POW/MIA issue.

PART B—SOUTH ASIA

Sec. 921. Assistance for the Afghan people.
Sec. 922. Democracy in Bangladesh.
Sec. 923. Israel-India relations.
Sec. 924. Waiver for Pakistan of section 669 prohibition on assistance.
Sec. 925. Democracy and human rights in Pakistan.
Sec. 926. Limitation on development assistance for India.

TITLE X—PEACE CORPS

Sec. 1001. Authorizations of appropriations.
Sec. 1002. Passenger automobiles.
Sec. 1003. Technical publications.

TITLE XI—ADDITIONAL ASSISTANCE FOR BASE RIGHTS COUNTRIES

Sec. 1101. Additional authorizations of appropriations.
Sec. 1102. Foreign military sales program ceiling.
Sec. 1103. Maintenance of military balance in the Eastern Mediterranean.

TITLE XII—MISCELLANEOUS PROVISIONS

Sec. 1201. Use of foreign currencies.
Sec. 1202. Comprehensive annual reports on foreign assistance.
Sec. 1203. Foreign assistance allocation reports.
Sec. 1204. Foreign debt repayment.
Sec. 1205. Annual foreign assistance report.
Sec. 1206. Technical corrections.
Sec. 1207. Countries which import sugar from Cuba.
Sec. 1208. Early warning system regarding multilateral development bank loans.
Sec. 1209. Countries listed as Communist countries.
Sec. 1210. Requirement to specify duration for period of waiver of Communist country prohibition.
Sec. 1211. Effectiveness of United States economic assistance.
Sec. 1212. International scholarship partnership program.
Sec. 1213. Assistance for police of democratic governments.

TITLE I—MILITARY ASSISTANCE AND SALES AND RELATED PROGRAMS

SEC. 101. FOREIGN MILITARY SALES CREDITS.

(a) AUTHORIZATIONS OF APPROPRIATIONS.—The first sentence of section 31(a) of the Arms Export Control Act is amended to read as follows: "There are authorized to be appropriated to the President to carry out this Act $3,950,000,000 for fiscal year 1988 and $4,088,250,000 for fiscal year 1989.".

(b) AGGREGATE PROGRAM CEILING.—Section 31(b)(1) of that Act is amended to read as follows:

"(b)(1) The total amount of credits extended under section 23 of this Act may not exceed $3,950,000,000 for fiscal year 1988 and $4,088,250,000 for fiscal year 1989."

SEC. 102. MILITARY ASSISTANCE PROGRAM.

Section 504(a)(1) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(a)(1) There are authorized to be appropriated to the President to carry out the purposes of this chapter $1,033,716,000 for fiscal year 1988 and $1,069,896,000 for fiscal year 1989.".

SEC. 103. INTERNATIONAL MILITARY EDUCATION AND TRAINING.

(a) AUTHORIZATIONS OF APPROPRIATIONS.—Section 542 of the Foreign Assistance Act of 1961 is amended to read as follows:

"SEC. 542. AUTHORIZATIONS OF APPROPRIATIONS.—There are authorized to be appropriated to the President to carry out the purposes of this chapter $55,851,000 for fiscal year 1988 and $57,806,000 for fiscal year 1989.".

(b) HUMAN RIGHTS TRAINING IN IMET PROGRAMS.—Chapter 5 of part II of that Act is amended by adding at the end the following:

"SEC. 546. HUMAN RIGHTS TRAINING.

"Respect for internationally recognized human rights shall be an important component of the assistance provided to any country under this chapter for any fiscal year.".

(c) SCHOOL OF THE AMERICAS.—Chapter 5 of part II of that Act (as amended by subsection (b) of this section) is further amended by adding at the end the following:

"SEC. 547. SCHOOL OF THE AMERICAS.

"Of the funds made available to carry out this chapter, up to $3,000,000 each fiscal year may be used for the fixed base operating costs of the United States Army School of the Americas.".

SEC. 104. PEACEKEEPING OPERATIONS.

Section 552(a) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(a) There are authorized to be appropriated to the President to carry out the purposes of this chapter, in addition to amounts otherwise available for such purposes, $31,689,000 for fiscal year 1988 and $32,798,000 for fiscal year 1989.".

SEC. 105. COOPERATIVE TRAINING AGREEMENTS WITH MAJOR NON-NATO ALLIES.

Section 21(g) of the Arms Export Control Act is amended—

(1) by inserting "and with other countries which are major non-NATO allies," after "New Zealand,"; and

(2) by adding at the end the following: "As used in this subsection, the term 'major non-NATO allies' means those countries designated as major non-NATO allies for purposes of section 1105 of the National Defense Authorization Act of Fiscal Year 1987.".

SEC. 106. SALES FROM STOCKS.

Section 21 of the Arms Export Control Act is amended by adding at the end the following:

"(j) In the case of a sale under subsection (a)(1)(B) of this section, the President may contract for the procurement of replacement major defense equipment if the eligible country or international organization provides the United States Government with a dependable undertaking as described in section 22(a) of this Act. The authority of this subsection may be exercised only to such extent or in such amounts as are provided in advance in appropriation Acts.".

SEC. 107. FINANCING FOR COMMERCIAL LEASING ARRANGEMENTS.

Section 23(a) of the Arms Export Control Act is amended by adding at the end the following: "The authority of this section may be used to provide financing to Israel for the procurement by leasing (including leasing with an option to purchase) of defense articles from United States commercial suppliers if the President determines that there are compelling foreign policy or national security reasons for those defense articles being provided by commercial lease rather than by government-to-government sale under this Act.".

SEC. 108. TERMS OF FOREIGN MILITARY SALES CREDITS.

(a) WHEN INTEREST RATES DETERMINED.—Section 23(c)(2) of the Arms Export Control Act is amended by striking out the parenthetical phrase in subparagraph (B).

(b) EFFECTIVE DATE.—Section 23(c) of that Act is amended by adding at the end the following:

"(3) Loan agreements made on market rate terms pursuant to this section after September 30, 1984, may be amended to fix the interest rates applicable to undisbursed funds as of the time each disbursement is made. The authority of this paragraph may be exercised only to such extent or in such amounts as are provided in advance in appropriation Acts.".

SEC. 109. WAIVER OF PENALTY INTEREST ON FMS ARREARAGES.

Section 23 of the Arms Export Control Act is amended by adding at the end the following:

"(e) The President may waive the collection of penalty charges that have accrued or may accrue on loans made pursuant to this section or section 24. The authority of this subsection may be exercised only to such extent or in such amounts as are provided in advance in appropriation Acts.".

SEC. 110. ENFORCEMENT AND PROCESSING OF ARMS EXPORT LICENSING REQUIREMENTS.

(a) REGISTRATION FEES FOR MUNITIONS CONTROL LICENSES.—Section 38(b) of the Arms Export Control Act is amended by inserting at the end the following:

"(3)(A) For each of the fiscal years 1988 and 1989, $250,000 of registration fees collected pursuant to paragraph (1) shall be credited to a Department of State account, to be available without fiscal year limitation. Fees credited to that account shall be available only for the payment of expenses incurred for—

"(i) contract personnel to assist in the evaluation of munitions control license applications, reduce processing time for license applications, and improve monitoring of compliance with the terms of licenses; and

"(ii) the automation of munitions control functions and the processing of munitions control license applications, including the development, procurement, and utilization of computer equipment and related software.

"(B) Funds made available under subparagraph (A) may not be used for any purpose other than those specified in subparagraph (A), and this limitation may not be waived under the authority of any other provision of law.

"(C) The authority of this paragraph may be exercised only to such extent or in such amounts as are provided in advance in appropriation Acts.".

(b) DISQUALIFICATION AND FORFEITURE FOR VIOLATIONS OF INTERNATIONAL TRAFFIC IN ARMS REGULATIONS.—Section 38 of that Act is amended by inserting after subsection (c) the following:

"(d)(1) No contract between a foreign government and a person convicted or debarred for a violation of this section or section 39, or any rule or regulation issued under either section, may be approved for financing under this Act during the twelve months following the date of such conviction or debarment.

"(2)(A) Any person who is convicted for a violation of this section or section 39, or any rule or regulation issued under either section, shall (in addition to any other penalty) forfeit to the United States—

"(i) any of that person's interest in, security of, claim against, or property or contractual rights of any kind in any defense article or other tangible item that was the subject of the violation;

"(ii) any of that person's interest in, security of, claim against, or property or contractual rights of any kind in any defense article or other tangible item that was used in—

"(I) the export or attempt to export, or

"(II) the contribution, gift, commission, or fee that was paid or offered or agreed to be paid,

that was the subject of the violation; and

"(iii) any of that person's property constituting, or derived from, any proceeds obtained directly or indirectly as a result of the violation.

"(B) The procedures in any forfeiture under this paragraph, and the duties and authorities of the courts of the United States and the Attorney General with respect to any forfeiture action under this paragraph or with respect to any property that may be subject to forfeiture under this paragraph, shall be governed by section 1963 of title 18, United States Code. Any new budget authority provided by this subparagraph may be exercised only to such extent or in such amounts as are provided in advance in appropriation Acts.".

(c) EFFECTIVE DATE.—Subsection (d) of section 38 of that Act, as enacted by subsection (b) of this section, applies—

(1) in the case of paragraph (1) of subsection (d), with respect to convictions or debarments occurring on or after the date of enactment of this Act; and

(2) in the case of paragraph (2) of subsection (d), with respect to convictions based on conduct occurring on or after the date of enactment of this Act.

SEC. 111. BIENNIAL REVIEW OF THE INTERNATIONAL TRAFFIC IN ARMS REGULATIONS.

Section 38(f) of the Arms Export Control Act is amended by striking out the first sentence and inserting in lieu thereof the following: "At least once every 2 years, the President shall review the regulations issued to carry out this section, including the items listed on the United States Munitions List, in order to determine what changes in those regulations are appropriate, including determining what items, if any, no longer warrant export controls under this section. Based on each such review, the President shall revise those regulations as necessary and shall publish a revised compilation of those regulations.".

SEC. 112. RECIPROCAL LEASING.

Section 61(a) of the Arms Export Control Act is amended in subparagraph (B) by striking out "fiscal year 1987 and only with respect to one country" and inserting in lieu thereof "fiscal years 1987, 1988, and 1989 and only with respect to one country each such year".

SEC. 113. SALES OF ANTITANK SHELLS CONTAINING A DEPLETED URANIUM PENETRATOR COMPONENT.

The President may not sell any M833 antitank shells, or any comparable antitank shells containing a depleted uranium penetrator component, to any country other than—

(1) a country which is member of the North Atlantic Treaty Organization, or

(2) a country which has been designated as a major non-NATO ally for purposes of section 1105 of the National Defense Authorization Act for Fiscal Year 1987.

SEC. 114. EXCLUSION OF SALARIES FROM PRICES OF CERTAIN FMS SALES.

The last sentence of section 503(a) of the Foreign Assistance Act of 1961 is amended—

(1) by inserting ", or from funds made available on a nonrepayable basis under section 23 of the Arms Export Control Act," after "under paragraph (3)"; and

(2) by inserting "(other than the Coast Guard)" after "Armed Forces of the United States".

SEC. 115. FMS GUARANTY RESERVE FUND.

(a) FINDINGS.—The Congress finds that—

(1) during any period in which the balance of the Guaranty Reserve Fund established by section 24(c) of the Arms Export Control Act is inadequate to satisfy claims made on guaranties issued pursuant to that Act, the Federal Financing Bank may defer making such a claim for a reasonable period of time; and

(2) under present circumstances in which the balance of the Guaranty Reserve Fund has been depleted while security assistance funding is constrained at unduly low levels for general budgetary reasons, it is inconsistent with the security interests of the United States to divert security assistance funds to the Guaranty Reserve Fund unless absolutely essential.

(b) LIMITATION ON REPLENISHMENT OF GUARANTY RESERVE FUND.—During fiscal years 1988 and 1989—

(1) the authority contained in the third sentence of section 24(c) of the Arms Export Control Act (as amended by the paragraph under the heading "GUARANTY RESERVE FUND" in Public Law 100-71) may not be exercised; and

(2) funds made available to carry out section 23 of that Act or section 503 of the Foreign Assistance Act of 1961 shall not be made available to the Guaranty Reserve Fund (or otherwise used) for the payment of claims under guaranties issued under section 24 of the Arms Export Control Act, notwithstanding any other provision of law (specifically including any law providing appropriations for foreign assistance and related programs);

unless the President determines, in his discretion, that all other resources and authorities available for the purposes of managing arrearages on credits guaranteed pursuant to the Arms Export Control Act, including authorities available to the Federal Financing Bank, have been exhausted.

TITLE II—ECONOMIC SUPPORT FUND

SEC. 201. AUTHORIZATIONS OF APPROPRIATIONS.

Section 532(a) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(a) There are authorized to be appropriated to the President to carry out the purposes of this chapter $3,380,812,000 for fiscal year 1988 and $3,535,365,000 for fiscal year 1989, in addition to amounts otherwise authorized to be appropriated for those purposes.".

SEC. 202. AUTHORITY TO USE FUNDS FOR EMERGENCY ASSISTANCE.

Section 533(a) of the Foreign Assistance Act of 1961 is amended by striking out "1986" and "1987" and inserting in lieu thereof "1988" and "1989", respectively.

SEC. 203. RESTRICTION ON USE OF FUNDS FOR NUCLEAR FACILITIES.

Funds authorized to be appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 for fiscal year 1988 or fiscal year 1989 may not be used to finance the construction of, the operation or maintenance of, or the supplying of fuel for, any nuclear facility in a foreign country unless the President certifies to the Congress that such country is a party to the Treaty on the Non-Proliferation of Nuclear Weapons or the Treaty for the Prohibition of Nuclear Weapons in Latin America (the "Treaty of Tlatelolco"), cooperates fully with the International Atomic Energy Agency, and pursues nonproliferation policies consistent with those of the United States.

TITLE III—DEVELOPMENT ASSISTANCE

SEC. 301. AGRICULTURE, RURAL DEVELOPMENT, AND NUTRITION.

The first sentence of section 103(a)(2) of the Foreign Assistance Act of 1961 is amended to read as follows: "There are authorized to be appropriated to the President for purposes of this section, in addition to funds otherwise available for such purposes, $471,612,000 for fiscal year 1988 and $488,118,000 for fiscal year 1989.".

SEC. 302. CHILD SURVIVAL FUND.

(a) AUTHORIZATION.—Section 104(c)(2)(B) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(B)(i) Not less than $80,000,000 for fiscal year 1988 and not less than $90,000,000 for fiscal year 1989 shall be used for activities described in subparagraph (A) which are carried out with funds made available under this subsection and chapter 7 of this part.

"(ii) There are authorized to be appropriated to the President $66,000,000 for fiscal year 1988 and $76,000,000 for fiscal year 1989 for use in carrying out subparagraph (A), which are in addition to amounts otherwise available for that purpose and which are authorized to remain available until expended.".

(b) CONFORMING AMENDMENT.—Section 104(c)(2)(C) of that Act is amended by striking out "Appropriations" and inserting in lieu thereof "Funds made available".

(c) USE OF FUNDS TO REIMBURSE MEDICAL PERSONNEL DETAILED TO AID.—Section 104(c)(2)(A) of that Act is amended by adding at the end the following: "Funds authorized to be appropriated to carry out the purposes of this subsection may be used to reimburse United States Government agencies, State government agencies, and institutions of higher education for the full cost of personnel detailed or assigned to the agency primarily responsible for administering this part for the purpose of carrying out activities authorized by this paragraph. Personnel so detailed or assigned shall not, during the period of detail or assignment, be counted toward any personnel ceiling applicable to any United States Government agency.".

(d) RESTRICTIONS ON ASSISTANCE NOT APPLICABLE.—Section 104(c)(2) of that Act is amended by adding at the end the following:

"(D) Except as provided in this section, assistance provided under this paragraph may be made available notwithstanding any other provision of this Act (other than subsections (a), (f), and (t) of section 620 and section 620A) or any other Act.".

(e) EFFECTIVE DATE.—The amendments made by subsections (c) and (d) do not apply with respect to funds appropriated prior to the date of enactment of this Act.

SEC. 303. POPULATION AND HEALTH.

(a) AUTHORIZATIONS OF APPROPRIATIONS.—Section 104(g)(1) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(1) There are authorized to be appropriated to the President, in addition to funds otherwise available for such purposes—

"(A) $223,724,000 for fiscal year 1988 and $231,554,000 for fiscal year 1989 to carry out subsection (b) of this section (relating to assistance for population planning); and

"(B) $143,161,000 for fiscal year 1988 and $148,172,000 for fiscal year 1989 to carry out subsection (c) of this section (relating to assistance for health and disease prevention).".

(b) FAMILY PLANNING PROJECTS.—Section 104(c) of that Act is amended by adding at the end the following:

"(4) In order to reduce reliance on abortion in developing countries, funds shall be available under this part only to voluntary family planning projects which offer, either directly or through referral to or information about access to, a broad range of family planning methods and services. In awarding grants for natural family planning under this part, no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the first sentence of this paragraph.".

SEC. 304. EDUCATION AND HUMAN RESOURCES DEVELOPMENT.

(a) AUTHORIZATIONS OF APPROPRIATIONS.—Section 105(a) of the Foreign Assistance Act of 1961 is amended by striking out the second sentence and inserting in lieu thereof the following: "There are authorized to be appropriated to the President for the purposes of this section, in addition to funds otherwise available for such purposes, $122,699,000 for fiscal year 1988 and $126,993,000 for fiscal year 1989. Funds appropriated under this subsection are authorized to remain available until expended.".

(b) GLOBAL BASIC EDUCATION ENHANCEMENT.—The Congress makes the following findings:

(1) Basic education, which includes primary education for children and literacy training for adults, is necessary to promote the social and economic development of people and nations, developing the necessary knowledge, skills, and productive capacities of the workforce.

(2) Basic education increases the effectiveness of investments in other development sectors. The poorer the country, the higher the payoff for teaching its citizens to read, write, and perform basic arithmetic skills.

(3) Improvements in educational levels, particularly of women, are strongly associated with increasing agricultural productivity, improving nutritional status, declining infant and child mortality, and slowing population growth.

(4) Literacy rates in many countries which receive assistance from the Agency for International Development are very low.

(5) The Congress authorizes the appropriation of funds to the Agency for International Development under section 105 of the Foreign Assistance Act of 1961 in order "to reduce illiteracy, to extend basic education, and to increase manpower training in skills related to development".

(6) As a percentage of development assistance funding for education, funding for basic education enhancement has been declining in recent years.

(7) The Agency for International Development could have a substantial role in improving the efficiency and cost-effectiveness of educational systems in developing countries if more resources were directed toward enhancing basic education.

SEC. 305. COOPERATIVE DEVELOPMENT PROGRAM.

Section 106(f) of the Foreign Assistance Act of 1961 is amended by striking out "1986" and "1987" and inserting in lieu thereof "1988" and "1989", respectively.

SEC. 306. ENERGY, PRIVATE AND VOLUNTARY ORGANIZATIONS, AND SELECTED DEVELOPMENT ACTIVITIES.

Section 106(e)(1) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(e)(1) There are authorized to be appropriated to the President for purposes of this section, in addition to funds otherwise available for such purposes, $146,699,000 for fiscal year 1988 and $151,833,000 for fiscal year 1989.".

SEC. 307. PRIVATE SECTOR REVOLVING FUND.

The first sentence of section 108(b) of the Foreign Assistance Act of 1961 is amended by striking out "in each of the fiscal years 1986 and 1987, up to $18,000,000" and inserting in lieu thereof ", up to $12,000,000 in fiscal year 1988 and up to $12,000,000 in fiscal year 1989".

SEC. 308. PROTECTING BIOLOGICAL DIVERSITY.

Section 119(c) of the Foreign Assistance Act of 1961 is amended by striking out "fiscal year 1987" and inserting in lieu thereof "each of the fiscal years 1988 and 1989".

SEC. 309. PRIVATE SECTOR ASSISTANCE.

(a) REPAYMENT.—Section 122 of the Foreign Assistance Act of 1961 is amended by adding at the end the following:

"(f) Section 620(r) of this Act shall not apply in the case of loans made at or near market rates of interest to private borrowers pursuant to the authority contained in this chapter, chapter 7 of this part, or chapter 4 of part II if the President determines that by not applying such provisions repayment to the United States is likely to be greater than if such provisions were applicable.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) does not apply with respect to funds appropriated prior to the date of enactment of this Act.

SEC. 310. USE OF FOREIGN ASSISTANCE LOAN REPAYMENTS FOR DEVELOPMENT ASSISTANCE ACTIVITIES.

(a) AUTHORITY TO USE.—Chapter 1 of part I of the Foreign Assistance Act of 1961 is amended by adding at the end the following:

"SEC. 129. USE OF FOREIGN ASSISTANCE LOAN REPAYMENTS FOR DEVELOPMENT ASSISTANCE ACTIVITIES.

"(a) Authority.—Subject to subsection (e), in the case of any developing country which faces severe difficulties in repaying its external debt obligations, the President may (on a case-by-case basis) permit that country to place amounts, which would otherwise be paid to the United States as payments on principal or interest on liability incurred by that country under this part, into local currency accounts (in equivalent amounts of local currency as determined by the official exchange rate for that country) for use by that country, with the concurrence of the Administrator of the agency primarily responsible for administering this part, for development activities which are consistent with section 102. Such activities may include development activities carried out by United States and indigenous private and voluntary organizations.

"(b) Notification to Congress.—The President shall notify the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate, in accordance with the procedures applicable to reprogramming notifications under section 634A, at least 15 day before each exercise of the authority contained in subsection (a).

"(c) Other Provisions.—The authority contained in subsection (a) may be exercised notwithstanding section 620(r) of this Act and section 321 of the International Development and Food Assistance Act of 1975.

"(d) Acting in Concert With Other Creditors.—In exercising the authority of this section, the President should act in concert with other creditor countries.

"(e) Requirement for Appropriations Action.—The authority of subsection (a) may be exercised only to such extent or in such amount as is provided in advance in appropriation Acts.".

(b) Conforming Amendment.—Subsection (c) of section 124 of that Act is repealed, and subsection (d) is redesignated as subsection (c).

(c) Effective Date.—The amendment made by subsection (a) applies with respect to liability incurred under part I of that Act at any time before or after the enactment of this Act.

SEC. 311. PROVIDING CREDIT FOR THE POOR IN DEVELOPING COUNTRIES.

(a) Findings.—The Congress makes the following findings:

(1) Hunger and hunger-related disease take the lives of 13,000,000 to 18,000,000 people annually. Three-quarters of these deaths are children under the age of 5.

(2) A primary cause of this suffering is the inability of the poor majority living in developing countries to earn incomes which would enable them to provide the nutritional and health benefits that their families need.

(3) The rural and urban poor comprise the developing world's greatest untapped resource, and the health of national economies and democratic institutions is vastly improved when opportunities for the poor to participate in the economies of their countries are actively promoted and expanded.

(4) The inability of the rural and urban poor to obtain credit to finance their economic activities (and related nonfinancial assistance) has long been an obstacle to their achievement of economic progress and well-being.

(5) This inability to obtain credit and other critical productive inputs has been a significant factor inhibiting the growth of micro and small enterprises. Even so, such enterprises still represent an important source of private sector commercial activity in developing countries, provide significant benefits for the poor majority in those countries (particularly women, tribal peoples, and other minorities), and serve to integrate them into the economic life of their countries.

(6) Formal financial institutions in developing countries have not recognized that, although the poor majority may lack collateral for loans and may not be able to comply with all the traditional loan formalities, the productive activities of micro and small enterprises can nevertheless be financially viable if access to sources of credit is expanded.

(7) Experience with making productive credit available to the poor, including to micro-enterprises and to groups of poor people, has demonstrated their ability to repay loans and to achieve significant improvements in their living standards and to make significant contributions to the local economy.

(8) Economic policies, particularly those which are neutral as to enterprise size, are important to the encouragement and operation of micro and small enterprises.

(b) Credit Programs and Other Assistance.—The Administrator shall make assistance available, in accordance with this section, to financial intermediaries in developing countries to enable them to provide loans and other assistance for micro and small enterprises of the poor majority. In carrying out this section, primary emphasis shall be placed on making loans and other assistance available to those individuals living in absolute poverty. Funds described in subsection (f)(2) may be made available to financial intermediaries pursuant to this section for use by them—

(1) in extending credit for micro and small enterprises in order to provide such enterprises with financial resources for working capital, the acquisition of equipment and other supplies, and payment of other expenses of the enterprise;

(2) in extending credit for such purposes as the procurement of farm implements and commodities, the acquisition of livestock, the construction of storage facilities, water and soil conservation activities, and the enhancement of marketing facilities;

(3) for the startup costs incurred by a nongovernmental organization in becoming a financial intermediary, and for other institutional development expenses (including audit and evaluation costs) of the intermediary which are related to the establishment and initial operation of the credit and other business support activities assisted pursuant to this section;

(4) for expenses incurred by the financial intermediary in providing training and technical assistance for micro and small enterprises, in order to enable them to obtain and utilize credit and other nonfinancial assistance under this section; and

(5) to provide other assistance necessary to the successful functioning of micro and small enterprises.

(c) Guidelines for Program.—The Administrator shall issue guidelines for financial intermediaries providing assistance pursuant to this section. These guidelines shall seek to ensure that financial intermediaries—

(1) consult with potential recipients of credit and other assistance under this section, and include their views to the greatest extent possible, in the designing of credit projects to ensure that the projects are responsive to the credit and other productive input needs of the recipients;

(2) establish credit terms at rates of interest which reflect the prevailing market rate of interest and the real cost of providing credit to the targeted beneficiaries;

(3) utilize the assistance made available pursuant to this section to provide credit and related assistance to the poorest people, with special attention being given to the provision of credit and other assistance to women, tribal peoples, and other minorities; and

(4) minimize or remove obstacles to credit provided under this section, such as collateral and literacy requirements.

(d) Primary Emphasis.—In carrying out this section, the Administrator shall place primary emphasis on the development of the capacity of indigenous nongovernmental organizations (especially those representing women, tribal peoples, and other minorities) which will assist the development of micro and small enterprises, but the Administrator may also support other entities as appropriate. Attention shall also be directed to savings and capital formation as part of the systems support for micro and small enterprises.

(e) Advisory Committee.—The Administrator shall appoint an advisory committee to advise the Administrator with regard to the implementation of this section. This advisory committee shall be composed of individuals from nongovernmental organizations who are knowledgeable about the needs of micro and small enterprises in developing countries for credit and other assistance. Among other responsibilities, the advisory committee shall—

(1) assist the Administrator in developing the report required by subsection (m); and

(2) shall review and comment on the initial guidelines issued by the Administrator pursuant to subsection (c) before those guidelines are issued.

(f) Sources of Funds and Funding Levels.—

(1) Assistance for fiscal years 1988 and 1989.—The total amount of assistance provided pursuant to this section shall be at least $50,000,000 during fiscal year 1988 and at least $75,000,000 during fiscal year 1989.

(2) Sources of funds.—Assistance pursuant to this section shall be provided with the following funds:

(A) Funds made available to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 (relating to development assistance), chapter 7 of part I of that Act (relating to Africa famine recovery and development), and chapter 4 of part II of that Act (relating to the economic support fund).

(B) Foreign currencies acquired as payments of loans made under those chapters pursuant to the authority contained in subsection (h).

(C) Foreign currencies accruing from assistance provided under those chapters.

(D) Foreign currencies accruing or acquired under title I of the Agricultural Trade Development and Assistance Act of 1954, including foreign currencies made available to carry out section 108 and foreign currencies available for use pursuant to title III.

(E) Amounts paid to the United States on loans made to financial intermediaries pursuant to this section.

(3) Allocations of assistance.—Funds allocated under this section shall, to the maximum extent feasible, be made available in

support of micro enterprises. The size of individual loans made under this section to micro and small enterprises shall take into consideration such factors as the size of the borrowing enterprise, the nature of the activity being undertaken by the enterprise, and the financial requirements of the enterprise.

(g) Applicable Authorities.—Except as provided in this section, assistance provided pursuant to this section shall be provided in accordance with the relevant authorities contained in the Foreign Assistance Act of 1961 or the Agricultural Trade Development and Assistance Act of 1954.

(h) Authority To Generate Foreign Currencies.—In order to generate foreign currencies which can be made available to financial intermediaries pursuant to this section, the Administrator is authorized to use funds made available to carry out chapter 1 of part I, chapter 7 of part I, and chapter 4 of part II of the Foreign Assistance Act of 1961 to provide assistance to the governments of developing countries on a loan basis repayable in foreign currencies, at a rate of exchange to be negotiated by the Administrator and the foreign government. Such loans shall have a rate of interest and a repayment period determined by the Administrator.

(i) Foreign Assistance Act Assistance to Intermediaries.—

(1) Terms.—Loans and grants made to financial intermediaries for the purposes of this section with funds described in subsections (f)(2)(A), (B), and (C), or with amounts made available pursuant to paragraph (2) of this subsection, shall be on such terms and conditions as are determined by the Administrator and the intermediary.

(2) Use of loan proceeds.—Amounts paid to the United States on loans under this section with funds described in subsections (f)(2)(A), (B), and (C) or with amounts used pursuant to this paragraph shall, as determined by the Administrator, be available for use for assistance pursuant to this section.

(j) Application of Certain Laws.—Section 122 of the Foreign Assistance Act of 1961 shall not apply with respect to loans pursuant to subsections (h) or (i). Funds described in subsection (f)(2)(B) and (C) or subsection (i)(2) which are received by the United States pursuant to this section shall not be subject to the requirements of section 1306 of title 31, United States Code, or other laws governing the use of foreign currencies accruing to the United States. New budget authority provided by this section may be exercised only to such extent or in such amounts as are provided in advance in appropriation Acts.

(k) Terms of Foreign Currency Assistance Under Public Law 480.—Funds described in subsection (f)(2)(D), or in the second sentence of this subsection, which are made available to financial intermediaries pursuant to this section may be provided on a grant or loan basis, notwithstanding any provision of the Agricultural Trade Development and Assistance Act of 1954. Any foreign currencies under that Act which are repaid by financial intermediaries under this section shall be available to and used by the Administrator to make available assistance for the purposes of this section. Section 108(d) of that Act shall not apply to the use of such currencies. Section 103(m) of that Act shall not apply to agreements entered into under section 108 of that Act for purposes of this section.

(l) Notice to Congress.—Funds made available under this section shall be provided in accordance with the procedures applicable to reprogrammings under section 634A of the Foreign Assistance Act of 1961.

(m) Initial Report.—Not later than January 1, 1988, the Administrator shall submit to the Congress a report setting forth the manner in which this section will be implemented.

(n) Annual Reports.—Not later than February 1, 1989, and each year thereafter, the Administrator shall submit a report to the Congress describing the implementation of this section. The report shall include—

(1) a description of the activities funded under this section during the previous fiscal year and the amount of funds described in each subparagraph of subsection (f)(2) which were provided for such activities; and

(2) recommendations for procedural or statutory changes which would facilitate the implementation of this section.

(o) Economic Policies.—In policy dialogues concerning economic policies with, and efforts to reform economic policies of, countries receiving assistance under part I of the Foreign Assistance Act of 1961, the Administrator shall encourage economic policies which promote micro and small enterprises.

(p) Definitions.—For purposes of this section—

(1) the term "Administrator" means the administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961;

(2) the term "micro enterprises" means enterprises which are—

(A) single or family proprietorships, small-group enterprises, or other for-profit business entities, which have approximately 7 or fewer workers, which are wholly owned by the poor majority in the developing country, and which often lack access to credit at reasonable cost, and

(B) cooperatives consisting primarily of such individuals or entities;

(3) the term "small enterprises" means enterprises which are—

(A) single or family proprietorships, small-group enterprises, or other for-profit business entities, which have approximately 8 to 15 workers, which are wholly owned by the poor majority in the developing country, and which often lack access to credit at reasonable cost, and

(B) cooperatives consisting primarily of such individuals or entities;

(4) the term "financial intermediary" has the same meaning as is given that term in section 108(i)(2) of the Agricultural Trade Development and Assistance Act of 1954; and

(5) the term "absolute poverty" refers to those people who lack access to assets sufficient to permit them to provide for their basic human needs.

SEC. 312. ASSISTANCE FOR THE PREVENTION AND CONTROL OF AIDS IN DEVELOPING COUNTRIES.

Of the aggregate amounts made available to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 (relating to development assistance) and chapter 7 of part I of that Act (relating to Africa famine recovery and development), not less than $20,000,000 for each of the fiscal years 1988 and 1989 shall be available only for activities relating to research on and the treatment and control of acquired immune deficiency syndrome (AIDS) in developing countries.

SEC. 313. MINORITY SET-ASIDE.

Except to the extent that the Administrator of the Agency for International Development determines otherwise, not less than 10 percent of the aggregate of the funds made available for each of the fiscal years 1988 and 1989 to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 (relating to development assistance) and chapter 7 of part I of that Act (relating to Africa famine recovery and development) shall be made available only for activities of economically and socially disadvantaged enterprises (within the meaning of section 133(c)(5) of the International Development and Food Assistance Act of 1977), historically black colleges and universities, and private and voluntary organizations which are controlled by individuals who are black Americans, Hispanic Americans, or Native Americans, or who are socially and economically disadvantaged (within the meaning of section 133(c)(5) of the International Development and Food Assistance Act of 1977). For purposes of this section, socially and economically disadvantaged individuals shall be deemed to include women.

SEC. 314. ENHANCING THE PRIVATE-PUBLIC PARTNERSHIP FOR FOREIGN ASSISTANCE.

(a) Additional Policies and Requirements Concerning PVOs and Cooperatives.—Section 123 of the Foreign Assistance Act of 1961 is amended—

(1) by redesignating subsections (b) through (h) as subsections (e) through (k), respectively; and

(2) by inserting after subsection (a) the following:

"(b) The Congress encourages the fuller utilization of private indigenous organizations and cooperatives, especially those representing woman, tribal peoples, and other minorities, in the implementation and planning of activities authorized by this part. Public and private technical and financial assistance from United States private and voluntary organizations and cooperatives can accelerate the strengthening of these organizations and their ability to assist the poor.

"(c) The Congress encourages the Administrator of the agency primarily responsible for administering this part to use, in addition to funding for other activities of private and voluntary organizations, up to $20,000,000 in each of fiscal years 1988 and 1989 for private and voluntary organizations and cooperatives under this chapter, chapter 7 of this part, and chapter 4 of part II to design, initiate, expand, and enhance food assistance programs that reach the poor in conjunction with food made available under title II of the Agricultural Trade Development and Assistance Act of 1954 and section 416(b) of the Agricultural Act of 1949.

"(d) The Congress finds that one of the most effective and least costly ways to maintain and restore the natural resource base in developing countries is through small-scale, affordable, participatory projects using methods suited to the local environment. Assistance under this part may support private and voluntary organizations in carrying out resource conserving development projects, training, and education programs that promote sustainable agricultural development practices. Particular emphasis should be placed on agricultural and rural development projects which include environmentally sound land and water management technologies, including agroforestry, water harvesting, soil conservation, reforestation, range and pasture management, small-scale irrigation systems, family gardens, park management, renewable and decentralized energy techniques, and the training of local staff on more effective community-based extension techniques that promise greater choice, improved communications, and the more active involvement of farmers in projects utilizing these technologies.".

(b) Funding Levels.—Subsection (i) of that section (as so redesignated by subsection (a) of this section) is amended to read as follows:

"(i) For each of the fiscal years 1988 and 1989, funds in an amount not less than 15 percent of the aggregate amount appropriated to carry out sections 103, 104(b), 104(c)(1), 104(c)(2), 105, 106, 471, and 491 of this Act shall be made available for the activities of private and voluntary organizations and cooperatives; and the President shall seek to channel funds in an amount not less than 18 percent of such aggregate amount for the activities of private and voluntary organizations and cooperatives. Funds made available under chapter 4 of part II of this Act for the activities of private and voluntary organizations and cooperatives may be considered in determining compliance with the requirements of this subsection.".

(c) Non-Federal Funding Requirement.—Subsection (j) of that section (as so redesignated by subsection (a) of this section) is amended to read as follows:

"(j) Funds made available to carry out this part may not be made available to any United States private and voluntary organization (other than a cooperative development organization) which obtains less than 20 percent of its total annual funding for international activities from sources other than the United States Government. In calculating the amount of Government support received by an organization, there shall be excluded the value of commodities (and related transportation) made available for overseas distribution and the value of contracts for services, grants, and other activities initiated primarily by the agency primarily responsible for administering this part.".

TITLE IV—OTHER ASSISTANCE PROGRAMS AND AUTHORIZATIONS

Part A—Foreign Assistance Act Programs

SEC. 401. AMERICAN SCHOOLS AND HOSPITALS.

Section 214(c)(1) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(c)(1) To carry out the purposes of this section, there are authorized to be appropriated to the President $35,000,000 for fiscal year 1988 and $36,225,000 for fiscal year 1989.".

SEC. 402. HOUSING GUARANTY PROGRAM.

(a) Increasing Authorized HIG Program Level.—Section 222(a) of the Foreign Assistance Act of 1961 is amended by striking out "$2,158,000,000" in the second sentence and inserting in lieu thereof "$2,308,000,000".

(b) Extending HIG Program Authority.—Such section is further amended by striking out "1988" in the third sentence and inserting in lieu thereof "1990".

(c) Borrowing Authority.—Section 223(e)(2)(A)(ii) of that Act is amended by striking out "$40,000,000" and inserting in lieu thereof "$100,000,000".

(d) Budget Act.—The authority provided by the amendment made by subsections (a) and (b) may be exercised only to such extent or in such amounts as are provided in advance in appropriation Acts.

SEC. 403. AGRICULTURAL AND PRODUCTIVE CREDIT AND SELF-HELP COMMUNITY DEVELOPMENT PROGRAMS.

(a) Extending Program Authority.—Section 222A(h) of the Foreign Assistance Act of 1961 is amended by striking out "1988" and inserting in lieu thereof "1990".

(b) Budget Act.—The authority provided by the amendments made by subsection (a) may be exercised only to such extent or in such amounts as are provided in advance in appropriation Acts.

SEC. 404. TRADE CREDIT INSURANCE PROGRAM.

Section 224(e) of the Foreign Assistance Act of 1961 is amended by striking out "the aggregate amount of outstanding commitments under subsection (a) may not exceed $300,000,000 of contingent liability for loan principal during fiscal year 1986 and may not exceed $400,000,000 of contingent liability for loan principal during fiscal year 1987" and inserting in lieu thereof "commitments entered into during fiscal year 1988 to guarantee loans under subsection (a) may not exceed $200,000,000 of contingent liability for loan principal and commitments entered into during fiscal year 1989 to guarantee loans under subsection (a) may not exceed $200,000,000 of contingent liability for loan principal".

SEC. 405. VOLUNTARY CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS AND PROGRAMS.

(a) Authorizations.—Section 302(a)(1) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(a)(1) There are authorized to be appropriated to the President $92,264,000 for fiscal year 1988 and $95,493,000 for fiscal year 1989 for grants to carry out the purposes of this chapter, in addition to funds available under other Acts for such purposes.".

(b) International Fund for Agricultural Development.—Paragraph (2) of section 103(g) of that Act is amended to read as follows:

"(2) In addition to any funds made available under chapter 3 of this part (relating to international organizations and programs) which are used for such purpose, other funds made available to carry out this part may be used for United States contributions to the International Fund for Agricultural Development.".

(c) Condition on Contributions to the International Atomic Energy Agency.—Section 302(a) of that Act is amended by adding at the end the following:

"(3) Funds authorized to be appropriated by paragraph (1) may be contributed to the International Atomic Energy Agency only if the Secretary of State determines (and so reports to the Congress) that Israel is not being denied its right to participate in the activities of that Agency.".

SEC. 406. INTERNATIONAL DISASTER ASSISTANCE.

The first sentence of section 492(a) is amended to read as follows: "There are authorized to be appropriated to the President to carry out section 491, $25,000,000 for fiscal year 1988 and $25,875,000 for fiscal year 1989.".

SEC. 407. ANTITERRORISM ASSISTANCE PROGRAM.

Section 575(a) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(a) There are authorized to be appropriated to the President to carry out this chapter, $9,840,000 for fiscal year 1988 and $10,184,000 for fiscal year 1989.".

SEC. 408. TRADE AND DEVELOPMENT PROGRAM.

Section 661(b) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(b) There are authorized to be appropriated to the President for purposes of this section, $20,000,000 for fiscal year 1988 and $20,700,000 for fiscal year 1989. Amounts appropriated under this subsection are authorized to remain available until expended.".

SEC. 409. OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT.

(a) Authorizations of Appropriations.—Paragraph (1) of section 667(a) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(1) $340,600,000 for fiscal year 1988 and $352,521,000 for fiscal year 1989 for necessary operating expenses of the agency primarily responsible for administering part I of this Act; and".

(b) Use of Program Funds for Operating Expenses.—Section 667 of that Act is amended by adding at the end the following:

"(c)(1) Amounts authorized to be appropriated to carry out the purposes of chapter 1 and chapter 7 of part I and chapter 4 of part II of this Act for fiscal years 1988 and 1989 may be made available to carry out the purposes of this section and section 668.

"(2) For fiscal years 1988 and 1989, the Administrator of the agency primarily responsible for administering part I of this Act shall make available to the Inspector General of the Agency for International Development, from funds made available pursuant to subsection (a) or paragraph (1) of this subsection, such amount for payment of expenses described in section 668(a)(1) as the Inspector General may request. The Inspector General may not request funds under this paragraph for a fiscal year in an amount—

"(A) which is greater than 10 percent of the amount authorized to be appropriated for that fiscal year by section 668(a)(1), or

"(B) which would cause the limitation in paragraph (3) to be exceeded.

"(3) The authorities of this subsection may not be used to increase the amount available for a fiscal year to carry out this section or section 668 to an amount greater than the amount made available for the previous fiscal year to carry out the purposes described in such section, except that the amount used to cover the costs of converting to the mandatory Federal Employee Retirement System shall be excluded in applying this limitation for fiscal year 1988.".

(c) Operating Expenses of the Office of the Inspector General.—Chapter 3 of part III of that Act is amended by inserting the following after section 667:

"SEC. 668. OPERATING EXPENSES OF THE OFFICE OF THE INSPECTOR GENERAL.

(a) Authorizations of Appropriations.—There are authorized to be appropriated to the President, in addition to funds otherwise available for such purposes—

"(1) $21,000,000 for fiscal year 1988 and $21,735,000 for fiscal year 1989 for necessary operating expenses of the Office of the Inspector General of the Agency for International Development; and

"(2) such amounts as may be necessary for increases in salary, pay, retirement, and other employee benefits authorized by law, and for other nondiscretionary costs of such office.

"(b) Authority for Extended Availability.—Amounts appropriated under this section are authorized to remain available until expended.".

PART B—PUBLIC LAW 480 AND SECTION 416 PROGRAMS

SEC. 421. PROMOTING BIOLOGICAL DIVERSITY.

(a) SELF-HELP MEASURES BY DEVELOPING COUNTRIES.—Section 109(a) of the Agricultural Trade Development and Assistance Act of 1954 is amended—

(1) by striking out "and" at the end of paragraph (10);

(2) by striking out the period at the end of paragraph (11) and inserting in lieu thereof "; and"; and

(3) by adding after paragraph (11) the following:

"(12) promoting the conservation and study of biological diversity.".

(b) USE OF LOCAL CURRENCIES PROCEEDS UNDER TITLE I PROGRAMS.—Section 106(b)(2) of that Act is amended—

(1) by inserting "to carry out activities promoting the conservation and study of biological diversity," after "population planning,"; and

(2) by inserting "promote biological diversity," after "distribution of commodities,".

(c) USE OF LOCAL CURRENCIES PROCEEDS UNDER TITLE II PROGRAMS.—Section 206 of that Act is amended in the first sentence by striking out "or (C)" and inserting in lieu thereof "(C) programs and projects to promote the conservation and study of biological diversity, or (D)".

(d) USE OF LOCAL CURRENCIES UNDER THE TITLE III FOOD FOR DEVELOPMENT PROGRAMS.—Section 301(b) of that Act is amended in the second sentence—

(1) by inserting "programs to promote the conservation and study of biological diversity," after "population planning,"; and

(2) by inserting "promote biological diversity," after "distribution of commodities,".

SEC. 422. FARMER-TO-FARMER PROGRAM UNDER PUBLIC LAW 480.

Notwithstanding any other provision of law, not less than one-tenth of 1 percent of the funds available for each of the fiscal years 1988 and 1989 to carry out the Agricultural Trade Development and Assistance Act of 1954 shall be used to carry out paragraphs (1) and (2) of section 406(a) of that Act. Any such funds used to carry out paragraph (2) of that section shall not constitute more than one-fourth of the funds used pursuant to the first sentence of this section, shall be used for activities in direct support of the farmer-to-farmer program under paragraph (1) of section 406(a), and shall be administered whenever possible in conjunction with programs under sections 296 through 300 of the Foreign Assistance Act of 1961.

SEC. 423. MULTIYEAR AGREEMENTS UNDER SECTION 416(b).

Section 416(b)(4) of the Agricultural Act of 1949 is amended by adding at the end the following: "In agreements with recipients of eligible commodities under this subsection (including nonprofit agencies or cooperatives), the Secretary is encouraged to approve multiyear agreements to make agricultural commodities available for distribution or sale by the recipients if the agreements otherwise meet the requirements of this subsection. Such agreements shall be subject to the availability each fiscal year of the necessary agricultural commodities.".

SEC. 424. MINIMUM LEVEL OF FOOD ASSISTANCE.

(a) ANNUAL MINIMUM.—It is the sense of the Congress that—

(1) the United States should maintain its historic proportion of food assistance constituting one-third of all United States foreign economic assistance; and

(2) accordingly, not less than one-third of the funds available each fiscal year of foreign economic assistance programs should be used to make United States food assistance available to foreign countries pursuant to the Agricultural Trade Development and Assistance Act of 1954 and section 416(b) of the Agricultural Act of 1949.

(b) DEFINITION.—For purposes of this section, the term "foreign economic assistance" includes—

(1) assistance under chapter 1 or chapter 7 of part I of the Foreign Assistance Act of 1961, the Agricultural Trade Development and Assistance Act of 1954, or section 416(b) of the Agricultural Act of 1949; and

(2) United States contributions to the International Bank for Reconstruction and Development, the International Development Association, the Inter-American Development Bank, the Asian Development Bank, the African Development Bank, or any other multilateral development bank.

TITLE V—INTERNATIONAL NARCOTICS CONTROL

SEC. 501. AUTHORIZATIONS OF APPROPRIATIONS.

Section 482(a) of the Foreign Assistance Act of 1961 is amended by striking out paragraphs (1) and (3) and by inserting the following new paragraph (1) after "(a)": "(1) To carry out the purposes of section 481, there are authorized to be appropriated to the President $105,000,000 for fiscal year 1988 and $108,675,000 for fiscal year 1989.".

SEC. 502. ASSISTANCE FOR BOLIVIA.

(a) CONDITIONS ON FISCAL YEAR 1988 ASSISTANCE.—

(1) SECURITY ASSISTANCE.—For fiscal year 1988, assistance may be provided for Bolivia under chapter 2 (relating to grant military assistance), chapter 4 (relating to the economic support fund), and chapter 5 (relating to international military education and training) of part II of the Foreign Assistance Act of 1961 and under chapter 2 of the Arms Export Control Act (relating to foreign military sales financing) only if the President certifies to the Congress that the Government of Bolivia has enacted legislation that will—

(A) establish its legal coca requirements,

(B) provide for the licensing of the number of hectares necessary to produce the legal requirement,

(C) make unlicensed coca production illegal, and

(D) make possession and distribution of coca leaf illegal (other than for licit purposes).

(2) ADDITIONAL REQUIREMENT FOR ESF.—In addition, funds may be obligated for assistance for Bolivia for fiscal year 1988 under chapter 4 of part II of the Foreign Assistance Act of 1961 only if the Secretary of State has submitted to the Congress a plan for conditioning the expenditure of those funds on the Government of Bolivia meeting specific coca eradication targets.

(3) SECTION 481 CERTIFICATION.—For fiscal year 1988, the President may make a certification with respect to Bolivia under clause (i) of section 481(h)(2)(A) of the Foreign Assistance Act of 1961 only if the Government of Bolivia has entered into the narcotics cooperation agreement with the United States specified in section 611(2)(B) of the International Security and Development Cooperation Act of 1985.

(4) RELATION TO OTHER REQUIREMENTS.—The requirements of this subsection are in addition to the requirements contained in section 481(h) of the Foreign Assistance Act of 1961 and other applicable provisions of law.

(b) CONDITIONS ON FISCAL YEAR 1989 ASSISTANCE.—

(1) SECTION 481 CERTIFICATION.—For fiscal year 1989, the President may make a certification with respect to Bolivia under clause (i) or (ii) of section 481(h)(2)(A) of the Foreign Assistance Act of 1961 only if the Government of Bolivia—

(A) has entered into the narcotics cooperation agreement with the United States specified in section 611(2)(B) of the International Security and Development Cooperation Act of 1985;

(B) has fully achieved the eradication targets contained in that agreement; and

(C) has begun a program of forced eradication of illicit coca cultivation.

(2) NONWAIVABILITY.—The authorities contained in section 614 of the Foreign Assistance Act of 1961 may not be used to waive the requirements of this subsection, and may not be used to waive the requirements of section 481(h) of that Act for fiscal year 1989 with respect to Bolivia.

(c) DEVELOPMENT ASSISTANCE.—For fiscal years 1988 and 1989, the project agreement document for any project carried out in Bolivia pursuant to chapter I of part I of the Foreign Assistance Act of 1961 (relating to development assistance) shall contain a clause requiring that project activities be suspended if the Government of Bolivia fails to keep project areas free of illicit coca cultivation.

SEC. 503. ASSISTANCE FOR PERU.

(a) DETERMINATIONS REGARDING NARCOTICS CONTROL COOPERATION.—In making determinations with respect to Peru pursuant to section 481(h)(2)(A)(i) of the Foreign Assistance Act of 1961 for each of the fiscal years 1988 and 1989, the President shall give foremost consideration to whether the Government of Peru made substantial progress in meeting its coca eradication targets during the previous year.

(b) UPPER HUALLAGA VALLEY PROJECT.—Funds authorized to be appropriated for fiscal years 1988 and 1989 to carry out chapter 1 of part I of that Act (relating to development assistance) may be made available for the project of the Agency for International Development in the Upper Huallaga Valley of Peru only if, before obligating funds for that fiscal year, the Administrator of that Agency determines, and reports to the Congress, that such project continues to be effective in reducing and eradicating coca leaf production, distribution, and marketing in the Upper Huallaga Valley.

SEC. 504. ASSISTANCE FOR MEXICO.

Of the funds allocated for assistance for Mexico for each of those fiscal years under that chapter, $1,000,000 shall be withheld from expenditure until the President reports to the Congress that the Government of Mexico—

(1) has fully investigated the 1985 murders of Drug Enforcement Administration agent Enrique Camarena Salazar and his pilot Alfredo Zavala Avelar;

(2) has fully investigated the 1986 detention and torture of Drug Enforcement Administration agent Victor Cortez, Junior; and

(3) is effectively prosecuting those responsible for those murders and those responsible for that detention and torture.

SEC. 505. COOPERATIVE NONMAJOR DRUG-TRANSIT COUNTRIES.

The Congress urges the Assistant Secretary of State for International Narcotics Matters to give greater attention, and provide more narcotics control assistance, to those countries which are drug-transit countries but are not major drug-transit countries (as defined in section 481(i)(5) of the Foreign Assistance Act of 1961) and which are cooperating with the United States in its international narcotics control efforts.

SEC. 506. WAIVER OF RESTRICTIONS ON ASSISTANCE FOR NATO AND MAJOR NON-NATO ALLIES.

(a) Waiver.—Section 481(h) of the Foreign Assistance Act of 1961 is amended by adding at the end the following:

"(6) Paragraph (1) does not apply with respect to any country which is a member of the North Atlantic Treaty Organization or which is desiganted as a major non-NATO ally for purposes of section 1105 of the National Defense Authorization Act for Fiscal Year 1987.".

(b) Effective Date.—The amendment made by subsection (a) shall not apply with respect to funds appropriated before the date of enactment of this Act.

TITLE VI—EUROPE AND THE MIDDLE EAST

SEC. 601. ASSISTANCE FOR ISRAEL.

(a) FMS Financing.—

(1) Amount.—Of the total amount of credits extended under section 23 of the Arms Export Control Act, not less than $1,800,000,000 for fiscal year 1988 and not less than $1,800,000,000 for fiscal year 1989 shall be available only for Israel.

(2) Terms.—Israel shall be released from its contractual liability to repay the United States Government with respect to the credits provided pursuant to paragraph (1).

(3) Advanced fighter aircraft.—To the extent that the Government of Israel requests that funds be used for such purposes, credits made available for Israel pursuant to paragraph (1) shall be available for the Lavi program or for another advanced fighter aircraft (if agreed by Israel and the United States) or for other advanced weapon systems, as follows:

(A) Up to $150,000,000 for each of the fiscal years 1988 and 1989 shall be available for research and development in the United States.

(B) Not less than $300,000,000 for each of the fiscal years 1988 and 1989 shall be available for the procurement in Israel of defense articles and defense services (including research and development).

(b) Economic Support Fund.—

(1) Amount.—Of the amounts authorized to be appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961, not less than $1,200,000,000 for fiscal year 1988 and not less than $1,200,000,000 for fiscal year 1989 shall be available only for Israel.

(2) Terms.—The total amounts of funds allocated for Israel under that chapter for those fiscal years shall be made available as a cash transfer on a grant basis. Such transfer shall be made on an expedited basis in the first 30 days of the respective fiscal year. In exercising the authority of this paragraph, the President shall ensure that the level of cash transfer made to Israel does not cause an adverse impact on the total level of nonmilitary exports from the United States to Israel.

SEC. 602. ASSISTANCE FOR EGYPT.

(a) FMS Financing.—

(1) Amount.—Of the total amount of credits extended under section 23 of the Arms Export Control Act, not less than $1,300,000,000 for fiscal year 1988 and not less than $1,300,000,000 for fiscal year 1989 shall be available only for Egypt.

(2) Terms.—Egypt shall be released from its contractual liability to repay the United States Government with respect to the credits provided pursuant to paragraph (1).

(b) Economic Support Fund.—

(1) Amount.—Of the amounts authorized to be appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961, not less than $815,000,000 for fiscal year 1988 and not less than $815,000,000 for fiscal year 1989 shall be available only for Egypt.

(2) Terms.—All of the funds made available to Egypt under that chapter for those fiscal years shall be provided on a grant basis.

(3) Conditions on cash transfers.—Subject to the requirements of paragraphs (5) and (6), of the amounts provided for Egypt for each of the fiscal years 1988 and 1989 pursuant to paragraph (1)—

(A) $115,000,000 may be provided as a cash transfer with the understanding that Egypt will undertake significant economic reforms which are additional to those which were undertaken in previous fiscal years; but

(B) amounts in excess of $115,000,000 may be provided as a cash transfer (subject to the ceiling imposed by the last clause of the second sentence of paragraph (4)) only if—

(i) significant progress is being made by Egypt in implementing a comprehensive economic reform program; and

(ii) the additional funds for such transfer are derived by reprogramming equal amounts from—

(I) funds justified for project assistance for Egypt, and

(II) funds justified for Commodity Import Programs for Egypt.

(4) Derivation of funds from CIP programs.—For purposes of subclause (II) of paragraph (3)(B)(ii), funds shall be derived first from funds justified for public sector Commodity Import Programs. If all the funds justified for those programs have been used for purposes of subclause (II), funds justified for private sector Commodity Import Programs may be used for purposes of that subclause, except that not more than 75 percent of the total amount of funds justified for both public sector and private sector Commodity Import Programs may be used for purposes of subclause (II).

(5) Maintaining the level of United States exports.—In exercising the authority of paragraph (3), the President shall ensure that the level of cash transfer made to Egypt does not cause an adverse impact on the total level of nonmilitary exports from the United States to Egypt.

(6) Notice to congress.—Not less than 15 days before making any cash transfer to Egypt under subparagraph (A) or (B) of paragraph (3), the President shall notify the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate in accordance with the procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961.

(c) Public Law 480.—The Congress finds that, as a result of previous expressions of congressional concern, there has been a phased reduction in recent fiscal years in the amount of assistance provided for Egypt under title I of the Agricultural Trade Development and Assistance Act of 1954. The Congress directs that this phased reduction continue in fiscal year 1989 and subsequent fiscal years.

SEC. 603. COOPERATIVE SCIENTIFIC AND TECHNOLOGICAL PROJECTS.

Of the amounts made available to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund), not less than $5,000,000 for each of the fiscal years 1988 and 1989 shall be available only for regional cooperative programs in the Middle East in accordance with section 202(c) of the International Security and Development Cooperation Act of 1985.

SEC. 604. USE OF CERTAIN DEOBLIGATED FUNDS FOR PROJECTS IN THE MIDDLE EAST AND FOR ADDITIONAL ASSISTANCE FOR AMERICAN HOSPITALS ABROAD.

(a) Uses of Funds.—Funds made available pursuant to subsections (b) and (c) shall be used as follows:

(1) The first $750,000 shall be transferred to and consolidated with the funds made available to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund) and shall be used for scholarships for Israeli Arabs for study at institutions of higher education in the United States.

(2) The next $2,000,000 shall be transferred to and consolidated with the funds made available to carry out section 214 of that Act (relating to American schools and hospitals abroad) and shall be used to provide assistance for hospitals outside the United States. The assistance provided pursuant to this paragraph shall be in addition to the level of assistance traditionally provided for hospitals under that section.

(3) The remaining amount shall be transferred to and consolidated with the funds made available to carry out chapter 4 of part II of that Act, with—

(A) half used for regional cooperative programs in the Middle East in accordance with section 202(c) of the International Security and Development Cooperation Act of 1985, and

(B) half used for development projects on the West Bank and in Gaza.

(b) Prototype Desalting Plant in Israel.—Any unexpended amounts of the funds obligated to carry out section 219 of the Foreign Assistance Act of 1961, which are not needed to carry out that section, shall be deobligated and, to such extent as may be provided in advance in an appropriation Act, shall be used in accordance with subsection (a).

(c) Deobligated Assistance for Syria.—Amounts continued available for the necessary expenses arising from the termination of assistance programs for Syria pursuant to section 1004 of the Department of State Authorization Act, Fiscal Years 1984 and 1985, and pursuant to section 101(b)(1) of Public Law 98-151, which are not needed for such expenses, shall be deobligated and, to such extent as may be provided in advance in an appropriation Act, shall be used in accordance with subsection (a), notwithstanding the paragraph relating to the "Syria Termination Account" in section 101(j) of Public Law 90-190.

(d) Continued Availability.—To such extent as may be provided in advance in an appropriation Act, funds deobligated pursuant to subsection (b) or (c) shall continue to be available until expended in accordance with subsection (a).

SEC. 605. WEST BANK AND GAZA DEVELOPMENT INITIATIVE.

(a) Findings.—The Congress finds that—

(1) the United States has shown its support for the West Bank and Gaza development initiative;

(2) United States assistance provided directly to the West Bank and Gaza, as well as through Jordan, necessitate increased cooperation between the United States and the regional states involved; and

(3) other members of the Organization for Economic Cooperation and Development have professed their desire for peace in the Middle East and their concern for the inhabitants of the West Bank and Gaza.

(b) Statement of Policy.—The United States—

(1) hereby reiterates its support for the West Bank and Gaza development initiative, and

(2) calls upon the other members of the Organization for Economic Cooperation and Development to contribute to West Bank and Gaza economic development either directly or through Jordan, as a demonstration by them of a tangible commitment toward peace and coexistence in the Middle East and toward the well-being of the inhabitants of the West Bank and Gaza.

(c) Report to Congress.—Not later than February 1, 1988, the Secretary of State shall report to the Congress on United States efforts to encourage other members of the Organization for Economic Cooperation and Development to contribute to West Bank and Gaza economic development, either directly or through Jordan.

SEC. 606. USE OF CHEMICAL WEAPONS IN THE NEAR EAST.

(a) Findings.—The Congress finds that—

(1) there is evidence that chemical weapons have been used in the Iran-Iraq war;

(2) there are reports that Syria and Libya have the capability to engage in chemical warfare; and

(3) the existence of chemical weapons would pose a threat should wider war break out in the Middle East.

(b) Report to Congress.—Not later than February 1, 1988, the Secretary of State shall report to the Congress on the activities and capabilities of Iraq, Iran, Syria, and Libya with regard to chemical, biological, and radiological weapons, including their sources of supply for such weapons, the technology, equipment, and material each possesses, and the extent to which such weapons could affect the balance of power in the region. This report shall include a United States plan for addressing this problem.

SEC. 607. ASSISTANCE FOR GREECE.

(a) Foreign Military Sales Credits.—Of the total amount of credits extended under section 23 of the Arms Export Control Act, not less than $313,000,000 for fiscal year 1988 and not less than $313,000,000 for fiscal year 1989 shall be available only for Greece.

(b) Grant Military Assistance.—Of the funds made available to carry out chapter 2 of part II of the Foreign Assistance Act of 1961, not less than $30,000,000 for fiscal year 1988 and not less than $30,000,000 for fiscal year 1989 shall be available only for Greece.

SEC. 608. ASSISTANCE FOR TURKEY.

(a) Level of Assistance.—The aggregate amount of funds made available for assistance for Turkey under chapter 2 of part II of the Foreign Assistance Act of 1961 (relating to grant military assistance) and under the Arms Export Control Act (relating to foreign military sales financing) may not exceed $490,000,000 for fiscal year 1988 and may not exceed $490,000,000 for fiscal year 1989, of which not more than $350,000,000 for fiscal year 1988 and not more than $350,000,000 for fiscal year 1989 may be assistance under chapter 2 of part II of the Foreign Assistance Act of 1961.

(b) Withdrawal of Turkish Military Forces From Cyprus.—It is the sense of the Congress that the President should ask the Government of Turkey to reduce substantially the number of its military personnel on Cyprus.

(c) Report on Americans Missing in Cyprus.—The President shall request from the Government of Turkey a communication regarding its efforts to determine the status of United States citizens missing since the 1974 Cyprus conflict and previously resident in areas of the country now under Turkish Cypriot control. The President shall submit a report with respect to any communication received from the Government of Turkey pursuant to this subsection to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

(d) Report on Efforts to Resettle Famagusta/Varosha.—Before providing any assistance for Turkey described in subsection (a), the President shall submit a report, to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate, on efforts to return the formerly Greek-Cypriot occupied area of Famagusta/Varosha to the Government of Cyprus under the auspices of the United Nations for the immediate resettlement of refugees.

SEC. 609. CYPRUS.

(a) ESF Assistance.—Of the amounts authorized to be appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961, not less than $15,000,000 for fiscal year 1988 and not less than $15,000,000 for fiscal year 1989 shall be available only for Cyprus. Of these funds, not less than $5,000,000 each fiscal year shall be available only for bicommunal development projects.

(b) UN Security Council Resolution 550.—It is the sense of the Congress that there should be compliance with United Nations Security Council Resolution 550, which "considers attempts to settle any part of Varosha (Famagusta) by people other than its inhabitants as inadmissible".

SEC. 610. TURKISH OCCUPATION TROOPS AND GREEK MILITARY FORCES ON CYPRUS.

(a) Policy Against Use on Cyprus of Military Equipment Provided by the United States.—Section 620C of the Foreign Assistance Act of 1961 is amended by adding at the end the following:

"(e)(1) It is the sense of the Congress that defense articles of United States origin should not be transferred to or used on Cyprus by Turkey or Greece, except as provided in paragraph (2). This policy should apply with respect to all defense articles of United States origin which are made available to Turkey or Greece after the date of enactment of this subsection.

"(2) The policy expressed in paragraph (1) should not apply to the extent that—

"(A) there has been an armed attack against one or more parties to North Atlantic Treaty, or such an armed attack is imminent; and

"(B) such transfer is necessary to enable that country to carry out its obligation to respond to that attack pursuant to Article 5 of the North Atlantic Treaty.".

(b) Periodic Reports Regarding Activities on Cyprus of Foreign Armed Forces.—Section 620C(c) of that Act is amended by adding at the end the following: "Such transmissions shall also—

"(1) specify the number of members of the armed forces of the Government of Turkey, and the number of members of the armed forces of the Government of Greece, who were on Cyprus during the preceding 120 days;

"(2) specifying the number of members of the armed forces of the Government of Turkey, and the number of members of the armed forces of the Government of Greece, who were on Cyprus during the preceding 120 days with the permission of the Government of the Republic of Cyprus; and

"(3) describe any defense articles of United States origin (as defined in subsection (e)(3)(A)), which have been made available to Turkey or Greece, which were on Cyprus at any time during the preceding 120 days, specifying (to the extent such information can be obtained) when those articles were transferred to Cyprus and when those articles were made available by the United States to Turkey or Greece (as the case may be).".

SEC. 611. EXCESS DEFENSE ARTICLES FOR NATO SOUTHERN FLANK COUNTRIES AND MAJOR NON-NATO ALLIES ON THE SOUTHERN AND SOUTHEASTERN FLANK OF NATO.

(a) Extension of Program.—Section 516(a) of the Foreign Assistance Act of 1961 is amended in the first sentence by striking out "and 1988" and inserting in lieu thereof ", 1988, and 1989,".

(b) Major Non-NATO Allies.—Section 516(a) of that Act is amended in the first sentence by inserting ", and to major non-NATO allies on the southern and southeastern flank of NATO which are eligible for United States security assistance," after "military structure".

(c) Excess Defense Articles.—Section 516 of that Act is amended—

(1) in subsection (a)—

(A) in the first sentence, by inserting "excess" before "defense articles", and

(B) in the second sentence, by inserting "excess defense" before "articles"; and

(2) in the text of subsection (b) preceding paragraph (1), in subsection (c), and in subsection (d), by inserting "excess" before "defense articles".

(d) Notification to Congressional Committees.—Section 516(c) of that Act is amended—

(1) by striking out "and Foreign Relations" and inserting in lieu thereof ", Foreign Relations, and Appropriations"; and

(2) by striking out "and Foreign Affairs" and inserting in lieu thereof ", Foreign Affairs, and Appropriations".

(e) Maintenance of Military Balance in Eastern Mediterranean.—That section is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting the following new subsection (e) after subsection (d):

"(e) Maintenance of Military Balance in Eastern Mediterranean.—

"(1) United states policy.—The Congress intends that defense articles be made available under this section consistent with the United States policy, established by section 620C of the Foreign Assistance Act of 1961, of maintaining the military balance in the Eastern Mediterranean.

"(2) Maintenance of balance.—Accordingly, the President shall ensure that, for each fiscal year, the ratio of—

"(A) the value of excess defense articles made available for Turkey under this section, to

"(B) the value of excess defense articles made available for Greece under this section,

closely approximates the ratio of—

"(i) the amount of military assistance and financing provided for Turkey, to

"(ii) the amount of military assistance and financing provided for Greece.

"(3) EXCEPTION TO REQUIREMENT.—This subsection shall not apply if either Greece or Turkey ceases to be eligible to receive excess defense articles under subsection (a).".

(f) DEFINITIONS.—Subsection (f) of that section (as so redesignated by this section) is amended to read as follows:

"(f) DEFINITIONS.—As used in this section—

"(1) the term 'excess defense articles' has the meaning given that term by section 644(g) of this Act;

"(2) the term 'made available' means that a good faith offer is made by the United States to furnish the excess defense articles to a country;

"(3) the term 'member country of the North Atlantic Treaty Organization (NATO) on the southern flank of NATO' means Greece, Italy, Portugal, Spain, and Turkey; and

"(4) the term 'military assistance and financing' means military assistance authorized by section 503 of this Act and foreign military sales financing authorized by the Arms Export Control Act.".

SEC. 612. ASSISTANCE FOR POLAND.

(a) USE OF POLISH CURRENCIES TO BENEFIT THE HANDICAPPED AND ORPHANS AND FOR HOLOCAUST EDUCATION.—

(1) PROJECTS FOR THE HANDICAPPED AND ORPHANS.—Up to the equivalent of $1,500,000 of the Polish currencies described in paragraph (3) may be made available for projects in Poland, carried out under the auspices of the Polish Catholic Church, for the benefit of the handicapped and orphans.

(2) HOLOCAUST EDUCATION.—Up to the equivalent of $500,000 of the Polish currencies described in paragraph (3) may be made available for projects, carried out under the auspices of the Institute of Jewish Culture and History of the Jagiellonian University of Krakow, for the study of events related to the Holocaust in Poland.

(3) POLISH CURRENCIES TO BE USED.—The Polish currencies which may be used pursuant to this subsection are the nonconvertible Polish currencies (zlotys) held by the United States, which have been generated by the sale to Poland of surplus United States dairy products, to the extent that such currencies are available after satisfaction of existing commitments to use such currencies for other purposes specified by law.

(4) WAIVER OF CERTAIN REQUIREMENTS.—Polish currencies may be used pursuant to this subsection without regard to the requirements of section 1306 of title 31, United States Code, or any other provision of law.

(5) BUDGET ACT.—The authority provided by this subsection may be exercised only to such extent or in such amounts as are provided in advance in appropriation Acts.

(b) AGRICULTURAL ACTIVITIES.—Of the funds authorized to be appropriated to carry out section 103 of the Foreign Assistance Act of 1961 (relating to development assistance for agriculture, rural development, and nutrition), up to $10,000,000 may be used for assistance for agricultural activities in Poland which are managed by the Polish Catholic Church or other nongovernmental organizations, notwithstanding any other provision of law.

SEC. 613. UNITED STATES CONTRIBUTIONS TO THE ANGLO-IRISH INTERNATIONAL FUND.

Section 3 of the Anglo-Irish Agreement Support Act of 1986 is amended by adding at the end the following:

"(c) FISCAL YEAR 1989.—Of the amounts made available for fiscal year 1989 to carry out that chapter, up to $35,000,000 may be used for United States contributions to the International Fund.".

SEC. 614. ANNUAL REPORTS ON ECONOMIC CONDITIONS IN EGYPT, ISRAEL, TURKEY, AND PORTUGAL.

Section 1205(b) of the International Security and Development Cooperation Act of 1985 is amended by adding at the end the following: "Each such report shall also include—

"(1) a description of how United States assistance for each country is designed to help it through its economic difficulties;

"(2) an assessment of the steps being taken by each country to help it overcome its economic difficulties, including a description of any economic policy reforms undertaken during the previous year;

"(3) a listing and explanation of the steps proposed by the United States to help each country overcome its economic difficulties, and a description of the means by which the United States conveys its recommendations to each country; and

"(4) such other information as the Congress may request with respect to the economic conditions in each country.".

SEC. 615. REPORTING REQUIREMENTS.

(a) CYPRUS NEGOTIATIONS.—

(1) FREQUENCY OF REPORTS.—Section 620C(c) of the Foreign Assistance Act of 1961 is amended by striking out "60-day" and inserting in lieu thereof "120-day".

(2) DUPLICATIVE REQUIREMENT.—Section 620(x)(2) of that Act is repealed.

(b) MULTINATIONAL FORCE AND OBSERVERS.—Section 6(b) of the Multinational Force and Observers Participation Resolution is amended by striking out "Not later than January 15 of each year (beginning in 1983)," and inserting in lieu thereof "As part of the annual congressional presentation materials for security assistance,".

SEC. 616. FOREIGN MILITARY SALES FOR JORDAN.

(a) MIDDLE EAST PEACE.—The foreign military sales financing authorized by this Act for Jordan is provided in the recognition of progress Jordan has made in the search for a just and lasting peace in the Middle East, to encourage further progress, in recognition of the continuing defense needs of Jordan, and in the expectation that Jordan will enter into direct and meaningful negotiations with Israel based on United Nations Security Council Resolutions 242 and 338 in order to resolve the state of war between those two countries.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that no foreign military sales financing authorized by this Act may be used to finance the procurement by Jordan of United States advanced aircraft, new air defense weapons systems, or other new advanced military weapons systems, and no notification may be made pursuant to section 36(b) of the Arms Export Control Act with respect to a proposed sale to Jordan of United States advanced aircraft, new air defense systems, or other new advanced military weapons systems, unless Jordan is publicly committed to the recognition of Israel and to negotiate promptly and directly with Israel under the basic tenets of United Nations Security Council Resolutions 242 and 338.

(c) CERTIFICATION.—Any notification made pursuant to section 36(b) of the Arms Export Control Act with respect to a proposed sale to Jordan of United States advanced aircraft, new air defense systems, or other new advanced military weapons, shall be accompanied by a Presidential certification of Jordan's public commitment to the recognition of Israel and to negotiate promptly and directly with Israel under the basic tenets of United Nations Security Council Resolutions 242 and 338.

TITLE VII—WESTERN HEMISPHERE

SEC. 701. COSTA RICA'S PEACE INITIATIVE.

The Congress applauds the efforts of Costa Rican President Oscar Arias Sanchez to establish a firm and durable peace in Central America. The Congress strongly supports and encourages such attempts to end the regional military conflict and strengthen democracy through diplomatic initiatives.

SEC. 702. SUSPENSION OF ASSISTANCE IF A MILITARY COUP OCCURS.

For fiscal years 1988 and 1989, all assistance allocated for any country in Central America under the Foreign Assistance Act of 1961 and the Arms Export Control Act shall be suspended if the elected president of that country is deposed by military coup or decree, unless the President determines that—

(1) resumption of assistance will promote a return to democracy, or

(2) an elected civilian government has taken office.

SEC. 703. ASSISTANCE FOR EL SALVADOR.

(a) OBJECTIVES.—The Congress expects that—

(1) the Government of El Salvador, and the armed opposition forces and their political representatives, will be willing to pursue a dialogue for the purposes of achieving an equitable political settlement of the conflict, including the opportunity for participation in free and fair elections by all Salvadorans;

(2) the elected civilian government will maintain control of the Salvadoran military and security forces, and those forces will comply with applicable rules of international law and with Presidential directives pertaining to the protection of civilians during combat operations, including Presidential directive C-111-03-984 (relating to aerial fire support);

(3) the Government of El Salvador will make demonstrated progress, during the period covered by each report pursuant to subsection (b), in ending political violence;

(4) the Government of El Salvador will make demonstrated progress, during the period covered by each report pursuant to subsection (b), in improving the effectiveness of the judicial system; and

(5) the Government of El Salvador will make demonstrated progress, during the period covered by each report pursuant to subsection (b), in implementing the land reform program.

(b) REPORTS.—Not later than 30 days after the date of enactment of this Act and on April 1, 1988, October 1, 1988, and April 1, 1989, the President shall report to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate on the extent to which the objectives described in subsection (a) are being met. With respect to the objective described in paragraph (4) of that subsection, each report shall specify the status of all cases presented to the Salvadoran courts involving human rights violations against civilians occurring on or after January 1, 1987, allegedly committed by members of the Salvadoran security forces, including military officers and other military personnel and civil patrolmen.

SEC. 704. ANNUAL REPORT ON SOVIET MILITARY ASSISTANCE TO CUBA.

Section 25 of the Arms Export Control Act, as amended by section 904 of this Act, is amended by adding at the end of subsection (d) the following: "The information required by subsection (a)(9) shall be transmitted to the Congress no later than May 1 of each year.".

SEC. 705. RESTRICTIONS ON TRAINING ASSISTANCE FOR ARGENTINA AND BRAZIL.

Section 638 of the Foreign Assistance Act of 1961 is amended—

(1) by inserting "(a)" before "No"; and

(2) by adding at the end the following:

"(b) No provision of this Act or any other provision of law shall be construed to prohibit assistance for any training activity which is funded under this Act for Brazil or Argentina as long as such country continues to have a democratically elected government and the assistance is otherwise consistent with sections 116, 502B, 620(f), 620A, and 660 of this Act.".

SEC. 706. INTER-AMERICAN FOUNDATION.

The first sentence of section 401(s)(2) of the Foreign Assistance Act of 1969 is amended to read as follows: "There are authorized to be appropriated $11,800,000 for fiscal year 1988 and $20,000,000 for fiscal year 1989 to carry out the purposes of this section.".

SEC. 707. ADMINISTRATION OF JUSTICE PROGRAM.

Section 534 of the Foreign Assistance Act of 1961 is amended to read as follows:

"SEC. 534. ADMINISTRATION OF JUSTICE.

"(a) General Authority.—Subject to the provisions of this section, the President is authorized to furnish assistance to countries and organizations, including national and regional institutions, in order to strengthen the administration of justice in countries in Latin America and the Caribbean. To the fullest extent practicable, such assistance should be provided through multilateral or regional institutions. Such assistance shall be designed to encourage and support efforts in the region to—

"(1) promote respect for the rule of law and internationally recognized human rights by all elements of society;

"(2) improve the professionalism and effectiveness of judicial systems and increase the accessibility of those systems and their capabilities to operate fairly and efficiently; and

"(3) promote the development of civilian democratic institutions, including an effective legal profession; an independent judiciary; modern and humane professional law enforcement agencies; and effective application of the principle of equal justice under law.

"(b) Types of Assistance Authorized.—Assistance under this section may only include the following:

"(1) Programs to support specialized professional training, scholarships, and exchanges for continuing legal education.

"(2) Programs to enhance prosecutorial and judicial capabilities and protection for participants in judicial cases.

"(3)(A) Programs to enhance investigative and forensic capabilities, conducted under judicial or prosecutorial control.

"(B) For fiscal years 1988 and 1989, programs to assist in the development of academic instruction and curricula for training law enforcement personnel.

"(C) For fiscal years 1988 and 1989, programs to improve the administrative and management capabilities of law enforcement agencies, especially their capabilities relating to career development, personnel performance evaluation, and internal discipline procedures.

"(D) Programs, conducted through multilateral or regional institutions, to improve penal institutions and the rehabilitation of offenders.

"(4) Programs to strengthen professional organizations in order to promote services to members and the role of the bar in judicial selection, enforcement of ethical standards, and legal reform.

"(5) Programs to increase the availability of legal materials and publications.

"(6) Programs to provide seminars, conferences, and training and educational programs to improve the administration of justice and to strengthen respect for the rule of law and internationally recognized human rights.

"(7) Programs to revise and modernize legal codes and procedures.

"(c) Prohibition on United States Military Involvement in Program.—Personnel of the Department of Defense and members of the United States Armed Forces may not participate in the provision of training under this section.

"(d) Equipment.—In carrying out this section, primary emphasis shall be placed on the provision of training and other services, rather than the provision of equipment. Funds made available to carry out this section may not be used to provide any lethal equipment, except equipment used exclusively for training purposes.

"(e) Consultation With Assistant Secretary for Human Rights.—The Assistant Secretary of State for Human Rights and Humanitarian Affairs shall be consulted in the development and implementation of programs under this section, including determinations of the countries that will receive assistance and determinations of the nature of the assistance to be provided.

"(f) Advance Notice to Congress.—

"(1) In general.—Funds may not be obligated for assistance under this section unless the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate are notified in writing in accordance with the procedures applicable to reprogrammings pursuant to section 634A of this Act. Such notification shall specify the country which will receive the assistance and the amount, purpose, and nature of the assistance, including a detailed description of the assistance. Except as provided in paragraph (2), such notification shall be provided at least 15 days before the funds are obligated.

"(2) Special requirements.—In the case of assistance under subsection (b)(3), such notifications shall be given at least 30 days in advance and shall specify where the assistance is to be provided and the recipient of the assistance.

"(g) Annual Report.—As part of the annual presentation materials on foreign assistance, the President shall include a description of the assistance provided to each country under this section during the preceding fiscal year, planned for the current fiscal year, and proposed for the coming fiscal year.

"(h) Funding.—

"(1) In general.—For each of fiscal years 1988 and 1989, not more than $28,000,000 of the funds made available to carry out this chapter shall be available to carry out this section, in addition to amounts otherwise available for such purpose. Not more than $7,000,000 of the funds made available for each such fiscal year to carry out this section shall be used for the programs described in subsection (b)(3).

"(2) Additional funds.—For each of the fiscal years 1988 and 1989, not to exceed $6,000,000 of the funds made available to carry out chapter 2 of this part may be transferred to and commingled with funds made available to carry out this section, without regard to the limitations contained in paragraph (1). Not more than $2,000,000 of the funds so transferred in any fiscal year shall be available for bilateral assistance to any one country. Each such transfer shall be subject to the advance notice requirements of subsection (f).

"(i) Waiver of Certain Laws.—Assistance under this section may be provided without regard to section 660 of this Act. Notwithstanding any other provision of law which restricts assistance to foreign countries, assistance may be provided under this section for fiscal years 1988 and 1989 for programs for Peru and for programs for Argentina, Brazil, and Guyana which only involve their participation in regional and multilateral projects and activities.".

SEC. 708. LEVELS OF NONMILITARY ASSISTANCE FOR CENTRAL AMERICA.

Section 465 of the Foreign Assistance Act of 1961 is amended to read as follows:

"Sec. 465. Nonmilitary Assistance for Central America.—The Congress continues to support the recommendations made by the National Bipartisan Commission on Central America with respect to the provision of nonmilitary assistance for Central American countries. However, the Congress believes that it would be inconsistent under current budgetary constraints to provide increased levels of assistance during fiscal years 1988 and 1989 and that it is possible to furnish the needed nonmilitary assistance over a longer period of time than originally recommended by the Commission without negatively affecting the goals and objectives the Commission had in mind.".

SEC. 709. ASSISTANCE FOR HAITI.

(a) Economic Support Fund.—Of the amounts made available to carry out chapter 4 of part II of the Foreign Assistance Act of 1961, up to $41,300,000 for each of the fiscal years 1988 and 1989 shall be available for Haiti.

(b) Development Assistance.—Of the amounts made available to carry out chapter 1 of part I of that Act, up to $40,000,000 for each of the fiscal years 1988 and 1989 shall be available for Haiti. These funds shall be used to support a transition to and to strengthen democracy in Haiti, emphasizing job creation, rural development, health care and sanitation, small scale irrigation, reforestation, watershed conservation, swine repopulation, and literacy education. Such assistance should reflect the need to distribute development assistance resources more equitably among the various regions in Haiti in order to support sustainable development in all of Haiti.

SEC. 710. NICARAGUA.

In order to make current law applicable to assistance under this Act, section 722(d) of the International Security and Development Cooperation Act of 1985 is amended by amending the second sentence to read as follows: "The United States shall not enter into any arrangement conditioning, expressly or impliedly, the provision of assistance under this Act or the International Security and Development Cooperation Act of 1987 or the purchase of defense articles and services under the Arms Export Control Act upon the provision of assistance by a recipient to persons or groups engaging in an insurgency or other act of rebellion against the Government of Nicaragua.".

SEC. 711. CRITERIA FOR DEMOCRATIZATION IN NICARAGUA.

(a) Findings.—The Congress finds that—

(1) in signing the Central American peace accord on August 7, 1987, entitled "Procedure for the Establishment of a Strong and Lasting Peace in Central America", the Nicaraguan Government pledged "to promote an authentic democratic, pluralist and participatory process that includes the promotion of social justice" and "respect for human rights"; and

(2) under that accord, Nicaragua is specifically required to establish "complete freedom of press, television and radio" "for all ideological groups" "without prior censorship"; to grant political groupings "broad access to communications media" and full exercise of the rights of association, free speech, and movement; to decree an amnesty guaranteeing "freedom in all its forms"; and to terminate state of emergency laws while reestablishing "the full exercise of all constitutional guarantees".

(b) Actions Which Should be Undertaken by Nicaragua.—Nicaragua should undertake the reforms described in subsection (c) in order to bring about lasting peace, pluralism, and democracy in Nicaragua.

(c) Reforms.—The reforms referred to in subsection (b) to be undertaken by the Government of Nicaragua are as follows:

(1) In general.—

(A) Ensure freedoms of expression, association, assembly and movement, religion, and education.

(B) Restore rights to security of person and home and freedom from unjustified arrest.

(C) Stop coercive pressure to join Sandinista party groups.

(D) Stop discriminatory and punitive application of military conscription.

(E) Allow all citizens, including refugees and exiles, to return to Nicaragua.

(F) Reinstate due process and fair trials and release those imprisoned without charge, trial, or due process, including campesinos, Creoles, and Indians.

(G) Abolish extraordinary tribunals and the powers of police forces to conduct trials, decide appeals, and sentence individuals to prison terms.

(H) Permit independent human rights observers, including the International Committee of the Red Cross, to meet and travel freely and to visit prisoners, prisons, and tribunals.

(I) End all forms of torture and conditions of confinement which constitute torture and end the practice of holding prisoners incommunicado.

(2) Political process reforms.—

(A) Allow political parties and the democratic opposition to meet and march publicly, publicize meetings, and meet with and utilize the media.

(B) End jailing of opposition party activists and the drafting of opposition party activists and their children in reprisal for nonviolent political activity.

(C) Abolish the role of the Committees for the Defense of Sandinismo's (CDS) and other party organizations in dispensing rationing cards and government services.

(D) Conduct free and open presidential, legislative, and municipal elections by December 31, 1990, as specified by current Nicaraguan law.

(E) Repeal the suspension provisions of the Nicaraguan constitution.

(F) Separate the armed forces from any political party.

(3) Press and media rights.—

(A) Allow an uncensored, free press.

(B) End newsprint restrictions and allow private newsprint sales.

(C) Allow the full spectrum of private television and radio broadcasting.

(4) Labor rights.—

(A) Ensure the right to strike and to publish by independent unions.

(B) Release those imprisoned because of non-violent union activities.

(5) Religious freedoms.—

(A) Allow the Catholic church to reopen its social welfare, human rights, and publication offices.

(B) Allow Cardinal Obando Y Bravo to resume his televised Sunday mass.

(C) Allow the return of all expelled Catholic priests.

(D) Allow religion courses to be taught in private schools.

(E) Allow Protestant evangelicals to preach and conduct meetings.

(6) Campesino rights.—

(A) End preventive detention and forcible resettlement of campesinos and allow those who have been displaced to return.

(B) Cease aerial bombing attacks against civilians and their properties.

(C) Cease the destruction of peasant farmlands.

(D) End pressure to join Sandinista farming cooperatives.

(7) Indian and creole rights.—

(A) Permit Indian and Creole residents to freely travel, assemble, speak, publish, broadcast, and maintain cultural beliefs and practices.

(B) End forcible detention and relocation of Indian and Creole residents and allow them to return to their home communities.

(C) Cease aerial bombings and attacks on Atlantic Coast civilians and their properties.

(D) Allow Indians and Creoles to engage in traditional farming, fishing, hunting, and necessary subsistence activity.

(d) Achievement of Democratic Principles and Processes in Central America.—It is the sense of the Congress that all countries in Central America should continue to work toward achieving the democratic principles and processes specified in the Central American peace accord of August 7, 1987, entitled "Procedure for the Establishment of a Strong and Lasting Peace in Central America".

SEC. 712. CENTRAL AMERICAN PEACE AGREEMENT.

(a) Findings.—The Congress finds that—

(1) the Presidents of Guatemala, El Salvador, Honduras, Nicaragua, and Costa Rica signed the Central American peace accord in Guatemala City on August 7, 1987, to establish democracy, end civil strife, and promote economic, stability in Central America;

(2) the establishment of democracy, the termination of civil strife, and the promotion of economic stability in Central America is in the national interest of the United States;

(3) the peace accord calls for the signatories "to make dialogue prevail over violence and reason over rancor";

(4) a lasting peace in Central America can only come about through dialogue;

(5) the Governments of El Salvador, Guatemala, and Honduras have entered into direct negotiations with the representatives of both internal opposition organizations and antigovernment insurgent forces to bring about a mutual and verifiable cease fire within those countries and the region as a whole;

(6) the President of Costa Rica and Nobel Laureate Oscar Arias has called for direct negotiations between the Government of Nicaragua and the Nicaraguan Resistance for a mutual and verifiable cease fire;

(7) President Arias stated that a negotiated cease fire between the Government of Nicaragua and the Nicaraguan Resistance is "indespensable if we are to achieve a lasting peace in Central America";

(8) the Presidents of El Salvador, Guatemala, and Honduras have also called upon the Government of Nicaragua to negotiate directly with the Nicaraguan Resistance; and

(9) the President of Nicaragua announced on November 5, 1987, that the Nicaraguan Government would negotiate a cease fire with the Directorate of the Nicaraguan Resistance through an intermediary.

(b) Statement of Congress.—The Congress urges the Government of Nicaragua to enter into direct negotiations with the Directorate of the Nicaraguan Resistance in order to bring about a mutual and verifiable cease fire and to reach a political settlement with the Nicaraguan Resistance, so that the spirit of the Central Amercian peace accord signed on August 7, 1987, may be fulfilled and democracy, peace, and economic stability will become reality for Central America.

SEC. 713. ASSISTANCE TO CIVILIAN DEMOCRATIC FORCES IN NICARAGUA.

(a) Assistance to be Provided.—The Secretary of State shall use the funds appropriated pursuant to subsection (e) to make assistance available for civilian democratic forces in Nicaragua in order to support a full range of humanitarian and peaceful political activities by those forces.

(b) Opposition Civilian Democratic Forces.—As used in this section, the term "civilian democratic forces" means those civilian forces in Nicaragua (such as political parties, labor unions, and private sector organizations) which are committed to democratic values and to the democratization of Nicaragua.

(c) Uses of Assistance.—Funds provided to civilian democratic forces pursuant to this section may be used only to support a full range of humanitarian and peaceful political activities and may not be used to support military or paramilitary activities. The Secretary of State shall establish appropriate procedures to ensure that those funds are used consistent with these limitations.

(d) Reports.—Not later than 90 days after the date of the enactment of this Act and every 90 days thereafter until all the funds provided to civilian democratic forces in Nicaragua pursuant to this section have been used, the Secretary of State shall provide to the Congress a detailed accounting of how those funds were used and a description of the steps taken to ensure that they were used in accordance with the limitations specified in subsection (c).

(e) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $10,000,000 for fiscal year 1988 and $12,000,000 for fiscal year 1989.

SEC. 714. RELATIONS WITH THE PRIVATE SECTOR IN EL SALVADOR.

It is the sense of the Congress that:

(a) The Government of El Salvador, the business community (including the small business community), the free labor unions, and all other major social, economic and political groups which have a potentially constructive role to play should begin a new dialogue for nation building in El Salvador;

(b) None of these groups can be excluded from the national dialogue; and

(c) The Government of El Salvador and the private sector must abandon the distrust and antagonism that have characterized their relations in the past and must move forward in a cooperative and constructive manner to resolve the problems that threaten to undermine the democratic processes now underway in the country.

TITLE VIII—AFRICA

SEC. 801. AFRICA FAMINE RECOVERY AND DEVELOPMENT.

Part I of the Foreign Assistance Act of 1961 is amended by adding after chapter 6 the following new chapter:

"CHAPTER 7—AFRICA FAMINE RECOVERY AND DEVELOPMENT

"SEC. 471. LONG-TERM DEVELOPMENT ASSISTANCE.

"(a) AUTHORITY TO PROVIDE ASSISTANCE.—The President is authorized to provide project and program assistance, on such terms and conditions as he may determine, for long-term development in sub-Saharan Africa.

"(b) APPLICATION OF DEVELOPMENT ASSISTANCE POLICIES AND GENERAL AUTHORITIES.—

"(1) POLICIES.—Assistance under this section shall be provided in accordance with the policies contained in section 102.

"(2) GENERAL AUTHORITIES.—Reference in any law to chapter 1 of this part (including references to sections 103 through 106, inclusive) shall be deemed to include reference to this section.

"(c) CRITICAL SECTORAL PRIORITIES.—Assistance under this section shall be provided only with respect to the following critical sectoral priorities for long-term development:

"(1) AGRICULTURAL PRODUCTION AND NATURAL RESOURCES.—

"(A) AGRICULTURAL PRODUCTION.—Increasing agricultural production in ways which protect and restore the natural resource base, especially food production, through agricultural policy changes at the macroeconomic and sector levels, agricultural research (including participatory research, in which small farmers are directly involved in the definition of research agendas and the formulation of problems in order to capitalize on local knowledge and experience and enhance support for research efforts; and also including linkages between indigenous efforts and United States universities and between indigenous efforts and International Agricultural Research Centers) and extension, development, and promotion of agriculture marketing activities, credit facilities, and appropriate production packages, and the construction and improvement of needed production-related infrastructure such as farm-to-market roads, small-scale irrigation, and rural electrification. Emphasis shall be given to promoting increased equity in rural income distribution, recognizing the role of small farmers (the majority of whom are women) and the farm family. In view of the central role of women in sub-Saharan African food systems, gender roles shall be analyzed and taken into account in order to ensure the integration of women into development activities.

"(B) NATURAL RESOURCE BASE.—Maintaining and restoring the renewable natural resource base in ways which increase agricultural production, through the following:

"(i) Primary emphasis on small-scale, affordable, resource-conserving, low-risk local projects, using appropriate technologies (including traditional agricultural methods) suited to local environmental, resource, and climatic conditions, and featuring close consultation with and involvement of local people at all stages of project design and implementation. Emphasis shall be given to grants for African local government organizations, international or African nongovernmental organizations, and United States private and voluntary organizations. Appropriate activities include agroforestry, small-scale farms and gardens, and other innovative agricultural methods (including energy and resource-conserving techniques and use of organic or regenerative methods where feasible); check dams and terraces and other projects to prevent erosion or protect watersheds; tree planting for windbreaks, soil stabilization, or firewood; energy conservation and small-scale energy production to reduce consumption of firewood and animal wastes otherwise usable as fertilizer; sustained production from indigenous plants and animals, especially to conserve rangelands; and local education and training efforts.

"(ii) Significant support for efforts at national and regional levels to provide technical and other support for projects of the kinds described in clause (i) and to strengthen the capacities of African countries to provide effective extension and other services in support of environmentally sustainable increases in food production. Appropriate activities include strengthening institutions such as environmental authorities, soil conservation and forestry services, and nongovernmental organizations; providing seeds, seedlings, energy-efficient and resource-conserving devices, and other needed materials; and creating financial mechanisms to furnish credit to small farmers.

"(iii) Significant support for special training and education efforts to improve the capacity of countries in sub-Saharan Africa to manage their own environments and natural resources. Appropriate activities include support for African training and educational institutions; development of curricula; training and education components of projects of the kinds described in clauses (i) and (ii); training and education programs through national and local government extension services, nongovernmental organizations, and other appropriate indigenous institutions; establishment of cooperative arrangements between United States and African academic institutions; support for natural resource managers to participate in conferences, courses, seminars, and the like; and training of trainers.

"(2) HEALTH.—Improving health conditions in order to improve the quality of life of the people and their ability to contribute to economic growth, with special emphasis on meeting the health needs of mothers and children through the establishment of self-sustaining primary health care systems that give priority to preventive health.

"(3) VOLUNTARY FAMILY PLANNING SERVICES.—Providing increased access to voluntary family planning services, including encouragement of private, community, and local government initiatives, in order to allow couples to space the births of their children as they desire, thus contributing to improved health for mothers and children and reduced pressure on natural resources.

"(4) EDUCATION.—Improving the relevance to production and the efficiency of education, with substantial attention given to improving basic literacy and numeracy, especially to those outside the formal educational system, and improving primary education.

"(5) INCOME-GENERATING OPPORTUNITIES.—Developing income-generating opportunities for the unemployed and underemployed in urban and rural areas. Off-farm employment opportunities in micro- and small-scale labor-intensive enterprises shall be emphasized (especially those which relate to processing increased agricultural production and adding to the value of that production and to production of consumer goods in rural areas).

"(d) MINIMUM LEVELS OF ASSISTANCE FOR CERTAIN CRITICAL SECTORS.—Not less than an aggregate of 30 percent of the amount authorized to be appropriated for each of the fiscal years 1988 and 1989 by section 472 shall be used for activities described in paragraphs (1)(B), (2), and (3) of subsection (b).

"SEC. 472. AUTHORIZATIONS OF APPROPRIATIONS.

"There are authorized to be appropriated to the President $450,000,000 for fiscal year 1988 and $465,750,000 for fiscal year 1989 to carry out this chapter. Funds appropriated under this section are authorized to remain available until expended.

"SEC. 473. AFRICAN AGRICULTURAL UNIVERSITY DEVELOPMENT.

"Given the critical role in African growth and development that indigenous institutions of higher education can play in developing agriculture and human resources, the Administrator of the agency primarily responsible for administering this part is directed to provide support for strengthening and developing selected African higher education institutions in order to address the problems of food production and distribution. In order to create continuing support for applied agricultural research and education, this support should, to the maximum extent possible, promote linkages (1) between agricultural research and extension activities in sub-Saharan Africa through the involvement of institutions of higher education, and (2) between African institutions of higher education and indigenous farmers' associations. This support should be provided on a long-term basis in recognition of the complexity of institution-building efforts and should utilize, in a collaborative manner, the capabilities and expertise of United States universities participating in programs under title XII of chapter 2 of this part. The Administrator shall consult with the Board for International Food and Agricultural Development on effective means of implementing this section.".

SEC. 802. CONFORMING AMENDMENTS.

(a) FOREIGN ASSISTANCE ACT.—The Foreign Assistance Act of 1961 is amended as follows:

(1) PRIVATE SECTOR REVOLVING FUND.—In section 108(b), by inserting "and chapter 7 of this part" after "this chapter".

(2) INTEGRATING WOMEN INTO NATIONAL ECONOMIES.—In section 113(b)(1), by inserting "and chapter 7 of this part" after "this chapter".

(3) HUMAN RIGHTS ACTIVITIES.—In section 116(e)(1)—

(A) by inserting ", chapter 7 of this part," after "available under this chapter"; and

(B) by inserting before the period at the end of the first sentence "or under chapter 7 of this part, except that funds made available under chapter 7 of this part may only be used under this subsection with respect to countries in sub-Saharan Africa".

(4) ENVIRONMENT AND NATURAL RESOURCES.—In section 117(c)(1), by inserting "and chapter 7 of this part" after "this chapter".

(5) SAHEL DEVELOPMENT PROGRAM.—By repealing sections 120 and 121.

(6) GENERAL AUTHORITIES.—In section 122, by inserting "and chapter 7 of this part" after "this chapter".

(7) PVOs.—In subsection (e) of section 123, as so redesignated by section 314 of this Act, by inserting "and chapter 7 of this part" after "this chapter".

(8) DEVELOPMENT AND ILLICIT NARCOTICS PRODUCTION.—In section 126(b)(1), by inserting ", and chapter 7 of this part," after "this chapter".

(9) TARGETED ASSISTANCE.—In subsections (a) and (b) of section 128, by inserting "and chapter 7 of this part" after "this chapter".

(10) ESF.—In section 531(a), by inserting "or, in the case of countries in sub-Saharan Africa, chapter 7 of part I" after "chapter 1 of part I".

(b) PUBLIC LAW 480.—The Agricultural Trade Development and Assistance Act of 1954 is amended—

(1) in section 106(b)(2), by inserting "or, in the case of sub-Saharan Africa, paragraphs (1) through (3) of section 471(c) of that Act," after "sections 103 and 104 of the Foreign Assistance Act of 1961";

(2) in clause (3)(A) of section 206, by inserting "(or in the case of sub-Saharan Africa, paragraph (1) of section 471(c) of that Act)" after "section 103 of the Foreign Assistance Act of 1961";

(3) in section 301(b), by inserting "or, in the case of sub-Saharan Africa, paragraphs (1) through (3) of section 471(c) of that Act," after "sections 103 and 104 of the Foreign Assistance Act of 1961"; and

(4) in section 303(b), by inserting "(or in the case of sub-Saharan Africa, paragraph (1) of section 471(c) of that Act)" after "section 103 of the Foreign Assistance Act of 1961".

SEC. 803. AFRICAN DEVELOPMENT FOUNDATION.

Section 510 of the African Development Foundation Act is amended by striking out all of the first sentence that follows "purpose," and inserting in lieu thereof "$6,500,000 for fiscal year 1988 and $6,728,000 for fiscal year 1989.".

TITLE IX—ASIA AND THE PACIFIC

PART A—EAST ASIA AND THE PACIFIC

SEC. 901. SUPPORT FOR THE RIGHT OF SELF-DETERMINATION FOR THE CAMBODIAN PEOPLE.

(a) FINDINGS.—The Congress finds that—

(1) the Socialist Republic of Vietnam, in violation of its obligations under international law, including the United Nations Charter, invaded Cambodia in December 1978;

(2) in January 1979, Vietnam installed a puppet government in Phnom Penh, Cambodia, headed by Heng Samrin;

(3) eight years later Vietnam continues, with Soviet backing, to occupy Cambodia with over 140,000 troops;

(4) Vietnam has attempted to submerge Cambodian culture and heritage through the settlement of large numbers of Vietnamese in Cambodia;

(5) human rights observers have noted a pattern of torture, political detention, inhumane treatment, and other abuses of human rights by officials of the Vietnamese-backed puppet Cambodian regime;

(6) the Vietnamese occupation of Cambodia has compounded the hardship and suffering of a people which had previously suffered barbaric crimes of genocide under Pol Pot's Khmer Rouge;

(7) in recognition of the illegal occupation of Cambodia by the Vietnamese, the United Nations has refused to recognize the credentials of the Heng Samrin regime and has instead continued to recognize the credentials of the Coalition Government of Democratic Kampuchea under the leadership of Prince Norodom Sihanouk;

(8) the member states of the United Nations for the eighth time, and by a record vote of 115-21, approved a resolution at the forty-first session of the General Assembly calling for the withdrawal of foreign troops from Cambodia;

(9) the 1981 United Nations-sponsored International Conference on Kampuchea called for the early withdrawal of foreign troops and the holding of free elections under United Nations supervision;

(10) the United States has supported the leadership role of the Association of Southeast Asian Nations (ASEAN) in the quest for a negotiated political settlement to the Cambodian problem;

(11) the President has indicated the United States is prepared to play a constructive role in such a settlement; and

(12) in the absence of such a settlement, the non-Communist Cambodian forces continue to wage a war of resistance against Vietnamese occupation forces.

(b) STATEMENT OF POLICY.—The Congress—

(1) deplores the continued violation of the sovereignty and territorial independence of Cambodia by the Socialist Republic of Vietnam;

(2) calls upon Vietnam to negotiate decisively to restore self-determination in Cambodia;

(3) calls upon Vietnam to withdraw completely its troops from Cambodia;

(4) believes that such negotiations and withdrawal by Vietnam, together with a satisfactory accounting of Americans still missing in action, would constitute positive steps that would help facilitate the prospect of normalization of relations between the United States and Vietnam;

(5) supports the efforts of the member nations of the Association of Southeast Asian Nations (ASEAN), the United Nations Secretary General, and the non-Communist Cambodian people to achieve a political settlement which would include such elements as internationally supervised free and fair elections, as well as assurances that there will be no return to the genocidal policies of the Pol Pot regime;

(6) supports efforts to establish an international tribunal to bring to justice those Khmer Rouge leaders during the reign of Pol Pot, and any others, responsible for crimes of genocide against the Cambodian people; and

(7) calls upon the international community to observe a special day of remembrance—

(A) in recognition of the suffering of the Cambodian people under Pol Pot,

(B) in protest of the efforts of Vietnam to suppress basic human rights and exterminate the culture and way of life of the Cambodian people, and

(C) in protest of the illegal occupation of Cambodia by Vietnamese troops.

SEC. 902. ASSISTANCE FOR THE CAMBODIAN PEOPLE.

Section 905 of the International Security and Development Cooperation Act of 1985 is amended by striking out "1986" and "1987" and inserting in lieu thereof "1988" and "1989", respectively.

SEC. 903. JAPAN AND THE ARAB ECONOMIC BOYCOTT OF ISRAEL.

It is the sense of the Congress that the United States should encourage the Government of Japan in its efforts to expand trade relations with Israel and to end compliance by Japanese commercial enterprises with the Arab economic boycott of Israel.

SEC. 904. ANNUAL REPORT REGARDING KOREA.

Section 25(a) of the Arms Export Control Act is amended—

(1) by repealing paragraph (9); and

(2) by redesignating paragraphs (10) through (12) as paragraph (9) through (11), respectively.

SEC. 905. SECURITY ASSISTANCE AND ARMS EXPORT CONTROL PREFERENCES FOR NEW ZEALAND.

(a) FINDINGS.—The Congress finds that—

(1) the people of the United States enjoy a long-standing friendship and close association with the people of New Zealand, and not only share common democratic values, heritage, and national interests but have fought side-by-side in the two World Wars of this century as well as the Korean conflict and the Vietnam conflict, and have participated jointly in numerous multilateral peacekeeping efforts under United Nations and similar auspices;

(2) visits to New Zealand ports by United States naval vessels are a part of this historical, overall framework of military cooperation and coordination which includes many other functions of benefit to all parties to the ANZUS Treaty;

(3) the recent codification of New Zealand Government policy to deny port access to United States ships which might be nuclear powered or nuclear armed is incompatible with the "neither confirm nor deny policy" of the United States, has raised serious operational difficulties for United States naval forces in defending the national security interests of the United States and its allies, and impairs the objective of maximum military cooperation between the United States and New Zealand under the ANZUS Treaty;

(4) the President has taken appropriate action in response to New Zealand's diminished defense cooperation with the United States by suspending United States obligations to New Zealand under the ANZUS Treaty, as announced in August 1986; and

(5) important aims of United States policy, in reaction to the port policies and law of New Zealand, must be to maintain the ANZUS Treaty alliance structure during the absence of New Zealand, to look forward to New Zealand's early return to a normal trilateral defense relationship, and to deny the Soviet Union any potential benefit it might otherwise derive from this temporary discord in the ANZUS Treaty alliance.

(b) NEW ZEALAND SHOULD RECONSIDER ITS POLICY.—The United States urges the Government of New Zealand—

(1) to reconsider its decision and law denying port access to certain United States ships, and

(2) to resume its fulfillment of its obligations under the ANZUS Treaty.

(c) SUSPENSION OF PREFERENCES.—Section 515(a)(6) of the Foreign Assistance Act of 1961 and sections 3(d)(2)(B), 21(e)(2), 21(g), 36(b)(1), 36(b)(2), 36(c)(2)(B), and 63(a)(2) of the Arms Export Control Act shall apply with respect to New Zealand only if the President determines, and reports to the Congress, that New Zealand is complying fully with its obligations under the ANZUS Treaty.

(d) ANZUS TREATY.—As used in this section, the term "ANZUS Treaty" means the Security Treaty Between Australia, New Zealand, and the United States.

(e) ASSIGNMENT OF UNITED STATES MILITARY PERSONNEL TO MANAGE DEFENSE COOPERATION MEASURES.—Section 515(a)(6) of the Foreign Assistance Act of 1961 is amended by inserting "(if the President has made the determination described in section 905(c) of the International Security and Development Cooperation Act of 1987)" after "New Zealand".

(f) CHARGES FOR CERTAIN ARMS SALES COSTS.—Section 21(e)(2) of the Arms Export Control Act is amended by inserting "(if the President has made the determination described in section 905(c) of the International Security and Development Cooperation Act of 1987)" after "New Zealand".

(g) COOPERATIVE MILITARY TRAINING AGREEMENTS.—Section 21(g) of the Arms Export Control Act is amended by inserting "(if the President has made the determination described in section 905(c) of the International Security and Development Cooperation Act of 1987)" after "New Zealand".

(h) CONGRESSIONAL REVIEW OF ARMS TRANSFERS.—The Arms Export Control Act is amended—

(1) in section 3(d)(2)(B), by inserting "(if the President has made the determination described in section 905(c) of the International Security and Development Cooperation Act of 1987)" after "New Zealand";

(2) in section 36(b)(1), by inserting "(if the President has made the determination described in section 905(c) of the International Security and Development Cooperation Act of 1987)" after "New Zealand" in the second sentence following subparagraph (P);

(3) in section 36(b)(2), by inserting "(if the President has made the determination described in section 905(c) of the International Security and Development Cooperation Act of 1987)" after "New Zealand";

(4) in section 36(c)(2)(B), by inserting "(if the President has made the determination described in section 905(c) of the International Security and Development Cooperation Act of 1987)" after "New Zealand"; and

(5) in section 63(a)(2), by inserting "(if the President has made the determination described in section 905(c) of the International Security and Development Cooperation Act of 1987)" after "New Zealand".

SEC. 906. ASSISTANCE FOR THE PHILIPPINES.

(a) ASSISTANCE PURSUANT TO BASE AGREEMENT.—

(1) FISCAL YEAR 1988.—For fiscal year 1988, there shall be available only for the Philippines—

(A) not less than $110,000,000 of the funds made available to carry out chapter 2 of part II of the Foreign Assistance Act of 1961 (relating to grant military assistance), and

(B) not less than $124,000,000 of the funds made available to carry out chapter 4 of part II of that Act (relating to the economic support fund).

(2) FISCAL YEAR 1989.—For fiscal year 1989, there shall be available only for assistance for Philippines—

(A) of the funds made available to carry out chapter 2 of part II of that Act, and

(B) of the funds made available to carry out chapter 4 of part II of that Act,

not less than the amount necessary to provide the remaining amount of military and economic assistance specified in the 1983 amendment to the agreement between the United States and the Philippines concerning military bases.

(b) SUSPENSION OF ASSISTANCE IF A MILITARY COUP OCCURS.—For fiscal years 1988 and 1989, all assistance allocated for the Philippines under the Foreign Assistance Act of 1961 and the Arms Export Control Act shall be suspended if the elected president of that country is deposed by military coup or decree, unless the President determines that—

(1) resumption of assistance will promote a return to democracy, or

(2) an elected civilian government has taken office.

(c) AGRARIAN REFORM.—Funds made available to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 for fiscal years 1988 and 1989 may be used to assist in the implementation of agrarian reform in the Philippines if the Government of the Philippines initiates an effective agrarian reform program and requests United States assistance for that program and if a substantial majority of the resources for the implementation of that program each year will be provided by the Government of the Philippines or other non-United States donors, or both.

(d) UNCOMMITTED FMS CREDITS.—Uncommitted balances of loans made to the Philippines pursuant to section 23 of the Arms Export Control Act since October 1, 1984, may be disbursed without requirement for repayment of principal or interest, except that the new budget authority provided by this subsection may be exercised only to such extent or in such amounts as are provided in advance in appropriation Acts.

SEC. 907. AUTHORITY TO STOCKPILE DEFENSE ARTICLES IN THAILAND AND KOREA.

(a) STOCKPILING IN THAILAND.—Section 514(c) of the Foreign Assistance Act of 1961 is amended by inserting ", Thailand," after "Korea".

(b) AUTHORIZED LEVEL OF ADDITIONS TO STOCKPILES.—Section 514(b)(2) of that Act is amended to read as follows:

"(2) The value of such additions to stockpiles in foreign countries shall not exceed $116,000,000 for fiscal year 1988 and shall not exceed $77,000,000 for fiscal year 1989.".

SEC. 908. REFUGEES FROM SOUTHEAST ASIA.

(a) FINDINGS.—The Congress finds that—

(1) the United States remains firmly committed to the security of Thailand and to improving relations between our two nations;

(2) the United States refugee resettlement and humanitarian assistance programs constitute an important factor in bilateral relations between the United States and Thailand;

(3) the preservation of first asylum for those fleeing persecution is one of the primary objectives of the United States refugee program;

(4) the actions of another government in labeling refugee populations as "displaced persons" or closing its borders to new arrivals shall not constitute a barrier to the United States considering those individuals or groups to be refugees;

(5) it is in the national interest to facilitate the reunification of separated families of United States citizens and permanent residents, and the Congress will look with disfavor on any nation which seriously hinders emigration for such reunifications;

(6) the persecution of the Cambodian people under the Khmer Rouge rule from 1975-1979, which caused the deaths of up to two million people and in which the bulk of the Khmer people were subjected to life in an Asian Auschwitz, constituted one of the clearest examples of genocide in recent history;

(7) the invasion of Cambodia by Vietnam and the subsequent occupation of that country by 140,000 Vietnamese troops backing up the Heng Samrin regime, which itself continues to seriously violate the human rights of Cambodians, and the presence of 40,000 heavily armed troops under the control of the same Khmer Rouge leaders, overwhelmingly demonstrate that the life or freedom of any Cambodian not allied with the Khmer Rouge or supporting Heng Samrin would be seriously endangered if such individual were forced by a country of first asylum to return to his or her homeland.

(b) STATEMENT OF POLICY.—It is the sense of the Congress that—

(1) any Cambodians who are, or had been, at Khao I Dang camp should be considered and interviewed for eligibility for the United States refugee program, irrespective of the date they entered Thailand or that refugee camp;

(2) any Cambodian rejected for admission to the United States who can demonstrate new or additional evidence relating to his claim should have his or her case reviewed;

(3) the United States should work with the United Nations High Commissioner for Refugees, the International Committee of the Red Cross, and the Government of Thailand to improve the security of all refugee facilities in Thailand and to prevent the forced repatriation of Cambodian refugees;

(4) the United States should treat with utmost seriousness the continued reports of forced repatriations to Laos of would-be asylum seekers, and should lodge strong and continuous protests with the Thai Government to bring about an end to these repatriations, which endanger the life and safety of those involuntarily returned to Laos;

(5) the United States will try to facilitate on a high priority basis the resumption of the Orderly Departure Program from Vietnam and the processing of Amerasians from Vietnam; and

(6) within the Orderly Departure Program the United States will give high priority consideration to determining the eligibility of serious health cases and cases involving children separated from both parents.

SEC. 909. COOPERATION ON POW/MIA ISSUE.

It is the sense of the Congress that the President should use available authority and appropriations to provide up to $200,000 in the fiscal year 1988 and up to $200,000 in the fiscal year 1989 for support of humanitarian projects in Laos directly associated with joint United States-Laotian cooperative efforts to resolve questions concerning Vietnam era prisoners of war or those missing in action.

PART B—SOUTH ASIA

SEC. 921. ASSISTANCE FOR THE AFGHAN PEOPLE.

(a) FUNDS AVAILABLE FOR ASSISTANCE.—Section 904 of the International Security and Development Cooperation Act of 1985 is amended—

(1) in subsection (a), by striking out "chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund)" and inserting in lieu thereof "chapter 1 of part I (relating to development assistance) and chapter 4 of part II (relating to the economic support fund) of the Foreign Assistance Act of 1961";

(2) by striking out "(a) AUTHORIZATION.—"; and

(3) by repealing subsections (b) and (c).

(b) Effective Date.—The amendment made by subsection (a)(1) does not apply with respect to funds appropriated prior to the date of enactment of this Act.

SEC. 922. DEMOCRACY IN BANGLADESH.

(a) Primary Purpose of United States Assistance.—The primary purpose of United States economic assistance for Bangladesh is to foster economic development and political pluralism. Accordingly, in determining whether to provide economic assistance to Bangladesh and in determining how much assistance to provide, the President shall take into account whether—

(1) there is a credible electoral process, in which by—elections and eventual general elections accurately reflect the popular will;

(2) there is an effective parliament, in which both the majority and minority are able to make constructive contributions;

(3) the press is allowed to operate freely, and all points of view can be expressed in the press;

(4) there is effective elected government at the local and regional levels; and

(5) there is an independent judiciary.

(b) Requests for Assistance.—Whenever requesting economic assistance for Bangladesh, the President shall report to the Congress with respect to each of the issues described in paragraph (1) through (5) of subsection (a).

SEC. 923. ISRAEL-INDIA RELATIONS.

(a) Findings.—The Congress finds that—

(1) the Government of India has blocked participation by Israelis in international academic gatherings and sporting events held in India; and

(2) India and Israel are sister democracies that share an interest in international cooperation and development.

(b) Statement of Policy.—It is the sense of the Congress that the growth of contacts between Indians and Israelis would benefit both countries and that the Government of India should facilitate such contacts in the future.

SEC. 924. WAIVER FOR PAKISTAN OF SECTION 669 PROHIBITION ON ASSISTANCE.

(a) Findings.—The Congress finds that—

(1) the United States considers the spread of nuclear weapons to South Asia to be potentially catastrophic for the countries of the region and, therefore, has made nuclear nonproliferation a vital element of United States policy toward the region;

(2) United States assistance is intended to induce Pakistan to forgo the development of nuclear weapons and, therefore, any effort by Pakistan to develop a nuclear weapons capability could have serious adverse consequences for the United States assistance relationship with Pakistan; and

(3) the most viable, long-term solution to the dangers posed by the threat of nuclear proliferation in South Asia is an agreement involving all countries of the region and, therefore, it is in the interest of the United States to encourage all countries to seek such an agreement.

(b) Extension of Waiver.—Section 620E(d) of the Foreign Assistance Act of 1961 is amended—

(1) by striking out "1987" and inserting in lieu thereof "1989";

(2) by inserting "(1)" after "(d)"; and

(3) by adding at the end the following:

"(2)(A) Any waiver for Pakistan under this subsection shall cease to be effective if the President certifies to the Congress that India has formally accepted the application of appropriate, verifiable, and reliable safeguards to all its nuclear materials.

"(B) If such a certification is made with respect to India and the President certifies to the Congress (at the same time or subsequently) that Pakistan has also formally accepted the application of appropriate, verifiable, and reliable safeguards to all its nuclear materials, such acceptance shall be deemed to constitute reliable assurances, for purposes of section 669(b)(1)(B) of this Act, that Pakistan will not acquire or develop nuclear weapons or assist other nations in doing so.".

(c) Additional Certification Requirement.—Section 620E(e) of that Act is amended—

(1) by striking out "device and" and inserting in lieu thereof "device,"; and

(2) by inserting before the period at the end ", and that Pakistan is taking responsible steps to reduce nuclear tensions on the Asian Subcontinent".

(d) Report on Illegal Nuclear Exports.—Not later than January 1, 1988, the President shall submit to Congress a report detailing—

(1) the degree to which the Government of Pakistan has cooperated in the investigation of the Arshad Pervez case;

(2) what legal action Pakistan has taken against any Pakistanis who are shown to have been involved in this case;

(3) what action Pakistan has taken, and what laws, regulations, or other measures Pakistan has implemented to ensure that no such incident, whether or not undertaken with the support or active assistance of Pakistani Government officials, occurs again; and

(4) the nature of any assurances which the Government of Pakistan has provided against any future procurement which would contribute significantly to the ability of Pakistan to manufacture a nuclear explosive device.

(e) Information on Pakistan's Enrichment Activities.—The President shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report containing a factual description of the uranium enrichment levels which Pakistan has reached as of the time of the report. This report may be classified if necessary and shall be submitted when the extension (which is provided for in subsection (a)(1) of this section) of the waiver contained in section 620E(d) of the Foreign Assistance Act of 1961 takes effect.

SEC. 925. DEMOCRACY AND HUMAN RIGHTS IN PAKISTAN.

(a) Findings.—The Congress finds that—

(1) the United States has a great interest in Pakistan's political stability;

(2) the completion of the process of democratization is essential for the establishment and maintenance of political stability in Pakistan;

(3) the lifting of martial law and the state of emergency in December 1985 was a positive step in the direction of political democracy; and

(4) the holding of parliamentary elections and the lifting of censorship are additional welcome indications of Pakistan's intent to move toward a system of democracy.

(b) United States Assistance.—Section 620E of the Foreign Assistance Act of 1961 is amended by adding at the end the following:

"(f) United States assistance for Pakistan is intended to assist Pakistan's self defense and to promote democratic and representative government and respect for internationally recognized human rights in Pakistan. Therefore, in considering future requests for assistance for Pakistan under the Foreign Assistance Act of 1961, the Arms Export Control Act, and the Agricultural Trade Development and Assistance Act of 1954, the Congress will be significantly influenced by such factors as whether the Government of Pakistan—

"(1) intends to hold (or has held), in accordance with the current stipulations of the Pakistani constitution, free and fair elections open to the full participation of all eligible voters (as currently specified in that constitution);

"(2) has made significant and demonstrated progress in eliminating human rights violations, in particular the practice of torture, armed attacks against civilian noncombatants, prolonged arbitrary detention, and imprisonment on political grounds;

"(3) has made significant and demonstrated progress in promoting respect for freedom of expression, freedom of the press, freedom of association, freedom of peaceful assembly, and the right of all citizens to participate in political life; and

"(4) has demonstrated progress in promoting religious tolerance and the right of all citizens to worship according to their beliefs.

Information on these factors shall be included in the annual human rights reports pursuant to sections 116 and 502B of this Act.".

SEC. 926. LIMITATION ON DEVELOPMENT ASSISTANCE FOR INDIA.

For each of fiscal years 1988 and 1989, not more than $35,000,000 of the funds made available to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 may be made available for assistance for India.

TITLE X—PEACE CORPS

SEC. 1001. AUTHORIZATIONS OF APPROPRIATIONS.

Section 3(b) of the Peace Corps Act is amended to read as follows:

"(b) There are authorized to be appropriated to carry out the purposes of this Act $142,000,000 for fiscal year 1988 and $146,970,000 for fiscal year 1989.".

SEC. 1002. PASSENGER AUTOMOBILES.

Section 15(d)(4) of the Peace Corps Act is amended to read as follows:

"(4) purchase and hire of passenger motor vehicles, except that—

"(A) section 1343 of title 31, United States Code, shall not apply to vehicles purchased for the transportation, maintenance, or direct overseas support of volunteers,

"(B) except as may otherwise be provided in an appropriation or other Act, passenger motor vehicles for administrative purposes outside the United States may be purchased for replacement only, and such vehicles may be exchanged or sold and replaced by an equal number of such vehicles and the cost, including exchange allowance, of each such replacement shall not exceed the current market price in the United States of a mid-sized sedan or station wagon meeting the requirements established by the General Services Administration for a class III vehicle of United States manufacture (or, if the replacement vehicle is a right-hand drive vehicle, 120 percent of that price) in the case of an automobile for any Peace Corps country representative appointed under section 7(c), and

"(C) passenger motor vehicles may be purchased for use in the United States only as may be specifically provided in an appropriation or other Act;".

SEC. 1003. TECHNICAL PUBLICATIONS.

Section 15 of the Peace Corps Act is amended by adding at the end the following:

"(e) Technical publications produced by the Peace Corps may be sold at cost in furtherance of the purposes of this Act. Up to $200,000 of the proceeds of such sales in each fiscal year may, to such extent as may be provided in advance in appropriations Acts, be credited to the currently applicable appropriation of the Peace Corps, notwithstanding section 3302(b) of title 31, United States Code.".

TITLE XI—ADDITIONAL ASSISTANCE FOR BASE RIGHTS COUNTRIES

SEC. 1101. ADDITIONAL AUTHORIZATIONS OF APPROPRIATIONS.

(a) AUTHORIZATIONS.—In addition to the amounts authorized to be appropriated by the preceding provisions of this Act, there are authorized to be appropriated, for use in accordance with subsection (b), an aggregate of $400,000,000 for fiscal year 1988 and an aggregate of $414,000,000 for fiscal year 1989 to carry out chapter 2 of part II of the Foreign Assistance Act of 1961 (relating to military assistance), chapter 4 of that part (relating to the economic support fund), and chapter 5 of that part (relating to international military education and training) and section 23 of the Arms Export Control Act (relating to foreign military sales credits).

(b) BASE RIGHTS COUNTRIES.—The funds authorized to be appropriated by subsection (a) shall be available only to meet United States security assistance requirements arising from agreements providing for United States access to military facilities in foreign countries.

(c) AUTHORITY TO EXTEND PERIOD OF AVAILABILITY.—Amounts appropriated pursuant to the authorizations of appropriations contained in subsection (a) are authorized to be made available until expended.

SEC. 1102. FOREIGN MILITARY SALES PROGRAM CEILING.

The aggregate foreign military sales financing ceiling for fiscal year 1988 and for fiscal year 1989 which is specified in section 31(b)(1) of the Arms Export Control Act shall be deemed to be increased by the amount appropriated under this title to carry out section 23 of that Act for that fiscal year.

SEC. 1103. MAINTENANCE OF MILITARY BALANCE IN THE EASTERN MEDITERRANEAN.

(a) REQUIREMENT THAT BALANCE BE MAINTAINED.—Amounts authorized to be appropriated by this title may not be made available in a manner inconsistent with—

(1) the policy established in section 620C(b) of the Foreign Assistance Act of 1961; and

(2) the ratio described in section 516(e)(2)(B)(i) and (ii) of that Act (as enacted by section 611 of this Act).

(b) CONFORMING PROVISION.—Assistance provided for Greece and Turkey with funds authorized to be appropriated by this title is in addition to the amounts of assistance provided for in section 607 and section 608 of this Act.

TITLE XII—MISCELLANEOUS PROVISIONS

SEC. 1201. USES OF FOREIGN CURRENCIES.

(a) SPECIAL ACCOUNTS; USE FOR DEVELOPMENT PURPOSES.—Section 609(a) of the Foreign Assistance Act of 1961 is amended—

(1) by striking out "any commodity" and all that follows through "sale thereof," and inserting in lieu thereof "assistance is furnished to a foreign country under part I under arrangements which will result in the accrual to that country of local currencies,";

(2) in paragraph (1) by striking out "proceeds" and inserting in lieu thereof "accrued local currencies"; and

(3) by amending paragraph (3) to read as follows:

"(3) utilize the remainder of the Special Account for purposes which are consistent with the objectives of sections 103 through 106 or, in the case of sub-Saharan Africa, section 472, and which are agreed to by the agency primarily responsible for administering part I.".

(b) CONFORMING AMENDMENTS.—Section 531(d) of that Act is amended—

(1) by striking out ", not less than 50 percent" and all that follows through "part I of this Act"; and

(2) by adding at the end the following: "All local currencies that accrue as the result of assistance under this chapter shall be deposited in a special account and used in accordance with section 609 of this Act.".

SEC. 1202. COMPREHENSIVE ANNUAL REPORTS ON FOREIGN ASSISTANCE.

Section 634 of the Foreign Assistance Act of 1961 is amended by adding at the end the following:

"(c) As part of the annual congressional presentation materials on foreign assistance programs, the President shall provide to the Congress a full, complete, and detailed accounting of all assistance provided during the preceding fiscal year under the Foreign Assistance Act of 1961 and the Arms Export Control Act. This accounting shall include for each fiscal year, among other things, the following with respect to each authorization account:

"(1) The specific projects and other activities carried out in each country.

"(2) The number of persons from each country who were provided with training, and the types of training provided.

"(3) The defense articles and defense services provided for each country.

"(4) The types of goods and commodities provided to each country for economic stabilization purposes under chapter 4 of part II (relating to the economic support fund).

"(5) The amounts of local currency generated by United States assistance to each country, the uses of those currencies, and the total amount of those currency still available for use as of the time of the report.

"(6) A report on any transfers or reprogrammings of funds, and a description of how transferred or reprogrammed funds modified the amounts requested for each account.

"(7) A report on the funds which have been obligated but remain unexpended for each country in each account.

"(8) An analysis of the amount of funds and programs provided through nongovernmental as contrasted to governmental channels.

"(9) For each country which received cash transfer assistance under chapter 4 of part II during the previous fiscal year, a detailed description of how the country used the funds that were made available, with a discussion of the United States interests that were served by the assistance (including, as appropriate, a description of any economic policy reforms that were promoted by the cash transfer assistance).

"(d) The annual congressional presentation materials on foreign assistance programs shall also include, for each country for which cash transfer assistance is proposed under chapter 4 of part II for the coming fiscal year, a discussion of the United States interests that will be served by the assistance, including, as appropriate, a description of the economic policy and development situation in the country which may affect the implementation of United States economic assistance programs and long-term economic development.".

SEC. 1203. FOREIGN ASSISTANCE ALLOCATION REPORTS.

(a) APPLICABILITY TO CONTINUING RESOLUTIONS.—Section 653(b) of the Foreign Assistance Act of 1961 is amended by inserting after "law making continuing appropriations" the following: "for a period of less than 60 days,".

(b) APPLICABILITY TO INTERNATIONAL NARCOTICS CONTROL ASSISTANCE.—Section 653(a) of that Act is amended by striking out "other than" in the parenthetical clause and inserting in lieu thereof "including section 481 but excluding".

SEC. 1204. FOREIGN DEBT REPAYMENT.

(a) POLICY ON NEW ECONOMIC ASSISTANCE LOANS TO COUNTRIES UNABLE TO SERVICE EXISTING DEBTS.—It is the sense of the Congress that the Agency for International Development should generally not provide assistance on a loan basis to a country which is unable to service its debt obligations arising from loans provided by the Agency in prior fiscal years, unless it can be demonstrated clearly that the country's inability to service its existing debt is temporary and nonrecurring.

(b) REPORTS TO CONGRESS ON DEBT RESCHEDULING.—Section 603(a)(2) of the International Development and Food Assistance Act of 1978 is amended by inserting after the first sentence the following: "This justification shall explain why the proposed debt relief is necessary, how much debt has previously been rescheduled for that government by the United States, why previous debt relief agreements have failed, and what the current prospects are for collecting the rescheduled receivables.".

(c) ACCELERATED LOAN REPAYMENTS.—Paragraph (3) of section 634(a) of the Foreign Assistance Act of 1961 is amended—

(1) by inserting "(A)" after "(3)";

(2) by inserting "and" after the semicolon; and

(3) by inserting the following at the end of the paragraph:

"(B) a description of the efforts made pursuant to section 127 by the Administrator of the agency primarily responsible for administering part I to negotiate accelerated loan repayments by countries with the financial resources to make accelerated loan repayments, in particular European countries that were recipients of concessional loans by predecessor agencies;".

SEC. 1205. ANNUAL FOREIGN ASSISTANCE REPORT.

Section 634(a) of the Foreign Assistance Act of 1961 is amended—

(1) in paragraph (1)(A), by striking out "oceans,"; and

(2) by repealing paragraph (8) and redesignating paragraphs (9) through (12) as paragraphs (8) through (11), respectively.

SEC. 1206. TECHNICAL CORRECTIONS.

(a) CORRECTION OF CROSS-REFERENCES TO INTERNATIONAL TRAFFIC IN ARMS REGULATIONS.—

(1) Section 505(e) of the Foreign Assistance Act of 1961 is amended in the second sentence—

(A) by striking out "significant defense articles" and inserting in lieu thereof "significant military equipment"; and

(B) by striking "such defense articles" both places it appears and inserting in lieu thereof "such significant military equipment".

(2) Section 3(a) of the Arms Export Control Act is amended in the second sentence following paragraph (4)—

(A) by striking out "significant defense articles" and inserting in lieu thereof "significant military equipment"; and

(B) by striking "such defense articles" both places it appears and inserting in lieu "such significant military equipment".

(3) Section 36(d) of that Act is amended by striking out "combat" and inserting in lieu thereof "military".

(b) Clerical Errors in 1985 Authorization Act.—

(1) Subsection (d) of section 25 of the Arms Export Control Act, as added by section 112(b) of the International Security and Development Cooperation Act of 1985, is amended—

(A) by redesignating that subsection as subsection (e); and

(B) by striking out the semicolon at the end and inserting in lieu thereof a period.

(2) Subparagraph (B) of section 25(a)(5) of the Arms Export Control Act is amended by striking out "subsection (d)" and inserting in lieu thereof "subsection (e)".

(3)(A) Section 124(c) of the Foreign Assistance Act of 1961, as so redesignated by section 310 of this Act, is amended by striking out "110(a)" and inserting in lieu thereof "110".

(B) Section 124(e) of that Act is repealed.

(C) Section 110 of that Act is amended by striking out "and Funding Limits".

(c) Clerical Errors in Anti-Drug Abuse Act of 1986.—

(1) Section 481 of the Foreign Assistance Act of 1961 (as amended by section 2005 of the Anti-Drug Abuse Act of 1986) is amended—

(A) in subsection (h)(2)(A), by striking out ", or" at the end of clause (ii) and inserting in lieu thereof a period;

(B) in subsection (h)(4)(A), by inserting "a" before "joint resolution"; and

(C) in subsection (i)(4)(vi), by striking out "section 1049(c)(2)" and inserting in lieu thereof "section 104(c)(2)".

(2) Section 2015(b)((1) of the Anti-Drug Abuse Act of 1986 is amended by striking out "effects" and inserting in lieu thereof "efforts".

(3) Section 2030(b) of the Anti-Drug Abuse Act of 1986 is amended by striking out "subsection (A)(4)" and inserting in lieu thereof "subsection (a)(4)".

(d) Public Laws 99-440 and 99-529.—Chapter 1 of part I of the Foreign Assistance Act of 1961 is amended by redesignating section 117 (as enacted by section 201(b) of Public Law 99-440) as section 115 and by inserting that section before section 116.

SEC. 1207. COUNTRIES WHICH IMPORT SUGAR FROM CUBA.

(a) Reduction of Assistance by Value of Sugar Imports From Cuba.—Beginning in fiscal year 1989, the President shall have the authority to withhold from the amount of assistance under chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund) which is allocated to a country for a fiscal year the amount equal to the value of confirmed sales of sugar which is the product of Cuba and which is imported by that country in the preceding fiscal year.

(b) Reductions To Be Made Notwithstanding Earmarkings.—The withholding of amounts under subsection (a) may be made notwithstanding any provision of law specifying the amount of assistance to be provided to a particular country.

(c) Sense of Congress With Respect to Other Countries.—It is the sense of the Congress that the President should urge countries that import sugar which is the product of Cuba and do not receive economic support funds or other forms of foreign assistance from the United States to import sugar from other Central American or Caribbean countries with democratically elected governments.

SEC. 1208. EARLY WARNING SYSTEM REGARDING MULTILATERAL DEVELOPMENT BANK LOANS.

(a) Analysis.—The President shall instruct missions of the Agency for International Development and United States diplomatic missions in the relevant foreign countries to analyze the impacts of proposed loans by multilateral development banks well in advance of such loan's approval by the bank. Such analyses shall address the economic viability of the project, adverse impacts on the environment, natural resources, public health, and indigenous peoples, and recommendations as to measures (including alternatives) that could eliminate or mitigate adverse impacts. If not classified under the national security system of classification, the information obtained in carrying out this subsection shall be made available to the public.

(b) Investigations.—The President shall further instruct those missions that, if the analysis of a proposed loan pursuant to subsection (a) fails to identify adverse impacts on the environment, natural resources, public health, or indigenous peoples, but there is nonetheless reason to believe that such a loan may have such impacts, they shall undertake an affirmative investigation of such impacts in consultation with relevant Federal agencies.

(c) Furnishing Information to Secretary of the Treasury.—If an analysis pursuant to subsection (a) or an investigation pursuant to subsection (b) identifies adverse impacts of a proposed multilateral development bank loan on the environment, natural resources, public health, or indigenous peoples, the Administrator of the Agency for International Development or the Secretary of State (as appropriate) shall provide the relevant information to the Secretary of the Treasury for his consideration in determining whether to instruct the United States Executive Director of the relevant multilateral development bank to seek changes in the loans necessary to eliminate or mitigate such impacts.

(d) Cooperation With Other Countries.—The Administrator of the Agency for International Development or the Secretary of State (as appropriate) shall make the information collected pursuant to subsections (a) and (b), other than classified information, available to foreign governments and shall actively cooperate with such governments to facilitate exchanges of such information.

(e) Semiannual Lists.—Six months after the date of enactment of this Act and semiannually thereafter, the Administrator of the Agency for International Development shall publish a list of proposed multilateral development bank loans that may have adverse impacts on the environment, natural resources, public health, or indigenous peoples. The list shall be developed in consultation with interested members of the public and shall contain—

(1) the name of the lending institution;

(2) the name of the borrowing country;

(3) the name of the project or loan;

(4) a brief description of the project or loan;

(5) the total anticipated cost and anticipated contribution from development banks;

(6) a summary of adverse effects on the environment, natural resources, public health, or indigenous peoples;

(7) identification of alternatives which may eliminate or mitigate such effects, including the possibility of terminating further action on the potential loan; and

(8) identification of actions taken or underway by the Administrator or other Federal agencies to secure necessary changes in the project.

SEC. 1209. COUNTRIES LISTED AS COMMUNIST COUNTRIES.

Section 620(f)(1) of the Foreign Assistance Act of 1961 is amended as follows:

(1) After "Democratic People's Republic of Korea." insert the following:

"Democratic Republic of Afghanistan."

(2) After "Mongolian People's Republic." insert the following:

"People's Democratic Republic of Ethiopia.

"People's Democratic Republic of Yemen.".

(3) After "People's Republic of Albania." insert the following:

"People's Republic of Angola.".

(4) After "People's Republic of China." insert the following:

"People's Republic of Kampuchea.".

SEC. 1210. REQUIREMENT TO SPECIFY DURATION FOR PERIOD OF WAIVER OF COMMUNIST COUNTRY PROHIBITION.

Section 620(f)(2) of the Foreign Assistance Act of 1961 is amended by inserting "specified" before "period as the President determines".

SEC. 1211. EFFECTIVENESS OF UNITED STATES ECONOMIC ASSISTANCE.

(a) Reports.—Not later than December 31, 1988, and December 31 of each third year thereafter, the President shall submit to the Congress a report which analyzes, on a country-by-country basis, the impact and effectiveness of the United States economic assistance provided during the preceding 3 fiscal years. Each such report shall include the following for each recipient country:

(1) An analysis of the impact of United States economic assistance during the preceding 3 fiscal years on economic development in that country, with a discussion of the United States interests that were served by the assistance. This analysis shall be done on a sector-by-sector basis to the extent possible and shall identify any economic policy reforms which were promoted by the assistance. This analysis shall—

(A) include a description, quantified to the extent practicable, of the specific objectives the United States sought to achieve in providing economic assistance for that country, and

(B) specify the extent to which those objectives were not achieved, with an explanation of why they were not achieved.

(2) A description of the amount and nature of economic assistance provided by other donors during the preceding 3 fiscal years, set forth by development sector to the extent possible.

(3) A discussion of the commitment of the host government to addressing the country's needs in each development sector, including a description of the resources devot-

ed by that government to each development sector during the preceding 3 fiscal years.

(4) A description of the trends, both favorable and unfavorable, in each development sector.

(5) Statistical and other information necessary to evaluate the impact and effectiveness of United States economic assistance on development in the country.

(6) A comparison of the analysis provided in the report with relevant analyses by international financial institutions, other international organizations, other donor countries, or nongovernmental organizations.

(b) Listing of Most and Least Successful Assistance Programs.—Each report required by this section shall identify—

(1) those countries in which United States economic assistance has been most successful, and

(2) those countries in which United States economic assistance has been least successful.

For each country listed pursuant to paragraph (2), the report shall explain why the assistance was not more successful and shall specify what the United States has done as a result.

(c) Report To Be a Separate Document.—Each report required by this section shall be submitted to the Congress as a separate document.

(d) Definition.—As used in this section, the term "United States economic assistance" means assistance under chapter 1 of part I of the Foreign Assistance Act of 1961 (relating to development assistance), chapter 7 of part I of that Act (relating to Africa famine recovery and development), or chapter 4 of part II of that Act (relating to the economic support fund).

SEC. 1212. INTERNATIONAL SCHOLARSHIP PARTNERSHIP PROGRAM

(a) Establishment of Scholarship Program.—The Administrator of the Agency for International Development shall establish and administer a program of scholarship assistance, in cooperation with State governments, universities, community colleges, and businesses, to provide scholarships in the form of loans to enable students from eligible countries to study in the United States.

(b) Program Objectives.—The program authorized by subsection (a) of this section shall be designed and administered to provide educational opportunities for talented students of limited financial means from eligible countries in order to foster democracy and development in those countries and their regions and to strengthen the relationships between the United States and such countries and regions.

(c) Eligible Countries.—For purposes of this section, the term "eligible country" means any country which is a recipient of United States assistance pursuant to chapter 1 of part I of the Foreign Assistance Act of 1961 (relating to development assistance), chapter 7 of part I of that Act (relating to Africa famine recovery and development), chapter 4 of part II of that Act (relating to the economic support fund), or the Agricultural Trade Development and Assistance Act of 1954.

(d) Funding.—

(1) Latin America and the Caribbean.—For each of the fiscal years 1988 and 1989, up to $2,000,000 of the funds allocated for the Latin American and the Caribbean regional program under chapter 4 of part II of the Foreign Assistance Act of 1961 shall be available only to provide scholarships for qualified students from eligible countries in Central America and the Caribbean pursuant to this section.

(2) South Pacific.—For each of the fiscal years 1988 and 1989, not less than $2,000,000 of the funds allocated for South Pacific regional programs under chapter 1 of part I of that Act shall be available only to provide scholarship assistance to qualified students from eligible countries in the South Pacific for study at post-secondary institutions of education in the United States pursuant to this section. Not more than 10 percent of funds made available under this paragraph may be used for scholarships for graduate study.

(3) Other regions.—Funds made available to carry out chapter 1 of part I, chapter 7 of part I, and chapter 4 of part II of that Act may be used to provide scholarships pursuant to this section to qualified students from eligible countries in regions other than those specified in paragraphs (1) and (2) of this subsection.

(4) Period of availability.—Funds allocated to carry out this subsection shall remain available until expended, notwithstanding any other provision of law.

(e) Cooperation With States and the Private Sector.—

(1) Consultation with states.—The Administrator shall consult with the participating States with regard to the educational opportunities available within each State and on the assignment of scholarship recipients.

(2) Grants to states.—In furtherance of the objectives of this section, the Administrator may make grants to States to provide scholarship assistance to students participating in the program conducted pursuant to this section to attend undergraduate degree programs or training programs of one year or longer in study areas related to the critical development needs of the students' countries.

(3) Federal share.—The Federal share for each year for which a State receives payments under this subsection shall be not less than 50 percent.

(4) Non-federal share.—The non-Federal share of payments under this subsection may be in cash, including the waiver of tuition or the offering of in-State tuition or housing waivers or subsidies, or in-kind fairly evaluated, including the provision of books and supplies.

(5) Private sector—To the maximum extent practicable, each participating State shall enlist the assistance of the private sector to enable the State to meet the non-Federal share of payments under this section.

(f) Implementing Regulations.—The Administrator shall issue such regulations as may be necessary to carry out this section. Such regulations shall include provisions for—

(1) forgiveness of repayment of a student's loan upon the student's prompt return to the student's country of origin for a period which is at least one year longer than the period the student spent studying in the United States; and

(2) forgiveness of half the repayment of the loan if the student is granted asylum or refugee status in the United States under the Immigration and Neutrality Act.

SEC. 1213. ASSISTANCE FOR POLICE OF DEMOCRATIC GOVERNMENTS.

(a) Waiver.—Subsections (c) and (d) of section 660 of the Foreign Assistance Act of 1961 are amended to read as follows:

"(c) Subsection (a) shall not apply with respect to a country which has an elected government seeking to strengthen democratic institutions, including the criminal justice system, and to improve observance of civil and political rights, and which is not engaged in a consistent pattern of gross violations of internationally recognized human rights.

"(d) Assistance shall not be provided pursuant to subsection (c) unless the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate are notified of the amount and nature of the proposed assistance at least fifteen days in advance of obligation.".

(b) Effective Date.—The amendment made by subsection (a) does not apply with respect to funds appropriated before the date of enactment of this Act.

By Mr. BURTON of Indiana:

—On page 58, after line 15, insert the following new section:

SEC. . AIDS EDUCATION.

Section 104 of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following:

"(h) AIDS Education.—As part of providing population assistance under this Act, the President shall require that all individuals who ultimately receive family planning assistance are fully informed as to the risks of infection with human immunodeficiency virus through sexual activity. A grant may be made under this Act for population assistance only upon assurance satisfactory to the President that the recipient of the grant will, prior to providing to any individual any such assistance, inform the individual—

"(1) of the effectiveness of the particular contraceptive method provided to the individuals by the recipient as a method to prevent infection with the human immunodeficient virus and a comparison of such effectiveness with the effectiveness of sexual abstinence outside a sexually monogomous marriage;"

"(2) that many individuals who are infected with the human immunodeficiency virus will develop acquired immunodeficiency syndrome, which is a fatal disease, and

"(3) that the most effective way to avoid becoming infected with the human immunodeficiency virus is to abstain from homosexual relations, from heterosexual relations outside of marriage, and from the intravenous use of illegal drugs.".

—Page 109, after line 8, insert the following:

SEC. 617. SYRIAN SPONSORSHIP AND SUPPORT FOR TERRORISM.

(a) Findings. The Congress finds that—

(1) a terrorist operating on behalf of Syrian intelligence was convicted in London of attempting to bomb a civilian airliner in November 1986, prompting the withdrawal of the United States Ambassador to Syria and the imposition of certain sanctions;

(2) the terrorist group Saiqa is under Syrian direction, receives training from the Syrian army, and is believed to be responsible for a number of bombings in Western Europe, including the 1979 bombing of a synagogue in Vienna;

(3) while the offices of the Abu Nidal terrorist group have been expelled from Damascus, the group continues to maintain training bases in the Syrian-occupied Bekaa valley;

(4) the terrorists responsible for the April 1986 bombing of Americans in West Berlin admit to receiving explosives from the Syrian embassy in West Berlin;

(5) the Abu Moussa faction of the PLO maintains offices in Damascus, trains terror-

ists in Syria, receives instructions from Syrian intelligence officers, and received Syrian diplomatic support in an attempt to destroy a commercial airliner in Madrid in June 1986;

(6) the Popular Front for the Liberation of Palestine, led by George Habash, maintains terrorist forces in Syria, and has claimed responsibility for numerous attacks on Israeli civilians and assassinations of Arab mayors on the West Bank;

(7) the Democratic Front for the Liberation of Palestine maintains offices in Damascus and training camps in Syria; and

(8) the Armenian Secret Army for the Liberation of Armenia (ASALA) and the Kurdish Worker's Party (PKK) have received support from Syria for attacks against Turkish civilians.

(b) REPORT.—Not later than 120 days after the date of enactment of this Act, the President shall submit a report on the nature and extent of Syrian financial, political, and training support of terrorist groups. This report shall be unclassified, with a classified annex if necessary.

(c) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the United States should not rescind any of the sanctions currently in force against Syria until Syria expels all terrorist groups operating against the United States and its allies and ceases to support or allow terrorist bases on her territory; and

(2) the President should resume his request to United States corporations that, in the national interest, they voluntarily suspend operations in Syria, and United States corporations should resume their voluntary compliance with that request.

(d) SANCTIONS DESCRIBED.—The sanctions referred to in paragraph (1) of subsection (c) are those economic and diplomatic measures that were taken with respect to Syria on November 14, 1986, and which were in effect on November 1, 1987, and include the expansion of export controls on all national security controlled items, termination of Export-Import Bank credits, termination of insurance from the Overseas Private Investment Corporation, withdrawal of the offered export enhancement program, the prohibition on the sale of Syrian Arab Airline tickets, notice of termination of the International Air Transport Agreement between the United States and Syria, reduction in the staffs of the Syrian embassy in Washington and the United States embassy in Syria, increased restrictions on visas, and restrictions on high level visits.

—Page 164, line 3, after "section 473" insert ", the Congress encourages the agency primarily responsible to administering this part to use"; line 4, strike out "shall be used"; line 6, strike out "shall be used"; and line 8, strike out "shall be used".

—Page 168, line 12 strike out the comma following "1988" and insert in lieu thereof "and"; line 12, strike out the comma following "1989" and all that follows through "1992" in line 14; page 191, line 5, strike out the comma following "1988" and insert in lieu thereof "and"; line 6, strike out the comma following "1989" and all that follows through "1992," in line 9.

—Page 190, strike out line 22 and all that follows through line 20 on page 192 and insert in lieu thereof the following:

SEC. 822. SUPPORT FOR FRIENDS IN AFRICA.

Of the aggregate amounts authorized to be appropriated to carry out chapter 1 of part I (relating to development assistance), chapter 7 of part I (relating to Africa famine recovery and development), and chapter 4 of part II (relating to the economic support fund) of the Foreign Assistance Act of 1961, not less than $50,000,000 shall be available for fiscal year 1988 and not less than $50,000,000 shall be available for fiscal year 1989 only to assist countries in Africa that demonstrate their cooperation and support for the policies, interests, and values of the United States—

(1) by having formal facilities access agreements with the United States or routinely providing access and overflight rights on an informal basis; or

(2) by having open political systems characterized by regular, free and fair, multiparty elections; freedoms of the press, speech, religion, and association; and general respect for internationally recognized human rights.

—Page 197, strike out line 15 and all that follows through line 10 on page 199 and insert in lieu thereof the following:

SEC. 827. ASSISTANCE FOR THE PEOPLE'S REPUBLIC OF MOZAMBIQUE.

(a) FINDINGS.—The Congress finds that—

(1) mutual interests, bilateral and regional in nature, bind the United States and Mozambique;

(2) there is encouraging proof of—

(A) shifts in the Mozambique Government's macroeconomic policy and its openness to the West, and

(B) actions taken by the Government of Mozambique to improve human rights, as detailed in the State Department's Country Reports on Human Rights Practices for 1986, including the recent halt to the execution of insurgents and persons guilty of economic sabotage, and the campaign begun in 1985 to improve the legal rights of detainees;

(3) together these changes raise the possibility of improved relations between the United States and this strategically important country;

(4) the military conflict with the Mozambique National Resistance (RENAMO) has created an extremely difficult domestic climate, involving significant evidence of systematic human rights abuses by RENAMO;

(5) there is nonetheless a continuing need for the Government of Mozambique to take deliberate steps to improve human rights, particularly with respect to the unlimited power to detain which is presently enjoyed by the state security forces (SNASP), the continued killing of innocent civilians during military operations, the capricious and cruel treatment of prisoners, and the excessive and illegal floggings of individuals; and

(6) the Catholic Bishops of Mozambique, in the Pastoral Letter of April 30, 1987, stated that "the only solution for peace and honor is dialogue and national reconciliation . . . We are appealing to all people, organizations and governments, to help the country achieve peace through peaceful means and political dialogue, and national reconciliation to help our people build a society of brotherhood and prosperity".

(b) ECONOMIC ASSISTANCE.—The funds authorized to be appropriated for fiscal years 1988 and 1989 to carry out chapter 7 of part I (relating to Africa famine recovery and development) and chapter 4 of part II (relating to the economic support fund) of the Foreign Assistance Act of 1961 that are allocated for bilateral assistance to the People's Republic of Mozambique shall be used solely for assistance to the private sector of the economy of Mozambique to the maximum extent practicable. To the maximum extent practicable, such funds shall be channeled to non-governmental entities in Mozambique.

(c) MILITARY ASSISTANCE.—

(1) CONDITION ON ASSISTANCE.—None of the funds authorized to be appropriated for fiscal year 1988 or fiscal year 1989 to carry out chapter 2 of part II (relating to grant military assistance) or chapter 5 of part II (relating to international military education and training) of the Foreign Assistance Act of 1961 shall be used to provide assistance to the People's Republic of Mozambique unless the President makes the certification described in paragraph (2) before providing any such assistance for that fiscal year.

(2) CERTIFICATION REQUIRED.—The certification required by paragraph (1) is a certification by the President to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate that the Government of the People's Republic of Mozambique—

(A) is making a concerted and significant effort to comply with internationally recognized human rights;

(B) is making continued progress in implementing essential economic and political reforms, including the restoration of private property and respect for the right to engage in free enterprise in all sectors of the economy;

(C) has reduced the number of foreign military personnel to no more than 55; and

(D) has held or is committed to holding free elections, and to that end has demonstrated its good faith efforts to begin discussions with all major political factions in Mozambique which have declared their willingness to find and implement an equitable political solution to the conflict, with such solution to involve a commitment to the electoral process with internationally recognized observers and the elimination of all restrictions on the formation and activities of opposite political parties.

—Page 201, after line 8, insert the following:

SEC. 830. PROHIBITION ON ASSISTANCE TO THE AFRICAN NATIONAL CONGRESS.

(a) PROHIBITION.—None of the funds authorized to be appropriated by this or any other Act may be used to support, directly or indirectly, activities of the African National Congress.

(b) WAIVER.—Subsection (a) may be waived by the President if he certifies to the Congress that—

(1) the National Executive Committee of the African National Congress has taken a stand publicly and officially opposing the practice of "necklacing", the practice of execution by fire, used against South African blacks;

(2) members of the South African Communist Party no longer hold key positions on the National Executive Committee of the African National Congress; and

(3) the African National Congress no longer receives its primary financial, military, and training support from the Soviet Union or other Communist countries listed in section 620(f) of the Foreign Assistance Act of 1961.

—Page 201, after line 8, insert the following:

SEC. 830. ASSISTANCE FOR ZIMBABWE.

(a) CONDITION ON ASSISTANCE.—Foreign assistance may not be provided for Zimbabwe for fiscal years 1988 and 1989 until the Government of the United States has received from the Government of Zimbabwe an apology to the American people for the unjustifiable and slanderous anti-American public remarks made by a Zimbabwe government minister at the United States embassy in Zimbabwe on July 4, 1986.

(b) DEFINITION.—As used in this section, the term "foreign assistance" means any assistance under the Arms Export Control Act, the Foreign Assistance Act of 1961 (excluding assistance under chapter 9 of part I, relating to disaster assistance), or the Agricultural Trade Development and Assistance Act of 1954 (excluding emergency food assistance under title II).

—Page 226, after line 10, insert the following:

SEC. 930. POLICIES PURSUED BY INDIA.

(a) FINDINGS.—The Congress finds as follows:

(1) The Soviet Union supplies India with over 80 percent of its military needs and provides high-technology weapons that are normally reserved for Warsaw Pact countries.

(2) India was the first country outside the Warsaw Pact to obtain Soviet built MiG-29 fighter bombers, Mi-26 Halo heavy lift helicopters, and Kilo-class submarines. India and the Soviet Union co-produce T-72 tanks and MiG-21 and MiG-27 fighters.

(3) In recent years, India's voting record is even worse than the Soviet Union's when it comes to support for the United States position in votes in the United Nations General Assembly.

(4) India refuses to condemn the Soviet invasion of Afghanistan and the Soviet-backed invasion of Cambodia by Vietnam.

(5) The Human Rights Caucus of the House of Representatives heard testimony from United Nations Ambassador Vernon Walters which confirmed that India, after promising to refrain, introduced a procedural motion that prevented Cuba from being censored by the United Nations Human Rights Commission for flagrant human rights abuses.

(6) India's Prime Minister Gandhi offered a $10.4 million assistance package to the communist Sandinistas in Nicaragua. This offer came at a time when the United States was giving India over $500 million in assistance over a 3-year period. Daniel Ortega awarded Prime Minister Gandhi Nicaragua's highest award, the Order of Augusto Ceasar Sandino, making Gandhi the sixth leader to receive it. Fidel Castro was the first.

(7) In April of 1987, Indian Defense Minister K.C. Pant joined North Korean President Kim Il Sung for the latter's 75th birthday celebration in Pyongyang, where he lent dignity to a regime that spends 24 percent of its gross national product on its military by describing the Indian and North Korean governments as having much to gain by "working for disarmament, development, and just world order".

(8) India has no diplomatic mission in Israel, but maintains warm relations with the Palestine Liberation Organization.

(b) STATEMENT OF POLICY.—The Congress is very concerned about the increasing Indo-Soviet relationship. It is very unfortunate that as the United States becomes India's largest trading partner, India continues to move closer and closer toward the Soviet bloc. If India continues to be a puppet of Soviet foreign policy goals, the United States must quickly reassess the Indo-United States relationship.

—Page 226, after line 10, insert the following:

SEC. 930. HUMAN RIGHTS OF THE SIKHS IN THE PUNJAB OF INDIA.

(a) FINDINGS.—The Congress finds that—

(1) Amnesty International found in its 1987 report that India has failed to respect the human rights of the Sikhs living in the Punjab;

(2) there is evidence that the Indian authorities are currently suspending basic freedoms in the Punjab and that increasingly harsh police tactics are only aggravating the situation;

(3) India's central government has dismissed the elected state government for the Punjab and has introduced large numbers of police and paramilitary units;

(4) these paramilitary units have sealed off the Golden Temple, the most sacred religious shrine of the Sikh peoples, and for the first time in its centuries old history, devotees could not offer prayers or have a dip in the historic holy tank built around the Golden Temple; and

(5) history has proven that Sikhs do not submit to oppression and that most Sikhs want a peaceful solution in the Punjab.

(b) STATEMENT OF POLICY.—It is a sense of the Congress that the Indian government should reopen the Golden Temple immediately for religious worship. While the Congress condemns the use of terrorist tactics in the region, the Indian government must use restraint in resolving its dispute with the Sikh peoples in the Punjab. The Congress respectfully urges Prime Minister Gandhi to respect human rights in the Punjab.

—Page 247, after line 16, insert the following new section:

SEC. 1116. PROHIBITION ON ASSISTANCE TO COUNTRIES RECEIVING SUPERSONIC FIGHTER AIRCRAFT FROM THE SOVIET UNION.

(a) PROHIBITION.—For Fiscal years 1988 and 1989, foreign assistance my not be provided to any country which has an agreement with the Soviet Union pursuant to which that country will obtain supersonic fighter aircraft from the Soviet Union.

(b) DEFINITIONS.—As used in this section—

(1) the term "agreement" includes a coproduction agreement; and

(2) the term "foreign assistance" means any assistance under the Arms Export Control Act, the Foreign Assistance Act of 1961 (excluding assistance under chapter 9 of part I, relating to disaster assistance), or the Agricultural Trade Development and Assistance of 1954 (excluding emergency food assistance under title II).

—Page 249, after line 15, insert the following:

TITLE XIII—OTHER PROVISIONS

SEC. 1301. REPORT ON SOVIET HARD CURRENCY SOURCES AND USES.

Not later than 30 days after the date of enactment of this Act, the President shall submit to the Congress a report (which shall be unclassified, with a classified annex if necessary) which provides the following information with respect to the Union of Soviet Socialist Republics, Czechoslovakia, Romania, Bulgaria, Hungary, the German Democratic Republic, and Poland:

(1) That country's hard currency income and borrowings from each of the following sources:

(A) Loans by Western governments.

(B) Commercial loans from banks in Western countries, including from branches and subsidiaries of such banks.

(C) Interbank deposits by Western banks and their branches and subsidiaries in banks owned by that country, including those banks owned by that country located in Western countries.

(D) The export earnings of that country divided into the following sectors: oil, gas, gold, arms sales (by country), and other export sources.

(2) That country's hard currency outlays toward each of the following purposes:

(A) Support for allies and client regimes (by country), including forgone hard currency income through subsidization of exports or military assistance.

(B) Support for insurgencies and terrorist groups (by group).

(C) KGB and GRU activities, including disinformation and high technology acquisition.

(D) Debt service.

(E) Imports from Western countries.

—At the end of Title XI add the following new section:

"SEC. . CERTIFICATIONS REGARDING THE PLO.

(a) None of the funds provided for in Section 302(a)(1)(A) of the Foreign Assistance Act of 1961, as amended by Section 405 of this Act, may be made available until the Secretary of State has certified to Congress that the Palestine Liberation Organization and any of its constituent groups, any successor to any of those, and any agents thereof are prohibited from—

(1) receiving anything of value except informational material from the PLO or any of its constituent groups, any successor thereto, or any agents thereof;

(2) expending funds from the PLO or any of its constituent groups, any successor thereto, or any agents thereof; or

(3) notwithstanding any provision of the law to the contrary, establishing or maintaining an office, headquarters, premises, or other facilities or establishments within the jurisdiction of the United States at the behest or direction of, or with funds provided by the Palestine Liberation Organization or any of its constituent groups, any successor to any of those, or any agents thereof.

(b) Provided, further, that no such funds may be made available until the Secretary of State has also certified to Congress that the Attorney General has taken the necessary steps and instituted the necessary legal actions to effectuate the policies and provisions of this section.

By Mr. CRANE:

—Page 226, after line 10, insert the following new section:

SEC. 930. TRADE WITH AFGHANISTAN.

(a) AUTHORIZATION TO PROHIBIT IMPORTS.—

(1) Notwithstanding any other provision of law, the President is authorized to prohibit the importation into the United States of all products of Afghanistan after the date of enactment of this Act.

(2) For purposes of this subsection, the term "product of Afghanistan" means any article which—

(A) is grown, produced, or manufactured in Afghanistan, and

(B) is exported by—

(i) the so-called Democratic Republic of Afghanistan that is sponsored by the Union of Soviet Socialist Republics, or

(ii) any political party, faction, or regime in Afghanistan sponsored by the Union of Soviet Socialist Republics.

(b) AUTHORIZATION TO PROHIBIT EXPORTS.—Notwithstanding any other provision of law, the President is authorized to prohibit the exportation of any goods or technology from the United States for the benefit of, or use by—

(1) the so-called Democratic Republic of Afghanistan that is sponsored by the Union of Soviet Socialist Republics, or

(2) any political party, faction, or regime in Afghanistan sponsored by the Union of Soviet Socialist Republics.

(c) CONSTRUCTION.—It is not the intent of Congress to authorize the President to prohibit trade with those Afghan forces or factions for which the Congress has expressed support.

SEC. 931. REPORT.

If the President has not, before the date that is 45 days after the date of enactment of this Act, taken actions under section 1 to prohibit trade between the United States and the Democratic Republic of Afghanistan, a regime that is sponsored by the Union of Soviet Socialist Republics, the President shall submit to the Congress on such date a report which states the reasons why the President has not taken actions to prohibit such trade.

—Page 247, after line 16, insert the following new section:

SEC. 1116. ADDITIONAL COMMUNIST COUNTRIES.

Section 620(f)(1) of the Foreign Assistance Act of 1961 is further amended to add the following countries at the appropriate alphabetical place:

"Cooperative Republic of Guyana.
"Lao People's Democratic Republic.
"People's Republic of Benin.
"People's Republic of the Congo.
"People's Republic of Mozambique.
"Republic of Nicaragua.
"Surinam.

By Mr. DORNAN of California:

—On page 107, between lines 14 and 15, insert the following:

"(c) ASSISTANCE IN SUPPORT OF SOLIDARITY.—Notwithstanding any other provision of law, of the amounts authorized to be appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund) for each of the fiscal years 1988 and 1989, not less than $1,000,000 shall be available only for the unconditional support of the independent Polish trade union "Solidarity"."

By Mr. DYMALLY:

—Page 65, after line 18, insert the following new section 406 (and redesignate subsequent sections accordingly):

SEC. 406. SOUTH-WEST AFRICA PEOPLE'S ORGANIZATION.

Section 306(a) of the Foreign Assistance Act of 1961 is amended by striking out "South-West Africa People's Organization,".

—Page 133 after line 13, insert the following:

SEC. 745. DIPLOMATIC AND CONSULAR POSTS IN ANTIGUA AND BARBUDA.

The Secretary of State shall not be prohibited by any provisions contained in the foreign relations authorization Act for fiscal year 1988 from using funds available to the Department of State for the expenses of maintaining a United States diplomatic or consular post in Antigua and Barbuda. Any provision of that Act which purports to prohibit the use of funds for that purpose shall be null and void.

By Mr. FASCELL:

—Page 201, after line 8, insert the following:

SEC. 830. ECONOMIC ASSISTANCE FOR SUB-SAHARAN AFRICA.

Of the amounts authorized to be appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund), not less than $85,000,000 for each of the fiscal years 1988 and 1989 shall be available only for assistance for sub-Saharan Africa.

By Mr. GEJDENSON:

—Page 117, line 24, before "The" insert "(a) USE OF EXISTING FUNDS.—"; and page 118, after line 5 insert the following:

(b) ADDITIONAL FUNDS.—Of the funds authorized to be appropriated for fiscal year 1988 to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund), not less than $3,500,000 shall be available only for payment to the Organization of American States for verification and peacekeeping activities in support of the Central American peace agreement signed in Guatemala on August 7, 1987.

—Page 124, strike out line 3 through 18.

By Mr. GILMAN:

Page 40, strike out line 17 and all that follows through line 19 on page 43 and insert in lieu thereof the following:

SEC. 312. ENHANCING THE PRIVATE-PUBLIC PARTNERSHIP FOR FOREIGN ASSISTANCE.

(a) ADDITIONAL POLICIES AND REQUIREMENTS CONCERNING PVOs AND COOPERATIVES.—Section 123 of the Foreign Assistance Act of 1961 is amended—

(1) by redesignating subsections (b) through (h) as subsections (e) through (k), respectively; and

(2) by inserting after subsection (a) the following:

"(b) The Congress encourages the fuller utilization of private indigenous organizations and cooperatives, especially those representing women, tribal peoples, and other minorities, in the implementation and planning of activities authorized by this part. Public and private technical and financial assistance from United States private and voluntary organizations and cooperatives can accelerate the strengthening of these organizations and their ability to assist the poor.

"(c) The Congress encourages the Administrator of the agency primarily responsible for administering this part to use, in addition to funding for other activities of private and voluntary organizations, up to $20,000,000 in each of fiscal years 1988 and 1989 for private and voluntary organizations and cooperatives under this chapter, chapter 7 of this part, and chapter 4 of part II to design, initiate, expand, and enhance food assistance programs that reach the poor in conjunction with food made available under title II of the Agricultural Trade Development and Assistance Act of 1954 and section 416(b) of the Agricultural Act of 1949.

"(d) The Congress finds that one of the most effective and least costly ways to maintain and restore the natural resource base in developing countries is through small-scale, affordable, participatory projects using methods suited to the local environment. Assistance under this part may support private and voluntary organizations in carrying out resource conserving developing projects, training, and education program that promote sustainable agricultural development practices. Particular emphasis should be placed on agricultural and rural development projects which include environmentally sound land and water management technologies, including agroforestry, water harvesting, soil conservation, reforestation, range and pasture management, small-scale irrigation systems, family gardens, park management, renewable and decentralized energy techniques, and the training of local staff on more effective community-based extension techniques that promise greater choice, improved communications, and the more active involvement of farmers in projects utilizing these technologies.".

(b) FUNDING LEVELS.—Subsection (i) of that section (as so redesignated by subsection (a) of this section) is amended to read as follows:

"(i) For each of the fiscal years 1988 through 1992, funds in an amount not less than 15 percent of the aggregate amount appropriated to carry out sections 103, 104(b), 104(c)(1), 104(c)(2), 105, 106, 471, and 491 of this Act shall be made available for the activities of private and voluntary organizations and cooperatives; and the President shall seek to channel funds in an amount not less than 17 percent of such aggregate amount for the activities of private and voluntary organizations and cooperatives. Funds made available under chapter 4 of part II of this Act for the activities of private and voluntary organizations and cooperatives may be considered in determining compliance with the requirements of this subsection.".

(c) NON-FEDERAL FUNDING REQUIREMENTS.—Subsection (j) of that section (as so redesignated by subsection (a) of this section) is amended to read as follows:

"(j) Funds made available to carry out this part may not be made available to any United States private and voluntary organization (other than a cooperative development organization) which obtains less than 20 percent of its total annual funding for international activities from sources other than the United States Government. In calculating the amount of Government support received by an organization, there shall be excluded the value of commodities (and related transportation) made available for overseas distribution and the value of contracts for services, grants, and other activities initiated primarily by the agency primarily responsible for administering this part.".

—Page 45, strike out line 17 and all that follows through line 22 on page 57 and insert in lieu thereof the following:

SEC. 314. PROVIDING CREDIT FOR THE POOR IN DEVELOPING COUNTRIES.

(a) FINDINGS.—The Congress makes the following findings:

(1) Hunger and hunger-related disease take the lives of 13,000,000 to 18,000,000 annually. Three-quarters of these deaths are children under the age of 5.

(2) A primary cause of this suffering is the inability of the poor majority living in developing countries to earn incomes which would enable them to provide the nutritional and health benefits that their families need.

(3) The rural and urban poor comprise the developing world's greatest untapped resource, and the health of national economies and democratic institutions is vastly improved when opportunities for the poor to participate in the economies of their countries are actively promoted and expanded.

(4) The inability of the rural and urban poor to obtain credit to finance their economic activities (and related nonfinancial assistance) has long been an obstacle to their achievement of economic progress and well-being.

(5) This inability to obtain credit and other critical productive imputs has been a significant factor inhibiting the growth of micro and small enterprises. Even so, such enterprises still represent an important source of private sector commercial activity in developing countries, provide significant benefits for the poor majority in those countries (particularly women, tribal peo-

ples, and other minorities), and serve to integrate them into the economic life of their countries.

(6) Formal financial institutions in developing countries have not recognized that, although the poor majority may lack collateral for loans and may not be able to comply with all the traditional loan formalities, the productive activities of micro and small enterprises can nevertheless be financially viable if access to sources of credit is expanded.

(7) Experience with making productive credt available to the poor, including to micro-enterprises and to groups of poor people, has demonstrated their ability to repay loans and to achieve significant improvements in their living standards and to make significant contributions to the local economy.

(8) Economic policies, particularly those which are neutral as to enterprise size, are important to the encouragement and operation of micro and small enterprises.

(b) Credit Programs and Other Assistance.—The Administrator shall make assistance available, in accordance with this section, to financial intermediaries in developing countries to enable them to provide loans and other assistance for micro and small enterprises of the poor majority. In carrying out this section, primary emphasis shall be placed on making loans and other assistance available to those individuals living in absolute poverty. Funds described in subsection (f)(3) may be made available to financial intermediaries pursuant to this section for use by them—

(1) in extending credit for micro and small enterprises in order to provide such enterprises with financial resources for working capital, the acquisition of equipment and other supplies, and payment of other expenses of the enterprise;

(2) in extending credit for such purposes as the procurement of farm implements and commodities, the acquisition of livestock, the construction of storage facilities, water and soil conservation activities, and the enhancement of marketing facilities;

(3) for the startup costs incurred by a nongovernmental organization in becoming a financial intermediary, and for other institutional development expenses (including audit and evaluation costs) of the intermediary which are related to the establishment and initial operation of the credit and other business support activities assisted pursuant to this section;

(4) for expenses incurred by the financial intermediary in providing training and technical assistance for micro and small enterprises, in order to enable them to obtain and utilize credit and other nonfinancial assistance under this section; and

(5) to provide other assistance necessary to the successful functioning of micro and small enterprises.

(c) Guidelines for Program.—The Administrator shall issue guidelines for financial intermediaries providing assistance pursuant to this section. These guidelines shall seek to ensure that financial intermediaries—

(1) consult with potential recipients of credit and other assistance under this section, and include their views to the greatest extent possible, in the designing of credit projects to ensure that the projects are responsive to the credit and other productive input needs of the recipients;

(2) establish credit terms at rates of interest which reflect the prevailing market rate of interest and the real cost of providing credit to the targeted beneficiaries;

(3) utilize the assistance made available pursuant to this section to provide credit and related assistance to the poorest people, with special attention being given to the provision of credit and other assistance to women, tribal peoples, and other minorities; and

(4) minimize or remove obstacles to credit provided under this section, such as collateral and litracy requirements.

(d) Primary Emphasis.—In carrying out this section, the Administrator shall place primary emphasis on the development of the capacity of indigenous nongovernmental organizations (especially those representing women, tribal peoples, and other minorities) which will assist the development of micro and small enterprises, but the Administrator may also support other entities as appropriate. Attention shall also be directed to savings and capital formation as part of the systems support for micro and small enterprises.

(e) Advisory Committee.—The Administrator shall appoint an advisory committee to advise the Administrator with regard to the implementation of this section. This advisory committee shall be composed of individuals from nongovernmental organizations who are knowledgeable about the needs of micro and small enterprises in developing countries for credit and other assistance. Among other responsibilities, the advisory committee shall—

(1) assist the Administrator in developing the report required by subsection (m); and

(2) shall review and comment on the initial guidelines issued by the Administrator pursuant to subsection (c) before those guidelines are issued.

(f) Sources of Funds and Funding Levels.—

(1) Determination of fiscal year 1987 assistance level.—The Administrator shall conduct a benchmark survey to determine the total amount of assistance made avaialble during fiscal year 1987 for credit and other assistance (as described in subsection (b)) for micro and small enterprises under part I of the Foreign Assistance Act of 1961 and the Agricultural Trade Development and Assistance Act of 1954. The results of this survey shall be reported to the Congress not later than September 30, 1987, or 30 days after the date of enactment of this Act, whichever is later.

(2) Assistance for fiscal years 1988 and 1989.—The total amount of assistance provided pursuant to this section—

(A) during fiscal year 1988, shall be at least $50,000,000, or 25 percent more than the amount determined pursuant to paragraph (1), whichever is greater; and

(B) during fiscal year 1989, shall be at least $75,000,000, or 50 percent more than the amount determined pursuant to paragraph (1), whichever is greater.

(3) Sources of funds.—Assistance pursuant to this section shall be provided with the following funds:

(A) Funds made available to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 (relating to development assistance), chapter 7 of part I of that Act (relating to Africa famine recovery and development), and chapter 4 of part II of that Act (relating to the economic support fund).

(B) Foreign currencies acquired as payments of loans made under those chapters pursuant to the authority contained in subsection (h).

(C) Foreign currencies accruing from assistance provided under those chapters.

(D) Foreign currencies accruing or acquired under title I of the Agricultural Trade Development and Assistance Act of 1954, including foreign currencies made available to carry out section 108 of foreign currencies available for use pursuant to title III.

(E) Amounts paid to the United States on loans made to financial intermediaries pursuant to this section.

(4) Allocations of assistance for micro enterprises.—At least 80 percent of the funds described in paragraph (3) which are made available under this section each fiscal year shall be used in support of micro enterprises. Of the funds used pursuant to this paragraph—

(A) to the maximum extent practicable, at least 50 percent shall be used in support of micro enterprises with 4 or fewer workers, with special emphasis on 1 or 2 person enterprises; and

(B) at least 80 percent shall be used for loans to micro enterprises, to the maximum extent practicable in an amount of $300 or less or, in the case of an initial loan, of $150 or less.

(5) Allocations of assistance for small enterprises.—At least 50 percent of the funds described in paragraph (3) which are made available under this section each fiscal year in support of small enterprises shall be used in support of small enterprises with 10 or fewer workers.

(g) Applicable Authorities.—Except as provided in this section, assistance provided pursuant to this section shall be provided in accordance with the relevant authorities contained in the Foreign Assistance Act of 1961 or the Agricultural Trade Development and Assistance Act of 1954.

(h) Authority To Generate Foreign Currencies.—In order to generate foreign currencies which can be made available to financial intermediaries pursuant to this section, the Administrator is authorized to use funds made available to carry out chapter 1 of part I, chapter 7 of part I, and chapter 4 of part II of the Foreign Assistance Act of 1961 to provide assistance to the governments of developing countries on a loan basis repayable in foreign currencies, at a rate of exchange to be negotiated by the Administrator and the foreign government. Such loans shall have a rate of interest and a repayment period determined by the Administrator.

(i) Foreign Assistance Act Assistance to Intermediaries.—

(1) Terms.—Loans and grants made to financial intermediaries for the purposes of this section with funds described in subsections (f)(3) (A), (B), and (C), or with amounts made available pursuant to paragraph (2) of this subsection, shall be on such terms and conditions as are determined by the Administrator and the intermediary.

(2) Use of loan proceeds.—Amounts paid to the United States on loans under this section with funds described in subsections (f)(3) (A), (B), and (C) or with amounts used pursuant to this paragraph shall, as determined by the Administrator, be available for use for assistance pursuant to this section.

(j) Application of Certain Laws.—Section 122 of the Foreign Assistance Act of 1961 shall not apply with respect to loans pursuant to subsection (h) or (i). Funds described in subsection (f)(3) (B) and (C) or subsection (i)(2) which are received by the United States pursuant to this section shall not be subject to the requirements of section 1306 of title 31, United States Code, or other laws governing the use of foreign currencies accruing to the United States. New budget authority provided by this section may be exercised only to such extent or in such amounts as are provided in advance in appropriation Acts.

(k) Terms of Foreign Currency Assistance Under Public Law 480.—Funds described in subsection (f)(3)(D), or in the second sentence of this subsection, which are made available to financial intermediaries pursuant to this section may be provided on a grant or loan basis, notwithstanding any provision of the Agricultural Trade Development and Assistance Act of 1954. Any foreign currencies under that Act which are repaid by financial intermediaries under this section shall be available to and used by the Administrator to make available assistance for the purposes of this section. Section 108(d) of that Act shall not apply to the use of such currencies. Section 103(m) of that Act shall not apply to agreements entered into under section 108 of that Act for purposes of this section.

(l) Notice to Congress.—At least 15 days before making funds described in subsection (f)(3) available to a financial intermediary under this section, the Administrator shall notify the Congress in accordance with the procedures applicable to reprogrammings under section 634A of the Foreign Assistance Act of 1961.

(m) Initial Report.—Not later than January 1, 1988, the Administrator shall submit to the Congress a report setting forth the manner in which this section will be implemented.

(n) Annual Reports.—Not later than February 1, 1989, and each year thereafter, the Administrator shall submit a report to the Congress describing the implementation of this section. The report shall include—

(1) a description of the activities funded under this section during the previous fiscal year and the amount of funds described in each subparagraph of subsection (f)(3) which were provided for such activities; and

(2) recommendations for procedural or statutory changes which would facilitate the implementation of this section.

(o) Economic Policies.—In policy dialogues concerning economic policies with, and efforts to reform economic policies of, countries receiving assistance under part I of the Foriegn Assistance Act of 1961, the Administrator shall encourage economic policies which promote micro and small enterprises.

(p) Definitions.—For purposes of this section—

(1) the term "Administrator" means the administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961;

(2) the term "micro enterprises" means enterprises which are single or family proprietorships, small-group enterprises, or cooperatives, which generally have 7 or fewer workers, which are wholly owned by the poor majority in the developing country, and which often lack access to credit at reasonable cost;

(3) the term "small enterprises" means enterprises which are single or family proprietorships, small-group enterprises, or cooperatives, which generally have between 8 and 15 workers, which are wholly owned by the poor majority in the developing country, and which often lack access to credit at reasonable cost;

(4) the term "financial intermediary" has the same meaning as is given that term in section 108(i)(2) of the Agricultural Trade Development and Assistance Act of 1954; and

(5) the term "absolute poverty" refers to those people who lack access to assets sufficient to permit them to provide for their basic human needs.

—Page 74, line 5 (Sec. 502): Strike "$500,000" and insert in lieu thereof "$450,000"

—Page 74, line 17 (Sec. 503): Strike "$1,000,000" and insert in lieu thereof "$900,000".

Page 74, line 19 (Sec. 503): Strike the word "These" and all that follows to the end of the section and insert in lieu thereof the following sentence: "These funds may only be used for the purchase of defensive arms for aircraft lent to a foreign government by the United States, or transferred to a foreign country without consideration, before the effective date of this section, and may not be used for the purchase of new aircraft, whether armed or unarmed."

—Page 75, line 8 (Sec. 504): Strike "$2,000,000" and insert in lieu thereof "$1,800,000".

Page 75, line 13 (Sec. 504): Strike "aircraft" and insert in lieu thereof "aircraft and related equipment, including spraying equipment, and radios".

—Page 77, line 11 (Sec. 505): Strike "shall" and insert in lieu thereof "may", and at the end of line 15, page 77, strike the period and insert in lieu thereof ", and if not so reprogrammed, shall revert to the Treasury."

—Page 80, line 17 (Sec. 508): strike "and to" and insert in lieu thereof ", to", on line 18 strike "and production." and insert in lieu thereof "and production, and to reduce stockpiles of licit opium gum.", on line 20 strike the word "and", and on line 22, strike "market." and insert "market, and the amount of opium in the Indian stockpile."

—On page 83, line 5 (Sec. 509): strike "forced".

—On page 83, line 25, strike "foremost" and insert in lieu thereof "primary"; on page 84, line 2, strike "targets" and insert "targets and its trafficking suppression goals".

—On page 86, line 5, strike "$1,000,000" and insert in lieu thereof "$900,000".

On page 86, line 11, strike "source" and insert "the societies and governments of source".

—Page 186, strike out line 15 and all that follows through line 12 on page 187 (section 806) and insert in lieu thereof the following:

SEC. 806. AFRICAN DEVELOPMENT FOUNDATION.

(a) Sense of Congress.—It is the sense of the Congress that the purposes of the African Development Foundation, as set forth in the African Development Foundation Act, which include supporting self-help activities at the local level, fostering effective participation, and encouraging the establishment and growth of indigenous development institutions which can respond to the requirements of the poor, are consistent with the purpose specified in section 472(b) of the Foreign Assistance Act of 1961 (as enacted by section 802 of this Act).

(b) Authorization of Appropriations.—Section 510 of the African Development Foundation Act is amended by striking out all of the first sentence that follows "purpose," and inserting in lieu thereof "$7,000,000 for fiscal year 1988 and $7,000,000 for fiscal year 1989.".

(c) Independent Evaluation of the Foundation.—It is the sense of the Congress that the Office of Technology Assessment should conduct an independent evaluation of the performance of the African Development Foundation in carrying out its purposes and in assuring the sustainability and replicability of the development efforts which the Foundation supports.

By Mr. KASICH:

—Page 249, after line 15, insert the following:

TITLE XIII—OTHER PROVISIONS

SEC. 1301. COMPREHENSIVE FOREIGN DEBT REPORT.

(a) Requirement for Comprehensive Report.—The Secretary of the Treasury, in cooperation with the Secretary of State, the Secretary of Defense, The Secretary of Agriculture, the Administrator of the Agency for International Development, the Chairman of the Export-Import Bank, and any other appropriate government official, shall submit a consolidated annual report to the Congress detailing the current status of all loans, credits, loan guarantees, and all other repayable financial assistance provided to foreign governments by the United States Government. As appropriate, portions of this report may be classified.

(b) Submission to Congress.—This report shall be submitted to the leadership of both Houses of Congress, the Committee on Appropriations of each House, the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives, the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives, the Committee on Banking, Housing and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives, and the Committee on Armed Services of each House.

(c) Programs Covered.—Programs detailed by these reports should include (but not be limited to) programs under the Foreign Assistance Act of 1961, the Commodity Credit Corporation Charter Act, the Arms Export Control Act, the Agricultural Trade Development and Assistance Act of 1954, and the Export-Import Bank Act of 1945.

(d) Information To Be Provided.—Each report shall contain the following:

(1) A clear showing of the amounts of foreign assistance loan authorization, disbursements, accumulated outstanding rescheduled debt, repayments, and outstanding balances, by program and country.

(2) The status of repayments section shall also address the applicability of provisions of law providing for termination of assistance to countries in default on repayments to the United States Government and the collectibility of non-current loans, by country.

(3) A disclosure of the reasons for any significant shortfalls in repayments of billed loan principal and interest for the preceding year.

(4) A listing of loan rescheduling, restructuring, and other debt relief, by country. In addition, the report shall include a clear statement of why the debt relief is necessary and in the United States interest, how the completed debt rescheduling will affect United States financial interests, including how much and how many times debts owed to United States agencies have been restructured, and what are the prospects for collecting rescheduled receivables, by country.

(5) A listing of how many foreign loans have been written off and for what reason, by program and country.

(6) A list of all contingent liabilities from loan guarantees, credits, and other assistance programs, by program and country.

(7) A best estimate of the current value of the portfolio of outstanding loans and other

obligations by program, through the creation of a loan loss reserve account which shall be estimated to reflect the decline from face value of all outstanding loans and other obligations. This loan loss reserve shall reflect the decline in value that may result from factors such as interest rate concessions and reduced likelihood that loans and other obligations will be repaid in full in a timely manner in accordance with loan terms.

(8) A list of countries still being given new loan assistance, although those countries have had outstanding obligations rescheduled or restructured.

(e) EFFECTIVE DATE.—The first report pursuant to this section shall be submitted within 120 days after the date of enactment of this Act and by February 1 of each year thereafter.

By Mr. KEMP:

—On page 107, between lines 14 and 15, insert the following:

"(c) ASSISTANCE IN SUPPORT OF SOLIDARITY.—Notwithstanding any other provision of law, of the amounts authorized to be appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund) for each of the fiscal years 1988 and 1989, not less than $1,000,000 shall be available only for the unconditional support of the independent Polish trade union "Solidarity".".

By Mr. KOSTMAYER:

—On page 7, line 20, strike "$55,851,000" and insert in lieu thereof "$50,000,000", and on page 7, line 21, strike "$55,851,000" and insert in lieu thereof, "50,000,000."

—On page 19, lines 1 and 2, strike "or providing for United States access to military facilities in that country."

—On page 20 strike lines 3 through 16.

—On page 25, line 11, strike "$471,612,000 for fiscal year 1988 and $471,612,000" and insert in lieu thereof, "$476,612,000 for fiscal year 1988 and $476,612,000".

—On page 98 strike lines 21 through 25, and on page 99 strike lines 1 and 2.

—On pages 98 and 99 strike section 610 and insert in lieu thereof:

"SEC. 610. CYPRUS.

(a) E.S.F. ASSISTANCE.—Of the amounts to be appropriated to carry out Chapter 4 of part ii of the Foreign Assistance Act of 1961, not less than $5,000,000 for Fiscal Year 1988 and not less than $5,000,000 for Fiscal Year 1989 shall be available only for Cyprus and only for bicommunal development projects on Cyprus."

By Mr. LAGOMARSINO:

—Strike section 927.

—Strike section 926.

—Strike section 925.

—Page 210, line 22, after "study" insert "for academic or vocational training"; line 23, after "United States" insert "or at qualified institutions in the South Pacific region".

Page 210, line 23, strike out "Not" and all that follows through line 2 on page 211.

—Page 121, after line 25, insert the following:

SEC. 713. ECONOMIC GROWTH IN CENTRAL AMERICA.

(a) FINDINGS.—The Congress finds that—

(1) Central America is a region of great economic potential, which has significant natural resources, favorable location, and people justly celebrated for their intelligence, courage, vitality, generosity, and sense of personal honor;

(2) ultimately genuine democracy can only be rooted in the full economic growth and development of Central America's regional economy;

(3) this economic growth must be the product of Central America initiated economic reforms such as deregulating overly controlled economies, privatizing government owned corporations, offering a legal environment conducive to foreign investment, stabilizing regional currencies and possibly introducing a regional trade currency, and lowering high marginal income tax rates, creating efficient capital markets;

(4) the expansion of trade is essential to the economic success of Central America and this will require a more complete integration of the individual economies in the region;

(5) there is a crucial need within Central America for millions of Central Americans to become economic participants in their national patrimony;

(6) proposals for greater economic expansion must always be supplemented with policies to encourage development at the grassroots;

(7) additional emphasis should be placed on the creation of genuine local self-government, exercised in communities having their own independent revenue base, because free political parties, labor unions, solidarity associations, universities and research institutions, newspapers, fraternal organizations, and churches are essential to a fully functioning democracy; and

(8) no program for advancing the prosperity of the people of Central America can have any real chance of success until the people of the free democratic countries of the region can feel confident that they are secure against invasion and antidemocratic insurrection.

(b) SENSE OF CONGRESS.—It is, therefore, the sense of the Congress that economic growth, development, and prosperity is possible in Central America if appropriate free market reforms are initiated and undertaken by the Central American nations themselves and these reforms are supported by the Western, free market democracies.

—Page 121, add the following after line 25:

SEC. 713. RELATIONS WITH THE PRIVATE SECTOR IN EL SALVADOR.

(a) FINDINGS.—The Congress finds that—

(1) the Congress has, sometimes reluctantly, supported massive flows of assistance to El Salvador in the hope that all elements of Salvadoran society would eventually work together for peace, social justice, and more equitable economic development; and

(2) United States fiscal resources, particularly for foreign assistance, currently are extremely limited and are likely to be restricted in the future to those programs which demonstrate positive returns.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the Government of El Salvador, the business community (including the small business community), the free labor unions, and all other potentially constructive groups should begin a new dialogue for nation building in El Salvador;

(2) none of these elements can be excluded from the national dialogue; and

(3) the Government of El Salvador and the private sector must abandon the distrust and antagonism that have characterized their relations in the past and must move forward in a cooperative and constructive manner to resolve the problems that threaten to underline the democratic processes now underway in that country.

—On page 215, strike the text on lines 6 and 7.

—On page 216, at line 22, strike section 924 and insert in lieu thereof the following:

"SEC. 924. WAIVER FOR PAKISTAN OF SECTION 669 PROHIBITION ON ASSISTANCE.

"Section 620E(d) of the Foreign Assistance Act of 1961 is amended by striking out '1987' and inserting in lieu thereof '1993'."

—On page 217, at line 21, strike "1989" and insert in lieu thereof "1993".

On page 218, strike subsections (c) and (d) of Section 924.

—On page 217, at line 21, strike "1989" and insert in lieu thereof "1993".

—On page 218, strike subsection (d) of Section 924.

—On page 218, strike subsections (c) and (d) of Section 924.

—On page 219, strike subsection (a) of section 925, and redesignate the following subsection accordingly.

On page 220, strike lines 1 through 5, and insert in lieu thereof the following:

"(2) Pakistan's long-standing commitment to peace and stability in South Asia and in the Persian Gulf region is of great importance to U.S. strategic interests, and it is essential that the U.S. continue to support Pakistan's legitimate defense needs. The defense needs of Pakistan are extensive, given the direct threat posed to Pakistan by the Soviet Union before and during the war in Afghanistan, a threat which is certain to continue whether or not Soviet troops remain in Afghanistan.

"(3) It is the sense of the Congress that Pakistan is the most important bulwark against Soviet expansionism in the region and for that reason, the United States should undertake to fully fund the current six-year assistance agreement with Pakistan in order to ensure that country's ability to defend itself against outside aggression. It is further the sense of the Congress that, in determining which military assistance or weapons systems are appropriate for Pakistan, the United States shall take into account the broad Soviet military threat against Pakistan, including the Soviet naval threat."

—On page 220, strike lines 1 through 5, and insert in lieu thereof the following:

"(2) Pakistan's long-standing commitment to peace and stability in South Asia and in the Persian Gulf region is of great importance to U.S. strategic interests, and it is essential that the U.S. continue to support Pakistan's legitimate defense needs. The defense needs of Pakistan are extensive, given the direct threat posed to Pakistan by the Soviet Union before and during the war in Afghanistan, a threat which is certain to continue whether or not Soviet troops remain in Afghanistan.

"(3) It is the sense of the Congress that Pakistan is the most important bulwark against Soviet expansionism in the region and for that reason, the United States should undertake to fully fund the current six-year assistance agreement with Pakistan in order to ensure that country's ability to defend itself against outside aggression. It is further the sense of the Congress that, in determining which military assistance or weapons systems are appropriate for Pakistan, the United States shall take into account the broad Soviet military threat against Pakistan, including the Soviet naval threat."

—On page 221, strike the text on lines 19 through 24, and redesignate the subsequent subsections accordingly.

—On page 222, strike the text on lines 6 through 9.

—On page 221, strike the text on lines 19 through 24, and redesignate the subsequent subsections accordingly.

—On page 221, strike the text beginning with the word "Therefore" on line 7 through the words Government of Pakistan" on line 14, and insert in lieu thereof the following: "In providing assistance to Pakistan, the President should take into account whether the Government of Pakistan".

—On page 221, strike the text beginning with the word "Therefore" on line 7 through the words Government of Pakistan" on line 14, and insert in lieu thereof the following: "It is the sense of the Congress that U.S. assistance to Pakistan should be based in part on whether the Government of Pakistan".

—On page 221, at line 1, strike subsection (b) of Section 926.

—On page 221, strike all text beginning on line 7 through page 222, line 12.

—On page 222, strike the text on lines 6 through 9.

By Mr. LEACH of Iowa:

—Page 109, after line 8, insert the following:

SEC. 617. UNITED NATIONS PEACEKEEPING FORCE IN THE PERSIAN GULF.

(a) Consultations Regarding Feasibility.—It is the sense of the Congress that the President should direct the United States Permanent Representative to the United Nations to explore, through diplomatic consultations with other members of the United Nations Security Council, the feasibility of creating a United Nations peacekeeping force to maintain freedom of the sea in the Persian Gulf. These consultations should include consideration of—

(1) the possible creation of a United Nations naval force in the Persian Gulf, with the prospect of reducing, but not necessarily eliminating, the role of individual nation state activities, and

(2) the possible flagging of commercial vessels by the United Nations.

(b) Report.—Not later than 90 days after the date of enactment of this Act, the President shall report to the Congress on the results of consultations carried out in accordance with subsection (a).

—Page 145, insert the following after line 18:

SEC. 766. ASSISTANCE TO NICARAGUA BY OTHER COUNTRIES.

(a) Findings.—The Congress finds that—

(1) President Arias of Costa Rica proposed, and on August 7, 1987, the Presidents of Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua signed, an historic agreement to bring peace to Central America; and

(2) the peace plan in that agreement calls for ceasefires, amnesties, dialogue, democratic processes, and the reduction of military forces.

(b) Sense of Congress.—It is the sense of the Congress that unless and until—

(1) the Nicaraguan Government is in full compliance with its obligations under the Central American Peace Agreement signed in Guatemala City on August 7, 1987, and

(2) democratic institutions are established in Nicaragua which result in broad respect for fundamental human rights of all citizens of that country,

the Governments of the countries of Western Europe should not provide any direct assistance to the Government of Nicaragua. Any assistance to the Nicaraguan people should be limited to aid provided through organizations which are not under the direct or indirect control of the Government of Nicaragua.

My Mr. LEVINE of California:

—Page 16, after line 7, insert the following:

SEC. 116. CONGRESSIONAL REVIEW OF SALES OF MISSILES.

Section 36(b)(1) of the Arms Export Control Act is amended in the first sentence—

(1) by striking out "or" after "$200,000,000 or more,"; and

(2) by inserting "or any missiles, rockets, or associated launchers or any artillery projectiles (without regard to the amount of the proposed sale)," after "$14,000,000 or more,".

—Page 16, after line 7, insert the following:

SEC. 116. RESTRICTIONS ON TRANSFERS OF STINGER MISSILES TO PERSIAN GULF REGION.

Notwithstanding any other provision of law, no STINGER anti-aircraft missiles may be sold, leased, donated, or otherwise provided, directly or indirectly, under the Arms Export Control Act or the Foreign Assistance Act of 1961 to any foreign government in the Persian Gulf region during fiscal year 1988 or fiscal year 1989.

—Page 94, after line 21, insert the following:

(d) Funds for United States Contributions.—It is the sense of the Congress that a priority use of any funds—

(1) which are made available for fiscal year 1988 or fiscal year 1989 to carry out chapter 1 or part I of the Foreign Assistance Act of 1961 (relating to development assistance) or chapter 4 of part II of that Act (relating to the economic support fund), and

(2) which are unobligated at the end of that fiscal year and would otherwise be returned to the Treasury,

should be the furnishing of assistance to Jordan to support the West Bank and Gaza development initiative.

—Page 109, after line 8, insert the following:

SEC. 617. PLIGHT OF JEWS IN ARAB COUNTRIES.

(a) Findings.—The Congress finds that—

(1) many Jews presently living in Israel and the Diaspora are originally from Morocco, Syria, Yemen, Iraq, Libya, Lebanon, and the other countries in the Middle East and North Africa representing the proud heritage of oriental Jewry;

(2) the number of Jews who are still citizens of these countries has dropped drastically, as can be seen when comparing 1948 to 1984: Syria, 45,000 versus 4,500; Morocco, 40,000 versus 17,000; Iraq, 125,000 versus fewer than 300; and Libya, 40,000 versus none;

(3) these numbers demonstrate that thriving Jewish cultures and communities, each unique, each historic, each contributing substantially to the enrichment of their respective countries, have been decimated; and

(4) the execution of the leader of the Lebanese Jewish community, the tightening of the noose by the Syrian government around the necks of its Jewish citizenry, the shooting and stabbing of a pregnant Jewish woman and her two young children by unknown assailants in the Syrian town of Aleppo, and other such incidents remind us that, with the notable exceptions of Morocco and Tunisia, those Jews remaining in Arab countries continue to suffer deprivations, degradations, and hardships, and continue to live in peril.

(b) Statement of Policy.—It is the sense of the Congress that the United States Government should—

(1) call upon the governments of those Arab countries where Jews still maintain a presence to guarantee their Jewish citizens full civil and human rights, including the right to lead full Jewish lives free of fear and to emigrate if they so choose;

(2) specifically urge the Government of Syria to halt its intolerable policy of holding its Jewish citizenry hostage through harassment and intimidation and to allow them to emigrate; and

(3) commend countries such as Morocco and Tunisia for their tolerant treatment of their Jewish minorities and for the protection afforded to them.

By Mr. LEWIS of Florida:

—Page 80, strike out line 23 and all that follows through line 13 on page 84 (sections 509 and 510) and insert in lieu thereof the following:

SEC. 509. ASSISTANCE FOR BOLIVIA, COLOMBIA, AND PERU.

(a) Condition on Assistance.—For fiscal year 1988 and fiscal year 1989, all foreign assistance for Bolivia, Colombia, and Peru shall be suspended unless the President reports to the Congress that the production in that country of illicit narcotic and psychotropic drugs and other controlled substances was at least 25 percent less during the calendar year in which that fiscal year began than it was during the preceding calendar year.

(b) Definition.—As used in subsection (a), the term "foreign assistance" means assistance under the Foreign Assistance Act of 1961 (other than under chapter 8 of part I, relating to international narcotics control), the Agricultural Trade Development and Assistance Act of 1954, or the Arms Export Control Act.

Redesignate sections 511 through 513 as sections 510 through 512, respectively.

By Mr. DONALD E. LUKENS of Ohio:

—Page 192, after line 20, insert the following:

(d) Prohibition on Assistance to Certain Countries.—Assistance may not be provided under this section for projects or programs in any country—

(1) which receives from the Soviet Union more than three-quarters of the military assistance that it receives from foreign countries, or

(2) in which there are more than 55 military personnel (serving in any capacity) from the Soviet Union, the German Democratic Republic, the Democratic People's Republic of Korea, Cuba, or any other Soviet bloc country.

—Page 192, strike out lines 1 through 4.

—Page 150, strike out line 16 and all that follows through line 4 on page 151; page 177, at the end of line 22, insert closing quotation marks and a period; and page 178, strike out line 1 and all that follows through line 10 on page 180.

By Mr. MARKEY:

—Page 217, strike out line 18 and all that follows through line 19 on page 218; and page 218, line 20, strike out "(d)" and insert in lieu thereof "(b)".

—Page 219, line 14, strike out "and"; line 18, strike out the period and insert in lieu thereof "; and"; and after line 18, insert the following:

(3) the acquisition by Pakistan of those aircraft will not substantially exacerbate the danger of nuclear weapons competition with India; and

(4) the President has received reliable assurances that Pakistan has not modified, and will not modify, any aircraft provided to Pakistan by the United States to serve as a delivery vehicle for a nuclear explosive device or to assist in the delivery of a nuclear explosive device.

—Page 226, strike out lines 5 through 10.

—Page 226, after line 10, insert the following:

SEC. 930. ANNUAL REPORT ON PAKISTAN.

The President shall submit a report to the Congress each year which details—

(1) the extent to which Pakistan has received assistance or support from other countries for activities related to nuclear enrichment or the development of nuclear weapons and the extent to which Pakistan has cooperated with or assisted other countries in nuclear enrichment or nuclear weapons development activities; and

(2) the extent to which Pakistan has shared sensitive United States military technology or information with any other country or allowed such technology to be compromised.

By Mr. McCOLLUM:

—On page 216, line 21, strike the period and insert a comma and add the following: "and that the President should withhold any and all appropriated funds for India until the government of India announces a plan to facilitate this growth in contacts."

—On page 217, line 7, after the word "Pakistan" add the following: "and India"

On page 217, line 8, after the word "Pakistan" add the following: "and India"

On page 217, line 11, after the word "Pakistan" add the following: "and India"

On page 218, line 25, after the word "Pakistan" add the following: "and India"

—On page 219, line 18, strike the period and insert a comma and add the following: "or any invading country."

—On page 226, line 10, strike the period and insert a comma and add: "provided that first the President submit to Congress on the progress India has made with regard to the human rights of the Sikh minority and the human rights conditions on Sri Lanka."

By Mr. MILLER of California:

—Page 249, insert after line 15 the following:

TITLE XIII—CHILD LABOR

SEC. 1301. FINDINGS.

The Congress finds that—

(1) at least 88,000,000 children—and perhaps as many as 200,000,000 children—between the ages of 11 and 15 currently serve in the world's workforce,

(2) child workers frequently labor under extremely hazardous conditions at virtually no pay and in excess of the hours allowed by law for adults,

(3) the use of child labor is growing in many developing countries,

(4) the exploitation of child labor does grave physical, mental, and moral harm to children and severely weakens the society's future capacity for economic growth, and

(5) there exist recognized international child labor standards, including the minimum age for admission to employment, which are intended to assure the fullest physical and mental development of young persons.

SEC. 1302. STUDY.

The Secretary of State, in consultation with the Secretary of Labor, shall fully and completely assess the status of internationally recognized child labor rights and shall include the results of the assessment in the human rights report required by sections 116(d) and 502B(b) of the Foreign Assistance Act of 1961. In making the assessment—

(1) the Secretary shall use all available information about observance of and respect for internationally recognized child labor rights, including information made available by the International Labor Organization, trade unions, children's advocacy organizations, and human rights groups, and

(2) the Secretary shall describe the observance of and respect for such rights by each government, including enforcement mechanisms and legal penalties for violations of such rights.

The Secretary shall identify which countries identify and enforce, and which producers fail to comply with, internationally recognized child labor rights and child labor laws which apply within each country.

SEC. 1303. DEFINITION.

For purposes of section 1302, the term "internationally recognized child labor rights" refers to rights which, at a minimum—

(1) establish and enforce a minimum age for the employment of children,

(2) prohibit the employment of individuals below the age of 18 at night, in hazardous occupations, or in occupations that jeopardize the health or safety of such individuals,

(3) establish and enforce standards for minimum wages, hours of work, and occupational health and safety for such individuals, and

(4) prohibit any form of forced or compulsory employment of such individuals.

By Mr. MILLER of Washington:

—Page 201, after line 8, insert the following:

SEC. 830. SOUTH AFRICA.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that, in light of the continued abuse of the most fundamental human rights by the Government of South Africa, the President should make every effort to encourage and influence our European and other allies to join in applying sanctions as outlined in the Anti-Apartheid Act of 1986 against South Africa.

(b) REPORT TO CONGRESS.—Not later than 180 days after the date of enactment of this Act, the President shall submit to the Speaker of the House of Representatives and the Chairman of the Committee of Foreign Relations of the Senate a report detailing the progress in gaining international support for such sanctions.

—Page 124, after line 20, insert the following new subsection (a):

(a) Statement of Policy.—It is the sense of the Congress that—

(1) the United States should take every appropriate action to support the National Election Council of Haiti in its efforts to carry out fair and open elections; and

(2) the National Governing Council (CNG) should move quickly to bring to justice those, who through arson and other violence, have threatened the elections scheduled to the place in Haiti on November 29, 1987.

Page 124, line 21, strike out "(a)" and insert in lieu thereof "(b)"; page 125, line 2, strike out "(c)" and insert in lieu thereof "(d)"; line 12, strike out "(c)" and insert in lieu thereof "(d)"; page 126, line 9, strike out "(b)" and insert in lieu thereof "(c)"; page 127, line 4, strike out "(c)" and insert in lieu thereof "(d)"; and page 129, line 16, strike out "(c)" and insert in lieu thereof "(d)".

—Page 123, after line 12, insert the following new section 723 (and redesignate subsequent sections accordingly):

SEC. 723. POLICY REGARDING CHILE.

It is the sense of the Congress that the Government of Chile should end its oppression of trade unions, opposition political parties, and freedom of expression. As the free and open expression of divergent views is essential for a free and open democratic society, the Congress essentially condemns recent actions by the Chilean Government which censor the expression of political views in that country's press. Congress calls upon the Government of Chile to rescind such laws and embark on a program of democratization.

—Page 209, strike out line 15 and all that follows through line 3 on page 210 (section 906(c)) and insert in lieu thereof the following:

(b) HOUSE LOT PROGRAM.—

(1) EARMARKING FOR PROGRAM; CHARACTERISTICS OF PROGRAM.—Subject to paragraph (3), not less than $13,000,000 for fiscal year 1988, and not less than $12,000,000 for fiscal year 1989, of the amounts made available to carry out chapter 4 of part II of that Act shall be available only to assist in the implementation of a productive house lot program for the rural landless in the Philippines which has the following characteristics:

(A) The program will involve the establishment of village centers consisting of a cluster of individual house lots. These lots will normally consist of not less than 1,000 square meters. These lots will be used for a dwelling and for agricultural cultivation by an individual or family, who will have title to the lot and control over it and the production of agricultural commodities on it.

(B) Not less than half of the resources for the program will come from other resources available to the Government of the Philippines.

(C) The program will not use funds made available pursuant to this subsection for housing or electricity, water, or roadways, but will use other funds for these purposes.

(D) The funds provided pursuant to this subsection will be used to cover the cost of purchasing land for the program, for technical assistance (particularly in high value crop production), for agro-processing centers, and for related purposes in order to assist and encourage farmers in introducing high value crops in the village centers.

(2) PRIVATE VOLUNTARY GROUPS.—It is the intent of the Congress that private voluntary groups should be encouraged to become involved with the administration of any house lot program supported under this subsection.

(3) CONDITIONAL OF EARMARKING.—The funds earmarked by this subsection shall be available for such a productive house lot program only if, not later than the end of the 9th month of fiscal year 1988, the Government of the Philippines requests those funds for such a program and proposes an effective productive house lot program having the characteristics specified in this subsection.

By Mr. PORTER:

—Page 249, after line 15, add the following new title:

TITLE XIII—CHEMICAL AND BIOLOGICAL WEAPONS NONPROLIFERATION

SEC. 1301. FINDING AND POLICY.

(a) FINDING.—The Congress finds and declares that the spread of chemical weapons and the capability to manufacture or otherwise acquire such weapons pose a grave threat to the security interest of the United States and to continued international progress toward world peace and development. Therefore, efforts should be undertaken to stop proliferation of chemical and biological weapons in an attempt to contribute to a complete ban of these weapons.

(b) POLICY.—It is the policy of the United States to—

(1) assure that the policy of the United States regarding all security assistance, including all military assistance and education and training programs, is consistent with this policy;

(2) obtain international agreement to abolish chemical and biological weapons and prohibit their manufacture, possession, or use in the spirit of the Geneva Protocol of 1925 and the Biological Weapons Convention of 1972;

(3) assure that exports from the United States of materials, equipment, or technology having significance for production of chemicals are consistent with efforts to prevent proliferation of chemical and biological weapons;

(4) obtain assurances that exports from the United States of materials, equipment, or technology having direct significance for the production of chemical and biological weapons are used for peaceful purposes;

(5) cooperate with other nations to prevent the spread of materials, equipment, and technology with properties useful for the production of chemical and biological weapons;

(6) examine allegations that other countries are developing and proliferating chemical or biological weapons or materials, equipment, and technology for the production of such weapons;

(7) protect the health and safety of the public against threats from chemical or biological weapons due top accident, terrorism, or war; and

(8) coordinate the policies, programs, and other activities of all departments and agencies of the United States Government to implement this policy fully.

SEC. 1302. PROLIFERATION-RISK ASSESSMENT.

(a) In General.—The Secretary of State shall assess the risk of the proliferation of chemical or biological weapons, and shall recommend to the Congress legislation to control such proliferation. The assessment shall give particular attention to the technology of chemical or biological weapons and to the materials, equipment, and technology that have direct significance for the production and use of chemical or biological weapons.

(b) Particular Matters To Be Considered.—The assessment shall consider the following:

(1) Any recommendation for legislation required to implement fully the policy of this title.

(2) Existing technologies for the production of chemical or biological weapons.

(3) Actual and potential suppliers of materials, equipment, and technology having significance for the production of chemical weapons.

(4) The effectiveness of present United States regulatory and other authority for control of exports of such materials, equipment, and technology.

(5) The projected effect of export controls on industry in the United States, considering the likelihood of obtaining the cooperation of foreign governments in limiting exports of materials, equipment, and technology with properties useful for the production of chemical and biological weapons.

(6) Any other matter the President determines to be relevant in carrying out the policy of this title.

(c) Consultation With Other Agencies.—The assessment shall be carried out in consultation with the Secretary of Defense, the Secretary of Commerce, the Secretary of Health and Human Services, and the Director of the Arms Control and Disarmament Agency.

(d) Report To Congress.—Not later than six months after the date of the enactment of this title, the Secretary of State shall transmit to Congress a report setting forth the results of the assessment under this section.

SEC. 1303. ANNUAL REPORT ON PROLIFERATION.

(a) In General.—The Secretary of State shall transmit to Congress a biannual report describing the status of—

(1) control of the proliferation of chemical and biological weapons;

(2) efforts to prevent the spread of such weapons; and

(3) programs to control the export of materials, equipment, and technology having direct significance for the production of chemical and biological weapons.

(b) Recommendations.—Each such report shall include any recommendation that the Secretary considers appropriate regarding additional authority needed to carry out the policy of this title.

(c) Time for First Report.—The first such report shall be submitted two years after the date of the enactment of this title.

SEC. 1304. CHEMICAL INDUSTRY ADVISORY GROUP.

The Secretary of State shall establish a Chemical Industry Advisory Group to provide advice to the Secretary with respect to sections 1302 and 1303. Members of the Group shall be appointed from business firms in the chemical industry.

SEC. 1305. CONSULTATION WITH CONGRESS.

The Secretary of State shall keep the appropriate committees of Congress fully and currently informed of all developments of significance to the proliferation and control of chemical and biological weapons.

By Mr. RICHARDSON:

—Page 59, line 3, after "universities," insert "colleges and universities having a student body in which more than 25 percent of the students are Hispanic".

—Page 109, after line 8, insert the following:

SEC. 617. UNITED STATES MILITARY PERSONNEL IN NATO COUNTRIES.

It is the sense of the Congress that—

(1) the number of members of the United States Armed Forces stationed in countries which are members of the North Atlantic Treaty Organization should not be reduced below the number stationed in those countries at the end of fiscal year 1987; and

(2) all member countries of the North Atlantic Treaty Organization should fully meet their responsibilities for the common defense, through both deployments of their armed forces and hosting allied military bases.

—Page 109, after line 8, insert the following:

SEC. 617. HUMAN RIGHTS IN BULGARIA.

(a) Findings.—The Congress finds that—

(1) the Government of the People's Republic of Bulgaria is a signatory to the Final Act of the Conference on Security and Cooperation in Europe which call upon the signatory states to respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion, and belief;

(2) the Bulgarian constitution provides for certain basic rights, including free speech and press, association and demonstration, and freedom of worship;

(3) in late 1984 and early 1985, over 900,000 members of the Turkish minority were forcibly compelled to change their Turkish names to new Bulgarian names, and Bulgarian authorities imprisoned ethnic Turks for their nonviolent opposition to the name change; and

(4) the continuing repression of the Turkish minority includes the ban on the use of the Turkish language by the Turkish minority in public, the prohibition of Turkish customs, and the circumscribing of Muslim religious practices.

(b) Statement of Policy.—It is the sense of the Congress that—

(1) the Bulgarian Government should abide by its commitments under the Final Act of the Conference on Security and Cooperation in Europe; and

(2) the President, the Secretary of State, and the United States delegation to the Vienna follow-up meeting of the Conference on Security and Cooperation in Europe should continue—

(A) to speak out forcefully against violations of human rights in Bulgaria, including the Bulgarian Government's treatment of the Turkish minority, and

(B) to use all diplomatic means to resolve outstanding human rights problems in Bulgaria.

—Page 109, after line 8, insert the following:

SEC. 617. HUMAN RIGHTS IN ROMANIA.

(a) Findings.—The Congress finds that—

(1) emigration rates from Romania to the United States have increased from 1,422 last year to 1,932 as of October 1, 1987;

(2) longstanding prisoner of conscience cases were successfully resolved during the summer of 1987, namely the cases of Ioan Ruta, and Erno Borbely, Laszlo Buzas, and Bela Pall;

(3) all such improvements in Romania are to be welcomed;

(4) in spite of these improvements, a number of United States-Romanian divided families cases, such as the case of Napoleon Fodor, remain unresolved;

(5) human contacts continue to be hindered by laws and decrees such as decree number 408 which prohibits Romanian citizens from communicating with foreigners; and

(6) among the rights that Romania has failed to respect are the rights of religious groups and ethnic minorities.

(b) Statement of Policy.—It is the sense of Congress that—

(1) the United States should seek improved compliance by the Romanian Government with its human rights obligations under the Helsinki Final Act of the Conference on Security and Cooperation in Europe and the Universal Declaration of Human Rights;

(2) the United States should express concern for the fate of Romanians who have not yet received permission to emigrate and who may be harassed and persecuted for their attempts to emigrate; and

(3) the Secretary of State and other executive branch officials should take every opportunity to encourage the Romanian Government to live up to its obligations under the Helsinki Final Act and other international instruments, including at the ongoing Vienna review meeting of the Conference on Security and Cooperation in Europe.

—Page 118, strike out line 6 and all that follows through line 20 on page 120 and insert in lieu thereof the following:

SEC. 710. ASSISTANCE FOR PANAMA.

(a) Findings.—The Congress finds that—

(1) the Panamanian Defense Forces are in control of all branches of the Government of Panama;

(2) the Panamanian Government has failed to recognize democratic principles

such as internationally recognized human rights, freedom of speech, freedom of the press, freedom of assembly, and due process of law;

(3) strong evidence suggests that certain Panamanian officials are involved in illegal drug trafficking to the United States; and

(4) United States interests are best served by the establishment of democratic institutions in Panama in accordance with the Panamanian Constitution.

(b) Statement of Policy.—It is the sense of the Congress that General Noriega and certain other government officials should relinquish their official positions until an independent investigation on alleged law violations is conducted by the Government of Panama.

(c) Prohibition on Assistance.—For fiscal year 1988, no assistance may be provided for Panama under the Foreign Assistance Act of 1961 or the Arms Export Control Act.

—Page 121, after line 25, insert the following:

SEC. 713. ARIAS PEACE PLAN.

The Congress supports—

(1) the initiative of President Oscar Arias of Costa Rica toward ending the armed conflict in Central America;

(2) the active participation by all 5 signatory nations to the Central American peace agreement signed in Guatemala on August 7, 1987, in order to secure democracy in Central America in compliance with the Arias peace plan; and

(3) extending the date for complete compliance with the Arias peace plan to January 4, 1988, as agreed to by the leaders of the 5 signatory nations.

—Page 133, after line 13, insert the following:

SEC. 745. TREATMENT OF CUBAN POLITICAL PRISONERS.

(a) Admission as Refugees.—The Secretary of State shall instruct the consular officers of the Department of State employed in the United States interest section in Havana, Cuba, and appropriate officers of the Immigration and Naturalization Service to process, on and after the date of enactment of this Act and in accordance with the procedures applicable to such cases in other countries, any application for admission to the United States as a refugee from any Cuban national who was imprisoned for political reasons by the Government of Cuba on or after January 1, 1959, without regard to the duration of such imprisonment.

(b) Immigrant Visas.—The Secretary of State shall instruct consular officers of the Department of State, wherever situated, to issue, on and after the date of enactment of this Act, immigrant visas under section 203(a) or 202(e) of the Immigration and Nationality Act to Cuban nationals—

(1) Without regard to section 243(g) of the Immigration and Nationality Act (relating to the refusal to accept the return of nationals);

(2) without regard to the site of application for such visas, whether within or outside Cuba; and

(3) without regard for the date of departure from Cuba of such applicants in the case of applications for such visas outside Cuba.

(c) Definitions.—For purposes of this section—

(1) the term "process" means the acceptance and review of applications and the preparation of necessary documents and the making of appropriate determinations with respect to such applications; and

(2) the term "refugee" has the same meaning as is given to such term by section 101(a)(42) of the Immigration and Nationality Act.

—Page 208, line 17, strike out "Assistance Pursuant to Base Agreement" and insert in lieu thereof "Earmark of Assistance"; and line 24, strike out "$124,000,000" and insert in lieu thereof "$150,000,000".

—Page 214, strike out lines 11 through 18 and insert in lieu thereof the following:

SEC. 910. COOPERATION ON POW/MIA ISSUE.

Of the amounts authorized to be appropriated by this Act for each of the fiscal years 1988 and 1989, the President shall use not less than $200,000 to support humanitarian projects in Laos directly associated with joint United States-Laotian cooperative efforts to result in questions concerning Vietnam era prisoners of war or those missing in action.

—Page 214, after line 18, insert the following:

SEC. 911. JAPAN SHOULD JOIN OIL EMBARGO AGAINST IRAN.

(a) Findings.—The Congress finds that—

(1) Iran has engaged in aggressive military action against United States military forces in the Persian Gulf, including the use of sea mines and silkworm missiles;

(2) Iran has refused to accept a ceasefire in the Iran-Iraq war, as proposed by the United Nations Security Council;

(3) Iran continues to threaten peace and stability in the Persian Gulf region;

(4) Japan purchases about 20 percent of Iran's total oil exports, an average of between 1,500,000 and 2,000,000 barrels a day; and

(5) Japanese imports subsidize Iran, indirectly financing Iran's war effort and aggressive activities in the Persian Gulf, contrary to United States interests.

(b) Statement of Policy.—It is the sense of the Congress that—

(1) Japan should support the oil embargo against Iran in support of United States interests;

(2) Japan's support for such an embargo would send a strong signal to western European nations to support the embargo; and

(2) Japan should support the oil embargo against Iran as both a moral policy and as a way to pressure Iran into ending its war with Iraq.

—Page 226, after line 10, insert the following:

SEC. 930. HUMAN RIGHTS IN TIBET.

(a) Findings.—The Congress finds that—

(1) in the 36 years since the People's Republic of China invaded Tibet, over one million Tibetans have died from starvation, execution, torture, and incarceration in prisons and labor camps;

(2) reports estimate that 7 million Chinese colonists have migrated to Tibet, violating international law which prohibits the transfer of citizens into occupied territory;

(3) the People's Republic of China has destroyed over 6,000 monasteries, temples, and historic structures, stealing or removing irreplaceable religious art and literature;

(4) one out of ten Tibetans have been held in prison or forced labor camps; and

(5) health care is available only to the Chinese and Tibetan cadres, and virtually nonexistant for six million Tibetans.

(b) Statement of Policy.—The Congress—

(1) expresses sympathy for the people of Tibet who have suffered under the rule of the People's Republic of China; and

(2) urges the People's Republic of China to obey international laws with respect to human rights.

—Page 228, after line 10, insert the following:

SEC. 1004. PEACE CORPS HEALTH SERVICES PILOT PROGRAM.

(a) Authority to Establish.—The President may establish, under the Peace Corps Act, a pilot program, to be carried out, during the fiscal years 1988 and 1989, in each of 2 host countries which have existing Peace Corps programs, for the purpose of—

(1) training foreign nationals of the host country to deliver basic health care services; and

(2) providing basic health care to the people of the host country.

(b) Health Service Teams.—The training and health care described in paragraphs (1) and (2) of subsection (a) shall be provided by a health service team selected for each of the 2 host countries selected under subsection (a). Each health service team shall consist of not more than 12 volunteers who are physicians and dentists. Volunteers on each team shall, to the extent possible, be selected from both experienced physicians and dentists (especially retired persons) and recent medical and dental graduates.

(c) Funding.—Funds otherwise authorized to be appropriated to carry out the Peace Corps Act shall be used for the program authorized by this section.

—Page 249, after line 15, insert the following:

TITLE XIII—OTHER PROVISIONS

SEC. 1301. SOUTH AFRICAN URANIUM EXPORTS.

Section 309(a) of the Comprehensive Anti-Apartheid Act of 1986 is amended by striking out the period at the end and inserting in lieu thereof ", and no uranium compounds in any form derived from uranium that is produced or manufactured in South Africa may be imported into the United States".

—Page 249, after line 15, insert the following:

TITLE XIII—OTHER PROVISIONS

SEC. 1301. WORLDWIDE EMISSIONS OF CHLOROFLUOROCARBONS.

(a) Findings.—The Congress finds that—

(1) a growing scientific consensus supports the view that the worldwide release of chlorofluorocarbons and certain other manufactured chemicals can deplete the Earth's ozone layer resulting in adverse effects on human health and the environment;

(2) it is necessary to take appropriate measures to protect human health and the environment against adverse effects resulting from the release of chlorofluorocarbons and certain other manufactured chemicals which may deplete the ozone layer;

(3) there is a need for international cooperation to reduce emissions of chlorofluorocarbons and certain other manufactured chemicals which may deplete the ozone layer;

(4) the worldwide use of chlorofluorocarbons continues to grow;

(5) safe alternatives can be developed in a reasonable time; and

(6) the United States and certain other countries have already taken formal precautionary measures for reducing emissions of chlorfluorocarbons by imposing a ban in 1978 on the use of chlorofluorocarbons as aerosol propellants.

(b) Statement of Policy.—The Congress—

(1) supports the President in taking appropriate measures to protect human health and the environment against adverse effects resulting from the release of chlorofluorocarbons and other manufactured

chemicals that can significantly deplete the ozone layer;

(2) further urges the President to negotiate an immediate reduction in the use of chlorofluorocarbons in the European Community and in other nations; and

(3) further urges the President to negotiate a worldwide program as expeditiously as practicable for the elimination of fully halogenated chlorofluorocarbons and other manufactured chemicals that may deplete the ozone layer.

—Page 249, after line 15, insert the following:

TITLE XIII—OTHER PROVISIONS

SEC. 1301. HUMAN RIGHTS AND THE SUMMIT.

(a) FINDINGS.—The Congress finds that—

(1) President Reagan and Soviet General Secretary Gorbachev will meet at a December 1987 summit in Washington to sign an accord eliminating intermediate- and short-range nuclear missiles from Europe;

(2) the Soviet Union, despite the promise of Glasnost and greater democratization, continues to deny many of its citizens their basic human rights and freedoms;

(3) despite prisoner releases earlier this year, hundreds of Soviet political prisoners remain in prisons or in psychiatric institutions for attempting to exercise basic rights and freedoms;

(4) the Soviet Government restricts the right of its people to practice religion without hindrance, and bans specific religious groups and denominations; and

(5) the same week General Secretary Gorbachev agreed to attend the summit, his government also detained 30 human rights activists and denied 3 long-term refuseniks exit visas.

(b) STATEMENT OF POLICY.—The Congress urges President Reagan—

(1) to raise human rights concerns with General Secretary Gorbachev and protect Soviet human rights violations;

(2) to communicate to General Secretary Gorbachev that, notwithstanding improvements in bilateral relations, Soviet human rights violations continue to undermine trust and confidence between our nations; and

(3) to call upon the Soviet Government to abide by and cease all actions which violate its obligations under the Universal Declaration of Human Rights and the Final Act of the Conference on Security and Cooperation in Europe.

By Mr. SCHEUER:

—Page 201, after line 8, insert the following:

SEC. 830. AFRICA DROUGHT MONITORING PROGRAM.

The President shall establish an interagency drought monitoring program which integrates satellite, meterological, agricultural, health, and demographic information with respect to Africa in order to assess drought impacts, provide quantitative assessments of food production and food aid needs, and minimize food supply problems caused by drought in Africa. Not later than September 30 of the each year, the President shall submit to Congress a report evaluating this program's success in monitoring and predicting severe regional drought and food problems in Africa.

By Miss SCHNEIDER:

—Page 62, after line 7, insert the following:

SEC. 317. INTERNATIONAL COOPERATION TO PROTECT BIOLOGICAL DIVERSITY.

(a) FINDING.—The Congress finds that habitat destruction is a main cause of the accelerating extinction of animal and plant species and that increased international cooperation is essential to protect species threatened with extinction and to halt the loss of unique and irreplaceable ecosystems.

(b) STATEMENT OF POLICIES.—The Congress—

(1) supports the United States efforts, consistent with section 119(g) of the Foreign Assistance Act of 1961, to initiate discussions to develop an international agreement to preserve biological diversity; and

(2) calls upon the President to exert United States leadership in order to achieve the earliest possible negotiation of an international convention to conserve the earth's biological diversity, including the protection of a representative system of ecosystems adequate to conserve biological diversity.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the President shall submit a report to the Congress on progress toward the goal of negotiating such an international convention.

—Page 165, after line 9, insert the following new subsection (k) and redesignate subsequent subsections accordingly:

"(k) IN-COUNTRY NATURAL RESOURCES AND ENVIRONMENTAL TRAINING.—The Administrator of the agency primarily responsible for administering this part shall use not less than the following amounts of the funds made available to carry out this section for in-country natural resources and environmental training in sub-Saharan Africa:

"(1) For fiscal year 1988, the amount used for such training for fiscal year 1987.

"(2) For fiscal year 1989 and each fiscal year thereafter, not less than 4 percent of the funds made available for that fiscal year (pursuant to paragraph (1) of subsection (i)) to carry out subsection (h)(1)(B).

Local currencies accruing under this Act or the Agricultural Trade Development and Assistance Act of 1954 may be used in carrying out this subsection in lieu of an equal amount of dollars.

By Mr. SHUMWAY:

—Page 249, after line 15, insert the following:

TITLE XIII—OTHER PROVISIONS

SEC. 1301. HUMAN RIGHTS ABUSES BY THE GOVERNMENT OF CUBA.

(a) FINDINGS.—The Congress finds that—

(1) the Government of Cuba has engaged in systematic and flagrant abuses of basic human rights and freedoms so offensive that they demand universal condemnation.

(2) the United Nations General Assembly and the United Nations Human Rights Commission have failed to responsibly address the deplorable human rights situation in Cuba despite overwhelming evidence of the continuing disregard and systematic abuse of fundamental human rights by the Government of Cuba.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the following countries are to be commended for their courageous vote in favor of considering human rights violations in Cuba, particularly in light of the thinly veiled threats of the Cuban delegation: Austria, Australia, Belgium, Costa Rica, France, Gambia, Federal Republic of Germany, Iceland, Italy, Japan, Lesoto, Liberia, Norway, Philippines, Somalia, Togo, and the United Kingdom; and

(2) the following countries which voted against considering human rights violations in Cuba should reconsider their position in light of the overwhelming evidence of the most serious human rights violations by the Government of Cuba: Algeria, Argentina, Bulgaria, Byelorussian Soviet Socialist Republic, the People's Republic of China, Colombia, Congo, Cyprus, Ethiopia, German Democratic Republic, India, Mexico, Mozambique, Nicaragua, Peru, Sri Lanka, the Union of Soviet Socialist Republics, Venezuela, and Yugoslavia;

(3) in determining United States bilateral and other assistance to all countries which are members of the United Nations Human Rights Commission, the United States should take into account votes in the United Nations relating to human rights violations in Cuba.

—Page 249, after line 15, insert the following:

TITLE XIII—OTHER PROVISIONS

SEC. 1301. HUMAN RIGHTS ABUSES BY THE GOVERNMENT OF CUBA.

(a) FINDINGS.—The Congress finds that—

(1) the United Nations was established in 1945 for, among other purposes, the promotion and encouragement of respect for human rights and fundamental freedoms for all;

(2) the United Nations Human Rights Commission was established by the Economic and Social Council in 1946 to investigate and make recommendations concerning the violation of human rights and fundamental freedoms;

(3) the Government of Cuba has engaged in systematic and flagrant abuses of basic human rights and freedoms so offensive that they demand universal condemnation, including—

(A) the arbitrary arrest and prolonged imprisonment of individuals accused of political opposition to the Government of Cuba for engaging in such activities as the open or private expression of political opinions or religious beliefs, the attempt to form independent labor unions, the possession, reproduction, or intended distribution of religious or political literature, including the Universal Declaration if Human Rights, or even the professional representation by legal counsel of those so accused;

(B) the murder of political prisoners while in custody or the execution of individuals sentenced to death for political offenses;

(C) the reported systematic use of physical and phychological torture and the degrading and abusive treatment of political prisoners, especially the "plantados" —those who refuse out of conscience to participate in so-called political rehabilitation programs;

(D) the institutionalized use of a network of neighborhood informants organized by political "block committees", or so-called "Committees for the defense of the Revolution", to express the exercise of any freedom of expression and otherwise control the behavior of citizens through intimidation;

(E) the repression of the independent Committee for Human Rights in Cuba for its attempt to register as a legal organization under the laws of the state, and the reported arrest, disappearance, or death of members of the Committee, and the continuing persecution of its president who has had to seek the safety of a foreign embassy out of fear for his life and continues to be deprived of the right to leave Cuba to be reunited with his family; and

(F) the expulsion from Cuba of foreign journalists for having attempted to interview Cuban citizens and report objectively on the human rights situation in that country; and

(4) the United Nations has consistently failed to address the violation of fundamental human rights and freedoms in Cuba.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United Nations and the United Nations Human Rights Commission have acted selectively and inconsistently in addressing violations of basic human rights in various countries;

(2) the United Nations General Assembly and the United Nations Human Rights Commission have failed to responsibly address the deplorable human rights situation in Cuba despite overwhelming evidence of the continuing disregard and systematic abuse of the most basic human rights by the Government of Cuba;

(3) the President, the Secretary of State, and the Permanent Representative of the United States to the United Nations are to be commended for their efforts to place Cuba on the human rights agenda of the United Nations and are strongly encouraged to continue in their efforts to bring this issue to the attention of the United Nations;

(4) the following countries are to be commended for their courageous vote in favor of considering human rights violations in Cuba, particularly in light of the thinly veiled threats of the Cuban delegation: Austria, Australia, Belgium, Costa Rica, France, Gambia, Federal Republic of Germany, Iceland, Italy, Japan, Lesoto, Liberia, Norway, Philippines, Somolia, Togo, and the United Kingdom; and

(5) the following countries which voted against considering human rights violations in Cuba should reconsider their position in light of the overwhelming evidence of the most serious human rights violations by the Government of Cuba: Algeria, Argentina; Bulgaria, Byelorussian Soviet Socialist Republic, the People's Republic of China, Colombia, Congo, Cyprus, Ethiopia, German Democratic Republic, India, Mexico, Mozambique, Nicaragua, Peru, Sri Lanka, the Union of Soviet Socialist Republics, Venezuela, and Yugoslavia;

(6) in determining United States bilateral and other assistance to all countries which are members of the United Nations Human Rights Commission, the United States should take into account votes in the United Nations relating to human rights violations in Cuba;

(7) the United States should continue to emphasize how other countries vote on fundamental issues such as human rights when determining financial support for the United Nations, which includes the contributions to the Human Rights Commission; and

(8) the United Nations Human Rights Commission (which will hold its forty-fourth session in Geneva, Switzerland, in 1988) should include among the highest priorities of its human rights agenda consideration of human rights violations in Cuba.

By Mr. SMITH of Florida:

—Page 16, after line 7, insert the following:

SEC. 116. RESTRICTIONS ON TRANSFERS OF STINGER MISSILES.

(a) PROHIBITION.—Except as provided in subsection (b), the United States Government may not transfer any STINGER air defense guided missile (or any other man-portable ground-to-air missile with comparable advanced technology) to any foreign military or paramilitary force.

(b) EXCEPTIONS.—The prohibition contained in subsection (a) does not apply with respect to—

(1) transfers to the North Atlantic Treaty Organization or the armed forces of a member nation of that organization;

(2) transfers to the armed forces of a country designated as major non-NATO ally for purposes of section 1105 of the National Defense Authorization Act of Fiscal Year 1987;

(3) transfers otherwise specifically authorized by the Congress by an Act or joint resolution enacted after the date of enactment of this Act.

(c) DEFINITIONS.—As used in this section—

(1) the term "transfer" means to furnish or otherwise make available (by sale or any other means, direct or indirect) under the Arms Export Control Act or any other law; and

(2) the term "United States Government" includes the Department of Defense, the Central Intelligence Agency, and any other department, agency, or other instrumentality of the United States Government.

—Page 73, strike out line 18 and all that follows through page 86, line 11, and insert in lieu thereof the following:

TITLE V—INTERNATIONAL NARCOTICS CONTROL

SEC. 501. AUTHORIZATIONS OF APPROPRIATIONS.

Section 482(a) of the Foreign Assistance Act of 1961 is amended by striking out paragraphs (1) and (3) and by inserting the following new paragraph (1) after "(a)": "(1) To carry out the purposes of section 481, there are authorized to be appropriated to the President $95,750,000 for fiscal year 1988 and $95,750,000 for fiscal year 1989.".

SEC. 502. DEVELOPMENT OF HERBICIDES FOR AERIAL COCA ERADICATION.

The Secretary of State shall use not less than $500,000 of the funds made available for each of the fiscal years 1988 and 1989 to carry out chapter 8 of part I of the Foreign Assistance Act of 1961 (relating to international narcotics control) to finance research on and the development and testing of safe and effective herbicides for use in the aerial eradication of coca.

SEC. 503. PROCUREMENT OF WEAPONS TO DEFEND AIRCRAFT INVOLVED IN NARCOTICS CONTROL EFFORTS.

(a) EARMARKING OF MAP FUNDS.—Of the funds available to carry out chapter 2 of part II of the Foreign Assistance Act of 1961 (relating to grant military assistance), $1,000,000 for each of the fiscal years 1988 and 1989 shall be made available to arm, for defensive purposes, aircraft used in narcotic control eradication or interdiction efforts. These funds may only be used to arm aircraft already in the inventory of the recipient country, and may not be used for the purchase of new aircraft.

(b) NOTIFICATION TO CONGRESS.—The Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate shall be notified of the use of any such funds for that purpose at least 15 days in advance in accordance with the reprogramming procedures applicable under section 634A of the Foreign Assistance Act of 1961.

SEC. 504. PILOT AND AIRCRAFT MAINTENANCE TRAINING FOR NARCOTICS CONTROL ACTIVITIES.

(a) EARMARKING OF FUNDS.—Not less than $2,000,000 of the funds made available for each of the fiscal years 1988 and 1989 to carry out chapter 5 of part II of the Foreign Assistance Act (relating to international military education and training) shall be available only for—

(1) education and training in the operation and maintenance of equipment used in narcotics control interdiction and eradication efforts for countries in Latin America and the Caribbean; and

(2) the expenses of deploying, upon the request of the government of a foreign country, Department of Defense mobile training teams in that foreign country to conduct training in military-related individual and collective skills that will enhance that country's ability to conduct tactical operations in narcotics interdiction.

(b) RELATIONSHIP TO INTERNATIONAL NARCOTICS CONTROL ASSISTANCE PROGRAM.—Assistance under this section shall be coordinated with assistance provided under chapter 8 of part I of that Act (relating to international narcotics control).

(c) WAIVER OF SECTION 660.—Assistance may be provided pursuant to this section notwithstanding the prohibition contained in section 660 of the Foreign Assistance Act of 1961 (relating to police training).

SEC. 505. REALLOCATION OF FUNDS WITHHELD FROM COUNTRIES WHICH FAIL TO TAKE ADEQUATE STEPS TO HALT ILLICIT DRUG PRODUCTION OR TRAFFICKING.

(a) REQUIREMENT TO REALLOCATE.—Chapter 8 of part I of the Foreign Assistance Act of 1961 is amended by adding at the end the following:

"SEC. 486. REALLOCATION OF FUNDS WITHHELD FROM COUNTRIES WHICH FAIL TO TAKE ADEQUATE STEPS TO HALT ILLICIT DRUG PRODUCTION OR TRAFFICKING.

"(a) ADDITIONAL ASSISTANCE FOR COUNTRIES TAKING SIGNIFICANT STEPS.—If any funds authorized to be appropriated for any fiscal year for security assistance are not used for assistance for the country for which those funds were allocated because of the requirements of section 481(h) or any other provision of law requiring the withholding of assistance for countries that have not taken adequate steps to halt illicit drug production or trafficking, the President shall use those funds for additional assistance for those countries which have met their illicit drug eradication targets or have otherwise taken significant steps to halt illicit drug production or trafficking, as follows:

"(1) INTERNATIONAL NARCOTICS CONTROL ASSISTANCE.—Those funds may be transferred to and consolidated with the funds appropriated to carry out this chapter in order to provide additional narcotics control assistance for those countries. Funds transferred under this paragraph may only be used to provide increased funding for activities previously justified to the Congress. Transfers may be made under this paragraph without regard to the 20-percent increase limitation contained in section 610(a). This paragraph does not apply with respect to funds made available for assistance under the Arms Export Control Act.

"(2) SECURITY ASSISTANCE.—Any such funds not used under paragraph (1) shall be reprogrammed within the account for which they were appropriated (subject to the regular reprogramming procedures under section 634A) in order to provide additional security assistance for those countries.

"(b) DEFINITION OF SECURITY ASSISTANCE.—As used in this section, the term 'security assistance' means assistance under chapter 2 of part II of this Act (relating to the military assistance program), chapter 4 of part II of this Act (relating to the Economic Support Fund), chapter 5 of part II of this Act (relating to international military education and training), or the Arms Export Control Act (relating to foreign military sales credits).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) does not apply with respect to funds appropriated prior to the date of enactment of this Act.

SEC. 506. WAIVER OF RESTRICTIONS ON UNITED STATES ASSISTANCE FOR CERTAIN MAJOR DRUG-TRANSIT COUNTRIES.

Section 481(h) of the Foreign Assistance Act of 1961 shall not apply with respect to a major drug-transit country for the fiscal year 1988 or fiscal year 1989 if the President certifies to the Congress, during that fiscal year, that—

(1) section 481(i)(5)(C) of that Act (relating to money laundering) does not apply to that counry;

(2) the country previously was a major illicit drug producing country but, during each of the preceding two years, has effectively eliminated illicit drug production; and

(3) the country is cooperating fully with the United States, or has taken adequate steps on its own, in preventing narcotic and psychotropic drugs and other controlled substances transported through such country from being sold illegally within the jurisdiction of such country to United States Government personnel or their dependents or from being transported, directly or indirectly, into the United States.

SEC. 507. REPORTS AND RESTRICTIONS CONCERNING CERTAIN COUNTRIES.

Section 2013 of the Anti-Drug Abuse Act of 1986 is amended—

(1) in subsection (a), by striking out "Not later than 6 months after the date of enactment of this Act and every 6 months thereafter," and inserting in lieu thereof "As part of each report required by section 481(e) of the Foreign Assistance Act of 1961,"; and

(2) in subsection (b), before "unless" insert "during the one year period beginning on the date on which the report in which it was listed was submitted to the Congress".

SEC. 508. UNITED STATES RELIANCE ON LICIT OPIUM GUM FROM FOREIGN SOURCES.

(a) Review.—The President shall conduct a review of United States narcotics raw material policy to determine—

(1) the current and reserve international needs for opium-derived pharmaceutical and chemical products, and the relative capabilities for meeting those needs through the opium gum process and the concentrated poppy straw method of production;

(2) whether the United States should continue to rely on a singly foreign country for all its licit opium gum;

(3) whether it should be United States policy to encourage all countries which produce licit opium to use the concentrated poppy straw method of production; and

(4) what options are available, consistent with treaties to which the United States is a party, to reduce United States reliance on licit opium from foreign sources.

The results of this review shall be reported to the Congress by October 1, 1988.

(b) Section 481481(h) Certifications With Respect to India.—For fiscal years 1988 and 1989, the President may make a certification with respect to India under section 481(h)(2)(A)(i) of the Foreign Assistance Act of 1961 only if the President determines that the Government of India has taken steps to prevent significant diversion of its licit opium cultivation and production into the illicit market, to reduce its licit opium stockpile, and to eliminate illicit opium cultivation and production. If that certification is made, the President shall include with that certification a detailed report on what steps were taken and an estimate of the amount of licit opium still being diverted to the illicit market.

SEC. 509. ASSISTANCE FOR BOLIVIA.

(a) Conditions on Fiscal Year 1988 Assistance.—

(1) Security assistance.—For fiscal year 1988, assistance may be provided for Bolivia under chapter 2 (relating to grant military assistance), chapter 4 (relating to the economic support fund), and chapter 5 (relating to international military education and training) of part II of the Foreign Assistance Act of 1961 and under chapter 2 of the Arms Export Control Act (relating to foreign military sales financing) only if the President certifies to the Congress that the Government of Bolivia has enacted legislation that will—

(A) establish its legal coca requirements,

(B) provide for the licensing of the number of hectares necessary to produce the legal requirement,

(C) make unlicensed coca production illegal, and

(D) make possession and distribution of coca leaf illegal (other than for licit purposes).

(2) Additional requirement for ESF.—In addition, funds may be obligated for assistance for Bolivia for fiscal year 1988 under chapter 4 of part II of the Foreign Assistance Act of 1961 only if the Secretary of State has submitted to the Congress a plan for conditioning the expenditure of those funds on the Government of Bolivia meeting specific coca eradication targets.

(3) Section 481 certification.—For fiscal year 1988, the President may make a certification with respect to Bolivia under clause (i) of section 481(h)(2)(A) of the Foreign Assistance Act of 1961 only if the Government of Bolivia has entered into the narcotics cooperation agreement with the United States specified in section 611(2)(B) of the International Security and Development Cooperation Act of 1985.

(4) Relation to other requirements.—The requirements of this subsection are in addition to the requirements contained in section 481(h) of the Foreign Assistance Act of 1961 and other applicable provisions of law.

(b) Conditions on Fiscal Year 1989 Assistance.—

(1) Section 481 certification.—For fiscal year 1989, the President may make a certification with respect to Bolivia under clause (i) or (ii) of section 481(h)(2)(A) of the Foreign Assistance Act of 1961 only if the Government of Bolivia—

(A) has entered into the narcotics cooperation agreement with the United States specified in section 611(2)(B) of the International Security and Development Cooperation Act of 1985;

(B) has fully achieved the eradication targets contained in that agreement; and

(C) has begun a program of forced eradication of illicit coca cultivation.

(2) Nonwaivability.—The authorities contained in section 614 of the Foreign Assistance Act of 1961 may not be used to waive the requirements of this subsection, and may not be used to waive the requirements of section 481(h) of that Act for fiscal year 1989 with respect to Bolivia.

(c) Development Assistance.—For fiscal years 1988 and 1989, the project agreement document for any project carried out in Bolivia pursuant to chapter I of part I of the Foreign Assistance Act of 1961 (relating to development assistance) shall contain a clause requiring that project activities be suspended if the Government of Bolivia fails to keep project areas free of illicit coca cultivation.

SEC. 510. ASSISTANCE FOR PERU.

(a) Determinations Regarding Narcotics Control Cooperation.—In making determinations with respect to Peru pursuant to section 481(h)(2)(A)(i) of the Foreign Assistance Act of 1961 for each of the fiscal years 1988 and 1989, the President shall give foremost consideration to whether the Government of Peru made substantial progress in meeting its coca eradication targets during the previous year.

(b) Upper Huallaga Valley Project.—Funds authorized to be appropriated for fiscal years 1988 and 1989 to carry out chapter 1 of part I of that Act (relating to development assistance) may be made available for the project of the Agency for International Development in the Upper Huallaga Valley of Peru only if, before obligating funds for that fiscal year, the Administrator of that Agency determines, and reports to the Congress, that such project continues to be effective in reducing and eradicating coca leaf production, distribution, and marketing in the Upper Huallaga Valley.

SEC. 511. ASSISTANCE FOR MEXICO.

(a) Limitation on Assistance.—Of the amounts made available for each of the fiscal years 1988 and 1989 to carry our chapter 8 of part I of the Foreign Assistance Act of 1961 (relating to international narcotics control), not more than $15,000,000 may be made available for Mexico.

(b) Prosecution of Those Responsible for the Torture and Murder of DEA Agents.—Of the funds allocated for assistance for Mexico for each of those fiscal years under that chapter, $1,000,000 shall be withheld from expenditure until the President reports to the Congress that the Government of Mexico—

(1) has fully investigated the 1985 murders of Drug Enforcement Administration agent Enrique Camarena Salazar and his pilot Alfredo Zavala Avelar;

(2) has fully investigated the 1986 detention and torture of Drug Enforcement Administration agent Victor Cortez, Junior; and

(3) has brought to trial and is effectively prosecuting those responsible for those murders and those responsible for that detention and torture.

SEC. 512. COOPERATIVE NONMAJOR DRUG-TRANSIT COUNTRIES.

(a) Greater Attention.—The Congress urges the Assistant Secretary of State for International Narcotics Matters to give greater attention, and provide more narcotics control assistance, to those countries which are drug-transit countries but are not major drug-transit countries (as defined in section 481(i)(5) of the Foreign Assistance Act of 1961) and which are cooperating with the United States in its international narcotics control efforts.

(b) Earmarking of Assistance.—Of the amounts made available for each of the fiscal years 1988 and 1989 to carry out chapter 8 of part I of the Foreign Assistance Act of 1961 (relating to international narcotics control), not less than $1,000,000 shall be available only for assistance to countries described in subsection (a).

SEC. 513. INCREASED FUNDING FOR AID DRUG EDUCATION PROGRAMS.

In addition to amounts otherwise authorized to be appropriated, there are authorized to be appropriated to the President $1,000,000 for each of the fiscal years 1988 and 1989 to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 (relating to development assistance), which amount shall be used pursuant to section 126(b)(2) of that Act for additional activities aimed at increasing awareness of the effects of production and trafficking of illicit narcotics on source and transit countries.

SEC. 514. REQUEST FOR HOT PURSUIT RIGHTS IN HAITI.

The Congress urges the Government of Haiti to provide to United States law enforcement officials rights of hot pursuit for the purpose of preventing and apprehending drug smuggling aircraft transiting Haitian airspace.

SEC. 515. DEVELOPMENT OF MODEL TREATIES AND COMPREHENSIVE ANTIDRUG LAWS.

The Secretary of State and the Attorney General shall jointly develop a model extradition treaty with respect to narcotics-related violations (including extradition of host country nationals), a model mutual legal assistance treaty, and model comprehensive antinarcotics legislation. The Secretary of State shall distribute such treaties and legislation to each United States mission abroad. The Secretary of State shall report to the Congress, not later than six months after the date of enactment of this Act, on actions taken to carry out this section.

SEC. 516. REPORTING ON TRANSFER OF U.S. ASSETS.

Any transfer by the United States Government to a foreign country for narcotics control purposes of any property seized by or otherwise forfeited to the United States Government in connection with narcotics related criminal activity shall be subject to the regular reprogramming procedures applicable under section 634A of the Foreign Assistance Act of 1961. At the end of each fiscal year, the President shall submit a report to the Congress of all such transfers during that fiscal year, including an estimate of the fair market value and physical condition of each item of property transferred.

SEC. 517. ESTABLISHMENT OF A LATIN AMERICAN REGIONAL ANTINARCOTICS POLICE FORCE.

The President shall direct the United States representative to the Organization of American States to seek the views of other member nations on the feasibility of establishing a regional Latin American anti-narcotics force.

SEC. 518. ESTABLISHMENT OF A REGIONAL ANTI-NARCOTICS TRAINING CENTER IN THE CARIBBEAN.

It is the sense of the Congress that the Assistant Secretary of State for International Narcotics Matters should seek the establishment of, and should contribute funds or other resources to, a regional anti-narcotics training center in the Caribbean, and should seek such contributions from other countries for such a center.

—Page 208, beginning in line 3, strike out "JAPAN AND THE ARAB ECONOMIC BOYCOTT OF ISRAEL" and insert in lieu thereof "JAPANESE MIDDLE EAST POLICIES"; line 5, before "It" insert "(a) ARAB ECONOMIC BOYCOTT OF ISRAEL.—"; and after line 9, insert the following:

(b) PARTICIPATION IN PERSIAN GULF EFFORTS.—

(1) FINDINGS.—The Congress finds that—

(A) Japan's announced policy of refusing to engage in a United States-instigated trade embargo against Iran will continue to provide the Government of Iran with the hard currencies necessary to finance its war effort;

(B) continued hostilities in the Gulf threaten the free flow of oil from the Persian Gulf to the industrial democracies;

(C) few industrial democracies are more dependent on the free flow of oil out of the Persian Gulf than Japan; and

(D) Japan's participation in Western efforts to restore peace to the Gulf region have been disappointing at best.

(2) SENSE OF CONGRESS.—It is the sense of the Congress that, by failing to make substantive contributions to restoring peace in the Gulf region, Japan has been negligent in its responsibility as a member of the Western Alliance and as a member of the community of nations.

By Mrs. SMITH of Nebraska:

—Page 20, strike out line 17 and all that follows through line 5 on page 23.

By Mr. SMITH of New Jersey:

—Page 27, after line 17, insert the following:

(f) DECLARATION OF CONGRESSIONAL INTENT.—The Congress declares its intention that the Child Survival Fund should be used primarily to promote immunization, oral rehydration, growth monitoring, and promotion of breast feeding.

(g) ANNUAL REPORT.—As part of the annual presentation materials on development assistance, the Administrator of the Agency for International Development shall specify the proposed outlays from the Child Survival Fund for the coming fiscal year by region and individual activity.

—Page 117, after line 21, insert the following:

(c) PEACE CORPS PROGRAMS.—Of the funds made available each fiscal year pursuant to paragraph (2) of subsection (b), $3,000,000 shall be transferred to the Peace Corps and used for programs in Costa Rica under the Peace Corps Act.

—Page 214, after line 18, insert the following:

SEC. 911. HUMAN RIGHTS POLICY IN THE PEOPLE'S REPUBLIC OF CHINA.

(a) CONDEMNING HUMAN RIGHTS VIOLATIONS BY THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA.—The Congress—

(1) strongly condemns the continued violations of human rights by the Government of the People's Republic of China, including—

(A) the one-child-per-family policy adopted in 1979 that relies on coercion, economic penalties, and forced abortions (often late in pregnancy) as a means of enforcing compliance;

(B) the continued use of a repressive "birth quota" system that empowers the authorities to dictate to couples if and when they may have a child; and

(C) the use of forced abortions and involuntary sterilizations of Tabetans by Chineses authorities in Tibet; and

(2) affirms internationally recognized basic human rights, such as—

(A) the conclusion made by the 1981 United Nations symposium on Population and Human Rights that compulsory abortion is a violation of human rights; and

(B) the declaration made at the Nuremberg War Crimes trials that forced abortion be regarded as a "crime against humanity".

(b) INSTRUCTING THE PRESIDENT AND THE DEPARTMENT OF STATE.—The Congress asks that the President and the Department of State—

(1) raises the concerns expressed in this section with the Government of the People's Republic of China, and

(2) call upon that Government to cease immediately this repressive policy.

—Add the following at the end of the bill:

TITLE XIII—OTHER PROVISIONS

SEC. 1301. SOVIET POLICY ON JEWISH EMIGRATION.

(a) FINDINGS.—The Congress finds that—

(1) many Jewish individuals and their families have been prevented from emigrating from the Soviet Union because they were once employed in what the Soviet Government calls "secret work";

(2) General Secretary Mikhail Gorbachev has publicly stated that possession of "State secrets" could not be grounds for refusal to allow individuals to emigrate after 5 years, or 10 years at most;

(3) whereas a Soviet review board has been convened by the order of the Politburo to reconsider emigration cases which have been rejected or delayed for many years on the grounds of knowledge of "State secrets";

(4) the Soviet Union has agreed to meet formally with the United States at the highest levels to discuss matters relating to arms control, human rights, and bilateral relations; and

(5) many individual and their families continue to wait patiently for approval of their applications to emigrate.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that, in the course of his negotiations and dealings with the leadership of the Soviet Union, the President should express—

(1) the strong opposition of the United States to the Soviet Union's refusal to permit Victor Faermark, Yuli Kosharovsky, Aleksandr Lerner, Yakhov Rakhlenko, Valery Soifer, Yulian Khasin, Gennady and Natasha Khasin, their families, and other families in similar positions to emigrate from the Soviet Union; and

(2) the desire of the United States that the Government of the Soviet Union comply with its commitments under the Final Act of the Conference on Security and Cooperation in Europe, the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the Constitution of the Union of Soviet Socialist Republics, and permit these individuals, their families, and others to emigrate from the Soviet Union.

By Mr. SOLARZ:

—Add the following at the end of the bill:

TITLE XIII—ASSISTANCE TO POLAND

SEC. 1301. SHORT TITLE.

This title may be cited as the "American Assistance to The People of Poland Act of 1987".

SEC. 1302. FUNDING FOR SCIENCE AND TECHNOLOGY AGREEMENT.

(a) FUNDING.—For purposes of implementing the 1987 United States-Polish science and technology agreement, there are authorized to be appropriated to the Secretary of State for fiscal year 1988, $1,000,000.

(b) AVAILABILITY OF FUNDS.—Amounts appropriated under subsection (a) are authorized to remain available until expended.

(c) DEFINITION.—For purposes of this section, the term "1987 United States-Polish science and technology agreement" refers to the draft agreement concluded in 1987 by the United States and Poland, entitled "Agreement Between the Government of the United States of America and the Polish People's Republic on Cooperation in Science and Technology and Its Funding", together with annexes relating thereto.

SEC. 1303. AGRICULTURAL ASSISTANCE FOR POLAND.

Notwithstanding any other provision of law, $10,000,000 of funds made available to carry out section 103 of the Foreign Assistance Act of 1961 for fiscal year 1988 shall be available until August 15, 1988, only for agricultural activities in Poland. Any funds made available under the preceding sentence which have not been obligated or expended by such date may be obligated for other purposes in accordance with section 103 of the Foreign Assistance Act of 1961 if the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Appropriations of each House of Congress are notified at least 15 days in advance of such obligation. Such notification shall be considered in accordance with the procedures applicable under section 634A of that Act.

SEC. 1304. DONATION OF SURPLUS AGRICULTURAL COMMODITIES.

(a) Authority to Donate.—Notwithstanding any other provision of law, the Secretary of Agriculture shall donate, under the applicable provisions of section 416(b) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)), for each of the fiscal years 1988 through 1992, 8,000 metric tons of uncommitted stocks of eligible commodities of the Commodity Credit Corporation under an agreement with the Government of Poland that the Government of Poland will sell such commodities and that all the proceeds from such sales will be used by nongovernmental agencies for eligible activities in Poland described in section 416(b)(7)(D)(ii) of the Agricultural Act of 1949 (as amended by section 1306 of this Act) that have been approved, upon application, by the United States chief of diplomatic mission in Poland, and by the joint commission described in section 1307.

(b) Definitions.—For purposes of this section—

(1) the term "eligible commodities" has the same meaning as is given such term in section 416(b)(2) of the Agricultural Act of 1949, and, in addition, includes feed grains; and

(2) the term "nongovernmental agencies" includes nonprofit voluntary agencies, cooperatives, intergovernmental agencies such as the world food program, and other multilateral organizations.

SEC. 1305. USE OF POLISH CURRENCIES.

(a) Use of Polish Currencies.—Subject to subsection (b), nonconvertible Polish currencies (zlotys) held by the United States on the date of enactment of this Act pursuant to an agreement with the Government of Poland under the Agricultural Trade Development and Assistance Act of 1954 which are not assets of the Commodity Credit Corporation shall be made available, to the extent and in such amounts as are provided in appropriation Acts, for eligible activities in Poland described in section 416(b)(7)(D)(ii) of the Agricultural Act of 1949 (as amended by section 1306 of this Act) and approved, upon application, by the joint commission described in section 1307 and by the United States chief of diplomatic mission in Poland.

(b) Availability of Currencies.—Currencies available under subsection (a) are currencies available after satisfaction of existing commitments to use such currencies for other purposes specified by law.

SEC. 1306. ELIGIBLE ACTIVITIES.

Section 416(b)(7)(D)(ii) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)(7)(D)(ii)) is amended by adding at the end thereof the following: "In addition, foreign currency proceeds generated in Poland may also be used by such agencies or cooperatives for eligible activities approved by the joint commission established pursuant to section 1307 of the American Assistance to the people of Poland Act of 1987 and by the United States chief of diplomatic mission in Poland that would improve the quality of life of the Polish people and would strengthen and support the activities of private, nongovernmental independent institutions in Poland. Activities under the preceding sentence also include—

"(I) any project undertaken in Poland under the auspices of the Charitable Commission of the Polish Catholic Episcopate for the benefit of handicapped or orphaned children; and

"(II) any project for the reconstruction, renovation, or maintenance of the Research Center on Jewish History and Culture of the Jagiellonian University of Krakow, Poland, established for the study of events related to the Holocaust in Poland.".

SEC. 1307. JOINT COMMISSION.

(a) Establishment.—The joint commission referred to in section 1304 and in section 416(b)(7)(D)(ii) of the Agricultural Act of 1949 (as amended by section 1306 of this Act) shall be established under an agreement between the United States Government, the Government of Poland, and nongovernmental agencies (as defined in section 1304) operating in Poland.

(b) Membership.—The joint commission shall be composed of—

(1) appropriate representatives of the Government of Poland;

(2) appropriate representatives of nongovernmental agencies which are parties to the agreement described in subsection (a); and

(3) representatives from the United States diplomatic mission in Poland, which may include a representative of the Foreign Agricultural Service.

SEC. 1308. PROVISION OF MEDICAL SUPPLIES AND HOSPITAL EQUIPMENT TO POLAND.

In addition to amounts authorized to be appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund) for fiscal years 1988 and 1989, there are authorized to be appropriated to carry out that chapter for each such fiscal year $2,000,000, which shall be available only for providing medical supplies and hospital equipment to Poland through private and voluntary organizations, including for the expenses of purchasing, transporting, and distributing such supplies and equipment.

SEC. 1309. ASSISTANCE IN SUPPORT OF NATIONAL RECONCILIATION AND DEMOCRATIC VALUES.

Of the amounts authorized to be appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund) for the fiscal years 1988 and 1989, not less than $1,000,000 shall be available in each such fiscal year only to strengthen support for activities of nongovernmental organizations promoting national reconciliation and democratic values in Poland.

By Mr. SOLOMON:

—Page 42, strike line 17 and all that follows through page 43, line 4 and insert in lieu thereof the following:

"(i)(1) For each fiscal year, funds in an amount not less than the percentage specified in paragraph (2) of the aggregate amount appropriated for that fiscal year to carry out sections 103, 104(b), 104(c)(1), 104(c)(2), 105, 106, 471, and 491 of this Act shall be made available for the activities of private and voluntary organizations; and the President shall seek to channel funds in an amount not less than 25 percent of such aggregate amount for the activities of private and voluntary organizations.

"(2) The minimum percentages under this subsection for fiscal years 1988 through 1992 shall be as follows:

"(A) 15 percent for each of fiscal years 1988, 1989, and 1990;

"(B) 15.5 percent during fiscal year 1991; and

"(C) 16 percent during fiscal year 1992 and each fiscal year thereafter."

—Page 43, strike lines 8 through 19 and insert in lieu thereof the following:

"(j)(1) Funds made available to carry out this part may not be made available to any United States private and voluntary organization (other than a cooperative development organization) which obtains less than the percentages specified in paragraph (2) of its total annual funding for international activities from sources other than the United States Government. In calculating the amount of Government support received by an organization, there shall be excluded the value of commodities (and related transportation) made available for overseas distribution and the value of contracts for services, grants, and other activities initiated primarily by the agency primarily responsible for administering this part.

"(2) The minimum percentages under this subsection for fiscal years 1988 through 1992 shall be as follows:

"(A) 25 percent during fiscal year 1988;

"(B) 30 percent during fiscal year 1989;

"(C) 40 percent during fiscal year 1990;

"(D) 45 percent during fiscal year 1991; and

"(E) 50 percent during fiscal year 1992 and each fiscal year thereafter."

—Page 65, after line 18, insert the following:

(d) GAO Study of International Organizations Receiving Earmarked Funds.—The Comptroller General shall conduct a study of the accounting practices, current financial reserves, and general level of efficiency and effectiveness of any international organization or agency which is the recipient of funds earmarked pursuant to subsection (a). The Comptroller General shall submit a report on the results of this study to the Congress not later than six months after the date of enactment of this Act.

—Page 65, after line 18, insert the following:

(d) GAO Study of Certain International Organizations and Programs.—The Comptroller General shall conduct a study of the accounting practices, current financial reserves, and general level of efficiency and effectiveness of each international organization or program to which the United States made a voluntary contribution (under chapter 3 of part I of the Foreign Assistance Act of 1961) in excess of $40,000,000 for fiscal year 1987. The Comptroller General shall submit a report on the results of this study to the Congress not later than 6 months after the date of enactment of this Act.

—Page 65, after line 18, insert the following:

(d) GAO Study of UNDP.—The Comptroller General shall conduct a study of the accounting practices, current financial reserves, and general level of efficiency and effectiveness of the United Nations Development Program. The Comptroller General shall submit a report on the results of this study to the Congress not later than 6 months after the date of enactment of this Act.

—Page 120, strike line 21 and all that follows through page 121, line 6.

—Page 120, strike line 22 and all that follows through page 121, line 6 and insert in lieu thereof the following:

"Section 722(d) of the International Security and Development Cooperation Act of

1985 is amended by striking the second sentence."

—Page 121, add the following after line 25:

SEC. 713. NON-LETHAL ASSISTANCE FOR NICARAGUAN DEMOCRATIC RESISTANCE.

(a) Assistance To Be Provided.—The Secretary of State (or his designee) shall use funds appropriated pursuant to subsection (c) to provide non-lethal assistance to the Nicaraguan democratic resistance.

(b) Non-Lethal Assistance.—As used in this section, the term "non-lethal assistance" means the provision of food, clothing, medicine, and other humanitarian assistance, and does not include the provision of weapons, weapons systems, ammunition, or other equipment, vehicles, or material which can be used to inflict serious bodily harm or death.

(c) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $30,000,000 for fiscal year 1988.

—Page 166, strike out lines 7 through 15; line 16, strike out "(n)" and insert in lieu thereof "(m)"; page 167, line 21, strike out "(o)" and insert in lieu thereof "(n)"; and page 168, line 3, strike out "(p)" and insert in lieu thereof "(o)".

—Page 190, strike line 22 and all that follows through page 192, line 20.

On page 192, strike all text on line 21 and on every line that follows through line 22 on page 193.

On page 196, strike all text on line 10 and on every line that follows through line 23.

On page 201, strike all text on line 10 and on every line that follows through line 9 on page 202.

On page 202, strike all text on line 10 and on every line that follows through line 6 on page 203.

—On page 192, strike all text on line 21 and on every line that follows through line 12 on page 193.

On page 196, strike all text on line 10 and on every line that follows through line 23.

On page 196, strike all text on line 24 and on every line that follows through line 14 on page 197.

On page 201, strike all text on line 10 and on every line that follows through line 9 on page 202.

On page 202, strike all text on line 10 and on every line that follows through line 6 on page 203.

—On page 192, strike all text on line 21 and on every line that follows through line 12 on page 193.

On page 201, strike all text on line 10 and on every line that follows through line 9 on page 202.

On page 202, strike all text on line 10 and on every line that follows through line 6 on page 203.

—On page 192, strike all text on line 21 and on every line that follows through line 12 on page 193.

—On page 196, strike all text on line 10 and on every line that follows through line 14 on page 197, and insert in lieu thereof the following:

"Sec. 825. U.S. Policy Toward Kenya.—

(a) The Congress finds that—

(1) The United States and Kenya have enjoyed friendly relations based on their mutual respect for human rights and democratic freedoms;

(2) The United States regards Kenya as an important ally in Africa and a strategic friend in the East Africa region and the Indian Ocean;

(3) The United States recognizes that Kenya has achieved a significant degree of political stability;

(4) The United States recognizes that Kenya has developed a strong private sector.

(b) It is therefore the policy of the United States to encourage the Government of Kenya to maintain its positive leadership role in Africa and to develop further opportunities for economic growth.".

—On page 196, strike all text on line 10 and on every line that follows through line 14 on page 197, and insert in lieu thereof the following:

"Sec. 825. U.S. Policy Toward Kenya.—

(a) The Congress finds that—

(1) The United States and Kenya have enjoyed friendly relations based on their mutual respect for human rights and democratic freedoms;

(2) The United States recognizes the important role Kenya plays in political and economic leadership in the region;

(3) The United States recognizes the strategic importance of Kenya to the security interests of the U.S. in the Horn of Africa and Indian ocean region.

(b) It is therefore the policy of the United States to support Kenya in its effort to achieve regional political and economic stability.".

—On page 196, strike all text on line 10 and on every line that follows through line 14 on page 197, and insert in lieu thereof the following:

"Sec. 825. U.S. Policy Toward Kenya.—

(a) The Congress finds that—

(1) Friendship and longstanding mutual interests bind the United States and Kenya; and

(2) The United States and Kenya have enjoyed friendly relations based on their mutual respect for human rights and democratic freedoms;

(3) Kenya has played a vital leadership role in maintaining stability and promoting peace in the Horn of Africa and Indian Ocean region.

(b) It is therefore the policy of the United States to encourage the Government of Kenya to continue its constructive role in Africa and to further promote our shared democratic values and freedoms.".

—On page 196, strike all text on line 10 and on every line that follows through line 14 on page 197, and insert in lieu thereof the following:

"Sec. 825. U.S. Policy Toward Kenya.—

(a) The Congress finds that—

(1) The United States and Kenya have enjoyed friendly relations based on their mutual respect for human rights and democratic freedoms;

(2) The United States regards Kenya as an important ally in Africa;

(3) The United States recognizes that Kenya has achieved a significant degree of political stability;

(4) This stability could be threatened by the recent decline in freedom of expression and growing intolerance of elements of society critical of government policies as well as apparent centralization of power.

(5) These developments are of concern to the Congress and the American people.

(b) It is therefore the policy of the United States to encourage the Government of Kenya, through all available means, to reaffirm its commitment to our shared democratic values and freedoms.".

—On page 196, strike all text on line 10 and on every line that follows through line 23.

—On page 196, strike all text on line 24 and on every line that follows through line 14 on page 197.

—On page 201, strike all text on line 10 and on every line that follows through line 9 on page 202.

On page 202, strike all text on line 10 and on every line that follows through line 6 on page 203.

—On page 201, strike all text on line 10 and on every line that follows through line 9 on page 202.

—On page 202, strike all text on line 10 and on every line that follows through line 6 on page 203, and insert in lieu thereof:

"SEC. 843. MOROCCO.

It is the policy of the United States to support Morocco's legitimate defense needs and to discourage aggression by any country in North Africa against another.".

—On page 202, strike all text on line 10 and on every line that follows through line 6 on page 203.

—On page 214, between lines 18 and 19, insert the following new section:

SEC. 911. CHINESE COMPLICITY IN IRANIAN AGRESSION.

(a) Findings.—The Congress finds that—

(1) on October 16, 1987, the American flagged tanker Sea Isle City, was struck by a Chinese produced Silkworm missile;

(2) at least eighteen persons aboard the Sea Isle City were injured, among them two Americans;

(3) on October 15, 1987, the American owned tanker Sungari was struck by a Chinese produced Silkworm missile;

(4) the People's Republic of China has continued to supply Silkworm missiles to Iran despite repeated official protests by the United States;

(5) the People's Republic of China has so far not unreservedly declared its willingness to support an arms embargo of Iran if Iran refuses to accept United Nations Security Resolution 598, passed July 20, 1987;

(6) recent public reports indicate that the People's Republic of China has also supplied fighter aircraft to Iran; and

(7) the United States is engaged in significant military related technology transfers to China.

(b) Prohibition.—(1) Notwithstanding any other provision of law, no credits made available for use under the Arms Export Control Act may be issued and no guaranties may be extended for the People's Republic of China.

(2) Notwithstanding any other provision of law, no cash sales or deliveries pursuant to previous cash or credit sales under the Arms Export Control Act may be made with respect to the People's Republic of China.

(3) Notwithstanding any other provision of law, no assistance furnished under the Foreign Assistance Act of 1961 may be provided to, or on behalf of projects in, the People's Republic of China.

(c) Certification Waiver.—(1) The prohibitions described in subsection (b) shall remain in effect until the President certifies to the Congress that—

(A) the People's Republic of China publicly and officially indicates its willingness to support and, if applicable, vote for within the United Nations, any arms embargo in the event that Secretary General Perez de Cuellar's negotiations with Iran and Iraq fail to gain Iran's acceptance of Security Council Resolution 598; and

(B) the People's Republic of China no longer sells, leases, or otherwise makes available, directly or indirectly, Silkworm missiles, aircraft, or other arms, ammunition or implements of war to Iran.

(2) A certification transmitted pursuant to this subsection shall be unclassified, except that a classified appendix may be attached. The certification shall include a detailed justification for the President's determination.

—Page 215, strike lines 6 and 7.

—Page 226, after line 10, add the following:

SEC. 930. ADMINISTRATION POLICY ON AFGHANISTAN.

(a) Findings.—The Congress finds that—

(1) each of the substantive sanctions imposed on the Soviet Union by the United States to protest the Soviet invasion of Afghanistan have been lifted;

(2) although the administration's policy on Afghanistan states that only "steadily increasing pressure on all fronts—military, political, diplomatic—will induce the Soviets to make the political decision to negotiate the withdrawal of their forces," political and diplomatic pressures on the Soviet Union have decreased rather than increased;

(3) in the absence of a coordinated and aggressive policy by the administration regarding the war in Afghanistan, the Congress has been forced to unilaterally implement numerous programs to bring "steadily increasing pressure" to bear on the Soviet Union; and

(4) despite the failure of Soviet troops to withdraw from Afghanistan, and the serious deterioration with regard to the situation of human rights in Afghanistan, the administration is planning to lift further sanctions and initiate increasing areas of cooperation with the Soviet Union.

(b) Report to Congress.—(1) Not later than sixty days after the date of the enactment of this Act, the Secretary of State shall provide the Chairman of the Senate Foreign Relations Committee and the Chairman of the House Foreign Affairs Committee with a report listing each sanction imposed against the Soviet Union by the United States since the first anniversary of the Soviet invasion of Afghanistan, a detailed explanation for the lifting of each sanction, and a detailed analysis of the benefit to the Soviet Union incurred by the lifting of each sanction.

(2) Not later than sixty days after the date of enactment of this Act, the Secretary of State shall provide the Chairman of the Senate Foreign Relations Committee and the Chairman of the House Foreign Affairs Committee a comprehensive list of all areas of ongoing cooperation that could be withheld from the Soviet Union.

(3) Not later than sixty days after the date of the enactment of this Act, the Secretary of State shall provide the Chairman of the Senate Foreign Relations Committee and the Chairman of the House Foreign Affairs Committee with a detailed and comprehensive report in a suitable classified form, and in an unclassified form, containing the disposition of Soviet military forces in the Afghanistan region and an account of any troop withdrawals and any new troop deployments.

—Page 246, Strike line 21 and all that follows through page 247, line 10 and insert in lieu thereof the following:

Section 620(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(f)) is amended to read as follows:

"(f)(1) No assistance shall be furnished under this Act (except section 214(b)) to any Communist country.

"(2) This restriction may not be waived pursuant to any authority contained in this Act unless the President finds and promptly reports to Congress that—

"(A) such assistance is vital to the security of the United States;

"(B) in the case of a country listed in paragraph (3), the government of the recipient country no longer maintains a centrally-planned economy based on the principles of Marxist-Leninism;

"(C) the government of the recipient country respects and observes internationally recognized standards of human rights; and

"(D) the assistance will encourage the deliverance of the recipient country from political, economic, and military dependence (as the case may be) on the Union of Soviet Socialist Republics or on any other Communist country.

"(3) For the purposes of this subsection, the term 'Communist country' includes specifically, but is not limited to, the following countries:

"Czechoslovak Socialist Republic.
"Democratic People's Republic of Korea.
"Democratic Republic of Afghanistan.
"Estonia.
"German Democratic Republic.
"Hungarian People's Republic.
"Latvia.
"Lithuania.
"Mongolian People's Republic.
"People's Democratic Republic of Ethiopia.
"People's Democratic Republic of Yemen.
"People's Republic of Albania.
"People's Republic of Angola.
"People's Republic of Bulgaria.
"People's Republic of China.
"People's Republic of Kampuchea.
"Polish People's Republic.
"Republic of Cuba.
"Socialist Federal Republic of Yugoslavia.
"Socialist Republic of Romania.
"Socialist Republic of Vietnam.
"Tibet.
"Union of Soviet Socialist Republics (including its capitive constituents republics)".

(2) Notwithstanding the provisions of paragraph (1) of this subsection, the President may remove a country, for such period as the President determines, from the application of this subsection, and other provisions which reference this subsection, if the President determines and reports to Congress that such action is important to the national interest of the United States. It is the sense of the Congress that when consideration is given to authorizing assistance to a country removed from the application of this subsection the criteria listed in paragraph (1) of this subsection should be taken into account.

—Page 247, after line 16 insert the following new Section:

SECTION 1116. MINERAL IMPORTS FROM COMMUNIST COUNTRIES.

(a) Sense of Congress.—It is the sense of Congress that the vital national interests and security of the United States would be jeopardized if the nation became dependent on communist countries as the sources for essential minerals and metals.

(b) Report Requirement.—Not later than 180 days after the date of enactment of this Act, and every year therafter when the annual foreign assistance request is presented to Congress, the President shall submit to the Committee on Foreign Affairs in the House of Representatives and the Committee on Foreign Relations in the Senate a report on the extent to which the United States is dependent on communist countries (as defined in Section 620(f) of the Foreign Assistance Act of 1961) as sources for supply and importation of—

(1) chromium,
(2) cobalt,
(3) manganese,
(4) platinum group metals,
(5) ferroalloys, and
(6) other strategic and critical materials (within the meaning of the Strategic and Critical Materials Stock Piling Act).

—Page 247, after line 16 insert the following new Section:

SECTION 1116. REPEAL OF WAIVER AUTHORITY.

Section 620(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2292) is amended by striking paragraph (2).

—Page 247, after line 10 insert the following:

"(5) After 'Republic of Cuba' insert the following: 'Republic of Nicaragua.' "

—Page 247, after line 16 insert the following new Section:

SEC. 1116. PAYMENT OF IMPORT DUTIES AND OTHER FEES CONCERNING HUMANITARIAN ASSISTANCE

Section 491 of the Foreign Assistance Act of 1961 (22) U.S.C. 2292) is amended by adding at the end thereof the following new subsection:

"(d) Whenever the humanitarian disaster relief assistance that is being provided under the authority in this chapter or any other provision of law is subject to import duties, loading charges, or other fees levied by the authorities in the recipient country, the President shall promptly report this fact to Congress. Whenever the recipient country in question is a communist country (as defined in Section 620(f) of this Act), the policy of the United States shall be to withhold payment of such fees. This restriction may not be waived pursuant to any authority in this Act unless the President certifies to Congress that payment of such fees is: (A) in the vital national interest of the United States; and (B) in an amount not exceeding the fees levied by authorities in the recipient country on all forms of assistance from the Soviet Union or any other communist country (as defined in Section 620(f) of this Act)."

—Page 247, after line 16 insert the following new Section:

SEC. 1116. REPORTS ON COMMUNIST COUNTRIES RECEIVING UNITED STATES HUMANITARIAN DISASTER RELIEF ASSISTANCE.

Section 491 of the Foreign Assistance Act of 1961 (22 U.S.C. 2292) is amended by adding at the end thereof the following new subsection:

"(d) Whenever the United States is providing humanitarian disaster relief assistance under this chapter or any other provision of law to a communist country (as defined in section 620(f) of this Act), the President shall report to the Congress every 3 months on the steps being taken by the government of that country to alleviate the conditions that make such assistance necessary.".

—Page 249, after line 15, add the following:

TITLE XIII—HUMAN RIGHTS VIOLATIONS IN TIBET BY THE PEOPLE'S REPUBLIC OF CHINA

SEC. 1301. HUMAN RIGHTS VIOLATIONS IN TIBET BY THE PEOPLE'S REPUBLIC OF CHINA.

(a) Findings.—The Congress finds that—

(1) on October 1, 1987, Chinese police in Lhasa fired upon several thousand unarmed Tibetan demonstrators, which included hundreds of women, children, and Tibetan Bud-

dhist monks, killing at least six and wounding many others;

(2) on September 27, 1987, a peaceful demonstration in Lhasa calling for Tibetan independence and the restoration of human rights in Tibet, which was led by hundreds of Tibetan monks, was violently broken up by Chinese authorities and twenty-seven Tibetan Buddhist monks were arrested;

(3) in the wake of His Holiness the Dalai Lama's five point peace plan, which was presented to the United States Congress during his visit to Washington at the invitation of the Congress on September 21, 1987, Chinese authorities in Tibet staged, on September 24, 1987, a mass political rally at which three Tibetans were given death sentences, two of whom were executed immediately;

(4) on September 27, 1987, the Chairman and Ranking Minority Member of the Senate Foreign Relations Committee, the Chairman and Ranking Minority Member of the House Foreign Affairs Committee, and the Co-Chairmen of the House Human Rights Caucus signed a letter to his Excellency Zhao Ziyang, the Prime Minister of the People's Republic of China, expressing their "grave concern with the present situation in Tibet and welcome(d) His Holiness the Dalai Lama's (five point) proposal as a historic step towards resolving the important question of Tibet and alleviating the suffering of the Tibetan people . . . (and) express(ing) their full support for his proposal.";

(5) beginning October 7, 1950, the People's Republic of China invaded and occupied Tibet, imposed military rule, and continues to exercise dominion over the Tibetan people through the presence of a large occupation force;

(6) over one million Tibetans perished in 1959 to 1979 as a direct result of the political instability, executions, imprisonment, and widescale famine engendered by the occupation of Tibet by the People's Republic of China;

(7) after the Chinese invasion of Tibet in 1950, particularly during the ravages of China's Cultural Revolution, over 6,000 monasteries, the repositories of 1,300 years of Tibet's ancient civilization, have been destroyed and their irreplacable national legacy of art and literature either stolen or removed from Tibet;

(8) Tibet's vast mineral, forest, and animal reserves are bring systematically exploited by the People's Republic of China, with limited benefit accruing to the Tibetan people;

(9) Tibet's economy and education, health, and human services remain far below those of the People's Republic of China as a whole;

(10) The People's Republic of China has undertaken a massive population transfer, entailing the immigration of millions of Chinese onto the Tibetan plateau in an apparent effort to make the Tibetan people a minority in their own homeland;

(11) the arrest and execution of Tibetan political and religious prisoners continues, with thousands of Tibetans currently interred in labor camps;

(12) Tibet, a nation dedicated to the principles of nonviolence and mutual coexistence for a millennia, has been militarized by the Chinese;

(13) His Holiness the Dalai Lama, spiritual and temporal leader of the Tibetan people, in conjunction with the one hundred thousand refugees forced into exile with him, has worked tirelessly for almost thirty years to secure peace and religious freedom in Tibet;

(14) since 1959, India has generously provided refuge and resources for Tibetan exiles so that they may maintain their unique culture and religion in the hope of returning to their homeland;

(15) the People's Republic of China continues to ignore United Nations General Assembly resolutions 1353, 1723, and 2079 calling for a cessation of human rights violations in Tibet and for implementation of the right of the Tibetan people to self-determination;

(16) 91 Members of the Congress signed a letter to President Li Xiannian of the People's Republic of China on July 24, 1985, expressing support for direct talks between Beijing and representatives of His Holiness the Dalai Lama and the Tibetan Government-in-exile, and urging the Government of the People's Republic of China "to grant the very reasonable and justified aspirations of His Holiness the Dalai Lama and his people every consideration"; and

(17) there has been no evidence of any such consideration being granted by the Government of the People's Republic of China.

(b) Statement of Policies.—It is the sense of the Congress that—

(1) the United States should make the treatment of the Tibetan people an important factor in its conduct of relations with the People's Republic of China;

(2) the President should meet with His Holiness the Dalai Lama to express United States support for his efforts for world peace and particularly his efforts to find a peaceful solution to the Tibetan problem;

(3) the United States should urge the Government of the People's Republic of China to actively reciprocate the Dalai Lama's efforts to establish a constructive dialog over the future status of Tibet;

(4) the United States, through the Secretary of State—

(A) should address and call attention to the rights of the Tibetan people, as well as other non-Chinese within the People's Republic of China such as the Uighurs of Eastern Turkestan (Sinkiang), the Mongolians of Inner Mogolia, and the Manchus of Manchuria, and

(B) should support efforts to maintain Tibet's identity and preserve Tibetan culture and religion, both inside Tibet and among those in exile;

(5) congressional delegations should visit Tibet (including the areas of Kham and Amdo) and the Tibetans in exile in order to witness the progress being made and the problems faced; and

(6) the President should instruct the United States Ambassadors to the People's Republic of China and India to work closely with the Tibetan people to find areas in which the United States Government and people can be helpful.

(c) Condition on the Transfer of Defense Articles or Services.—Any notification submitted to the Congress pursuant to the Arms Export Control Act with respect to any sale, licensed export, or other transfer of any defense articles or defense services to the People's Republic of China shall be accompanied by a Presidential determination that the Government of the People's Republic of China is acting in good faith and in a timely manner to resolve human rights issues in Tibet.

(d) Report on Human Rights.—Not later than sixty days after the date of enactment of this Act, the Secretary of State shall submit a report to the Congress of the human rights situation in Tibet and the transfer of millions of Chinese to Tibet.

—Page 249, after line 15, add the following:

TITLE XIII—HUMAN RIGHTS VIOLATIONS IN TIBET BY THE PEOPLE'S REPUBLIC OF CHINA

SEC. 1301. HUMAN RIGHTS VIOLATIONS IN TIBET BY THE PEOPLE'S REPUBLIC OF CHINA.

(a) Findings.—The Congress finds that—

(1) on October 1, 1987, Chinese police in Lhasa fired upon several thousand unarmed Tibetan demonstrators, which included hundreds of women, children, and Tibetan Buddhist monks, killing at least six and wounding many others;

(2) on September 27, 1987, a peaceful demonstration in Lhasa calling for Tibetan independence and the restoration of human rights in Tibet, which was led by hundreds of Tibetan monks, was violently broken up by Chinese authorities and twenty-seven Tibetan Buddhist monks were arrested;

(3) in the wake of His Holiness the Dalai Lama's five point peace plan, which was presented to the United States Congress during his visit to Washington at the invitation of the Congress on September 21, 1987, Chinese authorities in Tibet staged, on September 24, 1987, a mass political rally at which three Tibetans were given death sentences, two of whom were executed immediately;

(4) on September 27, 1987, the Chairman and Ranking Minority Member of the Senate Foreign Relations Committee, the Chairman and Ranking Minority Member of the House Foreign Affairs Committee, and the Co-Chairman of the House Human Rights Caucus signed a letter to his Excellency Zhao Ziyang, the Prime Minister of the People's Republic of China, expressing their "grave concern with the present situation in Tibet and welcome(d) His Holiness the Dalai Lama's (five point) proposal as a historic step towards resolving the important question of Tibet and alleviating the suffering of the Tibetan people . . . (and) express(ing) their full support for his proposal.";

(5) beginning October 7, 1950, the People's Republic of China invaded and occupied Tibet, imposed military rule, and continues to exercise dominion over the Tibetan people through the presence of a large occupation force;

(6) over one million Tibetans perished in 1959 to 1979 as a direct result of the political instability, executions, imprisonment, and widescale famine engendered by the occupation of Tibet by the People's Republic of China;

(7) after the Chinese invasion of Tibet in 1950, particularly during the ravages of China's Cultural Revolution, over 6,000 monasteries, the repositories of 1,300 years of Tibet's ancient civilization, have been destroyed and their irreplacable national legacy of art and literature either stolen or removed from Tibet;

(8) Tibet's vast mineral, forest, and animal reserves are being systematically exploited by the People's Republic of China, with limited benefit accruing to the Tibetan people;

(9) Tibet's economy and education, health, and human services remain far below those of the People's Republic of China as a whole;

(10) The People's Republic of China has undertaken a massive population transfer, entailing the immigration of millions of Chinese onto the Tibetan plateau in an apparent effort to make the Tibetan people a minority in their own homeland;

(11) the arrest and execution of Tibetan political and religious prisoners continues,

with thousands of Tibetans currently interred in labor camps;

(12) Tibet, a nation dedicated to the principles of nonviolence and mutual coexistence for a millennia, has been militarized by the Chinese;

(13) His Holiness the Dalai Lama, spiritual and temporal leader of the Tibetan people, in conjunction with the one hundred and thousand refugees forced into exile with him, has worked tirelessly for almost thirty years to secure peace and religious freedom in Tibet;

(14) since 1959, India has generously provided refuge and resources for Tibetan exiles so that they may maintain their unique culture and religion in the hope of returning to their homeland;

(15) the People's Republic of China continues to ignore United Nations General Assembly resolutions 1353, 1723, and 2079 calling for a cessation of human rights violations in Tibet and for implementation of the right of the Tibetan people to self-determination;

(16) 91 Members of Congress signed a letter to President Li Xiannian of the People's Republic of China on July 24, 1985, expressing support for direct talks between Beijing and representatives of His Holiness the Dalai Lama and the Tibetan Government-in-exile, and urging the Government of the People's Republic of China "to grant the very reasonable and justified aspirations of His Holiness the Dalai Lama and his people every consideration"; and

(17) there has been no evidence of any such consideration being granted by the Government of the People's Republic of China.

(b) STATEMENT OF POLICIES.—It is the sense of Congress that—

(1) the United States should make the treatment of the Tibetan people an important factor in its conduct of relations with the People's Republic of China;

(2) the President should meet with His Holiness the Dalai Lama to express United States support for his efforts for world peace and particularly his efforts to find a peaceful solution to the Tibetan problem;

(3) the United States should urge the Government of the People's Republic of China to actively reciprocate the Dalai Lama's efforts to establish a constructive dialog over the future status of Tibet;

(4) the United States, through the Secretary of State—

(A) should address and call attention to the rights of the Tibetan people, as well as other non-Chinese within the People's Republic of China such as the Uighurs of Eastern Turkestan (Sinkiang), the Mongolians of Inner Mongolia, and the Manchus of Manchuria, and

(B) should support efforts to maintain Tibet's identity and preserve Tibetan culture and religion, both inside Tibet and among those in exile;

(5) congressional delegations should visit Tibet (including the areas of Kham and Amdo) and the Tibetans in exile in order to witness the progress being made and the problems faced; and

(6) the President should instruct the United States Ambassadors to the People's Republic of China and India to work closely with the Tibetan people to find areas in which the United States Government and people can be helpful.

(c) CONDITION ON THE TRANSFER OF DEFENSE ARTICLES OR SERVICES.—Any notification submitted to the Congress pursuant to the Arms Export Control Act with respect to any sale, licensed export, or other transfer of any defense articles or defense services to the People's Republic of China shall be accompanied by a Presidential determination that the Government of the People's Republic of China is acting in good faith and in a timely manner to resolve human rights issues in Tibet.

(d) REPORT ON HUMAN RIGHTS.—Not later than sixty days after the date of enactment of this Act, the Secretary of State shall submit a report to the Congress of the human rights situation in Tibet and the transfer of millions of Chinese to Tibet.

(e) EARMARK.—Of the amounts authorized to be appropriated for the Department of State for "Migration and Refugee Assistance" for each of the fiscal years 1988 and 1989, not less than $200,000 shall be available only for assistance for Tibetan refugees.

(f) USIA SCHOLARSHIPS.—For each of the fiscal years 1988 and 1989, the Director of the United States Information Agency shall make available to Tibetan students and professionals who are outside Tibet not less than fifteen scholarships for study at institutions of higher education in the United States.

—Page 249, after line 15, add the following:

TITLE XIII—TAIWAN

SEC. 1301. TAIWAN.

(a) FINDINGS.—The Congress finds that—

(1) economic vitality, educational advancement and social progress have created conditions favoring the furtherance of democracy in Taiwan;

(2) our common commitment to democratic institutions and values is an increasingly strong bond between the people of the United States and the people of Taiwan;

(3) the authorities on Taiwan are nurturing a transition toward more truly democratic and representative political institutions; and

(4) the lifting of martial law in July and the release of detainees symbolize the growing respect for human rights and freedom of expression on Taiwan.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the United States Congress welcomes the democratic trends emerging in Taiwan and commends the progress that has been made recently in advancing democratic institutions and values;

(2) the United States Congress encourages the leaders and peoples of Taiwan to continue this process with the aim of consolidating fully democratic institutions; and

(3) the United States Congress requests American representatives to convey this nation's continuing support for a free and prosperous Taiwan as stated in the Taiwan Relations Act and our encouragement for democracy to the leaders and the people of Taiwan.

—Page 249, after line 15, add the following:

TITLE XIII—PROBABLE EXEMPTIONS TO THE UNITED NATIONS EMPLOYEE HIRING FREEZE

SEC. 1301. PROBABLE EXEMPTIONS TO THE UNITED NATIONS EMPLOYEE HIRING FREEZE.

(a) FINDINGS.—The Congress makes the following findings:

(1) In April 1986, the Secretary-General of the United Nations adopted a freeze on the hiring of personnel within the United Nations Secretariat.

(2) The conditions of the freeze were such that, as the terms of office for the personnel expired, replacements would not be recruited or hired to fill the vacant positions, with minor exceptions.

(3) The freeze was designed to reduce United Nations personnel by 15 percent over three years, as recommended by the Group of High-Level Intergovernmental Experts to Review the Efficiency of the Administrative and Financial Functioning of the United Nations (commonly referred to as the "Group of 18 Experts").

(4) On May 5, 1987, the Secretary-General reported to the Department of State that he was considering granting 156 exceptions to the hiring freeze.

(5) Of these 156 probable exceptions, 104 would be Soviet and Soviet-bloc nationals currently employed in the United Nations Secretariat—of 298 Soviet and Soviet-bloc nationals currently employed in the United Nations Secretariat—who would be replaced over the next 18 months.

(6) According to a report from the Select Committee on Intelligence of the Senate on "Soviet Presence in the United Nations Secretariat" (Senate Print 99-52, May 1985), approximately one-fourth of the Soviets in the United Nations Secretariat are intelligence officers, many more are co-opted by the Soviet intelligence agencies, and all Soviets in the United Nations Secretariat must respond to KGB requests for assistance.

(7) Other United States intelligence authorities estimate that as many as one-half of the Soviet and Soviet-bloc nationals in the United Nations Secretariat are officers of the KGB or the GRU.

(8) If the Secretary-General's probable exemptions are adopted, the Soviet Union will be allowed to replace retiring Soviet and Soviet-bloc personnel with new, highly skilled and well-trained intelligence officers of the KGB or the GRU.

(9) The Secretary-General's proposed exceptions would thus provide the Soviet Union with the capability to rebuild its intelligence apparatus within the United States, which was devastated in recent years when the United States ordered severe reductions in the size of the Soviet mission to the United Nations, the Soviet Embassy in Washington, District of Columbia, and the Soviet Consulate in San Francisco, California.

(10) Article 100 of the United Nations Charter calls for the establishment of an international civil service whose members are neutral and loyal only to the United Nations.

(11) Section 3 of Article 101 of the United Nations Charter calls for the appointment of individuals who are professionally qualified for the positions they are to fill and maintains that due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible.

(12) As of September 1985, 442 of 446 Soviet nationals employed throughout the United Nations system are "seconded", that is, serve on short, fixed-term contracts.

(13) Through the abuse of short, fixed-term contracts, the Soviet Union has maintained undue influence and control over major offices of the United Nations Secretariat, thereby effectively using the United Nations Secretariat in the conduct of its foreign relations, in clear violation of Articles 100 and 101 of the United Nations Charter.

(14) The Secretary-General's proposed exceptions to the hiring freeze (as described in paragraphs (1) through (5)) would continue the gross violations of Articles 100 and 101 of the United Nations Charter described in paragraph (13).

(15) The Secretary-General's proposed exceptions to such hiring freeze would be clearly inconsistent with the terms of the United Nation's self-imposed reform program.

(16) The United Nations has not yet achieved its reform goals and there is no indication that the United Nations can afford to make such large exceptions to such hiring freeze.

(b) Report to Congress.—(1) The Secretary of State shall report to the Congress not later than 90 days after the date of enactment of this Act and annually thereafter as to the status of secondment within the United Nations by the Soviet Union and Soviet-bloc member-nations.

(2) Such report shall contain as a minimum, a thorough analysis of the following issues:

(A) The number of Soviet and Soviet-bloc nationals who are currently seconded to the United Nations system on short, fixed-term contracts in New York, Geneva, Vienna, and Nairobi, and the percentage such number is to the total number of Soviet and Soviet-bloc nationals so seconded.

(C) The number of Soviet and Soviet-bloc nationals who are currently employed in the United Nations system on long-term contracts.

(D) The measures undertaken by the United States to persuade the United Nations Secretariat to enforce the provisions of the United Nations Charter which specifically govern the behavior and activities of United Nations employees, especially Articles 100 and 101.

(E) The measures undertaken by the United States either through bilateral or multilateral channels with the Soviet Union and other members of the Soviet-bloc to end their abuse of secondment.

(F) The measures undertaken by the United States to challenge Soviet and Soviet-bloc nationals' credentials and to deny them entry visas, in order to keep Soviet and Soviet-bloc intelligence operatives out of the United States and United Nations.

(G) The counterintelligence efforts undertaken by the United States to protect United States national security from hostile intelligence activities directed against the United States by Soviet and Soviet-bloc intelligence operatives employed by the United Nations.

(c) Sense of the Congress.—It is the sense of the Congress that—

(1) the President should take all such actions necessary to ensure compliance with the hiring freeze rule, including withholding all assessed United States contributions to the United Nations, and denying United States entry visas to Soviet and Soviet-bloc applicants coming to the United States to replace Soviet and Soviet-bloc nationals currently serving in the United Nations Secretariat;

(2) the President, through the Department of State and the United States mission to the United Nations, should express to the Secretary-General of the United Nations the insistence of the American people that the hiring freeze continue indefinitely, or until the United Nations has complied with the Group of 18 recommendations and can thus afford to make exceptions to the freeze;

(3) the Secretary-General should revoke all exceptions to the hiring freeze rule, excepting those member-nations which have 15 or fewer nationals serving in the United Nations Secretariat, or those positions not subject to geographical representation, such as those of the general service category;

(4) the long-term, flagrant violations of Articles 100 and 101 of the United Nations Charter and the abuse of secondment by the Soviet Union and Soviet-bloc member-nations are reprehensible;

(5) the United Nations should adopt the recommendations of the Group of 18 (as referred to in subsection (a)(3)) that no member-nation be allowed to have more than 50 percent of its nationals employed under fixed-term contracts;

(6) the Soviet Union is hereby condemned for—

(A) its refusal to adhere to the principles of the United Nations Charter calling for an international civil service,

(B) its abuse of secondment, and

(C) its absolute disregard of the solemn purpose of the United Nations to be an international civil service; and

(7) if the Soviet Union and the Soviet-bloc intend to remain member-nations of the United Nations, they should adhere to Articles 100, 101, and all other principles of the United Nations Charter to which every other member-nation must adhere.

(d) Definition.—For the purposes of this section, the term "Soviet-bloc" means the countries of Bulgaria, Cuba, Czechoslovakia, East Germany, Hungary, Nicaragua, North Korea, Poland, and Romania.

—Add the following at the end of the bill:

TITLE XIII—INTERAGENCY REVIEW OF TRANSFER OF INFORMATION TO CERTAIN COUNTRIES

SEC. 1301. INTERAGENCY GROUP FOR SCIENTIFIC INFORMATION TRANSFER.

(a) Establishment.—The President shall establish an Interagency Group for Scientific Information Transfer (hereafter in this section referred to as the "Interagency Group"), which shall be composed of such officers or employees of the Departments of State, Commerce, and Defense, and such individuals from the academic and scientific communities, as the President shall designate.

(b) Submission of Proposed Agreements to Interagency Group.—Before any department or agency of the United States, or any educational institution, begins negotiating any major agreement (as determined under regulations issued by the President) with the government (including any instrumentality thereof) of any proscribed country, which may involve the exchange or transfer to such country of any scientific or technological information, that department, agency, or educational institution shall submit the proposed agreement to the Interagency Group.

(c) Evaluation of Agreements Involving Exchange of Scientific or Technological Information.—The Interagency Group shall evaluate all agreements submitted under subsection (b).

(d) Proposal to Enhance Interagency Review.—The Interagency Group shall develop and, not later than 6 months after the date of the enactment of this Act, submit to the Congress a report on, a proposal on methods to enhance interagency review of agreements described in subsection (b).

(e) Definition.—For purposes of this section, the term "proscribed country" means any controlled country under section 5(b)(2) of the Export Administration Act of 1979, and any country which the President may designate by executive order for purposes of this section.

(f) Regulations.—The President shall issue such regulations as may be necessary to carry out this section.

By Mr. SWINDALL:

—Page 16, after line 7, insert the following:

SEC. 116. LIMITATIONS ON MILITARY ASSISTANCE.

(a) General Assembly Votes.—Funds authorized to be appropriated by this title may not be allocated to any country whose votes in the United Nations General Assembly Plenary differed from the United States position by more than 85 percent, as recorded in the most recent Department of State report entitled "Report to the Congress on Voting Practices in the United Nations".

(b) Most Recent Report Defined.—For purposes of applying subsection (a)—

(1) with respect to fiscal year 1988 assistance, the most recent such report shall be deemed to be the report dated April 23, 1987; and

(2) with respect to fiscal year 1989 assistance, the most recent such report shall be deemed to be the next annual report submitted after that date.

—Page 16, after line 7, insert the following:

SEC. 116. LIMITATIONS ON MILITARY ASSISTANCE.

(a) General Assembly Votes.—Funds authorized to be appropriated by this title may not be allocated to any country whose votes in the United Nations General Assembly Plenary differed from the United States position by more than 90 percent, as reoorded in the most recent Department of State report entitled "Report to the Congress on Voting Practices in the United Nations".

(b) Most Recent Report Defined.—For purposes of applying subsection (a)—

(1) with respect to fiscal year 1988 assistance, the most recent such report shall be deemed to be the report dated April 23, 1987; and

(2) with respect to fiscal year 1989 assistance, the most recent such report shall be deemed to be the next annual report submitted after that date.

—Page 16, after line 7, insert the following:

SEC. 116. LIMITATIONS ON MILITARY ASSISTANCE.

(a) General Assembly Votes.—Funds authorized to be appropriated by this title may not be allocated to any country whose votes in the United Nations General Assembly Plenary differed from the United States position by more than 89 percent, as recorded in the most recent Department of State report entitled "Report to the Congress on Voting Practices in the United Nations".

(b) Most Recent Report Defined.—For purposes of applying subsection (a)—

(1) with respect to fiscal year 1988 assistance, the most recent such report shall be deemed to be the report dated April 23, 1987; and

(2) with respect to fiscal year 1989 assistance, the most recent such report shall be deemed to be the next annual report submitted after that date.

—Page 199, after line 10, insert the following:

(d) Report on Mozambique.—Not later than 90 days after the date of enactment of this Act, the Secretary of State shall submit a report to the Congress on whether there exists the possibility of—

(1) a negotiated settlement of the bloodshed in Mozambique, and

(2) the establishment through negotiations of a political system in Mozambique that affords all Mozambicans the rights of free men and women to be governed by an elected government, chosen through a democratic process in a political system allowing freedom of association and expres-

sion and the protection of human rights as embodied in the Universal Declaration of Human Rights.

If the Secretary determines that a negotiated settlement to the bloodshed is impossible to achieve, the Secretary shall recommend to the Congress appropriate measures to provide United States humanitarian assistance to victims of the civil war without regard to political affiliation, geographic location, ethnic or racial origins, or allegiance to Marxist-Leninist political organizations. It is the sense of the Congress that, in preparing the report required by this subsection, the Secretary of State should consult with all parties to the civil war or insurrection in Mozambique.

—Page 246, after line 25, insert the following new paragraph (2) and redesignate existing paragraphs accordingly:

(2) After "Hungarian People's Republic." insert the following: "Lao People's Democratic Republic.".

Page 247, after line 2, insert the following: "Nicaragua.

—Page 246, after line 25, insert the following new paragraph (2) and redesignate existing paragraphs accordingly:

(2) After "Hungarian People's Republic." insert the following: "Lao People's Democratic Republic.".

—Page 246, after line 25, insert the following new paragraph (2) and redesignate existing paragraphs accordingly:

(2) After "Hungarian People's Republic." insert the following: "Lao People's Democratic Republic.".

Page 247, after line 2, insert the following: "Mozambique. "Nicaragua.

—Page 247, after line 16, insert the following:

SEC. 1116. LIMITATIONS ON ASSISTANCE.

(a) General Assembly Votes.—Funds authorized to be appropriated by this Act may not be allocated to any country whose votes in the United Nations General Assembly Plenary differed from the United States position by more than 85 percent, as recorded in the most recent Department of State report entitled "Report to the Congress on Voting Practices in the United Nations".

(b) Most Recent Report Defined.—For purposes of applying subsection (a)—

(1) with respect to assistance for fiscal year 1988, the most recent such report shall be deemed to be the report dated April 23, 1987;

(2) with respect to assistance for fiscal year 1989, the most recent such report shall be deemed to be the next annual report submitted after that date; and

(3) with respect to assistance for each fiscal year thereafter, the most recent report shall be deemed to be the last such report submitted before that fiscal year begins.

—Page 247, after line 2, insert the following: "Nicaragua.

—Page 247, after line 2, insert the following: "Mozambique.

—Page 247, after line 16, insert the following:

SEC. 1116. LIMITATIONS ON ASSISTANCE.

(a) General Assembly Votes.—Funds authorized to be appropriated by this Act may not be allocated to any country whose votes in the United Nations General Assembly Plenary differed from the United States position by more than 90 percent, as recorded in the most recent Department of State report entitled "Report to the Congress on Voting Practices in the United Nations".

(b) Most Recent Report Defined.—For purposes of applying subsection (a)—

(1) with respect to assistance for fiscal year 1988, the most recent such report shall be deemed to be the report dated April 23, 1987;

(2) with respect to assistance for fiscal year 1989, the most recent such report shall be deemed to be the next annual report submitted after that date; and

(3) with respect to assistance for each fiscal year thereafter, the most recent report shall be deemed to be the last such report submitted before the fiscal year begins.

—Page 247, after line 16, insert the following:

SEC. 1116. LIMITATIONS ON ASSISTANCE.

(a) General Assembly Votes.—Funds authorized to be appropriated by this Act may not be allocated to any country whose votes in the United Nations General Assembly Plenary differed from the United States position by more than 89 percent, as recorded in the most recent Department of State report entitled "Report to the Congress on Voting Practices in the United Nations".

(b) Most Recent Report Defined.—For purposes of applying subsection (a)—

(1) with respect to assistance for fiscal year 1989, the most recent such report shall be deemed to be the report dated April 23, 1987;

(2) with respect to assistance for fiscal year 1989, the most recent such report shall be deemed to be the next annual report submitted after that date; and

(3) with respect to assistance for each fiscal year thereafter, the most recent report shall be deemed to be the last such report submitted before the fiscal year begins.

—Page 249, after line 15, add the following:

TITLE XIII—OTHER PROVISIONS

SEC. 1301. REPORT ON UNITED NATIONS-BASED ESPIONAGE.

Not later than 6 months after the date of enactment of this Act and annually thereafter, the President shall provide to the appropriate committees of the House of Representatives and the Senate a comprehensive report on espionage undertaken by foreign nationals within the United Nations Secretariat and member delegations to the United Nations. This report shall be unclassified, with a classified appendix if necessary.

—Page 249, after line 15, add the following:

TITLE XIII—OTHER PROVISIONS

SEC. 1301. PROBABLE EXEMPTIONS TO THE UNITED NATIONS EMPLOYEE HIRING FREEZE.

(a) Findings.—The Congress makes the following findings:

(1) In April 1986, the Secretary-General of the United Nations adopted a freeze on the hiring of personnel within the United Nations Secretariat.

(2) The conditions of the freeze were such that, as the terms of office for the personnel expired, replacements would not be recruited or hired to fill the vacant positions, with minor exceptions.

(3) The freeze was designed to reduce United Nations personnel by 15 percent over three years, as recommended by the Group of High-Level Intergovernmental Experts to Review the Efficiency of the Administrative and Financial Functioning of the United Nations (commonly referred to as the "Group of 18 Experts").

(4) On May 5, 1987, the Secretary-General reported to the Department of State that he was considering granting 156 exceptions to the hiring freeze.

(5) Of these 156 probable exceptions, 104 would be Soviet and Soviet-bloc nationals currently employed in the United Nations Secretariat—of 298 Soviet and Soviet-bloc nationals currently employed in the United Nations Secretariat—who would be replaced over the next 18 months.

(6) According to a report from the Select Committee on Intelligence of the Senate on "Soviet Presence in the United Nations Secretariat" (Senate Print 99-52, May 1985), approximately one-fourth of the Soviets in the United Nations Secretariat are intelligence officers, many more are co-opted by the Soviet intelligence agencies, and all Soviets in the United Nations Secretariat must respond to KGB requests for assistance.

(7) Other United States intelligence authorities estimate that as many as one-half of the Soviet and Soviet-bloc nationals in the United Nations Secretariat are officers of the KGB or the GRU.

(8) If the Secretary-General's probable exemptions are adopted, the Soviet Union will be allowed to replace retiring Soviet and Soviet-bloc personnel with new, highly skilled and well-trained intelligence officers of the KGB or the GRU.

(9) The Secretary-General's proposed exceptions would thus provide the Soviet Union with the capability to rebuild its intelligence apparatus within the United States, which was devastated in recent years when the United States ordered severe reductions in the size of the Soviet mission to the United Nations, the Soviet Embassy in Washington, District of Columbia, and the Soviet Consulate in San Francisco, California.

(10) Article 100 of the United Nations Charter calls for the establishment of an international civil service whose members are neutral and loyal only to the United Nations.

(11) Section 3 of Article 101 of the United Nations Charter calls for the appointment of individuals who are professionally qualified for the positions they are to fill and maintains that due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible.

(12) As of September 1985, 442 of 446 Soviet nationals employed throughout the United Nations system are "seconded", that is, serve on short, fixed-term contracts.

(13) Through the abuse of short, fixed-term contracts, the Soviet Union has maintained undue influence and control over major offices of the United Nations Secretariat, thereby effectively using the United Nations Secretariat in the conduct of its foreign relations, in clear violation of Articles 100 and 101 of the United Nations Charter.

(14) The Secretary-General's proposed exceptions to the hiring freeze (as described in paragraphs (1) through (5)) would continue the gross violations of Articles 100 and 101 of the United Nations Charter described in paragraph (13).

(15) The Secretary-General's proposed exceptions to such hiring freeze would be clearly inconsistent with the terms of the United Nation's self-imposed reform program.

(16) The United Nations has not yet achieved its reform goals and there is no indication that the United Nations can afford to make such large exceptions to such hiring freeze.

(b) Report to Congress.—(1) The Secretary of State shall report to the Congress not later than 90 days after the date of enactment of this Act and annually thereafter as to the status of secondment within the

United Nations by the Soviet Union and Soviet-bloc member-nations.

(2) Such report shall contain as a minimum, a thorough analysis of the following issues:

(A) The number of Soviet and Soviet-bloc nationals who are currently seconded to the United Nations system on short, fixed-term contracts in New York, Geneva, Vienna, and Nairobi, and the percentage such number is to the total number of Soviet and Soviet-bloc nationals so seconded.

(C) The number of Soviet and Soviet-bloc nationals who are currently employed in the United Nations system on long-term contracts.

(D) The measures undertaken by the United States to persuade the United Nations Secretariat to enforce the provisions of the United Nations Charter which specifically govern the behavior and activities of United Nations employees, especially Articles 100 and 101.

(E) The measures undertaken by the United States either through bilateral or multilateral channels with the Soviet Union and other members of the Soviet-bloc to end their abuse of secondment.

(F) The measure undertaken by the United States to challenge Soviet and Soviet-bloc nationals' credentials and to deny them entry visas, in order to keep Soviet and Soviet-bloc intelligence operatives out of the United States and United Nations.

(G) The counterintelligence efforts undertaken by the United States to protect United States national security from hostile intelligence activities directed against the United States by Soviet and Soviet-bloc intelligence operatives employed by the United Nations.

(c) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) the President should take all such actions necessary to ensure compliance with the hiring freeze rule, including withholding all assessed United States contributions to the United Nations, and denying United States entry visas to Soviet and Soviet-bloc applicants coming to the United States to replace Soviet and Soviet-bloc nationals currently serving in the United Nations Secretaries;

(2) the President, through the Department of State and the United States mission to the United Nations, should express to the Secretary-General of the United Nations the insistance of the American people that the hiring freeze continue indefinitely, or until the United Nations has complied with the Group of 18 recommendations and can thus afford to make exceptions to the freeze;

(3) the Secretary-General should revoke all exceptions to the hiring freeze rule, excepting those member-nations which have 15 of fewer nationals serving in the United Nations Secretariat, or those positions not subject to geographical representation, such as those of the general service category;

(4) the long-term, flagrant violations of Articles 100 and 101 of the United Nations Charter and the abuse of secondment by the Soviet Union and Soviet-bloc member-nations are reprehensible;

(5) the United Nations should adopt the recommendations of the Group of 18 (as referred to in subsection (a)(3)) that no member-nation be allowed to have more than 50 percent of its nationals employed under fixed-term contracts;

(6) the Soviet Union is hereby condemned for—

(A) its refusal to adhere to the principles of the United Nations Charter calling for an international civil service,

(B) its abuse of secondment, and

(C) its absolute disregard of the solemn purpose of the United Nations to be an international civil service; and

(7) if the Soviet Union and the Soviet-bloc intend to remain member-nations of the United Nations, they should adhere to Article 100, 101, and all other principles of the United Nations Charter to which every other member-nation must adhere.

(d) DEFINITION.—For the purposes of this section, the term "Soviet-bloc" means the countries of Bulgaria, Cuba, Czechoslovakia, East Germany, Hungary, Nicaragua, North Korea, Poland, and Romania.

—Page 249, after line 15, add the following:

TITLE XIII—OTHER PROVISIONS

SEC. 1301. REVIEW OF UNITED STATES PARTICIPATION IN THE UNITED NATIONS.

(a) FINDINGS.—The Congress finds that—

(1) the United Nations was founded for the primary purpose of maintaining international peace and security by encouraging peaceful resolution of disputes and the development of friendly relations among nations;

(2) the United States, as the host nation of the United Nations, a founding member of the United Nations, and the largest contributor to the United Nations, became and remains a member of the United Nations in order to contribute to collective efforts among the nations of the world to realize the ends of international peace and security.

(3) the United States is committed to upholding and strengthening the principles and purposes of the United Nations Charter upon which the United Nations was founded;

(4) in recent years, the United Nations as a body, and many of its member nations, have strayed from the original purposes established by the United Nations Charter;

(5) the United States has been called upon to shoulder increasing financial costs associated with the United Nations and its affiliated agencies at a time of increasing budget constraints within the United States;

(6) the presence of the United Nations within the United States has come to present major national security concerns as a result of espionage by foreign nationals within the United Nations Secretariat and member delegations to the United Nations;

(7) according to a report from the Select Committee on Intelligence of the Senate on "Soviet Presence in the United Nations Secretariat" (Senate Print 99-52, May 1985), approximately one-fourth of the Soviets in the United Nations Secretariat are intelligence officers, many more are co-opted by the Soviet intelligence agencies, and all Soviets in the United Nations Secretariat must respond to KGB requests for assistance; and

(8) other United States intelligence authorities estimate that as many as one-half of the Soviet and Soviet-bloc nationals in the United Nations Secretariat are officers of the KGB or the GRU.

(b) PRESIDENTIAL REVIEW AND REPORTS TO CONGRESS.—

(1) REVIEW.—The President shall comprehensively review United States participation in the United Nations.

(2) REPORT.—Not later than six months after the date of enactment of this Act and annually thereafter, the President shall provide a written report to the Congress containing the President's findings and recommendations based on the review required by paragraph (1). Each such report shall contain, at a minimum, a thorough analysis of the following issues:

(A) The extent and levels of United States financial contributions to the United Nations.

(B) The importance of the United Nations, as presently constituted, to fulfilling the national security and foreign policy objectives of the United States.

(C) The benefits and detriments derived by the United States from its participation in the United Nations.

(D) The danger to the United States from espionage associated with the United Nations, and the financial costs to the United Nations, and the financial costs to the United States of detecting, monitoring, and preventing such espionage.

(E) The advantages and disadvantages of having the United Nations located outside the United States.

By Mr. WOLPE:

—Page 148, beginning in line 15, strike out "(including the landless, subsistance food producers, and migrants)".

Page 149, beginning in line 10, strike out "the longer-term"; line 11, after "development" insert "in particular economic and social sectors,"; line 12, strike out "shorter-term" and insert in lieu thereof "more general economic".

Page 150, beginning in line 3, strike out "(particularly in the area of irrigation)".

Page 151, beginning in line 12, strike out "(including the landless, subsistence food producers, and migrants)".

Page 153, line 20, strike out "EXPANSION AND"; line 24, strike out "substantial" and insert in lieu thereof "significant"; after "1986)" insert "long-term"; and page 154, line 5, strike out "Assistance" and all that follows through the end of line 12.

Page 156, strike out """SHORTER-TERM CONSTRAINTS TO LONG-TERM DEVELOPMENT" and insert in lieu thereof "need for maintenance and rehabilitation within critical sectors"; page 157, beginning in line 1, strike out "help overcome shorter-term constraints to long-term development, such as" and insert in lieu thereof "meet"; and line 10, strike out "other long-term constraints to development" and insert in lieu thereof "critical sectoral priorities for lone-term development as described in subsection (h)".

Page 158, line 2, strike out "Appropriate" and all that follows through the end of line 14.

Page 159, line 7, strike out the comma and all that follows through "Centers" in line 14 and insert in lieu thereof "directly involving small farmers".

Page 172, line 23, strike out "interim evaluations" and insert in lieu thereof "an interim evaluation"; and beginning in line 24, strike out "February 1, 1989, and February 1, 1991" and insert in lieu thereof "October 1, 1989".

Page 173, beginning in line 6, strike out "(including the landless, subsistence food producers, and migrants)".

Page 174, line 16, strike out "the Office" and all that follows through "conduct" in line 17, and insert in lieu thereof "there should be"; line 20, strike out "; and" and insert in lieu thereof a period; and strike out lines 21 through 24.

Page 180, line 10, before the closing quotation mark, insert the following: "Exceptions to this policy may be made (1) only in certain instances where the recipient country's debt service is a significant barrier to development and where such payments would have a significant effect in leveraging additional flows of development finance, and (2) only after consultation with the Committee on Foreign Affairs of the House of Representatives and the Committee of Foreign Relations of the Senate.".

Page 181, strike out lines 6 through 11 and insert in lieu thereof the following:

"(B) consultation to ensure local perspectives as described in section 472(d)(1);

Page 182, beginning in line 3, strike out "overcome shorter-term constraints to development" and insert in lieu thereof "meet needs for maintenance and rehabilitation within critical sectors".

—Page 151, line 5, after "ASSISTANCE" insert "FOR SUB-SAHARAN AFRICA"; page 168, line 9, before the period insert "FOR ASSISTANCE FOR SUB-SAHARAN AFRICA"; and line 14, strike out "assistance" and insert in lieu thereof "ASSISTANCE FOR SUB-SAHARAN AFRICA".

Page 168, strike out line 22 and all that follows through line 19 on page 169; and on page 169, line 20, strike out "(d)" and insert in lieu thereof "(c)".

EXTENSIONS OF REMARKS

SUPPORT FOR JOBS WITH JUSTICE CAMPAIGN

HON. ROBERT E. WISE, JR.

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 10, 1987

Mr. WISE. Mr. Speaker, the time has arrived for working people to speak out against the erosion of fundamental labor rights, which are being excused in the name of economic necessity. This Nation has great wealth and power and there is no need for its workers to suffer disproportionately every time the country faces economic difficulty.

I returned recently from an Education and Labor field hearing in Nashville, TN, where we discussed the adequacy of current labor laws in protecting the rights of workers and the consequences of inadequate protection on the well-being of American society. I was distressed by the extent to which the economic and labor policies of the current administration have negatively impacted American workers.

In response to the continued multifaceted attack upon basic labor rights, different organizations including trade unions, as well as religious, civil rights, and community groups, have joined together to form the Jobs With Justice campaign. The aims of this movement are threefold. It seeks to achieve:

First, the right to job security for all American workers, both union and nonunion.

Second, the right for an adequate and fair standard of living; and

Third, the right to organize on the job.

I do not believe these demands are unreasonable. Indeed, I believe what the Jobs With Justice campaign asks for are rights which should naturally be afforded every American worker. The basic industrial rights possessed by American people have been hard won, and deserve protecting.

The Jobs With Justice campaign will undertake to educate and mobilize people to defend labor rights. Rallies and hearings are taking place throughout the country so that the widest possible audience can be reached. This is an issue which I firmly believe should receive a high priority ranking on the national agenda.

We are constantly told about our "sustained economic recovery," but it is a recovery many working people have great difficulty relating to. Certainly, in my district in West Virginia people see little evidence of improvement. On the contrary, we are more familiar with the advent of plant closings and layoffs than with industrial recovery and employment growth. While some may indeed "have never had it so good," West Virginia suffers from one of the highest unemployment rates in the country.

Therefore, I emphasize that the so-called economic recovery is not just about what is happening in Massachusetts or California, but about what is happening in every State and every town in America. Try telling the people of Appalachia that they are experiencing an economic recovery, and they will tell you about the 90-percent unemployment rate in Gary, WV.

In testimony given before the Education and Labor Committee in Nashville, TN, Dr. John Gaventa presented figures produced by the Appalachian Regional Commission. These figures described how in "the first 4 years of the 1980's, the Appalachian region lost two and one-half manufacturing jobs for every one that had been created in the 1970's." Further, "at the end of 1985, four-fifths of the regions counties had an official unemployment rate higher than the national rate of 6.7 percent; 85 counties had double the national rate, and 28 had triple the rate—for an official unemployment rate of over 20 percent."

The policies of the Reagan administration have undoubtedly played a significant part in the economic decline of that area. The present administration argues that labor unions represent an unnecessary and undesirable obstacle in the way of free market operations. Further, it is argued that union attempts to secure for its workers a level of wages sufficient to provide them with a decent standard of living will necessarily result in job losses.

Given its attitude toward unions, the Reagan administration has used the National Labor Relations Board as part of its strategy to undermine the ability of labor unions to represent their members effectively. I agree with the sentiments expressed by UMW president, Richard Trumka, in the West Virginia Law Review:

> It is without question that the National Labor Relations Board has transformed itself under Ronald Reagan into an active and conscious proponent of the destruction of labor unions, of American industrial democracy, and ultimately, of workers' rights and prosperity.

The present multifaceted attack on the interest of working people needs to be resisted. It is for this purpose that I urge you to support the Jobs With Justice campaign in its attempt to secure widespread recognition of the rights of workers. We cannot have economic freedom without worker protection. This extends to every aspect of American society—the current takeover mania, airline deregulation, trade legislation, and labor-management relations. To every degree possible we must see that the workers of America are guaranteed a fair reward for their productivity, or productivity will decline. The key to a secure economy is the stake every individual has in preserving it.

PERSIAN GULF CONFLICT

HON. JIM JONTZ

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 10, 1987

Mr. JONTZ. Mr. Speaker, as conflict in the Persian Gulf continues, we should listen carefully to what the people across our Nation are saying about this matter.

Allen Maxwell of Kokomo, IN, recently wrote a letter to the editor on the subject of the War Powers Act which I'd like to give my colleagues the opportunity to review. I ask that this letter be printed in the RECORD at this point.

PERSIAN GULF DECISION IS TOO MUCH FOR ONE PERSON

Although the Kokomo Tribune and the President may disagree with the wisdom of the War Powers Act, it is unquestionably the law of the land and the President has sworn to "take care that the laws be faithfully executed." To state that he "quite rightly" declines to obey the law of the land is to suggest a dangerous precedent—that a President can pick and choose which laws he wishes to obey and which he wishes to ignore. That is not the way it is done in America.

The framers of the Constitution carefully delineated the power to make foreign policy—which they clearly gave to the Congress as the body representing the people—from the power to execute or carry out foreign policy—which they gave to the more remote, less responsive, and less accountable President.

The question of whether the United States is going to war in the Persian Gulf indisputably involves the making of foreign policy and such a grave commitment should be based on the best judgment of the elected representatives of the people—the members of the House and Senate. If the President and his foreign policy advisors cannot convince our elected representative of the wisdom of going to war in the Gulf, then the United States should not go to war in the Gulf through presidential subterfuge and a willful disregard for the law.

The intention of the War Powers Act was to "ensure that the collective judgment of both the Congress and the President," not just the will of the President, would apply to the introduction of U.S. forces into hostile or potentially hostile situations. One reason that more than 50,000 Americans were killed in Vietnam was that the process of "collective judgment" involving the Congress and the American people in the decision to go to war was not followed.

Once Congress makes the momentous decision to go to war, or to start the process that may pull us into war, it is of course proper for the President, as Commander in Chief, to execute that policy by overseeing the day-to-day tactical military decisions.

A decision to send American men and women to the Persian Gulf or to the jungles of Central America to fight and to die is too

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

critical a decision to be left up to the President alone. The intent of the War Powers Act was and is to require that the critical determination to take the nation into war be a nationally debated and decided commitment, and not simply the action of one individual, even if he is the President.

The War Powers Act is the law. The President should obey it.

ALLEN B. MAXWELL,
KOKOMO, IND.

IN SUPPORT OF SENATE JOINT RESOLUTION 205

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 10, 1987

Mr. LEVINE of California. Mr. Speaker, I want to express my strong support for Senate Joint Resolution 205, a joint resolution expressing the sense of Congress that U.N. General Assembly Resolution 3379—which equates Zionism with racism—should be overturned.

Senate Joint Resolution 205, introduced in the other body by Senator MOYNIHAN, is identical to House Joint Resolution 385, introduced in the House by Congressman FISH. I commend the two gentlemen from New York for their exemplary leadership in focusing on this important issue and for bringing this legislation to the floor of both Houses so expeditiously. Senate Joint Resolution 205 passed the Senate by voice and yesterday passed the House overwhelmingly by a vote of 394 to 0.

Mr. Speaker, Senate Joint Resolution 205 seeks to overturn one of the most insidious resolutions ever enacted by the United Nations, one which severely undermines the credibility of the United Nations itself. General Assembly Resolution 3379 sought to equate Zionism with racism. In other words, it attempted to delegitimize and discredit the national liberation movement of the Jewish people while simultaneously seeking to undermine the legitimacy of the State of Israel. Some history is in order.

Zionism is a modern realization of a 1,900-year-old dream to rebuild the Jewish state after the destruction of the Second Temple in 70 C.E. The expulsion of many of the Jewish subjects in what was then Palestine began an almost 2,000-year exile of the Jewish people which ended with the establishment of Israel in 1948. During those two millennia, Jews who scattered throughout the world continued to long and pray for the "return to Zion," an injunction which is one of the major tenets of Judaism.

Zionism not only has strong religious roots, however. Jews have lived in that land along the Mediterranean for over 3,700 years, thus never completely losing physical ties with their historic homeland. In addition, the pogroms and persecutions inflicted upon Jews throughout the centuries—culminating in the heinous crimes of Nazi Germany—demonstrated an overwhelming need to ensure Jewish security through a national entity.

Mr. Speaker, I relate these facts simply to highlight the practical and moral imperatives underlying Zionism.

Nevertheless, many still claim that Zionism is racism, and so forth, that Zionism—and thus Israel—discriminates against all who are not Jewish. This assertion is absurd. Those who make it conveniently ignore the fact that Jews from over 100 countries, of all backgrounds and colors, are presented in Israel's population. Upwards of a half million Moslem and Christian Arabs, Druze, Bahai's, Circassians, and other ethnic groups are also citizens of Israel, minorities living under full and vigorous protection of their democratic and religious rights.

Ironically, many of the same countries that spearheaded the Zionism is Racism resolution are despotic, antidemocratic dictatorships which flagrantly violate the most fundamental human rights and commit abuses against much of their citizenry. Syria and Libya are but two examples of such tyrannical regimes.

Regrettably, since the mid-1970's, the United Nations has degenerated into a forum where attacks on Israel are inevitable—and commonplace. In the General Assembly, 9½ percent of the world's population controls two-thirds of the votes. Thus, the Arab, Soviet, and Third World countries can coalesce to pass the kind of vicious and vitriolic resolutions exemplified by 3379.

In the last decade, such bloc voting has destroyed any vestige of credibility the U.N. General Assembly might once have had. On Middle East issues in particular, ritualistic denunciations of Israel, as well as attempts to deny Israel its credentials, have led the United States to reconsider its participation in and funding of the United Nations and its various agencies, such as UNESCO.

Unfortunately, even though in this country U.N. Resolution 3379 provoked an outcry and was dismissed as worthless, it has provided other nations with ammunition to attack Israel. I have no doubt that passage of this "obscene" resolution—as Senator MOYNIHAN, our U.N. Ambassador at the time, called it—contributed to an upsurge of anti-Semitism around the world. Indeed, nations not friendly to Israel under the best of circumstances now used the most vile and hateful language in attacking Zionism, language which recalled the poisonous slanders spoken against Jews for centures. In short, 3379 provided an opening through which anti-Semitism could now be masqueraded merely as anti-Zionism.

Mr. Speaker, yesterday was a most propitious time to consider this resolution. Later this afternoon, we will convene a joint session of Congress so that we can hear Israel's President, the Honorable Chaim Herzog. This is an historic occasion, since it is the first time an Israeli President has been invited to the United States, 12 years ago, Mr. Herzog was Israel's Ambassador to the United Nations. During the debate on 3379, he declared, "this day will live in infamy. Hitler would have felt at home in this Hall."

The vote of 394 to 0 on Senate Joint Resolution 205 is the best welcoming present we could possibly have provided President Herzog. Such a vote shows him—and the world—that the U.S. Congress is on record as overwhelmingly opposing this odious resolution, and is seeking its immediate repudiation. Thank you.

HONORING OUR VETERANS

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 10, 1987

Mr. MILLER of California. Mr. Speaker, tomorrow we pay tribute to the millions of Americans who have served in our Armed Forces. I take this opportunity to assure our veterans that we will never forget their courage and the tremendous sacrifices they have made in the defense of our country.

Whenever we called on our veterans to meet the Nation's challenges—defending our interests overseas, protecting American citizens around the globe, or risking their lives and limbs in battle—they responded with unflinching spirit. That same spirit must guide us when our veterans call on their country for assistance. Whether it be assistance for housing, education, or health care, we must be ready to respond.

I am pleased that the House has made significant progress in addressing the concerns of veterans this year. Legislation has been enacted to make the new GI bill a permanent program. The House and Senate have agreed to a veteran's budget with an increase for inflation. The budget includes full cost-of-living increases, a significant budget for health care, and no increase in the home loan user's fee.

The House will soon consider a measure to improve the service delivery system for veteran's employment programs administered by the Department of Labor. In addition, the House has passed the following bills:

H.R. 1504—extends the Veterans' Job Training Act for three years (through September 1990) and authorizes an additional $210 million for it. The program reimburses employers—half of a veteran's starting wage, up to $10,000—to train and hire long-term unemployed Korean conflict and Vietnam-era veterans. It has already put approximately 55,000 veterans back to work.

H.R. 1659—would increase the per diem rates paid by the VA to state-run veterans' homes (nursing homes, domiciliaries and hospitals).

H.R. 1811—would, for the first time ever, provide compensation payments to veterans for certain ailments presumed to be the result of exposure to radiation. Would include nearly all forms of leukemia and several types of cancers known to be related to radiation exposure.

H.R. 2327—relaxes severe eligibility restrictions for the VA beneficiary travel allowance. Current restrictions are causing hardships for many rural, low income, and even disabled veterans who need financial assistance in order to get to the nearest VA hospital. The following groups would be eligible under this legislation:

(1) service-connected veterans for treatment of service-connected disabilities;

(2) veterans with a 50 percent or greater disability rating could receive the allowance for treatment of any disability;

(3) veterans who receive a VA pension;

(4) veterans who do not have an income that exceeds the maximum annual amount of a VA pension;

(5) veterans who need but cannot afford special mode transportation (wheelchair vans, ambulances); and

(6) any other veteran the VA determines to be unable to afford transportation.

H.R. 2616—a comprehensive health care bill that, among other things:

(1) establishes an entitlement to outpatient care for service-connected and low-income non-service-connected veterans.

This is a followup to an entitlement established by the 99th Congress, which became effective July 1, 1986. Public Law 99-272 entitles service-connected veterans, former POWs, Agent Orange and atomic veterans, and low-income non-service-connected veterans to *hospital* care;

(2) requires the VA to submit reports to Congress justifying proposals to close or transfer any Vietnam Veterans Readjustment Counseling Center (Vet Center). Once Congress receives the reports, the VA must wait 120 days before taking any action.

H.R. 2672—would change the home loan guaranty—from 60 percent up to $27,500 to 40 percent up to $40,000—to improve veterans' chances of obtaining financing for higher-priced homes and to decrease a veteran's indebtedness should he default on a low to moderately-priced home mortgage backed by the VA.

H.R. 2881—would establish a 15-member national commission to consider and make recommendations to Congress as to the appropriate roles for Federal, state, and local governments, as well as the private sector, regarding AIDS research, testing, confidentiality of test results, treatment and care of AIDS patients, prevention of transmission, and education. The VA has treated over 2,000 AIDS patients since September 1983 and expects a caseload of another 12,000 by 1991. The VA estimates a cost of $20 thousand per patient per year.

H.R. 2945—(1) would provide a 4.1 percent COLA for compensation benefits paid by the VA to 2.2 million veterans with service-connected disabilities and to 265 thousands surviving spouses and 48 thousands children of veterans who died of service-connected causes. Pension COLA is tied to the Consumer Price Index. Both COLAs are effective December 1 and payable in January checks;

(2) adds three conditions to the list of ailments for which the VA may pay compensation benefits to eligible veterans: peripheral neuropathy due to trauma, a desease that affects nerve endings of hands and feet; spastic colon; and peptic ulcers; and

(3) reduces from six months to 90 days the period of captivity required for former prisoners of war to qualify for VA dental care.

H.R. 2957—would make improvements in the National Cemetery System by, among other things, authorizing the VA to:

(1) make contributions to local authorities for construction of traffic controls, road improvements or other devices adjacent to a VA national cemetery for purposes of allowing safe ingress or egress;

(2) provide graveliners for use in VA national cemeteries and Arlington National Cemetery; and

(3) place flat markers on gravesites of cremated remains (garden niches).

H.R. 3449—(1) authorizes the VA, at hospitals and clinics where critical nurse shortages have been identified, to offer incentive pay to registered nurses in exchange for an agreement to stay with the agency for a specified period of time. It also authorizes the VA to set pay rates for pharmacists and occupational therapists; and

(2) authorizes the establishment of child day care centers for Veterans Administration medical center employees. The VA would provide space in existing VA facilities and support services (custodial, utilities) for the centers. Personnel expenses would be covered by charges established by the centers.

These measures will provide critical improvements and services. I will continue my strong support for veterans and, as we honor the sacrifices of veterans for our country, I urge my colleagues to do the same.

IN RECOGNITION OF NATIONAL WOMEN VETERANS WEEK

HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 10, 1987

Mr. MAVROULES. Mr. Speaker, with the celebration of Veterans Day tomorrow, it is fitting that we recognize the contributions women veterans have made to the defense of our country. House Joint Resolution 43, designating the week beginning November 8 through 15, 1987, as "National Women Veterans Recognition Week," is one way in which we can show our appreciation to this group of veterans. I am pleased to be a cosponsor of House Joint Resolution 43.

Veterans Day is a day for all Americans to commemorate. And it is a time to reflect upon the sacrifices the members of the Armed Forces have made toward preserving the liberties and freedoms we cherish. While comprising a small percentage of the military, and prohibited from service in combat positions, women veterans have nonetheless patriotically served since the Civil War and made the necessary sacrifices the defense of our country requires.

Women veterans are deserved of the recognition House Joint Resolution 43 bestows and I am pleased to be a cosponsor.

GUARANTEED STUDENT LOAN PROGRAM

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 10, 1987

Mr. BIAGGI. Mr. Speaker, I rise in concern over Education Secretary Bennett's proposal to lower the default rate of the Guaranteed Student Loan [GSL] Program.

I agree with the Secretary that the current student loan default rate is "disgraceful"; I concur that the student borrower has the major responsibility for paying back his or her loan. I also understand that the Guaranteed Student Loan Program has a number of players including the student, the lender, the guarantor, the Department of Education, and the institution. While the Department of Education issued a range of proposals for default reduction, I am disturbed that the Department's actions in default reduction focus solely on institutions with high default rates.

I am disturbed by a simplistic approach to a very complex problem. Studies on why students default show that the family and economic background of the student is a prime indicator in the potential for GSL defaults.

Among the Secretary's list of schools with high default rates, I find many schools who serve primarily minority students from poor economic backgrounds. By practicing the Secretary's recommendations, these institutions may lower their default rate. However, I am alarmed at the prospect of schools, in an effort to keep their default rate below 20 percent, closing their doors to high-risk students.

Years ago postsecondary education was reserved for the wealthy. Happily times have changed. We have come to a critical point in student aid. Can we have a low GSL default rate without denying access to education? Some say "yes," and others say "no." I say that I'm not willing to risk having students denied the opportunity for higher education, an increasing requirement for any job in this country, because that student is a poor loan risk. That was not the original purpose of the GSL Program. If we should only be making loans to students with good credit backgrounds, we need not have a Federal guaranty backing these loans. All groups in the higher education community are currently examining the GSL default problem, looking for ways to improve the management of this program. Unless we are prepared to finance their educations through other means, it is my hope that we do not deny access to education to the high risk student in our efforts to reduce defaults.

WEST GERMAN SOCIAL DEMOCRATS ON THE CENTRAL AMERICAN PEACE PROCESS

HON. GEO. W. CROCKETT, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 10, 1987

Mr. CROCKETT. Mr. Speaker, I recently received a letter from the Honorable Dietrich Stobbe and the Honorable Hans-Jurgen Wischnewski, two members of the West German Bundestag from the Social Democratic Party. The letter addressed the issue of the Central American peace process and enclosed the text of a resolution submitted by the parliamentary group of the Social Democrats.

The resolution calls upon the West German Government to "appeal to the Government of the United States of America to comply with the judgment of the International Court of Justice in The Hague * * * to stop military and paramilitary activities vis-a-vis Nicaragua * * * and to constructively promote the peace process in Central America."

Mr. Speaker, our West German counterparts state the case very succinctly: "If the United States does not support the agreement * * * it will not be successful." I attach, for the information of my colleagues, the full text of the letter and the resolution of the Social Democratic Party of the West German Parliament.

THE PEACE PROCESS IN CENTRAL AMERICA

On 7 August 1987 the Presidents of Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua signed an agreement in Guatemala City containing guidelines for a peaceful settlement of the Central American conflict. The peace plan, which is based on an initiative by President Oscar Arias of Costa Rica, constitutes an important step toward solving one of the most dangerous regional conflicts in the world.

The plan provides in particular for the entry into force within 90 days of a ceasefire between government troops and guerrillas in Nicaragua, El Salvador and Guatemala. All rebels who lay down their arms are to be granted an amnesty. Moreover, democratic reforms, including free elections, are to be introduced.

The agreement has been welcomed by the Contadora Group and the Support Group. The Secretary-General of the Organization of American States [OAS] is involved in its implementation.

The signing of the agreement on 7 August 1987 is in line with a resolution adopted by the 77th Inter-Parliamentary Conference held in Managua from 27 April to 2 May 1987.

Within the framework of European Political Cooperation, the European Community, in its declaration of 13 August 1987, welcomed the agreement and pledged full support. The Federal Government has thus assumed an obligation to do everything in its power to support the peace process initiated in Guatemala City.

The five Central American States have begun to translate the provisions of the agreement into practice. Nicaragua, for instance, has set up the reconciliation commission provided for under the agreement. As proposed by President Ortega, it will be chaired by Cardinal Obando y Bravo, one of the most prominent opponents of the Sandinista government.

The German Bundestag expresses its respect for the determination of the Central American states to bring about peace in the region. It emphasizes the resolve of the Federal Republic of Germany actively to further the peace process in Central America.

The German Bundestag calls upon the Federal Government to:

Assist, together with the EC, the Central American States in realizing the peace plan and to intensify the close cooperation between the Twelve and Central America:

Appeal to the Government of the United States of America to comply with the judgment of the International Court of Justice in The Hague of 27 June 1986 and to stop military and paramilitary activities vis-a-vis Nicaragua;

Urge the Government of the United States of America constructively to promote the peace process in Central America;

Substantially increase the material aid granted to the Central American states and, in particular, to

Resume development aid for Nicaragua and provide DM 100 million in fiscal 1988. Nicaragua's financial requirements have become particularly great in the last few years, especially since several governments, including the Federal Government, have stopped granting any aid to Nicaragua. Only equal treatment of the Central American States will promote the peace process.

CONGRESSIONAL CALL TO CONSCIENCE FOR SOVIET JEWS

HON. JOHN MILLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 10, 1987

Mr. MILLER of Washington. Mr. Speaker, over the past 6 months I have had the honor to serve as cochairman, along with my distinguished colleague, Representative CARDISS COLLINS, of the Congressional Call to Conscience for Soviet Jewry. During this time, dozens of our colleagues have spoken out on behalf of freedom—freedom for those who only wish to exercise their basic right to emigrate. In this era of glasnost, our hopes have been raised that real reforms will take place in the Soviet Union. However, despite the release of some well-known dissidents and refuseniks, thousands of others, people who are perhaps not well-known or not publicized by the media, still languish inside the Soviet Union. Today, I take this time to speak out on a case of special concern to me. Mr. and Mrs. Arkadi Beinus, residents of my home State of Washington, have for over a decade been separated from their daughter, Elena Besprozvanny.

In 1976, when Mr. and Mrs. Beinus emigrated to America, their daughter and her husband and son were forced to remain in the Soviet Union. The Besprozvannys first applied for an exit permit in 1974. They were denied permission to leave on the grounds that they held state secrets. Since then they have applied for visas over a dozen times, each time being denied—denied the right to leave, denied the right to join the rest of their family. The Besprozvannys hold no state secrets, are no danger to the Soviets, their only wish is to emigrate from the Soviet Union and join their family.

Mr. Speaker, the Congressional Call to Conscience for Soviet Jewry will continue to speak out against the abuse of human rights and the denial of basic freedoms that continue to take place every day in the Soviet Union. We will continue to work for the freedom of the Besprozvannys and for all others who wish to gain their freedom.

In addition, at this time, Mr. Speaker, I would like to include in the RECORD a letter that was given to me by the Union of Councils for Soviet Jews. This letter was written by a courageous group of Jewish refuseniks and sent to the Ministry of Justice of the U.S.S.R. and the Board of Legislation of the State Projects. The letter sets forth a proposal to make changes in Visa issuing procedures.

CONGRESSIONAL CALL TO CONSCIENCE FOR SOVIET JEWS, OCTOBER 1987

We, the group of Jewish Refuseniks, put forward the following proposal to amend the bill named, "Enactment of the Visa Issuing Procedure for those Permanently Leaving the USSR." We wish this bill:

1. To comply with international law and to provide authorities with opportunities to promote the rights of the citizens to leave the USSR permanently.

2. To regulate the financial obligations between those citizens who leave the USSR and those members of their families who stay in the USSR.

3. To be based upon the Soviet law in force and not to require its alteration; and as a whole, to provide the proper legal guarantees of observance and protection of the civil rights and law protected interests not only for those who stay but also for those who leave.

Presently the financial relations regulations procedure concerning those who leave and those who stay is the following: Those who leave must submit to the OVIR office a notarized application signed by the person who stays that he or she has no financial or other claims with respect to the person who leaves. This procedure does not comply with the principles of the constitutional rights and does not solve the problem of regulation of financial relations. In this connection, we believe that it is necessary to abolish the requirements of paragraph No. 24 of the Entry and Exit Regulations: "Submission to the OVIR office of a Notarized Application."

Our proposals are designed to make the following alterations and amendments to the Entry and Exit Regulations:

1. In Paragraph No. 24, beginning from the words "of the appropriate foreign country," change to: "and the application signed by the members of the family who stay, as well as ex-spouse (if there are under age children from the previous marriage), proving that the person who leaves has no (or has already performed) financial or other obligations stipulated by Soviet law."

The person who stays is supposed to pass the notarized application to the OVIR office through a notary public office, no later than one month after he or she has received from the person wishing to leave (through a notary public office as well), a notarized application to report financial or other claims, if he or she has any. (The Legal Grounds Article #228 Part 2 of the Civil Code of the Russian Republic).

In case the application from the person who leaves is left without any reply for more than a month (beginning from the day it was handed over to the person who stays), the latter is considered to have no financial or other claims. If the person who leaves has financial or other obligations with respect to the one who stays, the latter has the right to demand that obligations be performed no later than one month's time, one time and completely; or he has the right to demand that the person who leaves entrusts a third party to perform the financial or other obligations according to a contract of agency, if such a possibility stems from the law and the essence of obligation itself (Legal Grounds Article #171, 173, and 203 of the Civil Code of the Russian Republic); or he has the right to bring a suit to court having informed the person who leaves by a notarized application.

If the person who leaves is obligated to pay alimony to his or her ex-spouse who stays and if their children are under age, then the person who is leaving must be entitled to pay a total sum of the alimony all at once. This can be done by changing the procedure of the court decision, if the way of paying alimony was earlier enacted by the courts, or by putting the mentioned sum of alimony on deposit at a notary public office.

Thus, one has to take into consideration the following methods of calculation of the amount of alimony that is subject to payment by the person who leaves. It is necessary:

a. To proceed from initial average monthly income, acknowledged in the USSR, or from the average monthly income of the person who leaves.

b. To introduce a reasonable factor to the said initial monthly income.

If the person who leaves does not acknowledge the financial or other obligations or its amount; or if the person who leaves does not agree with the way, the place, or the date of its performance; the person who stays must, in accordance to the established procedure, bring a suit to the court. The law suit should be brought to court no later than a week's time, beginning from the day the person who stays received from the person who is leaving, the second notarized application requesting to bring a suit to the court for the said person. (Legal Grounds Article No. 297 of the Code of Civil Procedure of the Russian Republic).

If the application from the person who leaves is left without any reply after a month from the time it was received by the person who stays, the letter is considered to have no financial or other claims.

An organ which is responsible for the visa issuing procedure, can extend the month for the reply period no longer than two weeks, if the person who stays has good motives.

If the person who stays awards to confirm the performance of obligation, the person who leaves has the right to bring a suit to court and to demand the establishment of juridical facts—"Awardance to confirm the performance of financial or other obligations" or "Performance of financial or other obligations."

In case of avoidance, the person who leaves has the right to place the payable sum of money (alimony) on deposit at a notary public office and after the court decision comes into force, on deposit in the People's Court. From this moment the person who leaves is considered by organs responsible for visa issuing, as having no financial or other obligations with respect to the person who stays. (Legal Grounds Article No. 285 of Civil Code of Russian Republic).

2. To amend Paragraph 28 of the Entry and Exit Regulations with the following subparagraph:

"The protection of the civil rights of those who come to the USSR and those who leave the USSR is carried out by the administrative action of the Ministry of Interior whereas, protection outside the USSR is carried out by the Ministry of Foreign Affairs. Both Ministries assist citizens to perform acts and formulate documents required for visa issuing procedure including: Obtaining the necessary documents from the state and social organizations, enterprises and institutions; and searching for the individuals and ex-spouses."

3. To introduce this similar alteration to the law on citizenship.

4. For the Ministry of Justice and the Ministry of Interior to recommend that the organs of the notary introduce a new form of application, a sample of which is enclosed.

Being aware of the Justice Ministry's routine responses to our appeals which go no further than simply acknowledging the fact that the Ministry received them, and trying to establish barriers in front of the social demagogy regarding the effect that the restructuring has on the whole issue of leaving the Soviet Union, we make our concrete proposals open by publicizing them in the West.

Signed: Alexander Gashunin, Sergei Melechin, Alexei Lorentson, Natalia Samarovich, Sergei Mkrtchyan, Yakov Strelchin, Olga Messerman, Dimitri Slevnyak, Rita Vinokurova, Yuri Goldman, Vladimir Meshkov, July Shuruht, Vladimir Dashevsky, Yuri Semenovsky, Gennady Crochek, Vladimir Khinich, Alla Dubrovskaya, Yakov Katz, Borris Bekker.

A SALUTE TO OREGON VETERANS

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 10, 1987

Mr. WYDEN. Mr. Speaker, on this Veterans Day Eve, I would like to pay tribute to the veterans in my home State of Oregon. In particular, I would like to recognize Oregon's Vietnam war veterans, who tomorrow will witness the culmination of a 5-year dream with the official dedication of the Oregon Vietnam Veterans Living Memorial.

The memorial is built on an 11½-acre site in Hoyt Arboretum, part of Portland's Washington Park. A grassy bowl surrounded by tall trees provides a peaceful setting for the memorial. A spiral winding path runs by the bowl, passing six polished granite alcoves where the names of the 791 Oregon sailors, soldiers and airmen who died in action and the 40 who are still missing, are listed. An inscription at the memorial reads: "So long as we are not forgotten, we do not die . . ."

The memorial will provide residents from throughout the State an opportunity to pay tribute to the 57,000 Oregonians who served in this country's most divisive war. I hope that the monument will also inspire pride among Oregon's Vietnam veterans for the sacrifices they made on behalf of their country.

Members of the Vietnam Veterans of Oregon Memorial Fund deserve praise for their hard work over the last 5 years in raising money and organizing volunteer support to make this memorial a reality. It's a tribute to their abilities and to the support Oregonians have given to this project that the $610,000 needed to build the memorial came entirely from private donations.

Mr. Speaker, in addition to my comments on the Vietnam memorial, I would like to emphasize that Veterans Day is a time to honor all those who have served this country in America's nine major wars.

Originally, the day that Americans chose to honor its war veterans was called Armistice Day, celebrating the end of World War I—"The War to End All Wars." But shortly after the holiday was officially proclaimed in 1938, World War II broke out in Europe and shattered the dream of peace.

So in 1954, President Eisenhower signed a bill proclaiming November 11 Veterans Day. In doing so, he called for Americans to rededicate themselves to the cause of peace. And he proclaimed the day an occasion for honoring veterans of all wars, a group that now numbers more than 38 million, of whom more than 27 million still survive.

We owe our gratitude to those who have fought to protect those values which make America one of the freest and most prosperous countries in the world. As one disabled Oregon veteran said, "Freedom is worth dying for. Many of us did die, and many have spent years of pain and suffering as a result of the service we so gladly provided our country."

On Veterans Day and throughout the year, let us honor the commitments we have made to the veterans who have defended our country so bravely.

VETERANS DAY

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 10, 1987

Mr. RODINO. Mr. Speaker, tomorrow Americans will gather across the Nation to celebrate Veterans Day. It is a time to recollect, to appreciate and to express pride as we honor the more than 28 million veterans who are our true national heroes.

We remember that the struggle and preservation of freedom requires sacrifice. At Bunker Hill, the Argonne Forest, Anzio, Inchon, Che Sanh, Lebanon and a thousand other places, America's veterans sacrificed much to keep the doors of freedom open. Many paid the ultimate price—exchanging their own lives to protect the lives of others. In recounting these deeds, we ensure that their forbearance will never be forgotten.

Veterans Day is also an opportunity to express our appreciation to the men and women who have served in the Armed Forces. These individuals, a cross-section of our society from every town and State, left their jobs, interrupted their education and said goodbye to loved ones because of a commitment and devotion to this Nation. Their noble sense of duty enabled us to continue to enjoy the full benefits of peace and prosperity.

On this special day, we take great pride in the gallantry and bravery of America's veterans. They lived in trenches, foxholes, and rice paddies. They faced fear, homesickness and the horrors of war. Yet freedom was defended and oppression was fought on every continent with valor and heroism. Both in wartime and peacetime, these individuals were always ready to protect our Nation.

As a veteran, I want to urge all Americans to celebrate Veterans Day with remembrance, pride and an appreciation for the contributions of our veterans. In moments of great sacrifice and hardship, they never forgot us and we can never forget them. We must maintain our responsibility to honor and care for this Nation's veterans. Their determination and spirit continue to serve as symbols of pride and strength and to provide the cornerstone for peace.

IN MEMORY OF JACK ENGLISH

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 10, 1987

Mr. MANTON. Mr. Speaker, it is with great sadness that I rise today to mark the passing of my good friend Jack English.

Mr. Speaker, Jack was a driving force in the Democratic Party in New York. His leadership was known throughout the State. In 1958, he was elected chairman of the Democratic Party of Nassau County. As chairman, Jack built a thriving and prestigious political organization that advanced the causes of the Democratic Party on Long Island.

Jack also played a major role in national Democratic Party politics. Jack was a key figure in New York Senator Robert F. Kennedy's bid for the Presidential nomination in 1968. Jack was also director and chief political tactician for Senator Ed Muskie during his quest for the Democratic Presidential nomination. Although Jack was a close advisor to Senator EDWARD M. KENNEDY during his attempt to win the 1980 Presidential nomination, he worked tirelessly for the Carter-Mondale ticket as a deputy national campaign chairman. Jack was also a member of the Democratic National Committee from 1968 to 1972, and was its general counsel in 1972.

Mr. Speaker, Jack English had a brilliant political mind and an unlimited commitment to improving the lives of all Americans. His positive influence on the Democratic Party will always be felt. Jack was a fighter for justice, fairness and the less fortunate. Jack's contributions will long serve as an example to all who follow.

Jack will be sorely missed by all those who knew and loved him. I know all of my colleagues join me in sending our deepest sympathies to Jack's wife and family.

A SPECIAL HONOR FOR A REAL HERO

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 10, 1987

Mr. GALLO. Mr. Speaker, I would like to share with my colleagues in the House the pride I feel today that, as the Representative from the 11th District of New Jersey, I can claim as one of my constituents a genuine American hero.

On Friday, Rockaway Township, NJ, resident Kimberlee Rush will receive the Young American Medal for Bravery from President Reagan at the White House.

Before I elaborate on the particulars of her remarkable story, let me say that I am very proud of Kimberlee Rush for her unselfish actions and I am very glad that this story has a happy ending.

Kimberlee was babysitting for friends in Denville, NJ, as she had done on a number of other occasions, but this particular day, March 11, 1986, was to be a very special, and potentially tragic time for Kimberlee and her young charges.

Kimberlee was in the kitchen taking a phone message and the two boys she was babysitting were in the living room watching television.

A large dump truck filled with 20 tons of sand lost its brakes and came crashing into the house.

I have seen the pictures of that house, with the truck tipped over in the basement and a big hole in the wall where the truck came through.

I am sure that it was a very frightening sight to Kimberlee when she saw what had happened.

Kimberlee had to leap into the wreckage where the truck had fallen into the basement and then climb back up to the small piece of floor where the two boys were huddled.

She broke a window and the three of them ran to safety as far away from the house as they could get.

In spite of an injury to her arm, Kimberlee stayed with the children until their mother returned from grocery shopping to find the emergency equipment in front of her home.

There was added danger from several broken gas lines that made quick action on Kimberlee's part even more essential.

In 1950, Congress created an awards program to recognize brave young people like Kimberlee, who are role models for young people across the country.

I am very proud of the fact that Kimberlee has been chosen to receive this award—The Young American Medal for Bravery—from President Reagan at Friday's White House ceremony.

Kimberlee's coolness under pressure and bravery in the face of clear and present danger deserve to be recognized in a national forum.

Kimberlee is a very special person who very much deserves our special recognition.

CLEARING THE TITLE OF THE "BARLOVENTO"

HON. JOHN MILLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 10, 1987

Mr. MILLER of Washington. Mr. Speaker, today I am introducing legislation which would clear the title for the sailing vessel *Barlovento*, Coast Guard official No. 231569, which was built in the United States and is presently owned by two of my constituents.

The *Barlovento* has a fascinating history. She was built during 1931 in Maine for Pierre S. Dupont who raced her in the 1932 Bermuda race. This vessel represents the very best of American craftsmanship and design and truly is representative of American maritime history. All previous owners were United States citizens except for the immediate past owner, who was a citizen of the British Virgin Islands.

My constituents, Lee W. Wayman III and Christine C. Wayman purchased her for personal use and historical interest in 1986. This year, they became interested in using the vessel for chartered nature trips and cruises in northern Puget Sound. During this process, the Waymans discovered that because the previous owner was not a U.S. citizen, they could not obtain the necessary Coast Guard permits for the *Barlovento.*

I believe that clearing the title for the *Barlovento* should be a simple noncontroversial action and urge my colleagues to support this legislation.

IN RECOGNITION OF NATIONAL FOOD BANK WEEK

HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 10, 1987

Mr. MAVROULES. Mr. Speaker, I want to commend to my colleagues' attention H.J. Res. 368, a resolution designating November 8 through 14, 1987, "National Food Bank Week."

I am pleased to be a cosponsor of this resolution, which recognizes the tremendous service nonprofit food banks provide to all of our communities throughout the country. The Sixth District of Massachusetts is served by the Boston Food Bank, the Worchester Country Food Bank, and the Western Massachusetts Food Bank. Last year, these organizations distributed over 7 million dollars' worth of donated food products. Recipients included soup kitchens, day-care centers, home for the elderly, halfway houses, church-operated food programs and social service agencies which provided direct distribution to needy families in the community. In eastern Massachusetts alone, over 4 million pounds of food is collected and distributed to some 600 agencies.

At a time when the administration is cutting vital domestic programs, it is important that we take a moment to recognize the tremendous volunteer effort food bank organizations make in distributing volunteer effort food bank organizations make in distributing much-needed foodstuff to our local communities.

I endorse the outstanding work of food bank organizations across the country and encourage my colleagues to support House Joint Resolution 368.

FISHING VESSEL ANTIREFLAGGING LEGISLATION

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 10, 1987

Mr. BIAGGI. Mr. Speaker, I urge my colleagues to support H.R. 2598, the Commercial Fishing Industry Vessel Anti-Reflagging Act of 1987. The measure furthers the goal of Americanizing our fisheries by prohibiting the reflagging of foreign-built or foreign-converted fish processing vessels. The problem with reflagging is the former foreign-flagged vessels can remain under foreign control and qualify for the same advantages enjoyed by vessels that are built, manned, and registered in the United States.

H.R. 2598 contains an important amendment designed to assure that, under ordinary circumstances and as far as practicable, U.S. citizens man U.S. ships. On July 8, 1987, the House passed similar language in my amendment to H.R. 2342, the Coast Guard authorization bill. I offered the amendment to H.R. 2598 so that the manning language in H.R. 2598 and the Coast Guard authorization bill would be consistent.

With certain exceptions, my amendment requires that all officers and unlicensed seamen on a U.S.-flag vessel be U.S. citizens—whatever the port of departure. It will affect certain types of fishing vessel operations and the operation of larger commercial freighters and tankers. The amendment makes no changes to the existing citizenship requirements for crewmembers of yachts, offshore supply vessels and mobile offshore drilling units operating in foreign waters, and certain fishing vessel operations.

A U.S. citizen replacement is mandated as soon as the vessel returns to a port at which, in the most expeditious manner, a U.S. citizen can be obtained. Simply put, whenever a vacancy occurs on a U.S. ship on a foreign voyage because of illness, death, dismissal, or other similar emergency, a foreign seaman can fill that vacancy—temporarily. The amendment continues the Secretary's existing authority to reduce the complement of merchant seamen—except the master—when, after an investigation, it is determined that citizen crews are unavailable.

Since 1792, all of the officers of U.S. vessels have been required to be U.S. citizens. The 1884 act allowed foreign seamen to replace U.S. citizens crewmembers below the grade of master until the vessel returned to the United States. It is important to note the state of world travel and communications existing in 1884. Today, we can transport replacements by air within a day. The amendment would make the law governing American citizenship replacement reflect technological advances and what is often industry practice.

I ask you to close some of the loopholes in the laws governing commercial fishing industry vessels and Americanize the fisheries by voting for H.R. 2598.

RIGHTWING DEATH SQUADS IN COLOMBIA ISSUE DEATH LIST

HON. GEO. W. CROCKETT, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 10, 1987

Mr. CROCKETT. Mr. Speaker, when Colombian President Virgilio Barco took office as the duly elected President of Colombia on August 7, 1986, he confronted a country troubled by guerrilla warfare and by serious human rights violations. Both Colombia's Armed Forces and the guerrillas have used tactics similar to the dirty war in Argentina to get at each other.

A peace accord reached by the Government with the largest guerrilla group, the Revolutionary Armed Forces of Colombia [FARC], included a cease-fire and participation by the left in electoral politics. As part of the agreement, the FARC joined forces with the Communist Party to create the Patriotic Union, which ran candidates in last year's elections. However, attempts by the civilian government to strengthen the peace accord have been undermined by violence against leftists of all walks of life by rightwing death squads.

According to Amnesty International, since the creation of the Patriotic Union, members of the Colombian Armed Forces and gunmen working with them have executed, tortured, and caused to disappear hundreds of leftwing activities, union leaders, students, teachers, human rights workers, lawyers who defended political prisoners, and Indian leaders. Amnesty International estimates that the number of victims of political violence by rightwing death squads and members of the security forces was more than 1,000 in 1986 alone. Clearly, the Patriotic Union has suffered the most victims. According to the party's statistics, 471 members of the Patriotic Union have been killed in politically motivated violence.

Recently, the perpetrators of this violence published a "death list" comprised of some of the most well-known Colombians, including former diplomats, actors, journalists, priests and elected officials. Two of the individuals on this list—Hector Abad Gomez, president of the Human Rights Commission, and Jaime Pardo Leal, president of the Patriotic Union and the man most credited with achieving the peace accord—have already been assassinated.

Mr. Speaker, in the hope that focusing attention on this tragic situation will convince those behind the violence that the international community is watching, I would like to submit the death list, as translated by my staff on the Subcommittee on Western Hemisphere Affairs. In addition, for the information of my colleagues I attach a recent article on this subject from the Washington Post, dated October 24, 1987.

LIST OF PERSONS

(Accusations in quotations)

Eduardo Umana Mendoza: Lawyer. "Critic of the military operation in the takeover of the Palace of Justice."

Iman Marulanda Velez: Director, Nuevo Liberalismo. "Subject suspicious because of his criticism of Ministry of Defense and flirtations with extreme left in the Parliament."

Horacio Serpa Uribe: Director of Liberalismo-Fila. "Unconditional ally of the FARC-UP in the Magadela (sic) Medio."

Gen. Jose Joaquin Matallana (ret.): Excommandant of the armed forces. "Agent of the Organization of Latin American Military Persons for Democracy. Traitor to the honor of the military and enemy of the institution".

Major Gonzales Bermudez Rossi: "Critic of the armed forces in his book 'Military Power in Colombia,' traitor to the military of the state."

Marilu Arango: Artist in Cali. "Communist activist, subversive in circles of Cali society."

Carlos Vives: TV actor. "Subversive element in the arts and culture. Participated in the IX festival of the communist newspaper VOZ. Dangerous because of populist sympathies."

Edelmiro Franco: Journalist for Serviprensa. "Microphone of the armed subversives."

Ligia Riveros: Journalist for Cromos magazine. "Recognized interviewer of terrorist leaders. Creator of a bad image for the institution."

Vicki Hernandez: Theatre and TV actress. "Loudspeaker of the FARC-UP, growing sympathy with the public."

Hernando Corral: Journalist. "Worked in the subversive magazine Alternative. Responsible for bad image of the actions of the military."

Alfredo Vasquez Carrizoza: President Human Rights Commission of Colombia. "False democrat. Idiot useful to communism. Reject of the conservative party. Dangerous as a member of the Provisional Revolutionary Government of the FARC-UP."

Hector Abad Gomex: President Human Rights Commission in Antioquia. "Medic helper of guerrillas. False democrat. Dangerous because of his support for popular elections of mayors in Medellin. Idiot useful to PCC-UP." (Assassinated several weeks after the death list was issued.)

Jaime Pardo Leal: "Political chief of the guerrillas in Colombia, when he was judge, he irresponsibly liberated terrorists of the FLN. Presents great danger on account of his national sympathy and access to media." (Assassinated October 11.)

Eduardo Diaz: Prelate in Barrancabermeja. "Helper of guerrillas in Magadalena Medio. Responsible for all civilian work stoppages."

Jorge Carrillo: "Creator of the communist CUT. Represents great danger because of promotion of extremist ideas in the labor movement. Saboteur of the Colombian democratic labor movement."

Clara Nieto de Ponce de Leon: Ex-Ambassador and Member of Human Rights Commission. "Agent of Cuban communism. 'Liabler' of the armed forces in her journalism."

Cecilia Munoz: "Leader in Cali of Anapo and M-19. Leader of 'land invasions,' allied to the communists.

Apolinar Diaz Callejas: Lawyer. Director Human Rights Commission. "Apologist for subversive ideas in the press. Agent for the Communists in the liberal Party."

Carlos Valencia: Counselor of the State. "Dangerous for knowing many things about the Justice Palace. Declared enemy of the armed forces and fiscal controller of our actions."

Jorge Child: Economist and journalist for the Spectator. "Immoral subject. Idiot useful to subversion, which he supports through his economic and political criticism."

Patricia Lara: Journalist. "Lover of guerrillas, agitator in her writings on armed subversion. Foreign correspondent of the M-19."

Alberto Aguirre: Journalist. "University professor, maker of future liablers of the Institution, critic of the Church and healthy customs in his column El Mundo, and apologist for subversive ideas."

Carlos Gimenez Gomez: Ex-Attorney General, "one of the harshest critics of the military establishment. The armed forces consider him an enemy because he is a loudspeaker of the extremists."

Alberto Rojas Puyo. Parliamentarian of the FARC-UP. "Shows to the world a democratic position but is really a FARC ideologue and Soviet agent."

Antonio Caballero: Journalist. "Speaker for ideas against the institution. Has converted Semana magazine into organ of the armed subversion."

Hernando Hurtado: Parliamentarian. "Member of the PCC-UP and of the Permanent Commission for the Defense of Human Rights. Disseminator of foreign ideologies."

Braulio Herrera: Commandant of the FARC-UP. "Principal man of the FARC in the Parliament."

Gilberto Viera: Sec. General of the PCC. "Soviet agent, KGB informer."

Arturo Alape: Writer. "Disseminator of ideas for the guerrillas for whom he writes his books."

Patricia Ariza: Member of PC central committee. "Theatre actress, alcoholic, and lover of any intellectual. Cuban agent."

Maria Luisa Mejia: Journalist. "Member M-19. Lover of guerrillas, her writing demonstrates hate for armed forces."

Abel Rodriguez: President of FECODE. "Agent of FECODE and of international communism, corrupts teachers using foreign orientations that will reach the children of the state."

Alberto Vasco: M.D. "Professor of the Univ. of Antioquia. Colaborator of the FARC-UP."

Eduardo Umana Luna: Lawyer. "Defender of human rights."

[From the Washington Post, Oct. 24, 1987]

COLOMBIAN MILITARY ACCUSED OF ABUSES—TOP OFFICERS AGREE TO COOPERATE WITH PROBE

(By Merrill Collett)

BOGOTA.—Colombia's top military leaders have agreed to cooperate in any investigation of charges that middle-ranking officers in the national Army and police are deeply involved in the persistent assassinations of hundreds of leftist militants and labor leaders.

In a report last year, Amnesty International accused the Colombian armed forces of waging a "dirty war" like the one in Argentina in which thousands of suspected leftists were killed. Asked about the charge, Defense Ministry spokesman Col. Eduardo Arevalo said, "It's probable, it's possible, that individuals in the armed forces are committing crimes, but it's not up to Amnesty International or the extreme left to judge them but to the judges of the republic."

Amnesty International said soldiers, police officers and gunmen working with them had executed, tortured and caused to disappear hundreds of left-wing activists, union leaders, students, teachers, human rights workers, lawyers who defended political prisoners and Indian leaders. Amnesty estimated the number of victims in 1986 at more than 1,000.

The Oct. 11 assassination of leftist politician Jaime Pardo Leal, an outspoken critic of the armed forces, prompted charges by leftists that the military chiefs of staff were involved. The high command issued a statement calling the charges slanderous, and no proof of a high-level plot has emerged.

"The high commanders are ready to allow any investigation, and they are ready to punish any member of the armed forces who might be involved in these crimes," Communications Minister Fernando Cepeda said in an interview.

Former attorney general Carlos Jimenez last year accused security forces of complicity in what he called an official campaign of violence. His name subsequently appeared on a death list. Since then, two of those on the list, including Pardo, have been shot down by unidentified assassins.

Newspaper columnists and the editors of news magazines now write regularly about an Argentine-style "dirty war" against leftists and critics of the military.

Communications Minister Cepeda, who is considered one of President Virgilio Barco's closest advisers, and Colombia cannot be compared to Argentina, where the military government itself directed the murder of dissidents.

"It's not the kind of dirty war that we all know in Argentina, because you can be sure that the Colombian government is not involved at all," he said.

During long meetings with government officials following Pardo's slaying, military leaders disavowed "any participation of the Army as an institution," Cepeda said. "We cannot say it is impossible that there are individuals in that process," Cepeda added. "We are trying to clarify that."

Retired general Alvaro Valencia Tovar, a former Army commander who is considered one of Latin America's foremost counterinsurgency theorists, said he believes abuses were committed by "the isolated officers convinced that through these methods they can improve their fighting ability and the possibilities of destroying their enemy."

Colombia has been wracked by guerrilla insurgency for the last 25 years, but the principal target of recent political violence has been civilian political activists rather than armed rebels.

The Patriotic Union, or UP, has suffered the most victims. Pardo was president of the Patriotic Union and, with his death, 471 party members have been killed, according to the party's statistics. Diplomatic sources said the number is lower, but no one denies that the Patriotic Union has been hit hard.

According to government statistics, authorities are holding suspects in only three of the killings.

The Patriotic Union was launched in 1985 by the country's largest guerrilla group and the Communist Party to run candidates in last year's elections under a peace plan calling for a cease-fire and participation by the left in electoral politics. Although former guerrillas of the Revolutionary Armed Forces of Colombia, or FARC, are in the ranks of the Patriotic Union, the party's 15 congressmen and dozens of local officials have made a name for themselves as aggressive reformers rather than violent revolutionaries.

Pardo, a 46-year-old former Superior Court judge, was the Patriotic Union's presidential candidate last year. He was gradually accepted into the political establishment as a radical who played the game fairly even while trying to change the rules of Colombia's tightly controlled two-party system.

The government sent an official delegation to Pardo's funeral. He was buried among the rich and famous in the municipal cemetery.

His murder is seen as a direct assault not only on the Patriotic Union but on Colombia's democratic system, one of the longest running in Latin America. The country's elites now fear that the explosion of political assassinations will rock the political system.

A recent editorial in the Bogota newspaper El Tiempo, which speaks for Colombia's traditional elite, warned that Colombia is in "the most dangerous moment in its history."

"This has gone too far," El Tiempo editor Hernando Santos said in an interview. "You can't stand all these killings all the time. The country can't stand it."

Santos, who staunchly defends the Colombian armed forces on the editorial pages of his family's newspaper, leans toward the theory that the left killed Pardo as part of a Machiavellian move to destabilize the government, but he does not dismiss the notion that military officers carried out the crime.

"We have to accept all possibilities, including the military," said Santos. "I hope it is not true."

Colombian judges rarely have a chance to making a ruling on the frequent accusations that specific members of the armed forces are involved in murder and torture. The charges are usually thrown out for lack of evidence.

In his last press conference Sept. 1, Pardo suggested that investigating officers, who are usually officials of the Administrative Department of Security, or DAS, produce inadequate reports as a way to thwart justice. The head of DAS, which is the equivalent of the FBI, is a military officer.

In a letter sent Oct. 15 to President Barco following Pardo's murder, the Patriotic Union demanded that DAS be reorganized under civilian leadership. The next day the government asked congressional approval for a shake-up of DAS, but nothing has been said about replacing its military director.

In a televised speech Oct. 17 following Pardo's murder and two days of violent protest against the killing, Barco acknowledged the wide public skepticism of Colombia's overworked and underfunded justice system. He promised widespread reforms.

In an attempt to offset criticism that the government is doing nothing to halt the advance of violence, the Communications Ministry issued a statement Wednesday saying that 443 murder suspects had been arrested and 12 of them tried in the last year.

Prosecutors are now looking into a recent political killing that has focused public attention on the Army's intelligence service.

Following the slaying of a Patriotic Union mayor in the small, north-central town of Sabana de Torres, former soldier Gonzalo Ortega stepped forward to tell the attorney general's office that he had been hired by an Army intelligence officer to help plan the assassination.

Ortega, now under government protection, made his charges public in an interview that was published last month in the weekly news magazine Cromos.

According to Cromos, Ortega said that over the last year he had been receiving $40 a week to carry out undercover jobs for Capt. Luis Ardila, head of the military intelligence division known as S-2 in the regional capital of Bucaramanga.

Ortega told Cromos that he was sent to Sabana de Torres in August to prepare the assassination of its Patriotic Union mayor, Alvaro Garces. Ortega said Ardila believed the mayor was meeting secretly with FARC guerrillas.

After 12 days, Ortega returned to tell Ardila that he did not want to participate in killing Garces because he could find no connection between the mayor and the guerrillas, according to the Cromos interview. Ortega said he was then imprisoned and later escaped.

On Aug. 16 Garces was attacked by five assassins and murdered. Colombia has so many violent crimes, most of them nonpolitical, that newspaper editors probably would have put the story on back pages if one of the suspected killers had not been chased down, caught, and found to possess a gun permit carrying the seal of the Army and what appeared to be Ardila's signature.

Ardila said the signature was false. In a letter to Cromos, he acknowledged knowing Ortega but strongly denied his accusations. But the discovery of the gun permit and the published statement of a confessed collaborator jolted even the most fervent supporters of the military. "I was astonished," said El Tiempo editor Santos. "I called [Defense Minister Gen. Rafael] Samudio. I said: 'This guy [Ortega] is saying he received orders' " from Capt. Ardila.

Santos said he has decided that the confession published in Cromos does not carry enough detail to be convincing.

Retired Army general Joaquin Matallana is convinced that Colombia is in the midst of a dirty war and that "a consensus has been reached in all levels [of the armed forces] that to save the nation, the communists have to be eliminated."

Matallana's name appeared with 21 others on a death list published in August. Two of those on the list, Pardo and human rights activist Dr. Hector Abad, have been shot down so far. Matallana said he does not give much thought to it, but he knows he could be next.

Matallana said he thought he was singled out because he is "the only retired general who has come out openly in defense of the peace process" begun by former president Belisario Betancur.

Betancur's government negotiated a ceasefire with the FARC guerrillas that allowed them to keep their arms while launching the Patriotic Union as a political party.

The agreement was denounced by conservative military commanders and many members of the nation's traditional elite, but Matallana said the agreement simply recognized that after more than two decades of fighting, "neither the Army nor the guerrillas could defeat each other, and the best thing was to get the guerrillas into the system."

Extreme right-wing members of Colombia's landed and industrial elite have never accepted Betancur's peace process, Matallana said, and they have been holding semiclandestine meetings with military leaders to persuade them "to harden their line."

Matallana said the powerful local families who have dominated regional politics for generations feel threatened. "They have the idea that the only way to save the country is to physically eliminate all those individuals who are coming up on the left," Matallana said.

DEFICIT REDUCTION IS ESSENTIAL TO AMERICA

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 10, 1987

Mr. HUBBARD. Mr. Speaker, I have received an October 29, 1987, letter from one of my constituents, Jim Paxton of Paducah, KY, which I believe is worthy of consideration by my colleagues in the U.S. House of Representatives.

Jim Paxton is editor of the Paducah Sun, an outstanding, daily—except Saturday—newspaper in my congressional district. I believe his comments that "the average man or woman on the street believes" a bipartisan deficit reduction measure is "essential to the continued prosperity of the country" are accurate and timely.

The letter from Jim Paxton follows:

PADUCAH, KY,
October 29, 1987.

Hon. CARROLL HUBBARD,
Rayburn Office Building,
Washington, DC.

DEAR CARROLL: This is just a quick note to advise you of my intense interest in seeing the ongoing bi-partisan efforts to adopt a significant deficit-reduction measure succeed.

For the first time, I believe the average man or woman on the street believes such a measure is not simply a good idea, but is essential to the continued prosperity of the country. I believe they are quite ready to accept fewer government services and even higher taxes because they prefer either of those things to the alternative, which appears to be a deep and lengthy recession.

It is my hope that the members of Congress will make the most of this opportunity during this rare time in which there is such a strong public awareness of the need for immediate change.

Sincerely,

JIM PAXTON,
Editor, the Paducah Sun.

IN MEMORY OF AUGUST SCHUMACHER, SR.

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 10, 1987

Mr. MARKEY. Mr. Speaker, I rise to pay tribute to the memory of August Schumacher, Sr., a constituent and long-time farmer from Lexington, MA, who died on November 2, 1987.

Gus Schumacher settled in Lexington in 1938 and farmed for more than 30 years in this important seventh district community, and the surrounding area. He was an active member of the Middlesex County Farm Bureau and the County Soil Conservation Committee. He was also past president of the Boston Market Gardens Association now known as the New England Vegetable Growers Association.

Mr. Schumacher was instrumental in putting our area on the agricultural map. He developed new vegetable varieties, like the well known "Waltham Butternut Squash." He also designed and developed various kinds of farm machinery, many of which are still in use across the Nation.

Schumacher passed his interest in agriculture on to his four children, all of whom have been active in rural concerns in many parts of the world including one son who has risen to the position of Massachusetts Commissioner of Food and Agriculture.

Mr. Speaker, the seventh district has lost a man who has made nationally significant contributions by serving the community in his area of excellence. We shall not soon forget Gus Schumacher, or the contributions made possible by his public spirit, Mr. Schumacher's loved ones may take solace in the knowledge that the spirit of his accomplishments will always have an influence on his community and its people.

A CONGRESSIONAL SALUTE TO TOM T. YOKOYAMA

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 10, 1987

Mr. ANDERSON. Mr. Speaker, I rise today to honor a distinguished business and civic leader in my district, Tom T. Yokoyama. Tom will be honored on November 20, 1987, by the Rancho Los Cerritos Board of Realtors in recognition of his outstanding service as the board's past president. This auspicious occasion gives me an opportunity to express my appreciation for his work on behalf of the 32nd District.

Tom currently serves as president of the Rancho Los Cerritos Board of Realtors, a post he acheived after only 5 years of distinguished service and commitment to the board. Tom began his involvement with the board in 1982 when he served on the Multiple Listing Service Committee. In 1983 he added the Bylaws Committee to his membership list, and by 1984, Tom was also serving on the Budget and Finance Committee. From that point on, Tom's involvement with the Rancho Los Cerritos Board of Realtors increased significantly. By the time Tom was elected president in 1986, he had already served as board treasurer, board director (5 consecutive years), and had served on various committees like Long Range Planning, Policy, American Home Week, Membership Orientation, and the Professional Standards and Arbitration Committee.

Although Tom dedicates most of his time locally to the Rancho Los Cerritos Board of Realtors, he is also quite active at the State level by serving as a State director of the California Association of Realtors from 1985 to 1987. In Addition, Tom has served on State committees like the Board of Presidents, Professional Standards, Membership, and the Interboard Arbitration Committee. Tom also selflessly lends his time and experience to other California Association of Realtor's affiliates like the Buena Park-Cypress-La Palma Board and the Long Beach District Board of Realtors.

While dedicated to a career in real estate and realtor organizations, Tom has given a significant amount of his time and energy to various civic duties. In addition to his participation in professional associations, such as the Realty World Broker's Council of Southern California, which he served as treasurer in 1986–87, Tom has also volunteered his time to fundraisers for United Cerebral Palsy, and has been a long-time member of the chamber of commerce. Clearly, Tom's numerous accomplishments highlight the truly remarkable contribution he has made toward the betterment of our community.

Mr. Speaker, it gives me great pleasure to recognize the achievement and civic spirit of Tom T. Yokoyama on this special occasion. My wife, Lee and I congratulate and thank Tom for all he has done for the Rancho Los Cerritos Board of Realtors and our community. His many years of service are an inspriation to us all. We wish Tom and his wife Chit all the best in the years ahead.

AMERICAN AGRICULTURE AT THE CROSSROADS

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 10, 1987

Mr. JONES of Tennessee. Mr. Speaker, as chairman of the House Agriculture Subcommittee on Conservation, Credit, and Rural Development, there have been numerous opportunities over the past several years when I have called on assistance from the Congressional Research Service. Without exception, every such experience has been most rewarding, and has contributed greatly to the legislative and oversight responsibilities of the Committee on Agriculture.

I cannot adequately express how much I respect and appreciate the quality and professionalism demonstrated time and time again by the CRS staff with whom I have dealt. On this occasion, I want to give particular notice to the work of Jeffrey A. Zinn, specialist in the CRS's Environment and Natural Resources Policy Division.

On November 1-3, 1987, in Kansas City, MO, Dr. Zinn participated in a conference sponsored by the Soil Conservation Society of America, in cooperation with the U.S. Department of Agriculture and the Joyce Foundation. Entitled "American Agriculture at the Crossroads," the focus of the conference's program was a conservation assessment of the Food Security Act of 1985 (Pub. L. 99-198).

Dr. Zinn's presentation at the conference included an analysis of the implementation of several new soil and water conservation programs enacted in the 1985 farm bill. I commend Jeff Zinn for the thorough and reflective review he committed to this topic, and I include the paper he presented to the conference in the RECORD so that my colleagues may have the benefit of his expertise on the subject.

MONITORING THE EFFECTIVENESS OF THE CONSERVATION PROVISIONS—A CONGRESSIONAL PERSPECTIVE

(By Jeffrey A. Zinns,[1] Specialist in Natural Resources Policy, Congressional Research Service)

INTRODUCTION

The 1985 Food Security Act contained several significant new conservation initiatives. This discussion is limited to the four that many resource conservationists view as most important: the conservation reserve program (CRP), sodbuster, swampbuster and conservation compliance. (The last three are referred to as the compliance provisions.) In the following paragraphs, these programs are introduced, the intent of Congress is described and aspects of implementation are reviewed. In the final section, some of the questions Congress is likely to explore as it evaluates these initiatives are spelled out.

This paper does not examine the programs and their intent in great detail; other participants have been assigned these duties. It does emphasize the congressional perspective, which sometimes contrasts markedly from some other viewpoints you are hearing.

THE PROGRAMS

The conservation programs can be viewed as two bookends that provide strong incentives to limit crop production on lands where production threatens other values. One bookend, the conservation reserve, can remove cultivated cropland that is highly erodible from production; the other, the three compliance provisions, contains strong disincentives for producers to cultivate highly erodible lands and wetlands. Three aspects of thse programs seem particularly noteworthy from the congressional perspective.

First, these programs are a significant, some might say radical, departure from the traditional approach of the approximately two dozen soil and water conservation programs operating before 1985. These older programs are all based on incentives and voluntary participation—there are no penalties for not participating except that the incentives, which are often modest, are foregone. The reserve's financial incentive far exceeds incentives in most earlier programs. The penalties associated with the compliance programs are significant—leaving most producers little choice as to whether they should comply.

Second, these programs are the result of a new political alliance, and program differences from the old conservation activities are a direct reflection of how the new alliance differs from the old. The new alliance was assembled and led by organizations and individuals outside the traditional soil conservation community. It is still not totally clear whether the traditional interests were willing partners to these new programs, or were dragged along because they couldn't afford, in political terms, not to be a part of the supporting community. The leaders of this effort, which includes several organizers and participants in this meeting, viewed soil conservation legislation as an opportunity to serve diverse goals, such as wildlife conservation and water quality. The alliance was very effective—some in agriculture say it was too effective. Of current political concern, however, is whether that alliance will hold together, and if it does, what it might seek in future years.

Legislative activity in the first session of the 100th Congress suggests that this alliance is not functioning as smoothly in 1987. The controversy over the amendment to sodbuster on growing grasses or legumes in a proven rotation was unexpectedly contentious. Current efforts to get Congress to adopt an amendment to the Farm Credit System bailout that would expand the conservation compliance provisions so they would apply to all new borrowers are proving difficult.

Third, the programs created a host of technical and political questions. With implementation, technical questions have received the most attention as producers try to determine whether they are affected, the Department of Agriculture works to develop and implement regulations translating the generalities of the law into program specifics, and supporters and affected parties both watch the process of implementation. But the political side is far from quiet. Some of the rumblings in the political system are discussed below; the technical issues are already being discussed in many other presentations at this conference.

CONGRESSIONAL INTENT

Any evaluation of these provisions must compare their results to some base, and on Capitol Hill, that base is the intent of Congress. For these four programs, the intent of Congress is not always clear. This lack of clarity has already caused some confusion about the real objectives of three of the four programs. There are different reasons for this lack of clarity. In the case of the reserve, it comes from differences of opinions about the relative importance of the various objectives identified with the program. For two of the three compliance provisions, it comes from a perfunctory legislative process.

Opinions about the purposes of the reserve and their relative weights are still varied, over a year after implementation has started. Is the conservation reserve a production control program or an erosion control program? Does the conservation reserve have one paramount objective or several objectives that should receive equal treatment? Opinions on both these questions are a source of political conflict. The Administration has attributed dual and equal purposes to the reserve. In its FY 1988 budget proposal, the Department stated that "the primary objectives of the CRP are to help farmers control critical soil erosion that occurs on about a third of America's cropland and to decrease production of surplus agricultural commodities." By contrast, the House and Senate Agriculture Committee reports on the Food Security Act (H. Rept. 99-271 pt. 1, and S. Rept. 99-145, respectively) discuss the conservation benefits in great detail and make only passing mention of production control benefits. Michael Dicks, with the Economic Research Service, has written several thought-provoking discussions about how decisions on which mix of objectives apply will determine how well it succeeds. A subtitle in his recent article in the *Journal of Soil and Water Conservation* asks, "Will the Real Objective Please Stand Up?" Other analysts share this concern, and have expressed differing views.

The legislative histories for the three compliance provisions differ. For sodbuster, a lengthy history of congressional debate and negotiation has been compiled since 1981, and by 1985 the proposal had strong bipartisan support and was well understood. By contrast, a swampbuster proposal first appeared in early 1985, after the farm bill debate had started. The proposal was not subject to the scrutiny that sodbuster received, although some aspects were extensively discussed. The conservation compliance provision also appeared only in 1985. But, unlike the swampbuster, the concept behind compliance had received extensive discussion in prior years. The lack of an extensive legislative history leaves the intent of some provisions in the law and some regulatory interpretations of the Department open to debate. Lack of a clear discussion of congressional intent will make the job of evaluating their success more difficult.

IMPLEMENTATION

Implementation of the CRP appears to be proceeding smoothly. The program is exceeding the law's annual targets for participation. In Washington, programs like this one, where all the various interests seem to win together, are sometimes called "feel good" programs. Feel good programs typically do not receive close scrutiny because everyone wants success: in this case the farmers like the guaranteed income and almost no cost, the environmentalists like the protection of resource and habitat values, and the commodity groups and many budget people like the reduction in production and Federal outlays. Congress also feels good so far—the House Agriculture Committee has held one day of oversight hearings in Washington and another in Texas, while the Senate Agriculture Committee has yet to hold any. Lack of oversight activity is one measure that implementation has not been controversial, in political terms.

However, staff from both committees do anticipate in-depth hearings next year, and they have already identified a number of potentially troubling questions that they hope the hearings might address. In addition, the Senate Agriculture Committee has requested that the General Accounting Office (GAO) prepare an evaluation of the program with particular attention to "the overall costs and benefits of the program, including the effect of the CRP on crop surpluses, prices and government support payments." Other topics of GAO has been asked to review include benefits and costs of expanding the reserve size about 45 million acres, the bid process, how the CRP is affecting land values and land rental rates, the criteria used for eligibility, and the effect of participation incentives such as this year's corn bonus.

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[1] The views expressed in this paper are those of the author, and do not necessarily represent those of the Congressional Research Service or the Library of Congress.

Any follower of agriculture on Capitol Hill can identify other feel good programs where, after early evaluations, support has turned to questioning or criticism, such as the Federal Crop Insurance Program and the payment limit debate. This is not to suggest or even imply that the reserve will or should befall such a fate. But it is important to remember that once this review process starts, some difficult questions may be raised that may be introduced into the legislative process as proposals to amend the program. One can only say at this point that few if any reasons not to feel good about the overall effort in the reserve have surfaced to date.

Funding has become a major concern for the CRP. Under current law the CRP is funded through the Commodity Credit Corporation (CCC) through FY 1987. Starting with FY 1988, funds must be appropriated by Congress to the CCC to support any new contracts. Supporters of the program worry that the program may be imperiled by more general budget constraints just as it begins to have positive impacts, and they are seeking to remove future funding from the appropriations process.

Conservation compliance is politically different from CRP. While the reserve is a giant "carrot" with strong incentives, compliance is a stick that will grow much heavier after 1990 when the conservation compliance provisions are activated. For some producers in certain areas of the country, the stick is reportedly extremely heavy already. Implementation has moved at a more cautious pace. The Agricultural Stabilization and Conservation Service has had the very difficult job of writing regulations for the program. The degree of difficulty is reflected in the 8,400 comments received in response to draft rules and the delay of over a year until the final rules were released. And those rules are not completely final as yet.

At this time, members of Congress are hearing of some confusion at the field level about who is affected, whether the soil maps accurately show where highly erodible land is located, where professional manpower is not adequate for the demand, and whether the program is being implemented consistently from county to county. Two implementation issues do remain, finalizing the regulations that define "economic and technical feasibility" and resolving the manpower question as it affects the ability of the Department field staff to both implement and enforce the compliance provisions. Given the status of implementation, what are some of the evaluation questions that will attract congressional attention?

QUESTIONS FOR EVALUATION

These questions are offered with the realization that it is much easier to identify them than to answer them. However, the policy making process and continued political support will demand answers sooner or later. Evaluation of a program's impact and effectiveness is usually much easier when key questions are identified early on so the necessary data can be collected as a part of the program implementation process. Below is a sampling of questions, beyond the current GAO activity, that Congress can be expected to ask. Many more questions are identified for the CRP, which already has a "track record" than for compliance. After 1990, many of the compliance concerns could change as conservation compliance takes effect.

Conservation Reserve Program

1. Why is the signup rate so low in some of the areas identified as having high rates of erosion; what are some remedies?
2. If CRP is a production control program, how are the problems associated with the old soil bank program to be avoided?
3. Why so few tree acres in the program, and what can be done to attract more into the program?
4. Is land still coming into the reserve in the most cost-effective manner if the acceptable bid levels are known in advance and almost all bids are within a dollar or two of the acceptable limit?
5. What offsetting savings in commodity programs can be demonstrated, given other trends in the agricultural sector?
6. How would the program change if the Department also accepted land that poses an off farm environmental threat or because of high soil salinity, as is now allowed by law?
7. How would the reserve change if it were tied into legislation pending to protect groundwater?
8. Is the 1982 National Resource Inventory still a relevant data series on which to assess the distribution of highly erodible land, given changes in agriculture over the past five years?
9. Has the CRP affected the quality of the land that is going into the annual set-aside programs? In what ways are these acres different?
10. How has the CRP affected the structure of agriculture? Specifically, is the average age of those in the programs older than the average age of all producers? Also, do the number of enrolled acres from small farms where the owners derive a large portion of their income from sources off the farm reflect the overall structure of agriculture? Should these farms, or any subgroup of the overall farm sector have different eligibility requirements?
11. How has the limit of 25 percent participation in any county affected the program? Should it be changed and what would be the impacts of a change?
12. How do payments from the CRP affect the size of Social Security payments?

Is that relationship having any impact on participation in the CRP?

Compliance provisions

1. How is the Department monitoring farmer compliance with these provisions? Are these efforts adequate?
2. How is compliance affecting land rentals?
3. Are data from the 1982 National Resource Inventory still relevant as a baseline, given all the changes that have occurred in agriculture?
4. How many farms may be forced out of business by the compliance provisions as currently administered, and what effect will that have on agriculture? Will compliance have a greater effect on smaller and marginal part time farmers who can not afford to install the necessary conservation practices?
5. What effects have manpower and money shortages at SCS had on the implementation of these programs? What resources are needed? If resources are not adequate, where is SCS reducing its effort?
6. What effects has swampbuster had on the rate and pattern of wetland conversions?
7. What public and private efforts are being initiated to develop low-cost or non-engineered measures that would enable producers to comply?

THE FUTURE

In this Congress, more than 2 dozen bills have been introduced that would amend these four programs. Some of these bills would weaken these provisions, while others seek to build on initial activities. As problems, concerns or opportunities surface in the future, additional legislative initiatives will appear. Information from program evaluations will be critically important in these debates. Debates that are most likely to occur include the following:

1. What happens after 10 years in the reserve? Should producers be offered an opportunity to extend their contracts? Should producers who participated be given a grace period before they must meet compliance requirements?
2. Should the reserve be expanded or its mix of purposes be altered, as several bills propose?
3. With the next farm bill coming up in 1990, the same year that conservation compliance takes effect, what information will be used in any debate to amend the compliance provisions?
4. Will SCS resources be adequate after 1990, or will any inability to meet all their new and old mandates between now and 1990 affect agency capabilities long afterwards?

INTRODUCING LEGISLATION LOWERING THE CAPITAL GAINS TAX RATE

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 10, 1987

Mr. AuCOIN. Mr. Speaker, I am pleased to join Congressman SID MORRISON today in introducing legislation that will restore the tax preference for capital gains.

Last year, I supported final passage of H.R. 3838, the Tax Reform Act of 1986 [TRA], because I felt that overall it was in the best economic interests of Oregon and the Nation. But there were some changes made that I would not have supported had they stood alone.

One such change made by the TRA was the repeal of the capital gains tax preference. For years, gains made by an individual or a corporation have been taxed at a lower effective rate than ordinary income. Beginning this January, however, capital gains will be taxed the same as ordinary income. Thus, individuals will pay up to 28 percent on their assets and corporations will pay up to 34 percent.

Under normal circumstances, I would oppose eliminating the capital gains tax differential. Such a change will only result in the transfer of personal capital to government—mainly for consumption rather than investment. And the consumption of capital reduces the base for production of goods for the public.

But this is a particularly inappropriate time to make this change.

That's because American industry is at a crossroads. As our trade and budget deficits continue to hover at record levels, we must begin to retool our industries, retrain our work force and reinvigorate corporate innovation if we hope to turn these disturbing trends around.

But these actions require capital. And industry is going to find that the pool of capital has dried up considerably because we've eliminated the tax benefit on capital gains.

Make no mistake about it—this is not a hollow threat. it is borne out by history. The fact is that when we increase capital gains tax rates, it discourages capital investment. This, in turn, inhibits technological advances and general economic growth. History does show, however, that when we decrease capital gains tax rates we get more venture capital, greater economic growth, and higher Federal tax revenues.

Let me cite an example.

Between 1970-77 there was practically no differential between the tax rates for ordinary income and capital gains. In each of these years the amount of venture capital raised never rose about $100 million.

In 1978, however, the Congress cut the capital gains rate from 49 to 28 percent. This spurred a tremendous movement of dollars to venture funds, increasing by nearly 7 to 1 the amount of capital raised over the previous year. In 1981, when the rate was further decreased, venture capital funds increased by an additional $1.3 billion.

Another reason why we must encourage the formation of capital is that the pool of national savings is dwindling at dramatic rates. Net national savings has declined from 7.1 percent of GNP in the 1970's to 3.4 percent in the 1980's. In fact, in 1982, 1983, and 1986, U.S. net national savings actually dipped below 2 percent of GNP. This further limits the amount of money that could be plowed into investments in American industry.

I believe it's time to reverse these dangerous trends.

It's time to do whatever we can to encourage investment and innovation. And that's what this bill will do.

First, it reduces the tax rate on capital gains for corporations from the current 34 to 28 percent. Second, it would restore the capital gains differential for individuals. For all gains held for 5 years or more, there would be no tax. For gains held from 3 to 5 years, only 40 percent of the gain would be taxed. And, for gains held from 1 to 3 years, 60 percent of the gain would be taxed.

This legislation will provide the stimulus needed to get American industry back on its feet. And the bill will have another welcome effect—over the long run it will generate revenues.

Changes in the tax code are dynamic; that is, they encourage people to change their investment patterns. That is evidenced by the fact that just before the end of the 1986 tax year, capital gains tax receipts poured into the Treasury at unprecedented levels, triggered by people trying to avoid the higher rates that were going into effect.

Since 1978, the capital gains tax has been reduced from 50 to 20 percent last year. But revenues were 184 percent higher in 1985 than in 1978. In 1979, the first year of the capital gains tax cut, Treasury collected $11.7 billion in capital gains tax revenues, up from $8.1 billion collected in 1977 and $9.3 billion collected in 1978.

Obviously, the additional revenue would be very helpful in our efforts to reduce the Federal deficit.

I'd like to point out how this bill will be especially helpful to two industries of importance to Oregon's economic development—high technology and timber.

The economic vitality of America's high technology industry is dependent on the constant production of innovative products. To succeed in their intensively competitive markets, high technology companies need to grow at a faster rate than they can finance through retention of their own earnings. Thus, they must frequently seek new infusions of outside risk capital investment. The investors who provide this capital know they will receive no dividends. They can only hope for capital appreciation. This makes their investment decisions extremely sensitive to fluctuations in the rate of tax on capital gains.

It's crucial that this tax preference be restored for America's sunrise industry. Last year, the American electronics industry posted its first ever trade deficit. There are a variety of factors behind this disturbing statistic, but certainly this is no time to take away a tax incentive that has served the industry well.

Another industry that has been affected by the repeal of the capital gains differential is the timber industry. Until 1986, timber was treated like other capital assets, whether sold outright, sold under contract, or processed in the owner's plant. This more equitable tax treatment quickly fostered both increased plantings and higher productivity on private forest lands.

The risk involved in timber growing is often higher than that encountered in other investments. Unlike most assets, timber can be adversely affected by uninsurable risks. The recent fires in Oregon are a testimony to that fact. This bill would restore the capital gains differential for timber.

Mr. Speaker, I don't like the idea of going back to the recently enacted Tax Reform Act and making changes. I believe it's very important to maintain some sense of stability in our Tax Code.

But the next few years will be the years where the rubber meets the road for American industry. We can continue to sink into an economic abyss or we can begin to climb out of the fiscal doldrums and regain our competitive status throughout the world. It's incumbent upon us to help the drivers of America's economic engine as much as we can.

ILLEGAL DRUGS KILL IN MORE WAYS THAN ONE

HON. JOE BARTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 10, 1987

Mr. BARTON of Texas. Mr. Speaker, illegal drugs are destroying thousands of American lives each year. Many of these lives are young ones, full of potential for the future.

A recent reminder of drugs' corrosive influence occurred in Midlothian, Texas. Evidence indicates that George William Raffield, Jr., a 21-year-old undercover police officer, was shot and killed by high school students. Officer Raffield was posing as a high school student as part of the local police department's effort to find and seal off the channels through which drugs were flowing into the local high school. Unfortunately, two students apparently discovered Officer Raffield's identity and murdered him.

This tragedy also reminds us that drugs are by no means confined to the inner cities of America. No community, regardless of its size, is immune to the problem. Although the events surrounding the death of Officer Raffield have placed Midlothian in the spotlight, the misuse and abuse of drugs is no worse there than in any city or town.

The U.S. Congress is an ally of the Nation's law enforcement agencies in the battle against illegal drugs. The President and Mrs. Reagan are also committed to sweeping drugs from our schools. We must rid our schools of illegal drugs and, ultimately, from our society.

The war against drugs is just that: a war. The police and elected city officials in Midlothian, TX are active participants in the war. "In this community," Police Chef Roy Vaughn said: "We have taken a stand against drugs. We want to get narcotics out of our city."

Officer Raffield's sacrifice is no-less heroic than the sacrifices made by thousands before him in our Nation's battles. This war, though, presents a unique foe, drugs. It may very well prove to be the toughest enemy we have ever faced. As has already been proven, those lined up on the enemy's side are willing to kill those they view as a threat to their way of life.

George William Raffield, Jr., was the kind of person anyone would be proud of. We owe a great debt to Officer Raffield and his family. I believe this debt can best be paid by continuing to strengthen our assault on drugs; attacking in the cities, towns, and countryside and never retreating until victory is won. George William Raffield, Jr.'s sacrifice will not be forgotten.

FROM DEPENDENCY TO DIGNITY

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 10, 1987

Mr. DANNEMEYER. Mr. Speaker, in light of the current debate regarding the level of funding for the U.S. Commission on Civil Rights and the amount of that funding to be earmarked for certain items, I think the following article may be instructive as to the real agenda of the Commission.

From Dependency to Dignity

(By Clint Bolick)

Nineteen eighty-eight will mark 25 years since the historic March on Washington that symbolizes the rightness and the urgency of securing blacks' civil rights. Unfortunately, in the ensuing years the civil rights movement has lost its bearings.

Forsaking its traditional tenets—individual rights and equality under the law—the civil rights establishment has turned to racial quotas, contract set-asides, and other numbers-oriented strategies. But these efforts have been divisive and the results questionable. More importantly, they reveal that the present leadership has forgotten that the movement has always been about securing for individuals the freedom to control their own destinies.

Today, as the movement casts about for direction and momentum, it has a golden opportunity to put America back on its 200-year track of steady progress in honoring its commitment to civil rights. For serious problems remain, and they require more than the recently renewed attention to traditional black self-help efforts.

Perhaps most debilitating are laws at every level of government that arbitrarily limit the ability of individuals to become self-sufficient, productive members of society. These laws separate individuals from economic opportunities, some by making entry into basic trades and professions so onerous as to largely exclude those not already on the economic ladder, and others by reserving business opportunities for a privileged few.

These economic barriers are rooted in the Jim Crow era, when a wrongly decided Supreme Court case sanctioned the power of state and local governments to destroy individuals' economic liberty with impunity. But despite the insidious modern-day consequences of that decision, these obstacles to black progress escape attention in the current civil rights debate.

Other Jim Crow laws fell to the concerted efforts leading up to the civil rights acts of the 1960s. But in the '70s and '80s the definition of civil rights has been steadily transformed from the fundamental rights we all share equally as Americans, into special burdens for some and benefits for others.

The movement's shift in emphasis from maximizing individual liberty to dictating economic parity exacted an enormous price; a painstakingly developed popular consensus supporting America's doctrinal commitment to civil rights has been dangerously eroded; blacks who make progress are, perversely, forced to question the source of their gains; and many blacks are more isolated from basic opportunities—more deeply enmeshed in the stifling miasma of poverty and despair—than ever before.

For two centuries, from Thomas Paine to Frederick Douglass to Booker T. Washington to Martin Luther King, leading advocates of civil rights challenged governmental restraints on individual freedom and economic liberty. Today, those barriers are far more sophisticated than in the Jim Crow era, and laws are no longer drawn explicitly on racial lines. Yet the effects are largely the same; contemporary restrictions on opportunities to participate in the economy continue to work there greatest hardship on the most disadvantaged in our society—predominantly blacks and the poor.

The civil rights movement today faces a choice. It can continue to forsake the market, the route to upward mobility traditionally traveled by ethnic minorities in this country. Or, replenished by the natural rights principles that animated its great triumphs, it can work to demolish the last vestiges of Jim Crow.

For more than half a century, the civil rights movement persistently chipped away at the infamous Plessy v. Ferguson decision. The Louisiana law upheld in this 1896 Supreme Court ruling was typical of Southern laws decreeing social and economic segregation. This one required "separate but equal" railroad accommodations. In refusing to strike down such state-imposed discrimination, the Court was abdicating its seminal role in protecting civil rights, a situation that would continue until Plessy was finally reversed by Brown v. Board of Education in 1954.

But while Plessy was perhaps the most notorious judicial repudiation of civil rights, it was by no means the only one. For the Court did not merely sanction the states' arbitrary restriction of social opportunities, but of economic opportunities as well.

The death knell for economic liberty was sounded 24 years before Plessy in the Slaughter-House Cases in 1872. By this decision, the Court essentially excluded economic liberty from protection under the 14th Amendment. Yet an examination of the history of this amendment's adoption reveals that such protection was a substantial motivation for so changing the Constitution.

After the Civil War, the South faced an acute labor shortage stemming from its enormous war casualties and the emancipation of the slaves. Many blacks remained with their former plantations as sharecroppers, while others took advantage of the skills they had learned as slaves to enter trades.

For a society largely predicated on a stable and servile labor supply, the spectacle of blacks competing with whites and gaining a measure of economic independence was difficult to bear. Many plantation owners banded together in cartel fashion to keep wages low and limit blacks' mobility.

But persuasion and peer pressure were inadequate to overcome market forces. Individual plantation owners could benefit by offering higher wages than the cartel had agreed to, and the intense competition for labor drove wages inexorably upward. Crop shares for tenant workers increased by 500 percent in the decade following emancipation.

Soon, former slaveowners were turning to the state to accomplish what they could not do in a competitive market. "We must have a black code," urged George Fitzhugh, a leading Southern theorist—a "subordination of the inferior race that will compel them to labor whilst it protects their rights and provides for their wants." Fitzhugh's prescription, undergirded by twin notions of inferiority and paternalism, provided the original rationale for racial classifications that survive in different forms even today.

"Black codes," adopted throughout the South between 1865 and 1867, restricted mobility through vagrancy laws and limited entrepreneurial opportunities through oppressive licensing and apprenticeship requirements. These laws were outright "attempts to enforce a labor-market cartel among white employers that could not be enforced in any other way," observes economist Jennifer Roback in a study of the post-Civil War South. The codes allowed former slaveholders to preempt market forces and restore as closely as practicable the feudal order that prevailed before the Civil War.

Typical of the black codes was South Carolina's licensing statute, under which any "person of color" was required to obtain a permit to "practice the * * * business of an artisan, mechanic, or shop-keeper, or any other trade, employment, or business." The licenses cost $100—for ex-slaves, a staggering sum—and were valid only for one year. They required a showing of skill, fitness, good moral character, and an existing business or apprenticeship and could be revoked upon any complaint of abuse.

These regulations created an obstacle course littered with pitfalls and disincentives that utterly precluded business and trade opportunities for blacks. They were tied, once again, to the plantation.

It was against this backdrop that Congress passed the Civil Rights Act of 1866, which guaranteed equality under the law as well as the right to make and enforce contracts and to purchase and sell property. But President Andrew Johnson and others warned that the law was unconstitutional, since it purported to limit the conduct of state governments. So, recognizing that wholesale deprivations of civil rights were being perpetrated by state and local governments, Congress turned to changing the Constitution, passing the 14th Amendment that same year.

The amendment forbade states from making laws that "abridge the privileges or immunities of the citizens of the United States," "deprive any person of life, liberty, or property, without due process of law," or "deny to any person * * * the equal protection of the laws." Though primarily concerned with protecting newly emancipated blacks, the amendment was explicitly designed to provide universal protection for fundamental rights.

Six years later the Slaughter-House Cases reached the Supreme Court, providing the first opportunity to apply the new protections. The cases challenged a Louisiana statute creating a slaughterhouse monopoly for certain parishes (counties) and prohibiting competition in that trade. The plaintiffs, a group of butchers, argued that the statute violated the rights guaranteed by the 14th Amendment, among them the right to engage in a trade free from abitrary and unequal state regulations.

By a 5-to-4 vote, the Court upheld the law as part of the state's "police power." Under this authority, declared the Court, "private interests must be made subservient to the general interests of the community." Although conceding the importance of the rights asserted, the majority ruled that they "belong to the citizens of the States as such, and * * * are left to the State governments for security and protection, and not by this article placed under the special care of the Federal government." Thus did the majority read out of the Constitution the "privileges or immunities" clause of the 14th Amendment.

The four justices who dissented condemned the decision for violating, on the "mere pretence of prescribing a police regulation," the "right of free labor, one of the most sacred and imprescriptible rights of man." The 14th Amendment, Justice Stephen J. Field noted, was intended to give "practical effect to the declaration of 1776 of inalienable rights, rights which are the gift of the Creator, which the law does not confer, but only recognizes."

The dissenters conceded the state could properly regulate slaughterhouses for legitimate public safety concerns. But as Justice Joseph P. Bradley emphasized, "there are certain fundamental rights which this right of regulation cannot infringe." He declared: "For the preservation, exercise, and enjoyment of these rights the individual citizen, as a necessity, must be left free to adopt such calling, profession, or trade as may seem to him most conducive to that end. Without this right he cannot be a freeman. This right to choose one's calling is an essential part of that liberty which it is the object of government to protect; and a calling, once chosen, is a man's property and right. Liberty and property are not protected where these rights are arbitrarily assailed."

Another dissenter, Justice Noah Swayne, voiced the hope that the consequences of the decision "may prove less serious and far-reaching" than feared. But the fears were quickly realized. Slaughter-House unleashed the white supremacists to again extinguish economic opportunities for blacks.

The resulting laws, known as "Jim Crow," made the black codes before them seem mild by comparison. In the economic realm, they took four principal forms. "Contract enforcement" laws severely limited the ability of laborers to change employers. Vagrancy laws made it unlawful to be unemployed, even temporarily. "Emigrant agent" laws restricted the activities of labor recruiters. And "debt peonage" laws allowed blacks who were imprisoned for their debts to be turned over to employers who assumed their obligations.

These laws regulated every aspect of economic interaction, making it nearly impossible for blacks to attain self-sufficiency and rendering the myth of black inferiority a self-fulfilling prophecy. In addition to economic restraints, the laws were soon extended to limit social interaction and educational opportunities as well. Kentucky's Day Law, for instance, forbade racial mixing in private schools, which were viewed as instruments for integration.

Thus, as political economist Robert Higgs observes, "The fountainhead of effective discrimination" lay not in private efforts but "in the governments of the Southern states, counties, and cities." Blacks were effectively disenfranchised, and a "racial monopoly of politics allowed the hostile whites to treat the blacks as they pleased."

Over time, competitive market forces were largely snuffed out by these governments. Between 1892 and 1907, for instance, blacks initiated boycotts against segregated transit systems in two dozen cities across the South and launched their own competing companies, only to have them shut down as violations of licensing laws.

The unambiguous legacy of the Supreme Court's abandonment of economic liberty in Slaughter-House is that Southern blacks were again consigned to a separate, subordinate caste with little hope of economic emancipation. This sordid legacy persists today in its most fundamental aspects, remaining largely untouched by the civil rights gains of the 1960s.

For a time, the Supreme Court moved to afford some protection for economic liberty. In Yick Wo v. Hopkins in 1886, the Court bowed to the 14th Amendment in ruling on a San Francisco ordinance that required, among other things, permission from the board of supervisors to operate laundries. Though neutral on its face, the ordinance was clearly aimed at Chinese entrepreneurs. Despite holding certificates of safety under previous standards, 150 Chinese were arrested and 200 denied permission to operate.

The law, the Court found, gave the government "naked and arbitrary power" that rendered the laundry owners "tenants at will, under the supervisors, of their means of living." The Court struck down the law, declaring it "intolerable in any country where freedom prevails, as being the essence of slavery itself."

The Court's recognition of economic liberty as a vital component of civil rights reached its zenith in 1905 in Lochner v. New York, which invalidated a state law setting maximum hours for bakery workers. The law, declared Justice Rufus W. Peckham, was based on a paternalistic notion that workers are "wards of the state," unable to "assert their rights and care for themselves without the protecting arm of the state interfering with their independence of judgment and action." Rejecting such paternalism, Peckham argued that "the right to purchase or sell labor is part of the liberty" guaranteed by the 14th Amendment.

But the seeds of the demise of economic liberty were planted by Justice Oliver Wendell Holmes in a reactionary dissent in the Lochner case. Holmes assailed the majority's belief in "the liberty of the citizen to do as he likes so long as he does not interfere with the liberty of others to do the same." The Constitution, he charged, does not "embody a particular economic theory." Instead, Holmes urged a meaningless "reasonableness" standard, under which virtually any government barrier to economic opportunity, no matter how "injudicious" or even "tyrannical," would be sustained.

Holmes's dissent attained majority status in the courts during the New Deal era, leaving victims of state-imposed and state-sanctioned obstacles to individual self-sufficiency virtually no recourse to the courts. The judicial abdication is now so complete that in 1976 the Supreme Court upheld a New Orleans ordinance limiting to two the number of hot dog pushcarts in the French Quarter, thus depriving the plaintiff of her livelihood in that quintessential entry-level enterprise.

The passage of the Civil Rights Act of 1964 provided a mechanism to challenge employment discrimination. But the law was not even applied to governmental action until 1972, and it still contains no explicit provision prohibiting state-imposed barriers to practicing a trade, opening a small business, and other such traditional avenues to economic progress in our society.

Meanwhile, in the years since the Civil Rights Act, the civil rights establishment has jettisoned the effort to knock down state-imposed barriers so that individuals can control their own destinies. Instead it has focused on enlisting the power of government to achieve specified levels of employment, integration of schools, contracting with minority-owned businesses, and so on. And a stagnating underclass with ever-diminishing prospects for upward mobility remains largely untouched even as its existence is widely lamented.

Entry-level, small-entrepreneurial opportunities, traditionally a hallmark of our system, have fueled the efforts of generation after generation of newcomers to attain self-sufficiency. But today, many of the likely avenues for economic advancement are artifically blocked for those who could most benefit.

At the state and local level, these barriers take two principal forms: occupational licensing laws, an enduring relic of the Jim Crow era; and government-maintained business monopolies, the progeny of Slaughter-House.

Early licensing laws, with "grandfather" clauses exempting existing white practitioners, were pushed by white supremacists and craft unions to limit competition from blacks. The modern licensing laws that grew out of these are more sophisticated, but they have the same effect. As economist Walter Williams explains in The State Against Blacks, these laws "discriminate against certain people irrespective of their race." But because the victims of this discrimination are specifically "outsiders, latecomers and [the] resourceless," the laws are "particularly devastating to blacks."

Occupational licensing laws come into play in a substantial portion of the economy. California alone licenses 178 different occupations. Today, at least 10 percent of the labor force works in licensed occupations. And this figure underrepresents the effects for those at the bottom of the economic ladder, where licensing requirements extend to such entry-level jobs as cosmetology, janitorial services, taxidermy, landscaping, and junkyard operations.

Most licensing requirements have only the most attenuated connection to asserted public welfare objectives. Loudoun County, Virginia, even requires licenses for poets. Many rules, such as those governing lawyers, go well beyond legitimate concerns, while others are altogether unnecessary. In either case, such laws are plainly designed to limit new entrants. Many are administered by the regulated profession itself, with the coercive apparatus of the state at its disposal.

Williams relates the example of beautician and cosmetology licensing in Missouri. In addition to extensive formal training or apprenticeships, prospective practitioners must pass an examination consisting of both a practical (handson) and written component. The written portion tests such esoteric concerns as the chemical composition of bones.

In a recent examination, he reports, blacks passed the practical component at the same rate as whites but failed the written part disproportionately. In other words a large number of black would-be beauticians are prevented from engaging in their chosen field, for which they are demonstrably qualified, solely by operation of an onerous and arbitary state law. This scenario is surely repeated in dozen of entry-level professions.

Likewise, state-granted monopolies restrict start-up opportunities in businesses running the gamut from furniture moving to cable television. But none is more brazen than taxicab franchising.

Washington, D.C., is one of the few cities with virtually open entry to the taxicab market (though several members of Congress are trying to change that). Entrepreneurs may initiate service by satisfying safety and insurance requirements and paying a modest fee. Consequently, the taxicab industry provides broad and easily accessible business opportunities. Seventy percent of Washington's cabs are owned by blacks.

Contrast the system in New York City, where a potential cab owner must first obtain a "medallion." The number of medallions is tightly controlled by the city, and as a result these permits to do business now go for $100,000. Blacks drive cabs in New York, but they rarely own them. Indeed, wherever new entry into a business is proscribed or restricted, entrepreneurial opportunities are diminished, particularly for minorities and the poor. So while 2,000 blacks own cabs in Washington, only 14 blacks own cabs in heavily regulated Philadelphia.

And, of course, entry restrictions affect not just would be entrepreneurs but consumers, as well. By limiting the number of suppliers, they lead to higher price and reduced service, especially in poor neighborhoods.

Most of these laws are based on faulty economic or public-welfare premises. They work their greatest hardship upon the most disadvantaged in our society, depriving them of the fundamental liberty and the basic opportunity that is the birthright—the civil right—of every American.

Two hundred years after adoption of our Constitution and a quarter century after civil rights activists marched on Washington to remind Americans of the individual rights enshrined in that document, someone ought to be standing up for these fundamental liberties. Recent calls for "self-help" from black leaders such as Benjamin Hooks of the NAACP and John Jacob of the National Urban League are a long-overdue and welcome move. But they are not enough. The civil rights establishment, along with conservatives who have long deplored its failure to look to the rich self-help tradition among blacks, must recognize that very real barriers to self-sufficiency remain.

The increased welfare spending, quotas, and set-asides that have dominated civil rights policy for the past 25 years have not changed the course of dependency and despair. Even stalwart defenders of this agenda are coming reluctantly to recognize this. So it is an opportune moment to refashion the terms of the civil rights debate—from collectivism to individualism, from coercion to opportunity, from dependency to dignity.

Legislation—filling the void left by the Civil Rights Act of 1964—is one way to start on an alternative agenda. An Economic Liberty Civil Rights Act, guaranteeing the right of every individual to pursue work and business opportunities free from arbitrary governmental constraints, could provide a focal point for a forward-looking civil rights program.

A reinvigorated quest for civil rights must also, as in the past, utilize the branch of government designed by the framers as the first line of defense for individual rights—the judiciary. And just as the classical civil rights movement had as its objective repudiation of the pernicious Plessy doctrine, so must the contemporary movement resolve to dismantle Slaughter-House.

The restoration of judicial protection for economic liberty will not be a simple task. Not a single member of the Supreme Court seems prepared to exhume Lochner, with its insistent on the freedom to labor as one chooses. In any case, for all its desirable conclusions, Lochner was probably defective in its constitutional analysis. (Most constitutional scholars maintain that the "due process clause" of the 14th Amendment, on which the decision relied, protects only procedural rights, whereas the amendment's "privileges or immunities" clause was designed to protect substantive rights.)

Thus, those who recognize the vital nexus between economic liberty and civil rights should proceed cautiously but creatively, in the tradition of the great civil rights triumphs of the 1950s—chipping away at barriers incrementally until the courts are once again receptive to the principles of natural rights. A new civil rights litigation program can combine principled constitutional arguments, based on the Ninth Amendment, privileges or immunities, equal protection, and so forth, with more pragmatic legal hooks, such as antitrust laws and the Civil Rights Act's proscription of employment discrimination.

Slowly but surely, such efforts could erode the Slaughter-House doctrine, until economic liberty is finally restored to its rightful place among our most precious civil rights. Nothing less than this will secure for minority individuals, as equals among equals, the right to control their own destinies and earn their share of the American dream.

PERSONAL EXPLANATION

HON. BILL LOWERY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 10, 1987

Mr. LOWERY of California. Mr. Speaker, due to official business in San Diego I was unable to attend the House session on Monday, November 9, 1987. Had I been present, I would have voted in the following manner:

Roll No. 417: "yea"; Roll No. 418: "nay"; Roll No. 419: "yea"; Roll No. 420: "nay"; Roll No. 421: "yea"; Roll No. 422: "yea"; Roll No. 423: "yea"; Roll No. 424: "yea."

INITIAL PROVES INTERNATIONAL INVESTMENT CAN LEAD TO AMERICAN JOBS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 10, 1987

Mr. TOWNS. Mr. Speaker, last month a British firm, Initial, PLC, reopened a laundry facility in Huntington, WV. This facility was gutted by fire earlier this year and it could have meant the loss of over 100 jobs to this small community. Yet Initial, PLC, through its Washington representative, Tony Culley-Foster, was persuaded to reopen the plant and to continue its operations in West Virginia in the congressional district of our colleague, NICK RAHALL.

I am very pleased that Initial, PLC, has decided to make a similar investment in my congressional district by maintaining its wiper cloth processing business in Brooklyn. We are looking forward to the formal reopening of this business at the end of this month.

Mr. Speaker, Initial, PLC, has demonstrated, through these two projects, that its investments will result in additional job opportunities. I want to commend Initial for its commitment in this regard and to enclose the comments of my colleague, NICK RAHALL, which were made at the reopening of the laundry facility in Huntington, WV.

REMARKS OF U.S. REPRESENTATIVE NICK J. RAHALL II, RE-OPENING OF ROSE LAUNDRY, INC., HUNTINGTON, WEST VIRGINIA—OCTOBER 31, 1987

Thank you and good morning.

It is certainly an honor for me to be a part of such a momentous occasion as this rededication this morning, not only for the employees of Rose Laundry and their families, but for the entire city of Huntington, and in the realist sense the blossoming of a new relationship between two nations' business interests, the United States and the United Kingdom—Rose Laundry and Initial PLC.

It was early this year when I was approached by my good friend, Tony Culley-Foster, Initial's Washington representative, who advised me that the British firm which owned the fire-gutted Rose Laundry plant was in the process of determining its future in the wake of the January 23, 1987, disaster.

One course obviously, would have been to give up on Huntington and move somewhere else—a move which may have been more feasible to the parent company. I believed then, as I believe now that the potential of bringing together a dedicated company looking to invest in America with a community that was dedicated to progress would prove to be a match made in heaven, or should I say almost heaven. Look around, I think you will have to agree—for once I was right.

I then met with the gentlemen seated here at this table with me, and I could see that they shared the same vision I had. They, too, realized the enormous potential here in Huntington, and they could see that we were serious about making it work here.

And, now, just ten short months later, here we are.

But, today is just the culmination of a lot of hard work and dedication by so many people who shared our dream of a thriving tri-state area. What got us here was a community which proved to foreign investors that we were a smart bet, that we were the type of community that could pull together, unified in our quest to make this project successful.

I had the opportunity to meet with Brian Thompson and his associates, first in Washington and later in London. I could see that they were the kind of people that the city of Huntington could team up with in our drive for progress. I could tell that they shared my confidence in this area and were willing to take a risk to get this project off the ground.

And what has been accomplished here in Huntington stands as a model of what I feel is the prototype for other communities, other governments, other American businesses to look to as evidence of the realities of today's ever-expanding global economy. We in the United States can choose not to be a partner in the world economic scene, yet I believe that if this is the path we choose, we will be left far behind.

Our friends from the United Kingdom have chosen us to be their partners. And it is indeed a partnership which I welcome and embrace.

Initial, and its parent company, Bet Public Limited Company, have a proven track record of success—and judging from the facility we are seeing here today, they demonstrate simply a commitment to be the best.

Look around you—we are standing in the middle of what is probably one of the most modern, state of the art facilities of its type in the entire world. No corners were cut when this plant was rebuilt. Our British friends said, "Only the best for the people of Huntington." And they kept their word. As their motto says, "We do it right the first time." And, indeed they did.

How many times have we heard the cries from the Halls of Congress to the halls of the White House about the ill effects of foreign investments on the United States economy. True, there may be a community of investor vultures nesting throughout the world, who spend their every waking minutes planning takeovers of companies for a quick and gruesome profit. But I say to you, many of those people probably learned their trade here in the United States, for we have more than our share of profiteers, shameless in their pursuits of self wealth.

Rose Laundry is in no way a reflection of this. Instead its fresh paint, its computerized machinery, its obvious commitment to the long term future is a beacon that we in America should seek out and steer toward as economic indicators of recent days scream out to us that dark days may lie ahead of us.

Rose Laundry today is a message that I wish every one of my colleagues in the Congress could read and appreciate—that the integration of the global economy is not something we have to plan to deal with in the next century; rather we have to plan how to catch up with the global economy that has grown in the past few decades. We in the United States must understand the interconnectedness of national economies, trade, and international commerce. We can no longer afford the luxury of expecting an ever expanding American Market. We can no longer look to our closest neighbors and expect their needs to constantly increase.

What we can do is look to the rest of the world, and while in some ways the cliche is true that the world keeps getting smaller, it is not so in the arena of business markets. The world is knocking, I say we give it an answer.

We need to cultivate foreign businesses by establishing relationships we have with our domestic customers, and suppliers, and services. I think government, Federal, State and local levels of government can assist American business and industry and the American worker in nurturing and expanding these relationships. Our national government despite what some would argue can't just get out of business' way. I think you will agree that many of our business' could not develop the necessary international ties with their available resources and contacts. I offer to you that business and government, the public and private sectors in America have to grow closer to one another now more than ever in the past and mesh their resources and abilities and create new and innovative methods of marketing, of approaching foreign government, of establishing an old boy's network that truly circles the world.

Efforts such as this today are the result of that kind of public-private mix. Efforts such as this today, I am confident, will pave the road for future enterprises and expanded efforts, and will provide a smooth foundation for relationships with other firms in other countries, and for that and for your tremendous efforts here today, I commend you Mr. Thompson, and on behalf of the present and future employees of Rose Laundry, the citizens of Huntington and of West Virginia, and on behalf of our country, I thank you.

And I just want to finish by saying that we here in Huntington will take what we have learned from this venture and apply it to our future endeavors. And, indeed, we have learned a great deal. We now see what it takes to allow us to compete, to grow, and to prosper. I firmly believe that we are capable of taking what we have learned and making it work for us. After all, look at what a great example we have to follow.

Thank you.

THIRD WORLD LOANS

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 10, 1987

Mr. SCHUMER. Mr. Speaker, at the end of last week, while the world was watching the stock market and the budget negotiations, an important deal was quietly consummated. Brazil reached agreement with its creditors.

The deal adds another floor to an already towering and shaky house of cards.

The agreement calls for additional bank loans of $3 billion and a contribution by Brazil of $1.5 billion. This money will fund no exports, nor will it fund economic growth so that Brazil can start importing United States goods again. The money will go to pay past due interest payments.

After promises of new policies from Secretary Baker, we get instead another example of Faustian finance: Our banks are lending more money to Third World nations just so those nations can turn the money around to the banks in the form of interest payments.

The results is increased exposure for our banks and increased indebtedness for the Third World. All in the name of clean, if dishonest balance sheets.

Economically, the result will be continued austerity in Brazil, a nation that has already been forced to depress internal consumption in favor of exports in order to earn foreign exchange to service its debt.

The impact on U.S. industry is clear: We are shut out of a huge market that once contributed, in the beginning of this decade, to our record trade surplus.

In times when international markets are already skittish and uncertain, we cannot afford to live in a house of cards. Policymakers must work together to shore up this shaky structure. We cannot sacrifice good public policy to the requirements of nervous bank executives who fear an honest evaluation of their Third World debt holdings.

The first step we must take is to recognize that the emperor has no clothes. Let's admit that these debtors cannot pay their debts and work out a solution that protects our banks, leaves the Third World nations free to grow—and buy U.S. exports—and returns our financial system to stable foundations.

IN THE LEHIGH VALLEY: A LIVING MEMORIAL TO KOREA/VIETNAM WAR VETERANS

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 10, 1987

Mr. RITTER. Mr. Speaker, veterans from Pennsylvania's Lehigh Valley, with the help of some distinguished individuals, including former U.S. Representative Don Bailey and retired Gen. William Westmoreland, are in the process of establishing a first-of-its-kind, living memorial to honor veterans of the Korean and Vietnam wars.

As a storehouse of personal experiences and educational materials, the Korea/Vietnam Veterans Memorial will not only honor veterans, but will keep their memories alive by serving as an honest historical record of those eras.

Don Bailey has performed yeoman service as honorary State cochairman of the Korea/Vietnam Veterans Memorial and I would like to share with my colleagues and the American people his comments regarding the war and the necessity for an accurate, unbiased, historical record of that period. Don Bailey, in his support for this effort is seeking to portray the Vietnam veteran as he really was, no more, no less.

Don Bailey, of Greensburg, PA, was elected Pennsylvania Auditor General in November 1984 after serving two terms as a Member of the U.S. Congress. He served with the U.S. Army in Vietnam from March 1969 to May 1970 with the rank of lieutenant, as a platoon leader for 7 months, as a headquarters company commander for 5 months and, after taking a voluntary 3-month extension, as commander of a rifle company. All of his assignments were with the 101st Airborne Division in I Corps, the northernmost sector of South Vietnam.

STATEMENT OF DON BAILEY

I have seen the movie "Platoon." "Time Magazine" and other sources have described it as "Vietnam, as it really was." Well, the movie "Platoon" is not "Vietnam" as it really was. The mothers and fathers, sisters and brothers, the friends and comrades of American veterans who fought in that war should know that the movie "Platoon" is a dishonest and inaccurate portrayal of the behavior, the conduct and the activities of American troops in Vietnam. I generalize emphatically.

We sadly understand, that in all wars, on all sides, some individuals have and shall continue to misbehave. But the obvious general themes of "Platoon" do a cruel disservice to those who gave their lives in Vietnam. It does a cruel disservice to those who survived. It does a cruel disservice to my country because it is a false theme falsely portrayed. American soldiers were not murdering, raping, vicious, drug and alcohol abusing barbarians. But then this movie is not about the conduct of American soldiers in Southeast Asia. This movie is about the continuing debate in this country over the international role and purpose of the American people and their government, and is an effort, however tacit, on behalf of many who wish either to naively or overtly embrace this movie with its obvious political themes as a way to hopelessly reassure what history has mocked i.e., the hypothesis that the Vietnam war was an "immoral" or "bad" war that requires the scapegoating of the veterans who fought there to underscore its discredited theorems.

Incidentally, the Vietnam war was not lost militarily, in fact, we quit and came home two years before the nation in fact *was* lost. It was lost in the streets, in the Congress and on the television screens in America. No attempt through bankrupt, failed and unjustifiable political euphemisms via the vehicle of a dishonestly written and promoted movie can alter the real truth. Just ask the refugees—the ones who survived.

IN HONOR OF SARANN KRUSE

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 10, 1987

Mr. LEVINE of California. Mr. Speaker, I rise today to salute my friend, Sarann Kruse, mayor of the city of Lawndale, for her 12 years of dedicated public service. I have worked closely with this strong and talented leader and would like to share a few of her many accomplishments with my colleagues in the U.S. House of Representatives.

Sarann Kruse was born and raised in Pennsylvania and came to California in 1958. The city of Lawndale has been her home since 1971. Sarann has been employed with the Northrop Corp. for over 26 years, beginning as a paint and process worker trainee and has held positions from secretarial to management. Today, Sarann reports directly to the vice president of Manufacturing Technology and is responsible for the industry and education partnership program with the community colleges in southern California.

Sarann Kruse was first elected to the Lawndale City Council in 1976 and became the first elected mayor in 1982. Presently she is serving her third term as mayor of the city of Lawndale.

Sarann has served the community with distinction and has a rich background of community involvement. She was past president of Centinela Valley "YWCA;" president and founding member of the Education Foundation of Centinela Valley and past president of the Lawndale Business and Professional Womens Organization. She has held membership in many civic organizations, such as the South Bay "25" Club/Santa Sleigh Program; Soroptimist International; Richstone Family Center for Abused Children; Lawndale Youth and Family Center; Sister City Association; United Way, Region Four Board; League of California Cities; South Bay Cities Association and was a founding member of the Centinela Valley Drug Task Force.

Sarann Kruse continues to be a strong force in the education and welfare of her community. She established the Child Care Task Force for Lawndale's Child Care Program and initiated the Safety Week Program in the Lawndale elementary schools. She was responsible for establishing the Sister City Program with Cagayan de Oro, Philippines. Sarann implemented the mayor's Roundtable meeting, bringing civic organizations together with local government and service organizations.

Sarann contends that it was because of her husband, Bob Kruse, that she got involved in civic and political matters long ago. Bob Kruse is a well thought of, "behind the scenes" man, who first became civic minded when running Hubert Humphrey's campaign for mayor. He is currently a trustee of the Lawndale School Board and president of the Sister City Association. The Kruses have three grown children—Vincent, Andrew, and April.

As a professional, wife, and mother, Sarann established the Southern California Aerospace Industry Education Council and is the executive director; is a member of the Aerospace Section of the National Aerospace Section; was team mother for the Torrance All American football league and editor of the Little League Baseball newsletter. She received the PTA Honorary Life Membership, the YWCA Woman of Achievement in Industry Award and was named the Business and Professional Woman of Achievement.

It is a pleasure to share the outstanding accomplishments of Sarann Kruse with my colleagues in the U.S. House of Representatives. I ask that the Members of this body join me in saluting this extraordinary American.

THE CHILDREN'S SERVICES DELIVERY SYSTEM IN CALIFORNIA

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 10, 1987

Mr. MILLER of California. Mr. Speaker, I would like to call to the attention of my colleagues a very important report, "The Children's Services Delivery System in California: Final Report," just presented to the Governor and State Legislature of California by the Commission on California State Government Organization and Economy, also known as the Little Hoover Commission.

The commission conducted an extensive 17-month study of the children's services delivery system in California. Many of the commission's findings confirm those of the Select Committee on Children, Youth, and Families. It is notable that a governmental commission of this statute had the courage to face the very real needs of families and to assume responsibility for meeting those needs.

The report studied many of the most critical issues for child safety and family stability. The commission found that families have a growing need for child care, that reports of child abuse and neglect have skyrocketed in just a few years, and that tens of thousands of homeless youth are left to fend for themselves in the streets.

The commission determined, however, that the increased number of children and families in need of services is putting such a demand on overloaded systems—in the public and private sectors—that thousands of children are simply not being served. At a time when government's response should be timely and effective, the commission's conclusion is most disturbing—the "State's children's services delivery system is being strained to its limits * * * and is beset with critical problems."

The commission's report makes 36 recommendations for improving the State's system of care designed to assist children and their families. These recommendations would help increase the supply of child care, house runaway and homeless youth, and protect abused and neglected children by encouraging greater public and private sector concern and commitment. The Little Hoover Commission's report is an important step in recognizing and accepting governmental responsibility for its citizens.

I am submitting the executive summary of the report for the RECORD. I urge my colleagues to study the findings. There are hard lessons to be learned about government and its responsibilities to children, and I applaud the commission for taking the first step.

EXECUTIVE SUMMARY

The Commission on California State Government Organization and Economy, also known as the Little Hoover Commission, issued a preliminary report on the problems in the State's children's services system in March 1987. The Commission's final report builds upon the findings presented in the preliminary report and describes the Commission's overall conclusions and recommendations regarding the provision of children's services in California.

Children are an important resource that is vital to the future growth and prosperity of California. California has recognized the value and needs of children by instituting numerous programs and committing significant resources to children's services. The Little Hoover Commission's survey revealed that California's children's services system spends more than $5.9 billion annually, excluding State funds for K-12 education. Approximately $1.2 billion of these funds are earmarked for 35 programs serving children in need of child care services, runaway/homeless youth, and abused and neglected children.

California has a large and growing children's population. Presently, there are an estimated 7.1 million children in California under the age of 18. Between 1980 and 1985, the population of infants and children under six years of age increased by 25 percent from 2.04 million to 2.55 million. Furthermore, the higher number of births that California has been experiencing in recent years is expected to prevail for the remainder of the century.

The Commission found that the dramatic social and economic changes in the past four decades have contributed to reshaping the makeup of families in California. These changes have placed great demands on government and other providers of children's services, such as private agencies, religious organizations, and other non-profit groups. Unfortunately, due to an increased number of children in California, an increased number of children in need of service, and an increased number of children with multiple problems, the State's children's services delivery system is being strained to its limits. As a result, many children in need are not being served and less costly service alternatives are not being fully utilized.

The Commission's final report presents a total of 23 findings regarding the children's services delivery system and the problems of serving children in need of child care services, runaway/homeless youth, and abused and neglected children. Each of these findings are listed and briefly summarized below.

Finding No. 1.—*Lack of a uniform State policy and well-defined organizational structure for providing children's services.*—The lack of a uniform State policy and a well-defined organizational structure for providing children's services is resulting in a fragmented service delivery system that is not meeting the needs of the State's children and is not maximizing the use of scarce resources.

Finding No. 2.—*Child care has become a necessity for working families.*—The increased number of California families headed by single parents and dual wage earners has increased the statewide demand for child care. If the need for child care is not met, more parents will be forced to leave their children unattended or forego working.

Finding No. 3.—*There is a lack of licensed child care spaces in California.*—The lack of available subsidized and nonsubsidized child care spaces has reached crisis proportions in California. There is an estimated one million children in the State whose families qualify for subsidized child care and do not receive it. In addition, there are an estimated 136,000 families on waiting lists for child care services.

Finding No. 4.—*Some work policies have a negative impact on the ability of parents to provide care for their children.*—Many California employers do not have policies or programs that are supportive of working parents. As a result, many parents who would like to provide full or partial care for their children cannot do so because they are afraid of negative employment repercussions, such as loss of tenure, demotion, or loss of promotion opportunities.

Finding No. 5.—*The public and private sector can take further actions to facilitate the expansion of child care in California.*—California has a diverse and extensive child care system, but there is a persistent and growing unmet need for services. Various options exist for the public and private sectors to encourage the expansion of quality child care. Moreover, it has been demonstrated that quality child care can improve morale and productivity and reduce employer turnover and absenteeism.

Finding No. 6.—*Quality child care is beneficial to children and can result in long-term savings to the State.*—Quality child care is cost effective for the State and beneficial for children. High quality child care can substantially reduce problems later in life, such as juvenile delinquency or the need for special education programs. By making such child care available, the State will experience long-term cost savings of as much as six dollars for each dollar spent.

Finding No. 7.—*California has varying guidelines and requirements for child care services.*—California has two sets of goals and standards for providing child care services. One set exists for State-subsidized programs and emphasizes child development, parent education and services. The other set exists for non-subsidized programs and is primarily concerned with providing supervision. As a result, the quality of child care that children with similar needs receive may be inconsistent and the cost of services can vary considerably.

Finding No. 8.—*The number of subsidized child care spaces available in California is insufficient to service the working poor.*—There is a shortage of subsidized child care spaces in California. Estimates indicate that only seven percent of the 1.1 million children in the State who are eligible for subsidized child care receive it.

Finding No. 9.—*The child care needs of special population groups are not being met.*—These are shortages of subsidized and non-subsidized child care for families in special population groups in the State, including: families living in high density urban areas; children with disabilities; children determined to be at risk of abuse and neglect; and children of migrant agricultural workers.

Finding No. 10.—*Child care programs can play an important role in abuse prevention.*—Child care can serve an important function for children in troubled families by providing stability in the children's lives, serving as a first line of abuse prevention, and helping connect children and their families with needed services.

Finding No. 11.—*Child care is necessary to enable welfare recipients to receive training for work but concerns with continuity and quality of care persist.*—The Greater Avenues for Independence (GAIN) program was enacted in 1985 to help welfare parents obtain training and employment. However, there is concern that GAIN recipients may displace the children of the working poor who are on waiting lists for subsidized child care programs, or that there will be insufficient child care spaces for GAIN recipients in such programs.

Finding No. 12.—*Problems of runaway/homeless youth are not fully recognized.*—There are an estimated 20,000 to 25,000 runaway/homeless youth in California on any given day. Although these children have a multitude of health, mental health, and other problems, adequate programs and services are not available to them. As a result, these children have a difficult time becoming productive members of society.

Finding No. 13.—*Runaway/homeless youth tend to "fall through the cracks" of public and private programs.*—California does not have an ongoing program for runaway/homeless youth. Currently, the State is spending only $1.1 million on two pilot projects specifically designed to serve these youth. As a result, many runaway/homeless youths throughout the State are not receiving needed shelter, medical treatment and counseling.

Finding No. 14.—*Models of treatment developed for abused and neglected children or youthful offenders generally do not suit the needs of homeless youth.*—Runaway/homeless youth generally require a wide array of services involving numerous agencies. Stabilization in a safe environment with a fixed responsibility for services is a key to effectively serving these youth. Unfortunately, few communities provide such coordination. As a result, many runaway/homeless youth are not served and those that are served may have only a portion of their needs met.

Finding No. 15.—*Family reunification is not a realistic goal for many runaway/homeless youth.*—Although family reunification is a primary objective of State-mandated children's services, it is not a realistic goal for a significant portion of the runaway/homeless population who have been abandoned by their parents or who have left abusive family situation. However, few programs exist to assist such youth seeking emancipation to live independently off the streets.

Finding No. 16.—*Impediments exist to providing service to runaway/homeless youth at the local level.*—Impediments at the local level, such as difficulty establishing or documenting residency for runaway/homeless youth, insufficient emergency and intermediate length shelter capacity, a lack of interagency cooperation and coordination, and inadequate continuing services for these youth, hamper the provision of services to runaway/homeless youth. As a result, many runaway/homeless youth remain on the streets and most resort to criminal activity, drugs, and prostitution to survive.

Finding No. 17.—*The homeless pilot projects are stabilizing many runaway/homeless youth.*—The two homeless pilot projects established in 1986 by the State of California in Los Angeles and San Francisco are having positive results by integrating and coordinating the delivery of services to runaway/homeless youths.

Finding No. 18.—*Increased number of reports of child abuse and neglect have contributed to workload problems.*—The number of reports of child abuse and neglect in the State have increased from 73,473 in 1982 to 342,001 in 1986, an increase of 365 percent. The increased number of reports combined with a shortage of needed services and a lack of interagency cooperation have resulted in severe workload problems and reduced the level of service provided to abused and neglected children.

Finding No. 19.—*Current approaches for abuse and neglect may prove damaging to families and children.*—Due to the sheer volume of cases for investigation, the inadequate training for some workers, and a lack of necessary services, some families who are reported to child welfare services for suspected abuse and neglect are harmed by unnecessary or inappropriate treatment.

Finding No. 20.—*Lack of comprehensive training for child welfare professionals, foster parents and mandated reporters.*—There is limited training for child welfare professionals, foster parents and those required by law to report suspicions of child abuse and neglect. This lack of training combined with high caseloads contributes to faulty investigations, inadequate recognition of the needs of abused and neglected children, as well as inappropriately prescribed services and case management.

Finding No. 21.—*The court system is experiencing difficulties in dealing with cases of abuse and neglect.*—The Court System is experiencing problems handling the increased number of cases being referred to it. For example, the number of dependency judicial reviews increased in Los Angeles from 11,610 in fiscal year 1981-82 to 38,215 in 1986-87, an increase of 229 percent. As a result, delays in the court system can further traumatize abused and neglected children because ultimate placement decisions may be prolonged.

Finding No. 22.—*Lack of emphasis on prevention of abuse and neglect is resulting in long-term problems for children and increased cost to the State.*—There are various accepted prevention strategies to reduce the incidence of child abuse and neglect which are not being fully implemented in California. As a result, the State is incurring current and long-term social program costs that could be avoided.

Finding No. 23.—*Shortages of service and placement resources for abused and neglected children and their families.*—There is a shortage of necessary services in California for abused and neglected children and their families, including family support services, health services, foster care services, services for children with special needs, and group home services. As a result, children and their families who are in need of services are not receiving them.

The Commission's final report presents 36 recommendations to improve the delivery of children's services in California. These recommendations address problems in the overall children's services delivery system and specific problems in providing services to children in need of child care services, runaway/homeless youth, and abused and neglected children. Specifically, the Commission recommends that the Governor and the Legislature take the following actions:

1. Establish a Statewide Commission on Children and Youth; or a Children's Czar to direct and control state children's programs;
2. Adopt a uniform children's services policy to address the needs of the "whole child";
3. Include child care in community general plans as an essential service;
4. Modify the California Revenue and Taxation Code to provide income deferment for child care;
5. Encourage the expansion of quality child care;
6. Perform a study evaluating the effects of modifications to subsidized child care formulas on the availability of child care spaces;
7. Establish a pilot project to evaluate the impact of caregiver-to-child ratios on the quality of child care;
8. Establish statewide minimum training and educational requirements for center-based child care teachers and caregivers;
9. Evaluate the feasibility of recognizing a variety of innovative child care training methods;
10. Expand respite child care programs for families who show risk factors for child abuse or neglect;
11. Decrease outdoor square footage regulations for infant care;
12. Require employers to grant unpaid job-protected leaves to new parents who desire them;
13. Enforce Senate Bill 303 which requires child care contractors to provide child care for disabled children;
14. Make training materials available and disseminate them to those caring for handicapped children;
15. Ensure that the Greater Avenues for Independence participants are fully informed of the child care options open to them;
16. Ensure that Greater Avenues for Independence participants are not given preferential entitlement to state-subsidized child care;
17. Provide a mechanism for stimulating public-private partnerships to increase the availability of child care and to improve the quality of existing child care programs;
18. Amend the Mello-Roos Community Facilities Act of 1982 to name child care as an eligible service;
19. Modify State law to specify child care facilities as eligible for tax increment financing;
20. Amend the Quimby Act to allow for the funding of child care facilities on park land;
21. Continue the Homeless Youth Act pilot projects as an ongoing program;
22. Require that the Homeless Youth Act pilot projects coordinate public and private sectors services;
23. Require an annual report on the operations of the California Runaway Hotline to provide continuing information on the need for services;
24. Require implementation of the Attorney General's opinion on services to runaway/homeless youth who are not residents of a country;
25. Reassess the definitions of abused and neglected children and status offenders to consider including runaway/homeless youth;
26. Give priority to programs that prevent child abuse and neglect;
27. Ensure that Senate Bill 14 services are fully implemented;
28. Evaluate and develop funding streams that promote interagency cooperation and coordination;
29. Require the use of court mediators, where appropriate;
30. Require that all counties develop and implement an administrative review process for children in out-of-home care who have had a permanence planning hearing;
31. Require the use of video or audio tapes in investigations of child abuse and neglect;
32. Encourage continuous case management for abused and neglected children after emeregency response;
33. Encourage the statewide use of multidisciplinary teams;
34. Establish a State-supported, multi-faceted interdisciplinary training program;
35. Require certification of all case workers; and
36. Ensure that health needs of children in out-of-home care arrangements are adequately met and maintained on a regular basis.

U.S. HARNESS WRITERS SALUTES VINCE BERGAMO AND OLEG CASSINI

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 10, 1987

Mr. GILMAN. Mr. Speaker, this weekend the Monticello-Goshen chapter of the U.S. Harness Writers' Association will be conducting its 29th annual awards banquet. The recipients of the association's highest honors are two individuals who are more than worthy of every consideration that we can afford.

Vincent Bergamo has, for a quarter of a century, established himself as "Mr. Harness Racing" throughout southeastern New York. He has served as an official racing judge for the State of New York since 1962, but it is due to his many activities to promote this sport of gentlemen that he has become known and so highly respected. The historic track in Goshen, NY—a living museum—in many ways owes its continued existence and success to Vince. Goshen Track is the oldest sports facility in the United States still in existence, and was the first sports facility to be listed on the National Register of Historic Places, due in good part to Vincent Bergamo's efforts. Vince's devotion to this, and to so many other worthy causes, make Vince a most worthy recipient of the 1987 harness writer's "Special Distinguished Service Recognition Award."

Oleg Cassini became a household word 25 years ago due to his innovative fashion designs. Oleg Cassini has internationally become a byword for beauty, for glamour, and for grace. However, many of us have now come to respect Oleg Cassini for yet another role: that of the model harness racing sportsman. Oleg had developed an interest in trotter racing relatively late in life, but his devotion not only to the sport but to the very principles of good sportsmanship have already made him legendary in racing circles throughout our region. Oleg Cassini is an excellent choice for the 1987 "Good Guy Award," and we join in saluting this outstanding reinsmen.

Mr. Speaker, I know our colleagues would want to share in acclaiming these two outstanding sportsmen: Vincent Bergamo and Oleg Cassini.

SOCIAL SECURITY FLAT-RATE COLA ACT OF 1987

HON. TIMOTHY J. PENNY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 10, 1987

Mr. PENNY. Mr. Speaker, the Nation is still looking to Washington for meaningful action on the budget deficit, but there seems to be a refusal on both sides of the negotiations to be the one to "blink first." Perhaps it's time to look to folks out in middle America for some leadership on the deficit issue.

For the past several years, constituents from throughout my district have told me that they are willing to do their part in reducing the deficit if all share in the sacrifice. Senior citizens, particularly, have indicated their willingness to give up regular Social Security cost-of-living increases if other portions of the budget are also being frozen at the same time. However, a freeze or a reduction in the COLA would be especially harmful to low-income seniors.

One of the fairest ways of addressing the need to reduce the deficit while at the same time protecting those Social Security recipients most in need of the COLA, is to provide a flat-dollar cost-of-living adjustment for all Social Security recipients. Under the current system, Social Security COLA's are based on the individual's current benefit level, multiplied by the inflation adjustment. This means that individuals already receiving higher Social Security benefits also receive larger dollar increases when cost-of-living adjustments are made.

In contrast, the flat-rate COLA would be based on the 20-percentile benefit level—in 1987 approximately $320—multiplied by the projected CPI—4.2 percent. This means that all Social Security recipients—rich or poor—would receive an increase of approximately $13.40 per month in 1988, regardless of benefit level.

While we protect those most in need of the cost-of-living allowance, we would at the same time make appreciable savings for the Treasury. Estimated savings from the flat-rate bill would be somewhere between $30 and $45 billion over 5 years.

Today, along with my Minnesota colleague, Representative STANGELAND, I am introducing the Social Security Flat Rate COLA Act of 1987. This legislation is fair to seniors and takes responsible action on the deficit, which will ultimately be the greatest benefit we in Congress could possibly provide.

THE VIETNAM WOMEN'S MEMORIAL PROJECT

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 10, 1987

Mr. GEJDENSON. Mr. Speaker, I am introducing legislation today to establish a memorial for women who served in the Armed Forces during the Vietnam war. As Congress and the Nation stops tomorrow to recognize America's veterans, we must remember that the unique contributions of the 10,000 women who served in Vietnam have not been fully acknowledged by our Nation.

Three years ago, the Vietnam women's memorial Project [VWMP] was founded. The VWMP set out to educate the public about the service of women during the Vietnam war and to build a memorial honoring their service.

While the VWMP has made great advances in showing that women made major contributions, and tremendous sacrifices, to support their Nation during the Vietnam conflict, the goal of building a memorial in Washington has proven to be more elusive.

The proposed statue to complete the Vietnam memorial will be placed unobtrusively on the tree-lined ridge opposite "The Wall." It will be compatible in size and detail with the statue of the "Three Fighting Men".

Secretary of the Interior Donald Hodel endorsed the project in a letter sent to the Commission on Fine Arts last month. However, in a short-sighted decision, the Commission rejected the proposal on October 22, 1987. The Chairman of the Commission subsequently stated his view that only action by Congress could authorize a Vietnam women's memorial. My legislation accomplishes that goal.

The beauty of the memorial, Mr. Speaker, is that it does not cost the U.S. taxpayer a single dollar. The Vietnam Women's Memorial Project will raise all funds necessary for construction of the monument. This bill directs the Secretary of the Interior to work with the VWMP, overriding the decision of the Commission of Fine Arts, to make a memorial for female Vietnam veterans.

The Vietnam Women's Memorial Project is supported by a broad coalition of veterans' organizations. The support list includes the American Legion, the Veterans of Foreign Wars, Vietnam Veterans of America, the American Nurses Association, the Disabled American Veterans, the Reserve Officer Association, the Vietnam Veterans Memorial Fund, and the Military Order of the Purple Heart.

Mr. Speaker, this statue will complete the Vietnam memorial by ensuring that the sacrifices of all Americans are recognized officially by the Nation. The Vietnam women's memorial will serve as an unending reminder of the great contributions and sacrifices made by the 10,000 women who served their Nation in an unpopular war.

I urge my colleagues to cosponsor this legislation. The women who served and died in Vietnam deserve no less.

THE LOOMING CRISIS WITH BONN AND TOKYO

HON. BOB TRAXLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 10, 1987

Mr. TRAXLER. Mr. Speaker, I rise today to call the attention of my colleagues to an article that appeared in the November 8 New York Times. I believe Mr. Garten's article, detailing the urgent need for serious economic cooperation between the United States, West Germany, and Japan raises many interesting points. I would also emphasize his comments about the need for the United States to convince the governments of Bonn and Tokyo to shoulder a greater portion of their own defense needs.

[From the New York Times, Nov. 8, 1987]

THE LOOMING CRISIS WITH BONN AND TOKYO

(By Jeffrey E. Garten)

As the panic on Wall Street fades, another crisis is brewing, this time between Washington, Bonn and Tokyo. It may be of more lasting significance than the financial debacle.

While last week's moves by West Germany and Japan to lower interest rates are welcome, more significant reductions will be necessary. As the Reagan Administration and Congress get closer to a compromise on the Federal budget, there could be major international conflict as America strong-arms its allies to do more to avert a global recession.

Moreover, the recent interest-rate cuts will not convince the markets, which have seen such accords break down before the ink dried.

Beyond the cosmetic quick fix, the prospects for effective cooperation do not look good. Since the late 1970's, in fact, global economic cooperation has been a miserable failure. From private shuttle diplomacy to summit meetings, mud-slinging contests to harmonious photo sessions, nothing much has happened, save some collaboration to guide the dollar.

For the last few years, America's agenda has been consistent: We'll cut our budget, the Administration would say, if West Germany and Japan agreed to take up the economic slack with new spending and tax cuts. Only, we never delivered and, not surprisingly, neither did they.

Assuming a budget agreement is reached, Washington will be screaming for the allies to ante up. If Bonn and Tokyo don't oblige, they may precipitate a major crisis. This is no one's preferred outcome, but here is why it could happen anyway.

First, there is a strong feeling in Bonn and Tokyo that their policies have been right and ours wrong, and they don't want to pay for what they see as our chronic lack of discipline. In West Germany, there is the added neurosis about inflation; in Japan, a sense that the Government has already stretched itself to the limits to accommodate American demands.

Second, neither Government trusts Washington. They believe that its idea of cooperation is to mount a bailout effort only when the United States is in trouble. They remember the Administration's arrogance about Reaganomics and its indifference to their pleas a few years ago, when American interest rates were high and the dollar was soaring.

Third, the current objectives of the three nations are incompatible. The United States wants growth to offset the crash, and seems willing to accept some inflation in the process as well as a declining dollar. Bonn wants, above all, stable prices and is prepared to sacrifice growth. Both are willing to see the dollar slide. Tokyo wants low prices, growth and, with an eye on its exports to the United States, a stable dollar-yen relationship. Something has to give.

Fourth, and most important, it may be that the rules of the game have changed. Americans have in their minds that West Germany and Japan are partners but, for historical reasons, we expect them to be compliant partners. Now that era may be over.

Nothing symbolizes the new realities more than our escalating debt and our plummeting currency. Once, not so long ago, we financed the free world; now we are rattling a tin cup. Once the dollar was the symbol and means of power and influence; now prominent Americans are prescribing ever lower levels for the dollar.

West Germany, moreover, is so tightly tied to Europe that it may feel that reduced links to the United States are acceptable. Japan always acts politely, but it is in a position to wield the big stick like the powerful creditor that it is.

There has been over the last 30 years a not-so-implicit deal. America has borne the defense burden. In return, the allies would support our economic goals in an open world economy. That deal could be unraveling now. It's not that Europe and Japan do not want military protection. But neither seems inclined to hold up their ends of the bargain now, and both doubt that the United States will pull part of the defense rug out from under them.

That's where they could be wrong. The major issue facing the next Administration is not whether to share financial, trade and security burdens more evenly with the allies, but how to do it—fast. The fiscal and trade pressures on America will leave no choice.

If Bonn and Tokyo fail to make lasting and significant accommodations, the political backlash here could be fierce. Farmers, exporters of manufactured goods and labor unions will have a new whipping boy for their trade problems. This time they will be joined by Wall Street and Main Street, both dreading an economic downturn.

In the end, there is little that Washington can do if Bonn and Tokyo stonewall—at least little that won't hurt us, too. But we should not assume that rationality will triumph over emotion. So far, one lesson about the 1930's—the one about providing adequate liquidity after a crash—seems to have been learned. But what about the lesson of what happens when there is no one, strong leadership and international cooperation breaks down?

THE AYATOLLAH WATCHES THE CONGRESS

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 10, 1987

Mr. BROOMFIELD. Mr. Speaker, believe it or not, the Ayatollah and his followers are good students of the American political process. The Iranian Government is closely monitoring congressional proceedings and attitudes concerning the Persian Gulf. The Iranians are trying to keep tensions high in the gulf. They hope that congressional concern about future clashes in the region involving U.S forces will lead this body to pressure the administration into withdrawing U.S. naval units from that vital area. I hope that the Congress will not play into the Ayatollah's hands by taking actions designed to break the administration's resolve in the Persian Gulf.

Our Government's Foreign Broadcast Information Service, which routinely monitors Iranian news broadcasts, reported that Tehran Radio announced on October 12 that the latest incidents in the gulf had caused a new wave of anxiety and fear in Congress. The Iranian announcer discussed the means by which Congress' invoking of the War Powers Act could compel a reversal of administration policy. Radio Tehran went on to note that Congress' apparent solidarity with the administration will not last long if the consequences of Reagan's policy become apparent.

On October 5, a Tehran Radio commentator observed that the American Nation would be unable to tolerate a situation in which it will have to receive the corpses of American soldiers killed in the Persian Gulf.

Tehran Radio commentary has also compared a possible setback of United States efforts in the gulf with the United States defeat in the Vietnam war.

I believe that Congress must stand firm in the face of the Ayatollah's threats and not let our democratic process be manipulated by a religious fanatic.

Although I was one of the original cosponsors of the war powers resolution, Congress must work together with the President to ensure that any application of the resolution supports rather than detracts from the efficacy of U.S. military deployments in complex and dangerous circumstances abroad.

Because of on going legal disagreements over the resolution and the inherently complex nature of the issue, Congress should undertake constructive dialog with the administration. This is not the time to unilaterally invoke the War Powers Resolution.

Premature or unwise application of the resolution could have undesirable political consequences both at home and abroad. When U.S. forces are committed to a dangerous and vital mission abroad, disputes over war powers can harm their morale, divide the country, communicate uncertainty to our friends overseas, and send a signal of vacillation to our opponents.

None of us want to see the United States run out of the gulf by a pack of Iranians gloating over how they successfully manipulated our political process. Our presence there is wanted and needed by our allies in that critical region of the world. Their interests and ours are served by a firm U.S. commitment in that strategic area until the job is done.

COMMEMORATING VETERANS DAY

HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 10, 1987

Mr. PRICE of North Carolina. Mr. Speaker, as we near Veterans Day on November 11, 1987, millions of Americans will pay tribute to those who have fought for our country. There will be parades, special ceremonies, and news programs all over the country focusing for a few days on our veterans. This recognition is important and I will be reviewing such a parade in Raleigh, NC tomorrow. But the commitment to veterans need not end on November 12—the day after. I firmly believe that honoring our veterans should not be confined only to holidays and parades, but to making government work effectively for veterans and their loved ones.

Thus, I am proud of the work that our Veterans Affairs Committee has done to advance veterans' issues and want to comment on two areas in which I have a keen interest—education and training and accessibility to health care. One measure to which I lent my active support—which has now become law—made the GI bill permanent, offering veterans extensive educational assistance. This program has opened doors of educational opportunity to thousands of veterans, and it has also helped attract highly qualified recruits—an important element in maintaining American military strength and preparedness. The GI bill is complemented by H.R. 1504, the reauthorization of the Veterans' Job Training Act through 1990, which recently passed the House. This program, which reimburses employers who train and hire long-term unemployed veterans, has already put 55,000 veterans back to work and on the road to a more productive future.

These measures provide great opportunities for many. Equally significant are efforts to ensure veterans proper health care. Given current budget constraints, it is difficult to expand current services beyond increases for inflation. What can be done, however, is to improve the access to health care. Many people in the Fourth District of North Carolina have told me of their difficulties in receiving adequate service in our VA hospital. Such instances partially reflect the problems of the Veterans' Administration in meeting the needs of an increasingly aging veterans population with a limited amount of funding. However, funding is only part of the problem. It is just as important that existing facilities and programs be administered in a fair, efficient and accommodating manner and I intend to work with the VA and constituents to help make that happen.

Another measure recently passed by the House is expecially worthy of note: H.R. 2327. This bill relaxes severe eligibility restrictions for the VA beneficiary travel allowance. Current restrictions are causing hardships for many fourth district veterans who need financial assistance in order to get to the VA hospital, a burden that would be substantially eased under H.R. 2327.

I am proud of these efforts, but the agenda does not end there. We must continue efforts to get full information about our POW's and MIA's—as envisioned in H.R. 2260 of which I am a cosponsor. And in the Fourth District of North Carolina, we are continuing to pursue the establishment of a full-time Vet Center to provide counseling and readjustment services in the Raleigh-Durham area.

So, as the trumpets blare and the flags are waved during this celebration, let us continue to honor our veterans in an even more substantial manner—by continuing to enact effective and responsive legislation for the benefit of veterans and their families.

COL. WILLIAM L. HENDRICKS, COFOUNDER OF MARINE CORPS' TOYS FOR TOTS

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 10, 1987

Mr. MOORHEAD. Mr. Speaker, this year the U.S. Marine Corps Reserve celebrates the 40th anniversary of the renowned and respected Toys for Tots Program. On Nov. 28, Mr. Bob Hope and the Marine Corps Reserve will honor the program and one of its three founders, William L. Hendricks of Burbank, CA.

I am delighted to play a cameo role in the tribute to Bill Hendricks. As a longtime producer-publicist for Warner Brothers Studios, he began his career 47 years ago as an usher and theatre manager in Wisconsin, OH, New York, West Virginia, and Tennessee before moving to Los Angeles to become the manager of all Warner Brothers theatres.

A Texan by birth, Bill Hendricks became Warner's publicity director and later an assistant to Jack Warner before taking over the studio's cartoon division. He then became director of the industrial and commercial film department where he produced hundreds of government and educational documentaries. He was given the Academy Award for the Marine Corps' "A Force in Readiness." He was nominated for an Academy Award for "The John Glenn Story."

He is a member of the Academy of Motion Picture Arts and Sciences, the Television Academy of Arts and Sciences, the Screen Publicists, the Writers Guild of America/West, and ASCAP.

Bill Hendricks is a retired colonel from the USMCR. In 1969, he was given the Legion of Merit by the then Commandant of the USMC, Gen. Leonard F. Chapman, Jr.

This high honor came to Bill Hendricks because of his key role in the founding and operating of one of the greatest charities of all time, the Marine Corps Toys for Tots Christmas Program. As the lyricist for the Toys for Tots March, he has been responsible for bringing joy and pleasure and fond memories to thousands of youngsters who otherwise would have been overlooked and unhappy.

I take special pleasure in recognizing before my colleagues in the U.S. House of Representatives, the great and enduring contributions of Col. William L. Hendricks. Because of his vision and compassion, thousands of our children will remember Christmas as a time of joy and hope, not a time of disappointment and sadness. Because of his efforts and commitment, thousands of impressionable youngsters have reason to hope. Mr. Speaker, we owe the Toys for Tots Program and Bill Hendricks our full and sincere gratitude.

VETERANS DAY 1987

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 10, 1987

Mr. KOSTMAYER. Mr. Speaker, November 11 is Veterans Day, a day on which we recall the sacrifice of those men and women who have born the responsibilities of defending the Nation's freedom. As surely as we have been diminished by their dying, we were enriched by the example of their lives.

Veterans Day also is a day on which we honor those who have participated in—and survived—those wars in which this country has been engaged. These men and women know best the price of peace and freedom that we all enjoy. They understand all too well that democracy is not a gift, but a challenge.

I believe that accepting that challenge demands a special kind of faith in America and its future. It is a faith that has guided our veterans through nine major wars and countless conflicts.

We in Congress have a vital role in the maintenance of our veterans faith in America. It is one of seeing to it that our Nation does all that it should for our veterans.

I rise today, Mr. Speaker, because I believe that we are failing in that role with regard to those Vietnam veterans who are suffering from the toxic effects of dioxin, better known as agent orange.

There is no question that the veterans who performed military service in Vietnam were exposed to agent orange. Over 11 million gallons of the chemical were sprayed from aircraft and hand-held dispensers in order to kill the dense vegetation that hid the enemy.

There also is no question that agent orange causes several types of cancers. That has been demonstrated repeatedly in numerous epidemiological studies conducted since the late 1970's.

Unfortunately, there is at this time a lack of strict scientific and medical evidence which demonstrates that agent orange is the primary cause of the various types of cancers which afflict many individual Vietnam veterans. The conclusion by the scientists at the Centers for Disease Control that they are unable to perform a strict epidemiological study of the impact of agent orange on American ground troops in Vietnam because they are unable to find enough soldiers who were exposed to significant levels of the herbicide suggests that this scientific insufficiency may be permanent.

A recently released Veterans' Administration [VA] study has found a statistically significant "excess" of deaths due to non-Hodgkin's lymphomas and lung cancer among Marines who were veterans of the war in Vietnam. However, while this VA study contends that "exposure to agent orange may be suspected," no one knows what caused this "excess" because the study was not designed to make this determination.

For almost a decade, I and many other Members of Congress hae been hoping that somehow the difficult questions surrounding the exposure of Vietnam veterans to agent orange would be answered by scientific and medical research.

I am tired of waiting.

And I know the veterans in my district who served in Vietnam and who are suffering from the terrible effects of agent orange exposure are tired of waiting.

As a result, I am today joining several members of the Vietnam-era veterans in Congress in cosponsoring the Veterans Agent Orange Disabilities Act of 1987 (H.R. 3486). This measure would do the following:

First. Establish a presumption of service connection for disability compensation purposes for veterans who served in Vietnam, were exposed to dioxin or other toxic herbicides, and are suffering from a non-Hodgkin's lymphoma or lung cancer.

Second. Authorize the National Academy of Sciences to establish a nonprofit private scientific committee to survey existing and ongoing scientific data in order to determine what disabilities may be "reasonably associated with damage to or suppression of the human immune system resulting from exposure to dioxin or any other toxic herbicide used, during the Vietnam era, in support of United States and allied military operations in the Republic of Vietnam."

Within a year of enactment, the academy would submit to the VA a written report listing these immuno-suppression disabilities. The VA would then be required to add those disabilities to the list of compensable disabilities which are presumed to be service-connected.

Third. Require the VA to compile and analyze, on a continuing basis, all clinical data from the health records of veterans examined or treated by the VA for disabilities related to agent orange since the enactment of Public Law 97-72, the law which mandated treatment for agent orange-related health problems. The VA would be required to submit annual reports of the disabilities treated and the incidence of such disabilities to the House and Senate Veterans' Affairs Committees.

In summary, H.R. 3486 would establish a presumption of service connection for Vietnam veterans who were exposed to agent orange and are now suffering from non-Hodgkins lymphomas, lung cancer, or disabilities associated with the weakening of the human immune system. This legislation also would require the VA to provide Congress with better information regarding the nature and incidence of agent orange-related illnesses.

Mr. Speaker, those who had faith in America and served in Vietnam, and who are now suffering from various types of cancers and other serious diseases due to exposure to agent orange should not have to wait any longer to receive service-connected disability compensation benefits. I strongly urge my colleagues on both sides of the aisle to cosponsor and support H.R. 3486.

TRIBUTE OF AMBASSADOR RICHARD SCHIFTER, ASSISTANT SECRETARY OF STATE FOR HUMAN RIGHTS, TO RAOUL WALLENBERG

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 10, 1987

Mr. LANTOS. Mr. Speaker, recently the Congressional Human Rights Caucus and the American Jewish Committee sponsored a reception to mark the sixth anniversary of the signing of legislation conferring honorary United States citizenship upon Raoul Wallenberg. At that reception, my dear friend Ambassador Richard Schifter, the Assistant Secretary of State for Human Rights and Humanitarian Affairs, paid tribute to Raoul Wallenberg.

Ambassador Schifter has served as Assistant Secretary of State for Human Rights and Humanitarian Affairs since November 1985. During 1984-85, he served as Deputy U.S. Representative at the United States Security Council, and from 1983 to 1986, he also held the position of U.S. member of the United Nations Human Rights Commission. Prior to his entry into full-time government service, Ambassador Schifter practiced law in Washington, DC.

Mr. Speaker, Ambassador Schifter's thoughtful remarks recount the involvement of the United States Government in initiating Wallenburg's mission in Budapest, he provides the flavor of that turbulent period and of Wallenburg's real heroism, and he is appropriately critical of the Soviet Union for the arrest of Wallenburg and the consistent refusal to provide information about his whereabouts. I place his remarks in the record for the benefit of my colleagues.

REMARKS OF RICHARD SCHIFTER

A debate has been raging for many years as to what the Western world could or should have done that would have reduced the number of victims of the Holocaust. Should planes of the Fifteenth Air Force. Based in Italy, have been sent on a mission to bomb the rail lines leading to Auschwitz or the crematoria and gas chambers at Birkenau? Should clear instructions have been issued to Western consular officers everywhere to place the saving of lives ahead of all bureaucratic requirements? Should Western leaders have issued clear statements that they knew of the slaughter of the Jews, coupled with warnings about the punishment that would be meted out to those who were responsible for the slaughter?

Raoul Wallenberg's extraordinary achievements would suggest that those who contend that more could have been done have the better argument.

Credit for the concept to establish the agency which later went on to employ Wallenberg goes to a group of young lawyers in the Foreign Funds Control Division of the U.S. Treasury Department. The nature of their work had made them particularly aware of the reports of mass slaughter in Europe of civilians, men, women and children, on the basis of their ancestry. As distinct from the equally knowledgeable officials of the State Department, the Foreign Funds Control lawyers did not avert their eyes. When other efforts failed, they decided to undertake a frontal attack on another department of the United States Government in a memorandum to the Secretary of the Treasury. That document, which they entitled, with the deliberate intent to shock, "Report to the Secretary on the Acquiescence of This Government in the Murder of the Jews," was delivered to Secretary Morgenthau on January 13, 1944. Three days later, the Secretary took one of the key authors of the memorandum, John W. Pehle, who, incidentally, still lives in our community, to a meeting with President Roosevelt. They convinced the President that something had to be done and done quickly. Within less than another week an executive order was issued which established the War Refugee Board. And a few months later the War Refugee Board linked up with Raoul Wallenberg.

By that time, the spring of 1944, millions had already been killed. But hundreds of thousands were still alive and were now, more than ever, at great risk. The greatest number of them and most seriously at risk were in Hungary. And it was to Hungary that Raoul Wallenberg wanted to go.

And it was in Hungary that the name of Raoul Wallenberg was etched into the pages of history. At enormous personal risk he applied his talent, his dedication, and his resourcefulness to snatch human beings from the Nazi murder machine.

If we ever want to look for proof that one person can make a difference, a tremendous difference, we need not look further than to Raoul Wallenberg. He was thrown into a totally unprecedented situation and he responded to it in a totally unprecedented manner. He was not traveling along a beaten path. He was inventing new methods, new approaches as he darted around Budapest, bestowing Swedish identification documents and ostensibly Swedish protection upon many potential victims without the slightest concern over whether he was authorized to do what he was doing or whether his government would approve. His unorthodox methods and approaches served only one purpose: to save lives. And he saved them, tens of thousands of them. It was a truly incredible performance.

Let me quote just one passage on Raoul Wallenberg from David Wyman's book "The abandonment of the Jews." Speaking of the period mid-October to mid-November 1944, after the so-called Arrow Cross government had been installed in Hungary, Wyman had this to say:

"The Szalasi period put Raoul Wallenberg to his severest tests. The day after the Arrow Cross came to power, his mostly Jewish relief staff completely disappeared. The next day, he located them, one by one, and moved them to safer locations. At about the same time, the Szalasi regime declared all the protective passports void. Wallenberg managed to get that ruling retracted. Once, an armed patrol entered an area of Swedish protected houses and began to seize Jews. Wallenberg appeared and shouted, 'This is Swedish territory * * *. If you want to take them you will have to shoot me first.' The Jews were released. Again, when he learned that eleven people with Swedish passports had been on a train for Austria, Wallenberg pursued it by automobile, caught it at the last stop before the border, and took the eleven off. At the time of the ghastly marches to Austria, he carried food and other supplies to the victims. And he succeeded, by various pretexts, in removing hundreds of Jews from the columns and returning them to protected houses in Budapest."

What turns this story of the heroism into a Greek tragedy was its conclusion. It would seem that the War Refugee Board and Raoul Wallenberg simply did not fit into a Marxist-Leninist concept of the world. Here was this Swedish son of a wealthy family, with a great deal in his possession, claiming to have no other responsibility but to save lives. That, thought the Soviet authorities who arrived in Budapest in early 1945, couldn't be. He must be an American spy. And so, in January 1945, Raoul Wallenberg disappeared into the Gulag.

A few weeks, ago, in Moscow, I raised the Wallenberg case with a Soviet official. He responded with the Soviet Union's formula answer on this subject: Raoul Wallenberg died in Lubyanka prison in 1947. The Soviet Government has expressed its regrets to the Swedish government, Raoul Wallenberg's family, and his friends.

Raoul Wallenberg's name in history is secure. That is not the issue. But what the Soviet Union owes the world is not a cursory statement of regret. It owes the world a full explanation of what happened to one of the true heroes of this century.

A TRIBUTE TO THE HONORABLE DAVID J. AISENSON

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 10, 1987

Mr. DYMALLY. Mr. Speaker, I rise today to bring to the attention of my colleagues and to honor the distinguished California Superior Court Justice—the Honorable David J. Aisenson—on the occasion of his retirement from the bench after more than 25 years of service in the California judicial system.

Judge Aisenson will be honored by friends, family members, and colleagues on Monday, November 16, 1987, and today I would like to pay tribute to his many achievements.

Born in New York City on February 14, 1924, Judge Aisenson has spent the last 53 years in the Los Angeles area. He is a 1942 graduate of Los Angeles Fairfax High School, and a 1950 graduate of UCLA, with a bachelor of arts degree in economics. After meritorious service with the Army Air Corps in World War II, he received a J.D. degree from Southwestern University in 1955.

Passing the California Bar Examination in 1955 was the beginning of a long and illustrious public service career in the Los Angeles area. Judge Aisenson has presided over Municipal and Superior courts, and has the distinction of being the only active jurist to have been seated on both benches by an overwhelming majority of the electorate.

One outstanding trademark of Judge Aisenson's service is the manner in which he expediently and judiciously cleared his court calendar. In fact, this is the one aspect of his judicial career which seems particularly appreciated by both prosecutors and defense attorneys, alike.

Judge Aisenson served two 60-day appointments to Division 5 of the Court of Appeals, Second Appellate District, was appointed associate professor at the University of San Fernando Valley College of Law, and has lectured at the Los Angeles Police Academy on various occasions.

The Los Angeles community is fortunate to have been the beneficiary of Judge Aisenson's dedication and commitment to public service.

I call on my colleagues to join me in praise of the distinguished Judge David J. Aisenson on this momentous occasion.

KILDEE HONORS MR. WADE MAINER

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 10, 1987

Mr. KILDEE. Mr. Speaker, I rise today to urge Members of the House of Representatives to join me in honoring Mr. Wade Mainer, an excellent musician and longtime resident of Flint, MI, who has entertained thousands with his performances of traditional Appalachian music.

It is with great pride that I inform my colleagues that Mr. Wade Mainer has been awarded a National Heritage Fellowship for 1987. These awards are made each year to exemplary master folk artists who have been nominated by a panel of their peers. By honoring master artists such as Wade Mainer, the National Endowment for the Arts celebrates the many traditional art forms that give special distinction and identity to each region of our country.

In an artistic career that spans five decades and ranges from spontaneous renditions for cotton mill workers to command performances for royalty, Wade Mainer's life story could read as a history of Appalachian music in America. Wade's story includes the bringing together of deeply rooted family music with modern media such as radio and records. He uses Anglo-American and Afro-American instruments to form a distinctively new regional style. His music exhibits a strength of deeply felt convictions, religious and artistic, resulting in an integrity which resonates throughout.

Wade Mainer, born in 1907, grew up near Weaverville, NC, in the Blue Ridge Mountains north of Asheville. He moved to Concorde, NC, in the 1930's to join his brother, J.E. Mainer, at work in a cotton mill. The brothers formed a string band, with Wade on banjo and J.E. on fiddle, to play at local fiddlers' conventions and social gatherings.

In 1934, J.W. Fincher, head of a patent medicine company, asked the Mainer brothers to appear on the Crazy Water Crystal Barn Dance, a radio program broadcast from Charlotte, NC. The popularity of the group, performing under the title "J.E. Mainer and his Crazy Mountaineers", led to radio appearances throughout the South. In 1935, the band recorded 14 songs in Atlanta for the RCA Victor Bluebird label, including their biggest hit, "Maple on the Hill". The song was composed in the 1890's by Gussie L. Davis, a popular black lyricist, and has since become a country standard.

Wade formed his own group in 1936 and continued to perform on the radio and to make recordings. His groups were always noted for their traditional repertoire and Wade's distinctively melodic two-finger banjo-picking style, a personal trademark. Later bluegrass scholars were to point to his banjo style as a source for the tremendously popular bluegrass banjo finger-picking technique. Between 1935 and 1941, various Mainer band combinations recorded over 165 songs for RCA Victor, making them some of the most heavily recorded country artists of that era.

Wade was invited to Washington DC in 1941 to perform at the White House for President and Mrs. Franklin Roosevelt and their guests the King and Queen of England. He still reminisces about the interest of Mrs. Roosevelt in his music and says he was worried about the reaction of the royal couple to his music until he "saw the old king was patting his foot and I knew everything was all right."

For religious reasons, Wade left the music business in 1953. Along with many Appalachian out-migrants of that period he moved to Flint, MI where he worked for General Motors until his retirement. Most of this time he performed only religious music at local church functions.

During the 1970's there was a renewal of interest in "old-time" music and, with some persuasion from fans, Wade Mainer began to play music again, accompanied by his wife, Julia, who is a fine singer in her own right.

Mr. Speaker, I am pleased to have this opportunity to recognize the work of Mr. Wade Mainer. His performances today still resemble very much those of 50 years ago. They are still marked by an artistic mastery and cultural integrity that are truly worthy of presidents, king's and his fellow man.

EMIL SCHRAM, A TRULY ADMIRABLE MAN

HON. JIM JONTZ

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 10, 1987

Mr. JONTZ. Mr. Speaker, I would like to take a moment to pay respect to Mr. Emil Schram who has just passed away the 18th of September.

Born and raised in Peru, IN, Emil Schram was a prominent figure in our Nation for many years.

He served as chairman of the Reconstruction Finance Corporation under President Franklin D. Roosevelt, and then as president of the New York Stock Exchange. Upon his resignation as president of the stock exchange in 1951, he left the national spotlight to return to his native Indiana. He became a board member of the Peru Trust Co. and later its chairman. In his semi-retirement, Mr. Schram continued to be active as a board member of the Associates Investment Co., South Bend; the Indiana National Bank, Indianapolis; and Cities Service Co., New York.

Mr. Schram first received national recognition as chairman of the board of the National Drainage Association from 1931 to 1933. In 1933 he joined the RFC as chief of the drainage division. He became a director of the RFC in 1936, and then was appointed its chairman by Franklin D. Roosevelt 3 years later. During the Depression, Mr. Schram was a director of the Federal National Mortgage Association, of Federal Prisons Industries, and of the Export-Import Bank of Washington. He was a member of the National Power Policy Commission, and president of the Electric Home and Farm Authority, and president of the Disaster Loan and Defense Plant Corp.

Emil Schram was a truly admirable man. He will be long remembered for his extraordinary service to both his country, State, and community.

HASSAN DAHIR OF SOMALIA

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 10, 1987

Mr. FISH. Mr. Speaker, I am concerned about the imprisonment of Hassan Dahir of Somalia. Mr. Dahir has been designated a prisoner of conscience by the human rights organization Amnesty International.

Amnesty International states that Mr. Dahir was arrested in Mogadishu in May 1986, probably under the preventive detention law of 1970. He has not been charged, tried, or sentenced.

I understand that Mr. Dahir was one of a number of religious persons arrested at the time in Mogadishu and Merca. Amnesty believes that Mr. Dahir—a former major in the Custodial Corps, a Mufti, and a teacher of the Quran—has been imprisoned for his religious beliefs, which do not include the use or advocacy of violence.

Mr. Speaker, I have long been an admirer of Amnesty International and put much faith in their findings. I support their efforts to promote an end to injustice throughout the world.

A TRIBUTE TO OUR VETERANS

HON. ANDY IRELAND

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 10, 1987

Mr. IRELAND. Mr. Speaker, Americans pay tribute on Veterans Day to those who have served our Nation in the Armed Forces in times of war and in times of peace. We can thank the more than 27 million living veterans in the United States for the preservation of our cherished liberty. For in their freedom, the men and women of our Armed Forces chose to serve and fight to protect the liberty so dear to us all.

We must also revere the memory of the veterans who are no longer with us, who have paid the ultimate price forced upon freedom-loving nations by the forces of greed and tyranny. For, as our veterans know more than anyone else, freedom is not bestowed upon us—it must be fought for and defended. While our veterans have secured our freedom and that of millions of our grateful friends and allies around the world, the goal of peace still eludes the world. We must remember that, just as many nations of the world live under the shadow of tyranny, many others are gripped by the horrors of war and civil strife.

Americans and our friends around the world had to face the reality of enduring war and injustice soon after we celebrated the original Armistice Day on November 11, 1918. We learned then that the "war to end all wars" was not going to live up to our hopes. We learned then that what we had hoped would be an enduring peace became but a short-lived respite from world conflict. Our young men and women were called soon thereafter to preserve the freedom of the people of Europe and to defend our own shores from attack as the world once again plunged into war.

Thus our celebration of peace became a tribute to the brave men and women who fought to preserve peace, and our Nation began celebrating Veterans Day after the end of World War II. I am proud to be a part of that commemoration on behalf of the people of Florida's Tenth Congressional District.

My district is home to many veterans who have served the United States through the major conflicts of this century, and to many more who have devoted their careers to the armed services in times of peace. As the proud Representative of the veterans of Florida's Tenth Congressional District, I would like to recognize them today and to thank them for their service and sacrifice.

As a member of the Committee on Armed Services, I have also gained a deep appreciation for the crucial role played by the professional men and women stationed here and around the world who work daily to defend the free world. To our active duty personnel, I also say thank you, and keep up the good work.

In addition to the yearly thank you to our veterans, our country continues to demonstrate its commitment to those who have served. The Congress provides health care services through a system of Veterans' Administration medical centers and the CHAMPUS Program. The GI bill, which was permanently reauthorized recently, provides important educational benefits allowing veterans to gain skills and get ahead in their careers. The Small Business Administration offers assistance to veterans who wish to set up their own businesses and the VA provides funding for home loan programs. In addition, the Government provides pensions to low income veterans and assists, through special benefit and compensation programs, widows, and dependents of those who have given their lives for their country.

We can, perhaps, go further by recognizing the plight of POW's and MIA's. A great debt would be paid to all our veterans and their families if the United States and the countries of Southeast Asia would expedite the process of locating and returning our loved ones who might still be lost or held in the jungles of Vietnam, Cambodia, and Laos. That would be a great tribute to our veterans and the end of a gross injustice.

So let us revere the memory of our departed veterans on this special and sacred national day by being thankful for the freedom they have secured for us. At the same time, let us work to uphold our commitment to those among us who have already served and are now an important part of this great Nation. And finally, let us support with our thoughts and prayers those brave men and women who make up today's Armed Forces.

A TRIBUTE AND BIRTHDAY GREETINGS TO FORMER U.S. SENTOR HUGH SCOTT

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 10, 1987

Mr. GAYDOS. Mr. Speaker, tomorrow is my friend and former colleague Hugh Scott's birthday. On his 18th birthday, America signed the armistice agreement which ended World War I, and tomorrow on his 87th birthday, America will celebrate Veterans Day.

For 34 years Hugh Scott represented the Commonwealth of Pennsylvania in Congress, first in the House and then in the Senate. I had the pleasure of working with him while he served in the Senate, and I clearly remember his eloquent speeches, his friendliness, and the fine example he set for all of the other members of the Pennsylvania delegation.

Between the time he came to Congress in 1941 and his retirement in 1977, Hugh Scott gained the respect of his colleagues on both sides of the aisle. His dedication to civil rights legislation, attention to issues affecting Pennsylvania, and his reputation as a brilliant orator will long be remembered by those who had the good fortune to know him.

In the Senate, his colleagues recognized his abilities and awarded him the position of minority leader in September 1969, a position which he ably filled until his retirement. He also served his party in many important positions, including his tenure as chairman of the Republican National Committee, as a member of President Eisenhower's staff, and as vice president of the senatorial campaign committee.

Throughout his years in Congress, Hugh Scott was a brilliant and compassionate legislator, and he spent his life serving his party, our Nation, and the people of Pennsylvania.

I have the highest admiration for Hugh Scott, and I am glad to have known him while he served in Washington. The Pennsylvania delegation, Members of the House and Senate, and I salute Hugh Scott on his 87th birthday and we wish for him all of the good health and happiness he so richly deserves.

RECOGNITION OF DR. J.F. COOLEY

HON. TOMMY F. ROBINSON

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 10, 1987

Mr. ROBINSON. Mr. Speaker, as we approach the day of commemoration and remembrance of those who have served in the U.S. armed services, I would like to take this opportunity to share with you the accomplishments and services of one of Arkansas' finest veterans—Dr. J.F. Cooley. A native of Rowland, NC, Dr. Cooley came to Arkansas in December 1957 and since that time has worked diligently for many years toward the improvements of the quality of life for the underprivileged in the State of Arkansas.

Dr. Cooley was the only member of his family to attain a formal education. His many years of schooling were interrupted by 2 years of service in the U.S. Army, where he was awarded two campaign medals during combat action in Europe and Asia and six Bronze Stars during combat in Europe. He is a 1949 graduate of Southside High School at Rowland and a 1953 graduate of Johnson C. Smith University at Charlotte, where he also received a B.D. degree in theology in 1956. In 1971 he received an M.A. degree in sociology and has two honorary degrees—doctor of divinity and doctor of civil law.

Dr. Cooley has been the pastor of two churches including St. Andrew's Presbyterian Church at Forrest City, AR, where he also taught in the public schools for 11 years. In 1969 he joined the staff of Shorter College in North Little Rock, AR, as dean of men and served as academic dean from 1971 to 1973, while also working with the ministry of services.

Among his many distinguished accomplishments, Dr. Cooley served as the first black chaplain at Tucker Prison, earning a certificate of merit from former Governor of Arkansas, DALE BUMPERS, in 1973. While serving as chaplain, he established the first inmate college educational program for inmates at Tucker Prison, a tutoring program leading to a GED for Pulaski County inmates. He has served as a deputy prosecuting attorney and as a staff member of the Arkansas attorney general's office and currently serves on the attorney general's community relations committee. He is also a member of the National Chaplain's Association in which he was promoted to major general in January of this year.

In his service to the community he has established countless programs encouraging juvenile crime prevention, prison parolee and prison reform, scholarships for school dropouts, help for unwed mothers, free lunch programs for deprived teenagers, day care centers for poor working mothers, recreational programs for youth, and homes for neglected or orphaned children.

During the past 16 years Dr. Cooley has been the recipient of over 200 honors for his charitable work, including the International Register of Profiles, International Who's Who in Community Services, Who's Who in America, Men and Women of Distinction, and the International Platform Association. The local community has also recognized Dr. Cooley. On March 18, 1987, the city of North Little Rock named the Dr. J.F. Cooley Drive and on August 10 of the same year a road in Pulaski County was named Dr. J.F. Cooley Cut Off Road. The city of Jacksonville, AR, declared November 8, 1986, as "Dr. J.F. Cooley Day" for his outstanding works and unselfish acts of kindness toward mankind.

It was just about a year ago that friends and former students of Dr. Cooley gathered at Shorter College to show their support and appreciation for the countless contributions Dr. Cooley has made to their community and State. This day also marks the 2-year anniversary of Dr. J.F. Cooley Day in Wrightsville, AR. I am proud to have this opportunity to show my appreciation for Dr. J.F. Cooley and his hard work, determination, and dedication to justice that has made Arkansas a better place.

SPECIAL TRIBUTE TO DR. ABRAHAM TWERSKI

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 10, 1987

Mr. WALGREN. Mr. Speaker, I want to pay special tribute to Dr. Abraham Twerski, founder and medical director of Gateway Rehabilitation Center. Dr. Twerski's outstanding contribution in the field of alcohol abuse and drug addiction has distinguished him among his colleagues and honored his community in western Pennsylvania.

To understand the deeds, we need to understand the man.

Following family tradition, Dr. Twerski was ordained a rabbi in 1951. Finding the postwar era one in which psychology and psychiatry were in great demand, he developed considerable interest in these disciplines. Not content to fulfill his desire to help others as a rabbi alone, he pursued his love of psychiatry.

This strong sentiment led him to work with alcoholics. He immediately recognized a great need for rehabilitation facilities. Thirteen years ago, the Gateway Rehabilitation Center was born.

Dr. Twerski's medical career is a web of constant threads, recognizing community needs and producing the means to alleviate them. His astute, timely, and vitally informative published works have reached out to many nationwide.

Unafraid to tackle controversial issues, Dr. Twerski took on his own profession when he published "It Happpens to Doctors Too." This publication examined in meticulous detail the particular vulnerability physicians have to drug and alcohol addiction.

Dr. Abraham Twerski's work and management have dramatically enhanced the psychiatric program at St. Francis. "Anything that has happened in the department of psychiatry in the last 20 years is largely the result of his efforts," says Dr. Marjorie TaVoularis, "Then, no one who was in psychiatry wanted to go to St. Francis. Now we have a good staff, a community mental health center, drug and alcohol treatment, a physicians program. All have developed because of Dr. Twerski's endurance, his constant pointing out that we need things."

I know you will join me in saluting Dr. Abraham Twerski. His whole medical career has been a tireless effort of obtaining life support systems for those in need of a safe haven.

We in western Pennsylvania, indeed, the whole Nation, are much better off because of Dr. Twerski's many medical contributions.

CASTRO'S CUBA

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 10, 1987

Mr. SHUMWAY. Mr. Speaker, Fidel Castro came to power promising "individual rights that will be fully practiced in real life" and "a representative government based on the genuine expression of the general will." For nearly three decades the Cuban people have endured a very different reality. Today Cuba has the highest number of political prisoners per capita in the world. The length of sentences for political prisoners, often exceeding 20 years, and the arbitrary extension of these sentences is unprecedented in Latin America or elsewhere.

In the words of Armando Valladares who spent 22 years in Castro's prisons. "Someday, when the truth is known in detail, mankind will feel the revulsion it felt when the crimes of Stalin were brought to light."

It is time for the international community to shine a light on the realities of life in Castro's Cuba. I commend General Walters for his efforts to bring this issue before the United Nations. An organization created to promote and encourage respect for human rights and fundamental freedoms cannot ignore the thousands of political prisoners who languish in Cuban prisons and claim to be true to its chapter.

I am pleased to join with over 75 of my colleagues on both sides of the aisle in urging the U.N. Human Rights Commission to place Cuba among the highest of its priorities when it meets in Geneva next year. This week Senator DENNIS DECONCINI will introduce a companion resolution which has received broad bipartisan support in the Senate.

AIDS HEAPS HARDSHIP ON WASHINGTON SLUM

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 10, 1987

Mr. GARCIA. Mr. Speaker, I wish to call the attention of my colleagues and the public to an article which appeared in the November 4, 1987, edition of the Wall Street Journal entitled, "Mean Streets, AIDS Heaps Hardship on Washington Slum called 'the graveyard' ".

The article describes the impact AIDS is having on the black and Hispanic communities, but it goes on further to describe the feelings of hopelessness these people are experiencing. Statistics show that minorities account for a large portion of the total number of AIDS cases. However, there exist many barriers to educating these people and as a result, many of them are suffering. Sooner or later society will have to cast away their moral judgments and concentrate on the need to educate everyone about the transmission and prevention of this disease. If we continue to spend our time arguing the morality of AIDS, then we are essentially allowing people to die.

[From the Wall Street Journal, Nov. 4, 1987]

AIDS HEAPS HARDSHIP ON WASHINGTON SLUM CALLED THE GRAVEYARD

VICTIMS ARE HARD TO GET TO WITH THE HELP THERE IS; THE BARRIERS TO EDUCATION—GAY BLACKS AND NEEDLE USERS

(By Rick Wartzman)

WASHINGTON.—Almost any morning, Squeaky can be found here near 8th and M streets, N.W., resting on the stoop of a ramshackle house or, if he is too weary, sitting on the sidewalk with his long legs stretched into the gutter.

Gaunt and red-eyed, he sings sad songs for passers-by while clutching a bottle of booze. He is in pain, he says, and he is convinced he won't live beyond this, his 39th year."I don't want him to take me away," Squeaky says, gesturing with black hands at the open sky.

"I'm afraid I'll die," he says, weeping "They told me I got the virus." The "virus" is HIV, which causes AIDS. Squeaky says that earlier this year when he was a prisoner in Washington's Lorton Reformatory, his blood tested positive for HIV.

More and more, AIDS is threatening to overwhelm inner-city people, who already endure enough hardships. Some say it is only a matter of time before the most important occupations at 8th and M—prostitution and drug dealing—are supplanted by the work of undertakers.

UNFAIR SHARE

Statistically, one black dies in the U.S. of AIDS every two hours, most often in poverty. Though they make up just 17% of the population, blacks and Hispanics account for 39% of the nation's 43,000 AIDS cases. More than 70% of the women and children who get the disease are from minority groups.

Inner-city AIDS victims have had particular difficulty coping with their fatal illness. Intravenous drug users, among whom AIDS is now spreading the fastest, live in the shadows. Gay blacks, who so far acccount for more AIDS cases than any other group in the black community (47% nationally), find themselves a minority within a minority, treated as pariahs by many people—black and white.

At 8th and M, in the city with the fifth-highest incidence of AIDS in the U.S., the disease is impossible to ignore. Called "the Graveyard" by local drug users, this is a dingy neighborhood of $6 hookers and heroin shooting galleries, the last stop in life for many a local junkie. Talk of death here, which for years centered on gunshot wounds and overdoses, now focuses as well on the pneumonia that ultimately kills so many AIDS patients.

"There are only a few places for people like me—jail, the grave and, now, the world of AIDS," says Gloria Smith, a heroin addict whose AIDS was diagnosed about a year ago. Before she got sick, the mother of four visited 8th and M to buy drugs. "Why us?" she asks.

OVERWHELMING HOPELESSNESS

A week spent recently in this bleak neighborhood illuminates the gargantuan problems created by AIDS in the nation's slums. Among them: the frustrations of educating people about a disease entangled with sex and drugs; the difficulties hospitals and other social-service agencies have treating the illness; and the overwhelming sense of hopelessness among residents fearful of contracting AIDS.

Still, few institutions in the inner city acknowledge the AIDS crisis. The church, traditionally the black community's pillar of strength and guidance, is ambivalent about even discussing the sickness. At the 6,000-member Shiloh Baptist Church, a huge brick structure at 9th and P, AIDS does get mentioned sometimes, but clergymen are still grappling with how to confront the disease from the pulpit. "It's tough," says the Rev. Ronald K. Austin. "We'll probably have to do something about AIDS, but we don't know what yet."

The black middle class also has been reluctant to offer support to people with AIDS, fearing the disease will be perceived as a black problem and thus increase racism. "It shames me for the color of my skin that my own people won't do anything to help," Ms. Smith says. National black organizations insist that AIDS education is at the top of their agencies. But, for the most part, the word doesn't seem to reach the streets.

TOUGH AUDIENCE

The real work is left to a handful of grassroots groups that are diligently trying to teach the inner city about AIDS. They face a misinformed and greatly skeptical audience, which often disregards this basic appeal: Mitigate high-risk behavior by wearing condoms during sexual intercourse and by not sharing needles and syringes. That way, blood and semen are less likely to be exchanged.

Culture complicates things. For many in the black community, condoms suggest involuntary population control—white people trying to limit the number of blacks—and therefore are an abomination. Moreover, unbridled sex remains an expression of machismo for many men. In the District of Columbia, 67.1% of black births are out of wedlock.

Eighth and M isn't far from the parks and monuments of the nation's capital. But it is virtually impossible to walk up 8th toward N—past the piles of garbage heaped in front of Mac's filling station and the burned-out clapboard facade of the New Fountain Baptist Church—and not find someone who has been touched by the disease.

One man, nicknamed Dog, has seen two friends die of AIDS in just the past few weeks. Francine, who like others in the neighborhood is unwilling to give her last name, was close to two people who died, and she says she has seen many familiar faces grow thin and sickly and suddenly vanish from the streets. Skip, an intravenous drug user, thinks he might be an HIV carrier, but he is afraid to be tested, and he is afraid of getting AIDS from the women he sleeps with. "These days," he says, "I go to bed with a girl—and then I just pray."

The strain on the system is great. At Washington Hospital Center, a private facility, limited bed space has been made all the more so by the 300 AIDS patients treated there since 1981. The most tragic cases, says Dr. Charles Levy, are those who come from the slums. "It's really America at its worst," he says.

The personnel in unit 1-E of the hospital nod knowingly when they hear the words "8th and M." Usually, says nurse Mary Reilly, AIDS victims from such neighborhoods are so sick when they arrive, they are "scooped up in a comatose state, dumped here, diagnosed, and then they die."

NOT KNOWING HOW TO SEEK HELP

That relatively few AIDS patients in Washington receive Medicaid and other benefits for which they are eligible is another part of the AIDS tragedy in the inner city. Although an impoverished person diagnosed with AIDS is automatically eligible for the District of Columbia's General Public Assistance program, only about 75 AIDS victims have applied for it in the past two years. One reason, officials say, is the daunting red tape involved in applying for these benefits, which usually come to about $225 a month. Additionally, Medicaid will pay all medical expenses for the very poor. But people around 8th and M often don't know how to apply.

Those who do get help live precariously, Cedric, 32 years old, was diagnosed as HIV-positive in 1985—he says he thinks the got it from a woman he picked up at a bar—and since then he has developed AIDS-related complex, symptoms that often lead to a diagnosis of AIDS. He survives on $229 a month from Social Security, in perpetual fear of being cut off. "I guess I'd have to turn to a life of crime," he says. "Or I'd be back out on the streets."

Caring for addicts presents the greatest challenge. "People can't go to the i.v. drug abuser and say, "We don't care about the rest of your self-defeating behaviors, only about AIDS,'" says Ed Pitt, the director of health and environmental services at the National Urban League. He believes that getting people to stop injecting drugs with dirty needles requires doing something about the underlying causes of addiction—including poverty and the despair that goes with it—while also improving available drug treatment.

District of Columbia social workers have been very successful at finding housing for people with AIDS, but many junkies can't stand the regimentation of life under someone else's roof. So they head back to old haunts, where addicts share needles and fresh hypodermics sell illegally for as much as $3 each.

"So many people use dope today, they don't care which way they go," says Kevin Matthews, an 18-year-old now serving time in a juvenile detention center for dealing drugs on the streets of Washington. "They're just down on their last misery."

For Reed Tuckson, the District of Columbia's health commissioner, AIDS results in difficult dilemmas. "I'm fearful of the choices we'll have to make when given only so much money to spend," he says. "AIDS will compete for resources." Dr. Tuckson's office will spend $3.6 million—about 4% of its total budget—specifically to combat AIDS in fiscal 1988.

RUINED LIVES

Even if limitless sums of monty were available, he adds, fighting AIDS still wouldn't be easy. "You have to learn the subtleties of culture," says the 36-year-old District of Columbia native, who watched his best two childhood friends ruin their lives with drugs. One has spent most of his life in prison; the other died of an overdose. "You're really asking people to change their life styles."

At 8th and M, that seems impossible. All day, every day, people here are engaged in activities that allow AIDS to thrive. The mornings belong to the addicts. And the nights belong to the drag queens. About 10 a.m., the ghetto awakens. Scores of men and women wander about, looking for an active "oil joint" so they can get their first fix of the day.

"Sunkist, Sunkist," a drug dealer barks out, using a local term for heroin. Others act as "hitters," charging about $5 to find for a buyer a vein that isn't already collapsed from repeated injections. Many times a hitter will place the needle in a groin, a neck or, most desperately, a forehead.

One man pulls out a wad of bills—a shot of heroin costs about $40 or $50—and then doesn't even wait to get indoors to shoot up. Standing in someone's dusty front yard, he pumps the needle into his arm, ignoring several bystanders. Most of them seem uninterested anyway.

SEX FOR SALE

When the sun goes down, sex is for sale. Locals say that on some nights, the traffic gets so heavy on 9th Street at N—a spot where men solicit other men—that it approaches gridlock. But even in Washington, where 71 percent of the black AIDS cases have involved homosexual contact, this promiscuous subculture is a taboo subject. Gay blacks say they are scared of being harassed by the straight men in their neighborhoods, who perceive homosexuality as a sign of weakness.

Many black homosexuals and bisexuals can't bring themselves to admit that they have sex with other men, and they don't think of themselves as gay. Some who have AIDS have created a fictitious history of intravenous drug use rather than confront the real reason for their illness. Such denial creates a group difficult to reach with messages imploring condom use and other so-called safer-sex techniques. Meanwhile, women who are intimate with bisexual men can become unsuspecting conduits to other heterosexuals, as can women who go to bed with needle users.

NEEDING CONDOMS

"You've got to tell these people they need to wear condoms," says Adrianne Blackwell, an outspoken community activist and 33-year-old transvestite who serves drinks at the Brass Rail, a black gay bar. "They are not going to abstain." On this night, many of the men will leave the saloon at 13th and I and go to 9th street in search of a little action.

Such reality has motivated Ms. Blackwell (who prefers to be thought of as a woman). She says she constantly answers patrons' questions about AIDS and even leaves her home phone number behind the bar, so anybody inhibited about asking a question face to face can call for advice, "There's more to me than a song and dance," she says, "because we've got to do something about this."

For many gay blacks, it is already too late. With relatively little support, blacks say they must turn to traditionally white gay institutions, where it is more difficult to find people they can relate to. For instance, without housing provided by the Whitman-Walker Clinic and without a monthly check from Social Security, James McLaurin says he would have perished long ago.

Since last year, when his AIDS was diagnosed, the 37-year-old has lost his job as a house painter. He no longer has health insurance, and he was evicted from his apartment after fellow tenants intimidated the landlord.

FOLLOWED BY DEATH

Mr. McLaurin, no stranger to hardship, grew up in downtown Washington and hid his bisexuality for most of his life. He fought in Vietnam and lost his first wife, a Cambodian, and their twin daughters to a Viet Cong attack. "For some reason," he says, "death seems to follow me around."

But AIDS for him has been more overwhelming than his other miseries. Until last year—believing that AIDS was a disease of white people—he didn't think much about it. Since being diagnosed, though, he has learned of at least 40 acquaintances who have died of AIDS.

"I'm almost all alone," Mr. McLaurin says. Nights are the worst, he says, because he often can't sleep.

When he does manage to doze off, an alarm clock rings every four hours, reminding him to take his AIDS medicine, azidothymidine. Even with AZT, an extremely expensive drug paid for in his case by Medicaid, the once-muscular Mr. McLaurin finds his energy sapped. He has been in and out of the hospital and once was in Washington Hospital Center's intensive-care unit with pneumonia.

He says he can't go through that again. A handsome man with a touch of gray in his beard and a melodic voice, Mr. McLaurin has asked two friends to kill him if he is ever completely incapacitated again.

He says they have agreed.

VETERANS DAY

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 10, 1987

Mr. VISCLOSKY. Mr. Speaker, Veterans Day is a time for expressing special appreciation to the men and women who have risked, and sometimes sacrificed, their very lives in defense of our country's security. While we are a nation of peace, we know that too often our freedom has hinged on our ability to defend it.

This year we mark the 200th anniversary of our Constitution, a document as unique as our country. We were founded as a bastion for individual freedom and our Government was to be derived from the citizenry, not an aristocracy or ruling class. It is a noble cause that has been defended. Over the years, our mettle has been tested, but not defeated.

Every Veterans Day gives us the opportunity to reflect on the bravery and the immeasurable contributions of those who have so honorably served our Nation. It is a day to honor both those veterans lost in the battle and those who survived. It is to these few that the many are forever indebted.

IN HONOR OF JOHN LESLIE WINKEL

HON. RICHARD RAY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 10, 1987

Mr. RAY. Mr. Speaker, I rise today to honor John Leslie Winkel, who is retiring after 31 years of service at Hughes Aircraft Co.

Jack Winkel's career demonstrates that he has been dedicated to his family, community, and Nation. On the occasions that I have had the opportunity to work with him during my years in Congress I have found him to be a dedicated patriot.

He received an A.M. degree in 1956 from the University of Maryland, where he majored in military science. He also studied business administration at Rubican Business School, St. Louis, MO.

He began his military service in the U.S. Air Force in 1942, and in 1952 he was reverted to reserve status with the rank of major. He retired as a colonel in the Reserve in 1965.

Mr. Winkel joined Hughes Aircraft in August 1956 as staff assistant to the vice president and general manager. While at Hughes Aircraft, he held several different positions of responsibility. He has worked in the Hughes aerospace group as manager of support coordination and programming, field service and support division; head of military relations and sales, assistant director of sales, manager of the Washington district office; and vice president of district office operations. He will be leaving Hughes Aircraft as senior vice president and a member of the company's board.

He has not limited his interest solely to the Hughes Co. He has found time to serve as director of the National Security Industrial Association, and is a member of the American Ordnance Association, Air Force Association, American Management Association, Navy League, and the Association of the U.S. Army.

His hard work has been of value not only to Hughes Aircraft, but to our entire defense establishment. I join his many friends in the Congress and America in congratulating him on his well earned retirement, and in wishing him well in his future endeavors.

BOYCOTT OF TRADE WITH AFGHANISTAN

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 10, 1987

Mr. CRANE. Mr. Speaker, 8 years ago the Soviet Army surprised the world with its brutal, illegal, invasion of Afghanistan. The goal was to create yet another Soviet satellite. Although they believed the people of this small country would succumb peacefully, they were surprised by the strong resistance, which has continued to this day.

More than 1 million people have been brutally killed by Soviet forces in Kabul. By trading with a puppet regime of the Union of Soviet Socialist Republics, the United States is ligitimizing the government in Kabul and endorsing the Soviet atrocities. Our Government must not permit trade with a regime actively participating in the genocide of its own people. This is inconsistent with our moral beliefs and with our policy of assisting the Mujahadeen freedom fighters in their efforts to rid their country of the oppression of communism. The Bible warns that a house divided surely must fall. This being the case, we cannot continue to economically support the Soviet-backed government in Kabul and maintain our commitment to the battle for freedom in the hills of Afghanistan.

In March of this year, President Reagan proclaimed the government of Kabul as "weak and illegitimate"; however, the United States continues to grant ligitimacy to that criminal regime by maintaining a trade relationship. As the illegal occupation of Afghanistan continues, the United States must send a strong message, showing that our country will not cooperate or support in any fashion a regime which is participating in the genocide of its own people.

During consideration of the omnibus trade bill, the Senate voted 83 to 0 to incorporate an amendment that would give the President the authorization to prohibit the importation into the United States of all products from Afghanistan. Along with Mr. WILSON, Mr. INHOFE, Mr. HUNTER, Mr. LIPINSKI, Mr. ACKERMAN, Mr. BURTON, Mr. PARRIS, Mr. FRANK, Mr. LEATH, Mr. LIVINGSTON, Mr. BLILEY, Mr. LANTOS, Mr. DAVIS of Illinois, Mrs. BENTLEY, Mr. BADHAM, Mr. ROBINSON, Mr. PORTER, Mr. EMERSON, Mr. DENNY SMITH, Mr. SHUMWAY, and Mr. COURTER, we are introducing identical language in the House of Representatives.

CONGRESS URGED TO STUDY INSURER SOLVENCY REGULATION

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 10, 1987

Mr. FLORIO. Mr. Speaker, the National Association of Insurance Brokers recently issued a statement urging Congress to consider minimum standards for regulation of insurance company solvency. While the general public is aware of concern regarding solvency in the banking industry, there is much less awareness of the existence of a comparable, serious concern regarding the insurance industry. Currently, the States have responsibility for monitoring insurance company solvency. However, as the NAIB statement indicates, there is a growing realization outside and inside the industry that improved solvency regulation is needed. The Subcommittee on Commerce, Consumer Protection, and Competitiveness has held hearings on insurer solvency and will continue to investigate the problem. So that Members will be informed regarding the kind of proposals that are being raised, I am inserting in the RECORD an article from the National Underwriter on the NAIB statement.

[From the National Underwriter, Oct. 19, 1987]

NAIB URGES FEDERAL SOLVENCY STANDARDS

(By Steven Brostoff)

WASHINGTON—Congress should consider establishing minimum standards for state regulation of insurance company solvency, according to a new policy statement issued by the National Association of Insurance Brokers.

The statement, which emphasizes NAIB's overall support for the McCarran-Ferguson Act, nonetheless says that minimum federal standards for state regulation "could hold promise for improving the state regulatory system."

Moreover, NAIB's statement urges Congress to examine a dual regulatory system in which insurers would be able to elect whether they will be regulated by either the states or the federal government.

NAIB noted that former Sen. Edward Brooke, R-Mass., proposed a dual regulatory plan in 1977 which would exempt insurers from state regulation, if they so choose, but subject them to federal antitrust laws and a federal regulatory scheme.

NAIB said that it would also develop its own recommendations on how to improve the insurance solvency and regulatory system because "improving solvency regulation is in the best interests of the insurance industry and the insurance buyers."

NAIB says that the quality of regulation varies greatly from state to state, and that state regulation can be improved.

"NAIB believes that the most critical insurance regulatory problem ultimately will be company solvency," the association says. "Effective solvency regulation will be the first step to market stability."

NAIB's statement appears to conflict with the position of most insurance companies opposing any federal role in insurance regulation. Insurance company representatives have been especially critical of dual regulation, which, they argue, would present insurers with the "worst of both worlds."

Regarding McCarran-Ferguson, NAIB said that the industry's limited antitrust exemption was not the cause of the recent liability insurance crisis and repealing McCarran will not prevent future swings in the insurance cycle.

"Repeal is likely to disrupt the marketplace, limit its flexibility and add to insurance costs," NAIB says. "Clearly, repeal of McCarran-Ferguson without a comprehensive plant to improve the regulatory status quo is short-sighted and risky."

NAIB also backs civil justice reform, stating that while it is not a panacea for the insurance crisis, it would be a clarification of the liability ground rules and thus promises a more predictable legal climate for insurance companies.

WOMAN HONORED BY BOY SCOUTS

HON. ALFRED A. (AL) McCANDLESS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 10, 1987

Mr. McCANDLESS. Mr. Speaker, it recently came to my attention that the Agua Caliente District of the California Inland Empire Council of the Boy Scouts of America will be honoring a person from the Coachella Valley for her outstanding contributions to Scouting, young people, and her community over a span of 35 years. She was active in Girl Scouting during the early growth years in Indio, and later became a Cub Scout leader, after her three sons were born. While her sons were growing up, she worked as a substitute teacher for the Desert Sands Unified School District, and also earned her private pilot's license. After she was widowed in 1967, she assumed unfamiliar duties as the president of the Richard A. Glass Co., an established produce business. Undaunted, and with intelligence and determination, she expanded what was a successful concern into a major enterprise. Along the way, she was invited to join the Board of the Indio Chamber of Commerce, and then served as its vice president. She went on to become a board member of the United Way of the Desert, and was also named to the County Advisory Committee on Women. Ignoring the fact that there are only 24 hours in each day, she was elected to serve on the Board of the Boys Club, and then served two terms as president. A member of California Women in Agriculture, she is listed in Who's Who in California.

If I had not already met the 1987 recipient of the Boy Scouts Award, I would be proud to make her acquaintance. However, the woman in question graced my life with her presence 5 years ago this month when she became my wife and No. 1 Constituent. To Gail Glass McCandless I say: "Congratulations for many jobs well done."

WHEN TOKYO PICKS UP THE TAB

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 10, 1987

Mr. CLAY. Mr. Speaker, the trade imbalance is one of the critical issues facing our Nation. As we in this body work to improve our understanding of the trade crisis and strive to develop solutions to our trade problems, I am anxious to share the following report on Japan's challenge, "When Tokyo Picks Up the Tab" taken from the Wall Street Journal, September 18, 1987.

WHEN TOKYO PICKS UP THE TAB

(By Michael R. Sesit)

Inside Japan's Ministry of Finance, director general Makoto Utsumi unfolds a gridlike chart portraying the U.S., Japan, West Germany and Britain at various stages of economic power.

To an American, it isn't a pretty picture.

The U.S. now sits in the bottom corner, where Britain was from 1926 to 1944. Such nations live on past credit, suck in foreign capital and can't save enough to finance domestic investment.

Two rankings higher stands Japan: a strong country with a trade surplus, saving more than it spends and sending excess money abroad. That puts Japan among other nations at the height of their economic strength, including the U.S. from 1946 to 1970 and Britain from 1851 to 1890.

The chart underscores a new reality: Japan has become the U.S.'s rich uncle, its chief source of foreign capital. Since 1981, Japan's net overseas holdings have climbed to more than $180 billion from less than $11 billion. Most of that money has gone to the U.S., which has become the world's largest debtor nation. While this infusion of Japanese capital has pumped up the U.S. economy, it raises worrisome questions about U.S. dependence on Tokyo's purse strings.

Examples of Japan's bankroll in the U.S. abound. When the maker of Lee and Wrangler jeans, VF Corp., wanted to borrow $50 million this year, it turned to Fuji Bank. When Boston College wanted to raise money cheaply, it got a guarantee from Sumitomo Trust & Banking Co. Even the attempted cleanup of New York's Times Square was partly funded by Industrial Bank of Japan, which helped underwrite a $375 million bond issue for a new Marriott hotel.

UNCERTAIN DIRECTION

Put simply, "The U.S. needed capital and goods. Japan supplied the goods and the money," says Minoru Inouye, president of Bank of Tokyo. This year Japan is expected to buy more than $50 billion of U.S. stocks and bonds, and make billions of dollars of commercial loans.

But on both sides of the Pacific, financial authorities are nervous about where the U.S.-Japan coupling will lead. A drop in the dollar, further problems with the U.S. budget deficit, or a slump in Japan's economy could cause Tokyo's big investors to bail out of the U.S.—hurting the U.S. economy. And if the Japanese stay, they may end up wielding more clout than some in the U.S. would like.

The U.S. "is accumulating enouch debt that it threatens to erode the sovereignty of the country in international policy," worries Charles M. Lucas, a vice president at the Federal Reserve Bank of New York.

"Foreigners own more than a trillion dollars of assets in this country, and they will expect to have some influence," Mr. Lucas says. One estimate puts the net worth of all assets in the U.S. at $13.2 trillion.

The Bank of Tokyo's Mr. Inouye is even more blunt. "It is impossible for us to continue this kind of relationship," he warns. "Otherwise, eventually there will be a drastic fall in the dollar or a collapse of the monetary system."

In recent years, U.S. and Japanese policies have complemented each other so precisely that the two nations have been drawn unwittingly into a surprisingly tight interdependence. Japan's export-driven economy has plugged into strong domestic demand in the U.S. Large Japanese trade surpluses have mirrored even wider U.S. trade deficits. And Japan's high savings rate has left it awash with so much cash that a lot must go offshore—where it helps finance U.S. budget and trade deficits.

ABOUT-FACE

Japan's emergence as financial patron of the U.S. is an about-face for both nation's, veteran bankers say.

"When we came here 40 years ago, after the war, our job was to import capital to help build Japan," says Robert H. Binney, the head of Chase Manhattan Bank's Tokyo operations. "Now the boot's totally on the other foot; we're shipping their wealth out."

Even the old gray Tokyo building that houses the Ministry of Finance shows how much the world has changed. Forty years ago, it was part of the headquarters for the U.S. occupation forces. Today, it is part of a financial system so powerful that its decisions can be felt on Wall Street, or even in the mortgage rates that typical Americans pay.

Even during the oil-price shocks of the mid-1970s, Japan's banks and insurers were building large asset pools. However, until a few years ago, they were hardly allowed to invest abroad. "So you have a sort of magma energy piled up within these institutions," says Toru Kusukawa, deputy president of Fuji Bank, the world's second largest bank. "Then they were suddenly let out and their presence felt."

In the past year, rumors of Japanese buying or selling have rippled through U.S. stock and bond markets, causing prices to swing noticeably, even though total Japanese holdings are still relatively small. Demand Japanese from insurance and trading companies also is helping to inflate the price of prime U.S. real estate, particularly in New York City and Los Angeles.

Walk into Exxon Corp.'s headquarters in New York, and you're in an edifice owned by a subsidiary of Mitsui & Co. Vacation at the Hyatt Regency Maui, and you'll be staying in a hotel owned by Kokusai Motorcars Co., a big Tokyo-based taxi and limousine company. Even part of First Boston Corp.'s staff is housed in a 44-story New York tower owned by Kato Kagaku Co., one of the world's largest makers of cornstarch.

BANKING ASSETS

Meanwhile, Tokyo's banks—often accused by their U.S. counterparts of unfairly cutting fees—had captured 8.7% of all U.S. banking assets as of Dec. 31. That is up from 5% in 1982, according to the New York Fed. And while U.S. regulators say Japanese banks' capital bases are imprudently small, Japan's leading banks are helping bail out Bank of America, the second largest U.S. commercial bank.

The wave of Japanese cash has its positive side. It has helped fuel five years of U.S. economic expansion. Allowing Washington to spend huge sums on social and military programs. It has allowed individual Americans to consume more than they produced, and it has helped the U.S. be the engine of world growth.

"This is still the most viable economy in the world, even though more and more of it is owned by foreigners," says Neal M. Soss, chief economist at First Boston in New York. As a rough yardstick, he says, the U.S. would no longer be a debtor nation if it just turned over 22 days of economic output to foreign creditors.

Other economists are more worried about the U.S.'s growing debt-service obligation to Japan. They say that if the trend continues, it could crimp the U.S. standard of living in decades to come.

GRATING ON AMERICANS

"Ultimately, you have to pay off the foreign claims," says Kermit L. Schoenholtz, an international economist at Salomon Brothers Inc. in New York. This, he explains, could lead to increased inflation, a recession or higher taxes to service the debt. And that means less disposable income to spend on goods and services, and possibly cuts in federal spending. Moreover, there is potential for crowding out the investment necessary to boost U.S. competitiveness, if the cost of funds increases.

Meanwhile, Japan's presence in the U.S. already grates on some American sensibilities. Tomomitsu Oba, president of the Japan Center for International Finance, tells of a cartoon he saw in a Philadelphia newspaper. It showed an American worker carrying a placard that read: "Buy American." Next to him, says Mr. Oba, was a "small Japanese fellow with a small placard that read: 'Buy America.'"

Mr. Oba adds: "I became slightly worried. I want Americans to see these issues will be (exacerbated) by a weaker dollar."

Tension between Washington and Tokyo over trade issues is already high, and some fear it could worsen. Some worry that Americans will turn xenophobic if the Japanese continue buying dollar assets, in a replay of the response to rising Arab wealth in the 1970s.

"I'm afraid the U.S. will pursue a path of autarky and isolation and close its doors," a Japanese oficial says.

In the U.S., one of economists' biggest worries is a free fall by the dollar that would raise inflationary expectations and cause Japanese and other foreigners to dump their dollar assets. That could force the Fed to raise U.S. interest rates sharply to damp inflation and protect the dollar. And that in turn could send the U.S.—and possibly the world—into recession.

DOLLAR IS 'LAST RESORT'

The Japanese themselves are divided about how they would react to further slumps in the dollar.

"If the U.S. continues to depreciate the dollar, there is a significant risk that foreign investors won't want to buy dollar assets," says Kinya Hiroi, chief investment officer for Dai-Ichi Mutual Life Insurance Co.

But Ariyoshi Okumura, chief financial economist at Industrial Bank of Japan, says: "There is no reason why Japanese institutional investors would pull out totally from the U.S. The dollar is the last resort for the Japanese people."

Besides, of all the possible non-Japanese investments, only the U.S. stock and bond markets are deep enough to absorb Japan's torrent of cash, many Japanese money managers say.

Many Japanese have a different worry: another oil crisis or steep increases in the prices of all commodities. Either event would shrink Japan's trade surpluses, drain its wealth and prompt Japanese investors to withdraw from foreign investments.

Another critical issue is what the U.S. can do to narrow its yawning trade and budget deficits.

"Unless the two deficits are solved, the fact of the matter is the U.S. will have to stay dependent on foreign capital," says Yoshihisa Tabuchi, president of Nomura Securities Co. in Tokyo.

Remedies for the U.S. seem unappealing. The U.S. could devalue the dollar to make its goods more competitive; but that tactic has already been tried, with still uncertain effect. The U.S. could erect more tariffs against imports, but it would risk a worldwide recession in doing so. And with an election year ahead, U.S. politicians are unlikely to risk recession in attempting to narrow the trade deficit. Or the U.S. could persuade others, particularly Germany and Japan, to stimulate their domestic economies so they can absorb more imports. But progress in this area has been slow.

"We know how to improve the situation," says Toyoo Gyohten, Japan's vice minister of finance for international affairs. But, he laments, "to prescribe medicine and cure the disease are different things." It takes time for macro-economic adjustments to occur; meanwhile, social and political tensions heat up.

"We are driving on a very dark road without headlights," the Finance Ministry's Mr. Utsumi says. Japan already has taken steps to pep up its domestic demand and "can't always give sweetenings to the economy," he says. "The U.S. should take some bitterness."

Should the new-found financial bond between Japan and the U.S. dissolve, Japan ultimately may be more vulnerable. As an exporter of capital, it is exposed to potential dollar devaluations, default and a freeze on Japanese assets. In fact, by engineering the dollar's steep decline the past two years, the U.S. has effectively paid for billions of dollars of imports with discounted dollars, says a senior Japanese official.

"We exported, exported and exported, but not beneficially; we just acquired dollars," he says.

The U.S. on the other hand "imported, imported, imported and then devalued," the official says. "It is a very clever monetary policy: The Fed prints money and reduces the value of its overseas debt."

This view of the Japan-U.S. relationship as a game of hardball shows up on Wall Street, too. "If the Japanese don't buy American securities, the U.S. will (still) be able to sell its debt domestically," says Albert M. Wojnilower, a managing director at First Boston. At worst, Mr. Wojnilower says, interest rates might rise.

If the Japanese "don't want to buy our securities at a discount," he says, "they can't sell us their (cars, televisions and other) goods at a discount."

HONORING 4-H VOLUNTEERS

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 10, 1987

Mr. BROWN of California. Mr. Speaker, today I rise to honor the 4-H Program and the volunteers who play such a major role in the education of our youth. 4-H is a dynamic program that combines the vast resources of America's youth; volunteer leaders; State land grant universities; Federal, State, and local governments; and the U.S. Department of Agriculture. 4-H programs create a learning environment for our youth that stimulates the development of life skills, and attitudes that will enable them to become self-confident, productive, and responsible members of society.

Because 4-H programs reach out to over 3,000 counties in the United States and its territories—including the District of Columbia, Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and Micronesia—they depend on volunteers, without whom they would be severely understaffed. Over 600,000 adult volunteers nationwide selflessly share their time and experience with our youth. The average volunteer donates 220 hours every year leading and teaching 4-H members.

This week, the National Association of 4-H Agents is holding its national conference in San Diego. November 10, 1987, has been proclaimed as "Volunteer Day," and I invite my colleagues to join me in honoring the following volunteers who have so generously served as 4-H leaders for 50 years or more: Edward Henry Lewis, Downey, CA (50 years); Luther Bagent, Southern Zanesville, OH (50); Carrol Frank, Bowling Green, OH (50); Virginia Harsh, Phillipsbury, OH (57); Nora Helbig, Salem, ND (50); Erwin Klusmann, Salem, ND (50); Cecil Krekel, Burlington, IA (55); Florence Lane, Johnston, PA (52); John T.G. Stiles, Westminster, MD (58); Joyce Thompson, Ravenna, MI (56); Mildred Hoops, New Lexington, OH (55); Floyd Wachtel, Big Prairie, OH (53); Hilda Highbe, Beaverton, OR (55); Andrew Anthony, Marysville, OH (53); Gladys E. Donant, Canton, ME (50); and Lenora Pool, Manchaca, TX (50).

RESTRUCTURING FINANCIAL FIRMS

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 10, 1987

Mr. DREIER of California. Mr. Speaker, over the weeks and months, there will be a necessary soul searching underway in Congress and the Nation in order to get a better understanding of the events that are impacting our capital markets. It is clear that fundamental forces are at work, that we are not seeing a temporary aberration that will cure itself. One of the most needed prescriptions is for the Federal Government to get its house in order.

Another area that needs attention is the financial markets themselves, and the institutions which participate in those markets. I am pleased that the House Banking Committee has at long last launched a series of hearings on reform of the Nation's banking and financial system, because there is no question that reform—fundamental and comprehensive—is needed, and urgently needed. On Wednesday, October 28, Robert L. Clarke, the Comptroller of the Currency, and L. William Seidman, Chairman of the Federal Deposit Insurance Corporation, both testified before the Financial Institutions Subcommittee that we need to move ahead with changing the laws that are restricting our banks, bank holding companies, and other financial firms and consequently are working against more efficient and stronger capital markets.

My own bill, H.R. 3360, is also a step in moving these necessary discussions forward. H.R. 3360 would allow financial firms to establish an "umbrella" Financial Services Holding Company and, through this corporation, to own bank and thrift holding companies, insurance companies, securities firms, and the like. Of course, financial firms today have nothing like the flexibility that they would have under my bill. A securities firm or an insurance company may not own a full-service commercial bank, and a bank or bank holding company may not own an insurance company or securities firm. I am convinced such artificial barriers to competition are anachronistic and counterproductive. Many of the critics who oppose my bill and other positive proposals couch their arguments as if the only affected parties are the institutions themselves. Yet in fact the competitive barriers that need to be broken down adversely affect the economy as a whole and of course American consumers. Any time artificial barriers exist in a market, there is a high degree of likelihood that prices are higher, and that other inefficiencies exist.

In light of the turbulence in the markets, however, I believe it is possible to identify another advantage my bill would offer, and that is diversification of risk. Mr. Speaker, there are two fundamental ways to diversify risk in the financial marketplace—you can diversify geographically and by product line. In times of economic turbulence, of course, diversification offers obvious advantages. We have seen how banks confined geographically to certain areas have suffered losses in energy, farm and real estate lending, for example. Now, by operation of the capital markets, we are seeing the dangers of product concentration. A number of securities firms have failed, others are hard pressed to survive. They are not diversified, and they have, so to speak, put all of their eggs in one basket.

What if we had a different structure, such as H.R. 3360 provides? A financial firm might have a bank holding company as a subsidiary—and today most bank holding companies are doing quite well; it might have a life insurance company as a subsidiary—and today most life insurance companies are doing quite well; and it might have a securities firm as a subsidiary—and today securities firms are feeling financial pressure. But what a different level of performance could be expected from such a diversified company. Sure, the securities operations might be temporarily suffering, but they would be offset by the profitable operations in the banking and insurance subsidiaries. This kind of diversified financial firm promises to be much more stable and would provide greater stability in our financial markets.

We need to stop thinking in archaic terms and face the reality that our markets have changed, and our financial institutions must change with them. Failure to act does not just mean that financial institutions will be adversely impacted, it also means that the American economy and the public at large will suffer the consequences of a failure-prone system creaking along on worn-out parts.

THE DEFICIT

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 10, 1987

Mr. CLINGER. Mr. Speaker, "I'm mad as hell and I'm not going to take it anymore." Those were the words of an enraged Peter Finch in the movie "Network" and they're the words that we'll hear more and more unless we do something dramatic about reducing the deficit and do it soon. Last week we spent over 10 hours debating whether to allow employers to use lie detectors in hiring people, while the market dropped and the dollar was in free fall. Frankly, if we don't do something about the deficit, lie detectors will be irrevevant because no one will be hiring. My colleagues, the house is burning down around us while we debate whether to fill up our water pistol to try to put out the fire and the world watches and decides we're not going to get our act together—that it's business as usual. With Republicans blaming Democrats, Democrats blaming Republicans for the fiscal crisis while the clouds darken and the storm gathers. I suggest it's time for we back benchers on both sides of the aisle and of all political persuasions to tell our leaders representing us at the summit that we want a meaningful deficit reduction package to vote on and we want it soon because we're mad as hell and we're not going to take it anymore.

THE RELEASE OF SOUTH AFRICAN POLITICAL PRISONER GOVAN MBEKI

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 10, 1987

Mr. OWENS of New York. Mr. Speaker, on Thursday, November 5, the South African Government released former African National Congress president Govan Mbeki from prison after serving 23 years of a life sentence for treason.

Mbeki, who is 77 years old, was imprisoned along with other African National Congress leaders, including Nelson Mandela and Walter Sisulu, following a 1964 trial in which they were wrongly and unjustly convicted; for in South Africa, any attempt to abolish the racist system of apartheid is labeled a "treasonous" act by the ruling white minority regime.

There are those in the Reagan administration who would attribute Mbeki's release to the United States policy of "constructive engagement" or "quiet diplomacy" with South Africa, but I submit that his release, along with that of four other South African political prisoners, is due to United States economic sanctions against that country.

Coupled with the withdrawal of several United States Corporations in the past year and a half, economic sanctions have proved to be the most effective means for forcing the South African Government to make even the piecemeal changes they have made within the apartheid system.

But piecemeal changes are not good enough. Although Mbeki is "free," his freedom is relative. He is still subject to apartheid laws which place severe restrictions on where he may live and work, as well as when, where and if he may travel. Under apartheid law, he is a "listed" person, which means no domestic media may quote him in the future. He is "listed" because of his membership in the outlawed African National Congress and the South African Communist Party.

While a government may disagree with the views of a given group, it should not have the authority to abolish such fundamental rights of freedom of speech and of the press, as the South African Government does under apartheid.

Mbeki along with 23 million other black South Africans is still captive under the apartheid system, a system that breaks up families, denies the majority population the right to vote, participate in government, and own property. A system which arrests, imprisons and brutally tortures children.

Tougher United States economic sanctions against South Africa are the only peaceful means left to force the recalcitrant regime to abolish apartheid, free Nelson Mandela and all other political prisoners, lift the ban on the African National Congress and other outlawed antiapartheid groups, and begin negotiations with the ANC, which has the support of South Africa's majority. I support H.R. 1580, Congressman RONALD DELLUMS' measure that would strengthen existing economic sanctions against South Africa. I urge my colleagues on both sides of the aisle to join me in that support, as a peaceful way to help end the daily violence, injustice and indignity under which 23 million people must live.

BILL TO SUSPEND DUTIES ON IMPORTED METALLURGICAL-GRADE FLUORSPAR

HON. DONALD J. PEASE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 10, 1987

Mr. PEASE. Mr. Speaker, today I am introducing a bill to temporarily suspend the duty on imported metallurgical-grade fluorspar. Currently, metallurgical-grade fluorspar is dutiable at a rate of 13.5 percent ad valorem.

It is my understanding that virtually all of the metallurgical-grade fluorspar consumed in the United States is imported from Mexico. The mineral is used by the domestic steel industry as a fluxing agent.

Mr. Speaker, we are all aware of the difficulties encountered as of late by the U.S. steel industry. It makes little sense for the Federal Government to exact from the industry one of the highest duties charged for any primary commodity when that commodity, to my knowledge, is not produced in significant quantities in the United States. If there were ever an item for which it makes sense to suspend a duty, surely metallurgical-grade fluorspar is it.

Over the years, there have been several legislative attempts to suspend the duty on both this product and a closely related product, acid-grade fluorspar. Acid-grade fluorspar is used in the manufacture of hydrofluoric acid, a key ingredient in the aluminum, uranium, and fluorochemical industries. Past efforts to suspend the duty on both products failed because there remains significant domestic production of acid-grade fluorspar and because South Africa is a supplier of acid-grade fluorspar to the United States. I have modified the legislation this year to take into account these concerns by proposing to suspend only the duty on metallurgical-grade fluorspar—that is, below 90 percent calcium fluoride content—. Accordingly, I anticipate that the new bill will be noncontroversial.

I urge my colleagues to support this bill, which would assist the beleaguered U.S. steel industry and, to my knowledge, have no adverse effect on U.S. production.

HOUSING AND COMMUNITY DEVELOPMENT ACT

HON. KWEISI MFUME

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 10, 1987

Mr. MFUME. Mr. Speaker, yesterday the House of Representatives passed S. 825, the conference report on the Housing and Community Development Act, with an overwhelming vote of 391 to 1. This legislation represents a responsible conference agreement with bipartisan and bicameral support and is legislation which the President should support.

This year marks the 50th anniversary of our Nation's commitment to providing decent and affordable housing opportunities for all Americans. It also marks the 10th anniversary of BUILD—Baltimoreans united in leadership development—. BUILD is a coalition of churches and unions who have worked long and hard to make safe and affordable housing a reality. Their efforts as well as the efforts of other such organizations nationwide have been responsible for, in large part, keeping this very important, and necessary issue on the national agenda. As such, I argue that the President must follow the lead of the Congress and seize this opportunity to place housing as a national priority once again and an opportunity to enact the first freestanding housing authorization bill in 6 years.

Sadly, Housing and Urban Development programs have been slashed by more than 70 percent since 1981, and thus, this anniversary year has been met with signs of homelessness across America and an ever increasing lack of affordable housing.

In this anniversary year, we need to recommit our energy and resources toward meeting pressing housing needs and S. 825 contains desperately needed authorization levels for assisted housing and community development programs. The conference agreement authorizes a total of $15 billion in fiscal year 1988 and $15.6 billion in fiscal year 1989 for most housing and community development programs administered by the Department of Housing and Urban Development [HUD] and the Farmer's Home Administration [FmHA].

The bill includes significant provisions that improve programs which assist the poor, permanently authorizes the Farmers Home Administration, preserves existing housing stock in both rural and urban programs, reauthorizes the Neighborhood Development Demonstration Grant Program, permanently authorizes the Home Mortgage Disclosure Act, and provides permanent authority for most Federal Housing Administration [FHA] mortgage insurance programs.

This conference agreement also authorizes a new fair housing initiative program and a new initiative entitled the "Nehemiah" program, under which moderate-income first-time homebuyers would receive assistance toward the purchase of homes. Also, the agreement reauthorizes the Community Development Block Grant [CDBG] and Urban Development Action Grant [UDAG] Programs—two programs which are essential if we are to see continued economic development throughout the Nation's cities.

Specifically, the conference agreement authorizes $9.2 billion in fiscal year 1988 and $9.7 billion in fiscal year 1989 for assisted housing programs—including section 8 low-income assistance, elderly and handicapped housing, new public housing, and grants for public housing comprehensive improvement assistance programs—$2.2 billion in fiscal year 1988 and $2.3 billion in fiscal year 1989 for rural housing assistance and grant programs, $3 billion in each fiscal year for the CDBG Program and $225 million in each year for the UDAG Progam, and such sums as necessary in fiscal year 1988 and $150 million in fiscal year 1989 for the "Nehemiah" Housing Opportunity Grant Program.

Mr. Speaker, I applaud the conferees for their work and I applaud the House of Representatives for recognizing the importance of assisting the Nation's disadvantaged and providing them with the most basic need of housing. I hope that we will witness the signing of S. 825 into law in the near future because the time to act on a housing bill is now.

VETERANS DAY

HON. J. ROY ROWLAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 10, 1987

Mr. ROWLAND of Georgia. Mr. Speaker, tomorrow Americans across this great country will take time to honor the contributions and sacrifices made by those men and women who have made the ultimate commitment to our freedom: our veterans.

One veteran, Charles D. Whittle, a constituent of mine living in the Georgia War Veterans Home in Milledgeville, GA, sent me a copy of a poem he has written regarding Veterans Day. It reads as follows:

VETERANS DAY

(By Charles D. Whittle)

O, how proud we were to serve this nation
that we all love so well.
Just to follow in the footsteps of our forefathers who fought and bled and died
with that same pride and love of freedom we hold so dear.
The thunder of cannons is silent.
For a moment bombs no longer rain from
the skies.
Thank God!
But to those of us who did serve on the field
of battle those sounds of horror will
live in our memories until they fire
the last volley and taps are played
over a flag covered casket.

Mr. Speaker, Mr. Whittle expresses the feelings that many veterans share. I want to commend him for this excellent poem and for his own dedication to our country.

U.S. SUGAR PROGRAM

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 10, 1987

Mr. EMERSON. Mr. Speaker, a number of our colleagues soon will be introducing legislation to try and sweet talk the Congress into dismantling the U.S. Sugar Program. Many of them don't understand that the Sugar Program is good for corn growers.

My corn producers aren't into sweet talk. They're into the sweetener business, and they know that the corn sweetener market adds as much as 25 cents to the value of a bushel of corn. That adds $1.8 billion to the value of the 1987 corn crop. That's corn that doesn't contribute to the surplus, and corn that doesn't go into Government storage.

The sweetener business is intensely competitive because corn sweeteners compete directly against sugar made from cane of sugar beets. In fact, the USDA estimates that corn sweeteners recently have been selling at roughly a 35-percent discount to sugar. That's competition that's good for consumers and good for corn farmers.

Unfortunately, the rest of the world doesn't have that kind of competition; it's government subsidy against government subsidy. The European Community is currently paying its sugar producers a subsidy of 24 cents per bushel to export sugar while it discriminates against the production of lower corn sweeteners.

Mr. Speaker, let's not subject U.S. corn farmers to such economic nonsense. The U.S. Sugar Program works; something else might not.

IN RECOGNITION OF VETERANS DAY 1987

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 10, 1987

Mr. SMITH of Florida. Mr. Speaker, November 11, 1987, marks Veterans Day—a day for all America to commemorate the valuable contribution that former members of the armed services have made to our country. As we take time to observe this day, we should remember that we are honoring the countless number of men and women who have defended our country against its enemies and have devoted their efforts to the preservation of our freedom.

Veterans have served our country in times of turbulence. Therefore, it is fitting that we set aside a day to acknowledge veterans and their families. Congress must not lose sight of its commitment to our Nation's veterans. Congress has enacted legislation to provide for job training and placement, educational advances, quality health care, home loans, compensation, insurance and mortgage assistance. We must not lose sight of our commitment to veterans.

Not only on Veterans Day, but everyday should we remember and salute those who sacrificed something of themselves for the good of our Nation. We should display our respect and pride for a select group of American citizens—our veterans.

THE 200TH ANNIVERSARY OF OUR CONSTITUTION

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 10, 1987

Mrs. ROUKEMA. Mr. Speaker, the citizens of this great country, for the better part of this year, have been celebrating perhaps the single most important event in our Nation's history, that of the 200th anniversary of our Constitution. This unique document has served to define the very foundation of this Nation and the principles for which it stands.

Tomorrow, November 11, we will recognize an important element of this Nation's ability to preserve that very document which we cherish so dearly. On this day, we will honor the heroism and sacrifices of some 40 million veterans of our Armed Forces who have fought and died in the defense of our way of life.

Just as a fledgling nation did over 200 years ago when it called upon those brave veterans of the Revolution, 23 of whom went on to sign the Constitution, we have called upon our young men and women time and time again to uphold this tradition and duplicate those efforts. From Valley Forge and Trenton to Bull Run and Gettysburg to Argonne, Normandy, Inchon and Hue, brave American men and women have put forth the supreme effort for freedom and democracy.

War is something we must always try to avoid yet always be prepared to meet. As we look west out of this building toward Arlington Cemetery and the Vietnam Memorial, two testaments to the frailty of mortal men, we recall, all too vividly, those Americans who faced the trauma and tragedy of war and realize that we can never forget what they did and must always be willing to extend our eternal thanks and gratitude for the liberties and freedoms they sacrificed so gallantly to preserve.

To the 27 million veterans across this great land and to the 900,000 vets who reside in my State of New Jersey, this Nation salutes you and thanks you very much.

CABLE SYSTEMS, INC.: COMMITMENT TO A VISION

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 10, 1987

Mr. MARKEY. Mr. Speaker, on October 14, 1987, Cable Systems, Inc., of Everett, MA, received an award from its most valued and oldest customer, Raytheon Co., in recognition of the long and productive relationship between those two firms. Today I wish to recognize Cable Systems for aggressively expanding its operation to service critical commercial markets dedicated to the advancement of technology and improved medical services. The visionary who is leading the Cable Systems team into its third decade of innovation is Eugene F. Vecchia.

From its beginning in 1957, Cable Systems has played a major role in providing cable assemblies designated for defense applications. During the past 30 years Cable Systems has established a strong relationship with Raytheon Co., the first certified contractor for the U.S. Government. Cable Systems was at the forefront of the important Hawk and Sparrow Programs, and was recently awarded a multiyear contract for production of cable assemblies for the Patriot Air Defense System.

Mr. Speaker, the awards that have been made to Cable Systems were made strictly on the basis of merit. Massachusetts boasts a highly skilled work force and a well developed high-tech industry. The Department of Defense has recognized the strength of the region. Raytheon has recognized the talent of Eugene Vecchia, and the quality of his company.

I rise today to recognize his vision, and the innovation that he is introducing to this industry.

Cable Systems is dedicated to the goal of becoming a prominent leader in the interconnect industry by increasing market share to include more commercial projects. They are striving to set standards which will maintain the dominant technological edge that America has traditionally enjoyed.

It is time to recognize that in today's economy we can only compete in world markets by nurturing a commerically viable high-tech industry. I commend the Cable Systems vision to the attention of my colleagues because this is the kind of company, dedicated to innovation, that will maintain our international competitiveness in the high-tech industry. Eugene Vecchia is leading a team in Everett, MA, that has heard that message and is working together to lead an industry, and an economy, into the 21st century.

TRIBUTE TO MORRY HELZNER

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 10, 1987

Mr. BORSKI. Mr. Speaker, I rise today to pay tribute to Mr. Morry Helzner, a resident of northeast Philadelphia and a Yiddish musicologist.

Mr. Helzner has been the spokesman for Yiddish music in the Delaware River Valley for over 47 years. Through his teaching, lecturing, and performing, thousands of Jewish children and adults have experienced the joys of Yiddish music.

Before coming to America in 1922, Morry Helzner learned of Yiddish music from his grandfather in Russia. After passing through Ellis Island as an 8-year-old, he added Yiddish and English to his native Russian tongue.

Mr. Helzner's Workmen's Circle Chorus was one of the first Jewish choruses to present Yiddish music from the Holocaust. The Workmen's Circle Chorus provided music for a CBS 20th anniversary documentary on the Holocaust, "Of Cannons and Fugue," and are regularly broadcast on Radio Liberty for Soviet Jewry in the U.S.S.R.

In addition to his dedication to Yiddish music, Mr. Helzner was on the faculty of the Walter Biddle Saul High School of Agricultural Sciences for 35 years and is a former director of the Diamond Band of Temple University. Mr. Helzner has been honored by such varied organizations as the Future Farmers of America, B'Nai B'rith, and the Pannonia Beneficial Association.

I join the entire Jewish community of the Delaware Valley in honoring this dedicated Yiddish musicologist.

THE 175TH ANNIVERSARY OF THE FORKS UNITED CHURCH OF CHIRST

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 10, 1987

Mr. RITTER. Mr. Speaker, in this year of remembering our foundations as a country, we have further reason to celebrate. The Lehigh Valley in Pennsylvania is very proud to pay special attention to Forks United Church of Christ located in Stockertown, PA. Sunday, November 22, 1987, marks the 175th anniversary of its current church building.

German settlers immigrated to this country in the early part of the 18th century, cleared and tilled the rich soil of Northampton County, PA, and befriended the local Delaware Indians. In this amicable manner, they constructively cut out a place for themselves in their new land.

From the modest beginning of the barn of Andreas Stocker, a member of the church, the settlers built the first church in Forks Township, completed in 1814 at a cost of $2,684.16½.

Forks began as a "union" church, the home of a Lutheran and reformed congregation. Until 1970, Forks shared its building with the Lutheran congregation because a single congregation was unable to afford the building. This remarkable collaboration has been a hallmark of the congregation for the extent of her history.

Seven pastors have faithfully shepherded their members, maintained and refurbished the church building and conducted the wor-

ship due to God: Theodore Ludwig Hoffeditz (1812-58), Ernest William Reineke (1858-90), Robert Charles Weaver (1891-1910), Floyd Raymond Shafer (1910-67), John Zerbe Martin (1967-75), R. Craig MacCreary (1975-80), and Charles Edward Strasbaugh, Jr., 1980 to Present.

Mr. Speaker, it is most fitting that the Congress honor Forks United Church of Christ. Thriving at the center of Forks Township, this church makes the good of her members and the common good of the entire surrounding community her very reason for existing. Our country is made strong and vibrant by the contribution of such church life.

SENATE—*Thursday, November 12, 1987*

The Senate met at 9 a.m., and was called to order by the Honorable William Proxmire, a Senator from the State of Wisconsin.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

*Yea, though I walk through the valley of the shadow of death, I will fear no evil; for thou art with me * * * surely goodness and mercy shall follow me all the days of my life; and I will dwell in the house of the Lord forever.*—Psalm 23:4 and 6.

Eternal God, You have created us to live forever. You have set eternity in our hearts—a fact which we ratify by our instinct for immortality expressed in the energy we expend and the investments we make to prolong life. As a hopeful future gives meaning to the present so life after death gives meaning to existence. Aspirations for a family and a successful career make school meaningful and motivate us to study. Plans for retirement are an incentive to work harder and better at what we do daily. It is the future which makes the present make sense. Thank You, merciful Father, for the offer of eternal life so gladly given in grace. Help us to understand that eternal life is a gift to be received, not a goal to be achieved—that as life itself is a gift, eternal life is as well. With gratitude for this immeasurable benefit, we praise You in the name of Him who is loving sacrifice. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. Stennis].

The legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, DC, November 12, 1987.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable William Proxmire, a Senator from the State of Wisconsin, to perform the duties of the Chair.

John C. Stennis,
President pro tempore.

Mr. PROXMIRE thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

THE JOURNAL

Mr. BYRD. Mr. President, I ask unanimous consent that the Journal of proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CHAPLAIN'S PRAYER

Mr. BYRD. Mr. President, the Chaplain's prayer was so refreshing, so reassuring as he quoted from the 23d Psalm and spoke of the assuredness of immortality.

We are so busy, we forget. We give little thought to the great mystery of life. It is only when we come to danger or to the end of the way that for the most part we reflect on the great and eternal things.

From time to time, I have been in turbulence while flying. I am not a very brave air traveler. When that happens, I do not call on President Reagan or former President Carter. I say, "Oh, Heavenly Father, bring us home safely."

I saw a young man executed in Moundsville, WV, at the State penitentiary 36 years ago when I was a member of the West Virginia Senate. The law required a certain number of witnesses to attend an execution.

This young man had been sentenced to die for murder, and over the several months preceding the execution, he had shown no interest in having a chaplain in his cell. He scoffed at the suggestion that there be a chaplain in his cell.

But when the last few days came and the Governor of the State declined to commute his sentence, he asked for a chaplain.

I went down to visit him that night just before the execution, and the chaplain was there with him.

At the execution, when they lowered the black veil over his face and all was very still, this young man who had scoffed at God, had scoffed at religion, said, "Oh God;" those were his last words, "Oh God."

Many times as I grew up in the coal mining communities, I heard coal miners talk about men who were pinned beneath slate, their bones crushed. Their last words were, "Oh Lord, Oh Lord."

Beyond all credulity is the credulousness of atheists who believe that chance could make the world when it cannot build a house.

Jesus said:

> In my Father's house are many mansions: If it were not so, I would have told you. I go to prepare a place for you.
>
> And if I go and prepare a place for you, I will come again, and receive you unto myself; that where I am, there ye may be also.

Mr. President, those of us who have lived a long time and who have lost dear ones, long to see across that mystic ocean of eternity those dear ones, once again. We receive hope from the reading of the Scriptures, and I thank the good Lord for this prayer that we heard today. The world is "too much with us," too scornful, too cynical. Man thinks he is all powerful, but he is not. He is powerful, but he is not omnipotent.

Mr. President, I close by reciting some words from William Jennings Bryan's "The Prince of Peace." I think that they are most appropriate following the Chaplain's prayer this morning.

> If the Father deigns to touch with divine power the cold and pulseless heart of the buried acorn and to make it burst forth from its prison walls, will He leave neglected in the Earth the soul of man made in the image of his Creator?
>
> If He stoops to give to the rosebush whose withered blossoms float upon the autumn breeze, the sweet assurance of another springtime, will He refuse the words of hope to the sons of men when the frosts of winter come?
>
> If matter mute and inanimate, though changed by the forces of Nature into a multitude of forms, can never be destroyed, will the imperial spirit of man suffer annihilation when it has paid a brief visit, like a royal guest, to this tenement of clay?
>
> No, I am sure that He who, notwithstanding His apparent prodigality, created nothing without a purpose, and wasted not a single atom in all His creation, has made provision for a future life in which man's universal longing for immortality will find its realization. I am as sure that we live again as I am sure that we live today.

I thank our Chaplain for taking time out to remind us and to remind the listening and viewing world that there is a God; He is King; and that He has made provision for eternal life. And if we live in accordance with his teachings in pursuance of His promise, we can enjoy eternal life with Him, and I can see my grandson again.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. Shelby). Under the previous order,

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

there will now be a period for the transaction of morning business not to extend beyond 9:30 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

The Senator from Wisconsin [Mr. PROXMIRE] is recognized.

WHAT REALLY DRIVES STOCK MARKET PRICES?

Mr. PROXMIRE. Mr. President, at last we have a definitive explanation of what guides the stock market. All those who thought the king-size increases in the Federal deficit caused the stock market to swoon can forget it. Those who blamed the stock market collapse on Ways and Means Committee proposals to limit tax deduction for interest on loans that finance hostile takeovers, forget that, too. Even that wild and wonderful theory of columnist Bob Novak that the rejection of Judge Bork's nomination for the Supreme Court put the stock market in a spin no longer stands up. As for the theory that President Reagan has visibly lost control of the Federal Government and the ensuing lack of confidence did the stock market in, we can kiss that one goodbye, too.

A New York Times article earlier this month offers the one theory that stands the single true test of predicting stock market behavior.

Here is a theory that has been repeatedly tested and it has held true for 20 years. Virtually every time it comes up a winner. No other theory comes close. Consider the record. In every one of the last 20 years the theory has proven correct for at least one of the three popular indices: Dow Jones; New York Stock Exchange Composite and the Standard and Poor's 500. And 91.7 percent of the time for all three taken together have confirmed this theory. So far the direction of the New York Stock Exchange index has been correct 19 times in 20 years. Each of the others were correct in 18 of the past 20 years. The basis for the theory's prediction did not exist prior to 20 years ago. So in summary 17 times the theory has been unanimously correct. That is all three of the indices have moved in the predicted direction. The rare exceptions have been by very narrow margins. So, Mr. President, this is a phenomenal record of proven foresight and wisdom. I challenge any economist, any successful multimillion-dollar investor anywhere to come up with a more impressive record of success in market forecasting.

So what is the basis for this astonishing record of forecasting? Here it is: When the Super Bowl game that is played in January is won by a team that once belonged to the American Football League, the market will close that calendar year, lower than it did the year before. If a team from the old National Football League wins, then the market will finish higher. This year, for instance, the theory predicts the stock market will finish higher than it finished last December 31, because the NFL Giants won the Super Bowl in January of this year. In spite of the sensational stock market crash on "Black Monday," the Dow and the other indices are still higher than they were December 31, 1986. The theory tells you they will finish higher.

Now, Mr. President, let this Senator rush on to assure you that I know this theory to be absolute balderdash. It is the sheerest nonsense. "The phenomenal success" is pure coincidence—delightful coincidence but coincidence. What the story of this theory tells us in that we should be very suspicious of any explanation of stock market movements. The fact is that no one knows why stocks rise and fall. If anyone did, he or she could parlay that knowledge into wealth beyond the wildest dreams. What the astonishing success of this ridiculous theory tells us is that no explanation now no matter how precisely it squares with experience can explain the stock market crash.

The most common explanation—the Federal deficit is a case in point. Here is the one cause of Black Monday that has been most commonly seized upon by experts in the press, in the Congress and in the economic fraternity. And it is just about as nonsensical as the Super Bowl theory. Consider the record. Here is a theory that argues that a rising Federal deficit will undermine investor confidence and bring down the stock market. So let us test this theory that a rising deficit is stock market poison and drives the Dow Jones index down with what has actually happened.

Compare the Dow with the deficit performance in each fiscal year. The result is astonishingly consistent. What does the Dow do when the Federal Government runs a big deficit? The year 1982 was the first year of mega deficits. That was the first year the Federal deficit exceeded $66 billion. It hit what was then an appalling $128 billion. What happened to the Dow with that precedent-shattering deficit? The Dow rose from 853 at the beginning of the fiscal year to 917 at the end. The big deficit pushed stock market prices higher. What happened the next year, 1983, when the deficit increased more sharply than in any year before or since and climbed to an horrendous $209 billion? The Dow soared. It zoomed from 988 to 1237. The next year, 1984, the deficit dropped modestly down to $184 billion. Did the Dow rise on that odd news? No, indeed. The Dow actually fell from 1252 down to 1213. Then in 1985 the deficit rose again. This time to $212 billion. Bad news? No, indeed. The Dow loved it. It rose sharply from 1199 to 1318. And in 1986 the deficit broke all records to rise to an astonishing $221 billion. How did investors react? They gave the country one of the biggest bull markets ever. The Dow shot up from 1352 to 1813. Then came the coup de grace. This past year the deficit came in far lower at a surprisingly improved $148 billion. So what happened to the stock market? The stock market suffered the worst crash in at least 58 years.

Now, Mr. President, this Senator has worked and voted and fought hard to hold down the deficit, to cut Federal spending even on programs that I strongly approved because of my belief that our fiscal policy has been grossly irresponsible. It has buried this country under an enormous burden of debt. But the current craze to tie the stock market collapse and the short time value of American equities in with the Federal deficit is sheer nonsense. It is every bit as foolish as arguing that the Super Bowl winner in January sets the course of the stock market for the coming year. There is a difference. The difference is that there is at least some historic respectability based on actual events to the Super Bowl theory. But how about the deficit theory? Historic developments—the hard facts—of the actual Federal deficits each year and the actual performance of the stock market show that if there is any connection between Federal deficit and stock market performance, it is this: The bigger the increase in Federal deficits, the more likely it is that stock market prices will rise during the year.

This Senator has concern about the stock market. But I have far greater concern about our economy. Deficits may be good at least in the short run for the stock market. There is no question in my mind—none—that they are bad and I mean very bad for the economy.

Mr. President, I ask unanimous consent that the article by Leonard Koppett in the New York Times to which I referred be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

QUARTERBACKING THE MARKET

(By Leonard Koppett)

Palo Alto, Calif.—Amid the gyrations of the world's stock markets, so bewildering and frightening to all concerned, there is available one statistical barometer that can be watched with comparative calm for the next few weeks. It is the Super Bowl stock theory, first outlined in the sports pages of The New York Times (by me) in 1978.

The theory states that when the Super Bowl game, played in January, is won by a team that once belonged to the American Football League, the market will close that calendar year, 11 months later, lower than it did the year before. Otherwise, it will finish higher.

It has held true for 20 years in at least one of the three popular measures of stock prices, and 91.7 percent of the time for all three taken together. Before that, there was no Super Bowl game to provide guidance.

Last January's Super Bowl game was won by the New York Giants, never a member of the A.F.L., and therefore an "up market" predictor.

The magic numbers are the Dec. 31, 1986, closing figures for the Dow Jones Industrial Average (1,895.95), the New York Stock Exchange composite idex (138.58) and the Standard & Poor's 500 index (242.17).

The theory says nothing whatever about what fluctuations may occur during the year. Nor does it indicate how much higher or lower the final tally will be.

But it does provide a single beacon of stability at this time of day-to-day confusion about such previously inconceivable hour-by-hour swings.

So far, the New York Stock Exchange number has moved "correctly" 19 times in 20 years; each of the other two were "correct" 18 of 20 times. But never have all three been "wrong" in the same year, and 17 times they have been unanimously "correct." The exceptions have been by such narrow margins that confidence in the formula has not been seriously undermined.

In 1970, the Kansas City Chiefs won the Super Bowl, indicating a down year. The N.Y.S.E. index got it right, dropping 2.5 percent. The S. & P. 500 just missed, going up one-tenth of 1 percent. The Dow Jones, wildly volatile even then, went up 4.8 percent. In 1978, the Dallas Cowboys were victorious, heralding an up year. The perverse Dow went down 3.1 percent, but the others were right on target.

In 1984, the Los Angeles Raiders were Super Bowl victors, signaling a lower year-end close. This time, the Dow got it right (falling 3.7 percent) while the other two strayed upward by margins of only 1.3 percent and 1.4 percent.

Theorists have speculated that these more broadly-based indices were misled by the fact that the Raiders had moved from Oakland to Los Angeles, belonged to the up-market category. Sorting out such complications as franchise shifts and different nicknames in the same city is a bit much to expect from econometricians, and they got mixed up. They had no trouble when the Oakland Raiders had won in 1977 and 1981.

Whatever else happens between now and Dec. 31, therefore, the test is clear. That day (a Thursday), the market should close no lower than 1,895.96 on the Dow, 138.59 on the N.Y.S.E. and 242.18 on the S. & P. 500.

If none of these are "correct," we will see that not even football results can be relied upon for market analysis, and the future will seem dark and terrifying indeed.

Mr. PROXMIRE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The majority leader.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, we are all very well aware of the conditions that have fallen upon us over the recess with respect to the unexpected snowstorm, and the discommoding of travel and arrival arrangements by Senators who had to be out of town during the Veterans Day recess. Therefore, in an effort to accommodate Senators who are having problems flying into Washington and so on from distant parts, having cleared this request with the other side of the aisle, I ask unanimous consent that the vote by rollcall which was to occur at the hour of 9:30 a.m. today on the conference report on H.R. 1451, the Older Americans Act, be rescheduled to occur at 1 p.m. this afternoon.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE ON EXCEPTED COMMITTEE AMENDMENTS EN BLOC

Mr. BYRD. Mr. President, according to the order that was entered on November 10, anent the vote on the excepted committee amendments dealing with nuclear waste, the amendments being to the energy-water appropriation bill, the time for a vote on those excepted committee amendments en bloc was set at 12 noon today. In accordance with the rearrangement of the vote on the conference report on the Older Americans Act, and for the reasons already stated, I ask unanimous consent that the vote on the excepted amendments en bloc to the energy-water appropriation bill occur immediately following the vote on the adoption of the Older Americans Act conference report.

The PRESIDING OFFICER. Without objection, it is so ordered.

30-MINUTE ROLLCALL VOTE

Mr. BYRD. Mr. President, I ask unanimous consent that the first rollcall vote of the day which will occur as heretofore ordered at 1 p.m. be a 30-minute rollcall vote, and that the call for the regular order occur at the expiration of the 30 minutes, and that that be an automatic call for the regular order.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE DEBATE TIME

Mr. BYRD. Mr. President, where does this leave the debate time which was to have begun at 10 o'clock and to have gone until 12 noon on the excepted committee amendments? I ask unanimous consent in response to my own question that the debate begin at no later than 11 o'clock this morning. If it begins earlier, let it run until 1 p.m., but that it begin no later than 11 a.m., and of course, that will be equally divided and controlled as heretofore ordered.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, this would mean that the debate of the Reid amendments and the debate on the Adams amendments and any other amendments would occur following on in the same sequence as was recognized by the order that was entered last week.

RESERVATION OF THE MINORITY LEADER'S TIME

Mr. BYRD. Mr. President, I ask unanimous consent that the time of the distinguished Republican leader be reserved for him later in the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

BICENTENNIAL MINUTE

NOVEMBER 2, 1820: BIRTH OF BEN: PERLEY POORE

Mr. DOLE. Mr. President, 167 years ago this month, on November 2, 1820, Benjamin Perley Poore was born. Poore never served as a U.S. Senator, but he was about as closely associated with this institution as any person could be without having won an election.

Ben: Perley Poore, or "Perley" as he signed his newspaper columns, was for decades the Washington correspondent of the Boston Journal and, at the same time, the clerk of the Senate Committee on Printing. He was also briefly the clerk of the Foreign Relations Committee. In the 19th century it was not at all unusual for newspaper reporters to moonlight as clerks to congressional committees and as secretaries to Senators. They were in town for the same months as the Congress. They were literate men who could draft a good speech and handle constituent mail. And they always seemed to need the second salary. One supposes that they reciprocated by writing only favorable notices of the Senators who hired them.

Perley became the premier patronage collector of his generation. In addition to his clerkship, he also edited the Congressional Directory—which he copyrighted in his own name—and the Biographical Directory of the American Congress and compiled The Federal and State Constitutions, and a Descriptive Catalogue of Government Publications, all on government contracts. At the same time, he regularly published his gossipy news stories from Washington, which at the end of his career he compiled into a wonderful memoir: "Perley's Reminiscences of Sixty Years in the National Metropolis."

At the age of 66, the rotund and bewhiskered Ben: Perley Poore collapsed while climbing the stairs to the Senate Chamber, and died shortly thereafter. From the 1840's to the 1880's he had faithfully recorded the stories of the Senate and its Members, and collected his patronage rewards.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD. Mr. President, I ask that morning business be closed.

The PRESIDING OFFICER. If there is no further morning business, morning business is now closed.

RECESS UNTIL 10:30 A.M.

Mr. BYRD. Mr. President, in order to save Senate's time, allow the offices of the Senate, the doorkeepers, the Presiding Officer, and the other employees of the Senate to have a little time for walking in the snow, breathing fresh air, and perhaps arriving a little late, I ask unanimous consent, rather than have a longer quorum call, that the Senate stand in recess until the hour of 10:30 a.m. today, and that at that time, the Senate resume consideration of the energy-water appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Thereupon, at 9:26 a.m., the Senate recessed until 10:30 a.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. BREAUX].

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to address the Senate as if in morning business for a period of 6 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator is recognized.

THE RECENT CONGRESSIONAL PAY RAISE

Mr. GRASSLEY. Mr. President, I would like to take advantage of this opportunity to address this body on the prospective congressional pay raise. Meanwhile, just a few feet from here, the leaders of the House and Senate, both Republican and Democrat, are negotiating with representatives from the White House to work out a budget agreement. I want to point out to this body that there is a considerable inconsistency between what we on the Hill portray to the public about what we are doing for fiscal reform and balancing the Federal budget, and what we actually do. I am referring to the fact that we bury salary increases deep in the many, many pages of massive legislation that pass this body and the other body.

Mr. President, here we go again! Just a few days ago the other body voted to give themselves, and presumably the Members of this body, another pay raise. The other body hid a pay raise in the bowels of the 1987 Omnibus Budget Reconciliation Act. This is that same notorious bill for which the leadership of the other body had to use various "arm twisting" tactics to force its passage by a scant 1 vote, 206 to 205. The pay raise included in that bill, was disguised as a 3-percent cost-of-living adjustment for all Federal employees.

If also approved by this body, this pay raise would be received once again by virtue of an automatic increase, as provided in a law regarding COLA's, that was adopted in 1975. I hope that legislation which has passed this body—once on an 84-to-4 vote and again on a voice vote—and is now in conference between the House and Senate will be passed and signed into law. This legislation would knock out that automatic feature. My legislation would simply require both Houses of Congress to vote on a pay raise before Members could receive it. I tend to believe that it is not the pay raise itself, but how it is adopted without a vote by Congress, which frustrates the public. That is what the people are really objecting to.

For anyone keeping count, Members of Congress were making $75,100 at the beginning of this year. The new increase would raise congressional salaries to an embarrassing $92,200. That 23-percent increase is some cost-of-living adjustment.

Any guesses on how Congress would pay for this 23-percent salary hike? That question is easy to answer, especially since the pay increase is attached to a bill that contains a $12 billion tax increase.

Mr. President, I have several articles from Iowa newspapers. I will ask unanimous consent to insert these into the RECORD. I would like to read the headlines:

"Pay Raise for Congress Sneaks Past Back Door—Boost Hidden in Last Week's House Action"

"Untimely Pay Boost."

"Fiddling in D.C."

Reading from a portion of one article, I quote:

> Is there any federal budgeting situation so grave that members of Congress would stifle the temptation to raise their own salary?
>
> With Wall Street—nay, the world—watching for signs of fiscal wisdom and integrity, lawmakers crank up the legislative machinery.
>
> Intriguingly, the bill providing the last step of that (pay) boost is labeled the "Guaranteed Deficit Reduction Act of 1987." It reeks of huckster hype.

"Huckster Hype"! That is hitting it right on the head! I hope that makes my colleagues as proud as it makes me!

I hope that the people around this country put the fire to the feet of their respective State's Congressmen and Senators. I hope the public will pin them down on where they stand on this issue.

I hope they ask their Congressmen and Senators what they are going to do to change the process that allows Members of Congress to raise their pay by default. I hope that they ask them what they are going to do to assure that the Grassley legislation is maintained in the fiscal year 1988 legislative branch appropriations bill. What are they going to do to make certain that the House appropriations conferees ease off their opposition to the Grassley amendment in the legislative branch appropriations bill?

Mr. President, I have also repeatedly assured my colleagues that my amendment does not affect COLA's. My amendment only affects those raises which are recommended by the Quadrennial Commission. Little did I realize, however, that the other body would rush to award themselves a COLA.

Mr. President, I have made no bones during my relatively short tenure in the Senate that I am just a hog farmer from Iowa. I am proud of that background, and fortunately or unfortunately, that background conjures up some rather fitting images. Anyone who has ever seen hogs stampede to the feed trough will have no doubt of the image that is now playing in my mind.

At the same time that Congress is heaping the feed higher in its own trough, we demand that every one else go on a fiscal diet. "Untimely" is an understatement for the hypocrisy of raising our own salaries again, in the face of deficit reduction negotiations with the admininstration.

This action, to accept the cost-of-living adjustment in the same year Congress accepted the pay raise recommended by the Quadrennial Commission, is almost unprecedented. In 1977, when Congress accepted a 28-percent salary increase, it was shamed into canceling the subsequent COLA. But this year Congress is positioning itself for its third pay increase this year?

Lip service will not do. Votes which are cast too late, after the expired time lines, will not do. You would think that we would learn that the public simply will not accept these shenanigans.

Mr. President, I ask unanimous consent that the four articles previously referred to be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Des Moines (IA) Register, Nov. 5, 1987]

FIDDLING IN D.C.

Usually we're in favor of the congressional pay raises. Not this time. The proposed $2,700 raise sneaked through the House last week is scandalous.

The scandal is not the amount. Even if the raise takes effect, members' salaries would still be lower than they were in the 1960s, adjusted for inflation.

Rather, the action is outrageous for the way the raise was slipped through, attached to an alleged deficit-reduction bill. Of course, that behavior is nothing new for Congress—which is precisely what's so obnoxious about it now.

In the midst of a worldwide financial crisis, the incident reeks of business as usual. Nero may have fiddled while Rome burned. The American Congress sneaked itself a pay raise while the world financial order tumbled.

The financial markets are in turmoil because they no longer can cope with some serious imbalances, not the least of which are the gargantuan U.S. budget deficits. The world is waiting a signal from Washington that the United States is finally ready to come to grips with its deficits. Instead, the President and Congress have given the world an Alfred E. Neuman grin: "What, me worry?"

The alleged deficit-reduction negotiations have turned into the politics-as-usual game of trying to pin the blame on somebody else while avoiding any substantive action. The amounts of the reductions being talked about would scarcely dent the deficits, and President Reagan thinks so little of the crisis that he isn't even personally involved in the negotiations.

If the turmoil in the financial markets is going to be kept from spreading to the real economy, meaning lost jobs and lowered standards of living, Washington must get serious.

An immediate freeze in federal spending levels is needed, and top leaders must set the example by freezing their pay first.

To do otherwise would indicate that America's leaders simply do not comprehend the gravity of the situation. That's an absolutely terrifying thought.

[From the Cedar Rapids (IA) Gazette, Nov. 4, 1987]

UNTIMELY PAY BOOST

Is there any federal budgeting situation so grave that members of Congress would stifle the temptation to raise their own pay? The question arises because of the spectacle on Capitol Hill last week:

With Wall Street—nay, the world—watching for signs of fiscal wisdom and integrity, lawmakers crank up the legislative machinery. They produce a "deficit reduction measure" ostensibly aimed at instilling confidence. (It includes about $12 billion in new taxes.) Then, in the part of the bill covering federal pay raises effective next January, they quietly insert language raising congressional salaries by 3 percent.

Now, 3 percent may not seem like much. But consider the run-up since last January. Senators and representatives started the year at $75,100 annually. First they jumped to $77,400 by the way of the fiscal '87 continuing appropriation resolution. Then, in a financial arabesque that hardly anyone understood, they vaulted to $89,500. (It turned out the boost was related to recommendations by the White House commission on salaries.) Next came the measure hatched last week along with the "deficit-reduction bill." It would put congressional pay at $92,200 next January and $100,000-plus within three years.

In light of what is expected from congressmen and what it costs to live in the Washington, D.C., area, those are not lofty sums. The purpose of the current exercise, however, is to decelerate Washington's spending machine. Symbolically, at least, giving Congress a 23 percent pay increase over a 12-month span mocks that intention.

Intriguingly, the bill providing the last step of that boost is labeled the "Guaranteed Deficit Reduction Act of 1987." It reeks of huckster hype. Most consumers should recognize the gimmick: When a company goes on and on about how "quiet" a machine or appliance is, chances are the product is comparatively noisy. When the pitch emphasizes size, expect the item to seem puny alongside some competing products. And when "guaranteed" is the first word you see, look for the product to be anything but guaranteed.

What seems guaranteed is Congress's overall reaction to the "discovery" that new legislation contains a pay mechanism. First an outcry: "This isn't the time!" Next, a discovery: To tamper with the salary gears is to upset the entire machine. Then, an excuse: "The pay commission and the president want it this way, so who are we to argue?" Finally, a retreat—not from the raise itself but from a vote holding each member accountable.

The congressional pay escalator fosters cynicism just when confidence is the order of the day. What a disappointing spectacle.

[From the Des Moines (IA) Register, Nov. 4, 1987]

PAY RAISE FOR CONGRESS SNEAKS PAST BACK DOOR—BOOST HIDDEN IN LAST WEEK'S HOUSE ACTION

(By John Hyde)

WASHINGTON, D.C.—The House of Representatives, in a little-noticed action last Thursday night, voted to increase congressional salaries to $92,200 a year.

The pay raise, if it eventually takes effect, will be the third salary increase this year for members of Congress. They were earning $75,100 at the start of 1987.

"It is unbelievably arrogant on the part of Congress to give itself a $2,700 pay raise when the deficit problem is so real and we're talking about holding down expenditures for everything else," Iowa Republican Representative Tom Tauke said Tuesday. "We ought to be the first in line to do our bit to hold down spending."

The congressional pay increase was part of a massive $14.5 billion deficit-reduction bill that passed Thursday on a 206-205 vote after a bitter partisan debate.

PUBLIC FOCUS

Although the salary angle was reported, most attention focused on provisions in the bill that would raise almost $12 billion in new taxes next year. All but overlooked was the measure's authorization of numerous other changes in federal spending, including a 3 percent cost-of-living increase for members of Congress and all other civilian employees of the federal government.

Several other steps must take place before members of Congress receive the pay increase. It must be passed by the Senate and signed by President Reagan, and another bill appropriating money for it must be approved.

A provision to appropriate the necessary money for the pay raise already has been included in the huge "continuing resolution"—a bill necessary to keep the federal government in business for the coming year—that may come before the House as early as next week.

Congress has raised its pay five times since the start of 1984, when congressional salaries stood at $69,800. Salaries were increased to $72,200 in January 1984 and to $72,650 in April 1984.

Then the salaries were increased to $75,100 in January 1985 and to $77,400 in January 1987.

HEFTY RAISE

In February, acting in response to the recommendations of a presidential salary commission, Congress gave itself a hefty 15 percent pay boost, setting congressional salaries at $89,500. The raise took effect in April.

The most recent pay increase was highly controversial, not only because of its size but also because it was maneuvered through Congress without ever being specifically approved. Under the terms of a new law, congressional pay raises recommended by the president take effect automatically unless both houses vote to disapprove it.

An unusual coalition of conservative organizations and consumer watchdog Ralph Nader has been seeking to overturn the February pay raise in the courts. Their lawsuit is pending.

Meanwhile, in the Senate, Iowa Republican Charles Grassley has been waging a lonely battle to change the law in order to require members of Congress to cast a recorded roll-call vote before a pay increase could take effect.

Grassley's most recent effort was attached to a bill appropriating money for the legislative branch. But his spokesman, Allen Finch, said the provision probably will be removed by a conference committee now considering the measure.

As for last week's action by the House, Finch said: "Talk about Custer's last stand. They're giving themselves pay raises faster than we can fight them."

Although few members of the press or public understood what was happening on the House floor last week, Tauke said representatives understood quite well that the bill contained a pay raise for themselves. "People did know," he said. "There was talk about it on the floor."

Tauke said his first reaction, upon hearing of the pay raise provision, was: "You've got to be kidding. . . . This absolutely sends all the wrong signals. We're asking people to fight the deficit at the same time we're increasing our salaries. This is one of the reasons people are so cynical about Congress."

PARTY SPLIT

The Iowa delegation split along party lines on the measure, with all four Republicans voting against the bill and both Democrats supporting it.

Freshman Democratic Representative Dave Nagle said he supported the bill because it offered a better way to cut the deficit than the automatic spending cuts that would result from a Gramm-Rudman "sequestration order."

"If sequestration comes, Iowa gets a $200 million cut," said Nagle. "The owner of a 100-acre farm is going to lose $1,800 in corn payments. . . . Measure that against this bill. The impact on Iowa is dramatically reduced."

Nagle said he is opposed to raising congressional salaries and will vote against a bill to appropriate money for the pay raise if it comes before the House separate from other appropriations.

"You can't ask the whole country to sacrifice and not ask Congress to sacrifice," he said.

ORDER OF PROCEDURE

The **PRESIDING OFFICER.** The Senator from Arkansas.

Mr. **BUMPERS.** Mr. President, what is the parliamentary situation,

The **PRESIDING OFFICER.** The Chair is getting ready to announce the pending business which is H.R. 2700.

Mr. **BUMPERS.** Is that under controlled time?

The **PRESIDING OFFICER.** It will be.

Mr. **BUMPERS.** Mr. President, I wonder if I could prevail upon the distinguished floor manager of this bill to yield me 10 minutes on an unrelated subject.

Mr. **JOHNSTON.** Mr. President, I think we are going to need most of and really actually all of our time.

The **PRESIDING OFFICER.** The Chair could respond by suggesting to the Senator that he ask unanimous consent to proceed as if in morning business.

Mr. **JOHNSTON.** Then we could put the vote off another 10 minutes.

Mr. **BUMPERS.** Mr. President, I make that request, the unanimous-consent request that I be permitted to proceed for 10 minutes without the time being charged on the allotted time.

Mr. **JOHNSTON.** Would that mean the vote would take place at 10 after 1?

The **PRESIDING OFFICER.** The Chair will state that if the Senator from Arkansas would include that in his unanimous-consent request.

Mr. **JOHNSTON.** Mr. President, I think we could probably do it and put it all in before 1. The majority leader has set the 1 o'clock vote.

Mr. **BUMPERS.** If the majority leader has set the time of 1 o'clock as the vote I would not want to move that down without his being consulted. I wonder if we might be able to work it in before that, and if we cannot perhaps prevail on the majority leader to move it by 10 minutes.

Mr. **JOHNSTON.** I think perhaps the distinguished Senator from Nevada would maybe yield five and we could yield five.

Mr. **BUMPERS.** If I would assure the Senator from Nevada that no vote would be changed as a result of that 10 minutes lost——

Mr. **REID.** I agree to the unanimous-consent request that 5 minutes come out of my time, and 5 minutes out of the chairman's time.

The **PRESIDING OFFICER.** Is there objection? Without objection, the unanimous-consent request is agreed to.

The Senator from Arkansas is recognized.

Mr. **BUMPERS.** Mr. President, I want to express my thanks to both Senators for their graciously acceding to this request.

THE FISCAL CRISIS

Mr. **BUMPERS.** Mr. President, I have some late information which I think is extremely reliable, and it is that at some point in time every Member of this body is going to be dead. After everybody in this body is dead, and in some instances before, historians are going to start recording how they performed as Members of the U.S. Senate.

Historians are not going to dwell on tenure. Historians could not care less about how long a Member serves in this body. Without being too patronizing, I might say that some people know how to extend their tenure here. You can read the polls, vote accordingly, go home and wave to the crowd, and parade and receive the adulation of people in your State for doing what is politically popular at that particular moment. Historians are going to be more concerned about the quality of your service here and what happened to the country while you were here.

Everybody in this body now knows, or certainly ought to know, that the economic philosophy and theory of supply—side economics was and is flawed. We have well over $1 trillion in additional national debt, which our children are going to have to pay off, to vouch for the failure of supply-side economics. But it was not really until Black Monday, when the stock market crashed 500 points, that people in this country said that they were willing for Congress to act and to bite the bullet, make unpleasant choices, and force everybody in America to share in the sacrifice to deal with the Government deficits, our $2.5 trillion national debt, and our $400 billion and $500 billion net international indebtedness. All of these debts will have to be paid and we need to start now to pay them.

So after Black Monday we get this high-level negotiating team to go into a room, and come back with a plan, telling us, as well as America and the financial markets of the world, what we are proposing to do about the deficits and debt.

There is just one thing wrong with what happened in that room and what the negotiators are probably about to announce today. Well, there are several things wrong. First, the President sent his negotiators to the meeting to negotiate with leaders of both parties of Congress and the President said, "Everything is on the table." The truth of the matter is that there is a lot that the President did not put on the table that ought to be discussed.

I am told by negotiators that, oftentimes, proposals were brought up, and the President's representatives would say, "We have to go back and try this on the President." That, of course, is evidence that everything is not on the table for the President.

Second, I can tell you that the financial markets of this country expect a lot more than $23 billion in debt reduction. In my humble opinion, if the negotiators come back here with $23 billion, not only will it not reduce the projected deficit next year year; the deficit will increase.

You know that economic growth is not going to be as great next year as has been projected. You know that the tax cut, the second year of the tax cut, which goes into effect January 1, costs the Treasury $17 billion—half in personal tax cuts, half in corporate tax cuts.

Is it not strange—let me say bizarre—that our negotiators are sitting in a room, trying to cut the deficit by $23 billion next year, they are saying absolutely nothing about the fact that there is a $17 billion tax cut scheduled to go into effect next year?

For whom is this tax cut going into effect? The wealthiest people in America.

Of this $17 billion tax cut, $9 billion is a tax cut for individuals and $8 billion is a tax cut for corporations. In fact, the tax cut for corporations went into effect on July 1.

Yet, the President has said, "You can't touch tax rates when you raise any revenue."

The Democratic negotiators apparently want $12 billion in new revenues. But if you analyze very carefully the $12 billion in revenue they are talking about, you will find that some of it is not real. For example, additional revenue is supposed to come from increased enforcement of tax collections by the IRS. You can put any figure you want on that revenue. You can guess this will increase revenues by $1, $2, or $3 billion. Just put down whatever figure you want and say, "this is the additional amount of money we are going to get as the result of more vigorous enforcement of the tax laws." Increased enforcement will be set at least $2 billion in this package, I promise you.

They have even talked about cutting the COLA's for everybody—Social Security, veterans, civil service retirees. I could not support cutting COLA's except as a last resort, after we have exhausted all our other options. If you are going to allow this $9 billion tax cut for individuals to go into effect, you clearly have other options. The $8 billion tax cut for corporations would be an issue if it hadn't already gone into effect.

This is not a tax increase; this is a tax cut. And who do you think gets it? The principal beneficiaries are the people in this country making over $75,000 a year.

How, in the name of all that is good and holy, can anybody even talk seriously about cutting the COLA's for the elderly of this country, for the retirees, while at the same time giving people who make over $200,000 a year a $5,000 tax cut?

Mr. President, I have a chart, which I will insert in the RECORD immediately after my remarks, to show who benefits from this scheduled tax cut.

A little of this tax cut goes to the people who make between $10,000 and $20,000. They get a little bit of a tax cut—their effective tax rate drops three-tenths of 1 percent. But next year, everybody who makes between $20,000 and $75,000—listen to this—will experience a tax increase both in absolute dollars and in their effective tax rate. People making over $75,000 a year get a tax cut both in absolute dollars and in their effective tax rate.

If that is not shocking, I do not know how you can shock this place.

This tax cut is laying on the table and everybody is scared to touch it for fear the President will go on national television—the same President who brought us supply-side economics and $1.5 trillion additional debt—and talk about tax increases.

I was interested in seeing this ad in the Washington Post yesterday, a two-page ad: "Time for decisive action, a bipartisan budget plan." It was signed by prominent bankers, economists, and corporate executives. I have some good friends on that list. A two-page ad in the Washington Post "ain't" a beanbag. It cost a lot of money to place it. The ad includes all kinds of recommendations, including cutting COLA's: "COLA modifications should also be part of any long-term budget reform."

Mr. President, I will wager that there is not one name on this list that will earn less than $200,000 in 1988 and, therefore, who will not recieve a very handsome tax cut next year, courtesy of the largess of the U.S. Senate and House.

No place in this budget reduction plan do I see anybody saying, "Please don't give all these wealthy people another tax cut."

In 1981, we cut the top marginal rate from 70 percent to 50 percent. Then we cut it to 38.5 percent this year. Then we are scheduled to cut it to 28 percent next year. We have cut the capital gains tax rate from 49 percent to 28 percent to 20 percent now its 28 percent again and it's scheduled to rise to 33 percent next year.

Mr. President, to say that I am deeply concerned about the future of the country and the future of my children would be the understatement of the year. But I do not understand how somebody could say, "Well, we would be breaking faith with the American people if we discuss tax rates. We have made this tax reform commitment; we have to see it through."

Black Monday changed all that. Everything ought to be on the table, and the thing that ought to be at the top of the table is this chart, to show the American people that we are afraid to discuss whether we need another tax cut next year.

If the negotiators come out here with a proposal to cut the deficit by $30 billion, Wall Street is going to be unimpressed. If they came out with a $39 billion package, the financial markets of the country, and indeed the world, might say, "Well, at least they are finally beginning to come to their senses. Now that is a figure that might actually reduce the deficit next year."

Mr. President, when that deficit reduction package comes out, I am not saying categorically that I am going to oppose it. I am going to say to you right now that if there is any possible way to offer an amendment on that reconciliation bill that will give everybody in this body a chance to stand up for a little fairness, a little equity, and at the same time a little preservation of the economic future of this country, I am going to do my very best to give them that chance.

Mr. President, I ask unanimous consent that the table I alluded to earlier be printed in the RECORD immediately following my remarks.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

According to the Joint Tax Committee, here are the income categories and the tax for each category, in dollar terms and as a percentage of income for the 1987 year, and what it would be if the 1988 tax rates go into effect:

Income class	Average tax liability		Tax as percent of income	
	1987	1988	1987	1988
$0 to $10,000	$−1	$−13	0.0	−0.3
$10,001 to $20,000	$640	$602	4.3	3.9
$20,001 to $30,000	$1,642	$1,751	6.6	6.7
$30,001 to $40,000	$2,652	$2,830	7.7	7.8
$40,001 to $50,000	$4,051	$4,300	9.1	9.3
$50,001 to $75,000	$7,276	$7,708	12.2	12.4
$75,001 to $100,000	$13,402	$13,335	15.7	15.0
$100,001 to $200,000	$25,463	$25,483	19.0	18.2
$200,001 plus	$119,208	$114,824	24.4	21.7

The PRESIDING OFFICER. The time of the Senator from Arkansas has expired.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1988

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the bill, H.R. 2700, which the clerk will now report.

The assistant legislative clerk read as follows:

A bill (H.R. 2700) making appropriations for energy and water development for the fiscal year ending September 30, 1988, and for other purposes.

The Senate resumed consideration of the bill.

The PRESIDING OFFICER. Under the previous order, the time between now and 1 p.m. this afternoon will be equally divided and controlled.

Who yields time to the Senator from Washington?

Mr. EVANS. Mr. President, the Senator from Louisiana had previously before he left authorized 15 minutes for the Senator from Washington.

Mr. REID. I have no objection as long as it is charged against Senator JOHNSTON's time.

The PRESIDING OFFICER. The Senator from Washington, under the agreement, is recognized.

Mr. EVANS. Mr. President, I have listened over the last week or so to what some times has been an almost unending debate on nuclear waste. I have listened to the Department of Energy castigated in many, many different words, most of them inaccurate. I have heard history lessons given, most of them inaccurate. I would characterize much of what has been said during the course of the last week as pure palaver, and it does not take hours to respond to it. In 15 minutes I hope and believe that I can set the record straight and at least hopefully instruct some of my colleagues about this issue and what it is really all about. It is very simple as to what it is all about. It is about delay. It is about delay and it is about committee jurisdiction. That is what it is all about.

We have had 10 hearings in the Energy Committee. We have written a comprehensive bill. We have visited two of the nations who have moved further and faster and more successfully than any other in the handling of nuclear waste, France and Sweden. I have personally analyzed countless documents and have followed this debate ever since I arrived in the Senate 4½ years ago.

A good deal of what this is all about is technical in nature. I must admit that even with engineering training I find it difficult at times to follow all of the technical elements of this act. But I certainly would say that many of those without a technical background simply have misjudged, I hope inadvertently, what has gone on and where we are.

The 1982 act, which many have referred to almost in terms of awe and referred to the authors in terms of even greater awe, was a good act, but it was not a perfect act.

The 1982 act was purposely ambiguous in many of its aspects simply because at that time there was a clear recognition of the political nature of this whole process, even though it ought to be as far as we can make it a technical and scientific process.

That ambiguity came back to haunt us in the actions taken by the Department of Energy in the succeeding year.

The Department of Energy attempted to react, and I am here not as an apologist for the Department of Energy but neither am I here as an unfair castigator of the Department of Energy. They reacted perhaps imperfectly. I believe they acted wrongly and later admitted it in agreeing to set aside or delay indefinitely work on a second repository. That as not ambiguous in the act. It was very clear that work should be pursued on a second deep repository in a timely fashion to follow the first repository.

I believe DOE probably paid too much attention or too much emphasis in selection of the final three sites on the different kinds of material or medium that this deep repository would be placed in: salt or salt domes, basalt, and the other kinds of medium. But I do not think we can blame the Department of Energy specifically for that. After all, that was a particular and specific element in the act itself which said to the maximum degree possible, they should attempt to have a variety of mediums in the three sites selected.

I think the first point is very clear. The Department of Energy is neither an angel nor a devil in what has gone on up to now. They have made some mistakes, but so have we. We have done an inadequate job at times of oversight of really following through on a regularized basis what the Department was doing and the actions they were taking. We, many of us in this Chamber who represented States that were or might have been picked for a second repository, reacted violently and intensely and probably helped persuade the Department politically that they should set aside the second repository for a time.

So there was plenty of blame to pass around.

But we are where we are and we cannot undo or change or rewrite history. If we do nothing, if we let the 1982 act carry through to its conclusion, we will be on the way toward characterization of three sites, spending I believe probably unnecessarily at least $2 billion to $3 billion in excess of what we need and we will not have reduced the political problems by one iota.

We do need a midcourse correction. We do need to change the 1982 act. We have developed 5 years of information and all of that is worthwhile information.

Now some of it is the recognition that this is an even more political problem than we once thought. But we have also developed 5 years of scientific and technical information.

We understand, I hope, that this is a national problem which needs to be resolved and resolved as promptly as possible. We cannot chuck responsibility by simply delaying. We cannot chuck responsibility by appointing and giving responsibility to special committees. What in the world do we think we were elected for? Congress is the oversight body. We are the responsible agent for supervising the acts we have passed in the past years. It is up to us and through the committees of the Congress, of the Senate, and of the House, to insure that what we wanted to achieve through legislation is being achieved by the various agencies of Government.

I think the Energy Committee bill is well crafted, and in fact, it and the Environment and Public Works Committee bill have many of the same features and around those I believe we can coalesce. There is a recognition that instead of the triple characterization that was called for by the initial act that sequential characterization is an appropriate and proper thing to do simply because we can save a very large amount of money in doing it.

Both bills suggest that we can set aside for now and probably for an extended period of time any work on a second repository. The Energy Department bill specifically recognizes the desirability of financial incentives, and it is my understanding that the members of the Environment and Public Works Committee generally agree with that as a fundamental concept. Both agree that there is a need for a monitored retrievable storage facility although the Energy Committee goes further in authorizing it than the Environment and Public Works Committee. The real difference is timing. By taking more time we do not exclude politics.

More time only intensifies politics. We may delay, as the proposer of the change would, for two elections. It comfortably gets people by the 1988 and the 1990 elections.

But does that build courage? I doubt it very much. We only end up then in 1991 with a 1992 election, and the 1994 elections ahead of us.

No, Mr. President, I do not think delay excludes or diminishes the political nature of this process; it merely intensifies it. We have sufficient information to move ahead. If we are responsible in our actions, we ought to move ahead and see whether we have a site, any site, that can be successfully characterized.

Let us recognize the simple fact: Simultaneous characterization costs $3 billion. And I think that is an understated cost. Surface testing, that many in the long debate prior to this have talked about, surface testing will go on in any case and it will always precede the deep, massive drilling that would go on at any site.

It is appropriate and as fundamental as day versus night that you conclude those tests which might disqualify a site before you proceed with the expensive elements in further testing.

This legislation adds specificity which might well have been in the 1982 act but which was not. And that specificity gives us, even without further testing, a much greater clarity as to how to proceed in order on site characterization. It says that primary consideration should be given to the relative costs of construction, of characterization, of operation, and of closures of these sites; in other words, the entire cost during the life cycle of these repositories. That is important. But it was not taken into account because the act in 1982 did not allow it to be taken into account or require it to be taken into account.

We also in this act have said that health and safety would be given the kind of consideration that ought to be given, the number of deaths and the potential danger to people in each of the sites should be relatively measured. And that too is a characterization or a method of choice of a site to characterize that requires no further information and no further testing.

A site for characterization can be chosen by January 1989. It will minimize the politicization of this kind of proposal. Some have suggested, "Well, that comes in sort of a time in between administrations. It is a lameduck kind of thing and somewhat that is evil." Well, Mr. President, I think that probably removes, to the maximum degree we can remove, politics from site selection and site characterization.

My colleague from Washington suggested during the debate that it was somehow possible during that lameduck period for representatives from Nevada or from Texas having unusual political clout to keep those sites from being selected. Well, Mr. President, long before this administration was a lameduck administration, and while those people who supposedly had great clout were still in office, those sites were selected. They were among the three selected. So I think that that is a red herring, along with the whole trail of red herrings we have had drawn in front of this while it has been debated.

Mr. President, the potential moneysaving cannot be ignored. The cost of delay, the cost of delay for an extra several years, has not been calculated, but the cost of delay and the concurrent resolution that goes along with it is simply unnecessary and unwise.

I say to my friends on the Environment and Public Works Committee, I would be glad to delay, I would be glad to join with them in an extensive delay in the characterization and selection of a deep repository if they, in turn, would join with me and let us come to our senses on the desirability of a monitored retrievable storage.

Mr. President, we have been hoodwinked by antinuclear forces into a crash program on a deep repository, unnecessarily and I believe unwisely. Nowhere in the world, nowhere in the world, are other nations doing in the order we have chosen.

The PRESIDING OFFICER. The Senator from Washington has consumed 15 minutes.

Mr. EVANS. Mr. President, will the Senator from Louisiana give me about 3 more minutes?

Mr. JOHNSTON. Yes, Mr. President.

The PRESIDING OFFICER. Without objection, the Senator is recognized for 3 minutes.

Mr. EVANS. Nowhere in the world are they doing it the way we are. France and Sweden both understand the technology of a monitored retrievable storage. They have them operating. We saw them. We visited each of them. They are of two different types, but both working very successfully, incidently, with the support and acquiscence of the people who live in and around these sites.

They understand, as we should, that you start with what you know best, put them into operation, collect the waste, adequately handle it, process it if you desire to, and continue to study a deep repository which should come later. The advantages of this are so well known and so straightforward that I fail to understand why we as a nation uniquely have rejected this order of events. We know the techniques of an MRS. It cools the waste and makes a deep repository cheaper and easier to ultimately construct. It probably, if we did it right, would cool the waste sufficiently so that we would make a second repository unnecessary, not just for an interim period but probably forever. It gives us time to really settle on the design and location of a deep repository.

We are more likely, ultimately, Mr. President, to gain acceptance of a monitored retrievable storage than we are a deep repository. Legislators from my own State even said, in a letter sent to me signed by 21 legislators, that if a defense MRS were built at Hanford, which is desperately necessary, that they could see the acceptance of some civilian waste along with that.

We have better information on an MRS from other nations. And if we move in the same order they are moving, we will gain their knowledge on deep repositories before having to make a decision.

We are pushed, shoved, scared by outside forces and organizations, each with their own agenda in trying to push us into a deep repository and ignore the value of a monitored retrievable storage.

But, Mr. President, we are where we are. It is time to make decisions. I believe the energy bill does so in a clear, in an orderly, and in a cost-effective manner. It minimizes delay and it also, Mr. President, minimizes politics.

I do not think we should conjecture on what the other House may do in the selection of conferees or how they would handle the negotiations between the two Houses. I do not believe we should respond to those who said, "Well, we can't legislate on an appropriations act." If that were a uniform conclusion, I would support it enthusiastically. But everyone knows that we constantly and repetitively legislate on an appropriations act where it appears to be the desirable thing to do. And that is precisely what we are doing here.

Mr. President, I hope that when the votes come up today and over the next several days we vote to sustain the position of the Energy Committee, we vote to move ahead on this process, and we vote most of all to reject the concepts of delay and politics which, I fear, too much have gotten involved in this debate.

The PRESIDING OFFICER. The time of the Senator from Washington has expired. Who yields time?

Mr. EXON. Mr. President, I would like to ask if the two sides would yield me 5 minutes out of their remaining time to speak on the subject, since no one else is anxious to speak at this moment. If I could get 2½ minutes of the 1-hour time allocated to the Senator from Nevada and 2½ minutes from the other side of the issue, I could dispose of this matter and I think not delay the Senate.

Mr. REID. Does the Senator from Louisiana wish to yield?

Mr. JOHNSTON. I will, reluctantly. I think we will be running out of time. I thought the Senator from Nevada——

Mr. REID. I was ready to proceed, but if the Senator is willing to yield 2½ minutes, I will, also.

Mr. JOHNSTON. Mr. President, I will very reluctantly do that and say this is the last such request I will accede to, because I am going to have to limit the people on my side. I do not know where they are.

Mr. REID. I will join with the Senator.

Mr. JOHNSTON. I yield.

Mr. EXON. Let me ask unanimous consent that I be allowed to proceed for 5 minutes without the time being charged to either of the other parties to the time agreement and that, if necessary, the vote be delayed by 5 minutes after the scheduled 1 o'clock vote.

Mr. BYRD. Mr. President, reserving my right to object, I do not wish to enter into any agreement that would have the effect of delaying the 1 o'clock vote.

Does the Senator wish to speak as in morning business?

Mr. EXON. I have been trying to accommodate everyone on this. As usual, we run into these situations where people have been on the floor, talking incessantly, about this very important matter. I think I have something important I want to say on another matter. I would like to speak for 5 minutes as if in morning business under some arrangement.

Mr. BYRD. Mr. President, how about having the time come out of both sides equally?

Mr. REID. We have already agreed to that, Mr. Leader.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 5 minutes.

YOUTHFUL DRUG ABUSE AND THE SUPREME COURT

Mr. EXON. Mr. President, I thank my colleagues for their consideration. I am pleased with the President's nomination of Judge Anthony Kennedy to the vacancy on the U.S. Supreme Court. Judge Kennedy, of Sacramento, comes to this body with a lot of very progressive and yet conservative views. I believe at this juncture, from what I know now, subject to the confirmation process, that he is a good nominee.

Judge Kennedy's reputation as a sound conservative jurist precedes him and bodes well for his early eventual confirmation. However, as I said before and cautioned before, let us allow the confirmation process and approval to work in the Senate. It has served us well in the past.

The withdrawal of the nomination of Judge Ginsburg may in the long run prove to be a positive action and have a positive effect on society in general and prove to be very instrumental in moving forward our fight against illegal drugs. It sends a message to our youth that society condemns the use of all illegal drugs and this might be a turning point in our war against drugs. If so, the failed Ginsburg nomination might be eventually looked back upon as a shot heard round the world in the successful fight against drug abuse, especially youthful drug abuse, that I have fought all my life.

There has been a near landslide of prominent and effective public officeholders who have conceded early experimentation with marijuana. I reject the views of the holier than thou; those few who hold no one who has ever experimented with the drug are not fit for public office, years later, because of that transgression alone.

Where are our real Judeo-Christian ethics and principles? Who is the first among us to be without sin? I say again that I have never used marijuana. However, to say that that alone makes me holier than others and better qualified to serve in the public office—it is gross nonsense.

I was safely home during the Vietnam war tragedy, resting on my laurels as a World War II veteran, in an adult society that frowned upon long hair and marijuana as kid stuff. We should remember it was the kids of that era who lived and died in Vietnam and it was us good guys, clean and wholesome, who exposed them to the Vietnam syndrome and brought them home—those who lived—to an aura of "Sorry about that."

The political purists of today who do not recognize the difference between the general pressures of the Vietnam-driven society and today talk as if they were smoking grass; even if they are, as I do not believe, free from any law violations.

Mr. President, I yield back the balance of my time and I thank my colleagues.

The PRESIDING OFFICER. The Senator form Nebraska yields time. Who yields time? The Senator from Nevada.

Mr. REID. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Nevada is recognized for 10 minutes.

ENERGY AND WATER DEVELOPMENT APPROPRIATION ACT, 1988

The Senate continued with the consideration of the bill (H.R. 2700).

Mr. REID. Mr. President, my friend from Washington, the senior Senator from Washington, I think, did what any good engineer would do, that is give a very poor history lesson.

In his opening remarks the senior Senator from Washington said he was going to give a history lesson, and then failed to do so. I would suggest that nowhere in my statements have I said anything about the monitored retrievable storage system being something that we should not do. In fact, if the senior Senator from Washington would look at the record, it would show that anything being done with the monitored retrievable storage system that is somewhat unusual is in the context of this legislation on an appropriations bill. It is nothing that this Senator has said or done, or nothing that the Environment and Public Works Committee has done.

If, in fact, anyone would look at the statements made by the senior Senator from Washington where he said: Nowhere do I say that we should do away with the monitored retrievable system—neither are we. I think that the Senator's suggestion is along the same lines as ours. Perhaps he has not been briefed properly by his staff as to what has been going on on the Senate floor. We do not suggest delay. The senior Senator from Washington suggests there might be something magical in the 1988 and 1990 election periods. Those Senators that have taken time on this floor; namely, the junior Senator from Washington and the junior Senator from the State of Nevada, we are not up for election in 1988 or 1990; we were just elected. So I would suggest, again, that this is an example of why engineers should not give history lessons.

I would further suggest, Mr. President, that the senior Senator from the State of Washington says: Follow the Energy Committee. We are not here with the Energy Committee; we are here with the Appropriations Committee. That is what is before this body, not the Energy Committee. So how can we possibly be asked to do that? We have an appropriations bill that is before this body and that is the bill we are debating. There should not be legislation on an appropriations bill.

The Senator talks of the time spent by the Energy Committee. Well, maybe they did; but certainly the Appropriations Committee is being asked to violate its own rules, and we as a Senate body are being asked to violate our own rules by legislating on an appropriations bill. Again, this is why an engineer should not give a history lesson.

I would also suggest, Mr. President, while we are talking about this history lesson, there has not been one word said to refute the history lesson that has been promulgated on this Senate floor these past 2 weeks; namely, that the Department of Energy has committed a travesty in the way they have interpreted the 1982 law.

No one has gone into the fact that the General Accounting Office, that the Ninth Circuit Court of Appeals, that the President of the United States, that the other body have talked about how poorly the Department of Energy has conducted itself; namely, by not following the law, not following its own rules and regulations, and not following its own scientific findings. That is something that in this history lesson should have been reviewed. The Senator suggested that he could, in 15 minutes, refute what has been said on this floor these past few days.

I would respectfully suggest that that is an engineer's history lesson and not a historian's history lesson.

Mr. President, also the point was made by the senior Senator from Washington about cost, about how that was the primary consideration.

Well, that, Mr. President, should not be the primary consideration in burying the most poisonous substance known to man. That is right, the most poisonous substance known to man should not be dependent upon cost. The No. 1 consideration should be public health and safety.

The distinguished senior Senator from Washington has said we should have the MRS and likely we do not need a high-level repository.

Well, that does not seem to be in keeping with what other people have said on this legislation. S. 1668 directs its entire attention to a high-level repository, and only a high-level repository. To do it quick and real quick.

So, Mr. President, I would respectfully suggest and submit that the history lesson we have been given this morning deserves not an average grade, not a C, but, maybe a D-minus.

Mr. President, I ask unanimous consent that the time that I have remaining of my 10 minutes be reserved.

The PRESIDING OFFICER. The Senator reserves the remainder of his time.

Mr. ADAMS. Mr. President, how much time remains for Senators ADAMS and REID?

The PRESIDING OFFICER. Fifty-seven minutes.

Mr. ADAMS. Mr. President, I yield myself 10 minutes of that time.

The PRESIDING OFFICER. The Senator is recognized for 10 minutes.

Mr. ADAMS. Mr. President, for the last week, and actually for a longer period than that but particularly in this last week, Senator REID and I have been on the floor explaining our objections to the substance and to the procedure of the proposed changes in the Nuclear Waste Policy Act brought to us by the Appropriations Committee. We will soon be voting on that proposal.

We are asking that when that vote occurs, and it will be immediately after the Older Americans Act vote, that our colleagues join with us and vote "no" on including the Nuclear Waste Policy Act. It is a straight up-or-down vote to vote "no" on including it in the appropriations bill.

I have thought a great deal about what more I could say to my colleagues before this vote is cast. Mr. President, I guess it comes down to this: I know, and the people of my State know, that Washington is a potential site for a nuclear waste repository. We understand that.

Mr. President, we want and deserve some assurance that the process is fair and scientific, and we will not have that under the plan that is before us today. We simply will not have it. We regret that. We want to have a scientific procedure.

Instead, what we will have, if this amendment putting S. 1668 into this appropriation bill should pass, is a selection process that has been totally distorted by political rather than scientific considerations.

Mr. President, I do not think a single Senator, a single Member of the House, a single objective observer would care to defend the role that DOE has played as the lead agency in the nuclear waste program. At every turn, they have made not only mistakes but have destroyed the consensus that we had on nuclear waste policy starting in 1982. They failed to follow the law, failed to follow their own criteria, failed to implement the cooperation and consultation mandate of the act.

During the last 1½ weeks, Mr. President, we have explained in detail what has not been done in the consultation process, what has not been done in cooperation with the States.

We have taken this time because we know this is an issue that most Senators have not turned their attention to in the last few years. We have tried to point out that consultation has been abysmal; that cooperation has been lacking.

Yet, despite this record of failure and incompetence, the approach before us would give them a free reign, rewarding failure with a grant of increased authority.

What is even worse about this amendment is the amendment would provide that the present Department of Energy would decide, on January 1, 1989, without ever characterizing all three sites on the surface and without having an EPA examination first.

We just hope that the Environment and Public Works Committee version of this bill will prevail eventually and be before the Senate. This is an end run around the authorizing committees.

It is important that we understand that this end run has substantive effects. It is not just a jurisdictional question. It is a question of cutting out of the process the people who have spent the time, who have the expertise in the Senate and in the House in this very difficult decision. They are the ones to do this, and it should not be done on an appropriation bill.

Maybe sometimes we have put something on an appropriations bill for convenience or because there is a time pressure. Mr. President, as I pointed out in my prior remarks, we are dealing with 10,000 years of half life of this waste. We are dealing with 1998 before we start to make movements into the Federal Government. It makes no sense, Mr. President, to rush to a decision on this.

Mr. President, this bill gives DOE the responsibility of selecting a single site for characterization despite the fact that the Nuclear Regulatory Commission has indicated that no one has enough information to make that decision now, and no one will have enough information to make that decision on January 1, 1989.

Even the managers of the bill appear to recognize that reality. They have indicated a desire to offer an amendment which would require DOE to gather more information about the nonselected sites so they can select between them if, for any reason, their preferred site does not work out.

Well, if we need more information before picking a backup site, does it not make sense that they need more information before they pick a primary site?

I obviously object to giving DOE the authority to make this primary decision. But my concern goes beyond just the DOE. I also object to a process that will give that authority to people who will be leaving office in less than a month, no matter who those people are. We ought not to let people who do not have to live with the consequences of this decision and do not have to live with those consequences make the decision. We ought not to allow those who will not have to bear responsibility for the decision make it. We ought to let those who are going to have to do this make it.

All of us are going to have to live with this decision for thousands of years. It does not just affect one State—it affects every State through which waste will be shipped. Those trains and trucks will be rolling through the towns and cities and villages of this country for more than half a century. And the people who are threatened by those trucks and trains will not be satisfied with answers to their questions which simply say, "Well, someone else made the decision." We are being asked to make the decision. We are being asked to make it today on an appropriation bill at a time when we do not have all the information from all the committees.

In that context, Mr. President, I want to talk about who ought to be making the decision. I believe the Energy Committee ought to have a role—and they certainly have. But I also believe the Environment and Public Works Committee ought to have a role—and they certainly have not. Nor would the House Energy or Interior Committee have a role if this decision is made on an appropriation bill.

It would be appropriation conferees on an appropriation bill, and the people who did the original Waste Policy Act would be excluded from the process. I certainly for one intend to do everything possible to see that those committees are involved.

There is another point to consider and that involves the budgetary implications of the pending amendment. The claim is made that adopting S. 1668, which is the first amendment that will be voted on in the energy and water bill under the unanimous-consent agreement, will save a lot of money and that we can afford to save that money; after all, advocates assert, we have studied this issue for years and any further research would just be pouring money down a rat hole. Now, Mr. President, I have already indicated—as have Senator SIMPSON and Senator BREAUX, the distinguished Senator from Louisiana, who is presently in the chair—that we do not have enough information. The only rat hole involved here is the hole that this bill would force us to dig before we are ready to dig it. But beyond that, this bill is not going to save us any money and I think we all know that. This amendment authorizes an MRS Program at a cost of $3 billion. Maybe there will be an attempt to amend that out. But what we are voting does that. It establishes what could be a very laudable benefits program for States hosting an MRS or a repository at a cost of up to $8 or $9 billion. Maybe we want to do that at some point but we should not be pushing that through at this time. And some of the modifications which have been proposed will eat into the alleged cost savings by continuing surface level testing at nonselected sites.

It just simply sets another time for spending it, and at that time it is going to be a deficit problem. Whether it comes up in 2 years or in 3 years, we might as well face what we have to do at the present time or, as has been suggested by the House and by the other committees, take some time before we do this.

So, Mr. President, none of my colleagues should look to this bill as a way to balance the budget. But even if they do want to adopt that view, that is even more reason to look at this legislation in the context of reconciliation where we are asked to make policy decisions for budgetary reasons.

Mr. President, I have given a number of speeches and made a number of arguments on this subject over the past week or so. And it is hard to find the final words, some magic formula which would let my colleagues understand why my State and I feel so abused and outraged by what has happened under an act which we originally supported. In simple terms, I think it comes down to this: We want to be treated fairly. And we do not think we have been.

For 40 years now, a great deal of nuclear waste has been stored in Washington State at the Hanford Reservation. The people of Washington State have accepted, without complaint, the Government's decision to use their area for a host of nuclear related activities. They have accepted the Government's weapon material producing N-reactor and some have supported its continued operation despite the very real safety problems it poses. They have accepted the fact that millions of gallons of nuclear wastes have leaked out of rusting single shelled tanks into their environment. They have come to terms with the fact that there are nuclear materials buried throughout the Hanford Reservation in sites which no longer can be identified or monitored. The people of the State of Washington have been willing to live with all of that because they think they are making a contribution to the national defense and well-being of this Nation.

But Mr. President, if we are going to ask these people to make yet another sacrifice, it ought to be for the right reasons. We cannot ask them to accept a nuclear repository—on top of everything else they have accepted—unless we know, as well as science can ever know anything, that Hanford is the best site. We will not know that under the approach advocated here.

Voting for my position on this matter is not a vote for delay—it is a vote against undue haste. Voting for my position on this matter is not a vote for placing your own States at risk—it is a vote against putting the three finalist States at undue risk. Voting for my position on this matter is not a vote against reform of the Nuclear Waste Program—it is a vote for realistic reform. And voting for my position on this matter is not a vote against the Appropriation Committee—it is a vote for involving all of the authorizing committees in this decision.

Mr. President, I am asking my colleagues to oppose a provision strongly supported by Senators JOHNSTON and McCLURE. Believe me, I know how difficult that is. But I am asking my colleagues to do more than vote against this provision. I am asking them to vote for fairness. I am asking them to vote for a scientific process. I am asking them to vote for a real reform of the Nuclear Waste Program. I am asking them to vote for placing some reasonable restrictions on the Department of Energy. I am asking them to vote for involving all of the authorizing committees in the task of fixing this program. I am asking them to vote for reason and rationality. Mr. President, I hope my colleagues will vote "no" on the amendment.

Mr. President, how much remains of my time and that of Senator REID? We wish to yield to other Senators.

The PRESIDING OFFICER. The Chair will observe the Senator controls 43½ minutes.

Mr. ADAMS. I thank the Chair. Mr. President, I will yield the floor at this time so that the managers of the bill may yield time, or I will yield to the Senator from Texas, whichever.

Mr. JOHNSTON. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 10 minutes.

Mr. JOHNSTON. Mr. President, the present amendment saves this country $3.9 billion. It is very simple mathematics. According to the GAO, to characterize three sites, as called for in the present law, costs $5.8 billion. This amendment goes from three characterizations to one characterization. It is simple mathematics—savings, $3.9 billion. Whether you say it fast or whether you say it slow, that is real money paid by real rate payers in the United States, and it is not only worth doing, it is absolutely essential to do it unless there is some overriding, real reason not to do it.

One further point, Mr. President. We are told that that savings is not real because the MRS is going to cost additional money. Mr. President, the MRS has been in the Nuclear Waste Policy Act since its beginning.

As a matter of fact, before the Congress in which the Nuclear Waste Policy Act was passed, the Senate passed a bill which contained only an MRS. The following Congress we came back to a two-track system, which was a repository and an MRS. So it is no additional cost. It is simply the authorizing of the plans which are part of the Nuclear Waste Policy Act.

Furthermore, the statement that this adds $3 billion simply does not comport with the facts. The total life-cycle cost of an MRS, according to the report filed in the RECORD, is approximately $1.5 billion to $1.6 billion higher than a system without an MRS facility. That is a life-cycle cost spread over the 40 to 50-odd years of the proposal. But that is not an addition. That has been in the law all along, since the very first moment the act was passed.

Back to the question: Is it proper, is it scientifically feasible, is it prudent, to go from three characterizations to one characterization, and do it as provided in this act?

The answer to that question, Mr. President, is very simply yes, it is. First of all, let us examine the nature of nuclear waste. Is it really a scientific problem? Mr. President, we have been hearing the experts in our committee for over 10 years on this. Let me give you one sentence, an example of what they say. The distinguished scientist, Dr. Alvin Weinberg of the Institute for Energy Analysis at Oak Ridge, says this. I am quoting from page 3 of our hearings. "If one were to judge by the estimates of most technical people, radioactive waste disposal is almost without exception not regarded as being a particularly difficult problem technically."

Dr. Weinberg, Mr. President, is a distinguished scientist and he says almost without exception it is regarded as being not a particularly difficult problem technically. He goes on and he says, for example, "It does not for example compare in difficulty with the problem of reactor safety. Why then has the radioactive waste issue evoked such bitter opposition on the part of the public?" He says, "I believe the public in expressing its fears of nuclear waste tends to confound possible releases from a waste repository with the far more lethal releases from an uncontained reactor accident."

Mr. President, the fact that it is not a difficult problem technically, the fact that the public reacts to it perhaps out of superstition, ignorance, or some other kind of irrational fear does not mean that those fears are not real. And in the commodity with which we deal which is politics, it is certainly real. But just to be clear about it, technically the problem of disposal and isolation of nuclear waste has never been considered by the technicians in the field as being a particularly daunting problem technically.

Nevertheless, I can assure every Senator here that we do not treat it as a simple problem. Indeed, we have been slushing money, pouring money down what I call the nuclear rat hole in a view somehow to try to reassure people that all of our paper studies before we begin ever to turn the first spade of dirt are all safe. Indeed, Mr. President, we are spending about a half-a-billion dollars a year on paper studies right now. Let me repeat that: about a half-a-billion dollars a year on paper studies before we turn the first spade of dirt.

Why, Mr. President, with those kinds of paper studies you could design an SDI program. But what are we doing? We are just, you know, having the scientists drawing up new reports. So the question here is, Do we want to continue that horrendous waste or do we want to make a decision and get on with the program? Well, can we do so?

We had heard the same things that my colleagues had heard that you cannot do it safely, that there are all of these problems of the Department of Energy and how badly they ran the program, that somehow it was unsafe to get on with this program. So we got the experts up. Who are the experts?

Well, you have the NRC, the Nuclear Regulatory Commission. We had Mr. Hugh Thompson testify before the committee. He is Director of Nuclear Safety and Safeguards. And I asked him:

> Now your statement, as I understand it, very clearly states that there is no reason why we should not proceed to characterize the three sites?
>
> Mr. THOMPSON. That is correct. We have identified issues, we have identified a range of concerns of licensing issues which we believe in fact can only be resolved by proceeding with site characterization. We see no technical reason why that would disqualify any of these sites based on the information that we have to date.
>
> Question. So that in effect from a technical standpoint the Department of Energy's work on the three sites has been adequate and has been technically sufficient to proceed with the process?
>
> Mr. THOMPSON. That is correct.

Mr. President, we have heard hours and hours of testimony of filibuster on this floor about why they are flawed but the Nuclear Regulatory Commission—what higher authority is there?—says it is not flawed, said it is technically correct, says we are ready to proceed. But, oh, no, we are told we must delay, we must have more paper studies at half a billion dollars a year.

If you do not believe the Nuclear Regulatory Commission, how about the National Academy of Sciences. We had them up to testify. You see, the National Academy of Sciences have been monitoring this process with people in the field day by day, step by step, and by bit of information by bit of information. And we had Dr. Frank Parker, who is Chairman of the Board on Radioactive Waste Management of the National Academy of Sciences. And I asked Dr. Parker:

> Dr. Parker, in summary, is it fair to say that you see no technical reason at the present time why we should not proceed with the characterization of the three sites?
>
> Dr. PARKER. That is correct, sir.

The second question:

> While there may be ways in which to improve the procedure, and I think the participation in the National Academy of Sciences certainly has and will continue to improve the confidence in these procedures, have those procedures been adequately followed up to this point consistent with the act and consistent with public safety to proceed with the implementation of the act?
>
> Dr. PARKER. This is our opinion, sir.

Mr. President, I do not know which one would be considered to be the supreme court of nuclear waste, whether it would be the National Academy of Sciences, or whether it would be the Nuclear Regulatory Commission. It sort of depends on whether you want to take one group of scientists or the other, but clearly one of them or both of them are the highest authority you can get to assess and assay this program. And they say we are ready to go. They say there is no technical reason, there is no safety reason, that there are a lot of questions to be resolved but those can be resolved only by the characterization of the sites. The process has been proper, not perfect but they followed the act, they have assessed the information, and they are ready to go.

These are questions as these experts say that can be determined only with characterization. Can we, instead of characterizing three sites simultaneously, do only one site? According to the Nuclear Regulatory Commission we can do so. They say, "In effect, simply put, the Commission does not oppose legislation that would require the Secretary of Energy to select one site for at-depth characterization." That is from a letter dated November 10, 1987, and signed by the Chairman of the Nuclear Regulatory Commission, Admiral Zech. He further says, "The Commission takes no position concerning the date for selecting a preferred site characterization."

Mr President, there it is. Every expert body or the expert body, the Nuclear Regulatory Commission, who will have to license this process, says we are ready to go, it is ready to be characterized, there is no flaw in our bill.

Mr. President, if we do not do it this way, it is going to cost billions of dollars additional without adding one wit, one jot, or one tittle to the safety of nuclear energy or the safety, should I say, of nuclear waste disposal.

There are two things that are key to being able to go from three characterizations to one. One is to keep our date of 1989 to select the site, and the other is to have an MRS in place and ready to go. Then in case, the very small chance, that in the characterization of one site it turns out not to be suitable, then you can move seriatim to the next site, and still have time to do it. But if you do not have the MRS to serve as the interim repository to, first, accept waste, and second, if you delay that date of 1989, then you put at risk the whole time sequence of selecting the one site. It can be done properly. It should be done now. It saves the Nation $3.9 billion.

Mr. President, I am glad the Department of Energy did not pick my State to put a nuclear waste facility in. I say that not because it would be bad for the State, not because in fact, it would not be probably an affirmative thing in terms of jobs, but because every State citizen reacts negatively to having what is called a nuclear waste dump put in their State. I understand that. It is human nature. It may be based upon ignorance, superstition, and emotion. But it is real, and it is a real opposition.

However, these three States that have been picked were picked fairly, according to the Nuclear Regulatory Commission, according to the National Academy of Sciences, and we ought to get on with the process and not continue to spend half a billion dollars a year wasting money on unnecessary paper studies. Let us get on with the process. Let us save the money and at the same time protect the public.

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time?

Mr. ADAMS. I yield myself 1 minute.

Mr. President, in the letter that was included, it is flatly stated by Admiral Lando W. Zech:

> It should be recognized that sequential site characterization could delay the schedule for opening a repository if the preferred site is subsequently found to be unlicensable.

In other words, they support the position.

The gentleman who was quoted by the distinguished Senator——

Mr. JOHNSTON. Mr. President, will the Senator yield?

Mr. ADAMS. I will yield in a moment. The Senator can use his own time.

Mr. JOHNSTON. I will ask the question for 1 minute, on my time, Mr. President.

Is the Senator taking the position that you need to characterize all three sites?

Mr. ADAMS. We need to surface characterize all three sites before a decision is made. That is the position I am taking.

Mr. JOHNSTON. Surface characterization will go on all three sites, anyway. To do the characterization at-depth with the full shaft, if that does not work, then you have to go sequentially to the next site, and that is what Admiral Zech is saying would delay the process. That is why we say we need to begin the process now. Is that not correct?

Mr. ADAMS. No. He is saying you are taking a chance by going to one site instead of surface characterization of all three.

Mr. President, I yield myself 1 more minute.

The Senator from Louisiana has just quoted from the Regulatory Commission, and I am quoting from the same letter, of September 1, 1987. It says:

> We have three major comments regarding the repository siting provisions of the bill: (1) If Congress determines that DOE should complete characterization of one preferred site at a time instead of three simultaneously, we believe that at least three sites should undergo a technically sound program of surface-based testing to provide a basis for comparison of the sites and selection of one site for characterization at depth.

They are saying precisely what we are saying, that you have to technically go through all three before you choose one. They say:

> (2) We recommend that the selection deadline allow at least 2 years for completion of this surface-based testing program plus 1 year for data analysis and reporting; and (3) NRC and other concerned parties should be given an opportunity to comment on DOE plans for the surface-based site characterization program at multiple sites and on the analysis and documentation for DOE's selection of a site for at-depth characterization.

All I am saying to the distinguished Senator from Louisiana is that they want to characterize all three first on the surface, before drilling one, so you do not make a mistake and then have to regret your mistake later.

Mr. JOHNSTON. Mr. President, will the Senator yield?

Mr. ADAMS. I will have the Senator use his own time, Mr. President. I want to continue the discussion, but I have promised other Senators to yield time.

Mr. JOHNSTON. I think the Senator has made a mistake. He quoted from a letter from the Nuclear Regulatory Commission.

Mr. ADAMS. No, this is the person quoted by the Senator from Louisiana. This is September 1, 1987, to the Deputy General Counsel, through

T.A. Rehm, from Hugh L. Thompson, Jr., Director, Office of Nuclear Material Safety and Safeguards.

Mr. JOHNSTON. No. I quoted from Adm. Lando W. Zech, Chairman of the Nuclear Regulatory Commission, in his letter to me of November 10, 1987.

I think the Senator will find that he was reading from a staff report which was rejected by the Commission.

Mr. ADAMS. Mr. President, I yield 4 minutes to the Senator from North Carolina [Mr. SANFORD].

Mr. SANFORD. Mr. President, we have heard a good deal in recent days about our troubled program for the disposal of high-level nuclear waste. The quality of the debate, I believe, has been very good. I think we all agree that there are serious problems in our nuclear waste program, though we may not completely agree on the causes of these problems.

I think all of us agree that the problem can be put back on track. We all want to put this issue behind us, however difficult that may be.

Mr. President, we all appreciate the hard work, the thoughtful effort, that has gone into the nuclear waste language approved by the Senate Energy and Appropriations Committees. My good friend, the distinguished senior Senator from Louisiana, has brought his tremendous leadership abilities to this issue. The senior Senator from Idaho, Senator MCCLURE, has made diligent efforts in helping to put together their legislation.

I am sure we all recognize the outstanding contributions of Senators JOHNSTON and MCCLURE toward solving our nuclear waste problems, and I would like to thank these gentlemen for their work toward resolving this extremely complex issue.

Mr. President, the nuclear waste language in H.R. 2700, as passed by the Senate Appropriations Committee, provides us with a good framework for the Department of Energy's program. I have previously spoken at some length about this language, and I do not want to take up a great deal of time here. The language is a good start, and the good senior Senator from Louisiana has shown additional foresight in agreeing to a few changes to strengthen it in the past few days.

But unfortunately, Mr. President, I am still troubled in particular by two aspects of the legislation we will vote on today. Although I support much of this legislation, I must again ask my colleagues to carefully reflect on whether we are doing all we can to put the program back on track.

I am troubled, Mr. President, because I am not sure that we are doing all we can to restore the essential public confidence that is so necessary to ensure a successful program. I am concerned that we may not be ensuring that the arguments of those who may question future program decisions can be answered. As my good friend, the junior Senator from Louisiana, has so ably pointed out, we may be risking a great deal later on if we are too hasty in selecting a site for characterization now.

I am also very concerned with the authorization of a Monitored Retrievable Storage facility. I think I have made clear in the past my objections to the MRS. I just do not think we have all the information we need yet. And it is of great importance—I cannot stress this point enough—that the nuclear waste language we are considering provides absolutely no safeguards against that MRS becoming a de facto permanent repository for all the Nation's nuclear waste.

In fact, Mr. President, if this language is approved as is, it could actually increase the chances that an MRS will become an unwanted solution to nuclear waste disposal—a poor solution that Congress has debated and rejected many times over the years.

My good friends, Senator BREAUX and Senator SIMPSON, have proposed retrictions on the MRS to make sure that it does not become something it is not intended to be. I would urge my colleagues to consider carefully the merits of these restrictions.

Mr. President, I must admit that I am uncomfortable with the idea of making such far-reaching legislative changes in the context of an appropriations bill. I know that such things are done in the Senate, in spite of our rules, and the Senate will decide the merits of this particular case. But I would prefer that we arrive at a consensus solution that all the relevant authorizing committees can live with.

Mr. President, I have touched on what I believe should be the most important focal points in this debate. I would now like to explore these ideas in somewhat greater depth.

Public confidence is the key to a successful program. I repeat, without public confidence we cannot have a successful nuclear waste program. The Department of Energy's nuclear waste program has no credibility. No one believes the Department can be trusted to do everything possible to assure an absolutely safe site. No one is confident they will be treated fairly. No one can be completely sure about the integrity of program decisions.

I am well aware that many Senators believe that all the problems we have experienced are political. They do not think that technical problems have been important. I disagree. I think the Senator from Washington, the Senator from Nevada, and others have done an admirable job over the past few days of pointing out some of the technical mistakes made in the program. I have mentioned a few of these. I don't want to dwell on technical matters, but some much-disputed technical issues include:

DOE's weighing of preclosure and postclosure safety factors in the Western site-selection process;

DOE's overemphasis on rock diversity as a selection criteria;

DOE's definition of the accessible environment for radiological release, which does not distinguish between high-risk and low-risk environmental media;

DOE's relative weighing of socioeconomic and safety factors, which led to the conclusion that siting a repository near a population center could be an asset; and

The straw man no-MRS system that the Department used to compare to its proposed MRS system, in deciding that an MRS would be both necessary and cost-effective.

I believe there are many more so-called technical issues that have been rendered questionable by the DOE, to say the least.

But the committee report that accompanied S. 1668—the nuclear waste legislation that has been incorporated into the bill we are discussing today stated that the problems that confront the nuclear waste program are political rather than technical. That is on page 8 of the committee report to S. 1668.

Well, Mr. President, I do not happen to agree with that statement. I know many witnesses that have testified in past months before several committees other than the Senate Energy Committee have expressed some technical concerns. I know many reputable scientists have expressed technical concerns.

I want to make myself clear. I am not saying there is any technical reason why our program cannot work, why it should not work. I just do not think it has been working very well. That is why we are all here today. We all want to make the program better. But we must consider very carefully the effects of what we are doing.

Mr. President, let us just assume the problems are political. One might say that those political problems have occurred where the Department of Energy has played politics, but let's further assume that there are other political problems. Let us assume that the public has no confidence in the DOE's program for nontechnical reasons.

If anyone doubts that this essential public confidence has collapsed, I would invite them to talk to the people of North Carolina. Let them go talk to citizens in Washington. Let them go to Nevada. Let them go to Maine, or Texas, or Tennessee. For whatever reason, it is clear that there is no trust in the Department of Energy. For whatever reason, the Department has lost its credibility.

The point is, that it does not matter why there is no public confidence in our nuclear waste program. What matters is that our program is unlikely to succeed if we do not do all we can to restore that confidence. I think nearly all of us believe that there is no technical reason why the program cannot succeed. But that alone does not mean that the program will be successful.

If we do not do all we can to deserve the public's trust, to allay their fears, to make sure that the program is both technically sound and equitable to all parties, we run the risk of failure. I do not think that unavoidable technical problems are a risk to the program. It is only if we do not stick to the technical process in every detail that we risk failure. If we ignore the concerns of our States and our citizenry, we are bound to get into more trouble.

Mr. President, I would respectfully request that all of my colleagues ask themselves whether the pending legislation pays sufficient attention to the restoration of public confidence in our high-level nuclear waste program.

I do not want to imply that the nuclear language in H.R. 2700 is not of value. The language contains many good elements. It will keep our program moving. It will create considerable budget savings, at least in the short run. It will avoid premature action on an unnecessary second repository. It addresses many concerns about the program.

The senior Senator from Louisiana and the senior Senator from Idaho, in particular, have worked very hard on this legislation. I think we all appreciate that. The question is simply, can this legislation be improved in any degree to add to the credibility of the Department's program? Have we yet done all we can to address the lack of faith that has crippled the program in recent years? I am not certain that we have.

Mr. President, I would like to go into a little history about the Federal Government's involvement in nuclear waste disposal. This issue has been around for a long time. Many of the ideas we are pursuing at present have been around since at least the 1960's. But we still have yet to demonstrate a viable program for permanent geologic disposal of high-level waste.

If we have had these ideas for 25 years or so, why are we still struggling with this problem?

Why? Because time and time again, we have not looked at the whole picture. Time and time again, we have ignored the critical role of public confidence and the legitimate concerns of States and citizens. Time and time again, we have chosen expediency and cost considerations over technical conservatism and building credibility, with disastrous consequences.

Mr. President, I would sincerely hope that we are not turning down that road again.

Mr. President, the history of our nuclear waste programs is wroght with failure. This history includes the ill-fated early efforts to dispose of wastes in salt formations near Lyons, KS; the controversial history of the waste isolation pilot project in New Mexico; stop-and-go site selection activities for permanent disposal sites throughout the 1970's; and problems with storage of high-level wastes above ground at places such as Hanford, WA, and West Valley, NY.

I would like to read now from some comments prepared by the Office of Technology Assessment regarding nuclear waste disposal. Many of these comments were made several years ago, but I would ask my colleagues to consider whether they might still ring true today.

The following excerpts are from OTA's 1985 report entitled "Managing the Nation's High-Level Radioactive Waste":

> FEDERAL CREDIBILITY
>
> Distrust of the Federal Government, stemming from past instances of what States perceive to be low Federal competence and poor responsiveness to States' needs, forms the background against which States express fears about impacts and equity and from which States measure current Federal efforts. State opinion of Federal competence has been lowered by frequent Federal policy changes; delays in formulating a stable national radioactive waste management plan; failure to consult effectively with State officials on site investigations; several controversies about the scope of the Waste Isolation Pilot Plant near Carlsbad, N. Mex.; maintenance and funding of the contaminated Nuclear Fuel Services reprocessing plant site at West Valley, N.Y.; and the safety of the proposed site at Lyons, Kans. Problems with leaks and inadequate monitoring of military and low-level waste have also affected State perceptions of Federal management of commercial high-level radioactive waste. One State fear is that considerations other than technical criteria bearing on safety will play an unwarranted role in Federal siting decisions. Such considerations might be, for example, a perceived need for rapid siting of a repository to remove the waste problem as an obstacle to nuclear power, or a desire to save costs and time by directing site-selection efforts toward locations with already existing Federal facilities.
>
> NWPA addresses State and Indian tribe concerns through measures in three areas: State involvement in waste management decisions, prevention and mitigation of impacts of waste management activities, and equity in siting waste facilities.
>
> FEDERAL CREDIBILITY AND MUTUAL DISTRUST
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> The most formidable problem that NWPA had to address was the intense level of mutual distrust among various concerned parties, a distrust that threatened to lock the waste disposal effort in a state of virtual and continual paralysis. The single most critical factor in that distrust was the severe erosion of public confidence in the ability of the Federal Government—on the basis of its past record—to create and carry out an effective waste management program. The utilities and the nuclear industry doubted that the Federal Government would ever meet a schedule or stick to a policy. Environmentalists doubted that the Federal Government would deal adequately with safety concerns. States doubted that the Federal Government would deal openly and fairly with them.

And Thomas Cotton of OTA stated in 1982 testimony before the House Energy and Commerce Committee:

> The Basic finding of our study is that, although the remaining technical uncertainties and challenges associated with high-level radioactive waste disposal are by no means trivial, they pale in comparision to the institutional challenges of developing and implementing over a period of decades a comprehensive Federal waste management policy. (The history of the high-level waste program is a history of false starts, shifts of policy, and fluctuating support. The result is a widespread erosion of confidence that the Federal Government can or will manage high-level radioactive waste safely and efficiently.)
>
> The credibility of the Federal high-level waste management effort is questioned on three main grounds: 1) whether the Federal Government will stick to any waste policy through changes of administration; 2) whether it has the institutional capacity to carry out a technically complex and politically sensitive program over a period of decades; and 3) whether it can be trusted to respond adequately to the concerns of states and others who will be affected by the waste management program.

The questions I would like to emphasize are: Do fears about nontechnical criteria still exist? How are we addressing them?

The 1985 OTA report also included some important discussion of siting strategy in the respository program:

> REPOSITORY SITING PROGRAM
>
> The credibility of any repository loading schedule depends on the credibility of the implementation program supporting it. The major decision concerning the implementation program is the balance between the initial costs of the program and the certainty of getting the job done without major problems or delays. This is particularly important in the repository siting program.
>
> The major issue in siting and developing the geologic repositories is the balance between: 1) the desired degree of certainty that a repository will be available without major delays; and 2) the initial costs of the program, both financial and political. It is impossible to both maximize the certainty of the repository schedule and minimize the initial costs at the same time. The implementation program in the OTA Mission Plan emphasizes certainty and places great weight on the importance of minimizing the risk of major programmatic delays. This approach increases the level of confidence in the repository schedule and perhaps reduces overall costs, but it may also increase the initial costs. The repository siting strategy is crucial to this approach.

The report includes further dicussion of so-called "strategic issues":

> STRATEGIC ISSUES
>
> Until 1978, the strategy for seeking disposal locations focused on a single site at a time; no site intercomparisons were to be made prior to site selection. Personnel at AEC and ERDA adopted this strategy of single site investigation in part because they

had to operate on tight budgets. They also saw no reasons why comparing sites offered any safety advantage. Current NRC procedural regulations, however, require some site intercomparison prior to the issuance of a repository construction permit.

A single site strategy can be politically risky. The nuclear developers must operate in a political atmosphere characterized by suspicion and skepticism. No jurisdiction is enthusiastic over the prospect of being a host for a repository. If only one site is under active consideration at a time and no alternative exists, that suspicion and skepticism becomes reinforced and local opposition intensifies.

Nontechnical considerations have played an important initial role in selecting sites to date. It is largely immaterial whether technical or nontechnical factors are considered first in choosing a potential repository site so long as both can exert an unbiased influence in the process. Tentative site selection in Kansas and in New Mexico relied heavily at the start on nontechnical factors. Concerns were raised in each case that technical considerations were not given their appropriate weight.

As the analysis got under way, the OSTP group soon concluded that the strategies which required intercomparisons possessed certain advantages over the case-by-case approach. Intercomparison of sites would likely increase public confidence, would stand a better chance of satisfying the National Environmental Policy Act and meeting regulatory requirements, and, all things being equal, would improve odds of obtaining a technical success. The case-by-case approach, in contrast, held the advantage of reducing the time it might take to develop an operating facility. That approach would also lessen logistical difficulties that might arise in transporting waste from storage, and entail lower near-term costs.

However, agreement was reached to remove the case-by-case strategy from further consideration. Without any fanfare, then, and for reasons which are still something of a mystery, DOE abandoned its traditional decision principle for repository siting, one which it had reaffirmed only 4 monhts previously.

And to return to the 1982 testimony of OTA's Thomas Cotton:

Considering the great political importance that is being attached to the first repository, the negative effects on public confidence of rejection of the first site could be severe. A cautionary example may be found in the case of the site at Lyons, Kansas that was selected in 1972 by the Atomic Energy Commission for development of the first geologic repository. This site, which was abandoned with serious political repercussions two years later because of technical problems that were discovered, was chosen in part because the investigations that would have been needed to prove out the acceptability of another site were expected to cause a delay of about two years. Twenty-twenty hindsight suggests that taking those additional two years to find other candidate sites as backups might not have been a waste of time, and might have resulted in speeding up the process of siting a repository in the long run.

Second, slippage in the schedule could occur if deadlines simply cannot be met, which could call into question the credibility of the entire schedule, and of the Federal Government's ability to manage radioactive waste—particularly if the slippages occur in the early stages of the process when it is most important to begin building confidence in the Federal waste management program. Third, contractural commitments with utilities that are based on a schedule which can only be met if everything goes right the first time will not be credible, and would not provide the utilities with the firm planning basis for interim storage that they need. In this regard, our analysis suggests that the certainty of the schedule for accepting waste from utilities is more important to the utilities than the speed. Finally, an overly optimistic mandated schedule is likely to lead to opposition, rather than support, from those who fear that a firm schedule that does not allow ample time to resolve technical uncertainties could increase the risk that premature commitments to technologies and sites would be made and defended even in the face of problems that might develop later.

I would like to ask my distinguished colleagues to reflect on whether we wish to embark on an approach that emphasizes speed and expediency, or full credibility? Which is of greater importance, cost savings in the short run, or certainty and long-run savings? And are we leaning too far toward the "single-site" type of approach I have just discussed if we enact H.R. 2700? In particular, what would be the consequences under H.R. 2700 if the first site characterized is unacceptable?

I return to the 1985 OTA report for further discussion of the long-term risks of a narrower-focused siting strategy.

OTA's analysis suggests that the additional costs of an expanded implementation program would produce offsetting benefits that are not readily quantifiable. First, it increases the credibility of the process by allaying concerns that key decisions might be compromised by lack of suitable alternatives. Second, it substantially reduces the risk that the credibility of the Federal program might be damaged by major delays in the repository program. Because of its troubled history, any major programmatic failure—real or perceived—could have grave consequences for both the waste management program and the continued use of nuclear power. The greater initial costs may thus be regarded as insurance for a program that cannot afford any major failures or delays.

NONQUANTIFIABLE COSTS AND BENEFITS

Perhaps the most important nonquantifiable benefit of the expanded siting strategy is that it reduces the risk that the credibility of the Federal waste management program would be damaged by major delays at key stages of the siting program, particularly at the crucial early step of recommending the first site for a repository. Because of its troubled history, the program does not appear to have a large reservior of goodwill left to cushion it in the event of major difficulties in the future. From this perspective, it is important to compare siting strategies in terms of the risks they involve if siting turns out to be difficult, as well as the benefits they yield if siting proves to be relatively easy.

This report builds on concerns expressed by OTA in 1982 regarding the importance of a conservative strategy:

FIRM AND CONSERVATIVE SCHEDULE

A commitment in law to a firm, conservative schedule for repository operation is the keystone of the entire integrated policy. Both charactristics—firmness and conservatism—appear necessary if the policy is to obtain broad support. If either is missing—if the schedule is optimistic rather than conservative, or flexible and open-ended rather than firm—the history of the waste management program, and testimony on the bills under consideration by this Congress, strongly suggest that some affected group or another will be left seriously dissatisfied, and will have a strong incentive to try to change the schedule in the future. This could raise the risk of yet another repetition of the speedups and slowdowns that have plagued the repository program in the past, and call into question the credibility of a Federal commitment to any schedule.

OTA recommended in 1985 that we stay on a path of comparing alternative sites, and cautioned against putting too many of our eggs in one basket. In fact, OTA felt that even comparison of three sites might be risky, and recommended further expansion. Perhaps we all agree that such excessive caution is no longer necessary, but we still should guard against the long-term risks of putting too much weight on any one site, without having adequate information about possible backups.

We must take note of what history has to tell us. In 1985, the OTA report stated:

OVERALL IMPACTS OF HISTORY

NWPA is the first Federal law that sets out an explicit national policy and schedule for the disposal of high-level radioactive waste. It also contains a number of provisions aimed at overcoming some of the major concerns that have hampered the waste disposal effort in the past. But a law alone, no matter how well framed, cannot by itself wipe out the long legacy of problems and false starts and the deep distrust it has generated among the principal parties involved and concerned with waste disposal.

A law along cannot demonstrate that the Federal Government has the capacity to deal fairly with the States in the selection and development of sites, to take the surest and safest route to waste disposal instead of the most expedient, or to demonstrate to the satisfaction of the regulatory authorities and the concerned and affected parties that an adequate waste disposal technology exists. Nor can a law alone dispel, however much it may allay, the distrust that decades have built up among the various parties.

That distrust may, indeed, be the single most complicating factor in the effort to develop a waste disposal system that is acceptable technically, politically, and socially. For, if Federal credibility—its capacity to show the various parties that it can and will do the job competently, fairly, and on schedule—remains the most critical factor in a successful waste disposal effort, it is not Federal credibility alone that is in question. States, environmentalists, and others may, indeed, fear that the Federal Government and industry will cut corners just to be able to say that the problem is solved. But there is the correlative concern that not all State forces or environmentalists are acting in good faith: that, whatever their express con-

> cerns with safety or other matters, some environmentalists seek to block and stall waste disposal efforts solely because they are opposed to the use of nuclear power, and some in the States seek only to prevent any and all waste disposal activities from occurring within their borders.
>
> In short, some believe that no matter how well the Federal Government does its job in carrying out the Act—no matter what pains it takes to remove any legitimate grounds for opposition—there are those in the States and elsewhere who will do everything possible to slow or stop its efforts. Whatever the basis for this belief, it only makes it all the more necessary for the Federal Government to remove the legitimate grounds for opposition by carrying out the Act in ways that address the honest concerns of States and others and that seek to avoid past mistakes.
>
> Moreover, after more than three decades of struggling with nuclear waste, there is only a limited tolerance for failures. Any major failures—real or perceived—could have grave consequences for both the waste management program and the future use of nuclear power.
>
> The past is indeed prologue; the slate can never be wiped clean. Actions taken in the past continue to reverberate within the domain of waste management policymaking. To be sure, the impact of those actions—unless reinforced by later similar ones—becomes attenuated as they recede in time. But the impact never disappears completely. Thus, present day policymakers find themselves saddled with a not-entirely-welcome legacy. Although they may assert that the "time has come to put Lyons behind us," they are indulging themselves if they believe that can easily happen. Past problems will reside in the consciousness of many players.
>
> The most salient consequence of this pertains to the problem of credibility. Even the most objective and scientifically responsible and competent DOE program managers will find that they will be judged not only on their own merits but on their predecessors' as well. The claim that "things will now be done right" will often appear hollow in the face of a string of past failures and incomplete successes. Altering that perspective will not be a trivial undertaking.
>
> A second implication of the complexity and dynamism of the waste management policy domain follows from the first. At this point in time, 35 years into the nuclear age, there is only limited room for new failures in dealing with those toxic materials. Certainly, the current program is substantially improved in terms of resources, broader organizational commitment, and sophistication compared to the one in place as recently as 5 or 6 years ago. A sense prevails that progress—albeit slow progress in some people's view—is being made. Yet, the optimism is fragile. There simply is not much "slack" present. Should a glaring error arise, there will be little or no residuum of good will to buffer the program from profound shocks.

I would ask at this point, are we sure we are remaining completely true to the spirit of the 1982 act, which was designed to enhance credibility? Are we addressing legitimate State and citizen concerns? Can we afford to risk failure again?

Mr. President, I am not suggesting that the whole approach laid out in H.R. 2700 and S. 1668 is doomed to failure. I believe that the problems I have discussed can be resolved within the framework provided by these bills. The distinguished Senators from Louisiana and Idaho have given us a thoughtfully planned and responsible framework. But I would suggest that some of the following measures might help provide greater assurance that the program will stay on track, and improve public confidence:

Some type of independent review of both past DOE actions, such as siting guidelines, and ongoing review of further actions. This step would greatly enhance confidence in the program, and could be designed so as not to lead to undue delays.

OTA commented on the importance of independent review back in 1985:

> Confidence in the safety of waste management activities will be increased by independent reviews of Federal plans for radioactive waste management before such activities take place. At present, there are three main levels planned for such review—internal review by DOE, licensing proceedings by NRC, and reviews by individual States of applicable parts of the plan. Additional levels of review (e.g., by bodies of independent scientific experts) might increase the confidence of observers that sites, technologies, and management systems will meet necessary levels of safety and reliability.

Additional surface-based testing, to ensure that the site first selected for characterization is unlikely to run into unforeseen problems, and to know more about alternative sites. This step could provide great insurance against large costs being incurred in the future.

Assurance that the environmental review process will not be short-circuited. This could be done, at a minimum, by requiring that an environmental impact statement for the characterized site include comparison with the two sites not selected, on the basis of surface testing results.

Ideas similar to these have been incorporated by the Environment and Public Works Committee into their budget reconciliation package. I would like to thank my good friends, Senator **BREAUX** and Senator **SIMPSON**, for their foresight in proposing several constructive refinements addressing the problems I have been talking about.

Another serious concern that I have with the nuclear waste provisions in H.R. 2700 is the authorization of a monitored retrievable storage facility. I discussed this at some length last week, but I have a few more points to make.

Mr. President, I do not think we need an MRS. I don't think it has yet been proven that an MRS will be safe or cost-effective. We need more information to make this decision, as the GAO and OTA have suggested. I believe that the amendment of my good friend, the senior Senator from Tennessee, will be very helpful in seeing that we get this information. I am pleased that Senator **SASSER** and the distinguished senior Senator from Louisiana have worked this amendment out.

However, even my colleagues who feel that we do need an MRS should be troubled by one aspect of H.R. 2700. H.R. 2700 provides no guarantees that an MRS will not become a de facto permanent repository for the entire Nation's supply of high-level nuclear waste. In fact, should problems occur at a Western repository, H.R. 2700 could actually encourage the establishment of a de facto permanent repository at an MRS.

Mr. President, Congress has debated and rejected many times the idea of keeping all our nuclear waste at such a facility. The Nuclear Waste Policy Act clearly specifies that nuclear waste should be permanently disposed of through deep geologic storage. Nearly all of us agree on that point.

If all our waste was kept at an MRS indefinitely, we could not guarantee that the waste could be kept isolated from future generations. The facility could be vulnerable to terrorist actions. It would be expensive to maintain. There are many, many good reasons why we must make sure this does not happen.

Yet H.R. 2700 contains absolutely no limitations on an MRS. The facility could be forced to accept unlimited amounts of waste. No time is set for the closing of the facility. No limitations on its physical size are specified. No provisions are made for demonstration of storage technology, and no loading or unloading schedules are referred to.

Let us walk through a scenario that could occur in the future. Let us assume that a permanent repository is further delayed, through court action, technical problems, or some other event. The checkered history of the program tells us we cannot discount this possibility.

Mr. President, let us assume that an MRS is in operation, smoothly accepting wastes from various locations. Let us further assume, as would be likely, that the preparation of another permanent site for licensing would take many years. And let us assume, as would be virtually certain, that political opposition in alternate repository States is intense.

Would there not be strong economic and political incentives to simply allow the MRS to keep accumulating wastes indefinitely? It would be expensive to develop a repository, and expensive to transport wastes further from the MRS. The needs of utilities would be more or less taken care of. And political pressures would make continuing to search for a permanent repository very difficult.

Under these conditions, is it not likely that we might simply decide to take the easy way out and allow an

MRS to become a de facto repository—an approach that has been deemed undesirable by Congress and several Federal agencies on many occasions.

I repeat, H.R. 2700 provides no meaningful safeguards against this possibility. None. Are we sure this is a risk we want to take? As I have stated, I believe that even a temporary MRS is not a good idea. A de facto permanent repository at an MRS site should be out of the question.

The Office of Technology Assessment has long warned against this possibility. I would like to read a few selections from a 1985 OTA report to the House Subcommittee on Energy Research and Production:

> A major concern about the I-MRS is that it could delay the respository program indefinitely. OTA's March report discussed two bases for this concern: (1) the possibility that the effort to site and construct such a facility would divert resources and energy from the repository program; and (2) the fact that, once a storage facility is available, it will be easier and less expensive to expand the storage capacity from year to year than to proceed rapidly to develop a geologic repository.
>
> In the absence of any explicit contingency plan for providing long-term alternatives if needed, the I-MRS (if constructed) will itself be seen as the default option.

This concern about long-term storage at a monitored facility existed as far back as 1974:

> A major concern in employing the RSSF concept is the possibility that economic factors could later dictate utilization of the facility as a permanent repository, contrary to the stated intent to make the RSSF interim in nature . . . [I]t is important that [environmental factors] never be allowed to become secondary to economic factors in the decision making process. Vigorous and timely pursuit of ultimate disposal techniques would assist in negating such a possibility * * *
>
> It was unacceptable to proceed with a storage system unless there were unambiguous assurances that the system would not degenerate into a final disposing spot for the waste.

As my colleagues may know, the so-called RSSF was the predecessor to the MRS concept. But the concerns pointed out by the EPA in 1974 would still seem to apply to the MRS proposal today.

Again, Mr. President, there are no provisions in H.R. 2700 to guard against the possibility. I would like my colleagues to consider the desirability of adding such safeguards, lest we find that the long-awaited goal of the Nuclear Waste Policy Act, disposal by deep geologic storage, be inadvertently put at risk.

Some simple safeguards, such as tonnage, age, or acreage restrictions, could help put some of these fears to rest.

I want to be clear on this point, again. I do not advocate an MRS. It would not be necessary, since the option of onsite dry storage is available. It would increase transportation of dangerous wastes. And it would be costly. I strongly object to the authorization of an MRS.

Mr. President, I simply want to point out that to authorize an MRS in this way, at this time, is particularly misguided. To authorize an MRS without restrictions could undermine the clear intent of the Nuclear Waste Policy Act—to dispose of high-level waste in geologic repositories—and I do not believe that the Members of this body want to to change that intent.

To summarize, this nuclear waste legislation still has at least a few serious problems. We will have the opportunity to address this issue again, either in budget reconciliation or as a freestanding measure.

I would respectfully urge my colleagues to consider well the implications of H.R. 2700, and to ask themselves if we can improve on the framework this bill has given us for redirection of the Nuclear Waste Program. And I would respectfully urge that we consider well whether this is the appropriate legislative vehicle with which to make substantive changes in our Nuclear Waste Program.

Thank you, Mr. President.

Mr. ADAMS. Mr. President, I yield 15 minutes to the distinguished Senator from Texas [Mr. BENTSEN].

Mr. BENTSEN. I thank the distinguished Senator.

Mr. President, the distinguished Senator from Louisiana and I very often see eye to eye on issues before the Senate. For many years, we shared a common concern about the need for comprehensive energy policies to protect America's vital national interests. However, on the pending issue of nuclear waste disposal, I disagree strongly with my colleague from Louisiana, and I strongly urge the defeat of this amendment.

It is important to understand that this Johnston amendment uses an appropriations bill to ratify most of the nuclear waste decisions made by DOE for the past few years. What do we have these authorizing committees for, anyway? Why do we not just disband them? Why do we not just let the Appropriations Committee go on and do this? Why do we have all that expertise on those authorizing committees, if we are going to reject it, and particularly if we are going to try to cut them out of the conference? If we are just going to see if we can mold this thing to have conferees go along with whatever the Appropriations Committee wants on this particular issue, I think that is wrong.

The more I look into what has been developed with the civilian nuclear waste disposal program, the more I am convinced that the only way to restore confidence in this program is to have DOE defend the decisions it has made to date.

Let the DOE open up its books, get out the maps, produce its experts, answer the questions. If the decisions that have been made up to now are sound, then there is no danger for them in that approach.

When it comes to matters as important as nuclear waste, I think all of the important questions deserve an answer.

By attempting here now to play legislative catchup and deal with this important issue on an appropriations bill, this amendment would cut relevant House and Senate committees out of the process.

I spent a lot of years as a member of that Environment and Public Works Committee which also has jurisdiction on this issue. I have a high regard for that committee and for its nuclear waste disposal proposals included in the budget reconciliation package. I think they deserve the careful consideration of this body.

Just 2 weeks ago Congressman UDALL's House Interior Committee passed legislation that will take us a long way toward restoring public confidence in a Nuclear Waste Program.

Among other things, it would establish a review commission to put the program back on track through reason, dispassionate discourse, and independent evaluation. That legislation has been referred to the House Energy and Commerce Committee where Chairman DINGELL has indicated he wants to act promptly.

So both here in the Senate and on the other side of the Capitol the relevant committees are giving priority attention to nuclear waste disposal.

So I just do not understand this push to address this issue on an appropriations bill. This is just another attempt to make an end run around the authorizing committees in both Houses of Congress, and we ought to reject it outright.

The time has come to stop ignoring the Senate's rules on legislating on an appropriations bill in a wholesale manner.

If the nuclear waste amendments to the energy and water appropriations bill are allowed to stand, we just ought to disband those authorizing committees and let the Appropriations Committee conduct all our business.

Further, Mr. President, it is extremely important that we stop this measure because of what it means for the procedure in conferencing with the House. If this amendment passes, it has the effect of cutting out of the conference process the major actors on nuclear waste in the House. Those participants are people like Congressmen UDALL and DINGELL, to name only two of them, who have already written the House leadership to make it plain the nuclear waste issue should not be made negotiable during the conference on energy and water appropriations.

Thus, rather than improving our chances of correcting these problems in the Nuclear Waste Program, we run the risk of throwing ourselves right off the track. There is simply no need, no justification for addressing this issue on an appropriations bill.

Rather than rush to judgment here in the Senate on a matter that is not even addressed in the House appropriations bill—not even addressed in that bill—would much prefer to see nuclear waste disposal handled in a measured manner as a freestanding issue, and the sooner the better.

As a Senator from a State that has a great deal at stake in this debate, I want nuclear waste disposal to receive the careful attention that it so clearly deserves.

I am certain many of my colleagues would feel the same way if their States were the finalists on the repository list.

Mr. President, I have some additional specific problems with this amendment. I am troubled by the deadline for the selection of the first repository. Under the Johnston proposal, that decision must be made by January 1, 1989.

If you follow that schedule, that would mean that a suspect, lameduck Department of Energy with a nuclear waste program office dedicated to divide-and-conquer policies decides where to put that repository.

(Mr. DODD assumed the chair.)

Mr. BENTSEN. At a time when we are making wholesale changes in the Nuclear Waste Policy Act, I just do not understand why we should continue down the path that has brought us to this kind of impasse.

As far as this Senator is concerned, the Department of Energy has proven its inability to deal with the nuclear waste disposal problem. This is hardly the time to give it any pat on the back. The Senate Committee on Environment and Public Works has suggested a single site selection deadline of January 1, 1991. I find that much more reasonable and realistic.

This amendment also lacks any proposal to permit a review of the siting decisions made by DOE and the adequacy of its siting guidelines.

In the effort to step up that decisionmaking process, the Johnston amendment sacrifices important opportunities for the public to keep checks on this program. Judicial review is lodged in the temporary Emergency Court of Appeals, and an action to challenge the Secretary's decision must be undertaken—get this—must be undertaken in an incredible 30 days, the same abbreviated time period given the people of Deaf Smith County to review DOE's draft land acquisition plan.

By way of contrast, the Environment and Public Works Committee would provide up to 120 days for a challenge.

Why is that timeframe for judicial review so difficult for them to accept? Why do they think they can cut it to a mere 30 days? What is the fear of providing for an additional 90 days?

Finally, the Johnston proposal provides no opportunity for a State to volunteer to host a respository, and it would permit destruction of records of the siting decisions and other important matters after only 2 years.

For the people of Texas, nuclear waste disposal is just not an academic exercise. It is a very real issue, and it strikes close to home. I have some very strong objections to the U.S. Senate legislating this matter on an appropriations bill, grandfathering a whole series of prior decisions by the Department of Energy, short-circuiting the legislative process, and usurping committee jurisdictions on both sides of the Hill.

How and where this country decides to dispose of nuclear waste are obviously very complex, emotional, and important questions. They are matters of concern for every Member of the Senate, but, of course, they carry special significance for Senators from Texas, Washington, and Nevada since those three States have been identified as leading candidates for the location of the nuclear waste repository.

Mr. President, I understand that. But if it is inequitable and if the procedures are faulty, then those three States should not be railroaded into the acceptance.

I am confident that every Member of the Senate should share this concern and will share this kind of concern particularly if it were his State. But the point I want to emphasize is that there are important, compelling reasons for Senators from every State to oppose this amendment on nuclear waste. My concern about this matter, like Senators ADAMS' and REID'S, is, of course, intensified because the people of my State are facing the location of a repository within their midst. But regardless of where we finally decide to dispose of nuclear waste, the Johnston amendment ought cause us a lot of concern.

The first of those concerns, I repeat, is that it is bad policy and bad precedent to legislate nuclear waste disposal policy through an amendment to an appropriations bill. We are not debating some minor technical correction or pet project to be tucked away in the folds of this legislation. We are establishing the goundrules for site selection. We are endorsing a whole series of past actions by the DOE. We are putting important programs on a very short fuse, and providing very few safeguards. We are being asked to make major, precedent-setting decisions on one of the most important, complex, and emotional issues that will come before the 100th Congress.

Attempting to solve our nuclear waste disposal problems on an appropriations bill is just an abdication of responsibility. We cannot afford shortcuts and easy answers on life-or-death issues.

My friend from Louisiana is anxious to act. He wants to get the Nuclear Waste Disposal Program back on track. I know that all of us share his concern. But unfortunately, he has chosen the wrong track and the wrong locomotive.

We all know the Civilian Radioactive Waste Program is in a shambles. We have seen the slipshod, slap-dash way the Department of Energy has attempted to implement the Nuclear Waste Policy Act. We have all had firsthand experience with DOE's penchant for politics, its contempt for the public, and disregard for the mandates of Congress.

My recent experience with DOE is one reason why I oppose the Johnston amendment. Let me cite a few examples.

Deaf Smith County in Texas is the only candidate site where the land is privately owned.

In September, DOE finally completed its land acquisition plan and sent it to the officials and landowners of Deaf Smith County. DOE gave them a month to respond—a month.

The plan is quite lengthy. It is very technical. There are maps and charts, facts and figures. There are important decisions to be made, and very little guidance.

Now, the people of Deaf Smith County have absolutely no experience in nuclear waste disposal. They are God-fearing, hard-working farmers, businessmen, and women who are suddenly face to face with a potential Government offer they would like to, but cannot refuse—an offer to play host to nuclear waste.

So the people of Deaf Smith County must hire lawyers, geologists, realtors, and advisors to help them decipher the bureaucratic fine print and make sense of DOE's land acquisition plan. They have a bunch of lawyers who have been examining titles out there for years, but they sure have not had much experience in this area. Yet they have to stand up against all of the expertise that, supposedly, DOE has. DOE says, "You have got 30 days to do the job of responding to our plan," and think how long DOE has been at this.

When I wrote to the Department and asked them to extend the public comment period for an additional month—you guessed it—their initial reaction was to deny the request.

Mr. President, attitudes like that help explain why DOE is held in such low regard by Congress and the public.

Here is the Department of Energy—the very Department President Reagan swore he would abolish—telling the people of Deaf Smith County they might have to give up their land, alter their lifestyles, shoulder a major burden for the Nation, and watch the trucks roll across their roads. After all that, DOE is reluctant to give them an extra 30 days to comment on its plan for the county's and indeed the whole State's future.

Well, finally, I am pleased to report that DOE has felt the heat and seen the light, but they had to be bludgeoned into it. They have finally relented and granted an additional 30 days for public comment, but, you know, I do not believe their underlying attitudes have changed one bit. We just should not have to monitor them all the time to see that they are doing what should be right.

Members of the Senate should also be aware that a few months ago officials of the Office of Civilian Radioactive Waste testified before a congressional committee.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BENTSEN. Mr. President, could I have an additional 3 minutes?

Mr. ADAMS. Yes, I yield the Senator from Texas 3 minutes.

The PRESIDING OFFICER. The Senator from Texas is recognized for an additional 3 minutes.

Mr. BENTSEN. Mr. President, they testified before the congressional committee and discussed a freezing technology that might be applied to the Ogallala aquifer if Deaf Smith County is chosen as the repository site. Now, here they are testifying and a similar technology is in use at a site in West Germany, and an accident occurred at that site only 6 weeks before the DOE testimony. It was a serious accident. One of the workers was killed.

Do you not think that is important; that the people of that county understand that this thing has failed, that they had a problem with it? Do they tell us? Do they tell us before the committee? No, of course they do not tell us.

Now, it is that kind of lack of candor that gives me very deep concern as to what we are facing in an agency like that.

Mr. President, I think this amendment represents bad policy in an area that demands our very best efforts. I think it ought to be done by the committees that have the jurisdiction and the authorization for it. I urge my colleagues to vote against it.

Mr. JOHNSTON. Mr. President, I yield myself 3 minutes. I hope the Senator from Texas will stay for just a moment. There may be a couple of things he is not aware of.

First of all, Mr. President, the issue of nuclear waste is addressed in the House bill. Indeed, there are $500 million provided in the House bill for implementation of the Nuclear Waste Policy Act. So unless we change the act, then that $500 million will be spent to begin the process of characterization of three sites, including the Texas site. So that when the Senator from Texas seeks to avoid the characterization of his own site in Texas, he does not do so by defeating this amendment.

Indeed, the Senator from Nevada has said that the real purpose of this amendment is to select Nevada and let off the hook Texas and Washington. That is not the purpose. The purpose is to select one site and have that site selected according to scientific characteristics.

However, it is clear that, under the present law, that $500 million will go not only to characteristics, but it will go to characterize or to begin screening of sites for a second repository, which is also opposed by many people. So that is point No. 1; it is addressed in the House bill.

Point No. 2, the committee of jurisdiction is Energy and Natural Resources, where the matter has been considered not just once, but over a period of more than 10 years. This year there have been extensive hearings. We have even taken the committee to France and to Sweden where we did on-site inspections. We have been referred all the bills on this, as the rules provide for, and we have reported legislation both as freestanding legislation, which happens to be precisely this legislation which is put on by this amendment.

So, Mr. President, it is perfectly clear, if you are from Texas, you want to change that law because you are going to be characterized under the present law for which there is $500 million provided.

Now, Mr. President, it may be that those three States want to redo the whole thing and have other States selected to share their misery with other States. If so, well, let us be perfectly clear about that. If that is the real purpose, then let us be clear about it. And, indeed, one of the problems, Mr. President, of moving back our date, the date of January 1, 1989, which is specified as the date on which you would pick one site for characterization, if you move it beyond that, you move it right smack dab into the Presidential race.

How would you, Mr. President, like to be going to Texas to politick with all of those electoral votes—how many electoral votes in Texas? A huge number—and the people say, "We have just one question, Mr. Presidential candidate: Will you take Texas off the hook?"

And I do not know what that Presidential candidate is going to say, but there is going to be an understanding, there is going to be an understanding that Texas is off the hook and that some small State, probably Nevada, maybe Washington—Washingon, I guess you could ignore with impunity, at least compared to Texas. That is what is involved with moving this date back, Mr. President.

Mr. President, just one further point on the position of the NRC. Let me make perfectly clear. I have a letter here which has been put into the RECORD, dated November 10, 1987—that is the day before yesterday—signed by the chairman of the Nuclear Regulatory Commission. It is short. Let me read the letter:

> The Commission does not oppose legislation that would require the Secretary of Energy to select one site for at-depth characterization. Simultaneous characterization of three sites is not necessary to protect the public health and safety. The Commission takes no position concerning the date for selecting a preferred site for characterization. However, it should be recognized that sequential site characterization could delay the schedule for opening a repository if the preferred site is subsequently found to be unlicensable. To mitigate this concern we have suggested that surface-based testing continue at the two sites not selected for at-depth characterization. This is the approach reflected in your amendment to S. 1668.

Which is the pending amendment.

Mr. President, this is the chairman of the Nuclear Regulatory Commission, and that is what he said.

We have had hours of testimony and arguments here about the staff of the NRC that wrote a letter that suggested something different. But it was rejected by the Commissioners of the NRC. This is what the chairman says. They have a way of acting, like the Senate does. That is like citing the argument of one Senator on the floor of the Senate as if it was a congressional act. It is not.

The Commission has taken a position. The Commission supports our position on this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. BENTSEN. Will the manager of the bill yield me 1 minute in response?

Mr. ADAMS. I will be happy to yield the Senator from Texas an additional minute.

Mr. BENTSEN. The Senator from Louisiana asked me to extend him the courtesy to stay for his remarks. I did not hear anything that would change my opinion in the slightest. As I listened to him, the $500 million in the House appropriations bill does not call for radical restructuring of the Nuclear Waste Policy Act as his amendment does. And the other part about the people from Texas: My friend, you have had Presidential candidates, one of them has been in here over 30 times already. He has been asked this question repeatedly. I do not think it is going to change the situation at all, the fact that we wait. We understand that this is a concern and we are concerned about it now. I also understand the mathematics of 47 against 3. But I really do not believe that is the case. I think that there is a sense of fair play that will prevail in that and I am hopeful that we can beat this amendment and defeat it by a reasonable margin.

The PRESIDING OFFICER. Who yields time? Who yields time to the Senator from Nevada?

Mr. REID. Senator ADAMS and I yield 5 minutes to the senior Senator from Nevada.

The PRESIDING OFFICER. The Senator from Nevada is recognized for 5 minutes.

Mr. HECHT. I thank the Senators from Nevada and Washington.

Mr. President, as I have already made clear, I am opposed to deep geologic disposal of spent nuclear fuel. I favor reprocessing spent fuel as a way to make more efficient use of our limited energy resources, to reduce the amount of the waste that ultimately needs to be disposed of, and to reduce the associated risk to the public safety. Naturally, even the relatively small quantity of waste left over after reprocessing will eventually have to go somewhere. I would like to take this opportunity to discuss one of the most technically promising but least understood alternatives to deep geologic disposal of high level nuclear waste.

Section 222 of the Nuclear Waste Policy Act of 1982 requires the Secretary of Energy to, and I am quoting the law now, "continue and accelerate a program of research, development, and investigation of alternative means and technologies for the disposal of high level nuclear waste," end quote. The most promising of these alternative technologies is subseabed disposal.

However, instead of carrying out the law, the Energy Department has tried to reduce research on alternatives to deep geologic disposal. In the case of subseabed disposal research, the United States has gone so far as to back out of international cooperative commitments to fund this research. Mr. President, we have a law on the books that says this sort of work should take place, we have other nations that are willing to put their money on the line and work with us in this field, we have the chance to potentially save the ratepayers of America millions, maybe billions of dollars that are going to be spent on a flawed program of deep geologic disposal, and what do we do, we just walk away from the table.

Mr. President, I will have a lot more to say about what research needs to be done in this area, and what possibilities are presented by this promising research, but let me take a few moments now to explain to my colleagues the concept of subseabed disposal in some detail.

First of all, let me put to rest the worst misconception about subseabed disposal: It is most definitely not ocean dumping. The subseabed disposal concept involves the burial of high-level radioactive waste deep in the ocean sediments. It would work like this. The waste would be collected at a central packaging facility in the United States. Quite possibly at a monitored retrievable storage facility. This facility would probably not be located at a port, because ports tend to be densely populated areas.

At the packaging facility, the waste would be placed in specially designed canisters that are built to prevent the waste from leaking out into the environment. These canisters would probably be very similar in design to the packages that would be used in a land-based repository.

The canisters, in turn, would be placed inside a container called a penetrator. The penetrator would be shaped roughly like a torpedo, and would be the package that actually carries the waste down into the seabed. But I'm getting ahead of the story.

The penetrators would be placed inside a transportation cask at the packaging facility, and then transported to a port where they would be placed on a specially designed disposal ship. The transportation cask would be kept on the canisters, to safely shield the ship's crew from exposure to the waste. Many ports on America's Atlantic, gulf, and Pacific coasts have the facilities that would be required to safely load these materials onto the disposal ship. If there was one monitored retrievable storage facility in the East, and another in the Western United States, then our Nation could take advantage of internationally approved subseabed disposal areas in both the Atlantic and Pacific Oceans.

Potential subseabed disposal areas lie in international waters where the ocean is 2 to 4 miles deep, and the bottom sediments consist of very fine grained muds. When the ship had arrived at a predesignated disposal area, the transportation cask would be removed and a penetrator would be released into the water through an opening in the bottom of the ship's hull.

The penetrator would fall through the water and imbed itself into a preselected spot in the deep ocean muds by the force of its own momentum. A sonar device would be attached to the end of the penetrator so it could be continuously monitored as it moved down through the water toward the sea bottom, and so its location under the sediments could be pinpointed in future years. We have the technology to aim these penetrators through miles of water and position them in the seafloor as we like. We also have the technology to go down to the bottom of the ocean and retrieve these penetrators from the deep ocean muds, if we need to. This capability was most dramatically and most recently demonstrated by the exploration work on the ocean liner *Titanic*. These penetrators have already been tested. They work. The necessary instrumentation and monitoring equipment are well within the capability of existing technology.

The key to permanent disposal of nuclear waste is finding a geologically stable place to put it. Scientists have known for many years that the deep ocean sediments in the middle of the oceanic plates are the most geologically stable environments on Earth. Scientists have ample proof that these areas have not undergone any changes in tens of millions of years, and are not likely to undergo any changes for tens of millions of years in the future. This is in stark contrast to the land, where erosion, glaciation, volcanic activity, and earthquakes actively shape the land surface over much shorter periods of time.

To appreciate just how active the geology of the continents can be, all we have to do is to think back a few weeks to the tremendously damaging earthquake that just shook Los Angeles and other areas in southern California. For those who are eager to see a repository in Nevada, I would point out that the proposed site of this repository is only about 250 miles from Los Angeles. In fact, it is closer to Los Angeles than it is to Reno, NV.

The Environmental Protection Agency has published environmental standards that the Nuclear Regulatory Commission is supposed to use in evaluating whether a repository should be licensed. Ironically, some of these standards have recently been thrown out by the U.S. Court of Appeals in Boston, but they still provide useful insight into the timeframes we need to consider when we discuss nuclear waste. The key standard puts strict limits on the cumulative releases of nuclear waste into the accessible environment for a period of 10,000 years after the waste is put in a repository.

A lot has happened geologically in Nevada, Washington, and Texas over the last 10,000 years. Volcanos have come and gone, earthquakes have moved large masses of land for significant distances. Lakes have flooded the land and then dried up. Water and wind have cut deeply into the surface of the land. In contrast, the deep ocean sediments have been a very dull place over the past 10,000 years. In fact, scientific studies suggest they have been geologically stable for more than 100 million years.

There is another geologic factor to consider in comparing land-based disposal with subseabed disposal. On land, the dominant geologic forces are erosion and mountain building, both of which are more likely to bring buried waste closer to the surface than they are to keep it buried where it is. In the deep ocean, the dominant geological activity is the continued accumulation of sediments on top of the existing sediments. So, in contrast to a land-based respository, a subseabed repository would tend to get buried deeper and deeper over time.

Putting aside the issue of geologic stability for a minute, some people have argued that it is better to put waste 1,000 or more feet underground, than it is to put it about 100 feet under the ocean bottom, because there is so much more rock between the waste and the human environment with the land-based system. This sounds good but ignores the differences in the ability of the various geologic settings to keep the waste from migrating out of the respository.

Whether a repository is on land, or under the sea, sooner or later the canisters surrounding the waste are going to corrode. This could take anywhere from a century to thousands of years to happen, depending on the design of the canisters, but sooner or later the only thing that is going to prevent the waste from moving into the environment is the geology of the area where the waste is located. The deep ocean clays are a far more effective and reliable geologic barrier than salt, welded tuff, or basalt, where the Energy Department is so eager to put waste in a land-based repository.

These sediments have physical properties that allow them to very tightly bind to the radioactive chemicals found in nuclear waste. The geologic settings being considered for a waste repository on land do not offer anywhere near the same ability to tie up these radioactive chemicals. I would point out, that in the case of the proposed repository site in Nevada, when the waste does eventually leak out of its containers, and all the experts agree it is a question of when, and not if, then the ground water flow is going to carry that waste toward the Southwest, toward southern California.

Mr. President, I would now like to describe what has taken place with subseabed disposal research in the past, and why it should be continued.

American research on subseabed disposal began in 1973 but ended abruptly in 1986. More than 20 universities and research organizations have participated. Ten other countries are involved in this research. They are Belgium, Canada, France, West Germany, Italy, Japan, the Netherlands, Sweden, Switzerland, and the United Kingdom. In 1985, the United States was picking up about 42 percent of the tab for this international research effort. Clearly, if there are so many nations willing to put their own money on the line for this research, it must have some merit to it.

Notwithstanding all this international interest, cooperation, and cost-sharing, the Energy Department decided not to include funding for this research in its fiscal year 1987 budget. Regrettably, the Congress went along with this decision. However, a group of 17 Senators did voice their objections to Energy Secretary Herrington concerning the Department's intentions to eliminate funding for this research.

Mr. President, I ask unanimous consent that the text of the letter to Secretary Herrington from Senators TRIBLE, HUMPHREY, BOSCHWITZ, CHAFEE, GORE, MCCLURE, WARNER, RUDMAN, KASTEN, PELL, THURMOND, NUNN, DOMENICI, myself, and others, be printed in the RECORD at the end of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HECHT. Mr. President, earlier this year, the National Association of Regulatory Utility Commissioners also went on record expressing concern about the need for continued research or subseabed disposal. Commissioner Anderson of the Michigan Public Service Commission expressed the association's view to Energy Secretary Herrington. Commissioner Andersons's letter said, in part, "The Nuclear Waste Policy Act and the National Environmental Policy Act, as well as good sense, require reasonable evaluation of all potential alternatives." I ask unanimous consent that the text of the letter from Commissioner Anderson be printed in the RECORD immediately following my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. HECHT. Mr. President, despite these protests from the States and the Congress, the Energy Department persisted in its blind and single-minded dedication to deep geologic disposal on land. One of the characteristics of a bureaucracy is that it cannot tolerate any idea that conflicts with what it sees to be its primary activity. True to form, the bureaucrats at DOE decided they had to try to kill this small subseabed research program, even though its annual budget came to less than 3 percent of the budget for the Land-Based Repository Program.

Mr. President, I would consider an amount equal to 3 percent of the nuclear waste budget to be a very small price to pay to find a safe alternative to the land-based repository, but the Department has its blinders on. This tunnel vision is certainly one reason the current program is plagued with so many lawsuits, and has deteriorated to the point where the Senate is being asked to fix it on an appropriations bill.

The utility industry is also on record in support of continued research and subseabed disposal. At a recent hearing before the Senate Energy Committee, representatives of the Edison Electric Institute testified that they support continued research in this area. The benefits of continuing subseabed disposal research are numerous.

First, as pointed out by Commissioner Anderson, continued research constitutes compliance with section 222 of the Nuclear Waste Policy Act, and failure to follow through on this work could leave the Energy Department open to further lawsuits charging the Department with violation of both the Nuclear Waste Policy Act and the National Environmental Policy Act.

Second, if the land-based repository system eventually fails because it becomes overwhelmed with legal and political challenges, then the subseabed option could provide backup technology. We would have something else to turn to.

Third, not all nations have the space or the underlying geology to permit a land-based repository system. Yet nuclear energy is a worldwide technology, and an accident or a poor environmental policy in one country will eventually affect us all. It, therefore, makes sense for us to work with other nations to together develop international solutions to nuclear waste disposal that will protect the natural environment on which we all depend.

Fourth, the United States leads the world in oceanographic research. Subseabed research and the technology associated with it are increasing both our scientific knowledge and our technological expertise. The United States needs to stay competitive in terms of high technology. By continuing to participate in this research, we preserve our technological edge in the ocean sciences.

Mr. President, in addition to these four good reasons why we should continue to support subseabed disposal research, it is important to point out that the cost of subseabed disposal, at this point at least, seems to be very modest in comparison to the cost of a land-based repository. Site characterization of three subseabed sites, the engineering design of a subseabed disposal system, the construction of the necessary hardware, and the initiation of a pilot program would together amount to an estimated $1.5 billion. In contrast, accomplishing an equivalent amount of progress for the land-based repository would cost more like $40 billion.

Even if the real cost of subseabed disposal is 10 times as great as the current estimates suggest, the cost still turns out to be less than half of our current cost estimates for a land-based repository. I think that with potential cost differences of this magnitude, we should at least continue research that will allow us to fully evaluate this option at a later time.

Mr. President, there are two things this Congress needs to do to get this promising research back on track, to live up to our international commitments, and to carry out the obligation in the law to pursue alternatives to deep geologic disposal. The first thing we need to do is to take this research out from under the thumb of the part of DOE that runs the Nuclear Waste Program. We need to reassign responsibility for this work to the Energy Department's Office of Energy Research, where it can receive fair and unbiased consideration. Second, we need to appropriate some money to conduct the research. An American contribution of about $5 million in fiscal year 1988 would keep the international team together, and reassure the international community that the United States will, after all, make good on its international commitment.

Mr. President, at an appropriate time during this debate I will offer amendments to provide funding for this subseabed work, and to have it carried out in a part of the Energy Department that will not be so overtly hostile to sensible alternatives to deep geologic disposal of nuclear waste.

I thank the distinguished Senator from Washington.

EXHIBIT 1

U.S. SENATE,
Washington, DC, April 17, 1986.

Hon. JOHN S. HERRINGTON,
Secretary, U.S. Department of Energy, Washington, DC.

DEAR JOHN: We are concerned about the Department's announced intention to terminate the U.S. contribution to the international research and development project for the subseabed disposal alternative for permanent disposal of spent fuel and high-level nuclear wastes (HLW). This important study has been pursued since 1974, with the assistance and participation of nine other countries and the Commission of the European Communities.

Section 222 of the Nuclear Waste Policy Act of 1982 (NWPA) requires DOE to continue and accelerate study of alternative means and technologies for permanent HLW disposal. From all indications, the subseabed option offers many attractive features, including environmental, economic, political and national security benefits. In addition, the prospect of sharing the cost of this alternative with our international cooperators makes it a very cost-effective use of Federal funds. To cancel our modest $10-12 million annual investment at a time when this research is nearing maturity would be a mistake. Termination of the U.S. contribution is likely to lead to the collapse of the international project, leaving the U.S. and all other countries using nuclear power completely dependent upon the success of land-based geological disposal as a solution to the high-level waste problem.

We feel it is premature for DOE to make any absolute representation to members of the International Seabed Working Group to the effect that the U.S. portion of the funding will not be provided for the fiscal year 1987 hopefully leading to feasibility determination in 1991.

We thank you for your kind attention to this important matter and look forward to working with you to develop safe, cost-effective options for high-level nuclear waste disposal.

Sincerely,

PAUL TRIBLE.
GORDON J. HUMPHREY.
RUDY BOSCHWITZ.
JOHN H. CHAFEE.
ALBERT GORE, JR.
CHIC HECHT.
JIM MCCLURE.
SLADE GORTON.
JIM ABDNOR.
JOHN WARNER.
WARREN B. RUDMAN.
BOB KASTEN.
CLAIBORNE PELL.
STROM THURMOND.
SAM NUNN.
PETE V. DOMENICI.
MACK MATTINGLY.

EXHIBIT 2

STATE OF MICHIGAN,
DEPARTMENT OF COMMERCE,
Lansing, MI, February 4, 1987

Hon. JOHN HERRINGTON,
Secretary, Department of Energy, Washington, DC.

DEAR SECRETARY HERRINGTON: As Chair of the National Association of Regulatory Utility Commissioners Committee on Electricity and its Subcommittee on Nuclear Waste Disposal, I am writing to express our concern regarding the Department of Energy's elimination of funding for subseabed waste disposal research. We are concerned for two reasons:

1. The extent of the continuing controversy surrounding various proposals for nuclear waste storage in the continental United States raises serious questions as to when and at what cost a politically acceptable solution in the country will be found. Under these circumstances, the termination of research into a potentially viable alternative seems premature.

The total anticipated cost for this research—$6 to $8 million—seems cheap in relationship to other facets of the total project and in light of the integrated, cooperative international program. What does the United States abandonment of its piece of the program do to the entire international project?

Since we must regulate the utilities at whose sites the spent fuel is accumulating and since the public expects that the nuclear waste problem will be resolved without due disruption of the power plant operations, the absence of a workable solution consistent with the deadlines in the Nuclear Waste Policy Act poses major difficulties for us as well as for you. Meanwhile, the costs to ratepayers continue to mount, not only for onsite storage but for forty years of fruitless effort and because of major slippage in meeting the currently mandated program deadlines.

2. The Nuclear Waste Policy act and the National Environmental Policy Act, as well as good sense, require reasonable evaluation of all potential alternatives. If the Department of Energy's proposals for storage in the U.S. are ultimately rejected because the alternative of subseabed disposal has been inadequately evaluated, costs, safety risks and the embarrassment sustained no doubt will be of major proportions. This issue will inevitably be raised by potential host states, with the possibility that a court review would result in rejection of a license because the alternatives had not been adequately evaluated. It is hard to imagine a scenario in which such a court decision would not set the program back at least 10 more years, with unacceptable consequences in terms of continuing onsite storage of spent fuel and severely escalated costs.

We urge that you reconsider this decision before the potential for joint international action is completely dissipated.

Sincerely,

EDWYNA G. ANDERSON,
Commissioner.

Mr. RUDMAN. Mr. President, I rise is support of the nuclear waste provision in H.R. 2700, the fiscal year 1988 energy and water appropriations bill.

This amendment, on which we are about to vote, was approved overwhelmingly by two committees of the Senate—the Energy and Natural Resources Committee, and the Appropriations Committee.

The amendment reduces the appropriation for the Nuclear Waste Program by $139 million below the President's request. It does this by eliminating the Second Repository Program and calling for detailed site characterization work at one of the Western repository sites, rather than at all three sites.

I supported this provision in the Appropriations Committee, and I will vote for it today. If this language is not included in this legislation, I am convinced we will lose our best chance to bring about much-needed changes in the Nuclear Waste Program. The most important change, from the perspective of my State, is the elimination of the Second Repository Program.

There is absolutely no need to go to the immense expense of proceeding with a second repository at this time. Circumstances have changed since 1982 when the Nuclear Wage Policy Act was passed. In 1982, the Department of Energy estimated that about 184,000 metric tons of waste would be generated by the year 2020. Now, all estimates of the waste to be generated in the next quarter century are much lower; some say we will generate less than half the waste we thought we would 5 years ago. It makes good sense to stop the Second Repository Program at this time, particularly in light of the need to curb Federal spending.

The argument has been made that this matter is not appropriately dealt with on an appropriation bill. The record should show that the Senators from Louisiana and Idaho resisted efforts to change the Nuclear Waste Program through the appropriations process. The fact is that numerous Senators, including this one, were planning to raise this issue on the first possible vehicle, and the Senators from Louisiana and Idaho simply responded to that. Futhermore, the authorizing committee, the Senate Committee on Energy and Natural Resources, has approved this proposal.

I believe this legislation is in the best interest not only of my State, but of the Nation as a whole. It is essential that we keep on course in dealing with this difficult, but critical problem—the safe, responsible handling of nuclear waste. This is the best vehicle we have for bringing these much-needed changes in the law into being.

Mr. HELMS. Mr. President, the modified Johnston-McClure amendment to the energy and water development appropriation bill represents a responsible Federal policy to deal with the nuclear waste issue. As a supporter of nuclear power, I recognize the need to develop an efficient nuclear waste disposal program that ensures the safety of the public and the environment.

Mr. President, the Johnston-McClure amendment provides for the continued implementation and the necessary correction of the Nuclear Waste Policy Act in three ways. First, the amendment requires the Department of Energy to select one of the three Western sites for the first permanent repository. Second, the amendment indefinitely suspends the search and all testing for a second permanent repository. Third, it includes a provision to establish a three-member commission to reassess the need for a temporary monitored retrievable storage [MRS] facility.

Mr. President, in 1982 Congress passed the Nuclear Waste Policy Act in which we stated that the best way to dispose of nuclear waste was to bury it in deep geological repositories. I believed then, as I believe now, that deep permanent repositories are the safest and most efficient method of disposing of nuclear waste. I agree with Senators JOHNSTON and MCCLURE that we need to select a specific site for the first repository without further delay. We are at the stage now where we need to characterize one site. It would take tremendous amounts of time and money to conduct such testing at all three sites simultaneously.

The Department of Energy, which has the responsibility of conducting the search for the first repository, must follow specific requirements during the search. The Department of Energy developed guidelines for the selection process and spent many years studying nine different sites. As required by the act, the Department of Energy then recommended three sites to the President for characterization. These sites are located in Washington, Nevada, and Texas.

There has already been a 5-year delay in the program. The Department of Energy originally said that a first repository could be operational by 1998. Now, they say that the earliest possible date is 2003. If we do not select one of the three sites for characterization, who knows how much longer the program will be delayed—2 years, 10 years, or forever?

Each delay costs the taxpayers more money. What are the utility companies supposed to do while the opponents of the program keep delaying the selection of a deep repository? The waste just keeps accumulating at onsite storage facilities. Since these onsite storage facilities are not designed for permanent storage, it is imperative that we move expeditiously to develop a permanent site.

The studies have been thorough and exhaustive. There is no need for any further delay in the selection of the first repository.

The second aspect of the Johnston-McClure amendment is the indefinite suspension of the search for a second permanent repository. I concur with the opinion of most experts that we do not need to continue the search for a second repository. The National Academy of Sciences, the Nuclear Regulatory Commission and the Department of Energy all agree that new evidence shows that a second repository will not be necessary anytime in the near future. In 1982, the view was that two repositories would be necessary. That view was based on the estimate that there would be around 65,000 metric tons of waste by the year 2000. However, new technologies and new data have caused experts to revise their estimates downward to 40,000 metric tons.

Mr. President, I see no reason to proceed with plans for a second repository if it will not be needed. However, if current law remains unchanged, the search for a second repository will continue. The Department of Energy will have to concentrate tremendous amounts of resources in order to conduct this search. This could cost anywhere from $4 to $8 billion.

Mr. President, why should we spend billions of dollars on something that we are not even sure that we will ever need? I know that many folks in my home State of North Carolina feel that Congress already wastes billions of dollars on things that we do not need—and I agree with them. That is how I feel about this second repository—I think that it only makes sense to save those billions of dollars by suspending the search for a second repository until it becomes clear that a second site will be necessary.

Third, the Johnston-McClure amendment authorizes the Secretary of Energy to construction of an MRS. The amendment was modified to include a provision to establish a three-member commission to reassess the need for a MRS facility. But, whether or not we like the idea of a MRS, the fact is that the delays in selecting a first repository have created a need for a temporary storage facility. If there had not been such delays, we would not need to consider a MRS facility. On the other hand, we cannot just leave the waste in the utility companies' onsite storage facilities. These facilities are above ground and they are not designed for permanent storage. We must continue the process of developing a deep geological repository.

Mr. President, my only reservation about this amendment is the absence of restrictions that would ensure that any future MRS will not become a de facto permanent repository. For example, there should be a limit on the amount of waste that could be temporarily stored at a MRS. Second, a MRS should not be allowed to receive waste until the first repository is licensed. Finally, the acreage for the MRS facility and the lifetime of the facility should be appropriately restricted.

The PRESIDING OFFICER. Who yields time?

Mr. ADAMS. Mr. President, how much time do we have remaining and how much time is remaining for the distinguished Senator from Louisiana?

The PRESIDING OFFICER. The Senator from Washington and the Senator from Nevada have 14 minutes and 50 seconds; the Senator from Louisiana has 17 minutes and 54 seconds.

Mr. ADAMS. We reserve the balance of our time and let the other side yield since our side has just spoken.

The PRESIDING OFFICER. Who yields time?

Mr. JOHNSTON. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 3 minutes.

Mr. JOHNSTON. Mr. President, this amendment, as I have stated before, saves $3.9 billion because you go from three characterizations to one characterization. GAO says that three characterizations costs you $5.8 billion.

Can that be done, Mr. President? Can it be done safely?

Admiral Zech on behalf of the Nuclear Regulatory Commission, says it can be done.

He said:

> Simultaneous characterization of the three sites is not necessary to protect the public health and safety. The Commission takes no position concerning the date for selecting a preferred site for characterization.

Mr. President, the National Academy of Sciences states that the act has been followed in selecting the three sites.

First of all, Mr. President, Mr. Hugh Thompson, who is Director of Nuclear Safety and Safeguards for the Nuclear Regulatory Commission, states in answer to my question as follows:

> Now your statement, as I understand it, very clearly states that there is no reason

why we should not proceed to characterize the three sites?

Mr. Thompson. That is correct. We have identified issues. We have identified range of concerns in licensing issues which we believe in fact can only be resolved by proceeding with characterization. We see no technical reason that would disqualify any of these sites, based on the information we have to date.

So that, in effect, from a technical standpoint, the Department of Energy's work on the three sites has been adequate and has been technically sufficient to proceed with the process?

Mr. Thompson. That is correct.

Mr. President, it is perfectly clear, not only on the basis of the Nuclear Regulatory Commission but from the National Academy of Sciences.

Dr. Frank Parker, Chairman of the Board on Radioactive Waste Management, National Academy of Sciences, said it is his opinion that there is no technical reason at the present time why we should not proceed under the act.

The PRESIDING OFFICER. The time of the Senator has expired.

If neither side will yield, the time runs equally.

Mr. JOHNSTON. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 1 minute.

Mr. JOHNSTON. Mr. President, I would like to make it perfectly clear that in our amendment the one site after characterization, before any nuclear waste can be put into any site, must be licensed by NRC. There must be a full-blown, full-fledged environmental impact statement, and the right of a State to veto the selection is preserved.

The essential thing of what this amendment does in addition to canceling the second repository until the year 2010, by which time a study will be done, is to go from a simultaneous characterization of three sites to a characterization of one site which can be done, according to the experts, with safety and with technical assurance.

The PRESIDING OFFICER. Who yields time?

Mr. ADAMS. Mr. President, I yield 4 minutes to the Senator from Texas, Senator Gramm.

The PRESIDING OFFICER. The Senator from Texas is recognized for 4 minutes.

Mr. GRAMM. Mr. President, I rise in opposition to the Johnston-McClure provision. I would like to say to begin with that there is much in the provision that I do support. I think the bottom line problem is, however, that by January 1, 1989, the Secretary of Energy is not going to be in a position to make a final determination as to the single site that should be characterized. I think that is the first and the major problem of this provision.

Mr. President, I do believe that this provision has some elements in it that, in some form, should be adopted. I think it makes absolutely no sense for us to go out and spend $3 billion digging three different holes with no guarantee that any one of the three States in which the shafts are sunk where site characterization occurs will allow us to build the repository in their State.

In a very real sense, while this provision at least off the top would save us $2 billion by forcing us to focus on one State, it does not give us a guarantee that that State will willingly accept the project. It simply puts that individual State under the gun.

It does give that State the ability, through its elected officials, through its citizens, to have an input. It preserves that State Governor's ability to veto the project. But it puts that State in a very difficult position by being the only State that has been characterized. I believe that what we need is a change in the law to eliminate the sinking of three separate shafts, the expenditure of $3 billion, without any guarantee that a site is going to be built in any one of the locations.

I think this is a step in the right direction as far as it goes, but I do not believe it goes far enough. I think what we need is a provision that allows the Federal Government to provide inducements and that a State should choose to have the site before the shaft is ever sunk.

I believe if we are willing basically to reward a recipient State by giving that State funds and giving that State the infrastructure that would be required to make it something on the basis of which some State in the Union that had the geological features that would be necessary to build the site would be willing to take it, I believe if we did that, if we got a State, in essence, to sign a contract that if geologically their site characterization proved adequate for it to be built there, if that provision were in the Johnston-McClure amendment, I would support it because then we would have a guarantee that the site would not be built in a State that did not want it.

But we do not have that provision in this bill. Simply, this bill requires that the Secretary of Energy make a decision by January 1, 1989, a decision that I do not believe the Secretary is going to be in a position to make. We put a single State under the gun. We do not give that State the protections that I believe it needs.

If this provision were in the form of an inducement that would induce any one of 20 States that might be potential hosts for this site to choose to be the site, if no characterization took place until that State was chosen and had agreed to be the recipient site, I would support this proposal.

Obviously, if you want somebody to take a garbage heap that society has to have, you have to compensate them to do it. I believe that the compensation idea is correct. May I have 1 additional minute?

Mr. ADAMS. How much time have I remaining?

The PRESIDING OFFICER. The Senator has 10 minutes remaining.

Mr. ADAMS. And how much the other side?

The PRESIDING OFFICER. Twelve minutes forty-six seconds.

Mr. ADAMS. I yield 1 more minute to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. If you want some State to take this project, you ought to reward them for doing it, but you ought to sign a contract with that State on a willing basis before you go out and spend $1 billion on a site characterization there because under this provision, under this amendment, even if you spend the $1 billion, you do not have a guarantee that that State will willingly take the project. I do not believe it should be built in a State that does not want it. I believe we can provide sufficient inducements to induce 1 of the 20 or so States that could technically be the host to choose to be the host. We are never going to get this project built as long as the host State opposes it. There are simply too many avenues of resistance.

I think the sooner we recognize that, the sooner we are going to get on with the business of building this repository. You cannot build it where the people do not want it. Until we recognize that, we are not going to make real progress.

The PRESIDING OFFICER. The Senator's time has expired. Who yields time?

Mr. JOHNSTON. Mr. President, I yield myself 1 minute. Mr. President, I am reminded of the old hymn, "Almost Persuaded." The Senator from Texas is almost persuaded that this is the right direction. He recognizes that the benefits package is very important. The fact is you have to have the benefits package enacted into law before it means anything. To say, "If you agree to come on in and volunteer for the site, then we will come back to the Congress," is a pig in a poke. No State is going to buy that. You have to put the benefits up front. That is what this legislation does.

But, Mr. President, to say that we cannot put this waste in a State that objects I think is wrong because we must. We are generating waste at the rate of 3,000 metric tons a year. That waste will not go away. It is mounting up as over 100 nuclear reactors around the country continue to generate thousands and thousands of megawatts of electricity. Unless we want to make 68 separate nuclear repositories in almost every State of the Nation and make those permanent repositories in your State, we have to find a place, and the law provides for that now. All this amendment does is save money in the process of building that site, and it does so technically correctly according to all the experts and it does so in a manner wholly consistent with health and safety.

The PRESIDING OFFICER. The time of the Senator from Louisiana has expired. Who yields time?

Mr. ADAMS. How much time is remaining for each side, Mr. President?

The PRESIDING OFFICER. The time of the Senator from Washington and the Senator from Nevada is 8 minutes 48 seconds; the time of the Senator from Louisiana is 10 minutes and 57 seconds.

Mr. ADAMS. We would defer to the Senator from Louisiana until two more Senators arrive.

The PRESIDING OFFICER. If neither side yields time, the time runs equally.

Mr. JOHNSTON. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 1 minute.

Mr. JOHNSTON. Mr. President, this amendment is not made in a vacuum. It is made against the Nuclear Waste Policy Act, which is the law of the land. It is extraordinarily difficult to amend the Nuclear Waste Policy Act, but that is what we propose here. If we fail, then we proceed with the present law, which provides for selecting a site in the Northeast, and it also provides for characterizing three sites—in Texas, in Washington, and in Nevada.

Now, as I have said repeatedly, Mr. President, the experts say you can go from three sites to one site, save $3.9 billion, and do so consistent with technological expertise and public health and safety. I have read the statement of the Chairman of the Nuclear Regulatory Commission to that effect. I have read the statement of Hugh Thompson, Director of NRC's Office of Nuclear Material Safety and Safeguards, and the statement of Frank Parker, Chairman of the National Academy of Sciences' Board on Radioactive Waste Management. All the experts say this can be done. The question is, does this Senate want to proceed with the screening of sites for a second repository. If you do, vote down this amendment.

The second question: Do you want to spend an extra $3.9 billion? By the way, that is not in a fund waiting to be spent. There is a fund out of which that comes. But the present fee on nuclear generation paid by utility ratepayers is not going to be nearly sufficient to cover three characterizations. So if we let the present act run its course, then the ratepayers in this country are going to be asked to make a huge new contribution to fund two additional characterizations—in effect, pay an unnecessary $3.9 billion. There will be in effect a raise in the rates.

So I hope Senators understand that as we try not only to save money for the taxpayers but to cancel a Northeast repostitory, which is unnecessary, we believe, and to avoid tremendous increases in the nuclear generation tax.

The PRESIDING OFFICER. Who yields time?

Mr. ADAMS. How much time do we have remaining?

The PRESIDING OFFICER. The time of the Senator from Washington and the Senator from Nevada is 7 minutes 57 seconds, the time of the Senator from Louisiana is 7 minutes 20 seconds.

Mr. ADAMS. I yield 3 minutes to the Senator from Wyoming, Senator SIMPSON.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 3 minutes.

Mr. SIMPSON. I thank the Senator from Washington very much. I know how hard he and the Senator from Nevada have worked on this issue.

Mr. President, we are just about to vote on a matter of serious significance for this country and for this body. What we are being asked to do in the pending amendment is to make major modifications in this country's program for the disposal of nuclear waste—and to do so on an appropriations bill! I think that is absurd.

I have the greatest reservations, Mr. President, about the wisdom of this course of action—and it is not because I have been one of those seeking to delay this program. Nor is it because I want to "shut the nuclear industry down" by forcing it to choke on its own nuclear waste, and there are a lot of people who would like to do that. My record speaks for itself on both of those issues—and in virtually every instance right up to now, I have been side by side with my good colleagues from Idaho and Louisiana, the floor managers of this amendment.

And so it is not a turf thing with me either, but I think there are some real distortions going on about the work of the Energy and Natural Resources Committee and the Environment and Public Works Committee. That is too bad. I thought we had resolved that once but apparently we did not. But now it surfaces and it surfaces on an appropriations bill and it is not too becoming.

But the course of action proposed in this amendment is imprudent—and it reflects a view that the way to solve this country's nuclear waste problem is to rush headlong into sinking an exploratory shaft somewhere—anywhere so that we can point to this as a sign of progress in solving our problem. I think that is too bad.

Unfortunately, the history of this program is littered with the remnants of our mistakes, because we have adopted overly optimistic schedules and because a scientifically credible program has taken a back seat to those schedules. One need only look at the experiences with the Lyons, KS, site or the Hanford site—both of which were on the top of everybody's list—to see where we have failed. Or better yet, look at the schedules that we adopted in the Senate-passed bill in 1982—when we required DOE to recommend a site to the President by January 1, 1986 for characterization!

We have heard clear and convincing warnings over the past 2 months that the technical information will simply not be available by January 1, 1989 to permit us to select a preferred site from among the three candidates. How can we possibly say that we will, when we don't even have access to one site and when surface-based testing at another—Hanford—will still be going on at this time?

Why is it that we need to make this decision by January 1, 1989, rather than take the more prudent 2 or 3 years that the NRC staff has recommended to conduct the necessary surface tests? Why is it, when this facility will be designed to isolate wastes for a period of time longer than human civilization has existed to date—for tens of thousands of years—that we cannot take 2 additional years to make sure that we do it right? Why is it that we are going to select a site before the applicable EPA standards are promulgated? Why is it that we are going to select a site before DOE completes its most critical hydrologic test at the Hanford site? And why is it that we are being asked to do this on an appropriations bill?

It beats me. People are getting beat up in the process. I think there are some things going on which I may not quite understand.

Mr. President, I urge my fellow colleagues to reflect carefully on the vote that they are about to cast—and to reflect upon whether a program of this magnitude should be addressed in the hasty manner that is being proposed. Because each of you—whether you come from a State with granite formations, whether you come from a State with an operating nuclear powerplant, whether you come from a potential host State for an MRS, or whether you come from a State through which nuclear waste will be transported to an MRS—have an enormous stake in this program if we are making the wrong decision in this amendment.

And make no mistake about it, Mr. President, we are selecting the State of Nevada—the Yucca Mountain site—in this bill. We have abandoned the objective criteria established in the 1982 act.

There is a lot of code language here. This is going to be a Nevada site. That is what you have here. We have already written into this amendment provisions which legislate both Washington and Texas right out of consideration, whether it be through the language requiring consideration of the "cost of characterization"—which is "code language" for not selecting Hanford—or the language which requires consideration of "groundwater impacts."

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SIMPSON. I ask for an additional 30 seconds, if I may.

Mr. ADAMS. How much time do we have remaining, Mr. President?

The PRESIDING OFFICER. The Senator from Washington has 3 minutes and 20 seconds.

Mr. SIMPSON. I will relinquish the time.

Mr. ADAMS. I yield 20 seconds.

Mr. SIMPSON. I thank my friend from Washington. I spoke of this as the code language for not selecting the Texas site because it is above the Ogalalla aquifer. So there you have it. I think it is very unfortunate.

I think this is a very unwise course of action, Mr. President, and we all have an immense interest in ensuring that this program succeed. Unfortunately, Mr. President, I fear that we are headed for an immense failure—a real floppo—both in terms of public confidence and from a technical standpoint—with the approach proposed in the pending amendment. For these reasons, Mr. President, I would urge my colleagues to reject the pending amendment.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Mr. JOHNSTON. Mr. President, I yield 3 minutes to the distinguished Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine is recognized for 3 minutes.

Mr. MITCHELL. Mr. President, on January 16, 1986, the Department of Energy [DOE] identified two sites in Maine as being potentially acceptable sites for a second high-level nuclear waste repository. The comments I and other representatives of Maine submitted on this proposal demonstrated that the sites are unacceptable to store nuclear waste. Today, DOE is still considering second-round sites. Congress must act to terminate this search.

A second site is not necessary at all. Even Secretary Herrington has stated that a second site is not technically necessary.

The Maine sites are unacceptable for several reasons: One of them is too near major drinking water supplies, and has great fluctuations in population in the summer; the other is too close to the Canadian border and is located on lands held by Indian tribes; both are not stable enough to store highly radioactive nuclear waste; both have faults running through them that make long-term storage unreliable. These are points I have made repeatedly to DOE officials since they first announced their interest in Maine.

Since one site is repugnant to many States, as the recent filibuster on this issue demonstrates, it makes less sense to require two sites, and ask two communities to be exposed to this risk. This is particularly true since the search for an additional repository, its construction and operation, will cost the country's ratepayers billions—I repeat, billions of dollars that need not be spent.

DOE agreed with this assessment. On May 27, 1986, it announced that it was suspending the search for a second repository, primarily due to cost considerations. DOE also noted that it would be decades before a second repository would be needed, based on their estimates of nuclear waste generation.

In January of this year, DOE announced it was reversing the earlier decision and that it would resume the search of a second site unless Congress acted before the end of September, which is the end of the fiscal year. Many of us strenuously objected to the arbitrary imposition of a deadline we knew Congress could not realistically keep.

In hearings and meetings this year, I have pressed DOE officials to not restart the search for a second site since the agency continues to claim that such a search is not now necessary.

The Senate should understand the position of the Department of Energy. They say a real repository is unnecessary. They urge Congress to suspend the search for a second site. But, they say, if Congress does ratify legislation directing them to suspend the search for a second site, they will be forced to continue that search, even though they believe it to be unnecessary.

Thus, failure of the Congress to legislatively direct DOE to stop the search for a second site would mean that we are permitting them to go forward on a course of action that is unnecessary and enormously expensive. Surely no prudent or responsible official should want or tolerate that result.

Due to pending litigation in the Ninth Circuit, DOE insisted on retaining its unrealistic deadline and on October 1, 1986, the agency announced it would resume its review of the 60,000 comments received by the agency regarding the second site. This is the next step in the selection process. DOE insists that only enactment of amendments to the Nuclear Waste Policy Act can alter its course now.

I and other Members of Congress who support termination of a second site search can stop DOE from reviewing these comments if we enact legislation directing DOE to terminate this program. DOE will not stop its search until both the House and Senate have agreed on legislation and the President signs it.

The Senate is now considering legislation that will suspend DOE's authority to perform any site-specific work in a search for a second site. This legislation is S. 1668, incorporated by reference in H.R. 2700, the Energy and Water Development appropriations bill. Like the Nuclear Waste Policy Act itself, S. 1668 is not perfect. But it has this critical provision—it stops the second site search.

S. 1668 directs DOE to terminate the site-specific work related to a second site. It requires DOE to submit a report to Congress between 2007 and 2010 on the need for a second repository. According to Senate Report 100-152 accompanying S. 1668, the relevant provision "takes away the Secretary's authorization to conduct site-specific activities. A subsequent act of Congress would be required before site-specific activities could be conducted."

This legislation stops the search for a second site for at least 20 years. Should DOE ever attempt to resume the search for a second site, it will have to start the process all over again from the beginning. And it would require another, subsequent act of Congress for it to conduct any site-specific activities in connection with that search.

There are other changes affecting the second site I would have preferred to see in this legislation. For example, removal of the 70,000 metric ton cap, which is not a technical judgment, is warranted.

This legislation is not perfect, but it is a significant improvement over current law. House Members are considering a moratorium bill significantly different from the moratorium legislation I support. The current House version takes no position on the need for a second repository, that is a mistake.

We must act quickly to terminate DOE's activities regarding a second site. The only option DOE has left Congress is for us to enact legislation terminating the second site search. I urge my colleagues to support this proposal.

Mr. President, on May 27, 1986, the Secretary of Energy announced that he was suspending the search for a second site for a nuclear waste repository. He said he was doing so because he concluded that a second site was unnecessary and that it was, therefore, wasteful to spend money at this time on a search for a facility that was not now necessary.

Recently, however, the Secretary has indicated that he feels compelled by law to resume the search for a second site even though he still feels it is technically unnecessary, unless Congress acts to change the law to legislatively direct him to suspend that search.

Mr. President, this is not a perfect bill. Few bills are. But from my standpoint, and from my standpoint of those of us in the Eastern United States, it has one critical provision. It suspends the search for a second repository site for a minimum of 20 years. It directs the Secretary to report to the Congress between the year 2007 and the year 2010 on the possible need for a second repository, but it would require a subsequent act of Congress if there were ever to be a resumption of the search for a second site.

That is of critical importance to those in the eastern part of the United States because it is clear that a second repository is not necessary. If one accepts that, then it makes absolutely no sense to spend millions, perhaps billions, of dollars to seek out and characterize a location for a facility that everyone agrees is not necessary.

Adoption of this pending legislation would legislatively direct the Secretary to stop the search for a second site for a minimum of 20 years.

The PRESIDING OFFICER. The time of the Senator from Maine has expired.

Mr. MITCHELL. That makes it desirable legislation.

The PRESIDING OFFICER. Who yields time?

Mr. MITCHELL. I thank the Chair.

Mr. ADAMS. Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator from Washington has 3 minutes remaining. The Senator from Louisiana has 4 minutes and 17 seconds.

Mr. ADAMS. The Senator from Washington yields to the Senator from Louisiana, Senator BREAUX, the remaining amount of our time.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 3 minutes.

Mr. BREAUX. I thank the Senator from Washington.

As I said on this issue when I spoke previously on one occasion those Members who are not on the Environment and Public Works Committee or the Energy Committee must be terribly confused about which way to go. I would say to those Members who are trying to make up their minds that the difference between the Energy Committee bill and the Environment Committee bill is not a great deal of difference but it is significant. It is significant in a number of ways. It is similar because it says pick one site and drill a shaft into that site, do the detailed work that is going to cost hundreds of millions of dollars, and do the testing of that particular site. Both committees make that decision. We both can argue that we will save the country major amounts of money if the first site is a successful one.

So what is the difference? The difference is very simple. The Energy Committee tells the Department of Energy to go out and pick that site right now, drill that shaft, and make that critical decision. Our committee, on the other hand, says look at the three sites that are on the table, do some surface work, do some geological work, do some hydrologic work, and determine what are the characteristics of those three sites. Then when you have that at hand, when you have that critical information, then pick the one that you are going to spend hundreds of millions of dollars on and evaluate it by drilling a shaft and hopefully you will have the correct decision. If you do not, you will have the information in place on the other two, and you can go drill the shaft on the second or on the third. You will be ready to do it at that time.

Let us make no mistake about it. This decision is one of the most critically important environmental decisions in the history of our Nation. The Energy Committee waives the National Environmental Policy Act on the selection of that first site—waives the National Environmental Policy Act. Is this not an environmentally important decision when they decide to make that hundreds-of-millions-of-dollars commitment to pick the first site? We require an environmental impact statement on something as simple as dredging a canal or digging a channel or locating where we are going to have a garbage dump in some particular location. We require that an environmental impact statement be made. Certainly any decision that is as critically important to this issue as selection of a site for radioactive waste should be subject to an environmental impact statement.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BREAUX. I ask for a no vote on the amendment.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 4 minutes and 17 seconds.

Mr. JOHNSTON. Mr. President, I would like to make perfectly clear that my amendment does not disturb the requirement of the National Environmental Policy Act that a full environmental impact statement be done on the repository. Moreover, the act requires that the repository before it is put in use be licensed by the Nuclear Regulatory Commission. To be sure, my amendment does not require still another environmental policy assessment on top of an environmental policy assessment that is ready provided for in the law.

That is the problem with nuclear waste, Mr. President. There are never enough studies. There are never enough billions of dollars spent to suit some people. They want more and more delay, they want more and more studies, they want more environmental policy assessments and Environmental Policy Act implementations.

Well, ours provides a full environmental impact statement, Mr. President. That is provided for in the present law and licensing by the NRC. And that is all that health and safety requires. That is all the present law requires. Who says so? Dr. Lando Zech, Chairman of the Nuclear Regulatory Commission in his letter to me of November 10, 1987. It says it right there. I have read it into the RECORD a number of times.

Who else says so? Dr. Hugh Thompson, Director of Nuclear Safety and Safeguards from the Nuclear Regulatory Commission, and Dr. Frank Parker, from the National Academy of Sciences.

Mr. President, we are told over and over again we are somehow taking some great risk, that there is something technically deficient. Why, sure if you are in one of these States and you do not want the waste, you can think of all kinds of reasons why you should not put the waste in that State. I understand that. And I guess any of us would be up here defending our States if we had been selected.

But, Mr. President, the scientists say it is consistent with health and safety, it is consistent with the Nuclear Waste Policy Act, it is consistent with the requirement of licensing, in fact licensing by the Nuclear Regulatory Commission is required, and a full NEPA statement is required.

I submit that that is enough. We do not need another 3.9 billion dollars' worth of unnecessary characterizations. As I have said over and over, we are putting money down that nuclear rat hole at the rate of $500 million a year for paper studies. That is the amount of money in the House bill, the bill we are amending, for additional studies—$500 million.

If you want that to go on ad infinitum, let us require some other regulations and a new set of environmental policy assessments and a new set of environmental policy statements. We already have them in the act, but put more in there, because that is a sure way to make some of these contractors happy. How would you like to be a nuclear contractor, with hundreds of millions of dollars of Federal money to be spent for paper studies? You would love additional delay.

There has to be an end to this unnecessary spending of money. All the experts say we can do so. I say let us do what the experts say. Let us adopt this amendment.

The PRESIDING OFFICER. All time has expired.

THE OLDER AMERICANS ACT AMENDMENTS OF 1987

Mr. BINGAMAN. Mr. President, I rise today to urge my colleagues to vote in favor of final passage of the Older Americans Act Amendments of 1987 and to commend my friends and distinguished colleagues, Senator MATSUNAGA, the Chairman of the Subcommittee on Aging, and Senator KENNEDY, the chairman of the Committee on Labor and Human Resources, and their staff for their diligent and comprehensive work in completing action on the reauthorization of the Older Americans Act. Not only does the bill reauthorize this important act, but it significantly strengthens several of its provisions.

This Senator is pleased to have played a small role in shaping this legislation through the addition of key provisions of the Older American Indian Services Improvement Act, S. 1069, a bill I introduced earlier this year.

By enacting the Older Americans Indian Services Improvement Act, we will strengthen, expand, and clarify pertinent titles of the Older Americans Act to help ensure better access and delivery of vital services to "those who are in the greatest economic and social need." As you know, Mr. President, this was Congress' intent when it enacted the Older Americans Act in 1965. And as we all know, older American Indians remain among our country's most impoverished and needy citizens. They have a life expectancy between 3 and 4 years less than the general population; they lack sufficient and accessible health care; they live in poverty at a rate estimated to be as high as 61 percent; they suffer from high unemployment; and they often live in substandard and overcrowded housing. Additionally, the rural environment of most reservations adds to the already difficult way of life for many older Indians.

Realizing these inequities, in 1978 we added title VI, Indian grants, to the Older Americans Act to provide a mechanism for delivering vital services to our older American Indian population. Two years later, title VI grants were awarded to 85 eligible Indian organizations. Since that time, the program has been expanded to include 124 grantees, but a number of problems have become evident. We discovered that the act, to the detriment of older American Indians, fails to fully coordinate title VI with other titles of the act and that these titles are often ambiguous about tribal eligibility. Further, we have heard many times that the Federal Office on State and Tribal Aging is largely inattentive to the needs of Indian grantees.

The amendments before us today will address most of these problems. In particular, the existing Indian Grant Program under title VI will be strengthened and better coordinated with other portions of the Older Americans Act.

One of the major stumbling blocks facing American Indians as they attempt to gain access to services provided under the Older Americans Act has been the lack of coordination between title III, State grants, and title VI. Congress' desire to prevent "double dipping" led to inconsistent language in both titles and restrictive regulations that preclude unserved or underserved older Native Americans from receiving vital title III services if tribal programs are available under title VI for those services.

The problem is that many of the tribal programs, although available to some of the older Indians who live on reservations, are not accessible, either because of location or low funding levels, to all, or even most, needy older Indians. With the Indian population fairly evenly divided between reservations and urban areas—studies indicate that about 52 percent of our Indian population live on reservations and about 48 percent live in urban areas—we in Congress and the service providers in the field need to appreciate the fact that not all the intended beneficiaries can benefit from a tribe's reservation program and that many older Indians who desperately need services live in off-reservation service areas. This legislation, by repealing several provisions of the existing law, clarifies that Indians are eligible for services under both titles III and VI. Also, changes such as the creation of an improved monitoring system and provisions for outreach activities will assist tribal organizations and area agencies in broadening the scope of their cooperative efforts to develop more comprehensive service programs.

Significantly, this legislation establishes within the Administration on Aging an Office for native American, Alaska Native and native Hawaiian programs and creates the position of Associate Commissioner for Native American, Alaska Native and Native Hawaiian Aging to head the Office. This is a major advancement toward improving the quality of life for all members of our older population and is a vital component of the legislation before us. It is our intent that the Associate Commissioner will act as an advocate for native Americans within the Department and other agencies on issues affecting older native Americans. In addition, the Associate Commissioner will lead a new interagency task force on the needs and services of our older native American, Alaska Native and native Hawaiian population.

Unless the Office and the Associate Commissioner position are mandated by Congress, the improvements to the title VI program most likely will not take place. The AOA was given the opportunity to establish this office and to make corrections without legislative mandates, but it has yet to do so. When we last reauthorized the Older Americans Act, I offered an amendment that would have created an office on Indian aging, but I agreed to withdraw that amendment based on assurance by AOA that it would create such a position with advice and support from Indian tribes. Much to my dismay and despite what I understood to be a firm agreement, this did not happen. For this reason, I believe that Congress must designate this Office and this position so that we are assured greater accountability from AOA to the Indian grantees.

Because older native Americans suffer from chronic unemployment, this legislation amends title V, community service employment, to provide for the targeting of employment services to older native Americans. A recent survey conducted by the National Indian Council on Aging revealed that only 1.6 percent of all positions available through national contractors and State agencies on aging were filled by older Indians and that, among all ethnic groups, older American Indians have the least access to employment services under title V. This legislation mandates that at the next available opportunity for national grants or contracts, older native Americans should be emphasized.

This legislation also amends title IV, training and research, to make grants and contracts more readily available to agencies and organizations representing minorities. Adequate in-service training and instruction on the needs particular to older Americans of diverse ethnic backgrounds remains a priority that hopefully will be addressed through a more equitable distribution of title IV funding.

Mr. President, I would be remiss if I did not point out what I perceive to be a problematic aspect of this legislation. Although the bill I introduced early this year was directed solely at our older American Indian population, several of its provisions were expanded in the bill reported out of committee to provide coverage to Alaska Natives and native Hawaiians. To be consistent with action taken by the committee on several similar statutes, the committee primarily sought to include native Hawaiians within the scope of title VI programs. I am deeply concerned about the implications this expansion will have upon title VI in general and to older Indians in particular.

Please understand, I fully agree with committee members who believe that the special needs of the native Hawaiian elderly should be addressed. However, I have serious reservations about doing so under title VI. Title VI was originally included by Congress solely to address the problems facing the American Indian elderly and was added only after national meetings on the problems concluded that:

> Among racial and ethnic minorities in this country, Indians are unique in that the Constitution, numerous court decisions, and Federal law clearly reserve to federally recognize Indian tribes powers of self government.

Only based upon this recognition did Congress approve of a specific grant program for Indian tribes under title VI.

The trust relationship between the Federal Government and Indian tribes is unique and well defined, and I do not believe it is so broad as to include all the groups that might seek inclusion. I believe that protections for native Hawaiians more appropriately should come under programs available for the States, as has been the consistent practice in the past, or under a new and separate title. I am sorry one of these suggestions could not have been accommodated, but I am confident the legislation we pass today has been drafted in a way that is a significant and positive step toward accomplishing our goal of improving the quality of life for native Americans and all members of our elderly population.

Thank you, Mr. President.

A RENEWED OLDER AMERICANS ACT

Mr. LAUTENBERG. Mr. President, I rise to speak in favor of the conference report on the reauthorization of the Older Americans Act. This law has been a valuable resource for senior citizens all over the country. For over 20 years, older Americans have received community and social services through OAA funding. I was pleased to cosponsor this bill to reauthorize the OAA for another 4 years.

The conference report includes two provisions that I introduced and testified about before the Aging Subcommittee of the Labor and Human Resources Committee. One proposal is for in-home services for frail older individuals. It would authorize grants for in-home services, such as homemaker aides, visiting and telephone reassurance, chore maintenance, or in-home respite care for families.

My second proposal authorizes periodic preventive health services, to be offered at senior centers or other convenient locations. There preventive services would be those not covered by Medicare, such as routine physical examinations, vision and hearing screening, and counseling and referral for followup health services.

These relatively modest proposals would make a start in dealing with some important unmet needs of our older constituents. We all know that people are living longer lives. Men reaching age 85 now can expect to live 15 percent longer than an 85-year-old man in 1960. For women the increase is twice as much—33 percent longer.

The question to ask is whether longer lives mean better lives. Are people staying healthy and vigorous as they live longer? A Canadian study covering 1951 to 1978 found that life expectancy increased by an average of 6 years, but for almost 5 of those years a person's activity was limited.

But that does not mean an older person needs to be in a nursing home or other institution. Often people can stay in their own homes if they receive some assistance. They may have chronic conditions which threaten their independence, but not their lives. Many of these people could remain independent with some assistance. Researchers have found that nearly 10 percent of the over 65 population needs help at home and is not receiving it.

Mr. President, my proposal, which has been incorporated into this Older Americans Act bill, authorizes a program of grants to provide these much-needed in-home services. The services will help many older Americans to continue living in their homes or in the homes of others without having to give up their independence by going into a nursing home. The services also will assist the family and friends who already provide much of this help, giving them a deserved respite or helping hand.

Many of the health problems of senior citizens, as well as all the rest of us, can be avoided or kept in check by early detection. Preventive medicine is the most cost-effective medicine. However, many people do not have regular checkups and health screenings. There are a variety of explanations for this, including the fact that Medicare and many other health insurance plans do not pay for these routine services. Also physicians are not readily accessible in many areas.

I was pleased that my other proposal was also included in the conference report. This authorizes grants for preventive health services to be provided at senior centers or other sites. These services would be provided periodically, perhaps three or four times a year. Perhaps a health fair format would be used, providing informal health education as well as examinations and screening. The proposal specifically excludes services which would be paid for by Medicare.

Mr. President, I commend the sponsor of this bill, the distinguished Senator from Hawaii, Senator MATSUNAGA, for his leadership in the field of services for older Americans. I thank him for including my proposals in this reauthorization of the Older Americans Act and I urge adoption of the conference report.

Mr. PELL. Mr. President, I am extremely pleased that the conference report to the Older Americans Act, H.R. 1451, will be passed by the Senate today. For over 20 years now, the Older Americans Act has been an invaluable source of community and social support for our Nation's most precious resource—senior citizens. Under the able leadership of the chairman of the Subcommittee on Aging, Mr. MATSUNAGA, the act has been reauthorized until 1991 and expanded to serve the seniors of this Nation in new and better ways.

The chairman has already done a fine job in describing the many provisions of the bill. However, I would like to briefly mention a few of the provisions that I have a particular interest in. The subcommittee paid special attention to the needs and concerns of frail older Americans. The changes that have been made regarding day care and home care will be most appreciated by the seniors as well as their families who often have their lives turned up-side-down just to keep their loved ones in familiar, loving surroundings and out of nursing homes. I have felt for some time that home care is an underused but highly important type of health care and am glad that the conferees shared my view.

Section 18 of the bill, which I originally introduced before the Senate as S. 997, gives a congressional mandate and funding to a fast track clinical study of new and promising drugs for the treatment of Alzheimer's disease. As I have said before, Alzheimer's disease and related dementias are probably the most cruel of diseases threatening our elderly and their families. It is a disease that takes the minds of its victims while leaving their bodies intact.

At the present time, the National Institute of Aging, the Alzheimer's Disease and Related Disorders Association of America, and the Food and Drug Administration have joined together to design and run a fast-track clinical study into the efficacy of the drug Tetrahydroaminoacridine, or THA. At this time, THA appears to be the only hope for any type of relief for Alzheimer's disease patients and their families. The study is already in its first phase, the best-dose phase. At this time, researchers are attempting to determine how much of the drug each of the patients under study can receive without having harmful side effects. There have been some patients that have shown signs of receiving too big of a dose. This information is the first important step on the road to approval of THA. Contrary to recent news reports, the study is progressing on track and right on time.

I am also pleased that the final bill will provide local communities with the means and the guidance to conduct health promotion and prevention activities for seniors. I have long supported an increase in emphasis on health prevention for all ages but in particular, for the elderly. These activities, such as hypertension screening, exercise, and nutrition guidance are important but often overlooked segments of health care.

We have also made it easier for seniors to serve their community and continue to receive food stamps and subsidized housing. Older Americans that wish to continue to contribute to their community should not be denied the services that were originally designed for them.

Mr. President, let me again commend and thank the chairman of the Aging Subcommittee as well as his able staff for the fine work that has been done both on the Senate version of this bill and in conference on H.R. 1451 with the other body. Millions of senior citizens are very appreciative of their efforts.

Mr. WEICKER. Mr. President, I am pleased that the Senate will now turn to adoption of the conference report to accompany H.R. 1451, the reauthorization of the Older Americans Act. This legislation demonstrates our Nation's commitment to programs which assist elderly individuals to lead independent and productive lives. I am pleased to join Senator Matsunaga, chairman of the Subcommittee on Aging and Senator Cochran, the ranking minority member, and other members in a conference agreement which reflects a dedication to enhancing programs and services that perpetuate the self-sufficiency of our Nation's elderly citizens.

With passage of the Older Americans Act in 1965, Congress created several new Federal programs specifically designed to meet the social service needs of elderly Americans in such areas as transportation, employment, home health care, counseling, adult day care, information and referral, and nutritional services.

To address these needs, the programs authorized by the Older Americans Act to assist elderly individuals to preserve their independence and thus avoid reliance on costly out-of-home residential care were strengthened in this reauthorization.

In particular, I am pleased that provisions have been included to address the needs of a growing population of elderly individuals with disabilities to ensure that programs and services carried out under this act can be better coordinated and expanded to meet the unique needs of this population. In order to foster greater interaction between professionals in both the developmental disabilities system and the aging network, authority has been added to enhance research and training regarding the needs of elderly individuals with disabilities. In addition, the Ombudsman Program, created to facilitate the resolution of complaints made by or on behalf of residents of long-term care facilities, and the protection and advocacy agencies which exist to advocate for clients' rights and to investigate incidents of abuse and neglect will now begin to interact with both the developmental disability and aging systems to assure that quality services are provided to those residing in long-term care facilities.

I believe we have a responsibility to the elderly of this Nation to ensure that they are not deprived of their dignity and independence by unnecessary and costly reliance on institutional care. To meet this responsibility Congress has expanded the availability of needed health, social and nutritional services, and creating a new emphasis on meeting the needs of the disabled elderly. The Older Americans Act programs have provided the foundation for a partnership among Federal, State, and local governments and communities to meet the needs of the elderly. This reauthorization is a credit to both Senator Matsunaga and Senator Cochran, I believe the conference report before the Senate today will enhance the ability of elderly Americans to continue to live independently, and I therefore urge its passage.

OLDER AMERICANS ACT AMENDMENTS OF 1987—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the hour of 1 p.m. having arrived, the Senate will now proceed to vote on the conference report on H.R. 1451, the Older Americans Act.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Tennessee [Mr. Gore], the Senator from Hawaii [Mr. Inouye], the Senator from Massachusetts [Mr. Kerry], and the Senator from Illinois [Mr. Simon] are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts [Mr. Kerry] would vote "yea."

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. Bond], the Senator from Indiana [Mr. Lugar], and the Senator from California [Mr. Wilson] are necessarily absent.

I further announce that, if present and voting, the Senator from California [Mr. Wilson] would vote "yea."

The PRESIDING OFFICER (Ms. Mikulski). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 93, nays 0, as follows:

[Rollcall Vote No. 373 Leg.]

YEAS—93

Adams
Armstrong
Baucus
Bentsen
Biden
Bingaman
Boren
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Chiles
Cochran
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Evans
Exon
Ford
Fowler
Garn
Glenn
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Hecht
Heflin
Heinz
Helms
Hollings
Humphrey
Johnston
Karnes
Kassebaum
Kasten
Kennedy
Lautenberg
Leahy
Levin
Matsunaga
McCain
McClure
McConnell
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Proxmire
Pryor
Quayle
Reid
Riegle
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simpson
Specter
Stafford
Stennis
Stevens
Symms
Thurmond
Trible
Wallop
Warner
Weicker
Wirth

NAYS—0

NOT VOTING—7

Bond
Gore
Inouye
Kerry
Lugar
Simon
Wilson

So the conference report was agreed to.

ENERGY AND WATER DEVELOPMENT APPROPRIATION ACT, 1988

The Senate continued with the consideration of the bill (H.R. 2700).

The PRESIDING OFFICER. Under the previous order, the Senate will now vote en bloc on the excepted committee amendments.

Mr. BYRD. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there further debate? There being no further debate, the question is on agreeing en bloc to the excepted committee amendments. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. DODD (after having voted in the affirmative). Madam President, on this vote I have a live pair with the Senator from Massachusetts [Mr. Kerry]. Were he present and voting, he would vote "nay." I have voted "yea." Therefore, I withdraw my vote.

Mr. CRANSTON. I announce that the Senator from Tennessee [Mr. Gore], the Senator from Massachusetts [Mr. Kerry], and the Senator from Illinois [Mr. Simon] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. Bond], the Senator from Indiana [Mr. Lugar], and the Senator from California [Mr. Wilson] are necessarily absent.

I further announce that, if present and voting, the Senator from California [Mr. Wilson] would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 63, nays 30, as follows:

[Rollcall Vote No. 374 Leg.]

YEAS—63

Armstrong
Bingaman
Boren
Boschwitz
Bradley
Bumpers
Chiles
Cochran
Cohen
Conrad
D'Amato
Danforth
Dixon
Dole
Domenici
Durenberger
Evans
Exon
Ford
Fowler
Garn
Grassley
Harkin
Hatch
Hatfield
Heflin
Heinz
Helms
Humphrey
Inouye
Johnston
Karnes
Kassebaum
Kasten
Lautenberg
Matsunaga
McCain
McClure
McConnell
Melcher
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pressler
Proxmire
Pryor
Quayle
Roth
Rudman
Sasser
Shelby
Specter
Stennis
Stevens
Symms
Trible
Wallop
Warner
Weicker
Wirth

NAYS—30

Adams
Baucus
Bentsen
Biden
Breaux
Burdick
Byrd
Chafee
Cranston
Daschle
DeConcini
Glenn
Graham
Gramm
Hecht
Hollings
Kennedy
Leahy
Levin
Metzenbaum
Mikulski
Pell
Reid
Riegle
Rockefeller
Sanford
Sarbanes
Simpson
Stafford
Thurmond

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Dodd, for.

NOT VOTING—6

Bond
Gore
Kerry
Lugar
Simon
Wilson

So the excepted committee amendments were agreed to.

Mr. JOHNSTON. Madam President, I move to reconsider the vote by which the excepted committee amendments were agreed to en bloc.

Mr. McCLURE. Madam President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 1157

Mr. JOHNSTON. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. Johnston], for himself, Mr. Mitchell, Mr. Cohen, Mr. Sasser, Mr. Gramm, Mr. Bentsen, and Mr. Kasten, proposes an amendment numbered 1157.

Mr. JOHNSTON. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

Mr. ADAMS. Madam President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Washington will withhold without losing his right to object. The Chair notes that the Senate is not in order. It is difficult to hear either the manager of the bill or those who wish to participate.

The Senator from Washington.

Mr. ADAMS. Madam President, I reserve the right to object. I could not hear and did not know that the manager of the bill was presenting. May I inquire of the Senator, Madam President, the Academy of Sciences oversight board to evaluate DOE activities, terminate U.S. funding for research on granite, and crystalline rock sites, are those the three that are en bloc now?

Mr. JOHNSTON. The Senator is correct.

Mr. ADAMS. I have no objection.

The PRESIDING OFFICER. Is there any objection to the unanimous-consent request of the Senator from Louisiana? The Chair hears none, and it is so ordered.

The amendment is as follows:

On page 40, line 20: After the words, "S.1668, Nuclear Waste Policy Act Amendments Act of 1987, as reported to the Senate on September 1, 1987, is included herein and shall be effective as if it had been enacted into law", insert the following: "with the following amendments included:

"(2) On page 25, after line 21, add a new subsection as follows:

'(d) Upon the date of the enactment of this section the Secretary shall phaseout in an orderly manner within 6 months funding for all existing research programs designed to evaluate the suitability of crystalline rock as a potential repository host medium.'

"(4) On page 27, strike lines 21 and 22 and insert in lieu thereof the following:

'OVERSIGHT BOARD

'(a) Within 30 days after the date of the enactment of this section, the Secretary shall seek to enter into a contract with the National Academy of Sciences (hereinafter in this section referred to as 'the Academy') for the purpose of establishing an oversight board under the auspices of the Academy to review and evaluate the scientific and technical adequacy of the Secretary's programs under this Act.

'(b) The oversight board established under this section shall consist of an appropriate number of scientists, engineers, and other individuals determined to be qualified by the Academy.

'(c) Activities of the Secretary to be reviewed by the oversight board under this section include—

'(1) activities under section 402(a)(2) relating to the information useful in selecting a preferred site;

'(2) activities under section 402(b)(2) relating to surface based testing at candidate sites that are not selected as the preferred site;

'(3) the site characterization program at the preferred site; and

'(4) such other activities involving significant scientific or technical issues as the Academy finds appropriate.

'(d) The oversight board shall establish procedures for the appropriate involvement in the work of the board by the Secretary, the Commission, affected states and affected Indian tribes. In addition to other reports deemed appropriate by the Academy, the board shall provide an annual report on the status of the programs of the Secretary under this Act that have been reviewed by the board. All reports of the board shall be available to the Secretary, the Commission, and the public.

'(e) The expenses of the oversight board under this section shall be paid from the Waste Fund.

'AUTHORIZATION OF APPROPRIATIONS

'Sec. 411. There is authorized to be appropriated from'.

"(5) On page 33, the last line of the table of contents is amended to read as follows:

'Sec. 410. Oversight Board.

'Sec. 411. Authorization of Appropriations.'

"(6) On page 25, after line 21, insert the following new subsection:

'(d) In the event that the Secretary at any future time considers any sites in crystalline rock for characterization or selection as a repository, the Secretary shall give consideration as a supplement to the siting guidelines under section 112 to potentially disqualifying factors such as—

'(1) seasonal increases in population;

'(2) proximity to public drinking water supplies, including those of metropolitan areas; and

'(3) the impact characterization or siting decisions would have on lands owned or placed in trust by the Federal government for Indian tribes.'

"(8) on page 13, line 5, strike the word 'If' and insert in lieu thereof the phrase 'Except as provided in subsection (1), if'; and

"(9) On page 18, after line 17, insert the following new subsection (1):

'(1)(1)(A) There is established a MRS Review Commission (hereinafter in this subsection referred to as the 'MRS Commission'), which shall consist of three members who shall be appointed by and serve at the pleasure of the President pro tempore of the Senate and the Speaker of the House of Representatives.

'(B)(i) Members of the MRS Commission shall be appointed not later than thirty days after the date of the enactment of this subsection from among persons who as a result of training, experience and attainments are exceptionally well qualified to evaluate the need for a monitored retrievable storage facility as a part of the nation's nuclear waste management system.

'(C) The MRS Commission shall prepare a report on the need for a monitored retrievable storage facility as a part of a national nuclear waste management system that achieves the purposes of this Act. In preparing the report under this paragraph, the MRS Commission shall—

'(i) review the status and adequacy of the Department's evaluation of the systems advantages and disadvantages of bringing such a facility into the national radioactive waste disposal system;

'(ii) obtain comment and available data on the subject from affected parties, including states containing potentially acceptable sites;

'(iii) evaluate the utility of such a facility from a technical perspective; and

'(iv) make a recommendation to Congress as to whether such a facility should be included in the national nuclear waste management system in order to achieve the purposes of this Act, including meeting needs for packaging and handling of spent nuclear fuel, improving the flexibility of the repository development schedule, and providing temporary storage of spent nuclear fuel accepted for disposal.

'(2) In preparing the report and making its recommendation under paragraph (1) the MRS Commission shall compare such a facility to the alternative of at-reactor storage of spent nuclear fuel prior to disposal of such fuel in a repository under this Act. Such comparison shall take into consideration the impact on—

'(A) repository design and construction;

'(B) waste package design, fabrication and standardization;

'(C) waste preparation;

'(D) the waste transportation system;

'(E) the reliability of the national system for the disposal of a radioactive waste;

'(F) the ability of the Secretary to fulfill contractual commitments of the Department under this Act to accept spent nuclear fuel for disposal; and

'(G) economic factors, including the impact on the costs likely to be imposed on ratepayers of the nation's electric utilities for temporary at-reactor storage of spent nuclear fuel prior to final disposal in a repository, as well as the costs likely to be imposed on ratepayers of the nation's electric utilities in building and operating such a facility.

'(3) The report under this subsection, together with the recommendation of the MRS Commission, shall be transmitted to Congress between January 1, 1989 and January 20, 1989.

'(4)(A)(i) If the recommendation of the MRS Commission under paragraph (1)(D) is that the national nuclear waste management system should not contain a monitored retrievable storage facility, the Secretary may exercise his authority under subsection (d)(2) unless Congress, within 90 calendar days of continuous session of Congress (as computed for purposes of section 115) after transmission of the recommendation of the MRS Commission under paragraph (3), passes, and there is enacted into law, a resolution disapproving the deployment of a monitored retrievable storage facility as a part of the national nuclear waste management system.

'(ii) Any resolution under this subparagraph shall be introduced within 30 days after the date of transmission of the recommendation of the MRS Commission under paragraph (3). Such a resolution shall be expedited and considered by Congress in accordance with the procedures for consideration of a resolution of repository siting approval under subsections 115(d) through (g), except the 60-day period in section 115(d)(3) shall be shortened to 30 days.

'(B) In all other cases, the Secretary may exercise his authority under subsection (d)(2), after the report and recommendation of the MRS Commission has been transmitted to Congress.

'(5)(A)(i) Each member of the MRS Commission shall be paid at the rate provided for level III of the Executive Schedule for each day (including travel time) such member is engaged in the work of the MRS Commission, and shall receive travel expenses, including per diem in lieu of subsistance in the same manner as is permitted under sections 5702 and 5703 of title 5, United States Code.

'(ii) The MRS Commission may appoint and fix compensation, not to exceed the rate of basic pay payable for GS-18 of the General Schedule, for such staff as may be necessary to carry out its functions.

'(B)(i) The MRS Commission may hold hearings, sit and act at such times and places, take such testimony and receive such evidence as the MRS Commission considers appropriate. Any member of the MRS Commission may administer oaths or affirmations to witnesses appearing before the MRS Commission.

'(ii) The MRS Commission may request any Executive agency, including the Department, to furnish such assistance or information, including records, data, files, or documents, as the Commission considers necessary to carry out its functions. Unless prohibited by law, such agency shall promptly furnish such assistance or information.

'(iii) To the extent permitted by law, the Administrator of the General Services Administration shall, upon request of the MRS Commission, provide the MRS Commission with necessary administrative services, facilities, and support on a reimbursable basis.

'(iv) The MRS Commission may procure temporary and intermittent services from experts and consultants to the same extent as is authorized by section 3109(b) of title 5, United States Code, at rates and under such rules as the MRS Commission considers reasonable.

'(C) The MRS Commission shall cease to exist sixty days after the submission to Congress of the report required under this subsection.

'(D) There are authorized to be appropriated to the MRS Commission to carry out the purposes of this subsection such sums as may be necessary.'. and

(10) "section 402 is amended by adding the following new subsection:

'(m)(1) The Secretary, or his designee, shall value land for leasehold or ownership title for purposes of site characterization and repository development in a manner that, in the opinion of the Secretary or such designee, addresses the unique geophysical attributes causing such land to be selected as a candidate site for deep geologic disposal for high-level radioactive waste and spent nuclear fuel.

'(2)(A) The Secretary, in acquiring private land for site characterization and repository development under this Act, shall, to the extent practicable—

'(i) acquire such private land only after a site characterization plan has been issued under section 113; and

'(ii) minimize the disruption of private use of lands in the vicinity of those acquired.

'(B) Nothing in subparagraph (A) affects the authority of the Secretary to secure a leasehold interest, easement, or right of way that the Secretary determines is necessary to carry out the purposes of subsection (a) (2).

'(3) The Secretary shall offer any landowner, or his heirs, first right to repurchase any land previously secured from such landowner for site characterization or repository development, should the site be found unsuitable, and after the site has been fully reclaimed as required under section 113.'.".

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Madam President, this amendment is similar to the amendment which was originally a part of the Johnston amendment but which, for the purpose of this vote and in order to get the previous unanimous-consent agreement which terminated the filibuster, we deleted. We now put the amendment back with a further modification of the amendment. What the amendment does is provide for a modified Mitchell-Cohen amendment which phases out research—indeed, I think it was Cohen-Mitchell—on crystalline rock as a potential repository host medium and establishes an oversight board of the National Academy of Sciences to establish potentially disqualifying factors for crystalline rock repositories.

Second, a Sasser modification which provides for a commission to study the need for an MRS and grants an expedited means of dealing with those findings when they are finally presented to the Senate. And an amendment suggested by Mr. Gramm of Texas dealing with landowners' rights. In the case of the Deaf Smith County, TX, site, if the Department of Energy acquires certain lands, it provides for suggestions on how to value that land and for the right of landowners to recoup their property should that property, once acquired, not be used for a host site.

I do not think there is any objection to these amendments, Madam President, but I know both Senators from Maine had a word to say on them, so I will yield the floor.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Mr. MITCHELL. Madam President, the pending amendment provides needed additional safeguards to all States under consideration by the Department of Energy—DOE—for a nuclear waste repository. The amendment has three provisions.

The amendment requires DOE to contract with the National Academy of Sciences to create an oversight board to restore confidence in the site selection process. This board, made up of individuals with technical competence in the nuclear waste fields, will review DOE's implementation of nuclear waste legislation and provide annual reports to Congress. As part of this process, it is expected that public hearings and other opportunities for public participation will be provided.

The oversight board's reports and other activities should provide what is now badly needed: an independent, technical assessment of DOE's actions. Public confidence dissipated largely because DOE failed to take into account factors the public believes are relevant.

DOE also appeared to disregard factors that would have argued against the course of action it was pursuing. The oversight board should provide additional needed commentary on these factors.

Taken as a whole, I believe this amendment substantially inproves the legislation that the Senate has just adopted. It provides additional assurances that implementation of this country's nuclear waste program will be responsible and more protective of the environment.

The amendment also addresses concerns of the second round States. S. 1668 terminates the search for a second site for at least 20 years. This is a dramatic improvement over current law, and is sound policy. However, the bill does not terminate the granite research.

In its budget request for the next 3 years, DOE requested $30 million for participation in international research on granite as a potential site for nuclear waste. While termination of U.S. funding may not terminate all international research, there is no reason that this country should be spending $30 million to investigate granite when it is not intended that a respository be located in granite.

The last provision directs DOE to consider additional factors, in the unlikely event that the agency ever again considers a second site.

DOE is to give consideration to potentially disqualifying factors such as seasonal population increases, proximity to public drinking water supplies—particularly metropolitan area water supplies—and the impact siting and characterization decisions would have on lands owned by Indian tribes or held in trust for such tribes by the Federal Government.

These are factors DOE should have taken into account in the normal course of implementing the Nuclear Waste Policy Act. For example, the act disqualifies high population density areas from consideration. This is to protect people who might live near a waste repository from potential exposure to radioactive waste.

In Maine, DOE has considered the Sebago Lake area. As is commonly known, hundreds of thousands of visitors vacation in the area each summer. There are 52 youth camps that lie along the many lakes and streams in the region. In addition, many people are moving to the area to live year-round.

DOE's estimate of the region's population was based n the 1980 census. DOE chose to ignore the dramatic seasonal fluctuations in population and it chose a dated census figure.

It is common sense that such seasonal variations should be considered because the underlying purpose is to consider risk to people. There is no assurance that exposure would occur after the summer vacation season. All persons must be protected, not just those counted in the 1980 census, not just those who happen to be in the area during the winter months.

Had these factors been properly taken into account by DOE, as they should have been, sites in Maine and other areas similarly situated would have been disqualified.

These changes are important for all affected States. They improve the legislation the Senate has adopted by providing greater assurance of more sound technical judgments by DOE.

They will improve the process involved in our search for a nuclear waste repository. I urge my colleagues to support the amendment.

Madam President, I see my distinguished colleague on the floor, and I will now yield to him.

Mr. COHEN. Madam President, I am pleased that the Appropriations and Energy Committees have voted to put off a search for a second repository in the East for at least 20 years. The legislation before us today requires that, between the years 2007 and 2010, the DOE is to report to Congress on the need for a second repository, and Congress will then take the Department's recommendations under consideration. This is the most sensible course, and I strongly support these provisions of the committee's bill.

It has been clear for the past 2 years that the waste generation projections upon which the 1982 Nuclear Waste Policy Act was based are no longer accurate. The DOE has revised the waste generation estimates and now states that we will not need a second repository, even with the 70,000 metric ton cap on the first repository, until at least the year 2020. While I still question the need for the 70,000 ton cap, I believe the determination that a second site is not now necessary and in fact should be studied is a good one that reflects a realistic assessment of our waste projections.

The additional modifications included in the pending amendment address the need to improve the oversight of DOE activities during the site selection and characterization process, as well as to ensure that the DOE will take into account important factors that affect the health and safety of our citizens.

First, we require the phaseout, within a 6-month period, of DOE's research into granite formations. Since the second site search, which is investigating granite-based sites only, has been suspended in this legislation, we see no need for the DOE to conduct this research at this time.

Second, we require the establishment of a National Academy of Sciences oversight body that is authorized to review DOE decisions and actions in characterizing and selecting a site for the waste repository. This oversight capability is essential to ensure that the DOE does not act with no regard for legitimate public concerns. In Maine, we have not had a good experience with the DOE, and I feel that the entire waste repository program needs continuous monitoring by an independent board.

Finally, we proposed that, should the DOE return to a search in Maine or other Eastern States, the agency should take into account factors which is appears to have previously ignored. These important factors are: first, the proximity of the site to public drinking water supplies, second, the seasonal fluctuations in population that might occur in an area surrounding a site, and third, the impact that site characterization and selection will have on the trust relationship that exists between the Federal Government and Indian tribes.

I believe that our revisions result in a more reasonable approach to the waste repository selection program.

I hope our efforts lead to a DOE that is more accountable to the public as it carries out its waste program.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Madam President, we are indebted to the two Senators from Maine who are really up to speed on this matter of crystalline rock, which is spelled Maine, M-a-i-n-e. Frankly, the study of crystalline rock was not part of the Nuclear Waste Policy Act. It came about because of negotiations between the United States and Canada, and so consequently it escaped our view not being in the act, and we are indebted to the two Senators from Maine for stopping, first, the waste of many millions of taxpayers' dollars, and, second, to ease the minds of people in Maine that the unnecessary studies will not go forward. So we thank them for it.

Mr. COHEN. If the Senator will yield, I wish to express my own thanks to the Senator's receptivity to the arguments advanced by my colleague from Maine, Senator MITCHELL, and myself not only in trying to approach this from a fiscally responsible basis but also taking into account the concerns that he and I and others in Maine have been raising about the entire process under which the Department of Energy has conducted itself. So I thank the Senator for being open and responsive and most reasonable in listening to and accepting our arguments.

(By request of Mr. BYRD the following statement was ordered to be printed in the RECORD:)

● Mr. GORE. Mr. President, I rise today in support of the amendment which would establish a review commission to examine whether or not we need a monitored retrievable storage [MRS] facility as part of our national nuclear waste disposal program. I have consistently opposed the MRS. This amendment will create a commission to determine definitively the need for an MRS and alternatives to one.

In failing to address fundamental problems in the nuclear waste disposal program, the Department of Energy [DOE] has increased tensions among concerned parties and has damaged its ability to negotiate credibly a nuclear waste disposal policy. This amendment helps rebuild a consensus for attacking the critical problem of how to handle nuclear waste.

I would like to thank my distinguished colleague, the senior Senator from Tennessee, who has worked tirelessly to dissolve this deadlock over the MRS. Throughout the debate over nuclear waste disposal policy, he has worked to help forge a coherent policy that would allow Congress to implement a credible program to handle waste disposal needs. Senator SASSER's willingness to approach this issue with candor has successfully overcome a significant obstacle to a realistic solution to the nuclear waste disposal program.

However, while the MRS amendment goes to a long way toward resolving that problem, I still have reservations about legislation which would unwisely accelerate the siting of a permanent repository. We must be certain that any effort to redirect the high-level waste disposal program ensure public safety and the equity and thoroughness of the selection process. Senator REID and ADAMS' have carefully crafted amendments to guarantee a more equitable selection process for the high-level nuclear waste repository would also provide for the safe and efficient disposal of this waste—with less divisiveness. For example, providing for surface testing, adequate environmental impact statements, and adequate consultation with the affected States and Indian tribes would ensure a more equitable solution to the obstacles in the nuclear waste disposal program. Without such strong protections, the Senate must continue to scrutinize any bill which might rush to judgment on a final site.

Mr. President, both Congress and the American people have lost confidence that the Department of Energy can find a safe and efficient way to dispose of the Nation's nuclear waste. For the MRS, a review commission, shielded from political crossfire by an impartial panel, would allow us to step back from the extremely divisive controversy and develop an environmentally safe, technically sound, and politically palatable solution to a national problem. The permanent repository controversy demands a similar approach.

What we can not afford is to settle for short-term solutions designed to meet artificial deadlines. For some, the MRS was the means for DOE to begin taking title to nuclear waste well before the geologic repository would be ready. However, stopgap solutions will not overcome long-term problems. Rather, we must reassess DOE's view of the MRS. Through cooperation and nonpartisan review, we can achieve a satisfactory solution. I want to underscore my desire to solve these problems. Obstructing the Nuclear Waste Program for the sake of delay is no solution; but delaying the program while we review, reassess, and revise is needed. It is time for a midcourse correction.

I would like to read a paragraph from a recent Senate Energy and Natural Resources Committee report—Senate Report 100-152, page 5:

> In addition to cost and schedule considerations, a number of other circumstances have changed since passage of the NWPA. Since that time, it has become clear that rates of spent fuel generation are much lower than anticipated. It has also become clear that as we approach major decision points in the nuclear waste program, there will be great potential for political opposition unless substantial efforts are made to mitigate any perceived adverse impact.

Mr. President, DOE is obligated to accept waste by January 31, 1998. However, the Department has shattered its credibility and sharpened divisions in an already tense situation. The States' and Indian tribes' distrust of DOE is borne out by the tremendous amount of litigation. We need to review the institutional record and see what can be done to enhance cooperation between DOE, States, and Indian tribes. Institutional relationships need improvement, and far-reaching institutional revisions are called for. In briefly delaying the MRS for a careful study, we get off the costly course that DOE had charted. Artificial deadlines generate intense pressure on the Congress to authorize the MRS without debate.

How DOE has continued to advocate the MRS, despite solid evidence that it is unnecessary, illustrates my point. The people of Tennessee have not been saying "not in my backyard," but rather "not in anyone's backyard." I agree. I unequivocally oppose the authorization of a monitored retrievable storage facility [MRS]. When DOE put forward its plan to build an MRS, I expressed strong doubts about the need to spend billions of dollars on a facility that could ultimately derail our commitment to build a permanent repository. Although given many opportunities to prove its case, DOE failed to convince me that the MRS would benefit the national repository program or Tennessee. When we combine DOE's failure to show a need for an MRS with the additional cost of building an MRS—estimated to be in excess of $1½ billion—an MRS makes no sense at all.

Nonetheless, I am pleased with the proposal for an impartial panel that could arrive at an unbiased, technically sound verdict on the MRS and more viable alternatives. At the same time, I would like to describe further some of the previous evidence against the MRS.

A May 1986 General Accounting Office [GAO] report lists several problems with the proposed MRS. GAO pointed out that the MRS would increase duplication in facilities or operations in the overall system since the repository must have the capability to receive and package western reactors' spent fuel. There would be increased system complexity. There would be a shift in transportation patterns. In addition, a 1985 Office of Technology [OTA] study commented that heavy reliance on the MRS is a bad way to compensate for problems in the repository program. DOE sees the MRS as the only hope of meeting the 1998 deadline, but the pressure on the MRS to accept spent fuel even without the repository and the cost to the system of the MRS forces me to conclude that we should reexamine this view.

The Nuclear Waste Policy Act—NWPA title I, subtitle C, section 141b—requires that:

> The Secretary shall complete a detailed study of the need for and feasibility of, and shall submit to the Congress a proposal for, the construction of * * * monitored retrievable storage facilities.

The question of need is the one that must be most thoroughly explored before an MRS is authorized and funded. Not only is there doubt about the need for prepackaging spent fuel, there is also doubt about whether a facility expressly dedicated to repackaging is either prudent or necessary. GAO reports—June 1987—that:

> DOE does not maintain that an MRS facility is essential for the safe handling and disposal of nuclear wastes.

We cannot accept a justification of the need of the MRS based on DOE's inability to meet the act's deadlines for the completion of a permanent repository. This road leads to a de facto final repository in Oak Ridge, TN.

In that same June report, GAO said that DOE's proposal does not supply sufficient information on the MRS:

> DOE's proposal does not identify the most effective configuration of the authorized waste management system for the Congress to use as a basis for comparison in deciding if the benefits of the proposed MRS facility are worth its added cost to the waste program.

In addition, the report continues:

> DOE has not fully developed important MRS cost elements, such as payments for State and local taxes and aid to mitigate MRS' impacts.

GAO's report makes it clear that Congress does not have enough information for an informed decision and highlights the need to review the current state of the Nuclear Waste Disposal Program. The proposed commission intends to answer the question of need, something DOE should have done already.

There are alternatives to the MRS, and I believe that we need to explore these fully and determine the likelihood of their success. As the GAO June 1987 report notes:

> DOE's proposal does not analyze potential alternatives for improving the waste management system other than an MRS—such as expanding storage at reactor sites or the repository or improving the transportation system—to the same extent as the MRS.

With severe doubts as to the need, feasibility, cost, and transportation impacts of the MRS, we must explore other alternatives.

In the meantime, no immediate crisis looms. At-reactor storage of spent fuel is a viable alternative to the MRS. Rod consolidation and dry cask storage can provide needed storage capacity even if the Repository Program is delayed. And we need to examine more closely the risk to communities along transportation routes. Sites identified in the initial DOE screening for the MRS were located in Alabama, South Carolina, North Carolina, Kentucky, and Mississippi.

The Federal Government must work with the utilities to encourage on-site storage of spent fuel, including extending credits for on-site storage. Work done at the University of Tennessee Waste Management Institute has shown that utilities will not have to shut down due to lack of storage space. In fact, some utilities already have individual storage programs in place now for on-site storage.

In May 1986, GAO published, as part of a report on the MRS, the results of its survey of nuclear power utilities. Almost all the companies that responded believed that they would provide for their own spent fuel storage needs until 1998. Most responded that they believed that they would arrange for the functions of an MRS—rod consolidation, standardized packaging, cask decontamination, and centralized transportation—without an MRS facility. More utilities—44 percent—would prefer a waste management system with only a repository to one with both a repository and an MRS—39 percent. Of course, this was before DOE postponed the repository.

The MRS is not the solution to the problems of the nuclear waste program. This amendment will curb DOE's efforts to turn the MRS into a quick-fix political solution to the real problem of final nuclear waste storage. Four and a half years after its passage, the Nuclear Waste Policy Act, created to address the problems of nuclear waste disposal, has generated controversy and deserves review. I urge my colleagues to join in the effort to find a technologically and environmentally sound approach to the flaws in the nuclear waste disposal program. We should not push forward blindly simply for the sake of taking some action to get the program back on track. Instead, we should take this opportunity to review the evidence and rebuild the program on a sound platform. I urge my colleagues to support this amendment to rebuild the consensus.●

Mr. LEVIN. Mr. President, I support the Cohen-Mitchell amendment which eliminates funding for research into the second waste repository. I do so, in part, because there is nothing in this amendment or in the Johnston amendment previously adopted which suggests that there were procedural flaws in the manner by which the pool of States for the second repository was chosen. Furthermore, there is nothing in the debate on either of these amendments which gives rise to such an implication. The purpose of the Cohen-Mitchell amendment is simply to eliminate the funding for research on the second repository in light of the delay mandated by the Johnston amendment in analysis of the second repository.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. McCLURE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. McCLURE. Madam President, I take this time only to indicate it would be my hope that we can adopt this amendment very quickly. I wonder if the Senator from Louisiana would also ask—I know of no objection to the amendments—that we might be able to get them adopted and treated as original text.

Mr. JOHNSTON. I see no problem with that.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1157) was agreed to.

Mr. JOHNSTON. Madam President, parliamentary inquiry. Do there remain two amendments yet to be adopted? Those were taken care of by the unanimous-consent request, I believe.

The PRESIDING OFFICER. There are no amendments pending at the desk.

Mr. JOHNSTON. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. McCLURE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JOHNSTON. Madam President, I ask unanimous consent that the amendments just adopted be considered as original text for the purpose of further amendment.

The PRESIDING OFFICER. Is there objection? Hearing none, the request is agreed to.

Mr. HUMPHREY. Mr. President, the nuclear waste problem facing the Nation has changed significantly since January 1983, when the Nuclear Waste Policy Act was enacted. It is only logical, therefore, that we revise the act. The nuclear waste language under consideration, introduced by the chairman of the Energy Committee, Senator JOHNSTON, would make needed revisions to the Nuclear Waste Program.

Importantly, these amendments rescind the requirement that the Department of Energy find a second repository site. Such a rescission makes sense, inasmuch as the Secretary of Energy has determined there is no need for two repositories in the foreseeable future.

According to the Department of Energy, since 1982, estimates of the inventory of spent fuel have decreased by over 40 percent. No nuclear plant ordered after 1973 is either under construction or operating. No new nuclear plants have been ordered since 1978. And, since passage of the NWPA, 34 nuclear plants have been canceled. These facts, combined with the increasing use of extended burnup, a technology where utilities extend the use of their fuel rods, have led to the steep decline in DOE's estimates of spent-fuel discharges.

We are simply not generating the amount of waste anticipated when the act was passed in 1982. Faulty predictions yielded faulty legislation.

Mr. President, I believe we should go further than elimination of the second site, we should also remove the arbitrary and unscientific limit on the amount of waste which could be disposed of in a first repository. The 70,000 metric ton limit contained in the existing law is without technological basis whatsoever. It is a purely political figure.

Another major reason for revision of the Nuclear Waste Policy Act is cost. Since 1982, estimated costs of the program have mushroomed. A recent General Accounting Office Report estimates that site characterization for three sites, originally thought to cost between $180 and $240 million, could cost as much as $5.8 billion. A recent DOE analysis projects that the total cost of site characterization and construction of two repositories could be as high as $36.6 billion. This figure stands in sharp contrast to DOE's July 1983 estimate for a two repository system of $19.6 billion.

It simply does not make sense to waste money on expensive activities and facilities which we do not need.

Senator JOHNSTON's amendment No. 1157, provides some important improvements to the language contained in S. 1668.

Clearly, DOE made an egregious error in choosing a site in New Hampshire for a potentially acceptable site for a high level nuclear waste repository. Upon review of New Hampshire's Cardigan pluton site, it is readily apparent that the site is unfavorable for a nuclear waste repository. The New Hampshire site, spewed forth from DOE's site selection process, is located in a populated area full of environmental and historical value.

This amendment provides additional safeguards to prevent the selection of flawed sites including a requirement that, should the Secretary ever consider crystalline rock sites in the future, criteria such as seasonal population be taken into consideration. This requirement should serve to eliminate any consideration of a New Hampshire site. The State is thick with second homes and seasonal influxes of tourists. In fact, tourism is the second largest industry in New Hampshire.

According to the New Hampshire Office of State Planning, there are approximately 2,000 seasonal housing units within the seven towns contained in the New Hampshire site. Thus, at certain times, peak daily use of the area increases by two of three times its estimated population.

Not only are the seasonal tourism activities essential to this area of New Hampshire, but also, this area is thriving and growing. By the year 2010, the population of the Hillsborough area is projected to increase by 60 percent. A booming residential and vacation area is clearly not a wise spot for the Nation's nuclear waste dump.

Another new siting criterion included in Senator Johnston's amendment is proximity to public drinking water supplies. More than 600,000 gallons of ground water are pumped out of the Cardigan pluton rock wells each day. Within a 6-mile radius of the New Hampshire site, there are 6 municipal water supplies, 12 small community water systems and 133 other public water supply systems. The provision instructing DOE to give priority consideration to public drinking water supplies is intended to disqualify sites, such as that in New Hampshire, which contain an abundance of water supply systems.

This amendment provides for the termination of all research on the suitability of crystalline rock within 6 months. This measure corresponds with the suspension of the second repository program. There is simply no reason to continue expensive granite research when there are no plans for locating a site in crystalline rock.

Mr. President, I understand why citizens in the Hillsborough area of New Hampshire lack confidence in an agency which chose an inadequate and unfavorable site in New Hampshire as a potential site for a repository. I believe that the provision establishing a National Academy of Sciences Review Board will increase confidence in DOE's program by providing a necessary independent review of the technical and scientific aspects of DOE's work.

Mr. President, the inclusion of this amendment has improved significantly upon the earlier proposals offered by the chairman of the Energy Committee, Senator JOHNSTON and the ranking member, Senator MCCLURE, to amend the Nuclear Waste Policy Act.

Mr. HUMPHREY. Mr. President, I have a few inquiries which I would like to make to the manager of the energy and water appropriations bill regarding amendment No. 1157.

First, I understand that under this amendment all existing research programs on granite as a host medium for a nuclear waste repository will be phased out within 6 months of enactment. Although this provision will result in a significant reduction in research expenditures, am I correct in my assessment that the basis for this provision is simply that there is no reason to continue expensive granite research when all plans regarding locating a site in crystalline rock have been suspended?

Mr. JOHNSTON. The Senator from New Hampshire is correct in his assessment of the provision.

Mr. HUMPHREY. The manager's amendment includes additional siting criteria which the Secretary of Energy shall consider in the event that, at any future time, crystalline rock is considered as a potential host medium. New Hampshire's Cardigan pluton site is located in a well populated and rapidly growing area dependent upon seasonal influxes of tourists. Is it the manager's understanding that in establishing seasonal increases in population as a potentially disqualifying factor, the Secretary of Energy shall consider the effect of temporary population increases due to tourism as well as the effect of second homes and other seasonal housing units?

Mr. JOHNSTON. Yes, that is my understanding.

Mr. HUMPHREY. The inclusion of the proximity to public drinking water supplies as a potentially disqualifying factor is particularly important to the small State of New Hampshire. I interpret that this provision would lead to the potential disqualification of sites in close proximity to significant municipal, community, and other public water supply systems.

Mr. JOHNSTON. The Senator from New Hampshire is correct in his interpretation.

Mr. HUMPHREY. I thank the Senator from Louisiana for taking the time to clarify his amendment.

AMENDMENT NO. 1158

(Purpose: To make consideration of public health and safety of primary importance in selecting a permanent nuclear waste repository)

Mr. REID. Madam President, I have an amendment that I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 1158.

At the appropriate place in the bill, add the following:

"SEC. . IMPORTANCE OF PUBLIC HEALTH AND SAFETY IN SITE CHARACTERIZATION.

(a) Notwithstanding any other provision of law or this Act, the Secretary of Energy, in selecting the preferred site for characterization as a permanent nuclear waste repository shall give primary consideration to potentially adverse impacts on the public health and safety of locating a repository at such site.

(b) All other considerations shall be subordinate to that in paragraph (a) above.

Mr. REID. Madam President, the amendment I have just offered is aimed at correcting what may be the most serious flaw in the Nuclear Waste Repository Program—a flaw that is compounded by the inclusion of S. 1668 in this energy and water appropriations development bill which is now before this body.

My amendment makes it abundantly clear that public health and safety is the single most important criteria for selecting the site of the Nation's first permanent nuclear waste repository. It directs the Secretary of Energy to make public health and safety the most important criteria for selection of the preferred site for characterization as a permanent geologic high-level radioactive waste repository. It also makes very clear that all other considerations must be secondary to the preservation and future protection of public health and safety.

I have talked at length over the past several days about how the Department of Energy has subverted the site selection process since enactment of the 1982 legislation. Others here have echoed that sentiment based on the facts at hand and on their own dealings with the Department. One of the most grievous of their acts has been to "create" a set of site selection criteria that has put such qualities as "aesthetics" and "environmental concerns" on an equal footing with public health and safety.

S. 1668, as presented, not only does not correct the problem, it further compounds the error by adding such considerations as ease of licensing and cost, and making them just as important as public health and safety.

Madam President, I cannot agree to that criteria being used to select the Nation's first high-level radioactive waste repository. We are not making a business decision to select a site for a new resort from among uninhabited islands in the Caribbean. We are, in essence, selecting the Nation's first repository. This repository, for example, if it comes to Nevada, will be located about 20 miles from the California border. I think public health and safety should be a consideration. Cost should not even enter the conversation. Safety, especially as it pertains to the people of this country over a timespan of 10,000 years, cannot be given a monetary value.

The distinguished floor manager, my friend from Louisiana, has made numerous references to the cost savings his approach provides and with that argument has questioned the motives of those who have opposed his legislation. I would like to state unequivocally that cost is not a factor to this Senator when it comes to protection of the public. That is why I am proud to serve on the Environment and Public Works Committee. That is why both committees share jurisdiction over the nuclear waste issue. Each committee brings a different perspective to the problem.

If we must continue down the perilous path that we have chosen for obviously political reasons, we must retain basic safeguards to ensure that public health and safety are protected. This body cannot allow the political decisionmakers to ignore the technicians and those who will ultimately license the facility.

The decision to select the site for the nuclear waste repository must not be reduced to dollars and cents. Should a future nuclear waste disaster occur, I do not believe that our ancestors in the year 3000 A.D., not to mention much longer than that, will understand the delicate budget negotiations that my good friend the Senator is now involved in with the White House that resulted in the saving of a few 1988 dollars. I would encourage all Members of this body to not let the temporary monetary difficulties that face this body, and the other body, or this country to overshadow the decision that we are now making dealing with the most poisonous substance known to man.

I reserve the balance of my time.

The **PRESIDING OFFICER.** Who yields time?

Mr. **JOHNSTON.** Mr. President, I yield to the distinguished Senator from Washington such time as he may require.

The **PRESIDING OFFICER** (Mr. GRAHAM). The Senator from Washington.

Mr. **EVANS.** Thank you, Mr. President.

This amendment appears on the surface to be a motherhood amendment, one that everyone could agree to but it very cleverly distorts what has been a carefully put together bill, one which I believe has as I said earlier this morning added to the provisos in the original act of 1982 a number of considerations which should be given primary concern. There is no question, there is absolutely no question, that this Nation is going to place a deep repository in a place where the public health and safety will be adversely affected. That is what a lot of this debate is all about. But, Mr. President, that is not the only consideration. All of these elements have to be taken into account. Potentially adverse impacts on the public health and safety are simply an absolute. No one is going to put a repository, this Congress would not allow the siting of a repository, where it was felt that public health and safety would be adversely affected.

It is an attempt merely to advance one element over others in a way which I suspect my distinguished colleague from Nevada feels might be of benefit to his own State in his own area. We are beyond that, Mr. President. This is not a case of one State versus another. It is a case of taking into account the elements which are of importance in trying to find a site for a deep repository.

Those include the prospects for successfully licensing a repository. Successfully licensing a repository includes within it, it is inherent in the whole licensing process, that the public health and safety be an important concern. Potentially disqualifying factors at the site; that, too, would take into account the potential disqualification of a site because of well-understood problems of health and safety.

Certainly, if we are going to suggest that, having taken into account all of these other elements, that cost should be ignored, it is simply ludicrous. That is what we are all about right now, trying to figure out how to carry on the business of the Nation, carry it on effectively and safely, for the benefit of our citizens, and do it in the most efficient and cost-effective manner possible. To say that, even in an issue as important as this, we should ignore cost is, as I said, simply ludicrous.

Mr. President, I think that the bill as it has originally been presented and as it has been amended as part of the original text is a good bill. It is carefully calculated to take into account the broad interests that we take into account on virtually every other thing we do, whether it is nuclear waste, national defense, a number of very important and sometimes quite dangerous projects which we construct. We always take into account health and safety, the public interest. We take into account all these other issues as well.

I think it is inappropriate at this point to attempt to lift one beyond the other and say again to the Department of Energy: "You have to consider one thing but not all these other elements in trying to come up with the best answer"—which, I reiterate, never would include a successful characterization of a site that would adversely affect the public health and safety of our citizens.

Mr. **REID.** I yield myself whatever time I require.

Mr. President, I state to the manager of the bill and the senior Senator from Washington that if the Senator misunderstood my statement, I am sorry about that. I want it understood that what we are saying is that public health and safety should be the No. 1 consideration, that the other factors certainly should enter into the picture. It is a motherhood amendment.

I ask the senior Senator from Washington a question: If Washington is selected, would the Senator from Washington want cost put ahead of the public health and safety?

Mr. **EVANS.** Of course not. And I would not want a site to be chosen—whether it was Washington, Nevada, or any other place in the country—to be chosen where there was an equivalent for the public health and safety and ignore cost. Of course, you have to take all these things into consideration.

Inherent in at least two of the other listed elements to which we give primary consideration are elements which embed in them the whole nature of public health and safety.

So I think it is unnecessary and unwise to attempt to distort what are already very calculated elements, all of which are to be taken into account.

Mr. **REID.** I agree with the Senator from Washington that cost should not be ignored.

This amendment says that public health and safety should be the No. 1 criteria. Of course, cost is important. Of course, the ability to license is important. But the No. 1 criteria should be the public health and safety.

The reason is quite basic: We have talked a lot about nuclear waste, and there was even one Senator this morning who said nuclear waste was safe. Nuclear waste, of course, is not safe, and nuclear waste is something that is all over the country.

Mr. President, I bring to the attention of the Senate a book that was recently published, written by Bartlett and Steele. The beginning paragraph of this book, I think, is quite descriptive of why public health and safety should be the No. 1 criteria. I quote from the prolog of this book:

> The turtles that creep along the banks of the Savannah River, near Aiken, South Carolina, are radioactive. So is the water in a well that serves the borough of Lodi, New Jersey. So, too, a drainage ditch that runs along a street in an industrial park in southeast Houston. The turtles, the water, and the soil were once free of radioactivity.

> They are now contaminated because of the ignorant and careless handling of radioactive materials. More important, they are a symptom of the inability of government and industry to control nuclear waste, a catchall phrase for scores of the most deadly and long-lived toxic substances ever manufactured.
>
> The evidence of that failure, spanning more than forty years, can be found in hundreds of places where radioactive waste has been stored or dumped.

Mr. President, we are simply saying that the No. 1 criteria of the nuclear waste policy of this country should be public health and safety. The other things are important, but they are certainly not as important as public health and safety. This is the intent of this amendment.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. JOHNSTON. Mr. President, there is absolutely no difference between the managers of the bill and the distinguished Senator from Nevada in putting safety first.

The present amendment, which is the pending legislation he is trying to amend, puts safety as a primary matter. The way it reads in section 402 of S. 1668 is this:

> In selecting the preferred site under this subsection, the Secretary shall give primary consideration to—
>
> "(A) prospects for successfully licensing a repository at such site;
>
> "(B) potentially disqualifying factors at the site;
>
> "(C) potentially adverse impacts on the public health and safety and the environment of locating a repository at such site; and
>
> "(D) the estimated cost of characterization, development and operation of repository at such site.

All four factors are primary. In one sense, some of the factors are redundant. The prospects for successfully licensing a repository and potentially disqualifying factors, I guess, are probably redundant. But obviously you want to give primary consideration to the prospects of licensing a site; because you could have the safest site in the world, but if you could not license that site, then it would be a monumental waste of money and, I guess, in the long run, probably adverse to public health and safety, by not solving the problem of nuclear waste.

So, surely, all of us would agree that the prospects of licensing that site ought to be important. As I say, we put in, as a primary factor, public health and safety. We also put in the question of cost.

So what our legislation does is make clear the public health and safety is considered as a primary factor. It is a factor sine qua non, without which you cannot get selected. You must cross that threshold, but we want to cross more than just the health and safety threshold. We also want to make sure that we do not waste money by picking a safe site which cannot be licensed, and we also want to take into consideration the cost.

This is not one of those cost-benefit ratios, where you surrender safety for the purpose of cost. That is not the intent at all.

Rather, we require as a primary factor that health and safety be satisfied and that you also consider licensability and costs. All of those factors ought to be considered, and that is why all of the factors are put in the legislation.

Mr. EVANS. Mr. President, I wonder if the Senator will yield for a question?

Mr. JOHNSTON. I yield myself an additional minute and will yield for a question.

Mr. EVANS. If the chairman would, is it not true that these elements which have been listed and which the Senator from Nevada would wish to change really have to do with the selection of a site to be further characterized, that is all, and that once that site is selected for characterization, then all of the mechanisms of the act of 1982 go into effect? Absolute assurance of public health and safety become at this point paramount as they always would and do in the current act as it now sits and these other factors of licensability and costs would be taken into account. But what we are talking about here is merely to look at all of these factors to choose a site to be characterized. It in no way will affect the ultimate decisions on safety and health at a particular site once it is chosen.

Mr. JOHNSTON. Mr. President, the Senator from Washington makes an excellent point and it is very true. All of the factors built into the Nuclear Waste Policy Act regarding NEPA statements, licensing by NRC, and all of that myriad and complicated matrix of regulations leading to an eventual license to be issued to the repository are still in place.

Mr. EVANS. Right.

Mr. JOHNSTON. All we are dealing with, as the Senator from Washington points out, is the selection of the one site for characterization, and the reason it is so important to consider ultimate licensability is, if that site turns out not to be suitable after you dig this 3,000-foot shaft down into the ground, then you would have to go to an alternate site and with the delay and expense that that would entail. So we want to be sure that we pick a safe site which is also licensable which is also cost effective. That is why all the factors were built in.

I hope with that assurance the Senator from Nevada will understand that or will be reassured relative to the safety importance and primary consideration given to safety in the amendment that is now pending.

Mr. REID. Mr. President, this started out as an amendment to apple pie and motherhood. It appeared for some unknown reason that public health and safety for whatever reason should not be the primary consideration in the minds of those who are opposed to our pushing S. 1668.

I repeat, I do not believe the American people want public health and safety to be of lesser importance than any other consideration; licensing, cost, environmental concerns should be secondary. Public health and safety should be primary.

We all know that the chairman has said that there is, and correct me if I am not right, but I am quite certain he said 90 percent of sites chosen for characterization will be acceptable. Why can we not have public health and safety the primary consideration? I think we would have listened to what has gone on in this body for the past couple of weeks. I am convinced that nuclear waste and things nuclear generally have not been handled well by the Federal Government. We have a series of episodes that start way back in the early part of this century, clear through the atomic atmospheric tests to present day handling of low-level waste and now high-level waste.

I think it is wrong to have people say the Government is going to take care of us, do not worry, public health and safety is not an important consideration. I say it should be the primary consideration. That is all this amendment does.

Mr. JOHNSTON. Will the Senator yield?

Mr. REID. I am happy to yield to my friend from Louisiana.

Mr. JOHNSTON. Let me put my objection to the Senator's amendment in context and maybe we can understand if there is a difference between us.

What the present legislation says is that you have to have a safe site before it can be picked but you also want to get a licensable site. What we want to avoid is having a choice of two sites, both of which are totally safe but one of which might rank a whisper ahead of the other in terms of safety but not be licensable and require DOE to pick a safe site which is unlicensable with the probability that you are going to waste years and billions of dollars, when a site virtually as safe, totally safe, which could be licensed would be available. In that given a choice between a safe unlicensable site and a safe licensable site, I think my friend would agree, would he not, that you ought to pick the safe licensable site?

Mr. REID. Mr. President, in response to my friend from Louisiana, we can have all the formulas we want, and the DOE has done a good job of juggling the formulas based upon the 1982 act. We are saying in this amendment that licensing is important, cost is important, environmental concerns are important. They even talk about esthetics as being important. I will throw that in as being important. But I say the number one consideration should be public health and safety. I think that this body should send a message to the rest of the country that if there is a site being chosen public health and safety will be the number one criteria.

What protects us against a cheap unsafe site being picked over a safe more expensive site? I think that we are really getting ourselves into a tunnel that we might not be able to get ourselves out of it if we put the consideration of health and safety on a secondary basis. I repeat for the third time, we are not saying do not consider licensability. We are not saying do not consider cost, do not consider esthetics, do not consider environmental concerns. Of course, we do. But we are saying they should not be of primary importance. The public health and safety should be the number one criteria and, based upon what the Department of Energy has done with the 1982 act, I think that is a reasonable approach to this legislation.

The **PRESIDING OFFICER.** Does the Senator from Nevada yield the floor?

Mr. **REID.** The Senator from Nevada does yield, reserving his time.

Mr. **LEVIN.** Mr. President, although I am sympathetic to the goals of the Reid amendment, the committee bill already provides for health and safety to be a primary consideration, among other primary considerations, in the location of a high level nuclear waste repository.

Also, the Reid amendment could be counterproductive in the choosing of such a site. It would be possible under the Reid amendment to have a site selected on grounds that it 100 percent met the health and safety requirement, even though it might not be able to be licensed, whereas a site that 99 percent met the health and safety requirement and could be licensed would, nevertheless, not be selected. Such a resolution would guarantee that no high level nuclear waste repository be selected.

Mr. **JOHNSTON.** Mr. President, I think the issue is a simple one. If the Senator from Nevada is ready to yield back his time, we will be ready to do the same.

Mr. **REID.** I ask for the yeas and nays and yield the remainder of my time.

The **PRESIDING OFFICER.** Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The **PRESIDING OFFICER.** Does the Senator from Nevada yield back the remainder of his time?

Mr. **REID.** Yes.

The **PRESIDING OFFICER.** Does the Senator from Louisiana yield back the remainder of his time?

Mr. **JOHNSTON.** I yield back the time.

The **PRESIDING OFFICER.** All time has been yielded.

The question is on agreeing to the amendment of the Senator from Nevada. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. **CRANSTON.** I announce that the Senator from Arizona [Mr. DeConcini], the Senator from Tennessee, [Mr. Gore], the Senator from Massachusetts [Mr. Kerry], and the Senator from Illinois [Mr. Simon], are necessarily absent.

I further announce that, if present and voting, the Senator from Arizona [Mr. DeConcini] and the Senator from Massachusetts [Mr. Kerry] would each vote yea.

Mr. **SIMPSON.** I announce that the Senator from Indiana [Mr. Lugar], the Senator from Kentucky [Mr. McConnell], and the Senator from California [Mr. Wilson], are necessarily absent.

I further announce that, if present and voting, the Senator from California [Mr. Wilson], would vote nay.

The **PRESIDING OFFICER.** Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 37, nays 56, as follows:

[Rollcall Vote No. 375 Leg.]

YEAS—37

Adams
Baucus
Bentsen
Biden
Bradley
Breaux
Bumpers
Burdick
Cohen
Dixon
Dole
Fowler
Glenn
Graham
Gramm
Harkin
Hecht
Inouye
Kennedy
Lautenberg
Leahy
Matsunaga
Metzenbaum
Mikulski
Mitchell
Moynihan
Nickles
Packwood
Pryor
Reid
Riegle
Rockefeller
Sanford
Sarbanes
Sasser
Specter
Stevens

NAYS—56

Armstrong
Bingaman
Bond
Boren
Boschwitz
Byrd
Chafee
Chiles
Cochran
Conrad
Cranston
D'Amato
Danforth
Daschle
Dodd
Domenici
Durenberger
Evans
Exon
Ford
Garn
Grassley
Hatch
Hatfield
Heflin
Heinz
Helms
Hollings
Humphrey
Johnston
Karnes
Kassebaum
Kasten
Levin
McCain
McClure
Melcher
Murkowski
Nunn
Pell
Pressler
Proxmire
Quayle
Roth
Rudman
Shelby
Simpson
Stafford
Stennis
Symms
Thurmond
Trible
Wallop
Warner
Weicker
Wirth

NOT VOTING—7

DeConcini
Gore
Kerry
Lugar
McConnell
Simon
Wilson

So the amendment (No. 1158) was rejected.

Mr. **JOHNSTON.** Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. **McCLURE.** Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The **PRESIDING OFFICER.** Are there further amendments?

Mr. **REID** addressed the Chair.

The **PRESIDING OFFICER.** The Senator from Nevada.

AMENDMENT NO. 1159

(Purpose: To clarify that judicial review of prior administrative or executive actions or decisions rendered under the Nuclear Waste Policy Act of 1982 is preserved and that any judicial decision concerning such prior actions or decisions will affect the eligibility of a site or sites for selection as the preferred site under any provision in this Act)

Mr. **REID.** Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The **PRESIDING OFFICER.** The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. Reid] proposes an amendment numbered 1159.

Mr. **REID.** Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, add the following:

"Sec. . Nothing in this act shall ratify or exempt from judicial review prior administrative or executive actions or decisions related to the repository site selection process under the Nuclear Waste Policy Act of 1982. In the event that any action of the Secretary of Energy, President, the Administrator of the Environmental Protection Agency or the Nuclear Regulatory Commission under any provision of the Nuclear Waste Policy Act of 1982 prior to the date of enactment of this act is by judicial decision invalidated or affected in such a way as to modify or render invalid the candidate status of any or all candidate sites recommended for site characterization, such site or sites shall not be eligible for selection as the preferred site for sequential characterization as a permanent nuclear waste repository."

Mr. **REID.** Mr. President, my second amendment, like the first, is simple and straightforward. It is to preserve existing court cases that have been filed by the States and other interested parties. It is not meant to provide a mechanism upon which new lawsuits can be brought.

I do not believe that S. 1668 provides adequate assurances to protect those lawsuits now in litigation in courts around the Nation. My State, Nevada, like other States, has spent many thousands of dollars in lawsuits that are now pending. These are not nuisance suits, the various State attorneys general have filed suits based on valid and specific instances where the rights of the State and of its citizens have been infringed upon. Many of the speakers in the past few days have recounted their personal experiences with the Department of Energy. We all know that they have played fast and loose with the Nuclear Waste Policy Act of 1982. S. 1668 exonerates them of their unethical and illegal activities. If the Congress cannot or will not provide a remedy through legislation, we cannot foreclose judicial remedies from those who have been wronged.

Mr. President, if the courts sustain the legal challenges of the States and other parties, as they—and I—are confident they will, those lawsuits should not be nullified. I believe that my amendment is necessary to clarify S. 1668 so that the right of due process guaranteed by our Constitution and laws promulgated by this body, are not foreclosed.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, in discussing this matter with the distinguished Senator from Nevada, I believe that the provision in our bill, that is, subsection (g) on page 8 of S. 1668—I do not know what page it is now in the bill as amended—fully provides, and I think perhaps even broader than the Senator's amendment, preserving the right of judicial review. It says:

> (g) Nothing in this section affects judicial review of actions of the Secretary, the President, or the Commission taken under titles I or III prior to or subsequent to a decision of the Secretary under subsection (a), paragraph (b)(2), or subsection (c).

Our amendment is intended to and does provide that the remedy of the court follows the review. In other words, the preservation of the right of judicial review includes the appropriate remedy that the court might render so that if the court found that there were a flaw in the selection process, for example, then the right of the court to take appropriate action, whether it is to completely invalidate, amend, or revoke that selection process, or to order a resubmission, or for whatever reason, the court's remedies that go with that right of review are fully preserved.

I am wondering with that explanation if the Senator would be satisfied or if there is some other question he has concerning subsection (g) in the pending legislation.

Mr. REID. If I may respond to the Senator from Louisiana, I want the legislative intent to be clear that any actions that are pending prior to the passage of this legislation will be protected under the process that is now in force, that is, the 1982 act, and that whatever we do as a body, and the other body concurring, we do not somehow wipe out actions which are now in existence.

Mr. JOHNSTON. Mr. President, I can assure the Senator that subsection (g) does exactly that. That is its purpose and that is its intent. We had a full discussion on that matter while it was pending in the Energy and Natural Resources Committee. The record fully supports what I have just said about the language and I think the language does as well. That was our full intent, to have that right of judicial review fully and completely protected.

Mr. McCLURE. Will the Senator yield?

Mr. JOHNSTON. I yield.

Mr. McCLURE. There might be one exception to that, and I will ask the Senator from Louisiana if that is correct. This bill now, in effect, suspends the action relative to a second repository and there might be an action pending at this time dealing with that selection process. The fact that we extended the time for the second process would nullify the basis for a court action. But I think in a general sense, with perhaps that exception, I would agree with the statement of the Senator from Louisiana.

Mr. REID. This Senator has no concern about the second site.

Mr. President, I ask unanimous consent that the name of the junior Senator from Washington [Mr. ADAMS] be added as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I withdraw my amendment.

The PRESIDING OFFICER. The Senator has withdrawn his amendment.

Mr. JOHNSTON. I thank the Senator from Nevada and the Senator from Washington.

Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SANFORD). Without objection, it is so ordered.

Mr. JOHNSTON. Mr. President, I am now advised that the Senator from Washington [Mr. ADAMS] who has a reservation of three amendments under the unanimous-consent request, each being an hour and a half in total length, 45 minutes on each side, is now willing to shrink that request to one amendment to be offered at some later time with the same time constraints. And I now ask the Senator from Washington, is that correct?

Mr. ADAMS. The manager of the bill is correct. I would have only one amendment, and I would offer it at a later time, probably at the end of the bill so there would be time available now for the manager to move to whatever other amendments he may have.

The PRESIDING OFFICER. Is there objection? if not, it is so ordered.

Mr. JOHNSTON. Mr. President, is the unanimous consent so modified to reflect that?

The PRESIDING OFFICER. The Senator is correct.

Mr. McCLURE. Mr. President, will the Senator from Louisiana yield?

Mr. JOHNSTON. Yes.

Mr. McCLURE. Mr. President, if I understand the situation correctly, the Senator from Washington has reduced the number of amendments that he would offer under the previously entered into unanimous-consent agreement. Then we would have the amendment to be offered by the Senator from Washington to the nuclear waste section, the motion to recommit that has already been reserved under the unanimous-consent agreement of the Senator from Louisiana [Mr. BREAUX], the six, five or six, amendments that may be offered by Senator HECHT from Nevada, and I know of no other amendments at this time to be offered to the nuclear waste section. The unanimous-consent agreement, however, as entered into at this time does not preclude other amendments.

The PRESIDING OFFICER. The Senator is correct.

Mr. McCLURE. The reason I ask the question of the Senator from Louisiana at this time is because it might expedite the handling of this bill, if after notifying people on both sides of the aisle that this indeed might be the case we might attempt to close the nuclear waste section with the exception of those identified amendments and motions. Would the Senator from Louisiana concur that we might at some future time not too far from now hopefully ask for that modification of the unanimous-consent agreement and all Members who therefore have an interest in the nuclear waste section might be advised if they have amendments that they should identify them so we can know whether we can get such a unanimous-consent agreement.

Mr. JOHNSTON. Mr. President, the Senator makes a good suggestion. I would say at this time, however, that the bill is open to amendment, and I have been advised of only one or two amendments. There may be a number. But I have not personally given any Senator nor has any Senator asked me for a time certain to hold the bill open.

So I urge Senators, if they have amendments, now is the time to come and do them, because we will not be in quorum calls indefinitely, waiting for amendments to be offered. In other words, we are ready to do business, and we are ready to go to third reading shortly after, which I hope will not be too late tonight.

So I urge Senators to please come and offer amendments.

Mr. McCLURE. Mr. President, a parliamentary inquiry.

I think that under the original unanimous-consent agreement, the Senator from Washington had the opportunity to offer several amendments, and he has now reduced that to one. The original unanimous-consent agreement also preserved the right for second-degree amendments to be offered to the amendment if they were germane to the amendment. That would apply to the one that remains, would it not?

The PRESIDING OFFICER. The Senator is correct.

Mr. McCLURE. I thank the Chair.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1160

(Purpose: To provide for a reconnaissance study with respect to the Androscoggin River Basin and its tributaries, Maine)

Mr. JOHNSTON. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. JOHNSTON, for Mr. MITCHELL (for himself and Mr. COHEN), proposes an amendment numbered 1160.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 5, after line 20, add the following new paragraph:

"The Secretary of the Army, acting through the Chief of Engineers, is directed to use not to exceed $300,000 to conduct a reconnaissance level study with respect to the Androscoggin River Basin and its tributaries, Maine."

Mr. JOHNSTON. Mr. President, this is an amendment which does not add money to the bill—let me make that clear—but provides for a $300,000 study, within available funds, of the Androscoggin River in Maine, which has been the subject of a tremendously difficult flood this year. It simply requires the Corps, within available funds, to study that river and its flood effect. This amendment is offered on behalf of the Senators from Maine [Mr. MITCHELL and COHEN].

Mr. MITCHELL. Mr. President, I am pleased that both sides have agreed to an amendment to enable the Corps of Engineers to conduct a reconnaissance study concerning the Androscoggin River basin in Maine.

On April 9, 1987, the State of Maine was declared a Federal disaster area. Flooding in central and southern Maine far exceeded the previous record flood in 1936 and caused more than $60 million in damage. It was the worst flood in Maine since the inception of flood records.

Homes were washed off foundations, fuel storage tanks were washed above ground and downstream, and hundreds of individuals and businesses incurred major and minor damage.

A particularly great loss for the State was the destruction of the Fort Halifax blockhouse located in Winslow. A national historic landmark, the blockhouse was constructed in 1754 during the French and Indian War and was the oldest surviving blockhouse in the United States. Funds alone will not compensate for this historic site that was swept away and broken apart.

In May, the Environment and Public Works Committee authorized a resolution directing the corps to prepare a reconnaissance report to determine possible methods of preventing future flood damage in the Saco River, Kennebec River, and Penobscot River basins, and their tributaries. At that time, the corps' estimate of damage to the Androscoggin River basin was incomplete and inadequate.

More recent estimates from the corps indicate that the Androscoggin River basin also incurred substantial damage. While the damage estimates are not final, it is now estimated by the Maine Emergency Management Agency and the Maine State Planning Office that Androscoggin River basin incurred between $12 and $25 million in damage. In view of these estimates, in October, the Environment and Public Works Committee authorized an additional reconnaissance study to examine the Androscoggin River basin and its tributaries.

The resolution is not controversial and will be subject to the cost-sharing requirements of the Water Resources Development Act of 1986, Public Law 99-662: The first reconnaissance study will be conducted at full Federal expense. The corps has estimated this to cost $300,000. If the reconnaissance study indicates that a viable project exists, the cost of additional feasibility studies must be cost-shared 50-50 by the non-Federal sponsor.

Since the corps cannot assist the Androscoggin River communities in preventing future flood damage without the initial reconnaissance study, and since the second phase study that will be cost-shared cannot be undertaken without completion of the initial reconnaissance study, my colleague Senator COHEN and I request approval of the initial study of the Androscoggin River basin.

Mr. COHEN. Mr. President, my good friend and colleague from the State of Maine, Senator MITCHELL, and I are offering an amendment to the energy and water development appropriations bill for fiscal year 1988 that will appropriate $300,000 for an Army Corps of Engineers study of flood problems in the Androscoggin River Basin and its tributaries in Maine.

In April of this year, the State of Maine experienced the worst flood in the State's history. It was not until I actually saw boats in the streets, inaccessible houses, washed out bridges, flooded fields and impassable roads that I understood the true extent of the disaster. The picture I saw was one of complete devastation.

Mr. President, cleanup efforts are well underway, and the study we are requesting is designed to determine what steps can be taken to avoid such problems in the future. It will look at the severity of the flood, how probable it would be for a similar flood to occur again as well as hydrological changes that may have happened gradually in the last 100 years and changed the circulation of the waters.

I urge my colleagues to join Senator MITCHELL and me in supporting this important amendment.

Mr. McCLURE. Mr. President, we have no objection to the amendment on this side.

The PRESIDING OFFICER. If there is no further debate on the amendment, the question is on agreeing to the amendment.

The amendment (No. 1160) was agreed to.

Mr. JOHNSTON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. McCLURE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1161

(Purpose: Technical amendment to make changes to the bill to reflect budget amendments received after completion of committee action)

Mr. JOHNSTON. Mr. President, I send four amendments to the desk and ask unanimous consent that they be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments will be stated.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. JOHNSTON] proposes amendments en bloc numbered 1161.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

On page 13, line 18 insert the following before the colon: "Conservationist.".

On page 15 line 1 strike "$1,404,738,000" and insert "$1,400,000,000".

On page 15 line 10 insert the following before the period: *"Provided further,* That none of the funds made available under "Operation and Maintenance, General" shall be used to pay the expenses of the Department of the Army regulatory activities"

On page 15 line 22 strike "$55,262,000" and insert "$60,000,000".

On page 15 line 23 insert the following before the period: *"Provided,* That $5,000,000 shall be available for obligation only after the Secretary of the Army in consultation with the U.S. Army Corps of Engineers has submitted to the appropriate Congressional committees concurrently with transmission of the fiscal year 1989 budget, a legislative proposal, including fee schedules, to recover all actual costs of Department of the Army-Civil regulatory programs: Provided further, That the Secretary of the Army shall work with the General Accounting Office to ensure that effective auditing and cost accounting procedures which meet standards acceptable to the Comptroller General are established at the earliest possible time"

On page 18 after line 19 insert the following new section.

"Sec. . None of the funds made available under "Department of Defense-Civil, Department of the Army, Corps of Engineers-Civil", except as provided for under "General Regulatory Functions", shall be used to pay the expenses of the Department of the Army/Civil regulatory activities."

On page 55 line 7 insert the following before the colon: "or Public Law 100-119".

On page 25 line 12 strike "$30,809,000" and insert in lieu thereof: "$29,809,000".

On page 25 line 19 strike "$29,472,000" and insert in lieu thereof: "$28,472,000".

On page 25 line 25 insert the following before the period: ": *Provided further,* That not to exceed $1,009,000 shall be available for the Hidalgo County Irrigation District No. 1 supplemental loan".

On page 21 line 4 insert the following before the colon: ": *Provided further,* That within available funds $18,400,000 shall be for continuing the clean-up and related activities of the Kesterson Reservoir and the San Luis Drain of the Central Valley Project in California".

Mr. JOHNSTON. Mr. President, these are technical amendments to correct a printing error in the bill and to incorporate budget amendments submitted by the President subsequent to the committee completing its action on the energy and water bill.

The amendments are, first, adjustments to reflect budget amendment to increase general regulatory activities of the corps from $55 million to $60 million. Those funds were shifted within the bill.

Second, adjustments to reflect the budget amendments to provide $18.4 million for the continued cleanup of Kesterson Reservoir in California.

Third, to amend section 503 to include the new Gramm-Rudman-Hollings law provisions;

And, fourth, an amendment to correct a printing error in the bill made during printing.

The amendments do not add funds to the bill, contain no budgetary impact and, of course, are jointly submitted on behalf of myself and the Senator from Idaho [Mr. McClure].

Mr. McCLURE. Mr. President, we have no objection to the amendments. We urge their adoption en bloc.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1161) was agreed to.

Mr. McCLURE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. JOHNSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1162

Mr. JOHNSTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. Johnston] for Mr. Wilson and Mr. Cranston proposes an amendment numbered 1162.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 6 after line 8 add the following new paragraph:

The Secretary of the Army, acting through the Chief of Engineers, is directed to use not to exceed $450,000 to conduct reconnaissance level feasibility studies for raising Pine Flat Dam on the Kings River, California, for the purposes of providing additional water storage capacity and other related purposes.

Mr. JOHNSTON. Mr. President, this amendment is proposed on behalf of Senator Wilson and Senator Cranston and regards a Pine Flat Dam amendment to provide for a reconnaissance or study to help determine the feasibility of raising the Pine Flat Dam on Kings River in California for the purpose of creating additional water storage capacity. It is within available funds and therefore adds no money to the bill.

Mr. McCLURE. Mr. President, we urge the adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment of the Senator from Louisiana.

The amendment (No. 1162) was agreed to.

Mr. McCLURE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. JOHNSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1163

Mr. JOHNSTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. Johnston] for Mr. Stafford and Mr. Leahy proposes an amendment numbered 1163.

On page 12, line 10, strike the period and insert a semicolon and the following: "Shelburne Bay, Vermont."

Mr. JOHNSTON. Mr. President, this amendment simply puts a citation of money for Shelburne Bay Dam in Vermont, which in the bill the administration had indicated they would not proceed unless it is in the bill. It was already in the report and is within available funds so, therefore, does not have any budgetary impact.

Mr. McCLURE. Mr. President, this amendment is on behalf of Senator Stafford and Senator Leahy as I understand it.

We urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

SHELBURNE BAY, VT

Mr. STAFFORD. Mr. President, the amendment being offered by my good friend Senator Leahy and myself adds no new money to the bill but is merely intended to ensure that the Corps of Engineers carries out the intent of the Appropriations Committee with respect to Shelburne Bay, VT.

The small $250,000 navigation project for Shelburne Bay, VT, has been before the Corps of Engineers for several years now. Despite the fact that this project has strong local support and despite the fact that the corps has determined this project to be both economically and environmentally sound, the administration has refused to let the corps begin construction.

Administration opposition to the project is based on their relatively recent policy of not starting any new projects which are primarily recreational in nature. However, even though the Shelburne Bay project is primarily recreational in nature, its construction is critically important to the economy of nearby local communities.

The intent of the Appropriations Committee to have this project constructed is shown clearly by the committee's report on H.R. 2700.

Regrettably however, recent experience has demonstrated that unless a project is supported by the administration, committee report language is insufficient to ensure the performance of that project by the Corps of Engineers.

Therefore, this amendment simply places the Shelburne Bay project in the language of the bill itself.

I ask that the Senate give this amendment favorable consideration.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Louisiana.

The amendment (No. 1163) was agreed to.

Mr. McCLURE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. JOHNSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1164

Mr. JOHNSTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Louisiana [Mr. JOHNSTON] for Mr. SPECTER and Mr. HEINZ proposes an amendment numbered 1164.

On page 12 between lines 9 and 10 add the following: "Presque Isle Peninsula, Erie, Pennsylvania;"

Mr. JOHNSTON. Mr. President, this amendment relates to Presque Isle Peninsula, Erie, PA. It provides for work to be done on the recreation area there within available funds. It was already in the bill, but was in report language and not in the statutory language. This simply moves it to the statutory language, but is within available funds and, therefore, has no budgetary impact. It is proposed on behalf of Senators SPECTER and HEINZ, from Pennsylvania.

Mr. HEINZ. Mr. President, I rise in strong support of the amendment offered by my colleague, Senator JOHNSTON, the manager of the bill, on behalf of myself and Senator SPECTER. Let me first express my deep appreciation to Senator JOHNSTON for agreeing to include this amendment in the fiscal year 1988 energy and water development appropriations bill.

The amendment would direct the Secretary of the Army to initiate construction of the Presque Isle Peninsula permanent project in Erie, PA. The project was authorized in the Water Resources Development Act, Public Law 99-662. In addition, the Appropriations Committee has recommended in its report that the Army provide $2.5 million in fiscal year 1988 to initiate construction of the project.

This amendment will provide specific authority that the Army has requested in order to proceed with construction on this project.

Construction of the Presque Isle permanent project consists of building 58 offshore breakwalls in Lake Erie that will prevent beach erosion. Initiation of this project in fiscal year 1988 is important for two reasons. First, the Army is currently spending $1.25 million per year on a temporary beach nourishment program until these permanent structures are in place. Indeed, this year's appropriations bill includes these funds, which were included in the Army's fiscal year 1988 budget request. These expenditures will be cut by 90 percent once the breakwalls have been built. Simply put, the sooner the breakwalls are constructed, the earlier the Federal Government will realize savings in its temporary program.

Second, construction of the breakwalls will provide a permanent solution to the erosion problem. The Corps of Engineers stated in its June, 1985 report on the project that no action on this problem would result in the reduction of the productive ecosystem, reduce the protection of Erie Harbor, and diminish the recreational benefits Presque Isle currently provides. I would point out that annual attendance at the Presque Isle State Park ranges between 4 and 5 million visitors each year, second only to the Great Smoky Mountains in our national park system.

By moving forward with construction of this project, the Army will enable Presque Isle to provide these significant benefits. This amendment provides the necessary direction to initiate the construction, and I would like to express my deep appreciation to the chairman, Senator JOHNSTON, for agreeing to include it in the energy and water appropriations bill for fiscal year 1988. I urge adoption of the amendment.

Once again, I express my deep appreciation to the chairman of the committee, Senator JOHNSTON, for agreeing to include this particular language in the energy and water appropriation bill for fiscal year 1988.

Mr. McCLURE. Mr. President, we urge the adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment of the Senator from Louisiana.

The amendment (No. 1164) was agreed to.

Mr. JOHNSTON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. McCLURE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JOHNSTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. McCLURE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1165

(Purpose: To provide for a DOE acquisition strategy for replacement nuclear materials production reactors)

Mr. McCLURE. Mr. President, on behalf of myself and my colleague from Idaho, Senator SYMMS, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Idaho [Mr. McCLURE], for himself and Mr. SYMMS, proposes an amendment numbered 1165.

Mr. McCLURE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 41, insert on line 20 before the period the following:

": *Provided*, That within the funds available within materials production activities, the Secretary of Energy shall prepare and submit to the Committees on Appropriations and Armed Services of the Senate and the House of Representatives, not later than May 1, 1988, an acquisition strategy report for replacement production reactors. Such report shall provide the rationale and description of the recommended acquisition strategy for replacement nuclear materials production capacity that would fulfill the long-term requirements of the United States for tritium and plutonium, including the recommendation of the Nuclear Weapons Council with respect to matters within the responsibility of the Council. Such report also shall include an analysis of whether or not the acquisition strategy should provide for the procurement and construction of two or more replacement production reactors, either concurrently or sequentially. Such report also shall include, but not be limited to, an analysis of the use of alternative reactor technologies at one or more sites based on the most current information including overall program costs and schedules; safety, environmental and licensing features; strategic and national security benefits; and amortization of reactor capital and operating costs through the sale of by-product steam. Such report shall include a comprehensive comparative financial analysis and cost estimate including annual and life cycle costs for research, development, design, construction, operating expenses and revenues and the levelized unit products costs relating to the replacement production reactor alternatives considered. The recommendations of the Secretary shall include a recommendation with respect to the preferred alternatives for achieving replacement nuclear materials production capacity, including the number of production reactors required, the preferred technologies, and the preferred sites, and a time schedule for their acquisition, construction, and operation. The provision of the National Environmental Policy Act (43 U.S.C. 4321, et seq) shall not apply to any actions taken by the Secretary in the conduct of activities associated with the preparation of such report, including, but not limited to, the formulation of an acquisition strategy or the selection of alternative technologies and sites for replacement production reactors."

Mr. McCLURE. Mr. President, the Committee on Energy and Natural Resources has just recently completed a set of hearings that revealed all too graphically the need to immediately begin planning for the replacement of our aging materials production reactor complex.

These hearings made it very clear to the members of our committee that our present set of production reactors are extremely vulnerable to aging and safety concerns. They are so vulnerable that they may not last the 10 years needed to bring on replacement production capacity. This causes me great concern, because we could have taken these steps 4 years ago and been that much ahead of the game. Four years ago, the Department of Energy was, in fact, proceeding with the initial planning and design of a new production reactor [NPR]. But that plan was abandoned just 2 years ago, due to budgetary constraints. The cancellation did not seem all that imprudent at the time, because we had five reactors running quite well, with no identifiable, insurmountable, life-limiting safety issues that would indicate they would not be around well into the 1990's.

Things didn't work out that way at all. First, the C-reactor in Savannah River, GA, was shut down due to irreparable cracks in the reactor vessel. Then the N-reactor in Hanford, WA, was shut down due to post-Chernobyl safety issues. Finally, the remaining three reactors at Savannah River were derated to 50-percent power level due to deficiencies identified in their emergency core cooling systems. So our complex of five reactors is now limited to one-and-one-half reactors' worth of production capacity.

Add to that the disturbing findings of the recently released National Academy of Sciences report, and we have what I consider a near crisis situation in terms of our Nation's security and our public's well-being.

We need to get back on track, by immediately resurrecting the process for planning, design, and construction of replacement reactor capacity. While we can't buy back the 4 years lost, we can utilize some of the basic framework under which those decisions were to have been made back then. Borrowing from the advice offered by Herm Roser, who was the Assistant Secretary of Defense programs at the time the NPR was contemplated, and who has since seen those decisions undone, he said, in part, "In choosing our options for replacement production capacity, we should base our decisions on four guiding principles: First, the reactor should be capable of supplying byproduct steam to conserve energy and reduce costs; second, the reactor should enhance existing reactor design technologies, and thereby broaden our technology base; third, the reactor should be licensable and be able to withstand vigorous safety reviews; and fourth, the reactor should be sited apart from existing production facilities, so we don't put all our eggs in one basket." Mr. Roser went on to say that, even if we have to sacrifice some of these principles to a "fast-track" first reactor effort, the program should include a second reactor which can meet all of them.

I agree wholeheartedly with Mr. Roser's advice. More and more people who follow this issue are now realizing the need for more than one reactor (including the Roddis Commission that looked into N-reactor safety issues). More and more people are realizing that safety criteria and advanced technology are key ingredients in the technology selection. And everyone agrees that minimizing the budget impacts, via sale of byproduct steam, and via the selection of the most efficient technology, is the only feasible course in today's rigid budget climate.

The amendment that Senator SYMMS and I are offering today will lay the kind of groundwork that reflects all of these considerations. Under the amendment, the approach that the Department of Energy would take in preparing its acquisition strategy for replacement production reactors would include a thorough analysis of the technologies available, the need for more than one reactor, the overall costs, the safety considerations, and the preferred siting, so that the crucial decisions that the Department will ultimately make will stand the test of time.

This amendment is meant to enhance, rather than dilute, the Department's already difficult task of selecting the appropriate technology and siting for its future materials production capacity. I would expect the Department to do no less for our Nation and its people.

Mr. SYMMS. Mr. President, I am happy to join Senator McCLURE in offering this amendment. It is similar to a provision in the Senate Defense authorization bill that addresses the need for new nuclear material production capability.

Mr. President, conditions at the Department of Energy's material production facilities are a matter of grave concern to a number of us here in Congress. Two years ago, there were five production reactors producing the necessary tritium and plutonium needed for our national defense. Today, we have the production of roughly one and a half reactors from three operating reactors. First, an irreparable crack was discovered in the C-reactor at the Savannah River Plant in South Carolina, then the N-reactor was shut down temporarily due to concerns about its similarity to the Soviet reactor at Chernobyl, and it is still down. Finally, the three remaining Savannah River reactors had to reduce their power to less than 50 percent as a result of inadequate emergency core cooling systems.

At the time of Chernobyl, the Secretary of Energy asked the National Academy of Sciences to study the safety of the reactors in the production complex. Last week, the NAS issued its report on the safety of these reactors. The report said, "These reactors are experiencing aging effects caused by long-term irradiation and corrosion that could affect the safety of the reactors and are likely to limit their remaining useful operating lives."

The report added that "if the United States finds it necessary to have a reliable and safe capacity for production of plutonium and tritium for nuclear weapons, then planning for new production reactors or other alternatives should be accelerated."

The amendment we are offering to the energy and water appropriations for fiscal year 1988 bill provides for that accelerated planning—planning that was begun in 1981 and stopped 2 years ago, when then Secretary of Energy Hodel deferred indefinitely the decision to build a new production reactor in Idaho.

This Nation must have nuclear materials, particularly tritium, if the United States is not to be forced into nuclear disarmament by default. Plutonium is necessary, but tritium is critical. With a half life of 12.5 years, it must be replenished frequently in our weapons stockpile. Plutonium lasts forever, and we have several sources for it, although some question if these sources are adequate. But our only source of tritium is the Savannah River Plant, at two reactors suffering, according to the NAS report, from acute aging.

Many of the aging problems noted by the NAS Committee that produced the report are inevitable and cannot be remedied. However, it pointed out that if repairs cannot be made, the Department would face a choice between retiring the reactors or operating them in circumstances in which safety is compromised. I read with alarm that "within the next decade, that failure could result in the Nation having to rely upon a small number of aged production reactors that demonstrate serious safety problems without adequate alternative plutonium or tritium sources available."

It seems clear to me that two things must be done. We must immediately begin to repair the reactors at Savannah River so that they can operate until they can be phased out by new production reactors. And we must begin immediately to plan for replacements. One reactor cannot replace the production of five. In addition we must have redundancy and not put all our eggs in one basket. It is also most important that advanced reactor technologies receive an adequate and thorough evaluation. We must not overlook the potential safety and cost benefits associated with these advanced technologies. In light of the NAS report, it is quite apparent that the issue of safety cannot be downplayed and the advanced technologies certainly seem to offer greater safety than existing technologies.

The amendment Senator McClure and I are offering today directs the Secretary of Energy to develop an acquisition strategy report that includes an analysis of whether the Department should procure and construct two or more reactors, either concurrently or sequentially. This amendment also requires DOE to analyze the use of alternative reactor technologies at one or more sites based on the most current information including overall program costs and schedules, safety, environmental and licensing features; strategic and national security benefits and amortization of reactor capital and operating costs through the sale of byproduct steam. The life-cycle costs and benefits derived from power sales should be given special attention in that new production reactors could cost from $3 to $5 billion each. If it is possible this up-front money could be repaid over the life of the plant then this possibility must be carefully explored.

I am convinced this legislation is necessary to guarantee that the crucial questions of safety and cost are addressed now by all of us: Congress, the Department of Defense, and the Department of Energy. We have responsibility to be fiscally strong as well as national security conscious. We are late—I hope we are not too late—in assuming responsibilities we have avoided so long.

Mr. McCLURE. Mr. President, I think this amendment has been cleared on the other side.

Mr. JOHNSTON. Mr. President, we have studied this amendment and cleared it.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Idaho.

The amendment (No. 1165) was agreed to.

Mr. McCLURE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. JOHNSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCLURE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1166

(Purpose: To complete a plan for deploying the AVLIS technology)

Mr. METZENBAUM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. Metzenbaum], for himself and Mr. Glenn, proposes an amendment numbered 1166.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 39, line 4, strike the period and insert in lieu thereof: ": Provided further, That within six months from the date of enactment of this act the Department is directed to complete a plan for deploying an Atomic Vapor Laser Isotope Separation production facility which is co-located with the existing enrichment facilities near Portsmouth, Ohio.".

Mr. METZENBAUM. Mr. President, this is a very straightforward amendment. It directs the Department of Energy to begin developing a plan for deployment of the new atomic vapor laser isotope separation [AVLIS] nuclear enrichment process.

Congress has appropriated over $500 million toward the development of AVLIS since 1973, and this appropriation bill would provide another $80 million in 1988.

According to the Department of Energy, AVLIS will be ready to be put into production on a demonstration basis by 1991. But, the Department is dragging its feet. Every year, the Office of Management and Budget zeros out the program. And every year, Congress has to put the money back in the budget.

AVLIS is important.

It is the key to maintaining a viable and competitive U.S. nuclear enrichment program. The Europeans and the Soviets are using technologies that are newer and cheaper than ours. They are cutting into the U.S. enrichment market. The entire U.S. enrichment program is losing money hand over fist. It is really in trouble.

In 1985, the Department of Energy canceled an enrichment technology that it had been developing since the mid-1960's. A brand new, $3 billion production facility in Portsmouth, OH, was abandoned as a result of that decision.

The so-called GCEP facility is 90 percent complete.

I have been there. It is an unbelievably magnificent structure. It has every detail that you want in a building of that kind.

It is the largest, most technologically advanced industrial park in the country. It has five major buildings with over 2 million square feet of floor space for every conceivable production activity.

I was told when I was there that they have air conditioning that is equal on the floor of one part of the building and thousands of feet away with the top of the building, and at the very end of the building. That is how well constructed, how well designed that facility is.

Yet the complex is completely empty.

Over the past 2 years, the Department of Energy has made a half-hearted attempt to find another use for it. They have had no success whatsoever.

Figuring out what to do with this plant has become a major problem.

I quote from the Appropriations Committee report on this bill, "The committee is concerned that the Department continues to procrastinate on the orderly disposition of the Gaseous Centrifuge Enrichment Plant [GCEP]."

My amendment puts these two problems together. It directs the Department of Energy to develop a plan for deploying the new AVLIS enrichment technology at the GCEP Plant.

This amendment could save the taxpayers billions of dollars by obviating the need to build a new AVLIS production facility.

It may also be the use for GCEP for which the Department has been searching.

It makes sense, and I urge my colleagues to support it.

I think this amendment is totally acceptable, though I am not certain.

Mr. JOHNSTON. Mr. President, I have just now seen the amendment. I have one suggested modification and one clarification I want to be sure about.

First of all, it uses the word "plan" and I think the Senator really means to complete a "study."

Mr. METZENBAUM. That is correct.

Mr. JOHNSTON. I would want to modify the word "plan" by putting in the word "study."

Mr. METZENBAUM. Mr. President, I modify my amendment at the desk by changing the word "plan" to "study."

The PRESIDING OFFICER (Mr. Conrad). The Senator has a right to modify his amendment. The amendment is so modified.

The amendment, as modified, is as follows:

On page 39, line 4, strike the period and insert in lieu thereof: ": *Provided further,* That within six months from the date of enactment of this act the Department is directed to complete a study for deploying an Atomic Vapor Laser Isotope Separation production facility which is co-located with the existing enrichment facilities near Portsmouth, Ohio.".

Mr. JOHNSTON. Second, I want to be sure that the Senator, by this legislation, is not trying to locate the new AVLIS plant at Portsmouth but rather a study of a location for an AVLIS plant.

Mr. METZENBAUM. The Senator and I are in total agreement. I would like to do the former. I realize that is unrealistic. I do not believe it would be appropriate to make that determination on the floor of the Senate, and so I am calling for the study to be made because if it can be done, then it will, indeed, be saved $1 billion because it is a magnificent facility. But if it is not usable, then I would be the last to press for it.

Mr. JOHNSTON. Mr. President, with the modification and with that understanding, we approve the amendment.

The staff on the minority side tells me it is approved. I see a smile and an affirmative head shake, so I think that is probably good enough. So we approve the amendment, Mr. President.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 1166), as modified, was agreed to.

Mr. METZENBAUM. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. JOHNSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. METZENBAUM. I thank the manager of the bill.

Mr. BUMPERS. Mr. President, Senator PRYOR and I would like to discuss briefly the Helena Harbor project with the chairman of the subcommittee and manager of the bill, Senator JOHNSTON. It is not an overstatement to say that this project is critical to eastern Arkansas. I thank Senator JOHNSTON for his support in this important effort.

Mr. PRYOR. The Senator from Louisiana has been most helpful to us, and we greatly appreciate his efforts.

Mr. JOHNSTON. I thank the Senators. I know how important this project is to the delta area in Arkansas. Both Arkansas Senators have worked tirelessly on its behalf.

Mr. BUMPERS. I would like to clarify one point, with the help of the Senator from Louisiana. With respect to the Helena Harbor project, the Senate-reported bill clearly retains the House-passed level of $443,000 for operation and maintenance, but the report accompanying the Senate-reported bill contradicts itself about how much is appropriated for preconstruction engineering, design, and construction of the new project. The chart in the report entitled "Flood Control, Mississippi River and Tributaries" says the "House allowance" is $1.1 million and that the "Senate allowance" is only $500,000, but one of the paragraphs describing the projects set out in the chart has this to say:

The bill contains $1,100,000 for preconstruction engineering and design and initiation of construction on the Helena, AR project. The Corps of Engineers is directed to complete the engineering and design on this project before the end of fiscal year 1988.

Can the Senator from Louisiana clarify this contradiction.

Mr. JOHNSTON. Yes, I can. The chart is correct, and the paragraph is in error. The Senate-reported bill contains $500,000 for preconstruction engineering and design and initiation of construction. But, Mr. President, let me make one other point clear: The subcommittee is committed to this project. It has strong support both in the House and in the Senate, and this project will be built. It is one of only 18 new starts in the Senate bill.

Mr. BUMPERS. I strongly urge the Senator from Louisiana to recede to the House-passed level in conference. We really need the full $1.1 million to start this project.

Mr. PRYOR. Mr. President, let me also encourage the Senator from Louisiana to bring this project out of conference at the $1.1 million level. The people in the Helena/West Helena area are counting on the Arkansas congressional delegation to get this project going as soon as possible, and we need full funding.

Mr. JOHNSTON. Mr. President, the two Arkansas Senators have always made persuasive arguments for Helena Harbor. I know how important this project is, and let me say that I will do what I can, given the budgetary constraints we will face, to retain the House amount.

Mr. BUMPERS. I thank the Senator for his cooperation and his graciousness. I know he faces a difficult job given our current budget restraints.

Mr. PRYOR. Let me add my sincere thank you as well. The Senator from Louisiana has been most helpful.

AMENDMENT NO. 1167

Mr. BUMPERS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS] proposes an amendment numbered 1167.

Mr. BUMPERS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill add the following:

SEC. . The McClellan-Kerr Arkansas River navigation project authorized under the comprehensive plan for the Arkansas River Basin by section 3 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes," approved June 28, 1938 (52 Stat. 1218), and section 10 of the Flood Control Act of 1946 (60 Stat. 647), is modified to include municipal, industrial and agricultural water supply as authorized project purposes. Withdrawals of water for such purposes may be permitted to the extent that such withdrawals are consistent with applicable State laws and do not interfere with the other authorized purposes.

STATEMENT OF SENATOR BUMPERS ON AMENDMENT TO MCCLELLAN-KERR PROJECT

Mr. BUMPERS. Mr. President, the principal reason for this proposed change in authorized purposes for the McClellan-Kerr navigation project is to provide relief to the many farmers along the 70-mile length of Plum Bayou in Lonoke and Jefferson Counties who have experienced extreme difficulties in coordinating farming decisions with corps policy concerning streamflow. Other agricultural areas that will be affected are the Fourche River near pool 9 and Bayou Meto along pool 2, both in Arkansas. Also, the expansion of recognized corps purposes will allow for the use of water in the McClellan-Kerr Arkansas River navigation project for municipal and industrial purposes.

Plum Bayou is a unique waterway in that its principal functions are for irrigation during the summer irrigation season and for drainage at other times. When water is flowing into Plum Bayou, the intake is, interestingly, in the middle of its course just west of Wright, AR. A low-water weir is located on the southern end of the intake, and because Plum Bayou is perfectly flat to the north, water backs up to the northern end of the bayou. When the water in pool 5 is above 213.3 feet above sea level, water is backed up north while still at a level that will allow a significant amount to go over the top of the low-water weir to flow south. When the water level in pool 5, of the Arkansas River is below 213.3 feet above sea level, water is still backed up north, however, the low-water weir prevents the water from flowing south. Since the southern users are riparians with superior rights, the low-water weir must be torn down and rebuilt with every significant change in the water level.

It should be noted that a significant change amounts to less than one/half of 1 foot. This amount above 213.3 will allow farmers on the northern end to irrigate their soybean, rice, and now, cotton crops and producers on the southern end to have a continuous, uninterrupted flow. This amount does not exceed the corps' easement levels nor will it cause any damaging flooding.

From 1982, the first year I encouraged the corps to raise the pool level, until 1985, the Little Rock corps acted favorably to help the farmers along Plum Bayou. The division command disapproved of requests in 1985, 1986, and 1987 to provide assistance, but in each case the corps in Little Rock found authority within their authorized purposes to raise the pool level during irrigation season. By letter of July 30, 1987, Colonel Nida of the Little Rock corps office informed me that the district studies that allowed it to raise the level were nearly complete, and only a change in the authorized purposes will be sufficient in getting the pool raised in the future.

For this reason, I am pursuing this very important expansion of the authorized purposes of the corps along the McClellan-Kerr Arkansas River navigation system. Let me state that the language of the amendment clearly states that the new purposes shall not interfere with the principal purposes of flood control and navigation.

This is an important amendment, and I urge its adoption.

Mr. PRYOR. Mr. President, as a cosponsor of Senator BUMPERS' amendment to this appropriations legislation, I rise to thank the committee members and Chairman JOHNSTON for their consideration in accepting this language.

Last July 30 Senator BUMPERS and I introduced this amendment as a separate bill, S. 1571, which was referred to the Committee on Environment and Public Works. It is a very simple piece of legislation that will permit the U.S. Army Corps of Engineers to expand the beneficial uses of the McClellan-Kerr Arkansas River navigation system to include, as a part of their overall mission, consideration of agricultural, industrial and municipal needs.

As I said last July, this bill would not cost the Government 1 red penny. It would not interfere in any way with the other authorized purposes of the McClellan-Kerr system, and it would not adversely affect the interests of any other State.

It would simply give the Army Engineers statutory authority to manipulate navigation pool levels on the Arkansas River to the extent practicable to benefit other potential users of the water. I don't think that anyone can argue against multiple usage of the river.

For years now summer droughts have been the bane of Arkansas farmers in our agriculture based delta lands. The levels of the Arkansas River at the different segments of the navigation system affect the levels of water in the tributaries that flow into and out of the Arkansas River. Experience has proven that pool levels can be controlled to a certain extent, and that raising the level of some pools, even by 1 foot, can raise the levels of tributary high enough to allow irrigation of drought stricken farm lands. We have seen it happen, Mr. President.

The Army Engineers insist that statutory authorization is the only way this can be done as a purposeful action. This legislation will simply increase the problem solving capability of this great navigation system, and allow it to become an even greater asset to the taxpayers who support it. Again, I thank the committee members and Chairman JOHNSTON, for working with us on this problem, and helping to solve it.

Mr. JOHNSTON. Mr. President, this amendment was informally cleared by the committee. As a matter of fact, we were waiting in the committee for Senator BUMPERS, who was called away temporarily from the Appropriations Committee, but we stated at the time that we wanted to close the bill and were prepared to take the amendment on the floor. The Senator does correctly describe it and we will therefore accept the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 1167) was agreed to.

Mr. BUMPERS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. JOHNSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1168

Mr. BUMPERS. Mr. President, I have a second amendment I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Arkansas, Mr. BUMPERS, proposes an amendment numbered 1168.

Mr. BUMPERS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 12, between lines 8 and 9 insert "Mill Creek, Fort Smith, Arkansas;"

Mr. BUMPERS. Mr. President, this involves a much needed Corps of Engineers flood control project in Fort Smith, AR, on a tributary to the Poteau River called Mill Creek. This provision is in the House bill. It is nearly a 50-percent cost-sharing project with the city of Fort Smith putting up 44 percent and the Corps of Engineers putting up the rest. One million dollars, is in the House bill to start the project and my amendment will provide the money from available funds within this bill.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, I have discussed this amendment with the Senator from Arkansas. I am sympathetic with it. It is in the House bill but, Mr. President, we have set a policy of not accepting amendments that are in the House bill for obvious reasons. With the explanation that we like the Senator's project, think it has merit, I hope the Senator will not insist on this matter so that when we go to conference, we will be able to consider it.

Mr. BUMPERS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSTON. Mr. President, I further discussed this project with the Senator from Arkansas. The problem with this project was in the House bill. As I understand it the city fathers at Fort Smith did not bring this matter to the attention of the Senator from Arkansas at the time the committee met. Had they done so, the merits of the project would indicate that we could take it. However, there are something like 150 to 200 projects in the House bill that are not included in the Senate bill. So we have to make a rule that we cannot accept those projects on the floor of the Senate. Otherwise, we would simply be beseiged and we are already up to our allocation although this is within available funds.

But we are very familiar with the project. It is a very meritorious project. And some projects will be accepted in the conference committee that are in the House bill and not in the Senate bill. I mean that is in the essence of compromise in the House. I can assure the Senator from Arkansas that his project is probably without peer because of its merit, its attractiveness, and the compelling nature of the arguments he has made on behalf of it.

Without promising on the record to take it in the conference committee, I think that is about as much as can be said on the floor of the Senate other than to say more would absolutely destroy any bargaining room one would have. But I think the Senator can expect that while we will bargain very hard with the House this project is likely to be one as to which there will be the least resistance.

I hope the Senator gets the message on what will happen in conference. Based on that, I hope he will recognize and tell the city fathers of Fort Smith to please let the Senator from Arkansas know in time next time because this project is such that had it been brought to our attention at the committee level it would undoubtedly have been approved unanimously.

Mr. BUMPERS. Mr. President, I thank the Senator very much. Mr. President, with that understanding I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. METZENBAUM, Mr. EVANS, and **Mr. NICKLES** addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Excuse me. I say to the Senator from Oklahoma that I heard the Senator on this side, the Senator from Washington, seeking recognition.

Mr. EVANS. Thank you, Mr. President.

AMENDMENT NO. 1169

Mr. EVANS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Washington [Mr. EVANS] for himself and Mr. ADAMS, proposes an amendment numbered 1169.

Mr. EVANS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> On page 36, line 15, insert the following new section:
>
> SEC. 206. Section 208 of the Reclamation Authorization Act of 1976 (90 Stat. 1324, 1327) is amended by deleting "$39,370,000 (January 1976 prices), plus or minus such amounts, if any," and inserting in lieu thereof "$88,000,000 (January 1987 prices), provided that of the $88,000,000 authorized herein, only $18,000,000 thereof may be adjusted by such amounts, plus or minus,".

Mr. EVANS. Mr. President, I believe this amendment has been cleared on both sides. This amendment is needed for the Oroville-Tonasket Irrigation project in the State of Washington. It is for an increase in authorization and not appropriation, in order to complete a project which the Bureau of Reclamation agrees was not done well in the first place by the Bureau.

It is the same as a bill which passed the House earlier this year and which, unfortunately, has gotten held up in the House.

As I say, I believe it has been cleared on both sides.

Mr. President, today I am offering, along with my distinguished colleague from Washington, Senator BROCK ADAMS, an amendment to the energy and water development appropriations bill that exactly mirrors a bill that the Senate passed earlier in October, S. 649. This amendment is needed to increase the authorization ceiling level by $18 million on the Oroville-Tonasket Irrigation project in our State. I would like to add that the House of Representatives has also approved this authorization ceiling increase in title 2 of S. 640, its omnibus water projects authorization bill.

The Bureau needs to award contracts for the completion of this project by December, which is why I am here today with this amendment. The House and Senate negotiations on other sections of the House-passed bill that are controversial will take more time than we have to wait on the Oroville-Tonasket project. This amendment will ensure that the Bureau can proceed expeditiously in completing this project. The amendment authorizes an additional $18 million for the project and clarifies that under the current policies of the Bureau of Reclamation, only this $18 million is available for additional adjustments based on changes in the costs of construction. This amendment will serve a beneficial purpose in sending a clear message to the Bureau of Reclamation that we expect the project to be completed without further delay and within the cost estimates that we have been given.

It is my sincere hope that this legislation will lead to a speedy resolution of a problem that has plagued the farmers in the Oroville-Tonasket Irrigation District for too long—getting clean water from their irrigation system. The Oroville-Tonasket irrigation project was authorized by Congress in 1976 to replace an antiquated delivery system with a pressurized delivery system to benefit growers in north central Washington. At that time, the project was authorized at $39.4 million in January 1976 prices. In today's dollars, that translates to an authorization ceiling of $70.8 million. The Bureau now estimates that it will need $88 million to complete the project. This amount includes both the costs to complete the third phase of the project and to repair problems that have plagued the construction of the second phase of the project.

Due to problems relating to both insufficient analysis, inadequate design, and faulty materials in the second phase of construction, farmers have been struggling with a new system, that often delivers more silt than water. The irrigators dependent on the water delivery system have experienced heavy damage to sprinklers and regulators. In some cases, irrigators have not been able to use the system at all. Initial attempts to try to repair the system to make it work proved futile and frustrating.

Fortunately for the growers in the Oroville-Tonasket Irrigation District, the Bureau has finally admitted "it can't get there from here." It has scrapped its original attempt to fix the siltation problem and has agreed to construct siltation ponds at five pumping plants along the Okanogan River. Water will remain in the settling ponds for a few hours and then be screened to remove as much silt and other material from the water before it enters the grower's distribution systems. After many long months of discussing the issue, there is finally some agreement on how to proceed.

Mr. President, our farmers are dependent upon the Federal Government fulfilling the commitments made to them when Congress authorizes water projects. These farmers should not be subject to the endless delays and broken promises that so frequently accompany Bureau projects. I urge my colleagues to support the speedy passage of this amendment.

Mr. JOHNSTON. Mr. President, this is for the Oroville-Tonasket amendment. Mr. President, we have cleared the Oroville-Tonasket amendment. The staff on the minority side tells me that it has been cleared on the minority side as well.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Washington [Mr. EVANS].

The amendment (No. 1169) was agreed to.

Mr. EVANS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, the Senator from Ohio is prepared to go forward with an amendment in behalf of myself, Senator GRASSLEY, and Senator LEVIN, having to do with the right of contractors to use Federal funds to lobby Congress. It is my understanding that the staff and the Senator from Louisiana would like some time in order to see if we could work this matter out with the assurance of the Senator from Louisiana that the Senator from Ohio will be protected, that we will not go to final passage.

Mr. JOHNSTON. Mr. President, if I may tell the Senator the problem because there have been some press reports on this, the scientists from Lawrence Livermore Lab and the other labs have been a very fruitful source of information to us, particularly on nuclear matters both in this subcommittee, in other subcommittees and in the defense subcommittee of the Appropriations Committee. They were particularly useful this year on the subject of SDI because Lawrence Livermore is the lead lab on SDI. For example, one of their scientists came in and talked to me at great length about SDI, particularly about the space-based kinetic kill vehicles, about their capability. And some of the people at the Departments of Energy and Defense got very upset about the scientists coming in and talking to me about that. And I do not know whether there was a cause and effect relationship but it so happened that the rumor was out within days that the regulations referred to in our amendment were going to be amended to prevent them from lobbying, and in fact the amendment to that was submitted within a matter of days or weeks.

It seemed to us that the regulations may be an effort on the part of the Department to chill their scientists in giving us that kind of information.

Just this year on uranium enrichment, one of the leading scientists and experts on uranium enrichment, as a matter of fact on the AVLIS program, came to my office and later we had a long discussion at dinner that night on the subject of that which played a major role in molding the legislation which later had become uranium enrichment.

Understand that on the House side, about the same time all this was pending—and I was unaware of this—there was some complaint about a lobbying effort on behalf of the Department of Energy against the nuclear test ban. I did not know anything about that at the time I designed this amendment. I had in mind not to permit lobbying at all.

All we want to do is protect the right of scientists and technical personnel of our national labs to not only respond to a question but also to come in and give us information. These scientists would come in on a regular basis from time to time, sometimes to respond to questions, sometimes to tell us about their programs, sometimes to perhaps urge that we do something. I would hope that they would continue to be able to do this.

These are scientists; these are professionals. I think their degree of credibility and their degree of reliability is the best I know of. It is higher than the Department of Defense; it is higher than the National Academy of Sciences. Without saying it is higher than others, I say it is as high as any source I know of. It is a valuable resource to us.

I would like to be able to develop with the Senator from Ohio some language which says lobbying, no PR firms, no lavish expenditures, but let them communicate freely with Members of Congress and their staffs, not just to answer a question when asked before a hearing, in response to a subpoena, but to have a free-flowing exchange of ideas between scientists and Members of Congress and their staffs. That is a very valuable resource we have.

Mr. METZENBAUM. I say to the Senator that we are not in agreement, but we are not that far from disagreement. I have no problems with respect to scientists and physicists making their information available. But I think that if it is requested by a Member of Congress, you do not have to have a subpoena nor call a scientist and say, "I want you to show up here." That is one thing.

The other thing is, a scientist may have something he wants to say to you, and it is no problem for that scientist to pick up the telephone and say: "Senator JOHNSTON, this is Dr. Curie from National Lab, and I have information on X or Y, and I believe I can make that information available to you, but I am not in a position to come to Washington unless you invite me to do so, because I have no expense account with respect to being able to do that."

The other thing is, I do not see any problem, either, about a scientist walking into your office and saying to you: "Senator, I think there are some problems with what you are doing." He does not have to get paid by the Government to do that. It is going to take him 15 minutes or a half hour to do that. Once he comes in, if you want that information, you are in a position to explore that subject with him and say: "I'm happy you're here, and I wonder if you could stay another couple of days or come back next week for a hearing."

The amendment of the Senator from Louisiana goes too far, and the GAO has indicated that, because the amendment provides that the Department of Energy acquisition regulations which have to do with this whole matter of expenditures for lobbying shall not apply to the management and operating contractors for the Department of Energy national laboratories. That means the door is wide open for all these contractors, all these labs, to come in and lobby at the Government's expense.

The GAO, in a report they came out with recently, specifically addressed themselves to this subject.

So I say to the Senator from Louisiana that we may be able to work this out. But I do not want scientists or others to be able to come here on the basis that they are scientists and they are bringing information when, indeed, they are lobbying and having the Federal Government pay for it. I think that is inappropriate.

If we can work out language along that line, I am sure we will be in agreement and have an acceptable amendment. If not, Senator GRASSLEY, Senator LEVIN, and I will offer an amendment.

As I understand, the point of the Senator from Louisiana was that he preferred that we not go forward with the amendment at this moment and that we make an effort to work it out. That is perfectly agreeable with me, with the understanding that you will not take the bill to final passage until I have an opportunity on this issue.

Mr. JOHNSTON. We may or may not be able to work out the amendment. I would like to narrow the differences.

I do not want to make it so that somebody cannot come into my office and have to be cleared by headquarters as to what he can tell me or that I have to request of him that which he can tell me.

Mr. METZENBAUM. That is fine with me, as long as we do not pay for it.

Mr. JOHNSTON. He should not have to come here at his expense. These scientists make regular trips up here.

I can tell the Senator that, as chairman of the Energy and Water Subcommittee, we have jurisdiction over the Department of Energy, all these national labs. They are a great resource. For all the years I have been here, they have been a tremendous resource.

If the Senator must know, they talk to me about nuclear testing. Let me tell you what they told me. I do not know whether I asked them first or they told me, or whether it was before a hearing. But they stated clearly that we should not all of a sudden impose nuclear test limits, because we perhaps freeze in time an advantage that the Soviets might have.

For example, they may have conducted 20 tests and just completed those and say, "OK, let's have a freeze." We may be ready to start our 20 tests; and if you freeze at the wrong time, they may have a great advantage.

You may have, for example, the D-5 missile, which is a brand new missile, which has been developed, and now we are in the testing time. We have put billions of dollars in that. If you freeze a test ban, you might prevent the whole weapons system from being used at all. I think the Senator agrees with me that it should not be tested in the 12 MIRV mode.

Not only is there nothing wrong with their volunteering that information, if that is lobbying, but also, it is in the vital national interest. Somehow, we should be able to protect that right.

We are big boys and they are scientists. We are not going to have our minds polluted by somebody coming in and saying, "Here are the facts." After all, do we have to protect ourselves against a scientist?

Mr. METZENBAUM. No, but does the great body of the American public have to pay for lobbying for these contractors in order to get more money or more contracts from the Federal Government? It is a contradiction in terms. Why should the taxpayer be called upon to pay for these contractors to lobby us?

If you want to ask the scientist to come in, fine. If the scientist calls you or writes and says, "I have something to say, and at your invitation I would be glad to travel from California to Washington," fine. I am not talking about that.

I am talking about lobbying. I am talking about trying to have an impact on the legislative process. I am not trying to deny you or any other Member of the information these people have available, and I am prepared to agree with you that they do have a great deal of information that is available.

Mr. JOHNSTON. Mr. President, perhaps we have the seeds of a compromise here. I am not talking about the military-industrial complex contractors. It is the contractor who runs Los Alamos and Lawrence Livermore and Lawrence Livermore Berkeley is the University of California. I think they are a-dollar-a-year contractor. Really, they are the manager of the scientists and it is not somebody who is in it for profit. Perhaps an exception for employees of the University of California could solve our problem.

I hope with that explanation we can then go to work privately and see if we can work out these differences.

Mr. METZENBAUM. We would be glad to try to work it out with the understanding that if we cannot before the bill gets to final passage, the position of the Senator from Ohio will be protected.

Mr. JOHNSTON. Yes, it will.

Mr. METZENBAUM. I thank the Senator.

AMENDMENT NO. 1170

(Purpose: Provide for the extension the license for hydroelectric development at Bloomington Dam, MD)

AMENDMENT NO. 1171

(Purpose: Increase the cost ceiling for the Noyes, MN, local protection project)

Mr. JOHNSTON. Mr. President, I send two amendments to the desk and ask unanimous consent that they be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendments.

The assistant legislative clerk read as follows:

The Senator from Louisiana (Mr. JOHNSTON) for Ms. MIKULSKI proposes an amendment numbered 1170 and for Mr. DURENBERGER proposes an amendment numbered 1171 en bloc.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 1170

On page 49 after line 20 insert the following:

"SEC. . The Federal Energy Regulatory Commission is authorized to extend the time period required for commencement of construction of Project No. 4506 for an additional two years upon application by the licensee to the Federal Energy Regulatory Commission if the Federal Energy Regulatory Commission determines that an extension is warranted under the standard set forth in section 13 of the Federal Power Act and is in the public interest."

AMENDMENT NO. 1171

On page 18 after line 19 insert the following:

"SEC. . The undesignated paragraph under the heading "Noyes, Minnesota, in section 401(d) of Public Law 99-662 (100 Stat. 4131) is amended by striking out "$250,000" and inserting in lieu thereof "$650,000"."

Mr. JOHNSTON Mr. President, the first amendment provides for a 2-year extension of the hydroelectric license at Bloomington Dam in Maryland by the Federal Regulatory Commission. That amendment is submitted on behalf of Senator MIKULSKI.

The second amendment raises the cost ceiling on the Noyes, MI, project from $250,000 to $650,000.

These amendments have been cleared by the authorizing committee and have no budgetary impact.

The PRESIDING OFFICER. Is there further debate on the amendments?

If not, the question is on agreeing to the amendments of the Senator from Louisiana.

The amendments (No. 1170 and No. 1171) were agreed to.

Mr. JOHNSTON. Mr. President, I move to reconsider the vote by which the amendments were agreed to.

Mr. EVANS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1172

Mr. JOHNSTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. JOHNSTON] proposes an amendment numbered 1172.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On p. 41, line 20, after the word "operations.", insert the following:

"*Provided further*, That of these funds, $20,000,000 shall be made available for the Hanford Waste Revitrification Plant (Project 88-D-173)."

Mr. JOHNSTON. Mr. President, this is a reallocation of funds within the bill costing no additional funds that reallocates up to $20 million to be made available for the Hanford waste revitrification plant. The reallocation is within the nuclear accounts.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment of the Senator from Louisiana.

The amendment (No. 1172) was agreed to.

Mr. JOHNSTON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. EVANS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JOHNSTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HECHT. Mr. President, I ask unanimous consent that the order for the quroum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1173

(Purpose: To study potential earthquake effects on a Yucca Mountain nuclear waste repository site)

AMENDMENT NO. 1174

(Purpose: To provide a study of reprocessing of spent fuel)

AMENDMENT NO. 1175

(Purpose: To authorize funds for upgrading transportation facilities in the State affected by the siting of a nuclear waste repository)

AMENDMENT NO. 1176

AMENDMENT NO. 1177

(Purpose: To establish an Office of Subseabed Disposal Research)

Mr. HECHT. Mr. President, I send several amendments to the desk and ask that they be considered en bloc and ask for their immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendments.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. HECHT] proposes amendments numbered, 1173, 1174, 1175, 1176, and 1177.

Mr. HECHT. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 1173

On page 40, insert at the end of the provision with the caption Nuclear Waste Disposal Fund, the following:

"Except that such measure shall be effective as if it had been enacted with the following amendment included therein:

'On page 33, line 9, insert the following new section 7 and redesignate section 7 as section 8:

'REPORT

'SEC. 7. In the event that the Secretary undertakes characterization of a site at Yucca Mountain, Nevada, for a nuclear waste repository, under the Nuclear Waste Policy Act of 1982, as amended, such site characterization shall include research to examine the potential effects on such site of continued testing of nuclear weapons at the Nevada Test Site including, but not limited to, whether such testing would cause earthquakes at such site, movement along faults affecting such site, or damage to such a repository if located at such site.'."

AMENDMENT NO. 1174

On page 40, insert at the end of the provision with the caption Nuclear Waste Disposal Fund, the following:

"Except that such measure shall be effective as if it had been enacted with the following amendment included therein:

'(1) insert the following new section 11 of the Nuclear Waste Policy Act of 1982 on page 30, line 8, of said bill:

'REPORT

'SEC. 11. The comprehensive statement of the Secretary pursuant to section 114 shall include a comparative analysis of the economics of nuclear waste management strategies based on (1) reprocessing spent fuel as a source of new fuel for light water reactors and the disposal of the resultant nuclear wastes and (2) direct disposal of spent fuel. Such analysis shall also compare the advantages and disadvantages of such strategies.'."

AMENDMENT NO. 1175

On page 40, insert at the end of the provision with the caption Nuclear Waste Disposal Fund, the following:

"Except that such measure shall be effective as if it had been enacted with the following amendment included therein:

'(1) on page 31, line 19, delete the quote and insert in lieu thereof the following new subsection:

'(f) There is hereby authorized to be appropriated such fund as may be necessary from the Nuclear Waste Fund, without fiscal year limitation, to the Secretary of Energy for use in the upgrading and construction of road and rail facilities to be utilized in the transportation of spent nuclear fuel and highlevel radioactive waste within the State in which a repository is located under this Act. Obligation of such funds by the Secretary shall be on the basis of need as determined by the Secretary after consideration of the availability of alternative sources of funding. Obligations of funds under this subsection may be made only after consultation with the governor of such State.'."

AMENDMENT NO. 1176

At the appropriate place in the bill add the following:

"Within 45 days of the passage of this Act, the Secretary is directed to report to the Congress on the amount of funds necessary annually ever the next 5 years to:

"(1) Conduct a detailed research program on the subseabed disposal of nuclear wastes;

"(2) Identify and assess potential impacts of subseabed disposal on human health and the marine environment; and

"(3) Develop preliminary designs for a subseabed disposal system, including estimated costs and institutional requirements.".

AMENDMENT NO. 1177

On page 40, insert at the end of the provision with the caption Nuclear Waste Disposal Fund, the following:

"Except that such measure shall be effective as if it had been enacted with the following amendment included therein:

'On page 33, between lines 8 and 9, insert the following new section, and renumber the subsequent sections accordingly:

'SUBSEABED DISPOSAL

'SEC. 7(a) OFFICE OF SEABED DISPOSAL RESEARCH.—There is hereby established an Office of Subseabed Disposal Research within the Office of Energy Research of the Department of Energy. The Office shall be headed by a Director, who shall be a member of the Senior Executive Service appointed by the Director of the Office of Energy Research, and compensated at a rate determined by applicable law.

'(b) FUNCTIONS OF DIRECTOR.—The Director of the Office of Subseabed Disposal Research shall be responsible for carrying out research, development, and demonstration activities on all aspects of subseabed disposal of high level radioactive waste and spent nuclear fuel, subject to the general supervision of the Secretary. The Director of the Office shall be directly responsible to the Director of the Office of Energy Research, and the first such Director shall be appointed within thirty days of the date of enactment of this Act.

'(c) In carrying out his responsibilities under this Act, the Secretary may make grants to, or enter into contracts with, the Seabed Consortium described in Subsection (d) of this Section, and other persons.

'(d) SEABED CONSORTIUM.—(1) Within 60 days of the date of enactment of this Act, the Secretary shall establish a university-based Seabed Consortium involving leading oceanographic universities and institutions, national laboratories, and other organizations to investigate the technical and institutional feasibility of subseabed disposal.

'(2) The Seabed Consortium shall develop a research plan and budget to achieve the following objectives by 1995:

'(i) demonstrate the capacity to identify and characterize potential subseabed disposal sites;

'(ii) develop conceptual design for a subseabed disposal system, including estimated costs and institutional requirements; and

'(iii) identify and assess the potential impacts of subseabed disposal on the human and marine environment.

'(3) In 1990, and again in 1995, the Subseabed Consortium shall report to Congress on the progress being made in achieving the objectives of subparagraph (2).

'(e) ANNUAL REPORT.—The Director of the Office of Subseabed Disposal Research shall annually prepare and submit a report to the Congress on the activities and expenditures of the Office.

'(f) FUNDING AUTHORIZATION.—Such funds are hereby authorized to be appropriated as are necessary for carrying out the purposes of this section.'."

Mr. HECHT. Mr. President, I ask unanimous consent that Senator REID be listed as a cosponsor of these amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HECHT. Mr. President, this amendment ensures that, in the event the Energy Department ever does characterize a site at Yucca Mountain for a high level nuclear waste repository, then that site characterization work will be technically complete by addressing one very important area.

I am speaking about the very real possibility that the regular testing of nuclear devices at the Nevada test site, a mere handful of miles away from the Yucca Mountain site that is being considered for a repository, may pose serious problems for the long-term viability of a repository.

The Nevada test site is about 35 percent used up at present, which means that future weapons testing is inevitably going to get closer and closer to the proposed repository site. Now everyone who lives in southern Nevada has their favorite stories about the Earth shaking when nuclear explosions have been detonated at the test site. If weapons testing can shake the ground in Las Vegas, approximately 65 miles from the test site, then imagine what it would feel like at a much closer distance. Yucca Mountain is only about 10 miles from active testing areas in the Nevada test site. Over time, as I have said, we can expect the testing to get closer and closer to the repository site.

This makes it very important for us to find out what the effects might be on a repository of the manmade earthquakes that are regularly produced by nuclear weapons tests occurring nearby. I initially raised this issue nearly 2 years ago. I was shocked that the Energy Department actually refused to consider this very obvious and legitimate question. After nearly a year of my insisting that this technical issue must be addressed, the Department finally agreed I was right, and offered assurances that this issue of manmade earthquakes would be fully considered. However, after seeing how the Department has flip-flopped numerous times with its nuclear waste program in the last few years, I think the people of Nevada and the rest of the Nation deserve the type of assurance with regard to this issue that can only be given through legislative direction.

This amendment is not only important to the people of Nevada, but also to all Americans, because failure to carry out the work contemplated by the amendment could lead to a situation that would be harmful to all Americans. If, despite my best efforts and strong opposition, a repository were to someday open up at Yucca Mountain, what would we do if after 5 or 10 years of operation we suddenly discovered that manmade earthquakes from weapons testing had ruptured the repository, or that the repository was in danger of being ruptured? What would we do? As I see it, there would be only two choices. First, we could close down the repository, removing all the waste that had been put in place up to that time, and begin again the search for a new repository.

This would mean walking away from a multibillion dollar investment, writing off years of effort and expenditures. We would be faced with the biggest and most expensive monument to Government folly in the entire history of civilization. It would also mean that all of a sudden, many other States would suddenly find themselves in the running for a repository, and we would be down here on the floor of the Senate reliving this debate. Only this time it would be some other States whose futures would be linked against their will with a repository.

I did say there were two choices, Mr. President, but I suspect my colleagues will view the second alternative even less favorably than the first. If a repository were damaged, or about to be damaged by nuclear weapons testing, we could do something else.

Instead of moving the repository, we could move the weapons testing to another State. Nevadans have put up with nuclear bombs going off in their backyards for decades. The Nevada test site is a very important facility that is essential for maintaining a strong America, but I wonder how many other Senators here would be willing to have nuclear weapons regularly exploding within their own States. I suspect that not too many Senators would rush down to the floor here to volunteer their States for this type of activity.

All things considered, Mr. President, I think it should be pretty obvious that we better find out about any possible conflict between a repository at Yucca Mountain and the weapons testing program at the Nevada test site before a repository gets built, and not afterwards.

I therefore encourage my colleagues to support this amendment.

REPROCESSING STUDY AMENDMENT

Mr. President, this amendment would allow this Nation to take a second look at the option of reprocessing spent nuclear fuel before the Energy Department actually goes out and starts building a deep geologic repository somewhere.

If the current plans of the Energy Department are allowed to be implemented, then sometime around the turn of the century the Congress will be presented with the name of a single site where the Department will want to construct a repository. This will take place after the site characterization work has been done, after the Energy Department has concluded that they have found a safe place for the repository, and just prior to the Governor of the affected State having the opportunity to veto the Department's selection.

My amendment will make sure that once that choice is made by the Department, and forwarded by the President to the Congress, that we in the Congress will have one last opportunity to consider the advantages of reprocessing spent nuclear fuel, before the Energy Department starts pouring the concrete at a repository construction site.

Mr. President, 15 years is a long time in the energy business. It is entirely possible that the economics of reprocessing will look very different by the turn of the century, especially in light of the rapid developments in technology, some of which I have reported to my colleagues during the extended debate on this issue.

In the long run, Mr. President, I am convinced that this country will reprocess spent nuclear fuel instead of putting down into a deep geologic repository. My amendment will hopefully make this eventual transition easier to accomplish.

I urge my colleagues to accept this amendment.

TRANSPORTATION AMENDMENT

Mr. President, this amendment is designed to protect communities within a State that contains a high level nuclear waste repository. The communities within this State will have to bear the risks and inconvenience associated with having large amounts of high level nuclear waste from all around the country coverging on their local areas.

The Energy Department plans to ship approximately 3,000 metric tons of waste to a repository each year, when and if one actually opens up. If there was a monitored retrievable storage facility actively collecting and repackaging this waste from the Eastern and Midwestern nuclear power plants, then this 3,000 metric tons of waste would require about 50 trainloads of waste to a repository each year. That means that about once a week a waste train would come rolling across the country to Texas, Washington, or Nevada. Without an MRS, this waste would converge on a repository in about 1,000 truck shipments a year or about 350 rail shipments a year.

Any way you look at it, the State and local communities that have to live with a repository are going to have to put up with a constant campaign of nuclear waste shipments that will continue for decades. The people who live near a repository will bear a greater risk from the transportation of this material than any other citizens in our country. I think they deserve to have special protection against that risk.

My amendment would go a long way toward providing special protection by authorizing funds for transportation improvements within the State where a repository is located. This money could be appropriated by a later Congress once a site for a repository has been chosen, and actual construction of that repository would be about to begin. The money could be used, for instance, to build a special road or railroad track that detours shipments of waste around cities within the repository State. The appropriated funds would be spent out of the nuclear waste fund after the Secretary of Energy has consulted with the Governor of the repository State, to determine which transportation projects would be the most beneficial.

Mr. President, I think this is a fairness amendment. I think this is a common sense amendment. I urge its adoption.

SUBSEABED RESEARCH FUNDING AMENDMENT

Mr. President, this amendment earmarks $5 million from the funding of the Energy Department and requires the Energy Department to promptly report on the cost of further research on the subseabed disposal of high level nuclear waste.

Specifically, the Department will estimate the cost of three things:

First, a detailed research plan for the characterization of subseabed candidate sites in the Atlantic and Pacific Oceans;

Second, the potential impacts of subseabed disposal on human health and the marine environment; and

Third, preliminary designs for a subseabed disposal system, including estimated costs and institutional requirements.

In markup on S. 1668, the Energy Committee expressed some interest in further research that might be done on subseabed disposal, but the Appropriations Committee did not provide any money at all for this work.

Mr. President, as I have stated earlier, both the National Association of Regulatory Utility Commissioners, and the Edison Electric Institute are on record in support of further research on subseabed disposal. In other words, both the industry regulators and the industry see the need for this work.

In closing, let me say that this work is necessary, it is appropriate, it is supported by industry, prominent institutions of higher learning, and the States.

SUBSEABED OFFICE AMENDMENT

Mr. President, this amendment will set up a special office in the Department of Energy to carry out research on the possibility of subseabed disposal of high-level nuclear waste.

The Federal Government has been participating in this research since 1974. By 1985 10 other nations had joined the United States in a cooperative research effort on this subject, with America contributing only about 42 percent of the total research budget. Subseabed is potentially a superior alternative to our current plans for high level nuclear waste. It may prove to be cheaper and safer. This research allows us to cooperate with other nations in finding a common solution to the waste problem, and a solution that reduces the chances of nuclear proliferation. Finally, this research enables America to stay at the cutting edge of ocean research and technological development.

In the past, this research has been under the administrative direction of the Office of Civilian Radioactive Waste Management at the Energy Department. Unfortunately, that office has shown little or no interest in the alternative of subseabed disposal, but instead has been preoccupied with promoting deep geologic disposal inside the Continental United States. As a result, subseabed disposal research was not funded as it was intended according to the Nuclear Waste Policy Act of 1982, it is entirely possible that the Energy Department's entire Waste Disposal Program might unravel due to a legal challenge under the National Environmental Policy Act.

If subseabed research is to receive the attention it deserves from the Energy Department, I believe the Congress is going to have to put another part of the Department in charge of this research effort. This amendment puts the program in the Office of Energy Research, where I expect it will receive more attention from the Department.

Mr. President, I am very pleased that the chairman of the House Committee on Merchant Marine and Fisheries, Congressman JONES of North Carolina, has recently introduced H.R. 3499, a bill that is very similar to the amendment that I am proposing here today.

Clearly there is bipartisan interest on both sides of Capitol Hill in keeping research going on the subseabed disposal of high level nulcear waste. I believe I have offered a useful and helpful amendment on this subject, and I urge my colleagues to adopt it.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. JOHNSTON. Mr. President, we have carefully gone over the amendments of the distinguished Senator from Nevada over a period of time, as a matter of fact. I thank him for his cooperation in getting these amendments in acceptable form and we do agree to them en bloc.

The PRESIDING OFFICER. Is there further debate on these amendments?

If not, the question is on agreeing to the amendments.

The amendments (Nos. 1173, 1174, 1175, 1176, and 1177) were agreed to.

Mr. JOHNSTON. Mr. President, I move to reconsider the vote by which the amendments were agreed to.

Mr. HECHT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JOHNSTON. Mr. President, we will soon ask to amend the unanimous-consent agreement with respect to nuclear waste disposal. I would like to explain for the benefit of Senators what we have in mind here and I guess we will probably do a hotline on this.

But what we want to do is this: to revise the unanimous-consent agreement of November 10, governing nuclear waste disposal amendments to be modified to read as follows: One, that Senator ADAMS be recognized to offer one amendment on nuclear waste with a time limitation of 1½ hours, equally divided; two, that any second-degree amendments to the Adams amendment be germane and time for debate be limited to 20 minutes, equally divided, and in the usual form; three, that Senator BREAUX be recognized to make a motion to recommit the bill with instructions relating to the nuclear issue, and that no point of order under rules XV or XVI be in order, that any amendments to the instructions be germane and limited to 20 minutes equally divided, and in the usual form, and that debate on the motion be limited to 2 hours, equally divided and controlled by Senators BREAUX and JOHNSTON; and, four, that no other first-degree amendments or recommitment motions related to nuclear waste be in order.

Mr. President, I think that this unanimous-consent agreement reflects exactly the unanimous-consent agreement at present and as Senator ADAMS has amended, save in the one respect that no other first-degree amendments or recommittal motions relations to nuclear waste be in order. I know of no such amendment. This unanimous-consent agreement would simpy be a way of in effect going to third reading on the subject of nuclear waste leaving the bill open, of course, to amendments to any other subject.

I am not going to ask that unanimous consent now but simply give that notice and that explanation for my colleagues and we will soon do a hotline on that.

Mr. DOMENICI. Mr. President, will the distinguished chairman yield?

Mr. JOHNSTON. I yield.

Mr. DOMENICI. I say to my friend from Louisiana, that he mentioned in that proposed unanimous-consent agreement certain Senators with proposed amendments on the subject and I understand from our side that we would like him to include Senator MURKOWSKI from Alaska as having an amendment.

Mr. JOHNSTON. Is that on nuclear waste?

Mr. DOMENICI. On nuclear waste. I know nothing more about it other than I was asked to inform the Senator of that at this point.

Mr. JOHNSTON. I thank the Senator for telling me that. Obviously this will have to be revised to reflect that so if Senator MURKOWSKI's staff would let us know if it is just one amendment and I understand it is just one amendment——

Mr. DOMENICI. The Senator is correct.

Mr. JOHNSTON. That will be germane. Would it have any second-degree amendment, or second-degree amendment limited to 20 minutes I would assume. But we will clear that with Senator MURKOWSKI before we ask for it.

Mr. DOMENICI. I assume with this colloquy plus the staff being informed what we just said they will get to Senator MURKOWSKI's office. If the Senator needs further clarification we will have it for him shortly.

But we want his, Senator MURKOWSKI's name included with those others that the Senator named.

Mr. JOHNSTON. I thank the Senator.

Mr. NICKLES. Mr. President, I ask unanimous consent to proceed as if in morning business for not to exceed 10 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

THE DEFICIT

Mr. NICKLES. Mr. President, we have heard a lot of discussion during the last few days and we have a lot of Senators who are involved in negotiations with the White House and Members of Congress in trying to bring down the deficit. I wish them well.

We have heard a lot of discussion about how evil the deficit is, how it has contributed to the stock market collapse. I heard my good friend, the Senator from Arkansas, make a very fine statement today about the deficit. I think probably at one time or another most Senators have made comments concerning the need to bring the deficit down.

I have a chart, Mr. President, I sent to all of my colleagues, and I will have it entered into the RECORD. It is an analysis of Federal spending for the years 1980 through the year 1987 and projected for the year 1988. One of the things I think a lot of people are not aware of is the fact that last year, between fiscal year 1986 and 1987, we had a very significant, a very real reduction in the deficit. We actually had last year a very a very low rate of growth in spending; actually 1 percent. Spending grew $12 billion last year from $990 billion to $1.2 trillion, an increase of $12 billion or 1 percent. Revenues last year grew $85 billion or 11 percent. That is remarkable. So you also had revenues growing by $85 billion and you had spending growing $12 billion.

The net result was last year we had a deficit reduction of $73 billion, the largest reduction in the deficit that we have had in our history; a very significant reduction in the deficit. And you see these lines saving Federal spending and revenues really start to close up.

I would hope that my colleagues and I and others, when we are working on the budget plan for 1988 and the budget plan for 1989, 1990, and 1991, that we would be successful in maintaining the very low rate of growth in total spending. Because, as the chart shows, spending has risen and risen substantially from the year 1980 all the way thorough the year 1987. But it is just starting to slow down. Actually, as the chart shows—and my enclosed chart that I will put in the RECORD—spending has been slowing down. In the year 1985 to 1986, spending grew 5 percent. The year before that, it grew 11 percent. And it has for all the past several years.

Finally, we have taken inflation out of this big Government surge of spending; so we need to keep it low. I think we can make further significant, substantial reductions in the deficit if we can hold the growth of spending down to 1 or 2 percent per year. It can be done, it was done last year. It can be done without hurting people. It can be done without gutting programs. We are not talking about cutting spending. We are talking about maintaining or controlling the growth of spending. Revenues are growing and revenues are growing fairly rapidly, as I mentioned, last year, revenues grew by 11 percent. I doubt that they will continue to grow at 11 percent. That is very unusual and that is very high.

If we can maintain or hold the growth of spending levels down, revenue levels will catch up and we can achieve that without a significant tax increase.

A lot of people say, "Oh, we can't close the gap without a big tax increase." I disagree. I think if we can just hold the growth of spending down to 1 or 2 percent, maybe even slightly above that, if the growth of revenues is significantly more, we can make significant, substantial real deficit reduction. Again, I will just cite to my colleagues, revenues grew in 1986, the figure was $769 billion; last year, $854 billion, an $85 billion increase in revenues.

Mr. BUMPERS. Will the Senator yield for a question?

Mr. NICKLES. I will be happy to yield.

Mr. BUMPERS. The Senator alluded to the fact that revenues grew $85 billion last year, which he correctly points out is by far the biggest increase in revenues ever in the history of the country.

Mr. NICKLES. Not quite.

Mr. BUMPERS. That is not likely to be repeated any time soon. As the Senator knows, we had a lot of growth rate last year. But the principal reason for that was a big increase in Social Security collections, plus most people were selling stocks to get the 20 percent capital gains rate. And so we collected a tremendous amount of capital gains revenue last year as a result of that.

As a matter of fact, I think when you compare last year's $85 billion increase in revenues with the average increase over the past several years of about $35 billion, you can see there is a real aberration there.

Mr. NICKLES. I beg your pardon, Senator. I am going to have to correct you on your statistics. In the first place—and I will enclose this chart into the RECORD, as well—but it shows exactly where that $85 billion came from. We had 11-percent growth in individual income taxes. We had a 32-percent growth in corporate income taxes. We had a 13-percent growth in revenues from customs; 8-percent growth in excise taxes; estate and gift taxes; social insurance taxes. Social Security, as the Senator alluded to, went up 7 percent, and on and on. I will include this in the RECORD.

You mentioned that the average revenue increase was $35 billion for the last several years. I will give you what the actual last year revenue increases was. From 1985 to 1986, revenue increased by $35 billion. From 1984 to 1985 the increase was $67 billion. From 1983 to 1984, revenues increased by $65 billion. The year before that, revenues went down by $17 billion. That was in the year, 1982, when we had a recession. The year before that 1981, revenue increased by $18 billion. If you took the average of those figures, you might not be that far off from an average increase of $35 billion.

Mr. BUMPERS. I do stand corrected. I think, though, if you will take roughly the 5-year average from 1981, you will find that it is about $35 billion. That is what I said, an average increase of $35 billion, which also happens to be the increase for 1986.

But let me just pursue one further point. Could the Senator tell me, if he knows, how much of that deficit reduction last year and revenue increase was a result of trust funds, such as Social Security?

Mr. NICKLES. Again, I have it for the RECORD. I will include all of these figures in the RECORD.

I think the principal point I am going to have to make—is that the main reason we had an $73 billion reduction in the deficit is because spending went up 1 percent. That is historic. Revenues fluctuated somewhat and expenditures have gone on and increased at significant rates. That is also included in the information which I am supplying to my friend from Arkansas and all of our colleagues.

I send this out with not a particular campaign in mind, except to let people see what the facts are. We even put down the percentage of growth in each department, each category in expenditures, and then we also show the increases in revenue.

The point I am making is that we have something that has happened. We have been successful. Last year, for whatever reason, primarily because of low inflation growth, expenditures grew very slowly.

What I would hope that we could do is that we would work, both on the Appropriations Committee and on the Budget Committee, and on the special task force that is working to reduce the deficit to try, to hold down the growth of spending. And maybe that means, instead of having a baseline using last year's figure and adding 4.2 percent, maybe it would mean using a baseline of last year's figure. I think that would be a step in the right direction. It may mean other procedural reforms which some of us may support and some of us may not, such as enhancement rescission or line item vetoes and so on.

But through whatever technique, I hope that we would work to cap or slow the growth of spending down so if we do have revenues, if we do have tax increases, it will actually be used to bridge the gap and not to continue the cycle of spending and spending and not really closing the deficit gap. I think that is awfully important.

Mr. President, I have a couple of things that I would like entered into the RECORD.

I ask unanimous consent to have printed in the RECORD a table entitled "Analysis of Federal Spending," as well as a "Summary of Receipts by Source and Outlays by Function of the U.S. Government" from the Department of Treasury.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ANALYSIS OF FEDERAL SPENDING 1980–88[1]

	1980 actual	1980–81 increase/decrease		1981 actual	1981–82 increase/decrease		1982 actual	1982–83 increase/decrease		1983 actual	1983–84 increase/decrease		1984 actual
		Amount	Percent		Amount	Percent		Amount	Percent		Amount	Percent	
Defense	134.00	23.50	.18	157.50	27.80	.18	185.30	24.60	.13	209.90	17.50	.08	227.40
International Affairs	12.70	.40	.03	13.10	−.80	−.06	12.30	−.50	−.04	11.80	4.10	.35	15.90
General Science	5.80	.70	.12	6.50	.70	.11	7.20	.70	.10	7.90	.40	.05	8.30
Energy	10.20	5.00	.49	15.20	−1.70	−.11	13.50	−4.10	−.30	9.40	−2.30	−.24	7.10
Natural Resources	13.90	−.30	−.02	13.60	−.60	−.04	13.00	−.30	−.02	12.70	−.10	−.01	12.60
Agriculture	8.80	2.50	.28	11.30	4.60	.41	15.90	7.00	.44	22.90	−9.30	−.41	13.60
Commerce & Housing Cr	9.40	−1.20	−.13	8.20	−1.90	−.23	6.30	.40	.06	6.70	.20	.03	6.90
Transportation	21.30	2.10	.10	23.40	−2.80	−.12	20.60	.70	.03	21.30	2.40	.11	23.70
Community & Reg Dev	11.30	−.70	−.06	10.60	−2.30	−.22	8.30	−.70	−.08	7.60	.10	.01	7.70
Educ. Training, Emp	31.80	1.90	.06	33.70	−6.70	−.20	27.00	−.40	−.01	26.60	1.00	.04	27.60
Health	23.20	3.70	.16	26.90	.50	.02	27.40	1.20	.04	28.60	1.80	.06	30.40
Social Security	119.00	20.60	.17	139.60	16.40	.12	156.00	14.70	.09	170.70	7.50	.04	178.20
Medicare	32.00	10.00	.31	42.00	4.60	.11	46.60	6.00	.13	52.60	4.90	.09	57.50
Income Security	86.50	13.20	.15	99.70	8.00	.08	107.70	14.90	.14	122.60	−10.30	.08	112.30
Veterans Benefits	21.20	1.80	.08	23.00	1.00	.04	24.00	.80	.03	24.80	.80	.03	25.60
Admin of Justice	4.60	.20	.04	4.80	−.10	−.02	4.70	.40	.09	5.10	.60	.12	5.70
General Government	4.40	.20	.05	4.60	−.10	−.02	4.50	.30	.07	4.80	.30	.06	5.10
Gen Purp Fiscal Asst	8.60	−1.70	−.20	6.90	−.50	−.07	6.40	.10	.02	6.50	.30	.05	6.80
Net Interest	52.50	16.20	.31	68.70	16.30	.24	85.00	4.80	.06	89.80	21.30	.24	111.10
Allowances		(2)	(2)		(2)	(2)		(2)	(2)		(2)	(2)	
Undist Offset Receipts	−19.90	−8.10	.41	−28.00	1.90	−.07	−26.10	−7.90	.30	−34.00	2.00	−.06	−32.00
Total budget	590.90	87.30	.15	678.20	67.50	.10	745.70	62.60	.08	808.30	43.50	.05	851.80
Receipts	517.10	82.20	.16	599.30	18.50	.03	617.80	−17.20	−.03	600.60	65.90	.11	666.50
Deficit	73.80	5.10	.07	78.90	49.00	.62	127.90	79.80	.62	207.70	−22.40	−.11	185.30
GNP Growth	−.20			1.90			−2.50			3.60			6.80
CPI	13.50			10.40			6.10			3.20			4.30

[1] Totals may not add due to rounding.
[2] ERR.

ANALYSIS OF FEDERAL SPENDING 1980–88[1]

	1984–85 increase/decrease		1985 actual	1985–86 increase/decrease		1986 actual	1986–87 increase/decrease		1987 actual	1987–88 increase/decrease		1988 estimate
	Amount	Percent		Amount	Percent		Amount	Percent		Amount	Percent	
Defense	25.30	0.11	252.70	20.68	0.08	273.38	8.63	0.03	282.01	7.59	0.03	289.60
International Affairs	.30	.02	16.20	−2.05	−.13	14.15	−2.39	−.17	11.76	4.94	.42	16.70
General Science	.30	.04	8.60	.38	.04	8.98	.21	.02	9.19	2.81	.31	12.00
Energy	−1.40	−.20	5.70	−.97	−.17	4.73	−.56	−.12	4.17	−.47	−.11	3.70
Natural Resources	.80	.06	13.40	.23	.02	13.63	−.41	−.03	13.22	2.38	.18	15.60
Agriculture	12.00	.88	25.60	5.84	.23	31.44	−4.95	−.16	26.49	1.21	.05	27.70
Commerce and Housing Cr	−2.70	−.39	4.20	.62	.15	4.82	.41	09	5.23	1.37	.26	6.60
Transportation	2.10	.09	25.80	2.32	.09	28.12	−1.89	−.07	26.23	2.07	.08	28.30
Community and Reg Dev	.00	.00	7.70	−.47	−.06	7.23	−1.90	−.26	5.33	1.17	.22	6.50
Educ, Training, Emp	1.70	.06	29.30	1.59	.05	30.89	−2.17	−.07	28.72	4.38	.15	33.10
Health	3.10	.10	33.50	2.44	.07	35.94	4.03	.11	39.97	4.03	.10	44.00
Social Security	10.40	.06	188.60	10.16	.05	198.76	8.59	.04	207.35	12.85	.06	220.20
Medicare	8.30	.14	65.80	4.36	.07	70.16	4.96	.07	75.12	5.18	.07	80.30
Income Security	15.90	.14	128.20	−8.40	−.07	119.80	3.70	.03	123.50	6.40	.05	129.90
Veterans Benefits	.80	.03	26.40	.20	.01	26.60	.20	.01	26.80	1.50	.06	28.30
Admin of Justice	.60	.11	6.30	.30	.05	6.60	.90	.14	7.50	1.50	.20	9.00
General Government	.10	.02	5.20	.90	.17	6.10	−.10	−.02	6.00	1.30	.22	7.30
Gen Purp Fiscal Asst	−.40	−.06	6.40	.03	.00	6.43	−4.81	−.75	1.62	.28	.17	1.90
Net Interest	18.30	.16	129.40	6.60	.05	136.00	2.52	.02	138.52	7.38	.05	145.90
Allowances	(2)	(2)		(2)	(2)		(2)	(2)			(2)	
Undist Offset Receipts	−.70	.02	−32.70	−.30	.01	−33.00	−3.62	.11	−36.62	−3.98	.11	−40.60
Total Budget	94.50	.11	946.30	43.93	.05	990.23	11.92	.01	1,002.15	63.85	.06	1,066.00
Receipts	67.60	.10	734.10	34.99	.05	769.09	85.05	.11	854.14	48.86	.06	903.00
Deficit	26.90	.15	212.20	8.94	.04	221.14	−73.13	−.33	148.01	14.99	.10	163.00
GNP Growth			3.00			2.90			3.80			
CPI			3.60			1.90			4.30			

[1] Totals may not add due to rounding.
[2] ERR.

SUMMARY OF RECEIPTS BY SOURCE, AND OUTLAYS BY FUNCTION OF THE U.S. GOVERNMENT, SEPTEMBER 1987 AND OTHER PERIODS

[Dollar amounts in millions]

Classification	This month	Fiscal year to date 1987	Percent	Comparable period prior fiscal year 1986
Receipts:				
Individual income taxes	$39,797	$392,557	+11	$348,959
Corporation income taxes	20,506	83,926	+32	63,143
Social insurance taxes and contributions:				
Employment taxes and contributions	23,788	273,185	+7	255,062
Unemployment insurance	1,246	25,418	+5	24,098
Other retirement contributions	368	4,715	−1	4,742
Excise taxes	2,808	32,510	+8	32,919
Estate and gift taxes	587	7,493	+8	6,958
Customs	1,278	15,032	+13	13,327

SUMMARY OF RECEIPTS BY SOURCE, AND OUTLAYS BY FUNCTION OF THE U.S. GOVERNMENT, SEPTEMBER 1987 AND OTHER PERIODS—Continued

[Dollar amounts in millions]

Classification	This month	Fiscal year to date 1987	Percent	Comparable period prior fiscal year 1986
Miscellaneous	2,032	19,307	−3	19,884
Total	92,410	854,143	+11	769,091
Outlays:				
National defense	22,132	282,016	+3	273,375
International affairs	1,712	11,761	−20	14,152
General science, space, and technology	860	9,188	+3	8,976
Energy	−197	4,176	−13	4,735
Natural resources and environment	1,157	13,225	−2	13,639
Agriculture	1,383	26,493	−18	31,449
Commerce and housing credit	−547	5,235	+8	4,823

SUMMARY OF RECEIPTS BY SOURCE, AND OUTLAYS BY FUNCTION OF THE U.S. GOVERNMENT, SEPTEMBER 1987 AND OTHER PERIODS—Continued

[Dollar amounts in millions]

Classification	This month	Fiscal year to date 1987	Percent	Comparable period prior fiscal year 1986
Transportation	2,505	26,228	−7	28,117
Community and regional development	−602	5,334	−35	7,233
Education, training, employment and social services	2,178	28,721	−6	30,585
Health	3,332	39,968	+11	35,935
Medicare	6,204	75,120	+7	70,164
Income security	9,880	123,499	+3	110,796
Social security	17,221	207,353	+4	198,757
Veterans benefits and services	2,168	26,801	+2	26,356
Administration of justice	766	7,507	+13	6,603
General government	379	6,005	+1	6,104

SUMMARY OF RECEIPTS BY SOURCE, AND OUTLAYS BY FUNCTION OF THE U.S. GOVERNMENT, SEPTEMBER 1987 AND OTHER PERIODS—Continued

[Dollar amounts in millions]

Classification	This month	Fiscal year to date 1987	Percent	Comparable period prior fiscal year 1986
General purpose fiscal assistance	428	1,621	−300	6,431
Interest	10,284	138,519	+2	136,008
Undistributed offsetting receipts	−4,106	−36,622	+10	−33,007
Total	77,140	1,002,147	+1	990,231

Note.—Details may not add to totals because of rounding.

Source: Financial Management Service. Department of the Treasury.

Mr. NICKLES. Mr. President, I also would encourage my colleagues to look at the report that came from the Secretary of the Treasury for the month of September, which gives these figures. I think there is a wealth of information that would help us. And if we better understood our past, we can make better decisions for the future.

Mr. President, part of my concern is instead of capping and slowing the growth of total spending down, we are taking several actions this year and next year which will cause that line to go straight up. It will cause that line to increase, probably, at rates of growth possibly equal to what we have had during the very high inflationary years, 1979, 1980, and 1981. I think that would be a serious mistake.

Congress is planting some of the seeds of those problems right now. New programs; not just last year's programs, but brand new additional programs. I will mention a few, and this list is not all-encompassing, but it is indicative.

We passed a bill, catastrophic health insurance; also an amendment called the drug provisions, which will be enormously expensive.

By the year 1990, the House bill called for additional spending, put the two together, of $14.3 billion. The Senate bill was $4.3 billion. In conference, it will come out somewhere in between.

We are looking at a Senate bill that says by the year 1993 all drugs will be eligible for that provision, an enormously expensive provision, far more than $4 or $5 or $6 billion. We are looking at a very expensive provision. It will cause that line to go up.

We passed a Clean Water Act that is $6 billion over the President's request. We are working on an AIDS bill that already passed HHS appropriations, $964 million. We had homeless aid earlier this year for 1987, it is $443 million; for 1988, $616 million.

We have a housing authorization bill that will be coming before the Senate that is $4.6 billion over the President's request for this year as well as for next year. We have the space station that is proposed, that will be another $30 billion over the life of the project; we have the super collider, $4.4 billion; the trade bill now in conference has a section called worker training authorization, $980 million; again a new program. There are the total authorizations under the trade bill with $3.7 billion.

We are looking at adding on several very extensive and expensive programs that certainly can break the budget; that certainly will not allow us to maintain a low level of growth.

Mr. President, myself and I am sure most of my colleagues received a letter from Senator WILLIAM ARMSTRONG, a very distinguished Member of this body, who also shares my concern about deficit spending and the growth of spending and I will ask that his letter be printed in the RECORD.

Mr. President, I thank the leaders of the bill, and I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I ask unanimous consent that I be allowed to proceed for 1 minute as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. Mr. President, the point I wanted to make a moment ago in response to the comments of the Senator from Oklahoma, which are all appropriate and I am sure accurate, is out of the $72 or $73 billion in deficit reduction last year, I want to remind my colleagues that the surpluses in the Social Security fund, the highway fund, the airport fund, unemployment insurance fund, all of those programs where the money can only be spent for that particular purpose—the reason the deficit is down is because $73 billion was in surplus trust funds; $23 billion in Social Security alone. We took $23 billion that we collected in excess of what we paid out in Social Security last year and put it on the debt.

Now, everybody knows that we did not really reduce the deficit by $72 billion last year. We just borrowed money from the Social Security trust fund and other trust funds.

The next point I want to make, Mr. President, is in the form of a question to the Senator from Oklahoma. The Senator mentioned there is no need for a tax increase. Is the Senator aware that on January 1 we are getting ready to put in effect a $17 billion tax cut? I want to ask the Senator, in light of the fact that the house is on fire, if he considers that a prudent thing?

Mr. NICKLES. If the Senator will yield——

The PRESIDING OFFICER. If I could ask the Senators to suspend, the 1-minute allocation has expired.

Mr. BUMPERS. Mr. President, the managers of the bill do not appear ready to proceed with the bill. Let me ask unanimous consent that we proceed for an additional 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. I will be happy to respond to the question of my good friend and colleague. If this is the thrust of the Senator's question, what you are saying: You want to go in and not allow the final step of the tax reduction to the 28 percent? I would oppose the Senator's effort. There may be others that wish to do that. I am well aware of the deficit reduction packages that are floating around and I am sure we are all going to argue about the composition of those packages. I may have some taxes I would support. The Senator may have some that he would support. We may agree or disagree and I am sure the entire Senate will work that out.

The point I am trying to make and the most important point is that to really get deficit reduction it is most important that we cap the total amount of money that we spend. If we do not, this figure could easily go up $60 billion. As a matter of fact, it is projected right now at $66 billion.

Mr. BUMPERS. We are in agreement on that. We do not need to preach to each other on that.

If we are going to $23 billion on the one hand and giving away $17 billion in additional tax cuts on the other hand, my question is: What sense does that make? Does the Senator realize, also, that half of that $17 billion tax cut goes to people who make over $75,000 a year and the other half is in a reduction of corporate taxes? Does the Senator think that that is equitable?

Mr. NICKLES. Let me respond. The Senator is making some—almost allegations in some of his statements. One, on the Senator's theory we had a reduction in income tax rates for individuals last year. But individual total collections went up 11 percent. You actually had a reduction in corporate rates last year but you had the total amount of money that corporations paid go up 32 percent. So I think there are some positive things happening with reduction rates. I happen to be one—I do not like to use the terminology "supply side," because that definition depends on the user. I happen to believe that individuals and corporations have the tendency to produce more, to work more, to have more incentive to work overtime if they are entitled to keep a greater percentage of that effort. I know that from some of my manufacturing experience.

Mr. BUMPERS. Let me ask the Senator this question: Is the Senator suggeting the more you cut taxes the more revenue you take in? How do you square the $17 billion tax cut that we are getting ready to put into effect with the fact that the Treasury Department says revenues are going to drop precipitously in 1988, to the point that $23 billion in deficit reduction will only reduce the deficit by $6 billion?

Mr. NICKLES. Again, the Senator is making my point. The reason is not because you see tax rates coming down. The reason why we are going to make a $23 billion or $30 billion deficit reduction and you see the deficit not even coming down, is because spending is projected to go up $66 billion.

If we would keep spending temporarily level or have spending go up as it did last year by only $12 billion or maybe $20 billion, then we would be talking about significant real deficit reduction. You would see the deficit figure last year, $148 billion, would actually decline if we could keep spending fairly level. But instead, spending for 1988 is expected to go up $66 billion. That is my concern. I will debate with anybody as far as how we are going to compose the revenues. If the Senator wants to stop the final stage of the income tax, personal income tax—fine. We can debate that. But I do not know that that makes a lot of difference in worrying about how you are going to compose where the money is coming from. If you allow the spending to continue to go up, you are not going to be successful in deficit reduction.

Mr. BUMPERS. Does the Senator think that entitlement programs, freezes on cost of living or reductions in costs of living would be an appropriate part of the tax package?

Mr. NICKLES. I will tell the Senator I am one, and I have said this for the last 7 years I have been here, that says nothing should be off the table.

I have been one who has urged the negotiators as late as today, when I met with some of the negotiators, that I think it all should be on the table.

Some people say freezing the cost-of-living increases cannot be done, politically it is so sensitive. We have an opportunity, because of last year, a very unique opportunity. Last year's CPI increase was 1.9 percent. We could actually limit all COLA's to 2 percent in every program—in Social Security, in veterans, in military, in Federal Government, and for Senators. We can limit every cost-of-living program to 2 percent. Everyone would receive as much as they received last year.

I do not think there would be a hue and cry from the population saying this is unfair. It would be more than they got last year. If we did it for a couple of years in a row and limited appropriations bill increases to 2 percent, in other words limited the total growth of spending to 2 percent, or in this case it would be about $22 billion for the next couple of years, you would really see significant deficit reduction, both for 1988 and 1989. That would send a signal to the markets of, "Hey, Congress is serious."

I have a feeling that when they read this deficit reduction package that is coming out and they find out here is $30 billion, we are going to do it $12 billion in taxes, $3 or $4 billion in entitlements, $3 or $4 billion in appropriations, and maybe $5 billion from asset sales and $5 billion from defense, I have a feeling the market will not be impressed. This Senator is not impressed. I think we can do more. I think we can do better. But if we are going to do better, in my opinion, we are going to have to put all the Federal spending on the table.

Mr. BUMPERS. So the Senator feels that the deficit package at least ought to be fair straight across the board and the sacrifices shared by everybody. Would that be a correct statement?

Mr. NICKLES. I will make my own speeches.

Mr. BUMPERS. Well, is that correct or not? Does the Senator think the reduction package ought to be a fair one to everybody?

Mr. NICKLES. I think the Senator is making a statement that all Senators could subscribe to.

Mr. BUMPERS. Then how can the Senator say that everything should be on the table, maybe a Social Security freeze, and that sort of thing? How can you argue with the people in Oklahoma that that squares with people making over $200,000 getting a $5,000 tax cut next year?

Mr. NICKLES. The Senator is talking about taxes. I have not said that taxes could not be part of the question. I have not taken a blood oath saying no taxes. I am trying to say if we reduce taxes, let us make sure that we are reducing the deficit and not more spending.

Mr. BUMPERS. Then it would be hard to make the argument that everyone would share in the sacrifice. Retirees, Social Security beneficiaries, and others should accept a freeze or a cut and give the wealthiest people in the country a $9 billion tax cut next year. That would not be fair, would it? Will the Senator agree?

Mr. NICKLES. I will not agree to the Senator's postulation.

Mr. BUMPERS. I will let you argue that to your constituents. I just wanted to make a point.

Mr. NICKLES. Mr. President, I ask unanimous consent that a letter from Senator ARMSTRONG be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, October 28, 1987.

Hon. DON NICKLES,
U.S. Senate,
Washington, DC.

DEAR DON: I do not subscribe to the "cycles of history" theory. The notion that history just repeats itself over and over again in endless cycles is far too pessimistic for me.

I think we have the capacity to learn from experience. And I doubt it there has ever been a more urgent need to do so than now as we begin negotiations on reducing the federal deficit. There is a real danger Congress will be stampeded into adopting policies and legislation which will make the crisis in stock market confidence worse and may cause a severe economic downturn.

As you know, the last time the stock market declined so dramatically was in October, 1929. Over a two week period, the market dropped 52.9 percent. What is often forgotten is that by April, 1930, the market had made a dramatic recovery and reached a level that was 30 percent higher than after the October crash. By June of 1930, however, the Federal government initiated a series of policies that would doom the economy.

First, President Hoover announced he would sign the infamous Smoot-Hawley tariff bill. The stock market reacted with a sharp decline. Investors knew the ability of foreign debtors to repay loans from U.S. banks depended on their ability to export freely to this country. After Smoot-Hawley became law, many countries established retaliatory tariffs and the nation's recession worsened. In 1930, the gross national product fell 9.8%. In 1931, GNP fell another 7.6%. Smoot-Hawley clearly contributed to this trend. The obvious lesson is that protectionist trade policies are dangerous and must be avoided. Any effort to reduce the deficit will go for naught unless coupled with a rejection of the protectionist provisions in the pending trade bill.

Second, President Hoover proposed tax rate increases in 1931 as a means of reducing the Federal budget deficit. Tax rates at lower income levels were quadrupled, and the top rate was increased from twenty-five to sixty percent. In 1932, GNP fell another 14.7%. In the midst of economic instability, the worst possible prescription is a tax increase. While rate increases of this kind are not in the offing, both the Finance and Ways and Means Committee have proposed new taxes of $12 billion in FY88 and $50 billion over three years. Nearly all of these taxes would be borne by American businesses.

Third, in the early 1930s, the Federal Reserve sharply constricted the money supply and failed to prevent a severe deflation in the economy. Thus far, the Fed seems to be pursuing a more enlightened policy in response to the current instability on Wall Street.

Congress must do the same. Tax increases should be the last resort of deficit reduction efforts and avoided completely if possible. Even small tax hikes on business, during a period of economic uncertainty, will lead to less investment, lower stock values, and less economic growth. The result will be an increase in the deficit, not a reduction. These are not political assertions, but economic facts of life. Indeed, speculation that budget negotiations will produce a tax hike may be contributing to continued instability in the market.

Further evidence that tax increases hold little promise of reducing the deficit may be found in more recent history. For the 1982–1990 period, Congress has legislated tax increases totaling $991 billion dollars to offset the effect of the 1981 tax cuts and help reduce the deficit. This includes tax increases in TEFRA (1982), DEFRA (1984), COBRA (1985), OMBRA (1986), gasoline taxes (1983), higher social security payroll taxes (1983), and a higher social security wage base each year. Think of it: nearly $1 trillion in tax hikes in this decade alone and Federal deficits persisted. Unless accompanied by real reductions in spending, tax increases will do no good.

Those who think spending has been cut to the bone should consider the following:

Appropriations: Senate appropriation bills exceed President Reagan's request by almost $18 billion in budget authority. House bills exceed the President's budget by nearly $15 billion. The Senate HUD appropriations bill alone exceeds the President's request by $5.7 billion; the House HUD bill by $6.4 billion. Both House and Senate Labor-HHS bills are $9 billion over the President's budget.

Budget Reconciliation: This legislation, in theory a measure to reduce spending and possibly the vehicle to implement any budget agreement, proposes substantial increases in federal spending. The House reconciliation bill, while claiming "net" savings of $1.8 billion in three years, actually proposes $7.2 billion in spending increases over this period. The Senate bill claims $8 billion in three-year savings, but actually proposes $4 billion in new spending.

Costly Authorization: Over the President's veto, Congress has already passed a clean water authorization that was $6 billion above the President's request and a highway authorization that was $10 billion more than the President requested. Congress will shortly consider the conference report on a housing authorization bill which is $5 to $7 billion above the President's FY88 budget. The trade bill would authorize $8.7 billion in additional spending over five years and establish dozens of new Federal agencies, advisory panels, commissions, and bureaucrats. It would also establish a new worker dislocation program that could cost as much as $4 billion, to be financed by a foreign import tariff, and a $2.6 billion "education competitiveness" program.

Other Spending Initiatives: Congress is also on the verge of enacting a major expansion in the Medicare program which would raise Federal outlays and revenues by at least $20 billion in five years. Welfare reform proposals now pending would cost between $3 and $5 billion. Finally, a federal pay raise set to take effect next January could cost $2 billion.

Any effort to reduce the deficit must account for these costly initiatives. Freezing the status quo is simply not good enough; neither is assembling a tepid political compromise of taxes and minuscule spending cuts. What is needed are bond and permanent policy changes that will end the drift in fiscal policy which has plagued Congress not only in the 1980s, but for decades.

Let's work together for that kind of package.

Best regards.

Sincerely,

WILLIAM L. ARMSTRONG.

Mr. NICKLES. I thank my friend and colleague, the manager of the bill, and I yield the floor.

ENERGY AND WATER DEVELOPMENT APPROPRIATION ACT, 1988

The Senate continued with the consideration of the bill (H.R. 2700).

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from North Dakota, suggests the absence of a quorum. The Clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1178

(Purpose: To increase the amount of funds provided for the Verification and Control Technology Program of the Department of Energy and to reduce correspondingly the amount provided for nuclear weapons production and surveillance)

Mr. BINGAMAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself, Mr. KENNEDY, Mr. DOMENICI, Mr. WILSON, and Mr. CRANSTON, proposes an amendment numbered 1178.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 41, line 20, after the period insert the following: "*Provided, further,* That of the amount appropriated to the Department of Energy in this paragraph, $125,600,000 may be obligated only for the verification and control technology program of the Department of Energy.".

Mr. BINGAMAN. Mr. President, the amendment which I am offering together with Senators KENNEDY, DOMENICI, WILSON, and CRANSTON would increase funding for verification research at DOE by $25 million, from $100.6 million to $125.6 million. There would be a corresponding $25 million reduction in the nuclear weapons production and surveillance operating budget.

This amendment would give higher priority to the Verification Research Program at the Department of Energy. It is vitally needed because the proposed budget level is inadequate to develop verification options for our arms control negotiators in a timely fashion. Our amendment is totally consistent with action taken in the authorization conference.

Mr. President, the verification mission is basically an orphan in the Department of Energy and in the Government as a whole. Compared to the advocates for developing new weapons technologies, the advocates for developing new verification technologies and strategies wield little influence.

If we are seriously going to pursue the nuclear testing negotiations which started this week in Geneva, those working in our universities, DOE national laboratories, and industry on seismic and nonseismic means of nuclear test verification are going to need greater support than they have been afforded in recent years.

Our amendment would permit vitally needed additional research in several areas. It would allow the Department of Energy to develop a deployable seismic verification system to provide an improved in-country seismic monitoring capability and to produce five units which might be ready for deployment in 1989. This would cost $12 million.

Our amendment would permit continued improvement in our ability to detect nuclear detonations in the atmosphere and in space and thus to verify the Nuclear Non-Proliferation and Limited Test Ban Treaties. In particular, instruments needed for the boost surveillance and tracking system satellites will be kept on course in their development. This will cost $8 million.

We need to support improved verification capabilities at lower yields, including applying the Corrtex hydrodynamic yield measurement technique at such yields. That will cost $5 million.

Mr. President, I realize that we are facing severe budget restraints. That is why I am offering an offset for the proposed increase in verification funding. That offset has also been identified by the authorization conference. The conference has decided to cut operating funds for nuclear weapons production and surveillance by $40 million from the level included in the bill before us. This reflects decisions made by the conferees to delay or cancel various strategic weapons platforms in the DOD budget. Thus, the verification funding proposed in this amendment will be more than offset by the reduction in the nuclear weapons production budget.

Without the additional funding for verification proposed in our amendment and supported by the authorization conference, DOE will be unable to respond to anticipated requirements of nuclear test verification and no new concepts for verification of nuclear tests can be initiated.

That should not be the posture in which we find ourselves as we enter negotiations with the Soviets on nuclear testing restraints. We know verification will be the key issue in those negotiations.

Mr. President, I urge my colleagues to support the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. JOHNSTON addressed the Chair.

The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, this amendment does indeed shift funds within the Department of Energy nuclear weapons account. It takes money from the nuclear production and surveillance line and puts it in the verification line in accordance with the action of the defense authorization conference.

The distinguished Senator from New Mexico is a member of that conference. Although the conference report has not been filed at this point, he advises that that is so. I would note that if for any reason the conference should unexpectedly change its mind on that matter, then we would have full latitude in our own conference on this bill to conform to such changes. But all we are doing here is shifting money in accordance with the action of the defense authorization conference and we therefore accept the amendment.

Mr. BINGAMAN. Mr. President, I thank the Senator from Louisiana, the floor manager for that statement.

The PRESIDING OFFICER. Is there further debate on the amendment. If not, the question is on agreeing to the amendment.

The amendment (No. 1178) was agreed to.

Mr. JOHNSTON. I move to reconsider the vote by which the amendment was agreed to.

Mr. BINGAMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1179

(Purpose: To direct the expenditure of funds to alleviate ground water problems on Cochiti Pueblo land in New Mexico)

Mr. BINGAMAN. Mr. President, I send another amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from New Mexico (Mr. Bingaman), for himself Mr. Domenici, and Mr. Inouye, proposes an amendment numbered 1179.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 12, between lines 10 and 11, insert the following:

The Secretary of the Army, because of the Federal trust relationship that links the United States and Indian people, is directed to expend within available funds not to exceed $50,000 to plan and not to exceed $700,000 to design and engineer appropriate works to alleviate high ground water problems on agricultural lands owned by Cochiti Pueblo, New Mexico, directly downriver from Cochiti Dam: *Provided, however,* That no such funds shall be expended by the Secretary for design and engineering until the Secretary and the Tribal council of the Pueblo have agreed to writing to a plan of design that, in the judgment of both parties, will resolve the problems related to such high ground water: *And, Provided further,* That the Secretary and the Tribal Council of the Pueblo shall continue to negotiate, and, if the parties so agree, the Secretary shall submit to Congress, if appropriate, a proposed settlement that would be in lieu of, or in addition to, any construction of works for the purposes of alleviating high ground water problems. For the purposes of this negotiation only, the provisions of section 3 of the Act of May 15, 1928 (45 stat. 535, ch. 569; 33 U.S.C. 702c) and section 2401(a), 2401(b), and 2680(a) of title 28, United States Code, are waived. Nothing in this paragraph shall be construed to prejudice the rights, responsibilities, and defenses of either party in any litigation between the Pueblo and the United States, more commit the Section * * * solution of the controversy.

Mr. BINGAMAN. Mr. President, this amendment is very straightforward. It does not cause the expenditure of any additional funds. It relates to the Cochiti Pueblo in my home State of New Mexico, and authorizes and directs that the Secretary of the Army through the Corps of Engineers expend not to exceed $50,000 for plans and not to exceed $700,000 to design and engineer appropriate works to alleviate the high ground water problems on agricultural lands owned by the Cochiti Pueblo.

Mr. President, the language of this amendment does not mandate they go forward with any structure or any structural solution to this problem but it directs funds be used to plan, and then design and engineer a necessary structural solution if that solution is determined to be the most appropriate way to deal with the problem that has occurred there.

I am joined by my friends and colleagues, the senior Senator from New Mexico, Mr. Domenici, and the Senator from Hawaii, Mr. Inouye, in proposing this critical amendment to the legislation before us today. It is my understanding that this amendment is acceptable both to the Subcommittee on Energy and Water Development and the Committee on Environment and Public Works.

This is not an add-on amendment. No additional funds will be added to the Secretary of the Army's budget. The amendment simply directs the Corps of Engineers to use up to $750,000 of its already appropriated funds for the preparation of engineering and design plans that would remove surface waters from agricultural lands owned by the Cochiti Pueblo in New Mexico, immediately below the Cochiti Dam and Reservoir. The expenditure by the corps is conditioned, among other things, on the ability of the corps and the Cochiti Pueblo Tribal Council to reach a written agreement setting forth such a plan.

Briefly, let me outline the need for this legislation. In 1976, the corps—without any requests from the pueblo—built the dam on an easement through the Rio Grande that it purchased from the Cochiti Pueblo for less than $150,000.

Since the dam's completion, we have witnessed, and worked to prevent, the destruction of land that has been farmed by the people of the pueblo since pre-Spanish times. The pueblo's only agricultural land, about 800 acres lying directly below the dam, has been rendered virtually useless because of water storage and extensive seepage from under the dam. The resulting high water table has left standing ponds and marshes on much of this acreage and has waterlogged the rest. Similar damage has occurred to a lesser but still serious degree on land within the nearby town of Pena Blanca and on the tribal land of the Santo Domingo Pueblo. The livelihood of many people who are dependent on farming has been destroyed.

Without going into detail, I will simply say that the pueblo filed suit in Federal district court more than a year ago in an attempt to prompt the corps into correcting the problems stemming from the dam's construction. The suit has been stayed pending the outcome of negotiations between the two parties. In a meeting with myself and Senator Domenici on October 6, 1987, the pueblo and the corps agreed to continue negotiations and, if possible, to settle their dispute out of court. It is our intent that those negotiations continue. Indeed, the direction we issue today is expressly contingent upon the continuation of negotiations, but should not be interpreted as an attempt to influence the rights, responsibilities or defenses of either party in any judicial proceeding.

During the past year, pursuant to Congress' directive, the corps has been studying possible solutions to the dam speepage problem. It has promised to produce a preliminary report based on an engineering study conducted in New Mexico by mid-November. From that study, the parties believe an adequate solution can be formulated. However, the corps has told me that without legislation such as this, which directs the corps to take action based upon the study and to continue to negotiate, it would be unable to undertake a structural solution to the problem.

It is my sincere hope that the parties will agree to an adequate solution. For 11 years the people of the Cochiti Pueblo have waited for the corps to come up with a solution. They have waited long enough. It is time to move forward and develop the plans necessary to constructing a remedy. Action by us today would make this possible. This amendment is not intended to prejudice the pending litigation or address liability for any damages caused by operation of the project. It is merely a step toward rectifying a deplorable situation that continues to grow worse. I urge my colleagues to support this measure.

Mr. DOMENICI. Mr. President, I wish to express my support for this amendment, and I urge its adoption by the Senate.

This amendment seeks to resolve a problem on which I have been working for a number of years. The problem is this:

A number of years ago, the U.S. Army Corps of Engineers constructed Cochiti Dam on the Rio Grande north of Albuquerque. The dam was constructed about 1 mile upriver from Cochiti Pueblo, the home of the Cochiti Indians, and completed in 1975.

The dam was designed primarily for the temporary storage of flood waters. In addition to potential flood storage of 483,000 acre-feet of water, the reservoir holds 103,000 acre-feet of water for recreation and as a sediment pool.

In recent years, wet years, the dam has had to hold back large quantities of water for longer periods of time. Recently, for example, the Cochiti Reservoir pool contained about 400,000 acre-feet.

Just below the dam, as I mentioned, is the pueblo, which is home to more than 1,000 Cochiti Indians. The pueblo is surrounded by several hundred acres of agricultural land. It is good land. It is land that members of the pueblo have farmed for generations, land that is intergral to the culture of the Cochitis.

The presence of the dam and its large storage capacity has caused a rise in the water table immediately downriver of the dam, thus high water levels in the reservoir have inundated the fields of the Cochiti Pueblo.

I have been there and seen this waterlogged land. What used to be good farmland now is often soggy. It is land that often serves best as a resting spot of migrating ducks, not the growing of crops.

To alleviate the problem, the Corps of Engineers several years ago spent $400,000 to install drainage facilities on 17 acres of this land. It was anticipated that this would resolve the issue. It didn't. The wet years only worsened and expanded the wet-fields problem.

For a number of years, the Corps of Engineers and the pueblo have been entangled in lawsuits and negotiations on a solution. That process now appears to have failed. It has not produced a satisfactory solution. As a result, my distinguished colleague Mr. BINGAMAN, and I have developed this amendment in an effort to produce that necessary and justified solution.

This amendment has three purposes:

First, our amendment appropriates to the corps, $50,000 for planning of an engineering solution, plus $700,000 for the necessary design and engineering work on a structural fix to the wet-fields problem. It is estimated that the structural fix will cost about $5 million, and will eliminate the standing water problem from as many as 800 acres.

This amendment does not authorize such construction. It says: Go and develop a solution, then bring it back to Congress for our consideration.

Second, the amendment specifies that not a dime of the $700,000 can be spent on the design and engineering of the project until the corps and the Tribal Council of the Cochiti Pueblo agree on a basic plan and strategy to solve the problem. That will be an agreement in writing, signed by both parties.

And I do mean a strategy to solve the problem. Whatever is developed as a result of this engineering process must resolve this issue once and for all.

And third, our amendment encourages the Federal Government and the Cochiti Pueblo to continue to negotiate toward a settlement that might provide an alternative to a corps-built structural solution. If the two parties reach such an agreement, that agreement is to be submitted to Congress for our consideration.

To facilitate these negotiations, the amendment also waives four specific provisions of law. The first of these involves Federal responsibilities and legal defenses as a result of flood control works undertaken by the Federal Government. The next two involve statutes of limitation, and the final provision concerns Federal legal defenses in the event developments of the Federal Government acts as they are supposed to act.

These waivers are for this negotiation only. They do not affect any lawsuits, nor do they affect any other dam or situation in the Nation.

Essentially, this amendment provides time for the Government and the Cochitis to work on two tracks: One that would produce a structural solution; one that would produce some other agreement, presumably one that would involve a cash settlement with the Cochitis, allowing the pueblo to use the cash for other types of development.

Mr. President, my colleagues are well aware of the special relationship between the United States and all Indian peoples. This special relationship holds true for the people of the Cochiti Pueblo.

That is one key factor in this amendment. Probably more significant, though, is the fact that this amendment merely seeks to resolve a problem created by the Federal Government. It is a problem that probably no one could have foreseen, a problem that the Corps of Engineers has worked hard to resolve. It is a problem that the Congress must, at this point, help to resolve.

For these reasons, this amendment does not require non-Federal cost sharing, which is now required for other types of water resources projects. But this is to correct an error, a problem caused by the construction of Cochiti Dam. This correction should not be viewed as a precedent for other situations that could arise.

Finally, this amendment is not to intended to prejudice ongoing litigation between the corps and the Cochitis. That is clearly spelled out in the language. By our appropriating these funds, we are not acknowledging any liability on the part of the Corps of Engineers, which would have an effect on that litigation.

Mr. President, I urge my colleagues to support this amendment. And when this amendment becomes law, I urge the corps and the Cochitis to move rapidly to develop an effective plan and to continue negotiations, if appropriate.

Mr. JOHNSTON. Mr. President, this amendment contains the final language. It says nothing herein shall mandate a structural solution to the problem.

Mr. BINGAMAN. Yes. It does. I respond that the amendment is as modified by the Senator from Louisiana to make that very explicit.

Mr. JOHNSTON. Mr. President, we accept this amendment. We think it can have a very constructive effect in getting a solution to a very contentious problem. The Corps of Engineers built this dam for water supply downstream which has in fact if not flooded at least made soggy or unfarmable the Indian tribal lands which have great value to the Indian tribe. There is a lawsuit going on. We hope that lawsuit can be solved.

The reason we have asked that the amendment include language that says it does not mandate a structural solution is because it may be that the structural solution, that is building a ring levee around this land, would be much more expensive than first paying the Indians the full and fair value of their land, or two, acquiring alternate land of equal value, and equal farmability, or some other combination of those things.

We do not want to mandate a structural solution if that is not practical, and if that is not in fact the best solution. But we must know what the structural solution would be, what its cost would be, and really it brings the parties together and urges them in a material way to settle this lawsuit without having to go through the courts. Of course, it does not preclude the parties from exercising their rights in court, but it recognizes really the advisability or preferability of some other settlement of the case.

So we will accept the amendment, Mr. President.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from New Mexico [Mr. BINGAMAN].

The amendment (No. 1179) was agreed to.

Mr. JOHNSTON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BINGAMAN. I move to lay the motion on the table.

The motion to lay on the table was agreed to.

Mr. BINGAMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ACEQUIAS RENOVATION FUNDING

Mr. DOMENICI. Mr. President, I wish to point out to the Senate that this bill initiates construction of an important program, one to repair and restore many of the hundreds of small acequia systems in New Mexico.

Under the terms of this legislation, $1,700,000 is appropriated to the Corps of Engineers to begin that construction. This initial Federal construction commitment will be matched this year with a non-Federal contribution of $566,666.

I am proud that after my many years of effort to authorize this work, the Appropriations Committee has quickly seen its value and agreed to appropriate the initial money toward a program that eventually will involve a $40 million Federal commitment, with non-Federal spending of $13.3 million.

The acequias of New Mexico are community irrigation ditches, many of which date back to the 18th century. They thus hold great historic and cultural importance to many communities, an importance that may equal their economic significance.

Acequias were begun with the construction of small diversion dams and related canals, dams and canals that often had to be repaired or rebuilt every year. If these facilities are to continue to benefit the area economically, many of these diversion structures and associated canals must be upgraded, they must be made more permanent.

This bill begins that effort. This legislation will make funds available to begin the actual construction work.

And I must tell my colleagues that the State of New Mexico shares my commitment to this effort.

Governor Carruthers has established a 10-member acequias commission, headed by Andres A. Martinez of Taos, NM. The commission will help the State and Corps of Engineers determine priorities in this work. In addition, the State is committed fully to provide its 25-percent match on this work.

My commitment to renovation of the acequias dates back many years. Fortunately, we have been successful on two fronts, a specific project undertaken by the Bureau of Reclamation at Velarde, NM, and this new, general acequias renovation project, authorized a year ago.

We began in April 1979 with a hearing at Velarde on the need to rebuild the acequia serving that community. The Velarde acequia irrigates 2,800 acres, using water taken at nine diversion structures. That fall, at my request, the Bureau began an engineering study on the Velarde problem.

In January 1980, we held a hearing in Santa Fe on the more general problem of acequias.

That September, Senator MOYNIHAN and I introduced S. 3170, a major omnibus water resources bill. Section 1303 of that bill established an acequias provision, one almost identical to the one we are funding today. That provision called for 40 million Federal dollars to be matched by 10 million in non-Federal dollars. That legislation was reported by the Subcommittee on Water Resources, but failed to win full committee action by the time that Congress adjourned.

On February 3, 1981, I introduced the acequias bill as separate legislation. No action, however, was taken by that Congress on any legislation authorizing work by the Corps of Engineers. So the members of our acequias had to wait again.

In October 1982, the Bureau of Reclamation submitted the report on possible rehabilitation work on the Velarde structures and ditches. The Bureau estimated the cost at $13 million.

On the broader program, my acequias bill was included as section 313 of S. 1739 when the Committee on Environment and Public Works reported that bill in August 1983. That was the omnibus water resources bill. This bill, however, was never voted on directly by the Senate; it came to the floor only as a nongermane amendment to the continuing resolution, and was ruled out of order.

During fiscal 1984, at my request, $3 million was appropriated to the Bureau of Reclamation to begin work on acequias rehabilitation at Velarde. This work involved the construction of new diversion structures, plus relining of canals.

The following year, fiscal 1985, another $1,580,000 was appropriated for the Velarde Community Ditch Project.

On August 1, 1985, my general acequias proposal—this time authorizing 40 million Federal dollars to be matched with 13.3 million non-Federal dollars in line with the 75/25 matching formula elsewhere in the bill—was reported by the Senate Committee on Environment and Public Works as section 312 of S. 1567. This bill eventually passed the Senate as H.R. 6.

In fiscal 1986, $2.5 million was made available, after Gramm-Rudman-Hollings cuts, for continued work at Velarde.

The following fiscal year, 1987, another $2.28 million was appropriated for the Velarde Community Ditch Project.

Then on October 17, 1986, the House and Senate passed the conference report on H.R. 6. In that conference report, section 1113 contained language that was virtually identical to the earlier versions of my statewide acequias renovation program. That is the work we are funding with this appropriations bill.

President Reagan signed H.R. 6 on November 17, 1986, as Public Law 99-662.

Mr. President, it has taken nearly a decade to move this important program forward. It has taken a long time because of the gridlock that existed between the Congress and the White House over water projects and cost sharing. That gridlock dates back to the Carter administration.

I am very pleased that we have broken that gridlock, that we have passed major water resources legislation that includes the acequias provision, construction of which begins in this bill.

It will, of course, require several years before we can complete the entire task costing $53.3 million. But we have started, and I am excited by that prospect.

And I am pleased that this bill also continues the separate work on the Velarde project, with an appropriation of $717,000 to the Bureau of Reclamation.

The leaders of the New Mexico Legislature and Gov. Garrey Carruthers are to be commended for their hard work and commitment in allocating money to provide the required non-Federal share.

Mr. President, I endorse this provision. More importantly, I believe it demonstrates how effective a new, cooperative effort can be in the development of America's water resources, a cooperation in financing and commitment.

AMENDMENT NO. 1180

Mr. BINGAMAN. Mr. President, I send an amendment to the desk for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself and Mr. DOMENICI, proposes an amendment numbered 1180.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 15, between lines 19 and 20, insert the following:

The Secretary of the Army, with the use of available funds, is directed to prepare a revised master plan for recreation and resource management for Abiquiu Dam and Reservoir, Rio Chama, New Mexico at a total federal cost not to exceed $100,000. The findings of the revised master plan shall be furnished to the Congress no later than January 31, 1989.

Mr. BINGAMAN. Mr. President, this amendment merely directs that funds already in the bill be made available for use by the Corps of Engineers to prepare a revised master plan for recreation and resource management for the Abiquiu Dam and Reservoir in northern New Mexico. Many of the residents of the Espanola Valley have indicated concerns that the recreational potential of the reservoir has not been fully realized. Recreation is a major source of tourism and economic opportunity for this part of my State. The Corps of Engineers last prepared a written plan in 1977. With the increased use of the reservoir for recration, a new plan clearly is needed.

This amendment would provide that a comprehensive recreation and resource management plan be completed no later than January 31, 1989, and at a cost not to exceed $100,000.

I expect the Corps of Engineers to work closely with local officials and community leaders in developing this plan. This amendment will ensure that we fully develop recreational opportunities for the benefit of the local community and all New Mexicans.

I urge the adoption of the amendment. I have discussed it with the manager of the bill, and I believe it is an acceptable amendment.

Mr. JOHNSTON. Mr. President, this amendment is within available funds. It does not provide any budgetary impact and provides for a needed study, and we support it.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 1180) was agreed to.

Mr. JOHNSTON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BINGAMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1181

(Purpose: To reprogram certain funds to complete a soil classification study for the Hilltop irrigation project of the Pick-Sloan Missouri River Basin Program)

Mr. JOHNSTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Louisiana (Mr. JOHNSTON) for Mr. DASCHLE proposes an amendment numbered 1181.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 36, between lines 14 and 15, insert the following:

"SEC. . The Secretary of the Interior is directed to use not to exceed $70,000 in fiscal year 1988 for soil classification studies required to complete the integration of the Hilltop Irrigation District as a Federal unit of the Pick-Sloan Missouri River Basin program."

Mr. JOHNSTON. Mr. President, this amendment provides within available funds $70,000 to complete soils classification studies required to complete integration of the Hilltop Irrigation District as a Federal unit of the Pick-Sloan Missouri River Basin Program as authorized. I emphasize that it is within available funds and therefore does not have any budgetary impact.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment of the Senator from South Dakota.

The amendment (No. 1181) was agreed to.

Mr. JOHNSTON. Mr. President, I move to reconsider the vote by which the amendment was agreed to and move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JOHNSTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BINGAMAN). Without objection, it is so ordered.

AMENDMENT NO. 1182

(Purpose: Relief for the city of Dickinson, ND)

AMENDMENT NO. 1183

(Purpose: For the relief of the city of Minot, ND)

Mr. CONRAD. Mr. President, I send two amendments to the desk and ask for their immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota (Mr. CONRAD) proposes amendments numbered 1182 and 1183 en bloc.

Mr. CONRAD. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT No. 1182

At the appropriate place in the bill, insert the following:

SEC. Notwithstanding title II of the Reclamation Authorization Act of 1975 (Public Law 94-228), the city of Dickinson, North Dakota, is forgiven all obligations incurred by such city under the contract (numbered 9-07-60-WR052) entered into with the Secretary of the Interior or his delegatee.

(b)(1) The Secretary of the Interior, acting through the Commissioner of the Bureau of Reclamation, is authorized to enter into a new repayment contract with the city of Dickinson the terms of which shall entitle the city of Dickinson to water supply benefits provided by the bascule gate project authorized by title II of the Reclamation Authorization Act of 1975 in consideration for repayment of the costs of the bascule gate project as provided in paragraph (2).

(2) Repayment terms of the new contract shall provide for—

(A) repayment by the city of Dickinson of the capital cost of the bascule gate project of $1,625,000 over a period of 40 years at an interest rate of 7.21 per centum per annum; and

(B) payment of the annual operation, maintenance, and replacement costs of the project facilities.

AMENDMENT No. 1183

At the appropriate place in the bill, insert the following: "That (a) notwithstanding any other provisions of law, the city of Minot, North Dakota, is relieved of all liability for repayment to the United States of the sum of $1,026,489.29 associated with the excess capacity of the Minot Pipeline resulting from enactment of the Garrison Diverson Unit Reformulation Act of 1986 (Public Law 99-294).

"(b) The relief from liability for repayment granted by subsection (a) shall be effective retroactive to January 1, 1978, the start of the city of Minot's repayment obligation under the 1972 repayment contract with the Bureau of Reclamation.

"(c) If the excess capacity referred to in subsection (a) is ever used, the city of Minot, shall reimburse the United States for the cost referred to in subsection (a) proportionate to the actual use of the excess capacity."

Mr. CONRAD. Mr. President, I ask unanimous consent that we consider these amendments en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1182

Mr. CONRAD. Mr. President, this amendment would relieve the city of Dickinson, ND, of repayment of approximately $1.575 million spent by the Bureau of Reclamation for construction of new gates at the Dickinson Dam. The money represents unexpected cost overruns that the city of Dickinson could not have foreseen, and this bill deserves the support of the Senate.

Dickinson Dam provides municipal and industrial water for the city of Dickinson. The dam was authorized by the Flood Control Acts of 1944 and 1946 and construction was completed in 1950.

The need for safety modifications and additional storage capacity led Congress to enact Public Law 94-228 in 1976 which authorized the Secretary of the Interior to construct a new spillway and to install a bascule gate. The act required the city of Dickinson to repay approximately $681,000—January 1974 dollars—allocated to providing additional municipal and industrial water supplies.

Inflation, design modifications, and an extended construction period caused the final cost for water supply and repayment by the city to rise to $3.22 million. The city objects to repayment of this amount because most of the cost is attributable to inadequate design. The bascule gate has performed poorly and is unreliable. For example, in February 1982 the gate collapsed because of a large ice flow caused by an unusually rapid spring thaw. The gate mechanism had been designed for more temperate climates and had never been tested in rivers with large ice and debris. The city originally intended to expand the capacity of the dam by adding 3 feet of concrete to the structure, but the Bureau of Reclamation claimed that a Bascule gate would be the best method to save water. The Bureau assured the city that the gate would automatically adjust for outflow.

The amendment authorizes the city of Dickinson to repay the capital cost of the Bascule gate at $1,625,000 over 40 years at an interest rate of 7.21 per centum per annum. The amendment is an equitable solution for the city and the Bureau of Reclamation.

AMENDMENT NO. 1183

Mr. President, this amendment corrects an oversight. The first reauthorization of construction of the Garrison Diversion Unit in 1965 did not contain a provision for a water supply for the city of Minot. In 1970, however, Congress authorized the Minot extension of Garrison, and the city contracted with the Bureau of Reclamation to construct a pipeline large enough to carry Garrison diversion water from the Velva Canal. In 1986 the Garrison Diversion Reformulation Act deauthorized those portions of the project that would have delivered Missouri River water to the Minot pipeline, and the city of Minot is now left with the bill for a pipeline that it cannot fully use.

The Garrison Reformulation Act provides that "[a]ny investment related to features constructed by the Secretary that are no longer employed to full capacity pursuant to the recommendations of the Garrison Diversion Unit Commission Final Report shall be nonreimbursable." As the Regional Director of the Bureau of Reclamation stated in a letter to the city of Minot on August 22, 1986, the history of the Reformulation Act indicates that entities should not have to pay for unused capacities on existing features. The director concluded that exclusion of the Minot pipeline from the repayment provisions of the Reformulation Act appears to be an oversight.

This amendment would reduce the original contract repayment from approximately $3.8 million to approximately $2.8 million. It also provides that if the excess capacity is ever used, the city of Minot shall reimburse the Federal Government for the costs associated with that use. The amendment is an equitable solution to a serious problem, and I will urge my colleagues to support it.

Mr. President, both of these amendments are no cost amendments. They relate to legislation that has already passed the Senate but require that we put them on another vehicle. They have been approved on both sides, and I urge their adoption.

The PRESIDING OFFICER. Is there further debate on the amendments?

Mr. JOHNSTON. Mr. President, we have cleared the amendments. They have, as a matter of fact, been considered in the Committee on Energy and Natural Resources where not only the committee considered but the Senate passed S. 640. So, this amendment is perfectly acceptable.

The PRESIDING OFFICER. Is there further debate?

Mr. CONRAD. I might just bring to the chairman's attention, we are not only dealing with what was S. 640 but also S. 641. So we are dealing with two amendments here en bloc.

Mr. JOHNSTON. Mr. President, the other amendment was also passed last year. So both amendments en bloc were passed last year by the Senate, and I, of course, will accept them.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendments en bloc.

The amendments (No. 1182 and No. 1183) were agreed to.

Mr. CONRAD. Mr. President, I move to reconsider the vote by which the amendments were agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CONRAD. Mr. President, if I might just thank the Chairman and thank the ranking member for their courtesy and help in this matter.

I yield the floor.

UNANIMOUS-CONSENT AGREEMENT—NUCLEAR WASTE

Mr. BYRD. Mr. President, this request has been cleared with the distinguished manager and other Senators and on the Republican side.

I ask unanimous consent that, in addition to the one remaining Adams amendment and the Breaux motion to recommit, both under the previous order, there be only one more first-degree amendment in order on the subject of nuclear waste, that being an amendment by Mr. MURKOWSKI. I ask unanimous consent that any amendments to the Murkowski nuclear waste amendment be germane to the first-degree amendment.

The PRESIDING OFFICER (Mr. DASCHLE). Is there objection?

Mr. JOHNSTON. Mr. President, reserving the right to object, and I shall not object, it is my understanding that the Murkowski amendment has to do with the transportation of processed plutonium, which we will generically call nuclear waste. With that understanding, I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I thank all Senators.

Mr. JOHNSTON. Mr. President, did the unanimous-consent request eliminate all other nuclear waste amendments, other than those stated?

Mr. BYRD. It did.

The PRESIDING OFFICER. That is correct.

Mr. JOHNSTON. Did that include motions to recommit?

Mr. BYRD. It includes the Breaux motion to recommit.

Mr. JOHNSTON. Does it preclude other motions to recommit?

Mr. BYRD. It says nothing about other motions to recommit.

I ask unanimous consent that only the Breaux motion to recommit, which was ordered by the Senate some days ago, on the subject of nuclear waste be the only motion to recommit in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I thank the distinguished manager and other Senators.

May I inquire of the distinguished Senator, is it the plan of the managers to go further on this bill today?

Mr. JOHNSTON. Mr. President, I think we are about at a stopping point. We, frankly, are getting very close to passage. There are a few other amendments, but not world-shaking amendments.

So I hope that we can go to third reading by midday or at least by midafternoon tomorrow, at the latest. It looks as though the difficult amendments we have been able to pretty well work out. So I would urge all Senators, if they have amendments on this bill, to be ready to go early tomorrow. We are giving fair notice that we are going to be ready to go, and we do not want to wait with long quorum calls.

I hope that the nuclear waste motion and the nuclear waste amendments also could be brought up tomorrow, because if they want to bring them up at the last part of the bill, which I think they do, then I think the last part of the bill will be tomorrow. So all Senators should be ready to go tomorrow.

Mr. BYRD. I thank the distinguished manager, Mr. JOHNSTON, for his very clear outline of what the state of play is at this point and for urging of Senators to be prepared to call up their amendments tomorrow.

I anticipate that the conference report on housing will be called up and disposed of yet today.

Mr. President, I yield the floor temporarily.

JACKSON LAKE DAM

Mr. McCLURE. It is my understanding that the committee bill provides $31.9 million for the Jackson Lake, WY dam project under the Safety of Dams Act. Is this correct?

Mr. JOHNSTON. That is correct.

Mr. McCLURE. It is also my understanding that the contractor is proceeding on this project at a faster pace than was originally budgeted for by the Bureau of Reclamation. In the long run, this faster pace will save the taxpayer money, but this pace may require additional funding above the committee's allocation. It is my understanding that if this additional funding is necessary, the Bureau of Reclamation has the authority to transfer up to 15 percent of the funds available for that project to handle this contingency. Is that correct?

Mr. JOHNSTON. That is correct. If the funds are available, I would support such a transfer.

Mr. McCLURE. I thank the good Senator from Louisiana for his support for this project.

PORT OF MIAMI

Mr. CHILES. Mr. Chairman, in November 1981, the Congress authorized a Corps of Engineers' reconnaissance study into improvements to the Miami Harbor main ship channel and turning basin. Funds were provided in fiscal year 1982 to begin the study and Congress continued to fund the study, at the corps' request, through fiscal year 1986.

The proposed improvements involve both deepening and straightening the main channel to increase the efficiency and safety of vessel movement within the harbor. The Port of Miami has experienced tremendous growth in the volume of cruise and cargo vessels utilizing the main channel since the investigation commenced in 1981, raising safety concerns associated with the current channel configuration.

The corps has not completed the feasibility report on the proposed improvements, although the investigation began in 1981 and first-year design funds were provided for fiscal year 1987 in Public Law 99-500. I understand that the corps had difficulty in obtaining and compiling base economic data, which delayed completion of the report. But as this information has now been compiled, would the distinguished chairman join me in urging the corps to complete the reconnaissance report by December 15 of this year?

Mr. JOHNSTON. Yes; I concur with the request of the Senator from Florida. On behalf of the Senate Appropriations Subcommittee on Energy and Water Development, I strongly recommend and urge the Corps of Engineers to complete and release the feasibility report by December 15, 1987.

GRAYS LANDING LOCK AND DAM

Mr. HEINZ. Mr. President, I rise to engage the distinguished chairman of the subcommittee, Senator JOHNSTON, in a colloquy regarding funding for the Grays Landing lock and dam in the fiscal year 1988 energy and water appropriations bill. The Grays Landing project on the Monongahela River in southwestern Pennsylvania is a critical component of the Nation's inland waterway system. Replacement of this lock and dam was authorized in the Water Resources Development Act of 1986, Public Law 99-662. Under the Corps of Engineers present funding schedule, the project is expected to be completed in 1995.

The committee has included $5.3 million for this project in the fiscal year 1988 appropriations bill. While I appreciate the fact that this is a higher level of funding than that which has been requested by the administration, it is lower than the $6.8 million provided in the House bill.

It is my understanding that the Ohio River Division of the Corps of Engineers is prepared to spend $6.8 million on the Grays Landing project in fiscal year 1988, which would enable the corps to initiate construction on the project by next spring, and would reduce the time needed to complete the project by 1 year. This expedited schedule would reduce construction costs, which escalate each year that the project is delayed, and would enable the project's benefits, such as reduced transportation costs, to be realized earlier.

Is this the understanding of the chairman?

Mr. JOHNSTON. The Senator is correct.

Mr. HEINZ. I would, therefore, request that the chairman work in the House-Senate conference on the fiscal year 1988 appropriations bill to provide the full $6.8 million that represents the corps' capability for the Grays Landing project.

Mr. JOHNSTON. I thank the Senator for bringing this matter to my attention. I share his view that the Grays Landing project is a high priority of this committee, and I will work in conference to achieve the $6.8 million funding level, provided we can do so within the budgetary limits placed on the overall bill.

Mr. HEINZ. I thank the chairman.

ACEQUIAS IN NEW MEXICO

Mr. BINGAMAN. Mr. President, during the 99th Congress, we took action to provide funds for the restoration and preservation of the system of acequias in my State. The acequias are an historic system of irrigation ditches that have served New Mexico since the early Spanish colonization period of the 17th and 18th centuries. These acequias are still used in New Mexico and deserve to be preserved. They are an integral part of the culture and heritage of the area. The funding provided under section 1113 of Public Law 99-662 is to be used for design and construction of the acequias and not for a general education program. However, the restoration of the acequia system does require a thorough understanding of how to properly maintain and operate the newly constructed facilities. It is my understanding that the Corps of Engineers is prepared to offer instruction and guidance in this area and that such assistance would be provided for under existing law. Is that also the understanding of the chairman of the Environment and Public Works Committee?

Mr. BURDICK. Your understanding is correct. The corps is authorized to provide the important instruction and guidance you have mentioned.

Mr. BINGAMAN. Is it also the understanding of the chairman of the Energy and Water Appropriations Subcommittee that funding of these activities would be permitted under existing law?

Mr. JOHNSTON. Yes. If the Corps of Engineers determines this work is appropriate and authorized funds are available.

Mr. BINGAMAN. I thank my colleagues.

THE SUPERCONDUCTING SUPER COLLIDER

Mr. EVANS. I have some concerns about the language adopted on page 39 of the bill that requires the Secretary of Energy to carry out two independent studies in order to develop potential cost-sharing by State government for funding the SSC project. I would like to pose several questions to the author of this amendment during the committee's markup, the senior Senator from New Mexico.

Does this language, and the accompanying report language, give the Department of Energy the authority to require cost-sharing by a State government for the SSC project?

Mr. DOMENICI. I would respond by stating unequivocally: No, it does not. The amendment is an attempt to develop objective, neutral financial information on the benefits to any particular State of building and operating the project. As we all know, this is an extremely expensive project in basic energy research that is estimated to cost $4.4 billion. It is very doubtful that the Federal Government can afford to appropriate the necessary funding of the entire project. I think it is reasonable to try to develop objective criteria and a methodology for potential cost-sharing for each competing State, should the Congress choose to require it.

Mr. EVANS. I cosponsored earlier this year an amendment offered by the senior Senator from New Mexico to the fiscal 1987 supplemental appropriations bill which effectively precluded the DOE from considering financial incentives when evaluating each State's proposal. Is the intent of this amendment contrary to this earlier amendment and our floor colloquies?

Mr. DOMENICI. No, it is not. In fact, I attempted to draft the amendment in a way that continues the principle of treating all competing States equally by requiring that the study take into account the varying financial capabilities of respective States. These studies should develop a methodology for measuring different financial indixes that could be used when a final preferred site is selected. As the report states, on page 161:

> The goal is to prepare a cost-sharing plan that any of the competing States might be able to reasonably be expected to meet.

In addition, the development of any recommendation by the organization commissioned to carry out such a study must be performed solely outside the site selection process, thereby ensuring that the Department of Energy could not consider any of the information gathered under this study in selecting a final site.

Mr. EVANS. The Senator from New Mexico is aware that proposals already submitted to the DOE by his State government and mine include a substantial State contribution to defray the total cost of the project. This contribution consists of such projects as improvements to the infrastructure and to the environment, setting, and regional conditions around each State's site. The Senator's amendment is not entirely clear as to how these already-offered contributions are to be treated in such a methodology. Could he clarify his intent?

Mr. DOMENICI. Let me say I believe that any plan developed under this provision would most likely be subject to negotiation once a final site is selected by DOE. I am aware that most of the 25 States that have submitted proposals have indicated their willingness to provide a substantial contribution to defray the Federal Government's cost of the SSC project. DOE would certainly have to take those commitments into account in developing any final cost-sharing agreement.

In addition, let me emphasize that this language does not grant to the DOE the authority to enter into such cost-sharing agreements with any State. It simply requires two outside firms to develop as objective financial information as possible on each of the competing States and submit it to the Congress by December 31, 1988.

Mr. EVANS. Would the Senator agree that there are other ways to defray the cost to the Federal Government of the SSC project, such as international collaboration?

Mr. DOMENICI. The Senator is correct. Cost-sharing with the State is one way to reduce the cost to the Federal Government of this important research project. International collaboration is certainly another important option to consider, and I understand discussions are underway with other Advanced industrial countries to determine their potential interest in our SSC project.

These negotiations must continue. In addition, this body is going to have to think long and hard on how we plan to fund this project. Possible State cost-sharing is just one small element. The study required in this bill will provide us with valuable information, but it is only part of a much larger plan that we will need to begin to think about and develop if we are sincere in wanting to see this project become a reality.

Mr. EVANS. I thank the Senator. I share his concern about the necessity to address realistically the problem of funding this very expensive research project. Let me state, however, that I think it's extremely important for these financial indicators not to be considered by the Department as it considers the best qualified list recommended by the NAS/NAE panel, and as it finally selects the preferred site. The selection criteria should be solely those laid out in volumes 3 through 8 of the "Invitation for Site Proposal" [ISP], published by the Department in April 1987.

I strongly believe that our earlier amendment requires that the Secretary not be able to consider any financial incentives or cost-sharing until after the Department selects one final preferred site. It is only after that such a selection is made that the Department may wish to consider cost-sharing and begin discussions with the State. Is that the Senator's understanding?

Mr. DOMENICI. Yes; that is my understanding.

Mr. EVANS. On another subject, I also am not aware of how vigorously the Department is pursuing the potential path of international collaboration. If we are to require two independent studies of potential State cost-sharing, I also think we should require the Department to accelerate its consultations with foreign governments on potential cost-sharing. Such agreements are not easy to negotiate in the intensely competitive environment of basic science and its commercial applications.

Each government, of course, will try to set terms and conditions which are advantageous to its scientific community and industry. In addition, I suspect that foreign governments such as West Germany and Japan are cautious about entering into any agreement prior to the advent of a new administration in 1989. These governments have entered into agreements with the United States on other projects earlier which the succeeding administration has not honored.

I think it would be useful for the Congress to receive a detailed briefing and be consulted about the nature and frequency of discussions that DOE has been carrying out with foreign governments about potential international collaboration. Such consultations with the appropriate committees of the Congress could lay out the potential interest of those governments, and the particular conditions which they may impose on their contribution to the project. At that time, administration officials should describe in detail the strategy that DOE is pursuing in seeking arrangements for sharing the costs of this project with foreign governments or foreign entities. Such consultations should be required to be carried out at the time the administration submits its budget request for fiscal year 1989, but in no case later than February 15, 1988. I understand a similar requirement for consultations on the Department's strategy for international cost-sharing was included in the SSC authorization bill in the House, H.R. 3228, that recently passed the House Science and Technology Committee.

Would the Senator agree that such consultations would be useful and necessary?

Mr. DOMENICI. I think that is an excellent suggestion and agree that DOE should be required to develop and consult with the appropriate committees of Congress concerning its strategy for potential international collaboration. Such information would be useful in our deliberations in the Energy and Water Appropriations Subcommittee on DOE's request for SSC funding in its fiscal year 1989 budget. The deadline of February 15, 1988, is reasonable and is consistent with a similar provision in the House authorization bill.

Would the chairman of the subcommittee agree that such comprehensive consultations should be required of DOE?

Mr. JOHNSTON. I think international collaboration should be considered as a potential way to defray the cost of the SSC project. I agree that DOE should prepare such a comprehensive and detailed briefing for the relevant authorizing committees and the appropriations committees in each House by the date of February 15, 1988.

Mr. WILSON. Mr. President, I rise to endorse the fine work of the Appropriations Committee in reporting out a fiscal year 1988 energy and water bill that is responsive to the severe budget constraints that we are laboring under. Like most States, California has a major stake in this bill, and I appreciate the willingness of the committee to work with my staff and California representatives in putting this bill together.

A review of the committee's bill and report reveals that there are over 90 separate California projects that are affected by this legislation. Quite understandably, not all of these projects have been fully funded at a level commensurate with their financial needs. In an effort to help cut Federal spending, I am willing that California should make these sacrifices as long as other States share in making the necessary cuts required to arrive at a fiscally responsible outlay level.

However, spending parameters are constantly changing. By the time the House-Senate conferees on this bill are prepared to make a final cut at a fiscal year 1988 funding level, we will undoubtedly find ourselves in an altered fiscal situation. In the event that the Senate conferees find that they have more flexibility in the upcoming conference than is allowed in the bill before us today, I would like to identify a few projects that could justifiably use a higher funding level.

This bill provides $2 million for funding a small reclamation loan ground water management project sponsored by the United Water Conservation District in Ventura County, CA. What is needed, however, is $5.5 million so that the construction of necessary in-stream diversion facilities can be completed during the summer months of the year. If only 2 million dollars' worth of work is done, construction will only be partially complete and any such work began in the summer will be damaged or destroyed in the flood waters of winter.

An additional $900,000 is required to finance a Corps of Engineers' general investigation study of the proposed Sunset Harbor project in Orange County. This small harbor improvement project—also known as Bolsa Chica—is unique in that its terms of authorization require a 100-percent payback of all Federal expenditures. Non-Federal financing has already been secured and all parties to this project are poised and ready to begin preparation of feasibility studies. With the appropriation of $900,000, the corps will be equipped with the means to meet its share of the financing obligation.

Another corps project in need of general investigation funding is the proposed $350,000 Oceanside Harbor study. The breakwater in this harbor was poorly designed such that waves have a tendency to smash boats up against the jetty. As a result, there have been 10 deaths in the mouth of the harbor over the last 13 years; $350,000 is needed to finance a corps engineering study on how to improve this breakwater.

Further up the coast from Oceanside is the need for another $200,000 breakwater study off Santa Monica. In the severe storms of 1983, the Santa Monica Breakwater was completely destroyed and is now a submerged structure and a hazard to navigation. Its reconstruction is needed to help protect public and private facilities along what is one of the most populated sections of the southern California coastline. Congress has come close to financing this needed study in the past, but necessary money did not survive a House-Senate conference. I would hope that $200,000 can be made available this year to finance this urgently needed study.

Finally, the Water Resources Development Act of 1986 authorized the Corps of Engineers to do a reconnaissance study of the Portuguese Bend landslide on the Palos Verdes peninsula in Los Angeles. This 270-acre landslide into the ocean has destroyed 140 homes over the last 30 years and threatens at least 200 more. Over $4 million has been spent by local jurisdictions to stabilize the upper slide area, but shoreline stabilization is still needed. As the first phase of this stabilization project, the corps requires $350,000 to conduct a reconnaissance study of the coastline portion of this slide.

All of the above mentioned projects have been included in the House version of H.R. 2700 and will be open for discussion in the forthcoming conference. I urge the committee conferees to adopt the House funding levels for these urgently needed projects.

IOWA PROJECTS

Mr. GRASSLEY. Mr. President, I would like to know if the Senator from Oregon [Mr. HATFIELD] would yield.

Mr. HATFIELD. I would be happy to yield to the Senator from Iowa.

Mr. GRASSLEY. I would like to ask you, as ranking member of the Appropriations Subcommittee on Energy and Water Development, to consider the following projects when the Senate conferees meets with the House of Representatives conferees as you consider this pending appropriations bill.

One of the projects that the House bill H.R. 2700 included was for a flood control pumping facility for Hamburg, IA. This project was earmarked under the general investigations—planning section. Since earlier House action, this area has had another flood that prompted the President to declare a national disaster after more than $1 million of damage in the area. This is the second time in 3 years that this area has faced flood problems. The Corps of Engineers office in Omaha that has authority for this project has indicated that this project could be completed if it were funded by Congress. I would hope that we could move ahead with this due to the unusual hardships faced by this community.

The second project that I am asking your committee to consider is the Carter Lake flood control diversion project. The House committee earmarked only $35,000 for this under the section 205 of the Small Flood Control Project Program.

Drainage from the Eppley airfield area flows into Carter Lake which will flood property bordering the lake if it is left unchecked. To avoid this damage, the city of Omaha was diverting excess flow into its sewer system. Because of the requirements of the Clean Water Act, the Nebraska Department of Environmental Quality ordered this practice to be terminated as of January 1, 1987.

Since that time, pumping into the sewer system has continued under a waiver to avoid flooding, but technically it is in violation of the Clean Water Act.

The final project that I hope the committee will consider is the dam repairs on the east fork of the 102 river at Bedford, IA. The House has earmarked $1 million for these repairs. This is the amount needed, but I would ask that this community be exempt from the cost-sharing requirements. The Corps of Engineers acknowledged that their work in straightening the 102 river had contributed to the hole being eroded in the dam due to the increased water velocity. This is one of the reasons that I feel this community should not have to pay for the mistake that the corps caused. I am also concerned due to the severe problems that this community has faced during the farm crisis. They have lost not only many farmers but also related community businesses and people within the community that make up their tax base. Bedford is unable to meet this cost-sharing requirement, but the project is needed or the dam will not last.

I know the budgetary constraints that the committee faces, but as you can see these requests are urgently needed.

Mr. HATFIELD. I thank the Senator from Iowa for bringing these issues to our attention and I assure the Senator that we will give them every consideration during the conference committee with the House.

HANFORD WASTE VITRIFICATION FACILITY—AMENDMENT NO. 1172

Mr. EVANS. Mr. President, I rise today in support of an amendment that provides for $20 million in funding for fiscal year 1988 for the Hanford waste vitrification plant. This follows on an earlier amendment which I sponsored on the National Defense Authorization Act for fiscal years 1988 and 1989 (H.R. 1748) on September 25, 1987. I appreciate the cooperation of the chairman of the subcommittee, Senator Johnston, on this amendment and look forward to working with him on funding the Hanford defense cleanup activities in the future.

Fiscal year 1988 marks the first year of a capital line-item for the vitrification plant at Hanford—a $7.5 million request. I welcome the administration's request this year for initial design activities of this plant. The vitrification plant is the key element in the process for the immobilization of liquid high-level wastes for permanent disposal. Yet I am concerned that the proposed funding level of $7.5 million in fiscal year 1988 for the vitrification plant is too low. I think it's very important to accelerate the funding of this project as much as we can in the early years of design and construction. For that reason, I have proposed raising by $12.5 million the funding level in fiscal year 1988 to a total level of $20 million.

What can the engineers accomplish with this money, Mr. President? For one, I understand they can accelerate the title I design activities by about 6 months. This would allow the engineers at Hanford the chance to interact with the engineers who have worked at the Defense Waste Processing Facility [DWPF] at Savannah River. There is quite a bit of synergy that could occur between the engineers of the two plants, since it proposes to use similar processing technology. If we let too much time pass by, however, the Hanford people will lose the chance to learn from Savannah River.

Second, if we continue a steady increase in the funding profile over the next 3 to 5 years, I understand that we can advance the expected date of operation of HWVP by about 1 year from 1997 to 1996. It is important that we do this, especially in this era of tight, declining budgets. I am already concerned that the operation date has already been pushed back a year or two. The timely start of the operation of this plant in 1996 or 1997, for hot-cell testing, is essential in the overall defense waste cleanup effort.

Third, I believe that the 12-year period proposed for design and construction for HWVP could be shortened if funding from the Congress were substantial and if the engineers were able to accelerate their design activities. There are considerable opportunities for cost savings if most of the design activities could be shortened by 6 months.

Fourth, an acceleration of the schedule for HWVP will have beneficial spinoff effects on other essential parts of the cleanup effort, such as the grouting of the low-level waste fractions and the fracionating operations at the B-plant. These areas also need adequate and steady funding from the Congress and I hope that we can work together with the House and the administration to ensure that this indeed is the case.

Finally, we need to remember that the longer we wait to design and construct this facility, the more it is going to cost. Just in terms of inflation alone, the estimated cost of this facility increases by $30 or $40 million per year. A few years ago, the total estimated cost was $680 million; today it is $920 million. We need to get on with the design and construction now to ensure that total costs stay within reasonable limits.

Mr. President, it is not going to be cheap to cleanup the existing defense waste streams at the Hanford reservation. The final EIS on the cleanup effort will be released in early 1988. Costs range from $4 billion at the low end to $18 billion at the high end. Unfortunately, waste disposal and environmental restoration have not been considered as part of the integral cost of producing special nuclear materials since the establishment of the Manhattan engineering project in the 1940's. Defense waste has always been an afterthought—never a carefully planned forethought.

Fortunately, I sense the Congress is finally beginning to realize its important responsibilities in this area. Providing for an accelerated cleanup of the Hanford reservation is a good start. In the large picture, $20 million in the first year of the line item may not seem like much money. But it is important both in a symbolic and programmatic sense. This first step will be followed on next year and in future years by continued attention, at least from the Washington State delegation. This amendment is a good first step in a long process.

Mr. JOHNSTON. Mr. President, to further elucidate on the state of this bill, I think we are down to about three or four amendments and two or three of those, in fact, all of them may be worked out; maybe one of those will require a rollcall vote. And then I hope that we could go, with any luck, to the nuclear waste amendments before noon. So we are really getting down to the final throes of this bill.

I would alert all Senators to be ready with their amendments the first thing in the morning, because we will be going to third reading as soon as we are finished with our amendments.

HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1987—CONFERENCE REPORT

Mr. BYRD. Mr. President, I submit a report of the committee of conference on S. 825 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The assistant legislative clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 825) to amend and extend certain laws relating to housing, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the Record of November 6, 1987.)

Mr. BYRD. Mr. President, I anticipate there will be a vote on the adoption of the conference report yet this evening. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from California.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. Mr. President, is the housing bill conference report now before the Senate?

The PRESIDING OFFICER. The Senator is correct.

Mr. CRANSTON. Mr. President, I am very pleased that the Senate is ready to now consider the conference report on the Housing and Community Development Act of 1987, S. 825.

Seven years have passed since Senators were last able to act on a housing bill conference report. So this moment is long overdue.

The conference agreement now before us was developed over a period of several months in an atmosphere of remarkable bipartisan cooperation. I particularly want to thank the ranking minority member of the Housing Subcommittee, Senator D'Amato, for his help in achieving this objective. My appreciation also goes to other Senators on the conference committee—Senator Bill Proxmire, Senator Don Riegle, Senator Paul Sarbanes, and Senator John Heinz.

Much credit for the achievement of this conference agreement must also go to House Banking Committee Chairman FERNAND ST GERMAIN and Housing Subcommittee Chairman HENRY GONZALES as well as to the ranking minority members CHALMERS WYLIE and MARJORIE ROUKEMA. They once again showed consummate skill and personal commitment to passage of responsible housing legislation.

Other Members of the House on the conference committee, members of the Housing Subcommittee, also played very significant roles in moving this legislation to this final point.

Negotiations were successfully completed because conferees on all sides of many issues were willing to accommodate honest differences of opinion.

The conference produced an important "housekeeping" bill that meets three tests Senate conferees established at the beginning. First, the conference report is a lean bill. It is limited to provisions that need to be enacted this year. Second, the conference agreement is a consensus bill. It has won a broad base of support within Congress and across the country among those who care about affordable housing and sound community development. And third, it forms a legislative package that the President should sign into law.

I want to touch briefly on some of the highlights.

The conference report provides permanent authority for FHA home mortgage insurance so that we will never repeat the experience of last year when FHA was forced to shut down six times for a total of 51 days. It will end, once and for all, the disruptions in mortgage insurance that are so harmful to the housing industry and to hundreds of thousands of families who are trying to buy a home.

The conference report also updates legislative limits on FHA mortgage insurance to make it useful on a more equal basis in all parts of the country.

The conference report will extend Fannie Mae's and Freddie Mac's second mortgage authority without additional limitations in duration or scope. Fannie Mae an Freddie Mac have provided valuable benefits to the second mortgage market—reducing spreads over interest rates on second mortgages, promoting uniformity, and ensuring a constant market for second mortgages throughout the mortgage cycle. This permanent authority will allow them to provide these benefits to the growing market for second mortgages.

The conference report shows fiscal restraint. The funding authorizations are about $600 million lower than both current funding levels and the levels that passed the Senate several months ago. They are below the House-passed levels by about $900 million.

Frankly, funding levels in the conference agreement are substantially below levels that most conferees believe are justified. Housing and community development programs have already been reduced more than 70 percent since 1980 while the need for low-income housing has intensified. However, to ensure the broadest possible support in the current budget situation, the conferees agreed to bring the funding levels down even lower to about $15 billion in budget authority. I believe that to go lower simply would not be responsible.

The conference report provides freestanding authority for housing vouchers, which the administration has been seeking for several years. And it also provides for shorter contract terms for section 8 certificates.

The conference report provides an urgently needed response to the impending loss of low-income housing that is privately owned and federally assisted. As many as 900,000 units of low-income housing could be lost in the next few years as low-income affordability restrictions expire. That would inflict unacceptable harm on tenants who are poor—most of whom are elderly or minorities or young mothers with children. In most cases, tenants would be displaced in markets where other affordable housing is simply not available.

The conference agreement provides a temporary, interim solution for HUD assisted housing—major provisions would sunset in 2 years. During those 2 years, it would prevent the irreversible loss of low-income housing that we might ultimately be able to save. Owners would be offered incentives to keep the housing affordable to low-income people.

That would give Congress the chance to consider and act on recommendations now being developed by several private sector task forces.

Another solution is tailored to housing assisted by Farmers Home. Owners would be offered a chance to withdraw equity through refinancing in exchange for keeping the housing affordable to low-income people. And in cases where that would not work, Farmers Home would facilitate the transfer of ownership to nonprofit organizations or public agencies who would retain the property as low-income housing for the remainder of its useful life.

The conference report establishes a reverse annuity mortgage program in FHA to offer elderly homeowners a safe way to convert their home equity into a stream of income.

The report will extend most housing and community development programs through the end of fiscal 1989 to give States and local communities the stability that is needed for sound program management.

The conference report will, at long last, reform the UDAG project selection system to give hard-pressed cities in every region of the country a fair chance to receive a UDAG grant.

The conference report would expand assistance to low income people who are displaced by certain activities funded with community development block grants or UDAG grant. It would also require the replacement of certain occupiable low income housing units that are demolished or lost as a result of those activities. This was a controversial provision. But I feel the final conference agreement made it more workable for localities. The definition of indirectly displaced persons was much tightened. The period during which rental assistance must be provided was reduced to 5 years. The conference report makes it clear that assistance a city must provide to indirectly displaced persons would be limited to amounts available under section 8 certificates or vouchers, through public housing or from loan repayments directly related to a specific project that was found to have caused the indirect displacement. And other limits were placed on the original House-passed provision.

The report opens the way to improved management and preservation of low-income public housing. It lays the groundwork for a new comprehensive grant approach that will give localities more managerial flexibility. It will enable more residents of public housing to manage their own projects. It would permit a transfer of public housing ownership to resident management organizations under carefully defined conditions that protect the interests of low-income tenants and the public.

The conference agreement will extend important rural housing programs.

It will start the Fair Housing Initiative Program as a 2-year demonstration within HUD and ensure that other fair housing enforcement efforts are protected.

The conference report will establish a new Nehemiah Grant Program to expand homeownership for low-income families and rebuild depressed neighborhoods in our cities.

The conference report would also establish major elements of the Enterprise Zone Program that the Reagan administration has long pointed to as its preferred approach to urban development.

In summary, Mr. President, the conference produced a responsible, important, bipartisan bill that addresses urgent needs of many Americans.

This bill has the strong backing of a broad array of organizations and individuals who are about affordable housing. I ask unanimous consent that the text of a full page add sponsored by a number of organizations be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CRANSTON. The broad acceptability of this bill is demonstrated by the overwhelming support it has received in the House from Members on both sides of the aisle, from all regions of the country and from members of all political philosophies. Earlier this week, the House passed this conference report with a vote of 391 to 1.

I want to repeat that. This conference report was approved in the other body just a few days ago by a vote of 391 to 1. Obviously, it had overwhelming bipartisan support. It had the support of the leadership on the Democratic side of the aisle and the support of the leadership, all of it, on the Republican side of the aisle. We should do likewise in this body, Mr. President.

I am confident, I know, that this measure has very strong, bipartisan support in the Senate as well as in the other body. It should be passed promptly and be enacted into law.

Before closing, I want to thank the staff of the Housing Subcommittees of the Banking Committees in the House and in the Senate, again on both sides of the aisle, Democrats and Republicans alike, for their very effective staff work. They worked many hours, they worked many long, long nights, starting early in the morning again putting together this measure with their Senators; likewise, the staff on the House side with the House Members. This represents a very fine measure moving us forward to the degree we are presently able to move in coping with the housing needs of our country.

We will have further reference later on more bills, but that is for another day, and really probably for another decade. Today, our country and its people need this measure. I urge all of my colleagues to support it.

I am delighted now to yield the floor and I will be delighted to listen to the remarks of my friend from New York who has done such a magnificent work in the committee on this measure.

EXHIBIT 1

THE AMERICAN PEOPLE DO!

Young families who need low down-payment loans to buy their first homes . . . low income families looking for affordable housing . . . senior citizens on fixed incomes . . . working single parents who pay too much of their incomes for rent . . . rural as well as urban Americans.

Look at the facts:

This is the first major comprehensive housing bill to be considered seriously in seven years.

The federal housing budget authority has been cast by more than 70% since 1980 . . . while the overall federal budget has increased by more than 60%.

This is not a budget boasting bill. Spending for housing would be held below FY 87 spending levels.

Homeownership opportunities are declining. The homeownership rate among young households peaked in 1980 and has been declining ever since. To head off further declines, the housing bill guarantees the uninterrupted continuation of the FHA mortgage insurance program.

Affordability has become a major problem for homebuyers. The housing bill would freeze FHA user fees and make housing more affordable in high cost areas by raising the FHA mortgage ceiling.

Only 28%, or 2.1 million poverty-level households, receive housing existence. S. 825 would provide finding to allow additional low-income families to attain decent and safe shelter.

Rural housing programs have already been cast in half. The housing bill provides affordable housing to low- and moderate-income families living in rural America.

CONSIDER THE VIEWS OF AMERICAN VOTERS

The vast majority of Americans support this housing legislation, according to recent surveys conducted by Information America Corp., a nationally recognized polling firm. The survey shows:

76% of the registered voters polled believe it is harder for young people to purchase a home today than it was 10 years ago.

79% of voters believe that the federal government has a responsibility to help young families buy their first home.

58% believe housing has taken a disproportionate share of federal budget cuts in recent years.

66% say Congress should pass a housing bill, even if it means overriding a Presidential veto.

The right choice is for the Congress to pass and for the President to sign the housing bill (S. 825). That's what the facts support; that's what the American people want.

Mr. D'AMATO. Mr. President, I yield to the Senator from Maryland.

Mr. SARBANES. Mr. President, I appreciate the distinguished Senator from New York yielding to me. I will be very brief.

Mr. President, I rise in strong support of the conference report on S. 825, the Housing and Community Development Act of 1987. This important meausre is the first comprehensive housing legislation to move to final passage in Congress since 1981. It will reauthorize and make important improvements to most housing and community development programs of the Department of Housing and Urban Development [HUD] and the Farmers Home Administration [FmHA], programs designed to help improve housing for low- and moderate-income Americans.

This conference report and the legislation accompanying it permanently authorizes the FHA loan insurance programs and makes other needed reforms so that FHA authority will not lapse as it has on numerous occasions in recent years. This extraordinarily successful program will thereby continue to be available to assist many, many Americans realize their dream of homeownership, a dream which we have translated into a reality in this country to a far greater extent than anywhere else in the world.

This legislation reauthorizes HUD- and FmHA-assisted housing programs and extends the Community Development Block Grant and UDAG Programs for 2 years, programs which have been effective in a number of our communites and cities across the country in improving housing conditions, the quality of neighborhoods, and restoring economic vitality to previously distressed areas.

This legislation contains authorization for the important Nehemiah Home Ownership Program. This program is modeled on the successful effort in New York City that combines the efforts of nonprofit groups, city and State government programs, and Federal loan funds to provide homeownership opportunities for low- to moderate-income families in formerly dilapidated neighborhoods.

The Nehemiah Program is carefully structured so that a wide array of private and public resources can be concentrated in areas of greatest need with the greatest prospect for turning around bligthed neighborhoods.

When this legislation was before the Senate committee, we heard testimony that the pilot Nehemiah Program on which this new program is modeled, has been effective in helping low- and moderate-income families become first-time homeowners—40 percent of whom were previously in assisted housing.

In Maryland, a number of nonprofit groups have expressed an interest in the Nehemiah Program and an effective church-sponsored organization in Baltimore, Baltimoreans United in Leadership Development [BUILD], testified in support of this measure.

BUILD is celebrating its 10th year helping to improve the quality of life for the poor in Baltimore and is perpared to make the commitment, working with local and State government, to start a Nehemiah Program to help establish stable neighborhoods of homeowners in distressed neighborhoods.

In addition, the Federal Crime Insurance Program, a critically important program for small business, and the Flood Insurance Program would also be reauthorized for an additional 2 years under this legislation.

The conferees reached bipartisan agreement to authorize a figure of $15 billion in fiscal year 1988 for all programs authorized by this legislation. Although this level of funding is below the funding levels in both the original House- and Senate-passed bills, and while it will not solve the crisis in housing and community development facing us, the figure does recognize the very real fiscal constraints under which we operate and it was agreed to in an effort to develop a broader consensus in support of this legislation.

This legislation represents a new beginning in housing after many years of trying to make some of these changes. I commend both Senator CRANSTON, who served as chairman of the Senate Housing Subcommittee and of the Senate conferees, and Senator D'AMATO, who is the ranking member of the Housing Subcommittee, for their very fine efforts in bringing us to this point. Both showed very skillful and effective leadership in advancing this legislation.

The enactment of this legislation will set the stage for a further comprehensive review of a national housing policy that has already begun as a result of the efforts of Senator CRANSTON and a host of professionals from all sectors of the housing field.

I want to underscore in closing that this legislation won bipartisan support among most members of the conference committee. It was accepted in the House of Representatives on a record vote of 391 in support to 1 vote against.

Mr. President, I urge my colleagues on both sides of the aisle to approve this conference agreement and support this very important legislation.

Mr. CRANSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mr. CRANSTON. I simply rise to thank my friend from Maryland for his generous remarks about my efforts and the efforts of the Senator from New York on this measure, and I thank him for all that he did to bring us to this fine point.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, as the Senate begins consideration of the final version of S. 825, the Housing and Community Development Act of 1987, let me take this opportunity to commend the chairman of the Housing Subcommittee, Senator CRANSTON, not only for his able stewardship and leadership but for the bipartisan manner in which he sought to bring about and resolve the difficult and the truly contentious issues. Without his leadership and without the professionalism of the staff—the staff on both sides—we would not have been able to bring this bill to this point. Truly, it was a remarkable display of the kind of stewardship and leadership that we desperately need in the Congress of the United States and here in the Senate.

I wish some of my own colleagues would at times begin to maybe find ways to accommodate legitimate interests and legitimate concerns of their fellow colleagues, keeping in mind the necessity to recognize that we have financial problems.

Senator CRANSTON did that. Without his leadership, we would not have cut this bill to $15 billion. Without his leadership some of the contentious provisions, Davis-Bacon, for one, would not have been stripped out of this bill. I just wish that we had some people who would take a look at the facts instead of coming up to underscore with rhetoric that this bill is a budget buster when, indeed, it is not. It is a sorry state we have not had a freestanding housing bill since 1980. It is a sorry state, as we talk about the kinds of cuts and sacrifices, that if we had had this kind of application of reduction in spending in other areas, Mr. President, we would not have the fiscal calamity of today—if we applied that in some of the special interests that we all too often talk about as so necessary for this country. Let us talk about it. We have not had those kinds of cuts as it relates to other areas—agriculture. We have not seen any cuts. We have seen for housing assistance in 1980 budget authority of $30 billion and today budget authority for assisted housing of $7 billion.

So I would like to ask some of my colleagues, let us look at the record and see where we have been cutting and where our priorities are. When they talk about senior citizens and meeting their needs, they ought to be ashamed of themselves—12,000, 14,000 senior citizen housing units. That is what this great Nation can produce for those who truly are in need? What about that? Go home to your districts and tell them how you are concerned about the senior citizen when you will not provide what is necessary to give them an opportunity to live a decent, productive life, and so many of them are living on nothing more than Social Security and in some cases living on social services. I would like to see the true conservative who says that is a program we should axe. Why? Because a person does not have that opportunity? We say to the private sector, go ahead and build.

Go ahead, private sector, build and tell me how you are going to provide housing opportunity to a husband and wife with an income of $600 a month.

I get a little tired, Mr. President, hearing the rhetoric that this is a big spending program, that we are just pushing out that money, because we have not been. These programs have sustained much in the way of reform that was necessary. There were many of these programs that were abused, but I think we have come a long way. To say this level of $15 billion is excessive would be a great travesty and a mistake.

For nearly 50 years the Federal Government has played a major role in advancing national housing and economic development policy in its partnership with the housing industry and with State and local governments. Federal tax incentives have promoted homeownership and affordable rental housing. Direct Federal assistance has been provided to low- and moderate-income individual and families so that they may be sheltered in decent and safe housing.

Government assistance also has been provided through the establishment of specialized financial institutions. These federally chartered institutions have channeled funds into the housing market and have given prospective home buyers access to affordable mortgage credit. Other Federal programs have been developed to revitalize our Nation's commercial and industrial areas, to rebuild our neighborhoods, and to provide a safe environment in which every American can live and work.

It is unrealistic, therefore, to assume that our cities, towns, counties, and other localities are no longer in need of these programs that are administered by HUD and the Farmers Home Administration. Our communities must continue to grow and develop and their residents must continue to have opportunities to prosper. The Federal Government must continue to maintain housing, and urban and rural revitalization as one of its highest priorities.

However, recent history tells a different story. The Congress has not enacted a free-standing authorization bill of Federal housing and community development programs since 1980. The Senate has not considered a significant authorizing bill in approximately 3 years. Housing programs have had to stagger along through stopgap funding measures. This has caused uncertainty and confusion in our communities.

Since 1981, many of these programs have had to face draconian funding cuts. Others have had to face complete elimination. These actions have imposed an undeserved financial hardship on our States, cities, rural areas, and smaller localities.

Just last year, the inaction of Congress to pass reauthorizing legislation caused the shutdown of FHA's insuring authority six times for a total of 51 days. This unprecedented disruption imposed needless costs on the housing industry and on Americans who tried to sell a home, to buy a home, or to refinance a mortgage.

America's confidence in the Federal role in housing and community development is at an all-time low. However, 1987 gives Congress the timely opportunity to reaffirm the goal set forth in the Housing Act of 1949: to provide a decent home and suitable living environment for every American family and to contribute to the development and redevelopment of our Nation's communities.

Today we have before us legislation which would authorize for 2 years the major housing and community development programs administered by

HUD and the Farmers Home Administration. This bill, the Housing and Community Development Act of 1987, represents several years of a bipartisan effort to restore faith in these Federal programs. Furthermore, and perhaps most importantly, it represents a major effort on the part of the House and the Senate to accommodate administration wishes for Federal funding in the area of housing.

The House initially provided $15.9 billion for a 1-year authorization for housing. The Senate provided slightly less, approximately $15.6 billion. However, after significant effort on the part of House and Senate Members, both sides agreed to reduce the funding level of the bill. The final housing bill provides $15 billion in authorization for a 2-year period. This marks a funding level below a freeze.

Many provisions of this bill were included in last year's housing legislation, S. 2507, and have the demonstrated support of an overwhelming majority of the members of the Banking Committee. The primary purpose of this bill is to provide the existing housing and community development structure with the support necessary for stable, sound management, and the efficient and effective delivery of services.

Specifically, this bill would extend the authorization for most programs through fiscal 1989, permanently authorize FHA mortgage insurance programs, prohibit fee increases on Federal mortgage insurance and secondary mortgage credit programs, provide for a fairer project selection system and allocation formula for the Urban Development Action Grant Program, permit the testing of new approaches to manage low-income public housing, establish a new program to rebuild inner-city neighborhoods and expand homeownership opportunities to families with modest incomes, and implement the Fair Housing Initiatives Program on a demonstration basis.

Specifically, the bill would provide permanent authorization for the Federal Housing Administration's mortgage insurance programs so that FHA will not experience any further shutdown of its insuring operation.

The bill establishes the Nehemiah Housing Opportunity Grant Program. The program would provide grants to nonprofit corporations to issue interest-free, nonamortizing second mortgage loans to low- and moderate-income families in distressed neighborhoods for the purchase of newly constructed or substantially rehabilitated homes. The maximum amount of a Nehemiah second mortgage would be $15,000.

The largest section of the bill addresses the low- and moderate-income housing crisis that we face in this Nation. The House-Senate bill provides a 2 year, temporary solution to the imminent termination of various HUD and Farmers' Home mortgages and contracts. A short-term solution will give the Congress a couple of years to assess this situation in a long-term comprehensive manner.

The termination of these contracts threatens the housing needs of hundreds of thousands of low-income tenants around the country. In addition, an equal number of low-income housing units could be lost to market rate housing. Given the potentially large impact that the termination of these contracts could have on low- and moderate-income individuals in this country, I am pleased that S. 825 has approached this problem in a reasonable and manageable way.

I firmly believe that Federal housing policy must promote homeownership, stimulate housing in the private sector, and provide housing assistance to individuals and families most in need. This bill would accomplish these objectives. Furthermore, the provisions embodied in S. 825 would provide the urban and rural areas of our country with the necessary tools for revitalization.

I ask my Senate colleagues to support this bill. We must not renege on our commitment to house every American citizen and to assist in the development of every American community.

I express my profound thanks to the chairman of the subcommittee and also to some of those who had legitimate disagreements but in order to move this process forward helped produce a bill that I think is the best we can do under some very difficult and trying circumstances.

Mr. GARN. Mr. President, I rise in opposition to the conference report on S. 825. I urge my colleagues on both sides of the aisle to vote against it. I did not support S. 825, the Senate housing bill, when it was on the floor of the Senate. The funding level was $15.6 billion and the bill contained several new programs. That was my major reason for objection, not the total funding level. The conference report on S. 825 is an entirely new animal on its arrival from the House and is even more objectionable than the predecessor in the Senate.

The reason that I am more concerned about it is not the level. We are playing a numbers game with the level of funding. It is advertised that we should vote for it because it is $15 billion rather than $15.6 billion. Well, I have been around housing programs for a long, long time, for 20 years, as a city commissioner, as a mayor, as a member of the Senate Banking Committee, chairman of the Banking Committee. The major reason we have not been able to pass housing authorization bills is because we have never been satisfied with the existing programs. No matter how many mistakes we have made, no matter how many wasteful programs we have created, with good intent originally, we always think the answer is let us not try and fix the old programs, make them more efficient, have them deliver housing to the elderly and the poor and the disadvantaged, we create a new one.

I had a lot of experience with housing. I can remember years and years ago, at least 15 years ago, when I was trying to get some HUD grants in Salt Lake City in order to put in emergency low-income housing—emergency low-income housing. After 2 years of trying to work with the Federal Government and the Congress, I gave up. I simply gave up for all the bureaucracy.

I went to the Utah State Legislature and I said, "I tell you what, legislature, if you will approve half a million dollars, I will match it with city funds and we will build emergency low-income housing." Within 3 months we had a low-income housing bill.

So when I hear we are insensitive to the poor, insensitive to the elderly, we do not want to do that, I do not accept that. I have been in a position where we built houses on the front end of Government, not back here with the wonderful wizards of the Potomac inside the beltway who are good at housing theory. We are good at theory and rhetoric that says how we are going to do this for everybody here, there and elsewhere. Well, I wish we could concentrate on the existing programs, use some expertise around this country to try to improve them and try to get more bang for the buck, get more people into housing rather than creating new programs.

So that is my major objection. We can play the numbers game. I think it is fair to say both of my colleagues on the floor who favor this bill know that I have tried for weeks to help work out a compromise that was acceptable to the administration so they would not veto it, primarily in the area of compromise within the programs.

As I could support $15.7 billion, I could support $16 billion, and we play the numbers game. It is not very meaningful. It is what kind of programs are you creating within the guts of this bill, and how much is it going to cost down the road? We have a quarter of a trillion dollars of unfunded liability right now. If we never created a new housing program, the taxpayers of this country are obligated to pay over a quarter of a trillion dollars for existing programs, some good, some bad. And now we are going to start some new ones.

The conference report has taken numerous provisions from the House bill which authorize a variety of new programs. That is in light of a stock market crash; that is in light of budget negotiations that have been going on for 2 weeks, and our colleagues have been so brave. I hear the latest thing that is being considered after 2 weeks of hard, tough negotiations, they are talking about $4.8 billion of cuts in nondefense discretionary and entitlement programs. How brave. How brave, for a $2 trillion problem. They go on week after week, day after day.

We need to do something dramatic. We need to send signals to the market. We need to forget partisanship and walk out of a conference room together and say, "look, we have really done something big. We have gotten some political courage for once." It gets less and less around this place all the time. But to some it has not produced any yet. The administration does not have any more courage than the Congress. It has lots of rhetoric about what we are going to do, but we are not doing very much.

So in light of that, here we are with a housing authorization bill that creates new programs, new spending authorities for the future. That really makes a lot of sense to this Senator. We do not have the guts to cut existing programs. We do not have the courage to tell the American people that we might limit increases. My goodness, who is talking about cutting Social Security and veterans' pensions? But we have not even the courage to place limits on the growth. Last year when the law said if you do not have 3 percent inflation, there will not be COLA's, we could not stand that. We could not even stand to follow the current law. We gave people COLA increases anyway. We have a little trade deficit problem, a little deficit problem, a little stock market problem, and we cannot solve it because we do not have any courage. Both sides of the aisle and the administration are more concerned about the next election than they are in doing something about the problems.

So in the middle of that, what do we have? We have a housing bill with new starts. I might have been able to agree with $20 billion for this year if we were simply something about the substance of the bill because I will guarantee you, 5 or 6 years down the road somebody is going to be standing here paying the bill for what we are doing. We never look back at the rhetoric that goes on at the time. I am sorry the administration will not sit down and bargain in better faith on this particular bill. But we played a numbers game and because it is $15 billion rather than $15.6 billion, the substance within the bill really has not been touched by either side, Democrats or Republicans, or this administration in the middle of a budget crisis.

That is why I cannot support this bill. It does not have anything to do with whether I am for elderly housing. My record is clear, probably more clear than anybody in this body because I served out there in local government and had to deliver housing. I've not been back here on an academic basis of talking about it, and making great statements so the people will think we are for all of these programs.

To pay for this and stay at $15 billion, money has been set aside in various programs. Budget authority has been recaptured and Peter has been robbed to pay Paul. This money could go to deficit reduction or to fund existing programs.

How about funding the existing programs at a higher level rather than creating new ones that we do not know where the bottom of that pit is? For the next 2 years, that money is going to be used to pay for new programs. After that, we will be pressured to spend more for these new programs. That is going to mean less for the existing programs and deficit reduction goes out the window.

After 13 years around here, I think I have learned how the system works. Get the camel's nose in the tent and then it expands. Is there anybody here who can tell me 2 years after creating these new programs that somebody is going to come back and cancel them or recommend cuts, or that they will not be expanded and no requests for larger amounts of money will be made?

I may not be too smart, but I am not that dumb. Over and over again I have seen tiny little programs start out just a little bit now for the next couple of years or the next year and then 10 years down the road—as a matter of fact, when I came to this body in 1974, the budget request that year by Gerald Ford was $295 billion and Congress passed $318 billion. The budget requested at that time was not too much larger than what our deficits are now. That has only been 13 years ago.

I have been here to see $300, $400, $500, $600, $700, $800, $900 billion, and $1 trillion in 1 year, and interest on the national debt in excess of $150 billion a year. John Kennedy ran the whole country, ran the whole country, just 25 years ago for $106 billion including the defense of the country, and all the social programs.

We are told that the problem is lack of revenue and not spending. Again, my record is second to none as a local official in trying to provide housing in this country, and not a lot of new programs with knowing not where they will end in future expenditures.

Again we are being pressured to support the bill because it has been cut to $15 billion instead of $15.6 billion in the original Senate bill.

Again, the fact is it is just the numbers game. The section of this legislation imposed new regulatory requirements in Federal programs such as antidisplacement provisions in CDBG and UDAG, to require grantees to pay for 5 years of rent subsidies for displaced households and to make sure subsequent housing is affordable for 10 years. Certainly it will chill the ability of many communities to take advantage of the grant programs when the cost of replacing households outweighs construction and rehabilitation for which CDBG and UDAG were created.

The new lead-based paint requirement diverts over $1 billion of Federal housing subsidies in modernization funds to remove paint. Moreover, within 2 years of enactment these new standards will also be imposed on federally insured home buyers. Ultimately all private sales of homes could be required to test and abate before selling. That might amount to a cost of up to $8,000 per home.

There are two other new spending programs in the bill.

The HUD preservation loan section gives capital improvement loans to owners of apartment buildings financed by FHA-insured loans and provides additional subsidies to new owners. The rural housing preservation program would enable a nonproft organization to buy out owners of apartments originally financed with farmers' home loans, and funds for these grants would come from raiding the rural housing insurance fund.

The country is sinking deeper into debt, and nothing is done about the deficit. This conference bill focuses less on the neediest in the country and more on the special interests, costly, poorly targeted, new spending programs and inflexible regulatory requirements.

It has been mentioned by my colleagues that this passed the House by 391 to 1, a staggering margin. I can see the questions. My wife might even ask, "What makes you think you are so smart? If only one House Member was opposed, how do you have the courage to stand up and oppose this bill?" Well, I think I know the answer to that. I have also seen the game played over the years. I know exactly what happened. Mortgage bankers, the home builders, the realtors, come in and at least got most of my Republican colleagues to say "we have to have this bill; it has permanent FHA authority in it, and some other provisions that we like about FHA." I agree. I tried for several years to get a permanent FHA authority, and have not been able to do so. Senator ARMSTRONG tried a couple of weeks ago and failed.

But we are using that as an engine to try to drive this whole bill. I can see where it came from. I am frankly disgusted with the home builders, realtors, mortgage bankers, and others who take a piece of this bill and say we have to swallow the whole loaf just to get the provisions we like. That is exactly like the highway bill that was bloated with pork last January in this body and which overrode the veto of the President. That went through for two reasons: Because the contractors, wanted that money for construction. They are afraid they would not get it early in the spring. They did not like a lot of the pork in it, either. But they were willing to accept it to get their piece of the bill.

Then there was the 65-mile-an-hour speed limit, which I certainly support, coming from a large western State, but I was not willing to pay the $1 billion or $2 billion to get a 65-mile-an-hour speed limit.

That is what happens with most of the legislation that goes through this body. It goes through with everybody saying: "I really don't like it. It's too expensive. But I have my piece of the action in there, so I'll swallow the whole loaf to get that one piece."

That is why the housing conference report passed 39 to 1, and that is why it will pass this body tonight—because they put enough in it to satisfy various pieces and say, "I just have to take it."

That is why we should have a line-item veto for a President, whether it is this President or any other.

We are dealing in slop and pork. It gets worse every year I am here.

I would like to see a housing bill passed. I am disappointed that the administration would not be more cooperative.

I appreciate Senator CRANSTON and Senator D'AMATO trying in good faith to change some of these provisions, but it is tough when you deal with the House. That is why we have not had a housing bill the last 7 or 8 years. The House puts in most of these provisions and we have to accept the House provisions. That is what happened in 1981. The House insisted that we would not get any additional money, with the international banks, with the lending problem primarily in Central and South America, unless we put a housing bill on it. So the House is the source of most of these problem provisions.

This is not the way to do business, whether it is this bill, the highway bill, or the water bill, or anything else.

The reason I am disappointed with some of these groups, which normally, I suppose, are Republican constituencies—contractors, homebuilders, realtors, mortgage bankers, and so on—is that they are the ones who sign the ads, who help buy the ads.

They say: "We have to reduce the budget. You have to do something about entitlements. You have to do something about military spending. Maybe we will even accept some taxes." They say to us: "You have to do something about this deficit. It's killing us."

The special interests in this country, from the left or the right, cannot have it both ways. You cannot in good faith come to visit us and buy full-page ads and say: "We want to solve the economic problems and reduce the trade deficit," and then come in with bills like this and ask us to swallow the whole loaf, whether it is the highway bill or the others. It goes on and on.

Congress is responsible for deficits. We can blame the Fed or this President or the last one, but I think the Constitution is pretty clear. It says that only Congress appropriates money. No President of the United States has ever spent a dime that was not appropriated by Congress.

If they are so persuasive that they can talk us into all these big spending bills, it is like my boys: When I question one, he will say, "My brother made me do it, Dad. It wasn't really my fault." I guess we can say Ronald Reagan made us do it. He made us vote for these bills and therefore it is his fault. We did not have the courage to vote for less expenditures in this body.

These programs, in my opinion, are poorly targeted. I think we had an opportunity to produce a housing bill. We have failed. I am disappointed about that. I would like to have seen a housing authorization bill several years over the last few, rather than going on the way we have primarily been doing it in the appropriations process, but we have not. We are too partisan. We are too interested in the next election, too interested in making speeches, rather than making decisions and getting together and solving some of the problems of this country.

If this bill is not passed, nothing happens. We maintain the status quo. In fact, it is my belief that cities are better off if it does not pass. It is not like the highway bill. Construction on major projects will not stop.

I wonder what it will take to make some people realize that we do have a serious problem and playing games with the total authorization number in a bill does not provide the answer. We should look at those programs and see what the spending potential is for the future.

The one portion of this conference report that I wholeheartedly agree with is making the FHA insurance programs permanent. However, this conference report is not necessary to make FHA permanent. It can be done by a simple FHA extender.

Mr. GRAMM. We voted on that, and people who voted for this bill voted against it.

Mr. GARN. That is correct. The Senator from Texas reminds me of that.

Interestingly enough, we defeated it because we were told that if we did not immediately pass the short-term extender, FHA authority would expire. The House let it expire for 5 days when we sent the short-term extender over.

I have no illusions about what will happen tonight. But I wish the American people, regardless of their political party or philosophy, conservative or liberal, would start looking at the way we do business in this body, to see how badly the process has broken down, how lacking in courage we are to make some of the difficult decisions that would bring our economic policy under control, particularly some of those groups that are supposed to be on the conservative side. They buy those ads, and yet urge us to be more frugal in this body. They should quit swallowing the whole pig for a little piece of it.

Mr. ARMSTRONG. Mr. President, I congratulate the Senator from Utah on the very thoughtful, very sound statement he has made.

I think we all recall the admonition that those who forget the lessons of history are doomed to repeat the mistakes of history.

It is evident to me that the Senator from Utah [Mr. GARN] has a very clear idea of where we have been and where we are going, and I congratulate him on a statement that I found to be very meaningful.

Mr. President, this conference report comes to us at about the least opportune time that it would be possible to imagine. For about the last 2 weeks, our colleagues—in fact, the most senior and important leaders of this body—have been meeting in a little chamber about 50 feet down the hall, with their counterparts from the House and with the senior advisers to the President, in an effort, which thus far has not borne fruit, to find ways to control Federal spending.

With a deadline of November 20 ahead of us for a sequester which will occur automatically under Gramm-Rudman, these leaders—the chairman and ranking members of the Finance Committee, the Appropriations Committee, and the Budget Committee, along with the majority and minority leaders of this body, and the Speaker and minority leader of the House, and the committee chairmen and ranking Members of the House—have been meeting with the Secretary of the Treasury, with the Chief of Staff to the President, with the Director of OMB. They have been trying to find some way to package up some savings that would somehow narrow the budget deficit even more than the $23 billion which will automatically be cut off the spending side in a few days if they are not able to put together and obtain passage of such a package.

They are not doing it because it is fun. It is hard work. They are not doing it because it is something they desire to do. They are not doing it at this time because they planned it. They are doing it because the stock market crashed. A couple of weeks ago, after declining about 500 points between August and October, it went down 508 points on one day.

Suddenly, there dawned as a realization on Senators and others that there was something dreadfully wrong in the way the Government is managing this business; that somehow, by some means, in some emergency fashion, we had to find a way to get Federal spending more closely matched up with the available revenues—either, as some favor, through a tax increase, which is not my first choice, or a reduction in spending, which is the way I approve, or perhaps through some combination of spending cuts and revenue enhancements which is the exception I guess of most of the commentators and others who are following this as outside observers. This is regarded or at least it was on the 19th, 20th and 21st of October and in the days immediately following the crash as an urgent priority.

I myself believe that the crisis has only just been recognized, that it is in fact deeper and more serious than it is popularly understood to this point.

I spent a lot of time over the last year or two and particularly in the last several weeks talking to outside observers of the economic situation, talking to economists and businessmen and women, academics, people on Wall Street and others, and after doing so I am convinced that the problem is much deeper than just a 500- or 1,000-point decline in the New York stock market. In fact that is a symptom of an ailment which is potentially at least much more serious.

People have forgotten, Mr. President, that following the crash of 1929 the market recovered; in fact by April of the next year the stock market stood at about 30 percent above its previous precrash level. But then Congress did some things that in retrospect were most unwise. Congress raised taxes, passed and the President signed the Smoot-Hawley Tariff Act. The long and short of it is that that finally, totally, and completely spooked not only the stock market but other leaders of the economic world beyond Capitol Hill. We all know that a 10-year depression ensued, the depression the results of which were finally relieved only by the outbreak of World War II. I think we are in potentially a situation as serious as that.

So I have said to all of our leaders who are gathering next door to try to put together this kind of package. I am ready to back any kind of a reasonable program they can put together even if it contains things I do not fully approve of.

Mr. President, that is relevant to the consideration of this conference report because this conference report not only is not supportive of the kind of budget restraints that we are trying to get put together, it absolutely undoes that effort. It is a step in the opposite direction, not only in terms of its budgetary impact, but perhaps more importantly, in terms of what it says to the world, the gnomes of Zurich and the bulls and bears of Wall Street, businessmen at home, savers, investors, anybody working for a living. To anybody paying any attention, it says, "Don't pay any attention to what Congress says, only to what they do."

This is a bill that has been aptly characterized as a budget buster. That was a description of it sent over here in a memo yesterday or the day before by the Office of Management and Budget that was participating in the negotiations that led to the conference report. They say it is a budget buster, and I think that is a fair description.

My colleague from New York suggested we ought to focus on facts, and I think we ought to do that. I agree with him it is not a time to enage in inflammatory rhetoric.

Mr. D'AMATO. Will my colleague yield just for an observation?

Mr. ARMSTRONG. The Senator is on his feet at the right time, may I say to my colleague, because I was going to give him a big compliment, but go ahead with his question.

Mr. D'AMATO. One would have it as a result of the statement the Senator has made to lay the entire blame for the financial problems that we face with respect to the housing bill and this one in particular. Let me just suggest that if we take a look at the program and spending levels from 1980 to 1987, had the Congress supplied the same kind of spending constraints in other areas we would not have a deficit today.

So I would say let us take a look at the facts and with respect to OMB, I can assure the Senator that last week they sent out figures that were at variance with what we received just 2 days ago.

With respect to their attempt to negotiate in good faith, I have almost never seen it take place and certainly it has not taken place with this Senator as it relates to this bill and they have made no attempt to contact me, notwithstanding the fact that I am the ranking member on the committee, but, of course, they have addressed correspondence to others who would carry their cudgels. With respect to the White House—I have called them repeatedly—they have no idea nor do they give us any signal or tell us what programs should or should not be considered.

When we talk about the new starts that I have heard about, let me tell the Senator something. There are no dollar sums affixed to them. It is such sums as the Congress would appropriate.

I think we have heard a lot of rhetoric.

If the Senator wants to do something with the deficits, let us do something with the deficit. Let us not part and parcel off this consideration to the extent that one would have one believe that had we been doing the business that has been taking place in this committee in the past 7 years, we would find ourselves in this fiscal dilemma.

Mr. ARMSTRONG. Mr. President, since I have attracted the attention of my friend from New York, this is, I think, an appropriate moment for me to say what I was on the verge of saying anyway. My friend AL D'AMATO and I disagree about this matter. We have disagreed about how housing ought to be funded and paid for for a long time. But I am not pleased to come to the floor to continue this disagreement because I admire him greatly and because, though we have often disagreed on this issue, not only here in the Senate but on television and in various public and private forums, I want to acknowledge that he is a dear friend and while it would be very easy for him, since it is his keen interest and responsibility to try to obtain the passage of this legislation, it would be very easy for him to define our relationship in terms of our disagreement. He has never done that. He has never permitted the situation to arise nor would I hope were I ever to permit it to happen that we disagree about this and we forget about the 100 other things about which we are in agreement.

I personally hope whatever the outcome of this is that this will be the last time we have to cross swords on this.

I am doing this not because of any lack of friendship or appreciation for him, but because I genuinely feel this is very bad legislation.

One of the reasons this is a great country is that we do not have to agree on everything, and it is evident and will become increasingly evident that we do not agree on this.

I want to focus, as I probably suggested, on the facts. What are the facts that prompt me to think that this is legislation that is hurtful, this is legislation that would be bad for the Federal budget, bad for the national economy, bad for the housing industry generally, bad for the municipalities that will have to bear a portion of the extra burden that is contained in this bill?

I would like to call the attention of my colleagues to about four or five specific issues that are addressed in this conference report.

The first is the question of subsidized housing, and I guess the place I would like to start is how much is enough and who should get subsidized housing. It appears to me that in a great, rich country like this, Mr. President, it is intolerable for any person to be unable to afford decent housing on some basis or another. We have about 5 million units of subsidized housing in this country today. I am convinced—I cannot prove this—but it is my conviction after studying the matter for a number of years that is enough, that 5 million units of subsidized housing is enough, if properly distributed, to care for all of those who are, by any reasonable standard or definition, indigent when it comes to housing.

It may be there are a lot more than 5 million such people, but I do not believe it. If the units we now have or those which are in the pipeline were distributed on some kind of reasonable basis to the poor or the near poor, I do not think we would have any kind of serious housing problem in this country. That is not the case.

Regretably housing subsidies by the Federal Government go primarily to people who are not by any reasonable standard or definition poor.

So, I think we have enough housing that is subsidized. What we ought to do is focus our attention on putting the housing into the hands of those who need it. Is that a practical solution to the problem in lieu of creating new units every year? I think it is, because in the natural course of events about 600,000 units of subsidized housing will become available each year as people leave them for one reason or another and could be distributed back to those who are indigent from the housing standpoint.

Mr. D'AMATO. Mr. President, will the Senator yield for a question?

Mr. ARMSTRONG. I note my friend from New York has arisen and if he would like to engage me on that point I would be glad to yield to him for that purpose.

Mr. D'AMATO. Does the Senator have a legislative proposal as it relates to see to it that there is a more equitable distribution as it relates to housing? I would certainly work with the Senator as it relates to that. We have been on this committee together for a number of years. I would welcome the opportunity. I do not think there would be any Senator or any former local official who would not.

But to simply say that we vote against the entire housing bill because there may lay in the woods better ways of dealing with the distribution I think would do a disservice to the Senator's position.

Mr. ARMSTRONG. Mr. President, I appreciate the expression of the Senator from New York and he will recall that in fact we have worked together on one or more occasions in exactly that spirit.

In fact, about the only provision of this bill which I do not intend to criticize during the course of my remarks is a particular program which is created by this conference report on which he and I did collaborate to lower the threshold of eligibility so that the program would be more nearly targeted to those who are poor.

Now, we did not set it at the level where I thought it ought to be, but we did set it at a lower level than in the bill originally. And, for that reason, and because of our agreement to do so, he is not going to hear me even say the name of this program tonight.

But I want to point out to him that the other programs in this bill, which have been the subject of amendments which I have offered repeatedly in committee and on the floor, and some of which have been adopted, for the most part are not targeted in the way I think they should be. But I do not want to leave the impression with the Senator from New York or anyone else that this is the only reason. Indeed, this is only one of the reasons why the subsidized housing portion is excessive.

I would like to turn now to some of the other reasons which convinced me that, at this moment when the budget imbalance threatens the financial stability of this country, it is not timely to create an additional program of a subsidized program. And it is an additional program.

There is a notion running around here that somehow this just maintains last year's level; that we are not increasing the number of units, we are just keeping on sort of a level course; that it might even be at a freeze level. Somebody even thinks it is below a freeze level.

I would like to point out to my colleagues that if 6 years ago I had bought a new car and entered into a 6-year contract to pay for it, and then 5 years ago I bought a second new car and entered into a 6-year contract to pay for it, and then 4 years ago I entered into another new car contract, and so on, and then this year I came up with the preposterous idea that I was going to buy another new car and enter into still another multiyear contract to pay for it, they would laugh me right out of the bank if I suggested to them that I was only maintaining last year's level of expenditure.

Now, that is crazy, Mr. President, and yet that is the underlying theory when people say we are maintaining last year's level.

Now, there is a difference, I grant you, between multiyear housing authorizations and buying new cars. And the difference is this: When you finance a car, generally you finance it for 3 years or 6 years. When you finance subsidized housing, it goes anywhere from 10 to 40 years. And that is why the Senator from Utah correctly pointed out that there is a quarter of a trillion dollars in unfunded liabilities in this program right now.

If we defeat this bill and we never authorize or appropriate for another unit of subsidized housing, we are going to have to pay off $250 billion to which we are already committed.

Mr. President, that number is not in the national debt. It is not a part of what we raise when we periodically increase the amount of public debt in this country. It is not reflected in any of the documents of concern. It is just an insidious increment that every year we have to pay off just like we were buying a car every year.

Mr. President, I would also like to point out that the cost estimates which are used to support this conference report are, at the very best, under the most charitable interpretation, subject to dispute. It is suggested that somehow the $15 billion authorization for subsidized housing and other things in this bill is only about the same and maybe a little less than the level that was contained in the Senate bill.

Well, Mr. President, the Office of Management and Budget disagrees with that. Maybe they are wrong. They certainly could be. And I would be the last one to want to stand up here in front of a bunch of Senators and carry the mail for the OMB, because the frustration that my colleague from New York expressed, while I do not express with respect to this bill, I could express on all kinds of other subjects. I mean, the guys down at the OMB are just impossible. All they ever want to do is cut off the spending for these programs. And I know how it is. I mean, I have been down there trying to promote funding for programs I believe in, programs, of national defense or whatnot, and all they think of is just how to somehow save money.

Mr. President, that happens to be their job. Their job is to try to somehow get revenues and spending in balance. That is what that is, that is the Office of Management and Budget. The implication is that they are to manage the Nation's funds within appropriated accounts and provide the President the guidance in preparing his budget and then to work with the Congress. That is their job. I know it is a great frustration.

It is no wonder that, over the years, people who have held the job of the Director of the Office of Management and Budget end up being kind of unpopular. It is no pleasant job. It is more fun to give away money than it is to blow the whistle and sound the alarm and say, "You can't do this because of what it is doing to the national budget, the deficit, the implications for the economy, the debt that we are saddling our kids with, what it is going to mean to unborn generations." That is not as much fun as saying, "Here is some free money. We are going to shovel it out to the poor people, to the cities, or transportation, or something else."

But they are experts and here is their expert opinion: that the budget authority is understated in the estimates by $3.7 billion. In other words, the conferees say it is $15 billion and the OMB says it is $18.7 billion. That would exceed the Senate's version of the bill by $3.1 billion for next year. Over the 2-year authorization, the conference report, in the opinion OMB, exceeds the Senate bill by $4.2 billion and by $1.2 billion in outlays.

By any kind of measure, by anybody's measure, this bill substantially exceeds the President's budget. The fiscal year 1988 conference report is $6.8 billion over the President's budget request in budget authority. Over 2 years, the conference report exceeds the President's request by $14.6 billion.

Now, maybe they are wrong. Maybe they are way off. Maybe their estimates are as much as 50 percent off. Even so, we are talking about a huge hemorrhage at a time when we can ill afford it.

Now, Mr. President, in addition to that, I want to point out that this bill contains some new ideas that we have not seen previously; some new ideas which are not costed-out and which it is not even clear to me whether the cost of which will be Federal responsibilities or shifted off to the cities. And I am referring to the antidisplacement program.

I would like to explain that. And since I notice the manager of the bill is on his feet, perhaps he could respond to a question. This bill contains the new and unusual and, in my opinion, alarming suggestion that cities—may I rephrase that? It is not a suggestion. It is a requirement. This is the law.

The conference report requires that cities receiving CDBG or UDAG funds provide a 10-year rental subsidy for any low-income family displaced by a CDBG or UDAG project. This sounds like it is a new departure to me. It sounds like it could cost a lot of money.

My question for the managers of the bill is: how much is it going to cost, and who is going to pay for it?

Mr. D'AMATO. Those funds come from within the CDBG. It does not call for any new funds. It is part of the communities.

Mr. ARMSTRONG. Paid for by the communities or out of CDBG grants?

Mr. D'AMATO. Out of CDBG funds. I think we have to recognize, if you are going to have a community development program, that if it leads to displacement of low-income families—that is exactly the sentiment that my colleague has expressed, that of seeing to it that people who are of low income do have decent, affordable housing—it does not make much sense to come in to an area, tear it down, build a shopping center or a hotel or another complex and, in the meantime, displace 25 families, 50 families, 100 families. So what it says to the community is: before you are allowed to utilize these funds in this manner, you are going to have to provide housing for those displaced families. I think it makes ample sense.

Mr. ARMSTRONG. Mr. President, could I pursue that for a moment with my friend from New York? The point he is making, it seems to me, has some merit. I wonder if I could read the transcript of the hearings on this matter.

Mr. D'AMATO. If you could read the transcript of the hearing?

Mr. ARMSTRONG. Yes.

Mr. D'AMATO. If I have the transcript of the hearing here, I would be delighted to let you read it.

Mr. ARMSTRONG. Were there hearings held on this issue?

Mr. D'AMATO. Excuse me. I thought we were referring to the discussion as it related to the conference, because we did have protracted discussions as it related to that. This was a matter that came from the House side and that this Senator expressed some concern about in terms of how far it did go.

Mr. ARMSTRONG. The point I wanted to make—and I am not here tonight to express everlasting hostility to the notion we ought to take care of people who are displaced by these projects. I do not happen to think UDAG project ought to be built anyplace. I am against UDAG. I will be coming to that in a moment.

But I do not think it is an unreasonable notion, per se, to say that we ought to be concerned about poor people who get displaced when the Government bulldozer arrives. What I do think is a little farfetched is the idea that this kind of a dramatic departure suddenly shows up in a conference report. And I am advised—and I may be wrong—I am devised there were no hearings on this matter. So we do not have any idea of how it will affect the people at the local level.

Now, the Senator says—and I assume me are making some kind of legislative history here—that it will be paid for out of CDBG grants. I do not think you can tell that from reading the conference report, but I am perfectly willing, for my part, to let that be the legislative history here.

Mr. D'AMATO. Let me say this to you. It also provides a community section 8 and voucher funds that can be utilized for the displacement of these people. What is says is before you displace the low-income families, you are going to have to be able to be in the position—whether it be from CDBG funds, that the local government, that is the section 8; whether it be by voucher—to provide that assistance.

Mr. ARMSTRONG. Do we have a cost estimate on it?

Mr. D'AMATO. Well, it is within the existing funds. Let me also say about cost estimates, I have seen CBO estimates and over the years their estimate—and I have gone over this, whether it be raising of revenues through the sale of property, whether it be through expenditures—their estimates have historically been inaccurate.

Let me refer to the fact that the estimated authority levels by the Congressional Budget Office for 1988 and 1989, and you might want to disagree with them, but they indicate the estimated levels at $15.76 billion for 1988 and $15.803 billion for 1989.

Mr. ARMSTRONG. Let me just see if we can set the Record straight. I did not suggest that OMB was impartial. I never commented on that. What I said it was their job to undertake an unpopular task.

I think the Senator is well within his rights. It is fair play. It is straight up as far as I am concerned for him to point out that CBO has a different number.

My point is this: that there is at least a responsible opinion that this $15 billion is way too little. But we have moved on beyond that.

I am now inquiring about the specific cost of the antidisplacement provision. It may be a great provision, but what we have here tonight does not validate that in my opinion. In the first place, it is not necessary. At the present time there is a current law provision that pays moving expenses, relocation expenses for people to move into comparable decent, safe housing; provides relocation assistance payments, requires housing counseling and some other features for people who are displaced as a result of CDBG or UDAG housing.

So, while it is nice to say that OMB has come forth with a difference in what the committee conference report has come forward with, the CBO——

Mr. ARMSTRONG. We are past that.

Mr. D'AMATO. The Congressional Budget Office has indicated that, indeed, we are on target. So, if we were going to talk about variances in whose 50 percent——

Mr. ARMSTRONG. It is a separate point, let me say to my friend from New York. We have already established that you think the program is going to cost $15 billion.

Mr. D'AMATO. It is the Congressional Budget Office, not just this Senator. You give us figures that OMB disagrees with. CBO disagrees with them, and I think you accurately portrayed it. OMB is not impartial. They are not the accurate measuring stick. What they have become is the point——

Mr. ARMSTRONG. Has somebody got the floor here?

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ARMSTRONG. The new feature of this is a rental subsidy for 10 years. Even that might be a good idea. It does not sound like it, just instinctively; a 10-year subsidy sounds like a lot of subsidy. That even might be a good idea. But my point is to drag it into a conference report when there are not any hearings and this is not a matter about which there is no controversy? The Senator from New York himself said he had some doubts about it and the opponents include the Conference of Mayors, National League of Cities, and a number of other people.

So, Mr. President, that is reason No. 2 why I think Senators ought to go slow in voting for this conference report.

I would like to turn my attention to the UDAG provision of this bill. One of the features of the conference report is to reauthorize UDAG. For those who have forgotten, UDAG is a program which permits some of the largest corporations in this country to receive money to build projects in designated areas around the country.

What are these projects? Well, mostly they are hotels and that kind of thing but there have also been shopping centers, office buildings, parking lots, recreation facilities, and restaurants.

My question is this; it is just a philosophical question: where is the justice of taxing the people of, say, Yuma, CO, which is struggling to keep its head above water in the midst of a serious agricultural depression, to send the money back to, say General Motors to build an office building? Or the Marriott Corp.? Or the Holiday Inn? Or anybody else—the Sheraton?

So far, UDAG's have built 12 Hiltons, 6 Hyatts, 6 Holiday Inns, 5 Marriotts, and 5 Sheratons.

Am I mad at these companies? I am not. Am I criticizing these companies? No, indeed, Every one of these companies is required to abide by provisions of law which are to their disadvantage. So I do not fault them for taking advantage of this kind of legislation if it is good for them and if it is helpful to them and it puts money in their pockets. But I do fault Congress for permitting such as law to remain on the books, a law which has proven to be so illogical and extravagant that the very Senator who is the father of this program came to the floor not too long ago and joined in offering an amendment saying that it should be abolished.

That is the kind of program we are extending here at a time, Mr. President, when our negotiators are right down the hall trying to figure out a way to make some saving in existing, already-allocated, budgeted, committed funds so that we can prevent a further stock market crash.

I do not want to dwell on UDAG, but I could not pass up the opportunity to say I think we can do without a $3 million marina; without 200 dockominimums; without a 20-acre theme park and water play park and other vacation resources funded by UDAG.

I do not think we need UDAG to build new car washes. Honest to Pete, Mr. President, I think the private enterprise section of this country, even if next year is a recession year and it could be, will provide all of the capital that is necessary to build plenty of car washes to protect the future of America. If not, dirty cars are not the worst thing in the world.

I mean, this is silly. What in the world are we thinking about, even in good times, even when we have plenty of money, spending it in this way? Well, that is UDAG and that is reason No. 3 why, in my opinion, Mr. President, we ought to go slow in voting for this conference report.

Then there is HODAG.

Mr. DOMENICI. Would the Senator yield?

Mr. ARMSTRONG. Do you want me to yield the floor before or after HODAG? I would be happy to yield on UDAG any time.

Mr. DOMENICI. I want to suggest to the Senator another way to look at the CDBG-UDAG phenomenon that you just described under this new legislation. Frankly, I think my notion of it can affect people, make them more for the bill or more against it, either way.

Frankly, as a former mayor, I submit that CDBG and UDAG, with the new displacement rules, are going to be greatly limited in their use. I cannot imagine a city in the United States going in and really cleaning up an area and building new facilities there if they are not only going to have to provide in that package 10-year replacement facilities but look at this provision. It says if that project increases the rent in the area, that is considered an indirect displacement and they are going to have to compensate somebody for it. I do not even know how they are going to figure that one out. That means that if you go in with your goal, I say to my friend from Colorado, to enhance an area and make it better, lift it in quality, you probably have raised the rents in a circle around it because you have raised the quality of the area.

I think those who do not want UDAG's used for the purposes they have been used in the past may very well say this is a good provision because UDAG is probably not going to be used the way it was in the past. As a matter of fact, it is going to be tremendously restricted, in my opinion, because who in the world is really going to pay these kinds of relocation benefits, including potential indirect displacements for rising rents? We are going to get a very narrow use of both CDBG and UDAG, in my opinion, until somebody finds out what this new plan means.

I say to my friend from Colorado, one might take it either way. One might say: Well, that is pretty good, since we do not like the way UDAG's were used in the past. Some might even say that because of the CDBG limitations that I predict are going to occur here, every community is going to use them where there is no displacement. They are going to use them where there is no rental enhancement in the area because they are going to get an awful lot less for the money.

I do not know how much in CDBG Texas gets, but my State gets $20, $21, $24 million. They have hearings and each city that needs it gets a little bit for a water system or for this or that. There surely will not be any which goes to enhance a slum area, because that is the most prohibitive place to use it with what we built in this bill. I think the UDAG is exactly the same.

Mr. ARMSTRONG. But the point the Senator makes, and I hope he will not leave the floor for a minute, is a good one and goes to the heart of the validity of the underlying program. But I wonder if the Senator, who is the ranking Republican member of the Budget Committee, former chairman of the Budget Committee, and generally acknowledged to be one of a handful of people, though I do not know how large a group, a very small group of people who have a thorough knowledge and understanding of the budget and the financial crisis this country is facing, does the Senator think that the merits of UDAG are separate from whether we can afford it? At this point, is that not the major issue? Even with the underlying question of whether it is well-designed or might be abused, the real question from a larger context, even though I have raised objection to the program, is the question of whether we can afford it.

I have just mentioned that the Senator from New Mexico and others have been meeting down the hall trying—I think desperately is not the wrong word—trying desperately to find a way to reduce spending. What are we thinking about when we just seem to be going on our way as if there is no problem, as if it is just business as usual?

Mr. DOMENICI. Let me say I happened to have heard the remarks of the distinguished Senator about 30 minutes ago when he opened his discussion, having given a brief discussion of the history from 1929 on and what happened in the stock market as a forerunner to the overall economic crisis. Then he gave the history of the first big crash of 1929, followed by a euphoria, with things going up, and then we had a real one.

You said there were some signals out there from this first one indicating that there were some real basic problems. We know what they are. You enumerated some of them—trade deficit, enormous currency fluctuations causing a lack of confidence by foreign markets in America.

Mr. ARMSTRONG. Tight money.

Mr. DOMENICI. Tight money.

Mr. ARMSTRONG. Tax increases.

Mr. DOMENICI. Tax increase or tax increases; and whatever form there is of protectionism. You went through the whole list, and there are more. You indicated quite appropriately that some of them we can do something about and some we cannot, but you said, forthrightly, we can do something about the deficit if we want to. I want to say to my friend, the Senator from Colorado and to those who put this bill together, far be it for me to decide for anyone here what the priorities of Government ought to be.

I do not know whether UDAG ought to be a priority, but I can tell you this. Clearly we cannot afford what we have. We have to cut something. As I was saying to my friend from Colorado, I cannot establish the priorities for this place, the U.S. Senate, the President of the United States, the Government of the United States. That is collectively done here and the President exercises his executive power. But I can say this, that we cannot afford every program that we now have on the books at current levels of expenditures or more and get the deficit under control.

I do not know if I am answering your question. I think I am.

Mr. ARMSTRONG. I think the Senator is answering the question, but while you are on your feet would you care to speculate as to what is going to happen if we fail to get the deficit under control?

Mr. DOMENICI. Frankly, I would not be the least bit reluctant. I would put it another way. I would say we have a reasonable chance of continuing the 59 to 60 months of prosperity in this country, the longest sustained economic growth, if we get the deficit under control. We have a reasonable chance of that going on for a reasonable prolonged period of time.

On the other hand, I think the chances of that occurring without us getting the deficit under control are greatly minimized. I do not think that has anything to do with whether one is worried about Wall Street, as such. It has to do with worrying about prosperity in its fundamental sense: jobs and opportunities, employment in every community in the country.

I am not working in that back room that you have described, Senator, my friend from Colorado, my neighboring State, because of Wall Street. They are plenty big and plenty powerful. They take care of themselves.

The problem is that everything works together now. Our money is international, our banks are international, stock is international, where we get our money is international, to build and pay our debts is international. When that starts to happen, it means something.

So I repeat, the chances are minimized for sustained jobs and growth in America if we do not get the deficit under control.

We have a very significant prospect of sustained prosperity if we can find a little bit of austerity at this point, and it does not have to be an awful lot.

Mr. ARMSTRONG. Just a little.

Mr. DOMENICI. Just a little. From a deficit of $172 billion in the 59th month of a recovery, if you could really, really get it down by $25 billion—that is not an awful lot in prosperous times—we would send a good signal. We might even by able to do that. I thank the Senator for asking.

Mr. ARMSTRONG. Mr. President, I thank the Senator from New Mexico for his thoughtful observations. More than that, I thank him for working 7 days a week to try to bring this deficit under control and wish him good luck and Godspeed in that effort.

Mr. President, I now want to turn to the fourth reason why I think the Senate——

Mr. GRAMM. Will the distinguished Senator yield?

Mr. ARMSTRONG. Of course, I will be happy to.

Mr. GRAMM. As an old schoolteacher, I cannot let a great point made by the distinguished Senator from New Mexico go by without being nailed completely down.

Mr. ARMSTRONG. And you are a real good nailer downer.

Mr. GRAMM. The whole purpose of CDBG and UDAG is to raise property values in blighted areas of our cities, and to raise the quality of the neighborhoods where people live. That is the whole theory in spending the money. But government does not create capital. Every dollar we spend on CDBG and UDAG we must go out and borrow and in doing so, we preempt private borrowers who seek to build new factories, finance new jobs, and so on. We jump in front of them. The whole argument is that we need these Federal programs to improve the blighted areas. But to come along now and require that the taxpayer has to provide years of rent subsidies and has to pay moving expenses for people who are not only displaced but who also suffer rent increases as a result of one of these projects, is to not just spend money we do not have on programs we do not need, but will also guarantee that these programs will be inefficient. They will not work because now there will be no incentive to spend the money in the blighted areas to do the things that the programs were designed to do because the index that is used to evalute the success of the program is the rise in land values and rents in an area where the program occurs.

So the index for success generates the cost that eliminates the incentive to undertake the program. So not only do we not have the money to fund it but we have put into place a requirement which will assure that the money we borrow and spend is poorly spent and that it will not serve the purpose that these programs were created for.

Mr. ARMSTRONG. Mr. President, I congratulate the Senator from Texas on the clarity of his thought.

Mr. GRAMM. And there will be a test later, might I say.

Mr. ARMSTRONG. I thank the Senator, the distinguished former professor of economics.

I wonder if the Senator recalls one night here on the floor we were talking about this UDAG Program and we very nearly killed the program as a result of an amendment which we considered that night. I was up trying to make the point that, by gosh, it just seemed illogical, unfair and unjust, as well as extravagant, to fund all of these hotels, "dockominiums, condominiums, theme parks, and carwashes, and so forth. One Senator arose and asked me to yield and I said yes and he said, "Does not the Senator realize this is a very popular program?"

You know, I did not realize that. By gosh, if you give money away to people, they like it. It is going to be popular. One can readily predict that if you shovel money out of here to communities around the country, give it away to the Marriotts, the Hiltons, the General Motors, various communities, and so on, they are going to like it. But that is a different issue. The issue is whether it makes sense, whether it squares with a reasonable concept of economic justice, or whether, in fact it may be counterproductive as the Senator from Texas so correctly pointed out.

Mr. President, I want to turn quickly to HODAG now. HODAG is reauthorized by this conference report. As you know, this is a program that was intended, it was designed, it was originally created to increase the availability of rental housing for low-income people in areas where that kind of housing is in shortage—rental housing. It would seem to me that a fair place to begin, a threshold, if you will, to consider whether or not this program ought to be reauthorized is to ask how is it working. Mr. President, only about 40 percent of the HODAG funds go to serve the needy. Eighty percent of the units and 60 percent of the money goes to anyone who wants the available rental apartments under the HODAG Program. And that means many middle- and upper-income families. Again, the issue at least in part is how do we allocate the scarce resources? Do we target it to those who really need it or do we make it available sort of in a hosing fashion—anybody who comes in front of us, we just hose them down with money and figure that that is going to make them well.

Let me just point out the economic consequences of this. Since HODAG subsidizes market rate units for anybody who wants one, along with the lower-income people, an average grant of about $73,400 is required to obtain one low-income unit. It is, in brief, shockingly inefficient.

Mr. President, I wonder how many Senators happened to read an ad that appeared in the newspaper recently which pointed out that in Atlantic City—this was in a Wall Street Journal article in August 1985—an apartment complex with rental units costing $800 per month was built using HODAG funds. Now, just to recap, HODAG is designed to make apartments available to the poor, and one cannot help wondering how many poor people can afford to pay $800 a month for an apartment.

Mr. President, this is a program which needs reform, not reauthorization in the present form.

Now, Mr. President, I want to talk about rural housing. In the last 20 years or so we have spent $40.7 billion on programs of assistance for rural housing. Today there are 1.5 million units of subsidized rural housing in use. In the last 5 years, 246,000 units of rural housing have been added to our stock. I think it is fair to say that the Federal Government has not ignored the need for rural housing, but we have ignored the need for reform. The fact is that, much like the HODAG Program, the rural housing subsidy is shockingly inefficient. New starts under this program are about three times as expensive as the average HUD existing unit, according to the official estimates presented by OMB. The present value of the Federal subsidy for an existing section 8 or voucher unit for 30 years service is $19,000, and that is not, by the way, considered to be an efficient or a well-targeted program. Section 8 is in fact, in the opinion of many, a scandalously extravagant program and one which has been subject to well-documented political corruption. But it cost $19,000 per unit. Under the rural housing program, the comparable figure is $55,000 per unit.

Now, Mr. President, that brings me to the section 235 program which is reauthorized here, not the largest abuse of the conference report but in many ways the most poignant because we have been trying to get rid of 235 for a long, long time.

This is not the moment for a history lesson. Sometimes we do that in the Senate; we go back and rake over old war stories, but I would like to note in passing that the abuses of the 235 program were so extensive that back in the middle 1970's we decided we had to come up with something better than that. That is when we came up with the section 8 program.

Now, the section 8 program has generally been conceded to be a seriously flawed, if not a catastrophic, program. But the idea was, at least the justification for it in part was that we got rid of the 235 program which has proven to be a miserable failure. Default rates on the original 235 program were over 20 percent, up around 21 percent. Total foreclosure losses now exceed $600 million and a study showed that only 13 percent of the families subsidized under this program were poor people.

Again, it is a question of targeting, Mr. President. But anyway, we were going to phase this out. We thought we had come up with something new. We came up with the section 8 program. That did not work and so then we came up with the housing voucher program. That has not worked. The thing that is alarming, or at least disappointing, is that as we have reformed each of these programs and created substitutes we have just continued the old programs which were discredited and which were themselves used as the justification for starting up these new programs, and the worst of it is that the 235 program was expected to phase out finally and now we are starting it back up again in this conference report.

I do not know again if I may refer to a newspaper ad. I do not know how many saw the ad which appeared in the Washington Post under the headline as follows: "Parents, Help Your Son or Daughter Buy a Home With 4 Percent Financing." And then it goes on to tell that under certain conditions you can qualify for this program and the conditions were a certain income level. Mr. President, it was not an income level that denominated a poor person. It was an income level for middle-income people. So, again, you have the working poor paying taxes in order to subsidize middle and, in some cases at least, upper-income people.

Well, Mr. President, these are a few of the things I have been thinking about. I gather it will be the intention of the leadership to debate the issue a while tonight and then lay over the votes on it until tomorrow, but I do, before I yield the floor, want to pose a question or two.

On tomorrow I expect to make a point of order against this matter, or at least I would like to consider doing so, and I would like to inquire of the Chair whether or not I am correct in my understanding that under section 311 of the Budget Act it would not be in order to have any direct spending in this bill which caused an increase in spending. I am told that this bill in one of its sort of minor provisions does in fact direct the spending of, I think, $47 million. That is not the biggest end of the bill. The huge portion of it is only authorized, not actually appropriated or required to be spent, and it is the $15 billion or, if you believe OMB, almost $19 billion in spending which concerns me the most. And yet I do understand that there is some $47 million in direct spending, and my inquiry of the Chair is this: Under provisions of section 311 of the Budget Act, would such spending constitute a violation of section 311, if I were to make such a point of order?

The **PRESIDING OFFICER**. The passage and enactment into law of the conference report on S. 825 would cause the appropriate level of total budget outlays set forth in the most recently agreed to concurrent resolution on the budget for fiscal year 1988 to be exceeded by the amount of $47 million in violation of section 311(a) of the Budget Act.

Mr. **ARMSTRONG**. I thank the Chair.

The **PRESIDING OFFICER**. The Senator from California.

Mr. **CRANSTON**. Will the Senator yield for me to make a brief response to that?

Mr. **ARMSTRONG**. I would be happy to yield to the Senator from California to respond, although I think I am very close to yielding the floor. But please feel free to go ahead.

Mr. **CRANSTON**. I would like to get this point in the RECORD, if I may.

Mr. **ARMSTRONG**. Fine.

Mr. **CRANSTON**. Tomorrow at an appropriate point I expect to move to waive the Budget Act in relevant respects. I would like to state that this is largely a technical problem that lies against virtually any bill coming at this time to the floor of the Senate. This is the first time this point of order has been raised, however. The fact is it could have been raised with respect to many other bills coming to the Senate floor during the past month or so.

The problem is created by timing only, not by any budgetary problem created by this bill. First, we do not yet have a reconciliation bill and the associated savings. Second, the continuing resolution is scored by the technicians as if it covered the whole year although it only extends through December 16.

I want to emphasize that the housing bill is not responsible for the current budget tightness. Housing programs have been cut by 70 percent since 1980, and this conference report would cut spending still more. The point of order, therefore, is inappropriate and the Budget Act should be waived so that the Senate can consider this bill on its merits, and I will make that motion at the appropriate time tomorrow.

I thank the Senator for yielding to me.

The PRESIDING OFFICER. The Senator from Colorado retains the floor.

Mr. ARMSTRONG. Mr. President, I am very glad to yield to my friend from California. I could not help thinking as he explained the point of order—even though it is evidently a valid point of order, and I do not doubt that a point can be made that it is inappropriate—and remembering what people always say around here when the issue comes up of some highly desirable program and somebody says, "We can't afford it." They always say, you know, this is not a cost, this is an investment in the future of America. That is standard argument No. 1.

If the professor of economics from Texas were to conduct a course on how to get bamboozled in public finance I would suggest that one place that he would want to footnote in his syllabus is it is not a cost, it is a future investment. That is one.

Another one that is very familiar is the one we have just heard, that this is only a technical matter. Of course, this is all technical matters. When you get right down to it, the Budget Act is just a technical restraint. It is not a very efficient restraint. The debt limit is only a technical matter. We can raise it, waive it, we can do anything we want, and we can wreck the economy of this country. If that is our desire, we can do so.

Actually, all the statutes we pass around here are only technical matters. It is only a criminal act to do things which society decided should not be done because some legislative body passed a statute and says this is a crime and we are going to punish people if you do it. I do not suggest waiving the Budget Act here would be a criminal act. I do think in an odd sort of way it would be a symbolic crime of some sort and the suggestion that this is kind of a routine thing which does not apply in this case, Mr. President, in my opinion because this is not a spending bill. This is an authorizing bill. Authorizing bills by their very terms are not supposed to spend money but this has some direct spending in it.

I will grant you $47 million is not big compared to $18 billion or $19 billion, but it is still a substantial amount of money and in due course I probably will raise the point of order simply because it frames the issue, and it gives Senators a threshold, something to think about, before we get to final passage on the conference report.

Mr. President, there are three or four reasons why this is a hard conference report to vote against. The first is our friendship for the Senator from California and the Senator from New York. I have already acknowledged that I do not like having to argue this issue out time after time with my friend from New York. He is a great guy, we are friends, and I do not think he would object if I said we were pals. I would do almost anything to help him, and I do not like to oppose him. It is hard to vote against Senator D'AMATO and Senator CRANSTON, who have invested a lot of their own time in here, but let me say to my colleagues, by gosh, that is no reason to vote for this bill, just because they have worked hard on it.

Second, it is a hard bill to vote against because there are some things in here we want. First and foremost of those is a permanent extension of the FHA. One of the arguments we are bound to hear sooner or later is if you do not pass this conference report, we will never get a permanent extension of the FHA. Senators will recall that about 10 days ago I offered a proposal which would have made FHA permanent. It was voted down after the same Senators who are now managing this bill said, well, if you vote for the Armstrong amendment, FHA will lapse next week because the House would never buy this amendment. So the Senate voted down my amendment and the House did not buy their version the following Monday. The program lapsed again.

I do not know how many times we are going to let FHA lapse before we finally make it permanent. We should have done it years ago. It lapsed seven times last year. It is a worthy program. As I said before, it ranks, in my opinion, right up there with the Interstate Highway Program, land-grant colleges, the GI bill, and a handful of the most successful programs in the history of this country. It ought to be permanent. It is not controversial, it is not expensive, it is doing its job, and it is efficient, which is more than you can say for the rest of these housing bills. It should not be held hostage to the housing bill.

But, Mr. President, that is not really a good reason to vote for this legislation because win, lose, or draw, we can pass an FHA housing extension anytime we want to.

I note, Mr. President, that the majority leader is here. I believe it would be his purpose to seek a unanimous-consent agreement. I believe I am within no more than 2 minutes of concluding my remarks. I am prepared to enter into the time agreement that I understand he will propound.

The third reason why this is hard to vote against is because it is popular. When you get right down to it, there are a lot of people who are going to benefit from this.

I have some good personal friends who have made a fortune building very useful kinds of subsidized housing. I said, look guys, you are right to take advantage of the law. You have to obey the ones hard on you, so go ahead. If the law is there, do it, but I honestly think making one fortune is enough for anybody out of these goofy subsidized programs.

It seems to me before we reauthorize them that we ought to get them targeted to the people who need them, and they should not be a boondoggle. They should be a careful expression of the compassion of the Congress for poor people. They are not any such thing in the present form, even though I know that the people who benefit, small number of people actually, will like it.

The last reason, Mr. President, why it is hard to vote against this is because there is a lot of political pressure on this and not all of it is the kind of civics textbook political pressure that would be appropriate under the circumstances.

There is some reprehensible stuff going on around here. As I have talked to Senators some of them have confided to me that they have been subject to what I regard as truly improper pressure. When they have been talking to various interest groups about election campaigns, not about housing, but about election campaigns, they have been told in no uncertain terms that by gosh, how our organization and our political action committee stands in your race for reelection next year and your State is held in abeyance pending the outcome of the housing bill.

Mr. President, that is hard to stand up to because some of our colleagues on both sides of the aisle are in tough reelection campaigns. It is no fun to pick a fight with powerful interest groups that have a lot of money to spend, have a lot of members back home, and who are that direct in threatening Senators. I do not know how Senators react to that. I know how one did because he told me. He said, "You do not have to hold the decision in abeyance. I won't accept the contribution from you guys anyway. My vote isn't for sale."

Maybe the groups did not mean it quite that way. Maybe they did not mean we are buying your vote. But the implication is pretty clear.

I have heard it often enough for the last few days to know that it is not an isolated case.

Mr. President, it is hard to vote against stuff that is popular but has a lot of political clout behind it. But we ought to do it for the sake of the country, to give some encouragement to those who are trying to bring order out of chaos in the budget front, to keep faith with the need for the reform of these housing programs, and for our own self-respect. We ought to vote this conference report down.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, I ask unanimous consent that at 9:15 a.m. on Friday, the Senate resume consideration of the housing conference report and at that point the Senator from Colorado [Mr. ARMSTRONG] be recognized to make a point of order that the conference report violates the Budget Act, and debate on the point of order be in order and limited to 45 minutes to be divided in the following fashion: 30 minutes under the control of Senator ARMSTRONG; 5 minutes under the control of Senator GARN; 5 minutes under the control of Senator GRAMM; and 5 minutes under the control of Senator CRANSTON.

Provided, further, that at the hour of 10 a.m. on tomorrow the Senate proceed to vote in relation to the budget point of order;

Provided, further, that following that vote, if the conference report is still before the Senate, that there then be 1 hour for debate on the conference report, to be equally divided in the usual form, and that a vote occur on the adoption of the conference report at the conclusion or yielding back of time;

Provided, further, that following that vote, the Senate proceed to a Senate joint resolution, to be introduced today, to extend the FHA until December 16, 1987;

Provided, further, that upon disposition of the joint resolution authorizing a short-term extension of the FHA authority, the Senate immediately proceed to a concurrent resolution making corrections in the conference report, and that there be no amendments or motions to commit either with or without instructions in order with respect to that resolution;

Provided, further, that the vote which will occur at the hour of 10 a.m. pursuant to the order be a 30-minute vote and it will be a rollcall vote; that that be a 30-minute rollcall vote, that the call for the regular order be automatic at the expiration of the 30 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. CRANSTON and Mr. ARMSTRONG addressed the Chair.

Mr. ARMSTRONG. Reserving the right to object, I do not intend to object. As I understand the request of the majority leader, there would be no limitation on the final matter with respect to the time or amendments, the final matter being the FHA extension?

Mr. BYRD. That is correct.

Mr. ARMSTRONG. I thank the leader. It seems to me that the scheme he has laid out would be helpful to all concerned.

Mr. CRANSTON. Mr. President, reserving the right to object, I of course do not intend to object, I want to clarify one point. Under the agreement that at the hour of 10 a.m. on Friday the Senate proceed to vote in relation to the budget point of order, it is my understanding that that language leaves room for me to make a motion to waive the point of order to be made by the Senator from Colorado.

Mr. BYRD. It does.

Mr. CRANSTON. I thank the majority leader.

Mr. BYRD. I thank the distinguished Senator.

The PRESIDING OFFICER. Is there objection? If not, so ordered.

Mr. BYRD. Mr. President, there will be no more rollcall votes today. And as soon as Senators are willing to complete their debate on this matter, I am prepared to go over until tomorrow.

I thank all Senators.

Mr. CRANSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mr. CRANSTON. Let met first assure the majority leader that as far as I am concerned, there will be no more time except about 1 minute which I will take now, and I do not know how much time other Senators wish to take. I simply want to say in regard to some of the statements from the Senator from Colorado about the OMB and cost estimates relating to this conference report, the following statement.

We have seen the cost estimate prepared by OMB and staff has carefully analyzed it. Frankly, it is so misleading and shot through with errors that I am surprised the table is being introduced here on the Senate floor.

The conference agreement reflects a clear decision to reduce fiscal year 1988 spending below the current levels. That was a very difficult decision. Most conferees made it very reluctantly. But they did so because enactment of this housing bill is so important.

The CBO analysis of the bill—which is free of the political shenanigans of OMB—shows that the bill, if fully funded, would provide budget authority of about $15 billion in fiscal 1988, and would result in outlays of about $600 million. As every Senator knows, this bill provides authorization ceilings only. Funding for programs in this bill would have to be accommodated within the overall totals available to the Appropriations Committee.

It is no secret that officials in OMB do not want Congress to take any action on housing legislation. They have fought bitterly to prevent Congress from passing any housing bill. For the past 3 years they have generated cost estimates that proved to be baseless. As far back as last January OMB officials were talking publicly about their strategy for getting a veto on a housing bill—that was long before the details of a housing bill had been decided. After the Senate passed a 2 year funding freeze, OMB staff gave President Reagan a cost estimate claiming the bill was a $131 billion spending blow-out.

OMB's position on the housing bill has long since been discredited. Most members on both sides of the aisle know that OMB can no longer be taken seriously on this issue.

Now someone at OMB is circulating a padded cost estimate in an effort to make this bill appear to be something other than the prudent bill it is. OMB's figures are phony.

First, they throw in over $1 billion for "contract amendments". These amounts do not apply to this housing authorization. These are amounts that the Appropriations Committee may have to provide to correct for shortfalls in appropriations estimates that were made in prior years. They would have to occur anyway. They would be provided out of the totals available to the Appropriations Committee—they are not new spending created by this bill.

Second, they throw in an extra $1 billion for Farmers Home programs. Again, these amounts are not relevant to passage of this housing bill—they relfect losses incurred in the Rural Housing Insurance Fund in prior years. This bill actually reduces new spending for rural housing.

Third, OMB's table suggests that "reuse of recaptures" would create almost $1 billion in additional spending. This is simply false. The bill only affects the use of funds that have already been appropriated, not new funding. Any funds that are recaptured but not rescinded could be made available only upon action by the Appropriations Committee. Conferees do not expect any additional spending would result from this provision.

Fourth, the table falsely shows $281 million in additional spending as a result of the Public Housing Operating Subsidies "CETA Provision." This provision of the bill simply establishes a formal process for reviewing out-of-date expense levels for public housing authorities. That review process can have absolutely no impact on fiscal 1988 spending. And in later years it would have an impact not on the spending total but on the distribution of funds available within the program. Moreover, this provision expands costs that can be considered for reimbursement. The reimbursement would have to come out of authorizations for operating subsidies and would involve no additional spending.

Fifth, the table includes $100 million for the Nehemiah Program and $30 million for Emergency Homeownership Counseling. In fact, the bill authorizes only "such sums as may be appropriated" in 1988 for these programs. To date, no appropriations have been included for either program. Under current budget circumstances, the OMB estimate is not based on reality.

Sixth, the table includes $50 million for "Troubled Projects" and "Capital Improvement Loans" and smaller amounts for several other programs. Again, these are inappropriate because the bill makes it clear that these funds are to be provided out of other amounts available.

In conclusion, the OMB table is more an effort of disinformation rather than a responsible cost estimate.

CBO's estimate would make it clear to all Senators that we have here a modest bill that provides funding levels slightly below the current levels for this year.

This statement shows how fallacious it is, and how carefully we have handled the proposed expenditures in this measure that reduce the cost of housing below present levels after colossal cuts in earlier years. The OMB table is more an effort of disinformation than a responsible cost estimate. CBO has made a responsible analysis that will make it clear to all interested Senators that here we have a modest bill that provides funding levels slightly below the current levels for this year.

Mr. President, I ask unanimous consent to have printed in the RECORD a report analyzing all this.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 825—THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1987

[Conference report in millions of dollars]

	1988	1989	1990	1991	1992
Section 8 and public housing commitments:					
Authorization level	7,092	7,438	0	0	0
Estimated outlays	12	348	2,111	2,315	1,016
Public housing operating subsidies:					
Authorization level	1,500	1,563	0	0	0
Estimated outlays	750	1,531	781	0	0
Increase PHA managment fees:					
Estimated authorization level	0	0	0	0	0
Estimated outlays	30	32	33	35	36
Housing for the elderly and handicapped:					
Authorization level	622	651	0	0	0
Estimated outlays	0	112	314	304	153
Congregate housing services:					
Authorization level	10	10	0	0	0
Estimated outlays	3	7	7	3	0
Rental rehabilitation grants:					
Authorization level	200	200	0	0	0
Estimated outlays	20	60	180	140	0
Rental housing development grants:					
Authorization level	75	78	0	0	0
Estimated outlays	0	8	45	69	31
Housing counseling assistance:					
Authorization level	4	4	0	0	0
Estimated outlays	0	2	4	2	0
Federal Housing Administration fund:					
Estimated authorization level	0	0	0	0	0
Estimated outlays	(1,213)	(2,032)	(2,012)	(2,025)	(2,036)
Community development block grants:					
Authorization level	3,000	3,090	0	0	0
Estimated outlays	60	1,202	2,734	1,847	247
Urban development action grants:					
Authorization level	225	225	0	0	0
Estimated outlays	11	56	101	113	113
Urban homesteading:					
Authorization level	12	13	0	0	0
Estimated outlays	8	12	4	0	0
Rehabilitation loan fund extension:					
Authorization level	0	0	0	0	0
Estimated outlays	39	77	34	(7)	(7)
Neighborhood Reinvestment Corporation:					
Authorization level	18	18	0	0	0
Estimated outlays	18	18	0	0	0
Neighborhood Development Demonstration Program:					
Authorization level	2	2	0	0	0
Estimated outlays	0	1	2	1	0
HUD research and technology:					
Authorization level	17	18	0	0	0
Estimated outlays	5	14	12	4	1
Flood insurance reauthorization:					
Estimated authorization level	71	5	1	0	0
Estimated outlays	(14)	23	4	2	0
Crime insurance reauthorization:					
Estimated authorization level	(1)	15	15	0	0
Estimated outlays	(1)	12	15	3	0
Flood studies: [1]					
Estimated authorization level	37	38	0	0	0
Estimated outlays	20	33	16	5	1
Retention of land disposition proceeds:					
Estimated authorization level	10	0	0	0	0
Estimated outlays	10	0	0	0	0
Fair housing initiatives:					
Authorization level	5	5	0	0	0
Estimated outlays	1	5	4	0	0
Release of pool funds:					
Estimated authorization level	0	0	0	0	0
Estimated outlays	7	7	7	7	7
Miscellaneous provisions:					
Estimated authorization level	1	1	1	1	1
Estimated outlays	1	1	1	1	1
Nehemiah grants:					
Authorization level	(2)	150	0	0	0
Estimated outlays	(2)	15	30	105	0
Enterprise zones:					
Authorization level	1	1	1	1	1
Estimated outlays	1	1	1	1	1
Rural housing loans:					
Authorization level	2,050	2,147	0	0	0
Estimated outlays	780	1,528	1,086	593	394
Section 515 displacement prevention:					
Authorization level	73	77	0	0	0
Estimated outlays	48	57	11	11	11
Rural housing grants:					
Authorization level	52	54	0	0	0
Estimated outlays	19	41	27	7	6
Totals: [3]					
Estimated authorization level	15,076	15,803	18	2	2
Estimated outlays	616	3,172	5,556	3,536	(25)

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[1] The conference report contains an appropriations authorization for such sums as may be necessary for fiscal year 1989. The estimate shown for 1989 is the 1988 authorization adjusted for inflation.

[2] The conference report includes an authorization for fiscal year 1988 of such sums as may be necessary. CBO has no basis for estimating the potential appropriation.

[3] The conference report would create a new program to provide homeownership counseling grants. The program would terminate at the end of fiscal year 1989. The appropriation of such sums as would be necessary would be authorized for 1988 and 1989.

The act would require claims to be paid from funds of the National Flood Insurance Program to compensate policy holders whose structures are in danger of imminent collapse because of flood-induced erosion. The budget impact of this provision is very uncertain and could range from no significant cost to a cost of several hundred million dollars over the next five years.

Mr. D'AMATO. Mr. President, I wonder if my distinguished colleague will yield for a question.

Mr. CRANSTON. Yes. I am ready to yield the floor.

Mr. D'AMATO. I make the observation that until sometime this afternoon, this Senator, as the ranking minority member of the Housing Committee, had no visits from OMB, no discussions with respect to any of the figures; that notwithstanding that we made repeated efforts in an attempt to speak to the administration and to the White House, we have no responses as to the various programs and the cost and any of the concerns thereto.

I am wondering if the staff of the chairman of the Housing Committee or if the chairman, himself, prior to today, had any visits by OMB, any discussions, any bringing forth of the facts that would lead one to believe that our figures were incorrect and out of sync.

Mr. CRANSTON. I had none, and I understand that the staff had no official representations from OMB. There were some informal discussions.

What OMB has done, apparently, is that it has gone to those who might oppose this bill and loaded them with disinformation, and they did not give us any adequate opportunity to knock down their false figures.

Mr. D'AMATO. I might say that a good name for OMB would be "the Office of Disinformation."

As my colleague has stated, they have a tough job. There is no doubt about that. But they do not make it any better by twisting the figures when they see fit, cutting the programs they may disagree with, shirking their responsibilities by failing to communicate forthrightly with the committees and the Members attempting to work something out, but really looking to see how they can sabotage those programs they are opposed to—the ideologies, OMB. They are not elected to run the country.

Let us get the record straight. The fact is that those Senators who expressed concern about the budget deficit want to do something about it, and that is not just defeating this bill, because that is not going to do one thing with regard to reducing the deficit and the package we are talking about.

I would like to see them, as it relates to restraint, exercise that restraint when it comes to their favorite program. The same Senators on this floor a few minutes ago castigating this bill, when it came to the electric rates for power, REA, seeing to it that it was equally spread, that burden—they were out there in front seeing that their parochial interests were taken care of, and billions of dollars for future years will be lost to the Treasury of the United States.

The same people, when it comes to their parochial needs, and that is the subsidization of the Farm Program, which went to $24 billion—I do not hear them utter a whimper.

We hear about senior citizens and we hear about people who are disadvantaged, and we hear about people attempting to rebuild the inner cities with respect to UDAG. Perhaps they do not have the sophistication, but somebody has to stand up and say we want to build the housing. Let somebody tell me that 14,000 units are too much.

There are some who would end those programs. This Senator gets sick and tired of hearing the same kind of nonsense, that this is the budget buster, when it is not. If other programs suffered the kinds of cuts that have taken place in housing and made their fair share of the sacrifices, we would not have a budget deficit today.

To attempt to say that those who advocate passage of a housing bill are irresponsible and do not care and somehow have contributed to the incredible budget deficit that has taken place is simply inaccurate. I would say that if we want to engage in that kind of rhetoric, this Senator is prepared to put forth in some detail some of the spending programs that have contributed mightily to that deficit that some of my colleagues have supported regularly.

Mr. ARMSTRONG. Do it.

Mr. D'AMATO. We will. We have some time tomorrow. My colleague from Colorado asked me to do it.

Mr. ARMSTRONG. Mr. President, will the Senator yield for a second?

I hope he will do that, because I think the point the Senator makes is absolutely valid. It is very easy for Senators to come to the floor and criticize some program they do not like, and it is going to take more than that. It is going to take farm State Senators, and I am one, who will stand up and say it is time to curtail the farm credit.

Mr. D'AMATO. Maybe the Senator would support some amendments this Senator is going to put forth in cutting some of those subsidized programs across the board. I would like to see the big budget cutters, who will excoriate every program that does not fit into their special niche, do the same.

Mr. ARMSTRONG. The Senator is aboslutely right.

For example, how easy it is for me to come here and criticize, say, the cost of shipyards. We do not have any shipyards in Colorado. So that does not cut any ice.

We need Senators from farm States who will cut farm programs. We need Senators from national defense States—Colorado is one of them—to cut programs. I am ready.

We need Senators from Amtrak States, and I am one, who are ready to take cuts in Amtrak.

We need Senators from States that benefit from mass transit to take cuts. We need that all across the board.

We need Senators—and Colorado has a Senator who is a big supporter of senior citizens—who are ready to talk about reducing or scaling back programs that benefit senior citizens.

The point is we are all in this together, and I agree with the Senator from New York on that. We are talking tonight about a housing program, but it is not the only offender. If we let this go through, it undercuts our moral authority as we address the others, in my opinion.

Mr. D'AMATO. I am pleased, Mr. President, that my friend from Colorado has put what I would address as a more balanced approach, because I do not think it is fair to attempt to indicate, and I do not think that was his purpose, that this deficit has come about as a result of this bill or the housing programs, per se.

Indeed, there is a need to bring about some fiscal order as it relates to the entire operation and that is everyone has to share, and that is my point.

I am going to sit down by saying I really do believe as it relates to the burden of sharing that housing has made more than its fair share. I am not suggesting that in the future there may not be the need for additional sacrifices, but we have to see that is evenly complied and it is not one group that is exempted out at the expense of another.

My friend and colleague from Colorado, when he talked about the areas of agriculture, defense, shipbuilding, mass transit, et cetera, and those are programs that are vital to many people in many sectors, I think he underscores an important point. I certainly applaud him for what I would consider to be a balanced approach.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, the Senator from New York is making an excellent point. The excellent point is that this is the last sausage that is coming out of the sausage machine, just a little bit more pork. There has been a lot of sausage come out before. Why cut it off on this one? Why not wait until the next one? Of course, when the next one comes out, there will be another special interest group here saying, "For goodness sake, look at all those other sausages. Don't cut this one off. Wait, wait for another day, wait for another time, wait for another program."

In fact, we have been waiting for 40 years for somebody to stand up and try to make some sense out of the way we spend money here in the U.S. Congress.

How dare those rascals at OMB, how dare they come out and try to put dollar figures on authorizations that provide whatever amounts may be required, such sums as may be appropriated? How dare they say that is an authorization? What is wrong with those people—such sums as may be appropriated?

Mr. ARMSTRONG. Mr. President, does the Senator from Texas think that would apply to the defense bill? What would you suppose would happen if the Armed Services Committee had brought a defense authorization to the floor and said such sums as may be appropriated? They have been struggling almost a year to pass the defense authorization with real numbers in it.

Mr. GRAMM. If I can respond to the Senator from Colorado, the point is no such bill would ever be contemplated and ever adopted.

Mr. ARMSTRONG. It would be laughable. It would be hooted down.

Mr. GRAMM. But the point is that we are hearing these nasty devils at OMB criticized because they have the audacity to dare to try to estimate the costs that actually result from such phrases as such amounts as may be appropriated.

It is a totally open-ended authorization. The plain truth is that the amount authorized here is not $19 or $15 billion. It is an infinite amount. It is what the appropriators on these programs might decide to appropriate. So a debate about $15 billion versus $19 billion defies all logic because the truth is that this is an infinite authorization and it always is any time that you are writing law which says that you authorize such amounts as may be appropriated.

Now what OMB has done that so riles the distinguished Senator from New York is they have been generous. They have said, well, let us just look at the description of these programs and figure out how much they might cost. Let us look at FHA losses, let us look at the HUD amendments, let us look at the fees, let us look at the replacement subsides, let us look at the new programs. Heaven forbid anybody should look at what a new program actually costs when you are authorizing. I mean, just imagine how unfair it is to try to put a dollar figure on those programs.

The position of the Senator from New York defies logic and good sense.

OMB looks at the requirement that recaptured funds be spent. It looks at mandated costs. We mandate programs be undertaken. We mandate that we remove lead-based paint. We mandate we lower tenant rents. I mean, how dare anybody attempt to figure in the actual cost of these programs, what it costs to lower rents when the law says you are going to lower rents. We mandate. Interestingly enough, you know we eliminated CETA in 1981 but in this bill we mandate that the cost of former CETA worker salaries become eligible for Federal subsidy. I mean, how dare OMB try to put a dollar figure on that?

The plain truth is that if you are generous and you say rather than putting infinity down as an amount that we are going to try to figure out what the programs cost, the total adds up to about $19 billion, and I would like to send a table to the desk and ask unanimous consent that it be printed in the RECORD because it summarizes what these programs really cost.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TOTAL FUNDING FOR HOUSING BILL [1]

[Budget authority in billions of dollars]

	1987 enacted	Housing conference	
		1988	1989
Total BA	16.2	15.0	15.7
Unfunded items:			
FmHA Losses		1.0	1.0
HUD amendments/fees/replacement subsidies		1.3	1.3
New programs (such sums)		.2	.2
Use of recaptures		1.0	.5
Mandated costs		.5	.5
Total funded level [1]	16.2	....	19.2

[1] Note: The amount that could well be appropriated to satisfy the funding requirements of S. 825.

Source: Office of Management and Budget.

Mr. GRAMM. Now, I would like to make an additional point or two about these devils at OMB before we pass on to another subject.

The first is that, while anybody can point to any cost estimate they want, the law is very clear as to whose cost estimate is the dominant and guiding cost estimate in terms of whether we are meeting the targets of the Gramm-Rudman-Hollings law and whether a sequester goes into effect. And that guiding estimate comes from the Office of Management and Budget and I think it is important in looking at budgetary impact that we recognize that.

With regard to the budget situation, the 311(a) point of order is not a trivial point of order. In fact, it is so significant that, in the Balanced Budget and Emergency Deficit Control Act, we required a 60-vote margin to waive a section 311 budget point of order because the 311 point of order is the way that the rules tell us that we are increasing the deficit for the year in question above the total that is allowed by law. You cannot have a more basic budget point of order than that.

The next point I would like to make is very simple, and that is we have heard a lot of talk about the fact that we have not had a comprehensive housing bill since 1980. I would like to remind my colleagues that today 1 million more families receive housing assistance than received housing assistance in 1980. We may not have passed a comprehensive housing bill since 1980, but the housing program, the Federal Housing Program, has continued to grow.

But is it not interesting that, while we are here debating the Federal Housing Program and talking about the fact that the American people are the best-housed people on Earth, no one has brought up the fact that the U.S. Government spends less money on housing as a percentage of GNP than any other developed nation on Earth? If I am wrong about that, I hope tomorrow someone will bring the figures forward and show me.

My assertion is that of every developed nation on the face of the Earth, the U.S. Government spends a lower percentage of GNP on housing programs. Now is that not interesting. Less money on Government housing programs, as a percentage of GNP, is spent in the Nation that not only has the best-housed people on Earth, but has the best-housed people on Earth far beyond our next-closest competitor. In fact, the people of the nation on Earth with the second-highest GNP, Japan, are far more poorly housed than are we.

Now, the point I want to make here is that anybody who thinks we are about to improve the housing of the American people in any significant way with this so-called housing bill does not understand housing in America. The American housing program is not HODAG. The American housing program is not UDAG or section 8. The American housing program is Americans going to work, earning a paycheck, and building up a nest egg to build and buy their own home.

Now there may be a lot of people who want to rush out and say, "This legislation is my housing program."

Well, this is not my housing program we are debating here. My housing program is a housing program that every American wants to participate in and is eligible for. And that is a housing program where people have a job, build up a nest egg and build and buy their own home. We have created the best housing on Earth with that housing program, not with section 8 or UDAG or CDBG, and the list goes on and on.

And it is interesting that many of the very groups who have asked people to vote for this bill recognize what I have just said. In fact they are the same groups who say, "Balance the Federal budget." The truth is every penny we spend here we are going to borrow. Every penny that will be spent on housing for the next 5 years, even if we meet the targets of the new Gramm-Rudman law, looking at it as the last, marginal expenditure, will be borrowed. That will be money taken out of the private sector, money taken out of the banks and savings and loans, money that would have been spent on the real American housing program in many cases, the housing program of work, savings, and opportunity that leads to private home ownership.

If, in fact, this is that last little sausage out of the sausage machine that destroys the credibility of Congress in being able to deal with the deficit, if it sends us into a recession, if it causes as part of other fiscally irresponsible actions and I share the view of the Senator from New York, this is not the first and not the only and probably not the last little sausage out of the mass machine, but it is a sausage and it is one that is coming out at exactly the time that we ought to be cutting the machine off—but if this contributes even in a small way to sending us into a recession and putting millions of people out of work, is housing going to be improved or hurt in America? It is going to be hurt. And that is why this bill in its current form should not become the law of the land.

Anybody who tommorrow votes to waive this budget point of order is clearly not serious about dealing with the deficit.

The next point I would like to make focuses on one of the mandated costs. It is a point that I have made on many occasions, and since I am going to get to speak tomorrow it is going to be my last one tonight. But I want to make it because it is something I feel very strongly about.

In 1981, as we were looking at Federal subsidies, we found something that to me was very disturbing. We found that we had a lot of programs that treated the people who were riding in the wagon better than they treated the people who were pulling the wagon. One of those programs had to do with rent subsidies. In fact, we found that the working poor were paying 30 percent, on average, of their income for housing and that the nonworking poor, who were in receipt of Government program assistance, were paying a lower percentage of their income on housing.

As a result, we made a decision that to some people may sound strange, but to me sounds like a decision that makes eminently good sense. We said that just because poor people worked, they ought not to be treated less well than the poor people who do not work; that, in fact, there are a lot of poor people who get up in the morning, get dressed, go out to work. It is a lot easier to stay in bed. There are a lot of poor people who work hard, who work on dangerous jobs, who work long hours in uncomfortable circumstances. It is a lot easier to watch television and to stay at home. And, therefore, we made a decision that we ought not to treat the people riding in the wagon better than we were treating the people that were pulling it.

The major reason was not only was it unfair, but it was stupid. It would simply induce more people to ride in the wagon and fewer people to pull it.

So one of the changes we made, in terms of trying to reach at least parity between the people doing the work and the people who were benefiting from the work that other people were doing, was this change in the housing program where we asked the nonworking poor to pay the same percentage of their income in rents as the working poor had to pay—30 percent.

Now, we come along in this bill and we say, "Nope. We are going to back away from that commitment. If the working people want lower rents, let them quit working, take Government benefits and then they can pay a lower percentage of their income for rents."

I do not think that is smart and I do not think it is right. And it is one of many little rotten provisions in this bill.

I am tempted to steal the line of my distinguished colleague from Colorado about the Nehemiah Program. As my distinguished colleague from Colorado has said more eloquently than I ever could, what a besmirchment of the good name of Nehemiah.

Nehemiah, of course, is that person in the Bible who saw people in need and took them in. If this Nehemiah Program takes anybody in, it is the taxpayer, because the Nehemiah Program does not take in the poor. The Nehemiah Program takes in the people who are not poor. It is exactly one of those programs that is the dream of every liberal politician: Let us get everybody riding in the wagon. Let us give a subsidy to everybody so everybody will vote for me.

There is only one problem with it. When everybody is in Government subsidized housing, who is going to pay for it? When everybody is riding the wagon, who is going to pull it? Should middle-income Americans be getting subsidized housing? I would submit, if you put it to the American people in any kind of objective way, they would say subsidized housing ought to be for poor people. But, increasingly—and this bill is another big step in that direction—the Government gives subsidies to people who are not poor, to people who have never been poor, and to people who are never going to be poor. This bill does that all in the name of providing adequate housing for the American people, when adequate housing for the American people is generated in the private sector of the economy.

If we were balancing the budget today, if we had 6 percent mortgage rates, would the American people be better housed than they are? Would they be better housed than if this bill were tenfold as large? They would be, Mr. President, in my humble opinion.

This one bill, $19 billion, in and of itself does not mean that the deficit is going to be twice the size it is today. Defeating this bill would not balance the budget. The distinguished Senator from New York has pointed out that there are other bad programs. But, Mr. President, if every time we try to deal with the fundamental problem of our era, which is runaway Government spending, we have got to face the argument there are other wrongs in the world and we ought to correct those wrongs before we correct this one, where do you start? Where do you make your first stand against spending?

In a very real sense, this is a bill which clearly is prospending, proregulation, which expands the scope of the housing program away from the poor and toward the rich. There is not a better starting point to reduce spending. It is not popular. We all know why the big vote occurred in the House.

Our job is to take the longer view and I think we can do that by first voting to sustain the budget point of order. What hypocrisy it will be if those of us who have stood up and said: We have to enforce the budget; we have to reduce the deficit; we have to reassure Wall Street; we have to stabilize the currency markets of the world; we have to prevent a recession—if, after having said all that, we come down here and waive the budget point of order and raise the deficit, I think our words are hollow and I think in fact it proves that our biggest problem on Wall Street and Main Street is that the American people know that our words are hollow, that they are not backed up by action. I think this is an opportunity to change that policy. Despite all the good politics, despite all the good people around the country who are for these programs, the adoption of this bill is not in the interest of the American people. It is not in the interest of the American economy. It would be a good thing for the future of America for us to defeat this bill or at least to sustain the budget point of order. Or, failing both, to sustain the President's veto.

I know that there are a lot of people who do not want to do that. I know there are people who are going to say the President is not really going to veto this. He just says he is going to veto it, but we will talk him out of it. I hope we are not going to talk the President out of it. The plain truth of it is Ronald Reagan has vetoed too few bills. This is one that I hope will not get by, and I think it is important that we not allow it to get by.

The **PRESIDING OFFICER.** The Senator from Colorado.

Mr. **ARMSTRONG.** The Senator from Texas has really contributed a very valuable metaphor to this discussion. He makes many contributions to the thought life of the Senate and, indeed, to the country; but in identifying those two broad classes of people, the wagon pullers and the wagon riders, he really gives us a benchmark for comparison of a lot of things. Even here in the Senate, may I say, there are some who are chiefly wagon riders and some who pull the wagon a disproportionate share of the time, and the Senator from Texas is known far and wide as one who pulls the wagon, and I thank him for it.

Mr. President, we are all eager to go home. It is long past the hour to give up. As I understand it, the agenda tomorrow calls for a vote on the point of order at 10 o'clock. I hope Senators will come down a little ahead of that, probably come down to hear some of the Senators who will get a chance to speak on this matter. Particularly I hope they will come to hear what Paul Harvey might characterize as "the rest of the story."

We have talked about UDAG, one of the most wasteful and extravagant programs we have ever seen and heard; about HODAG, which set out to give help to the poor in rental housing and ended up subsidizing the middle and upper-income groups; we have talked about whether the budget deficit contribution of this bill will be $15 billion of $18.7 billion; we have talked about the new program that will require for the first time 10 years of subsidies to people who are displaced by various Federal programs when the Federal bulldozer arrives.

You know, Mr. President, we have not talked about the great lead paint caper. If Senators want to get a preview of this, when you go back to your office prior to heading home ask your legislative assistant: Is there a provision in this conference report which, for the first time, will require that all the lead-based paint be removed in public housing even if there is no showing of a public health hazard? My colleagues, I just urge you to ask your legislative assistants this question and ask them what it is going to cost. Ask them: Could a thing like this, slipped into the conference report, cost hundreds of millions of dollars? Could it cost $1 billion? That is part of the rest of the story. We will get to it tomorrow. In the meantime I thank all Senators and I thank the Chair.

The **PRESIDING OFFICER.** The Senator from California.

Mr. **CRANSTON.** Mr. President, I do not propose to prolong this discussion. I would like to note the startling contrast between the views of Members of the minority party in the Senate and Members of the minority party in the other body. There apparently must be some bipartisan merit and a good many Republicans beyond the Senator from New York who spoke ultimately in support of this amendment today. A great many Americans feel that this is a very sensible measure. I would simply note in the original body when it came up in the conference report and it was passed on a vote of 391-1, one Republican did vote against it but voting for it were the minority leader, the minority ship, the ranking Republican on the House Banking Committee, the ranking Republican on the House subcommittee, and all the other Republicans who voted except one.

I now ask unanimous consent to place on the calendar a joint resolution introduced earlier by myself and Senator D'AMATO providing for a temporary extension of FHA insurance programs until December 16, 1987. That will be voted upon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. That has been cleared on both sides.

Mr. PROXMIRE. I rise to speak in opposition to S. 825, the housing bill we are considering.

I am opposing the bill because of my concern about its effect on the budget deficit. We cannot ignore the housing needs of lower income families or the role that the housing industry plays in maintaining a healthy economy.

I support a strong FHA. FHA insurance is vital for homeownership and rental activities. I also support an adequate program of housing assistance for those who cannot afford decent housing in today's market.

The bill before us, however, does more than that, and at a cost that jeopardizes efforts now being made by Congress and the administration to cut the deficit.

The bill, according to estimates made by the Congressional Budget Office and the OMB, will cost several billion dollars more than the administration's budget. The President, it is reported, has said that this housing bill is a budget-buster, and a likely candidate for veto. While I understand that my Senate colleagues on the conference committee reduced total budget authority for the bill below the expected compromise level, in order to accommodate White House concerns, I nevertheless, cannot in good conscience vote for a bill that will spend $15 billion for housing and community development in 1988.

I do not believe we can afford that amount this year. I don't believe we can afford to spend money we don't have for programs like UDAG—urban development action grants—and HODAG—housing development action grants. I don't believe we can afford to start a new housing development program like Nehemiah.

And I am also concerned about the potential cost of new programs that have no known cost. There's one new program in this bill that CBO says could cost the Treasury hundreds of millions; but, since CBO cannot estimate the cost with any confidence, the budget for the bill reflects no cost at all. To make matters even worse, the section 544 program I'm talking about, doesn't require an appropriation before the money is spent. Under this new program, the cost of relocating or demolishing a house threatened by erosion will be paid out of the flood insurance fund. That fund, as you will recall, is replenished by an appropriation after the Treasury checks have been mailed, and the losses to the fund determined. The flood insurance fund, which subsidizes flood insurance by some $125 million yearly, will now be called upon to finance an erosion program whose cost no one knows. I am seriously disturbed that this new program may provide costly financial assistance to many owners of second homes, at a time when we're cutting aid to families that can't afford one.

The erosion provision is not the only budget time bomb in this bill. There are several others, including the provisions dealing with lead paint abatement and aid for displacees, that have potential consequences for spending—and increasing our budget deficit.

To sum up: I am opposing S. 825, the Housing and Community Development Act of 1987. In my view, the bill spends more than it says it will, and more than we can afford.

Mr. RIEGLE. Mr. President. I rise today to support passage of the conference report accompanying S. 825, the Housing and Community Development Act of 1987.

The conference report before us represents over 3 months of extensive negotiations between the House and Senate conferees on a wide array of housing and community development issues. These issues were not always easily resolved, but thanks to the leadership of the chairman of the Housing Subcommittee, Senator CRANSTON, and the ranking Republican, Senator D'AMATO, I believe that we have a final product that can and should be supported by the entire Senate.

This is truly a bipartisan bill. It meets the needs of different regions of the country. It reflects the concerns of a broad majority of the conferees—conferees from different states and with differing philosophies. It is the product of discussions which have gone on for over 4 years and has involved not only members of the Banking Committee but a number of other Senators and Congressmen as well.

Just a few days ago the House of Representatives approved this conference report by a vote of 391 to 1. It is my hope that the Senate will follow their example and will vote overwhelmingly to approve this conference report.

Mr. President, the legislation before us today makes some very important changes to our Nation's housing and community development programs, and I would like to take just a moment to highlight some of these.

PERMANENT FHA AUTHORITY

This legislation will permanently extend FHA lending authority and will avoid the needless disruption in home mortgage finance that plagued FHA during 1986. As many of my colleagues may recall, during the last 2 years Congress has had to pass a series of stop-gap, short-term bills to extend authority for FHA insurance and other programs.

Despite our best efforts, FHA insurance shut down six times during 1986 for a total of 51 days and that was at a time when demand for FHA insurance has been the highest in history, at a time when 5,000 to 10,000 applications were being submitted every day.

These disruptions were simply irresponsible and must not be allowed to be repeated. By adopting this provision, we are taking a major step in reassuring American homebuyers and the home mortgage finance industry that such disruptions will never occur again.

COMMUNITY AND ECONOMIC DEVELOPMENT

Vital community development programs like the Community Development Block Grant [CDBG] Program and the Urban Development Action Grant [UDAG] Program are reauthorized for 2 additional years. Both programs will be funded at their current appropriated levels of $3 billion and $225 million respectively.

As many of my colleagues will recall, these programs have been the repeated targets of budget cutting proposals. I have opposed those cuts in the past, and I am delighted that the conferees have decided to maintain these programs at their current levels.

The bill before us also contains necessary changes to the UDAG selection criteria to allow at least 35 percent of the grant funds to be awarded on the basis of project merit only. These changes are similar to legislation, S. 1133, that I introduced in the 99th Congress, and I believe that they will do much to restore broad political support for the UDAG Program.

Last, the HODAG Program will be authorized for 2 more years and cities that have been denied HODAG eligibility in the past few months will be grandfathered back into the program. The Michigan cities favorably affected by this provision include: Detroit, Flint, Grand Rapids, Muskegon, and Lansing.

GREAT LAKES EROSION RELIEF

An important new provision will assist families whose homes are in danger of falling into the Great Lakes. It will allow homeowners who qualify for Federal Flood Insurance Program [FFIP] to make a claim for up to 40 percent of the value of their home to relocate it behind a 30- or 60-year erosion line.

This additional coverage is a commonsense approach to a very difficult problem. Homeowners win because they no longer have to sit idly by and watch their homes fall into the water before making a claim under the FFIP. The Federal Government wins because the amount of the claim is reduced by more than half since the cost of relocation is substantially below the cost of paying the full claim. The environment wins by promoting a policy that moves development back from our Nation's shorelines.

This provision has the support of the Association of State Floodplain Managers, Inc., The Coastal State Organization, The Center for the Great Lakes, The Coastal Alliance, the National Wildlife Federation, and the Sierra Club, Coastal Committee.

CHILD CARE IN PUBLIC HOUSING

Testimony before the Housing Subcommittee has shown that an increasing number of families with young children are seeking housing assistance. The bill responds to this new challenge by authorizing a $5 million demonstration program for child care in public housing.

The provision adopted by the conferees is similar to legislation I have introduced in both the 99th and 100th Congress and is based on a successful model already in place that allows nonprofit organizations to conduct before and after school child care in public schools.

ENTERPRISE ZONE LEGISLATION

As a long time supporter of enterprise zone legislation, I am delighted that the conferees have included a provision that gives the Secretary of HUD the authority to designate up to 100 enterprise zones.

Although this provision only provides HUD with the administrative authority to create such zones, I believe it is an important first step to further job creation and economic revitalization in our Nation's most distressed communities.

DISPLACEMENT

Lastly, Mr. President, in an effort to get this bill out of the conference, the conferees adopted an amendment that would require replacement housing assistance for individuals displaced by CDBG and UDAG activities. Frankly, I have concerns about this provision, and I urge the chairman of the Housing Subcommittee conduct hearings on the impact it will have on our nation's cities.

To the best of my knowledge, the Senate has not conducted any hearings which demonstrate that displacement is a national problem. Nor, in my opinion, has the impact of this proposal in terms of its costs to local communities been adequately addressed.

I am informed, for instance, that for the city of Detroit, the cost of a UDAG or CDBG project would be greatly increased to the extent that it may be unlikely for some projects to go forward because of the increased costs. Detroit has a very strong record for providing comparable housing satisfactory to those displaced. In most cases displaced persons in Detroit have been quite satisfied with their relocation benefits.

Mr. President, we all share the goal of preserving housing for low- and moderate-income people; however, we must be certain that any provision must not unduly penalize cities like Detroit that are already providing relocation assistance.

Mr. KERRY. Mr. President, first, I would like to congratulate my distinguished colleague from Hawaii, Mr. MATSUNAGA as well as the other conferees on this bill for their diligence and perseverance in making this reauthorization a reality.

Mr. President, I believe that the conference report before us today goes a long way toward fulfilling the original objectives of the 1965 Older Americans Act, that of providing those elderly in the greatest social and economic need with an array of human service programs which will assist them in maintaining their independence and dignity within their homes and their communities. Congress passed the original Older Americans Act in response to the lack of community social services for older persons. Through repeated authorizations of the original act, Congress has reaffirmed its commitment to and support for the myriad of programs established under the act.

As most of my colleagues know, the Older Americans Act is one of the most important and significant pieces of legislation designed to meet the needs of our elderly population. Through State and local agencies on aging, the Older Americans Act authorizes funding for adult day-care centers; transportation and legal services; congregate and home-delivered meals; and senior citizen centers. In addition, the act also authorizes the activities of the Federal Administration on Aging and provides funds to subsidize part-time community service jobs for unemployed persons over age 55 with low incomes.

In addition to continuing the time-proven programs since the original 1965 act, the conference report before us today contains a number of additional important provisions.

First, the bill contains a new, $25 million authorization to provide nonmedical, in-home services to the frail elderly who are at risk of being institutionalized.

The bill also contains a new authorization for State programs for the prevention of abuse, neglect and exploitation of the elderly; calls for a White House conference on aging in 1991; encourages increased minority participation among the elderly and provides $20 million over two years for an outreach program in each of the States, designed to maximize elderly participation in existing Federal programs, including the SSI, Medicaid, and food stamp programs. This is an important addition to the bill since research has shown that only 30 percent to 50 percent of the elderly eligible for these programs are actually participating and that increasing participation requires more active involvement in the community.

Finally, the bill strengthens the operation of the Long-Term Care Ombudsman Program and includes a new program for promoting health education in senior centers and other congregate settings.

All of us are acutely aware of the changing nature of our aging population, brought about by advances in education, medical research and public health. The Older Americans Act and the programs authorized by it have provided a foundation from which to address the issues and concerns facing our elderly population. The reauthorization before us today reaffirms the commitment we made in 1965. I applaud the conferees for their excellent work and I wholeheartedly support the conference bill before us today.

SYDNEY R. MAROVITZ

Mr. DIXON. Mr. President, Sydney R. Marovitz is one of our community's most distinguished citizens, and a member of one of the great Jewish families of Illinois—a family which has dedicated itself through public service to enriching the lives of citizens of every race, religion, creed, and color.

Sydney R. Marovitz, who is presently special assistant attorney general of the State of Illinois has served in numerous positions of public trust in an illustrious career spanning some 54 years. A former Chicago Park District Commissioner for 12 years, Sydney began practicing law in 1934 with his brothers, Harold and Abraham Lincoln Marovitz, now a Senior U.S. District Court Judge for Northern Illinois. His son, William, is a Senator from Illinois' Third District, and another son, Robert, is with the Chicago Convention Bureau.

A member of the Ner Tamid Congregation and its past president, Sydney was one of the founders of the Bernard Horwich Jewish Community Center, a member of the Zionist Organization of Chicago, the Board of Jewish Education, a board member of CASE, Men's American ORT, and other Jewish organizations. He is a former board member of the Jewish Welfare Board. He is a member of the American Jewish Congress and has traveled to Israel on many occasions. In the wider public arena, Sydney Marovitz is a former executive vice president of the George and Anna Portes Cancer Prevention Center, a life trustee of the Adler Planetarium, the Chicago Building Commission, the Art Institute, the Little City Service League, and the Lincoln Park Zoological Society. He is a member of the Chicago, IL, and American Bar Associations, and of course, the Decalogue Society of Lawyers.

Mr. President, Sydney R. Marovitz has been chosen by the State of Israel Bonds in cooperation with the Decalogue Society of Lawyers as legal honoree for Israel's 40th anniversary. I want to add my voice to all those gathering in Chicago on Sunday, to honor Sydney Morovitz for his dedication and efforts to enrich the lives of citizens of every race, religion, and creed. Congratulations.

JOHN F. ENGLISH

Mr. MOYNIHAN. Mr. President, I rise to report to the Senate the death of John F. English, a political leader of our State and Nation for three and more decades of a hugely creative and eventful life.

Jack English, who was, of course, Irish, was a man of party, and given his time and place, the Democratic Party. There are not now so many men or women as they once were, and in the view of many of us both the parties and the Nation are the less for it.

Great political leaders are remembered for cohorts and cadres they bring into the political process. We think of Jackson, Lincoln, Franklin D. Roosevelt in these terms. Great party leaders distinguish themselves in different ways. As candidates for office will acquire new followers; party leaders acquire new territories.

Jack English took the Democratic Party into the suburbs. It was the quintessential party, that of New York, the oldest organized political party on the face of the Earth. And it was the quintessential suburb, Nassau County, home of Levittown the pioneering suburban housing project that came into being after World War II largely as a result of the entrepreneurship of the Levitts, but as effort vastly facilitated by Federal mortgage insurance and the GI bill. If I may add a personal note, I can remember the first family at 558 West 42d Street announcing they were moving to their own house in a place called Levittown, He was a veteran, of course, and in that neighborhood of course a Democrat. The popular wisdon held that he would soon become a Republican, and I don't doubt he might have done save that Jack English was there to spare him the fate.

He was a friend of more than 30 years, from the time that my wife, Elizabeth, and I worked in Governor Harriman's office in Albany, and he was to become active on Long Island. We mourn him and miss him. But no member of this body could feel his loss so deeply as the beloved senior Senator from Massachusetts who delivered his eulogy November 10 at St. Agnes Cathedral in Rockvill Center, NY. I ask unanimous consent that Senator KENNEDY's moving eulogy be included in the RECORD and also a sensitive and informative obituary written for the New York Times by his friend the political correspondent of the Times, Mr. Frank Lynn.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REMARKS OF SENATOR EDWARD M. KENNEDY, SERVICE FOR JACK ENGLISH, NOVEMBER 9, 1987

It seems like only yesterday. But it was 27 years ago, almost to the day—November 5, 1960. It was two days before the Presidential election, and my brother Jack had come back to Nassau County. They were running very late, because they had tried to come by auto caravan from Queens, out the old parkway. The crowd had lined up hundreds deep at Wantagh and Sunrise Avenue. They had been waiting hours in the drizzle, and yet they gave my brother one of the greatest receptions he ever had.

We knew the explanation right away. Jack English had worked another one of his patented political miracles. As my brother said, Nassau County was the only place in the country where Democrats would turn out in the rain on a Saturday afternoon—and Jack English was the only one who could always make it happen.

1960 was the campaign and 1960 was the year that I first met Jack. I quickly came to know what my brother meant, when he said that no Kennedy ever had a better or more trusted friend than Jack English.

In the quarter century since then, I must have talked to him once or twice a month—and sometimes ten times a day, whenever our family had a difficult problem to resolve in national or local politics.

I know it comes a little late, Regina, but I apologize for all those interrupted meals and late dinners, the long phone calls and the urgent summonses to Hyannis. We're grateful to Jack's family, more than I can ever say, for sharing him with us. President Kennedy thought the world of Jack—and Jack never let him down.

Robert Kennedy felt the same way, because Jack English was always there for Bobby too—first in the hectic days of my brother's race for the Senate in New York in 1964, and again in the Presidential campaign of 1968.

As Bobby began that Senate race, he found it hard to understand one thing—that in order to get along in politics in New York, you have to talk to politicians in New York. So Jack English did the only thing he could—if one Kennedy wouldn't talk, he'd find another one who would.

And that's how I spent my summer vacation in 1964—traveling with Jack English around New York City, and up and down New York State—returning Bobby's unreturned phone calls from political leaders all across New York.

And after it was over and the victory was won, Bobby quietly asked Jack for his roladex. He said, I think I'll call a few of these myself, and try to make some friends. But the best friend of all was the friend he had already made—Jack English.

What a pair they made in the four productive and happy years that followed. Next to President Kennedy, Jack English was the greatest teacher that Bobby ever had.

The day finally came, after the New Hampshire primary in 1968, when my brother had to decide at last whether to be a candidate for President. And Jack English was there again.

They all knew they had temporized too long. They were supposed to meet for dinner at the family apartment on U.N. Plaza, to go over the arguments pro and con for the thousandth time, and then make the "go or no go" decision, from which everyone knew there would be no turning back.

Bobby was famous for being late, and this time he was very late. While we were waiting in the room, Jack English turned on the television set—and all of us were stunned by what we saw. Walter Cronkite was on the TV screen, interviewing Robert Kennedy, and my brother was saying he had finally decided to run for President.

Well, our frustrations exploded when Bobby arrived an hour later; he looked like the cat who had swallowed the White House. Half of us had been for his decision and half of us had been against it, and so the argument started to get very heated.

But Jack English brought us back to earth. He said, "Bobby's already made the tough decision. The rest is easy—he just wants us to figure out some way that he can win. So let's start taking our assignments."

There was a long pause—so I put my hand up and said to Jack—"O.K., I'll take bumper stickers."

And after that campaign, after Bobby had left us, Jack English was always there for me as well. He was at my side from the beginning, in my own race for President in 1980. He wasn't as sure as I was that the polls were right, but he gave it all he had. As you may have heard, I had a little trouble in some of the states, but the two which Jack English had—New Jersey and New York—gave me my two most impressive victories of that year.

I've always thought that things might have turned out a little differently in 1980, if I'd had 50 Jack Englishes for all the 50 states.

He was with me in another kind of decision I have often made—the times when I decide not to run for President. I remember one evening late in 1982. I had planned a little gathering on short notice at my home in McLean, Virginia, because the time had come to decide about 1984.

Jack flew down from New York in late afternoon. Our friend Bill Carrick met him at the airport to drive him to my house. No one was supposed to know the agenda for the meeting—but no one ever fooled Jack English. He had figured it all out on the shuttle from New York. As he walked into my living room, he said, "You don't have to say anything, Ted. I know you're not running. I've done this too many times before."

In a sense, I am speaking today, not just for myself, but for President Kennedy and Robert Kennedy too. We loved Jack English like a brother. There were two Jacks in my life, and now they both are gone.

Somehow, somewhere, though, I suspect that Jack English is at it again. He's already held the first campaign meeting in heaven, and he's busy organizing the delegates for the next Kennedy race up there.

He was a friend and adviser for the ages and I miss him more than ever now.

Every cause Jack English touched, he left better than he found it. It is difficult to believe that any finer person or more loyal friend ever graced this county or this country.

Near the end of Pilgrim's Progress, there is a passage that tells of the death of Valiant, in words that remind me of Jack English:

"Then, he said, I am going to my Father's. And though with great difficulty I am got hither, yet now I do not regret me of all the trouble I have been at to arrive where I am. My sword I give to him that shall succeed me in my pilgrimage, and my courage and skill to him that can get it. My marks and scars I carry with me, to be a witness for me, that I have fought his battle who now will be my rewarder.

"When the day that he must go hence was come, many accompanied him to the riverside, into which as he went he said, 'Death, where is thy sting?' and as he went down deeper, he said, 'Grave, where is thy victory?' So he passed over, and all the trumpets sounded for him on the other side."

[From the New York Times, Nov. 9, 1987]

JOHN F. ENGLISH, POLITICAL ADVISER TO THREE KENNEDYS, IS DEAD AT 61

(By Frank Lynn)

John F. English, a national, state and Long Island Democratic leader for many years, died Saturday of liver cancer at Mercy Hospital in Rockville Centre, L.I. He was 61 years old and lived in Muttontown, L.I., and in Kismet on Fire Island.

Mr. English, whose political astuteness was matched by his ability to laugh at himself and other politicians, was a top adviser to John F., Robert F. and Senator Edward M. Kennedy. He was chairman of the Fund for a Democratic Majority, Senator Kennedy's political action committee, and would have managed a Kennedy campaign for the Presidency. He was also instrumental in persuading Robert F. Kennedy to run for the Senate in New York in 1964.

Although he had long been identified with the Kennedy family, Mr. English was national political director of Edmund S. Muskie's Presidential campaign in 1972 and deputy national chairman of the Jimmy Carter Presidential campaign in 1980.

Mr. English also played a key role in the election of Eugene H. Nickerson as the first and only Democrat elected Nassau County Executive in the early 1960's. Mr. Nickerson is now a judge in Federal District Court.

SUBURBAN POLITICAL PRESENCE

Mr. English was a pioneer in establishing a suburban presence in New York State Democratic politics in the 1960's, emerging as a major state figure.

He has the polish and personality to be equally at home in a clubhouse and the White House.

Despite its success, his political career was an avocation. He was a founder and senior partner of one of the leading Long Island law firms, Meyer, Suozzi, English & Klein. The firm included among its partners Bernard S. Meyer, a retired State Court of Appeals judge; Joseph Suozzi, the former Appellate Division justice; John V.N. Klein, the former Suffolk County Executive, and Basil Paterson, the former state senator and New York City deputy mayor.

Mr. English had been law secretray to Mr. Meyer in 1959-60 when Mr. Meyer served on the State Supreme Court. He succeeded Mr. Meyer as Nassau Democratic chairman and was considered the most successful Democratic leader in the county then and since. At one point in his tenure in the 1960's, Democrats held four county offices, two congressional seats and half the county's six Assembly seats.

SON OF A POSTMISTRESS

Politics came easy to Mr. English. His mother, Anne Daley English, had been postmistress and Democratic leader of Franklin Square in Nassau County. He told friends that he was barely old enough to walk when he started handing out Democratic literature.

He was a graduate of Iona College and Fordham Law School. He served four years in the Navy in World War II, being awarded four battle stars and the Philippine Liberation Medal.

He is survived by his wife, Regina; a sister, Joan Blatz of Colts Neck, N.J.; two daughters, Danette Cooper of Cambridge, Mass., and Shelley, of Manhattan, and a son, Michael, of Hewlett, L.I.

A Mass will be held at 10 a.m. today at St. Agnes Cathedral at 29 Quealy Place in Rockville Centre. A private burial will follow at National Cemetary in Farmingdale.

MESSAGES FROM THE HOUSE

At 3:16 p.m., a message from the House of Representatives, delivered by Mr. Goetz, one of its reading clerks, announced that the House has passed the following joint resolutions, without amendment:

S.J. Res. 53. Joint resolution to designate the period commencing November 22, 1987, and ending November 28, 1987, as "American Indian Week";

S.J. Res. 97. Joint resolution to designate the week beginning November 22, 1987, as "National Adoption Week"; and

S.J. Res. 174. Joint resolution designating the week beginning November 15, 1987, as "African American Education Week."

The message also announced that the House agrees to the amendment of the Senate to the concurrent resolution (H. Con. Res. 195) providing for filing and printing of the reports of the House and Senate select committees on Iran as a joint report.

The message further announced that pursuant to the provisions of section 276a-1 of title 22, of the United States Code, the Speaker appoints as members of the delegation to attend the Interparliamentary Conference on Drug Abuse and Illicit Trafficking in the Western Hemisphere, in Caracas, Venezuela, the following Members on the part of the House: Mr. SCHEUER and Mr. GILMAN.

MEASURES PLACED ON THE CALENDAR

The following bill, previously received from the House of Representatives, was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 519. An act to direct the Federal Energy Regulatory Commission to issue an order with respect to Docket No. EL-85-38-000;

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2121. A communication from the Comptroller General, transmitting, pursuant to law, a report on the Rural Telephone Bank's financial statements for the year ended September 30, 1986; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2122. A communication from the Assistant Secretary of the Army (Installations and Logistics), transmitting, pursuant to law, notification of the intent to study the conversion to contract by performance of a commercial activity being performed by Department of Defense employees at Fort Hood, TX; to the Committee on Armed Services.

EC-2123. A communication from the Assistant Secretary, Department of the Treasury (Fiscal Assistant Secretary), transmitting, pursuant to law, a report on the actual amount of revenues deposited in the Panama Canal Commission Fund during the fiscal year 1987; to the Committee on Armed Services.

EC-2124. A communication from the Comptroller General, transmitting, pursuant to law, a report on the Government National Mortgage Association's financial statements for the year ended September 30, 1986; to the Committee on Banking, Housing, and Urban Affairs.

EC-2125. A communication from the Secretary of Energy, transmitting, pursuant to law, a report on the Strategic Petroleum Reserve; to the Committee on Energy and Natural Resources.

EC-2126. A communication from the Assistant Secretary of State (Legislative and Intergovernmental Affairs), transmitting a draft of proposed legislation to implement the obligations of the United States under the Inter-American Convention on International Commercial Arbitration; to the Committee on Foreign Affairs.

EC-2127. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting pursuant to law, a report on international agreements other than treaties entered into by the United States; to the Committee on Foreign Relations.

EC-2128. A communication from the Assistant Secretary of the Treasury, transmitting, pursuant to law, a report concerning the operations and status of CSRDF and GSIF during the periods when new obligations could not be issued; to the Committee on Government Affairs.

EC-2129. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 7-98, adopted on October 27, 1987; to the Committee on Governmental Affairs.

EC-2130. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 7-97, adopted on October 27, 1987.

EC-2131. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 7-96, adopted on October 27, 1987; to the Committee on Governmental Affairs.

EC-2132. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 7-95, adopted on October 27, 1987; to the Committee on Governmental Affairs.

EC-2133. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 7-99, adopted on October 27, 1987; to the Committee on Governmental Affairs.

EC-2134. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 7-100, adopted on October 27, 1987; to the Committee on Governmental Affairs.

EC-2135. A communication from the Chairman, National Labor Relations Board, transmitting, pursuant to law, a report of their activities concerning the implementation of the Government in the Sunshine Act during the calendar year 1986; to the Committee on Governmental Affairs.

EC-2136. A communication from the Secretary of Agriculture, transmitting, pursuant to law, a report of a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-2137. A communication from the Director, Office of Workers Compensation Programs, Department of Labor, transmitting, pursuant to law, notice of a proposed computer matching program; to the Committee on Governmental Affairs.

EC-2138. A communication from the Independent Counsel investigating an allegation concerning Mr. Raymond J. Donovan, transmitting, pursuant to law, a report on the investigation; to the Committee on the Judiciary.

EC-2139. A communication from the Secretaries of Education, Health and Human Services, and Labor, transmitting, pursuant to law, a special report on substance abuse prevention; to the Committee on Labor and Human Resources.

EC-2140. A communication from the Secretary of Education, transmitting, pursuant to law, a report of the special problems and needs of American Indians with handicaps both on and off the reservation; to the Committee on Labor and Human Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUYE, from the Select Committee on Secret Military Assistance to Iran and the Nicaraguan Resistance:

Report entitled "Report of the Congressional Committees Investigating the Iran-Contra Affair (with supplemental, minority, and additional views) (Rept. No. 100-216).

By Mr. PROXMIRE, from the Committee on Banking, Housing, and Urban Affairs:

Special report entitled "Allocation of Budget Totals, Committee on Banking, Housing, and Urban Affairs" (Rept. No. 100-217)

By Mr. BURDICK, from the Committee on Environment and Public Works) without amendment:

S. 1865, An original bill to amend the Price-Anderson provisions of the Atomic Energy Act of 1954 to extend and improve the procedures for the protection of the public from nuclear accidents; placed on the calendar (Rept. No. 100-218).

● Mr. BURDICK. Mr. President, today I am filing the bill and the report of Committee on Environment and Public Works on the Price-Anderson Amendments Act of 1987, an original bill ordered reported by the Environment and Public Works Committee to amend the existing Price-Anderson Act.

The reauthorization of the Price-Anderson Act is a high priority for myself and the Environment and Public Works Committee. I believe the act should be reauthorized as expeditiously as possible.

I would like to especially commend the efforts of the Chairman of the Subcommittee on Nuclear Regulation, Senator BREAUX, and the ranking member of the subcommittee, Senator SIMPSON for their efforts in developing this legislation, which was reported unanimously by the Environment and Public Works Committee.

I hope that the full Senate can consider this bill as soon as possible.●

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HATCH (for himself, Mr. GARN, Mr. INOUYE and Mr. GRASSLEY):

S. 1862. A bill to amend the Public Health Service Act to provide for an immunosuppressive drug therapy block grant; to the Committee on Labor and Human Resources.

By Mr. DECONCINI:

S. 1863. A bill to amend the bankruptcy law to provide for special revenue bonds, and for other purposes; to the Committee on the Judiciary.

By Mr. DURENBERGER:

S. 1864. A bill to amend the Internal Revenue Code of 1986 to modify certain provisions regarding tax-exempt bonds, and for other purposes; to the Committee on Finance.

By Mr. BURDICK, from the Committee on Environment and Public Works:

S. 1865. An original bill to amend the Price-Anderson provisions of the Atomic Energy Act of 1954 to extend and improve the procedures for the protection of the public from nuclear accidents; placed on the calendar.

By Mr. LAUTENBERG (for himself and Mr. SPECTER):

S.J. Res. 218. A joint resolution to designate March 25, 1988, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy."; to the Committee on the Judiciary.

By Mr. CRANSTON (for himself and Mr. D'AMATO):

S.J. Res. 219. A joint resolution to provide for the extension of certain programs relating to housing and community development, and for other purposes, placed on the calendar.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH (for himself, Mr. GARN, Mr. INOUYE, and Mr. GRASSLEY):

S. 1862. A bill to amend the Public Health Service Act to provide for an immunosuppressive drug therapy block grant; referred to the Committee on Labor and Human Resources.

LEGISLATION TO AMEND THE PUBLIC HEALTH SERVICE ACT

Mr. HATCH. Mr. President, last year one of our colleagues made a courageous personal sacrifice when he donated one of his kidneys to his daughter. My good friend, the Senior Senator from Utah, Senator GARN, and his family have personally experienced the modern miracle of organ transplantation. That modern miracle is possible in part because of new immunosuppressive drugs. Unfortunately, these drugs are beyond the financial means of many Americans.

Last year while I was chairman of the Labor and Human Resources Committee, we heard from the family of another Utahan, Kielie Burrell. Her parents told the committee about the difficulty they were having paying for her immunosuppressive drugs after her liver transplant. We have also heard from other individuals who were not even considered for transplant operations because they do not have funding for the immunosuppressive drugs.

In 1986, there were 8,972 kidney, 1,368 heart, 924 liver, and 140 pancreas transplants performed in this country. In my own State of Utah, 139 kidneys and 53 hearts were transplanted.

It has been estimated that one quarter of those eligible by medical criteria for organ transplants have no insurance to cover the cost of the miracle immunosuppressive drugs that have made organ transplants possible. These drugs, which keep the body from rejecting the new organ, are extremely costly. In fact, cyclosporine, the most effective, costs $5,000 a year for a typical transplant patient.

In most cases, if the patient cannot afford the immunosuppressive drugs, the patient is not considered a candidate for a transplant. In other cases, transplants are performed, but the patient must depend on cheaper, less effective drugs that can increase the chance of rejection by up to 50 percent.

The real irony of this situation is that, in cases of kidney disease, passing up a transplant is not only unnecessary, it ultimately costs the taxpayers more money. The Federal Government currently pays for dialysis under the End Stage Renal Disease [ESRD] program, which until recently was the only option for chronic renal disease. And as expensive as immunosuppressive drugs are, they don't even begin to approach the cost of dialysis, which ranges from $18,000 to $25,000 a year.

Because of the high cost of dialysis, the annual cost of the ESRD program has skyrocketed from $200 million to

$12 billion in just over 10 years. The emergence of kidney transplants as a viable alternative can help turn back the rising tide of ESRD expenditures, but only if such transplants take place.

Today, I am introducing, with the support of Senator GARN, Senator INOUYE, and Senator GRASSLEY, legislation to address these issues. The Immunosuppressive Drug Therapy Act of 1987 provides $5 million over 3 years in the form of grants to States to help purchase these self-administered immunosuppressive drugs.

All organ transplant patients whose immunosuppressive drugs are not fully covered by existing private or public programs are eligible for assistance, but the extent of assistance may be based on the patient's ability to pay. States may require patients to pay part of the cost of their immunosuppressive drugs, but we anticipate that States in establishing copayments will take into account the financial resources of recipients.

States may either purchase the drugs and make them available to certified transplant centers for distribution, reimburse the centers for drugs provided eligible patients, or select an alternative course of action approved by the Secretary of Health and Human Services.

One thing State governments may not do is use this funding to supplant other spending. This legislation is intended to fill gaps in current coverage in order to help patients not being helped, not to become a substitute source of funding for patients already covered.

Mr. President, I am aware that health care proposals of this kind may induce a different kind of medical problem—they may set a few hearts fluttering among my cost-conscious colleagues in this Gramm-Rudman-Hollings era. I want to provide a little bedside reassurance on this score.

First of all, unlike many programs which start as little acorns and grow into mighty money trees, this program is not open ended. It sets specific funding levels for a specific number of years. We've anticipated that because of changes in what private insurance pays for and the interest in a Federal catastrophic care program, this program may not be needed in its original form or in any form in a few years. Therefore, we have directed the Secretary to report back to us in 2 years on the effectiveness of, and need for, this program.

But more important, as I pointed out earlier, this program will help to bring down the cost of a rapidly growing Federal program, the End Stage Renal Disease Program.

Last year, similar legislation, S. 2536, passed the Senate by voice vote toward the end of the 99th Congress. But, unfortunately, there was not time for consideration in the House. The 99th Congress did take some actions to expand Federal coverage for immunosuppressive drugs, but ironically, that more limited legislation was more than twice as costly as S. 2536 and still does not help the Kielie Burrells of the world.

This Congress will face a number of weighty matters over the coming months. But I hope my colleagues will take a few minutes and review this legislation, because its not very often that we can not only save money but also precious lives like that of little Kielie Burrell.

I urge my colleagues to join Senators GARN, INOUYE, GRASSLEY, and myself in supporting this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1862

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. ESTABLISHMENT OF BLOCK GRANT PROGRAM.

Title XIX of the Public Health Service Act (42 U.S.C. 300w et seq.) is amended by adding at the end thereof the following new part:

"Part D—Immunosuppressive Drug Therapy Block Grant

"SEC. 1931. DEFINITIONS.

"For purposes of this part:

"(1) ELIGIBLE PATIENT.—The term 'eligible patient' means an organ transplant patient who is not eligible to receive reimbursement for the total cost of immunosuppressive drug therapy under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.), under the State's medicaid plan under title XIX of such Act (42 U.S.C. 1396 et seq.), or under private insurance.

"(2) IMMUNOSUPPRESSIVE DRUG THERAPY.—The term 'immunosuppressive drug therapy' means drugs and biologicals that are to be used for the purpose of preventing the rejection of transplanted organs and tissues and that can be administered by the transplant patient.

"(3) TRANSPLANT CENTER.—The term 'transplant center' means a transplant center certified by a State under the laws and regulations of such State.

"SEC. 1932. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of making allotments to States to carry out this part, there are authorized to be appropriated $5,000,000 for each of the fiscal years 1988 through 1990.

"SEC. 1933. ALLOTMENTS.

"(a) AMOUNT.—

"(1) IN GENERAL.—From amounts appropriated under section 1932 for each of the fiscal years 1988 through 1990, the Secretary shall allot to each State an amount that bears the same ratio to the total amount appropriated under such section for such fiscal year as the total number of eligible patients in the State bears to the total number of eligible patients in the United States.

"(2) MINIMUM ALLOTMENT.—Notwithstanding paragraph (1), the allotment of any State in any fiscal year under this subsection shall not be less than $50,000. If, under paragraph (1), the allotment of any State in any fiscal year will be less than $50,000, the Secretary shall increase the allotment of such State to $50,000 and shall proportionately reduce the allotments of all other States whose allotment exceeds $50,000 in a manner that will insure that the allotment of each State in such fiscal year is at least $50,000.

"(b) UNALLOTTED FUNDS.—

"(1) IN GENERAL.—Subject to paragraph (2), to the extent that all the funds appropriated under section 1932 for a fiscal year and available for allotment in such fiscal year are not otherwise allotted to States because—

"(A) one or more States have not submitted an application or description of activities in accordance with section 1936 for such fiscal year;

"(B) one or more States have notified the Secretary that they do not intend to use the full amount of their allotment; or

"(C) some State allotments are offset or repaid under section 1906(b)(3) (as such section applies to this part pursuant to section 1936(d));

such excess shall be allotted among each of the remaining States in proportion to the amount otherwise allotted to such States for such fiscal year without regard to this subsection.

"(2) ORGAN TRANSPLANT CENTERS.—

"(A) APPLICATION.—If a State does not submit an application for an allotment or description of activities in accordance with section 1936 for a fiscal year or notifies the Secretary that the State does not intend to use the full amount of the allotment of the State, an organ transplant center in the State may submit an application in accordance with section 1936 for the amount of the allotment not allocated to the State.

"(B) ALLOTMENT.—Subject to subparagraph (C), if an applicant center is approved by the Health Care Financing Administration and the center complies with the requirements imposed on the State by this part, the Secretary shall provide to the center the amount of the allotment not allocated to the State.

"(C) MULTIPLE APPLICANTS.—If two or more applicant centers in a State meet the requirements of subparagraph (B), the Secretary shall divide among the eligible applicant centers in an equitable manner the amount of the allotment not allocated to the State.

"(D) DISTRIBUTION TO OTHER STATES.—If one or more centers in a State receive an allotment under this paragraph for a fiscal year, the allotment shall not be made available to remaining States under paragraph (1).

"SEC. 1934. PAYMENTS UNDER ALLOTMENTS TO STATES.

"(a) IN GENERAL.—For each fiscal year, the Secretary shall make payments, as provided by section 6503(a) of title 31, United States Code, to each State from its allotments under section 1933 from amounts appropriated for that fiscal year.

"(b) CARRYOVER FUNDS.—Any amount paid to a State for a fiscal year and remaining unobligated at the end of such year shall remain available for the next fiscal year to such State for the purposes for which it was made.

"SEC. 1935. USE OF ALLOTMENTS.

"(a) IN GENERAL.—

"(1) USE.—Except as provided in subsections (b) and (c), amounts paid to a State under section 1934 from its allotment under section 1933 for any fiscal year shall be used by the State to provide immunosuppressive drug therapy for eligible patients.

"(2) Methods.—A State may use amounts paid to the State under section 1934 from its allotment under section 1933 to provide immunosuppressive drug therapy for eligible patients—

"(A) by purchasing the drugs and biologicals for such therapy and distributing such drugs and biologicals to transplant centers or eligible patients;

"(B) by certifying that an individual is an eligible patient for purposes of this part and by reimbursing a transplant center for the costs of immunosuppressive drug therapy provided by such center to such individual;

"(C) by any other method prescribed by the Secretary by regulation (other than the method described in subsection (b)(1)).

"(3) Copayments.—A State may require an eligible patient to whom immunosuppressive drug therapy is provided with amounts paid to the State under this part to make copayments for part of the costs of such therapy, without regard to section 1916 of the Social Security Act (42 U.S.C. 1396o).

"(b) Limitations.—A State may not use amounts paid to it under section 1934 to—

"(1) make direct payments to organ transplant patients; or

"(2) satisfy any requirement for the expenditure of non-Federal funds as a condition for the receipt of Federal funds.

"(c) Administrative Costs.—Not more than 10 percent of the total amount paid to any State under section 1934 from its allotment under section 1933 for any fiscal year may be used for administering the funds made available under section 1934. The State will pay from non-Federal sources the remaining costs of administering such funds.

"SEC. 1936. APPLICATION AND DESCRIPTION OF ACTIVITIES; REQUIREMENTS.

"(a) Application Required.—In order to receive an allotment for a fiscal year under section 1933, each State shall submit an application to the Secretary. Each such application shall be in such form and submitted by such date as the Secretary shall require. Each such application shall contain assurances that the State will meet the requirements of subsection (b).

"(b) Requirements.—As part of the annual application required by subsection (a), the chief executive officer of each State shall—

"(1) certify that the State agrees to use the funds allotted to the State under section 1933 in accordance with the requirements of this part;

"(2) agrees to cooperate with Federal investigations undertaken in accordance with section 1907 (as such section applies to this part pursuant to subsection (d) of this section); and

"(3) certify that the State agrees that Federal funds made available under section 1934 for any period will be so used as to supplement and increase the level of State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the activities for which funds are provided under such section and will in no event supplant such State, local, and other non-Federal funds.

"(c) Decription of Activities.—

"(1) In general.—The chief executive officer of a State shall, as part of the application required by subsection (a), also prepare and furnish the Secretary (in accordance with such form as the Secretary shall provide) with a description of the intended use of the payments the State will receive under section 1934 for the fiscal year for which the application is submitted, including information on the programs and activities to be supported.

"(2) Public comment.—The description shall be made public within the State in such manner as to facilitate comment from any person (including any Federal or other public agency) during development of the description and after its transmittal.

"(3) Revisions.—The description shall be revised (consistent with this section) throughout the year as may be necessary to reflect substantial changes in the programs and activities assisted by the State under this part. Any revision shall be subject to paragraph (2).

"(d) Administration.—Unless inconsistent with this part, section 1903(b), section 1906(a), paragraphs (1) through (5) of section 1906(b), and sections 1907, 1908, and 1909 shall apply to this part in the same manner as such provisions apply to part A of this title.

"(e) Additional Information.—Each annual report submitted by a State to the Secretary under section 1906(a) (as such section applies to this part pursuant to subsection (d) of this section) with respect to its activities under this part shall contain—

"(1) a specification of the number of eligible patients in the State receiving immunosuppressive drug therapy with amounts paid to the State under this part;

"(2) a description of the amount of any copayment required by the State under section 1935(a)(3); and

"(3) a certification that amounts paid to the State under this part are being used in accordance with this part.".

SEC. 2. REPORT.

(a) In General.—Not later than 24 months after the date of enactment of this Act, the Secretary of Health and Human Services shall prepare and transmit to the Congress a report concerning the impact of part D of title XIX of the Public Health Service Act (as added by section 1 of this Act).

(b) Contents.—The report shall contain—

(1) a description of the effect of the program established under such part on organ transplants in the United States;

(2) an analysis of the effects of such program on the costs of organ transplants and renal dialysis;

(3) an analysis of the extent to which amounts paid to States under such part are used for purposes other than the purposes specified by such part, including an analysis of the extent to which drugs and biologicals purchased with such amounts are provided to individuals who are not eligible patients under such part; and

(4) such recommendations as the Secretary considers appropriate, including recommendations as to whether financial assistance under such program should be continued during fiscal years after fiscal year 1990.

SEC. 3. CONFORMING AMENDMENTS.

(a) In General.—The matter following subparagraph (D) of section 1902(a)(10) of the Social Security Act (42 U.S.C. 1396a(a)(10)(D)) is amended—

(1) by striking out "and" at the end of subclause (VIII); and

(2) by inserting before the semicolon at the end thereof the following: ", and (X) the making available of immunosuppressive drug therapy (or immunosuppressive drugs) to individuals who have received organ transplants shall not, by reason of this paragraph, require the making available of any other type of drug or the making available of any drugs for other individuals".

(b) Application of Amendments.—The amendments made by subsection (a) shall apply to drugs furnished after the date of the enactment of this Act.

By Mr. DeCONCINI:

S. 1863. A bill to amend the bankruptcy law to provide for special revenue bonds, and for other purposes; to the Committee on the Judiciary.

MUNICIPAL BANKRUPTCY LEGISLATION

Mr. DeCONCINI. Mr. President, today I am introducing this bill to amend the municipal bankruptcy provisions of chapter 9 of the Bankruptcy Code relating to municipal bonds.

Mr. President, in 1978, Congress enacted sweeping revisions of all aspects of the bankruptcy law. One of the major purposes was to conform bankruptcy law in many respects to the vast changes in commercial law that had taken place since the last prior revisions of the bankruptcy law 40 years before. In particular, the House report noted the near universal adoption of the Uniform Commercial Code and the consequent change in lending practices. In addition, Congress modernized business reorganization procedures, authorizing more consensual plans of reorganization and providing additional protection to secured lenders in the wake of several decisions under the former Bankruptcy Act in the mid-1970's that seriously impaired their position in reorganization cases.

For the most part, these changes were carefully considered only after extensive hearings, debate, and discussions. They have generally been well received and have worked as intended. Although some significant amendments were made in 1984, the basic structure of the amendments made in 1978 has survived intact.

However, the care that was used in the drafting of the provisions relating to ordinary business bankruptcies and reorganizations was not carried over into the revisions of the municipal bankruptcy law contained in chapter 9 of the Bankruptcy Code. Chapter IX of the former Bankruptcy Act had been recently amended in 1976 as a result of New York City's financial crisis. The 1978 revision largely adopted the decisions made in 1976 and incorporated by reference most of the business bankruptcy amendments made in 1978 insofar as they related to general matters such as a treatment of secured claims, avoiding powers, and plans of reorganization. Because the worlds of commercial finance and municipal finance are so diverse, the simple incorporation by reference of the 1978 commercial finance concepts into the municipal bankruptcy arena simply did not work.

Fortunately, no major municipal bankruptcy has tested the potential shortcomings of chapter 9 as it was enacted in 1978. However, more considered study in the past several years by municipal finance practitioners and members of the bankruptcy bar has led the National Bankruptcy Conference to conclude that chapter 9 of the Bankruptcy Code needs revision in specific areas.

HISTORY OF THE PROPOSED AMENDMENTS

The potential problems created by the incorporation of general commercial finance concepts into the municipal bankruptcy provisions first came to light as a result of the financial crisis confronting the city of Cleveland, OH, in 1979. Cleveland needed additional financing, but lenders were unwilling to lend for a variety of reasons, including the incorporation into chapter 9 of the general bankruptcy concept that a lien on after-acquired property will not attach to property acquired after bankruptcy by a reorganizing debtor, unless the property acquired after bankruptcy constitutes proceeds of property held at the time of bankruptcy. Hasty attempts were made during 1979 and 1980 in connection with then pending legislation to correct technical errors in the 1978 act. Corrective provisions were included in bills that passed both the House and the Senate in 1980, but the legislation foundered on other issues and was not enacted.

After the immediate crisis passed, and a more thorough study of the problems of municipal bankruptcy was undertaken by the National Association of Bond Lawyers [NABL], NABL identified several areas in which the general incorporation into chapter 9 of business reorganization concepts simply did not work.

NEED FOR THE AMENDMENTS

The current deficiencies in chapter 9 of the Bankruptcy Code primarily affect "revenue bonds," that is, obligations of a municipality that are secured by a lien on specific revenues to be received by the municipality. These differ from "general obligation bonds," which constitute simply the promise by the municipality to use its taxing power to collect sufficient funds to pay the principal and interest on the bonds. Over the years, revenue bonds have occupied an increasing portion of the municipal bond market. As of 1983, they constituted about half of the bonds issued by State and local governmental units for publicly owned and operated facilities.

Chapter 9 as currently written could easily be read to terminate a lien on revenues upon the filing of a municipal bankruptcy by the bond issuer and could also be read to convert bonds payable solely from specific revenues into general obligations of the debtor municipality. These results are wholly inconsistent with municipal finance principles and many State and local constitutional and statutory provisions authorizing the issuance of bonds. If chapter 9 were interpreted in this way, the burden of bonds designed to be paid only from special revenues could be imposed on the people generally through taxation, despite the fact that the bonds might thereby exceed the municipality's debt limit or would require a vote if originally issued as general obligation bonds.

Similarly, a municipality often has enterprises with separate funds, and, except to the extent specifically permitted, the funds derived from one source are often legally unavailable for other enterprises or for general governmental purposes. Thus, for example, water receipts may be legally unavailable under nonbankruptcy law for general governmental purposes except to the extent that provision is made by law for payments by the water department in lieu of local property taxes. Although the various enterprises are not separate entities, they are operated almost as if they were. In many cases they are managed by separate autonomous governing boards.

If a municipality is unable to meet its obligations for general governmental purposes and for that reason files a bankruptcy petition, the assets of its water department should not be reached to pay general creditors of the municipality unless they could be reached under applicable nonbankruptcy law. Conversely, if water revenues are insufficient to pay operating expenses and the debt service on water-revenue bonds, other funds of the city should not be reachable to pay the bonds. In many cases it would violate State constitutional limitations to do so. Similarly, insolvency in the water department should not trigger preference treatment of payments made to general fund creditors, or vice versa.

State "joint action" agencies often finance electric generating units and transmission lines for the benefit of their municipal members on a project-by-project basis under documents which permit funds derived from each project to be used only for the purpose of that project. In such a case the funds of one project should not be reachable for the purposes of another project in the event the agency files a bankruptcy petition.

These conclusions are really truisms under State law, but it is not sufficiently clear that they would apply in municipal bankruptcy proceedings under Federal law. There is no clear statement that the Bankruptcy Code cannot be applied so as to make obligations payable from a source from which they are not payable under applicable nonbankruptcy law. Nor is there any provision to the effect that administrative expenses attributable to any function or project of the municipality will not be charged against funds derived from other functions or projects except as permitted by nonbankruptcy law.

In one respect, by its express terms, the Bankruptcy Code creates an apparent risk that revenue bonds can be converted into general obligation bonds. Under section 1111(b), unless the property subject to the lien is sold under the plan, a partially secured bondholder—that is, one whose lien on revenues is insufficient to pay his bonds—if he does not have recourse against the debtor for the remainder of his claim under nonbankruptcy law, will be treated as if he did have recourse. Although the term recourse fits municipal revenue bonds only poorly, this could be read as converting revenue bonds into general obligations.

The same problems could be said to exist with respect to conduit financing where bonds are issued for an industrial or nonprofit user and are payable solely from payments to be made by the user. But in pure conduit financing, where the municipality has no financial interest in the enterprise and no direct or contingent obligation to pay the bonds from other funds, the payments by one conduit user are probably safe from being reached to pay the bonds issued for another user since, according to the legislative history, these transactions do not create either assets or debts of the municipal issuer for bankruptcy purposes. (S. Rept. 95-989, 95th Cong., 2d sess. 109-10 (1978).)

While the fresh start policy of bankruptcy embodied in the termination after bankruptcy of liens on after-acquired property and the equality of distribution policy embodied in the nonrecognition—at least in business debtors—of separate though unencumbered funds for separate groups of creditors are important, the Bankruptcy Code also strongly embodies the policies of protecting the rights of secured creditors in their collateral and of protecting State control over its municipalities. See Bankruptcy Code section 903. On the one hand, if the municipality's revenues could be pledged in perpetuity, the rehabilitative prospects for a financially distressed municipality would be impaired or nonexistent. The only asset that a municipality has to offer its creditors in a municipal reorganization is its future revenues. If some creditors have obtained a priority with respect to these revenues due to prior financing, then reorganization would be next to impossible unless other creditors are willing to give up their claims entirely. On the other hand, reorganization should not be at the expense of a legitimate expectation to rely on and receive specific collateral, nor should it redo established procedures for handling separate municipal funds. Clearly, a compromise is in order. It is needed to protect the integrity of the municipal finance process in the event of a significant municipal bankruptcy and to protect the fresh start and ability to reorganize offered to municipal debtors by the Municipal Bankrutpcy Act.

GENERAL ANALYSIS OF THE PURPOSES AND EFFECTS OF THE AMENDMENTS

A. Revenue Pledge Protection and Preferences

Revenue bonds are generally secured by revenue derived from a system, project, or facility, or by an interest in a specific tax levy. Mortgages or liens on the system, project, or facility itself are rare. They are usually forbidden by law and almost always considered to be against public policy. Under section 552 of the Bankruptcy Code, incorporated by section 901 into chapter 9, a lien on after acquired revenues is only valid to the extent that the revenues constitute proceeds of other property that is subject to a lien. Uniform Commercial Code section 9-306(1) defines "proceeds" to include "whatever is received upon the "sale, exchange, collection or other disposition of collateral." Section 552 was written with the Uniform Commercial Code definition in mind. To the extent that section 552 is construed in harmony with the UCC, the lien on a municipality's revenues after bankruptcy would be defeated.

Similarly, section 547(e)(3) may have the effect of moving the lien termination back to the ninetieth day before bankruptcy. Section 547(e)(3) provides that for purposes of determining when a preferential transfer is made, "the transfer is not made until the debtor has acquired rights in the property transferred." A debtor does not acquire rights in revenues until the tax or assessment is levied or the service from which the revenue is derived is provided. Thus, a lien on revenues received during the 90 days before bankruptcy—or possibly on rights to revenues which arise during that period—is deemed made within the preference period, even though the grant of the security interest was made long before bankruptcy.

This provision was designed to overrule cases such as *DuBay* v. *Williams,* 417 F.2d 1277 (9th Cir. 1969), and *Grain Merchants of Indiana, Inc.* v. *Union Bank & Sav. Co.,* 408 F.2d 209 (7th Cir.), cert. denied, 396 U.S. 827 (1969). H.R. Rept. No. 95-595, 95th Congress, 1st session 374 (1977). In the commercial context, it works well, because it was matched with an exception to the preference section that preserves liens on after-acquired inventory and receivables to the extent that the secured creditor does not improve its position during the 90 days before bankruptcy; 11 United States Code section 547(c)(5). In the municipal context, however, no comparable savings provision is possible, because the revenue pledges are not related to inventory and receivable financing, as they are in the commercial context, and there is no collateral from which the revenues are derived.

The proposed legislation eliminates the effect of these provisions in a chapter 9 case. It recognizes a postpetition security interest in revenue under certain specified circumstances, more fully described below. And it makes the preference section inapplicable to payments on bonds or notes of a municipality. The former change corrects the problem posed by section 552. It also makes it more difficult, if not impossible, for a municipal debtor to utilize the preference section—even without the latter change—to recover payments to bond holders made from pledged revenues within 90 days before bankruptcy, because it will be difficult to prove the "more than liquidation" test of section 547(b)(5). The latter change has the same effect and in addition protects ordinary defeasance transactions.

Bond indentures generally provide for defeasance by irrevocably depositing a sufficient sum—usually with earnings thereon—to retire outstanding bonds. In view of the possibility that the municipality may file a bankruptcy petition within 90 days, the deposit may be a preference and therefore, might not be irrevocable. Defeasance with revenues received within 90 days before a bankruptcy may be riskier. This applies equally to unpledged revenues and to revenues which are already subject to a lien to pay the bonds if that lien can be defeated by virtue of section 547(e)(3). It is especially troublesome if a defeasance can be avoided as a preference where another transaction—such as a new bond issue—has occurred in reliance on it.

A more difficult analysis applies to the use of refunding proceeds for defeasance. Generally speaking, it is not a preference to borrow from Peter to pay Paul if that use of the borrowing proceeds is required by the terms of the borrowing. See, for example, *Virginia National Bank* v. *Woodson,* 329 F.2d 836 (4th Cir. 1964). But the application of this principle to a defeasance by advance refunding is disturbingly unclear, because interest rate differences on the two issues may mean that principal amounts differ, resulting in a possible preference. The proposed amendments remove this danger.

B. "Insolvent"

Chapter 9 uses the term "insolvent" in two important contexts. First, in order for a municipality to be eligible to file a chapter 9 petition, it must be "insolvent or unable to meet its debts as they mature." Section 109(c)(3). Second, certain prebankruptcy transfers are avoidable as preferences or fraudulent transfers only if the debtor was insolvent at the time of the transfer. Sections 547(b)(3), 548(a)(2)(B)(i). These are general bankruptcy sections that are incorporated by reference into chapter 9. In none of these instances does the use of the word "insolvent", defined in Bankruptcy Code section 101(29), work.

"Insolvent" is defined as liabilities in excess of fair market value of nonexempt assets. By the nature of municipalities and generally by State law, most of the assets of a municipality are exempt from process to satisfy the claims of creditors. As such, virtually every municipality, by definition, is insolvent. But because a municipality's assets could not be seized or sold to pay debts, or are so tailored to a specific purpose that their value is uncertain at best, it should make little difference to creditors what the value, for example, of City Hall is.

A more reasonable test would be whether the municipality is paying or is able to pay its debts as they become due, which are the alternate standards for filing a municipal bankruptcy petition under section 109(c)(3) and the test for an involuntary bankruptcy against a nonmunicipal debtor contained in section 303(h)(1). This test is directly relevant to the financial health of the municipality. Thus, one of the proposed amendments provides that in a chapter 9 case, insolvent means only a nonpayment of debts or inability to pay debts as they come due. The assets versus liabilities test is made inapplicable.

C. Nonrecourse Debt

In order to solve a specific problem arising in nonrecourse commercial lending, section 1111(b) of the Bankruptcy Code permits a nonrecourse claim to be treated as having recourse against the general assets of the debtor. This provision, being part of the general plan provisions of chapter 11, was incorporated into chapter 9. However, if applied to municipal revenue bonds, it could convert them into general obligations of the municipality in violation of State or local constitutional or statutory provisions. For example, in many States, State law requires a vote of the people for the issuance of general obligation debt by a municipality, but does not require a vote on bonds payable solely from pledged revenues. One proposed amendment prevents the application of section 1111(b) and thereby prevents the conversion of bonds backed only by specific revenues into general obligation bonds. The amendment does so in a manner that is consistent with the general scheme of the reorganization provisions of chapters 9 and 11 by peventing the bifurcation of partially secured claims.

D. Automatic Stay

The automatic stay of Bankruptcy Code section 362 is extremely broad, preventing any postpetition collection activities against the debtor, including application of the debtor's funds held by a secured lender to secured indebtedness. This provision is overly broad in chapter 9, requiring the delay and expense attendant upon a request for relief from the automatic stay to accomplish what the statute contemplates—the application of pledged revenues—after payment of operating expenses—to the payment of secured bonds. One of the proposed amendments so provides by making the automatic stay inapplicable to application of such revenues. The bankruptcy court would retain the power to enjoin application of proceeds, however, upon a specific showing of need, for example, where a secured creditor was about to apply proceeds of a gross revenue pledge in a manner inconsistent with the policies of proposed section 927.

E. Financing Leases

A "financing lease" is generally treated as debt in bankruptcy and not as a true lease subject to rejection under section 365 or to the claim limitation under section 502(b)(6). The 1984 amendment (Code section 365(m)), providing that "any rental agreement to use real property" will be treated as a lease under section 365 has generated a fear that a more expansive view will now be taken of "true leases" and a less expansive view of "financing leases." Because of State law restrictions, most municipal financing leases are subject to termination if the rent is not appropriated. Under a more restrictive conception of financing leases, these may now arguably be treated as "true leases" for bankruptcy purposes although they are treated as debt for tax purposes and sold as debt in the tax-exempt bond market. The amendments treat them the same way for bankruptcy purposes.

F. Rate Regulation

In a corporate reorganization, a change in the debtor's rates is subject to applicable rate regulation. Code section 1129(a)(6). Municipal utilities are subject to rate regulation in a number of States, and the same provisions should apply to them as to private corporations. A proposed amendment makes this provision applicable to municipal bankruptcies.

Municipal systems are often also subject to other regulatory requirements and to political requirements, unique to governments, such as voter approval of additional debt. Another amendment makes a municipal plan of adjustment subject to these requirements. Some have expressed a concern that a failure to make a plan subject to requirements of this sort could override State and local financial and political controls and raise constitutional issues as to the scope of the bankruptcy power that need not be resolved to further sound municipal bankruptcy policy.

G. ADEQUATE PROTECTION

Sections 362 and 364 require adequate protection to secured creditors in order to continue an automatic stay or to permit a priority borrowing by the bankruptcy trustee. These provisions apply to all bankruptcies. If the adequate protection in fact proves to be inadequate, the secured creditor has a superpriority claim under section 507(b). But this applies only to individual and corporate bankruptcies and not to municipal bankruptcies.

In municipal bankruptcy, since liquidation is not permissible and since all priority claims must be paid as a condition to plan confirmation, the ranking of various types of administrative expenses in a priority or superpriority order may not add anything to the statute. However, there should not be any doubt that a failure of adequate protection should give rise to an administrative expense claim. One amendment makes this explicit.

DETAILED ANALYSIS OF REVENUE PLEDGE AMENDMENTS

Under Bankruptcy Code section 552, except for "proceeds, product, offspring, rents, or profits" of other "property" already subject to a preexisting security interest:

> * * * property acquired by the estate or by the debtor after the commencement of the case is not subject to any lien resulting from any security agreement entered into by the debtor before the commencement of the case.

As applied in the municipal context, in which a security interest in underlying assets is rare, section 552 appears to terminate a security interest in revenues received after the commencement of the bankruptcy case, regardless of the validity of the lien under State law. The problem is particularly acute with respect to project or system financing, such as bonds secured by municipal utility revenues or other nontax revenues. The problem also presents itself in certain instances in which tax revenues act as collateral for bonds.

There are exceptions to the rule that underlying assets are not given as collateral for revenue bonds. For example, in South Dakota, there may be a statutory mortgage lien on plant assets. See, for example, 9 S. Dak. Codified Laws Sections 9-40-25 to 9-40-27. It would be highly artificial for the result under Bankruptcy Code section 552 to turn on the difference between the statutory mortgage and the more customary pledge of revenues without a lien on the plant. Even where foreclosure on the underlying assets is permitted, there appears to be little, if any, practical difference between the two situations. See Fordham, *Revenue Bonds Sanctions,* 42 Col.L.Rev. 395, 432-33 (1942).

Proposed section 927, along with the definition of special revenues in proposed section 902(2), protects the lien on revenues. It is closely modeled on section 552(a). It is intended to negate section 552(a) in the municipal context and to go no further. In other words, it is not intended to create new rights that otherwise would not exist. Section 552(a) limits preexisting rights. The proposed amendment only removes that limitation in the circumstances described in proposed section 927(a).

The proposed amendment applies only to special revenues, as defined in proposed section 902(a). Examples of the kinds of revenues included within the definition are revenues from municipally owned utility systems, betterment assessments, special excise taxes and fees, and in some instances local sales, income, or property taxes.

Utility revenues include revenues from the sale of water, power, natural gas, or other energy sources. It also includes revenues from a toll highway or bridge or other projects or systems which impose user fees.

Betterment assessments are typically imposed on landowners benefited by particular improvements to finance the cost of those improvements. In most States, betterment assessments are constitutionally required to bear a reasonable relationship to the benefit conferred. Bonds—known as special assessment bonds—payable solely from these assessments, are sometimes issued to pay the cost of the improvement, but general obligation bonds are also issued for this purpose.

Hotel-motel taxes, meal taxes, and license fees are included is special excise taxes. They are often imposed for particular purposes. For example, a hotel-motel excise or a meal tax might be imposed in a particular area of a municipality or throughout a city to finance the construction and operation of a convention center. Bonds secured by the special excise tax are issued to finance construction.

Tax increment financing will also receive the benefit of the proposed amendment. A city may finance street, utility, and land assembly costs for a downtown renewal project on a tax increment basis. That is, the bonds issued to pay for the project are payable solely from and are secured by a lien on the additional tax resulting from the increased valuations in the project area.

Property, sales, and income taxes would generally not be considered special revenues. However, some exceptions may exist. For example, where a special property tax is levied and collected for the specific purpose of paying principal and interest coming due on bonds issued in conjuction with the levy of the property tax, the revenues may constitute special revenues.

In these cases, there is generally a prohibition under State law on using the special tax revenue for any purpose other than payment of bonds. However, where the revenue may be used for other purposes, it should not constitute special revenues. Similarly, a city may impose an additional one-half percent or 1 percent sales tax to finance a particular project, such as rapid transit. While general sales taxes would not constitute special revenues, with appropriate limitations on the use of the additoinal sales tax, it could constitute special revenues.

Project financing can also create special revenues. A municipality may atttempt to finance separate projects by liens on the revenue of each project, issuing separate bonds for each project. Project revenues, whether based on sale of goods or services or based on cost-sharing among users, would constitute special revenues.

In all of these cases, communities have determined it to be financially or politically unsound to finance a major utility or other project or system with general funds of the municipality including tax receipts. Accordingly, they issue revenue bonds payable solely from the revenues of the project or system. To make sure that those revenues are not converted to other purposes, they pledge or assign revenues as security for the bonds, usually under State enabling legislation which provides expressly that they can do so.

Absent the mortgage, there is really no alternative for the municipality. The effect of the pledge of revenues is not unlike the result of a private utility's mortgage of its entire plant to a trustee for the benefit of bondholders. Nor is it unlike the lien on proceeds which is recognized in the code. The proposed amendment amounts to a recognition of a hypothetical mortgage on the plant from which the revenues are derived where a real mortgage cannot be created either for legal reasons or because of compelling considerations of public policy.

Proposed section 927 does not distinguish between bonds backed solely by special revenues and so-called double-barrelled bonds. These latter bonds are backed not only by special revenues but also by the the general credit of the municipality, including its power to levy property and other taxes. There is no security interest, however, in the general property tax receipts.

Nor does section 927 distinguish between projects or systems owned and operated by a municipality that also performs other functions or by a so-called special purpose municipality, such as a separate "body politic and corporate" established to finance, construct, and operate a utility system or other project or system.

These latter distinctions only go to the issue of whether the bondholders have a recourse against the general municipality on any shortfall of project or system revenues to pay amounts owned under the revenue bonds. This is an issue addressed by proposed section 925(b), which renders ineffective Bankruptcy Code section 1111(b) in the revenue bond context.

Subsection (b) of proposed section 927 provides for the payment from pledged special revenues of operating expenses of the project or system producing the revenues before use of those revenues to pay interest or principal on the bonds. In very general terms, a gross revenue pledge would be treated as if it were a net revenue pledge. Pledged revenues received after the commencement of the bankruptcy case would be applied first to the operating expenses of the system, project, or function producing the revenues—whether or not the bonds financed construction or purchase of the system, project, or function producing the revenues—before application to the indebtedness for which the revenues were pledged and only then to other lawful purposes.

The general purpose of this approach is to permit the continued operation or functioning of the system, project, or function that was financed by the revenue bonds. Without such continued operation, there is not likely to be a continued source of funds from which to service the bonds. The pledged revenues would not be permitted to be used for any other governmental purpose, but would be used to pay operating expenses to facilitate a workout and successful confirmation of an adjustment plan.

This approach should work fairly easily in utility situations or in user fee situations such as toll bridge authorities, and the like. Other situations may require more explanation. One such situation is tax increment financing. In this type of financing, bonds issued for public improvements are secured by a pledge of the additional tax resulting from the increased valuations in the area affected by the project. In this context, the pledged revenues could be used for operating expenses of the improvements before being applied to the secured indebtedness. Another situation might concern a project financed by a pledge, not of project revenue, but of revenue from some other special source. An example would be a convention center financed by a pledge of hotel-motel excise taxes or a rapid transit system financed by an increased sales tax. Here again, the pledged revenues could be used first for operating expenses of the project and second to pay the secured debt.

However, these revenues would not necessarily be subordinate to all of the operating expenses of the center or the improvements if they had their own source of revenues, such as from user fees. In each case, the court will be required to examine the need to protect the source of the pledge revenue and to determine whether maintaining operating expenses of the project, system, or function contributes to the ability of the project, system, or function to continue to produce the revenues needed to operate and service the bonds.

In determining whether operating expenses are necessary as provided in subsection (b), the court should not step beyond the bonds of Bankruptcy Code sections 903 and 904. Ths provision, like all others in chapter 9, are subject to the limitations of those sections. The provision should not permit the court to become involved in possible control over political or governmental functions. At most, the court should use a "business judgment" test in applying the provision, examining only whether the business judgment of the debtor's payment in incurring or proposing the expenditure—or proposed expenditure—is a reasonable one. The court should not substitute its own business judgment. See *Group of Institutional investors* v. *Chicago M., St.P., & P.Ry. Co.,* 318 U.S. 523 (1943). Moreover, the phrase "operating expenses" should not be construed to exclude capital expenses or expenditures, because they may be as necessary as ordinary operating expenses to maintain the source of revenue from which bonds are to be paid.

Finally, in developing and adopting a plan of adjustment, a gross revenue pledge would be treated in the same manner as during the case, under section 927. It will be analyzed and evaluated as it provided for the use of future revenues to pay operating expenses of the system, project, or function first and debt service on the secured indebtedness second.

Mr. President, this bill presents a reasoned and practical approach to the problems which confront municipalities in financial distress. However, as with any comprehensive change in a complex area of the law, there are sure to be shortcomings. Accordingly, this legislation as introduced should be viewed as a starting point for serious discussion.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1863

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 109(c)(3) of title 11, United States Code, is amended by striking out "or unable to meet such entity's debts as such debts mature".

Sec. 2. Section 901(a) of title 11, United States Code, is amended by inserting "1129(a)(6)," between "1129(a)(3)," and "1129(a)(8)".

Sec. 3. Section 902 of title 11, United States Code, is amended by—

(1) redesignating paragraphs (2), (3), and (4) as paragraphs (4), (5), and (6), respectively;

(2) redesignating paragraph (1) as paragraph (2);

(3) inserting before paragraph (1), as redesignated herein, a new paragraph (1), as follows:

"(1) 'insolvent', notwithstanding section 101(29) of this title, when used in a section that is made applicable in a case under this chapter by section 103(e) or 901 of this title, means financial condition such that the municipality is generally not paying its debts as they become due unless such debts are the subject of a bona fide dispute, or is unable to pay its debts as they become due;"; and

(4) inserting between paragraph (2) and paragraph (4), as redesignated herein, the following:

"(3) 'special revenues' means—

"(A) receipts derived from the ownership, operation, or disposition of projects or systems of the debtor that are primarily used or intended to be used primarily to provide transportation, utility, or other services, including the proceeds of borrowings to finance the projects or systems,

"(B) special excise taxes imposed on particular activities or transactions,

"(C) incremental tax receipts from the benefited area in the case of tax-increment financing,

"(D) other revenues or receipts derived from particular functions of the debtor, whether or not the debtor has other functions, and

"(E) taxes specifically levied to finance one or more projects or systems, but not including (except for tax-increment financing) receipts from general property, sales, or income taxes levied to finance the general purposes of the debtor.".

Sec. 4. Section 922 of title 11, United States Code, is amended by adding at the end thereof the following:

"(c) If the debtor, under this section, or section 362 or 364 of this title, provides adequate protection of the interest of the holder of a claim secured by a lien on property of the debtor and if, notwithstanding such protection such creditor has a claim arising from the stay of action against such property under this section or section 362 of this title or from the granting of a lien under section 364(d) of this title, then such claim shall be allowable as an administrative expense under section 503(b) of this title.

"(d) Notwithstanding section 362 of this title and subsection (a) of this section, a petition filed under this chapter does not operate as a stay of application of pledged special revenues in a manner consistent with section 927 of this title to payment of indebtedness secured by such revenues.".

Sec. 5. (a) Section 925 of title 11, United States Code, is amended by—

(1) adding to the section heading the following:

"and certain secured claims";

(2) striking out "A" and inserting in lieu thereof "(a) A"; and

(3) adding at the end thereof the following:

"(b) The holder of a claim payable solely from special revenues of the debtor under applicable nonbankruptcy law shall not be treated as having recourse against the debtor on account of such claim pursuant to section 1111(b) of this title.".

(b) The table of sections for chapter 9 of title 11, United States Code, is amended by adding before the period in the item relating to section 925, "and certain secured claims".

Sec. 6. Section 926 of title 11, United States Code, is amended by—

(1) inserting "(a)" before "If"; and

(2) adding at the end thereof the following:

"(b) A transfer of property of the debtor to or for the benefit of any holder of a bond or note, on account of such bond or note, may not be avoided under section 547 of this title.".

Sec. 7. (a) Section 927 of title 11, United States Code, is redesignated as section 929.

(b) Title 11 of the United States Code is amended by adding between section 926 and section 929, as herein redesignated, the following new sections:

"§ 927. Post petition effect of security interest

"(a) Notwithstanding section 552(a) of this title and subject to subsection (b) of this section, special revenues acquired by the debtor after the commencement of the case remain subject to any lien resulting from any security agreement entered into by the debtor before the commencement of the case.

"(b) Any such lien on special revenues, other than municipal betterment assessments, derived from a project or system is subject to the necessary operating expenses of such project or system, as the case may be.

"§ 928. Municipal leases.

"A lease to a municipality shall not be treated as an executory contract or unexpired lease for the purposes of section 365 or 502(b)(6) of this title solely by reason of its being subject to termination in the event the debtor fails to appropriate rent.".

(c) The table of sections for subchapter II of chapter 9 of title 11, United States Code, is amended by striking out the item relating to section 927 and inserting in lieu thereof the following:

"927. Post petition effect of security interest.
"928. Municipal leases.
"929. Dismissal.".

Sec. 8. Section 943(b) of title 11, United States Code, is amended by—

(1) striking out "and" at the end of paragraph (5);

(2) striking out the period at the end of paragraph (6) and inserting in lieu thereof a semicolon;

(3) redesignating paragraph (6) as paragraph (7); and

(4) inserting between paragraph (5) and paragraph (7), the following:

"(6) any regulatory or electoral approval necessary under applicable nonbankruptcy law in order to carry out any provision of the plan has been obtained, or such provision is expressly conditioned on such approval; and".

By Mr. DURENBERGER:

S. 1864. A bill to amend the Internal Revenue Code of 1986 to modify certain provisions regarding tax-exempt bonds, and for other purposes; to the Committee on Finance.

TAX-EXEMPT BOND REFORM ACT

● Mr. DURENBERGER. Mr. President, I rise to introduce legislation that eases the unwarranted restrictions that Congress last year placed on tax-exempt bond financing for public purposes activities. Although several provisions of the Tax Reform Act of 1986 eliminated many of the abuses that were associated with tax-exempt bonds, I believe the volume cap restrictions are far too stringent and will stifle the ability of States to finance important public projects, especially housing for the poor and elderly.

The legislation I am introducing today would raise the State volume caps from $50 per resident or $125 million, to $125 per resident or $400 million. This is far more realistic and workable volume limit that will allow States and localities to meet future needs to rebuild their infrastructure and provide public services. At a time when we have eliminated general revenue sharing, and cut back on Federal programs that assist States, it just does not make sense to place unreasonable limits on the volume of bonds that States can issue.

Mr. President, this legislation attempts to address the housing crisis that our country confronts today. There are two aspects to the housing crisis. Private developers are just not constructing multi-family housing for low-income families. This is a problem which afflicts many of the poor and the elderly. The other part of the crisis centers on young people who just cannot afford the down payment and mortgage costs associated with buying their first home. They are literally priced out of the market, with little hope that they will ever be able to own a home of their own.

To address these problems, my bill allows bonds issued for multi-family rental housing projects to be excluded entirely from the volume cap, and interest on such bonds would not be subject to the alternative minimum tax. In addition, the bill provides greater financial incentives for developers to build low-income housing by increasing the credit for nonfederally subsidized housing to 9 percent and increasing it to 3 percent for federally subsidized projects. Unless we adopt these changes, I think you are going to see a continuation of the current standstill in housing construction for the poor and low-income elderly.

This legislation also addresses the problems that young first-time homebuyers face in trying to purchase their first home. The bill extends for 5 years the authority of States to issue qualified mortgage bonds for first time homebuyers. And it expands the income limit for qualification to 120 percent of median income.

To encourage tax-exempt financing for projects in economically depressed urban and rural areas, the legislation removes the small issue industrial development bond [IDB] sunset and establishes a formula that increases a State's overall volume cap if it invests more bond proceeds in economically depressed areas, than in noneconomically depressed areas. Alternatively, if a State invests more of its IDB proceeds in noneconomically depressed areas, its volume cap would be reduced.

Mr. President, we made a mistake last year when we stopped allowing States to issue tax-exempt bonds for air and water pollution control facilities. There are few activities that are more in the scope of the general public interest than air and water pollution control. My legislation recognizes this fact and therefore restores the authority for States and localities to issue bonds for construction and improvements of such facilities.

This legislation repeals the provision limiting issuance costs to 2 percent, and reinstates the prior law 25-percent business use and security interest tests.

Finally, the legislation modifies the State and Local Government Series [SLGS] Program to effectuate Congress' directive to make the program viable. Under the bill, the Treasury must allow State and local governments to make a declaration of a split between demand-deposit and time-deposit securities. As currently drafted, the interim regulations do not allow for such declarations, and therefore discourage State and local governments from using the SLGS program.●

By Mr. LAUTENBERG (for himself and Mr. SPECTER):

S.J. Res. 218. Joint resolution to designate March 25, 1988, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy"; to the Committee on the Judiciary.

GREEK INDEPENDENCE DAY

Mr. LAUTENBERG. Mr. President, today I am introducing a joint resolution to designate March 25, 1988 as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy." This joint resolution also asks the President to issue a proclamation calling upon the people of the United States to observe the designated day with appropriate ceremonies and activities. I am pleased that Senator SPECTER has joined as an original cosponsor of this joint resolution.

March 25, 1988 marks the 167th anniversary of the beginning of the revolution which freed the Greek people from the Ottoman empire. It is fitting that we celebrate this day together with Greece in order to reaffirm the common democratic heritage of Americans and Greeks.

The ancient Greeks forged the very notion of democracy, placing the ultimate power to govern in the people. As Aristotle said:

> If liberty and equality, as is thought by some, are chiefly to be found in democracy, they will best be attained when all persons alike share in the government to the utmost.

Because the concept of democracy was born in the age of the ancient Greeks, all Americans, whether or not of Greek ancestry, are kinsmen of a kind to the ancient Greeks. Indeed, our own Founding Fathers drew heavily upon the political and philosophical experience of ancient Greece in forming our representative democracy.

Constitutional democracy has made the American way of life possible. It established the precious freedoms of speech, religion, and assembly which Americans cherish, and which are so fundamental to American Democracy. For that contribution alone, we owe a heavy debt to the Greeks. The common heritage which we share has forged a close bond between Greece and the United States, and between our peoples. And it is reflected in the numerous contributions made by present day Greek-Americans in New Jersey and across the country to our American culture.

I urge my colleagues to cosponsor this joint resolution as a tribute to these contributions, past and present, which have greatly enriched American life.

Mr. President, I ask unanimous consent that the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 218

Whereas the ancient Greeks developed the concept of democracy, in which the supreme power to govern was vested in the people;

Whereas the Founding Fathers of the United States of America drew heavily upon the political and philosophical experience of ancient Greece in forming our representative democracy;

Whereas March 25, 1988, marks the 167th anniversary of the beginning of the revolution which freed the Greek people from the Ottoman Empire;

Whereas these and other ideals have forged a close bond between our two nations and their peoples; and

Whereas it is proper and desirable to celebrate with the Greek people, and to reaffirm the democratic principles from which our two great nations sprang; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That March 25, 1988, is designated as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy", and that the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe the designated day with appropriate ceremonies and activities.

Mr. SPECTER. Mr. President, today I join my colleague Senator LAUTENBERG in introducing a joint resolution to designate March 25, 1988, as "Greek Independence Day: a Celebration of Greek and American Democracy."

One hundred and sixty-seven years ago the Greeks began the revolution that would free them from the Ottoman Empire and return Greece to its democratic heritage. It was, of course, the ancient Greeks who developed the concept of democracy in which the supreme power to govern was vested in the people. Our Founding Fathers drew heavily upon the political and philosophical experience of ancient Greece in forming our representative democracy. How fitting, then, that we should recognize the anniversary of the beginning of their effort to return to that democratic tradition.

This democratic form of government is one of the most obvious of the many benefits we gained from the Greek people. The ancient Greeks contributed a great deal to the modern world and particularly to the United States of America, including art and philosophy, science, and law. Today, Greek Americans continue to enrich our culture and to make valuable contributions to American society, business, and government.

It is my hope that the strong support for this joint resolution in Congress will serve as a clear goodwill gesture to the people of Greece with whom we have enjoyed such a close bond throughout history. Accordingly, I urge my colleagues to join us in supporting this important resolution.

By Mr. CRANSTON (for himself and Mr. D'AMATO):

S.J. Res. 219. Joint resolution to provide for the extension of certain programs relating to housing and community development and for other purposes; placed on the calendar by unanimous consent.

EXTENSION OF CERTAIN HOUSING AND COMMUNITY DEVELOPMENT PROGRAMS

Mr. CRANSTON. Mr. President, I join Senator D'AMATO in introduction of a joint resolution to extend the FHA insurance program. This action is needed to provide the administration with sufficient time to review and act on the Housing and Community Development Act of 1987.

The House yesterday adopted the conference report with overwhelming support—391 to 1. I expect the Senate to pass the measure on Thursday.

I urge my colleagues to pass this measure promptly.

ADDITIONAL COSPONSORS

S. 533

At the request of Mr. THURMOND, the names of the Senator from Kansas [Mr. DOLE], and the Senator from Michigan [Mr. RIEGLE] were added as cosponsors of S. 533, a bill to establish the Veterans' Administration as an executive department.

S. 778

At the request of Mr. KENNEDY, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as cosponsor of S. 778, a bill to authorize a star schools program under which grants are made to educational telecommunications partnerships to develop, construct, and acquire telecommunications facilities and equipment in order to improve the instruction of mathematics, science, and foreign languages, and for other purposes.

S. 1346

At the request of Mr. MATSUNAGA, the name of the Senator from North Carolina [Mr. SANFORD] was added as cosponsor of S. 1346, a bill to amend the National Labor Relations Act to give employers and performers in the performing arts rights given by section 8(e) of such act to employers and employees in similarly situated industries, to give employers and performers in the performing arts the same rights given by section 8(f) of such act to employers and employees in the construction industry, and for other purposes.

S. 1541

At the request of Mr. REID, the name of the Senator from Washington [Mr. ADAMS] was added as a cosponsor of S. 1541, a bill to provide veterans benefits to persons who served as seamen in the U.S. merchant marine during World War II.

S. 1561

At the request of Mr. BOND, the name of the Senator from Pennsylvania [Mr. HEINZ] was added as a cosponsor of S. 1561, a bill to provide for a research program for the development and implementation of new technologies in food safety and animal health, and for other purposes.

S. 1595

At the request of Mr. DOMENICI, the name of the Senator from Connecticut [Mr. WEICKER] was added as a cosponsor of S. 1595, a bill to amend title 5, United States Code, to provide for the establishment of a voluntary leave transfer program for Federal employees, and for other purposes.

S. 1600

At the request of Mr. FORD, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 1600, a bill to enhance the safety of air travel through a more effective Federal Aviation Administration, and for other purposes.

S. 1787

At the request of Mr. DASCHLE, the names of the Senator from Iowa [Mr. HARKIN], and the Senator from New York [Mr. MOYNIHAN] were added as cosponsors of S. 1787, a bill to amend title 38, United States Code, to prescribe certain presumptions in the case of veterans who performed active service during the Vietnam era.

S. 1788

At the request of Mr. TRIBLE, the name of the Senator from California [Mr. CRANSTON] was added as a cosponsor of S. 1788, a bill to protect the aquatic environment from certain chemicals used in antifoulant paints, and for other purposes.

S. 1848

At the request of Mr. KERRY, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 1848, a bill to authorize a Minority Business Development Administration in the Department of Commerce.

SENATE JOINT RESOLUTION 193

At the request of Mr. KERRY, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of Senate Joint Resolution 193, a joint resolution to establish a bipartisan commission on Third World debt.

SENATE JOINT RESOLUTION 203

At the request of Mr. D'AMATO, the name of the Senator from Illinois [Mr. DIXON] was added as a cosponsor of Senate Joint Resolution 203, a joint resolution calling upon the Soviet Union immediately to grant permission to emigrate to all those who wish to join spouses in the United States.

SENATE JOINT RESOLUTION 206

At the request of Mr. DOMENICI, the name of the Senator from Georgia [Mr. NUNN] was added as a cosponsor of Senate Joint Resolution 206, a joint resolution to declare Dennis Chavez Day.

SENATE RESOLUTION 270

At the request of Mr. LAUTENBERG, the name of the Senator from Minnesota [Mr. BOSCHWITZ] was added as a cosponsor of Senate Joint Resolution 270, a resolution paying special tribute to Portuguese diplomat Dr. de Sousa Mendes for his extraordinary acts of mercy and justice during World War II.

AMENDMENTS SUBMITTED

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS, FISCAL YEAR 1988

JOHNSTON (AND OTHERS) AMENDMENT NO. 1157

Mr. JOHNSTON (for himself, Mr. Mitchell, Mr. COHEN, Mr. SASSER, Mr. GRAMM, Mr. BENTSEN, and Mr. KASTEN) proposed an amendment to the bill (H.R. 2700) making appropriations for energy and water development for the fiscal year ending September 30, 1988, and for other purposes; as follows:

On page 40, line 20, after the words, "S. 1668, Nuclear Waste Policy Act Amendments Act of 1987, as reported to the Senate on September 1, 1987, is included herein and shall be effective as if it had been enacted into law", insert the following: "with the following amendments included:

"(2) On page 25, after line 21, add a new subsection as follows:

'(d) Upon the date of the enactment of this section the Secretary shall phaseout in an orderly manner within 6 months funding for all existing research programs designed to evaluate the suitability of crystalline rock as a potential repository host medium.'

"(4) On page 27, strike lines 21 and 22 and insert in lieu thereof the following:

'OVERSIGHT BOARD

'(a) Within 30 days after the date of the enactment of this section, the Secretary shall seek to enter into a contract with the National Academy of Sciences (hereinafter in this section referred to as "the Academy") for the purpose of establishing an oversight board under the auspices of the Academy to review and evaluate the scientific and technical adequacy of the Secretary's programs under this Act.

'(b) The oversight board established under this section shall consist of an appropriate number of scientists, engineers, and other individuals determined to be qualified by the Academy.

'(c) Activities of the Secretary to be reviewed by the oversight board under this section include—

'(1) activities under section 402(a)(2) relating to the information useful in selecting a preferred site;

'(2) activities under section 402(b)(2) relating to surface based testing at candidate sites that are not selected as the preferred site;

'(3) the site characterization program at the preferred site; and

'(4) such other activities involving significant scientific or technical issues as the Academy finds appropriate.

'(d) The oversight board shall establish procedures for the appropriate involvement in the work of the board by the Secretary, the Commission, affected states and affected Indian tribes. In addition to other reports deemed appropriate by the Academy, the board shall provide an annual report on the status of the programs of the Secretary under this Act that have been reviewed by the board. All reports of the board shall be available to the Secretary, the Commission, and the public.

'(e) The expenses of the oversight board under this section shall be paid from the Waste Fund.

'AUTHORIZATION OF APPROPRIATIONS

'SEC. 411. There is authorized to be appropriated from'.

"(5) On page 33, the last line of the table of contents is amended to read as follows:

'SEC. 410. Oversight Board.

'SEC. 411. Authorization of Appropriations.'

"(6) On page 25, after line 21, insert the following new subsection:

'(d) In the event that the Secretary at any future time considers any sites in crystalline rock for characterization or selection as a repository, the Secretary shall give consideration as a supplement to the siting guidelines under section 112 to potentially disqualifying factors such as—

'(1) seasonal increases in population;

'(2) proximity to public drinking water supplies, including those of metropolitan areas; and

'(3) the impact characterization or siting decisions would have on lands owned or placed in trust by the Federal government for Indian tribes.'

"(8) on page 13, line 5, strike the word 'If' and insert in lieu thereof the phrase 'Except as provided in subsection (1), if'; and

"(9) On page 18, after line 17, insert the following new subsection (1):

'(1)(1)(A) There is established a MRS Review Commission (hereinafter in this subsection referred to as the "MRS Commission"), which shall consist of three members who shall be appointed by and serve at the pleasure of the President pro tempore of the Senate and the Speaker of the House of Representatives.

'(B)(i) Members of the MRS Commission shall be appointed not later than thirty days after the date of the enactment of this subsection from among persons who as a result of training, experience and attainments are exceptionally well qualified to evaluate the need for a monitored retrievable storage facility as a part of the nation's nuclear waste management system.

'(C) The MRS Commission shall prepare a report on the need for a monitored retrievable storage facility as a part of a national nuclear waste management system that achieves the purposes of this Act. In preparing the report under this paragraph, the MRS Commission shall—

'(i) review the status and adequacy of the Department's evaluation of the systems advantages and disadvantages of bringing such a facility into the national radioactive waste disposal system;

'(ii) obtain comment and available data on the subject from affected parties, including states containing potentially acceptable sites;

'(iii) evaluate the utility of such a facility from a technical perspective; and

'(iv) make a recommendation to Congress as to whether such a facility should be included in the national nuclear waste management system in order to achieve the purposes of this Act, including meeting needs for packaging and handling of spent nuclear fuel, improving the flexibility of the repository development schedule, and providing temporary storage of spent nuclear fuel accepted for disposal.

'(2) In preparing the report and making its recommendation under paragraph (1) the MRS Commission shall compare such a facility to the alternative of at-reactor storage of spent nuclear fuel prior to disposal of such fuel in a repository under this Act. Such comparison shall take into consideration the impact on—

'(A) repository design and construction;

'(B) waste package design, fabrication and standardization;

'(C) waste preparation;

'(D) the waste transportation system;

'(E) the reliability of the national system for the disposal of a radioactive waste;

'(F) the ability of the Secretary to fulfill contractual commitments of the Department under this Act to accept spent nuclear fuel for disposal; and

'(G) economic factors, including the impact on the costs likely to be imposed on ratepayers of the nation's electric utilities for temporary at-reactor storage of spent nuclear fuel prior to final disposal in a repository, as well as the costs likely to be imposed on ratepayers of the nation's electric utilities in building and operating such a facility.

'(3) The report under this subsection, together with the recommendation of the MRS Commission, shall be transmitted to Congress between January 1, 1989 and January 20, 1989.

'(4)(A)(i) If the recommendation of the MRS Commission under paragraph (1)(D) is that the national nuclear waste management system should not contain a monitored retrievable storage facility, the Secretary may exercise his authority under subsection (d)(2) unless Congress, within 90 calendar days of continuous session of Congress (as computed for purposes of section 115) after transmission of the recommendation of the MRS Commission under paragraph (3), passes, and there is enacted into law, a resolution disapproving the deployment of a monitored retrievable storage facility as a part of the national nuclear waste management system.

'(ii) Any resolution under this subparagraph shall be introduced within 30 days after the date of transmission of the recommendation of the MRS Commission under paragraph (3). Such a resolution shall be expedited and considered by Congress in accordance with the procedures for consideration of a resolution of repository siting approval under subsections 115(d) through (g), except the 60-day period in section 115(d)(3) shall be shortened to 30 days.

'(B) In all other cases, the Secretary may exercise his authority under subsection (d)(2), after the report and recommendation of the MRS Commission has been transmitted to Congress.

'(5)(A)(i) Each member of the MRS Commission shall be paid at the rate provided for level III of the Executive Schedule for each day (including travel time) such member is engaged in the work of the MRS Commission, and shall receive travel expenses, including per diem in lieu of subsistance in the same manner as is permitted under sections 5702 and 5703 of title 5, United States Code.

'(ii) The MRS Commission may appoint and fix compensation, not to exceed the rate of basic pay payable for GS-18 of the General Schedule, for such staff as may be necessary to carry out its functions.

'(B)(i) The MRS Commission may hold hearings, sit and act at such times and places, take such testimony and receive such evidence as the MRS Commission considers appropriate. Any member of the MRS Commission may administer oaths or affirmations to witnesses appearing before the MRS Commission.

'(ii) The MRS Commission may request any Executive agency, including the Department, to furnish such assistance or information, including records, data, files, or documents, as the Commission considers necessary to carry out its functions. Unless prohibited by law, such agency shall promptly furnish such assistance or information.

'(iii) To the extent permitted by law, the Administrator of the General Services Administration shall, upon request of the MRS Commission, provide the MRS Commission with necessary administrative services, facilities, and support on a reimbursable basis.

'(iv) The MRS Commission may procure temporary and intermittent services from experts and consultants to the same extent as is authorized by section 3109(b) of title 5, United States Code, at rates and under such rules as the MRS Commission considers reasonable.

'(C) The MRS Commission shall cease to exist sixty days after the submission to Congress of the report required under this subsection.

'(D) There are authorized to be appropriated to the MRS Commission to carry out the purposes of this subsection such sums as may be necessary.'. and

"(10) section 402 is amended by adding the following new subsection:

'(m)(1) The Secretary, or his designee, shall value land for leasehold or ownership title for purposes of site characterization and repository development in a manner that, in the opinion of the Secretary or such designee, addresses the unique geophysical attributes causing such land to be selected as a candidate site for deep geologic disposal for high-level radioactive waste and spent nuclear fuel.

'(2)(A) The Secretary, in acquiring private land for site characterization and repository development under this Act, shall, to the extent practicable—

'(i) acquire such private land only after a site characterization plan has been issued under section 113; and

'(ii) minimize the disruption of private use of lands in the vicinity of those acquired.

'(B) Nothing in subparagraph (A) affects the authority of the Secretary to secure a leasehold interest, easement, or right of way that the Secretary determines is necessary to carry out the purposes of subsection (a) (2).

'(3) The Secretary shall offer any landowner, or his heirs, first right to repurchase any land previously secured from such landowner for site characterization or repository development, should the site be found unsuitable, and after the site has been fully reclaimed as required under section 113.'.".

REID AMENDMENT NO. 1158

Mr. REID proposed an amendment to the bill (H.R. 2700) supra: as follows:

At the appropriate place in the bill, add the following:

"SEC. . IMPORTANCE OF PUBLIC HEALTH AND SAFETY IN SITE CHARACTERIZATION.

"(a) Notwithstanding any other provision of law or this Act, the Secretary of Energy, in selecting the preferred site for characterization as a permanent nuclear waste repository shall give primary consideration to potentially adverse impacts on the public health and safety of locating a repository at such site.

"(b) All other considerations shall be subordinate to that in paragraph (a) above."

REID (AND ADAMS) AMENDMENT NO. 1159

Mr. REID (for himself and Mr. ADAMS) proposed an amendment to the bill (H.R. 2700) supra: as follows:

At the appropriate place in the bill, add the following:

"SEC. . Nothing in this act shall ratify or exempt from judicial review prior administrative or executive actions or decisions related to the repository site selection process under the Nuclear Waste Policy Act of 1982. In the event that any action of the Secretary of Energy, President, the Administrator of the Environmental Protection Agency or the Nuclear Regulatory Commission under any provision of the Nuclear Waste Policy Act of 1982 prior to the date of enactment of this act is by judicial decision invalidated or affected in such a way as to modify or render invalid the candidate status of any or all candidate sites recommended for site characterization, such site or sites shall not be eligible for selection as the preferred site for sequential characterization as a permanent nuclear waste repository."

MITCHELL (AND COHEN) AMENDMENT NO. 1160

Mr. JOHNSTON (for Mr. MITCHELL, for himself and Mr. COHEN) proposed an amendment to the bill (H.R. 2700) supra; as follows:

On page 5, after line 20, add the following new paragraph:

"The Secretary of the Army, acting through the Chief of Engineers, is directed to use not to exceed $300,000 to conduct a reconnaissance level study with respect to the Androscoggin River Basin and its tributaries, Maine."

JOHNSTON AMENDMENT NO. 1161

Mr. JOHNSTON proposed an amendment to the bill (H.R. 2700) supra; as follows:

On page 13 line 18 insert the following before the colon: "Conservationist."

On page 15 line 1 strike "$1,404,738,000" and insert "$1,400,000,000".

On page 15 line 10 insert the following before the period: *"Provided further,* That none of the funds made available under 'Operation and Maintenance, General' shall be used to pay the expenses of the Department of the Army regulatory activities".

On page 15 line 22 strike "$55,262,000" and insert "$60,000,000".

On page 15 line 23 insert the following before the period: *"Provided,* That $5,000,000 shall be available for obligation only after the Secretary of the Army in consultation with the U.S. Army Corps of Engineers has submitted to the appropriate Congressional committees concurrently with transmission of the fiscal year 1989 budget, a legislative proposal, including fee schedules, to recover all actual costs of Department of the Army-Civil regulatory programs: *Provided further,* That the Secretary of the Army shall work with the General Accounting Office to ensure that effective auditing and cost accounting procedures which meet standards acceptable to the Comptroller General are established at the earliest possible time".

On page 18 after line 19 insert the following new section.

"SEC. . None of the funds made available under 'Department of Defense—Civil, Department of the Army, Corps of Engineers—Civil', except as provided for under 'General Regulatory Functions', shall be used to pay the expenses of the Department of the Army—Civil regulatory activities."

On page 55 line 7 insert the following before the colon: "or Public Law 100-119".

On page 25 line 12 strike "$30,809,000" and insert in lieu thereof: "$29,809,000".

On page 25 line 19 strike "$29,472,000" and insert in lieu thereof: "$28,472,000".

On page 25 line 25 insert the following before the period: ": *Provided further,* That not to exceed $1,009,000 shall be available for the Hidalgo County Irrigation District No. 1 supplemental loan".

On page 21 line 4 insert the following before the colon: ": *Provided further,* That within available funds $18,400,000 shall be for continuing the clean-up and related activities of the Kesterson Reservoir and the San Luis Drain of the Central Valley Project in California".

WILSON (AND CRANSTON) AMENDMENT NO. 1162

Mr. JOHNSTON (for Mr. WILSON, for himself and Mr. CRANSTON) proposed an amendment to the bill (H.R. 2700) supra; as follows:

On page 6 after line 8 add the following new paragraph:

"The Secretary of the Army, acting through the Chief of Engineers, is directed to use not to exceed $450,000 to conduct reconnaissance level feasibility studies for raising Pine Flat Dam on the Kings River, California, for the purposes of providing additional water storage capacity and other related purposes."

STAFFORD (AND LEAHY) AMENDMENT NO. 1163

Mr. JOHNSTON (for Mr. STAFFORD, for himself and Mr. LEAHY) proposed an amendment to the bill (H.R. 2700) supra; as follows:

On page 12, line 10, strike the period and insert a semicolon and the following: "Shelburne Bay, Vermont.".

SPECTER (AND HEINZ) AMENDMENT NO. 1164

Mr. JOHNSTON (for Mr. SPECTER, for himself and Mr. HEINZ) proposed an amendment to the bill (H.R. 2700) supra; as follows:

On page 12 between lines 9 and 10 add the following: "Presque Isle Peninsula, Erie, Pennsylvania;".

McCLURE (AND SYMMS) AMENDMENT NO. 1165

Mr. McCLURE (for himself and Mr. SYMMS) proposed an amendment to the bill H.R. 2700, supra; as follows:

On page 41, insert on line 20 before the period the following:

"Provided, That within the funds available within materials production activities, the Secretary of Energy shall prepare and submit to the Committee on Appropriations and Armed Services of the Senate and the House of Representatives, not later than May 1, 1988, an acquisition strategy report for replacement production reactors. Such report shall provide the rationale and description of the recommended acquisition strategy for replacement nuclear materials production capacity that would fulfill the long-term requirements of the United States for tritium and plutonium, including the recommendation of the Nuclear Weapons Council with respect to matters within the responsibility of the Council. Such report also shall include an analysis of whether or not the acquisition strategy should provide for the procurement and construction of two or more replacement production reactors, either concurrently or sequentially. Such report also shall include, but not be limited to an analysis of the use of alternative reactor technologies at one or more sites based on the most current information including overall program costs and schedules, safety, environmental and licensing features, strategic and national security benefits, and amortization of reactor capital and operating costs through the sale of byproduct steam. Such report shall include a comprehensive comparative financial analysis and cost estimate including annual and life cycle costs for research, development, design, construction, operating expenses and revenues and the levelized unit products costs relating to the replacement production reactor alternatives considered. The recommendations of the Secretary shall include a recommendation with respect to the preferred alternatives for achieving replacement nuclear materials production capacity, including the number of production reactors required, the preferred technologies, and the preferred sites, and a time schedule for their acquisition, construction, and operation. The provision of the National Environmental Policy Act (43 U.S.C. 4321, et seq) shall not apply to any actions taken by the Secretary in the conduct of activities associated with the preparation of such report, including, but not limited to, the formulation of an acquisition strategy or the selection of alternative technologies and sites for replacement production reactors."

METZENBAUM (AND GLENN) AMENDMENT NO. 1166

Mr. METZENBAUM (for himself and Mr. GLENN) proposed an amendment to the bill (H.R. 2700) supra; as follows:

On page 39, line 4, strike the period and insert in lieu thereof: ": *Provided further,* That within six months from the date of enactment of this act the Department is directed to complete a study for deploying an Atomic Vapor Laser Isotope Separation production facility which is co-located with the existing enrichment facilities near Portsmouth, Ohio.".

BUMPERS AMENDMENT NOS. 1167 AND 1168

Mr. BUMPERS proposed two amendments to the bill (H.R. 2700) supra; as follows:

At the appropriate place in the bill add the following:

"SEC. . The McClellan-Kerr Arkansas River navigation project authorized under the comprehensive plan for the Arkansas River Basin by section 3 of the Act entitled 'An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes,' approved June 28, 1938 (52 Stat. 1218), and section 10 of the Flood Control Act of 1946 (60 Stat. 647), is modified to include municipal, industrial and agricultural water supply as authorized project purposes. Withdrawals of water for such purposes may be permitted to the extent that such withdrawals are consistent with applicable State laws and do not interfere with the other authorized purposes."

On page 12, between lines 8 and 9 insert "Mill Creek, Fort Smith, Arkansas;"

EVANS (AND ADAMS) AMENDMENT NO. 1169

Mr. EVANS (for himself and Mr. ADAMS) proposed an amendment to the bill (H.R. 2700) supra; as follows:

On page 36, line 15, insert the following new section:

SEC. 206. Section 208 of the Reclamation Authorization Act of 1976 (90 Stat. 1324, 1327) is amended by deleting "$39,370,000 (January 1976 prices), plus or minus such amounts, if any," and inserting in lieu thereof "$88,000,000 (January 1987 prices), provided that of the $88,000,000 authorized herein, only $18,000,000 thereof may be adjusted by such amounts, plus or minus,".

MIKULSKI AMENDMENT NO. 1170

Mr. JOHNSTON (for Ms. MIKULSKI) proposed an amendment to the bill (H.R. 2700) supra; as follows:

On page 49 after line 20 insert the following:

SEC. . The Federal Energy Regulatory Commission is authorized to extend the time period required for commencement of construction of Project No. 4506 for an additional two years upon application by the licensee to the Federal Energy Regulatory Commission if the Federal Energy Regulatory Commission determines that an extension is warranted under the standard set forth in section 13 of the Federal Power Act and is in the public interest.

DURENBERGER AMENDMENT NO. 1171

Mr. JOHNSTON (for Mr. DURENBERGER) proposed an amendment to the bill (H.R. 2700) supra; as follows:

On page 18 after line 19 insert the following:

SEC. . The undesignated paragraph under the heading "Noyes, Minnesota," in section 401(d) of Public Law 99-662 (100 Stat. 4131) is amended by striking out "$250,000" and inserting in lieu thereof "$650,000".

JOHNSTON AMENDMENT NO. 1172

Mr. JOHNSTON proposed an amendment to the bill (H.R. 2700) supra; as follows:

On page 41, line 20, after the word "operations.", insert the following: "*Provided further,* That of these funds $20,000,000 shall be made available for the Hanford Waste Vitrification Plant (Project 88-D-173).".

HECHT (AND REID) AMENDMENT NOS. 1173 THROUGH 1177

Mr. HECHT (for himself and Mr. REID) proposed five amendments to the bill (H.R. 2700) supra; as follows:

AMENDMENT No. 1173

On page 40, insert at the end of the provision with the caption "Nuclear Waste Disposal Fund", the following: "Except that such measure shall be effective as if it had been enacted with the following amendment included therein:

'On page 33, line 9, insert the following new section 7 and redesignate section 7 as section 8:

'REPORT

'SEC. 7. In the event that the Secretary undertakes characterization of a site at Yucca Mountain, Nevada, for a nuclear waste repository, under the Nuclear Waste Policy Act of 1982, as amended, such site characterization shall include research to examine the potential effects on such site of continued testing of nuclear weapons at the Nevada Test Site including, but not limited to, whether such testing would cause earthquakes at such site, movement along faults affecting such site, or damage to such a repository if located at such site.'."

AMENDMENT No. 1174

On page 40, insert at the end of the provision with the caption "Nuclear Waste Disposal Fund", the following: "Except that such measure shall be effective as if it had been enacted with the following amendment included therein:

'(1) Insert the following new section 11 of the Nuclear Waste Policy Act of 1982 on page 30, line 8 of said bill:

'REPORT

'SEC. 11. The comprehensive statement of the Secretary pursuant to section 114 shall include a comparative analysis of the economics of nuclear waste management strategies based on (1) reprocessing spent fuel as a source of new fuel for light water reactors and the disposal of the resultant nuclear wastes and (2) direct disposal of spent fuel. Such analysis shall also compare the advantages and disadvantages of such strategies.'."

AMENDMENT No. 1175

On page 40, insert at the end of the provision with the caption "Nuclear Waste Disposal Fund", the following: "Except that such measure shall be effective as if it had been enacted with the following amendment included therein:

'(1) On page 31, line 19, delete the quote and insert in lieu thereof the following new subsection:

'(f) There is hereby authorized to be appropriated such fund as may be necessary from the Nuclear Waste Fund, without fiscal year limitation, to the Secretary of Energy for use in the upgrading and construction of road and rail facilities to be utilized in the transportation of spent nuclear fuel and highlevel radioactive waste within the State in which a repository is located under this Act. Obligation of such funds by the Secretary shall be on the basis of need as determined by the Secretary after consideration of the availability of alternative sources of funding. Obligations of funds under this subsection may be made only after consultation with the governor of such State.'."

AMENDMENT No. 1176

At the appropriate place in the bill add the following:

"Within 45 days of the passage of this Act, the Secretary is directed to report to the Congress on the amount of funds necessary annually over the next 5 years to:

"(1) conduct a detailed research program on the subseabed disposal of nuclear wastes;

"(2) Identify and assess potential impacts of subseabed disposal on human health and the marine environment; and

"(3) Develop preliminary designs for a subseabed disposal system, including estimated costs and institutional requirements."

AMENDMENT No. 1177

On page 40, insert at the end of the provision with the caption "Nuclear Waste Disposal Fund," the following: "Except that such measure shall be effective as if it had been enacted with the following amendment included therein:

'On Page 33, between lines 8 and 9, insert the following new section, and renumber the subsequent sections accordingly:

'SUBSEABED DISPOSAL

'SEC. 7. (a) OFFICE OF SEABED DISPOSAL RESEARCH.—There is hereby established an Office of Subseabed Disposal Research within the Office of Energy and Research of the Department of Energy. The Office shall be headed by a Director, who shall be a member of the Senior Executive Service appointed by the Director of the Office of Energy Research, and compensated at a rate determined by applicable law.

'(b) FUNCTIONS OF DIRECTOR.—The Director of the Office of Subseabed Disposal Research shall be responsible for carrying out research, development, and demonstration activities on all aspects of subseabed disposal of high level radioactive waste and spent nuclear fuel, subject to the general supervision of the Secretary. The Director of the Office shall be directly responsible to the Director of the Office of Energy Research, and the first such Director shall be appointed within thirty days of the date of the enactment of this Act.

'(c) In carrying out his responsibilities under this Act, the Secretary may make grants to, or enter into contracts with, the Seabed Consortium described in Subsection (d) of this Section, and other persons.

'(d) SEABED CONSORTIUM.—(1) Within 60 days of the date of enactment of this Act, the Secretary shall establish a university-based Seabed Consortium involving leading oceanographic universities and institutions, national laboratories, and other organizations to investigate the technical and institutional feasibility of subseabed disposal.

'(2) The Seabed Consortium shall develop a research plan and budget to achieve the following objectives by 1995:

'(i) demonstrate the capacity to identify and characterize potential subseabed disposal sites;

'(ii) develop conceptual designs for a subseabed disposal system, including estimated costs and institutional requirements;

'(iii) identify and assess the potential impacts of subseabed disposal on the human and marine environment.

'(3) In 1990, and again in 1995, the Subseabed Consortium shall report to Congress on the progress being made in achieving the objectives of subparagraph (2).

'(e) ANNUAL REPORT.—The Director of the Office of Subseabed Disposal Research shall annually prepare and submit a report to the Congress on the activities and expenditures of the Office.

'(f) FUNDING AUTHORIZATION.—Such funds are hereby authorized to be appropriated as are necessary for carrying out the purposes of this section.'."

BINGAMAN (AND OTHERS) AMENDMENT NO. 1178

Mr. BINGAMAN (for himself, Mr. KENNEDY, Mr. DOMENICI, Mr. WILSON, and Mr. CRANSTON) proposed an amendment to the bill (H.R. 2700) supra; as follows:

On page 41, line 20, after the period insert the following: "*Provided, further,* That of the amount appropriated to the Department of Energy in this paragraph, $125,600,000 may be obligated only for the verification and control technology program of the Department of Energy.".

BINGAMAN (AND OTHERS) AMENDMENT NO. 1179

Mr. BINGAMAN (for himself, Mr. DOMENICI and Mr. INOUYE) proposed an amendment to the bill (H.R. 2700) supra; as follows:

On page 12, between lines 10 and 11, insert the following:

The Secretary of the Army, because of the Federal trust relationship that links the United States and Indian people, is directed to expend within available funds not to exceed $50,000 to plan and not to exceed $700,000 to design and engineer appropriate works to alleviate high ground water problems on agricultural lands owned by Cochiti Pueblo, New Mexico, directly downriver from Cochiti Dam: *Provided, however,* That no such funds shall be expended by the Secretary for design and engineering until the Secretary and the Tribal council of the Pueblo have agreed in writing to a plan of design that, in the judgment of both parties, will resolve the problems related to such high ground water: *And, provided further,* That the Secretary and the Tribal Council of the Pueblo shall continue to negotiate, and, if the parties so agree, the Secretary shall submit to Congress, if appropriate, a proposed settlement that would be in lieu of, or in addition to, any construction of works for the purposes of alleviating high ground water problems. For the purposes of this negotiation only, the provisions of section 3 of the Act of May 15, 1928 (45 stat. 535, ch. 569; 33 U.S.C. 702c) and sections 2401(a), 2401(b), and 2680(a) of title 28, United States Code, are waived. Nothing in this paragraph shall be construed to prejudice the rights, responsibilities, and defenses of either party in any litigation between the Pueblo and the United States, nor commit the Secretary * * * solution of the controversy.

BINGAMAN (AND DOMENICI) AMENDMENT NO. 1180

Mr. BINGAMAN (for himself and Mr. DOMENICI) proposed an amendment to the bill (H.R. 2700) supra; as follows:

On page 15, between lines 19 and 20, insert the following:

The Secretary of the Army, with the use of available funds, is directed to prepare a revised master plan for recreation and resource management for Abiquiu Dam and Reservoir, Rio Chama, New Mexico at a total federal cost not to exceed $100,000. The findings of the revised master plan shall be furnished to the Congress no later than January 31, 1989.

DASCHLE AMENDMENT NO. 1181

Mr. JOHNSTON (for Mr. DASCHLE) proposed an amendment to the bill (H.R. 2700) supra; as follows:

On page 36, between lines 14 and 15, insert the following:

"SEC. . The Secretary of the Interior is directed to use not to exceed $70,000 in fiscal year 1988 for soil classification studies required to complete the integration of the Hilltop Irrigation District as a Federal unit of the Pick-Sloan Missouri River Basin program.".

CONRAD AMENDMENT NOS. 1182 AND 1183

Mr. CONRAD proposed two amendments to the bill (H.R. 2700) supra; as follows:

At the appropriate place in the bill, insert the following:

"SEC. . Notwithstanding title II of the Reclamation Authorization Act of 1975 (Public Law 94-228), the city of Dickinson, North Dakota, is forgiven all obligations incurred by such city under the contract (numbered 9-07-60-WR052) entered into with the Secretary of the Interior or his delegatee.

(b)(1) The Secretary of the Interior, acting through the Commissioner of the Bureau of Reclamation, is authorized to enter into a new repayment contract with the city of Dickinson the terms of which shall entitle the city of Dickinson to water supply benefits provided by the bascule gate project authorized by title II of the Reclamation Authorization Act of 1975 in consideration for repayment of the costs of the bascule gate project as provided in paragraph (2).

(2) Repayment terms of the new contract shall provide for—

(A) repayment by the city of Dickinson of the capital cost of the bascule gate project of $1,625,000 over a period of 40 years at an interest rate of 7.21 per centum per annum; and

(B) payment of the annual operation, maintenance, and replacement costs of the project facilities.

At the appropriate place in the bill, insert the following:

That (a) notwithstanding any other provisions of law, the city of Minot, North Dakota, is relieved of all liability for repayment to the United States of the sum of $1,026,489.29 associated with the excess capacity of the Minot Pipeline resulting from enactment of the Garrison Diversion Unit Reformulation Act of 1986 (Public Law 99-294).

(b) The relief from liability for repayment granted by subsection (a) shall be effective retroactive to January 1, 1978, the start of the city of Minot's repayment obligation under the 1972 repayment contract with the Bureau of Reclamation.

(c) If the excess capacity referred to in subsection (a) is ever used, the city of Minot shall reimburse the United States for the costs referred to in subsection (a) proportionate to the actual use of the excess capacity.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, November 12, 1987, in open session to consider the nomination of Frank C. Carlucci, to be Secretary of Defense.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AGING

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Aging, of the Committee on Labor and Human Resources, be authorized to meet during the session of the Senate on Thursday, November 12, 1987, to conduct a hearing on the "Volunteer Service Promotion Act of 1987," S. 1189.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands, National Parks and Forests be authorized to meet during the session of the Senate on Thursday November 12, 1987, to receive testimony concerning H.R. 2325, a bill to authorize the acceptance of a donation of land for addition to Big Bend National Park, in the State of Texas; and H.R. 2416, a bill to establish the Jimmy Carter National Historic Site and Preservation District in the State of Georgia; and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON THE CONSUMER

Mr. BYRD. Mr. President, I ask unanimous consent that the Consumer Subcommittee, of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on November 12, 1987, to hold hearings on S. 1518, the Methanol and Alternative Fuels Promotion Act of 1987.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON COMMUNICATIONS

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Communications, of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on November 12, 1987, to hold oversight hearings on the 20th Anniversary of Public Broadcasting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. BYRD. Mr. President, I ask unanimous consent that the Select Committee on Indian Affairs be authorized to meet during the session of the Senate on Thursday, November 12, 1987, to hold a hearing on S. 1039, a bill to review and determine the impact of Indian tribal taxation on reservations and residents; and, to meet during the session of the Senate on Thursday, November 12, 1987, to hold a hearing on S. 1722 and S. 1723, bills to establish a National American Indian Museum with the Rules Committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BYRD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, November 12, 1987, to hold a hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Thursday, November 12, 1987, to conduct an executive session on "Family Planning," S. 1366.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

CIAP: A SUCCESSFUL PUBLIC HOUSING PROGRAM

(By request of Mr. BYRD, the following statement was ordered to be printed in the RECORD:)

● Mr. GORE. Mr. President, recently the Tullahoma, TN, Housing Authority successfully completed 4 years of work, and its application for $1.1 million Comprehensive Improvement Assistance Program [CIAP] grant was approved by the Department of Housing and Urban Development. This news, in itself, is not remarkable. By the end of fiscal year 1986, approximately $8.9 billion of capital improvements had been financed through this program.

For Tullahoma, this grant means that 107 units of public housing, first opened 33 years ago, will be upgraded. The low-income families and elderly persons who live in those units will, in the words of THA Chairman Richard Franks, have good, decent places to live. Work will begin on the Dossett Homes and Carver Apartments in the middle of next year. They will receive modern energy-saving windows, kitchens, baths, flooring, and other needed improvements.

As this CIAP grant and many others are announced for various projects across the country, I believe we would do well to reflect on the role of Public and Indian Housing Authorities, the CIAP Program specifically, and the Nation's housing policy generally.

The Tullahoma Housing Authority is, I think, typical of PHA's across America. It supervises seven projects, and the THA staff is constantly striving to improve its accounting and management techniques. But at THA, simply supervising is not enough. Staff members have passed out information on the Tullahoma Cares Adult Literacy Program, and THA has offered space to hold reading classes. This public housing authority takes seriously its goal to help people get on their feet, move out of public housing, and eventually become homeowners themselves.

Quite often, we hear through letters and constituent meetings that there are problems in public housing. Of course, that is true, and those problems—especially in larger complexes in big cities—cannot be ignored. However, it is my belief that the PHA's generally are conscientious in their management of housing projects and anxious to provide good service to tenants. But they are burdened by a severe lack of resources to cope with the deterioration of existing facilities.

For instance, the administration's budget called for a 75-percent cut in the CIAP Program. Congress rightly rejected such a drastic step, but the ever-shrinking pool of resources for programs of this type make future funding susceptible to additional cuts. It is my hope that we will realize that investments in the public housing are just that, investments, and the price of allowing Americans to live in deteriorating public housing will cost us much more in capital and human terms than the relatively small amount needed now to keep these units fit.

Mr. President, since 1981, the decades-old national commitment to public housing has all but been abandoned. The number of subsidized units, along with the budget authority for subsidy programs, has been slashed by more than two-thirds. There is simply not enough housing for low and very low income households. As this trend continues, the homeless population in America increases as much as 25 percent per year. We need a recommitment of resources for new construction and significant rehabilitation of conventional public housing.

In the face of a severe lack of adequate resources, local PHA's are struggling to provide the best service possible. I congratulate the Tullahoma Housing Authority; Executive Director Elaine Mann; and authority members Richard Franks, Ted Ball, Jr., T.E. (Gene) Northern, Rev. Henry Tate, Robert B. Moyer, and Alderman James Shelton. Their work and the work of other PHS member directors is vital to the success of the Nation's housing program, and they deserve our thanks and continuing support.●

INDEPENDENT JUDICIARY: A KEYSTONE OF AMERICAN GOVERNMENT

● Mr. DOMENICI. Mr. President, now that the debate on the nomination of Judge Robert Bork to serve on the Supreme Court has ended, I hope that we can put that debate into proper perspective.

The controversy over whether to confirm Judge Bork was not a debate over his qualifications or his competence—everyone conceded that he is an outstanding legal scholar. Rather, the debate, at its roots, was really a controversy over the independence of the Federal judiciary.

In the view of this Senator, the opponents of Judge Bork attempted to impose an orthodoxy on Judge Bork, a legal litmus test. They took him to task for criticizing the rationale of a number of cases, even though a wide variety of other prominent legal scholars had expressed similar concerns. This attack on Judge Bork was, unfortunately, successful.

Apart from its effect on Judge Bork himself, this attack concerns me because it threatens to undermine the independence of the judiciary. The opponents of Judge Bork insisted that he adhere to their philosophy of the law, rather than interpreting the law using the Constitution and the intent of those who wrote the law as a guide. In doing so, the opponents of Judge Bork have sought to impose their values on the American legal system, and deprive the judiciary of the independence that is absolutely essential to the liberties of the American people.

The Grants (NM) Daily Beacon recently carried a particularly thoughtful article on the Bork nomination, written by Mark Acuff. In the article, Mr. Acuff makes this point:

> No one has yet concluded that Judge Bork is not qualified. They contend only that they disagree with him. That's not the way it's supposed to work.

Because I believe this article offers some very thoughtful reflections on the importance of an independent judiciary to our American system of government, I ask that the article, "Independent Judiciary a Keystone of American Govt.," be printed at this point in the RECORD.

The document follows:

INDEPENDENT JUDICIARY A KEYSTONE OF AMERICAN GOVT.

(By Mark Acuff)

It has not been much remarked, but the chief casualty of the Bork nomination proceedings in Washington has been the concept of an independent judiciary.

Independence of the judicial branch is one of the keystones of the American Experiment. It is worthwhile to note that it barely made it to that status, as a number of the founders were not at all sure what to do with the judicial branch after they got through with the executive and legislative arms.

But the concept of the fully independent third branch of government won out, and it has become one of the fundaments of the American way. The essence of the notion is that the judiciary shall be so insulated from reprisal or political strife that it shall be able to conduct its business without bother and render its judgments without concern or worry.

In other words, a judge has to be free to make an unpopular decision without fear of being bounced out of office or lynched. That there is no such independence of the judiciary in many countries goes without saying.

Yet in the Bork case, we have an obvious intrusion of the legislative branch into the judiciary. The legislative branch is supposed to ascertain that nominees to the federal bench are qualified, then leave them to their decisions. Instead, the present legislators in Washington have obviously based their decisions on politics. No one has yet contended that Judge Bork is not qualified. They contend only that they disagree with him. That's not the way it's supposed to work.

I was reminded of this the other day while reading some of the works of Eugene Manlove Rhodes, perhaps the most able writer New Mexico produced in the turn of the century period.

Rhodes wrote cowboy literature, but of a most literate sort. His cowboys are liable to spout Latin phrases or make references to the Bard of Avon while sitting around the campfire.

Rhodes Pass is in fact one of the long lost New Mexico places I'm dying to visit. The government won't let me. It's the pass over the mountains between Engle and Carrizozo. If you know that road, you must have lived here before WW II, as the government closed it when White Sands Missile Range was set up.

Anyway, the Rhodes essay which got my interest in this context was one bewailing the foot dragging of Congress on the issue of admission of New Mexico and Arizona as states.

Rhodes really let Congress have it, pointing out that the members of that August body were obviously far more interested in the number of Democrats or Republicans likely to be elected in New Mexico and her daughter territory than in the justice of the cause.

But Rhodes also brought up the matter of the independent judiciary, and in this case he was wrong. The writer was defending Arizona's proposed constitution, which contained a measure allowing recall of judges.

Now, this is a serious matter. In this day and age of high crime and much resentment of the "liberal" courts, recall of judges might well pass muster if put before the voters. Recall means, in a nutshell, that a judge who offers up an unpopular decision can be removed from office by action of the voters.

Arizona is in the process of recalling a governor at the moment, so the notion is not that hard to believe as real. If Arizona's proposed constitution had been accepted in Washington, they might well be recalling judges too.

As it was, Arizona was still trying to keep that in her constitution as late as 1912, when both states were admitted to the Union. But President William Howard Taft vetoed the idea and told Arizona to take the obnoxious item out of the constitution or stay a territory.

Arizona decided it wanted to be a state more than it wanted to recall unpopular judges, so out the provision went, Arizona revised her constitution, and finally became a state two weeks after New Mexico did.

And that is the only reason Arizona did not become a state the same day New Mexico did. Every citizen of the two states ought to know that. It's an important history lesson.●

IDA

● Mr. ADAMS. Mr. President, when I opened up a recent issue of the Washington Post, I paused to read an open message to the Congress concerning the International Development Association, better known as IDA. This is an impressive message and I ask that it be printed in the RECORD at the conclusion of these remarks.

Mr. President, after reading the text of this message, I think my collegues will realize why, inspite of the serious pressures to reduce our Federal budget deficit, it is imperative that the United States continue to support contributions to IDA.

I commend this message to my colleagues in both the House and Senate. Not only is the list of former Presidents, Secretaries of Treasury, State, Agriculture, Commerce, and U.S. Trade Representative particularly noteworthy, but so are the members of the private sector who support continued U.S. participation in IDA. As we moved forward in the weeks ahead to debate the level of the U.S. contribution to the eighth replenishment of IDA, I hope we will all bear in mind the tangible benefits our Nation and the world is receiving from this very worthwhile and foresightful organization.

The message follows:

[From the Washington Post, Oct. 22, 1987]

IDA IS AN IMPORTANT INVESTMENT IN OUR FUTURE

We the undersigned are united in the belief that:

The International Development Association (IDA), the arm of the World Bank that makes long-term loans to the poorest countries, requires a new infusion of funds by Congress. We strongly support this eighth IDA replenishment and urge Congress to approve the full amount requested by the Administration—$958 million for each of the next three years.

IDA is the most important source of development financing for the 56 recipient countries. IDA's unique combination of financial support and economic guidance creates a highly effective instrument for development. For the U.S. IDA offers an outstanding investment opportunity as a result of favorable leverage and burden sharing arrangements.

Cost effectiveness: For every one dollar contributed by the U.S. IDA receives $3.31 from other donors and generates $16 in total investment.

Burden sharing: The U.S. percentage contribution has declined from 42% in 1961 to 23% in the latest replenishment. In the meantime, the Japanese share has grown to 21%.

Agricultural focus: IDA was a major supporter of the "Green Revolution" which led to food self-sufficiency in much of Asia. Over 40% of IDA lending is for agricultural improvement.

African emphasis: 45%-50% of IDA VIII will go to Africa, primarily to boost food production. IDA is the largest single source of assistance to Africa.

Policy reforms: IDA backed reforms in 22 African countries are encouraging privatization and market-oriented economic policies.

Export benefits: Based on 1985-86 data, the U.S. had a positive trade balance with IDA countries, excluding China and India. Roughly 190,000 American jobs depend on exports to IDA countries.

Farm export prospects: Studies show that increased agricultural production in poor countries generally leads to more U.S. farm exports, as their citizens upgrade their diets. The 29 IDA graduate countries are the fastest growing markets for U.S. agricultural products.

Foreign policy goals: IDA complements U.S. foreign policy goals by stretching U.S. development dollars to assist friendly countries. IDA provides the mechanism for donor coordination and coherent economic advice.

The American people support IDA type assistance: A recent major public opinion survey concluded that the majority of Americans support foreign assistance, with support increasing since 1978. Up to 60% support the types of agricultural programs funded by IDA.

IDA was an American idea: Senator Mike Monroney of Oklahoma proposed IDA in 1958 to extend the scope of the World Bank to reach the poorest countries. Senator Monroney's foresight has had strong bipartisan support ever since. Every President since Eisenhower has backed IDA.

We believe that IDA is a sound investment for a more prosperous and peaceful world and urge the Congress to support full funding for continued U.S. participation.

FORMER PRESIDENTS

Jimmy Carter, Plains, Georgia.

Gerald R. Ford, Rancho Mirage, California.

Richard M. Nixon, New York, New York.

FORMER SECRETARIES OF THE TREASURY

Robert B. Anderson, New York, New York.

Joseph W. Barr, Arlington, Virginia.

W. Michael Blumenthal, Chmn. & CEO, Unysis Corp.

John B. Connally, Houston, Texas.

C. Douglas Dillon, New York, New York.

Henry H. Fowler, Alexandria, Virginia.

David M. Kennedy, Salt Lake City, Utah.

G. William Miller, G. William Miller & Co.

William E. Simon, Chairman, Wesray Corp.

FORMER SECRETARIES OF STATE

Alexander M. Haig, Jr., Pres., Worldwide Assn., Inc.

Edmund S. Muskie, Chadbourne & Parke.

Dean Rusk, Athens, Georgia.

Cyrus Vance, Simpson, Thacher & Bartlett.

FORMER SECRETARIES OF AGRICULTURE

Robert Bergland, Natl. Rural Electric Coop. Assn.

Earl L. Butz, Dean Ameritus, Purdue Univ.

Orville L. Freeman, Chmn., Intl. Dept., Popham, Haik.

Clifford Hardin, Chmn., Intl. Policy Cmte.

FORMER SECRETARIES OF COMMERCE

Frederick B. Dent, Spartanburg, S.C.

Philip M. Klutznick, Chicago, IL.

Juanita Kreps, Duke University.

Amb. Elliot Richardson, Milbank, Tweed, Hadley & McCloy.

Alexander B. Trowbridge, Jr., Pres., Natl. Assn. of Manuf.

U.S. TRADE REPRESENTATIVES

Reubin O'D. Askew, Greenberg, Traurig, Askew, et al.

William D. Eberle, Manchester Assn., Inc.

William M. Roth, San Francisco, California. CA.

OTHERS

Harold W. Andersen, Chmn., Omaha World-Herald Co.

John B. Anderson, Former Member of Congress.

Robert O. Anderson, Pres., Hondo Oil & Gas Co.

Shirley Smith Anderson, The Population Institute.

Dwayne O. Andreas, Chmn., Archer Daniels Midland Co.

John J. Arena, Pres., Back Bay Inv. Mgmt., Inc.

Roy L. Ash, Ash Capital Corp.

Robert Asher, Washington, D.C.

Thomas L. Ashley, Wilkinson, Barker, Knauer & Quinn.

John R. Babson, Intl. Eye Foundation.

Charles F. Barber, Former Chrmn., Asarco Inc.

Birch Bayh, Former U.S. Senator.

C. Fred Bergsten, Former Asst. Secr. of Treas.

Christine A. Bindert, Sr. VP, Shearson Lehman Brothers.

Charles Blitzer, Mass. Inst. of Technology.

Richard Bolling, Former Member of Congress.

James Booe, Communications Workers of Amer.

Nan Borton, Intl. Voluntary Serv.

Peter Bourne, Pres., Development Intl.

Thornton F. Bradshaw, RCA Corp.

Edward W. Brooke, O'Connor & Hannan.

Burton Brousner, M.D., President, SACOW.

Harold Brown, Johns Hopkins Foreign Pol. Inst.

Lawrence E. Bruce, Jr. Pres., U.S. Cmte. for UNICEF.

Zbigniew Brzezinski, Ctr. for Strategic & Intl. Studies.

Edward P. Bullard, IV, President, Technoserve.

Willard C. Butchers, Chmn. & CEO, Chase Manhattan Bank.

Mayra Buvinic, Intl. Ctr. for Research on Women.

Thomas R. Byrne, Exec. Dir., PACT.

Reverend Joan Campbell, World Council of Churches.

Wallace Campbell, Chairman, CARE Intl.

Jack Carlson, Potomac, Maryland.

Elford A. Cederberg, Former Member of Congress.

Richard Celeste, Governor, State of Ohio.

John Gilray Christy, Chmn. & CEO, IU Intl. Corp.

Henry G. Cisneros, Mayor, City of San Antonio.

George J. Clark, Exec. VP, Citicorp.

A.W. Clausen, Chmn & CEO, BankAmerica Corp.

William T. Coleman, Jr., O'Melveny & Myers.

Joseph E. Connor, Chmn., Price Waterhouse.

Marlow W. Cook, Former Member of Congress.

David M. Cooney, Pres. & CEO, Goodwill Industries.

Richard N. Cooper, Harvard University.

J. Elliott Corbett, Pres, PAX World Foundation.

John Costello, Citizens Network.

Marlee T. Coughlan, Pres., League of Women Voters of Maine.

Ellsworth Culver, Pres., Mercy Corps Int.

Lloyd N. Cutler, Wilmer, Cutler & Pickering.

Dewey Daane, Vanderbilt University.

William B. Dale, Bethesda, MD.

Peter J. Davies, President, Interaction.

Thibaut de Saint Phalle, Saint Phalle Intl. Group.

Richard A. Debs, Morgan Stanley Intl. Inc.

Frederick L. Deming, Minneapolis, MN.

George Deukmejian, Governor, State of California.

Rimmer deVries, Sr. VP, Morgan Guaranty Trust Co.

Steven A. Dimoff, United Nations Assn. of U.S.

Robert Dockson, Chmn., CalFed, Inc.

Jo Doherty, YWCA.

John Donaldson, Black, Manafort, Stone & Kelly.

Robert F. Drinan, S.J., Former Member of Congress.

Robert B. Duncan, Former Member of Congress.

Stuart E. Eizenstat, Powell, Goldstein, et al.

Mark Esherick, Zero Population Growth.

Monte Factor, Chmn., End Hunger Network.

Thomas L. Farmer, Washington, D.C.

James J. Farrar, Cummins Engine Co.

George M. Ferris, Jr., CEO, Ferris & Co., Inc.

Robert J. Fien, Pres., Stone Construct. Equip., Inc.

R.W. Fischer, President, Soypro Intl. Inc.

Richard W. Fisher, Fisher Capital Management.

William F. Ford, President, Broadview Savings.

Lawrence Fox, VP. Natl. Assn. of Manufacturers.

Barbara Hackman Franklin, Dir., Wharton Govt. & Bus. Prog.

Edward R. Fried, Brooklings Institution.

Booth Gardner, Governor, State of Washington.

Richard N. Gardner, Columbia University.

George Gerardi, President, Hermandad.

Michael S. Gerber, African Med. & Research Fdtn.

John J. Gilligan, University of Notre Dame.

Gen. Andrew J. Goodpaster, Pres., Inst. for Defense Analysis.

Susan Goodwillie, Refugees International.

William B. Graham, Sr. Chmn., Baxter Travenol Labs., Inc.

James P. Grant, Exce. Dir., UNICEF.

Peter Gubser, American Near East Refugee Aid.

John H. Gutfreund, Chmn., Salomon Brothers, Inc.

Seymour Halpern, Former Member of Congress.

John Hammock, Belmont, Massachusetts.

Robert A. Hanson, Chmn. & CEO, John Deere & Co.

Dorothy I. Height, Pres., Natl. Council of Negro Women.

Niles G. Helmboldt, Equator Holdings Ltd.

John M. Hennessy, Chmn., Credit Suisse First Boston.

Reverend Theodore Hesburgh, C.S.C. President, Univ. of Notre Dame.

Rev. Alden R. Hickman, Heifer Project Intl.

W.R. Hildebrand, Pres., Fiatallis North America.

Richard D. Hill, Dir., First Natl. Bank of Boston.

Ruth J. Hinerfeld, Dir., Overseas Development Council.

Harlan H. Hobgood, Pres., Meals for Millions.

Luther H. Hodges, Jr., Chmn., Natl. Bank of Washington.

Daniel W. Hofgren, Goldman Sachs & Company.

Henry Clay Hofheimer II, Norfolk, VA.

Richard Holbrooke, Shearson Lehman Brothers.

Joan Holmes, Exec. Dir., The Hunger Project.

Thomas A. Holmes, Chmn., Ingersoll-Rand Co.

Robert D. Hormats, Goldman Sachs & Co.

Stanley W. Hosie, Fdtn. for People of S. Pacific.

Cordell Hull, Exec. VP, Bechtel Group, Inc.

Robert S. Ingersoll, Chicago, IL.

Bobby R. Inman, Chmn., Westmark Systems, Inc.

James W. Jensen, Pres., PAYHAVLER Corp.

Albert W. Johnson, Former Member of Congress.

Howard W. Johnson, Hon. Chmn. of MIT.

Peter T. Jones, University of California.

Amos A. Jordan, Pres., Ctr. for Strategic & Intl. Studies.

J.W. Kaempfer, Jr., Pres., Kaempfer Co.

Helene Kaplan, Esquire, Webster & Sheffield.

Peter B. Kenen, Princeton University.

Charles P. Kindleberger, Professor Emeritus, MIT.

Colbert I. King, Washington, D.C.

Wells C. Klein, U.S. Cmte. for Refugees (ACNS).

J. Burke Knapp, Portola Valley, CA.

Harry W. Knight, Chairman, Hillsboro Assoc.

Winthrop Knowlton, Cambridge, MA.

James L. Kohnen, Nordic Monitoring Systems.

Anne O. Krueger, Chapel Hill, NC.

Ronald L. Kuehn, Jr., Pres. & CEO, Sonat Inc.

Duane R. Kullberg, CEO, Arthur Andersen & Co.

John Lapp, Mennonite Central Committee.

Donald H. Larsen, Lutheran Immig. & Refugee Serv.

Wilbert J. Le Melle, President, Mercy College.

Glen & Mildred Robbins Leet, Co-Directors, Trickle Up Program.

Richard Lee Lesher, Pres., U.S. Chamber of Commerce.

Rev. Wm. M. Lewers, C.S.C., U.S. Catholic Conference.

Jay Lintner, United Church of Christ.

Sol M. Linowitz, Sr. Partner, Coudert Brothers.

C. Payne Lukas, Africare.

John H. Lumpkin, Sr., McNair, Glenn, Konduros, et al.

Robert C. Macauley, Pres., Americares Foundation.

Charles F. MacCormack, Pres., Experiment in Intl. Living.

Bruce K. MacLaury, President, Brookings Institution.

David W. Manning, Hercules Engines, Inc.

Leonard H. Marks, Chmn. Ex. Comm., For Pol. Assn.

Michael T. Masin, O'Melveny & Myers.

Charles McC. Mathias, Jr., Jones, Day, Reavis & Pogue.

W. David Maxwell, Provost, Clemson University.

Paul McCleary, Pres., Save the Children.

Hugh McColl, Chmn., N. Carolina National Bank.

Paul W. McCracken, University of Michigan.

William McDonough, Vice Chmn., First Chicago Corp.

John F. McGillicuddy, Chmn., Manuf. Hanover Trust Co.

Donald F. McHenry, Former UN Ambassador.

Robert E. McNair, McNair Law Firm, P.A.

R.T. McNamar, Pacific Palisades, CA.

Robert S. McNamara, Washington, DC.

Robert L. McNeill, Emergency Comm. for Amer. Trade.

Judy Hendren Mello, New York, New York.

Zoltan Merszei, Dir., LePercq-de-Neuflize & Co.
Howard M. Messner, Amer. Consulting Engineers Council.
Ruben F. Mettler, Chmn. & CEO, TRW Inc.
Daniel L. Miller, The Breakthrough Fdtn.
Irwin Miller, Columbus, Indiana.
Michael D. Miller, Pres., Amer. Development Fdtn.
William G. Milliken, Former Governor, State of Michigan.
Chester L. Mize, Former Member of Congress.
John S. Monagan, Former Member of Congress.
Parker G. Montgomery, Chmn. & CEO, CooperVision.
Linda V. Moodle, Dep. Dir., Bretton Woods Cmte.
Richard M. Moose, Shearson Lehman Brothers.
Alfred F. Moran, Planned Parenthood of NY City.
Bradford Morse, Former Member of Congress.
Ambler H. Moss, Jr., Dean, University of Miami.
Steven Muller, Pres., Johns Hopkins University.
Gordon Murphy, Pres., Inst. for Intl. Development.
Edward C. Myer, General, U.S. Army (Ret.).
Robert R. Nathan, Chmn., Robert R. Nathan Assoc.
Marilyn Carlsen Nelson, Carlsen Companies.
Sheffield Nelson, House, Wallace, Nelson et al.
William S. Norman, Exec. VP, Amtrak.
Clitus W. Olson, M.D., Paul Carlson Medical Prog., Inc.
James C. Orr, James Orr Associates.
Henry Owen, Consultants Intl. Group.
Robert Paarlberg, Wellesley College.
John M. Palmer, Helen Keller Intl.
William Pearce, Cargill Inc.
Daniel E. Pellegrom, The Pathfinder Fund.
Charles H. Percy, Charles Percy & Assoc.
J. Wm. Peterson, P.E., Construction Industry Manuf. Assn.
Peter G. Peterson, Chairman, The Blackstone Group.
Rudolph A. Peterson, Chairman, The Asia Foundation.
Shirley N. Pettis, Former Member of Congress.
John R. Petty, Chairman, Marine Midland Bank.
Kenneth H. Phillips, Foster Parents Plans, Inc.
J.B.L. Pierce, The Boeing Company.
Edmund T. Pratt, Jr., Chairman & CEO, Pfizer Inc.
Lewis T. Preston, Chmn., Morgan Guaranty Trust Co.
Ronald E. Pump, AT&T.
Katherine Quinn, New York.
Thomas F. Railsback, Former Member of Congress.
Mr. Myer Rashish, Rashish Associates.
George Remick, Pres., Finlay Hydrascreen USA.
Henry S. Reuss, Rose, Schmidt, Chapman, et al.
Nicholas Rey, Bear Stearns & Co.
S. Melvin Rines, Kidder, Peabody & Co.
Richard W. Roberts, Pres., Natl. Foreign Trade Council.
Charles W. Robinson, Chairman, Energy Transition Corp.
James D. Robinson III, Chmn. & CEO American Express Co.
Mary Roebling, Chmn. Emer., Natl. State Bank of NJ.
David Rockefeller, New York, New York.
William D. Rogers, Arnold & Porter.
Robert V. Roosa, Brown, Brothers, Harriman, & Co.
David Runnalls, Intl. Inst. for Environment & Dev.
Nathaniel Samuels, Shearson Lehman Brothers, Inc.
Henry B. Schacht, Chmn. & CEO, Cummins Engine Co.
G. A. Schaefer, Chmn., Caterpillar Tractor Co.
Peter Schaefer, Simplot International.
Mr. John A. Schnittker, Pres., Schnittker Associates.
Robert G. Schwartz, Chmn., Metropolitan Life Ins. Co.
John Williamson Sewell, Pres., Overseas Devel. Council.
Albert Shanker, Pres., Amer. Fed. of Teachers.
Harold T. Shapiro, President, University of Michigan.
David Shear, ORT International.
Laurence Simon, Pres., Amer. Jewish World Service.
Charles H. Smith, Jr., Chmn., SIFCO Industries, Inc.
Elise F. Smith, OEF International.
Gerard C. Smith, Chmn., Arms Control Association.
Jack Soldate, American Refugee Cmte.
Anthony M. Solomon, Chmn., S.G. Warburg (USA) Inc.
Shirley Frances Spivy-Weber, National Audubon Society.
Herbert Stein, American Enterprise Inst.
Maurice Strong, President, Baca Corp.
Walter Sterling Surrey, Jones, Day, Reavis, and Pogue.
Howard R. Swearer, President, Brown University.
John Swenson, Catholic Relief Services.
James W. Symington, Former Member of Congress.
Robert Taft, Jr., Former Member of Congress.
James B. Taylor, Pres. & CEO, Gates Lear Jet Corp.
Jere W. Thompson, Pres., The Southland Corp.
Paul B. Thompson, World Vision Relief Org.
Randall L. Tobias, Chmn., AT&T Communications.
Joseph Vittoria, President, Avis, Inc.
Richard M. Walden, Pres., Operation California.
Charles E. Walker, Charls Walker Associates.
David K. Watkiss, Watkiss & Campbell.
Ralph S. Watta, Adventist Devel. & Relief Agency.
Faye Wattleton, Planned Parenthood Fed. of Amer.
Ted Weihe, Overseas Coop. Devel. Committee.
John L. Weinberg, Sr. Partner, Goldman Sachs & Co.
Arnold H. Weiss, Washington, D.C.
Anne Wexler, Wexler, Reynolds, Harrison et al.
John C. White, Washington, D.C.
Nancy White, League of Women Voters of Mich.
Wilmore W. Whitmore, Pres., First Natl. Shares, Inc.
Eddie N. Williams, Washington, D.C.
Franklin H. Williams, Pres., Phelps-Stokes Fund.
Larry Williams, Sierra Club.
James D. Wolfensohn, James D. Wolfensohn, Inc.
Derish M. Wolff, Pres., Louis Berger Intl.
John A. Young, Pres. & CEO, Hewlett-Packard Co.

COMMEMORATING THE 95TH BIRTHDAY OF THE ARTIST, ERTE

(By request of Mr. Byrd, the following statement was ordered to be printed in the Record:)

● Mr. SIMON. Mr. President, today it is my privilege to have the opportunity to pay tribute to Erte, a man of genius artistic ability, by honoring his 95th birthday. It is difficult in this statement to do justice to a man whose influence has been felt for most of this century. He has developed such a quality of expression, that he has become an inspiration to both the young and old. His contributions to the world of art, theatre, and fashion have lifted the entire world's standards of quality and beauty.

Born in St. Petersburg, Russia, in 1892, he was attracted to art at a young age through his intrigue with Persian miniatures. Through persistent study, he developed his natural talent. By the early age of 23, Erte was renowned for his designs. His visions and dimension of beauty generated new concepts in fashion design, art and decoration. He is reported by some to be the "Father of Art Deco."

At the age of 95, Erte is still a vital force in the art world. He travels extensively, sharing his time and talents. Young aspiring artists are stimulated by his vision and superb craftsmanship. Erte's sincere, approachable manner and personal warmth make him a true gentleman. His sense of humor and grace are articulated in his manner as well as his art.

Mr. President, every country, every civilization, every generation needs melodies to sing lustily, books to inspire it, and dramatic productions to move it. But the opportunity to nurture and develop these talents must be available. Erte is a perfect example of what can evolve when that opportunity is provided and cultivated. It is difficult to prove that the arts are vital to a country, just as you cannot prove the existence of beauty or love or faith. As Carol Nixon, director of the Utah Arts Council, so eloquently stated "* * * While science puts man on the moon, the humanities and the arts put vision in our hearts. While science brings the world into our livingrooms and classrooms, the humanities and the arts teach us to enjoy it * * *." The arts enrich a country in ways that cannot be measured. Art expressions and exchange provides some of the best ambassadors that a country can send abroad.

Everyone benefits when a caliber of quality such as Erte's is developed. The world is truly a better place today with the gifts that Erte has brought to it. Mr. President, I hope my colleagues will join me in commemorating Erte for his 95th birthday and his lifelong artistic contributions.●

INFORMED CONSENT

● Mr. HUMPHREY. Mr. President, I urge my colleagues to support my informed consent legislation, S. 272 and S. 273. The bills would help ensure that women considering abortion received the information necessary to make an informed decision about the procedure. The legislation is necessary because at abortion clinics across the country, incomplete information about the risks, effects, and alternatives is being provided, preventing what could truly be called informed consent. This would not be allowed for other medical procedures, and should not be for abortion.

I ask unanimous consent that a letter from Alaska in support of informed consent be entered into the RECORD.

The letter follows:

JANUARY 3, 1986.

DEAR SENATOR HUMPHREY: Thank you for taking up the cause of the pre-born in our country. My own child was an innocent victim of abortion because I was scared, ignorant and uninformed, but most of all because it was legal. I was 14 years old at the time and would never have been able to get an abortion if it were illegal.

I have suffered the consequences of this bad decision for years. I still lay awake sometimes at night and cry. That baby was to be my only child. My husband and I have been trying for six years to have children. I see a child about the age my child would have been and begin to wonder what it would have been like. I have experienced self-hatred, depression, and preoccupation with what might have been. Thanks to my husband, pastor, and groups like right-to-life and W.E.B.A. I am gaining control of the situation.

Where was the law when I needed them. More importantly, where was the law when my baby needed them? And where is the law now as thousands of innocent babies are being slain.

Thank you for taking up the cause of the preborn. I feel like someone is finally on my side.

Cordially,

JOANNE HARDESTY,

Alaska.●

FRAUD OF THE DAY—PART 14

● Mr. HEINZ. Mr. President, today's fraud involves an item which might not be familiar to some Senators—steel pipe flange. This article is not a common household item to consumers, but its very obscurity makes it a good subject for discussion as a fraud of the day. It demonstrates that customs fraud does not just strike highly visible steel or textile and apparel products. It affects minor segments of these massive industries as well—flanges, sweaters, ball bearings, and swim shorts. These segments are not at all unimportant, however, since taken together they form the vast bulk of their respective industries, and the frauds which involve them injure their industries and the U.S. economy as a whole.

In early 1986, special agents in Houston discovered that the Maass Flange Corp., of Seally, TX, had been importing steel pipe flanges of East German origin and declaring them to be of West German origin. Since East Germany is one of the Communist nations that does not receive most-favored-nation treatment from the United States, much higher duties apply to its products than similar imports from western economies. This particular fraud resulted in a loss of duty of 21 percent on an entered value of $250,000. On June 3, Maass Flange pled guilty to two felony counts of fraud and agreed to pay duties and penalties of $250,000.

Obviously, this is not a sum that is going to enable us to retire the national debt. Nor did the entire steel industry breathe a collective sigh of relief and suddenly start using black ink instead of red. Nevertheless, the products in question are vital parts of many steel structures. Customs fraud committed in this area does not only affect domestic producers of steel pipe flanges, but also purchasers of flanges, who might prefer the way West German flanges are manufactured to the East German method. Or it could involve builders of steel structures, who find themselves with flanges of a different quality than expected.

This limited fraud involving a specific steel item has repercussions far beyond the primary impact. The impact of such fraud can be extensive and damaging, and the penalties for such fraud should be no less extensive or less damaging. A private right of action, as provided for in the Senate trade bill, would facilitate the imposition of equitable penalties.

I should also point out that a private right of action is hardly without precedent. Our securities and antitrust laws provide such an opportunity. A more recent example of such a private right of action occurs in section 430 of Public Law 99-440, the South African sanctions legislation enacted in 1985. In this law, the Congress created a private right of action recourse for domestic corporations forced to leave South Africa as part of the Anti-Apartheid Act. Section 430 allows such companies to sue corporations or individuals which take unfair advantage of a United States party's departure from South Africa.

I see in these examples ample precedent for a private right of action in cases of customs fraud. It is clearly not an unusual right in American law and it will unquestionably help us combat this crime that is devastating our economy.●

ORDERS FOR FRIDAY

RECESS UNTIL 9 A.M.

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 9 o'clock on tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEADER TIME REDUCTION

Mr. BYRD. Mr. President, I ask unanimous consent that the time of the two leaders on tomorrow morning be reduced to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that upon the completion of the recognition of the two leaders under the order there be morning business to extend to the hour of 9:15 a.m. and that Senators may speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

YEA AND NAY VOTE

Mr. BYRD. Mr. President, I ask unanimous consent that it be in order to order the yeas and nays at this time on the vote that will occur in relation to the 311 point of order tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. Mr. President, I remind Senators of the vote at 10 o'clock tomorrow morning. There will be a rollcall vote at 10 o'clock tomorrow. It will be a 30-minute rollcall vote, it being the first rollcall vote of the day, and the call for the regular order will occur automatically at the close of the 30 minutes, which means that Senators must be here and have cast their vote by the end of the 30 minutes.

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to the Public Law 94-201, appoints Dr. Marta Weigle, of New Mexico, as a member of the Board of Trustees of the American Folklife Center.

RECESS UNTIL TOMORROW AT 9 A.M.

Mr. CRANSTON. Mr. President, I now move that the Senate stand in recess until 9 a.m. tomorrow, in accordance with the previous order.

The motion was agreed to, and the Senate, at 8:39 p.m., recessed until tomorrow Friday, November 13, 1987, at 9 a.m.

SENATE—*Friday, November 13, 1987*

(Legislative day of Thursday, November 12, 1987)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Honorable JOHN BREAUX, a Senator from the State of Louisiana.

The PRESIDING OFFICER. The prayer this morning will be offered by Father Vicente Lopez, Associate Director for the Secretariat for Hispanic Affairs of the U.S. Catholic Conference.

PRAYER

The Reverend Father Vicente Lopez, Associate Director for the Secretariat for Hispanic Affairs, U.S. Catholic Conference, Washington, DC, offered the following prayer:

Let us pray:

May God's spirit come upon us in full measure.

May God's own spirit of wisdom described in the Book of Wisdom be upon this assembly.

For He is the guide for Wisdom and the director of the wise. For both we and our words are in His hand, as well as all prudence and knowledge of crafts. For He gives sound knowledge of existing things, that we might know the organization of the universe and the force of its elements. The beginning and the end and the midpoint of times, the changes in the sun's course, and the variations of the seasons.

Cycles of years, positions of the stars, natures of animals, tempers of beasts, powers of the winds and thoughts of men, uses of plants and virtues of roots—such things as are hidden we learn and such as are plain, for wisdom, the artifices of all, teaches all.—Book of Wisdom, chapter 7, verses 15-22.

God's self-same spirit made manifest in Jesus calls us forth today.

The spirit of the Lord is upon me, therefore He has annointed me. He has sent me to bring glad tidings to the poor, to proclaim liberty to captives. Recovery of sight to the blind and release to prisoners. To announce a year of favor from the Lord.—Luke, chapter 4, verses 18-19.

May the power and the spirit of wisdom spoken of in the Scriptures visit and dwell upon us, on our families, our communities and our Nation. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. STENNIS].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 13, 1987.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN BREAUX, a Senator from the State of Louisiana, to perform the duties of the Chair.

JOHN C. STENNIS,
President pro tempore.

Mr. BREAUX thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the Chair will recognize the acting majority leader, Senator PROXMIRE.

RESERVATION OF LEADERSHIP TIME

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the time of the majority and minority leaders be reserved for their use later in the day.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to exceed the hour of 9:15 a.m., with Senators permitted to speak therein.

WHEN SENATORS SHOULD CONTRADICT PUBLIC OPINION

Mr. PROXMIRE. Mr. President, one of the delightful things to do when you have decided you are never again going to run for office is to take a critical look at public opinion polls. Sometimes Senators vote their conscience, regardless of public opinion polls. This is exactly what Senators should always do. Sometimes the public is right. Sometimes the public is wrong. The voice of the people is not the voice of God. But it merits our careful attention and concern. When this Senator finds his position on a crucial issue is out of step with public opinion, he reconsiders that position, not change it. Reconsider it. He asks himself, when he disagrees with public opinion: "Are the people right? Or am I right?" He also asks, "What have I missed? And what if anything have the people missed?"

With that in mind, this Senator recently reviewed a poll conducted for Time magazine by a respected polling organization Yankelovich Clancy Shulman. This Senator found himself in sharp disagreement with a majority of the people in this country over the crucial issue right now before the Congress. The issue: Should we cut Government spending or should we increase Government spending? The Time survey listed 12 Federal programs. On 8 of the 12 a solid majority favored increasing Federal Government spending. On the remaining four programs the balance between increasing and decreasing spending was roughly equal in each case. About one-third wanted to increase Federal spending. Roughly one-third wanted to reduce Federal spending. And about a third wanted to keep the program at the same level. In general, the public favored spending more on social programs. They were divided about equally on space and military spending. Only star wars found more people favoring decreasing spending than increasing it.

Does this mean that most Americans favor increasing spending on social programs but keeping military spending about the same? That conflicts with a poll conducted by another respected and expert surveyor of public opinion, the Cambridge Reports. These experts asked a "scientifically selected" panel of 1,500 Americans the following question:

> Here is a list of some issues that face the country today. Please tell me which issue you think is the most important one facing the country.

The No. 1 issue by a large margin was "reducing the Federal budget deficit." So the American public is telling us in the Congress: "Cut that deficit" but increase spending for health, for the environment, for housing, and for education. And decrease spending for nothing. Even star wars, which rated as the least popular spending program listed by Time magazine, had only about a third—35 percent—of the public calling for an actual cut. Twenty-six percent wanted to keep star wars spending at about its current level and 23 percent actually wanted to increase it. Sixteen percent had no opinion.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

Another 1987 poll, this one by the well-known Gallup organization, got similar answers although it asked the question of 2,132 persons nationwide with a special tax spin on it. Here is the Gallup question:

> I'd like your views on how each level of government—Federal, State, and local—uses the tax money it raises. First, I will read a list of some areas where the Federal Government is spending your tax money. For each, tell me if you feel the Federal Government should spend more for this purpose, less for this purpose, or if you feel the amount now being spent is about right.

The reference to taxes might be expected to secure a more anti-Federal spending response. It didn't. In the Gallup case respondents were questioned about Federal spending in eight areas. In four of the eight a solid majority favored more spending. A small minority favored less spending. The rest favored keeping spending at its present level. In two of the other four areas a plurality favored more spending. Only in national defense and foreign aid did more respondents opt for less spending than more spending. And in the national defense area the division was 24 percent favoring more spending, 40 percent favoring less spending and 33 percent calling the level of national defense spending about right.

So our bosses—the American people—seem to be telling us in general, to keep national defense spending about where it is and increase spending on social programs. How can we reconcile that with the high priority our countrymen put on cutting the deficit? One answer is that the American people are for a tax increase. After all, in spite of the noble effort by the Gallup organization to focus the respondent's attention on taxes by referring to "Government spending your tax money," the response came through loud and clear on most social programs—spend more money anyway. But our constituents' top priority is to reduce the deficit.

There is only one logical way we can meet these conflicting views to increase Federal spending and at the same time cut the deficit. That is to increase taxes. Undoubtedly, some Americans would agree that this is what our boss, the electorate, really wants. This Senator does not believe it. It is a minority, and a small minority, that is calling on us for a tax increase. The problem is that the American people simply have not reconciled their desire for deficit reduction with the grim but essential companions of cutting spending and increasing taxes. They would try to have it both ways. They would act like Congress—vote for the social programs, vote against any reduction in military programs, and then vote to hold down spending by an across-the-board Gramm-Rudman sequestration. This is a cop-out. Our constituents do not serve in office. We do. That means we should decide our priorities. We should advance programs that have the highest priorities. We should cut programs that have lower priorities. We should aim for a substantial overall spending and deficit reduction. If we fail in making the cuts big enough we should increase taxes to make up the difference. That is what we should do. But it is oh so much easier politically to vote for every spending program, showing each and every interest group and our public constituency that we agree with their specific spending priorities. Then we administer the political "coup de grace." We let the Gramm-Rudman sequester make the across-the-board cut that shows we support deficit reduction. That may be smart politics. It is not leadership.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin yields the floor.

The Senator from South Carolina, Mr. THURMOND, is recognized.

Mr. THURMOND. Mr. President, on account of these charts, I ask unanimous consent that I may speak from this particular desk.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NATIONAL CONFERENCE ON ALCOHOL ABUSE

Mr. THURMOND. Mr. President, the National Conference on Alcohol Abuse and Alcoholism is meeting in Washington this week. The chairman of the conference is the Honorable Otis R. Bowen, M.D., the Secretary of Health and Human Services [HHS].

During his tenure at HHS, Dr. Bowen has given high priority to issues concerning alcohol and alcoholism, and should be commended for his efforts. The purpose of this conference, in Dr. Bowen's words:

> Is to focus public attention on alcohol abuse and the disease of alcoholism as major health issues, major economic issues, and as major human issues.

The honorary chairperson of the conference is former First Lady, Mrs. Betty Ford. She has made outstanding contributions to increasing public awareness of these important issues. I welcome the participants of the national conference to Washington. I will be especially interested in the recommendations that are made during the portion of the conference dealing with public policy and possible legislation.

Last year, President Reagan signed into law the vitally important omnibus drug bill. This was a comprehensive Federal effort to combat the use and distribution of drugs in our society. Much of that bill dealt with the criminal justice system and was written in the Senate Judiciary Committee. As chairman of that committee last year, I was proud of our work on that legislation. However, we all know that drug smugglers and drug dealers are easy political targets. There is no one in Congress who seeks to protect their interests.

I have said this on several occasions and I repeat it today: There is no stronger lobby in this Nation than the alcohol beverage lobby. However, today alcohol is the No. 1 drug of abuse in our country.

To illustrate the extent of alcohol abuse, here are a few relevant examples:

First, the National Institute on Alcohol Abuse and Alcoholism (NIAAA) says that alcohol costs the American economy nearly $120 billion per year in increased medical expenses and decreased productivity.

Second, the NIAAA estimated that 18.3 million Americans are "heavy drinkers" which is defined as consuming more than 14 drinks per week.

Third, in 1985, over 12 million American adults had one or more symptoms of alcoholism. This represents an increase of 8.2 percent over 1980.

Fourth, since 1981, the Surgeon General has officially advised women to abstain from drinking during pregnancy. Despite this warning, fetal alcoholism syndrome is the third leading cause of birth defects with accompanying mental retardation. It is the only preventable birth defect among the top three. However, a 1985 Government survey revealed that only 57 percent of Americans had even heard of fetal alcohol syndrome.

Fifth, a 1987 HHS report to Congress entitled "Alcohol and Health" cites that nearly one-half of all accidental deaths, suicides, and homicides are alcohol-related. Nearly half of the convicted jail inmates were under the influence of alcohol when they committed the crime.

Sixth, alcohol-related traffic accidents claim over 18,000 lives each year in the United States.

Seventh, among teenagers, alcohol abuse has reached epidemic proportions. According to the 1987 report, an estimated 30 percent, or 4.6 million adolescents, experience negative consequences of alcohol use—such as poor school performance, trouble with parents, or trouble with the law.

Eighth, in 1986, alcohol remained the most widely used drug among American youth.

In the past I have advocated the placement of health warning labels on alcoholic beverages. Each time I introduce this legislation, the full power of the alcohol beverage industry is exerted against it.

In a so-called "factsheet" on last year's health warning label bill, the Distilled Spirits Council of the United States basically concluded that such warning labels were misleading, unnecessary, and that voluntary educational programs between the alcoholic beverage industry and the public sector was the best way to deal with this problem. The final sentence of the "factsheet" states:

> The alcohol beverage industry recognizes its unique responsibilities and has been carrying out those tasks in conjunction with government, the Licensed Beverage Information Council, and through individual company efforts which totally alleviates the need for health warning labels.

Mr. President, that statement is ridiculous. There has been no responsibility demonstrated on behalf of the alcoholic beverage industry to educate the youth of our Nation as to the hazards of alcoholism. To the contrary, advertisements glamorize the use of alcohol. Recent campaigns target youthful drinkers, many of whom are under the legal age.

Many States have raised the legal drinking age from 18 to 21. Therefore, until the senior year in college, many college students are prohibited from purchasing alcoholic beverages.

Mr. President, at this time I would like to introduce to you "Spuds MacKenzie." This bull terrier is the popular chief spokesman for Bud Light beer. Spuds, who is called the "original party animal," is seen on a variety of television ads in recreational settings which link drinking beer with a good time on campus. His popularity on television has led Anheuser-Busch to license a variety of Spuds products including children's toys, T-shirts, and posters.

And here we see these posters that tend to glamorize Spuds MacKenzie, "Dean of Partyology," and "Homecoming, a Toast to Spuds MacKenzie."

The National Council on Alcoholism, the American Council on Alcohol Problems, the Alcohol and Drug Problems Association of North America, the National Association of State Alcohol and Drug Abuse Directors, and the Center for Science in the Public Interest have all called for Anheuser-Busch to discontinue Spuds MacKenzie promotions, claiming that the massive advertising and promotion campaign encourages youth to drink.

In spite of these protests, Anheuser-Busch has no intention of curtailing the marketing of Spuds MacKenzie products. Toy manufacturers have been gearing up for what they expect to be record sales during the Christmas season.

Mr. President, I hold here a toy for children, and what does this toy say? This toy has attached to it this message:

> Spuds MacKenzie. When you are stepping out or stepping up, it is party time with the Bud Light original party animal. Spuds MacKenzie, as senior party consultant for Bud Light, Spuds traveled the globe seeking out new and different ways to be the life of the party. Spuds MacKenzie, the original party animal.

Mr. President, this is a very attractive toy. It is known all over the country. And when advertising such as this is used, it encourages the youth, it encourages the children to start feeling it is all right to drink alcohol. And also attached to this is "Spuds MacKenzie, Bud Light," encouraging children to drink more of Spuds' beer.

Mr. President, we think that is improper. We think to have these toys advertising beer on them for little children to be sold in the stores is absolutely unnecessary, inadvisable, and against the public interest.

Michael Roarty, Anheuser-Busch executive vice president, responded to criticism by explaining that the Spuds MacKenzie character was created and used to promote Bud Light beer only for those "old enough to drink."

The stuffed animals, children's toys, and T-shirts small enough to fit 12-year-olds indicate the real purpose of the campaign is to entice young people to drink.

Is this the kind of responsibility which we can expect from the alcohol beverage industry in the future? If so, I think we in Congress should get to work on some major policy changes. I am fully cognizant of the free speech rights of the alcohol beverage industry. However, what is the cost to society of this freedom to advocate unlawful teenage drinking?

I think it is appropriate here to quote directly from the 1987 HHS report to Congress called Alcohol and Health.

> Research on alcoholic beverage advertising indicates it is second only to peer pressure as a correlate of teenage alcohol consumption, particularly of beer and wine. Also, a nationwide survey of 1,200 respondents indicated that advertising contributes to certain forms of problem drinking. There is a widespread belief that favorable portrayals of alcohol consumption in the entertainment media can cause increased consumption by viewers.

Additional evidence demonstrating the alcohol beverage industry's lack of responsibility to the youth of our Nation involves wine coolers, which are a blend of wine and carbonated fruit juice containing 5 to 6 percent alcohol. This is 1 to 2 percentage points more than beer.

The current advertising gives the impression that wine coolers are a soft drink. The National Council on Alcoholism notes that the ads imply wine coolers will make you healthy. They show people enjoying them after a jog or aerobics. Coolers are often found in the soft drink section of the supermarket.

The impact of such marketing is clearly illustrated in a 1987 My Weekly Reader survey of over 500,000 elementary and high school students. Among fourth graders, 26 percent said "many" of their peers had tried coolers. Just 24 percent thought coolers were drugs; 50 percent said beer, wine, and liquor were drugs. By age 12, 40 percent of American children will try wine coolers. Two-thirds of those surveyed here used beer, wine or distilled spirits in the past year.

Mr. President, I ask unanimous consent to have printed at the conclusion of my remarks an editorial by William Raspberry concerning wine cooler advertising which appeared in the October 19, 1987, edition of the Washington Post.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. THURMOND. Mr. President, unfortunately, I am not confident in the voluntary efforts of the alcohol beverage industry to increase public awareness of the hazards of alcohol abuse. With 12-year-olds drinking wine coolers and wearing Spuds MacKenzie T-shirts, there is no basis for such confidence.

During the National Conference on Alcohol Abuse and Alcoholism, issues regarding excise taxes, health warning labels, and advertising practices will be discussed. As ranking member of the Subcommittee on Children, Drugs, and Alcoholism, I am keenly interested in these issues.

Accordingly, I will be watching the alcohol beverage industry to determine whether they will in the future demonstrate real responsibility in their marketing or merely pay lip service to that goal.

Once again, I welcome the participants at the National Conference on Alcohol Abuse and Alcoholism to Washington. While you are here, I hope that you will exercise your rights of free speech by telling your elected representatives just how you feel about these issues.

Mr. President, we have no greater resource than our children. When our children are sold little toys like this, which advertise beer, it causes them to grow up and believe it is perfectly all right to use alcohol. Now we know that those under 21 are not supposed to use alcohol.

Again, I call attention to these posters. I hope Senators today will look at them and see just what is taking place in this country, because we must not take any step that is going to harm our young people and cause them to feel that it is all right to use alcohol.

Alcohol causes more automobile wrecks, causes more deaths, causes more tragic trouble in the home, causes more divorces, causes more suicides, causes more murders than any other single item, and I think it is time the American people should have this called to their attention.

EXHIBIT 1

[From the Washington Post, Oct. 19, 1987]

CHILDREN AND WINE COOLERS

(By William Raspberry)

Just in case worried parents needed something else to worry about . . .

Two-thirds of all American children have used beer, wine or hard liquor in the past year, and a third of them are current drinkers. More than 91 percent of high school seniors have used alcohol at some time in their lives (only 67 percent have smoked by then), and more than 65 percent of seniors have consumed alcohol within the past month.

Your children aren't teen-agers yet? Then try this: Two of every five American youths have drunk wine coolers before their 13th birthdays.

The findings are from a survey conducted last January by The Weekly Reader in association with the National Council on Alcoholism. The report was released last Friday in the October-December issue of Metropolitan Life's Statistical Bulletin.

How serious a problem is this youthful alcohol abuse? Deadly serious, says Metropolitan.

"The National Council on Alcoholism reminds us that alcohol is the major cause of all fatal and nonfatal teen-age traffic accidents and is implicated in thousands of drownings, suicides, violent injuries, homicides and burns among adolescents.

"Alcohol abusing teenagers are more likely to be engaged in other 'problem behaviors,' to make lower grades in school, to be more involved in heavy marijuana use and to be less involved in religious activities than nonalcohol abusing youth. In addition, early use of alcohol is considered a predictor of later alcohol abuse and a 'gateway behavior' for illicit drug use and other deviant behaviors."

One reason for the startling figures, health officials suspect, is the recent heavy marketing of wine coolers.

Many wine coolers are portrayed like fruit juice or soft drinks," the NCA's Lora Friedman said. "They are in the supermarkets right next to the soft-drink section. For kids, it becomes a fuzzy distinction."

Bum rap, says the industry, noting that it is illegal to sell wine coolers to minors. "They are obviously getting it from their parents" Joe Gegg, a spokesman for the Wine and Spirits Wholesalers of America, told United Press International. "Nobody would be naive enough to think fourth and sixth graders are walking into grocery stores and buying wine coolers."

Whatever the source, and whatever the problems with the survey, it seems clear that the pressure to use alcohol is increasing among the very young. The Weekly Reader did not directly ask its 500,000 respondents whether *they* had personally used alcohol but rather whether their friends had. "These were children, and they were handing [their responses] in to a teacher," a magazine official explained.

Still, 42 percent of sixth graders said their friends have tried wine coolers. Two-thirds of the seniors said all or most of their friends get drunk at least once a week.

Perhaps more disturbing than the prevalence of use among teen-agers is the youngsters' attitude toward alcohol. Only four of 10 seniors thought heavy weekend drinkers were at "great risk" of harming themselves; two-thirds thought there was "great risk" only from having four or five drinks every day.

Moreover, the respondents reported heavy peer pressure to drink wine coolers as early as sixth grade.

The survey did not specify the culprits, but surely they include both the alcohol industry and lackadaisical parents who refuse to believe that a few sips of cooler can lead to serious alcohol abuse problems. For some parents, at least, wine coolers are a relatively harmless introduction to adult sophistication—like a training bra.

Well, maybe this latest survey, along with the campaigns of organizations such as Mothers Against Drunk Driving, will help to wake us up. I know it goes against the modern trend, but parents need to learn to give unambiguous "don't do it" signals to their children.

And industry officials would do well to rethink their advertising schemes, particularly the use of cartoon characters in their wine cooler ads. Like the rustic pair in the wine cooler commercials, we'd be prepared to thank them for their support.

HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1987—CONFERENCE REPORT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of the conference report on S. 825, which the clerk will report.

The legislative clerk read as follows:

The conference report on S. 825, an act to amend and extend certain laws relating to housing, and for other purposes.

The Senate resumed consideration of the conference report.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. ARMSTRONG. Mr. President, maybe we should take a moment to check signals and see where we are.

My recollection of the parliamentary situation is that the Senate has ordered a vote in connection with an expected point of order and that that vote will occur at 10 o'clock; that the time will be divided, basically, between the Senator from California and myself—I think, also, the time granted to other Senators.

Will the Chair state what the time agreement was?

The ACTING PRESIDENT pro tempore. The time is divided in the following fashion: The Senator from Colorado was to have 30 minutes; the Senator from Utah [Mr. GARN], the Senator from Texas [Mr. GRAMM] and the Senator from California [Mr. CRANSTON] were each to control 5 minutes. All of that time will be reduced proportionately.

Mr. ARMSTRONG. I thank the Chair for the explanation.

To expedite matters, I do now make the point of the order that the conference report violates section 311 of the Budget Act, for the reasons I previously stated and which were discussed last night.

Mr. CRANSTON. Mr. President, I move, pursuant to section 904(b) of the Congressional Budget Act of 1974, that the Budget Act be waived with respect to consideration of the conference report on S. 825 at the levels of budget authority reported by the conference committee.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. ARMSTRONG. Mr. President, the symbol of America is the eagle. That is our national emblem. The symbol of America is not the ostrich; but, by gosh, if we vote for this conference report, it should be the ostrich.

I know that the easiest thing for Senators to do is to come to the floor and say: "Well, the fix is in. It is all done. The train is leaving. The boat is about to sail. There is a bipartisan agreement here. The managers have been working on this a long time. What can I do? I am only one. Why should I vote against it, if it is going to pass anyway? It's not my fault responsibility."

Well, it is our responsibility. It is our responsibility, one Senator at a time. To us has been entrusted the decision of how we will vote. It does matter whether this passes or not, whether the President vetoes it or not, whether his veto is sustained or not. It does matter. This is not a free vote.

Psychologists have known for a long time that one of the most enduring features of human nature is a reluctance—indeed, an intransigent unwillingness—to look at unpleasant facts. But I think we should look at them.

I think it has been clearly established, not only in the debate last night but also over a long period of time, that this legislation is harmful to our country. It is harmful to the budget deficit. It is harmful to the markets that are looking to Congress for some reassurance about the future of the economy. It is harmful to local housing authorities which are calling for reform of these programs. It is harmful to those who have objected to certain new amendments which were included in this conference report, included without the benefit of hearings.

In the course of the debate last night, I think we established four or five points quite clearly. Whether or not Senators will want to look at them is up to each Senator. The facts are there—they are on the public record.

The first fact is that there is no convincing showing of need for this program. We have about 5 million units of subsidized housing in this country. I do not think there is any showing that it is an insufficient number.

I do not deny that there are people who need help with housing who cannot get it. The problem is that most of this housing—and I use the word "most" advisedly—has been made available to people who are not poor, who are either wealthy or near wealthy or in the middle class. At a time when we have housingpoor people, people who are housing indigents, who cannot get support, we have people who are much better off who are occupying the vast majority of the subsidized units. About 600,000 of these units become available every year; and if we started reallocating those systematically to those truly in need, we would not have to authorize additional new units.

Second, I think we have clearly established that this bill is not timely. We are trying to find some ways to reduce deficits.

The headlines in this morning's paper trumpet the fact that the negotiators have hit a roadblock and are unable to find ways to make savings necessary to get the budget package in preference to the sequester which is in prospect.

All of the negotiators expressed the idea that they hoped they would be able to do so; they were going to try to get back together, but it was very clear from the news this morning, as it has been on television and in the news media as well as in private conversations for the last 3 or 4 weeks, that at last the idea of balancing the budget or at least putting us on a track over a period of time for a balanced budget is a majority national priority.

This bill goes in an opposite direction. This bill contributes in an important and substantial way to a problem. It is not a part of the solution.

The response of the proponents of this legislation is, by gosh, it is not fair to blame housing legislation for the national budget crisis, but, of course, nobody was doing that. There is not any Senator who has come to the floor and said that the reason that we got this astronomical problem is because of housing legislation. What we have said is that the cumulated extravagance of the housing legislation is part of the problem. And it just so happens it is the part of it we are addressing today. This is the part that today we have a chance to do something about.

Nor can we be unmindful of the fact that over and above the actual contributions to the securitized public debt there is a quarter of a trillion dollars, $250 billion of unfunded liabilities for which no provisions have been made right now.

If we never adopt another housing authorization or appropriation bill we are going to have to pay off over $250 billion to which we are already committed. That is in addition to the stated explicit national debt of something in excess of $2 trillion.

Mr. President, we have shown and I think conclusively that the figures which are used by the proponents to support this are at the very best, under the most charitable characterization open to serious doubt. They say it is $15 billion in authorization. The OMB believes it is $18.7 billion. And so you can take your choice of who you really believe. Whether you think $15 billion is an accurate number, it is hard for me to say. I do not see how anybody could really think that in view of the facts laid out, those parts of the bill funded at levels such sums as may be appropriated, those parts of the bill for which no authorization dollar amounts have been scored and which clearly have a cost—I am thinking of lead-based paint; I am thinking of the antidisplacement program.

The sum and substance of it according to OMB, this bill is $18.7 billion for fiscal 1988. That is almost $4 billion above the Senate level. It is in round figures $6.8 billion above the President's budget request for 1 year and about $14.6 billion in the 2-year authorization period.

Mr. President, we have shown again, I think convincingly and without any real attempt at rebuttal by the proponents of this legislation, that this bill lacks reforms; indeed, it undoes some of the reforms in public housing that have been previously agreed to, the reforms that attempted to target the benefits of subsidized housing to the needy, to the poor, the people who deserve it the most.

Mr. President, I have already pointed out, and I do not need to dwell upon the fact, that this bill introduces new concepts which have not had a hearing, which have enormous cost implications and for which, absent some legislative history, the cost burden is unclear. We do not know for sure who is going to have to pay for this new antidisplacement program. You cannot tell from the conference report who will have to pay for it.

I accept the assurances of the Senator from New York, Mr. D'AMATO, that it is intended by the managers of the bill that these costs will be paid for out of the CDBG and UDAG grants. That is not plain from the legislation. But if that is the case, it certainly emphasizes it will be additional unfunded cost at the Federal level and additional pressure for supplemental and continuing appropriations.

Mr. President, finally, let me say that the point of order which I have offered is not, as has been characterized, some technicality, it is not something that is sort of an arcane or mysterious point of order, something that is just parliamentary slight of hand or smoke and mirrors.

We amend the law to require that we not consider and not adopt authorizations which contain spending in excess of the budget. And that is what this is. We are already above the budget. We were above the budget before this bill came to the floor. I am not talking about the President's budget. I am talking about the congressionally approved resolution which establishes the budget for fiscal 1988. It was a budget which in the opinion of many of us was far too high.

A lot of Members of the Senate did not vote for the budget because they thought it was too high. But even at the inflated level, well above what many of us thought were justified, we are already above those figures, and so the $47 million direct spending included in this authorization bill further violates the budget targets, and for that reason it is subject to a point of order and we were advised by the Chair last night that that point of order will be sustained.

The motion which is pending and we will vote on in a few minutes is whether or not to waive the point of order, a very symbolic issue.

The $47 million is not the big end of the bill. It is not the largest dollar implication of the bill, but it is the part that frames the issues neatly. Do we want at this moment, when the whole world is waiting to see whether we have the guts to get spending under control, to take still another step which says no, we do not, that we are going to violate the budget ceilings which we have established, that we are just going to go on with business as usual and waive the point of order against this direct spending?

Mr. President, there is not any big, powerful lobby against this bill. There is a big powerful lobby, a couple of them, as a matter of fact, of people who are running around urging Senators to vote for the conference report, to ignore what the Senators themselves have said about the need for budgetary restraint. There is a lobby running around that is playing hardball. I do not know exactly how that is affecting Senators. I did report last night on one Senator who was contacted and said: "Forget it. My vote is not for sale."

After I said that, I was greeted by some other Members of the body who came up and told me that they have had similar experiences. So I judged that there is a lot of pretty tough talk that has been occurring in the corridors and cloakrooms of the Senate and a lot of phone calls going around, and it is pretty clear, at least in some quarters, that if you vote for the conference report, you can expect support from some big interests and if you do not, by gosh, you better not count on that kind of support.

I do not know how that is going to play out. For my part, it seems to me that that kind of lobbying steps over the line between what is responsible and what is thoughtful and what contributes to the better traditions of this body and to the long-term future of this country, and that which is destructive and that which in effect is corrupting, but that is for each Senator to make up his mind.

I am convinced that this is bad legislation, that it should be vetoed by the President. The indication we have is that it will be vetoed. They have sent their coded message over from the administration to the effect that the President's senior advisers are opposed to this legislation and will recommend a veto, My hope is we will be able to show this morning enough strength to sustain such a veto if the President is inclined to veto the bill.

Mr. President, I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. CRANSTON. Mr. President, since I only have about 4 minutes remaining, I wonder if others who want to speak against it could speak first such as the Senator from Texas.

The ACTING PRESIDENT pro tempore. The Senator from Texas, Mr. GRAMM, has 4 minutes.

Mr. GRAMM. Mr. President, I guess there is not a Member of this body—if there is one, I had not heard him—who has run around for the last 3 weeks, and said raising the deficit is a good thing. Since we had the collapse in stock prices, where the market fell by over 500 points, no one in this body has spoken favorably about deficit spending. I have not heard a single person say that.

In fact, based on those that I have been privileged to hear on this subject, it is as if an evangelist has come to Washington and held a series of tent meetings and now there are a lot of born again fiscal conservatives. In fact, I have not heard one person cuss Gramm-Rudman since the stock market collapsed. Everybody is talking about reducing the deficit. Democrats and Republicans alike are trumpeting the fact that we have been meeting. They trumpet the fact that there has been a summit aimed at reducing the deficit, to try to steady the nerves of Wall Street, and to try to assure that a recovery that put 13.5 million people to work continues.

Now, after all these professions of faith, we are about to get a test, a real, live, honest-to-God test about who is serious and who is not serious about doing something about the deficit.

Now the test is a budget point of order under 311 of the Budget Act. This is a so-called Gramm-Rudman point of order. Under it the Senate has to have 60 votes, or three-fifths of those Senators duly sworn, in order to override this point of order. The point of order occurs because the bill we are considering raises the deficit by $47 million, in direct expenditures.

We are going to have a clear test on this vote as to who is serious about deficit reduction and who is a phony.

Those who are serious about deficit reduction and about the future of the economy are not going to vote to waive this budget point of order on the first budget point of order since everybody was saved and became born again fiscal conservatives—the first point of order out of the chute. Those who are phony fiscal conservatives, those who want people back home to think they are serious about the deficit but who are not serious about it, are going to vote to waive this budget point of order.

So I submit that after this morning we will not have to speculate about who has truly been saved. We will know. Those who vote to sustain the budget point of order, those who refuse to waive the Budget Act to raise the deficit by $47 million, are the people who are serious about deficit reduction.

There are a lot of reasons that this bill ought not to become law in its current form. First, it creates a whole bunch of new programs that do not provide housing for the poor. They provide subsidized housing for the nonpoor, for the developer, for the builder, for all the people who do not need and who do not deserve these subsidies.

Second, they mandate a lot of costs that do not make sense under any circumstances, but certainly do not make sense today. Why should we today commit ourselves to $914 million of cost——

The ACTING PRESIDENT pro tempore. The time of the Senator from Texas has expired.

Mr. ARMSTRONG. Mr. President, how much time do I have left?

The ACTING PRESIDENT pro tempore. The Senator from Colorado has 11 minutes left.

Mr. ARMSTRONG. I will be happy to yield 2 additional minutes to the Senator from Texas.

Mr. GRAMM. I thank the Senator from Colorado for yielding.

Why now, of all times, should we commit ourselves to $914 million worth of cost to go around and strip lead-based paint off of HUD-subsidized projects in public housing when there are cheaper and better alternatives? Why now, of all times, should we be lowering rents in our subsidized housing units so that the nonworking poor of America pay a smaller percentage of their income in rents than the working poor pay?

Quite aside from the question of whether people riding in the wagon ought to be treated better than those pulling it, is this the time that we ought to be lowering rents? I say no.

Finally, it is absurd that we are going to include salaries of former CETA workers, remembering that we wisely eliminated the CETA program in 1981. This would include the salaries of former CETA workers as eligible costs for public housing operating subsidies. That does not make any sense under any circumstances. Why should we commit 281 million dollars' worth of additional costs for that purpose?

Finally, despite all the rhetoric that this is a $15 billion bill and it does not bust the budget, first, we are voting on a budget point of order, so it clearly does bust the budget.

Second, when you add up the costs of all these programs where the bill simply says "We authorize such sums as may be appropriated," and add them to the specified sums in the bill in reality those sums, given the programs contemplated, add up to about $19 billion.

So the question is fiscal responsibility. The question is: Are you serious about the deficit? If you are, you will vote no on the motion to waive the budget.

The ACTING PRESIDENT pro tempore. The time of the Senator from Texas, Senator GRAMM, has expired.

Who yields time?

Mr. CRANSTON. Mr. President, I yield myself the remaining time.

The ACTING PRESIDENT pro tempore. The Senator from California is recognized.

Mr. CRANSTON. Mr. President, I am sure that the great majority of Senators want to consider this bill on its merits. They do not want to be diverted by procedural hurdles. This housing bill is prudent, is sound, is needed, and should be enacted without further delay.

Housing legislation has had its opponents in the House in recent years, as well, in the other body. But the conference report we are now considering passed the House by a remarkable vote of 391 to 1. This conference report won the support of Members of every political philosophy, every region of the country, representing very different constituencies. It was supported by the majority and minority leaders, the majority whip and the minority whip, the chairman and ranking Republican member of the Banking Committee and the chairman and ranking member of the Housing Subcommittee. They all supported the conference report because even those who are very wary of Federal domestic programs know this is a very good bill and it is needed now.

They supported it because it embodies many compromises, among them $600 million in terms of reduction in cost, and elimination of the controversial Davis-Bacon provision. It is unfortunate that the Senators still opposing the report do not know the meaning of compromise.

OMB has sought to discredit this bill with material shot through with falsehoods and deliberate misstatements of the facts.

Let us look at the facts. First, this conference report is important "housekeeping" legislation that meets three tests Senate conferees established at the beginning. It's lean. It is limited to provisions that need to be enacted this year. It's a consensus bill, with broad support within Congress and across the country among those who care about affordable housing and sound community development. And it's a package the President should sign into law. Negotiations on every provision were directed toward that end.

It is fiscally responsible—$600 million lower than both current funding levels and the levels that passed the Senate several months ago. It's below the House-passed level by about $900 million.

These funding levels are substantially below what most conferees believe are justified. Housing and community development programs have already been reduced more than 70 percent since 1980 while the need for low-income housing has intensified. To go lower simply would not be responsible.

Despite OMB's disinformation, CBO has analyzed the bill and confirms the $15 billion estimate of its authorizations.

So why do we need this budget waiver? Opponents of the bill want to create the illusion that this bill involves budget problems. That is just not the case.

This budget waiver is needed for reasons that are wholly extraneous to this bill.

We are confronted by a technical problem caused by the fact that total Federal outlays now exceed totals in the congressional budget. That has been the case for the past month or so. During that time, a section 311 point of order could have been lodged against any bill involving outlays—no matter how small. This point of order could have been raised on any appropriations bill or virtually any other bill. It was not raised. Senators have wanted to get on with the business of the Senate. Senators have not wanted to sidetrack important business with nit-picking parliamentary maneuvers.

This housing bill would create only about $10 million in outlays. But that small sum gives the opponents of housing the right to raise this procedural hurdle.

The Senator from Colorado's section 311 point is largely created by timing and the technicalities of budget scoring. First, we do not yet have the reconciliation bill on the books along with its savings. Second, the technicians have scored the continuing resolution as if it extended for the full fiscal year even though it extends only through December 16.

The ACTING PRESIDENT pro tempore. The time of the Senator from California has expired.

Mr. CRANSTON. May I ask the Senator from Colorado if I may have about 1 minute?

Mr. ARMSTRONG. Indeed, I am happy to yield. How much time do I have left; 9 minutes?

The ACTING PRESIDENT pro tempore. The Senator has 8 minutes.

Mr. ARMSTRONG. I am happy to yield a minute of that to my friend from California.

Mr. CRANSTON. I thank my friend from Colorado.

Therefore, for this temporary period, the technical budget scoring shows outlay numbers higher than the budget totals. The budget process should not be used to create these procedural hurdles for the Senate.

I trust a strong majority of Senators—who support responsible housing and community development—will support my waiver motion so that the housing bill can be considered on its merits.

I emphasize that this procedural hurdle is not created by the housing bill itself. In fact, the housing bill would reduce spending even below the level that had been expected for appropriations this year. I urge the waiver be passed.

Mr. ARMSTRONG. Mr. President, I see the Senator from Utah is on his feet and has time allocated to him. I would like to yield myself 1 minute before he speaks.

The ACTING PRESIDENT pro tempore. The Senator from Colorado

Mr. ARMSTRONG. I must protest in the strongest possible terms the observations of the Senator from California. He is entitled to his position; he is entitled to his opinion. But he is not, it seems to me, entitled to come to the floor of the Senate and accuse an agency of the Government, responsible people at the OMB, of misinformation and of lying, because that it what he said; and then not document it. I think he ought to put up or shut up.

If he has such facts, he ought to put them in the record of this proceeding. Opinions are not facts. If he has facts to show a campaign of misinformation, then he is obligated to put it in the RECORD at this point and I ask unanimous consent that I be permitted to have printed at this point the material submitted by the OMB and that the Senator from California be invited to put his information right next to it so that it can be compared.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MATERIAL SUBMITTED BY MR. ARMSTRONG

[The White House, August 6, 1987]

WHITE PAPER—PRESIDENT'S HOUSING POLICY

Background

One goal of the Reagan Administration has been to ensure that every American has the opportunity to live in decent, affordable housing.

In 1981, when the President took office, he found 17 percent interest rates. The country was in the third year of a housing depression. Young couples couldn't find first houses they could afford, empty nesters couldn't find buyers for their homes, newcomers to cities found short supplies of rental units, most low-income families were forced to live in housing projects if they wished to receive rental subsidies, and many of those projects were in substandard condition. The taxpayers were saddled with an almost $240 billion debt, much of which was committed to pay for subsidized housing in undesirable neighborhoods that impeded social and economic mobility.

The key to this Administration's housing policy has been economic policies which have created a climate of declining interest and mortgage rates, thus lowering shelter costs for all Americans. A continued threat to low interest rates, however, is the deficit. That is why the President proposed a budget for FY 1988 that meets the Gramm-Rudman-Hollings deficit targets, and keeps the deficit on a downward path. Irresponsible spending bills that increase the deficit will ultimately drive up mortgage interest rates and make housing less affordable.

Effects of the Industry

The housing industry, clearly, has benefitted more than any other industry from the reduction in interest rates brought about by changes in economic policy, and current and future homebuyers have benefitted as well. Right now, this country is enjoying sustained economic growth, low inflation, affordable interest rates and an adequate supply of mortgage funds.

Mortgage interest rates have declined from 17 percent to 10 percent. Mortgage payments on a $60,000 home have dropped over $300 per month since 1981. Each percentage drop in mortgage rates lowers monthly payments by $44 and enables 2 million more American families to qualify to buy homes.

Homeownership affordability in 1986 (as measured by the National Association of Realtors' "Affordability Index") was at the highest sustained level in eight years.

Homeownership rates, which had been declining, have shown a slight upturn over the past year.

Housing starts exceeded 1.7 million units annually for the last four years, and are likely to reach that level for a fifth year. This is an unprecedented period of economic strength, even compared to the boom years of the early 1970s.

The housing industry has additionally benefitted from the enormous growth in total government expenditures for housing (including credit subsidies and tax breaks) which has occurred over the last six years.

Loans and loan guarantees by the Federal government and government-sponsored agencies have quadrupled since 1981 to a total of over $800 billion. Housing's share of the government's total $1.2 trillion credit portfolio has grown from 48 percent in 1981 to 69 percent today.

Special tax breaks benefitting the housing industry have increased dramatically as well, rising 49 percent from $34 billion in 1981 to $50 billion in 1986.

Renters have benefitted because nearly 2.6 million multi-family units have been built over the past four years at a rate of about 650,000 per year. This has resulted in a 7.5 percent nationwide vacancy rate, the highest rental vacancy rate and the best market for renters in the past 20 years.

Low-Income Assistance

This Administration has worked to implement new and better ways to fulfill its obligation to those who are not financially able to meet their own housing needs. It has proposed continued expansion of the number of low-income families receiving housing subsidies.

By the end of 1987, nearly 5.7 million families (over 16 million Americans) will be receiving Federally-subsidized housing. The President's budget proposed to increase by 100,000 the number of families served each year.

Recent studies have shown that housing availability is not a problem; affordability and quality of the housing has been the problem. Rental vacancies for units renting for between $200 and $249 per month were at 7.6 percent in the third quarter of 1986. This suggests that massive new construction programs—the primary means used by the Federal government in the past to provide for the poor—are largely unneeded. But that is not their only drawback. New housing construction has frequently proved more successful at providing subsidies to developers and real estate syndicators than to poor families and individuals.

New housing construction programs have created an enormous debt burden for the Federal government. Congress has committed billions to pay for the existing stock of low-income housing built over the last 40 years. Even if no new housing is built, the government will have to spend $211 billion over the next 20 years to pay for the existing units.

The programs under which most Federally subsidized housing for the poor has been built have seriously restricted the mobility of needy families by channeling them into available housing projects. Often, such projects are ill-maintained, crime-ridden and face substantial community opposition. This policy-mandated "ghettoization" of the poor has increasingly been a source of social problems and is rightly criticized by proponents of both free choice and a fully integrated society.

New construction of low-income housing has been a slow process fraught with political and economic roadblocks. Regulatory red tape is endemic. Local opposition to housing built specifically for the poor often delays or prevents projects from being constructed; or forces them into the least desirable locations. This in turn limits access of residents to good schools and diverse employment opportunities.

Why Vouchers

These considerations have led the Reagan Administration to seek a better alternative to new construction. Early in the Administration, President Reagan established a Housing Commission to review current policy and the housing problems facing the poor, and to develop more effective approaches to address their needs. In 1983, a voucher system was proposed which would provide housing assistance directly to the needy through vouchers or rental certificates. Vouchers increase the recipients' flexibility in choice of housing and cost only about half as much as new construction programs.

With vouchers, about 84 cents of every dollar spent actually flows through to provide housing assistance; with subsidized construction and public housing programs only 34 cents of every dollar reaches the tenants.

New low-income families are provided housing vouchers, allowing them to live where they desire. Vouchers:

Provide immediate aid to low-income families; building projects can take years to put into place.

Allow free choice of housing, without forcing beneficiaries to live in designated locations. Voucher recipients can have access to better jobs, schools and services than low-income households using other subsidized programs which force them to live in certain areas.

The taxpayers, too, benefit from the voucher program, because vouchers:

Encourage use of available housing instead of requiring more building (apartment vacancy rates have been at a 20-year peak).

Provide an equal number of families with housing, at a dramatically reduced cost—$250 per month as opposed to $700 per month for public housing.

Allow a 5-year rather than a 15- or 20-year financial commitment, thus allowing flexibility for the government to adjust to changes in the housing market. The government can reissue a voucher to the same or another family if needed, or cancel it and save the costs, depending on changes in the housing situation after five years.

In 1986, almost 900,000 families received housing voucher or rent certificate subsidies to live in standard quality housing. The Administration has proposed adding 99,000 additional vouchers for 1988 in urban and rural areas.

In summary, the Administration's efforts to create a stable economy which creates a climate for declining mortgage interest rates has made housing more affordable for renters and middle-income homeowners. Housing vouchers continue to be the cornerstone of the Administration's housing policy. They are less expensive than new construction and benefit tenants by giving them more freedom of choice about where they live. The voucher program for low-income Americans should be given a chance to succeed.

"HOUSING AND COMMUNITY DEVELOPEMENT ACT OF 1987"

The pending housing bill that has emerged from conference is bad legislation for at least five reasons.

1. The bill creates several costly and poorly targeted new Federal spending programs.

New Nehemiah homeownership subsidy program would give interest free loans to middle income homebuyers.

"Hiler-Lehman" Rural Housing Preservation Grant program would provide non-profit organizations with Federal grants to buy out—and potentially give windfalls to—owners of apartments originally financed with Farmers Home loans.

New HUD preservation loan provision would give Federal loans to owners of apartment buildings financed by FHA insured loans.

2. The bill fails to terminate any on-going wasteful Federal spending.

Even though Senate Appropriations provided no funding for HoDAG, Section 8 Moderate Rehab and Public Housing new construction, Housing bill continues all of these at $812 million price tag.

Housing bill authorizes another $2.3 billion to continue UDAG, Farmers Home rural construction, Section 312 Rental Rehabilitation loan, Housing counseling and FEMA crime insurance programs.

3. The bill imposes costly new regulatory requirements upon Federal programs, lessening the effective impact of Federal spending upon intended beneficiaries.

New anti-displacement provisions applicable to HUD's Community Development Block Grant and UDAG programs will soak up Federal dollars by requiring cities to pay for 10 years of rent subsidies for displaced households, reducing the resources available to actually support construction and rehabilitation work.

New lead-based paint requirements divert over a billion dollars of Federal housing subsidies to remove paint even when it is not threatening to the health of anyone. These new standards will also be imposed upon federally-insured homebuyers in two years, with the possibility that all private homebuyers might be affected.

Salaries of former CETA workers are added to list of costs eligible for Federal operating subsidies paid to public housing authorities.

New FEMA flood insurance requirements direct payment of claims for shoreline erosion in advance of actual physical loss. This liberalization of erosion benefits is another step toward the bailing out of beachfront communities by the Federal Government for nature's uncontrollable forces.

4. Overturns Administration cost saving reforms.

Administration and Congressional standard that subsidized tenants contribute 30 percent of income for rent eroded by new tenant income deduction.

Housing voucher program indexed for annual inflation, thus increasing costs and undermining "shopping" incentive.

Public housing authorities given windfall gain for administering HUD housing programs: Bill increases administrative costs 26 percent for vouchers and 7 percent for Section 8 above 1987 appropriated levels.

Includes pork: Allows several cities—Hartford, Connecticut; Lebanon, Pennsylvania; Richmond, Virginia; Milwaukee, Wisconsin; and East Stroudsburgh, Pennsylvania—to retain land disposition proceeds from closed-out urban renewal projects and to use proceeds for eligible CDBG activities. Further allows Naticoke, Pennsylvania to retain categorical settlement grant funds that remain from a project closeout.

5. $15 billion funding level is too high and phoney to boot!

Does not provide sufficient restraint to reduce deficit.

Does not cover new programs such as Nehemiah which appropriators will be under pressure nevertheless to provide for.

Does not include additional costs from prior year obligations for Farmers Home loan defaults and HUD rent subsidy contract increases which the appropriations committees must nevertheless provide for in their bills.

WHY THE HOUSING BILL SERVES FEWER LOW-INCOME FAMILIES AND COSTS MORE THAN CLAIMED!

GAMES PLAYED WITH THE SUBSIDIZED HOUSING ACCOUNT

The Housing Bill provides $7.091 billion for subsidized housing, less then either the Senate or House Appropriations Committees ($7.3 and $7.6 billion respectively). This seems like good news until one takes a more detailed look at what is included in the $7.091.

The Housing Bill fails to authorize any specific funds for amendments to existing subsidize housing contracts. Unless the Conference's intention is to serve fewer people than HUD currently serves, these amendments must be appropriated—have both of the Appropriations Committees—at $1.05 billion for FY 1988.

The Housing Bill fails to authorize any specific funds for administrative fees paid local housing authorities, yet at the same time authorizes an increase in such fees. Just for new units coming on line in 1988 only, the Appropriations Committees have appropriated $103 million for fees.

The Conference fails to authorize funds for "replacement vouchers" given to tenants losing project-based assistance. Presuming that Congress does not want these families out on the street, the funds to provide them rental subsidies must come from somewhere. Appropriations Committees have already provided $87 million. Once more, this money will come from the $7.091 billion, and at the expense of serving additional needy families.

What is the impact of this type of game-playing? *Congress will provide housing assistance to fewer additional households than ever before.* Furthermore, the Housing Bill serves fewer than the President's 1988 Request and fewer than the Senate or House Appropriations Committees. Conferees must be aware of this since they are not claiming any numbers of new families to be served. (The number below is OMB's estimate of what the Housing Bill provides.)

1987 Enacted: *81,500.*
1988 President's requested: *82,000.*
1988 Senate appropriations: *77,638.*
1988 House appropriations: *76,850.*
1988 Housing bill: *50,000 to 60,000.*

OTHER SCORING GAMES IN THE HOUSING BILL: HIDDEN COSTS

The Housing Bill authorizes programs at "such sums" levels rather than any specific funding level. This way the program is scored at zero and the bill achieves the $15.0 billion price tag. But, this is simply a charade, since appropriators will presumbly be under pressure to provide funds for such programs, including:

Nehemiah, the homeownership subsidy program;

Emergency Homeownership counseling and Foreclosure Assistance program; and

the Solar Bank.

The Housing Bill authorizes the rural housing construction program, but only scores the BA (actually the loan limit) associated with new units ($2.05 billion). It ignores the $1 plus billion needed to reimburse the Rural Housing Insurance Fund for prior year losses. Appropriators must provide such monies.

The $15.0 billion price tag also excludes BA costs that will occur on an appropriation basis because of new program language, including the CETA worker and rent adjustment provisions for public housing and the provisions requiring reuse of subsidy funds recaptured. The BA cost of these provisions could be as much as $1.3 billion.

In sum, the Housing Bill provides a smaller subsidized housing program than ever before. And, its $15.0 billion price tag is basically meaningless.

Assertions and Facts About the Housing Bill

Assertion No. 1.—This is the first comprehensive housing bill to be considered seriously in seven years.

Fact: Housing programs have fared quite well without a comprehensive Housing Bill. As a result of appropriation action, one million more families receive housing assistance today than in 1980.

Assertion No. 2.—The Housing Bill, which is below FY 1987 spending levels, is not a budget busting bill.

Fact: The Housing Bill relies on budget gimmickry to get its 1988 stated authorization amounts below 1987 spending levels:

Increases 1989 spending by 5%—inconsistent with Gramm-Rudman deficit reduction targets.

Contains over $100 million of annual direct spending that isn't counted in these totals—money that will add to the deficit regardless of what the appropriators do.

Creates four new programs and countless regulatory requirements that will add to spending pressures in the future.

Assertion No. 3.—Federal housing budget authority has been cut 70% since 1980 at a time when the overall Federal budget has increased over 60%.

Fact: Budget authority for these programs has indeed dropped due to the use of more cost/effective housing vouchers. However, total Federal support for housing (including credit subsidies and tax breaks) has increased 40 percent over this period (from $50 billion in 1981 to $70 billion in 1986).

Assertion No. 4.—Only 28% (or 2.1 million) poverty-level households, receive housing assistance. The Housing Bill would provide funding to allow additional low-income families to attain decent and safe shelter.

Fact: The Housing bill would provide less assistance to poverty-level households than the Administration requested:

20,000 to 30,000 fewer low-income families would be served than in the Administration's proposal.

Administration-proposed measures targeting assistance to the most needy would be relaxed.

New Programs for middle-income homeownership (e.g., Nehemiah grants) would drain scarce HUD resources away from the most needy.

Scarce rural housing subsidy funds would go to construction subsidies for homeowners rather than vouchers for poor renters.

Assertion No. 5.—Homeownership opportunities are declining as housing becomes less affordable for young households. To head off further declines, the housing bill guarantees the uninterrupted continuation of the FHA mortage insurance program.

Fact: Mortgage payments on a $60,000 home have dropped $275 per month since 1981 and homeownership affordability in 1986 was at the highest sustained level in eight years. Budget busting bills such as this will put upward pressure on interest rates—thus threatening the very homeownership affordability it seeks to address. Rather than enacting this fiscally irresponsible bill, interruptions in the FHA program could be avoided through freestanding legislation to make permanent FHA's insuring authorities (which the Administration supports).

[From the Washington Post, Nov. 9, 1987]

Who Needs the Housing Bill—The American People Do!

Young families who need low down-payment loans to buy their first homes . . . low income families looking for affordable housing . . . senior citizens on fixed incomes . . . working single parents who pay too much of their incomes for rent . . . rural as well as urban Americans.

Look at the facts:

This is the first major comprehensive housing bill to be considered seriously in seven years.

The federal housing budget authority has been cut by more than 70% since 1980 . . . while the overall federal budget has increased by more than 60%.

This is not a budget busting bill. Spending for housing would be held below FY 87 spending levels.

Homeownership opportunities are declining. The homeownership rate among young households peaked in 1980 and has been declining ever since. To head off further declines, the housing bill guarantees the uninterrupted continuation of the FHA mortgage insurance program.

Affordability has become a major problem for homebuyers. The housing bill would freeze FHA user fees and make housing more affordable in high cost areas by raising the FHA mortgage ceiling.

Only 28%, or 2.1 million poverty-level households, receive housing assistance. S. 825 would provide funding to allow additional low-income families to attain decent and safe shelter.

Rural housing programs have already been cut in half. The housing bill provides affordable housing to low- and moderate-income families living in rural America.

CONSIDER THE VIEWS OF AMERICAN VOTERS

The vast majority of Americans support this housing legislation, according to recent surveys conducted by Information America Corp., a nationally recognized polling firm. The survey shows:

76% of the registered voters polled believe it is harder for young people to purchase a home today than it was 10 years ago.

79% of voters believe that the federal government has a responsibility to help young families buy their first home.

58% believe housing has taken a disproportionate share of federal budget cuts in recent years.

66% say Congress should pass a housing bill, even if it means overriding a Presidential veto.

The right choice is for the Congress to pass and for the President to sign the housing bill (S. 825). That's what the facts support; that's what the American people want.

Material Submitted by Mr. Cranston

RESPONSE TO OMB COST ESTIMATE

We have seen the cost estimate prepared by OMB and staff has carefully analyzed it. Frankly, it is so misleading and shot through with errors that I am surprised the table is being introduced here on the Senate floor.

The conference agreement reflects a clear decision to reduce fiscal year 1988 spending below the current levels. That was a very difficult decision. Most conferees made it very reluctantly. But they did so because enactment of this housing bill is so important.

The CBO analysis of the bill—which is free of the political shenanigans of OMB—shows that the bill, if fully funded, would provide budget authority of about $15 billion in fiscal 1988, and would result in outlays of about $600 million. As every Senator knows, this bill provides authorization ceilings only. Funding for programs in this bill would have to be accommodated within the overall totals available to the Appropriations Committee.

It is no secret that officials in OMB don't want Congress to take any action on housing legislation. They have fought bitterly to prevent Congress from passing any housing bill. For the past three years they have generated cost estimates that proved to be baseless. As far back as last January OMB officials were talking publicly about their strategy for getting a vote on a housing bill—that was long before the details of a housing bill had been decided. After the Senate passed a two year funding freeze, OMB staff gave President Reagan a cost estimate claiming the bill was a $131 billion spending blow-out.

OMB's position on the housing bill has long since been discredited. Most members on both sides of the aisle know that OMB can no longer be taken seriously on this issue.

Now someone at OMB is circulating a padded cost estimate in an effort to make this bill appear to be something other than the prudent bill it is. OMB's figures are phony.

First, they throw in over $1 billion for "contract amendments". These amounts do not apply to this housing authorization. These are amounts that the Appropriations Committee may have to provide to correct for shortfalls in appropriations estimates that were made in prior years. They would have to occur anyway. They would be provided out of the totals available to the Appropriations Committee—they are not new spending created by this bill.

Second, they throw in an extra $1 billion for Farmers Home programs. Again, these amounts are not relevant to passage of this housing bill—they reflect losses incurred in the Rural Housing Insurance Fund in prior years. This bill actually reduces new spending for rural housing.

Third, OMB's table suggests that "reuse of recaptures" would create almost $1 billion in additional spending. This is simply false. The bill only affects the use of funds that have already been appropriated, not new funding. Any funds that are recaptured but not rescinded could be made available only upon action by the Appropriations Committee. Conferees do not expect any additional spending would result from this provision.

Fourth, the table falsely shows $281 million in additional spending as a result of the Public Housing Operating Subsidies "CETA Provision". This provision of the bill simply establishes a formal process for reviewing out-of-date expense levels for public housing authorities. That review process can have absolutely no impact on fiscal 1988 spending. And in later years it would have an impact not on spending totals but on the distribution of funds available within the program. Moreover, this provision expands costs that can be considered for reimbursement. The reimbursement would have to come out of authorizations for operating subsidies and would involve no additional spending.

Fifth, the table includes $100 million for the Nehemiah Program and $30 million for Emergency Homeownership Counseling. In fact, the bill authorizes only "such sums as may be appropriated" in 1988 for these programs. To date, no appropriations have been included for either program. Under current budget circumstances, the OMB estimate is not based on reality.

Sixth, the table includes $50 million for "Troubled Projects" and "Capital Improvement Loans" and smaller amounts for several other programs. Again, these are inappropriate because the bill makes it clear that these funds are to be provided out of other amounts available.

In conclusion, the OMB table is more an effort of disinformation rather than a responsible cost estimate.

CBO's estimate would make it clear to all Senators that we have here a modest bill that provides funding levels slightly below the current levels for this year.

S. 825—THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1987

[Conference report in millions of dollars]

	1988	1989	1990	1991	1992
Section 8 and public housing commitments:					
Authorization level	7,092	7,438	0	0	0
Estimated outlays	12	348	2,111	2,315	1,016
Public housing operating subsidies:					
Authorization level	1,500	1,563	0	0	0
Estimated outlays	750	1,531	781	0	0
Increase PHA management fees:					
Estimated authorization level	0	0	0	0	0
Estimated outlays	30	32	33	35	36
Housing for the elderly and handicapped:					
Authorization level	622	651	0	0	0
Estimated outlays	0	112	314	304	153
Congregate housing services:					
Authorization level	10	10	0	0	0
Estimated outlays	3	7	7	3	0
Rental rehabilitation grants:					
Authorization level	200	200	0	0	0
Estimated outlays	20	60	180	140	0
Rental housing development grants:					
Authorization level	75	78	0	0	0
Estimated outlays	0	8	45	69	31
Housing counseling assistance:					
Authorization level	4	4	0	0	0
Estimated outlays	0	2	4	2	0
Federal Housing Administration Fund:					
Estimated authorization level	0	0	0	0	0
Estimated outlays	(1,213)	(2,032)	(2,012)	(2,025)	(2,036)
Community development block grants:					
Authorization level	3,000	3,090	0	0	0
Estimated outlays	60	1,202	2,734	1,847	247
Urban development action grants:					
Authorization level	225	225	0	0	0
Estimated outlays	11	56	101	113	113
Urban homesteading:					
Authorization level	12	13	0	0	0
Estimated outlays	8	12	4	0	0
Rehabilitation loan fund extension:					
Authorization level	0	0	0	0	0
Estimated outlays	39	77	34	(7)	(7)
Neighborhood Reinvestment Corporation:					
Authorization level	18	18	0	0	0
Estimated outlays	18	18	0	0	0
Neighborhood Development Demonstration Program:					
Authorization level	2	2	0	0	0
Estimated outlays	0	1	2	1	0
HUD research and technology:					
Authorization level	17	18	0	0	0
Estimated outlays	5	14	12	4	1
Flood insurance reauthorization:					
Estimated authorization level	71	5	1	0	0
Estimated outlays	(14)	23	4	2	0
Crime insurance reauthorization:					
Estimated authorization level	(1)	15	15	0	0
Estimated outlays	(1)	12	15	3	0
Flood studies: [1]					
Estimated authorization level	37	38	0	0	0
Estimated outlays	20	33	16	5	1
Retention of land disposition proceeds:					
Estimated authorization level	10	0	0	0	0
Estimated outlays	10	0	0	0	0
Fair housing initiatives:					
Authorization level	5	5	0	0	0
Estimated outlays	1	5	4	0	0
Release of pool funds:					
Estimated authorization level	0	0	0	0	0
Estimated outlays	7	7	7	7	7
Miscellaneous provisions:					
Estimated authorization level	1	1	1	1	1
Estimated outlays	1	1	1	1	1
Nehemiah grants:					
Authorization level	([2])	150	0	0	0
Estimated outlays	([2])	15	30	105	0
Enterprise zones:					
Authorization level	1	1	1	1	1
Estimated outlays	1	1	1	1	1
Rural housing loans:					
Authorization level	2,050	2,147	0	0	0
Estimated outlays	780	1,528	1,086	593	394
Section 515 displacement prevention:					
Authorization level	73	77	0	0	0
Estimated outlays	48	57	11	11	11
Rural housing grants:					
Authorization level	52	54	0	0	0
Estimated outlays	19	41	27	7	6
Totals: [3]					
Estimated authorization level	15,076	15,803	18	2	2
Estimated outlays	616	3,172	5,556	3,536	(25)

[1] The conference report contains an appropriations authorization for such sums as may be necessary for fiscal year 1989. The estimate shown for 1989 is the 1988 authorization adjusted for inflation.

[2] The conference report includes an authorization for fiscal year 1988 of such sums as may be necessary. CBO has no basis for estimating the potential appropriation.

[3] The conference report would create a new program to provide homeownership counseling grants. The program would terminate at the end of fiscal year 1989. The appropriation of such sums as would be necessary would be authorized for 1988 and 1989.

The act would require claims to be paid from funds of the National Flood Insurance Program to compensate policy holders whose structures are in danger of imminent collapse because of flood-induced erosion. The budget impact of this provision is very uncertain and could range from no significant cost to a cost of several hundred million dollars over the next five years.

Mr. ARMSTRONG. Mr. President, second, I want to point out that this is not a nitpicking point of order, nor is it the only point of order that lies against it.

In addition to violating section 311 of the Budget Act, this conference report also violates section 302(f) and section 402 of the Budget Act because it provides new credit authority, which is not limited by appropriation.

I have only chosen to make a single point of order because it framed the issue. Senators can draw their own conclusion of whether or not this is a procedural hurdle or whether it is real. I believe it is real and I think, upon reflection, many other Senators will see the same.

Mr. CRANSTON. Will the Senator yield so I may have printed in the RECORD OMB's response?

Mr. ARMSTRONG. I will be happy to do so. The Senator has already been granted permission to have it printed at this point.

Mr. CRANSTON. I insert in the RECORD material from CBO disputing the OMB figures.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The material is printed earlier in the RECORD.)

Mr. ARMSTRONG. Mr. President, I yield myself 30 seconds additional, and then I will get off the floor so the Senator from Utah can speak.

The mere fact that someone disagrees with OMB figures does not justify the kind of extravagant charge that the Senator from California has made. In fact, CBO and OMB score these in a different way. OMB analyzes the effects and projects the dollar cost of their estimated effects. CBO simply adds up the numbers in the bill. Those are quite different and do not justify the kind of allegations which the Senator from California has made.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. ARMSTRONG. I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Utah, Senator GARN.

Mr. GARN. Mr. President, I had adequate time last evening to discuss in an overall sense the problems with this bill, so I will be brief and simply renew my major objection to the bill, and that is the fact that we are creating new programs in a time when we have serious budget difficulty that everyone is well aware of and the Senator from Colorado and the Senator from Texas have certainly pointed out last evening and this morning. While we have a budget summit going on trying to figure out how to reduce this year's and next year's budget, we are playing numbers games. While we say this is $15 billion and it is less than the $15.6 billion approved by the Senate a few weeks ago, and that is correct, we are authorizing new programs without any conception of what the costs of those programs will be in the future, and anyone who has served in the Senate for any period of time knows, when we open that door, what happens. These programs will go up and I will be able to stand on the floor in the not too far future and be able to point out that what I am saying today and what I said last evening are absolutely correct. We are opening the door with new authorizations to vast new spending programs.

Specifically this morning I rise in support of the Senator from Colorado's point of order on the Budget Act. There are at least three provisions in S. 825, the housing conference report, which would cause the total level of budget outlays to exceed the budget for fiscal 1988.

Among the three provisions is $10 million for land proceeds in a handful of cities. This is actually unused urban renewal moneys from the 1960's and 1970's. Instead of returning these unused funds to the Treasury, cities would get $2 million each to pocket for other projects. Another $7 million in the bill would go to section 236 pool funds. This provision basically gives the $7 million to complete an original fund from the 1970's in one State; fund are those intended for the Federal Government and now will be funneled back to the State.

The conference report also raises fees for the administration of section 8 and voucher programs from 7.65 percent and 6.5 percent, respectively, to 8.2 percent. We froze these fees in last year's appropriations bill. Housing authorities have accepted the fees as they are. The increase is unnecessary and will only reduce the amount of actual housing assistance to go to the poor.

Those are some of the technical violations, reasons that this waiver should not be granted.

Again, I repeat, the danger in this bill is the authorized future expenditures. We are playing a numbers game that is not fair to the Americans people. It is not fair to the taxpayers. It is not fair to those who are involved in the summit, trying to come up with a budget reduction so that we can calm the fears in the stock markets and the money markets of not only our own country but across the world.

So I would urge my colleagues to support the Senator from Colorado.

The ACTING PRESIDENT pro tempore. The Senator yields.

The Senator from Colorado has 4½ minutes remaining.

Mr. ARMSTRONG. I yield 2 minutes to the Senator from Texas.

Mr. GRAMM. Mr. President, I thank the distinguished Senator from Colorado for yielding.

I would like to make two points. No. 1, this dispute between CBO and OMB is easily understood. CBO simply took the numbers printed in this bill and added those numbers up and came up with $15 billion. The problem is that there are several programs here that do not have numbers but, instead, have language. That language is that you have authorization for whatever amount may be appropriated.

Now, how do you put a value on that? Do you count as zero when you authorize whatever may be appropriated? Well, what CBO did was nothing. They just left it out. What OMB did is they went back and looked at the programs that were authorized, figured out how much those programs would cost, and plugged that number in.

So the $15 billion figure that we keep hearing about from CBO is a figure that is generated by looking the other way on these open-ended authorizations for such amounts as may be appropriated.

The $19 billion figure comes from doing exactly what CBO did in adding up the numbers and then going back and looking at these open-ended authorizations, looking at the cost of the programs that are authorized, and then adding that to the authorization. So that is where the difference comes from. It is $15 billion if you do not count open-ended authorizations. It is $19 billion if you count them at some reasonable projection of cost.

So, do not be deceived by the fact that this committee did something that virtually any other committee in the Congress would be criticized for, and that is it simply had open-ended appropriations.

The ACTING PRESIDENT pro tempore. The Senator from Colorado has 2½ minutes remaining.

Mr. GRAMM. Would the distinguished Senator yield me 30 seconds?

Mr. ARMSTRONG. Mr. President, I would be honored to do so.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mr. GRAMM. The final point I want to make is that much is made of the fact that we have a temporary CR and we have negotiators who are negotiating these great savings. The temporary CR saves $10 billion by continuing last year's level of appropriations. Nowhere have the Democratic negotiators offered anything like that level of savings in the budget negotiations, at least in terms of what has been printed in the papers. The reality is that the adoption of a permanent CR at anything like the levels being discussed will raise spending and not lower it and therefore will not solve this problem.

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

Mr. ARMSTRONG. I mentioned a few minutes ago that the symbol of America is the eagle; it is not the ostrich. They want us to bury our heads in the sand and ignore facts that are not pleasant. Well, we have been doing that around here for a long time, Mr. President. We have just been going on business as usual, appropriating more than we take in, spending more than we earn; as a nation consuming more than we produce as if that would not have any consequences. It does have consequences. Many of those consequences have already been realized. Our children are the first generation of Americans since the Pilgrims came here on the Mayflower who expect to enjoy a lower standard of living than their parents; the first generation in 300 years. The reason, from most committees and others, is because we spend more than we take in. The national budget deficits and all the consequences of it, the housing deficit, is a part of that overall pattern. This motion violates three sections of the Budget Act. The question is whether Senators want to waive the Budget Act and make the situation worse or whether this is where we would like to draw the line and take a stand for fiscal responsibility.

Mr. President, I do not know what the outcome is going to be, but I hope there will be at least 34 Senators who will vote not to waive the Budget Act.

The ACTING PRESIDENT pro tempore. The time of the Senator from Colorado has expired. All time has expired.

Under the previous order, the question is on agreeing to the motion of the Senator from California, Senator CRANSTON, to waive section 311 of the Budget Act with respect to the conference report on S. 825, the Housing and Community Development Act of 1987.

The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Tennessee [Mr. Gore], the Senator from Hawaii [Mr. Inouye], the Senator from New York [Mr. Moynihan] and the Senator from Illinois [Mr. Simon], are necessarily absent.

I further announce that, if present and voting, the Senator from Tennessee [Mr. Gore] would vote "yea."

Mr. SIMPSON. I announce that the Senator from Indiana [Mr. Lugar], the Senator from Wyoming [Mr. Wallop], and the Senator from California [Mr. Wilson], are necessarily absent.

I further announce that, if present and voting, the Senator from Wyoming [Mr. Wallop] would vote "nay."

The PRESIDING OFFICER (Mr. Harkin). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 53, nays 40, as follows:

[Rollcall Vote No. 376 Leg.]

YEAS—53

Adams
Baucus
Bentsen
Biden
Bingaman
Boren
Bradley
Breaux
Bumpers
Burdick
Chafee
Chiles
Cohen
Conrad
Cranston
D'Amato
Daschle
DeConcini
Dixon
Dodd
Durenberger
Ford
Fowler
Glenn
Graham
Harkin
Heflin
Heinz
Hollings
Johnston
Kennedy
Kerry
Lautenberg
Levin
Matsunaga
Melcher
Metzenbaum
Mikulski
Mitchell
Nunn
Pell
Pryor
Reid
Riegle
Rockefeller
Sanford
Sarbanes
Sasser
Shelby
Specter
Stafford
Stennis
Weicker

NAYS—40

Armstrong
Bond
Boschwitz
Byrd
Cochran
Danforth
Dole
Domenici
Evans
Exon
Garn
Gramm
Grassley
Hatch
Hatfield
Hecht
Helms
Humphrey
Karnes
Kassebaum
Kasten
Leahy
McCain
McClure
McConnell
Murkowski
Nickles
Packwood
Pressler
Proxmire
Quayle
Roth
Rudman
Simpson
Stevens
Symms
Thurmond
Trible
Warner
Wirth

NOT VOTING—7

Gore
Inouye
Lugar
Moynihan
Simon
Wallop
Wilson

So the motion to waive section 311 of the Budget Act was rejected.

The PRESIDING OFFICER. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

Mr. BYRD. Mr. President, move that the Senate stand in recess for 30 minutes.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The question is on the motion to recess for 30 minutes.

Mr. BYRD. That is not a debatable motion.

Mr. ARMSTRONG. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator from Colorado will state the parliamentary inquiry.

Mr. ARMSTRONG. Mr. President, I inquire of the majority leader whether his motion is consistent with the earlier time agreement. In discussing the matter with the Parliamentarian, it was my opinion that such a motion would not be in order. Is it the leader's intention that we merely be in recess for——

Mr. BYRD. Thirty minutes.

Mr. ARMSTRONG. Do I not recall correctly that we have a pending point of order before the Chair? Is the Chair required to respond on it? Since there was a motion to waive the Budget Act and the point of order has not been waived, it appears to me that the Chair is obligated, prior to entertaining the majority leader's motion, to rule on the point of order.

The PRESIDING OFFICER. The motion to recess is not barred by the pending point of order.

Mr. ARMSTRONG. With the majority leader's indulgence, may I inquire: When we return, is the Chair then not obligated to rule on the point of order?

The PRESIDING OFFICER. Upon returning from the recess, the point of order then will be before the Senate.

Mr. ARMSTRONG. I thank the Chair.

The PRESIDING OFFICER. Motions relative to this matter will be in order.

The question is on agreeing to the motion to recess.

Mr. DOLE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Republican leader is recognized for a parliamentary inquiry.

Mr. DOLE. Why cannot the Chair rule on the point of order?

The PRESIDING OFFICER. Because the motion to recess has been made.

Mr. DOLE. He can rule on the point of order before.

Mr. BYRD. Mr. President, this motion is not debatable.

Mr. GRAMM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll to ascertain the presence of a quorum.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, this matter being of an importance, I think, which deserves further consideration, it is my intention to adjourn the Senate over until Tuesday, and I hope I will not have to go through rollcall votes to get this done, because the ultimate conclusion is going to be put over until Tuesday. The matter, however, should be debated for a little while. Mr. Armstrong wants to say something and possibly Mr. Cranston.

I wonder if we could get consent to proceed for 30 minutes for debate to be equally divided between Mr. Cranston and Mr. Armstrong and that time be subject only to debate, no motions, no actions of any kind will be in order during that 30 minutes, at the conclusion of which I will be then recognized.

Mr. JOHNSTON. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Is there objection?

Mr. JOHNSTON. Reserving the right to object, will the Senator yield?

Mr. BYRD. I yield.

Mr. JOHNSTON. Mr. President, I understand the importance of this matter. Is it the desire of the majority leader to have it debated. I understand the importance of it to the country. This matter will not be resolved obviously today. We want to put that over until Tuesday.

As I left the floor yesterday evening, we were right on the verge of being able to go to third reading on the energy and water bill, a bill that was delayed over 30 days in coming up. If we put that bill over, Mr. President, there is no telling how many amendments will come out of the woodwork. We were right on the verge of doing that.

I wonder if we could get that bill finished and at least go to third reading, and it will not be voted on until next week and then we could do as we are going to do anyway, and that is resolve this matter next week. We were ready to get that bill to third reading, and there is no telling how many amendments will come up between now and next week.

Mr. ADAMS. Mr. President, reserving the right to object.

Mr. BYRD. Mr. President, I ask unanimous consent that I may proceed for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, if I may respond, if we can work out an arrangement whereby everybody understands that this matter will go over until Tuesday and we can get an agreement to that effect, I would be agreeable to making further progress on the energy and water appropriations bill today if we can do so. It might be that we can get an agreement that no further amendments to that bill be in order with the exception of certain amendments that we know about, but let me work with the distinguished Senator to utilize these 30 minutes to come to some kind of understanding with the Republican leader and other Senators in an effort to continue to make progress on the energy water bill today.

Possibly we could limit the amendments that remain, some of which might be disposed of today, or at least scheduled for a vote before Wednesday. If we can limit the amendments, I think that is really what would help us.

Mr. JOHNSTON. I understand that. If we could get to the bill, I think we could probably finish it inside of an hour or two and have it over with and go to third reading. If we go over, or even if we put the votes over, it is likely to generate a lot more time.

But I do not want to interfere with the majority leader's schedule. I hope and I know he will help us expedite that bill.

Mr. ADAMS. Will the majority leader yield for a question on the point raised by the distinguished Senator from Louisiana?

Mr. BYRD. Yes.

Mr. ADAMS. I wanted to indicate to the majority leader that I would withdraw the amendment, the time that I had on it, and this Senator would have no objection to go to third reading, provided under the unanimous consent that the motion of the Senator from Louisiana, Senator BREAUX, to recommit would be voted on on Wednesday and the vote would occur on Wednesday. So that the Senator from Louisiana, the distinguished manager of the bill, could finish the bill, go to third reading, and have a recommittal motion and final passage on Wednesday and we could complete his bill and shut off the amendments, I would withdraw mine to expedite that.

Mr. BYRD. I thank the distinguished Senator.

The recommittal motion by the distinguished Senator from Louisiana, Mr. BREAUX, will be protected, in any event. Under the rules, he can make that motion at any time up to final passage.

Mr. PRYOR. Will the majority leader yield?

Mr. BYRD. Yes.

Mr. PRYOR. Mr. President, I would like to inquire, especially as it appears now that the energy and water legislation and the housing legislation will be coming up early in the week—and those are very important pieces of legislation—are we taking into consideration the most important issue that we are going to have to deal with before next Friday, and that is the sequestration and the so-called results, if there are any results, of the budget summit?

Mr. BYRD. Yes.

Mr. PRYOR. Are we allowing enough time next week to deal with the most important matter that has come before this body this year?

Mr. BYRD. Yes, we are. If we were not, I would not be taking the actions that I am taking, because I am just as conscious of and just as interested in and just as concerned about that matter as is any other Senator or House Member.

Mr. PRYOR. I thank the leader.

Mr. BYRD. I thank the distinguished Senator.

I may say, as a postscript, I am also concerned about the delay that is occurring on that matter.

Mr. President, did the Chair put the question with respect to the 30 minutes?

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the majority leader?

Mr. DOLE. Reserving the right to object.

Mr. President, I wonder if I might again make a parliamentary inquiry before the Chair rules? And there may be other reservations.

Mr. BYRD. Could I do one thing before the distinguished Republican leader does that?

Mr. DOLE. Yes.

Mr. BYRD. Mr. President, I withdraw my motion to recess for 30 minutes.

Mr. ARMSTRONG. Mr. President, I request the Chair to rule on my point of order.

Mr. BYRD. Mr. President, I have the floor.

The PRESIDING OFFICER. The motion is withdrawn.

Mr. BYRD. Mr. President, I have a right to withdraw it. No action has been taken on it.

Mr. President, if we could get the 30 minutes for the time equally divided, as I requested, after the Republican leader; if he could be recognized for 5 minutes, or whatever he wishes, without its coming out of that time, and no actions, no motions of any kind be in order, the Chair would protect me, and after 30 minutes I would be recognized.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. Reserving the right to object.

The PRESIDING OFFICER. The Republican leader is recognized under his reservation.

Mr. DOLE. Mr. President, I am still confused by an earlier parliamentary inquiry.

As I read the points of order in Senate Procedure, page 795:

> When a point of order is made, the Chair must rule thereon unless he submits the question to the Senate for decision.

Now, there is no motion to recess pending now, and even if there were, I cannot find where that would take precedence over the Chair ruling on a point of order.

The PRESIDING OFFICER. It is the Chair's ruling that on page 795 of the Procedures, a motion to recess or adjourn is in order pending a point of order.

Mr. DOLE. Mr. President, where is that?

The PRESIDING OFFICER. Page 795.

Mr. DOLE. This has not been submitted. The question has not been submitted. That is "if submitted."

The PRESIDING OFFICER. Will the Republican leader state that again?

Mr. DOLE. "When a point of order is made, the Chair must rule thereon unless he submits the question to the Senate for decision."

Now, it has not been submitted to the Senate for decision and, therefore, it seems to me the Chair must rule. The motion to recess has been withdrawn. There is nothing before the Senate, other than the ruling.

Mr. BYRD. Mr. President, perhaps I could help the Chair.

The PRESIDING OFFICER. Now the unanimous-consent request is pending before the Senate.

Mr. BYRD. That is what I was going to say. And I have the floor.

Mr. GRAMM. Mr. President, I object to the unanimous-consent request and I ask for the regular order.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. Objection is heard to the unanimous-consent request.

Mr. GRAMM. I ask for regular order.

Mr. BYRD. An objection to the unanimous-consent request does not take this Senator off the floor.

The PRESIDING OFFICER. The majority leader does have the floor.

Mr. BYRD. Now, Mr. President, I move to reconsider the vote, and I qualify, and, Mr. President, I——

Mr. ARMSTRONG. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD addressed the Chair.

Mr. ARMSTRONG. Mr. President, parliamentary inquiry. Has time not expired?

Mr. BYRD. I yield for a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Colorado will state his parliamentary inquiry.

Mr. ARMSTRONG. My parliamentary inquiry is that, under the previous order of the Senate, I believe all time on this matter has expired. Therefore, we have no choice but to proceed to vote to reconsider.

Mr. BYRD. Mr. President, a motion to reconsider is not debatable, but I ask for recognition because I want to make a unanimous-consent request. I am entitled to that.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BYRD. Mr. President, I ask unanimous consent that this matter be put aside until Tuesday next at 12 o'clock noon.

Mr. ARMSTRONG. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ARMSTRONG. Mr. President, there is no doubt that if it is the desire of the majority leader to adjourn the Senate until next Tuesday, he can do so. And, in fact, if that is his motion, I will not even ask for a rollcall vote. But neither will I agree to this unanimous-consent request.

What is happening here is simply that, by various delaying tactics, those who favor the adoption of the housing bill conference report are trying to prevent the Chair from ruling on the point of order. The point of order which the Chair has already said is valid is really not in controversy and for which a motion to waive has failed.

It seems to me that, in the interest of time—we are late in the session—the wisest and best course would be to let the Chair rule. If I may ask the indulgence of the leader, I would like to explain what I think would then ensue and it would not be contrary to his interest or that of any Senator.

If the Chair were permitted to rule on the point of order, as I understand it, the conference report would fall; the bill would still be alive. It would be before us as a Senate bill with a House amendment.

At that point we would have no time agreement. It would be perfectly appropriate and indeed would be acceptable to me and I think to other Senators to lay the bill aside until Tuesday or another time of the leader's choosing while we see if we can work out something that would be agreeable and which would not be subject to a point of order. That would be one way to approach it, which I would think would be orderly and would permit the Senator from Louisiana and others to continue with their bill and finish that up today.

Failing that, I can see no reason why Senators who are seeking to get a ruling on a valid point of order should agree to a unanimous-consent agreement. I am open to discussion of that, but this is simply a case of seeking delay so that the outside interests, which have spent the last 6 months leaning on Senators, threatening Senators in the most blatant way, can have 3 or 4 days to lean on them some more and threaten them some more. I do not think that is good practice. It steps across the bounds of propriety to do so, and I am not willing to cooperate in it and therefore I do object.

The PRESIDING OFFICER. Objection is heard. The majority leader has the floor.

Mr. BYRD. Mr. President, I do not want to put the Senate out immediately because I am hoping we can still get some work done this afternoon.

The obvious reason why I want to put this over to Tuesday is to get the absentees back. It is just that simple. For those who are watching and listening, there is no ulterior motive except to carry this vote. It is important that this housing conference report be adopted. There are absentees and we need to get them back. That is it, plain and simple.

Mr. President, I ask unanimous consent that I may proceed for 5 minutes so that I may yield to Senators without losing my right to the floor.

Mr. ARMSTRONG. Mr. President, reserving the right to object.

The PRESIDING OFFICER. Is there objection?

Mr. ARMSTRONG. I wonder if under the circumstances, the leader would be willing to say that 5 minutes would also be allocated to, say, the minority leader?

Mr. BYRD. Oh, absolutely, yes. I intended, if I could, to get some additional time so that the Senator from Colorado can also speak.

Mr. ARMSTRONG. I have no objection.

The PRESIDING OFFICER. The majority leader has 5 minutes.

Mr. LEAHY. Mr. President, I hope that Senators would listen to what the majority leader has said, and I hope that they will agree with him on this consent request. We have been in a difficult time down here because of weather, and everybody's plane schedule and everything else has been disrupted. There are some people necessarily absent. I know a lot of people tried to get back early yesterday morning. I was one of them.

It seems to me that we are talking about a procedure, and the distinguished majority leader has suggested a procedure, which would get us to a vote on this, wrap up this matter, which is a very important matter. The matter that the distinguished Senator from Louisiana had up would quite possibly either get to a third reading and be at least with a time certain to end; coming into a week where we are all going to be heavily distracted by the various—and rightly so—by the various budget discussions underway. I have got judicial nomination hearings underway right now that I want to get back to, including a judicial nomination from the State of Colorado.

You know, we will spend more time discussing whether we should go to this. I think the distinguished majority leader has given us all a way out where everybody's interests would be protected. Every Senator will get to vote the way they are going to. You know, people will get lobbied one way or the other, but you will on every single vote anyway, and I hope that Senators will agree to the suggestion made by my friend from West Virginia.

Mr. BYRD. Mr. President, I would like to see if we could work out an arrangement whereby we can have a little debate on this and then put it aside with the understanding that we would return to it on Tuesday, say at noon. We can take up other matters on Tuesday prior to that hour if need be. Rather than just go out now, I would rather do further business today. And I believe that we can, hopefully, work something out if Senators will allow me to.

Mr. DOLE. Will the majority leader yield? We are checking now with the manager on this side, Senator McClure, and also Senator Murkowski, whom I understand had an amendment. I am not certain how many amendments there are, but Senator McClure would hopefully come to the floor.

Mr. BYRD. Mr. President, I ask unanimous consent that there be 20 minutes for debate on this pending matter, the motion to reconsider; that it be equally divided between Mr. Armstrong and Mr. Cranston; that no motion to table the motion to reconsider be in order; provided further that this matter then be put aside until Tuesday next at noon; that no further action, debate, or motion be in order to the pending matter prior to next Tuesday; and that the Senate resume consideration of the energy and water appropriation bill.

The PRESIDING OFFICER. Is there objection?

Mr. ARMSTRONG. Mr. President, reserving the right to object, while we digest the implications of the unanimous-consent request, I would suggest the absence of a quorum.

Mr. BYRD. Mr. President, I do not yield for that purpose.

The PRESIDING OFFICER. The majority leader has the floor.

Mr. BYRD. I am sorry; I did not hear the Senator except for that part of it dealing with a quorum call.

Mr. ARMSTRONG. Mr. President, if the leader would yield under a reservation to object? I suggested that we have a moment to digest the import of the leader's request; that we have a quorum call or in some other way take a moment just to consider the implications of what he is suggesting.

Mr. BYRD. Mr. President, let me ask for 30 minutes. I prefer that. I ask unanimous consent that the debate extend for not to exceed 30 minutes—I do not want to have a quorum call. That may chew up 30 minutes or longer—that no motions or action of any kind be in order during that 30 minutes, and that at the conclusion of the 30 minutes, this matter be set aside until next Tuesday at 12 o'clock noon, and that the Senate resume consideration of the energy and water appropriation bill.

The PRESIDING OFFICER. Is there objection?

Mr. ARMSTRONG. Yes, Mr. President. Reserving the right to object, it is the last part of the leader's unanimous consent request that gives me concern. I would suggest that, if he would be willing to propound the first part, that is to say 30 minutes or even 20 minutes further debate be issued, that we could proceed with that and then take under consideration his request about delay it all over until Tuesday and so on.

Mr. BYRD. Very well. Mr. President, I ask unanimous consent that there be 20 minutes equally divided for debate on the pending matter and that no actions or motions of any kind be in order during that 20 minutes and that at the conclusion of the 20 minutes I be recognized.

The PRESIDING OFFICER. Is there objection? Is there objection? Without objection, it is so ordered.

Mr. GRAMM. Will the distinguished Senator from Colorado yield me 2 minutes?

The PRESIDING OFFICER (Mr. GRAHAM). Who yields time? The Senator from Colorado?

Mr. ARMSTRONG. Mr. President, under the unanimous consent, have I been given time on this side?

The PRESIDING OFFICER. The time is allocated to the Senator from Colorado and the Senator from California equally divided. The Senator from Colorado has 10 minutes.

Mr. ARMSTRONG. Mr. President, it is very evident to me that somebody better try to clear this thing up and put it in perspective. I cannot imagine who can do that more ably than the Senator from Texas, to whom I yield such time as he may consume up to 5 minutes.

Mr. GRAMM. I thank the distinguished Senator from Colorado for yielding and for his great confidence.

I think it is important that people recognize that what has happened here is that an effort has been made to override the Budget Act which this very Senate set in place to control deficit spending.

The bill that is before us is a budget buster. It had a 311 budget point of order, which converted into English means that the passage of this bill would raise the deficit in fiscal year 1988. It would raise spending above the level that Congress set out in its own budget.

This Senate, very much to its credit, rejected that motion and did so by a fairly healthy margin. In fact, the distinguished majority leader talks about bringing people back to vote to waive the Budget Act. There are three people who were not here who I am relatively confident would have voted to sustain the Budget Act.

I think it is vitally important that we recognize that what is taking place here is that we have had a debate on the No. 1 issue in America. We have had a debate dealing with the deficit and dealing with it more directly than the so-called summit, which is meeting at this very moment to address this problem.

We had a vote on whether to waive the Budget Act to raise the deficit of the Federal Government. That effort to waive the Budget Act was voted down. We now find ourselves in a situation where those who want to raise the deficit, those who want to violate the very budget that this Senate adopted, those who want to waive the provisions of the Gramm-Rudman-Hollings Act which was adopted in this very body overwhelmingly, have been defeated. Now they are trying to figure out some parliamentary move that will allow them to muster political support to try to waive the Budget Act and to raise the deficit.

What a great paradox, Mr. President, that this is going on at the time when deficit reduction is on every lip, when there are so many born again fiscal conservatives who because of problems on Wall Street and Main Street find themselves now concerned about the deficit. What a great paradox it is that when it came to put your vote where your mouth is that we have so many who still want to raise the deficit, who want to spend more money, who want to buy more votes.

That is the issue that we have addressed here.

Up to this point, the required number of Senators have rejected that. To this point, the required number of Senators have said, "We will not waive the Budget Act and raise the deficit and imperil the recovery that has brought jobs, hope, and opportunity to our people."

Now the question is, What parliamentary maneuver can induce those people to change their vote?

I am hopeful that this will not be successful. I do not understand why the Chair does not simply rule on the point of order, which clearly would strike down this bill which raises the deficit. It would strike down this bill which violates the budget that we adopted, and which violates the Budget Act that we adopted.

I thank the distinguished Senator from Colorado for yielding. I hope people understand the issue here. The issue is, Who is for real and who is phony on the budget deficit issue? Those who are for real on the issue voted not to waive the Budget Act. That is the issue. I hope those votes do not change. I think it is important to the economic future of America. It is important to millions of people who have jobs, who do not want to lose them, and people who want jobs who do not have them, that the spending train is stopped and the siren song that lures us ever forward is resisted. We must maintain our position that we do not waive the budget point of order.

Who can be serious about the deficit and vote to waive the first budget point of order we have had since the stock market collapsed?

I suspect no one can.

I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from California.

Mr. BYRD. Will the Senator yield to me?

Mr. CRANSTON. I yield.

The PRESIDING OFFICER. The majority leader.

Mr. CRANSTON. Mr. President, the Senate has really been put into an impossible and absurd situation by the vote that we just had on the point of order. Use of a section 311 point of order puts us in an impossible situation on virtually every piece of legislation that comes before this body under present circumstances, if anybody chooses to make this kind of a point of order.

Any bill that results in only $1 of outlay, should it be $1 of outlay of any sort, would at this particular time be subject to this point of order when it comes before the Senate.

That has been the case of the past month or so, but no one has been foolish enough to make that point of order on previous bills. It is now made by Senators who oppose any Federal role in housing.

Let me make it clear once again that this housing bill does not exceed the budget. It does not exceed the budget for programs in this bill. In fact, this housing bill has authorizations that are substantially below the budget assumptions—below the budget assumptions—for the programs in it.

The bill is below a freeze by $600 million. The conference report is well below the level as it passed the Senate earlier this year. We have come down from those figures. This conference report is actually below the level that has been expected from appropriations. The conferees went to these lower funding levels knowing that adoption of this conference report would result in lower appropriations than would otherwise occur.

Mr. SARBANES. Will the Senator yield on that point?

Mr. CRANSTON. Yes.

Mr. SARBANES. In fact, this conference report is below the amount that was in the House bill as well as below the amount that was in the Senate bill when we went to conference. Is that not correct?

Mr. CRANSTON. That is correct. It is lower than both bodies approved.

Mr. SARBANES. So it is important for Members to understand that the figure in the conference report that was brought back is less than the figure that was in either bill when we went to conference. There was a concerted effort on the part of the conferees to bring this figure down. It is well within the budget assumptions that were given when this legislation was considered for enactment.

Mr. CRANSTON. That is right. We are actually almost $1 billion below the House-passed figure.

Mr. SARBANES. The only reason the point of order lies is because of the technicality. The budget process assumes a reconciliation measure, which has not yet been achieved. Until that is achieved, any appropriation would be subject to a point of order, no matter how small, as I understand it.

Mr. CRANSTON. That is correct. One dollar could cause this kind of a problem.

Mr. SARBANES. What is happening here obviously can mess up the works, so to speak, but in terms of the substance it, in fact, is not there. This is an effort to stay well below and well within the budget guidelines that were provided for these programs. In fact, the conference report has done exactly that. In fact, the conference report has done a better job of it than either the House or the Senate did at the time they passed the bill.

Mr. CRANSTON. That is correct. The point is that the budget problem is not created by this bill. The problem is created by other circumstances. The situation revolves around the fact that the current section 311 problem is created by timing and by the technicalities of budget scoring. First, we do not have the reconciliation bill on the books along with its savings. Second, the technicians have scored the continuing resolution as if it extended for the full fiscal year, even though that is not the case, even though the fact is it extends only through December 16. Therefore, for this temporary period the technical budget scoring shows outlay numbers higher than the budget totals. But this bill does not have a figure higher than the budget totals. It is below.

The fact is that the housing budget authorizations have been cut by more than 70 percent from levels funded in the late 1970's—a 70-percent cut since the Reagan administration took office. These cuts have been more severe than those for any other segment of the budget. They have come at a time when we face critical shortages in low-income housing, increases in our elderly population, and increased homelessness in many areas of our country. But for a technicality all programs that can give any help on these and other problems would be halted by this action taken by some Senators today.

The fact is that the programs which still survive despite the cuts of the last 7 years and which we authorize in this bill provide for a range of necessary services such as modernizing public housing projects, providing rental assistance to very low-income families, providing direct loans to build elderly housing, preserving the existing housing stock, supporting economic development in distressed areas, and helping small businesses continue to operate in communities with high crime rates. Perhaps some Senators believe that these programs are not needed in their States. The fact is, however, that in State after State, city after city, town after town, rural area after rural area, these programs are desperately needed to grapple with the housing situation that the private sector and the State and local governments can only solve with some Federal help.

Mr. President, I submit that this is a prudent, responsible fiscal measure. For too long Federal housing programs have been on the defensive. We have seen the clear result of what 7 years of ideological fervor can do—right wing, extremist ideological fervor. It is time to put this Congress squarely on the record in support of programs which address the low- and moderate-income housing and community development needs of the Nation.

Let me specify the elements in this bill that make it vulnerable to this point of order. They are small, but they are very important to some communities:

First, $10 million in land distribution proceeds is involved. This permits a few cities to reuse funds that result from increases in the value of land purchased under the urban renewal program. The very same consideration was given several years ago to Denver, CO, of all places, with the support of the Senators from that State.

Second, $7 million for special pool funds simply would live up to written commitments made by the Federal Government to certain States to help retain lower income housing.

Third, $30 million is included to increase the administrative fees for honoring vouchers and certificates. These are needed to make these programs workable. This administration wants to rely on vouchers alone. This bill simply permits vouchers to work in communities across the country. The bill tries to be responsible on these items and thus exposes us to this point of order.

The total amount involved in these three items is $47 million in a measure calling for $15 billion in expenditures, again a figure well below what either the House or Senate passed and below a freeze, one of the matters being discussed in the summit conference. Obviously, this has nothing to do with our effort to reduce the deficit, and I urge Senators to reconsider and to help us pass this conference report when it comes to a vote.

The **PRESIDING OFFICER.** The time of the Senator has expired. The majority leader.

Mr. BYRD. Mr. President, I ask unanimous consent that I may proceed for 5 minutes.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. BYRD. Mr. President, this motion to reconsider is not debatable under the present circumstances. Just for those who read and run, this is why I have asked consent to have 5 minutes. It is my hope that we can put this measure over until Tuesday and allow absentees to return, and in the meantime get on with the energy-water appropriation bill.

I also wish to address my remarks to those who have wondered out loud why the Chair has not ruled on the point of order. Let me explain that although the Chair is required to immediately rule on the point of order, any Senator is entitled first to seek recognition for the purpose of making a parliamentary inquiry or asking unanimous consent in respect to some matter. Of course, in my judgment, the motion to adjourn takes precedence over the Chair's making a ruling on the point of order. Furthermore, the Chair normally would recognize a Senator before ruling on the point if he wishes to make a unanimous-consent request. If the Senator is recognized and makes a unanimous-consent request, a reservation of objection is in order, but it is not debatable. It is debatable only at the sufferance of the Chair or at the sufferance of other Senators. If they ask for the regular order, then the Senator who reserves the right to object must either object or not object, whichever.

Before the Chair ruled, I sought and received recognition and made unanimous-consent requests which were granted. Hence, the Chair has had no opportunity to rule on any point of order.

So the Chair acted properly under the circumstances and I wish the record to so show.

The **PRESIDING OFFICER.** The Senator has 1 minute and 52 seconds remaining. The Senator from Colorado has 4 minutes and 58 seconds under his control.

Mr. CONRAD addressed the Chair.

The **PRESIDING OFFICER.** The Senator from North Dakota. Does the majority leader yield?

Mr. BYRD. Mr. President, what is the time situation?

The **PRESIDING OFFICER.** The Senator now has 1 minute 16 seconds.

Mr. BYRD. Is some time remaining out of the earlier 20 minutes?

The **PRESIDING OFFICER.** The Senator from California's time has expired. The Senator from Colorado has 4 minutes 58 seconds.

Mr. BYRD. In which event the majority leader is to be recognized at the conclusion of that time.

The PRESIDING OFFICER. That is correct. At the conclusion of the 20 minutes equally divided the majority leader will be recognized.

Mr. BYRD. Mr. President, I have 5 minutes under the order of this morning reserved. I take that 5 minutes now.

The PRESIDING OFFICER. The majority leader may proceed.

Mr. BYRD. I yield to the distinguished Senator only for the purpose of a question or statement if the Chair will protect my rights to the floor.

The PRESIDING OFFICER. The Chair will protect the majority leader's rights.

The majority leader has yielded to the Senator from North Dakota for the purposes of a statement or question.

Mr. CONRAD. I would like to make a brief statement, Mr. President.

We have heard a lot of rhetoric on the floor here today about one vote being the litmus test of whether someone is in favor of controlling the deficit or is opposed. I reject that. I am solidly committed to deficit reduction but it seems to me the test of whether or not people are in favor or opposed to the deficit reduction is not the vote on one measure. The question is a package that each and every Senator here be committed to supporting for real deficit reduction. Every Senator here has a different set of priorities. Some might favor reducing the military budget in order to achieve deficit reduction, some might favor revenue, and some might favor a full package.

The question is whether Senators singly and in totality are willing to take the steps necessary to achieve the budget-deficit reduction. One vote does not tell the story. I think it is important that we make that point. One vote does not tell the story on whether a Senator is committed to deficit reduction or not. It is the total plan, and it is not the total package that is the test.

I yield the floor.

Mr. CRANSTON. Would the Senator yield?

The PRESIDING OFFICER. The majority leader has the floor. The majority leader yielded to the Senator from North Dakota.

Mr. BYRD. Mr. President, I yield to the majority whip.

Mr. CRANSTON. I simply want to thank the Senator for his very lucid explanation of the situation we face. This is a technical matter. It has nothing to do with the views of Senators on the overall effort to deal with the budget deficit which we are committed to doing. This is a technical problem. It is ridiculous that the Senate has been put into this position.

The PRESIDING OFFICER. The majority leader has 3 minutes and 29 seconds remaining.

Mr. BYRD. Mr. President, I yield to the distinguished Republican leader without losing my right to the floor.

The PRESIDING OFFICER. Without objection, the Senator yielded to the Republican leader.

Mr. DOLE. Mr. President, we have been trying on this side to determine if we can sort of set everything aside and conclude like it is. Nobody's rights were impaired. I am not certain. I will tell the majority leader maybe we will do that, but I am advised by the distinguished manager on this side—the manager of the bill, Senator McClure, and also Senator Hatch, that they feel that the remaining amendments will be disposed of in fairly short order. So maybe it still will not slow down the process, because as I have indicated, if we lose a day today, it is just one more day in December that somebody is going to have to be around this place.

So I would hope that if we can get an agreement to setting aside, go ahead and take up energy and water, dispose of some of the amendments, but of course, if there is an objection that cannot be done.

But I would also just conclude in the record again, because I am not fully in agreement with the Chair, that under points of order the Chair rules. When a point of order is made the Chair must rule thereupon, unless he submits the question to the Senate for decision. That has not been done. Then it says "precedence" at the bottom of that page.

> A point of order which has been submitted to the Senate would take precedence over a motion to refer a bill to a committee but a motion to recess or adjourn would be in order.

I would indicate to the Chair that a point of order has to be submitted to the Senate which is not the case here. It would seem to me what ought to happen ought to be a ruling, and in any event, I want the record to show that as I read that, it seems fairly plain. It says when a point of order is made, the Chair "must"—it does not say "may," but "must" rule thereon. Maybe there is additional precedent that I failed to discover.

The PRESIDING OFFICER. The Chair will respond.

Under the Senate procedures a quorum being present, the Senate has a right to take a recess as often and for as long a time as it may see fit within a 3-day constitutional limitation. The motions to recess take precedence over motions to proceed to consider, consideration of conference report, motions for an executive session, and motions to lay on the table since the motion to recess is not subject to a motion to lay on the table.

Mr. DOLE. I would indicate there is no reference to a point of order in that section which I just read. If the Chair could advise me where he sees the words "points of order" then I could put that.

The PRESIDING OFFICER. The statement that I was reading was from page 875.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. I hope this will perhaps help the Chair. I think references have been made from the book "Senate Procedure." The Senate rule itself—from which all blessings flow except the Constitution of the United States—says rule XXII,

> 1. When a question is pending, no motion shall be received but—
>
> To adjourn.
>
> To adjourn to a day certain.
>
> To take a recess.

Which gives the motion to adjourn or motion to recess the highest status, and such motions are not debatable. If the motion is entered to adjourn or to recess, there is nothing the Senate can do except have a quorum call, and act on those motions.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. I respectfully suggest there is not a question pending. I would refer to rule XX. "A question of order may be raised at any stage of the proceedings, except when the Senate is voting or ascertaining the presence of a quorum, and unless submitted to the Senate, shall be decided by the Presiding Officer without debate, subject to an appeal of the Senate." Rule XX. So I think we have a different interpretation. It just seems to me so clear that a point of order must be ruled on, but in any event, that has now been corrected because the majority leader's motion to reconsider, as I understand, the motion to recess would take precedence. But in any event, if the distinguished majority leader would now entertain or put the unanimous-consent request, we could ascertain whether or not there would be an objection.

Mr. BYRD. Mr. President, I ask unanimous consent that I may proceed for 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROPOSED UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD. Mr. President, it is important that we get on with the energy water appropriations bill. The Senate has acted on 9 of the 10 appropriations bills that have been sent over by the House of Representatives. The tenth bill is the energy water appropriation bill. There are other important matters that need to be disposed of before the Senate adjourns sine die—one, being farm credit; two, being reconciliation; three, being the appropriations bills, and conference reports, and four, being the reconciliation measure. So the Senate needs to utilize its remaining time to the very best advantage.

I, therefore, ask unanimous consent that this pending matter be set aside, retain its status quo, until Tuesday next at 12 noon.

Provided, further, that the Senate then resume consideration of the energy and water appropriation bill.

The PRESIDING OFFICER. Is there objection?

Mr. GARN. Mr President, reserving the right to object, and I do intend to object, the energy and water bill has been going on for some time, and I observe that the delay has come from two Senators on that side of the aisle, which is entirely their right. Sometimes it is on our side; sometimes it is on that side. But the problem with getting the energy and water bill in this particular case is not on this side of the aisle.

We are prepared to go ahead and close off all amendments today and finish it. It is because of the unanimous-consent agreement on that side of the aisle that it is deferred until next Wednesday.

On this particular bill, again, I say that sometimes the delay comes from this side, sometimes from that side, but we are not the ones delaying.

I worked very hard last night to speed up the process, to get the time agreement on the housing bill, which I succeeded in doing, with some great reluctance on this side of the aisle. It appeared that we would be through by noon. The only thing that has taken place is that we won, and therefore we are stopping that bill. We are perfectly content. We won. Let us go ahead. But that is being delayed and put over in order to give realtors, mortgage bankers, and builders time to do their work over the weekend. I understand that process, too. I have been on the other side of that, stirring up opposition.

I think we should complete our work on the housing bill. For these reasons, I object.

The PRESIDING OFFICER. Objection has been noted. The unanimous-consent request is not agreed to.

Mr. BYRD. Mr. President, I do not want to bring the Senate in on Monday. I do want the Senate to have Wednesday of Thanksgiving week out. I hope Senators will do everything they possibly can to expedite the overall business of the Senate, because, as the distinguished Republican leader has just said, every day of delay now is like—it reminds me of the school system in Fairfax. You take a day off for snow and make it up in the spring.

So I hope we do not have to make up days as we approach the Yuletide.

Mr. President, I ask unanimous consent that this pending matter be set aside, status quo, until the hour of 12 noon on Tuesday next.

The PRESIDING OFFICER. Is there objection?

Mr. GRAMM. Mr. President, reserving the right to object, I say to the majority leader that we still have 4 minutes left. I have not had an opportunity to respond to a couple of comments that have been made. I do not object to the unanimous-consent request that the majority leader has propounded. Before we shut business down, though, I would like to have an opportunity to use the remaining 4 minutes, since I am swollen up with a statement of roughly that length.

Mr. BYRD. Mr. President, I withdraw my request for the moment, and I ask to be recognized at the conclusion—I think that is already entered as an order.

The PRESIDING OFFICER. Under the previous unanimous-consent agreement, the Senator from Colorado has under his control 4 minutes and 58 seconds. The Senator from Colorado.

Mr. ARMSTRONG. Mr. President, I would like to yield 4 minutes and 30 seconds to my colleague from Texas for the statement which I am sure will turn the tide of opinion on this matter.

Mr. GRAMM. Mr. President, I thank the distinguished Senator for yielding.

The tide of opinion has already been turned on this matter. It is the effort to turn the tide back that we are addressing here.

I am struck, however, by the comments of the distinguished Senator from North Dakota and the distinguished Senator from California. We just had a vote on whether to waive the Budget Act. This was not just any waiver. It was the most important waiver in the Budget Act, where it is required that you get 60 votes to waive the Budget Act to raise the budget deficit on this particular bill—in this case, by $47 million.

The distinguished Senator from North Dakota and the distinguished Senator from California voted to waive the Budget Act and therefore to raise the deficit by $47 million. We now hear them protest, and their protest is an interesting protest.

They say: "We are just spending money. What does that have to do with the deficit? All we want to do is spend money, and we got these guys on the other side of the aisle who are pointing the finger at us—not directly, but at the bill itself—saying we are raising the deficit."

The protest is as if spending money has nothing to do with the deficit problem. Well, we know that it has everything to do with the deficit problem.

I am sure that on another day, on another issue, in some other time, another era, they would both be highly counted on the side of those who would reduce the deficit. Perhaps they voted against this because reducing the deficit by $47 million was not enough. Certainly I would never question anybody's motive. But the point is that this is not another time; this is not another issue. The issue today was a yea or nay kind of issue, and it was, Do you want to raise the deficit by $47 million, or do you not want to raise the deficit by $47 million?

I am sure the distinguished Senator from North Dakota and the distinguished Senator from California just want to spend money. They would prefer that the money not raise the deficit. What a wonderful world it would be if we could spend money and never have the bill come due. Wouldn't it be wonderful to have a magic credit card that would allow you to go out and charge, but nobody sends you the bill? We almost have it in Congress. We spend the money; we create constituencies; they vote for us; and then send the bill to the people pulling the wagon, while we load up the wagon.

I have no doubt that on other issues, other days, other amounts of money, both these Senators would be counted among the number who would reduce this deficit. But the point is that today they cast a yes vote to: Do you want to waive the Budget Act to raise the deficit by $47 million? Today, they were counted among the number who wanted to raise the deficit by $47 million. I am happy to be counted among the number that did not.

I am happy that this effort to pillage the public purse as defeated for the time being. We are obviously going to come back on Tuesday and vote on it again. I am sure that there will be many voices heard in the interim. I am equally sure that one voice will not be adequately heard, and that is the voice of the people back home who are working hard, who are planning their budget every day, who manage to deal with problems they face by setting priorities, something we never do.

So, from this day forward, people can say, "I am against deficits." But we had an opportunity to vote yea or nay on raising the deficit by $47 million. We will have that opportunity again on Tuesday. I hope there will not be people who were against raising the deficit today who will decide on Tuesday that it is a great idea. But let us not be confused. You cannot separate spending money from raising the deficit, and that is what this issue is all about.

The PRESIDING OFFICER. The Senator has used the time yielded and has yielded the floor.

The Senator from Colorado has 22 seconds.

Mr. ARMSTRONG. Mr. President, I wonder if I could ask unanimous consent to proceed for 1 minute.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. ARMSTRONG. Mr. President, I have made a motion against the bill under section 311. The Senator from California has characterized this as inappropriate, nitpicking, and a technical matter, but it is not, for all the reasons the Senator from Texas has stated.

I could have made a valid point of order under section 302(f) because the conference report provides outlays in excess of allocations adopted under section 302(b). I did not make that point of order because I am not trying to make every point of order. I am trying to make just one, so that we can frame the issue.

But any notion this is frivolous or somehow a tiny detail in the greater scheme of things is simply not borne out by the facts.

Mr. President, I could also have made a point of order which I believe to be valid under section 402 because the conference report provides new credit authority not limited by new appropriations. You can adopt all appropriations bills from now to China and that does not change those facts.

Mr. President, this is not a small matter. It is a basic matter of philosophy and government. It is a matter of are we ready to draw the line and do something about the deficit.

That is the way we voted today. When we vote to reconsider, whether we vote today, tonight, tomorrow, Saturday, Sunday, Monday, or Tuesday, when we get to it, are we ready to stand up and be counted on the budget deficit?

The PRESIDING OFFICER. The Senator's time has expired.

Under the previous unanimous-consent agreement the majority leader is now recognized.

Mr. BYRD. Mr. President, I ask unanimous consent that I may proceed for 5 minutes for purposes of yielding.

The PRESIDING OFFICER. Without objection, it is so ordered.

The majority leader.

Mr. BYRD. I yield to the distinguished assistant leader.

Mr. CRANSTON. Mr. President, I once again would like to respond briefly to the statements that have just now been made.

The problem that has tangled up the Senate and has created the problem that the budget totals now happen to be over the ceiling by $5.4 billion is not as a result of ths bill which was reducing expenditures for housing, but by other actions.

The problem is created because the reconciliation bill has not been scored yet. If it were, when it is, the total outlays will be reduced by $11 billion and when that happens, the problem will no longer exist. We would not then be overbudget. We would not then be increasing the deficit, which is changed by $47 million. The fact is that we are not increasing the deficit by $47 million, when everything is added up.

Mr. CONRAD. Mr. President, will the majority leader yield?

Mr. BYRD. I yield without losing my right to the floor.

The PRESIDING OFFICER. The majority leader yields to the Senator from North Dakota.

Mr. CONRAD. Mr. President, somehow, the Budget Act, it seems to me, has so befuddled this body that we have lost track of what real deficit reduction is all about.

The Senator from Texas keeps talking about this waiver being the determinant on deficit reduction. That assumes that the plan that we are working under provides deficit reduction. It does not. The plan that we are working on supposedly provides $23 billion of deficit reduction. You read it in the paper every day. But it does not provide deficit reduction on a year-to-year basis, and that is exactly what is wrong with it.

The real test of deficit reduction is whether or not we could come up with a plan jointly that would reduce this deficit on a year-to-year basis. The fact is that the $23 billion that gets talked about all of the time and on the floor reduces it off of a projection. It does not reduce the deficit on a year-to-year basis.

If we want to stand up and talk about all the good things we have done about deficit reduction, why do we not stand up here and come forward with a plan that provides real year-to-year deficit reduction? That would be the test.

Let us have an overall plan to cut spending that raises revenue, that does all of the things necessary to provide real year-to-year deficit reduction. Then we can move shoulder to shoulder and get done what this country requires, a fiscal plan that makes sense.

Mr. GRAMM. Mr. President, will the majority leader yield me 30 seconds?

The PRESIDING OFFICER. The majority leader controls the time. He has 3 minutes and 10 seconds.

Mr. BYRD. I yield 30 seconds.

The PRESIDING OFFICER. The majority leader yields 30 seconds.

Mr. GRAMM. Mr. President, the statement by the Senator from North Dakota reminds me of my grandmother's favorite poem. True worth is being, not seeming, in doing each day that goes by some little good, not in dreaming of great things to do by and by.

Today we had a vote on $47 million of deficit spending. Today we had an opportunity to do something about the deficit. Some took it. Some did not.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. How much time remains?

The PRESIDING OFFICER. One minute 29 seconds.

Mr. ARMSTRONG. Mr. President, will the Senator yield?

Mr. BYRD. I yield 1 minute.

Mr. ARMSTRONG. Mr. President, I would like to be sure there is not any lingering confusion. The point of order under section 311 relates to the direct spending of $47 million. There are other points of order which could be made against this bill, points of order which I have reason to believe validly lie against the bill.

So to dismiss them as nit-picking or something that can be cured later by a possible passage of a reconciliation bill, I really think is not framing the issue in its true perspective. That is not to say that Senators may not be able to rationalize the vote to waive. That happens from time to time. The question is whether or not given the present situation, the present level of deficits, the efforts which some have characterized as desperate efforts on the part of our senior leaders and the representatives of the White House, to find a way out of this budget dilemma, whether or not this is the moment to do so, whether the cause here is so urgent that it overrides what would seem to be a very important desire on the part of the Senate and the public to somehow get this budget under control, I do not think so, but this is not about $47 million; it is about $19 billion, which is the amount in the bill.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BYRD. Mr. President, if this matter is put over to Tuesday next, it does carry with it that part of the order which provides for the disposition of Senate Joint Resolution 219, the extension of FHA?

The PRESIDING OFFICER. That is correct.

Mr. BYRD. Mr. President, I ask unanimous consent that the pending matter be put over until Tuesday next at 2 p.m., that it retain its status quo in the meantime.

Mr. ARMSTRONG. Mr. President, reserving the right to object, does the leader's request include the FHA extender?

Mr. BYRD. That would be automatically put over and would follow as it appears in the order previously entered.

Mr. ARMSTRONG. So that the effect of granting the leader's request would be to put this bill and the FHA extender which follows it over until Tuesday?

Mr. BYRD. It would.

Mr. ARMSTRONG. If I could just ask the leader, is he aware the FHA

Program is going to expire between now and Tuesday?

Mr. BYRD. I would like to handle this whole thing today, if I could.

Mr. ARMSTRONG. So would we. Let us go ahead and clean it up today. It is a good day for it.

Mr. CRANSTON. We would like to proceed with the FHA extender right now if that is the Senator's wish.

Mr. ARMSTRONG. I have no problem about that.

Bear in mind, I would not be willing to agree to that if we are talking about extending to December 16. I was not willing to agree to extend it to December 16 in the first place. I am prepared to agree to and take up by unanimous consent and pass in about 60 seconds a permanent extension of FHA.

I think the notion of holding the FHA Loan Program hostage to the housing bill is really off the mark.

I tried to make that point a few days ago, when along with others, I offered an amendment which would make it a permanent program. No, they said, we have to extend it a brief time so we can get the housing bill before us, get it done by what day it was. Now we are back again, and it is getting ready to languish again.

The PRESIDING OFFICER. The ruling is on the unanimous consent stated by the majority leader. Is there objection to that request?

Mr. ARMSTRONG. Mr. President, as presently stated, I would object, but it is clear that I am negotiable to work something out so it does not have to lapse.

Mr. BYRD. I do not want to impose on the Senate by retaining the floor longer. I ask unanimous consent I may proceed to hold the floor for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Five additional minutes to the majority leader.

Mr. BYRD. Mr. President, I yield to the distinguished Senator.

The PRESIDING OFFICER. The majority leader yields to the Senator from California.

Mr. CRANSTON. We would like to keep the FHA from being knocked out once again, which creates havoc with people who need homes, havoc for those who build homes, those who are the entrepreneurs and those who work in the building trades.

If we could pass a short extender now to December 16, that would prevent that happening. It happened a couple of weeks ago because of the actions of Senators from Colorado, Texas, and others. It would be nice to avoid it. If we could get a short extender through the House when they come back, which would be Monday, it expires on Sunday, so what has already happened is causing FHA to be knocked out on Monday. We are prepared to pass something that will pass the House swiftly, which would be an extender to December 16.

Mr. ARMSTRONG. Too long.

Mr. CRANSTON. The time that the present authorization of the continuing resolution will come to a head. The House will not accept a permanent extension. There is no point to go into that. So we should do a short one now or do nothing. I suspect, given the attitude of the minority in this body, we will do nothing.

Mr. ARMSTRONG. Will the Senator from California yield?

The PRESIDING OFFICER. The Senator from California does not have the floor. The majority leader has the floor. He yields to the Senator from Colorado.

Mr. ARMSTRONG. Mr. President, it is really important in this body that we deal with each other in a friendly manner. I really hope that the Senator from California will be more careful about how he characterizes the minority in this body. It is unfair. It is not borne out by the facts that there has been some delay on the FHA extender now or at any time that I can recall as a result of the minority.

It is the position of the minority, so far as I know, unanimously—now, there might be some dissent—that this program ought to be made permanent. And I do not think the Senator from California can point to a single instance—certainly not during the time I have been interested in this—when we have delayed this.

We are not delaying action on the FHA extender now. But I think it is important, even though circumstances which have already occurred evidently are going to cause this bill to lapse on Sunday, I think it is important for us to work something out.

So I would ask the Senator from California if he would be willing to take, say, a unanimous consent that we could put together to take up the FHA bill, pass it not to December 16 but to some day next week, say, a week from today, so that we would not let it lapse and yet it would come back before us in the same context as the housing bill. So that one way or the other we are either going to pass the housing bill or we are not and we are either going to act on the permanent FHA extender—which I know is a goal of the Senator from California—either as part of the housing bill or on its own merits.

I would be willing to extend it to a week from today or Monday so there would not be an undue lapse.

Mr. CRANSTON. Let us go for a date shorter than December 16. What about November 30? That would give us a little bit of a maneuver so people do not have to be on edge about whether it is going to be halted again.

Mr. GRAMM. What day of the week is that?

Mr. CRANSTON. That is a Monday.

Mr. ARMSTRONG. Is that Monday following Thanksgiving?

Mr. CRANSTON. Yes.

Mr. ARMSTRONG. Mr. President, that is not very appealing because the reality of it is we are probably going to get Thanksgiving Day off.

Mr. CRANSTON. How about December 2?

Mr. ARMSTRONG. How about the Monday before Thanksgiving, instead of the Monday following? That way it will be something we have to clean up before we get out of here.

Mr. BYRD. The Senate will be in on Monday before Thanksgiving. The Senate will be in on Monday and Tuesday of Thanksgiving week.

Mr. CRANSTON. Let us make it Tuesday before Thanksgiving.

Mr. ARMSTRONG. Mr. President, that seems to meet with the general approval on our side. So we need to frame the consent agreement more formally, but, in essence, what we are suggesting is that we take up the bill without amendment by unanimous consent, but certainly at a date which can be Tuesday before Thanksgiving.

Mr. CRANSTON. Right.

The PRESIDING OFFICER. The majority leader has 21 seconds remaining.

AUTHORIZING TESTIMONY BY A SENATE INVESTIGATOR

Mr. BYRD. Mr. President, while the principals are preparing the necessary legislation, I ask that I may send to the desk a resolution on behalf of myself and Mr. DOLE which provides for testimony to be given in a court matter. I ask the Senate immediately proceed to the consideration of the resolution.

The PRESIDING OFFICER (Mr. CONRAD). Is there objection? Without objection, it is so ordered. The clerk will report the resolution.

The bill clerk read as follows:

A resolution (S. Res. 320) to authorize testimony by a Senate investigator in the case of *United States v. Antonio Fernandez, et al.*

The Senate proceeded to consider the resolution.

Mr. BYRD. Mr. President, during 1982–84, the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs conducted inquiries into allegations of organized crime influence in the operations of the Hotel Employees and Restaurant Employees International Union. During the 99th Congress, the Senate agreed to S. Res. 128 to authorize the subcommittee to provide to the Department of Justice records from its investigation.

One of the documents provided under that authority was a memorandum of an interview that David Faulkner, a subcommittee investigator, conducted with a union local president named Antonio Fernandez. Mr. Fernandez is now facing trial in the Southern District of Florida on criminal charges, and the Justice Department has requested that Mr. Faulkner testify at the trial concerning his interview.

This resolution would authorize testimony about the interview of Mr. Fernandez but would not authorize testimony concerning any other aspects of the subcommittee's investigation.

The PRESIDING OFFICER. Is there further debate on the resolution? If not, the question is on agreeing to the resolution.

The resolution (S. Res. 320) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 320

Whereas, in the case of *United States v. Antonio Fernandez, et al.*, No. 87-217-Cr-NESBITT, pending in the United States District Court for the Southern District of Florida, David Faulkner, a former Senate employee and current consultant with the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, has been requested to testify by the United States;

Whereas, under the authority of Senate Resolution 128 in the Ninety-Ninth Congress, the Permanent Subcommittee on Investigations provided to the Department of Justice a memorandum dated April 21, 1983 documenting an interview with Antonio Fernandez, one of the defendants;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that testimony by present or former Senate employees may be needed in any court for the promotion of justice, the Senate will act to promote the ends of justice in a manner consistent with the privileges and rights of the Senate: Now, therefore be it

Resolved, That David Faulkner is authorized to testify in the case of *United States v. Antonio Fernandez, et al.*, concerning only the interview documented in the April 21, 1983 memorandum and concerning no other matters.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, I ask unanimous consent that I may have an additional 5 minutes.

The PRESIDING OFFICER. Without objection, an additional 5 minutes to the majority leader.

Mr. BYRD. Mr. President, I ask unanimous consent that I may yield the floor now for the purpose of dealing with the extension of the FHA and that the pending matter, namely, the vote on the motion to reconsider the conference report, retain its status quo and that I be immediately recognized with full protection of all of my rights in that regard immediately following the adoption of the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator will suspend one moment. We need to have quiet in the Chamber so that Senators can be heard.

Mr. BYRD. Has that request been granted?

The PRESIDING OFFICER. Yes; that was approved without objection.

Mr. ARMSTRONG. What have we just approved without objection? Senators on this side could not hear.

The PRESIDING OFFICER. The unanimous consent request that was made by the majority leader to proceed to the FHA extension.

Mr. BYRD. And that I be protected fully in my rights with reference to the conference report.

Mr. ARMSTRONG. To proceed to it at this time, and after that?

Mr. BYRD. That the status quo on the motion to reconsider the vote on the conference report remain what it is and that I be recognized again so that I have the floor.

Mr. ARMSTRONG. At that time we would make further decision as to where we go on the housing bill?

Mr. BYRD. Yes.

Mr. ARMSTRONG. I thank the Chair. I have no objection to that procedure.

Mr. CRANSTON. Unfortunately, it was not the approval of the conference report that we did by unanimous consent.

FHA EXTENSION

Mr. CRANSTON. Mr. President, I send to the desk a Senate joint resolution in accordance with the discussions we had on the floor and informal discussions since then. I understand it is now acceptable to extend FHA until December 2 of this year, and that is what this joint resolution will do.

The PRESIDING OFFICER. The clerk will report the resolution.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 220) to provide for the extension of certain programs relating to housing and community development, and for other purposes.

The Senate proceeded to consider the joint resolution.

The PRESIDING OFFICER. Is there further discussion?

Mr. ARMSTRONG. Is the joint resolution before us for debate?

The PRESIDING OFFICER. The joint resolution is open for debate.

Mr. ARMSTRONG. Under the unanimous-consent agreement, the joint resolution is not amendable?

The PRESIDING OFFICER. That is correct.

Mr. ARMSTRONG. I think this is a good resolution of the box we have gotten ourselves into. But let me say, Mr. President, I hope we are not going to have to do this very many more times.

Does the Chair know or can any Senator tell us how many times in the last couple of years we have let the program lapse? In other words, how many times has it actually gone out of business before it got extended? In this case, I guess it is going to die on Sunday, but we hope the House will act on it on Monday and if the President is in town he would sign it, presumably, on Monday so there would only be a short gap.

But how many times has this happened in recent years?

Mr. CRANSTON. If the Senator would yield, it happened 6 times last year, for a total of 51 days; it lapsed once this year, for a total of 2 days.

Mr. ARMSTRONG. The reason I raise this issue—and I hope it is one which all Senators would seriously contemplate—is that this works a tremendous hardship on people who are trying to acquire homes and who are in the business of buying and selling homes. A number of quite specific human tragedies have come to my attention, like the lady who had cancer and who was trying to sell her house in Colorado and, just as it got to the point of closing, the FHA closed down before she could complete the deal.

There is really no reason for this. The FHA program is not controversial. The only reason it has been extended on this basis is so that it could be used as a hostage to obtain the passage of other more controversial legislation.

So I wonder if we could have a general agreement—not a unanimous consent agreement, but just a general agreement—within this body that this is the last year that we are going to treat this in such a manner; that, one way or another, either as a part of the overall housing bill or as a freestanding measure or some way, we will enact a permanent extension of the FHA legislation this year.

I am wondering if the Senator from Utah and the Senator from California would be agreeable to stating that as our objective; that, win, lose, or draw on housing or other bills, before this session ends, some way we would get a permanent FHA extension enacted into law. Is that not the goal of the Senator from California?

Mr. CRANSTON. That is the goal of the Senator from California. I share with the Senator from Colorado his concern. And if the conference report had been adopted, or when it is adopted, we will then have, provided we do not get a veto that we cannot override, we will have permanent FHA status. We need that. We want that. We are determined to get that.

Mr. ARMSTRONG. Let me ask the question this way, because there is some lingering doubt as to what is going to happen to the housing bill:

Would the Senator agree that, when we have disposed of the housing bill one way or the other, either enact it into law, in which case the FHA extender would be included, whatever we do, even if we are not able to pass a housing bill this year, that some way we ought to get an FHA extender, either as a freestanding measure or tack it on to some other legislation or in some way get it before the President in a form he will sign a permanent extension so that we do not have those buyers and sellers and owners and acquirers out on a limb again next year as they have been the last couple of years? Would the Senator help us with that task one way or another before the year is over?

Mr. CRANSTON. Plainly, we have to resolve this matter but I do not wish to speculate that we cannot resolve it by passing a permanent housing bill. We need it. I believe we can get it. We will one way or another.

Mr. ARMSTRONG. Mr. President, the issue really is whether or not we are going to continue to hold the FHA program hostage to other purposes. There is a legitimate difference or opinion here whether the housing bill is good legislation, whether it is good for the future of the country. I do not think it is. The President does not think it is. I noticed this morning in large headlines in the Washington paper—I do not know how it played in Denver or Sacramento or any place else—in the Washington paper there was another account of President-bashing in the press. Once again, a number of people around here decided this would be a good day to open up their big guns on the President and complain of his lack of involvement in the budget process or his unwillingness to come to terms with the thing.

Mr. President, the President is not ambivalent about this. He has sent up not once but repeatedly a clear signal of how he feels about the housing legislation.

What I am trying to identify is, really, the futility and the inconvenience and, in some cases—they may be isolated—the actual human tragedy when we let this housing program get right up to the brink, over and over again.

Nobody can plan. I am not just talking about individuals, although that ought to be a prime concern of Senators of how individual people are affected in their everyday lives, but the disruptive effect it has on the housing market.

We have a stock market that is already in chaos. It seems to me the last thing we want to do is contribute to a chaotic situation in housing as well.

So I just hope that not only will we pass this brief extender, but that in addition, before the year is over, one way or another we are going to get a permanent extension of the FHA Program.

Mr. D'AMATO. Mr. President, as ranking member of the Senate Housing Subcommittee, I rise today to join with the chairman of the subcommittee, Senator CRANSTON, in support of legislation to extend the insuring authority of the Federal Housing Authority [FHA] of the U.S. Department of Housing and Urban Development. Under this legislation, the FHA mortgage insurance authority would be extended until December 2, 1987. Currently, under Public Law 99-122, the FHA authority to insure home mortgages expires on November 15, 1987.

Both the House and the Senate have passed housing reauthorization bills including provisions for the continuation of this insuring authority. The final conference bill has passed the House, but has not yet reached the President. Therefore, Senator CRANSTON and I are sponsoring legislation today that would allow the FHA to continue its operating authority for the numerous mortgage insurance programs through December 2, 1987. This will give the Senate and the President time to act on the housing bill.

Last year, the FHA insuring authority became a pawn in a larger battle between the House and Senate over a controversial reauthorization bill of all Federal housing programs. The Congress passed seven short-term extensions. However, during the course of congressional deliberations, the insuring authority was allowed to expire a shocking six times. FHA shut down its operation a total of 51 days. This caused confusion and frustration among many prospective home buyers. It threatened the housing plans of many low-, moderate-, and middle-income Americans. Furthermore, it destabilized the mortgage and housing financing system in our Nation.

This FHA extender will prevent the insuring authority from expiring on November 15, 1987, while the 1987 housing bill is still being addressed by the Senate and the President. The FHA will be able to operate in a smoother fashion through December 2, 1987, avoiding undue hardship to home buyers, mortgage lenders, homebuilders, and the many individuals involved in our Nation's housing industry and financing system.

Mr. President, FHA is one of the most successful partnerships ever created between the public and private sectors. During its illustrious 53-year history, FHA has assisted more than 15 million American families realize the dream of homeownership. Let us preserve the integrity of this vital Federal agency. I urge my colleagues to join us and to support this legislation.

Thank you, Mr. President.

The PRESIDING OFFICER. Is there further debate? If there be no further debate, the question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading, was read the third time and passed, as follows:

S.J. RES. 220

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That each provision of law amended by Public Law 100-154 is amended by striking "November 15, 1987" and inserting "December 2, 1987".

Mr. CRANSTON. I move to reconsider the vote by which the joint resolution was passed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1987—CONFERENCE REPORT

Mr. BYRD. Mr. President, I ask unanimous consent that further actions in respect to the conference report on the Housing and Community Development Act of 1987 go over until Tuesday next, to the hour of 2:30 p.m.

The PRESIDING OFFICER. Is there objection?

Mr. ARMSTRONG. Reserving the right to object, I would like to be sure we understand the import of this and then suggest to the leader that some time be allowed for debate prior to vote on the motion.

If I understand the parliamentary situation that will obtain if the leader's request is granted, it is that at the hour of 2:30 we would proceed immediately to a rollcall vote on the motion to reconsider. That all time would have then expired.

It would be my suggestion, Mr. President, that we simply eliminate the time limit, which is inherent in the earlier agreement, and permit that motion to reconsider to be freely debatable; and if it is agreed to, permit the subsequent motion; that is, if the reconsideration motion is agreed to, to also permit debate on the underlying motion to waive the budget. Would that be agreeable? It seems to me to come in and simply have a vote after 3 or 4 days—we ought to have some time to refocus our attention on the issues.

Mr. BYRD. Well, Mr. President, I do not want to belabor this point. I can do it without unanimous consent but I would rather not and I hope that Senators will not draw me and quarter me overlylong on this Friday afternoon. I have no problem with having some debate on the matter Tuesday.

Mr. ARMSTRONG. Mr. President, my desire is to accommodate the leader's wish to lay it over. I do not want to lay it over but I know he can lay it over whether I want him to or not. The only difference is that if he moves to adjourn, which he has the votes to do, that we preempt the Senator from Louisiana and his bill and I am not trying to gum up the works. I am making the suggestion that if we simply come in at 2:30 and this bill is laid down before us, under the existing order what would happen would be a rollcall and it seems to me that we ought to be able to debate the issue at that point because, by then, 4 or 5 days will have gone by, some things will have happened; somebody will have weighed in, Senators will have additional thoughts and we ought to have additional debate. I am not suggesting lengthy debate.

Mr. BYRD. How much time does the Senator suggest?

Mr. ARMSTRONG. An hour equally divided and the same on the underlying motion if reconsideration passes.

Mr. BYRD. If reconsideration is agreed to there be 1 hour on this motion.

Mr. President, I ask unanimous consent that the pending vote on the motion to reconsider the vote on adoption of the conference report be put over until Tuesday next at the hour of 3 o'clock p.m., that prior thereto there be 1 hour for debate on the motion to reconsider, which would begin at 2 p.m., and that if the motion to reconsider carries, that there be 1 hour for debate on the waiver motion, equally divided in accordance with the usual form in both instances.

Mr. ARMSTRONG. Mr. President, I thank the leader.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BYRD. I thank the Senator and I thank the Republican leader, and I thank all Senators.

ENERGY AND WATER DEVELOPMENT APPROPRIATION ACT, 1988

The Senate continued with the consideration of the bill (H.R. 2700).

Mr. BYRD. Now, Mr. President, I call attention to the fact that the matter before the Senate right now is the energy-water appropriation bill. Am I correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. The distinguished managers of the bill are here.

Mr. McCLURE. Would the distinguished majority leader yield?

Mr. BYRD. I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. McCLURE. The distinguished Senator from Oregon, Mr. HATFIELD, is the manager of the bill on this side of the aisle. I have been acting on his behalf with respect to the nuclear waste disposal portion of this bill. I am willing to work with the leadership in whatever way I can to assist in moving this forward, but I do want the record to be plain that it is Senator HATFIELD who is the manager of the bill on this side and whatever is done with respect to the process on this bill has to be after consultation with him.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, I think we are virtually ready to go. We have some amendments we can take. We have one or two which may require a rollcall vote, but I do not see why they would require Senator HATFIELD's presence. I think I know where he stands on those.

For example, there is the DeConcini amendment on the supercollider, which we would oppose in its present form, and I am sure Senator HATFIELD would as well. I would hope he would not ask for a rollcall vote. If he did, I would not think Senator HATFIELD would need to be present for that.

Mr. McCLURE. Would the Senator yield on that point? I would like the record to reflect the Senator from Idaho also opposes the DeConcini amendment.

Mr. JOHNSTON. I think certainly the Senator from Idaho also could well represent the position of the minority.

There is another amendment by Senator SHELBY which, actually, I would not oppose. I speak in favor of it, but I would think should require a rollcall vote; very little debate. But I think it would simply require a rollcall vote to get Senators on the record on it.

Mr. McCLURE. Would the Senator yield? With respect to that amendment my understanding is the Senator may be attempting to modify that amendment to make its application narrower.

Mr. JOHNSTON. Yes, and it is perfectly acceptable to me. As a matter of fact I am prepared to speak in favor of it.

Mr. McCLURE. I was prepared to speak in favor of the original amendment. I want to reserve judgment with respect to the application of the amendment that will more narrowly focus it.

Mr. JOHNSTON. But I think that matter really relates to the Senator from Idaho more than the Senator from Oregon. He would certainly be in a position to do that.

So, I would hope we could proceed. I being as sensitive as anybody in this body to the concern of the Senator from Oregon, and if there is a matter that the minority tells me he needs to be here for, we would certainly put that aside.

Mr. President, we are now ready to proceed. I do have an amendment or two.

Mr. BYRD. Mr. President, will the distinguished manager of the bill yield to me for 30 seconds while the Republican leader is on the floor?

Mr. JOHNSTON. Yes, I yield.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. BYRD. Mr. President, the Republican leader has asked me about nominations on the Executive Calendar.

Mr. President, we are ready to proceed on this side with regard to Calendar Order 218 and Calendar Order 418. The Republican leader asked me about those two items.

Mr. President, I ask unanimous consent that the Senate go into executive session to consider those two nominations en bloc, that they be considered en bloc, confirmed en bloc, that a motion to reconsider en bloc be laid on the table, that the President be immediately notified of the confirmation of the nominees, and that the Senate return to legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. I have no objection. I want to thank the distinguished majority leader for this accommodation.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

THE JUDICIARY

Royce C. Lamberth, of Virginia, to be United States District Judge for the District of Columbia.

DEPARTMENT OF DEFENSE

June Gibbs Brown, of Virginia, to be Inspector General, Department of Defense.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

ENERGY AND WATER DEVELOPMENT APPROPRIATION ACT, 1988

The Senate continued with the consideration of the bill (H.R. 2700).

The PRESIDING OFFICER. The Senator from Idaho.

Mr. McCLURE. Mr. President, while we are waiting for the first amendment to be offered, I might just note that I believe there is a total of 13 amendments, or, in one instance, a group of amendments, which are mostly noncontroversial. I would hope that we might avoid rollcall votes this afternoon as much as we can, even to the extent of stacking those votes, if necessary, until we return to the bill next week. I know some Members want to get away early or have already left.

Mr. President, I would also suggest that aside from those 12 or 13, we have a list here and I guess we can go through them. I hope that we deal with every one of the amendments today or get a unanimous-consent agreement that limits any other amendments so that we will know exactly what we have to deal with when we get back on the bill next week.

I believe the Breaux motion to recommit would be in order, but my understanding is it is the intention of the distinguished Senator from Louisiana not to offer that motion to recommit until sometime next week, either Tuesday or Wednesday. Therefore, we will be on this bill midweek next week in order to complete action with respect to the bill. Am I correct?

Mr. JOHNSTON. The Senator is correct. But concerning the rollcall votes, if we can get one in the next few minutes, and I would hope the Alabama Senators would show up on the floor, I would hope we could vote on that matter right away and get it out of the way.

Mr. President, I understand that the distinguished Senator from Washington [Mr. ADAMS] had reserved at one time unanimous consent to bring up two amendments with a time agreement thereof. Is that still possible under the unanimous-consent agreement?

The PRESIDING OFFICER. The Chair will consult the Parliamentarian.

One amendment of the Senator from Washington and one amendment of the Senator from Alaska.

Mr. ADAMS. Mr. President, the Senator from Washington will not be offering an amendment or using the time that was allocated by the unanimous-consent request. Mr. President, the Senator from Washington will indicate to the manager of the bill that that time will not be needed for that amendment, and an amendment by the Senator from Washington will not be offered. The Senator from Louisiana [Mr. BREAUX] will offer a motion to recommit.

Mr. JOHNSTON. Mr. President, I thank the Senator from Washington for his cooperation in this matter. I ask unanimous consent, therefore, that the unanimous-consent agreement be so modified as to exclude the amendment of the Senator from Washington.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1184

(Purpose: To provide for actual testing of transportation packages for plutonium transported by aircraft through the territory or air space of the United States)

Mr. JOHNSTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. JOHNSTON], for Mr. MURKOWSKI, for himself, Mr. MCCLURE, and Mr. PROXMIRE, proposes an amendment numbered 1184.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 40, line 23, strike the period and insert in lieu thereof: "at the end of the bill insert the following new section:

'TRANSPORTATION OF PLUTONIUM BY AIRCRAFT THROUGH THE TERRITORY OR AIR SPACE OF THE UNITED STATES

'SEC. 8. (a) Plutonium in any form may not be transported by aircraft from a foreign nation to any foreign nation through the territory or air space of the United States unless such plutonium is transported in a package that has been certified safe by the Nuclear Regulatory Commission in accordance with subsection (b) and all other applicable law.

'(b) The Nuclear Regulatory Commission shall—

'(1) conduct an actual crash test of a cargo aircraft traveling at maximum cruising speed, appropriately loaded with sample full scale packages containing test material;

'(2) conduct an actual drop test from maximum cruising altitude of a sample full scale package containing test material; and

'(3) certify that the package, samples of which were tested under paragraphs (1) and (2), is acceptably safe for use in the transport of plutonium by aircraft.

'(c)(1) The parameters of the tests under subsection (b) shall be determined by the Nuclear Regulatory Commission after public notice and opportunity for comment.

'(2) The results of all tests under this section shall be available to the public.' "

Mr. JOHNSTON. Mr. President, this amendment is submitted on behalf of the Senator from Alaska [Mr. MURKOWSKI], the Senator from Idaho [Mr. MCCLURE], and the Senator from Wisconsin [Mr. PROXMIRE]. It provides, if any plutonium is shipped in aircraft over the territory of the United States from one foreign country to another, that it must be shipped in a container certified as being safe by the NRC and certain standards are stated in the amendment as to satisfy what the requirements of the container would be. Specifically, Mr. President, this would cover flights from France to Japan, for example, that either overfly or land in Alaska. I think the requirement is reasonable.

The amendment would require additional testing to be conducted on transportation packages used for international shipments of plutonium by air prior to certification of those packages by NRC. This testing includes actual crash and drop tests. Existing law would allow these tests to be simulated by computer model.

The amendment relates solely to the requirements for transportation packages for separated plutonium. It is not intended to affect in any way the existing requirements or requirements imposed by S. 1668 with respect to certification of packages for transportation of spent nuclear fuel or high-level waste.

We support the amendment.

Mr. MURKOWSKI. Mr. President, today I am offering an amendment that will ensure that plutonium, a byproduct of the world's reliance on nuclear energy, is transported in a safe and sound manner.

My amendment concerns the transportation of plutonium by aircraft. It is very simple and straightforward. It simply requires the Nuclear Regulatory Commission [NRC] to conduct actual crash tests of casks before they are certified as safe containers for the air transport of plutonium. The certification process will also require public input and be in accordance with all other laws. I interpret this latter requirement as making the cask certification process subject to the NEPA—that is, the environmental impact statement requirement.

Mr. President, the need for this amendment is readily apparent. Although it is not now the policy of the United States to reprocess spent nuclear waste, that is the policy of certain other countries, including Japan, France, and Great Britain.

A recent agreement worked out between the United States and Japan for the use of reprocessed nuclear fuel specifies air transport as a means of moving the plutonium generated by that reprocessing from Europe to Japan. The agreement requires those shipments to take a polar route or another route selected to avoid areas vulnerable to natural disasters or civil disorders. This means that air shipments of plutonium could fly over Canada and Alaska—including a possible landing for refueling in Alaska or Canada.

And, Mr. President, if Canada objects, these flights may cross over the 11 northern tier States from Maine to Washington, possibly refueling in Washington.

Mr. President, I do want to ensure that we move with the utmost caution. The NRC has yet to certify for air transport a cask capable of carrying the sizable quantities of plutonium envisioned by the Japanese. Already the Japanese have launched a concerted effort to design and build a cask that can be certified by the NRC.

Unfortunately, the NRC regulations will permit certification of such a cask based merely on simulations of an airplane crash. No actual crash test is required.

Mr. President, there is no way reliably to simulate an airplane crash in a laboratory. One need only look back a few years, to the development of a jet-fuel additive that was supposed to prevent postcrash fires, as confirmation on this point. After 17 years of research and development and numerous laboratory aircraft accident simulations, the Government was ready to certify that the Avgard fuel additive would prevent a fire in the event of an actual airplane crash. Just to be sure, however, they decided to crash a Boeing 720 at Edwards Air Force Base. They did, and the plane exploded into a fireball.

That experience raises the obvious question: How can we be sure that a cask carrying plutonium will actually survive intact an airplane crash unless such a cask is subjected to an actual crash of a cargo plane fully loaded with casks containing nonradioactive material?

The only way to be sure is to test the cask in an actual crash.

Some may ask, why do this amendment on this particular bill? What does it have to do with the Nuclear Waste Policy Act?

In fact, it is very relevant to the legislation at hand. First, the bill before us requires that casks used to ship spent nuclear waste by ground transportation undergo an actual crash test. Why should we require a lesser standard for plutonium—one of the most toxic substances known to man? Particularly when that plutonium will be moved by air transport.

Second, plutonium is a byproduct of nuclear waste. If the policy of this country ever changes—from one of burying our wastes, to one of reprocessing—we will also be looking at moving large quantities of plutonium, perhaps by air.

In summary, Mr. President, I would say that this amendment is correct on the merits—I do not believe that anyone can reasonably oppose it—and it is appropriate to include it in this modification of the Nuclear Waste Policy Act.

I urge my colleagues to support the amendment.

Mr. McCLURE. Mr. President, I agree with this amendment. I commend the Senator from Alaska for guaranteeing the safety of America, and requiring the same standards on foreign shipments as would be the case with domestic shipments. It makes great good sense to me. I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Alaska [Mr. MURKOWSKI].

The amendment (No. 1184) was agreed to.

Mr. JOHNSTON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. McCLURE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1185

(Purpose: To allocate funds for a reconnaissance study of the South Fork of the Sangamon River, Illinois)

Mr. JOHNSTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. JOHNSTON], for Mr. DIXON, proposes an amendment numbered 1185.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, line 23, before the period insert a colon and the following: "*Provided further,* That of the amounts appropriated under this heading, $220,000 shall be available for a reconnaissance study of the South Fork of the Sangamon River, Illinois".

Mr. JOHNSTON. Mr. President, this provides on behalf of Senator DIXON for a study of the Sangamon River at a cost of $200,000 within available funds. We support the amendment.

Mr. McCLURE. Mr. President, we have no objection to the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Louisiana [Mr. JOHNSTON].

The amendment (No. 1185) was agreed to.

Mr. JOHNSTON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. McCLURE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JOHNSTON. Mr. President, I now tell Senators the shape of this bill. We think there is an amendment to be offered by the Senator from Alabama [Mr. HEFLIN]. There is an amendment to be offered by Senators HEFLIN and THURMOND relative to a building in Charleston, SC. We are trying to clear that now.

I believe there is a Murkowski amendment which has not been cleared, which is a matter that affects the Finance Committee. We have received a rumor that there may be four Karnes amendments, but I am not sure that is so. If it is so, he should make his wishes known. We just did one Dixon amendment, and there may or may not be further Dixon amendments. If there are, he should make his thoughts known.

We are trying to clear a Lautenberg amendment if he is still interested in that amendment. There is a DeConcini amendment on the superconductor supercollider. There is a possible Domenici amendment on a semiconductor processing. There is a Metzenbaum amendment on the national labs, on which we are awaiting Senator METZENBAUM right now. There may be a Glenn amendment on an RERTR Program. There may be a Leahy amendment on additional solar and wind energy projects, and we think there is a Heflin-Shelby amendment.

Mr. President, that is all we have heard about. If Senators are interested in moving there amendments, they should do so now. We put Senators on notice yesterday that we were moving to third reading. We hoped before the noon hour. So if Senators are in fact interested, they should come to the floor within the next few minutes. Otherwise, we will move to third reading excepting those who have actually told us that they wanted amendments. For example, Senator METZENBAUM has asked for protection and, in fact, we have agreed to that. But some of these others which have the status of only rumors, we cannot protect a Senator on a rumor.

So I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1186

(Purpose: To deny funds for projects in the United States that use the engineering, architectural, and construction services of any foreign country that does not provide such services of the United States access to the markets of the foreign country)

Mr. JOHNSTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. JOHNSTON], for Mr. MURKOWSKI, proposes an amendment numbered 1186.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following:

SEC. . (a)(1) None of the funds appropriated by this Act may be used to carry out within the United States, or within any territory or possession of the United States, any water development project of the Army Corps of Engineers or the Bureau of Reclamation which uses any service of a foreign country during any period in which such foreign country is listed by the United States Trade Representative under subsection (c).

(2) Paragraph (1) shall not apply with respect to the use of a service in a project if the Secretary of the Army or the Secretary of the Interior determines that—

(A) the application of paragraph (1) to such service would not be in the national interest.

(B) services offered in the United States, or in any foreign country that is not listed under subsection (c), of the same class or kind as such service are insufficient or are not of a satisfactory quality, or

(C) exclusion of such service from the project would increase the cost of the overall project by more than 20 percent.

(b) Determinations.—

(1) By not later than the date that is 30 days after the date on which each report is submitted to the Congress under section 181(b) of the Trade Act of 1974 (19 U.S.C. 2241(b)), the United States Trade Representative shall make a determination with respect to each foreign country of whether such foreign country—

(A) denies fair and equitable market opportunities for services of the United States, or

(B) fair and equitable market opportunities for services of the United States in bidding,

for public works projects that cost more than $500,000 and are funded (in whole or in part) by the government of such foreign country or by an entity controlled by such foreign country.

(2) In making determinations under paragraph (1), the United States Trade Representative shall take into account information obtained in preparing the report submitted under section 181(b) of the Trade Act of 1974 and such other information as the United States Trade Representative considers to be relevant.

(c) LISTING OF FOREIGN COUNTRIES.—

(1) The United States Trade Representative shall maintain a list of each foreign country with respect to which an affirmative determination is made under subsection (b).

(2) Any foreign country that is added to the list maintained under paragraph (1) shall remain on the list until the United States Trade Representative determines that such foreign country does permit the fair and equitable market opportunities described in subparagraphs (A) and (B) of subsection (b)(1).

(3) The United States Trade Representative shall annually publish in the Federal Register the entire list required under paragraph (1) and shall publish in the Federal Register any modifications to such list that are made between annual publications of the entire list.

(d) DEFINITIONS.—For purposes of this section—

(1) The term "service" means any engineering, architectural, or construction service.

(2) Each foreign instrumentality, and each territory or possession of a foreign country that is administered separately for customs purposes, shall be treated as a separate foreign country.

(3) Any service provided by a person that is a national of a foreign country, or is controlled by nationals of a foreign country, shall be considered to be a service of such foreign country.

Mr. JOHNSTON. Mr. President, this amendment is submitted on behalf of Senator MURKOWSKI. It provides that if there are foreign countries which do not allow access by the United States to their markets, they shall not be able to provide services in the form of working on four Bureau of Reclamation projects. There are certain exceptions: if it is not in the national interest and so certified; if the cost exceeds 20 percent. It also provides for the special trade representative to make findings as to whether the particular foreign country is an offending foreign country.

In effect, it says, let us have a level playing field.

This amendment has been cleared with the Finance Committee, and it is the same amendment that has been adopted four times by the Senate. So I urge its adoption.

Mr. McCLURE. Mr. President, we urge the adoption of the amendment.

Mr. MURKOWSKI. Mr. President, I thank my colleagues, the Senator from Louisiana and the Senator from Idaho—the chairman and the ranking member, respectively, of the Committee on Energy and Natural Resources.

This amendment is intended to insure reciprocity on bidding for construction services associated with our energy and water development projects. The basic question is, should foreign construction firms continue to enjoy full unrestrained access to federally funded energy and water development projects if U.S. firms are not given reciprocal opportunities to participate in public works projects overseas?

Mr. President, I believe the answer is no, and I believe my colleagues in the Senate concur in this philosophy. In fact, this reciprocity amendment has already been adopted on the DOD authorization bill, the military construction appropriations bill, the airport and airways improvement reauthorization and most recently, the DOT appropriations bill.

The issues at hand are fairness and market access. Our market for construction services on Federal projects is wide open, this is appropriate—as long as it is reciprocal. But when U.S. firms are not even given the opportunity to bid on projects overseas in a fair and nondiscriminatory manner, we must use the leverage of our market place to address this inequity.

We know the barriers United States firms face in Japan, as well as the fact that Japanese firms are expanding their activities in the United States market at an astonishing pace. In 1980, Japanese firms won approximately $50 million in contracts, by 1986, that figure has grown to over $2.2 billion. At the same time, a United States firm hasn't won a major contract in Japan since 1965.

For over 2 years, we have been negotiating with our friends in Japan on this issue. Prime Minister Nakasone intervened personally offering his assurances he would act to open Kansai Airport and all future projects to foreign firms on a fair and nondiscriminatory basis.

Mr. President, in the final hours of Prime Minister Nakasone's administration, even he was unable to override the entrenched bureaucracy and the domestic industry and get an acceptable resolution to this issue.

On November 6, Ambassador Matsunaga sent a communique to Secretary Verity outlining steps the Japanese Government was willing to take in addressing this issue. While these steps were viewed as progress, they fell short of our minimum requests and were thus presented as a unilateral proposal from the Japanese Government rather than a bilateral agreement.

The GOJ would not agree to apply nondiscriminatory procedures to all major projects—as the Prime Minister had indicated would be done. Instead, they would only agree to apply the procedures to the final phase of Kansai Airport and the Tokyo Bay Bridge project—insisting any additional application to $62 billion in other public projects would not be possible.

At this point, it is clear that unless we are willing to use real leverage, our firms are not going to get the same opportunities to participate in public projects in Japan that Japanese firms enjoy in the United States and the reason why is quite simple, the closed domestic market is critical to Japanese firms' efforts to target overseas market. I would like to share with my colleagues part of an extensive report on the Japanese construction industry conducted by the University of Reading in Britain:

> Why has Japan erected and maintained so many barriers to foreign incursion? There is the frequently stated view that only Japanese contractors are familiar with the quality and safety demanded on construction sites and that the licensing any other laws merely exist to protect these standards. Certainly, Japanese contracts have developed an enviable reputation in the design and construction of earthquake-resistant structures. It is difficult to accept however, that they are the only companies with this expertise.
>
> A more convincing reason is, quite simply, fear of foreign competition in the domestic market on which they rely. It is much easier to finance and maintain an aggressive export drive if there is a strong domestic foundation. The domestic market can then be used to cover overheads and establish the basic profitability of the enterprise. This demands that the domestic market be protected from foreign penetration. For the foreseeable future, Japan looks closed to foreign

construction firms. This ensures a solid base for the Japanese, allowing them to move overseas with great confidence.

So, what overall picture emerges from all this? Frankly, a frightening one for those who have to meet the Japanese challenge. We have seen that, in order to maintain a high level of employment, the major Japanese contractors must inevitably seek export orders. Much of this activity is currently concentrated in Southeast Asia. In addition, Japanese contractors are directing their effort to developed market economies for overseas work, most notably the United States and Australia.

Mr. President, not all of the projects Japanese firms are winning in the United States are private sector. According to the United States Department of Commerce, partial figures show at least $68 million in public project contract awards to Japanese firms in 1986. In 1985, the figure was $13.9 million.

Public projects include the Elk Creek Dam in Oregon (Ohbayashi Gumi), and phase two of the Fontenell Dam in Wyoming ($24 million, joint venture between Ohbayashi-Solentache). This legislation would in no way affect contracts that have already been entered into. It is proactive to insure reciprocity for future projects.

Despite vigorous efforts on the part of the United States industry and the United States Government, to gain access to the $8 billion Kansai Airport, and the estimated $62 billion in other projects to be built in Japan over the next decade, we have made little progress. This amendment is an important aspect of our efforts to address this inequity.

I want to make it perfectly clear that this is not a buy-America provision. Our market for these services will remain wide open to those firms whose home markets are open to U.S. participation. It's an attempt to open markets, not close them.

This is how the amendment works: USTR shall determine which countries deny fair, equitable opportunities for U.S. design engineering, construction and architectural firms seeking to participate in public projects. USTR already does this as part of its annual report on foreign trade barriers which was mandated by Congress in 1974. Barrier countries would then be listed in the Federal register, and thus precluded from bidding on these Federal projects.

The bill also includes an escape clause which would waive these provisions if the Secretary of the Army or the Secretary of Interior determine that:

Exclusion would not be in the national interest.

Services offered by U.S. firms or firms from eligible countries are of insufficient quality or are not available.

Or exclusion would raise the project cost over 20 percent. (This figure is based on legislative precedent.)

This amendment is critical to our efforts to gain access to the Japanese construction market. It is an important signal we can send to our friends in Japan, to the new Prime Minister and his administration, reaffirming our commitment to see a responsive resolution to this important issue.

I urge my colleagues to join me in supporting its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1186) was agreed to.

Mr. MURKOWSKI. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. McCLURE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1187

(Purpose: To clarify allowable costs for Department of Energy and National Laboratory Contractors)

Mr. METZENBAUM. Mr. President, I send an amendment to the desk, on behalf of myself, the Senator from Iowa (Mr. GRASSLEY] and the Senator from Michigan [Mr. LEVIN] and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Ohio [Mr. METZENBAUM], for himself, Mr. GRASSLEY, and Mr. LEVIN, proposes an amendment numbered 1187.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike lines 5 through 9 on page 48, and insert the following new section:

SEC. 305. (a) In any regulations issued pursuant to section 1534 of the Defense Authorization Act for 1986, the Secretary of Energy may not disallow the following costs associated with the activities of contractor personnel from the Department of Energy National Laboratories for Department of Energy personnel of the Department of Energy National Laboratories:

(1) Costs of providing to Congress or a State legislature, in response to a request (written or oral, prior or contemporaneous) from Congress or a State legislature, information or expert advice of a factual, technical, or scientific nature, with respect to:

(A) topics directly related to the performance of the contract; or

(B) proposed legislation; irrespective of whether such information or advice was requested or supplied through the Department of Energy.

(2) Costs for transportation, lodging, or meals incurred for the purpose of providing such information or advice.

(b) No part of any appropriation made in this act shall be obligated or expended to influence, either directly or indirectly, any appropriation or legislation before Congress, or for any publicity or propaganda purpose not specifically authorized by Congress: *Provided*, That this provision shall not apply to:

(1) the communication of departmental or agency views to the Congress; or

(2) the conduct of normal legislative liaison activities;

(3) the costs described in subsection (a).

Mr. METZENBAUM. Mr. President, I rise today to offer an amendment for myself, the Senator from Iowa, Mr. GRASSLEY, and the Senator from Michigan, Mr. LEVIN.

This amendment would replace a committee amendment which completely exempts contractors at DOE's national laboratories from any restrictions against lobbying Congress with Federal dollars.

That does not make sense to permit the Congress to be lobbied with taxpayer dollars.

Mr. President, as you well know, ongoing budget negotiations between the White House and Congress are attempting to resolve the Nation's deficit crisis.

Now, more than ever, we must ensure that every dollar we appropriate is wisely spent.

Few would disagree that the work carried out by the DOE national labs is essential to maintaining an adequate defense and commercial competitiveness in the world.

But if we allow lab contractors to lobby Congress at whim with taxpayer dollars, we divert funds away from essential research and into political activities. Keep in mind that no other contractor is free to expend contract dollars to lobby without restriction.

Most Federal contractors are restricted by Federal acquisition regulations. But the contracts with the national laboratories are maintenance and operation contracts and not subject to these rules. They were finally restricted from lobbying by the passage of Public Law 99-145, the antilobbying cost principle law.

But the committee amendment which Senator GRASSLEY, Senator LEVIN and I oppose would remove the contractors entirely from any restrictions against lobbying with taxpayer dollars from their contracts.

This would seem to send a wrong signal to the national lab contractors at a time when we are trying to limit spending to the most essential activities.

The proponents of the committee amendment assert that it is necessary to allow for the free flow of information between the experts at the labs and Members of Congress.

They claim that this has nothing to do with lobbying.

They claim that DOE's regulations impede this direct contact—that DOE can filter information—preventing important factual information from reaching Members of Congress over DOE's objections.

But let us carefully consider these assertions.

Obviously, there is a fine line between providing information and lobbying. Clearly, when contractors provide information which supports continuing a contract, or beginning a new one, they are promoting their own self-interests.

Furthermore, if we want to allow for direct contact between lab experts and Members of Congress, do we need to exempt them entirely from all antilobbying restrictions?

I believe not, and this amendment I believe will clarify that situation. It is my understanding that the amendment will be accepted by the managers of the bill, which pleases us much.

The amendment which Senator Grassley, Senator Levin, and I are offering would allow for direct contact, without giving contractors free rein to come to Washington and talk to Members of Congress, whenever they please at taxpayer expense.

Our amendment retains one important measure of control over such activities by requiring that a Member of Congress invite the contractor, before his expenses are covered.

Is there any need to worry about contractors abusing their contractor dollars for lobbying purposes?

There sure is.

Last year, DOE undertook a lobbying campaign, with the extensive use of the national lab contractors, to lobby against a nuclear test ban.

Obviously, the contractors have a strong interest in averting such a test ban.

Furthermore, that incident led to questions about lobbying by DOE itself, as well as by its contractors.

These questions led to a GAO study, requested by Congressman Aspin and seven colleagues, about lobbying activities by DOE and its contractors.

GAO concluded that H.R. 2700, with the committee amendment would:

> Exempt management and operating contractors at the national laboratories from the cost principle.

It further clarifies that this exemption eliminates all restrictions on lobbying Congress by national lab contractors with Federal dollars.

It further notes that:

> If the Congress wishes to restrict lobbying activities on the part of DOE officials in addition to DOE contractors, it may wish to consider including language in DOE's next appropriations act for this purpose. DOE's 1986 Appropriation Act does not include antilobbying restrictions on the use of appropriated funds by agency officials for lobbying activities.
>
> This contrasts with the appropriation acts of certain other Government departments and agencies that include antilobbying restrictions, including the Department of Defense.

Our amendment provides for such a general antilobbying provision over all funds appropriated to DOE.

Apparently, GAO believes that DOE and its national lab contractors should be treated like all other Federal contractors. Senator Grassley, Senator Levin, and I agree.

Opponents of this amendment when it was originally offered have asserted that the universities contract to run DOE's national labs without profit of any sort. I would disagree.

I have here copies of the last two contracts which DOE signed with the University of California for the operation of the Lawrence Livermore National Laboratory.

Beyond reimbursement for every imaginable cost associated with fulfilling the contract, this so-called $1 a year contract under section (c) on page 18 allows for additional reimbursement for indirect costs which shall be compensated—starting with $5,800,000 the first year, 1982.

The 1987 contract provides for payment of a "fixed management allowance," in addition to reimbursable costs. That allowance, this so-called $1 contract, ranges from $12 million from October 1, 1987, through September 30, 1988; and then $12 million from October 1, 1988, to September 30, 1989; then from October 1, 1989, to 1990, $12½ million; $12.75 million from October 1, 1990, to September 1991; and October 1, 1991, to September 30, 1992, to $13 million.

Enough of this argument that these contractors are so selfless and that they do all of this just for $1 a year.

To make matters even worse, the contract directs that this management allowance should be used for complementary and beneficial activities related to the laboratories.

Then the contract goes on to give examples of these beneficial activities. It specifically lists activities which could be included as "beneficial activities."

No. 1 says "increased technology transfer activities, including all costs of patent prosecution and invention licensing." That would appear to include promotional activities—marketing products.

No. 4 is unbelievable. It includes "university supported activities necessary to gain increased faculty, student, and general public support of University of California's management of the laboratories."

If that doesn't sound like the contract allows payment for lobbying on behalf of itself, of self-aggrandizement, I do not know what does.

There can be no question that the universities do profit from these contracts and profit handsomely, and have plenty of reason to lobby in their own self-interest. But the taxpayers have no reason to let the taxpayers pay for that kind of lobbying.

There is no reason we should be encouraging it any further.

I have letters here from several public interest groups who also agree and have endorsed this amendment, including the National Taxpayer's Union, Public Citizen, U.S. Public Interest Research Group, the Sierra Club, and Environmental Policy Institute.

I ask unanimous consent that copies of those letters be printed in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

National Taxpayers Union,
Washington, DC, November 12, 1987.

Dear Senator: The National Taxpayers Union [NTU] is writing you to urge your support for an amendment that will prevent taxpayer dollars from being used for lobbying purposes. Senators Metzenbaum and Grassley will offer it to the FY 1988 Energy and Water Appropriations bill (H.R. 2700).

A provision currently in the Senate version of H.R. 2700 would exempt certain DOE contractors from current law restrictions on the use of federal funds to lobby Congress. Under the new rules, contractor employees at the national laboratories would be able to lobby Congress for more contracts and charge their lobbying expenses to American taxpayers. We believe it is inappropriate to divert scarce taxpayer dollars intended for important scientific research and development to lobbying activities, especially in light of the current deficit reduction negotiations and the nationwide demand for fiscal responsibility.

Senators Metzenbaum and Grassley's amendment will retain current anti-lobbying restrictions on lab contractors, while still allowing them to seek reimbursement for costs associated with responding to requests by Members of Congress for factual, technical information related to present and future contracts. The amendment will also specifically direct that no funds appropriated under the bill shall be used for purposes of lobbying. NTU supports this amendment because it allows contractors to provide unbiased information to Congress and prevents the misuse of tax dollars when there is a critical need to regain the confidence of American taxpayers with responsible fiscal policies.

For these reasons, we urge your support for the Metzenbaum-Grassley amendment during Senate consideration of the Energy and Water Appropriations bill.

Sincerely,

Sheila MacDonald,
Director, Government Relations.

Environmental Policy Institute,
Washington, DC, November 10, 1987.

Dear Senator: During consideration of the FY 1988 Energy and Water Appropriations Act (H.R. 2700), we strongly urge you to support an amendment that will be offered by Senators Metzenbaum and Grassley to restrict the use of federal funds for lobbying activities of federal contractors associated with DOE National Laboratories.

Under current law, costs incurred by government contractors to influence legislation are generally not reimbursable. This makes sense. Taxpayers should not be forced to write checks for federal contractor lobbying—particularly when the lobbying is for the purpose of increasing federal budget commitments for programs that directly benefit the contractors, but may not be in the taxpayers' best interest.

The Energy and Water Appropriations bill contains specific language that exempts DOE national lab contractors from current lobbying restrictions. This language gives the employees of these labs a blank check to divert funds from their contract responsibilities for the purpose of lobbying Congress.

Significantly, during the past year, several national labs have utilized loopholes in DOE's interpretation of the current law to lobby Congress on two key issues—the nuclear test ban and Price-Anderson legislation.

The Price-Anderson example is instructive. Some national labs, using tax dollars, successfully lobbied the Senate Energy Committee to exempt them from any financial responsibility for nuclear accidents. The exemptions sought—and granted—by the Committee, allow national labs to intentionally violate federal safety regulations without even being subject to minimal civil penalties.

We find it outrageous for Congress to allow these labs to escape accountability—first for their actions within the labs, and now for their taxpayer-funded lobbying activities in Washington.

The Metzenbaum-Grassley Amendment *would not block* the flow of information between the labs and the Congress. This amendment would allow reimbursement for the costs of providing information whenever it is requested by a member of Congress. We believe that this is a reasonable approach and we urge your support for the amendment.

Sincerely,

BROOKS YEAGER,
Sierra Club.
KATHLEEN WELCH,
U.S. Public Interest Research Group.
KEIKI KEHOE,
Environmental Policy Institute.
KEN BOSSONG,
Public Citizen.

Mr. METZENBAUM. I urge my colleagues to support this amendment which could prevent the needless diversion of important research dollars to political activities.

For the sake of unbiased research, academic integrity at the national labs and the universities who operate them, and limiting Federal spending, I hope that this amendment will be adopted.

Mr. President, it is my understanding the amendment is agreeable to the managers of the bill, and if so, we can move forward with dispatch.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, I want to make clear that I designed the original amendment which we put on this bill not to give DOE or its contractors, rich contractors, the right to go out and hire PR firms and engage in direct mail and hire TV and radio. That was never my intent. It was a narrow amendment designed to correct what I saw as a very difficult problem that DOE was prepared to muzzle employees of the Lawrence Livermore Labs, an employee scientist, and muzzle employees of other labs, and in fact had tried to do so, who were supplying me and other Senators scientific information on SDI, on the AVLIS uranium enrichment technology and on a whole series of very vital scientific information.

They came out with these new regulations that would have, in effect, required prior clearance by DOE before they could talk to us or come to Washington. Mr. President, that was outrageous. That would have really restricted the Congress.

The fact of the matter is we are sort of fixing something that is not broken as far as the national labs are concerned. They have not breached the problem. Congressmen, Senators, staff members are not of such tender minds that some scientist is going to be able to come in, and, by whispering in his ear some words of lobbyese, that they are going to take advantage of them.

In any event, that was always my intent, to protect that relationship of scientist to Senator, scientist to Congressman, scientist to staff member, which is absolutely vital. Our national labs are a great resource. The expertise that lies therein is the most credible information that I know anything about and our best source of information on these scientific matters. We should not restrict that free flow of information.

The amendment which has been drawn up between our staffs does not restrict that free flow of information. It allows people to come to Washington and to provide information, provided they are Department of Energy personnel from the national labs, on a variety of topics. They need not write a letter to request them to come. It can be a contemporaneous oral request to give information on whatever the subject is. And it does not interfere with the conduct of normal legislative liaison activities.

Now, that permits a continuation of what I understand, as far as I am concerned, is the furnishing of information to me and to others who need the information. I mean, we are appropriating billions of dollars on scientific matters and we should not have to do that in the dark. We should not have to make a formal request to get somebody to come or issue a subpoena to get them to come give some formal testimony with the preclearance of whoever happens to be the Secretary of the Department of Energy.

There ought to be that free flow of information. And if we ever get around to restricting that free flow, then you might end up buying an SDI program at $100 or $200 billion without ever having the right information, because you may not know what questions to ask. I suspect that most Members of the Congress, including myself, do not know all the questions. So we have to depend on these people, these scientists, these experts, to give us the information. I think this amendment achieves that compromise of doing away with the lobbying but permitting the free flow of information.

So in that spirit, Mr. President, we accept the amendment and thank the Senator for working out the language.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. McCLURE. Mr. President, I thank the Senator from Louisiana for the remarks just made and I agree with those remarks.

I want to say to my friend from Ohio, because I could not help but note that he looked at the so-called nonprofit contracts with universities, that indeed universities have a reason to want to be a contractor. They are not in it just for public service. But I do not think I would want to leave the impression either that they are just moneygrubbing capitalists, if indeed that is a bad term, in our society, I suspect they have a self-interest in those contracts, a self-interest which I think is legitimate.

And, just as I would not criticize the so-called public-interest lobbying groups for lobbying—they have a self-interest too; their personnel get paid salaries; that is an overhead in the so-called public-interest lobbying groups that are so involved in many of these issues; that is not illegitimate—it is not wrong for the Senator from Ohio to note that universities have such an interest, as indeed they do have. I think it is appropriate, however, to balance it against the so-called public interest lobbying groups that certainly have every bit as much self-interest in the activities of their own organizations.

Let me say further, Mr. President, that the line that must be drawn between impermissible lobbying and essential information transfer is a very difficult line to draw. This amendment seeks to define that. It is not an immutable objective test that in every instance is crystal clear. I suspect there will be arguments under this language as to whether they have crossed that line or not.

I am ranking member on the Interior and Related Agencies Subcommittee of the Appropriations Committee. We have responsibilities with respect to these laboratories and DOE activities. I am also the ranking member on the Energy and Natural Resources Committee, the authorizing committee that deals with a great many of these subject matters. I am also a Senator from Idaho, a State in which one of these national laboratories is located. The activities at that laboratory are of interest to me as their Senator, as well as a Senator trying to deal with broad national programs.

I noticed the Senator from Ohio was in here offering an amendment to this bill to make certain activities in the State of Ohio get funded appropriately. I know that the Senator from Ohio, as the Senator from Ohio, has visited that facility. He has talked to the scientists. He has looked at what was going on there. They talked to him. I do not think that is an impermissible activity.

I do not believe it is a violation of our responsibility nor a violation of their responsibility to keep the Senator from Ohio informed. I do not think it is a violation of their responsibility to keep the Senator from Idaho informed about the activities that may be going on within the State of Ohio.

I have, not just the interests in the National Energy Laboratory, but I have to be very much concerned about what happens at Lawrence Livermore Laboratories, at Brookhaven, at Argonne-East as well as Argonne-West, at Oak Ridge, at Sandia and Los Alamos, at the various places the National Federal Government has these research activities that fall within either the legislative oversight of the authorizing committee or of the Appropriations Subcommittees upon which I serve.

It is essential to me that I have the opportunity to talk to the scientists and the personnel that are employed either by DOE directly or by the contractors at these sites, so that I can make good judgments. Whether they come to me or whether I call them and ask them to come, seems to me to be a fine point in terms of my responsibility, trying to understand what the relationship of those programs may be to the national security, to the national programs in energy, to the national programs in environment and physical sciences that are carried on at these laboratories.

I welcome the opportunity to talk to them, whether they come from the laboratory in my State or one of the other States that may be involved. I not only welcome it, I seek it, I solicit it, I need it. I cannot do that job unless I have that information.

This amendment has been drawn in such fashion that I read it to mean that, indeed, access to that information and that personnel is open to me. I read it to mean that those personnel that are involved have the similar opportunity to talk to me about those matters.

I remember one exchange we had in one hearing, I think it was a classified hearing, in which one of the members of the Department of Energy was talking about their desire to make certain that their people did not talk to us at all. My comment at that time was: You are not going to keep me from talking to my constituents and you are not going to be successful in keeping my constituents from talking to me. And I think that is an appropriate relationship for the Senator from Idaho with respect to those men and women who live and work within the State of Idaho and I assume it is the appropriate relationship between any other Senator and the people that they happen to represent from their State.

It is a little more difficult, perhaps, to draw that line between the Senator and the personnel at a Federal installation that may be in some other State. It may be more difficult. I do not believe it is. I believe that certainly the line between impermissible lobbying and the open access and free flow of information is difficult at best and perhaps impossible. I understand the concerns that have been expressed by the Senator from Ohio and others about what sometimes appear to be impermissible attempts to influence Government to do what that person may desire, but I would say to my friend, whether they are a Federal employee, a contractor for a Federal installation, or the employee of a public interest lobbying group, it ought to be the same degree of access, same degree of scrutiny about impropriety; and I find nothing wrong with that kind of dialog. I do not now think this amendment prohibits that kind of dialog and because I do not think it does, I support the amendment and urge its adoption.

The **PRESIDING OFFICER.** The Senator from Ohio.

Mr. **METZENBAUM.** I think we are pretty much in agreement about what the amendment does. It makes it possible for Members of Congress to obtain the necessary information from those people at laboratories, provided they make a written or oral request to talk with that particular individual, whether that request be made prior or contemporaneous with the meeting. But the amendment further provides a specific prohibition with respect to use of funds for lobbying purposes.

With that understanding, Mr. President, I think we are ready to act in connection with this amendment.

The **PRESIDING OFFICER.** If there be no further debate, the question is on agreeing to the amendment of the Senator from Ohio.

The amendment (No. 1187) was agreed to.

Mr. **METZENBAUM.** I move to reconsider the vote by which the amendment was agreed to.

Mr. **JOHNSTON.** I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1188

Mr. **SHELBY.** I send an amendment to the desk and ask for its immediate consideration.

The **PRESIDING OFFICER.** The amendment will be stated.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SHELBY] proposes an amendment numbered 1188.

Mr. **SHELBY.** Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

The amendment is as follows:

On page 49, after line 20, insert the following new section:

SEC. 309. None of the funds appropriated by this Act or any other Act may be expended by the Department of Energy or the Department of Justice or any of their component agencies to prosecute any action or to enforce any judgment against any individual corporate shareholder, officer or employee for restitution under section 209 of the Economic Stabilization Act of 1970, as amended, in any case decided by the Temporary Emergency Court of Appeals on May 7, 1987, based upon the role of such individual as a central figure in any statutory or regulatory violation, except for the actual dollar amount personally received by such individual from such violation and any interest assessed on such amount.

Mr. **SHELBY.** Mr. President, I rise to urge my distinguished colleagues to support the following amendment to H.R. 2700.

Mr. President, the purpose of the amendment is intended to prevent the Government from enforcing a novel and unwarranted theory of personal liability against corporate shareholders, officers or agents for nonintentional corporate violations of Federal statutes or regulations.

The amendment would preclude judicial enforcement of individual corporate liability under the "central figure" doctrine announced in Citronelle-Mobile Gathering, Inc. versus Herrington, while the Congress reviews the issue. The Citronelle-Mobile decision, announced by the Temporary Emergency Court of Appeals [TECA], is contrary to congressional intent and threatens to seriously endanger the fundamental corporate law concept of limited liability.

Under the TECA decision, personal liability may be imposed on corporate officers and employees for a corporate violation of Department of Energy [DOE] oil price control regulations under the novel "central figure" doctrine without proof of any of the elements considered in deciding whether to pierce the corporate veil, without proof of any tortious conduct, and without express statutory authority.

Consequently, a corporate officer acting in "good faith," may be held personally liable for the full amount of the corporate violation where that corporate officer or employee authorized the corporate activity later found to have violated a Federal regulation. This is the case even if the individual did not receive any of the funds attributable to the violation.

The widespread significance of the Citronelle-Mobile precedent is evidenced by the fact that the U.S. Chamber of Commerce and the American Corporate Counsel Association have filed an amicus brief with the Supreme Court urging that the decision be reversed.

Mr. President, I would ask unanimous consent that the amicus brief be entered into the RECORD.

There being no objection, the brief was ordered to be printed in the RECORD, as follows:

[In the Supreme Court of the United States
October term, 1987]

(No. 87-140)

BART B. CHAMBERLAIN, JR. *et al.*, PETITIONERS v. UNITED STATES OF AMERICA, *et al.*, RESPONDENTS.

On Petition for a Writ of Certiorari to the Temporary Emergency Court of Appeals of the United States:

Brief of the Chamber of Commerce of the United States of America and the American Corporate Counsel Association as Amici Curiae in Support of the Petitioner

The Chamber of Commerce of the United States of America and the American Corporate Counsel Association file this brief as *amici curiae* in support of Petitioners and respectfully urge this Court to issue a writ of certiorari.[1]

STATEMENT OF INTEREST

The Chamber of Commerce of the United States of America ("Chamber") is the nation's largest federation of businesses, representing more than 180,000 corporations, partnerships and proprietorships, as well as several thousand trade associations and state and local chambers of commerce. As a leading advocate of business, the Chamber is greatly and directly concerned when the corporation—the dominant and most productive form of economic enterprise in the United States—is threatened, as it is in this case. The opinion below endangers the very foundation of the corporate form: limited liability. Therefore, the Chamber has a vital interest in addressing the issue of limited liability presented in this case.[2]

The American Corporate Counsel Association ("ACCA") is composed of attorneys who are engaged in the active practice of law as employees of corporations, partnerships or other organizations in the private sector. ACCA has approximately 7,000 members who are employed as corporate counsel by some 3,000 organizations. As counsel to corporate management, the members of ACCA are also concerned when the corporate form is threatened. Furthermore, they are directly concerned when the capacity of legal counsel to advise their corporate clients and the efficacy of seeking out such advice is undermined, as it is by the decision below.

It is now, and has been for several decades, generally recognized that the corporation is the primary form of business enterprise and production in the United States.[3]

In fact, the unparalleled growth of the American economic system has depended in large part upon the concurrent development of the modern corporation. Today there are approximately 2,711,000 corporations in the United States.[4] Essential to the corporation's preeminence as a form of economic enterprise is the feature of limited liability.[5]

The doctrine of limited liability provides that, with few exceptions, the corporation itself, rather than its individual shareholders, directors, officers or employees, is solely responsible for corporate liabilities. This Court, in recognizing the importance of the doctrine, has declared that "[l]imited liability is the rule, not the exception; and on that assumption large undertakings are rested, vast enterprises are launched, and huge sums of capital are attracted." *First National City Bank* v. *Banco Para El Comercio De Cuba*, 462 U.S. 611, 626 (1983) (quoting *Anderson* v. *Kirkpatrick*, 321 U.S. 349, 362 (1943)).

By undermining the doctrine of limited liability, the decision below not only threatens the corporation's ability to function appropriately, but also impedes the ability of corporations to recruit and retain responsible managers and directors. Those persons who are willing to serve may choose not to do so because of the risk of ruinous personal liability. Those who do serve may become overly cautious to the detriment of business success and, thereby, to the detriment of society at large. Further, by removing the protection from personal liability afforded by due diligence, this case blurs the distinction between corporate action undertaken with full deliberation and corporate action undertaken with little or no care. Because of the detrimental impact that the decision below will have on the corporate form and effective corporate operations, the Chamber and ACCA are compelled to voice their concerns.

STATEMENT OF THE CASE

The case arises out of the Department of Energy's ("DOE") action to (1) enforce its determination that sales of crude oil by Citronelle-Mobile Gathering Inc. and Citmoco Services, Inc. were not exempt from the price control regulations of the Economic Stabilization Act of 1970, as amended, 12 U.S.C. § 1904 note ("ESA"), and the Emergency Petroleum Allocation Act of 1973, 15 U.S.C. §§ 751 *et seq.* ("EPAA"), and (2) recover the difference between the price charged and the applicable ceiling price. The factual background is as follows: in 1974, Gathering and Services sold four shipments of crude oil to PETCO, a Bahamian corporation. Upon the advice of counsel, and after full disclosure to the appropriate government officials, Gathering and Services sold the oil as exempt from price control regulations. More than four years after the sales had occurred, however, DOE concluded that the sales were not exempt and that an overcharge had resulted.

The district court held that the sales were not exempt and that Petitioner Bart B. Chamberlain, Jr., a corporate officer and shareholder of both companies at the time of the sales, was individually liable for the resulting overcharges, but only to the extent he received proceeds from the sales. In an interlocutory appeal on other grounds, the Temporary Emergency Court of Appeals ("TECA") affirmed the finding of overcharges but remanded the case for determination of the amount of restitution to be awarded. The district court adhered to its determination that Petitioner was personally liable only to the extent of his personal enrichment, reiterating its findings that (1) the "defendants made a good faith effort to comply with extremely confusing regulations," (2) the sales were "made in reliance on the opinion of reputable counsel that the transactions were not subject to price controls," (3) whether the sales were subject to the regulations was "an open question of law which could only be determined after the fact," (4) the defendants were no more at fault than the DOE officials "who were inexperienced in administering new regulations," and (5) the overcharge was "a relatively minor violation." *Citronelle-Mobile* v. *Herrington*, 1986 Fed. Energy Guidelines (CCH) ¶26,555 at 26,551 (S.D. Ala. Dec. 30, 1985).

On appeal, TECA held Petitioner personally liable for the entire overcharge amount because he was the "central figure" responsible for arranging the sales. A petition for rehearing and suggestion for rehearing *en banc* was denied.

REASONS FOR GRANTING CERTIORARI

The court below wrongly and unfairly imposed personal liability on a corporate officer for the corporation's unintentional regulatory violation. The decision, unsupported by either the law or the facts, creates an unfortunate and dangerous precedent. It turns the concept of limited liability into a hollow mockery, effectively destroying the most essential foundation of the corporate form. Because it is in conflict with well-established and important principles of federal law, the decision should be reviewed by this Court.

A. The Decision Below Abrogates The Rule Of Limited Liability

The doctrine of limited liability provides that, with few exceptions, the individual is protected from the liabilities for the corporation.[6] The concept of limited liability for business transactions was recognized at least as far back as the period of the Roman Emperor Justinian.[7] Certainly, it was well known by the early years of this country.[8] That concept is reflected in modern jurisprudence with even greater vigor.[9] Limited liability is the rule, not the exception.[10] In order to preserve this important principle, courts have been reluctant to impose personal liability in all but the most egregious of circumstances.[11] Courts have traditionally imposed personal liability only when (1) a legislative mandate imposes personal liability, (2) the individual's conduct involves criminal or tortious acts, or (3) the circumstances justify piercing the corporate veil.

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[1] This brief is filed with the written consent of the parties pursuant to Supreme Court Rule 36.1. The parties' consent letters have been filed with the Clerk of this Court.

[2] While a second issue is before the Court in this case, this brief is submitted solely on the issue of a corporate officer's personal liability for the corporation's regulatory violation.

The Chamber has previously voiced its concern on the issue of limited liability by filing an *amicus* brief in support of Petitioners in the proceeding below and in *Connors* v. *P & M Coal Co.*, 801 F.2d 1373 (D.C. Cir. 1986).

[3] H. Henn & J. Alexander, *Laws of Corporations and Other Business Enterprises* 2 (3d ed. 1983); A. Berle & G. Means, *The Modern Corporation and Private Property* XXV (rev. ed 1968); H. Ballentine, *Ballentine On Corporations* 40 (1946).

[4] *Statistical Abstract of the United States 1987*, 513 (U.S. Dept. of Commerce).

[5] H. Henn, *supra* note 3, at 130; *see* L. Friedmann, *A History of American Law* 168, 178 (1983).

[6] *See* H. Henn & J. Alexander, *supra* note 3, at 344-46.

[7] 3 *The Digest of Justinian* 97 (Book III § 4.7.1) (T. Mommsen, P. Krueger & A. Watson eds. 1985) ("A debt to a corporate body is not a debt to individuals and a debt of a corporate body is not a debt of individuals.").

[8] L. Friedmann, *supra* note 5, at 168.

[9] A. Conrad, *Corporations in Perspective* 424 (1976).

[10] *First National City Bank* v. *Banco Para El Comercio Exterior De Cuba*, 462 U.S. at 626 (1983).

[11] *See, e.g., American Bell Inc.* v. *Federation of Tel. Workers*, 736 F.2d 879, 885-87 (3d Cir. 1984) ("there must be 'specific, unusual circumstances' "); *In re County Green Ltd. Partnership* v. *Lawyers Title Ins. Corp.*, 604 F.2d 289, 292 (4th Cir. 1979) ("to expose those behind the corporation to liability is . . . to be taken reluctantly and cautiously"); *Quinn* v. *Butz*, 510 F.2d 743, 759 (D.C. Cir. 1975) ("penetration of the corporate veil is a step to be taken cautiously"); *Krivo Indus. Supply Co.* v. *National Distiller & Chemical Corp.*, 483 F.2d 1098, 1102 (5th Cir. 1973) ("[t]he corporate form, however, is not lightly disregarded").

The decision below has misinterpreted, combined, and applied two of the exceptions to the principle of limited liability so broadly as to effectively nullify the rule. One of the exceptions to limited liability upon which the decision relies to impose personal liability is that pertaining to tortious acts: an individual, whether or not acting in his official capacity, who is the "central figure" responsible for causing a corporation's tortious conduct, is personally liable for the harm resulting from these tortious acts.[12] The second exception to the rule of limited liability on which the decision implicitly relies is that personal liability may be imposed upon an officer or director who causes a corporation's violation of a statue which expressly imposes absolute personal liability.[13] But neither of these exceptions was properly applicable in this case, either alone or in combination.

The cases which the decision cites in support of its holding involve either tortious conduct [14] or statutes that prescribe personal liability.[15] Neither of these two conditions is present in the instant case. The free market sale of a lawful product does not constitute a tort. Neither does EPAA impose personal liability on corporate personnel for the corporation's unintentional EPAA violations. Absent tortious conduct or clear legislative intent to impose personal liability for the corporation's violation of a statute of regulation, the rule of limited liability should prevail.

The decision nonetheless creates a new theory of "central figure" liability for any "wrongful" corporate conduct. The case holds that whenever a corporation's conduct results in any statutory or regulatory violation, the conduct of the central figure who was responsible for the corporation's action is *ipso facto* "wrongful" from its inception, even in the absence of any wrongful or malicious intent, knowing or willful violation, or negligence or other lack of due care. Such "wrongful conduct," the decision implies, gives rise to personal liability even though (1) the conduct is not criminal or tortious and (2) the statute or regulation does not mandate personal liability for violations. This result dramatically and wrongly abrogates the rule of limited liability.

("In light of the clear congressional intent to hold 'person[s]' liable for violations [of the Rivers and Harbors Appropriations Act], we see no reason to shield from civil liability those corporate officers who are personally involved in or directly responsible for statutory proscribed activity."); *cf. United States* v. *Sexton Cove Estates, Inc.*, 525 F.2d 1293, 1300 (5th Cir. 1976) (the Fifth Circuit held that the Rivers and Harbors Appropriations Act did not authorize imposition of personal liability on corporate officers for the corporation's violation of the Act absent negation of the corporate form). These two cases are in conflict regarding Congress' intent as to the Rivers and Harbors Appropriations Act. However, they both affirm the general principle which requires legislative intent to impose absolute personal liability before such liability may be imposed on corporate officers and directors for the violation of statutes or regulations.

B. Imposition Of Personal Liability On Corporate Personnel For The Corporation's Unintentional Regulatory Violation Undermines The Purpose Of And Policies Embodied In American Corporate Law

The decision below establishes the proposition that corporate officers, directors, and employees are subject to personal liability for any violation of a regulatory mandate, however innocent and unintentional the violation is in fact or law. Under this standard, corporate decision makers may be subject to ruinous personal liability simply for carrying out their corporate duties in good faith. Such a standard has ominous implications for the corporate business community and its ability to conduct corporate affairs.

By imposing personal liability, the decision contravenes the well-established rule that "directors and officers of a corporation will not be held liable for errors or mistakes in judgment, pertaining to law or fact, when they have acted on a matter calling for the exercise of their judgment or discretion, when they have acted in *good faith.*" *Financial Industrial Fund, Inc.* v. *McDonnell Douglas*, 474 F.2d 514, 518 (10th Cir. 1973), *cert. denied*, 414 U.S. 874 (1974) (emphasis added). The rule is founded on the idea that "in order to make the corporation function effectively, those having management responsibility must have the freedom to make in good faith the many necessary decisions quickly and finally without the impairment of having to be liable for an honest error in judgment." *Id.*

The decision below imperils that freedom to effectively manage corporate affairs. Many corporate officers, by definition of their position, will always be central figures responsible for their corporation's compliance with regulatory statutes. And, other corporate managers will be central figures in particular transactions. Under the standard set forth by the decision below, a corporate officer who acts in good faith and with due care, and who makes full disclosure to the appropriate administering agency, would still have no means of limiting his personal liability resulting from a subsequent finding that the corporation had, however unintentionally, committed a regulatory or statutory violation.

Such a standard stifles the ability of corporations to effectively participate in today's creative, dynamic, and highly competitive economic system. The loss of protection from liability forces corporate decision makers to be guarantors of each and every action they authorize. As a result, corporate managers may become overly cautious and conservative in their business decisions.

The price for this over-caution will be borne by the corporation, the shareholders, and ultimately the consuming public. Business activity will be especially inhibited when relevant statutes or regulations are new or untested at law, or susceptible of diverse interpretations. Shareholders will be deprived of profits from business opportunities left untaken. And, the availability of goods and services to consumers will be reduced.

Companies will find it difficult to recruit and retain responsible individuals to serve as managers and directors if such persons are to personally bear the full risk of regulatory noncompliance. The risk of financial ruin would be greater than the benefit of financial reward. This result would be especially true in the case of outside directors who bring greater independence to the exercise of their oversight functions but receive fewer financial rewards from the corporation. If American business is to succeed, it cannot be hobbled by an ill-considered rule of personal liability which destroys a fundamental basis of American prosperity.

Furthermore, under the standard enunciated by the decision below, corporate decision makers who exercise due care by diligently seeking expert legal opinion to insure that the corporation's conduct conforms to the law, but which conduct nonetheless inadvertently violates a statute or regulation, are in no better position than the corporate managers who exercise little or no care. The decision below irrelevantly states that counsel's opinion need not be adopted as the law of the case. It is the seeking out of such advice which is relevant when considering a manager's or director's culpability. The law should encourage and reward due diligence. However, by abrogating the efficacy of such action, the decision below contravenes such sound public policy and should be reviewed.

C. The Decision Below Is Wrong As A Matter of Law And Therefore Should Be Reviewed

As noted earlier, the actions that gave rise to this case were undertaken only upon advice of counsel. Further, full disclosures were made to appropriate government officials. In fact, it took DOE more than four years after the sales to conclude that they were not exempt from EPAA regulations. In view of these and other facts, the district court below twice found that there was no knowing or willful violation. *Citronelle-Mobile Gathering* v. *Herrignton*, 1986 Fed. Energy Guidelines (CCH) ¶ 26,555 at 26,551 (S.D. Ala. Dec. 30, 1985). Nevertheless, TECA subjected the individual officer to personal liability for the full amount of the corporations' overcharges. This result cannot be supported by either the controlling statute or the general principles of liability established by the case law.

Section (5)(a)(4) of EPAA provides only that corporate officers and directors may be subjected to discrete penalties, far less in amount than personal liability for overcharges when the corporation commits knowing or willful violations. The very fact that EPAA includes specific sanctions for such violations indicates that Congress did not intend to subject officers and directors to unrestricted personal liability for nonwillful corporate violations.[16] That conclusion is also supported by this Court's decision in *Slodov* v. *United States*, 436 U.S. 238 (1978).

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[12] W. Fletcher, 3A *Cyclopedia of the Law of Private Corporations*, § 1135 at 267-68 (rev. perm. ed. 1986).

[13] TECA explicitly stated that liability was not premised on the traditional "piercing of the corporate veil" doctrine, *i.e.*, that the corporation was inadequately capitalized, failed to comply with corporate formalities, was used to perpetrate a fraud, or was a mere alter ego of the corporate officer. *Citronelle-Mobile Gathering, Inc.* v. *Herrington*, Nos. 11-7 & 11-8, slip op. at 12 (TECA May 7, 1987).

[14] The tortious conduct in these cases involved either committing a common law tort or violating a statute which codified a preexisting common law tort. *LCL Theaters* v. *Columbia Pictures Industries*, 619 F.2d 455 (5th Cir. 1980) (fraud); *Donsco Inc.* v. *Casper Corp.*, 587 F.2d 602 (3d Cir. 1978) (unfair competition); *Tillman* v. *Wheaton-Haven Recreational Ass'n., Inc.*, 517 F.2d 1141, 1143 (4th Cir. 1975) ("An action brought under statutes forbidding racial discrimination is fundamentally for the redress of a tort.").

[15] *United States* v. *Pollution Abatement Services of Oswego, Inc.*, 763 F.2d 133, 135 (2d Cir. 1985), *cert, denied*, 106 S. Ct. 605 (1985).

[16] To imply liability where none is expressly provided would be inconsistent with numerous federal court holdings construing other federal regulatory statutes. *See. e.g., Connors* v. *P & M Coal Co.*, 801 F.2d 1373 (D.C. Cir. 1986) (Employee Retirement Income Security Act); *Auditor of Public Accounts of Illinois* v. *Izatt*, 205 F.2d 785 (7th Cir. 1953) (Defense Production Act). The expression in a statute of certain powers implies the exclusion of others. *See, e.g., Marshall* v. *Western Union Tel. Co.*, 621 F.2d 1246, 1251 (3d Cir. 1980) ("Under the usual canons of statutory construction, where Congress, or in this case an administrative agency, has carefully employed a term in one place and excluded it

In *Slodov*, this Court refused to hold a corporate owner and operator personally liable under the tax code for failing to use the corporation's funds to satisfy its prior delinquent taxes. This Court reasoned that "[t]he fact that the provision [§ 6672 of the tax code] imposes a 'penalty' and is violated only by a 'willful failure' is itself strong evidence that it was not intended to impose liability without personal fault. Congress, moreover, has not made corporate officers personally liable for the corporation's tax obligations generally and § 6672 therefore should be construed in a way which respects that policy choice." *Id.* at 254. Similarly, personal liability under EPAA arises only from intentional violations. That EPAA was not intended to impose personal liability without personal fault is unambiguously demonstrated by its legislative history. That history indicates Congress did not intend to change the existing law or corporate director and officer liability:

> With [one] exception [not relevant here], nothing in this section is intended to change existing case law relating to the individual responsibility of corporate directors, officers or agents for violations of these corporations.[17]

Further, even TECA has made clear that the petroleum price control regulations promulgated pursuant to EPAA impose no greater liability for non-willful violation than is provided under general corporate law. In *Johnson Oil Co.* v. *DOE*, 690 F.2d 191, 202 (TECA 1982), TECA declared that "EPAA and the regulations promulgated thereunder were not passed in a vacuum [and] . . . in no way derogate the general rule that stockholders are immune from corporate obligations." Accordingly, TECA in that case refused to hold principal shareholders and corporate officers personally liable for the corporation's overcharges in violation of petroleum price control regulations because the violations were not knowing, willful or malicious. *Id.* at 201-03,[18] TECA's earlier decision in *Johnson Oil* further demonstrates that the imposition of personal liability in the instant case for a non-willful regulatory violation was both erroneous and grossly unfair. Because the decision below is contrary to well-established principles of law enunciated by this Court and other courts of appeals, the decision should be reviewed.

CONCLUSION

Ignoring the fundamental legal and policy principles of corporate law, the decision below has created an unreasonably expansive standard for determining a corporate officer's personal liability for corporate acts. That standard, by unfairly subjecting officers and directors to personal liability for the corporation's unintentional regulatory violations, would destroy one of the fundamental bases of the corporate form. For these reasons, the Chamber of Commerce of the United States of America and the American Corporate Counsel Association urge this Court to grant certiorari.

Respectfully submitted,

ROBIN S. CONRAD,
Counsel of Record.
LYNN M. SMELKINSON,
National Chamber Litigation Center, Inc.;
Counsel for the Chamber of Commerce of the United States of America.
NANCY A. NORD,
American Corporate Counsel Association,
Counsel for the American Corporate Counsel Association.

Mr. SHELBY. Further, Prof. Peter D. Junger of the Case Western Reserve University School of Law, a noted legal authority of the subject of restitution and Prof. Emeritus George E. Palmer of the University of Michigan Law School and author of the leading treatise on restitution have criticized the court's imposition of personal liability in the Cirtonelle-Mobile case.

Enforcement of personal liability on the same grounds in numerous other cases on the strength of the Citronelle-Mobile precedent will cause hardship through imposition of personal liability on individual corporate officers and employees.

Mr. President, the business community in general and, more specifically, small, family-owned businesses will suffer severe economic harm if the proposed amendment is rejected. Small, family-owned businesses have played a key role in our country's growth. Therefore, we must not allow these small business owners to suffer irreparable damage.

Consequently, a temporary stay of further enforcement activity by DOE under the "central figure" doctrine is necessary to enable Congress to consider whether the Citronelle-Mobile decision is consistent with congressional intent and, if not, what to do about the decision.

Precedent exists for such an amendment. Both the House and Senate have a long history of amendments to appropriations bills limiting the expenditure of funds for specific purposes. In fact, the Senate added a similar amendment to the Interior appropriations bill (H.R. 2712) that prohibits the use of funds by the DOE to pursue certain forms of judicial enforcement actions. That amendment was added because the committee's "strong objections over both the wisdom and legal justification of the Department's actions." That argument is equally applicable with the present amendment.

During the period covered by the amendment, government enforcement efforts would not be adversely affected. The amendment would not prevent the DOE from pursuing individual liability where: First. The individual received the funds, second, individual liability is proper under traditional "piercing the corporate veil" principles; of third, the individual participated in a knowing and willful—that is, criminal—violation of the regulations.

Additionally, during the period the amendment is in effect and unless Congress adopts a permanent solution, interest will continue to accrue on any overcharge for which an individual may be held personally liable.

Mr. President, the amendment simply preserves the status quo with respect to DOE's enforcement power while Congress considers whether the central figure precedent established in the Citronelle-Mobile case is consistent with congressional intent.

Finally, the scope of this amendment is specifically limited to the enforcement of individual liability in the case I have described, for any amount beyond the amount personally received by the individual corporate offices, plus interest. This amendment will, therefore, serve to give notice of the concern of Congress respecting this issue, but will not impair in any manner DOE's continuing enforcement efforts while this issue is being reviewed by the Congress.

Mr. DOLE. Mr. President, I would like to let my colleagues know that Senator DOMENICI was necessarily absent for this afternoon's vote on the Shelby amendment numbered 1188 because of a longstanding commitment he has this evening in his home State of New Mexico.

As my colleagues well know, these commitments are made weeks, if not months, in advance. Senator DOMENICI was under the impression that there would be no further votes in the Senate this afternoon, and that he would be able to keep his commitment to his constituents. That situation obviously changed with the requested vote on the Shelby amendment, and I know Senator DOMENICI regrets that he was unable to be recorded on that vote.

Mr. JOHNSTON. Will the Senator yield?

Mr. SHELBY. I yield to the Senator from Louisiana.

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in another, it should not be implied where excluded."); *Marshall* v. *Gibson's Products, Inc.*, 584 F.2d 668, 675 (5th Cir. 1978) (natural inference to be drawn from omission of any grant of power is that no grant was intended); *Alcoa Steamship Co.* v. *Federal Maritime Comm'n* 348 F.2d 756, 758 (D.C. Cir. 1965) ("Where Congress has consistently made express its delegation of a particular power, its silence is strong evidence that it did not intend to grant the power.").

[17] S. Conf. Rep. No. 516, 94th Cong., 1st Sess. 200, *reprinted in* 1975 U.S. Code Cong. & Ad. News 1762, 1956, 2042. Section 5(a) (4) was added to EPAA by the Energy Policy and Conservation Act of 1975, 42 U.S.C. §§ 620 *et seq.*

[18] In *Johnson Oil*, a third party complainant had sought to hold the corporate officers and shareholders personally liable. TECA held that complainant's reliance on *United States* v. *Arizona Fuels Corp.*, 638 F.2d 239 (TECA 1980), *cert. denied*, 451 U.S. 985 (1981), was misplaced because, in that case, the individual's flagrant misuse of the corporate assets for his personal gain had justified holding him personally liable. The holding in *Arizona Fuels* was thus found by TECA to be consistent with the case law regarding piercing the corporate veil.

Mr. JOHNSTON. I thought the Senator had yielded the floor.

Mr. SHELBY. Mr. President, I yield back the remainder of my time.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. JOHNSTON. Mr. President, this is a difficult amendment, but in my judgment it is a meritorious amendment.

Mr. President, this is one of the more outrageous court decisions I have had the opportunity to read. The reason is that it is totally at odds with any intent that the Energy Committee or the Congress had.

There was a manager of a relatively small oil company in Alabama who was following what at that time was the usual practice but which turned out to be the wrong practice in pricing of oil products, and ended up overcharging for oil products.

He owned some stock in that company. The company, by the overcharge, received a relatively large benefit. His personal share in that benefit was miniscule.

The district court found that he was in good faith in applying what he thought to be the regulations or, at least it was not in bad faith, is the phrase they used, but when the case got to the temporary emergency court of appeals, the court found that the manager, though no finding of bad faith had been made, was personally liable for the full amount of the charges against the corporation, together with interest.

It, in effect, disregarded the corporate form and without a finding of bad faith found him libel for the whole thing.

Mr. President, I think that is really an outrage. This amendment takes away from that.

The reason I asked for the yeas and nays is because it is the kind of matter that I think the Senate ought to speak upon and which should not be decided by a floor manager. However, I think it is a good amendment and, therefore, the Senate will get its opportunity to express itself on it.

Mr. McCLURE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. McCLURE. Mr. President, this amendment was brought to me the day before yesterday by Senator SHELBY, who asked my comments with respect to it. At that time, the amendment was a rather generic one dealing with all cases of this type. Since then, the amendment has been narrowed under, I understand, the opposition of some others who were more concerned about the broad application of a generic amendment. Now it applies more narrowly to the situation as described by the Senator from Alabama and the Senator from Louisiana.

The Senator from Idaho is not familiar with the facts of the case with sufficient clarity to have an opinion with respect to the right or justice, one or the other, of a position. I am certainly not sufficiently familiar with facts that would impel me to oppose the amendment. I agree with those who believe that perhaps there should be a further investigation of the facts, indeed, a hearing of the "other side," if there is another side.

Before this is cleared in conference, I suspect the other side will be heard from and we will have an opportunity to move to an adjustment and will move toward that adjustment if that is necessary or warranted. Any refinements in the amendment that might be required can certainly be discussed between now and the time this matter will be resolved in the conference.

It is on that basis, Mr. President, that I will not oppose the amendment though I suspect there may be some who will at least raise an eyebrow if not a question with respect to the wisdom of legislating in this fashion on this bill with respect to an individual lawsuit.

But, again, Mr. President, I do not oppose the amendment.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Will the Senator from Alabama yield for a question or two?

Mr. SHELBY. Yes.

Mr. SPECTER. What is the status of the appellate court? Why could this matter not be handled in the next highest court?

Mr. SHELBY. Unfortunately, the court denied certiorari earlier this week, that is the problem right now. We will have to reconsider that.

We are merely asking for some time here, as the Senator from Pennsylvania knows.

Mr. SPECTER. Senator JOHNSTON has represented that there was no finding of bad faith to pierce the corporate veil in this case.

Mr. SHELBY. That is my understanding. I read the brief and there was never an accusation of bad faith. I have not reviewed the record, but the U.S. Chamber of Commerce, on behalf of a lot of small businesses, is interested in this case as to what to do down the road.

Mr. SPECTER. I can see, Mr. President, that there would be serious concern as to how this principle would be carried out in other cases. I can see that as a grant for legislative action. But it seems highly questionable to this Senator that there would be action by the Congress of the United States to affect litigation in midstream. That would be a highly unusual course to take.

I will ask the Senator from Alabama if he knows of any precedent for doing that.

Mr. SHELBY. I do not know all the precedents here, but I do know that there is precedent for a similar amendment in an appropriations bill even this year.

Mr. SPECTER. But you have no specific precedent?

Mr. SHELBY. This was in a House bill that came over. It was in the Interior appropriations bill, H.R. 2712, as I understand.

Mr. SPECTER. There are many bills where there is a limitation on spending so that a Federal agency cannot take certain action. But the thrust of my question goes to whether there is any precedent for resolving a court case in midstream.

We had an analogous situation in the Judiciary Committee in 1982, as I recollect, on legislation that was sought to affect contributions in trust proceedings. There was great reluctance. I think ultimately that action failed in the Judiciary Committee because of the concerns for legislative action on specific cases.

It seems to this Senator to be highly irregular and to be really unprincipled. That is the concern I have, as I have heard the debate. I ask the distinguished Senator from Alabama, who is the judgment against in this case?

Mr. SHELBY. It is by the Department of Energy against the Citronelle-Mobile Corp., and the individual.

Mr. SPECTER. But the judgment was in favor of the U.S. Government?

Mr. SHELBY. That is right.

Mr. SPECTER. It would seem to this Senator that there would be ample opportunity to cure any injustice here by seeking repayment of the judgment. This is not a case where you have two private parties and it would be inappropriate for Congress to act most probably to affect judgment for a private party. But if there is an injustice here and we go through the hearing with the appropriate committee, it would be entirely appropriate for the Congress to legislate to redress any grievances. It would seem to me to be highly improper to enter a lawsuit in midstream.

Mr. SHELBY. If the Senator will yield, we are not trying to stop the lawsuit. We are talking about further collection of the judgment. That is what this Senator is talking about. The lawsuit has been tried on a questionable theory. What we are doing is to try to set a precedent here, in a sense, to have 9, 10, or 11 months respite so we can pursue some other theories here. This is going to affect not only this company, this individual, it is going to affect thousands of small businesses in this country.

Mr. SPECTER. I might respond, and I do have the floor, it seems to me that is the entirely appropriate course but the legislation ought to go to the public policy and there have not been hearings on this issue, have there, if I may ask the Senator from Alabama that question?

Mr. SHELBY. Not on this issue, if the Senator will further yield, but we would pursue other legislative opportunities if this amendment goes through because we would only have a few months to do it. Time is of the essence.

Mr. SPECTER. Whether this amendment goes through or not does not affect the status of the other defendants. It certainly would cast a pall over such legislation, but in order to reach that effectively, you have to have a change in the substantive law. It would seem to me the way to do it would be to have hearings and have the matter presented in due course. I just have reservations, and have expressed them in the past, when the appropriation process is used to restrict some governmental action to obtain some substantive purpose.

I thank the Chair and I yield the floor.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I think we are in a state of confusion because as I understand it, the House has passed a generic amendment that applies to all cases of this kind. I told the Senator from Alabama, with whom I spoke earlier, I would oppose that very strongly. The Senator from Alabama then said he just wants a 10-month stay with respect to this particular case. I said, "What happens after that?" And he said, "I'm not certain but that is all I'm seeking, a 10-month stay." This amendment is not limited to that 10-month stay and so we are going to have to try to correct that.

But having said that, then I want to come back to what the Senator from Alabama said. The Senator from Alabama in speaking to his amendment was speaking as if it would affect lots of cases, and then in response to the Senator from Pennsylvania just said it would affect literally thousands of small business people.

Now, the Senator from Ohio thinks this particular case warrants the 10-month stay. I have no trouble with that because, as I understand it, it is a $20-million judgment against the man who made something like $50,000 out of the entire matter. But as far as affecting the entire law, I would not want to accept this amendment unless several things occurred. First, we must change the amendment to be certain that it is just a 10-month stay. Second, I think the Senator from Alabama has to correct his earlier statement that it would affect thousands of other businesses and indicate it only affects this one.

And third, since the Senator from Alabama has said this is a generic change that is in the House bill, if this amendment is passed, I would want some assurance the managers of the bill will protect the Senate and see to it that we do not go any further than this amendment in conference.

I am willing to take care of this one particular case for the 10-month period. I am not willing to change the law and to make that change on the floor which would tie down the Department of Energy and the Department of Justice in matters of this kind. I do not believe any of us think we should be doing that. We want to be certain that we do not do it.

Now, if the Senator from Alabama will be good enough to respond first, am I correct that it is only intended as a 10-month stay?

Mr. SHELBY. Absolutely. Until October 1. That is absolutely correct. If the Senator from Ohio will yield further on this, when I said it would affect thousands of other small businesses, I want to attribute that to the case if it were allowed to stand. This amendment would only affect one case.

Mr. METZENBAUM. One case.

Mr. SHELBY. That is right.

Mr. METZENBAUM. So an amendment would have to be made. The Senator from Louisiana would have to get unanimous consent either to withdraw his request for the yeas and nays in order that the Senator from Alabama would modify his amendment or he could send an amendment to the desk which could then be accepted, I suppose. But one way or the other, we have to work out that parliamentary procedure. I want to be certain that we make that change and we all understand we are not going any further.

My staff has proposed an amendment which would read: "The prohibition in this section shall apply only until October 1, 1988." And I understand that is agreeable to the Senator from Alabama.

Mr. SHELBY. That is exactly right. If the Senator will yield further, I was looking at the amendment we are talking about and I believe if I struck out "or any other act" it would meet the Senator's objection.

Mr. METZENBAUM. I am not sure the point of that, "or any other act."

Mr. SHELBY. I want to strike out "or any other act" and this would restrict it, I would think, only to this particular bill for this period of time.

Mr. METZENBAUM. I do not think that would do it, if I may say so.

Mr. SHELBY. If the Senator has another suggestion——

Mr. METZENBAUM. I think the Senator's staff might take a look at this. Perhaps he would like to offer this modification since it is the Senator's amendment. I think that would limit it.

Mr. SHELBY. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. SHELBY. I have an amendment to my amendment. Would it be in order at this time——

Mr. JOHNSTON addressed the Chair.

Mr. SHELBY. I yield to the Senator.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the Senator be allowed to modify his amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SHELBY. Mr. President, I have an amendment to my amendment, which would modify the time that was questioned by the Senator from Ohio, and I send it to the desk.

The PRESIDING OFFICER. Does the Senator wish to modify his first-degree amendment?

Mr. SHELBY. That is right.

The PRESIDING OFFICER. The clerk will read the modification.

The legislative clerk read as follows:

> At the end of the amendment add the following: The prohibition in this section shall apply only until October 1, 1988.

Mr. SHELBY. Mr. President, I believe that modification is self-explanatory. That was done because of the concern of the Senator from Ohio.

The PRESIDING OFFICER. The amendment is so modified.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, I am glad the Senator cleared up whatever ambiguity there was. That was always the floor manager's understanding of what the amendment intended to do.

Mr. President, just for the record, the district court stated as follows:

> An assessment of the penalty in this action requires the finding that the defendants willfully violated the FEA pricing regulations. The court has found that the defendants sought the advice of counsel before proceeding with their transaction. The defendants made a good faith effort to comply with the regulations, and clearly and fully explained their transactions to the Department of Commerce. It is clear that any violation proceeds from the inexperience of the agencies in administering the new regulations and the unusual time constraints under which they were placed. The regulations contained no examples which might have alerted the defendants that the transactions were not exempt from the price controls.

That is from *Citronelle-Mobile Gathering, Inc., et al.* v. *O'Leary,* 499 Fed. Sup. 871 at 888. In other words, the court found that there was good faith. What the Temporary Emergency Court of Appeals did was create a brand new theory on the central figure theory. They did not require the piercing of the corporate veil, which is one theory of personal liability, a time-honored theory. They did not require bad faith. They simply created this new theory of a central figure whereby in effect the manager of a corporation becomes a central figure, thereby personally liable for any violations of the corporation. In confecting that new theory the court of appeals relied upon Prof. George E. Palmer of the University of Michigan Law School. In writings of his, Professor Palmer's conclusion is:

> None of this supports the court's conclusion in the Citronelle case that the United States is entitled to restitution of overcharges never received by the individual Chamberlain.

I also have other letters from distinguished professors in the field, such as professor of law, Peter D. Junger from the Case Western Reserve University Law School in Cleveland, OH, and in fact I have two letters from Professor Junger.

I ask unanimous consent that the full text of the letters from Professor Palmer and Professor Junger be put into the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNIVERSITY OF MICHIGAN LAW SCHOOL,
Ann Arbor, MI, October 23, 1987.

Senator J. BENNETT JOHNSTON,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR SENATOR JOHNSTON: Mr. Joel Saltzman has asked me to write you primarily in connection with the decision of the Temporary Emergency Court of Appeals in Citronelle-Mobil Gathering, Inc. v. Herrington, decided May 7, 1987. The United States sought restitution of overcharges on the authority of 12 U.S.C. 1904 Note, and the court upheld recovery from the individual Chamberlain of all overcharges by the corporations, even though he had received for his own benefit only a portion of those overcharges. This could be upheld as a proper case for restitution if the court were to pierce the corporate veil but it did not do so. The Government must have assumed, correctly I believe, that the facts did not support a piercing of the corporate veil.

I see no other basis for requiring Chamberlain to make restitution of moneys he did not receive. The court rests its decision on the theory that Chamberlain was the "central figure" in the wrongful sales. This might support recovery of the amount of the overcharges as damages (which evidently the Government cannot recover under the statute) but in my opinion such a recovery is not permissible under the common law of restitution.

The court relied on a statement in the Restatement of Restitution § 1, comment *e* (1937), but that statement is of very limited significance and does not justify the court's decision. The statement is concerned solely with situations in which there has been a transfer of goods or services from plaintiff to defendant; the usual measure of recovery in a restitution action is the fair market value of the goods or services, and that is the measure used in the two examples given by the Restatement. In one the physician recovers the reasonable value of his services even though his patient dies. In the other the owner of a chattel recovers the value of the chattel even though the defendant purchased it in good faith from a thief. In the law of property the defendant got no title. The owner can recover the chattel simply because it is his, or alternatively he is entitled to restitution of its value. The defendant lost his money when he bought the chattel and cannot recapture his loss at the true owner's expense.

None of this supports the court's conclusion in the *Citronelle* case that the United States is entitled to restitution of overcharges never received by the individual Chamberlain.

Yours truly,

GEORGE E. PALMER,
Professor Emeritus of Law.

CASE WESTERN RESERVE UNIVERSITY,
Cleveland, OH, October 21, 1987.

Senator J. BENNETT JOHNSTON,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR SENATOR JOHNSTON: Thank you for your kind letter of October 5, 1987. I am afraid that I am not quite as far along with my article on "Retributory Restitution" as you suggest, but I am happy to have this opportunity to state the conclusions I have reached with respect to *Citronelle-Mobile Gathering, Inc. v. Herrington,* 826 F.2d 16 (T.E.C.A. 1987).

As far as I know, *Citronelle-Mobile* is the only case in Anglo-American jurisprudence in which a court has knowingly ordered a party to make restitution of a benefit that he never, even constructively, received. The conclusion of the Temporary Emergency Court of Appeals ("TECA") that Part B. Chamberlain is personally liable "for the full amount of overcharges, $6,769,956.76," which he had never received, cannot be supported by any conceivable theory of restitution and is contrary to law and the clear intent of Congress.

TECA apparently reached its mistaken conclusion because it did not understand the difference between the remedy of damages and that of restitution. This distinction is critical to an understanding of the *Citronelle-Mobile* case, because the government's claim, and TECA's jurisdiction, was based on the last sentence of section 209 of the Economic Stabilization Act of 1970, as amended ("ESA"), which provides:

> In addition to such injunctive relief, the court may also order restitution of moneys received in violation of any . . . order or regulation [under the price control laws].

Damage actions by the government, on the other hand, are not authorized by section 209, as is made clear by ESA section 210 which authorizes a damage action by the person who paid the overcharges; the legislative history of section 210 makes clear that:

> This action is intended to be brought by private persons against other private persons. The government will not bring such action nor be the subject of one.

S. Rep. No. 92-507, Nov. 20, 1971, *reprinted in* 1971 U.S. Code Cong. & Admin. News 2283, 2291.

The critical difference between damages and restitution is that damages are measured by the *claimant's loss,* while restitution is measured by the *defendant's gain.* It is easy to see why Congress did not permit the governmnt to sue for damages for violations of the price control laws: the government could never show any calculable damages in such a case. It is also easy to see why Congress (and the courts; *see, e.g., Porter v. Warner Co.,* 328 U.S. 395 (1946)) have authorized the government to obtain restitution of overcharges made in violation of the price control laws: otherwise it would pay violators to pay the penalties and keep the overcharges—in *Citronelle-Mobile,* for example, no penalties were assessed, while the overcharges were in excess of $6.75 million.

As the Supreme Court said in *Snepp v. United States,* 444 U.S. 507, 515 (1980), a case where the government sought restitution, in the form of a "constructive trust" (the technical name for restitutionary relief of the type authorized by ESA Section 209), of the profits received by a former CIA agent from the sale of a book which he published in violation of his fiduciary duty to the United States:

> A constructive trust . . . protects both the Government and the agent from unwarranted risks. . . . It deals fairly with both parties by conforming relief to the dimension of the wrong. . . . If the agent published unreviewed material in violation of his fiduciary and contractual obligation, the trust remedy simply requires him to disgorge the benefits of his faithlessness. Since the remedy is swift and sure, it is tailored to deter those who would place sensitive information at risk. And since the remedy reaches only funds attributable to the breach, it cannot saddle the former agent with exemplary damages out of all proportion to his gain.

444 U.S. at 515-16. Yet, in *Citronelle-Mobile,* TECA required Chamberlain to disgorge benefits that he had never received and, in effect, saddled him with exemplary damages out of all proportion to his gain.

TECA justified its holding that Chamberlain (who did not receive the overpayments) and the corporate counter-defendants (which did) were "jointly and severally liable for the full amount of the overcharges" (826 F.2d at 31) on the authority of a series of cases where individual defendants, officers of corporate defendants, were held liable for *damages,* two of its own earlier opinions, and its misconstruction of a misleading comment in the Restatement of Restitution.

The theory that TECA adopted in *Citronelle-Mobile* was that:

> Chamberlain is a "central figure" in the misconduct of the corporation insofar as his misconduct has brought about the corporate violations of crude oil pricing laws.

826 F.2d at 23. The court expressly stated that:

> [l]iability is premised only on a finding that Chamberlain committed the wrongful acts.

Id. This "central figure" theory does support the finding that Chamberlain committed the wrongful act and that finding in turn would justify holding Chamberlain liable for the *damages* caused by his wrongful acts, but—again—a damage action cannot be brought by the government pursuant to ESA. The fact that Chamberlain's acts caused damages cannot justify a restitutionary award against him; in fact, as

TECA repeatedly recognized, quoting from its earlier opinion in the same case, in an action for restitution

> [A]s this court has already said, "[n]o proof is required that the plaintiff was damaged, much less the amount of any damage." *Citronelle-Mobile,* 669 F.2d at 722."

826 F.2d at 29; *see also, id* at 23. In order to justify the restitution order against Chamberlain, the government would have had to prove that he had received the benefits of his misconduct—that he had received the "moneys received in violation" of the pricing order; that, of course, could not be proved, with or without the help of the "central figure" theory.

It follows that none of the *damage* cases relied on by TECA to establish the "central figure" theory is authority justifying the *restitution* decree against Chamberlain.

One of the earlier TECA opinions relied on by the court in *Citronelle-Mobile* was *United States v. Sutton,* 795 F.2d 1040 (T.E.C.A. 1986), *cert. denied, — U.S. —,* in which, relying in part on its first opinion in the *Citronelle-Mobile* case, the court held that Sutton, a corporate officer and stockholder—like Chamberlain—was liable in a restitution action pursuant to ESA section 209 on two separate theories, one right and one—the "central figure" theory—wrong. In *Sutton* the court said:

> The evidence fully supports the district court's conclusion that Robert Sutton is jointly and severally liable with his corporate defendants because these corporations were Sutton's alter egos ["piercing the corporate veil" theory] and because Sutton personally engaged in tortious conduct ["central figure" theory].

795 F.2d at 1061. Since the court in *Sutton* found that Sutton was the "alter ego" of his corporations, he received all the benefits received by them and was thus liable to make restitution. To the extent, however, that *Sutton* holds that a party who did not receive a benefit can be required to make restitution of that benefit under a "central figure" theory, it is as misguided as *Citronelle-Mobile* itself.

The other TECA case relief on was *Sauder v. D.O.E.,* 648 F.2d 1341 (T.E.C.A. 1981), which did not involve a corporate officer who was the "central figure" in a wrong committed by his corporation. *Sauder* did not involve any corporations. The court in *Citronelle-Mobile* said:

> In *Sauder,* we rejected the argument that the common law concept of restitution does not permit a court to order an infringer to refund benefits never received by that individual. 648 F.2d at 1348. We refused to characterize the decision to hold Sauder fully responsible in restitution as an attempt to award damages to the victimized party. Rather, we imposed liability in such a manner as to restore the precise amount of the overcharges, "to set things right." 648 F.2d at 1348.

826 F.2d at 27. If this is a correct characterization of the *Sauder* holding, then that case is also as misguided as *Citronelle-Mobile;* refusing to characterize damages as damages does not keep them from being damages.

I suspect, however, that *Sauder* may have been correctly decided—if not for the right reasons—and it is certainly easy to distinguish it from *Citronelle-Mobile.*

Sauder was "the part owner and operator of three oil leases . . . [which] were operated as a single unit"—without benefit of a unitization agreement. 648 F.2d at 1342. Since our library contains no up-to-date treaties on oil and gas law, I cannot readily determine what the liability of the operator of such a unit is. If he is treated as a partner (or a joint venturer) in the unit, he would be liable for the debts—including those arising on restitutionary theories—of the partnership (or joint venture). I would, myself, expect the operator to be held liable for all the debts of the unit as if he were the general partner of a limited partnership. I would not, however, be surprised if the law in this area is unsettled; if that is so, perhaps I will have to write another article.

In any event, an operator of an oil and gas lease or unit like Sauder bears little resemblance to a corporate officer like Chamberlain. The *Sauder* court justified holding Sauder liable for all of the unit's overcharges on the grounds of administrative convenience:

> To require the agency to seek refunds from each individual property owner would place a heavy burden on the agency.

648 F.2d at 1348. This rationale cannot, of course, be applied to *Citronelle-Mobile,* for in that case the corporations were the obvious parties to make restitution; no administrative convenience was served by extending liability to Chamberlain.

As to the comment from the Restatement, the court said:

> "Ordinarily, the measure of restitution is the amount of enrichment received." Restatement of Restitution § 1 comment a (1937). However, restitution also can serve "to restore the status quo." . . . [quoting *Sauder*] "[A] person who has been unjustly deprived of his property or its value . . . may be entitled to maintain an action for restitution against another although the other has not in fact been enriched thereby." Restatement of Restitution § 1 comment e (1937).

It is, of course, true that restitution can, and usually does, serve to restore the defendant to the status quo by depriving him of his undeserved gain. Damages, on the other hand, restore the claimant to the status quo by making good his loss. This is just another way of stating the distinction between restitution and damages, the distinction that the court ignored when it required Chamberlain to make restitution of benefits he had never received.

Comment e to section 1 of the Restatement of Restitution refers to a case where A has converted B's goods and sold them to C. In such a case, if C refuses to return the goods, B, their owner, may sue either for damages (the tort of conversion) or for restitution of the goods or their value. If C paid full value for the goods, one can argue that he was not enriched by his innocent conversion, but the fact remains that he did receive B's goods. Chamberlain, on the other hand, did not receive anything whatsoever, so this comment can have no application to his case. Palmer in his treatise on Restitution takes the position that C actually is enriched, claiming that the fact and amount of a defendant's enrichment can be ascertained only in the context of a legal system, here by reference to rules relating to title to chattels.

1 Palmer, Restitution 59 (1978). In any event, this academic dispute has no bearing whatsoever on the issue of whether the court's treatment of Chamberlain was correct. It wasn't.

If you desire to amend ESA to overrule *Citronelle-Mobile* and make clear that a defendant may not be compelled to make restitution of moneys that he never received, I would suggest that the last sentence of ESA section 209 be amended to read as follows: "In addition to such injunctive relief, the court may also order restitution of moneys received in violation of any such order or regulation, *but only from the person who received such moneys."* Since this is clearly what was intended all along, I find it unsettling that any court could so misconstrue section 209 as to make this proposed amendment necessary.

Very truly yours,

Peter D. Junger,
Professor of Law.

Case Western Reserve University,
Cleveland, OH, October 27, 1987.

Senator J. Bennett Johnston,
Chairman, Committee on Energy and Natural Resources U.S. Senate, Washington, DC.

Dear Senator Johnston: This will supplement my letter of October 21, 1987 since there are two matters which I should, perhaps, have mentioned but which—since I did not want to use footnotes—I decided to exclude from that letter:

1. Chamberlain did receive a small portion of the overcharges, and the trial court held that the government was entitled to restitution of, and only of, the amount of those overcharges. Though I did not discuss those overcharges in my letter, it is, of course, my opinion that the trial court was correct and that Chamberlain was obligated to make restitution of the amounts that he actually received.
2. TECA's assesment of prejudgement interest at the prime rate, a rate far in excess of the legal rate and probably of any rate of return that Chamberlain's companies could in fact have earned suggests that that court applied its misconception of restitution to the corporate counter-defendant's as well as to Chamberlain. I find difficulty in reconciling this portion of the *Citronelle-Mobile* decision with decisions like *SEC v. Manor Nursing Centers, Inc.,* 458 F.2d 1082, 1104–05 (2d Cir. 1972).

I would also alike to amplify my statements with respect to the *Sauder* case. Further research convinces me that Sauder was properly held liable as a partner in the unit, that is, as an operating partner in a mining partnership; *cf., e.g., Blocker Exploration Co. v. Frontier Exploration, Inc.,* 740 P.2d 983 (Colo. 1987) and cases therein cited.

Finally, I wish to assure you, as I failed to do in my first letter, that I will send you a copy of my article as soon as it is finished.

Very truly yours,

Peter D. Junger.

Mr. JOHNSTON. I simply urge, Mr. President, that this is a 10-month delay to allow time for various committees. I do now know whether this would appropriately be in the Energy Committee or in the Judiciary Committee. But it ought to be looked at because indeed this decision has far-reaching impact. I think really it ought to be looked at.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I direct this question either to the distinguished Senator from Louisiana or the distinguished Senator from Alabama. The upshot is it is simply a 10-month delay on the execution and during the interim there will be consideration by the Congress of any change of law or clarification of law on the central figure theory adopted by the appellate court in this case.

Mr. SHELBY. The Senator is absolutely right. That is the whole purpose of the amendment and the intent of the offerer here.

Mr. SPECTER. I thank the Senator.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Alabama.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Florida [Mr. Chiles], the Senator from Tennessee [Mr. Gore], the Senator from Michigan [Mr. Levin], the Senator from New York [Mr. Moynihan], the Senator from Georgia [Mr. Nunn], the Senator from Rhode Island [Mr. Pell], the Senator from North Carolina [Mr. Sanford], and the Senator from Illinois [Mr. Simon] are necessarily absent.

I further announce that, if present and voting, the Senator from Rhode Island [Mr. Pell] would vote nay.

Mr. SIMPSON. I announce that the Senator from New Mexico [Mr. Domenici], the Senator from Utah [Mr. Garn], the Senator from Utah [Mr. Hatch], the Senator from Oregon [Mr. Hatfield], the Senator from Indiana [Mr. Lugar], the Senator from Arizona [Mr. McCain], the Senator from New Hampshire [Mr. Rudman], the Senator from Wyoming [Mr. Wallop] and the Senator from California [Mr. Wilson] are necessarily absent.

The PRESIDING OFFICER [Ms. Mikulski]. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 70, nays 13, as follows:

[Rollcall Vote No. 377 Leg.]

YEAS—70

Adams
Armstrong
Baucus
Bond
Boren
Boschwitz
Breaux
Burdick
Byrd
Cochran
Cohen
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Durenberger
Evans
Exon
Ford
Fowler
Glenn
Gramm
Grassley
Harkin
Hecht
Heflin
Heinz
Helms
Hollings
Humphrey
Inouye
Johnston
Karnes
Kassebaum
Kasten
Leahy
Matsunaga
McClure
McConnell
Melcher
Metzenbaum
Mikulski
Mitchell
Murkowski
Nickles
Packwood
Pressler
Proxmire
Pryor
Quayle
Reid
Riegle
Rockefeller
Roth
Sasser
Shelby
Simpson
Specter
Stafford
Stennis
Stevens
Symms
Thurmond
Trible
Warner
Wirth

NAYS—13

Bentsen
Biden
Bingaman
Bradley
Bumpers
Chafee
Conrad
Graham
Kennedy
Kerry
Lautenberg
Sarbanes
Weicker

NOT VOTING—17

Chiles
Domenici
Garn
Gore
Hatch
Hatfield
Levin
Lugar
McCain
Moynihan
Nunn
Pell
Rudman
Sanford
Simon
Wallop
Wilson

So the amendment (No. 1188) as modified, was agreed to.

Mr. BYRD. Madam President, I just take the floor at this moment to see if we can have some understanding of the program for the rest of the day on this measure, whether or not there are going to be additional rollcall votes, and whether or not we can put a limit on further amendments by unanimous consent so that the managers will know what they can count on as well.

Mr. JOHNSTON. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. If the Senator from Louisiana will withhold, the Senate is not in order. It is difficult to hear the Senator from Louisiana and the majority leader.

Senators will kindly take their seats while we discuss the remaining part of the program in the colloquy about to take place between the manager and the majority leader. Senators will please take their seats.

The Senator from Louisiana.

Mr. JOHNSTON. Madam President, I would think we would have no more rollcall votes this afternoon. The amendments I have on the list yet to deal with are as follows: A Heflin-Thurmond amendment, which is waiting to be cleared, relative to a building in Charleston, SC; four Karnes amendments, which I hope we can dispose of with a colloquy; five Dixon amendments, with the same comment; a Lautenberg amendment, which we will soon accept; a Domenici amendment; a Glenn amendment; a Leahy amendment, which we will soon accept; and a Hatfield amendment. I think those are the only amendments that have either been brought to our attention or about which we have heard rumors.

Mr. BYRD. Madam President, I wonder, with the distinguished Republican leader on the floor, could we get an agreement that the amendments would be limited to those that have just been enumerated by the distinguished manager.

Mr. DOLE. That is fine on this side.

Mr. McCLURE. Would the distinguished majority leader yield?

Mr. BYRD. Yes.

Mr. McCLURE. There is a unanimous-consent agreement with respect to a motion to recommit. What you are suggesting now would not displace that or alter that?

Mr. BYRD. It would not.

Mr. McCLURE. We certainly have no objection to limiting the list to those enumerated.

Mr. JOHNSTON. Madam President, I ask unanimous consent that, in addition to the matters previously provided for by unanimous consent, the following amendment and none other be in order: one Conrad amendment, which will be germane to the bill; and I have already listed the others and described those.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BYRD. Madam President, as I now understand the order that was entered, it limits all further amendments to those that have been enumerated by the distinguished manager of the bill, Mr. Johnston.

The PRESIDING OFFICER. The majority leader is correct.

Mr. BYRD. So once they are disposed of, the Senate may go to third reading, with the understanding, of course, that the motion to recommit is still in order up until the time of passage.

The PRESIDING OFFICER. The majority leader is correct.

Mr. BYRD. I thank the Chair, I thank all Senators, and I thank the Republican leader.

There will be no more rollcall votes today, Madam President.

AMENDMENT NO. 1189

Mr. LAUTENBERG. Madam President, I send an amendment to the desk and ask for its immediate consideration. This amendment is on behalf of Senator Bradley and myself.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Jersey [Mr. Lautenberg], for himself and Mr. Bradley, proposes an amendment numbered 1189.

Mr. LAUTENBERG. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 38, line 5, before the period, insert the following:

": *Provided*, That of the amount appropriated under this heading for the magnetic fusion program, $8,000,000 shall be available to continue research, development, engineering and design only of Project 88-R-92, Compact Ignition Tokamak; *Provided further*, That the Princeton Plasma Physics Laboratory and the Office of Fusion Energy shall submit a report and a 5-year plan based on current budgetary resources allocated for fusion energy research to the Committees on Appropriations of the House and Senate providing detailed information, costs and schedules for the concurrent construction of the Compact Ignition Tokamak project with the continued operation and completion of the Tokamak Fusion Test Reactor project."

Mr. LAUTENBERG. Madam President, This amendment would designate funds within the energy supply, research, and development activities. This adds no money to the total program.

The Princeton Plasma Physics Laboratory is working on experiments funded by the Department of Energy to release energy through the fusion of some abundant elements found in sea water. The current project, the Tokamak fusion test reactor [TFTR], has succeeded in reaching a record temperature. At present, the TFTR uses more energy than it releases. The goal is for the TFTR to achieve a break-even point in 1989-90.

The next step will be the development of the compact ignition Tokamak [CIT], which will build on the successes of the TFTR. The CIT is designed to reduce the differential between energy production and energy release. It has reached the stage in engineering research that initiation of construction should begin in 1988.

One way of understanding this project is to view the TFTR as providing a spark. The CIT will turn the spark into an ignition and a flame that will remain for short periods of time. The final step will be an engineering test reactor, which will sustain the flame over a longer period and convert its energy to more useful forms.

The Department of Energy has recommended the CIT project for a new construction start in fiscal year 1988. Secretary Herrington has written to me, expressing his support for the CIT and stating that the CIT is a "unique and critical element of the Department's most successful R&D programs."

This amendment assures that the preliminary work on the CIT will continue with engineering, studies, and plans. A project of this magnitude must not be allowed to flounder. The House of Representatives has included funds to start construction of this project. Although this amendment does not specify a beginning for construction, I hope that the chairman and members of the conference committee will take another look at the possibility of committing construction funds.

Madam President, it is my understanding that this amendment has been cleared. That being the case, I urge its adoption.

Mr. JOHNSTON. Madam President, the distinguished Senator from New Jersey makes a powerful and persuasive case on the compact ignition Tokamak. He makes that powerful case not only here on the floor, but I can assure my colleagues he makes a very powerful case off the floor. In fact, my arm, shoulder, and elbow socket is very sore on this question. So on the basis of his persuasiveness, we are glad to commit $8 million to this effort.

It is an important effort, Madam President, because we need to define the relative role of the new compact ignition Tokamak with the existing TFTR, which is an operating Tokamak at this time, which, as a matter of fact, is not totally complete. The TFTR has not demonstrated scientific breakeven yet. It hasn't completed the mission for which it was constructed.

This money will be used not only to begin the planning on the new CIT, but to define how the two mesh in, to define a long-term plan for the operations of the TFTR during the period of time that the CIT will be constructed, if that is the case, or the plan for phasing out one and phasing in the other. All of those important questions need to be determined. This $8 million will go to help fund that as well as the preliminary design and engineering of the CIT.

So, Madam President, this is a big undertaking and an important undertaking for the Nation. I congratulate the Senator from New Jersey for so persuasively bringing this to our attention.

I might add that the compact ignition Tokamak, when and if built—and I can say, if the Senator continues to be as persuasive as he has been both with me and other Members of the Senate, I would imagine it would be built—but that is a machine that would cost in the neighborhood of $400 million. This is a first step in that direction. I congratulate the Senator from New Jersey and urge the Senate to adopt the amendment.

Mr. McCLURE. Madam President, the amount of money that is contrained in this amendment is the budgeted request and therefore, simply puts in the bill language which has already been requested.

But there is an addition to that which I think the House committee ducked and that was they urged a delay, as I understand it, because they were not ready to make the commitment to move forward in construction. And there is more than a small implication in this amendment that indeed we are going to move to construction.

I mention that only because certainly there will be a debate about the commitment to a construction start in this conference. And all Members should know, I think, that when we commit to a construction start, that we are then beginning to impact upon other items within the budget. We are setting priorities. That is the reason I suspect that this item was not in there originally and why the Senator is on the floor offering the amendment, is to get that commitment to the start.

I will not object to the amendment but I want people to understand very clearly that the door is opening wider than was the case before. The Senator from New Jersey is entitled to commendation for doing that. On the other hand, I do not want anybody to be misled about the fact that it is only $8 million that we are talking about. We are talking about much more money that that, ultimately.

Mr. LAUTENBERG. Mr. President, I thank the managers of the bill for their wisdom and for their support. The fact is that it is very clearly understood that this is for review of the process. Everyone is aware of the fact that we have to find alternative sources of energy. This is a very important part of the research that is going on.

So I appreciate the acceptance by the manager and the ranking member of the subcommittee and I hope that we will be able, as the years pass on, to go ahead with the construction. I understand all the caveats that have been offered.

Mr. BRADLEY. Mr. President, I rise in support of this amendment to provide $8,000,000 in funding to assist in the engineering and design of the compact ignition Tokamak, the CIT. I would especially like to thank Senator JOHNSTON for his assistance and support in these efforts, which are critical to the long-term interests of the Nation.

The CIT is widely regarded as the next step for the U.S. Magnetic Fusion Program. This machine will be located at Princeton and build upon the successes that have characterized the Tokamak Program at the Plasma Physics Laboratory there. With the CIT we move even closer to the day when the energy that creates stars creates power, light, and warmth in the homes of all Americans.

Mr. President, we hear much in the Senate about security of our energy supplies. The essence of our security depends on diversity. With an active fusion program, we potentially create a whole new and significant option for our future energy needs. Without a Government program, this option disappears. These actions are farsighted, but costly. Fortunately, the payoff is there. There is real gold at the end of the rainbow and our children will thank us for this commitment and resolve.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment of the Senator from New Jersey.

The amendment (No. 1189) was agreed to.

Mr. JOHNSTON. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1190

(Purpose: To restore funds for renewable energy research)

Mr. JOHNSTON. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. Johnston], for Mr. Leahy (for himself, Mr. Stafford, Mr. Harkin, Mr. Riegle, Mr. Gore, Mr. Matsunaga, Mr. Cranston, Mr. Kerry, Mr. Adams, Mr. Lautenberg, Mr. Inouye, Mr. Dodd, Mr. Biden, Mr. Graham, Mr. DeConcini, Mr. Moynihan, Mr. Sanford, Mr. Burdick, Mr. Fowler, Mr. Pell, Mr. Baucus, Mr. Chafee, Mr. Daschle, and Mr. Simon), proposes an amendment numbered 1190.

Mr. JOHNSTON. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 41, line 4, after "expended," insert "of which $2,000,000 shall be available from within available funds for wind research."

Mr. LEAHY. Madam President, this amendment is budget neutral and will not increase spending in the bill.

The amendment will restore $2 million of the $19 million cut under the bill from the Renewable Energy Research and Development Program at the Department of Energy. Over the last 6 years, the budget for renewable energy R&D has been slashed by more than 80 percent. This year, alone, the administration sought another 40-percent reduction. This cannot be allowed.

Under the Energy and Water appropriations bill, funds for research on wind energy were cut by more than 49 percent.

These are difficult fiscal times. The proponents of this amendment recognize that. We also recognize that the Energy and Water Subcommittee was forced to make many tough choices to bring this bill to the floor under budget. That is why our amendment only partially restores the funds cut from renewable energy research. Under the amendment, $2 million would be restored to the Wind Energy Research Program, leaving it still with a substantial reduction.

Madam President, the deep cuts contained in this bill must be partially restored, however, if the United States is to maintain its energy security and if we, as a nation, are to again become competitive in international trade in energy technologies.

A recent report by the General Accounting Office found that cuts in DOE's research on renewable energy have already contributed to significant delays in developing renewable energy technology. At a time when hostilities are ever increasing in the Persian Gulf and the security of the oil supply from that region cannot be guaranteed, the United States has become more and more dependent on foreign oil. We are again importing more than 6 million barrels of oil per day—the highest level since 1980. All the while, the administration has sought and won cuts in programs that encourage the development of energy alternatives.

Renewable energy sources currently provide 8 percent of America's power needs. A recent Energy Department study projects that with adequate Federal support safe, reliable, American renewable energy sources could provide six times that amount by the year 2010.

We are using renewable energy now. It works. Wind energy, perhaps the least exploited of the technologies, already provides enough energy to provide power to a city of 600,000 each year. We know that there will be a demand for energy alternatives to oil in the future. Oil prices are not going to continue at their bargain basement level forever; nor are we certain of our future oil supplies.

But, we must invest now, if we want these technologies to be available when we need them in the future. We cannot afford to fall any further behind the curve.

Nor should we permit our competitors overseas to capture the emerging multibillion dollar market in renewable energy technology. Last year, more than $1 billion in renewable energy equipment was sold internationally. In just 5 years, that market is projected to double. Yet, while the market has grown, American firms are losing out. We used to sell nearly 100 percent of the world's alternative energy technology. Now we sell one-third. The Danish now dominate wind energy markets in the United States. Again, GAO concluded that cuts in Federal support for research and development of this technology are directly to blame.

The $2 million restored by this amendment came from funds available within the DOE budget.

Our amendment is a modest step toward restoring our commitment to basic research into alternative sources of energy. It will not bust the budget and it complies with the Gramm-Rudman-Hollings balanced budget law.

Madam President, I urge the adoption of the amendment.

Mr. McCLURE. Madam President, we have no objection on this side.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1190) was agreed to.

Mr. JOHNSTON. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. McCLURE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JOHNSTON. Madam President, I am advised that the motion by Senator Conrad for an amendment is not necessary and consequently I ask for unanimous consent that the reservation for the amendment of Senator Conrad be stricken from the list.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSTON. Madam President, the remaining amendments to be dealt with are Heflin-Thurmond, which I understand is to be taken up next week, or perhaps in a few minutes; the Karnes amendments; the Dixon amendments; the Domenici amendments, which will be next week if offered; the Glenn amendment; and a Hatfield amendment.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JOHNSTON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1191

(Purpose: To transfer title of the land at South Shore State Park, Illinois)

Mr. JOHNSTON. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. Johnston], for Mr. Dixon and Mr. Simon, proposes an amendment numbered 1191.

Mr. JOHNSTON. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill insert the following: "The Secretary of the Army shall transfer title to all land presently leased to the State of Illinois at South Shores State Park, Lake Carlyle, Illinois for development in accordance within the State Plan for development of recreational opportunities throughout the state park system. Title to all lands transferred shall be encumbered to insure that the development does not interfere with operation of the project for flood control purposes."

Mr. JOHNSTON. Madam President, this amendment has to do with a land transfer in the State of Illinois. We had originally resisted the amendment because it had not been cleared with the authorizing committee. The transfer is of title in South Shores State Park, Lake Carlyle, IL, for development in accordance with the State plan for development of recreational opportunities throughout the State park system.

This amendment has now been cleared by the authorizing committee, so we are glad to take the amendment.

The PRESIDING OFFICER. Is there further debate?

Mr. McCLURE. Madam President, we have no objection to the amendment and urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1191) was agreed to.

Mr. JOHNSTON. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DIXON. Madam President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DIXON. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JOHNSTON. Madam President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1192

(Purpose: To allocate funds for repairs of the East St. Louis, Illinois pumping station)

Mr. JOHNSTON. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. JOHNSTON], for Mr. DIXON and Mr. SIMON, proposes an amendment numbered 1192.

Mr. JOHNSTON. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 12, line 10, before the period insert a colon and the following: "*Provided further,* That the Secretary of the Army is directed to accomplish channel rehabilitation, repair and rehabilitation of fourteen pump stations and appurtenant works and rehabilitation and replacement of bridge structures in the vicinity of the East Side Levee and Sanitary District in East St. Louis, Illinois, by making available $1,000,000 in fiscal year 1988".

Mr. JOHNSTON. Madam President, this amendment was originally not cleared with the authorizing committee and it does in fact authorize channel rehabilitation and repair and rehabilitation of 14 pump stations and appurtenant works in East St. Louis, IL, by making $1 million available in fiscal year 1988. The matter has now been cleared by the authorizing committee. Therefore, we urge acceptance of the amendment.

The PRESIDING OFFICER. Is there further debate?

Mr. McCLURE. Madam President, I have been persuaded that indeed this is a unique situation in a number of respects. We probably would have acted differently earlier except for the lack of clearance on the part of the authorizing committee. That has now been given so I have no objection to the adoption of the amendment.

Mr. DIXON. I thank the Senator.

The PRESIDING OFFICER. Is there any other debate on the amendment? If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 1192) was agreed to.

Mr. DIXON. I move to reconsider the vote by which the amendment was agreed to.

Mr. JOHNSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1193

(Purpose: To appropriate funds for the Davis Creek Dam, North Loup Division, Nebraska)

Mr. KARNES. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Nebraska [Mr. KARNES] proposes an amendment numbered 1193:

At the bottom of page 23, insert the following: "*Provided further,* that $1 million of available funds shall be available for use on the Davis Creek Dam, North Loup Division, Nebraska."

Mr. KARNES. Madam President, I rise today to offer an amendment which addresses an anomaly in the budget request for the North Loup project in Nebraska. The project is $1 million short of the necessary funds to complete the project including the Davis Creek portion. The shortfall is due to a timing problem rather than any substantive difficulty.

The North Loup project in Nebraska is substantially underway, as defined by the Bureau of Reclamation. As of September 30, 1987 the project was 60-percent finished, and thus is considered by the Bureau of Reclamation to be a priority for completion. The Bureau policy recognizes the need to treat projects nearing completion, requiring this Member to place special emphasis on making sure the project does not fall behind schedule.

Without the additional $1 million the North Loup project will fall behind and hinder the scheduled development already underway and funded downstream. In order for this project to be completed the Davis Creek portion must be started. As a priority project for completion, North Loup is eligible for all funds necessary to complete construction.

The additional funds are necessary to award contracts for the Davis Creek Dam. These moneys would be used to first, secure right of ways—$300,000; second, relocate contracts—$30,000, and; third, award contract earnings—$670,000.

Last year, it became apparent that the authorization limit would not be adequate to finish the project. The Bureau of Reclamation informed my Nebraska delegation colleague in the House, Congresswoman VIRGINIA SMITH, that the Bureau would proceed with the Davis Creek portion if two conditions were met.

The first condition was that Congress would have to raise the authorization limit for the overall project. Subsequently, the authorization limit was raised, but it was raised too late to be reflected in the President's Budget request for 1988. Public Law 99-500 increased the authorization to $333,865 million—and indexed to 1987 prices it becomes $354,609 million. In fact, if the authorization limit had been raised in a more timely manner, the new situation regarding Davis Creek would have been reflected in the budget and this amendment would be unnecessary today. The current budget request for the North Loup project was made conservatively, allowing for the possibility that the limit might not be raised. In short, the current budget request is a low figure, and if the authorization limit had been raised earlier, then the administration would have requested the additional $1 million necessary to begin the Davis Creek portion.

Members of my staff have met with Secretary Hodel, Commissioner Duvall, and their staffs recently to discuss this situation. My staff and I have been reassured that the administration is fully prepared to proceed with the project given the current status of the project, and has no objections to the request I am making today to secure the requisite funds.

The second condition was for the repayment contract to reflect the higher ceiling. The original contract dated back to 1976 and required adjustment. The new contract with the Twin Loups reclamation district was executed on April 10, 1987, with three important changes: First, it increased per acre irrigation payments from $4.95 to $8.95; second, it shortened the development payments from 10 to 7 years, and; third, increased the expenditure limitation from $59.8 million to $166.4 million.

The two conditions stipulated by the Bureau of Reclamation for construction to begin on the Davis Creek portion of the North Loup project have been met. The citizens of Nebraska have done their part. It is now necessary for Congress to appropriate the funds for the successful completion of the project.

The North Loup project is a very large project that has been completed in sections. The reservoir is, for all intents and purposes, finished, but we need to complete the water distribution system before the project can be called complete. The Davis Creek portion is an integral part of the system. The completion of the Davis Creek Dam will open 20,000 more acres of the project.

We should not let this project fall behind schedule. It will do precisely that if we do not appropriate money to reflect the status of the project as it exists today. The North Loup project is a priority project for completion. The project will not cost less over time. Let us push ahead toward completion of the project.

Mr. JOHNSTON. Madam President, I appreciate the strong case which the Senator makes. I think he fully describes it and we are prepared to take the amendment, and with the taking of this amendment I understand the other amendments on the list by the distinguished Senator can be dropped.

Mr. KARNES. That is correct.

Mr. JOHNSTON. Madam President, we accept the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. McCLURE. Madam President, if I understand correctly, the other three amendments to be offered by the Senator from Nebraska are in the House bill and they will be before the conference. Am I correct?

Mr. KARNES. Yes. If the distinguished manager will yield, I would request that these three projects be given due consideration during the conference since they are included in the House bill. They are important for our State of Nebraska.

Mr. JOHNSTON. Madam President, we will certainly give sympathetic consideration to those amendments. I hope we can find them to be worthy in conference.

Mr. KARNES. I thank the Senator.

Mr. McCLURE. Madam President, I urge adoption of the amendment. I have no objection to the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question occurs on agreeing to the amendment.

The amendment (No. 1193) was agreed to.

Mr. McCLURE. I move to reconsider the vote by which the amendment was agreed to.

Mr. JOHNSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JOHNSTON. Madam President, I would like for the RECORD to reflect that Senator EXON had spoken to me about this and other projects and is in strong support of this, and was a moving force in getting this done as well.

Madam President, I ask unanimous consent that the other Karnes amendments which have been reserved under the unanimous consent be stricken from the list.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSTON. Madam President, I ask unanimous consent that the remaining Dixon amendments be stricken from the list.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSTON. Madam President, the only amendments remaining, as I have on my list, are Heflin-Thurmond amendment relative to a building in Charleston; a Domenici amendment relating to semiconductors; a Glenn amendment relative to RERTR and Hatfield amendment.

And then of course there is the motion to recommit which was previously reserved. Mr. President, I think that is as much business as we can do for today. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DASCHLE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Mr. President, I would like to thank my colleague, Senator DECONCINI, for his thoughtful comments with which I heartily concur. Mr. President, 20 years ago, the Congress passed the Lower Colorado River Basin Act, embarking on the august and essential endeavor we have come to know as the central Arizona project. The vision was to transport water from a plentiful source across many miles for people so that they might live, for their municipalities and tribes so that they might prosper, and for their crops and industries so that they might flourish.

It has been a long road, but the end is in sight. We anticipate that the main CAP aqueduct will be finished sometime in 1991. The road has not always been an easy one, Mr. President. Recently, differences over the Cliff Dam component of CAP's plan six created legal entanglements jeopardizing the momentum needed to maintain support for the project as a whole. The differences were reconciled, and a major stumbling block to the timely and unencumbered completion of CAP was removed by an agreement between several environmental groups opposed to Cliff Dam and the Arizona congressional delegation.

My friend, the senior Senator from Arizona, Senator DECONCINI, has already described the details of the agreement and the resulting amendment incorporated in the bill currently before the Senate. I do not feel that it is necessary for me to add to his clarifications or augment his commentary.

I would like to say, however, that I am satisfied the amendment provides the necessary authorization for the Secretary of the Interior to secure water to replace that which was anticipated to be stored behind Cliff Dam. The amendment will ensure the water supplies necessary to uphold the integrity and spirit of the cost-sharing agreement entered into by the municipalities and other beneficiaries of the central Arizona project.

I would like to conclude, Mr. President, by expressing gratitude to my colleagues in the Arizona congressional delegation—Senator DECONCINI and Representatives UDALL, STUMP, KOLBE, RHODES, and KYL. Their diligence, dedication and foresight enabled us to make the best of a difficult situation. Together with the environmental groups we negotiated an end to our differences based on good faith and trust. We now have the concensus and freedom to move forward to make the long held vision of the central Arizona project a reality.

ENVIRONMENTAL SCIENCE CENTER, EAST CENTRAL UNIVERSITY, OKLAHOMA

Mr. NICKLES. The chairman of the subcommittee, Mr. JOHNSTON, is aware of the need for funding of an environmental science center at East Central University in Oklahoma. I understand from the chairman that subcommittee cannot accommodate the request at this time. However, he is willing to consider this item during the conference on the bill or on the continuing resolution.

The amendment I had asked to be considered would provide within available funds from the energy supply, research and development activity, $2 million for a grant to be used for construction of the Center for Physical and Environmental Science at East Central University in Ada, OK.

Presently, the university has no central facility for their environmental research. They now utilize facilities at the nearby Kerr Laboratory operated by the EPA which conducts ground water research. In 1981, the Oklahoma State Regents for Higher Education designated East Central for the establishment of an environmental research institute and to conduct research in environmental areas.

I hope that the Senator would be able to work with us during conference to see what we can work out.

Mr. JOHNSTON. The Senator is correct, he has made me aware of the need for this type of facility at the university. When we do get to conference on this matter, I will keep this request in mind. As the Senator knows, there were literally hundreds of requests before the subcommittee and many of those for these types of facilities, most of which have not been accommodated. However, knowing of the Senator's personal interest in this and his desire to see the university meet its optimum potential in research, I will do what I can to assist.

Mr. BORDEN. I join Senator NICKLES in requesting the chairman's assistance in the conference on the amendment to provide a $2 million grant for this center at East Central University with available funds. As he knows, the House has approved such an amendment in House Joint Resolution 395.

This center will house components of their existing physical and environmental science programs and provide for much needed expansion. This will allow badly needed research to be conducted as it relates to the environmental impact, and use, of renewable and other forms of energy.

I understand the constraints on the chairman to accept this amendment at this time, but greatly appreciate his willingness to consider the issue in conference.

Mr. NICKLES. For the purpose of establishing the legislative intent of the energy and water appropriations for fiscal year 1988, I would like to engage in a colloquy with Senator JOHNSTON, chairman of the Subcommittee on Energy and Water Appropriations.

The legislation before us, H.R. 2700, the fiscal year 1988 energy and water appropriations measure, contains $2 million for recreation improvements for paved access roads and parking facilities at Skiatook Lake in Oklahoma.

The Floor Control Act of 1962 authorized this multipurpose reservoir and stipulated the Corps of Engineers would construct recreational facilities at full Federal expense. Yet, to date, only limited facilities have been developed, contrary to a 25-year-old Federal commitment. The Skiatook Lake recreational improvement funding contained in the Senate's version of H.R. 2700 is to be expended in accordance with the project's authorizing legislation.

For the purpose of establishing legislative history and avoiding differing interpretations in the future, I would ask the subcommittee chairman, Senator JOHNSTON, if he shares the understanding that the funds provided in this legislation are to apply to the recreational facilities at full Federal expense with no local cost sharing.

Mr. JOHNSTON. I thank the Senator from Oklahoma and note that he and Senator BOREN have a keen interest in furthering the development of Skiatook Lake. It has always been my understanding the funding mentioned by the Senator would be expended in accordance with the original project authorization, which is full Federal expense.

Mr. NICKLES. I appreciate the chairman's comments. And as the chairman knows, full Federal funding has been provided for recreational facilities and improvements for other projects when so authorized. As the chairman also knows, water projects being authorized today no longer authorize full Federal funding for recreational improvements.

Mr. JOHNSTON. The Senator is correct. When it comes to water projects, the commitments being made today are often different than those made 25 years ago. In the case of Skiatook Lake, commitments were made and should be honored and it is in keeping with that commitment that these funds are provided.

CORPS/OUACHITA REGIONAL WATER DISTRICT AGREEMENT

Mr. BUMPERS. Mr. President, I want to discuss an important issue with the floor manager and chairman, Mr. JOHNSTON. I have proposed an amendment that will require the Corps of Engineers to honor its obligation to allow the Ouachita Regional Water District the right to market water from DeGray Lake in Arkansas, and will end the foot dragging and deception practiced by the corps in its recent relations with the Ouachita RWD.

Under the Water Supply Act of 1958, as amended, Congress authorized the Corps of Engineers to construct storage capacity for municipal and industrial uses when constructing any reservoir project. The aim was to get local interests involved in planning for and meeting future water needs. Such capacity could only be constructed, however, where some local sponsors agreed to pay back over the life of the project, but in no event to exceed 50 years, the entire amount of construction, including interest, allocated for water supply purposes. The act also sets out other repayment terms which will be discussed later.

The Ouachita Regional Water District was created in 1959 under provisions of State law, and was authorized by State law to be a local sponsor for corps water projects. In 1962, Ouachita RWD adopted a resolution of assurances that met the requirements of Federal law with the respect to the repayment of costs associated with the construction of water supply at DeGray Lake. Based upon Ouachita RWD's commitment to meet such repayment requirements, the corps constructed 252 million gallons of water supply capacity at DeGray. The cost of constructing such capacity was approximately $6 million.

At the time, Ouachita RWD had no customer for the water, and wasn't expected to have a customer for years. The law provided some flexibility for repayment. For example, no repayment on the principal had to be made until "such supply is first used," and no interest accrued until the expiration of 10 years or first use, whichever came first. In the case of the Ouachita RWD, the interest began to accrue in 1982, 10 years after the dam was completed, but it did not have to be paid until the first use of the water. The corps, subsequently, attempted to tighten its repayment policy.

The city of Little Rock began to negotiate with the Ouachita RWD in 1981 on a contract to provide Little Rock with the option to purchase up to 152 mgd of water from DeGray Lake. An option agreement was reached and the city of Little Rock paid the Ouachita RWD a small amount for the first year of the option and a smaller amount since then annually.

Recently, the corps has become much more aggressive about marketing water, and has begun to place pressure on local sponsors to place water under contract for use as soon as possible. The corps decided it would seek purchasers for the water. Finally, the corps has announced a new policy on repayment. Rather than requiring payment to begin on the date of "first use," the corps now requires annual payment of interest, operation and maintenance costs to begin on the date a future use water storage is approved by the corps. Payback of the principal will continue to be deferred until the first use of the water. This change of policy will rather dramatically increase the up-front costs on any contract negotiated by the Ouachita RWD with the city of Little Rock.

The problem has been the dealings of the corps with the district and the city of Little Rock over the last several years. When the city first approached the Ouachita district, the corps assured the city that it could contract directly with the district, and that the corps would merely approve or disapprove any agreement reached. Recently, the corps has been stating that before the district can contract with the city, the district must reach its own binding future use water storage contract with the corps. In a letter I received from Colonel York of the Vicksburg, MI, corps office on March 1, 1985, the colonel clearly stated that the district must first contract with the corps.

The Ouachita RWD believes that its adoption of the 1962 resolution of assurances, along with the corps construction actions in reliance on the assurances contained in the resolution, constitutes a binding contract between the corps and the district. The district has taken the position that the corps is legally bound to give the district the exclusive right to market water from DeGray Lake, but the corps is taking the position that it may deal with any potential purchaser. Subsequent legal research has shown that the corps position is faulty, but the dispute has caused severe problems.

Frequent negotiations with the corps by members of the Arkansas congressional delegation resulted in an agreement with the then Chief of Engineers, Robert Dawson, that a right of first refusal would be given to the district, that is, they would agree to a contract granting the district a right of first refusal. Based on these negotiations, the district developed a draft right of first refusal agreement, but the acting Chief of Engineers has thus far failed to reach agreement.

Clearly, the corps is pursuing its own agenda and may have entered into negotiations with other possible purchasers, in violation of what I believe is a clear obligation to the Ouachita RWD. The amendment I have drafted would direct the corps to enter into a right of first refusal agreement, with the payment of interest to begin upon of the execution of a water storage contract, and with principal and other associated costs to be amortized over 50 years with payment to begin on the date water is first taken from the project. There are other terms I won't go into. There is great urgency in this. The corps has given the district a March 1988 deadline to enter into a contract with the city of Little Rock and to begin paying for water use, even though the city of Little Rock will not need water until the 1990's.

Mr. JOHNSTON. Mr. President, the Senator makes a compelling case that the corps should reach a fair agreement with the Ouachita Regional Water District. If the Senator will withhold his amendment, I will work closely with him to urge the corps to reach such an agreement. The March deadline set by the corps is upon us, and I want the Senator to know I will do all I can to get this worked out to his satisfaction.

Mr. BUMPERS. Based upon the Senators assurances, I will withhold my amendment. I thank him for his consideration.

CENTRAL ARIZONA PROJECT, "MODIFIED PLAN 6"

Mr. DECONCINI. Mr. President, I want to take this opportunity to thank our very able and distinguished chairman of the Subcommittee on Energy and Water Development, Mr. JOHNSTON, and the ranking minority member, Mr. HATFIELD, for all of the assistance they have provided over the years in finding the funds necessary to get some very important energy and water projects in my State of Arizona underway. In particular, Mr. President, I want to express my appreciation to these fine gentlemen for their continued understanding and support for the completion of the central Arizona project, including all plan 6 components.

This has been a unique year for the central Arizona project. The aqueduct itself is on a steady course and completion to the Tucson metropolitan area is expected by 1991. Approximately 25 miles of unfinished work remains. For plan 6 in the Phoenix metropolitan area, a $32 million contract has just been let by the Bureau of Reclamation for work on the new Waddell Dam. And, with the $230 million included in the bill pending before this body, I am confident the Bureau will be able to maintain its progress toward completion of the project according to the existing time schedules. Important safety of dams work at Stewart Mountain and Roosevelt Dams are funded to the Bureau's capability in this bill so that critical safety of dams work will continue as well in fiscal year 1988.

Included in the pending legislation is a provision which modifies plan 6 and resolves once and for all the 10-year controversy over a suitable alternative to Orme Dam. That provision, Mr. President, is the result of amiable negotiations between environmental interests and the Arizona congressional delegation. Cliff Dam, an important water conservation, flood control, and safety of dams structure that was to be constructed on the Verde River, will not be built. In its place, the benefits Cliff would have provided will be carried forward by safety of dams repairs to Horseshoe and Bartlett Dams; acquisition of water rights within the State of Arizona to replace the yield lost by the elimination of Cliff; and flood control to be determined by investigations conducted by the Bureau of Reclamation and the U.S. Army Corps of Engineers. The decision to eliminate Cliff Dam from plan 6 and authorize alternative projects, which provide benefits similar to those that would have been provided by Cliff, was not made lightly by the Arizona congressional delegation. All of us would have preferred to have kept Cliff Dam alive. However, in the interest of insuring that the important benefits of other plan 6 components proceed on schedule, we felt it was in everyone's best interest to put Cliff behind us and authorize alternatives. We have accomplished that goal, Mr. President.

Inherent in a process of negotiated agreements are misunderstandings that need clarification. I would like to take this opportunity, Mr. President, to clear up several very important issues. The first relates to a statement made on the floor of the House of Representatives by Congressman UDALL regarding the definition of the Verde River. Mr. UDALL stated that "it is understood that the term 'Verde River' in this provision is intended to include the Salt River from its confluence with the Verde through the city of Phoenix." This statement, Mr. President, was intended to clarify that for the purposes of studies to determine a comprehensive flood control solution for the Phoenix metropolitan area, reference to the Verde River for flood control only was meant to take in review of the Salt River downstream from the confluence of the Verde and Salt Rivers. There was never any intention on the part of the Arizona congressional delegation to redefine the Verde River. In the context of flood control, it was merely used as a means to convey the intention of the sponsors of the amendment for the flood control investigations by the Bureau of Reclamation and the U.S. Army Corps of Engineers.

The second clarification concerns the purpose of limiting the scope of the Bureau of Reclamation and the Corps of Engineers study to determine the flood control fix at Horseshoe and Bartlett Dams. The CAWCS studies which provided the basis for plan 6 as the suitable alternative to Orme Dam, was the result of 4 years of intensive study in the Phoenix metropolitan area. Much of the information collected from those studies is still relevant to any future flood control determinations. For this reason, both agencies have been directed to make use of relevant existing data in the determination of flood control needs. Obviously, any new information based on physical changes must be taken into consideration by both the Bureau of Reclamation and the Corps of Engineers in the studies authorized under the amendment in H.R. 2700. In fiscal year 1988, $500,000 has been provided to the Bureau of Reclamation, in conjunction with the Corps of Engineers, to undertake flood control studies at Horseshoe and Bartlett Dams. Those studies are anticipated to be completed in about 12 months. At that point, an additional $450,000 will be needed specifically for the Corps of Engineers to identify remaining flood control needs. In fiscal year 1989, if sufficient funds have not been requested by the administration for the corps' upstream-downstream studies, I intend to offer an amendment to the fiscal year 1989 bill for this purpose.

Since modifications to Roosevelt Dam on the Salt River will proceed with no change as a result of this agreement, there is no need to restudy the Salt River upstream from Roosevelt Dam or from Roosevelt Dam down to the confluence of the Salt and Verde Rivers. Roosevelt Dam will be built under the same terms and conditions as intended under the original plan 6 record of decision. The flood control protection that will be provided by Roosevelt Dam should be recognized by both agencies in their review of the need for remaining flood control in the Phoenix metropolitan area.

The next clarification I would like to make, Mr. President, is in reference to the safety or dams modification report to be prepared by the Bureau of Reclamation for Horseshoe and Bartlett Dams. In the Senate report, the committee has earmarked $1 million from the central Arizona project water development activities for the Bureau to initiate a safety of dams modification report for Horseshoe and Bartlett Dams. This action was necessary to expedite safety or dams repairs to protect the structural integrity of these two structures on the Verde River. Without Cliff Dam, safety of dams repairs at Horseshoe and Bartlett Dams must be completed. The separate account for the Safety of Dams Program under the cap does not reflect the $1 million increase for these two structures. It should, Mr. President, and I hope to address this issue during the conference on H.R. 2700. This oversight should not be construed as any intention to fund safety of dams activities under the authority of the central Arizona project.

On a related matter, Mr. President, committee report language identifies incidental flood control benefits that were provided by Horseshoe and Bartlett Dams in 1978, 1979, and 1980. However, there is no intention on the part of the sponsors of this language to authorize the use of safety of dams funds for any additional flood control at these structures as an outcome of the Bureau of Reclamation and Corps of Engineers flood control studies.

Finally, with reference to the authority given the Secretary of the Interior to acquire water to replace a yield up to 30,000 acre-feet that Cliff Dam might have provided, while there is no language either in the amendment or in the report language requiring cost-sharing, which is applied to newly authorized water supply projects, it must be noted that under the terms of the agreement, the modified plan 6 will be subject to the same cost-sharing arrangements authorized under the Colorado River Basin Project Act of 1968. The agreement to eliminate Cliff Dam did not alter repayment provisions that otherwise would have applied to Cliff Dam under current law. Because Cliff Dam was part of an already authorized project, the central Arizona project, the cost-sharing required for new municipal and industrial water supply will not be applied to the Cliff alternatives. However, it is anticipated that the contributions made to the supplemental cost-sharing agreement will be applied to the costs of the acquisition of the replacement water. The agreement we have entered into on the modified plan 6, Mr. President, is unique and is not intended to set a precedent for other, newly authorized water supply projects. The water supply provision contained in the agreement does not authorize the construction of any new Federal conservation storage features on the Verde River. Instead, it simply provides authority to the Secretary of the Interior to acquire water rights for municipal and industrial purposes.

I want to thank those individuals in the environmental community who have been very professional, thoughtful, and straightforward in their approach to resolving the Cliff Dam controversy. The constructive efforts of Liz Raisbeck, David Conrad, Ed Osann, and Bob Witzeman are sincerely appreciated. I also want to express my personal thanks and appreciation to Peter Hayes of the Salt River project who made significant contributions in helping us achieve a responsible compromise. Mr. President, I ask unanimous consent that the "statement of principles" entered into by the Arizona congressional delegation and representatives of the National Coalition to Stop Cliff Dam be printed in the RECORD immediately following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. DECONCINI. Mr. President, I think it is necessary to point out that any Senate modifications to the plan 6 provision as passed by the House of Representatives supplement the understandings laid out by Congressman MORRIS K. UDALL when H.R. 2700 was considered earlier this year by the House. The modifications made in the Senate bill are consistent with the original "statement of principles."

In closing, Mr. President, I also want to express my appreciation to the subcommittee staff, Proctor Jones, David Gwaltney, and Stephen Crow. They have all been very helpful in ensuring that Arizona energy and water projects have been given every possible consideration.

EXHIBIT 1

STATEMENT OF PRINCIPLES ON THE ARIZONA CLIFF DAM SETTLEMENT JUNE 18, 1987

1. Language in the FY 1988 Energy and Water Appropriations Act will state that no further funds will be appropriated for the study or construction of Cliff Dam, and that Plan Six without Cliff Dam is deemed to constitute a "suitable alternative" to Orme Dam within the meaning of the Colorado River Basin Project Act of 1968.

(This prohibition includes funds appropriated under the Reclamation Safety of Dams Act, as well as the Lower Colorado River Basin Project Act of 1968.

Funding will continue for Verde River fish and wildlife studies now under way as a result of the 1985 U.S. Fish and Wildlife Service biological opinion).

2. The organizations comprising the National Coalition to Stop Cliff Dam (hereafter "Coalition") agrees not to oppose funding in Fiscal Year 1988 and succeeding years for the construction of remaining features of Plan Six—New Waddell Dam, Modified Roosevelt and Modified Stewart Mountain Dams—provided that Cliff Dam or similar conservation storage reservoirs on the Verde River, federal or non-federal, are not a part of Plan Six, the Central Arizona Project generally, or any other plan.

(Remaining elements of Plan Six will be implemented in accordance with applicable environmental statutes.

There is a continued commitment by all parties to implement a fish and wildlife mitigation plan that will fully offset the loss of habitat values to riparian and wetland communities resulting from the construction of the balance of Plan Six elements).

3. The Coalition agrees to terminate its lawsuit against Cliff Dam and Plan Six without prejudice, upon agreement by the Secretary of the Interior to modify his decisions of April 3, 1984, and May 20, 1986, to remove Cliff Dam from the approved plan for the CAP.

The Coalition further agrees not to contest the adequacy of the Final Environmental Impact Statement as it pertains to all Plan Six features other than Cliff Dam.

4. The Arizona congressional delegation agrees, upon termination of the lawsuit, to declare its intention not to pursue any future funding for Cliff Dam or similar water conservation storage feature on the Verde River.

5. The Coalition agrees to support congressional appropriation of funding under the authority of the Reclamation Safety of Dams Act to complete safety-related improvements at Horseshoe, Bartlett, Modified Roosevelt and Modified Stewart Mountain Dams.

(Existing Safety of Dams Modification Reports for the Salt River Project Dams will be amended to remove Cliff Dam and to identify corrective measures for Bartlett and Horseshoe. Such measures will be subject to compliance with the National Environmental Policy Act and consultation under the Endangered Species Act, as appropriate.)

6. The parties agree that additional flood control measures may be needed on the Verde River and that the addition of flood control measures at Bartlett and/or Horseshoe Dams may be required to meet such needs. The parties agree to ask the U.S. Army Corps of Engineers to undertake studies to determine and identify appropriate flood control solutions on the Verde River. The parties further agree that once the studies are completed and flood control alternatives identified, the parties will work together to effectuate an appropriate flood control solution which is consistent with applicable environmental laws, to protect the people and property of the Phoenix Metropolitan Area from flooding.

7. The Arizona congressional delegation and the Department of the Interior are committed to ensure that the Valley cities will secure water supplies necessary to replace the water yield that otherwise would have been provided by Cliff Dam. The delegation has obtained a commitment from the Secretary of the Interior and the Commissioner of Reclamation to do all within their authority to assist in identifying sources of such water for the cities and for the purposes of settling the water rights claims of the Salt River, Pima, Maricopa, and Fort McDowell Indian Communities.

Mr. CRANSTON. I note that the fiscal year 1988 Energy and Water Development appropriation bill includes $450,000 for the Bureau of Reclamation's San Joaquin Valley Conveyance Study. It's my understanding that this appropriation would be used to prepare the planning report and environmental impact statement on the Mid Valley Canal and to initiate more specific work on the project. I would like to ask the chairman of the Energy and Water Appropriations Subcommittee if this is his understanding as well.

Mr. JOHNSTON. The Senator from California is correct. The committee has provided $450,000 for the Bureau of Reclamation to continue work on the Mid Valley planning report and site specific environmental impact statement and to start additional work necessary for the Bureau to seek project authorization from the Congress. The committee understands that in response to local interest the Bureau plans to make available for public comment a progress report/informational document on Mid Valley in January 1988. The committee expects the Bureau to move forward the planning report as quickly as possible and understands the agency plans to release the water marketing plan and EIS in September 1988 with the final planning report on Mid Valley to be issued in March 1989.

Mr. CRANSTON. I thank the Senator from Louisiana for the clarification.

CALVERT CLIFFS NUCLEAR PLANT

Mr. COCHRAN. Mr. President, last August a team of experts from the International Atomic Energy Agency—IAEA—inspected the Baltimore Gas and Electric Co.'s nuclear powerplant at Calvert Cliffs, MD. The team was impressed with the overall safety level at the plant. This was important, though not surprising, given the high safety standards of the American nuclear industry. Perhaps of greater significance, however, was the fact that this marked the first time that an Operational Safety Review Team—OSART—from the IAEA had inspected a nuclear plant in the United States. It signaled to the world that, just as our country expects other nations to allow international safety inspections of civilian nuclear installations, utilities in the United States are willing to open their facilities to international scrutiny.

The Calvert Cliffs inspection was the 20th IAEA review conducted since the OSART program began in 1982. OSART's are invited by host nations to make objective assessments of a plant's safety practices from an international perspective, and even advanced nations like the United States can set a good example by inviting inspections. As Adm. Lando Zech, Chairman of our Nuclear Regulatory Commission has said:

> We are pleased to compare our safety practices with those of other countries in the hope it will contribute to a higher level of nuclear powerplant safety worldwide.

This inspection was commended by the Washington Post on August 28, and I request that a copy of that editorial be placed in the RECORD at the conclusion of my remarks.

Whatever one may think about the long-term desirability of nuclear power in the United States, we all know that it is a significant source of energy in many parts of the world. Over 400 nuclear reactors now produce about 16 percent of the world's electricity. All nations have an interest in ensuring that these plants are operated safely, and one of the best ways to do this is through strengthened international cooperation. This is where the IAEA plays such a vital role.

All of us remember that fateful day in April 1986, when the Soviet power station at Chernobyl experienced the most severe reactor accident in the nuclear age. In the wake of this tragedy, the IAEA became the focal organization for international cooperation to prevent similar disasters. The confidence in the Agency and the 30-year tradition of cooperation in the vital area of nonproliferation proved to be great assets when there was a need for prompt action on nuclear plant safety. Nations found it natural to turn to the IAEA.

They continue to do so. Requests for IAEA safety reviews have increased substantially since Chernobyl. Thus far, 16 countries have invited 21 reviews. An inspection team is visiting a West German plant this month and the first OSART mission to Spain is planned for December. The Soviet Union, Czechoslovakia, Hungary, Japan, and the United Kingdom have already expressed interest in reviews next year, and the Agency expects to conduct at least one inspection per month in 1988. This is very encouraging news, especially in light of the recent bilateral talks between the United States and the Soviet Union on improved nuclear plant safety.

The IAEA is celebrating its 30th anniversary this year, having been created in 1957 as an outgrowth of President Eisenhower's Atoms for Peace initiative. It is therefore altogether fitting to pay tribute at this time to the widening influence of the Agency in the field of nuclear safety and to express the hope that the United States, the Soviet Union, and other nations will continue to strengthen their political and financial commitments to the important mission of the International Atomic Energy Agency.

[From the Washington Post, Aug. 29, 1987]

VISITORS AT CALVERT CLIFFS

For the past three weeks, an international team of 15 safety inspectors has been going carefully through the nuclear reactors at Calvert Cliffs, Md. The audit was organized by the International Atomic Energy Agency, and it's the first time that an American plant has invited this kind of visit. The IAEA has been running safety reviews of reactors for the past four years, but most of them have been in Western Europe. The disaster at Chernobyl last year has suggested to other governments that it might be no more than self-interest to give greater attention to safety standards worldwide and to try to establish the principle that all countries open their plants to these audits. An IAEA team is to go through a Hungarian reactor next year, and the Soviets have been discussing a similar review of one of their plants.

The Calvert Cliffs reactors, operated by Baltimore Gas and Electric Co., are among the best run of the American nuclear plants, and they are apparently coming out of their review well. Most of the IAEA team are Western Europeans, but there are several Eastern Europeans as well as a Canadian and a Korean—all under the chairmanship of a West German. Most are people who have been running reactors in their own countries.

The inspection team not only carries out its critique of operations and maintenance at Calvert Cliffs but learns something from a close acquaintance with a plant that is in most respects a model. As the IAEA continues these reviews throughout the world, it will ideally produce an international consensus on good practice that all countries accept.

There are two possible futures for nuclear power. One is that public opinion will increasingly resist building reactors as too dangerous. That is the way things seem to be going at present in most of the West—with some interesting exceptions. But it's conceivable that as anxieties increase in the next decade regarding damage to the atmosphere and change in the climate, people will begin to reflect on the dangers of total reliance on burning coal, gas and oil. At that point they may begin to reconsider the technologies that can generate power without creating carbon dioxide. Only one of them, so far, is capable of operating on an industrial scale. If a smoky and overheating planet begins to turn back to reactors as an environmentally preferable power source, the precedents being set at Calvert Cliffs for raising safety standards and sharing experience may prove to be an important influence for public protection in the next century.

Mr. STEVENS. Mr. President, I rise in support of the allocation of funds made by the bill before us for the Department of Energy's nuclear medicine program. One of the most important projects within this program is positron emission tomography, or PET. PET is a new imaging technique that allows scientists and physicians to watch and measure the chemical processes of the human body.

All functions of the human body are performed by chemical systems. Likewise, all diseases have chemical origins. Through increased access to the human body chemistry, PET is helping us to better understand the fundamental nature of disease so that we can develop new therapies. PET is a truly worthy project, one which is currently providing us with answers to complex questions about human disease.

The PET project deserves to receive a fair share of the slated increase for nuclear medicine programs. I would ask the Senator from Louisiana if it is his committee's intention that the PET project receive, at a minimum, a proportional share of the increase allocated to the nuclear medicine program?

Mr. JOHNSTON. The Senator from Alaska is correct. The Department of Energy's nuclear medicine program is slated to receive no less than $22.89 million in this bill. It is the committee's intention that the PET program receive a funding increase which is, at a minimum, proportional to the increase to be received by the entire nuclear medicine program for fiscal year 1988.

Mr. STEVENS. I thank the Senator from Louisiana for his support for this highly valuable program, and for his assurance that his committee will work in conference to sustain the Senate position on fiscal year 1988 funding for nuclear medicine programs.

In addition to providing full funding for the PET project, it is my hope that the Energy Department will implement a thorough public education campaign to inform scientists, physicians, and the general public about the value of PET. I look forward to working with the chairman on drafting Conference Committee report language addressing PET funding and public education issues.

Mr. CONRAD. I would like to engage the manager, Senator JOHNSTON, and the ranking minority member, Senator MCCLURE, in a colloquy concerning the Great Plains Coal Gasification Plant located at Beulah, ND.

The Department of Energy has hired Shearson Lehman Bros., to assist it in the sale of the Great Plains plant. DOE hopes to complete the sale by September 1988.

I have drafted an amendment and a sense-of-the-Senate amendment that require the Secretary of Energy to notify the Appropriations Committees of the Senate and House and the Energy and Natural Resources Committee of the Senate, and the appropriate authorizing committees of the House, of his intent to enter into a binding contract for the sale of the plant at least 30 calendar days before the agreement is effective. The amendment and sense-of-the-Senate amendment further require that the Secretary obtain a statement of commitment from the purchaser that the purchaser will continue long-term operation of the plant at a rate and for a period determined appropriate and reasonable by the Secretary.

I will not offer the amendments at this time. I would, however, like to obtain the concurrence of the bill manager and the ranking minority member to seek to have the language of the amendments made a part of either the continuing resolution or the conference committee report for the Interior appropriations bill. I ask that the language be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSTON. The Great Plains Coal Gasification Plant is very important to our Nation's goal of achieving energy independence, and the Senator from North Dakota has my support for his request.

Mr. McCLURE. I concur and support the objectives of the Senator from North Dakota.

The material follows:

(Purpose: To ensure congressional notification of the terms and conditions of a proposed sale of the Great Plains Coal Gasification Plant in Beulah, North Dakota.)

At the appropriate place in the bill, insert the following:

SEC. . Notwithstanding any other provision of law, the Secretary of Energy is directed to notify the Appropriations Committees of the Senate and House and the Energy and Natural Resources Committee of the Senate, and the appropriate authorizing committees of the House, of his intent to enter into a binding contract for the sale of the Great Plains Coal Gasification Plant in Beulah, North Dakota. Such notification shall:

(a) be submitted at least thirty (30) calendar days before the agreement is effective; and

(b) include a detailed description as to the terms and conditions of the sale, including, but not limited to, the purchase price, the name of the prospective purchaser, the rationale used in evaluating and ultimately selecting the firm to transfer ownership of the plant and associated assets, the relationship of the purchaser to national security interests, and a statement of commitment signed by an authorized individual of the purchaser for continued long-term operation of the facility at a rate and for a period determined appropriate and reasonable by the Secretary.

It is the sense of the Senate that the Secretary of Energy should place high priority on the continued long-term operation of the Great Plains Coal Gasification Plant as part of its divestiture activity. Continued long-term operation is needed to avoid disruptions to the local community, capture the benefits associated with extended plant operations and collect emission reduction technology data. A prerequisite to consideration of any offer must be a statement of commitment signed by an authorized individual of the purchaser for continued long-term operation of the facility at a rate and for a period determined appropriate and reasonable by the Secretary. The 25-year Gas Purchase Agreements are effective until 2009. There must be a proper balance between realizing fair value for the project and continued operation. The Secretary of Energy shall submit to the Appropriations Committees of the Senate and House and the Energy and Natural Resources Committee of the Senate, and the appropriate authorizing committees of the House, the rationale used in evaluating and ultimately selecting the firm to transfer ownership of the plant and associated assets. The Department must assure the Federal, State and local governments as well as the affected citizens of the area that a fair, reasonable, and equitable arrangement has been arrived at during the divestiture process.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there now be a period for morning business not to extend beyond 5 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I ask unanimous consent that Senators may speak therein for not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that I may speak longer therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

BICENTENNIAL MINUTE

NOVEMBER 14, 1832: DEATH OF SENATOR CHARLES CARROLL

Mr. DOLE. Mr. President, 155 years ago tomorrow, on November 14, 1832, Charles Carroll, one of the first U.S. Senators and a signer of the Declaration of Independence, died in Baltimore, MD. Born in 1737, he was educated in Europe, and he returned to Maryland in 1765 to take over operation of a 10,000-acre family estate. Banned from political activity in Maryland due to his Roman Catholic faith, Carroll nonetheless was drawn into the ranks of those defending American resistance to British taxation. His articulate writings in support of the colonial cause earned him a prominent place among the public figures of his day. In 1776 he and Benjamin Franklin were members of a delegation sent to convince Canada to enter the Revolutionary War on the American side. Following the failure of that mission, Carroll was elected to the Continental Congress on July 4, 1776. He arrived in Philadelphia just in time to sign the Declaration of Independence.

In 1777 Charles Carroll began a 23-year career in the Maryland State Senate. While there, he also served several 1-year terms in the Continental Congress. Late in 1788, the Maryland Legislature elected him as one of that State's first two U.S. Senators.

For the next 3½ years, Carroll served simultaneously in the Maryland Senate and in the U.S. Senate. When the State legislature passed a law prohibiting such dual service, Carroll chose to resign from the U.S. Senate. His decision to serve at the State level reflected a common attitude among U.S. Senators of his era who found public service close to home a great deal more rewarding than that in the Nation's capital (then located in New

York and Philadelphia). During the Senate's first decade, members' average service amounted to less than 5 years.

At the time of his death in 1832, the 95-year-old Carroll was the wealthiest man in America and the last surviving signer of the Declaration of Independence.

CANADA-UNITED STATES TRADE AGREEMENT

Mr. DASCHLE. Mr. President, the United States and Canada recently concluded a 16-month negotiation board in search of free-trade agreement between our two countries. For the two largest trading partners in the world, this agreement represents a wide range of trade policy changes, the hallmark of which would be the elimination of all tariffs between the two countries by 1999.

This agreement is also said to represent the first international agreement on trade in services. This is particularly important as the administration seeks to elevate trade on the agenda of the General Agreement on Trade and Tariffs [GATT].

However, while the complete details of this agreement are not available, and thus have not yet been analyzed, there are those in both countries who are concerned with its scope and the concessions made by American negotiators in order to achieve its framework.

Concern over the American concessions will dictate the public sentiment on this agreement, and ultimately, have a bearing on congressional opinion regarding its implementation.

The magnitude of trade between the United States and Canada is clearly an important component of the world economy. In 1986, the United States exported 54 billion dollars' worth of goods to Canada. This represents nearly one quarter of all U.S. exports. Nearly 70 percent of Canada's imports of goods originates in the United States.

Likewise, the United States is an important purchaser of Canadian products, totaling $70 billion in 1986. This represents nearly 78 percent of total Canadian exports.

At a time when the United States' trade deficit has reached record proportions, United States-Canada trade during the past 6 years has produced a $14 billion increase in exports to Canada.

Notwithstanding the importance of trade between our two countries, this agreement is not without its critics. There are many specific areas over which potential problems have been cited. For example, the agreement is vague with reference to the treatment of Canadian industry subsidies. In general, Members of the Senate will be concerned with the agreement's treatment of Federal and provisions assistance to Canadian businesses. This assistance currently is made in the form of low- and interest-free direct loans, grants, and regional development programs and must be factored into any agreement which purports to promote "free trade."

Given the difference in size between the Canadian and United States markets, some have argued that access to the United States market is more critical for the Canadians than their market is to the United States industries. Thus, they argue, any concession must be viewed with that basic criteria in mind.

One example which points to this difference is the access each country will be provided to the other's governmental procurement. It has been estimated that this agreement will permit the Canadians to bid on 3 billion dollars' worth of United States Government procurement contracts, while yielding United States companies only $500 million in Canadian.

Another closely monitored provision will be the binding dispute settlement mechanism which would be established by this agreement. A key provision calls for a dispute settlement tribunal to which all controversies may be appealed. This panel, composed of two United States appointees, two Canadian appointees, and a fifth member selected by both countries, will serve as a binding "court of review" and will serve as the final arbitrator of all dumping actions by either country.

Some supporters of this provision argue that such a binding tribunal will serve as positive, disciplinary force for international trade, an exercise in which it is maintained that the United States is bound to win. However, at the same time others argue that it is a violation of U.S. sovereignity for the United States to concede U.S. trade law to a tribunal comprised of foreign citizens. In addition, others have criticized the administration's concession that the Canadians have the right to appeal any future United States trade law to the tribunal if Canada feels that such a law will violate this agreement.

For a predominately agricultural State like South Dakota, there are other more industry-specific concerns with this agreement. Total agricultural trade between Canada and the United States totals $3 billion. Yet, for a State like South Dakota, near the Canadian Border, the brunt of changes in agricultural trade will fall directly on my State's farmers and ranchers.

On the surface, this agreement purports to eliminate the Canadian grain licensing system. This system establishes a two price grain system, with domestic grain sold at a higher price than grain grown for export. Imports are effectively prohibited because the access of imports to the Canadian market is limited by this licensing system.

If the "subsidies" in the two countries are equal, the pending agreement calls for the elimination of the Canadian import licensing system. That is expected to be the case for oats and barley. However, the licensing system is expected to continue for wheat and corn. This is due to the apparent belief that United States subsidies for wheat and corn exceed those subsidies for Canadian producers. The result will be continued imports of Canadian wheat into the United States, while at the same time maintaining the import licensing system to block United States wheat shipments. It is unreasonable for the Canadians to allege that United States grains are subsidized at a higher level than Canadian grain. It will be critical for the administration to clearly define this subsidy issue.

Another important provision in this agreement is that pertaining to the elimination of meat import laws. The agreement provides that the meat import laws of the respective countries will not apply to imports from the other. Because the formula calculation for the Meat Import Act of 1974 utilizes only the imports of fresh, frozen, or chilled beef, the cattle industry will primarily be affected by this provision. The full ramifications of this proposal have not yet been addressed and must be before the agreement receives the approval of Congress.

Finally, the Canadian hog industry has long been a center of controversy for the domestic pork industry. Health issues have been used as an impediment for trade between the United States and Canada. While U.S. negotiators have pledged to have included in this agreement a comprehensive harmonization of animal health standards, the details of this effort are far from clear. Nor is the issue of the abolition of the Canadian program for the subsidization of pork production. Again, this issue must be addressed if we are to have a true "free trade" agreement.

Mr. President, there will be many detailed and contentious issues to be reviewed by the Congress in consideration of this comprehensive free trade agreement.

Many trade law experts believe the Reagan administration has left a period of neglecting U.S. trade policy and entered into negotiations, the substance of which may impact on international trade long after this President has left office.

This administration has placed its near total emphasis on GATT negotiations and the need to address trade in a multilateral fashion. It is the framework of the multilateral GATT negotiations that the administration seeks to eliminate all agricultural subsidies by the year 2000. Also, through this framework, the administration will attempt to negotiate a comprehensive service trade agreement.

At the same time, we are asked to enter into a bilateral agreement with Canada, our largest trading partner. For both political and substantive reasons, the impetus behind this agreement is obvious. The ramifications are, perhaps, not so clear.

The administration would like us to believe the United States is the winner by adopting this agreement. Like many other Senators, I will be examining many areas in this agreement, including agriculture, services, banking, and the general effect of this agreement on essential U.S. trade law.

At the same time, however, there are those who believe the administration may be entering into an agreement with far wider ramifications than trade between our two countries. An agreement between Canada and the United States will add pressure to countries balking at multilateral trade discussions, for they will not want to be excluded from such a comprehensive trade agreement.

On the other hand, the stakes may have been raised by the announcement of this agreement. If agreement is not possible with our closest trading partner, how can the United States expect multilateral negotiations to be successful?

As a member of the Senate Finance and Agriculture Committees, I enter this important congressional consultation period with a certain degree of skepticism, yet with an open mind. South Dakotans have repeatedly told me they can compete with the best in the world if only trade barriers would be eliminated. If this is an agreement which indiscriminately removes barriers on both sides of the Canadian-United States border, it should and will receive both public support, and that of the Congress.

If, on the other hand, this agreement is revealed to be a one-sided negotiation session, the balance of which is tipped against U.S. industries and producers, it will not pass this Congress.

I intend to work with colleagues to make certain the full ramification of this agreement is fully known and withhold my final judgement until the consultation period between the Congress and the administration has concluded.

TRIBUTE TO EVANGELINE ATWOOD

Mr. STEVENS. Mr. President, I have spoken very few times on the floor of the Senate concerning the death of a constituent, but Alaska mourns the loss of one of its true pioneers with the death of Evangeline Rasmuson Atwood last week.

A historian, author, founder of civic and cultural organizations in Alaska which continue to influence my State today, an early proponent of statehood, a gracious hostess to the great and near-great who have visited my State through the years, Evangeline Atwood was a women of remarkable enthusiasm and energy.

She lived, worked, and influenced Alaska during my State's most exciting times, from territorial days through statehood, to the opening of the trans-Alaska pipeline.

Born in Sitka, AK, 81 years ago to one of the families who helped shape the territory of Alaska, Mrs. Atwood, through her many interests, touched the lives of almost all Alaskans.

The author of six published works on Alaska history and politics, she completed only recently a seventh, a history of Alaska journalism. For more than 50 years she has been co-owner, with her husband Robert B. Atwood, of the Anchorage Times.

A graduate of the University of Washington, Mrs. Atwood received a master's degree in social services administration from the University of Chicago. Doing social work in Illinois after her graduation, she met and married Bob Atwood, a newspaperman who became every bit as Alaskan as his wife.

The Alaska Statehood Association, which she founded, was the driving force behind the coordinated effort for statehood, which culminated in Alaska becoming the 49th State on January 3, 1959.

Among the organizations which she founded or helped to found are the first League of Women Voters chapter in Alaska, the Alaska Federation of Women's Clubs, the Cook Inlet Historical Society, the Alaska World Affairs Council, the Anchorage Opera Association and the Anchorage Community Theater.

Through her generosity and interest she played a major role in the effort to fund and build the Anchorage Museum of History and Art, an institution that would hold its own in a city 10 times the size of Anchorage.

Candid, direct, brilliant, she was also a good listener, interested in the ideas of those whose views did not match her own.

Numerous boards and commissions asked her to serve, and when she did, it was not in name only. When Evangeline Atwood had a responsibility she took it seriously and worked toward perfection.

As a pioneer Alaskan with such varied interests, and as co-owner of one of the State's largest newspapers, she was called on often to host dignitaries when they came to Alaska.

She entertained graciously and with gusto. Kings, princes, Presidents, statesmen from our own and foreign nations, greats from the theater, film, literature and music, newspapers and airwaves, adventurers, a host of friends from every walk of life, were all guests at her table through the years.

Evangeline Atwood enjoyed life and contributed greatly to other's enjoyment of it.

While she chronicled Alaska's history, she also helped make it. But she chose not to seek honors for herself. She asked only for recognition for her great State, and for the accomplishments of those who made it great.

Evangeline Atwood's legacy to Alaska and Alaskans will help fill the space left by her death. Her work and her words will continue to influence our State and our people. She has left us all richer through the establishment of so many cultural and community organizations, as well as through her books.

Her husband Bob and daughters Elaine and Marilyn are in our thoughts in this sad time. They have all worked side by side with Evangeline in many of her endeavors, and will miss greatly her presence and counsel and affection.

My family and I and all Alaskans have lost a friend.

Mr. President, I ask unanimous consent that a number of newspaper articles about Evangeline Atwood be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Anchorage Times, Nov. 6, 1987]

Civic Leader Evangeline Atwood Dies—Hostess, Commentator Prodded Territory Into Statehood

Evangeline Rasmuson Atwood, writer, historian and a driving figure in Anchorage's social and civic life for half a century, died late Thursday afternoon after a brief illness.

She died at her Forest Park home, the Marilaine, where she and her husband, Robert B. Atwood, have served as hosts over the years to hundreds of internationally noted political leaders, diplomats, authors, entertainers and other notables from the world over.

Her fame as a hostess was legendary, but that was only one facet of a career that touched almost every aspect of life in the building of Anchorage and Alaska.

Only in the last two months, after cancer was discovered during surgery, had her drive and energy diminished and kept her from actively participating in public affairs.

Until then, she was at the age of 81 still a powerful enthusiast for projects that she supported and led. Only recently she had completed work on her last book, a still-unpublished history of Alaska journalism.

Her interest in the state's newspaper heritage came naturally. She was co-owner of The Anchorage Times, a paper her husband has headed since the couple came to Anchorage in 1935. Their daughter, Elaine, is assistant publisher. Another daughter, Marilyn, lives in Washington, D.C., and writes a weekly column of Washington comments for The Times.

Memorial services for Mrs. Atwood will be next week, but the arrangements were not immediately complete.

During her 52 years in Anchorage, Mrs. Atwood played a leading role in more civic and public enterprises than perhaps any other person of her time—including her husband. He is known as a giant of Alaska journalism. She had a gigantic presence in many fields.

The author of six published books on Alaska politics and history, she was named historian of the year by the Alaska Historical Society in 1975 and in 1981 was named Alaskan of the Year.

Her activities and achievements span the years of Alaska's most exciting decades, from territorial times through statehood and into the pipeline era—a period during which Anchorage grew from a town of less than 3,000 people into a sophisticated city with a population of a quarter of a million. Mrs. Atwood helped spark the evolution of Anchorage into the modern metropolis it has become.

She was the founder of the Alaska Statehood Association, the organization which planted the seeds of statehood. It was this organization which powered the statehood effort and eventually led to the creation of the 49th State on Jan. 3, 1959.

Years, earlier, over the objections of the then-superintendent of schools, who didn't want parents interfering in the way he ran the schools, she formed the Anchorage Parent-Teacher Council, which led to the present-day Parent-Teachers Associations which are so much a part of the support system for the Anchorage School District.

She founded the first League of Women Voters chapter in Alaska in 1950. The organization now has chapters in Anchorage, Fairbanks, Juneau and other cities, directed by a state organization that coordinates programs with the national league organization.

She formed the Alaska Federation of Women's Clubs, served two terms as president and another two as state director.

She founded the Cook Inlet Historical Society.

In 1958, Mrs. Atwood founded the Alaska World Affairs Council and served for more than six years as its executive director.

She was one of the founders of the Anchorage Opera Association and long has been one of its leading benefactors—as well as a major supporter of other arts organizations in Anchorage. For many years she held a presidential appointment as Alaska's representative on the advisory board of the John F. Kennedy Center for the Performing Arts in Washington, D.C., and played a leading role in the drive which resulted in the financing and construction of the Anchorage Museum of History and Art.

She was one of the founders of the Anchorage Community Theatre, and was an early advocate of the Alaska Repertory Theatre. In recent years, she has been one of the active supporters of the Alaska Light Opera Theatre.

Her past memberships include service on the editorial board of the Alaska YWCA World Service Council, the Alaska State Historical Commission, the Alaska Technical Review Board for Historical Preservation, the Anchorage Historical and Fine Arts Commission and the state Advisory Board for the Institute of Northern Agriculture.

She served for six years as a member of the Alaska Board of Public Welfare, a post for which she was qualified as a result of more than eight years of professional social case work in Illinois and Massachusetts, after her graduation from college and before she returned to Alaska in 1935.

Mrs. Atwood was born in Sitka to pioneer Alaska parents. Her father, E.A. Rasmuson, came to Alaska in 1908 as a missionary teacher for the Swedish Covenant Church, and later went Outside for additional schooling. He obtained a law degree and returned to Alaska, founding the National Bank of Alaska—an institution now headed by the family of Mrs. Atwood's brother, Elmer Rasmuson.

She was graduated from the University of Washington and obtained a master's degree in social services administration from the University of Chicago. She was working as a case worker in Springfield, Ill., when she met and married her husband in 1932.

She received an honorary doctor of literature degree from the University of Alaska Fairbanks in 1967 and was awarded a doctor of humane letters degree from Alaska Pacific University in 1982.

Her books include "83 Years of Neglect," published in 1950 and a work that helped propel the statehood movement; "Anchorage, All-America City" (1957), and history and major reference guide to Anchorage's civic history; "We Shall Be Remembered" (1966), a history of the Matanuska colony; "Who's Who in Alaska Politics," written in 1977 with Robert DeArmond of Juneau; "Frontier Politics: Alaska's James Wickersham," a 1979 biography of Alaska's first elected delegate to Congress, and most recently, "Anchorage: Star of the North."

Mrs. Atwood told a reporter:

"I felt that if we did not have a recorded history, we'd be leaving all the work for professors from Outside to come in and dissect what we did and find out what was driving Alaskans. I felt it was important to have a real Alaskan tell about it.

"I'm not a feminist. I have never felt that issues of importance are either women's or men's issues," she once said. "I've done a lot of public speaking and I never felt that men didn't accept my arguments. They gave me equal attention and consideration that they would have given a man."

She didn't always agree with her husband.

"Bob and I have a different approach to these community problems, but it's not a male-female approach," Mrs. Atwood said. "I've had time to do research which has helped him work out his ideas because he was busy running a newspaper. He was busy making history and I was busy recording it.

"I never worried about being eclipsed by my husband, but always worked shoulder to shoulder with him."

[From the Anchorage Times, Nov. 7, 1987]

Evangeline Atwood

In a world in which many people seek honors for themselves, Evangeline Atwood stood apart from the pack. She didn't work to win awards. She worked out of a sense of commitment to Anchorage, out of a great love for Alaska.

The last thing in the world she would ever think about was a place in history for herself. She was too busy writing about it. Too busy helping make it.

Yet her lifetime obviously was one in which honors and acclaim came her way. She did so much and contributed so much that it was inevitable that she would accumulate a healthy collection of citations and awards and honorary degrees. But these in no way reflected a full measure of the things she did for the city of Anchorage and for the state of Alaska.

It is difficult for us to write in these columns about Mrs. Atwood. With her husband, Robert B. Atwood, she shared ownership of The Times. Commenting editorially in praise of one of the members of his family is not something Bob Atwood would ever do himself or condone having others do.

But he's not in the office this week. And we trust he will forgive the rest of us if we break one of his editorial guidelines and say that with the death of Evangeline Atwood, our city and our state has lost one of its most remarkable people.

For 55 marvelous years she and Bob Atwood shared their lives. In the course of those five and a half decades, she was every bit as much of a community and civic leader as he remains today. Her leadership in Alaska's successful battle for statehood—in which she joined her husband as a powerful and effective team—was alone an achievement that would be a highpoint in the life of an ordinary individual.

But Evangeline Atwood was more than ordinary. She was extraordinary.

Many of the so-called quality-of-life refinements that we all enjoy as Anchorage residents today, and much of the cultural and artistic splendor that blesses our city, grew from roots planted by this distinguished lady. And the research she did and the history she recorded in her books, her newspaper articles and her other professional writings will serve generations to come.

Bob Atwood will be embarrassed by our saying this. But it needs to be said, as we would in these same columns honor any other Alaskan who has done much to make this a better place to live.

Evangeline Atwood was a rare and special person. She was truly a great Alaskan.

[From the Anchorage Times, Nov. 7, 1987]

Saturday Sundry

(By William H. Tobin)

A long time ago, back when Anchorage was a pretty small town, Evangeline Atwood became convinced that even in the northern wilderness there was no reason why entertainment in the home couldn't be raised to a civilized level. Not that she and her friends and neighbors were uncivilized, you understand. After all, Anchorage was part of the Territory of Alaska, and people still had linens and silverware and candlesticks for those special occasions. But what the town lacked was a home that was built for entertaining, one that could accommodate visitors from far places coming here to see if this little outpost was for real.

That concept started the motor running on a plan to build a big log cabin out on the bluff in what was to become the city's first modern subdivision. Colorful Col. Muktuk Marston and young Wally Hickel got together on the plans, and one of the first lots they sold was one overlooking the waters of Cook Inlet, across the way from Mount Susitna, with Mount McKinley in the distance.

At the time, this was a homestead far from the center of town. The subdivision was called Turnagain-By-The-Sea, and that bluff lot became the site of Evangeline Atwood's new home. Actually, it was sort of three log cabins put together in something of an H-shape. It wasn't all that big by today's standards, but for Anchorage in those territorial days, it was a large house. Big rafters across the ceiling. A huge stone fireplace in which giant-size logs could be burned. A big living room, with comfortable chairs and sofas where a lot of people could gather.

Outside, on the north side of the house, was a large patio—one around which glass walls were placed to block the chilly winds that occasionally blew across the inlet and made it too cool to enjoy the evenings of late summer. The patio—and the house itself—became a gathering place for those who made Anchorage tick, and for their guests who came to town on business or pleasure.

Military leaders, national politicians, diplomats, writers, adventurers, newspaper people, figures from the entertainment world—these became regulars around the big fireplace in Turnagain-By-The-Sea. Evengeline Atwood served them gourmet meals and whipped up chocolate souffles and kept the conversation rolling. The whole Joint Chiefs of Staff, in town secretly, relaxed there one evening.

Fortunately there was no dinner party planned the evening of Good Friday in March 1984. Bob Atwood was at home alone, practicing the scales on his trumpet. Their daughters were Outside. Evangeline was completing some Easter shopping at Carr's. At 5:36 p.m. that March evening the greatest earthquake ever to strike the North American continent slammed across Southcentral Alaska. The clay beneath the Turnagain bluff turned to jelly and washed away. The Atwood house, and many of those nearby, were tossed and turned on the churning blocks of earth. The logs splintered apart, and the house and everything in it went tumbling into the shattered ground.

Bob Atwood crawled out of the rubble dazed but basically unhurt. But nothing—literally nothing—was left of the house or its contents. Every family possession—books, dishes, clothing, furniture, photo albums, souvenirs collected in travels around the world—was lost. He had the clothes on his back—and the battered trumpet in his hand. Everything else was gone. Only a handful of things were later recovered. Gone, too, was the city's premier home for entertaining.

In the wake of the earthquake, in the months and years that followed as Anchorage fought back from the effects of the disaster, a new spirit of determination to build again moved the city's people. Bigger and better than ever was the goal. And one of those who rebuilt, unafraid of another natural calamity, was Evangeline Atwood. The home she designed is known today as the Marilaine, in Forest Park where once stood Leo's Supper Club and the Elk's nine-hole, par three golf course. It, too, was a home for entertaining—a place where Anchorage leaders were invited to meet and dine with notables from the world over. Since 1968, when it was completed, it has been the scene of hundreds of festive occasions.

Every small dinner party and every large banquet at which Evangeline Atwood served as hostess was a memorable event. The names of her guests read like the pages of Who's Who. Presidents, princes and at least one king. Senators and congressmen. Secretaries of State and secretaries of Defense. In fact, scores of members of presidents' cabinets. Hollywood stars. Governors and political kingpins. Media luminaries. World adventurers. Authors. Candidates for high office. Generals and admirals. Heroes and statesmen. Musicians and artists. From all fields and all the corners of the world, Evengeline Atwood made them feel at home in Anchorage, and introduced them to the people of Anchorage.

She loved to entertain, obviously. She did so with zest and excitement. To her, every guest was special. Every menu a joy. Every party a chance to learn something more about the world and the challenging issues of the day. Every visitor was one who brought something unique to Anchorage—a special viewpoint, a rare firsthand glimpse of some distant crisis, an opportunity to expand the horizons beyond Anchorage's mountains and sea.

But all of these candlelight gatherings around the dining room table and all of the after-dinner coffee before the fire in the living room were just one little bit of the regular routine of Evangeline Atwood. As has been pointed out since her death on Thursday, she was a woman of remarkable energy, a brilliant intellect and a hundred different interests and activities. In every sense, she was a modern woman in a world where women command every bit as much influence as men.

She was a person of delightful contrasts. As befitted her professional background as a social worker, she was a flaming liberal on some issues. She was a rock-ribbed conservative on others. She admired people of talent and genius. She applauded those who accomplished high goals, who fought the good fight, who ran the long race over the difficult course. But she had a low tolerance for those who squandered talent or who, blessed with ability to achieve worthy aims, coasted through life without reaching out, without contributing, without sharing the load.

She gave the best she had, and she expected the best from others. She wasn't perfect—who is? She was outspoken and direct. But she wasn't afraid to listen to the other side, ever. She was interested in others' ideas and thoughts, and was never reticent about giving hers. She was a wonderful editor, a good writer, a careful and diligent researcher, a first-class historian. And she was a beautiful and unforgettable friend.

[From the Anchorage Daily News, Nov. 8, 1987]

EVANGELINE ATWOOD

Alaskans are diminished this week by the passing of Evangeline Atwood, a woman whose long and busy life mirrored and helped shape the city she served. Author, activist and adventurer, she brought contagious enthusiasm to everything her busy career embraced.

The daughter of one of Alaska's founding families and the wife of its most prominent newspaperman, she was not eclipsed by either. A co-owner of The Anchorage Times, she left much of its shaping to husband-publisher Robert Atwood and directed her formidable energies to a variety of other tasks.

As the author of numerous histories of Anchorage and Alaska, she sought to preserve the story of her times and ensure a local perspective. Her fascination with the history of the pioneer territory into which she was born 81 years ago was a lifelong hallmark.

The city of Anchorage and Evangeline Atwood grew together. Her devotion to the enrichment of social and cultural life in the emerging metropolis left an indelible signature on institutions ranging from the Alaska Statehood Commission to the League of Women Voters. Indeed, the title "founder" might be the most descriptive to attach to her.

It would be difficult to overstate the scope of her involvements here. From her earliest days in what was then a dusty, tiny town, she was ever engaged in pushing Anchorage toward increased sophistication. She entertained visitors and won converts for her hometown. The clubs, civic organizations and cultural activities she established will always influence the city.

Her death marks a sad moment for the hundreds who called her friend. It turns the page on an important chapter for Anchorage.

COMMENTS ON MANDEL CONVICTION REVERSAL

Mr. McCONNELL. Mr. President, I would like to call my colleagues' attention to a set of articles which appeared on the front page of the Washington Post today. The news here ought to concern every Member of this body, and I bring it up because I believe we can remedy the situation quickly, through legislation which I introduced only last Tuesday: S. 1837, the Election Fraud Prevention Act of 1987.

First there is the news, which must come as a shock to most of us familiar with the case, that the 10-year-old mail fraud and racketeering conviction of former Maryland Gov. Marvin Mandel was reversed yesterday. As many of us know, Mandel was convicted in what seemed to be an airtight case: Vast amounts of evidence and testimony indicated that Mandel had helped a racetrack get special treatment, in exchange for cash, jewelry, vacations, and other benefits from the track's secret owners.

More shocking than the news of this reversal, however, is the court's reason for granting reversal: It wasn't that Mandel was found innocent of the charges raised against him; in fact, the court basically accepted the evidence of Mandel's racetrack scheme. Instead, the court was compelled to reverse because it could find no Federal law on which to convict Mandel.

Even though there was clear evidence of government corruption, perpetuated through the mails, the court couldn't find any violation of Federal mail fraud statutes—despite the fact that the statute has been used for years to prosecute this kind of corruption, especially against entrenched politicians who can insulate themselves from local investigation.

This denial of justice has its roots in a recent Supreme Court case originating in my home State. In McNally versus United States, the High Court reversed the mail fraud conviction of a high-ranking Kentucky official who had set up a scheme to funnel kickbacks on State contracts to a Shell Co. controlled by the official.

In that decision, the Supreme Court held that Government fraud wasn't really "fraud," because it didn't take tangible property away from anyone. The Court rejected arguments that citizens had a proprietary right to honest Government, saying that Congress' intent in enacting fraud statutes was limited only to ownership rights, not democratic rights. Therefore, if you take someone's money through a fraudulent mail scheme, that's illegal; but if you put the whole Government up for sale, that's not punishable under any Federal law.

Mr. President, not only is this decision outrageous, but it also bodes great harm for the future. It could overturn more than 185 earlier convictions of corrupt public officials that were based on mail fraud. Many predict that the Mandel case is only the beginning of an avalanche of reversals. Further, the McNally and Mandel decisions have tied the hands of the Justice Department in at least 100 Government corruption cases now under investigation.

Last, these cases send a clear message to every Government official and citizen in the land: That if an official can get entrenched, and insulate himself from local investigation, then he can put his position on the auction block without fear of the Federal Government putting him behind bars.

Mr. President, this situation is closely related to another set of circumstances I described last week: The practices of vote buying and voter intimidation that go unchecked and unpunished in State and local elections. Last week, I introduced the Election Fraud Prevention Act of 1987, to clamp down on these ignored crimes against the democratic system.

But this bill also would go a long way toward correcting the McNally problem, by expanding the definition of "fraud" to include violations of Federal and State election laws. I hope that we can schedule hearings on my bill as soon as possible, and hope to work with the Rules Committee to strengthen the McNally provision of S. 1837.

I believe the Federal Government has a compelling interest in weeding out corruption at all levels of government, wherever Federal funds flow. We owe it to our taxpayers, if not to all American citizens, to ensure that government officials do not abuse the democratic process which put them in power.

Therefore, I urge my colleagues to take a careful second look at the Election Fraud Prevention Act of 1987, and work with me to let the courts and the people know that we are serious about stopping corruption in government.

Mr. President, I ask unanimous consent to insert into the RECORD at this time an editorial which appeared in the Paducah Sun yesterday, arguing the need for my bill, S. 1837, and urging quick action to address the very real election problems I have spoken on. So far, the response from my home State has been very positive, and I expect interest in the bill to increase once the repercussions of McNally begin to cause real damage, as they have already with the Mandel conviction.

Mr. President, I also ask unanimous consent to submit for the RECORD the series of articles which appeared in the Washington Post today, on the reversal of Mandel's mail fraud conviction, and on the dim prospects for other convictions of this type.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Paducah Sun, Nov. 12, 1987]

MCCONNELL'S BILL IS WORTH A TRY

Not long ago, a candidate for statewide office met with our editorial board. A couple of weeks earlier, the Louisville Courier-Journal published an eye-opening expose' on election fraud in Kentucky. We asked the candidate, who had survived a hotly contested primary race, if such tales were so.

He told me a story about a county in eastern Kentucky. It seems a top county official invited the candidate to come by for a talk one day during the primary. After conversing with the candidate for awhile, the official said he thought they could get along, and boasted that he could deliver 80 percent of that county's vote to the candidate. The candidate left, obviously pleased.

Then, shortly before the election, the candidate was approached by a person he believed to be an emissary of his new-found supporter. He told the candidate it was time to come up with the money. The candidate asked what he meant. The response was that it was tradition, in return for the support of the county political machine, that money be provided to pay some 100 or so people to "assist" the election effort. The candidate refused to pay. He said he finished last in that county, although he fared pretty well in some surrounding counties and won the statewide race.

To us, that was a rather sobering account. Although the Courier-Journal investigation indicated that the bulk of election fraud and vote buying takes places in eastern Kentucky counties, it is nevertheless a practice that can disenfranchise voters in other parts of the state by swinging close statewide races in favor of the highest bidder. It offends the very concept of democracy.

We know we have at least one person who agrees with us on this is U.S. Sen. Mitch McConnell, R-Ky. Sen. McConnell has told us up front that part of his concern stems from his belief that Republican candidates in particular have been frequent victims of election fraud in Kentucky, and cites examples from his personal experiences as evidence. But that personal motivation aside, we agree with Sen. McConnell's view that the time has come to take some serious steps to do something about the problem, which is by no means limited to rural areas of Kentucky.

That is why we support new legislation Sen. McConnell has introduced that would toughen the penalties for fraud and voter intimidation, and provide an opportunity for federal supervision of polling places.

We emphasize the word opportunity, because voting fraud seems to be limited to a few select regions of the country, and any proposal for nationwide federal supervision of the polls would be unspeakably expensive and offensive to the concept of free elections.

Sen. McConnell's bill would provide that any candidate who is concerned about potential fraud at specific polling places could request that a federal observer be sent to oversee voting activities there. Only in the precincts where such requests are made would there be federal supervision. Sen. McConnell believes such a system would deter voter intimidation and tampering with ballots and vote counts.

Of course, it would not necessarily stop vote buying. To address that problem, Sen. McConnell's bill would amend existing federal anti-fraud laws to make any type of vote buying, selling, or trading of votes for jobs, felonies. It would raise existing penalties ($1,000 fines and up to 5 years in jail for such activity) to $25,000 and up to 10 years in jail.

Because the bill would apply to elections to any government body receiving at least $1,000 in federal money, its provisions would not just apply to statewide races. Elections to city governments and school boards would also be covered.

Sen. McConnell says the mechanics of his bill are inspired by provisions of civil rights laws created to protect the rights of minority voters in the South. As he put it: "We always have worried about civil rights for the minorities. This is a bill that provides civil rights for the majority. . . . this bill will give people the right to cast an unintimidated ballot and let the winner truly be the winner."

We don't see Sen. McConnell's bill as a total cure for the problem, and neither does he, but we agree that it is a step in the right direction.

As we told Sen. McConnell, we will favor almost any reform measure that will serve to make elections more honest and fair, so long as the reforms are not unduly expensive and do not give the incumbent an unfair advantage. From what we know so far about Sen. McConnell's bill, it would seem to pass those tests.—JIM PAXTON.

CONVICTIONS OVERTURNED IN MANDEL RACEWAY CASE

(By Paul W. Valentine)

BALTIMORE, Nov. 12.—A federal judge today overturned the 10-year-old mail fraud and racketeering convictions of former Maryland governor Marvin Mandel and five associates in a reversal that stunned prosecutors and brought at least temporary vindication to the once-powerful Mandel.

U.S. District Judge Frederic N. Smalkin, basing his ruling on a June Supreme Court decision, said that Mandel and the others were convicted in an overly broad use of the federal mail fraud statute and all counts against them therefore must fall. That Supreme Court decision prompted Mandel to seek a new review of his case.

The ruling, if upheld on appeal, could lead eventually to Mandel's criminal record being expunged, restoration of his right to practice law and the return of thousands of dollars in fines levied against four of his associates.

Maryland U.S. Attorney Breckinridge L. Willcox said he would appeal.

"Vindication is all that I've ever been seeking, and the judge has provided that," a smiling Mandel, 67, said at a news conference just hours after the ruling. He said he will not seek financial compensation for his time in prison.

"I never did anything to hurt the people of the State of Maryland or deprive them of anything," he said. "And the judge has just said the same thing."

Barnet D. Skolnik, the zealous federal prosecutor who spearheaded the Mandel prosecution, said yesterday that Smalkin's decision doesn't change anything.

"Nothing will ever change what Mr. Mandel did," Skolnik said. "He sold his office . . . He sold out the people of Maryland and that's never going to change."

Speaking in the office of his Baltimore attorney, Arnold Weiner, Mandel said he has no plans to reenter politics, but left the possibility open by adding "at this time." He said his wife Jeanne, who sat by him at the news conference, does not want him to run for office again.

What kind of political position might be open to Mandel is unclear. Since his release from prison nearly six years ago, he has acquired growing influence behind the scenes in state politics and Maryland Gov. William Donald Schaefer has said he is one of Mandel's fans. Mandel has said that he has turned down offers to lobby for various groups.

Schaefer, who as mayor of Baltimore offered Mandel a work-release job at City Hall when Mandel had completed his prison time in 1981, said yesterday, "I am not surprised by the ruling. I have known Marvin Mandel and Irv Kovens [one of the codefendants] for years and never knew them to do anything illegal."

Today's decision was the latest in one of the longest-running and most dramatic political sagas in Maryland's history. As governor—a post he first won by legislative appointment when Gov. Spiro T. Agnew became vice president—Mandel was considered a master of politics and legislative strategy. In the early 1970s, he shocked Marylanders by leaving his wife Barbara for another woman.

By the mid-1970s, he was caught up in the scandals that swept Maryland, such as taking a $50,000 loan from a Catholic fund-raising order called the Pallottine Fathers to help finance his divorce from Barabara Mandel.

The case involving the Marlboro Race Track unfolded with indictments of Mandel and his codefendants in 1975 and a mistrial in 1976 because of publicity concerning jury-tampering allegations. After his conviction in a second trial the following year, Mandel appealed the case through the federal appellate courts and was ultimately turned down by the Supreme Court.

Prosecutor Willcox expressed disappointment at today's ruling but added, "I can't say I'm totally surprised" in light of the Supreme Court decision on which Smalkin based his ruling.

In that decision, made in June, the high court held that mail fraud prosecutions against state officials can be made only when the fraud involves economic loss rather than intangible losses, such as the loss of good governance by public officials, as charged in the Mandel case.

Mandel and five other defendants were convicted in 1977 of 15 counts each of mail fraud and one count of racketeering in an alleged scheme to increase the value of Prince George's County's Marlboro Race Track in 1972 and 1973. The horse racing track, now defunct, was secretly owned at the time by the five codefendants, W. Dale Hess, Harry W. Rodgers III, William A. Rodgers, Irvin Kovens and Ernest N. Cory.

As governor, Mandel helped the track obtain extra racing days, which are controlled by the state and worth millions of dollars in profits for track owners.

In exchange, according to prosecutors, the tracks' secret owners heaped money, jewelry and vacations on Mandel, as well as financial assistance in his divorce and remarriage.

Mandel served 19 months in prison and was disbarred. Hess, Kovens and the two Rodgers were fined $40,000 each and imprisoned for terms of one to three years. Cory received a suspended sentence.

Mandel, who was released from prison in late 1981 and has worked as a building contracting consultant and sometime radio talk show host, had sought repeatedly to get his conviction overturned, ironically on much the same grounds as Judge Smalkin provided for him today.

In various appeals, Mandel had contended that both the indictment against him and the trial judge's charge to the jury in 1977 referred primarily to defrauding the citizens of Maryland of their right to "conscientious, loyal [and] faithful . . . services" of the governor, all intangible values, rather than concrete economic worth, as required by the federal mail fraud statute.

Smalkin agreed. Under the *McNally* ruling of the Supreme Court in June, he said, the mail fraud statute "has been limited from its inception to the protection of money and property (rather than nonmonetary, i.e., "honest and faithful government") rights."

The legislative history and intent of the statute show that its reach "has logically been as narrow as *McNally's* interpretation since the day of its enactment," Smalkin said.

The jury, he said, was incorrectly instructed to allow a "conviction if the jurors simply became convinced that the defendants had subverted the process of honest government in Maryland. The evidence of concealment of ownership of Marlboro shares and of Mandel's secret financial arrangements certainly showed that something fishy, and perhaps dishonest, involving Maryland's governor and some of those personally and politically closest to him was going on."

"Mandel might well have been bribed," the judge said. "His codefendants might well have bribed him. But however strong the evidence of dishonesty or bribery, the jury was told it could convict for something that did not amount to a federal crime."

Smalkin, a former U.S. magistrate and a federal judge here for little over a year with a reputation for painstaking scholarly research, added in an unusual passage that his ruling today "has nothing to do with [Mandel and his codefendants'] guilt or innocence, in any moral sense."

He said: "The people of Maryland, as a matter of natural law, have and have always had an inalienable right to good government. A jury of 12 citizens found beyond a reasonable doubt that the [defendants] had deprived all the citizens of Maryland of that right. This conduct, however, for reasons amply set forth . . . cannot sustain a judgment that the defendants were guilty of federal crimes. A final answer to the question of [the defendants'] guilt or innocence, in any broader sense than that, must await the judgment of history."

Willcox argued in court papers this fall that bribery—the taking of tangible goods for illegal purposes—underlay the mail fraud and racketeering charges.

The case involved a "sordid tale of corruption, bribery and deceit at the innermost sanctum of state government," Willcox said.

But Smalkin ruled that while the word bribery appears in the Mandel indictment, its main thrust nevertheless was the loss of intangible "good government" rights, and both the racketeering charges and the underlying fraud counts thus must be set aside.

"We had hoped to persuade [Smalkin] that this was a bribery case, an economic deprivation case, unlike McNally," said Willcox today. "But we failed."

HIGH COURT OPINION COULD JEOPARDIZE OTHER FRAUD CASES

(By Ruth Marcus)

The Supreme Court decision that led to the reversal of the decade-old conviction of former Maryland governor Marvin Mandel has also jeopardized scores of other prosecutions and convictions of corrupt public officials and private citizens.

The high court's ruling in June could affect at least 185 convictions and 100 more cases under investigation, and that estimate is conservative, said Gerald E. McDowell, chief of the Justice Department's Public Integrity Section.

The decision severely restricted the reach of the federal mail fraud law, enacted by Congress in 1872 "to prevent the frauds which are mostly gotten up in the large cities . . . by thieves, forgers, and rapscallions generally, for the purpose of deceiving and fleecing the innocent people in the country."

In recent years, the law, which prevents the use of the mails in any "scheme or artifice to defraud," has been a favorite tool of federal prosecutors. They have used mail fraud and its modern-day companion, wire fraud, as a means of punishing conduct that looks wrong yet may not be explicitly prohibited under other federal statutes.

The theory—accepted by all the lower courts to consider it, including the appeals court in the Mandel case—had been that, in the case of public officials who abused their trust, citizens have been defrauded of their "intangible rights" to honest and impartial government. Likewise, private individuals have been convicted of mail or wire fraud for violating their fiduciary duty to their employers or unions.

The rule among prosecutors has been, "When in doubt, charge mail fraud," said Columbia University law professor John C. Coffee Jr. "If it didn't fit into the clear pigeonholes of other statutes, you charged mail fraud and charged generally a scheme to defraud the public of the faithful and honest services of public officials."

The Supreme Court's 7-to-2 ruling in *McNally* v. *U.S.* ended all that.

In an opinion by Justice Byron R. White, the court held that federal prosecutors must show that the fraud caused actual economic injury, not just intangible harm.

The ruling came in the case of James E. Gray, cabinet secretary to then-Gov. Julian M. Carroll of Kentucky, and Charles J. McNally, a Kentucky businessman, who participated in a scheme to funnel commissions on state insurance business to an agency nominally owned by McNally but in fact controlled by Gray and another Kentucky politician.

"Rather than construe the statute in a manner that leaves its outer boundaries ambiguous and involves the federal government in setting standards of disclosure and good government for local and state officials, we read [the mail fraud law] as limited in scope to property rights," White wrote.

The opinion prompted an outraged dissent by Justice John Paul Stevens. "Can it be that Congress sought to purge the mails of schemes to defraud citizens of money but was willing to tolerate schemes to defraud citizens of their right to an honest government, or to unbiased public officials?" Stevens asked in an opinion joined by Justice Sandra Day O'Connor.

McNally's lawyer, Carter Phillips, termed the ruling "about as good news as defense lawyers have had in 10, 15 years."

Assistant Attorney General William F. Weld, head of the Justice Department's criminal division, called *McNally* "a real kick in the teeth" and said he had heard "yelps from all over" the country as U.S. attorneys assessed the damage to convictions and pending prosecutions.

In the aftermath of the decision, the effect of which is considered retroactive:

The Supreme Court last month vacated the conviction of former Cook County, Ill., circuit judge Reginald Holzer, sentenced to 18 years for mail fraud, extortion and racketeering in the Operation Greylord scandal. The high court returned the case to a federal appeals court in Chicago for reconsideration in light of the *McNally* decision, which could also imperil nine other Greylord convictions.

Prosecutors in New York dropped several fraud counts against Rep. Mario Biaggi (D-N.Y.) and three others in a case involving charges that the Wedtech Corp. bribed public officials to help obtain military contracts.

Lawyers for former Wall Street Journal reporter R. Foster Winans and two others convicted in an insider trading scheme to profit through advance tips about contents of the Journal's Heard on the Street column argued in the Supreme Court last month that—under the reasoning in *McNally*—their fraud involved only intangible harm and that therefore their convictions should be overturned.

Solicitor General Charles Fried contended that *McNally* did not apply because "property was misappropriated here" in the form of information belonging to the Wall Street Journal.

A federal judge in New York dismissed 46 of 54 mail and wire fraud counts in a major Iran arms-smuggling case against 10 international businessmen accused to conspiring to ship more than $2 billion in arms to Iran.

"The kinds of cases that are going to go down the tubes I would call abuse of power cases, where people like Gov. Mandel sold his power," said G. Robert Blakey, a law professor at Notre Dame. Mandel "didn't cheat on a particular contract. Nobody lost anything. The state gained the revenue. Who lost in the old-fashioned tangible sense? The answer is nobody. But the government was for sale."

Not all convictions challenged on the basis of *McNally* have been overturned. In Philadelphia, a federal judge last month rebuffed an attempt by former city commissioner Maurice Osser, found guilty in 1972 of a scheme to take kickbacks from a printing contractor, to win a new trial. The judge said Osser failed to raise the issue earlier and that giving him a new trial "at such a late date . . . would create a manifest injustice to the city of Philadelphia and its citizens."

Rep. John Conyers Jr. (D-Mich.), chairman of a House Judiciary subcommittee on criminal justice, has introduced legislation to undo the McNally decision. The Justice Department, meanwhile, is embroiled in an internal dispute over what, if any, legislation to propose. While a number of federal prosecutors and others are arguing for legislation that would directly overrule the case, some top department officials cite principles of federalism and question the advisability of that approach, department sources said.

In the meantime, said Associate Attorney General Stephen S. Trott, "it's a severe blow." The law "has been used successfully and effectively by federal prosecutors against corrupt politicians," he said. Without any hint of trouble from the Supreme Court, "we thundered ahead in lots and lots of cases."

Now, he said, "We really have a lot of repair work that has to be done."

WHAT NOW FOR MARYLAND MAIL FRAUD DEFENDANTS?

(By Robert Barnes)

BALTIMORE.—Marvin Mandel reclaimed his good name today, he said, and his license to practice law should follow.

A political comeback?

Unlikely, he said, though he couldn't quite bring himself to say absolutely, positively no.

The television lights were set up once again in the long conference room in attorney Arnold Weiner's office, the same place Mandel has met the media after many of the extraordinary twists and turns in the legal battles to determine whether he was a corrupt governor.

He thinks this finally is the last stop.

"I never did anything to hurt the people of the State of Maryland or deprive them of anything," he said. "And the judge has just said the same thing."

Actually, the federal judge who overturned the convictions of Mandel and his five codefendants was not exactly forgiving, writing that "the judgment of history" will determine "the question of petitioners' guilt or innocence."

But that was only a detail to Mandel and his codefendants, a group that ranged from one of the state's most influential political kingmakers to a lawyer even prosecutors seemed to feel was an unlikely and unfortunate player in the alleged scheme.

"I couldn't feel any better," said the kingmaker, Baltimore political fund-raiser Irvin Kovens, a close confidant of both Mandel and Gov. William Donald Schaefer. "I've finally been vindicated."

Mandel, Kovens and the other businessmen convicted in the affair—Harry W. Rodgers III, William A. Rodgers and W. Dale Hess—remained successful nonetheless. Ernest N. Cory said he was not as lucky.

The former Prince George's County lawyer accepted voluntary disbarment and to pay off debts he sold off real estate, cars, horses and a baby grand piano.

Before his law license was reinstated several years ago, Cory and his wife took in boarders to make ends meet.

"I'm not doing well," he said, "I'm making a living."

Cory was a friend of the Rodgers brothers, and never close to Mandel and the others, he said. Now 73 and in poor health, he said, "We'd kind of like to put this behind us and forget it."

The Rodgers brothers were reported out of town at a convention today, and Hess could not be reached for comment.

Today's opinion is another step in what Annapolis observers have called Mandel's comeback. Mandel already has asked the Maryland Court of Appeals to reinstate his license to practice law, which is considered likely if his conviction remains reversed, and he and his attorneys were putting the finishing touches on a petition for a presidential pardon.

Mandel is also much more visible in the State House now that his friend Schaefer has replaced Harry Hughes as governor. Hughes, who in effect won election as a reformer after the Mandel years, said he had no comment on today's ruling.

Schaefer, who was a character witness for Mandel and Kovens at their sentencings, said he was not surprised by the ruling. "I have known Marvin Mandel and Irv Kovens for years and never knew them to do anything illegal," he said.

And at Chick and Ruth's Delly in downtown Annapolis, where a breakfast booth is still roped off for Mandel and proclaimed as the Governor's Office, the regulars are expecting a celebration.

1987 CALL TO CONSCIENCE FOR SOVIET JEWRY

Mr. CHAFEE. Mr. President, I rise today to join in the 1987 Call to Conscience for Soviet Jewry. As one who has participated in this effort for a number of years now, I am pleased that we finally have some cause for optimism. This year there has been a fairly dramatic rise in the number of Soviet Jews granted exit visas. I am hopeful that the recent liberalization of Soviet emigration policy is more than just an aberration.

In my view, the Soviets' decision to allow an increase in Jewish emigration is, more than anything else, proof that our efforts in behalf of the refuseniks have not been in vain.

A few years ago, it seemed as if we were shouting into the darkness. Soviet authorities turned a deaf ear to pleas from the West that Jews be allowed to practice their beliefs in peace, and that those desiring to leave the Soviet Union be granted exit visas. It was commonplace to hear grim news about the closing of synagogues, the persecution of Hebrew teachers, and cruel, discriminatory treatment of Jews who sought nothing more than the freedom to carry on their religious tradition. Most of those subjected to this kind of treatment had nowhere to go. The authorities basically had locked the doors leading out of the Soviet Union, preventing Soviet Jews from joining their families and friends in Israel, the United States and elsewhere.

I have no doubt that official discrimination against Jews is still widespread in the Soviet Union. That is a source of great concern in this country, where we place the highest value on religious freedom. While it remains to be seen whether the severely repressive Soviet system will see meaningful democratic reform under the new Soviet openness, the good news is that the escape hatch—emigration—finally seems to be creaking open again.

In the early 1980's, Soviet Jewish emigration levels had plummeted from a high of 51,320 in 1979 to a mere 896 in 1984, 1,140 in 1985, and 914 last year. As of October 31, the number of Jewish emigration approvals for 1987 was 6,340. That is still way below the excellent levels we saw at the end of the 1970's, but an encouraging improvement over last year.

I can offer personal evidence that the exit visa approvals are coming through for Soviet Jews, Mr. President. Last summer, I heard about the case of Tsalo and Khaya Lipchin, an elderly couple in Leningrad that had been seeking exit visas since 1978. The Lipchins, who wished to join their only son Leonid in Massachusetts, had been refused permission to emigrate 17 separate times in 9 years. The reason given was the convenient allegation that national security would be endangered by allowing emigration in this case. It was alleged that Mr. Lipchin had had access to state secrets during his employment in the computer industry.

The Lipchins denied this claim of access to state secrets, and finally this year they were vindicated. The Committee for State Security [KGB] of the U.S.S.R. determined that alleged access to secret information by Tsalo Lipchin was not a valid basis for refusal of permission to emigrate. Still, however, the Lipchins lacked an exit visa.

At this point, I made an effort to bring their case to the attention of Soviet authorities. I wrote letters to General Secretary Gorbachev; to Rudolph Kuznetsov, head of the Visas and Registration Department [OVIR] of the U.S.S.R.; and also to the chief of the Leningrad office of OVIR. I pointed out to these officials the simple desire of the Lipchin family to be reunited in the United States. I also mentioned the fact that Khaya Lipchin had suffered a stroke in 1986 and remained ill. In addition, I asked the U.S. Embassy in Moscow and our consulate in Leningrad to lend a hand with the Lipchin case.

A little over a month after I got in touch with these officials, the Lipchins finally received word that they would be allowed to leave the Soviet Union. Whether or not my intervention made the difference is impossible to say for sure, but I have no doubt that pressure from the United States at least nudged the Lipchins' file closer to the approval category in the Leningrad office of OVIR. Tsalo and Khaya Lipchin are now in Italy awaiting final approval of their papers so that they can come to the United States to join their son.

Also resolved in the last few months was a refusenik case in which I had a longstanding involvement. It concerned the family of Mikhail Lieberman, of the city of Bendery in the Moldavian Republic. Mr. Lieberman, a professional metallurgist who had worked for a mining enterprise in Siberia, faced the same allegation as Tsalo Lipchin: access to classified information. Like Mr. Lipchin, Mr. Lieberman denied the charge, and yet Soviet officials refused to grant him an exit visa. Unable to work in their professions while they awaited approval, Mikhail Lieberman and his wife Hanna experienced a great deal of hardship during the years they waited for an exit visa.

In 1978, I asked the State Department to intervene in the Lieberman case. In April of this year I wrote directly to General Secretary Gorbachev about the Liebermans, requesting approval of their application. Now, at long last, there seems to be good news for this Jewish family. Recently published lists of Jews approved for emigration from the U.S.S.R. include Mikhail Lieberman, and I am optimistic that he and his family will soon be settling in Israel.

It is obvious from these and other happily resolved cases that the pendulum of Soviet policy on Jewish emigration has swung in the direction of liberalization. We should not forget, however, that this is a new and recent development, a policy change that can be reversed again just as suddenly as it was this year.

I would like to close my contribution to the 1987 Call to Conscience with the message that we must not let the approval of 6,000 or 10,000 or even 50,000 exit visas allow us to become complacent. For every Tsalo Lipchin and Mikhail Lieberman, there are many more Soviet Jews waiting anxiously for permission to emigrate. For every well-publicized emigration of a Natan Shcharansky or an Ida Nudel, there are thousands of less famous refuseniks aching to leave the Soviet Union, and suffering for their decision to come forward and apply to leave.

Indeed, there is understandable fear that, as notable Soviet Jews are granted exit visas, the world will believe that all goes well and efforts to obtain religious freedom for Jews in the Soviet Union can be relaxed.

As Americans we are in many ways guardians of the principle of religious freedom. For this reason, I believe we have a moral obligation to champion the cause of Soviet Jews. Until the unlikely day when genuine religious freedom is established in the Soviet Union, or when Soviet emigration is freed from the capricious grip of the totalitarian Soviet bureaucracy, we must not give up this struggle.

BENJAMIN CHARNY

Mr. KENNEDY. Mr. President, on October 27, the friends and family of Benjamin Charny gathered in Washington to observe his 50th birthday—although no true celebration will be possible until Benjamin and his wife, Yadviga, are permitted to emigrate from the Soviet Union and join their family here in the United States.

Benjamin Charny is a mathematician who worked on various scientific projects more than 16 years ago. His repeated requests over the last 8½ years to emigrate and join his daughter, granddaughter and brother in the United States have been denied on the basis of that "secret" work. This story is not an uncommon one.

However, what makes Benjamin's case more urgent is that he suffers from cancer and a serious heart condition. Ben also has a growing tumor on his neck and thyroid gland and his doctor in the Soviet Union is afraid to operate due to his heart condition. While doctors at the New England Medical Center are confident that they will be able to treat Ben's disease, chances for success diminish with each day that passes.

Last March, all 100 Senators joined in urging General Secretary Gorbachev to let eight critically ill patients leave the Soviet Union so they could join their families and receive the medical attention they need. Of the eight cancer patients, three—Benjamin Charny, Marinana Simotova and Edward Erlikh—remain in the Soviet Union in grave condition. Of the other five—two have died, two are living in New York, and one resides in Israel.

On September 21, I welcomed Benjamin's daughter, Anna, to the United States with her husband, Uri Blank, and their daughter Sima. During a visit with them in my office last month, Anna shared with me a recent statement written by Benjamin regarding the falacy of the authorities' claim that he holds state secrets too sensitive to permit his departure from the Soviet Union. I ask unanimous consent that Benjamin's statement, as well as related editorials by Elie Wiesel and Anthony Lewis may be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Nov. 10, 1987]

MUST DEATH BE A SOVIET PASSPORT?

(By Benjamin Charny)

MOSCOW.—On Sept. 20, Faina Kogan died in Moscow of bone marrow cancer. For many years, she had been refused permission to leave the Soviet Union for the West, where she sought treatment for her illness and reunification with her son.

The reason given by Soviet authorities for the denial concerned the "secret work" her husband, Naum Kogan, had done some 16 years ago. At the time she made her request, her husband's "secret work" was in fact not secret at all. Rather, it became the excuse for keeping a sick woman from receiving medical treatment.

Mrs. Kogan is but one victim of the stamp of false secrecy; she was sacrificed to the state for so-called security interests. Other victims were refused on the grounds of state secrecy—refuseniks who have also died in the last year—include Rimma Bravve, Yuri Speizman and Inna Meiman.

For each of these people, years of exhausting struggle to obtain exit visas ended with the granting of permission to leave, but only after it was too late. Each died before having had a chance to receive sufficient care. In each case, "state secrecy" was the reason given by authorities for their refusal.

If the possession of obsolete and arbitrarily classified state secrets remains a legitimate reason for refusing those in need of medical treatment, many other seriously ill refuseniks will share the fates of Mrs. Kogan and the others.

I also have been diagnosed as having cancer. Yet because I am a mathematician and worked on various scientific projects more than 16 years ago, I too have been refused permission to seek medical treatment outside the Soviet Union. Although my theoretical and practical findings were published in unclassified scientific journals, which were translated into English and distributed in the West, I have repeatedly been denied an exit visa. In May 1987, I was officially told that my work during this period is still considered "secret."

As I said, the work was done more than 16 years ago. It is hardly possible to talk seriously about scientific secrecy in any work done so long ago, especially considering the great technological advances made during recent years in the fields of computers and automation.

The only applied problem I worked on between the years 1966 and 1971 was the design of an atmosphere reentry guidance algorithm for a space vehicle returning to Earth from the Moon or another planet. In other words, it concerned the design of software for the on-board computer that controls a vehicle's reentry flight.

This work consisted of two parts, theoretical and practical. The theoretical part, concerning the derivation of mathematical formulas that define the algorithm, has never been secret. Similar formulas were widely published by many authors in the Soviet Union and the United States.

The practical part of my work consisted of adjusting any theoretical algorithm, solving the guidance problem in principle, to specific onboard computers. The capacity of vehicle-borne computers at that time was extremely limited because of computer dimensions and weight requirements.

To "squeeze" a theoretical algorithm in the computer, one had to invent a special mathematical technique, which I did. It was that practical part of my work that was considered secret at *that time.* Is it possible that this work could still be considered secret today?

Of course not, for the vehicle-borne computers of that period have become hopelessly obsolete. Microprocessors used in today's personal computers are infinitely smaller in dimension and, in every respect—from memory to bit capacity—more powerful. Known theoretical algorithms have since solved the problem in principle by using microprocessors without any tricks.

Utilizing a mathematical technique devised in the 1960's with today's more advanced computational tools is like extracting cubic roots on an abacus instead of doing so by means of a pocket calculator. Thus, the part of my work that was considered secret some 16 years ago has long ago ceased to be secret. That work ceased to be secret the day the first microprocessor appeared.

Seven years ago, authorities acknowledged that much. At that time, they gave my assistant. A.A. Goltsin, permission to leave the Soviet Union. He had carried out computations for me and was educated enough (he was a graduate of Moscow University in mechanics and mathematics) to have understood all the details of my work. It seems obvious, therefore, that the status of all my work ceased to be secret with Mr. Goltsin's departure.

The Soviet visa office has stated that decisions concerning "work secrecy" are made by a chain of authorities from the plant, the ministry and finally, the visa office. At each link of the chain, a decision is made by people who are not competent to evaluate specialized work—three people openly confessed that much to me.

I.A. Karaculco, deputy chief of the visa office; N.A. Gavrilenco, deputy chief of the General Machinery Building Ministry, and V.I. Lomonosov, deputy director of the Institute of Automation and Instrument Making all conceded that they are unable to discuss the general tenets of my work from the 1960's. Mr. Lomonosov has refused to draw on competent experts to discuss and re-evaluate the matter of my so-called secret work.

In October, the Forum on Space was hosted in Moscow. The wonderful words "Together to Mars" were the forum's motto. Let it be so, but Soviet officials seem to suggest that we return to Earth quite separately, for they persist in branding my work on vehicle re-entry for some 16 years ago as "secret." My work is no longer secret, and it is obsolete.

Athough my life is in danger, I still have hope. I have many hopes. Let us go to Mars together, but let us not go if, in so doing, we trample over the corpses and time-marked lives of the refuseniks, victims of the stamp of false secrecy.

[From the New York Times, Oct. 18, 1987]

BARGAINING IN LIVES

BOSTON.—The Soviet Government has acted in recent weeks to resolve some long-standing emigration cases. Two weeks ago, for example, it gave an exit visa to Ida Nudel, a leading campaigner for Soviet Jews. This week officials told Vladimir Slepak, another prominent refusenik, that he and his wife could move to Israel, 17 years after they first applied.

Such actions are evidently designed to improve the atmosphere in Soviet-American relations before Mikhail Gorbachev makes his expected trip to the United States for a summit meeting. But the effect will be limited.

Every time one well-known person is allowed to leave the Soviet Union, we in the West remember others who have not been. Thus Mr. Slepak's good news was coupled with reminders that such admired figures as Aleksandr Y. Lerner and Valery N. Soifer are still forbidden to emigrate many years after they began seeking visas.

Soviet officials have complained to Americans about that reaction. When they take some positive step, they say, instead of being praised they are criticized for not having done something else. That provides little motivation for resolving any cases, they argue.

It is crucial to beware of that Soviet view, I think—crucial because it is so mistaken. It misunderstands fundamental Western attitudes on human rights. And the misunderstanding is as harmful to legitimate Soviet interests as it is to the victims of injustice.

The Soviet view is based on the premise that the resolution of individual human rights cases is a valuable gesture—a favor—to Western opinion. Soviet leaders traditionally save those gestures to be used as bargaining chips. When a summit meeting approaches, the chips are played in order to brighten the mood for substantive negotiation.

But we do not regard such things as letting citizens emigrate or practice their religion or speak their minds as governmental favors. We think of them as rights—rights that have a legal basis in Soviet undertakings at Helsinki.

Moreover, Americans and others in the West do not like the idea of human lives being used as bargaining chips. So when restraints on some Soviet citizen are relaxed at a politically opportune moment, it is inevitable that Western gratification for the individual will be mixed with resentment at the tactic.

The sense that human lives are being played with is deepened by the haphazard, seemingly senseless cruelty of Soviet bureaucracy in these matters. Or is it just bureaucracy?

Benjamin Charny, a mathematician, presents one of several especially heart-rending Soviet emigration cases. He and the others have cancer. They want to leave to get treatment or to be with their families. Mr. Charny wishes to be with his brother, Leon, who is at the Massachusetts Institute of Technology.

Last month Benjamin Charny's daughter, Anna, was allowed to leave with her husband, their 3-month-old child and her husband's parents and grandmother. In effect, the whole family is out—except Benjamin Charny.

Or consider the question of divided Soviet-American couples: spouses and fiances kept apart by Soviet barriers. About 20 couples are in that category now.

On Oct. 23, Elizabeth Condon, a high school teacher of Russian and French, will mark the eighth anniversary of the day she was supposed to marry Victor Novikov in Moscow. The marriage was stopped. And ever since, Mr. Novikov has been refused permission to emigrate and Miss Condon to visit the Soviet Union.

Last spring Miss Condon was encouraged to apply again for a visitor's visa. She did. Two days before her planned flight to Moscow, she was told that her visa had been denied. More recently, Mr. Novikov was told that he could still not leave because he learned secrets years ago. That reason, officials said, will expire in 1990.

The Soviet Union pays a high price in the West for such inhumanity, and it is not only the price of moral disapproval. The feeling that the U.S.S.R. cannot be trusted—not even to keep to its Helsinki undertakings—feeds opposition to the arms control agreement that both Mr. Gorbachev and President Reagan want.

Mr. Gorbachev understands there is a price. He has resolved some of the high-profile cases, not only allowing prominent refuseniks to leave but releasing important political dissidents from prison. But action case by case cannot really solve the problem. Only removal of the underlying wrongs can.

When a Soviet citizen joins an American fiancé, it should not be news. When a seriously ill man in Moscow leaves to be with his brother in the U.S., it should not be news. It should be the rule: so routine that it is not newsworthy.

[From the New York Times, Oct. 23, 1987]

SOON, FREE AT LAST

(By Elie Wiesel)

The news from Moscow is good. Vladimir and Mariya Slepak—Volodia and Masha—are free to leave the Soviet Union on Sunday. Their 17-year ordeal has ended. Another victory for glasnost? Whatever the explanation, it cannot but influence our attitude toward its author. Mikhail S. Gorbachev has given us some reasons to view his policies with less suspicion.

When I was in the Soviet Union a year ago, Andrei D. Sakharov was still in internal exile, in Gorky. There were 15 "prisoners of Zion" in jails and camps; today, they are all free. Some cancer patients and divided spouses have received authorization to join their families abroad. Mr. Sakharov is at home. Ida Nudel is in Israel. These are encouraging signs.

Are we dealing, however, with a new philosophy or with shrewd tactics? Mr. Gorbachev alone has the answer. He surely understands that for glasnost to have a real impact on the outside world, free immigration must not be halted or curtailed.

He wants us to believe him, and many of us are eager to believe him. His policy of openness could be a blessing not only for his own countrymen but for men and women everywhere. It could lead to détente. It could bring urgently needed solutions to dangerous conflicts. It could make our planet a safer place. But if Mr. Gorbachev does not understand that international peace and human rights issues are inseparable, our optimism may remain an illusion.

For the moment, however, skepticism must yield to joy, which swept through me when the Slepaks told us that yes, they believed this time their visa had arrived.

I remembered our meetings earlier in Moscow—long walks, endless conversations about Israel, discussions about the strange fascination Communism had exerted in the beginning over many Eastern European Jews.

I relived our visit to the crowded Moscow synagogue during Simhat Torah. Several thousand men and women had gathered outside to celebrate the Law the way Jews everywhere celebrate it: They sang, they danced, they did nothing to restrain their fervor.

An 8-year-old girl addressed me in pure Hebrew. I wondered, Who are her teachers? A young man invited me to join him and his friends to study Talmud. When? In the morning. Where? "We'll take you." All around, the faces reflected suffering but also resistance to suffering.

Later, in our hotel room with Volodia and Masha, my wife improvised a festive birthday dinner for Volodia. We toasted one another, we shared stories and memories. We laughed and laughed, almost forgetting where we were. "Aren't you afraid?" I asked Volodia. "Why should I be afraid?" he answered. "What can they do to me? I am a free person. They know I am Jewish. They know I want to go to Israel. I want them to know all that." He raised his glass and yelled for the whole world to hear, "Next year in Jerusalem!"

The Slepaks are among the noblest refuseniks I have had the good fortune to meet. They have endured more than any humans should have to tolerate: social discrimination, humiliation, official and unofficial hostility, imprisonment. For nearly 18 years, they have lived as outcasts, consumed by waiting.

Year after year, they would take luckier friends to the airport and to the railway station, and return home a little bit more alone. They waited for another day, another list, another journey to the airport, this time with someone else accompanying them. They grew melancholy. A newspaper article said they would "never" leave the Soviet Union. Never? Why? Long ago, it said, Volodia had had access to state secrets.

Friends in the West were outraged. To deprive a person of the right to hope is the ultimate inhumanity. We appealed, for the 1,000th time, to the Kremlin. We pleaded. We warned that we would not give up our fight until the Slepaks were free to leave. We seemed to be shouting in the dark, and all the time the Slepaks were getting more and more desperate.

What produced the change? The coming summit meeting in Washington? Does Mr. Gorbachev wish to avoid the huge demonstrations some of us have been planning for him? No matter. Whatever the reason, we are grateful.

Thank you, Mikhail Sergeyevich Gorbachev, for allowing my friend Vladimir Slepak to celebrate his 60th birthday with his children and grandchildren. Thank you for opening the door for those who preceded him. But, please, leave the door open. Thousands of refuseniks are still waiting for visas.

T.C. WALKER

Mr. TRIBLE. Mr. President, T.C. Walker was an eminent Virginian whose life was the embodiment of the American dream. Born in slavery, he rose to national eminence. A successful lawyer, he donated his time and his wealth to aid those less fortunate. A black man, he sought to win for his brethren their rightful place in our society.

"Lawyer" Walker gives us all an example of a life dedicated to helping others. He demonstrates to us that individual commitment is what lifts people up and gives them a sense of purpose and direction.

T.C. Walker reached out to his neighbors. And in so doing he did far more to change lives than any program designed in Washington.

He pursued his goals with a clear vision. He wrote in his autobiography:

> The simple rule I myself have followed is to seek by the simplest and most direct means to restore the dignity of the human spirit where poverty, crime and disease have trodden it down. Economic gadgets, pressure groups, programs will not restore it unless good will and friendliness are established first. In these my faith is absolute.

Recently, Thomas C. Walker's memory has been honored by the creation of a scholarship program in his name. At the dedication ceremony Thomas M. Boyd, Deputy Assistant Attorney General and a constituent, spoke movingly in tribute to the life and works of T.C. Walker and I ask unanimous consent that his remarks be printed in the RECORD.

There being no objection, the tribute was ordered to be printed in the RECORD, as follows:

A TRIBUTE TO THOMAS C. WALKER

(By Thomas M. Boyd)

When I was asked to speak to you, I wasn't quite sure what I would say. But less than a month ago, I was invited to attend a huge ceremony at the United States Capitol in Washington. Its purpose was to celebrate the 200th anniversary of our Constitution, this little document I hold here in my hand. Much of what I do involves its provisions, and as I listened to the speakers, including President Reagan, I thought about Thomas Walker. When he was born, he wasn't in it.

None of us can imagine what it must have been like to have been born a slave, as he was, at a time when black men and black women were legally less than people—just property, and therefore had no rights under the law. We fought an awful Civil War while Thomas Walker was a little boy, principally over whether States have the right to determine for themselves whether a practice as onerous as slavery should be tolerated in this country. The result was the adoption of the 13th, 14th, and 15th amendments to the Constitution.

I have to assume that the role of the law in Thomas Walker's young life must have played a major part in his desire to become an attorney, and it must have pleased him no end to become the first black attorney in Gloucester and one of the first ever in Virginia.

But changes in the law alone were not enough to guarantee Thomas Walker's future, and he knew it. There were other obstacles to overcome.

Like so many Americans of stature, he started with nothing. There was no public school for him to attend and no money to pay for private tutors. He has to fight for his place in the world. But he understood what so many of us tend to forget: That in America, even the America of the last quarter of the 19th century, education can be the ultimate emancipation. Otherwise, he understood, he was destined to be dependent on others, including government, for his well-being. And Mr. Walker and his family knew what it was like to be the captive of someone else.

Throughout his life, he urged people in this county to own property and go to school. When I talked to the late Levi Clayton about Mr. Walker's enthusiasm for education, Mr. Clayton used to chuckle about how Mr. Walker would prod him to go to college. But Mr. Clayton fully fulfilled Mr. Walker's hopes for him. He learned a profession and made his own solid mark in this life.

Thomas Walker's efforts, as many of you know, resulted in the first organized education for black people in Gloucester County. In fact, his own personal funds supplied the down payment on what eventually became the Gloucester Training School. He wanted others to have the opportunity for the education he had worked so hard to obtain. "My aim always," he once wrote, "has been to substitute knowledge for suspicion." It is so appropriate, then, that the school I knew as T.C. Walker when I was growing up, and which lost that name when the schools were consolidated, has now been re-named after Mr. Walker.

Mr. Walker lived his life according to a solid set of principles. For so many of us, idealism in time gives way to convenience. Not for Thomas Walker. He could easily have harvested the fruits of his accomplishments. Two Republican Presidents, in fact, offered him appointments. One, Teddy Roosevelt, offered him the post of consul general for the Caribbean island of Guadaloupe. But he declined, preferring to remain here, in Gloucester County, where he felt his responsibilities were.

I never knew Thomas Walker, but I knew about him. My mother and grandmother knew him well and respected him enormously. My mother once told me how proud she was to know this man when he spoke at St. James Church in Richmond when she was just a little girl. Her admiration, and that of our family, was founded, I think, in what he did with his life. I believe that what appealed to them most was his steadfast determination to succeed, the quintessentially American quality of his rise from no one to someone. To them, and to me as I read about him, he seemed to embody what we think of when we try to define the American spirit. His was an example of innate ability of the individual to prevail over adversity and circumstance. Ability played a prominent role in his triumph, to be sure, but the main ingredients were sheer determination and will. This is the kind of individualism which created this country, and which fostered Thomas Jefferson's famous vision of replacing the elite of his time with "an aristocracy of merit". In this very real and important way, Thomas Walker was a Virginia aristocrat.

This uniquely human spirit resides in each of us. And this Constitution, in conjunction with the society its authors created, helps make all dreams possible, even those as unlikely as Thomas Walker's admission, in the aftermath of the Civil War, to the legal profession in Virginia.

To me, Mr. Walker should be a symbol for all Virginians; indeed, for all Americans. He bettered himself through his devotion to education and to principle, and it is this legacy which we celebrate today with the creation of this scholarship. I am proud to have been raised in the same county where Thomas Walker was born, and I thank you all for inviting me to join you this afternoon. Thank you.

DAV TRANSPORTATION NETWORK

Mr. MURKOWSKI. Mr. President, today I rise to recognize the outstanding work that the Disabled American Veterans [DAV] have done for the veterans of this country by setting up the DAV Transportation Network. This transportation network is a national program to provide transportation services to those veterans seeking access to and from Veterans' Administration Medical Centers. The outstanding efforts of the DAV have helped many veterans receive the health-care services which they need. I commend the DAV for their efforts in this area.

At a time of prioritizations and cutbacks in spending, VA Medical Centers have been faced with difficult spending choices. One of the programs to take a substantial cutback was beneficiary travel. Because the funding for beneficiary travel comes directly out of the medical care account, medical directors have been faced with choices as to whether to fund the beneficiary travel program or to spend those limited funds on direct patient care. The DAV, in response to this dilemma and understanding the importance of VA medical care, responded by assisting veterans with their travel needs.

At present, the DAV has placed 104 DAV Hospital Service Coordinators in Veterans' Administration Medical Centers [VAMC's] across the country. These coordinators have established programs within the medical centers that provide transportation to veterans needing treatment through the use of DAV volunteers. Currently, there are 30 States with active DAV Transportation Programs and 17 States in the planning stages. In the 11 months since the program's beginning, the DAV has provided more than 100,000 miles of transportation to thousands of disabled veterans. In addition to coordinating and implementing this program, the DAV has also donated to the VA 24 1988 Dodge passenger vans. These vans, which will be driven by DAV volunteers, will be distributed to the appropriate medical centers for use in the program. It is the goal of the DAV to establish these transportation programs in each of the 172 VA medical centers. It is my sincerest hope that our veterans in Alaska will have the opportunity to take advantage of this beneficial program. I believe that the early success of this program can be attributed to the many dedicated DAV volunteers who have given so much of their time to assist the veterans of this country. I applaud them all.

To help DAV departments in setting up these transportation programs, the national organization budgeted $2 million in grant moneys. As of October, the DAV had issued over $355,000 and pledged an additional $389,150 in grant moneys. In addition to this DAV departments have committed another $1,384,850 in financial support to the Transportation Network Program. Not only is the DAV providing the staffing and vehicles, but they are providing the finances to keep this program on track as well.

Mr. President, I take this opportunity to share with my colleagues the truly outstanding work that the DAV has done in assisting our Nation's veterans. I commend the DAV for this much needed program and the efforts they have taken to make it work. But, the DAV's Transportation Network Program is just one of the many volunteer programs that the DAV provides on a day-to-day basis. Another highly successful volunteer program is that of Veteran Service Officers [VSO's]. These VSO's represent and assist veterans with their disability claims. The VSO's have done a superb job representing veterans at no cost. Mr. President, I cannot stress enough the fact that these programs are volunteer programs. The DAV's highly successful National Volunteer Service Program is a prime example of veterans working for veterans. With over 1 million members, the DAV is one of the most highly organized and goal-oriented volunteer organization in the country. This volunteerism has played a major role in the VA's health care system, a role which I believe has made the Veterans' Administration the most cost-effective health care system in the country. It is my firm belief that this type of program should be used as a role model for other organizations.

Mr. President, as veterans look to the future, they look with confidence in Veterans' service organizations like the DAV who are interested in their well-being. At a time when action was needed to assist veterans, the DAV was there to help. It is my sincerest belief that they will be there in the future as well. The DAV has once again proven to the Veterans' Administration that they will not let the veterans of this country down.

CALL TO CONSCIENCE

Mr. METZENBAUM. Mr. President, I rise to remind the Senate of the thousands of Jews struggling to emigrate from the Soviet Union.

In 1979, over 51,000 Soviet Jews were allowed to emigrate from the Soviet Union. By contrast, fewer than 45,000 Jews have been allowed to emigrate during the 1980's, and total annual emigration fell below 1,200 for 1984, 1985, and 1986. Largely due to the more progressive policies of Secretary General Mikhail Gorbachev, the current outlook is more positive, and more than 6,000 people have received permission to emigrate during 1987. Although this figure is promising, it is not good enough. There are still hundreds of thousands of Soviet Jews yearning to be free of the tyranny and religious oppression of the Soviet regime.

But this is much more than a game of numbers. It is the story of countless Soviet citizens who are being denied their internationally recognized right to free emigration. It is the story of Soviet Jews who ae being denied the right to practice religion freely, without fear of persecution. Above all, it is the story of the Soviet Government unfairly denying basic human rights and liberties to its citizens.

It is also the story of Judith Ratner-Bialy and her husband, Leonid Bialy, two citizens who have been denied permission to emigrate from the Soviet Union for 10 years. They have been refused visas since 1977, because of consideration of state security. As an engineer, Leonid allegedly had access to classified information, but he was fired from that job in 1971 and has not had access to such information since that time. It is my understanding that after 10 years, those who were previously exposed to classified information are no longer considered to be security risks. Therefore, their visa denial for security reasons seems to run contrary to Soviet emigration policy.

Judith, who was seriously disabled in a 1979 car accident, has had only menial work since 1973. Her mother currently lives in Israel, but she is 82 years old and fears that she may never see Judith again. Judith's sister, Marina, was allowed to emigrate in 1971, and now lives in the United States, half a world away. Thus, the denial of Judith and Leonid's requests further violates Soviet emigration policy which calls for the speedy reunification of divided families.

This summer, 38 Senators joined me in urging Soviet officials to expedite the emigration requests of Judith and Leonid. I fear that this request has fallen on deaf ears, because only a few weeks ago, Judith was once again denied permission to emigrate. This was truly a crushing blow to all of us who have been working on behalf of this family.

Mr. President, this is but one case among the thousands of cases of Soviet citizens who are being denied their right to free emigration. I will continue to work to free Judith and Leonid and the thousands of others who have been denied permission to emigrate. The recent improvements in emigration figures are encouraging, but we cannot ease the pressure.

I will keep up my efforts in this fight, and I urge my colleagues to do the same.

CONGRESSIONAL CALL TO CONSCIENCE

Mr. MELCHER. Mr. President, several of my colleagues have made statements over the last several months calling attention to the plight of the Terlitsky family of Moscow, who have been attempting to emigrate from the Soviet Union since 1976.

The facts of this case have been told before but bear repeating. The family consists of Mark, his wife Svetlana, their 19-year-old daughter Olga, and Mark's mother Fanya. When the family first applied for visas in 1976, Mark's brother Leonard was the only one who received permission to leave. Leonard now lives in New York where he practices as an architect and continues to work actively to help the other members of his family to join him in the United States.

The intervening years have been hard for the rest of the family. Mark, an architect like his brother, and his wife both lost their jobs shortly after applying for and being denied visas and since then have lived on their earnings from temporary employment. Olga is said to be an accomplished violinist for her age. In all likelihood her status as the daughter of a refusenik has hampered her chances to pursue a career. Mark's mother Fanya, who is in her seventies, is suffering from Alzheimer's, with little treatment available in the Soviet Union.

The reason I wish to highlight their case again today is that we have received news that their application for visas was again denied on November 2. Although they have been denied visas to the United States in 1983, 1985, and earlier this year, this most recent refusal is extremely disturbing to us because it was made by a special commission appointed by the Supreme Soviet to hear appeals of emigration denials.

We are not sure of the grounds for the denial. In the past the requests for visas have been denied on the grounds of State security. Although it seems odd that an architect would be classified as a security risk, Mark apparently had a low-level security clearance when he worked as an architect for an institute that was involved in various restoration projects in Moscow. Having access to the Moscow water supply and sewer system apparently constitutes "state secrets" under the newly expanded definition of security risk, even though Mark meets the other requirement of having a first-degree relative overseas.

Now after the elapse of 11 years in the Terlitsky family's struggle to leave the Soviet Union, there do not appear to be any further avenues of appeal open to them. Yet we cannot give up hope for the Terlitskys or the countless other families who remain unknown to us in the West. At the same time that we applaud the release of prominent refuseniks such as Natan Scharansky and Andrei Sakharov, we must not cease our efforts to highlight these lesser known cases and bring the full force of world public pressure to bear on the Soviets in the hopes that they will finally relent and allow the Terlitskys to emigrate. We ask Secretary Gorbachev to demonstrate that the policy of glasnost offers real hope to the Soviet people that they will be afforded the right to be reunified with their families and the full measure of other individual rights to which they are entitled.

STAY THE COURSE AND REDUCE THE DEFICIT

Mr. SYMMS. Mr. President, I observed the discussion on the floor earlier this morning and I think some of our colleagues, particularly Senators ARMSTRONG and GRAMM, deserve the commendation of many of us for their leadership and effort to try to focus on the question of whether or not we are willing to strive for budget restraint here in this body.

I have often said that in the last 6 years one of the things that happened was the Tax Code became a little more equitable so that all people who were working taxpayers are helping pull the wagon.

The tax rates have been dramatically reduced. I think our Tax Code is now horizontally more equitable than it was prior to the 1981 and 1986 tax bills, with tightening of loopholes and the reduction in the rates which took place in 1986.

So, in a general sense, we have a more fair Tax Code. We have reduced the amount of taxation as a percentage of the GNP as the economy has grown. We have reduced it to below 20 percent of the GNP.

The one place we have not made progress, however, is to restrain spending, to get spending in line with the revenue flow.

Senator NICKLES, yesterday, spoke on this floor with an excellent graph to show that in the last year, fiscal year 1987, we actually had an increase in revenues to the Treasury of about $85 billion and spending only increased by $12 billion.

If we could hold that course direction in the way we are taking the fiscal policy of this Government, we would have the budget balanced and we would even be in a position of surplus, which would be very healthy, in my judgment, for this country. I think that is most important.

The situation now seems to be changing. The fiscal year 1988 budget calls for an increase in spending.

For the past 2 weeks, some of our colleagues have been working to achieve some kind of budget solution. I would hope that all of our colleagues would recognize what I have believed for many years, and what Nobel Laureate Milton Friedman has said many times, about Government spending. What really matters is, whether we borrow the money or tax the money, the net result is that Government spending takes money out of the private sector and puts it in the Government sector.

The botton line is this: Do we want to raise taxes and let Government grow, or do we want to hold the line on taxes and spending and let the private sector grow? That is the bottom line.

I just hope that in any budget measure we come out with this year that will be recognized. As far as I am concerned, this is one Senator who feels, if we have to have a sequester—crude and difficult as it may be because of our different parochial interests as Senators from all over the country and Members of Congress from different parts of the country, with different interests and different drives—if we cannot do it any other way, the reason Gramm-Rudman-Hollings was passed in the first place was to ensure that cuts would occur, even if they were crude and sometimes difficult. Cuts would fall across the board and we would achieve those necessary savings.

As I have said all along, I think any tax increase this Government of ours, might resort to should be matched with a savings in spending of no less than 2½ or 3 to 1 in the ratio of savings over tax increases.

I think we should pass a constitutional amendment that both limits spending and taxes and requires a balanced budget. We need a constitutional amendment that states very clearly we can only spend so much of the gross national product, of our national wealth, and that the Federal Government has to make do with a strictly limited amount.

Mr. President, I think the President should be given a line-item veto, and I think that anyone should recognize this is a very doable task. We can do these things. We have failed to do them so far but it is not because we could not, but because we have not really wanted to.

Anyway, having said that, I want to praise my colleagues again for what they did this morning. We defeated an attempt by the majority to override a point of order on the Budget Act. I think it is a sad commentary that we cannot show such resolve more often. I glad we did it because I think we in the Congress of the United States need to display the courage to stay the course and reduce the budget deficit even if it means making hard choices.

Mr. President, it is no wonder, as the world watches our weakness, that our currency depreciates, foreign investors lose faith in our future, and our Soviet enemies smile at us and offer seductive arms agreements.

In light of this, Mr. President, I ask unanimous consent that an article from yesterday's Wall Street Journal by Sir James Goldsmith, Chairman of the Editorial Board of the influential Paris newspaper L'Express, be printed in the RECORD immediately following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SYMMS. Mr. President, Mr. Goldsmith calls our attention to the danger signals we are sending to the Europeans with the INF agreement, the implication that America is putting itself increasingly into a posture where we will not be able to intervene in Europe if necessary.

He calls our attention to the danger signals we are sending to the Europeans with the INF agreement—the implication that America is putting itself increasingly into a posture where we will not be able to intervene in Europe if necessary. The Soviet strategy is very clear, that is, to dissolve NATO and to tap the industrial and technological power of Europe for their own economic development. As Sir James Goldsmith says, the Soviets intend for Europe to become "The Milk Cow of the Soviet Empire."

I might note, Mr. President, the fact is that the Soviet economy is bankrupt. It is a dead philosophical, immoral, and economic system, and the only way they can survive is to continue to expand imperialistically and, so to speak, to lap up the milk of someone else's cow in order to feed themselves.

Mr. Goldsmith calls our attention to the foolishness of currency debasement, which is what we are doing to solve our trade deficit. No nation has ever gotten stronger by debasing its currency. He accuses this Congress—truthfully—of responding to the competitive challenge of the world by proposing to protect our sunset industries, our weakest corporate managements, and to turn our back on world leadership.

Mr. President, this Congress has to take its share of the responsibility. It must demonstrate a willingness to face reality. Every vote we take to raise the budget deficit makes America weaker. Every vote we take to increase taxes makes America weaker. The only way that we can make America stronger is to take a hard look at Government spending and reduce it.

As Dr. Friedman has taught many times, and I share his viewpoint, to increase Government spending and then increase taxes to pay for it in the long-run only allows Government to grow. To increase Government spending and not raise taxes has the same effect; the debt grows with it but the Government gets bigger.

So I want to emphasize that the gut issue facing us is whether we are willing to let the private sector grow by holding back the tide of more and more Government spending in all areas, and are we willing to face up to our responsibilities and do the things that we want to?

If we are not willing to display the courage to lead the world, to vote in the coming weeks to make America stronger, as we wrap up this first session of the 100th Congress, Sir James Goldsmith says, "Perhaps we live in tragic times. Perhaps this is one of those great turning points in history."

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SYMMS. I yield the floor.

EXHIBIT 1

AMERICA, YOU FALTER

(By Sir James Goldsmith)

And so the free world yet again watches its leader, the U.S.A., afflicted by a political and economic nervous breakdown.

From 1981 to 1985, we thought that you in America had recovered your spirit of confidence, pride and responsibility. During those years you demonstrated how a democracy, based on individual freedom and enterprise, could succeed.

Your example was contagious. Throughout the world, democracy began to flower like buds in the springtime. Nations that had almost forgotten freedom, such as Argentina, Guatemala, Turkey and many others, rediscovered democracy. Everywhere local politicians campaigned to roll back the intrusion of the states; to privatize their ossified nationalized industries; to liberate the energies of their people.

Then, through global television, the world watches your democracy tear itself apart over such matters as Iran-Contra and the Bork nomination.

ASSESSING THE CONSEQUENCES

It might be useful to assess some of the consequences:

In Europe, if you carry through your proposed INF agreement, followed by the suggested 50% cut in strategic weapons, you will have abandoned your capacity to intervene. Faced with overwhelming Soviet military supremacy, you will have become isolated in your own continent. Your friends in Europe will want you to maintain your troops there, but they will know, and so will you, that these troops represent no more that a tripwire, potential hostages, to force you into a European war that you would be ill-equipped to fight. So we all understand that in due course you will be forced to withdraw from Europe. Thereby the Soviets will have accomplished their primary objective—the decoupling of Europe and America.

The second stage of the Soviet strategy, which has already begun, is to avoid having Europe react out of fear and create a valid independent European military system. The Soviets know that without Germany, Europe is not economically able to do so. That is why they will talk of the reunification of Germany within a neutral zone. This will destabilize Germany, particularly at a time when pacifism in Germany is a strong temptation. Helmut Kohl will be unable to resist, because his foreign minister, Hans-Dietrich Gentsher, an unreliabile ally, will threaten to switch allegiances by taking his FDP party into an alliance with the Socialist SDP and thereby destroying the CDU (Kohl) / FDP government majority.

The third leg of the Soviets' strategy will be to convince Europeans that the natural market for their exports is the Eastern Bloc. They will explain that whereas it is difficult for European industry to compete with the Japanese in world-wide markets, it is quite different in the Eastern Bloc. There Europeans will receive preferential treatment. This part of the strategy has also begun. Communist trade-union leaders and leftist politicians throughout Europe are promoting this policy.

Then the Soviets will persuade European banks to finance exports from Europe to the U.S.S.R. and its satellites.

The result will be that Europe will have been Finlandized militarily, and will depend on the Soviets for its exports, and therefore for its industrial activity and employment. And what is more, the development of the U.S.S.R. will be financed by European banks. Europe will have become the milk cow of the Soviet empire.

On the economy, like all nations that have lost their will to win, systematically you choose the soft option. For example:

If your national economy is uncompetitive, you debase your currency. This solution has been tried unsuccessfully throughout history. As you devalue, you receive fewer dollars for your exports and pay more dollars for your imports. To compensate, you must sell more and more units. Like a drug, the initial effects are gratifying. Your factories produce more and, expressed in debased dollars, the earnings of your industry rise. But down the road a little you will pay the price.

Your industry will not have to adjust to become competitive. Instead, constant devaluation will create the illusion that it is. What is more, if the strategy begins by working, you will have inflation. Increased unit production will put pressure on employment, which is already historically high; you will import inflation because, as imports become more expensive, your industry will become free to raise prices. You will re-create inflationary expectations, with the consequent profound effects on the workings of your economy. Each devaluation will lead to another.

If one particular industry in the U.S. becomes unable to face competitive market forces, then the proposed solution is to eliminate those market forces. Congress proposes to vote for protection.

If a particular company becomes noncompetitive because of bad management, you entrench that management with special laws to protect it from its shareholders and from the marketplace. Thereby you block change; create a nonaccountable, self-perpetuating oligarchy, and grant life tenure to inefficiency. The world used to mock Britain when its successive socialist governments protected lame-duck industries. Today your lawmakers wish to enshrine lame-duck management.

Unfortunately, it won't work. You need to borrow from abroad to finance your national budget. Why should anyone, here or abroad, invest in U.S. government bonds if the U.S. government is committed to a policy of debasing its currency? You will be forced to increase your interest rates, as do the issuers of junk bonds. And then you will have a crash.

In the rest of the world, the vacuum of leadership that you will have created will have profound effects everywhere. In the Middle East and in Southeast Asia others will move to fill that vacuum.

In your own hemisphere, in Latin America, emerging democracy will wither on the vine. Against the background of American abandonment, the Soviets will establish themselves as they have in Cuba and Nicaragua. Then you will have lost even your continental isolation. You will have betrayed the Monroe Doctrine.

Perhaps we live in tragic times. Perhaps this is one of those great turning points of history. It is not impossible that our civilization, the European and American civilization, is in the process of transferring world leadership to others. In the 1920s, England also lost her will. And she thrust world economic leadership onto you. You did not much want it, but you shouldered the burden with courage and responsibility. This was a transfer between cousins, and within a similar culture. The next transfer will not be so easy. If you transfer economic pre-eminence to Japan and military supremacy to the Soviets, both of whom thirst for it, then the world will suffer a historic seismic shift.

The economic aspects of this debacle can be largely avoided, however, if global measures are taken. That you will have a recession is now inevitable. You might be able to postpone it a bit. But then it will be all the harder when it comes.

It is a fact that you need to reduce your trade deficit and that you will find it progressively harder to finance your budget deficit. So you need to slow demands in the U.S., cut government spending and raise revenues. But at the same time there must be compensating reflation outside the U.S. in those countries that can afford it, principally Japan and Germany. Only in this way can we achieve a global zero sum, i.e., a reduction in the U.S., compensated dollar for dollar by expansion elsewhere. This will avoid a world recession and allow your industries partially to fill the slack by exporting to growing markets overseas.

At the same time:

Japan should help the lesser-developed countries float off the rocks and return as active participants in the world economy. Japan could achieve this by lending them $30 billion to $40 billion.

Other developed countries, each according to its circumstances, could follow the German and Japanese reflation.

The "tigers" of the Pacific—Hong Kong, Taiwan, Singapore and Korea—should allow their currencies to float freely with market forces.

But for this to occur the U.S. must lead. The Germans and the Japanese, not unreasonably, believe that if they reflate, then the pressure will be off and once again you will only talk cuts and not effect them. So there needs to be a firm, verifiable agreement. If such a deal is proposed by the U.S., others will want to follow, because it is in their acute self interest to do so. A global slump would affect not only the economy of each country, it would also tear their social and political fabric.

But unfortunately all this is unlikely, because the Republican administration has lost its nerve and seeks popularity instead of respect. And the Democratic Congress is enjoying the collapse of its political opponents and hopes to benefit by peddling sweet-tasting poison packaged to resemble medicine.

You Americans, and others throughout the world, deserve better.

TOSHIBA AND THE TRADE BILL

Mr. HELMS. Mr. President, I am informed that some of the House conferees working on the trade bill have indicated that they intend to drop the Senate provision that provides for compensation to the U.S. taxpayers for the damages resulting from actions of the Toshiba Corp., and the Kongsberg Corp.

I can scarcely believe these reports. The action taken by the Senate was unanimous, with no dissent whatsoever. It is incredible that any representative of the American people could object to compensation for this grievous wrong—a wrong that not only affects our pocketbooks, but calls into question our national security.

Mr. President, the Kongsberg/Toshiba high-tech export scandal had its origin in the most significant case of treason in recent decades, the Walker family spy ring. The U.S. Government's response was immediate and severe. John A. Walker, Jr., if the sentencing judge has his way, will never leave the Federal maximum security prison at Marion, IL. His son, now in his early twenties, could well be middle-aged when he is released. If and when his brother and his friend Jerry Whitworth are ever paroled, they will be senior citizens.

Having learned from the Walker family spy ring how NATO antisubmarine warfare specialists were picking up the sounds of Soviet submarine propellers, the Soviets turned to avaricious Western businessmen for the equipment needed to make their submarines run silently and deep.

Mr. President, officials of the Norwegian Government-owned arms maker Kongsberg and the Japanese industrial giant Toshiba were eager to sell out the Western alliance for cash. They delivered to the Soviets eight room-sized milling machines and the computer equipment to operate them. Accurate down to a hundredth of a millimeter, and operating on as many as nine separate axes, these industrial robots have the flexibility of the human hand coupled with the computer's ability to repeat the operation over and over.

NATO's strategic deterrent rests on three legs: land-based bombers, land-based missiles and nuclear submarines. The effect of the Kongsberg/Toshiba treachery is to disarm unilaterally one third of the NATO strategic deterrent. Formerly, we were able to detect Soviet ballistic missile submarines up to 200 miles away. Now we cannot detect them unless they are within 10 miles.

The North Atlantic contains millions of miles of open ocean. Inevitably, ballistic missile and attack submarines will henceforth slip through the net unless and until the United States can regain its technological edge.

Mr. President, regaining the edge in antisubmarine warfare will be expensive. Former Navy Secretary Lehman predicted that it will be necessary to spend $40 billion on new attack submarines. There are no credible estimates to the contrary.

On June 30, by a unanimous vote, the Senate adopted an amendment to the trade bill which would allow the Attorney General to recover damages in Federal court from firms which violate national security export control regulations.

This amendment is very narrowly drawn. First, it extends only to individuals and companies which violate the regulations; it does not propose compensation from foreign countries or their taxpayers.

Second, it would cover national security export controls only and would not extend to foreign policy export controls. American foreign policy export controls with their extraterritorial application of American law proved to be very unpopular with allied governments during the Soviet Yamal pipeline controversy.

Third, placing the case in the hands of the Attorney General would ensure that all of the due process of law provisions will be respected. And fourth, the amendment does not discriminate against foreign firms. American firms which violate national security regulations also would be subject to recovery for the damage they cause.

To date the legislation has passed only the Senate. However, I cannot believe our House colleagues will oppose legislation which indemnifies the American taxpayer.

At the heart of my amendment is the simple notion of equity. Someone should pay for the losses brought about by treachery. Will it be the American taxpayer? Or will it be those who put the free world at risk for the sake of a $20 million deal?

Compensation for damages caused is a universal legal principle. This applies to both simple negligence and to deliberate illegal acts. A few years ago the vessel, *Amoco Cadiz*, spilled a load of oil on the beaches of Brittany in Northern France. The American firms involved and their insurance companies were required to pay for the clean-up. What sense does it make to say that someone who fouls beaches must pay for the cleanup, but someone who illegally exports high-technology gear to the Soviets does not?

Mr. President, the U.S. State Department has suggested that compensation for national security violations is inappropriate because it will lead to allied claims against Americans. I say to the State Department and any allied government wishing to demand compensation from John A. Walker, Jr: Be my guest. His address for service of process is: U.S. Penitentiary, P.O. Box 1000, Marion, IL, 62959, registration number 22449-037.

When sales get slow, a Western businessman may be tempted to send something out the back door to Moscow. The knowledge that a violator is potentially liable for the damages caused by such illegal sales and that the damages could be immense should prove to be a powerful deterrent to such temptation.

Long ago the free world decided not to match the Soviets tank for tank, plane for plane but to depend upon the technological superiority our free economies can produce. The Achilles heel to U.S. strategy is clearly greed and treason by our own people. If the American Government is willing to jail its own citizens for life in such cases, foreign firms and their governments have no legitimate complaint against a bill for just compensation.

WHY WE NEED A TRADE BILL

Mr. LEVIN. Mr. President, two items came across my desk in the last few days that reminded me why we need to pass a trade bill this year.

First, I believed the 1987 edition of the U.S. Trade Representative's "National Trade Estimate Report on Foreign Trade Barriers." This is the third in an annual series of reports which the United States Trade Representative was directed to prepare by a provision in the Trade and Tariff Act of 1984. Congress wanted to have a comprehensive accounting of all the ways that other countries keep out our goods, services, and investment. The United States Trade Representative is required by the statute to "identify and analyze" these barriers, and to "make an estimate of the trade-distorting impact" of the barriers.

This year's report is thicker than ever, and reveals that the walls erected by foreign governments to keep out our goods and services remain high and, in many cases, impenetrable. Its 375 pages are replete with examples of protectionist policies that cost our industries billions of dollars in lost exports.

Did my colleagues know, for example, that Brazil, with which we had a $3.5 billion trade deficit in 1986, has something called the "Law of Similars" which allows the Government to withhold import licenses for any product that is also being produced in Brazil? Or that China, with which we had a $2.1 billion deficit last year, has banned imports of approximately 80 types of consumer goods, including televisions, tape recorders, washing machines, and air conditioners? Or that Korea, which ran a $7.4 billion trade surplus with the United States last year, bans our oranges, apples, peaches, fruit cocktail, grape juice and orange juice concentrate, avocados, edible offals, pork, and frozen french fries?

One of the trade barriers identified the United States Trade Representatives report, one that I have spoken about a number of times on the floor of the Senate, is the Japanese ban on the importation of rice. I often use the example of Japan's rice ban because to me it epitomizes the double standard inherent in many of our trade relations.

I was reminded of this double standard the other day when I saw an article from the Japan Economic Journal of October 24, 1987. It is based on an "exclusive" interview with the Japanese Minister of Agriculture, Mutsuki Kato, and bears the discouraging headline: "Foreign pull is unlikely to uproot policy on food." There are no surprises in this article—just a depressing confirmation of business as usual.

"Japan should never never decontrol the importation of rice," Mr. Kato is quoted as saying. "In America, there is no exact equivalent of a staple food as rice is a staple to Japan. This is a concept Americans cannot understand."

Mr. Kato is right. We cannot really understand the Japanese attitude toward rice because we do not share their cultural traditions. But likewise, the Japanese cannot really understand our attitude toward products we have traditionally produced. In many parts of our country, for instance, the automobile is as much a cultural staple as rice is to the Japanese.

And the Japanese cannot really understand the devastating effects that the closing of an automobile or a steel or a textile plant has on an American community, because they do not live in those communities. And we should not expect them to understand. It's not their responsibility to look out for the interests of American workers.

The responsibility belongs to our Government. The U.S. Government has a duty to understand the impact our trade policies have been having on many of this country's "staple" industries. And it has a duty to seek a more balanced trade relationship that will assure us the same open access to other markets that foreign countries have in our market.

Now, those of us who call for reciprocity in our trade relations, who believe that we should treat our trading partners no better—and no worse—than they treat us, are often met with the reply that even if we were to eliminate all the foreign barriers to our products, it would only make a small dent in the trade deficit. I've heard estimates that up to 20 percent of our trade deficit is accounted for by unfair trade barriers to our goods, which would have added up to over $30 billion last year. But even if it is a lower figure—even if it's as low as 15 percent or 10 percent—the necessity of aggressively attacking these barriers is just as great. Why? Because it affirms a principal, a bedrock principal that is vitally important to our country's economic future: We will trade with other nations on an equal and reciprocal basis. Free trade must be free both ways.

A strong trade bill will give the President all the tools he needs to establish this principal. The sooner he has these tools and begins to use tools he has, the sooner we will stop preaching the virtues of free trade in the abstract and start realizing the benefits of genuinely free trade in the real world.

Mr. President, I ask unanimous consent that the article from the Japan Economic Journal, entitled "Foreign Pull Is Unlikely to Uproot Policy on Food," be printed in the RECORD following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Japan Economic Journal, Oct. 24, 1987]

FOREIGN PULL IS UNLIKELY TO UPROOT POLICY ON FOOD

(By Masahiko Ishizuka)

"Any discussion about Japan's agriculture and its import liberalization policy must start with the fact that Japan is the world's largest importer of agricultural products, and hence the greatest contributor to international farm trade," said Minister of Agriculture, Forestry and Fisheries Mutsuki Kato in an interview with The Japan Economic Journal.

"As an industrialized country, Japan's self-sufficiency in foods in terms of calories is among the lowest," added the minister, referring to the nation's concern with "a stable supply of foods."

"As a country which depends on imports for a major portion of food supplies, our stance differs fundamentally from that of a country for which food export is a national preoccupation," Kato continued. "Without their recognition of these facts, we cannot sit at a negotiating table with foreigners."

The 61-year-old veteran politician, who held various ministerial posts in the past, joked that he has various nicknames conveying his image as a tough negotiator. "My colleagues in the Cabinet call me 'Mr. No-Ten,' because of my repeated rejections of U.S. demands on agricultural trade issues," he laughed. "A Harvard professor called me 'Mr. Rice' recently. I didn't know that I was called that in the U.S."

Kato, however, was quick to add that it was not that his stand never went beyond "No." "I simply want foreigners to first of all understand Japan's position," he said.

Domestically, the agriculture minister is an advocate of greater efficiency for Japan's badly retarded farm management so it can secure sound growth. He also stresses that any agricultural policy that ignores consumer interests is self-defeating.

Kato's position with regard to the importation of foreign rice thus appears strong.

"Japan should never decontrol the importation of rice," Kato declared in an unyielding tone. But he qualified his statement by adding that "so far as rice for staple use is concerned." "The awamori liquor in Okinawa Pref. is made of Thai rice, and rice crackers made in Korea are imported," he said, implying the possibility of allowing foreign rice into Japan for non-staple use, e.g. processed food-making.

"In America, there is no exact equivalent of a staple food as rice is a staple to Japan," Kato said. "This is a concept Americans cannot understand. Rice, moreover, is the mainstay of Japanese agriculture, accounting for one third of total farm output. Paddy fields for rice growing also play an essential role in preservation of national land."

These factors lead Kato to conclude that there is no room for Japan to consider importing rice for staple use. At the same time, he is fully aware of the wide differentials between domestic and international price levels.

"Politically, the most important thing is ensuring a stable supply of food," he said. But how to reconcile the notion with a high cost consumers have to pay is a difficult question.

"Just how expensive Japanese rice is depends on the international price level, and a national consensus must be hammered out regarding the level of financial hardship acceptable to the consumer," Kato said, adding that consensus building will be an important issue for a couple of years to come.

"If the rice price in Tokyo is four times the level in New York, it is a problem. The sewage cost in Tokyo is four times that in New York, gasoline four times, water and cooking gas three times. Why are these not made issues?," Kato asked.

On the production side, since importation of cheap rice is ruled out, the only way to lower the price is improvement in farm management characterized by delaying in enlargement of management size and raising productivity. Kato also emphasized the importance of strengthening farm management so that younger generations are attracted to agriculture.

"Japanese farmers are already under triple pressures—steep rice acreage cutbacks, difficulties in growing alternative crops, and the lowering of government's rice purchase prices," Kato said. "They are bleeding under the hardship, but this is the reality Japanese farmers are being put to."

Kato said the controversial food control system, whereby the government buys a majority of rice from farmers and sells it to consumers, needed to be retained. But flexible adjustment must be made according to changing circumstances for the sake of consumer interests, he added.

Kato's policy became evident when he alarmed bureaucrats at his ministry recently by announcing a policy of lowering consumer rice prices for the first time in the postwar years. This cut follows the lowering of the producer price, also the first in 31 years, decided upon earlier this year. These steps are described as an application of market principles to the food control system.

Asked about the U.S. proposal for eliminating all agricultural subsidies, he was noncommittal about domestic price support systems. He cited "special circumstances" in each country. But he was unequivocal about abolishing export subsidies. "Foreign governments' export subsidies lower the prices of products we buy from them, but the benefits are temporary because subsidized exports are actually dumping. They work against stable supply of foods, which is Japan's top priority," he said.

Kato, a Liberal Democratic member of the House of Representative from Okayama Prefecture since 1967, is considered an expert on tax issues. He once served as chairman of the Liberal Democratic Party's tax system research council. He has close relations with the transportation industry, particularly trucking and shipping sectors.

"There are no farmers' pressure groups behind me," he said. Unlike many of his predecessors, Kato has no close affiliation with farm interests. An observer said this has given him a relatively free hand in dealing with agricultural issues.

MESSAGE FROM THE HOUSE

A message from the House of Representatives announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 435. An act to amend title 3, United States Code, and the Uniform Time Act of 1966 to establish a single poll closing time in the continental United States for Presidential general elections;

H.R. 1326. An act to amend the Public Health Safety Act to provide for additional funds to Community and Migrant Health Centers for the purpose of reducing the incidence of infant mortality; and

H.R. 2167. An act to amend the Railroad Unemployment Insurance Act to assure sufficient resources to pay benefits under that Act, to increase the maximum daily benefit provided under that Act, and for other purposes.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 435. An act to amend title 3, United States Code, and the Uniform Time Act of 1966 to establish a single poll closing time in the continental United States for Presidential general elections; to the Committee on Rules and Administration.

H.R. 2167. An act to amend the Railroad Unemployment Insurance Act to assure sufficient resources to pay benefits under that act, to increase the maximum daily benefit provided under that act, and for other purposes; to the Committee on Finance.

MEASURE PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 1326. An act to amend the Public Health Safety Act to provide for additional funds to Community and Migrant Health Centers for the purpose of reducing the incidence of infant mortality.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CRANSTON, from the Committee on Veterans' Affairs, without amendment:

S. Res. 319: An original resolution authorizing supplemental expenditures by the Committee on Veterans' Affairs (Rept. No. 100-219).

By Mr. INOUYE, from the Select Committee on Indian Affairs, without amendment:

S. Res. 321. An original resolution consolidating and authorizing supplemental expenditures by the Select Committee on Indian Affairs (Rept. No. 100-220).

By Mr. STENNIS, from the Committee on Appropriations, without amendment:

S. Res. 322. An original resolution authorizing supplemental expenditures for the Committee on Appropriations (Rept. No. 100-221).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Labor and Human Resources:

Linus D. Wright, of Texas, to be Under Secretary of Education.

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. NUNN, from the Committee on Armed Services:

Frank C. Carlucci, of Virginia, to be Secretary of Defense.

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. NUNN. Mr. President, I ask unanimous consent that a short biography of Mr. Carlucci be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Frank C. Carlucci

Frank C. Carlucci was sworn in as Assistant to the President for National Security Affairs on January 2, 1987.

Mr. Carlucci had been Chairman and Chief Executive Officer of Sears World Trade, Inc., since October 1984, after serving as President and Chief Operating Officer since January 1983.

A retired Career Minister in the U.S. Foreign Service, Mr. Carlucci was born in Scranton, Pennsylvania, on October 18, 1930. He graduated from Princeton University in 1952. He served for two years as Lieutenant (junior grade) in the Navy aboard the USS *Rombach* (DE-364). Thereafter, he attended the Harvard Graduate School of Business Administration and joined the Jantzen Company in Portland, Oregon, in 1955.

In 1956, Mr. Carlucci joined the Department of State as a Foreign Service Officer and was assigned, from 1957 to 1959, as Vice Consul and Economic Officer in Johannesburg, South Africa. He was subsequently assigned as Secretary and Political Officer in Kinshasa, Congo, for two years.

From 1962 to 1964, he was Officer-in-Charge of Congolese Political Affairs in Washington and from 1964 to 1965 was the Consul General in Zanzibar. From 1965 to 1969, he was Counselor for Political Affairs in Rio de Janeiro, Brazil.

Mr. Carlucci was appointed Director of the Office of Economic Opportunity in December 1970, after having served as Assistant Director of OEO from June 1969. He was then appointed Associate Director of the Office of Management and Budget and was later appointed Deputy Director. For the next two years, until 1974, Mr. Carlucci served as Under Secretary of the Department of Health, Education and Welfare, followed by appointment as Ambassador to Portugal. He returned to the United States in February 1978 and served as Deputy Director of Central Intelligence until January 1981. From February 1981 until January 1983, Mr. Carlucci served as Deputy Secretary of Defense.

His awards and honors include: Presidential Citizens Award, 1983; Distinguished Intelligence Medal, 1981; National Intelligence Distinguished Service Medal, 1981; Defense Department Distinguished Civilian Service Award, 1977; Department of Health, Education and Welfare Distinguished Civilian Service Award, 1975; State Department Superior Service Award, 1972; and State Department Superior Honor Award, 1969.

Mr. Carlucci is married to Marcia McMillan Myers of Madison, Wisconsin, and has three children: Karen, Frank and Kristin.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HECHT (for himself and Mr. Reid):

S. 1866. A bill to provide duty-free treatment for three-dimensional cameras; to the Committee on Finance.

By Mr. CRANSTON (for Mr. Simon) (for himself, Mr. Hatch, Mr. Cranston, Mr. Boren, Mr. Kerry, Mr. Matsunaga, and Mr. Pell):

S. 1867. A bill to amend title 28, United States Code, to make certain improvements with respect to the Federal court interpreter program, and for other purposes; to the Committee on the Judiciary.

By Mr. MOYNIHAN:

S. 1868. A bill to promote nondiscrimination in State medical licensure and medical reciprocity standards, and to amend title XIX of the Social Security Act; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CRANSTON, from the Committee on Veterans' Affairs:

S. Res. 319. An original resolution authorizing supplemental expenditures by the Committee on Veterans' Affairs; to the Committee on Rules and Administration.

By Mr. BYRD (for himself and Mr. Dole):

S. Res. 320. Resolution to authorize testimony by a Senate investigator in the case of United States v. Antonio Fernandez, et al.; considered and agreed to.

By Mr. INOUYE from the Select Committee on Indian Affairs:

S. Res. 321. An original resolution consolidating and authorizing supplemental expenditures by the Select Committee on Indian Affairs; to the Committee on Rules and Administration.

By Mr. STENNIS from the Committee on Appropriations:

S. Res. 322. An original resolution authorizing supplemental expenditures for the Committee on Appropriations; to the Committee on Rules and Administration.

By Mr. MELCHER:

S. Con. Res. 88. Concurrent resolution to facilitate the convening of a Silver Haired Congress; to the Committee on Rules and Administration.

By Mr. DeCONCINI (for himself, Mr. Chiles, Mr. Wilson, Mr. Graham, Mr. Nickles, Mr. Thurmond, Mr. Grassley, Mr. Bentsen, Mr. D'Amato, Mr. Dixon, Mr. Dole, Mr. Riegle, Mr. Symms, Mr. Shelby, Mr. Domenici, Mr. McClure, Mr. Lugar, Mr. Quayle, Mr. Lautenberg, Mr. Karnes, Mr. Moynihan, Mr. Boschwitz, Mr. Warner, and Mr. Kasten):

S. Con. Res. 89. Concurrent resolution expressing the sense of Congress regarding the continuing disregard and systematic abuse of basic human rights and freedoms by the Government of Cuba and the failure of the United Nations Human Rights Commission to address the human rights situation in Cuba; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

(By Mr. CRANSTON (for Mr. Simon) for himself, Mr. Hatch, Mr. Cranston, Mr. Boren, Mr. Kerry, Mr. Matsunaga, and Mr. Pell):

S. 1867. A bill to amend title 28, United States Code, to make certain improvements with respect to the Federal court interpreter program, and for other purposes; to the Committee on the Judiciary.

COURT INTERPRETERS IMPROVEMENT ACT

● Mr. SIMON. Mr. President, today I am introducing the Court Interpreters Improvement Act of 1987 which will make useful reforms in the area of protecting the fifth and sixth amendment rights of the hearing impaired and non-English speakers in our Federal judicial system.

For an individual to have to go through court proceedings with his or her life and liberty at stake and not be able to understand the proceedings is something which should be foreign to our courts. That is why Congress enacted the original Court Interpreters Act in 1978. After 9 years, it is now time to revisit that statute and make some modest reforms.

The purpose of the Court Interpreters Improvement Act of 1987 is to provide competent interpretation services to parties and witnesses in Federal judicial proceedings instituted by the United States in order to assure that such persons who are hearing impaired or who have as their primary language a language other than English may participate meaningfully. It directs the Administrative Office of the Courts to establish a program to facilitate the use of certified and otherwise qualified interpreters.

This legislation requires the development and promulgation of certification tests in at least eight languages in addition to Spanish which already has a certification test. It also requires certification of interpreters for the hearing impaired. Currently, the eight most requested languages in the Federal courts are Creole, Italian, Arabic, Korean, Chinese, Portuguese, French, and Russian. As demographic and other factors will change in the future, the bill does not specify these languages by name so as to give the administrative office the latitude to update its efforts without the necessity of further legislative amendments.

Often certified interpreters will not be available for each language in each area of the country. Nonetheless, we want to assure that the highest standards of accuracy are maintained in the judicial proceedings. Therefore, this bill directs the administrative office to provide guidelines to the courts on the selection of otherwise qualified interpreters when certified ones are not available. A master list of certified and otherwise qualified interpreters shall be made available by the administrative office to local district courts and U.S. attorneys. Also, this bill requires that judicial proceedings where interpreters are used be electronically sound-recorded at the request of a party to the matter.

This bill makes one more necessary improvement over current law. It expands the availability of court interpreters to grand jury and other pretrial proceedings. These judicial proceedings can have as much or more impact on an individual's life or liberties as a trial. It makes sense to make quality interpretation services available to individuals at this point as well.

Mr. President, we live in a culture that has paid too little attention to foreign language instruction. We are the only nation on the face of the Earth where you can go through grade school, high school, college, and get a Ph.D. without a year of a foreign language. The problems we cause ourselves in the field of trade, in the security field, as well as in the cultural field, are enormous. But one of the little-known areas where we cause ourselves difficulty is in the field of justice.

The contributions that court interpreters make to guaranteeing equal justice under the law for non-English speakers and the hearing impaired are recognized by too few. To be a good interpreter takes more than knowing English and another language and takes more than knowing legal terminology. The court interpreter must be able to convey technical information of vital importance to and from a witness or a defendant in often tense courtroom situations which put a premium on accuracy and speed.

This bill recognizes the importance of court interpreters and seeks to ensure that the protections they provide to the fifth and sixth amendment rights of the hearing impaired and non-English speakers are more widely and consistently available.●

Mr. CRANSTON. Mr. President, I am pleased to be an original cosponsor of the Court Interpreters Improvement Act of 1987 which is sponsored by the Senator from Illinois, Mr. Simon. This bill represents an important step forward in assuring due process and equal access to justice to non-English-speaking and hearing-impaired individuals. I hope that my colleagues will support this legislation and that it will receive expeditious consideration in the appropriate committee.

Mr. President, I am particularly interesterd in seeing this legislation move forward quickly because, while it is a very simple measure, it has the potential of making a very significant difference in people's lives. Our Constitution guarantees to everyone—U.S. citizen as well as those who are foreign born—due process of laws and equal access to justice. Yet, in spite of these guarantees, it often turns out that the non-English-speaking individual, or the hearing-impaired individual, does not get his or her full measure of justice. While the courts and Congress have recognized that Constitution's guarantee of due process requires that a defendant understand the charges against him or her, and be given the opportunity to respond to those charges, the unavailability of competent interpreters often thwarts that guarantee.

Nowhere is this problem more evident than in my home State of California. Mr. President, an article which appeared in the New York Times on August 11, 1987, reported that "[t]here have been some cases in Los Angeles in which defendants and witnesses speak several different languages, including Spanish, Chinese and Vietnamese, all being translated simulataneously." That same article noted that requests for interpreters in Federal courts has nearly doubled since 1982. Mr. President, I ask that the full text of this article be printed in the Record at the conclusion of my remarks.

Mr. President, in light of the increased demand for interpreters in Federal court proceedings, we should take the necessary steps to assure that the requirements of due process are adhered to the fullest extent possible. For this reason, I support the legislation which my colleague from Illinois, Senator Simon, is introducing. It will guarantee that interpreters who will be utilized in pretrial, grand jury, or regular trial proceedings instigated by the U.S. Government, meet specified performance requirements. The bill will require that the Administrative Office of the U.S. Courts certify and test interpreters for at least eight additional languages other than those currently certified. This legislation will have a significant positive impact in States, such as California, which have growing immigrant and refugee populations.

In sum, Mr. President, this is a necessary piece of legislation to fulfill our country's commitment to equal access to justice and I urge my colleagues to support it.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the New York Times, Aug. 11, 1987]

Courts Seeking Translators for Alien Cases

(By Robert Reinhold)

Los Angeles.—With two juries and a welter of conflicting evidence, the capital murder trial here of Hau Cheong Chan and Sang Nam Chinh would be complicated enough even if Mr. Chinh could understand English. But all through the long trial, a translator had relayed the proceedings to the 21-year-old Chinese man by whispering into his right ear in Cantonese.

Down the hall in Los Angeles County Superior Court, many other languages can be heard in addition to legalese: Korean, Vietnamese, Tagalog, Yoruba, Farsi and Arabic, to name a few.

ANSWERS LOOSELY PARAPHRASED

In courts from California to Texas to New York, a growing immigrant population has placed a cumbersome and costly burden on the judicial system. Increasingly, judges and lawyers must use interpreters to help defendants bewildered by both the English language and the American legal system.

Although schools, social agencies and many other government offices have also had to cope with exotic languages, the problems are probably nowhere more sharply etched than in the courts, where life and liberty are often at stake and where the outcome of a case can turn on a mistranslated phrase.

In April, the Texas Court of Criminal Appeals ordered a new trial for a Salvadoran man sentenced to death for murder after a three-hour trial in which a local Mexican-American restaurant owner was called in to translate. The appeals court cited sloppy translation, in which the accused man's answers were loosely paraphrased, as a major reason for its decision.

The courts offer a rare window on immigrant life in America. From minor traffic violations and civil disputes to murder trials, they provided a picture of a widely diverse immigrant community at once attempting to assimilate into American life and struggling against its norms.

This is most apparent in the Los Angeles area, which has attracted the largest concentration of new immigrants, legal and illegal, in the country. The number of interpreters used by the country courts has risen from 125 in 1975 to 400 today, handling 80 languages and dialects. The annual budget for them has jumped from $2.5 million to $6.2 million, according to Burdette L. Harris, director of the county court system's interpreters service.

Meanwhile, the number of sessions requiring interpreters in the Federal courts here has risen from 2,200 in 1982 to 4,087 last year and the freelance translators available can handle 22 languages, including Bengali, Punjabi, Thai and Hungarian.

IT GETS VERY NOISY

In the San Fernando Valley of Los Angeles, whose name evokes images of a white, affluent population, the local traffic court has 13 full-time Spanish interpreters.

In New York, the state Office of Court Administration keeps a list of more than 50 languages from Albanian to Yoruba for which interpreters are on call. Chinese, in five dialects, has been in high demand recently, as has been Wolof, spoken by Senegalese, a result of a recent police crackdown on street peddling. New York City has 118 fulltime Spanish-language court interpreters.

And the Federal courts in Houston, as a result of the influx of Mexicans and Asians into the Gulf Coast area, have experienced about a 25 percent increase in use of interpreters from 1984 to 1986.

There have been some cases in Los Angeles in which defendants and witnesses speak several different languages, including Spanish, Chinese and Vietnamese, all being translated simultanteously. "It gets very noisy," said Howard Gillingham, one of the defense lawyers in the Chin and Chinh case.

Under Federal law and the laws of most states, an interpreter must be provided for a defendant who cannot speak English to insure his constitutional rights of due process and access to counsel.

All of this has created a boon for interpreters and has raised a host of delicate legal questions over their proper role and demeanor.

"It becomes an art," said Tom Kavelin, who is translating Spanish for a defendant in a Federal drug trial here. "You've got to find the exact shade of meaning in the context and from the look the witness is giving you. There may be four or five words to choose from. The artful interpreter will find not just the meaning but the nuance and the register." He defined register as the class and cultural level of the person speaking, which can substantially alter the meaning of expressions.

Under the rules of most courts, the interpreter is expected to be neutral, not an extension of the defense team. But many say it is difficult to resist sympathizing with their countrymen.

"I have sympathy," said Keung Wong, a 36-year-old immigrant from Canton, China, who is an interpreter in the Chan and Chinh trial. "They don't understand the language and the system. You can picture yourself in a foreign courthouse and you don't know what's going on. I am able to explain: this is the marshal, this is the judge, this is the court reporter."

"You are in the middle, like being a bridge for two pieces of land, separated by the river," he said. In the murder trial, which involved the deaths of three men in a robbery, the two defendants each have a different defense, and each has a separate jury.

While Mr. Wong may sympathize with his countrymen, he says he resists becoming partial. "Sometimes the defendant asks whether he should plead guilty or not, tell me what to do," he said. "I say I cannot advise you, that you must talk to the lawyer. I try not to solve their particular problem. I can't say, based on my long experience, you should plead guilty. You can't say that."

The interpreters play an unusual and possibly contradictory courtroom role in that they may be translating at one point between a defense lawyer and his client and at another when the client is questioned by the prosecutor.

Sophia Zahler, an immigrant from Kiev in Russia who directs the Federal court interpreters office here, urges her staff to remain polite but uninvolved. Since 1982 Federal interpreters have been required to take formal training in courtroom interpreting and an examination to be certified. They earn $210 for a full day, $110 for a half day. State and county courts in California and New York also require certification, but the rules are often looser in other parts of the country.

Indeed, in the Texas case, when José Moises Guzmon of El Salvador was charged with murdering a motorist in Corsicana in 1984, the judge called in the Hispanic owner of a local Mexican restaurant, who had no training, to translate for the defendant. Neither the judge nor any of the lawyers understood Spanish.

In reversing the conviction, Judge John F. Onion Jr., of the Texas Court of Criminal Appeals wrote:

"It appears that neither the attorneys nor the interpreter understood the proper use of an interpreter, that attorneys frequently phrased their questions 'ask him if he . . .' and the interpreter frequently stated 'he says . . .'

"Attorneys should ask their questions as if no interpreter were present. The interpreter should translate the question and answer in a literal manner."

AMBIGUOUS WORDS

But even when a professional interpreter is used, problems can arise. "Sometimes an attorney will ask a question and all of a sudden the answer does not make sense," said Judge Jean E. Matusinka, who is presiding in the Chan and Chinh case. "The interpreter wasn't asking the right question." She added that defendants often are not given correct information when entering guilty pleas.

Even good interpreters have trouble with ambiguous words, dialects and slang. Guagua means bus in Cuba but baby in Chile. Trueno can mean thunderbolt or gunshot. The interpreters have differing philosophies over whether to convey the emotion of the speaker or translate flatly, a difference that can sway a jury.

Finding enough good interpreters in some languages is becoming a tough challenge. Ms. Zahler of the Federal interpreters office here said she had trouble getting enough interpreters for Los Angeles' fast-growing Korean population. She recently tried to recruit the Korean owner of a laundry she patronizes, who was once a teacher in Korea. "I don't require degrees," she said. "I require knowledge."

But Silvia Pubchara, a Cuban-born assistant district attorney in Fort Bend County near Houston, complained that almost any bilingual person can get on the court's list of interpreters. "Just because you speak a second language does not qualify you," said Ms. Pubchara, a former interpreter. "Translation of one word can make a big difference."

● Mr. KERRY. Mr. President, I am pleased to join with my distinguished colleague from Illinois, Senator SIMON, in sponsoring the Court Interpreters Improvement Act of 1987. I cosponsored similar legislation in the 99th Congress and I am delighted to do so again in the 100th Congress.

President John F. Kennedy said that America is a nation of immigrants. Today, this is more true than ever before. Immigrants from all parts of the world continue to pour into the United States seeking greater freedom and opportunity. This adds to our strength as a nation. It also means that many first-generation immigrants, speaking many different languages, must necessarily at times require the assistance of interpreters in this country.

Nowhere is this more true than in court proceedings. The assistance of a qualified court interpreter can mean the difference between understanding and misunderstanding between justice gained and justice denied.

This legislation would assure that the fifth and sixth amendment rights of non-English speakers and the hearing impaired are fully protected in our Federal courts and in Federal grand jury proceedings. It would require the Administrative Office of the U.S. Courts to test and certify interpreters in eight most commonly requested languages in district courts—including Creole, Italian, Portuguese, Chinese, French, Arabic, Korean, Russian, and Spanish. The list of languages could be updated in the future to include additional languages as well.

Many citizens of Massachusetts come from countries such as Portugal, Italy, China, Mexico and other parts of the world. This bill would ensure that their legal rights and constitutional rights are fully protected in our Federal courts. I urge my colleagues to join in supporting this legislation.●

ADDITIONAL COSPONSORS

S. 39

At the request of Mr. MOYNIHAN, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 39, a bill to amend the Internal Revenue Code of 1986 to make the exclusion from gross income of amounts paid for employee educational assistance permanent.

S. 437

At the request of Mr. METZENBAUM, the name of the Senator from Tennessee [Mr. GORE] was added as a cosponsor of S. 437, a bill to amend the Small Business Investment Act of 1958 to permit prepayment of loans made to State and local development companies.

S. 450

At the request of Mr. ARMSTRONG, the names of the Senator from Arkansas [Mr. PRYOR], and the Senator from New Mexico [Mr. DOMENICI] were added as cosponsors of S. 450, a bill to recognize the organization known as the National Mining Hall of Fame and Museum.

S. 824

At the request of Mr. SPECTER, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 824, a bill to establish clearly a Federal right of action by aliens and U.S. citizens against persons engaging in torture or extrajudicial killing, and for other purposes.

S. 998

At the request of Mr. DECONCINI, the name of the Senator from Tennessee [Mr. SASSER] was added as a cosponsor of S. 998, a bill entitled the "Micro Enterprise Loans for the Poor Act."

S. 1085

At the request of Mr. GLENN, the names of the Senator from Tennessee [Mr. GORE], and the Senator from Oregon [Mr. HATFIELD] were added as cosponsors of S. 1085, a bill to create an independent oversight board to ensure the safety of U.S. Government nuclear facilities, to apply the provisions of OSHA to certain Department of Energy nuclear facilities, to clarify the jurisdiction and powers of Government agencies dealing with nuclear wastes, to ensure independent research on the effects of radiation on human beings, and for other purposes.

S. 1201

At the request of Mr. PROXMIRE, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 1201, a bill to prevent consumer abuses by credit repair organizations.

S. 1489

At the request of Mr. MOYNIHAN, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 1489, a bill to amend section 67 of the Internal Revenue Code of 1986 to exempt certain publicly offered regulated investment companies form the disallowance of indirect deductions through passthrough entities.

S. 1516

At the request of Mr. LEAHY, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of S. 1516, a bill to amend the Federal Insecticide, Fungicide and Rodenticide Act, and for other purposes.

S. 1529

At the request of Mr. GLENN, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 1529, a bill to improve financial management in the Federal Government.

S. 1578

At the request of Mr. STEVENS, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 1578, a bill to amend chapter 83 of title 5, United States Code, to provide civil service retirement credit for service performed under the Railroad Retirement Act, and for other purposes.

S. 1724

At the request of Mr. DASCHLE, the name of the Senator from Idaho [Mr. MCCLURE] was added as a cosponsor of S. 1724, a bill to amend the Petroleum Marketing Practices Act to require retail gasoline dispensing devices to post health hazard warning labels informing the consumer of the presence of elevated levels of benzene.

S. 1731

At the request of Mr. METZENBAUM, the name of the Senator from Texas [Mr. BENTSEN] was added as a cosponsor of S. 1731, a bill to amend the Job Training Partnership Act to establish a demonstration program employment opportunities for severely disadvantaged youth, and for other purposes.

S. 1776

At the request of Mr. ARMSTRONG, the names of the Senator from Delaware [Mr. ROTH], the Senator from Texas [Mr. GRAMM], the Senator from Maine [Mr. COHEN], the Senator from Kansas [Mrs. KASSEBAUM], and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of S. 1776, a bill to modernize United States circulating coin designs, of which one reverse will have a theme of the Bicentennial of the Constitution.

S. 1787

At the request of Mr. DASCHLE, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 1787, a bill to amend title 38, United States Code, to prescribe certain presumptions in the case of veterans who performed active service during the Vietnam era.

S. 1794

At the request of Mr. MOYNIHAN, the name of the Senator from Illinois [Mr. DIXON] was added as a cosponsor of S. 1794, a bill to establish, within the Department of Transportation, the High-Speed Ground Transportation Office; to develop the technology for a magnetically levitated superconducting transportation system; and for other purposes.

S. 1844

At the request of Mr. KARNES, the name of the Senator from Idaho [Mr. SYMMS] was added as a cosponsor of S. 1844, a bill to provide for the orderly implementation of Environmental Protection Agency programs established to comply with the Endangered Species Act of 1973.

SENATE JOINT RESOLUTION 203

At the request of Mr. D'AMATO, the name of the Senator from Rhode Island [Mr. PELL], the Senator from Iowa [Mr. HARKIN], and the Senator from Delaware [Mr. BIDEN] were added as cosponsors of Senate Joint Resolution 203, a joint resolution calling upon the Soviet Union immediately to grant permission to emigrate to all those who wish to join spouses in the United States.

SENATE JOINT RESOLUTION 214

At the request of Mr. LAUTENBERG, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of Senate Joint Resolution 214, a joint resolution to designate the week of February 7-13, 1988, as "National Child Passenger Safety Awareness Week."

SENATE RESOLUTION 270

At the request of Mr. LAUTENBERG, the name of the Senator from Connecticut [Mr. WEICKER] was added as a cosponsor of Senate Resolution 270, a resolution paying special tribute to Portuguese diplomat Dr. de Sousa Mendes for his extraordinary acts of mercy and justice during World War II.

SENATE RESOLUTION 317

At the request of Mr. BOSCHWITZ, the names of the Senator from New York [Mr. D'AMATO], the Senator from North Carolina [Mr. SANFORD], and the Senator from Illinois [Mr. DIXON] were added as cosponsors of Senate Resolution 317, a resolution to express the sense of the Senate with respect to the current budget reduction negotiations between the Congress and the President.

SENATE CONCURRENT RESOLUTION 88—TO FACILITATE THE CONVENING OF A SILVER HAIRED CONGRESS

Mr. MELCHER submitted the following concurrent resolution; which was referred to the Committee on Rules and Administration:

SENATE CONCURRENT RESOLUTION 88

Whereas States have adopted senior citizen advocacy and legislative bodies; and

Whereas older Americans are therefore provided opportunity within their States to express their concerns, promote appropriate interests, and advance the common good by influencing legislation and actions of State government; and

Whereas, a National Silver Haired Congress with representatives from each state would serve as a national grassroots forum to determine on a nonpartisan basis the recommendations for solutions to older American concerns without regard to race, creed, national origin or social status; Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress encourages and authorizes the convening of a National Silver Haired Congress in Washington, District of Columbia in 1989.

SEC. 2. The Speaker of the House of Representatives and the President pro tempore of the Senate shall facilitate and coordinate the convening of such a Congress.

SEC. 3. Expenses incurred in carrying out this resolution, not to exceed $300,000, shall be paid from the contingent fund of the Senate upon vouchers signed by the President pro tempore of the Senate.

SENATE CONCURRENT RESOLUTION 89—RELATING TO THE HUMAN RIGHTS SITUATION IN CUBA

Mr. DECONCINI (for himself, Mr. CHILES, Mr. WILSON, Mr. GRAHAM, Mr. NICKLES, Mr. THURMOND, Mr. GRASSLEY, Mr. BENTSEN, Mr. D'AMATO, Mr. DIXON, Mr. DOLE, Mr. RIEGLE, Mr. SYMMS, Mr. SHELBY, Mr. DOMENICI, Mr. MCCLURE, Mr. LUGAR, Mr. QUAYLE, Mr. LAUTENBERG, Mr. KARNES, Mr. MOYNIHAN, Mr. BOSCHWITZ, Mr. WARNER, and Mr. KASTEN) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

SENATE CONCURRENT RESOLUTION 89

Whereas the United Nations was established in 1945, for, among other purposes, the promotion and encouragement, of respect for human rights and fundamental freedoms for all;

Whereas the United Nations Human Rights Commission was established by the Economic and Social Council in 1946 to investigate and make recommendations concerning the violation of human rights and fundamental freedoms;

Whereas the Government of Cuba has engaged in systematic and flagrant abuses of basic human rights and freedoms so offensive that they demand universal condemnation, including—

(1) the arbitrary arrest and prolonged imprisonment of individuals accused of political opposition to the Government of Cuba for engaging in such activities as the open

or private expression of political opinions or religious beliefs, the attempt to form independent labor unions, the possession, reproduction, or intended distribution of religious or political literature, including the Universal Declaration of Human Rights, or even the professional representation by legal counsel of those so accused;

(2) the murder of political prisoners while in custody or the execution of individuals sentenced to death for political offenses;

(3) the reported systematic use of physical and psychological torture and the degrading and abusive treatment of political prisoners, especially the plantados—those who refuse out of conscience to participate in so-called political rehabilitation programs;

(4) the institutionalized use of a network of neighborhood informants organized by political "block committees" or so-called "Committees for the Defense of the Revolution" to repress the exercise of any freedom of expression and to otherwise control the behavior of citizens through intimidation;

(5) the repression of the independent Committee for Human Rights in Cuba for its attempt to register as a legal organization under the laws of the State, and the reported arrest, disappearance, or death of members of the Committee, and the continuing persecution of its president who has had to seek the safety of a foreign embassy out of fear for his life and continues to be deprived of the right to leave Cuba or to be reunited with his family; and

(6) the expulsion from Cuba of foreign journalists for having attempted to interview Cuban citizens and report objectively on the human rights situation in that country;

Whereas, the Congress further recognizes that the United Nations has consistently failed to address the violation of fundamental human rights and freedoms in Cuba: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) the United Nations and the United Nations Human Rights Commission have acted selectively and inconsistently in addressing violations of basic human rights in various countries;

(2) the United Nations General Assembly and the United Nations Human Rights Commission have failed to responsibly address the deplorable human rights situation in Cuba despite overwhelming evidence of the continuing disregard and systematic abuse of the most basic human rights by the Government of Cuba;

(3) the President, the Secretary of State, and the Permanent Representative of the United States to the United Nations are to be commended for their efforts to place Cuba on the human rights agenda of the United Nations and are strongly encouraged to continue in their efforts to bring this issue to the attention of the United Nations;

(4) the following countries are to be commended for their courageous vote in favor of considering human rights violations in Cuba, particularly in light of the thinly vieled threats of the Cuban delegation: Austria, Australia, Belgium, Costa Rica, France, Gambia, Federal Republic of Germany, Iceland, Italy, Japan, Lesoto, Liberia, Norway, Philippines, Somolia, Togo, and the United Kingdom;

(5) the United States strongly urges the United Nations Commission Member States interested in democracy in the region, particularly Mexico, Spain, Peru, Venezuela, Argentina, and Colombia, to support the United States resolution on Cuban human rights at the next session of the United Nations Human Rights Commission, and the United States should take into account this vote in determining U.S. bilateral and other assistance to all countries which are members of the Commission;

(6) the United States should continue to emphasize how other countries vote on fundamental issues such as human rights when determining financial support for the United Nations, which includes the contribution to the Human Rights Commission; and

(7) the United Nations Human Rights Commission which will hold its forty-fourth session in Geneva, Switzerland, in 1988, should include among the highest priorities of its human rights agenda consideration of human rights violations in Cuba.

INTERNATIONAL PRESSURE FOR CUBAN HUMAN RIGHTS

Mr. DeCONCINI. Mr. President, I rise today to introduce a concurrent resolution on encouraging the United Nations Human Rights Commission to address the systematic abuse of basic human rights by the Government of Cuba. The current regime in Cuba has the highest number of political prisoners, per capita, in the Western hemisphere. It has exhibited a flagrant disrespect for the freedoms and rights of its citizens. This behavior demands universal condemnation by the United States, the United Nations, and the concerned governments around the world.

This resolution has 23 original cosponsors, including wide bipartisan support. Congressman SHUMWAY has introduced a companion measure in the House of Representatives. Mr. SHUMWAY's resolution currently has 76 cosponsors. Both of these resolutions are strongly supported by President Reagan, Ambassador Walters, and the State Department.

Equal in importance to these prestigious endorsements is the support of Armando Valladares, a former political prisoner in Cuba. He has personally written about the stench, horror, and degrading experiences in Cuban jails. Paraphrasing his distinguished book "Against All Hope," it is "with all hope" that we join forces today to encourage a unified effort to condemn the odious regime in Cuba. His courageous book chronicles the sustained evil and cruelty of Castro's Cuba which continues to stampede the political and human rights of its people. Today, we link hands with the legislative, executive, and international bodies of this country to voice our concern, outrage, and hope that we might change the horrible situation which exists today.

Earlier this week a press conference took place with Ambassador Walters and Armando Valladares. I am extremely honored to join Congressman SHUMWAY, Ambassador Walters, Armando Valladares, and the other concerned supporters of this legislation to send a resolute signal to the world that the United States will devote all its efforts to condemn Cuba for the highest number of political prisoners, per capita, in the world. As Ambassador Walters has so eloquently stated in impassioned speeches in the United Nations, the United States sponsored resolution condemning Cuban human rights atrocities is "an appeal to the conscience of man." We are here to echo and amplify this appeal and see that we have success in this effort.

As a member of the Senate Foreign Operations Appropriations Subcommittee, which oversees funding for the United Nations, I will carefully monitor the progress of this resolution in the upcoming session. The United States should continue to emphasize such issues as human rights when determining financial support for the United Nations. I am encouraged by the early efforts exhibited with this legislation to seriously encourage other countries to support this resolution. I hope we will soon celebrate the successful passage of this proposal in the United Nations.

SENATE RESOLUTION 319—ORIGINAL RESOLUTION REPORTED AUTHORIZING SUPPLEMENTAL EXPENDITURES BY THE COMMITTEE ON VETERANS' AFFAIRS

Mr. CRANSTON, from the Committee on Veterans' Affairs, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 319

Resolved, That section 18(b) of Senate Resolution 80, 100th Congress, agreed to January 28, 1987, is amended by striking out "$907,901" and inserting in lieu thereof "$949,401".

SENATE RESOLUTION 320—AUTHORIZING TESTIMONY BY A SENATE INVESTIGATOR

Mr. BYRD (for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 320

Whereas, in the case of *United States* v. *Antonio Fernandez, et al.,* No. 87-217-Cr-NESBITT, pending in the United States District Court for the Southern District of Florida, David Faulkner, a former Senate employee and current consultant with the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, has been requested to testify by the United States;

Whereas, under the authority of Senate Resolution 128 in the Ninety-Ninth Congress, the Permanent Subcommittee on Investigations provided to the Department of Justice a memorandum dated April 21, 1983 documenting an interview with Antonio Fernandez, one of the defendants;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that testimony by present or former Senate employees may be needed in any court for the promotion of justice, the Senate will act to promote the ends of justice in a manner consistent with the privileges and rights of the Senate: Now, therefore, be it

Resolved, That David Faulkner is authorized to testify in the case of *United States* v. *Antonio Fernandez, et al.,* concerning only the interview documented in the April 21, 1983 memorandum and concerning no other matters.

SENATE RESOLUTION 321—ORIGINAL RESOLUTION REPORTED AUTHORIZING SUPPLEMENTAL EXPENDITURES BY THE SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE, from the Select Committee on Indian Affairs, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 321

Resolved, That Senate Resolution 353, Section 21, paragraph (b), 99th Congress as amended, be amended by striking out $790,797" and inserting in lieu thereof $795,797"; and be it further

Resolved, That Senate Resolution 80, Section 21, paragraph (b), 100th Congress, be amended by striking out "$842,335" and inserting in lieu thereof "$1,142,335.

SENATE RESOLUTION 322—ORIGINAL RESOLUTION REPORTED AUTHORIZING SUPPLEMENTAL EXPENDITURES BY THE COMMITTEE ON APPROPRIATIONS

Mr. STENNIS, from the Committee on Appropriations, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 322

Resolved, (a) That section 4(b) of Senate Resolution 80, 100th Congress, agreed to January 28, 1987, is amended by striking out "$4,119,856" and inserting in lieu thereof "4,209,856".

(b) That section 4(b)(1) of such resolution is amended by striking out "$135,000" and inserting in lieu thereof "$180,000".

AMENDMENTS SUBMITTED

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS, FISCAL YEAR 1988

MURKOWSKI (AND OTHERS) AMENDMENT NO. 1184

Mr. JOHNSTON (for Mr. MURKOWSKI, for himself, Mr. MCCLURE, Mr. JOHNSTON, and Mr. GLENN) proposed an amendment to the bill (H.R. 2700) making appropriations for energy and water development for the fiscal year ending September 30, 1988, and for other purposes; as follows:

On page 40, line 23, strike the period and insert in lieu thereof:

"; with the following amendment:

"at the end of the bill insert the following new section:

'TRANSPORTATION OF PLUTONIUM BY AIRCRAFT THROUGH THE TERRITORY OR AIR SPACE OF THE UNITED STATES

'SEC. 8. (a) Plutonium in any form may not be transported by aircraft from a foreign nation to any foreign nation through the territory or air space of the United States unless such plutonium is transported in a package that has been certified safe by the Nuclear Regulatory Commission in accordance with subsection (b) and all other applicable law.

'(b) The Nuclear Regulatory Commission shall—

'(1) conduct an actual crash test of a cargo aircraft traveling at maximum cruising speed, appropriately loaded with sample full scale packages containing test material;

'(2) conduct an actual drop test from maximum cruising altitude of a sample full scale package containing test material; and

'(3) certify that the package, samples of which were tested under paragraphs (1) and (2), is acceptably safe for use in the transport of plutonium by aircraft.

'(c) (1) The parameters of the tests under subsection (b) shall be determined by the Nuclear Regulatory Commission after public notice and opportunity for comment.

'(2) The results of all tests under this section shall be available to the public.

DIXON AMENDMENT NO. 1185

Mr. JOHNSTON (for Mr. DIXON) proposed an amendment to the bill (HR 2700), supra; as follows:

On page 2, line 23, before the period insert a colon and the following: "*Provided further,* That of the amounts appropriated under this heading, $220,000 shall be available for a reconnaissance study of the South Fork of the Sangamon River, Illinois"

MURKOWSKI AMENDMENT NO. 1186

Mr. JOHNSTON (for Mr. MURKOWSKI) proposed an amendment to the bill (HR 2700), supra; as follows:

At the end of the bill, add the following:

SEC. . (a)(1) None of the funds appropriated by this Act may be used to carry out within the United States, or within any territory or possession of the United States, any water development project of the Army Corps of Engineers or the Bureau of Reclamation which uses any service of a foreign country during any period in which such foreign country is listed by the United States Trade Representative under subsection (c).

(2) Paragraph (1) shall not apply with respect to the use of a service in a project if the Secretary of the Army or the Secretary of the Interior determines that—

(A) the application of paragraph (1) to such service would not be in the national interest,

(B) services offered in the United States, or in any foreign country that is not listed under subsection (c), of the same class or kind as such service are insufficient or are not of a satisfactory quality, or

(C) exclusion of such service from the project would increase the cost of the overall project by more than 20 percent.

(b) DETERMINATIONS.—

(1) By no later than the date that is 30 days after the date on which each report is submitted to the Congress under section 181(b) of the Trade Act of 1974 (19 U.S.C. 2241(b)), the United States Trade Representative shall make a determination with respect to each foreign country of whether such foreign country—

(A) denies fair and equitable market opportunities for services of the United States, or

(B) fair and equitable market opportunities for services of the United States in bidding,

for public works projects that cost more than $500,000 and are funded (in whole or in part) by the government of such foreign country or by an entity controlled by such foreign country.

(2) In making determinations under paragraph (1), the United States Trade Representative shall take into account information obtained in preparing the report submitted under section 181(b) of the Trade Act of 1974 and such other information as the United States Trade Representative considers to be relevant.

(c) LISTING OF FOREIGN COUNTRIES.—

(1) The United States Trade Representative shall maintain a list of each foreign country with respect to which an affirmative determination is made under subsection (b).

(2) Any foreign country that is added to the list maintained under paragraph (1) shall remain on the list until the United States Trade Representative determines that such foreign country does permit the fair and equitable market opportunities described in subparagraphs (A) and (B) of subsection (b)(1).

(3) The United States Trade Representative shall annually publish in the Federal Register the entire list required under paragraph (1) and shall publish in the Federal Register any modifications to such list that are made between annual publications of the entire list.

(d) DEFINITIONS.—For purposes of this section—

(1) The term "service" means any engineering, architectural, or construction service.

(2) Each foreign instrumentality, and each territory or possession of a foreign country that is administered separately for customs purposes, shall be treated as a separate foreign country.

(3) Any service provided by a person that is a national of a foreign country, or is controlled by nationals of a foreign country, shall be considered to be a service of such foreign country.

METZENBAUM (AND OTHERS) AMENDMENT NO. 1187

Mr. METZENBAUM (for himself, Mr. GRASSLEY, and Mr. LEVIN) proposed an amendment to the bill (HR 2700), supra; as follows:

Strike lines 5 through 9 on page 48, and insert the following new section:

SEC. 305. (a) In any regulations issued pursuant to section 1534 of the Defense Authorization Act for 1986, the Secretary of Energy may not disallow the following costs associated with the activities of contractor personnel from the Department of Energy

National Laboratories or Department of Energy personnel of the Department of Energy National Laboratories:

(1) Costs of providing to Congress or a State legislature, in response to a request written or oral, prior or contemporaneous from Congress or a State legislature, information or expert advice of a factual, technical, or scientific nature, with respect to:

(A) topics directly related to the performance of the contract; or

(B) proposed legislation; irrespective of whether such information or advice was requested or supplied through the Department of Energy.

(2) Costs for transportation, lodging, or meals incurred for the purpose of providing such information or advice.

(b) No part of any appropriation made in this act shall be obligated or expended to influence, either directly or indirectly, any appropriation or legislation before Congress, or for any publicity or propaganda purpose not specifically authorized by Congress: Provided, that this provision shall not apply to:

(1) the communication of departmental or agency views to the Congress; or

(2) the conduct of normal legislative liaison activities.

(3) the costs described in subsection (a).

SHELBY AMENDMENT NO. 1188

Mr. SHELBY proposed an amendment, which was subsequently modified, to the bill H.R. 2700, supra; as follows:

On page 49, after line 20, insert the following new section:

SEC. 309. None of the funds appropriated by this Act or any other Act may be expended by the Department of Energy or the Department of Justice or any of their component agencies to prosecute any action or to enforce any judgment against any individual corporate shareholder, officer or employee for restitution under section 209 of the Economic Stabilization Act of 1970, as amended, in any case decided by the Temporary Emergency Court of Appeals on May 7, 1987, based upon the role of such individual as a central figure in any statutory or regulatory violation, except for the actual dollar amount personally received by such individual from such violation and any interest assessed on such amount. The prohibition in this section shall apply only until October 1, 1988.

LAUTENBERG (AND BRADLEY) AMENDMENT NO. 1189

Mr. LAUTENBERG (for himself and Mr. Bradley) proposed an amendment to the bill H.R. 2700, supra; as follows:

On page 38, line 5, before the period, insert the following: "*: Provided,* That of the amount appropriated under this heading for the magnetic fusion program, $8,000,000 shall be available to continue research, development, engineering and design only of Project 88-R-92, Compact Ignition Tokamak; *Provided further,* That the Princeton Plasma Physics Laboratory and the Office of Fusion Energy shall submit a report and a 5-year plan based on current budgetary resources allocated for fusion energy research to the Committees on Appropriations of the House and Senate providing detailed information, costs and schedules for the concurrent construction of the Compact Ignition Tokamak project with the continued operation and completion of the Tokamak Fusion Test Reactor project."

LEAHY (AND OTHERS) AMENDMENT NO. 1190

Mr. JOHNSTON (for Mr. Leahy, for himself, Mr. Stafford, Mr. Harkin, Mr. Riegle, Mr. Gore, Mr. Matsunaga, Mr. Cranston, Mr. Kerry, Mr. Adams, Mr. Lautenberg, Mr. Inouye, Mr. Dodd, Mr. Biden, Mr. Graham, Mr. DeConcini, Mr. Moynihan, Mr. Sanford, Mr. Burdick, Mr. Fowler, Mr. Pell, Mr. Baucus, Mr. Chafee, Mr. Daschle, and Mr. Simon) proposed an amendment to the bill H.R. 2700, supra; as follows:

On page 41, line 4, after "expended," insert "of which $2,000,000 shall be available from within available funds for wind research.

DIXON (AND SIMON) AMENDMENT NOS. 1191 AND 1192

Mr. JOHNSTON (for Mr. Dixon, for himself, and Mr. Simon), proposed two amendments to the bill H.R. 2700, supra; as follows:

Amendment No. 1191

At the end of the bill insert the following: "The Secretary of the Army shall transfer title to all land presently leased to the State of Illinois at South Shores State Park, Lake Carlyle, Illinois for development in accordance within the State Plan for development of recreational opportunities throughout the state park system. Title to all lands transferred shall be encumbered to insure that the development does not interfere with operation of the project for flood control purposes."

Amendment No. 1192

On page 12, line 10, before the period insert a colon and the following: "*Provided further,* That the Secretary of the Army is directed to accomplish channel rehabilitation repair and rehabilitation of fourteen pump stations and appurtenant works and rehabilitation and replacement of bridge structures in the vicinity of the East Side Levee and Sanitary District in East St. Louis, Illinois, by making available $1,000,000 in fiscal year 1988".

KARNES AMENDMENT NO. 1193

Mr. KARNES proposed an amendment to the bill H.R. 2700, supra; as follows:

At the bottom of page 23, insert the following: "*Provided further,* that $1 million of available funds shall be available for use on the Davis Creek Dam, North Loup Division, Nebraska."

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on November 13, 1987, to hold a hearing on judicial nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Friday, November 13, 1987, to receive testimony on the nominations of Earl E. Gjelde for the position of Under Secretary of the Interior and Henry M. Ventura for the position of Assistant Secretary of the Interior for Policy, Budget, and Administration.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SURFACE TRANSPORTATION

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Surface Transportation, of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on November 13, 1987, to hold oversight hearings on transportation property brokers.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. BYRD. Mr. President, I ask unanimous consent that the Select Committee on Indian Affairs, be authorized to meet during the session of the Senate on Friday, November 13, 1987, to hold a business meeting to consolidate supplemental expenditures for the Select Committee on Indian Affairs and the Special Investigations Committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TAXATION AND DEBT MANAGEMENT

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Taxation and Debt Management of the Committee on Finance be authorized to meet during the session of the Senate on November 13, 1987, to hold a hearing on S. 983, S. 788, and S. 1781, miscellaneous tax issues.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BYRD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Friday, November 13, 1987, to hold a hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL ECONOMIC POLICY, TRADE, OCEANS AND ENVIRONMENT

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on International Economic Policy, Trade, Oceans and Environment of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Friday, November 13, 1987, to hold a hearing on economic assistance to Central America (S. Con. Res. 63).

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

ON THE UPCOMING ELECTIONS IN HAITI

● Mr. CHILES. Mr. President, in 2 weeks elections are scheduled to be held in Haiti. Tragically, there are those in Haiti who have resorted to violent and repressive means to shape the outcome of these elections.

In February 1986, the 30-year reign of the Duvalier family came to an end. The downfall of "Baby Doc" Duvalier roused the Haitian people and gave them hope that they would finally have a chance for free elections and a democratic government.

Mr. President, the Haitian people believed that the ouster of Duvalier would mean an end to the violence they suffered at the hands of the Ton Ton Macoute, the Haitian secret police. The Haitians now have hope that they will be able to express themselves freely without fear of imprisonment or torture.

In recent months, however, it has become distressingly clear that while Duvalier is gone, the Duvalier loyalists still wield significant power in Haiti. Despite the fact that the secret police was disbanded, many have reportedly been recruited into the armed forces.

And, Mr. President, the army continues to be involved in episodes of violence against unarmed civilians.

This summer, Haiti's interim government attempted to seize control of the upcoming elections from the independent electoral council. This spurred protests in which more than 30 people were killed by the army.

Incidents of violence continue to escalate as the elections approach. Already, two Presidential candidates have been murdered and the Offices of the Electoral Council and the Christian Democratic Party have been attacked.

The National Government Council has promised to provide adequate security to enable the electoral process to take place. I hope this will be the case. But, Mr. President, while I am hopeful that this is the case, I have doubts.

The Haitian people have waited 30 years for this election. They have worked for it. Many have died for it. It would be a tragedy, if after coming so close to freedom and democracy, Haiti slipped back into the pattern of corruption, repression and despair that has plagued this country for so long. Over 90 percent of the electorate supported the establishment of a constitution—they obviously want and support a democracy.

Mr. President, a country that has not held elections for 30 years faces significant challenges. We provided funds and assistance for the electoral process. We have made our support for free and fair elections abundantly clear. We must continue to do so.

At this point, however, it is up to the Haitians to make this process work. We can offer our support, but the challenge is theirs. If they succeed, the fruits of their victory will also be theirs. Many Haitian Americans join me in support of a fair election on November 29. Democracy cannot prevail without such an exercise.●

MONETARY POLICY IS THE CULPRIT AND THE CURE

● Mr. KASTEN. Mr. President, the recent difficulties in the world equity markets are the direct result of central bank monetary policy. The tight monetary policy pursued by the world's central banks in 1987 and the subsequent rise in interest rates threatens to tip the world into recession.

In a November 2 letter to Federal Reserve Chairman Alan Greenspan; four distinguished economists, Dr. David Meiselman, professor of economics at Virginia Polytechnic Institute, Dr. William Niskanen, president of the CATO Institute and former member of the President's Council of Economic Advisors, Dr. Paul Craig Roberts, holder of the William E. Simon Chair in Political Economy of the Center for Strategic and International Studies, and Richard W. Rahn, vice president and chief economist of the U.S. Chamber of Commerce urged the Fed to signal a permanent change from the tight monetary policy that is threatening the world economy. They argued that the Federal Reserve's response to the equity market crash has been inadequate. The Fed can provide leadership only by cutting the discount rate and standing ready to purchase long-term bonds in order to prevent a premature end to the rally in bond prices.

Mr. President, decisive action to cut the Federal budget deficit is an essential ingredient to reassure the financial markets and revitalize the economy. However, I believe that we must focus our attention on the major culprit and the most effective cure—central bank monetary policy. I ask that the full text of the letter to Chairman Greenspan be printed in the RECORD.

The letter follows:

NOVEMBER 2, 1987.

Hon. ALAN GREENSPAN,
Chairman, Board of Governors of the Federal Reserve System, Washington, DC.

DEAR ALAN: Those of us in the policy community who are sympathetic to the efforts of the G-5 conservative governments to promote economic progress by expanding private property rights through privatization, deregulation, tax rate reduction, and control of inflation are concerned that the Federal Reserve and other central banks are jeopardizing the political revival of private property by leading the world into recession.

During 1987 money growth in the U.S. has abruptly slowed and practically halted. The subsequent rise in interest rates has been misinterpreted even by some Fed officials as the consequence of rising inflation expectations, and the Fed even raised the discount rate in the mistaken belief that it would reassure the markets and stabilize, if not reduce, long-term rates.

As long-term rates moved sharply, the theory failed the test. Moreover, dollar-based inflation expectation fears cannot readily explain the sharp upward movement in both German and Japanese Government bond yields from May to October. It is dangerous for central banks to postulate world inflation from an exchange rate adjustment.

The willingness to risk a recession over commodity prices is also hard to understand. A rise in commodity prices from extreme lows reflects a rebound of the economy. Recession level commodity prices must not be taken as the norm. In addition, volatility in commodity prices can be a result of speculative factors and random events. Moreover, central banks must not interpret every price rise as inflationary, as prices play allocative roles and act as signals to expand output.

The Fed's response to the global stock market crash has been inadequate. The provision of reserves on an overnight basis through repurchase agreements does not signal any but a temporary change from the tight monetary policy that is threatening the world economy. Leadership is required and can be provided only by cutting the discount rate and standing ready to purchase long-term bonds in order to prevent a premature end to the rally in bond prices.

The Fed is targeting reserves, and the sharply increased spread of Fed funds over the 3-month T-bill rate suggests that the Fed is underestimating the demand for reserves. This is worrisome in view of the tendency for stock market crashes to increase the demand for money, causing velocity to decline.

The Fed should remember that a higher price level due to an exchange rate adjustment is not the same as monetary inflation—especially in a year during which there has been little money growth. The Fed should cease trying to stabilize the dollar by going on a mark standard and, instead, stabilize the economy by getting money growth up into the Fed's announced target ranges. Recession may already be baked into the cake, and action to minimize its severity is an appropriate concern for the Federal Reserve.

DAVID MEISELMAN,
PAUL CRAIG ROBERTS,
WILLIAM NISKANEN,
RICHARD W. RAHN.●

BUDGET SCOREKEEPING REPORT

● Mr. CHILES. Mr. President, I hereby submit to the Senate the budget scorekeeping report for this week, prepared by the Congressional Budget Office in response to section 308(b) of the Congressional Budget Act of 1974, as amended. This report was prepared consistent with standard scorekeeping conventions. This report also serves as the scorekeeping report

for the purposes of section 311 of the Budget Act.

This report shows that current level spending is under the budget resolution by $8.4 billion in budget authority, but over in outlays by $5.4 billion.

The material follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, November 13, 1987.

Hon. LAWTON CHILES,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of congressional action on the budget for fiscal year 1988 and is current through November 12, 1987. The estimated totals of budget authority, outlays, and revenues are compared to the appropriate or recommended levels contained in the most recent budget resolution (H. Con. Res. 93). The report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of Section 5 of Senate Continuing Resolution 32.

This is my first report for fiscal year 1988 and includes the second continuing resolution, Public Law 100-162, the Medicare provisions of the Balanced Budget and Emergency Deficit Control Reaffirmation Act, Public Law 100-119, the interim extension of certain veterans' housing programs, Public Law 100-136, and technical amendments to laws relating to Indians, Public Law 100-153.

With best wishes,

Sincerely,

EDWARD M. GRAMLICH,
Acting Director.

CBO WEEKLY SCOREKEEPING REPORT FOR THE U.S. SENATE 100TH CONGRESS, 1ST SESSION

[As of November 12, 1987, fiscal year 1988—in billions of dollars]

	Current level [1]	Budget resolution (H. Con. Res. 93) [2]	Current level +/− resolution
Budget authority	1,137.6	1,146.0	−8.4
Outlays	1,040.1	1,034.7	5.4
Revenues	910.1	932.8	−22.7
Debt subject to limit	2,379.4	[3] 2,565.1	−185.7
Direct loan obligations	34.0	34.6	−.6
Guaranteed loan commitments	148.9	156.7	−7.8

[1] The current level represents the estimated revenue and direct spending effects (budget authority and outlays) of all legislation that Congress has enacted in this or previous sessions or sent to the President for his approval. In addition, estimates are included of the direct spending effects for all entitlement or other mandatory programs requiring annual appropriations under current law even though the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[2] In accordance with section 5(a)(1)(b) the budget authority and outlays include an adjustment that reflects the amount reserved for subsequent allocation under section 302(a) of the Congressional Budget Act.

[3] The permanent statutory debt limit is $2,800.0 billion.

PARLIAMENTARIAN STATUS REPORT, 100TH CONGRESS, 1ST SESSION, SENATE SUPPORTING DETAIL, FISCAL YEAR 1988, AS OF CLOSE OF BUSINESS, NOVEMBER 12, 1987

[In millions of dollars]

	Budget authority	Outlays	Revenues
I. Enacted in previous sessions:			
Revenues			909,754
Permanent appropriations and trust funds	779,621	681,502	
Other appropriations		205,550	
Offsetting receipts	−169,458	−169,458	
Total enacted in previous sessions	610,163	717,594	909,754
II. Enacted this session:			
Water Quality Act of 1987 (Public Law 100-4)	−2	−2	
Emergency supplemental for the homeless (Public Law 100-6)		−7	
Ginnie Mae fees (Public Law 100-14)		52	
Surface Transportation and Relocation Act (Public Law 100-17)	10,969		364
Federal Employees Retirement System Technical Corrections (Public Law 100-20)	10	10	
Farm Disaster Assistance Act (Public Law 100-45)	−30	−30	
Supplemental Appropriations, 1987 (Public Law 100-71)	68	915	
Small Business Administration program and authorization amendments (Public Law 100-72)	−41	−41	
Competitive Equality Banking Act of 1987 (Public Law 100-86)		−650	−7
Credit certain air traffic controller service for retirement benefits (Public Law 100-92)		3	
Medicare and Medicaid Patient and Program Protection Act (Public Law 100-93)		3	
Balanced Budget and Emergency Deficit Control Reaffirmation Act (Public Law 100-119)		−160	
Interim extension of certain veterans' housing programs (Public Law 100-136)	677	608	
Technical amendments to laws relating to Indians (Public Law 100-153)	1	1	
Total enacted this session	11,652	702	357
III. Continuing resolution authority: Continuing Resolution, fiscal year 1988			
(Public Law 100-162)	560,544	366,808	
Offsetting receipts	−30,823	−30,823	
Total continuing resolution authority	529,721	335,985	
IV. Conference agreements ratified by both Houses			
V. Entitlement authority and other mandatory items requiring further appropriation action:			
Disaster relief	142	85	
Guarantee reserve fund	(532)	(532)	
Military service wage credit	(391)	(391)	
Food stamp program	592	341	
Uranium supply and enrichment (receipts)	−90	−90	
Federal Energy Regulatory Commission (receipts)	−6	−6	
Loan guaranty revolving fund	90	100	
National wildlife refuge fund	1	1	
Total entitlement authority	729	431	
VI. Adjustment for economic and technical reestimates	−14,650	−14,650	
Total current level as of November 12, 1987	1,137,615	1,040,061	910,111
1988 budget resolution (H. Con. Res. 93)	1,146,000	1,034,700	932,800
Amount remaining:			
Over budget resolution		5,361	
Under budget resolution	8,385		22,689

Note: Numbers may not add due to rounding.●

NEWLY ELECTED PRESIDENT OF THE NATIONAL PUBLIC LANDS COUNCIL—W.H. "BUD" EPPERS

● Mr. DOMENICI. Mr. President, today I wish to share with my colleagues my pleasure at the selection of a fellow New Mexican—W.H. "Bud" Eppers—as president of the National Public Lands Council [PLC].

I have known Bud for many, many years and consider him a close and dear friend.

In my opinion, the members of the PLC could not have chosen a better leader. Bud is dedicated to the principle of sound management of the Federal lands for grazing and for other multiple uses. He is deeply concerned about public range improvement, range caterpillar and grasshopper control, and other vital public land issues. He is also both innovative and knowledgeable about livestock production on public lands.

I have worked together with Bud on public land issues many times through the years. In fact, I often seek his advice and counsel on pressing issues that come before the Senate. I greatly value his friendship and expertise.

Bud has testified numerous times before Congress. Those most notable were during the consideration of the Federal Land Policy and Management Act of 1976 [FLPMA] and the 1978 Public Rangelands Improvement Act [PRIA]. Bud has actively lobbied in New Mexico and Washington for many years.

Bud Eppers was born in Roswell, NM, and has been in the ranching business all his life. He owns and operates two ranches in the Roswell area. He is a loving father and well respected community leader.

He first demonstrated his leadership to the industry and Congress when he chaired an ad-hoc rancher group whose land was besieged by an invasion of range caterpillars and grasshoppers in 1973. Under his helm, the group spearheaded an effort that ultimately brought about a new rangelands spraying program in cooperation with Federal and State agencies.

In subsequent years, he has tirelessly represented public land livestock producers interests in grazing matters. He has been involved in everything from drafting legislation to establishing a range improvement task force team of Ph.D.'s to work with Government and private individuals on problems affecting New Mexico rangelands.

In the past Bud has served on the board of directors of the New Mexico Wool Growers' Association. He has also served as vice president of the New Mexico Cattle Growers' Association. In addition to serving as president of the National Public Lands Council, he is currently the president of the New Mexico Public Lands Coun-

cil and the Southeastern New Mexico Grazing Association.

Bud is also a member of the New Mexico Farm Bureau, the National Rifle Association, the National Association of Property Owners, Airplane Owners and Pilot Association, and Flying Farmers International.

Bud is an active member of his local church, the First Christian Church. He also is active in other civic organizations such as the Elks Club.

I am sure that Bud's wife, Alice, and his four children, Carl, Thomas, Catherine, and Robert, miss him so much during those periods when he must be away from home fighting tirelessly for the industry he loves.

But I'm equally sure that they share my pride in having him serve in such a prestigious position as president of the National Public Lands Council.

My congratulations to Bud. I know he will do an excellent job.●

INFORMED CONSENT—CALIFORNIA

● Mr. HUMPHREY. Mr. President, there is a growing body of evidence showing that abortion can and often does have significant medical and emotional side effects. Women who undergo abortions face the possibility of sterility, guilt and depression as well as many other complications. Of course, there are few serious medical procedures that have no risk at all, but in the case of abortion, women are often not even told about the risks they face before they consent to the procedure. That is not right.

I urge my colleagues to help end this medical injustice and support my informed consent legislation, S. 272 and S. 273. The bills would require that medical personnel fully inform women considering abortion about the risks, effects, and alternatives. I ask that several letters from women in California in support of informed consent be entered into the RECORD.

The letters follow:

SEPTEMBER 27, 1986.

DEAR SENATOR HUMPHREY: I am one of those unfortunate women who were duped into believing abortion was the answer to a problem pregnancy. Anyway . . .

I am Robin Strom, 32 years old and the Marin County, California Director of W.E.B.A., the speakers bureau chairman of Marin Right to Life and a member of the Marin Pro-Life Coalition. I've also been trained as a crisis pregnancy center volunteer counselor. But before this . . .

At 16 years old I had my first abortion in New York City at the Margaret Sanger Institute. All I needed was a confirmed pregnancy test, $250 and a friend who would help me afterwards. I received no counseling except medical history and how I would be cramping and bleeding afterwards. I wanted a local anesthesia only so I was awake during the procedure and afterwards. Most women at the institute were put out under general anesthesia (which wouldn't be any help afterwards). The procedure was painful and emotionally devastating. I pretended nothing happened, that I hadn't been pregnant (no one knew except for a few close friends). What happened afterwards is too intense to be written down so I will only pick up a few points. I began doing drugs (any kind except shooting with a needle) all the time. Before school, after school and at night. I began to be very sexually promiscuous, indiscriminately! I became a cocaine addict and ended up hating myself and my lifestyle so deeply that I joined the Hare Krishna cult. I so desired freedom from the drugs and immorality that I totally entrenched myself in the cult. I was in for 2 solid years where I fundraised daily and made an average of $100 in 6 hours, (tax free and I never kept a dime) a day. My parents rescued me (had me deprogrammed at Passover). Then the fellow who deprogrammed me and I fell in love and got married 4 months later (1976). We married and moved to Colorado. I broke my foot and then found out I was pregnant (both almost on my honeymoon). We went to Planned Parenthood in Boulder, Colorado and they suggested I get an abortion, since my foot was in a cast and it was "bad timing." We went to Denver, P.P. and had the abortion. Again the only counseling I received was medical and family history.

That time I felt really bad emotionally because we really wanted children. But, it was done. During the abortion I asked if it was a girl or boy and they said they couldn't tell. (Years later I found out why—because the baby gets torn from limb to limb.) Life went on with suppressed emotions of guilt, shame, anger, bitterness, resentment and loss. Until I got pregnant, on purpose, in 1979. While pregnant, I've accepted Jesus Christ as our Messiah and Lord. He began showing me (and Michael) what we had done in our past, especially the abortions. We began to start seeing and understanding what happened to us and to the babies.

This is a condensed version of what abortion has done to us, the parents. You are well aware to what happens to the unborn boys and girls. It affects future siblings, too. My kids all say that its good we didn't abort them (our children are 6, 4 and 2 years old). They worry about the babies in Mom's tummies all across the earth. They pray with us that legalized murder will be stopped in this decade!

Please feel free to use my story. There is a lot more to it too. Thank you for taking this stand for the unborn. You are a voice for unborn babies and the countless women and men affected by abortion. May God richly bless you and your efforts for America, now and in the future.

In Friendship,

ROBIN STROM,
California.

FEBRUARY 22, 1987.

DEAR HON. GORDON J. HUMPHREY: I am a 33 year old woman with a story to share. As a junior at Penn State University, 20 years old, I was told by a doctor at the University Health Center that I was pregnant. Whenever I think back to the days (or was it weeks?) it is difficult to pinpoint any feelings except numbness. It was as if I was going through the days as a machine; the reality of an unplanned pregnancy was too much to handle.

I was referred to a church building for an "appointment" which was the first step in getting an abortion. Looking back now, this must have been an attempt at counseling or screening. I remember the presence of a male (a church clergyman, I believe) and a woman—I can't remember anything we talked about except one question. They asked, "Can you get married?" I left that church with the woman and as she got in her car to go, I remember feeling comforted by her comment "It will be O.K. I had an abortion too!"

Within a week, I had borrowed a friend's car and driven by myself to Pittsburgh, PA, a 4 hour drive from Penn State where I sat in a waiting room with 10-12 other women. Right before they performed the abortion, I remember being taken in a small room and shown a board with different kinds of contraceptives on it. I suppose the message was if I was going to be sexually active, I should use contraceptives.

But you see, they never addressed the problem. The problem wasn't safe sex; the problem was that I was using sex to fulfill an aching deep inside to be held, loved and appreciated. And I went on continuing to do that, because I hadn't yet figured out what the problem was. And I used the pill, for a while. But there were still many times to come where I had sexual relations with no contraceptives.

In the past 15 years I have learned a lot about abortion. I have carried the emotional scars, the guilt, the shame. No one ever gave me a choice—really. No one ever offered me help, support, encouragement to give my baby life—no one talked about adoption or single parenting. No one talked about the risks of the abortion to my body physically, or to the chances that future pregnancies and my ability to have children later were at risk.

In my opinion, adequate information and all options should be presented to all women considering abortion. Please continue to work for informed consent.

JUDY RICHARDS,
California.

FEBRUARY 11, 1987.

DEAR SIR: This is very difficult for me. But I know I must write. For I believe everyone should be adequately informed. I believe all aspects should be explained, very detailed, exactly what they are doing to their own bodies and to the unborn life and what God says about abortion. I believe it should be a law that each person should fully understand what they are doing. For it's murder!!

In January 1975 I had an abortion. I was told there was an abortion clinic in our town—the Lovejoy Specialty Hospital in Portland, Oregon. I called, made an appointment for an abortion. I was dropped off there, I paid them and I underwent an abortion. I was not questioned or no details were given to me on what I was really doing. It was in and out in one day. And I didn't ask much, either. I just wanted it to be over. I can't say for sure if I would have made the same decision if I would have totally understood. I believe I wouldn't have.

Now that I'm born-again and I've seen and read what is really involved, it makes me feel too sick and sad for what I've done. Yes my God has forgiven me, but that can never bring my baby back. It can't change what I once did.

I have a daughter almost 16. She doesn't know. Yet at times I feel I need to do more for the fight for Right to Life, yet I don't want her to know yet.

I hope this helps a little.

God Bless,

LINDA,
California.

FEBRUARY 9, 1987.

DEAR SENATOR HUMPHREY, in 1978 at the age of 18, I became pregnant out of wedlock. My father was enrolled in the Kaiser Health Foundation, and I was still covered by it also. I went in for a routine GYN exam when they said I look like I may be pregnant, so they did a pregnancy test right then.

When the nurse walked into the room and told me the test was positive, I began to cry, being quite upset and overwhelmed at the thought. The very next words out of her mouth were "Do you want to get an abortion?" I said yes, because I knew of no other alternative.

At that time, she said that Kaiser would not do abortions, so she gave me the name of a clinic where I could go, and that the fee would be paid by Kaiser, under my father's health care plan. She also said that they might have to inform my father since it was on his plan.

Later on that week someone from Kaiser called me on the phone and said that they would go ahead and pay for the abortion and that my dad would not find out. (At the time, I thought they were helping me).

I can remember, one day before the abortion, walking down the street in tears, and talking to the baby inside of me. I told him (I figured it was a boy) how very sorry I was that I had to get an abortion, but that there was "no other way." I loved that baby and I wonder if I still would have had the abortion if someone would have explained to me that I could give him his life and give him to a good home.

I still remember the agony I felt inside, and the tears I shed while driving to the abortion clinic.

Once inside I saw the doctor who saw how upset I was, but he tried to calm me by telling me that he has done this thousands of times and that it is my body to do with what I want. Not even once did anyone ask me if I would rather not kill my baby. Never was any other option presented to me.

After the procedure was over, I must have laid sobbing on that table for almost half an hour, all alone with my grief. Finally, someone came in and told me it was time to leave. But once I started to walk down the hall I passed out because of the grief, not from anything physical.

I went through the entire ordeal alone, with no support, and I felt very trapped. I only wish someone would have told me that there was another way; that I didn't have to kill my baby. I thank you for your concern about abortion, and hope that your efforts to inform women through the informed consent bill will be successful. Women are denied the truth of the devastation until it is too late.

Sincerely,

LINDA LINDSEY,
California.●

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, may I state for the information of Senators that if a Senator comes into the Chamber and wishes recognition, I will be glad to yield the floor temporarily and I ask unanimous consent that in that event my speech not show an interruption in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE UNITED STATES SENATE

PROFILE OF "THAT GREAT ENIGMA": AARON BURR

Mr. BYRD. Mr. President, in my continuing series of addresses on the history of the United States Senate, I have paused from time to time to review the careers of individual Senators. Some of them served for as long as three decades. Others served but a single term. Among those in the latter category are such men as William Maclay, John Randolph, Andrew Jackson, John Foster Dulles, and Richard Nixon. Each, in varying degrees, was defined and enriched by his brief service here. Yet, with the exception of Maclay, the reputations of these men were formed outside the Senate. Today, I shall discuss the career of an extraordinary American public figure. Although his Senate service was brief, 6 years only, a recounting of his career will surely add to an understanding of the Senate in earlier times. This man's tombstone bears the following inscription:

Aaron Burr
Born February 6, 1756
Died September 14, 1836
A Colonel in the Army of the Revolution
Vice-President of the United States
from 1801 to 1805.

Mr. President, there is a good deal more to the story.

John Davis, an Englishman, visited the United States in the late 18th century, and in his travels of 4½ years in the United States of America, he commented: ". . . no other state was so respectably represented as the State of New York, in the combined talents of Mr. Burr and Mr. King."

Jabez Hammond, in *The History of Political Parties in the State of New York,* said that neither in the New York legislature nor in the United States Senate, ". . . did Aaron Burr originate any great measure, nor can I find that he, at any time, distinguished himself in discussing any important questions raised by others."

At the time of Burr's death, John Quincy Adams wrote that "Burr's life, take it altogether, was such as in any country of sound morals his friends would be desirous of burying in profound oblivion."

Nathan Schachner, in *Aaron Burr,* referred to Burr as one who "in the era of giants . . . was of the elect."

I find that the foregoing references to Burr are but a few of the many diametrically opposite perceptions of the man to whom I have referred in an earlier speech as "That Great Enigma." Burr had his partisans and his enemies, and there is much that we will never know about the man. Much of his personal correspondence and private papers was lost in a storm when the ship, *Patriot* vanished at sea carrying with it Burr's beloved daughter, Theodosia, who, at the time, was travelling from South Carolina to New York to join her father. Newspapers in those days were fewer, smaller, and sketchier than they are today, and the resources for keeping records were far less ample. There were no official reporters in the Senate, and, hence, little evidence of Burr's political and other speeches while a member of that body or as Vice President is extant to shed light upon his rhetorical ability or his legislative proficiency.

Burr's surviving personal papers fell into the hands of manuscript collectors and autograph seekers in the decades following his death. Only in 1962 did the New-York Historical Society succeed in acquiring a significant private collection. In 1983, a significant portion of that collection was published by Princeton University Press.

Ergo, Aaron Burr will probably always be, just as he has been, "That Great Enigma."

Aaron Burr was born on February 6, 1756. His father was Aaron Burr, a minister and second president of the College of New Jersey, later renamed Princeton University. His mother, Esther Edwards Burr, was the daughter of Jonathan Edwards, the third president of the College of New Jersey and perhaps the Nation's best-known theologian.

By the time Aaron Burr was 2 years old, his father had died of a fever; his grandfather Edwards had also died of a fever which followed inoculation for smallpox, only to be followed by the death of Aaron's mother 16 days afterward of a similar ailment. His maternal grandmother, the widow of Jonathan Edwards, died in that same year in Philadelphia where she was seized with dysentery. Hence, within a period of 13 months, Aaron and his sister, Sally, who was 2 years his senior, were bereft of father, mother, maternal grandparents, and great grandfather, and there was no one left whose chief concern it was to care for the two orphan children. They were reared at Elizabethtown, NJ, in the family of Jonathan Edwards' eldest son, Timothy. Their earliest studies were under private tutors, one of whom, Tapping Reeve, later fell in love with Sally and married her when she was 17.

Aaron's uncle, Timothy Edwards, was a strict and conscientious puritan, as we might infer from an anecdote which was told by Aaron Burr himself. It seems that when he was about 8 years old, he was in a cherry tree in his uncle's garden on a bright summer afternoon when he saw an elderly lady, wearing a silk dress, approaching. Aaron, hidden in the tree, amused himself by throwing cherries at the lady, and she reported this misconduct to Aaron's uncle, who quickly summoned the boy to his study. After a long lecture, followed by an equally long prayer for Aaron's reformation, the uncle proceeded to dispense justice and administer the punishment. Burr said, "He licked me like a sack."

Those were the days, of course, when grownups expected, and received, greater homage from the young than we in these later generations have become accustomed. Children arose at the entrance of their parents into the room and were served last rather than first on occasions when guests were present for dinner or supper—as the midday and evening meals were then called. When meeting a clergyman or an older person, children removed their hats and bowed, so we can easily perceive that Aaron's cherry-throwing prank was not only an affront to the elderly lady who was Aaron's target, but was also considered a very serious breach of conduct by Uncle Timothy.

When he was about 10 years old, Aaron had a longing to go to sea, so, in furtherance of this ambition, and perhaps, too, to distance himself as far as possible from Uncle Timothy and the disciplinary razor strap, the lad ran away. Of this exploit, Samuel Engle Burr, Jr., writes in his book *Colonel Aaron Burr, the Misunderstood Man,* as follows:

> "When all had been quiet for perhaps an hour or perhaps for two hours, Aaron got out of his bed and dressed, in the dark. . . . He pulled the latchstring and stepped out into a clear moonlit night. . . . Carrying his bundle of clothing over his shoulder, he headed for the harbor. . . . Several ships were there and he chose the largest one. There was a broad plank leading to it from the pier. Pausing at its foot, Aaron called out to see if anyone was within the sound of his voice. And somewhat to his surprise—certainly to his joy—there was a reply.
>
> "Who's there?" came a voice from the deck of the ship.
>
> "It is I—Aaron Burr—a lad who wishes to take passage with thee as a cabin boy!"
>
> "Well, come up the plank, lad, and let us see what sort of fellow you are. We are in need of a cabin boy but we want one who is not afraid of work."
>
> "I am not afraid of work, sir," Aaron replied.
>
> Within a few minutes he was hired for a penny a day, with his food and a bunk, for doing whatever the captain or the mate might tell him to do. . . .
>
> Aaron did not go with the ship when it went to sea:
>
> "Aaron had been found to be missing when the Edwards household arose in the morning. . . . Uncle Timothy remembered the fascination which the waterfront had for Aaron. He saddled his riding horse and rode off to the docks."

At length, Timothy Edwards found the right ship, and a Captain Anderson said,

> "Aye, sir. We have a new boy. That's him coiling the rope over yonder."
>
> Aaron did not need to be told that his uncle had found him. He had heard the stern voice, charged with some anxiety now, and he immediately started to climb up into the rigging. . . .
>
> "Come down here, son of satan, and come back home with me. I've spent the whole day searching for thee and at last I have succeeded!"
>
> "I shall not come down, Uncle," Aaron replied. "I know what will happen if I go home with thee. I shall be forced to kneel and to pray and then I shall have another bunch of switches broken over my back! Or it will be the strap! No, sir. I have promised to go with Captain Anderson."
>
> "Thy promise to go with the Captain is of no consequence. I am thy guardian and I am the one to make promises."
>
> "Very well, then. Make me a promise. Promise me—in God's name, Uncle—that I never shall be forced to kneel before thee again. I shall pray to God, but in my own way. And promise that I never shall be flogged again."
>
> "I have called thee 'son of Satan,' and I believe that thou art. Thee needs to pray and this thou shalt do. But I promise not to flog thee again. That time has passed. At the last flogging, thee made no sound and shed no tears. Very well, there shall be no more flogging."
>
> "As God is thy witness, Uncle?"
>
> "As God is my witness, nephew!"
>
> Captain Anderson said that he was sorry to see Aaron leave the ship. "He's a boy with promise, that one is," he told Uncle Timothy. "Small, but active. Not lazy or complaining, not him. He will make his mark. Take my word for it."
>
> Uncle Timothy grunted and said, "Good day," with no other comment. He mounted his chestnut mare, reached down and helped Aaron mount behind him. No word was said as they rode back home.[1]

When Aaron was 11 years old, he was prepared for college and applied for admission to the college at Princeton, but was turned down on account of his youth. The aspiring lad was disappointed, but, during the next two years, he mastered the studies of the first two college years, and again applied for admission, this time, to the junior class! That was confidence! He was denied such admission, but was allowed to enter the sophomore class. Studying 16 and sometimes 18 hours a day, Aaron graduated from the college of Princeton at the age of 16.

He was described as a Spartan in eating and drinking, and was an avid reader of the biographies and histories of great military men, such as Frederick the Great. His youthful essays showed that he possessed an acute intellect, and a remarkable independence of thought. He also liked boating, and handled a boat with skill.

At Princeton, he had received considerable training in rhetoric and public speaking. He first decided to study theology, following in the footsteps of his father, grandfather, and great-grandfather, but he finally selected law as his future profession. His law studies were interrupted by the Revolutionary War, but, after the war, he completed his law studies and began law practice in New York City.

In his years of college, he had exhibited a love for reading, riding, hunting, and flirting. He seemed to possess considerable power for pleasing the fairer sex, and was all gallantry to the young ladies, who gossiped not a little about him. He seems, however, to have distributed his attentions quite equally among them, and his letters contained frequent references to "the girls." He also seemed to possess an instinctive love of intrigue in his dealings with his female acquaintances. Everybody liked him, and many predicted an eminent future for him.

Burr was a good horseman and a good helmsman. He was also a fairly good shot. He liked the military arts, and men perceived in his face, manner, and bearing the stamp of authority. When the news of the skirmish against the British at Lexington reached him, he was ready to put aside his books and he joined the American patriot forces. At 5 feet 6 inches, he apparently never knew the meaning of fear.

He participated in Benedict Arnold's expedition to Quebec, an expedition that would require 50 days and a journey of 600 miles through a terrible wilderness. Burr demonstrated a hardihood and skill in the management of boats, a toughness and courage that excited the admiration of his fellow soldiers. Burr was promoted to the rank of Captain and assigned the command of 40 men. He was a man of activity, bravery, and discipline. He served as aide-de-camp to General Richard Montgomery and was at the General's side at the battle of Quebec when Montgomery fell mortally wounded. Legend had it that Burr carried the General's body over the ice and snow until he could no longer sustain the burden. To avoid capture, "Little Burr"—as he was called by his comrades—was compelled to drop the body in the snow and hasten after his fleeing comrades. The truth was more prosaic, for the weight of the dead general and the deep snows made this feat virtually impossible. Nonetheless the story of the aide-de-camp who bore his General's body away from the fire of the enemy was told to General Washington. Burr was soon appointed to the post of Brigade-Major, and later served as aide-de-camp to General Israel Putnam. In July 1777, Burr was notified by General Washington of his promotion to the rank of Lieutenant-Colonel. Remember, he was only 21 when he was promoted to the rank of Lieutenant-Colonel.

Burr was appointed to the regiment of Colonel William Malcolm and was soon in charge of it and he set about making his men into models for the army. About this time, he met Theodosia Bartow Prevost, whose husband, Colonel Jacques Marc Prevost, an officer of the British army, was stationed in the West Indies.

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[1] Footnotes at end of article.

Burr resigned from the service in 1779 when he was 23 years old, having been beset by illnesses. In January 1782, he was licensed as an attorney and within a few months Burr began the practice of law in Albany. In July, he married Theodosia Prevost, whose husband had died in Jamaica. She was ten years older than Aaron and had two children by her first husband. In June 1783, a baby girl was born to the happy couple and Aaron insisted that she, too, be named Theodosia. A second daughter, Sally, was born in 1785, but she died before her fourth birthday.

We are told in *Portrait of an Ambitious Man,* that Burr's success at the bar was almost immediate:

> He developed a distinctive and brilliant style, along with the reputation of seldom losing a case. He was "acute, quick, terse, polished, sententious, and sometimes sarcastic in his forensic discussions. He . . . confined himself with stringency to the point in the debate." He would pursue his opponent relentlessly until he wore him down and thus achieve the compromise or settlement he sought. Two characteristic sayings were attributed to him: "Now move slow; "never negotiate in a hurry," and, "Never do today what you can as well do tomorrow; because something may occur to make you regret your premature action." The preparation of evidence was considered his strongest asset. Said Burr: Law is "whatever is boldly asserted and plausibly maintained." He addressed the jury in conversational tones and won them with his elegant manners and familiarity with the details of his case. He was not a legal scholar like Alexander Hamilton, but his cool manner and close reasoning, his spare and severe language, and his skill at confining his argument to a few powerful and prominent points often won cases. Some of his contemporaries considered him overrated, but possibly, his method was far ahead of his time.
>
> The stimulation of his busy and increasingly lucrative law practice along with his concern for his growing family absorbed Burr fully for a time. He assured Theodosia that he would not participate in the scramble for public office that was taking place in New York.[2]

As we know, however, Burr changed his mind and, in 1784, was elected to the state assembly of New York. When the assembly term expired in 1785, he returned to the full-time practice of law, and in 1789 he was appointed attorney general of New York. In 1791, the New York Senate concurred with the Assembly and elected Burr to the United States Senate over Alexander Hamilton's father-in-law, General Philip Schuyler, the Federalist candidate.

However happy Burr's triumph may have been, that happiness was shortlived.

In *Soldier, Statement and Defendant: Aaron Burr,* Jeannette C. Nolan writes:

> In the spring of 1794, Burr's smile was a mask to hide a terrible anxiety. Theodosia—his dear Theodosia!—was gravely ill. He summoned physicians and specialists to Richmond Hill; they tried this remedy and that, without avail. He consulted Dr. Benjamin Rush at the University of Pennsylvania. Dr. Rush was the most famous medical man in the United States. If the elusive illness could be cured, Dr. Rush would cure it!
>
> Dr. Rush shook his head. "I'm afraid there is little hope," he said.[3]

With Congress in session, Burr was in Philadelphia on May 19, 1794, when he received word that his beloved wife, Theodosia Prevost Burr had died the day before. Thus, at age 38, Senator Burr was left a widower with an eleven-year-old daughter, Theodosia.

> Burr was devastated. Their marriage had been extraordinarily happy; her death would shadow his life forever. But in his grief he was characteristically reserved. No one was to pity him or know how deep was his sorrow; he would allow himself no outward show of emotion. And he must console the children, the Prevost sons and little Theo, for the loss of their wonderful mother.[4]

Burr had taken his seat in the Second Congress on Monday, October 24, 1791. As a freshman Senator, he was appointed to a committee with Roger Sherman and John Rutherfurd which reported back a bill determining the date for choosing presidential electors and prescribing a line of succession to the presidency that lasted until 1886. The bill established the president-pro-tempore of the Senate and the Speaker of the House as next in line following the vice president.

Burr unsuccessfully opposed the appointment of Gouverneur Morris as Minister to France. He also unsuccessfully defended Albert Gallatin's claim to a Senate seat, believing that Gallatin was being victimized by a purely political maneuver on the part of the Federalists.

In the Senate, Burr was one of the foremost critics of Administration efforts to arrange a commercial treaty with Great Britain, and opposed the appointment of Chief Justice John Jay as envoy extraordinary to England. In opposing Jay's appointment, Burr questioned the propriety of permitting Supreme Court judges to concurrently hold any other employment emanating from the executive, maintaining that to do so was contrary to the spirit of the Constitution and would expose them to the influence of the executive.

Burr also supported a constitutional amendment to bar congressional membership to any person who held offices or stock in the Bank of the United States.

He was also a proponent of opening the Senate's doors to the public.

Burr's term in the United States Senate ended on March 3, 1797, the New York legislature having voted for Philip Schuyler to succeed him.

In April, Burr was re-elected to the New York Assembly.

In the Presidential election of 1800, he received the same number of electoral votes as Jefferson. In a contest forced upon the House of Representatives by the electoral tie with Jefferson, Burr was chosen Vice President of the United States.

He aspired to the governorship of New York in 1804; and, when he was defeated, he blamed it on Alexander Hamilton's influence, and probably with good reason.

Hamilton disliked Aaron Burr intensely, and once wrote, "In a word, if we have an embryo Caesar in the United States, 'tis Burr."

At the time that Burr was elected by the New York State legislature to the United States Senate, taking the place of Philip Schuyler, Hamilton was convinced that his father-in-law had been deposed by intrigue and subterfuge on the part of Burr. The enmity between Hamilton and Burr which began over this supposed injury was to continue over the years, and the two men seemed, by some queer twist of fate, to be inevitably bound to fight one another. James Parton, in *The Life and Times of Aaron Burr,* wrote sympathetically of the many provocations by Hamilton that ultimately led to his sad and untimely death at the dueling ground:

> At every step of Burr's political career, without a single exception, Hamilton, by open efforts, by secret intrigue, or by both, had utterly opposed and forbidden his advancement. He had injured him in the estimation of General Washington. He had prevented Mr. Adams from giving him a military appointment. His letters, for years, had abounded in denunciation of him, as severe and unqualified as the language of a powerful declaimer could convey. The two men had already been near collision. I think it was in 1802 that Colonel Burr, having obtained some imperfect knowledge of Hamilton's usual mode of characterizing him, had had a conversation with him on the subject. Hamilton (so said Burr in later years), had explained, apologized, satisfied Burr, and left upon his mind the impression, never effaced, that thenceforth Hamilton was pledged to refrain from speaking of him as he had been accustomed to do. They parted with cordiality, and had ever since been, apparently, very good friends. Burr considered then, and always, that he had made prodigious sacrifices, as a man of honor and a gentleman, for the sake of avoiding a hostile meeting that could not but injure both as candidates for the public confidence. From the hour Burr learned that Hamilton still used his former freedom, he ceased to respect him; he held him in contempt, as a man insensible to considerations of honor and good faith. Burr's new Federal friends, renegades from the Hamiltonian party, had given him new information respecting the *Burriphobia* under which their former leader labored, and the language in which it was accustomed to find vent. . . .[5]

Other circumstances and occasions arose, until, finally Burr challenged Hamilton to a duel and that challenge was accepted. July 11, 1804, was the date selected, and 7 o'clock in the morning was the fixed time. The place where the duel would take place was Weehawken, New Jersey; the weapons would be pistols; and the distance would be ten paces. Colonel Burr's second would be Mr. William P. Van Ness, a close friend and attorney; and General Hamilton's second would be a friend, Mr. Nathaniel Pendleton.

The events leading up to the morning of the duel are described by Parton:

> Hamilton, as was afterward fondly remembered, plead his causes and consulted his clients, with all his wonted vigor, courtesy, and success. Around his table at the "Grange," day after day, he saw his seven children and his tenderly beloved wife, with a ceaseless consciousness of the blow that was suspended over them all. A whisper could have saved him, and saved them, but how impossible it was to utter that whisper! [6]
>
> On the Fourth of July, Hamilton and Burr met, for the last time, at the convivial board. It was at the annual banquet of the Society of the Cincinnati, of which Hamilton was president and Burr a member. Hamilton was cheerful, and, at times, merry. He was urged, as the feast wore away, to sing the only song he ever sang or knew, the famous old balled of *The Drum.* It was thought afterward, that he was more reluctant than usual to comply with the company's request; but after some delay, he said, "Well, you shall have it." and sang it in his best manner, greatly to the delight of the old soldiers by whom he was surrounded. Burr, on the contrary, was reserved, mingled little with the company, and held no intercourse with the president. He was never a fluent man, and was generally, in the society of men, more a listener than a talker. On this occasion, his silence was, therefore, the less remarked; yet it was remarked. It was observed, too, that he paid no attention to Hamilton's conversation, nor, indeed, looked toward him, until he struck up his song, when Burr turned toward him, and, leaning upon the table, looked at the singer till the song was done.[7]
>
> On the 9th of July, Hamilton executed his will, leaving his all, after the payment of his debts, to his 'dear and excellent wife.' "Should it happen," said he, "that there is not enough for the payment of my debts, I entreat my dear children, if they, or any of them, should ever be able, to make up the deficiency. Though conscious that I have too far sacrificed the interests of my family to public avocations, and on this account have the less claim to burden my children, yet I trust in their magnanimity to appreciate as they ought this my request. In so unfavorable an event of things, the support of their dear mother, with the most respectful and tender attention, is a duty, all the sacredness of which they will feel. Probably her own patrimonial resources will preserve her from indigence. But in all situations they are charged to bear in mind, that she has been to them the most devoted and best of mothers."
>
> A few hours more brought them to the day before the one named for the meeting. In the evening, both the principals were engaged, to a late hour, in making their final preparations, and writing what each felt might be his last written words. The paper prepared by Hamilton on that occasion, in the solitude of his library, reveals to us the miserable spectacle of an intelligent and gifted man, who had, with the utmost deliberation, made up his mind to do an action which his intellect condemned as absurd, which his heart felt to be cruel, which his conscience told him was wrong. He said that he had shrunk from the coming interview. His duty to his religion, his family, and his creditors, forbade it. He should hazard much, and could gain nothing by it. He was conscious of no ill-will to Colonel Burr, apart from political opposition, which he hoped had proceeded from pure and upright motives. But there were difficulties, intrinsic and artificial, in the way of an accommodation, which had seemed insuperable; intrinsic, because he really had been very severe upon Colonel Burr; artificial, because Colonel Burr had demanded too much, and in a manner that precluded a peaceful discussion of the difficulty.[8]
>
> In the long letters which Burr wrote that evening, there are no signs that the gentle blood of Esther Edwards was revolting in the veins of her erring son against the morrow's deed. There is a tender dignity in his farewell words to Theodosia, but no misgivings. He gives her a number of minute directions about the disposal of his papers, letters, and servants. His letter concludes with these touching words: "I am indebted to you, my dearest Theodosia, for a very great portion of the happiness which I have enjoyed in this life. You have completely satisfied all that my heart and affections had hoped or even wished. With a little more perseverance, determination, and industry, you will obtain all that my ambition or vanity had fondly imagined. Let your son have occasion to be proud that he had a mother. Adieu. Adieu." [9]
>
> Late at night Colonel Burr threw off his upper garments, lay down upon a couch in his library, and, in a few minutes, was asleep.
>
> At daybreak, next morning, John Swartwout entered the room, and saw his chief still lying on the couch. Well as he knew Colonel Burr, he was astonished, upon approaching him, to discover that he was in a sound and tranquil slumber. He awoke the man who had better never again have opened his eyes upon the light of this world. Van Ness was soon ready. Matthew L. Davis and another friend or two arrived, and the party proceeded in silence to the river, where a boat was in readiness. Burr, Van Ness, Davis, and another embarked, and the boat was rowed over the river toward Weehawken, the scene, in those days, of so many deadly encounters.[10]
>
> About half-past six, Burr and Van Ness landed, and leaving their boat a few yards down the river, ascended over the rocks to the appointed place. It was a warm, bright, July morning. The sun looks down, directly after rising, upon the Weehawken heights, and it was for that reason that the two men removed their coats before the arrival of the other party.[11]
>
> Hamilton's boat was seen to approach. A few minutes before it touched the rocks, and Hamilton and his second ascended. The principals and seconds exchanged the usual salutations, and the seconds proceeded immediately to make the usual preparations. They measured ten full paces; then cast lots for the choice of position, and to decide who should give the word. The lot, in both cases, fell to General Hamilton's second, who chose the upper end of the ledge for his principal, which, at that hour of the day, could not have been the best, for the reason that the morning sun, and the flashing of the river, would both interfere with the sight. The pistols were then loaded, and the principals, Hamilton looking over the river toward the city, and Burr turned toward the heights, under which they stood. As Pendleton gave Hamilton his pistol, he asked,
>
> "Will you have the hair-spring set?
>
> "Not this time," was the reply.
>
> Pendleton then explained to both principals the rules which had been agreed upon with regard to the firing; after the word *present,* they were to fire as soon as they pleased. The seconds then withdrew to the usual distance.
>
> "Are you ready," said Pendleton.
>
> Both answered in the affirmative. A moment's pause ensued. The word was given. Burr raised his pistol, took aim, and fired. Hamilton sprang upon his toes with a convulsive movement, reeled a little toward the heights, at which movement he involuntarily discharged his pistol, and then fell forward headlong upon his face, and remained montionless on the ground. His ball rustled among the branches, seven feet above the head of his antagonist, and four feet wide of him. Burr heard it, looked up, and saw where it had severed a twig. Looking at Hamilton, he beheld him falling, and sprang toward him with an expression of pain upon his face. But at the report of the pistols, Dr. Hosack, Mr. Davis, and the boatman, hurried anxiously up the rocks to the scene of the duel; and Van Ness, with presence of mind, seized Burr, shielded him from observation with an umbrella, and urged him down the steep to the boat. It was pushed off immediately, and rowed swiftly back to Richmond Hill . . . .[12]
>
> Pendleton, horrified at the sight of Hamilton falling, called to Dr. Hosack, who came at once. The wounded man was half sitting on the ground. Only Pendleton's arms kept him upright. "This is a mortal wound, Doctor," he managed to say before he collapsed. Hosack, stripping his clothes away, discovered that the ball must have penetrated a vital part, which an autopsy later confirmed. The ball had struck the second and third rib, fractured it about in the middle, passed through the liver and diaphragm, and seemingly lodged in the first and second vertebrae, which splintered. About a pint of clotted blood was present in the belly cavity, probably effused from the divided vessels of the liver.
>
> He had no pulse and no respiration. Hosack advised that he be removed as quickly as possible. The anxious group of friends carried him out of the woods to the shore, where the boatman helped to convey him into the boat, still unconscious. The fresh sea winds or the application of hartshorn revived him so that he spoke feebly, complaining that his vision was poor. When he regained some sight, his eyes surveyed the boat until they lit on the case of pistols. He said, "Take care of that pistol; it is undischarged, and still cocked; it may go off and do harm;—Pendleton knows . . . that I did not intend to fire at him." He lay quiet after the exertion of speaking. But when he told Hosack that he had no feeling in his lower extremities, the doctor knew that there was no hope of survival.
>
> Hamilton asked that Mrs. Hamilton be sent for, but that she be told the news gradually, to "give her hope." [13]
>
> Burr went directly to Richmond Hill with Van Ness and his servant. His composure belied the morning's events. A neighbor reported that on the way there he greeted her with his usual affability. A Connecticut cousin unexpectedly called at his home at about eight o'clock. His servant, Alexis, showed the young man into the library. There, he was cordially received by the

Colonel. They breakfasted together in the dining room, conversing about mutual friends. After breakfast, as the youth walked down Broadway, he imagined that passers-by were agitated until, near Wall Street, an acquaintance rushed up saying, "Colonel Burr has killed General Hamilton in a duel this morning."

Burr's broker reported a similar story of how the Vice President managed to keep his self-control. About two hours after his return from the field of the battle, Burr sent for the man to discuss business. They were together about a quarter of an hour, Burr giving no hint of the early morning event. On the contrary, said the broker, he seemed cheerful and in good humor.

The following day the pain had diminished, but Hamilton's symptoms were aggravated. His mind remained lucid, but he suffered terrible anxiety for the family he would leave behind. His wife was frantic with grief. He tried to soothe her with such words as, "Remember, my Eliza, you are a Christian." But even his magnificent calm broke when he was surrounded by his children, the youngest but two years old. Sadly, he asked that they be taken away.[14]

Bulletins, hourly changed, kept the city in agitation. All the circumstances of the catastrophe were told, and retold, and exaggerated at every corner. The thrilling scenes that were passing at the bedside of the dying man—the consultations of the physicians—the arrival of the stricken family—Mrs. Hamilton's overwhelming sorrow—the resignation and calm dignity of the illustrious sufferer—his broken slumbers during the night—the piteous spectacle of the seven children entering together the awful apartment—the single look the dying father gave them before he closed his eyes—were all described with amplifications, and produced an impression that can only be imagined. He lingered thirty-one hours. The duel was fought on Wednesday morning. At two o'clock, on Thursday afternoon, Hamilton died."[15]

Hamilton's son had been killed only three years before in a duel which, in the language of that day, was fought for the "vindication" of his father's "honor." Now, the brilliant Alexander Hamilton had paid with his own life for "vindication" of the "honor" of Aaron Burr. The public feeling was one of angered indignation, and the name of Burr became a name of infamy—"a revengeful demon, burning for an innocent victim's blood." The coroner's jury shared in the tense public feeling and brought in a verdict to the effect that Aaron Burr, Esq., Vice President of the United States, was "guilty of the murder of Alexander Hamilton," and that "William P. Van Ness and Nathaniel Pendleton were accessories." A grand jury subsequently instructed the district attorney to prosecute. But Burr had, meanwhile, fled incognito to the state of Pennsylvania and later in mid-August, to St. Simons, an island off the coast of Georgia. After some weeks had gone by, he returned to the mainland and made his way to the home of his daughter in South Carolina. Ten days later, he set forth to Washington for the assembling of Congress and the resumption of his duties as President of the Senate.

During this period, the State of New Jersey had indicted Burr, and upon his return to Washington he learned that the State of New York also indicted him.

"You have doubtless heard," he wrote to his daughter, "that there has subsisted for some time a contention of a very singular nature between the two States of New York and New Jersey. * * * The subject in dispute is, which shall have the honor of hanging the Vice President. * * * You shall have due notice of time and place. Whenever it may be, you may rely on a great concourse of company, much gayety, and many rare sights."[16]

Burr escaped prosecution for Hamilton's murder. Meanwhile, he set about preparing the Senate for the trial of Samuel Chase, Justice of the Supreme Court of the United States, who had been impeached by the House of Representatives. Vice President Burr presided over the trial with a degree of dignity, fairness, and grace, that extracted praise even from his enemies. A newspaper of the day commented, "He conducted the trial with the dignity and impartiality of an angel, but with the rigor of a devil." There seemed to be a rising tide of favorable public reaction during these closing days of Burr's public life. The Chase trial ended in a verdict of acquittal on the first day of March. The next day, on March 2, 1805, Vice President Burr took formal leave of the Senate, in a speech which produced a profound sensation. An interesting commentary on Burr's final address was prepared in 1953 by Gordon L. Thomas, in "Aaron Burr's Farewell Address". At this point I shall quote from Professor Thomas' excellent article:

Let us look for a moment at the speaker himself.

Aaron Burr—short, straight, impeccably dressed—had, to use his own words, a "bald head, pale hatchet visage, harsh contenance. . . ." His outstanding physical characteristic was his eyes which, "bright, black and piercing," seemed to fascinate and hold those with whom he talked. They had been called "terrible eyes" by one feminine onlooker, "persuasive" by another.

This was the man who stood before the Senate and began his speech in a quiet, dignified manner.[17] * * *

After making reference to one or two rules of order that he thought should be changed, the Vice-President, without the appearance of conceit, said that he could not remember any decision he had made while presiding that he would alter. He, realized that he had made errors but he had not made explanations for his decisions "because a moment of irritation is not a moment for explanation." For his own part, he had no complaints; indeed, if any injury had been done him, he had forgotten it. . . .

After thanking the Senators for their support and respect during his term of office, he urged them not to dispose of the rules and decorum he had endeavored to establish, even though the ignorant look upon such matters as unnecessary and trivial.[18]

He maintained that, although he might have made errors in his decisions, he had attempted to be fair and just. Despite hostility toward him by some members, both in and out of the Senate, he disclaimed any knowledge of injuries done to him. On the contrary, he said, the Senators had been most cooperative and helpful. . . .

He admitted his own faults, yet found no failing in those around him. He expressed fear for the dignity and well-being of the members of the Senate, yet seemed to ignore his own precarious position. He praised the Senators for the excellence of their efforts, yet assumed little credit for a task generally conceded to be well done.

This somewhat deprecatory attitude forced the Washington *Federalist* to admit that the Vice-President's manner had "nothing of that whining adulation (or) canting, hypocritical complaints of want of talents." It added that he did not try to give "assurance of his endeavors to please them," nor did he express "hopes of their favor."

Burr's style was concise and unadorned. Nowhere in any of his known speeches did he use a single literary allusion nor, with but a few exceptions, did he make use of figures of speech. His most obvious stylistic device was the epigrammatic statement: "To be prompt is not to be precipitate," and again, "Error often is to be preferred to indecision." Matthew Davis, his official biographer, remarked that "his speeches, generally, were argumentative, short, and pithy. No flights of fancy, no metaphors, no parade of impassioned sentences, are to be found in them." In comparing Marshall and Burr, Beveridge notes that the latter never "employed imagery or used any kind of rhetorical display."

His simplicity of diction perhaps resulted partly from his legal training and partly from his education. In an essay on style written at Princeton, Burr had expressed his dislike of "swelling words" and "pompous epithets," and had continued: "There never was a ready speaker whose language was not generally plain and simple; for it is absolutely impossible to carry the laboured ornaments of language . . . into extempore discourses . . . A simple style, like simple food, preserves the appetite. But a profusion of ornament, like a profusion of sweets, palls the appetite and becomes disgusting."

Only in the latter part of his speech did Burr use emotive language, and even here it was in keeping with his subject matter and was comparatively restrained.[19]

[Referring to the Senate of the United States, Burr said:]

"This House is a sanctuary; a citadel of law, of order, and of liberty, and it is here in this exalted refuge—here, if anywhere, will resistance be made to the storms of political phrensy and the silent arts of corruption; and if the Constitution be destined ever to perish by the sacrilegious hands of the demagogue or the usurper, which God avert, its expiring agonies will be witnessed on this floor."

Burr's general manner of presentation was appropriate to this easy, informal method of preparation. In a first-hand account Matthew Davis reported that "his manner of speaking was anything but declamatory, and more resembled an elevated tone of conversation, by which a man, without any seeming intention, pours his ideas in measured and beautiful language into the minds of some small select circle." His was "never loud, vehement, or impassioned. . . .

His enunciation was slow, distinct, and emphatic; perhaps too emphatic. . . . He spoke with great apparent ease, but could not be called fluent, although he never appeared at a loss for words." [20]

The Washington *Federalist*, although one of Burr's most scathing critics, wrote that the "whole Senate were in tears, and so unmanned that it was half an hour before they could recover themselves sufficiently to come to order, and choose a vice-president pro tem." Senator Mitchell, who also leaned toward the Federalist opinion, commented: "There was a solemn and a silent weeping for perhaps five minutes. For my own part, I never experienced anything of the kind so affecting me as this parting scene of the Vice President from the Senate in which he had sat for six years as a Senator and four years as a presiding officer. My colleague, General Smith, stout and manly as he is, wept as profusely as I did. He laid his head upon his table and did not recover from this emotion for a quarter of an hour more. And for myself, though it is more than three hours since Burr went away, I have scarcely recovered my habitual calmness. Several gentlemen came up to me to talk about this extraordinary scene, but I was obliged to turn away and decline all conversation." [21]

The *New-York Chronicle* for March 13, 1805, carried a letter "exalting . . . Burr's leave-taking speech in very high terms." The *Federalist* reports that it was considered to be the "most dignified, sublime, and impressive (speech) that ever was uttered; and the effect which it produced justifies these epithets. * * *

Another Senator being asked, on the day following . . . how long . . . Burr was speaking . . . said he could form no idea: it might have been an hour, and it might have been a moment; but when he came to his senses, he seemed to have awakened as from a kind of trance." [22]

A final judgment cannot be made as to whether the Farewell Address is representative of Burr's speaking ability or as to whether Burr was, in general, an effective speaker. If it is representative, one cannot escape the conclusion that Burr was an able if not a brilliant speaker. The existing evidence about other occasions and speeches lends credence to this view; it does not support Hammond's judgment that Burr was an ineffective speaker and that he never made a court room speech that could be "called, with propriety, an argument." [23]

As the doors of the United States Senate closed behind him for the last time, Aaron Burr, in the words of Albert Beveridge, "marched steadily toward his doom." A single bullet on the dueling grounds at Weehawken, had snuffed out the earthly life of Alexander Hamilton and had sealed forever the total eclipse of the public life of Aaron Burr—two of the most gifted political figures in American history.

Burr's implication with Harmon Blennerhassett in a scheme to separate the Western States from the union and invade Mexico has been commented on in an earlier speech. Burr was arrested and tried for treason in 1807. Chief Justice John Marshall presided over the trial in the Federal Circuit Court at Richmond, Virginia. Burr was acquitted, but his reputation was ruined. He spent a few years in Europe, then returned to New York City in 1812 and opened a law office. In spite of his ability, he never regained a large practice, and he was shunned by society. Parton tells of Burr's return to New York City from his exile in Europe:

> He lay concealed for some weeks, until assurances were received that the government would not molest him, and until means were found to mollify the rigor of his creditors. It was not till twenty days after his arrival in New York that the newspapers gave the first intimation of his presence in the country, when the following paragraph appeared in the *New York Columbian*: "Colonel Burr, says a Boston paper of Wednesday, once so celebrated for his talents, and latterly so much talked of for his sufferings, arrived at Newburyport from France and England, and passed through this town on his way to New York." The next day, the editor added that Colonel Burr had spent ten days in Boston *incog.* * * *
>
> Burr had a very small tin sign, bearing only his name, nailed up in front of the house, and commenced business. Beginning with a cash capital of less than ten dollars, and that borrowed, he received, for opinions and retaining fees, in the course of his first twelve business days, the sum of two thousand dollars! It was a time of trouble to the community, and, therefore, of harvest to lawyers, and clients were eager for the services of the man who never lost a case. The future began to wear a brighter hue of promise than it had known for many a year. The father wrote cheerfully to the daughter, acquainting her with the happy turn his fortunes had taken, and anticipating the day when they should meet again after the longest separation they had ever known.[24]

Burr was not given to sentiment. As Parton states, "It was his principle not to mourn over an irrevocable calamity." He had endured much misery, scorn, and suffering. His first wife, Theodosia Prevost, had died of cancer after a lingering period of anguish and pain. Yet, ". . . his sorrows were yet to begin!"

About 6 weeks after his return to New York, he received from his beloved daughter Theodosia a letter in which were found these heart-rending words:

> "A few miserable days past, my dear father, and your late letters would have gladdened my soul; and even now I rejoice at their contents as much as it is possible for me to rejoice at anything; but there is no more joy for me; the world is a blank. I have lost my boy. My child is gone for ever. He expired on the 30th of June. My head is not now sufficiently collected to say any thing further. May Heaven, by other blessings, make you some amends for the noble grandson you have lost." [25]

Burr had suffered a terrible blow, indeed. His grandson, Aaron Burr Alston, only 11 years old, had shown many of the traits of talent and courage so perceptible in the grandsire.

Burr was extremely fond of him and spoke of him wherever he went. The little boy was always in his thoughts. Burr, although stricken, shed few tears, but he carried upon his heart the scar of his loss to the end of his days. Yet, Aaron Burr had not yet tasted the dregs at the bottom of the bitter cup. A deeper and more bitter draught would be his before the cup would pass from him. Theodosia's husband was now Governor of the State of South Carolina, and she waited some months following the death of her son for a safe opportunity to journey northward where she could be in her father's inspiring presence. Burr sent a physician from New York to attend her on the passage, for she was emaciated and weak. She boarded a small schooner, the *Patriot*. The voyage to New York was expected to take 5 or 6 days. Theodosia, her physician, and her maid sailed out of Charleston, SC, on December 30, 1812, but the *Patriot* was never seen or heard from again. Theodosia perished—perished, in all probability, in a storm which violently raged along the coast a few days after the *Patriot* had left Charleston.

It is probable that no man ever suffered greater anguish, suspense, or loss than did Burr. When Theodosia perished, he went about his daily business with a serene confidence, because it was a maxim of his to accept the inevitable without repining in the presence of others. Theodosia's love for her father was one of the great love stories of the human race. Her faith in his honor was immovable and unshakeable, absolute and total. She had inherited her father's courage and fortitude, and she had shared his misfortunes and ostracism. It also must be said that no father ever loved a child more than Aaron Burr loved his daughter Theodosia. His love for her was as her love for him—constant and unwavering. Burr had wrecked his fortune and his reputation. He had lost his wife and his darling grandson. Now, at last, his most cherished joy and possession, his accomplished and beautiful daughter, Theodosia, was gone.

At age 77, in 1833, Burr remarried, but the marriage did not last. Besieged by creditors, and in failing health, he was taken into the home of a friend, a kind lady of long acquaintance, who looked after him and kept him company. Never broken in spirit, he would have her read scriptures and poems—one of his favorites being Thomas Moore's "Oft in the Stilly Night."

In the closing days of his life, we are told that Burr, old and broken, would every day go down to the Narrows—watching for the ship that never came to port—and would stand for a long time gazing wistfully down the harbor as if still "cherishing, the faint, fond hope that his Theodosia was coming to him" on the ocean of mystery which had swallowed up his beloved. It is also said that when he was no longer able to walk, he hung her portrait where he might gaze upon it, sitting or reclining, the first thing in the morning and the last thing at night. Thus, he lived, "severed from humanity," until death relieved his loneliness.

Mr. President, as I prepare to end these comments about Aaron Burr, my reference here to Theodosia's portrait requires me to allude briefly to the artist who painted the portrait—John Vanderlyn.

Marius Schoonmaker, in a biography of John Vanderlyn, tells us that Vanderlyn, born in Kingston, New York, in 1775, went to work at 16 in the store of Thomas Barrow, importer of engravings and artist's materials. One of Barrow's customers was an eminent painter, Gilbert Stuart, who formed an acquaintance with young Vanderlyn and let him copy one of his portraits, that of Colonel Aaron Burr. When Burr saw the portrait of himself that had been painted by Vanderlyn, Burr concluded that such merit should be patronized and he sent the young artist to Paris, in 1796, where the schools were in high repute. Vanderlyn attained the highest rank among his associate pupils.

Napoleon in 1807 offered a Gold Medal for the "best original picture" submitted at the exhibition in the Louvre to be held in 1808. There were 1,200 pictures in competition, and Napoleon himself passed through the galleries inspecting the exhibits. After completing the tour, the Emperor Napoleon pointed to the painting "Marius in the Ruins of Carthage" by Vanderlyn and said "Give the medal to that," and it was so awarded.

Vanderlyn, in 1802, had painted the picture of beautiful Theodosia, to which I have alluded. When Burr's fortunes later ebbed, Vanderlyn was forced to earn a precarious existence in portrait paintings. He was living "from hand to mouth," and it was about this time that Burr, his old patron, was a fugitive from his country and lived concealed in London and Paris under an assumed name. Vanderlyn was, of course, ready to share his last crust with Burr and assume the role of patron, and, with his scanty earnings, they lived in obscure and cheap lodgings, but, of that, little is known.[26]

Mr. President, visitors to the Rotunda here in the Capitol Building may view the excellence of John Vanderlyn's work in the "Landing of Columbus."

Now back to Theodosia's portrait. I was in the rare book section of the Library of Congress recently and came upon *The History of The Burr Portraits,* by John E. Stillwell, M.D., an edition limited to 125 copies. Dr. Stillwell relates that Burr carried Theodosia's picture on his lap during travel, and hung it in his room where he could address it. How deep was the love and how prophetic his forebodings when he wrote: "I bid you *bon soir* a dozen times before I shut you up in that dark case. I can never do it without regret. It seems as if I were *burying you alive.* And his love was returned a thousand fold, for she wrote: "I contemplate you with such a strange admixture of humility, admiration, reverence, love, and pride that very little superstition would be necessary to make me worship you as a superior being; such enthusiasm does your character excite in me. When I afterward revert to myself, how insignificant do my best qualities appear. My vanity would be greater if I had not been placed so near you; and yet my pride is our relationship. I had rather not live than not be the daughter of such a man." [27]

Mr. President, Burr was misunderstood, hated, distrusted, feared by many in his lifetime; yet, even his enemies were forced to concede his brilliance and courage, his fortitude and toughness, his deep paternal love, "and the elements so mix'd in him," that Aaron Burr, the Great Enigma, was no common mortal—a very uncommon man!

Mr. President, I ask unanimous consent that footnotes be printed in the RECORD at this point.

There being no objection, the footnotes were ordered to be printed in the RECORD, as follows:

FOOTNOTES

[1] Samuel Engle Burr, Jr., Colonel Aaron Burr, *The Misunderstood Man* (San Antonio, 1967), 5-8.

[2] Herbert S. Parmet and Marie B. Hecht, *Aaron Burr, Portrait of an Ambitious Man* (New York, 1967), 57-58.

In addition to this modern scholarly biography, see also Milton Lomask, *Aaron Burr* (New York, 1979), 2 vols.

[3] Jeannette Covert Nolan, *Soldier, Statesman and Defendant: Aaron Burr* (New York, 1972), 84.

[4] Ibid., 384.

[5] James Parton, *The Life and Times of Aaron Burr* (New York, 1857), 339-340.

[6] Ibid., 347.

[7] Ibid., 348-349.

[8] Ibid., 349-350.

[9] Ibid., 350-351.

[10] Ibid., 352.

[11] Ibid., 354.

[12] Ibid., 354-355.

[13] Parmet and Hecht, *Portrait,* 212-213.

[14] Ibid., 213.

[15] Parton, *The Life and Times of Aaron Burr,* 357.

[16] Ibid., 373.

[17] Gordon L. Thomas, Ph.D., "Aaron Burr's Farewell Address," *The Quarterly Journal of Speech,* Volume XXXIX, number 3 (October 1953), 277.

[18] Ibid., 277.

[19] Ibid., 278-279.

[20] Ibid., 279.

[21] Ibid., 280.

[22] Ibid., 280.

[23] Ibid., 282.

[24] Parton, *The Life and Times,* 595-596.

[25] Ibid., 597.

[26] Marius Schoonmaker, *John Vanderlyn, Artist* (Kingston, N.Y., 1950), 28.

[27] John E. Stillwell, M.D., *The History of the Burr Portraits* (New York? [Place of publication not specified in the book. Library of Congress Catalog shows "?" assuming that it was published there.] 1928), 52.

UNANIMOUS-CONSENT AGREEMENT—TREATY NO. 100-1

Mr. BYRD. Mr. President, as in executive session, I ask unanimous consent that when the Senate proceeds to the consideration of the International Wheat Agreement, 1986, treaty No. 100-1, the treaty be considered as having passed through its parliamentary stages up to and including the presentation of the resolution of ratification.

I further ask unanimous consent that when the resolution of ratification is pending, that there be 30 minutes for debate on the resolution, to be equally divided and controlled in the usual form.

I ask unanimous consent that immediately following disposition or yielding back of time, the question occur on the adoption of the resolution of ratification, without intervening motion or action; provided further, that there be 10 minutes to be equally divided on any debatable motion or appeal or point of order, and provided finally that the agreement be in the usual form, that on any motion to reconsider there be no time for debate.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

ORDERS FOR TUESDAY, NOVEMBER 17, 1987

RECESS UNTIL 9:30 A.M.

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 9:30 a.m. on Tuesday next.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that followng the recognition of the two leaders under the standing order, there be a period for morning business to extend until the hour of 11:30 a.m. and that Senators may speak therein.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, I ask unanimous consent that at the hour of 11:30 a.m., on Tuesday next, the Senate go into executive session and proceed with Executive Calendar No. 5, the International Wheat Agreement.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

VOTE

Mr. BYRD. Mr. President, I ask unanimous consent that at the hour of 12 noon, the vote occur on the resolution of ratification.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that it be in order at this time to order the yeas and nays as in executive session on the resolution of ratification.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. BYRD. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that that rollcall vote be a 30-minute vote and that the call for the regular order occur automatically at the close of the 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

MIDDAY RECESS TUESDAY

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate on Tuesday next stand in recess from the hour of 12:45 to 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. That will accommodate the two party caucuses.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that the 15-minute interlude between closing of the vote and the hour of 12:45 be morning business again, that Senators may speak therein for not to exceed 5 minutes each.

The PRESIDING OFFICE. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BYRD. Mr. President, I ask unanimous consent that following the morning business interlude which I referred a moment ago between 12:30 p.m. and 12:45 p.m., the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD. Mr. President, on Tuesday next, the Senate will convene at the hour of 9:30 a.m. After the two leaders or their designees have been recognized under the standing order, there will be a period of morning business to extend until 11:30 a.m. during which Senators may speak.

At 11:30 a.m., the Senate will go into executive session, under the order previously entered, and there will be 30 minutes of debate on Executive Calendar No. 5, the International Wheat Agreement.

At 12 noon, the vote by rollcall previously ordered will occur on the resolution of ratification. There will be a 30-minute rollcall vote and the call for regular order will be automatic at the conclusion of the 30 minutes.

Upon the disposition of the resolution of ratification of the International Wheat Agreement, the Senate will return to legislative session and for the next 15 minutes there will be morning business. Senators will be permitted to speak for 5 minutes each therein. At 12:45 p.m., the Senate will stand in recess until the hour of 2 o'clock p.m. to accommodate the party caucuses.

At 2 p.m., the 1-hour debate on the motion to reconsider the failed attempt to waive the Budget Act for the housing conference report, S. 825, will ensue. And the vote on the motion to reconsider will occur at 3 p.m.

Mr. President, that will be a 15-minute rollcall vote. And daily I will remind Senators that rollcall votes, by an order entered at the beginning of the 100th Congress, are 15 minutes in length only.

So, at circa 3:15 p.m., if successful, if the motion to reconsider is carried, there will be 1 hour of debate on the budget waiver for the conference report. Therefore, at circa 4:15 p.m., the vote on the motion to waive the Budget Act for the conference report will occur. And that would be a 15-minute rollcall vote, in accordance with the standing order. If that motion to waive carries, then there will be 1 hour of debate on the conference report itself, beginning around 4:30 p.m., with the vote on the conference report on S. 825, the housing and community development bill, to occur at around 5:30 p.m.

These will be rollcall votes. So there will be several rollcall votes, Mr. President, on Tuesday.

RECESS UNTIL 9:30 A.M., TUESDAY, NOVEMBER 17, 1987

Mr. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until the hour of 9:30 a.m. on Tuesday next.

The motion was agreed to; and, at 5:46 p.m., the Senate recessed until Tuesday, November 17, 1987, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate November 13, 1987:

DEPARTMENT OF DEFENSE

JUNE GIBBS BROWN, OF VIRGINIA, TO BE INSPECTOR GENERAL, DEPARTMENT OF DEFENSE.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

THE JUDICIARY

ROYCE C. LAMBERTH, OF VIRGINIA, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF COLUMBIA.

Mr. BYRD. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

The yeas and nays were ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that that rollcall vote be a [illegible] rollcall [illegible] and [illegible] the vote [illegible] the [illegible].

The PRESIDING OFFICER. Without objection, it is so ordered.

[illegible]

Mr. BYRD. Mr. President, I ask unanimous consent that [illegible] Senate [illegible] the [illegible].

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I thank [illegible].

[illegible]

Mr. BYRD. Mr. President, I ask unanimous consent that the [illegible] between [illegible] of the [illegible] and the hour of [illegible] [illegible], that Senators may speak therein not to exceed [illegible] each.

The PRESIDING OFFICER. Without objection, it is so ordered.

[illegible]

Mr. BYRD. Mr. President, I ask unanimous consent that following the [illegible] the Senate [illegible] until [illegible] [illegible] p.m. [illegible] resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD. Mr. President, on Tuesday next, the Senate will convene at [illegible] a.m. After the two leaders or their designees have been recognized under the standing order, there will be a period of morning business [illegible] to extend not beyond [illegible] with Senators permitted to speak therein.

At [illegible] a.m., the Senate will go into executive session [illegible] [illegible] [illegible] to resume [illegible] International Wheat Agreement.

At 12 noon, the Senate will [illegible] on the [illegible]. There will [illegible] rollcall vote [illegible] will be [illegible] the [illegible] minutes.

Upon the disposition of the resolution of ratification of the International Wheat Agreement, the Senate will return to legislative session and [illegible] the [illegible] morning business [illegible] with Senators permitted to speak for [illegible] minutes each. Thereafter, at [illegible] p.m., the Senate will [illegible] in recess until the hour of 2 o'clock p.m. to accommodate the party caucuses.

At [illegible] the Senate [illegible] vote on the motion, to [illegible] the [illegible] to [illegible] the [illegible] S. [illegible], will [illegible] and the vote on the motion to reconsider will occur [illegible].

Mr. President, [illegible] will be [illegible] and [illegible] will [illegible] that rollcall vote [illegible] of the beginning of [illegible] minutes in [illegible].

So, at about [illegible] if the motion to reconsider is carried, there will be 1 hour of debate on the [illegible] waiver for the conference report. Therefore, at about [illegible] [illegible] the [illegible] [illegible] the conference report [illegible] [illegible] would be a [illegible] [illegible]. If [illegible] [illegible] there will be [illegible] of debate on the conference report. [illegible] [illegible] the [illegible] [illegible] the [illegible] conference [illegible] [illegible].

There will be rollcall votes [illegible] will be [illegible] [illegible] [illegible] on [illegible].

RECESS UNTIL 10:30 A.M. [illegible]

Mr. [illegible]. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the [illegible], that the Senate stand in recess until the hour of [illegible] noon [illegible].

The motion was agreed to, and at [illegible] p.m., the Senate recessed until Tuesday, November [illegible], 19[illegible], at [illegible].

CONFIRMATIONS

Executive nominations confirmed by the Senate November [illegible], 19[illegible]:

[illegible]

[illegible]

[illegible]